THE CONGRESSIONAL GLOBE:

CONTAINING

SKETCHES OF THE DEBATES AND PROCEEDINGS

OF

THE FIRST SESSION

OF

THE TWENTY-FOURTH CONGRESS.

VOLUME II–III.

BLAIR & RIVES, EDITORS.

CITY OF WASHINGTON:
PRINTED AT THE GLOBE OFFICE FOR THE EDITORS.
1836.

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, DECEMBER 14, 1835. VOLUME 3....No. 1.

IN SENATE.

MONDAY, *December* 7, 1835.

The first session of the Twenty-Fourth Congress commenced this day at the Capitol. At twelve o'clock the Senate was called to order by the Vice President when it appeared that the following Senators were in attendance:

Maine—Ethan Shepley, Benjamin Ruggles.
New Hampshire—Isaac Hill, Henry Hubbard.
Massachusetts—John Davis.
Rhode Island—Nehemiah R. Knight, Asher Robbins.
Connecticut—Gideon Tomlinson.
Vermont—Samuel Prentiss, Benjamin Swift.
New York—N. P. Tallmadge, Silas Wright, jr.
New Jersey—Samuel L. Southard, Garret D. Wall.
Pennsylvania—James Buchanan, Samuel McKean.
Delaware—John M. Clayton, Arnold Naudain.
Maryland—Joseph Kent.
Virginia—John Tyler.
North Carolina—Willie P. Mangum.
Georgia—John P. King.
Tennessee—Hugh L. White, Felix Grundy.
Ohio—Thomas Ewing, Thomas Morris.
Louisiana—Alexander Porter.
Indiana—William Hendricks, John Tipton.
Mississippi—John Black.
Illinois—Elias K. Kane, John M. Robinson.
Alabama.—Gabriel Moore.
Missouri.—Thomas H. Benton, Lewis F. Linn.

CREDENTIALS.

The CHAIR communicated the credentials of Hon. JOHN C. CALHOUN, elected by the Legislature of the State of South Carolina, a Senator from that State to serve for six years, from the 4th of March last.

Also, the credentials of Hon. NEHEMIAH R. KNIGHT, elected by the Legislature of the State of Rhode Island, a Senator from that State, to serve for six years from the 4th of March last.

Mr. SOUTHARD presented the credentials of Hon. GARRET D. WALL, elected by the Legislature of New Jersey, a Senator from that State, to serve for six years from the 4th of March last.

Mr. EWING presented the credentials of Hon. JOHN DAVIS, elected by the Legislature of Massachusetts, a Senator from that State, to serve for six years from the 4th of March last; all of which were read.

Mr. WHITE said, that at the last session of the Legislature of the State of Tennessee, he had been reelected to the Senate of the United States for six years from the 4th of March last, but that the official information of his election was not in his possession. It had heretofore been the practice of the State of Tennessee to transmit to the presiding officer of the Senate the credentials of its Senators. But as this had not yet been done, he submitted to the Chair whether he should take his seat. During his attendance in the Senate, he had frequently known such cases to occur, and that members known to be elected were suffered to take their seats before the arrival of their credentials. If any additional testimony was necessary in corroboration of his statement, there were some of his colleagues in the other House, who were present when his election took place, and could vouch for the fact.

The CHAIR said that if no objection was made, the gentleman could take his oath with the other Senators to be qualified.

The usual oath was then administered by the VICE PRESIDENT to Messrs. WHITE, HUBBARD, KING, CLAYTON, ROBINSON, and RUGGLES, whose credentials were presented at the last session; and to Messrs. WALL, KNIGHT, and DAVIS, whose credentials were just read.

LADIES' GALLERY.

Mr. PORTER, from the committee appointed at the last session on the subject, reported the following resolution; which was considered and adopted:

Resolved, That the circular gallery shall be appropriated for the accommodation of ladies, and gentlemen accompanying them.

The reporters shall be removed from the east gallery, and placed on the floor of the Senate, under the direction of the Secretary.

No person except members of the House of Representatives, their Clerk, Heads of Departments, Treasurer, Comptroller, Register, Auditor, Postmaster General, President's Secretary, Chaplains to Congress, Judges of the United States, Foreign Ministers and their Secretaries, Officers who by name shall have received, or shall hereafter receive, the thanks of Congress, for their gallantry and good conduct displayed in the service of their country; the Commissioners of the Navy Board, Governor for the time being of any State or Territory of the Union, such gentlemen as have been Heads of Departments or members of either branch of the Legislature, and, at the discretion of the President of the Senate, persons who belong to such Legislatures or Foreign Governments as are in amity with the United States, shall be admitted on the floor of the Senate.

NOTIFICATION TO HOUSE.

On motion by Mr. WHITE,

Ordered, That the Secretary inform the House of Representatives, that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

COMMITTEE TO WAIT ON THE PRESIDENT.

On motion by Mr. WHITE, it was

Ordered, That a committee be appointed, to join such committee as may be appointed on the part of the House of Representatives, to wait on the President of the United States and inform him that a quorum of the two Houses of Congress was assembled, and that Congress is ready to receive any communication he may make.

Messrs. WHITE and KNIGHT were appointed the committee on the part of the Senate.

NOTICE OF BILL.

Mr. EWING gave notice that he would, at an early day of this session, ask leave to bring in a bill to settle and define the northern boundary line of the State of Ohio.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had formed a quorum, and had elected JAMES K. POLK, of Tennessee, their Speaker; and that the House was ready to proceed to business; also, that the House had appointed a committee of three members, to join the committee appointed on the part of the Senate, to wait on the President of the United States and inform him that the two Houses had formed a quorum, and were ready to receive any communication he might make; and that Messrs. THOMPSON, MASON, and REED had been appointed on the part of the House.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 7, 1835.

At twelve o'clock, m., the House was called to order by Mr. FRANKLIN, (the Clerk of the last Congress.)

The roll was then called by States, when the following members were ascertained to be in attendance:

MAINE.

F. O. J. Smith,	Gorham Parks,
George Evans,	Joseph Hall,
Moses Mason,	Jeremiah Bailey,
Leonard Jarvis,	John Fairfield.

NEW HAMPSHIRE.

Samuel Cushman,	Joseph Weeks,
Benning M. Bean,	Robert Burns.
Franklin Pierce,	

MASSACHUSETTS.

Abbott Lawrence,	William B. Calhoun,
Stephen C. Phillips,	John Reed,
Caleb Cushing,	John Quincy Adams,
Levi Lincoln,	Samuel Hoar,
George Grennell,	Nathaniel B. Borden.
George N. Briggs,	

RHODE ISLAND.

Dutee J. Pearce,	William Sprague.

CONNECTICUT.

Isaac Toucey,	Zalmon Wildman,
Samuel Ingham,	Andrew T. Judson,
Elisha Haley,	Lancelot Phelps.

VERMONT.

Hiland Hall,	Heman Allen,
William Slade,	H. F. Janes.
Horace Everett,	

NEW YORK.

Abel Huntingdon,	Daniel Wardwell,
Samuel Barton,	Sherman Page,
C. C. Cambreleng,	William Seymour,
John McKeon,	William Mason,
Aaron Ward,	Joseph Reynolds,
Abraham Bokee,	Stephen B. Leonard,
John W. Brown,	William Taylor,
Nicholas Sickles,	William K. Fuller,
Aaron Vanderpoel,	Ulysses F. Doubleday,
Valentine Effner,	Graham H. Chapin,
Hiram P. Hunt,	Francis Granger,
Gerrit Y. Lansing,	Joshua Lee,
John Cramer,	Timothy Childs,
David Russell,	George W. Lay,
Dudley Farlan,	Philo C. Fuller,
Ransom H. Gillet,	Abner Hazeltine,
Matthias J. Bovee,	Thomas C. Love,
Abijah Mann, Jr.,	Gideon Hard,
Samuel Beardsley,	Gideon Lee.
Joel Turrill,	

NEW JERSEY.

Philemon Dickerson,	Ferdinand S. Schenck,
James Parker,	William N. Shinn,
Samuel Fowler,	Thomas Lee.

PENNSYLVANIA.

Joel B. Sutherland,	Henry Logan,
James Harper,	George Chambers,
J. R. Ingersoll,	Jesse Miller,
Michael W. Ash,	Joseph Henderson,
Edward Darlington,	Andrew Beaumont,
David Potts, Jr.,	J. B. Anthony,
William Heister,	John Laporte,
Jacob Fry, Jr.,	Job Mann,
Matthias Morris,	J. Klingensmith, Jr.,
D. D. Wagener,	Andrew Buchanan,
Edward B. Hubley,	Harmer Denny,
Henry A. Muhlenberg,	Samuel T. Harrison,
William Clark,	John Banks.

DELAWARE.

John J. Milligan.

MARYLAND.

Isaac McKim,	Francis Thomas,
Benjamin C. Howard,	George C. Washington,
James Turner,	John N. Steele.

VIRGINIA.

Henry A. Wise,	Walter Coles,
George Loyall,	James Garland,
John Y. Mason,	Nathaniel H. Claiborne,
John Robertson,	Edward Lucas,
J. Roane,	James M. H. Beale,
John Taliaferro,	Robert Craig,
Charles F. Mercer,	G. W. Hopkins,
John M. Patton,	William McComas,
George C. Dromgoole,	Joseph Johnson,
John W. Jones,	Wm. S. Morgan.
James W. Bouldin,	

NORTH CAROLINA.

Jesse Speight,	Augustine H. Sheppard,
Ebenezer Pettigrew,	Abraham Rencher,
Micajah T. Hawkins,	Henry W. Connor,
Wm. Montgomery,	James Graham,
James J. McKay,	Lewis Williams,
Edmund Deberry,	William B. Shepard.

SOUTH CAROLINA.

Henry L. Pinckney, James H. Hammond,
T. W. Pickens, William J. Grayson,
R. B. Campbell, John K. Griffin.
James Rogers,

GEORGIA.

John Coffee, Thomas Glascock,
Seaton Grantland, Jesse F. Cleveland,
Charles E. Haynes, Hopkins Holsey,
George W. B. Towns, Jabez Jackson.
George W. Owens,

KENTUCKY.

Chilton Allan, Ben Hardin,
John Chambers, John Calhoon,
Richard French, Lynn Boyd,
James Harlan, Albert G. Hawes,
R. M. Johnson, Joseph R. Underwood,
John White, Sherrod Williams.

TENNESSEE.

John Bell, W. C. Dunlap,
Abram P. Maury, Luke Lea,
Bailey Peyton, William B. Carter,
James K. Polk, John B. Forrester,
Adam Huntsman, James Standifer,
Cave Johnson, Samuel Bunch.
E. J. Shields,

OHIO.

Bellamy Storer, William Kennon,
Thomas Corwin, John Thomson,
William K. Bond, David Kilgore,
Elice Howell, John Chaney,
Jonathan Sloane, Taylor Webster,
Elisha Whittlesey, Thomas L. Hamer,
Samuel F. Vinton, William Patterson,
Sampson Mason, Benjamin Jones,
Joseph H. Crane, Jeremiah McLene.
David Spangler,

LOUISIANA.

Henry Johnson.

INDIANA.

Amos Lane, George L. Kinnard,
J. W. Davis, Edward A. Hannegan,
John Carr, Ratliff Boon.
Jonathan McCarty,

ILLINOIS.

Zadock Casey, William L. May.
John Reynolds,

ALABAMA.

Joshua L. Martin, Joab Lawler,
Reuben Chapman, Francis S. Lyon.

MISSOURI.

Wm. H. Ashley, Albert G. Harrison.

Two hundred and twenty-four members, constituting a quorum, having answered to their names, the Clerk announced that the first business in order was the election of a Speaker.

ELECTION OF SPEAKER.

Mr. PATTON said he did not know by what authority it was that the election of Speaker, about to take place, was to be done, as announced by the Clerk, by ballot—necessarily by ballot. If it was competent for Mr. P. to do so, he should move, without desiring any discussion on the question, that the election be made *viva voce*.

Mr. MERCER doubted whether that body, unorganized as it was, was competent to act on such a question; and, besides, he humbly conceived that it would be unwise to entertain it, as it would necessarily give rise to a long discussion. He hoped his honorable colleague would not press his motion.

Mr. PATTON said he thought the law ought to be altered; he had no doubt it would be altered; and believing so, he desired it might be altered at once. He thought that House, if it was competent to elect, was certainly competent to prescribe the mode of election, if they thought proper. For himself, he felt very little concerned how it was about to be decided, believing the *viva voce* mode to be the one in which all elections in representative popular bodies ought to be made. He must persist in this motion.

The CLERK (Mr. FRANLLIN) read the rule of the last House of Congress, prescribing the mode to be ballot.

Mr. WARDWELL said there was no rule existing that could bind the present House, and the Clerk might as well read out of another book as that.

Mr. PATTON. The rules of the last House of Representatives were not the rules of the present House; in fact, there were no rules in force, until rules were adopted by the existing House.

Mr. WILLIAMS, of North Carolina, said they were now about to adopt a very important change in the usages of that House—a usage that had existed, he believed, without interruption, from the organization of the Government to the present time. What reason could have suggested itself to produce this change, he was utterly unable to perceive. It might be for the same reasons they had heard suggested last session; but as this was a new body, assembled for the first time in this city and in this House, he should not advert to them. Wishing it, however, to be known how his own vote would stand on the question, he hoped they would be indulged with the privilege of the yeas and nays, and he would move the question be so taken.

Mr. BEARDSLEY said that body was not the House of Representatives, nor were they at that moment assembled there as a House. They were nothing more than the elements out of which the House of Representatives was to be composed. Individuals came there, but it was only after taking the oath of office that they became members of that House. It was true also that there were no rules to organize that body; for it was as yet an incomplete and imperfect body, unorganized, and without any other rules, other than custom, and custom alone had sanctioned the practice that the Clerk of the House should, on the first day of the session, at twelve o'clock, call over the names of the members; and custom also had sanctioned the practice of the Clerk calling for the members to vote, and putting the question for Speaker. It was a custom, and nothing more than a custom; and he had no doubt whatever, that that body was authorized under the Constitution to proceed to the choice of a Speaker, either *viva voce*, by resolution, or by ballot. There was no limitation, and it was left to the discretion of that body, incomplete and imperfect as it was, to take its own course. It would perhaps be better to proceed according to the established usage of the House. He said that during the last session a motion was made and debated to pass a similar rule in relation to the election of printer, and some other officers; he did not recollect whether that of Speaker was included or not. For himself, he preferred the mode of voting *viva voce* upon this question, but he well saw, that if the question was then entertained and acted upon, in all human probability, the discussion would be spun out to a late hour of the day, the Clerk of the House presiding, or perhaps spun out for weeks, for all of them knew well, that a question of that character could not be decided without long discussion. He hoped, therefore, that the honorable gentleman from Virginia [Mr. PATTON] would withdraw the motion, let the House proceed in its customary mode, and test the principle by proceeding to the choice of Clerk *viva voce*, and Mr. B. would most cheerfully vote that they proceed to the choice of Clerk, either *viva voce* or by resolution, and take the question by yeas and nays.

Mr. PATTON said, he did not feel the embarrassment alluded to, and he must persist in his motion.

Mr. WILLIAMS, of North Carolina, denied that the House was without rules; for they had, and were bound by, the rules of the Constitution.

Mr. WISE would ask by what authority the members of that House had a right at present to vote? Was any man in that assembly qualified? *Non constat:* at present they were all members there. Were they not to exhibit their qualification before they undertook to exercise the duties of Representatives in Congress? They might as well else submit the question to the gallery as to that body.

Mr. VANDERPOEL remarked, that it must be well recollected by all the gentlemen with whom he had the honor to be associated in the last Congress, what course he then took upon this question, whether the officers of the House should be chosen *viva voce*, or by ballot. He had the honor of submitting at that time some reasons in favor of the plan of the gentleman from Virginia, [Mr. PATTON,] and if they were to come to a vote upon the question now before them, he should vote in favor of it; but it was very doubtful to Mr. V. whether it was expedient at this time to agitate the subject. The House was not yet organized; the debate on the same question last session occupied more than a week, and there were many gentlemen who entertained different views, who would claim the right to submit their views before the question was taken. The subject was an important one, coeval with the existence of the Government; and though he was decidedly in favor of the change, yet he was in favor of having that charge deliberately made, after the organization of the House, and he should therefore be extremely glad if the honorable mover would withdraw his motion. Besides, he did not know what right they had to take the yeas and nays. If the House went into the question then, it seemed to him they would have to appoint an extra Speaker, or Moderator, to preside; but he hoped they would not be subjected to the necessity of entertaining the question; and he would again most respectfully repeat the request to the gentleman to withdraw his motion.

Mr. EVANS said, both then and hereafter, he should strenuously contend against the change, whenever it was brought forward. He was unwilling to go into the discussion then, and, without any disrespect to the gentleman from Virginia, he moved to lay the motion to proceed to the election of Speaker *viva voce* on the table.

Mr. PATTON asked for the yeas and nays.

Mr. MERCER had some doubts whether the Clerk could present the question, and whether one fifth had the right to call for the yeas and nays.

Mr. PARKER said it appeared to him the rules were clear; and he would ask by what right it was that the Clerk called that House to order but by the laws previously adopted? By what right did he call them at twelve o'clock. There was no law for twelve o'clock more than one o'clock, and yet every gentleman would, and must admit, that if one hundred and twenty-one members met there at eleven o'clock they would act contrary to law, and contrary to the rules governing that House. There was a set of regulations in usage, which, like the common law, were binding, and they were these: that they should meet at twelve o'clock on the first Monday in December, that the Clerk of the last House should call the members, and ascertain if a quorum were present, and that those present should proceed, by ballot, to organize themselves as a body. When they have done that, and not till then, were they competent to make any regulations. On that ground he considered every innovation of the established usage of fifty odd years standing as inexpedient, and one they had no right to adopt.

Mr. REED concurred with the gentleman from New Jersey. They must proceed to act, to a certain extent, from necessity; and he did not consider the Clerk to be an incompetent officer to manage this debate and control it; but he did hope the motion would be withdrawn. He considered the present mode of voting the true one; the usage of fifty years, from the foundation of the Government, was sufficient, and ought to be their rule of proceeding before the House was organized; and he conceived they were acting a very singular part in their present unorganized state.

Mr. MANN, of New York, said it was not his purpose to enter into the debate, but he would remark that the gentleman from Massachusetts [Mr. REED] seemed to him to be mistaken in supposing that the Clerk of the House stood in his place, at the present time, by mere custom or by presumption. Now the rules of the last House were the laws of the present till others were adopted. Mr. M. here read the rule applying to the Clerk; that he should take an oath, and should be deemed to continue in office until another was appointed. That was the law, probably, of the present body, and the Clerk was in office to all intents and purposes, under that law, until it was repealed. He hoped the gentleman from Virginia would withdraw the motion; but if he saw fit to persist in it, Mr. M. said it would be his indispensable duty, although in favor of the principle, to vote to lay it on the table.

After a few words from Mr. MERCER in explanation, the call for the yeas and nays was not seconded by one-fifth of the members present; and the motion of Mr. PATTON was laid on the table without a count.

On motion of Mr. BEARDSLEY, the House then proceeded to ballot for a Speaker.

Messrs. JOHNSON of Tennessee, EVERETT of Vermont, and ANTHONY of Pennsylvania, were appointed tellers; and on counting the ballots, it appeared that two hundred and twenty-five had been given, as follows:

For Mr. JAMES K. POLK	132
For Mr. JOHN BELL	84
For Mr. CHARLES F. MERCER	3
For Mr. JOHN Q. ADAMS	2
For Mr. FRANCIS GRANGER	1
Blanks	3

The Hon. JAMES K. POLK, of Tennessee, having received a majority of all the votes given, was declared duly elected Speaker of the Twenty-Fourth Congress, and being conducted to the chair by Messrs. JOHNSON of Kentucky, and JARVIS of Maine, returned his thanks for the honor conferred, in the following address:

Gentlemen of the House of Representatives:

In accepting the high station to which I am called, by the voice of the assembled Representatives of the people, I am deeply impressed with the high distinction which is always conferred upon the presiding officer of this House, and with the weight of the responsibility which devolves upon him. Without experience in this place—called to preside over the deliberations of this House, I feel that I ought to invoke, in advance, the indulgent forbearance of its members for any errors of judgment which may occur in the discharge of the new duties which will devolve upon me. It shall be my pleasure to endeavor to administer the laws which may be adopted for the government of the House, justly and impartially towards its members, and with a view to the preservation of that order which is indispensable to our character as a body, and to the promotion of the public interests. To preserve the dignity of this body and its high character before the country, so far as shall depend upon its presiding officer, will be objects of my deepest solicitude; and I am sure I shall have the coöperation and support of all its members, in the discharge of my duty, with a view to these objects.

I return to you, gentlemen, my sincere acknowledgments for this manifestation of your confidence, in elevating me to this high station; and my ardent hope is, that our labors here may merit and receive the approbation of our constituents, and result in the advancement of the public good.

OATH OF OFFICE.

Mr. WILLIAMS, of North Carolina, (the oldest member in the House,) administered the usual oath to the Speaker, when the latter qualified the members by States, and also the Territorial Delegates from Arkansas, Florida, and Michigan.

APPOINTMENT OF CLERK.

Mr. BEARDSLEY submitted a resolution, appointing Mr. WALTER S. FRANKLIN, Clerk of the House; which was agreed to, and Mr. F. was qualified by the Speaker.

MESSAGE FROM THE SENATE.

A message was received from the Senate, announcing that that body having assembled and formed a quorum, were ready to proceed with legislative business, and that a committee had been appointed on the part of the Senate, to meet such committee as might be appointed on the part of the House, to wait on the President of the United States, and inform him that Congress, having assembled, is ready to receive any communication which he may choose to make.

ELECTION OF PRINTER.

Mr. COFFEE submitted a resolution, in substance, that the House proceed to the election of a printer for the Twenty-Fourth Congress; which was agreed to.

Mr. JOHNSON, of Kentucky, nominated Messrs. Blair & Rives;

Mr. WILLIAMS, of North Carolina, nominated Messrs. Gales & Seaton;

And Mr. PEYTON, of Tennessee, nominated Messrs. Bradford & Learned.

Mr. PATTON remarked, that the House having indicated an indisposition to adopt the principle of voting *viva voce*, he would not press that question at this time.

The officers of the House having been directed to collect the ballots,

Mr. WHITTLESEY remarked, that this resolution, he apprehended, was premature. We were about to supply an omission of a preceding Congress, and he doubted whether there was any law in existence which would authorize the present proceeding.

The SPEAKER stated that the election could only be overruled by a reconsideration of the vote adopting the resolution.

Mr. WHITTLESEY moved to reconsider the vote on the resolution.

Mr. ADAMS, of Massachusetts, said that there was a question, which it would be well to consider before this matter was decided. He considered it incumbent upon the individual who should be chosen printer, previously to enter into bond. He did not believe that he could be required to enter into bond subsequently to his election.

Mr. ROBERTSON was in favor of the motion to reconsider. He doubted the propriety of electing a printer at all. He believed this was the opinion of a number of the members of the last Congress. He preferred that the printing should be done by contract, instead of electing a political partisan. It was certainly not magnanimous or generous in a majority here, to impose upon the minority a partisan printer, who would villify and abuse that minority.

Mr. BEARDSLEY adverted to the propriety and necessity of an immediate election of printer. He would like to know by what rule the gentleman from Virginia [Mr. ROBERTSON] anticipated that the majority in this House would appoint a printer who would villify the minority for the due discharge of their duties here? Upon what grounds does the gentleman found any such belief? Gentlemen were not so sensitive on former occasions. It had been the practice of the preceding Congresses to choose the printer for their successors. The last House was not kind enough to perform this duty for us, and it now became the province of this House to make its own selection.

Mr. WHITTLESEY explained that he only desired that the House should not elect a printer without adopting the proper guards.

Mr. ROBERTSON, after a few remarks, presented a resolution, in the form of an agreement, providing that the public printing should be performed by contract.

Mr. WHITTLESEY waving his motion for the present,

Mr. MANN, of New York, by consent of the House, moved the adoption of the rules of the last House.

Mr. JOHN Q. ADAMS wished to propose an additional rule, providing that the Committee of Ways and Means should report the general annual appropriation bill within thirty days of the meeting of each session of Congress.

Mr. MANN then modified his motion so as to except the 57th rule.

Mr. REYNOLDS remarked that he did not wish to delay the business and elections of this House, but thought it was inconsistent for him to support the system of balloting for officers, as he had urged, at the last session of Congress, the mode of voting *viva voce* for all officers. He continued to entertain the same principles and opinions, and accordingly felt conscientiously bound, not only to not vote for the balloting mode, but to urge the other.

Mr. R., after some remarks, modified his proposition so as to exclude the said objectionable rules, to which Mr. MANN consented, but afterwards withdrew the whole resolution.

The question on the motion of Mr. WHITTLESEY, to reconsider the resolution to elect a printer to the House, then came up.

Mr. MERCER moved an adjournment, and

Mr. GILLET called for the yeas and nays; whereupon,

Mr. MERCER withdrew his motion.

The subject was further debated by Messrs. H. EVERETT, WARD, EVANS, ROBERTSON, BEARDSLEY, and WHITTLESEY.

Mr. BEARDSLEY offered a resolution, providing that the printer should give bond and security for the performance of his duties, as laid down in the joint resolutions of March, 1819, and February, 1829, which, by unanimous consent, was adopted as a modification of Mr. COFFEE's resolution.

Mr. WHITTLESEY withdrew the motion to reconsider. Mr. ROBERTSON renewed it; and, upon being put, it was lost without a count.

The House then proceeded to ballot for the election of a printer; and Mr. JOHNSON of Kentucky, Mr. WILLIAMS of North Carolina, and Mr. PEYTON of Tennessee, being appointed tellers, the result was announced as follows:

Whole number of votes, 223; necessary to a choice, 112; of which—

Messrs. Blair & Rives received	138
Messrs. Gales & Seaton	59
Messrs. Bradford & Learned	26
Mr. Duff Green	2
Mr. Thurlow Weed	1
Blanks	2

Whereupon, Messrs. Blair & Rives were declared duly elected printers to the Twenty-Fourth Congress.

COMMITTEE TO WAIT ON THE PRESIDENT.

The House proceeded to consider the message from the Senate, which was agreed to; and Messrs. THOMSON of Ohio, MASON of Virginia, and REED of Massachusetts, were appointed a committee, on the part of the House, to wait upon the President.

MESSAGE TO THE SENATE.

On motion of Mr. CONNOR, a resolution was adopted, directing that a message be sent to the Senate, informing that body that the House had assembled, elected a Speaker, and were ready to proceed to business.

HOUR OF ADJOURNMENT.

On motion of Mr. WARD, of New York, it was ordered, that when the House adjourns, it will adjourn to meet again on to-morrow, at twelve o'clock; and at the same hour each succeeding day.

CHAPLAIN.

Mr. MERCER offered a resolution providing for the appointment of a Chaplain by the House, at twelve o'clock, m., to-morrow.

Mr. REYNOLDS, of Illinois, moved to amend the resolution, by providing that, in future, in the election of officers of the House, it shall be by *viva voce*.

Mr. VINTON moved an adjournment; which was agreed to.

The House then adjourned.

IN SENATE.

TUESDAY, *December* 8, 1835.

Messrs. BROWN of North Carolina, LEIGH of Virginia, CLAY and CRITTENDEN of Kentucky, and KING of Alabama, attended to-day and took their seats.

CREDENTIALS.

Mr. SOUTHARD presented the credentials of Hon. B. WATKINS LEIGH, elected by the Legislature of Virginia a Senator from that State, for six years, from the 4th of March last; which were read.

Mr. MANGUM announced the reëlection of his colleague, Mr. BROWN, elected by the Legislature of North Carolina a Senator from that State, to serve for six years, from the 4th of March last; and

Mr. KING stated that at the last session of the Legislature of Alabama, he had been elected to the Senate of the United States, but that his credentials had not yet been received by the Presiding Officer.

The CHAIR said that the gentlemen from North Carolina and Alabama could take the oath, unless some objections were made.

The usual oath was then administered by the Vice President to Messrs. LEIGH, BROWN, and KING, and those gentlemen took their seats.

REPORT OF COMMITTEE.

Mr. WHITE, from the joint committee ap-

pointed to wait on the President, and inform him that quorums of the two Houses had assembled, and were ready to receive any communication he might make, reported that they had performed the duty assigned them, and had received for answer that the President would, to-day at twelve o'clock, make to the two Houses a communication in writing.

A message was then received from the President of the United States, by Mr. DONELSON, his Private Secretary, which was read; and, on motion of Mr. GRUNDY, five thousand extra copies of the message, and one thousand five hundred copies of the accompanying documents, were ordered to be printed for the use of the Senate.

It is as follows:

Fellow-citizens of the Senate
and House of Representatives:

In the discharge of my official duty, the task again devolves upon me of communicating with a new Congress. The reflection that the representation of the Union has been recently renewed, and that the constitutional term of its service will expire with my own, heightens the solicitude with which I shall attempt to lay before it the state of our national concerns, and the devout hope which I cherish that its labors to improve them may be crowned with success.

You are assembled at a period of profound interest to the American patriot. The unexampled growth and prosperity of our country having given us a rank in the scale of nations which removes all apprehension of danger to our integrity and independence from external foes, the career of freedom is before us, with an earnest from the past that, if true to ourselves, there can be no formidable obstacle in the future to its peaceful and uninterrupted pursuit. Yet in proportion to the disappearance of those apprehensions which attended our weakness, as once contrasted with the power of some of the States of the Old World, should we now be solicitous as to those which belong to the conviction, that it is to our own conduct we must look for the preservation of those causes on which depend the excellence and the duration of our happy system of government.

In the example of other systems, founded on the will of the people, we trace to internal dissension the influences which have so often blasted the hopes of the friends of freedom. The social elements, which were strong and successful when united against external danger, failed in the more difficult task of properly adjusting their own internal organization, and thus gave way the great principle of self-government. Let us trust that this admonition will never be forgotten by the Government or the people of the United States; and that the testimony which our experience thus far holds out to the great human family, of the practicability and the blessings of free government, will be confirmed in all time to come.

We have but to look at the state of our agriculture, manufactures, and commerce, and the unexampled increase of our population, to feel the magnitude of the trust committed to us. Never, in any former period of our history, have we had greater reason than we now have, to be thankful to Divine Providence for the blessings of health and general prosperity. Every branch of labor we see crowned with the most abundant rewards; in every element of national resources and wealth, and of individual comfort, we witness the most rapid and solid improvements. With no interruptions to this pleasing prospect at home, which will not yield to the spirit of harmony and good will that so strikingly pervades the mass of the people in every quarter, amidst all the diversity of interest and pursuits to which they are attached; and with no cause of solicitude in regard to our external affairs, which will not, it is hoped, disappear before the principles of simple justice and the forbearance that mark our intercourse with foreign powers,—we have every reason to feel proud of our beloved country.

The general state of our foreign relations has not materially changed since my last annual message.

In the settlement of the question of the Northeastern boundary little progress has been made. Great Britain declined acceding to the proposition of the United States, presented in accordance with the resolution of the Senate, unless certain preliminary conditions were admitted, which I deemed incompatible with a satisfactory and rightful adjustment of the controversy. Waiting for some distinct proposal from the Government of Great Britain, which has been invited, I can only repeat the expression of my confidence that, with the strong mutual disposition which I believe exists, to make a just arrangement, this perplexing question can be settled with a due regard to the well-founded pretensions and pacific policy of all the parties to it. Events are frequently occurring on the Northeastern frontier, of a character to impress upon all the necessity of a speedy and definite termination of the dispute. This consideration, added to the desire common to both, to relieve the liberal and friendly relations so happily existing between the two countries from all embarrassment, will no doubt have its just influence upon both.

Our diplomatic intercourse with Portugal has been renewed, and it is expected that the claims of our citizens, partially paid, will be fully satisfied as soon as the condition of the Queen's Government will permit the proper attention to the subject of them. That Government has, I am happy to inform you, manifested a determination to act upon the liberal principles which have marked our commercial policy; the happiest effects upon the future trade between the United States and Portugal are anticipated from it, and the time is not thought to be remote when a system of perfect reciprocity will be established.

The installments under the convention with the King of the Two Sicilies have been paid with that scrupulous fidelity by which his whole conduct has been characterized, and the hope is indulged that the adjustment of the vexed question of our claims will be followed by a more extended and mutually beneficial intercourse between the two countries.

The internal contest still continues in Spain. Distinguished as this struggle has unhappily been by incidents of the most sanguinary character, the obligations of the late treaty of indemnification with us have been, nevertheless, faithfully executed by the Spanish Government.

No provision having been made at the last session of Congress for the ascertainment of the claims to be paid, and the apportionment of the funds, under the convention made with Spain, I invite your early attention to the subject. The public evidences of the debt have, according to the terms of the convention, and in the forms prescribed by it, been placed in the possession of the United States; and the interest, as it fell due, has been regularly paid upon them. Our commercial intercourse with Cuba stands as regulated by the act of Congress. No recent information has been received as to the disposition of the Government of Madrid on this subject, and the lamented death of our recently appointed Minister, on his way to Spain, with the pressure of their affairs at home, render it scarcely probable that any change is to be looked for during the coming year. Further portions of the Florida archives have been sent to the United States, although the death of one of the commissioners, at a critical moment, embarrassed the progress of the delivery of them. The higher officers of the local government have recently shown an anxious desire, in compliance with the orders from the parent Government, to facilitate the selection and delivery of all we have a right to claim.

Negotiations have been opened at Madrid for the establishment of a lasting peace between Spain and such of the Spanish American Governments of this hemisphere as have availed themselves of the intimation, given to all of them, of the disposition of Spain to treat upon the basis of their entire independence. It is to be regretted that simultaneous appointments, by all, of ministers to negotiate with Spain, had not been made; the negotiation itself would have been simplified, and this long-standing dispute, spreading over a large portion of the world, would have been brought to a more speedy conclusion.

Our political and commercial relations with Austria, Prussia, Sweden, and Denmark, stand on the usual favorable basis. One of the articles of our treaty with Russia, in relation to the trade on the northwest coast of America, having expired, instructions have been given to our Minister at St. Petersburgh to negotiate a renewal of it. The long and unbroken amity between the two Governments gives every reason for supposing the article will be renewed, if stronger motives do not exist to prevent it than, with our view of the subject, can be anticipated here.

I ask your attention to the message of my predecessor at the opening of the second session of the Nineteenth Congress, relative to our commercial intercourse with Holland, and to the documents connected with that subject, communicated to the House of Representatives on the 10th of January, 1825, and 18th of January, 1827. Coinciding in the opinion of my predecessor, that Holland is not, under the regulations of her present system, entitled to have her vessels and their cargoes received into the United States on the footing of American vessels and cargoes, as regards duties of tonnage and impost, a respect for his reference of it to the Legislature has alone prevented me from acting on the subject. I should still have waited, without comment, for the action of Congress, but recently a claim has been made by Belgian subjects to admission into our ports for their ships and cargoes on the same footing as American, with the allegation we could not dispute, that our vessels received in their ports the identical treatment shown to them in the ports of Holland, upon whose vessels no discrimination is made in the ports of the United States. Giving the same privileges, the Belgians expected the same benefits—benefits that were in fact enjoyed when Belgium and Holland were united under one Government. Satisfied with the justice of their pretension to be placed on the same footing with Holland, I could not, nevertheless, without disregard to the principle of our laws, admit their claim to be treated as Americans; and at the same time, a respect for Congress, to whom the subject had long since been referred, has prevented me from producing a just equality by taking from the vessels of Holland privileges conditionally granted by acts of Congress, although the condition upon which the grant was made has, in my judgment, failed since 1822. I recommend, therefore, a review of the act of 1824, and such a modification of it as will produce an equality on such terms as Congress shall think best comports with our settled policy, and the obligations of justice to two friendly powers.

With the Sublime Porte, and all the Governments on the coast of Barbary, our relations continue to be friendly. The proper steps have been taken to renew our treaty with Morocco.

The Argentine Republic has again promised to send, within the current year, a Minister to the United States.

A convention with Mexico, for extending the time for the appointment of commissioners to run the boundary line, has been concluded, and will be submitted to the Senate. Recent events in that country have awakened the liveliest solicitude in the United States. Aware of the strong temptations existing and powerful inducements held out to citizens of the United States to mingle in the dissensions of our immediate neighbors, instructions have been given to the District Attorneys of the United States, where indications warranted it, to prosecute, without respect to persons, all who might attempt to violate the obligations of our neutrality; while, at the same time, it has been thought necessary to apprise the Government of Mexico that we should require the integrity of our territory to be scrupulously respected by both parties.

From our diplomatic agents in Brazil, Chile, Peru, Central America, Venezuela, and New Granada, constant assurances are received of the continued good understanding with the Governments to which they are severally accredited. With those Governments upon which our citizens have valid and accumulating claims, scarcely an advance towards a settlement of them is made, owing mainly to their distracted state, or to the pressure of imperative domestic questions. Our patience has been, and will probably be still further, severely tried; but our fellow-citizens whose interests are involved may confide in the determination of the Government to obtain for them, eventually, ample retribution.

Unfortunately, many of the nations of this hemisphere are still self-tormented by domestic dissensions. Revolution succeeds revolution, injuries are committed upon foreigners engaged in lawful pursuits, and much time elapses before a Government sufficiently stable is erected to justify expectation of redress. Ministers are sent and received, and before the discussions of past injuries are fairly begun fresh troubles arise; but too frequently new injuries are added to the old, to be discussed together, with the existing Government, after it has proved its ability to sustain the assaults made upon it, or with its successor, if overthrown. If this unhappy condition of things continues much longer, other nations will be under the painful necessity of deciding whether justice to their suffering citizens does not require a prompt redress of injuries, by their own power, without waiting for the establishment of a Government competent and enduring enough to discuss and to make satisfaction for them.

Since the last session of Congress, the validity of our claims upon France, as liquidated by the treaty of 1831, has been acknowledged by both branches of her Legislature, and the money has been appropriated for their discharge, but the payment is, I regret to inform you, still withheld.

A brief recapitulation of the most important incidents in this protracted controversy will show how utterly untenable are the grounds upon which this course is attempted to be justified.

On entering upon the duties of my station, I found the United States an unsuccessful applicant to the justice of France, for the satisfaction of claims, the validity of which was never questionable, and has now been most solemnly admitted by France herself. The antiquity of these claims, their high justice, and the aggravating circumstances out of which they arose, are too familiar to the American people to require description. It is sufficient to say, that, for a period of ten years and upwards, our commerce was, with but little interruption, the subject of constant aggressions on the part of France—aggressions, the ordinary features of which were condemnations of vessels and cargoes under arbitrary decrees, adopted in contravention as well of the laws of nations as of treaty stipulations, burnings on the high seas, and seizures and confiscations under special imperial rescripts in the ports of other nations occupied by the armies, or under the control of France. Such, it is now conceded, is the character of the wrongs we suffered—wrongs in many cases so flagrant that even their authors never denied our right to reparation. Of the extent of these injuries some conception may be formed from the fact, that after the burning of a large amount at sea, and the necessary deterioration in other cases by long detention, the American property so seized and sacrificed at forced sales, excluding what was adjudged to privateers, before or without condemnation, brought into the French treasury upwards of twenty-four millions of francs, besides large custom-house duties.

The subject had already been an affair of twenty years' uninterrupted negotiation, except for a short time, when France was overwhelmed by the military powers of united Europe. During this period, whilst other nations were extorting from her payment of their claims at the point of the bayonet, the United States intermitted their demand for justice, out of respect to the oppressed condition of a gallant people, to whom they felt under obligations for fraternal assistance in their own days of suffering and of peril. The bad effects of these protracted and unavailing discussions, as well upon our relations with France as upon our national character, were obvious, and the line of duty was to my mind equally so. This, was, either to insist upon the adjustment of our claims within a reasonable period, or to abandon them altogether. I could not doubt that, by this course, the interest and honor of both countries would be best consulted. Instructions were, therefore, given in this spirit to the Minister who was sent out once more to demand reparation. Upon the meeting of Congress, in December, 1829, I felt it my duty to speak of these claims, and the delays of France, in terms calculated to call the serious attention of both countries to the subject. The then French Ministry took exception to the message, on the ground of its containing a menace, under which it was not agreeable to the French Government to negotiate. The American Minister, of his own accord, refuted the construction which was attempted to be put upon the message, and at the same time called to the recollection of the French Ministry that the President's message was a communication addressed, not to foreign Governments, but to the Congress of the United States, in which it was enjoined upon him, by the Constitution, to lay before that body information of the state of the Union, comprehending its foreign as well as its domestic relations; and that if, in the discharge of this duty, he felt it incumbent upon him to summon the attention of Congress in due time to what might be the possible consequences of existing difficulties with any foreign Government, he might fairly be supposed to do so under a sense of what was due from him in a frank communication with another branch of his own Government, and not from any intention of holding a menace over a foreign Power. The views taken by him received my approbation, the French Government was satisfied, and the negotiation was continued. It terminated in the treaty of July 4, 1831, recognizing the justice of our claims in part, and promising payment to the amount of twenty-five millions of francs, in six annual installments.

The ratifications of this treaty were exchanged at Washington on the 2d of February, 1832, and in five days thereafter it was laid before Congress, who immediately passed the acts necessary, on our part, to secure to France the commercial advantages conceded to her in the compact. The treaty had previously been solemnly ratified by the King of the French in terms which are certainly not mere matters of form, and of which the translation is as follows:

"We, approving the above convention in all and each of the dispositions which are contained in it, do declare by ourselves, as well as by our heirs and successors, that it is accepted, approved, ratified, and confirmed; and by these presents, signed by our hand, we do accept, approve, ratify, and confirm it; promising, on the faith and word of a king, to observe it, and to cause it to be observed inviolably, without ever contravening it, or suffering it to be contravened, directly or indirectly, for any cause or under any pretense whatsoever."

Official information of the exchange of ratifications in the United States reached Paris whilst the Chambers were in session. The extraordinary, and to us injurious, delays of the French Government in their action upon the subject of its fulfillment have been heretofore stated to Congress, and I have no disposition to enlarge upon them here. It is sufficient to observe that the then pending session was allowed to expire without even an effort to obtain the necessary appropriations; that the two succeeding ones were also suffered to pass away without anything like a serious attempt to obtain a decision upon the subject; and that it was not until the fourth session—almost three years after the conclusion of the treaty, and more than two years after the exchange of ratifications—that the bill for the execution of the treaty was pressed to a vote, and rejected. In the mean time, the Government of the United States, having full confidence that a treaty entered into and so solemnly ratified by the French King, would be executed in good faith, and not doubting that provision would be made for the payment of the first installment, which was to become due on the 2d day of February, 1833, negotiated a draft for the amount through the Bank of the United States. When this draft was presented by the holder, with the credentials required by the treaty to authorize him to receive the money, the Government of France allowed it to be protested. In addition to the injury in the non-payment of the money by France conformably to her engagement, the United States were exposed to a heavy claim on the part of the bank, under pretense of damages, in satisfaction of which, that institution seized upon, and still retains, an equal amount of the public moneys. Congress was in session when the decision of the Chambers reached Washington, and an immediate communication of this apparently final decision of France, not to fulfill the stipulations of the treaty, was the course naturally to be expected from the President. The deep tone of dissatisfaction which pervaded the public mind, and the correspondent excitement produced in Congress by only a general knowledge of the result, rendered it more than probable that a resort to immediate measures of redress would be the consequence of calling the attention of that body to the subject. Sincerely desirous of preserving the pacific relations which had so long existed between the two countries, I was anxious to avoid this course if I could be satisfied that, by doing so, neither the interests nor the honor of my country would be compromitted. Without the fullest assurances upon that point, I could not hope to acquit myself of the responsibility to be incurred in suffering Congress to adjourn without laying the subject before them. Those received by me were believed to be of that character.

That the feelings produced in the United States by the news of the rejection of the appropriation would be such as I have described them to have been, was foreseen by the French Government, and prompt measures were taken by it to prevent the consequences. The King, in person, expressed, through our Minister at Paris, his profound regret at the decision of the Chambers, and promised to send forthwith a national ship, with dispatches to his Minister here authorizing him to give such assurances as would satisfy the Government and people of the United States that the treaty would yet be faithfully executed by France. The national ship arrived, and the Minister received his instructions. Claiming to act under the authority derived from them, he gave to this Government, in the name of his, the most solemn assurances, that as soon after the new elections as the charter would permit, the French Chambers would be convened, and the attempt to procure the necessary appropriations renewed; that all the constitutional powers of the King and his Ministers should be put in requisition to accomplish the object; and he was understood, and so expressly informed by this Government at the time, to engage that the question should be pressed to a decision, at a period sufficiently early to permit information of the result to be communicated to Congress at the commencement of their next session. Relying upon these assurances, I incurred the responsibility, great as I regarded it to be, of suffering Congress to separate without communicating with them upon the subject.

The expectations justly founded upon the promises thus solemnly made to this Government by that of France were not realized. The French Chambers met on the 31st of July, 1834, soon after the election; and although our Minister in Paris urged the French Ministry to press the subject before them, they declined doing so. He next insisted that the Chambers, if prorogued without acting on the subject, should be reassembled at a period so early that their action on the treaty might be known in Washington prior to the meeting of Congress. This reasonable request was not only declined, but the Chambers were prorogued on the 29th of December—a day so late that their decision, however urgently pressed, could not, in all probability, be obtained in time to reach Washington before the necessary adjournment of Congress by the Constitution. The reasons given by the Ministry for refusing to convoke the Chambers at an earlier period were afterwards shown not to be insuperable, by their actual convocation on the 1st of December, under a special call for domestic purposes; which fact, however, did not become known to this Government until after the commencement of the last session of Congress.

Thus disappointed in our just expectations, it became my imperative duty to consult with Congress in regard to the expediency of a resort to retaliatory measures, in case the stipulations of the treaty should not be speedily complied with; and to recommend such as, in my judgment, the occasion called for. To this end, an unreserved communication of the case, in all its aspects, became indispensable. To have shrunk, in making it, from saying all that was necessary to its correct understanding, and that the truth would justify, for fear of giving offense to others, would have been unworthy of us. To have gone, on the other hand, a single step further, for the purpose of wounding the pride of a Government and people with whom we had so many motives for cultivating relations of amity and reciprocal advantage, would have been unwise and improper. Admonished by the past of the difficulty of

making even the simplest statement of our wrongs without disturbing the sensibilities of those who had, by their position, become responsible for their redress, and earnestly desirous of preventing further obstacles from that source, I went out of my way to preclude a construction of the message, by which the recommendation that was made to Congress might be regarded as a menace to France, in not only disavowing such a design, but in declaring that her pride and her power were too well known to expect anything from her fears. The message did not reach Paris until more than a month after the Chambers had been in session; and such was the insensibility of the Ministry to our rightful claims and just expectations, that our Minister has been informed that the matter, when introduced, would not be pressed as a Cabinet measure.

Although the message was not officially communicated to the French Government, and notwithstanding the declaration to the contrary which it contained, the French Ministry decided to consider the conditional recommendation of reprisals a menace and an insult, which the honor of the nation made it incumbent on them to resent. The measures resorted to by them to evince their sense of the supposed indignity were—the immediate recall of their Minister at Washington, the offer of passports to the American Minister at Paris, and a public notice to the Legislative Chambers that all diplomatic intercourse with the United States had been suspended.

Having, in this manner, vindicated the dignity of France, they next proceeded to illustrate her justice. To this end, a bill was immediately introduced into the Chamber of Deputies, proposing to make the appropriations necessary to carry into effect the treaty. As this bill subsequently passed into a law, the provisions of which now constitute the main subject of difficulty between the two nations, it becomes my duty, in order to place the subject before you in a clear light, to trace the history of its passage, and to refer, with some particularity, to the proceedings and discussions in regard to it. The Minister of Finance, in his opening speech, alluded to the measures which had been adopted to resent the supposed indignity, and recommended the execution of the treaty as a measure required by the honor and justice of France. He, as the organ of the Ministry, declared the message, so long as it had not received the sanction of Congress, a mere expression of the personal opinion of the President, for which neither the Government nor the people of the United States were responsible, and that an engagement had been entered into, for the fulfillment of which the honor of France was pledged. Entertaining these views, the single condition which the French Ministry proposed to annex to the payment of the money, was, that it should not be made until it was ascertained that the Government of the United States had done nothing to injure the interests of France; or, in other words, that no steps had been authorized of a hostile character towards France by Congress.

What the disposition or action of Congress might be was then unknown to the French Cabinet. But on the 14th of January the Senate resolved, that it was at that time inexpedient to adopt any legislative measures in regard to the state of affairs between the United States and France, and no action on the subject had occurred in the House of Representatives. These facts were known in Paris prior to the 28th of March, 1835, when the committee to whom the bill of indemnification had been referred reported it to the Chamber of Deputies. That committee substantially reëchoed the sentiments of the ministry, declared that Congress had set aside the proposition of the President, and recommended the passage of the bill without any other restriction than that originally proposed. Thus was it known to the French Ministry and Chambers that if the position assumed by them, and which had been so frequently and solemnly announced as the only one compatible with the honor of France, was maintained, and the bill passed as originally proposed, the money would be paid, and there would be an end of this unfortunate controversy.

But this cheering prospect was soon destroyed by an amendment introduced into the bill at the moment of its passage, providing that the money should not be paid until the French Government had received satisfactory explanations of the President's message of the 2d of December, 1834; and what is still more extraordinary, the president of the Council of Ministers adopted this amendment, and consented to its incorporation in the bill. In regard to a supposed insult, which had been formerly resented by the recall of their Minister, and the offer of passports to ours, they now, for the first time, proposed to ask explanations. Sentiments and propositions which they had declared could not justly be imputed to the Government or people of the United States, are set up as obstacles to the performance of an act of conceded justice to that Government and people. They had declared that the honor of France required the fulfillment of the engagement into which the King had entered, unless Congress adopted the recommendations of the message. They ascertained that Congress did not adopt them; and yet that fulfillment is refused unless they first obtain from the President explanations of an opinion characterized by themselves as personal and inoperative.

The conception that it was my intention to menace or insult the Government of France is as unfounded as the attempt to extort from the fears of that nation what her sense of justice may deny would be vain and ridiculous. But the Constitution of the United States imposes on the President the duty of laying before Congress the condition of the country in its foreign and domestic relations, and of recommending such measures as may, in his opinion, be required by its interests. From the performance of this duty he cannot be deterred by the fear of wounding the sensibilities of the people or Government of whom it may become necessary to speak; and the American people are incapable of submitting to an interference by any Government on earth, however powerful, with the free performance of the domestic duties which the Constitution has imposed on their public functionaries. The discussions which intervene between the several departments of our Government belong to ourselves; and for anything said in them our public servants are only responsible to their own constituents, and to each other. If, in the course of their consultations, facts are erroneously stated, or unjust deductions are made, they require no other inducement to correct them, however informed of their error, than their love of justice, and what is due to their own character; but they can never submit to be interrogated upon the subject as a matter of right by a foreign Power. When our discussions terminate in acts, our responsibility to foreign Powers commences, not as individuals, but as a nation! The principle which calls in question the President for the language of his message would equally justify a foreign Power in demanding explanation of the language used in the report of a committee, or by a member in debate.

This is not the first time that the Government of France has taken exception to the messages of American Presidents. President Washington and the first President Adams, in the performance of their duties to the American people, fell under the animadversions of the French Directory. The objection taken by the Ministry of Charles X., and removed by the explanations made by our Minister upon the spot, has already been adverted to. When it was understood that the Ministry of the present King took exception to my message of last year, putting a construction upon it which was disavowed on its face, our late Minister at Paris, in answer to the note which first announced a dissatisfaction with the language used in the message, made a communication to the French Government, under date of the 29th of January, 1835, calculated to remove all impressions which an unreasonable susceptibility had created. He repeated, and called the attention of the French Government to the disavowal contained in the message itself, of any intention to intimidate by menace: he truly declared that it contained, and was intended to contain, no charge of ill faith against the King of the French, and properly distinguished between the right to complain, in unexceptionable terms, of the omission to execute an agreement, and an accusation of bad motives in withholding such execution; and demonstrated that the necessary use of that right ought not to be considered as an offensive imputation. Although this communication was made without instructions, and entirely on the Minister's own responsibility, yet it was afterwards made the act of this Government by my full approbation, and that approbation was officially made known, on the 25th of April, 1835, to the French Government. It, however, failed to have any effect. The law, after this friendly explanation, passed with the obnoxious amendment, supported by the King's Ministers, and was finally approved by the King.

The people of the United States are justly attached to a pacific system in their intercourse with foreign nations. It is proper, therefore, that they should know whether their Government has adhered to it. In the present instance it has been carried to the utmost extent that was consistent with a becoming self-respect. The note of the 29th of January, to which I have before alluded, was not the only one which our Minister took upon himself the responsibility of presenting on the same subject and in the same spirit. Finding that it was intended to make the payment of a just debt dependent on the performance of a condition which he knew could never be complied with, he thought it a duty to make another attempt to convince the French Government that, whilst self-respect and regard to the dignity of other nations would always prevent us from using any language that ought to give offense, yet we could never admit a right in any foreign Government to ask explanations of, or to interfere in any manner in, the communications which one branch of our public councils made with another; that in the present case no such language had been used, and that this had in a former note been fully and voluntarily stated before it was contemplated to make the explanation a condition; and, that there might be no misapprehension, he stated the terms used in that note, and he officially informed them that it had been approved by the President; and that, therefore, every explanation which could reasonably be asked, or honorably given, had been already made; that the contemplated measure had been anticipated by a voluntary and friendly declaration, and was therefore not only useless, but might be deemed offensive, and certainly would not be complied with if annexed as a condition.

When this latter communication, to which I especially invite the attention of Congress, was laid before me, I entertained the hope that the means it was obviously intended to afford, of an honorable and speedy adjustment of the difficulties between the two nations, would have been accepted; and I therefore did not hesitate to give it my sanction and full approbation. This was due to the Minister who had made himself responsible for the act; and it was published to the people of the United States, and is now laid before their Representatives, to show how far their Executive has gone in its endeavors to restore a good understanding between the two countries. It would have been at any time communicated to the Government of France had it been officially requested.

The French Government having received all the explanation which honor and principle permitted, and which could in reason be asked, it was hoped it would no longer hesitate to pay the installments now due. The agent authorized to receive the money was instructed to inform the French Minister of his readiness to do so. In reply to this notice, he was told that the money could not then be paid, because the formalities required by the act of the Chambers had not been arranged.

Not having received any official communication of the intentions of the French Government, and anxious to bring, as far as practicable, this unpleasant affair to a close before the meeting of Congress, that you might have the whole subject before you, I caused our chargé d'affaires at Paris to be instructed to ask for the final determination of the French Government, and in the event of their refusal to pay the installments now due, without further explanations to return to the United States.

The result of this last application has not yet

reached us, but is daily expected. That it may be favorable is my sincere wish. France having now, through all the branches of her Government, acknowledged the validity of our claims, and the obligations of the treaty of 1831, and there really existing no adequate cause for further delay, will at length, it may be hoped, adopt the course which the interests of both nations, not less than the principles of justice, so imperiously require. The treaty being once executed on her part, little will remain to disturb the friendly relations of the two countries; nothing indeed which will not yield to the suggestions of a pacific and enlightened policy, and to the influence of that mutual good will, and those generous recollections, which we may confidently expect will then be revived in all their ancient force.

In any event, however, the principle involved in the new aspect which has been given to the controversy is so vitally important to the independent administration of the Government, that it can neither be surrendered nor compromitted without national degradation. I hope it is unnecessary for me to say, that such a sacrifice will not be made through any agency of mine. The honor of my country shall never be stained by an apology from me for the statement of truth and the performance of duty, nor can I give any explanation of my official acts except such as is due to integrity and justice, and consistent with the principle on which our institutions have been framed. This determination will, I am confident, be approved by my constituents. I have, indeed, studied their character to but little purpose, if the sum of 25,000,000f. will have the weight of a feather in the estimation of what appertains to their national independence; and if, unhappily, a different impression should at any time obtain in any quarter, they will, I am sure, rally round the Government of their choice, with alacrity and unanimity, and silence forever the degrading imputation.

Having thus frankly presented to you the circumstances which, since the last session of Congress, have occurred in this interesting and important matter, with the views of the Executive in regard to them, it is at this time only necessary to add, that whenever the advices, now daily expected from our chargé d'affaires, shall have been received, they will be made the subject of a special communication.

The condition of the public finances was never more flattering than at the present period.

Since my last annual communication, all the remains of the public debt have been redeemed, or money has been placed in deposit for this purpose whenever the creditors choose to receive it. All the other pecuniary engagements of the Government have been honorably and promptly fulfilled; and there will be a balance in the Treasury at the close of the present year of about $19,000,000. It is believed, after meeting all outstanding and unexpended appropriations, there will remain near $11,000,000 to be applied to any new objects which Congress may designate, or to the more rapid execution of the works already in progress. In aid of these objects, and to satisfy the current expenditures of the ensuing year, it is estimated that there will be received, from various sources, $20,000,000 more in 1836.

Should Congress make new appropriations, in conformity with the estimates which will be submitted from the proper departments, amounting to about twenty-four millions, still the available surplus at the close of the next year, after deducting all unexpended appropriations, will probably be not less than six millions. This sum can, in my judgment, be now usefully applied to proposed improvements in our navy-yards, and to new national works, which are not enumerated in the present estimates, or to the more rapid completion of those already begun. Either would be constitutional and useful, and would render unnecessary any attempt, in our present peculiar condition, to divide the surplus revenue, or to reduce it any faster than it will be effected by the existing laws. In any event, as the annual report of the Secretary of the Treasury will enter into details, showing the probability of some decrease in the revenue during the next seven years, and a very considerable deduction in 1842, it is not recommended that Congress should undertake to modify the present tariff, so as to disturb the principles on which the compromise act was passed. Taxation on some of the articles of general consumption, which are not in competition with our own productions may be no doubt so diminished as to lessen, to some extent, the source of this revenue; and the same object can also be assisted by more liberal provisions for the subjects of public defense, which in the present state of our prosperity and wealth may be expected to engage your attention. If, however, after satisfying all the demands which can arise from these sources, the unexpended balance in the Treasury should still continue to increase, it would be better to bear with the evil until the great changes contemplated in our tariff laws have occurred, and shall enable us to revise the system with that care and circumspection which are due to so delicate and important a subject.

It is certainly our duty to diminish, as far as we can, the burdens of taxation, and to regard all the restrictions which are imposed on the trade and navigation of our citizens as evils which we shall mitigate whenever we are not prevented by the adverse legislation and policy of foreign nations, or those primary duties which the defense and independence of our country enjoin upon us. That we have accomplished much towards the relief of our citizens by the changes which have accompanied the payment of the public debt, and the adoption of the present revenue laws, is manifest from the fact that, compared with 1833, there is a diminution of near twenty-five millions in the last two years, and that our expenditures, independently of those for the public debt, have been reduced near nine millions during the same period. Let us trust, that by the continued observance of economy, and by harmonizing the great interests of agriculture, manufactures, and commerce, much more may be accomplished to diminish the burdens of Government, and to increase still further the enterprise and the patriotic affection of all classes of our citizens, and all the members of our happy Confederacy. As the data which the Secretary of the Treasury will lay before you in regard to our financial resources are full and extended, and will afford a safe guide in your future calculations, I think it unnecessary to offer any further observations on that subject here.

Among the evidences of the increasing prosperity of the country, not the least gratifying is that afforded by the receipts from the sales of the public lands, which amount, in the present year, to the unexpected sum of $11,000,000. This circumstance attests the rapidity with which agriculture, the first and most important occupation of man, advances and contributes to the wealth and power of our extended territory. Being still of the opinion that it is our best policy, as far as we can, consistently with the obligations under which those lands were ceded to the United States, to promote their speedy settlement, I beg leave to call the attention of the present Congress to the suggestions I have offered respecting it in my former messages.

The extraordinary receipts from the sales of the public lands invite you to consider what improvements the land system, and particularly the condition of the General Land Office, may require. At the time this institution was organized, near a quarter of a century ago, it would probably have been thought extravagant to anticipate, for this period, such an addition to its business as has been produced by the vast increase of those sales during the past and present years. It may also be observed that, since the year 1812, the land offices and surveying districts have been greatly multiplied, and that numerous legislative enactments, from year to year, since that time, have imposed a great amount of new and additional duties upon that office, while the want of a timely application of force, commensurate with the care and labor required, has caused the increasing embarrassment of accumulated arrears in the different branches of the establishment.

These impediments to the expedition of much duty in the General Land Office induce me to submit to your judgment, whether some modification of the laws relating to its organization, or an organization of a new character, be not called for, at the present juncture, to enable the office to accomplish all the ends of its institution with a greater degree of facility and promptitude than experience has proved to be practicable under existing regulations. The variety of the concerns, and the magnitude and complexity of the details, occupying and dividing the attention of the commissioner, appear to render it difficult, if not impracticable, for that officer, by any possible assiduity, to bestow on all the multifarious subjects upon which he is called to act the ready and careful attention due to their respective importance, unless the Legislature shall assist him by a law providing, or enabling him to provide, for a more regular and economical distribution of labor, with the incident responsibility, among those employed under his direction. The mere manual operation of affixing his signature to the vast number of documents issuing from his office, subtracts so largely from the time and attention claimed by the weighty and complicated subjects daily accumulating in that branch of the public service, as to indicate the strong necessity of revising the organic law of the establishment. It will be easy for Congress, hereafter, to proportion the expenditure on account of this branch of the service to its real wants, by abolishing, from time to time, the offices which can be dispensed with.

The extinction of the public debt having taken place, there is no longer any use for the offices of Commissioners of Loans and the Sinking Fund. I recommend, therefore, that they be abolished, and that proper measures be taken for the transfer to the Treasury Department of any funds, books, and papers connected with the operations of those offices; and that the proper power be given to that Department for closing finally any portion of their business which may remain to be settled.

It is also incumbent on Congress, in guarding the pecuniary interests of the country, to discontinue, by such a law as was passed in 1812, the receipt of the bills of the Bank of the United States in payment of the public revenue, and to provide for the designation of an agent whose duty it shall be to take charge of the books and stock of the United States in that institution, and to close all connection with it after the 3d of March, 1836, when its charter expires. In making provision in regard to the disposition of this stock, it will be essential to define, clearly and strictly, the duties and powers of the officer charged with that branch of the public service.

It will be seen from the correspondence which the Secretary of the Treasury will lay before you that notwithstanding the large amount of the stock which the United States hold in that institution, no information has yet been communicated which will enable the Government to anticipate when it can receive any dividends, or derive any benefit from it.

Connected with the condition of the finances, and the flourishing state of the country in all its branches of industry, it is pleasing to witness the advantages which have been already derived from the recent laws regulating the value of the gold coinage. These advantages will be more apparent in the course of the next year, when the branch mints authorized to be established in North Carolina, Georgia, and Louisiana, shall have gone into operation. Aided, as it is hoped they will be, by further reforms in the banking systems of the States, and by judicious regulations on the part of Congress in relation to the custody of the public moneys, it may be confidently anticipated that the use of gold and silver, as a circulating medium, will become general in the ordinary transactions connected with the labor of the country. The great desideratum, in modern times, is an efficient check upon the power of banks, preventing that excessive issue of paper whence arise those fluctuations in the standard of value which render uncertain the rewards of labor. It was supposed by those who established the Bank of the United States, that from the credit given to it by the custody of the public moneys and other privileges, and the precautions taken to guard against the evils which the country had suffered on the bankruptcy of many of the State institutions of that period, we should derive from that institution all the security and benefits of a sound currency, and every good end that was attainable under that provis-

ion of the Constitution which authorizes Congress alone to coin money and regulate the value thereof. But it is scarcely necessary now to say that these anticipations have not been realized. After the extensive embarrassment and distress recently produced by the Bank of the United States, from which the country is now recovering, aggravated as they were by the pretensions to power which defied the public authority, and which, if acquiesced in by the people, would have changed the whole character of our Government, every candid and intelligent individual must admit that, for the attainment of the great advantages of a sound currency, we must look to a course of legislation radically different from that which created such an institution.

In considering the means of obtaining so important an end, we must set aside all calculations of temporary convenience, and be influenced by those only which are in harmony with the true character and the permanent interests of the Republic. We must recur to first principles; and see what it is that has prevented the legislation of Congress and the States, on the subject of currency, from satisfying the public expectation, and realizing results corresponding to those which have attended the action of our system when truly consistent with the great principle of equality upon which it rests, and with that spirit of forbearance, and mutual concession, and generous patriotism which was originally, and must ever continue to be, the vital element of our Union.

On this subject I am sure that I cannot be mistaken in ascribing our want of success to the undue countenance which has been afforded to the spirit of monopoly. All the serious dangers which our system has yet encountered may be traced to the resort to implied powers, and the use of corporations clothed with privileges, the effect of which is to advance the interests of the few, at the expense of the many. We have felt but one class of these dangers, exhibited in the contest waged by the Bank of the United States against the Government for the last four years. Happily, they have been obviated for the present by the indignant resistance of the people; but we should recollect that the principle whence they sprung is an ever active one, which will not fail to renew its efforts in the same and in other forms so long as there is a hope of success, founded either on the inattention of the people, or the treachery of their representatives, to the subtle progress of its influence. The bank is, in fact, but one of the fruits of a system at war with the genius of all our institutions—a system founded upon a political creed, the fundamental principle of which is a distrust of the popular will as a safe regulator of political power, and whose great ultimate object, and inevitable result, should it prevail, is the consolidation of all power in our system in one central government. Lavish public disbursements, and corporations with exclusive privileges would be its substitute for the original, and, as yet, sound checks and balances of the Constitution—the means by whose silent and secret operation a control would be exercised by the few over the political conduct of the many, by first acquiring that control over the labor and earnings of the great body of the people. Wherever this spirit has effected an alliance with political power, tyranny and despotism have been the fruit. If it is ever used for the ends of Government, it has to be incessantly watched, or it corrupts the sources of the public virtue, and agitates the country with questions unfavorable to the harmonious and steady pursuit of its true interests.

We are now to see whether, in the present favorable condition of the country, we cannot take an effectual stand against this spirit of monopoly, and practically prove, in respect to the currency as well as other important interests, that there is no necessity for so extensive a resort to it as that which has been heretofore practiced. The experience of another year has confirmed the utter fallacy of the idea that the Bank of the United States was necessary as a fiscal agent of the Government. Without its aid as such, indeed, in despite of all the embarrassment it was in its power to create, the revenue has been paid with punctuality by our citizens; the business of exchange, both foreign and domestic, has been conducted with convenience; and the circulating medium has been greatly improved. By the use of the State banks, which do not derive their charters from the General Government, and are not controlled by its authority, it is ascertained that the moneys of the United States can be collected and disbursed without loss or inconvenience; and that all the wants of the community, in relation to exchange and currency, are supplied as well as they have ever been before. If, under circumstances the most unfavorable to the steadiness of the money market, it has been found that the considerations on which the Bank of the United States rested its claims to the public favor were imaginary and groundless, it cannot be doubted that the experience of the future will be more decisive against them.

It has been seen that without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills; and which has only to be fostered by proper regulations on the part of Congress, to secure a practical return, to the extent required for the security of the currency, to the constitutional medium. Severed from the Government as political engines, and not susceptible of dangerous extension and combination, the State banks will not be tempted, nor will they have the power which we have seen exercised, to divert the public funds from the legitimate purposes of the Government. The collection and custody of the revenue being, on the contrary, a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligations of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposits in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with; and that we shall soon gain, in place of the Bank of the United States, a practical reform in the whole paper system of the country. If, by this policy we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that gold and silver will take their place, and become the principal circulating medium in the common business of the farmers and mechanics of the country. The attainment of such a result will form an era in the history of our country, which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great tax which our paper system has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity which are so congenial to the character of republicans, than all the legislation which has yet been attempted.

To this subject I feel that I cannot too earnestly invite the especial attention of Congress, without the exercise of whose authority the opportunity to accomplish so much public good must pass unimproved. Deeply impressed with its vital importance, the Executive has taken all the steps within his constitutional power to guard the public revenue, and defeat the expectation which the Bank of the United States indulged, of renewing and perpetuating its monopoly, on the ground of its necessity as a fiscal agent, and as affording a sounder currency than could be obtained without such an institution. In the performance of this duty much responsibility was incurred, which would have been gladly avoided if the stake which the public had in the question could have been otherwise preserved. Although clothed with the legal authority, and supported by precedent, I was aware that there was, in the act of the removal of the deposits, a liability to excite that sensitiveness to Executive power which it is the characteristic and the duty of freemen to indulge; but I relied on this feeling, also directed by patriotism and intelligence, to vindicate the conduct which, in the end, would appear to have been called for by the best interests of my country. The apprehensions natural to this feeling, that there may have been a desire, through the instrumentality of that measure, to extend the Executive influence, or that it may have been promoted by motives not sufficiently free from ambition, were not overlooked. Under the operation of our institutions, the public servant who is called on to take a step of high responsibility, should feel, in the freedom which gives rise to such apprehensions, his highest security. When unfounded, the attention which they arouse, and the discussions they excite, deprive those who indulge them of the power to do harm; when just, they but hasten the certainty with which the the great body of our citizens never fail to repel an attempt to procure their sanction to any exercise of power inconsistent with the jealous maintenance of their rights. Under such convictions, and entertaining no doubt that my constitutional obligations demanded the steps which were taken in reference to the removal of the deposits, it was impossible for me to be deterred from the path of duty by a fear that my motives could be misjudged, or that political prejudices could defeat the just consideration of the merits of my conduct. The result has shown how safe is this reliance upon the patriotic temper and enlightened discernment of that people. That measure has now been before them, and has stood the test of all the severe analyses which its general importance, the interests it affected, and the apprehensions it excited, were calculated to produce; and it now remains for Congress to consider what legislation has become necessary in consequence.

I need only add to what I have on former occasions said on this subject, generally, that in the regulations which Congress may prescribe respecting the custody of the public moneys, it is desirable that as little discretion as may be deemed consistent with their safe-keeping, should be given to the executive agents. No one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits, by specific provisions, executive discretion, as far as it can be done consistently with the preservation of its constitutional character. In respect to the control over the public moneys, this doctrine is peculiarly applicable, and is in harmony with the great principle which I felt I was sustaining, in the controversy with the Bank of the United States, which has resulted in severing, to some extent, a dangerous connection between a moneyed and political power. The duty of the Legislature to define, by clear and positive enactments, the nature and extent of the action which it belongs to the executive to superintend, springs out of a policy analagous to that which enjoins upon all the branches of the Federal Government, an abstinence from the exercise of powers not clearly granted. In such a Government, possessing only limited and specific powers, the spirit of its general administration cannot be wise or just when it opposes the reference of all doubtful points to the great source of authority, the States and the people; whose number and diversified relations, securing them against the influences and excitements which may mislead their agents, make them the safest depository of power. In its application to the Executive, with reference to the legislative branch of the Government, the same rule of action should make the President ever anxious to avoid the exercise of any discretionary authority which can be regulated by Congress. The biases which may operate upon him will not be so likely to extend to the representatives of the people in that body.

In my former messages to Congress, I have repeatedly urged the propriety of lessening the discretionary authority lodged in the various Departments; but it has produced no effect, as yet, except the discontinuance of extra allowances in the Army and Navy, and the substitution of fixed salaries in the latter. It is believed that the same principles could be advantageously applied in all cases, and would promote the efficiency and economy of the public service, at the same time that greater satisfaction, and more equal justice, would be secured to the public officers generally.

The accompanying Report of the Secretary of War, will put you in possession of the operations of the Department confided to his care, in all its diversified relations, during the past year.

I am gratified in being able to inform you, that no occurrence has required any movement of the military force, except such as is common to a state of peace. The services of the Army have been limited to their usual duties at the various garrisons upon the Atlantic and inland frontier, with the exceptions stated by the Secretary of War. Our small military establishment appears to be adequate to the purposes for which it is maintained; and it forms a nucleus around which any additional force may be collected, should the public exigencies unfortunately require any increase of our military means.

The various acts of Congress which have been recently passed in relation to the Army, have improved its condition, and have rendered its organizations more useful and efficient. It is at all times in a state for prompt and vigorous action; and it contains within itself the power of extension to any useful limit; while, at the same time, it preserves that knowledge, both theoretical and practical, which education and experience alone can give; and which, if not acquired and preserved in time of peace, must be sought under great disadvantages in time of war.

The duties of the Engineer Corps press heavily upon that branch of the service; and the public interests requires an addition to its strength. The nature of the works in which the officers are engaged, render necessary professional knowledge and experience; and there is no economy in committing to them more duties than they can perform, or in assigning these to other persons temporarily employed, and too often, of necessity, without all the qualifications which such service demands. I recommend this subject to your attention, and also the proposition submitted at the last session of Congress, and now renewed, for a reorganization of the Topographical Corps. This organization can be effected without any addition to the present expenditure, and with much advantage to the public service. The branch of duties which devolves upon these officers, is at all times interesting to the community; and the formation furnished by them is useful in peace and in war.

Much loss and inconvenience have been experienced, in consequence of the failure of the bill containing the ordinary appropriations for fortifications which passed one branch of the National Legislature at the last session, but was lost in the other. This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defense, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of this important object, and other branches of the national defense, some portions of which might have been most usefully applied during the past season. I invite your early attention to that part of the report of the Secretary of War which relates to this subject, and recommend an appropriation sufficiently liberal to accelerate the armament of the fortifications agreeably to the proposition submitted by him, and to place our whole Atlantic sea-board in a complete state of defense. A just regard to the permanent interests of the country evidently requires this measure. But there are also other reasons which at the present juncture give it peculiar force, and make it my duty to call to the subject your special consideration.

The present system of military education has been in operation sufficiently long to test its usefulness, and it has given to the Army a valuable body of officers. It is not alone in the improvement, discipline, and operation of the troops, that these officers are employed. They are also extensively engaged in the administrative and fiscal concerns of the various matters confided to the War Department; in the execution of the staff duties usually appertaining to military organization; in the removal of the Indians, and in the disbursement of the various expenditures growing out of our Indian relations; in the formation of roads, and in the improvement of harbors and rivers; in the construction of fortifications; in the fabrication of much of the *materiel* required for the public defense; and in the preservation, distribution, and accountability of the whole; and in other miscellaneous duties, not admitting of classification.

These diversified functions embrace very heavy expenditures of public money, and require fidelity, science, and business habits in their execution; and a system which shall secure these qualifications is demanded by the public interest. That this object has been in a great measure obtained by the Military Academy, is shown by the state of the service, and by the prompt accountability which has generally followed the necessary advances. Like all other political systems, the present mode of military education, no doubt, has its imperfections, both of principle and practice; but I trust these can be improved by rigid inspections, and by legislative scrutiny, without destroying the institution itself.

Occurrences, to which we as well as all other nations are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced, by the importance of the subject, to bring it to your attention. To suppress domestic violence, and to repeal foreign invasion, should these calamities overtake us, we must rely, in the first instance, upon the great body of the community, whose will has instituted, and whose power must support, the Government. A large standing military force is not consonant to the spirit of our institutions nor to the feelings of our countrymen; and the lessons of former days, and those also of our own times, show the danger, as well as the enormous expense, of these permanent and extensive military organizations. That just medium which avoids an inadequate preparation on one hand, and the danger and expense of a large force on the other, is what our constituents have a right to expect from their Government. This object can be attained only by the maintenance of a small military force, and by such an organization of the physical strength of the country as may bring this power into operation, whenever its services are required. A classification of the population offers the most obvious means of effecting this organization. Such a division may be made as will be just to all, by transferring each, at a proper period of life, from one class to another, and by calling first for the services of that class, whether for instruction or action, which from age is qualified for the duty, and may be called to perform it with least injury to themselves or to the public. Should the danger ever become so imminent as to require additional force, the other classes in succession would be ready for the call. And if, in addition to this organization, voluntary associations were encouraged, and inducements held out for their formation, our militia would be in a state of efficient service. Now, when we are at peace, is the proper time to digest and establish a practicable system. The object is certainly worth the experiment and worth the expense. No one appreciating the blessings of a republican Government can object to his share of the burden which such a plan may impose. Indeed, a moderate portion of the national funds could scarcely be better applied than in carrying into effect and continuing such an arrangement, and in giving the necessary elementary instruction. We are happily at peace with all the world. A sincere desire to continue so, and a fixed determination to give no just cause of offense to other nations, furnish, unfortunately, no certain ground of expectation that this relation will be uninterrupted. With this determination to give no offense, is associated a resolution, equally decided, tamely to submit to none. The armor and the attitude of defense afford the best security against those collisions which the ambition, or interest, or some other passion of nations, not more justifiable, is liable to produce. In many countries it is considered unsafe to put arms into the hands of the people, and to instruct them in the elements of military knowledge. That fear can have no place here, when it is recollected that the people are the sovereign power. Our Government was instituted and is supported by the ballot-box—not by the musket. Whatever changes await it, still greater changes must be made in our social institutions before our political system can yield to physical force. In every aspect, therefore, in which I can view the subject, I am impressed with the importance of a prompt and efficient organization of the militia.

The plan of removing the aboriginal people who yet remain within the settled portions of the United States to the country west of the Mississippi river, approaches its consummation. It was adopted on the most mature consideration of the condition of this race, and ought to be persisted in till the object is accomplished, and prosecuted with as much vigor as a just regard to their circumstances will permit, and as fast as their consent can be obtained. All preceding experiments for the improvement of the Indians have failed. It seems now to be an established fact, that they cannot live in contact with a civilized community, and prosper. Ages of fruitless endeavors have, at length, brought us to a knowledge of this principle of intercommunication with them. The past we cannot recall, but the future we can provide for. Independently of the treaty stipulations into which we have entered with the various tribes, for the usufructuary rights they have ceded to us, no one can doubt the moral duty of the Government of the United States to protect, and, if possible, to preserve and perpetuate, the scattered remnants of this race which are left within our borders. In the discharge of this duty, an extensive region in the West has been assigned for their permanent residence. It has been divided into districts and allotted among them. Many have already removed, and others are preparing to go; and with the exception of two small bands, living in Ohio and Indiana, not exceeding fifteen hundred persons, and of the Cherokees, all the tribes on the east side of the Mississippi, and extending from Lake Michigan to Florida, have entered into engagements which will lead to their transplantation.

The plan for their removal and reëstablishment is founded upon the knowledge we have gained of their character and habits, and has been dictated by a spirit of enlarged liberality. A territory exceeding in extent that relinquished has been granted to each tribe. Of its climate, fertility, and capacity to support an Indian population, the representations are highly favorable. To these districts the Indians are removed at the expense of the United States, and with certain supplies of clothing, arms, ammunition, and other indispensable articles; they are also furnished gratuitously with provisions for the period of a year after their arrival at their new homes. In that time, from the nature of the country, and of the products raised by them, they can subsist themselves by agricultural labor, if they choose to resort to that mode of life. If they do not, they are upon the skirts of the great prairies, where countless herds of buffalo roam, and a short time suffices to adapt their own habits to the changes which a change of the animals destined for their food may require. Ample arrangements have also been made for the support of schools. In some instances council-houses and churches are to be erected, dwellings constructed for the chiefs, and mills for common use. Funds have been set apart for the maintenance of the poor. The most necessary mechanical arts have been introduced, and blacksmiths, gunsmiths, wheelwrights, millwrights, &c., are supported among them. Steel and iron, and sometimes salt, are purchased for them, and plows and other farming utensils, domestic animals, looms, spinning-wheels, cards, &c., are presented to them. And besides these beneficial arrangements, annuities are in all cases paid, amounting in some instances to more than thirty dollars for each individual of the tribe, and in all cases sufficiently great, if justly divided and prudently expended, to enable them, in addition to their own exertions, to live comfortably. And, as a stimulus for exertion, it is now provided by law, that "in all cases of the appointment of interpreters, or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found who are properly qualified for the discharge of the duties."

Such are the arrangements for the physical comfort, and for the moral improvement, of the Indians. The necessary measures for their political advancement, and for their separation from our citizens, have not been neglected. The pledge of the United States has been given by Congress,

that the country destined for the residence of this people shall be forever "secured and guarantied to them." A country west of Missouri and Arkansas has been assigned to them, into which the white settlements are not to be pushed. No political communities can be formed in that extensive region, except those which are established by the Indians themselves, or by the United States for them, and with their concurrence. A barrier has thus been raised for their protection against the encroachments of our citizens, and guarding the Indians, as far as possible, from those evils which have brought them to their present condition; summary authority has been given, by law, to destroy all ardent spirits found in their country, without waiting the doubtful result and slow process of a legal seizure. I consider the absolute and unconditional interdiction of this article among these people as the first and great step in their melioration. Halfway measures will answer no purpose. These cannot successfully contend against the cupidity of the seller and the overpowering appetite of the buyer. And the destructive effects of the traffic are marked in every page of the history of our Indian intercourse.

Some general legislation seems necessary for the regulation of the relations which will exist in this new state of things between the Government and people of the United States and these transplanted Indian tribes; and for the establishment among the latter, and with their own consent, of some principles of intercommunication which their juxtaposition will call for; that moral may be substituted for physical force, the authority of a few and simple laws for the tomahawk, and that an end may be put to those bloody wars whose prosecution seems to have made part of their social system.

After the further details of this arrangement are completed, with a very general supervision over them, they ought to be left to the progress of events. These, I indulge the hope, will secure their prosperity and improvement, and a large portion of the moral debt we owe them will then be paid.

The report from the Secretary of the Navy, showing the condition of that branch of the public service, is recommended to your special attention. It appears from it, that our naval force at present in commission, with all the activity which can be given to it, is inadequate to the protection of our rapidly increasing commerce. This consideration, and the more general one which regards this arm of the national defense as our best security against foreign aggression, strongly urge the continuance of the measures which promote its gradual enlargement, and a speedy increase of the force which has been heretofore employed abroad and at home. You will perceive, from the estimates which appear in the report of the Secretary of the Navy, that the expenditures necessary to this increase of its force, though of considerable amount, are small compared to the benefits which they will secure to the country.

As a means of strengthening this national arm, I also recommend to your particular attention the propriety of the suggestions which attracted the consideration of Congress at its last session, respecting the enlistment of boys at a suitable age in the service. In this manner a nursery of skillful and able-bodied seamen can be established, which will be of the greatest importance. Next to the capacity to put afloat and arm the requisite number of ships, is the possession of the means to man them efficiently, and nothing seems better calculated to aid this object than the measure proposed. As an auxiliary to the advantages derived from our extensive commercial marine, it would furnish us with a resource ample enough for all the exigencies which can be anticipated. Considering the state of our resources, it cannot be doubted that whatever provision the liberality and wisdom of Congress may now adopt, with a view to the perfect organization of this branch of our service, will meet the approbation of all classes of our citizens.

By the report of the Postmaster General, it appears that the revenue of that Department during the year ending on the 30th day of June last, exceeded its accruing responsibilities, $236,206, and that the surplus of the present fiscal year is estimated at $476,227. It further appears that the debt of the Department on the 1st day of July last, including the amount due to contractors for the quarter then just expired, was about $1,064,381, exceeding the available means about $23,700, and that on the 1st instant about $597,077 of this debt had been paid, $409,991 out of postages accruing before July, and $187,086 out of postages accruing since. In these payments are included $67,000 of the old debt due to banks. After making these payments, the Department had $73,000 in bank on the 1st instant. The pleasing assurance is given, that the Department is entirely free from embarrassment, and that by collection of outstanding balances, and using the current surplus, the remaining portion of the bank debt, and most of the other debt, will probably be paid in April next, leaving thereafter a heavy amount to be applied in extending the mail facilities of the country. Reserving a considerable sum for the improvement of existing mail routes, it is stated that the Department will be able to sustain, with perfect convenience, an annual charge of $300,000, for the support of new routes, to commence as soon as they can be established and put into operation.

The measures adopted by the Postmaster General to bring the means of the Department into action, and to effect a speedy extinguishment of its debt, as well as to produce an efficient administration of its affairs, will be found detailed at length in his able and luminous report. Aided by a reorganization on the principles suggested, and such salutary provisions in the laws regulating its administrative duties, as the wisdom of Congress may devise or approve, that important Department will soon attain a degree of usefulness proportioned to the increase of our population and the extension of our settlements.

Particular attention is solicited to that portion of the report of the Postmaster General which relates to the carriage of the mails of the United States upon railroads constructed by private corporations under the authority of the several States. The reliance which the General Government can place on those roads as a means of carrying on its operations, and the principles on which the use of them is to be obtained, cannot too soon be considered and settled. Already does the spirit of monopoly begin to exhibit its natural propensities, in attempts to exact from the public, for services which it supposes cannot be obtained on other terms, the most extravagant compensation. If these claims be persisted in, the question may arise, whether a combination of citizens, acting under charters of incorporation from the States, can by a direct refusal, or the demand of an exorbitant price, exclude the United States from the use of the established channels of communication between the different sections of the country; and whether the United States cannot, without transcending their constitutional powers, secure to the Post Office Department the use of those roads by an act of Congress which shall provide within itself some equitable mode for adjusting the amount of compensation? To obviate, if possible, the necessity of considering this question, it is suggested whether it be not expedient to fix, by law, the amounts which shall be offered to railroad companies for the conveyance of the mails, graduated according to the average weight, to be ascertained and declared by the Postmaster General. It is probable that a liberal proposition of that sort would be accepted.

In connection with these provisions in relation to the Post Office Department, I must also invite your attention to the painful excitement produced in the South by attempts to circulate through the mails inflammatory appeals addressed to the passions of the slaves, in prints, and in various sorts of publications, calculated to stimulate them to insurrection, and to produce all the horrors of a servile war.

There is doubtless no respectable portion of our countrymen who can be so far misled as to feel any other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country, and so repugnant to the principles of our national compact, and to the dictates of humanity and religion. Our happiness and prosperity essentially depend upon peace within our borders; and peace depends upon the maintenance, in good faith, of those compromises of the Constitution upon which the Union is founded.

It is fortunate for the country that the good sense, the generous feeling, and the deep-rooted attachment of the people of the non-slaveholding States to the Union, and to their fellow-citizens of the same blood in the South, have given so strong and impressive a tone to the sentiments entertained against the proceedings of the misguided persons who have engaged in these unconstitutional and wicked attempts, and especially against the emissaries from foreign parts who have dared to interfere in this matter, as to authorize the hope that these attempts will no longer be persisted in. But if these expressions of the public will shall not be sufficient to effect so desirable a result, not a doubt can be entertained that the non-slaveholding States, so far from countenancing the slightest interference with the constitutional rights of the South, will be prompt to exercise their authority in suppressing, so far as in them lies, whatever is calculated to produce this evil.

In leaving the care of other branches of this interesting subject to the State authorities, to whom they properly belong, it is nevertheless proper for Congress to take such measures as will prevent the Post Office Department, which was designed to foster an amicable intercourse and correspondence between all the members of the Confederacy, from being used as an instrument of an opposite character. The General Government, to which the great trust is confided of preserving inviolate the relations created among the States by the Constitution, is especially bound to avoid in its own action anything that may disturb them I would, therefore, call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection.

I felt it to be my duty, in the first message which I communicated to Congress, to urge upon its attention the propriety of amending that part of the Constitution which provides for the election of the President and the Vice President of the United States. The leading object which I had in view was the adoption of some new provisions which would secure to the people the performance of this high duty without any intermediate agency. In my annual communications since I have inforced the same views, from a sincere conviction that the best interests of the country would be promoted by their adoption. If the subject were an ordinary one, I should have regarded the failure of Congress to act upon it as an indication of their judgment that the disadvantages which belong to the present system were not so great as those which would result from any attainable substitute that had been submitted to their consideration. Recollecting, however, that propositions to introduce a new feature in our fundamental laws cannot be too patiently examined, and ought not to be received with favor until the great body of the people are thoroughly impressed with their necessity and value as a remedy for evils, I feel that in renewing the recommendation I have heretofore made on this subject I am not transcending the bounds of a just deference to the sense of Congress, or to the disposition of the people. However much we may differ in the choice of the measures which should guide the administration of Government, there can be but little doubt in the minds of those who are really friendly to the republican features of our system, that one of its most important securities consists in the separation of the legislative and executive powers, at the same time that each is held responsible to the great source of authority which is acknowledged to be supreme in the will of the people constitutionally expressed. My reflection and experience satisfy me that the framers of the Constitution, although they were anxious to mark this feature as a settled and fixed principle in the structure of the Government, did not adopt all the precautions that were necessary to secure its practical observance; and that we cannot be said to have carried into complete effect their intentions

until the evils which arise from this organic defect are remedied.

Considering the great extent of our Confederacy, the rapid increase of its population, and the diversity of their interests and pursuits, it cannot be disguised that the contingency by which one branch of the Legislature is to form itself into an electoral college, cannot become one of ordinary occurrence, without producing incalculable mischief. What was intended as the medicine of the Constitution in extreme cases cannot be frequently used without changing its character, and sooner or later producing incurable disorder.

Every election by the House of Representatives is calculated to lessen the force of that security which is derived from the distinct and separate character of the legislative and executive functions; and while it exposes each to temptations adverse to their efficiency as organs of the Constitution and laws, its tendency will be to unite both in resisting the will of the people, and thus give a direction to the Government anti-republican and dangerous. All history tells us that a free people should be watchful of delegated power, and should never acquiesce in a practice which will diminish their control over it. This obligation, so universal in its application to all the principles of a Republic, is peculiarly so in ours, where the formation of parties, founded on sectional interests, is so much fostered by the extent of our territory. These interests, represented by candidates for the presidency, are constantly prone, in the zeal of party and selfish objects, to generate influences unmindful of the general good, and forgetful of the restraints which the great body of the people would inforce, if they were, in no contingency, to lose the right of expressing their will. The experience of our country, from the formation of the Government to the present day, demonstrates that the people cannot too soon adopt some stronger safeguard for their right to elect the highest officers known to the Constitution than is contained in that sacred instrument as it now stands.

It is my duty to call the particular attention of Congress to the present condition of the District of Columbia. From whatever cause the great depression has arisen which now exists in the pecuniary concerns of the citizens of this District, it is proper that its situation should be understood, and such relief or remedies provided as are consistent with the powers of Congress. I earnestly recommend the extension of every political right to the citizens of the District which their true interests require, and which does not conflict with the provisions of the Constitution. It is believed that the laws for the government of the District require revisal and amendment, and that much good may be done by modifying the penal code, so as to give uniformity to its provisions.

Your attention is also invited to the defects which exists in the judicial system of the United States. As at present organized, the States of the Union derive unequal advantages from the Federal judiciary, which have been so often pointed out, that I deem it unnecessary to repeat them here. It is hoped that the present Congress will extend to all the States that equality in respect to the benefits of the laws of the Union which can only be secured by the uniformity and efficiency of the judicial system.

With these observations on the topics of general interest which are deemed worthy of your consideration, I leave them to your care, trusting that the legislative measures they call for will be met as the wants and best interests of our beloved country demand.

ANDREW JACKSON.

WASHINGTON, *December* 7, 1835.

CREDENTIALS.

Mr. CLAY presented the credentials of the Hon. JOHN J. CRITTENDEN, elected by the Legislature of Kentucky a Senator from that State, to serve for six years from the 4th of March last; which were read; and the usual oath to support the Constitution of the United States was then administered to Mr. CRITTENDEN by the Vice President.

OBITUARY.

Mr. TOMLINSON rose and said:

Mr. PRESIDENT: It has become my painful duty to announce to the Senate the death of the Hon. NATHAN SMITH, late a Senator from the State of Connecticut.

Arriving in this city apparently in the full possession of all his powers, my colleague and friend interchanged the kind salutations appropriate to the occasion with the cordiality and frankness and vivacity which characterized his social intercourse, and secured the attachment and confidence of those with whom he was intimately associated. He retired to rest on Saturday evening, as far as was observed, in the enjoyment of his accustomed health and spirits. Feeling indisposed, he rose from his bed, and obtained the advice of a medical friend, who subsequently left his apartment without the slightest apprehension of a fatal result. In a short time his altered appearance caused alarm, and his friend was again called. On his return, the heart had ceased to beat, and he expired in his chair on Sunday morning, about half past one o'clock, without a struggle or a groan. Thus unexpectedly and awfully was our late associate and friend summoned from a state of probation and trial into the presence of the Divine Redeemer and Judge, in whom he devoutly professed to believe and trust. May this renewed demonstration of the solemn truth, that in the midst of life we are in death, produce its proper effect on our hearts and lives, and be instrumental in preparing us for the judgment to come and the retributions of eternity.

The afflictive event which has cast such a gloom over this body cannot fail to excite profound sensibility and regret throughout the Union, as well as in the native State of the deceased, where he had long been ranked among her most able and distinguished lawyers and statesmen. While we lament the inscrutable providence with humble submission, it becomes us to be still—knowing that the destinies of men and nations are in the hands of an omnipotent and holy God, whose dispensations are merciful and right.

With the Senate, sir, I leave the adoption of the measures requisite to manifest its highest respect for the character and memory of the deceased.

Mr. SWIFT then submitted the following resolutions; which were unanimously adopted:

Resolved, That a committee be appointed to take order for superintending the funeral of the Hon. NATHAN SMITH, which will take place to morrow at twelve o'clock; that the Senate will attend the same, and that notice of the event be given to the House of Representatives.

Resolved, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the Hon. NATHAN SMITH, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing crape round the left arm.

Resolved, That, as an additional mark of respect for the memory of the Hon. NATHAN SMITH, the Senate do now adjourn.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 8, 1835.

Messrs. JACKSON of Massachusetts, GALBRAITH of Pennsylvania, and TURNER of Maryland, appeared, and were qualified.

COMMITTEE REPORT.

Mr. THOMSON, of Ohio, from the Joint Committee appointed to wait upon the President of the United States, and inform him that the two Houses of Congress having assembled and formed quorums, were ready to receive any communication which he might desire to make, reported that the committee had performed the duty assigned, and were informed that the President would communicate to each House, at twelve o'clock this day, a message in writing.

NEWSPAPERS FOR MEMBERS.

On motion by Mr. WARDWELL, the usual order for supplying the members with newspapers was adopted.

PRESIDENT'S MESSAGE.

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary; which was read:

[The message will be found in the proceedings of the Senate.]

Mr. BEARDSLEY submitted a resolution, committing the message to a Committee of the Whole on the state of the Union; and that ten thousand copies, together with the accompanying documents, be printed for the use of the members of this House; which was agreed to.

REPORT ON FINANCES.

The SPEAKER laid before the House the annual report of the Secretary of the Treasury on the state of the finances. It is as follows:

TREASURY DEPARTMENT, *December* 8, 1835.

In obedience to the directions of the "act supplementary to an act to establish the Treasury Department," the Secretary of the Treasury respectfully submits to Congress the following report:

1—*Of the Public Revenue and Expenditures.*

The balance in the Treasury on the 1st of January, 1833, was		$2,011,777 55
The actual receipts into the Treasury during the year 1833 from all sources were		33,948,426 25
Making the whole amount in the Treasury in that year		$35,960,203 80
The actual expenditures during the same year, including the public debt, were		24,257,298 49
Hence, the balance in the Treasury on the 1st of January, 1834, had increased to		$11,702,905 31
In addition to this balance, the receipts from all sources during the year 1834 were		21,791,935 55
Viz:		
From customs	$16,214,957 15	
From lands	4,857,600 69	
From dividends on bank stocks, &c.	234,349 50	
From sales of bank stock	352,300 00	
From incidental items	132,728 21	
These, with the above balance, made an aggregate of		$33,494,840 86
The expenditures during 1834 on all objects were		24,601,982 44
Viz:		
Civil list, foreign intercourse, and miscellaneous subjects	$4,404,728 95	
Military service, including fortifications, ordnance, Indian affairs, pensions, arming militia, and internal improvement	10,064,427 88	
Naval service, including gradual improvement	3,956,260 42	
Public debt	6,176,565 19	
This being an excess of expenditure over the receipts of $2,810,046 89, a balance was left in the Treasury on the 1st of January, 1835, amounting to only		$8,892,858 42

For the details of the receipts and expenditures in 1834, reference is made to the annual account thereof, which is this day submitted to Congress in a separate communication, accompanied, as will be seen, by similar details of the receipts and expenditures for the three first quarters of the year 1835, and of the whole estimates for 1836.

The receipts into the Treasury, ascertained and estimated during 1835, are computed to be $28,430,881 07. Of these, the actual receipts during the first three quarters are ascertained to have been $23,480,881 07, viz:

From customs	$13,614,489 26
From lands	9,166,590 89
From dividends on bank stock	506,480 82
From sales of bank stock	62,800 00
From incidental items	130,520 10
	$23,480,881 07

Those during the fourth quarter, it is expected, will be $4,950,000.

Thus, with the balance on the 1st of January, 1835, they form an aggregate of $37,323,739 49.

The expenditures of the whole year are ascertained and estimated to be		$18,176,141 07
Of these, the expenditures during the first three quarters are ascertained to have been,		13,376,141 07
Viz:		
Civil list, foreign intercourse, and miscellaneous	$2,827,196 16	
Military service, including fortifications, &c.	7,555,819 41	
Naval service, &c.	2,929,219 39	
Duties refunded	4,756 04	
Public debt	59,150 07	
		$13,376,141 07
The expenditures for the fourth quarter it is expected will be		4,800,000 00
Thus leaving on the 1st of January, 1836, subject, however, to the deduction hereafter mentioned, an estimated balance of money on hand equal to		19,147,598 42
This includes what has heretofore been reported as unavailable funds, now reduced to about $1,100,000, making the computed available balance on the 1st January, 1836,		$18,047,598 00

On that are already imposed by Congress the following charges, by current and permanent appropriations, which have not yet been expended.

First, of former appropriations, except those towards the sinking fund, it is supposed that there will remain unexpended at the close of the present year the sum of $8,126,794.

Of that amount it is computed that only $7,306,765 will be required to accomplish the objects intended by them, leaving $344,707 to be applied in aid of the appropriations for the ensuing year, without reappropriations, (as will be seen in the estimates,) and the balance of $475,322, which has not been required, either at all, or seasonably, for the objects contemplated in its appropriation, will, therefore, be carried to the surplus fund. Secondly, on what is properly embraced in the appropriations towards the sinking fund, there is an outstanding charge of about $253,556, for unclaimed interest and dividends on the funded debt, and of $37,233 for unfunded debt.

These, though chargeable on the Treasury, under existing acts of Congress, and subject at any moment to be demanded, are not all likely to be called for immediately, if ever.

Computing, however, all the existing charges of every kind on the Treasury at the end of the present year to be about $7,595,574, the balance of available funds then on hand would, it is estimated, be sufficient to meet the whole at once, and leave, to be hereafter applied by Congress to new and other purposes, the sum of about $10,450,024.

The next subject deserving consideration is the action of this Department since the last report in relation to the final extinguishment of the

II.—*Public Debt.*

Before the close of the year 1834, ample funds were deposited with the United States Bank, as Commissioner of Loans, to discharge all the public funded debt which was then outstanding.

Of the funds so deposited heretofore, and still unclaimed by the public debtors, there remains in the possession of the bank the sum of	$143,570 63
Since the 1st of January, 1835, there has been paid from the Treasury of interest and dividends outstanding, and before unclaimed, on the funded debt, the sum of	60,000 00
There still remains of the same debt, due and unclaimed, but ready to be paid whenever demanded, an amount equal to about	253,556 00
Similarly situated is a small unfunded debt of	37,513 05
Which may hereafter be claimed, and on which has been paid during the past year only	220 00
It consists of claims, registered prior to 1798, for services and supplies during the revolutionary war, equal to	27,437 96
Treasury notes, issued during the war of 1812,	5,755 00
And Mississippi stock	4,320 09

III.—*The Estimates of the Public Revenue and Expenditures for the year* 1836.

The receipts into the Treasury from all sources during the year 1836 are estimated at		$19,750,000
Viz:		
Customs	$15,250,000	
Public lands	4,000,000	
Bank dividends and miscellaneous receipts	500,000	
To which add the balance of available funds in the Treasury on the 1st of January, 1836, estimated at		18,047,598
And they make together the sum of		$37,797,598
The estimates of expenditures, submitted for all specified objects, both ordinary and extraordinary, for the service of 1836, and including the contingent for the usual excesses, are		$23,133,640
The expenditures during that year for specified ordinary purposes are estimated at		26,756,815
Thus the permanent and new appropriations for those purposes required for the service of that year are estimated at		16,412,108
Under former appropriations there is included in the estimates for 1836 a sum proposed to be used for the service of 1836, without reappropriation, equal to		6,344,707
And these two sums amount to the beforementioned aggregate of		16,756,815
They are divided among the different branches of the public service as follows, viz: new appropriations for civil, foreign intercourse, and miscellaneous items		3,041,081
Military service, pensions, &c		8,602,319
Naval service and gradual improvement		4,768,708

Previous appropriations to be used for 1836, for civil, &c., $5,192; for military, &c., $339,515. By virtue of former acts of Congress there will probably be wanted, during 1836, for the payment of interest and dividends unclaimed on the funded debt, and of unfunded debt itself, yet unpaid, the sum of $50,000.

To these add such contingent excesses of new appropriations by Congress for ordinary purposes as are not included in the estimates, but which are likely to be deemed proper by that body, and the grounds of which were explained in the last annual report, $3,000,000. The estimates of expenditures in 1836, for extraordinary purposes, which are submitted in connection with the military and the naval services, amount to $3,326,825. Making, as estimated for the service of 1836, all the new appropriations of every kind, specifically called for, to be $17,515,933; and all the expenditures of every kind, for the service of the same year, to be in the aggregate $23,133,640.

On the supposition that the appropriations outstanding and unexpended at the ends of the years 1835 and 1836 will be similar in amount, this would leave an available balance in the Treasury at the close of the year 1836, or on the 1st of January, 1837, estimated at about $14,500,000, provided the receipts be as computed, and Congress make no larger appropriations for extraordinary or other purposes at their present session than those enumerated in the estimates submitted. From this amount, after deducting about eight millions to pay the outstanding appropriations, to which the Treasury will then probably stand pledged, there will be left, at the close of 1836, a net balance of only from six to seven millions applicable to any other use, which Congress may now, or then, be pleased to designate, instead of about ten and a half millions, the net balance estimated to be left so applicable at the close of 1835. In other words, the expenditures will in the ensuing year, for only the objects specified in the estimates, probably exceed the receipts in that year about four millions of dollars, and thus to that extent reduce the balance now on hand.

IV.—*Explanations of Estimate for* 1836, *with some suggestions on the probable changes till* 1842.

The basis on which the above estimates rest will now be exhibited and explained.

In the peculiar condition of the country at this time, without any debt to absorb our surplus receipts, and amidst the great changes which have recently happened, and will probably continue to happen, in our whole revenue and expenditures, till after the essential alterations made by existing laws shall cease in 1842, this Department feels bound to enter more into detail than usual concerning the grounds of its estimates, and to disclose more fully every material consideration which has led it to the results presented. Congress will thus be better enabled to judge of their accuracy and to correct any unintentional errors. For convenience in reference, a tabular statement is annexed (A) which presents separately for 1833, 1834, and 1835, so far as the last is ascertained, the general estimates in one column, the actual appropriations in another, and the expenditures in a third. To these are added, in other columns, the whole revenue, with the exports and imports for each of those years. For a similar reason the Register has been requested to have the detailed estimates for 1836 prepared with a second column, showing against each the actual appropriation in 1835 towards a like object.

Explanation of the Estimates of Receipts from Customs.

In respect to the estimated receipts in the Treasury for 1836, so far as derived from customs, they have been computed on an importation of foreign merchandise, expected to be near the average of the last three years, but much less than the importation of the year ending September, 1835.

Under our present system of revenue, derived usually in the ratio of three fourths to six sevenths from customs, the amount of imports have a very important bearing on our whole receipts. The amount of exports is likewise material, as in some degree influencing the imports, and in the present condition of the country throwing much light on its great agricultural prosperity, and furnishing, with the others, highly useful indications concerning the extent and increase of our foreign commerce.

The imports during the year ending September 30, 1835, are ascertained and estimated at $151,030,368.

They show, compared with the preceding year, an increase of $24,509,036. Those during the three past years have on an average been about $128,556,670.

The exports during the past year are ascertained and estimated at $118,955,239; of these $98,531,026 were in domestic, and $20,424,213 in foreign products. Compared with the preceding year they exhibit an increase of $14,618,266.

As some evidence that our estimates of the whole importations the ensuing year are founded on correct data, it appears from a document annexed, (C,) giving the amount from 1790, that they have constantly and sometimes largely fluctuated between particular years, though, comparing most terms of a few consecutive years with former ones, they have generally increased. Thus the whole imports during the five years prior to 1835 exceeded those of any former period of similar length by nearly fifty millions, except on one occasion, almost thirty years since, when they approached near, and another, about twenty years since, when they exceeded, their recent amount; in consequence, at the former period, of our extraordinary share in the carrying trade, and at the latter one, of the large demands to supply the deprivations which had been caused by war, and to meet the increased calls of numerous new commercial enterprises, fostered by returning peace. But the very fact of our recent importations having been so large, is one of the causes why a considerable diminution in the whole amount in 1836 is anticipated. Some further causes will hereafter be specified, in connection with other considerations, which, it is believed, will tend to produce the same conviction. When we proceed to examine the free or dutiable character, rather than the amount of our imports during only a few years past, with a view to estimate more critically the revenue which will probably be received from them in 1836, and to form some general conjectures upon the subject thence forward to 1842, it is a fact, deserving careful notice, that while the whole amount of imports has for some years been increasing, that portion paying duties has greatly diminished, and at the same time the portion exported and entitled to drawback has not diminished in a similar ratio.

A statement is subjoined, which furnishes important details on this point since the late great changes in the tariff, (B.)

The general results from them are, that while the importations paying duties have fallen off in 1833 about eleven millions, and in 1834 about seventeen millions more, and the free goods increased in even larger proportions, the exportation of dutiable articles has fallen off in the corresponding years only about six and two millions, leaving the actual consumption in the United States of such foreign merchandise as pays duties at little more than one third of our whole imports, and quite twenty millions less than in 1832. This computation as to the consumption is made on the probable hypothesis that the stock of such merchandise on hand remained about the same at the close of each year, which, though not correct in some single years, on account of war and various vibrations in trade, would, in any series of a few years, be near the truth. The importations, however, in 1835, and especially in the last quarter, as they have been unprecedentedly large, exceeding, it is computed, in that alone, more than fifty-three millions, and mostly not yet consumed, may be thought to constitute some exception to the above rule; and hence, coupled with the fact that the returns are still incomplete, and depend, in part, on estimates, their amount and character have not been introduced into this comparison. But they are inserted in the table as far as ascertainable, and if considered without any unusual limitations or deductions, would show a great fluctuation in the consumption, both of all foreign merchandise and of that which is not free.

The rate of duty has in many articles been so essentially reduced or entirely removed, as to lessen the whole receipts from customs over twenty-four millions in the last two years, and produce most of the above differences in the character of our imports. With a view to enable

Congress to form a just estimate of the probable receipts from customs the ensuing year, there should be made, to any changes occasioned by the above causes, such additions and diminutions for the past and the future as are required by the difference which often happens between the amount of duties accruing and the amount actually received in any particular year.

In some instances this difference happens by large changes in the amount of bounties paid or duties refunded; or, as in 1833, by the substitution of cash duties for credits, and by giving short instead of longer credits; and in others, by the bonds due after the commencement of some years, as in 1834, having been larger in amount than in 1835, some having been given for duties on certain articles which afterwards became free, and others having been given for more duties on the same kind and amount of articles before the biennial reduction took effect than they were subject to afterwards. Without new legislation, however, none of these circumstances, except the last one, can operate much hereafter till 1842; and the effect of that will generally not exceed a quarter of a million of dollars, and is a gain to be felt not till 1837. Another difference arises sometimes from larger collections of old debts due for customs, as when in 1835, but not anticipated in 1836, nearly one quarter of a million has been collected on a single claim, originating as long as ten years ago, independent of many smaller collections on still older claims. The only remaining difference of much importance in our receipts from customs the ensuing year, compared with the last one, will probably result from the biennial reduction in duties of nearly one million dollars, which the existing laws provide shall take place after the close of the present month. This reduction of duties might, under some circumstances, be chiefly obviated by an increased importation and consumption of foreign merchandise. But it has been already stated that the whole importations were, of late, so unusually large, as, with other causes hereafter explained, not only to forbid any reasonable expectation of their increase in 1836, but to render a reduction probable; and, it is further believed, a careful inquiry will show, that the consumption of all kinds of foreign merchandise in the United States has generally enlarged in a smaller ratio than is supposed by many, and especially that the use of such as pays duties, which is the cardinal tests of our receipts from customs, will rather lessen than increase in 1836, and be not materially enlarged until after 1842. By the table before referred to, (C,) which is the most accurate the records of the Treasury enable me to prepare, it will be seen what our consumption of foreign merchandise of all kinds has been during each of the last forty-five years. By comparing, not single years with others, but a series of three years, as, for instance, 1792, 1793, and 1794, with other similar series after intervals of ten years, and paying less regard to the first and third series, as the former rests on estimates made now, and not on valuations at the time, and the latter, being in a period of war, is too irregular for a guide, it appears that the average increase of consumption of all foreign merchandise has not been three per cent. annually in the last thirty years, and has been not equal to the increase of our population during the same period by over one and a half per cent. While the increase of the latter has also been very uniform, varying between every census, and for the whole time very steadily, between four and a half and five per cent., that of the former has fluctuated largely, rising under the great impulse given to credit, industry, and enterprise by the adoption of our Constitution to near seven per cent. yearly, during most of the first ten years, and then falling to only about one per cent. the next twenty years. After that, by one of those customary tides in trade which almost periodically occur soon after checks to overtrading, an exhaustion of old stock of goods, and enlarged means to purchase, from abundant crops, their high prices, or any other cause, the rate of increase in consumption rose again; and by reason of so many free goods, and especially the unprecedented imports of specie in 1833 and 1834, amounted, on an average, during the last ten yeats, to four per cent. annually. Deduct, however, that excess of specie alone, and the increase would not much exceed three per cent. on the consumption of all kinds of foreign merchandise; while on that of such merchandise as pays duties, there has, as before detailed, been a great decrease; and there is no likelihood of much permanent increase till the whole importations shall be greatly augmented, or the tariff be again extended to a larger list of articles. By the customary reflux of that tide from opposite causes, and the greater substitution of some kinds of domestic products, it is believed that the above rate of increase as to all foreign articles will again soon decline, and probably remain much below that of our population, until new legislation, or the essential alterations now going on in the tariff, shall materially enlarge the amount of goods paying a low duty. As the capacity of the country to purchase foreign goods will, all other things remaining equal, be then enlarged in the ratio of what it does not pay for duties, such alterations, when their influence shall be fully felt in 1842, will, as the great alterations in 1832 and 1833 have already done, doubtless tend again to augment somewhat the whole importations and consumption of foreign articles. Another comparative view, perhaps more striking, of this consumption is, that according to the value of the articles as estimated at the custom-house, its average amount in 1790 and 1791 was about seven dollars per head to our population; in 1800 and 1801, over ten dollars per head; in 1810 and 1811 about seven; but in 1820 and 1821, only about six; and in 1830 and 1831, only about five, or one half of what it was thirty years before. This great difference has probably arisen not only from the increased domestic production of certain manufactures, such as cottons, woolens, salt, and iron, and of some articles more immediately connected with agriculture, such as sugar and molasses, but from a fall in the prices of many articles, making the value less of a similar quantity consumed, and from the greater extension of our population into the West, where the independent habits of the people, and the comparatively enhanced cost of foreign articles, would tend to cause a smaller consumption of them than near the sea-board, where the price is lower, and it is customary to depend more on foreign supplies.

It will be noticed that all the above computations have been made of the value, and not the quantities of the article consumed. The latter would be more difficult to exhibit in so great detail and fullness. But if they could be, the result would, in a view connected with political economy, be more satisfactory, as showing more clearly the comparative habits of our population at different periods; because prices, especially of some manufactures, have fallen during the last forty years probably, on an average, over fifty per cent., and our whole consumption of foreign articles has, without doubt, diminished more in value than in quantity.

But the difficulties before-mentioned have prevented any further exhibit, coupled with the circumstance, that in respect to the amount of duties the inquiry now most pertinent and material, the result, in the present state of the tariff, would be much less important than some might at first imagine, as it would be wholly unaltered in all cases of specific rates of duty, whether the values or the quantities be detailed in the statements, and equally unaltered in over half of all the foreign goods now imported, they being at present free, and the rate of increase in their consumption by additions to our population, or other causes, having no influence whatever on the revenue.

Hence, in looking to the future, it is essential to notice that, if the increase in the consumption of all foreign goods should continue to be on an average till 1842, as large as during the last thirty years, it would only add yearly about one and one quarter millions to the imports of goods which are now dutiable, and on which the average revenue would not probably exceed two hundred and fifty thousand dollars per annum. But it is presumed that the increasing substitution in our importations for consumption of free for dutiable goods, when the former will answer the desired purposes of the community, will, on account of their comparative cheapness, make the free rather than the dutiable goods usually increase, and be frequently in a ratio quite large enough to counteract or neutralize the effects of any tendency to augment the revenue by an increased consumption of all kinds of foreign goods.

The commercial returns for 1835 were not received so as to be used in any of the above computations; but, so far as now ascertained and estimated, they are given in the table, and furnish another illustration of the fluctuating character of our foreign trade, and the uncertainty of any statements founded on it which do not extend to comparisons of various and distant periods of time.

The exports of domestic produce the ensuing year will, as before remarked, exert some influence on the amount of importations, and hence on the revenue from customs; but the effect of those exports on our importations for immediate consumption, including all but specie and other articles to be again exported, will, in reality, always be less than is sometimes supposed; provided the domestic supplies of similar articles should, as of late years, continue rapidly to increase, and should prove to be equal in quality, and not higher in price, than similar ones imported from foreign nations. In that event, though the ability of the people to buy foreign goods will fortunately be greater, where the exports are large, yet the permanent returns from abroad will generally be more in money to be expended at home, and less in goods to be consumed. But the diversity of opinion which exists concerning some of these considerations has led me to submit the document annexed, (D.)

From this it appears that our whole exports, of every kind, in the last five years, including the estimates for 1835, have not exceeded those, during a similar term, from 1803 to 1807 inclusive, but about forty millions, and being an excess no larger than at most intervening periods, while an extraordinary increase has taken place in our exports of domestic products, exceeding in value those during that term more than one hundred and fifty millions, and being quite double the excess at most intervening periods. Indeed, it will be seen that they have been almost a hundred per cent. larger than they were in any similar term of years previous to 1816, and have exceeded those during such a term only ten years ago, by the sum of about one hundred and fifteen millions, a difference greater than the whole amount of all our exports of domestic products during the first five years under our present form of Government. The recent average rate of increase in these exports, however, has not been large, independent of the article of cotton; nor is it likely to augment during the few ensuing years. Adopting a comparison between every term of ten years, from 1792-'3, and '4, to 1832,-'3, and '4, and including all articles, it appears that the whole exports of domestic produce exhibit an increase in the last thirty years of less than three per cent. annually, or a rate considerably lower than that of our population, though, in the previous term of ten years, by the great prosperity from our new form of Government, and the rapid progress in the cultivation of cotton, that increase was near eight per cent.; and in the high price and large exports of this article in the last term of ten years it has been about five per cent. annually. But as that price has of late been unusually high, and is now lower, and as the demand for cotton abroad in the ensuing year is not likely to exceed, if it equals, the late customary ratio, and on which some interesting facts may be seen in the statement annexed, (E,) the value of our whole domestic exports (over one half of which now consists of cotton) will probably be less in 1836 than in 1835. This result, therefore, fortifies rather than impairs the correctness of the diminished estimate of our whole importations in 1836, and of the anticipated receipts of duties therefrom.

On the whole, then, as the biennial reduction in those duties which exceed twenty per cent. takes place on the 31st instant, and will amount to near one million dollars, as in the ensuing year, the whole importation will, by the estimates, be less, and the consumption of foreign articles paying duties is for that and other reasons not likely to increase, it results, from these and some circumstances before mentioned, that the whole amount

of revenue which will be received from imports during the year 1836 will probably be from one to two millions less than in 1835. If we look forward to 1842, when the tariff is, by our present laws, to undergo a great change, and if we regard, in the intervening time, the probable exports of domestic produce and imports of foreign merchandise, or the presumed consumption of that small portion of the latter paying duties, it may fairly be concluded that, after making due allowances as to all these, on account of our increasing population and wealth, and deducting those allowances from the biennial reduction, not only will the revenue accruing from customs probably diminish at the average rate of about one third of a million per annum, or near two thirds of a million every second year, until the 1st of January, 1842, but then, at one blow, over two and a half millions more of the duties above twenty per cent. are to be struck off; and on the 1st of July, the same year, over two and a half millions more, and some new articles, for the first time, be rendered entirely free. All the reduction which is to take place in that year alone will thus amount o between five and six millions of dollars; and the whole annual revenue from customs will, by 1843, have probably fallen to about nine, instead of its present amount of about seventeen millions of dollars.

Explanation of the Estimates of Receipts from Lands.

The revenue from lands the ensuing year has been estimated at $4,000,000. In submitting the estimates for 1835, the amount expected to be received from this source, was, for reasons then stated, calculated half a million higher than it had ever been before, and was described as still too low, if the Department had not anticipated that large sales would be made for the Indians, the proceeds of which were not to go into the Treasury for public uses. But these last sales, delayed till the first month in the next year, have unexpectedly given place to others, all whose proceeds have so gone into the Treasury. This change, with the operation, in such unexampled force, of the circumstances detailed in those reasons, aided by such an eager thirst for the investment of surplus capital in new lands, and the bright prospects of large profits from their immediate cultivation for cotton in the southwest, with the extraordinary number of preëmption claims allowed, has caused the actual receipts from their sales during the year 1835 to exceed those of any previous year, by the sum of probably more than six millions of dollars.

From the fact that many of these sales have not been made to actual settlers, and that much of the land thus sold will remain in the market to aid in supplying hereafter such purchasers—from the probability that some diminution in the price of cotton, with the increased cost of labor, will lessen somewhat the ardor for new investments in land in the southwest—from the circumstances that much fewer preëmption claims exist, and that fewer public sales of lands whose proceeds belong to the Government, by over two millions of acres, will be advertised the ensuing year—and from the presumption that the surplus capital to be reinvested, derived from the final payment of our public debt, and from the unusually great exports the last two years, will be reduced, it has not been deemed safe to estimate the receipts, for public purposes, from sales of land in 1836, at more than $4,000,000.

Besides those receipts, the sales of the Chickasaw lands, postponed, as before remarked, to the ensuing year, will probably be considerable, as the quantity offered will be about six millions of acres; and though by treaty, the proceeds of them must be invested for the Indians, yet the sales will, to their extent, diminish the demand for other lands, whose proceeds would go into the Treasury. In looking beyond the next and a few succeeding years, as connected with this subject, it is true that the whole lands still owned by the United States, within the boundaries of the present States and Territories, exceed the vast quantity of three hundred and thirty millions of acres; and, west of Missouri and Arkansas, perhaps seven hundred and fifty millions more, of which only seventy or eighty millions have yet been specially assigned to the Indians, or in any other way absolutely appropriated. But though three hundred and thirty millions of acres would alone be enough in quantity, at even the rate of the recent large sales, to continue, for a considerable time, to yield an important share of revenue, it must be remembered that the demand for it will be limited generally by the extent of the increase of our population and capital; and that large portions of it, perhaps one fourth, ought to be deemed waste and water; and probably half of it, as well as much of that which lies west of the present States and Territories, be considered of such an inferior quality, that it cannot be sold for cultivation till our population reaches an amount and density which will probably require ages to effect. In illustration of some of these views, it is a remarkable fact, that, of the whole quantity of land surveyed and offered at public sale, from 1789 to 1834, being about one hundred and twenty-two millions of acres, not one third of it has been sold for any purpose whatever; and that the whole receipts, being a little under fifty millions of dollars, from the whole sales of public lands during that period, have furnished only a small amount, not exceeding three or four millions of net revenue, beyond the whole cost, in various ways, attending their purchase and management.

But a considerable net revenue from them, hereafter, if neither given away nor divided, can with safety be expected; and they would then tend to furnish that relief under the common burdens, and that aid towards the common and legitimate objects of the Union, which were intended to be promoted by their original cession to the General Government. The present rate of increase in our population engaged in agricultural pursuits will not, it is presumed, for six or seven years, create a regular annual demand for immediate cultivation of over one million of acres of the public lands; and it is calculated that from two to four millions more will be bought yearly for investment of capital and resale.

The estimate for that time proceeds on the probable presumption that no very large portion of our old cultivated lands will be wholly abandoned, and that the new lands annually put into cultivation in the whole Union have been, and will be, to the amount of quite one half those bought by the actual settlers, not directly of the United States, but of the several States, or of individual owners. As the wild lands owned by several of the States, and by companies or individuals, whether belonging to them through gift, sale, or otherwise, from either former Governments or the United States, shall increase or diminish in quantity and price, the new sales by the United States are likely to be less or more, and the above proportions to become by those, as well as by numerous other circumstances, somewhat affected. The whole sales of public lands for speculation and investment, as well as for immediate cultivation, will, therefore, from various causes, some of which have already been specified, probably fluctuate between two and five millions of acres, producing from three to six millions of dollars a year, till 1842, and indeed not often exceeding the maximum till most of the rich soils are gone.

A document has been carefully prepared, (F,) which, in some degree, verifies these general views, as it shows that the whole sales to the close of 1834, deducting about six and one third millions of acres, which reverted under our former system, have only been about thirty-seven and a half millions of acres during forty-five years, or on an average only of about three fourths of a million of acres yearly, for immediate cultivation and every other purpose. This quantity sold, with about sixteen millions given away as bounties in the last war, and for schools, colleges, internal improvements, and other public objects in the new States, being together almost half as much as all the States would, through the whole time, be taking from the public lands by both gift and sale, and for all purposes, little more, if any, when compared with our population and the additions to it at different periods, than three millions of acres would annually be now. It may be instructive, in respect to the estimate of our future proceeds from lands, to recollect that after the present system commenced, the sales never amounted in fact to one million of acres a year till 1815, nor to two millions a year till the temptations of the credit system, and the great rise in the price of cotton to twenty-six and thirty-four cents per pound, induced larger purchases, extending to over two millions of acres in 1817, and about five and a half millions in 1819; and thus even fifteen years ago exceeding in quantity, by nearly a million of acres, the large sales of 1834, and exceeding them in the sum promised to be paid by the almost incredible amount of more than twelve millions of dollars. But the fall of cotton in 1820, to only about half its former price, combined with other causes, left the purchasers in debt to the Government over twenty-two millions of dollars, and with the change from the credit to the cash system, reduced the sales again to much less than a million of acres a year, caused nearly six millions of the former sales to revert, and kept them down to less than a million in every year after, till the rise of cotton in 1825 gave a new impulse, which being aided by other powerful causes, the sales gradually enlarged till they reached a million again in 1829. Since that, increasing still more rapidly, they have exceeded, during 1834, four millions of acres, and during 1835, probably nine millions. Among those other causes, the more extensive introduction of steam power on the western rivers and northern lakes, with the public improvements in their navigation, and the increased facilities of intercourse by railroads and canals, have of late added much to the sales of the public lands beyond previous years, and beyond the proportional increase of population. To the force of this, causes have been joined, during the last three years, as formerly suggested, the effect of the pre-emption law, the increase in the price of cotton, and the unusual abundance of surplus capital in 1835, seeking new investments. But much of the great difference to be produced by these causes has, perhaps, happened already. What extraordinary increase of population and demand for new lands in the United States may hereafter occur by emigration from Europe, compared with former years, must depend on so many contingencies both here and there, such as good or bad governments, prosperity or decline of manufactures, and a taste for emigration to new lands in other quarters of the world, as at present to prevent any person from making a safe estimate.

Difficulties in Estimates as to Customs and Lands.

Comparative and speculative views, connected with the subject of our receipts from customs and lands, could be further extended, but their practical utility might be deemed problematical, as sufficient is believed to have been already stated for all general purposes. Greater confidence is felt in the estimate submitted for the receipts from customs in 1836; as that offered last year for 1835, founded on somewhat similar data, has not varied from the ascertained and estimated actual receipts over a million of dollars; but the actual receipts from lands have, for the various reasons before explained, differed largely, and, united with the failure to pass some usual and anticipated appropriations at the last session of Congress, have caused most of the increased surplus now in the Treasury. The difficulty in attaining much certainty in estimating the receipts from either customs or lands in any particular year in a country so new, enterprising and prosperous as ours, has ever been considerable, in addition to the fluctuations we always shall be liable to from short crops, pestilence and war. But this difficulty will be more strikingly exemplified till 1842, under the material alteration from credit to cash payments, and under the continued biennial changes to which the tariff is now subjected. It was shown in 1822, in a report of a Committee of the House of Representatives, that from 1802 to that time, the estimates of our whole receipts differed, either by excesses or deficiencies, from the actual receipts in different years, from one to forty-three per cent; and in customs alone, from three to seventy-three; being an average of about sixteen per cent. per annum. The difference since 1822 has been carefully examined, and is found to vary from less than one per cent. to over forty-one, and averages annually about thirteen per cent. But the effects of the irregularity

of our actual receipts into the Treasury in any particular year, whether over or under the estimates, were less noticeable, and were of less comparative importance before the final payment of the public debt at the close of 1834; as that payment, from time to time, corrected any irregularity, and superseded what will often hereafter be inevitable without due precaution—the necessity of a resort to new legislation whenever any considerable excess or deficiency happens to occur in the whole revenue. Besides what has already been remarked on the influence which the increased cultivation of cotton in this country has in various ways exercised, and is likely to exercise hereafter, in our revenue from customs and lands, it might be made a subject of further and very interesting inquiry in connection with the uncertainty of the estimates on those subjects, affecting, as that cultivation does, more remotely, not only our revenue from lands and customs, but the balance of trade and the export of specie, as well as the continuance, by means of mutual dependence among great interests, of many of our peaceful and prosperous relations both at home and abroad. But without entering, on this occasion, into further details concerning any of these points, it may be mentioned, as a very striking result connected with the last one, and as furnishing a strong presumption in favor of greater exemption hereafter from fluctuations by war and commercial restrictions, that while the quantity of cotton exported from this country has increased from half a million of pounds in 1790 to over three hundred and eighty millions in 1835, and has exceeded in value, during six of the last ten years, all our other exports of domestic products of every description, the manufacture of it at home, and chiefly in the northern States, has increased, from consuming only a few bales more, to ninety millions of pounds yearly, and to that extent creates a new and strong bond of reciprocal advantage and harmony; and that while we now furnish, instead of the small quantity in the first years of our Government, quite fifteen sixteenths of the whole consumption of raw cotton by England, and seven tenths of that of France, all the present exports of it to Europe, from all the rest of the world, do not probably equal, if those two nations could obtain the whole, one third of what they now consume, or one fourth of what they now import from the United States alone. And thus, while neither of them produces any of the raw article, except a little in some remote dependencies, they have an annual manufacture now relying on it, and chiefly on the United States, equal in France to eighty millions of dollars, and in England to one hundred and eighty millions of dollars, and constituting in the latter, after it supplies her own large necessities at home, over one half in value of her great annual exports to all quarters of the globe.

Explanation of estimated Receipts from Miscellaneous Sources.

The estimate of receipts from bank dividends has been made at the usual rate, computed on the present amount of stock still owned by the United States, independent of what belongs to the Navy pension fund. Should the bank divide a part of its capital after the 3d of March next, and before the close of the year 1836, the dividends received for interest or profits will probably be somewhat lower; but, on the other hand, there will then be received into the Treasury, instead of them, a due proportion of the capital stock.

This department made seasonable inquiries of the bank itself as to its probable course in respect to the division of its capital, with a view to apprise Congress of the revenue which ought to be anticipated from that source in 1836; but, extraordinary as it may appear, at a period so near the close of its charter, and after the discontinuance of several of its branches, it will be seen by the correspondence annexed (G) that the bank had then come to no decision on the subject.

The sales of bank stock to the Navy pension fund will probably not be deemed advisable by Congress after the 3d March next, and hence the receipts from those sales have been estimated less than usual.

It is supposed that the other receipts from miscellaneous sources will correspond nearly with those in 1835, except that the sum of $6,235, belonging to this Government out of the Neapolitan indemnity, for the transportation of seamen, at the time our vessels were seized, having in the first installment been promptly and honorably paid, according to treaty, has, since the last annual report, been adjusted, and accredited under this general head. It gives me pleasure to add, that about one hundred thousand dollars more has been secured by means of that indemnity on debts of long standing due from several of the claimants to the United States, and over one fifth of it has already been paid into the Treasury. In pursuance of the act of Congress on this subject, the balance of the first installment, as soon as the awards were completed, was paid to those entitled to it, and certificates were issued for the remainder. All due under the second installment has since been punctually discharged by the King of the Two Sicilies, to the agent of the Treasury abroad, and after some delay in its remittance from Naples to Paris, with a view to make it in a manner most advantageous to the claimants, the whole has been received here, and the net proceeds, as soon as ascertainable, will be immediately paid over.

Explanation of the Estimates of Expenditures.

The expenditures in 1836 for ordinary purposes are, as it has been seen, estimated at a still lower sum than they were for 1835; but as the present is a long session of Congress, the contingent excesses of appropriations beyond the general estimates, explained in the last annual report, have been submitted as likely to be half a million larger. It is gratifying to state, that independent of the payments towards the national debt, leaving the community with all its capital, and energies entirely from that cause unburdened and untrammeled, the actual expenditures of the General Government have, on other subjects since 1833, been reduced about four and a half millions of dollars a year, or near nine millions in 1834 and 1835, and the country at large, during the same period, relieved from taxation by reductions in the tariff, equal to nearly twelve and a half millions a year, or about twenty-five millions in all. The probabilities as to still further reductions in our expenditures for ordinary purposes during a number of ensuing years, excluding any extraordinary grants on account of the present large surplus, or other causes, can best be weighed by a retrospect of the chief subjects of increase during a few past years, and by a discrimination between the items, which are in their character permanent or temporary, and which still exist or have already expired. The chief items of increased expense during those years, which (from an increase in some of our national establishments, caused by obvious reasons in most cases, such as greater population and business, and a rapidly extending frontier) will probably be somewhat permanent, if not in some instances progressive, are most of the large additions to the legislative expenses—the gradual augmentation in appropriations for the judiciary, and the salaries of district judges—the new bureau of Solicitor of the Treasury—the corps of mounted dragoons in the Army—the increased number of, and pay to officers in the Navy, and the extra compensation to officers of the customs since the great reductions in the tariff.

The chief additional items of expenditures during the last few years, which may be deemed temporary in their nature, but which still continue in a greater or less degree, are the large increase in the extinguishment of Indian titles, and in grants of revolutionary pensions; the payment of Virginia commutation claims; great additions to our light-houses and custom-houses; opening many new roads into the Territories; the continuation of the Cumberland road; the survey of the coast; more numerous allowances of miscellaneous claims; and the building of branch mints commenced the present year, though their future support will be a new item of permanent expense. The issue of Virginia land scrip, virtually receivable instead of money for lands, is, in substance, though not in form, another large item; because, though not included in the usual exhibit of expenditures, it has in the last four years exceeded a million of dollars, and will in this, and the ensuing year, probably extend to eight hundred thousand more. The items of magnitude in our expenses which have lately existed, but are now either terminated or suspended, are the building of the Potomac bridge; though its repairs, lighting, and draws may hereafter be a durable charge; macadamizing Pennsylvania avenue, and several grants of money for other purposes in the District of Columbia; repairs of the Cumberland road; finishing and enlarging some of the public buildings here; refunding large amounts of duties under former laws; the expenses of the war with the Northwestern Indians in 1833; repayments for advances during the war of 1812; a large reimbursement of the naval pension fund; several special expired appropriations towards naval objects; and almost everything connected with the public debt. A tabular statement further illustrating many of these changes, as well as others under all the most important heads of expenditure, by exhibiting the sums yearly paid under each material one from 1816 to 1834 inclusive, has been prepared with care, but is so voluminous that it will not be submitted to Congress until some other appropriate occasion. In the estimates for extraordinary purposes the present year, it will be seen that most of the increase is called for by the omission to pass the annual appropriations last year for fortifications, and by the unusually large surplus in the Treasury, which is not wanted for ordinary objects, and which, it is supposed, can be applied usefully to hasten those great improvements connected with our military and naval defenses, and which are of a character admitted by all to be national, beneficial, and constitutional. Under our high state of financial prosperity, and reposing in peace, the best period for due preparation for war, the undersigned considers the Treasury in a proper condition to meet any measures which the Executive or the appropriate Departments have recommended for these desirable objects, as well as any similar and additional measures which Congress may be likely to think required by prudent foresight, and a proper regard for national character and safety.

V.—*Surplus in the Treasury, and disposition of it.*

It has been shown that the available balance in the Treasury, over all outstanding appropriations, on the 1st of January, 1836, is estimated at about ten and a half millions; the expenditures for the ensuing year for all purposes, whether ordinary or extraordinary, enumerated in the schedules at more than twenty-three millions, and the receipts at less than twenty millions. Hence it follows, that if the appropriations made, and the revenue received, in 1836, shall be as large as the estimates, and no larger, the net surplus now applicable to new and other objects will probably, in the course of the ensuing year, become reduced to a sum between six and seven millions. This sum, therefore, would in those events remain on the 1st of January, 1837, as a net surplus, unexpended and unpledged. Consequently, most of it could now be applied to other purposes not included in the estimates, and liberally aid in promoting any constitutional objects which Congress may deem most expedient.

An unprecedented spectacle is thus presented to the world of a Government not only virtually without any debts, and without any direct taxation, but with about one-fourth of its whole annual expenses defrayed from sales of its own unincumbered and immense tracts of public lands, and no resort to even indirect taxation necessary, except for the other three fourths; and the proceeds of that indirect taxation, though largely and frequently reduced, yet accumulating so fast as to require further legislation to dispose of or invest a considerable surplus on hand. Whether this state of enviable prosperity be justly attributable to the form of our Government—to the administration of it—to the character of our people—the physical advantages of our country—or to all combined, it is a subject of strong congratulation, and exhibits a very remarkable phenomenon in the history of taxation and finance. Without dwelling on these primary causes of our fortunate condition, or discussing any secondary ones, such as the great demand and reward in this country for either labor or

capital, the more appropriate inquiry under these novel circumstances, and on an occasion like the present, seems to be to discover the most judicious course to pursue in using the surplus, and in preventing or regulating its future accumulation. The balance now on hand, or anticipated, does not differ so much in amount from that at several prior periods as to require any extraordinary steps, if the same available mode existed, of employing it legally and beneficially, without new legislation. There were three former years in our history, viz: 1815, 1816, and 1817, when our balances on hand, on the 1st of January of each year, were respectively over thirteen, twenty-two, and fourteen millions of dollars, and in 1833, over eleven millions. But these balances were either unavailable for a time, or, whenever productive, were soon able to be applied in the discharge of the public debt, and thus to prevent longer and larger accumulations, and to save interest. In that way, being reduced from time to time, they at no other period have ever exceeded ten millions, though on four other occasions they have accumulated beyond nine millions. But, happily for the country, it is no longer compelled to part with its resources to discharge heavy burdens imposed in former times; and in the present prosperous state of our finances, it is respectfully submitted that, in order to reduce the present surplus, there might be first, and judicially authorized, for purposes not enumerated in any of the estimates, other beneficial expenditures for objects clearly lawful and useful. Not considering it the province of this Department, in an annual report, to enter into minute details in relation to the selection of those objects, the undersigned would merely advert to a few prominent ones, about which no constitutional difficulties interpose: such as the erection of suitable and necessary buildings for the use of the General Government, whether in this city or the different States, and the earlier commencement of important works contemplated, and the more rapid completion of others already begun, which are essentially connected with the commerce, the Navy, or the frontier defenses of the country.

Since the general estimates were closed, but, appended to them in a note, various additional improvements at the navy-yards alone, requiring the appropriation of three and a half millions, have been specified and submitted by the Navy Department, and which, in its opinion, could be now usefully undertaken. If so many works of these descriptions should now be authorized or hastened by Congress, as were unquestionable in their utility and character, and were likely to to be sufficient to absorb the present and anticipated surplus of revenue in the Treasury from ordinary sources, it is hoped that, ere long, additional receipts from our stock in the Bank of the United States would probably be more than sufficient to insure their completion. But if the surplus from all sources should hereafter, from any cause, appear likely to become earlier exhausted, some of those works could be suspended, or again, as heretofore be less rapidly hastened. If it be not deemed expedient, in this or any other manner, now to appropriate all the present surplus, this Department thinks that the most eligible course concerning any probable residue, after deducting all outstanding appropriations which may be made, and enough to render our fiscal system efficient, easy, and prompt, would be, that Congress retain such residue under its control, and provide for its investment for a short period as a provident fund, to be ready to meet any contingences attending the great reduction contemplated in our revenue hereafter; or, in the mean time, to strengthen our financial position under the additional burden of any large claims now pending, which Congress may deem it just to allow, or at any future moment to aid under those inevitable and great fluctuations in revenue and expenditure from which no country is exempt, and which no human sagacity can wholly prevent. For all such occurrences it is often economical, and especially in our present prosperous condition with surplus money on hand, it is consistent with a wise foresight and sound political prudence, to be previously and well guarded. Whatever demands on such a fund may occur before 1842, it is certain, under our existing laws, as before explained, that the revenue from customs must then, within a few months, be reduced in the large sum of nearly $6,000,000. It is further probable that our whole revenue from customs will, by the close of that year, have fallen to only $9,000,000; and from lands, (for public uses,) have risen not to much above $4,000,000, both making but $13,000,000, instead of their present annual amount of over $20,000,000. For that great and sudden change, it is very desirable that the country should then be prepared by a diminished expenditure, and a proper surplus on hand to meet any probable deficiency, so as not to require new or increased taxation to defray the expenses then necessary. It may reasonably be expected, that the revolutionary pension list will by that time have chiefly disappeared—the Indian titles have been mostly extinguished—our necessary and convenient public buildings throughout the country mostly finished, and our fortifications and Navy, if the appropriations in the mean time be liberal, will have been placed in a proper attitude to meet any hostile aggressions without the continuance of extraordinary appropriations. By this system, evincing a just and far-sighted liberality in grants to objects clearly national and necessary, and pursuing a course of rigid economy and due retrenchment, where the great interests of the Union will permit, our expenses, though they must from our rapidly extending population, business, and frontier, increase in some particulars in nearly a corresponding ratio, and may not, as a whole, become reduced exactly to the amount of revenue received, yet they will, if no unforeseen calamities occur, so nearly approach it, that a surplus of a few millions, duly invested and retained, would doubtless obviate the necessity of a resort then, or soon after, to more taxes. The investment of this, or any other surplus not soon wanted, could be effected till wanted in any mode most agreeable to Congress, in whom the whole power on this subject resides, and without whose express authority nothing can be taken from the Treasury for any purpose whatever. But, as it may not be deemed necessary or expedient soon to resort to any such investment, an explanation at this time of the different modes in which it might be accomplished, with the opinion of the Department on their peculiar merits and demerits, would perhaps be considered useless; and consequently only two general principles will now be proposed, which are respectfully suggested, as proper to have a material bearing on the whole subject. First, that whatever mode may be adopted, it should conform to the spirit of the act of March, 1817, which has been in successful operation ever since the surplus became likely to be large and frequent; and which required, before the investment of them in purchase or extinguishment of the public debt, that enough should be left in the Treasury to meet all outstanding appropriations, and two millions more to secure facility and promptitude in its various and distant operations. And, secondly, that following the analogy of the above act, which separated the investment of any surplus for pecuniary profit entirely from the management of the public deposits and the duties of deposit banks, it should leave the bank agents of the Treasury as they and all its other fiscal agents, from the foundation of the Government, have been left wholly disconnected, so far as practicable, in regard to their agencies, with the dangerous relation of borrowers from the Treasury, for reloaning and for private gain. Should either of the above courses not be deemed advisable, so far as to exhaust all the unnecessary surplus on hand, the residue, if not large, could be gradually disposed of by making a further reduction, whenever just and safe, in the revenue hereafter accruing from customs.

To obtain the balance estimated to exist in the Treasury at the end of 1836, the sum of $15,000,000 is computed to be received from that source, and chiefly to accrue in the ensuing year; and if a part of it should be considered not desirable for any purposes whatever, it could be much and perhaps usefully lessened, by an early diminution of the existing duties on certain articles not supposed to be vitally connected with our domestic manufactures. The most prominent of these articles are wines and silks from beyond the Cape of Good Hope. They both yield, in duties, over half a million per annum; or in 1834, wines, over four hundred and forty-five thousand dollars, and India silks, over one hundred and seventy-one thousand dollars; all of which might well be repealed, unless Congress should consider the former a judicious tax on a luxury, and the latter as an encouragement to the domestic product of silk, which is becoming widely and successfully established; and which, if deemed a proper object of incidental protection by legislation, (contrary to the views lately entertained by Congress,) would require a restoration of the duty on European silks now entirely free. Other articles could be selected, on which the present duties could be reduced and repealed, at least to the extent of $400,000 annually, without injuring, it is anticipated, any domestic manufactures or agricultural branch of industry, or impairing the spirit and good faith of the compromise intended by the act of Congress of March 3, 1833, and which the undersigned would most scrupulously preserve unviolated. On this subject, a detailed report will soon be presented to the Senate, in conformity to a resolution of that body passed at the last session. It is his deliberate opinion, that such of those reductions as are deemed permissible under the above limitations should now be made; and the balance remaining, if too great for common fiscal purposes, be temporarily and profitably invested, rather than a large surplus should continue to be collected for the express end of being, in any way, finally disposed of, otherwise than by appropriations to useful and constitutional objects.

The people, themselves, it is believed, can best manage all their own money, which they and their representatives think may not be wanted for public purposes, and it would seem to be far preferable to leave it originally in their possession, than to withdraw it for the expensive operation of returning it substantially to the place whence it came, and that, probably, in a manner not conformable to the Constitution, till after the delay of procuring an amendment to it, and even then, not expedient, because calculated, injudiciously, to strengthen the General Government, and to render the States more dependent on a great central power for yearly and important resources. Indeed, a reduction in the price of public lands, whose unusually large sales the past year are the source of most of the present surplus, would, if their sales should not thereby be much increased, seem another mode far more natural to obviate the present difficulty. But before adopting it, this and various other considerations must be weighed, and it must be fully considered, whether all the revenue anticipated from them at their present prices would not be necessary after the great reductions in the tariff in 1842, and whether a resort to a higher tariff would not then become indispensable, if the average receipts from lands or customs should, from any new legislation, become then much diminished below the estimates which have been submitted on the present occasion.

VI. *Deposit Banks and the Currency.*

This Department takes pleasure in stating that the public money continues to be collected and deposited, under the present system of selected banks, with great ease and economy in all cases, and with greater in some, than at any former period. The transfers of it to every quarter of the country where it is needed for disbursement have never been effected with more promptitude, and have been made entirely free of expense to the Treasury. The payments to creditors, officers, and pensioners have been punctual and convenient, and the whole fiscal operations through the State banks have as yet proved highly satisfactory. Incidental to this, the facilities that have been furnished to the commercial community in domestic exchanges were probably never greater or at so moderate rates. In the course of this year, additional depositories have been selected in four States where no new ones before existed, and all the branches of the United States Bank for some months have been discontinued for ordinary fiscal purposes. They are, however, still used, as claimed by the bank, under acts of Congress, for the payment of the outstanding portions of the funded debt, and of invalid and other pensions, prior to 1832, except where the

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION. 24TH CONGRESS. MONDAY, DECEMBER 21, 1835. VOLUME 3....No. 2.

Department has been notified that the branches were withdrawn, as in New Hampshire, Connecticut, Kentucky, Ohio, Missouri, Western Pennsylvania, Maryland, South Carolina, and the interior of New York. The whole number of selected banks, without including branches, is now thirty-four, being, notwithstanding the addition of four new ones, less by six than last year.

This diminution has been effected by the discontinuance of various old, and, to the Treasury, unimportant institutions, employed before 1833, in connection with the United States Bank, and by adding no new ones, except where the public interests seemed to render it imperative or expedient. A great, though not the chief, cause of some loss which formerly happened in the deposits in State banks, is believed to have been the multiplication of them to something over one hundred in number. The system is now arranged so as probably to require, hereafter, few changes except in two or three instances, concerning which a correspondence is now pending, unless, as is not anticipated, such onerous conditions should be exacted by Congress of the present safe and efficient depositories as to derange the system, induce some of them to withdraw, and compel the Department to intrust the public funds to other agents, less cautious, skillful, and trustworthy. Great care has been exercised in preparing from the last returns made to this Department, and from data since obtained by an extensive correspondence, tabular statements, which show in the most essential particulars, as near the 1st of January, 1835, and as fully as could be ascertained, the names and condition of each of the State banks in the Union, of each of the selected banks, of the United States Bank, and of all combined. They exhibit, further, the capital and situation of all the banks in each of the large cities in the United States, as well as of all in each State, arranged together for convenience of reference, and the changes which have since happened in the condition of the deposit and United States banks. So far as regards the capital, discounts, &c., of all the State banks, only the general exhibit of the aggregate results in each State is now communicated; but in a few days, all the voluminous details on those points will be submitted to the House of Representatives, in compliance with its resolution of the 10th of July, 1832. (H 1.)

It will be seen that the situation of the selected banks, as a whole, bears an enviable comparison with the rest.

In all cases deemed proper, they have given collateral security, and are all believed to be entirely safe to the extent they have been confided in. Their discounts have been, in general, somewhat increased, but, though tempted by the enterprising spirit of the times, not usually increased to a degree disproportioned to all their immediate available means. They have also, in some cases, been able to aid, and have liberally aided, other banking institutions in their neighborhood, by as large and long balances, and other indulgences, as would generally appear to have been sanctioned by correct principles. The names of each, with the amount of money in each belonging to the Treasury, and subject to draft, not only at the commencement of the present year, but at the very last returns received, can be seen in three of the columns of the statement. (H, Nos. 2 and 3.) The distribution of these sums is generally that which has been given to them by circumstances connected with their collection and disbursement. No occasion has arisen in which the Department felt justified in making transfers of the public money, except from points where it had accumulated in the natural course of collection much beyond the present and early anticipated wants of the Government in that neighborhood, or in sums not proportioned to the responsibility of the public depositories there, and to points where it either would be better secured, or probably would be soon needed for disbursement, or could, from the course of trade and exchange, be more readily applied to any new objects which Congress would be likely soon to sanction. These transfers, when rendered necessary, have been performed in such directions, and so gradually, that, it is believed, they have tended to obviate rather than create any pressure in the money market, and to aid materially the course of business in exchanges and the other commercial operations of the country.

The Department is aware that in the present overflowing condition of the Treasury, the regulation of these operations, with the selection and superintendence of the deposit banks, is a task of no small difficulty and delicacy, and, when governed by a strict and uniform adherence to sound principles, as has been attempted, must necessarily lead to many disappointed applications. But in the absence of that specific legislation on the subject which has been, and still is, earnestly requested, the Department has not hesitated (it is hoped faithfully) to discharge, and frankly to explain the duties, and the high and painful responsibility, which so much discretionary power has imposed.

For various reasons of public importance, it was deemed desirable, and measures have been adopted and recommendations urged, that the specie in the vaults of a number of selected banks should be still more increased in comparison with their issues and deposits, and that a still larger portion of the whole currency of the country, especially for small purposes, should be metallic. In improvement of the currency during the past year, many of the selected banks have not only continued to obtain and pay, when wanted, to the public creditors, American gold, but have entered into salutary arrangements for the redemption, in our larger cities, of most of their bills which may be received in payment of the public dues It is hoped that in the progress of time these beneficial arrangements may be further extended to most, if not all, the bills in circulation of the large institutions, and the introduction of hard money for the ordinary uses of life, be facilitated by all the banks ceasing to circulate bills of small denominations. It is gratifying to find, that since the adjournment of Congress, in addition to the States of Pennsylvania, Maryland, Virginia, Georgia, Tennessee, Louisiana, North Carolina, Indiana, and Kentucky, which before that time are believed not to have allowed the circulation of bills under five dollars, others, viz: Maine, Connecticut, New York, New Jersey, and Alabama, have united in similar legislative measures, except Connecticut, which has, as yet, extended the prohibition to only one and two dollar bills.

In Mississippi and Illinois, it is understood that bills under five dollars have not recently been issued, and Missouri has no bank issuing bills of any denomination. So that more than two thirds of the States have already usages or laws in existence on this subject of a high salutary tendency. The great benefits which have already resulted to the general condition of the currency where such measures have been tested, besides numerous others to the security of the banks themselves, and to the less moneyed classes of society, detailed in the supplement to the last annual report from this Department, would seem to be a sufficient inducement for similar legislation on this important subject in all the States. In some of them, where no laws have yet been passed to suppress the circulation of small notes, their deposit banks have voluntarily entered into arrangements not to issue certain descriptions of them; and most of the deposit banks have, in a correspondence with the Department, evinced a willingness to coöperate in the suppression of small notes, whenever the regulation can be made general. The Treasury, so far as seemed practicable and judicious with its present powers, has endeavored to promote so desirable an end, not only by instituting the inquiries in that correspondence, but by instructions to its collecting officers not to receive in payment any bills under five dollars after the 30th day of September, 1835. (I.) It proposes to go further on this point the ensuing year, so as to prevent the receipt for public dues of all bank notes under ten dollars, unless Congress in the mean time shall adopt some new provisions on this subject, similar, it is hoped, to what previously have been, and still are, urged by this Department, not only as to the deposit banks and the kind of bills received for the revenue, but as to the suppression entirely in the District of Columbia of the circulation of any bank notes under ten dollars in amount. The means for a sound currency in this country are at present ample. Within the last two years, or from October 1, 1833, to November 1, 1835, in addition to the former stock of specie, there has been imported into the United States, beyond the exports from it, with a due allowance for what does not appear on the custom-house books, more than twenty-seven millions; and the produce of our own mines within that period is estimated to have been over three millions. Hence the whole amount of specie now in the country probably exceeds the sum of sixty-four millions, and the means of the community to obtain more from abroad, to meet any contemplated changes in the character of our currency were never greater. The actual amount of specie returned, and estimated as belonging to all the banks in the United States, about the 1st of January, 1835, was near forty-four millions. As a portion of it may have been bullion, a sum quite equaling, if not exceeding the remainder of twenty millions, probably consists of the amount of specie in active circulation, which has been somewhat increased throughout the country during the last two years; so that, if the remaining small bills in circulation under five dollars in the whole Union, which are chiefly in seven States, and which probably do not exceed six or seven millions, were withdrawn, it would not require, to supply their places, one third of the addition which has been made in the last two years to the national stock of the precious metals. The specie on hand in banks will, in this way, as it ought, soon bear a larger proportion to their notes in circulation, and the security and real usefulness of all banking institutions to the community be thus greatly augmented. The specie in active circulation, thus increased by excluding small notes, will constitute, while retained in the country, a great and safe reliance for banks to depend on (beside what belongs to them in their vaults) whenever an unfavorable course of exchange abroad, or a panic at home, should cause an unusual demand for specie to be shipped abroad, to meet a balance of trade against us, or to be used in circulation at home by those whose confidence, from real or imaginary causes, may for a time become diminished in the security of banks. When the further suppression of small notes, extending to all under ten dollars in amount, shall be deemed advisable by Congress and the States, no doubt is entertained that sufficient specie can and will be readily found to supply their place, in connection with what now exists in the country. The proportion of specie to bank notes in circulation will not then be so great as it is in all the most commercial nations in Europe. (See table of circulation, in supplemental report, 1834.) How much further it may be deemed feasible to go, with a fair prospect of advantage to the community and our currency, can be better settled at that time than at the present. Under its new valuation, the coinage of gold at the mint from the 1st of August, 1834, to the 1st of November, 1835, has been $5,471,505, or over treble the amount supposed to have been coined in any previous period of similar length. The ratio has been somewhat lessened the last six months by several causes, of which an important one has been, the desire to provide more quarter eagles, and a full supply of silver change to meet the increasing demand in several States from the withdrawal of small

notes from circulation. The coinage of silver has been extended, in the first eight months of this year, to over eight and a third millions of pieces, which is believed to be much beyond the number in the same portion of any preceding year. The building of the three branch mints, and the procuring of their appropriate machinery, authorized by the act of the 3d of March last, was devolved by the President of the United States on this Department, and has been prosecuted with all practicable dispatch.

The estimates and views of the director on that subject, as well as on other improvements connected with this important and increasing establishment, will, with its whole operations the current year and the details on the progress made in the new buildings and machinery, be seasonably presented in a separate communication; and this Department does not, on this occasion, deem it necessary to invite special attention to anything further connected with either the mint or our coinage, except the several recommendations relating to them, which were contained in its last annual report. The same reasons then assigned for closing, by a special act of Congress, the concerns of the sinking fund, and of the connection of the Government, after the 3d of March next, with the United States Bank, on the subject of both the national debt and of pensions allowed previous to 1832, apply now with increased force. It is considered that nothing need be added to the suggestions then made on these points, or on the subject of the seizure of the dividends due the United States by the bank for its claim for damages on what is called the bill of exchange on the Government of France.

As Congress has never yet given its sanction to that claim, or made any appropriation for its payment, it is very desirable that in its final proceeding concerning the affairs of the Government with the bank, some special direction should be included on that subject, as well as on the reports to be required, and agency exercised over the interests of the United States in the bank the ensuing two years, by any public officer. A direction seems proper, also, as in 1812, concerning the receipt of the bills of the bank for public dues after the 3d of March next; and on the disposition or investment of the interest of the United States in its capital stock, whenever paid over to the Treasury. Some explicit action of Congress on the subject of the above claim for damages, is very desirable in another view, so as to enable this Department, in case of the receipt of any part of the French indemnity, to decide correctly whether the dividends seized by the bank should, in any event, be considered the loss of the United States, or should be deducted from the amount received for the claimants under the treaty, in whose behalf the business was transacting in which the demand for damages originated, and to whose credit the present act of Congress requires shall be paid into the Treasury only "the net proceeds" of each installment.

VII. *Miscellaneous subjects.*

In the course of the past year, the Department has, at various ports, discontinued, as not necessary, fourteen custom-house officers, and at others reduced the compensation of a few. This has enabled it to augment the number and compensation at some other points, where the increase of business appeared to demand it, though not, in all places, to the extent desired. From the diminished temptation to smuggling, under our reduced tariff, this Department has felt justified in lessening the number of revenue cutters two, or one-tenth of the whole; the number of boats three, and the number of officers and men over fifty, making hereafter an annual saving in these respects of about twenty thousand dollars. After full inquiry, all has been effected on this subject which the public interests appear now to justify, the expenses of collection in this and other particulars should be considered in reference to the *gross*, and not, as is sometimes inadvertently done, the *net* revenue; the former being the amount which the custom-house establishment must actually assess; and the difference between them being in part paid out for other objects than the mere expenses of collection; such as bounties on the fisheries, and refunding of duties. In deciding on the reasonableness of those expenses, it must be manifest that a certain number of officers, cutters, boats, &c., equal to the collection of a large sum, cannot be dispensed with, at many places, if any revenue, however small, is to be collected; else there would be no adequate security against illicit trade, and no means of furnishing proper entries, clearances, and other papers, to those engaged in navigation, though their trade may be almost exclusively in the present large amount of free goods, or in our widely-extended coasting business. In computing the rate per cent. for collecting the revenue, it must also be remembered that the rate is larger as the amount collected diminishes, and smaller as it increases, though the whole actual expense of collection per annum remains the same. Furthermore, the necessary cost of collecting $30,000,000 at the same ports obviously need be but little more than to collect half that sum, though the percentage, in one case, will be double what it is in the other. This Department, since the reduction of the whole duties to be collected in 1833, and the corresponding decrease in the inducements to smuggle, has endeavored to reduce the whole actual expenses, and has, in some degree, been successful, though the whole cost of collection may still constitute a larger percentage than at some former periods, as the whole amount of revenue is so much lessened.

Thus, from 1790 to 1794, that cost, though small in itself, rose in some of those years to more than five and a half per cent. on a small revenue, or to about the same as in 1833 and '34, and which is quite two per cent. lower than the average in England, and four per cent. lower than in France. But in most intermediate years, for reasons before stated, and others too obvious for recital, the cost of collecting our revenue from customs, as well as lands, has seldom exceeded three and a half per cent., and from the latter is now probably not half that rate. Besides the explanations already given on this subject, it is hoped that the new expenses will ere long cease, which have recently been imposed on the collection of the revenue, by the necessary preparations for making, and the actual manufacture of useful and important standard weights and measures, and uniform sets thereof, for all the custom-houses in the United States.

In addition to the recommendations in the last annual report as to light-houses, it may be observed that this Department, during the recess of Congress, deemed it proper to cause a thorough inquiry to be instituted into the whole subject. The inquiry extended to the propriety of discontinuing any of the present light-houses, or of building others; the expediency of changing the height or material of any of these edifices; the best manner of lighting them, in respect to the kind or number of lamps or reflectors; the various substances used, and most suitable to give the best light at the smallest expense; and, in fine, the economy of managing the whole establishment. With this was combined a system of uniform instructions to the light-house keepers for the discharge of their public duties. The report of the Fifth Auditor, and the correspondence growing out of this inquiry, develop some interesting facts; and the whole proceedings will, with pleasure, be laid before Congress on some other appropriate opportunity.

The report of the Commissioner of the General Land Office is accompanied by so many long and important documents, that it is herewith submitted in a separate communication. Beside the remarks made a year since by this Department, on the rapid increase of duties in that bureau, and the corresponding necessity for an increase of clerks to dispose of it promptly and correctly, the experience of the present year has, by the vast sales of lands which have occurred, added new force to all that was then urged. Taking either the number of acres sold, or the amount of money received, as a guide, it will be seen by the table (F) that the business has more than doubled within the past five years.

The recommendations contained in the Commissioner's report will, it is hoped, receive that early and grave attention which the convenience and interests of the whole country, and especially of the Southwest and West, seem imperiously to require. As a subject of retrenchment, connected with this bureau, where the character of the business will permit, it is suggested to Congress, whether it might not be advisable to discontinue the offices in a few districts, and annex them to the adjoining ones, on the ground that the public sales recently made at them, or anticipated hereafter, are not sufficient to justify the expense of continuing them as distinct offices. Several other subjects suggested for consideration to the last Congress, and not finally acted upon, are again respectfully urged on its attention, without going into a repetition of the views then submitted in relation to them.

Among the principal were—the change in the commencement of the fiscal year; a reorganization of the Treasury Department, especially to increase some of its checks; further control over some of its discretionary powers, by more specific regulations as to the deposit banks, and the keeping and disbursing of the public money; the revision of the laws as to the marine hospital fund; rebuilding the Treasury offices; legislation on the provisoes in the act of July 14, 1832, and other points to enforce the spirit of the present tariff; and making new provisions on the number and compensation of custom-house officers. In the report and bill connected with this last matter were included several suggestions for further changes in the present system for collecting our revenue from customs, to which, on some future occasion, will be subjoined such as have since occurred from additional experience and inquiries.

Various other subjects, specially devolved on the head of this Department, have received the attention and labor which they appeared to deserve; but from the length to which this report has already extended, the proceedings in relation to them will, at an early day, be separately communicated to Congress.

All which is respectfully submitted.

LEVI WOODBURY,
Secretary of the Treasury.

To the Hon JAMES K. POLK,
Speaker of the House of Representatives.

Mr. CAMBRELENG moved that it be laid on the table, and that ten thousand copies be printed.

Mr. CONNOR suggested fifteen thousand copies.

Mr. CAMBRELENG accepted the suggestion as a modification of his motion. It was then agreed to.

REPORTS FROM DEPARTMENTS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, inclosing the annual report of the Commissioner of the General Land Office.

Which, on motion of Mr. CAMBRELENG, was laid on the table and ordered to be printed.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting the estimates of expenditure for the year 1836; laid on the table, and ordered to be printed.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting printed copies of the receipts and expenditures for the year 1834, and the three first quarters of 1835; laid on the table.

PRESIDENT'S MESSAGE.

Mr. WISE moved to reconsider the vote directing the printing of ten thousand copies of the President's message. That, he believed, was the usual number. His object was to increase the quantity.

Mr. HARPER, of Pennsylvania, thought an increased number unnecessary. The message would be published in almost every newspaper in the country.

Mr. WISE remarked that the message was one of unusual interest; and if the motion to reconsider prevailed, he should move to print twenty thousand.

The motion was agreed to.

Mr. WISE then moved to amend the resolution, by directing that fifteen thousand copies of the message and documents, and five thousand copies of the message without the documents, be printed.

Mr. BEARDSLEY accepted the amendment as a modification of his motion.

The resolution as modified was then agreed to.

DEATH OF HON. NATHAN SMITH.

A message was received from the Senate, announcing the death of the Hon. NATHAN SMITH, a member of that body from the State of Connecticut; and that his funeral would take place at twelve o'clock to-morrow.

Mr. TOUCEY, of Connecticut, submitted a resolution that the members of the House would attend the funeral of Mr. SMITH, and would wear the usual badge of mourning for the space of thirty days; which was agreed to.

On motion of Mr. JUDSON, of Connecticut,

The House then adjourned.

IN SENATE.

WEDNESDAY, *December* 9, 1835.

At twelve o'clock the Senate assembled.

OBSEQUIES OF LATE HON. NATHAN SMITH.

On motion by Mr. KING, of Alabama, the reading of the Journal was dispensed with, and the Senate adjourned, for the purpose of performing the obsequies of the late Hon. NATHAN SMITH, of Connecticut, deceased, in conformity with the resolutions of the Senate adopted yesterday.

The President of the United States, with the heads of the executive departments, the Postmaster General and the Attorney General, and the members of the House of Representatives, with their Speaker and Clerk, having been received into the Senate Chamber and taken the seats assigned them, the corpse was brought in, in charge of the Committee of Arrangements and pall-bearers, attended by the Sergeant-at-Arms of the Senate.

Divine service was then performed by the Rev. Mr. HIGBEE; after which

The funeral procession moved to the place of interment in the following order:

The Clergy.

Physicians who attended the deceased.

Committee of Arrangements.

Mr. Swift, Mr. Southard,
Mr. Knight, Mr. Shipley.
Mr. Tallmadge,

Pall Bearers.

Mr. White, Mr. Hendricks,
Mr. Leigh, Mr. Ewing,
Mr. Naudain, Mr. Wright.

Relatives of the deceased.

The Senator and Representatives from the State of Connecticut, as mourners.

The Sergeant-at-Arms of the Senate of the United States.

The Senate of the United States, preceded by the Vice President and Secretary.

The Sergeant-at-Arms of the House of Representatives.

The House of Rep.esentatives, preceded by their Speaker and Clerk.

The President of the United States.

Foreign Ministers.

Citizens and Strangers.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 9, 1835.

The Hon. JESSE A. BYNUM, of North Carolina, attended and was qualified.

This day having been assigned for the funeral of the Hon. NATHAN SMITH, late a Senator from the State of Connecticut,

On motion of Mr. BRIGGS, the House adjourned.

IN SENATE,

THURSDAY, *December* 10, 1835.

The following message was received from the President of the United States, by Mr. DONELSON, his Private Secretary:

WASHINGTON, *December* 9, 1835.

To the Senate and House of Representatives:

GENTLEMEN: By the act of the 11th of January, 1805, all that part of the Indiana Territory lying north of a line drawn due "east from the southerly bend or extreme of Lake Michigan until it 'shall intersect Lake Erie, and east of a line drawn 'from the said southerly bend, through the middle 'of said lake to its northern extremity, and thence 'due north to the northern boundary of the United 'States," was erected into a separate Territory by the name of Michigan.

The territory comprised within these limits being part of the district of country described in the ordinance of the 13th of July, 1787, which provides that, whenever any of the States into which the same should be divided should have sixty-thousand free inhabitants, such State should be admitted by its delegates "into the Congress 'of the United States, on an equal footing with 'the original States in all respects whatever, and 'shall be at liberty to form a permanent constitu-'tion and State government, provided the consti-'tution and government so to be formed shall be 'republican, and in conformity to the principles 'contained in these articles"—the inhabitants thereof have, during the present year, in pursuance of the right secured by the ordinance, formed a constitution and State government. That instrument, together with various other documents connected therewith, has been transmitted to me for the purpose of being laid before Congress, to whom the power and duty of admitting new States into the Union exclusively appertains; and the whole are herewith communicated for your early decision. ANDREW JACKSON.

The message having been read,

Mr. BENTON moved that it be printed, together with the accompanying documents, and that the whole subject be referred to a select committee, consisting of five members; which motion was carried; and,

On motion of Mr. MANGUM, the appointment of the committee was postponed to Monday next.

NORTHERN BOUNDARY LINE OF OHIO.

A message was also received from the President by Mr. DONELSON, his Secretary, transmitting a report from the Secretary of War, showing the progress of the astronomical observations made for ascertaining the northern boundary line of the State of Ohio.

Which, on motion of Mr. BENTON, was ordered to be printed, and referred to the same committee.

REPORT FROM STATE DEPARTMENT.

A message was also received from the President of the United States, transmitting a report from the Secretary of State, made in compliance with the resolution of the Senate of the 24th of February last.

FOREIGN MERCHANDISE.

The CHAIR communicated a report from the Secretary of the Treasury, made in compliance with the resolution of the Senate of the 3d March last, showing the amount of duties upon foreign merchandise imported into the United States, which were created or imposed by the act entitled "An act in alteration of the several acts impos-'ing duties on imports as *additional* to the duties '*before* that time, and which were collected *after* 'the 1st day of September, and *on* or before the '31st day of December in that year, designating 'the amount of such additional duties as were 'collected in each particular month, and showing 'the amount which was returned in debenture on 'the exportation of merchandise upon which such 'additional duty was imposed."

OTHER REPORTS.

Also, a report from the Treasury Department, made in compliance with the resolution of the Senate of the 29th of January last, relative to the duties on plains, kerseys, and kendall cottons.

Also, a report from the Treasury Department, exhibiting certain transfers of appropriations in conformity with the provisions of the act of the 3d of March, 1829.

Also, the annual report from the Treasurer of the United States, made in compliance with the provisions of the act of Congress of 1789.

Also, a communication from the War Department transmitting, in compliance with a resolution of the Senate, a report from the Chief Engineer, relative to a bridge across the Wabash river; all of which were ordered to be printed.

PUBLIC PRINTING, ETC.

The CHAIR also communicated a report from the Secretary of the Senate, made in compliance with the resolution of January last, showing the amount of the expenditures for printing, stationery, and for the purchase of books for the Senate.

SENATE CONTINGENT FUND.

Also, a report from the same officer, containing a statement of the expenditures out of the contingent fund of the Senate, for the last year; both of which were ordered to be printed.

SENATE COMMITTEES.

Mr. GRUNDY submitted the following resolution; which lies over one day for consideration:

Resolved, That the Senate will, on Thursday next, proceed to the appointment of the standing committees.

ADJOURNMENT.

On motion of Mr. MANGUM, it was

Ordered, That when the Senate adjourns, it adjourn to Monday next.

DEATH OF HON. NATHAN SMITH.

Mr. TOMLINSON submitted the following resolution; which was considered and adopted:

Resolved, That the President of the Senate be requested to notify the Executive of the State of Connecticut of the death of Hon. NATHAN SMITH, late a Senator of the United States from that State.

NOTICES OF BILLS.

Mr. PORTER gave notice that he would, on Monday next, ask leave to bring in a bill to provide for the legal adjudication and settlement of claims to lands therein mentioned.

Mr. LINN gave notice that he would, on Monday next, ask leave to bring in bills with the following titles:

A bill confirming lands in the State of Missouri, and for other purposes;

A bill to improve the navigation of the Mississippi river, in the vicinity of St. Louis; and

A bill authorizing the President of the United States to run and mark the line dividing the territory of the United States from the State of Missouri.

Mr. MOORE gave notice that he would, on Monday next, ask leave to bring in a bill authorizing the relinquishment of the sixteenth section of public land granted for the use of schools, and for other purposes.

MICHIGAN SENATORS.

Mr. BENTON presented the credentials of the Hon. LUCIUS LYON, and the Hon. JOHN NORVELL, elected by the Legislature of Michigan, Senators from that State; which were read.

Mr. BENTON then moved that seats be assigned to Mr. LYON and to Mr. NORVELL on the floor of the Senate, until the decision of the question of their admission as Senators. This (Mr. B.) said, had been done by courtesy, in similar cases.

Mr. EWING observed that this was a new matter, presented for the first time this morning, and one that required some consideration; with a view of looking into precedents, and to enable Senators to examine and consider them, he moved to lay the subject, for the present, upon the table; which motion was adopted.

SENATE DOCUMENTS.

Mr. BENTON submitted the following resolution; which lies one day for consideration:

Resolved, That the Secretary of the Senate cause to be furnished to the Secretary of War, for the use of his office, five copies, and to the General-in-Chief of the Army, Adjutant General, Quartermaster General, Commissary General of Subsistence, Paymaster General, Commissary General of Purchases, Surgeon General, officer in charge of the clothing bureau, Chief Engineer, Inspector of the Military Academy, (for the use of that institution,) Chief of the Topographical Corps, Colonel of Ordnance, Commissioner of Indian Affairs, Commissioner of Pensions, and officer in charge of the bounty-land office, for the use of their respective offices, each two copies of all bills, resolutions, documents, and other papers presented for the use of the Senate, at the present and succeeding sessions thereof; of which, two copies of those for the Secretary of War, and one copy of those for each of the other offices, shall be retained by the printer to the Senate until the end of each session, and then delivered bound.

EXECUTIVE BUSINESS.

On motion by Mr. WRIGHT,

The Senate proceeded to the consideration of executive business; and, when the doors were opened, adjourned to Monday next.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 10, 1835.

On motion by Mr. BRIGGS, it was

Ordered, That when the House adjourns this day, it will adjourn to meet again on Monday next.

RULES OF THE HOUSE.

The resolution heretofore offered by Mr. MANN, of New York, adopting the rules of the last, for the government of the present, Congress, was taken up.

Mr. GILLET moved an amendment, providing for the appointment of a standing Committee on the Militia, as well as a Committee on Military Affairs; which was agreed to—ayes 90, noes not counted.

Mr. JOHN Q. ADAMS offered an amendment, providing that the Committee of Ways and Means should report the general appropriation bill within thirty days of their appointment, or give their reasons for not having done so.

Mr. A. explained that his object was to accelerate the consummation of the general appropriation bills; and he thought that no gentleman who had had the honor of a seat in that House before, or any one at all acquainted with the course of its proceedings, but must be aware of the indispensable necessity of such a rule as that Mr. A. now proposed. It was commencing at the beginning, by requiring the Committee of Ways and Means to report within a reasonable time. The practice had heretofore been, upon many occasions, that the report of that committee was postponed to a later date. It was also a practice that had crept in insensibly, and for which it was not Mr. A.'s intention to censure or blame any person or party; but it had been the practice to introduce into these appropriation bills matters of new legislation, grants of money, charges upon the people, and expenditures not warranted by any previous law. The consequence had been, that these appropriations had been subjects of vehement contention and debate in that House, and occasionally in the other, as well as of debate between the two Houses; and had been a source of discord and dissension between them. That of itself was an evil of sufficient magnitude. From the delay in reporting the appropriation bills, the consequence has also been, that perhaps half a year was suffered to expire before they were passed. Mr. A. then referred to the progress of those bills during the two sessions of the last Congress, and that passed during the first session thereof, for the contingent expenses of the Government. The latter, including the appropriation for mileage and pay of members of Congress, and for salaries to Clerks of the House of Representatives, was passed on the 11th of February, while not one single cent was passed for any other branch of the public service till the 27th of June. The President of the United States, the representative of the nation before all other nations of the earth; all the heads of Departments, his assistants for the execution of the laws; the judges of the land, supreme and subordinate—all were without a cent during that whole period. They were starving, at least they were obliged to live upon charity or credit, or to starve. It was an exceedingly proper thing for the members to provide for themselves; but it was equally proper to provide for all others. The cause of the extraordinary delay and procrastination in the passage of that bill arose from the fact that a number of articles were introduced in it, not for the purpose of appropriation merely, not to pay the debts of the country, but debatable matters of another character—new laws, which created long debates in both Houses, finally delaying the passage of the bill for four or five months. Pass to the next session of Congress—the last session—the appropriation bill was passed within three hours of its termination, and it was at one time questionable whether it would pass at all, or not. He would say no more on the subject; but if the House would adopt the resolution proposed by him, only by way of experiment, he saw no reason why the Committee of Ways and Means should not report within thirty days; and he would express a hope that, whoever the committee might be, they would strip these appropriation bills of every thing but what were legitimately matters of appropriation, and such as were not they would make the subject of a separate bill.

He had allowed them a month, although, for his own part, he saw no reason why they could not make their report in ten days as well as in thirty. The appropriations were called for upon the public estimates, and these estimates are presented by the executive department; and he was happy to say, and he took this occasion to offer his tribute of applause to the Secretary of the Treasury for sending in his report of the estimate of the expenditures at so early a period of the session. He therefore saw no reason why all the general appropriation bills might not be reported within ten days. But he was willing to allow thirty; and he could not see why they might not be delivered to the President of the United States before the last of February, at least; though he himself thought they ought to be passed before the first of January, or the close of the year, and the Treasury be prepared and ready to pay them.

Mr. CAMBRELENG concurred, he said, entirely in the views of the gentleman from Massachusetts as to the evils he complained of; and which were, probably, more manifest during the last session of Congress than at any former one; but Mr. C. dissented entirely to the position taken by the gentleman that it ever had been, at least in his experience, short as it had been in the Committee of Ways and Means, and long as it had been in the House, that it was justly ascribable to that committee. Mr. C. would appeal to every old member of the House, whether it had not been uniformly the practice for the chairman of that Committee to appeal and urge upon the House the necessity of taking up the appropriation bills, and whether the uniform habits of the House had not been to postpone and postpone them again from day to day, in defiance of all entreaties? If the gentleman wishes to reach the evil he complained of, he should make his appeal to the House. He should prescribe the law by which that House should be bound to take the bills up, and proceed with them. The honorable gentleman prescribed duties to the Committee of Ways and Means, but the gentleman must be aware, his knowledge and experience must satisfy him, that every item in the appropriation bills relating to the Army and Navy was a matter of constant communication between the committee and the Department? How could he expect the committee to adopt a mere estimate without reason? Every item must undergo full investigation, before any one member of the committee would consent to its insertion. A most laborious duty had to be performed before the bill came into the House.

Mr. C. said he did not rise for the purpose of objecting to the amendment of the gentleman from Massachusetts, because it had a modification that the committee could give their reasons for not having reported the bills, and therefore the proposition was not very operative upon the committee, because if they were ready to report they would report, and if not, they could obtain further time. Still (Mr. C. would say) he thought the time too short. With regard to the measure before the House at the last session, he regretted as much as any gentleman that the Senate were in the habit of putting upon the appropriation bills others that had nothing to do with them. He alluded to the United States Military Academy bill. Was it because the committee had not reported the bill early enough to be acted on? Was it the fault of the gentleman who had charge of the bill that it was not called up? Did not every gentleman, then a member of the House, know that more than a dozen attempts were made to get the bill up, and every attempt failed, till, in the last emergency, the Senate were under the necessity of attaching it to the appropriation bill for the general expenses of the Government. Mr. C. rose not for the purpose (he said) of opposing the principle of the gentleman from Massachusetts, but merely to show that the House itself was the origin of all the evils of which the gentleman complained; but he did not think the proposition one calculated to promote or facilitate business. He knew of no committee last session that did not report in time, except one, and he did not think the gentleman from Massachusetts, having secured, as they did, by their united counsel, a unanimous vote upon the French question, would find fault with the Committee on Foreign Relations in not having been premature. He did not think the fault was with a committee, for every committee would do its duty, and if they did not act the House had power to compel them.

Mr. C. concurred with the gentleman in another point, which was—not that it had been the practice of committees, who he believed were very cautious not to insert anything in an appropriation bill not allowed by law—but he concurred with the gentleman, that it had been the practice of the House, in some cases, to insert provisions of the kind he complained of. He believed, however, the gentleman would do him the justice to say, that he (Mr. C.) had uniformly acted with him in opposing such clauses—in other words, new appropriations. He had done it heretofore, and should do it again; and would at all times unite with that gentleman in opposing everything of the kind from that or any other committee. Still, the committee was not so much to blame as the House itself; and the House, he was sure, would pardon him, for he spoke of what it was perfectly sensible. There are some gentlemen who had uniformly resisted everything authorized by the law; and he would again pledge himself to unite with them on all occasions.

Mr. C. concluded by requesting Mr. ADAMS to amend his resolution so as to extend the time to six weeks, instead of thirty days.

Mr. VANDERPOEL was (he said) totally opposed to the amendment of the gentleman from Massachusetts, because it involved a principle which he well knew was not intended by the honorable mover, that of discourtesy to the Committee of Ways and Means, whoever they might be. Mr. V. would ask the House whether it was right and courteous to apply the spur exclusively to that committee? And was not the amendment of the gentleman founded upon the apprehension that, peradventure, that committee would not do its duty? Now, in all charity to every committee of that House, he was willing to presume, nay, he was bound to presume, that every committee appointed by the Chair would feel the high responsibilities and obligations imposed upon them, and feel resolved to do their duty, and do it promptly. Why was it necessary to call upon this committee alone? Ah! say the gentlemen, we have suffered a great deal of inconvenience heretofore. My answer to that is (said Mr. V.) that this committee will profit from the lessons of past experience. If we suffered inconvenience from procrastination last year and the year before, I have no doubt the Committee of Ways and Means will feel stimulated from that circumstance, and it is surely unnecessary, at this stage, to issue our mandate that they shall report within thirty days. Mr. V. agreed with the honorable gentleman from Massachusetts, that they did suffer some inconvenience last year from procrastination, but he did not attach all the blame to the Committee of Ways and Means. If fault was anywhere, it was as much in the House, and perhaps more, than in the committee. He well recollected that the chairman of that committee would come in there, day after day, and entreat and implore the House to take up the appropriation bills; and he well recollected, also, that those appeals were made in vain. Mr. V. should vote against the amendment.

Mr. JOHN Q. ADAMS disclaimed any intention of censuring the Committee of Ways and Means in the former Congress.

Mr. MERCER was understood to oppose the amendment.

Mr. H. EVERETT moved an amendment to the amendment, providing that "the general appropriation bill shall always be in order, in preference to any other bills of a public nature."

Mr. ADAMS accepted it as a modification of his own amendment.

Mr. SUTHERLAND supported the modified amendment.

Mr. WILLIAMS, of North Carolina, moved to refer the rules and orders of the last House to a select committee, to consider and report thereon whether any amendment be necessary.

Mr. MERCER suggested a modification to

adopt the last rules until the committee had reported.

Mr. WHITTLESEY thought the motion had better be withdrawn till the message had been taken up and referred.

Mr. PARKER also suggested the propriety of adopting the existing rules for the present, to enable the House to proceed with the ordinary business.

Mr. WILLIAMS then modified his motion according to the suggestion of Mr. MERCER; and, at the request of Mr. GILLET, included in his motion the rule relative to the appointment of a Committee on the Militia, before adopted.

Mr. MANN, of New York, suggested the insertion of the words, "until the report of the committee should be definitively acted upon by the House;" which Mr. WILLIAMS accepted as a further modification of his motion.

Mr. ADAMS objected to the motion, as his amendment would thereby be evaded.

Mr. WILLIAMS then withdrew it; and

Mr. MANN renewed it; and after a few remarks from Mr. WISE,

Mr. ADAMS moved his amendment by way of instruction to the committee, to report the same as an additional rule.

Mr. MERCER moved that the committee be required to inquire into the expediency of the same, instead of reporting it imperatively.—Rejected—ayes 69, noes not counted.

Mr. VINTON then called for a division of the original proposition of Mr. ADAMS, and, after some short time, the question on the first branch of the instructions was put, and agreed to—ayes 91, noes 76.

Mr. ADAMS then moved an addition to the second branch of the proposition, that the general appropriation bill shall be in order in preference to any other, as follows: "unless otherwise ordered by the House;" which was agreed to.

Mr. THOMAS moved an amendment, to the effect that district attorneys of the courts of the United States be admitted on the floor of the House, behind the bar, during the sittings; which, after a few remarks from Mr. BEARDSLEY in favor of the motion, was negatived—ayes 52, noes not counted.

Mr. CHAMBERS, of Pennsylvania, moved the following: "That the committee be instructed to consider the expediency of amending the twenty-fifth rule, by making all amendments in order pending the main question." The object of the amendment was to bear on the previous question.

After a few remarks by the mover, the motion was agreed to.

Mr. PARKER moved a further instruction to the select committee, that during the session of the House the members shall remain uncovered, unless specially permitted by the Speaker.

Messrs. PARKER and BRIGGS briefly advocated this motion, and it was opposed by Mr. SUTHERLAND.

Mr. PARKS moved to amend the amendment by instructing the committee to consider all propositions relative to the rules which might be handed to them by any member. Mr. P. was induced to make the motion, to avoid any unnecessary consumption of time in discussing the various instructions which gentlemen were desirous of offering.

After a few additional remarks by Mr. PARKER in favor of his motion, the amendment to the amendment was agreed to

The resolution as amended was then agreed to; and the select committee was ordered to consist of nine.

STANDING COMMITTEES.

On motion by Mr. WHITTLESEY,

Ordered, That the standing committees of the House be now appointed.

AMERICAN COLONIZATION SOCIETY.

Mr. WILLIAMS, of North Carolina, submitted a resolution granting the use of the Hall of Representatives, on Tuesday evening next, to the American Colonization Society; which was agreed to—yeas 104, nays not counted.

PUBLIC DOCUMENTS.

Mr. JOHNSON, of Kentucky, submitted a resolution for furnishing documents, bills, &c., to certain Departments and officers of the Government therein named; the consideration of which, at the instance of Mr. MANN, of New York, was waived for the present.

MESSAGES FROM THE PRESIDENT.

Several messages from the President of the United States were received by the hands of Mr. DONELSON, his Private Secretary, which were laid before the House by the Speaker, and consisted of—

I. A communication inclosing a report from the Secretary of the Treasury relative to certain transfers of appropriation; which, on motion of Mr. CAMBRELENG, was ordered to be printed.

II. A message inclosing a report of the Secretary of War of certain astronomical observations, made with a view to the ascertainment of the northern boundary line of the State of Ohio; which, on motion of Mr. JOHN QUINCY ADAMS, was referred to a select committee of nine, and ordered to be printed.

III. A message, transmitting a copy of the constitution, and various documents in reference thereto, adopted by a convention recently assembled in the Territory of Michigan, with a view to the formation of a new State out of said Territory.

Mr. JOHN MASON, of Virginia, moved to refer the latter communication to a select committee, and that it be printed.

Mr. HAMER moved to refer the message to the same select committee to which the communication in reference to the northern boundary of the State of Ohio had been committed.

Mr. MASON remarked that, personally, he was indifferent as to the committee to which this subject was referred. There was some delicacy involved in the two communications, which perhaps might be obviated by sending them to different committees. He should cheerfully acquiesce in the decision of the House upon the subject of reference.

Mr. HOWARD moved to amend the propositions by referring the latter message and the accompanying documents to the standing Committee on Territories. He should follow up this motion, if it succeeded, by moving to reconsider the vote whereby the communication in reference to the northern boundary of Ohio had just been referred to a select committee, with a view to its reference to the Committee on Territories. He conceived there was no propriety in sending to select committees matters which appropriately belonged to the standing committees of the House.

Before any question was taken, on motion,

The House adjourned to Monday next.

IN SENATE.

MONDAY, *December* 14, 1835.

Mr. GOLDSBOROUGH, of Maryland, appeared and took his seat.

On motion of Mr. GRUNDY, the reading of the Journal was dispensed with, when—

DEATH OF MR. KANE.

Mr. ROBINSON rose and said:

Mr. PRESIDENT: It is true "in the midst of life we are in death." Another inscrutable dispensation of Providence has given us renewed cause of painful sorrow and grief. ELIAS KENT KANE is no more. He, with whom many in this Chamber have been here associated for the last ten years, has left this for another and a better world. No eulogy is necessary to remind his associates of his many virtues and amiable traits of character; their rehearsal would but add poignancy to our loss. As his colleague, I must be indulged in saying death has taken from me a most highly valued friend—from his State and country an able Senator and an honest man—from his bereaved wife and orphan children, the kindest of husbands, the most indulgent of parents. He died at half past one o'clock, on Friday night last, of a relapse of fever, with which he had been afflicted previous to leaving home.

I offer for adoption the following melancholy resolutions:

Resolved unanimously, That a committee be appointed to take order for superintending the funeral of the honorable ELIAS K. KANE, which will take place this day at half past twelve o'clock; that the Senate will attend the same; and that notice of the event be given to the House of Representatives.

Resolved unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect due the memory of the honorable ELIAS K. KANE, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing crape round the left arm.

The CHAIR then announced the Committee of Arrangements, as follows:

Mr. BENTON, Mr. CLAYTON, Mr. HENDRICKS, Mr. CRITTENDEN, and Mr. WRIGHT.

DEATH OF HON. ZALMON WILDMAN.

The following message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk:

Whereas, since the last adjournment of this House, the Hon. ZALMON WILDMAN, a Representative of the State of Connecticut, died at his lodgings in this city; and, in testimony of respect for his memory, both Houses of Congress assembled in the Hall of the House of Representatives on Saturday last, and attended the funeral of the deceased, under the superintendence of the Committee of Arrangements, designated by the Speaker, to wit:

Mr. HALEY, of Connecticut; Mr. LINCOLN, of Massachusetts; Mr. SMITH, of Maine; Mr. BEAUMONT, of Pennsylvania; Mr. WILLIAMS, of North Carolina; Mr. GRIFFIN, of South Carolina; Mr. HARDIN, of Kentucky.

Resolved unanimously, That, as a further testimony of respect for the memory of the deceased, the Members of this House will wear crape on the left arm for thirty days.

Ordered, That the Clerk communicate these proceedings to the Senate.

The message having been read,

Mr. TOMLINSON submitted the following resolution; which was considered and adopted:

Resolved unanimously, That the members of the Senate, as a further testimony of respect for the memory of the Hon. ZALMON WILDMAN, late a member of the House of Representatives from the State of Connecticut, will go into mourning by wearing crape round the left arm for thirty days.

Mr ROBINSON then submitted the following resolution; which was adopted:

Resolved unanimously, That, as an additional mark of respect for the memory of the Hon. ELIAS K. KANE, the Senate do now adjourn.

The Senate adjourned.

FUNERAL OF MR. KANE.

The President of the United States and the Heads of the Departments, the Vice President, and Members of the Senate, the Speaker and members of the House of Representatives, being assembled in the Senate Chamber, the corpse of the deceased was brought in in charge of the Committee of Arrangements, attended by the Sergeant-at-Arms of the Senate, and divine service performed by the Rev. Mr. POST; after which was the funeral procession moved to the place of interment in the following order:

The Clergy.

Physicians who attended the deceased.

Committee of Arrangements:

Mr. BENTON, of Missouri, Mr. CRITTENDEN, of Ky.,
Mr. CLAYTON, of Delaware, Mr. WRIGHT, of New York.
Mr. HENDRICKS, of Indiana.

Pall-Bearers.

Mr. LINN, of Missouri, Mr. KING, of Alabama,
Mr. TYLER, of Virginia, Mr. WHITE, of Tennessee,
Mr. DAVIS, of Massachusetts, Mr. BUCHANAN, of Pa.

Relatives of the deceased.

The Senator and Representatives from the State of Illinois, as mourners.

The Sergeant-at-arms of the Senate of the United States.

The Senate of the United States, preceded by the Vice President and Secretary.

The Sergeant-at-arms of the House of Representatives.

The House of Representatives of the United States, preceded by the Speaker and Clerk.

The President of the United States.

Heads of Departments.

Foreign Ministers.

Citizens and Strangers.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 14, 1835.

The following Standing Committees were announced as having been appointed by the Chair:

Of Elections—Messrs. Claiborne, Griffin, Hawkins, Hard, Burns, Kilgore, Buchanan, Maury, and Boyd.

Of Ways and Means—Messrs. Cambreleng, McKim, Loyall, Corwin, Johnson of Tennessee,

Smith, of Maine, Lawrence of Massachusetts, Ingersoll, and Owen.

Of Claims—Messrs. Whittlesey, Forester, Banks, Bynum, Grennell, Davis, Taliaferro, P. C. Fuller, and Chambers of Kentucky.

On Commerce—Messrs. Sutherland, Pinckney, Pearce of Rhode Island, Gillet, Phillips, Johnson of Louisiana, Ingham of Connecticut, Cushman, and McKeon.

On the Public Lands—Messrs. Boon, Slade, Williams of North Carolina, Lincoln, Casey, Kennon, Dunlap, Chapman, and Harrison of Missouri.

On the Post Office and Post Roads—Messrs. Connor, Briggs, Laporte, Hall of Vermont, Mann of New York, Cleveland, French, Shields, and Hopkins.

On the District of Columbia—Messrs. W. B. Shepard, Hiester, Vanderpool, Bouldin, Washington, Lane, Rogers, Fairfield, and Townes.

On the Judiciary—Messrs. Beardsley, Thomas, Hardin, Pierce of New Hampshire, Robertson, Peyton, Toucey, Jones of Virginia, and Martin.

On Indian Affairs—Messrs. Bell, McCarty, Everett, Graham, Ashley, Haynes, Lyon, Hawes, and Chaney.

On Military Affairs—Messrs. Johnson of Kentucky, Speight, Ward, Thomson of Ohio, Coffee, Bunch, McKay, Anthony, and Dromgoole.

On the Militia—Messrs. Glascock, Henderson, W. K. Fuller, Wagener, Calhoun of Massachusetts, Joshua Lee of New York, Carter, Coles, Williams of Kentucky.

On Naval Affairs—Messrs. Jarvis, Milligan, Lansing, Reed, Grayson, Parker, Wise, Ash, and Grantland.

On Foreign Affairs—Messrs. Mason of Virginia, Howard, Campbell, Cramer, Hamer, Allan of Kentucky, Parks, Cushing, and Jackson of Georgia.

On the Territories—Messrs. Patton, Potts, Brown, Fowler, Pickens, Sprague, Pearce of Maryland, Borden, and Montgomery.

On Revolutionary Pensions—Messrs. Wardwell, Lea of Tennessee, Lay, Janes, Storer, Morgan, Kingensmith, Bond, and Fry.

On Invalid Pensions—Messrs. Miller of Pennsylvania, Beale, Evans of Maine, Schenck, Taylor of New York, Harrison of Pennsylvania, Doubleday, Hoar, and Howell.

On Revolutionary Claims—Messrs. Muhlenberg, Crane, Standefer, Turrill, Kinnard, Beaumont, Craig, Chapin, and Underwood.

On Public Expenditures—Messrs. Page, Clarke of Pennsylvania, McLene, Mason of Maine, Deberry, Leonard, Haley, White, and Weeks.

On Private Land Claims—Messrs. Carr, Galbraith, Patterson, Chambers of Pennsylvania, May, Garland of Virginia, Hammond, Huntsman, and Lawler.

On Manufactures—Messrs. J. Q. Adams, Denny, Dickerson, McComas, Webster, Gideon Lee, Judson, Holsey, and Granger.

On Agriculture—Messrs. Bockee, Bean, Roane, Shinn, Deberry, Bailey, Logan, Phelps, and Ellmer.

On Roads and Canals—Messrs. Mercer, Vinton, Rencher, Lucas, Reynolds of Illinois, Hannegan, Steele, Jackson of Massachusetts, and Calhoon of Kentucky.

On Revisal and Unfinished Business—Messrs. Huntington, Mann of Pennsylvania, Mason of Ohio, Harlan, and Farlin.

On Accounts—Messrs. Lee of New Jersey, Darlington, Hall of Maine, Johnson of Virginia, and Turner of Maryland.

On Expenditures in the Department of State—Messrs. Augustine H. Shepperd, Calhoun of Massachusetts, Hunt of New York, Morris, and Sickles.

On the Expenditures in the Department of the Treasury—Messrs. Allen of Vermont, Harper, Spangler, Russell, and Barton.

On Expenditures in the Department of War—Messrs. Jones of Ohio, Bovee, Johnson of Virginia, Love, and Hubley.

On Expenditures in the Navy Department—Messrs. Hall of Maine, Sloane, Seymour, Pettigrew, and Mason of New York.

On Expenditures in the Post Office Department—Messrs. Hawes, Burns, Childs, Bailey of Maine, and Reynolds of New York.

On Expenditures on the Public Buildings—Messrs. Darlington, Hazeltine, Pearce of Rhode Island, Galbraith, and Beale.

Select Committee on the Rules of the House of Representatives—Messrs. Mann of New York, John Q. Adams, Thomas, Williams of North Carolina, Cambreleng, Everett, Parks, Parker, and Chambers of Pennsylvania.

Select Committee on the subject of the Northern Boundary of the State of Ohio—Messrs. John Q. Adams, Hardin, Patton, Pierce of New Hampshire, Haynes, Dickerson, McKay, Grayson, and Judson.

MEMBERS QUALIFIED.

Messrs. WILLIAM J. GRAVES, of Kentucky, and RICE GARLAND, of Louisiana, appeared, were qualified, and took their seats.

NORTHERN BOUNDARY OF OHIO.

Mr. HOWARD moved to reconsider the vote whereby the President's message in relation to the northern boundary of the State of Ohio was referred to a select committee.

On the suggestion of Mr H., the consideration of his motion was postponed until to-morrow.

DEATH OF HON. ZALMON WILDMAN.

Mr. HALEY. Mr. Speaker: It has become my painful duty to announce to this House the death of the Hon. ZALMON WILDMAN, a member of Congress from the State of Connecticut. He came into this city in a very feeble state, but flattered himself that he was gaining strength, and was in hopes that he should be able to perform his duty as a member of this House; but soon took cold, which much affected him; not so much, however, as to prevent him from taking his seat on the first day of the session, after which his difficulties increased, with a pressure on his lungs, which resisted the force of medicine; and while having all the assistance that was thought calculated to afford relief, he still sunk under the pressure of disease, and expired on the evening of the 10th instant, at about seven o'clock.

The acquaintance that I have had with my deceased colleague and friend, by reputation and otherwise, is such as to confirm the belief of his ability, his integrity, and uprightness. As a judge of a court, while he administered justice conscientiously to all, the arm of charity was extended to the wants of his neighbor.

Mr. H. concluded by asking leave to offer the following resolution:

Resolved, That the usual mark of respect be paid to the memory of the deceased, by the members of the House wearing crape on the left arm for thirty days.

Which was unanimously adopted.

DEATH OF HON. ELIAS K. KANE.

A message was received from the Senate, by Mr. LOWRY, their Secretary, announcing the decease of Hon. ELIAS K. KANE, late a Senator of the United States from the State of Illinois, and that the funeral will take place from the Senate Chamber this day at half past twelve o'clock; whereupon

Mr. CASEY submitted a resolution, that the members of the House attend the funeral of Mr. KANE; and, as a testimony of respect to the memory of the deceased, will go into mourning for one month, by wearing crape on the left arm; which, having been unanimously adopted by the House,

On motion of Mr. REYNOLDS, of Illinois, the House adjourned for the purpose of attending the funeral.

IN SENATE.

WEDNESDAY, *December* 15, 1835.

Mr. WEBSTER, of Massachusetts, appeared to-day, and took his seat.

ELECTION OF SECRETARY.

This being the day designated for the election of officers of the Senate, the Senate proceeded to ballot first for Secretary, and on counting the ballots, it appeared that Walter Lowrie, having thirty votes, was unanimously reëlected. The oath of office was then administered to Mr. Lowrie by the Vice President.

SERGEANT-AT-ARMS AND DOORKEEPER.

On balloting for Sergeant-at-Arms and Doorkeeper, the votes were as follows:

For John Shackford.....30
For Edward Wyer.....8
For Mr. Haight.....1

so that John Shackford, having thirty votes, was duly elected.

ASSISTANT DOORKEEPER.

On balloting for an Assistant Doorkeeper, it appeared that there were 34 votes for Stephen Haight, and 4 scattering; so that Mr. Haight was duly reëlected.

The usual oath of office was then administered to Mr. Shackford and to Mr. Haight by the Vice President.

HOYT, SMITH AND SON.

The CHAIR communicated a report from the Secretary of the Treasury, made in compliance with the resolution of the Senate of the 12th of February last; also a report relative to the compromise of the claims of the United States against the firm of Hoyt, Smith & Son, made under the act of 15th June, 1832; both of which were laid on the table, and ordered to be printed.

PRIVATE LAND CLAIMS IN MISSOURI.

The CHAIR also communicated a report from the Commissioner of the General Land Office, with a record of two volumes, containing the final report of the Board of Commissioners appointed under the act for the adjustment of private land claims in Missouri; which was laid on the table.

STANDING COMMITTEES

The resolution submitted by Mr. GRUNDY, designating this day for the appointment of the standing committees, was, after being amended so as to set apart to-morrow for that object, considered and agreed to.

PUBLIC DOCUMENTS.

The resolution submitted by Mr. BENTON, for supplying certain officers of the Government with the bills and documents printed for the use of Congress, was, on motion by Mr. KING, of Alabama, laid on the table.

VACANCY IN THE SENATE.

Mr. ROBINSON submitted the following resolution, which was considered:

Resolved, That the President of the United States be requested to notify the Executive of Illinois of the death of the Hon. ELIAS K. KANE, late a Senator of the United States from that State.

BOUNDARY LINE OF OHIO.

On motion by Mr. BENTON, five hundred extra copies of the President's message in relation to the northeastern boundary line of the State of Ohio, were ordered to be printed for the use of the Senate.

MICHIGAN SENATORS.

On motion by Mr. MANGUM, the election of the select committee of five members to consider and report on the subject of the application of the Senators elect from the State of Michigan, was further postponed until Thursday next.

On motion by Mr. BENTON, the motion submitted by him to extend the courtesy of the Senate to the gentlemen elected as Senators from the State of Michigan, so far as to assign them seats on the floor, until the decision of the question of their admission as Senators, was considered.

Mr. CLAY, for one, was not prepared to vote for this resolution. For what purpose (asked he) were they to put those gentlemen on the floor? Not, he presumed, to take a part in the proceedings of that body; not for the purpose of voting with them—certainly not. Why, then, (asked he,) are we to admit them, and if admitted, to what extent would be their rights on that floor? Were they to be admitted in the private as well as public sessions of the Senate; and if in private, under what injunctions? He was opposed to admitting them on the floor on principle, till it was decided that Michigan should be admitted into the Union. But it had been asked to admit those gentlemen as an act of courtesy only. What courtesy? Because they were Senators from Michigan? We could not otherwise (said Mr. C.) admit these gentlemen on the ground of courtesy, than we could admit any other gentlemen. He was opposed to the resolution, because it would, in some measure, admit them as Senators by implication, and thus commit the Senate; and he was therefore opposed to it, as it might seem to settle the question of their admission as Senators. He was willing to take up the case of Michigan, and

decide upon it, and when he decided upon it, decide also upon its necessary consequences, the question of the admission of those gentlemen. But (said he) let us decide first the previous question, and if we say that Michigan is to be admitted as a member of the Confederacy, with a right to send Senators here, those gentlemen will at once take their seats as their right. For the reasons he had given he was opposed to the resolution, and should vote against it.

Mr. BENTON said he had not examined into the precedents, for the sake of which this subject was, on the last day of their session, laid over at the instance of the Senator from Ohio. He had not examined those precedents, for it did seem to him that on a question of mere courtesy it did not become the Senate of the United States to be following precedents, but to make them. He did not think that when a mere question of what was decent and proper came before them, they ought to suspend their action until they looked into musty records for precedents. When a gentleman brought a letter to him from a respectable source, he at least asked him to take a seat until he read it; and here (said he) these gentlemen have brought a letter from a State, *de facto*, signed by a high official functionary, and we are to hesitate before we extend to them an act of common courtesy! By the principles laid down in the report of the case of the Senator from Rhode Island, these gentlemen had a right to this act of courtesy he asked for them, and to more—they had a right to all the privileges of Senators till the decision of the question of their admission; but he did not ask this much for them; he only asked that the gentlemen might, in common courtesy, be requested to take seats until their rights were decided upon.

Had there been (he asked) a single instance since the formation of the Government, in which this courtesy had been refused to gentlemen coming from a new State? Were they to be confined to precedents; and if so, how far were they to go back to look for them? What difficulty had there ever been experienced before in a case of this nature? Had there been any attempt, on the part of any one thus admitted, to take part in debate? Had any one attempted to give a vote—to stand up when the votes were counted? Had there been a single attempt to intrude into the secret sessions of the Senate? There had been none. As gentlemen, they would, when the order was given to clear the galleries, go out; and if they did not, some one would give them a hint to that effect. But it had been said that the adoption of the resolution would prejudge the case of the admission of Michigan into the Union; that the mere courtesy of asking the gentlemen to sit down, was to commit the Senate as to their admission as Senators. Are we of such treacherous memories as not to recollect what took place with regard to the admission of Missouri into the Union? Were the Senators from Missouri not sent back after having had seats assigned them? Was there one single Senator influenced in the vote he gave on that occasion by the fact, that seats had been assigned to the Missouri Senators pending the question of their admission? He (Mr. B.) was here as one of those Senators, and was told by that accomplished gentleman and amiable man who then filled the chair [Mr. GAILLARD] to take his seat; and he (Mr. B.) had all the incidental privileges of a Senator extended to him. He had the right to frank documents to wherever he pleased; and he had the privilege of using the stationery of the Senate; notwithstanding the question of right was decided against him and he was sent home. As to the question of the admission of Michigan, he, for one, remained not only uncommitted, but undecided as to the course he should take.

Mr. CLAYTON said, it appeared to him that this was not like any of the cases that had occurred. There was one distinct difference presented itself. The Territory of Michigan included a portion of the State of Indiana, as that Territory had been laid off. This measure looked strongly as affecting the rights of Indiana. He adverted to a portion of Illinois which went to Wisconsin under a former ordinance. But they were called upon to act on the grounds of courtesy. He would go as far in matters of politeness as any gentleman. One of the Senators from Illinois was dead, and before taking any measures on this subject, both her members ought to be present. The honorable gentleman says it is not the intention to admit them during executive sessions. If so, the resolution should so express it. If they could be admitted without infringing on the rights of Missouri, Illinois, Ohio, or the Senate of the United States, he would be willing to extend the courtesy asked for.

Mr. KING, of Alabama, said the object of this resolution is to admit persons to a seat on this floor. By a resolution adopted by the Senate, no person is entitled to that privilege except the persons designated in it. He would have no objection to these gentlemen taking seats outside of the bar, and hoped the gentleman from Missouri would so modify his resolution as to permit them to take seats without the bar.

The question was then taken on Mr. BENTON's motion, and the subject was laid on the table.

BILL INTRODUCED ON LEAVE.

Mr. PORTER, in pursuance of notice given, asked and obtained leave to introduce a bill to provide for the final adjustment of certain claims to lands therein mentioned; which was read, and ordered to a second reading.

On motion of Mr. CLAY, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 15, 1835.

The SPEAKER gave notice that he would, on to-morrow, proceed to call for memorials and petitions from the several States and Territories.

ELECTION OF OFFICERS.

On motion by Mr. WHITTLESEY, the House proceeded to the election of the officers of the House.

The following nominations for Sergeant-at-Arms were made:

Mr. HAWES nominated Oliver Pease.
Mr. MERCER nominated Bernard Hooe.
Mr. HAYNES nominated William Robinson.
Mr. THOMAS nominated Roderick Dorsey.
Mr. STEELE nominated James P. Heath.
Mr. LOYALL nominated John J. Roane.
Mr. PARKER nominated Abraham P. Lindsley.
Mr. ASH nominated John T. Sullivan.
Mr. McLENE nominated John A. Webber.
Mr. LUCAS nominated David Saunders.
Mr. BEALE nominated Thomas Sangster.
Mr. BOULDIN nominated Thomas B. Randolph and George Grimes.
Mr. HOPKINS nominated Harold Smyth.
Mr. DARLINGTON nominated Robert Beal.

After the first ballot, Mr. PEARCE, of Rhode Island, nominated Mr. D. A. A. Buck, of Vermont.

Messrs. MERCER, HAWES, HAYNES, THOMAS, and STEELE, were appointed tellers.

The following exhibits the result of the several

BALLOTS:

Names of Candidates.	1st.	2d.	3d.	4th.	5th.	6th.	7th.
Pease	34	45	61	75	79	89	92
Hooe	7	5	2	2	2	-	-
Robinson	17	19	16	9	5	2	2
Dorsey	19	24	29	39	71	110	122
Heath	16	17	14	11	2	1	-
Roane	20	22	21	13	5	1	-
Lindsley	31	30	31	33	28	4	1
Sullivan	20	23	20	28	20	8	1
Webber	17	16	9	4	1	-	-
Saunders	4	5	-	-	-	-	-
Sangster	2	2	1	-	-	-	-
Randolph	3	2	2	2	1	-	-
Grymes	3	2	1	1	1	3	-
Smyth	9	7	3	-	-	-	-
Beale	1	1	1	-	-	-	-
Shankland	1	-	-	-	-	-	-
Cook	1	-	-	-	-	-	-
May	1	-	-	-	-	-	-
Sutherland	1	-	-	-	-	-	-
Buck	-	4	3	2	1	2	-
Blanks	-	-	1	-	1	-	2
Whole number of votes.	208	224	215	219	217	220	220
Necessary to a choice...	105	113	108	110	109	111	111

Mr. Roderick Dorsey, of Maryland, having on the seventh ballot received a majority of all the votes given, was declared duly elected Sergeant-at-Arms.

Mr. BOCKEE submitted a resolution, appointing Mr. Overton Carr, Doorkeeper, and John W. Hunter, Assistant Doorkeeper.

Mr. HAWES had no objection to the gentlemen named, but where there was competition it was usual to ballot for those officers. Understanding that there would be competition for the place of Assistant Doorkeeper, he hoped the resolution would be so modified as to except the latter officer.

Mr. McCARTY moved an adjournment, which was carried.

The House then adjourned.

IN SENATE.

TUESDAY, *December* 16, 1835.

Messrs. CALHOUN and PRESTON, of South Carolina, appeared and took their seats.

COURTS IN ALABAMA.

Mr. KING, of Alabama, gave notice that he would to-morrow ask leave to introduce a bill providing for the better organization of the district courts of the United States for the district of Alabama.

STANDING COMMITTEES.

In pursuance of the resolution adopted yesterday, the Senate proceeded to the appointment of its standing committees, and the ballotings resulted as follows:

For chairman of the Committee on Foreign Relations, 42 votes were given; necessary to a choice, 22; of which—

Mr. Clay received.....23
Mr. King, of Alabama.....15
Mr. King, of Georgia..... 2
Mr. Leigh..... 1
Mr. Buchanan..... 1

Mr. CLAY was accordingly elected.

For chairman of the Committee on Finance, 43 votes were given; necessary to a choice, 22; of which—

Mr. Webster received.....25
Mr. Wright.....17
Mr. King, of Georgia..... 1

Mr. WEBSTER was accordingly elected.

For chairman of the Committee on Commerce, 43 votes were given; necessary to a choice, 22; of which—

Mr. Davis received.....22
Mr. Hill.....17
Mr. King, of Alabama..... 2
Mr. Tyler..... 1
Mr. Ewing..... 1

Mr. DAVIS was accordingly elected.

For chairman of the Committee on Manufactures, 43 votes were given; necessary to a choice, 22; of which—

Mr. Knight received.....22
Mr. Wall.....18
Mr. Buchanan..... 2
Mr. Morris..... 1

Mr. KNIGHT was accordingly elected.

For chairman of the Committee on Agriculture, 43 votes were given; necessary to a choice, 22; of which—

Mr. Brown received.....25
Mr. Tipton.....15
Mr. Hill..... 1
Mr. Kent..... 1
Blank..... 1

Mr. BROWN was accordingly elected.

For chairman of the Committee on Military Affairs, 41 votes were given; necessary to a choice, 21; of which—

Mr. Benton received.....29
Mr. Wall..... 3
Mr. Preston..... 2
Mr. Goldsborough..... 1
Mr. Tipton..... 1
Blanks..... 5

Mr. BENTON was accordingly elected.

For chairman of the Committee on the Militia,

39 votes were given; necessary to a choice, 20; of which—

Mr. Robinson received.....36
Mr. Goldsborough..... 1
Blanks..... 2

Mr. ROBINSON was accordingly elected.

For chairman of the Committee on Naval Affairs, 43 votes were given; necessary to a choice, 22; of which—

Mr. Southard received.....25
Mr. Tallmadge.....17
Mr. Shepley..... 1

Mr. SOUTHARD was accordingly elected.

For chairman of the Committee on Public Lands, 43 votes were given; necessary to a choice, 22; of which—

Mr. Ewing received.....24
Mr. Morris.....15
Mr. McKean..... 2
Mr. Grundy..... 1
Mr. Linn..... 1

Mr. EWING was accordingly elected.

For chairman of the Committee on Private Land Claims, 42 votes were given; necessary to a choice, 22; of which—

Mr. Black received.....24
Mr. Linn.....17
Mr. Tyler..... 1

Mr. BLACK was accordingly elected.

For chairman of the Committee on Indian Affairs, 38 votes were given; necessary to a choice, 20; of which—

Mr. White received.....36
Mr. Cuthbert..... 1
Blank..... 1

Mr. WHITE was accordingly elected.

For chairman of the Committee on Claims, 41 votes were given; necessary to a choice, 21; of which—

Mr. Naudain received.....21
Mr. Shepley.....15
Mr. Hendricks..... 1
Mr. Hill..... 1
Mr. Wall..... 1
Mr. Prentiss..... 1
Mr. Tipton..... 1

Mr. NAUDAIN was accordingly elected.

For chairman of the Committee on the Judiciary, 41 votes were given; necessary to a choice, 21; of which—

Mr. Clayton received.....22
Mr. Buchanan.....16
Mr. Shepley..... 1
Blank..... 2

Mr. CLAYTON was accordingly elected.

For chairman of the Committee on the Post Office and Post Roads, 36 votes were given; necessary to a choice, 19; of which—

Mr. Grundy received.....25
Mr. Davis..... 1
Mr. Ewing..... 1
Mr. Mangum..... 1
Mr. Tomlinson..... 1
Mr. Wall..... 1
Blank..... 6

Mr. GRUNDY was accordingly elected.

For chairman of the Committee on Roads and Canals, 40 votes were given; necessary to a choice, 21; of which—

Mr. Hendricks received.....39
Mr. Robinson..... 1

Mr. HENDRICKS was accordingly elected.

For chairman of the Committee on Pensions, 41 votes were given; necessary to a choice, 21; of which—

Mr. Tomlinson received.....23
Mr. Brown.....16
Mr. Prentiss..... 1
Mr. Shepley..... 1

Mr. TOMLINSON was accordingly elected.

For chairman of the Committee for the District of Columbia, 39 votes were given; necessary to a choice, 20; of which—

Mr. Tyler received.....23
Mr. King, of Georgia.....15
Mr. Shepley..... 1

Mr. TYLER was accordingly elected.

For chairman of the Committee on Revolutionary Claims, 40 votes were given; necessary to a choice, 21; of which—

Mr. Moore received.....21
Mr. Hubbard.....14
Mr. Leigh..... 1
Mr. Shepley..... 1
Mr. Wright..... 1
Mr. McKean..... 1
Mr. Hill..... 1

Mr. MOORE was accordingly elected.

For chairman of the Committee on the Contingent Expenses of the Senate, 40 votes were given; necessary to a choice, 21; of which—

Mr. McKean received.....22
Mr. Ruggles.....14
Mr. Knight..... 3
Mr. Morris..... 1

Mr. McKEAN was accordingly elected.

For chairman of the Committee on Engrossed Bills, 38 votes were given; necessary to a choice, 20; of which—

Mr. Shepley received.....22
Mr. McKean.....13
Mr. Ruggles..... 2
Mr. Hubbard..... 1

Mr. SHEPLEY was accordingly elected.

The ballotings for the remaining members of the standing committees resulted in the choice of the following gentlemen:

On Foreign Relations—Messrs. King of Georgia, Tallmadge, Mangum, and Porter.

On Finance—Messrs. Cuthbert, Wright, Tyler, and Mangum.

On Commerce—Messrs. Davis, Goldsborough, Tomlinson, McKean, and Linn.

On Manufactures—Messrs. Knight, Ruggles, Morris, Prentiss, and Hendricks.

When the VICE PRESIDENT announced the result of the balloting for the Committee on Manufactures,

Mr. CLAY rose and said, the balloting was a very fatiguing process, and he presumed no one felt it more so than the Presiding Officer. Although a necessary, it was nevertheless a very tedious process, and would probably occupy the Senate till four o'clock before they got through. As the Senate would not have a great deal to do to-morrow, he would therefore move to adjourn; which was agreed to.

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 16, 1835.

Hon. E. W. RIPLEY, of Louisiana, and Hon. WADDY THOMPSON, of South Carolina, appeared, were qualified, and took their seats.

Mr. DORSEY, the Sergeant-at-Arms elect, attended, and was qualified.

MEMORIALS, PETITIONS, ETC.

Petitions and memorials were presented by Messrs. EVANS, JARVIS, HALL, BAILEY, and FAIRFIELD, of Maine.

Mr. FAIRFIELD presented the petition of one hundred and seventy-two ladies residing in his district, praying the abolition of slavery in the District of Columbia, and moved that it be referred to the Committee on the District of Columbia.

In presenting this petition, Mr. F. remarked that he did not desire to be understood as favoring the views of the petitioners.

Mr. CRAMER moved to lay the petition on the table; which was agreed to.

Mr. FAIRFIELD presented a similar petition from one hundred and seventy-two gentlemen residing in his district; which he moved to lay on the table.

Mr. MASON, of Virginia, remarked, that in order to obtain a distinct expression of the House on this subject, he would move that the question on laying this petition on the table be taken by yeas and nays. Ordered.

Mr. BOON called for the reading of the memorial; which was done accordingly.

Mr. SLADE then moved that the memorial be printed.

Mr. WILLIAMS, of North Carolina, called for a division of the question to print and lay on the table.

Mr. MASON, of Virginia, asked for the yeas and nays on the motion to print; which were also ordered.

The question was then taken on the motion to lay the memorial on the table; and decided in the affirmative—yeas 180, nays 31; as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ash, Ashley, Bailey, Barton, Beale, Bean, Beardsley, Beaumont, Bell, Bockee, Bond, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoon, Cambreleng, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Claiborne, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Effner, Everett, Fairfield, Farlin, Forester, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Graham, Granger, Grantland, Graves, Grayson, Griffin, Haley, Joseph Hall, Hammond, Hannegan, Hard, Hardin, Harlin, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hoar, Hopkins, Howard, Howell, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, John W. Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lincoln, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Sampson Mason, Maury, May, McComas, McKay, McKeon, McKim, Mercer, Milligan, Morgan, Muhlenburg, Owens, Page, Parks, Patterson, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Phillips, Pickens, Pinckney, Reed, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Seymour, Shepard, Shepperd, Shields, Shinn, Sickles, Spangler, Steele, Storrs, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Waddy Thompson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Webster, Weeks, White, Lewis Williams, Sherrod Williams, and Wise—180.

NAYS—Messrs. John Quincy Adams, Heman Allen, Banks, Borden, Briggs, William B. Calhoun, Clark, Cushing, Darlington, Evans, George Grennell, Hiland Hall, Harper, Hazeltine, Henderson, Heister, Hubley, William Jackson, Janes, Laporte, Love, Morris, Parker, Dutee J. Pearce, Potts, Russell, Slade, Sloane, Sprague, Wardwell, and Whittlesey—31.

So the memorial was laid on the table.

Mr. SLADE said he had asked for the printing of the memorial, because he was sure that very many gentlemen who had voted to lay it on the table were favorably inclined in regard to the subject it prayed for, and were not, perhaps, distinctly aware of its object. It was well known that memorials of the same character had been presented to Congress for a long time. The subject was one confessedly of great importance, of great national importance, and one in regard to which, whatever might be the feelings, or whatever might be the prejudices of gentlemen, they ought to desire to be informed, and to act understandingly. He thought, therefore, in reference to the importance of the question, the memorial should be printed; and he also thought so in reference to what he understood to be the character of the memorialists themselves. He was not acquainted with them personally, but he knew them to belong to a portion of country as much enlightened and as well informed in regard to the character of human rights, and the extent of rights which belong to the freemen of this country, and the several States, as any portion of the community. They were people who as well understood their constitutional rights as any other, if they were of the same stamp as those from whom he would have to present similar memorials. He knew the personal characters and respectability of those people; and when they presented their memorial to this House they were entitled, as a matter of common courtesy, to a respectful hearing; and, he would add, as a matter of common right and common courtesy, that their memorials should be printed for the information of the members of the House. He further begged permission to say, that there was less connection between these memorials for the abolition of slavery in the District of Columbia, and the general efforts making at this time to press upon the South the importance of immediate abolition, than was generally imagined. He knew the former petitions to be signed by a great number of gentlemen of the highest respectability, who did not belong to the Abolition Society, who never did belong, and who probably never would belong to that society,

but who, at the same time, felt deeply impressed with the conviction that Congress had the right to legislate upon this subject within the District of Columbia, and to blot out the foul stain of the slave trade within the District. There were vast numbers who never did belong to the Abolition Society, but who came there with their earnest petitions to abolish the slave trade within the District.

The SPEAKER reminded the gentleman from Vermont, that the merits of the question could not be gone into upon a mere motion to print.

Mr. SLADE would conclude by calling the attention of the House to one fact. It would be remembered that, as long ago as 1828, a memorial of precisely the same character with this was presented from the district itself, signed by about eleven hundred citizens of the district, many of whom he personally knew, and who would not be accused of fanaticism; and a year ago, upon the motion of a respectable member from New Hampshire, now in another branch of this Legislature, [Mr. HUBBARD,] that petition was called up and ordered to be printed. Now, if any gentleman would take the pains to examine it, they would find stronger language in that petition, and that the memorialists took stronger ground than was taken in the memorial then before the House, and he thought this fact might be urged in favor of the application that this memorial should be printed.

Mr. VANDERPOEL remarked, that inasmuch as the memorial had been audibly read by the Clerk, and the contents of it were now well understood by every member of the House, and as the motion to print was debatable, and the debate now commenced was very unprofitable, and would, in all probability, if not arrested, consume the day, he would move to lay the motion to print on the table; and upon that motion he called the yeas and nays, which were ordered by the House.

The question was then taken, and decided as follows: yeas 168, nays 50.

YEAS—Messrs. Chilton Allan, Anthony, Ash, Ashley, Bailey, Barton, James M. H. Beale, Bean, Beardsley, Beaumont, Bell, Bockee, Bond, Boon, Bouldin, Boyce, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoon, Cambreleng, Campbell, Carr, Casey, Chambers, Chaney, Chapman, Chapin, Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Crane, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Forester, French, Fry, Philo C. Fuller, William K. Fuller, James Garland, Rice Garland, Gillet, Glascock, Graham, Grantland, Graves, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hammond, Hannegan, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Hopkins, Howard, Howell, Huntington, Huntsman, Ingham, Joseph Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Gideon Lee, Joseph Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Joel Mann, Martin, John Y. Mason, William Mason, Moses Mason, Samp on Mason, Maury, May, McComas, McKay, McKeon, McKim, McLane, Mercer, Montgomery, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pickens, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpool, Wagener, Ward, Washington, Weeks, White, Lewis Williams, Sherrod Williams, and Wise—168.

NAYS—Messrs. John Q. Adams, Heman Allen, Banks, Borden, Briggs, William B. Calhoun, Carter, George Chambers, Childs, Clark, Corwin, Cushing, Darlington, Evans, Everett, Galbraith, Granger, Grennell, Hiland Hall, Hard, Harper, Hazeltine, Henderson, Heister, Hoar, Hubley, Hunt, Ingersoll, William Jackson, Janes, Lawrence, Lay, Lincoln, Love, Milligan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Slade, Sloane, Sprague, Vinton, Wardwell, Webster, and Whittlesey—50.

So the motion to print was laid on the table.

Petitions and memorials were further presented by

Messrs. SMITH and PARKS, of Maine;

Mr. CUSHMAN, of New Hampshire;

Messrs. GRENNELL, BRIGGS, ADAMS, PHILLIPS, LAWRENCE, and CALHOUN, of Massachusetts;

[Mr. JOHN Q. ADAMS, on leave, submitted the following resolution, which, under the rule, lies one day on the table:

Resolved, That the Secretary of War be directed to report to this House a statement of the names of all the pensioners for services during the Revolutionary war, pensioned under the act of Congress of 18th March, 1813, whose names were struck off the list by virtue of the act of 1st March, 1820, specifying those restored to pensions by the act of 1st March, 1823, or since again pensioned under the act of 15th May, 1828, the act of 7th June, 1832, or any other act of Congress subsequent to that of 1st May, 1820;]

Mr. PEARCE, of Rhode Island;

Messrs. INGHAM and JUDSON, of Connecticut;

Messrs. ALLEN, EVERETT, and HALL, of Vermont.

Messrs. WARDWELL, CAMBRELENG, VANDERPOEL, DOUBLEDAY, LEONARD, HARD, BROWN, McKEON, GILLET, TAYLOR, WARD, GRANGER, HUNT, P. C. FULLER, LANSING, BEARDSLEY, TURRILL, and LEE, of New York;

[Mr. WARD presented the petitions of Jonathan Ward and Samuel Youngs; which were referred to the Committee on Revolutionary Claims;]

Messrs. PARKER and DICKERSON, of New Jersey.

[Mr. DICKERSON presented certain joint resolutions of the Legislature of New Jersey, instructing their Senators in Congress to vote for expunging the resolutions of the Senate of the United States condemning the President of the United States. Also, instructing the Senators, and requesting the Representatives in Congress from New Jersey, to vote against the United States Bank, &c.; which having been read, were, on Mr. D.'s motion, laid on the table, and ordered to be printed;]

Messrs. CHAMBERS, BANKS, ASH, ANTHONY, FRY, HARPER, BEAUMONT, SUTHERLAND, and INGERSOLL, of Pennsylvania;

Mr. MILLIGAN, of Delaware;

Messrs. HOWARD, STEELE, McKIM, and WASHINGTON, of Maryland;

Messrs. ROBERTSON, BOULDIN, CRAIG, McCOMAS, MERCER, WISE, LOYALL, TALIAFERRO, JOHNSON, GARLAND, LUCAS, MASON, HOPKINS, and PATTON, of Virginia;

Messrs. A. H. SHEPPERD, and W. B. SHEPARD, of North Carolina;

Messrs. HAYNES, OWENS, and COFFEE, of Georgia;

Messrs. ALLAN, BOYD, JOHNSON, and UNDERWOOD, of Kentucky;

Messrs JOHNSON, DUNLAP, HUNTSMAN, LEA, and Mr. Speaker POLK, of Tennessee.

[The SPEAKER presented the memorial of Mr. David Newland, of North Carolina, contesting the election of the Hon. JAMES GRAHAM as a member of the House of Representatives, which, together with various documents on the same subject, were, on motion of Mr. PEARCE, of Rhode Island, referred to the Committee on Elections.]

Among the petitions presented and referred on Wednesday were the following:

Mr. MAY presented petitions from sundry inhabitants of Jo Daviess and Cook counties, praying indemnity for property lost and destroyed during the late Indian disturbances.

Also, the petition of James Adams for remuneration on account of sacrifices and losses sustained during the late war.

Also, the memorial of Josetta Beaubien, praying permission to surrender to the United States two sections of land reserved to her under the treaty of 1832, made with the Pottawatomie Indians, and to locate a like quantity of land elsewhere in the State of Illinois, in lieu thereof.

Mr. DAVIS, of Indiana, presented the petition and vouchers of Colonel Francis Vigo, of Knox county, Indiana.

Mr. ASHLEY, of Missouri, presented the following:

Memorials of the Legislature of Missouri in relation to the establishment of hospitals on the western waters;

Respecting trade with the Mexican provinces;

Asking a grant of five hundred thousand acres of land to the State of Missouri;

Asking Congress to authorize a change in the application of money arising out of the sale of lands appropriated for the support of a seminary of learning in Missouri;

Recommending the establishment of a new land district south of the Missouri river;

Asking the extension of the Cumberland road to the seat of government of Missouri;

To grant the right of preëmption to settlers upon the public lands;

To improve the navigation of the Missouri and Mississippi rivers;

The petition of A. Brazeau, praying the confirmation of a tract of land;

John Mulanphy's heirs, praying the confirmation of twenty-two (22) tracts of land;

Petition of Joseph Barclay, praying an act for the adjustment of his claim for military services;

Of George Elliot, for a pension;

Margaret Carter, for a grant of land in consideration of the services of her late father;

Of Richard Brumfield, for a pension;

Of sundry citizens of Clay county, Missouri, in relation to Indian affairs, and for the protection of the western frontier;

Of David Browning and Jonathan Boon, to correct errors committed in the purchase of lands;

Of James Alexander, Ira Nash, and Ira O'Bannon, for remuneration for Indian depredations;

Of Isaac Rutland, for remuneration for property destroyed by the enemy during the late war with Great Britain;

Of Isaac Piggot, for compensation for the military services of his late father in the army of the Revolution;

Of Thomas Riddick's heirs, praying the confirmation of a tract of land;

Of Joseph Garner, for compensation for his services while acting as clerk of a court under the territorial government of Missouri;

Sundry petitions of citizens of the counties of Boon, Gallaway, Morgan, St. Charles, Monroe, Cooper, Pitts, Washington, Ripley, Lafayette, Saline, and Jefferson, in Missouri, praying the establishment of new post routes;

And a resolution of the Legislature of Missouri, approving of the official conduct of the President of the United States;

Messrs. WHITTLESEY, STORER, KENNON, CRANE, and MASON, of Ohio;

[Mr. HAMER rose and remarked, that as he was absent from his seat when the question was taken on the motion of the gentleman from Maine, relative to the memorial on the abolition of slavery in the District of Columbia, he now asked leave of the House to record his vote thereon; which was objected to;]

[Mr. HALSEY, of Georgia, who was also absent, made a similar motion, which being objected to, he moved to suspend the rules of the House to enable him to record his vote; but at the request of Mr. LANE, of Indiana, he withdrew his motion for the present;]

Messrs. JOHNSON and GARLAND, of Louisiana;

Messrs. LANE, DAVIS, and KINNARD, of Indiana;

[Mr. LANE presented the petition of Enoch Blasdell for a pension; of Richard Oliver for a pension; of Stephen Green and others, of Switzerland county, praying the passage of a law directing more specifically the manner of dividing sections of the public lands; of the citizens of Ripley and Dearborn counties, for the establishing a post office from Aurora by Wilmington to Napoleon; of the citizens of Ripley and Dearborn counties, for a post route from Versailles to Rising Sun, thence to Burlington;]

[Mr. KINNARD presented the petition of Jacob Shencle, of Marion county, Indiana, praying compensation for military services during the late war;

Also, of Aaron D. Foster, a soldier of the late war, praying to be placed on the invalid pension roll;

Also, of John H. Newland, a soldier of the late war, praying to be placed on the invalid pension roll;

Also, of James Calvin, a soldier of the late war, praying to be placed on the invalid pension roll;

Also, of William J. Posey, a soldier of the late war, for compensation for a horse lost in the service of the United States;

Also, of Scioto Evans, for compensation for a horse lost in the service of the United States, in the late war with the Indians on the frontiers of Michigan and Illinois;

Also, of Andrew Hoover, for compensation for a horse lost in the same service;

Also, several petitions for the establishment of post routes;

Also, the petitions of Archibald Small and of Daniel Smith, praying that land patents may issue to them respectively;

Also, the petitions of John Griffith, and of Obadiah Turpin, to be placed on the pension roll on account of revolutionary services;

Also, the petition of James Calvin, a soldier of the late war, praying to be placed on the invalid pension roll;

Also, the petition of the Leavenworth and Indianapolis Railroad Company, asking certain privileges;

Also, the petition of the inhabitants of the seminary township in the county of Monroe, for a grant of lands in lieu of the sixteenth section in said township;

Also, the petition of the heirs of Humphrey Barret, praying compensation for certain property employed in the public service during the revolutionary war;]

Messrs. MAY, REYNOLDS, and CASEY, of Illinois;

[Mr. REYNOLDS said: Mr. Speaker, at the last Congress I had the honor to present a memorial of the General Assembly of the State of Illinois, praying a continuation of the national road from Vandalia west to Alton, in the State of Illinois. I move that the said memorial, now on file in the Clerk's office, be referred to the Committee on Roads and Canals; which was agreed to;]

Messrs. CHAPMAN and LYON, of Alabama;

Mr. ASHLEY, of Missouri;

Mr. JONES, of Michigan Territory;

Mr. SEVIER, of Arkansas;

Mr. WHITE, of Florida;

Which petitions and memorials were referred to appropriate committees.

SLAVERY IN DISTRICT OF COLUMBIA.

Mr. HALSEY then renewed his motion to suspend the rules of the House to enable him to record his vote in reference to the memorial on the abolition of slavery in the District of Columbia; which was negatived.

EXECUTIVE COMMUNICATIONS.

The SPEAKER presented sundry communications to the House.

I. From the Secretary of the Treasury, communicating a compromise with Thomas H. Smith, as authorized by the act of June, 1832; which was laid on the table, and ordered to be printed.

II. From the First Comptroller, transmitting a statement of unsettled accounts for three years; which was laid on the table, and ordered to be printed.

III. From the Secretary of the Treasury, in answer to a resolution of the House of the 2d of March last, relative to the levee on the Mississippi river; which was referred to the Committee on Public Lands, and ordered to be printed.

IV. From the Commissioner of the General Land Office, relative to the reports of the Board of Commissioners upon certain claims to land in Missouri; which was laid on the table.

V. From the Third Auditor, respecting a claim of Christopher Brown, administrator of —— Garland; which was laid on the table, and ordered to be printed.

VI. From the Secretary of the Treasury, in answer to a resolution of the House of February last, respecting certain land claims in Florida; which was referred to the Committee on Private Land Claims, and ordered to be printed.

VII. From the Secretary of the Treasury, in answer to a resolution of the House of the 14th January last, transmitting copies of the decisions of the commissioners on certain land claims in Michigan, &c.; which were referred to the Committee on Private Land Claims, and the communication only ordered to be printed.

VIII. From the First Comptroller, transmitting a list of balances on the books of the Fourth Auditor for more than three years; which was laid on the table, and ordered to be printed.

IX. From the First Comptroller, the same as the foregoing in relation to the office of the Third Auditor; which was laid on the table, and ordered to be printed.

X. From the Secretary of the Treasury in relation to custom-house buildings and public stores; which was referred to the Committee on Commerce, and ordered to be printed.

XI. From the Clerk of the House of Representatives, transmitting the disbursements, &c., of the contingent fund of the House; which was laid on the table, and ordered to be printed.

XII. From the Treasurer of the United States, a report pursuant to the act of 1789, in reference to the settlement of certain public accounts, &c.; which was laid on the table, and ordered to be printed.

MICHIGAN MEMBER.

XIII. From Mr. ISAAC E. CRARY, transmitting his credentials as a member of the House of Representatives from the State of Michigan.

Mr. BEARDSLEY said, without prejudging the question, or giving the gentleman power to vote and act, he would move that the Speaker assign to Mr. CRARY a seat within the bar of the House; and that the communication be printed.

Mr. MERCER moved to lay the motion on the table; but, before the question was taken, the House,

On motion by Mr. HANNEGAN, adjourned.

IN SENATE.

WEDNESDAY, *December* 17, 1835.

Mr. TIPTON submitted the following resolutions; which lie over one day for consideration:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of an appropriation for constructing a harbor at Michigan City, on Lake Michigan, Indiana.

Resolved, That the Secretary of War be requested to cause to be prepared and laid before the Senate a plan and estimate for the construction of a harbor at Michigan City, in the State of Indiana.

CUSTOM-HOUSES.

The CHAIR communicated a report from the Treasury Department on the subject of purchasing sites and erecting custom-houses at important posts in the United States; which was laid on the table.

THE MAILS—RAILROADS.

Mr. WEBSTER submitted the following resolutions, which lie over one day for consideration:

Resolved, That so much of the President's Message as respects the question, whether the United States cannot, without transcending their constitutional powers, secure to the Post Office Department the use of the several railroads in the United States by an act of Congress which shall provide within itself some equitable mode of adjusting the amount of compensation, be referred to the Committee on the Judiciary, with instructions to make a special report thereon.

Resolved, That the Committee on Roads and Canals be instructed to report the number, extent, and direction of the several railroads already built or commenced, and the most important of those which are projected or contemplated in the several States; and that they inquire into the expediency of aiding in any of those undertakings on the part of the Government of the United States, either by making payment in advance on contracts for carrying the mails on such roads, or otherwise; and on condition of transporting the property or troops of the United States, by such roads, free of expense to the United States, whether in peace or in war.

PROCEEDS OF THE PUBLIC LANDS.

Mr. CLAY gave notice that he would, on Monday next, ask leave to introduce a bill to appropriate, for a limited time, the proceeds of the sales of the public lands, and for granting lands to certain States, and for other purposes.

LAND CLAIMS IN MISSOURI.

Mr. LINN, in pursuance of notice given, asked and obtained leave, and introduced a bill confirming certain claims to lands in the State of Missouri, and for other purposes; which was twice read and laid on the table; also, a bill authorizing the President of the United States to cause to be run and marked the boundary line dividing the territory of the United States and the State of Missouri; which was read, and ordered to a second reading.

PETITIONS REFERRED, ETC.

On motion of Mr. TYLER, the petition and papers of James T. Barton, presented at the last session, were again referred to the Committee on Finance.

On motion of Mr. RUGGLES, leave was granted to Gabriel B. Shaw to withdraw his petition and papers, presented at the last session.

On motion of Mr. TALLMADGE, the petition and papers of Mary Sullivan, presented at the last session, were again referred to the Committee on Foreign Relations.

SCHOOL LANDS.

Mr. MOORE, in pursuance of notice given, asked and obtained leave, and introduced a bill authorizing the relinquishment of the sixteenth section of public lands granted for the use of schools, and the location of other lands in lieu thereof, and for other purposes; which was read, and ordered to a second reading.

PIERS AT NEWCASTLE.

Mr. CLAYTON submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of appropriating a sufficient sum to construct piers at Newcastle, on the river Delaware; and that the instructions of the Legislature of Delaware to the Senators from that State, on that subject, be and the same are hereby referred to the same committee.

BILL INTRODUCED.

Mr. BLACK, in pursuance of notice given, asked and obtained leave, and introduced a bill authorizing the Secretary of the Treasury to invest the amount of the two per cent. fund, reserved for making roads leading to the State of Mississippi, under the direction of Congress; which was twice read, and laid on the table.

ELECTION OF COMMITTEES.

The Senate then proceeded to continue its ballotings for the remaining members of its standing committees, and the following were appointed:

On Agriculture—Messrs. Kent, King of Alabama, Morris, and Wright.

On Military Affairs—Messrs. Wall, Goldsborough, Preston, and Tipton.

On the Militia—Messrs. Hendricks, McKean, Swift, and Wall.

On Naval Affairs—Messrs. Tallmadge, Black, Robbins, and Cuthbert.

On Public Lands—Messrs. Moore, Prentiss, Crittenden, and McKean.

On Private Land Claims—Messrs. Linn, Ruggles, Porter, King of Georgia.

On Indian Affairs—Messrs. Tipton, Goldsborough, Swift, and Brown.

On Claims—Messrs. Tipton, Shepley, Swift, and Brown.

On the Judiciary—Messrs. Buchanan, Leigh, Preston, and Crittenden.

On Post Offices and Post Roads—Messrs. Robinson, Ewing, Knight, and Davis.

On Roads and Canals—Messrs. McKean, Robinson, Kent, and Robbins.

On Pensions—Messrs. Tallmadge, Linn, Prentiss, and McKean.

On the District of Columbia—Messrs. Kent, Naudain, Southard, and King of Georgia.

On Revolutionary Claims—Messrs. White, Hubbard, Leigh, and Shepley.

On the Contingent Expenses of the Senate—Messrs. Tomlinson and Brown.

On Engrossed Bills—Messrs. Hill and Morris.

CHAPLAINS.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had passed a joint resolution, providing for the appointment of two Chaplains, of different denominations, in which they request the concurrence of the Senate; and

On motion by Mr. PORTER, the resolution was concurred in.

DISTRICT COURTS IN ALABAMA.

Mr. KING, of Alabama, in pursuance of notice given, asked and obtained leave, and introduced a bill to provide for the better organization of the district courts of the United States in the district of Alabama; which was twice read, and referred to the Committee on the Judiciary.

On motion by Mr. CLAY, the Senate adjourned over to Monday next.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 17, 1835.

On motion by Mr. BOCKEE, the resolution offered by him on a former day, appointing Overton Carr Doorkeeper, and John W. Hunter Assistant Doorkeeper, was taken up.

Mr. HAWES objected to the resolution.

Mr. BOCKEE said, that at the suggestion of

the gentleman from Kentucky, and at the request of Colonel Hunter, he would modify his resolution by striking from it so much as related to the assistant doorkeeper.

The resolution, thus modified, was agreed to; and Overton Carr was declared duly appointed Doorkeeper.

Mr. BOCKEE submitted a resolution proposing to proceed to the election of Assistant Doorkeeper; which was agreed to.

Mr. HAYNES nominated John W. Hunter;
Mr. PATTON nominated John B. Dade;
And Mr. C. ALLAN nominated Oliver Pease.

Messrs. HAYNES, PATTON, and ALLAN of Kentucky, were appointed tellers; and the result was ascertained to be—

For Mr. John W. Hunter.....155
For Mr. John B. Dade..... 29
For Mr. Oliver Pease..... 17
Blanks..... 5

Mr. John W. Hunter having received a majority of all the votes, was declared duly elected Assistant Doorkeeper.

Messrs. Carr and Hunter appeared, were qualified, and entered upon the duties of their offices.

THE PRESIDENT'S MESSAGE.

Mr. BEARDSLEY remarked, that it had been customary, at an earlier period of the session, to go into Committee of the Whole on the President's message. He would move that the House now resolve itself into a Committee of the Whole on the state of the Union.

The motion was agreed to; and the House accordingly went into committee, (Mr. JOHN Q. ADAMS in the chair.)

Mr. BEARDSLEY submitted the following resolutions, which were unanimously agreed to:

1. *Resolved*, That so much of the President's message as relates to the political relations of the United States with foreign nations, including "the ascertainment of the claims to be paid, and the apportionment of the funds, under the convention made with Spain," be referred to the Committee on Foreign Relations.

2. *Resolved*, That so much of said message as relates to the commerce of the United States with foreign nations and their dependencies, be referred to the Committee on Commerce.

3. *Resolved*, That so much of said message as relates to the finances, and everything connected therewith—the custody of the public moneys, and everything connected therewith—the offices of Commissioners of Loans and of the Sinking Fund, and everything connected with the operations of those offices—and the Bank of the United States, including the books and stock of the United States in that institution, be referred to the Committee of Ways and Means.

4. *Resolved*, That so much of said message as relates to the public lands, to the condition of the General Land Office, and to improvements in the land system, be referred to the Committee on the Public Lands.

5. *Resolved*, That so much of said message as relates to the report of the Secretary of War, and the public interest intrusted to the War Department, except so much thereof as relates to Indian affairs, be referred to the Committee on Military Affairs.

6. *Resolved*, That so much of said message as relates to the militia of the United States be referred to the Committee on the Militia.

7. *Resolved*, That so much of said message as relates to the Indian tribes, and everything connected therewith, be referred to the Committee on Indian Affairs.

8. *Resolved*, That so much of said message as relates to the report of the Secretary of the Navy, and the public interests intrusted to the Navy Department, be referred to the Committee on Naval Affairs.

9. *Resolved*, That so much of said message as relates to the report of the Postmaster General, the condition and operations of the Post Office Department, and everything connected therewith, be referred to the Committee on the Post Office and Post Roads.

10. *Resolved*, That so much of said message as relates to "amending that part of the Constitution which provides for the election of President and Vice President of the United States," be referred to a select committee.

11. *Resolved*, That so much of said message as relates "to the present condition of the District of Columbia," and which recommends a revision of its laws, and the extension of political rights to its citizens, be referred to the Committee on the District of Columbia.

12. *Resolved*, That so much of said message as relates "to the defects which exist in the judicial system of the United States," and which recommends an extension of that system to all the States, be referred to the Committee on the Judiciary.

The committee then (on motion by Mr. MASON, of Virginia) rose, and the chairman reported the resolutions to the House.

After a word or two of explanation by Messrs. WILLIAMS of North Carolina, and BEARDSLEY, the resolutions were adopted, and the Select Committee on so much of the President's message as relates to the election of President and Vice President of the United States, was ordered to consist of nine.

CHAPLAINS.

Mr. THOMSON, of Ohio, moved the adoption of the customary joint resolution for the election of two Chaplains to Congress.

Mr. WARDWELL stated that he had intended when this resolution should be considered by the House, to offer an amendment, prohibiting the use of this Hall on the Sabbath to the Chaplains of Congress, or for any other purpose whatsoever. As he did not, however, wish to embarrass the election of Chaplains, which he should not oppose, and as some members supposed that such would be the effect, he would not now offer the amendment, but would give notice that he should, at some future day, offer a resolution, the effect of which will be, if adopted by the House, to close this Hall on the Sabbath.

The resolution was then adopted.

The following resolution, offered yesterday by Mr. JOHN QUINCY ADAMS, was taken up, considered, and agreed to:

Resolved, That the Secretary of War be directed to report to this House a statement of the names of all the pensioners for services during the revolutionary war, pensioned under the act of Congress of 18th March, 1818, whose names were struck off the list by virtue of the act of 1st of March, 1820, specifying those restored to pensions by the act of 1st March, 1823, or since again pensioned under the act of 15th May, 1828, the act of 7th June, 1832, or any other act of Congress subsequent to that of May, 1820.

The following resolution, offered some days since by Mr. RICHARD M. JOHNSON, was then taken up:

Resolved, That the Clerk of the House of Representatives cause to be furnished to the Secretary of War, for the use of his office, five copies, and to the General-in-Chief of the Army, Adjutant General, Quartermaster General, Commissary General of Subsistence, Paymaster General, Commissary General of Purchases, Surveyor General, officer in charge of the Clothing Bureau, Chief Engineer, Inspector of the Military Academy, (for the use of that institution,) Chief of the Topographical Corps, Colonel of Ordnance, Commissioner of Indian Affairs, Commissioner of Pensions, and officer in charge of the Bounty Land Office, for the use of their respective offices, each two copies of all bills, resolutions, documents, and other papers printed for the use of the House, at the present and succeeding sessions thereof; of which two copies of those for the Secretary of War, and one copy of those for each of the other officers, shall be retained by the printer to the House until the end of each session, and then delivered bound.

Mr. RICHARD M. JOHNSON moved the adoption of the resolution.

It was objected to by Messrs. PATTON and WISE, and supported by Messrs. RICHARD M. JOHNSON, and MANN of New York.

Mr. MASON moved to commit the resolution to the Committee on Military Affairs, with instructions to inquire and report to the House whether the public business would be promoted by the adoption of the resolution, either in whole or in part; which was agreed to.

Mr. WARD moved that when the House adjourns, it adjourn over till Monday.

Mr. WHITTLESEY objected, and called for the yeas and nays; which were ordered.

Mr. WARD supported the motion, on the ground of its affording time for the committees to sit during the recess, and examine and prepare the business before them.

After some conversation between Messrs. WARD, WHITTLESEY, and MERCER,

Mr. BOON moved to lay the motion on the table; which was agreed to—yeas 108, nays not counted.

Mr. CAMBRELENG, by consent of the House, moved that the report of the Secretary of the Treasury on the finances, and the Treasury estimates for the year 1836, be referred to the Committee on Ways and Means; which was agreed to.

Mr. ASHLEY moved that the report from the same Department, presented yesterday, and ordered to lie on the table and be printed, on the levees of the Mississippi and Red rivers, be referred to the Committee on Public Lands; and also that that report, together with the report of a former Commissioner of the General Land Office on the same subject, be printed; which was agreed to.

On motion of Mr. EVANS, the House then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 18, 1835.

Mr. MCKENNAN, of Pennsylvania, appeared and was qualified.

PETITIONS, ETC.

Petitions and memorials were presented by Messrs. EVANS and PARKS, of Maine;

Messrs. PHILLIPS, GRENNELL, BRIGGS, JACKSON, of Massachusetts.

Mr. JACKSON, of Massachusetts, presented the petition of sundry citizens of Massachusetts, praying the Congress to provide for the immediate abolition of slavery within the District of Columbia; which he moved be referred to a select committee.

Mr. HAMMOND moved that the petition be not received. The large majority by which the House had rejected a similar petition a few days ago had been very gratifying to him, and no doubt would be very gratifying to the whole South. He had hoped it would satisfy gentlemen charged with such petitions of the impropriety of introducing them here. Since, however, it had not had that effect, and they persisted still in urging them upon the House and upon the country, he thought it was not requiring too much of the House to ask it to put a more decided seal of reprobation on them, by peremptorily rejecting this.

The SPEAKER said he was not aware that such a motion had ever been sustained by the former practice of the House; and in addition to that, by a standing rule of the House, (the 45th,) petitions or memorials could not be debated or decided on the day of their presentation, but must lie over one day, unless the House should direct otherwise.

Mr. GARLAND, of Virginia, then moved to lay the petition on the table.

Mr. HAMMOND said, as he was aware of no rule of the House restricting the rejection of petitions, he would modify his motion accordingly, by moving that the House reject the petition.

The SPEAKER remarked that the motion of Mr. GARLAND would take precedence.

Mr. HAMMOND begged the gentleman from Virginia [Mr. GARLAND] to withdraw his motion to lay on the table, that he might have a direct vote upon this matter. He was not disposed to go into a discussion of the question involved in the petition; though, should it be urged, he would not shrink from it a hair's breadth; but he did think it due to the House and the country to give, at once, the most decisive evidence of the sentiments entertained here upon this subject. He wished to put an end to these petitions. He could not sit there and submit to their being brought forward, until the House had become callous to their consequences. He could not sit there and see the rights of the southern people assaulted day after day by the ignorant fanatics from whom these memorials proceed.

The SPEAKER requested the gentleman to suspend his remarks until he had read the 45th rule of the House; which was as follows:

"Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read."

Unless, therefore, the House should direct otherwise, the Chair would be compelled, under the rule, to arrest any discussion, and direct the petition to lie over till to-morrow; besides, the question to lay on the table, having precedence, was not debatable.

Mr. HAMMOND'S object, he said, was not to debate the merits of the question, but to move, if it was in order to do so, the rejection of the petition.

The SPEAKER replied that the rule was imperative on himself to arrest debate or decision on the petition, unless the House directed otherwise; and it must lie over one day.

Mr. MERCER remarked that the motion to reject brought up the whole merits of the question, and would necessarily bring on the very debate the gentleman said he desired to avoid;

and he maintained that the motion to lie on the table was in order.

Mr. GARLAND, of Virginia, said he felt compelled to insist upon his motion to lay the petition on the table for the present.

Mr. WILLIAMS, of North Carolina, said that he did not like to take an appeal from the decision of the Chair, but it was of some importance that the rights of members should be clearly ascertained. He was sure that it was perfectly in order for any gentleman to make the point whether or not a paper should be received, and to move its rejection.

The SPEAKER said, as the question was new to him, he had doubts for a moment; he now entertained the motion of the gentleman from South Carolina, [Mr. HAMMOND,] but the motion to lay the petition on the table interposing took precedence.

Mr. WILLIAMS contended that the latter motion would apply only after the petition had been received, and was in possession of the House.

Mr. HAWES rose to a question of order. Unless the gentleman took an appeal from the decision of the Chair, he was out of order in addressing the House.

Mr. WILLIAMS intended to appeal. He was in favor of the motion of the gentleman from Virginia, that the petition should be laid upon the table, but he could not consent that that motion should ride over one that was prior to it. He begged to refer the honorable Speaker to an example set by one of his predecessors. It was that of a memorial sent to that House a few years ago, from a representative of some one of the South American revolutionary Governments. That representative of this South American Government took upon himself to appeal from the decision of the President of the United States to the nation, through the House of Representatives, and his memorial was presented by the presiding officer of that House. A question was raised by a distinguished member from Pennsylvania, and a motion was made that the petition should not be received, and the House decided that it should not be received. Now that was altogether preliminary to the question of laying on the table, and had precedence of it. A motion to lay on the table could only be maintained when the subject was before the House, and after the question, whether it should be received or not, or whether it should be laid before the House, had been decided. It was with a view of ascertaining that question, that Mr. W. appealed from the decision of the Chair, for he was in favor of the motion of the gentleman from Virginia to lay the petition on the table, but he was also in favor of first receiving it.

Mr. MERCER well remembered (he said) the case cited by the gentleman from North Carolina, and, if he was not mistaken, the question on that occasion was not in relation to the constitutional power of that House to refuse to receive petitions from citizens of the United States, for the right to petition was reserved to our citizens by the Constitution, but it was as to whether an individual, not a citizen of the United States, could come there and petition; the petitioner in that case being a commander in one of the South American Governments.

The SPEAKER stated the question before the House as it then stood, and said he should be glad to have the judgment of the House upon it. After reading the forty-fifth rule, and also the thirty-second rule, laying down the order of privileged motions, of which that to lie on the table stands second, he remarked, that the Chair considered the petition as having been received by the House, and had entertained the motions for a time, but under the former rule the petition ought to lie over. If, however, the House set that aside, still the motion to lie on the table having the preference, the question could not be debated on its merits. If in error, the Chair would be very happy to be corrected. The question then before the House was, shall the decision of the Chair be sustained?

Mr. BELL, of Tennessee, thought it would be better that the petition lie over for one day, without being debated at that time. As the question was a new one, or about to be decided for the first time, it would be safest for the House at least to let the petition lie over one day, and he would therefore suggest to the gentleman from South Carolina that this course had better be adopted, and at the next day of meeting the House could then either reject it or lay it on the table. Mr. B. thought the decision of the Chair, that the petition should lie over, in substance right, and he thought it certainly the safest course to pursue.

Mr. GLASCOCK said he should have supported the views of the last gentleman, if a different course had not been taken the other day. He could see no reason why the course pursued in relation to the petition presented by an honorable member from Maine [Mr. FAIRFIELD] should be departed from now; nor why, after the decisive vote that went forth to the country, expressive of the views and feelings of so large and respectable a majority on that occasion, they should now assume a different shape. Had the question itself undergone any change? If what was then done was wrong, let them say so, and let those who were unacquainted with the rules of proceeding know they were in error; but he saw nothing in the rules that conflicted with the course now sought to be pursued in relation to the petition on the table. He did hope that, so far as related to the memorials and petitions of this kind, some additional views would be given to satisfy gentlemen who felt it their duty to introduce and present them, and to satisfy their constituents who thought it necessary to send them there, and that, as it seemed to him, could best be done now by a vote of rejection. What the decisions of the House might be he knew not; but if there was such a rule in existence, that the House had no power to reject a petition presented to it, whether respectful or not, it was time the rule should be altered, for he was well assured that they would be harassed throughout the session. He should be sorry if the House was tied down by any rule to receive any and every petition, whether respectful or not. Suppose a petition were presented to the House, and it was found to contain matter disrespectful to a single member of the House, would not a motion to reject it be in order? He would respectfully ask whether he understood the decision of the Chair correctly, that a motion to reject could not be entertained on the presentation of a petition?

The SPEAKER replied that he had not so stated. When the gentleman from South Carolina first submitted his motion, the Chair stated that he was not aware of any such motion having been made in that House during the period the individual occupying the chair had been a member; that it was new to him at the moment. The Chair, however, did not feel authorized to say the motion should not be entertained; but if it was, he then decided that the motion to lay on the table would have precedence; or that, if the motion to reject was received by itself, it was not debatable, because, under the rule of the House, it must lie over one day, unless the House should direct otherwise.

Mr. GLASCOCK had misapprehended the Chair, and would conclude by calling upon the House, that as they had given one decided vote on the question before, they should not repeat it in the same way, but change their course, and reject the petition altogether.

Mr. HAMMOND would read to the House the rule under which he thought it was entirely competent for him to make the motion: it was this:

"When any motion or proposition is made, the question, 'Will the House now consider it?' shall not be put, unless it is demanded by some member, or is deemed necessary by the Speaker."

Now the motion he made was a demand by him, upon the Speaker, to put the question, whether the petition should be considered or not; and it was a motion any member of the House had a right to put, according to the rules. His reason for making the motion was, not that he wished to enter into a discussion of this subject, though he did not fear it, and would never shrink from it, but because he did not wish to disturb that House, nor harass the country, by allowing such petitions to come there. Still he could not sit there, and allow petition after petition to pour in, until they became callous to the subject. He could not sit there, and see the rights of the South assailed day after day by ignorant fanatics, without calling upon that House to put the stamp of reprobation upon such conduct.

The SPEAKER reminded the gentleman that the merits of the whole question were not open on a mere question of order.

Mr. HAMMOND would confine himself by saying, that if the House should decide that the motion to lay on the table has preference, he would then move that the petition be laid on the table till to-morrow, in order to call it up, and move to reject it.

Mr. PEYTON had hoped, and yet hoped, that gentlemen would not give up the motion. The gentleman from Georgia [Mr. GLASCOCK] was mistaken. There had been no decisive vote yet given upon this question. There had been an evasive vote given upon it. Had not Mr. P. sat by and seen gentlemen who voted differently at the last session of Congress, now voting in favor of laying the petition on the table? But these firebrands were cast upon the House now, at an earlier day than usual; that spirit was abroad in the land, and it was left for the Representatives of the people to meet it.

Mr. REED called the gentleman to order, as his remarks were not pertinent to the question before the House.

Mr. PEYTON said he was assigning reasons for sustaining the motion for the decision of the House at that time, pursuant to the demand made by the honorable member from South Carolina. He hoped they should be permitted to meet this question at its beginning, in some shape or other. Now, it struck him with great force, that when a petition was presented, containing matter improper for legislation, that the House ought to reject it; and before it was received, it could not be laid on the table for one day. Consequently, the question of its reception or rejection must, as a matter of necessity, be first decided, and that brought prompt action upon the whole question. He would repeat that he wished a more decisive vote, and one that would ascertain the wishes, the views, and the feelings of gentlemen upon it; and if they met it, he would say, with the gentleman from Georgia, that it would be decisive. Another reason why it should be acted upon in the present stage, before the consideration of it, was, that it asked Congress to do what every man in the country knew it had no power to do. Supposing a petition was sent here, praying the House to break down our republican form of government, and erect a monarchy upon its ruins; would any one say the House had the power to act upon such a petition? And had the House more power in the present case? Was not the first question to be decided before the petition could be laid on the table? He thought, therefore, the motion of the gentleman from South Carolina the proper one, and that it must necessarily have precedence of all others; and he desired to consider it, and to consider it at once. It would then be seen whether gentlemen would encourage their constituents everywhere to send there such floods of these petitions as would cover the tables of that Hall like the locusts of Egypt; for such would be the result in twelve months. Those gentlemen who had not made up their minds to meet this question in any and every shape in which it would be presented, must take the responsibility. He wanted no evasive votes. He wanted no propositions to lay on the table. He met the question fully at once, by saying, that the House had no power whatever to interfere with the question. For these reasons, he should vote for sustaining the motion of the gentleman from South Carolina.

Mr. SLADE raised a question of order as to debating the question of order under consideration. The petition itself (said Mr. S.) could not be debated upon the day of its presentation; and this principle he understood carried along with it a principle which would prohibit any discussion on the motion to reject, or the appeal from the decision of the Chair, then before the House; and the motion to lay upon the table could not be debatable. Under these circumstances, he thought no motion connected with this petition could be debated that day; and he therefore submitted,

whether it did not follow that the appeal from the decision of the Chair, on this subject, could be debated?

The SPEAKER said, an appeal from his decision, as a question of appeal, was certainly debatable; although the motions out of which that appeal arose were not.

Mr. GARLAND, of Virginia, could assure the House that he was not disposed to avoid this question in any form or shape; and he hoped, while he had the honor of a seat there, he should be prepared to meet it whenever it might come, and wherever it might come from. He had submitted his motion, because he thought the motion of the gentleman from South Carolina could not then be put; but if the House decided it could, Mr. G. would withdraw his motion to lay the petition on the table. The motion to reject came up with the motion to refer the petition to a select committee; the former, as he understood, not being entertained or not in order, it was then that Mr. G. moved to lay the petition on the table.

Mr. BEARDSLEY asked whether the appeal from the decision of the Chair went only to the rejection of the petition, or also to the question of laying it on the table?

The SPEAKER said the gentleman from North Carolina [Mr. WILLIAMS] had taken an appeal from both.

Mr. WILLIAMS understood the Chair to decide that the motion of the gentleman from South Carolina, whether the petition should be considered, or whether it should be received, was not in order. Now, Mr. W. contended, with all due respect, that when a petition is presented, if any member choose to demand it, he could require the preliminary question to be put: Shall the petition be received? I understood the Chair to decide that that question could not be put.

The SPEAKER replied that the Chair had distinctly stated that upon a moment's reflection, he admitted the motion for consideration of the motion of the gentleman from South Carolina.

Mr. WILLIAMS. Then there is no question of appeal.

Mr. BEARDSLEY said, as there was no question of appeal pending, but two motions—one to reject and the other to lay the petition on the table, both of which would lie over till to-morrow—he would move that the House proceed at once to decide the last motion, which took the precedence.

The question was then put, whether the House would consider the petition now; and it was agreed to.

Mr. GARLAND said, as the motion of the gentleman from South Carolina to reject was then in order, he would withdraw his motion to lay the petition on the table.

Mr. BEARDSLEY renewed it.

Mr. HAMMOND rose to request the gentleman from New York [Mr. BEARDSLEY] to withdraw his motion. He expressed his surprise that, but a moment ago, when the motion to lay on the table—made by the gentleman from Virginia, [Mr. GARLAND,]—was before the House, he (Mr. B.) had expressed his desire to have a direct, "unentangled" vote on the proposition to reject. Yet now, when the gentleman from Virginia withdraws his motion, he (Mr. B.) instantly renews it.

Mr. PATTON asked if the Chair considered the petition to have been received?

The SPEAKER replied in the affirmative.

Mr. PATTON understood that if the motion to consider prevailed, it was distinctly declared that the motion to receive or not receive the petition would be in order. That was a competent motion, which any member of the House had a right to make. Now, it was understood as having been received; the proposition not to receive is thereby cut off. That seemed to be the effect. If that be the effect—and if it be the effect the House did not intend to produce—he trusted the House would put itself in *statu quo*, and that they should have an opportunity of putting a direct vote upon it. If that was the state of the question, Mr. P. would feel himself compelled to move a reconsideration of the vote just taken.

Mr. BEARDSLEY said, the right to petition was a sacred right, guarantied to the citizens of the United States by the Constitution, and was one, therefore, the House was bound to respect. To obviate the objections urged by the gentleman, he would withdraw his motion to lay the petition on the table, and move to lay the resolution of the gentleman from South Carolina to reject the petition on the table.

Mr. HAMMOND asked for the yeas and nays; which were ordered.

Mr. WISE rose to a point of order. It seemed to him, according to the usual action of the House, that the motion of the gentleman from New York [Mr. BEARDSLEY] must be out of order. A motion was made originally to reject the petition; whereupon a motion was then made to lay the petition on the table, but being withdrawn, the question then came upon the motion of the gentleman from South Carolina instanter. The motion, therefore, to lay that motion on the table was out of order, because the House had decided it would immediately consider the motion to reject.

The SPEAKER said the House had decided they would consider the petition now, but pending the consideration, the House may decide to lay on the table, and therefore the motion was in order.

Mr. WISE would ask the Chair if there was any pendency of consideration in a motion to consider?

The SPEAKER said, pending the consideration of a question, it was competent for any member to move to lay the matter on the table.

Mr. WISE. The motion then before the House was effectually to undo the decision of the House already made.

Mr. VINTON begged to inquire of the Chair, as it would govern his vote, if the motion to lay on the table the motion to reject prevailed, whether the petition would also go on the table; or what would be the pending question?

The CHAIR understood that, by an affirmative vote on the motion to lay the motion to reject on the table, the petition also would go on the table with it.

Mr. BEARDSLEY said, as gentlemen seemed to feel some embarrassment in voting upon this proposition, though he himself did not, he would withdraw his last motion, and renew the other to lay the petition on the table.

Mr. WISE asked for the yeas and nays; which were ordered.

Mr. JAMES asked for the reading of the petition; and it was read from the Clerk's table.

Mr. THOMAS said, he was surprised to discover that there are gentlemen who are not content with the evidence which has already been given, that a very large majority of this House are opposed to any interference whatever, not only with the rights of slaveholders in the southern States, but with the existence of slavery within the District of Columbia. We have already laid on the table, by a vote of nearly three to one, two memorials similar to the one now under consideration; but gentlemen say those votes are equivocal; they wish to have direct proof that the rights of slaveholders are not in danger from any interference on the part of Congress. Mr. T. said he did not concur in this opinion. The vote to lay on the table had been given to signify a decided opposition to the prayer of the petitioners; nevertheless, he would make a motion which would, he thought, place this subject before the House in a position to afford an opportunity to remove all misapprehension which really existed, and deprive every man everywhere of all pretext for maintaining that southern property and southern rights are in danger.

Mr. T. then moved to reconsider the vote just given by the House in favor of considering this petition, and said, if this motion is adopted, we shall then have this petition before us in the position in which it was placed when first presented to the House. In the vote given in favor of considering this memorial, many members had been undoubtedly taken by surprise. Some members who are in favor of rejecting this and other similar memorials, and others who are in favor of receiving, and then laying on the table, this and all petitions of like import, united in the vote which he had moved to reconsider. This strange combination could not have been created without a mistake somewhere. Gentlemen must have supposed that, by the adoption of the motion to consider this memorial, the difficulty which has arisen by reason of the decision of the Chair would alone be removed, and that, instead of postponing until to-morrow all action on this subject, we would now proceed to dispose of it—either by a vote to reject, or to lay it on the table.

I am not disposed, Mr. Speaker, to afford unnecessarily an opportunity to discuss here the relative rights of master and slave. As one of the Representatives of a slaveholding State, I would never provoke an examination here calculated to create false hopes in the minds of an ignorant and stupid population. We have been told, I know not how truly, that great and general excitement has already been produced in some of the southern States by the circulation of a few fanatical pamphlets. If this be true, is it not madness, worse than madness, to struggle to elicit evidence that there is in that House any one man willing to reëcho the sentiment which these incendiary publications contain? I have been opposed, sir, to all discussion on this subject, and accordingly have voted repeatedly in the two preceding Congresses to lay on the table every proposition calculated to elicit useless and angry debate. And I have been, and am, grateful to the Representatives from the North and West, where slavery does not exist, for their cordial and earnest effort to extinguish every firebrand which has been thrown in here, either in the form of speeches or petitions, tending to destroy the broad foundation on which our Union rests. But is it not obvious that our exertions have not been crowned with complete success? In the last two Congresses, the petitions of the Abolitionists were laid on the table, as an evidence of our reprobation of their objects, notwithstanding at the present session we have already received those petitions, and shall probably have to dispose of several more. These fanatical crusaders against evils abroad, who have no doubt vices enough at their own doors to exhaust in their correction that overflowing Christian charity, of which they boast so much, and manifest so little, nothing daunted, continue to pour their poisons into that national chalice from which the whole people of the United States have so long quaffed the sweet waters of concord and union. Now, what is to be done? For one, I am prepared to meet directly every question connected with these memorials. I am willing to follow the precedent set by Congress on another question. The opponents of a Sunday mail petitioned Congress; their memorials were rejected, because their object was unreasonable; they persisted, and their numbers increased; the House of Representatives finally referred all those petitions to a select committee, from which emanated one of the most masterly State papers which has ever been published in the country. It was addressed to the understanding, not to the passions of the American people, and there was a response from all quarters to its cogent, persuasive, and conclusive reasoning. Its arguments were unanswered, and are unanswerable; and the petitioners were silenced. The oil was spread over the troubled waters, and the turbulent waves became still.

Gentlemen say we must prevent any discussion on the subject of these memorials, because they must inevitably disturb the harmony of our Union. There was a time when the force of this reason could be fully felt by all. But has not that time gone by? Without our agency, indeed in defiance of all precautions on the part of Congress, the power and purpose of the General Government to interfere with the question of slavery has been, and will be, discussed in every newspaper, in every periodical publication, from Maine to Missouri. It is a gross error to suppose that this House can, by a mere *sic volo*, give law to the people of the United States. The members of this House are not in positions stable enough for that. To attempt it would be as vain as the effort of Xerxes to chain with links of iron the surging sea. Our march is not to be always on the mountain wave of popular opinion. We are here to-day—we are gone to-morrow; and must return to our respective places in that great, deep, that vast hall of legislation, the confines of which are coextensive with the boundaries of the Union, and there assist those who are now our constituents to fashion, and form that public opinion

which must ever direct and control the whole operations of this Government.

"Like bubbles on the sea of matter borne,
We rise, we break, and to that sea return."

Assuming these positions to be true, how ought the members of this House to act on the present occasion? To decide that question satisfactorily for myself has been, until to-day, a difficult task. Twice during the present session I have voted to lay on the table petitions from the Abolitionists. This was done under the impression that such a proceeding would be entirely satisfactory to the whole southern delegation. The large majority of northern and western votes by which it was done, too, was hailed by me as evidence conclusive that there is no disposition in those sections of the Union to do any act calculated to disturb the harmony of our Union. To-day we are told that the vote to lay on the table is an equivocal act; that it has been resorted to to afford an opportunity to pretending enemies of abolition to conceal their future purposes. Sir, is it right and proper, under these circumstances, to persevere in the course which has been heretofore pursued? If gentlemen on this floor can be so far misled as to suppose there is a lurking intention in the mind of any member to turn loose an ignorant and helpless population to pillage and plunder, in what condition will you leave many of the constituents of gentlemen who are remote from the scene of action? Will they not be in a proper condition to become the instruments of the designing? May not rash and misguided men, in one extreme of the Union, engender those suspicions and distrusts which will be necessarily destructive of all the ends for which this Government was established? And may not the headstrong fanatics of the North be furnished with the means of increasing their paltry numbers by inculcating the belief that their nefarious purposes are but postponed? In my humble opinion, if we refuse to act decidedly, to meet all questions connected with this unpleasant subject directly, we shall furnish the enemies of our peace and union with a most dangerous weapon. We shall supply the means to faction and fanaticism to agitate the whole country; and the day may come when these few and furious destroyers of this country's happiness and glory will have produced real—not as it is now, imaginary, in the North—not as it is now, a very limited, but an extensive—excitement, which will sweep in waves to the very walls of that constitutional temple in which our fathers fondly hoped they had garnered up so many bright hopes and so many blessings for this magnificent Confederacy.

Mr. Speaker, I am prepared now to meet the responsibilities which circumstances have imposed upon us. I am prepared to vote for the reception of the petition, and of all other memorials of similar character; and am ready to vote against laying them on the table; to declare distinctly that the prayers of these petitioners are unreasonable, and ought not to be granted.

Mr. ROBERTSON asked for the yeas and nays; but they were not ordered.

Mr. HOPKINS said that they were very much embarrassed; and it occurred to him that there was but one conceivable mode by which they could be relieved from that embarrassment. He understood that, by the rule of the House, upon the presentation of petitions, unless the question is required to be put by a member of the House, or by the Speaker, the same is received as a matter of course; in other words, received by a vote of the House *sub silentio*. If this be the fact, then, this petition had been received. It seemed to him that the best mode would be to throw the petition back again to the point where it was left by the gentleman who presented it; and, in order to do that, he would propose to move a reconsideration of the vote of the House by which the petition was received. He would go further back than the gentleman from Maryland, [Mr. THOMAS,] and move a reconsideration of the vote of the House whereby the petition had been received.

Mr. MASON, of Virginia, said his colleague would be satisfied, upon a moment's reflection, that no benefit could result from such a motion. It was the constitutional right of the people of this country to petition that House, and no vote was ever taken on receiving a petition. When an honorable Representative rose and presented a petition, it was received, and the first question which any member had a right to demand was, that it be considered. If the House determine not to consider it, they are to determine at once, and that he understood to be the point in their proceedings at which it was the object of the gentleman from Maryland to arrive; and Mr. M. hoped the gentleman's motion would be adopted. He had hoped that, after the proceedings which had already taken place in that House, there would have been a general acquiescence in the only, if not the express, sense of the House, by an overwhelming majority not to entertain such petitions as that under consideration. The only mode in which there could be a more direct sense of the House on the subject was, by adopting the motion of the gentleman from Maryland; and then, if it be the pleasure of the majority of the House not to consider the petition, and so to determine at once, there the matter would end; and he hoped the motion would be adopted, and then that the House would determine not to consider the petition.

Mr. BEARDSLEY was satisfied that most of the difficulty arose from misconception. The honorable member from South Carolina desired to have a direct vote of the House upon the motion to reject, or not to receive, the petition under consideration. Other gentlemen, who agreed with the gentleman from Virginia who last addressed the Chair, said they would not vote in the affirmative on such a question, because it was in violation of the rights of the people of this country to petition upon all subjects; and the House of Representatives was bound to receive their petitions. When received, it was true the House might decline acting on them, or might dispose of them in a variety of ways. For himself, (Mr. B. said,) the House having received this petition, he was ready to give a direct vote upon it—a vote that should mark the opinion of the House upon the character of such petitions, by saying affirmatively that they would not consider it. If that would meet the views of honorable gentlemen, he was willing to modify his motion to lay on the table, and to move that the House would not consider the petition, or would reject its prayer; although laying it on the table he thought equivalent to either of the modifications indicated.

All Mr. B. desired was to preserve the right of their constituents to petition; a sacred and invaluable right, guarantied to them under the Constitution, and the exercise of which the House was bound to treat with respect. If the petition were in insulting terms they might send it back, but if their constituents sent them one that was respectful in its language, but of whose prayer they entirely disapproved, let them lay it on the table or reject its prayer. If any gentleman supposed that a vote of the House not to consider this petition, and all other petitions of the same character, would more distinctly mark the reprobation of the House, then Mr. B. would with great pleasure modify his motion. Why, then, should they reconsider, as proposed by the motion of the gentleman from Maryland? For what purpose? Was it to entertain the question of rejecting the petition? He understood that to be the object of the mover, and if so, he hoped the House would not reconsider, but they would preserve to their constituents the right of petitioning, and by a vote to lay on the table preclude all further debate upon this exciting and mischievous topic.

Mr. BOULDIN said he was willing to meet this question in any way. He had been so the last session and the session before, and declared his willingness then, in deference and respect to his southern brethren, who he knew agreed with him in interest and in feeling, and at their suggestion, he agreed with them in voting to give the matter the go-by. He then thought, and still thought, that the people of the South ought to know and to see and to hear all that we know and see and hear upon this subject. He was anxious, however, that, if they were to come to any expression of opinion and feeling on this matter, so momentous to the South, they should not be brought to that vote entangled by the rules of that House. He wished, when the opinion of the South upon this subject should be expressed, and their feelings made known, it would be done in a way that would leave no doubt what that opinion and those feelings were. And he was persuaded, that when their opinions and feelings came unshackled by forms or rules, or anything but the mere question itself, the South would satisfy the North, East, and West—would satisfy the whole world—nay, would convince even fanatics themselves, that they must let us alone upon this point; and convince them, and all the agitators and movers of these petitions, that they had as well let us alone, and employ themselves in removing from their own eye the beam which is in it, rather than disturb themselves so much about the mote that is in their brother's eye. Let us not (said Mr. B.) come to a vote that will leave the world in doubt whether we voted on the rule or the thing—let this petition pass, and no doubt they will be coming again to-morrow—ay, in half an hour—but with one that will enable us to meet it face to face, and toe to toe, and leave neither them nor the world in doubt what we mean. Mr. B. concluded by saying, that he rose to ask what would be the effect of his vote—ay or no—on the question itself. He would give the best vote he could, but did not know himself how that vote would be understood. He would content himself with the belief, that the question would come up in a form which would leave no doubt either with himself or any one.

Mr. PEYTON was in favor of the motion to reconsider. He would not have troubled the House with any remarks again, but for the position assumed by the gentleman from New York. That gentleman contended that the right of petition was a sacred right, guarantied to every American citizen under the Constitution, and that the House had no right to deprive them of the exercise of that right. Mr. P. said they had the right to petition, and to think, and to say what they pleased; and, further, they had the right to send any matter they chose throughout all the country, without regard to consequences, and that House had no power to resist it. But, then, he claimed that, when it came to that House, the Representatives had the right to treat it and dispose of it in such a manner as they thought best. Was the sacred right of petition any dearer than many other sacred rights? The right to property, to liberty, and to life? And had not the attention of the House been called, by the message of the President of the United States, to this very question of this sacred right of thinking, and writing, and sending through the mail such documents as were then before them? Should they connect the efforts of a few fanatics to disturb the harmony and peace of the country with those sacred and inalienable rights to which the gentleman alluded? Should they connect the attempt, whether it came by petition to Congress, or by a document transmitted in any other mode, to throw a firebrand into the South with the sacred rights of liberty and property?

The SPEAKER reminded the gentleman that the merits of the question could not be gone into under the motion before the House.

Mr. PEYTON only meant to reply to what he considered to be the constitutional right contended for by the gentleman from New York—the right of the citizen everywhere to send such papers and petitions there. He was endeavoring to meet this by saying that the slave question was not one to which the right of petitioning applied; but that, if it did, and petitions were sent to that House, and papers of the same character were distributed over the country, it would have the effect of touching a chord that would arouse all America.

Mr. RIPLEY said that this was a grave and important question. There was no subject of deeper interest in the quarter of the country from whence he came. He had been sent here to oppose every effort of a certain class of citizens in reference to slavery within this District, or elsewhere. In disposing of the question before the House, care should be taken rather to allay the public feeling than to add to the existing excitement. The right of petition was a solemn one, and had been guarantied from the time of Magna Charta to the present moment. Our citizens have

a right to petition for a change of their Constitution, and indeed for a change in the form of their government. Every decorous memorial should be received; but when received, it is in the power of the House to dispose of it as it may deem proper. The motion to reject this petition was an incipient question, and, in his opinion, should take precedence. He again adverted to the great excitement in the South on this subject, and the importance of allaying that excitement by a decisive course here. If the gentlemen from the North were sincere in their friendship for their brethren in the South, and were desirous of breaking down the double wall of partition between these two sections of the country, they could give an earnest on the present occasion by voting promptly to reject this petition; and when it shall go forth that we have rejected it by a vast majority, it will have an effect even upon the fanatics themselves, who do not understand the position and feeling of the South on this subject, while it will, at the same time, allay the existing excitement in that portion of the country

Mr. WISE was for sustaining the motion to reconsider, and, for one, could testify that he had voted under a misapprehension. In voting for the motion to consider the petition, he thought he was voting to have a direct decision of the House on the motion of the gentleman from South Carolina. He was intending to bring the House also to a direct decision of the question, and had no idea that, after the House had decided it would consider the petition, the consideration itself would be evaded.

Mr. W. had misapprehended in another particular. He had not understood the motion of the gentleman from South Carolina to be to consider the *petition* to-day, but to consider his motion to reject the petition, which was what Mr. W. wished to consider. So help him God, he never wished to consider the petition of an incendiary, but he would consider the motion to reject the petition, and he warned the gentleman from South Carolina that these were the means of evading his motion. Mr. W. then referred to the proceedings of the Senate two years ago, on a motion to reject a petition to that body, containing matter disrespectful to the honorable William Wilkins, then a Senator from the State of Pennsylvania, to show that such a course was within the rules of order, and asked whether the gentleman from New York considered the present a respectful petition, where gentlemen on that floor were characterized as land pirates? He had hoped that, after the proceedings at a celebrated meeting at Utica last summer, where the gentleman himself took a very prominent part, he should have had that gentleman's vote on the question of rejecting this petition—a petition that was both insulting in language and incendiary in its character. Mr. W. hoped the motion would prevail, although he did not consider it in itself decisive. They could never get a direct vote on that question. Many would vote not to reject it, on account of the sacred right of petition, but he hoped the House would not evade the question. He hoped gentlemen who professed to be friendly to the South would come out and avow their principles and their opinions. If the House desired to evade the question, let the South know it. If it was the opinion that Congress had the right to interfere in this question, let the South know it at once, and it would know what to do. Their predecessors had told them what to do. They had no longer any business there. Their business was at home to report to their people. He would go home, never to return there again, if that House were to say, directly or indirectly, that Congress had that power. That was the question he wished to bring before the House, whether the House had the constitutional power to legislate upon the subject of slavery in the District of Columbia at all. He denied the right.

It was important to have a direct decision on this question, and there was no way of getting it but by sustaining the motion then under consideration. Gentlemen must show us they are either for or against us, and if they would not show it upon the direct questions, and upon the main questions, they should show it upon the incidental questions; and he, for one, would be willing to consider this as the test question. Those who are for laying the motion on the table he viewed as evading the question, and so would the South view them. Those who were for a direct vote on the motion of the gentleman from South Carolina would be viewed as the friends of the South, and not of the South alone, but of the whole nation. He would repeat, the petition was not respectful to the House, and therefore it ought to be rejected. He could never consent to refer, or consider a petition, that called the members of the South land pirates.

Mr. HAMER inquired of the Chair whether, if the present motion prevailed, it would be competent then for the gentleman from South Carolina, or any other gentleman, to move to reject the petition?

The SPEAKER said he was under the impression that that would be a competent motion.

Mr. HAMMOND said it had been far from his intention, when he made the motion he did, to throw a firebrand into that House. On the contrary, he had hoped by it to exclude one from the House. He thought the motion was a very simple and direct one, and ignorant as he was of the rules of the House, he had no idea that the House had it not in its power to protect its own dignity, and the feelings of its members, by rejecting *instanter* anything calculated to affect either the one or the other. If the House had no such rule, the rule of common sense ought to govern it.

When the proposition was made to consider this petition, it was made by himself, with a view of then moving its rejection. Under the decision of the Speaker, that motion was decided not to be in order. The subsequent vote was a trap into which they fell, and he thanked the gentleman from Maryland for having made a motion by which they could extricate themselves. Should the House determine to reconsider that motion, Mr. H. would then move the rejection of the petition, for he was resolved that the House should vote directly on the question. Let no member there lay the flattering unction to his soul, that he could escape the question, for it should be decided. He did not make the motion with any reference to party politics. God forbid that he should make a motion of such a purport, to affect a miserable scramble for offices in this country. No! His object was a more sacred one. It was to protect the rights of his constituents and his own, and if they could not maintain them by the action of that House, they would maintain them by their own action. They did not call upon the House to protect them; they did not ask that House or the Government to protect them; they stood erect, self-confident, united, strong, and they asked no protection, but scorned assistance, and defied opposition. Mr. H. said his motion involved no constitutional right of any citizen of the country; but if they had the right to petition, had not the House the right to reject? Was there any constitutional privilege that demanded of the House that it should imperatively receive and consider the petition of any citizen? He thought not; and even if there were, the constitutional privilege would operate both ways; and when they choose to petition the House could choose to reject. To the recommendation of the gentleman from Maryland, to refer this petition to a select committee, in order that they might make a report, Mr. H. was utterly opposed. He would not treat that petition with so much respect, nor was he disposed to fire, that he might exhibit his skill. He had no idea of scattering firebrands through the country, that he might distinguish himself in putting them out. He did not wish to discuss the question, and he begged the House to understand that, in the few remarks he had made, he did not design discussing it. Whenever it was discussed, they would go much deeper in the matter than this. Whenever it should be, if ever, taken up in that House for discussion, it might expect to find parties and principles anatomised and held up to the view of the world that were now treated with lenity. He hoped, however, now that the House would take a direct, unentangled, and simple vote upon the question.

Mr. BEARDSLEY desired to correct a misapprehension of the gentleman from Tennessee, [Mr. PEYTON.] That honorable gentleman seemed to understand Mr. B. to say, that the citizens of this country had not only the right to petition that House, and to send papers of this character there, but that they had also the right to transmit such papers to every part of the Union in every possible way.

Mr. PEYTON did not understand the gentleman so, nor did he intend to be so understood himself.

Mr. BEARDSLEY said he understood the gentleman very distinctly to say, that he (Mr. B.) had asserted that the citizens of this country had not only the right to send their petitions here, but also to send their papers elsewhere. The honorable gentleman, however, disclaimed it, and Mr. B. was satisfied.

A word or two upon another subject. If the motion of the gentleman from Maryland should prevail, the Chair has decided that this matter, instead of being disposed of to-day, went over to another day; and the House could not but see that, after wasting this day—for it was wasting, or worse than wasting—they would to-morrow be in the same situation as at first. For what purpose would the House reconsider its vote, and spend another day, or perhaps a week, in this discussion? He hoped that the House would follow the example, the salutary example set by preceding Congresses, by putting all papers of this description on the table without debate. That motion was pending, and followed the one made by the gentleman to reconsider. If that should be rejected, the motion would come up for laying the petition on the table, and nailing it there, whence it would not be taken during the session. If other petitions of the same character came, let them follow the same fate.

Another remark or two. It was, it must have been obvious to all, that there were those who desired to continue the discussion of this question. He could not, and he would not say that they did it from any improper motive, but it could not have escaped the attention of the House, that gentlemen desired to speak, and talk, and discuss this question of slavery, harassing as it was to the country. Those who voted to lay a similar paper on the table the other day, those who would vote to lay the one under consideration on the table to-day, were those whe desired to avoid discussion. For what purpose was the continuation of the discussion now desired? Every one knew that petitions of this kind had been presented for the last four years, but no discussion had taken place upon them. He hoped, most sincerely, that that House would not invite or sanction this discussion. He would tell gentlemen there were fanatics and incendiaries at the South, as well as at the North, who hoped to profit by the agitation of this subject. Those who voted to put the petition on the table were for preserving peace and quiet there, and for preserving peace, quiet and order in every part of the Union. Let us, then, (said Mr. B.,) nail it to the counter, and thus silence debate. He hoped the motion of the gentleman from Maryland would not prevail; but that the motion pending upon that, to lay it on the table, would prevail, and then they would see no firebrands in that House.

Mr. VANDERPOEL said he was surprised at the range which the debate had taken upon the question now before the House. He believed it was incompatible with the interests and true objects of those who were opposed to the mischievous doings of the modern Abolitionists. Mr. V. said that he was the last man on that floor to dodge or evade any direct point or vote that should indicate his opinion upon the principle involved in the petition now upon the Speaker's table. He would, as prefatory to the few remarks he intended to submit, take occasion to say that he had last year, as a member of the Committee for the District of Columbia, to which similar petitions were then referred, opposed, and he would always and forever, while he had a seat here, oppose any measure that might, directly or indirectly, favor, or forward, or countenance the views and objects expressed by such petitions He was opposed, openly and unconditionally opposed, to the interference of Congress with slavery in the District of Columbia, and to the mischievous and incendiary doings of Abolition-

ists and abolition societies in relation to slavery in the slaveholding States. He (Mr. V.) had never had any doubts, or qualms, or scruples, as to what was his duty upon this momentous subject as an American citizen, and as one of the Representatives of one of these confederated States. But while he made this unequivocal avowal of his sentiments, he could not refrain from remarking that, if he had entertained any such doubts or scruples, he had heard speeches to-day from certain quarters very ill calculated to remove those doubts and scruples. Why had this debate taken such an immeasurable range? Was it consistent with one of the cardinal doctrines of the friends of the South, that the subject was one so delicate in its nature, that the less that was said about it the better? It really appeared to him that we were aiding the efforts of the Abolitionists by shooting off upon a mere preliminary question into dissertations upon the evils and abominations wrought by northern Abolitionists.

What was the question before the House? It was upon the motion of the honorable gentleman from Maryland, [Mr. THOMAS,] to reconsider the vote taken this morning, to the end that that honorable gentleman might move (as he had promised to do) the question, whether the House *would consider* the petition. He would vote first to reconsider, and then he would, if the question were propounded, vote against considering the petition, and for reasons which he would very briefly state.

Mr. V. conceived that this course would save the rights of all parties. It would save the sacred right of petition, and secure the object of all those who felt duly solicitous for the rights and interests of the slaveholding States. For (said Mr. V.) the motion or question whether *we will consider* the petition presupposes *the reception* of it. That motion proceeds upon the assumption, that the petition is already here before us, as it now surely is in point of fact; and a negative vote to the proposition, whether *we will consider the petition*, would certainly be as emphatic a mode of expressing our disapprobation, nay, our reprobation, of the object of the petitioners, as could well be conceived. It would be a strong and marked refusal to let the petition go through the ordinary routine of legislation, and would be telling the petitioners, the nation, and the world, that the notions of the petitioners were so heretical, and their doings were so mischievous and incendiary, that *eo instanti* that such petitions were read, we would consign them to a grave from which there should be no resurrection. Was it not clearly so, viewing this subject through the medium of common sense, and testing it by the rules of parliamentary logic? Yes, sir. The refusal to consider the petition would be telling such petitioners, in language that could not and would not be misunderstood, to cease their abortive and incendiary efforts to disturb the rights of property recognized and guarantied by those men of olden times who were so much wiser and better than the reformers and fanatics of modern days? Why, then, were we disputing about forms? Why not march directly to the point upon which all the true enemies of Abolitionists would agree? Refuse to consider the petition, and you do what should be done, and that in the most prompt manner.

Mr. V. said he could not but repeat his surprise, that any gentleman could conceive, that the interests of the South could be advanced by the protraction of this debate. He had flattered himself that the vote that was given a few days ago, upon the memorial presented by the honorable gentleman from Maine, [Mr. FAIRCHILD,] had given this exciting subject its quietus for the session. He imputed no sinister motives to any gentleman, and he trusted that he cherished none himself. He believed that gentlemen here meant what they not only avowed that they did mean, but what they solemnly pledged by their votes that they meant. He had supposed that common charity, not to mention parliamentary courtesy, required this species of faith from every gentleman upon this floor. He, therefore, had believed, that when gentlemen had refused on Monday the courtesy of even printing the petition presented by the gentleman from Maine, in addition to their vote to lay it on the table, it should serve as a most ample guarantee, that all who voted against printing were decidedly opposed to the prayer of the petitioners; and was this not so, sir, according to all the known and legitimate deductions from parliamentary proceedings? Had gentlemen, before to-day, ever imagined or proposed a more summary and unequivocal mode of rejecting the prayer of a petition than was indicated by a refusal to print it, and an almost unanimous vote to lay it on the table? It would be probably recollected what course he (Mr. V.) had taken in regard to the petition of the honorable gentleman from Maine. The mover of the petition himself moved to lay it on the table, and many gentlemen no doubt voted to lay it on the table because of this circumstance. An honorable colleague of his own [Mr. GRANGER] had preceded his vote with the inquiry, whether the gentleman who introduced the petition moved to lay it on the table, and upon receiving an affirmative response from the Chair he replied, "*Then I vote in the affirmative!*" Mr. V., for the purpose of more effectually ascertaining the sense of the House, and to arrest an unprofitable debate upon this exciting subject, then moved also to lay the motion to print the petition on the table, and the triumphant affirmative vote upon that question should have satisfied, and was sufficient to satisfy the nation, that such petitions would never receive the least countenance from this House. Strong as that vote was, it was evidently not near so strong as a vote would be upon a direct proposition to reject the prayer of the petition. Many gentlemen doubtless voted in favor of printing from considerations of courtesy to the petitioners, who would vote against the object of the petition. After all that had taken place on Monday, he had supposed that the sense of this House against the exciting and diabolical schemes of the Abolitionists had been expressed to the nation and to the world in a manner so clear and so emphatic, that "the wayfaring man, though a fool," could not err as to what were the sentiments of a vast majority of this House; but from the proceedings of to-day it would seem that some gentlemen supposed he was mistaken.

Mr. HARPER, of Pennsylvania, wished briefly to state the grounds of his two former votes on this subject, and those upon which he should then vote. He voted against the motion to lay the petition from Maine, and the motion to print it, on the table, not because he entertained a sentiment in common with the Abolitionists, but because he thought the sense of the House ought to be fairly, decisively, clearly, and unequivocally expressed on this subject, so as to prevent its being troubled with it hereafter. Therefore was it that he voted against laying both questions on the table. He was convinced that the mere rejecting the petitions would not be satisfactory, and would not be giving such reasons as would be convincing to the minds of those people who sent them there. If the House were to give these memorials to a committee, and let them bring in such a report as should clearly express the sentiments of the country, these petitions would cease. He hoped, therefore, the House would meet the question on cool, dispassionate, and temperate grounds, and that they would permit it to take the course he had recommended. Mr. H. said he should vote against the motion to reconsider, because he wanted the question fully considered in the way he had indicated. He wanted to get a report from a committee that would be adopted by the House, and thereby save further agitation on the subject.

Mr. MASON, of Virginia, said, that in considering every question affecting the public interest, the calmest deliberation became the Representatives of a free people. In all the wide range of the legislative duties of Congress, all must concur there was none which required more essentially a dispassionate and deliberate disposition than this; without it, the beneficial moral influences of their decision must be lost to the country. He was aware of the extreme delicacy of the subject—of the deeply seated sensibility which it excited, and which it was impossible to allay—of the extreme difficulty of approaching it without excited feeling, but no practical good could result from strong denunciation or impassioned invective. He did not rise to discuss the subject referred to in the petition. A respectable portion of his constituents had instructed him not to engage in such a discussion; but he wished to submit a few observations to the House, in the sincere hope that the embarrassment of their situation might be relieved, and a decisive vote taken on this important and exciting topic.

This same subject had been presented to the consideration of Congress, from time to time, since he had had a seat there, on the petition of persons who had, as these petitioners have, no community of interest in the alleged grievance of which they complained; and he would here say what he firmly believed, that he had never seen on the floor of the House of Representatives a half dozen members of any party disposed to exercise their legislative authority for abolition of slavery here or elsewhere.

In the course of this debate he was happy to have heard every gentleman express a decided opposition to the prayer of the petition. All concurred that there should be no legislative enactment in conformity to their wishes. But the difficulty exists in the conflicting views as to the means by which this end is to be attained. How is the subject to be disposed of?

The House has decided to consider the petition. The gentleman from Maryland has moved to reconsider that vote. Some gentlemen are opposed to this motion, because they wish to lay the petition on the table, from which it cannot be called up without the concurrence of two thirds of the House, and thus give it its quietus, and in effect refuse to consider it. But will they accomplish their object? I understand the gentleman from New York, [Mr. BEARDSLEY,] to have suggested that, if more agreeable to the House, he will modify his motion to lay on the table, so as to refuse to consider the prayer of the petition. It appeared to him, that this was precisely equivalent to a direct vote on the question of consideration; and although avoided *now*, it must be met on some other petition of a similar character with this.

It is necessary that the House should meet the question. When, on a former day, a gentleman from Maine presented a similar petition, and moved to lay it on the table, he [Mr. MASON] had demanded that the question should be taken by yeas and nays, and in doing so, alluded to the deep sensibility which pervaded a large portion of the country on the subject, and asked the members of the House to express their opinions on the principle involved in the petition in the vote then to be given. The result was an overwhelming majority against the petition. He had hoped most sincerely that the decision then made would have been acquiesced in; and that gentlemen, charged with such petitions, from respect to the expressed opinion of the House, would have withheld them, or, on presenting them would have consigned them to the same fate. In this he was disappointed, and to him it was apparent, that laying one or many of these exciting petitions on the table would not relieve the House, and it was necessary to adopt a more decisive mode. In his judgment, this could only be done by refusing to consider them.

Other gentlemen are disposed to refer the subject to one of the committees of the House. He asked, what beneficial result could be effected? The only object of a reference to a committee was, that the subject referred might be investigated, and its details prepared with more accuracy and dispatch, for the purpose of legislative action. To such examinations a committee was better suited than the House; but surely the House would not refer a petition, embracing a great *principle*, which has agitated the public mind throughout the country, and on which every member is prepared to express his opinion. But it is urged, that a report adverse to the petition would aid in allaying excitement, and restrain a perseverance in this mischievous course. Has not this been done? Has not more than one able report, condemning similar petitions, been made to this House in former sessions, and published to the world? We cannot desire merely a republication of what has already been published, and we will deceive ourselves if we hope to repress a fanatical spirit by giving such a countenance to the effusions of misguided zeal.

If (said Mr. M.) the House is prepared to

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, DECEMBER 21, 1835. VOLUME 3....No. 3.

decide upon the principle of this petition, why may we not reject it at once? Surely there is not one disposed to exercise the high and dangerous power which the petitioners invoke at our hands; why, then, shall we entertain the subject? why keep alive those feelings of apprehension and excitement which it is our sacred duty to allay? To refer the petition is an act of supererogation, which can do no good, and will do much mischief. The most unexceptionable mode in which we can accomplish this object is to reconsider the vote; and then it will be competent for the House at once to refuse to consider the petition, or to reject it; and if a majority of the House, and I doubt not there is an overwhelming majority, are opposed to the petition, let them meet the question at once, and terminate those angry discussions, and allay those bitter, bitter feelings which scar, if they do not break, the pillars of the noble edifice of our Constitution and liberty.

Mr. PIERCE, of New Hampshire, said he had no disposition to discuss the merits of this deeply exciting question at any time, and his respect for the rules of the House would prevent his attempting to do so under the motion of the gentleman from Maryland [Mr. THOMAS] to reconsider, which motion he hoped would be withdrawn and then the motion of the gentleman from New York [Mr. BEARDSLEY] so far modified as to meet the approbation of all who are most sensitive upon this agitating question, and he rose to add his request to the suggestion made by his friend (he hoped he might so call him) from Virginia. This was not the last memorial of the same character which would be sent here. It was perfectly apparent that the question must be met now, or at some future time, fully and explicitly, and such an expression of this House given as could leave no possible room to doubt as to the opinions and sentiments entertained by its members.

He (Mr. P.) indeed considered the overwhelming vote of the House the other day, laying a memorial of a similar tenor, and he believed the same in terms, upon the table, as fixing upon it the stamp of reprobation. He supposed that all sections of the country would be satisfied with that expression—but gentlemen seem now to consider the vote as equivocal and evasive. He was unwilling that any imputation should rest upon the North, in consequence of the misguided and fanatical zeal of a few—comparatively very few—who, however honest might have been their purposes, he believed had done incalculable mischief, and whose movements he knew received no more sanction among the great mass of the people of the North than they did at the South. For one, he, (Mr. P.,) while he would be the last to infringe upon any of the sacred reserved rights of the people, was prepared to stamp with disapprobation, in the most express and unequivocal terms, the whole movement upon this subject.

Mr. P. said he would not resume his seat without tendering to the gentleman from Virginia, [Mr. MASON,] just and generous as he always was, his acknowledgments for the admission frankly made in the opening of his remarks. He had said, that during the period that he had occupied a seat in this House, (as Mr. P. understood him,) he had never known six men seriously disposed to interfere with the rights of the slaveholders at the South. Sir, (said Mr. P.,) gentlemen may be assured there was no such disposition as a general sentiment prevailing among the people—at least, he felt confidence in asserting, that among the people of the State which he had the honor, in part, to represent, there was not one in a hundred who did not entertain the most sacred regard for the rights of their southern brethren—nay, not one in five hundred who would not have those rights protected at any and every hazard. There was not the slightest disposition to interfere with any rights secured by the Constitution, which binds together, and which he humbly hoped ever would bind together, this great and glorious Confederacy as one family.

Mr. P. had only to say, that to some sweeping charges of improper interference, the action of the people of the North at home, during the last year, and the vote of their Representatives here the other day, were a sufficient and conclusive answer.

Thus much he (Mr. P.) had thought due to himself and to those whom he had the honor to represent. If the motion to lie upon the table should be persisted in, he should vote for it, though he would prefer to meet the question in some form which could by no possibility be considered either equivocal or evasive.

Mr. MASON, of Virginia, suggested that the object might be accomplished by a resolution to this effect; that the House, having the petition under consideration, resolved that it be rejected.

Mr. CAMBRELENG thought his honorable colleague misapprehended the object of the motion to reconsider, which was to reconsider the vote to consider the petition this day. Mr. C. should vote to reconsider, in order to move to suspend the 45th rule, and consider the petition.

Mr. PICKENS said, as the question had taken a much wider range than had at first been anticipated, he hoped he should be allowed to trespass with a few observations. He understood the gentleman who moved the consideration of the memorial did it with a view to leave open the question, whether it should be considered to-day or not; and in order to get rid of the 45th rule, as suggested by the gentleman from Virginia, (Mr. MASON,) a motion would be made to suspend it, to enable the House to take up a resolution that the petition be rejected. That seemed to be the present position of the question.

In connection with this subject (said Mr. P.) there were many interests involved. The gentleman from New York [Mr. BEARDSLEY] had alluded to the sacred right of the citizens to petition. That was unquestionable. But, as the gentleman from Virginia had well remarked, that House had also the right to reject; and Mr. P. put it to the House whether they could not do so, even if the petition were couched in respectful terms. There were, however, other interests concerned in this matter. They had even higher duties to perform than their mere duty as Representatives; they had their own individual constituents in the District of Columbia; and if their rights were not to be maintained in that House, where, let him ask, would their protection be? [Mr. P. then referred to the act of cession from Virginia, which he was about to read, when the Chair interposed, and said the sense of the House must first be taken before the discussion could be extended to the merits of the question.]

Mr. P. said, then, he would confine himself to what had been thrown out by the gentleman from New York. That gentleman had asked, why was it that discussion was desired upon that floor? and intimated that certain fanatics, as well in the South as in the North, desired to agitate this question. Mr. P. desired to take that opportunity to throw back the insinuation with scorn and contempt. Sir, (said Mr. P.,) we do desire to agitate this question. We desire it, because we believe we have been foully slandered before the world; and I stand here prepared, at any time when the question shall come up, to vindicate the institutions of the people I have the honor in part to represent from the foul aspersion and calumny thrown upon them. These are the motives which prompt us to desire discussion. He had heard some insinuations thrown out from higher quarters than the gentleman from New York, that certain gentlemen of the South, belonging to a certain party, desired the discussion of this question to advance the interests of a particular individual; and he would again repeat that it was a foul and infamous calumny, and those who uttered it knew it to be such when they uttered it.

Mr. MAY called the gentleman to order for going into the merits of the question, and was sustained by the Chair.

Mr. PICKENS explained, that as the discussion had already taken a wide range, it was difficult to keep within the strict rule. He had risen to express a hope that the House would suffer a direct vote to be taken on this question; and he only intended to urge another reason in favor of sustaining the motion of the gentleman from Maryland. If that motion prevailed, then, as had been suggested by the gentleman from Virginia, the question itself should be brought directly before the House for its immediate decision. These were questions in which the most momentous concerns of this Confederacy were involved; and it was extremely to be desired that there should be an immediate decision on them in that House.

Mr. HAMER said, if ever there had arisen an occasion in which it was necessary to call the attention of the House to the wisdom of the 45th rule, it would be found in the discussion of this day. While this discussion continued as it was then progressing, it was very doubtful, when they came to vote upon the final disposition of this petition, whether all the members of the House would be prepared to give that vote to-day which they might give to-morrow; and he did not believe that such a debate was exceedingly well calculated to a calm, dispassionate, and deliberate consideration of the question. He was of opinion, therefore, that, in order to disentangle (to use the word of a gentleman who had spoken to-day) ourselves from embarrassment, it would be better to adjourn, and he therefore made that motion.

Tellers were appointed, and the House refused —ayes 98, noes 108.

Mr. HOWARD said, in order to check even himself in debate, and with a view, if he could, to obtain the opinion of the House, whether in the outset he was right or not, he would move to lay the motion of his honorable colleague, [Mr. THOMAS,] from whom it gave him great pain to differ, on the table.

Mr. JUDSON asked both the gentlemen from Maryland to accept a proposition he intended to offer, in the shape of two resolutions:

1. *Resolved*, That the vote of the House just taken on the petition be, and the same is hereby, reconsidered.

2. *Resolved*, That the 45th rule of the House be suspended; and said petition being under consideration,

Resolved, That it be, and the same is hereby, rejected.

If the House would give its consent he would move these two resolutions.

The motion being objected to, the question then recurred to lay the motion to reconsider on the table; whereupon

Mr. WISE asked for the yeas and nays, but they were not ordered.

The question was then taken by tellers, and decided in the affirmative—ayes 119, noes 72.

So the motion to lay the motion to reconsider on the table was carried.

Mr. HAMMOND then modified his motion in substance as follows:

Resolved, That the 45th rule of this House be suspended and resolved that the petition, &c., be, and the same are hereby, rejected.

Mr. BRIGGS inquired what was the question before the House?

The CHAIR informed the House that the motion of the gentleman from South Carolina, [Mr. HAMMOND] being secondary to the motion of the gentleman from New York, [Mr. BEARDSLEY,] the question before the House was the motion to lay the petition on the table.

Mr. GLASCOCK suggested the propriety of withdrawing that motion, and taking the question on the motion to reject.

Mr. H. EVERETT asked if the effect of the motion just carried was not to lay the whole subject on the table?

The CHAIR replied that was not the effect.

Mr. MASON, of Virginia, expressed a hope that the motion to lay the petition on the table

would be withdrawn, and let the question be taken on the second part of the resolution of the honorable member from South Carolina [Mr. HAMMOND] without debate.

Mr. BEARDSLEY said he would not yield his motion, for the practice of the House for years past had been to lay all such papers on the table, and such a disposition of them he believed to have been satisfactory to the country at large.

The yeas and nays having been ordered on the motion to lay the petition on the table, the question was so taken; and decided in the negative—yeas 95, nays 121; as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ash, Bailey, Barton, Beale, Bean, Beardsley, Beaumont, Bockee, Bovee, Boyd, Brown, Buchanan, Burns, Carr, Casey, George Chambers, Chaney, Chapman, Chapin, Cleveland, Crane, Cushing, Cushman, Davis, Doherty, Dickerson, Evans, Fairfield, French, Fry, William K. Fuller, Haley, Hamer, Hannegan, Hardin, Harlan, Samuel S. Harrison, Hawes, Hawkins, Howard, Howell, Huntington, Huntsman, Ingersoll, Ingham, Jarvis, Joseph Johnson, Richard M. Johnson, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Joshua Lee, Thomas Lee, Leonard, Logan, Lucas, Job Mann, William Mason, Moses Mason, Sampson Mason, Miller, Montgomery, Morgan, Muhlenberg, Page, Parks, Patterson, Pierce, Phelps, Rencher, Joseph Reynolds, Schenck, Seymour, Augustine H. Shepperd, Shinn, Sickles, Spangler, Sutherland, Taylor, John Thomson, Turrill, Underwood, Vinton, Wagener, Webster, Weeks, Lewis Williams, and Sherrod Williams—95.

NAYS—Messrs. Adams, Heman Allen, Ashley, Bell, Bond, Borden, Bouldin, Briggs, Bunch, John Calhoon, William B. Calhoun, Cambreleng, Campbell, Carter, John Chambers, Childs, Claiborne, Clark, Coffee, Coles, Connor, Corwin, Craig, Cramer, Darlington, Doubleday, Dromgoole, Dunlap, Effner, Everett, Farlin, Forester, Philo C. Fuller, James Garland, Rice Garland, Gillet, Glascock, Graham, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Joseph Hall, Hiland Hall, Hammond, Hard, Harper, Albert G. Harrison, Haynes, Hazeltine, Henderson, Hiester, Hoar, Holsey, Hopkins, Hubley, William Jackson, Joseph Jackson, Janes, Cave Johnson, Henry Johnson, Joseph W. Jones, Judson, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Love, Loyall, Lyon, Martin, John Y. Mason, Maury, May, McCarty, McComas, McKay, McKennon, McKeon, McKim, McLene, Mercer, Milligan, Morris, Owens, Parker, Patton, Dutee J. Pearce, James A. Pearce, Pettigrew, Peyton, Phillips, Pickens, Pinckney, Potts, Reed, John Reynolds, Roane, Robertson, Rogers, Russell, Shields, Slade, Sprague, Standefer, Steele, Storer, Taliaferro, Thomas, Waddy Thompson, Toucey, Towns, Vanderpoel, Ward, Washington, White, Whittlesey, and Wise—121.

So the House refused to lay the petition on the table.

Mr. HAMMOND then modified his resolution as follows:

Resolved, That said petition be, and the same is hereby, rejected.

Mr. HAWKINS, of North Carolina, asked for the yeas and nays; which were ordered.

Mr. HUNT apprehended (he said) that there was but one sentiment on this subject in that House, and let gentlemen extend their observations over this wide and extended country, and perceive what had been passing since this abolition question was first agitated, and they would see he was correct; that there was but one sentiment everywhere. He apprehended that gentlemen on all sides merely differed as to the means of effecting a general and desired end—an end they were all seeking, and which was to give quiet and composure to this Republic upon this exciting question. He would repeat, he was thoroughly convinced that the only difference of opinion that existed was with regard to the means to effect a desirable end. It had been said, that if they rejected this petition they should give quiet to the country, and no other petitions or memorials of a like tendency would be sent there. Would this be so? If constituents chose to send their petitions to that House, would not gentlemen feel it their duty to present them? Permit him to say, that if there be anything indecorous or disrespectful in a memorial presented there to any member of the House, or to any member of the Government, then he understood it to be parliamentary to reject it; but if, on the other hand, the memorial be couched in respectful language, it was a right guarantied to the citizens of this country by the Constitution to memorialize that House. The right he held to be a sacred one, and could never consent to infringe upon it, even by implication.

Humble as he was, (said Mr. H.,) it might not, perhaps, be unknown to some there, that upon this abolition question he had extended the principle so far as to go for all the gentlemen of the South contended for. He could also assure them, that among the New England men there was but one universal and unanimous sentiment upon the subject. But, to go back again to the mode of effecting the desired end, that of giving quiet and repose to this agitating question, and to this excited community, Mr. H. held ideas with regard to it, which he submitted with all due deference. He held that the quiet of the community could not be insured by suppressing information and inquiry; but, on the contrary, both policy and expediency, and the true course they owed their constituents, dictated that they should give to these memorials and these petitions the usual course. He would appeal to an eminent instance, within the knowledge of every one present, which did more than all the meetings on the subject, by way of putting down the fanatical zeal in regard to the Sunday mail. As long as the House laid those memorials on the tables, so long were they loaded with them, session after session; but the very moment he gave them what he conceived to be their proper direction, by appropriating them to a committee, which made a report thereon, that very moment the excitement was allayed, and nothing more was heard on the subject. He asked gentlemen to carry back their recollections to what the effect was upon the Republic. The subject was put forever at rest; and so, he apprehended, it would be with the present, for he considered the cases analogous.

It was true, (said Mr. H.,) the subject was an irritating one, but they, as Representatives of the people, were bound to meet it. They could not shut their eyes to what was going on around them. They could not slight or evade it; nor did he believe it was the disposition of any honorable member there to do so. The only difference in judgment appeared to him to be as to the means to effect the end. To refer, then, to the analogous case, Mr. H.'s own deliberate judgment was, that they should give to all these petitions the usual parliamentary course, for this was not the last, in all human probability, that would be sent there. They could not conceal from themselves the fact, that the public were advised of the existence of these memorials. They would be sent to members there, and, judging from what he felt to be his own duty, he apprehended that other gentlemen would also feel it to be their duty to present them. He asked, then, that they would show the South fairly the principles they maintained, by referring this, and all similar petitions and memorials, either to the Committee for the District of Columbia, or to some special committee, with instructions to report. They did not doubt what would be the nature of the report, and he apprehended he ran no risk in pledging himself that there was not a man in that House but would give his sanction to a report that should put this question forever at rest; silence the fanatics on the one hand, and satisfy our brethren of the South on the other. He would again assure gentlemen that the feeling of the North was entirely sound and healthy on this subject. This was not the first public occasion Mr. H. had avowed the feelings he entertained on this question. He had avowed them on other occasions; and in the great meeting at Utica, to which allusion had been made, he had done all he could, although he took not such a prominent part as his honorable colleague over the way, [Mr. BEARDSLEY.] But to ask him to vote for the rejection of this petition was to ask him to do what seemed to him not a proper and respectful course, if he might be permitted to use that term. With a view of enabling other gentlemen who might have similar memorials to present, to pursue the course their own sense of duty directed, and with a view of carrying out the action of the House in a way which might speak to the nation unanimously on this question, through the report of some proper committee. Mr. H. said he should be constrained to vote against the motion then under consideration. Late as it was, and enfeebled as he was, yet he would not permit his vote to be recorded on the question without briefly explaining his views.

Mr. GLASCOCK said it must be gratifying to every individual to have listened to the remarks made by the honorable gentleman from New York, [Mr. HUNT,] who had just taken his seat; and he believed it must be equally gratifying to every portion of the House to have been placed in possession of his views upon this question, though a large portion of them must differ with the gentleman in regard to the policy he thinks ought to be adopted in relation to it. The discussion that had taken place to-day, Mr. G. had no hesitation in saying, would be hailed in the South as the greatest omen that the permanency of this great and glorious Union was about to be secured; and for one, coming from that section of the country, he hesitated not to believe that the honest difference of opinion that did exist was an honest difference of opinion only as to the manner and mode in which this question should be settled. For one, he believed the motion of the gentleman from South Carolina to be one that would be approved, at least the best approved, by that portion of the people from whom he came. He admitted it was the constitutional right of every citizen of the country to petition this and the other branch of the Legislature. It was a feature in the Constitution itself, and it was an inseparable privilege which he believed no individual who advocated this motion had pretended to deny. But he contended that, whenever the petition was brought forward, that very moment the constitutional requisite had been complied with; and it then became the duty of the House to treat it as its merits deserved. Now, he would appeal to the gentleman himself, and ask him whether there be not, in that petition, language which calls upon the House to frown upon it with indignation? He would ask if there be not charges in it that called for the unanimous voice of reprobation of those opposed to it? He would to God that he could act on this occasion with the gentleman; but the proper course to be pursued in relation to the petition was to reject it; and, in rejecting it, he could not, for himself, believe that a similar petition would be again presented for the consideration of that body. With due deference to the opinions of those who represent States, some few of whom might be favorable to the principles contained in the petition, it would, in his humble conception, be virtually a disrespect to the majority either way, who might vote to reject or receive, afterwards to vote to lay it on the table; and he wished, therefore, to avoid this by bringing the question at once and directly to bear upon the motion to reject it.

But there was another reason, which he would suggest to the consideration of the House. They would not be deprived of meeting the question fully, freely, and deliberately hereafter. What did the President recommend in his annual message? He recommended to the consideration of that House the enactment of some law to prevent the circulation of these incendiary publications through the Post Office Department. Then they would have an opportunity of expressing fully their views in relation to this matter. It was then he expected again to hear the voice of that gentleman in vindication of the views he had now taken. Then he trusted they would have but one voice throughout that House; and when that vote should be received, the South would be secure in their lives, their property, and their rights. It would be then they might say this Republic is safe. Then everything like disunion would be quieted; and, he trusted, forever.

Mr. SUTHERLAND believed (he said) that no man in that House who had known him for any length of time could doubt his feelings upon this question. He came from a section of country that was exceedingly anxious to allay, as far as possible, all kind of excitement upon a question so agitating to the South. He came there prepared, as far as he could, to vote upon that question, and he trusted that, when the time came to meet it, it would be met in a manner the great interests connected with it demanded. But he would say, in advance, that he was not quite satisfied with some of the feelings expressed from certain quarters of this country to-day in that House. They were bound by all the ties that kept the Union together to meet this question freely and boldly, to throw aside every prejudice, and sacrifice it upon the altar for their country's good; and it did not become them to excite each other by any kind of language.

Mr. S. lived in a State (he said) once a slave-holding State, and which had been one of the first to abolish slavery, having found it expedient to start early in this question. He lived in a State, too, where they as sincerely and honestly regarded the rights of the South as any other State in the Union; and he came especially from a district that he knew—and if he could use stronger language he would—utterly despised and detested the whole question of a prompt and speedy abolition of slavery in the South. He knew that he spoke their voice when he said he was prepared to go all the lengths that honor and justice should require at his hands. While he admitted so much, he also looked at this: that the Constitution guarantied to us all the right to send our petitions to that House. But he went further, and took the other side of the question; that if that petition be not drafted in the style in which it ought to be, or if it be even inflammatory in its nature, and calculated to excite the feelings, why, then, he would throw it out, because they were assembled there fairly and dispassionately to meet this question. He would neither allow the high feelings of the South to disturb him in his judgment, nor the high feelings of the North, who were, some of them, anxious to run all lengths, and some of them to cast the firebrand of slavery and abolition into that House. Now, on the question under consideration, he went with the gentleman from Georgia, [Mr. GLASCOCK,] that if there was anything in that paper that did not comport with the dignity and respect of the House, vote for its rejection, come from where it might. But, at the same time, Mr. S. held himself always bound to vote for every petition sent there in a proper style and language, on any and every question, be it what it might, from any quarter of the nation.

Mr. S. did not rise (he said) so much with a view of making these remarks, but to state a fact of which the House was probably not aware before the last vote was taken on this question. He would state to the House that it had already, that day, that very morning, referred a memorial upon this very question to the Committee for the District of Columbia, and the Chair would state whether he was correct or not.

The SPEAKER stated the fact to be so, and that he had conferred with the gentleman from Massachusetts, [Mr. BRIGGS,] who presented the petition, informing him that it was the intention of the Chair to call the attention of the House to it. It was doubtless through inadvertence that the members of the House did not generally hear it, but the Chair intended to have made a statement of the fact to the House, and so he informed the mover.

Mr. HAMMOND said the presentation of the petition had escaped him, or he should have made the same motion with regard to that as he did with reference to the other.

Mr. PATTON then moved to reconsider the vote by which the memorial presented by Mr. BRIGGS was referred.

Mr. BRIGGS suggested it would be better to postpone the consideration of it till the one before the House to-day was disposed of; which was agreed to.

A motion was here made by Mr. VINTON, that when the House adjourns it adjourn to meet on Monday next; which was agreed to.

Mr. EVERETT moved that the House adjourn.

Mr. HAWKINS called for the yeas and nays; but the House refused to order them, and tellers being appointed, the ayes were—120, noes not counted.

So the House adjourned till Monday.

IN SENATE.

MONDAY, *December* 21, 1835.

Mr. TOMLINSON presented the credentials of the Hon. JOHN M. NILES, appointed by the Governor of the State of Connecticut (in the recess of the Legislature) a Senator from that State, to supply the vacancy occasioned by the death of the Hon. NATHAN SMITH, which having been read, the oath to support the Constitution of the United States was administered to Mr. NILES by the Vice President.

SMITHSON'S BEQUEST.

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary, as follows, to wit:

To the Senate and House of Representatives of the United States:

I transmit to Congress a report from the Secretary of State, accompanying copies of certain papers, relating to a bequest to the United States, by Mr. James Smithson, of London, for the purpose of founding, at Washington, an establishment under the name of the "Smithsonian Institution," for the diffusion of knowledge among men. The Executive having no authority to take any steps for accepting the trust and obtaining the funds, the papers are communicated with a view to such measures as Congress may deem necessary.

ANDREW JACKSON.

WASHINGTON, *December* 17, 1835.

NEW YORK FIRE.

Mr. WEBSTER submitted the following resolution, and asked for its consideration at that time:

Resolved, That the Committee on Finance be instructed to consider what measures it may be proper for Congress to adopt, in consequence of the destruction of merchandise and other property by the late fire in the city of New York.

Mr. WEBSTER said that, since the last adjournment of the Senate, we had heard of a conflagration attended with more injury to property than had ever occurred before in this country. There was no place in this continent in which the ravages of fire could have created so much injury in such a period of time. It appeared that the fire raged for many hours, and it had been very difficult to overcome. From the aspect of many of the public papers it seemed that a strong excitement existed, and that it was expected that Congress would do something for the relief of the sufferers. Congress, he said, had heretofore acted on occasions of this nature of far less magnitude; and he thought that such undoubted scenes of suffering as were witnessed at New York required that relief in some mode should be extended. In cases of this kind a prolonged credit in the payment of custom-house bonds had been given; other measures of relief might be recommended. He was not himself prepared to say what should be done. The State of New York was numerously represented in the other House, and many of her Representatives had doubtless learned through their correspondence the particulars respecting the extent and nature of the injury received, and would therefore be able to suggest measures proper for the action of Congress. He thought, under all the circumstances, it would be better to appoint the committee and wait then for the action of the other House. The resolution was then adopted.

INTERNAL IMPROVEMENTS.

Mr. PORTER presented a communication from the Executive of the State of Louisiana, inclosing sundry resolutions of the Legislature of that State, on the subject of certain internal improvements within the State, and instructing their Representatives to use their exertions to obtain from Congress donations of land for such objects; all of which were referred to appropriate committees.

PETITIONS, ETC.

Mr. LEIGH presented the petition of General Robert Porterfield, representative of Colonel Charles Porterfield, late an officer of the Virginia line of the revolutionary army, deceased, praying that a certain quantity of land may be granted him in lieu of that located under his land warrant, but covered by a prior location; which was referred to the Committee on Revolutionary Claims.

Mr. HENDRICKS presented petitions from the citizens of Michigan city, and from the inhabitants of the northern part of Indiana, praying for an appropriation for the improvement of the harbor of Michigan city, and for the establishing a port of entry at that place; which were appropriately referred.

Mr. SWIFT presented the petition of John Taylor; which was referred to the Committee on Revolutionary Claims.

Mr. SHEPLEY presented the petitions of Green & Emerson, of E. Baldwin, and of Thomas Cutts; all of which were appropriately referred.

Mr. McKEAN presented the petition of the executors of David Caldwell. Also, the petition of sundry citizens of Pennsylvania, praying for a reduction of the duties on railroad iron; both of which were appropriately referred.

Mr. TALLMADGE presented the petition of —— Ostrander; which was referred to the Committee on Private Land Claims.

Mr. WEBSTER presented the petition of the heirs of the late General William Eaton; which was referred to the Committee on Revolutionary Claims.

Mr. BLACK presented the petition of the Trustees of the public school of Vicksburg, Mississippi, and the petition of Elizabeth Magruder; which were referred to the Committee on the Public Lands.

Mr. TIPTON presented the memorial of the General Assembly of the Territory of Arkansas, on the subject of the construction of a road from Columbia to Washington; and which was referred to the Committee on Roads and Canals.

He also presented the petition of James Leander Cathcart; which was referred to the Committee on Claims: also, the memorial of the General Assembly of the State of Indiana; which was referred to the Committee on Roads and Canals.

On motion by Mr. NAUDAIN, the petition of Elizabeth Robinson, of the last session, was again referred to the Committee on Revolutionary Claims; and the petition of Lieutenant Shubrick was again referred to the Committee on Naval Affairs.

On motion by Mr. HENDRICKS, several petitions, presented by him at the last session, were again referred.

On motion by Mr. TALLMADGE, the petition of the heirs of Michael Hogan, and the petition of David Bronson, of the last session, were again referred to the Committee on Revolutionary Claims.

On motion by Mr. LINN, the report of the board of commissioners for adjusting land titles in Missouri, together with the report of the Commissioner of the General Land Office on that subject, were referred to the Committee on Private Land Claims.

NOTICES OF BILLS.

Mr. HENDRICKS gave notice that he would to-morrow ask leave to introduce a bill making an appropriation for the improvement of the navigation of the Wabash river.

Mr. TIPTON gave notice that he would to-morrow ask leave to bring in a bill for the relief of Hiram A. Hunter.

Mr. MOORE gave notice that he would to-morrow ask leave to bring in a bill for the relief of Elijah Simmons; also, a bill for the relief of Samuel Smith and Linn Magee, Creek Indians.

BILLS INTRODUCED.

Mr. EWING, in pursuance of notice given, asked and obtained leave, and introduced a bill to settle and define the northern boundary line of the State of Ohio; which was read and ordered to a second reading.

Mr. MORRIS said that, as there was some difference between his colleague and himself in relation to some of the principles involved in the bill just read, of an important character, he would submit a resolution as presenting his views on the subject.

The CHAIR stated that, as the resolution was in the form of a joint one, it must be introduced after giving one day's previous notice.

Mr. MORRIS gave notice accordingly that he would introduce the resolution to-morrow.

Mr. MOORE, in pursuance of notice given, asked and obtained leave, and introduced a bill for the relief of John McCarty; which was read, and ordered to a second reading.

RESOLUTIONS.

Mr. RUGGLES submitted the following resolution; which lies over one day for consideration:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making appropriations to construct harbors at the mouths of the St. Josephs, Kalamazoo, and Gallier rivers of Lake Michigan, and for removing the bar at the mouth of Clinton river of Lake St. Clair.

Mr. WHITE submitted the following resolution; which lies over one day for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the propriety of providing by law that John H. Cook, of the State of Indiana, may enter and obtain a grant for one thousand acres of land in exchange for the like quantity claimed by him in the State of Alabama.

Mr. HENDRICKS submitted the following resolutions; which lies over one day for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Indianapolis by way of Danville, Rockville, Montezuma, and Newport, to Danville in Illinois.

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the construction of the Cumberland road in the States of Ohio, Indiana, and Illinois.

On motion by Mr. WEBSTER, it was

Ordered, That so much of the President's message as relates to finance, together with the annual report of the Secretary of the Treasury, be referred to the Committee on Finance.

INCENDIARY PUBLICATIONS.

Mr. CALHOUN moved that so much of the message of the President of the United States as related to the transmission through the public mails of certain publications of a dangerous tendency, be referred to a select committee.

Mr. C. said that he deemed the subject to be one of the greatest importance, and one that required the earliest attention, with the most decisive action, of the Senate. He had an additional reason for submitting this motion for a reference to a select committee, rather than to the Committee on the Post Office and Post Roads. On looking over the list of names on that committee, he found that it contained but one gentleman coming from that portion of the Union more immediately interested in the subject. With this view, and not anticipating any opposition, he made the motion for the appointment of a select committee.

Mr. KING, of Alabama, had not anticipated any attempt to send the portion of the President's message referred to by the gentleman from South Carolina to a select committee, instead of leaving it to the committee to whom it properly belonged. He stood as much interested in the subject as any gentleman on that floor; but he was not disposed to give to it more importance than it deserved. It was not, in his opinion, entirely respectful to the Committee on the Post Office, to attempt to take the matter out of their hands; and he was not willing to admit that Congress had the subject entirely in its power. He admitted that Congress might, through the regulations of the Post Office, restrain, in some measure, the circulation of incendiary publications, but further than this it could not go; and it was therefore that the Post Office Committee was the most proper one to take charge of the subject. He greatly preferred the reference to that committee; and he hoped that the gentleman from South Carolina would take a different view of the subject, and wait a reasonable time for the Post Office Committee to report, before he pressed his motion. If (said Mr. K.) that committee does not act in a reasonable time—if they do not discharge their duty with regard to this important part of the President's message—it will be time enough then to move for the appointment of a select committee.

Mr. CALHOUN said it was his object to raise a special committee that should calmly and deliberately consider the subject. He thought a committee composed of members from a portion of the country whose constituents were identified with the subject would be a more appropriate committee than the Committee on the Post Office Department. He had made this motion with no party feelings. He regarded it as a subject involving very delicate and momentous principles; and believing the Committee on the Post Office and Post Roads would be very much occupied, he hoped it would go to a special committee. He hoped the gentleman from Alabama would withdraw his opposition, and permit it to take that course.

Mr. GRUNDY said, that in regard to the idea that this report should come from a committee from a portion of the country differently situated from another portion, he thought it should come from a disinterested portion. Coming from a quarter not identified particularly with the subject, he thought would give it more strength. He apprehended the General Government could do very little on the subject, and he would be as unwilling as any one to see the Government do any act violating the sovereignty of any State. He did not court the labor, but did not fear the responsibility of it.

Mr. CALHOUN had to make one remark in reference to any feeling of delicacy towards the Committee on the Post Office and Post Roads, requiring that the subject should be left in their charge. He really did think that it could be considered only as incidentally belonging to them, and not coming peculiarly within the sphere of their duties. He would be the last man to evince anything like disrespect to that committee, or want of confidence in them; but every gentleman must see that this subject was of a peculiar nature, not belonging exclusively to any committee of the Senate, and ought therefore to be acted on by a committee constituted for the purpose. He intended to create no excitement by the motion he had made. He wished to investigate calmly and deliberately the powers of this Government in relation to the important matters referred to. All who were acquainted with the history of new States, knew that novel questions of this nature were the most dangerous that could arise, and that it was of vital importance that they should be speedily and correctly settled. He believed that if this question was not settled, it would be the establishment of a principle as dangerous as could be imagined. He should look upon himself as a traitor to the State he represented if he could bring into this important question anything like party spirit. He looked upon it as of infinitely more importance than anything connected with the presidential or any party question. His sole object was to examine the subject fully, together with every collateral ground connected with it. He had looked into the question sufficiently to be satisfied that it was one of the greatest magnitude, requiring immediate and decisive action; and he had therefore moved for the appointment of a select committee. He moved it, because the State he represented was vitally interested, and because the peace, harmony, and union of this Confederacy were deeply involved.

Mr. LEIGH said he should vote for a reference to a special committee, on the ground that the subject did not belong at all to the Committee on the Post Office and Post Roads. It did not appear to him as a matter of sufficient moment to a class of citizens in a certain portion of the country to induce them to bestow upon it the attention and labor its importance demanded. He disclaimed any jealousy towards them; all he was afraid of was, that the subject might involve party considerations.

Mr. PRESTON said this matter was referred to by the President as operating on the Post Office establishment. It has been supposed that the depositing an incendiary publication in a post office for transmission was a violation of law by citizens of one State against the citizens of another. [Mr. P. here read from the message of the President the part relating to the subject.] The question, upon the face of it, from the very nature of it, was purely sectional. There had been a difference of opinion on this subject. If the Government had the power to arrest the evil through the Post Office Department, the question then arose—How is that power to be exercised? But if it was conceded that the Government had not the power, as suggested, then there was an end of the matter, and they must acquiesce.

Mr. BUCHANAN was very glad to hear the gentleman from Virginia [Mr. LEIGH] express the opinions he had with regard to gentlemen coming from the northern States. He was confident that the gentleman spoke the language of every intelligent man north of the slaveholding States, when he says that they deprecated and would do anything in their power to suppress every publication calculated to endanger the peace, or to injure the feelings of the South. He (Mr. B.) was yet to meet for the first time the intelligent man at the North who thinks that this Government has any power to interfere in relation to the delicate question involved. Why, then, was he opposed to raising a select committee on this subject? It was simply because, by taking the ordinary course, everything like excitement or party spirit would be put down. He himself had no fear that, by any course pursued, party spirit could be raised there; but if the motion prevailed, the public abroad would ask why was this reference made—why not give it the ordinary direction to the committee whose appropriate charge it was? Were there any gentlemen there unwilling to do everything in the power of Congress for the purpose of suppressing the circulation, through the mails, of improper publications? He apprehended not. It was, then, a mere question of constitutional law; all were willing to do everything that could lawfully be done; and the only thing to be considered was, how far could they go? If (said he) we take this subject from the Committee on the Post Office and Post Roads, and send it to a select committee, it will be considered abroad as a party movement, and he was therefore opposed to giving it such a direction as might lead to that belief.

Mr. MANGUM desired to see a unanimity in the Senate, which would give the fullest and fairest opportunity to discuss the subject. He discarded all party considerations. Whatever difference of opinion might exist as to the question of slavery, he did not apprehend either here or elsewhere any excitement. They had to act on this subject. In the message of the President they were invoked to it. He had thought very little on the subject, but regarded it as momentous. The Committee on the Post Office Department would have more labor than they could satisfactorily dispose of. If the subject was to go to either of the standing committees, it would be much more appropriate to send it to the Judiciary. He hoped that, with common consent, it would be sent to a select committee.

Mr. PORTER said it was, perhaps, not of very serious importance whether the reference was made to the Post Office Committee or to a select committee. It was possible that the Post Office Committee might arrive at the same conclusions, and make a report of the same nature as a special committee would; but he viewed this question in a somewhat different light from his southern friends. They seemed to regard it as one of not much danger, while he viewed it with the most serious apprehensions. He had conversed with no gentleman on that floor who did not consider the subjects treated of in these incendiary publications as exclusively reserved to the States most interested in them. But while he highly appreciated the manly and liberal feelings of his northern brethren, it was not to be concealed that there was a band of wild and reckless fanatics in the northern States, whose objects tended to spread ruin and desolation over the South. It is our duty (said Mr. P.) to consider the subject, not with regard to the actual situation of things, but as to the possible consequences that might ensue. With regard to the reference, he thought with the Senator from North Carolina, [Mr. MANGUM,] that the subject would more properly be sent to the Judiciary Committee than to the Committee on the Post Office and Post Roads. He admitted that the Post Office Committee had more peculiarly under its charge all questions with regard to the establishment and extension of mail routes; but with regard to a great constitutional question presented to the consideration of Congress by the President himself, and one on which some legislative action was contemplated, it seemed to him that the Judiciary Committee was the most appropriate one of the two. In another view of the subject, a reference to a select committee appeared the more desirable. It was far from him to intend anything indelicate or disrespectful to the Post Office Committee; but it was known that only one gentleman on that committee came from the South. Was it not, therefore, to be supposed, that the people of the South would receive with much more confidence a report from a committee composed of gentlemen most likely to feel and sympathize with them, than from a committee containing only one of their number? It was well known what an extraordinary degree of excitement was created in the South last summer by these incendiary publications, and that the people called loudly for some action of Congress with regard to them. For these reasons, he preferred that a committee should be appointed, containing a majority of its members from the South. The matter would then (Mr. P. said) be brought properly before the notice of our southern brethren, and they would see what the South wanted them to do.

Mr. CLAYTON said all of the gentlemen agreed that the subject involved constitutional

law; and he thought it should, therefore, be sent to the appropriate committee. The gentlemen on the Committee on the Post Office Department were not anxious to exercise jurisdiction over it, but would be exceedingly gratified to have it referred to a special committee. He spoke for one. Four out of five members on the Committee on the Post Office Department were from non-slaveholding States. The most effective and satisfactory report to the people would be from gentlemen from slaveholding States. He was satisfied that his constituents would prefer it to come from gentlemen from slaveholding States.

Mr. KING, of Alabama, was a little surprised that gentlemen should, in the course of this discussion, disclaim all party feeling. He never could have supposed that the gentleman from South Carolina [Mr. CALHOUN] would attempt to excite a party feeling on an occasion like the present; and therefore the disclaimer was uncalled for. He still contended that this Government had no right to interfere in the matter; and he would not, by any act of his, sanction such interference. As regarded his position, his constituents were as deeply interested in the question as any of the people of the Union—perhaps there were none more so. It was not to be disguised that during the last summer great excitement existed; but he then, as he still did, confided in the virtue and patriotism of the non-slaveholding States to put down all attempts calculated to disturb the peace, the harmony, and union of these States. He still trusted they would do so; but he could not consent that this Government had a right to interfere in a matter which had been settled by the fundamental laws of the land. He was not prepared to say how far Congress could go within its constitutional limits; but he was willing to do all that could be done to put an end to the evil complained of. Gentlemen spoke of the great question presented to Congress by the President. What great question? Why, the President called their attention to a subject that they all understood, and recommended them to take it under their consideration. He thought that the subject should take the ordinary course, and that they ought not to bring it up, as remarked by the Senator from Pennsylvania, in such a way as to lead to excitement; for while he agreed with him that there was no danger of producing it there, he felt some apprehensions as to the effect on the people at large. The excitement on this subject had not been confined to the people alone, but had found its way into the communications of the Governors of some of the States. He would not, therefore, by the appointment of a select committee, add to the excitement that already existed.

Mr. GOLDSBOROUGH said this was not a post office matter; it was not to make an inquiry purely into matters appertaining to the Post Office Department; it was not a matter peculiarly belonging to that Department. He recollected the Senator from Massachusetts had referred to a select committee matters relating to the transportation of the mail on railroads, which he thought more properly belonged to the Committee on the Post Office Department than this. The question before them was of the utmost importance, involving important constitutional principles of the Government, and he therefore thought the object of the reference would be better accomplished through a special committee.

Mr. LEIGH remarked that, adverting to what had passed the last summer, he thought it was wise and proper in the President of the United States to make the communication he did to Congress. He understood the President's message, he thought, as well as the gentleman from Alabama did. The President recommended nothing but the consideration of how far Congress could act through the regulations of the post office; but if it should turn out that Congress could not act through the post office regulations, it would then be found that the Post Office Committee was not the most appropriate one to take charge of the subject.

Mr. DAVIS said he happened to belong to this Post Office Committee, and did not feel particularly desirous of having this matter under his consideration. He was not certain that more importance had not been attached to it than it deserved. When gentlemen spoke of the constitutional power of Congress, and the course that might be taken under this power, he did not understand what they meant. Now, it seemed to him to be more a matter of courtesy, and he took the liberty for himself to say that he should be very glad to have it taken off his hands, and that he would be very willing to have it sent to a select committee, not because it did not appropriately belong to the Post Office Committee, (for if this Government had any power over it, it must be through its post office regulations,) but for another reason. He had once the honor of holding a seat in the other House; he hoped he was not out of order in referring to that body; and he had seen matters deeply interesting to those he represented excluded from the consideration of those members most naturally interested in them. He felt, then, that there was a want of liberality and of magnanimity in this, and he could therefore sympathize with those interested in the present question. A great southern interest was involved, and he was willing that southern gentlemen should present their views upon it there, not because they understood constitutional law better than other gentlemen, but because they were more interested and more familiar with the subject to be considered. He should, for these reasons, vote for a reference to a select committee.

Mr. PRESTON said, that in one point of view he thought a committee from the South would be better. There were two propositions of immense moment involved in the consideration of the subject. Had this Government a right to regulate the Post Office Department, and to what extent had the Government that right? If these matters of importance and delicacy should be defined, then to what extent do we want this protection? A special committee would have abundance of time to devote to the subject, which the other committee would not have. He was indisposed to excite any further feelings on the part of the Senate. If any excitement was to grow out of it, it was as to the powers of the Government, and not the question of slavery.

Mr. EWING was not anxious, as a member of the Post Office Committee, to have the charge of this subject, nor was he anxious to avoid it. He was disposed to perform any duties the Senate might impose on him, and he was not disposed to take any offense if the matter was withheld from the committee to which he belonged. He was satisfied that this subject ought to be acted on as if there was no Post Office Committee constituted. Every gentleman, but one, on that committee was from the non-slaveholding States, and a sectional interest was involved. The reference ought, therefore, to be to those who were the most interested, and the most familiar with the subject. Our object (said Mr. E.) is in the first place to suppress the circulation through the mails of incendiary publications, if Congress possess the power to do so; but if Congress does not possess the power, our next object is to quiet the public mind by a report, showing why Congress cannot act. Who, then, so proper to make such a report as gentlemen coming from the southern States? A report from northern men, explaining why Congress could not act, would have far less effect in quieting the excitement that prevails, than a report coming from southern gentlemen. He would, therefore, vote for the reference to a select committee.

Mr. BROWN said it had been remarked by an honorable gentleman, that this was a subject of deep moment. It was truly so. The Committee on the Post Office Department had long been familiar with all subjects relating to it; and they might therefore expect more light upon the subject from that committee than from a select one. Another committee not being so familiar would have to devote more time in acquiring the necessary information to prepare a report. It had been said that the report ought to come from a committee composed of members from a particular section of the country. He could not subscribe to that doctrine. That course would be to give it a sectional aspect—the worst kind of aspect it could have. It appeared to him the course expected from the southern gentlemen was to evince a magnanimous confidence towards the northern gentlemen: a distrust would have an unfavorable effect. For his part, he never had believed that their northern brethren would, for a moment entertain a disposition to hazard or jeopardize the Union; as the subject was peculiar to the Post Office Department, he thought the committee on that subject the appropriate one to whom it should be referred. He would, however, take occasion to disclaim all party feelings, and hoped they would not be permitted to influence any one—be he a fanatic from the North—a partisan from the South, or a political agitator from either.

The question was then taken on Mr. CALHOUN's motion for the appointment of a select committee, and it was decided in the affirmative.

PRESIDENT'S MESSAGE.

On motion by Mr. CLAYTON, it was

Ordered, That so much of the President's message as relates to the judiciary be referred to the Committee on the Judiciary.

On motion by Mr. EWING, it was

Ordered, That so much of the President's message as relates to the public lands be referred to the Committee on Public Lands.

On motion by Mr. SOUTHARD, it was

Ordered, That so much of the President's message as relates to Naval Affairs be referred to the Committee on Naval Affairs.

On motion by Mr. ROBINSON, it was

Ordered, That so much of the President's message as relates to the militia be referred to the Committee on the Militia.

On motion by Mr. WHITE, it was

Ordered, That so much of the President's message as relates to Indian affairs be referred to the Committee on Indian Affairs.

On motion by Mr. GRUNDY, it was

Ordered, That so much of the President's message as relates to the post office and post roads be referred to the Committee on the Post Office and Post Roads.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 21, 1835.

Mr. WHITTLESEY asked the unanimous consent of the House to report sundry bills, (petitions being in order,) which was objected to.

Mr. WHITTLESEY moved a suspension of the rule; which was carried—yeas 106, nays 51.

Mr. CAMBRELENG said he should have to throw himself upon the indulgence of the House to report and have printed a bill and a short report from the Committee of Ways and Means. He was sure he need only read the title of the bill to have the unanimous consent of the House to have it read a first and second time by the title, without any debate; it was a bill for the relief of the sufferers by fire in the city of New York.

Objections being made, the Chair said the rule had been suspended only to enable the Committee on Claims to report certain bills.

PRIVATE BILLS.

Mr. WHITTLESEY, from the Committee on Claims, reported the following bills; which were read twice, and committed to a Committee of the Whole House:

A bill for the relief of James Tilford;

A bill for the relief of John Pierce and Daniel Voorhies;

A bill for the relief of Joseph Cooper;

A bill for the relief of Thomas F. Townsley;

A bill for the relief of Guiseppi Franzoni, and heirs of Jardella;

A bill for the relief of William Findlay's representatives.

Two bills for the relief of M. W. Gilbert;

A bill for the relief of Jesse Smith and others;

A bill for the relief of David Bartlett;

A bill for the relief of Daniel Whitney;

A bill for the relief of Andrew Dodge;

A bill for the relief of Daniel Bender;

A bill for the relief of Nathaniel P. Tatum;

A bill for the relief of B. F. Stickney;

A bill for the relief of John McDonald;

A bill for the relief of Henry Knowles, sen.;

A bill for the relief of John Pollock;

A bill for the relief of David Hardesty;

A bill for the relief of the representatives of David Eagerly;

A bill for the relief of Washington Seawell;

A bill for the relief of Joseph Russ and Stephen J. Roach;

A bill for the relief of Jane Taylor and heirs of J. Plunkett;

A bill for the relief of Laurentius M. Eiler;

A bill for the relief of Moses Bliss;

A bill for the relief of John Saunders and Pecley Putnam;

A bill for the relief of Jacob B. Gilbert;

A bill for the relief of Jacob Santani;

A bill for the relief of the representatives of Thomas Bearham.

A bill for the relief of Joshua Collumber.

A bill for the relief of Abner Stilson.

SUFFERERS BY NEW YORK FIRE.

Mr. CAMBRELENG asked the unanimous consent of the House to report a bill for the relief of the sufferers by the late fire in the city of New York.

Objection having been made, Mr. CAMBRELENG asked a suspension of the rule.

Mr. JARVIS remarked, that there were various bills which the several committees were desirous of reporting. He would, therefore, move a general suspension of the rule, for the purpose of receiving reports from committees.

The motion was agreed to.

Mr. CAMBRELENG, from the Committee of Ways and Means, made a report, accompanied by a bill for the relief of the sufferers by the late fire in New York; which was read twice.

Mr. C. would merely state, for the information of the House, the object of the Committee of Ways and Means in introducing this bill. Another subject was under the consideration of the committee, upon which they had not acted finally, and that was a bill for the remission of the duties on goods destroyed by the late fire. That subject had been postponed, and the committee had been called upon to act upon this question in consequence of a communication from the Secretary of the Treasury inclosing a letter from the collector at New York. Mr. C. regretted very much that he should have been called upon in the very first act of his new station to propose a bill of this description. He should not, however, take up the time of the House then, but should merely ask its indulgence to-morrow to take up this bill and act upon it.

Mr. C. then moved that the bill be committed to a Committee of the Whole House on the state of the Union, and that the bill and accompanying report be printed; which was agreed to.

REPORTS OF COMMITTEES.

Mr. CARR, from the Committee on Private Land Claims, reported the following bills; which were read twice and committed.

A bill for the relief of the heirs of James Latham, deceased; and

A bill for the relief of Archibald Small.

Mr. PEARCE, of Rhode Island, from the Committee on Commerce, reported the following bills; which were read twice and committed, viz:

A bill for the relief of Reuben Colburn; and

A bill for the relief of Isaac Champlain and others.

Mr. GRENNELL, from the Committee on Claims, reported the following bills; which were read twice, and committed to a Committee of the Whole House:

A bill for the relief of Commodore John Downes;

A bill for the relief of the Springfield Manufacturing Company;

A bill for the relief of Doctor W. Baker;

A bill for the relief of Stephen Crittenden;

A bill for the relief of the executors of Charles Wilkins; and

A bill for the relief of David Baker.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill to authorize the enlistment of boys in the naval service; which was read twice and committed.

Mr. FORESTER, from the Committee on Claims, reported a bill for the relief of the legal representatives of Willie Blount; which was read twice and committed.

He also, from the same committee, reported a bill for the relief of Charles M. Frazer; which was read twice and committed.

Mr. GILLET, from the Committee on Commerce, reported a bill for the relief of Henry Darling; which was read twice and committed.

Mr. SUTHERLAND, from the Committee on Commerce, reported the following bills; which were read twice and committed:

A bill to allow drawbacks on duties for merchandise exported from the United States *via.* Missouri to the provinces of New Mexico; and

A bill to regulate the compensation of certain officers of the revenue cutters.

Mr. CHAMBERS, of Kentucky, from the Committee on Claims, made unfavorable reports upon certain petitions referred to said committee.

ABOLITION OF SLAVERY IN THE DISTRICT.

The first business in order on the SPEAKER's table was the petition of sundry citizens of Massachusetts, praying for the immediate abolition of slavery within the District of Columbia, presented on Friday last by Mr. JACKSON, of Massachusetts.

The motion pending was that of Mr. HAMMOND to reject the petition.

Mr. OWENS rose to address the House, but

Mr. PINCKNEY expressed a hope that the subject would be suspended, in order to present petitions and memorials.

Mr. OWENS said he would with great pleasure accede to the wish of the gentleman from South Carolina, if the matter itself was not a matter of very great purport. He rose for the purpose of endeavoring to reconcile the conflicting opinions of gentlemen on all sides, and to submit certain propositions, which, he trusted, if the House would accept, would put to rest this agitating, delicate, and dangerous question. It was useless for him to regret that this question had been brought before the House. It was useless to regret that this question had been a subject of discussion. The apple of discord had been thrown into the House. It had not been done by the South. But it was there, and the House must meet it—the House must handle it. But he did regret—he deeply deplored the manner in which the debate on it had been conducted. It was not calculated to do any good, but was well calculated to produce anti-social as well as hostile feelings. Nor did he agree with some gentlemen in their remarks that the South asked no aid from the North. On the contrary, he would say, that the South did ask aid from the North, and the North wanted aid from the South. Their wants were reciprocal, and it was these wants that produced our Confederacy. It was these wants that had cemented our Union; and it was the increase of these wants that would give perpetuity, nay, immortality to it. The propositions he wished to submit to the House, he did trust and confidently believed the honorable mover of the original proposition would accept and support, and that the House itself would give a warm and cordial support. The propositions he intended to submit were couched in language as strong, if not stronger, than the original motion, and they were more extended in their operation. It was not to meet the question on this petition alone, but to meet the question, come in what shape it might. It was to operate upon all petitions that might come with the same tendency or object; nay, in one word, it was to grapple with the subject itself. He perfectly agreed with the advocates of the original motion, that this was a measure that required a bold, a prompt, and decisive expression of opinion from that House. The South required it; the country required it. It could not be blinked. It could not be evaded by legislative *finesse*. It ought not to be eluded by technical objections. He therefore reiterated that he confidently expected those gentlemen, as lovers of their country, and well wishers of the peace and safety of the land, would support his resolution with warmth. He had also no doubt that those gentlemen whose sense of delicacy suggested constitutional objections to the rejection of petitions, would support the propositions he should have the honor to submit to the House, because they would find that these propositions were free from that objection. He admitted, in the fullest latitude, the constitutional right to petition, what was termed the sacred right of petitioning; but he hoped he might add without offense, that from the evidence he had of its abuse, a good man might doubt whether the good compensated for the evil, if the evil were not temporary, and the good permanent and lasting. There was another class of individuals to whom he would address himself. It was those who, in all probability, would be for the principles contained in the petition. To those gentlemen he would say, not assuming the character of a lecturer, but as their associate, that admitting the constitutional right to act upon this subject, which he denied, he would tell those gentlemen that right was not an abstract position and unqualified term; that in the exercise of every right there were corresponding duties; and that the first duty of an American statesman, of an American legislator, was to look to the welfare of the people and to the integrity of the Republic. He would say to them, that, in discussing this, or any other question of national and political character, they must not examine it with the warm imagination of an enthusiast, with the characteristic tenderness of the philanthropist, nor with the cold calculations of the philosopher, but as statesmen, looking at it in all its bearings; and if they were satisfied in their consciences that it was not calculated to benefit the Republic, they ought not to legislate upon it. If gentlemen would turn their minds upon this subject, he was satisfied they would have no hesitation as to their course. If the propositions he should have the honor to submit to the House be acceded to by a triumphant majority, he had no hesitation in saying that it would be considered by the country as the harbinger of peace—the rainbow that would dissipate the clouds and darkness now resting on the land. With these views, and under the operations of these feelings, he would move the House to lay the original proposition of the gentleman from South Carolina [Mr. HAMMOND] on the table, together with every matter connected with it, so as to enable him to submit his propositions to the House.

At the request of Mr. CRAIG, the resolutions of Mr. OWENS were read from the Clerk's table, and were as follows:

Resolved, That in the opinion of this House, the question of the abolition of slavery in the District of Columbia ought not to be entertained by Congress.

And be it further resolved, That in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of this House the same ought to be laid upon the table without reading.

Mr. HAMMOND requested the gentleman to withdraw his motion to lay on the table, to enable Mr. H. to submit the reasons why he could not accept the gentleman's proposition. Objection was raised by several members.

Mr. MERCER submitted to the Chair a question of order, whether the vote of Friday, laying the motion to reconsider the vote of the House, to consider the petition, on the table, did not lay the whole subject on the table? He was satisfied such was the result.

The CHAIR said he had decided otherwise the other day, but he would recur to the authorities on the point, and would not consider that decision a precedent.

Mr. PINCKNEY moved a suspension of the rules, to enable the House to proceed with the presentation of petitions and memorials, but the House refused.

Mr. WISE remarked, the gentleman from Georgia had read a proposition to the House, which Mr. W. presumed was intended to govern the decision of the House upon the question to lay the motion under consideration on the table; and if the gentleman would accept the modification Mr. W. would offer, he would vote with him to lay it on the table.

The modification of Mr. W. was as follows: to amend the first resolution by adding—"because Congress has no power to legislate on it, under the Constitution of the United States."

And to amend the second resolution, by striking out all after "resolved," and inserting—"that this House will not receive any further memorials on that subject."

Mr. OWENS said he could not accept the proposed modification.

Mr. HAMMOND asked for the yeas and nays on the motion to lay on the table; which were ordered.

Mr. PATTON inquired of the Chair, whether

the effect of the present motion, if carried in the affirmative, would not be, that the resolutions of the gentleman from Georgia [Mr. OWENS] could not come up without a suspension of the rules.

The CHAIR said they would not be in order, until the States were called for resolutions, unless by unanimous consent of the House, or by a suspension of the rules.

The question was then taken by yeas and nays, and decided in the affirmative—yeas 140, nays 76; as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ashley, Barton, Beale, Bean, Beardsley, Beaumont, Bockee, Boon, Bovee, Boyd, Brown, Buchanan, Burns, Cambreleng, Carr, Carter, Casey, George Chambers, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Craig, Cramer, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Effner, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, Galbraith, James Garland, Gillett, Grantland, Graves, Haley, Hamer, Hannegan, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howell, Howard, Hubley, Huntingdon, Huntsman, Ingersoll, Ingham, Joseph Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Kinnaird, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joseph Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Sampson Mason, May, McComas, McKeon, McKim, McLene, Mercer, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, Phelps, Phillips, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shinn, Smith, Spangler, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, Lewis Williams, and Sherrod Williams—140.

NAYS—Messrs. Adams, Heman Allen, Bailey, Bell, Bond, Borden, Bouldin, Briggs, Bunch, William B. Calhoun, Campbell, John Chambers, Childs, Claiborne, Clark, Conner, Crane, Cushing, Darlington, Denny, Dunlap, Evans, Everett, Fowler, Philo C. Fuller, Rice Garland, Glascock, Graham, Granger, Grayson, Grennell, Griffin, John Hall, Hiland Hall, Hammond, Hard, Harper, Hazeltine, Heister, Hoar, Hunt, William Jackson, Janes, Henry Johnson, Lawler, Lawrence, Lay, Lea, Lincoln, Love, Maury, McCarty, McKay, McKennan, Milligan, Morris, Parker, Patton, Dutee J. Pearce, James A. Pearce, Pettigrew, Pickens, Potts, Reed, Robertson, Russell, Shields, Slade, Sloane, Sprague, Standefer, Storer, Waddy Thompson, White, Whittlesey, and Wise—76.

So the motion to lay the memorial, with the pending motions thereto, on the table was carried in the affirmative.

Mr. OWENS then moved to suspend the rules, to enable him to submit his resolutions to the House.

Mr. MANN, of New York, asked for the yeas and nays, which were ordered, and the vote was—yeas 101, nays 115; as follows:

YEAS—Messrs. Barton, Bean, Beardsley, Boon, Boyd, Burns, Cambreleng, Campbell, Chaney, Claiborne, Cleveland, Coffee, Coles, Conner, Cramer, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Farlin, Forester, French, Fry, William K. Fuller, James Garland, Rice Garland, Gillet, Glascock, Graham, Grantland, Graves, Grayson, Griffin, Joseph Hall, Hamer, Hammond, Hannegan, Albert G. Harrison, Hawkins, Haynes, Holsey, Hopkins, Howard, Huntington, Huntsman, Joseph Jackson, Jarvis, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Lansing, Luke Lea, Joseph Lee, Lucas, Lyon, Abijah Mann, Martin, John Y. Mason, William Mason, May, McKay, McKeon, McKim, McLene, Mercer, Montgomery, Muhlenberg, Owens, Page, Parks, Patterson, Patton, James A. Pearce, Franklin Pierce, Pettigrew, Peyton, Pickens, Pinckney, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Seymour, William B. Shepard, Shields, Storer, Taylor, Thomas, Waddy Thompson, Toucey, Towns, Turrill, Vanderpoel, Ward, Weeks, and Wise—101.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Beale, Beaumont, Bell, Bockee, Bond, Borden, Bouldin, Bovee, Briggs, Brown, Buchanan, Bunch, William B. Calhoun, Carr, Carter, Casey, George Chambers, John Chambers, Chapin, Childs, Clark, Craig, Crane, Cushing, Darlington, Davis, Denny, Evans, Everett, Fairfield, Philo C. Fuller, Galbraith, Granger, Grennell, Haley, Hiland Hall, Hard, Hardin, Harlin, Harper, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Howell, Hubley, Hunt, Ingersoll, Ingham, William Jackson, Janes, Joseph Johnson, Richard M. Johnson, Judson, Kilgore, Kinnard, Klingensmith, Lane, Laporte, Lawler, Lawrence, Lay, Thomas Lee, Leonard, Lincoln, Logan, Love, Job Mann, Moses Mason, Sampson Mason, Maury, McCarty, McComas, McKennan, Miller, Milligan, Morgan, Morris, Parker, Dutee J. Pearce, Phelps, Potts, Reed, Rencher, Russell, Schenck, Augustus H. Sheppard, Shinn, Slade, Sloane, Francis O. J. Smith, Spangler, Sprague, Standefer, Sutherland, Taliaferro, John Thompson, Underwood, Wagener, Wardwell, Washington, Webster, White, Whittlesey, Lewis Williams, and Sherrod Williams—115.

So the House refused to suspend the rules.

Mr. McKIM moved the orders of the day, which was agreed to.

The first business before the House was the motion of Mr. PATTON, to reconsider the vote of the House on Friday last, referring a petition presented by Mr. BRIGGS, praying for the abolition of slavery in the District of Columbia, to the Committee for the District of Columbia.

Mr. PATTON rose. He said that the vote which had just been taken against suspending the rules for the purpose of taking up the resolution offered by the gentleman from Georgia [Mr. OWENS] must have convinced the House, and especially those gentlemen from the South who had voted for laying the former petition on the table, inconsistently with their vote on Friday last upon the same proposition, of the futility of any such scheme as had been proposed for procuring a direct vote of the House upon the principles involved in the petitions that had been offered, and would continue to be offered, praying the abolition of slavery in the District of Columbia. Those with whom he felt and acted on this question gave this apparently inconsistent vote under the belief that there would be no difficulty in suspending the rules to take up the proposition of the gentleman from Georgia. They so calculated, and were deceived or mistaken. I (said Mr. P.) had no confidence in such calculation, and was not mistaken.

The vote (said Mr. P.) I think has further demonstrated that it is idle to attempt to avoid this subject by any parliamentary maneuver, and that the only way of obtaining a direct vote upon the great and interesting question embraced by them, is by making a proposition, presenting the question growing out of the petitions in connection with the petitions themselves.

Mr. Speaker, it is necessary that this House should be apprised and fully impressed with the necessity of quieting the anxiety, the agitation, and the alarm for the institutions of the country which are abroad in the land; and that, as the means—perhaps the only means—of doing so, it should meet those questions directly, and dispose of them decisively and permanently.

I am ready to meet these questions, and I believe I express the universal sentiment of the representation from the South in saying they are ready to meet them; and while we do not desire discussion, and, for one, I will do nothing to provoke it, at the same time we will not, if we cannot—we dare not—shrink from it if it be forced upon us from other quarters. I prefer voting upon the questions at once, and without discussion, if possible. If this subject must be discussed, it ought to be discussed, and it is to be hoped will be discussed, in the spirit which ought to characterize members of the same political family, and alike imbued with the patriotic purpose of rendering permanent this great and glorious Union.

Let the vote referring this petition be reconsidered, a reference made by inadvertence, and then the petition will be open again for consideration; and, in connection with it, let the principles involved in the petition be presented for the consideration and decision of the House in some form which will show distinctly and unequivocally that a majority of the Representatives of the people of the North as well as of the South are opposed to the schemes of the Abolitionists, and also to the efforts which are making to interfere with the subject of slavery in the District of Columbia. Let it be shown, if it be so, that there is such a majority opposed to an interference with slavery in this District, not upon considerations merely temporary, and influenced by existing political circumstances, but upon those high and paramount considerations which belong to the great rights of property, as well as individual and political safety, which are connected with it.

My own strong, confident, and abiding opinion is, that this Government has no right to abolish slavery in the District of Columbia. But, sir, I am aware of the difficulties which exist in the minds of many gentlemen from the North on this question. It is perhaps natural that they should, from their position, their habits of thinking and their prejudices, entertain more difficulty on this subject than we do. I feel every disposition to respect their opinions—to make great allowance even for their prejudices. Give us, then, a distinct, unequivocal, and unevasive vote upon the propriety of interfering with the subject of slavery in the District of Columbia. Satisfy us that the House is opposed to such interference upon the grounds of principle, permanent, abiding—which reach above and go beyond the transient and fleeting circumstances of the hour, and uninfluenced by the political contests of the day.

Do this, and I care nothing about discussing or deciding the constitutional question. I will not quarrel about what will then be a mere abstraction. A declaration of the conviction of the House that they will not, and that Congress ought not, to interfere with this matter, now or hereafter, will satisfy the people of the South, and especially the States of Virginia and Maryland, who are more especially interested in the question. It should be known—it is not to be disguised—it would be a mere affectation to attempt to conceal the fact, that there does exist in many parts of the southern country a strong apprehension—I will not say suspicion—that there are some, here and elsewhere, who are indisposed to meet this question fairly and directly—

"That palter with us in a double sense."

The CHAIR here remarked, that the gentleman from Virginia would be pleased to remember that it was not proper to discuss the merits of the petition upon the motion to reconsider.

Mr. P. resumed. I was not, Mr. Speaker, discussing the merits of the question, and I am sure that the Chair, on reflection, as well as the House, will do me the justice to remember, that I have not said one word, in the way of argument, on the merits of the question involved in the petition. I am urging the propriety of reconsideration, so that we may have a direct vote upon these principles, and, if need be, discuss them. I repeat, then, and I say it for no purpose or wish to arouse the feelings, to inflame the pride or rouse the resentment of any gentleman here, that there does exist an apprehension that there are some who wish to evade this question, and who seem to be with us, while they are in truth against us—"that keep the word of promise to our ear, and break it to the hope."

It is necessary in every point of view, then, to have a direct vote on this question. Let such a decision be made, as I trust and am willing to believe there will be, from the votes heretofore taken, and the present excitement of the country will be allayed. So far as this subject is concerned, the South will repose again in the confidence that this most essential and vital interest of theirs will not be disturbed and made the subject of perpetual and angry conflict. Let it be sure that the efforts made by these petitions will not be entertained by Congress now or hereafter, and you will at once calm the troubled waters of agitation. Refuse to do it, and you incur the risk of aggravating that excitement into a storm which may shake the pillars of the Confederacy to their deepest foundation.

Mr. JOHN Q. ADAMS said he hoped the motion for reconsideration would not prevail, and for the very reason the gentleman from Virginia [Mr. PATTON] had suggested for voting in favor of it. He thought the only way to get this question out of the view of the nation, and of this House, was to dispose of all petitions on the subject in the same manner, and this (he said) was not a new opinion of his. He begged leave to call the minds of members to the course which he pursued when he took his seat here in the Twenty-Second Congress. At that time fifteen petitions had been presented to him, not from his own constituents, but from certain citizens of the Commonwealth of Pennsylvania, with the request that he would present them to the House. He did so (he said) in homage to the sacred right of petition, a right which in whatever manner it might be treated by others, it should never be treated by him with anything but respect. Mr. A. said he then gave notice to the House and to the country that he should not support these petitions. He felt it to be his duty to the country to say that he should not support them, and the reason which he assigned at that time for declining to support them was the same reason which the gentleman gives, to keep discussion out of the House. Mr. A. said he then believed that discussion of this question would be unprofitable to the House and to the country, but, in deference to the sacred right of petition, he moved that the fifteen petitions be referred to the Committee for the District of Columbia, at the head of which was a distinguished citizen of Virginia, (Mr. Doddridge,) whom the country has occasion

to regret was now no more. The chairman of that committee made a report to this House, which report was read, and nothing more has been heard of these petitions from that day to this. Mr. A. said that in the course he then took he was not sustained by many of his constituents. There were some very respectable among them who disapproved of his course. Attempts were made to get up meetings of the people to instruct him to pursue a different course, and to multiply petitions of that character, but without any effect. A petition was afterwards sent him, with the request that he would present it to this House—one single petition. He presented it, it was referred, and he believed nothing more has been heard of it since. Mr. A. said he believed that the only method was to take that course, to refer to a committee, to receive their report, and unanimously to adopt that report. That was the course to avoid discussion of this agitating question on the one hand, and to pay due respect to your constituent's petition on the other. Two years afterwards, sir, in 1834, similar petitions were presented, and an effort was made at that time to do that which has been done now, without success. A motion was made to lay on the table, which failed. They were referred to a committee, and from the moment they were referred they went to the tomb of the Capulets. A gentleman from the State of New York, (Mr. Dickson,) a distinguished member, now no longer here, presented one or more petitions to this effect, and entertained the House with an eloquent speech of two hours' length in support of them. No reply was made. Not a word was said. The petitions were referred to the Committee for the District of Columbia, and we heard no more from them. At the same session, a distinguished member of this House presented one or more petitions to the same effect, and declared that he himself concurred in all the opinions of said petitioners. Sir, did this excite a flame in this House? Not at all. He moved to refer the petitions to the Committee for the District of Columbia; they were so referred, and there they slept the sleep of death.

Here is a petition referred to the Committee for the District of Columbia—my word for it, (said Mr. A.,) if you leave it there, you will have the same result—your committee is not an abolition committee. You will have a report, and let the House *sub silentio* adopt it, and you will hear no more about it. But, sir, if you are to come to a resolution that this House will receive no more petitions, we may look to the voice of the people of the country. Every member who votes for these resolutions will be left at home by his constituents. What is the next consequence? Why, sir, you will have discussion, and to my regret, (said Mr. A.,) discussion has been called for and challenged by gentlemen on this floor—discussion on the merits of slavery. Every communication north of Mason and Dixon's line will be an incendiary pamphlet; the speeches of my colleagues, perhaps of myself, will be branded as incendiary. Mr. A. said he did not answer but that he might make speeches which these resolutions would blacken with abuse. Mr. A. said, if he was to support these resolutions, his constituents would send a man here who would represent them more faithfully. What becomes of these incendiary pamphlets and speeches in this House? They go to the public. The newspapers report these speeches; every speech of this kind goes through the whole country. Will you have a resolution that members of this House shall not make a speech in dereliction of the sublime merits of slavery—a resolution that no member of this House shall dare to utter one incendiary sentiment? Well, sir, you begin by suppressing the right of petition. The next step will be the suppression of the right of speech in this House. If you pass resolutions that the speeches made in this House shall not go forth to the public, what will be the consequence? You suppress the right of petition; you suppress the freedom of the press; you suppress the freedom of religion; for in the sentiments of many respectable men, fanatics if you please to call them, they are found to act under a sense of duty to their God. Mr. A. said it was not for him to judge them, nor was it for this House to judge them. Therefore, sir, in deference to what has been heretofore the usage of this House, in deference to the right of petition, of freedom of speech, of freedom of the press, and freedom of religion, I hope, sir, that this petition will be left in the possession of the Committee for the District of Columbia, and that we will hear no more about this exciting subject.

Mr. BOULDIN said he had, for many sufficient reasons, for a long time entertained the most profound respect for the gentleman last up, [Mr. ADAMS, of Massachusetts,] and for no one thing more than for what he had always been informed and believed in relation to this same subject, now before the House. He had been informed by his predecessor, [Mr. Randolph,] of whom the world knew far more than he could tell them, that the gentleman had at all times paid the most delicate and tender regard to our rights and our interests, as well as our feelings, upon this subject. He had ever remarked the same sacred and inviolate regard paid to it by him since he (Mr. B.) had the honor of a seat upon this floor. He would be obliged to depart from him a little on this occasion, not so much that he had an objection of himself to referring the subject-matter to the committee, were there nothing in the petition but a naked request, that we should abolish slavery in the District of Columbia, as on account of certain other matter that was in it. He had on another day expressed his willingness to meet the matter flatly, and that his constituents should know all he knew in relation to it; but in deference to his brethren from the South—a deference he had always felt, and would feel, and would act under, in some good degree, he had not insisted both sessions he had had the honor of a seat in that House, on coming directly to the question, and putting the South in possession of all that was contained in those petitions.

Mr. B. said he did not know how the House could get at the contents of a petition without reading it, and if all the South would accord with him, and could see as he did, were one of the petitions presented with nothing but the petition, nothing insulting to the South, he would be willing to refer it to the Committee on the District of Columbia, of which he had the honor to be a member. But, while the preamble contained slurs on the South, he never could again, he trusted, sit patiently and hear abuse of his constituents, direct or indirect, referred to a committee of that House for consideration. He would ask the gentleman from Massachusetts if there was anything abusive in the petitions referred to the committee, and reported on? If he heard the petition read rightly, there were many disrespectful slurs thrown over the people of the South.

Mr. BRIGGS said he thought it likely the gentleman from Virginia labored under a mistake; and if he would yield the floor for a few moments, for the petition was very short, Mr. B. would ask the House to have it read, which had not been done at the time of its presentation.

Mr. BOULDIN had understood (he said) that they were all from one printed copy, and took it for granted it was word for word with the one that had, in some sort, been under debate. He would, then, rather hear it read.

The petition was then read by the Clerk.

Mr. BOULDIN continued. He was pleased to find it not as bad by any means as the other; yet it contained nearly the same in substance. All that was contained in this petition in relation to trading in human flesh, applied to this District, applied also with equal force to Virginia. All these petitions took a swaggering stand over the South, and proposed a kind of guardianship over their morals, and were dreadfully afraid that holding negroes had made us vastly corrupt, and would make us more so. Let him that is without fault cast the first stone. We thank God that we are not as other men, whoremongers and adulterers. This was the language of these petitions, all of them. They might, and did have a little thin gauze over them, such as this: They did not presume to dictate to the South—they did not mean to disparage their sister States, or dictate to them; but the acts they do are such as to call down the vengeance of Heaven upon them. Comparisons were drawn, express or implied. He had no idea of imitating these petitioners, and swaggering over the North; but who first made traffic of human flesh, and made profit by bringing the negroes here? and who expects to be paid for carrying them back? Now both have a name over the Atlantic, where we are known only by character. Did these petitioners ever hear of a man's suffering merely by its being made known that he came from a State in this Union south of Mason and Dixon's line? Did any man ever hear or know of a nation of people on any side of Mason and Dixon's line that stood higher for any of the cardinal virtues—honor, truth, justice, and charity, gentleness of heart, and honesty? Was it thought that we would suffer by a comparison with the petitioners?

The ladies, too, had petitioned. God forbid that a word of disrespect should escape him in relation to the ladies in any quarter of the world—let him, at all times, be sensible of the deference and devotion that was, at all times, under all circumstances, due to them; but let no one, from any quarter, think it necessary to petition Congress to preserve the ladies of the South from corruption. He would draw no comparison between ladies; neither was there anything to compare to them; but he would beseech these fair petitioners to give themselves no further trouble about the ladies of the South—they were in no danger of contamination. Could they suffer by comparison with the fair in any part of the world in any quality that could adorn or ornament the sex or render it lovely, it was in the hypothesis that negro slavery had corrupted the people; but the fact was not so. It was true, as the gentleman from Massachusetts had said, that a gentleman, last session, had made a long and eloquent speech, and when he concluded, nothing was said, and the petition was laid on the table, where it has slept the sleep of death.

It is true, as the gentleman says, that the petitions of last session upon the same subject have all met the same fate; but since that time there had been a great change in things. Shall we stand here, (said Mr. B.,) after all that has passed during the summer, and hear and receive abusive petitions on abolition—patiently, too? He was surprised to hear the gentleman from Massachusetts [Mr. ADAMS] say, that the speeches of himself and those of his colleagues might, and probably would be, if pushed much further on this subject, as incendiary as any of those pamphlets, and he had not thought it; and if such were their feelings, he would prefer they should come out. but he was sure the gentleman did not entertain feelings and objects as incendiary as many expressed in those pamphlets. He was sure the gentleman had not taken the trouble to read some that he (Mr. B.) had seen. Did he know that they contained propositions, with actions according with them, that would freeze the blood with horror to witness if put into execution, that could never be thought of without shuddering by any man who felt for his wife, his children, his friends, his neighbors, or his country. He knew the gentleman entertained no such objects or feelings towards us, and harbored no such designs against us.

In conclusion, Mr. B. said that he would vote for the reconsideration; and if a petition came on without any offensive language attached to it, and his brethren and colleagues from the South should agree with him, he would have no particular objection to have it referred, and a direct answer given.

Mr. ALLEN, of New York, moved to lay the motion on the table.

Mr. WISE asked for the yeas and nays; which were ordered.

The motion to lay on the table was then withdrawn by the mover, at the request of Mr. W. THOMPSON, who briefly addressed the House.

Mr. MORRIS, of Pennsylvania, next addressed the House. He was in favor of referring the petition to an intelligent select committee.

Mr. ALLEN, of Kentucky, renewed the motion to lay the proposition, to reconsider the vote referring the petition to the Committee for the District of Columbia, on the table.

EXECUTIVE COMMUNICATION.

An adjournment was then moved, but withdrawn at the request of the SPEAKER, who, by

unanimous consent, laid before the House the following message from the President of the United States, received by the hands of Mr. DONELSON:

[See Senate proceedings for the message, relating to the bequest of James Smithson.]

On motion by Mr. ADAMS, the message and accompanying documents were referred to a select committee of nine, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting a report in reference to insolvent debtors to the United States; which was laid on the table, and ordered to be printed.

On motion, the House adjourned.

IN SENATE.

TUESDAY, *December* 22, 1835.

A message was received from the President of the United States by Mr. DONELSON, his Private Secretary, transmitting a report from the War Department on the condition of the Cumberland road in Illinois and Indiana; which was referred to the Committee on Roads and Canals.

The CHAIR communicated a report from the Secretary of the Treasury, made in compliance with the eighth section of the act for the relief of certain individual debtors of the United States; also, a report from the same Department, in relation to the custom-house officers.

The CHAIR presented the petition of sundry officers of the Army of the United States, in relation to their pay; which was referred to the Committee on Military Affairs.

The CHAIR also presented the petition of Edmund Fanning, praying that an appropriation may be made by Congress for the fitting out an exploring expedition to the South Seas; which was referred to the Committee on Commerce.

Mr. LINN presented the petition of sundry merchants, and others, of Michigan, praying for the construction of a harbor at the mouth of Galien river; which was referred to the Committee on Commerce.

Mr. LINN also presented a petition from sundry citizens of Missouri, praying for the establishment of a new land office; which was referred to the Committee on Public Lands.

Mr. KING, of Alabama, presented the petition of the President and Directors of the Patriotic Bank of Washington, praying for a recharter and extension of their capital; which was referred to the Committee for the District of Columbia.

Petitions were also presented by Messrs. SOUTHARD, WEBSTER, CRITTENDEN, BLACK, GOLDSBOROUGH, PORTER, and ROBBINS.

On motion by Mr. MORRIS, the petition and papers of David Taylor, on the files of the last session, were again referred to the Committee on Claims.

DISTRICT BANKS.

Mr. BENTON said a petition for the recharter of a bank had been presented and referred before it caught his attention. At the last session of Congress he had objected to petitions of this nature, and stated that he would not listen to any attempt to recharter a bank until its conduct had been subjected to the strictest investigations, and until a committee had examined into it, and fully ascertained the means through which it had stopped payment. Nothing had been done with regard to this subject at the last session, but this morning he found on his table, and observed the same on that of other gentlemen, a pamphlet of about forty pages, in which the charges against these banks were gone into, and an attempt made to refute them. The pamphlet endeavored to establish the fact, that the banks failed from unavoidable causes, and that they were entirely innocent of any malconduct. Now, he did not mean to take an essay from a banking corporation of any kind, but he was desirous to investigate fully not only the conduct of all banking institutions, but particularly of those of this District, where he believed banking capital had been as much abused as in any quarter of the world. He had been acquainted with this District for upwards of fifteen years, and he believed that it had more banking capital in proportion to its population and resources than any country in Europe, Asia, or America. In April next they would be more embarrassed than at present, but their embarrassments had been, no doubt, occasioned by mismanagement. He hoped a committee would be appointed to inquire into the management of these banks, and particularly into the conduct of those who had stopped payment, both before and since their failure. He did not believe the District wanted capital for circulation at all. The Government gave a sufficiency of good money, gold and silver, which was taken away, and its place supplied by a depreciated currency. This currency (said Mr. B.) was depreciated so low, that under our eyes the very washerwomen and laborers on the canal were cheated out of half their wages. He was not disposed to repeat the reports he had heard, but if he repeated but half that had been told him, it would furnish good grounds for instituting a strict investigation. He hoped that the gentleman who presented the petition would withdraw it, and suffer it to be sent to a select committee. There were ten or twelve banks in the District, broken and unbroken, and all of them required some looking after. It was not for him, after having seen the Bank of the United States put down, to permit banking institutions of lesser consequence to pass here without the strictest investigation.

Mr. KING, of Alabama, said that this petition had been handed to him as a member of the Committee for the District, with a request to present it. It was couched in respectful language, and he could not consent to withdraw it. When it came up for discussion, the gentleman from Missouri would have an opportunity of throwing every obstacle in its way, and of making any opposition to it he thought proper.

Mr. BENTON said he hoped the gentleman from Alabama would withdraw his petition, and that that gentleman would be one of the committee to whom he wished the subject referred. It was not by waiting until they saw the effects of the United States Bank that they had succeeded in putting it down, nor would it be by waiting for the effects of these little things they could succeed.

NOTICES OF BILLS.

Mr. TOMLINSON gave notice that he would to-morrow ask leave to bring in a bill for the relief of Walter Loomis and Abel Gay.

Mr. BENTON gave notice that he would to-morrow ask leave to introduce a bill providing for an increase of the corps of the United States engineers;

Also, a bill granting a quantity of land to the State of Missouri for the purposes of internal improvements within the State.

BILLS INTRODUCED.

Mr. KING, of Alabama, in pursuance of notice given, asked and obtained leave, and introduced a bill authorizing the allowance of certain charges in the accounts of the American consul at London;

Also, a bill for the relief of Duncan L. Church; both of which were read twice and referred.

Mr. McKEAN, in pursuance of notice given, asked and obtained leave, and introduced a bill to divide the Green Bay land district in Michigan, and for other purposes; which was twice read and referred.

Mr. TIPTON, in pursuance of notice given, asked and obtained leave, and introduced a bill for the relief of Hiram A. Hunter; which was twice read and referred.

Mr. MOORE, on leave, introduced bills for the relief of Elijah Simmons, of Samuel Smith, and others, Creek Indians, and of Susan Marlow; all of which were read twice and referred.

Mr. BLACK, on leave, introduced a bill supplementary to the act to amend the judiciary system of the United States; also, a bill for the relief of the heirs of John Donnel and Stephen Heard; which were severally read twice and referred.

Mr. PRESTON, in pursuance of notice given, asked and obtained leave, and introduced a bill concerning writs of error in the courts of the United States; which was read twice, and referred to the Committee on the Judiciary.

Mr. LEIGH, from the Committee on the Judiciary, reported a bill to amend the act for the better organization of the district courts of the United States for the district of Alabama; which was read, and ordered to a second reading.

RESOLUTIONS.

Mr. SOUTHARD submitted the following resolution, which lies over one day for consideration:

Resolved, That the Committee for the District of Columbia be directed to inquire into the expediency of providing a clock or timepiece for the Capitol, and that they report by bill or otherwise.

Mr. ROBBINS submitted the following resolution, which lies over one day for consideration:

Resolved, That each Senator be supplied, during the present session, with three such newspapers, printed in any of the States, as he may choose; provided the same be furnished at the usual rate for the annual charge of such papers; and provided also, that if any Senator shall choose to take any newspapers other than daily papers he shall be supplied with as many such papers as shall not exceed the price of three daily papers.

Mr. LINN submitted the following resolutions, which lie over one day for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation for the purpose of constructing a military road from cantonment Des Moines to cantonment Leavenworth, thence to Fort Gibson; and that said committee call on the Secretary at War for information relating to this subject.

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a national armory in the valley of the Mississippi; and that the State of Missouri be included in the list of States to be examined with a view to such work.

Mr. NAUDAIN submitted the following resolution, which lies over one day for consideration:

Resolved, That the Senate will, to-morrow, at one o'clock, proceed to the election of a Chaplain.

Mr. PRENTISS submitted the following resolution, which lies over one day for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of giving to the circuit courts of the United States original jurisdiction, exclusive of the district courts, of the process and proceedings presented by law for the repeal of patents for new and useful inventions and discoveries; and also of allowing an appeal to the Supreme Court, by writ of error or otherwise, from the judgment of any circuit court, in any action brought for the violation or infringement of any right claimed under any such patent.

NORTHERN BOUNDARY OF OHIO.

Mr. MORRIS, in pursuance of notice given, asked and obtained leave, and introduced the following joint resolution; which was read, and ordered to a second reading:

Whereas, it is provided in the sixth section of the seventh article of the constitution of the State of Ohio, as follows: "That the limits and boundaries of this State be ascertained; it is declared that they are as hereafter mentioned, that is to say: on the east by the Pennsylvania line, and on the south by the Ohio river to the mouth of the Great Miami river, on the west by a line drawn due north from the mouth of the Great Miami river aforesaid, on the north by an east and west line drawn through the southerly extreme of Lake Michigan, running east, after intersecting the due north line aforesaid, from the mouth of the Great Miami river, until it shall intersect Lake Erie on the territorial line, and thence with the same through Lake Erie to the Pennsylvania line aforesaid: *Provided always, and it is hereby fully understood and declared by the convention*, That if the southerly bound or extreme of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie; or if it should intersect said Lake Erie east of the mouth of the Miami river of the Lake, then, and in that case, with the assent of the Congress of the United States, the northern boundary of Ohio State shall be established by, and extended to, a line running from the southerly extreme of Lake Michigan to the most northerly cape of the Miami bay, after intersecting the due north line from the mouth of the Great Miami river aforesaid, thence northeast to the territorial line, and by the said territorial line to the Pennsylvania line:" And whereas, the State of Ohio claims that the assent of the Congress of the United States has been virtually and substantially given to the sixth section of the seventh article of the constitution, as above set forth, and more especially to the latter clause thereof, describing her northern boundary as claimed in the proviso to said section, by admitting her Senators and Representatives to their seats in Congress, and more fully by the act of Congress, as declared February 19, 1803, entitled "An act to provide for the due execution of the laws of the United States within the State of Ohio;" in the preamble to which act it is declared, that the State of Ohio has become one of the United States of America, whereby, as a matter of right, the said State has acquired and can rightfully exercise jurisdiction on her northern border to the line as described in the latter clause of the proviso contained in the sixth section of the seventh article of her constitution; but as doubts have arisen whether the act of Congress of the 11th January, 1805, entitled "An act to divide the Indian Territory into two separate governments," does not contravene the rightful jurisdiction of Ohio to the line as described in the article of her constitution, as above stated; in order, therefore, that no doubts may longer exist on this subject—

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the assent of the Congress of the United States is hereby fully declared and given to the latter clause of the sixth section of the seventh article of the constitution of the State of Ohio, which is in the following words, to wit: "The northern

boundary of this State shall be established by, and extended o, a direct line running from the southerly extreme of Lake Michigan to the most northerly cape of the Miami bay, after intersecting the due north line from the mouth of the Great Miami aforesaid, thence northeast to the territorial line, and by said territorial line to the Pennsylvania line."

And it is further resolved, That any State or States that may be formed of the territory of the United States lying east of the Mississippi river, which Congress may hereafter deem proper to admit into the Union, shall be bounded on the south by the State of Illinois, Indiana, and Ohio, as the law may require.

NORTHERN BOUNDARY OF ILLINOIS.

Mr. ROBINSON submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to cause to be laid before the Senate the report and survey of the commissioners appointed to survey and mark the northern boundary line of the State of Illinois, in pursuance of the law of the United States passed April 18, 1831.

OHIO BOUNDARY LINE—AGAIN.

The Senate proceeded to ballot for a select committee to consider the President's Message relative to the northern boundary of the State of Ohio, and the application of the State of Michigan for admission into the Union; and Messrs. BENTON, WRIGHT, CLAYTON, CRITTENDEN, and PRESTON, were chosen.

MICHIGAN SENATORS.

Mr. BENTON said he had submitted a motion some days ago, to extend the courtesy of the Senate to the two gentlemen elected as Senators from Michigan, so far as to assign them seats on the floor of the Senate. That motion he had made through inadvertence, and without looking into any precedents on the subject. The motion had been laid on the table, and he now wished it taken up in order that he might withdraw it, and submit a motion in writing similar to one that had formerly been adopted in the Senate on a like occasion, when two Senators from Tennessee presented themselves there for admission, and was drawn up nearly *word for word with the resolution then adopted.*

The motion was then taken up, when Mr. B. withdrew it, and submitted the following:

That Mr. Lyon and Mr. Norvell, who claim to be Senators of the United States, be received as spectators, and that chairs be provided for that purpose on the floor of the Senate, until the final decision of the Senate shall be given on the application to admit Michigan into the Union.

Mr. EWING moved to amend the motion by striking out the word "floor," which amendment was agreed to.

Mr. TIPTON said that he must claim the indulgence of the Senate a few minutes, while he explained the reasons that influenced him to the course he felt compelled to pursue on the question then under consideration. Coming, as I do, (said Mr. T.,) from a new State that but a few years ago was like Michigan now is, knocking at the door of Congress for admission into the Union, I cannot consent to give a silent vote that might be construed by others as unkind to the people of Michigan, where it is my good fortune to have some valued friends, or uncourteous to the two gentlemen sent to represent the State of Michigan in this Senate; and he acknowledged the right of the people of this Territory to form a constitution as soon as she had a population of sixty thousand free inhabitants, and to be admitted into the Union as a separate and independent State, provided the constitution formed by her was republican and not inconsistent with, or repugnant to, the Constitution of the United States. It will be remembered (said Mr. T.) that I had the honor, two years ago, to urge on the consideration of the Senate a bill providing for taking the census of the people of both Arkansas and Michigan Territories, and authorizing them to form constitutions and State governments provided they were found to contain forty-seven thousand seven hundred inhabitants, federal numbers, that being the ratio of representation in the other branch of Congress. It was not the good pleasure of the Senate to adopt the measure proposed by him. This he sincerely regretted at the time, and he still regretted it. He was confident that it would have prevented most of the difficulty that we have had in a certain quarter, promoted harmony and good feelings, and taught obedience to the laws. And, moreover, it would have enabled the people of these Territories to come into the Union as independent States, which he considers them entitled to do at a much earlier day than they now can under present circumstances. What had followed the period he had just alluded to? Why, sir, (said Mr. T.,) we have had flaming general orders, calling on the militia to stand by their arms to defend the integrity of certain boundaries established by Congress, and which no authority under Heaven, besides Congress, had the right to alter. It was true that no blood was shed by these tumults, but it was equally true that things assumed, at one time there, a most alarming aspect.

The people of Michigan (said Mr. T.) now inform us that they have ascertained to their own satisfaction, that they have a sufficient population to entitle them to form a State government, and they have formed their constitution, and present themselves here, demanding admission into the Union as a separate and independent State. The Senator from Missouri had moved the Senate to allow the two gentlemen who presented themselves here as Senators from the State of Michigan, to take seats in this Chamber; and he tells us that we owe this much to courtesy; as well as to the people of Michigan. This was all very civil, and looked well on paper; but before he could give a vote to admit the Senators he must understand how this constitution was formed, and what territory was embraced within the limits of this new State.

Sir, (said Mr. T.,) I find, on examining the first article of the constitution of Michigan, that it includes all the territory that was embraced within the Michigan Territory by an act of Congress of January, 1805. This act establishes the southern boundary of that Territory to be a line drawn due east from the southern extreme of Lake Michigan. The convention that formed the constitution of Michigan had overlooked or disregarded an act of Congress of 19th June, 1816, authorizing the people of the Indiana Territory to form a constitution and State government. This act proposed to establish the northern boundary of Indiana by a line drawn through a point ten miles North of the southern extreme of Lake Michigan, provided the Indiana convention would accept and ratify that boundary. It was accepted and ratified by the Indiana convention; the territory in question became part and parcel of the State of Indiana; and now it was found that Michigan sets up a claim to this same territory, and has attempted to include it within the limits of the new State. If Michigan is permitted to do this, it will lop off from Indiana a tract of country ten miles in width north and south, extending from Lake Michigan to the east boundary of Indiana more than one hundred miles. Indiana (said Mr. T.) has had the quiet possession of this country nearly twenty years, and has organized counties, built towns, opened roads, and made all her local arrangements on and over this territory now claimed by Michigan.

The third section of the fourth article of the Constitution of the United States reads thus: "New States may be admitted by the Congress 'into the Union, but no new State shall be formed 'or erected within the jurisdiction of any other 'State, nor any new State formed by the junction 'of two or more States, or parts of States, without the consent of the Legislatures of the States 'concerned, as well as of Congress."

Unfortunately, as he thought, for Michigan, she had disregarded this provision of the Constitution of the United States, and attempted to extend her jurisdiction over a portion of the State of Indiana without consulting the people or the Legislature of that State. This was as unnecessary to Michigan as it was unexpected to Indiana. Michigan was longer without that territory than Indiana was with it; the people who resided there had no wish to be included within the boundaries of Michigan, and Indiana would never agree tamely to surrender it up to any other power whatever. In this view of the case, sir, (said Mr. T.,) it is impossible to admit Michigan into the Union until she strikes from her constitution all that part of it that sets up claims to lop off territory from the neighboring States.

Mr. T. said that he could not sanction, by his vote, any act of the people of Michigan that could by possibility be construed into an admission of her existence as a State, nor could he vote seats to her Senators in this Chamber any more than seats to any other gentlemen who might be in attendance here from that Territory.

Let Michigan (said Mr. T.) retrace her steps, and strike from her constitution all that conflicts with the Constitution of the United States, the laws of Congress, and the rights of other States, and present herself here as a peaceable and good-humored sister, and he would be among the first to take her by the hand and welcome her into our great family, the Confederacy, but he wanted no more schisms in the family, nor could he admit her into the Union on the terms that she now asks to be admitted. If Michigan were admitted upon the terms she now asks, every Senator must see that an appeal to the courts of the country or to arms was unavoidable; it would produce ill feelings among the people on either side of the boundary line, and a state of things must ensue that every patriot should avoid. He therefore appealed to Congress to settle the difficulty before admitting Michigan into the Union.

He had much more to say upon this subject, but would postpone it to some other occasion.

Mr. EWING considered that Mr. LYON had a right, on account of being a Delegate to the other House, to the privileges of members of that branch of Congress. He would have no objection to a resolution to admit Mr. NORVELL, as a spectator, to take a seat on the benches in the gallery. He was willing to go that far, if the honorable Senator from Missouri would so frame his resolution.

Mr. BENTON said that chairs had been assigned the Tennessee Senators in the case he had cited. He therefore thought they had better let the word "chairs" stand.

Mr. HENDRICKS said, that he always regretted when an appeal was made to his liberality of comity for anything he could not grant, and that this was his situation at the present time. What is the case? (said Mr. H.) A man comes into my house; he tells me that he has come for the purpose of appropriating to himself a part of my house, or of despoiling me of a portion of my goods, and that he has means in train by which he will, in his opinion, speedily accomplish these objects; but inasmuch as it will be more convenient to him to attend to this work of spoliation within the house than out of doors, he asks that, through comity, I would assign him a seat, and permit him to remain until he can finish his work. Now, sir, this statement well enough describes the relations, as far as this position is concerned, between the two citizens of Michigan and the two Senators from Indiana on this floor. They say that they are Senators of the State of Michigan; that the sovereignty and independence of that State are extended over a large territory of the State of Indiana; that it is their intention to eject the jurisdiction of Indiana from this territory, and that, to enable them more conveniently and more speedily to do this, they ask to be admitted upon the floor of the Senate. Comity (said Mr. H.) should never ask what comity can never give, and this seems to be a case of that kind.

It has been said on this floor that Michigan is a State *de facto;* but this, with great deference to the opinion, on account of the source whence it comes, I must be permitted to controvert, and to say that I know of no such case. I infer, indeed, that no such can exist, because the Constitution says that "no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress." Now, sir, (said Mr. H.,) if it had been indispensably necessary that Michigan should become a State, and that the State of Indiana should be partitioned and dismembered for her benefit, comity would have said, that she should have at least asked the consent of the Legislature of that State, and the Constitution of the United States, as well as comity, would also have required the same thing. Comity, too, would have deferred something to the fact, that the State of Indiana has been peaceably in the Union for about twenty years, and that, too, with boundaries prescribed and assented to by Congress.

Sir, (said Mr. H.,) I undertake to say that

Michigan is not a State, neither *de facto* nor *de jure*, and that she never can be a State with her assumed boundaries. The President of the United States is bound to see that the laws of the Union are faithfully administered in and over the Territory of Michigan, until the people of that Territory shall have the permission of Congress to pass from a territorial to a State government, and no one can doubt that he will faithfully perform that duty. It might perhaps be out of place here to say much about the rights, or pretended rights of Michigan for admittance into the Union. He did, however, say that she is not on a footing with any of the three States already formed out of the northwestern Territory. Their boundaries were described by the ordinance of 1787, and by it they were made and called States. In it, too, they had a guarantee that they should be admitted into the Union with a free population each of sixty thousand. None of these prerequisites exist in relation to Michigan. Congress has never yet determined to form any State north of the latitude of the southern bend of Lake Michigan. The people of Michigan petitioned Congress two years ago to do this, but it has never been done. There is no case in existence to which the present condition and attitude of Michigan can be assimilated. That of Tennessee was a much stronger case, but he was willing to accord to her citizens in question all that was granted to the Senators from Tennessee. And what was that? I take it (said Mr. H.) from the pamphlet, furnished, as I suppose, by a citizen of Michigan, for I have searched no further. It was that they should be "admitted as spectators," until the decision of the Senate on the pending bill. It would not enlarge the present privileges of one of the persons claiming to be received as a Senator from Michigan. That privilege he has already under our rules, in virtue of having been a delegate in the other House, but it would confer this privilege on the other, who has it not. This much, Mr. President, I am willing to do, and no more; and to effect this, I offer an amendment to the proposition of the Senator from Missouri, or a substitute, whichever it ought to be considered, for I have not his proposition before me, proposing to extend the same privileges of the Senate to the Hon. JOHN NORVELL which, by our rules, are given to the members of the House of Representatives, and the delegates from Territories.

Resolved, That the same privileges be extended to the Hon. JOHN NORVELL as is extended to Delegates from States or Territories to the House of Representatives in Congress generally.

Mr. BENTON modified the motion by substituting for all after "*Resolved*," an amendment embracing the substance of the resolution to admit the Senators sent from the Northwest Territory to seats, in which he had inserted the words, "on the floor."

Mr. B. thought that they should be careful how they worded any resolution that might be adopted there, lest they might expel those gentlemen altogether. It could hardly be the design of the Senate, or of the gentleman from Indiana, to expel them, nor did he believe that such was the intention of that gentleman. With respect to himself, as a Senator from Missouri before she was admitted into the Union, he and his colleague acted together with the same feelings on that occasion; not permitting ourselves (said Mr. B.) to accept any seat short of a full seat. We did not (said he) ask for a seat, though the presiding officer gave us one; nor did we hang about the Senate Chamber, because we would not permit the impression that we would take anything short of what we were fully entitled to. But the case of these Senators from Michigan was different. They would feel no difficulty in waiting until Congress decided to admit the State they came to represent into the Union; and all he asked for them was, to give them the privilege of being present when the interests of their State were discussed. He thought it would be better to pass his resolution than the amendment of the gentleman from Indiana. His resolution did not commit gentlemen in any way. He had avoided designating Michigan either as a State or Territory, and therefore no gentleman could commit himself by voting for its adoption. Those gentlemen might suppose, from the words they heard there, that they could not use the privilege granted by the amendment without a surrender of their rights, and that they could not come into the galleries at all. Now they could come into the Chamber anywhere, where spectators were admitted. He left it to gentlemen, whether it would not be better, under all circumstances, to follow up the old precedent set in the case of the Tennessee Senators, and allow these gentlemen to come into the Senate Chamber, and listen to the debates interesting to the diagram of country—(he would not speak of Michigan as a State)—the diagram of country they came to represent. It was a matter of substance to them to have this privilege; they might hear something in debate interesting to the country they came from, that they would be able to answer, and they might thus be enabled to furnish some Senator with the answer to make for them. He thought it would be better to furnish the gentlemen with chairs, as was done in the case of the Senators from Tennessee.

Mr. HENDRICKS said that he could very well appreciate the feelings of delicacy which had so frequently been mentioned by Senators in this discussion. The proposition now before the Senate was one of courtesy and delicacy towards the representatives of Michigan; and this was its whole character. He admitted, too, the propriety of prudence and caution in forming opinions about the right of Michigan to be received into the Union as a sovereign and independent State. But, in relation to himself and his colleague, a squeamish delicacy would be entirely out of place. For us to doubt or hesitate about our course and duty, with the constitution of Michigan on our tables, claiming, as it does, a large district of our State, would be wholly unpardonable. He, for one, had no opinion to form. He had but one course to take, and that was to resist the admission of Michigan as a State of this Union at every step, until she expunged from her constitution her unfounded claim upon the territory of Indiana.

The Senator from Missouri had spoken of precedents, and had instanced those of Tennessee and Missouri. But the Tennessee case conferred no greater privilege than that already enjoyed by the Hon. LUCIUS LYON, one of the gentlemen in question, in virtue of his having been a Delegate in the House of Representatives, and no greater privilege than that proposed by his amendment to be conferred on the other, the Hon. Mr. NORVELL. The precedent of Missouri! and is there any similarity between the case of Missouri and hat of Michigan? Surely none. Missouri was a State, known as such to our laws. She had formed her constitution in pursuance of a law of Congress. She was a State *de jure*, as well as in form and in fact. She presented a constitution unexceptionable. There was no question of boundary—no question about her right of admission as a State. The only question was one involving the power of Congress to attach a condition after her right to admission had become perfect. Here, in the case of Michigan, the question of State or no State has yet to be settled, as well as the question of boundary, involving as it does the integrity of one or more of the States. In relation to other States, where there were no difficult preliminary questions to settle, he believed that no special comity had been shown to the Senators who presented themselves. He referred to the admission of Ohio, Louisiana, Indiana, and other new States, where the Journals showed no resolutions of courtesy to the Senators in attendance before they were sworn as members of the body. He well recollected that the Senators from Indiana did not obtain seats, until the joint resolution of admittance had passed both Houses, and obtained the appropriate signatures. The precedents which the practice of the Senate in these cases afforded were against the application in the present case.

Mr. BUCHANAN said, that after a thorough examination of the subject, there was one question in this controversy on which he should not hesitate to express a decided opinion. He never should, whilst he had the honor to occupy a seat upon that floor, give a vote which might tend to disturb the States of Indiana or Illinois in the peaceable possession of all the territory within their present boundaries. The constitutional rights of these States, as well as sound policy, equally condemned any course which could interfere with their chartered limits. He was as free to express this opinion, as the Senator from Indiana himself [Mr. HENDRICKS.]

The question now before the Senate was one of very little importance. The difference between the two propositions was so slight, as to render it of little importance to him for which of them he should vote. Whether the gentlemen elected Senators by the Legislature of Michigan should be assigned chairs in this chamber as spectators, or should be admitted into it as privileged persons, could not be a matter of consequence to them. We would not prevent them from taking seats, whether they came in under the one resolution or the other. They were the representatives of Michigan, and were now asserting her claim to be admitted as a State into the Union. It was proper that they should be present in the Senate, and have an opportunity of hearing all its proceedings which had any connection with this question. They would be equally admitted under the one or the other resolution. He should vote for the resolution of the Senator from Missouri, [Mr. BENTON,] because it seemed to be conformable to the ancient precedents. He would, however, suggest whether it would not be better for him to accept of the modification proposed by the Senator from Indiana, [Mr. HENDRICKS,] than make a question on this subject. The result would be the same in either case.

Mr. GOLDSBOROUGH observed that the object of the resolution appeared to be to extend some civility to the gentlemen coming as Senators from Michigan, and, on the other side, gentlemen were unwilling to go as far as to commit themselves to any ulterior object. Now, he thought the resolution might be so changed as to obviate all objections to it; that was, to word it so as to admit the gentlemen to the privileged seats of the Senate.

Mr. BENTON replied, that this privilege was extended to the members of the other House, and to a great many others, perhaps to five or six hundred in all. He could not say exactly to how many the privilege was extended, but he believed that, under the rule lately adopted, more were entitled to occupy the privileged seats than they would hold. A crowd might therefore be collected in the Senate Chamber at times that the very questions interesting to these gentlemen were debated, and they might thus be excluded. By assigning them chairs, they would have the sole right to occupy them, and no one could exclude them.

The question was then taken; and the amendment of Mr. HENDRICKS was agreed to, after which the resolution was adopted as amended.

BILLS REFERRED.

The following bills were severally read the second time, and referred:

The bill for the legal adjudication and settlement of claims to lands therein mentioned;

The bill authorizing the President to run and mark the boundary line between the Territory of the United States and the State of Missouri;

The bill authorizing the relinquishment of the sixteenth section of public lands granted for the use of schools, and the location of other lands in lieu thereof;

The bill to settle and establish the northern boundary of the State of Ohio; and

The bill to improve the navigation of the Mississippi river in the vicinity of St. Louis.

After the consideration of executive business, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 22, 1835.

The House resumed the consideration of the motion made by Mr. PATTON, on Friday last, to reconsider the vote whereby the petition presented by Mr. BRIGGS, praying the abolition of slavery in the District of Columbia, was referred to the Committee for the District of Columbia.

Mr. GRANGER protested against the manner in which these petitioners had been confounded with the Abolitionists of the North. He knew the gentlemen who petitioned on this subject to be as pure in their hearts, and as pure in their

lives, as any gentlemen upon that floor. They were individuals to whom the Constitution of the country was as sacred as to any other class of citizens. He held the Abolitionists of the North in no more respect than did the gentleman from Carolina, or from any other State in the Union. There were many of them for whose motives he had no respect; there were many others whose motives he believed to be honest, but to whom, misguided as they were, he would say, Stay your hands, you are not to scatter firebrands here. But when he was called upon to confound these petitioners with such persons, it became his duty to protest against it. These petitioners thought Congress had the right, under the Constitution, to legislate exclusively, and to the fullest extent, within the District of Columbia, without going beyond the Constitution; and, with this abstract proposition, they supposed they had a right to appear at the bar of that House, and to ask Congress to interfere on the subject of slavery within this District. Mr. G. then took a review of the class of individuals by whom these petitions were subscribed—ladies, quakers, and others, who had conscientious scruples on the subject of slavery. He referred to the proceedings of the Legislature, or one branch of it, of New York, a few years ago. He said it should be remembered, and he was surprised that it should seem to be forgotten by those who had been longer in that House than himself, that in the popular branch of the Legislature of New York, during the session of the winter of 1829, it was declared by a most decided majority, embracing gentlemen of all political parties, and embracing as much talent and as much patriotism as was to be found in any legislative hall of any Legislature in this Union, that it was competent for Congress to legislate on the subject of slavery within the District of Columbia. The majority of this respectable body were not, and ought not to be designated as murderers; and they were not less improper terms to be applied to any portion of the freemen of this country. In Mr. G.'s opinion the House was bound to receive all petitions respectfully couched. If gentlemen wished a direct vote upon this question, let them meet the proposition of the gentleman from Maryland, [Mr. THOMAS,] to refer all these petitions either to the Committee on the District of Columbia, or to a special committee, and let a report be made, as it would be made, to meet their wishes. Then they should have Mr. G.'s vote; and, though differing from many of his constituents, still he would most fearlessly record his vote in favor of such a report. But when it was insisted upon that he should avoid the question, or that he should strike through it, and inflict a deep wound upon the very right of petition, he would take a stand with the venerable gentleman from Massachusetts. Who would have believed that from that country to which the Constitution could not be made acceptable until the right of freedom of speech, freedom of discussion, and freedom of petition had been secured—who (he said) would have believed that an attempt should be made thus to drive from that Hall a petition which professed, as he professed to believe, that discussion should be left free, where the nation was left free?

Mr. INGERSOLL rose (he said) chiefly with a view of announcing his intention to the House to submit a proposition which, he thought, if adopted, would be the means of tranquillizing all parts of the House on this question, without compromise on either side. His own belief was, a motion to reject the petition would not, if carried, reach the object it was desired to attain.

Mr. I. read the sketch of his resolution, which was as follows:

Resolved, That the *holding of slaves* is a *right* clearly recognized by the Constitution of the United States, and is thereby *secured* to the citizens of those States whose policy does not forbid it, as the legitimate *subject* of individual property, and *source* of political influence and power; and all attempts to interfere with, or molest them in its exercise or enjoyment, are impolitic, unconstitutional, and unjust.

Mr. I. then addressed the House at some length in support of the foregoing propositions.

Mr. MANN, of New York, said he had avoided all participation in this debate, because he thought it wise to do so, and he should then say a very few words in relation to it. All that he would say he deemed necessary from certain remarks that had fallen from one of his honorable colleagues that morning, [Mr. GRANGER.] That gentleman was pleased to say, that it had been forgotten that the Legislature of New York, not longer ago than the year 1829, had passed resolutions upon the subject of the right of Congress to interfere with slavery in the District of Columbia.

Mr. GRANGER explained. His words were, "it seemed to have been forgotton that the popular branch of the Legislature had passed resolutions"—and (said Mr. G.) I leave the gentleman there.

Mr. MANN said that thus far he had avoided participating in this debate. He had purposely done so, because he fully believed that gentlemen of the South, on that floor, were entirely sincere in their assurances to us that such discussions were unprofitable, and productive of anything but utility; dangerous to their rights, and, perhaps, destructive to the lives of their wives, their children, their citizens. He had hoped that gentlemen giving such assurances would have refrained from going into the discussion; but in this he had been greatly disappointed. He would forewarn the House that it was not his intention to deviate far from the course he had prescribed for himself, and he would not now trespass at all if it had not been for some remarks made by his honorable colleague [Mr. GRANGER] who first addressed the House this morning. My colleague, sir, (said Mr. M.,) has been pleased to say that it seemed to be forgotton that the Legislature of New York, not longer ago than 1829, passed resolutions in favor of the abolition of slavery in the District of Columbia.

Mr. GRANGER here explained by saying that such resolutions were only passed by the popular branch of that Legislature.

Mr. MANN continued and said, that the impression he received from the gentleman's remarks was as he had stated, and he thought he had heard him distinctly and attentively; but it was possible he might not have done so, and he was happy to have the gentleman understood. Mr. M. said he had the honor of having been an humble member of that Legislature, and, on looking into its journal, he found that there were four others of his colleagues on this floor who were then also his associates, [Messrs. WILLIAM K. FULLER, PHILO C. FULLER, EFFNER, and HAZELTINE.] His colleague [Mr. GRANGER] was not in that Legislature, as he had been accustomed heretofore to be; and having stated this fact, (said Mr. M.,) perhaps it is due to the gentleman that I should state the reason, and it is, that he was at the previous election a candidate for the Lieutenant Governor's chair of that State, which he failed to reach, for the simple reason that he could not get votes enough!

Now, Mr. Speaker, on looking into the Journal containing the record of the decision taken on the passage of the resolution to which my colleague has alluded, (and it is due to my colleagues to state it, after what has fallen from the gentleman,) I find the record to be consistent with all my former and subsequent action upon the subject. I am there recorded as voting with my two colleagues, with whom it has usually been my pleasure to act on most questions, [WILLIAM K. FULLER, and EFFNER,] as voting against the resolutions, while I find my other colleagues, [PHILO C. FULLER, and HAZELTINE,] who have always been aliens to most of my views upon political questions, recorded as there voting for them.

My course, sir, and that of my friends generally at home, as well as on this floor, has been consistent in opposing any interference upon this subject. It is true, sir, that resolution passed that Assembly—passed too, sir, for purposes, and by means which I am not permitted to discuss here; but having been sent to the other branch of the Legislature for their concurrence, it slept, I believe, in the same family vault with those mentioned yesterday by the honorable gentleman [Mr. ADAMS] from Massachusetts, "the tomb of the Capulets." After this explanation, sir, the gentleman is welcome to all the "gulls he may catch by that flyn"—to all the benefits which he can appropriate to himself in this, the next, or any other campaign. Having said thus much in reply to my colleague, and being on the floor, (said Mr. M.,) I beg leave to add, that my own opinions on this subject are in accordance with those of my constituents, with whose views I am acquainted, or ought to be presumed to be so; and, sir, I may claim some acquaintance with the people of the State of New York. Sir, (said Mr. M.,) I am fully warranted in saying, that, from my acquaintance with that people, there is not one person in five hundred among a population of more than two millions of people in that State, who is in favor of abolition, or any other interference with the rights of master and slave in the South. Among the political friends with whom I have uniformly acted, (the Republicans,) I have never known one—no, sir, not a single one. Sir, (said Mr. M.,) there is no constitutional ambiguity to my mind on this subject; for while it is admitted that Congress has exclusive power "of legislation in all cases whatever," in the District of Columbia, the Constitution has prohibited any of our interference with the local institutions of the States. The Union and the Constitution, sir, were the result of concession and compromise. The subject under debate formed one of the points. We agreed—we entered into the compact with our southern brethren; and the question now presented by them to us—the real question (when the argument is pushed to the full extent) propounded to us of the North, is whether we will live up to the bargain we have made to the compact and union we have entered into? For myself, for my constituents and friends, I answer, without hesitation or mental reservation, that under all circumstances, and in every vicissitude, good or evil, we will—we will, though the heavens fall. What more need I say? (said Mr. M.) I will ask gentlemen to believe us sincere. Why suspect our sincerity? What motive have we to interfere in concerns that do not concern us? Sir, the people of New York can have no motive for such interference.

The few misguided men in the North who are desirous of intruding their misdirected philanthropy upon the South, have political and party purposes to subserve. Sensible of their own want of consideration in their own community—of their own destitution of political integrity and patriotism, they seek even infamous notoriety in attempts to destroy the institutions of their country. I have placed my vote on our State legislative journals against them, and I shall repeat that vote on your journal as often as I may have opportunity.

Mr. Speaker, I have deprecated this debate, and deplored the spirit in which it is conducted. Shall it come to this, that an American Congress shall be bandying epithets springing from youthful or excited feelings? Is it necessary, sir, to accuse any individuals of crimes, and stigmatize them with epithets, that shall with me be nameless? For myself, sir, I cannot consent to such an employment, and I trust that we may conduct our further proceedings in such manner as will avoid it.

Mr. ROBERTSON said, the question to be met was not whether Congress had power to legislate on the subject of slavery within the States of this Union, as referred to in the resolution of the gentleman from Pennsylvania, [Mr. INGERSOLL,] but whether it had the power to legislate within the District of Columbia. He should support the motion of his honorable colleague [Mr. PATTON] to reconsider, because that would open a way for meeting the question; and they must meet it, and must decide it. To use the word of the gentleman from Massachusetts [Mr. ADAMS] on another occasion, they must not "dodge" it, for the abolition of slavery in the District of Columbia was but the entering wedge to attack the whole of the institutions of the South. Would it be contended that the right of exclusive legislation given to Congress within the ten miles square was unrestricted? Could Congress pass an *ex post facto* law in the District? Could they confiscate property? And what was the proposition of the petitioners but a confiscation of property? There was no such authority under the Constitution, and this was the question by which he wished the House to be tested. The Government might confiscate private property, under the Constitution, for certain purposes, and under certain provisions; but slave property was not of that class.

Supposing Congress did emancipate the slaves here, what would they do with them? The Constitution did not empower Congress to acquire property in slaves. If Congress had power to abolish slavery, it had the power to establish slavery: the one proposition necessarily followed the other. Mr. R. then took a review of the act of cession, under which he denied the right of interference on this subject. He excepted altogether to the jurisdiction of that House or the other. After some further remarks, Mr. R. said he hoped party considerations would not be brought to bear upon it, and that the House would adopt a course that would tranquillize the South. It was not the people of the South who had brought this firebrand into the House, but a small band of ruffians harbored in the North.

Mr. JOHNSON, of Louisiana, briefly addressed the House, and said he considered any discussion on the merits of the question at that time entirely inexpedient.

Mr. WISE spoke for some time, chiefly on the constitutional question, that Congress had no power to legislate on the subject, and gave notice of his intention to move a resolution to that effect.

Mr. JONES, of Virginia, said he did not rise to discuss the merits of the proposition which would be necessarily presented by the petition now offered to the House; that was what he not only did not desire to do, but it was what he dare not do. He designed briefly to assign the reasons which would induce him to reconsider the vote by which, in a moment of inadvertence, that petition had been sent to the Committee for the District of Columbia; and also to reply to the objections urged by gentlemen to the course now proposed to be adopted in reference to that, and he hoped all other petitions of the same character. He expressed himself grateful to the gentleman from Pennsylvania [Mr. INGERSOLL] for the remarks he had made this morning. But while he rendered this tribute to the good feelings and sympathies of the gentleman, he hoped his own motives would be duly appreciated by him when he said he could never consent to entertain or discuss here the right by which the people of the South held title to their slaves. The great object he desired was, to obtain a direct vote upon these petitions, which continued daily to come in; and that the solicitude he felt on the subject arose from a conviction upon his own mind, that nothing but a direct vote would satisfy the members from the South, or quiet the apprehensions of their constituents; and deeply as he lamented the necessity which rendered it proper, in the opinion of the honorable gentleman, to go into this debate—unwilling as he had always been, so far, to countenance the views of these misguided, deluded, and infatuated men, who for years past had been scattering firebrands among the people of the South, and who, to accomplish their base purposes, were willing not only to aim a deadly blow at their prosperity as a people, but to peril the lives of millions, and to endanger the perpetuity of the Union—he felt as though he should be unfaithful to the high trust confided to him if he did not contribute his aid in obtaining a direct vote upon this all-absorbing question.

But a few days ago there seemed to exist a unanimity of sentiment upon this deeply interesting subject which had very seldom manifested itself upon any important question which had come up for consideration before the Representatives of the people; there was then heard from all sides of the House a wish expressed, not only to put down the Abolitionists, but to do it in the most effectual possible manner; and the great point of difficulty was, to determine upon the mode by which it could be most effectually done.

With one of the modes (Mr. J. said) he should be satisfied. Promptly to reject these petitions as they were presented, he believed, would meet the opprobation of southern gentlemen; and if they, who were more deeply interested than all others, regarded that mode of disposing of them as effectual to the accomplishment of the great object they had in view, and the people of the East and of the North really intended, in good faith, to coöperate with them, (as he believed they did,) he could perceive no good reason why the proposition to reject should not be sustained.

It had been said, that gentlemen from the South were over sensitive, and disposed to act with too much precipitation on this subject. It had also been contended, that this course of proceeding was calculated to abridge the great right of petition; and others there were who thought the only proper course was to refer them to a committee. The intimation that this was a subject upon which the people of the South were sensitive, was just. The fact could not be disguised, that there existed throughout the slaveholding States an excitement which had never been witnessed at any former period of their history; and strangely indeed must he be constituted who could look upon the conduct of the Abolitionists, and witness the scenes to which it had given rise in the South, and not have his sensibility wrought up to the very highest pitch. Was it not known to every gentleman upon this floor that numerous abolition societies had been formed in the eastern and northern States—frowned upon, indignantly frowned upon, he believed, by the intelligent, the well-informed, and respectable portions of these communities—but could they shut their eyes to the fact, that these societies existed; that they had gone on to collect large sums of money, and had put into operation printing-presses which were worked by steam? Yes, sir, worked by steam, with the open and avowed object of effecting the immediate abolition of slavery in the southern States. That by means of these two great revolutionizers of the world—he meant steam power and the press—they had caused to be printed, and, by means of the public mails, circulated throughout the slaveholding States, large numbers of newspapers, pamphlets, tracts, and pictures, calculated, in an eminent degree, to rouse and inflame the passions of the slaves against their masters, to urge them on to deeds of death, and to involve them in all the horrors of a servile war—productions which (Mr. J. said) he would take upon himself to say, were as foul libels upon the people of the South as were ever printed. And, as if to add insult to injury, there were those here who had the charity to believe that they were influenced in their conduct by humane and religious motives. If, indeed, (said Mr. J.,) this most uncalled-for, officious, and dangerous intermeddling with the rights of others be dictated by religion, he would say it was not the religion which was inculcated by the Savior of the world, or taught by his disciples.

Mr. JONES said he hoped it would not be understood by anything he had said, that he was in favor of abridging either the freedom of the press or the freedom of speech; far from it; he regarded them as the great safeguards to our republican institutions. There was, however, a difference between the freedom and the licentiousness of the press; and what he objected to was, the right of these misguided and deluded men to propagate slander, to instigate murder, to disturb the peace of States, and to endanger this Union; and, if persisted in by them, he called upon the Representatives of the people to interpose, and stamp their conduct with the seal of their disapprobation.

But (said Mr. J.) we have been told by the gentlemen from New York and Massachusetts, [Mr. BEARDSLEY and Mr. ADAMS,] that to vote to reject this petition would be to abridge the right of the people to petition Congress. He admitted that to be a right, the free exercise of which was secured to the people by the Constitution, and he would be among the last, he hoped the very last, to lay violent hands upon that sacred instrument; he had sworn to support it, and, as a Representative of the people, support it he would, at every hazard, for upon it depended the last hope of freedom throughout the world; and if he could be satisfied that any constitutional right of the people was to be invaded by the course he proposed in disposing of that petition, he would be the first to abandon the position he then occupied. But (said Mr. J.) in what consists the right of petition, if it be not to set forth, in written form, the grievances complained of, with a view to procure upon them the action of Congress; and had not these petitioners already enjoyed that right? Did not the proceedings which had taken place upon this petition furnish the affirmative answer to the inquiry? Had they not petitioned, had not their petitions been presented by a member in his place, received by the House, read by the Clerk? and was Congress not then engaged in endeavoring to dispose of it in conformity with rules which had been made and adopted for the government of the House; and if it should ever be disposed of, would not this petition have been so fully considered, as it could have been, had any other form of proceeding been adopted? Mr. J. said, that when a petition had been presented to the House, received, and read by the Clerk, (unless it should be afterwards withdrawn by the consent of the House,) it became the property of the Representatives of the people; they might refuse to consider it, lay it on the table, postpone it to a day certain, refer it to the committee, or, what they had in vain attempted here, they might reject it. Here, then, were five several ways in which this petition might legally and properly be disposed of; and how it was that the disposition of it in one of these modes, in preference to another, (all of which were prescribed by the rules of the House,) was, in any possible way, to affect the right of the people to petition Congress, he was wholly at a loss to comprehend.

But they were told by the gentleman from Massachusetts, [Mr. ADAMS,] that, if these petitions were sent to a committee, they would there be allowed to "sleep the sleep of death;" and that thereafter we should be troubled with no others of like character. Would to God that this assurance of the honorable gentleman could be realized; but they had only to look to the past history of their legislation upon that subject to be satisfied that the expected consummation, to which he looked forward, had existence nowhere except in the fertile imagination of him who conceived it. It would then be seen that that course had been tried again and again; still these petitions continued to flow in upon them, and would continue to do so so long as they were received and referred to committees. What (he inquired) was the object in referring subjects to a committee? It was to collect information which, in the ordinary course of legislation, could not conveniently be collected in any other way. But did this House stand in need of information upon the subject sought to be brought to its notice by that petition? Certainly not. It was well understood that it was a subject to which public attention had been long turned with the most intense interest; that from the river St. Lawrence to the Gulf of Mexico the best talents of the country had been almost everywhere engaged in its consideration, and in communicating information to the people. So soon as the excitement over the country commenced, meeting after meeting was called in the southern States in almost every town and county; discussion after discussion was had before the people; resolution after resolution adopted, until, like a wave from the ocean, it swept over the whole southern country. It resulted in strong appeals to our brethren of the North to step forth and aid us in putting down these base attempts upon our rights, our property, and our lives. And it was with mingled emotions of pride and of pleasure he referred to the fact that these appeals were not made in vain; they, too, called the people together; meetings were held throughout the whole eastern and northern countries; and the measures adopted by those meetings for a time gave quiet, and, to some extent, allayed the excitement in the South, and it was for gentlemen from the North to say whether we may still rely upon their assurances by heartily coöperating with us in putting this subject to rest by a direct and decisive vote upon the question.

Mr. J. said it must be obvious, that there could be no need of further information upon the subject to enable gentlemen to vote understandingly upon it. Why, then, send it to a committee? Was it believed that the report of a committee was to produce any effect upon the Abolitionists? Did gentlemen flatter themselves that the spirit of fanaticism could be checked by a calm, dispassionate, and logical argument? To such he would recommend to read the reports of committees which have been already made on like petitions; and he doubted not but that gentlemen would be satisfied that no benefit was likely to result from the adoption of the same course in reference to the petition before them. So far from that course of proceeding having had a tendency to check

the wild spirit of fanaticism now abroad in the land, the reverse was true; for the tables of gentlemen were now groaning under the weight of similar petitions.

The gentleman from Massachusetts [Mr. ADAMS] has referred to his own course on a former occasion, in reference to this subject; this was commenced in a tone and in a spirit which seemed to Mr. J. to bespeak the deep anxiety which he felt to allay the very unpleasant excitement which had begun to show itself in the House; and to reconcile, if he could, the causes of discontent which continued to agitate and disturb the people of the South; he viewed the remarks of that gentleman as oil poured out upon the troubled waters. It was, however, but the calm which precedes the storm. At length, lashing himself up to a state of high excitement, he asked what it was the South desired? Was it (said he) to discuss the "sublime merits of slavery?" That was a subject which Mr. J. could not discuss with that gentleman; and taunt them as he might with their slaves, whose condition they had no agency in producing, and no means of changing, he would take that occasion to say to him, that the people of the South held their slaves by a title as secure, by an authority as high and as sacred, as that by which that gentleman held title to his horse, his house, or, to use his own language, "his place upon that floor." They held them under the Constitution and laws of the land.

That gentleman [Mr. ADAMS] had also taken occasion to refer the members from the South to Mason and Dixon's line, warning them that every member to the north of that line, who should discuss this subject, would send forth to the world an incendiary pamphlet; and although that gentleman seemed to speak as one "having authority," he had seen too many evidences not to be satisfied of the error into which he had fallen. He saw assembled here, from every quarter of this widely extended Union, patriots prepared to make every sacrifice upon the altar of their country's good. He lamented to hear what had fallen from the gentleman from Massachusetts upon that subject; he believed that gentleman himself, in his calmer moments, would lament it. The people had cause to lament it. But, if that be the course determined upon by gentlemen, the sooner we had it acted out the better. This he would take occasion to say to him: let those threatened pamphlets come when they might, they would be received by the people of the South as it became freemen who knew their rights, and knowing, dared maintain them.

Mr. J. remarked, in conclusion, that he had felt himself called upon to say thus much in explanation of his own views, with an earnest desire that a direct vote on the subject might be obtained.

Mr. BEARDSLEY said, the proposition before the House was simply to reconsider the reference of a paper to the Committee for the District of Columbia.

It would seem very obvious, looking to what had been the express sense of the House, and to what was known to be the public and general feeling of the people throughout the country—looking also to the particular circumstances under which this paper had been referred to that committee—he would say there could be no doubt that, when the House should come to decide upon this proposition, it would be carried in the affirmative by an overwhelming vote. They all knew, so far as they knew anything upon this subject, that the reference which the paper took was by misapprehension, or without the understanding of the House, and they all knew it, unless the House might be charged with abandoning the ground it had assumed upon this subject, a charge which was derogatory to its high character, and which he would not make or intimate. It was but a week since that the House, by a decided vote of about 180 to 30, had determined it would not act upon petitions of this character, but would lay them upon the table, with a view that they should sleep the sleep of death. To Mr. B, it was inconceivable that, after that vote, the House would entertain a proposition to give these petitions a different direction. It was clear that the reference given to this petition was by mistake and surprise, and when the House should be able to vote upon it, then the error would be corrected. Bring the paper before the House for its immediate direction, and when the paper be thus brought properly before them, what would the House do with it? And here he would beg leave to suggest to the consideration of the House what was to him most clear. The honorable gentleman from Massachusetts [Mr. ADAMS] fell into a mistake in his recollection of what had been the course of the House heretofore. That gentleman referred to a debate—if the speech of a single member, made in the course of the last session on a petition of a similar character, might be so termed—and Mr. B. understood the gentleman to state, as most undoubtedly was his recollection, that the House, on that occasion, had referred the paper to the Committee for the District of Columbia. Mr. B. had turned to the Journal of that day, and he found that on that occasion an honorable member from Virginia, not now a member of that House, [Mr. CHINN,] moved that the paper should be laid on the table. The yeas and nays were called for, and ordered, and there the paper was placed by a decided majority of the House. There was then none of the scruples which exist now—no pretense that the vote was evasive. That decision was then taken as the clear, distinct, unequivocal sense of the House, against the propriety of acting upon petitions of that character. The same course had likewise been pursued before the motion made by the gentleman from Virginia, to which he had referred, when previous papers of a like character had been repeatedly presented to the House. They had passed on to the table of the Speaker by the silent vote of the House, without having on any occasion, for the last three or four years, (save on the occasion to which he had referred, and that was a speech by a single member last session,) elicited debate. And here let him again advert to what must be within the knowledge of every gentleman there—that these votes of the House, thus placing upon the table papers of this character, had at all times been regarded, in the House and out of it, universally, as an expression of the House against the propriety of acting on petitions of this character. Until within the last few days no one had ever thrown a doubt upon the subject. Now, for the first time, they had been told that, to put a paper on the table, where it would sleep the sleep of death, was an evasion of the question! Nobody before ever heard of such an evasion! Every one regarded it, as, in his estimation, they had a right to regard it, as a most decided and unequivocal decision of the House not to entertain and act upon questions of that character. The character of this House could not be mistaken. There were not fifty gentlemen in that body, judging from the votes given, who desired to agitate this subject or to act upon petitions of this character. The sense of the House had been unequivocally, fairly, and fully expressed by the vote first given, to put the first petition on the table, and the character of the House had since undergone no change.

Efforts, however, seemed to be making to change the real question to be decided by the House. It was now said that they must come up and give a vote of a different character; that they must either vote that they would not receive petitions of this character, or that, having received them, they would put them out of doors; or that they must come to another question, and vote that the House had no constitutional authority to receive and act upon the petitions for the abolition of slavery in the District of Columbia. These (said Mr. B.) were new inventions. Let him warn the gentlemen of the South, who stood firm on the vote of 180 to 30 against considering the first petition, not to change the real question, by permitting themselves to be drawn into the controverted position of the powers of that House; or into the controverted and debatable grounds whether they ought to reject petitions of this character; or having received them, ought to turn them out of doors. If gentlemen from the South, who sincerely desired, as he knew they did, the harmony and peace of the whole Union, if they permitted this question to be changed, they might see from the votes of Friday last, and from the votes of Monday, that no man could decide, or undertake to predict, what in a few days would be the true character of that House. Upon the one subject, and upon the one ground, they stood firm, by a decided vote of 180 or 190 against 30 or 40 or 50; but upon the other they would open so wide a field of debate, that ultimately, if he judged correctly of the sense of the House, his honest conviction was, they would find themselves in the minority.

Sir, (said Mr. B.,) we go with the South—I speak for myself—against all agitation on this subject, and to put down the fanatics of the North. But, sir, I give it as my own opinion, I do not believe the freemen of the North, or the freemen of the South, ought to or will tolerate the idea that they should not be permitted to present their petitions to this body; or, that having presented them, in decent and respectful language, they shall be driven with scorn from our doors.

Mr. B. appealed particularly to the gentlemen from the South. There was no necessity to change their position. They stood firm on the ground already taken. Why should they change it? For what good purpose could they desire to change the character of the question, and involve the House in a difficulty about the right of petition, or in questions of a debatable and exciting character, when such a clear sentiment and feeling, both in and out of the House, and throughout the whole country, had been elicited? Why would gentlemen permit themselves to be drawn into other questions, when the one already assumed and acted upon was a decisive expression of the true feelings of the House? He would warn them, that if they permitted themselves to be put in that new position, they would involve themselves in difficulties they scarcely dream of, and which, in his humble judgment, they ought seriously to deprecate. It was remarked by the honorable gentleman from Massachusetts, [Mr. ADAMS,] that if this question were gone into, every speech made in that House would furnish an incendiary pamphlet north of Mason and Dixon's line. In one sense, Mr. B. could believe that remark a just one, and in one sense only. It was because every speech made under such circumstances, by gentlemen residing north of Mason and Dixon's line, would be perverted, and misinterpreted, and misquoted by factious and incendiary prints. It was not that every gentleman residing north of that line would desire to make a speech of that character, for he knew that many, a vast proportion of them—almost in the proportion in which the votes of the House had been given—he believed would deprecate such a result. But they would be so misinterpreted and misquoted by the press, that no one could undertake to say that every speech made in that House would not be truly a firebrand thrown into the South. In no other sense could he agree with the gentleman from Massachusetts on that subject.

Mr. B. said it had been a matter of sincere astonishment and regret on his part, that efforts should have been made, undoubtedly under a strong sense of duty, and under a strong belief, that it would tend to tranquilize the South, to procure direct votes of the House upon two propositions, upon both of which the debate might be interminable. And would that expression of the House more operate to tranquilize the South, even if it were obtained, than the one already adopted? It was said, that a direct vote of the House that it would not receive such petitions, or that, having received them, it would drive them out of doors or a direct vote of the House that Congress had no power to legislate on the subject of slavery within the District of Columbia, would go far to tranquilize the South. But what would that vote be? The opinion of gentlemen sent there for two years. And was it certain that that would be the opinion of the next House? Would it furnish any sort of assurance on that subject? It was asking too much. It was enough to ask of that House, and enough for the House to declare, that it would not act upon the subject. That was reasonable. That was unquestionably the sense of the House; and it ought to content gentlemen in every quarter.

The proposition submitted or suggested by the honorable gentleman from Georgia [Mr. OWENS] did not affirm either point to which he had referred. It did not affirm that Congress had not the power; it did not affirm that that House would

not receive the petitions; but merely and directly and explicitly, that that House was averse, and would not act upon any such subject. That was reasonable, and was precisely equivalent to laying such petitions on the table. Mr. B. believed that those resolutions would meet the cordial and universal approbation of gentlemen from the North, except those, if any there were, who would be disposed to encourage the getting up of these petitions. The resolutions did not touch the power of the House. It was unquestionable that there was a strong and fixed sentiment of that House and of the whole country on this question. Why, then, permit themselves to change the position they had taken, and involve themselves in the examination of controverted and debatable ground, and thereby lose the high character the House had certainly occupied upon this subject? He did hope sincerely that the motion to reconsider the reference of the petition would be at once adopted, and that they should either lay it on the table, or apply the resolutions of the gentleman from Georgia to it. Pass those resolutions, and they will furnish a clear, direct, and unequivocal expression of the sense of the House that it will in no event act upon the subject.

Mr. SLADE obtained the floor, and moved an adjournment, but withdrew his motion at the request of

Mr. CAMBRELENG, who, by unanimous consent, submitted the following amended bill for that which he yesterday reported from the Committee of Ways and Means:

A bill for the relief of the sufferers by fire in the city of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of the port of New York be, and he is hereby, authorized, as he may deem best calculated to secure the interests of the United States, to cause to be extended (with the assent of the sureties thereon, to all persons who have suffered loss of property by the late conflagration at that place) the time of payment of all bonds heretofore given for duties as aforesaid, to periods not exceeding three, four, and five years from and after the day of payment specified in the bonds; or to allow the said bonds to be canceled, upon giving to the said collector new bonds, with one or more sureties, to the satisfaction of the said collector, for the sums of the former bonds, respectively payable in three, four, and five years from and after the day of payment specified in the bonds to be taken up, or canceled as aforesaid. And the said collector is hereby authorized and directed to give up or cancel all such bonds upon the receipt of others described in this act, which last mentioned bonds shall be proceeded with, in all respects, like other bonds which are taken by collectors for duties due to the United States: *Provided, however*, That nothing in this act contained shall extend to bonds which had fallen due before the 17th day of the present month.

SECTION 2. *And be it further enacted by the authority aforesaid*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer to such banks as he may select, as safe depositories of the public treasure, any surplus moneys of the Government, or any part thereof, which may not be required for the public service, and to permit the same to remain in such banks for a period not exceeding twelve months from the passage of this act: *Provided*, That this section shall not interfere with any further regulation of Congress concerning the collection, deposit, distribution, or disbursement of the public moneys.

Mr. CAMBRELENG gave notice that he should on Thursday next ask the House to take up and consider said bill.

On motion by Mr. SLADE, the House then adjourned.

IN SENATE.

WEDNESDAY, *December* 23, 1835.

Mr. TALLMADGE presented the petition of the heirs and legal representatives of the late General Lord Stirling, praying compensation for the revolutionary services of the deceased. Referred to the Committee on Revolutionary Claims.

Mr. BROWN presented the petition of the legal representatives of Daniel Van Felt, of North Carolina; which was referred to the Committee on Claims.

Mr. TOMLINSON presented the petition of Commodore Isaac Hull; which was referred to the Committee on Naval Affairs.

Mr. HENDRICKS presented the petition of G. Bentley; which was referred to the Committee on Claims.

Mr. MANGUM presented the petition of William M. Steele and others; which was referred to the Committee on the Judiciary.

Mr. KING, of Alabama, presented the petition of Thomas Aspinwall, United States Consul at London; which was referred to the Committee on Commerce.

Petitions were further presented by Messrs. HENDRICKS, KENT, SOUTHARD, DAVIS, and CALHOUN.

On motion by Mr. RUGGLES, the petition of sundry inhabitants of Thomastown, Maine, and other places, praying for the construction of a breakwater, was again referred to the Committee on Commerce.

On motion by Mr. ROBINSON, the petition of a bank of Illinois, on the files of the last session, was again referred to the Committee on the Judiciary.

RESOLUTIONS.

Mr. GOLDSBOROUGH submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Military Affairs be instructed to inquire what number of floating steam batteries are necessary for the defense of the Chesapeake and Delaware bays, and the harbor of New York, together with the estimate of the probable cost of the same, and to report the result to the Senate.

Mr. GRUNDY submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reducing into one act all the laws establishing post roads and post routes within the United States and the Territories thereof.

PRESIDENT'S MESSAGE.

On motion by Mr. DAVIS, it was

Ordered, That so much of the President's message as relates to commercial affairs, be referred to the Committee on Commerce.

On motion by Mr. BENTON, it was

Ordered, That so much of the President's message as relates to military affairs, be referred to the Committee on Military Affairs.

On motion by Mr. KENT, it was

Ordered, That so much of the President's message as relates to the District of Columbia, be referred to the Committee on the District of Columbia.

BILLS INTRODUCED.

Mr. BENTON, in pursuance of notice given, asked and obtained leave, and introduced the following bills; which were severally read, and ordered to a second reading:

A bill providing for the increase of the corps of the United States engineers; and

A bill granting a certain quantity of land to the State of Missouri, for purposes of internal improvements.

Mr. LINN, in pursuance of notice given, asked and obtained leave, and introduced the following bills; which were severally read and ordered to a second reading:

A bill for the relief of Sebastian Butcher, the heir and legal representative of Bartholomew Butcher, Michael Butcher, and Peter Bloomfield; and

A bill for the relief of Joseph Herteck.

Mr. TOMLINSON, on leave, introduced a bill for the relief of Walter Loomis and Abel Gay; which was read twice and referred.

REPORTS FROM COMMITTEES.

Mr. CLAYTON, from the Committee on the Judiciary, reported a bill for the relief of James Barren; which was read, and ordered to a second reading.

NOTICE OF BILL.

Mr. ROBINSON gave notice that he would to-morrow ask leave to introduce a bill to create an additional land office in the State of Illinois.

RESOLUTIONS ADOPTED.

The resolutions lying on the table, submitted by Messrs. SOUTHARD, LINN, and PRENTISS, were severally considered and adopted—the latter having been first modified by the mover.

NEWSPAPERS FOR SENATORS.

The resolution submitted by Mr. ROBBINS relative to the supply of members with newspapers, came up for consideration, when

Mr. KING, of Georgia, objected that the resolution, being for an expenditure of money out of the contingent fund, could only, consistently with the rules of the Senate, be introduced after one day's notice. Mr. KING referred to, and read the rule applying to the case.

After some remarks to the same effect, and a few words from Mr. ROBBINS, the Chair decided that one day's previous notice must be given, and Mr. ROBBINS gave notice accordingly.

ELECTION OF CHAPLAIN.

The Senate then proceeded to ballot for a Chaplain, and the ballotings resulted as follows:

First Ballot.—Mr. Higby, 12; Harrison, 12 Fisk, 9; Stockton, 2; Palfrey, 2; Post, 1; Reed, 1.

Second Ballot.—Mr. Harrison, 16; Higby, 15; Fisk, 5; Stockton, 1; Palfrey, 1.

Third Ballot.—Mr. Higby, 23; Harrison, 14; blank, 1.

Mr. Higby, having a majority of the whole number of votes given, was declared to be duly elected.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 23, 1835.

Mr. ADAMS (by consent of Mr. SLADE, who was entitled to the floor on the first question before the House) referred to the message of the President of the United States on the subject of the northern boundary of the State of Ohio. It would be recollected that this subject had been referred, ten days ago, to a select committee, at his instance, and the Speaker had done him the honor to appoint him chairman of that committee. Subsequently, a motion had been made to reconsider the vote referring the matter to a select committee. He presumed it was in consideration of this motion to reconsider, that the Clerk had not placed those papers in his possession. His object in rising was to give notice that, unless the question of reconsideration was taken up and disposed of to-day, he should feel it to be his duty to call the committee together to-morrow, for the purpose of considering the subject referred to it.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The House resumed the consideration of the motion of Mr. PATTON, to reconsider the vote referring to the Committee for the District of Columbia a petition, presented by Mr. BRIGGS, from sundry citizens of Massachusetts, praying Congress to abolish slavery within the District of Columbia.

Mr. SLADE said he wished to come up to the subject, and investigate it fully, in order to represent what were the views of his own constituents on this subject. He was sorry to hear these memorialists designated as intermeddlers, and gentlemen who were themselves the representatives of constituents who entertained similar opinions to these petitioners, wished to avoid the question. He was surprised to hear those gentlemen advocate the laying these petitions on the table. The proposition of the gentlemen of the South, much as he was opposed to it, was a better one, because it was direct, namely, to reject them; and that of the gentleman from Massachusetts, [Mr. ADAMS,] to refer them to the Committee for the District of Columbia, where they would be buried in the "tomb of the Capulets," was also objectionable, because it did not meet the question. Mr. S. said, for himself he was in favor of the prayer of the petition. The petitioners first wished the abolition of slavery within the District; so did he. They desired to abolish the slave trade in the District, and so did he. He was not, however, in favor of the immediate and unqualified abolition of slavery within the District, because he believed it impracticable; and to seek it would defeat the very object he and those who concurred with him desired. He believed there was no right of one man to hold another as property, and that the exercise of such power ought everywhere to cease; but the work should be done gradually. The States of the Union owed obligations to the African race; and it was their duty to prepare them for a state of emancipation and freedom. They were bound to enact laws for this purpose. He was an anti-Mason and an Abolitionist on this principle, and always should be. He was, however, in favor of an immediate abolition of the slave trade within the District of Columbia. He said the sentiments of the people of the North had not been fairly described by gentlemen who had addressed the House. Gentlemen were altogether mistaken on this subject It was not a few miserable fanatics, as had been

asserted; and the gentleman from New Hampshire [Mr. PIERCE] was equally mistaken in thinking that not one out of five hundred of the people there were in favor of this object. There was a full and deep feeling among the people at the North. Public meetings had been referred to. Those meetings (Mr. S. said) applied only to the abolition of slavery generally, and not in this District. As proof of this he referred to the Boston resolutions. Mr. S. then referred to the clause in the Constitution of the United States, giving Congress the right of exclusive jurisdiction, and was understood to contend that that clause involved the entire jurisdiction, and as such the right of Congress to legislate on the subject of slavery here. Had it not been for the denunciatory language used by the Abolitionists, of land-pirate and kidnapper, applied to the people of the South, he did not know but that he should have been an Abolitionist himself on the whole question. He believed slavery an evil, and one that ought to be abolished, and that would eventually be abolished everywhere. Mr. S. requested that the petition presented at a former period, from eleven hundred citizens of the District, praying for the abolition of slavery and the slave trade therein, should be read from the Clerk's table.

Mr. GLASCOCK said he should object to the reading of that and all other petitions on the subject, unless the gentleman used it as a part of his argument.

Mr. SLADE replied that he intended so to use it; but, feeling exhausted, he wished it read by the Clerk.

Mr. GLASCOCK then withdrew his objection, and consented to the reading as an act of courtesy to the gentleman.

The petition was then read by the Clerk.

Mr. PATTON inquired whether the gentleman from Vermont could inform him how many of the signers were slaveholders?

Mr. GARLAND would make a further inquiry whether the gentleman knew if they were inhabitants of the District?

Mr. SLADE referred to the names of some of the signers, but said the onus of proof on the question put to him was on the other side.

Mr. S. then proceeded to contend that Congress, under the Constitution, had the power to legislate on this subject. The people of the District, by the act of session, were transferred to Congress, and were placed precisely in the position to it that the people of the States were to their State Legislatures. Congress had the same power, and were kept within the same restrictions as the latter. It had been said that there were other restrictions contained in the acts of cession from Maryland and Virginia. Mr. S. had carefully examined those acts, and found no such restrictions in them, or in any clauses of the grants. The very question under consideration was not restricted, and this was proved from the fact that exceptions or restrictions were to be found in the act of cession from Virginia, but not a word about the subject of slavery. What a condition were the people of the District in, if Congress had not the power to legislate on the subject! The State of Maryland had no power. The State of Virginia could not relieve them; and if those two States should ever see fit to abolish slavery within their limits, here it must forever remain, although every citizen of the District petitioned for relief. There were now about six thousand slaves in the District; there might then be sixty thousand slaves, and so they must continue. Mr. S. referred also to the debate in the Virginia Legislature, where numbers of the Delegates advocated the gradual abolition of slavery in that State, and quoted some comments, pending the discussion, of the editor of the Richmond Enquirer, wherein it was stated to be a great and growing evil, and one that must be met. The article would be found in Niles's Register, January 14th, 1832.

Mr. S. also quoted an article from the Richmond Whig of the 5th of March in the same year; from the United States Telegraph of last summer, to be found in Duff Green's prospectus for the publication of the Examiner in Washington; from the report of the committee of the Synod of Kentucky.

Mr. S. said one of the objections he had heard strongly insisted on was, that abolition had a tendency to disturb the balance of the Constitution. He contended that the balance was disturbed on the other side by the gradual increase of the evil of slavery. It would not be long before the representation of the slaveholding States would far outweigh the proportions settled under the Constitution; and this was not through the relative increase of the white, but of the black population. The increase of the white population in Virginia, North Carolina, South Carolina and Georgia, from 1790 to 1830, was 84 per cent., while that of the slave population, in the same States, during the same period, was 136 per cent., and that in *South Carolina*, during the same period, the increase of the whites was 94, while that of the slaves was 194½ per cent. This fact, he contended, would show that the progress of abolition was necessary to preserve the balance of the Constitution, or rather to restore it, for it had been already disturbed by the purchase of Louisiana.

Mr. S. concluded by recommending that the House send all these petitions to a special committee who should investigate the whole subject, and make a report, which should be discussed in the House, and go forth to the country. The question could no more be blinked now than they could put forth their hand and obscure the sun at noon-day.

Mr. GARLAND, of Virginia, addressed the House at some length, in reply to Mr. SLADE, and in favor of the House giving a more direct and decisive vote on the question than that indicated by the motion to lay petitions of this character on the table. Mr. G. also went into the constitutional question, and reviewed the acts of cession from Virginia and Maryland. Mr. G. was in favor of not receiving or rejecting the petition, and contended that nothing less than that motion would restore the peace and tranquillity of the South.

When Mr. GARLAND concluded, several gentlemen rose; but Mr. MANN, of New York, obtained the floor, his right to which was contested on the ground that he had already addressed the House on the subject.

The SPEAKER decided that, if the fact was as stated, the gentleman could not, under the rules, again address the House until every other member who chose to do so had spoken.

Mr. MANN stated his object to be to make a motion, which he would do without accompanying it with the remarks which he had intended.

After some conversation upon the point of order,

The SPEAKER decided that the gentleman from New York was entitled to the floor, if his only object was to make a distinct motion.

Mr. MANN then moved the previous question, the effect of which was to preclude further discussion on the question of reconsideration.

The motion to reconsider was seconded—ayes 104, noes 79.

The question, "Shall the main question be now put?" was then propounded.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays; which were ordered, and were as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ashley, Beale, Bean, Beardsley, Beaumont, Bockee, Bond, Borden, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Cambreleng, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Crane, Cushman, Davis, Deberry, Dickerson, Doubleday, Dunlap, Effner, Fairfield, Farlin, Forester, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Graves, Haley, Joseph Hall, Hamer, Hannegan, Hard, Hardin, Samuel S. Harrison, Albert G. Harrison, Haynes, Henderson, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Luke Lea, Leonard, Logan, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Sampson Mason, Maury, May, McKennon, McKeon, McKim, Miller, Montgomery, Muhlenberg, Owens, Page, Patterson, Franklin Pierce, Dutee J. Pearce, Peyton, Phelps, Phillips, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Roane, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Smith, Spangler, Sprague, Standifer, Storer, Sutherland, Taliaferro, Taylor, Thomas J. Thomson, Toucey, Towns, Turrill, Vanderpoel, Vinton, Wagener, Ward, Weeks, and Lewis Williams—137.

NAYS—Messrs. John Q. Adams, Heman Allen, Bailey, Bell, Bouldin, Briggs, John Calhoun, William B. Calhoun, Campbell, Childs, Claiborne, Clark, Corwin, Cushing, Denny, Dromgoole, Evans, Everett, Fowler, John Garland, Rice Garland, Glascock, Graham, Granger, Grayson, Grennell, Griffin, Hiland Hall, Hammond, Harlan, Harper, Hazeltine, Hoar, Holsey, Howell, Hunt, Ingersoll, William Jackson, Janes, Henry Johnson, Lawrence, Lincoln, Love, Loyall, McComas, McKay, Mercer, Milligan, Morris, Parker, Parks, Patton, James A. Pearce, Pettigrew, Pickens, Potts, Reed, Ripley, Robertson, Rogers, Russell, William B. Shepard, Slade, Waddy Thompson, Underwood, Washington, Webster, White, Whittlesey, Sherrod Williams, and Wise—71.

So the House determined that the main question be now put.

Mr. WHITTLESEY asked for the yeas and nays, which were ordered, and were as follows:

YEAS—Messrs. Anthony, Beale, Bean, Beardsley, Bell, Bockee, Bouldin, Bovee, Boyd, Brown, Bunch, Burns, John Calhoun, Cambreleng, Campbell, Carter, John Chambers, Chaney, Chapman, Chapin, Claiborne, Cleveland, Coffee, Coles, Conner, Craig, Cramer, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Forester, Fowler, French, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Graham, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hammond, Hannegan, Samuel S. Harrison, Albert G. Harrison, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Thomas Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, John Mann, Martin, William Mason, John Y. Mason, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, Mercer, Miller, Montgomery, Muhlenburg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pickens, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Smith, Spangler, Standifer, Taliaferro, Taylor, Thomas, John Thomson, William Thompson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Washington, Weeks, White, Lewis Williams, Sherrod, Williams, and Wise—148.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Beaumont, Bond, Borden, Briggs, Buchanan, William B. Calhoun, Carr, Casey, George Chambers, Childs, Clark, Corwin, Crane, Cushing, Denny, Evans, Everett, Philo C. Fuller, Granger, Graves, Grennell, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Hoar, Howell, Hunt, Ingersoll, William Jackson, Janes, Benjamin Jones, Laporte, Lawrence, Lay, Lincoln, Love, Sampson Mason, McCarty, McKennan, Milligan, Morris, Parker, Dutee J. Pearce, Potts, Reed, Russell, Slade, Sprague, Storer, Underwood, Vinton, Webster, and Whittlesey—62.

So it was decided that the vote referring the petition to the Committee for the District of Columbia be reconsidered.

Mr. OWENS rose and moved to lay the petition on the table, stating that, when the States were called for resolutions, he should then submit those he had read to the House a few days ago. Mr. O. also gave notice that he should make a similar motion to the present on all petitions and memorials of a like character to the one before the House.

Mr. WISE then moved to reject the petition.

The SPEAKER decided the motion to be out of order.

Mr. WISE then asked for the yeas and nays; which were ordered.

The question was then taken on the motion to lay on the table, which was decided in the affirmative; as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ashley, Beale, Bean, Beardsley, Beaumont, Bell, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Conner, Corwin, Craig, Cramer, Crane, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Forester, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Graves, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Haynes, Henderson, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Ingham, Joseph Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Sampson Mason, May, McKay, McKeon, McKim, Mercer, Miller, Montgomery, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Phelps, Phillips, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Smith, Spangler, Standifer, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thompson, Toucey, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Washington, Webster, Weeks, Lewis Williams, and Sherrod Williams—144.

NAYS—Messrs. Adams, Heman Allen, Bailey, Bond, Borden, Briggs, John Calhoun, William B. Calhoun, Campbell, John Chambers, Childs, Claiborne, Clark, Cushing, Denny, Evans, Everett, James Garland, Rice Garland, Glascock, Graham, Granger, Grayson, Grennell, Griffin, Hiland Hall, Hammond, Hard, Harper, Hazeltine, Hoar,

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, JANUARY 4, 1836. VOLUME 3....No. 4.

Hunt, William Jackson, Janes, Henry Johnson, John W. Jones, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Love, Lyon, Maury, McCarty, McComas, McKennan, Milligan, Morris, Patton, Dutee J. Pearce, James A. Pearce, Pettigrew, Pickens, Potts, Reed, Robertson, Rogers, Russell, William B. Shepard, Slade, Sprague, William Thompson, Towns, White, Whittlesey, and Wise—67.

On motion by Mr. REYNOLDS, of Illinois, the House then adjourned.

IN SENATE.

THURSDAY, *December* 24, 1835.

Mr. LINN presented the following petitions and memorials:

The memorial of the General Assembly of the State of Missouri, praying for the creation of an additional land office in that State; which was referred to the Committee on Public Lands;

A memorial from the same, calling the attention of Congress to the necessity of laying out and opening, as speedily as possible, the Cumberland road to the city of Jefferson, thence to Fort Leavenworth, an important military fort situated on the western waters; which was referred to the Committee on Military Affairs;

A memorial from the same, asking that an act of Congress be passed, granting to the General Assembly the right to appropriate, for primary school instruction, equally throughout the State, the interest which may arise from the funds produced by the sale of the lands heretofore granted by Congress for the support of a seminary of learning; which was referred to the Committee on Public Lands;

The memorial of the same, on the subject of the inland trade with Mexico, and asking that persons engaged in said trade be allowed the privilege of drawback; which was referred to the Committee on Commerce;

The memorial of the same, praying for a donation of five hundred thousand acres of land for the purposes of education; which was referred to the Committee on Public Lands;

The memorial of the same, praying that a number of marine hospitals may be erected on the northern lakes, and the waters of the Mississippi, commensurate to the wants of the population and growing commerce of the country; which was referred to the Committee on Commerce;

The memorial of the same, praying that the registers of the different land districts, where lands may be entered, furnish to the purchaser a copy of the field-notes, to be indorsed on the back of the patent; which was referred to the Committee on Public Lands;

The memorial from the same, urging the propriety of further extending the laws relative to preëmption rights so as to include all persons who have or may settle on any unappropriated lands belonging, to the United States, and to graduate the price of the public lands; which was referred to the Committee on Public Lands;

The memorial of the same, praying the passage of a law surrendering to the State of Missouri all those lands returned as not worth the expense of surveying; which was referred to the Committee on Public Lands;

The memorial of the same, praying for the passage of a law to authorize a change in the location of school lands where they are unproductive or valueless; which was referred to the Committee on Public Lands;

The memorial of the same, praying that a depot of arms and munitions of war be located on the Upper Missouri and Mississippi rivers at or near the northern and western boundaries of the State; which was referred to the Committee on Military Affairs;

The petition of sundry citizens of Missouri, praying for the construction of a harbor at the mouth of the St. Joseph river, Michigan; which was referred to the Committee on Commerce;

The memorial of citizens of Clay county, Missouri, praying for the erection of a line of military posts around the frontiers, the opening of military roads, and the removal of the superintendency of Indian Affairs to the frontier of the State;

The memorial of sundry inhabitants of Green county, Missouri, for quieting the title to a tract of land on which the seat of justice is located; which was referred to the Committee on Public Lands;

The memorial of the inhabitants of sundry counties in Missouri, for establishing a post route from the city of Jefferson through said counties to the seat of government of the Territory of Arkansas; which was referred to the Committee on the Post Office and Post Roads;

The petition of sundry citizens of Missouri, for the creation of a new land office in the State of Missouri, to be located at Jefferson City; which was referred to the Committee on Public Lands;

The petition of Robert Walsh, praying permission to locate a certificate of two hundred arpents of land, under the act for the relief of sufferers by earthquakes, in the county of New Madrid; which was referred to the Committee on Public Lands;

The petition of the heirs and legal representatives of Thomas Bear, deceased; and

The petition of Joseph Bogy, praying compensation for spoliations on his property by a numerous party of Choctaw Indians then at peace with the United States, whilst on a trading expedition on the Arkansas river, under authority of a license derived from the United States; which was referred to the Committee on Indian Affairs.

Mr. TIPTON presented three petitions from sundry citizens of Indiana, praying for the establishment of post routes; which were referred to the Committee on the Post Office and Post Roads.

Mr. RUGGLES presented the petition of sundry citizens of Maine, praying that an appropriation may be made for the improvement of the Matinacus harbor, in the State of Maine; which was referred to the Committee on Commerce.

Mr. EWING presented the petition of sundry citizens of Perry county, Ohio, praying for the establishment of a post route.

Mr. BUCHANAN presented the petition of sundry citizens of Pennsylvania, asking that individuals may be placed on the same footing with corporations as to the importation of railroad iron; which was referred to the Committee on Finance.

Mr. HUBBARD presented the petition of John Priest; which was referred to the Committee on Pensions.

Mr. TALLMADGE presented sundry documents in support of the petition of the heirs of Lord Stirling; which were referred to the Committee on Revolutionary Claims.

ENLISTMENT OF BOYS IN THE NAVY.

Mr. SOUTHARD, from the Committee on Naval Affairs, reported a bill to provide for the enlistment of boys into the Navy of the United States; which was read, and ordered to a second reading.

NEWSPAPERS FOR SENATORS.

Mr. ROBBINS, in pursuance of notice given, asked and obtained leave, and introduced a joint resolution, providing for the supplying the members of the Senate with newspapers; which was read, and ordered to a second reading.

[The resolution is the same that was submitted simply as a resolution of the Senate, and was inserted in Tuesday's proceedings.]

HEIRS OF ROBERT EWELL.

Mr. LEIGH, in pursuance of notice given, asked and obtained leave, and introduced a bill for the relief of the heirs of Robert Ewell, a lieutenant of the Virginia line; which was read twice, and referred to the Committee on Revolutionary Claims.

RESOLUTIONS SUBMITTED.

Mr. PORTER submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the more regular and effectual holding of their courts by the judges of the district courts of the United States, at the terms prescribed for their respective districts; and that they also be instructed to inquire into the expediency of compelling district judges to reside at the places where their respective courts are held.

Mr. HUBBARD submitted the following resolutions; which lie on the table one day:

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing to the heirs of Doctor William Cogswell, deceased, (who was a hospital surgeon of the Army during the war of the Revolution,) the commutation pay granted to such officers in pursuance of the resolution of the Continental Congress of March, 1783.

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of so amending the act of Congress, approved February 19, 1833, (which is an act in addition to the act for the relief of certain surviving officers and soldiers of the Revolution, passed June 7, 1832,) *that all persons* entitled to pensions for any disabilities incurred in the war of the Revolution, shall have a right to claim and receive the same, in addition to any pension or annuity to which they may be entitled under any act of Congress for revolutionary services.

SESSIONS OF CONGRESS.

Mr. HENDRICKS said it would be recollected that, at the last session of Congress, the Committee on the Judiciary had been instructed, on his motion, to inquire into the expediency of fixing, by law, the time of the commencement and close of each succeeding session of Congress; that this subject, owing to the great mass of business before the session, which was a short one, did not receive the action of the committee or of the Senate; and it was his intention, at the present time, and at this early period of the session, again to present it to the consideration of the Senate. He earnestly hoped that the present session would not pass away without legislation upon it. He was induced to look into this matter, from the fact of the great disparity in the length of the sessions, which disparity, too, was continually increasing, by the continual increase of the long sessions. The idea of equalizing the sessions, whatever their necessary length might be, seemed to be a reasonable one, and the increasing length of the long sessions had become a grievance and an evil which ought to be remedied. The 3d of March, from long usage and custom of this Government, had generally been looked upon as the termination of every Congress; but it was not necessarily so, not being established as such, either by the Constitution or by law. He stated it as a fact, that, since the first organization under the Constitution of the United States, Congress had passed no law on the subject. There was nothing in the statute-book about it, and the Senate of the United States had never acted upon it. There was nothing in existence upon this subject but a resolution of the old Congress of the 13th September, 1788, which was obviously intended as an incipient and temporary regulation, and so they had rested ever since.

A glance at the history of this matter (said Mr. H.) will be sufficient to show us the propriety of legislating upon it. The convention which formed the Constitution of the United States reported that instrument to the Congress of the Confederation on the 17th of September, 1787, and on the 28th of the same month, Congress resolved that the Constitution so reported be transmitted to the States for their ratification. On the 13th of September, 1788, Congress declared that the Constitution thus transmitted had been ratified by a sufficient number of the States to give it effect. It was then necessary that measures be taken for the organization of the Federal Government under it, and on the same 13th day of September, 1788, the Congress of the Confederation resolved that the first Wednesday of January next ensuing be the day for appointing electors in the several States which before that day should have ratified the Constitution; that the first Wednesday of the ensuing February should be the day appointed for the electors to assemble in their respective States and vote for a President; and that the first Wednesday in March next be the time, and the then present seat of Government the place, for commencing the proceedings under the Constitu

tion. Now, this first Wednesday of March next (said Mr. H.) happened to be the fourth day of March, 1789; and this is the only reason why the fourth day of March, in every other year, has ever since been sanctioned by usage and custom as the commencement of the congressional term, and the reason why the previous day, the third of March, has been considered the close of the term.

And here he remarked, that in this view of the subject, the delicacy felt by many members in protracting the sessions of the 3d of March beyond midnight was without any good reason; for, taking it for granted that the congressional term of two years commenced on the fourth of March, the two years would not expire till the same hour of the day on the 4th in which the first Congress of 1789 was opened. The truth is, (said Mr. H.,) the Constitution says nothing about the 4th of March as the commencement of the term, nor does any law save the resolution of the old Congress, before referred to. The Constitution merely says, that "The House of Representatives shall be composed of members chosen every second year by the people." And in reference to the meeting of Congress, or the commencement of the session, it says: "That the Congress shall assemble at least once in every year, and such meetings shall be on the first Monday in December, unless they shall, by law, appoint a different day;" and on these subjects it says nothing more. It is obvious, then, that the whole subject is open for legislation. Congress cannot, indeed, say that the congressional term of two years shall hereafter commence at an earlier day than the 4th of March, because that would infringe upon the constitutional term of the Congress in being when the arrangement should commence; but Congress can say, that the commencement of the term shall be on any subsequent day, and that the session shall commence at any time thought to be most convenient.

The power, then, of regulating these matters by law being unquestionable, the propriety and necessity of doing so is scarcely less certain. I have said that the increasing length of the long sessions has become an evil which ought to be remedied. For proof of this, it is only necessary to look back a few years upon our Journals for the dates of our adjournments. During the last session, I procured (said Mr. H.) to be made out a statement, showing the commencement and termination, and the number of days in each session of Congress held under the present Constitution. A reference to this statement will show, that in the history of this Government, in times of peace, there has been no session at all equal to the long sessions of the last two Congresses—the sessions which terminated in 1832 and 1834. The session of 1812, when war was declared, was a few days longer than that of 1832; but the latter was much longer than any other session during the war. The long session of 1798, during our troubles with France, was the longest session since the adoption of the Constitution. That, and the one just mentioned, of 1812, are the only sessions of greater length than that of 1832; and these and one other, that of 1790, are the only sessions as long as that of 1834. The long sessions since the last war have all terminated in April and May, except the last two.

There is, Mr President, much evil in this tendency to perpetuate parliaments. We all know that they are not needed on account of legislative business; for the statute-books, the Journals, and our documents show that during a short session as much useful business is generally done as in a long one. High party times, such as we have had for years past, and such as existed in 1798, give occasion for long sessions. Such times have a tendency to protract the sessions that are not limited by law, but whether for good or for evil, is very questionable. Such times, and such sessions, are not well calculated to throw oil upon the troubled waters; and party broils and national discords are generally heightened, and often engendered, by lengthy and excited discussions here. A law, then, that would fix the termination of every regular session, giving time enough for all useful discussion and legislative deliberation, is, as I believe, greatly to be desired. The necessary business would then all be done, and probably with much more certainty and accuracy than as the matter now stands. The day of adjournment being fixed, business would be shaped in reference to that day, and much less time would be uselessly disposed of. I will not, however, further pursue these remarks, but will content myself for the present with offering a resolution on the subject, and with moving that the statement referred to be printed.

Mr. HENDRICKS then submitted the following resolution; which was read:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of fixing, by law, the time of the commencement and close of every succeeding session of Congress.

Mr. WEBSTER said, the gentleman from Indiana [Mr. HENDRICKS] had stated very correctly the manner in which the 3d of March had been originally fixed upon as the time for adjournment. The first Wednesday of March happened to be on the fourth day of the month, and it so happened that six years for Senators, and two years for members from the 4th of March was fixed upon as the period or term of their service by common understanding. He had no doubt of the authority of Congress to alter the time of adjournment, but the alteration of the present arrangement, so far as regarded fixing a day certain for closing the session, might be a question of expediency. Some of the State Legislatures might in that case have to change the time of their meeting. He thought the great object of the gentleman might be come at, by fixing an earlier period for the commencement of the session—say the 1st of September. If a law could be passed which would fix the convening of both sessions at an earlier day, it would, in some measure, obviate the great evils resulting from the procrastinated length of the sessions.

Mr. CLAYTON observed that this subject had been referred to the Judiciary Committee at the last session, and although the reference had been made at a very late period of the session, yet it had received, as far as circumstances permitted, the consideration of the committee. The greatest difficulty that this subject presented had not been referred to by the Senators from Indiana or Massachusetts, and could not be obviated by making the sessions commence at an earlier day, because the constitutions of some of the States have provided that their elections shall be held in November. The committee had been in some doubt how they could, consistently, with the provisions in the constitutions of some of the States, fix an earlier day for the meeting of Congress than the 1st of December. He was in favor of the reference of the subject to the Judiciary Committee, because, (said he,) when we have it under consideration, gentlemen from the different States can give us information as to the laws of their respective States fixing the periods of their elections. He was not opposed to the inquiry. He had only adverted to the difficulties in the way.

The resolution was then agreed to.

THOMAS F. GORDON.

Mr. PRESTON, from the Committee on the Judiciary, made an unfavorable report on the petition of Thomas F. Gordon.

WRITS OF ERROR.

Mr. PRESTON, from the same committee, reported the bill concerning writs of error in the courts of the United States; which was read.

After the consideration of executive business, the Senate adjourned over to Monday next.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 24, 1835.

Mr. THOMSON, of Ohio, by unanimous consent, submitted a resolution for the election of Chaplain by the House, at one o'clock this day; which was agreed to.

CONSTITUTION OF MICHIGAN.

Mr. MASON, of Virginia, asked the unanimous consent of the House to take up and dispose of the message of the President of the United States, transmitting a copy of the constitution and other documents emanating from a convention in Michigan, in reference to the formation of a State government of said Territory.

The unanimous consent of the House having been obtained,

Mr. M. remarked, when the subject was last before the House, there were three different propositions presented to its consideration. He had moved that the message of the President of the United States, with the accompanying documents on this subject, be referred to a select committee; the gentleman from Ohio [Mr. HAMER] had moved its reference to the select committee already raised on the subject of the northern boundary of Ohio; and the gentleman from Maryland [Mr. HOWARD] moved its reference to the Committee on the Territories.

For himself, (Mr. M. said,) he had no disposition on the subject. He believed, however, that it was very important the subject be speedily acted upon by Congress. He had taken the trouble to examine the Journals of the House, in regard to former applications of a similar character; and he had found, without exception, that the course had been to refer all such applications to a select committee. That was the reason which induced him to make the motion he had. He had the whole of the precedents before him, including every State admitted into the Union from the foundation of the Government. He would again remark, that he had himself no disposition on the subject, but he presumed there was a disinclination on the part of the mover that the subject should go to a separate and select committee. Mr. M. then stated it as his belief that the two subjects ought to be kept separate and distinct, if possible; but, if it met the pleasure of the House, he should be perfectly willing to refer it to the Committee on the Territories, merely remarking that such had been the usage of the House in former instances.

It was true, that in every other case, there had been no conflicting claims; and that circumstance, perhaps, might make an exception to the general rule heretofore pursued with regard to the subject. He hoped the House, however, would promptly refer it either to the one committee or the other, in order that the sense of the House might be speedily ascertained, and the question settled in a way satisfactory to all parties.

Mr. HAMER then withdrew his motion to refer the subject to the same committee to which the message and documents on the northern boundary of Ohio had been referred.

Mr. H. remarked, that in withdrawing his motion his principal object was to present another question to the House. He desired that this whole subject should go to the Judiciary Committee, in order to arrive at a fair expression of the sense of the House. He therefore moved that this matter be referred to the Committee on the Judiciary.

Mr. STORER said, if the gentleman from Virginia [Mr. MASON] would permit the pending question of reconsideration of the vote, referring the President's message on the subject of the northern boundary of Ohio, to be first disposed of, he would interpose no objection to the wishes of the gentleman in regard to the reference of the other document.

Mr. MASON said, he would merely suggest to the House that the two subjects were distinct and independent questions.

The SPEAKER stated the motion first in order would be the reference to the Committee on the Territories.

Mr. VINTON hoped the motion of his colleague [Mr. HAMER] would be adopted, though he had no distrust of any of the other committees named. It was not because he had any objection to the Committee on the Territories, but because he thought it a question that peculiarly belonged to the Judiciary Committee. This question came before the House in a shape different from that which had been presented by the case of any other State or Territory to the House, applying for admission into the Union. In all other cases, except that of Tennessee, which stood upon peculiar circumstances, the admission had been upon a law of Congress previously passed, prescribing the boundaries of the country, and directing the manner in which the convention should be elected; prescribing, in short, all the details preparatory to the admission, so that, when the constitution came back to Congress, in pursuance of the law, nothing remained to be done but to see that the requisites of the law had been complied with. In all former

cases, at least that he had examined, the question had not depended upon the construction of the law, but mere questions of expediency. Now, whether it be expedient to admit Michigan into the Union was clearly not a judicial question, but it stood upon a different footing. She did not claim to come there and demand to be admitted into the Confederacy upon any question of expediency; but she claimed it as a right, based upon the construction of certain laws which made it purely a legal question, and, therefore, within the cognizance of the judicial committee. She based her right upon the construction of the ordinance of 1787, and upon an act of Congress of 1805, upon which she put her own interpretations. These interpretations were disputed; and what committee of that House more proper for their investigation than the Judiciary Committee? He mentioned, besides that of the gentlemen composing the Committee on the Territories, none came from a State west of the Ohio river, and this would offer another objection to that committee. He hoped the House would adopt the reference proposed by his colleague.

Mr. MASON, of Virginia, did not think the subject ought to be referred to the Committee on the Judiciary. He hoped the House would not at this time go into any examination of the merits of the controversy—a controversy he hoped to see adjusted to the satisfaction of all parties. Mr. M. then referred to the proceedings in the cases of Tennessee and Ohio, as recorded in the Journals, in both of which select committees were appointed. Such had been the uniform practice of the House. It was true, that the subject did not appropriately belong to any one of the committees of the House. for it was an extraordinary application. Taken altogether, if a select committee was not the appropriate one, it appeared to him the Committee on the Territories was the most appropriate. Still, he hoped the former course would be adopted.

Mr. HOWARD, having made the motion to refer this matter to the Committee on the Territories, would very briefly state his reasons. He thought so intricate a subject should be referred to one of the regular standing committees of the House, for the reasons he had stated when he made the motion. He was aware of the former usage of the House, to refer applications for the admission of new States into the Union to a select committee, and that that long practice ought not lightly to be departed from; but, since the admission of the last State into the Union, the Committee on the Territories, whose peculiar province he thought this matter was, had been organized—namely, in 1825. Prior to that year no such committee had existed in that House. [Mr. H. then desired the Clerk to read the resolution under which it was organized.] The non-existence of such a committee he believed to be the reason why this subject had been referred to a select committee. That reason, nowever, no longer existed; and he hoped the House would suffer it to take the reference he thought to be the only appropriate one. Mr. H. then referred to the proceedings of the last Congress on the same subject, to be found in the Journal of the House, pages 35 and 398. For himself, (he said,) he was totally indifferent to what committee the House should send it, believing only that the whole subject should go to the same committee. It was for that reason he had made the motion to reconsider the vote by which the House had departed from the practice settled by the last Congress, and referred the subject of the Ohio boundary line to a select committee, instead of to the Committee on the Territories. He hoped, therefore, both subjects would be sent to the latter committee.

Mr. STORER said, whatever difference of opinion there might exist among the delegation from Ohio on other matters, it was with great pleasure he could say, they were all united on this. The question before the House was not merely whether the constitution sent from the people of Michigan should be accepted or not. If that was the only question involved, they might perhaps have little to say. But, here, the northwest boundary of their State was directly connected with it. It was a part of the acts of the convention at Detroit to append to their constitution a portion of the territory the State of Ohio believed to be hers. The question, therefore, to be decided by that House was, where is the northwest boundary of the States of Ohio, Indiana, and Illinois? To meet that question, Mr. S. did think the House ought at once to adopt the motion of his honorable colleague. He trusted, however, that, whatever might be the course of argument on the present occasion, nothing more would be said, as had been heretofore said and published, in relation to the magnitude and resources of the State of Ohio, to crush a weak and inefficient Territory. He could assure the House, the delegation from that State had no disposition to vaunt. They claimed, and would claim, nothing more from that body, or that government, than the humblest State or Territory in the Union. They asked nothing more than justice, simple, abstract, naked justice, and nothing more. He would ask whether the motion was not one that ought to have the unanimous consideration of the House? Why should the subject be referred to a select committee? Why, it had been said, that such had been the uniform practice of the House heretofore, but he would say the cases of Indiana, Illinois, Mississippi, and Alabama, were different from this. Mr. S. then took a review of the reasons why such subjects had formerly been referred to a select committee, and the distinction in the case under consideration, from the controverted points involved. Mr. S. said the State of Ohio did not admit the Territory of Michigan to be a party to this question, but the Government of the United States, which they should hold responsible for every illegal act that had been done during the controversy. He did not mean to say they should hail Michigan into the Union as a sister republic, but they should insist that she should come into the Union as her sisters had done, and not force herself there. After some further remarks in relation to the duties of the Committee on the Territories, which Mr. S. contended did not embrace the examination of this subject, he concluded by earnestly appealing to the House to adopt the motion of his colleague by an unanimous vote.

Mr. LANE also advocated the motion to refer the subject to the Committee on the Judiciary, in opposition to the former practice of the House, which he contended had never had a cause similar to the present. The remarks of Mr. L. embraced the merits of the controversy, and will be given hereafter.

ELECTION OF CHAPLAIN.

The hour of one having arrived,

On motion of Mr. THOMSON, of Ohio, the House proceeded to the election of a Chaplain.

Mr. THOMSON, of Ohio, nominated the Rev. Thomas H. Stockton.

Mr. R. M. JOHNSON nominated the Rev. Oliver C. Comstock.

Mr. EVANS nominated the Rev. Mr. Palfrey.

Mr. JOHN Y. MASON nominated the Rev. Mr. Clark.

Mr. REYNOLDS, of Illinois, nominated the Rev. Mr. Slicer.

Mr. W. B. SHEPARD nominated the Rev. Elias Harrison.

Mr. PINCKNEY nominated the Rev. Reuben Post.

And Mr. CRAIG nominated the Rev. Thomas B. Sergeant.

Messrs. J. THOMSON, R. M. JOHNSON, J. Y. MASON, EVANS, and REYNOLDS of Illinois, were appointed tellers.

The result was as follows:

First Ballot—Whole number of votes, 197; necessary to a choice, 99. Rev. Mr. Comstock, 55; Clark, 33; Harrison, 18; Stockton, 31; Sergeant, 11; Slicer, 10; Post, 23; Palfrey 8; blanks, 8.

Second Ballot—Whole number of votes, 192; necessary to a choice, 97. Rev. Mr. Comstock, 56; Clark, 29; Harrison, 27; Stockton, 34; Sergeant, 12; Slicer, 4; Post, 18; Palfrey, 5; blanks, 7.

Third Ballot—Whole number of votes, 185; necessary to a choice, 93. Rev. Mr. Comstock, 68; Clark, 23; Harrison, 25; Stockton, 45; Sergeant, 9; Post, 10; blanks, 5.

Fourth Ballot—Whole number of votes, 188; necessary to a choice, 95. Rev. Mr. Comstock, 83; Clark, 5; Harrison, 14; Stockton, 73; Sargeant, 5; Post, 3; blanks, 5.

Fifth Ballot — Whole number of votes, 189; necessary to a choice, 95. Rev. Mr. Comstock, 83; Clark, 1; Harrison, 3; Stockton, 96; Post, 1; blanks, 5.

The Rev. Thomas H. Stockton, of Georgetown, having received, on the fifth ballot, a majority of votes, was declared duly elected Chaplain to the House of Representatives.

MESSAGE FROM THE PRESIDENT.

The SPEAKER, by consent, submitted the following message from the President of the United States:

WASHINGTON, *December* 22, 1835.

I transmit herewith, for the information of Congress, a report from the War Department, on the condition of the Cumberland road in the States of Illinois and Indiana.

ANDREW JACKSON.

On motion by Mr. VINTON, the message and accompanying documents were referred to the Committee on Roads and Canals, and ordered to be printed.

COLLECTION OF THE REVENUE.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in reference to the collection of the public revenue, and the compensation of custom-house officers, which,

On motion by Mr. GILLET, was referred to the Committee on Commerce, and ordered to be printed.

NORTH CAROLINA CONTESTED ELECTION.

The SPEAKER also presented additional testimony on the contested election from North Carolina, which,

On motion by Mr. CLAIBORNE, was referred to the Committee on Elections.

The House then adjourned over to Monday.

IN SENATE.

MONDAY, *December* 28, 1835.

Mr. LINN presented the following petitions and memorials.

The petition of William Beaumart, praying remuneration for his expense of time, labor, and money, in prosecuting a series of experiments on the gastric juice, on the person of Alexis San Martin; which was referred to the Committee on Finance;

Papers relative to the claim of John O'Banner, for compensation on account of depredations committed by Sac Indians; which were referred to the Committee on Indian Affairs;

Documents in support of the claim of Samuel Gilbert, for property stolen from him by the Sac Indians; which were referred to the Committee on Indian Affairs;

The petition of Orris Gay, praying for a pension; which was referred to the Committee on Pensions;

The petition of the inhabitants of the town of Commerce, Scott county, Missouri, praying for a new post route; which was referred to the Committee on the Post Office and Post Roads;

Documents in support of the claim of captain Long's company of mounted volunteers, for military services rendered in 1832; which were referred to the Committee on Military Affairs;

Memorial of the Legislature of Arkansas, for the removal of the obstructions to the navigation of the White and St. Francis rivers; which was referred to the Committee on Commerce;

Memorial of sundry citizens of St. Louis, for the establishment of marine hospitals on the western waters; which was referred to the Committee on Commerce;

The petition of Robert Walsh, praying permission to locate a certificate of two hundred arpents of land, under an act for the relief of sufferers by earthquakes in the county of New Madrid; which was referred to the Committee on Public Lands; and

The memorial of sundry citizens of Missouri, praying that the navigation of the river St. Francis may be improved; which was referred to the Committee on Commerce.

Mr. HENDRICKS presented the petition of sundry citizens of Ohio, praying for the establishment of a new post route; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. TALLMADGE, the petition

and papers of Noah Brown, and the heirs of Adam Brown, on the files of the last session, were again referred to the Committee on Claims.

Mr. WEBSTER presented the petition of sundry citizens of Manchester, Massachusetts, praying for an appropriation for the improvement of the harbor of that place; which was referred to the Committee on Commerce.

Mr. TOMLINSON presented the memorial of Samuel Hurlbut, legal representative of Captain George Hurlbut; which was referred to the Committee on Revolutionary Claims.

Mr. NILES presented the petition of the heirs of Colonel William Douglas, of Connecticut, and of Colonel William Bond, of Massachusetts; which were referred to the Committee on Revolutionary Claims.

Mr. KING, of Georgia, presented the petition of George Crawford and Stephen Jones; which was referred to the Committee on the Post Office and Post Roads.

Mr. RUGGLES presented the petition of sundry citizens of Maine, praying that an appropriation may be made for the improvement of the harbor of Owl's Head; which was referred to the Committee on Commerce.

Mr. RUGGLES also presented two petitions, one from sundry citizens of Augusta, and one from sundry citizens of Thomastown, Maine, praying for the establishment of new post-routes; which were referred to the Committee on the Post Office and Post Roads.

On motion by Mr. NAUDAIN, the petition and papers of Doctor Boyd Riley, praying Congress to purchase the right to use his improvement for the application of vapour to the human body, presented at the last session, was referred to a select committee, consisting of Messrs. NAUDAIN, KENT, LINN, GRUNDY, and ROBINSON.

On motion by Mr. KING, of Alabama, the memorial of the Legislature of the State of Alabama, on the subject of the dividing line between that State and Georgia, was again referred to the Committee on the Judiciary.

Mr. BENTON presented the petition of sundry citizens of Alexandria, District of Columbia, numerously signed, on the subject of the financial condition of that town.

The petitioners state, (said Mr. B.,) that the corporate authorities of Alexandria had, to say the least of it, greatly mismanaged the affairs of the town, and that the town had been involved in difficulties and debts beyond its ability to pay, a state of things bearing hard on the middling and industrious classes. The petitioners prayed to be relieved from their Holland debt, and for such other relief in their embarrassments as Congress, in its wisdom, might see fit to grant. Mr. B. presumed that this petition had been put into his hand in consequence of some remarks he made a few days ago on the subject of the District banks, a kindred subject, referring to the embarrassed financial condition of this ten miles square, created, as he believed, by great mismanagement. It was not for him to say anything in aggravation of the case set out by the petitioners. They were, some of them, no doubt, known to some of the members of the Committee on the District, who would inquire into all the circumstances referred to in the memorial. He would move to refer the petition to the Committee for the District of Columbia; which motion was agreed to.

Mr. B. also presented the petition of sundry citizens of Clay county, Missouri, on the subject of Indian Affairs; which was referred to the Committee on Indian Affairs.

Also, the petition of William Moss, of Missouri, on the subject of certain private land claims; which was referred to the Committee on Private Land Claims.

Petitions were also presented by Messrs. CRITTENDEN and PORTER, from persons whose names were not heard.

REPORT OF COMMISSIONER OF PENSIONS.

The CHAIR announced a communication from the War Department, transmitting a report from the Commissioner of Pensions, made in compliance with the resolution of the Senate of the 29th May, 1830; and,

On motion of Mr. TOMLINSON, it was referred to the Committee on Pensions, and ordered to be printed.

NEW YORK FIRE.

Mr. WRIGHT said he was charged with the presentation of a memorial on behalf of the citizens of the city of New York, and more especially in behalf of that portion of those citizens who were sufferers by the late conflagration in that city. Consequent upon that unexampled calamity a public meeting of the citizens of the city was called, and a committee of one hundred and twenty-five persons, distinguished for their standing, was appointed to prepare a memorial to Congress for such relief as it might be supposed Congress could afford. The memorial he held had proceeded from that committee, and was signed by its chairman.

Mr. W. said the memorial was too long to authorize him to ask for its reading at the Secretary's table, and he would, therefore, state, in the condensed language of the memorial itself, the relief prayed for, which was as follows:

1. A remission or refunding of duties on goods in original packages, which have been destroyed by the late conflagration.

2. An extension of credit on all the existing bonds for duties payable in this city, and falling due after the 16th of this month.

3. A general *temporary* extension of the time of payment of cash, and other duties on goods imported into the United States subsequent to the 16th of this month.

4. An investment of a portion of the unappropriated surplus revenue of the United States, at such periods and in such manner as will afford relief to the city of New York.

These (Mr. W. said) were the specific modes of relief prayed for in the memorial. It was not his purpose to consider them at this time; but he felt it to be a duty he owed to his colleague and himself, upon the presentation of this memorial, to trouble the Senate with a single remark. This signal calamity upon a very numerous and most important portion of their immediate constituents had not been unnoticed by them, or failed to excite their most lively anxieties, but upon full deliberation they had believed that they, as the immediate representatives of the State in this body, should best discharge their duties here, and best consult the interests of those who had suffered, to wait any action, so far as action of Congress might be expected, until the specific wishes of those immediately concerned, and therefore most competent to specify their wants, should be made known. That had now been done in the memorial he held in his hand, and he most cheerfully communicated those wishes to the Senate. For the single reason assigned, and for no other, his colleague and himself, up to this time, had remained silent upon this important subject, and had not made any proposition, or in any shape brought the matter to the notice of the Senate.

Mr. W. then moved that the memorial, without a reading, be referred to the Committee on Finance, and that the same be printed.

Mr. WEBSTER said that the memorial presented by the gentleman from New York [Mr. WRIGHT] went into questions of right and expediency. All the specific requests contained in the memorial were certainly such as deserved the prompt and serious action of Congress. For one, he would express an opinion in relation to the last specific remedy mentioned in the memorial. He looked upon that as the most ready and efficacious remedy. They all knew there was a surplus revenue in the Treasury. By this distribution of the funds asked for, an equitable relief would be afforded. The most effectual remedy at present was to make the money market easy.

The memorial was then referred to the Committee on Finance, and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. SOUTHARD, from the Committee on Naval Affairs, to which the subjects had severally been referred, reported the following bills; which were read and ordered to a second reading:

A bill for the relief of Henry B. Tyler, executor of Colonel Richard B. Smith, deceased;

A bill providing for the settlement of the accounts of Michael Hogan, deceased;

A bill to fix the compensation of certain clerks in the Navy Department; and

A bill for the relief of Commodore Isaac Hull.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the memorial of Doctor James T. Barclay, of Virginia, on the subject, reported a joint resolution, directing that certain experiments be made at the Mint of the United States, under the direction of the said Doctor Barclay, with a view to an improvement of the gold coins of the United States; which was read, and ordered to a second reading.

Mr. WEBSTER, from the Committee on Finance, to which the memorial on the subject had been referred, reported a bill for the relief of the owners of the brig Despatch and cargo; which was read, and ordered to a second reading.

Mr. WHITE, from the Committee on Indian Affairs, to which had been referred the petition of Benjamin Murphy, reported a bill for his relief; which was read, and ordered to a second reading.

BILL INTRODUCED.

Mr. ROBINSON, in pursuance of notice given, asked and obtained leave, and introduced a bill to establish a surveyor general's office in Illinois; which was read twice, and referred.

RESOLUTIONS SUBMITTED.

Mr. HENDRICKS submitted the following resolutions; which lie on the table one day:

Resolved, That the Secretary of War be directed to communicate to the Senate the report of a survey recently made under the direction of the War Department, "of a road from the Maumee Bay, through the northern counties of Indiana, to or near the rapids of Illinois river, and thence to the Mississippi river to some point between Rock Island and Quincy."

Resolved, That the Committee on Claims be instructed to inquire into the expediency of authorizing, by law, a final settlement of the claims of the legal representatives of John H. Piatt, deceased, on principles of equity, and that the documents in the case be referred to the same committee.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry, or a port of delivery, at Michigan City.

RESOLUTIONS AGREED TO.

The resolutions submitted on Thursday last by Messrs. GOLDSBOROUGH, GRUNDY, PORTER, and HUBBARD, were severally considered and agreed to.

BILLS REFERRED.

The following bills were severally read the second time and referred:

The bill to change the organization of the General Post Office;

The bill providing for the increase of the corps of Engineers, and for other purposes;

The bill to grant the State of Missouri a certain quantity of land for the purposes of internal improvement;

The bill for the relief of Sebastian Butcher and others; and

The bill for the relief of Joseph Hertick.

NEWSPAPERS TO SENATORS.

The joint resolution for the supply of Senators with newspapers, was read a second time, and considered as in Committee of the Whole, and ordered to a third reading.

NOTICES OF BILLS.

Mr. BENTON gave notice that he would, to-morrow, ask leave to bring in a bill providing for a better organization of the corps of United States Topographical Engineers.

Mr. LINN gave notice that, on to-morrow, he would ask leave to introduce the following bills:

A bill for the payment of a debt due to the heirs of Antoine Peltier;

A bill for the payment of a debt due to Joseph Bogy;

A bill for the payment of a debt due to Pierre Menard;

A bill confirming the title of Joseph Sorin, *alias* La Rochelle, and those claiming under him, to a tract of land in Missouri; and

A bill providing for the erection of certain surveys of the public lands.

Mr. CALHOUN gave notice, that on to-morrow he would ask leave to introduce the following resolution and bills, viz:

A resolution, proposing an amendment to the Constitution of the United States, providing for a distribution of the surplus revenue among the several States and Territories until the year 1843;

A bill to regulate the deposits of the public money; and

A bill to repeal the first and second sections of "an act to limit the term of office of certain officers therein named," approved the 15th of May, 1820, and for other purposes.

After the consideration of executive business, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 28, 1835.

Mr. JARVIS, by unanimous consent, submitted the following resolution; which was agreed to:

Resolved, That a committee be appointed, whose duty it shall be to consider all matters touching the public buildings and public grounds within the city of Washington, with leave to report by bill or otherwise.

The committee was ordered to consist of nine members.

Mr. LOYALL, on leave, submitted the following resolution; which was agreed to:

Resolved, That a committee of three be appointed on the part of this House, who, together with three persons to be appointed on the part of the Senate, shall direct the expenditure of the money appropriated for the Library of Congress.

CONSTITUTION OF MICHIGAN.

The House resumed the consideration of the message of the President of the United States, transmitting a copy of the Constitution and other documents, originating with a convention in the Territory of Michigan, with a view to the formation of a State government out of said Territory.

The question pending was that of reference, a motion having been made to refer the subject to the Committee on the Territories, and also a motion to refer to the Committee on the Judiciary.

Mr. WILLIAMS, of North Carolina, said he would avail himself of this opportunity to say a few words on this subject. He believed this an entirely new question—that the House had never, on any former occasion, entertained one precisely similar to this. The general rule, he understood, was, that when a subject is proposed, although in some respects it may be new, yet, if it be referable to any of the standing committees, it ought to be referred to said committee. This he took to be the general rule of this House, and it struck him that this subject ought to go to some one or other of the standing committees. It seemed to be a question whether this subject ought to go to the Committee on the Territories, or to the Committee on the Judiciary. He thought it ought to be referred to the Committee on the Judiciary. This question, in relation to the boundary of Michigan, had heretofore been submitted to the Committee on the Territories, and that committee, after an investigation of some days, would not take upon themselves the decision of it, because they considered it a judicial matter; and if it was a judicial matter then, it is certainly a judicial matter now. Whenever a question involving any point of law is to be referred, it is referred to the Committee on the Judiciary. There are involved in this question various points of law. The gentleman from Virginia, [Mr. JOHN Y. MASON,] said that all precedents were in favor of a select committee. He asked the gentleman where there was an instance precisely analogous to the present one. If, then, it be conceded that the Judiciary Committee is the correct one to determine all matters of law, it certainly is the committee to which this subject should be appropriately referred.

Mr. MASON, of Virginia, said as there seemed to be some confusion of the question under consideration, he would withdraw his motion to refer to a select committee. He said, in the cases heretofore of the admission of new States, there had been a law passed authorizing the people to meet in convention and form a constitution. At present Michigan has established a constitution, and she claims it as her right to be admitted into the Union. He remembered that the Committee on the Territories had reported a bill authorizing the people to do the very thing they have now done, but it was not considered. The subject now to be investigated is this: Is Michigan entitled to be admitted as a State into the Union? He said the boundary question had already been referred to an able committee, and he hoped the merits of the question, when they came to be discussed, would be met in a spirit of liberality and justice. In his mind, the judicial question could hardly be settled by this House. Michigan asks, as one of the States, to be admitted into the Union. That is the question. The boundary question ought to be kept separate and distinct. He was disposed to decide the question fairly and impartially. His impression was that it ought to go to the Committee on the Territories.

Mr. WHITTLESEY said he was glad the gentleman from Virginia had withdrawn his proposition, referring this matter to a select committee. He said the gentleman had fallen into a mistake. So far from this being an incidental question, it was the main question. It is not whether Michigan has a right to come here and claim admission into the Union; but it is whether we will give her the boundaries she prescribes in her own constitution. She claims a tract of country which has no right to be under her jurisdiction, and this subject is to be referred to the Committee on the Territories. Sir, the Committee on the Judiciary is certainly the most appropriate committee. Will you refer a subject to the Committee on the Territories, which, by their decision, may transfer a great number of citizens of the State of Ohio to the Territory or State of Michigan? This would be the consequence of sending this matter to that committee. He said he had as much confidence in the Committee on the Territories as the gentleman from Virginia; but he wished to have them confined to their appropriate duty; and he hoped that we should all come to the decision that this question ought to be referred to the Committee on the Judiciary.

Mr. CORWIN said, if gentlemen would refer to the constitution of Michigan which had been laid on the Speaker's table, they would find that she asked to be admitted with her boundary established, and prescribed by herself. She does not ask us to alter her constitution, but to admit her with her boundaries already fixed. What will be the consequence of admitting this State into the Union with the boundary prescribed in her constitution? Why, the direct consequence will be that Congress will have determined this to be the proper and true boundary of the State. Congress has no power to alter her constitution; and if she is admitted she must be admitted with her own boundary. He thought the Committee on the Judiciary the most appropriate committee to refer this matter to. He said if the House wanted a decision which was to be satisfactory, let it come from that committee to whom the nation looks for a legal decision. If it went elsewhere, the people would not believe that the question had been decided by the proper committee.

Mr. HOWARD said, understanding it to be the wish of the gentlemen from Ohio to get a vote on their motion for a reference to the Committee on the Judiciary, he would not impede that wish, though he should himself vote against it. He hoped it would be sent to the Territorial Committee, believing, as he did, that to be the proper course. The delegation from Ohio were said to be unanimous on this question, and if the House should consent to the motion of the gentleman from that State, [Mr. HAMER,] it would perhaps create distrust in the minds of the people of Michigan. Besides, (Mr. H. contended,) this was not a judicial question. It was a question of expediency, entirely out of the consideration of the Judiciary Committee. There was no point of legality involved in it. He should vote against that reference; but for the purpose of accommodating the gentlemen from Ohio, would, for the present, waive his motion to refer the matter to the Committee on the Territories, pledging himself to renew it, should the House reject, as he hoped it would, the motion to refer the subject to the Committee on the Judiciary.

Mr. REYNOLDS, of Illinois, asked for the yeas and nays; which were ordered.

Mr. WILLIAMS, of North Carolina, again advocated the question before the House, that the Committee on the Judiciary was the only proper tribunal to which this subject should be sent.

Mr. H. EVERETT hoped both questions, that of the Ohio boundary line and the Michigan constitution, would be sent to the same committee; for the consideration of the one question necessarily embraced the other. If the question of boundary was the only one, he would have no objection to send it to the Committee on the Territories; but the other involved matters purely of a legal character, and of itself would go to the Judiciary Committee. Being of opinion that both should go to the same committee, he should vote in favor of the motion then before the House, to send the whole subject to the Committee on the Judiciary.

The question was then taken on this motion, and decided as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Ashley, Bailey, Beardsley, Bell, Bond, Boon, Boyd, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carr, Carter, Casey, Chaney, Childs, Claiborne, Clark, Cleveland, Coles, Conner, Corwin, Craig, Crane, Darlington, Davis, Deberry, Denny, Evans, Everett, Farlin, Forester, French, Philo C. Fuller, Rice Garland, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hamer, Hammond, Hannegan, Hard, Hardin, Harlan, Harper, Hazeltine, Heister, Hoar, Howell, Hubley, Hunt, Huntsman, Janes, Jarvis, Cave Johnson, Henry Johnson, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Lay, Luke Lea, Lincoln, Lucas, Sampson Mason, Maury, May, McCarty, McKennon, McLene, Mercer, Milligan, Morris, Muhlenberg, Page, Parker, Patterson, Pettigrew, Phillips, Pinckney, Reed, Rencher, John Reynolds, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, John Thomson, Waddy Thompson, Underwood, Vinton, Webster, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—113.

NAYS—Messrs. Adams, Anthony, Barton, Beale, Bean, Beaumont, Bovee, Brown, Buchanan, Burns, Cambreleng, Chapman, Chapin, Coffee, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Effner, Fairfield, Fowler, Fuller, Galbraith, Garland, Gillet, Glascock, Haley, Samuel S. Harrison, Albert G. Harrison, Haynes, Henderson, Holsey, Hopkins, Howard, Huntington, Ingham, William Jackson, Jabez Jackson, Joseph Johnson, John W. Jones, Judson, Lapoate, Lawler, Joshua Lee, Leonard, Loyall, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, Moses Mason, McKeon, McKim, Miller, Montgomery, Morgan, Owens, Parks, Dutee J. Pearce, Franklin Pierce, Phelps, Joseph Reynolds, Rogers, Schenck, Seymour, Smith, Sprague, Taylor, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, and Weeks—77.

So the message of the President of the United States, and the accompanying documents, were referred to the Committee on the Judiciary.

NORTHERN BOUNDARY OF OHIO.

Mr. HOWARD hoped the House would then take up the motion to reconsider the reference of the papers on the northern boundary line of Ohio to a select committee, and he moved a suspension of the rules for that purpose. The rules were suspended—ayes 124, noes not counted.

Mr. ADAMS inquired what would be the effect if the motion to reconsider prevailed?

The CHAIR said it would place the subject in possession of the House precisely as if no reference had ever been made.

Mr. BOND said, the very fact that the delegation from Ohio were unanimous on this question, ought to be a convincing proof of their impartiality and justice It was not that they had any want of respect for the gentleman at the head of the select committee, [Mr. ADAMS,] but the gentleman had before had the subject before him, and his opinions were known to be unfavorable to one of the parties in this suit. There was, therefore, a manifest propriety, in his opinion, why that committee should not have charge of this matter. Besides, this was a legal and judicial question, involving controverted points on ordinances and acts of Congress, and was one properly belonging to the Judiciary Committee.

Mr. ADAMS would have very little to say on the question of reconsideration, for if the House should see fit to reconsider, and give the subject a different reference, it would relieve him and his colleagues on the select committee from a most painful and laborious duty. But as the gentleman from Ohio had referred to Mr. A.'s opinion on this subject, he felt himself compelled to make a few remarks. Mr. A. referred to the proceedings of the committee on the bill from the Senate, settling the Ohio boundary line last session. That committee consisted of seven members, and six out of the seven were of opinion that the State of Ohio had no right to the disputed territory, but they believed that Michigan was entitled to it by every law, human and divine. Since that time transactions of great moment to the peace and welfare of the whole Union had occurred. The State of Ohio, by her legislative and executive authorities, had undertaken to settle this question by main force. She had brought out her armies in array to settle this question, and if those armies had not been met by the adverse and hostile armies of the other party, it had been more owing to the discretion of the President of the United States than to the discretion of either of the parties in this controversy. Under these circumstances, his friend from Ohio would permit

him to consider the Territory of Michigan as a party to this controversy. The case was now this: peace having been preserved between these two parties, the President of the United States had sent to Congress two messages; the one consisting of the constitution of the State of Michigan, formed by the people of that State, conformable to the rights secured to them as citizens of the United States by the Constitution of the United States, under the act of Congress of 1805, and under the irrepealable ordinance of 1787, constituting the same identical boundaries, the President had sent to Congress a message on the subject of the boundary line. With that constitution the representative of that State had presented himself there, and under the claim of rights secured to him by the Constitution of the United States, had claimed a seat in that House. To the other branch of Congress the State had elected Senators upon the same principle; who, under the same claim of right, had presented themselves there for admission, and had been admitted as spectators. To Mr. A.'s extreme regret, the Representative from the State of Michigan in that House had not yet been admitted upon the floor even as a common spectator. It became Mr. A. to say that he did not pretend to any such thing as impartiality between those two parties, and if the sentiment of partiality, or his sense of justice, were to disqualify him from acting as a member of a committee of the House upon this subject, how were twenty-nine members of that House, who were interested on this question, to be qualified? Theirs was not a matter of partiality, or a matter of justice, but of interest. They were all united as one man. Yes, the nineteen members from Ohio, the seven from Indiana, and the three from Illinois, were all united as one man. He wished to tell these gentlemen that while he considered them all men who would, on every other question, act under a sense of justice, the question under consideration being one neither of partiality nor of impartiality, there could not be a difference of opinion among them on this question. It was to them a mere question of interest, and not a question of right, upon which they and their constituents had their arms in their hands, ready to shed the blood of their fellow-citizens with the same unanimity they came there to vote in favor of this same right of interest. And because a member of the House, having no interest in the question, had expressed his opinion on this subject, was he to be considered more disqualified than those gentlemen? Because, as a mere question of right and wrong, a member of that House had heretofore expressed, in the discharge of his duty to that House and the country, an opinion that these gentlemen had nothing but power on their side, and no right, was he to be considered disqualified as a member of a committee on the subject? Besides, the committee did not decide the question at all, but merely gave their counsel and advice to the House: and yet these gentlemen get up and say that that member was disqualified, from having formerly given an opinion, to act on such a committee! He could not but admire the sense of justice that enabled these gentlemen to disqualify a member, because he happened to have an opinion at variance with their interest, when twenty-nine of them, one after another, would vote on it, when it was not with any one of them a question of partiality or justice, but one of interest. There were twenty-nine members, whose States they represented were directly interested in the question, having and exercising the right to vote; and a single individual, representing the Territory of Michigan, who had to sustain the rights of his constituents upon that floor by the powers of speech alone, for he had no vote; and he believed a vote was always worth more than a speech. He was afraid, too, there were thirty-five more beside the twenty-nine, who were operated upon by other considerations he would not mention. It was his determination to be open and explicit on this subject, and he had offered the resolution for its reference to a select committee, not of his own instigation, for he was well aware it would be a most ungracious duty, but at the request of the Delegate from Michigan. He wished that a report on this subject should be presented from a committee of that House, which had never yet been done. A bill was passed by the other branch, sent to that House, and the only report made by a committee, was one simply stating that the bill ought not to pass. He had seen an Ohio document, a very able one it was, for it consisted of declarations of the power of Congress, but not one single iota of argument, nor one single reference to any question of right between the two parties did it embrace. When it came to that House, at the close of the session, the whole subject was referred to a select committee, and that committee, after hearing the parties on both sides, day after day, for more than a week together—hearing one of the ablest members of that House from Ohio on his side, and hearing the then Delegate from Michigan on the other—that committee came to the conclusion he had stated; six out of seven concurring that Ohio had no right to this disputed territory. They made no report, for there was not time to exhibit the full and entire merits of the question, but contented themselves with simply reporting that the bill from the Senate ought not to pass; and upon that recommendation the subject went over to the close of that session.

The gentleman who represented the Territory or State of Michigan came to Mr. A. at the commencement of the present session, and asked him to move the reference of the President's two messages to a select committee. Mr. A. told him that he would, with pleasure, move the reference of one of them to a select committee,—that was the one on the boundary question; but he said it would be most proper that the two messages should be referred to two distinct committees, each of whom should have the subject fully before them, and each of whom might be called upon to make a report thereon to the House, if they concurred; then the House might act unanimously. If they differed, at least everything would be said that could be said on each side of the question. He thought it, therefore, best that the two subjects should be referred to two distinct committees; and, accordingly, he made the motion that one should be referred to a select committee, leaving the other to take whatever reference the House might think proper. He should say no more on the subject. The House would decide as they thought fit, and as they thought would be consistent with justice. For himself, (Mr. A. said,) he should feel himself relieved from one of the most painful of public duties which had ever devolved upon him, if the House should tranfer the duties of this select committee, of which he had the honor to be chairman to one of its standing committees.

Mr. STORER addressed the House in reply to Mr. ADAMS, and in defense of the measures adopted by the State of Ohio, in reference to the boundary between Ohio and Michigan. He was in favor of reconsidering the vote whereby the subject had been referred to a select committee, principally on the ground that the chairman of that committee had prejudged the case, that his opinion was made up, and that the weight of his name would have an undue influence upon the decision of the controversy.

Mr. LANE next addressed the House in reply to the gentleman from Massachusetts, and in opposition to the reference to a select committee. He was in favor of sending the subject to the Committee on the Judiciary—a committee which would do entire justice to all parties concerned.

Mr. VINTON also rose in reply to Mr. ADAMS. He was unwilling to submit questions involving the rights of States, to a committee, the chairman of which had avowed himself prejudiced, and who stated that his opinions were made up. Mr. V. reviewed the past history of the boundary question, and urged the propriety of sending the subject to the Judiciary Committee, or at least to an impartial committee.

Mr. ADAMS asked for the yeas and nays on the motion to reconsider; which were ordered, and were as follows:

YEAS—Messrs. Chilton Allan, Bailey, Bockee, Bond, Boon, Buchanan, Bunch, William B. Calhoun, Campbell, Carter, Casey, Chaney, Chapman, Chapin, Childs, Claiborne, Clark, Connon, Corwin, Craig, Crane, Cushing, Davis, Dromgoole, Effner, Evans, Everett, Farlin, Forester Philo C. Fuller, James Garland, Rice Garland, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hamer, Hammond, Hannegan, Hardin, Harlan, Harper, Samuel S. Harrizon, Hazeltine, Hoar, Howard, Howell, Hubley, Huntsman, Janes, Jarvis, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lawrence, Gideon Lee, Luke Lea, Loyall, Lucas, Martin, Sampson Mason, Maury, May, McCarty, McKennon, McKim, McLene, Mercer, Morris, Page, Patterson, Pettigrew, Phillips, Pinckney, Reed, Rencher, John Reynolds, Rogers, Russell, William B. Shepard, Augustine H. Sheppard, Shields, Slade, Sloan, Spangler, Standefer, Storer, Taliaferro, Thomas, John Thomson, Waddy Thompson, Toucey, Underwood, Vinton, Webster, Lewis Williams, and Wise—107.

NAYS—Messrs Adams, Heman Allen, Anthony, Ashley, Barton, Beale, Bean, Beardsley, Beaumont, Borden, Briggs, Brown, Bynum, Cambreleng, John Chambers, Cleveland, Coffee, Cushman, Darlington, Deberry, Denny, Doubleday, Fairfield, Fowler, French, William K. Fuller, Galbraith, Gillet, Glascock, Haley, Joseph Hall, Haynes, Henderson, Heister, Holsey, Hopkins, Hunt, Ingham, Jabez Jackson, Joseph Johnson, Cave Johnson, Lansing, Laporte, Lawler, Lay, Joshua Lee, Leonard, Lincoln, Lyon, Job Mann, John Y. Mason, William Mason, Moses Mason, McComas, Miller, Montgomery, Morgan, Muhlenberg, Parker, Parks, Dutee J. Pearce, Franklin Pierce, Phelps, Potts, Robertson, Schenck, Seymour, Shinn, Smith, Sprague, Taylor, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Weeks, and Sherrod Williams—79.

So the House determined to reconsider the vote referring the President's message in relation to the northern boundary of Ohio, to a select committee.

Mr. HAMER moved to refer the subject to the Committee on the Judiciary.

Mr. ADAMS then withdrew his motion to refer to a select committee.

The motion to refer the papers to the Committee on the Judiciary was then agreed to.

On motion by Mr. EVANS, the House adjourned.

IN SENATE.

TUESDAY, *December* 29, 1835.

The CHAIR announced a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the Senate, the report of the surveyors appointed to run and mark the northern boundary of the State of Ohio; which, on motion of Mr. ROBINSON, was referred to the Committee on the Judiciary, and ordered to be printed.

PETITIONS, MEMORIALS, ETC.

Mr. PORTER presented the memorial of R. W. Meade; which was referred to the Committee on Claims.

Mr. KENT presented the following petitions:

The petition of William A. Gordon; which was referred the Committee on Claims;

The petition of Stockton & Stokes, mail contractors; which was referred to the Committee on the Post Office and Post Roads;

The memorial of the President and Directors of the Bank of Washington, praying for a renewal of their charter; which was referred to the Committee for the District of Columbia; and

The petition of Barbara Mudd and others, and the petition of Eliza Causin and Ann Turner: which were referred to the Committee on Revolutionary Claims.

Mr. TOMLINSON presented the petition of Lewis Newrisha, praying for a pension; which was referred to the Committee on Pensions.

On motion of Mr. SOUTHARD, the memorial of the corporate authorities of Washington, presented yesterday, was ordered to be printed.

BILLS INTRODUCED ON LEAVE.

Mr. KING, of Alabama, on leave, introduced a bill for the relief of Thomas Rhodes and Jeremiah Austin; and a bill for the relief of Theodore Brightwell; which were severally read twice and referred.

PROCEEDS OF THE PUBLIC LANDS.

Mr. CLAY, in pursuance of notice given, asked leave and introduced a bill to distribute for a limited time the proceeds of the sales of the public lands among the States, and for other purposes.

A BILL to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting land to certain States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirty-first day of December, in the year of our Lord one thousand eight hundred and forty-one, there be allowed and paid to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, over and above what each of the said States is entitled to by the terms of the compacts entered into between them and the United States, respectively, upon their admission into the Union, the sum of ten per centum upon the net proceeds of the sales of the public

ands, which, subsequent to the day aforesaid, shall have been, or may be made within the several limits of the said States; which said sum of ten per centum shall be applied to some object or objects of internal improvement within the said States, under the direction of their respective Legislatures: *Provided*, That the sum so allowed to the said States, respectively shall be in no wise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland road, but that the disbursements for the said road shall remain, as heretofore, chargeable on the two per centum fund provided for by compacts with several of the said States.

SEC. 2. *And be it further enacted*, That after deducting the said ten per centum, and what, by the compacts aforesaid, has heretofore been allowed to the States aforesaid, the residue of the net proceeds—which net proceeds shall be ascertained by deducting from the gross proceeds all the expenditures of the year for the following objects: salaries and expenses on account of the General Land Office; expenses for surveying public lands; salaries and expenses in the surveyor general's office; salaries, commissions, and allowances to the registers and receivers; the five per centum to new States—of all the public lands of the United States, wherever situated, which shall have been, or may be sold subsequent to the said thirty-first day of December, shall be divided among the twenty-six States of the Union, according to their respective Federal representative population, as ascertained by the last census, to be applied by the Legislatures of the said States to education, colonization, internal improvements, or the reimbursement of debt created for internal improvements: *Provided*, That nothing herein contained shall be construed to the prejudice of future appropriations for a reduction of the price of the public lands, or to the prejudice of applications for a transfer of the public lands, on reasonable terms, to the States within which they lie, nor to impair the power of Congress to make such future disposition of the public lands, or any part thereof, as it may deem expedient.

SEC. 3. *And be it further enacted*, That the several sums of money received in the Treasury as the net proceeds of the sales of the public lands shall be paid at the Treasury half yearly on the first day of January and July in each year, during the continuance of this act, to such person or persons as the respective Legislatures of the said States shall authorize and direct to receive the same.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force until the thirty-first day of December, one thousand eight hundred and forty-six, unless the United States shall become involved in war with any foreign Power, in which event, from the commencement of hostilities, this act shall cease and be no longer in force: *Provided, nevertheless*, That if, prior to the expiration of this act, any new State or States shall be admitted into the Union, there be assigned to such new State or States the proportion to which such State or States may be entitled, upon the principles of this act, so much of the proceeds as shall accrue after their admission into the Union, and upon the principles of any of the compacts made as aforesaid with either of the [nine] States first mentioned.

SEC. 5. *And be it further enacted*, That until the said thirty-first day of December, one thousand eight hundred and forty-one, there shall be annually appropriated for completing the surveys of said lands, a sum not less than ——— dollars; and the minimum price at which the public lands are now sold at private sale shall not be increased; and in case the same shall be increased by law, within the period aforesaid, so much of this act as provides that the net proceeds of the sales of the public lands shall be distributed among the several States, shall, from and after the increase of the minimum price thereof, cease and become utterly null and of no effect, anything in this act to the contrary notwithstanding.

SEC. 6. *And be it further enacted*, That whenever, for two successive years, it shall appear to the Secretary of the Treasury that the net proceeds of the sales of the public lands, within any land district now established, or which may hereafter be established by law, shall not be sufficient to discharge the salaries of the officers employed by the United States within such district, he may discontinue such offices, and the lands contained in such district, remaining unsold, shall, in such case, be annexed to the adjoining district.

SEC. 7. *And be it further enacted*, That there shall be granted to each of the States of Mississippi, Louisiana, Missouri, Arkansas, and Michigan, the quantity of five hundred thousand acres of land; to the State of Indiana, one hundred and fifteen thousand two hundred and seventy-two acres; to the State of Illinois, twenty thousand acres; and to the State of Alabama, one hundred thousand acres of land, lying within the limits of said States, respectively; to be selected in such manner as the Legislatures thereof shall direct, and located in parcels, conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location, on any public land subject to entry at private sale; which said locations may be made at any time within five years after the lands of the United States, in said States respectively, shall have been surveyed, and offered at public sale, according to existing laws.

SEC. 8. *And be it further enacted*, That the lands herein granted to the States above named shall not be disposed of at a price less than one dollar and twenty-five cents per acre, until otherwise authorized by a law of the United States; and the net proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement within the States aforesaid, respectively, namely: roads, bridges, canals, and improvement of water-courses, and draining swamps; and such roads, canals, bridges, and water-courses, when made or improved, shall be free for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

Mr. CLAY said, that borne down as he was by private affliction, he felt illy prepared to obtrude himself upon the attention of the Senate. He, however, had thought that even private affliction ought not to hinder him from the discharge of a public duty. He arose, in pursuance of notice given yesterday of his intention to introduce a bill providing for the distribution of the surplus revenues among the several States and Territories. He felt it incumbent on him to give the following explanation. The bill (said he) proposes a distribution of the proceeds of the public lands for the years 1834,-'35,-'36, and '37, and corresponds with that offered in 1832. [Here Mr. C. went into a detail of the provisions of the bill.] He would, for one, have been willing to have divided among the seven new States the twelve and a half per cent., but that had been objected to by the President of the United States; and objections had been made to it from other quarters. He had, therefore, thought it proper to restrict it to a more moderate sum, (ten per cent.) Mr. C. recited the several amounts of surplus revenue in the years 1833,-'34, and '35, making an aggregate of more than twenty-one millions of dollars. After deducting the percentage reserved to the new States, he went into a recapitulation of the proportion that would be given to each of the States; and the proportion of all the States he had pressed into a table he had in his hand, prepared at the Secretary's office, to which access might be had by any one who desired it.

The President, in a former message, had adverted to the public lands and the relief of the country from the public debt; and, moreover, had expressed a willingness to coöperate in any measure adopted by Congress, calculated to preserve the harmony, and advance the prosperity of the Union. The bill was passed and presented to him; but was retained by him, as he (Mr. C.) thought, contrary to the Constitution of the United States. It was said, and believed at the time, that the President had, in anticipation of the passage of the bill, prepared his objections, and it was believed that if it had been returned, it would have passed by the constitutional majority. There are those, Mr. President, (said he,) who believe that this bill, having thus been detained contrary to the Constitution, is now the law of the land. The money arising from these lands was a matter of public trust, and the Government had a right to distribute the proceeds of the three last as well as of the two next years. No one could have read the report of the Secretary of the Treasury without the conviction that it was prudent at all times, rather to underrate than overrate the estimate in the Treasury. He believed that when the returns came in, it would be found to greatly exceed the amount of the estimate of the Secretary of the Treasury. This was not the time for him to enter into an estimate of the probable receipts of the Treasury hereafter. It was not, however, difficult to show that, exclusive of the surplus, as reported, there would be abundant funds left for the ordinary expenses of Government.

This bill (said Mr. C.) provides, that its operation shall cease in case of a war, and in that event provides for a vigorous prosecution of the war. He wished his opinions not to be misconceived. He did not wish it to be understood that he believed the General Government had the power to levy and collect taxes solely for the purposes of distribution among the States. This bill was founded upon express stipulations in the several deeds by which the public lands have been ceded by the several States to the Government. He had ever regarded, with the profoundest regret, the decision of the President. If he (the President) had pursued a different course, the several States could respectively have prosecuted with energy the great objects of internal improvement, education, and colonization. [Here Mr. CLAY expatiated at some length upon the blessings and advantages of these objects.] When we institute a comparison, said he, between what might have been done, with these twenty millions, and what has been done, our sensations of regret become infinitely deep. Instead of becoming an object of national benefit, it had been an object of scramble. Instead of advancing the great interests of our country, it had been appropriated to partial and local objects, scattered about among a parcel of petty corporations, who stand growling over it, and the Secretary of War was brooding over schemes to squander the whole! The spirit of improvement pervaded the country—all it wanted was an intelligent direction of the means. Maryland had constructed her great causeway over the mountains. Pennsylvania had completed another improvement still bolder in conception, and more arduous in completion. Virginia had evinced her spirit of improvement, and a fourth State, still further South, had commenced an important work; but without the aid of this fund, he feared she could never accomplish it.

Let us, said he, give to the States what is their own—the proceeds of the public lands. Placing this exhaustless fund in the hands of the President was giving him the power described by the British bard.

This affair of the public land had originally been forced upon him; a motion was made from a quarter unfriendly to him to refer the subject to the Committee on Manufactures, of which he was a member, and to which motion he was opposed, as not properly belonging to that committee. But the unnatural alliance was ordered by a vote of the majority of the Senate. He felt that a personal embarrassment was intended for him. He felt as if a many-edged instrument had been put into his hands, the handling of which would necessarily wound him. Scarcely was the report which accompanied the bill read, till a motion was made to refer it to the Committee on Public Lands, to produce a countervailing report. But, in despite of all exertions, the bill passed. He now felt anxious for the passage of the bill. No bill was fraught with more unmixed good or enduring benefit to the nation than it was. If he could be instrumental in effecting its passage, he should go into retirement, into which he shortly expected to go, with highly gratified feelings, which he described in emphatic language.

Mr. C., in conclusion, took a retrospect of his past life. He adverted to the circumstance of his being left an orphan, his widowed mother, her numerous offspring, and embarrassed circumstances—unaided himself by adventitious circumstances, he felt as if he ought to be grateful to his countrymen for the high honors their partiality had conferred upon him, for which, in return, he had aimed at an honest, faithful, and zealous discharge of his duties.

The bill was then read twice, and referred to the Committee on Public Lands.

DISTRIBUTION OF SURPLUS REVENUE.

Mr. CALHOUN, in pursuance of notice given, asked and obtained leave, and introduced the following bills; which were read and ordered to a second reading:

A resolution proposing an amendment to the Constitution of the United States, providing for a distribution of the surplus revenue among the several States and Territories, until the year 1843;

A bill to regulate the deposits of the public money; and

A bill to repeal the first and second sections of "An act to limit the term of office of certain officers therein named," approved the 15th of May, 1820, and for other purposes.

REDUCTION OF DUTIES.

Mr. CALHOUN submitted the following resolution; which was laid on the table:

Resolved, That the report of the Secretary of the Treasury of the 15th instant, relative to the duties that may be reduced or repealed, be referred to the Committee on Manufactures, with instructions to report a bill providing for the reduction or repeal of all duties which, in their opinion, may be reduced or repealed consistently with a due regard to the manufacturing interests.

BILLS INTRODUCED.

Mr. LINN, in pursuance of notice given, asked and obtained leave, and introduced the following bills; which were severally read, and ordered to a second reading:

A bill for the payment of a debt due to the heirs of Antoine Peltier;

A bill for the payment of a debt due to Joseph Bogy;

A bill for the payment of a debt due to Pierre Menard;

A bill confirming the title of Joseph Sorin, *alias* La Rochelle, and those claiming under him, to a tract of land in Missouri; and

A bill providing for the execution of certain surveys of the public lands.

RESOLUTIONS AGREED TO.

The three resolutions submitted yesterday by Mr. HENDRICKS were severally considered and agreed to.

JAMES BARRON'S PATENT.

The bill to extend the patent right of James Barron was read the second time, and considered as in Committee of the Whole, and ordered to a third reading.

NEWSPAPERS FOR SENATORS.

The joint resolution for the supply of the Senate with newspapers was considered; and after some remarks in opposition to it from Mr. KING, of Georgia, and an ineffectual motion by Mr. KNIGHT to lay it on the table, it was ordered to be engrossed—yeas 31, nays 7.

After the consideration of executive business, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 29, 1835.

The Hon. ELI MOORE, of New York, attended and was qualified.

THE APPROPRIATION BILLS.

Mr. CAMBRELENG remarked, that he was instructed by the Committee of Ways and Means to report several appropriation bills. He would move to suspend the rule, in order to afford an opportunity to the standing committees generally to report.

Mr. MERCER objected to the motion. Several of the committees had, at this time, no business before them.

The motion was disagreed to.

Mr. CAMBRELENG then moved to suspend the rule, for the purpose of enabling the Committee of Ways and Means to report, and have printed, certain appropriation bills.

This motion was also negatived—ayes 93, noes 50—two thirds being necessary.

PETITIONS, MEMORIALS, ETC.

Petitions and memorials were presented by Messrs. ADAMS, LAWRENCE, BORDEN, GRENNELL, REED, HOAR, JACKSON, and PHILLIPS, of Massachusetts.

Mr. PEARCE, of Rhode Island.

Messrs. TOUCEY, INGHAM, HALEY, and JUDSON, of Connecticut.

[Mr. JUDSON presented the petitions of the mayor, alderman, &c., of the city of Norwich, praying that the city of Norwich be constituted a port of entry; which were referred to the Committee on Commerce, and ordered to be printed.]

Messrs. EVERETT, ALLEN, and HALL, of Vermont.

Messrs. WARDWELL, CAMBRELENG, McKEON, TURRILL, CRAMER, BEARDSLEY, BROWN, VANDERPOEL, CHAPIN, MASON, LAY, CHILDS, HUNT, BOCKEE, W. K. FULLER, HUNTINGTON, WARD, HAZELTINE, GILLET, and LANSING, of New York.

[Mr. CAMBRELENG presented the memorial of sundry merchants of the city of New York, sufferers in the late fire there. The memorial (said Mr. C.) was long, and contained much useful and important information in relation to the laws of the country, applicable to this subject. The subject had been already reported on; but the memorial would be found to embrace some points not included in that bill. With permission of the House, Mr. C. would take that opportunity of saying, that he should have called up that bill before, had it not been for the receipt of this memorial, and the expectation that a committee of the citizens would be in personal attendance on the subject. In consequence of that, he had not called the attention of the House to the bill, and should not probably do so before Monday next. In the mean time, he hoped the New York committee would be on here. As the memorial was long, he should move that so much of it as had been already reported on be referred to the Committee of the Whole on the state of the Union, and so much as does not relate to the provisions of that bill be referred to the Committee of Ways and Means; and that the whole memorial be printed; which motion was agreed to.

[Mr. TURRILL presented a petition, asking for an appropriation to construct a harbor at the mouth of St. Joseph's river, on Lake Michigan;

Also, several petitions for the construction of a harbor at the mouth of Eighteen Mile creek, in the county of Niagara, New York;

A petition asking for an appropriation to improve the harbor at the mouth of Salmon river, in the county of Oswego, New York;

Also, a petition asking for an appropriation to construct a ship canal round the Falls of Niagara.]

Mr. PARKER, of New Jersey.

Messrs. McKENNAN, MILLER, WAGENER, MUHLENBERG, BEAUMONT, CLARK, HARPER, DENNY, ANTHONY, HARRISON, HEISTER, HUBLEY, and LAPORTE, of Pennsylvania;

Messrs. THOMAS, HOWARD, McKIM, and PEARCE, of Maryland;

Messrs. ROBERTSON, McCOMAS, CRAIG, BOULDIN, BEALE, JOHNSON, LOYALL, TALIAFERRO, MORGAN, MERCER, GARLAND, JONES, WISE, DROMGOOLE, MASON, and CLAIBORNE, of Virginia;

Messrs. GRAHAM and W. B. SHEPARD, of North Carolina.

[Mr. W. B. SHEPARD presented the memorial of the president, directors, &c. of several of the banking institutions in the District of Columbia, praying an extension of the charters of said institutions, which he moved be referred to the Committee for the District of Columbia.]

Mr. THOMAS, of Maryland, submitted the following motion in reference to the foregoing memorials:

Resolved, That a select committee be appointed to inquire into the condition of the currency of the District of Columbia, to whom shall be referred the memorial now presented, and all other memorials which shall be presented to Congress at its present session, praying for an extension of the charters of the existing banks in said District, or for the establishment of any other bank or banks in their stead; and that said committee be authorized to act in conjunction with any similar committee which may be appointed on the part of the Senate, to inspect the books and examine into the proceedings of said banks, to ascertain whether their charters have been violated or not, and whether any abuses or mal-practices have existed in their management, and to send for persons and papers, to examine witnesses on oath, and to appoint a clerk to record their proceedings.

The SPEAKER said, as there were two propositions to refer, which were likely to give rise to discussion, the subject must, under the rule, lie over one day.

Memorials, &c. were further presented by

Messrs. PINCKNEY, HAMMOND, PICKENS, and THOMPSON, of South Carolina;

Messrs. GLASCOCK and COFFEE, of Georgia;

Messrs. WILLIAMS, FRENCH, JOHNSON, UNDERWOOD, HARLAN, GRAVES, and ALLAN, of Kentucky;

Messrs. JOHNSON, DUNLAP, SHIELDS, CARTER, STANDIFER, the SPEAKER, and LEA, of Tennessee.

[Mr. C. JOHNSON presented the petition of Beverly Herrin and others, asking the right of preemption for the lands upon which they reside, on the Salt Lick reservation, in the counties of Humphreys and Henry, which was referred;

Also, the petition of James Barret, asking confirmation of his claim in the Territory of Arkansas;

Also, the claim of —— Burnet, claiming compensation for a horse lost in the Seminole campaign.

Mr. SHIELDS presented the petition of Thomas F. McCanlass, praying compensation for a horse lost in the military service of the United States, during the late war between this country and Great Britain;

Also, the petition of David McCanlass, for compensation for property lost in the same service; which, without being read, on motion of Mr. SHIELDS, were referred to the Committee on Claims.

Also, the petition of Mrs. Ann Anderson, praying indemnity for property destroyed and taken by the Cherokee Indians in 1787; which, on motion of Mr. SHIELDS, without being read, was referred to the Committee on Indian Affairs.]

Messrs. MASON, CRANE, THOMPSON, KENNON, STORER, BOND, PATTERSON, CORWIN, WHITTLESEY, McLENE, WEBSTER, and KILGORE, of Ohio.

[Mr. PATTERSON presented petitions from the citizens of the State of Ohio, praying for the construction of a road from Lower Sandusky, in the State of Ohio, to the Greenville treaty line.

Also, a petition for the improvement of the harbor at the mouth of Vermilion river on Lake Erie, in the State of Ohio; also, for removing the sand-bar at the mouth of Sandusky bay; also, for improving the harbor at Port Clinton on Lake Erie; also, for removing the bar near the mouth of Huron river; also, for improving the mouth of Sandusky river; also, for a beacon light on Cedar point, at the mouth of Sandusky bay; also, for a mail route from Bucyrus, in Crawford county, to Tiffin, in Seneca county; also, from Jeromeville, in Wayne county, to Runner's, in Richland county; also, from Perrysburg, in Wood county, to Bucyrus, in Crawford county; also, from Perrysburgh in Wood county, to Melmore, in Seneca county; also, from Sandusky city to Finley, in Hancock county; also, from New Haven, in Huron county, to Resden, in Marion county; also, from Tiffin, in Seneca county, to Sandusky city, in Huron county;

Also, the petition of Henry St. John, for remuneration for property lost in the late war;

Also, the petition of Ebenezer Smith, who prays for a pension on account of wounds received in the late war;

Also, the petition of Thomas Spratt, who asks to be placed on the pension list.]

Mr. JOHNSON, of Louisiana;

Messrs. LANE, HANNEGAN, KINNARD, CARR, BOON, McCARTY, and DAVIS, of Indiana.

[Mr. HANNEGAN presented the following petitions: For a post route from Toledo, in the State of Ohio, through Indiana, to Juliet, in the State of Illinois; for a post route from the town of Elkheart, in Indiana, to Bronson, in Michigan; for a post route from White Pigeon, in Michigan Territory, to the town of Elkheart, in Indiana.

Mr. KINNARD presented the petition of Christian Shell, alleging depredations committed on his property by the Miami and Pottawatomie Indians, in the State of Indiana; also, the memorial of Dr. David H. Maxwell, claiming compensation for medical services rendered to the United States Rangers of the Indiana Territory, in 1813 and 1834

Mr. DAVIS presented the petition of Thomas Holder, and some additional vouchers in the claim of Francis Vigo, of Knox county, Indiana.

On motion of Mr. CARR, the petition of E. Lalandes, the petition of Robert Farmer, the petition of Joshua Kennedy, and the petition of Thomas G. Newbolds, were referred to the Committee on Private Land Claims; also, the petition of the heirs of Jacob Smith, deceased, on the files of the House, was referred to the Committee on Private Land Claims.]

Messrs. CASEY, MAY, and REYNOLDS, of Illinois;

[Mr. CASEY presented the memorial of the Legislature of Illinois, praying the establishment of ports of entry on the Wabash river, and at other points in said State; referred to the Committee on Commerce; also, the petition of sundry citizens of Vermilion county, in the State of Illinois, praying for an appropriation of land to improve the road from Chicago by Danville, Paris, Darwin, and Palestine, to Vincennes, in Indiana; referred to the Committee on Roads and Canals.

Mr. MAY presented the following petitions, among others, all of which were referred to the appropriate committees:

The petition of Albion T. Crow, praying remuneration for the loss of a stable, which was destroyed by fire whilst in possession of the troops in the service of the United States.

Also, the petition of the county commissioners of Jo Daviess county, praying permission to enter, under certain conditions, for county purposes, a section of land embracing the town of Galena.

Also, the petitions of John Scott, Michael Thornton, Jane Scammahorn, James Trumble, Isaac B. Essex, Thomas W. Taylor, James Baker, and Daniel Bush.]

Mr. REYNOLDS presented the claim of Robert

Morrison, Esq., of Kaskaskia, Illinois, praying remuneration for property taken by the Kickapoo Indians; which was referred to the Committee on Indian Affairs.

Also, the claim of the heirs of N. Janot, deceased, praying indemnity for property taken by the Indian enemy in the late war with Great Britain; which was referred to the Committee on Indian Affairs.

Also, the claim of James McLane, praying the privilege to purchase another forty-acre tract of land, he having already purchased two forty-acre tracts. He states also in his case, that he hopes that he and other American citizens will have the same privilege extended to him and them as were given to foreigners on a former occasion; which was referred to the Committee on Public Lands.

Also, the petition of the inhabitants of Madison county, Illinois, praying for relief in the relocation of a section of land for school purposes; which was referred to the Committee on Public Lands.

And also the memorial of the General Assembly of the State of Illinois, praying for a bounty in land to the soldiers who defended the Territory of Illinois in the late war; which was referred to the Committee on Public Lands;]

Messrs. LYON, MARTIN, LAWLER, and CHAPMAN, of Alabama.

Messrs. ASHLEY and HARRISON, of Missouri.

[Mr. ASHLEY presented the following memorials and petitions:

Memorial of the Legislature of Missouri, asking an extension of the boundaries of the State;

Memorial of the Mayor and Aldermen of St. Louis, asking an appropriation for the improvement of the harbor of that city;

Petition of Joseph Boggs, David McGill, Abraham Groom, Elisha Todd, Ira Cottle, David Todd, and the citizens of Cote San Des Sign, for Indian depredations;

Petition of Frederick Dent and others, in relation to lands;

Petition of John Howell, in relation to lands;

Petition of James Baldridge, in relation to lands;

Petition of William Walker, and the heirs of Samuel Brown, in relation to lands;

Petition of George Symington, for the payment of a certain sum of money;

Petition of the citizens of Washington and Jefferson counties, asking the establishment of a new land district.

Mr. ASHLEY asked the reference of documents on file, in relation to a grant of land to the town of Louisiana, Missouri, for the use of a school.

Mr. HARRISON, of Missouri, presented the petition of Wynkoop Warner, praying for the liquidation of his claim for baggage lost during the war;

The petition of John Wiley and Jefferson Greer, praying for remuneration for improvements put upon land bought of the Government by them, and which had previously been sold;

The petition of Robert Murray, praying for a change of entry;

The petition of numerous citizens in the State of Missouri, praying for a mail route from Jefferson city, through the counties of Morgan, Benton, Polk, and Greene, to Little Rock, Arkansas Territory;

The petition for a mail route from Jefferson city to Palmyra, in the State of Missouri, from sundry citizens of Boone;

The petition of Jeremiah Clay and Nancy Clay, praying for a grant of land;

The petition of sundry citizens, praying for a new land district at Jefferson city, in the State of Missouri;

The petition of sundry citizens of Calloway and Monroe counties, Missouri, praying for a mail route from Fulton to Paris;

The petition of William Monroe and Joseph Wolfskill, praying for remuneration for losses sustained in the Boonslick settlement, by the friendly Sacs, during the war;

The petition of Joshua Pilcher, praying the liquidation of his claim for overpaying an Indian interpreter;

The memorial of sundry citizens of Clay county, praying for a line of military posts on the western frontier, and for the removal of the superintendency of Indian affairs from the city of St. Louis to some point on the western frontier.

Mr. H. also moved that the report of the commissioners appointed to adjust the private land claims in the State of Missouri, made to Congress in 1833, and the supplemental report of the same, made in 1834, be referred to the Committee on the Public Lands, and be printed.]

Mr. SEVIER, of Arkansas,

Messrs. EVANS, HALL, JARVIS, SMITH, and FAIRFIELD, of Maine,

Messrs. PIERCE and CUSHMAN, of New Hampshire.

Which petitions and memorials were (with the exceptions stated) referred to the appropriate committees.

EXECUTIVE COMMUNICATIONS.

The SPEAKER presented to the House the following communications:

I. From the Secretary of War, in pursuance of the act of May, 1830, transmitting the annual report in relation to applications for pensions; which was laid on the table, and ordered to be printed.

II. A communication from the Secretary of the Treasury, on the subject of weights and measures; which was laid on the table, and ordered to be printed.

RESOLUTION SUBMITTED.

Mr. MASON, of Ohio, offered the following resolution; which, by the rule, lies over one day:

Resolved, That the Secretary of War be instructed to communicate to the House of Representatives the report of the survey and examination made pursuant to an act of Congress, approved March 3, 1835, by Captain Canfield, under the direction of the War Department, of the line of the national road between Springfield in the State of Ohio, and Richmond in the State of Indiana; and that he further report whether the President of the United States has approved or disapproved of the same.

RESOLUTIONS ADOPTED.

Mr. McKENNAN, by unanimous consent, submitted the following resolutions; which were agreed to:

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing to the heirs or legal representatives of Thomas Gordon, deceased, a sum of money due him for services rendered during the revolutionary war.

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing to the heirs of Colonel George Morgan, an officer of the revolutionary army, the five years' full pay in lieu of half pay, for life, to which he was entitled, and that they have leave to report by bill or otherwise.

Mr. CAMBRELENG, from the Committee on Naval Affairs, reported the following resolutions; which were agreed to:

Resolved, That so much of the letter of the Navy commissioners of the 12th of November last as relates to the employment of a steward at the Washington navy-yard, and to changes in the compensation of certain clerks and other officers at various navy-yards, be referred to the Committee on Naval Affairs.

Resolved, That so much of the estimate of appropriations and of the communications of the Quartermaster General as relates to extra compensation to clerks, and the salary of clerks in that department, be referred to the Committee on Military Affairs.

REPORTS FROM COMMITTEES.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported the following bills; which were read twice, committed to the committee of the Whole on the state of the Union, and ordered to be printed, to wit:

A bill making appropriations, in part, for the support of Government for the year 1836;

A bill making appropriations for the payment of revolutionary and other pensions, for the year 1836;

A bill making appropriations for the naval service for the year 1836;

A bill making appropriations for the support of the Army for the year 1836;

A bill making appropriations for certain fortifications of the United States for the year 1836; and

A bill to authorize the proper officers of the Treasury Department to credit the account of the Treasurer of the United States with the amount of unavailable funds standing to his debit on the books of the Treasury, and to transfer the amount to the debt of the banks and individuals indebted for the same.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, reported a bill to carry into effect the convention with Spain; which was read twice, committed to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. EVANS, from the Committee on Invalid Pensions, reported a bill granting pensions to certain persons therein named; which was read twice and committed.

Mr. PHILLIPS, from the Committee on Commerce, reported the following bills; which were read twice and committed:

A bill for the relief of Joseph W. Olmsted, master and owner of the schooner Sally, and the crew of said vessel;

A bill for the relief of the officers, owners, and crew of the schooner Mary, of Marblehead, Massachusetts;

A bill for the relief of Ebenezer Phillips and others;

A bill for the relief of Joseph W. Green and the owners and crew of the fishing schooner Two Brothers, of Marblehead, Massachusetts; and

A bill for the relief of George Groot and others.

Mr. BELL, from the Committee on Indian Affairs, reported a bill for the relief of Benjamin and Nancy Merrill; which was read twice and committed.

Mr. B. said he would avail himself of the opportunity, the first that had presented itself, to make an inquiry in relation to a subject of much importance, and which had created considerable alarm in the country. He alluded to the election of a President by the House of Representatives. The President of the United States had recommended this subject to the consideration of Congress, and a select committee of the House had charge of it. His object in rising was to inquire of the chairman of that committee, if present, or if absent, from some member of that committee, when they might expect a report upon the important matter to which he had referred.

Mr. DROMGOOLE (the chairman of the select committee) remarked in reply, that the committee had not yet held a meeting. A day had, however, been appointed for that purpose, and he presumed that the committee would discharge the duty assigned with fidelity and promptness.

Mr. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of Joseph Grusham; which was read twice and committed.

Mr. WHITTLESEY, from the Committee on Claims, reported the following resolution; which was agreed to:

Resolved, That the Committee on Claims be discharged from the consideration of the petition of William Robertson, and that the same, with the account accompanying it, be referred to the President of the United States.

Mr. CARR, from the Committee on Private Land Claims, reported the following bills; which were read twice and committed:

A bill for the relief of the citizens of Monroe county, Indiana; and

And a bill for the relief of William Bowman.

Unfavorable reports upon petitions, &c., were made by Messrs. MERCER, HAMMOND, and WHITTLESEY, from standing committees.

On motion of Mr. McKIM, the House adjourned.

IN SENATE.

WEDNESDAY, *December* 30, 1835.

Petitions were presented by Messrs. KENT and DAVIS.

REPORTS FROM COMMITTEES.

Mr. LEIGH, from the Committee on Revolutionary Claims, to which had been referred the bill for the relief of the heirs of Robert Jewitt, deceased, reported the same without amendment.

Mr. MOORE, from the Committee on the Public Lands, to which had been referred the bill authorizing the relinquishment of the sixteenth sections of public lands, granted for the use of schools, and the location of other lands in lieu

thereof, reported the same without amendment; which was read.

Mr. BENTON, from the Committee on Military Affairs, to which the subject had been referred, reported a bill for the relief of General Daniel Newman; which was read, and ordered to a second reading.

Mr. EWING, from the Committee on Public Lands, to which had been referred the bill to divide the Green Bay land district in Michigan, reported the same without amendment.

On motion by Mr. PRESTON, the memorial of Thomas Tenant and others, of Baltimore, on the files of the last session, was again referred to the Committee on Finance.

BILLS INTRODUCED ON LEAVE.

Mr. SHEPLEY, in pursuance of notice given, asked and obtained leave, and introduced a bill in addition to the acts concerning drawbacks; which was read twice and referred.

On motion by Mr. BUCHANAN, leave was granted to Thomas D. Anderson to withdraw his petition and documents from the files of the Senate.

Mr. TIPTON, in pursuance of notice given, asked and obtained leave, and introduced a bill for the relief of Andrew Knox; which was read, and ordered to a second reading.

NOTICE OF BILLS.

Mr. LINN gave notice that he would to-morrow ask leave to bring in the following bills:

A bill for the relief of Robert Abbott, and the other heirs of James Abbott, deceased;

A bill for issuing certain land patents at Green Bay, and for other purposes; and,

A bill for the relief of Jared W. Beeson, and others.

REDUCTION OF DUTIES—THE TARIFF.

On motion by Mr. DAVIS, the Senate proceeded to the consideration of the resolution submitted yesterday by Mr. CALHOUN, instructing the Committee on Manufactures to report on what articles the duties can be repealed, consistently with a due regard to the manufacturing interest.

Mr. DAVIS said he should make no objections to the passage of the resolution, as, from an examination of the tenor of it, he conceived its object to be only financial.

Mr. CLAY said he would be glad if the Senator from South Carolina would consent to word the resolution so as to institute an inquiry, instead of instructing the committee to report. He thought that the Senator from South Carolina and himself would not, probably, finally differ as to the object in view. It would be discovered, by any one looking into the report of the Secretary, that the two principal subjects on which these duties are now received are wines and silks, articles very proper to bear the collection of duties. His reasons for wishing an inquiry instead of instructions to the committee, were, that in the event of the passage of another bill, (the one he had introduced yesterday,) it might be found necessary to retain these duties on wines and silks in order to afford an abundant supply for the financial wants of the country.

Mr. CALHOUN said that he apprehended that the resolution was already framed so as to meet the views of the gentleman. It directed the Committee on Manufactures to report on what articles the duties could, in their opinion, be reduced, without injury to the manufacturing interest. That committee, the proper guardians of the manufacturing interest, would first make the inquiry, and report before Congress could act. The resolution was here read. He certainly conceived that the committee should, before reporting, institute a strict inquiry into what duties could be reduced consistently with the manufacturing interest. He thought he could then say to the Senator from Kentucky, that if his land bill should pass, there would still be enough, and more than enough, in the Treasury to meet all demands on it. He repeated, without fear of contradiction, that there were upwards of twenty millions of surplus in the Treasury, and that the next year there would be, including the amount to be received from the Bank of the United States, upwards of thirty millions. In introducing this resolution, he had in view one great object—to throw back to the people the immense surplus in the Treasury. His next object was, looking to the approaching crisis of 1842, to make such reductions as would avoid difficulties with the manufacturing interests. He had looked further, for he was friendly to the manufacturing interest. He believed that every cent that could be taken from the taxes would benefit that interest, for it would cheapen production and open at a shorter period the foreign market to American industry.

Mr. CLAY said, that between the Senator from South Carolina and himself, there was no essential difference. Like that gentleman, he had looked a little into the financial condition of his country, and was satisfied that there would be a surplus in the Treasury of twenty-one or twenty-two millions for this year, and that for the next, with the funds accruing from the Bank of the United States, there would be a surplus of thirty millions. He concurred with him entirely as to the propriety of dispensing with every tax not necessary for the expenses of the Government, consistently with a due regard to the manufacturing interest. His objection, however, to the resolution was, that it looked solely to the manufacturing interest, without regarding the finances. How many of the forty-eight Senators (he asked) had considered the financial condition of the country with the same attention as the Senator from South Carolina, and were satisfied that all the taxes not necessary for the manufacturing interest could be dispensed with, without some corresponding embarrassment in our finances? With these views he was satisfied that the resolution ought to be in the form of an inquiry, instead of instructions to the committee, and he therefore moved an amendment to that effect.

At the request of Mr. CALHOUN, Mr. CLAY subsequently withdrew the motion, and the resolution was adopted.

JOINT COMMITTEE ON THE LIBRARY.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had passed a joint resolution for the appointment of a Committee on the Library; and that the House had appointed Messrs. LOYALL, McKEAN, and WADDY THOMPSON, as the committee on their part, and

On motion by Mr. ROBBINS,

The resolution was concurred in, and Messrs. PRESTON, PORTER, and ROBBINS were chosen, by ballot, as the committee on the part of the Senate.

THE PATENT OFFICE.

Mr. RUGGLES submitted the following resolution; which lies on the table one day:

Resolved, That a committee, to consist of three, be appointed to take into consideration the state and condition of the Patent Office, and the laws relating to the issuing of patents for new and useful inventions and discoveries.

PRIVILEGES OF SENATE CHAMBER.

Mr. PRESTON submitted the following resolution; which lies on the table one day:

Resolved, That the regulation in relation to the Senate Chamber, adopted at the present session, be rescinded, except so much of it as relates to the reporters.

JAMES BARRON.

The bill to extend the patent rights of James Barron was read the third time and passed.

BILLS, ETC., POSTPONED.

The bill to repeal the first and second sections of the act to limit the term of office of certain officers therein named, and for other purposes, was read the second time, and, on motion by Mr. CALHOUN, postponed to, and made the special order of the day for the second Monday in January.

The bill to regulate the deposits of the public money was also read the second time, and postponed to, and made the order of the day for the same day.

The joint resolution to amend the Constitution of the United States was read the second time, and, on motion by Mr. CALHOUN, postponed to, and made the order of the day for the third Monday in January.

BILLS REFERRED.

The following bills were severally read the second time, and considered as in Committee of the Whole, and referred:

The bill for the payment of a debt due to the heirs of Antoine Peltier;

The bill for the payment of a debt due to Joseph Bogy;

The bill for the payment of a debt due to Pierre Menard;

The bill providing for the *execution* entry of the surveys of certain public lands; and

The bill confirming the title of Joseph Sorin, *alias* La Rochelle, and those claiming under him, to a tract of land in Missouri.

BOYS FOR THE NAVY.

The bill to provide for the enlistment of boys in the naval service was, on motion by Mr. SOUTHARD, laid on the table.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill concerning writs of error in the courts of the United States, under the revenue laws of the United States;

The bill authorizing the President of the United States to cause to be run and marked the line dividing the territory of the United States from the State of Missouri; and

The bill for the relief of Henry B. Tyler, executor of Lieutenant Colonel Richard B. Smith, deceased.

HARBOR AT MICHIGAN CITY.

The CHAIR announced a communication from the Secretary of War, covering a report from the Topographical Bureau, relative to the construction of a harbor at Michigan City, Indiana, made in compliance with a resolution of the Senate; and

On motion by Mr. TIPTON, it was referred to the Committee on Commerce, and ordered to be printed.

WALTER LOOMIS AND ABEL GAY.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which the same had been referred, reported without amendment the bill for the relief of Walter Loomis and Abel Gay.

PETER H. GREEN.

Mr. SWIFT, from the Committee on Claims, to which the subject had been referred, reported a bill for the relief of Peter H. Green; which was read and ordered to a second reading.

TOPOGRAPHICAL CORPS—REORGANIZATION.

Mr. BENTON, in pursuance of notice given, asked and obtained leave, and introduced a bill to provide for the better organization of the corps of United States Topographical Engineers; which was read and ordered to a second reading.

PETITIONS, ETC., PRESENTED.

Mr. LINN presented the following petitions and memorials:

A memorial from Captain Henry Smith, of the United States Army, praying for an allowance of compensation for the disbursement of certain moneys for the United States.

Five petitions from the inhabitants of different parts of Michigan, praying Congress to make an appropriation to improve the harbor at the mouth of St. Joseph's river, of Lake Michigan.

A memorial from sundry citizens of Michigan, praying for the establishment of a new land office in the northern sections of the State of Michigan; and

The petition of S. Street, and others, praying for a preëmption in the purchase of certain lands in Michigan; all of which were referred to the appropriate committees.

After the consideration of executive business, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 30, 1835.

Mr. BEARDSLEY said it was within the recollection of the House, that a few days since, he had moved that the gentleman who had presented himself there as a Representative from what was called the State of Michigan, be permitted to occupy a seat on the floor during the sitting of the House. It seemed due from himself that he should ask the House to consider

that motion; but before doing so, he wished to suggest that he designed to modify his proposition, by merely asking the House to permit that gentleman to come within the Hall during the sittings of the House in the character of a spectator; that, he trusted, would be acceptable to the whole House; and he had done it with reference to former precedents, particularly that of the State of Tennessee. Mr. B. then sent his modified proposition to the Chair, to be read from the Clerk's table for the information of the House, which was as follows:

Resolved, That ISAAC E. CRARY, who claims to have been duly elected a member of this House, be admitted as a spectator within the Hall during the sittings of this House.

Objection being made, Mr. BEARDSLEY moved to suspend the rules of the House, to enable him to make the motion, and asked for the yeas and nays; which were ordered, and which were as follows:

YEAS—Messrs. Adams, Ashley, Bailey, Barton, Bean, Beardsley, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Cambreleng, Campbell, Chapman, Chapin, Childs, Claiborne, Clark, Cleveland, Connor, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Deberry, Dickerson, Doubleday, Dromgoole, Effner, Everett, Fairfield, Farlin, Philo C. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Grauger, Grennell, Haley, Joseph Hall, Hamer, Hard, Samuel S. Harrison, Albert G. Harrison, Haynes, Hazeltine, Henderson, Heister, Hoar, Howard, Howell, Hubley, Hunt, Huntington, Ingham, William Jackson, Jabez Jackson, Janes, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Judson, Kennon, Kilgore, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, Thomas Lee, Leonard, Lincoln, Loyall, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, Sampson Mason, Maury, McComas, McKay, McKennan, McKeon, McKim, Miller, Montgomery, Moore, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, Phillips, Potts, Read, Joseph Reynolds, Roane, Rogers, Schenck, Seymour, Slade, Sloane, Smith, Sprague, Storer, Taliaferro, Thomas, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Wardwell, Weeks, and Whittlesey—143.

NAYS—Messrs. Chilton Allan, Beale, Bond, Bunch, John Calhoon, William B. Calhoun, Carr, Carter, Casey, J. Chambers, Coles, Davis, Denny, Evans, Forester, French, Graham, Graves, Grayson, Griffin, Hammond, Hannegan, Hopkins, Huntsman, Jarvis, Kinnard, Luke Lea, Lucas, May, McCarty, McLene, Mercer, Morgan, James A. Pearce, Pettigrew, Pickens, Pinckney, John Reynolds, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Standefer, Waddy Thompson, Underwood, Lewis Williams, and Sherrod Williams—47.

So the House determined to suspend the rules.

Mr. BEARDSLEY then moved the foregoing resolution; which was agreed to.

BANKS IN THE DISTRICT OF COLUMBIA.

The House resumed the consideration of the petitions presented yesterday by Mr. W. B. SHEPARD, from sundry banks in the District of Columbia, praying an extension of their charters.

A motion having been made to refer the petitions to the Committee for the District of Columbia, Mr. THOMAS, of Maryland, moved to send them to a select committee, with instructions.

Mr. THOMAS modified his proposition as follows:

Resolved, That a select committee be appointed to inquire into the condition of the currency of the District of Columbia, to whom shall be referred all other memorials which may be presented to the present Congress, praying for an extension of the charters of the existing banks in said District of Columbia, or for the establishment of any other bank or banks in their stead, and to examine into the condition of the currency of said District; to inspect the books and to examine into the proceedings of said banks, to ascertain whether their charters have been violated or not, and whether any abuses or mal-practices have existed in their management; to send for persons and papers, to examine witnesses on oath, and to appoint a clerk to record their proceedings.

Mr. SHEPARD said that the present question was more a question of propriety and fitness than anything else. It was for the House of Representatives to say whether they would take this matter from a standing committee, and refer it to a select committee. He said the House could judge of the propriety of doing that as well without argument as with it. It was not for him to say, whether the Committee for the District could perform the duty as well as a select committee. To show the entire uselessness of the motion of the gentleman from Maryland, [Mr. THOMAS,] he held in his hand a letter from the president of one of the banks, requesting that the Committee for the District would appoint some of their members to investigate fully the affairs of the banks. It seemed to him, that the gentleman could have obtained his object by moving instructions to the Committee for the District. If this was done, he would pledge himself to the House, that any queries which the gentleman would put to him should be put to the banks of the District and answered, and then it would be for that gentleman to say whether they were answered properly or not. It was a question of propriety for this House to say whether it would take from the Committee for the District of Columbia that business which legitimately belonged to it, and send it to another committee. If the House has no confidence in the Committee for the District, let it say so. He, however, as a member of that committee, was willing to examine the banks of the District as scrupulously as he could.

Mr. THOMAS said that justice to himself made it proper to remind the House of an occurrence in the last Congress connected with this question. There were four banks in the District that stopped specie payments in 1834, two of which are now asking a recharter. In 1835 these banks memorialized this body for the passage of a law to recharter them. It was but justice to the city that we should act understandingly on this matter, that an inquiry should be instituted to ascertain the causes of these failures. But he said that, without objection from him, the memorials of the last session were referred to the Committee for the District; the subject was taken up by that committee, but no investigation was had. He said he then, under a deep sense of duty to his constituents, gave a promise that if this subject was put off to another session of Congress, he would make it his business to examine into the state of these banks. Now, if you send this matter to the Committee for the District, you send it to a committee which has prejudged the question. Under these circumstances he felt it to be his duty to ask of the House a select committee. He said if it was proper for the House to refer matter in relation to the Territories to a select committee, it was proper, he thought, to refer this matter to a select committee. He said the Chief Magistrate had called the attention of Congress to the question of currency, and he therefore conceived it a very important one; and asked of the House a committee, whose especial duty it should be to make a thorough investigation of the matter.

Mr. BOULDIN said, as a member of the Committee for the District, he did not wish to take upon himself very arduous duties, but he was as willing to take up and go through with the investigation as the gentleman. He said the committees were appointed by the Speaker, and he could not see the difference between them. The greatest objection is, that the chairman of the Committee for the District has had this matter before him at the last session. This he thought was a favorable circumstance, because that gentleman must have more knowledge of the business than he otherwise could have. He said that he was ready to go into an investigation without any prepossessions, and was willing to investigate the matter as thoroughly as the gentleman from Maryland, or any other gentleman.

Mr. VANDERPOEL said that he, as a member of the District Committee, cherished no pride of jurisdiction, and was therefore willing, for his part, to dispense with the pleasure and honor of making the investigation into the past doings of the banks in the District, which was contemplated by the resolution of the honorable gentleman from Maryland, [Mr. THOMAS.] He did not believe that the proposition of that honorable gentleman was founded in a distrust of the capacity of the District Committee to make the necessary examination, nor upon any apprehension that they felt indisposed to do so. The duties of the District Committee were very onerous; and though willing, as a member of that committee, to perform, to the utmost of his humble ability, every duty that might be imposed upon him, yet as he could, as he thought, be otherwise more profitably employed in his public capacity, he would for his part rather be excused from the labor of inquiring into the details of the past operations of the District banks. He thought that a select committee could be raised every way competent to execute this duty, and that the Committee for the District, pressing, important, and multifarious as were the calls upon its attention, could spend its time in the execution of duties in a manner better calculated to subserve the public interest, than would be the *duty* or *task* of wading for days and weeks, if not for months, through the books and ledgers of the banks within the District.

It would be recollected that some of those banks suspended payment and closed their doors two years ago. Yes, when the tocsin of alarm and distress and panic was sounded from one extreme of the country to the other, it had been insinuated by some, that these banks had lent their still small voices to aid that momentous occasion. He (Mr. V.) would not undertake to state, or even insinuate this. The banks may have had most justifiable reasons for suspending specie payments; but after what had occurred, it was most emphatically proper that a strict scrutiny should be made into the past doings of these institutions, before we gave them any renewed pledge of our confidence. Should the result prove that the banks in this District should have been improvidently rechartered, the constituents of the gentleman from Maryland, from their proximity to these banks, and from their constant business intercourse with the region where they would operate, would be more exposed to loss than the constituents of those gentlemen who resided at a greater distance; and since the gentleman from Maryland, from a sense of duty to his constituents, seemed to be anxious to look into the past doings of the banks within this District, he (Mr. V.) thought it but just and reasonable that he should be graified.

Mr. V. had stated that the District Committee would have a great deal to do. Yes; he was justified in saying so, when he stated that the District was reeling and staggering under a debt to the subjects of a foreign potentate of nearly two millions of dollars! And he confidently asserted that that committee would be obliged to put in requisition all its industry, and all its inventive powers, to devise ways and means to save this great nation the degradation of having their Capitol sold to the countrymen of his forefathers. They were, to be sure, the countrymen of his (Mr. V.'s) ancestors, but still his American feeling was very much disturbed at the idea of being sold out to foreigners. In further proof of the assertion, that the duties of the District Committee were heavy enough to engross all their time and attention, he would state that, a few years ago, a special committee was appointed to revise the laws of the District. They had sat during the recess of Congress, and have reported a code of laws which filled a pretty large volume, and which was not yet acted upon by the House. A few days ago a special committee was raised in relation to that part of the President's message which relates to the bequest of an English gentleman, made to this District. For these reasons he would vote to refer this matter to a select committee.

Mr. McKENNAN said he wished to make a few remarks, for the purpose of correcting a mistake into which the gentleman from Maryland had fallen, and into which the gentleman from New York appeared willing to fall also, respecting the course pursued by the Committee for the District of Columbia at the last session of Congress. Mr. McK. had the honor of being a member of that committee; and he had in charge the bills reported by that committee for rechartering certain banks in the District. The gentleman from New York appeared to yield to the charge, that that committee had acted precipitately on the subject. To this Mr. K. did not assent. The charge was not properly founded; there was no precipitancy, and the bill itself would satisfy the House, that there was no intention on the part of the committee to recharter these banks without the most searching inquiry made into their situation and their conduct. It would be recollected that the charters of the Bank of Washington, the Bank of the Metropolis, the Patriotic Bank, and the Farmers and Mechanics' Bank of Georgetown, expired in March, 1836, and there being no time during the last session to give this subject a full investigation, the committee had reported a bill to recharter those banks for one year only, for the convenience of those cities, and to afford an opportunity to the present Congress to make the most searching investigation. That

was all that was done by the Committee on the District, and he begged permission of the House o have that bill read by the Clerk, in order that this matter might be set aright. [The bill in question was then read from the Clerk's table.]

As to whether this subject should go to the Committee for the District of Columbia or to a select committee, if the members of the former were willing to yield, Mr. McK. had no objection. He believed it, however, a legitimate subject of examination for the former committee; and unless the members of that committee, like the gentleman from New York, yielded, he should feel himself bound to vote that the subject should have that reference, and none other.

Mr. W. B. SHEPARD begged the indulgence of the House to make a few remarks in reply. The gentleman from Maryland said that he (Mr. S.) had prejudged this question. Now, he was at a oss to know how he had prejudged this question. As a member of the Committee for the District of Columbia, during the last session, he could not have prejudged the question, because nobody asked them to make these investigations. How, then, could he prejudge the question when he had neither made, nor been asked to make any investigation? Why did not the gentleman himself, as vigilant as he seemed to be, submit instructions to that committee then? Mr. S. really thought that the gentleman was laboring under a serious mistake in making that charge upon him. Certainly, Mr. S. did not pretend to the skill in banking the gentleman himself avowedly did, for the gentleman had had opportunities which had fallen to the lot of few members on that floor. Mr. S. remembered very well the gentleman was a member of two committees on the subject of banking, and then saw and examined the "great monster" himself; and he also remembered that one of those committees reported to that House a very voluminous document, and he had no sort of doubt that, if the members of the House had thought proper to read that very voluminous document, they would have been very much enlightened on the subject of banking. He should be sorry to obscure the slightest ray the gentleman shed upon the subject.

Mr. S. said, for himself, he had no interest in the question, nor did he care one farthing about it in any point of view; but so long as he was a member of the Committee for the District of Columbia, he would assert upon that floor what he believed to be the rights and privileges of that District, and the rights and privileges of the Committee for that District. It was for the House to say whether that committee was as fit, had as much time, as much knowledge, and as much interest in the welfare and prosperity of the District, as the gentleman from Maryland. Mr. S. could not pretend to as much interest, perhaps, as the gentleman from Maryland in one point of view. The gentleman tells us that he had a peculiar interest in the question, because the people of his district came down to the District of Columbia to trade, and the money of the District circulated among them. Why, the people of the gentleman's district, when they came down here, sometimes stayed at the taverns; and for the same reason, the House ought to raise a select committee, and put the dram-shops under its charge, for it was as much a matter of interest to them. Why not put every matter that touched the gentleman's district under his special charge? However, Mr. S. would only remark, that it was a mere matter of fitness and propriety, of which the House was the judge, and which needed no argument from him.

Mr. LANE was a member of the Committee for the District of Columbia, and he believed no person would charge him with any particular partiality for these or any other banks in the United States. He must, however, object to the reasons assigned by the gentleman from Maryland, [Mr. THOMAS,] for taking the subject from the committee to which it legitimately belonged, and sending it to a select committee. The gentleman might disguise his sentiments as he pleased, but it was evident that he had not only reflected out had made a direct imputation, upon the District Committee.

The gentleman had charged the committee with having prejudged the question. He was mistaken. There were five new members upon this committee, and he could assure him, that so far as he was concerned, he was in favor of a speedy and critical investigation into the affairs of these institutions. It had been contended that the Committee for the District was not the legitimate one, because the subject was one of general concern. These banks were local, and the people of the District were more interested in them than those who resided at a distance.

But the gentleman had asked if this subject was sent to the District Committee, when would the investigation take place, and when would it close? He would answer, as soon and as speedily as the untiring industry of the committee would permit. Could more be expected of a select committee? The gentleman from Maryland was a member of four important committees, while the members of the Committee for the District were on no other committee. The gentleman must, therefore, have four times the ability, and four times the industry, of himself and associates, if he could perform this duty more promptly.

It had further been charged, that the committee, although it had been in existence for several weeks, had not taken up this subject. Mr. L. remarked, that it had not been referred to them, except informally that the committee had met but twice; and when it should be ascertained that they had neglected their duty, it would be time enough to charge them with a direct omission to do so.

The gentleman had referred to the several investigations he had made of another banking institution, and this is urged as a reason why this subject should be placed under his especial care. If this be a conclusive argument, it will of necessity throw into the hands of the same gentleman any other subject presented to the House in relation to the District.

Reference had been made to the fact that the Michigan question had the other day been sent to the Judicial Committee instead of the Committee on the Territories.

The reason of this was obvious. Legal questions were involved, and that committee was composed of able lawyers, who were more competent to investigate it. The gentleman from Maryland was a member of the Judiciary Committee. Did the gentleman draw an inference from the case, that because his honorable self, and those who might be associated with him upon the select committee, were more competent, that therefore his motion ought to prevail? For one, if the subject should be referred to the Committee for the District, he should be disposed to spare neither time nor labor to discharge his duty with fidelity.

Mr. L. alluded to the remarks which had been made in reference to the course and the solvency of the banks in the District. He was opposed to prejudging the institutions, and in favor of the strictest scrutiny into their operations. If they had acted improperly, let it be ascertained before they were condemned. He, for one, would not attempt to screen them, nor to sanction any abuse which might be fixed upon them.

Mr. BOULDIN again addressed the House, in reply to the last remarks of the gentleman from Maryland. In conclusion, he moved to amend the motion of the gentleman from North Carolina, [Mr. WILLIAM B. SHEPARD,] by adding the following instructions to the Committee for the District of Columbia, to wit:

To examine into the condition of the currency of the said District; to inspect the books, and to examine into the proceedings of said banks; to ascertain whether their charters have been violated or not, and whether any abuses or mal-practices have existed in their management; to send for persons and papers, to examine witnesses on oath, and to appoint a clerk to record their proceedings.

Mr. MERCER said that it was the duty of the Speaker of the House to appoint the committees, and to distribute the business of the House among the members as equally as possible; and, for that reason, he rose to call the attention of the House to this fact, that, if the business was taken from one committee and transferred to another, the labors of the House would be unequally divided; and if you continued to pursue that course, you would take from the District Committee all its duties. It was in vain for the gentleman from Virginia to say that he had no feeling in this matter. He had supposed the whole country felt an interest in it. The people in his district felt an interest in this question; and he would say that he felt the fullest confidence in the Committee for the District, and would be pleased to have the matter referred to that committee. He said that the failure of certain banks in the District was an unfortunate occurrence, and ought not to be reflected upon by the gentleman from Maryland.

Mr. MANN said he had but a word to say on the subject. It should be remembered that the Committee for the District had all the legislation of this body in relation to the District in their own hands; and certainly that committee had as much business as they could attend to, independently of the matter under consideration. It therefore seemed to be proper that this proposition should be sent to a special committee. It was highly important that an investigation should be made, and thoroughly made. It was important to the people of the District that this investigation should be made; and he therefore hoped that it would be sent to a select committee, and let it be the special duty of that committee to investigate this matter.

Mr. LANE said he would inform the gentleman from New York [Mr. MANN] and the House, that the committee, so far from having more business than they were able to perform, had met again and again without having any business before them; and they would be obliged to gentlemen if they would give them something to occupy them. The Committee for the District has as much zeal, and as much disposition to investigate into the affairs of the banks, as the gentleman from Maryland [Mr. THOMAS] had, but that gentleman seemed to want the whole management of the currency of the District himself. Perhaps he is afraid the currency of the District would overwhelm and supersede the currency of Maryland.

Mr. THOMAS said that gentlemen misunderstood him. He did not wish to reflect upon any committee or any member of the House. He said, his constituents were more interested in this matter than those of many gentlemen; therefore, they wished it investigated. They wished to have a sound currency in a District with which they were so closely connected.

Mr. LANE read the following rule:

"62. It shall be the duty of the Committee for the District of Columbia to take into consideration all such petitions, matters, or things, touching the said District, as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient."

Mr. BEARDSLEY said, he was very happy, indeed, to perceive, and he could not forego the opportunity of congratulating the House and the country upon it, that there appeared now to be a universal and concurrent sentiment on the propriety of making the examination contemplated by one or the other committees of the House. As those banks came there to ask favors at the hands of that House, and as the character of the House and the interest of the country at large were deeply embarked in the applications made by these banks, it was only fit and proper towards the House itself, and towards the country at large, that they should know, and that the country should know, the condition and circumstances and past conduct of these petitioners. Everybody there seemed now to agree to the correctness of that proposition. He recollected the time when another institution, when another bank, came there for a similar purpose—to seek for an extension of its charter, and when one class of personages in that House thought proper to propose that an investigation should be had into the circumstances and condition of that institution then, he well recollected that the unanimity of sentiment now prevailing in the minds of members of that House, if they might infer that sentiment from what had passed in the present debate, was all discord. Then the battle was continued upon the policy and propriety and justice of making a similar examination. It was ultimately carried that investigation should be had, and the results of that and a subsequent investigation, so far as there was any subsequent investigation, were before the country. Now, however, all doubts and difficulties upon the propriety of examination are dissipated, and it was admitted on all sides that

there should be a thorough investigation into the condition and circumstances of all these institutions before the House should act on an application for the renewal of their charters.

The inquiry now was, by what organ the House should make the proposed examination. By many gentlemen it was supposed that this matter was one of especial reference to the Committee for the District of Columbia, and the rule of the House had been read for the purpose of showing that that would ordinarily be the course. But the 62d rule, as it appeared to him, even if construed in the strictest manner, or in the most liberal manner, could not be supposed to embrace subjects of this character. The rule said it should be the duty of that committee "to take into consideration all petitions, matters, or things touching the said District," &c. This referred to matters and things that *per se* related wholly to the District, and to nothing out of it, and were within the range of its ordinary affairs. But was this petition from the District, or relating to the District as a District? In no sense whatever. It was a petition, it was true, for the recharter of certain banks within the District, but in no sense concerned the rights of the citizens at large; for the citizens of the District and adjacent country and the whole community were equally interested in the subject. It was not a petition of the District within the words or the spirit of the rule. Subjects of daily occurrence which sprung up, touching matters in which the District alone was concerned, were properly referable to this committee, within the spirit and words of the rule. This, he repeated, was not a matter affecting the District in any sense whatever, for it affected the citizens there in common with those of the country adjacent, and was not referable—necessarily referable—to its committee.

But even if it was within the terms of the rule, it would not be within its fair spirit or intent; for the rule was intended only for ordinary cases of daily or annual occurrence, not for extraordinary occurrences, such as the location of a bank, or the renewal of a bank charter already located within the limits of the District.

Mr. B. would make another suggestion. Many gentlemen thought it was inexpedient to establish in this place a large bank, wielding millions and millions of capital, with power to diffuse its branches throughout the Union, with or without the concurrence of the States in which they might be located. Let them suppose a petition to come there with that object, would it be referable to the Committee for the District? Would it not, with more propriety, be a fit subject for the Committee of Ways and Means? Yet it would be located in the District; and upon the idea that the Committee for the District of Columbia was to grasp everything within that location, such an application must of consequence go to that committee. Would not such an application, within the fair spirit of the rule, and pursuant to the course heretofore pursued, go to the Committee of Ways and Means, or perhaps to a select committee? Why, if the Committee for the District of Columbia were to take charge of everything located within the District, the House would have to abolish the Committee on Public Buildings. It seemed to him, therefore, that this subject did not belong to the former committee, and that it should be sent to some other standing committee of the House, or to a select committee.

Mr. B. did not design to cast the slightest reflection upon the Committee for the District. He had no doubt that if the duty devolved upon them, it would be most promptly, ably, and impartially executed; yet the duties they had already to perform were such as to take up much of the time that should be devoted to an investigation of this subject. Mr. B. then referred to precedents on similar subjects, and the committees appointed by the House on the Bank of the United States, in 1819, and the session of 1832-'3; and after some further remarks, concluded by stating that he should vote in favor of Mr. THOMAS's motion, in which, he trusted, he should be sustained by the House.

Mr. EVERETT rose to correct the gentleman from New York in a matter of fact. The gentleman congratulated the House at discovering so great a unanimity in the House on the subject of investigating these banks, and referring to the proceedings of the House on the subject of the Bank of the United States, seemed to think there was nothing like unanimity on that occasion. The gentleman was mistaken, for so great was the unanimity on the occasion referred to, that the yeas and nays were not even called for, and not a particle of dissent was heard when the motion was put from the chair. In reference to the motion then before the House, Mr. E. said he should vote to refer it to the Committee for the District of Columbia, for he thought the remarks made by the gentleman from Maryland himself had disqualified him from acting on any committee which might have this subject under its investigation.

Mr. SHEPARD accepted the amendment offered by Mr. BOULDIN as a modification of his motion.

The question was then taken on the motion to refer the petitions to the Committee for the District of Columbia, with instructions.

Mr. MANN, of New York, asked for the yeas and nays; which were ordered, and were:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bell, Bond, Bouldin, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, George Chambers, John Chambers, Childs, Claiborne, Clark, Coffee, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Dickerson, Evans, Everett, Forester, Rice Garland, Glascock, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hammond, Hard, Hardin, Harlin, Hazeltine, Heister, Hoar, Howell, William Jackson, Janes, Richard M. Johnson, Lane, Laporte, Lawler, Lawrence, Luke Lea, Lincoln, Love, Lyon, Sampson Mason, Maury, McKennan, Mercer, Morris, Parker, James A. Pearce, Pettigrew, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Rogers, Russell, Schenck, Shepard, Sheppard, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Underwood, Vinton, Washington, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—88.

NAYS—Messrs. Barton, Beale, Bean, Beardsley, Beaumont, Bockee, Boon, Borden, Bovee, Boyd, Brown, Buchanan, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Effner, Fairfield, Farlin, Fowler, French, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Joseph Jackson, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, John W. Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lansing, Joshua Lee, Thomas Lee, Leonard, Loyall, Lucas, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, May, McCarty, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Seymour, Shields, Smith, Sprague, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, and Weeks—113.

So the motion to refer the petitions to the Committee for the District was negatived.

The question then recurred upon the motion of Mr. THOMAS to refer the petitions to a select committee, with instructions.

Mr. THOMAS, by unanimous consent, withdrew the call for the yeas and nays on his motion, inasmuch as the House had, by the votes just taken, indicated a decided opinion on it.

Mr. ADAMS moved to strike out that part of the instructions which provided that the committee should act in conjunction with any similar committee which might be appointed by the Senate.

Mr. THOMAS accepted the amendment as a modification of his motion.

Mr. BOULDIN moved to amend the motion, by striking out so much as provided that all future memorials on this, or similar subjects, be referred to the same committee. If this part of the motion of the gentleman from Maryland should prevail, it would preclude the possibility of a report during the present session, before which time not only the charters of these banks, but also that of the Bank of the United States, would expire, which would leave the District entirely without a banking institution. Under this state of the case, he was persuaded that the gentleman from Maryland would accede to the amendment he had proposed.

Before the question was taken on the amendment,

Mr. WILLIAMS, of North Carolina, moved an adjournment, which was carried, when

The House adjourned.

IN SENATE.

THURSDAY, *December* 31, 1835.

Mr. HENDRICKS presented the memorial of the General Assembly of the State of Indiana, praying for the establishment of hospitals on the Ohio and Mississippi rivers; and after some remarks from Mr. H., the memorial was referred to the Committee on Commerce.

Mr. H. said, that in this memorial the Legislature represented the strong necessity, as well as the humanity, of providing these receptacles for the sick and disabled navigators of the western waters. The necessity for this measure (Mr. H. said) was peculiarly strong and pressing. For this class of men, it could scarcely be affirmed, that there was any provision at all in existence, whilst the protecting arm and the fostering care of the Government had always been extended in aid of sick and disabled seamen, both of the Navy and of our commercial marine. It is true, (said Mr. H.,) that the boatmen and raftmen of the Ohio and the Mississippi rivers are properly entitled to the benefits of the several acts of Congress, for the relief of sick and disabled seamen engaged in foreign commerce and in the coasting trade; yet so defectively supplied are the western waters with hospitals and asylums for the sick, that these benefits are seldom felt. In the foreign commerce of the country, and the coasting trade, although there may be scanty provision made in hospitals on shore, yet these men are almost always afloat. The vessels in which they are employed are receptacles for them, and their shipmates are companions around them. They have generally society and comfort to some extent. But often it is not so with the boatmen of the West; the very boat in which they have descended, when at the termination of their voyage, if a flat boat, has to be abandoned, no matter where that may be, or in what condition they are. Anxiety to return home generally deprives them of all their companions. These men are constantly landed, and left destitute on the banks of these rivers, often amongst a population unable, and sometimes unwilling, to take care of them; for however humane and hospitable the people of the West are, and there are none more so, the frequent repetition of these acts of kindness becomes a burden insupportable. These men so left, are generally destitute of medical aid, and frequently also are they destitute of the most ordinary attentions and conforts of life. They go from high and healthful latitudes to southern and sickly climates. The change of their habits as well as of climate is generally greater than that of seamen. The trade in which they are engaged is that of transporting their own produce, and that of the country, to the lower markets, and that is necessarily carried on in the spring and summer seasons of the year, when they are most susceptible of the diseases which prevail on the waters of the Mississippi and of the South. The people of the West engaged in this river trade are exposed to more, and perhaps greater, casualties than any other in the world, and there is no class whose occupations and business contribute more largely to the prosperity of the Union, and especially of the West, than this class of our citizens. Not only are they exposed to sickness and death, without the usual comforts of the last hour, but they are subjected also to an almost innumerable train of evils, exposures and casualties, boats getting aground, running upon snags and sawyers, sinking, for these and various other causes, when the greatest danger and exposure of health for the preservation of property takes place, and if this be hopeless, there is the still greater peril of life. In addition to this, there are the casualties of steam, the bursting of boilers, the crushing of boats against each other at night, and the more terrible and appalling disasters of tempest and conflagration. These are some of the evils and dangers to which this whole class of men are exposed, and which many of them suffer.

And how numerous is this class, and how large a population and extent of country are closely identified with their prosperity and business! This class of men are the bone and sinew of more than four millions of people. They are the farmers and farmers' sons of the whole valley of the Mississippi, engaged in the laudable and valuable business of transporting their own produce to market, and in the transportation of the entire commerce of the West. They are closely and intimately identified with a country of great extent—the whole country beyond the mountains—

a country much larger than all the residue of the United States; a country perhaps unequaled in resources, in the fertility of its soil, the navigation of its rivers, the internal commerce which it creates and sustains, the rapidly increasing magnitude of its population, and the maximum of which it is susceptible; unequaled in these particulars, in all probability, by any other region of the earth of the same extent. I take this occasion to say to the Committee on Commerce, to which I wish this memorial referred, that this is an important interest of the western country—one in the hands, and especially so, of the Federal Government; that its importance, within the last few years, has increased in a ratio far beyond the increase of the population and the commerce of the country. The cholera, so prevalent on the Mississippi and its tributary streams, has given this subject, of late years, an importance and a magnitude almost indescribable. The want of these hospitals scatters the cholera, and disseminates it in the neighborhoods and villages of those rivers; whereas, if erected, they would aid in concentrating and extinguishing it, by collecting its patients together, and preventing their intercourse with society. A man known to a boat's crew to have the cholera is put on shore wheresoever he can, by stratagem or persuasion, be deposited. He produces consternation wherever left, is neglected or abandoned, and dies. Thus the cholera is spread upon these rivers, among the citizens on shore, and its fatality is greatly increased among the river-faring men themselves. The Committee on Commerce cannot be engaged in a work of patriotism and devotion to the best interests of the country, of more importance; in a work of benevolence and humanity, more broad and expansive. This subject has been greatly neglected.

I do not, Mr. President, stand alone in these opinions. The Secretary of the Treasury pressed this subject upon the attention of the last session of Congress. He tells us, in his report of last year, that the laws on the subject of relief for sick and disabled seamen should be revised; that hospitals should be built, and that the fund should be made more productive; that instead of yielding about $60,000 per annum, it ought to produce $180,000 a year. A fair dividend of these operations of philanthropy, on the Ohio and Mississippi rivers, would be productive of the most beneficial results. It would produce sanitary regulations, which would be the means of saving thousands of lives perhaps every year, and of checking and controlling, in some measure, the cholera, that minister of desolation amongst us.

On this subject efforts have been unceasing for several years past. This is the third time that it has been placed before the Senate by myself: last session, by the same memorial which I now hold in my hand, and the previous session by a resolution which, on my motion, was adopted by the Senate; and I hope that the Legislatures, and the Representatives of the western States, will not cease to importune Congress until they obtain, on this subject, some beneficial regulation. It was referred to the Committee on Commerce of the Senate last session: the session previous, also. A bill was reported last winter in the other House. It was, however, insufficient in its provisions. It did not contain any appropriation for hospitals above the mouth of the Ohio. It was my intention to have proposed an amendment to it in the Senate if not amended by the House; but it never reached this body. The practice of the Committee on Commerce, for years past, in waiting for bills of the other House, has, as it appears to me, been deleterious to much useful business. I hope it will not be so at the present session, but that this subject will at least be taken up and acted on by the committee of the Senate. The want of money is not at this time a consideration. We have enough, and more than we know what to do with; and there is surely no object more deserving the appropriation of a few thousand dollars, than that of erecting hospitals for the relief of sick and disabled seamen, and river-faring men. He moved the reference of the memorial to the Committee on Commerce; and it was so referred.

PETITIONS, ETC.

Mr. TALLMADGE presented the petition of John McDonald, praying compensation for property destroyed during the late war; which was referred to the Committee on Claims.

Mr. PORTER presented the petition of Beverley Chew and others, of New Orleans; which was referred to the Committee on Claims.

Also, the petition of Leroy Seguarra and others; which was referred to the Committee on Private Land Claims.

Mr. EWING presented the petition of ——— Dewes; which was referred to the Committee on Public Lands.

Mr. SWIFT presented the petition of Benjamin Babcock; which was referred to the Committee on Revolutionary Claims.

Mr. HILL presented the petitions of Moses Hoot and Abijah Rings, praying for pensions; which were referred to the Committee on Pensions.

Mr. PRENTISS presented the petition of Alvin Edson; which was referred to the Committee on Naval Affairs.

Mr. SOUTHARD presented the petition of Alexander Ray, attorney for Garrett Tunison; which was referred to the Committee on Revolutionary Claims.

Petitions were also presented by Messrs. WEBSTER and MOORE—names not heard.

REPORTS FROM COMMITTEES.

Mr. TIPTON, from the Committee on Claims, to which had been referred the bill for the relief of Hiram A. Hunter, reported the same without amendment.

Mr. ROBBINS, from the Committee on Naval Affairs, to which had been referred the petition of Augustus Nicholson, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. PORTER, from the Committee on Foreign Relations, to which had been referred the petition of Mary O'Sullivan, reported a bill for her relief; which was read, and ordered to a second reading.

Mr. ROBINSON, from the Committee on Roads and Canals, to which had been referred the memorial of the Legislature of the Territory of Arkansas, reported a bill making an appropriation for opening and repairing certain roads in that Territory; which was read, and ordered to a second reading.

On motion by Mr. CLAYTON, the Committee on the Judiciary was discharged from the further consideration of the bill authorizing the Secretary of the Treasury to compromise the claim of the United States.

On motion by Mr. WRIGHT, the Committee on Finance was discharged from the further consideration of the memorial of Dr. William Beaumont, asking compensation for certain experiments performed by him relative to the gastric juice; and the same was referred to the select committee appointed to consider the memorial of Dr. Boyd Riley.

On motion by Mr. GRUNDY, it was ordered, that when the Senate adjourns it adjourn to meet on Monday next.

THE PATENT OFFICE.

The resolution submitted by Mr. RUGGLES, for the appointment of a select committee on the affairs of the Patent Office, was agreed to; and on balloting, Messrs. RUGGLES, PRENTISS, and HILL, were chosen.

HARBOR AT MOUTH OF ST. JOSEPH'S.

On motion by Mr. DAVIS, the report of the Secretary of War, together with the map on the subject of constructing a harbor at the mouth of the river St. Joseph, was referred to the Committee on Commerce.

LANDS TO EDUCATE THE POOR.

Mr. HENDRICKS submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of making a grant of land to one or more colleges in each of the new States, for education of the poor upon the manual labor plan, and that the document herewith be referred to the same committee.

PRIVILEGES OF SENATE CHAMBER.

The resolution submitted by Mr. PRESTON, relative to the admission of visitors in the Senate Chamber, was, on motion of Mr. TIPTON, laid on the table.

TOPOGRAPHICAL ENGINEERS.

The bill for the better organization of the corp of Topographical Engineers was read the second time, and referred to the Committee on Military Affairs.

WRITS OF ERROR.

On motion by Mr. WEBSTER, the bill concerning writs of error and appeals under the revenue laws of the United States was read the third time, and laid on the table.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill to authorize the President of the United States to cause to be run and marked the line dividing the territory of the United States from the State of Missouri; and

The bill for the relief of Henry B. Tyler, executor of Lieutenant Colonel Richard B. Smith deceased.

WILLIAM HOGAN.

The bill for the relief of William Hogan, administrator of Michael Hogan, deceased, was read the second time and, on motion by Mr CLAYTON, laid on the table.

COMPENSATION OF CLERKS.

The bill supplementary to the act to fix the compensation of the clerks in the different offices was read the second time, and considered as in Committee of the Whole, and ordered to a third reading.

[This bill increases the compensation of the chief clerk in the Navy Commissioner's office and of two of the clerks in the Navy Department.]

COMMODORE ISAAC HULL.

The bill for the relief of Commodore Isaac Hull was, after some remarks from Messrs. SOUTHARD and SHEPLEY, laid on the table.

The Senate then adjourned over to Monday next.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 31, 1835.

Messrs. CLAIBORNE and DICKSON, of Mississippi, appeared and were qualified.

GOVERNMENT EXPENDITURES.

Mr. CAVE JOHNSON, by unanimous consent, submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury transmit to this House the tabular statement exhibiting the sums yearly paid under each material expenditure from 1816 to 1834, inclusive, referred to in his report on the finances of the 8th instant.

HALL OF THE HOUSE.

Mr. WARDWELL remarked that he had some days since given notice of an intention to submit a motion prohibiting, in future, the use of the Hall of Representatives as a place of public worship. He now asked the unanimous consent of the House to make this motion.

Objection being made, Mr. WARDWELL moved to suspend the rule.

Mr. CRAIG asked for the yeas and nays; which were not ordered.

The motion to suspend the rule was then negatived without a count.

ADJOURNMENT TO MONDAY.

Mr. TURRILL, by consent, submitted a motion that when the House adjourns to-day, it wil adjourn to meet again on Monday next; which was agreed to.

BANKS IN THE DISTRICT OF COLUMBIA.

The House resumed the consideration of the motion of Mr. THOMAS, of Maryland, to refer to a select committee, with instructions, the petitions of sundry banks in the District of Columbia, praying for an extension of their charters.

The question pending was the amendment offered by Mr. BOULDIN, proposing to strike from the instructions moved by Mr. THOMAS so much as provided that all future memorials of a similar character should be referred to the same committee.

Mr. BOULDIN said that, on looking carefully over the instructions moved by the gentleman from Maryland, [Mr. THOMAS,] it did not appear to follow necessarily that all memorials and petitions should be presented to the committee before their final action on the subject. Although it did appear, from the general context, that all memorials and petitions should be laid before the committee before their final action, and although there might be, and probably was, a propriety in the committee having everything before them in relation to the subject, still, it did not necessarily follow that the committee should make no report until the whole time had expired during which they had the right to receive them. Believing the committee would report as soon as possible, and that all the memorials, petitions, and views in regard to this matter would be laid before them as soon as possible, he would withdraw his motion to strike out. He did not wish to throw any obstacle in the way of immediate and efficient action upon this subject.

Mr. GARLAND, of Louisiana, desired to be informed whether the House had the power, under the charters of these banks, to make the proposed investigation. His vote would depend on the answer which might be given to this inquiry.

Mr. THOMAS said that the banks of the District were applying to Congress for an extension of their charters; and it was not to be expected that they could attain their object unless they submitted to a reasonable examination. On the other hand, if the committee transcend their powers, the directors of the banks, knowing their rights, would not submit to it. From the fact that these corporations are asking privileges, they would not restrain the committee in any reasonable examination; and the House itself has the power to adjudicate between the committee and the banks.

Mr. McKENNAN submitted the following amendment:

"And that the said committee be instructed to report to this House the names of the persons, the amounts and the date of all loans made by any District banks to members of Congress or officers of the Government."

Mr. McKENNAN said he would not detain the House with many remarks on his amendment. His object in making it was, that an examination might be had into the affairs of these banks, as thorough and complete as that which was made into the affairs of the Bank of the United States. It would be remembered that the amount of the loans to members of Congress was spread before the world in the report of that committee. His object in offering the amendment was to have the examination of the committee we were now about to raise as full and explicit as that examination was.

Mr. THOMAS said the gentleman from Pennsylvania [Mr. McKENNAN] had adverted to the powers given to the committee which investigated the affairs of the Bank of the United States. If the gentleman would make his amendment conform to the instructions of that committee, he should hear no objection from him. He would ask of the gentleman whether he would not do justice to his own feelings, and to those of the House, by modifying his amendment so as to put the committee on the same footing with that of the committee which investigated the affairs of the Bank of the United States. Let it be remembered that a list was furnished by the directors of the Bank of the United States, setting forth the members of Congress and officers of the Government who were debtors to that institution. He, as one of that committee, was unwilling to make an exposition of this list; unless, after examination, there was found to be something wrong in the character of the security, he could see no cause to suspect the integrity of the banks or of individuals. He thought then, as he thought now, that the committee might make a statement of the gross amount of money loaned to members of Congress or other officers, and would ask the gentleman to modify his amendment so as to make it discretionary with the committee. He would say that he knew of no transaction between any member of the House and the banks of the District; but if any improper transaction should be discovered, he would be ready to expose it at any time and in any place. He would conclude by again requesting the gentleman to modify his motion, so as to place the committee about to be raised in the same relation to the banks of the District, in which the committee the gentleman spoke of was placed to the Bank of the United States.

Mr. BEARDSLEY said he cared very little whether the proposition of the gentleman from Pennsylvania was adopted or not; he did not think it of any sort of moment whether they ascertained the names of all the public officers of the Government, or of all the members of Congress, who might have borrowed money of one or other of the banks of the District since one of the local banks became the depository of the public money. Let those who were interested in the inquiry take the consequences, if any should follow.

Mr B. rose principally (he said) to notice something that fell from the honorable gentleman from Maryland, about an examination that took place of a similar character to the present in relation to the debtors of the Bank of the United States. He understood that gentleman to say, that a list of members of Congress indebted to the Bank of the United States and its branches had been furnished by the officers of that institution to the committee of investigation in 1832, and that that list had not, from that time to this, seen the light. Now, Mr. B. himself recollected to have seen that list during the session of 1832, and he was very glad to learn on the present occasion, in a public way, from one of the committee, as he heard it before stated by common report at that time, that the list possessed by the committee had been furnished by the officers of that institution; for he could state one fact within his own knowledge touching the accuracy—or the gross inaccuracy, rather—of that statement. That list set forth, among other things, that a particular individual, then a member of Congress, who never borrowed a farthing of the bank or of its branches in his life, was indebted to it in the sum of three, four, five, or six thousand dollars. That statement, so far as that individual was concerned, was in no sense true, and never was true; and those who furnished that list must have known it was not true at the time they furnished it. The list called for was of those who were indebted to the bank. The individual referred to, it was true, had indorsed for other persons who were his friends, and who were themselves indebted to the bank, but the paper was never protested; and yet he was held up by the officers of that institution as an original debtor to the bank, and as one who had taken and used its money. The object must have been, as the effect would have been if the list had been published, to induce the public to believe that that individual was under the same obligations as others were. He could well imagine that those who furnished that list were utterly ashamed that it should have shown its face, for the statement referred to he knew to be untrue, both in spirit and in fact. It was very well it did not see the light, for he believed it was full of misrepresentations in other respects also.

With regard to the present inquiry, (Mr. B. said,) limited as it was, he did not see that it imposed a very burdensome duty upon the committee that should be appointed to make the investigation; nor did he know that it would be doing injustice to members of Congress, if such there were, who might have borrowed money of the local banks in that District, nor to officers of the Government, if they should have done so, as they might have done, for aught he knew. He hoped, therefore, that the gentleman from Maryland would assent to the proposition, and agree that the examination might be made.

Mr. THOMAS said, in reply to the gentleman from New York, [Mr. BEARDSLEY,] that he rose simply to ask the gentleman from Pennsylvania to modify his amendment, so as to make it conform to the instructions to the committee in 1832. He was not to be understood as opposing the amendment. He merely rose to ask the gentleman to modify it.

Mr. W. B. SHEPARD said he rose to reply to a charge made by the gentleman from New York, [Mr. BEARDSLEY.] The gentleman must show on whose head rested the grave and serious charge which he has made. He would say that the directors of the Bank of the United States were as honorable, and as incapable of committing an error, as the gentleman from New York. He hoped the gentleman from Pennsylvania would adhere to his amendment. He did not think it discreditable that members of Congress had borrowed money of the bank. He saw no reason why the transactions of these institutions, should be secret. The borrowers should be known. He wished to cast no imputation on any member of the House. He was a borrower from the Bank of the United States, and the gentlemen who were on one of the committees which investigated the affairs of that institution published his name, and it was sent through his district. He had borrowed money from the bank, had given security for it, and had repaid it.

Mr. BEARDSLEY said, he should not say that there were not gentlemen engaged in conducting the affairs of the Bank of the United States as pure as any gentleman in that House, or elsewhere. Upon that he formed no opinion. He spoke of a particular transaction. They were now informed by a gentleman who had the means of knowing, that a list of members stated to be debtors to the bank had been furnished by the bank, or rather by the officers of that institution; and Mr. B. having seen that list, and knowing one of its statements to be untrue, he was willing to state a fact to the House that was within his own knowledge. He did not say that being indebted to the Bank of the United States was disreputable; and if the individual referred to had been indebted to the bank, Mr. B. had no doubt he would have been as willing that the House and the country should know it as was the gentleman from North Carolina.

Mr. ADAMS wished the gentleman from New York [Mr. BEARDSLEY] to inform him where, by what means, and from whom he obtained a sight of the paper which he had spoken of, when another gentleman said it was not presented to the House.

Mr. BEARDSLEY was just as ready to answer that question as anything else. The paper in question was shown to Mr. B. in that Hall by one who, he believed, was a member of the committee, although he was not able to recollect the gentleman's name. Mr. B. saw the entry; the paper was represented to him as the original paper furnished by the bank, and for that reason he believed it to be a genuine paper.

Mr. McKENNAN said, he could not consent to modify his motion, after what had been said by the gentleman from New York, [Mr. BEARDSLEY;] nor could he consent that a list should be kept to be shown to particular individuals. He wished the committee to be relieved from the charge of partiality in the matter. He wanted a course of impartiality to be pursued. He wanted the House and the nation to know the actual condition of these institutions.

Mr. ADAMS said he should be under the necessity of voting against the amendment proposed by the gentleman from Pennsylvania, and against the instructions of the gentleman from Maryland, and that upon the grounds which he assumed in the House at the time that the subject of the examination of the affairs of the United States Bank was brought before it. At the first session of the Twenty-First Congress, when that investigation was determined on, he took the ground that no private transaction was a proper subject for investigation. He had the honor of being a member of that committee. Among the demands of the committee was one to this effect, that a list of debtors to the bank, being members of Congress, should be furnished. He opposed that demand to the utmost of his power. He said it was not a power given by the House. The majority of the committee had determined otherwise, and the question was put; and at that time precisely the same grounds were taken which are now taken—that it was not for the purpose of exposing private transactions; that it was not to point out any man as being bought by the bank; but that it was a discretionary power used by the committee for the benefit of the public interest. The question was put, and the officers did furnish a list of their debtors. At that time the officers of the institution laid open everything; there was nothing denied that was asked. A long list of members of Congress, of officers of the Govern-

ment, and letters from persons high in office soliciting loans, was exhibited to the committee. He said it was a two-edged sword which cut on both sides, and the committee kept it to themselves against his wishes. He was as strenuous to have the paper made public as he was to prevent the demand being made of the bank for it; but he made a report to the House which set matters in such a light that he did not know for a time whether he should have leave to remain a member of the House. Let us, then, have no discretionary power. He said, fair play was a jewel; let us have both sides of the question. Occasions were taken of casting imputations on the directors of the Bank of the United States, when they had no means of defending themselves. He would say that, in the list which was presented to the committee, there was no transaction of either members of Congress or officers of the Government which would affect the character of any man on any side of the House. There was nothing which any man might have been ashamed of; but there were things which might have been made use of for party purposes; and there may be such things connected with these banks. He never had a cent of interest in the Bank of the United States, either as a stockholder or in any other way. On these grounds, he should vote against the amendment of the gentleman from Pennsylvania; and he should vote against the instructions of the gentleman from Maryland, because they were too extensive; and more readily because the gentleman from New York has said that members were more willing to go into an inquiry now than they had been on a former occasion. The instructions of the gentleman from Maryland not only go to refer the present memorials to a certain committee, but to refer all papers which may hereafter come before Congress to the same committee. Suppose there was to come here the petition of another bank, not at all connected with the present one; you would have their petition referred to this committee beforehand. He believed this to be an unexampled trust, and was not willing to appoint any such committee.

Mr. CAMBRELENG said, having differed with the honorable gentleman from Massachusetts in the views he had thus presented with regard to the examination of the accounts of the Bank of the United States, he would simply state his reasons for doing so. A member of that House, at the period referred to, had brought forward a number of charges against the Bank of the United States of the most serious character, and requiring from the House and the committee it appointed the most rigid and thorough investigation into the transactions of that institution. Now, Mr. C. begged leave to differ with the honorable gentleman in the views he took on that occasion; for, so far from resisting inquiry, Mr. C. would have done what the president of the bank himself did, who volunteered communications to the committee on every subject, and did not wait to be asked for them. When the committee visited the Bank of the United States, the conduct of the president of that institution was directly the reverse of that of its friends upon that floor. But, in discharging their duty, the committee was to be governed by the rules that ought to govern every committee. They adopted, at the outset, a resolution of this character, that, unless in the progress of their investigation they should discover an account, bond, or note, which, in the opinion of a majority of the committee, had been given for corrupt purposes, the account, bond, or note should not be exposed to the public, as it would be unnecessary to drag the private affairs of individuals before the country. And he thought the House would see the propriety of such conduct on the part of the committee on that occasion.

Mr. C. said, in making the examination since referred to, it was made in such a shape as to deceive the public, not designedly on the part of the bank, for he presumed the clerks transcribed correctly from the books; but there were transactions long past, where accounts had long been settled, notes and bonds long canceled, being originally perhaps transactions for sixty or ninety days, and where members of Congress happened to be indorsers of notes—all were spread before the committee as recent transactions; and the committee considered, as Mr. C. thought, and as a majority of the House did believe, that it was entirely unnecessary to publish to the world transactions many of which had been closed ten years previously, or where a member of Congress happened to indorse a note for his friend. Mr. C. even blamed the bank, not for exposing their accounts, but for not discriminating as it ought to have done.

With regard to the present amendment, Mr. C. would prefer it if the honorable mover would strike out that part of it which imposed upon the committee the duty to report, and leave it in the power of the House, if they should think proper, to have everything laid before them which might be collected by the committee; for there was a great number of transactions in relation to private individuals, that could have no bearing on the question, and which it would perhaps be improper to publish to the world. However, Mr C. should vote for the gentleman's proposition, in every shape and form, whether modified or not, for he held it improper for any officer or member of the Government to have anything to do in the way of getting accommodations from banks.

Mr. BEARDSLEY said he agreed perfectly with the honorable gentleman from Massachusetts in reprobating everything like slander, in whatever form it might be presented; and it was because he reprobated slander so much as he did, that he thought the occasion that offered that morning warranted him—nay, more, required of him—that he should make the explanation he did. The charge, as it appeared on the paper Mr. B. saw, was calculated, if he might judge from the face of the paper, to produce an impression that the individual referred to had borrowed the sum of four, five, or six thousand dollars, or whatever the amount was, of the Bank of the United States, immediately before the time the investigation took place, or within some few months of it. He was not indicated as an indorser, but as one directly indebted to the bank. Now, knowing that to be utterly untrue, and knowing it on its face calculated to produce a slanderous impression, Mr. B. had thought, and still thought it his duty to expose it. He was (he said) against all slanders, whether they came from the Bank of the United States, or from any other quarter, and was as ready to denounce them as the gentleman himself.

There was one remark of the gentleman, to which Mr. B. would particularly recur. He understood the gentleman to say that this was either a base charge in its nature on account of a transaction to which Mr. B. had pointed, or else that it was base to make the charge. If the gentleman desired to be understood in the former sense, Mr. B. agreed with him, and was willing to let it be judged by the public. He had not, nor should not characterize it more strongly than the gentleman himself had done; but if the gentleman meant that it was base for a man, who was himself slandered, to expose the charge, Mr. B. would tell the gentleman that it did not comport with what he considered a proper self-respect. He held it right to speak out in such cases, in all places in public and before the world, fall where it might. Mr. B. did not say who was guilty. The gentleman from Maryland had said the information was furnished by the bank, and Mr. B. said the statement was untrue. Surely it was not base to state that fact! The original fabrication might be base, but the exposure of it could not be so held. He would forbear to say any more on the subject. He had said thus much, because he deemed it due to the occasion and to himself.

With regard to the views entertained by the committee of investigation at that time, Mr. B. had no concern about it. He was not on the committee, and he cared little whether the inquiry was published or withheld. If some members of the committee thought the inquiry proper, and others reprobated it as improper, they might adjust the matter as they pleased; and if, after obtaining the information, they choose to suppress it, he was equally as indifferent as he was to the subject of inquiry itself. But if the honorable member meant to have it understood that this paper was exhibited to Mr. B. in a secret and clandestine way, or that it was shown to him only, and not to others, the gentleman was mistaken. It came to Mr. B. in no such light, and in no such manner. He supposed at the time it was to have been published entire, though he cared not whether it was or not; and he never dreamed that this statement was omitted until some time afterwards, when on looking into the report he found it had been left out. What became of it he knew not, nor ever heard, till to-day; or if he did it escaped his memory. He was not able to say from recollection whether the minority report of the honorable member from Massachusetts named all the members of Congress or not, or whether the individual he referred to was named in it.

Mr. ADAMS briefly explained. He had referred to the names of all who had received favors from the bank, by having their payments as members made before the appropriation was made for them.

Mr. BEARDSLEY said, he had misapprehended the remark of the gentleman, but was satisfied by the explanation. The honorable gentleman and himself seemed to entertain the same opinion of the real character of the transaction which he had referred to; they differed only upon the propriety of speaking of it. Gentlemen might suppose it base and slanderous to speak of it, because it pointed to the president and directors of a large moneyed institution, and such seemed to be the view of the honorable member from Massachusetts. Mr. B. thought the transaction not the less reprehensible on that score. If those who conducted the affairs of the bank, as was now ascertained from two or three members of the committee, did furnish information he knew to be untrue, he held that he was at all times at perfect liberty to expose it before the world, and should always feel it his duty to do so, be the parties who they might.

Mr. HOWARD called for the reading of the amendment, and said that his object was to inquire from the mover whether he intended the period in the latter clause to be the time when public money was first deposited in any District bank, or the time when the change took place over the country. He remembered a document in which it was stated that the public money had always been deposited in one or more of the District banks. If that were the time to which the inquiry proposed to be extended, he had no objection; but if it were intended to limit the investigation to the last two years, he would sooner that the limitation should be stricken out. It might be, that the gentleman from Pennsylvania intended to show that these loans to officers of the Government and members of Congress were useful to the public, and necessary in consequence of the great delay in passing the annual appropriation bills, whereby it was sometimes absolutely necessary to anticipate salaries. Mr. H. said, that he remembered a document in which he, in common with every other member of the House, was reported as a debtor to the Bank of the United States, when, in fact, he had never owed the bank a dollar in his life. This circumstance arose from the bank's charging every member of Congress with his per diem, as he drew it from time to time, not deeming itself at liberty, until after the passage of the appropriation bill, to transfer a portion of the public money to the credit of the proper officer of the House. If it were intended to draw an inference from those loans that those corporations were useful, the inquiry might as well be pushed further back than the last two years.

But it might also happen that the object of the limitation might be to show that these corporations had recently made these loans, contrary to their former practice; and by so doing interfered with the money concerns of the Government. It seemed to be probable that the business of some of these banks might have become more extensive lately, in consequence of the contraction of the business of the Bank of the United States; but it was also probable that a portion of their business had always been that of furnishing facilities to persons connected with the Government, from the cause above mentioned; and if the House should limit its inquiry to a very modern date, the inference would necessarily be that all this was fresh business, arising from some recent cause, whereas it might be nothing more than a continuation of their customary proceedings. He

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, JANUARY 11, 1836. VOLUME 3....No. 5.

did not like to vote for any amendment which would prevent access to this information, and would be obliged to move to strike out the latter clause of it.

Mr. GRENNELL thought the proposition of the gentleman from Pennsylvania not germane to the object of inquiry, as intended by the original resolution of the gentleman from Maryland. No good could result from it, but much evil to the persons whose names might be brought forward in connection with banks charged with gross mismanagement. He thought the amendment entirely wrong, and its object and end wrong. He could not consent to institute a proceeding so injurious to gentlemen whose transactions with banks were fair and honorable. He also regarded the instructions as objectionable; for they proposed too broad and too extended an inquiry; not, however, as to the past conduct and present condition of the banks, but as it regarded the transactions of individuals in loans and private dealings. The original proposition empowered the committee to sit during the present and the *next* session of Congress. This seemed to be giving too great length and permanence to the commission, and he hoped the gentleman from Maryland would limit it to the present session.

Mr. HOWARD again asked the gentleman from Pennsylvania if he would accept the amendment.

Mr. McKENNAN said, he had no objection to go as far as any gentleman pleased, but he had prepared his amendment with care, and he could not consent to its modification.

Mr. EVERETT objected to the amendment, and said it was entirely opposed to every principle of the side of the House with which the gentleman had heretofore acted. There could be no good reason for exposing to public view every little private transaction on the books of these banks; and he designated it as an outrage—a curiosity, worse than vain curiosity. It would be an invidious and wanton act, and one which he hoped would never be concurred in by the House.

Mr. HOWARD said that, after what had fallen from the gentleman from Vermont, he would, for the present, withdraw his motion, to see what form the amendment might ultimately assume.

Mr. THOMAS then entered into a review of the proceedings of the committee of investigation on the Bank of the United States, in the years 1832-'3, in reply to Mr. ADAMS, and in opposition to the amendment of Mr. McKENNAN, in the form in which it was presented. Mr. T. concluded by modifying his motion, so as to confine the investigation to the present session of Congress.

Mr. KINNARD submitted the following amendment to the amendment of Mr. McKENNAN:

"And to make the same inquiry, as far as 'practicable, in its application to loans made by 'the United States Bank and branches to mem-'bers of Congress and officers of the Govern-'ment, since the veto of the bill to recharter said 'bank, and also to loans made to members of 'Congress by all the deposit banks."

Mr. KINNARD asked for the yeas and nays on his amendment; which were ordered.

Mr. PARKER moved to postpone the further consideration of the subject until Monday next, and that the several propositions be printed; which was negatived.

Mr. PARKER briefly opposed the two propositions to amend. If members of Congress had borrowed money from those banks, it was matter of no consequence in reference to the question of the recharter of those banks. He also objected to the original proposition in the form in which it was presented.

Mr. MANN, of New York, was opposed to the amendment. He alluded to a former attempt on the part of a committee of the House to investigate the affairs of the Bank of the United States, and the refusal on the part of that institution to submit the books, &c. to inspection. A similar attempt now would be nugatory and useless, as the same course would be pursued by that bank. He had no particular objection to the inquiry of the gentleman from Pennsylvania, [Mr. McKENNAN.] If there was anything rotten in Denmark, let it be known.

Mr. WARDWELL had hoped that this question would have been sooner disposed of, and that an opportunity would have been afforded to present petitions, this being the last day that the House would sit this week. The proposition of the gentleman from Indiana had nothing to do with the original proposition. Certain banks had applied for a renewal of their charters, and an inquiry into the propriety of acceding to these applications was entirely proper. The gentleman from Indiana had, however, offered an amendment foreign to the subject, and he trusted it would be withdrawn.

Mr. WILLIAMS, of North Carolina, concurred in the views of the gentleman last up. He would vote for the inquiry of the gentleman from Pennsylvania. He was opposed to leaving to the discretion of the committee what should and what should not be reported to the House. He protested against the idea that a committee should be in the possession of secrets which the House itself was not to be intrusted with.

Mr. McKENNAN had a distinct object in view when he offered his amendment; and the gentleman from Indiana and other gentlemen might attempt to clog his proposition, yet he would not be driven from his purpose. Mr. McK. concluded by modifying his proposition, so as to limit the inquiry from the 1st of October, 1833, to the present time.

Mr. GALBRAITH thought more time had been spent upon this subject than was necessary. He therefore moved the previous question; but at the request of Mr. KINNARD, who desired to make an explanation, he withdrew his motion.

Mr. McKIM renewed it.

The previous question was seconded—ayes 87, noes 83.

The question, "Shall the main question be now put?" (the effect of which would be, if adopted, to cut off all the amendments) was then taken, and decided in the affirmative; as follows:

YEAS—Messrs. Anthony, Barton, Beale, Bean, Beardsley, Bovee, Brown, Bynum, John Calhoon, Carr, Carter, Casey, Chaney, Chapman, Chapin, Coffee, Coles, Conner, Craig, Cushman, Davis, Dickerson, Doubleday, Effner, Everett, Fairfield, Farlin, Fowler, William K. Fuller, Galbraith, Glascock, Haley, Joseph Hall, Hiland Hall, Hamer, Hannegan, Samuel S. Harrison, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Klingensmith, Lawler, Gideon Lee, Thomas Lee, Leonard, Abijah Mann, Job Mann, Martin, Moses Mason, William Mason, May, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Page, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Roane, Seymour, Shields, Smith, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Webster, and Weeks—100.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Beaumont, Bell, Bockee, Bond, Borden, Bouldin, Boyd, Briggs, Buchanan, William B. Calhoun, Cambreleng, Campbell, George Chambers, John Chambers, Childs, Claiborne, Clark, Cleveland, Corwin, Crane, Cushing, Deberry, Denny, Dromgoole, Evans, French, Philo C. Fuller, Rice Garland, James Garland, Graham, Granger, Grantland, Graves, Grennell, Griffin, Hammond, Harlan, Albert G. Harrison, Hazeltine, Heister, Hoar, Howell, Hunt, Janes, John Jones, Kinnard, Lane, Laporte, Lawrence, Lay, Luke Lea, Lincoln, Love, Loyall, Lucas, Lyon, John Y. Mason, Sampson Mason, Maury, McCarty, McKay, McKennan, McKeon, Morris, Owens, Parker, James A. Pearce, Pettigrew, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Rogers, Russell, William B. Shepard, Augustine H. Shepperd, Sloane, Spangler, Sprague, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Vinton, Washington, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—96.

Mr. TALIAFERRO asked a division of the question. He desired that a separate vote should be taken on so much of the instructions as required that all future, or similar, memorials on this subject should be referred to the same committee.

Mr. THOMAS proposed to modify his motion by striking out that part which provided that all other memorials which might be presented to the present Congress, praying for the extension of the charters of existing banks in the District of Columbia, or for the establishment of any other bank or banks in their stead.

The SPEAKER said this could only be done by unanimous consent, the previous question having been ordered.

Mr. THOMAS asked the unanimous consent of the House to make the modification indicated.

Mr. WISE objected.

Mr. EVANS demanded that the question should be first put on the commitment of the memorials to a select committee; which was done accordingly, and determined in the affirmative without a division.

The question was next taken on so much of the instructions not embraced in the modification last proposed by Mr. THOMAS, and carried in the affirmative without a count.

The question was then taken on agreeing to so much of the instructions as was proposed to be stricken out by Mr. THOMAS, in reference to future memorials; and decided in the negative.

The House then adjourned over to Monday.

IN SENATE.

MONDAY, *January* 4, 1836.

The CHAIR communicated a report from the Navy Department, containing, in compliance with the provisions of the act of the 3d March, 1809, an abstract of expenditures, under the contingent head of said Department for the last year.

PETITIONS, MEMORIALS, ETC.

Mr. PORTER presented the memorial of a railroad company in Louisiana, praying permission to use the public lands over which it passes; which was referred to the Committee on Roads and Canals.

Mr. CLAYTON presented the memorial of sundry citizens of Lewistown, Delaware, and the petition of sundry citizens of said State, praying for an appropriation for the construction of a mole or wharf near the Delaware breakwater; which were referred to the Committee on Commerce.

Mr. GOLDSBOROUGH presented the petition of the heirs of the late Captain George Cook, praying compensation for services rendered and losses sustained by the deceased in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. WRIGHT presented the petition of Martin Daly and others, which was referred to the Committee on Claims; and the petition of Captain John Bosworth; which was referred to the Committee on Pensions.

Mr. TOMLINSON presented the petition of Daniel Stoddert, praying for a pension; which was referred to the Committee on Pensions.

Mr. LEIGH presented the petition of the representatives of the late Commodore Thompson, praying for certain allowances in his accounts, which were disallowed him at the Navy Department; also, praying compensation for certain diplomatic services rendered by the deceased; which was referred, the first prayer of the memorial to the Committee on Naval Affairs, and the second prayer to the Committee on Foreign Relations.

Mr. L. also presented the petition of Richard Boon, praying for compensation for military services rendered during the last war; which was referred to the Committee on Military Affairs.

On motion by Mr. BLACK, the petition and papers of Andrew Knox, on the files of the last session, were again referred to the Committee on the Public Lands.

BANKS OF THE DISTRICT.

Mr. KENT moved to take up the memorial of the president and directors of the Bank of the Metropolis, praying for a recharter, and refer it to the Committee on the District of Columbia.

Mr. BRENTON said, he should to-morrow

submit a resolution to refer the memorials of all these banks to a select committee. He wished an inquiry instituted into the affairs of these banks—the manner in which their business had been conducted—the amount of capital employed, and if necessary for the commercial wants of the District. He preferred that the memorial should lay on the table until to-morrow.

Mr. KENT expressed the hope, that the gentleman would permit the memorial to take the usual course.

Mr. BENTON said that, in order that the Senate might not be taken by surprise, he would inform the Senate that he intended to-morrow to make a motion to go into an investigation of the concerns of these banks. He should move for a pretty extensive committee. He would not repeat in the Senate the charges he had heard against these banks; but, if a tithing of what he had heard concerning them was true, those petitioners ought to have leave to withdraw their petitions.

The petition was then referred to the Committee on the District of Columbia.

REPORTS FROM COMMITTEES.

Mr. PORTER, from the Committee on Private Land Claims, reported, without amendment, the bill to provide for the legal adjudication and settlement of claims to lands therein mentioned.

On motion by Mr. WHITE, the Committee on Indian Affairs was discharged from the further consideration of the bill for the relief of John O. Bannon.

NOTICE OF A BILL.

Mr. KING, of Alabama, gave notice that he would to-morrow ask leave to introduce a bill making an appropriation for a road from Lime Creek to Chattahoochee. Also, a bill to authorize Whitman and Lamar to import, free of duty, an iron steamboat in detached parts.

BILLS INTRODUCED ON LEAVE.

Mr. LINN, in pursuance of notice given, asked and obtained leave to introduce the following bills; which were severally read twice and referred:

A bill for issuing certain land patents at Green Bay, and for other purposes;

A bill for the relief of J. and W. Beeson, and others; and

A bill for the relief of Robert Abbott and the heirs of James Abbott, deceased.

NEW POST ROUTES.

Mr. LINN submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following routes in the State of Missouri:

From Jefferson city, the seat of government, through the seats of justice for the counties of Morgan, Benton, Polk, and Green, to the seat of government of the Territory of Arkansas.

From the seat of justice of Greene county, through the seats of justice of Polk, Benton, Rives, Van Buren, and Jackson.

From Boonville, Cooper county, through the seats of justice of Pettis, Johnson, and to Van Buren.

From the seat of justice of Green county, through the seat of justice of Pulaski, Crawford, by Massey's Iron Works, to Union, the seat of justice of Franklin county.

From Jefferson City, through the seat of justice of Gasconade county, Crawford, Potosi, Washington county, Farmington, St. Francis county, to Jackson, the seat of justice for Cape Girardeau county, twice a week.

From the seat of justice of Stoddard county to Greenville, the seat of justice for Wayne county.

From Potosi, the seat of justice for Washington county, through the seat of justice of Ripley county, to Jackson, in Arkansas, in a two-horse coach.

From Jefferson City to Boonville, in Cooper county; from Boonville, through the seat of justice of Salina county, to Lafayette, to Independence, the seat of justice of Jackson county, in a four horse post coach, twice a week.

From St. Louis, through the seats of justice of St. Charles, Montgomery, Warren, Fulton, the seat of justice of Howard county; the town of Charlton, Keatsville, the seat of justice of Charlton county, Carrollton, the seat of justice of Ray county, three times a week, in a four-horse post coach.

From St. Louis to St. Charles, three times a week, in four-horse post coaches.

From Louisiana, in Pike county, to Bowling Green, to Fulton, in Calloway county, in two-horse post coaches.

From St. Genevieve, by Bolivia post office, to Fredericktown, the seat of justice of Madison county, once a week.

From Jackson, the seat of justice of Cape Girardeau, by the towns of Girardeau, Benton, the seat of justice of Scott county, to New Madrid, the seat of justice of New Madrid county.

WILLIAM FETTYPLACE.

On motion by Mr. DAVIS, the petition and documents of William Fettyplace and others, on the files of the last session, were again referred to the Committee on Claims.

LANDS TO EDUCATE THE POOR.

The resolution submitted on Thursday last by Mr. HENDRICKS, was considered and agreed to.

COMPENSATION TO CLERKS.

The bill supplementary to the act to regulate and fix the compensation of the clerks in the different offices, passed 20th April, 1818, was read the third time and passed.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of Irwin Shubrick;

The bill for the relief of the owners of the brig Dispatch and cargo; and

The bill for the relief of Benjamin Murphy.

JUDICIAL SYSTEM OF THE UNITED STATES.

The bill supplementary to the act entitled "an act to amend the judicial system of the United States," was taken up as the special order of the day.

Mr. CLAYTON said this bill had passed the Senate at the last session by a vote of thirty-one to five. The plan adopted in the bill he thought was not the best possible plan that might have been adopted; and he was one of the five that had voted against it at the last session; but the subject had been before Congress a number of years, and the action upon it had been greatly procrastinated. He was, under existing circumstances, at present disposed to acquiesce in its provisions and vote for the bill. It was not necessary, as the bill had been acted on at the last session, to go into a discussion of the merits of it.

Mr. GOLDSBOROUGH suggested an amendment as to the day of holding the courts, so as to make the "first of May" read "the first *Monday* in May," &c.

Mr. CLAYTON said it had been intended by the committee that it should read as the gentleman [Mr. GOLDSBOROUGH] had suggested, and that its not reading so was, perhaps, a clerical error.

Mr. GOLDSBOROUGH's amendment was agreed to.

Mr. BLACK moved an amendment by striking out "Natchez," and inserting "Jackson," after some remarks from Mr. B. in favor of it.

Mr. CLAYTON stated he had no objection to it.

Mr. PORTER thought the increase of traveling by the judges, which would be caused by the amendment offered by the gentleman, [Mr. BLACK,] would make the performance of their duties very heavy on them.

Mr. BLACK said it was only forty-five miles from Pittsburg to Jackson, and a daily mail was now running between those places; also, that a railroad would soon be completed on that route, which he thought would meet the objection of the gentleman from Louisiana, [Mr. PORTER.]

Mr. BUCHANAN, for one, would be willing to take the suggestion of the gentleman from Mississippi, [Mr. BLACK;] but he would suggest himself that a good deal of commercial and maritime business accrued at Natchez; many matters of small amount were litigated there, and he thought it would be burdensome to the parties to oblige them to follow their small claims to Jackson.

Mr. BLACK's amendment was agreed to.

Mr. KING, of Alabama, said the district of Pennsylvania and other districts had been formed in the bill as he understood it. As the law now stood they were divided into several districts. He wished to know whether the same judge was to hold courts in the two districts in Pennsylvania? There was a clause in the bill which gave a direct appeal from the circuit to the district courts. He would like to know, also, whether Pennsylvania was included in that provision? and spoke of Mobile as an eligible point for a circuit court to be established in Alabama.

Mr. PORTER said, if the gentleman from Alabama [Mr. KING] could show the Senate that the one judge could not perform the duties in his district, he (Mr. P.) would be willing to modify the bill to meet his views.

Mr. KING, of Alabama, did not wish to throw any obstacles in the way of the passage of the bill. He thought a point somewhere between the northern and southern division in his district would best accommodate the State he represented. Business would naturally go to the central point, and it would be a saving in the mileage of witnesses, &c. He would like the modification.

Mr. LEIGH said he understood there were two district courts in Alabama. His purpose was to extend the jurisdiction of the circuit courts over the whole State. He would suggest an amendment, which he thought would meet the views of the gentleman, [Mr. KING, of Alabama,] which was to strike out "southern district" and insert "several districts." That would place Alabama in the same situation with North Carolina. He would therefore move to amend it, which was agreed to.

Mr. LEIGH suggested another amendment, to make the bill correspond with North Carolina and Virginia; which was to make it read, "the district of Maryland, the eastern district of Virginia, and the districts of North Carolina."

Mr. PORTER moved to insert, after the word "Delaware," the words, "eastern district of Pennsylvania;" which was agreed to.

Mr. CLAYTON moved to make Delaware read "the district of Delaware;" which was agreed to.

Mr. KING, of Alabama, moved to strike out the word "southern" in the third section; which was agreed to.

Mr. WRIGHT felt as if he and his colleague would be very inexcusable were they to let the bill pass in its present shape, without endeavoring to obtain for New York what was so necessary and desirable to her—an additional circuit. He would not propose an amendment now; but before the bill was ordered to be engrossed, he wished to reserve the right to offer an amendment.

Mr. PORTER said that, as this bill had progressed so far towards its final passage, he would suggest to the gentleman from New York [Mr. WRIGHT] the propriety of bringing in another bill embracing his object. In the western country they thought this bill had been much delayed. He felt anxious for the early passage of it.

Mr. CLAYTON suggested another amendment, to correspond with the amendment already made in relation to Alabama.

Some conversation between Mr. LEIGH and Mr. CLAYTON, respecting the amendment of Mr CLAYTON, took place, when

Mr. CLAYTON said, he would take occasion to state he was willing to coöperate with the gentleman from New York [Mr. WRIGHT] in a separate bill for the regulation of the western district of New York, and thought he [Mr. WRIGHT] had better let this bill pass.

Mr. WRIGHT could not comply with the request of the gentleman from Delaware, [Mr. CLAYTON.] The bill had come up before he had anticipated it. He would, however, convince the Senate of the propriety of the amendment he would offer. He would venture to say that the judge would never pass through his circuit without passing through Albany, either going or returning. He spoke of the vast amount of business that originated in the city of New York for the United States court. He objected to a separate bill. His constituents would complain, and ask why they were taxed with a separate bill, when a general bill had passed? The amendment he should propose would adopt the feelings of his constituents. He did not say so by way of threat, but by way of persuasion. Mr. W. then moved to insert, after the word "hereafter," in the ninth line of the first section, the words, "the districts of Vermont, Connecticut, and New York, shall constitute the second district."

Mr. CLAYTON observed that, as this amendment was pressed by the Senator from New York, he would not oppose it. He would, however, ask the honorable Senator if he had sufficiently considered the details of the bill, and how far the amendment would interfere with them? He should regret if the bill was retarded by the amendment. He would also ask whether the judge who is to perform the duties contemplated by the amendment, would be willing to encounter the additional

labor, and whether he had not already as much business as he could attend to? He was willing, however, to take the amendment as offered by the gentleman from New York, leaving it to him to make such other amendment as the details of the bill rendered necessary.

Mr. WRIGHT was aware that some additional amendment as to the time and place of holding the court would be necessary, and if the amendment should be adopted he or his colleague would submit the proper motion.

Mr. KING, of Alabama, observed that, as the Senator from New York had thought proper to introduce this amendment, other Senators, coming from States where there was no more than one district judge, might be induced to offer a similar amendment. Why (he asked) was not this inconvenience, as regards New York, thought of before? He asked the Senator if it was right, at this time, to throw obstacles in the way of a bill so important to the new States—a bill fraught with a measure which he conceived they had a constitutional right to, which they had been so long contending for, and which they were now about to obtain? He hoped the amendment would not be pressed at this time. If, hereafter, the gentleman, on finding that the judge can perform the additional duties required, chooses to introduce the measure, in the shape of a separate bill, he would most readily extend to him the helping hand; but he trusted that a bill which was to render the judiciary system uniform throughout the Union, which the new States had endeavored, year after year, to get through, would not be embarrassed by obstacles thrown in its way when it was about to pass. He should vote against the amendment, though he hoped it would be withdrawn.

Mr. PORTER said he felt very much embarrassed at the situation in which he had been placed by the amendment. He was favorably disposed towards the objects it contemplated, though he feared it might somewhat embarrass the important measure before them. He did hope that the gentleman from New York would not press the amendment at this stage of the business; that they would not throw obstacles in the way of an important measure by tacking to it objects that might be accomplished in a separate bill. This bill had been before the Senate at the last session; and if the claims of New York were so very strong, and the inconveniences under which she suffered were so great, surely they ought to have occurred to the gentleman then. He felt, however, that, in opposing the amendment, his hand was on the lion's mane. There were forty-two members from New York in the other House, and he feared that, if the bill passed without the amendment, it would be greatly embarrassed there. He was confident that the gentleman did not intend this, but he feared that such would be the effect. The bill was lost the last year in consequence of the amendments that delayed it. Perhaps the Senator from Pennsylvania might be enlightened, and think that a similar amendment was necessary for his State, and by moving it occasion further embarrassment to the bill.

Mr. WRIGHT said that there was one remark he was compelled to make in reply to the Senator from Louisiana. He understood that gentleman as saying that he had *attacked* the bill by throwing obstacles in its way.

Mr. PORTER explained. He said *tacked*, not *attacked*. He had expressed the hope that the gentlemen would not throw obstacles in the way of the bill by tacking other objects to it.

Mr. WRIGHT said he was glad he had misunderstood the gentleman, who was himself mistaken as to the time of the introduction of the measure contemplated by the amendment. Long before any effort had been made to extend to Alabama the circuit system, an effort had been earnestly, though respectfully, made to extend it to the northern portion of New York. The gentleman did not seem to appreciate the geographical situation of New York, nor consider the great extent of its frontier requiring this system. He and his colleague had been asked not to press their amendment at this stage of the bill. But did the gentlemen from Alabama and Louisiana suppose that they could do their duty without pressing this measure? As to the details, he confessed he had sufficiently examined them to conform his amendment to them at this time. But gentlemen must see that this was a mere matter of form, and the gentlemen from Connecticut and Vermont, and himself and his colleague, could not differ with regard to them. The gentleman from Louisiana had asked him not to press this amendment, and thus bring down on the bill the numerical force of the New York members in the other House. Now, it was to make the bill acceptable to this numerical force that he had introduced the amendment.

Mr. BUCHANAN said, he had been too long following the same lights on this subject to be enlightened at this time, as the Senator from Louisiana supposed he might be. He had been endeavoring for many years to extend the circuit system to the new States, and should continue his exertions until that object was accomplished. What was the single proposition before the Senate? It was to extend this system to the six new States who were justly entitled to it, and who had so long been deprived of it. That was the sole proposition. It was so considered when the bill was introduced, and was so considered by the Judiciary Committee who had it under examination, and who reported on it. It was admitted that it was desirable to extend this system to New York; but suppose it was done by the amendment, what then would be the duty of the Senators from Pennsylvania? The western district of Pennsylvania was not entirely inland. It had considerable maritime frontier, and he understood to-day, for the first time, that there was a petition numerously signed from the western part of Pennsylvania for the establishment of a circuit court for their benefit. Could he and his colleague then sit still, and not ask for this for Pennsylvania when they saw the same favor granted to New York? He would prefer, however, that the circuit system should be extended both in Pennsylvania and New York by a separate bill; and he would advise the gentlemen from New York to wait, and go *pari passu* with Pennsylvania in accomplishing an object so desirable to both. We want (said Mr. B.) the same advantages for the western district of Pennsylvania that they want for the northern district of New York; but we shall give no vote that will embarrass the passage of the bill.

Mr. NILES said there were two district courts in Connecticut. The business in them was merely nominal. The court was sometimes one and sometimes two days in session. He thought the difficulty suggested of performing the tour not a formidable objection. So far as the constituents he had the honor to represent in part were concerned, he had no doubt they would be in favor of the amendment of the gentleman from New York, [Mr. WRIGHT.] He felt anxious for the passage of the bill. But he would ask how the bill was to be embarrassed? Certainly not by making it more acceptable to a large portion of the country. By making it more acceptable, a better feeling would exist towards it which would be more likely to secure its passage.

Mr. CLAYTON said, on the whole he felt disposed to vote for the amendment of the gentleman from New York, [Mr. WRIGHT,] and also for the amendment mentioned by the gentleman from Pennsylvania, [Mr. BUCHANAN,] if that gentleman should offer it. All he asked of gentlemen was to make the bill to-day as perfect as possible, in order that it might be passed to-morrow. The Senator from New York might, on the third reading of the bill, by general consent, offer such amendments as would render the details perfect.

After some further remarks from Messrs. DAVIS, BLACK, TALLMADGE, MOORE, SHEPLEY, PRENTISS, and KING of Alabama, the question was taken; and Mr. WRIGHT's amendment was adopted—yeas 28, nays 12; as follows:

YEAS—Messrs. Benton, Black, Clayton, Davis, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, Knight, Leigh, Moore, Morris, Niles, Porter, Prentiss, Robbins, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tipton, Tomlinson, Wall, White, and Wright—28.

NAYS—Messrs. Brown, Buchanan, Calhoun, Clay, Crittenden, Ewing, King of Alabama, King of Georgia, Linn, McKean, Mangum, and Southard—12.

After some verbal amendments were agreed to, submitted by Messrs. CLAYTON and LEIGH,

On motion of Mr. CLAYTON, the bill was laid on the table; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 4, 1835.

The Hon. R. J. MANNING, of South Carolina, appeared, was qualified, and took his seat.

PETITIONS, MEMORIALS, ETC.

Petitions and memorials were presented by

Messrs. EVANS and SMITH, of Maine;

Messrs. BEAN and CUSHMAN, of New Hampshire;

Messrs. BRIGGS and ADAMS, of Massachusetts.

SLAVERY IN THE DISTRICT.

Mr. ADAMS presented the petition of sundry citizens of Massachusetts, residing in his congressional district, praying for the abolition of slavery and the slave trade in the District of Columbia. Mr. A. said it was his intention to move that the petition, without being read, be laid on the table; and was proceeding with a few preliminary remarks, when

Mr. PATTON rose to a question of order. He desired to inquire of the Speaker whether the petition had been received?

The CHAIR replied in the negative, and referred to the authorities on the subject. The first question which arose was—Will the House receive the petition?

Mr. GLASCOCK moved that the petition be not received.

Mr. PATTON seconded the motion, stating that it had been his intention to make a similar one.

Mr. GLASCOCK said he felt it to be his duty to make this motion, because it had been contended in the House, as well as out of it, that the motion that a petition be not received was unconstitutional. If he could believe the motion was unconstitutional, he would be one of the last to make it. He had endeavored to inform himself on this subject, and believed that he had the right to make the motion. He recollected that when this motion was made by the gentleman from South Carolina, [Mr. HAMMOND,] it seemed to be the understanding of the Chair that the motion could not be sustained. If we were to take the views or opinions as laid down by Jefferson, this was a proper motion; and if it be a proper motion, then this House should sustain it; and he would take occasion here to remark, that one petition had been laid on the table by an overwhelming vote. Another motion was made to reject.

Mr. ADAMS rose to a point of order. He contended, under the 45th rule it was incompetent to discuss and decide a petition on the day of its presentation.

The CHAIR said that the rule only applied to petitions which had been received by the House, and that the preliminary question of reception was debatable and could be decided when a petition was first presented.

Mr. ADAMS appealed from the decision of the Chair, and asked for the yeas and nays; which were ordered.

The point of order arising on the appeal was discussed by Messrs. MERCER, CRAIG, ADAMS, SUTHERLAND, REED, GLASCOCK, BEARDSLEY, WILLIAMS of North Carolina, VANDERPOEL, BRIGGS, BELL, PATTON, MANN of New York, UNDERWOOD, THOMAS, HAMER, EVERETT, BYNUM, and VINTON.

The latter gentleman remarked that, as the only question seemed to be, whether the motion made by the gentleman from Georgia [Mr. GLASCOCK] should be debated to-day or to-morrow, he would move an adjournment, which would relieve the House of the difficulty in which it appeared to be involved.

The motion was agreed to, and the House (at four o'clock, p. m.) adjourned.

IN SENATE.

TUESDAY, *January* 5, 1836.

The CHAIR communicated a report from the Department of State, containing a list of the clerks

employed in that Department, and the compensation paid to each.

Also, a report from the same Department, made in compliance with the resolutions of Congress of the 23d April, 1816, and July 14, 1832, containing a register of all the officers, civil, naval, and military, employed in the service of the United States.

SLAVERY IN THE DISTRICT.

Mr. EWING presented the petition of sundry citizens of Belmont county, Ohio, praying for the abolition of slavery in the District of Columbia, and moved to refer the same to the Committee on the District of Columbia; and

On motion by Mr. GRUNDY, it was laid on the table.

REPORTS FROM COMMITTEES.

Mr. DAVIS, from the Committee on Commerce, to which had been referred the bill authorizing certain allowances to be made in the accounts of the American Consul at London, reported the same without amendment; and

On motion by Mr. D., the bill was considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

Mr. CLAYTON, from the Committee on the Judiciary, to which had been referred the petition of David Bear, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. C., from the same committee, to which had been referred the petition of James Thomas, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. LEIGH, from the Committee on the Judiciary, to which had been referred the message of the President relative to the bequest to the United States of the late James Smithson, of London, for the purpose of founding a seminary of learning at the city of Washington, made a report thereon, accompanied by a joint resolution authorizing the President to appoint an agent for the purpose of receiving the bequest, and carrying the intentions of the testator in that behalf into effect.

The resolution was read, and ordered to a second reading, and the report was ordered to be printed.

Mr. L., from the same committee, to which had been referred the bill for the relief of Theodore Brightwell, reported the same without amendment.

Mr. BLACK, from the Committee on Private Land Claims, to which had been referred the bill to revive and continue the act for the relief of the legal representatives of John Donnell and Stephen Heard, reported the same without amendment.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the bill to revive and continue in force the act for the final adjustment of private land claims in Missouri, reported the same without amendment.

NOTICE OF A BILL.

Mr. HENDRICKS gave notice that he would, to-morrow, ask leave to bring in a bill to authorize the Leavenworth and Bloomington and other railroad companies therein named, to locate roads through the public lands.

BILLS INTRODUCED ON LEAVE.

Mr. KING, of Alabama, in pursuance of notice given, asked and obtained leave, and introduced a bill to authorize George Whitman and John B. Lamar to import, free of duty, an iron steamboat, in detached parts; also, a bill making an appropriation for the completion of the road from Lime Creek to Chattahoochee, and for the construction of bridges thereon; both of which were twice read, and referred.

RESOLUTIONS SUBMITTED.

Mr. BENTON submitted the following resolution, which lies on the table one day:

Resolved, That a select committee of five be raised to act jointly with any committee raised for similar purposes by the House of Representatives, to whom shall be referred all the petitions now presented to the Senate for the renewal of Bank charters within the District of Columbia, with authority to examine into the conduct of said banks; and for that purpose to have authority to send for persons and papers, to inspect books, and to examine witnesses on oath; also, to examine into the condition of the currency in the District of Columbia, and the means of improving it, and approximating it to the currency of the Constitution; also, to inquire into the necessity (if any) for banks of circulation in the District of Columbia, in contradistinction to banks of discount and deposit, and for dealing in bullion and exchange; also, to inquire how far banks of any kind are wanted for the uses of the Federal Government in this District, and wherefore the Treasurer of the United States may not act as keeper and payer of the public moneys within the District of Columbia, and drawer of checks or drafts in favor of those who may choose to receive their money elsewhere. The said select committee to have leave to employ a clerk, and to report by bill or otherwise.

Mr. CALHOUN submitted the following resolution; which was considered and adopted:

Resolved, That the Secretary of the Treasury be directed to report to the Senate, before the third Monday of the present instant, the amount of revenue from all sources, during the year ending on the 31st December last, as far as returns have been received, with an estimate of the amount to be received.

Mr. RUGGLES submitted the following resolution; which was considered and adopted:

Resolved, That the Secretary of War be requested to communicate to the Senate, the survey and plan of West Thomaston harbor, in Maine, together with the estimated expense of contemplated improvements therein, made pursuant to a resolution of the last Congress.

Mr. TIPTON submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of reorganizing the General Land Office, so as to give it more efficiency, and to enable that office to meet the exigencies of the increased and increasing wants of the settlers in the western country; and also of making that office a separate department of the Government.

Mr. EWING submitted the following resolution; which was considered and adopted:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what has been the whole cost of attending the purchase and management of the public lands up to the first day of January, 1833, designating the amount of each of the various heads of expenditure; also, that he inform the Senate what amount of land has been surveyed and offered for sale in each of the States and Territories, the amount which has been sold in each, and the net proceeds of such sales to the said first day of January, 1836.

THE JUDICIARY SYSTEM.

On motion by Mr. CLAYTON, the Senate proceeded to the consideration of the bill in addition to the "act to amend the judiciary system of the United States."

Mr. TALLMADGE moved an amendment in the second section, after the word "annually," in the twentieth line, by inserting the words, "in the northern district of New York, at Albany, on the first Tuesday in June and the second Tuesday in October;" which was agreed to.

Mr. BUCHANAN moved an amendment in the tenth line of the first section, to make it read, "the eastern and *western* districts of Pennsylvania." Also, in the second section, fifteenth line, by inserting the words, "in the western district, in the city of Pittsburg, on the 17th day of March;" which was agreed to.

Mr. B. also introduced an amendment to prevent the bill in its operation from interfering with the holding of the courts in Utica, in the State of New York, and Williamsport, in the State of Pennsylvania; which was agreed to.

Mr. CLAYTON moved an amendment in the fourth section, after the word "Alabama," in the eighth line, the words, "the northern district of New York, and western district of Pennsylvania;" which was agreed to.

After some further verbal amendments,

The bill was ordered to be engrossed for a third reading.

BILLS PASSED.

The following bills were severally read the third time, and passed:

The bill for the relief of Benjamin Murphy;

The bill for the relief of the owners of the Brig Despatch and cargo; and

The bill for the relief of Irvin Shubrick.

EXECUTIVE BUSINESS.

On motion by Mr. WEBSTER, the Senate proceeded to the consideration of executive business; and when the doors were opened,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 5, 1836.

Mr. DUNLAP, from the Committee on the Public Lands, by unanimous consent, reported a bill to amend the act authorizing the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same State, passed the 18th of April, 1806.

REPORTS FROM COMMITTEES.

Mr. W. B. SHEPARD moved to suspend the rules, in order that reports might be received from the standing committees; which was agreed to.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill making an appropriation for suppressing hostilities, commenced by the Seminole Indians; which was read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. C. gave notice that, in consequence of the urgent necessity that this bill should be speedily acted on, he should call it up to-morrow.

Mr. C., from the same committee, reported the following bills; which were read twice, and committed:

A bill making appropriations for the current expenses of the Indian Department, and for Indian annuities and other similar objects, for 1836; and

A bill for the relief of Thomas Dixon & Co., of New York.

Mr. C., from the same committee, reported the following substitute for the second section of the bill for the relief of the sufferers by the late fire in the city of New York:

SEC. 2. *And be it further enacted*, That the collector of the port of New York is hereby authorized and directed to extend the payment in the manner prescribed in the first section of this act of all other bonds given for duties at the port of New York, prior to the late fire, and not provided for in the first section, as aforesaid, for six, nine, and twelve months, from and after the day of payment specified in the bonds: *Provided, however*, That nothing contained in this act shall extend to bonds which had fallen due before the 17th day of December last.

Mr. C. gave notice that he would call up, for consideration, this bill, and the bill making partial appropriations for the support of Government for the year 1836, on to-morrow.

Mr. C., from the same committee, moved that a document in relation to the remission of duties under the tariff of 1828, be printed for the use of the House, which was agreed to.

Mr. WARDWELL, from the Committee on Revolutionary Pensions, reported the following bills, which were read twice and committed:

A bill for the relief of Amy Wilson; and

A bill for the relief of Peter Doxtater and Jacob Weaver.

Mr. WHITTLESEY, from the Committee on Claims, reported the following bills; which were read twice and committed:

A bill for the relief of the legal representatives of Thomas Haliday; and

A bill for the relief of William Woodward and William Mitchell.

Mr. GRENNELL, from the Committee on Claims, reported a bill for the relief of the legal representatives of Josias Thompson; which was read twice and committed.

Mr. PEARCE, of Rhode Island, from the Committee on Commerce, reported a bill for the relief of Gilbert A. Smith and others; which was read twice and committed.

Mr. DAVIS, from the Committee on Claims, reported a bill for the relief of Clark Allen; which was read twice and committed.

Mr. W. B. SHEPARD, from the Committee for the District of Columbia, reported a bill to incorporate a fire insurance company in the town of Alexandria, District of Columbia; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. PARKER, from the Committee on Naval Affairs, reported the following bills; which were read twice and committed:

A bill concerning pensions, payable out of the navy pension fund;

A bill for the relief of Samuel W Ruff; and

A bill for the relief of James Wiltbank.

Mr. KENNON, from the Committee on the Public Lands, reported a bill for the relief of F. Eskridge and E. Fisk; which was read twice and committed.

Mr. CRANE, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Dr. Absalom Baird; which was read twice and committed.

Mr. MAY, from the Committee on Private Land Claims, reported a bill for the relief of Daniel Smith; which was read twice and committed.

Mr. CASEY, from the Committee on Public Lands, made a report, accompanied by a bill to graduate the price of the public lands, to make provision for actual settlers, and to cede the refuse lands to the States wherein the same may lie; which was read twice and committed.

Mr. WILLIAMS, of North Carolina, said, as the bill last reported was one of great importance, he would move that one thousand additional copies of the bill and report be printed.

Mr. SLADE named three thousand copies.

Mr. WILLIAMS accepted the modification, when the motion, by consent, was considered and agreed to.

Mr. CASEY, from the Committee on the Public Lands, reported a bill for the relief of John Dement; which was read twice and committed.

Mr. THOMSON, of Ohio, from the Committee on Military Affairs, reported a bill to authorize a compromise and secure to the United States the title to Pea-Patch Island, in the State of Delaware; which was read twice and committed.

Mr. PATTERSON, from the Committee on Private Land Claims, reported a bill for the relief of Farish Carter and the heirs of Charles Williamson, deceased; which was read twice and committed.

Mr. JONES, of Virginia, from the Committee on the Judiciary, reported a bill for the relief of the heirs of Nathaniel Tyler; which was read twice and committed.

Mr. PIERCE, of New Hampshire, from the Committee on the Judiciary, reported a bill for the relief of Thomas McLelland and James Smith; which was read twice and committed.

Mr. HARRISON, of Missouri, from the Committee on Public Lands, reported the following bills; which were read twice and committed:

A bill for the relief of David Browning; and

A bill for the relief of Jonathan Boone.

Mr. GARLAND, of Virginia, from the Committee on Private Land Claims, reported a bill for the relief of James Caulfield; which was read twice and committed.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of Don Louis Rosamond Orillion; which was read twice and committed.

Mr. INGHAM, from the Committee on Commerce, reported a bill for the relief of William Stanard; which was read twice and committed.

Unfavorable reports upon various petitions were made by Messrs. HAYNES, WHITTLESEY, DAVIS, KENNON, WILLIAMS of North Carolina, PIERCE of New Hampshire, STORER, LINCOLN, BOND, LEA of Tennessee, LAWLER, COFFEE, LYON and FRY, from their respective standing committees.

REPORTS FROM SELECT COMMITTEES.

Mr. STORER, from the select committee to whom the petition of Morgan Neville had been referred, reported a joint resolution; which was read twice and committed.

Mr. WISE, from the select committee raised on the subject, reported a bill to carry into effect a resolution of the Congress of 1787, to erect a marble column at Yorktown, in Virginia; which was read twice and committed.

Mr. MANN, of New York, from the select committee to whom had been referred the Rules of the House, reported sundry amendments to the same; which were laid on the table, and ordered to be printed.

HATS OFF.

Mr. PARKER asked the consent of the House to receive and print an additional amendment, providing that, during the session of the House, the members should, unless otherwise ordered, sit uncovered.

The House refused to receive the amendment.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following communications:

I. A report from the Secretary of the Navy, in pursuance of the act of 3d March, 1809, embracing an abstract of expenditure under the contingent head of said Department; which was laid on the table, and ordered to be printed.

II. A report from the Secretary of the Treasury, pursuant to a resolution of the 31st of December last, containing a tabular statement of the sums yearly paid under each particular head of expenditure, since the year 1816; which was laid on the table, and ordered to be printed.

Mr. CAVE JOHNSON, in view of the importance of this document, moved, by consent, that five thousand additional copies be printed; which was agreed to.

III. A letter from the Secretary of the Treasury, transmitting, in pursuance of a resolution of July 10, 1832, various statements, showing the capital, the amount of notes in circulation, specie on hand, discounts, &c., of State banks; which was laid on the table, and ordered to be printed.

Mr. CAVE JOHNSON, by consent, moved to print five thousand additional copies of the last named document.

Mr. G. LEE, of New York, suggested seven thousand five hundred.

Mr. MANN, of New York, named ten thousand.

Objection being made to the consideration of the proposition at this time, it was, under the rules, laid over one day.

IV. A communication from the Secretary of War, in relation to the condition of ordnance and ordnance stores; which was laid on the table, and ordered to be printed.

V. A letter from the Secretary of State, transmitting printed copies of the Annual Register of the Expenditures of the Government; which was laid upon the table.

VI. A letter from the Secretary of State, transmitting a list of the clerks employed in his Department, and their compensation; which was referred to the Committee on the Expenditures in the State Department, and ordered to be printed.

NORTH CAROLINA CONTESTED ELECTION.

The SPEAKER laid before the House additional depositions in the contested election from North Carolina; which were referred to the Committee on Elections.

CLERKS FOR QUARTERMASTER GENERAL.

Mr. R. M. JOHNSON, from the Committee on Military Affairs, reported a bill to authorize the quartermaster general to employ additional clerks and a messenger in his office; which was read twice and committed.

SENATE BILLS.

The following bills from the Senate were read twice and committed:

A bill for the relief of Henry B. Tyler, executor of Colonel Richard Smith;

A bill to extend two patents to James Barron;

A bill supplementary to "An act to regulate and fix the compensation of the clerks in the public offices," passed April 28, 1818; and

A bill authorizing the President of the United States to run and mark the line dividing the territory of the United States and the State of Missouri.

MEMORIAL OF LEGISLATURE OF MICHIGAN.

Mr. BEARDSLEY asked the consent of the House to present, and to refer to the Committee on the Judiciary, a memorial purporting to be from the Legislature of the State of Michigan.

Mr. BOND moved that it be not received.

Mr. BEARDSLEY hoped that the House would permit the memorial to take the usual course. He saw no necessity for so much formality about a matter so trifling. He moved to suspend the rule, in order to enable him to present the petition.

Mr. KINNARD demanded the yeas and nays on the motion to suspend the rule; which were ordered; and were as follows:

YEAS—Messrs. Adams, Anthony, Ash, Ashley, Bailey, Bean, Beardsley, Bockee, Borden, Bovee, Boyd, Brown, Buchanan, Cambreleng, Casey, Chapman, Chapin, Cleveland, Coffee, Conner, Craig, Cramer, Cushman, Doubleday, Dromgoole, Effner, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Grayson, Joseph Hall, Samuel S. Harrison, Albert G. Harrison, Hawes, Haynes, Henderson, Holsey, Hopkins, Hubley, Huntington, Ingham, William Jackson, Jabez Jackson, Richard M. Johnson, John W. Jones, Judson, Kennon, Klingensmith, Lansing, Laporte, George W. Lay, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, May, McComas, McKay, McKeon, McKim, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Franklin Pierce, Phelps, Potts, Roane, Robertson Rogers, Russell, Seymour, William B. Shepard, Shinn, Smith, Steele, Sutherland, Taylor, Thomas, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, and Weeks—110.

NAYS—Messrs. Chilton Allan, Heman Allen, Beale, Bell, Bond, Briggs, Bunch, Bynum, John Calhoon, William B. Calhoun, Campbell, George Chambers, John Chambers, Chaney, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Coles, Corwin, Crane, Davis, Deberry, Denny, Evans, Everett, Forester, Rice Garland, Graham, Granger, Graves, Grennell, Griffin, Hiland Hall, Hamer, Hammond, Hannegan, Hurd, Hardin, Harlan, Hazeltine, Hoar, Howell, Huntsman, Ingersoll, Janes, Jarvis, Joseph Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Kilgore, Kinnard, Lane, Lawler, Lawrence, Thomas Lee, Luke Lea, Lincoln, Love, Lucas, Sampson Mason, Maury, McCarty, McKennan, McLene, Mercer, Milligan, Morris, Patterson, Patton, Dutee J. Pearce, James A. Pearce, Pettigrew, Phillips, Pinckney, Read, Rencher, John Reynolds, Ripley, Schenck, Augustine H. Shepperd, Shields, Slade, Sloan, Spangler, Sprague, Standifer, Storer, Taliaferro, John Thomson, Waddy Thompson, Turner, Underwood, Vinton, Webster, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—101.

So the House refused to suspend the rule, two thirds being necessary.

ABOLITION OF SLAVERY IN THE DISTRICT.

The first business for consideration was the question debated yesterday on the point of order, on the petition presented by Mr. ADAMS, from certain citizens of Massachusetts, praying for the abolition of slavery and the slave trade within the District of Columbia.

Mr. CRAIG expressed a hope that the House would consent to proceed in the call for petitions, as this was the last day of the session, except on Mondays, when petitions and memorials could be presented.

Mr. BEARDSLEY moved that the subject before the House, viz: the question of order and the principal subject connected with it, be postponed till Tuesday next, which was agreed to.

REVOLUTIONARY PENSIONS.

On motion by Mr. ADAMS, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of restoring to the list of pensioners for services in the revolutionary war, the names of all persons who were entitled to and obtained pensions under the act of Congress of 18th March, 1818, but whose names were afterwards stricken from the list, and have not since been restored for the single reason, that they were not in abject poverty.

On motion by Mr. MILLER, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the propriety of granting to Captain John Smith, of the borough of Carlisle, in the State of Pennsylvania, late a lieutenant in the revolutionary army, commutation pay in lieu of half pay during life; and that all the papers now on the files of this House relating thereto be referred to the said committee.

Mr. CRAIG, by leave, offered the following resolution; which was agreed to:

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the propriety of allowing David L. Johnston, sole heir of Captain James Johnston, who fell in the war of the Revolution, the seven years' half-pay promised by the resolution of the old Congress of the 24th of August, 1780, and that they report by bill or otherwise.

On motion by Mr. PATTON, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of providing by law for the payment to Philip Lightfoot, of Port Royal, Virginia, of the commutation of five years' full pay (with interest) in lieu of half-pay for life, due to his father, Philip Lightfoot, for services in the war of the Revolution.

R. P. LETCHER AND THOMAS P. MOORE.

On motion by Mr. J. Y. MASON, it was

Resolved, That the Committee on Elections be instructed to inquire into the expediency of providing for the payment to Robert P. Letcher and Thomas P. Moore, the compensation fixed by law, as members of the Twenty-Third Congress from the State of Kentucky, for their attendance at the first session of that Congress.

PETITIONS, MEMORIALS, ETC.

Petitions and memorials were presented by Messrs. ADAMS, LAWRENCE, LINCOLN, PHILLIPS, REED, JACKSON, GRENNELL, CUSHING, and CALHOUN, of Massachusetts;

Mr. PEARCE, of Rhode Island;

Messrs. INGHAM, TOUCEY, and HALEY, of Connecticut;

Mr. EVERETT, of Vermont;

Messrs. WARDWELL, GILLET, HARD, HAZELTINE, MANN, BEARDSLEY, CAMBRELENG, CHAPIN, M'KEON, VANDERPOEL, TURRILL, WARD, TAYLOR, HUNTINGTON, and FULLER, of New York.

[Mr. BEARDSLEY presented a memorial from

the Legislature of Michigan. Mr. B. said he had not read the memorial through; but as the subject had already been referred to the Committee on the Judiciary, and was then undergoing investigation before that committee, and as the memorial he held in his hand assumed to be an argument on the same subject, he moved that it be referred to the Committee on the Judiciary, and printed.

Mr. HANNEGAN called for the reading of the memorial, which, having been done, Mr. H. moved its rejection, and called for the yeas and nays.

The CHAIR decided that the question must lie over till the next day of presenting petitions.

Mr. CHAPIN presented the memorial of John McDonnell, of Michigan, asking compensation for property destroyed during the late war.

Mr. TURRILL presented the following:

A petition of the heirs of Peter Dygert, asking payment for services during the Revolution, for which Peter Dygert received Continental money, that proved to be of no value.

Petition of Joel Burt, asking for the passage of a law to satisfy a judgment recovered against him by Charles B. Bristol, in consequence of his acts in enforcing the embargo law as United States collector.]

Mr. PARKER, of New Jersey;

Messrs. McKENNAN, HUBLEY, CHAMBERS, GALBRAITH, MUHLENBERG, ANTHONY, BUCHANAN, DENNY, INGERSOLL, ASH, and SUTHERLAND, of Pennsylvania;

Mr. MILLIGAN, of Delaware;

Messrs. McKIM, STEELE, WASHINGTON, PEARCE, and TURNER, of Maryland;

Messrs. LUCAS, MERCER, CRAIG, MASON, LOYALL, JOHNSON, PATTON, TALIAFERRO, MORGAN, and WISE, of Virginia;

All which petitions were respectively referred to the appropriate standing committees.

DELAY IN THE PUBLIC PRINTING.

Mr. WISE said, it would be recollected that, on the 8th of December last, he had moved that fifteen thousand copies of the President's message, with the accompanying documents, and five thousand without the documents, in addition to the usual number, should be printed for the use of the members of the House. He found by the joint resolution, prescribing the duties of the public printers, that in case of any inconvenient delay in the public printing, or in the delivery of the work, the Secretary of the Senate and the Clerk of the House were respectively authorized and required to employ another printer to execute any portion of the work, and charge the excess above what was allowed by the joint resolution, to the printer guilty of such negligence or delay. Mr. W. wished to inquire of the Clerk, whether he could inform the House of the cause of the gross negligence or delay, on the part of the public printer, in printing these fifteen thousand copies of the message and documents, and five thousand of the message alone. Heretofore this work had been done within the first week or ten days; now, nearly a month had transpired, and only a very small number had been sent in.

The CHAIR said that, during the time occupied in the receipt of petitions, no discussion on other subjects could be entertained.

Mr. GILLET said he was prepared to give the required information, if the House would permit.

The CHAIR said he could not permit any discussion, without the House gave leave.

Mr. GILLET then asked leave to explain; he desired to make a brief statement only in reply to the interrogatory of the gentleman from Virginia.

Objections were raised in several parts of the House, and a motion was made by Mr. REYNOLDS, of Illinois, to adjourn, which was carried; and

The House adjourned at four o'clock, p. m.

IN SENATE.

WEDNESDAY, *January 6*, 1836.

Petitions were presented by Messrs. WHITE, TYLER, LEIGH, ROBINSON, and PORTER.

Mr. BENTON presented a communication from Colonel Bankhead, Captain Washington, and Lieutenant Vinton, a committee in behalf of sundry officers of the Army, containing two projects for the equalization of the pay of the Army and Navy of the United States.

On motion by Mr. B., it was referred to the Committee on Military Affairs.

REPORTS FROM COMMITTEES.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which the subject had been referred, reported a bill making appropriations for the continuation of the Cumberland road, in the States of Ohio, Indiana, and Illinois; which was read, and ordered to a second reading.

On motion by Mr. TIPTON, the Committee on Claims were discharged from the further consideration of the bills for the payment of a debt due to Joseph Bogy, for the payment of a debt due to Antoine Peltier, and for the relief of Pierre Menard; and the same were referred to the Committee on the Judiciary.

Mr. SHEPLEY, from the Committee on Claims, to which the subject had been referred—the bill for the relief of John McCarty—reported the same without amendment, but with a recommendation that it ought not to pass.

Mr. S., from the same committee, made an unfavorable report on the petition of Nahum Ward, President of the Ohio Company.

Mr. BUCHANAN, from the Committee on the Judiciary, to which had been referred the memorial of James Smith, made an unfavorable report thereon.

Mr. DAVIS, from the Committee on Commerce, submitted a resolution, which was considered and adopted.

NEW POST ROUTES IN MISSOURI.

The resolution submitted on Monday last by Mr. LINN, relative to the establishment of sundry new post routes in Missouri, was considered and adopted.

[A slight error occurred in copying this resolution. It contemplates running a line of stages from St. Charles to Palmyra, which was omitted.]

RESOLUTION ADOPTED.

The resolution submitted yesterday by Mr. TIPTON, relative to the Land Office, was considered and adopted.

DISTRICT BANKS.

The resolution submitted yesterday by Mr. BENTON, for the appointment of a select committee on the petitions of the District banks, praying for recharter, was, on motion by Mr. SOUTHARD, postponed to Monday next.

BERNARD PATTON.

The report of the Committee on Claims, unfavorable to the petition of Bernard Patton, was concurred in.

AMERICAN CONSUL AT LONDON.

The bill authorizing the allowance of certain charges in the accounts of the American Consul at London, was read the third time and passed.

JUDICIAL SYSTEM OF THE UNITED STATES.

The bill supplementary to the act entitled "an act to amend the judiciary system of the United States," came up on its third reading; when,

Mr. BLACK called for the yeas and nays on the passage of the bill, and they were accordingly ordered.

Mr. BENTON observed that he would not have said one word relating to this bill, if the yeas and nays had not been called; and as they were called, he would not say more than a dozen. He should vote for this bill, because it suited the section of country from which he came, and because it was also desirable to several States that it should pass. He had, however, objections to it, which he should not then trouble the Senate with a detail of; and before he gave his vote he wished it distinctly understood that he had objections, and if ever he was called on to state them, either there or elsewhere, he was ready to do so. One word while he was up in reference to a remark of the chairman of the committee the other day. He (Mr. B.) also objected to seeing the judges a debating body, though he should wish to see as many judges as twelve. He meant as many as twelve on paper, for he did not believe that that number, if the bench consisted by law of so many, would ever be all present on the bench at one time.

Mr. CLAYTON said that his objections were the very opposite of the objections of the Senator from Missouri, [Mr. BENTON.] He (Mr. C.) was opposed to increasing the number of judges to the number of twelve. He hoped the passage of this bill would put that question forever at rest, and that the number of judges never would exceed nine at most.

Mr. PORTER rose briefly to remark, that it was rather strange to hear a gentleman say he was about to vote for a bill, but had some objections to it. That occurred with regard to almost every bill that came before the Senate. Members had some small objections to important measures, but waived them on account of the greater good to be obtained. He should regret that the bill went to the other House under the disadvantage that there were serious objections to it. With respect to the number of judges on the bench, he should much regret to see more than twelve; for, although twelve men might be stronger than six, he never could believe that they were wiser.

The question was then taken, and the bill was passed—yeas 38, nay 1, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Clayton, Crittenden, Davis, Ewing, Goldsborough, Grundy, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Niles, Porter, Prentiss, Preston, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tomlinson, Tyler, Wall, Webster, White, and Wright—38.

NAY—Mr. Hill—1.

DETERIORATION OF UNITED STATES COIN.

The joint resolution directing experiments to be made at the Mint to ascertain how far a deterioration of the coin of the United States can be prevented, was taken up and considered as in Committee of the Whole; and,

On motion by Mr. WRIGHT, laid on the table.

REPRESENTATIVES OF ROBERT JOUETT.

The bill for the relief of the legal representatives of Robert Jouett, deceased, was read the second time, and considered as in Committee of the Whole, and, after having been explained and advocated by Mr. LEIGH, ordered to be engrossed for a third reading.

SENATE GALLERIES AND CHAMBER.

Mr. PRESTON moved the consideration of the resolution offered by him some days ago, and which in his absence had, on motion by Mr. TIPTON, been laid on the table.

The resolution reads thus:

Resolved, That the regulations in relation to the Senate Chamber and galleries, adopted at the present session, be rescinded, except so much as relates to the reporters.

Mr. PRESTON said the object of the resolution was to establish things exactly as they were before the adoption of the resolution now in force in the Senate, except as regarded the reporters, who were excepted in the resolution he had offered—seats having been provided for them by the existing resolution on the floor of the Senate. It was a privilege which, like others, might be abused; but inconvenience might, by proper circumspection in future, be avoided. It was very desirable to have persons in the lobby who had business, without going out during the session to speak with them. The lobby might on extraordinary occasions be crowded to some extent, but he thought it might be restricted on any occasion within proper bounds. He thought so grave, so dignified, and so aged a body, might safely be trusted with the privilege of keeping open doors. The supposed necessity of such a provision would induce a circumspection that would guard against the inconveniences heretofore experienced.

Mr. PORTER understood the Senator from South Carolina [Mr. PRESTON] to regard the rule adopted as an innovation upon the rules of the Senate. Until within a very few years back the regulation was precisely the same as it is now. The resolution adopted for the regulation of the Senate Chamber, and now in force, was the same *verbatim et literatum punctuatum* as the one adopted by the House of Representatives. Until the adoption of the present regulation the Senate had experienced great inconvenience. He would like the honorable Senator from South Carolina [Mr. PRESTON] to point out some means of prevention against the intrusion of a crowd. Would the inducements to the collection of a crowd be any less than heretofore? Would any Senator refuse the admission of any one who would ask him?

Persons were much exposed in crowds. On one occasion an honorable gentleman had had his pocket picked in a crowd in the gallery. The attraction of an audience was great. There were occasions on which gentlemen would withdraw their attention from the business before the Senate, and turn round to more attractive objects in the gallery. He was willing to afford further facilities to spectators by making some additional exceptions to the rule prohibiting them; but he was opposed to any measure calculated to disturb the public business.

Mr. PRESTON said, that under the late rule, as far as his experience went—and he believed his and the gentleman's [Mr. PORTER] was about the same—he thought the business of the Senate had been as well conducted as at any time. The presence of an audience evidently excited them to a more faithful discharge of their duty. It was a privilege incident to all deliberative bodies, and one that ought not to be withheld. He flattered himself that he was not more susceptible of those attractions alluded to by the gentleman [Mr. PORTER] than the gentleman himself; and he was very certain they had never hindered him [Mr. PRESTON] in the discharge of his duties. He had experienced much inconvenience under the present rule. He had at times, in the press of important business, been called three or four times to the door to persons who wished to see him. The rescinding of the rule would not be attended with so much inconvenience in the Senate as in the House of Representatives, where the throng was more general. It seemed to him that the whole organization of the Senate had fallen upon a very limited number of members.

It did not seem to him that there would be any difficulty in vesting the Senate with the power to say what number of spectators should be admitted. He did not believe it would be indiscriminately exercised. He had himself refused admission to persons applying to him on certain occasions, and he believed other Senators would exercise a reasonable discretion also. The gentleman [Mr. PORTER] had alluded to the circumstance of a gentleman having his pockets picked. He trusted the pocket that was picked belonged to the honorable gentleman who had introduced the person who did it. The privilege of witnessing the proceedings of the British Parliament was not denied the public. It had been stated that the presence of an audience was apt to divert the discussion of subjects before the Senate into other channels. He was not averse to the Senate exercising a proper influence upon popular opinion, and he could see no reason why the Senate should not have the same liberty in that respect that other bodies had. They had all firmness enough to secure the Senate from the inconveniences growing out of the extension of the privilege. He would be glad to see the resolution pass, or modified so as to suit the gentleman.

Mr. PORTER wished to exclude the idea that he was opposed to the proceedings of the Senate being made public. There are professional persons here (said he) whose business it is to take an account of the proceedings of the Senate—and others, who are connected with newspaper establishments, have access to us. He would be sorry any Senator should be so unfortunate as to have his pockets picked. The gentleman who had had his pockets picked, no doubt, was deceived in the character of the person whom he had introduced.

He thought the gentleman [Mr. PRESTON] was not so old as to be impervious to the attractions of the ladies. No doubt the animating motive was the country's good; but he would ask the gentleman if the splendid figures of speech the Senate had witnessed on certain occasions, were not stimulated, in some degree, by the smiles of the ladies? Some part of the gallery had been appropriated to the members of the other branch, and the adoption of this rule would tend to exclude them.

Mr. CALHOUN was disposed to put this question upon different grounds from what either of the gentlemen who had spoken upon it had. Our Government was a popular Government, and he was disposed to accommodate as much as possible the people that belonged to it. Those galleries were made for the accommodation of the public, and the public had a right to the use of them. The smaller gallery had been thrown open, but the more commodious one had been closed against aged persons and others, unless they had females under their charge; and shall we (said Mr. C.) keep that gallery (turning to the circular gallery) continually shut against the people of this Union? He had higher objects in view than some of the gentlemen who advocated the passage of the resolution. He looked to the great struggle they were going to have in that body (the Senate) with one branch of the Government; and it was plainly to be seen, by the course pursued in relation to this resolution, who were the advocates of power, and by whom secrecy was desired. In a struggle between power and the people—between power and liberty, an audience was materially necessary. In the great struggle for liberty, the galleries were thrown open. The reports were thrown coldly on the world, and could not be relied on. He would suggest that a certain number of tickets should be given out, in order to prevent the gallery from being crowded to excess. He would hold that the generous-minded ladies themselves would fully accord with his views. Mr. C. concluded his remarks by demanding the yeas and nays.

Mr. CLAYTON moved to amend the resolution by striking out all after the word "Resolved," and inserting—

That the circular gallery of the Senate Chamber be open for the admission of spectators, and that each Senator be allowed to admit any number, not exceeding three, into the lobby of the Senate, in front of the Chair.

Mr. MANGUM thought it to be very desirable that the Senate should throw open its galleries entirely, and that the restrictions should apply to the number of persons to be admitted on the floor of the Senate. He had witnessed, under the change of the rule, in his own person, decided inconvenience; yet he should be willing to agree to any modifications of the resolution the gentleman might choose to propose, provided the galleries were thrown open to spectators. Under the old rule, spectators were not permitted to come within the bar of the Senate, nor to go behind the pillars; therefore no very great inconvenience was occasioned by their admission. He, himself, though occupying a seat in the outer range, had experienced no inconvenience from the spectators. He would agree to the resolution, if the restrictions were confined to the floor of the Senate, but he would never agree that the galleries should be closed. There would be one inconvenience, however, in the restrictions as to the floor of the Senate. We have (said he) strangers here from all parts of the Union, and we have in our intercourse with them to go out of the Chamber, thus incurring the risk of being absent when a vote is taken; while, under the old rule, we could still have the necessary intercourse with our friends and constituents, without losing any part of the business going on. He felt that there was much force in the remarks of the gentleman from South Carolina, that the public eye should not be shut in the proceedings of that body. He wished for himself, and for those with whom he acted, to have a fair chance on that floor; for he believed that, if a fair chance was to be had, it would only be had on that side of the Capitol. Again, he was not willing to incur the risk of the imputation that might be cast on them, in consequence of restricting the admissions into the Chamber, that the Senate did not wish to give the utmost publicity to its proceedings. As to the galleries, they should be thrown freely open to all. It was what the public had a right to expect, and he hoped the Senator from Delaware would modify his resolution, so as to meet their just expectations.

Mr. CLAYTON was perfectly willing to take the suggestions of the gentleman from North Carolina. His only object was to admit as many as possible in the circular gallery, without excluding the ladies. He thought the restrictions as to the floor of the Senate should still be continued.

Mr. PRESTON regretted that his friend from Delaware should persist in giving the same effect to his amendment. He was inclined to think that the inconveniences under the old rule had been much exaggerated. No deliberative body had ever conducted its business in a more orderly manner than the Senate, and in none had there been less interruption to the proceedings. As for accidents, such as had been alluded to by the Senator from Louisiana, they were unavoidable, and might occur anywhere; for he had heard that a gentleman had been robbed at a private party in Washington. But he put it to gentlemen, if the business of the Senate had not always been conducted in the most orderly manner, and whether they would continue these restrictions on account of the slight inconveniences that had attended the operations of the old rule? On what occasions (he asked) had such great crowds been collected there? Why, on occasions of great excitement, when subjects of deep and absorbing interest were debated; and he was very willing on such occasions to submit to slight inconveniences, rather than exclude any who could by possibility be admitted. He had witnessed, for many years past, the occasional throngs which debates of great interest and importance had collected here, and, although almost suffocated by the crowds, yet there had been no interruption to their proceedings. If any were excluded, he did not hesitate to say that it should be the ladies, rather than those who came from different parts of the Union to hear and report what passed in that body. He was not disposed to give to the ladies more than their sex deserved; it was not desirable that they should be there at all. It was man—thinking man—for whom they acted, who should superintend their proceedings. He again repeated the belief, that the inconveniences under the old rule had been greatly exaggerated; he had never seen the business in any manner interrupted. He laid down this general proposition, that it was the bounden duty of that body to give to the public to the utmost extent the proper accommodation. He objected to the limitation proposed by the Senator from Delaware. They had already closed more than half of their house to spectators; the small gallery was daily crowded almost to suffocation, while the circular gallery seldom contained more than a dozen ladies. He believed that no serious inconvenience had resulted from the old rule, and he hoped that his resolution would be permitted to pass without limitation.

Mr. CALHOUN said he should vote for the resolution of his colleague, with the amendment of the Senator from Delaware, because he wished to take the question as to opening the galleries. If, hereafter, it should be found that the lobby could contain more than the amendment proposed to admit, without inconvenience, it might be further opened; but he was of opinion that the galleries ought to be opened. It was the nature of power to shut its doors and hide its proceedings from the public eye; but those who resisted power had an interest in giving to their efforts the utmost publicity. He wished the whole people of the United States to have an opportunity of witnessing what passed in that Chamber. As he desired to have the question essentially on the opening of the galleries, he should vote for the amendment.

Mr. BENTON had but one word to say, and that was drawn from him by what he had heard of the hardship of those who were almost suffocated in the crowds attending the little gallery, while so few occupied the large one. Whoever encountered that hardship, he would undertake to say, had brought it on himself, because he could easily be relieved of it, by taking a lady under his arm, and going into the other gallery; and if he had such an antipathy to the ladies as to prefer the crowds of the little gallery to their society, he (Mr. B.) had no sympathy for him. The circular gallery was freely open to all under the rule, as it then stood. Every gentleman could go there if he pleased; and if he did not know how, he (Mr. B.) would tell him. He had simply to get a young lady, or an old one, or any lady he pleased, to go with him, and he would find the doors open.

Mr. TALLMADGE said he should vote against the amendment of the gentleman from Delaware, [Mr. CLAYTON,] and if the amendment of that gentleman did not succeed, he would then offer an amendment to admit a certain number in the circular gallery. He was willing to give to each Senator the privilege of admitting a certain number of persons in that gallery. He had no objection to affording every facility to spectators; but owing to the inconvenience mentioned by some

of the gentlemen, growing out of an unlimited privilege, he would prefer extending the convenience to the circular gallery.

Mr. SHEPLEY suggested to the gentleman from New York [Mr. TALLMADGE] to submit his views in the form of an amendment to the amendment. The resolution thus amended would accomplish the object the gentleman from South Carolina [Mr. CALHOUN] had in view.

Mr. TALLMADGE then submitted the following amendment to the amendment:

That each Senator have the privilege of admitting into the circular gallery —— number of gentlemen.

Mr. WEBSTER said the public had a right themselves to the use of the galleries, until they were filled. He was opposed to granting tickets, and was for opening the galleries to all, without distinction of persons. It was preferable that fathers and brothers should meet and sit together in the same gallery, to having them forced into separate galleries, merely because some of them happened not to have ladies in their charge.

Mr. CALHOUN said that the amendment to the amendment of the Senator from New York did not answer his purpose at all. He did not wish to be troubled with applications for admission there, nor did he wish to put the people to the trouble of asking for admission. They had a right to be there—to come there, and stay there, whenever the Senate was in session. It was impossible to look at that debate, without seeing the nature of it, and from what quarter the opposition to the resolution came. Those who had got power were not willing that the truth should be heard boldly and openly. We (said he) who are on the opposite side, and who oppose power, ought to desire to give the utmost publicity to our proceedings. No, sir, (said he,) no modification of the amendment will answer my purpose—nothing which will exclude a single individual will ever meet my consent.

Mr. BUCHANAN said he had not expected this debate could possibly assume the character which it had now taken. The change of the rules of the Senate, in regard to the use of the lobby and galleries, had been made by common consent. It was not the work of any political party in this body. The change was made, as he had supposed, for the accommodation of all parties in the Senate, as well as for that of the people.

Under these circumstances, he could not but feel surprised when the Senator from South Carolina [Mr CALHOUN] very broadly insinuated that there was a struggle in this body between two parties—the one the advocates of liberty, the other of power, and that the advocates of power desired secrecy.

Mr. CALHOUN here said that he had *affirmed* it.

The Senator, (continued Mr. B.,) then, has affirmed it. Sir, if the gentleman intends to assert that the friends of the Administration, on this floor, desire to envelop the proceedings of this body in mystery and darkness, the assertion is wholly unfounded. In saying so, I mean no personal offense. We are not the advocates of power against liberty, and our conduct has never shown that we were. It is easy for the Senator to make general charges of this kind, but he will find it very difficult to place his hand upon any single fact to support them.

Mr. B. said he was neither ashamed nor afraid to speak and to vote and to act, openly and fearlessly and directly, upon every question which may come before the Senate. He did not shun, but courted publicity. Neither his political friends nor himself had anything to conceal. He had never been consulted in respect to the existing rule. He should now vote for the amendment proposed by the Senator from Delaware, [Mr. CLAYTON.] He was willing that the upper gallery should be thrown open to all visitors who might think proper to attend. Although our convenience might be sacrificed by again crowding the lobby behind the seats of the members, he could endure this inconvenience as well as any other Senator. On this subject he would go as far as he who should go furthest. Let all the American people who can be accommodated be received into this Chamber.

Mr. CALHOUN remarked that he was much gratified at what had been said by the Senator from Pennsylvania, and hoped that every gentleman on the same side would concur with him. It was not for him or that gentleman to decide which of them were on the side of liberty in the contest between liberty and power—that must be left to time and to posterity for a fair decision. He was not called on then to show the many arbitrary acts of the present Administration; but on a proper occasion he would be ready to go into the subject. He did hope that this session would show that the gentleman from Pennsylvania, and those with whom he acted, were not the advocates of power. He did hope that when that great measure, the expunging resolutions, came up, it would be seen that those gentlemen would be found on the side of liberty in its contest with power.

Mr. BUCHANAN said the Senator from South Carolina had acted very wisely in referring the great questions now before this body and the country to time and to posterity. If he had submitted them to the people of the present generation, they are already decided against him.

In relation to his future course (Mr. B. said) he would wait for the proper occasions to present themselves, and should express his opinions on subjects as they came before the Senate. "Sufficient for the day is the evil thereof." He had no hesitation, however, in *now* declaring his opinion upon the expunging resolution, as the Senator had introduced it into this debate. On that question he should be found in direct opposition to the gentleman.

The question was here taken on Mr. TALLMADGE's motion, and it was lost—yeas 6, nays 34; as follows:

YEAS—Messrs. Prentiss, Shepley, Swift, Tallmadge, Tipton, and Wright—6.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Clayton, Crittenden, Davis, Ewing, Goldsborough, Grundy, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Niles, Porter, Preston, Robbins, Robinson, Tomlinson, Tyler, Wall, Webster, and White—34.

The question then being on Mr. CLAYTON's amendment,

Mr. NILES moved to divide it, so as to take the question, first, on the first clause as to opening the galleries.

Mr. BENTON suggested that this division was not sufficiently explicit. To say "open the galleries," implied that they were closed, whereas one was already entirely open, and the other open to gentlemen accompanied by ladies. The division ought to be more explicit; otherwise, those who voted against the first clause might seem to vote against admitting spectators.

Mr. NILES then moved to amend the resolution by inserting the word "circular," so as to apply the amendment to the opening of the circular gallery; which modification being accepted by Mr. CLAYTON, the division of the question was ordered, and it was accordingly taken on the first clause of the amendment, and decided in the affirmative—yeas 35, nays 7; as follows:

YEAS—Messrs. Black, Brown, Buchanan, Calhoun, Clayton, Crittenden, Davis, Ewing, Goldsborough, Grundy, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Niles, Prentiss, Preston, Robbins, Robinson, Shepley, Southard, Swift, Tomlinson, Tyler, Wall, Webster, and White—35.

NAYS—Messrs. Benton, Hendricks, Porter, Ruggles, Tallmadge, Tipton, and Wright—7.

The question was next taken on the second clause of the amendment, allowing each Senator to admit — number of spectators into the lobby, and decided in the negative—yeas 18, nays 24; as follows:

YEAS—Messrs. Black, Brown, Buchanan, Calhoun, Clayton, Crittenden, Davis, Ewing, Goldsborough, Leigh, Mangum, Preston, Robbins, Robinson, Tomlinson, Tyler, Wall, and Webster—18.

NAYS—Messrs. Benton, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, McKean, Moore, Morris, Niles, Porter, Prentiss, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, White, and Wright—24.

The question being on the resolution as amended, Mr. BENTON asked the Secretary to read the resolution of the present session, by which the old rule was changed, and it was accordingly read.

Mr. BENTON remarked that he only wished to make sure of the words of the resolution, as it applied to the circular gallery, and he now held that gallery to be open, and that all that had been said in relation to it had been misapplied. He did not wish to give a vote which was to be understood there or elsewhere as intending to shut up either of the galleries, nor did he wish to give any vote admitting what everybody knew to be untrue, that the galleries were closed. He wished in the most emphatic manner to declare, that the circular gallery, instead of being closed, was open to every gentleman who could get a lady to accompany him; and, by lady, he meant each respectable female in the United States. It might be that some few strangers here would not be sufficiently acquainted in Washington to get ladies to accompany them; those few, he thought, could always be accommodated in the small gallery; but the great mass could easily find female acquaintances; and if they did not take the trouble to wait on a lady, they might encounter the inconvenience (if any) of the smaller gallery. The point, however, he wished to bring out was, that his friend from Louisiana, [Mr. PORTER,] who had introduced the resolution now in force, who had been put forward by the general understanding of the inconveniences of the old rule, and who had since been abandoned by so many, never contemplated by his resolution to shut the galleries against the public. He wished to give that gentleman his support, and assist him in bearing the brunt in defense of a resolution which was introduced and adopted by general consent of the Senate.

There was one gallery (pointing to the small one) open to everybody, and there was the other (pointing to the circular gallery) equally open to all save those whose limited acquaintance with females prevented them from being accompanied by a lady. Certain he was that there were more who could get ladies willing to accompany them by hundreds upon hundreds than the gallery would hold. Were they, then, under these circumstances, to vote so as to admit the fact that the galleries were closed? Were they on an occasion like that to call for testimony? If they did, the doorkeeper would tell them that once already, this session, hundreds had to go away from the very gallery because it was already crowded almost to suffocation. He had made these few observations because he wished to avoid, if possible, the imputation that this gallery had been shut up by the resolution of his friend from Louisiana, [Mr. PORTER,] and he should go with that gentleman in support of the rule as it stood.

Mr. CLAYTON did not consider the adoption of the resolution or the amendment he had offered as any attempt at censuring the committee by whom the resolution now in force was proposed for adoption. He had adopted the rule as a matter of experiment, but it had failed. He had observed the gallery into which gentlemen were admitted crowded, while the circular gallery had been occasionally vacant. True, the circular gallery was not directly, but it was virtually shut against any gentleman who had come even five hundred miles, who had not a lady under his charge.

The question was then taken on the resolution as amended, and it was adopted—yeas 31, nays 11; as follows:

YEAS—Messrs. Black, Brown, Buchanan, Calhoun, Clayton, Crittenden, Davis, Ewing, Goldsborough, Hubbard Kent, King of Alabama, King of Georgia, Knight, Leigh, McKean, Mangum, Moore, Morris, Niles, Prentiss, Preston, Robbins, Robinson, Shepley, Swift, Tomlinson, Tyler, Wall, Webster, and White—31.

NAYS—Messrs. Benton, Grundy, Hendricks, Hill, Linn, Porter, Ruggles, Southard, Tallmadge, Tipton, and Wright—11.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 6, 1836.

Mr. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of Jacob S. Walker; which was read twice and committed.

Mr. SUTHERLAND, from the Committee on Commerce, reported a bill making an appropriation for the erection of a marine hospital in the city of Baltimore; which was read twice and committed.

Mr. PEARCE, of Rhode Island, from the Committee on Commerce, reported a bill making an appropriation for a marine hospital at Portland,

in the State of Maine; which was read twice and committed.

Mr. GRAYSON, from the Committee on Naval Affairs, reported a bill for the relief of G. Carusi; which was read twice and committed.

EXCUSED FROM A COMMITTEE.

Mr. REED, of Massachusetts, remarked that he had been appointed a member of the select committee on the memorials of the banks in the District of Columbia, but that his whole time was required upon another committee. He, therefore, moved to be excused from serving on the select committee; which was agreed to.

UNFAVORABLE REPORTS.

Unfavorable reports upon various petitions were made by Messrs. JARVIS, WHITTLESEY, CHAMBERS of Pennsylvania, BEARDSLEY, and P. C. FULLER, from their respective standing committees.

CAPTAIN NATHAN HALE.

Mr. WARD, from the Committee on Military Affairs, to whom was referred the petition of sundry citizens of Connecticut, praying the erection of a monument to the memory of Captain Nathan Hale, of the revolutionary army, asked to be discharged from the further consideration of the same. Mr. W. stated that the Committee on Military Affairs were of opinion that the petition did not come within their peculiar jurisdiction.

Mr. JUDSON moved that the petition of the citizens of the town of Coventry be committed to a select committee; and, in support of that motion, proceeded to remark, that this petition came from nearly five hundred of his fellow-citizens, who were honest in purpose and respectable in character. It had been heretofore referred to the Committee on Military Affairs, and that committee had come to the result, that the subject of the memorial did not necessarily fall within their jurisdiction. The motion was now made to refer the memorial to a select committee, upon the idea that there was no standing committee organized by the House, to whom the same could be appropriately referred. It was, indeed, matter of surprise, that, to a request so reasonable, there should be one objection heard; when the question should be understood, he was sure all such objections would be withdrawn.

Captain Nathan Hale, of the State of Connecticut, a brave young man, stimulated by his ardent patriotism, entered the Army, and was intrusted with a captain's commission, and, during that glorious struggle, General Washington requested the services of some officer to ascertain the condition of the invading army, when the movements of that army were essential to the existence of the *American army*. No officer could be found to perform this delicate and hazardous service, until Captain Hale became a volunteer, and in that service he died a martyr in the cause. No notice had ever been taken of that event by the Government. It was due to the honor of the nation that it should now be done, and this was the object of the reference moved. This was not without precedent. Congress had ordered a monument to be erected over the remains of the lamented General Brown, at the expense of the United States. Every American approved the course, and it might now be asked, was not this a case of equal moment?

Should the reference be made, it would be competent for the committee to report on the specific prayer; or they might report that suitable measures be taken to remove to the sepulture of his fathers the remains of Captain Hale; or to extend to his heirs-at-law the benefits of the resolution of 1780.

The House should not be now detained further on the mere question of reference; but when the committee should have reported, it should then be his business to show this House, that these petitions must not be sent away unheard.

After a few remarks by Messrs. PEARCE, WARD of Rhode Island, ADAMS, and TOUCEY, the memorial was referred to a select committee of five, and, on motion by Mr. BRIGGS, ordered to be printed.

NATIONAL ROAD IN OHIO.

The following resolution, heretofore offered by Mr. MASON, of Ohio, was considered and agreed to:

Resolved, That the Secretary of War be instructed to communicate to the House of Representatives, the report of the survey and examination made pursuant to an act of Congress, approved March 3, 1835, by Captain Caufield, under the direction of the War Department, of the line of the national road between Springfield, in the State of Ohio, and Richmond, in the State of Indiana; and that he further report whether the President of the United States has approved or disapproved of the same.

CONDITION OF THE STATE BANKS.

The motion submitted yesterday by Mr. C. JOHNSON, for printing ten thousand extra copies of the report of the Secretary of the Treasury on the condition of the State banks, was taken up and agreed to.

SLAVERY IN THE DISTRICT.

The CHAIR proceeded, under the rule, to call for resolutions by States, commencing with the State of Maine.

Mr. JARVIS, of Maine, submitted the following resolution:

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress. *And be it further resolved*, That in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table, without being referred or printed.

Mr. JARVIS said the resolution which he had just submitted was precisely similar to the one which the gentleman from Georgia [Mr. OWENS] had endeavored to bring before the House without success, and he now offered it at his request; but he was not doing so out of mere courtesy to that gentleman, but from a desire that this subject might be settled in such a manner as might be satisfactory to the southern people.

Mr. ADAMS requested that this resolution might be postponed until the States were called through for resolutions.

Mr. JARVIS resumed. He said, if he thought there was any probability of keeping off a discussion of the subject, he would not object to having it postponed; but as it was, he thought we might as well take it up now as at any other time. He did not mean to enter into a discussion of the subject, but merely to state, in a few words, that, from all he had seen for the last month, he entertained no doubt that not only a large majority of the House, but also a large majority of the Representatives of the non-slaveholding States, were decidedly averse to any action on the subject of the abolition of slavery in the District of Columbia by Congress. His constituents deprecated the agitation of the question. They consider that it belongs exclusively to the southern States, and that any interference by us would be unwise and unwarrantable. He thought he was fully justified in making this assertion by what took place in Maine during the last summer. In the meetings which were then held, party spirit was lost sight of; and men who had never acted together before were found uniting like a band of brothers to avert a catastrophe which impended over us. Then, without distinction of party, the most prominent in station, in private worth, in wealth and intelligence, attended these meetings; and resolutions were adopted at them which spoke but one language, and that was a reprobation of the Abolitionists. By permission of the House, he would read a resolution, which was unanimously adopted at the meeting which was held at Augusta, the seat of government of the State of Maine:

"*Resolved*, That any interference by the non-slaveholding States on the subject of slavery is incompatible with the preservation of the Union; we view with regret and alarm all attempts to excite such interference, or to disturb the peace of the country by the fruitless agitation of that exciting subject; and we hold it to be the duty of every patriot to 'frown upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now bind together its various parts.'"

Mr. J. said, that comment on this resolution was useless. It was not his intention to enter further into this discussion; nor would he have said thus much, had it not been for misrepresentations (no doubt unintentional) which had been made upon this floor, with regard to the feelings of the people of the eastern States, which, at the time, there was no opportunity to repel.

When Mr. JARVIS concluded his remarks,

Mr. ADAMS moved to lay the resolution on the table.

Mr. GLASCOCK asked for the yeas and nays; which were ordered.

Mr. MILLER asked for the reading of the resolution, which being done, the question was taken on laying the resolution on the table, by yeas and nays, as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Beaumont, Bond, Borden, Briggs, Carr, George Chambers, John Chambers, Childs, Clark, Corwin, Crane, Cushing, Davis, Denny, Evans, Philo C. Fuller, Grennell, Haley, Hiland Hall, Hammond, Hard, Hardin, Henderson, Hoar, Howell, Ingersoll, William Jackson, Janes, Joseph Johnson, Kennon, Kinnard, Klingensmith, Laporte, Lawrence, Lincoln, Logan, Love, Job Mann, Sampson Mason, McComas, McKennan, Milligan, Morris, Parker, Dutee J. Pearce, Peyton, Phillips, Potts, Reed, Russell, Shields, Sprague, Storer, Sutherland, Underwood, Vinton, White, Whittlesey, Williams, and Wise—66.

NAYS—Messrs. Ash, Barton, Beale, Bean, Beardsley, Bell, Bockee, Boon, Brown, Buchanan, Bunch, Bynum, William B. Calhoun, Cambreleng, Campbell, Carter, Casey, Chaney, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Doubleday, Dromgoole, Effner, Everett, Fairfield, Farlin, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Graham, Granger, Grantland, Grayson, Griffin, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Haynes, Hazeltine, Heister, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Joseph Jackson, Jarvis, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Loyall, Lucas, Lyon, Abijah Mann, Manning, Martin, William Mason, Moses Mason, Maury, May, McKay, McKeon, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, James A. Pearce, Phelps, Pickens, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Seymour, William B. Shepard, Augustine H. Shepperd, Shinn, Slade, Smith, Spangler, Standefer, Steele, Taliaferro, Taylor, Thomas, John Thomson, Toucy, Towns, Turner, Turrill, Vanderpoel, Ward, Wardwell, Washington, and Weeks—123.

Mr. CAMBRELENG called for the orders of the day; but withdrew his motion at the request of Mr. WISE, who pledged himself to renew it.

Mr. WISE then moved the following amendment:

Amend by striking out after "*Resolved*," and insert

That there is no power of legislation granted by the Constitution, to the Congress of the United States, to abolish slavery in the District of Columbia, and that any attempt by Congress to legislate upon the subject of slavery, will be not only unauthorized, but dangerous to the union of the States.

Mr. WISE said, before he renewed the motion of the gentleman from New York, he would take that opportunity to say that he hoped his amendment to the resolution of the gentleman from Maine, would bring the direct question before the House. The war was now commenced between evasive and direct propositions upon this subject, for he regarded the propositions of the gentleman from Maine as entirely evasive. He regarded them as unsatisfactory to the South, and nothing could satisfy them but a bold, direct, and manly vote upon this question. Let it be settled. That was all they asked. He wished now to see who would vote for the one proposition, and who for the other. He wished to see now who would move the previous question to cut off this amendment. He wished the whole South to mark it, if the previous question to this amendment should be put upon them. Let them toe it, and let the South be undeceived, or let the South be guaranteed in her rights. Mr. W. moved to print the original resolution and the amendment; and then renewed the motion for the orders of the day.

Mr. GLASCOCK rose to request the gentleman from Virginia to withdraw his motion, as he simply wished to offer an amendment to the resolution also.

Mr. WISE said it lay with the gentleman from New York.

Mr. CAMBRELENG assented.

Mr. GLASCOCK moved the following as an additional resolution:

Resolved, That any attempt to agitate the question of slavery in this House, is calculated to disturb the compromises of the Constitution, to endanger the Union, and if persisted in, to destroy by a servile war, the peace and prosperity of the country.

The CHAIR said the gentleman must move it as an amendment to the amendment.

Mr. GLASCOCK then made that motion.

Mr. WISE accepted it as a modification of his amendment.

Mr. GLASCOCK wished, he said, his amendment to be offered as a substitute for that of the gentleman from Virginia, so that the whole question, in some form or other, would be presented to the consideration of the House.

The CHAIR said that could only be done by moving to strike out from the amendment all after a certain word. It would be competent for the gentleman from Georgia to move to strike out all after the word "that," and insert his amendment.

Mr. GLASCOCK said he would make that motion. His object was, as expressed by the gentleman from Virginia, to come to some understanding, and by some direct and decisive vote, ascertain how far their northern brethren were disposed to go with those of the South on this question; and he was gratified to find, that for the first time, it began to assume some tangible shape.

Mr. G. said he wished it distinctly understood, that so far as the resolutions of the gentleman from Maine went, they met his approbation; but that they did not go far enough, was perfectly clear to himself and evident upon the very face of them. Whatever might be the constitutional difference of opinion as to the right of Congress to interfere with slavery in the District of Columbia, it was expected by the South, if such a right be recognized, (which he would not for a moment believe,) that something definite should be done, and that we should be placed in possession of their views on this important subject; and he believed they would be such as to quiet all fears, and soothe the feelings of a now agitated people. If, however, he was mistaken, then, in the language of his resolution, further attempts to agitate this question here, would be calculated to disturb the compromises of the Constitution, and endanger this Union. The simple act of laying petitions of the character of those presented here, and expected to be presented, on the table, were not calculated to allay the feelings of the South; and if such result was anticipated, gentlemen were indeed mistaken. But he did believe that if, on the present occasion, there could be a clear expression of opinion against the right of Congress interfering with slavery in this District, coupled with the sentiments of the public meetings held throughout the different States of the North, it would tranquillize the "troubled waters," and have the tendency to quiet and satisfy the South. But if it be not done, these fond anticipations would never be realized. Now (said Mr. G.) was the proffered time for his northern brethren to come forth; the crisis had arrived when they should speak out; and if they spoke and acted as he expected, then all would be well.

Mr. G. said he had no objections that a direct resolution, or series of resolutions, should be offered, declaring that it was a violation of the Constitution for Congress to interfere with slavery here; that he had satisfied himself it was unconstitutional, and should vote for any such resolution. But, whilst he was disposed to do this himself, he was not prepared to censure those, or impugn the motives of such as might differ with him. And he felt it his duty in candor to state, that so far as the abstract question of the constitutional right was concerned as to this District, there were various and conflicting opinions among the best jurists, as well as constitutional lawyers of the country, and he regretted that some of these were to be found even in the South. And even here, in this House, (said Mr. G.,) he knew several who would vote against any resolution declaring it unconstitutional in Congress to interfere with slavery in the District, but who would go, heart and hand, with the southern members against any such interference, and against the reading and even printing of the petitions of the Abolitionists, or furthering their views, either directly or indirectly. And from what had taken place, he looked with great confidence for a warm and cordial support of the resolution which he had the honor to offer. He thought it the least the South ought to expect, and what they had a right to require, from their brethren of the North.

Mr. HOLSEY then rose, and after proceeding a few moments, gave way to

Mr. CAMBRELENG, who moved the orders of the day; which motion was agreed to.

BILLS PASSED, COMMITTED, ETC.

The bill to incorporate the Alexandria Fire Insurance Company was read the third time and passed.

The following bills from the Senate were read twice and committed, viz:

A bill to authorize an allowance in the accounts of the American consul at London;

A bill supplemental to the act to amend the judicial system of the United States;

A bill for the relief of Irvin Shubrick;

A bill for the relief of the owners of the brig Dispatch and cargo; and

A bill for the relief of Benjamin Murphy, of Arkansas.

NAVY REGISTER.

The CHAIR laid before the House a letter from the Secretary of the Navy, transmitting two hundred and seventy-five printed copies of the Navy Register for the year 1836; which was laid on the table and ordered to be printed.

LIST OF BALANCES.

The CHAIR laid before the House a communication from the Comptroller of the Treasury, transmitting a list of balances standing on the books of the Department against the receivers of the public land offices, for more than three years prior to the 30th September, 1835; which was referred to the Committee on the Public Lands, and ordered to be printed.

APPROPRIATION BILLS.

On motion by Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. CONNER in the chair.)

On motion by Mr. C., the committee proceeded to consider the following bill:

A bill making an appropriation for repressing hostilities commenced by the Seminole Indians.

Be it enacted, &c., That the sum of $80,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the expense attending the repression of hostilities commenced by the Seminole Indians in Florida.

A communication from the Secretary of War on the subject was read; when

Mr. CAMBRELENG briefly adverted to the depredations committed by the Seminoles—their having laid waste and desolated the country for eighty miles, &c.

Mr. VINTON inquired whether the gentleman from New York was in possession of any information as to the cause of this war or who commenced it?

Mr. CAMBRELENG said he had in his possession a package of documents containing the desired information. The disturbance had grown out of a treaty with the Seminoles, the execution of which had been postponed, from time to time, by them; and when a portion of these Indians had determined to remove, two of their own chiefs had been murdered by themselves, &c. The gentleman from Ohio could examine the correspondence in his possession, and he would be able to satisfy himself on the subject.

Mr. VINTON inquired when the treaty alluded to was made? He did not wish to delay the passage of the bill, but if it was the treaty of 1823 or 1824, it was his intention to move to amend it, by making it obligatory on the United States to carry that treaty into effect.

Mr. CAMBRELENG adverted to the necessity of speedy action upon this subject. The war was progressing. Fifteen hundred Indians were in the field, and they were opposed by only about two hundred troops. Unless speedily repressed, they would probably make inroads upon the State of Georgia. If the gentleman from Ohio desired to raise a question or a debate upon the treaty, he could select another opportunity, without embarrassing the present measure.

Mr. ADAMS moved to amend the bill by providing that the sum appropriated should be expended under the direction of the Secretary of War, conformably to law. The bill he considered rather indefinite in its terms. The appropriation in this bill was the same in principle with that of the $3,000,000 appropriation of the last session. He would inquire by whom was this appropriation to be expended? Was it for the purpose of raising an army? Congress alone had this power. Was it intended to confer upon the President a power which the Constitution had reserved exclusively to Congress? If that was the intention of the present bill, he should be constrained reluctantly to vote against it. He adverted to the fortification bill of the last session, in which was contained the appropriation of $3,000,000. He had voted for that bill upon the principle which had always prevailed, and about which there was no doubt, that however indefinite might be its terms, there was no authority to expend a single dollar of it unless in pursuance of law. The Senate had objected to the appropriation upon the ground, as he understood, that it placed at the discretion of the President $3,000,000, without prescribing by law the manner in which it should be expended. A committee of conference had been appointed—a compromise was agreed upon—the appropriation was reduced, and its terms were not so indefinite, thereby strengthening the belief that the objection of the Senate was that which he had stated, and that there was some plausibility in it, from the more definite shape agreed upon by the committee of conference. That committee had reported, but it was too late, and this appropriation had not only failed, but the whole bill was lost. He believed that the appropriation was an extremely proper one at that time, and the whole country was now suffering in consequence of the failure of the entire bill.

In conclusion, he trusted that the amendment which he had submitted would be adopted.

Mr. CAMBRELENG briefly replied to some of the remarks of the gentleman from Massachusetts. He had no objection to the amendment which had been proposed.

Mr. EVERETT made a few remarks, which were wholly inaudible.

The amendment was then agreed to, and the bill laid aside.

SUFFERERS BY THE NEW YORK FIRE.

The committee proceeded to consider the bill making appropriations for the relief of the sufferers by the fire in the city of New York.

Mr. CAMBRELENG made several verbal amendments; which were agreed to.

Mr. C. then offered a substitute for the second section, (being the same which was contained in the proceedings of yesterday;) which was agreed to.

Mr. C. then explained briefly the provisions of the bill; stated the various acts from 1790 to 1801 for remission of duty in cases of fire, and from 1803 to 1824 for extension of credits in similar cases. He reminded the committee that the question was not now of remission of duty on goods destroyed by the fire, but one which concerned Government quite as much as its debtors. On the question of remission, when it came before them, he should submit his views, and he hoped a majority of the House would concur with him. To the bill now submitted he anticipated little opposition. The first section was in conformity to the usage of Government in cases far less important; the second would apply to debtors of Government equally unfortunate, but not provided for in the first section.

Mr. C. then went into an argument to show, that while, under the old laws and long credits, the merchants had enjoyed the use of the public money, under the late revision, by substituting cash duties on woolens, and three and six months on all other goods, the merchant was compelled to advance the duties to Government; and that those debtors, for whose relief the bill was designed, had actually advanced to Government, in 1835, near twelve millions of dollars, independent of the three or four millions now due. So far from Government being a lender to its debtors, the city of New York was actually a lender to Government of millions beyond the amount now deposited in that city, which had been advanced, and was now loaned to the East, West, North, and South. The extension of the bonds was merely to restore temporarily that which they had advanced—the extension of credit on bonds for duties on goods, all of which had been imported within three months, and some of which had

been entered within a week—some even on the day of the fire. The second section of the bill, in fact, merely contemplated extending the payment of the bonds to a period which, under the old credit laws, they would have been entitled to. It simply proposed to allow our debtors time, as one of the committee had expressed himself, to "clear away the ruins before we demanded the payment of our bonds." The Government would save money by the extension proposed, while it would lose by insisting upon the payment of its bonds during the first quarter of the present year, which, he thought, would be a period of pressure not surpassed by any since 1825. The Government should act upon the principle of every other creditor; it must, like banks and capitalists, extend credit to its debtors, or take the chance of losing its debts. He could not anticipate opposition to such a measure, and should wait for objections to it to answer them.

Mr. HARDIN said he had the bill before him, and he could not find a gentleman who understood the amendments. He found in the bill as originally printed, that the first section extended a credit of three, four, or five years, making the credit equal to four years, while there was no provision that these petitioners should pay interest. This was giving the merchants twenty-four per cent., while there was no relief extended to insurance offices, none to holders of real estate, none to those who had buildings on ground rent, but all to the merchants. He wished to call attention to the subject. Credits ought never to be extended upon the mere assent of surety. If there was to be an extension made, it ought only to be made when the principal and surety both came forward and gave new bonds. But unless there could be a satisfactory reason assigned, he could never vote for the second section of the bill. What does that section propose? It proposes to give away all the surplus revenue. West of the Allegheny mountains, some eight or ten millions were collected for lands. Was this all to be given away for the benefit of the merchants of New York? Mr. H. concluded by moving that the committee rise and report the first two bills, and ask leave to sit again on the bill before the committee; but withdrew the motion at the request of

Mr. CAMBRELENG, who said the gentleman had fallen into an error. The second section had been amended by striking out the part the gentleman took exception to.

The bill was then passed over.

CONVENTION WITH SPAIN.

On motion by Mr. MASON, of Virginia, the committee proceeded to consider the bill providing for carrying into effect the convention with Spain.

After a brief explanation by Mr. MASON, and a few remarks by Mr. ADAMS, the latter suggested the propriety of looking further into the subject, and for that purpose he moved that the committee rise, which was agreed to.

BILLS REPORTED TO THE HOUSE.

The committee then rose, and reported to the House the bill making partial appropriations for the support of Government for the year 1836, and the bill making an appropriation for repressing hostilities on the part of the Seminole Indians.

The amendment to the latter bill was concurred in, and the two bills were ordered to be engrossed and read a third time to-morrow.

Upon the other bills referred, the chairman reported that the committee had come to no resolution.

Mr. CAMBRELENG moved that the bill for the relief of the sufferers by fire in the city of New York, as amended by the Committee of the Whole, be printed; which was agreed to.

The House then adjourned.

IN SENATE.

THURSDAY, *January* 7, 1836.

Mr. McKEAN presented the petition of James Gardner and others, heirs of Captain Andrew Gardner, praying compensation for the revolutionary services of the deceased; which was referred to the Committee on Revolutionary Claims.

Also, the petition of John McArann, of Philadelphia, botanical and landscape gardener, proposing to be employed by Government to ornament the public grounds in the City of Washington; which was referred to the Committee on the District of Columbia.

Also, the petition of George Dawson, of Pittsburg; which was also referred to the appropriate committee.

Mr. TIPTON presented the petition of sundry citizens of Indiana and Michigan, praying for an appropriation for the improvement of the harbor of St. Joseph's, on Lake Michigan; which was referred to the Committee on Commerce.

Mr. KENT presented the petition of the President and Directors of the Union Bank of Georgetown, praying for a recharter; which was laid on the table.

SLAVERY IN THE DISTRICT.

Mr. MORRIS presented several petitions from citizens of Ohio, one of which was signed by ladies, praying for the abolition of slavery in the District of Columbia, and moved to refer them to the Committee on the District of Columbia.

Mr. CALHOUN asked that the question should first be taken on receiving the petition. It was a preliminary question, and under the parliamentary rule he had a right to demand it. He demanded it on the part of the State he represented, because one half of the Union was deeply slandered in these petitions. He demanded it, because the subject was not within the power of Congress. He demanded it that agitation on the subject might cease, for agitation must be the inevitable consequence of continuing to receive them. He saw in these petitions that eleven of the States of the Union were grossly slandered, and no man could put his hand on his heart and say otherwise. They had refused to receive petitions because they implicated members of that body; and were they to receive petitions in which eleven of the States were deeply, basely, and maliciously slandered? Were they to put more reprobation on the slander of an individual member than on the slander of sovereign States?

He demanded the question, because these memorials aimed at a violation of the Constitution. We have not the power, (said he,) under the Constitution, to interfere with the subject of slavery. He and his constituents understood this question. This was a preliminary abolition movement. These Abolitionists moved first upon the District of Columbia, which was the weakest point, in order to operate afterwards on the States; and he would resist them as firmly in this movement as he would on the direct question of emancipation. He demanded the preliminary question as to receiving these petitions, because he was averse to an agitation which would sunder this Union. Sir, (said he,) we fear not these incendiary pamphlets in the South. The South was too well aware of what is due to itself to permit the circulation of those pamphlets. It was agitation here that they feared, because it would compel the southern press to discuss the question in the very presence of the slaves, who were induced to believe that there was a powerful party at the North ready to assist them. He objected to receiving these petitions, because the country was deeply agitated by them; because they were sundering the bonds which held this Union together. As a lover of the Union, he objected to receiving them; nay, they must cease, or the southern people never can be satisfied. And how (asked Mr. C.) will you put a stop to them? By receiving these petitions and laying them on the table. No, no! The Abolitionists understood this too well. Nothing would stop them but a stern refusal, by closing the doors to them, and refusing to receive them.

Mr. KING, of Alabama, observed one of the memorials was directed to the House of Representatives, which he thought ought not to be received by the Senate, and suggested to the gentleman [Mr. MORRIS] who had presented it, the propriety of withdrawing it, which was done.

Mr. MORRIS said, that in presenting these petitions, to the receiving of which the Senator from South Carolina [Mr. CALHOUN] objected, he had not examined them, but had supposed them all properly addressed; those, however, that were addressed to the House of Representatives alone he would withdraw; he had others in his possession, signed exclusively by ladies, and if the gentleman from South Carolina, who had made the motion, would agree, he would then present them also, that the action of the Senate might be had on the whole at once. He said, that in presenting these petitions, he felt it his duty to say, that he himself, and he believed the citizens of the State he represented, were prepared to go the whole length with gentlemen from the South in denying, in the most explicit terms, the power of Congress to interfere in any manner whatever with the question of slavery in any of the States; that the petitioners contemplated no such interference, nor would he, in any instance, give countenance or support to such doctrine; that the power of Congress ought, in all cases, to be confined strictly within the grants of the Constitution. Although he most willingly conceded this, yet he was as clearly of opinion that exclusive legislation was vested in Congress, both as to persons and things within the District of Columbia; and that a contrary opinion, which he had lately heard expressed, was entirely new to him, and he believed rested on no solid foundation; that the subject matter of the petitions was clearly within the power of Congress, and one upon which this body could act, whenever, in their opinion, it was necessary for such action to be had. He was well convinced that the petitioners entertained the same opinion with himself upon this subject; and that they had, in good faith, sent their petitions to Congress, and, with equal good faith, they believed it was the duty of Congress to provide means by which slavery and the slave trade should be abolished in this District. The question now is, have these petitioners the right to be heard by this body, who possess primary, complete, and exclusive legislation upon this subject This right, he said, was secured to them in the most ample manner by the provisions of the Constitution itself. That instrument deprives Congress of all power to make any law to abridge this right, the Constitution recognizing the right as original and inherent, and does not, in the slightest degree, permit Congress to interfere with it as a right. Upon this constitutional provision the petitioners have placed their feet as upon a rock, which cannot be moved; but in the exercise of this right, he was willing to admit that petitioners ought to observe that decorum which is necessary to the very existence of society. He would not contend that if petitions were presented to this body containing scurrilous language and abuse of the Senate, or any one of its members, that it ought not to be received; but the Senate had ample security in this matter, as no petition could be presented but through one of its members. But it is objected in this case, that the petitioners reflect in the language of their petitions most unwarrantably on sovereign States, as well as individual citizens of those States. He said, if the right of petitioning Congress was deemed of so much importance as to be declared by the Constitution a right which Congress should not abridge, with what propriety, then, shall one branch of Congress undertake to declare that petitions shall not be received, on the ground that the object which the petitioners seek to obtain is not in the power of Congress to grant, or that the words used by the petitioners are such as ought not to be heard. He would ask gentlemen, if this was not abridging the right of petition; if Congress could prescribe the matter and form in which petitions should be presented, he thought there was at once an end to the right of petitioning. He said he could see no difference in principle, in prescribing the manner in which an act should be done, and in preventing it altogether. It seemed to him that the doctrine contended for would hold thus far. The petitions now presented pray the action of Congress upon a subject over which Congress alone has the power of legislation; they have expressed themselves in this matter in such language as they judged proper for the occasion; this is their inherent right; the liberty of speech is theirs without restraint, and they are subject for its abuse only to the laws. Let us take care, then, how we tread on this ground, that in our attempts to make petitions palatable to ourselves we do not abridge the sacred right of petitioning. This, he was sure, would not be contended for by any Senator. In this belief he found assurance that the petitions

would be received, and the motion of the gentleman fail. It was not necessary that he should express his opinion of the effects that would follow a contrary course.

Mr. PORTER felt that he should but illy perform his duty to his constituents, if he permitted this subject to pass without noticing it by a few remarks. And first as to the remarks of the Senator from Ohio, [Mr. MORRIS;] he agreed with him that his constituents wished to place their feet on the Constitution; and if the gentleman had looked into and fully considered all the consequences that might ensue from such memorials, he could not but himself feel that he had been putting his foot on the Constitution in presenting them. The gentleman had made one remark which he had heard elsewhere, that by refusing the right of petition, there was no knowing where they might go. No man could value more highly than he did the right of the people peaceably to assemble and petition for a redress of grievances. It was a right which his vote should always sustain. But he should be glad to know how the motion of the gentleman from South Carolina, or the vote he was about to give on it, could be considered as restraining the right of petition. Did not the same power which conferred on petitioners the right to make petitions, also confer on Congress the right to reject them, if, on examination, their prayer should be found unreasonable and unjust? And if they had this right, had they not also the right to say so at once? Did the gentleman want a petition to be carried to a committee, and deliberated on, when it contained language grossly reflecting on the people of the South—a people as pure and as virtuous as any on the face of the globe? Were they to take petitions couched in such language, and commit them before rejecting them? He, for his part, would not suffer these fanatics, and worse than fanatics, to come there and tell them that the people he represented were murderers, kidnappers.

There was another reason why they should refuse to receive the petitions. They proposed to take away the property of the people of this District. The good people of Ohio were exceedingly kind to wish to emancipate the slaves of this District; to take away from widows and orphans, because the tabernacles of Ohio were endued with an extraordinary spirit of philanthropy. He knew what was wanted by these Abolitionists. They wanted to get some legislative action here with regard to slavery in this District, for the purpose of bearing on the Legislatures of the South. But they were mistaken. Did they suppose that they could ever induce the people of the South to give up the property, acquired from their ancestors and by their own industry? Did they suppose that because they had the example of the British islands before them, where the mother country had been worked on by hypocrisy, fanaticism, and the most profound ignorance, that they ever could effect their objects in the South? Did they suppose that they could found anything on what had passed on the other side of the water? Did they suppose that the islanders would ever, of themselves, have consented to the emancipation of their slaves, if the measure had not been forced upon them by the mother country? No, they never would; and it would be in vain for the Abolitionists ever to hope for anything of the kind from the South. With respect to these petitions, he was for rejecting them at once. Was he to be told that, in doing so, he was rejecting the right of petition? This was a painful subject, and he wished to avoid it; but he should be a traitor to the State he represented, if he consented that these petitions should be presented there from day to day, containing the grossest slanders on the whole southern country, and calculated to keep alive that excitement of which they had already had too much.

Mr. PRESTON said that the presentation of petitions at this time must, under the peculiar circumstances, create excited feelings. Mr. P. adverted to various circumstances that had transpired during the past year, in relation to the Abolitionists; and (said he) after all this, shall we permit a petition to be presented on this subject, without our animadversion, or, without the possibility of action upon it, permit it to lie peaceably upon the table. They of the South had a right, under the Constitution, to demand some other action than the Government had pursued. He referred to the meetings held by Abolitionists—the apostles they had sent out to preach their doctrines—the circulation of publications of every species, and their exciting character. All of them had seen these things, and he felt called upon to keep the South informed of them. They were calculated to spread terror throughout the South. Men's minds had already been disturbed there. The Government had been called upon to act upon them. They could not sit by and see the character of their constituents aspersed by ignorant, blood-thirsty fanatics. They were bound to appeal to the Government.

For one Mr. P. did not fear an interference in the rights of the South. You can't (said he) interfere with them, either in politics, in religion, in morals, or physical means. They were bound to defend them, by all the means the God of nature had put into their power against these incendiary attempts to wrap their land in flames, and to deluge it in blood. Sir, (said he,) they are filling our houses, our fields, and our hearths with implacable murderers, and robbing us of our thousands! Sir, we demand repose! We insist that the Government shall say to us, in intelligible language, that you can't legislate upon this subject—that you can't receive the petitions of these hot-headed and cold-hearted fanatics—these men, women, and children who are waging a war of extermination against us. In this free Government, (said Mr. P.) it may be impossible for the Government authorities to stop them entirely; but (said he) we ask that Congress will distinctly and positively interfere between us and those fanatics, and that the General Government will not directly or indirectly be an agent in this system of destruction. I fear, (said Mr. P.,) unless it stands as an impassible barrier between these people and us, the consequences will be terrible. We in the South (said he) exist under a bond of necessity, which cannot be broken—our lives and our property are the ligaments that bind us together. Civil war was terrible—to the ratiocinations of the mind it was dreadful. Interference must be direct or indirect. The people of the South demanded such action of Congress on these petitions as would leave no possible doubt between them and this exciting subject. It was a matter on which there could be no difference of opinion. He abhorred the idea of mixing up politics with it. Their sole object was to protect their property and their lives. In a political point of view, it was extremely important to prevent the agitation of this subject. He spoke of its bearings upon different sections of the country, and (said he) the overwhelming vortex of politics sweeps everything before it.

How long, then, should they endure this matter, before Congress took such action as would secure them from the agitation of it? What he desired was, that such action should be had as would close the doors of this Hall against the agitation of this subject. He was sure the object of the motion of his colleague [Mr. CALHOUN] was nothing more. But the gentleman from Ohio [Mr. MORRIS] says that the door of the Hall shall not be closed thus far. The primary question was: Shall the petition be received or not? What was a petition read for? To see whether Congress would take it into consideration. The motion of his colleague was a milder remedy tthan they had a right to take. He (Mr. P.) was disposed to ask a direct renunciation of the power of Congress to act in the matter. The Constitution declared that Congress had no right to pass a law abridging the right of petitioning. But did that mean they had no right to reject a petition after it was presented? How does this petition (said Mr. P.) characterize twenty-two members of this body? Was it respectful to them that women were brought in to shield the agitators? The petition was offensive; not personally so to him, but to the whole southern delegation. Mr. P. here quoted the Constitution on the subject of the right of petitioning. Was the object of the petition here presented for the redress of grievances? Was it an affair of local grievance to the petitioners, or of general interest? Was this Capitol to be converted into a college for its discussion? He plead to the jurisdiction. But (said Mr. P.) we cannot plead to the jurisdiction at the bar of public opinion. There we must answer. The petition was a slanderous libel upon a large population. It asked for the exercise of powers not delegated to Congress. They might as well have petitioned for the establishment of a particular religion. The section of country he represented had a constitutional right to their property, and the people there had a right to expect of every Senator to say that Congress had no right to interfere with it. The Constitution provides that you shall not interfere with private property, without ample compensation. Where will you get the funds (said he) to buy our property? Would this Government buy it? The right to this property was coextensive with this District. The ceding of this District to the United States was in the nature of a general trust, that they might exercise jurisdiction over it as a trust government. How were these ten miles square originally given? Certainly not to militate against the provisions of Maryland or Virginia. He concluded, that in the just interpretation of the act of cession itself by Maryland and Virginia, Congress was excluded from interfering. Suppose (said Mr. P.) that Philadelphia, in the State of Pennsylvania, had been ceded to the United States, and the citizens of Virginia had petitioned to have perpetual slavery established in Philadelphia without the consent of Pennsylvania; then, if Congress could abolish slavery in the District of Columbia, it could establish it in Philadelphia, or wherever jurisdiction was ceded to the United States. No man (said Mr. P.) who had character enough to come here, would say it was even expedient to interfere. He had intended proposing a resolution, if his colleague had not made this motion, calling for the strongest action of the Senate upon the subject. It was most desirable to them to have peace, and he hoped the action of the Senate upon this petition would be such as would insure it to them.

Mr. BUCHANAN said that, for two or three weeks past, there had been in his possession, a memorial from the Caln quarterly meeting of the religious Society of Friends, in the State of Pennsylvania, requesting Congress to abolish slavery and the slave trade within the District of Columbia. This memorial was not a printed form—its language was not that in established use for such documents. It did not proceed from those desperate fanatics who have been endeavoring to disturb the security and peace of society in the southern States, by the distribution of incendiary pamphlets and papers. Far different is the truth. It emanates from a society of Christians, whose object had always been to promote peace and good will among men, and who have been the efficient and persevering friends of humanity in every clime. To their untiring efforts, more than to those of any other denomination of Christians, we owe the progress which has been made in abolishing the African slave trade throughout the world. This memorial was their testimony against the existence of slavery. This testimony they had borne for more than a century. Of the purity of their motives, there could not be a question.

Mr. B. had omitted to present this memorial at an earlier day, because he had thought that on its presentation, at the proper time, much good might be done. He had believed that, by private consultations, some resolution might be devised upon this exciting subject which would obtain the unanimous vote of the Senate. If there was one man in that body not willing to adopt any proper measure to calm the troubled spirit of the South, he did not know him. This, in his judgment, would be the best mode of accomplishing the object which we all desire to accomplish. The proper course to attain this result was, in his opinion, to refer the subject either to a select committee or to the Committee on the District of Columbia. They would examine it in all its bearings; they would ascertain the views and feelings of individual Senators, and he had no doubt they would be able to recommend some measure to the Senate on which they could all unite. This would have a most happy effect upon the country. He had intended, upon presenting the memorial which he had in charge, to have suggested this mode of proceeding. He regretted, therefore, he had not known that his friend from Ohio, [Mr. MORRIS,] was in possession of memorials having

a similar object in view. If he had been informed of it, he should have endeavored to persuade him to wait until Monday next, when he (Mr. B.) would have been prepared to pursue the course he had indicated. But the question has now been forced upon us. No, (said Mr. B.,) it has not been forced upon me, because I am glad to have a suitable occasion of expressing my opinions upon the subject.

The memorial which I have in my possession is entitled to the utmost respect from the character of the memorialists. As I entirely dissent from the opinion which they express, that we ought to abolish slavery in the District of Columbia, I feel it to be due to them, to myself and to the Senate, respectfully, but firmly, to state the reasons why I cannot advocate their views, or acquiesce in their conclusions.

If any one principle of constitutional law can, at this day, be considered as settled, it is, that Congress has no right, no power, over the question of slavery within those States where it exists. The property of the master in his slave existed in full force before the Federal Constitution was adopted. It was a subject which then belonged, as it still belongs, to the exclusive jurisdiction of the several States. These States, by the adoption of the Constitution, never yielded to the General Government any right to interfere with the question. It remains where it was previous to the establishment of our Confederacy.

The Constitution has, in the clearest terms, recognized the right of property in slaves. It prohibits any State into which a slave may have fled from passing any law to discharge him from slavery, and declares that he shall be delivered up by the authorities of such State to his master. Nay, more; it makes the existence of slavery the foundation of political power, by giving to those States in which it exists Representatives in Congress not only in proportion to the whole number of free persons, but also in proportion to three fifths of the number of slaves..

An occasion very fortunately arose in the first Congress to settle this question forever. The Society for the Abolition of Slavery in Pennsylvania brought it before that Congress, by a memorial which was presented on the 11th day of February, 1790. After the subject had been discussed for several days, and after solemn deliberation, the House of Representatives, in Committee of the Whole, on the 23d day of March, 1790, resolved—

"That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the States; it remaining with the several States alone to provide any regulations therein which humanity and true policy may require."

I have thought it would be proper to present this decision, which was made almost half a century ago, distinctly to the view of the American people. The language of the resolution is clear, precise, and definite. It leaves the question where the Constitution left it, and where, so far as I am concerned, it ever shall remain. The Constitution of the United States never would have been called into existence—instead of the innumerable blessings which have flowed from our happy Union, we should have had anarchy, jealousy, and civil war among the sister republics of which our Confederacy is composed—had not the free States abandoned all control over this question. For one, whatever may be my opinions upon the abstract question of slavery—and I am free to confess they are those of the people of Pennsylvania—I shall never attempt to violate this fundamental compact. The Union will be dissolved, and incalculable evils will rise from its ashes, the moment any such attempt is seriously made by the free States in Congress.

What, then, are the circumstances under which these memorials are now presented? A number of fanatics, led on by foreign incendiaries, have been scattering "arrows, firebrands, and death" throughout the southern States. The natural tendency of their publications is to produce dissatisfaction and revolt among the slaves, and to incite their wild passions to vengeance. All history, as well as the present condition of the slaves, proves that there can be no danger of the final result of a servile war. But, in the mean time, what dreadful scenes may be enacted before such an insurrection, which would spare neither age nor sex, could be suppressed! What agony of mind must be suffered, especially by the gentler sex, in consequence of these publications! Many a mother clasps her infant to her bosom, when she retires to rest, under dreadful apprehensions that she may be aroused from her slumbers by the savage yells of the slaves by whom she is surrounded. These are the works of the Abolitionists. That their motives may be honest, I do not doubt; but their zeal is without knowledge. The history of the human race presents numerous examples of ignorant enthusiasts, the purity of whose intentions cannot be doubted, who have spread devastation and bloodshed over the face of the earth.

These fanatics, instead of benefiting the slaves who are the objects of their regard, have inflicted serious injuries upon them. Self-preservation is the first law of nature. The masters, for the sake of their wives and children—for the sake of all that is near and dear to them on earth—must tighten the reigns of authority over their slaves. They must thus counteract the efforts of the Abolitionists. The slaves are denied many indulgences which their masters would otherwise cheerfully grant; they must be kept in such a state of bondage as effectually to prevent their rising. These are the injurious effects produced by the Abolitionists upon the slave himself. Whilst, on the one hand, they render his condition miserable by presenting to his mind vague notions of freedom never to be realized, on the other, they make it doubly miserable by compelling the master to be severe, in order to prevent any attempts at insurrection. They thus render it impossible for the master to treat his slave according to the dictates of his heart and his feelings.

Besides, do not the Abolitionists perceive that the spirit which is thus roused must protract to an indefinite period the emancipation of the slave? The necessary effect of their efforts is to render desperate those to whom the power of emancipation exclusively belongs. I believe most conscientiously, in whatever light this subject can be viewed, that the best interests of the slave require that the question should be left, where the Constitution has left it, to the slaveholding States themselves, without foreign interference.

This being a true statement of the case, as applied to the States where slavery exists, what is now asked by these memorialists? That in this District of ten miles square—a District carved out of two slaveholding States, and surrounded by them on all sides—slavery shall be abolished. What would be the effects of granting their request? You would thus erect a citadel in the very heart of these States, upon a territory which they have ceded to you for a far different purpose, from which Abolitionists and incendiaries could securely attack the peace and safety of their citizens. You establish a spot, within the slaveholding States, which would be a city of refuge for runaway slaves. You create by law a central point from which trains of gunpowder may be securely laid, extending into the surrounding States, which may, at any moment, produce a fearful and destructive explosion. By passing such a law, you introduce the enemy into the very bosom of these two States, and afford him every opportunity to produce a servile insurrection. Is there any reasonable man who can for one moment suppose that Virginia and Maryland would have ceded the District of Columbia to the United States, if they had entertained the slightest idea that Congress would ever use it for any such purpose? They ceded it for your use, for your convenience, and not for their own destruction. When slavery ceases to exist under the laws of Virginia and Maryland, then, and not till then, ought it to be abolished in the District of Columbia.

Mr. B. said, that notwithstanding these were his opinions, he could not vote for the motion of the Senator from South Carolina, [Mr. CALHOUN,] not to receive these memorials. He would not at present proceed to state his reasons, still hoping the Senate could yet agree upon some course which would prove satisfactory to all. With this view, he moved that the whole subject be postponed until Monday next.

And after some further debate, it was so postponed.

Mr. BENTON rose to express his concurrence in the suggestion of the Senator from Pennsylvania, [Mr. BUCHANAN,] that the consideration of this subject be postponed until Monday. It had come up suddenly, and unexpectedly to-day, and the postponement would give an opportunity for Senators to reflect, and to confer together, and to conclude what was best to be done where all were united in wishing the same end, namely, to allay, and not to produce excitement. He had risen for this purpose, but, being on his feet, he would say a few words on the general subject which the presentation of these petitions had so suddenly and unexpectedly brought up. With respect to the petitioners, and those with whom they acted, he had no doubt but that many of them were good people, aiming at benevolent objects, and endeavoring to ameliorate the condition of one part of the human race without inflicting calamities on another part; but they were mistaken in their mode of proceeding; and so far from accomplishing any part of their object, the whole effect of their interposition was to aggravate the condition of those in whose behalf they were interfering But there was another part, and he meant to speak of the Abolitionists generally, as the body containing the part of which he spoke—there was another part whom he could not qualify as good people seeking benevolent ends by mistaken means, but as incendiaries and agitators, with diabolical objects in view, to be accomplished by wicked and deplorable means He did not go into the proofs now to establish the correctness of his opinion of this latter class; but he presumed it would be admitted that every attempt to work upon the passions of the slaves, and to excite them to murder their owners, was a wicked and diabolical attempt, and the work of a midnight incendiary. Pictures of slave degradation and misery, and of the white man's luxury and cruelty, were attempts of this kind; for they were appeals to the vengeance of slaves, and not to the intelligence or reason of those who legislated for them. He (Mr. B.) had had many pictures of this kind, as well as many diabolical publications, sent to him at St. Louis, during the past summer, the whole of which he had cast into the fire, and should not have thought of referring to the circumstance at this time, as displaying the character of the incendiary part of the Abolitionists, had he not, within these few days past, and while abolition petitions were pouring into the other end of the Capitol, received one of these pictures, the design of which could be nothing but mischief of the blackest dye. It was a print from an engraving, [and Mr. B. exhibited it, and handed it to Senators near him,] representing a large and spreading tree of liberty, beneath whose ample shade a slave owner was at one time luxuriously reposing, with slaves fanning him; at another carried forth in a palanquin, to view the half-naked laborers in the cotton-field, whom drivers, with whips, were scourging to the task. The print was evidently from the abolition mint, and came to him by some other conveyance than that of the mail, for there was no post-mark, or mark of any kind, to identify its origin, and to indicate its line of march. For what purpose could such a picture be intended, unless to inflame the passions of slaves; and why engrave it, except to multiply copies for extensive distribution? But it was not pictures alone that operated upon the passions of the slaves, but speeches, publications, petitions presented in Congress, and the whole machinery of abolition societies. None of these things went to the understandings of the slaves, but to their passions, all imperfectly understood, and inspiring vague hopes, and stimulating abortive and fatal insurrections. Societies, especially, were the foundation of the greatest mischiefs. Whatever might be their objects, the slaves never did, and never can, understand them but in one way—as allies organized for action, and ready to march to their aid on the first signal of insurrection! It was thus that the massacre of San Domingo was made. The Society in Paris, *Les Amis des Noirs*, Friends of the Blacks, with its affiliated societies throughout France and in London, made that massacre. And who composed that society? In the beginning it comprised the extremes of virtue and of vice; it contained the best and the basest of human kind!—Lafayette,

and the Abbé Gregoire, those purest of philanthropists, and Marat and Anacharsis Chlootz, those imps of hell in human shape. In the end, for all such societies run the same career of degeneration, the good men, disgusted with their associates, retired from the scene, and the wicked ruled at pleasure. Declamations against slavery, publications in gazettes, pictures, petitions to the Constituent Assembly, were the mode of proceeding; and the fish-women of Paris—he said it with humiliation, because American females had signed the petitions now before us—the fish-women of Paris, the very *poissardes* from the quays of the Seine, became the obstreperous champions of West India emancipation. The effect upon the French islands is known to the world; but what is not known to the world, or not sufficiently known to it, is that the same societies which wrapt in flames and drenched in blood the beautiful island which was then a garden, and now a wilderness, were the means of exciting an insurrection upon our own continent—in Louisiana—where a French slave population existed, and where the language of *Les Amis des Noirs* could be understood, and where their emissaries could glide. The knowledge of this event (Mr. B. said) ought to be better known, both to show the danger of these societies, however distant, and though oceans may roll between them and their victims, the fate of the slaves who may be excited to insurrection by them on any part of the American continent. He would read the notice of the event from the work of Mr. Charles Gayarre, lately elected by his native State to a seat on this floor, and whose resignation of that honor he sincerely regretted, and particularly for the cause which occasioned it, and which abstracted talent from a station that it would have adorned. Mr. B. read from the work, "*Essai Historique sur la Louisiane:*"

"The white population of Louisiana was not the only part of the population which was agitated by the French revolution. The blacks, encouraged, without doubt, by the success which their race had obtained in San Domingo, dreamed of liberty, and sought to shake off the yoke. The insurrection was planned at Pointe-Coupeé, which was then an isolated parish, and of which the number of slaves was considerable. The conspiracy took birth on the plantation of Mr. Julien Poydras, a rich planter, who was then traveling in the United States, and spread itself rapidly throughout the parish. The death of all the whites was resolved. Happily, the conspirators could not agree upon the day for the massacre, and, from this disagreement, resulted a quarrel which led to the discovery of the plot. The militia of the parish immediately took arms, and the Baron de Carondelet caused them to be supported by the troops of the line. It was resolved to arrest and to punish the principal conspirators. The slaves opposed it; but they were quickly dispersed, with the loss of twenty of their number killed on the spot. Fifty of the insurgents were condemned to death. Sixteen were executed in different parts of the parish; the rest were put on board a galley, and hung, at intervals, all along the river, as far as New Orleans, (a distance of one hundred and fifty miles.) The severity of the chastisement intimidated the blacks, and all returned to perfect order."

Resuming his remarks, Mr. B. said he had read this passage to show that our white population had a right to dread, nay, were bound to dread, the mischievous influence of these societies, even when an ocean intervened, and much more when they stood upon the same hemisphere and within the bosom of the same country. He also read it to show the miserable fate of their victims, and to warn all that was good and virtuous—all that was honest, but mistaken—in the *three hundred and fifty* affiliated societies vaunted by the individuals who style themselves their executive committee, and who date, from the commercial emporium of this Union, their high manifesto against the President—to warn them at once to secede from associations which, whatever may be their designs, can have no other effect than to revive in the southern States the tragedy—not of San Domingo—but of the parish of Pointe-Coupeé.

Mr. B. went on to say that these societies had already perpetrated more mischief than the joint remainder of all their lives spent in prayers of contrition, and in works of retribution, could ever atone for. They had thrown the state of the emancipation question fifty years back. They had subjected every traveler and every emigrant from the non-slaveholding States to be received with coldness and viewed with suspicion and jealousy, in the slaveholding States. They had occasioned many slaves to lose their lives. They had caused the deportation of many ten thousands from the grain-growing to the planting States. They had caused the privileges of all slaves to be curtailed, and their bonds to be more tightly drawn. Nor was the mischief of their conduct confined to slaves; it reached the free colored people, and opened a sudden gulf of misery to that population. In all the slave States, this population has paid the forfeit of their intermediate position, and suffered proscription as the instruments, real or suspected, of the abolition societies. In all these States, their exodus had either been enforced or was impending. In Missouri there was a clause in the Constitution which prohibited their emigration to the State; but that clause had remained a dead letter in the book until the agitation produced among the slaves by the distant rumbling of the abolition thunder, led to the knowledge in some instances, and to the belief in others, that these people were the antennæ of the Abolitionists, and their medium for communicating with the slaves, and for exciting them to desertion first, and to insurrection eventually. Then ensued a painful scene. The people met, resolved, and prescribed thirty days for the exodus of the obnoxious caste. Under that decree a general emigration had to take place at the commencement of winter. Many worthy and industrious people had to quit their business and their homes, and to go forth under circumstances which rendered them objects of suspicion wherever they went, and sealed the door against the acquisition of new friends, while depriving them of the protection of old ones. He (Mr. B.) had witnessed many instances of this kind, and had given certificates to several, to show that they were banished, not for their offenses, but for their misfortunes—for the misfortune of being allied to the race which the abolition societies had made the object of their gratuitous philanthropy.

Having said thus much of the abolition societies in the non-slaveholding States, Mr. B. turned with pride and exultation to a different theme—the conduct of the great body of the people in all these States. Before he saw that conduct, and while the black question, like a portentous cloud, was gathering and darkening on the northeastern horizon, he trembled, not for the South, but for the Union. He feared that he saw the fatal work of dissolution about to begin, and the bonds of this glorious Confederacy about to snap; but the conduct of the great body of the people in all the non-slaveholding States quickly dispelled that fear, and in its place planted deep the strongest assurance of the harmony and indivisibility of the Union which he had felt for many years. Their conduct was above all praise, above all thanks, above all gratitude. They had chased off the foreign emissaries, silenced the gabbling tongues of female dupes, and dispersed the assemblages, whether fanatical, visionary, or incendiary, of all that congregated to preach against evils which afflicted others, not them, and to propose remedies to aggravate the disease which they pretended to cure. They had acted with a noble spirit. They had exerted a vigor beyond all law. They had obeyed the enactments, not of the statute-book, but of the heart; and while the spirit was in the heart, he cared nothing for laws written in a book. He would rely upon that spirit to complete the good work it had begun—to dry up these societies—to separate the mistaken philanthropist from the reckless fanatic and the wicked incendiary, and put an end to publications and petitions which, whatever may be their design, can have no other effect than to impede the object which they invoke, and to aggravate the evil which they deplore.

Turning to the immediate question before the Senate, that of the rejection of the petitions, Mr. B. said his wish was to give that vote which would have the greatest effect in putting down these societies. He thought the vote to be given to be rather one of expediency than of constitutional obligation. The clause in the Constitution so often quoted in favor of the right of petitioning for a redress of grievances, would seem to him to apply rather to the grievances felt by ourselves, than to those felt by others, and which others might think an advantage, what we thought a grievance. The petitioners from Ohio think it a grievance that the people of the District of Columbia should suffer the institution of slavery, and pray for the redress of that grievance; the people of the District think the institution an advantage, and want no redress; now, which has the right of petitioning? Looking to the past action of the Senate, and Mr. B. saw that, about thirty years ago, a petition against slavery, and that in the States, was presented to this body by the society of Quakers in Pennsylvania and New Jersey, and that the same question upon its reception was made, and decided by yeas and nays, 19 to 9, in favor of receiving it. He read the names to show that the Senators from the slave and non-slaveholding States, voted some for, and some against, the reception, according to each one's opinion, and not according to the position or the character of the State from which he came. Mr. B. repeated, that he thought this question to be one of expediency, and that it was expedient to give the vote which would go furthest towards quieting the public mind. The quieting the South depended upon quieting the North; for when the Abolitionists were put down in the former place, the latter would be at ease. It seemed to him, then, that the gentlemen of the non-slaveholding States were the proper persons to speak first. They knew the temper of their own constituents best, and what might have a good or an ill effect upon them, either to increase the abolition fever, or to allay it. He knew that the feeling of the Senate was general, that all wished for the same end, and the gentlemen of the North as cordially as those of the South. He wished the subject to lie over till Monday, and then to hear the opinions of those gentlemen after they had had time to consider and to confer together.

Mr. TYLER said he had very few remarks to make. He was frank to declare, that he should have preferred a different course to be pursued in reference to this petition to the one proposed by the Senator from South Carolina. Entertaining the most profound respect for the opinions of that gentleman, not only on this, but on all other questions, he must, nevertheless, confess that he did not think his proposition fully met the importance of the subject. He did not think it went far enough: the right to reject petitions, as well as to receive them, was the right of every deliberative body. The reasons for refusing to receive them were numerous. They might be insulting to the body—slanderous of the States and their institutions—repulsive for various reasons. In refusing to receive them nothing is established in regard to their prayer. Now, take the case before the Senate. The honorable Senator from South Carolina, in a spirit highly commendable, objects to receiving these petitions, because they are couched in a language grossly insulting to the community in which he lives: he objects to them because they contain the most injurious reflections on a large number of the States of this Union. Mr. T. would ask, would these petitions be more acceptable to the South, if they were less offensive in their language; and might it not hereafter be used as an argument for the reception of similar petitions, that they treated the South with a becoming delicacy and respect, though their ultimate objects were equally dangerous? In his conception, the course proposed by the Senator from South Carolina would not reach the difficulty; it would not put an end to abolition petitions. He wanted some course more emphatic—more pointed. He wanted an expression of opinion on the part of the Senate, that it was not competent for Congress to interfere with the question of slavery, either in the States, or in the District of Columbia. I hope (said Mr. T.) that we can obtain such an opinion by a unanimous vote, unless indeed the Senator from Ohio [Mr. MORRIS] objected, (which he should much regret,) that gentleman having expressed himself as if Congress, as the local legislature of the District, could legislate on this subject. Although he feared that the Senator from Ohio might not go with them in the expression of an opinion as to the want of competent power in Congress to interfere with the subject, yet he did hope that that gentleman, after more mature deliberation, would see the subject in the same light that he did. The object of the gentleman from South Carolina and his own were the same: it was to put an end to these petitions which were calculated to keep up the agitation in the country They only differed as to the mode. Mr. T

wanted a distinct expression of opinion on the part of the Senate; and how were they to get it in any other way than in the usual form of a resolution? In order to attain this object, he would have permitted them to go the way that all others of the same description had gone—to the Committee on the District of Columbia. He, as chairman of the committee, had full confidence in his fellow-members on that committee. On this subject the committee might be regarded as perfectly sound, and he would not doubt but that they would concur not only in a report, but in a satisfactory resolution. He had prepared a report at the last session which had met the concurrence of the members, and which was not made, because of the suggestion that it might lead to some excitement in the country. The times have since altered; agitation had come, and he had little doubt but that the committee would now concur with him in putting it to rest so far as any action on its part would avail. Let these miserable petitions, then, go the way that all others like them have gone. All others heretofore had gone (as Mr. PRESTON said) into the lion's den, and his honorable friend saw no signs of their foot-prints coming out. That course would now be changed. He repeated the belief that in the committee there would be no difference of opinion among its members in reference to this subject. He hoped there would be none in the Senate. As to the question involved, (said Mr. T.,) it is one on which we of the South cannot divide; it is a vital question. He did not mean to cant about it; he did not mean to ask the commiseration of the Senator from Pennsylvania; for the South was stronger than she was supposed to be. No man was safe from the incendiary, but the incendiary was not to be feared when the day broke upon him. He would vanish away like a specter of the night, and inevitable destruction would await him on the return of day. A servile war cannot be excited to endure for a day. It would surrender to the sword the black population, and an indiscriminate massacre might follow. I tell the Senator (said Mr. T.) that Virginia has no fear of her slaves. She stands prepared alike to crush rebellion in her bosom or to resist oppression from abroad. Like every other State, she may be in danger from the torch of the midnight incendiary, but with the first gleam of day the danger ceases. Standing there for that State, he scorned to ask for the commiseration of any one. He wanted justice for his State and constitutional right—nothing more. He admitted that, by an emphatic decision that Congress had no competent authority to interfere with slavery in the District, some degree of security would be given to allay excitement on any report which would come from the District Committee, and would be calm. Sir, (said Mr. T.,) I should feel that that committee was addressing Americans—men whose fathers fought by the side of ours in the war of independence—men who can no more exist without us than we can exist without them—identified with us in glory, and bound by the same destiny. He could have no fears from this body. He would not doubt but that the Senate of the United States would be true to their oaths and faithful to the sovereignties they represented. If he was mistaken, then (said he) Virginia can stand even if left alone, and she will stand boldly and fearlessly confident as to the result. He would say to his friend from South Carolina, that if after having given consideration to these expressions on his part, he still thought the proposition he had made the better course to be pursued, he (Mr. T.) would waive his own opinions, and go with him. He would do nothing that would produce a division with his southern friends on this subject. Unanimity of opinion and action was all important to them. He had made these remarks principally because he was the chairman of the Committee on the District of Columbia, feeling that the subject would be perfectly safe in their hands.

Mr. BROWN said he felt himself constrained, by a sense of duty to the State from which he came, deeply and vitally interested as she was in everything connected with the agitating question which had unexpectedly been brought into discussion that morning, to present in a few words his views as to the proper direction which should be given to that and all other petitions relating to slavery in the District of Columbia. He felt himself more especially called on to do so from the aspect which the question had assumed in consequence of the motion of the gentleman from South Carolina, [Mr. CALHOUN,] to refuse to receive the petition. He had believed, from the first time he had reflected on this subject—and subsequent events had but strengthened that conviction—that the most proper disposition of all such petitions was to lay them on the table without printing. This course, while it indicated to the fanatics that Congress will yield *no countenance* to their designs, at the same time marks them with decided reprobation by a refusal to print. But, in his estimation, another reason gave to the motion to lay them on the table a decided preference over any other proceedings by which they should be met. The peculiar merit of this motion, as applicable to this question, is, that it precludes *all debate*, and would thus prevent the agitation of a subject in Congress which all should deprecate as fraught with mischief to every portion of this happy and flourishing Confederacy.

Mr. B. said that honorable gentlemen who advocated this motion had disclaimed all intention to produce agitation on this question. He did not pretend to question the sincerity of their declaration; and, while willing to do every justice to their motives, he must be allowed to say that no method could be devised better calculated, in his judgment, to produce such a result.

Mr. B. most sincerely believed that the best interests of the southern States would be most consulted by pursuing such a course here as would harmonize the feeling of every section, and avoid opening for discussion so dangerous and delicate a question. He believed all the Senators who were present a few days since, when a petition of similar character had been presented by an honorable member, had, by their votes *to lay it on the table*, sanctioned the course which he now suggested.

[Mr. CALHOUN, in explanation, said that himself and his colleague were absent from the Senate on the occasion alluded to.]

Mr. B. resumed, and said that he had made no reference to the votes of any particular members of that body; but what he had said was, that a similar petition had been laid on the table without objection from any one, and consequently by a unanimous vote of the Senators present. Here, then, was a most emphatic declaration by gentlemen representing the northern States, as well as those from other parts of the Union, by this vote, that they would *entertain no attempt at legislation* on the question of slavery in the District of Columbia. Why, then, (asked Mr. B.,) should we now adopt a mode of proceeding calculated to disturb the harmonious action of the Senate, which had been produced by the former vote? Why and—he would respectfully ask of honorable gentlemen who press the motion to refuse to receive the petition—for what beneficial purpose do they press it? By persisting in such a course, it would, beyond all doubt, open a wide range of discussion; it would not fail to call forth a great diversity of opinion in relation to the extent of the right to petition under the Constitution. Nor would it be confined to that question alone, judging from an expression which had fallen from an honorable gentleman from Virginia [Mr. TYLER] in the course of this debate. That gentleman had declared his preference for a direct negative vote by the Senate as to the constitutional power of Congress to emancipate slaves in the District of Columbia. He, for one, protested, politically speaking, against opening this Pandora's box in the Halls of Congress. For all beneficial and practical purposes, an overwhelming majority of the members representing the northern States were with the South, in opposition *to any interference* with slavery in the District of Columbia. If there was a half dozen in both branches of Congress who did not stand in entire opposition to any interference with slavery in this District or elsewhere, he had yet to learn it. Was it wise, was it prudent, was it magnanimous in gentlemen representing the southern States to urge this matter still further, and say to our northern friends in Congress: "Gentlemen, we all agree in the general conclusion that Congress should not interfere in this question, but we wish to know your *reasons* for arriving at this conclusion; we wish you to declare by your votes whether you arrive at this result because you think it unconstitutional or not." Mr. B. said, that he would yield to none in zeal in sustaining and supporting, to the extent of his ability, what he believed to be the true interest of the South; but he should take leave to say that, when the almost united will of both branches of Congress *for all practical purposes* was with us against all interference on this subject, he should not hazard the peace and quiet of the country by going on a Quixotic expedition in pursuit of abstract constitutional questions. He would not quarrel with gentlemen so long as they continued in the determination not to interfere in this question, even if they did not come to that determination by precisely the same mode of reasoning with himself. Mr. B. said, it appeared to him that the true course of those representing the South here was to occupy a defensive position, so long as others were disposed not to discuss it, and Congress *refused* to exert any legislative authority over the subject. When that attempt was made, if it ever should be, he should say the time for discussion had passed, and a period had arrived which called for *other* and more vigorous means of self-defense.

Another, and not the least weighty reason, had operated on his mind in bringing it to the conclusion, that the motion to reject the petition was injudicious. If successful, nothing would, perhaps, be more agreeable to the fanatics (he thought they should be more properly called fiends in human shape, who would endeavor to lay waste the happiness and liberties of this country) than the intelligence that they had received *this mark of notice* and, *to them*, of *consequence*, from the Congress of the United States. Mr. B. said, in his judgment, that man was but little skilled in the passions of the human breast, who did not know that there was no error, however great, nor no heresy, however abominable, either in religion or politics, which might not be aided by the cry of persecution, however unfounded it might be in fact. Fanaticism would seize on it to enlist the sympathies of the weak and ignorant in their behalf. Wicked and fanatical men had done this, in all ages, and he doubted not but the malignant spirits who had been laboring in this detestable vocation would cunningly seek to avail themselves of any means to further their diabolical designs. Another, and, with him, equally decisive reason against any course calculated to throw the subject open to discussion here, was the almost universal manifestation at the North, during the past summer and fall, of that fraternal and patriotic feeling towards the South which he trusted would continue to exert its happy effect in preserving, unimpaired, the bonds of the Union of these States. He rejoiced at this strong development of feeling, not only because it had contributed to repress the movements of dangerous enemies to the peace and happiness of our country, in that quarter, but because it had dispelled the insidious misrepresentations in regard to the sentiments of the great body of northern people, which certain presses had, as he believed, both in the North and South, most industriously used for the most sinister purposes.

What were the facts, as to the public opinion of the North, on this subject? But a short time had passed by since most of the active leaders of this fanatical band were contemptible fugitives in different parts of the North, where they had attempted to exhibit, from the insulted and generous indignation of a patriotic people, who wished to preserve the peace of the country and their obligations to us as members of the same Confederacy. That an active and daring band of these incendiaries existed, none could doubt, but that they formed a very small portion of the great mass of the northern people, we not only had the assurances of public meetings, which had assembled almost throughout that quarter, attended by the most respectable and distinguished citizens, but we *had here*, but a short time since, the declarations of many of the Senators from the non-slaveholding States, that this class of individuals was but small, and that they were countenanced by no respectable portion of those States. He had been assured, since his arrival here, by a

gentleman representing the northern States, that an abolition discourse could not be delivered among those whom they represented, without endangering the safety of the person attempting it.

In addition to this he would say, that the action of the Federal Government through the Post Office Department was protective of the rights of the South against incendiary publications. If postmasters to the North and South did their duty, as sanctioned by the head of that Department, these enemies of our Government and of the human race were cut off from circulating, through that medium, their firebrands of mischief. Under these circumstances, was this a time for us to throw open the door to discussion on this subject, and thus assist in exacerbating the feelings which had already been enough excited? He thought it only necessary to contrast the proceedings of the Senate on the petition to which he had before alluded, and which had been laid on the table by the unanimous vote of the Senators present, with the proceedings of to-day, to show the decided wisdom of taking the same course in relation to the present and all similar petitions. The petition which had been quietly inurned by the motion to lay on the table, had scarcely been thought of or heard of since, consigned, as it had been, to the insignificance and contempt of mortifying neglect and want of notice.

What was the fact, in relation to the proposed mode of proceeding, as to the present petition? The Senate had already found itself engaged in a debate, which no one could foresee the direction of, thus producing agitation and dignifying with undeserved, and, no doubt, gratifying notoriety to the fanatics a miserable effusion, which, but for this proceeding, would have fallen into obscurity and contempt.

He (Mr. B.) had nothing to ask from the North, as one of the Representatives of a southern State, more than we were entitled to, under the compact with our sister States, and from that feeling of fraternal regard, which, for many purposes, made us the same people. He, however, was disposed to act upon this, as upon all other occasions, in that spirit of conciliation in which our Federal Government had originated, and *without which* it could not survive. He would not quarrel with gentlemen *so long* as they took decided ground against any interference on this question, even if they should differ as to some abstract questions in relation to it. He believed most sincerely, that the almost universal sentiment of the intelligent and respectable portion of the North was against any interference either in the District of Columbia or elsewhere on this delicate subject. In this feeling of confidence, he was in favor of clinging to the Union of the States, as the great source of our safety, happiness, and liberty. He would not for a moment believe that either of the great sections of this country would so far forget its just obligations to the other, by such an outrage upon its constitutional rights as would end in the overthrow of a Government won by the united valor and patriotism of their ancestors.

Mr. LEIGH thought it important that the constitutional question on this subject should be distinctly understood and expressed. He had said the other day that he had never conversed with one intelligent man from any of the non-slaveholding States whose opinions on this subject were calculated to give him dissatisfaction. He made this declaration, because he thought it was calculated to give a gratifying assurance to the people he represented, and to produce a salutary effect in the South. Since then a pamphlet had been put in his hands purporting to be a review of another pamphlet, written by a clergyman of great learning and piety, whom he had always been taught to respect. There were extracts in that pamphlet calculated deeply to injure the feelings of the South. This gentleman was at one time a resident of the Commonwealth of Virginia, and ought to have known the state of her society better; yet it appeared to him that the mind of the gentleman was entirely poisoned on the subject of slavery; and if his congregation thought as he did, this agitation which the gentleman from North Carolina [Mr. BROWN] deprecated so much had already commenced. It was in vain for gentlemen to deprecate agitation when it already was in existence.

Give me leave to say to the gentleman from North Carolina, when he calls these Abolitionists contemptible, and say that they have no means of doing mischief, that I differ with him *toto cælo*. In that gentleman's love for this Union—in which the feelings of the heart, as well as of the understanding were engaged—he entirely concurred; and it was because he entertained those feelings that he wished the expression of some opinion as to the constitutional powers of Congress on the subject of slavery. He would not then pursue this subject—when it came up again he should be prepared to enter more fully into the discussion. His object should be to conciliate as much as possible; but not for the purpose of conciliation would he forego what he conceived to be his duty in urging upon the Senate what was so necessary to the peace and tranquillity of the South—a distinct expression of opinion as to the constitutional powers of Congress over the question.

Mr. PRESTON said, there had been a petition on this subject presented a few days ago and laid on the table. He was not in when it was presented; and, thinking it had passed *sub silentio*, he had not thought proper to call it up. The gentleman from North Carolina [Mr. BROWN] had said there was a disposition to rake from the Capulets causes for excitement upon this subject. Did the gentleman mean to say that there was nothing peculiarly emphatic in the southern States to require action by Congress? The Governor of South Carolina had recommended action. All parties there had been necessarily disturbed. But the gentleman says, be quiet—say nothing. He sees the torch lit and ready to be applied, but we are to say nothing. We see slanderous petitions, incendiary assemblies, and threatening denunciations on all sides, and we are told to be quiet. He was astonished. It might be, as in the remark he had made before, that this matter was mixed up with the poison of politics. The petition now before them was the very child of this poisonous subject. He felt, with the honorable gentleman, a profound respect for the course pursued by the honorable gentlemen from the North. He thanked the gentleman from Pennsylvania for the reprobation he had given the petition here presented. He doubly thanked him, being, as he was, from the Quaker State, that he had seen what the gentleman from North Carolina could not. We are tamely to stand here (said Mr. P.) until the torch is thrown in upon us; and it is to be extinguished by invoking those who have thrown it in upon us to do it. The proceedings of every Legislature of the South had deeply regretted the movements of the people to the North. If there be fanatics (said Mr. P.) who are willing to light up the political torch of unhallowed partisanship, he would not shrink from the duty he owed to his constituents. He would not so dishonor the State that had sent him here.

Mr. BROWN begged leave to say one word more before the question was taken. The honorable gentleman from South Carolina [Mr. PRESTON] had asked, in a very emphatic manner, if, when the burning torch was thrown into the House, he as a southern man would not be ready to extinguish it? He would answer that he was ready; but he would also say that he was not ready to pour oil on the torch, and increase the flame into a conflagration which might destroy the Union. The honorable gentleman had said that he would not have discharged his duty to the South had he not exposed and proclaimed the danger, and seemed to think him not vigilant enough, because he did not take the same course. He was, perhaps, not gifted with the keen perspicacity of the gentleman from South Carolina; he admitted he was unable to discover the benefit that would result to the South, or any other portion of the country, from pursuing a course which would lead to the discussion and agitation of this subject here. Sir, the time has been when the high-minded members from the southern States assumed an attitude highly honorable on this subject. What was it? Why, they declared that it was a subject on which they would not tolerate the slightest discussion. That was once the course of honorable gentlemen from the South on that floor. But that time had gone by; it appeared that new lights had sprung up, new discoveries had been made, and gentlemen were ready to go into the discussion of a subject that once was not permitted to be discussed at all. He, as one of the representatives of the southern States objected to any discussion which went to call in question the rights of the South. He was ready to go with southern gentlemen in any measures that would prevent such discussion. He would go further. Whenever our northern friends shall attempt in the slightest degree to interfere by legislative action with the rights of the South, (and he could with pleasure say, that they had shown every disposition to repress such interferences,) let us depart from them—let us depart peaceably. The gentleman had asked, why should they in the Senate not express their opinions on this subject, when the Governors and Legislatures of southern States had done so? It was true that the Executives of the southern States had recommended this subject to the consideration of their respective Legislatures. This it was their right and their duty to do; but he denied the right of Congress to discuss or in any manner interfere with the subject. The gentleman from South Carolina would at once perceive the distinction between any action on this subject by the Legislatures of the States specially interested in it, and a discussion by Congress, which had nothing to do with it. That was his answer to the gentleman.

Mr. CALHOUN said he should be glad to say a few words more before the question was taken. He certainly should have no objection that this question should be laid over till Monday. He wished to give all the Senators an opportunity to deliberate on the course they were about to pursue. But as to this particular motion, he must say that it had been brought forward with great deliberation, and he could not abandon it. He never could consent to receive these petitions. Had he no other objections to it, an imperious one with him was the language in which they were couched. The Senate exhibited an extraordinary spectacle—it was deliberating on receiving a petition which denounces eleven of these States as kidnappers and pirates. That there could be a single individual from one of these States willing to receive them, was to him wonderful; and still more wonderful was the argument. Why hesitate at all as to rejecting them at once? Was it out of delicacy towards these petitioners? If so, should they not feel the same delicacy towards eleven of the States, and not receive calumny (for such he regarded the petition) against them? He profoundly feared that the gentlemen representing the States knew from whence these petitions came—knew that a feeling existed in them which rendered it not desirable to take a decided course in opposition to them. This was the point of his alarm. If it was so, then most assuredly the people of the other section of the Union should know the state of facts.

Mr. C. felt the greatest gratitude to those citizens of the northern States who had kindly interfered towards these incendiaries; but he did not think they had succeeded in their efforts to put them down. A paper had been sent to him, drawn up by Arthur Tappan and others, protesting against the President's message, for interfering with the subject of abolition, in which it was declared that more than one hundred new societies had been added to the abolition cause since the message. It had been noticed by the Senator from Virginia that one of the most eminent divines and learned men of the age and country had come out in favor of abolition. These signs showed him that the danger had not passed over, as he had hoped. But he had been told that there were constitutional objections to refusing to receive these petitions. He wished gentlemen would point them out to him. He had read the Constitution one thousand times, and he could see no such objections as had been urged. He wished gentlemen who were so liberal in quoting the Constitution in favor of the Abolitionists, would be equally liberal towards the southern States, and quote it to show that Congress had not the power to interfere with the question agitated by these petitioners. No man who had read

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, JANUARY 18, 1836. VOLUME 3....No. 6.

the Constitution could find the authority for any such interference. But he had been told that Congress had the right to abolish slavery in the District of Columbia, and that, having this constitutional right, these petitioners were justifiable in coming there. He denied that Congress possessed any such right. But still they ought not to receive the petitions, because their language was highly disrespectful. The Senator from North Carolina [Mr. BROWN] very much deprecated agitation on the subject. He knew as well as that gentleman that there were two ways of preventing agitation—the one was quietly to submit, the other was to meet it boldly. He put it to the gentleman from North Carolina, would he submit when called kidnapper and pirate, or rather would he not, as a man of honor, knock the calumniator down. He denied the right of Congress to interfere with slave property in the District of Columbia. He found in the amendments to the Constitution (and he rejoiced at the jealousy and vigilance of those who caused them to be inserted) that no man shall be deprived of his liberty or property without due process of law. The property of the citizen cannot be taken from him but by process of law—by a trial by jury, and were not the slaves of this District property? How were they to be taken but by due process of law? It had been said correctly, that Congress had exclusive jurisdiction over the District of Columbia; but what power had Congress there other than exclusive legislation, according to the forms of the Constitution? Congress could not abolish the trial by jury in this District, nor could it abridge the liberty of the press.

His object (Mr. C. said) was not agitation; it was to suppress it. He saw an agitation that was working asunder the bonds of this Union, making the South cling more closely to the means within themselves for their preservation, and poisoning the minds of the people of the non-slaveholding States, making them believe that slavery was sinful, and that the people of the South were immoral and corrupt. While this agitation continued, it was impossible but the ignorant slave population must believe that one half of the people of this Union were their friends, and that all they had to do was to organize a successful insurrection for those friends to come to their aid. This agitation was unnecessary, and it was not to be put an end to, unless by a decisive refusal on the part of the Senate to receive these petitions.

But his friend from Virginia [Mr. TYLER] wished to go further than he had proposed to go. He thanked him for it. He had said that the Committee on the District of Columbia was prepared to make a satisfactory report on the subject, and that every member of the Senate, with the exception of the Senator from Ohio, was in favor of giving a distinct expression of opinion as to the constitutional powers of Congress on the question. He was glad to hear this. But if his motion had no other object than to protect the honor of the State he represented, it was enough to make him adhere to it. If the gentleman from Virginia did not present such a resolution as the one he had alluded to, he himself would lay a resolution on the table, affirming that Congress had no constitutional power to legislate on the subject of the slaves in the District of Columbia. He was not disposed to create any difference of opinion with his southern friends; but when he had been compelled to act, he had put himself boldly forward. When he found these petitions coming on that floor, with unjust, false, and malicious language, as applied to the section of country he came from, he felt it to be his imperious duty to move for their rejection. He feared that the gentleman from Virginia was mistaken; but if he was not, the expression of such an opinion as he contemplated would have a most beneficial effect on the whole South.

Mr. BROWN rose to ask the gentleman from South Carolina, [Mr. CALHOUN,] whether he was to understand the remarks of that gentleman as intended to convey any reflection upon him, (Mr. B?)

Mr. CALHOUN said, he could assure the gentleman from North Carolina that he had intended no personal reflection whatever.

Mr. WEBSTER said it was evident that the proposition to receive or not to receive this petition would run into a protracted discussion, and, as the day was far spent, he hoped that the motion to postpone the further consideration of the subject until Monday would be agreed to.

The question being then taken, the motion to postpone until Monday was agreed to.

THE SEMINOLE HOSTILITIES.

The bill from the House making appropriations for repressing hostilities, commenced by the Seminoles, was read twice and referred.

SEBASTIAN BUTLER, AND OTHERS.

Mr. LINN, from the Committee on Private Land Claims, reported, without amendment, the bill for the relief of Sebastian Butler, and others.

The Senate then adjourned over to Monday.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 7, 1836.

As soon as the Journal was read,

Mr. ADAMS rose and said, he wished, by permission of the House, to put a question to the honorable chairman of the Committee on Foreign Affairs.

Mr. A. said he found in a paper of this morning a statement in relation to an interruption of our commerce with Mexico. [Mr. A. here read the statement, which is contained in the National Intelligencer of this morning.] The question which he meant to ask was this: Whether the Committee on Foreign Relations had received any official communication on the subject of the relations, political or commercial, between the United States and the Government of Mexico? The article he had read (he said) was the grounds on which he had founded this question, and he put it now because he perceived a motion would be made to adjourn over to Monday next. If there had not been a communication made, he presumed there would be one from the Executive before that time.

Mr. MASON, of Virginia, said, in reply, that the Committee on Foreign Affairs had received no communication from the State Department on the subject of the relations of the United States with Mexico, whether commercial or political; and that they had no information on that subject other than that contained in the message of the President of the United States, delivered at the commencement of this session.

Having seen a statement in a morning newspaper of yesterday's date, founded on a commercial letter, that the arbitrary measure alluded to by the gentleman from Massachusetts had been adopted by the Mexican Government, he [Mr. MASON] had called at the State Department, and was informed that no intelligence had been received on that subject. Mr. M. had no doubt that, if the rumor proved to be true, information would be promptly communicated to Congress.

Mr. ADAMS said he had nothing further to inquire of the Committee on Foreign Affairs; but he gave notice that unless a communication was made by the Executive between this and Monday next, he should submit a proposition on the subject to the House on that day.

TERRITORIAL GOVERNMENT OF WISCONSIN.

Mr. JONES, of Michigan, asked the consent of the House to present the memorial of the Legislative Council of the Territory of Michigan, praying the establishment of the territorial government of Wisconsin. This was the only opportunity which had been offered of presenting this memorial.

PETITIONS, MEMORIALS, ETC.

Mr. HARDIN moved to suspend the rule, for the purpose of calling for petitions from those States which were omitted at the last call: which was agreed to.

Petitions and memorials were presented by

Mr. McKAY, of North Carolina;

Mr. PINCKNEY, of South Carolina;

Messrs. HAYNES and COFFEE, of Georgia;

Messrs. HARDIN, HAWES, CALHOUN, JOHNSON, UNDERWOOD, CHAMBERS, ALLAN, WILLIAMS, and HARLAN, of Kentucky;

Messrs. CRANE, HAMER, PATTERSON, SLOANE, HOWELL, STORER, WEBSTER, WHITTLESEY, and KENNON, of Ohio;

Messrs. JOHNSON, GARLAND, and RIPLEY, of Louisiana;

Messrs. LANE, DAVIS, BOON, KINNARD, and HANNEGAN, of Indiana;

[Mr. KINNARD presented the claim of Bazil Brown to be allowed compensation for certain horses furnished to the Commissioner of the United States to treat with the Miami Indians, in 1834, and for the use of said Indians; referred to the Committee on Indian Affairs; also the memorial of the heirs of Dr. Samuel Kennedy, a senior hospital surgeon of the revolutionary army, praying a full adjustment of their accounts.

On motion of Mr. LANE, the following petitions were referred to the Committee on the Post Office and Post Roads: That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in the State of Indiana: From Versailles, in Ripley county, to Burlington, Boon county, Kentucky, via Hartsville, Dellsborough, Guionvilles, Hartford, and Rising Sun; from Napoleon, in Ripley county, to Louisville, in Henry county, via Clarksburgh, New Salem, and Smelsor's Mills; from Aurora, in Dearborn county, to Napoleon, in Ripley county, via Wilmington; from Harrison, Dear county, to Scipio, in Ohio, via Drewersburgh, in Franklin county; from Lawrenceburgh, in Dearborn county, to Brookville, in Franklin county, via Hubbles and McKenzey's Cross Roads.

Mr. HANNEGAN presented memorials from a large number of the merchants, traders, and other citizens of the States of Indiana and Illinois, asking an appropriation to construct a harbor or breakwater at Michigan City, in the State of Indiana; which were referred to the Committee on Commerce. And one to have Michigan City made a port of entry; which was referred to the Committee on Commerce. And one asking a sufficient sum for the construction of a light-house at the same point; which was referred to the Committee on Commerce. Also, a petition for a post route from Indianapolis, through Danville, Bainbridge, Rockville, Montezuma, and Newport, in the State of Indiana, to Danville, in the State of Illinois; which was referred to the Committee on the Post Office and Post Roads; from Newtown, Fountain county, by the way of Rob Roy, Athica, Reinsville, in the State of Indiana, to Iroquois, in the State of Illinois.

Mr. DAVIS presented the petition of Frederick Slinkard, asking to be allowed for certain moneys destroyed (by the burning of his house) belonging to the Post Office Department; and the petition of the citizens of Putnam county, Indiana, for a mail route.]

Messrs. CASEY, MAY, and REYNOLDS, of Illinois;

[The SPEAKER presented a petition from sundry inhabitants of Illinois, praying for the establishment of certain post routes therein designated.

Mr. CASEY presented the petition of sundry citizens of Wabash county, Illinois, praying the establishment of a mail-stage route from Louisville, Kentucky, by Albany, Camden, Leavenworth, Jasper, and Petersburg, Indiana, Mount Carmel, Allein, Fairfield, &c., Illinois, to St. Louis, Missouri; which, on his motion, was referred to the Committee on the Post Office and Post Roads.]

Mr. REYNOLDS, of Illinois;

[Mr. R. presented the memorial of the Legislature of the State of Illinois, praying a grant of land of the common of the village of Cahossia, to the county of St. Clair, in said State. And also a petition of the inhabitants of said village, praying a grant of said common in fee-simple to themselves. And also the memorial of the General Assembly of the State of Illinois, praying a grant of some of the public lands to aid in constructing a road from Shawneetown, by Frankfort, to St. Louis.

Mr. R. said, this memorial represents that the lands over which this road passes have been in market a long time, and much of these remain unsold; and to construct the road over them would add much to their value, and thereby the General Government will be benefited, rather than injured, by the grant. The letter of the late Postmaster General accompanies this memorial, which shows that this road is important in the transportation of the United States mails; which was referred to the Committee on Roads and Canals.

Mr. R. also presented the memorial of the Legislature of Illinois, praying a survey to be made of Cash river in said State. The memorial states, that with a small expenditure of money, the navigation of that river could be much improved; and as there is much public land adjacent to the river, the General Government will be much benefited by such improvement, as well as the citizens in the vicinity.

The claim of Henry Whitton for property lost in the expedition against the hostile Indians in 1832; which was referred to the Committee on Military Affairs.

The petition of Hezekiah Calst for a pension; which was referred to the Revolutionary Committee.

The petition of the citizens of Milwaukee, in the Michigan Territory, praying for a light-house, and the repair of the harbor on Lake Michigan, in said Territory.]

Messrs. CHAPMAN, LYON, and LAWLER, of Alabama;

Messrs. HARRISON and ASHLEY, of Missouri.

[Mr. HARRISON, of Missouri, presented the petition of sundry citizens, praying for a mail route from Fulton, Calloway county, Missouri, to the house of Henry Neile, in said county.

[Mr. ASHLEY, of Missouri, presented the following petitions of sundry citizens of Missouri, praying the establishment of a post route from Hannibal, in Marion county, via Florida, Paris, Huntsville, and Fayette, to Franklin, in Howard county, and from the seat of government of Missouri to the Territory of Arkansas; of Francis Cooper, H. M. Shrieve, John Whilzett; of the citizens of Cole county, in relation to a new land office; protest of certain citizens of Missouri, against the confirmation of certain land claims. Mr. A. also moved the reference of documents on file, proposing additional compensation for certain surveys.]

Mr. JONES, of Michigan;

Mr. MANN, of New York, presented a petition from an individual in Michigan;

Mr. WHITE, of Florida;

Which petitions and memorials were appropriately referred.

PREËMPTION TO MINERS IN MICHIGAN.

Mr. VINTON moved to reconsider the vote whereby the resolution offered by Mr. JONES, of Michigan, granting the right of preëmption to the miners in the Territory of Michigan, was adopted.

Mr. V. was opposed to sending even a resolution of inquiry of this character to a committee, and adverted to the frauds which had been committed upon the Government in consequence of the passage of the preëmption acts of 1830.

Mr. JONES, of Michigan, briefly replied to the remarks of the gentleman from Ohio, and advocated the peculiar propriety of granting preemptions to that class of citizens embraced in his resolution. As his proposition was one of mere inquiry, he hoped the gentleman would permit it to go to the committee, where he could resist it.

Mr. RIPLEY protested against the principle which had prevailed for the last few years in reference to preëmptions. He referred to a case in his own district, where the Government had sustained a loss of $10,000,000, by the location of these *floating* preëmption claims upon a valuable tract of country, through which a railroad had been recently surveyed and laid out. This was the work of speculators and capitalists of New Orleans, New York, Natchez, &c., who had in this way become possessed of millions of the most valuable portion of the public domain. He was not opposed to the honest yeoman who actually settled and cultivated the public lands under a preëmption claim. He would even go further, and give the lands to the honest cultivator of the soil; but he was opposed to their going into the hands of capitalists and speculators. He was in favor of the motion to reconsider.

Mr. WILLIAMS, of North Carolina, returned his thanks to the gentleman from Ohio, [Mr. VINTON,] for moving the reconsideration of the resolution. The facts exhibited by that gentleman and by the honorable gentleman from Louisiana, [Mr. RIPLEY,] showed the House ought to be cautious in granting preëmption rights. But if it had not been for these exhibitions of frauds, he should have opposed the resolution, because it proposed the introduction of an entirely new principle. It did not propose to grant preëmption rights to the cultivators of the soil, or the laborer on the soil, but to the digger for lead; and held out false expectations. Whatever might be said of the preëmption laws heretofore passed, the object of this resolution conflicted with every principle before recognized on this subject.

Mr. ASHLEY was in favor of the adoption of the resolution, for it went only to instruct the committee to inquire into the subject, and no further. With regard to the lead mines, he was prepared to prove that the Government did not realize sufficient from the leases to remunerate its officers engaged in the collection of the dues. Of one thing he assured the House, that his constituents were exempt from the charges brought by the two gentlemen who had spoken against the resolution, [Messrs. VINTON and RIPLEY.] Mr. A. defended the character of the settlers on the public lands on the right of preëmption, and the expediency of the law itself. The law was peculiarly for the benefit of the poor man, and the country reaped great benefit from it, for the wealthy man would never settle those far distant lands. Many a man had raised himself from a condition of abject poverty to one of respectability and affluence through the preëmption laws; and he was convinced the Government had never lost anything, in a pecuniary point of view, by such men, without taking into consideration the great moral benefit that had resulted. He did not deny that frauds might have been committed in some instances; but were all to suffer for the frauds of a few? He really hoped, if nothing further was done, that the inquiry would be suffered to go to the committee.

Mr. LANE differed *in toto* with the gentleman from Ohio, [Mr. VINTON.] The right of preemption was nearly as old as the title to the land itself. The Government lost nothing, could lose nothing, by the settlement of the unsold public lands. Mr. L. entered into a review of the circumstances under which the Pottawatomie and other public lands were settled in Indiana, and defended the character of those settlers in his own State. He hoped the reference of the resolution would not be reconsidered.

Mr. REYNOLDS moved to lay the motion to reconsider on the table.

Mr. WILLIAMS, of North Carolina, inquired of the Chair what would be the effect of this motion, if carried in the affirmative?

The CHAIR said, in his opinion, the subject would lie over, to be brought up another day.

Mr. WILLIAMS inquired whether the subject would still go before the committee for inquiry?

The CHAIR was of opinion that the subject would be suspended.

Mr. WILLIAMS said he thought the effect of a vote in the affirmative would be to lay the whole subject on the table.

The CHAIR said that was his opinion, though he would not then undertake to pronounce on the point.

Mr. REYNOLDS, of Illinois, said he was informed by the chairman of the Committee on Public Lands, that the subject was already before that committee, and therefore it was of little consequence what would be the effect of the vote. He should, however, press the motion.

The question was then taken and agreed to; and the motion to reconsider the resolution was laid on the table.

RESOLUTIONS.

On motion by Mr. REYNOLDS, of Illinois, it was

Resolved, That the rules of the House be suspended for the purpose of offering and considering resolutions instructing committees to make inquiries; and for the purpose of offering and considering resolutions asking information from the executive departments.

Mr. JOHNSON, of Louisiana, submitted the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of modifying the different acts of Congress granting preëmption rights to settlers on the public lands, so as to protect the rights of the settlers, and prevent fraud against the United States.

Mr. DAVIS, of Indiana, offered the following amendment to the resolution:

And, also, into the expediency of extending to the actual settler on all lands that have been in the market for five years, which preëmption privilege shall be extended for four years from and after the 19th of June next.

The amendment was advocated by Mr. DAVIS, and opposed by Mr. MAY.

Mr. HANNEGAN moved to postpone the resolution and amendment until to-morrow.

Mr. HARRISON, of Missouri, said that the Committee on the Public Lands had the subject of preëmptions before them. Considering, therefore, that the propositions were unnecessary, he moved to lay the whole subject on the table; but withdrew the motion at the request of

Mr. WILLIAMS, of North Carolina, who made a few remarks in favor of the passage of the original resolution.

Mr. HAMER moved to lay the resolution on the table. Negatived—ayes 59, noes not counted.

Mr. WILLIAMS then demanded the previous question. He wished, he said, to bring the vote of the House directly upon the original resolution, dispensing with the amendment.

The motion for the previous question was seconded by the House—ayes 81, noes 54.

The main question was then ordered to be put; and the resolution was adopted without a count.

Mr. REYNOLDS, of Illinois, submitted the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a system of commercial hospitals on the western waters of the Ohio and Mississippi rivers and the lakes, to be separate and apart from those on the Atlantic sea-board.

Mr. STORER moved an amendment, so as to confine the hospitals to St. Louis, Louisville, Cincinnati, and Pittsburg.

Mr. BOND moved to add the town of Portsmouth, in Ohio; which was accepted by Mr. STORER as a modification of his amendment.

Mr. HAWES hoped the gentleman would accept, as a further modification, the town of Hendersonville, Kentucky.

Mr. WHITE, of Florida, moved to postpone the further consideration of the resolution, as he wished the House to take up and act upon the bill making appropriations for repressing the hostilities of the Seminole Indians; which was agreed to.

Mr. PEYTON then offered the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at the mouth of Laurel, on the Cumberland river, in the State of Kentucky.

Mr. PEYTON said, his object in offering this resolution was to extend the Constitution. As the Constitution then stood, it did not reach above Nashville; and his object was to embrace it up to the mouth of the Laurel. The House had that matter in its own hands, and his only wish was to live within the bounds of the Constitution. He lived above it, and the commerce of the coal mines would be as important above as below Nashville. He wished the Committee on Commerce to grant his constituents a port of entry where he had designated, so that they might have the benefits of the Constitution.

The resolution was agreed to.

HOSTILITIES OF THE SEMINOLES.

On motion by Mr. WHITE, of Florida, the House then took up the bill making appropriations for repressing hostilities commenced by the Seminole Indians; which was read the third time and passed.

RESOLUTIONS—AGAIN.

On motion by Mr. TOUCEY,

Resolved, That the report of the Secretary of War on the claims of the State of Connecticut for services of militia and disbursements made during the late war with Great Britain, made in obedience to the order of the House of Representatives of the 6th of January, 1832, and the letter of the Secretary transmitting the same, be referred to the Committee on Military Affairs, with instructions to inquire whether any and what further legislation may be necessary for the adjustment and settlement of said claims.

On motion by Mr. HANNEGAN,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of granting to the State of Indiana a quantity of land equal to the alternate sections heretofore reserved to the United States, along the line of the Wabash and Erie Canal, within the limits of said State, for the purpose of aiding her in the construction of said canal.

Mr. HAWES submitted the following resolution; which was postponed till to-morrow:

Resolved, That a select committee of nine be appointed to inquire what amendments, if any, are expedient to be made to the laws relating to the Military Academy at West Point, in the State of New York; and also, into the expediency of modifying the organization of said institution; and also, whether it would not comport with the public interest, to abolish the same, with power to report by bill or otherwise.

Mr. ALLAN, of Kentucky, submitted the following resolution; which was postponed till to-morrow:

Resolved, That a select committee be appointed, whose duty it shall be to inquire into the expediency of extending the provisions of the act of Congress for the benefit of the surviving officers and soldiers of the revolutionary army, passed the 7th of June, 1832, so as to embrace those who were engaged in the wars of the United States which occurred between the treaty of peace with Great Britain, in 1783, and the treaty of Greenville, with the Indians, in 1795; and that the said committee have leave to report by bill or otherwise.

Mr. VINTON submitted the following resolution; which, by the rule, lies over one day:

Resolved, That the Secretary of the Treasury be directed to communicate to this House any information in his possession of frauds or fraudulent practices under the existing preëmption laws; and that he also inform the House what, in his opinion, has been the effect of the preëmption laws now in force, or heretofore passed, upon the sale of the public lands and upon that branch of the public revenue.

On motion by Mr. HARDIN,

Resolved, That the Committee on Revolutionary Claims inquire into the expediency of paying to the heirs of Thomas Lewis, a captain in the war of the Revolution on the continental establishment, from the State of Virginia, the half-pay provided by Government.

On motion by Mr. FORESTER,

Resolved, That the Committee on Revolutionary Claims inquire into the expediency of paying John Ditty, of the Pennsylvania line, for his services in the war of the Revolution.

On motion by Mr. SHIELDS,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of establishing an agency at Pulaski, Tennessee, for the purpose of paying all pensions which may at any time hereafter be due from the United States to persons residing in the counties of Lincoln, Giles, Lawrence, and Wayne, in said State; and to make report thereon.

On motion by Mr. KENNON,

Resolved, That the Committee on Claims be instructed to inquire into the expediency of allowing to the legal representatives of Benjamin H. Mackall the value of a horse destroyed by the British army during the late war, whilst in the possession of the American army.

On motion by Mr. JONES, of Michigan,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the speedy completion of a public McAdamised railroad from Milwaukie Bay, on Lake Michigan, through the United States lead mines in said Territory, to the Mississippi river, also in said Territory.

On motion by Mr. JONES, of Michigan,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of providing by law for the improvement of the navigation of the Mississippi river, from the mouth of the Des Moines river, in the Territory of Michigan, to Fort Crawford, Prairie du Chien, in said Territory; and that the same committee be further instructed to inquire into the expediency of making appropriation in money and in land for the opening and constructing of a McAdamised or other road from the Mississippi river, through the United States lead mines, in Iowa county, Michigan Territory, to Milwaukie Bay, on Lake Michigan.

On motion by Mr. JONES, of Michigan,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting light-houses on suitable sites at the mouth of Detroit river, of Lake Erie, at the mouth of Sagenaw river, of Lake Huron, at Wagoo-shance, or Fox point, on the Straits of Michillimackinac, and at the mouth of the Grand Kalamazoo and Milwaukie rivers, of Lake Michigan.

On motion by Mr. JONES, of Michigan,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making appropriations to improve the harbors at the mouths of St. Joseph, Kalamazoo, and Milwaukie rivers, of Lake Michigan, and for removing the bar at the mouth of Clinton river, of Lake St. Clair, in Michigan.

On motion by Mr. JONES, of Michigan,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting and extending the right of preëmption to the miners and riggers of the mining country situated in the Territory of Michigan.

On motion by Mr. McKIM,

Resolved, That the Committee on Commerce inquire into the expediency of requiring all registered vessels of the United States of the burden of two hundred tons and upwards to take on board one or more boys, in proportion to their tonnage, as a part of their crew when bound to a foreign port, either as apprentices or on wages, as may be agreed on by the parents or guardians of said boys and the owners or agents of said vessels.

On motion by Mr. WHITE, of Florida,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making a grant of land to aid in the construction of a railroad from Pensacola to Columbus, in Georgia, and from the Appalachicola river to St. John's river, in Florida, upon the terms proposed by said companies for the transportation of the United States mail on said railroads.

On motion by Mr. WHITE,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of constructing a dry-dock at or near the navy-yard at Pensacola, Florida, and of deepening the bar as recommended in the report of Captain Chace, of the Engineer Department, so as to admit the passage of vessels of war of the largest class.

On motion by Mr. JONES, of Michigan,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Palmyra, in the State of Missouri, through Fort Des Moines, Fort Madison, and Burlington, Bellview, Dubuque, and Peru, to the town of Cassville, in the Territory of Michigan.

On motion by Mr. JONES,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of passing an act to authorize a survey and making an appropriation for the construction of a military road from Fort Gratiot, by the seat of justice of the county of Lapuar, to the rapids of the Grand river, in Michigan, and that the committee have leave to report by bill or otherwise.

On motion by Mr. EVANS,

The House adjourned to Monday next.

IN SENATE.

MONDAY, *January* 11, 1836.

Mr. CUTHBERT, of Georgia, appeared to-day, and took his seat.

EXECUTIVE COMMUNICATIONS.

The CHAIR announced a communication from the War Department, covering a report from the Second Auditor on the contingent expenses of the military establishment for the last year.

Also, a report from the Secretary of the Treasury, containing the returns of the banks of the District of Columbia for the last year.

PETITIONS, MEMORIALS, ETC.

Mr. KENT presented the petition of the directors of the Farmers and Mechanics' Bank of Georgetown, praying for a recharter. Laid on the table.

Mr. TYLER presented the memorial of the Corporation of Georgetown, setting forth the pecuniary embarrassments under which they labor, and praying Congress for relief. Referred to the Committee on the District of Columbia.

Mr. BUCHANAN presented the memorial of sundry citizens of Philadelphia, praying that an appropriation may be passed for the construction of piers at Reedy Island, on the Delaware, and for a ligh-thouse at the same place; also, for a light-house on the Brandywine shoals. Referred to the Committee on Commerce.

SLAVERY IN THE DISTRICT.

Mr. BUCHANAN said, he rose to present the memorial of the Caln Quarterly Meeting of the Religious Society of Friends in Pennsylvania, requesting Congress to abolish slavery and the slave trade in the District of Columbia. On this subject he had expressed his opinions to the Senate on Thursday last. Upon a review of these opinions, he was perfectly satisfied with them. All he should now say was, that the memorial which he was about to present was perfectly respectful in its language. Indeed, it could not possibly be otherwise, considering the source from which it emanated.

It now became his duty to make some motion in regard to this memorial. On Thursday last he had suggested, that the best course, in his opinion, to pursue was, to refer all these memorials to a select committee, or to the Committee on the District of Columbia. He now found that there existed insurmountable obstacles to such a reference; though he still inclined to think it the proper mode of proceeding.

In presenting this memorial, and in exerting himself, so far as in him lay, to secure for it that respectful reception by the Senate which it deserved, he should do his duty to the memorialists; but he owed a duty to himself and to his country, which he would perform. He was clearly of opinion, for the reasons he had stated on Thursday last, that Congress ought not, at this time, to abolish slavery in the District of Columbia, and that it was our duty promptly to place this exciting question at rest. He should therefore move that the memorial be read, and that the prayer of the memorialists be rejected.

Mr. PRESTON said, that, as a question had been raised on the presentation of another petition, he hoped that the gentleman would suffer that question to be decided first.

Mr. CALHOUN said, he demanded that the question be first taken whether the petition be received or not.

Mr. WEBSTER would suggest to gentlemen whether they would permit this or any petition to interfere with the ordinary business of the Senate. Taking the example set the other day when the petition from Ohio was presented, a discussion might commence which might consume the whole day. He thought it better to let the present petition lay over till the morning's business passed, and continue the discussion on the motion not to receive the Ohio petition.

Mr. CALHOUN entirely concurred with the gentleman, and moved to postpone the further consideration of the question till to-morrow.

Mr. KING, of Alabama, said he had no wish to hasten the final disposition of a subject of so much importance. He thought, however, if there was to be a discussion on the subject at all, it had better be on the memorial just presented, the language of which was entirely respectful, than in a memorial that had with such reason been objected to on account of its disrespectful language.

Mr. CALHOUN did not agree with the Senator from Alabama. There was no reason on earth why the discussion should be continued on this petition, rather than on the one first presented. Were gentlemen afraid to meet the other petition, that they wished the discussion to be on one containing language of a milder character? He did not think such could be the feelings of the gentleman from Alabama. He considered petitions similar to this, though less objectionable in their language than the one from Ohio, to be dangerous in their tendency. They contained reflections injurious to the feelings of himself, and those with whom he was connected, and injurious to the gentleman and those with whom he was connected. Let us (said he) meet the question boldly like men, and decide at once that these petitions are not to be received. He hoped the mornings were not to be consumed in such discussions, and he therefore renewed his motion to lay the question on the table.

Mr. KING, of Alabama, said the object of settling the main question would, in his opinion, be effected much more readily by the discussion of the memorial presented by the gentleman from Pennsylvania, [Mr. BUCHANAN,] as it regarded the great principle involved, than by a discussion of the petitions presented by the gentleman from Ohio, [Mr. MORRIS,] on Thursday last. He thought the action of the Senate on the petition did not necessarily change the ground of discussion. The memorial presented by the gentleman from Pennsylvania looked directly to the ques-

tion of the abolition of slavery in the District of Columbia, and was couched in respectful language. He had no disposition to shrink from a discussion or from voting upon the subject in any shape in which it might be presented to the Senate. He would ask the gentleman from South Carolina, [Mr. CALHOUN,] whether his object could not be as effectually accomplished in the discussion of this petition as the other? He trusted and hoped there was a large majority in the Senate determined to entertain no petition on this subject any longer than to read and reject it. He knew those he represented were deeply interested in this question. But he would ask, would it put an end to it by refusing to receive petitions couched in disrespectful language as was the petition presented by the gentleman from Ohio? Would not the rejection of a petition of that character be attributed to the fact of the disrespectful language contained in it? Such, in his opinion, would be the construction put upon the rejection of it; and the consequence would be that the petitioners would persist in sending in their petitions for the same object, but couched in more respectful terms. The petition of the gentleman from Pennsylvania brought the subject broadly and fairly before the Senate, and a rejection of it would leave no room to doubt the opinion of that body in relation to it. A rejection of it would settle the question at once. He had made these few remarks without intending to take any part in this discussion.

Mr. CLAY then, after a few remarks, moved to postpone the further consideration of the subject till to-morrow; which motion was agreed to.

PETITIONS.

Mr. GOLDSBOROUGH presented the petition of John M. Hepburn, a clerk in the War Office, praying for increase of salary; which was referred to the Committee on Military Affairs.

Petitions were further presented by Messrs. TYLER, WEBSTER, HENDRICKS, and TALLMADGE.

REPORTS FROM COMMITTEES.

Mr. EWING, from the Committee on Public Lands, to which had been referred the bill providing for executing certain surveys of the public lands, reported the same without amendment.

Mr. EWING, from the same committee, to which had been referred the bill for the relief of Andrew Knox, reported unfavorably thereon.

Mr. EWING, from the same committee, to which had been referred the memorial of the Legislature of Missouri, praying that the registers of the public land offices may be furnished with the field notes of the surveyors, reported that, after a consultation with the head of the General Land Office, it was ascertained to be impracticable to grant the prayer of the petition.

Mr. WEBSTER, from the Committee on Finance, to which had been referred the bill making appropriations to suppress hostilities commenced by the Seminoles, reported the same with an amendment, which was read, and the bill was, by general consent, ordered to be engrossed for a third reading.

Mr. W., from the same committee, to which had been referred the petition of sundry citizens of New York, on the subject of the late fire in that city, reported a bill extending relief; which was read and ordered to a second reading.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which had been referred the bill making an appropriation for the improvement of the river Wabash, reported the same without amendment.

On motion by Mr. WHITE, the Committee on Indian Affairs was discharged from the further consideration of the petition of Samuel Gilbert.

Mr. PRESTON, from the Committee on the Judiciary, made an unfavorable report on the petition of Thomas Cutts.

Mr. TOMLINSON, from the Committee on Pensions, made an unfavorable report on the petition of John R. Medwin.

RETURNS FROM BANKS.

Mr. WEBSTER submitted the following resolution; which lies one day on the table:

Resolved, That the Secretary of the Treasury lay before the Senate the returns made by the Bank of the United States, and also those made by the deposit banks since such returns were last communicated to the Senate.

BILL INTRODUCED ON LEAVE.

Mr. HENDRICKS, in pursuance of notice given, asked and obtained leave, and introduced a bill to authorize the Leavenworth and Bloomington and other railroad companies to locate roads through the public lands; which was read twice and referred.

NOTICE OF A BILL.

Mr. LINN gave notice that he would, to-morrow, ask leave to bring in a bill concerning preemption rights to actual settlers on the public lands; also, a bill for the extension of the Cumberland road, in the State of Missouri.

RELATIONS WITH FRANCE.

Mr. CLAY, after some remarks, submitted the following resolutions, which lie on the table one day:

Resolved, That the President be requested to communicate to the Senate, if it be not in his opinion incompatible with the public interest, whether, since the termination of the last Congress, any overture, formal or informal, official or unofficial, has been made by the French Government to the Executive of the United States, to accommodate the difficulties between the two Governments respecting the execution of the convention of the 4th day of July, 1831; and particularly whether a dispatch from the Duc de Broglie, the French Minister of Foreign Affairs, to the French Chargé d'Affaires at Washington, was read, and a copy of it furnished by him to the Secretary of State, for the purpose of indicating a mode in which the difficulties might be removed.

Resolved, also, under the restriction above-mentioned, in the event of any such overture having been made, that the President be requested to inform the Senate what answer was given to it; and if a copy of any such dispatch were received, that he be further requested to communicate a copy of it to the Senate.

DEFENSE OF THE COUNTRY.

Mr. BENTON submitted the following resolutions; which lie on the table one day:

Resolved, That the surplus revenue of the United States, and the dividends of stock receivable from the Bank of the United States, ought to be set apart, and applied to the general defense and permanent security of the country.

Resolved, That the President be requested to cause the Senate to be informed:

1. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require permanent fortifications.

2. The probable amount that would be necessary to construct an adequate number of armories and arsenals in the United States, and to supply the States with field artillery, especially brass field-pieces, for their militia, and with side arms and pistols for their cavalry.

3. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, which a proper regard to self-defense would require to be always on hand.

4. The probable amount that would be necessary to place the naval defenses of the United States (including the increase of the navy-yards, dock-yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and to the welfare of the Union.

CHOCTAW CLAIMS.

Mr. BLACK submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury communicate to the Senate the instructions given to the agent for the location of Choctaw claims, and the registers and receivers of public moneys of the different land offices in Mississippi, in relation to the location of the reservation and claims of the Choctaw Indians, and the treaty made at Dancing Rabbit Creek, 27th of September, 1830; and, also, if any, and what, claims, under the 14th article of the treaty, have been presented since the removal of the Choctaw Indians west of the Mississippi river, and the amount of land so claimed, and whether any, and what, quantity of land has been reserved at the late sales proclaimed in Mississippi for the satisfaction of those claims; also whether any claim has been sanctioned by the Department, under the 14th article of the treaty, where the claimant's name was not found registered by the agent as signifying his intention to remain and become a citizen of the States of Mississippi or Alabama.

COMMERCE OF THE STATES.

Mr. NILES submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire whether the navigation and commerce among the several States, or in any of them, are subjected to exactions or duties imposed by State legislation within the navigable rivers, bays, or other tide waters of any State

PENSACOLA BAY.

Mr. SOUTHARD submitted the following resolutions; which lie on the table one day:

Resolved, That the Secretary of War be directed to communicate to the Senate the report of the engineers on the subject of deepening the bar at Pensacola bay, with the opinion of the Department as to its utility and practicability.

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing by law for deepening the bar at the entrance to Pensacola bay, so as to admit vessels of war of the largest class; and further, to inquire into the expediency of constructing a dry dock or marine railway for the repair of vessels of war at the navy-yard at Pensacola.

MILITARY LAND WARRANTS.

Mr. SWIFT submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of extending to the owners of military land warrants issued by the United States, in satisfaction of claims for bounty land for services during the revolutionary war, the same benefits which they would be entitled to by an act of Congress approved the 30th day of March, 1830, entitled "An act for the relief of certain officers and soldiers of the Virginia line and navy, and of the continental army during the revolutionary war," had there been no limitation of the provisions of said act.

REPRESENTATIVES OF ROBERT JOUETT.

The bill for the relief of the legal representatives of Robert Jouett, deceased, was read the third time, and passed.

ALEXANDRIA FIRE INSURANCE COMPANY.

The bill from the House to incorporate the Fire Insurance Company of Alexandria, was read twice, and referred to the Committee on the District of Columbia.

THE DISTRICT BANKS.

The resolution submitted by Mr. BENTON for the appointment of a select committee on the subject of the banks in the District of Columbia, came up for consideration; and after some remarks from Messrs. SOUTHARD and BENTON, it was, on motion of the first-named gentleman, laid on the table.

SLAVERY IN THE DISTRICT.

The petition from sundry citizens of Ohio, praying Congress to abolish slavery in the District of Columbia, presented by Mr. MORRIS on Thursday last, came up for consideration; the question being the one raised by Mr. CALHOUN, as to receiving the petition; when

Mr. LEIGH moved to postpone the further consideration of the subject until to-morrow; which motion was agreed to.

TERM OF OFFICE.

The bill to repeal the first and second sections of the act to limit the term of office of certain officers therein named, was taken up as the special order of the day; and after some remarks from Messrs. CALHOUN and CUTHBERT,

Mr. WRIGHT called for the yeas and nays on the passage of the bill; which were accordingly ordered, and the bill was ordered to be engrossed for a third reading—yeas 24, nays 18; as follows:

YEAS—Messrs. Benton, Black, Calhoun, Clay, Clayton, Crittenden, Ewing, Goldsborough, Kent, King of Georgia, Leigh, McKean, Mangum, Moore, Naudain, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Tyler, Webster, and White—24.

NAYS—Messrs. Brown, Buchanan, Cuthbert, Grundy, Hendricks, Hill, Hubbard, King of Alabama, Knight, Linn, Morris, Niles, Robinson, Ruggles, Shepley, Tallmadge, Wall, and Wright—18.

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 11, 1836.

Mr. ADAMS said it would be recollected that on Thursday last, he made an inquiry of the chairman of the Committee on Foreign Affairs, with respect to our commercial relations with Mexico. At that time he stated that it was his intention, unless official information was received, to submit a proposition to the House. He had since been to the Department of State, and there ascertained, that in all probability there was no ground for the statement on which he intended to predicate his proposition. He had therefore no proposition to make at present. He, however, had seen two articles which exhibited our relations in such a state as to make it necessary both for Congress and the Executive to keep a watchful eye to that quarter. The one was that eleven citizens of the United States had been taken by the Mexican forces, and shot by order of a court-martial. The other was a remonstrance from the Secretary of Foreign Affairs of Mexico to this Government, in relation to the interference of American citizens in the affairs of Texas. He could not say whether the remonstrance was a

genuine paper, but if it was, he presumed a communication would be sent to the House on the subject at a proper time.

Mr. GIDEON LEE said it was well known to every member of the House that the works on the fortifications had been stopped during the last year for want of appropriations to carry them on. It was also known that early appropriations were necessary for the support of our Army and Navy. The Committee on Ways and Means have laid on the table bills appropriating moneys for those purposes, which may be taken up at any time. He would, therefore, suggest to the chairman of that committee the propriety of taking up these bills as early as possible.

Mr. CAMBRELENG said he rose at the same moment his colleague did, to announce to the House, under instructions from the Committee on Ways and Means, that he should, with permission of the House, call up the bills making appropriations for the Army and Navy to-morrow, at one o'clock. The committee would have called up these bills to-day, but some further communications were expected from the Departments.

As regarded the other bill about which his colleague had inquired, Mr. C. hoped the presentation of petitions would not take up the whole day; and if it did not, the bill, in its present shape, would not, he was quite sure, encounter much opposition, and if there was time, he should call it up to-day, and he trusted it would be passed.

Mr. LEE said he was perfectly satisfied. He only wished to call the attention of the House to matters of vastly more importance than any other before it.

MEMORIAL OF LEGISLATURE OF MICHIGAN.

The memorial of the Legislature of the State of Michigan, presented on a former day by Mr. BEARDSLEY, came up in order.

The question being the motion of Mr. HANNEGAN to reject the petition,

Mr. THOMSON, of Ohio, hoped that the gentleman from Indiana would withdraw his motion, and permit the petition to go to the Committee on the Judiciary. It could certainly do no harm to Indiana or Ohio to refer it.

Mr. HANNEGAN said he thanked the gentleman for his suggestion, but he could not adopt it. He could not consistently with his own feelings of duty withdraw the motion. The memorial purports to come from a power which neither himself nor the House could recognize. If it came from the Territory of Michigan assuming no powers, he would willingly let it go to the committee. In what situation would this House place itself by accepting this memorial, coming, as it purported, from the sovereign State of Michigan? It would be recognizing her right to send her communications here as a sovereign State. If we accept one communication, we must accept all she chooses to send us. There is something in this beyond the mere acceptance of the memorial. It was the ground-work to force Ohio before the judicial tribunals of the country. Congress gave Ohio her boundary by admitting her into the Union; and now would she suffer herself to be made a laughing-stock of the country, by allowing Michigan to claim and hold a portion of her territory? He hoped and trusted that on this question the House would act with him.

Mr. BEARDSLEY said, when he presented this memorial he did not suppose—he could not have supposed—that it would have elicited the debate which had occurred on its presentation. The memorial purported to be a memorial from the Senate and House of Representatives, or Legislature, of what was named in it as the State of Michigan. Now an inquiry had been made where was the State of Michigan? He should not say that Michigan was rightfully a State; much less should he say that Michigan was one of the States of the Union; nor should he undertake to say—for to do so would be prejudging the question—that Michigan was in any sense a State. But they all knew from public report, and from documents presented to that House, what had been doing in the Territory of Michigan. They knew that the inhabitants of that Territory had convened in the form of a convention for the purpose of organizing a State constitution; that they had agreed upon a State constitution, and had referred that constitution to the people of the Territory of Michigan for their adoption; and that the people had adopted it. That constitution had been sent to that House, and referred to one of its committees to act upon, and advise the House of their opinion upon it. Now all this was known to have occurred. The Territory of Michigan had thus assumed the form of a State, had proceeded to elect Senators to Congress, and had chosen a member to represent what was designated as the State of Michigan to that House. All this they knew, and still he should not say—for he ought not to say—that Michigan in all, or in any part of its course, had acted according to the Constitution or in conformity with her rights. She had not, however, professed to act in hostility to this Union, but had been seeking, and was then seeking, either by right or wrong, to become a member of this Confederacy. Thus seeking to become one of the States of this Union, it seemed to him that liberality and fair dealing, and a spirit of harmony and good will, should have induced them to receive a communication from what purported to be the Legislature of that State. His object was to send this memorial to the same committee to which the matter had already been referred, and not to invite discussion. He had presented it at the request of the gentleman who had been chosen to represent Michigan on that floor.

Mr. B. would not say one word whether Michigan was right or not, but he might be permitted to say this much: that those persons who had convened as the Legislature of Michigan, and sought to bring that State into the Union, were not acting in hostility, but in subordination, to the Union, and that their memorial should be treated in a respectful manner, even if the House should not agree with their views. The motion, then, was not to receive that paper.

The CHAIR informed the gentleman that the motion was, that the petition be rejected.

Mr. BEARDSLEY said: Well sir, the motions are identical. While he was up he wished to say a word or two upon the general proposition of rejecting petitions of this nature, Was it pretended that there was anything offensive in this petition—anything reflecting upon the dignity and character of that House, or any member of it? It stood free from that difficulty, and the objection now taken to it was, that there was no such body known to that House as the Legislature of Michigan. Now, (said Mr. B.,) if these memorialists had misnamed themselves, but had chosen to address that House in a respectful manner, it did seem to him an objection against receiving their petition that was hardly a good one.

But on the general right of petition: How did that right stand in England, a country from which we derived some of our notions of liberty. In England, as they all very well knew, the legislative power was supposed to reside inherently in the Crown; by the Crown all laws were enacted by and with the consent and advice of the two Houses of Parliament. Petitions, therefore, upon legislative subjects were addressed to the Crown, and not to the Parliament. They all knew that before the revolution of 1688, it was no uncommon exercise of the kingly prerogative for the Crown to repel petitioners, and even to imprison them for assuming the right to lay their grievances at the foot of the throne; but, in the bill of rights of 1688, the subjects of Great Britain had taken care to guard this right to petition, and to guard it much more effectually than it was guarded here, if that House were to drive out petitions as they had been asked to do. As the British bill of rights was peculiarly applicable at the present time, since so much new light was coming in upon us, he would beg leave to refer the House to a single clause of it. Mr. B. then read the clause setting forth that was the right of the subject to petition the king, &c. Well, then, (said Mr. B.,) it was their right to petition, and the king was bound to hear them and to receive petitions, whether he chose to grant the prayer of them or not. This was the right of Englishmen.

Now, what were the rights of citizens of the United States? If honorable gentlemen would take the trouble to look into their own State constitutions, they would find, without, he believed, any exception, this right of petition was most sacredly and carefully guarded in each and all of these constitutions. The idea of driving petitioners out of doors had never before been heard of. It was a new invention of the present day, which no one ever dreampt of before, except under the arbitrary kings of England, before the revolution of 1688; certainly never heard of in this country before the present session. It was true, that the Constitution of the United States contained no bill of rights when first adopted, but an amendment of it contained a similar provision to the one he had read from the English bill of rights. It would be recollected that when that Constitution was subjected to the Virginia convention for adoption, one of the objections on the part of Virginia was, that it contained no bill of rights; and that convention recommended to the people of the several States the adoption of certain clauses specifying what were the rights of citizens of the United States; and one of those very clauses was this amendment: "That the people had the right 'peaceably to assemble together to consult for 'the common good and instruct their Representatives; and that every freeman had the right to 'petition to the Legislature for a redress of grievances." Virginia recommended the incorporation of this clause into the Constitution of the United States, and it was substantially the same with the English bill of rights. Petitions on all matters, whether grievances or not, if the people held them to be so, they had the right to present, and had the right to assemble together, and to instruct their Representatives. But in these latter days—when the right of instruction, if not in theory disregarded, was in practice, treated with contempt—it might not be a matter of any surprise that gentlemen should be disposed to treat with as little ceremony the right of petition.

Mr. B. said, clauses of this kind were in all the State constitutions, and essentially the same in the Constitution of the United States; the principle was in conformity with the notions of liberty acted up to in England, and with what was the declared will of the people of Virginia. He thought that the House should receive all petitions from the citizens of the country which were respectful in their terms, and not reflecting upon the body or some of its members. This was his unqualified opinion. It was not because the prayer of a petition might be deemed unconstitutional that the petition should be rejected or the petitioners treated with contempt. Many held it unconstitutional for Congress to make appropriations for objects of internal improvement; yet others believed the General Government possessed the power; but who ever heard of rejecting a petition which pointed to some local improvement? Who ever heard of rejecting such petitions from any quarter of the House, and driving them out of doors, because the petitioners asked for an appropriation for an object some gentlemen believed to be unconstitutional? A large proportion of the members of that House believed a Bank of the United States to be unconstitutional, but had they not received, year afrer year, petition after petition, for a Bank of the United States; and had these gentlemen, who believed the object unconstitutional, ever dreamed of rejecting those petitions? Another mischievous question had been brought there, and he had done in that case, as he had in this, what he conceived to be right. He repeated, that the House was, in his opinion, bound to receive every petition from citizens of the United States, when they were couched in respectful and proper terms.

With regard to the memorial then under consideration, (Mr. B. said,) if they conceived that Michigan was an inchoate State, and that the citizens of that Territory had chosen to denominate themselves the Legislature of Michigan, surely there was nothing offensive in that. He did trust that unless the new doctrine to which he had referred should prevail, that the House would receive this paper, order its reference and printing, so that if anything contained in it could throw any light upon the subject, the committee and the House might have the benefit of it. Whether it contained any or not, he did not know—he had read but a small part of it; but as it was a paper emanating from citizens of Michigan, he could see no reason for refusing to refer it.

Mr. BOND said he meant no disrespect to any party concerned, but he was very sure, if his colleague had read the memorial, he would not have asked the gentleman from Indiana to withdraw his motion. He believed the motion ought not to be withdrawn. The memorial did not purport to come from citizens of the Territory of Michigan, but from the Senate and House of Representatives of the State of Michigan. We ought to take care how we establish precedents of this nature. If the memorial was from the citizens of the Territory of Michigan, he would admit their right to have it referred; but this memorial was not from the citizens of Michigan, it was from the Legislature of a State which had never been recognized by Congress. If there was such a State, it was unknown to the Constitution and laws. Let us, then, be mindful that we make no precedent in this case. Michigan has a Representative on this floor; and any petitions the people may have to present through that Representative, he would be ready to receive and refer.

Mr. KENNON said he did not rise to make a speech, he would barely ask to have the memorial read. He said the memorialists did not come here claiming rights as a State, but they came praying to be admitted as a State into the Union. It seemed to him that there was too much sensitiveness on this subject.

Mr. LANE said it was true, that no such State as Michigan did exist. It was also true that the citizens of Michigan have a right to petition Congress, and that Congress ought to receive their petitions. It was, however, his intention, if an opportunity offered, to submit a motion to obviate the difficulty; which motion was, that the petition be received and referred as from the people of the Territory of Michigan.

Mr. PINCKNEY said he would have no objection to the memorial, if it came constitutionally before us. What does it purport to be? A memorial from the Senate and House of Representatives of the State of Michigan. He would ask whether there was any such Legislature known to the House? Is there any such State admitted into the Union? Can we recognize her as a State? Certainly not. Either she is a Territory or a State. If a State, how comes it that she is represented by a territorial Delegate in Congress? If she is a Territory, how comes this memorial from a State? Congress would be transcending its powers by receiving the memorial as coming from a State. If we receive this memorial, we need not attempt to treat her as a Territory. If we receive it, it would be virtually settling the question of disputed boundary. He said, in making these remarks, it must not be inferred that his mind was made up on the boundary question. His mind was open to conviction when that question came up; but he held Michigan to be a Territory, and not a State, and denied the right to treat her as a State until she had been constitutionally admitted as such.

Mr. THOMPSON, of Ohio, said that, from the remarks which had been made by the gentleman from Indiana, [Mr. HANNEGAN,] as well as the remarks of his colleague, [Mr. BOND,] who had just resumed his seat, he thought it necessary for him to make a short explanation to the House, as well as to his constituents, lest he might be misunderstood by either as to the motives which governed him in making the request of the gentleman from Indiana he had made. In order, therefore, that he should not be considered as yielding any of the rights of Ohio, Indiana, or Illinois, to all the territory which they claim, he would preface the few remarks he intended to make on the motion to reject the petition, by stating both to the House and to the people of those States, that, as to their right to all the territory which they claim, he had not the shadow of a doubt, and those rights he would never yield, but would ever maintain while there was the slightest hope of obtaining them, but hoped that when they contended for their rights they would be regulated in their struggle by the Constitution and law.

Mr. T. said, that when the motion was first made by the gentleman from Indiana to reject the petition, he thought at the moment it was right and proper, and that he should vote for it, because it purported to be from the *Senate* and *House of Representatives* of the *State* of Michigan; but when he thought more maturely on the subject, and considered the right of petition secured by the Constitution to the people of this country, and that a vote to reject the petition now presented to this House might be an infringement of that sacred instrument, he had some misgivings and some doubts as to the propriety of giving such a vote, and finally came to the conclusion that it would absolutely be wrong to give it; and this was the main reason why he had requested the gentleman from Indiana to withdraw his motion to reject, that he (Mr. T.) and the House might be relieved from the necessity of voting to reject a petition; for he never had, and, so long as he might be honored with a seat on that floor, he never would vote to reject a petition, no matter from whence it came or from whom it came, whether it was from the humblest individual that treads your soil, Mr. Speaker, or from the highest in authority in the land; but having received the petition and attended to its prayer, he would afterwards consider the expediency, propriety, and constitutionality of granting that prayer.

Mr. T. said he had heard much said in this House about its dignity, and our dignity as its members, and that petitions ought to be in respectful language; but he would ask, if we have any dignity, where did we acquire it? from whom did we derive it? Was it not from the people who sent us here as their servants? And shall we now turn round to them and say, we are no longer your servants—we have become your lords, and you must come to us with your hats under your arms when you approach our dignity? Sir, this is not my doctrine—that is not my creed.

We have been taunted by the gentleman from Massachusetts [Mr. ADAMS] and others who advocate the claims of the Territory, with our great numbers and power on this floor, compared with poor little Michigan; then why, in this preliminary step of the presentation of a petition, attack her?

No, sir, let her be heard; yes, let her have a fair, a full hearing, not only through a petition from her citizens, by a petition from her Legislative Council, and even by a petition from what she regards as a Senate and House of Representatives, that she and her advocates on this floor, or elsewhere, may have no reason to complain; for I have no fear as to the result of a thorough investigation of this matter, so far as Ohio is concerned; for I am perfectly satisfied, the more the subject of boundary between Ohio and Michigan shall be scrutinized and examined, the more apparent will be the right of that State to the territory she claims.

Mr. KINNARD said that he would be happy to have it in his power to pursue that course, with regard to the question before the House, which might be generous to the people of Michigan, and at the same time just to the State which he in part represented. From all the deliberation which he had given to the subject, he felt it his duty to sustain the motion of his colleague, and regretted that it was a case in which his feelings of respect for the people of Michigan, and his sense of justice to his own State, were in collision.

The gentleman from New York [Mr. BEARDSLEY] has been careful to impress the House with the opinion, that all the merits of the claims of Michigan, and of the controversy which she seeks with her neighbors, are already known to the House. What, then, is intended by the introduction of this paper? It cannot be for the purpose of shedding new light on the subject in general, for the gentleman says we know all about it. Believing, as he did, that Michigan intends, by the introduction of this paper, to gain a point in her case, and, after its reception and the consequent reference to the committee, that she will contend that a virtual recognition is given, not only that she is constitutionally and legally a State of the Union, but that she is a State with the limits and boundaries to which she is clearly not entitled—boundaries which Congress cannot sanction—we are thus required to acknowledge that Michigan is a free, sovereign, and independent State. The completest evidence on record of such an admission on our part would be, to receive her legislative enactments as such State, and to accredit them according to her wishes. If this were not the point intended—if it were not thus designed to prejudge favorably the question as to the admission of the State into the Union, with her present extraordinary demands—the most unexceptionable means of making herself heard would have been adopted; in all probability, the Territory, not the State, as in other instances, would have petitioned through the proper medium, her Delegate on this floor. If this paper had been thus presented, he would consider the object of its introduction far less questionable and the effect less injurious.

Mr. K. professed himself as much attached to the interests of Michigan, and to her legitimate demands when properly presented, as the gentleman from New York, but was surprised that the honorable gentleman had not manifested quite as much regard for the interests of Indiana as for those of the Territory.

Mr. K. considered the introduction of the paper at this time, and in its present shape, as peculiarly unfortunate and inexpedient. He hoped the House would reflect upon the deep anxiety and excitement which would be produced in a portion of the West if the doctrine is to be openly and deliberately avowed in this House that Michigan is a State—a State entitled to embrace within her limits a large portion of Indiana. For one, he was prepared to say that the State of Indiana would, under all circumstances, adhere to her own constitution—to the soil within her just and constitutional limits. This duty and right on her part, and the want of constitutional power on the part of Congress over any State to coerce her from her position, were so clearly self-evident, that he would not enter into the discussion of those points.

Mr. K. said, he felt as ardent an attachment to the right of petition as any other member; he would not surrender in behalf of his own constituents its fair and constitutional exercise; and he would not vote to deny the same sacred privilege to any portion of the American people. But in behalf of his constituents he claimed the authority to distinguish between the petitions of the people of the Territory of Michigan, and the illegal, unconstitutional demands of the self-styled Senate and House of Representatives of Michigan, particularly, as in the present case, when those demands are not only in contempt of the authority of the Union, in derogation of the independence and vested rights of Indiana, but altogether mischievous and inexpedient.

Mr. K. said, the rule of comity or courtesy, which was principally relied on by the gentleman from New York, [Mr. BEARDSLEY,] did not seem to apply to the question. If that argument justifies the introduction of this paper—and consequently its reference to the committee and the action of the House upon it—there was no extent to which the House might not go. If, through comity, according to the argument of the honorable gentleman, we must admit these illegal and unconstitutional demands from a self-existent legislative power unknown to the House, claiming what Congress has never conceded, in the next place we shall be called upon to admit the member who is waiting at your door; that accomplished, the admission of the State would follow. He denied the constitutional power of Congress to admit a State into the Union, proposing to dismember a State already formed; and he thought it very extraordinary that the House was disposed to entertain such a question.

Mr. K. desired the House to observe, that the paper to which the question refers alleges a fact which has no existence. It purports to come from a State embracing certain limits. Those limits embrace a portion of the people of Indiana; and the inference is intended to follow, that those people were represented in the General Assembly of Michigan, and had an agency in sending this obnoxious paper, which he took occasion to deny.

Mr. SPANGLER, after a few remarks, said he should vote for the rejection of the memorial, for the single reason that it professed to emanate from a political body not known to that House.

Mr. HOLSEY addressed the House in favor of receiving the petition and referring it to the Committee on the Judiciary, which had charge of the matter.

Mr. McCARTY said, as the discussion of this memorial impeded the presentation of other petitions and memorials, and as many gentlemen charged with them were anxious to present them, he would move to postpone the subject till Tuesday next, for that purpose.

The motion was negatived—ayes 67, noes 72.

Mr. BEARDSLEY begged leave to say a word or two in explanation. In reply to the question put from one of the gentlemen from Indiana, [Mr. KINNARD,] how it happened that this petition had not been presented by the Delegate from Michigan, instead of being presented by himself, the reason was, as Mr. B. had been told since the question was put, that the Delegate was not in the city at the time, and hence it was handed to Mr. B. for presentation. This was the only reason, as far as he knew, for the paper being handed to him. Mr. B. wished to make a remark upon an objection urged by the gentleman from South Carolina, [Mr. PINCKNEY.] That gentleman said that Michigan, which was only a Territory, had, in this paper, assumed to be a State. Hence he drew the inference that it would be unconstitutional to receive this petition, or give it any sort of countenance, and hence he would vote it out of doors. Now, sir, (said Mr. B.,) we have before heard of instances of attempts to nullify in order to get out of the Union, but this seems to be an effort to nullify in order to get into the Union! Michigan, as I understand the gentleman, is now attempting to violate the laws of the United States—in other words, to nullify them—in order to become a member of the Union! Mr. B. said that he did not so understand the memorial, for it urged that Congress should acquiesce and receive Michigan as a sister State; but the argument of the gentleman himself was, that this movement by Michigan was in derogation of the laws of the Union. This, upon the argument of the gentleman, was the first instance of an effort by a Territory to break into the Union, although they all knew that efforts had been heretofore made to break out of it!

Mr. B. made some further remarks, to show that the case of Tennessee was analogous to the present one, except in reference to the boundary question, and said the mere receiving and referring the memorial under consideration in no way committed the House or any member who so voted.

Mr. HARDIN followed on the other side, and, as one of the Committee on the Judiciary, dissented from the view he understood to have been taken of the controversy by Mr. BEARDSLEY. Mr. H. expressed his opposition to the ratification of the Michigan constitution.

Mr. STORER also spoke in opposition to the memorial, and complained that the gentleman from New York had formed his opinion. Mr. S. also went into the history of the admissions of Tennessee, Indiana, Alabama, Ohio, and Illinois, to show that these cases were not analogous to the present.

Mr. BEARDSLEY explained, and said that the gentleman [Mr. STORER] must have misunderstood him. He had expressly stated that upon the boundary questions, and everything connected with those questions, he gave no opinion—indeed he had come to no result upon those questions. He hoped and expected that the gentleman would, in this respect, neither misapprehend or misrepresent him, and he confidently believed he should not in this respect be mistaken.

The honorable gentleman from Kentucky [Mr. HARDIN] had thought proper to rebuke him for having expressed the opinion he had done; yet that honorable member had gone much further, and announced his own opinion upon the boundary question in all its aspects and bearings. This he had not done; he had only said that, independent of the boundary questions, the case of Tennessee was a precedent for the present application of Michigan. He, however, made no complaint that his colleague on the committee had made up a full opinion upon all matters; that was a matter for him alone to decide.

Mr. DAVIS was in favor of the rejection of the petition, principally on the ground that it purported to emanate from a State which did not exist; that one of its objects was to take from the State of Indiana a portion of its territory, without the consent not only of that State, but without the authority or consent of the citizens of Indiana residing in that portion of her territory which was claimed by Michigan. He was not disposed in this way to compromit the rights and interests of the citizens of his State, while he would be the last to entail or abridge the legitimate right of petition. When the people of the Territory of Michigan should, in a proper manner, apply for admission into the Union, he should not object, but would hail her as a sister of the Confederacy. Upon the proposition before the House, however, he felt bound by every consideration of duty and justice to enter his protest, and he had voted against the motion for its postponement, because he was prepared at once to meet the question, and vote for the rejection of the petition.

Mr. HAWES disliked upon any occasion to move the previous question. He, however, felt constrained in self-defense to make the motion.

Mr. LANE hoped the gentleman would withdraw the motion for a moment.

Mr. HAWES said he would do so most willingly, but that at least fifty speeches were in a state of preparation on the subject.

The previous question was seconded—76 to 59.

The House then determined that the main question should be now put.

Mr. HANNEGAN asked for the yeas and nays on the main question; which were ordered, and were as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Bond, Boon, Bunch, Bynum, John Calhoon, Carr, Carter, Casey, John Chambers, Chaney, Nathaniel H. Claiborne, Crane, Davis, Evans, Rice Garland, Graves, Griffin, Hamer, Hammond, Hannegan, Hardin, Harlan, Harper, Howell, Huntsman, Cave Johnson, Henry Johnson, Kilgore, Kinnard, Lane, Lay, Luke Lea, Lucas, Sampson Mason, Maury, May, McCarty, McLene, Mercer, Milligan, Moore, Patterson, Pettigrew, Pinckney, Rencher, Reynolds, Shields, Sloane, Spangler, Standefer, Storer, Waddy Thompson, Turner, Vinton, Washington, Webster, White, Whittlesey, Sherrod Williams, and Wise—61.

NAYS—Messrs. Adams, Ash, Barton, Beale, Bean, Beardsley, Beaumont, Bockee, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, William B. Calhoun, Cambreleng, Chapman, Chapin, John F. H. Claiborne, Clark, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushing, Cushman, Darlington, Denny, Doubleday, Dromgoole, Effner, Everett, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Glascock, Graham, Granger, Grantland, Grennell, Haley, Joseph Hall, Hiland Hall, Hard, Samuel S. Harrison, Aaron G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Heister, Hoar, Holsey, Hopkins, Howard, Hunt, Huntington, Ingram, William Jackson, Jabez Jackson, Janes, Joseph Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Klingensmith, Lansing, Laporte, Lawler, Lawrence, Gideon Lee, Leonard, Lincoln, Logan, Loyall, Lyon, Abijah Mann, Job Mann, John Y. Mason, William Mason, Moses Mason, McKay, McKennan, McKeon, McKim, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Dutee J. Pearce, James A. Pearce, Franklin Pierce, Phelps, Phillips, Potts, Reed, Joseph Reynolds, Ripley, Roane, Rogers, Russell, Seymour, Augustine H. Shepperd, Shinn, Smith, Sprague, Steele, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Wagener, Wardwell, Weeks, and Lewis Williams—138.

So the motion to reject the petition was determined in the negative.

Mr. LANE moved to amend the motion to refer the petition to the Committee on the Judiciary, by adding that "it be considered as a memorial from the citizens of the Territory of Michigan." He was desirous that the petition should go to the committee in its true garb, and not in one which it had no right to assume.

Mr. HANNEGAN moved to amend the amendment, by adding the following:

"This House in receiving the memorial purporting to be from the Senate and House of Representatives of the State of Michigan, regard the same in no other light than as the voluntary act of private individuals, *who have, without authority, assumed a corporate capacity and name.*"

Mr. SLADE proposed to strike ont the words of the amendment printed in italics.

Mr. HANNEGAN accepted the amendment as a modification of his motion.

The question was then taken on the amendment of Mr. HANNEGAN, and decided in the affirmative, as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Bean, Bell, Bond, Buchanan, Bunch, John Calhoon, William B. Calhoun, Casey, George Chambers, John Chambers, Chaney, Childs, Nathaniel H. Claiborne, Coles, Corwin, Crane, Davis, Denny, Everett, Farlin, Forester, Philo C. Fuller, Galbraith, Rice Garland, Gillet, Granger, Grayson, Grennell, Griffin, Hiland Hall, Hamer, Hammond, Hannegan, Hardin, Harper, Samuel S. Harrison, Hazeltine, Heister, Hopkins, Howell, Ingersoll, William Jackson, Janes, Jarvis, Joseph Johnson, Henry Johnson, Benjamin Jones, Kennon, Kilgore, Kinnard, Lane, Lawrence, Luke Lea, Lincoln, Lucas, Abijah Mann, Sampson Mason, Maury, May, McCarty, McKennon, McLane, Mercer, Milligan, Morris, Parker, Patterson, Patton, James A. Pearce, Pettigrew, Peyton, Pinckney, Reed, Rencher, John Reynolds, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, John Thomson, Underwood, Vinton, Washington, Webster, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—98.

NAYS—Messrs. Adams, Ash, Beale, Beardsley, Beaumont, Bockee, Borden, Boyd, Briggs, Brown, Chapman, Chapin, John F. H. Claiborne, Clark, Cleveland, Conner, Craig, Cushing, Cushman, Darlington, Doubleday, Dromgoole, Fairfield, French, Fry, William K. Fuller, James Garland, Glascock, Graham, Grantland, Haley, Joseph Hall, Aaron G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Howard, Hubley, Hunt, Huntington, Huntsman, Ingham, Joseph Jackson, John W. Jones, Judson, Klingensmith, Lansing, Laporte, Lawler, Joshua Lee, Leonard, Loyall, Lyon, Job Mann, Manning, Martin, John Y. Mason, Moses Mason, McKay, McKeon, McKim, Miller, Montgomery, Morgan, Muhlenberg, Owens, Parks, Dutee J. Pearce, Franklin Pierce, Phelps, Phillips, Potts, Joseph Reynolds, Roane, Rogers, Russell, Smith, Speight, Sprague, Steele, Taylor, Towns, Turner, Turrill, Vanderpoel, Wagener, and Wardwell—89.

So the amendment was agreed to; and the memorial was referred to the Committee on the Judiciary, and ordered to be printed.

INCREASE OF THE NAVY.

Mr. JARVIS, from the Committee on Naval Affairs, asked the consent of the House to present a resolution.

Objection being made, Mr. JARVIS moved to suspend the rule; which was agreed to.

Mr. JARVIS then submitted the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of increasing the naval force in commission.

Mr. WISE was opposed to the call. He felt it to be his duty to state, that the Committee on Naval Affairs had already determined that they would not, without a call from the executive department, recommend an increase of this branch of the service. The committee had authorized their chairman [Mr. JARVIS] to call for information from the Department on this head, with a view to ascertain whether an increased appropriation was required. He had no idea that a committee of this House should be over-active or zealous in this matter, where no call had been made by the Executive for an increase of the naval service. If there was any responsibility involved in the subject, he wanted the Executive to assume it. If it should turn out that there was no necessity for this increase, he was unwilling that it should hereafter be said that the executive department did not ask for it. He believed that some of the executive departments were very anxious that Congress should assume this responsibility. For one, he could not agree to do so.

Mr. JARVIS said, there was no doubt as to the sense of the Naval Committee on this subject, there being seven out of nine on the committee in favor of the resolution. The gentleman from Virginia [Mr. WISE] was unwilling to take the responsibility of acting on this subject. That gentleman was disposed to place the committee and the House in the attitude of the mere creatures—the mere organs of the Executive, to carry into effect his will. He conceived that the representatives of the people had the right to act on this important subject, without waiting for the views of the Executive or any other Department of the Government. If the Executive acted with too much haste it was their duty to check him; if he was too slow, it was their duty to spur him up.

Mr. WISE desired to know whether the honorable chairman of the Committee on Naval Affairs [Mr. JARVIS] had executed the trust confided to him by the committee?

[Mr. JARVIS here rose to respond to the inquiry; but other gentlemen claiming the floor, Mr. WISE refused to yield it, unless for the purpose indicated.]

Mr. W. continued: He would state to the House, that if the chairman of the committee had made the call upon the Department which he was requested to do, it had not been answered; and for one, he was not disposed to act until it was answered. However gentlemen might suppose he *seemed* to think that the House was the mere organ of the Executive will, all who knew him would agree that he was, in fact, utterly opposed to any such doctrine. He had no idea of being made the tool of the Executive. At one

time, when appropriations are strictly necessary, or will be proper, we are called on *by message* to cause them to be made; and at another time, when the Executive wants the appropriations, but is afraid to call for them, we are made a tool to call upon ourselves. There are different modes of making calls for the public money—direct and indirect, open and covert.

If it were proper that this House should act upon this subject, the Executive should make that fact known—the nation, as well as this House, should know it. Gentlemen say, if the Executive is tardy, we should spur him on. All who were acquainted with General Jackson, well know that he never needed a spur. Some of the heads of Departments, however, did—they wanted the rowels struck deep. He was disposed to wait further movements. If there was, indeed, danger, let the House be informed of it from the proper quarter.

At the commencement of the session, the Secretary of the Navy had recommended that two additional frigates and three sloops of war should be built or fitted out. This was a most ridiculous recommendation if we were to have a war with France. If danger was apprehended, let a call be made, not in a whisper, not in secret conversations out of doors; but let the fact be made known in a bold, direct manner, in the form of an executive message. Let those assume the responsibility whose duty it was to do so.

Mr. GLASCOCK thought there could be no doubt as to the propriety of adopting the resolution, as it was one of inquiry merely. That there should be some immediate action on this subject all would agree. The adoption of the resolution would not shield the Executive or the Navy Department from any responsibility; nor did it authorize a supposition that there was any disposition in that quarter to shrink from responsibility. This House should act for itself, not as the creature of another Department of the Government. They should be willing to share the responsibility resulting from this inquiry. It was a mere inquiry into the expediency of a measure; and in furtherance of that inquiry, the committee would doubtless call on the Navy Department for its views, and it would then be seen that there was no disposition on the part of the Executive to avoid responsibility. This should be done at once; and if the resolution was adopted, it was probable that they might expect a report in the morning. If they looked to the preparations of a foreign Power, there was good reason to expect a serious difficulty was impending. The time had arrived when this House should show to the country a willingness to act, and act promptly. Were they to consult the President in regard to their duty on this subject? Was this House afraid to act upon its own responsibility? For one he was prepared to act—he was prepared to anticipate the course of the Executive in this emergency, and to do what he conceived to be his duty, leaving the Executive and the other Departments to do theirs; and he had no fears but they would act promptly and avoid no responsibility, and he wished this House to do the same. We are presumed (said Mr. G.) to know our duties, and, knowing them, should not shrink from their performance.

Mr. HAMMOND said, this was an extraordinary resolution, and the gentleman from Georgia [Mr. GLASCOCK] had supported it with most extraordinary arguments. He had said, that on the evidence around us he was for the immediate action of this House upon this subject I understand him to be for putting the country in a state of hostile preparation. To what evidence does the gentleman allude? Were they the paragraphs of foreign newspapers, with which the country has been lately inundated? Did gentlemen call upon this House to legislate upon this kind of information? If, sir, we are to have war, let the proposition come to us from the proper quarter, and let us not be smuggled into one by resolutions such as this, predicated on the idle rumors of the newspapers. Had a resolution been offered, calling for information from the Executive, (Mr. H. said,) he would have voted for it cheerfully; but without that information he could not consent to act. The question of war was a great question. It involved vast interests. It should not be entertained in any shape, without all the information the Executive could give, and should then be fully discussed and deliberately decided. For his part, he could see nothing that had happened to change materially the relations of this country with France since the opening of the session. The French Government had refused to pay the indemnity to Mr. Barton. It was not the first refusal. No man in this House or in this country could have expected its payment on his demand, under the circumstances. The President himself could not have looked for it, when he instructed him to make the demand. Gentlemen spoke of the tardy movements of the Government, and that it required spurring. He hoped the House would not suffer itself to be booted and spurred for the purpose of kicking this country into a war. There has been irritation enough already. This resolution was calculated to have that effect. There have been messages and correspondence, diplomatic and *undiplomatic*, sufficient for that purpose; and he hoped this House would be disposed to allay rather than increase the excitement. He saw no cause for war. He believed a war would be entirely unnecessary; and were it not for the serious consequences it involved, he should say it would be utterly ridiculous in both parties. He looked upon the resolution as the commencement of a series of war measures. He should not, therefore, vote for it, nor would he at this time support any measures looking towards a war.

Mr. HAWES said he was mortified, deeply mortified, at the remarks of the gentlemen from Virginia and South Carolina, [Mr. WISE and Mr. HAMMOND.] Sir, (said he,) it is my individual opinion, and one which I believe is founded in fact, that it was owing to speeches of a similar character with these, that the Government of France had not already discharged a debt which was due citizens of the United States, upon every principle of justice, and which she had bound herself to discharge by a solemn treaty. It was such speeches as these which had mainly contributed to rob us of our just rights, and had endangered the peace of this country with her ancient ally and friend. Could American citizens, could members of an American Congress, utter sentiments which would be hailed in France as evidences that we were unwilling to protect our country from the invasion of a hostile force? What possible objection, he would ask, could be properly made to a resolution of mere inquiry into the expediency of increasing the naval force in commission, when it was evident to all, that there was at least some ground to believe that there might be a rupture between the two nations? Sir, while France is actually making preparations for the worst that may happen—and if newspaper intelligence was to be relied on, their fleets were actually on their way to this country—shall we stand idly by and see our coast unprotected, and liable to be invaded by a foreign enemy? The course of the gentleman from Virginia [Mr. WISE] was peculiarly strange and unaccountable. Many of his constituents, he believed, resided on the sea-board, and were consequently exposed to invasions and assaults from foreign naval powers; and when a proposition is now made *to inquire into the expediency* of preparing to repel invasion, and protect the lives and property of those whose Representative he is, that gentleman rises in his place here and opposes it. It was a matter between the gentleman and his constituents, but he hoped the House would be unanimous in their adoption of the resolution.

Mr. McKEON asked the indulgence of the House for a few moments. It was well-known that he was not in the habit of intruding himself, and, but for the circumstances in which he found himself placed, he should have remained a silent observer of the discussion. The gentleman from Kentucky [Mr. HAWES] informed us that he was mortified to hear the language of the gentlemen from Virginia and from South Carolina, [Messrs. WISE and HAMMOND,] who addressed the House in opposition to the resolution upon the table. He was not only mortified, but also astonished at their arguments at such a period—at such a crisis as that in which we find the country now placed. Representing, as he did in part, a portion of the Union deeply interested in the question which now engrosses the public mind, he (Mr. McK.) could not but endeavor to give an impulse to an investigation which had for its object the defense of our sea-coast, and the protection of our commerce. Well might he be astonished to hear opposition to a measure of this nature with regard to the increase of our naval force, when the rumor is abroad that we have a squadron approaching our very borders! when the noise is actually ringing in our ears of the armaments in hostile array! While everything portends difficulty, and points out the propriety and necessity of preparation, we must pause and discuss the expediency of inquiry into the propriety of moving forward in a work which relates to the public defense. We must debate the question by whom the first step ought to be taken—on whom the responsibility ought to rest. For one, he was willing to assume the responsibility.

Why, sir, (said Mr. McK.,) I was sent here to take responsibility like that now under consideration. Every member of this House was bound to take similar responsibility. We are bound to our constituents, to the country, by every tie which can unite us to the honor and safety of the country, not to hesitate. The present situation of our foreign affairs required the patriotism and action of every member of the Government. While around all was activity, we ought not to be passive. It was well known that the Executive, as the head of the Government, had been alive to the importance of this question. To the Executive, the country, throughout the long and difficult negotiations to which gentlemen had alluded, looked with anxiety; and thus far the movements of his patriotic administration had received the grateful applause of the country. The Chief Magistrate had thrown into the whole question the powers of his mighty intellect, had called into action his wonderful foresight, and with sleepless vigilance had endeavored to obtain the rights of our citizens, and to maintain the dignity of the country With an Executive identified, as he is, with the history of the most brilliant periods of the country, he had no fears but that in his hands the interest and character of our country would be entirely secure. While other branches of the Government were zealously engaged, must we hesitate to execute our portion of the task imposed upon us by the peculiar state of things?

It did not become us (said Mr. McK.) to hesitate about directing an inquiry into the expediency of putting the country into a state of preparation against aggression. It cannot result in producing trouble—it cannot throw us into difficulty. The resolution should have been adopted without a question; but, sir, it appears obstacles must be thrown in the way—impediments interposed before us to operate upon our minds and deter us from an attempt to overcome them. The gentleman from South Carolina [Mr. HAMMOND] threw out the suggestion that a war into which this country was about to be plunged would be a ridiculous war, and fatal to the liberties of the country. Who talks of war? Who has sounded the tocsin which is to give the alarm throughout the country, to disturb the quiet of the land, and conjure up into timid minds the dire apparitions of desolation and destruction, the concomitants of a belligerent state? No one but the gentleman himself. If war must come, it was a question to be settled hereafter. That was not the question then under consideration, but merely whether it was expedient to inquire if the country should be put in a state of preparation. The inquiry may be necessary in other points totally separated from our present difficulties. The gentleman from South Carolina tells us we are to be driven into—spurred into a war with France, which he, if it should happen, would term a ridiculous war Sir, I deprecate as much as he does a state of hostility. I regret that he has used the term "ridiculous." Much as I regret war, I prefer it to dishonorable peace. Ridiculous he may consider the war, if it must come; but there may be a peace which cannot be otherwise than degrading. With robberies committed years ago upon our unoffending citizens, and presenting in the acts a gross violation of the code of civilized nations—with years of patient negotiation—with a treaty solemnly ratified—added to all these injuries the

insult of demanding from the American people explanations (and those with a fleet before our harbor—with the rod hanging over our heads) which are incompatible with their self-respect and character as an independent people—if under such circumstances compelled to assume a hostile attitude, I cannot consider that attitude ridiculous.

Mr. McK. regretted that this discussion had taken place. To our divided councils many of our difficulties may be attributed. They give confidence to those who deny us justice. It is time these divisions should be healed. He had hoped that, on an occasion like the present, but one feeling pervaded their body, as was certain but one feeling animated the entire people of the country. To refuse the inquiry would look like an indisposition on the part of the House to sustain the country. He could not believe that one would object to a course which was demanded by the exigency of the times, or that we should present, when the slightest speck was visible in the horizon portending the approaching storm, a divided people. On this question which had given rise to this debate, let us, whether it continues to retain its present aspect or assume any other character, rally around the altar of country, and be true to our motto—let us be in fact *e pluribus unum*. Let us be true to ourselves, and to our own character; and present to the civilized world but one front. Coming, as he before remarked, from a section of country, the lives and property of the citizens of which were most exposed, he (Mr. McK.) felt compelled to address those remarks to the House on this occasion, and ask the adoption of the resolution.

Mr. REED observed, that the chairman of the Committee on Naval Affairs had stated that seven out of nine of the committee had instructed him to present the resolution.

Being one of the committee, (said Mr. R.,) I beg to state to the House the part I have taken. The chairman, a few hours ago, handed me, in my seat, the resolution now under consideration, and asked me, as one of that committee, if I would consent that he should offer it to the House? After I had read it, I replied that I did not know that I had any objection. On further reflection, apprehending that the resolution might lead to an excited debate, I called upon the chairman, and expressed my fear to him, and retracted my approval of the resolution. I feared that it might lead to a debate which might be injurious to the country. I do not consider the resolution itself as one of great moment. I admit the subject is important; but it is only a resolution of inquiry. It does not instruct the committee to act. In my opinion the whole subject is now before the committee. They have powers at any time, without adopting the resolution before us, to report a bill to increase the Navy, and, of course, the appropriations for that object. The subject of improving and increasing our Navy is one of vast importance, and deserves the deliberate consideration of the committee and of this House. Our commerce needs protection everywhere. It may need protection more especially now against Mexico, and vessels may be needed for that purpose. I regret that, upon a subject of mere inquiry, gentlemen should indulge themselves in debating upon the danger and probability of a war with France. I regret that the debate should assume a tone and manner calculated to produce mischief. It is calculated, unnecessarily and unjustly, to alarm the country. It seems to me we are precipitate. The debate is assuming a most unfortunate character.

We are debating upon the all-important subject of peace and war with France. I hope we shall have more light and knowledge upon this subject before we seriously engage in such debate. I fear the debate is ill-judged and unadvised, and calculated to produce the evil which I am quite sure a great majority of this House and nation deprecate and hope to avoid. I do not propose to engage in such a debate. It is altogether premature. I beg the House to be calm and deliberate, and to avoid excitement, which may be injurious, but cannot be useful to the country.

Mr. MILLER said he did not rise to discuss a question of peace or war, but simply to ask that the question might be taken by yeas and nays. The gentleman from Virginia [Mr. WISE] had observed very significantly, a day or two ago, in relation to another question, that he would see who would move the previous question to cut off his amendment. He (Mr. M.) wished to see, now, who would vote, under existing circumstances, against a resolution directing *inquiry* into the expediency of putting the country in a state of defense.

Mr. EVERETT said he was decidedly in favor of this resolution, for he could not but look around him and see what was passing. He, for one, could not wait the tardy movements of the Executive; but when he saw gentlemen there rising in their places, and say, with the gentleman from Georgia, [Mr. GLASCOCK,] they were prepared to anticipate the course of the Executive, Mr. E. could not but feel some alarm; and when he saw the indications he did, from other quarters, it left no doubt in his mind that it was time for the House to take the inquiry to itself. At the commencement of the present session, the President had sent them a message, in which he said that, if any alteration in the state of our relations with France took place, at the same time stating what he had already done, that he would communicate it to Congress. Now every member of the House knew that communications had been at least five days in possession of the Executive, and yet the House had received no message from him. It was an extraordinary crisis. When they saw that the Executive was bound by every pledge, as well as by his public duty, to make a communication to that House; when it was known that communications were in his possession; when it was rumored that Executive councils had been held on the subject, and yet nothing had officially been sent to them, he thought it was, in the language of the gentleman from Georgia, time for the House now to begin to anticipate the course of the Executive.

Mr. E. said he felt no alarm at the passage of the resolution, though he would then state what he believed would be its ulterior object. He would conclude by expressing his belief that they were to have no communication from the Executive on this subject for some time, and therefore it became the duty of that House to institute inquiry. He should vote for the adoption of the resolution.

Mr. LANE rose (he said) with no intention of discussing this subject, but merely to state, for the information of the House, what his understanding was in relation to the course of the Executive on this occasion. He believed it was only on Saturday or Sunday that Mr. Barton arrived in Washington. [Several Voices. "That is not correct; he has not yet arrived."] Well, (said Mr. L.,) there was such a report, and he made no inquiries as to its foundation. He would observe that he was well assured that the President would communicate all the information in his possession at as early a period as possible. Of this Mr. L. had no doubt, and he could see no cause thus to arraign the Executive for want of vigilance, industry, or patriotism.

Mr. L. well recollected what had taken place on a former occasion. He recollected that complaints long and loud were made, that the proposed measure of preparing the country for defense at the last Congress was intrusting the President with too much power. Mr. L. would now say, that he rested under the firm conviction, and he would proclaim it here and elsewhere, that if the last Congress had sustained the President of the United States, by making appropriations to put the country in a reasonable state of defense, the provisions of the treaty with France would all have been complied with, and the money paid, and this dark and lowering cloud now hanging around us would never have been seen. It was the maxim of the Father of his Country, "In peace prepare for war." What was the situation of this country compared with France? She had been actively preparing and fitting out her fleets and armaments, which were hourly expected upon our coasts. What was the situation of the American people? Scarce a ship in a condition to defend them! Not a solitary regiment, perhaps, full! The very omitting to make that appropriation might involve this country in war, cost hundreds of millions of money, and tens of thousands of lives, all of which might have been averted. Had this appropriation been adopted, we should have had no war, nor apprehension of war, with a powerful and ancient ally. Mr. L. said he was in favor of the resolution, though, if he had been consulted, he would have preferred waiting for a communication from the President, who, he had no doubt, would, at as early a period as possible, communicate all the information of which he was possessed; and then the House may be called upon to act in a very different manner and form.

Mr. GRENNELL made a few remarks in opposition to the resolution.

Mr. PEARCE, of Rhode Island, expressed his surprise that a difficulty should be made of adopting this resolution from one of the standing committees of the House, until they heard from the Executive, or from one of the Executive Departments of the Government, in relation to its subject matter. He was not disposed to wait in regard to that question, or in regard to any other question in relation to which it might be competent for the House to act, until they heard from either one or the other of the Departments. It was not his intention to enter into any argument on the propriety of adopting this resolution. If it had been ordered in ordinary times there would not have been perhaps a single voice raised against it. The subject was simply one of inquiry, which might be offered for consideration at any time, involving in itself a mere question of expediency, whether the object was proper or not proper; and for the purpose of cutting the matter short, and to test the sense of the House in regard to it, he demanded the previous question.

Mr. HOWELL moved that the House adjourn.

Mr. GLASCOCK said, as that would be a virtual abandonment of the question, he asked for the yeas and nays; but at the request of several members he withdrew the call.

The motion to adjourn was decided, by tellers, in the negative—ayes 80, noes 96.

The previous question was then seconded by the House—ayes 104, noes not counted; and the main question was then ordered to be put.

The question on the adoption of the resolution was then decided in the affirmative—yeas 164, noes 18; as follows:

YEAS—Messrs. Adams, Ash, Bean, Beardsley, Beaumont, Bell, Bockee, Bond, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Bunch, Burns, Bynum, John Calhoon, William B. Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, George Chambers, Chaney, Chapman, Chapin, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushing, Cushman, Darlington, Davis, Denny, Doubleday, Dromgoole, Everett, Fairfield, Farlin, Forester, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Graham, Granger, Grantland, Haley, Joseph Hall, Harner, Hannegan, Harper, Aaron G. Harrison, Hawes, Hawkins, Haynes, Heister, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, William Jackson, Joseph Jackson, Janes, Jarvis, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Joshua Lee, Luke Lea, Leonard, Lincoln, Logan, Love, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, Moses Mason, Sampson Mason, Maury, McCarty, McKay, McKennon, McKeon, McKim, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Pettigrew, Peyton, Phelps, Phillips, Pinckney, Rencher, John Reynolds, Ripley, Roane, Rogers, Russell, Seymour, Augustine H. Shepperd, Shields, Shinn, Slade, Smith, Spangler, Sprague, Standifer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vinton, Wagener, Wardwell, Washington, Webster, White, Whittlesey, and Sherrod Williams—166.

NAYS—Messrs. Chilton Allan, Heman Allen, John Chambers, Corwin, Crane, Grennell, Hammond, Hardin, Harlin, Hazeltine, Hoar, Howell, Ingersoll, Mercer, Potts, Waddy Thompson, Lewis Williams, and Wise—18.

So the resolution was agreed to.

The House then, at five o'clock, adjourned.

IN SENATE.

TUESDAY, *January* 12, 1836.

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary, containing reports from the Secretaries of State and War, relative to the controversy between Ohio and Michigan on the subject of boundary; and, on motion by Mr. EWING, it was ordered to be printed.

The CHAIR announced a communication from the War Department, transmitting a report from

the Topographical Bureau, made in compliance with the resolution of the Senate of the 5th instant, in regard to the improvement of the harbor of East Thomastown, Maine; and, on motion by Mr. RUGGLES, it was referred to the Committee on Commerce.

PETITIONS, MEMORIALS, ETC.

Mr. LINN presented the following petitions:

The petition of sundry citizens of Missouri, praying for the establishment of a post route from Jefferson city, through the counties of Morgan, Polk, and Green, to the seat of government of the Territory of Arkansas; which was referred to the Committee on the Post Office and Post Roads;

A petition numerously signed by sundry citizens of Missouri, asking for the establishment of a post route from Palmyra, to pass through Paris, Monroe county, to Columbia, Boone county, to Jefferson city; which was referred to the same committee;

The petition of sundry citizens of Missouri, asking that the session of the district court of the United States for the district of Missouri may be held at St. Louis and Jefferson city; which was referred to the Committee on the Judiciary; and

The petition of citizens of Missouri, praying for the establishment of a new land office in the State of Missouri, to be located at Jefferson City; which was referred to the Committee on the Public Lands.

Mr. TYLER presented the petition of the Trustees of the Georgetown Lancaster school, asking pecuniary aid from Congress; which was referred to the Committee on the District of Columbia.

Mr. NILES presented the petition of sundry citizens of Michigan, praying for an appropriation to improve the harbor of St. Joseph's, on Lake Michigan; which was referred to the Committee on Commerce.

Mr. WALL presented the petition of William P. Rathbone, of New Jersey, late a paymaster in the Army; which was referred to the Committee on Military Affairs.

Petitions were also presented by Messrs. DAVIS, CLAYTON, and LEIGH; names of petitioners not heard.

On motion by Mr. WRIGHT, the petition and papers of the heirs of Henry Eckford, on the files of the last session, were again referred.

REPORTS FROM COMMITTEES.

Mr. PORTER, from the Committee on Private Land Claims, to which had been referred the petition and documents of the heirs of Milan de la Carrera, reported a bill confirming their title to a tract of land.

Mr. LINN, from the same committee, to which had been referred the bill confirming certain claims to lands in Missouri, reported the same without amendment.

Mr. TYLER, from the Committee on the District of Columbia, to which had been referred the memorial of certain banks of the District on the subject, reported a bill to extend their several charters for one year; which was read, and ordered to a second reading.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the petition of the heirs of the late General William Eaton, reported a bill for their relief; which was read, and ordered to a second reading.

BILLS INTRODUCED.

Mr. WEBSTER, in pursuance of notice given, asked and obtained leave and introduced the following bills; which were severally read twice and referred:

A bill to fix the compensation of certain officers of the customs, and to alter certain collection districts; and

A bill in addition to the act of 24th May, 1828, entitled "An act to authorize the licensing of vessels to be employed in the fisheries."

Mr. KING, of Alabama, in pursuance of notice given, asked and obtained leave and introduced a bill for the relief of John La Furettee; which was read twice and referred.

Mr. RUGGLES, in pursuance of notice given, asked and obtained leave, and introduced a joint resolution providing for the employment of additional clerks in the Patent Office; which was twice read, and referred to the Committee on the Judiciary.

SUFFERERS BY NEW YORK FIRE.

On motion by Mr. WEBSTER, the Senate proceeded to the consideration of the bill for the relief of the sufferers by fire in the city of New York; and, after some remarks from Messrs. WEBSTER, CLAY, WRIGHT, and WEBSTER, the bill was laid on the table.

RESOLUTIONS.

Mr. PRESTON submitted the following resolution; which was considered and agreed to:

Resolved, That the Judiciary Committee be instructed to inquire into the propriety of erecting a court-house in Charleston, South Carolina, for the use of the United States courts.

Mr. TALLMADGE submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of furnishing the principal post offices in the several States and Territories with copies of the maps of the post offices and post roads prepared under the direction of the Post Office Department; and also into the expediency of furnishing copies of the same for the use of the other Departments of the Government.

Mr. LINN submitted the following resolutions; which lie on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes:

From St. Charles to Dardeire, Missouriter, Mathiasville, Pinckney, South Island, Big Spring, Portland, Hibernia, once a week;

From St. Charles, by Portage des Sioux, to Alton, twice a week in two-horse post coaches;

From Palmyra, in Marion county, to pass through Paris, Monroe county, Columbia, Boone county, to Jefferson city, twice a week;

From Richmond to Compton's Store, on Grand River, 55 miles, once a week;

From St. Louis to Jefferson Barracks, Herculaneum, St. Genevieve, Perryville, Jackson, to Cape Girardeau, twice a week;

From Jackson, Cape Girardeau county, to Fredericktown, Potosi, Old Mines, Herculaneum, Jefferson Barracks, twice a week, in four-horse post coaches.

Resolved, That the Committee on Claims be instructed to inquire into the expediency of making compensation to the recorder of land titles at St. Louis, Missouri, for extra clerk hire, office rent, and fuel for office, plotting instruments furnished and paid for by said recorder, between October 13, 1830, and September, 30, 1832.

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of placing the name of Jean Baptiste Janis, a French inhabitant of Missouri, on the pension roll—the said Janis having served as an ensign in a company of volunteers at the siege and capture of Vincennes, in the year 1779, when said place was taken by Colonel George Rogers Clarke; or to make such other provision for him as the justice of the case would seem to demand.

Mr. CLAYTON submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing for the erection of a fortification for the defense of the Delaware breakwater.

The resolution submitted yesterday, by Mr. SWIFT, was, on motion of that gentleman, laid on the table.

The resolutions submitted yesterday, by Messrs. WEBSTER and SOUTHARD, were considered and adopted.

RELATIONS WITH FRANCE.

The resolution submitted yesterday, by Mr. CLAY, calling on the President for information relative to a letter said to have been written by the Duc de Broglie to the French Chargé d'Affaires, on the subject of our relations with France, came up for consideration.

Mr. LEIGH submitted the following amendment; which was agreed to:

Resolved, also, Under the restriction before mentioned, that the President be requested to communicate to the Senate a copy of the note of M. Serrurier, mentioned in his message of the 25th of February, 1835, and not then communicated for reasons stated in the report of the Secretary of State to the President of the same date.

The resolution was then adopted.

NATIONAL DEFENSE.

The following resolution, submitted yesterday by Mr. BENTON, was taken up for consideration:

Resolved, That the surplus revenue of the United States, and the dividends of stock receivable from the Bank of the United States, ought to be set apart and applied to the general defense and permanent security of the country, that the President be requested to cause the Senate to be informed—

1. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require permanent fortifications.

2. The probable amount that would be necessary to construct an adequate number of armories and arsenals in the United States, and to supply the States with field artillery, especially brass field-pieces, for their militia, and with side arms and pistols for their cavalry.

3. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war which a proper regard to self-defense would require to be always on hand.

4. The probable amount that would be necessary to place the naval defenses of the United States (including the increase of the navy, navy-yards, dock-yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and to the welfare of the Union.

The resolution having been read, Mr. B. rose and said, that the objects contemplated by it were of a general and permanent nature, and required attention, without regard to existing circumstances. To place itself in a state of defense was the duty of all countries which desired to preserve their independence, or to live with honor. The United States were not in a state of defense, and it was their duty to attend to that object. The present time was the proper time. The public debt was paid, a large surplus revenue was accumulating, and the country was every way prosperous. Projects were devised to distribute these surpluses among the States; but he was in favor of setting them apart, and dedicating them to the defense of the Union. Formerly, and by a law as old as the Republic, these surpluses were all set apart, and constituted a separate fund, called the sinking fund, and inviolably applied to the sacred purpose of extinguishing the national debt. By this means the debt had been paid. He was for reviving and continuing this policy, with a change of object, from the debt to the defenses of the Union, and would wish to see all the surplus revenue take that direction, until the country was as secure from receiving, as it is averse from offering offense. It would require all the surpluses and many years of exertion to accomplish the object.

Mr. B. repeated, his motion was for objects of a general and permanent character, and he felt it to be his duty to make it, without regard to impending events, and to extrinsic circumstances. But there were events and circumstances which should give emphasis to his motion, and stimulate its immediate adoption. A French fleet of sixty vessels of war, to be followed by sixty more, now in commission, approaches our coast; and approaches it for the avowed purpose of observing our conduct in relation to France! It is styled in the French papers, a squadron of observation; and we are sufficiently acquainted with the military vocabulary of France, to know what that phrase means. In the days of the great Emperor, we were accustomed to see the armies which demolished empires at a blow wear that pacific title up to the moment that the blow was ready to be struck. These grand armies assembled on the frontiers of empires, gave emphasis to negotiation, and crushed what resisted. A squadron of observation, then, is a squadron of intimidation first, and of attack eventually; and nothing could be more palpable than that such was the character of the squadron in question. It leaves the French coast cotemporaneously with the departure of our diplomatic agent, and the assembling of our Congress; it arrives upon our coast at the very moment that we shall have to vote upon French affairs; and it takes a position upon our southern border—that border, above all others, on which we are, at this time, peculiarly sensitive to hostile approach.

What have we done (continued Mr. B.) to draw this squadron upon us? We have done no wrong to France; we are making no preparations against her, and not even ordinary preparations for general and permanent security. We have treaties, and are executing them, even the treaty that she does not execute! We have been executing that treaty for five years, and may say that we have paid France as much under it as we have in vain demanded from her as the first installment of the indemnity; not in fact by taking money out of our treasury, and delivering it to her, but, what is better for her, namely, leaving her own money in her own hands, in the shape of diminished duties upon her wines, as provided for in this same treaty, which we execute, and which she

does not. In this way France has gained one or two millions of dollars from us, besides the encouragement to her wine trade. On the article of silks she is also gaining money from us in the same way, not by treaty, but by law. Our discrimininating duties in favor of silks from this side the Cape of Good Hope, operate almost entirely in her favor. Our great supplies of silks are from France, England, and China. In ten years, and under the operation of this discriminating duty, our imports of French silks have risen from $2,000,000 per annum to $6,500,000; from England, they have risen from $250,000 to $750,000; from China they have sunk from $3,250,000 to $1,250,000. This discriminating duty has left between one and two millions of dollars in the pockets of Frenchmen, besides the encouragement to the silk manufacture and trade. Why, then, has she sent this squadron to observe us first, and to strike us eventually? She knows our pacific disposition towards her, not only from our own words and actions, but from the official report of her own officers; from the very officer sent out last spring, in a frigate, to carry back the recalled minister. Here is his report, made to the Minister of Marine, and communicated to the Chamber of Deputies in the month of April last. Listen to it, and see how fully it establishes, not only our pacific dispositions toward France, but the affection of our citizens for her, and the solicitude of our officers to honor her flag and gratify her feelings:

"BREST, *April* 4, 1835.

"I have the honor to inform you that the brig d'Assas sailed from New York on the 11th of March last, at the same time with the American packet ship Albany, in which M. Serrurier and his family are returning to France, and arrived in the roads of Brest on the 14th of this month, after a passage of twenty-four days. I remained in the United States until the 11th of March, as the Chargè d'Affaires of France, at whose disposition your Excellency placed me, did not wish to dispatch me back until the rising of Congress, which took place on the 4th of that month. During my stay at New York, I found among the richest and best educated persons the greatest affection and sympathy for France. This they expressed to us by every possible attention, and every delicate kindness, which their hospitable dispositions could suggest. Half an hour after my leaving the East river, an American schooner of war, knowing the time at which I was to depart, got under sail. She crossed my way about a league from the place of anchorage, and when about two cables' length from us, she hoisted the French flag on her mizen-mast, and fired seven guns, which were immediately returned; she kept the tricolor flying as long as we were in sight. I then saw the American frigate Constitution, towed by two steamboats on her way to New York. As soon as I crossed her, I saluted her commodore with thirteen guns, which he immediately returned, gun for gun."

Mr. B. resuming, said this was the report made to the French Government, by a French officer, after the rise of the last session of Congrees, and after the departure of Mons. Serrurier; and how was it received in the Chamber of Deputies, to which it was communicated? He (Mr. B.) would show one example of the manner in which it was received, and for that purpose would read a paragraph from the speech of the Deputy, Mons. de Rance:

"Gentlemen, we should put on one side of the tribune the twenty-five millions, on the other side the sword of France. When the Americans see this good long sword, this very long sword, gentlemen, (for it struck down everything from Lisbon to Moscow,) they will perhaps recollect what it did for the independence of their country; they will perhaps, too, reflect upon what it could do to support and avenge the honor and dignity of France, when outraged by an ungrateful people. [Cries of 'Well said!'] Believe me, gentlemen, they would sooner touch your money, than dare to touch your sword; and for your twenty-five millions they will bring you back the satisfactory receipt which it is your duty to exact. [Great approbation from the extremities.]"

Another Deputy, Mons. Fleury de Chabaulon, allowed himself to discourse thus:

"The insult of President Jackson comes from himself only. This is more evident, from the refusal of the American Congress to concur with him in it. The French Chamber, by interfering, would render the affair more serious, and make its arrangement more difficult and even dangerous. Let us put the case to ourselves. Suppose the United States had taken part with General Jackson, we should have had to demand satisfaction not from him, but from the United States; and, instead of now talking about negotiation, we should have had to make appropriations for a war, and to intrust to our heroes of Navarino and Algiers the task of teaching the Americans, that France knows the way to Washington as well as England."

This was the language of the Deputies, and it was thus received with applause, and that six weeks after the rise of our Congress, which had shown itself pacific, and two weeks after the report of the captain of the frigate D'Assas, attesting the friendship of our feelings, and the readiness of our officers to salute, with honor, the flag of France. And this language was not only received with applause in the Chamber, but it has been acted upon by the French Government. Two royal ordinances have appeared in the *Moniteur*, under date of the 2d of December last; and under these ordinances, Admiral Mackau is to take command of the "squadron of observation," which was immediately to proceed to the West Indies; and the *Constitutionnel*, which is the semi-official paper of the Government, and nearly equal in authority to the *Moniteur*, after stating that this measure was warranted by the actual state of the difficulties with the United States, goes on to "*applaud the Government, for thus preparing, long beforehand, and concentrating the power in the hands of one who is firm and capable of using it to advantage when necessary.*" Thus, the language of the Deputies, and the conduct of the Government, correspond; and the fleet must now be approaching our coast, which bears that long sword, at the sight of which our terrified hearts and faltering tongues must deliver the satisfactory answer which French chivalry exacts!

Mr. B. said, he had never spoken unkindly of the French nation—neither in his place here as Senator, nor in his private capacity elsewhere. Born since the American Revolution, bred up in habitual affection for the French name, coming upon the stage of life when the glories of the Republic and of the Empire were filling the world and dazzling the imagination, politically connected with the party which, a few years ago, was called French, his bosom had glowed with admiration for that great people, and youthful affection had ripened into manly friendship. He would not now permit himself to speak unkindly, much less to use epithets; but he could not avoid fixing his attention upon the reason assigned in the *Constitutionnel* for the present advance of the French squadron upon us. That reason is this: "*America will have no force capable of being opposed to it.*" This is the reason. Our nakedness, our destitution, have drawn upon us the honor of this visit; and we are now to speak, and vote, and so demean ourselves, as men standing in the presence of a force which they cannot resist, and which had taught the lesson of submission to the Turk and the Arab! And here I change the theme; I turn from French intimidation to American legislation; and I ask, how it comes that we have no force to oppose to this squadron, which comes here to take a position upon our borders, and to show us that it knows the way to Washington as well as the English? This is my future theme; and I have to present the American Senate, as the responsible party for leaving our country in this wretched condition. First, there is the three million appropriation which was lost by the opposition of the Senate, and which carried down with it the whole fortification bill, to which it was attached. That bill, besides the three millions, contained thirteen specific appropriations for works of defense, part originating in the House of Representatives, and part in the Senate, and the particulars of which he would read.

Mr. B. then read:

For the fort on George's Island	$15,000
For the repairs of Fort Independence	8,000
For Fort Adams	100,000
For the fort at Throg's Neck	30,000
Repairing Fort Columbus	13,000
Rebuilding Fort Delaware	150,000
For fortifications in Charleston harbor	20,000
Fort at Cockspur Island	82,000
Fort at Pensacola	26,000
Fort on Foster's bank	65,000
Repairs of Fort Mifflin	75,000
Armament of fortifications	100,000
Contingencies	10,000

All these specific appropriations (continued Mr. B.) were lost in the bill, which was sunk by the opposition of the Senate to the three millions, which were attached to it by the House of Representatives. He (Mr. B.) was not a member of the conference committee which had the disagreement of the two Houses committed to its charge, and could go into no detail as to what happened in that conference; he took his stand upon the palpable ground that the opposition which the Senate made to the three millions, the speeches which denounced it, and the prolonged invectives against the President, which inflamed the passions and consumed the precious time at the last moment of the session, were the true causes of the loss of that bill, and so leaves the responsibility for the loss on the shoulders of the Senate.

Of this three million appropriation (Mr. B. said) the country had heard much; but there was another material appropriation lost in the Senate, of which nothing had been said; he alluded to the sum of $500,000, which originated in the Senate's Committee on Military Affairs, and which, as the chairman of that committee, and under its direction, he had recommended in a report and proposed as an amendment to the same fortification bill which was afterwards sunk under the three millions. The report was made on the 18th of February, and he would read it:

"The Senate's Committee on Military Affairs, which has had the subject under consideration, report:

"That it is expedient to increase the appropriations heretofore made for the national defense; and that, in addition to the sums now contained in the bill for fortifications, and in addition to the two sums of $100,000, each heretofore recommended by this committee to be inserted in the said bill for fortifications, and the armament thereof, the further sum of $500,000 be recommended to be inserted therein, for the repair, completion, and construction of fortifications, and to provide the necessary armament therefor. And the committee have directed their chairman to move an amendment accordingly, at the proper time, to the fortification appropriation bill."

The motion was made in the Senate to insert this appropriation of $500,000. The sense of the Senate was so clearly against it, that he (Mr. B.) did not press it, nor call for a division. It was rejected when offered; and thus the Senate, some days before they objected to the three millions as being too large and general, had rejected a much smaller appropriation, and one that was specific.

The third act of the Senate which Mr. B. brought forward to establish the responsibility of the Senate for the present condition of the country, and the consequent visit of the French fleet, was the fact of laying on the table, and refusing even to consider, a resolution which he brought forward about the middle of February, calling on the President for plans and estimates for the general and permanent defense of the country by sea and land. It was a call for plans and estimates, and probable amounts of surplus revenue, with the sole view to the defense of the country; yet it was laid upon the table by the vote of the majority, and upon the motion of an opposition Senator; and, of all the acts of the Senate, it seemed to him to be the one which went further in showing the indisposition of this body to provide for the defense of the country. It was not merely a refusal to apply money, but a refusal to have information by which money could be applied, and that while making it a standing topic of reproach that the President had not furnished plans and estimates.

The fourth circumstance on which Mr. B. relied to show that the Senate was responsible for the present naked and defenseless condition of the country, and for the humiliation to which we were now subjected in being superintended by the heroes of Algiers and Navarino, was the project of certain Senators to apply the public moneys in a different direction, namely, to divide them among the States, and which required them to keep the sum for distribution as large as possible, in order to present captivating dividends to each distributee. The plan of putting the country in a posture of defense was incompatible with these plans of distributing the revenues. The two plans cannot go on together; one or the other must give way; and he had purposely drawn the resolution under consideration to make an issue between them, and to draw the line between those who will put their country in a state of defense, and those who will leave it naked and helpless.

Mr. B. had felt it his duty to bring to the notice of the Senate the approach of the French squadron of observation, and to show that it came, because "*America had no force capable of being opposed to it.*" It was a subsidiary argument, and a fair illustration of the dangers and humiliations of a defenseless position. It should stimulate us to instant and vigorous action—to the concentration of all our money, and all our hands, to the sacred task of national defense. For himself he did not believe there would be war, because he knew that there ought not to be war; but that belief would

have no effect upon his conduct. He went for national defense, because that policy was right in itself, without regard to times and circumstances. He went for it now, because it was the response, and the only response, which American honor could give to the visit of Admiral Mackau. Above all, he went for it, because it was the way, and the only manly way, of letting France know that she had committed a mistake in sending this fleet upon us. In conclusion, he would call for the yeas and nays, and remark that our votes would have to be given under the guns of France, and under the eyes of Europe.

Mr. WEBSTER said his duty was to take care that neither in nor out of the Senate there should be any mistake, the effect of which should be to produce an impression unfavorable or reproachful to the character and patriotism of the American people. He remembered the progress of that bill, (the bill alluded to by Mr. BENTON,) the incidents of its history, and the real cause of its loss; and he would satisfy any man that the loss of it was not attributable to any member or officer of the Senate. He would not, however, do so until the Senate should again have been in session on executive business. As soon as that took place, he should undertake to show that it was not from any dereliction of duty on the part of the Senate that the loss of that bill was to be attributed to.

Mr. LEIGH said there were one or two facts in relation to this matter to which he would call the particular attention of the gentleman from Missouri, [Mr. BENTON.] Mr. L. referred to a report of the Committee on Military Affairs at the last session on the expediency of providing for fortifications. He did not understand the gentleman from Missouri [Mr. BENTON] to say that that specific report was rejected. He (Mr. L.) understood it was rejected with other appropriations.

[Mr. BENTON explained.]

Mr. LEIGH continued: I have (said he) a particular recollection. My mind was attracted to the subject by the quarrel going on between France and the United States. He expected some means to be resorted to in order to strengthen the national arm. The bill to strengthen the fortifications of the country had passed the House of Representatives on the 24th day of February, and so anxious was his mind on the subject, that he went to the Secretary's table to examine whether particular appropriations were in the bill. He found none. The Committee on Finance reported a series of amendments to the bill; in no case diminishing appropriations, in some cases increasing them, and in some instances making entirely new appropriations. All the gentlemen of the Senate with whom he had familiar conversations would remember his frequent expression of anxiety on the subject of this bill. It was sent back to the other House with agreements and disagreements to the Senate amendments; he did not now recollect to which. After five o'clock in the evening of the 3d of March this bill was reported to the Senate. They had joint conferences with the different Departments on those new appropriations, and came to the conclusion to retain all the new appropriations. An amendment containing an appropriation of $3,000,000, to be used under the direction of the President of the United States, provided such expense was necessary to the defense of the Government, was in it after it was returned from the House of Representatives. The objection to the appropriation was not on account of any distrust of the President. No, sir, (said he,) it was merely as to the constitutionality of it. The Senate disagreed to the amendment of the House —the House insisted, and refused to recede. He alluded to a practice of changing the time of the clock on the last night of the session; and not relying upon it, he took out his watch and ascertained by it, if it did not deceive him, that the committee of conference on the part of the Senate went out before eleven o'clock, and (said he) here we sat until twelve o'clock at night, waiting for their report. They sent a messenger to keep the House in mind of the appropriation bill. For what reason the House did not take up the report of the committee of conference, it would be improper, indecent, and disorderly in him to state. He had stated the facts, and every member who was present would remember them as stated.

Mr. PRESTON said the gentleman from Virginia [Mr. LEIGH] had given a very clear view of the facts. He (Mr. P.) did not feel called upon to explain, because he had voted for the rejection of a bill containing an undefined appropriation of $3,000,000. It was enough for him to know that it was an unconstitutional and indefinite appropriation, and dangerous to be put into the hands of the Executive. He would go further. If, instead of these vague rumors about the movements of the French fleet, the whole frontier had been laid in ruins, he would have voted against it. How was it, that this appropriation had been sprung upon them? They were not called upon for it by the proper Department, and he did not feel called upon without the Department whose business it was to make recommendations requiring such appropriations. He was not then disposed to take the responsibility for what belonged to the proper departments, and he was not now disposed to do it. Under the better opportunities of the Executive to acquire information, it was the duty of the Department to keep the Senate informed of the necessity and object of appropriations, and until that was done the Senate was not bound to act. The honorable Senator from Kentucky [Mr. CLAY] had introduced a resolution for the distribution of the surplus revenue arising from the sales of the public lands; and his colleague, the honorable gentleman from South Carolina, had reported a bill for the appropriation of the balance of the surplus revenue for purposes that were defined. But, in this case, the appropriation is first made, and then the Executive is to be asked how much is necessary. You appropriate $30,000,000, and the Executive says $5,000,000 is all that is wanted; what comes of the rest? From these vague rumors, the gentleman from Missouri [Mr. BENTON] had taken occasion to remark, that he desired the exterior of the United States put into a state of defense. In all this he concurred. Every Senator had concurred in general appropriations to put the Navy and Army in a state of defense. This undefined appropriation was not the only exception. The gentleman from Missouri had said this appropriation was intended to operate as a permanent defense. He would ask for what purpose was this French fleet coming on our coast? Had he said for what purpose it was coming? Why were the breezes bringing this great armament? If it is coming in hostile array, why are we (said Mr. P.) kept in the dark by the President of the United States? They had been looking—anxiously looking for a message from the President whether these newspaper rumors respecting this fleet of observation were true.

The President ought to know—it was his duty to know. He trusted, however, the gentleman from Missouri had superseded the functions of the President. Could it be for the purpose of overawing them out of their votes that this alarm had been raised? France, our former ally, he believed, did not doubt our valor. He believed she had a due respect for us. Why, sir, (said Mr. P.,) do they think that the approximation of a fleet of France can alarm us into a vote? No, sir, (said he,) we would cover ourselves with a panoply for our mutual defense. The President of the United States in his message had informed them that he had ordered the representative of this country in France (Mr. Barton) to receive the money due to us, or ask for his passports to return to the United States. We were not now represented in either England or France. He did not say, however, that we were cut off from all intercourse in England as in France.

The President had recommended making reprisals, if France refused payment. France had refused, but the remedy was not pursued. It may be, (said he,) that this fleet is merely coming to protect the commerce of France. If the President of the United States, at the last session of Congress, had suggested the necessity of making this appropriation, we would have poured out the Treasury—we would have filled his hands for all necessary purposes. There was one hundred thousand dollars appropriated that had not been called for. He did not know whether he was permitted to go any further, and say to what extent any of the Departments were disposed to go in this matter. At the opening of this session, the President, in his message, entered into a detail of our affairs with France, and promised us, on the return of Mr. Barton, a special message. Mr. Barton had returned, if they were to rely upon the same source of intelligence upon which the gentleman from Missouri had relied. We are asked, why has the Senate not done its duty? I ask, (said Mr. P.,) why the President has not done his duty? The Senator from Missouri had preferred a general indictment against the Senate, before the people of the United States. It was strange the gentleman should ask the Departments for calculations to enable us to know how much it was necessary to appropriate, when the information was not given to us when we rejected the undefined appropriations.

I rejoice (said Mr. P.) that the gentleman has said even to my fears there will be no French war. France was not going to squabble with America on a little point of honor—that might do for duelists to quarrel about, but not for nations.

There was no reason why blood should be poured out like water in righting this point of honor. If this matter was placed on its proper basis, his hopes would be lit up into a blaze of confidence. Who were the plaintiffs in this case? Not France. We are the plaintiffs. France is the defendant. If a *ca. sa.* should issue, it would be to levy upon the goods and chattels of France; or, in case of her insolvency, to levy on the body of Louis Philippe. No, sir, (said he,) we shall have no war with France. I can imagine a state of things (said Mr. P.) calculated to make a war inevitable.

If the Senate had wandered so far from its duties as had been intimated, and a war was to be waged with the Senate, that might make a war with France; but God forbid that such a state of things should exist! If a war of partisanship was to be waged, he deplored the consequences He hoped no measures would be adopted here that would lead to a war with France.

If the real cause of apprehensions should occur he hoped for unanimity. Whether the resolution of the honorable gentleman from Missouri, [Mr BENTON,] the propositions of the honorable gentleman from Kentucky, [Mr. CLAY,] or from his colleague, [Mr. CALHOUN,] should be taken up first, he would leave to be settled between them.

Mr. CLAYTON was surprised at the suggestion of an idea that the American Senate was not disposed to make the necessary preparations for the defense of the country; that they had endeavored to prevent the passage of a bill, the object of which was to make provision for large appropriations for our defense. The Senator from Missouri had gone into an illiberal attack of the Senate. He (Mr. C.) was not disposed to say anything further of the events of the last night of the session. He took occasion to say there were other matters in connection with this appropriation. Before any Department or any friend of the Administration had named an appropriation for defense, he made the motion to appropriate $500,000. It was on his motion that the Committee on Military Affairs made the appropriation to increase the fortifications. Actuated by the very same motives which induced him to move that appropriation he had moved an additional appropriation to Fort Delaware. The motion was to increase the seventy-five thousand to one hundred and fifty thousand, and elicited a protracted debate. The next question was whether, in the general bill, $500,000 should be appropriated. He recollected the honorable Chairman of the Committee on Finance told them there was an amendment before that committee of similar tenor. As Chairman of the Committee on Military Affairs, he felt disinclined to give it up. The amendment fell on the single ground, by one vote, that the Committee on Finance had before it the identical proposition made by the Committee on Military Affairs. He appealed to the country whether, under those circumstances, they were to be arraigned before the people of the country on a charge of a want of patriotism? He had always felt deeply affected when those general remarks were made impugning the motives of patriotism of the Senators. He was willing to go as far as

he who goes furthest in making appropriations for the national protection. Nay, he would be in advance of the Administration.

On motion by Mr. EWING, and without taking the question on the resolution,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 12, 1836.

Mr. WARD said, as there was a bill before the House for the relief of the sufferers by fire in New York, which it was necessary should be acted on, he would move that the further consideration of the memorial praying for the abolition of slavery in the District of Columbia, presented by the gentleman from Massachusetts, [Mr. ADAMS,] be postponed to Monday next.

Mr. ADAMS said he hoped the gentleman would allow the vote to be taken on the point of order. The question was upon the appeal which he took from the decision of the Speaker. If the House would come to a decision on the appeal, he would be willing to let the consideration of the memorial lie over, and he would be glad if the discussion of these memorials would also lie over, at least on the day appropriated for the receiving of petitions. Gentlemen had not an opportunity of getting in their petitions on account of these discussions. There were a great many obstacles thrown in the way of petitions: motions were made to reject them—that they be not received. He should rather see a multiplication of modes for getting in petitions than for getting rid of them. Petitions appeared to be in bad odor; and when he heard a gentleman commence a speech by saying that he was very much attached to the Union, he took it for granted he was going to end by a motion to exclude petitions. Petitions had been presented on other subjects than abolition, which took up much time to debate, and motions were made to reject them. He concluded by expressing a wish that the House might decide on the appeal, and he would acquiesce in the motion to postpone the consideration of the memorial.

Mr. WARD said, he would be glad to withdraw his motion, if he thought this memorial would have preference over all others; but he thought it would not, and there would be much time spent in the discussion of them; and he was very anxious that the House should proceed to the consideration of the bill for the relief of the sufferers by fire in New York.

Mr. GLASCOCK said, he was willing the question should be postponed; and his reasons were, that resolutions were in possession of the House, which, if passed, as he hoped they would be, would put this question to rest. He thought the House had the right to say that it would not receive these petitions. The right was recognized by Mr. Jefferson; and certainly he would not have recognized it if it was unconstitutional. It would be for the House to say whether it would receive them.

Mr. PATTON said, he regretted very much that the gentleman from Georgia [Mr. GLASCOCK] had expressed a readiness to acquiesce in the motion to postpone. It was very evident that the effect would be to give the matter the go-by. The gentleman is mistaken, if he thinks he is to get a speedy and direct vote. Our time is to be taken up by discussing this matter every morning on which an opportunity offers. There was no way of getting a vote, unless we make it the special order until it is decided. One gentlemen will ask it to be postponed for one purpose—another for another purpose; and by this means the question would be evaded.

Mr. BOULDIN. I do not wish to say much, Mr. Speaker, on this subject, but wish to say a word or two, particularly as to the manner in which this matter has come before the House, and how I have been compelled to vote upon it. It comes up upon various points of order, blended in some degree with the merits of the question. Whether the petition should be rejected before it is read, and you know what is in it—whether the language in which it is couched is such as ought to be received by the House—I have been compelled to give votes seemingly contradictory in relation to the merits, owing to this blending and entwining of questions of order with the most momentous matter that can come before the House, or the nation.

Mr. Speaker, the North and East are not acquainted with the effects of what they are doing; they do not know what is the feeling of the South. Sir, if they did, their conduct would be different. Far be it from me to do or say anything, or give any vote, that will endanger this Union. I love the Union as I love my life, and this makes me anxious that this matter should be understood.

The SPEAKER said the point was, shall the subject be postponed?

Mr. BOULDIN. I know that, sir; I am endeavoring to show the propriety of coming to an understanding on this subject now, in preference to then. Sir, the question I wish to come to is this: Do you mean to take measures to endanger our property or our lives? liberate our slaves, directly or indirectly, now or hereafter? I have no doubt the liberation of the slaves of this District by Congress is unconstitutional, and will, on any vote, say so. But this is not what I care for. He that is willing, professing to be friendly, to use means, directly or indirectly, to endanger my life or rob me of my property, has little regard to constitutional scruples or difficulties.

Sir, I am not disposed to weaken the tie of love that exists between all the members of this Union; but I wish, as soon as possible, to inform the North and East with what a tender hand they ought to touch this subject; there are individuals in this Union who I know love their country, and this Union is dear to them, as the heart's blood of the dearest, tenderest object of their affections—in whose bosom a thorn has been planted by another project from the same quarter. I mean the tribute of protecting duties. This thorn pained and wounded at the time, and has rankled and festered, and the wound is now in a festering state; and this is not the time to open it and plant another more fatal still and more galling.

It is this, sir, which causes me to urge that we come to a full understanding of this matter between North and South, East and West; for I know that northern and eastern gentlemen do not know that there are feelings existing in the South upon this subject that cannot be further agitated or pressed upon. Let me not be misunderstood; I do not charge the whole fault of the agitation on this subject on the North, nor would I wish to say anything unkind or intemperate, calculated to wound the feelings of any member of this House or this Union. I think I know that, if they were apprised of what they were doing or likely to produce, they would act differently. They love the Union. And did I intimate that the South did not equally? Sir, they love the Union equally; but insulted, injured love is the mother of the purest hate; and I wish all members of the Union to be apprised of what is likely to be the effect of pressing this matter upon us. They are not advised; I know they cannot be; sir, I know our own conduct ought to be revised by us at home on this subject; let us inquire whether our societies and fourth-of-July speeches on emancipation, and other things in relation to negroes and negro slavery, have not invited strangers to meddle, and have not led to a misunderstanding on this subject.

I am sure that, on reflection, our northern brethren will admit of repentance on seeing error. I am equally satisfied that the attention of the South having been drawn to what they have themselves done, they will retrace some of their steps, and all will be willing to leave this subject—too mysterious, deep, and dangerous for man's management, (or that of woman either)—to the operation of time and the providence of God, in whose hands alone this subject must at last be left. It is impossible that gentlemen should be sensible of what they are doing, or I do know by looking into my own bosom, (a place I find the safest of all to look, when I know that passion is absent to find,) what others will do on any given point. I know, sir, by what I find in my own bosom, that if gentleman knew what was or would be the effect of pushing this thing upon us, they would, with all courtesy and humility to their constituents, return these numberless petitions, and tell them that dangers of which they were not advised awaited the passing of this matter, and that, if it was still insisted on, they would at last offer them. I know this would be their course, as certainly as I can know anything depending on observation and familiar acquaintance with the common practice of man, and their ordinary action and motives in the common business of life. They cannot be fully sensible of what effects they are likely to produce. Look to the sources of their information. They rely in a great measure on the representations of the ladies, who appear to be the principal petitioners. Let me cast no slur over any portion of the fair sex. I wish them every good wish if they be single, which I must believe is generally their condition; if they had husbands and children, they would find something else to do. I wish them all good husbands, and something better to do, and that they may spend their days and their nights in some employment more likely to give them pleasure and do the world a benefit, than drawing their petitions, so well calculated to produce effects so little likely to give them satisfaction or comfort after they are produced.

Whether they be married, maids, or widows, I wish not to wound them; and they must be very different from any of their sex of any class that I have been acquainted with, if they would persevere in any course that went to hazard everything dear to their sex. Sir, were they informed in what a situation they would place the maiden pride of their sex—if they were informed that they would hazard the life and safety of the dear and tender offspring clinging to the bosoms of their own sisterhood, sympathizing with them in all the tender ties that bind the mother to her smiling infant, who draws its vital being from her breast, I am sure they would stay their hands. Could they be informed what effect they had produced upon the helpless, defenseless objects of their blind charity, they, being Christians, (as all women are, or should be,) would leave the thing to God.

It is immaterial whether you mean to do this thing by this means or that: whether immediately or indirectly, now or hereafter, the object is the same, and the consequences to us are the same; and it is obvious that this subject is pressed upon us of the South in some form or other by societies formed, religious associations, political combinations, male and female, private and public, from day to day, and from week to week. Sir, let us alone to ourselves in this matter.

[Here the SPEAKER said the question was whether this subject should be postponed until Monday, and the gentleman was going into the whole merits.]

I think, Mr. Speaker, (continued Mr. B.,) that these reflections are directly in point, to show we should come to an immediate understanding on this matter. However, I will not urge any other remarks at this time; but when the main question comes up, if we should ever be able to get to it, I will claim the attention of the House while I give to them and to my constituents my views on the merits. I will simply add, that if the materials of civil war and discord are matured in this nation, it will be a matter of little consequence at which end of the Confederacy the flame commences. The consequences to the whole Union will be the same. Ay, sir, and the horrors and the alarms of southern maids and matrons can only be equaled by the terrors and alarms, the horrors and calamities of the maids and matrons of the North. Rachels weeping for their children, who are not.

Mr. CRAIG said, that in postponing this matter it was not giving the subject the go-by. It would come up in a better shape when the resolutions were under consideration. When the resolutions came up, let us march as one man to the point, and the matter will be decided, and decided satisfactorily, he hoped, both to the South and to the North.

Mr. R. M. JOHNSON said, he did not rise to debate the question. He thought that, if we were to vote, and not to speak so much, we would be enabled to get through the business much more advantageously than at present. So far as the States were concerned we all agreed, and he would not say it was expedient to touch this matter even in the District of Columbia. Mr. J. had risen for the purpose of asking the con-

sent of the House to report several bills from the Committee on Military Affairs.

No objection being made,

Mr. R. M. JOHNSON, from the Committee on Military Affairs, reported the following bills; which were committed to a Committee of the Whole on the state of the Union; and, together with the reports and documents accompanying the same, ordered to be printed:

A bill making an appropriation for collecting materials preparatory to the commencement of certain fortifications;

A bill for the better organization of the corps of Topographical Engineers; and

A bill authorizing the Chief Engineer to employ clerks and a messenger.

Mr. JOHNSON gave notice that he would call up the first-named bill on Thursday next.

Mr. PEYTON then rose, and said, he had not intended to say one word upon the subject before the House at that time. However, if he understood the honorable member from Kentucky [Mr. R. M. JOHNSON] aright—and Mr. P. wished, if he misunderstood the gentleman, that he would correct him—he understood the gentleman to say, substantially, that so far as the question of slavery was concerned in the States, he (Mr. J.) thought it agreed on all hands, that that House had no power to interfere, but that, so far as the District of Columbia was concerned, it was a mere matter of expediency.

Mr. JOHNSON explained. What he said was, that he had much rather that the House should at once vote upon the question than discuss it; and that, if the House would come to a vote, he thought there was no member in the House who would vote that they had the *power* to interfere, so far as the States were concerned, nor a single member in the House who would say it was *expedient* to touch it even in the District of Columbia.

The CHAIR said further remarks must be arrested. The question before the House was merely one of time, whether the subject should be postponed till Monday next?

Mr. PEYTON said he had nothing to say on that subject.

Mr. CAMBRELENG expressed a hope that the motion would prevail, as he wished to move that the House resolve itself into a Committee of the Whole on the state of the Union.

The motion to postpone the further consideration of the memorial, and the motion to reject it, were then agreed to.

REPORTS FROM COMMITTEES.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported the following bills; which were read twice and committed:

A bill to regulate the disbursement of the public moneys, and to prohibit allowances not authorized by law;

A bill for the relief of Robert McClintock;

A bill for the relief of Robert Dickey, of New York; and

A bill for the relief of John Frazer & Co., of Charleston, South Carolina.

Mr. CAMBRELENG, from the same committee, reported the following resolutions; which were agreed to:

Resolved, That so much of the estimate of appropriations as relates to the salary of a clerk in the office of superintendent of Indian affairs at St. Louis, be referred to the Committee on Indian Affairs.

Resolved, That so much of the estimate of appropriations for clerks in the General Land Office not provided for by law, be referred to the Committee on Public Lands.

Mr. EVANS, from the Committee on Invalid Pensions, reported a bill for the relief of Thankful Randal.

Mr. GRAYSON, from the Committee on Naval Affairs, reported a bill for the relief of Elizabeth Mayes, mother of Wilson Mayes, deceased, late of the naval service.

Mr. PARKER, from the Committee on Naval Affairs, reported the following bills; which were read twice and committed:

A bill for the relief of James Tucker and John Judge; and

A bill to establish rations for the Navy.

Mr. SMITH, from the Committee of Ways and Means, reported the following bills; which were read twice and committed:

A bill for the relief of N. and L. Dana & Company; and

A bill for the relief of Philip and Elizabeth Greeley.

Mr. MAY, from the Committee on Private Land Claims, reported a bill to authorize the President to cause to be issued to Albert I. Smith and others, patents for certain reservations of lands in the Territory of Michigan; which was read twice and committed.

Mr. CASEY, from the Committee on Public Lands, reported a bill granting a quantity of public lands to complete public buildings in Arkansas.

Mr. PEARCE, of Rhode Island, from the Committee on Commerce, reported the following bills; which were read twice and committed:

A bill for the relief of Francis R. Theobald; and

A bill for the relief of Benjamin F. Stone.

Mr. LOYALL, from the Committee of Ways and Means, reported a bill for the relief of Samuel D. Walker; which was read twice and committed.

Mr. LAWRENCE, from the Committee of Ways and Means, reported a bill for the relief of Ebenezer Breed, of Boston; which was read twice and committed.

Mr. FORESTER, from the Committee on Claims, reported a bill for the relief of the legal representatives of Michael Fenwick, deceased; which was read twice and committed.

Mr. THOMSON, of Ohio, from the Committee on Military Affairs, reported a bill for the relief of David Kilburn; which was read twice and committed.

Mr. LINCOLN, from the Committee on Public Lands, reported a bill for the relief of the heirs of John Brahan, late receiver of public moneys at Huntsville, Alabama; which was read twice and committed.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported a bill for the relief of Nancy Haggard; which was read twice and committed.

Mr. CHAMBERS, of Pennsylvania, from the Committee on Private Land Claims, reported a bill for the relief of Robert Allison; which was read twice and committed.

On motion by Mr. BEARDSLEY, several documents relative to the boundary between Ohio and Michigan, were ordered to be printed.

Mr. LAWLER, from the Committee on Private Land Claims, reported a bill for the relief of James and William Moore; which was read twice and committed.

Mr. JACKSON, of Georgia, from the Committee on Foreign Affairs, reported without amendment the bill from the Senate authorizing an allowance in the accounts of the American Consul at London.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of the heirs of T. F. Reddick; which was read twice and committed.

Mr. HAMMOND, from the Committee on Private Land Claims, reported a bill for the relief of Abraham Forbes, a spy in the late war; which was read twice and committed.

Unfavorable reports upon various petitions, &c., were made by Messrs. MAY, MUHLENBERG, HAYNES, HAWES, HOWELL, McCARTY, CRANE, KENNON, ASHLEY, ASH, FRY, HAMMOND, and EVERETT, from standing committees; which were ordered to lie on the table.

Mr DAVIS, from the Committee on Claims, reported a bill for the relief of Andrew Hoover; which was read twice and committed.

Mr. McKIM, from the Committee of Ways and Means, reported a bill for the relief of Asa Armington; which was read twice and committed.

Mr. GILLET, from the Committee on Commerce, reported a bill to provide for the seizure and sale of property brought into the United States in violation of the revenue laws in certain cases; which was read twice and committed.

Mr. KENNON, from the Committee on Public Lands, reported a bill granting preëmption rights to certain lots in the town of Perrysburg, in the State of Ohio; which was read twice and committed.

Mr. CARR, from the Committee on Private Land Claims, reported the following bills; which were read twice and committed:

A bill for the relief of Henry Stoddart;

A bill for the relief of John Barkley; and

A bill for the relief of Amity Leach.

Mr. INGERSOLL, from the Committee of Ways and Means, reported the following bills; which were read twice and committed:

A bill making appropriations for the Military Academy of the United States for the year 1836;

A bill for the relief of S. Morris Waln; and

A bill for the relief of John F. Lewis.

Mr. SUTHERLAND, from the Committee on Commerce, submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury be requested to lay before the House the report of the Fifth Auditor, together with the correspondence growing out of the inquiry of the Treasury Department in relation to the best mode of managing the light-house establishment of the nation.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, submitted the following resolution; which was agreed to:

Resolved, That the message of the President of the United States of the 25th January, 1834, with the accompanying documents, concerning the claim for indemnification of the owners of the ship Frances and Eliza, now on the files of the House, be referred to the Committee on the Judiciary.

On motion by Mr. LAY, of New York,

Resolved, That the Committee on Claims be required to inquire into the expediency of paying the claims of William Russell; and that the accompanying affidavit of Horace Steele, in relation to the claim of William Russell for remuneration for property taken and appropriated to the use of the Army of the United States during the late war, be referred to the Committee on Claims.

On motion by Mr. PINCKNEY,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a naval depot in Charleston harbor.

On motion by Mr. JOHNSON, of Louisiana,

Resolved, That the Committee on Claims be instructed to inquire into the expediency of providing by law for the payment of the claim of John H. Holland, marshal of the eastern district of Louisiana, for the expenses incurred in the care, clothing, subsistence, and medical attendance of a number of Africans placed in his charge, under the laws of the United States relative to the slave trade.

On motion by Mr. PEARCE, of Rhode Island,

Resolved, That the Secretary of War be directed to communicate to this House the survey and estimate of Lieutenant P. Brown, of the Corps of Engineers, of the work proposed to be constructed at the eastern termination of Lake Erie, for the protection of commerce on the lakes.

On motion by Mr. WISE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Princess Anne, in Somerset county, Maryland, *via* New Town Wind, Maryland, Mapp's tavern, Riley's store, Jenkin's bridge, Guildford, and Bagwell's mill, in Accomack county, Virginia, to Drummond Town, in Accomack county, Virginia.

On motion by Mr. PEYTON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Monroe, *via* Locust Shade, in Overton county, Tennessee, by Selina, Jackson county, Tennessee, by Garrett Moore's, Tennessee, to Tompkinsville, Kentucky.

On motion by Mr. HAMER,

Resolved, That the Committee on the Judiciary be, and they are hereby, instructed to inquire into the expediency of increasing the salary of the district judge of Ohio.

On motion by Mr. STORER,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing by law a subscription to the capital stock of the Ohio and Charleston railroad, whenever the corporations created by the Legislatures of Kentucky, Tennessee, and North Carolina shall open the books for the subscription of stock.

On motion by Mr. PEYTON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Gainsboro', Tennessee, by Major Thomas Butler's and Selina, to Burksville, Kentucky.

On motion by Mr. HANNEGAN,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making the town of Lafayette, on the river Wabash, a port of entry.

On motion by Mr. HAWES,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the improvement of the navigation of Green and Big Barron rivers, in the State of Kentucky.

On motion by Mr. MANN, of New York,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the equity and expediency of releasing John Mahon and Asa Mungree from the payment of a judgment recovered by the United States against them, as bail for Daniel Holt, formerly a postmaster at Herkimer, in the State of New York.

APPROPRIATION BILL.

An engrossed bill, making appropriations, in part, for the support of Government for the year 1836, was read the third time.

Mr. JOHNSON, of Tennessee, said he wished this bill amended, so as to reduce the contingent expenses of the House to the standard of 1832; and he hoped the House would afford its unanimous consent for the purpose of enabling him to make the motion.

Mr. CAMBRELENG expressed the same wish.

Mr. WILLIAMS, of North Carolina, should move that the bill be recommitted to the Committee of Ways and Means, or to a Committee of the Whole on the state of the Union, with instructions to inquire into the expediency of making the retrenchments suggested by the gentleman from Tennessee. In that way the bill could be amended, and they could have the benefit of a full discussion on the subject. He made the former motion.

Mr. CAMBRELENG expressed a hope that the gentleman would withdraw the motion. The object was to reduce the appropriations to the standard of four years ago, and he trusted the bill would not be delayed.

Mr. WILLIAMS would assent to the request, but he wished the inquiry to go further than the gentleman proposed, and to inquire whether the amount of 1832 was itself not too large.

Mr. ADAMS said, it made little difference whether this bill was amended or not, for if it were, there would be a supplemental bill to the general appropriation bill. Mr. A. opposed the bill.

Mr. HARDIN entered into a statement to show the expenses for printing, &c., for 1833, 1834, and 1835, and read a table which he had himself made out.

Mr. CAMBRELENG moved that the bill be recommitted to a Committee of the Whole on the state of the Union. Mr. C. intimated his intention shortly to propose a bill to make the appropriation year, in regard to all the officers of the Government, commence on March 31, if no other gentleman did so.

Mr. WILLIAMS then withdrew his motion to refer to the Committee of Ways and Means.

Mr. UNDERWOOD renewed the motion, for the reason, he said, of instructing the Committee of Ways and Means on the subject of mileage. Mr. U. said this matter ought to be settled. Some of his own predecessors, coming from his own immediate neighborhood, had charged 1,100, 1,200, 1,300 miles, others 600, 700, and 800; and it was time this matter was looked into.

Mr. CAMBRELENG would suggest that the Committee on the Post Office and Post Roads would be the proper committee to refer this subject to, and not to the Committee of Ways and Means.

Mr. WHITTLESEY said, to send the subject to the Committee of Ways and Means would greatly embarrass it. He thought it should go either to the committee indicated by the gentleman from New York, or to a select committee. Mr. W. went on to show that the contingent expenses for printing were easily accounted for, by the fact of the extra number of copies ordered by the House, for which many members had voted who expressed themselves in favor of reform and economy. The former practice of the House was to print no more than five thousand copies of the President's message and accompanying documents; now, ten, fifteen, and twenty thousand were printed.

Mr. CRAIG preferred referring the bill to another committee than the Committee on the state of the Union. The great inequality in the mileage of the members, though it might seem a small matter, involved an important principle.

Mr. WISE said he felt the rebuke of the gentleman from Ohio; for it was he himself who had made the motion this session to print the extra number of copies, and he hoped God would forgive him for that vote. He was wrong, and the gentleman from Ohio was right. Mr. W. again reiterated the charge against the printers of the House for not having used due expedition in furnishing those copies. Mr. W. also complained of the printing of the House and that of the Departments being given to the same printer.

Mr. GILLET made a brief explanation of the causes of the delay that had taken place. It was in no way assignable to the present printers, for the delay had not arisen from them. Mr. G.'s explanation was substantially the same as that which appeared in the Globe a few days ago.

Mr. LANE said, the only remedy that could be applied was to pass a law that the mileage of each member should be published to the world, in a manner to be seen and read by the people—by the constituents of each member.

Mr. L. voted for the motion of the gentleman from Virginia [Mr. WISE] to print an extra number of the President's message, and he neither regretted nor felt it his duty to confess his error for giving that vote. The extra numbers were not printed for the benefit of the members of the House, but for the people—their constituents. The gentleman from Virginia [Mr. WISE] complained of the extra printing and the Government patronage to the public printer. When, (said Mr. L.,) did we ever hear of this complaint—now that an American-born citizen, one of the free-born sons of Columbia has the printing—otherwise when the same favors were showered upon a foreigner?

Mr. PARKER drew the attention of the gentleman from Ohio [Mr. WHITTLESEY] to the post office minority report, twenty-five thousand copies of which were ordered, at his instance, to be printed last session, which cost a vast deal more than printing the President's message, and which contained a large body of undigested evidence, that few ever read, and no one could understand. Mr. P. then referred to the mass of memorials, petitions, speeches, &c., of members of Congress, during the "panic" session, which fairly blocked up the avenues in the Capitol, employed some score or two of persons to fold, and the very folding paper to one speech, he was credibly informed, cost the country upwards of four hundred dollars. Mr. P. said it would be found, that, for years past, the balance of public printing had been in favor of the House.

Mr. WARDWELL was surprised that the gentleman from Ohio could put his hand on no other document than the President's message, the very one, of all others, that ought to be distributed. Mr. W. had always strenuously opposed the extra printing by that House. He would ask, who ever read the gentleman's report, of which twenty-five thousand copies were printed? It was strange that nothing had been said by gentlemen of the expenses of printing before the present session, when, for the first time, a printer had been elected favorable to the Administration. He hoped this bill would not be encumbered with the subject of mileage; but if the gentleman wished an alteration in the law, let him move the customary resolution.

Mr. WISE said the public printer knew, beyond a moral certainty, three or four months ago, that he would be elected printer to the House. Mr. W. expressed his assent to a proposition for employing their own printer; for he did not desire to make a contemptible issue between Gales & Seaton, for whom he had never voted, and Blair & Rives. He intended hereafter to move for the appointment of a committee to inquire into the whole subject of public printing.

Mr. CRAIG moved that the House adjourn; but withdrew it, to enable the Speaker to present the following communications:

NORTHERN BOUNDARY OF OHIO.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on the Judiciary, and ordered to be printed:

To the House of Representatives of the United States:

Having laid before Congress on the 9th ultimo, the correspondence which had previously taken place relative to the controversy between Ohio and Michigan, on the question of boundary between that State and Territory, I now transmit reports from the Secretaries of State and War on the subject, with the papers therein referred to.

ANDREW JACKSON.

WASHINGTON, 11*th January*, 1836.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following communications:

I. A letter from the Secretary of the Treasury on the subject of the condition of the incorporated banks in the District of Columbia.

Referred to the Select Committee on the Banks in the District, and ordered to be printed.

II. A communication from the Secretary of the Treasury, relative to certain claims in the district of New Orleans, Louisiana.

Laid on the table, and ordered to be printed.

III. A letter from the Secretary of the Treasury, transmitting documents in reference to the progress made in the construction of the bridge across the Potomac at Washington.

Laid on the table, and ordered to be printed.

IV. A letter from the Secretary of the Navy, transmitting a list of the clerks employed in his Department.

Laid on the table, and ordered to be printed.

V. And a letter from the Secretary of War, transmitting a report of the Second Auditor on the contingent expenses of the Military Academy for 1835.

Laid on the table, and ordered to be printed.

The House then adjourned.

IN SENATE.

WEDNESDAY, *January* 13, 1836.

On motion by Mr. WEBSTER, the bill making appropriations to suppress hostilities commenced by the Seminoles was taken up, read the third time, and passed.

EXECUTIVE COMMUNICATIONS.

The CHAIR communicated a report from the Navy Department, made in compliance with the provisions of the ninth section of the act of the 20th April, 1818, showing the number of clerks employed in that Department and the Navy Commissioners' Office for the past year, with the compensation paid to each.

Also, a report from the Treasury Department, prepared by the Register of the Treasury, in obedience to the provisions of the act to regulate and fix the compensation of the clerks employed in the different public offices.

PETITIONS, MEMORIALS, ETC.

Mr. TALLMADGE presented the petition of William A. Weaver, praying Congress to authorize the construction of certain steam fire-ships; which was referred to the Committee on Naval Affairs.

Mr. SOUTHARD presented the memorial of the corporate authorities of the town of Alexandria, praying Congress to relieve them of their pecuniary embarrassments; which was referred to the Committee on the District of Columbia.

Mr. TOMLINSON presented the petition of Isaac Bronson, praying to be allowed the commutation due him as surgeon's mate in the army of the Revolution; which was referred to the Committee on Revolutionary Claims.

Mr. KENT presented the petition of the President and Directors of the Bank of Columbia, praying an extension of their charter for a limited time, to enable them to wind up their business; which was referred to the Committee on the District of Columbia.

Mr. TYLER presented a petition, numerously signed by merchants of the District of Columbia, praying for the speedy recharter of the District banks; which was ordered to be printed, and referred to the Committee on the District of Columbia.

Mr. T., at the same time, gave notice that he would, at as early a day as the business of the Senate would permit, call up the bill reported by the Committee on the District for the extension of the charters of the said banks.

Mr. BENTON presented the petition of the representatives of Henry Morfit, deceased, praying compensation for his revolutionary services; which was referred to the Committee on Revolutionary Claims.

REPORTS FROM COMMITTEES.

Mr. TALLMADGE, from the Committee on Naval Affairs, to which had been referred the petition of A. B. Ostrander, reported a bill for his relief; which was read and ordered to a second reading.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which the memorial on the subject had been referred, reported a bill author-

izing the Achatita Railroad Company to locate their road through the lands of the United States; which was read, and ordered to a second reading.

Mr. H., from the same committee, reported, without amendment, the bill to authorize the Leavenworth and Bloomington, and other railroad companies, to locate their roads through the lands of the United States.

Mr. SOUTHARD, from the Committee on Naval Affairs, to which had been referred the petition of the heirs of Henry Eckford, deceased, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. ROBINSON, from the Committee on Roads and Canals, to which had been referred the petition of the legal representatives of Moses Shepherd, deceased, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. WALL, from the Committee on Military Affairs, to which had been referred the bill for the better organization of the corps of Topographical Engineers, reported the same without amendment.

RESOLUTIONS.

Mr. SOUTHARD submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of providing such defenses for Key West as shall render it a safe rendezvous and depot for the Navy.

Mr. ROBBINS submitted the following resolutions; which lie on the table one day:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a naval depot and port of expedition and rendezvous within the waters of Narragansett bay.

Resolved, That so much of the report of the Board of Navy Commissioners, made October 19, 1829, and of the report of the Secretary of the Navy, made December 6, 1830, as relates to the establishment of a depot within said waters, together with the report of the survey of the said bay, communicated to the Senate December 19, 1832, with the several charts relating to the same, be referred to the said committee.

Mr. LINN submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of making an appropriation to compensate Augustus Jones, marshal of Missouri, for services rendered the public in detecting and breaking up bands of counterfeiters, who were flooding the country with spurious money; and that said committee call on the Secretary of the Treasury for information relating to this subject.

BILL INTRODUCED.

Mr. EWING, on leave, introduced a bill to authorize the selection of certain lands in lieu of those disposed of, which would have been the property of the State of Ohio, under the grant of Congress for the Miami and Erie canal; which was read twice and referred.

SUFFERERS BY NEW YORK FIRE.

On motion by Mr. WRIGHT, the Senate proceeded to the consideration of the bill for the relief of sufferers by fire in the city of New York.

Mr. CALHOUN moved to strike out from the bill the second section. He was opposed to all that did not provide for the actual sufferers. He was opposed to becoming the general insurers for all losses, whether of an agricultural, manufacturing, or commercial community.

Mr. WRIGHT held in his hand a statement showing the amount of bonds for duties to be $3,600,000. Mr. W. said if the second section should be stricken out, relief would then be extended to only a portion of the sufferers.

Mr. CLAY did not like either of the sections, and perhaps it was not possible to prepare one to meet the views of all the other gentlemen of the Senate. He had, however, prepared two sections to meet his views, and wished the Senator from South Carolina [Mr. CALHOUN] to withdraw his amendment for the present, in order that he might introduce it. He objected to the bill, as reported, on account of the inequality of its operation. The second section of the bill as reported provided for cases where no loss had been incurred by the persons who were to have the benefits of it. The mercantile community of New York were exceedingly sensitive, and the distinction taken by the gentleman from New York [Mr. WRIGHT] was entirely too refined. It was an old saying, that there was no friendship in trade. By the reported bill, relief was extended to all persons who had imported goods into the port of New York. Suppose (said Mr. C.) there are other persons who import into New York not citizens of that place—persons from Philadelphia—were they to be excluded from the benefits of the provisions of the bill? It is said (continued Mr. C.) that the Government may give relief to this man or to that man, as the case may seem to require. It was the want of universality in the bill that made it objectionable to him. He did not consider this like a case of a poor debtor whose debt the Government were likely to lose. Here Mr. C. submitted his amendments as follows:

1. That in all cases where merchandise was consumed by fire in the city of New York, on the 16th and 17th of December, 1835, the duties paid or accruing thereon shall be refunded or remitted, under such rules and regulations in regard to evidence as the Secretary of the Treasury may prescribe: *Provided*, That the total amount to be allowed under the act shall not exceed dollars. And if the amount of the aforesaid duties shall be ascertained to exceed that sum, it shall be divided between the sufferers ratably, in proportion to their respective losses.

2. That in all cases of bonds taken prior to the aforesaid fire, for duties on merchandise imported into the port of New York by persons who have suffered loss by the said fire, in the destruction of their buildings or effects, to the amount of their respective bonds, it shall be lawful, under such rules and regulations as may be prescribed by the Secretary of the Treasury, to extend the time of payment of the aforesaid bonds to three, four, and five years, in equal installments, with the assent of the securities, or to take new bonds, with sufficient surety or sureties, provided that no such indulgence shall be given in the case of any bond which had fallen due before the fire aforesaid.

Mr. CLAY resumed: If we had a Government warehouse system introduced, and the Government had lost the goods, there would be no doubt of the liability and power. The amendment he had offered would employ the vigilance of the merchants who had actually sustained losses, to prevent frauds upon the munificence of the Government. They would know through the entries and clerks in the custom-house, and the regulations of the port of entry, when fraudulent attempts were made to consume the sum appropriated for their benefit. There were cases which the bill might not meet, but in a general provision of this kind it was not to be expected that every case would be provided for.

Mr. WRIGHT said he was compelled to trouble the Senate with a very few remarks, and he found himself very delicately situated, if he correctly understood the state of the question. To make himself sure upon that point, he would ask if he was right in supposing that the honorable Senator from South Carolina [Mr. CALHOUN] had withdrawn his motion to strike out the second section of the bill? [Mr. CALHOUN signified that he had withdrawn the motion.] Mr. W. continued. He said the question was then upon the amendment offered by the honorable Senator from Kentucky, [Mr. CLAY,] which was virtually to remit the duty upon the goods burned. This was a part of the relief prayed for by the citizens of New York, in the memorial in their behalf which had been presented to the Senate, but a relief separate and distinct from that provided for in the bill under discussion. This bill merely provided for forbearance of the debts due to the Government for duties, in consequence of the calamitous fire. Another bill, he felt authorized to say, would be presented, or would come from the other branch of Congress, proposing a remission or refunding of the duties upon the burned goods; and the delicacy of the situation of himself and his colleague arose from the fact, that if they should vote against the amendment now proposed, providing for this relief, they would be subject to the misrepresentation and misconstruction of voting against that part of the relief prayed for by their constituents; while, if they voted for the amendment, they necessarily, by its adoption, denied what he considered the more general, and, so far as that whole great commercial community was concerned, more important relief of a forbearance of payment of the outstanding duty bonds.

In this position, he knew but one course; and that was, to pursue singly the object proposed by the bill before the Senate, and to postpone to some future occasion the remaining wishes of the sufferers. He would say, however, that neither himself nor his colleague had made up their minds that the relief proposed by the amendment could not be properly extended; and their votes against the amendment must be understood merely to indicate that they were unwilling to substitute that measure of relief for the one provided for in the bill, and not that they were unwilling to grant both; not that they were opposed to the principle of the amendment, but that they could not consent to adopt it at the expense of sacrificing another measure of relief, equally important, and, in their judgment, more clear from objection.

Mr. W. said he was not disposed to disguise or deny that the bill before the Senate granted to the merchants of New York the use, without interest, of an amount of capital equal to the amount of bonds the payment of which was forborne, and for a time equal to that forbearance. This he understood to be the object of the bill. An immense amount of the capital of that commercial city had been annihilated by the fire. Property to the value of between seventeen and eighteen millions had been entirely destroyed in the period of a few hours; and he had supposed that the object of the bill was, by a forbearance of payment upon the duty bonds, to give to the city the temporary use of that portion of the capital thus destroyed. In that case, but about one fifth of the loss would be thus supplied, and that would be done without asking the Government to give one cent beyond the mere use of this portion of its dues for a very short period. The whole amount of bonds to be extended by the bill exceeded, by a very trifle, $3,600,000, and a very large portion—more than two thirds of the whole amount—were only to be forborne for six, nine, and twelve months.

He asked if this small measure of relief was not due to the occasion? Every man within the hearing of his voice could appreciate the condition of such a community under such a loss of property. Every one must see that the business of that city could not go on without material and substantial relief, or without immense changes among the business men. Every one must feel that hundreds upon hundreds of the most respectable and enterprising of the merchants of the city must be entirely ruined, unless some relief, speedy and efficient, shall be afforded.

Still, (Mr. W. said,) he announced to the Senate, with the most heartfelt and proud gratification, that, as yet, not a single mercantile failure had been the consequence of this unexampled calamity. Why, he would ask, was he able to state this singular and cheering fact? Because every effort of enterprise and faithfulness had been brought into action; while hope, confident hope—the last support which leaves the sinking and despairing man—had hung upon the prompt and favorable action of Congress, of the State Legislature, and of the corporate authorities of the city, to sustain those exertions until the future operations of trade might enable the worthy sufferers so far to retrieve their losses as to be enabled to pay their debts, not only to their neighbors, but to the Government, and thus save the city from a scene of wide-spread and fatal bankruptcy, the extent of which, if ever it commences, no human foresight can measure.

What, then, (said Mr. W.,) is asked by this bill in furtherance of an object so important to that great commercial emporium, to its neighboring commercial cities, indeed to the whole country? A mere forbearance of payment upon debts due to the Government, to the amount of $3,500,000, and upon more than two thirds of that sum for a very limited period: six, nine, and twelve months. Might he not, then, hope that opposition would be withdrawn, and that this extension of credit would be given without further delay?

He felt bound to repeat to the honorable Senator from Kentucky, [Mr. CLAY,] and to the honorable gentleman from South Carolina, [Mr. CALHOUN,] that propositions, embracing precisely the principles contained in the amendment proposed by the former gentleman as a substitute for this bill; will be laid before Congress. He would further say, that the question of a remission or refunding of the duties upon burned goods, had been one of doubt and difficulty. It had, to a greater or less extent, occupied the attention of Congress from the commencement of the Government to the present time; and, although he could not say that a uniformity of action would be found upon it, he believed he was right in the assertion that

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, JANUARY 25, 1836. VOLUME 3....No. 7.

no remission had taken place upon such an application for many years now last past. He regarded that proposition of relief, therefore, as one of doubtful result, and certainly calculated to excite long debate and to occupy much time, if ultimately successful. The present measure was not of that character, but was the one which had been uniformly adopted in such cases; and for that reason had been put forward now, under the hope that it would not only meet the approbation of Congress, but its prompt adoption.

Time (Mr. W. said) was everything to the suffering merchants. He had been informed by the respectable committee who were here to represent their interests, that something like forty thousand dollars in amount of these bonds were falling due daily; while a provision in the revenue laws positively prohibits the entering of goods by, and the reception of new bonds from, a merchant whose former bond is due and unpaid in the hands of the collector. Importations ordered before the fire are daily arriving; and men whose all has been consumed are compelled to raise the means to pay their existing bonds, to enable them to enter the goods thus received. Delay, then, in the extension of the credits proposed by this bill might cause a commencement of mercantile failures, which, once commenced, could not be calculated, either as to their extent and number, or as to their effect upon the general mercantile community of the country. He did hope, therefore, that the bill might be acted upon without delay, and without being connected with other propositions of a more questionable character.

He never spoke of legislative precedents as binding upon legislative bodies, but he did speak of them as worthy of the most grave consideration when they were found to be uniform, and not conflicting with principle. He feared that the proposition to remit the duties upon the burned goods would be found to be against the precedents and practice of the Government for many years last past, and for that reason his own efforts, with those of the committee representing the citizens of New York, have been to have this bill presented by itself, disconnected from any such debatable question. It had been so presented by the Committee on Finance, and he hoped it would not now be exchanged for so doubtful a mode of relief, by the adoption of the amendment proposed by the honorable Senator from Kentucky, [Mr. CLAY,] or in any way connected with that question. He wished each measure of relief prayed for in the New York memorial might be acted upon separately and independently by Congress; and he must entreat the Senate to adopt or reject the proposition to extend the time for the payment of the duty bonds, and not to change it for another, as he feared it would prove a less acceptable proposition.

Mr. W. said it had been objected, to the second section of the bill, that it was unconstitutional, as being, within the meaning of the Constitution, a regulation of commerce or revenue, not general to all the ports of the country, but partial, and proposing to give an advantage to the port of New York. He could not himself see any force in the objection. He could not view the bill as a regulation of commerce or revenue, in any manner to affect importations hereafter to be made, or the revenue to be collected from such importations. It was a mere regulation between the Government and a certain portion of its debtors whose means of payment had been swept away by a fire unexampled upon this continent in its extent, and the destruction of property it had caused. Could any gentleman consider a simple forbearance of payment to debtors thus circumstanced as a regulation of commerce or revenue, and, as such, partial, unequal, and unconstitutional? He could not think so; and surely he was entirely unable to see how this position was to be maintained by gentlemen who proposed to remit the duties upon the burned goods, and thus, not to forbear payment upon the bonds merely, but to give them up to be canceled without payment. He must suppose that, if Congress possessed the power to forbear payment upon any bonds taken for duties, they possessed equal power, so far as the Constitution was concerned, over all bonds so taken; and certainly he could not comprehend how it could be constitutional to give up a bond to be canceled without payment, and unconstitutional to forbear payment upon that same bond for a term of years, or a few months, giving nothing but the use of the money.

Any objection, however, to the second section of the bill of this character, might be easily removed by an amendment which should make that section general and applicable to all the outstanding duty bonds taken at all the ports of the country. It was not for him to object to such an amendment. The bill, in that shape, would be made more acceptable to his suffering constituents, because relief to any commercial town in the country would consequently relieve the suffering city whose interests it was his duty to represent in this debate. The present state of the national Treasury would permit the extension of time upon the existing duty bonds, without injury to the fiscal operations of the Government; and if any member of the Senate would propose such an amendment to the second section of the bill, he should most cheerfully assent to it. He had not felt, and the committee from New York representing the interests of its citizens had not felt, at liberty to ask that the bill should be extended beyond the suffering port; but he could not be mistaken in saying that, if made general, it would be even more acceptable and more beneficial to that city than in its present shape.

But (Mr. W. said) the adoption of the amendment proposed by the honorable Senator from Kentucky [Mr. CLAY] as a substitute for this bill would not afford the relief required. He feared the honorable Senator himself was not aware of the practical effect of the proposition. What did he suppose would be the extent of the relief it would afford? He (Mr. W.) was able to say, from the information given to him by the intelligent gentlemen who composed the committee from New York, that it could not exceed a million and a half of dollars; that the whole amount of duties to be remitted or refunded upon burned goods, in case that measure should be adopted according to the prayer of the memorial, could not greatly exceed that sum. This would furnish great and, in many instances, effectual relief to the immediate sufferers by the fire; but it would be, more properly speaking, individual than general; it would act more emphatically upon individuals than upon that great trading and commercial community; it would distribute, eventually, and when the extent of the claims could be ascertained, a large sum of money among the actual sufferers, who were importers and dealers in dutiable goods, and in that sense was a most desirable measure of relief. The bill before the Senate, however, had a large scope, and proposed to accomplish a more general object. It proposed to relieve, so far as forbearance of payment could do it, the whole city; it was not opposed to the measure of relief provided for by the amendment, but independent of it; it was more speedy in its influence, and consequently would be more instantly beneficial.

Mr. W. said it was not by anything we could give that he expected business in that great commercial emporium would be continued without fatal interruption; it had become embarrassed by an unprecedented destruction of property, sweeping from thousands of individuals, as it were, instantly, the means of paying their debts and discharging their obligations of a pecuniary character. The Government was a creditor to more than three and a half millions of dollars. We have our hand upon these oppressed merchants, and unless we raise it, by an extension of time for the payment of this great sum of money, if we enforce payment in this hour of their affliction, hope must desert them, and mercantile failures must commence, the extent of which no human foresight can measure. Will not the Senate, then, consent to the forbearance proposed by this bill, and leave for future consideration the relief provided for in the amendment?

Mr. W. had already observed that he did not quote legislative precedents as binding upon legislative bodies, but that he did refer to them as worthy of high regard in cases where the power to act was clear, and the practice of Congress had been uniform and long sanctioned. In that sense he was bound to refer to several acts of Congress applicable to cases of the nature, but not of the extent, of the case under consideration. These acts spread over a period from 1803 to 1820, and the relief afforded by each was an extension of time to the debtors of the Government for the payment of their duty bonds. The acts to which he would refer were—

An act for the relief of the sufferers by the fire at Portsmouth, in the State of New Hampshire, in 1803;

An act for the relief of the sufferers by the fire at the same place, in 1807;

An act for the relief of the sufferers by fire at Norfolk, in the State of Virginia, in 1804;

An act for the relief of the sufferers by the fire at Savannah, in the State of Georgia, in 1820;

Together with sundry private acts for similar relief in individual cases of loss by fire. It was a duty he owed to the Committee on Finance, of which he was a member, to refer to these precedents as their justification in presenting the bill before the Senate. He was not aware that any question of partiality or favoritism towards these afflicted ports had been raised, or that it had been for one moment supposed by any person that these laws were infractions of the Constitution, or that they disturbed, in any sense, the equality of the regulations of commerce or revenue. He would add no more upon this point, but, with a single other remark, would submit the bill to the judgment and justice of the Senate.

Was it not for the interest of the Government to grant this extension? The means of its debtors to pay had been swept away by the fire. Still they were struggling, by every effort which enterprise and courage could command, to sustain themselves, to sustain their credit as merchants, and to avoid bankruptcy, until the regular restoration of business and the gains of trade should enable them to pay their debts. If, in this state of things, we press them with demands of immediate payment of our $3,600,000 of bonds, is there not greater danger of loss to us than if we give them time, and permit them to make the struggle which they are now making with so much credit to themselves and to the mercantile character? He would give it as his most deliberate opinion, that the bill was rather calculated to contribute to the security of the Government than to subject it to loss, and that it should be passed as a measure calculated to benefit the Treasury, even if the sufferers were not to be regarded.

Mr. EWING confessed that his doubts had not been removed by the observations of the chairman of the Committee on Finance. He believed that if the extension were made general, it would be considered a regulation in relation to revenue. If, as a general proposition, then (said Mr. E.) it would be considered as a regulation in relation to revenue, when you make the extension apply to a particular port, contrary to that provision of the Constitution before referred to; this regulation applies to the port of New York alone, and gives that port a preference over the other ports of the Union. The fire in New York gave Congress no power it did not possess before. Then, suppose there had been no fire there, and a bill was brought in to extend the credit on duty bonds one, two, three, four, or five years, touching New York, and no other city, would it not then be contended that you were giving a preference to New York over the other ports of the Union? The fact that there was a fire did not change the nature of the case

at all. You are (said Mr. E.) giving advantages to New York not given to others. It appeared to him that there were strong constitutional objections to the bill, and he, therefore, could not vote for it. He would with pleasure give it his support, if these constitutional objections were removed. The amendment proposed by the Senator from Kentucky was equally objectionable.

Mr. WEBSTER could not go for the amendment of the gentleman from Ohio, [Mr. EWING.] It resolved itself into a question of constitutional power. Seeing a practice of the Government for a period of twenty years, we should be cautious (said Mr. W.) in hazarding an opinion against it. How did it happen that bills in 1803, in 1804, and in 1820, of similar tenor, passed Congress, and the question of unconstitutionality had not been discovered till this time? Was this a law to regulate revenue, because it finds certain debtors to the Government, and gives them time? Was that a regulation of the revenue of the Government? The Constitution goes on, (said Mr. W.,) enumerating certain powers and restrictions. Congress had a right to regulate commerce with foreign powers. It conferred no power to give a preference to importations in one State over another. In this prov sion it had clearly a prospective view. A man has a bond to pay, and Congress gives him time. Was this regulating the revenue of the country? On the ground of prudence, he thought the bill ought to be passed. It was an act of prudence for the Government to give relief as a prudent creditor. A prudent creditor would always give time, rather than incur the risk of losing his debt. With respect to the proposition intended to be introduced in place of this bill, first, it provides for a return of duties, and an appropriation of a million and a half of dollars. That law must find out the loss. Here is a man (said he) who has received the amount of insurance on his goods; should he receive the relief? He did not say that was a case that might not be provided for, but it was a case that was not provided for. It was said that the original bill was unequal in its operations. He did not consider it a case of right; and it was, therefore, not necessary that an exact amount should be given to each according to his loss. If it should be more favorable to some than to others, no one had a right to complain. The Senator from Kentucky, [Mr. CLAY,] seemed to regard this matter as a release. He thought the true state of the case had been stated by the gentleman from New York, [Mr. WRIGHT.] It was not a release, but an indulgence.

Mr. KING, of Georgia, had no hesitation in saying that if there was any sea-port of this Union deserving the special favor of Congress, it was the port of New York. But on this, as well as on all other occasions, we should (said he) act on principle. The principle they should act on with regard to this bill was one which should govern them on all subsequent occasions of the like nature. The danger was of establishing a precedent which they might hereafter be called on to follow. On the subject of constitutional power alone, he confessed he had no difficulties. The Senator from Massachusetts [Mr. WEBSTER] had put that question on its true grounds. We are (said he) dealing as a creditor with our debtors, and we have the power to grant them the indulgence contemplated in the bill. But (said Mr. K.) we should not on all occasions use the power we possess without due caution, lest we abuse it. The second section of the bill was liable to serious objections. It provided not only to extend the credit on the bonds of those who had suffered by the fire in New York, but on all other bonds. It might be carried over the whole continent. The credit might be extended to Liverpool, to Lyons, and to Leeds. The great difficulty was to extend the bounty of the Government to those who were the proper objects of its bounty, and not to those who had no claim on it. Now, as far as New York was concerned, he ventured to say that not one in a hundred would be the actual losers by the fire. Do we not know (said he) that the abstraction of so many goods from the market will raise the value of the rest? The value of the goods remaining on hand then will be enhanced, and though some few may suffer bankruptcy, the mass will be benefited by their speculations. These results operated against the second section of the bill, and supported the proposition of the Senator from South Carolina [Mr. CALHOUN] to strike out that section. The Senator from Massachusetts agreed that it would be a matter of prudence in Congress, as creditors, to extend the credit on the debts due them; but by what stretch of argument could the Senator make this apply to the provision in the first section of the bill, which renews bonds already paid? The arrangement that gentlemen contended for was that of a prudent creditor to secure his debt. The first section was as follows:

"*Provided*, That those who are in the provision of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded."

That is to say, (said Mr. K.,) that we are to take money out of our pockets, and lend it for four or five years without interest, for the purpose of securing our debt. He admitted that the Senator from Massachusetts was perfectly correct in his constitutional argument, but he thought there should be some reasonable affinity between the measures to be adopted and the end to be attained. He asked, therefore, if the bill was the prudent measure of a prudent creditor to secure his debt? He should vote against the second section, which extended the credit on the bonds of those who had not suffered by the fire; and should also move to strike out that provision of the first section which refunds the money and renews the bonds already paid. With these changes, he would vote for the bill.

Mr. MANGUM was decidedly against the propositions to amend the bill. There was no gentleman there prepared to say what would be the scope of its influence, or the amount of money necessary to meet the cases that would occur. Both the gentlemen who had proposed amendments assumed the constitutional power of releasing entirely. The honorable chairman of the Committee on Commerce had announced that if the power to release the whole could be assumed, we are well warranted in assuming the fact that, for the safety of the debt, we are justified in giving an extension of time. In a conference of the Committee on Finance, they had come to that conclusion. This Government had one precedent much stronger than any one that had been referred to. It was the case of the earthquake in Virginia, in the days of her greatness. He should vote for it, on the ground that it was to afford present and immediate relief to the whole commercial community in the city of New York, and to others in different parts of the country. The relief would be afforded to the whole community. Was it not compatible with the beneficence of the Government to extend relief wherever it could be done constitutionally? He thought relief could be best administered according to the opinion of those who best understood the nature and extent of the calamity; and he would vote against every amendment that was offered. Did the Constitution justify it? He did not doubt it. Did the finances of the country justify it? They did—French war, or no French war.

Mr. LEIGH did not rise to enter into the debate on the subject of this bill, but to state his opinions on the constitutional objections that had been raised to it—not that his opinions were very important to any one but himself, but that they should be well understood. The question was, whether this bill was contrary to that provision of the Constitution which declares that no preference shall be given by any regulation of commerce or revenue to one port of the Union over the others. Here, if this bill applied to New York alone, the objection would be well founded; but it gave relief not only to the merchants of that particular place, but to all others concerned in the trade of that place, for their losses in consequence of the fire. Now, he did not see how this was a general regulation as to the revenue; it applied to a particular place, and to those who were by business connected with it. This was his idea of the Constitution, and he had no doubts as to the constitutional power of Congress to pass this bill. He considered it impossible so to contrive a bill by which relief might not be extended in some cases in which, adverting to the particular case, it ought not to be extended, and withheld in some cases in which, adverting to the particular case, it ought to be extended.

Mr. DAVIS believed there was a uniform desire in the Senate to afford relief, provided it could be done consistently with other duties. The bill purported to be a bill for the relief of sufferers by fire. He had some objections to the bill, but he would not say that he would vote against it. It was his purpose at present to throw out some objections that had occurred to him. Gentlemen argued that the bill was not to relieve sufferers by fire, but to relieve the commercial community. If so, then the title was wrong. Do you, said he, propose that persons who have lost merchandise and property shall receive an extension of credit on bonds for duties? We had lately introduced a more speedy method for the collection of duties; but by this bill the time of collection was to be extended for four or five years, without paying interest. Who were those gentlemen to be benefited? The object all suppose to be for the relief of citizens of the city of New York. But a great amount of these goods were imported by foreigners. Suppose a man has his goods insured in Liverpool; is he entitled to your beneficence? He would ask what proportion of this property was of foreign manufacture, and what proportion of American? You do not (said he) propose to give relief to the American manufacturer. You extend it to a class of persons who have not asked it. It was not the principle he complained of; it was the great inequality of distributing the relief. You place (said Mr. D.) a fund in the hands of individuals who have not suffered, and to whom it is clear gain. As to the proposition of the gentleman from Ohio [Mr. EWING] to extend this relief to the whole country, it was more objectionable than the other. Here was a great suffering they all knew of; among those sufferers a large proportion were Americans. By adopting the amendment of the gentleman from Ohio, [Mr. EWING,] you propose to throw into the hands of foreign persons a large amount to inundate the country with goods.

Mr. WEBSTER said a few words in reply to his colleague, [Mr. DAVIS.] The suffering of the commercial community was great and was general, and his colleague well understood how in such a community the losses of one affected another. In a large community, mixed up of buyers and venders, importers and retailers, all must have suffered more or less in such a calamity as that at New York. Were those alone who came there the actual sufferers by this fire? The Senate would see that if the actual sufferers alone were interested, they would be debating about returning the duties on the burnt goods, whereas they were discussing a bill to relieve the commercial community. The application was in behalf of the whole commercial community—those who were scorched as well as those who were not. Did any man doubt that there were hundreds of sufferers who did not lose a bale of goods or the most considerable tenement? While his colleague objected to this bill, he had not pointed out a more appropriate mode of relief. This bill was a mode of relief which operated on the whole community, though perhaps more on some than on others. It extended to those who had domestic goods, and to those who had suffered by the fire; and those whose warehouses were full of domestic goods would be among the most anxious to get this bill passed, in order to sustain the credit of those with whom they are connected in trade.

Mr. NILES rose to say that he had prepared an amendment, which he intended to offer if the several amendments then under consideration should not be adopted. He had listened with attention and with profit, so far as his own action on the bill might be concerned, to this discussion. He felt that there was much weight in some of the objections which had been urged against the bill by the honorable gentlemen from Kentucky and Massachusetts, [Mr. CLAY and Mr. DAVIS,] and the amendment which he had prepared he thought would remove some of those objections. [Mr. NILES here read his amendment, which was a proviso to the bill to secure the payment of interest on the bonds, the payment of which was to be extended.] There are two questions arising

upon this bill: one, whether the relief it provides is reasonable and adapted to the case; and whether it is equitable and just in its distribution so far as it is to benefit individuals. He thought there were objections to this part of the bill, and its benefits would probably be very unequally distributed; and what gave more force to this objection was the fact, that the greatest benefit could be shared by those least entitled to it—by the large and wealthy importers. What is the object of this bill, and the nature of the relief it provides for? It is the extension of credit to the merchants who are the debtors of the United States for duties. It is not, as I understand, the object of the bill to remit any part of them; it seems not to be designed to afford any pecuniary relief further than by the extension of credit. This being the object of the bill, he was not willing to give it an operation by which it might put large sums of money into the pockets of merchants. All who have sustained a loss to the amount of $1,000 will be entitled to an extension of three, four, and five years' credit on their bonds without interest, so that a merchant having bonds to the amount of $50,000, and having lost $1,000, would, by this bill, be a gainer to the amount of several thousand dollars.

There was another question in relation to this bill, which was, whether there was any constitutional or other general principle which stood in its way.

He had no difficulty as to the constitutional question which had been raised; he had felt no doubts at first on this point; and if he had, they would have been removed by the lucid and (to his mind) conclusive argument of the honorable Senator from Massachusetts, [Mr. WEBSTER.] But this bill was by no means free from objection in regard to the principle on which it rests. This bill is a case of special or partial legislation, to which I have a strong objection, as all special laws conferring either rights or immunities, or other benefits on particular individuals, must operate in derogation of the common rights and interests of the community. The law will, as has been observed, act on the debtors of the United States, yet not upon any general principle; it will not operate on all the public debtors, nor on all of any general class, as the debtors for the purchase of the public lands, or the debtors for duties on imported goods; but its operation will be local, and confined to a particular description of debtors in a single sea-port. This is, therefore, a clear case of partial legislation, and objectionable in principle. The question in my mind is, whether the extraordinary circumstances of this case are such as to form an exception to a sound general principle. If there can be any exception to this principle—and I am not prepared to say there cannot be—this case must be one. It is not necessary to enlarge on that terrible calamity, or the consequences of it, which in one night laid in desolation a large portion of our greatest commercial city. I consider this, sir, an extraordinary case, and I am, therefore, prepared to vote for this bill, although it will require a departure from a sound principle which I am extremely unwilling to disregard.

Mr. BUCHANAN said, it had not been his intention to say a single word upon this question. He would not do so now, but he distinctly perceived if the friends of the bill yielded to any one of the amendments which had been proposed, the bill was lost. We must take the bill as it now is, or none. For his own part, he took a much more liberal view of the question than some of those gentlemen who had addressed the Senate. What was the state of the case? On the 16th of December last, a capital of between seventeen and eighteen millions of dollars had been, in one day, annihilated by fire in our great commercial emporium. Notwithstanding this calamity, not a single failure had since taken place among the merchants of that city. He would say, that he did not believe the history of the commercial world presented an example of such punctuality and such ability to comply with all engagements in the midst of such distress. It was highly honorable, not only to New York, but to the American character. At the time of this destructive fire, the merchants of that city were indebted to the United States about three million six hundred thousand dollars. And what does this bill—first and second sections and all—propose? To give them this amount, or any part of it? No, sir. All that is asked is, that you shall not, in the midst of their distress, extort this sum from them, which, at this moment, may save them from insolvency and ruin, for the purpose of placing it in an overflowing Treasury, where it is not wanted. You are only asked to grant these suffering merchants time to pay this money, provided they give you ample security that the money shall be paid. Is there a single Senator who would not most cheerfully comply with this request, if he did not believe the Constitution to be in his way? Not one. He certainly should not go into the argument of the constitutional question, after what had been already said. He felt confident that a large majority of the Senate were already convinced that the Constitution had nothing to do with the question. After the merchant had entered his goods at the custom-house, and given bonds for the payment of the duties, he became a debtor to the Government, with whom we might make any fair and reasonable terms, as we may do, and have done, with our other debtors. This, he was very clearly of opinion, would not be giving any preference, by any regulation of commerce or revenue, to the ports of one State over those of another.

What is the present condition of the mercantile community of New York? He had observed in the late public journals that money was now worth one, one and a half, and two per cent. a month. The pressure was very great. The present state of tension could not long endure. Without some relief—some speedy relief—it was probable the merchants must yield. Let a single failure take place to the amount of a million, half a million, or a quarter of a million, and, in its consequences, it would produce such ruin in New York as would be felt to the very extremities of the Union. We might then see that the forbearance which the bill proposes to extend to the merchants is the very best bargain for ourselves which we can make.

The Senator from Kentucky [Mr. CLAY] has proposed, as a substitute for this bill, the remission of the duties upon the goods destroyed by fire. In this proposition he entirely concurred. He had always been of opinion, that when merchandise had been destroyed by fire before it had gone into the consumption of the country, the Government ought not to exact the duties. He certainly, however, could not vote that the gentleman's amendment should take the place of the bill; and, more especially, as a remission of duties on the goods destroyed by the fire was a distinct mode of relief, asked for by the citizens of New York, which would yet come before the Senate.

To the Senator from Massachusetts, [Mr. DAVIS,] he would say, that he felt as friendly to American manufactures and American manufacturers as he or any other gentleman could do, and would go as far to relieve them. But what can we do for them on the present occasion? We have not the power to do anything. And shall we, because we cannot do all the good we desire, do nothing at all? He trusted this bill would pass without any amendment.

Mr. CLAY said, he perceived what he was not aware of when he offered his amendment; [Mr. C. here mentioned some new light in which the matter had presented itself to his mind, not distinctly heard or understood by the reporter;] and as there seemed to be a general disposition to grant the relief asked for, he would withdraw the amendment he had offered.

Mr. TYLER considered it rather supererogatory to extend this discussion further; but when a member of the Committee on Finance, he had found, in investigating the matter, that it had been the uniform practice of the Government to extend indulgence to its debtors. He found in the year 1803 an act for the relief of the sufferers by fire in Norfolk, and the first section of this bill was like it. He could not go against this bill when his own fellow-citizens of Virginia had been relieved in precisely the same case. Mr. T. mentioned the names of the committee to whom it had been referred in the Senate; and, (said he,) in the House of Representatives, Mr. Randolph was chairman of the committee who reported it, who was always attached to a strict construction of the Constitution, and it was approved by Thomas Jefferson. With these precedents before him, added to the convictions produced by the arguments of the gentlemen who had advocated the passage of the bill, he could not vote against it. Mr. T. spoke of the respective merits of the first and second sections of the bill. It afforded relief to the whole commercial community involved in this sweeping calamity; said he, it is not alone the drawer, it is the indorser who stands in danger of losing the amount. The effect reached, to a great extent, every person in the commercial community. There was one difference between the precedent he had cited and this bill. There it was not limited as this was. In this bill they had extended a guard over it, and as it now stood it was better guarded than the bill granting relief to the sufferers at Portsmouth and Norfolk.

Mr. HENDRICKS observed that it was obvious that the bill would be reported to the Senate without amendment, and that he was prepared to vote for it as it was. He would resist all amendments that might be offered, believing that they would only tend to prolong discussion and embarrass the passage of the bill.

Mr. EWING thought it necessary to say a word or two in relation to the first section before taking the question on his amendment, as it was supposed there might be some discrepancy between them which might be removed by another amendment he would then suggest. The first section of the bill provided that the collector of the port of New York should be authorized to extend the credit on the bonds payable in New York, of those who had suffered by the fire. Now he proposed that each collector in the different ports of the United States should have the same authority given him. It would have this effect. It would operate in favor of none who had not suffered by the fire, and it would not give a preference to one port over another. To illustrate this, he would state a case. A and B are sufferers by the fire in New York, and both have bonds becoming due; the one resides in New York and the other in Philadelphia, so that the bill extends relief to the first and not to the last. Now he would ask what good reason there was for making this distinction? The amendments he had suggested would remove all his constitutional objections to the bill, and, if made, it would give him pleasure to vote for it.

Mr. CALHOUN said he had listened with great attention to those gentlemen who had taken part in this debate, but his objections to the second section still remained unchanged. It was admitted on all hands that this second section contained a novel principle, and that no precedent for it was to be found on our statute-books. Here indulgence was extended to those who had not suffered by the fire, and the argument in support of it was, that it was not a regulation as to revenue, but that we were as creditors dealing with our debtors. But might not this apply as well when the commercial community of a city had suffered by any other calamity—by the breakage of banks, or by shipwrecks? You may at no time (said Mr. C.) say that this particular city has suffered, and we must extend relief to it. Let it be recollected that it was not for the misfortunes of small towns that so much sympathy was excited, but that the calamities of large cities create our excitement, which is apt to cause the Constitution to be overlooked, and a dangerous precedent established by giving a preference to that city over the other ports of the Union. You must (said Mr. C.) extend relief only to those who have suffered, or you will establish a dangerous precedent. He felt deeply for the losses sustained by this great commercial city, and he would with the greatest pleasure vote for the bill if its objectionable features were removed; but principle with him was stronger than feeling, and he was compelled to oppose it. He was not sent there to exercise his sympathies, but for a higher purpose. He would much prefer leaving this money in the hands of the merchants to placing it in the monopolizing banks, which made such great profits by the use of it, for he believed the merchants would make a better use of it. He would vote for the amendment of the gentleman from Ohio; but even if that prevailed he must vote against

the bill, unless his objections to the second section were removed.

Mr. KING, of Alabama, was entirely at a loss to see what it was that caused the gentleman from South Carolina [Mr. CALHOUN] to deprecate the principle of the Government extending relief to sufferers by fire or earthquakes Had they not a constitutional power of extending relief to them? He had no constitutional difficulties in his way, and would not, for his part, inquire whether the right to legislate upon the subject had been established by precedent or not. He consulted his own common sense upon the subject. He had no doubt that granting the relief asked for was a duty they owed to themselves, to the country, and to the sufferers in this great calamity that had befallen that noble city. He would go as far as any one in support of the measure. He would not withhold the relief under technical objections. It was true he would prefer confining the relief to American citizens alone, and the objections suggested by the gentleman from Massachusetts, [Mr. DAVIS,] had some weight with him; but he was not going to oppose the bill because he did not see its operations in all its complex and intricate bearings. The commercial connection was ramified and extensive in its character. Touch one single street in this great commercial emporium —touch Wall street—and you give a shock to the whole country. He should vote for the bill.

The question was then taken on Mr. EWING's amendment, and lost without a division.

Mr. WHITE had intended to vote for this bill, and as the yeas and nays were called on the amendment by the gentleman from South Carolina, [Mr. CALHOUN,] he would state the reasons why he should vote against it. The first section provided relief for those who had actually suffered by the fire, and the second section gave relief to those who had suffered a consequential loss. Now, was it possible that they had the power to indulge their debtors in the first case and not in the second? Here a great calamity had befallen a great city, and they were asked, not to forgive the debts of those indebted to them, but to grant indulgence by extending the time of payment to those who had actually suffered by this great calamity. This was proposed to be done by the first section. There was another class of debtors (said Mr. W.) not immediately sufferers, and we apply to them for payment; they answer that they have lost by those who have suffered by the fire, and that if we do not indulge them also, they would be put to great inconvenience and distress. The loss of the one class as much deserved relief as the other, for in such a calamity no man could tell how far the losses extended. He confessed he had no hesitation in extending relief in both cases, and he had no constitutional scruples as to the bill. Suppose the case of the commercial community suffering by the breaking out of a war, or great losses having been occasioned by inundations of the Mississippi; one half of your debtors under such circumstances apply for relief, and you grant it; the other half tell you that they have suffered as much in consequence of the losses sustained by those to whom you have granted relief;—how would you make the distinction between them? As there was a direct loss, and also a probable loss in consequence of it, they had a right to grant the relief, and he was prepared to vote for the bill, and against the amendment.

Mr. PRESTON said the second section of the bill was virtually a regulation of commerce, and gave a preference over the port of New York. It was, therefore, to his mind unconstitutional, and he could not vote for it. Mr. P. read the clause of the Constitution on that subject, which says: "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

The question was here taken on Mr. CALHOUN's motion; and it was lost—yeas 9, nays 34; as follows:

YEAS—Messrs. Brown, Calhoun, Clay, Cuthbert, Davis, Ewing, King of Georgia, Moore, and Preston—9.

NAYS—Messrs. Benton, Black, Buchanan, Clayton, Crittenden, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, McKean, Mangum, Morris, Naudin, Niles, Porter, Prentiss, Robbins, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tomlinson, Tyler, Wall, Webster, White, and Wright—34.

Mr. KING, of Georgia, said it was perfectly apparent that the Senate intended to pass this bill without any amendment. With all his heart would he make up this whole loss of seventeen millions to the city of New York, if it could be done without any dangerous consequences. It had been said that this bill was intended to extend relief to those who had suffered by the fire, and not to operate as a bounty to those who had sustained no loss. It had been stated that the capital of New York was increased in value; that was one argument used to hurry the passage of the bill. It was admitted on all hands, that the rate of interest had increased, in addition to the enhanced value of goods. This, however, was not what he rose to speak of. He rose to fulfill his promise, to submit an amendment striking out the proviso in the first section, to which he had before referred.

Mr. K. here read the proviso, as follows:

Provided, That those who are within the provision of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded.

This was taking money out of the Treasury, to lend for three, four, and five years, without interest, and had been characterized by the Senator from Massachusetts as the measure of a prudent creditor to secure his debt. Now, he asked, did not this debt lose its character *eo instanti*, from the very moment it was paid? So soon as the debt came into the Treasury it was the property of the United States, and they had just about as much right to lend it as to lend the whole seventeen millions that had been lost by the fire.

Mr. K. then moved to amend the bill, by striking out the proviso in the first section above quoted.

Mr. BUCHANAN said he had but a single remark to make. To adopt this amendment would be to punish those merchants who had paid their bonds punctually, notwithstanding the distress, and to place them in a worse situation than others who had been either unable or unwilling to pay. This he could never consent to do.

The question being taken on Mr. KING's motion, it was lost without a division.

The bill was then ordered to be engrossed for a third reading.

EXECUTIVE BUSINESS.

On motion by Mr. CLAYTON, the Senate proceeded to the consideration of executive business; and, when the doors were opened, adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 13, 1836.

Mr. HOWELL, from the Committee on Invalid Pensions, reported the following bills; which were read twice and committed:

A bill granting a pension to Theophilus E. Beekman; and

A bill for the relief of Colonel Gideon Morgan, of the State of Tennessee.

Mr. ASHLEY, from the Committee on Indian Affairs, reported a bill for the relief of James Alexander and Ira Ashe; which was read twice and committed.

Mr. PHILLIPS, from the Committee on Commerce, reported a bill making appropriations for the erection of custom-houses at Gosport and Plymouth; which was read twice and committed.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill allowing rations to Brigadier General John E. Wool, Inspector General of the United States Army; which was read twice and committed.

Mr. STORER, from the Committee on Revolutionary Claims, reported a bill for the relief of Israel Ingle; which was read twice and committed.

Mr. CHAMBERS, of Kentucky, from the Committee on Claims, reported a bill for the relief of the heirs of William Forbes, deceased; which was read twice and committed.

Mr. EVERETT, from the Committee on Indian Affairs, made a report adverse to the passage of the bill from the Senate for the relief of Benjamin Murphy, of Arkansas.

Unfavorable reports upon various petitions were made by Messrs. GRENNELL, WHITTLESEY, BOND, MUHLENBERG, LAY of New York, HOWELL, CHAPIN, PHILO C. FULLER, and JANES, from standing committees.

[Mr. CHAPIN, from the Committee on Revolutionary Claims, submitted a report adverse to the petition of the heirs of James Campbell, deceased, which was laid on the table, and ordered to be printed.]

In reference to one of the foregoing unfavorable reports, Mr. LAY submitted the following joint resolution; which lies over one day:

Resolved by the Senate and House of Representatives, That the Secretary of War be, and he is hereby, required to place the name of Benedict Alford on the list of revolutionary pensions, at the rate of sixty dollars per annum, agreeably to the act approved by the President on the 30th day of June, 1834.

Mr. WILLIAMS, of Kentucky, submitted the following resolution, in reference to an adverse report in the case alluded to:

Resolved, That said petition is reasonable, and that the same be referred back to said committee, and that said committee report a bill allowing said Alexander Nall full pay as a pensioner for the residue of his life.

On motion by Mr. WHITTLESEY, the petition, report, and the resolution of the gentleman from Kentucky, were committed to a Committee of the Whole House.

SLAVERY IN THE DISTRICT.

The following resolutions heretofore offered by Mr. JARVIS, came up in order:

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress.

And be it further resolved, That in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table, without being referred or printed.

The question pending was the following amendment, offered by Mr. WISE: Strike out all after "*Resolved*," and insert—

That there is no power of legislation granted by the Constitution to the Congress of the United States, to abolish slavery in the District of Columbia, and that any attempt by Congress to legislate upon the subject of slavery will be not only unauthorized, but dangerous to the union of the States.

Mr. JARVIS modified his resolutions as follows:

Whereas any attempt in this House to agitate the question of slavery is calculated to disturb the compromises of the Constitution, to endanger the Union, and, if persisted in, to destroy the peace and prosperity of the country: Therefore,

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress.

And it is further resolved, That in case any petition praying for the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table, without being referred or printed.

Mr. ALLAN, of Kentucky, moved to lay the resolution, as modified, and the amendment on the table.

Mr. GARLAND, of Virginia, asked for the yeas and nays on the motion, which were ordered.

Mr. PARKER called for the reading of the resolution, as modified; which was done.

Mr. HOLSEY rose to a question of order He was upon the floor when this subject was last before the House, and he supposed that he was entitled to the floor, and that the motion to lay the subject on the table could not be received under the circumstances.

The CHAIR said, if the gentleman had claimed the floor when the subject was first announced, he would have been entitled to it; but as he had not done so before, several gentlemen had risen, and a modification of the resolution had been made: it was now too late to press his right to the floor.

Mr. MANN, of New York, inquired whether the motion to lay the subject on the table was in order, a similar one having been made on a former occasion?

The CHAIR stated that the motion was in order. Since the vote referred to other matters had been introduced.

The question on the motion to lay the subject on the table was decided by yeas and nays; as follows—yeas 58, nays 156:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Ash, Bailey, Barton, Beaumont, Bond, Borden, Briggs, Buchanan, Carr, George Chambers, Clark, Corwin, Crane, Cushing, Darlington, Evans, Fowler, Graves, Grennell, Hannegan, Hard, Harlan, Hazeltine, Henderson, Heister,

Hoar, Howell, Hunt, Ingersoll, Janes, Laporte, Lawrence, Lincoln, Sampson Mason, McCarty, McKennan, Milligan, Montgomery, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Slade, Spangler, Sprague, Sutherland, Underwood, Vinton, Webster, Whittlesey, Lewis Williams, and Sherrod Williams—58.

NAYS—Messrs. Anthony, Beale, Bean, Beardsley, Bell, Bockee, Bouldin, Bovee, Boyd, Brown, Bunch, Burns, Bynum, William B. Calhoun, Cambreleng, Campbell, Carter, Casey, John Chambers, Chaney, Chapman, Chapin, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Deberry, Denny, Dickson, Doubleday, Dromgoole, Effner, Everett, Fairfield, Farlin, Forester, French, Fry, Philo C. Fuller, William K. Fuller, James Garland, Rice Garland, Gillet, Glascock, Granger, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hiland Hall, Hamer, Hammond, Hardin, Harper, Albert G. Harrison, Samuel S. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Mercer, Miller, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, James A. Pearce, Franklin Pierce, Pettigrew, Peyton, Phelps, Pickens, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Roane, Rogers, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Speight, Steele, Storer, Taliaferro, Taylor, John Thomson, Waddy Thompson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Weeks, White, and Wise—156.

So the House refused to lay the subject on the table.

Mr. HOLSEY obtained the floor.

Mr. CAMBRELENG suggested to the gentleman to postpone his remarks, inasmuch as the morning hour was about to expire.

Mr. HOLSEY said it was evident that it would be almost impossible to arrive at a decision on this subject, if they were to be restricted to a small portion of the morning hour. Under these circumstances, he would move to postpone the further consideration of the subject until Tuesday next, and that it be made the special order for that day.

Mr. PINCKNEY moved to print the resolution and amendment.

Mr. PARKS moved to postpone the subject, and make it the special order for to-morrow.

Mr. OWENS hoped his colleague [Mr. HOLSEY] would accept the latter proposition as a modification of his motion.

Mr. JOHNSON, of Kentucky, reminded gentlemen that he contemplated asking the House to consider the fortification bill to-morrow. He hoped the motion to postpone until Tuesday would prevail, or that the gentleman from Maine would withdraw his motion.

Mr. PARKS said he would be glad to comply with the request of the gentleman from Kentucky, [Mr. JOHNSON;] but he must be excused. The peace and quiet of the country required that this question should be speedily settled.

Mr. CAMBRELENG was in favor of the postponement until Tuesday, with a view that the appropriation bills should be in the mean time taken up and acted on.

The further consideration of the subject was then postponed until Tuesday next, made the special order for that day, and the propositions directed to be printed.

RULES OF THE HOUSE.

Mr. BELL suggested the propriety of disposing of the amendments to the rules of the House before the House proceeded to consider the appropriation bills, to prevent embarrassment to the Speaker of the House.

Mr. MANN, of New York, chairman of the Select Committee on the Rules, said that he should call up the amendments at an early day. In the mean time, the rules which had governed the House for some years past were now in force, and would remedy the difficulties suggested by the gentleman from Tennessee.

SENATE BILLS.

A bill from the Senate for the relief of the representatives of Robert Jouett, deceased, was read twice and committed.

The amendment of the Senate to the bill from the House making an appropriation to repress Indian hostilities was taken up, and the bill and amendment committed.

APPROPRIATION BILLS.

Mr. CAMBRELENG moved that the House resolve itself into a Committee of the Whole on the state of the Union, for the purpose of taking up certain appropriation bills.

Mr. BELL hoped the amendments to the rules of the House would also be included in the motion, the consideration of which would not occupy, he thought, more than one hour.

Mr. CAMBRELENG expressed his surprise at what the gentleman said; for the subject of the rules and orders of the House never came up that they did not excite more debate than any other question. Why, there was one single amendment relative to the previous question, that would occupy a fortnight, probably, in the discussion. Under these circumstances, the gentleman must pardon Mr. C. if he could not give way.

The motion was then agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. CONNOR in the chair.

SEMINOLE WAR.

The committee took up the bill returned to the House from the Senate with amendments, making appropriations to repress the hostilities of the Seminole Indians in Florida.

Mr. CAMBRELENG moved that the committee concur in the amendments of the Senate; which was agreed to.

NAVY APPROPRIATION BILL.

The bill was then laid aside, and the committee took up the bill making appropriations for the naval service for the year 1836.

Mr. C. moved to insert an item of $15,000, to defray the extra services for surveying the coasts and harbors of the United States from 1830, &c.; which was agreed to.

Mr. C. also moved to strike out the proposed appropriation of $200,000 for the purchase of sites, and erection of marine barracks, near Charlestown, Massachusetts, New York, Norfolk, and Pensacola.

Mr. C. briefly advocated the propriety of striking out the item on the ground of its being, in itself, an innovation, and probably unnecessary. It was thought by many distinguished officers that the corps itself was an unnecessary appendage to the Navy, and only requisite to keep up subordination, where the system of impressment prevailed. The money was also required for the repair of fortifications, &c.

Mr. WISE and Mr. SUTHERLAND briefly defended the character and utility of the marine corps.

Mr. VANDERPOEL said, if a vote in favor of striking out was to be considered as the expression of an opinion on his part, that the marine corps was unnecessary, and ought to be dispensed with, he would vote against the motion to strike out the item in the bill for the building of marine barracks. He was not prepared, unless blessed with more lights than he now possessed, to give a vote, from which it might be inferred that he considered the marine corps useless. His honorable colleagues had represented these marines as being a sort of amphibious creatures, belonging not strictly to the land or the water. Still he was not aware that the Navy Department had recommended a dispensation with this corps, or that the Navy commissioners, or the Committee on Naval Affairs in this House, had expressed any opinion against the utility of this corps. He was informed by a member of that committee near him, [Mr. WISE,] that the Committee on Naval Affairs were decidedly in favor of the retention of this marine corps. For his own part, he had always understood that they were extremely useful and efficient in time of engagement. He knew very little about the details of their duty, but he believed that they carried small arms, and when two hostile ships came within musket-shot of each other, a faithful and well-disciplined marine corps must be very efficient. He had always understood that one of the most gallant officers, whose loss this country had ever mourned, had been killed by a shot from one of the enemy's marine corps, and he could not vote to strike out the section under consideration if he was to be considered as thereby indicating his conviction that the marine corps was unnecessary, and ought, therefore, to be dispensed with.

Mr. BELL drew the attention of the committee to the items for making additions and improvements to the various navy-yards, amounting, in the aggregate, to upwards of $600,000. He thought not a dollar beyond the absolute necessary repairs should be expended; for, in case of an exigency, such as rumored, men and ships, and not navy-yards, were wanted. He thought at least this $200,000 ought to be stricken out, and the $600,000 too, unless the exigencies of the naval service required it, with which Mr. B. confessed himself not to be sufficiently versed to be able to say himself.

Mr. PARKER thought, in case of war, nothing required more attention than our navy-yards, and he maintained that this was one of the most necessary and indispensable appropriations of the whole bill. He hoped at least the $600,000 would not be stricken out.

Mr. MASON, of Virginia, said the question was not to dispense with the marine corps at all, but whether they should postpone, to some future period, the proposition to accommodate the two different branches of the naval service with distinct barracks. He hoped the amendment of the gentleman from New York would be adopted, and the item stricken out. He also drew the attention of the committee to the necessity of passing this bill as speedily as was consistent with its full deliberation.

Mr. MILLER said a few words in favor of the amendment.

Mr. CAMBRELENG stated that the item had not undergone the full examination of the Committee of Ways and Means, for, if it had, they never would have inserted it at all. It did not belong to that committee, but to the Committee on Naval Affairs. It was a new matter, not belonging to an appropriation bill.

Mr. HARPER, of Pennsylvania, would vote for the amendment, because he did not desire to see the marine corps too much separated from the Navy, nor made a distinct branch of the service. Besides, he thought the proposition in other respects unnecessary, because there was plenty of accommodation for them already provided.

Mr. WISE should vote for the amendment, not because the marine corps were not desired, but because they were more efficient where they were.

Mr. VANDERPOEL said he should support the amendment for the same reason.

The amendment was then agreed to, and the item stricken out.

Mr. CAMBRELENG then moved to strike out the sum of $950,000 "for the repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission," and insert in lieu thereof the sum of $2,000,000 for the same objects.

Mr. C. said he was instructed to move this amendment by the Committee of Ways and Means, with one single exception; but, in saying this, he begged also to observe, without reference to the question of war, that he feared not to assume the responsibility of the measure. Mr. C. referred to the state of our relations with Mexico and with France, as a reason for requiring this additional appropriation for the Navy.

Mr. THOMPSON, of South Carolina, said that the honorable chairman of the Committee of Ways and Means need not have been so superfluous as to have declared that he was willing to assume the responsibility of this recommendation. These are times (said Mr. T.) when it is the fashion to assume some responsibility, and in no case certainly more striking than this. The gentleman from Massachusetts [Mr. ADAMS] said the other day that these were times of change. It is true Not only the powers of one department of the Government are assumed by another, but the appropriate duties of one committee are assumed by another. As to all matters of finance, it is my duty to look to the Committee of Ways and Means; but I have yet to learn to what authority reports from that committee are entitled upon subjects appropriate to the Committee on Naval Affairs, and the still more important Committee on Foreign Relations. I repeat, sir, that the Committee of Ways and Means, on matters properly belonging to it, is entitled to our confidence, and the more so because the chairman of that committee is a practical and successful merchant. But, sir, as to other matters, we have had to-day a practical illustration in the subject last

considered by the House, where all the lights which we had were from that committee—lights which only made "darkness visible." If these appropriations are necessary without reference to our present foreign relations, let us have information upon the subject from the Secretary of the Navy, with the usual and proper estimates, and coming to us through our Naval Committee, and I shall not oppose them. If necessary with reference to those foreign relations, let us wait for information from the Executive, if, as an ordinary appropriation, as at present advised, they seem too large; if, with reference to our relations with France, they are too small. Give us but light, and we will be able to act understandingly, and in a way that becomes this Congress, the guardians of the interests and the honor of the American people. Why, sir, have we not that information? Some gentlemen seem to have it—all are entitled to it. Who are we, sir, that are thus called upon to take a step that may have a most important bearing upon the highest interests of any people—a bearing, sir, upon the great question of peace or war?

The Representatives of the people are a part of the Government, without whose concurrence no measure connected with this deeply interesting question can be adopted. It is our right to have—to demand, sir—all the information which may be in the possession of the Executive. Unless fully advised, and under the most inexorable necessity, I will take no step which may weigh a feather in the now nicely-adjusted balance of peace or war. I do fear, sir, that we may yet be involved in a war with France. I am determined, for one, (and, if only one, that determination shall not be shaken,) that I will have no share in bringing it on. No, sir; when it does come, I am resolved that I will be able to say to my constituents and the country—my hands are clear of it; you shall not say that I did it. Let it not be said, that, whilst I admit the possibility of such a war, I will not vote to prepare for it; not so, sir. When that war is inevitable, when the interest or the honor of the nation (its honor is its interest) shall demand it, and when I am put in possession of all the information on the subject, then, sir—and not until then—will I take any such responsibility; and not, sir, until I am so advised by that Department of the Government whose duty it is to advise me on the subject. I will not make war in this indirect manner, on the discussion of a clause in the appropriation bill; nor will I do anything that may have the remotest tendency to that end. War with France, sir! the very idea would be ridiculous, if it did not involve consequences and issues so infinitely important and momentous. Although, I repeat, I have serious apprehensions that we may be involved in war, *I* will do nothing that may lead to it. As matters now stand, there is no cause of war; nor do I believe there is the slightest reason to anticipate that France will strike the first blow. It is with us to choose both whether we are to have that war, and the time for it. Let us wait for intelligence of the reception of the President's message in France: let us not add to the existing difficulties of an adjustment. The controversy with France is narrowed down to a mere point of etiquette and punctilio—so narrowed down, sir, that, in such a controversy between two gentlemen, if I, as the friend of one of them, were to allow them to go on the field of single combat, and either were to fall, I should regard myself guilty of murder.

When I use this strong language, sir, it is due that I should glance—and the time and occasion only admit of a glance—at the origin, progress, and present position of the controversy. By a treaty concluded with the French ministry, indemnity is secured for certain spoliations upon our commerce; and, what is more, an important stipulation, and of great advantage to France, of the treaty of 1803, is surrendered—a stipulation so important that the most distinguished member of the French Chambers, opposed to the treaty, declared that he regarded the indemnity of $25,000,000 as nothing to it. Two separate commissions, appointed by the French Government to investigate these claims, had, after laborious investigation, reported the amount due us to be about $13,000,000. A sum is agreed to be paid nearly double that amount. Was this not enough to create distrust on the part of the French Chambers—enough to make them doubt about the treaty, and require them to look fully into it—when there is added to all this that our Minister first demanded $70,000,000, gradually came down to $25,000,000—like a Jew selling a yard of calico—after the demand of $70,000,000 accepted $25,000,000, and boasted (with how much of dignity and justice I do not say) that even this sum would pay every cent due American citizens, (thereby acknowledging that his demand of the higher sum was not just,) and further, that not more than one fifth of the French claims was conceded?

I have known a horse jockey to boast that he had cheated a gentleman; but a boast like this I rather think occurs for the first time in the history of diplomacy. What, sir, a boast of an advantage obtained in the settlement of a pecuniary claim; and that advantage, too, obtained by us from *France*, above all nations on the earth from which we should have desired it! No such advantage was obtained, and the President says, "that the settlement involved a sacrifice, was known at the time." Not surely known by Mr. Rives, because he could not then have made the boast; but it surely ought to have been known by him.

Was it not enough to excite the suspicions of the French Government, that our own negotiator had thus boasted of the advantage he had gained—whether with or without cause is not material? In this state of things, late in the discussion, the difficulty is suddenly sprung, that eight millions had already been paid by the Spanish Government in the Florida treaty. The Duc de Broglio was unable satisfactorily to answer it, and said that "he had but a confused recollection of that treaty." He who had made the treaty of indemnity, whose duty it was to have known all about the Florida treaty, was unable to explain satisfactorily the difficulty. Under these circumstances, was it to be wondered at that the treaty was rejected, and only by six votes, in a body of more than three hundred and fifty? What, then, sir? Was the treaty abandoned? No, far from it. A national vessel is fitted out. The King of France would not trust to the ordinary conveyance, but sent a national vessel to convey to our Government the assurance of his continued and faithful efforts to procure the ratification, and of his hopes of being able still to accomplish it, and entreating that nothing might be done to add to the difficulties already existing.

In this stage of the matter, the President, in his annual message, very distinctly intimates his opinion in favor of reprisals on the property of French citizens, to avenge a national wrong by the seizure of the property of private citizens; and this, too, shortly followed by the recommendation of our Minister in France, that our Government should assume a high tone, and use strong language—very distinctly intimating that threats would extort from the French people that which their sense of justice had refused. Sir, I was astonished when I read that communication. I was surprised that such an idea ever could have occurred to any one, still more, sir, to a gentleman whose judgment ought to have been matured, and who had the reputation of wisdom and experience, and with a thorough knowledge of the French character—a people, brave, proud, and warlike, to a proverb. I feel, sir, the extreme difficulty in speaking of this matter, without subjecting myself to a charge of a want of American feeling; but, sir, whilst I am an American citizen—an American Representative, I cannot disregard the claims of truth and candor. I am not the apologist of France. I am, sir, the vindicator of justice and right; and am constrained to say that all the difficulties in which we are placed have, in my judgment, arisen from the ***indiscreet warmth**** of our own Government, and a course of measures which I will not say may have been prompted by the high temper, strong and often high impulses of our own Executive—a course nothing less to be regretted. Why, sir, let me ask, this most unwise haste in the recall of Mr. Barton at this particular time? Why remove the only possible medium of communication between the two Governments before the arrival in France of the President's message, which, but for that recall, would in all probability have been regarded as a sufficient explanation, as most surely it ought to be regarded? France took exception to a supposed threat in the communication of the President to Congress. In a similar communication such a threat is disavowed; and France is bound to notice the disclaimer, conveyed in the same manner as was the insult, and puts herself in the wrong if she does not.

But, sir, this matter has at last reached a most nice and narrow point of etiquette. The President scouts the idea of making any explanations of his message; and yet such an explanation is made by our diplomatic agent, with the President's approval, which approval he authorizes to be communicated to the French Government; in other words, I will not make the explanation myself, but the explanation made by my agent I adopt. Now, sir, is not this a quibbling unworthy of both parties? I think it is going far enough, and ought to have been accepted. But is it upon such a point that two great and powerful nations are to plunge their people into all the horrors of an interminable war—interminable, because it will be a war upon a point of honor, which neither can yield? Are human happiness and human life nothing? Is war a mere pastime, that it is thus, and for such causes, to be brought on?

As to the French fleet which is said to have been sent upon our coast, it does not in the slightest degree move me from "my propriety." If that fleet was sent to overawe and intimidate us, it would be a very different affair: then, sir, I would not even treat with France until the whole nation was clad in armor. Is such the fact? Has France in any one instance threatened us? No, sir. That fleet is not professedly sent to intimidate, but to secure the commerce of French citizens from reprisals—reprisals threatened by one whose power over the action of our Government is known everywhere—one of the least of all men living given to child's play—one very apt to do what he threatens. If that threat be of a bold and daring act, under such circumstances, every obligation of protection due by a Government to its people, demanded some such measure of precaution. So far from threats, has not the whole course of France been marked by a forbearance that would have been proper in no people having a less unquestionable character for courage? Has not the French Minister, over and over, replied to the charge of duplicity and bad faith, and exculpated his King from it, when he would have been justified in repelling it with scorn?

[I disclaim all arguments drawn from a calculation of the comparative amount of the expenses of a hostile collision with France, and the amount secured by the treaty. I agree fully with gentlemen, that if the national honor, and our ability or our willingness to protect our citizens in all their rights, are involved, considerations of the cost are unworthy and degrading.*] If such an issue is presented, I will not condescend to say, nor permit it to be doubted, what will be the course of the people of South Carolina, in a matter of patriotism, of duty, of honor. The whole world already knows what it will be. The history of the State in all time past renders it certain to all what that course will be. Sir, when this country engaged in the last war, the great cause of which was the impressment of American seamen, and but for which that war never would have been declared, South Carolina had scarcely a seaman on the ocean; but it was northern seamen who were impressed—the national honor assailed; and what was the consequence? War, sir, war; and so will it ever be, for a like or a sufficient cause. I see none such now. I will not contribute, by any vote which I may give, to create such a necessity.

Mr. SUTHERLAND said he had listened to the remarks of the gentleman from South Carolina, [Mr. THOMPSON,] and was astonished to learn that we had been the aggressors. The argument of the Duke de Broglio was one of great ability, and fully sustained the justice of our claims; and was an ample answer to the sugges-

* Mr. THOMPSON used the word *aggressors* in delivering the speech; but after Mr. SUTHERLAND's reply substituted *indiscreet warmth*.

* The lines in brackets are not in the speech as delivered.

tion in relation to our having obtained an advantage in our diplomatic transactions with France. At present, however, the fairness of our claims was no longer open for discussion. Every branch of the French Government had passed upon them. The King, the Peers, and the Chamber of Deputies, had all given their sanction to their validity.

The papers containing the debate in the French Chambers, laid on our tables last year, had been circulated throughout the whole nation, and the merits of the controversy were distinctly understood by our countrymen everywhere. And although there might be a reluctance on the part of all to go to war with our "ancient ally," still he felt satisfied, that to sustain our honor in this dispute there would be but one sentiment in the event of such an issue. It certainly was a subject of gratulation to know that this matter was so well comprehended by the people at large. With the President's message, at the opening of the session before them, which they had received with great unanimity, they were willing to intrust the most delicate question of peace or war to the Congress of the nation.

The chairman of the Committee on Ways and Means had, under an impression that the condition of the country required it now, moved to enlarge one of the items in the appropriation bill, with the view of *increasing* the naval force of the country. A short time since the House passed a resolution directing an inquiry into the propriety of this measure. To this enlargement of the appropriation, the gentleman from South Carolina objected. For himself, Mr. S. said he would vote for the proposition with great cheerfulness. We must look to the organs of the House, in a great measure, for information; and we find in this instance the committee, through their chairman, ask for the increase. This is not the time for very precise calculations as to the amount we may be willing to put at the command of the Government for the defense of the Republic.

The gentleman from South Carolina saw nothing improper, in the course of the French, in relation to the recent orders of that Government concerning their fleet. Mr. S. said, whatever might be the design of the French vessels *in sailing in this direction*, he thought it would comport with sound policy for us to look to our Navy, and in peace (perhaps he might say upon the verge of hostilities) to prepare for war. Under these impressions, he promised his humble aid to the committee in support of all the appropriation bills that went for a prompt and efficient defense of the Union. The Chief Magistrate ought to have ample means to meet any contingency; and he saw no danger in *committing them* to his discretion. We could not find safer hands. He had, during our last contest, given us a sure pledge of his patriotism and ability to carry on the military operations of the nation. His great skill manifested in the darkest period of a war that *he ended* so gloriously, will, in the event of a contest with the French, do much to bring it to a speedy termination. The appropriation now asked is to be put at the command of General Jackson, and I am the more willing to commit it to his discretion, because, in my judgment, I believe he never will recommend war with the country of La Fayette, unless a just sense of national honor requires it. Mr. S. said, he was convinced that every section of the Republic would ardently support the war if we should be forced into it by the French Government. France, it was true, was an early friend, and to raise arms against her would require great provocation; but if her course leaves us no *other alternative*, why we must and will enter the lists with her. We hear much about the strength and improvement of the French navy—of the science and skill of her officers. This is doubtless all true, but argues the propriety of granting the appropriations before the Committee of the Whole House. Whatever may be the advanced condition of the French marine, and however gallantly they may sustain their cause, I have no fear that our "star-spangled banner" will not come out of every conflict beaming with renewed luster. But I do not wish for war, and least of all a war with France, if it can be shunned with honor. At present, I think the question of war is not properly open for debate upon the amendment. When that time should arrive, if any gentleman from South Carolina, or elsewhere, should feel disposed to enter upon the discussion of its propriety, they will find themselves met on all quarters by gentlemen who are prepared to sustain the country in such a crisis. I quit this debate, under a firm conviction that, if we should be compelled to assume a warlike attitude, the sons of South Carolina will pour out their blood as freely as any other State in the Union, in defense of their much-wronged country.

Mr. BYNUM said that he had not expected an attack on the measures of the Administration generally, on the subject of the propriety of an appropriation of an inferior magnitude; but it could not be unknown to the House that a simultaneous attack had been made elsewhere; and he could not allow the declamations of the honorable gentleman from South Carolina [Mr. THOMPSON] against the President and the policy of an Administration to which he, in part, had contributed his humble support, to pass unnoticed, when he believed the President had acted as became the Chief Magistrate of the American people. It was evident, both in this House and elsewhere, that, in the contest with France, we are to have here a French party and an American party, than which there was nothing that he more sincerely regretted. The game was up—it had been started in another part of the Capitol. It could not be forgotten by any gentleman in Congress that, during our last contest with Great Britain, there was said to have been in this country an English party—a party which made bonfires, and rejoiced at the defeat of the American arms. God forbid (said Mr. B.) that there should be a party now springing up among us who would rejoice at our defeats in a contest with France, if we should be unfortunately involved in a war with that Power; but he asserted that, from what he had seen, the American people had a right to expect this—the symptoms indicating it too manifest to be misunderstood.

A few years ago, the distinguished sage who now occupies the White House, was assailed on another occasion, with equal acrimony and virulence, by the same party, for the purpose of estranging, no doubt, the feelings of the people from him. That party acted then upon the presumption, that the ignorance of the people would admit of their being led away from the President of their choice by mere clamor and unfounded declamation. Mr. B. then had said the people would not sustain them—they had not done it; and the great majority then in that House, in favor of the measures of the Executive, was the best living evidence of the fact; and he rejoiced that he had lived to read the testimony of the American people themselves on the subject, by the appearance of such an overwhelming majority of their Representatives in that House. If we had been carried off by the eloquent tact and abuse of the *superior leaders* of the Opposition, and he confessed many were, we should have been led off after a set of men who were conspiring against the feelings and wishes of a great majority of the American people, without the least concurrence of sentiment or principle amongst themselves. Being foiled, however, in their attempts heretofore, they have agreed to try and get up another hobby, and have seized this occasion to vent their gall against one of the most patriotic individuals that has ever lived in this or any other country, and who had done more for the security of American liberty than any man now breathing—the assertions of the gentleman notwithstanding—whose character the whole American people stood pledged to support, and which they had vouched for by the overwhelming votes which he had received at their hands more than once, for the first office in the gift of the nation. The gentleman from South Carolina [Mr. THOMPSON] had said, that in every position taken in relation to France the President had acted falsely. If Mr. B. was to infer from that, that the President had acted falsely with France he denied it. The American President had not, nor could not act, falsely with France, or any other power living. In behalf of the American people he denied it.

Mr. THOMPSON explained. He did not intend to say the President had acted falsely, but had taken false positions.

Mr. BYNUM resumed. He said he was glad the gentleman had qualified the assertion. Then it was a mere matter of opinion between the gentleman from South Carolina and the President of the United States; and it would be for the great body of the American people to say, whether the President of the United States was right in the position he had taken, or whether the gentleman from South Carolina was right in that which he had taken. Mr. B. said he most cordially agreed in the remarks of the gentleman from Kentucky, [Mr. HAWES,] a few days ago, when he said he believed that much mischief had grown out of speeches made here and elsewhere, through a mere spirit of opposition to the Executive. He believed it candidly and honestly. France believed it, and for this reason, she had acted more obstinately, he had no doubt, than she otherwise would have done, in her refusal to pay our people the just debt, that she had wrongfully withheld from them for more than twenty years. The gentleman from South Carolina had said, too, that if we were to go to war with France it would be a ridiculous war. As much as he was opposed to a war with France, or any other power, he could not believe that it would be a ridiculous war. The characters of the parties concerned forbid such an idea. It had been said elsewhere, and repeated here by the gentleman, shall we go to war with France for five millions of dollars?—he would say yes, and for five millions of cents, if it were necessary to maintain the honor and independence of the nation. He was astonished that such a position should be taken by the gentleman, coming from the quarter that he did—that it was the amount of money for which a nation should alone go to war! He hazarded nothing in saying that time would show, that the course taken by the President in relation to France was not only right, but necessary, for the honor and security of the rights and dignity of the American people. The American people had given as far as public sentiment could be ascertained their verdict already, on this subject, in favor of the course of their Government, and still the Opposition were catching at this and other hobbies to bolster up their prostrate and exposed condition. Mr. B. wished to make one remark here to an honorable gentleman of another body, and it became him to make it, coming from the State from which he did. He saw, in a public journal a few days since, some remarks, represented to have fallen from that honorable gentleman, in another part of this building, which was, (said Mr. B.,) "that the House of Representatives was not the part of the Capitol where fair play was to be expected." He did not wish particularly to remark on the character of the author of the assertion, as he thought it at this time politically an exceedingly unenviable one. He took occasion, however, to say that the assertion was a calumny on the House, and was devoid of all truth. The House of Representatives was the only Democratic branch of the National Legislature, and from it the people of the country had everything to expect, and little from the opposite body.

The Democracy of the land had nothing to expect from that quarter of this Capitol. It was the only germ of an irresponsible aristocracy in the Government, and it had in more than one instance showed an entire disregard of the will of the people. The gentleman from South Carolina had said the House was not so pugnacious as to adopt the admonition, that in time of peace we should prepare for war, and had said much, ironically, he supposed, of the pugnacious spirit of the House.

Mr. B. said, he should really like to know when the honorable gentleman from South Carolina had become so pacific, and the party with whom he had acted so long. But a few years since, he recollected well, that the *golden cord* that bound this holy Union together was upon the *eve* of being bursted asunder by the warlike spirit that had prevailed in a certain quarter of this Republic, and it was as much as the whole fraternity of the States could effect to suppress this spirit without the horrors of bloodshed.

Mr. B. said, he stood there the representative of those who went for their whole country. He stuck to no party longer than that party stuck to

the rights and interests of the country. Whenever he should see a disposition in any party to go against those interests, he would leave it. He never expected to belong to a party which was free from errors; and if the gentleman never supports an Administration until he gets a perfect one, he feared he would be found to be an opposition man for life. The gentleman has stated also, that he could not take a single step for the defense of the country. He (Mr. B.) said, he was for taking steps for the defense of the country when he saw a dark cloud lowering over us, which threatened to inundate the whole land with ruin. He was for providing a shelter from this portentous storm that hovered over us; wisdom, he thought, dictated it, whether it should finally burst, and pour out its contents on our devoted heads or not.

The gentleman had taken off much of the bitterness of his remarks, however, by his explanations, and had gone far out of his way to censure the Cabinet for the part it had taken in this controversy, and had declared in every instance our Government had been the aggressor in the contest with France. (Mr. T. again explained.) Mr. B. was astonished to hear this censure uttered by an American tongue on an occasion like the present, when a war is threatened us by one of the most powerful nations on the earth. He would say, as he had said before, that, instead of the President and the Administration being the aggressors in this unfortunate controversy, they had acted with great moderation and precaution on every occasion relating to that subject. They had relinquished claims for the purpose of effecting an amicable adjustment of the matter to an enormous amount; but that was even misrepresented. The distinguished gentleman who was charged with the negotiation of this matter had relinquished this much to the French Government for the sake of procuring peace and amity with that Power. The course which that Minister pursued, was to be seen on the records of the House, as well as on the records of the Executive Department, and he hoped to live to see justice done that distinguished individual. He viewed him as being one of the purest patriots of the age, and he hoped to live to see him the occupant of the house so much desired by some gentlemen and their friends. He thought the friends of the Administration had suffered themselves to be placed in a false position here by the superior management and tact of their adversaries. What is the contest now going on in this country? He said, unequivocally, he viewed it as a contest between the Democracy of the nation and the advocates of an aristocracy, and they were right, in his judgment. It was a plain, direct contest; it must be plain to every intelligent observer whether or not the people shall have the power to rule the nation, or those who conspire to lead them.

Here he wished to be permitted to remark, that this body should never have permitted the character of the Executive to be reproached, as it had been by another branch of the Legislature, when they were equally culpable, if *at all*, and participants in the same measures for which they had witnessed volleys of abuse against the Executive alone. He could not omit to remark on a subject, recently agitated elsewhere, in relation to a certain measure, which would have gone far to put the country in a state of defense, and ready to give their enemies a hearty welcome whenever they choose to visit us as such. Every American heart must have burned with shame for the failure of that measure, the consequence of which was now about to be felt; and he feared that the injury already resulting from it would prove fatal to the best interest of the country. The failure to pass the bill which was rejected last session, appropriating $3,000,000 for the defense of the country in case of a war, has been attributed to the House of Representatives; and he thought it time that this House should make up an issue with another, as well on that as on other subjects, and let at once the question be decided whether the Democratic or aristocratic influence is to prevail in this Republic. It had been asserted in another body that it was this House which had rejected that bill. It had been attempted to shove the responsibility of the rejection of that bill on the House of Representatives, but it was shamefully untrue; and he assumed here, in his place, the responsibility of pronouncing it false, no matter from what source it came. The responsibility must rest on another body. He said the House was not responsible for the rejection of that bill. It had done all that it could do under the peculiar circumstances of the case to pass it, and there were many present who aided and contributed their mite towards effecting it. He had voted for the bill, and gave it his humble support. The responsibility of the rejection of that bill could not justly rest on this body.

But (said Mr. B.) I will return to the gentleman who has just taken his seat, to notice a few more of his extraordinary remarks.

The honorable gentleman from South Carolina was for acting on very different principles from that recommended by the Father of his Country, "*In peace prepare for war.*" He thought this advice came with peculiar applicability at present, and never was there a time when this House or this nation could with more propriety adopt it.

He had said that he did not wish, nor would he at this time be drawn, upon a mere collateral question, into the discussion of peace or war with France; but whenever that time arrived he would be as willing to meet the question as the honorable member from South Carolina. He did hope, in the sincerity of his heart, that the question of peace or war would never be agitated by this House with France. He had always hoped and believed, that the difference between the two nations would be amicably settled, but he could not know it, and he thought it the part of wisdom, therefore, to provide for the worst. He was sorry to see evidences manifesting themselves not only here, but in another part of the Capitol, to throw every obstacle in the way of Government; and he sincerely regretted to see it persevered in with such pertinacity from a certain quarter. He believed the whole efforts of the party doing it would prove, as heretofore they had, to be abortive, and contribute more to expose the motives of that party. The intelligence of the people was too general in this enlightened age, and their discernment too correct, to be misled by mere abuse and declamation to the disparagement of one whom they had honored with their highest confidence.

Mr. B. said that he deprecated any insidious attacks upon the measures of the Administration so long as he supported it. He was in hopes that gentlemen who felt it their duty to oppose it, under any and all circumstances, would bring in some measure of a general nature, and not give vent to their indignant feelings upon every minor collateral question. He was satisfied in his own mind, that the party with whom he acted was ready and willing to meet their adversaries on any and every occasion. They had done so, and a verdict had been given by the people—yes, the republican Democratic people—in their favor. Yet (Mr. B. said) he had cause of complaint to make against the party with whom he had acted in this House; it was, that they had sat here silently and let an issue be made up by another body with the Executive. This body, at which much had been aimed by another in another part of the Capitol, should not have left the President to have contended alone against it. No, (said Mr. B.,) this House should have made war against them as the true representatives of the people, and have met them in the very center of the rotunda of the Capitol, if necessary, and have there decided the question, whether the people, through their Representatives, were to prevail in ruling this country, or a body not elected by the people, nor directly responsible to them for their conduct? An issue was now about to be made up with those who fancied themselves beyond the power of the people, how far they could go in defiance of the public will, and sustain themselves. By an association of daring leaders, coöperating to sway public opinion, the whole Republic had been convulsed. If they succeeded, in his opinion the public voice was hushed, and it would be idle to talk longer of our free republican institutions. He thought the time had nearly arrived when it was necessary that the people should essay their strength, and teach those refractory men that their power was neither to be insulted nor put at defiance by them; and he called on the House, as the only representative body of the nation—the only one where the immediate voice of the people could be directly heard—not to shrink from its part of a responsibility that was attempted to be shuffled off on the shoulders of the Executive.

The Executive had done all that the people had asked, and it was their duty to sustain him, here and elsewhere. Heretofore, however, he had been literally sustained alone by the people, and had proven to be almost the only true reflector of the public will.

Here Mr. JARVIS rose, and observed that he perceived that the gentleman from North Carolina was much exhausted; and, in order to give him time to continue his remarks, he moved an adjournment of the House; which was carried.

The committee then rose, and reported the Seminole appropriation bill to the House, and its progress on the Navy appropriation bill, and asked leave to sit again on the latter bill.

The amendment of the Senate to the Seminole bill was then concurred in by the House; and the bill, as amended, was passed.

The House then, at four o'clock, p. m., adjourned.

IN SENATE.

THURSDAY, *January* 14, 1836.

Mr. KING, of Alabama, presented a memorial, signed by sundry citizens of Alabama, praying for the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. TOMLINSON presented the petition of Colonel Samuel Dean, praying for arrears of pension; which was referred to the Committee on Pensions.

Mr. TYLER presented the petitions of the president and directors of the Bank of Potomac, and the president and directors of the Bank of Alexandria, praying for a recharter; which were referred to the Committee on the District of Columbia.

Mr. EWING presented the memorial of sundry merchants of Ohio, praying indemnity for French spoliations prior to the year 1800; which was referred to the Committee on Finance.

Mr. LINN presented the petition of François Chattillon, praying confirmation to a tract of land in Missouri; which was referred to the same committee.

SUFFERERS BY NEW YORK FIRE.

On motion by Mr. WRIGHT, the Senate took up the bill for the relief of the sufferers by fire in the city of New York; and it was read the third time and passed.

EXECUTIVE COMMUNICATIONS.

The CHAIR announced a communication from the Department of State, made in compliance with the act concerning patents and useful inventions, transmitting a list of patents which have expired within the last year, with the names of the patentees.

Also, a communication from the Treasury Department, made in compliance with a resolution of the Senate of the 12th instant, transmitting the returns last made by the Bank of the United States and the deposit banks.

RESOLUTIONS.

Mr. HENDRICKS submitted the following resolutions; which lie on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route in the State of Indiana, from Plymouth, by Oakland, to Laporte. Also, a post route from Michigan City, by way of Bailytown, Deer river, Robinson's prairie, and the crossing of Kankakee, to Peoria, in Illinois.

Resolved, That the Secretary of War be directed to inform the Senate what progress, if any, has been made under the various appropriations for improving the navigation of the Ohio and Mississippi rivers, in removing a ledge of rocks on the Ohio river, immediately below Shippingport.

Mr. MOORE submitted the following resolution; which lies on the table one day:

Resolved, That the President of the United States be requested to communicate to the Senate any information he may possess relative to frauds or fraudulent practices committed, or attempted to be committed, on the sales of public lands, or Indian reservations, under any of the treaties recently made with any Indian tribe—the character of such

fraud or fraudulent practice, if any, with the name of any officer of the Government charged with being in any manner connected therewith.

SLAVERY IN THE DISTRICT.

The motion made by Mr. CALHOUN not to receive the petition from Ohio, praying to abolish slavery in the District of Columbia, was next taken up in the order of proceedings; and, after some few remarks from Messrs. CALHOUN, LEIGH, and CLAY, it was laid on the table.

NATIONAL DEFENSE.

The Senate took up Mr. BENTON's resolution to appropriate the surplus revenues for purposes of national defense.

Mr. EWING observed, that in the discussion which had grown out of this resolution, the resolution itself had been, in a great measure, lost sight of by an attack on the Senate, in reference to matters bearing, in some degree, on the part he had taken. He purposed to say a few words on the resolution itself, and to give the reasons why, in his opinion, it ought not to pass. It proposed that the surplus revenue of the country, that on hand as well as that accruing, should be applied to the fortification of the lake and maritime frontier, to the construction of armories, and the supply of the States with arms, the supply of the General Government with the necessary ordnance, arms, and munitions of war, and to place our naval defenses, including an increase of the Navy, navy-yards, dock-yards, &c., upon a footing of strength and respectability. Now what were they to understand by the terms made use of in this resolution? Suppose everything appropriated necessary for keeping up the civil list, for the military and naval establishments, and for other necessary and proper expenses of the Government, and they could have no surplus, so long as these expenses were necessary. The resolution implied simply this: after expending all that was necessary for the purposes of the Government, including the fortification of our coasts, for our military and naval defenses, then the residue shall be applied to these latter objects. Surely there could be no surplus until these wants were fully supplied. Although disposed to go as far as any gentleman in voting appropriations for the defenses of the country, he wished first to learn from the proper source what was wanted. Let the President (said he) send us word what is necessary for these purposes, and I am ready to vote the money; but after having done this much, I am not disposed to go for a resolution contemplating the appropriation of a surplus to the same objects. The wants of this Government were not to be measured either by a surplus or a deficiency. Whatever its wants were, the country had the means to supply them, if the Treasury was deficient; and more than necessary ought not to be supplied, even when there was a surplus. The surplus, therefore, ought to have nothing to do with the object of placing our national defenses on a proper footing.

He had another objection to this resolution. Its object was to get clear of the surplus revenue. It was not for the Army or Navy, but purely to get rid of the money. What, then, would it ask of the Executive? Why, to apply the money to the fortifications, the Army and Navy, &c.; and the faster it was applied, the better. This was the leading object on the face of the resolution. He was prepared, as he before said, to go as far as any gentleman in voting for appropriations for the fortifications, &c.; but there was a limit to governments, when they would expend money to any tolerable advantage. If (said he) we make appropriations to any considerable amount, part must necessarily lay over. The unexpended balance of former appropriations already amounted to eight millions; and that unexpended balance must greatly increase, if thirty millions of surplus should be appropriated. The whole of this surplus was then to be left to the Executive, to be applied to such purposes and in such manner as he thought proper, provided it was forthcoming when wanted for the purposes contemplated in the resolution. It was to be intrusted in the hands of the Executive for five or six years, at least; for it would not be in his power to expend all this money at once. Estimates and surveys must be made—materials must be procured and prepared, and laborers hired; all of which would require some time. It was but the last year that the Secretary of War was not able to apply the amount of the unexpended balance in his hands, because he could not get laborers, as he said in his report; and if we appropriate this thirty millions, (said Mr. E.,) how many years will it be before it is applied.

It had been said that our frontiers were defenseless, our forts dismantled, our ships out of repair, and that we were not prepared for defense in case of aggression from abroad. Why was it (he asked) —why was it that we were in this situation? It now seven years since the present Executive had had all these matters under his control; he had received all the appropriations asked for, and how came it that Congress was not informed, from the proper quarter, of this defenseless condition of the country? On the 3d of March last it was that this much complained of fortification bill was lost, and who were they at that time who ought to be charged with its failure? Why, the answer was easy. There was too much business on hand in pulling down the institutions of the country to build up fortifications. Many things had been pulled down, but none built up. We are told (said Mr. E.) that our frontiers are in a defenseless situation; and for seven years the Executive who tells us so has had the defenses of the country in his hands. It was not for the Executive to tell them this, when Congress had made every appropriation he had asked for. Indeed, there was not a single appropriation refused, when the responsible person had stepped forward and asked for it. The Senate had been charged with having been a party or privy to this defenseless situation of the country. Now, what was the real state of the case? Why, there was a fortification bill that came up from the other House containing nearly all the necessary appropriations, but some were left out, among which was the Military Academy. He did not see the reason why this had been left out, unless it was among those institutions of the country that were to be pulled down, though he was aware that petitions had been sent to Congress against it. However, in the bill sent from the other House, there was no appropriation for that institution, and many things wanted for defense of the country were left out of the bill. He recollected going to the other House for the purpose of seeing any communication from the Departments that might come there containing estimates for what was wanted. It was late in February when that bill was reported in the other House. Everything asked for by the Departments was accorded in that bill, and it was passed and sent to the Senate. The Senate passed all these appropriations, and passed additional appropriations for objects not mentioned in the bill, and these additional appropriations were sent to the House where it remained from the 24th of February to the 3d of March, and it was at dusk in the evening of the same day that it came back to the Senate with this appropriation of $3,000,000 for undefined objects. Now, was it supposed by any one that that bill could be passed at that time? Leaving altogether out of the question the strong constitutional objections to passing an appropriation of such magnitude for undefined objects, and not recommended by the Executive, there were not a sufficient number of business hours remaining when that bill came in—they were not in a situation for legislative action, except on matters already matured. Why was this appropriation thrust in at that late hour? If it was required for the wants of the country, it was required three weeks before. The Executive, who was ready to take all responsibility on himself, did not require it—it was to be forced on him, as on the Senate; but at the very last day of the session, and within three hours of its close, this appropriation was thrust in; and did they (said Mr. E.) expect us to pass it? Surely not; no man did. It was an unheard-of appropriation—a general appropriation for objects not defined, and not called for by the Executive. If it had been for things authorized by act of Congress, it would have been mentioned, but it was not. It would have been going quite as far as putting the power of making peace or war into the hands of the President as to have passed this appropriation. The Senate could not do it; and if the Senators, who had voted against it, had been all out of their Chamber, he apprehended that those who voted for the bill would have hesitated long before they so voted, when the responsibility was to rest on them.

The Senator from Missouri [Mr. BENTON] had preferred a bill of indictment against the Senate before the whole American people, and declared that they should know why it was that the country had been left without the means of defense in the present crisis of our affairs; that his resolution for that object had been voted down in the Senate. He could tell the Senator that he might put another item to his bill of indictment, for he should vote against the present resolution; but that whenever he called for appropriations for proper objects he would go with him, for fortifications, for the Navy, and for all objects contemplated in his resolution. But he would vote for it to come out of the integral revenue, and not out of the surplus revenue, though the French guns were pointed against the Capitol. But the Senator said he had asked for a second appropriation of $500,000, which was refused. When that matter was examined into in the Senate, the gentleman admitted that it was withdrawn; but this admission did not go abroad among those to whom his speech went. There the charge would stand against the Senate; and although the Senator himself withdrew it, the charge would still remain. One word more as to this $3,000,000. The bill came from the House to the Senate, and after it had passed that body with amendments, it was returned to the House, with this $3,000,000 appended as an amendment to an amendment of the Senate, (for it could not otherwise have been introduced, according to the rules of the two Houses.) Thus an appropriation exceeding the whole amount of appropriations in the bill came into the Senate appended as an amendment to an amendment at that late hour. It looked as if it had been got up for some political, or for some great and pressing emergency. There was no pressing emergency, and therefore he must suppose the former. The amendment was sent to the Senate, and promptly rejected. A committee of conference was asked by the House, and it was promptly given; the bill went back to the House, and nothing more was heard of it. Who were they that strangled the bill there? There were $800,000 of additional appropriations in the bill agreed to; and, after waiting a long time to hear from the House, a respectful message was sent to them, that a committee of conference had been appointed, and requesting an answer. No answer was received. Was the Senate, then, under these circumstances, to blame for the loss of this bill? Was that body to be dragooned into voting for everything not recommended by the responsible officer, being charged with pertinacity or neglect of duty? It was not treating that body with becoming respect to make such charges against them.

Mr. GOLDSBOROUGH said, that when this resolution was first introduced, he thought it was intended for some great national purpose; but when he saw it perverted into a most vituperative attack on the Senate—an attack that had been accompanied with an air that comported with its character, he felt himself called on to notice it.

The gentleman from Missouri [Mr. BENTON] had accused them of a dereliction of duty in prohibiting this Government from adopting means of preparing a fleet to meet the squadron of France now approaching our shores. He pronounced the accusation entirely unfaithful to the Senate, and unfounded in fact and in truth. If the gentleman's proposition was intended to be national, he would make a proposition still more national. He then moved the following amendment:

Strike out all of the first resolution after the word "Resolved," and insert:

"That the general defense and permanent security of the country are principal objects of the national care, and therefore adequate and liberal specific appropriations from the public revenues ought regularly to be set apart and applied to these purposes."

This amendment (he said) had the advantage over the resolutions offered by the Senator from Missouri, [Mr. BENTON,] in not being confined to the surplus revenue, and would not interfere with the proposition of the Senator from Kentucky, [Mr. CLAY,] and the Senator from South Carolina, [Mr. CALHOUN,] to distribute the sur-

plus revenue among the States, which he believed was a favorite measure of the people of the United States. The Senator from Missouri had commenced his attack upon the Senate by telling them of a report made by a certain French officer to the Chamber of Deputies; and of its reception in the Chamber of Deputies; and of a certain French journal, in which we are told that a French fleet is coming, which would, from its superior size compared with ours, overawe us; and then had told them significantly that the Senate had failed to make the necessary appropriation for our defense, and consequently our weakness would be exposed. There must have been something to elicit this project. Last year both branches of Congress had passed resolutions expressive of our peaceful relations with France. There was nothing that required any movement of this country, and yet the Senator from Missouri had said the Senate refused to grant an appropriation of $3,000,000 to the national defense. How would they, within the past nine months, have appropriated this $3,000,000? It was a humbug greater than any that had been created before it. Mr. G. referred to the reports of the Secretaries of the Navy and War to show (he said) that the appropriations were equal to what was required. He then referred to the message of the President, where he speaks of the loss in consequence of the failure of the appropriation which passed one branch of Congress, and was lost in the other. Mr. G. said, if such were the views of the Executive, they were not known to him, and were not communicated to the Senate.

Mr. G. went into a detail of the progress of the appropriation bill. And (said he) when it was returned to the Senate with an appropriation of $3,000,000, the Senate were astonished; they wondered what news had arrived, and to what purpose it was to be applied, as there was nothing specific in it. At the dead of night a bill was returned from the House of Representatives containing an appropriation of $3,000,000, and the Senate gravely called on to vote for it! If the Executive had wanted it, they would have voted for it. In ten minutes they might have had the information; but the Executive will was bolted up. The Senate would have been false to themselves to have voted for it. The epithet had been applied to them, when the money was hanging on a hair and not asked for by the proper Department. He had thought it due to himself and to the Senate to make this explanation.

Mr. BENTON observed that the Senator from Maryland, [Mr. GOLDSBOROUGH,] who had just resumed his seat, and himself, had some words at the last session, which had placed him in a situation with respect to that gentleman of the most scrupulous reserve. He believed it to be the instinct of *gentlemen*, whenever anything had happened between them of an unpleasant nature, to behave afterwards to each other with the most punctilious and scrupulous politeness. He believed it to be the instinct of *gentlemen* to feel that from such a time they must stand upon a footing towards each other in which they could no longer give and take. Now, sir, the Senator from Maryland has repeated what he did at the last session; he has made a premeditated attack on me. He felt (Mr. B. said) no malice, nor any degree of irritation, for what was past; for if he was quick, he was at least free from malice. The gentleman at that time drew a picture which a thousand persons present believed to be drawn for him; which he (Mr. B.) felt to be drawn for him; and he had been informed that the gentleman had then rehearsed the part he was about to perform—the first part, but not the concluding part; for the gentleman denied that his picture was intended for him. From that time to the present, the gentleman has no right to make a personal allusion to me. If the gentleman choose to wait a year, and then come forward to settle an account in which he may feel a balance against him, it is for him, (said Mr. B.,) and not for me, to do so. I do not treasure up old things to be brought out afterwards. The gentleman had now made an affirmation contradicting what I have said; but I tell the gentleman (said Mr. B.) that I know his affirmation to contain precisely as much truth now as I believed that his denial did then.

The CHAIR (Mr. KING, of Ababama) was not aware that the Senator from Maryland had made any personal allusion to the Senator from Missouri, or he would have called him to order. The remarks of the Senator from Missouri he considered were not in order.

Mr. GOLDSBOROUGH rose to reply to the Senator from Missouri. If the gentleman means (he said)——[Here the CHAIR reminded the Senator that he must keep within the rules of order.] Then, sir, (said Mr. G.,) it is impossible for me to answer in order that which was said out of order.

Mr. PORTER said, that it was with the deepest regret that he had witnessed the irritation that had taken place in the course of this discussion. It was impossible for those who had been subject to the charges made by the gentleman from Missouri to keep more within bounds in replying to them than the gentleman from Maryland had done. Very grave charges have been made against them. The honorable gentleman from Missouri would recollect, he was sure, that charges of this kind would fall hardly from any one, and more so from him. Must we (said Mr. P.) humbly sit by when such charges are made, and say that every fact alleged was true to the letter? But if (said he) we think they are not true, if we think the gentleman's feelings have made him mistaken, must we not endeavor to show him that he has been mistaken?—must we not endeavor to show to the American people, and to the whole world, that the Senate of the United States was not guilty of a dereliction of duty? He thanked God that it could be shown to the whole world, for the moment it was spoken there it would be taken down and sent abroad, wide as the region of letters. He was sure that as far as he was concerned, his only object was to show to the American people that he had performed his duty; and he would hold himself unworthy of the trust reposed in him if he did not do so. Did the honorable gentleman expect that they would not show some warmth and sensibility with regard to what he had said against them? They would be utterly unworthy of their trusts, if they were willing to sit down silently under the charges that had been gravely made against them.

The Senator from Missouri had read from his place a speech made in the French Chamber of Deputies, in which language highly reprehensible had been used in reference to this country. He could tell the gentleman that nothing could be more calculated to produce irritation in the minds of the people of one country towards another, than for a member of a legislative body to read in his place irritating expressions made use of in the halls of another. Would peace, and all the virtues that were cultivated by it, long remain, if such quotations were made? No; not even the language of the highest officer of our Government ought to be carried to another country, to produce any lasting or abiding sentiments. As the gentleman had thought proper to refer to language used in the French Chambers by a single member out of three or four hundred, would it not be as well (said Mr. P.) that we should refer to the language used by the French Executive, who might be supposed to know as much of the temper and feelings of the French people as any single member of the Chamber of Deputies? He asked if the language of the French Executive towards this country had not been kind and conciliating, and calculated to sooth the feelings of the American people? These conciliatory feelings, he believed, were entertained by the whole French people. It was impossible that the people of France could forget those ties of friendship and interest which bound the two countries together—it was impossible they could forget one of the brightest pages of their history, where the gallant nobles of France were found fighting side by side with American freemen. It was impossible that the gentleman could draw from the speech of a single member of the French Chambers anything with regard to the general feeling of the French people to this country. From this fleet being on our coasts, the gentleman had apprehended that the Government of France was acting up to the hostile expressions made use of in the French Chamber. But he put it to the good sense and feeling of the gentleman, whether this French fleet might not have some rational object other than he had supposed? Why, our Executive, in his message, had recommended reprisals against France, in a certain event.

Now, it could not be believed that there was any recommendation of the President that we should seize upon the French property which came into the country relying on the faith of treaties. It was on the high seas that it was expected that the reprisals would be made; and it was apparent, therefore, that this fleet was sent to protect the French commerce in the West Indies, where they knew they were vulnerable. Why should the French have any hostile feeling towards us? They had the money, and they did not want to pay it. Would they be so absurd as to send a fleet here to get rid of paying the money? Why, they had the money in their pockets already, without the aid of a fleet. The fleet was evidently sent from an apprehension that Congress would follow up the course recommended by the President, and not for any hostile purpose. He was anxious that the American people should know that there was nothing to excite the alarm that a French fleet was approaching our coasts. He did not exactly understand what was meant by our co sts; but if it was supposed that the French islands of Martinique and Guadaloupe, to which this fleet was destined, was on our coasts, it was a wide mistake; for they were full fifteen or sixteen hundred miles off. But he was happy that he was able to say something to allay the apprehensions of the gentleman. We have received (said he) the Moniteur—the French ministerial paper—up to the 23d of last month, which contained matter that would satisfy the gentleman that this fleet was sent out to protect the French commerce, and that there was no cause to fear that the first act of aggression would come from France. [Here Mr. P. read extracts from the Moniteur.] It gave him (he said) pleasure to show this to the gentleman from Missouri, to satisfy him that this fleet was purely defensive; that the French people considered there was no legitimate cause of war between the two countries; and that no act of aggression would come from France.

Mr. P. here deprecated the evils of war, drew a vivid picture of the calamities attending it, and contrasted it with the blessings of peace.

No one was more reluctant than he was to press upon the time of the Senate, but he was compelled to turn to the accusations made by the Senator from Missouri. He must tell the gentleman that he was mistaken as to facts. They did not bear him out in his assertions. He was not putting his assertions against the gentleman's, but he would turn to the records, which did not support the charges. The gentleman said that the $3,000,000 appropriation was lost in the Senate, and more, that the American people should all know who they were, by whose means the fortification bill of the last session was lost. Thank God (said Mr. P.) the American people shall know, for although truth might be obfuscated for a time, and facts discolored through the agency of newspapers, it was impossible but the American people should ultimately know the truth at last. The gentleman said that his $500,000 was lost in the Senate—that the appropriation bill for fortifications was lost there. This he (Mr. P.) denied. The bill was passed in the Senate, and the records would show that it was lost in the House of Representatives. It was sent down to that House with a committee of conference, where it was lost; and how lost those who were the actors on that occasion could tell. It was enough for him that the state of facts should go to the American people, for them to judge of them. Now it had been said that figures could not tell lies, and it was equally true that records could not tell lies. He could say that the records with the indorsements of the Senate could not lie, and he would proceed to show from them that the bill was not lost in it. Mr. P. here explained the progress of the bill from the time it was reported in the House of Representatives, and its amendments, until it was sent back by the Senate.

How was it (he asked) that the avowed friends of the Administration in the Twenty-Third Congress refused to use the $1,650,000 appropriated in the bill? If the danger was pressing, and the

desire strong, why did they refuse it? If they could not get all they wanted, why did they not take less? This $1,650,000 could have been very profitably employed on the fortifications, if they had thought proper to take it. It was not for him to explain the motives which occasioned the loss of this appropriation; but if an ill-natured man was to account for it, he would say for them something like this: "Let us send this $3,000,000 to the Senate, which is making war on the President, and is directed by party motives, and they will reject it at once. We can then put the responsibility upon them." He himself did not say that such was the motive of the gentlemen who occasioned the loss of this bill, but he would say, that their conduct was utterly incomprehensible.

Mr. P. concluded by saying, that he had been very unwillingly drawn into this debate; but he could not sit down under the accusations of the Senator from Missouri, without endeavoring to disabuse the mind of that gentleman as well as others. With respect to the particular measure brought forward by the gentleman, he could not give it his support in its present form; but when specific appropriations for the objects contemplated in the resolution should be recommended by the Executive, he would be prepared to give them the most respectful attention. He was prepared to receive everything coming from that high quarter with the highest respect; and he would go as far as any man to put our national defenses upon a footing of strength and respectability.

Mr. WEBSTER was not disposed to discuss our affairs with France. He was determined to wait for the receipt of information which, at a proper time, would be produced. He did not intend to anticipate the message on that subject from the executive department. What he was going to say was a mere analysis of the history and progress of this appropriation bill. Mr. W. then gave a minute account of the circumstances connected with it, until its return from the House of Representatives with an amendment containing this appropriation of $3,000,000. He remembered the state of excited feeling when it was read. They had just opened the door from executive business. He felt a degree of surprise; and, (said he,) under these feelings, I dare say I expressed myself with warmth. Being chairman of the Committee on Finance, I took the responsibility then of moving the rejection of this measure. I claim (said he) the merit of it, and when the expunging process begins, (said he,) I pray in mercy that my name may be left on the record of that vote by which it was rejected. A Senator had said, that if the enemy had been approaching our country, he would not have voted for it. I say, (said Mr. W.,) if the enemy was at the door of the Capitol, I would not have voted for it. There were considerations which, when compared with this, did not weigh a feather. He reported the agreement of the committees of the House and Senate on the amendments to that bill, and moved a resolution that the House be reminded of the bill. The Journal of the House was to be seen, and he would make no reference to it. There was no shuffling on the part of the Senate. He was not now speaking of the merits of the bill. The Journal would show that everything was done by the Senate to make it become a law. He would state what took place in executive business, as it might have some connection with the loss of this bill. In the course of the evening they were in executive session on the nomination of a judge of the Supreme Court. The nomination was rejected. The President said he would make no further communication to the Senate that night. If the President could not receive any communication from the Senate, he would not have received any bill. There was an idea entertained by some, that the President can have no connection of an official character with Congress after twelve o'clock of the last night of the session. All members who had experience in former legislation would recollect that a great many of our laws had received the signature of the presiding officers of that Senate and House of Representatives, and of the President, after twelve o'clock.

How was it that the power of the House of Representatives in Congress expired at midnight on the 3d of March? All the Constitution said was as to fixing the time at two years. The day was the session of that day. They assembled at twelve o'clock at noon, and it was the session until the termination of the session of that day, if it should even be prolonged beyond the hour of twelve o'clock at night. Mr. W. referred to the President's message, and said he (the President) was not well informed when he said the bill had passed one branch of Congress and failed in the other. The bill was not lost in the Senate. It passed the Senate, and went into the House of Representatives, where it died in the hands of the House of Representatives, and it was there where its bones must be looked for. The President had said in his message that this failure to make an appropriation had delayed the progress of the national defense; a measure which was, to use his own words, "in accordance with the views of the Executive." Were they to suppose he had any other views than those connected with the public service. The injunctions of the Constitution were that he should give to Congress such information and such recommendations as he shall judge necessary and expedient. And where was this recommendation to be found? Nowhere! The case had been strongly put by the gentleman from Maryland, [Mr. GOLDSBOROUGH.] The President had not taken upon himself the responsibility of telling them this measure was necessary; and were they, therefore, to be told they were acting in alliance with the French fleet, because they refused to act without such recommendation? He remembered well, that in the speech of the respectable member from Tennessee, [Mr. WHITE,] he had asked where was the recommendation of the President for this measure? Were they, then, unsolicited, to be pouring out the treasury into the President's lap? It was no recommendation to him that there was such a rush of confidence as was manifested by the House of Representatives to pass anything. He objected to the propriety of the expressions used in the President's message. If he had recommended this measure, and recommended it in that form, (said Mr. W.,) I would not have voted for it. Such an enormous sum of money was not to be trusted in the hands of any man, to use at his discretion. At the session before last he (the President) suggested the propriety of leaving the power with the President to issue letters of marque or reprisal at discretion. If these two contingent powers had been vested in the hands of the President, we should at this time have been up to the ears in a war with France. Is the voice of Mr. Jefferson forever silenced among his friends? Was this a specific appropriation? Was an appropriation to military service generally to be expended in whole or in part for military or naval service? Does not appropriation, as lawyers say, *ex vi termini*, mean some specific purpose? He (the President) might raise an army out of the whole of it. It was in no just sense an appropriation. He dare not prophesy how long the Senate could bear this partisan warfare; but, Mr. President, (said he,) unless there be an adhesion to the principles, in and out of doors, that the Senate have sustained, then there are among the living those in the land who will record the last days of the Constitution under which you and I were born.

Mr. CUTHBERT observed, that after the expulsion of the Tarquins, the kingly power was abolished at Rome. The great dread at Rome was the dread of the kingly name, from which the Romans thought the greatest danger to the Republic was to be apprehended. The danger to Rome, however, was not in the kingly name, for so odious had the name become, that in the very worst days of the Republic it could never have been revived. Here was the error committed by the gentleman from Massachusetts—the dread of the kingly power, from which no danger could be apprehended in this Government. It was the patrician class, a moneyed aristocracy, a combination of their political leaders, seeking to establish an aristocratic Government, regardless of the welfare of the people, that was more to be dreaded than the power of any single man. There was the situation under which they were placed in that House. The Administration was daily subject to the most violent attacks from these political leaders, who were men of established character, of intellectual acquirements, and acknowledged standing in society; yet the course of these leaders was not to be impugned, lest (said Mr. C.) we infringe the rules of order.

Here Mr. C. yielded the floor to a motion for adjournment,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 14, 1836.

Mr. CHAMBERS, of Pennsylvania, from the Committee on Private Land Claims, reported a bill for the relief of John McCarroll; which was read twice and committed.

Mr. MAY, from the Committee on Private Land Claims, reported the following bills; which were read twice and committed:

A bill for the relief of James Trumble; and

A bill for the relief of Michael Thornton.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of Joseph Nerbert; which was read twice and committed.

Mr. LEA, of Tennessee, reported the following bills; which were read twice and committed:

A bill for the relief of Jesse Sykes; and

A bill for the relief of William Hewes.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported a bill for the relief of the representatives of Colonel Anthony Walton White; which was read twice and committed.

Mr. JANES, from the Committee on Revolutionary Claims, reported a bill for the relief of Elisha Lucas; which was read twice and committed.

Mr. TURRILL, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Tristram Coffin, deceased; which was read twice and committed.

Mr. CALHOON, of Kentucky, from the Committee on Roads and Canals, reported a bill for the improvement of the harbor of St. Louis; which was read twice and committed.

Mr. LAWRENCE, from the Committee of Ways and Means, reported the following resolution; which was agreed to:

Resolved, That so much of the communication from the Secretary of the Treasury of the 15th December last, as relates to the purchase of site and building a custom-house in Boston; to certain proposed improvements on the custom-house lot at New Orleans; to opening a road through the hospital grounds at Chelsea, Massachusetts; and to building a wharf, and making other improvements connected with the custom-house at New London, be referred to the Committee on Commerce.

Mr. LAWRENCE presented a petition in reference to the subjects embraced in the foregoing resolution; which was referred to the Committee on Commerce.

Mr. BEALE, from the Committee on Invalid Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of Henry Keefer;

A bill for the relief of Bernard Pompilly; and

A bill for the relief of Francis Bashford.

Unfavorable reports upon various petitions were made by Messrs. CRAIG, BEALE, LAWLER, CARR, HUNTSMAN, LEA of Tennessee, MUHLENBERG, PATTERSON, and EVERETT.

WEST POINT ACADEMY.

The following resolution, submitted by Mr. HAWES, of Kentucky, on the 7th instant, was taken up:

Resolved, That a select committee of nine be appointed to inquire what amendments, if any, are expedient to be made to the laws relating to the Military Academy at West Point, in the State of New York, and also into the expediency of modifying the organization of said institution; and, also, whether it would not comport with the public interest to abolish the same, with power to report by bill or otherwise.

Mr. HAWES said it would be recollected that, at the last session of Congress, a committee, consisting of one member from each of the States, had been appointed, and that committee went into an investigation of the affairs of that institution. That committee performed the duty assigned them, but their report was made at so late a period of the session, that it was impossible for the House to act upon it. The resolution which he

now submitted varied but in one particular from the one adopted raising the committee of last year, and that was in reducing the number of the committee. From the number of that committee, it was almost impossible to get them collected for business. The number was entirely too great. As this was a mere resolution of inquiry, he would say nothing of the abuses which existed in that department of the Government, but hoped the resolution might be adopted without debate, so that the committee might proceed to the duty assigned them.

Mr. WARDWELL said he thought that this subject ought to be referred to the Committee on Military Affairs. He believed that the committee of twenty-four which was appointed last session had investigated the subject fully. Their report was brought into the House, and it set forth all the facts which we wanted to know. He would therefore move to amend the resolution, so that the subject might be referred to the Committee on Military Affairs.

Mr. SMITH wished the gentleman from New York [Mr. WARDWELL] would give some substantial reasons why the subject ought to be referred to the Committee on Military Affairs. It seemed to him that a special committee ought to be raised; but if the friends of the institution thought that a special committee would not do them the same justice which the Committee on Military Affairs would, and they would offer that as a reason, he would withdraw his objections. As there were doubts about the organization of this Academy, it was desirable that a committee should be raised, which could devote as much time as possible in bringing out the merits or demerits of the institution. He believed that the Committee on Military Affairs would not have time, although they might have the disposition, to do the subject justice. He believed a special committee would do ample justice. He hoped the gentleman from New York would withdraw his motion, or that it would not prevail.

Mr. BRIGGS thought that the subject had already been referred to the Committee on Military Affairs by the general resolutions referring the different items of the President's message to committees; and therefore inquired whether the present resolution was in order?

The SPEAKER said that the present resolution was one of inquiry, and he considered the reference of the President's message as not applying to the case.

Mr. BRIGGS then said he would vote for the amendment of the gentleman from New York, because he thought the subject ought to go to one of the standing committees. It had been said by the gentleman from Kentucky [Mr. HAWES] that, in consequence of the number of the committee of last session, it was almost impossible to get them to business. He thought the gentleman labored under a mistake. That committee had a meeting early in the session, and appointed a sub-committee to investigate the whole matter, and that committee went industriously to work. After their investigation was completed, they made an elaborate report. The committee adopted the report, which report was now on the files of the House; and if gentlemen wished information from it, they could order it to be printed. It was because this subject had been so recently and thoroughly investigated, that there was no necessity for further investigation. He would vote for the amendment of the gentleman from New York.

Mr. REYNOLDS, of Illinois, remarked that the people he had the honor to represent in the State of Illinois took a deep interest in this subject, and were he to remain silent on the occasion they would consider him derelict in his duty. They expected him, on all occasions, to advocate such measures as would tend to reform this institution, or to abolish it entirely. This was the reason which induced him to rise on this occasion.

It was astonishing to him (Mr. R.) that gentlemen, friends to this institution, were so strenuous and so much opposed to an investigation of this subject. If it be an institution founded on a proper basis, and conducted on sound republican principles, they need not fear an investigation; if it be of this character, an investigation will not injure it; neither time nor talents can prevail against it. But the great dread of an investigation was almost positive proof that there was something wrong in the institution.

Mr. R. said his honorable friend [Mr. BRIGGS] tried to stifle this investigation by his attempt to satisfy the Speaker that the subject was already referred to the Committee on Military Affairs. This was strong circumstantial proof that there was in this affair something not right. The other gentleman [Mr. WARDWELL, of New York] wished to have the subject referred to the Committee on Military Affairs. Mr. R. said he had he highest respect for *that* committee; but somet of them, and perhaps all of them, had already expressed an opinion on the subject, in a report favorable to that institution, and from this consideration were not so impartial as a select committee raised expressly for the occasion.

Mr. R. remarked, that an official investigation, and that made known to the people, would cause the institution at West Point to wither and die. Under its present organization, the young men, who ought not to be educated there, were the exclusive individuals that were educated in it; and, what is still worse, it was made a kind of monopoly. The cadets educated there were the exclusive officers in our Army, right or wrong; they were the officers who were to conduct our armies to glory or disgrace; and it mattered not what deeds of valor the privates in the Army might do, they could not rise, as there were no places for them; the cadets filled all. A private soldier in the war which seems to be approaching us might do as noble a deed as the character of antiquity did who slew Goliah, still he could not rise one *foot* in the Army.

He would appeal to the House, if every individual did not expect to rise by his merits? The gentlemen, [Messrs. WARDWELL and BRIGGS,] like others in Congress, would expect to be rewarded for their meritorious conduct. His friend from Massachusetts [Mr. BRIGGS] no doubt would be supported by his constituents for his moral and orderly course of conduct in Congress and his assiduity to business. The same would apply to the gentleman from New York, [Mr. WARDWELL.] The principle was correct to reward meritorious actions, and an institution or measures that opposed this principle were in themselves wrong.

Any person that would look at the report made at the last Congress on this subject, would be satisfied that there was something not right in the institution. If the friends of the Academy would let that report be printed, and officially presented to the people, that would be satisfactory.

Mr. R. said, he hoped, under all the circumstances, the motion of the gentleman from New York [Mr. WARDWELL] would not prevail; but that the subject would be submitted to a select committee, under the resolution of the gentleman from Kentucky.

Mr. WARDWELL did not wish to take up the time of the House in discussing a preliminary question, but his friend from Illinois [Mr. REYNOLDS] had said that the Committee on Military Affairs had expressed an opinion on the matter. It was not the committee of the last session which expressed that opinion, but the one preceding that, which was a different committee entirely. The committee of the present body had expressed no opinion on the subject; but it was very probable that some of those who would be on the select committee had expressed opinions adverse to the institution. The last Congress had refused to print the report. He protested against having so many select committees on subjects which ought to go to standing committees. He was willing to have the institution examined—yes, probed to the core—but let it be done by the proper committee. He would say a few words in reply to the gentleman from Illinois. Why was it that all this objection came from the western States? It was, he thought, because all persons in those States who had any topographical knowledge, might expect some employment from Government, which business is now done by the graduates of the institution at West Point, without cost to the Government. If, however, that institution was abolished, and those engineers not sent among them, there might be some fine offices for the young gentlemen of the western country. No wonder that western gentlemen's constituents were in favor of abolishing that institution.

Mr. HANNEGAN had a few remarks to make on the subject. He was a member of the select committee of the last session, and would say that it was not in the power of the Committee on Military Affairs to give the subject the attention which it required. The committee of last session made their report to the House, and the gentleman from New York, [Mr. WARDWELL,] tells us that the House refused to print that report. Why did the House refuse? Because it required two thirds to make the motion to print, and the friends of the institution rallied around it, and refused to print. That gentleman said that the West alone opposed that institution. He (Mr. H.) knew gentlemen from the East, the South, and the North, who opposed it. That gentleman also said that the young gentlemen of the West expected good offices if the institution is abolished. He (Mr. H.) would be glad to have the offices given to those who came from the ranks of the people, and not to the sons of those who were now in high office. He hoped and trusted that the resolution of the gentleman from Kentucky would be adopted, and that a thorough investigation might be had.

Mr. HAMER said he could not see what possible objection there could be to the resolution of the gentleman from Kentucky. On one hand it was contended that it was one of the most aristocratic, and on the other that it was one of the best institutions that ever was established. Why, then, not allow us to collect facts, so that we may be enabled to make up an impartial judgment on the subject? A large portion of the people of the country believe that the institution ought to be abolished; then let an investigation be fully had. Mr. H. would say a word to the gentleman from New York, [Mr. WARDWELL] He is mistaken; the people of the West are governed by no such motives as those attributed to them by that gentleman. That gentleman admits that a band of men are sent out to fill all the important offices—men who are the friends and relatives of those who are in high station, and who have political influence. The sons of men high in office are educated at that institution, and those men are sent out to fill all the high offices in the western country. If the people of the Mississippi valley educate their sons at their own expense, why should they not be appointed to those offices? If they are capable, let them have the offices. He objected, and his constituents objected, to the existence of the institution in its present form. He therefore hoped there would be no objection to an investigation.

Mr. MANN, of New York, desired to make a few remarks upon the subject before the House, but, as the morning hour had expired, he called for the orders of the day.

The motion was agreed to.

SUFFERERS BY NEW YORK FIRE.

A bill from the Senate for the relief of sufferers by fire in the city of New York was read twice.

Mr. CAMBRELENG said this bill was the same in substance, and differed only in words from the one which was reported by the Committee of Ways and Means. It would not, therefore, be necessary to refer this bill to that committee. He moved that it be committed to the Committee of the Whole on the state of the Union; which was agreed to.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House two communications from the State Department, in reference to the expiration of patents for useful inventions, and the applications for new ones; which were laid on the table, and ordered to be printed.

DEFICIENCY APPROPRIATION BILL.

The bill making partial appropriations for the support of the Government for the year 1836, was, on motion by Mr. CAMBRELENG, further postponed until to-morrow.

SUFFERERS BY NEW YORK FIRE—AGAIN.

The House then, on motion by Mr. CAMBRELENG, resolved itself into the Committee of the

Whole on the state of the Union, (Mr. CONNOR in the chair.)

Mr. CAMBRELENG said he felt it his duty to throw himself upon the indulgence of the committee, and ask them to take up and consider the bill from the Senate for the relief of the sufferers by the late fire in New York. His reason for doing so he explained to be, that the whole business of the custom-house at New York was obstructed, and must remain obstructed so long as that bill was not passed, for every bond due was lying over, and no entries could be made until those bonds were canceled.

The bill (he said) as it then stood, and was sent from the Senate, did not embrace that provision which had before excited opposition in the House in relation to the surplus revenue. Its object was simply to extend accommodation to the debtors of the Government, who had been unable to pay their debts, from the loss of not less than twenty-five millions of capital in the city of New York. He therefore moved that the committee take up the bill from the Senate in relation to that subject.

The motion was agreed to; and the bill was read from the Clerk's table, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of the port of New York be, and he is hereby, authorized, as he may deem best calculated to secure the interests of the United States, to cause to be extended (with the assent of the sureties thereon) to all persons who have suffered loss of property by the conflagration at that place on the 16th day of December last, by the burning of their buildings or merchandise, the time of payment of all bonds heretofore given by them for duties, to periods not exceeding three, four, and five years, in equal annual installments, from and after the day of payment specified in the bonds; or to allow the said bonds to be canceled upon giving to the said collector, for the sums of the former, bonds respectively, payable in equal installments in three, four, and five years, from and after the day of payment specified in the bonds to be taken up or canceled as aforesaid; and the said collector is hereby authorized and directed to give up, or cancel, all such bonds upon the receipt of others described in this section; which last-mentioned bonds shall be proceeded with, in all respects, like other bonds which are taken by collectors for duties due to the United States, and shall have the same force and validity: *Provided*, That those who are within the provision of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded: *And provided also*, That the benefits of this section shall not be extended to any person whose loss shall not be proved to the satisfaction of the collector to have exceeded the sum of $1,000.

SEC. 2. *And be it further enacted*, That the collector of the port of New York is hereby authorized and directed to extend the payment, in the manner prescribed in the first section of this act, of all other bonds given for duties at the port of New York, prior to the late fire, and not provided for in the first section, as aforesaid, for six, nine, and twelve months, from and after the day of payment specified in the bonds: *Provided, however*, That nothing contained in this act shall extend to bonds which had fallen due before the 17th day of December last.

Mr. CAMBRELENG explained that the only variation between this bill and that reported in the House, was as to the limitations, and the more specific designation of the kind of property destroyed. Under former acts of this character, the amount of property destroyed merely was set forth; the Senate had, he thought, very properly inserted the qualification of property, and he hoped it would be approved of by the House.

Mr. HARDIN said, as the Senate had made the alteration, none would be entitled to any benefit who had not sustained a loss to the amount of $1,000; and sufferers to that extent were to have a credit to the extent of three, four, or five years, without interest, that he understood. But he did not understand the proviso in the same clause, because it appeared to authorize loaning money out of the public Treasury, by way of renewing the old bonds. The money to be returned, without interest, upon three, or four, or five years, upon the canceled bonds, was nothing more nor less, he maintained, than loaning so much money to the merchants of New York who had goods destroyed to the amount of $1,000. The poor mechanic, the widow, the orphan, could derive no benefit from this bill. But he objected to it also on principle. He was opposed to loaning the public money, either with or without interest; and he denied the power of the Government to loan its public treasure in this way. He knew that bills had heretofore been passed for the relief of sufferers under a dreadful calamity at Caraccas, Alexandria, &c.; but that was done under the impulse of feeling. Could Congress relieve every citizen of the United States who might be overcome by calamity or afflicted by Providence? How many ships were lost upon the ocean? How much property lost? And who ever heard of bills introduced there for relief in such cases? There were said to be some fifteen millions of property destroyed at New York; but the chief loss had fallen upon the insurance offices, not upon the merchants. Probably not more than three, four, or five millions were lost by the merchants. The gentleman had said that more than one half the revenue was collected in New York —more than five millions of dollars. Well, all that money remained there, deposited in pet banks, and used for the benefit of the merchants of New York, without the Government deriving a dollar's benefit. Mr. H. moved to strike out the proviso to the first section. He said, also, he should move to strike out the second section, and then he intended to vote against the bill.

Mr. GIDEON LEE, of New York, expressed his surprise at the unexpected objections he had heard against the bill. Mr. L. entered into a full detail of the particulars of the bill. The splendid city of New York, in the space of one brief day, had lost one fourth of her assessable property, not sixteen millions, as the gentleman from Kentucky insisted, but twenty-five millions at least, and what was asked? Not to restore this property, but merely the exercise of the common obligations between debtor and creditor. Not to give them money, not to loan it, but they asked a rich creditor to postpone, for a time, its claims upon a debtor afflicted with an unforeseen and almost overwhelming calamity. All that the city of New York asked was accommodation till she could get the means of repayment. They asked it also on the relation of principal and agent. He could not believe that this magnanimous nation, with upwards of twenty idle millions in her Treasury, could refuse this small measure of relief now asked.

Mr. CHAMBERS, of Pennsylvania, said, the only power existing in the Government, by which this bill could pass under the Constitution and the laws, was the relation between debtor and creditor. He maintained that the money paid, the Government was not only bound to hold it, but had no right to return it. Mr. C. should vote in favor of the motion of the gentleman from Kentucky, [Mr. HARDIN.]

Mr. VANDERPOEL said, that, appreciating and admiring, as he did, that humane, liberal, and high-minded feeling, which should ever characterize an assembly composed of the Representatives of a great and magnanimous nation, he had not permitted himself to doubt that the bill under consideration would pass, if there was no constitutional objection in the way of its passage. The greatest calamity with which the elements had ever scourged any city on this continent formed the occasion for the appeal which was made in behalf of many of the enterprising and ill-fated citizens of one of your commercial cities. The disaster was one of unprecedented violence, and gentlemen should not too readily have been startled, if the remedies proposed had even exhibited some extraordinary characteristics, which he humbly conceived that the provisions contained in the bill did not do. To call for chapter, and rule, and precedent, and section, to justify means of relief in such an emergency, would (he spoke it with all due deference) be too stoical a requisition for the occasion. It would be a libel upon legislation under free and constitutional Governments, for it would be virtually saying, that, in legislation, the *head* could never approve what the *heart* most eloquently dictated.

That the bill for the relief of the New York sufferers, frame it as you might, would be opposed, was indeed to have been expected. It was to have been expected, that that jealous vigilance over the public interest and the national Treasury which, salutary as it was in the main, so often detected objections and bugbears, which its own creative energies only produced—it was to have been expected that this never-sleeping principle would, in any event, occasion some opposition to the bill; but the friends of the bill still hoped that, when honorable gentlemen came to weigh all the arguments and considerations derivable, not only from precedent, but from *principle*, that could be urged in favor of the bill, they would not have the heart to give it their negative; for he firmly believed, that they would not have the argument of *the heart* alone to justify them to their constituents, but that reason, justice, expediency, and even *precedent* should plead their justification.

Were gentlemen aware that the statute-books abounded with precedents to justify the relief proposed to be given by the first section of the bill, extending the credit upon the revenue bonds? He had collected a few, and he believed only a few, of the acts which Congress had passed to relieve those who had been overtaken by such a calamity. In 1803, the town of Portsmouth, in New Hampshire, was visited with a destructive fire, and Congress on that occasion promptly interposed, and passed an act for the relief of the sufferers, similar in principle to the first section of the bill now under consideration. It authorized the collector at Portsmouth to cancel the old bonds, and take new ones, and to extend the credit given by the old bonds. In 1807, it seems that Portsmouth was again visited by a similar calamity, and the like relief was given by Congress. In March, 1804, an act was passed for the relief of the sufferers by fire in Norfolk, similar to those which were passed in the cases of Portsmouth. It will be recollected that, in 1820, a fire swept away a considerable portion of the city of Savannah, and you will find, in your statute-book, a similar act for the relief of the Savannah sufferers on that occasion. Here, then, were precedents in abundance to justify the interference of this House, if there was any weight in precedents.

But, by examining these same statute-books, it would be found that Congress had not limited their relief against such calamities to the mere extension of the bonds given for duties, but had also, on various occasions, wholly remitted the duties on the goods destroyed, and that, too, on a principle that he considered to be entirely defensible. Under our system of indirect taxation, it was intended that the consumer should actually pay the duties upon goods imported into the country, and if those goods were destroyed before they went into the hands of the *actual tax payer*, it was right that they should be refunded to him who had thus, in anticipation, paid them to the Government. If Congress had then, as he asserted on a variety of occasions, remitted the duties, and the principle of such interpositions could be supported, he could imagine no difficulty in supporting this bill on the ground of principle; a bill which did not at all propose to relinquish the debt to the Government, but only to extend the time for payment of it.

The gentleman from Kentucky, [Mr. HARDIN,] and the gentleman from Pennsylvania, [Mr. CHAMBERS,] had objected to the bill because, as they seemed to suppose, it dispensed charity. He (Mr. V.) did not consider that the bill at all involved this principle of charity. Your great importing merchants were your agents to bring into the country the means of raising revenue. You were the *principal*. The arm of your agent was crippled by a certain catastrophe, which no human skill could guard against; and the question was, whether you would let him sink, and be disabled from bringing into the country any more means to enlarge your revenue; or whether you would, by a little indulgence, encourage and enable him to go on in his occupation of enterprise, and bring from abroad new means of swelling your Treasury? All gentlemen would agree with him, that not one single dollar's worth the less of foreign goods would be consumed in the country, by reason of the immense mass of goods that had been destroyed in New York. The vacuum occasioned by the devouring element must, and would most assuredly, be filled up; not a coat less would be worn, not a cent's worth of groceries the less would be consumed. What, then, would be the consequence to the Government? Why, sir, the Government would actually make money out of that which had blasted the hopes, and annihilated the property of so many enterprising individuals. It would realize the duty upon the goods destroyed, upon the goods for which the bonds in question were given, and

then derive an additional revenue from the immense quantity of goods that must and would be imported to supply the deficiency. The Government would then inevitably gain much by means of an event which had created so much individual distress; and would we not, should we not—when we were to be the recipients of so much gain—extend a little indulgence to our unfortunate creditors? He humbly conceived that policy and expediency, as well as justice, dictated this course; that an opulent individual creditor would, under like circumstances, grant to his unfortunate debtor all the relief provided for by the bill. Suppose a debtor engaged in some occupation which consequentially produced much gain to the creditor—suppose him overtaken by a severe calamity, which paralyzed his energies and disabled him without some relief from further prosecuting his business, so *directly* profitable to himself, and so *incidentally* profitable to the creditor—would the latter, sir, considering his own interest, hesitate to extend his bond? He would do this, and be apt to go further, and make a new loan. Self-interest, if no better motive, would prompt him to do this; and was the arm of Government so tied up, that it could not, in such a case, do for its own interest what an individual would do? He did not believe that we were so lamentably impotent.

It had been remarked by gentlemen, that the proviso to the first section of the bill was objectionable, because it provided for cases where bonds had already been paid. He did not consider this objection at all sound. If we legislated at all, we should do it in such a way as at least not to be subject to the imputation of partiality. Why should not those sufferers who had been compelled to pay their bonds, participate in the benefits intended to be secured by the bill, equally with those whose bonds were unpaid? They had paid because they could not enter their goods when their bonds laid over. Was this compulsory promptness—this inconvenient abstraction from those funds which were necessary to enable them to further prosecute their business, was this to operate against them? He hoped and confidently believed that the bill would pass this House without amendment.

Mr. McKEON said this was a national question, for it was a national calamity—a calamity that would be felt in the remotest sections of the country. And where could the sufferers go for relief or assistance, if they could not come there? The bill itself under consideration would only afford partial relief. It provided neither for the remission of duties, nor for the loan of any of the surplus revenue. It provided for nothing more than the relief which an individual standing in the relation of a debtor, suddenly overtaken by an unforeseen misfortune, would ask of a rich creditor. Mr. McK. referred to the report of the committee of merchants of New York, and read an estimate showing that $18,000,000 of property had been destroyed, not one half of which would be reimbursed to the sufferers by the insurance companies, ($8,750,000;) and little of that under a period of six months. He defended the provisions of the bill, not merely on the grounds of justice, but of interest and policy to the country generally. New York had been a faithful agent in the collection of the revenue, a statement of the amount of which he read to the House. Mr. McK. also replied at length to the objections to the bill.

Mr. PICKENS said no one felt more deeply than he did the catastrophe that had fallen upon the city of New York, the pride and ornament of the country; and he regretted that the obligations he owed to the country compelled him to subdue his feelings of sympathy, and oppose the bill presented for the relief of her citizens. The bill was unconstitutional in two points of view. It conflicted with two provisions of the Constitution. It first provided for the passage of a revenue law, or, to a certain extent, an *ex post facto* law; and it, moreover, gave one State a preference over another It encroached upon the provisions of the Constitution. Mr. P. maintained that the case of Caraccas was not in point, for the Government had no power. So in the case of Alexandria, the Government could only have constitutionally granted relief in that case out of its local treasury, and not out of the public Treasury. He contended that, if the principle in this bill were once admitted, it must be carried out; and the merchants of Cincinnati or Boston could come before the House with the same claims, under similar circumstances. The loss in New York, in reality, fell chiefly upon the insurance offices; and, if relief were extended at all, it should be to them, and not to the merchants alone. He again regretted that his sense of duty compelled him to vote against the bill; but it would be setting a precedent that would be dangerous in its consequences, and whose practical operation would have no end. Mr. P. referred to the practice of the British Government, which never extended relief in the way contemplated by this bill since the great fire of 1666.

Mr. MANN, of New York, replied to Mr. HARDIN. He had hoped that this bill would have been discussed without sectional feeling. The people of New York did not come to ask for charity at the hands of that House. She asked only for common, simple, plain justice, not for charity—for that common justice meted out to every other part of the country. Mr. M. defended the course that had always been pursued by the State of New York, for her liberal policy and generous and enlightened principles. Because, from her geographical situation, she was the largest commercial State in the Union, it did not follow that she should not have justice done to her. The bill under consideration proposed no bounty, as in the case of Caraccas, but provided nothing more than she had a right to ask, and what was as much for the interest of the country generally as for New York. Mr. M. defended the provisions of the bill, and replied at length to Mr. HARDIN. Mr. M. said it was well known that the larger share of the banking capital of the gentleman's own State came from New York.

Mr. UNDERWOOD felt a warm sentiment for the people of New York, and he was prepared to give them relief. He was prepared to remit the duties on goods actually destroyed by fire, and that he believed to be the only relief that ought to be granted. He did not look upon the importing merchants as paying the duties. The consumer paid; the importing merchant was the mere agent of the Government. Duties were generally an advantage to the latter, who invariably pay more for the imported goods in proportion to the tax levied upon them. Believing the measure he had indicated to be the only relief that ought to be afforded, he should vote against this bill in every step, but the other he would cheerfully sustain; or he would vote for this bill if it was modified according to what he considered the only proper mode of relief.

Mr. BEARDSLEY did not believe there was any constitutional objection to this bill. Mr. B. read the two clauses of the Constitution before referred to, and argued that there was no inequality or local preference given to New York by this bill. Neither the remission of duties, nor an extension of time for their payment, applied to the prohibition of that instrument. The Constitution applied to the law imposing the duties that they "shall be uniform," and that no preference was given by this bill to the port of New York over any other.

Mr. SUTHERLAND referred to the case of a law passed several years ago relative to certain importations into the port of Charleston, South Carolina, by which a duty of ten cents tonnage was imposed on all ships entering that port. This case he adduced to show that for a long time past Congress had been in the habit of passing laws with regard to local regulations of duties and tonnage. By the law Mr. S. referred to, the city council of Charleston were authorized to impose a duty of ten cents a ton, for the temporary relief of the sick there, &c.

Mr. PICKNEY was in favor of the bill, and intended to vote for it. He gave a history to the law cited by Mr. SUTHERLAND, which he said was passed to authorize the City Council of Charleston to complete a Federal work they had from patriotic and benevolent motives undertaken at their own cost.

Mr. EVERETT moved that the committee rise and ask leave to sit again; which was agreed to. The committee then rose, and at a quarter to four o'clock, p. m., the House adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 15, 1836.

Mr. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of John Cowper; which was read twice and committed.

Mr. JOHNSON, of Tennessee, from the Committee on Ways and Means, reported a bill for the relief of the Lexington and Ohio Railroad Company; which was read twice and committed.

Mr. HARRISON, of Pennsylvania, from the Committee on Invalid Pensions, reported a bill granting pensions to certain persons therein named; which was read twice and committed.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Captain John Winston, deceased; which was read twice and committed.

Mr. MILLIGAN, from the Committee on Naval Affairs, reported a bill for the relief of John S. Devlin; which was read twice and committed.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Patrick Green; which was read twice and committed.

Mr. LINCOLN, from the Committee on the Public Lands, reported a bill authorizing the Commissioner of the General Land Office to issue to David J. Talbot, a patent for a quarter section of land in the State of Missouri; which was read twice and committed.

Mr. FRY, from the Committee on Revolutionary Pensions, reported a bill for the relief of Thaddeus Tuttle; which was read twice and committed.

Mr. LEA, of Tennessee, from the Committee on Revolutionary Pensions, reported a bill to provide for paying certain pensioners of the United States at Pulaski, in the State of Tennessee; which was read twice and committed.

Mr. LAY, from the Committee on Revolutionary Pensions, reported a bill for the relief of James Steel; which was read twice and committed.

Mr. WHITTLESEY, from the Committee on Claims; Messrs. HARRISON, of Pennsylvania, and HOWELL, from the Committee on Invalid Pensions; Mr. HAYNES, from the Committee on Indian Affairs; and Mr. OWENS, from the Committee of Ways and Means—made unfavorable reports upon various petitions; which were laid on the table.

Mr. BELL, from the Committee on Indian Affairs, reported the following resolution; which was agreed to:

Resolved, That the Committee on Indian Affairs be directed to inquire whether any, or what, abuses or irregularities have taken place, or now exist, in that branch of the public service which relates to Indian affairs; and that said committee, if they find it necessary to a full investigation, have power to send for persons and papers.

Mr. JOHNSON, of Tennessee, from the Committee of Ways and Means, reported the following resolution; which was agreed to:

Resolved, That the Clerk of the House cause to be prepared for the use of the House, a tabular statement, showing the expenditure of the contingent fund of the House of Representatives from the year 1830 to 1835 inclusive, under each material head of expenditure.

Mr. HANNEGAN moved to suspend the rules for the purpose of allowing the presentation of resolutions of inquiry; which was objected to.

WEST POINT ACADEMY.

The House resumed the consideration of the following resolution, submitted by Mr. HAWES on the 7th instant:

Resolved, That a select committee of nine be appointed to inquire what amendments, if any, are expedient to be made to the laws relating to the Military Academy at West Point, in the State of New York, and also into the expediency of modifying the organization of said institution; and, also, whether it would not comport with the public interest to abolish the same, with power to report by bill or otherwise.

The question pending was the amendment of Mr. WARDWELL, proposing to substitute the Committee on Military Affairs for a select committee.

Mr. MANN, of New York, said he intimated yesterday, when this resolution was under consideration, that he desired to say a few words upon it. In the first place he wished his colleague to withdraw his amendment to refer the subject to a standing committee, and to suffer it to undergo the investigation of a select committee.

In regard to this institution, (Mr. M. said,) there was a great disparity of opinions; and the subject was one of very considerable interest to the State he had the honor in part to represent. It was also of considerable interest to the various States surrounding this institution; and he found, to his surprise, during the last session, a strong disposition manifested by that portion of the Representatives coming from those States, thus located, to maintain this institution in every one of the charges made against it. At the last session of Congress a committee of twenty-four members, consisting of one from each State, was raised on the motion of the gentleman from Kentucky, [Mr. HAWES,] to investigate the affairs of this institution. That committee appointed a sub-committee, whose labors had not been yet officially promulgated to this House or to the country. He had the honor to be a member of that committee of twenty-four, but not of the sub-committee; but he concurred partially with the views contained in that report, which was, to say the least of it, an elaborate examination of the institution from its earliest time. He knew that in doing that he incurred some censure from a portion of his own State, but he never had, and never would, flinch from any important duty he felt it incumbent upon him to perform there.

Mr. M. said, in the examination of the transactions of this institution he had found much to censure. He believed if its friends on that floor would take the trouble to investigate it in the same way the committee did last year, they would find in it more to censure, in the principle of the establishment, than they were aware of. He knew very well that it was necessary to have military officers—they were highly useful at all times; but that was not the inquiry at present. The inquiry was, whether this institution should continue under its present organization? Now, there were abuses in this institution developed in that report—abuses of a character that would not find, he presumed, a single advocate on that floor, when they come to be promulgated.

In his opinion, (said Mr. M.,) the principle on which this institution was established and organized was utterly inconsistent with the principle of all the other institutions in the country; but, because he thought so, he did not therefore desire to see its extermination. It was at variance with all our other institutions, because it was exclusive. It formed the only avenue by which the people of this country could approach the offices of the Army. It was the gateway, and the only gateway, by which any citizen of this country could alone reach them, and that was not right.

It was again objectionable to Mr. M.'s mind, because he could perceive no reason—he never had perceived any reason—why a single individual out of any part of this Union should be selected by a member representing that district upon this floor to be educated exclusively at the public expense; although he knew gentlemen would say, as they had heretofore said, that this was necessary, in order to acquire the best amount of military information in the country. There was no doubt that it was necessary to have this information in the country, both in time of war and in time of peace; but could it not be secured by some other means? There was no reason why one individual should be taken and educated at the public expense. But, besides the principle, what was it in practice? Why, we saw individuals continually pressing the Government in every quarter for admission into this institution, to be educated professedly for the military service, but very frequently, too generally, with the secret design in their hearts of devoting themselves to the civil pursuits of society. This was another ground of objection in his mind, even if the institution bestowed the military education required, because you sent a young man there with a fraud in his heart; and the course of education unfitted him for the performance of those duties incumbent upon civil life. You sap and destroy the foundations which should form the basis of his future course. Moreover, the system was just such a system as prepared a young man, not for civil, but for a military life; and the first thing he had to do was to unlearn almost everything he had learnt there. These were some of the objections that presented themselves to his mind. The objection, however, to selecting an individual out of a population of forty-seven thousand seven hundred, and educating him at the public expense, was one that he never had seen satifactorily answered, for it could not be answered.

But (said Mr. M.) gentlemen might ask him what system could be adopted by this Government, in regard to that institution, so as to procure that degree of military education they all agreed as requisite and necessary? Why, he thought it very simple, indeed. He granted that it was necessary this profession should be in the country at all times; but, in granting this, he did not grant that it should be procured by the means then existing. He would do this and then stop. He would support an institution like that at West Point, established perhaps on somewhat similar principles, and provide that the Government should erect all the necessary buildings, and establish the professorships, which should be supported at the expense of the Government, and there he would stop. He would leave it open as every other institution of the country was, of a literary character. He would do away entirely with the privileges which the present institution conferred upon the individuals who had passed through it. He would leave the offices of the Army open to honorable competition, so that those best qualified should be selected by whatever means they have acquired their military knowledge. This would excite a proper competition, and the country would be benefited by it, and, in his judgment, better served than at present. He could see no reason why a man educated at this institution should be more peculiarly fitted for the offices of the Army than any other. What did experience—what did history show? Was it not that, whenever the country required the exercise of those powers, individuals possessing them were always found and elected by their confederates to defend their country, and those made the very best officers? It surely did not follow that, because a young man was educated at West Point, or in the military schools at Paris, he, therefore, possessed more courage than any other.

As the thing then stood, and as the report, when it came to be promulgated, which he hoped it would, would show, this institution cost the country by far too much for the education of these young men; whether it sprung from abuse or not, such was the fact when they looked at the utility produced by the expenditure. This, taken in connection with another fact, offered an additional ground of objection to the institution as it then existed. If Mr. M. recollected the report aright, it proved that not more than two out of five of all the persons who ever entered the institution had stayed there long enough to graduate; and not two out of five who had graduated ever entered the Army; and when it was recollected that not two out of five who entered the Army stayed in it more than two years, he thought it conclusive that the utility of the institution was not commensurate with its expenditure. If Mr. M.'s memory served him aright, the report showed that every graduate coming from that institution had cost the United States more than five thousand dollars within the last ten years, and previously a much larger sum; and he believed, within one year, the graduates of that institution had cost upwards of thirty thousand dollars. He did not know the cause of that immense expenditure. It might be by mismanagement or misfortune—he cared not; but it showed there were some extraordinary abuses in regard to the institution. Now, if there be any truth in these statements—any truth in the reports that extensively prevailed in the country, the institution was mismanaged and misconducted, and ought to be investigated into and reformed. He, therefore, made an earnest appeal to his colleague that he would withdraw his amendment, and permit the subject to go to a select committee.

Mr. M. made some further remarks in relation to the duties of the Military Committee, which were too onerous to afford them the time necessary for the investigation of this object; in addition to which many of the gentlemen on that committee had predispositions in relation to it. He hoped the House would send it to a select committee, so that the institution, in all its bearings, should undergo a full and complete investigation. He hoped the friends of the institution itself would vote for the original motion, and that his colleague would withdraw his amendment.

Mr. PIERCE, of New Hampshire, addressed the House for a short time; but, without concluding, gave way to a call for the orders of the day.

[Mr. P.'s remarks will be given hereafter in a consecutive form.]

DISTRICT BANKS.

Mr. THOMAS, of Maryland, from a select committee, reported a bill to extend the charters of certain banks in the District of Columbia until the 1st of October, 1836; which was read twice.

Mr. T. said, he was about to ask a favor of the House, before doing which he desired to make a short explanation. The interests of the people of the District required that the bill should be acted on speedily. The extension of the charter of the banks would afford the select committee time to get through with their investigation, make their report to Congress, and for Congress to act on it, and at the same time it would provide for the wants of the community. It was almost indispensably necessary that the bill should be acted on immediately, and it was one on which no debate could arise. He would, therefore, ask that the House now give the bill a third reading.

Mr. WHITTLESEY said, that as the bill would elicit no discussion, it could not be necessary to go into committee; he would therefore move that it be now read.

Mr. HAWES said, that the gentleman from Maryland [Mr. THOMAS] had stated that his object in extending the charters of these banks till October next was, that Congress might have an opportunity of acting on them. If the gentleman meant that this Congress was to act on the subject, he had extended the time longer than was necessary; and if it was the next session, the charter would expire before its next meeting.

Mr. THOMAS said, that the time which the committee had adopted was a time which might guard against all possible difficulty which might arise. He could not anticipate what the report of the investigating committee might be. It might be in favor of some institutions, and against others. In that event, it was necessary to have some time, so that new institutions might be put in operation. The present bill only extended the time ninety days after the termination of the session of Congress. He thought that under these considerations gentlemen would see that the committee could not have done otherwise.

Mr. McKENNON said, he did not rise to prolong debate, but he rose to congratulate the Committee for the District of Columbia, because the select committee had reported a bill similar to the one which that committee had reported last session. The only difference was, that the District Committee thought that the charters should be extended one year, so that they might be prepared to wind up their affairs.

Mr. PARKER asked, if the bill was now before the House on its third reading?

The CHAIR said that the unanimous consent of the House having been obtained, the bill was now before the House.

Mr. PARKER said, that the bill would require more time than could be given to it to-day; he would, therefore, move that the further consideration of it be postponed till Thursday next; which motion was disagreed to.

Mr. HARDIN made a few remarks in opposition to the bill. Some of the banks (he said) had wound up their affairs, and in his opinion a good many of them ought to wind up.

Mr. THOMAS said, that the select committee had not yet commenced their examination. They had waited to see the wishes of Congress on the subject. If the House determined not to extend the charters of these banks, he was authorized by the committee to ask leave to sit during the session of the House.

Mr. LANE said, that he recollected that one of the reasons assigned for sending this subject to a select committee was, that that committee would act more promptly than the Committee for the District of Columbia.

The select committee had now been raised some weeks, and nothing done. He believed the business would have been as promptly done by

the Committee for the District. But he anticipated something more on the passage of this bill; and that was, that the committee would ask for a summer's job, for the purpose of giving these bank affairs an investigation.

Mr WHITTLESEY said, as this discussion was likely to interfere with the business set apart for to-day, he would move to lay the bill on the table; which motion was disagreed to.

Mr. HAWES said, the gentleman from Maryland had stated that the object of continuing the charters, was to afford the banks time to wind up their affairs.

Mr. THOMAS explained. He did not say time to wind up their affairs, but to continue them in operation until Congress should act on them.

Mr. HAWES said, that if the gentleman from Maryland did not give that as a reason, some other gentleman must have done so. He was willing to give them time, but he was opposed to giving more than was actually necessary for an investigation. He would therefore move to amend the bill by inserting the 1st of July, instead of the 1st of October; which amendment was disagreed to.

Mr. VANDERPOEL demanded the previous question, which was not seconded.

Mr. PARKER was glad the previous question was not seconded. There was no reason why this bill should be hurried through. He called upon gentlemen to show why the bill should be passed to day. The gentleman from Maryland had let us into a secret which we did not know before; and that was, that Congress would be kept in session until July next—whether for the purpose of allowing the committee to examine the state of the banks, he could not tell. The gentleman wants the committee to sit during sessions of the House. Mr. P. thought it was wrong to take up a bill and pass it in this way. Why not postpone it until next week. The bill had got before the House without his knowledge, otherwise he would have objected to its being taken up in this way.

Mr. PEARCE, of Rhode Island, said this was an important question; and he hoped that there would be no attempt to apply what was vulgarly called the gag. Perhaps no question, involving more important considerations, could be presented to the people of the District of Columbia. When the gentleman reported the bill, he must have had some object in view; and he thought it was this, that all these charters expire in March, and ought to be continued until Congress could act on the subject. If this was the gentleman's object, he would be willing to extend the charters till October. Congress met in December; but every person knew that no action could be had for four or five weeks after the meeting. In the mean time, bankruptcies might ensue. If the institutions were not to be rechartered, the sooner the public knows it the better for all concerned. If there could be no action at this session of Congress, then something like this bill was necessary. He had, however, understood, from a person connected with one of the banks, that they had all their papers ready which the committee would want to examine, and if the committee would go to work, the whole business of that institution might be done in three hours.

Mr. HUNTSMAN said, the gentleman from Rhode Island [Mr. PEARCE] had supposed that a three hours' examination was all that was necessary. Mr. H. was not willing to put his hand upon anything unless he gave it a thorough examination. He was not of opinion that the banks of the District were more exquisitely nice in their manner of doing business than other banks. There might be five or six banks which would require but little investigation, but then there were some three or four who had not been quite so fortunate as their neighbors, and would require more attention to ascertain whether individuals who had been debtors to the banks had not put down their credit for the purpose of speculating. He would not say this was so, but it might be so. He would not desire such an investigation gone through with in three hours. He neither had prejudices against the banks nor for them. Perhaps the gentleman from Maryland thinks he will stand a better chance in getting charters for these banks at the next session of Congress. He believed there was not a bank whose charter was twenty years old, which was as it should be. If it should be the sense of the House to recharter these institutions, it would take the committee some time to get matters in a proper condition to lay before the House. In that event, it would be necessary to have leave to sit during the sessions of the House. We would then be taken away from our business in the House. This would be a great disadvantage. Mr. H. had resolutions which had been drawn up for three weeks, and there had been no opportunity to offer them; sometimes the abolition question prevented it; at other times something else. Suppose we do pass bills rechartering those banks, then the Senate has got to act on them, and all this required time.

The amendment of Mr. HAWES was then negatived.

Mr. GILLET moved to amend the bill by reserving to Congress the right at any time to repeal the act; which was disagreed to.

Mr. BROWN asked for the yeas and nays on the question of engrossment; which were not ordered.

Mr. HARLAN moved to amend the bill by substituting the 4th of March, 1837, for the 1st of October, 1836, as the period to which the bank charters should be extended; which was negatived—ayes 61—noes not counted.

The bill was then ordered to be engrossed, and read a third time this day.

LIGHT-HOUSES.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, on the subject of light-houses; which was referred to the Committee on Commerce, and ordered to be printed.

SUFFERERS BY NEW YORK FIRE.

Mr. CAMBRELENG expressed a hope that the House would suspend private business, in order to proceed with the bill for the relief of the sufferers by the late fire in the city of New York.

Mr. WHITTLESEY said he should be very happy to gratify the gentleman, but he could not consent to lay aside the business of the day—the only one in which private business could be considered.

Mr. CAMBRELENG then moved a suspension of the rules; which was negatived without a count.

PRIVATE BILLS.

The House then went into Committee of the Whole (Mr. WARD in the chair) upon the following bills:

A bill for the relief of James Talford;
A bill for the relief of Pierce and Van Voorhis;
A bill for the relief of Joseph Cooper;
A bill for the relief of Thomas T. Townsley;
A bill for the relief of the heirs of Franzoni and Jardella;
A bill for the relief of the representatives of William Findlay;
A bill for the relief of Marinus W. Gilbert;
A bill for the relief of Jesse Smith and others;
A bill for the relief of Richard Hardesty;
A bill for the relief of David Bartlett;
A bill for the relief of William Baker, of New York; and
A bill for the relief of Doctor William Baker, of the District of Columbia.

After the bills were considered, (one of which was amended,) the committee rose, and reported to the House; when the amendment to the bill for the benefit of Jesse Smith and others, was agreed to; and the several bills were ordered to be engrossed, and read a third time to-morrow.

The House again went into Committee of the Whole (Mr. PIERCE, of New Hampshire, in the chair) upon the following bills:

A bill for the relief of Daniel Whitney;
A bill for the relief of Andrew Dodge;
A bill for the relief of George Bender;
A bill for the relief of Nathan P. Tatum;
A bill for the relief of Benjamin F. Stickney;
A bill for the relief of John McDonell;
A bill for the relief of Henry Knowles, sen.;
A bill for the relief of John Pollock;
A bill for the relief of Daniel Homans;
A bill for the relief of Owen Rice, *et al.*, representatives of Everly;
A bill for the relief of Lieutenant Washington Seawell;
A bill for the relief of Russ & Roach; and
A bill for the relief of Jane Taylor and children.

The committee rose, reported the bills to the House, and they were ordered to be engrossed and read a third time to-morrow.

The House again resolved itself into a Committee of the Whole, (Mr. BRIGGS in the chair,) and proceeded to consider the following bills:

A bill for the relief of the representatives of Willie Blount;
A bill for the relief of Laurentius M. Eiler;
A bill for the relief of Moses Bliss;
A bill for the relief of David S. Campbell;
A bill for the relief of Saunders & Putnam;
A bill for the relief of the executors of Charles Wilkins;
A bill for the relief of Commodore John Downes;
A bill for the relief of Stephen Crittenden;
A bill for the relief of Jacob B. Gilbert;
A bill for the relief of Joel Sartain;
A bill for the relief of the representatives of Thomas Beaucham;
A bill for the relief of Joshua Cullumber;
A bill for the relief of Abner Stetson; and
A bill for the relief of the Springfield Manufacturing Company.

The consideration of the bill for the relief of Commodore John Downes, after a few remarks by Messrs. PARKER and GRENNELL, was postponed; and the bill for the relief of the representatives of Thomas Beaucham was amended, when

The committee rose, reported the bills to the House, with the exception of the bill for the relief of Commodore Downes, (upon which the committee asked and obtained leave to sit again.)

The amendment to the bill for the relief of Thomas Beaucham's representatives was concurred in; and the several bills reported from the Committee of the Whole were ordered to be engrossed and read a third time to-morrow.

AMERICAN CONSUL AT LONDON.

On motion by Mr. MASON, of Virginia, the House went into Committee of the Whole on the state of the Union, (Mr. HAYNES in the chair,) upon the bill from the Senate allowing certain charges in the accounts of the American consul at London.

After a few remarks of an explanatory character, by Messrs. MANN, of New York, and MASON, of Virginia, the committee rose, reported the bill to the House, when it was read a third time and passed.

ADJOURNMENT TO MONDAY.

Mr. HANNEGAN asked the consent of the House to submit a motion for an adjournment over to Monday.

Objection being made, Mr. H. moved a suspension of the rule; which was agreed to—yeas 107, nays 30.

Mr. HANNEGAN then moved, that when the House adjourn, it would adjourn to Monday.

Mr. GARLAND, of Louisiana, asked for the yeas and nays; which were not ordered.

DISTRICT BANKS.

An engrossed bill, extending the charters of certain banks in the District of Columbia to the 1st of October, 1836, was read the third time.

Mr. BROWN asked for the yeas and nays on its passage; which were refused.

Mr. PARKER moved an adjournment—ayes 79, noes 63.

The House then adjourned until Monday.

IN SENATE.

MONDAY, *January* 18, 1836.

The following message was received from the President of the United States, by Mr. DONELSON, his Private Secretary:

To the Senate and House of Representatives:

GENTLEMEN: In my message at the opening of your session, I informed you that our Chargé d'Affaires at Paris had been instructed to ask for the final determination of the French Government in relation to the payment of the indemnification secured by the treaty of the 4th of July, 1831, and that when advices of the result should be received, it would be made the subject of a special communication.

In execution of this design, I now transmit to you the papers numbered from 1 to 13, inclusive, containing, among other things, the correspondence on this subject between

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, FEBRUARY 1, 1836. VOLUME 3....No. 8.

our Chargé d'Affaires and the French Minister of Foreign Affairs, from which it will be seen that France requires as a condition precedent to the execution of a treaty unconditionally ratified, and to the payment of a debt acknowledged by all the branches of her Government to be due, that certain explanations shall be made, of which she dictates the terms. These terms are such as that Government has already been officially informed cannot be complied with; and, if persisted in, they must be considered as a deliberate refusal on the part of France to fulfill engagements binding by the laws of nations, and held sacred by the whole civilized world. The nature of the act which France requires from this Government is clearly set forth in the letter of the French Minister, marked No. 4. We will pay the money, says he, "*when the Government of the United States is ready, on its part, to declare to us, by addressing its claim to us officially, in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded on a mistake; that it never entered into its intention to call in question the good faith of the French Government, nor to take a menacing attitude towards France;*" and he adds, "*if the Government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error.*" In the letter marked No. 6, the French Minister also remarks, "*that the Government of the United States knows that upon itself depends henceforward the execution of the treaty of July 4, 1831.*"

Obliged by the precise language thus used by the French Minister to view it as a peremptory refusal to execute the treaty, except on terms incompatible with the honor and independence of the United States, and persuaded that, on considering the correspondence now submitted to you, you can regard it in no other light, it becomes my duty to call your attention to such measures as the exigency of the case demands, if the claim of interfering in the communications between the different branches of our Government shall be persisted in. This pretension is rendered the more unreasonable by the fact, that the substance of the required explanation has been repeatedly and voluntarily given before it was insisted on as a condition—a condition the more humiliating because it is demanded as the equivalent of a pecuniary consideration. Does France desire only a declaration that we had no intention to obtain our rights by an address to her fears rather than to her justice? She has already had it, frankly and explicitly given by our Minister accredited to her Government, his act ratified by me, and my confirmation of it officially communicated by him in his letter to the French Minister of Foreign Affairs of the 25th of April, 1835, and repeated by my published approval of that letter after the passage of the bill of indemnification. Does France want a degrading, servile repetition of this act, in terms which she shall dictate, and which will involve an acknowledgment of her assumed right to interfere in our domestic councils? She will never obtain it. The spirit of the American people, the dignity of the Legislature, and the firm resolve of their Executive Government forbid it.

As the answer of the French Minister to our Chargé d'Affaires at Paris contains an allusion to a letter addressed by him to the representative of France at this place, it now becomes proper to lay before you the correspondence had between that functionary and the Secretary of State, relative to that letter, and to accompany the same with such explanations as will enable you to understand the course of the Executive in regard to it. Recurring to the historical statement made at the commencement of your session, of the origin and progress of our difficulties with France, it will be recollected that, on the return of our Minister to the United States, I caused my official approval of the explanations he had given to the French Minister of Foreign Affairs to be made public. As the French Government had noticed the message without its being officially communicated, it was not doubted that, if they were disposed to pay the money due to us, they would notice any public explanation of the Government of the United States in the same way. But, contrary to these well-founded expectations, the French Ministry did not take this fair opportunity to relieve themselves from their unfortunate position, and to do justice to the United States.

Whilst, however, the Government of the United States was awaiting the movements of the French Government, in perfect confidence that the difficulty was at an end, the Secretary of State received a call from the French Chargé d'Affaires in Washington, who desired to read to him a letter he had received from the French Minister of Foreign Affairs. He was asked whether he was instructed or directed to make any official communication, and replied that he was only authorized to read the letter and furnish a copy if requested. The substance of its contents, it is presumed, may be gathered from Nos. 4 and 6 herewith transmitted. It was an attempt to make known to the Government of the United States, privately, in what manner it could make explanations, apparently voluntary, but really dictated by France, acceptable to her, and thus obtain payment of the twenty-five millions of francs. No exception was taken to this mode of communication, which is often used to prepare the way for official intercourse, but the suggestions made in it were, in their substance, wholly inadmissible. Not being in the shape of an official communication to this Government, it did not admit of reply or official notice, nor could it safely be made the basis of any action by the Executive or the Legislature; and the Secretary of State did not think proper to ask a copy, because he could have no use for it. Copies of papers marked Nos. 9, 10, and 11 show an attempt on the part of the French Chargé d'Affaires, many weeks afterwards, to place a copy of this paper among the archives of this Government, which, for obvious reasons, was not allowed to be done; but the assurance before given was repeated, that any official communication which he might be authorized to make, in the accustomed form, would receive a prompt and just consideration. The indiscretion of this attempt was made more manifest, by the subsequent avowal of the French Chargé d'Affaires that the object was to bring the letter before Congress and the American people. If foreign agents, on a subject of disagreement between their Government and this, wish to prefer an appeal to the American people, they will hereafter, it is hoped, better appreciate their own rights, and the respect due to others, than to attempt to use the Executive as the passive organ of their communications. It is due to the character of our institutions, that the diplomatic intercourse of this Government should be conducted with the utmost directness and simplicity, and that, in all cases of importance, the communications received or made by the Executive should assume the accustomed official form. It is only by insisting on this form, that foreign Powers can be held to full responsibility; that their communications can be officially replied to; or that the advice or interference of the Legislature can, with propriety, be invited by the President. This course is also best calculated, on the one hand, to shield that officer from unjust suspicions, and, on the other, to subject this portion of his acts to public scrutiny, and, if occasion shall require it, to constitutional animadversion. It was the more necessary to adhere to these principles in the instance in question, inasmuch as, in addition to other important interests, it very intimately concerned the national honor; a matter, in my judgment, much too sacred to be made the subject of private and unofficial negotiation.

It will be perceived that this letter of the French Minister of Foreign Affairs was read to the Secretary of State on the 11th of September last. This was the first authentic indication of the specific views of the French Government received by the Government of the United States after the passage of the bill of indemnification. Inasmuch as the letter had been written before the official notice of my approval of Mr. Livingston's last explanation and remonstrance could have reached Paris, just ground of hope was left, as had been before stated, that the French Government on receiving that information in the same manner the alleged offending message had reached them, would desist from their extraordinary demand, and pay the money at once. To give them an opportunity to do so, and, at all events, to elicit their final determination, and the ground they intended to occupy, the instructions were given to our Chargé d'Affaires, which were adverted to at the commencement of the present session of Congress. The result, as you have seen, is a demand of an official written expression of regrets, and a direct explanation addressed to France, with a distinct intimation that this is a *sine qua non*.

Mr. Barton having, in pursuance of his instructions, returned to the United States, and the Chargé d'Affaires of France having been recalled, all diplomatic intercourse between the two countries is suspended—a state of things originating in an unreasonable susceptibility on the part of the French Government, and rendered necessary on our part by their refusal to perform engagements contained in a treaty, from the faithful performance of which by us they are to this day enjoying many important commercial advantages.

It is time that this unequal position of affairs should cease, and that legislative action should be brought to sustain executive exertion in such measures as the case requires. While France persists in her refusal to comply with the terms of a treaty, the object of which was, by removing all causes of mutual complaint, to renew ancient feelings of friendship, and to unite the two nations in the bonds of amity and of a mutually beneficial commerce, she cannot justly complain if we adopt such peaceful remedies as the law of nations and the circumstances of the case may authorize and demand. Of the nature of these remedies, I have heretofore had occasion to speak; and, in reference to a particular contingency, to express my conviction that reprisals would be best adapted to the emergency then contemplated. Since that period, France, by all the departments of her Government, has acknowledged the validity of our claims and the obligations of the treaty, and has appropriated the moneys which are necessary to its execution; and, though payment is withheld on grounds vitally important to our existence as an independent nation, it is not to be believed that she can have determined permanently to retain a position so utterly indefensible. In the altered state of the questions in controversy, and under all existing circumstances, it appears to me that, until such a determination shall have become evident, it will be proper and sufficient to retaliate her present refusal to comply with her engagements, by prohibiting the introduction of French products and the entry of French vessels into our ports. Between this and the interdiction of all commercial intercourse, or other remedies, you, as the representatives of the people, must determine. I recommend the former, in the present posture of our affairs, as being the least injurious to our commerce, and as attended with the least difficulty of returning to the usual state of friendly intercourse, if the Government of France shall render us the justice that is due; and, also, as a proper preliminary step to stronger measures, should their adoption be rendered necessary by subsequent events.

The return of our Chargé d'Affaires is attended with public notices of naval preparations on the part of France, destined for our seas. Of the cause and intent of these armaments, I have no authentic information, nor any other means of judging, except such as are common to yourselves and to the public; but whatever may be their object, we are not at liberty to regard them as unconnected with the measures which hostile movements on the part of France may compel us to pursue. They at least deserve to be met by adequate preparation on our part, and I therefore strongly urge large and speedy appropriations for the increase of the Navy, and the completion of our coast defenses.

If this array of military force be really designed to affect the action of the Government and people of the United States on the question now pending between the two nations, then indeed would it be dishonorable to pause a moment on the alternative which such a state of things would present to us. Come what may, the explanation which France demands can never be accorded; and no armament, however powerful and imposing, at a distance, or on our coast, will, I trust, deter us from discharging the high duties which we owe to our constituents, to our national character, and to the world.

The House of Representatives, at the close of the last session of Congress, unanimously resolved that the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on by the United States. It is due to the welfare of the human race, not less than to our own interests and honor, that this resolution should, at all hazards, be adhered to. If, after so signal an example as that given by the American people, during their long-protracted difficulties with France, of forbearance under accumulated wrongs, and of generous confidence in her ultimate return to justice, she shall now be permitted to withhold from us the tardy and imperfect indemnification which, after years of remonstrance and discussion, had at length been solemnly agreed on by the treaty of 1831, and to set at nought the obligation it imposes, the United States will not be the only sufferers. The efforts of humanity and religion, to substitute the appeals of justice and the arbitrament of reason for the coercive measures usually resorted to by injured nations, will receive little encouragement from such an issue. By the selection and enforcement of such lawful and expedient measures as may be necessary to prevent a result so injurious to ourselves and so fatal to the hopes of the philanthropist, we shall, therefore, not only preserve the pecuniary interests of our citizens, the independence of our Government, and the honor of our country, but do much, it may be hoped, to vindicate the faith of treaties, and to promote the general interests of peace, civilization, and improvement. ANDREW JACKSON.

WASHINGTON, *January* 15, 1836.

A message was also received from the President of the United States, by Mr. DONELSON, his Private Secretary, transmitting, in compliance with a resolution of the Senate, a report from the Secretary of State, relative to a letter written by the French Minister, the Duc de Broglie, to Mr. Pageot, the French Chargé d'Affaires in this country; also, transmitting the copy of a letter written to Mr. Forsyth, by the French Minister to this country, M. Serrurier, which contained exceptionable expressions, and was, therefore, not communicated to Congress, together with the correspondence that took place on that occasion.

[For accompanying documents, see Appendix, page 22.]

Mr. CLAY moved that the messages, with the accompanying documents, be referred to the Committee on Foreign Relations; whereupon,

Mr. BUCHANAN said that he had been so much gratified with the message which had just been read, that he could not, and he thought he ought not, at this the very first moment, to refrain from expressing his entire approbation of its general tone and spirit. He had watched with intense anxiety the progress of our unfortunate controversy with France. He had hoped, sincerely hoped, that the explanations which had been made by Mr. Livingston, and officially approved by the President of the United States, would have proved satisfactory to the French Government. In this he had found his hopes to be vain. After this effort had failed, he felt a degree of confidence, almost amounting to moral assurance, that the last message to Congress would have been hailed by France, as it was by the American people, as the olive-branch which would have restored amity and good understanding between us and our ancient ally. Even in this, he feared, he was again doomed to be disappointed. The Government of France, unless they change their determination, will not consider this message as sufficient. We have the terms clearly prescribed by the Duc de Broglie, upon which, and upon which alone, the French Government will consent to comply with the treaty, and to pay the five millions of dollars to our injured fellow-citizens. Speculation is now at an end

The clouds and darkness which have hung over this question have vanished. It is now made clear as a sunbeam. The money will not be paid, says the organ of the French Government, unless the Government of the United States shall address its claim officially in writing to France, accompanied by what appeared to him, and he believed would appear to the whole American people without distinction of party, to be a degrading apology. The striking peculiarity of the case—the one which he would undertake to say distinguished it from any other case which had arisen in modern times—in the intercourse between independent nations, was, that the very terms of this apology were dictated to the American Government by the French Secretary for Foreign Affairs. One of these terms was, that it had never entered into the intention—*pensée*, the thought—of this Government to call in question the good faith of the Government of France.

But the French Government proceed still further. Upon the refusal to make this apology, which they ought to have known would never be made—could never be made—they are not content to leave the question where it then was. They have given us notice, in advance, that they will consider our refusal to make this degrading apology an evidence that the misunderstanding did not proceed on our part from mere error and mistake.

In addition to all this, the last note of the Duc de Broglie to Mr. Barton declares that the Government of the United States knows that henceforward the execution of the treaty must depend upon itself. They thus leave us to decide whether we shall make the apology in the prescribed terms, or abandon our claim to the fulfillment of the treaty.

He would not allow himself to express the feelings which were excited in his mind upon hearing these letters of the Duc de Broglie read. Most sincerely, most ardently, did he hope that the French Government, when this message reaches them, if not before, might reconsider their determination, and that all our difficulties might yet pass away. But their language is now clear, specific, incapable of ambiguity or doubt. It would then become our duty calmly, but firmly, to take such a stand as the interests and the honor of the country may require.

Mr. B. had already said much more than he intended when he rose. He would, however, make another remark before he took his seat. He felt a proper degree of confidence—he might add a great degree of confidence—in the President of the United States. He knew him to be honest and firm, and faithful to his country; prompt to resent its injuries and avenge its wrongs. He confessed he had anticipated a message of a stronger character. He had supposed that a general non-intercourse with France would, at least, have been recommended. But the recommendation was confined to the mere refusal to admit French ships or French productions to enter our ports. It left France free to receive her supplies of cotton from the United States, without which the manufactures of that country could not exist. This was wise, it was prudent; it left to France to judge for herself, if this unnatural contest must still continue, whether she would close her ports against our vessels and our productions.

In the spring of 1832, (Mr. B. did not recollect precisely the time,) Congress passed an act to carry into effect our part of the treaty. Under this treaty, the wines of France had ever since been admitted into the United States upon the favorable terms therein stipulated. Her silks were imported free of duty, in contradistinction to those which came from beyond the Cape of Good Hope. She had for years been enjoying these privileges. Nothing milder, then, could possibly be recommended than to withdraw these advantages from her, and to exclude her vessels and her productions from our ports.

Mr. CALHOUN had been constrained to hear this message with far different sentiments than those expressed by the Senator from Pennsylvania, [Mr. BUCHANAN.] The gentleman declared that he had never heard a message with greater pleasure. For my part, (said Mr. C.,) I have never heard one with more profound regret from the same high quarter, except the one leveled, not against a foreign Power, but against one of the sovereign members of this Confederacy. He came there with a deep conviction that there would be no war with our ancient ally—not because he did not see many indications of an approaching contest, but that the cause was too frivolous for two nations living under constitutions, at this enlightened period, to be plunged into war. He could not look at the small magnitude of the claim involved, and the extreme frivolousness of the controversy, without indulging the hope that the peace of the country would be preserved—that that greatest of all calamities, a war with our ancient ally, with whom, on all considerations, the most friendly relations ought to be preserved, would be avoided. This message had dispelled those hopes; and the speech of the Senator from Pennsylvania had confirmed the apprehensions it excited. He would not say that war was intended; but he would say, that the conduct of the Executive, as far as he was capable of comprehending it, had been calculated to produce that result. He was bound to speak with candor, representing, as he did, one of the sovereign States, and was compelled to say that his delusions were dispelled. He must say, that the only course has been pursued, by which the peace of the country has been put in jeopardy. If war comes, with all its attendant calamities, truth impelled him, love of country impelled him, and love of justice impelled him, to declare who were the authors of it. No man could be more sensible how painful it was, in a contest such as this, to stand on the side he did. He well remembered that, twenty-four years ago, he raised his voice for war, because he believed that it was just, necessary, and unavoidable, without an utter sacrifice of everything we held sacred. The reasons that then impelled him to raise his voice for war now impelled him to wish for peace—justice, the honor of the nation, and the interests of the country, were deeply involved.

He would go no further back than the treaty with France, to show how little cause there was to involve the country in a war. From the very beginning of the negotiations, after the present King of France came to the throne, the French Ministry took the ground that, although they themselves were well disposed to pay the indemnity, there were some apprehensions that the Legislative Chambers might not be willing to make the necessary appropriation. We all remember (said Mr. C.) that Louis Philippe had just come into power. He came in on popular principles, and the very man who had most contributed to his elevation, General La Fayette, was our warmest friend. But from the very first opening of the negotiations, we were warned that the Legislative Chambers might not make the appropriations. This was not all. In the last stage of the negotiations, when Mr. Rives urged the conclusion of the treaty, he was told that they feared the result would be, instead of putting the relations of the two countries on a more friendly footing, that of involving them in still greater difficulties; for they feared that the Chambers would not make the appropriations to carry the treaty into effect. If he (Mr. C.) had had the slightest expectation that there would be a discussion on the message this morning, he would have been prepared with the necessary documents from which to quote the correspondence *verbatim;* but, as it was, he pledged himself for the truth of what he stated in substance. Under such circumstances, the French Minister begged Mr. Rives to wait until the French Chambers were consulted, before concluding the treaty; but to this request Mr. Rives was not willing to accede. Now, he put it to every man of honor, whether, in accepting this treaty, at the time and under the circumstances we did, we did not take it with the condition, that the French Chambers would make the appropriation? He submitted it to the judgment of every man, whether this was not the extent of the obligations of the French Ministry? Again: what was the implied obligation on our part? It was, that no impediment should be thrown in the way of a treaty made under such circumstances; but no sooner was the treaty made, than our Minister makes a communication to this Government, in which he speaks in the most exulting terms of his success. This was, perhaps, natural; but what does our Executive? He published this correspondence to the world, thereby creating the first and principal impediment in the way of obtaining the appropriations from the French Chambers. What next? Before the French Chambers had appropriated the money our Secretary of the Treasury drew a bill for the first installment of the indemnity, knowing that the Chambers had not passed the appropriation bill, and knowing that the draft must, therefore, necessarily be protested. Under these adverse circumstances, the treaty was brought before the Chambers, and, after a most powerful struggle, the Ministers lost the appropriation bill by about eight votes—a fact easily accounted for by the publication of Mr. Rives's correspondence.

The Chambers not having made the appropriation, who was responsible for the failure? Certainly not the French Ministers; for so determined were they on this matter, and of such importance was it considered, that the Ministry was dissolved, and the Duc de Broglie retired from office. The French Ministry having again and again acknowledged that there was an immense aversion in the Chambers to making the treaty, we should have made great allowances for their situation; it was our duty to apologize; it was our duty to sustain the French Ministry; but instead of this, at the opening of the next Congress was that unfortunate message, which has created the present difficulty. It advised the strongest measure next to war, to compel the French to make the payment. The French Chambers then made the appropriation, with the condition annexed, that this message should be explained by our Government. He (Mr. C.) regretted that this condition had been inserted in the appropriation bill; and the French Minister could not be justified in accepting it but by the belief that, without it, the appropriation could not be made. What, then, had been the proceedings of our Executive under such circumstances? He would not undertake, on such voluminous documents as have just been read, to make up an opinion at once. He had not the advantage possessed by the Senator from Pennsylvania, [Mr. BUCHANAN,] of being acquainted with the contents of these documents beforehand

[Here Mr. BUCHANAN said, he had had no other means of being acquainted with the contents of the documents than those possessed by the gentleman from South Carolina—the hearing them read from the Secretary's table.]

Mr. C. continued. He would suspend his opinion for the present; but there were circumstances connected with this message to which there could be no difficulty in referring. He was dissatisfied at not having the letter from the French Chargé, referred to by the President. Why had they not been put in possession of a copy of it? It was a most important letter, and he regretted that they had it not. There was another circumstance necessary to advert to. The President indicated in his message, at the opening of the present session, that he had still hopes that the French would pay the money. Why, then, was not the communication then before them withheld until he heard how the French Government received his opening message? Why was our Chargé recalled from France before this information could be had? Would gentlemen answer? It was certainly a matter of course that he should direct our Chargé to remain until the annual message was received in France. It was certainly a matter of course that he should suspend this message, which was certainly a warlike one, until we had heard how the message was received in France. But if this message reached France before the final determination was made there, he (Mr. C.) feared that the worst would happen. Of all calamities, he feared a war with France, and on the points at issue between the two countries, as one of the greatest that could befall us. We go to war (said he) for this $5,000,000, and how is it to terminate? How, then, can this debt honorably be discharged? The first cannon that is fired will be a receipt in full, though we shall be compelled, in honor, to continue the war till the debt is paid, or make a dishonorable peace. Which nation can hold out the longest in the contest, or which will suffer the most? Our means of annoyance against France were perhaps equal to those of France

against us; but the contest would cost France but little, while it would cost us much. We could inflict on France but little injury, while she could inflict on us a great deal. Mr. C. regarded a war with France as a greater evil than a war with England. We could inflict greater injuries on England than on France. What greater calamity could befall us than a war with France, while England remained neutral? By our neutrality, while England was plunged in war, our commerce was built up; and in the same way, if we go to war with France, will our commerce pass into the hands of England, and her navigating interest will be built up at our expense. In a war necessary for the honor of the country, he would put all these considerations aside; it was in such a war that the muscles and sinews of a country should be stretched to the utmost; but in such a war, where the difficulties in the way of amicable adjustment were so frivolous, where the sum of money withheld was only five millions of dollars, shall we (said he) put in jeopardy our most important interests? Shall we, (said he,) at a time when our institutions are in danger, when it is so important to maintain them, hazard a war with a foreign power? There never was a time (he said) when a war would be so calamitous to this country as the present. If he truly understood the dangers in which our institutions were involved, he was not extravagant in saying that, if we go into war, it may end in their destruction.

He was content to refer the message and documents to the Committee on Foreign Relations, and he hoped that they would consider it with the utmost care, and be able to recommend some course by which the peace of the country might be preserved. He would remind them, however, of one thing, that, to arm, would amount to a declaration of war; it would put us in a hostile attitude towards France. France had sent out a fleet, but she had not intended it as a hostile measure; and, if we regarded the expressions in the official papers of her Government, we should see that she believed there was no legitimate cause of war. He (Mr. C.) regarded the situation in which the parties stood. As his colleague [Mr. PRESTON] had observed the other day, why should the defendant be the first to commit an act of aggression? If we arm, (said Mr. C.,) France will further arm; and, between the two countries arming, there will be further cause for war. He could not (he said) sit still in his place, after hearing a message of that character, and after what had been said by the gentleman from Pennsylvania, without making these few remarks. He trusted that war would not take place and he deemed it due to his station there to say that he did not believe there was a legitimate cause for it.

Mr. CUTHBERT observed, that in the concluding remarks of the gentleman who had just taken his seat, [Mr. CALHOUN,] he had said that "war must inevitably follow the adoption of the measures proposed in the message of the President." War must follow; and how did the gentleman express his sentiments with regard to this result? If you arm, said the gentleman, war is to follow. Then an American Legislature was told that we must remain in a state of passive inactivity!—another nation arming!—that for the defense of our national honor and interests we dare not arm lest war might follow! Did not the blood boil in every American bosom when sentiments such as these were heard in an American Legislature? What! not arm when a powerful fleet was approaching our coasts! Not arm when the rights and dignity of the country were involved! Oh! shame, shame! that such language should be heard from the tongue whose glowing eloquence once kindled a patriotic flame in every American bosom, when the rights of his country were assailed as they are now! He could not sit still and be silent when he heard such language coming from such a quarter.

Mr. BUCHANAN said, when he made the observations which had called forth the remarks of the Senator from South Carolina, [Mr. CALHOUN,] he had believed the message to be the harbinger of peace and not of war. This was still his opinion. In this respect he differed entirely from the gentleman. Under this impression, he had then risen merely to remark, that, considering the provocation which we had received, the tone, the spirit, and the recommendations themselves of the President were mild and prudent, and were well calculated to make an impression upon France, and to render her sensible of her injustice.

It had been far from his intention to excite a general debate upon the French question, and he would not be drawn into it now by the remarks of the Senator from South Carolina. He must, however, be permitted to say, he was sorry, very sorry, that the gentleman had proclaimed that, if war should come, we are the authors of that war; and it would be the fault, not of the French, but of the American Government. Such a declaration, proceeding from such a source, from a voice so powerful and so potent, would be heard upon the other side of the Atlantic, and there might produce a most injurious effect. He was happy to say, that this sentiment was directly at war with that of our Committee on Foreign Relations, who, in their report of last session, had expressed their decided opinion that the American Government, should it become necessary, must insist upon the execution of the treaty. It was at war with the unanimous resolution of the House of Representatives of the same session, declaring that the treaty must be maintained. He believed it was equally at war with the feelings and opinions of the American people.

Whilst he expressed his hope and his belief that this message would prove to be the olive branch of peace, still there was so much uncertainty in the event, that it now became our imperative duty to prepare for the worst. Shall we, (said Mr. B.,) whilst a powerful fleet is hovering along our southern coast, in a menacing attitude, sit here, and withhold from the President the means which are necessary to place the country in a state of defense? He trusted this would never, never be the case.

The message and documents were then referred to the Committee on Foreign Relations.

OTHER EXECUTIVE COMMUNICATIONS.

The Chair announced a report from the Secretary of the Treasury, made in compliance with the resolution of the Senate of the 31st instant, showing the amount of revenue that has accrued from all sources since the 25th of September last; which, on motion by Mr. CALHOUN, was ordered to be printed.

The Chair also communicated a report from the Secretary of the Treasury, on the subject of the accounts of Daniel Vanpelt; which was referred to the Committee on Commerce.

PETITIONS, MEMORIALS, ETC.

Mr. LINN presented the petition of Beverly Allen, praying that an act of Congress be passed to authorize him to locate a confirmed tract of land on any unappropriated public land; which was referred to the Committee on Private Land Claims.

Mr. BUCHANAN presented a memorial from a number of the officers of the insurance companies of Philadelphia, and a number of merchants of that city, praying that an appropriation may be passed for the repairs of the piers at New Castle, and to clear out its harbor; and also praying that it may be made a port of entry; which was referred to the Committee on Commerce.

Mr. McKEAN presented a petition from sundry merchants of the city of Philadelphia, praying for an appropriation to construct anew the piers at Reedy Island, and to erect a light-house on the same; and also to erect a light-house on Brandywine Shoals, in the river Delaware; which was referred to the Committee on Commerce.

Mr. KENT presented a petition from sundry citizens of Georgetown, District of Columbia, praying for the recharter of the District banks; which was referred to the Committee on the District of Columbia.

Mr. ROBINSON presented the petition of sundry citizens of Quincy, Illinois, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. R. also presented sundry resolutions of the Legislature of the State of Illinois on the subject of the relinquishment of the sixteenth sections appropriated for school lands and the location of other lands in lieu thereof; on the subject of an appropriation for the improvement of the Illinois and Kaskaskias rivers; on the subject of surveys; and on the subject of pensioning those who fought in the Indian wars previous to the treaty of Greenville; all of which were severally referred.

Mr. BENTON presented the memorial of Colonel Richard Madison, of Missouri, praying to be remunerated for a horse lost in the last Indian campaign, for which he became responsible, and for which he had been compelled to pay; which was referred to the Committee on Claims.

Mr. RUGGLES presented two petitions from sundry citizens of Monroe, praying for the establishment of mail routes; which were referred to the Committee on the Post Office and Post Roads.

Petitions were also presented by Messrs. SOUTHARD, PORTER, CLAYTON, SWIFT, NAUDAIN, PRENTISS, SHEPLEY, and WRIGHT.

HARBOR OF PENSACOLA.

Mr. SOUTHARD, from the Committee on Naval Affairs, reported a bill making an appropriation for deepening the harbor of Pensacola, and for constructing a dry-dock at that place; which was read, and ordered to a second reading.

NOTICE OF BILLS.

Mr. DAVIS gave notice that he would to-morrow ask leave to bring in a bill for the relief of Christopher T. Baily.

Mr. CLAYTON gave notice that he would to-morrow ask leave to bring in a bill to establish the Territory of Wisconsin.

RESOLUTIONS SUBMITTED.

The following resolutions were submitted, and lie on the table one day:

By Mr. SOUTHARD:

Resolved, That so much of the resolution of the Senate of the 14th April, 1834, as makes the execution of any orders of the Senate for the printing of documents for its use depend upon a similar order on the part of the other House, be, and the same is hereby, rescinded.

By Mr. LINN:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of providing by law for the improvement of the navigation of the Mississippi river, from the mouth of the Des Moines river, in the Territory of Michigan, to Fort Crawford, Prairie du Chien, in said Territory.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting and extending the right of preëmption to the miners of the lead mines in the Territory of Michigan.

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the speedy completion of a public rail road from Milwaukie bay, on Lake Michigan, through the United States lead mines, in said Territory, to the Mississippi river, in said Territory.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting light-houses on suitable sites at the mouth of the Detroit river, of lake Erie, at the mouths of Saginaw river, of lake Huron, at Wagooshance, or Fox Point, in the strait of Michilimackinac, and at the mouths of the Grand Kalamazoo, Milwaukie, and Root rivers, of lake Michigan, and also for the improvement of the harbors at the two latter points.

Resolved, That the committee inquire into the expediency of causing the lead mines of the United States to be sold as other public lands are.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making appropriations to improve the harbors at the mouths of St. Joseph, Kalamazoo, Milwaukie, and Root rivers of Lake Michigan, and for removing the bar at the mouth of Clinton river, of Lake St. Clair, in Michigan Territory.

Resolved, That the Secretary of War be directed to communicate to the Senate the report of the engineer detailed, during the last summer, to survey the mouth of Christiana river, at the city of Wilmington, in the State of Delaware, together with the estimates of the said engineer for the improvement of the said river.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Butler, in Butler county, to Franklin, in Venango county, in the State of Pennsylvania.

Mr. WHITE prefaced the introduction of his resolution with some remarks, which were followed by Mr. GRUNDY, in reply:

Resolved, That the Secretary of War be, and he hereby is, requested to inform the Senate what office Benjamin F. Carry holds in the Cherokee nation; under what law he was appointed, and at what time, what salary he receives, and whether he has at any time received any allowance in addition to his salary, and how much; stating particularly the whole amount he has received each year.

On motion by Mr. CLAY, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 18, 1836.

The petition heretofore presented by Mr. ADAMS, from citizens of Massachusetts, praying for the abolition of slavery in the District of Columbia, and the questions growing out of the same, were, on motion by Mr. HAWES, further postponed until Thursday next.

Petitions and memorials were presented by Messrs. EVANS, HALL, JARVIS, and MASON, of Maine;

Mr. CUSHMAN, of New Hampshire.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States by Mr. DONELSON, his Private Secretary.

Mr. MASON, of Virginia, asked the unanimous consent of the House to take up the message from the President.

No objection being made, the Speaker laid before the House a message from the President of the United States. [Same as published in the Senate proceedings, p. 113.]

Mr. McKEON submitted a preamble and resolutions referring the message and documents to the Committee on Foreign Affairs, &c.

Before the resolutions were read—

Mr. MERCER inquired whether they were in order?

The CHAIR replied in the affirmative.

Mr. PINCKNEY asked for the reading of the documents accompanying the message, but subsequently withdrew the request.

Mr. MASON, of Virginia, said, it was his intention to move that the message and documents be referred to the Committee on Foreign Affairs, and printed. The House could not be sufficiently advised on the subject by merely hearing the papers read; and he thought every step which was taken on this subject should be marked by the most mature deliberation.

Mr. McKEON remarked, that his resolution contemplated a reference to the proper committee.

Mr. WILLIAMS, of North Carolina, requested that the documents accompanying the message be read; which was done.

After the documents had been read by the Clerk,

Mr. MASON, of Virginia, moved that the message, and accompanying documents, be referred to the Committee on Foreign Affairs, and printed.

Mr. McKEON said, he should not embarrass that motion by then offering his resolutions, but, as soon as the question of reference was decided, he would ask the House to take up the resolutions.

Mr. HAWES moved that twenty thousand extra copies be printed.

Mr. MASON moved to take the questions of reference and printing separately.

The motion to refer was then agreed to, as was that of Mr. HAWES, to print twenty thousand extra copies.

Mr. McKEON then asked leave of the House to submit his resolutions.

Objection being made, Mr. McKEON moved to suspend the rules of the House, and asked leave to have the resolution read.

This was objected to.

Mr. McKEON then remarked that he was desirous of submitting the resolutions he had sent to the Chair. He was aware that the rules of the House did not permit him to offer them at the present moment; but, as they related to our affairs with France, the House might be disposed to have them read. It was the day for presentation of petitions—he had but little prospect—but he informed the House the resolutions approved the determination of the executive branch of this Government not to submit to giving explanations, and he should take an early opportunity of presenting them to the House. He then withdrew the motion to suspend the rules.

PETITIONS, MEMORIALS, ETC.

The House then resumed the presentation of petitions and memorials.

Petitions and memorials were further presented by

Mr. BEAN, of New Hampshire;

Messrs. GRENNELL, CUSHING, PHILLIPS, and ADAMS, of Massachusetts.

Mr. ADAMS presented the petition of certain inhabitants of the State of Massachusetts, praying the abolition of slavery in the District of Columbia.

Mr. HAMMOND regretted that the gentleman had thought proper to present the memorial. He felt constrained to move the question of consideration.

Mr. ADAMS said he presumed that the question was subject to the decision upon the appeal taken by him, on a former occasion, from the decision of the Chair.

Mr. PINCKNEY wished, in order that gentlemen might have an opportunity of presenting their petitions, to make the motion that the preliminary question be laid on the table.

Mr. ADAMS said, the appeal which he had taken from the decision of the Chair, on a former occasion, was founded on a desire, on his part, that the subject should not be discussed so as to consume the whole of the day set apart for the presentation of petitions. With these views, he was willing to allow the gentleman from South Carolina to make the motion that the subject be laid on the table, to be taken up and decided on at the same time with the other petitions.

Mr. PINCKNEY then moved to lay the motion on the table.

Mr. HAMMOND inquired whether the motion of his colleague was in order? The petition not having been received, there was nothing to lay on the table.

The CHAIR said that the motion was in order. The gentleman from Massachusetts had moved that the petition be received. It was competent to lay that motion on the table.

Mr. ADAMS presented a similar petition to the foregoing, for the abolition of slavery in the District of Columbia.

Mr. HAMMOND again moved the question of reconsideration. He gave notice that he would make the same motion in every similar case, until he could procure a direct vote on the subject.

The preliminary question was postponed until to-morrow.

Similar petitions were presented by Messrs CALHOUN, LINCOLN, GRENNELL, and JACKSON, of Massachusetts, upon which the question of reception was made; and, on motion by Mr. GIDEON LEE, postponed until to-morrow.

Petitions were also presented by

Messrs. REED and LAWRENCE, of Massachusetts;

Mr. PEARCE, of Rhode Island;

Messrs. PHELPS, INGHAM, HALEY, and JUDSON, of Connecticut.

[Mr. JUDSON presented the following petitions, and on motion the same were referred, viz: Jedathim Simons, praying a pension for revolutionary services; Benjamin Smith, for the same; Benjamin Bebbins, for the same; Stephen Bennet, for the same.]

Messrs. ALLAN, SLADE, and JANES, of Vermont.

SLAVERY IN THE DISTRICT.

[Mr. SLADE presented memorials, praying for the abolition of slavery and the slave trade in the District of Columbia, of one hundred females of Cornwall, in the State of Vermont; of four hundred and twenty-six females in the county of Madison, in said State; of three hundred and thirty-six male citizens of McConnellsville, in the State of New York; and of the officers and students of Oneida Institute, in said State, which he moved should be referred to a select committee.]

Mr. GLASCOCK moved that they be not received.

Mr. GIDEON LEE moved to lay the motion on the table; which was agreed to.

Mr. JANES, of Vermont, presented a petition for the abolition of slavery in the District of Columbia.

Mr. HAMMOND demanded the preliminary question of reception, which motion was laid on the table.

Messrs. WARDWELL, CHAPIN, PAGE, P. C. FULLER, VANDERPOEL, TURRILL, CAMBRELENG, GILLET, LAY, RUSSELL, McKEON, and HAZELTINE, of New York.

[Mr. WARDWELL presented a memorial of sundry inhabitants of the State of New York, asking for an appropriation of money to be expended in the construction of a harbor at the mouth of the river St. Joseph, in the Territory of Michigan. Also, similar memorials for the improvement of the harbor at the mouth of Sandy Creek and of Salmon river, Mexico Bay, Lake Ontario.]

Mr. CHAPIN, of New York, presented the petition of William Wickham, of Wayne county, New York, asking to be remunerated for a dwelling house destroyed by the enemy.

Mr. TURRILL presented several petitions, asking an appropriation to construct a ship canal round the Falls of Niagara.

Mr. RUSSELL presented a petition from sundry individuals, praying the abolition of slavery in the District of Columbia.

Mr. HAMMOND demanded the question of consideration.

Mr. GIDEON LEE moved that the preliminary question of non-reception be laid on the table; which was agreed to.

Messrs. PARKER, SCHENCK, and DICKERSON, of New Jersey.

Messrs. POTTS and McKENNAN, of Pennsylvania.

Mr. McKENNAN presented two memorials from citizens of Pennsylvania; one of which prayed for the abolition of slavery, and the other for the suppression of the slave trade in the District of Columbia.

Mr. HAMMOND moved that they be not received.

Mr. GIDEON LEE moved to lay the motion on the table.

Mr. McKENNAN asked for the yeas and nays on the question.

Mr. WISE moved a call of the House; which was lost.

Upon counting for the purpose of ascertaining whether the call for the yeas and nays was seconded, there appeared to be no quorum voting.

Mr. WISE again moved a call of the House; which was lost.

Upon a second count, a quorum was found to be in attendance, and the yeas and nays were ordered.

Upon the question to lay the motion, that the petitions be not received, on the table, (which was understood merely as a postponement of the subject until to-morrow,) the vote was as follows:

YEAS—Messrs. Adams, Chilton Allan, Anthony, Ash, Ashley, Barton, Beale, Bean, Beardsley, Beaumont, Bell, Bockee, Bond, Boon, Bouldin, Bovee, Brown, Bunch, Bynum, William B. Calhoun, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Cushing, Cushman, Davis, Deberry, Dickerson, Dickson, Doubleday, Dromgoole, Effner, Evans, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Granger, Grantland, Graves, Haley, Hall, Hamer, Hannegan, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Hoar, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Sampson Mason, Maury, May, McCarty, McComas, McKay, McKeon, McKim, Mercer, Miller, Milligan, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, James A. Pearce, Franklin Pierce, Pettigrew, Peyton, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Smith, Spangler, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas J. Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Lewis Williams, Sherrod Williams, and Wise—177.

NAYS—Messrs. Banks, Borden, Briggs, John Calhoun, George Chambers, John Chambers, Clark, Darlington, Denny, Everett, Forester, Glascock, Grennell, Griffin, Hammond, Hard, Harper, Hazeltine, Heister, Holsey, Janes, Lincoln, McKennan, McLene, Morris, Parker, Phillips, Pickens, Potts, Reed, Russell, Slade, Sloane, Sprague, Webster, White, and Whittlesey—37.

Mr. HEISTER, of Pennsylvania, presented several petitions praying the abolition of slavery in the District of Columbia.

Mr. HAMMOND moved that they be not received.

Mr. LEE, of New York, moved to lay the motion on the table.

Mr. L. said, he deemed it proper to explain

his motives. This day is especially appropriated to the presentation of petitions from our constituents. Several members have not had an opportunity to present the petitions they had brought from home with them. Every county and town in the nation is interested, and should at least be permitted to have their petitions before the appropriate committees. Gentlemen know this class of petitions have already provoked excited and protracted discussions. I know they will continue to do so whenever they come into discussion. The object of my motion is to prevent such discussion to-day, in exclusion of all other petitions.

I wish it distinctly understood that I am in favor of the reception of every petition, whatever may be the prayer, provided the language be decorous, and free from immorality. I will vote for the reception of them to-morrow.

The motion to lay the preliminary question on the table was agreed to.

OTHER PETITIONS.

Petitions were also presented by Messrs. GALBRAITH, MILLER, HARPER, SUTHERLAND, DARLINGTON, MORRIS, CHAMBERS, HUBLEY, ASH, BEAUMONT, FRY, BANKS, KLINGENSMITH, INGERSOLL, LAPORTE, MANN, and DENNY of Pennsylvania.

[Messrs. DARLINGTON, MORRIS, CHAMBERS, and DENNY, presented various petitions, praying the abolition of slavery in the District of Columbia; upon each of which Mr. HAMMOND demanded the question of consideration; and, on motion by Mr. GIDEON LEE, the preliminary question of reception on each petition was laid on the table.]

[Mr. MANN, of Pennsylvania, presented the petition of Frederick Rice, of Bedford county, praying compensation for services rendered during the revolutionary war; which, on his motion, was referred to the Committee on Revolutionary Claims.

Mr. M. asked the unanimous consent of the House to submit a resolution of inquiry; which was objected to.]

Mr. MILLIGAN, of Delaware;

Messrs. PIERCE, STEELE, WASHINGTON, McKIM, TURNER, HOWARD, and THOMAS, of Maryland;

Messrs. MASON, JONES, WISE, MERCER, DROMGOOLE, MORGAN, CRAIG, COLES, LUCAS, GARLAND, JOHNSON, ROBERTSON, and TALIAFERRO, of Virginia;

Messrs. W. B. SHEPARD and DEBERRY, of North Carolina;

Messrs. GRIFFIN, PINCKNEY, and MANNING, of South Carolina;

Messrs. OWENS, TOWNS, and GRANTLAND, of Georgia;

Messrs. HARLAN, GRAVES, WILLIAMS, and CHAMBERS, of Kentucky.

Messrs. JOHNSON, STANDEFER, and the SPEAKER, of Tennessee;

Messrs. STORER, KILGORE, WEBSTER, KENNON, CHANEY, McLENE, MASON, PATTERSON, and WHITTLESEY, of Ohio.

[Mr. PATTERSON presented the survey and estimate for improving the harbor at Vermilion river, on Lake Erie, in the State of Ohio.

Also, the petition for a beacon light on Cedar Point, at the mouth of Sandusky bay.]

Mr. WHITTLESEY presented an abolition memorial.

Mr. HAMMOND moved that it be not received.

Mr. G. LEE moved to lay the motion on the table; which was agreed to.

[Mr. KENNON presented a petition for the erection of a bridge across the Ohio river, at Wheeling; which was referred to the Committee on Roads and Canals; also, a petition for a route from Cambridge to Plainfield, and from New Washington to Port Washington; which was referred to the Committee on the Post Office and Post Roads.]

Messrs. JOHNSON, GARLAND, and RIPLEY, of Louisiana.

Messrs. CARR, HANNEGAN, McCARTY, DAVIS, BOON, and KINNARD, of Indiana.

Mr. CARR presented the following joint resolution of the General Assembly of the State of Indiana; which was received, and upon his motion ordered to be printed.

A Joint Resolution on the subject of admission of Michigan Territory into the Union.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to oppose the admission of the people of Michigan as a State of the Union, unless they by their constitution shall acknowledge the northern boundary of Indiana.

Resolved, That the said Senators be instructed, and our Representatives requested, to unite their efforts with the Senators and Representatives in Congress from Ohio, to obtain a permanent establishment of the northern boundary of Ohio, on a parallel line with the northern boundary of Indiana.

Be it further resolved, That his Excellency the Governor be requested to forward a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

CALEB B. SMITH,
Speaker House of Representatives.
DAVID WALLACE,
President Senate.

APPROVED *January* 6, 1836. N. NOBLE.

By order the Governor transmitted,
J. L. KETCHAM.

On motion by Mr. DAVIS, the foregoing resolution was referred to the Committee on the Judiciary.

[Mr. HANNEGAN presented petitions for a post route from Newtown, by the way of Rob Roy, Williamsport, and Parish Grove, in the State of Indiana, to Iroquois, in Illinois; and for a post route from Newtown to Rob Roy, Attica, Williamsport, Warren Post Office, and Parish's Grove, in Indiana, to Iroquois, in Illinois; which were referred to the Committee on the Post Office and Post Roads.

Mr. KINNARD presented the following petitions; which, on his motion, were referred to appropriate committees:

The petition of Thomas Fitsimmons, praying for the bounty promised to revolutionary soldiers during the war; which was referred to the Committee on Revolutionory Claims; also,

The petition of inhabitants of the State of Indiana and of the Territory of Michigan, praying that an appropriation be made to erect a harbor at the mouth of St. Joseph's river, on Lake Michigan; which was referred to the Committee on Commerce; and

The petition of William Morgan, praying for the bounty promised to private soldiers during the revolutionary war.]

On motion by Mr. KINNARD, the petition and claim of Lewis Wernedag & Co., for compensation for extra work on the Cumberland road, Indiana, were referred to the Committee on Claims.

Messrs. MAY, CASEY, and REYNOLDS, of Illinois.

[Mr. CASEY introduced the petition of sundry citizens of Vermilion county, in the State of Illinois, praying the establishment of a mail route from Danville to Springfield once in each and every week, and that the mail be transported in stages from the first day of May to the first day of November in each and every year, on the route from Indianapolis by way of Crawfordsville, and Covington, Indiana, Danville, Urbana, and Decatur, to Springfield, Illinois; also the petition of sundry citizens of Iroquois county, praying the establishment of a mail route from Crawfordsville, Indiana, by Newton, Robroy, Williamsport, Warren P. O., or Rawsville and Pereshes Grove, to Iroquois, in Illinois; also, the petition of sundry citizens of Edgar county, Illinois, praying the establishment of a post route from Dixon's Mills, Part county, Indiana, to Bloomfield, Illinois; also, the petition of sundry citizens of Mount Vernon, Jefferson county, in the State of Illinois, praying the establishment of a mail route from Carmel, by Albion Lucky Mills, Fairfield, and Maulding's Mills, to Mount Vernon, in Illinois; referred to the Committee on the Post Office and Post Roads; also, a resolution of the Legislature of Illinois, praying the passage of a law authorizing the relinquishment of section sixteen in every township, when these sections, upon being offered for sale, will not sell for one dollar and thirty-five cents per acre, and the selection of an equal quantity of land in quarter sections, in lieu thereof; referred to the Committee on the Public Lands; also, papers in relation to the claims of sundry citizens of Shelby county, for horses and other property lost in the service of the United States; referred to the Committee on Claims.

Mr. REYNOLDS, of Illinois, moved that all petitions and memorials on file in the Clerk's office in the House of Representatives be referred to the Committee on the Post Office and Post Roads. Presented the case of Major Hall, of Washington county, Illinois, praying remuneration for a horse and gun, lost in the battle of New Orleans, in 1815. The petition of the inhabitants of Milwaukie, Michigan Territory, praying that the preëmption laws be continued. The petition of the inhabitants of Milwaukie, praying a light-house and harbor to be established on Lake Michigan, at Milwaukie. The memorial of the General Assembly of the State of Illinois, praying that a survey be made of the Kaskaskia river, in the State of Illinois. A memorial from the Legislature of the State of Illinois, praying a resurvey of certain public lands, so as the precise quantity of certain tracts may be ascertained. The petition of the inhabitants of Milwaukie and its vicinity, in Michigan Territory, praying a road to be made from Milwaukie to Rock river. This petition states that Milwaukie is the nearest point on the lakes to the mining district in the said Territory, and as the transportation of lead eastward is necessary and desirable to the citizens and miners, it becomes necessary that a road should be made by the General Government.]

Messrs. MARTIN, LAWLER, CHAPMAN, and LYON, of Alabama;

Messrs. ASHLEY and HARRISON, of Missouri.

[Mr. HARRISON presented the petitions of Jesse Watkins and others, praying for remuneration for Indian depredations committed during the war. Also, the petition of sundry citizens of the State of Missouri, praying Congress to pass a law extending the right of preëmption to actual settlers.]

Mr. JONES, of Michigan;

[Mr. JONES, of Michigan Territory, presented the following, to wit:

Petition of citizens of Burlington, Des Moines county, Michigan Territory, praying of Congress the passage of a law for the perfection of their titles to their lots in said town of Burlington, and that commissioners be appointed to survey the same; referred to the Committee on Public Lands. A memorial of the citizens of Michigan Territory, praying for the construction of a ship and steamboat canal around the Falls of Niagara; referred to the Committee on Roads and Canals. Petition of citizens of Michigan Territory, praying for an appropriation of $10,000 for building a bridge across the St. Joseph river at Berrien, and for the completion of the road from the city of St. Joseph to Niles; referred to the Committee on Roads and Canals. Petition of George Cubbage, praying the establishment by Congress of a board of commissioners to investigate and pay the claims of individuals for property lost in the Indian war of 1832, in Michigan Territory; referred to the Committee on Claims. Petition of the inhabitants of Michigan Territory, praying of Congress an appropriation for the improvement of the harbor at the mouth of St Joseph's river; referred to the Committee on Commerce.]

Mr. SEVIER, of Arkansas;

Mr. WHITE, of Florida.

Which petitions and memorials (with the exceptions stated) were appropriately referred.

RESOLUTIONS SUBMITTED.

On motion by Mr. GILLET,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of so changing the rates of postage on letters as to adapt the same to the denominations of our national currency.

On motion by Mr. CRAIG,

Resolved, That the Committee on Revolutionary Pensions inquire into the propriety of granting a pension to Francis Forgus, of the county of Montgomery, and State of Virginia, for his services in the war of the Revolution.

On motion by Mr. TURRILL,

Resolved, That the Committee on Commerce be requested to inquire into the expediency of causing a survey to be taken of the coast of Lake Ontario, including the river St. Lawrence, to the forty-fifth degree of north latitude, and also of Lake Erie; in which shall be designated the islands and shoals, with the places of anchorage, and also the courses and distances between the harbors, capes, or headlands, together with such other matters as may be deemed proper for completing an accurate chart of every part of said coast.

On motion by Mr. FRENCH,

Resolved, That the Committee on Revolutionary Pensions inquire into the propriety of granting to Valentine Pierrot, of Kentucky, a pension.

On motion by Mr. RIPLEY,

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of deepening the bar at the mouth of the river Mississippi.

On motion by Mr. CLAIBORNE, of Mississippi,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing David Burney, of Mississippi, a revolutionary soldier, on the pension list, or of affording such other relief to him as the justice of the case may seem to require.

On motion by Mr. CLAIBORNE, of Mississippi,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of changing the time of holding the United States district courts for the district of Mississippi, from the first Monday in January and July, to the first Monday in April and November.

On motion by Mr. CLAIBORNE, of Mississippi,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a hospital at Natchez, for the use and accommodation of sick and disabled persons navigating the Mississippi and its tributaries.

On motion by Mr. CLAIBORNE, of Mississippi,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making a donation to the State of Mississippi of ten thousand acres of land in that State, for the purpose of establishing and endowing a manual labor seminary at some point in the interior of the same, with the privilege of locating the said land by quarter sections.

On motion by Mr. CLAIBORNE, of Mississippi,

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing an arsenal at Vicksburg, in the State of Mississippi.

On motion by Mr. CLAIBORNE,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes:

From Vicksburg, by Benton, Lexington, Black Hawk, Carrollton, Grenada, Coffeeville, Ho-toc-co-fa, Nesho-bowa, Mitchell's Bluffs, Chulahoma, and Holly Springs, Mississippi, by La Grange, to Bolivar, Tennessee, twice a week.

From La Grange, Tennessee, by Spring Hill, Matthews' store, and Foster's store, to Pontatoc, in the Chickasaw session.

From Carollton, by Shongolo, Choctaw Court-house, Starkville, and Mayhew, to Columbus.

From Mitchell's Bluffs, by Sardina, Pharsalia, Fanning's store, Tillitoly, Tuscahona, Chocchuma, Point Veto, La Flore, Braca or Pine Bluffs, and Chula, to Manchester.

From Winchester, by Paulding's and Nechoba Court-house, to Louisville, Winston county.

From Pauldings, by Smith's Court-house, Westville, and Georgetown, to Gallatin.

From Livingston, by Puckett's store, in the State of Alabama, through the Shugunachee Valley, in the State of Mississippi, by Lauderdale and Scott Court-house, and Brandon, to Jackson.

On motion by Mr. ASHLEY,

Resolved, That the Secretary of War be required to furnish this House with a statement of the amount received on account of mineral lands leased by the United States within the limits of the State of Missouri, during the whole period for which the leasing of said lands was authorized by law; and showing also the expenses accrued thereon for collecting rents, making leases, &c.

And be it further resolved, That the Commissioner of the General Land Office be required to furnish this House with a statement, showing, of the mineral lands which were reserved from sale in the State of Missouri, what quantities thereof were sold at the first public sale after the passage of the act subjecting them to be sold as other public lands are sold; and also the price for which they were sold.

On motion by Mr. LYON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing, by law, a post route from Burnt Corn, in Alabama, by way of Gadbold's old store, to Allentown, in Wilcox county.

Resolved, further, That the same committee inquire into the expediency of establishing by law a post route from Demopolis, by way of Belmont, to Livingston, in Sumter county; and also, into the expediency of establishing a post route from Linden, in Marengo county, by way of the Flat Settlement, Moscow, and Pennyman's store, to Livingston, in Sumter county; and also, into the expediency of establishing a post route from Livingston, in Sumter county, by way of Horner's store, Hodge's store, near Juganz Bluff, McCarty's Bluff, and Carrollton, to Washington Court-house, in Alabama.

On motion by Mr. WHITE,

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency of so amending the act for the relief of the inhabitants of East Florida, as to extend to them the provision of the 9th article of the treaty of the 22d of February, 1819, and to provide for all losses occasioned by the invasion and occupation of East Florida by the troops of the United States, under the instructions of the President, in pursuance of a secret act of Congress, of 1811.

On motion by Mr. MAURY,

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of extending the benefit of the commutation act to the heirs of William Cunningham, a major in the Continental line of Virginia, during the revolutionary war.

Mr. HARRISON submitted the following resolution; which was postponed until to-morrow:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing the sale of the saline lands as other public lands of the United States now are.

Mr. HARRISON, of Missouri, submitted the following resolution, which was postponed till to-morrow:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting bounties in land to the mounted militia men, organized militia men, and rangers, who entered the service of the United States under the several acts of Congress providing for the defense of the frontier during the late war with Great Britain.

Mr. LAWLER submitted the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of establishing a third district of the United States Federal court, to be held at the town of Tuscaloosa, to consist of the counties of Marion, Fayette, Walker, Pickens, Sumter, Marengo, Green, Perry, Bibb, Autauga, Coosa, Talapoosa, Randolph, Chambers, Benton, Talladega, Shelby, Jefferson, and Tuscaloosa.

Mr. HUNTSMAN offered the following amendment; which was agreed to:

And that the Committee on the Judiciary be instructed to inquire into the expediency of establishing a district Federal court, in the western district of Tennessee, at the town of Jackson, to be composed of all the counties, established and to be established between the rivers Tennessee and Mississippi, and also the counties of Perry and Hardin, of said State; said court to be holden by the district Federal judge now assigned for the State of Tennessee.

The resolution as amended was then agreed to.

The House adjourned.

IN SENATE.

TUESDAY *January* 19, 1836.

Mr. PRESTON presented the petition of John Kirkpatrick; which was referred to the Committee on the Judiciary.

Also, the petition of the heirs of David Hopkins; which was referred to the Committee on Revolutionary Claims.

Mr. McKEAN presented the petition of sundry citizens of Schuylkill county, Pennsylvania, setting forth that the property consumed by the late fire in New York is a national calamity, and must be severely felt in every State and Territory in the Union, and suggesting as a remedy the creation by Congress of two hundred millions of five per cent. stock to be divided between the States and Territories and District of Columbia, and that the receipts from the sales of the public lands be pledged for the gradual redemption of the same; which was referred to the Committee on Finance.

REPORTS FROM COMMITTEES.

Mr. TYLER, from the Committee for the District of Columbia, reported a bill making an appropriation of $8,000, in addition to the unexpended balance of the appropriation of the last year, for the support of the penitentiary in the District of Columbia; which was read and ordered to a second reading.

Mr. TYLER, from the same committee, to which had been referred the bill from the House to incorporate a fire insurance company in the town of Alexandria, reported the same with several amendments; which were read.

Mr. TOMLINSON, from the Committee on Pensions, made an unfavorable report on the petition of John Bosworth.

THE POTOMAC BRIDGE.

Mr. KING, of Alabama, gave notice that he would, to-morrow, ask leave to introduce a joint resolution appropriating the balance of the appropriation for constructing a bridge across the Potomac, to the making of a road or street leading from the Capitol to the said bridge.

SLAVERY IN THE DISTRICT.

The Senate proceeded to the consideration of the question on the petition from sundry citizens of Ohio to abolish slavery in the District of Columbia; the question being, "Shall the petition be received?"

Mr. LEIGH felt it to be his duty to discuss the question upon the motion of the gentleman from South Carolina, and it was with painful reluctance he entered upon the performance of that duty. As to himself, he did not feel disposed to create any excitement on this subject, and he certainly had no party feelings. So far from being disposed to increase the excitement, he was anxious to allay it.

There had been three memorials presented to the Senate—two from Ohio, which the gentleman from South Carolina had moved should not be received; and one from Pennsylvania, which the gentleman from Pennsylvania, who had presented it, [Mr. BUCHANAN,] had moved to reject. They were all of the same tenor—all praying for the abolition of slavery in the District of Columbia—but widely different in their style. The memorial from Pennsylvania said that holding slaves was unchristian and inhuman. The same class of Christians would deprecate a war as unchristian and inhuman. They had been using this language in their neighborhoods, in their counties, and had sent it into other States from the States in which they reside. Yet from their known peaceable character they never gave cause of provocation. There was nothing in this petition to give it a different treatment from others.

One of these memorials presented by the gentleman from Ohio, was signed by men, and the other by women. As to the one signed by females, he considered it the most offensive. It was likely that whoever had framed it expected to find indulgence for these ladies; but (said Mr. L.) they have unsexed themselves. These people (said Mr. L.) complain of being oppressed with a load of sin and grief which we have incurred, and have applied to Congress to relieve them from this load of sin and this grievance. The gentleman from Ohio [Mr. MORRIS] had said he hoped some of these people were actuated by honest intentions; and a distinction is taken that, whatever their conduct may be, if they are actuated by honest motives, they are entitled to some degree of respect. If he could believe they were actuated by fanaticism alone, he might think so. But of all the passions of the human heart, none was so dangerous as hypocrisy. The petition from Pennsylvania he understood was not now the order of the day, and therefore not now under consideration. Shall we, then, (said Mr. L.) receive the petitions presented by the gentleman from Ohio, [Mr. MORRIS?] The rejection of these petitions he did not consider as decisive of the question involved. Some gentlemen might vote to reject them on account of the language contained in them; some from motives of policy might think it best not to entertain them; and some might think it both unwise and impolitic. What was the difference? To admit them acknowledges a right to be heard—to reject them, that there was something in them that from the offensive nature of it they ought not to be heard. If they were received, then (said Mr. L.) our tables will be loaded with them. If they were rejected, possibly this might for the present prevent their petitioning. It had been supposed by the gentleman from Ohio that the Constitution guarantied a right to these petitioners to be heard under the clause which says, the people shall meet together peaceably for the redress of grievances, &c. But this was not their own grievance for which they had asked relief. Under pretext of this sacred right, they were intermeddling with the constitutional right of property, at the imminent danger of a separation of the Union. Their conduct was injurious, offensive, and calculated to produce agitation in our social relations and to jeopard the Union. He hardly felt the disrespect to him by those petitions that were rejected as soon as they were presented. He could not possibly foresee that this duty or right to petition imposed upon Congress the duty of receiving them. They must judge of the right to receive or reject from the contents of the petitions themselves.

Mr. L. knew enough of the feelings of the slave-

holding States to satisfy him that it was necessary that they should come to a direct vote, and that the power of Congress should be distinctly defined. He hoped that some time during the session, this Congress would, by some mode, settle this point. What is the constitutional question? (said Mr. L.) No one doubted that the owners of slaves in the District of Columbia could emancipate their slaves. The question is, (said he,) can slavery be abolished without the consent of the owners of the slaves? [Mr. L. here read that part of the Constitution of the United States which relates to the location of the seat of Government, and the jurisdiction of Congress over the place of its location.] By this provision (said he) Congress was to have exclusive jurisdiction, not only in the ten-mile square, but also in all places ceded to the United States for the erection of forts, magazines, arsenals, and dockyards. If taken in absolute terms, then, Congress had a right not only to abolish slavery in all places ceded to the United States, but it had a right to enlist in its service regiments of free negroes—a power of most fearful import. The Constitution vests in Congress (said he) all the power over this District which the States have over their territories. Congress had that extent of power, and no more. You make (said Mr. L.) Congress the local Legislature over slavery, (he meant in property,) as Virginia and other slaveholding States have over their States. Congress was bound by a compact, the same as any two States of this Union would be. He would illustrate. A compact is entered into between Virginia and Maryland over the use of the Potomac; either of those States could use the river so as to exclude the other from the use of it. Mr. L. rought to the view of the Senate other cases to illustrate his position. I conclude (said he) that Congress has no right, upon a compact with Virginia, to violate it in regard to this District of Columbia. He then read the act of cession by the Virginia Legislature. He presumed it was not contended that Congress could pass an agrarian law, or abolish the right to the land in Virginia. By the solemn provision of this law, (said Mr. L.,) Congress is interdicted from abolishing any right of individuals. He had heard with surprise that recently doubts were entertained by some, when he well knew of the guards put upon this law. He had no idea that, when this proviso was incorporated in the act of cession, any citizen of Virginia ever thought of their rights not being well secured. The caution and wisdom that had always marked the course of the Virginia Legislature was a sufficient guarantee for the security of their rights. He had looked into the act of cession of Maryland, to see if it was equally cautious, but did not find it so. He would, however, be able to show that it was not necessary. Congress had delegated to it the same extent of powers Virginia or Maryland possessed themselves, and Congress could not exercise rights that either of those States could could not exercise themselves.

Within my recollection, (said Mr. L.,) men were more wise then than these disturbers of our peace, the Abolitionists. The emancipation of slaves had been encouraged and facilitated by their laws, (Virginia.) Their courts had sanctioned it. Mr. Jefferson had early proposed a plan of gradual abolition, and a pamphlet had been published in which a detailed scheme was laid down. In these movements the question of the right to abolish it had never been discussed. Until very recently, it had never been admitted by one single man that the State possessed the power to abolish slavery. He did not know how Maryland regarded it. In Maryland the constitution regarded slaves as lawful property. Was it to be that these constitutions, protecting property in its broadest sense, were to be disregarded by Congress? There was one way in which slavery could be abolished. The States of Maryland and Virginia had power to abolish slavery, not by laws, but by an alteration of their constitutions—by the sovereignty of the power that framed them. The two States of Maryland and Virginia stood precisely on the same footing. Mr. L. did not know the opinions of the lawyers of Maryland. Congress having derived its whole authority from the acts of cession by these two States, it could not exercise any more power than they themselves had. If it could, then there was no limit to its powers. It may then (said Mr. L.) not only abolish slavery, but all property in the District—they might form the inhabitants into regiments, and establish an hereditary aristocracy. He here went into historical illustrations at some length. The power demanded (said he) is the abolition of slavery in this District. The effect would be to embody in the heart of this District all the free negroes in this District which our laws can make. It would be to make this District a receptacle of all the free negroes in this Union—to put them then in a situation by which they could circulate every species of incendiary publications which human ingenuity could invent, and to supply the means of insurrection. On the Maryland line you find, not (said Mr. L.) the free negroes—the white of the Anglo-Saxon race were there. He spoke of the tendency to insurrection in the two adjoining States. The President had a right to call out the militia to suppress insurrection. Then, has Congress (said he) a right to adopt means to produce insurrection? The object is to compel the emancipation of slavery in our States by provoking insurrection, and by making our property valueless. To compel emancipation in Virginia and Maryland, and all knew what would follow. It was as clear as any principle in ethics or in politics, that that which they had no right to do directly they had no right to do indirectly. He would have to be brief, because gentlemen who had preceded him had been very full in their expositions.

The sweeping clause vesting the power in Congress to provide for the general welfare was resorted to as applicable to the power of Congress in this question, and also the clause authorizing the raising of taxes. The question was, whether Congress could raise taxes for any other purpose than is defined in the Constitution? He was not a strict constructionist, and he was certainly not a latitudinarian. He was for a fair construction of the Constitution. In all matters relating to foreign nations you give (said he) a liberal construction, because it was evidently so intended by the framers of it; but as to that which related to our citizens, a strict construction was necessary. Was there a man who could seriously believe that Congress could appropriate the money of the Government to the purchase of their slaves?—that it can employ the revenue to that purpose? Sometimes, by a very bold construction an inference was given; but when argument was used, construction was resorted to, only for an extension, and never for a limitation of power. All powers were trusts, and it was right to look at the extent of the trust and limit the power. The power or right of petitioning gave to those females who could not abide the pestilential atmosphere of slavery, an opportunity to come here and hear the debates. He would advert to one other thing, because, when this subject was before the Legislature, he had occasion to mention it. Since that debate he had read a book entitled "Slavery," by a Mr. E. Channing, at Boston. He had never read any paper that filled his mind with a deeper sorrow. Before he came here he had believed there was a disposition pretty strongly manifested in the northern States to suppress these mischievous associations, to disturb our peace and happiness. He was the last man to find fault with the conduct of other States. It was the habit of his mind, and those who knew him well would bear him out that it was the habit of his conversation. It was his desire that they would do their duty with moderation, but with firmness. This book (said Mr. L.) has impaired in my breast the strong hope founded on the belief deduced from conversations with intelligent gentlemen from non-slaveholding States that that intelligence and good sense would be exercised to suppress this cause of mischief and agitation throughout the Union, and (it was in vain to disguise it) which was weakening the bond of this Union. This book was written, as was manifest in every line and page, with the design to counteract the efforts of the wise, the good, and the prudent. It was distinctly avowed in the book itself. Here Mr. L. read several passages from the book, and commented at some length on each of them. In the course of his comments he remarked that the author entertained no sympathy for the whites—for his own race. He would say of the whole book, *sapientia cetes sapientia Dei.*

There was one expression which Mr. L. thought peculiarly offensive, and upon which he commented with some emphasis—which was that, "in a slave country they breathed in a pestilence more deadly than the plague." There are men (said he) in the slaveholding States as vicious as in other countries, and it may have occurred that a few of the crimes enumerated in the book have been committed; but the description was not applicable to the general moral condition of the slaveholding States. He cited cases in the city of New York, where the parent had exposed the life of his child, and was there any man who, in his sound sense, would apply this circumstance as evidence of the moral condition of the whole State of New York? He had remarked that the number and atrocity of crimes in the non-slaveholding States far exceeded the number and atrocity of those in the slaveholding States. He attributed this to a natural consequence of a more dense population. He hoped, and confidently believed, that among the operatives in the manufacturing establishments of the northern States the moral condition of those employed was no worse than the slaves of the South. His heart would not let him say, the declaimer of this Christian monitor, (the author of the book,) who preached good will to all men, was insincere in his design. If he did not understand the effect of his writings, he was not a competent person to write upon the subject. If he did understand their effect, then his design was obvious. For the great respect he had for the reverend clergy, he would not believe his design was to incite insurrection; but he has done more to weaken the confidence in the brotherly love of our northern brethren than the whole exertions of that despicable Tappan and company put together.

They think our minds are prejudiced by our interests. They do not, and they cannot know that, at the distance they are from us. Let them first inquire into the evils of emancipation or into the evils of insurrection, before they decide that point. Insurrections excited no alarm when the knowledge of them was developed. They were like a clap of thunder: the moment you hear of it all fear is over. The sword would soon settle it. Did they suppose that that race of Anglo-Saxons living on this side of Mason and Dixon's line, had other feelings than they had? Mr. L. spoke of Ireland as being held in slavery by the British; and (said he) the difference between the East India negroes, in the employ of the British, and our slaves, is, that they are not bound to provide for their laborers when they get old, and we are. The labor and treatment were the same in other respects. Mr. L. alluded to the massacre of the aborigines, and adverted to the fact of there being but one marriage between them and the whites, and (said he) that was an illustrious one. It was wonderful to how small a compass that amalgamation had been confined. Was there a more healthy race than the black population of the South? Did it not increase with more rapidity than the whites, aided by constant immigration from Europe?

Mr. L. had done everything in his power to cultivate and preserve, not only the political, but the really affectionate relations between the people of the several States of the Union. He inculcated the disposition in his children to do it. But (said he) I will teach neither son nor daughter to believe they are living in an atmosphere more pestilential than the plague.

Mr. CALHOUN called for the reading of the petition, and it was accordingly read.

Mr. CALHOUN then observed, that he did not rise to say one word on the subject of these petitions, which he considered had been sufficiently elucidated by the very able argument just heard of his friend from Virginia. He did not know when he had heard an argument more forcible, more full, more modest, and more comprehensible. He rose to make some remarks on the particular petition then before the Senate, which had been selected from the others to induce a part of the southern delegation to consent to receiving it. It was certainly (he admitted) less objectionable in its language than the petition coming from the ladies of

the same State. This memorial, however, contained language highly reprehensible. It spoke of "dealing in human flesh." Will our friends of the South (said Mr. C.) agree that they keep shambles, and deal in human flesh? And this petition was selected from the others, and pushed forward in order to obtain the votes of gentlemen from the South. There was another phrase in the petition to which he objected. It speaks of us (said Mr. C.) as pirates. Strange language! Piracy and butchery! We must not (said Mr. C.) permit those we represent to be thus insulted on that floor. He stood prepared, whenever petitions like this were presented, to call for their reading, and to demand that they be not received. His object was to prevent a dangerous agitation, which threatened to burst asunder the bond of this Union. The only question was, how was agitation to be avoided? He held that receiving these petitions encouraged agitation—the most effectual mode to destroy the peace and harmony of the Union.

Mr. WRIGHT said he considered it to be his duty to trouble the Senate with a very few remarks before the pending question was put. He did so with extreme reluctance, arising from the deepest conviction that this whole subject had better not have been debated at all: that these petitions had better have been suffered to take their usual course—the course they had taken every year when he had been a member of either House of Congress—the course of other petitions—of of being permitted to be read at the Clerk's table, and referred to the appropriate committee. His reluctance was greatly, and perhaps he might say principally, increased by the consciousness that the whole subject was surrounded with difficulties; that it was excitable in every aspect; that the different sections of the Union were liable to different affections from the expression of the same sentiment; and that some unmeasured phrase, or some imprudent remark, might fall from him, which, unintentionally on his part, might increase, rather than allay, excitement in the one portion or the other of the country.

Yet Mr. W. felt that he should not discharge the duty incumbent upon him, or properly represent his constituents, if he permitted this question to be decided without saying anything. Had he been able, otherwise, to content himself to give a silent vote, he could not do so now since the extracts read by the honorable Senator from Virginia [Mr. LEIGH] from the late publication of the Rev. Dr. Channing, a book he had never seen, and of the contents of which he was wholly ignorant, any further than the very limited quotations of that honorable Senator had made him acquainted with them. He was prepared, however, from those extracts alone, to say, that however distinguished, however pure, however pious, and however well-intentioned the author of that work might be, in issuing to the public such a book he had shown himself as ignorant of the opinions and feelings of the great mass of the citizens of the non-slaveholding States as he had, in the quotations made, of the merits and virtues of the people of the South. He (Mr. W.) was ready to pronounce, in his place, that the publication, in the spirit in which it seemed to be written, as grossly abused the northern feeling as its language did the southern morals.

When such representations of the sentiment of the North come from such sources, it was incumbent upon him to convince the Senator from Virginia, the Senate and the public, that a belief in them as the sentiments of the non-slaveholding States would be doing violent injustice to those States, and to the patriotism and opinions of their citizens.

Mr. W. said he was not to discuss the subject of slavery in the abstract. He knew it—and the people of the North, as a body, knew it—only as it existed under the Constitution of the United States, and was sanctioned by it. They thought of it in that light, and in that light only, so far as its existence in these States is concerned, and so far as the quiet of the country and the preservation of the Union are involved in any agitation of the subject. In that sense, it was not a question for discussion in that body.

Neither (said Mr. W.) was he to debate the question of slavery in the sovereign States of this Union. The sacred and inviolable compact which constitutes us one people, had not given to Congress the jurisdiction over that question. It was left solely and exclusively to those States, and, in his humble judgment, it ought never to be debated here in any manner whatever.

Mr. W. said he would go further, and say that he did not purpose to trouble the Senate with a discussion upon the propriety of any action on the part of Congress in reference to the abolition of slavery in the District of Columbia, or in regard to the constitutional power of Congress over that subject. He had listened with pleasure and profit to the able argument of the honorable Senator from Virginia [Mr. LEIGH] upon the powers of Congress, and had marked his concessions of power equal to that possessed by the Legislatures of the respective States of Maryland and Virginia over the same subject within those States. He had not studied the question himself, because he was able to mark out his own course, with perfect satisfaction to his own mind, without examining either the constitutional powers of Congress or the powers of those State Legislatures. He was ready to declare his opinion to be, that Congress ought not to act in this matter, but upon the impulse of the two States surrounding the District, and then in a manner precisely graduated by the action of those States upon the same subject. Had the Constitution, in terms, given to Congress all power in the matter, this would, with his present views and feelings, be his opinion of the expedient rule of action; and, entertaining this opinion, an examination into the power to act had been unnecessary to determine his vote upon the prayer of these petitions. He was ready promptly to reject their prayer, and he deeply regretted that he was not permitted so to vote without debate.

The refusal to receive the petitions (Mr. W. said) was, to his mind, a very different question. That was the question now presented. If the refusal should be sanctioned by the Senate upon the broad ground of the subject prayed for, and not upon the distinct objection of indecorous language or matter in the petition itself, it would be considered and felt, in many sections of the country, as a denial of the constitutional right to petition, and, as such, would be infinitely more calculated to produce and increase, than to allay, excitement. The prompt rejection of the *prayer* of these petitions would express the sense of the Senate, in the most marked and decisive manner, against the objects of the petitioners. The refusal to receive the petitions would raise a new issue infinitely more favorable, as he deeply feared, to the schemes of these mad incendiaries than all which had gone before this proposed step.

He entreated (he said) his brethren of the South to reflect before they gave this immense advantage to the agitators. He was aware that the southern feeling must be sensitive, perhaps beyond his ability to estimate, upon this subject of domestic slavery. The constitutional rights, the personal and private interests, the domestic peace and domestic security of the people of the slaveholding States, compelled them to feel deeply and keenly upon every agitation of this delicate question. He could not be insensible to the existence of these feelings, or to their justice. Yet, might he not appeal to members of this body from those States, and ask them to remember that excitement, growing out of the same subject, was also prevailing in the non-slaveholding States?—that the public mind in those States had become aroused to the subject?—that a limited number of individuals, from what motives he would not attempt to say, were making it their calling and business to increase that excitement, and to make it universal? And might he not claim that the action of the Senate should be such as would be most likely to calm the excitement in all the States and in every section of the Union?

What, then, (Mr. W. asked,) was the action most likely to produce this result—a result, he must believe, most highly desired by every member of the Senate? To answer this inquiry he must detain the Senate with a short examination of the true state of public opinion in the non-slaveholding States, in relation to the movements of the Abolitionists, as manifested and published to the world since the last adjournment of Congress. He should confine his statements upon this point, to the State which he had the honor, in part, to represent here, because his information in reference to that portion of the North was more minute and authentic, and because he was satisfied that the general feeling of the citizens of his State, upon this point, was equally the general feeling of all the non-slaveholding States.

Mr. W. would then say that he did not know of a single meeting of citizens in his State, convened for the purpose of considering the civil and political condition of the country, during the whole summer and autumn now last past, of whatever political party the meeting might be, one single instance to which he should have occasion hereafter to refer being alone excepted, which had not made the most distinct and firm expressions against the efforts of these agitators. In addition to this evidence of the almost entire feeling of the citizens of the State, obtained from these ordinary assemblages of citizens, he need only remind the Senate, to bring the fact to the distinct recollection of every member of the body, that immense public meetings, composed of men of all grades, of talent and influence, of all parties in politics, and of all sects in religion, had been held in almost every populous town in New York, for the express purpose of giving to the country, and especially to their brethren of the South, the public sentiment and public reprobation of the efforts of the few fanatics whose exertions to agitate the question of slavery were considered as infringing upon the constitutional rights of the slaveholding States, as calculated to disturb the peace of those States, and, what was considered of infinitely more importance, to endanger the harmony and perpetuity of the Union. The expressions of these meetings (Mr. W. said) had neither been weak nor equivocal. They had breathed a spirit of patriotism, of generous feeling towards their brethren of the South, and of attachment to the Union, which he was sure his southern friends would appreciate and reciprocate.

It became now his duty, and he performed it with no small degree of mortification, to speak of the exception to which he had referred. All within the hearing of his voice would recollect that, during the summer or fall, notice was given to the public of a State convention of Abolitionists, to be held at the city of Utica, in the State of New York, in the month of October last, according to his present recollection of the time. The notice appeared formidable, from the array of names appended to it, they being several hundred in number, and exhibiting among them a large proportion of the names of preachers of the gospel of peace. It gave him unfeigned pleasure to say, that time proved that many of these names, and those of individuals by no means the least respectable in character and standing and influence, had been appended to the notice without the consent or authority of the persons whose names they were, and, in many instances, in open and direct opposition to the wishes and feelings of the individuals.

Still the notice had the effect of causing delegates to be appointed to attend the proposed convention, from too many places in the State, and the design of holding the convention was persevered in. A short time before the day fixed for assembling this body of agitators, application on their behalf was made to the municipal authorities of the city of Utica, for leave to use a public building within the city, erected at the expense of the citizens of the town, as the place for the meeting of the convention. Through an excess of complaisance, or a mistaken feeling of indulgence, the required permission was given by the Common Council of the city. No sooner was this fact made known to the citizens, than a public meeting was called, and resolutions of the most distinct and decisive character passed, declaring that the public building in question, erected at their expense, and for their use, should not be prostituted to so mischievous a purpose; and that the proposed convention should not occupy it. This meeting was a voluntary assemblage of the inhabitants of the town, and of course, unauthoritative; but to make themselves sure of their object, and

to carry their resolves into certain effect, the meeting was adjourned to reassemble in the same public building proposed to be occupied by the Abolition convention, and on the same day when that convention was to meet. At an early hour of the day designated, the public building in question was filled with the citizens of the town, and not an Abolitionist was known to enter it. Soon, however, the assemblage was informed that the proposed convention was assembling at a church in the vicinity, for the purpose, as it was believed, of showing upon paper the proceedings of a State convention of that character. A committee, consisting of twenty-five members, selected from the most respectable and influential inhabitants of the town, was instantly appointed, and instructed by the meeting of citizens to repair to the church and inform the convention of the wishes and determination of the inhabitants of Utica, that their city should not be made the headquarters for their mischievous movements. The committee obeyed the order of the meeting, made their way into the church, and announced their errand and their instructions to the assembled convention, when, fortunately for the peace of the community, the convention dispersed, without attempting to proceed with their business.

Such, (Mr. W. said,) substantially, was the history which had been given to him by eye-witnesses, of the most respectable character, of the attempt to hold a State convention of Abolitionists at Utica, and of its results; and for the credit of his usually orderly and peaceable constituents, he wished he could stop here, and give the full evidence of the feeling manifested on that occasion. The whole truth, however, went further; and he believed it due to the present occasion, to give the whole truth. During the night of the day on which the convention had been thus dispersed, he had been further informed that some disorderly persons forced their way into a printing office in Utica, supposed to be owned by some of the agitators, and certainly devoted to their cause, and committed depredations upon the property of the office; among other acts of violence, throwing the types into the street. These persons, for this offense, had been brought before the magistracy, and put under recognizance to appear at the then next court to be held for the county, and answer for the act. Recent information told him they had appeared; that their cases had been presented to the grand jury, and that that jury, acting upon their oaths, had reported no bills against them.

There was one further fact (Mr. W. said) he ought not to omit, in giving the evidences of the correct state of public opinion, elicited by this attempt to hold an abolition State convention at Utica. One member of the committee of twenty-five appointed by the citizens to repair, and who did repair to the church and aid in dispersing this convention, was, at the time, before the people as a candidate for the State Senate. In about two weeks from the time of the transactions he had detailed, the name of this gentleman was presented at the polls throughout his Senate district—a district comprising from two hundred and fifty to three hundred thousand of the population of the State—and not a shadow of opposition was made against his election from any quarter. Could this have happened if these agitators had possessed any hold upon the feelings of that people—the very people among whom they had proposed to raise the standard and commence their proceedings as a State society? Most assuredly it could not.

Again: another individual of that committee was a distinguished member of the New York delegation in the other branch of Congress, and information just received announced his appointment by the Legislature of the State, by a strong, an almost unanimous vote, to the highly-responsible and important office of attorney general of the State. Such had already been the expressions of public opinion as to two of the members of the committee of the citizens of Utica, who were put forward, at an important moment, to suppress the agitators. Could there be anything equivocal in expressions like these? Would the honorable Senator from Virginia—would any member of the Senate, or any citizen of the country, after such manifestations, permit their confidence in the soundness of the public feeling at the North to be shaken by such a publication as that referred to by Dr. Channing? He could not think they would. He most earnestly hoped they would not.

Mr. W. said he had mentioned these facts, and he might mention many others of a somewhat similar character, to show that the determined feeling of resistance to these dangerous and wicked agitators in the North had already reached a point above and beyond the law, and, if left to its own voluntary action, decisive of the fate of abolitionism in that quarter. Why, he would ask, were such manifestations of feeling found among those who were wholly uninterested in slave property? The answer was single and palpable. Their attachment to the Constitution and the Union prompted it; and, if left to govern themselves by that attachment, there was no cause to apprehend danger. He appealed, then, in the kindest manner, and with great confidence, to the Representatives of the slaveholding States, to say whether it was now desirable, whether it was now wise, to attempt to force this feeling further?

For himself, (Mr. W. said,) he must say he considered it immensely important that the action of the Senate should be calm and considerate; that nothing should be done rashly; that no step should be taken which could by any, the most sensitive, be considered violent. He must repeat, that any such action would put a weapon into the hands of the agitators more powerful, and much more to be feared, than all their efforts of a voluntary character. Such, he most deeply feared, would be a vote of the Senate, that petitions upon this subject, without regard to their language and character, should not be received by the body. He was not disposed, at the present time, even to discuss the question of the extent of the constitutional right to petition Congress, so strongly did he feel that discussion or debate of any sort upon this topic would produce only unmixed evil to every portion of the country. He was willing, for his present purpose, to place the question of reception or rejection upon the ground taken by the honorable Senator from Virginia, [Mr. LEIGH,] and to consider it as a question of mere expediency; and he hoped that, in that sense, he had said enough to satisfy every member of the Senate that there would be great danger in the course proposed by the motion under consideration. Without discussing the question, he thought every Senator would concede that a general impression prevailed among our whole people, of every portion of the Union, that the right to petition Congress in respectful terms and a respectful manner was one of the broadest rights secured by the Constitution. Refuse it upon the broad principle, as relating to this subject, and these malignant agitators will seize upon the act to draw to themselves and their cause the public sympathy. They will represent themselves as having been denied their constitutional rights, and as being the subjects of unjust and unreasonable persecution; and, once able to occupy that ground plausibly, they will become vastly more dangerous than they can ever make themselves by any efforts of their own.

Mr. W. said, it appeared to him that a unanimous expression of the Senate, if that could be secured, was of the greatest importance, as being much more calculated to allay excitement in every portion of the country, than any peculiar form of expression which might be preferred by any sectional interest. Under this impression, he had hoped that the liberal and patriotic proposition of his friend from Pennsylvania [Mr. BUCHANAN] would have been adopted by universal consent; that these petitions, and all others upon the same subject, if not clearly unexceptionable in their language and manner, would be received, be permitted to be read at the Clerk's table if desired, and then that the prayer of each would be promptly rejected, without one word of debate, and by the vote of every Senator. He yet hoped the Senate would consent to take that course. Its effect would be, in his judgment, most eminently calculated to allay excitement everywhere, and everywhere that effect was most desirable. A political or geographical vote could not have that effect anywhere; and therefore he hoped not to see such a vote.

A single other remark, (Mr. W. said,) and he would occupy the attention of the Senate no longer. The gentlemen from the South assure us they have no apprehension for their safety, and for the safety of their respective States, let the present excitement result as it may. It was pleasant to him to hear these assurances. They were calculated to do good everywhere; but he must say, in sheer justice to the non-slaveholding States, that they should not be made in a manner to carry with them the implication that our fellow-citizens of the South are to meet enemies in the great body of the citizens of the North. Such is not the fact—they are friends to the South; friends to the constitutional rights of the South; friends to the peace of the country; friends to the preservation of the Union of these States; and they will, upon all occasions and in every place, perform all their constitutional duties, as pointed out by the honorable Senator from Virginia, [Mr. LEIGH.] They will, upon every call, most cheerfully lend their aid to quell insurrection, not promote it; they will open their arms, not present their bayonets, to all their fellow-citizens of whatever section of the Union.

Mr. CALHOUN could not concur with the gentleman from New York, that so much delicacy was to be shown to the very small part of his own State he referred to, that these petitions were to be rejected, lest the refusal to receive them might be considered as a violation of the right of the citizen to petition Congress. But (said Mr. C.) does the gentleman look at our side of the question? If his constituents (continued Mr. C.) are to be treated with so much respect that their petitions are to be received, what is to be considered as due to our constituents? The Senator considered the petition before the Senate as moderate in its language—he did not say otherwise—language (said Mr. C.) which treats us as butchers and pirates. The Senator said that they must receive this petition, and reject it, lest it might be considered as violating the right of petition. To receive it, and immediately reject it—this looked something like juggling. Was the petition of sufficient consequence to be received, and at the same time of so little consequence as to be immediately rejected? Was it intended merely that this petition was to be put on the files of the Senate, as a record to show the opinion entertained of the people of the South by these Abolitionists? The Senator told them that this abolition spirit had subsided at the North. He told them that this convention of Utica, which he spoke of as an exception to the general rule in his State, was compelled to disperse. Well, within a few days a newspaper, published at Utica, had been handed to him, called the Oneida Standard and Democrat. He supposed the gentleman was acquainted with its character; it was headed "For President, Martin Van Buren, of New York; for Vice President, Richard M. Johnson, of Kentucky." This paper contained a most violent attack on the southern States and their institutions.

Mr. WRIGHT explained: he only wished to state that it was the office where this paper was published which had been forcibly entered, and the types thrown into the street, as he had before related; that it was for that offense against this paper when the grand jury of the county refused to find bills of indictment; that neither himself nor his friends could be responsible for the names which such a paper might choose to place at its head; but that of this one fact he could assure the Senator of his own knowledge, that no other party in the whole State was more universally or distinctly understood to be hostile to the political party to which he belonged than this paper, and he did not doubt that its columns would establish his position.

Mr. CALHOUN continued: He had always supposed that there was something inexplicable in the politics of New York, and the explanation of the gentleman confirmed the opinion. But to return to the petitions. The gentleman said that unanimity of opinion in the Senate was very desirable. He said so too. Let the gentleman and his friends join us, (said Mr. C.,) and in that way we can obtain unanimity of opinion. If, as the gentleman said, the petition was to be immediately rejected, why receive it at all? Would the gentleman say that a refusal to receive the petition would press in the slightest degree on the consti-

tutional right of the people peaceably to assemble and petition for a redress of grievances? If the gentleman had made up his mind to reject the petition, he could have no insuperable objection to refuse to receive it. He repeated, that so long as these petitions could be received in the Senate, so long would agitation on the subject continue. The question must be met on constitutional grounds, or not at all.

Mr. GOLDSBOROUGH said, it seemed to be the wish, on all sides, to dispose of this subject. And the question was, what proposition was most likely to effect that object? If they received these petitions, they would be flooded with others of the same kind. If they rejected them, it might be imputed to something offensive in their language, and others would come in differently framed. When these petitioners see (said Mr. G.) that we act upon a proposition over which you cannot leap, they will say, here is erected an insuperable barrier to our applications, and our further efforts will be vain, and would end it. It is the desire of the gentleman from South Carolina [Mr. CALHOUN] to meet this proposition (said Mr. G.) on his motion not to receive these petitions. He was willing to vote so as to meet this single proposition; but not if it was to be considered as decisive of the action of the Senate upon the whole subject. He had another proposition which he intended to bring forward for that purpose.

Mr. CALHOUN would only remark, that these petitions might be rejected on various grounds. First, on the unconstitutionality of their object; second, for containing improper and disrespectful language; third, for the impropriety and unreasonableness of their prayers, and for the inexpediency of granting their requests.

Mr. MORRIS observed that, in presenting these petitions, it was his sincere desire to avoid anything like agitation or excitement in that body. Although he had had these petitions in his possession for some days, he refrained from presenting them until he had an opportunity of observing what was done with others of a like tenor. The question now assumed a grave aspect. The constitutional rights of the people peaceably to assemble and petition for a redress of grievances were involved. On the subject of these petitions it was not his desire at present to say one word; his wish was, that the great question, as to the right of the people of this Union to petition Congress, might come up unembarrassed by the objections as to the language in which the petition was drawn. It seemed that these objections did not apply to the petition presented by the Senator from Pennsylvania, [Mr. BUCHANAN;] and he wished the question to be taken on that petition. He concurred with the Senator from South Carolina, [Mr. CALHOUN,] that there was no difference, in substance, between the last-named petition and those he (Mr. M.) had presented; that those who voted against receiving the one ought to vote against receiving the other. His wish was to disembarrass this question of the right of petition of the difficulties as to the language of the petitions; and he would therefore ask leave of the Senate to withdraw the one he had presented.

Mr. CALHOUN said the petition could not be withdrawn, if the yeas and nays had been ordered.

The Secretary (who was referred to) replied that the yeas and nays had been called for, but had not been ordered by the Senate.

The CHAIR said that the Senator from Ohio could undoubtedly withdraw a petition presented by himself, before any question had been taken on receiving it. The yeas and nays, he understood the Secretary to say, had not been ordered.

Mr. MORRIS then withdrew the petition.

CALN QUARTERLY MEETING PETITION.

On motion by Mr. BUCHANAN, the Senate took up the petition presented by that gentleman from the Caln Quarterly Meeting of Friends of Lancaster county, Pennsylvania, praying Congress to abolish slavery within the District of Columbia, together with the motion by Mr. B. that the petition be rejected. The question pending was the one raised by Mr. CALHOUN—"Shall the petition be received?"

Mr. CALHOUN called for the reading of the petition, and it was read accordingly.

On motion by Mr. MORRIS, the yeas and nays were ordered.

Mr. CALHOUN said that the language even of this petition was very strange. It held up the buying and selling of slaves in the southern States to be as flagrant a wrong as the slave trade itself on the coast of Africa; declaring, "that it was as inconsistent in principle, as inhuman in practice, as the foreign slave trade." The foreign slave trade (Mr. C. said) consisted in seizing on the Africans by violence, and selling them into slavery. Now, he was not willing to admit the parallel between slavery in the southern States and this foreign slave trade. We ourselves (said he) have denounced this African slave trade, and made it piracy; though he did not himself believe that the offense could be properly designated as piracy, and ever should regret that this term had been applied to it in our laws. With regard to the petition, if he had no other objection to it than that of its using this language, he would not on that account receive it.

Mr. KING, of Alabama, said the question was now upon the reception or rejection of the petition presented by the gentleman from Pennsylvania from the Society of Friends. Ever since he had known of this society, he had considered them an orderly and peaceable people, and their petition was couched in respectful terms. He wished, as an individual and as a representative, to give all the individuals of the Union, of every class, a full enjoyment of the rights secured to them by the Constitution. If we, (said Mr. K.,) from the whim or excitement of the moment, refuse to receive these memorials, might we not abridge the right of petitioning? When the language was decent and respectful, it was the duty of every Senator to show it every mark of respect due to its character. And, then, when it was received, if it was found to ask for an intermedling with the constitutional rights of any of the States, to stamp it with the disapprobation it deserved.

The book of Mr. Channing to the contrary notwithstanding, he believed that the nineteen-twentieths of the people of the non-slaveholding States were as decidedly opposed to the agitation of this subject as those who were more immediately interested in the subject. If he doubted it, he would have very different feelings from what he now entertained. He would then take a very different course in common with the people of the South to sustain their rights, and the matter would not be settled on this floor. He was happy, however, to say that he believed that day was far off. He believed those miserable fanatics would yet become enlightened, and the spell of their delusion would yet be dispelled. It might be philanthropy that actuated them, but if it was, it was philanthropy run mad. Anxious as he was that no excitement should grow out of this matter, his design was to give every individual his rights; he would vote for the reception of this petition. The magnanimous and patriotic stand taken by the gentleman from Pennsylvania, [Mr. BUCHANAN,] on this question, was worthy of himself and of the great State he represented, and was an earnest to him of the disposition of that and other northern States to arrest the course of those deluded people in producing mischief here and elsewhere. After this petition was received, he was prepared to take the most efficient and energetic action to put a stop to this fanaticism.

Mr. CALHOUN had heard, with much regret, the argument of his friend from Alabama, [Mr. KING.] He understood the gentleman to put this question of receiving the petition on constitutional grounds. He asked the Senator if he was aware of the extent to which this doctrine would carry him? Was he prepared to receive petitions to abolish slavery in the navy-yards and arsenals of the United States, in the southern section of the Union? Was he prepared to receive petitions couched in abusive and indecorous language? [Mr. KING said, no.] The Senator answered no. Then, I ask him (said Mr. C.) to show me the distinction between such petitions as he had described and the one before the Senate. If the right to have petitions received was constitutional, then there could be no qualification of that right. The Senator from Alabama, by saying no, surrendered the ground he had taken. Then, by what possibility (he asked him) was he prepared to receive petitions to abolish slavery in this District? If he was prepared to receive such petitions, what was to prevent him from receiving petitions to abolish slavery in every arsenal and navy-yard in every State in the Union?

Mr. C. confessed he was astonished at the gentleman's argument. The right of petition was cautiously guarded in the Constitution: "Congress shall make no law prohibiting the right of the people peaceably to assemble and petition for a redress of grievances." By these plain terms it was expressly limited; and yet, when gentlemen came to the petitions of these fanatics for abolishing slavery in this District, they were disposed to enlarge the construction. I know (said Mr. C.) that the Senator from Alabama represents constituents more deeply interested in this question than mine. The southwestern States were more deeply interested than the south Atlantic States, as the former had a growing slave population, continually augmenting by purchases from Maryland, Virginia, North and South Carolina, and Georgia; and he was therefore the more astonished at his argument.

Not to receive these petitions was considered wonderfully disrespectful to these petitioners; but to receive and reject them immediately was considered entirely respectful. What did gentlemen mean? He could not, for the life of him, make out why gentlemen were so anxious to receive these petitions, when they were determined to reject them.

Mr. MOORE did not rise to procrastinate this discussion. He desired more time for reflection before he recorded his views, particularly since his colleague had indicated the course he intended to pursue. He could not see the propriety of the gentleman from Pennsylvania in offering the petition he had presented, and forthwith moving to reject it. If I had a petition to present here, (said Mr. M.,) the consideration that would induce me to move its rejection would induce me to withhold it.

Mr. MOORE then moved an adjournment; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 19, 1836.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported the following bills; which were read twice, and committed:

A bill for the relief of the legal representatives of William Boyce, deceased; and

A bill for the relief of the legal representatives of Captain T. White, deceased.

Mr. CARR, from the Committee on Private Land Claims, reported a bill for the relief of Daniel Whitney and others; which was read twice, and committed.

Mr. GARLAND, from the Committee on Private Land Claims, reported a bill for the relief of Jean Baptiste Granger; which was read twice and committed.

Mr. SMITH, from the Committee of Ways and Means, reported certain documents from the Treasury Department, in relation to return duties under the tariff act of 1828; which were laid on the table, and ordered to be printed.

Mr. REYNOLDS, of Illinois, from the Committee on Roads and Canals, reported the following bills; which were read twice and committed:

A bill to continue the national road from Vandalia to the Mississippi river, in the State of Illinois; and

A bill to continue the national road from the Mississippi river to Jefferson City, in the State of Missouri.

Mr. CHAMBERS, of Pennsylvania, from the Committee on Private Land Claims, reported a bill for the relief of the heirs and legal representatives of William Graham, deceased; which was read twice and committed.

Mr. WASHINGTON, from the Committee on the District of Columbia, reported a bill to amend the charter of the Potomac Fire Insurance Company; which was read twice and committed.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill for the relief of the widows and orphans of the officers, seamen, and marines of the United States schooner Wild Cat; which was read twice and committed.

Mr. STORER, from the Committee on Revolutionary Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of Davis Hunt;

A bill for the relief of William York; and

A bill for the relief of Relief Harris.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill to authorize the appointment of additional paymasters; which was read twice and committed.

Mr. KINNARD, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Captain Lathrop Allen; which was read twice and committed.

Mr. HARLAN, from the Committee on Revisal and Unfinished Business, reported a bill to extend the time for issuing certificates of scrip on military land warrants to the officers and soldiers of the Revolution; which was read twice and committed.

Mr. HARLAN, from the same committee, reported a bill to continue in force, for a limited time, the act authorizing certain soldiers of the late war to surrender the bounty lands drawn by them, and to locate other lands in lieu thereof; which was read twice.

Mr. SEVIER moved that the bill be engrossed and read a third time.

Mr. VINTON was opposed to the engrossment of the bill, and moved that it be committed.

Messrs. SEVIER and HARLAN explained the provisions of the bill, and urged its engrossment at this time.

Mr. VINTON, after a few remarks, moved to postpone the further consideration of the bill until Tuesday next; which was agreed to.

Mr. ADAMS, from a select committee, made a report, accompanied by a bill, to authorize the President to assert and prosecute the right of the United States to the bequest of Mr. James Smithson, late of London, deceased, for the purpose of founding at Washington an institution for the diffusion of knowledge among men.

The bill was read twice and committed.

Mr. CHAPIN, of New York, said, that as the foundation of an institution at Washington for the increase and diffusion of knowledge among men must be deeply interesting to the people of the United States, he would, therefore, move that five thousand extra copies of the report submitted by the honorable chairman of the committee, together with the President's message, correspondence, and will, relating to the bequest of James Smithson, of London, be printed for the use of the House.

The motion, by the rules of the House, lies on the table for one day.

Mr. MARTIN, from the Committee on the Judiciary, reported a bill making further compensation to the clerks of the circuit and district courts of the United States; which was read twice and committed.

Messrs. P. C. FULLER, CHAMBERS, of Kentucky, and WHITTLESEY, from the Committee on Claims; Messrs. CRAIG, CHAPIN, MUHLENBERG, KINNARD, and BEAUMONT, from the Committee on Revolutionary Claims; Messrs. CARR, GARLAND of Virginia, and HUNTSMAN, from the Committee on Private Land Claims; Messrs. WARDWELL, STORER, and FRY, from the Committee on Revolutionary Pensions; and Mr. JARVIS, from the Committee on Naval Affairs, made unfavorable reports upon various petitions; which were laid on the table.

Mr. JUDSON, from the select committee appointed on the subject, made a report, accompanied by the following joint resolution, which was read twice:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Governor of the State of Connecticut be, and he is hereby, authorized to employ some suitable person to erect a monument, with appropriate inscriptions, within the public cemetery in the town of Coventry, Connecticut, commemorating the *services* and *death* of Captain Nathan Hale, in the war of the Revolution: *Provided,* The expense thereof shall not exceed the sum of one thousand dollars.

Mr. PEARCE, of Rhode Island moved to print five thousand copies of the report accompanying the foregoing joint resolution.

The motion lies over one day.

Mr. ADAMS, from the Committee on Manufactures, reported the following resolution; which was agreed to:

Resolved, That the Committee on Manufactures be instructed to inquire what plates ordered by the House of Representatives, in the publication of Dr. Mease's Silk Manual, are now not in use, and upon what terms the said plates may be used by the Biographer of Samuel Slater; or to inquire into the expediency of authorizing the sale of said plates.

Mr. MERCER, from the Committee on Roads and Canals, reported the following resolution; which lies on the table one day, under the rule:

Resolved, That the Secretary of War be directed to lay before the House a statement of the length and cost of the several portions of the national road west of the river Ohio which have been completed; also the length and cost, so far as any expense has been incurred upon the same, of such other portions of the said road as have been located, opened, and graduated, or, in part, constructed; distinguishing, respectively, in such statement, the cost of the location, opening, graduation, bridges, masonry and stone covering of the various parts of the said road; that he add to the above statement an estimate of the probable cost of the residue of the said road as far as the river Mississippi; and, also, of the relative expenses of graduating and covering with stone such part of the said road as may not have been definitively located and graduated, with reference to the future use of the same, as an ordinary Macadamized road and a railway; and that he inform the House by what regulations the economy of the public expenditure on the said road is now secured, and especially whether the said road is constructed by public contracts or otherwise; and if by contracts, how the execution of those contracts is supervised.

Mr. LAWRENCE, from the Committee on Ways and Means, reported the following resolution; which was agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of directing the Secretary of the Treasury to cause to be constructed by the same establishment in which the standard weights and measures for the custom-houses are now making, for each State and Territory of the Union, a complete set of standard weights and measures, equal to those now constructing for the custom-houses, and upon the same principles and means of adjustment.

On motion by Mr. WISE, the House proceeded to the consideration of the orders of the day.

ABOLITION OF SLAVERY IN THE DISTRICT.

The special order of the day was taken up, being the following resolutions heretofore offered by Mr. JARVIS, of Maine:

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia, ought not to be entertained by Congress.

And be it further resolved, That in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table, without being referred or printed.

To which Mr. WISE submitted the following amendment:

Strike out all after the word "*Resolved,*" and insert:

That there is no power of legislation granted by the Constitution to the Congress of the United States to abolish slavery in the District of Columbia; and that any attempt by Congress to legislate upon the subject of slavery will be not only unauthorized, but dangerous, to the union of the States.

Mr. JARVIS subsequently modified the original resolution, as follows:

Whereas any attempt in this House to agitate the question of slavery is calculated to disturb the compromises of the Constitution, to endanger the Union, and, if persisted in, to destroy the peace and prosperity of the country: Therefore,

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress.

And it is further resolved, That in case any petition praying for the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table, without being referred or printed.

The question before the House being the amendment of Mr. WISE,

Mr. HOLSEY said he would have supported the motion of the gentleman from Virginia, [Mr. WISE,] had it been presented at a proper time. He was willing to meet the constitutional question whenever it should be presented in a proper manner, but it was not his intention to go into the merits of the question at present. The people he had the honor to represent, and he believed the whole people of the South, believed the Constitution of the United States granted no power to legislate on this subject. The position his own State occupied prevented him from going further in this matter. He was of opinion that the subject should be disposed of by calling for the yeas and nays without discussion. It ought to be recollected that this was a deep and pervading question. The South knew the rights which belonged to them, and it was hardly necessary for him to say that they would maintain those rights. We have the voice of history to warn us how to proceed in this matter. The discussions in the French Legislature had their influence in the insurrection in the West Indies. He had noticed this circumstance merely as an additional motive for drawing this exciting and agitating question to a close.

The resolution of the gentleman from Maine, [Mr. JARVIS,] would have a conciliating influence on the South—the terms of the resolution being, that the agitation of the question was calculated to disturb the compromises of the Constitution. It was not inconsistent with the resolution of the gentleman from Virginia; and he was willing to go for that resolution also at the proper time. There could be but one opinion in relation to the resolution of the gentleman from Maine, and he thought that by adopting it we would discharge our obligations to our country. He did not think that the amendment of the gentleman from Virginia could be sustained in its present shape, because it would be striking out the language of the gentleman from Maine, and inserting the constitutional question. God forbid that the existence of this great Confederacy should be disturbed by a mere matter of propriety! He would say, in conclusion, that he would support the original resolution of the gentleman from Maine; but whenever gentlemen should see proper to present the constitutional question in a proper manner he would sustain their views.

Mr. HAWES said the people he had the honor to represent viewed the subject now before the House with as great attention and deep interest as, perhaps, any of the people. He had regretted that the discussion of the subject should be carried on, because in his view every speech made was calculated to create an impression in the minds of the Abolitionists that they were persecuted. He believed the consequences to be deleterious, let discussion come from whatever quarter it might, whether from the East, North, South, or West. Viewing the discussion as deleterious to every part of this great Confederacy, he felt himself bound to demand the previous question.

Mr. PEYTON rose and asked the gentleman to withdraw the motion.

Mr. HAWES said, I cannot withdraw, sir; I have given my reasons for the motion, and I feel compelled to insist upon it.

The motion for the previous question was not seconded by the House—ayes 90, noes 100.

Mr. PEYTON had hoped the gentlemen of the South would meet the only question they ever wished to see presented there, that was, the question of power, not of expediency. Would any gentleman go home to the South and tell his constituents that they might enjoy life, liberty, and property, because it was not expedient to touch it? He would assure gentlemen that the mere declaration of inexpediency, with regard to the District of Columbia, would be insufficient to tranquilize the South, and they deceived themselves if they thought so. Mr. P. then referred to the recent speech of Mr. Adams, and the message of Governor Marcy, in relation to the special message of Governor Gayle, part of which he read. This (he said) would show what the south had to expect from northern feeling and northern people. He would put the case of the guilt of the incendiary being clear beyond a doubt, and that murders without number had been committed through him or his agency; yet, upon the position assumed by the Governor of New York, he could not be punished, because he did not commit the crimes within the limits of the State in which he resided. Mr. P. contended that this conflicted with that clause of the Constitution of the United States which provided for the surrender of fugitives from justice. The case of an incendiary firing from a mortar across a State line could be done with impunity according to that position, if there was no law in the State of New York to meet that particular case.

Mr. P. maintained that the man who committed crime at a distance against a State, was just as amenable to the laws of the State he had out-

raged, as if he had committed the act within the limits of the State. He just as much fled from justice as the criminal who ran from the State. Mr. P. then read the opinions of Mr. Van Buren on an amendment to the Constitution, in relation to the abolition of slavery within the District of Columbia, contained in the letter from the Hon. Silas Wright to Thomas Ritchie, Esq.; and also, the letter of Mr. Van Buren to Samuel Gwin, of Mississippi, to show that Mr. V. B. reserved the power in the States over this species of property; and that it could not be touched without an amendment to the Constitution. Mr. P. denied that it could be so amended under any circumstances, and the time was now come when they must come up and meet this question. He then read an extract from a letter of Mr. Butler, the Attorney-General, to Hugh A. Garland, of Virginia, respecting the meeting at Albany on the subject of slavery west of the Mississippi, in the year 1819, and Mr. Van Buren's course on that occasion. He also dilated on the proceedings of the New York Legislature in 1820, on the admission of Missouri into the Union, so far as regarded the question of slavery, in which Mr. Van Buren voted for the preamble and resolution, declaring that Congress might exclude slavery from new States, before their admission into the Union. Mr. P. then referred to a publication he had received a few days since, entitled "Supplement to the Pioneer," from which he read sundry long extracts, maintaining the right of Congress to suppress slavery in the Territories, and in the District of Columbia. There were hundreds of thousands of abolition publications issued from the State of New York, an act which was punishable in the southern States, but the criminal could not be reached, because he resided within the limits of other States; yet gentlemen from the South told us that the North was sound on this subject. He compared the conduct of the Abolitionists with that of an armament of private citizens against one of the republics of South America. When such a thing was about to take place, with regard to Texas, (he said,) the President of the United States promptly issued his proclamation against the design, but no proclamation, no message, no letter had been sent forth against these societies, who were conspiring a warfare against the institutions of the South.

Mr. P. drew a picture of the condition of the slaves of the South, contrasted with the laborers of the North, and commented at great length upon the above publication or address of the anti-slavery society. He maintained that the only way to meet the question was, to vote for the amendment of the gentleman from Virginia. Anything less than this would be "shirking" the question—would be evading it. The question of expediency would not now do. He believed there was a fixed determination to baffle the question; and he called upon the gentlemen of the South not to suffer it to be baffled.

Mr. BOULDIN said the difference was more in form than in substance; for no one could doubt what every southern man believed on this subject. There was fanaticism both North and South; and he knew there was a general crusade against slavery at that time, and argument was almost useless. Upon the question of constitutionality, he felt no great concern, because he knew, that if any man made any attack upon his life or property, on whatever grounds, in church or out of church, here or hereafter, there could arise no difficulty as to what he would do. Why was it that the compromise was made in the Constitution? Because the southern people had a property over which they intended to retain the sole control. This was the strongest reason why such State reservations had been made as were found in that instrument. Patrick Henry had lifted up the veil of futurity, and foresaw it. The Constitution expressly provided that no man could be deprived of his property, but under certain circumstances; and he regarded one description of property as he did another.

As to the resolutions, he had little hope they would ever be able to get rid of this question without meeting it. He hoped this question would not be embarrassed by a certain election now so much talked about. All he would say on that subject was, that on the presidential election, should it ever come there, he should vote whichever way his constituents directed. He was not for a man from any particular section of country on that ground alone. If the South were not to vote for a man because he came from north of Mason and Dixon's line, it amounted at once to a dissolution of the Union. Mr. B. referred to his own recommendation on a petition on this subject, sent to the House two years ago. He was willing that that petition should be printed, but his colleagues differed with him, and he assented. He then referred to what had followed the emancipation of slaves in St. Domingo, and to the character of the present Abolitionists in this country. They were the only aristocrats in the country. It was the moneyed aristocracy of the North who meddled in this business, for no industrious man or woman ever busied themselves about the subject. Mr. B. entered at large into the whole characteristics of the colored population, and their intellectual qualities, quoting both sacred and profane history. The complaints of these Abolitionists he compared to a man having a cancer near his heart. The only remedy would be to cut it out; that was certain death, but still an officious intermeddler insisted upon probing it. He also condemned the policy of sending the colored people to Liberia, an unhealthy country, in which a large moiety of them invariably died off. Mr. B. spoke at great length, and, without concluding, gave way to

Mr. CRAIG, on whose motion the House adjourned.

IN SENATE.

WEDNESDAY, *January* 20, 1836.

The CHAIR announced a communication from the Secretary of War, containing a report of the Chief Engineer, ordered by the resolution of the Senate of the 12th instant, on the subject of deepening the harbor of Pensacola; and on motion by Mr. SOUTHARD, it was ordered to be printed.

The CHAIR also communicated a report from the Treasury Department, transmitting a report from the Commissioner of the General Land Office, made in compliance with a resolution of the Senate of the 11th instant.

Mr. McKEAN presented some documents in support of the claim of George Dalton; which were referred to the Committee on Roads and Canals.

Mr. HILL presented the petition of sundry citizens of New Hampshire, praying for the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. TIPTON presented certain resolutions of the General Assembly of the State of Indiana, requesting the Representatives, and instructing the Senators in Congress from that State, to oppose the admission of Michigan into the Union until she alters her constitution on the subject of boundary.

Mr. BUCHANAN presented the petition of Margaret Wilson, widow of Benjamin Marshall, who represents herself to be one hundred years old, praying the aid of Congress, in consideration of the sufferings and services of her husband in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. PORTER presented the petition of the surveyor and inspector of the customs at Lake Pontchartrain, praying for an increase of salary; which was referred to the Committee on Commerce.

Mr. BENTON presented the petition of the heirs of Aguste Choteau and John Mullanphy, praying that a certain tract of land on the Upper Missouri, claimed by them, may be exempted from sale until their title can be adjudicated, and that Congress will provide the means of adjudicating it; which was referred to the Committee on Private Land Claims.

Mr. EWING presented the petition of sundry citizens of Ohio, praying for the establishment of a new mail route; which was referred to the Committee on the Post Office and Post Roads.

Petitions were also presented by Messrs. TOMLINSON and MANGUM.

REPORTS FROM COMMITTEES.

Mr. NAUDAIN, from the Committee on Revolutionary Claims, made an unfavorable report on the petition of William W. Hall; and the committee was discharged from the further consideration of the same.

Mr. HENDRICKS, from the Committee on Roads and Canals, reported a bill making appropriations for the completion of certain roads in the Territory of Florida; which was read, and ordered to a second reading.

Mr. DAVIS, from the Committee on Commerce, reported a bill making an appropriation to perfect the title of the United States, to the site of a light-house at Roanoke Inlet, North Carolina; which was read, and ordered to a second reading.

RESOLUTIONS.

Mr. SOUTHARD submitted the following resolution; which lies on the table one day.

Resolved, That the Committee on the District of Columbia, to whom have been referred the petitions of the banks in said District for the renewal of their charters, be instructed to examine into the present state of the currency in said District, and into the conduct and condition of the said banks, and the necessity for the rechartering of the whole or any number of them; with power to send for persons and papers, to inspect the books of said bank, examine witnesses on oath, employ a clerk, and report by bill or otherwise.

Mr. CLAYTON submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of War be requested to report to the Senate on the expediency of constructing a mole or pier at or near Cape Henlopen, to facilitate the communication between the Delaware breakwater and the main land, with an estimate of the probable expense of the same; also on the expediency of establishing some fortifications or means of defense for the protection of the said breakwater.

On motion by Mr. CLAY, the Committee on Foreign Relations was discharged from the further consideration of such parts of the President's late message on the subject of our relations with France, as relates to the strengthening of naval and military defenses; and

On motion by Mr. WEBSTER, the portion of the message relating to our naval defenses was referred to the Committee on Naval Affairs, and that part relating to the strengthening of our fortifications was referred to the Committee on Military Affairs.

On motion by Mr. RUGGLES, the report of the chief engineer of the survey of East Thomaston harbor, lately presented to the Senate, was ordered to be printed.

On motion by Mr. RUGGLES, the joint resolution introduced by him, appropriating the balance of an appropriation of last year made for the Patent Office to the employment of additional temporary clerks in said office, was taken up; and, after some remarks in explanation from Mr. R., the resolution was ordered to be engrossed and read a third time.

NOTICE OF A BILL.

Mr. TYLER gave notice that he would to-morrow ask leave to introduce a bill for the relief of William Ramsay.

BILLS INTRODUCED.

Mr. KING, of Alabama, on leave, introduced a joint resolution, appropriating the balance of the appropriation for constructing a bridge across the Potomac, to the grading and graveling and planting with trees of Maryland avenue, leading to said bridge; which was read twice and referred.

Mr. KING, also, on leave, introduced a bill for the relief of David McCall; which was read twice and referred.

Mr. PRESTON, on leave, introduced a bill for the relief of Doctor Thomas Cooper; which was read twice and referred.

Mr. DAVIS, on leave, introduced a bill for the relief of Christopher T. Bailey; which was read twice and referred.

Mr. LINN, on leave, introduced a bill making an appropriation for the completion of the Cumberland road from the Mississippi river to the western boundary of Missouri; which was read twice and referred.

Mr. DAVIS introduced a resolution directing a certain number of copies of Gordon's Digest, for the use of the standing committees of the Senate; which was considered and agreed to.

On motion by Mr. SOUTHARD, the Senate took up the resolution submitted by him some days since, on the subject of the printing of the Senate; and, after a short discussion, it was, on

motion by Mr. WRIGHT, referred to the Committee on the Contingent Expenses of the Senate.

PRIVILEGES OF THE SENATE.

On motion by Mr. KING, of Alabama, the Senate took up and considered the following resolution, submitted by him:

Resolved, That the resolution adopted on the 7th ultimo, admitting certain public officers of the United States, and others, to the floor of the Senate as spectators, be amended by inserting "the Solicitor of the Treasury."

Mr. KING offered to add the following names as an amendment to the resolution: the Paymaster General, Quartermaster General, Commissary General, Principal of the Topographical Bureau, Principal Geologist, Principal of the Engineer Bureau, Clerk of the Supreme Court, and Reporter of the Supreme Court; which was agreed to, and the resolution adopted.

DISTRICT BANKS.

On motion by Mr. SOUTHARD, the Senate took up the resolution proposed by Mr. BENTON for the appointment of a select committee to examine into the condition of the banks and the circulation of this District; when

Mr. SOUTHARD submitted the following amendment:

Strike out as follows: "To whom shall be referred all the petitions now presented to the Senate for the renewal of bank charters in the District of Columbia, with authority to examine into the conduct and condition of said banks; and for that purpose to have authority to send for persons and papers, to inspect books, and to examine witnesses on oath also."

On motion by Mr. WRIGHT, the resolution was laid on the table.

COMMUNICATION FROM WAR DEPARTMENT.

The CHAIR announced a communication from the War Department, transmitting, in compliance with a resolution of the Senate, a report relative to the survey of a road from Maumee Bay to the rapids of the Mississippi river.

CALN QUARTERLY MEETING PETITION.

The Senate took up, as the unfinished business, the petition presented by Mr. BUCHANAN from the Caln Quarterly Meeting of Friends in Pennsylvania, for abolishing slavery in the District of Columbia; and,

On motion by Mr. CLAY, the further consideration of the subject was postponed till to-morrow.

NATIONAL DEFENSE.

The resolution submitted by Mr. BENTON, for appropriating the surplus revenue to permanent objects of national defense, was taken up as the order of the day; and, after some remarks at length from Messrs. CUTHBERT and HUBBARD, the resolution was laid on the table.

EXECUTIVE BUSINESS.

On motion by Mr. BUCHANAN, the Senate proceeded to the consideration of executive business.

When the doors were opened, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 20, 1836.

Mr. CHAPIN moved to consider the motion which he submitted yesterday, for printing five thousand copies of the report submitted yesterday by Mr. ADAMS, from a select committee, together with the President's message, correspondence, and will, relating to the bequest of James Smithson, late of London, deceased.

Objection being made,

Mr. MANN, of New York, said the report was in reference to a subject of considerable interest, not only to the House, but to the country generally. As the report was in the hands of the printer, it was proper that, if an extra number of copies was ordered, it should be done at this time. He moved to suspend the rule, for the purpose of entertaining the motion to print; which was agreed to—ayes 107, noes 46.

Mr. HOWARD desired to know from some member of the committee the purport of the report, and what disposition was proposed to be made of the bequest. He was entirely ignorant on the subject.

Mr. CHAPIN, of New York, said he would, as a member of the committee to which the subject of the Smithson bequest had been referred, answer the inquiry of the honorable gentleman from Maryland [Mr. HOWARD.] It was not proposed either by the report or bill which the honorable chairman of the select committee [Mr. ADAMS] had submitted, to indicate the plan or organization of the institution to be founded. At present, it would be entirely premature to do so, because the first step was to obtain the funds, leaving the application of them to future legislation. The bill provides that the President of the United States shall appoint an agent to prosecute the claim in the Court of Chancery in England, where the funds are locked up in behalf of the United States, and on the receipt of them, to give the proper discharge or acquittance for the same.

Sir, the bequest of James Smithson, amounting to nearly half a million of dollars, is among the most liberal benefactions upon record. Coming, too, as it does from a citizen of Great Britain, who is not known to have visited the United States, or to have had any friends residing here, it may be regarded as a distinguished tribute of respect paid by a foreigner and stranger to the free institutions of our country. It is due to the memory and character of the donor that suitable *publicity* should be given to this noble and generous act of public munificence; it is due, also, as the acknowledgement of the grateful sense of Congress, in behalf of the people of the United States, for whose benefit the bequest was made; and it is in an especial manner necessary, in order to call the attention of men distinguished for learning and talents in all parts of the Union to the subject, for the purpose of obtaining an expression of their views and opinions in regard to the plan and organization of the institution proposed to be established. This splendid benefaction confers immortality upon the individual by whom it was bestowed, and does honor to the age in which we live.

Mr. C. concluded by expressing the hope that the motion to print would be adopted by the House without a dissenting voice.

Mr. PARKER said the House had not entirely got out of a debate which had arisen upon a bill which was intended to provide for their own pay, in reference to the alleged excessive expenditures of the contingent fund of the House for the item of printing. A great deal of complaint was made on the occasion alluded to, because of the number of the President's messages ordered to be printed by the House. He was so case-hardened that he would, upon a like occasion, do the same thing again. He was, however, not prepared to vote for the proposition before the House. The report was doubtless an able one, but he could see no reason why five times the number which were necessary for the information of the House should be printed. It would be recollected that a report had been made in the Senate on this subject, which had been published in all the newspapers he had seen. They would not be called upon to make any disposition of these funds, because they had not yet received them; and if they ever did, it would perhaps be fifteen or twenty years first. Upon the whole, he did not consider it at all important that an extra number of this report should be published.

The motion to print five thousand extra copies of the report was then agreed to.

REPORTS FROM COMMITTEES.

Mr. LAY, from the Committee on Revolutionary Pensions, reported a bill for the relief of James Taylor; which was read twice and committed.

Mr. L., from the same committee, reported a bill for the relief John Dal; which was read twice and committed.

Mr. PHILO C. FULLER, from the Committee on Claims, reported a bill for the relief of Nathaniel Platt; which was read twice and committed.

Mr. DAVIS, from the Committee on Claims, reported a bill for the relief of Scioto Evans; which was read twice and committed.

Mr. PINCKNEY, from the Committee on Commerce, reported a bill making an appropriation for a marine hospital in or near Wilmington, in the State of North Carolina; which was read twice and committed.

Mr. BANKS, from the Committee on Claims, reported a bill for the relief of the sureties of Nicholas Kern; which was read twice and committed.

Mr. THOMSON, of Ohio, from the Committee on Military Affairs, reported a bill for the relief of Doctors J. E. B. Findley and A. E. Deas; which was read twice and committed.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported a bill for the relief of Lieutenant John McDowell; which was read twice and committed.

Mr. CHAPMAN, from the Committee on the Public Lands, reported a bill for the relief of William Walker, Abraham Woodall, and the heirs of Samuel Brown; which was read twice and committed.

Mr. SUTHERLAND, from the Committee on Commerce, reported a bill for the relief of Joseph R. Folsom, and the owners and crew of the schooner Galaxy, of Bucksport, in the State of Maine; which was read twice and committed.

Messrs. MUHLENBERG, CHAPIN, and TURRIL, from the Committee on Revolutionary Claims; Mr. CASEY, from the Committee on the Public Lands; Mr. TAYLOR, from the Committee on Invalid Pensions; Mr. MARTIN, from the Committee on the Judiciary; and Mr. WHITTLESEY, from the Committee on Claims, made unfavorable reports upon various petitions and memorials; which were laid on the table.

ABOLITION OF SLAVERY IN THE DISTRICT.

The House then resumed the consideration of the following resolutions heretofore offered by Mr. JARVIS, of Maine:

Resolved, That in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress.

And be it further resolved, That in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid on the table, without being referred or printed.

To which Mr. WISE submitted the following amendment: Strike out all after the word "Resolved," and insert:

That there is no power of legislation granted by the Constitution to the Congress of the United States to abolish slavery in the District of Columbia, and that any attempt by Congress to legislate upon the subject of slavery will be not only unauthorized, but dangerous to the union of the States.

Mr. JARVIS subsequently modified the original resolution, as follows:

Whereas, any attempt in this House to agitate the question of slavery is calculated to disturb the compromises of the Constitution, to endanger the Union, and if persisted in, to destroy the peace and prosperity of the country: Therefore,

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress.

And it is further resolved, That in case any petition praying for the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid on the table, without being referred or printed.

The question before the House being the amendment of Mr. WISE,

Mr. BOULDIN concluded his remarks on the subject. He hoped there was no serious intention of pressing this subject upon Congress. He threw back the charges brought against the character of the slaveholders. The memorials misrepresented them. The negroes were not ill used in the South; and so far from having had injustice done to them by their removal from Africa, all investigation proved that the present colored race in the South were far better off than their brethren were in Africa, or than their ancestors ever were. The memorialists complained of insecurity of residence in the South. It was without foundation. There was no part of the world where the traveler or the resident was more secure than in the South both in life and in property. They were also misrepresented in another thing; and that was in the sufferings of the slaves. He would appeal to the heart-rending picture drawn of the condition of the poor in the city of New York, by a gentleman from that State, last session, (Mr. Ferris,) on account of the high price of coal, where poor creatures, during the most inclement weather, could gather only a little sawdust for fuel. Nothing of that kind was ever seen in the South. He knew ladies who often visited their sick slaves, and sat up with them from midnight to daybreak. There was more security for property in the South than in the North; and Mr. B. referred to a number of instances in proof of this position. He said there was a great mistake in regard to the dishonesty of the slave population.

He did not deny that they would steal, but not so generally and desperately as that vice prevailed in other places. The relation between master and slave combined many blessings. He would not defend slavery in the abstract. If it could be got rid of to the benefit of the slaves themselves, to the preservation of the rights of the owners, and without infringing on the Constitution, he would cheerfully accede to it; but it was impossible. What could be done with the slaves themselves? Mr. B. gave way for a moment to

Mr. WISE, who then modified his amendment so as to make it an additional resolution, instead of a substitute for Mr. JARVIS's modified resolution.

Mr. BOULDIN then made a few additional remarks on the subject, and concluded by an earnest hope that the Abolitionists would pause ere they proceeded further in their attempts to break down the bulwark of the Constitution, and bring a civil war upon the country.

Mr. PICKENS asked if this subject was the order of the day?

The CHAIR said, the resolution was in order till one o'clock, and until then the question of order could not be raised.

Mr. PICKENS alluded to the attacks that had been made upon him, in reference to his course a few weeks ago on this subject, and reprobated it. He then went on to describe the power possessed by the Abolitionists of the North, which he maintained to be greater than was generally imagined. In New York, where all parties were almost equally divided between the Anti-Masonic party, the Whig party, and the Regency party, as he termed it, they already held the balance of power, and this would be their situation in a very short time throughout the northern States. Mr. P. proceeded till one o'clock, when

Mr. CAMBRELENG moved the orders of the day.

Mr. PICKENS raised the question of order, that, under the 43d rule, this was the first unfinished business on the Speaker's table, and was therefore, in his opinion, the order of the day.

The CHAIR said the House must first determine whether it would proceed to the orders of the day. His opinion was, that the resolution claimed precedence only during the morning hour, and could be laid aside for the orders of the day without a majority of two thirds.

Mr. HAMMOND called for the yeas and nays on the motion for the orders of the day. Ordered—ayes 32, noes 120; being one fifth in the affirmative.

The vote was as follows: yeas 105, nays 105.

YEAS—Messrs. Adams, Heman Allen, Ash, Banks, Barton, Bean, Bokee, Bond, Boon, Borden, Boyd, Briggs, Brown, Cambreleng, Casey, George Chambers, Chaney, Chapin, Childs, Clark, Coles, Cramer, Cushman, Davis, Denny, Dickerson, Efiner, Fairfield, Fatlin, Farlow, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Granger, Grantland, Graves, Grayson, Haley, Joseph Hall, Hannegan, Hard, Samuel S. Harrison, Hawes, Hazeltine, Hopkins, Howard, Howell, Hubley, Huntington, Ingersoll, Janes, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Laporte, Lawrence, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Abijah Mann, Job Mann, William Mason, Moses Mason, McKeon, McKim, Miller, Milligan, Moore, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, Phillips, Potts, Reed, John Reynolds, Joseph Reynolds, Russell, Schenck, Seymour, Shinn, Smith, Spangler, Sutherland, Taylor, John Thompson, Toucey, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, and Whittlesey—105.

NAYS—Messrs. Chilton Allan, Anthony, Ashley, Beale, Bell, Bouldin, Bunch, Bynum, John Calhoon, William B. Calhoun, Campbell, John Chambers, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Conner, Craig, Crane, Cushing, Darlington, Deberry, Dickson, Dromgoole, Evans, Everett, Forester, French, James Garland, Rice Garland, Glascock, Grennell, Griffin, Hiland Hall, Hamer, Hammond, Hardin, Harlan, Harper, Albert G. Harrison, Hawkins, Haynes, Hiester, Hoar, Holsey, Hunt, Huntsman, Ingham, William Jackson, Joseph Jackson, Jarvis, Henry Johnson, John W. Jones, Lawler, Lay, Luke Lea, Lincoln, Lucas, Lyon, Manning, Martin, John Y. Mason, Sampson Mason, Maury, May, McCarty, McComas, McKay, McKennan, McLene, Mercer, Montgomery, Morgan, Morris, Owens, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Peyton, Pickins, Pinckney, Rencher, Roane, Robertson, Rogers, William B. Shepard, Augustine H. Shepperd, Slade, Sloane, Standefer, Steele, Storer, Taliaferro, Thomas, Waddy Thompson, Towns, Turner, Underwood, Weeks, White, Lewis Williams, Sherrod Williams, and Wise—105.

The CHAIR then voted in the affirmative, making yeas 106, nays 105. So the House proceeded to the orders of the day.

HOUSE CONTINGENT FUND.

The SPEAKER laid before the House a letter from the Clerk transmitting, pursuant to the order of the House, a tabular statement of the expenditure of the contingent fund under each material head for several years; which was referred to the Committee on Accounts, and ordered to be printed.

THE DISTRICT BANKS.

The bill extending the charters of certain banks in the District of Columbia until the first of October next, was read the third time and passed.

APPROPRIATION BILL.

The bill making appropriations in part for the support of the Government for the year 1836, commonly called the House contingent bill, was then taken up for its third reading.

Mr. CAMBRELENG moved its postponement till to-morrow.

Mr. ADAMS begged to inquire of the chairman of the Committee of Ways and Means when it was intended to report the general appropriation bill?

Mr. CAMBRELENG said it would have been reported before now but for the indisposition of one of the chief clerks in one of the Departments. It would be reported on Tuesday next at all events.

The House then postponed the above bill till to-morrow—ayes 94, noes not counted.

SUFFERERS BY NEW YORK FIRE.

Mr. CAMBRELENG then moved to postpone the various bills on the Speaker's table, upon their third reading, till to-morrow, except the bill for the relief of the sufferers by the late fire in New York, which motion, after a few words from Messrs. CAMBRELENG, HARDIN, WISE, WHITTLESEY, and LEE, of New York, was agreed to—ayes 126, noes not counted.

On motion by Mr. CAMBRELENG the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. CONNOR in the Chair,) and resumed the consideration of the bill for the relief of the sufferers by the late fire in New York.

Mr. EVERETT, after a few remarks, proposed sundry amendments to the bill, chiefly of a verbal character. The principal was, that the bonds should bear interest to the time of their payment.

Mr. DENNEY said his chief objection to the bill arose from its conflicting with that clause of the Constitution which provided that there should be no preference given to one port over another. The second section of the bill did go to alter, to a certain extent, the present revenue regulations. The first section of the bill provided for the relief of individuals who had suffered by the fire; but the second section was too general, for it extended to all the importations in the port of New York, prior to the late fire, and to that extent gave a preference to New York over every other port in the country. It was partial legislation, in direct violation of that clause of the Constitution. It also conflicted, he thought, with the act of 1832, commonly called the compromise bill. These were his objections to the bill. He would have been glad if the bill had been more specific, had classified the sufferers, and discriminated between those who were the citizens and the foreign agents.

Mr. PEARCE, of Rhode Island, said the bill was already so incumbered with the amendments that he should not offer then what he intended to at a future period of its consideration. The bill was too partial in its operations, and left altogether unprovided for those who had most claim upon the community and upon Congress. There was but one portion of that community who ought to be relieved. It was those who had imported goods, had them in packages, and lost them by the fire. Mr. P. said, at the proper time he should move a third section to the bill, providing that the Secretary of the Treasury be authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to all other persons who had suffered loss of property by the late conflagration in the city of New York, not provided for in either of the sections of the bill, fifteen per centum on such loss.

Mr. P. urged another objection to the bill, which was that of giving up the power of Congress over this matter to the collector of New York. No man esteemed that gentleman more highly than he did, but he never would consent to give up such control to any man, as was proposed in this bill. Another feature of the bill was objectionable. It provided that no sufferer could receive any benefit from it whose loss did not amount to the sum of one thousand dollars. He also referred to various analogous acts of relief, and argued at length against the provisions of the present bill.

Let those (he said) who had suffered, bring their claims individually before Congress, and let them be investigated; but this bill was in violation of all existing precedents, and conflicted with the principle on which alone relief should be afforded. It provided for the most wealthy, and omitted the most needy. The bill was not what it purported to be. It was not "a bill for the relief of the sufferers of New York," but a bill extending accommodation to the mercantile interest of New York.

Mr. PHILLIPS said he was desirous of addressing the House on this bill, but as the hour was late, he moved that the committee would rise; which was agreed to, and the committee accordingly rose.

On motion by Mr. RENCHER, the bill and proposed amendments were ordered to be printed, and,

On motion by Mr. EVANS, the House adjourned.

IN SENATE.

THURSDAY, *January* 21, 1836.

On motion by Mr. TALLMADGE, a petition on the files of the last session, from sundry citizens of New York, for the establishment of a post route, was again referred to the Committee on the Post Office and Post Roads.

Mr. T. presented the petition of Commodore Woolsey; which was referred to the Committee on Naval Affairs.

Mr. TYLER presented the petition of Charles D. Waddy, praying to be compensated for his invention for the repair of vessels injured by worms, which has been used for several years past in the public service; which was referred to the Committee on Naval Affairs

REPORTS FROM COMMITTEES.

Mr. McKEAN, from the Committee on Public Lands, reported the bill for the relief of Susan Marlow, without amendment.

Mr. McK., from the Committee on Naval Affairs, reported a bill regulating the pay of officers of the marine corps; which was read and ordered to a second reading.

Mr. PRENTISS, from the Committee on Public Lands, to which had been referred the bill for the relief of Samuel Smith Linn McGee, and Semoice, Creek Indians, reported the same without amendment.

Mr. EWING, from the Committee on Public Lands, reported without amendment the bill extending the time for issuing scrip on United States military land warrants.

Mr. E., from the same committee, also reported the bill to give effect to patents for public lands issued to deceased persons, with amendments; which were read.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the resolution of the Senate, directing that committee to inquire into the expediency of constructing floating steam batteries for the public service, reported a bill appropriating $660,000 for that object, to be expended under the direction of the Secretary of War; which was read and ordered to a second reading.

Mr. B., from the same committee, reported a bill making an appropriation for opening a military road from Fort Leavenworth to the river Des Moines; which was read and ordered to a second reading.

Mr. B., from the same committee, reported without amendment the bill providing for the increase of the corps of United States engineers.

Mr. CRITTENDEN, from the Committee on the Public Lands, reported without amendment, the bill for the relief of Elijah Simmons.

Mr. TYLER, on leave, introduced a bill authorizing the accounting officers of the Treasury to

settle the accounts of William Ramsey, deceased; which was read, and ordered to a second reading.

RESOLUTIONS SUBMITTED.

Mr. TIPTON submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of an appropriation to pay a company of volunteers, commanded by Captain Daniel Sigler, of the State of Indiana, for services rendered the United States against the hostile Indians, in the year 1832.

Mr. TYLER submitted the following resolutions; which lie on the table one day, and which were ordered to be printed:

Resolved, That to alter, change, or abolish the rights of property in the District of Columbia, without the consent of the owners, would be unjust and despotic, and in violation of the Constitution of the United States.

Resolved, further, That, even with such consent, to interfere with the subject of slavery, not only without but against the consent of the people of Maryland and Virginia, would be in flagrant violation of the public faith, an abuse of the trust conferred on Congress by the cession, and hazardous to the peace and security of those two States.

Resolved, further, That such proceeding would sap the foundation of the conventional system, which is based on the condition of things as they existed at the time of the adoption of the Constitution, and which cannot be altered in so material a point without disturbing the principle of compromise out of which the Government originated.

NOTICE OF A BILL.

Mr. BLACK gave notice that he would, to-morrow, ask leave to introduce a bill providing for the removal of the land office from Clinton to Jackson, in the State of Mississippi.

RESOLUTIONS AGREED TO.

The resolutions lying on the table, submitted by Messrs. LINN, NAUDAIN, SOUTHARD, CLAYTON, ROBBINS, MOORE, TIPTON, HENDRICKS, McKEAN, and EWING, were severally considered, and agreed to.

NEW TERRITORY.

Mr. CLAYTON, on leave, introduced a bill to establish the Territory of Wisconsin; which was read twice, and referred.

ADJOURNMENT TO MONDAY.

On motion by Mr. BUCHANAN, it was

Ordered, That when the Senate adjourns, it adjourn to meet again on Monday next.

NATIONAL DEFENSE.

On motion by Mr. HUBBARD, the Senate then proceeded to the consideration of the resolution introduced by Mr. BENTON for appropriating the surplus revenue to purposes of national defense.

Mr. HUBBARD continued his remarks begun yesterday; and when he concluded,

Mr. GOLDSBOROUGH withdrew the amendment submitted by him; after which,

Mr. GRUNDY moved to modify the resolution, by making it read "that so much of the surplus revenue as may be necessary shall be appropriated," &c.

This modification being accepted by Mr. BENTON,

Mr. EWING proposed that the subject be laid on the table, and that the resolution as modified be printed.

Mr. WHITE suggested that the best course would be to postpone the resolution until the next day of the Senate's session, (Monday,) and that the printing be also ordered. Mr. W. made a motion to that effect, which was carried; and

On motion by Mr. PORTER the Senate adjourned over to Monday next.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 21, 1836.

The SPEAKER announced the first business in order to be the question of order upon the appeal from the decision of the Chair, in reference to a petition praying the abolition of slavery in the District of Columbia, presented heretofore by Mr. ADAMS, upon which Mr. GLASCOCK had raised the question of reception.

Mr. MANN, of New York, said the House had, from time to time, manifested a disposition to postpone this subject. He could see no propriety in disposing of it now, inasmuch as a question of more importance was before the House, and undecided, which was connected with the same subject. Congress had been seven weeks in session, and but two bills had passed the House, one of which was in relation to the accounts of the American consul at London, and the other in regard to the hostilities of the Indians in Florida. There existed manifest necessity for action upon various measures of importance; and he therefore moved to postpone the further consideration of the subject before the House until Saturday week.

Mr. ADAMS said he was desirous of having the question taken on the appeal from the decision of the Chair, because, so long as that decision stood, there was no possibility of the people having a chance of presenting their petitions to the House. On the last petition day, it was with difficulty that a discussion, which would have occupied the House the whole day, was avoided, and the people precluded from having their petitions received. If the question was decided that a motion not to receive a petition was not subject to the 45th rule, he would pledge himself to offer an amendment to the rules, because it would be in the power of any one member to get up and move that a petition be not received, and then, according to the decision of the Speaker, the whole day might be consumed in discussing that petition. He hoped that the House would decide the question at once. If the House decide that the decision of the Speaker was wrong, it would be equivalent to an amendment of the rules. Gentlemen were mistaken, if they thought that, by putting this question off from week to week, they would get rid of it. He believed, if the Speaker would reconsider his decision, he would reverse it; but if he would not, he (Mr. A.) would ask the House to decide whether the people should have the right to have their petitions received or not.

The motion to postpone was then agreed to—ayes 94, noes 59.

REPORTS FROM COMMITTEES.

Mr. EVANS, from the Committee on Invalid Pensions, reported a bill granting a pension to William Lawrence, late a colonel in the Army; which was read twice and committed.

Mr. HAMMOND, from the Committee on Private Land Claims, reported a bill for the relief of Elihu Hall Bay and others; which was read twice and committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill for the relief of James Robertson, of Charleston, South Carolina; which was read twice and committed.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill making appropriations for the collection of information, and the commencement of certain fortifications, and for other purposes.

Mr. J. stated that this bill was intended by the committee as a substitute for the one heretofore reported of a similar character.

The bill was read twice and committed.

Mr. PINCKNEY, from the Committee on Commerce, reported a bill for the relief of Theodore Stanwood, Samuel W. Brown, and John Woodbury, Jr., owners of two schooners engaged in the fisheries; which was read twice and committed.

Mr. GRAYSON, from the Committee on Naval Affairs, reported a bill to establish a navy-yard in the harbor of Charleston, South Carolina; which was read twice and committed.

On motion by Mr. PINCKNEY, certain documents on file in the Clerk's office of the House, in reference to the last-named bill, were ordered to be printed.

Mr. HARRISON, of Missouri, from the Committee on the Public Lands, reported the following bills; which were read twice and committed:

A bill for the relief of John Howell; and

A bill for the relief of W. W. Stephenson and Joseph Henderson.

Mr. BEALE, from the Committee on Invalid Pensions, reported a bill for the relief of Samuel Hunt; which was read twice and committed.

Messrs. EVANS and TAYLOR, from the Committee on Invalid Pensions; Mr. HAMMOND, from the Committee on Private Land Claims; Messrs. CASEY, HARRISON of Missouri, WILLIAMS of North Carolina, and LINCOLN, from the Committee on the Public Lands; and Messrs. MUHLENBERG and BEAUMONT, from the Committee on Revolutionary Claims, made unfavorable reports upon various petitions and memorials; which were ordered to lie upon the table.

Mr. EVERETT moved to suspend the rules of the House, for the purpose of calling the States for resolutions *referring claims to committees*.

Mr. MERCER moved to strike from the motion the words in italics; negatived—ayes 65, noes 80.

The original motion was then disagreed to.

ABOLITION OF SLAVERY IN THE DISTRICT.

The House then resumed the consideration of the following resolution, heretofore offered by Mr JARVIS, of Maine:

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress.

And be it further resolved, That in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid on the table, without being referred or printed.

To which Mr. WISE submitted the following amendment: Strike out all after the word "Resolved," and insert—

That there is no power of legislation granted by the Constitution to the Congress of the United States to abolish slavery in the District of Columbia, and that any attempt by Congress to legislate upon the subject of slavery will be not only unauthorized, but dangerous to the union of the States.

Mr. JARVIS subsequently modified the original resolution, as follows:

Whereas, any attempt in this House to agitate the question of slavery is calculated to disturb the compromises of the Constitution, to endanger the Union, and, if persisted in, to destroy the peace and prosperity of the country: Therefore,

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress.

And it is further resolved, That in case any petition praying for the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid on the table, without being referred or printed.

The question before the House being Mr. WISE'S amendment, which he subsequently moved as an additional resolution to Mr. JARVIS'S—

Mr. PICKENS, who was entitled to the floor, continued his remarks from yesterday. He severely reprobated the writings of Jeremy Bentham, the denunciations of O'Connell, and the recent pamphlet of Dr. Channing. He referred to the proceedings of the Legislatures of South Carolina, Georgia, and Virginia on the subject of slavery, and regretted that any southern man should be found willing not to meet the question. As to the constitutional question, he disdained to discuss it. But while he disdained the discussion as to the States, he held it right and proper to go into it, and discuss so far as regarded the District of Columbia. He then took a review of the causes which had induced the cession of the District by the States of Maryland and Virginia, and argued that the grant of exclusive legislation did not bestow power to interfere on the question of slavery. It gave Congress "like authority" to that which it had in the States over the fortifications, arsenals, &c., which was nothing more than the power to protect its property. The very terms of the clause in the Constitution showed that no other power was ever intended to be conferred by the grantors. Again: Congress could not deprive a citizen of his private property but under certain limitations prescribed by the Constitution. It had been contended that slaves were held as private property only under the compromises of the Constitution; this was untenable ground, for this property, as private property, was anterior to the Constitution itself. He contended that by the bills of rights of both Maryland and Virginia, neither of those States could have granted to Congress the right to abolish slavery in the ceded territory. To have done so, would have violated their own constitutions. Even the slaveholding States themselves could not do it, under their own constitutions. It could only be done by each State calling a convention for this express purpose. No Legislature could intrude upon the rights of property.

Mr. P. then read portions of the act of cession of Virginia in support of his argument, and replied to that position assumed by a portion of the Abolitionists of gradual abolition, on the *post nata* principle. He appealed to the gentlemen of the

North, that they ought to vote on the constitutional ground, and thereby erect a barrier against the attempts of these fanatical men, which would never be arrested by the mere question of expediency. The declaration, that all men were by nature born equal, referred to political privileges; for the history of man, from the earliest ages, showed that there were always a chosen few selected by the designs of an overruling Providence. This abstract truth, that all men were by nature born equal, put into practical operation, would bring ruin and desolation upon the land. This was the case in the first French Revolution, and which produced the Dantons and Robespierres of that day. He maintained also, that the great classification of capitalists and laborers was analogous to that of master and slave, and was identical in both in its effects and results. This was the principle of all the civilized governments of the earth. The capitalists possessed the power, and used it for the purpose of making the laborers pay as much as possible, which the former divided among themselves. The only distinction was, in the one case the laborer was held in direct subjection by domestic slavery, and in the other they were indirectly held in the aggregate by the Government. He then took a review of the condition of society in England, and that visible at the Five Points in New York, which more required amelioration than the institutions in the South. Look at the political condition of the State of New York. No party was ever more despotic than the present dominant party that now ruled that State—not even in France, at the conclusion of the last century, when a man scarce dare whisper in the bosom of the partner of his heart.

Mr. P. concluded by repelling the charges brought against the party to which he belonged, as disunionists, and against himself.

As soon as Mr. P. had concluded,

Mr. HOAR, of Massachusetts, obtained the floor; and

Mr. CAMBRELENG called for the orders of the day; but the House did not sustain the motion—ayes 84, noes 90.

Mr. HOAR then addressed the House at length. He did not design (he said) to go over the whole grounds of discussion on this subject that had been already opened; but as he came from the same section of the country some of those petitions did, he considered it his duty to reply to a few positions and remarks that had been made. They would seem to invite the inquiry, what was the meaning of the Constitution, and what was the intention of the framers of that instrument? Very little had been said in relation to this subject. They had much elegant declamation, but very little argument. Mr. H. said, in relation to the power of the General Government to abolish slavery in the States, there was not a pretense of right on its part to interfere with, to abolish, or to touch it. He would consider such a pretense on the part of the Union with a single State, analogous to that of a foreign Power making an attempt to change the form of government of those States. He had never yet met a single man in the North who had maintained or pretended to maintain that the General Government had any such right. He had heard of such men, but he had yet to see the first man. For himself, if he thought the Union was destined to last till the northern States wished to interfere with slavery in the southern States, he believed it would be perpetual. He believed there was no such idea entertained there. He could assure southern gentlemen that there was no feeling of reproach towards them because they were slaveholders, and, if any did use that language, they reproached their own forefathers. With regard to the resolutions before the House, he observed that the question relating to the Territories was not then under consideration. In interpreting the Constitution, Mr. H. contended that we must be governed by the instrument itself, and not by remote probable consequences. The language of the clause of the Constitution relative to the District was general, and gave the power to Congress, as clear as the English language could convey it, to legislate on the subject of slavery within the District. The language was clear, intelligible, and unambiguous. To show it was not so, it must be shown to be inconsistent with other parts of the Constitution. He would look at the circumstances under which the instrument was formed. Slavery had been abolished in one or more of the States before its adoption; it was in progress in several other States, and the subject had excited much discussion at that time. He contended that the clause giving Congress exclusive legislation over this District gave it ample power to legislate on the subject of slavery. If this were not so, it was inevitable that, if the States of Maryland and Virginia should abolish slavery within their limits, nothing short of an amendment of the Constitution could authorize the General Government to follow their example.

It was said this power was not unlimited; he granted this; but, at the same time, he appealed to what had been done by the States themselves on other subjects, and the powers they had exercised. He believed, if any limitation had been intended by the two States which ceded the District, it would have been expressed in distinct and positive terms, and not have been left to implication. Portions of the acts of cession had been quoted to show that there were limitations, but they were by inference only, though he himself could not see it even by inference. It did not follow that, because the State of Virginia did not grant the right of property, therefore she did not intend to grant the right of government. Mr. H. then defended the character of Dr. Channing, and passed a high eulogy upon his learning, his labors, and his mental qualifications, in which he was second to no man living. He again assured the gentlemen of the South, that there was not the slightest desire on the part of any portion of the intelligent people of the North to interfere with the rights of the South. It would be easy enough to take an article from a newspaper which might go to this, but then it did not follow that all the people were of the same opinion. He expressed himself surprised at the argument made use of by the gentleman from Tennessee, [Mr. PEYTON,] or rather the complaint made by the gentleman, that the Governor of New York refused to deliver up for punishment, in Alabama, a citizen of New York. He was surprised at this coming from the quarter it did.

Mr. PEYTON explained, that he did not allude to the particular case.

Mr. HOAR said, nor did he. It was the principle he was referring to. It was the making a man amenable to laws in which he had no interest or voice, or had never set his foot within the limits of the State, and yet was to be punished by that State. The gentleman would make a citizen of another State subject to punishment, even to death, although he had never seen a citizen of the State whose laws he was said to have infringed. The idea was preposterous. Mr. H. replied in detail to the remarks of Mr. PEYTON, and proceeded until half-past three o'clock, when he gave way to

Mr. GRENNELL, who moved an adjournment, but gave way for the Speaker to present the following message from the President of the United States:

WASHINGTON, *January* 20, 1836.

SIR: I herewith transmit to the House of Representatives, a report from the Director of the Mint, exhibiting the operations of that institution during the year 1835.

The report contains also some very useful suggestions as to certain changes in the laws connected with our coinage, and with that establishment, which are recommended to your early attention.

Besides some remarks in it on the progress made in the erection of Branch Mints, and procuring machinery therefor, I inclose a report from the Secretary of the Treasury, submitting more detailed statements, as to the new buildings, from each of the agents appointed to superintend their erection.

ANDREW JACKSON.

Hon. JAMES K. POLK,
Speaker of the House of Representatives.

On motion by Mr. CAMBRELENG, the message was referred to the Committee of Ways and Means, and ordered to be printed; and then

The House adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 22, 1836.

Mr. CAMBRELENG rose and said: Mr. Speaker, I must ask the indulgence of the House for one moment, to notice an attack made on me in one of the morning papers of this city to-day.

The CHAIR said it could only be done by the unanimous consent of the House.

No objection was made; and

Mr. CAMBRELENG proceeded. Mr. Speaker, the attack I would not notice were it not, sir, that it is an attack also upon this House, and involves the question now before the Senate of the United States. That attack is, that the remarks I made upon the three million appropriation bill at the last session were not published until after the adjournment of Congress, following it up with the insinuation that these remarks never were made. It is not my purpose, sir, on a question like this, when I have so much higher game, to run a tilt with the editor of the United States Telegraph. I merely notice it to pronounce the statement and the insinuation both false, and to state that when the opportunity does arrive to discuss this question, there would not only be found one, but more than one member of this House, not only on one side, but on both sides of the House, who will vindicate the proceedings of this House in relation to that bill, from the attacks of the other body.

The SPEAKER said it was not in order to allude to the other body.

Mr. ADAMS asked the consent of the House to submit a resolution in connection with the subject.

The resolution was read for the information of the House, as follows:

Resolved, That so much of the message of the President of the United States to Congress at the commencement of the present session as relates to the failure at the last session of Congress of the bill containing the ordinary appropriation for fortifications, be referred to a select committee, with instructions to inquire into and report to the House the causes and circumstances of the failure of that bill.

Objection being made, Mr. MILLER moved to suspend the rule of the House to enable the gentleman from Massachusetts to offer his resolution.

Mr. VANDERPOEL asked for the yeas and nays on the motion to suspend the rules; which were ordered, and were as follows:

YEAS—Messrs. Adams, Heman Allen, Anthony, Ash, Barton, Bean, Beardsley, Beaumont, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, Childs, Nathaniel H. Claiborne, Clark, Cleveland, Coles, Craig, Cramer, Cushman, Deberry, Denny, Dickerson, Dickson, Dromgoole, Effner, Evans, Fairfield, Farlin, French, Fry, Philo C. Fuller, James Garland, Rice Garland, Gillet, Glascock, Granger, Grantland, Haley, Hamer, Hannegan, Harper, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Heister, Holsey, Hopkins, Hubley, Huntsman, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Judson, Kilgore, Lane, Lansing, Laporte, Lawler, Lay, Gideon Lee, Leonard, Lincoln, Loyall, Lucas, Abijah Mann, Manning, Martin, John Y. Mason, William Mason, May, McCarty, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, Phillips, John Reynolds, Joseph Reynolds, Robertson, Rogers, Schenck, Seymour, Shields, Shinn, Sloan, Smith, Spangler, Sprague, Storer, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Wardwell, Webster, Weeks, and Lewis Williams—129.

NAYS—Messrs. Chilton Allan, Banks, Bell, Bond, Bouldin, Bunch, John Calhoon, William B. Calhoun, George Chambers, John Chambers, Corwin, Crane, Cushing, Darlington, Davis, Everett, Forester, Grayson, Grennell, Griffin, Hammond, Hard, Hardin, Harlan, Hazeltine, Hoar, Howard, Howell, Ingersoll, Janes, Jarvis, Lawrence, Luke Lea, Sampson Mason, Maury, McComas, McKennan, Milligan, Parks, James A. Pearce, Pettigrew, Peyton, Pinckney, Reed, Roane, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Standefer, Taliaferro, Thomas, Waddy Thompson, Underwood, Vinton, Washington, White, Whittlesey, Sherrod Williams, and Wise—80.

Mr. ADAMS then submitted the foregoing resolution.

Mr. WILLIAMS, of North Carolina, moved to amend the resolution, by giving the select committee power to send for persons and papers.

Mr. ADAMS said, that the portion of the President's message which referred to this subject was in these words:

"Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the National Legislature at the last session, but was lost in the other. This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defense projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation inserted in accordance with the views of the Executive in aid of this important object, and other branches of the national defense, some portions of which might have been most usefully applied during the past season. I invite your early attention to that part of the report of the Secretary of War which relates to this subject, and recommend an appropri-

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, FEBRUARY 8, 1836. VOLUME 3....No. 9.

ation sufficiently liberal to accelerate the armament of the fortifications agreeably to the proposition submitted by him, and to place our whole Atlantic sea-board in a complete state of defense. A just regard to the permanent interests of the country evidently requires this measure, but there are also other reasons which, at the present juncture, give it peculiar force, and make it my duty to call to the subject your special consideration."

Mr. A. thought that was all that related to the subject; and he offered the resolution for the appointment of a committee with instructions to inquire and report as to the facts relating to the loss of the three million appropriation bill, principally in consequence of what had taken place in another quarter upon this subject.

The CHAIR reminded the gentleman from Massachusetts that it was not in order to allude to the Senate.

Mr. ADAMS said he was perfectly well disposed to observe the rules established, and would go no further in reference to what had taken place in the Senate than the rules would authorize. He said that he had offered the resolution in consequence of what had occurred in another place. He had not said that that place was the Senate of the United States. That was a matter which any gentleman was competent to determine for himself where the place was. He said this because, although perfectly aware that in point of form, there was a rule, never observed, that no allusion shall be made in debate, in either House, to what is passing in the other; yet unless allusion to what was going forward in the other branch of the Legislature should be permitted, it would take from him the possibility of stating the real grounds on which he asked a committee of the House. He did not refer nominally to anything that had taken place in the Senate, but he did refer to what had taken place elsewhere; and he should proceed, and have reference to what had occurred in another place, as long as it should be the pleasure of the Speaker or the House to permit him.

The SPEAKER here read the rule which applied to the case, and Mr. ADAMS was about proceeding; when

Mr. MERCER called him to order. The gentleman from Massachusetts had not *nominally* alluded to the Senate, but he had *intentionally*, and was therefore out of order.

The SPEAKER said, that, according to parliamentary usage, the objectionable words must be reduced to writing.

Mr. MERCER declined reducing the words to writing, and withdrew the call to order.

Mr. ADAMS resumed. He would endeavor, as far as was in his ability, to avoid any collision, not only with the letter, but with the spirit of the rules, to which the gentleman from Virginia [Mr. MERCER] had appealed; and would, therefore, transfer the location of the place where these things had happened from the Senate of the United States to the office of the National Intelligencer; and would ask the gentleman if he had any objection to that?

Mr. MERCER said he objected to a quibble, with a view of reaching another branch of Congress, contrary to the rules of order.

Mr. ADAMS. In the National Intelligencer, the official printer to the Senate of the United States, there was published a report of proceedings which had taken place in a certain body; and in that newspaper he found it charged, not only that the statement in the message of the President of the United States was not true, but that the failure of that bill was not caused by the Senate of the United States; that it did not fail there, but that it failed in another House. Where was that? Was it this House? No, sir; that House exists no longer. But it was in this Hall; and the House which is now here consists, in a great measure, of the identical individuals who composed that House. One hundred and forty members of that House are also members of this House. And in that same National Intelligencer he found the charge, not only that the failure of that bill was owing to the fault of that House, but that it died there, and there its bones are to be sought. He found it also charged, that in the progress of the passage of that bill the most violent outrages were committed on the Constitution of the United States by the President and by the House, in conspiracy together. It was admitted, on all hands, that the failure of the bill was occasioned by the introduction of a section into it, appropriating three millions of dollars for the defense of the country; and the President now tells us that the failure of that appropriation was a subject of great inconvenience to the people of the country. On this subject an issue has been taken in the National Intelligencer; and that issue involved not merely the President of the United States, but it involved the House of Representatives. That was an additional reason why he wished for a committee to inquire into the matter. That reason, he hoped, would be sufficient for every member who felt his honor implicated to call for investigation, and have the subject examined, to show where the failure of that bill was to be charged. He had, he repeated, said that he considered it the first duty of every branch of Government to harmonize with the other branches of the Government in doing the business of the people. It was the duty of the members of the House of Representatives to support the President of the United States and the executive Government of the country in every measure appropriately belonging to his high office; and, in like manner, it was equally his duty to support the other branches of the Government; and that his duty was obligatory and reciprocal upon the Senate and President. This he had always considered as the first duty of every person concerned in administering the Government, whether of the executive or legislative departments. It was a subsequent duty that each of these powers was to be a watchman and sentinel over the proceedings of the other. This, between the two branches of the Legislature, was a matter of extreme importance, and was scarcely less important in the relations between both and each of the branches of the Legislature and the President. The appropriation of three millions of dollars for the defense of the country was inserted in the general fortification bill by amendment proposed by thegentl eman from New York, [Mr. CAMBRELENG,] in consequence of a resolution which had passed unanimously in the House, and by which unanimous vote the House declared that the execution of the treaty of the 4th of July, 1831, with France, should be insisted on. It was well known to every member of the House—and he believed to every person out of the House—that the appropriation of three millions was introduced in consequence of the vote on that resolution the night before. It was well known that the resolution, which finally passed by that vote, had been contested by a debate of several days immediately before its passage, upon grounds that such a resolution would occasion war. If you look, said he, to the Journals of the House for the resolution which passed, and to the several resolutions proposed as substitutes for it, you will see that it was admitted with extreme reluctance by many members of the House, that it was ardently and perseveringly contested, and upon the grounds that it would occasion a war. Under these circumstances, although the House were not of opinion that it would give just cause for war, still how was it possible for a statesman, looking to the interests of our common country, not to see that these reasons so pressed upon the consideration of the House, and, looking to the action of another Government, might have that tendency. The conduct of a foreign Government to be predicated upon this act of our own was matter of foresight and conjecture. There was misunderstanding and irritation between our Government and that of France. The members of the House who had resisted the passage of the resolution—intelligent and patriotic men—had urged the House against it, and all the tender sympathies of our nature, and all the sentiments of humanity in our bosoms, had been appealed to, as warnings against that resolution. The image of *war*, in all its terrors and with all its calamities, had been held up before us to deter the House from the assertion of the nation's rights and of the nation's honor contained in that resolution. Conscious that the resolution could not give any just cause of offense, the House did not believe that it would offend or endanger the peace of the country; yet in deference to the fears of the minority, and as an earnest of their sincerity in the determination to *insist* upon the execution of the treaty, it was deemed fitting that the country should put itself in an attitude of *defense*, to meet the worst possible contingency, and to sustain that resolution which they unanimously passed. These were the grounds upon which that item was introduced on the last day of the session. And why on the last day? Because it was only the night before that the unanimous vote had passed.

In all the debate in the National Intelligencer, to which he had referred, there was no more trace of such a resolution as having passed the House than if it had never existed; no more trace than could be found on the Journal of the Senate of what they would do *for the defense of the country*, or to insist upon the execution of the treaty of July. But in that debate in the National Intelligencer he found a prodigious display of eloquence against the constitutionality of the section appropriating $3,000,000 for the defense of the country, because it had not been recommended by the Executive.

Mr. MERCER again rose to order. He charged that the gentleman was alluding to a debate in the Senate.

The SPEAKER said that the gentleman must reduce the exceptional words to writing.

Mr. MERCER reduced to writing, and proceeded to read, the words which he alleged were used by the gentleman from Massachusetts. He did this (he remarked) with reluctance; but it was for the purpose of preserving that comity and harmony between the two bodies that the gentleman had referred to, and which he, no doubt, desired to maintain, that he had felt called upon by a sense of duty to raise the question of order.

The words taken down by Mr. MERCER were read at the Clerk's table, and the Speaker inquired of the gentleman from Massachusetts whether he admitted their correctness.

Mr. ADAMS. The gentleman from Virginia [Mr. MERCER] had expressed great aversion to quibbling.

Mr. PARKER here rose and urged that order should be maintained, as it was impossible to understand what was going on while the members were standing or moving about.

Mr. MERCER said the gentleman from Massachusetts might modify the language which he had reduced to writing.

Mr. ADAMS proceeded to state wherein the gentleman from Virginia had not correctly stated the words which he had used.

Mr. MERCER said the evident *meaning* of the gentleman, in his opinion, authorized the terms which he had employed in reference to the exception he had taken.

Mr. ADAMS said, as he understood the rule, exception must be taken to the *words* of a member—not to any *meaning* which any gentleman might think proper to attach to his words. He entered into a further explanation of the terms which he had employed.

Mr. MERCER expressed his dissatisfaction with the explanation, and he felt bound to persevere in the motion which he had made.

Mr. WISE hoped the gentleman from Massachusetts would be permitted to proceed, whether in order or out of order. If ever there was a case where members should be permitted to speak frankly on both sides, in order that the truth and the whole truth might be elicited, this was one.

After some conversation between the Speaker and Messrs. HARDIN, MERCER and ADAMS,

the question was put, and the House decided by a large majority, that the words taken down by Mr. MERCER were not used by Mr. ADAMS.

Mr. WHITTLESEY called for the orders of the day.

The CHAIR decided the motion out of order, the House having suspended all its rules to enable the gentleman from Massachusetts to submit his resolution.

Mr. ADAMS continued. He said his object in offering the resolution was precisely the same with that which had induced his honorable friend from Virginia to interpose this objection of mere formality against it; namely, to restore harmony between all the departments of the Government, not only between the House and the Senate, but also between both Houses of Congress and the executive departments of the Government; for if there ever was a time when harmony, perfect and complete, between the different departments of the Government was necessary, now was the time. The people of the country called for it—the interests of the nation demanded it. Mr. A. said these were his motives for offering the resolution; and he trusted that, if the House would indulge him in the appointment of the committee he demanded, that committee would have it in their power to report that all the charges made against the House were utterly groundless and unfounded; and believing that that would be the result of the investigation, he hoped that it would contribute to restore the harmony which no longer exists between the two branches of the Legislature of the country. The restoration of harmony depended upon the vindication of the honor of the House of Representatives at the last session of Congress; for if that vindication could not be made complete, there was no prospect of any harmony at the present session of Congress, and especially upon that most important subject, our foreign relations—the question of peace or war. The foundation of the resolution offered was, on his part, entirely defensive; its object was to vindicate the House of Representatives from reflections which were entirely undeserved.

Mr. A. said, it was difficult for him to reconnect together the train of thought, after so much interruption, which he had wished to present to the House. He would, however, revert to one or two points which required notice. It was against the introduction of the section appropriating $3,000,000 for the defense of the country, that the cry of unconstitutionality, against both the Executive and House of Representatives, had been raised. One of the great charges was, that the House of Representatives had inserted that section without recommendation from the President. That was the great offense on which was founded the bursts of indignant eloquence which would rather see the enemy battering down the walls of the Capitol than agree to such an appropriation for the defense of the country.

Observe, sir, once more, the terms, the object, and the condition of that appropriation. It was to be expended, in whole or in part, under the direction of the President of the United States—the executive head of the nation, sworn to the faithful execution of the laws; sworn especially and intrusted with the superintendence of all the defenses of the country against the ravages of a foreign invader; it was to be expended for the "*military* and *naval service*, including *fortifications*, and *ordnance*, and *increase of the Navy.*" These, sir, the natural and appropriate instruments of national defense against a foreign foe, were the sole and exclusive objects of this appropriation. Not one dollar of it could have been applied to any other purpose by the President without a violation of his official oath and of his official trust—not one dollar of it could have been applied by him to any other purposes without making himself liable to impeachment; not by that House of Representatives, but by us, their successors, fresh from the constituent body, the people; yet, before that same Senate for his judges, a majority of whom were surely not of his friends, not one dollar of it could he have expended without giving a public account of it to the Representatives of the people and the nation. Nor was this all. Thus confined to specific objects, it was to be expended, not unconditionally, but only in the event that it should be rendered necessary *for the defense of the country* prior to the then next session of Congress—an interval of nine months—during which no other provision could have been made to defend your soil from a sudden invasion, or to protect your commerce floating upon every sea from a sweep of a possible royal ordinance of France.

And this is the appropriation following close upon that unanimous vote of two hundred and seventeen members of the House, that the execution of the treaty of 1831 should be maintained and insisted on. *This* is the appropriation so tainted with man-worship, so corrupt, so unconstitutional, that the indignant and patriotic eloquence of the National Intelligencer would sooner see a foreign enemy battering down the walls of the Capitol than agree to it. Sir, for a man uttering such sentiments there would be but one step more, a natural and easy one to take, and that would be, with the enemy at the walls of the Capitol, to join him in battering them down.

[Here Mr. A. was interrupted by a spontaneous burst of feeling and applause from members on the floor. The SPEAKER immediately called to order. The indiscretion was momentary, and the most respectful silence followed.]

Mr. A. resumed. He hoped he had shown that the section making the appropriation of three millions was introduced from absolute necessity on the last day of the session, because it was in consequence of the unanimous vote of the day preceding. Was he now to be told that this and the other House must not appropriate money unless by recommendation from the Executive? Why, sir, the Executive has told us now, that that appropriation was perfectly in accordance with his wishes. Yet here the charge is inverted, and unconstitutional conspiracy and man-worship are imputed to this House on account of that appropriation, *because* it was approved and desired by the Executive. Where was the possibility of a *recommendation* from the Executive; of statements from the departments; of messages between this and the other House, when the resolution of the House had been passed but the day before? That resolution was itself passed in consequence of a communication from the Executive, and in furtherance of the views of that officer. Then why was the charge of man-worship made? He would appeal to the House to say whether he was a worshipper of the present Executive. He had voted for that appropriation, and he gloried in the vote. Was he chargeable with man-worship in voting for that appropriation? He had not approved the *special measures* which had been recommended by the Executive at the commencement of that session of Congress. Neither the measure of issuing letters of marque and reprisals, nor the measures of commercial interdict or restriction—neither had that House of Representatives approved them; but the House, and, thank God! the people of the country, had done homage to the *spirit* which had urged to the recommendation, even of those measures which they did not approve. He again repeated, why was it that the House must be charged with man-worship and unconstitutional conspiracy, because they passed an appropriation of three millions *for the defense of the country*, at a time when imminent danger of war was urged, as resulting from that very resolution which, but the night before, passed by a unanimous vote? Because, forsooth, that appropriation had *not* been called for by the Executive; and yet, because it *was* approved by the Executive.

Sir, there were at the last session of Congress three systems of policy to be pursued with regard to our then controversy with France, which had marked the proceedings of the three branches of our Government, charged with the duties and the responsibilities of legislation. The system of the President was contained in the recommendations of his annual message. The system of the Senate is disclosed by their resolution unanimously adopted on the 14th of January, 1834, in these words, as appears upon their journals:

"*Resolved*, That it is inexpedient at present to adopt *any* legislative measure in regard to the state of affairs between the United States and France."

A resolution not only declining to do that which the President had recommended to vindicate the rights and the honor of the nation, but positively determining to do NOTHING—not even to express a sense of the wrongs which the country was enduring from France.

Such was the system of the Senate. That of the House was neither exactly that which had been recommended by the President, nor yet that of the Senate. It was a subject of long, of anxious, and of ardent deliberation and debate during the last week of the session.

The chairman of the Committee on Foreign Relations had reported three resolutions; as substitutes for which, I had the honor of submitting to the consideration of the House three others. The minority of the Committee on Foreign Relations had presented a report, concluding with a sentence which, at the suggestion of the chairman of the committee, I adopted as a modification of my first resolution, and which the chairman of the committee consented to take as a substitute for the first reported by him. This sentence, from which, with the general assent of the House, the words "at all hazards" had been withdrawn, was finally moved by me, and every member present, two hundred and seventeen in number, answered at the call of his name, ay.

The resolution was in these words—

"*Resolved*, That in the opinion of this House, the treaty with France of the 4th of July, 1831, should be maintained, and its execution insisted on."

I then withdrew the second and third of the resolutions which I had proposed.

The second of the resolutions reported by the chairman of the Committee on Foreign Relations was that the committee should be discharged from the further consideration of so much of the President's message as related to commercial restrictions, or to reprisals on the commerce of France.

It was unanimously adopted by the House.

The third resolution reported by the chairman of the committee was—

"*Resolved*, That contingent preparation ought to be made to meet any emergency growing out of our relations with France."

This was the resolution intended to sustain at once the spirit of the President's recommendation, and the sincerity of the resolution just adopted by the House.

But there was only one day left of existence to the House; and, therefore, no possibility of waiting for a message from the President for estimates from the War and Navy Department, or for the slow progress of a bill through all its usual stages in both Houses of Congress. Such proceedings, highly proper for the usual and ordinary expenditures of the year, were not only unnecessary, but would have been, to say the least, useless for an appropriation contingent upon events then uncertain, and the amount necessary for which could not, with any approximation to precision, be estimated or foreseen.

The resolution was laid on the table at the motion of the chairman of the committee who had reported it, and who then, in my hearing, and in the hearing of all in the House who chose to hear him, gave notice that he should in its stead move an additional appropriation in the fortification bill then before the House. Whether he named the sum of $3,000,000 as that which he should propose or not, I do not recollect. He had openly spoke in the House before, as contemplating a *larger* sum. Considering the contingent and possible danger against which it was to provide, I thought the sum certainly not too large.

And now, sir, where is all this scaffolding of indignation and horror at an appropriation for specific purposes *for the defense of the country*, because, forsooth, it had not been recommended by special message from the Executive. Gone, sir! gone! You shall look for it, and you shall not find it. You shall find no more trace of it than, in the tales of the National Intelligencer, you shall find of that vote of 217 yeas—which was the real voucher for the purity and genuine patriotism of that appropriation of $3,000,000—denounced to the world, by the eloquent orators of the senatorial press, as so profligate and corrupt, that an enemy at the gates of this Capitol could not have justified a vote in its favor to arrest his arm, and stay his hand in the act of battering down these walls. You shall find no more trace of it than upon the Journals of the Senate of the last session of Congress you shall find of sensi-

bility to the wrongs which our country was enduring from France; and if upon those Journals such a trace can be found, it must be by clearer and more searching eyes than mine.

Then why are we told, that nobody knew anything of the reasons of the House for adopting that amendment to the fortification bill? Nothing passed in the House but what was known in the other portion of the Capitol. Nothing was to be found on the Journals of the other body, that would go to sustain the Executive and the country. In another body there were resolutions passed very explicitly declaring that they would not do what the Executive recommended, but no resolutions were passed saying what they *would* do. A different course of policy was pursued by the House. It adopted unanimous resolutions, and showed that, although the measures recommended by the President did not entirely meet their approbation; yet, that the rights of the country and the execution of the treaty were to be insisted on. In another branch of the Capitol, at the same time, it was not known what the House were doing; yet 217 names answering "yea," stood recorded on the Journals of this House. These were the facts, and an impartial history of that bill would show, that there was sufficient and ample cause for the appropriation of three millions. But the three million appropriation was received by the Senate in a most unfortunate *temper*, and as proof of this it became absolutely necessary for him to refer to their proceedings. In the first place, the motion for the three million section was submitted in the House, and little objection was made to it. It was perfectly understood by gentlemen on both sides of the House, that it was founded on the vote of the night preceding, and no one, so far as he recollected, objected to it because there was no recommendation from the Executive. The votes were taken on it by yeas and nays, and it was adopted. One hundred and nine names, (said Mr. ADAMS,) the first of which in alphabetical order was my own, are recorded upon the Journals in favor of that amendment, and of those names, seventy-two belong to members of this House; seventy-seven names appear on the Journal recorded against the amendment, forty-five of which are of members of this House. The proportion of rëlected members is rather larger of the names in the affirmative, than of those in the negative. But, I have said the amendment was received by the Senate in a bad temper, and now for the proof. The resolution as recorded on the Journals of the House was as follows:

"*And be it, &c.*, That the sum of $3,000,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the Navy: *Provided*, Such expenditure should be rendered necessary for the defense of the country prior to the next meeting of Congress."

Observe what were the purposes of the appropriation. Was the House wasting and squandering the public money, when it made that appropriation? No, sir. Shall it be said that the appropriation, if made, must have been wasted? When an enemy is at the walls of the Capitol, it will be but a sorry objection to make, that you have no confidence in the man at the head of the Government. He hoped that the matter might be fully exposed; and whatever might be his relations with the head of the Government, he did not think that that vote would be charged to man-worship. Upon that resolution, one hundred and nine names were recorded in the affirmative, and were there one hundred and nine members to be charged with being man-worshipers and conspirators against the Constitution of their country? Among these names were several, if they were capable of anything like man-worship, (which he did not believe,) the object of whose worship would be some other than the present tenant of the White House; even the very men who now made these charges against them. He said, that the section was received in bad temper by the Senate. They immediately disagreed to the amendment, it was said, with little debate, and sent their disagreement down to the House. He recollected that the present Speaker, who was then chairman of the Committee of Ways and Means, did him the honor to ask him what we should do, and he (Mr. A.) said he should vote to recede from the appropriation, because from the temper of the Senate it was evident, if that course was not pursued, the whole bill would be lost. Mr. A. said he did, accordingly, vote to recede, but it was not to recall the vote he had before given; it was solely because he believed that, if the House did not recede, the whole bill would be lost. As the object of the bill was for the ordinary appropriations for fortifications, he was unwilling to lose it, and therefore gave up the three million appropriation to save the remainder of the bill. But it was not the sense of the House to recede, and the vote to recede stood 87 to 110. The sense of the House was strong; it was earnest, but it was respectful. How was it with the Senate? The next communication which the House received from it was, that the Senate had *adhered* to their disagreement. In the intercourse between the two Houses every person knew that adhering was the very last resort—that it scarcely ever was recurred to except as a *challenge of defiance* to the other House. What are its consequences? They are always to hazard the loss of the whole bill; if the other House adhere, the bill is lost. The Senate said, "Take back your appropriation, or lose your bill," and that at the earliest stage at which they could pass such a vote. It was well known to every man that the vote to adhere never passes between the two Houses in good temper. It was always considered as a challenge, "Lose your bill, or agree to what we think will we right." Mr. A. here read the following extract from Jefferson's Manual, in support of his views:

"When either House sends a bill to the other, the other may pass it with amendment. The regular progression in this case is, the Commons disagree to the amendment; the Lords insist upon it; the Commons insist on their disagreement; the Lords adhere to their amendment; the Commons adhere to their disagreement. The term of insisting may be repeated as often as they choose, to keep the question open. But the first adherence by either renders it necessary for the other side to recede or adhere also; when the matter is usually suffered to fall. The term of *insisting* was certainly (in 1679) a happy innovation, as it multiplies the opportunities of trying modifications which may bring the Houses to a concurrence. Either House, however, is free to pass over the term of insisting and to *adhere* in the first instance, BUT IT IS NOT RESPECTFUL TO THE OTHER."

Mr. A. said he doubted whether, in the whole intercourse between the two Houses of Congress, an adherence was ever before resorted to at so early a stage of a difference between them. He was sure there never had been such an instance unless at a time of bad temper between the Houses. It was a special disposition to cast odium upon the House, a special bravado that induced the Senate thus to draw the sword and throw away the scabbard, and they ADHERED. Notwithstanding, the natural feeling was, when the bill came to the House, to *adhere* on their part, and that motion was actually made; yet so anxious was the House to save the bill that they did not adhere, neither did they recede: they insisted again, and asked of the Senate a conference, to which the Senate agreed, although at that time the hour was twelve in real time. That clock, (pointing to the clock in the Hall,) to be sure, so far as a clock could show, said it was not twelve, but it was not possessed of the power of Joshua of old, who commanded the sun and moon to stand still; old Time submitted to no such power, but moved along regardless of what was doing here. The committee of conference of the House went out, and that committee felt themselves constrained to consent to a reduction of the $3,000,000 down to $890,000.

Thus, sir, this horrible conspiracy against the Constitution melted down to a mere question of dollars and cents—whether the appropriation should be $3,000,000 or $800,000. The appropriation was made positive instead of being contingent upon a necessity not certain to come, and it was confined to two objects of permanent ordinary appropriation, still leaving the possible contingent danger unprovided for. He had said, and believed, that the conferees on the part of the House had been constrained to accept this compromise for the purpose of saving the bill; but it was too late: when the conferees on the part of the House returned, that House was no more—it was a lifeless corpse. A friend and colleague of his, now in his eye, had indeed said it was the noisiest dead body that he had ever seen or heard of. That was true, yet it was, nevertheless, true the House was *de facto* dead. The Journal shows that from that time it was impossible to make a quorum. It was a few minutes before that a large quorum was found. He said this because, in the National Intelligencer, the exemplary assiduity of the members of the Senate, in the discharge of their duties, was invidiously contrasted with the insinuated neglect of the members of the House, where it was insinuated that business could not be done for want of a quorum. But why was the House found without a quorum? Because sixty or seventy members, conscientiously believing that they were no longer the Representatives of the people, refused or forbore to answer to their names. Your Journals will show that motion after motion was made to that effect. Many members declined answering on these grounds, and no motion was made to compel them to vote as by the rules of the House, had it still existed, there would have been. He was not one of those who believed that the session ended at midnight. In his opinion the two years' duration of Congress was from the time of day at which the House commenced its session—say to the hour of noon on the 4th of March. He believed that to be the true construction of the constitutional term of two years; but it was a constitutional question, and it was not for him to judge of the motives of men who conscientiously believed that the period of their political existence had expired. When the Cumberland road bill passed, the question was taken by yeas and nays, and the vote was 94 to 80, making 174 votes. Here was a quorum voting, which showed that the House, at twelve o'clock, was doing business; but in ten minutes after no quorum could be found—not in consequence of there not being members present, but in consequence of their conscientious scruples. He recollected the instance of a gentleman from Georgia, [Mr. GILMER,] a man as conscientious and as intelligent as any member of that or the present House who, upon being called, refused to answer, and gave as his reason, that he was no longer a Representative of the people, and immediately after the vote was taken went out of the House at that door and never returned. It was not, therefore, the want of a sufficient number of members present, but from the conscientious conviction of so large a number of the members as reduced the remainder to less than a quorum, that they had no right to vote on anything in the House. After that took place, the committee of conference returned to the House, but no report was made, and what was the reason? Because there was no House. The roll was called, and no quorum was to be found.

He said that he did not consider the constitutional term of two years, assigned to the members of the House of Representatives, and the term of four years, during which the President of the United States holds his office, commences or expires at midnight. The services of two, and of four years commenced running from the time when the members of the first Congress assembled to commence the operations of this Government under the Constitution of the United States, which was on the 4th of March, 1789, at noon. The two years from that time expired, not on the 3d of March, 1791, at midnight, but on the 4th of March, at noon. The expiration of a year is not from noon to midnight, but from noon to noon. It is so, astronomically, by the law of nature. The time at which a day shall commence and terminate is a matter altogether arbitrary and conventional. Some nations have in their civil computation commenced the day at sunrise, and some at sunset—some at midnight, and some at noon. Astronomers and navigators always reckon the day from noon to noon; and why should not the constitutional computation of time follow the same law, which is the law of nature? The principle once established could be attended with no sort of inconvenience; whereas the computation from noon to midnight must be subject once every two years to a solution of continuity for twelve hours by the non-existence of a House of Representatives, and once in every four years, to an interregnum or vacancy in the office of President of the United States. Emergencies might easily be foreseen, perhaps even precontrived, in which either of those events would be attended with very

great public inconvenience. Monarchical Governments have always guarded with the utmost possible care against every solution of continuity. Their kings never die. It would be a radical defect in every republican Government not to be invested with the same official immortality—the office always filled, however frequently the individual incumbent may be changed. It was, therefore, my opinion that the House might have sat transacting business till noon of the 4th of March, and accordingly my name will be found and recorded on every taking of the yeas and nays until the adjournment, after it was announced that the Senate had adjourned.

Mr. A. said that was his opinion then, and he had then expressed it to the House, but it was not the opinion of a large number of members of the House. The members were in the House ready to vote, but in their opinion the time had passed. Now, whatever was doing at that time in the House might have been known to every member of the Senate, if they had seen fit to make the inquiry. It was perfectly known that after that time no quorum of the House could be found. No vote was taken. The House was *de facto* dead. But in that state of things, after the House was a lifeless corpse, the following message was sent from the Senate, which Mr. A. requested the clerk to read:

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the Senate to the bill respecting the fortifications of the United States."

Mr. A. appealed to the Speaker as one of the oldest members of the House, and in his official capacity, as the guardian and vindicator of the honor of the House, whether in his experience in the legislation of this country he had any recollection of such a message having passed between the House of Representatives and the Senate?—a message reminding the House of their duty; reminding the House of what they had to do; reminding the House of the particular business which it was their duty to take up and act upon. He asked the oldest member in the House, whether he had any recollection of any such message having passed between the House of Representatives and the Senate? He asked the youngest member, and paused for a reply. He heard none, and under these circumstances he took upon himself to say, that no such message was to be found on the Journals of Congress since the foundation of the Government. Here was one branch of the Legislature turning the task-masters of the other. We read in Holy Writ of a judge of Israel who undertook to *teach* the men of Succoth; and it was by scourging them with the briers of the wilderness. Since the days of Abimelech there has been no such teaching as this by the Senate to the House of Representatives of the United States.

He dwelt on this subject, because, if there was to be any such thing as harmony between the two Houses in the discharge of their duty to the people of the country, he hoped that that message would stand as a solitary monument and warning never to be repeated. He hoped that such a message would never go from the House to the Senate. He hoped the House would always be courteous enough to suppose that the Senate of the United States knew what was their duty, and would discharge it accordingly.

Mr. A. said that no such example existed on the Journals of the House of Representatives, but he was aware that there had been instances of the kind in the Parliament of Great Britain; and they were referred to in Mr. Jefferson's Manual, as follows: "When a bill is sent by one House 'to the other, AND IS NEGLECTED, they may send 'a message to remind them of it. But if it be 'mere inattention, it is better to have it done 'informally, by communications between the 'Speakers or members of the two Houses."

From this, it would be seen that the only cases given in the Manual were where the House *had neglected* to act on a bill; he had consulted all the cases in Hatzell and Gray, and others referred to by Mr. Jefferson in his Manual; and he found that the last instance adduced of that kind, even in the British Parliament, was in 1721, one hundred and fifty years ago; and in all the cases severally referred to such messages never were sent, unless there was a violent misunderstanding between the two Houses, and when the neglect of the bill was extremely injurious. Such was the nature of the message which he hoped never would be repeated in the intercourse between the two Houses of Congress. But to complete the true character of that message, he must inquire at what time it was sent? It was sent at two o'clock in the morning; it was sent at a time when it was known, both in the House and the Senate, that no quorum was to be found. When that message was delivered, he must confess, if ever a feeling of shame and indignation had filled his bosom, it was at that moment. He felt it as an insult to the immediate representatives of the people; and if it had been sent at a moment when the House yet existed, with the power to resent unprovoked insult, he verily believed that, imitating the example of our Congress in a somewhat similar case during the revolutionary war, he should have moved that a message be sent by two members of the House to cast the Senate message on their floor, and tell them that it was not the custom of the House to receive *insolent* messages. It was, perhaps, well that he had no opportunity to give vent to those feelings. What were the feelings of the other members, it was not for him to say; and he did not know that he had ever communicated his own to any member of the House; for he saw that the insult was committed on a dead body—another Achilles dragging around the walls of Troy his prostrate and lifeless foe! It was said, sir, that there had been thrilling and unexampled eloquence of indignation at this conspiracy of man-worship, servility, and corruption, displayed by the House of Representatives, in that appropriation of $3,000,000 for the contingent necessary defense of the country from foreign aggression; but I trust I have already shown to the satisfaction of this House that all that eloquence was gratuitous, and all that indignation wastefully squandered away, some small portion of which might have been profitably expended upon the foreign treaty-breakers, under whose injustice our own country was smarting. This indignation and the temper with which it was manifested by these repeated insults to the House did strike me as so extraordinary, and I must add, so unreasonable, that it was impossible to avoid the inquiry where the real sting of that $3,000,000 appropriation did lay, and what it was that had excited this tempest of passion against it; and I thought the true motive was discernible in that unanimous vote of two hundred and seventeen ayes in the House, demanding that the execution of the treaty should be insisted on. That vote, however overlooked then or now, had been neither unseen nor unfelt. It was not only a departure from the do-nothing policy of the Senate, but might be felt to contain a pungent though tacit rebuke upon that paralytic policy. The $3,000,000 appropriation was the complement and efficient energy of the unanimous vote of the preceding day. That vote was exclusively the act of the House. The appropriation required the concurring vote of the Senate, and that vote would have made the Senate the unwilling accessary to implied censure upon its own quietism under foreign wrong. The vote of the House could not be nullified, but its efficient operation might be unnerved by the refusal of the appropriation; and so the bloodless ghosts of executive dictation and man-worship and servility were conjured up; and the overbearing arrogance of votes to adhere, and messages to remind, were substituted for the deficiency of better reasons for refusing the appropriation.

Great horror was manifested at the conspiracy and man-worship of appropriating these $3,000,000, and that was the source of the triumphant message to remind. Perhaps, strictly speaking, the bill containing that appropriation did fail in the House; but, if it did fail at all, it failed before the appointment of the committee of conference. Its death-blow was the senatorial vote to *adhere*. It failed because it did please the Senate, in their wisdom and patriotism, to strike out that appropriation, and to cast away the whole fortification bill to exclude that single item. Between that day and the present we have all had time to suffer our feelings to cool down. He had submitted in silence to the bad temper manifested on the part of the Senate. That bad temper was manifested not only to the President, but to the House of Representatives. If it had not been now renewed with redoubled vigor, and by the transcendant ability which belonged to those who lead the Senate, he would have remained silent for the sake of peace and harmony; but now, under such charges, enforced with all the arguments which nine or ten months of meditation could bring to minds of the highest order—when such charges went forth to the nation, accusing the House of Representatives of an unconstitutional conspiracy with the President on that bill—he could no longer remain silent. He therefore moved the resolution, so that the House might not trust entirely to the statement of facts which he had submitted to them; but that the committee might inquire and report to the House what were the true causes and circumstances which produced the failure of the bill.

Mr. WISE. Mr. Speaker, I have not much to say; but what I have to say are principally facts, and I shall be confined to facts. I did not expect, sir, that this discussion upon this very important matter would come up to-day. I was in the midst of preparation for this discussion on another occasion, and, if I should not be so well prepared or as well arranged in my facts as I could wish, I hope the House will pardon me. I will endeavor to have the whole case, at all events, in print.

Mr. Speaker, this is an important question. The fate of the presidential canvass is in part made to depend upon it. It has been discussed during the last summer in all the public prints in the country. It has been discussed elsewhere since the meeting of Congress, and the discussion has commenced here; and, permit me to say, sir, the discussion thus far has been conducted blindfold. I say, sir, the true issue of the failure of the fortification bill is not between the Senate of the United States and the House of Representatives; that, sir, is not the issue. I say it, and I will prove it from this Journal, and from facts in addition to this Journal, that neither the Senate nor the House is responsible for the failure of that bill. The gentleman must pardon me, but, as Nathan said unto David, (pointing to Mr. CAMBRELENG,) "*Thou art the man*!"

Mr. Speaker, I feel no excitement when I make this charge. I feel, sir, no personal ill-will towards the gentleman from New York when I make this charge. I must say that that gentleman has ever been courteous and even kind towards me, and my feelings towards him are certainly of the same description. Sir, I respect him. But the question is up, and here is the place to discuss it; and here it may be fairly made known that he was one of the committee of conference on the part of this House on that memorable occasion, and another member of that same committee is now in another body. From both ends of this Capitol let the truth, the whole truth, and nothing but the truth, go out to the country. Let us tell it as gentlemen. I shall give this gentleman a fair opportunity now to try and tell it. I shall charge him in part—ay, sir, almost in whole—with being responsible for the failure of that bill. I have charges, too, Mr. Speaker, to make against others; and when the gentleman from North Carolina [Mr. BYNUM] the other day was so particular as to throw stumbling-blocks in the way of those who should be inclined to forestall the truth, he tendered the issue. Holding them to the facts, here they are:

On Tuesday, the 3d of March, 1835, the three million amendment to the bill No. 600, entitled "An act making appropriations for certain fortifications," was concurred in—see Journal, page 509; one hundred and eighty-six members present, and the vote being yeas 109, nays 77. I beg gentlemen to note the number of members then present and voting when this amendment was offered, was one hundred and eighty-six. The Senate disagreed to this amendment, and the House refused to recede, by a vote of yeas 87, nays 110—one hundred and ninety-seven members being then present and voting. On motion by Mr. CAMBRELENG, (I use the gentleman's name as a member of the last Congress, which, I presume, is in order,) the House insisted on its amendment, and the Senate was made acquainted therewith. The Senate then returned a message that they adhered

to their disagreement. Mr. CAMBRELENG then moved that the House adhere; and on the question that the House recede, the yeas were 88, nays 107—one hundred and ninety-five members then present. The House then asked a conference; and Mr. CAMBRELENG of New York, Mr. LEWIS of Alabama, and Mr. HUBBARD of New Hampshire, were appointed a committee of conference. Here I regret, sir, that the gentleman from Alabama is sick. Mr. LEWIS is not here to testify, and I am sorry for it. At this point I beg the House to notice the proceedings as recorded on the Journals. A number of enrolled bills were then reported, and then immediately passed the Cumberland road bill. And here, let me add, that, before the vote on the Cumberland road bill was taken, Mr. GILMER, of Georgia, rose in his seat—he sat near me—took out his watch, and announcing that the hour of twelve had arrived, departed from the House. Before Mr. GILMER did this, if I recollect right, this committee of conference had returned.

Mr. CAMBRELENG said that the vote on the Cumberland road bill was taken before the committee of conference left the House. They remained to vote; and Mr. HUBBARD was present when Mr. GILMER declined voting.

Mr. WISE proceeded. It is a strange fact, then, that the gentleman should have remained till twelve o'clock before going out to meet the committee of conference on the part of the Senate. However, be that as it may, I can testify, Mr. Speaker, that the vote on the Cumberland road bill was after twelve o'clock at night. I can testify that the gentleman whose name reads CHURCHILL C. CAMBRELENG, in the last Congress, is recorded as voting on that bill, after twelve o'clock at night. Mark the fact; I will show it.

Another name I will mention here, and I beg the House to note that fact also, that reads SAMUEL BEARDSLEY, who voted on that bill after twelve o'clock that night. I beg the House to remember that fact.

Mr. BEARDSLEY explained. He said it was true that he voted upon that bill, and it was the last vote he gave. He should not undertake to say whether the gentleman's time-piece indicated twelve o'clock or not; but Mr. B's watch did not at that time. He repeated that that was the last vote he gave; and shortly after, another question being presented, he declined voting, because he was then satisfied that the hour of twelve had arrived. The gentleman might suppose that the Cumberland road bill was voted upon after twelve o'clock. Mr. B. would not say that it was not so; but this he would say, he had not satisfactory evidence to his mind that the hour of twelve had arrived. He recollected that Mr. GILMER rose and declined voting, alleging that twelve o'clock had arrived; but it was not surprising that a diversity of opinion should exist on a few moments of time. The gentleman from Virginia might prove that Mr. B. voted after that hour, but really his mere assertion would hardly establish the fact.

Mr. WISE. I will put a question to the gentleman. Did he never vote before after twelve o'clock at night on the last night of the session?

Mr. BEARDSLEY said he had no recollection of having ever done so.

Mr. WISE. Well, I state the fact, or I know the fact, that Mr. GILMER, of Georgia, did, before that bill was announced to the House—and it was the first notice the House had that twelve o'clock had arrived—take his watch from his pocket, and declare it. I can prove it by a gentleman who perhaps recollects it, though I have not conversed with him on the subject; a leading man on that bill, who sat by me, and held me down, in a good-natured kind of manner, from making any opposition to the bill. He, perhaps, may have forgotten it, but I remember it well. I intended to call the attention of the House to the fact that it was after twelve o'clock, and it struck me that we were defunct.

Mr. Speaker, this is not all. Two enrolled bills were afterwards reported, and then Mr. JARVIS, of Maine, moved a resolution to adjourn on account of the time of night: see page 523 of the Journal. This, sir, was after Mr. GILMER had retired, and after the vote on the Cumberland road bill, for which Mr. BEARDSLEY voted.

The CHAIR said, if the gentleman from Virginia referred to members of the last Congress, who were members of the present, it would be courteous and proper to refer to the State from which they came.

Mr. WISE. I read from the Journals. Well, I beg the attention of the House to that fact, that Mr. JARVIS, of Maine, moved a resolution to adjourn, on account of the time of night, thereby directly calling the attention of the House to the fact that the session had expired, that the hour had come, and that we were dead. The resolution then came up; and upon a vote, there was no quorum of a sudden—only one hundred and thirteen members being present. Still, we find Mr. CHURCHILL C. CAMBRELENG still voting.

The CHAIR again interposed, and said, if the gentleman read from the Journal, it was proper to use the name of a member; but if not, it was only in order to refer to the State from whence he came.

Mr. WISE. Well, I will take the Speaker's course, and not my own; I will read from the Journal. The previous question was moved, and on the question, "Shall the main question be now put?" there were found 111 in the affirmative and 2 in the negative—being only one hundred and thirteen, and no quorum. Here, sir, I find the names of JOHN QUINCY ADAMS and CHURCHILL C. CAMBRELENG, both voting after twelve o'clock at night, and after they said the House was defunct. Where were their consciences? Where——

The CHAIR said it was not in order to indulge in personalities, or to refer to the motives of other members of the House.

Mr. WISE. Why, the gentleman before me [Mr. CAMBRELENG] is continually assuring me, sir, that he does not object to it; and I hope the Speaker will permit me to proceed. The gentleman from Massachusetts has said that gentleman refused to vote after twelve o'clock on "conscientious scruples." I put the question, then, in a more charitable phrase: where were their "scruples?" Not only had Mr. GILMER retired from the House, but a resolution had been expressly offered to adjourn, assigning as a reason that the hour had expired—notice given verbally and in writing, and the reason of the notice given before this vote was taken. Mr. Speaker, where were gentlemen's "scruples" then?

Then, sir, came a report from the President of the United States, of bills signed by him. The President, at this time, was in the Speaker's room. I know the fact, that, after twelve o'clock, the President was in the Speaker's room, signing bills, and that bills signed by him did not come in until after Mr. GILMER had retired, and after Mr. JARVIS had offered his resolution.

The CHAIR stated to the gentleman, that, by the law by which the proceedings of that House had always been governed, no gentleman addressing the Chair could mention a member by name, but must designate him by his State; and the gentleman was not in order to do so, unless he was reading from the Journal.

Mr. WISE. What name, sir?

The CHAIR. The name of Mr. JARVIS.

Mr. WISE. I am reading from the Journal.

The CHAIR said he did not so understand the gentleman.

Mr. WISE. Why those members were dead last session of Congress!

The CHAIR said he had made the suggestion to the gentleman, and it was for the House to permit it or not.

Mr. MERCER said, if his colleague referred to members of the last Congress, he must, of necessity, use their names, for he could not otherwise designate whom he meant.

Mr. WISE. I claim the right to do so, and I protest against the interruption of the Speaker. No gentleman can proceed with a train of thought if he is continually interrupted.

The CHAIR said he had no intention of interrupting the gentleman from Virginia. The gentleman must be aware that the rules were as imperative on the presiding officer of the House to enforce order as on its members.

Mr. WISE. I will then proceed. I say, then, came a report of bills signed by the President, after Mr. GILMER had left his seat, and after the resolution to adjourn on account of the expiration of the hour had been offered, so that the House had received double notice. A motion was then again made by Mr. JARVIS, of Maine, to adjourn, and, in deciding the question by yeas and nays, SAMUEL BEARDSLEY of the last Congress declined voting then for the first time. His name was passed over, and the yeas were 15, nays 103; Mr. JARVIS, of the last House of Representatives, voting in the affirmative, after his previous announcement that twelve o'clock had passed, by two separate resolutions to adjourn; and CHURCHILL C. CAMBRELENG voting in the negative against adjournment. All this after two separate resolutions had been offered to adjourn, assigning that the hour had expired, and after it was notorious that a member had left his seat for the same reason. Now, sir, gentlemen may excuse themselves for voting in the affirmative for adjourning, but I am at an utter loss to see what "conscientious scruples" can justify their voting in the negative after the House no longer existed in law, and possessed no legislative functions or power. Mr. Speaker, I intend to travel through the whole record, so that the whole truth may be known, even to the pointing—ay, to the crossing of the t's, and the dotting of the i's.

Sir, after this resolution to adjourn failed for want of a quorum, Mr. WILLIAM COST JOHNSON made a report from a committee, which was read, and the Speaker laid before the House various communications from the Departments, which were received, and the Postmaster General's letter read in part, and all ordered to be printed. Every species of legislative functions were performed—every one voting; the Speaker sitting there, the House sitting here, after the two resolutions had been offered assigning as a reason for adjourning, and that the hour had expired. Nor is this all. Mr. WHITE, of Florida, laid an act of the legislative body of that Territory before the House, which was laid on the table; and then came a message from the Senate, which was read, to notify the House that the Senate were waiting, &c. That was as much as to say to the House, we do not wish this bill to fall, and we call upon you to vote; we ask you to save the interests of the country, so far as it regards this bill. I now beg the attention of the House to this part of the Journal. A message was received from the Senate by Mr. LOWRIE, their Secretary, as follows:

"Mr. Speaker, I am directed to bring to this House a resolution, as follows:

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill respecting the fortifications of the United States."

This resolution having been read the Secretary withdrew, and Mr. CAMBRELENG, chairman of the committee of conference on the part of this House, then rose and stated that he declined to make a report. Now, sir, mark the two reasons, and compare them with the facts on the Journals: "On the ground that from the vote granting compensation to the Hon. Robert P. Letcher"—he fixes the time here antecedent to his votes on other questions—"on the ground that it was ascertained that a quorum was not present." Why, sir, were not a quorum present? That is what I wish to come to. Up to a given mark, up to a given line, to a particular point, you can trace it; see from page 174 to page 198 of the Journal. Why were not a quorum present? Were members not here? Sir, were they not standing in every direction about the chair, and behind the pillars? Were there not two or more members present when the one hundred and eighteen voted? We wanted but three more to make a quorum? Were there not two gentlemen here, one sitting before me, who excused himself from voting, and another who refused to vote? Sir, were there not twenty here who could vote as circumstances happened to please? Now, this is the truth. They were here, and they would not vote. Who were they? I will not be invidious, but read the Journal for yourself, sir. Look at the names. It was not this House that was to blame. We were ready, ay, a majority were ready, to pass that bill. The House of Representatives did its duty, in all respects, the last night of that session. Some, it is true, were sleepy, some were—I beg

pardon, I was about to say some were drunk; but, drunk or sober, they were ready to vote, and ready to pass that bill, but the chairman of the committee of conference would not vote, because there was no quorum. Now, how did we know there was no quorum without a call of the House?

Mr. CAMBRELENG. I knew it.

Mr. WISE. Yes, I know you knew it; but how long did you know it? Where were those who were ordered to be *deficit* on that occasion?

Look at the gentleman's other reason. It is "on the ground that the constitutional term for which this House was chosen had expired;" and yet immediately following this, there is the name of CHURCHILL C. CAMBRELENG voting in the House—even after he had assigned this reason that the existence of the House was at an end. Sir, I cannot understand this. The gentleman cannot explain this.

Mr. CAMBRELENG. Yes, I will.

Mr. WISE. You will attempt it, but you cannot explain it.

Well, sir, a motion is then made to adjourn, and the following is the vote—ayes 35, noes 76; only one hundred and eleven voting, and still no quorum. Among the list of negatives, on the very last night, at the fage end of all the votes, is found the name of JOHN QUINCY ADAMS.

Mr. ADAMS begged leave to explain. The gentleman had referred to his votes. Now, (Mr. A. said,) he did stay in the House and vote upon every question till the last. He voted under the impression, as he thought he had sufficiently explained that morning, that the power of Congress continued, under the Constitution, till noon of the 4th of March. He did not concur with those gentlemen who would not vote after twelve o'clock that night. He would have stayed and voted till noon, if the House had so desired it. Therefore the gentleman would find his name upon every vote of the night of the 3d of March, up to the very last vote taken.

Mr. WISE. So I understood the gentleman, and I also understood him then to debate the question with my colleague as to the hour, and to entertain the same opinion now as he did then, and yet the gentleman was found voting against adjournment, and not for it, although he believed the constitutional existence of the House had ceased.

Mr. MERCER said his colleague had totally misapprehended the gentleman from Massachusetts. [Mr. M. then in substance repeated Mr. ADAMS's explanation.]

Mr. WISE. Then I have misunderstood the gentleman. I thought he had argued all day to-day that the House was defunct at twelve o'clock that night. The distance of the gentleman's seat prevented my hearing him distinctly. Glad I am to know it is the reverse, for the gentleman's opinion is one I regard highly on such questions.

But, sir, there was another name that must not be forgotten by the side of the towering name of the gentleman from Massachusetts. That name reads CHURCHILL C. CAMBRELENG. Nor is this all, sir. Mr. FRANCIS O. J. SMITH then moved a message to the Senate, to notify that body that the House had completed all its business. After the Senate had sent us a notice to bring to our notice the fortification bill, and to beg us to act upon it, Mr. FRANCIS O. J. SMITH, one of the most faithful on the list, moved a message to the Senate to notify that body that this body had completed its business. Pending this, and an amendment assigning the want of a quorum, the House, on motion by Mr. MASON, of Virginia, adjourned, without the usual act of courtesy. Sir, I say it was one of the most disgraceful scenes I ever witnessed, the adjournment of the last House of Representatives. It was more like barbarians and savages than the representatives of a civilized nation. Sleepy, tired, drunk——

Mr. BYNUM rose to a question of order. He would ask whether it was in order for a gentleman to rise in his seat, and traduce the House of Representatives in this way?

Mr. WISE. I do not pretend to say, Mr. Speaker, that all were drunk, or that one half were, or one third, or even a fifth, or a tenth, but I know that some were drunk, and that I was not of the number.

Mr. LANE said, he should like to hear their names.

Mr. WISE. The gentleman might be unhappy, sir, if I were to mention names.

To go back a little, sir, after this motion to adjourn, in which we find the names of the members I have mentioned, another message was received from the Senate, by Mr. LOWRIE, their Secretary, informing the House that the Senate had finished its legislative business. Now, it is well known, both by this House of Representatives and the last, that I was not an advocate of the Senate; nor do I now pretend to stand up in this contest between the Senate and the House; but, sir, I say, "give the devil his due." Let the truth be told. The Senate had passed its bills, and had finished its business; but, when the resolution was offered by Mr. SMITH, of Maine, stating the fact that we had completed our business, we had not done any such thing, and had left this very bill unacted upon. CHURCHILL C. CAMBRELENG did not report it from the committee of conferees; and Mr. LEWIS had to report it, long, long after the committee had returned to the House. The Journal says so. That gentleman made the report, and it was entered upon the Journals. I was sitting by, and knew the fact also; though I cannot exactly ascertain when he returned to the House. I must say, that never did I see a gentleman more astonished than he was when Mr. CHURCHILL C. CAMBRELENG refused to make the report; and Mr. LEWIS was then called upon to make it; and I saw him rise in his seat, take the report, and hand it to the Clerk, who has recorded it on the Journals. He would make the report, though the hour had passed; and that he did make it, the Journals show. No quorum! Why do we count the House here when we are about to receive the report of a committee? Do we set about counting noses before we receive reports from committees? Sir, there was a quorum; they were in that lobby and in every direction of the House. I would say, if there was one, there were one hundred and fifty members in this Hall when that report was made. Gentlemen would not vote; they refused to vote; they knew their meaning and intention; it is not for me, sir, to divine into the human heart. These are facts.

But, Mr. Speaker, there are other important facts. Out with them; come, rise in your high places all, and tell the truth, the whole truth, and nothing but the truth, here and elsewhere. There were two statements; I cannot vouch for them. They say it failed in this House; that is not true. It dropped before it got here; it dropped near that door. Did no gentleman receive a billetdoux after he resumed his seat? I put it to the honorable chairman of that committee of conferees, when he left that room, did he not intend to make that report? I put it to the gentleman, whether, after he returned to this House, and sat down by the gentleman from Ohio, side by side, with the report before him, if he did not then intend to make that report? Why did the intention fail? What was in the way? Sir, there were spirits haunting the Capitol, and whisperings, and ghosts, (as I am told, for I did not see them,) and blue devils, and imps. Is it true, sir? I do not know it. I do not say it is true, sir. Is it true? Tell us. I pause. Tell us, and let the blame fall where it will—where it ought.

Mr. CAMBRELENG. I can tell you.

Mr. WISE. I shall be glad if you do tell us. Mr. Speaker, there is another important fact which must come out. Out with all, I say. Ay, you, Mr. Speaker, are concerned in that very inquiry. Sir, I voted for this amendment; and I see a gentleman before me who well knows it, for I believe I saw him making "apologies to the table" that night, and I have to make some apologies for that vote too. But, sir, under the impressions I had at the time I gave that vote, I would give the same vote again, with the same information I then possessed. Now, be it known, by the way, that that gentleman—the gentleman from New York—did notify the House, and notify me personally, I believe, one or two days before; I recollect well you did notify me for one, and asked me to vote for it. I told you that, without reference to a state of war at all, for a peace establishment I would vote even five or six millions for the Navy and Army. I knew a fact in relation to the officers of the Navy and Army, most disgraceful to those who have been superintending our affairs, that not one of our fortifications, left since the last war, was in a state of repair. I knew that some twenty millions had been spent in commenced works—for not one has been completed—but commenced for electioneering purposes, or for purposes of patronage. I knew that, from Florida to Maine, there was not one single fort in a condition to mount a gun upon, and the guns we had were unfit for use. I knew we had but one ship of the line in commission. I knew that the inspector of the naval ordnance had reported to us that seven hundred and fifty guns of the Navy were totally unfit for service, and were now so on the decks of the ships, in such a condition that, I am told, even the men themselves are afraid to use them. I knew, with all this immense want of appropriation, that three millions would be but as a drop in the bucket. Knowing all this, I voted for that amendment; not with reference to war. It was, sir, but the day before—ay, but twenty-four hours before—that the gentleman from Massachusetts [Mr. ADAMS] had withdrawn his resolution to make a contingent appropriation for war, after telling us to-day that the next step of those who voted against that amendment was to join the enemy. Yes, sir; the gentleman himself withdrew that resolution, and on the very next day voted for the three million appropriation. The gentleman from New York [Mr. CAMBRELENG] also withdrew a similar resolution, and himself proposed this appropriation. Could I then doubt, sir, that these three millions were not proposed in reference to war? I designed to vote what a state of peace required—for the repair of our fortifications and to fix the Navy as it should be. I voted for the amendment for peace reasons, and not for war reasons. I thought it the best way to keep peace to be in a state of readiness for war, and that it would be no waste of the public money to appropriate twice the sum for the fortifications and the navy. For these reasons I wanted no estimates from the President. But, sir, there were members in this House who did vote because the President desired it. There were some who knew the President desired it, and had called for it, and some did not. Mr. Speaker, I charge you with that fact. You may deny it in your place or not. If you deny it, I am ready with a witness to prove that on the last night of the last session of Congress, pending the question of the three million appropriation, two members of Congress were hesitating about the propriety of voting for that appropriation, when one of them proposed to the other that he would make the inquiry of the then chairman of the Committee of Ways and Means, (the present Speaker,) and you informed him the President did desire it. [Mr. W. was understood to read from some written memoranda he held in his hand.] Sir, I charge you with being that member who —— [Loud cries of "Order! Order!"]

The CHAIR said, if it was desired of the present incumbent of the Chair to make any statement of any fact within his knowledge, he was ready to make it. [Cries of "No! No!"]

Mr. MERCER said he considered the call upon the Speaker as such to be out of order; but the call, with reference to him as a member of the last Congress, not to be out of order.

Mr. WISE. I make the reference to the chairman of the Committee of Ways and Means of the last Congress.

The CHAIR said, if the House wished it, or would permit him, he would, with pleasure, make a brief statement. [Cries of "No!" "Agreed!"]

Mr. ADAMS said he would thank the gentleman from Virginia to rectify another mistake he had made with reference to him. The gentleman had stated that Mr. A. offered a resolution, declaring that means should be made for arming the country in a certain contingency.

Mr. WISE. Yes, I read it from the Journals.

Mr. ADAMS. I offered no such resolution.

Mr. MERCER said he thought the Speaker ought to be allowed to explain; and he hoped the House would yield its unanimous consent.

Mr. VINTON wished to know if the Speaker himself desired it; because, if not, he should object to it.

The CHAIR said he considered the whole proceeding out of order; but as he had been person-

ally alluded to, he had not arrested it; and that it would afford him sincere pleasure, if the House would permit him, to make a statement.

No objection being made—

The SPEAKER (the House having given its permission, and many members expressing a desire that he should do so) said, that the Chair took great pleasure in stating to the House, that upon that occasion he had felt great solicitude for the safety of the appropriation bills, which had not been acted on; perhaps the more solicitude, from the position he at that time had the honor to occupy in the House, as chairman of the Committee of Ways and Means—having, as he had, charge of some of these bills, and feeling that some responsibility devolved upon him. His attention had been closely directed to them. He did remember, upon that occasion, when the three million appropriation was moved, that, in a casual conversation, two members of the House, two of his own colleagues from Tennessee, who were also members of the present House, and who at that time occupied seats immediately in his rear, asked him some question in relation to that appropriation, and that he replied that he thought it a proper appropriation, and one that ought to pass. He had (he said) no recollection of the precise language he made use of, but he had said, in answer to the inquiry of his colleagues, substantially, that he thought the appropriation proper, that the Executive had been consulted, and that it met the Executive's wishes—or something to that effect. As chairman of the Committee of Ways and Means, inquiries had often been made of him in conversation, by members of the House, in relation to different appropriations; and he had always given the information in his possession, as he had in this instance.

The Chair would then state what he had not perhaps thought it necessary, at that time, to be stated to the House, and it was this: That he had conferred with the chairman of the Committee on Foreign Affairs, and with some of the members of the different executive branches of the Government, upon the subject of this appropriation. As chairman of the Committee of Ways and Means, it was his duty, if a heavy appropriation was proposed, to ascertain, and to be able to give the information to the House, if it was required, whether the Treasury was in a condition to bear it. He had always felt it to be his duty, whilst chairman of that committee, to consult different members of the executive branches of the Government, when he thought it necessary to obtain information in regard to all appropriations for the public service. And when the question was asked of him by his colleagues, in regard to this appropriation, the individual now occupying the chair had answered, in substance, that he thought the appropriation altogether proper, and that it met the approbation of the Executive. He did not remember adding anything of the purport stated by the gentleman from Virginia, though he may have done so, and would not say he had not; though, if he had, it had escaped his recollection.

The Chair would respectfully remark, that he was really unable to conceive how this could be a matter of any sort of importance. If it had an important bearing, he was at a loss to perceive it. The Chair felt a deep sense of obligation to the House for the opportunity offered him of giving this brief statement.

If the House would permit him, he would add a single suggestion. It must be evident that the debate which had sprung up that day had given rise to great excitement and feeling, and would require great forbearance, on the part of the House and the Chair, to enable him to preserve order. He would repeat to the gentleman from Virginia, that in reminding him, a few moments ago, that it was against order to refer to honorable members of the last Congress who were also members of the present House, and in their seats, by their names, it was far from the intention of the Chair to interfere with any of the rights of the gentleman from Virginia, and he would exceedingly regret to interfere with the rights of any member upon the floor. The Chair thought it out of order, and supposed such a course of debate, if suffered to proceed, was likely to produce excitement and collision, and he had therefore wished to arrest it. He felt assured that the gentleman from Virginia, and every other member, would see the necessity of such a course, and would sustain the Chair in his efforts to preserve the order and harmony of the proceedings of the House.

Mr. LEA, of Tennessee, rose to make an explanation. Upon the occasion to which allusion had been made, he had a conversation with a colleague who sat near him, [Mr. BUNCH,] and they determined to inquire of their colleague, who was the chairman of the Committee of Ways and Means, [Mr. POLK,] whether he thought it was a proper appropriation, and whether it was desired by the President? He was inclined to vote for the appropriation in any event; but in order more fully to satisfy his own mind on the subject, and at the suggestion of the colleague to whom he had referred, he applied to the chairman of the Committee of Ways and Means, in order to ascertain the President's views; and also whether, in the estimation of his colleague, [Mr. POLK,] the appropriation was proper. He was informed, in reply, that his colleague thought it proper, and that the appropriation met the approbation of the President. He was under the impression that his colleague added, that it was not worth while to say anything about the views of the President. This information formed an additional reason with his colleague [Mr. BUNCH] and himself for the vote they gave on that occasion. The statement just made by the Speaker was substantially correct.

Mr. WISE. Now, sir, I consider this a most important fact. Permit me, however, to say, before I come upon this fact, that I truly sympathize with the situation of the Chair, for I know its difficulties in preserving order, and I shall at all times be prepared to sustain its efforts to do so.

Mr. Speaker, is not this an important fact? What, sir, that the chairman of the Committee of Ways and Means shall come to the seats of members in this House, and disclose the fact that the executive department of the Government wants $3,000,000, but it is to be kept secret? Great God, sir, and this not a matter of importance! I wish not to come upon this fact till I have a fair opportunity.

The CHAIR said, that he had stated that he had no recollection of adding, in the conversation alluded to with his colleague, that nothing was to be said of his statement in regard to the Executive's views or wishes in relation to the appropriation. It was a casual conversation, and he may have done so, and it may have escaped him; but if he had done so, no inference was to be drawn from it that any intimation or wish had been expressed to him by any member of the Executive, that it was the desire of the Executive, or any member of it, that their views or wishes should be concealed. Such was not the fact; he did not so understand the Executive. And if the remark was made, it was, probably, from an impression that it was unnecessary to express the wishes of the Executive to the House.

Mr. WISE then rose to proceed, but gave way to

Mr. PEYTON, on whose motion the House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 23, 1835.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill making appropriations for completing vessels of war on the stocks, and repairing and equipping those in ordinary; which was read twice and committed.

Mr. CASEY, from the Committee on Public Lands, reported a bill for the relief of certain citizens of Arkansas for their improvements, which were lost in consequence of a treaty with the Choctaw Indians; which was read twice and committed.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a bill for the relief of Simon Summers; which was read twice and committed.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of John Pickard; which was read twice and committed.

Mr. LEA, of Tennessee, from the Committee on Revolutionary Pensions, reported a bill for the relief of Richard Martin; which was read twice and committed.

Mr. PARKER, from the Committee on Naval Affairs; Messrs. PHILO C. FULLER, and WHITTLESEY, from the Committee on Claims; Mr. BOND, from the Committee on Revolutionary Pensions; and Mr. HOWELL, from the Committee on Invalid Pensions; made unfavorable reports upon petitions; which were laid on the table.

LOSS OF THE FORTIFICATION BILL.

The House then resumed the consideration of the following resolution, offered on Friday, January 22, by Mr. ADAMS:

Resolved, That so much of the message of the President of the United States to Congress, at the commencement of the present session, as relates to the failure, at the last session of Congress, of the bill containing the ordinary appropriation for fortifications, be referred to a select committee, with instructions to inquire into, and report to the House, the causes and circumstances of the failure of that bill.

And the amendment of Mr. WILLIAMS, of North Carolina, giving the select committee power to send for persons and papers.

Mr. WISE concluded his remarks in reply to Mr. ADAMS, and maintained that the fault of the loss of the fortification bill was neither with the House nor the Senate, but with the committee of conferees on the part of the former.

Mr. W. warmly opposed the appointment of any committee of investigation on the subject. As soon as he had concluded,

Mr. CAMBRELENG obtained the floor. Mr. C. said he had not half as much to say upon this subject as the gentleman from Virginia, but at that late hour of the day he did not feel disposed to go into an argument upon it. It would take some time, however, to convince the House and the country of the extraordinary mistakes that gentleman had made; and, if the House should indulge him in the motion to adjourn, he would take the first opportunity that might be afforded him to vindicate himself. Not, sir, (said Mr. C.,) to reply. I shall not try so much to reply to the gentleman from Virginia, as I shall to reach that gentleman who first began this war upon me at the close of the last session of Congress. What the gentleman from Virginia has stated is no novelty; because, sir, it has been in every opposition paper throughout the Union for more than twelve months; and when that time arrives, I shall show a document to the gentleman from Virginia, published in the city of Philadelphia, at the time when an honorable Senator was in the city of Philadelphia, pronouncing one of the stories current to be unequivocally false. I announce thus much, sir, to show the House that my object is to reach that Senator in the various attacks he has made, which began here, and were afterwards followed up in Philadelphia. I, sir, shall disguise no fact, nor shrink from any responsibility. "*Let the galled jade wince, my withers are unwrung.*" Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, and the House adjourned.

IN SENATE.

MONDAY, *January* 25, 1836.

Mr. ROBINSON presented the credentials of the Hon. WILLIAM D. EWING, elected by the Legislature of Illinois a Senator of that State, to supply the vacancy occasioned by the death of the Hon. ELIAS K. KANE; and the usual oath to support the Constitution of the United States having been administered to Mr. EWING by the Vice President, he took his seat in the Senate.

REPORT FROM THE LAND OFFICE.

The CHAIR announced a communication from the Treasury Department, covering a report from the Commissioner of the General Land Office, made in compliance with a resolution of the Senate of the 5th instant; and

On motion by Mr. EWING, of Ohio, the report and documents were ordered to be printed.

INVALID NAVY PENSIONERS.

The CHAIR also communicated a report from the Navy Department, made in pursuance of the provision in the third section of the act of Congress of July, 1832, showing the names of the

invalid pensioners on the Navy pension roll, the sums allowed to each, and the law under which such pensions have been granted; also, a similar statement respecting pensions granted to widows of deceased officers and seamen; which were referred to the Committee on Naval Affairs.

PETITIONS, MEMORIALS, ETC.

Mr. WEBSTER presented a memorial respecting compensations allowed to inspectors and other officers of the customs; which was referred to the Committee on Commerce.

Mr. HENDRICKS presented a petition from a railroad company in the Territory of Florida, praying permission to locate their road through the public lands; which was referred to the Committee on Roads and Canals.

Mr. LINN presented two petitions from sundry citizens of Detroit and other parts of Michigan, praying that an appropriation may be made for the improvement of the harbor of Kalamazoo river, of Lake Michigan; also, the petition of sundry citizens of Erie county, Pennsylvania, praying that an appropriation may be made for the improvement of the harbor of the river St. Joseph's, of Lake Michigan; all of which were referred to the Committee on Commerce.

Mr. TOMLINSON presented the petition of Phineas Meigs, praying to be remunerated for property destroyed by the enemy during the late war; which was referred to the Committee on Claims.

Mr. GOLDSBOROUGH presented the petition of George Washington Parke Custis, praying to be remunerated for damages alleged to be done his fishing ground, opposite Washington city, by the operations of the dredging machine employed by the Corporation of Georgetown, under authority of an act of Congress; which was referred to the Committee on Commerce.

Mr. DAVIS presented a memorial from the Executive of Massachusetts, praying for an appropriation for the improvement of the harbor of Boston; which was referred to the Committee on Commerce.

Mr. HUBBARD presented a memorial from certain merchants of Portsmouth, New Hampshire, praying indemnity for French spoliations prior to 1800; which was laid on the table, and ordered to be printed.

Mr. BUCHANAN presented a memorial from sundry merchants and other citizens of Philadelphia, praying for an appropriation for constructing anew the piers at Reedy Island, in the Delaware, and for the building a light-house at that place; also, for the construction of a light-house on Brandywine shoals, in the Delaware; which was referred to the Committee on Commerce.

Mr. BUCHANAN also presented the proceedings of a large and respectable meeting of citizens of Fayette county, Pennsylvania, held at Connellsville, on the subject of the abolition of slavery in the District of Columbia; entering largely into an argument to show that Congress does not possess the power, under the Constitution, of emancipating the slaves of said District without the consent of the owners; which was laid on the table.

Mr. MOORE presented the petition of sundry citizens of Alabama, praying for the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. MOORE also presented the petition of certain citizens of Alabama, praying that preëmption rights may be granted them on certain fractional sections of land acquired in the treaty with the Creek Indians; which was referred to the Committee on Public Lands.

Mr. KING, of Alabama, presented the petition of Cyrus Sibley, of Alabama; which was referred to the Committee on Commerce.

Mr. PRESTON presented the petition of sundry citizens of Indian Key, praying that that place may be made a port of entry; which was referred to the Committee on Commerce.

REPORTS FROM COMMITTEE.

Mr. DAVIS, from the Committee on Commerce, to which had been referred the bill in addition to the act to regulate the licensing of vessels employed in the mackerel fisheries, reported the same without amendment.

Mr. WHITE, from the Committee on Indian Affairs, to which had been referred the memorial of sundry citizens of Clay county, Missouri, praying for the removal of the superintendency of Indian Affairs from St. Louis, made an unfavorable report thereon.

Mr. WHITE, from the Committee on Revolutionary Claims, to which had been referred the petition of the representatives of Jacob Hall, made an unfavorable report thereon.

Mr. W., from the same committee, to which had been referred the petition of James and Elizabeth Robinson, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. HUBBARD, from the same committee, made an unfavorable report on the petition of the representatives of Ezekiel Taylor.

Mr. ROBBINS, in pursuance of notice given, asked and obtained leave, and introduced the following joint resolutions; which were severally read twice and referred:

A joint resolution directing the purchase of a certain number of copies of a continuation of the statistical tables of Van Zandt and Watterston, for the use of the Library of Congress;

A joint resolution authorizing the purchase, for distribution, of a certain number of copies of the History of Congress, now preparing by Carey & Blanchard; and

A joint resolution authorizing the purchase of copies of Elliot's Diplomatic Code.

BILLS INTRODUCED.

Mr. TIPTON, in pursuance of notice given, asked and obtained leave, and introduced a bill authorizing the Secretary of War to correct certain errors in the location of certain reservations of land provided for in the treaty of the Pottawatomies; which was read twice and referred.

Mr. BLACK, in pursuance of notice given, asked and obtained leave, and introduced a bill providing for the removal of the Land Office from Clinton to Jackson, in the State of Mississippi; which was read twice and referred.

RESOLUTIONS SUBMITTED.

Mr. TIPTON submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes, viz:

From Peru to Wilkinson's settlement on Eel river, thence by Rochester, Chippewa, and Plymouth, to Laporte;

From Greenville, Ohio, via Huntington and Turkey Creek Prairie, to Goshen, Indiana;

From Strawtown to Logansport;

From Fort Wayne, via Chippewa, Indiana, to Ottawa, Illinois;

From Delphi to Monticello, thence to Laporte;

From Lafayette, via the Battle-ground, Pleasant Run, Barnes's, and Georgetown, to Logansport;

From Crawfordsville, via Rob Roy, Attica, Williamsport, and Parish's Grove, to Iroquois, Illinois.

Mr. LINN submitted the following resolutions; which lie on the table one day:

Resolved, That the Secretary of War inform the Senate what number of Indians now occupy the frontier on the southwest, north, and northeast of the United States, and what number it is probable will be transferred from the States and Territories to the frontiers of the United States.

Resolved, That the Secretary of War also inform the Senate whether, in his opinion, the present military force of the United States is sufficient to garrison the fortifications on the sea-board, and at the same time give protection to the inhabitants residing in the States and Territories bordering on the Indian frontier; if not, what force will, in his opinion, be necessary to afford such protection.

NOTICE OF A BILL.

Mr. KNIGHT gave notice that he would to-morrow ask leave to bring in a bill to renew the patent of Joseph Grant.

DEBASEMENT OF THE GOLD COIN.

On motion by Mr. WRIGHT, the Senate took up the joint resolution directing certain experiments to be made at the United States Mint, under the direction of Dr. Barton, of Virginia, for the purpose of ascertaining the practicability of preventing the debasement of the gold and silver coins of the United States.

Mr. W. then moved to amend the resolution by striking out the words "according to the advice, and under the direction of Dr. J. D. Barton," and inserting the words "with the advice and assistance of Dr. Barton;" which amendment was agreed to, and the resolution was ordered to be engrossed for a third reading.

BUREAU OF ENGINEER CORPS.

On motion by Mr. BENTON, the Senate took up for consideration the bill providing for the increase of the corps of the United States engineers; and the same having been read the second time, and considered as in Committee of the Whole, was, after a brief explanation from Mr. BENTON, ordered to be engrossed for a third reading.

TOPOGRAPHICAL ENGINEERS.

On motion by Mr. WALL, the Senate took up for consideration the bill providing for the better organization of the corps of topographical engineers; and the same having been read the second time and considered as in Committee of the Whole, was, after a brief explanation from Mr. WALL, ordered to be engrossed for a third reading.

PETER H. GREEN.

On motion by Mr. SHEPLEY, the bill for the relief of Peter H. Green was taken up, and considered as in Committee of the Whole; and, after having been explained and advocated by Mr. SHEPLEY, it was ordered to be engrossed for a third reading.

NATIONAL DEFENSE.

On motion by Mr. WHITE, the resolution introduced by Mr. BENTON for appropriating the surplus revenue to objects of permanent national defense, was taken up for consideration.

Mr. SOUTHARD addressed the Senate at length in opposition to the resolution, and continued speaking until after three o'clock, when, without concluding, he gave way to

Mr. DAVIS, on whose motion the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 25, 1836.

Petitions and memorials were presented by

Messrs. PARKS and SMITH, of Maine;

Messrs. CUSHMAN and BEAN, of New Hampshire;

Mr. ADAMS presented the petition of one hundred and seven females, residing in his congressional district, praying the abolition of slavery and the slave trade in the District of Columbia.

Mr. HAMMOND addressed the Chair.

Mr. ADAMS. I claim the floor, and shall not yield it. I move that the petition be referred to a select committee, with instructions——

Mr. GLASCOCK hoped that the gentleman would not——

Mr. ADAMS. I call to order.

The CHAIR said that the gentleman from Massachusetts was entitled to the floor. The petition which the gentleman proposed to present was still in his possession.

Mr. ADAMS moved that the petition be received; and was proceeding to discuss the propriety of its reception, when

Mr. HARDIN rose to a question of order. It was not in order, in his estimation, to discuss the motion of the gentleman at this time. The order of business seemed now to be—first, prayers, then the Journal was read, and afterwards, on almost every morning, the gentleman from Massachusetts [Mr. ADAMS] made a speech.

The SPEAKER said that the gentleman from Massachusetts had made a motion to receive a petition, and was proceeding to discuss that motion. The Chair had heretofore decided that it was competent to do so. The gentleman was, therefore, not out of order.

Mr. CRAIG appealed from the decision of the Chair.

Mr. ADAMS inquired if this appeal was not identical with the one which was pending on his motion?

The SPEAKER replied in the affirmative.

Mr. EVANS asked for the yeas and nays on the appeal; which were ordered.

The SPEAKER stated the question. The Chair decided that it was competent, under the rules, upon a motion to receive a petition to discuss the propriety of its reception at the time it was offered—the 45th rule not applying to a petition not in the possession of the House.

Mr. CAVE JOHNSON moved to postpone the question of order and the matters connected with

it until Saturday next. His object was to enable members to present petitions.

After a few remarks by Mr. HARDIN,

Mr. WHITTLESEY moved to amend the motion by substituting Monday next for Saturday.

Mr. HARPER was opposed to a postponement. He was prepared to vote upon the appeal at this time.

Mr. REED suggested that the subject should be postponed until Tuesday week.

Mr. WHITTLESEY accepted the suggestion as a modification of his motion.

Mr. CAVE JOHNSON then modified his motion so as to postpone the appeal, &c., until Tuesday week.

Mr. MILLER thought the sooner the question upon the appeal was decided the better; he, therefore moved the previous question, the effect of which, he understood, would be a direct vote upon the appeal from the decision of the Chair.

The previous question was seconded—85 to 73.

Mr. MERCER asked for the yeas and nays on ordering the main question to be put, which were refused; and the House decided that the question should be put without a count.

The question, "Shall the decision of the Chair stand as the judgment of the House?" was decided in the affirmative by yeas and nays; as follows:

YEAS—Messrs. Anthony, Ash, Banks, Barton, Beale, Bean, Bockee, Boon, Bovee, Boyd, Bunch, Bynum, John Calhoon, William B. Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Cramer, Cushman, Darlington, Davis, Deberry, Dickerson, Dromgoole, Fairfield, Farlin, Forester, Fowler, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Grantland, Griffin, Haley, Hamer, Hammond, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Heister, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawler, Joshua Lee, Luke Lea, Leonard, Logan, Love, Loyall, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parks, Patterson, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Shields, Shinn, Smith, Spangler, Standifer, Storer, Taylor, Thomas, John Thomson, Waddy Thompson, Toucey, Towns, Turrill, Underwood, Wagener, Ward, Wardwell, Weeks, White, Whittlesey, and Lewis Williams—142.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Bell, Bond, Briggs, Brown, George Chambers, John Chambers, Childs, Clark, Craig, Denny, Evans, Everett, Philo C. Fuller, Granger, Graves, Grayson, Grennell, Hiland Hall, Hannegan, Hard, Hardin, Harper, Hazeltine, Hoar, Howell, Hunt, William Jackson, Janes, Laporte, Lawrence, Lay, Lincoln, Lucas, Sampson Mason, McCarty, McKennon, Mercer, Moore, Parker, Franklin Pierce, Peyton, Phillips, Reed, Rencher, Robertson, Russell, Schenck, William B. Shephard, Augustine H. Shepperd, Slade, Sloan, Steele, Taliaferro, Vanderpoel, Vinton, and Sherrod Williams—59.

Mr. ADAMS said, he was glad the question had been at last decided. By the decision, every member of the House having a petition to present is authorized to debate, as long as he shall think proper, the question of reception, whether on slavery or any other subject. He had heretofore endeavored to keep a discussion of the question out of the House, and should not now take up the time of the House longer than to state the reasons why he had moved the reference of the petition to a select commitee. Mr. A. said, his special reason was that the petition just presented came from his own immediate constituents. Heretofore, until the present session, he had never received but one single petition from his own immediate constituents, and that one signed by but very few, because it was well known, from the time that he presented the fifteen petitions from citizens of the commonwealth of Pennsylvania, that he should not support the prayer of such petition. But since the commencement of the present Congress he had received one or two petitions from his own constituents, and the one which he had offered to the House was indorsed—"The within petition of the ladies of Marshfield, Massachusetts, is committed to the hands of JOHN QUINCY ADAMS, with a request that he shall present it, and further its object." Mr. A. said, he was requested to present it, and from a portion of his constituents for whom every deference was due—he meant from ladies. It was sent to him, not only with a request that he should present it to the House, but that he should further its object. He wished the petition received and referred to a select committee; but if referred to the Committee on the District of Columbia he would be satisfied. But he wished it referred to a committee which would make a report that would satisfy the petitioners that their prayer ought not to be granted. He begged of those who could command a majority in the House, and who were unwilling as he was to make the abolition question a stumbling block, to take a course which would treat the petitions with respect; to examine and present with the utmost force the reasons which would justify the House in not granting the prayer of the petitioners.

He believed that to be the best course to effect the desired object. He believed it to be the true course to let error be tolerated, to grant freedom of speech, and freedom of the press, and apply reason to put it down. He had no sort of doubt but that a committee of the House could furnish reasons why the prayer of these petitions should not be granted, which would satisfy every reasonable and humane individual in the country. He begged the majority of the House, North and South, to consider whether it was not most just and likely to soothe and compose the feelings of the people of the country. It appeared to him, that would be the proper course, and that it would be an easy matter to show why the prayer of the petitioners should not be granted.

The Speaker of the House had the appointment of the committees of the House, and he came from that portion of the country which was most deeply interested against the prayer of the petitioners; and he must be permitted to say, that portion which must be of one opinion, and cannot, dare not, express any other opinion. The Speaker had already appointed the Committee on the District of Columbia, the chairman of which, and a majority of the members, were also from that portion of the Union. If the Speaker of the House appoints a special committee, he will appoint such committee as he shall think best suited to give sound and solid reasons for the refusal of the House to grant the prayer of the petitioners. That would leave the right of petition unimpaired, and still secured to the House. No Abolitionists, nor any person favorable to the views of the petitioners, could plead that this destroyed the right of petition. He hoped, for the peace and harmony of the community, and for the peace and harmony of the House, that the petition might be received. He hoped that the sacred right of petition would remain unimpaired, and that nothing appearing to conflict with that right would be the course of the House. These were the reasons why he moved that the petition be received.

Mr. MILLER concurred very fully in the views expressed by the gentleman from Massachusetts. When petitions of this character were first presented, he was of opinion that there were two modes in which they might be disposed of. The first was to lay them on the table without debate, and if this course was not deemed advisable by a majority of the House, then that they should be referred. If the present course was persevered in, it would preclude the presentation of every other petition during the day set apart for the presentation of petitions. Besides, resolutions were pending involving the whole subject. Under this view, and to enable other gentlemen to present their petitions, he moved to lay the preliminary question of the reception of the petition on the table.

Mr. McKENNAN asked for the yeas and nays; which were not ordered.

The motion to lay the preliminary question on the table was agreed to.

Mr. JENIFER, of Maryland, attended and was qualified.

Mr. ADAMS presented a petition from one hundred and sixty or one hundred and seventy citizens of western Pennsylvania, praying the abolition of slavery and the slave trade in the District of Columbia; which he moved be received.

Mr. GLASCOCK said he had hoped that gentlemen would have paused before they proceeded to introduce other petitions of the same character, particularly after the vote which had just been taken, and also when it was known that a similar petition had been made the order of the day for Saturday next, and that the resolutions embracing the whole subject-matter were in the possession of the House, and would soon be finally acted on. To press these petitions now under circumstances like these seemed to him to be intended to produce excitement, and wound the feelings of the southern members.

The SPEAKER reminded the gentleman that it was not in order to impugn the motives of any member of the House.

Mr. GLASCOCK said his remark was a general one.

Mr. HARDIN rose to a question of order. He understood the gentleman to present a petition from citizens of the State of Pennsylvania; and as the rule required the States to be called in their order, he did not think the gentleman from Massachusetts was in order. If this principle were carried out, Mr. H. could hand all his papers to a member from Maine, and thus get a preference.

The CHAIR said the rule was not limited to petitions and memorials from the State from which the member presenting them came. Every member had a right to present the petition of any citizen from another State.

Mr. GLASCOCK again appealed to gentlemen charged with these petitions to withhold them, at least for the present, and to wait the result of the resolutions he had just referred to; and then took a view of the constitutional question of the right of petition, and proceeded to show that not to receive a petition was no violation of the Constitution, and did not abridge or encroach upon the right of petition, as contended by gentlemen, under the amended Constitution. A continuation of his remarks hereafter.

Mr. MILLER said he would make one more effort to arrest the debate at this time. He moved to lay the preliminary question on the table.

Mr. GRANGER asked for the yeas and nays; which were ordered, and were as follows:

YEAS—Messrs. Chilton Allan, Ash, Ashley, Barton, Beale, Bean, Bockee, Bond, Bovee, Boyd, Brown, Bunch, Bynum, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Conner, Craig, Cramer, Crane, Cushman, Davis, Deberry, Dickerson, Dromgoole, Effner, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Grantland, Grayson, Griffin, Haley, Hamer, Hammond, Hannegan, Hardin, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kinnard, Lane, Lansing, Laporte, Lawler, Gideon Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Sampson Mason, Maury, May, McCarty, McComas, McKay, McKeon, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Morgan, Owens, Page, Parks, Patterson, Franklin Pierce, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Shenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Smith, Spangler, Standefer, Storer, Sutherland, Taliaferro, Taylor, John Thompson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, Lewis Williams, and Sherrod Williams—143.

NAYS—Messrs. Adams, Heman Allen, Banks, Borden, Briggs, William B. Calhoun, George Chambers, John Chambers, Childs, Clark, Corwin, Cushing, Darlington, Denny, Evans, Everett, Fowler, Philo C. Fuller, Granger, Grennell, Hiland Hall, Hard, Harper, Hazeltine, Heister, Hoar, Howell, William Jackson, Janes, Kilgore, Lawrence, Lay, Lincoln, McKennan, Morris, Parker, Dutee J. Pearce, Peyton, Phillips, Reed, Russell, Sprague, and Whittlesey—44.

So the preliminary question was laid on the table.

Mr. ADAMS presented the petition of four hundred citizens of Indiana and Westmoreland counties, State of Pennsylvania, praying the abolition of slavery and the slave trade in the District of Columbia. The petitioners were unknown to him, and the motives which had induced them to request him to present their petitions he knew not. He had from time to time stated that he was opposed to the prayer of similar petitions. He was also unacquainted with any of the persons whose names appeared upon the petition which he this day presented from his own district. He had no agency in procuring either of the petitions to be sent to him. It was perhaps done in consequence of his declaration that he would present

any petition sent to him for that purpose from citizens of the United States, couched in respectful language. This he should continue to do, and he should not scan very closely the particular language used by petitioners.

If objection to the reception of these petitions was placed upon the ground that the language was disrespectful, as was intimated by the gentleman from Georgia, [Mr. GLASCOCK,] that objection should be entered on the Journal. If the people should be apprised that this was the objection, there would be petitions enough sent here, where no objection of this sort could be urged. Indeed, it would be difficult to use language on this subject which would be deemed respectful by slaveholders. Congress had declared the slave trade, when carried on out of the United States, piracy. He was opposed to that act, because he did not think it proper that this traffic without our boundaries should be called piracy, while there was no constitutional right to interdict it within our borders. It was not only not considered piracy, but it was carried on in sight of the windows of the Capitol. Mr. A. referred in strong terms to the evils of the domestic slave trade; and concluded by assuring the House that whatever might be the character of the resolutions which might be passed, if it should be declared that Congress did not possess the power under the Constitution to abolish slavery and the slave trade, he should still feel it to be his duty to present every petition on the subject which might come to his hands, upon the fundamental principle that the House had no right to take away or abridge the constitutional right of petition.

Mr. MANN, of New York, said he should make no such promises as were made by the gentleman from Massachusetts, to trouble the House a few moments, and make a speech of half an hour. He wished to make a single remark or two, however they might be spun out. The gentleman said he saw, in the motion made by him (Mr. M.) the other day, to postpone the consideration of the question of order, "*a cat in a meal tub*," and he saw a great many things besides. Mr. M. said, so far as he himself was concerned, he could assure the gentleman that on his (Mr. M.'s) part, and so far as he knew the opinions of his colleagues, there was no indisposition whatever on their part to meet that question distinctly and fairly, as well as every other appertaining to this subject, and to give their votes and opinions, not only to that House, but to the country. He well remembered, that at the commencement of the session the gentleman from Massachusetts most distinctly, and with great emphasis, declared that every speech made in that House would be, to *all intents* and purposes, an abolition pamphlet to be sent into the southern States. The gentleman had also professed to be opposed to that portion of his constituents who desired to agitate this subject; and yet the gentleman himself had taken occasion, upon every petition he brought there upon this subject, to append an abolition speech to it. Mr. M. left it to the gentleman himself, to that House, and to his constituents to decide how far the remarks of the gentleman, at that early day of the session, were consistent with the gentleman's subsequent course. Why, this matter might be carried on to an indefinite extent. The gentleman had seen the disposition manifested on every occasion; he had seen the votes in regard to laying the motion to receive on the table; he had seen the action of the House, not only by ayes and noes, but by all its various forms. Mr. M. would, therefore, add his simple, his most humble request, to the gentleman that he would not be quite so zealous to perform the duties he felt so constitutionally incumbent upon him on every Monday morning, until either the House should manifest a disposition to "dodge the question," or to decide and vote upon it.

As to the right of petition, Mr. M. agreed, in general, with the venerable gentleman from Massachusetts. He should vote, whenever called upon to vote there, to sustain that constitutional right. Mr. M. had no disguises on that subject. He had never voted against that right, and never should. But why bring this subject, here every day, every hour, after the decisions that had been given there again and again? Was not the gentleman satisfied? Had not the votes of that morning satisfied him? He trusted it was not necessary to reiterate those decisions.

Mr. ADAMS said, as the gentleman's discourse appeared to have been addressed to him, he would not trouble the House with any reply.

Mr. TURRILL moved to lay the preliminary motion on receiving on the table; which was agreed to.

Mr. CUSHING said, he was charged with three petitions of a similar character, from sundry citizens of Massachusetts; and moved the preliminary question upon one of them, that the petition be received. Mr. C. was proceeding to state the contents of the petition, and to eulogize the subscribers to it, when

Mr. HOWARD raised the question of order, whether the motion could be debated.

The SPEAKER said, by the decision of the House, it could; but he would put the question whether its acceptance was objected to.

Mr. HAMMOND objected.

Mr. CUSHING then proceeded briefly to contend for the right of petition, and referred to his own course on the subject, which had always been in opposition to the designs of the Abolitionists. He condemned the resolutions of Mr. JARVIS, with the amendments both of Messrs. GLASCOCK and WISE, and said he should give his opinions at length when the subject came up fully for consideration.

Mr. HAMMOND briefly replied, and maintained that the discussion and excitement were kept up by, as well as originated with, those who presented petitions of this character.

Mr. HOWARD moved to lay the preliminary motion, on the reception of the petition, on the table; which was agreed to.

Mr. CUSHING then presented another petition, of a similar character, from citizens of Massachusetts.

Mr. HAMMOND objected to receiving the petition.

Mr. CUSHING then argued at length in support of the right of petition. He traced the existence of that right from the times of the Saxons down to the present day, and that the right was brought over by the first pilgrims to this country; and also quoted various extracts from the debates and proceedings on the adoption of the Constitution, and since, so far as related to this right and the present question involved in it. Mr. C. was in favor of referring all petitions to a committee; and contended that the preliminary question of receiving petitions was, or ought to be, subsequent to that of their consideration. He would be regulated in his future course by the course of the House.

Mr. GARLAND replied to Mr. CUSHING, and maintained that the right of petition to Congress was limited only to a redress of grievances, and of such grievances as were within the constitutional authority of Congress. Could the people of Massachusetts petition for a change in the domestic government or institutions of Virginia? Certainly not—no more than France or England could. These petitioners from Massachusetts had no grievances from slavery, for theirs was a free State. Mr. G. then reviewed the clause in the Constitution of the United States giving Congress exclusive legislation, and contended that it did not embrace entire legislation; and illustrated it also by reference to the acts of cession.

Mr. G. moved to lay the preliminary motion of reception on the table.

Before the question was taken, at the request of Mr. HAMMOND, who expressed a wish to address the House on the subject, Mr. G. withdrew it; and, on motion by Mr. H.,

The House adjourned.

IN SENATE.

TUESDAY, *January* 26, 1836.

The CHAIR communicated a letter from the Hon. LUCIUS LYON, one of the Senators elect from Michigan, inclosing a memorial from the Legislature of that State on the subject of her admission into the Union.

Mr. HENDRICKS moved to lay the memorial on the table; but subsequently, on the suggestion of Mr. KING, of Alabama, withdrew the motion, and moved that the Senate take the former course that had been taken by the House of Representatives in reference to a similar memorial from the same State; that is—

Resolved, That the memorial be referred to the select committee appointed to consider the President's message on the subject of the admission of Michigan into the Union, and question as to boundary in dispute between Ohio; and that this paper shall be considered in no other light than as a memorial coming from individual citizens of Michigan.

Mr. KING, of Alabama, suggested the giving the memorial the same direction that had been given to a memorial having reference to the admission of Michigan into the Union in the other House. He would refer it to the committee appointed to consider the President's message on the same subject, and the question of boundary between the State of Ohio and Michigan. This direction would not commit the Senate, and would allow to the memorialists an opportunity, to which they were undoubtedly entitled, of being heard.

Mr. HENDRICKS would be the last to oppose the giving a hearing to the memorialists; but certainly the Senate has not progressed so far as to be prepared to receive a communication from Michigan as a State. If she wished to become a State, she ought to proceed in the constitutional manner that other States had done.

Mr. TIPTON said he was extremely unwilling that it should be supposed he was capable of taking any course denying the right of the people of Michigan to approach either branch of the National Legislature by petition or remonstrance. He hoped he had shown sufficiently, on a former occasion, to the satisfaction of the Senate, that, under the present form of her constitution, assuming a boundary she was not entitled to, Michigan could not rightfully be admitted into the Union. His colleague and himself could not admit that she was a State under present circumstances, claiming, as she did, a portion of their State. On that occasion the subject was referred to a committee, and he and his colleague were content to wait until they heard that committee's report, before acting further on the subject. While the matter remained in this situation, it was unnecessary as well as vexatious to be receiving petitions and discussing them. He was anxious to hear the report of the select committee, from which the Senate might make up a correct decision on this delicate question.

Mr. KING, of Alabama, was not disposed to interfere unnecessarily in this matter, but as one of the Senators of the United States he felt it to be his duty to endeavor to give such a direction to the memorial as would enable those who framed it to present their views to the Senate, and, at the same time, enable Senators to examine carefully and deliberately their claims, without committing themselves. He would therefore prefer that the course taken by the House of Representatives should be followed on this occasion. He should like to know why the gentlemen from Indiana were opposed to giving the memorial this direction. If they were in favor of the admission of Michigan into the Union, on the condition that she made the proper change in her constitution respecting boundary, why not refer the memorial to the committee, who would report distinctly what it would be necessary for Michigan to do? The subject was already before the committee, and to enable them to have the whole subject before them they ought also to have this memorial. They could not ask for it, nor act on it, without the order of the Senate. The committee would act and report, at all events, and the gentlemen, by refusing the reference of this memorial, would not prevent the subject of the admission of Michigan from being discussed at this session. It was customary to refer memorials of this nature to the Committee on the Judiciary; but as there had been a select committee constituted to consider the President's message on this subject and the disputed boundary question, and as Michigan had, since the appointment of the committee, given her views more at large in the document just read, it would be more appropriate to refer it to the same committee, in order that they might have the whole subject before them. He wanted a report at length, after a full and fair investigation by the committee, that Senators, having such a report on their tables, might carefully examine it, and come to a direct decision.

Mr. EWING, of Ohio, observed that the objections of the Senators from Indiana were not

as to the examination of the memorial by a committee, nor to the admission of Michigan into the Union. Their objections, as he understood them, were, that by receiving this petition it would be admitting that Michigan was a State, and that she had a Legislature as such. Now he (Mr. E.) did not admit that Michigan was a State and had a Legislature. He knew very well that every citizen of the United States and every State of the Union had a right to memoralize Congress and to be heard; but the question was, was Michigan a State? If there be not such a State, (said Mr. E.,) then we cannot accept the memorial in its present shape. We concede the point that she is a State (continued Mr. E.) if we accept this memorial, purporting as it does to come from the Legislature of the State of Michigan.

Mr. TIPTON observed that the constitution submitted by the people of Michigan had been sent, as the Senator from Alabama observed, to a select committee. To that he had no objection. It was well known that for two years he had been advocating the rights of that people; and when they brought themselves before Congress in a constitutional form, he would readily agree to admit them into the Union. This, however, they had not done. If it was possible to admit them without doing injustice to the other States whose boundaries they had attempted to overstep, he would be the first to do it; but what did the document before them declare? It was not the constitution of Michigan, nor coming from the people of that Territory, but it purported to be a memorial coming from the Legislature of the State of Michigan. There was no such political body as that assumed in the memorial, and he and his colleague were not willing to admit there was. He did not wish to reject the memorial. He was contented with the motion of his colleague to lay it on the table; and on that question he would ask the yeas and nays.

The yeas and nays were accordingly ordered.

Mr. KING, of Alabama, referred to the course taken with a similar memorial from Michigan in the House of Representatives, and hoped the Senators from Indiana would consent to let this memorial take the same course. A motion was made in the House of Representatives (he said) to reject the memorial, and the motion was not sustained. A motion was then made to reject it and refer it to a committee, declaring, at the same time, that the paper was not received as the memorial of the Legislature of a State, but as the memorial of individuals.

Mr. CLAYTON observed, that by general consent, the motion to lay the memorial on the table might be withdrawn; and he hoped the Senators from Indiana would consent to that course, and let the memorial take the same direction that had been given to the one in the other House. He did not perceive that anything could be gained by the opposers of the admission of Michigan by refusing to refer their memorial. The Senator from Indiana proposed to receive the document and then lay it on the table; for it would be as much received by laying it on the table as by referring it to a committee. The course taken by the other House did not commit them as to Michigan being a State. They resolved that they would hear the memorial as they would hear the memorial of private individuals. If the Senate should adopt this course, it appeared to him that it would be more calculated to satisfy the people of Ohio, Indiana, and Michigan, than by refusing to receive the memorial. It would certainly be the most unexceptionable course to refer the memorial, with the qualification made in the other House; and a reference to the select committee, who already had the subject before them, was preferable to a reference to the Judiciary Committee.

Mr. HENDRICKS then withdrew his motion to lay the memorial on the table, with the general consent of the Senators, as the yeas and nays had been ordered; and submitted a motion in the following form:

Ordered, That the memorial purporting to be from the Senate and House of Representatives of the State of Michigan, be referred to the select committee, appointed on the 22d December, in relation to the admission of Michigan into the Union; and that the Senate regard the same in no other light than as the voluntary act of individuals.

Mr. DAVIS was in favor of giving the petition the usual direction. A petition from a man representing himself to be a ship-owner did not prove him to be a ship-owner, nor did the petition of a manufacturer representing himself as such prove him to be one; and we are not bound to recognize their character. Now these persons represent themselves to be, I suppose, a political body. As a matter of principle, when a petition came here in respectful terms, it ought to be treated in a respectful manner. He would be satisfied to consider the petition as containing a faithful description of themselves, and was disposed to let it take the ordinary course.

Mr. NILES said, that aside from matters of form, he was disposed to regard the petition as coming from the people of Michigan, claiming political rights of the highest magnitude; and he could not refuse to hear them, and least of all a memorial coming from a whole people claiming admission into the Federal Union. Have they (said Mr. N.) not a right to select their own mode of application? They came here not asking a matter of favor, but a matter of right. Had they not a right to select their own committee to represent those rights? For his part, he was disposed to hear them. If there ever was a people who claimed rights of a high character, it was those who had political rights and were not represented. He regretted to see a disposition manifested to shut out the inquiry, and to prevent them from being heard.

Mr. EWING, of Ohio, said he would assure the Senator from Connecticut that there had been no attempt made there to shut this people out from a hearing. There were ways enough of presenting this communication to Congress, without the petitioners presenting themselves as the Legislature of a State. His objection was to the form in which the memorial came, and not to giving the people of Michigan a hearing. Gentlemen, therefore, were mistaken and misstated them in saying that they were opposed to giving the people of Michigan an opportunity of being heard. The true question before the Senate was, whether this memorial came from a State—whether the Senate could address Michigan as a State, and receive communications from her as such? The gentleman from Massachusetts [Mr. DAVIS] had compared this memorial to one coming from a person declaring himself to be a manufacturer or ship-owner, &c., and contended that Congress, having no right to inquire into the occupation of individuals, but bound to receive petitions coming from them, ought not to reject them merely because they did not give a true description of themselves. This was very true as regarded individuals; we do not inquire (said Mr. E.) what is the occupation of the petitioner, but whether he is a citizen of the United States, for he presumed the gentleman would not receive a petition from the Emperor of Japan or the Governor of Upper or Lower Canada. It was, however, absolutely necessary, when a communication came from an association of people styling themselves the Legislature of a State, that their designation should be a true one, otherwise they could not properly be heard. Now, the people of Michigan had an undoubted right to petition Congress, but could they delegate this right to a body called a Legislature? They could not do it without the authority of Congress, and if (said Mr. E.) we receive this petition from them, we admit, in some measure, (he did not say it would be an absolute measure,) that Michigan was a State. He was content with the course pursued by the House of Representatives, and hoped that it might be followed in the Senate.

Mr. TIPTON conceived the section of country he represented was intended to be affected by this application. He could perceive that honorable Senators, who were not immediately concerned in this question, had not examined the case in all its bearings, and he would ask them seriously so to examine it. Mr. T. would refer them to the third section of the fourth article of the Constitution, which had reference to the terms of admission of new States. The people of Michigan had informed them that they had formed a State Government, and that two persons had been elected as Senators to represent them in the Senate of the United States, who were here, and claimed seats as such. By the decision of the Senate, seats were not granted to them. His colleague and himself could do no act that, by any possibility, might be construed into a recognition of Michigan as a State. The people of Michigan claimed many miles of the territory of the State he represented; and until that claim was adjusted, the boundaries could not be defined, so as to entitle her to be admitted into the Union. All the rights of the people of Michigan would come up fairly before the committee to whom the subject was referred; and he had no objection to the petition being received, and referred to that committee, who would then have the whole subject before them, provided it was referred in the manner proposed by his colleague—as a memorial coming from the people of Michigan, and not as coming from her Legislature as a State. He denied the possibility of the existence of that body [the Legislature] as a political body, and it could not become such until, by their acts, they brought themselves within the provisions of the Constitution and laws of the United States, which they had not done.

Mr. PORTER intended to vote for the proposition of the Senator from Indiana, but some remarks had been made by the Senator from Connecticut, to which he would reply. The gentleman was opposed to the qualification in the motion of the Senator from Indiana, because the right of petition might be infringed by it. Now, he did not understand any such thing. The reference, in the manner proposed, did not preclude the petitioners from being heard, but simply declared that the Senate was not yet prepared to decide that Michigan was a State. He was not one of those who thought that petitions could be received there about anything and everything. He thought they ought to be about such things as Congress could act on, and from some known person or corporate body, before they could properly be received. He did not wish to waste time on matters that seemed to be of trifling import, but it did appear to him that the receiving a petition from Michigan as a State would be an admission of the fact that she was what she called herself. He did not intend to interfere with the controversy between Michigan and the States of Ohio, Indiana, and Illinois, as to boundary, but it seemed to him that no Territory could come before them as a State until the consent of Congress had been given to her admission into the Union. He assured his honorable friend from Connecticut, [Mr. NILES,] that he was ready to give the most deliberate attention to the affairs of Michigan, and to decide upon them according to the best of his judgment. The number of inhabitants in that Territory and the adjoining States would make no difference with him, nor prevent him from deciding impartially between them.

Mr. CALHOUN regarded the political existence of Michigan as a State as a nonentity. The gentleman from Massachusetts [Mr. DAVIS] had said that we were not bound to recognize a petitioner as a manufacturer because he called himself one in the petition. That case did not apply to a corporate body, and especially to a political body. The petition must or must not be received. The position it assumed was strongly illustrative of the position some gentlemen had assumed on this floor. To receive this petition would amount to a recognition of Michigan as a State, and he could therefore not agree to receive it.

Mr. CLAYTON, in reply to Mr. CALHOUN, said, he hoped the Senator from Indiana would not vary his motion. It appeared to him that the course now proposed was the very one to prevent all dissatisfaction on either side. By referring the subject to a select committee, with the qualification proposed, we do not (said he) commit ourselves at all as to whether Michigan is or is not a State. We send the memorial (said he) to the committee, to inquire into the fact. Besides, in the very language of the order contemplated in the motion, it was provided that the Senate received this document from a particular section of the country, as a memorial coming from the people of that Territory, and not as a memorial from a State. How, then, could it be contended, that by receiving and referring the memorial the Senate would be committed as to Michigan's being a State? To decide at once that this was

a State, or to do any act recognizing her as such, without reference to the boundaries of Ohio, Indiana, and Illinois, would create a great deal of unnecessary excitement. On the other hand, it was just and right that everything said by this people, as a people, should be heard. Let the memorial, therefore, (said Mr. C.,) go to a committee, to consider the subject calmly and deliberately, and to report all the facts necessary for the information of the Senate.

Mr. DAVIS did not feel any great anxiety about this matter. He had understood, till the Senator from South Carolina arose, that no objection had been made to receiving the memorial, and that it was already in the possession of the Senate. His worthy friend from Ohio [Mr. EWING] asked whether he would receive a petition from the Emperor of Japan. That question he was not called on to answer, because the gentleman went further, and said that when petitions were presented, the inquiry was not made whether the petitioner had correctly designated himself as a manufacturer or a ship-owner, but whether he was a citizen of the United States. Now, did not this settle the very question before the Senate? Were not these memorialists citizens of the United States, and falling within the description of those entitled to petition Congress given by the gentleman from Ohio? While up, he would ask of the Senators from Indiana whether it was more profitable to have the inquiry then made whether Michigan was a State, or to have the same inquiry made by a committee? This seemed to be a mere question of expediency. The Senator from South Carolina had stated the true question, which was, whether the petition should be received or not. That question had been settled; and it was too late then to raise it, and it would be inexpedient to do so.

Mr. RUGGLES moved a division of the question on Mr. HENDRICKS's motion, so as to take it first on the reference, without the accompanying qualification.

Mr. CLAYTON said, the effect of a division of the question would be to make those who were anxious to give Michigan a hearing vote against the reference altogether, under the apprehension that the qualification declaring that the Senate did not receive the memorial as one coming from a State might not be carried. Now the proposition made by the Senator from Indiana was one that would give to the memorialists a full and fair hearing, without committing any Senator who voted for it.

Mr. LEIGH said, if the call for a division was insisted upon, it would place the Senators in the position mentioned by the gentleman from Delaware, [Mr. CLAYTON;] and he hoped the gentleman from Maine [Mr. RUGGLES] would not insist upon it. He suggested to the gentleman from Maine [Mr. RUGGLES] that he could get at his object by moving to strike out the qualification in the motion of the Senator from Indiana.

Mr. RUGGLES. If the petition was considered by this body as coming from individuals simply, the objection would seem to be obviated as to its reception. He was not prepared to say these individuals were the representatives of Michigan State, or whatever name it was called by—they called themselves a Legislature. It was immaterial to him by what named they were called, as regarded this petition. Were the Senate authorized to say, we shall not hear them as a people? If they had called themselves a convention of the people of Michigan, would the question arise whether we should receive their memorial? We do not make the inquiry (said Mr. R.) when the proceedings of an assembly, calling themselves a convention, are presented to us, whether they are what they import to be or not.

Mr. NILES said, that the object, as he apprehended, was to ask an expression of the Senate, that the organization of Michigan was improper and unlawful. He was not prepared to do so. They did not claim to be a State—they came for the consent of Congress to become a State. [Mr. CLAYTON here rose to correct the misapprehension of the Senator from Connecticut, Mr. NILES, and said they claimed the Territory as a State.] Mr. N. understood it. The only question was, whether the Senate should enter into a preliminary measure. Did the Constitution provide any particular mode for that? No. They were bound—it was their duty to receive new States under the proper restrictions. They could not have Federal rights without the consent of Congress They must have their constitution framed, and submit it to Congress, to see that it was republican, and not incompatible with our Government. He was willing to let them take what preliminary steps now they pleased, and when the question of their rights came before the Senate, they would take care that there was no violation of the rights or principles of the Government of the Union.

Mr. CALHOUN moved to lay the memorial on the table, in order to take up the unfinished business of yesterday. It was half past one o'clock, he said, and the Senator from New Jersey [Mr. SOUTHARD] was expected to go on with his remarks.

This motion was decided in the negative.

Mr. RUGGLES wished to say one word before the question on his motion was taken. By making the declaration he proposed to strike out, the Senate would be committed on one important point. The question of the admission of Michigan as a State was before a committee, and it was not known what their report would be. If they reported to-morrow that Michigan is to be admitted into the Union on certain conditions, then the question would arise, "Had she asked for admission?" If the Senate declared that this paper was the act of individuals only—that those who called themselves the Legislature of Michigan were not authorized to speak for her—then the Senate committed themselves; and if they received a report from their committee to-morrow, they could not say that Michigan had asked to be admitted into the Union, for they would have declared that those who presented this memorial were not a public body, and had no authority from Michigan to ask for her admission into the Union.

Mr. HENDRICKS said, that a disposition had been imputed to him on this occasion to exclude the memorial altogether, but that nothing could be further from his purpose; and if this had been inferred from his motion, in the first instance, to lay it, for the time being, on the table, he had been wholly misunderstood. A memorial had been presented by the President of the Senate, purporting to be a memorial from the Senate and House of Representatives of the State of Michigan. Its contents were very partially known. So much of it, however, had been read by the Secretary as informed us that it was a paper taking ground upon the ordinance of 1787, and claiming for Michigan the right of admission into the Union as a sovereign and independent State. He had felt it his duty to resist this pretension; and denying that any such case existed; denying that Michigan was, or ought to be, considered a sovereign and independent State, he had moved that the memorial, for the time being, be laid upon the table. This motion had been made, that time might be afforded to look into the disposition that had been made elsewhere of a similar memorial. The discussion that had ensued had given time to turn to our files, and he then had before him a document which showed what had been done with the same memorial, as he believed, in the House of Representatives. He wished the thing to take the same course here; and, when up before, had withdrawn the proposition to lay on the table, and offered the proposition which had been read at the Secretary's table. He had not the remotest wish to exclude the document referred to, but he was anxious that, in referring it to a committee, no sanction should be given to the character it assumed for the people of Michigan. He contended that in no sense of the word could they be considered a State. The laws of Congress for the government of Michigan Territory were in full force; and the Senate, in another capacity, had before them a proposition looking to the due extension of the laws of the United States in and over that Territory. The character in which the people of Michigan represented themselves in this memorial seemed to have been misapprehended by some Senators who had favored the Senate with their views. They seem to understand the people of Michigan as asking permission to become a State, but the memorial affirmed the fact that they were already in the enjoyment of a State government, and, in that capacity, it asked that they might be received into the Union.

The Senator from Massachusetts (said Mr. H.) thinks it an unimportant fact what character a petitioner assumes when he comes upon this floor. He says that a man representing himself to be a ship-owner in his petition will not be inquired of whether he be a ship-owner or not; that the Senate will pass this by as immaterial, and only inquire into the prayer of his petition. But suppose the prayer of his petition to be that Congress, for some important purpose connected with the interest of this Government, should recognize his character as ship-owner, would not this then be the very fact to be inquired into? If so, this is the very case before us. It is, that Michigan may be recognized with her Senate and House of Representatives, and in the capacity of a sovereign and independent State. It is for this purpose that she presents herself here. She asks to be admitted into the Union, and the first and most important inquiry is, is she a State? And if she be a State, under all the circumstances in which she presents herself, boundaries and all, there would probably be no hesitation in the mind of any Senator about her admission into the Union. Her character, then, State or no State, was the point in controversy. The right of petition (Mr. H. said) had very little to do with the present case. Every citizen of Michigan had a right to petition, and the people of Michigan Territory had, unquestionably, this right in their proper character, or in almost any other character that did not array itself against the laws and authority of the United States.

But the people of Michigan, in presenting their Senate and House of Representatives as the legislative power existing there, showed that they had trampled upon and violated the laws of the United States, establishing a territorial government in Michigan. These laws were or ought to be in full force there, but by the character and position assumed they had set up a government antagonist to that of the United States. If, before they had put their government in motion, they had presented themselves here, and asked admission into the Union, the matter of boundary out of the question, there would have been no difficulty in the case; and if they wished now to become a member of the Union, and are content to come in at the right door, it is probable they will have no difficulty. Let them ask Congress, as they did two years ago, to pass a law authorizing them to form for themselves a constitution and State government, and designating proper boundaries; or let them amend their present constitution, adopting proper boundaries, and their admission will be almost a matter of course. And this (said Mr. H.) is, in my opinion, the easiest and speediest mode of getting into the Union they can adopt.

This is the first time (said Mr. H.) that the Senate has been asked to receive any paper recognizing them as a State, for, although their constitution, and perhaps other documents, have been received and referred to the select committee, they came as accompaniments to the President's message, which being referred, they were also referred as part of it. Before he resumed his seat, he would put a question to the Senator from Maine, who had asked a division of the question about to be propounded to the Senate. The purpose, however, of asking for a division had for the present been abandoned, and the Senator from Maine had moved to strike out that part of the proposition which asserts "that the Senate regard the memorial in no other light than as the voluntary act of individuals." This motion had doubtless for its object the reception of the memorial, and the rejection of the declaration with which it is accompanied. If it be the object, on the failure of this motion, to renew the call for a division of the question, the proposition being my own, (said Mr. H.,) it is in my power so to modify it, as to avert the result wished for by the Senator from Maine.

Here Mr. RUGGLES remarked, that it was not his intention to renew his call for a division of the question, and that he would be satisfied with the decision of the Senate on his motion to strike out.

On taking the question, the motion of Mr.

Ruggles was lost—yeas 12, nays 30; as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Grundy, Hill, Hubbard, Niles, Ruggles, Shepley, Tallmadge, and Wall—12.

NAYS—Messrs. Black, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Ewing of Illinois, Goldsborough, Hendricks, Kent, King of Alabama, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Naudain, Porter, Prentiss, Robbins, Robinson, Southard, Swift, Tipton, Tomlinson, Tyler, Webster, and White—30.

Mr. Hendrick's motion was then adopted, and the memorial was accordingly referred to the select committee appointed on the same subject.

Mr. Benton's resolution on the subject of the appropriation of the surplus revenue was then taken up as the unfinished business; and

Mr. SOUTHARD, after descanting upon the tenor of the resolution offered, said there was an avowed object in this resolution, and that was, to counteract two great objects; one brought before the Senate by the gentleman from Kentucky, [Mr. Clay,] for the disposition of a portion of the surplus revenue; and the other by the gentleman from South Carolina, [Mr. Calhoun,] for the appropriation of the whole of the balance of it. These two objects were to be met and defeated, right or wrong, by this resolution; and he could not come into the measure. He objected to it from the motives avowed in the arguments of its supporters, that they should have war, and that the Senate was guilty of being the cause of our state of unpreparedness.

The foundation on which the resolution was offered was, that we should have a war with France. He was incapable of anticipating what would be the result of our negotiations with France. It might be that a war was approaching, and if it did come, it would show that the power of the Executive had been strong enough to force the country into it. The framers of the Constitution had seen how war had been incurred elsewhere, and had wisely conferred the power to declare war on Congress alone. He would not say now whether war was right or wrong. But he would say that the violence of one man, and the petulence of another, met on one side by mistaken notions of national honor, was the cause to which it should be attributed. He hoped war would not come. He knew the result if it did. He knew modern France. If it did come, oceans of blood would be shed; and if it did come, it was the fault of one man, and I (said Mr. S.) would not have the guilt of it for all the crowns and honors of the world. The condition of our Army and Navy was as well known in France as here. [Here Mr. S. adverted to the defenseless condition of our Navy, and enumerated the number and character of the United States vessels in the East Indies, Brazil, West Indies, &c.] Are we (said Mr. S.) prepared, then, for a war? No, sir. Does not France know it? Yes, as well as we do. Look (said he) at the Delaware, without a single fort! Look at Key West! The enemy (said he) can sail directly into the gulf there, and from thence can reach, without notice, any point on the coast. I yield (said he) to the gentleman from Missouri, [Mr. Benton,] that we are not prepared. And whose fault was it? It was for those in power for the last seven years to answer.

But we are told (said Mr. S.) that the Senate, at the last session, refused an appropriation of $3,000,000, and defeated appropriations to other objects. That appropriation could not have been used in a war, unless it depended on the Executive will, and not on the will of Congress, to declare it. Count up the expense of a war, (said he,) leaving out of the account the sufferings of the country, and fifty millions would not pay it. Who was it offered the stock of the United States for sale? Was it offered in order to let France know that we would not suffer by burdens and taxes if we went into a war with her?

I know (said Mr. S.) the way was prepared for this war upon the Senate. The accusation was made from the highest human source—the Executive of a free people; and when he has declared a purpose, that purpose will be followed out by others, because they think as he does. He spoke for himself. They made no charge against the President; the charge was made by him against the Senate, and they were put upon their defense; and to-day (said Mr. S.) I will make mine. He referred to a resolution offered last year, requesting information from the President relative to the revenue, fortifications, &c., to be laid before Congress at the next session. These (said Mr. S.) are the precursors of the present resolution, and the treatment of them the first item of accusation. They were solely a matter of inquiry, and expressed no opinion. How, then, could the Senator from Missouri [Mr. Benton] draw from them the inference he had drawn?

The resolution calling for this information from the President was, on motion by Mr. Poindexter, ordered to lie on the table, and had never afterwards been called up.

The next item was the loss of the half million appropriation. The chairman of the Committee on Military Affairs, who is not strongly suspected of being in favor of the Administration, moved, himself, as an amendment, an appropriation of half a million. He put it to the Senator from Missouri [Mr. Benton] if, when a member of a majority of this body offers a resolution, and it is laid on the table, and not called up, whether that should be made ground of attack. The loss of a necessary appropriation, whether from party servility or party hostility, was a source of grief. This matter had assumed an important character, because the Chief Magistrate had made it the basis of an accusation against the Senate, and the people of the country might say the Senate were not willing to make provision for their defense. He was willing to abide the result, let the criminality be with the one or the other.

Reprisals had been recommended as a measure of peace, and the message recommending it closed with submitting the measure to the wisdom of Congress. There was no statement of facts or estimates that looked to the approach of war, and it was not regarded as preparatory to war, by friend or foe. And it was too late to turn round now to give it that bearing. If reprisals had been made, we would have been involved in a war with France.

And what would your musty law books say then about reprisals being a peaceful remedy? Long before the three million appropriation had come up, a resolution had been passed unanimously, declaring that it was inexpedient to adopt any legislative measures in regard to our affairs with France; and in the House of Representatives the chairman of the Committee on Foreign Relations moved to lay it on the table in confirmation of the expression of the Senate that anything more than peace appropriations were necessary. This discretionary plan, which would have put it into the power of the Executive to have us in a war, was taken out of his hands.

He called for the attention of the Senator from New Hampshire, [Mr. Hubbard,] who was then a member of the House of Representatives. The estimate sent by the Executive last year recommended $439,000 for defense. Did he do his duty? If he did, then that sum was all that was required. It was the duty of the President to give an estimate, and if, in view of a war, this was all that he thought necessary, he was false to Congress and to the country to report that amount to carry us through the war. When these documents had been some time in the hands of the committee in the House of Representatives, of which the present Speaker was chairman, the President sent a message to Congress, showing the condition of our affairs with France. On the 2d of January, 1835, the chairman of that committee made a report to the House of Representatives of the precise amount recommended by the President.

They had had the annual and special message before them, and the committee reported $439,000 as all that was necessary to the defense of the nation.

During the administration of Mr. Adams, the average of the annual appropriations for this purpose was $762,000; year before last, for that single year, under this Administration, the amount of the appropriation was $890,000. How did it happen that last year (said Mr. S.) only half that amount was appropriated, and then turn round, and ask the Senate, why its unwillingness to make preparation for the defense of the country? Why were the friends of the Administration satisfied with that appropriation of $439,000? On the 15th of January, when the bill was under consideration in the House of Representatives, a proposition was made by Mr. Everett to amend it by adding $67,000, and by other gentlemen, by adding appropriations to Fort McHenry, Fort Marion, and Throg's Neck, which were all negatived by the friends of the Administration, among whom he found the names of Mr. Cambreleng, Mr. Hubbard, &c. If the Senate had passed that amendment, the fortifications would have been left as they are now. After it came from the House of Representatives, the Senate added $75,000 for Castle Island, $125,000 for the defense of Maryland, $80,000 for Fort Delaware, $75,000 for Fort Mifflin, and to other objects, $100,000; doubling (said he) the amount recommended by the President.

They had put these appropriations in against the executive will, against the executive recommendation, and still they were charged with a want of fidelity to the country.

In the House of Representatives, when they had a large and manageable majority in favor of the Administration, they had the bill in their power, and suffered it to lie until the 3d of March, before it was ever touched. Mr. S. referred the Senate to the Journal, for the action of the House upon the different Senate amendments.

The House of Representatives had introduced a new section, appropriating $3,000,000, which was added to a bill about which there was no dispute; and the adding of that section (said he) was the cause of the failure of that bill. Congress had been in session three months, and this three million appropriation had never been thought of till eight o'clock in the evening of the 3d March. In the Senate it created profound astonishment, and was resisted, and he was one that resisted it. He felt deep indignation, and in a short expression of his feelings he put himself upon that rejection, and if history put him upon it he was willing to stand there. He regarded it as opposed to the whole spirit of the Constitution, which did not mean to put money at the discretion of the President. It was against the doctrine contained in the message of Mr. Jefferson in 1804. Give that treasury (said he) to Andrew Jackson, or any other man in his place, and the use of it may end in the loss of our liberties.

We have not angels in the garb of men. The power of war and peace is with us, and when we give such discretion we surrender it. If that section had passed, the blood of American citizens would now be flowing in conflict with France. It would have vested dictatorial power in the hands of the President. The language by which the dictator of Rome was created was (literally translated) to see "that the Republic suffered no injury." He was not prepared then, and was not prepared now, to repose that confidence in the President; his history had failed to inspire him with it. It had been said there was some recommendation for this appropriation in our controversy with France.

Mr. S. read the instructions to Mr. Livingston, and referred to the special message of the President, from which nothing could be inferred of a hostile character in our relations with France. The chairman of the Committee on Foreign Relations in the House of Representatives, it was said, had given notice that when the bill for fortifications came up he would move this three million appropriation as an amendment. This was an extraordinary mode of giving notice. He did not often search the columns of the Globe for the proceedings of the House of Representatives, and did not expect to find much there to gratify him; and on the 2d of March, when they were overwhelmed in business, they had not time to examine the columns of the Globe for debates. For one, he did not choose to accept such notice. The notice was, that he would move $1,000,000 for fortifications, and $2,000,000 for the Navy. If that notice of the form of the amendment had been carried out, it would have been in accordance with the Constitution. But the amendment offered was not like it. If it was known that it was the wish of the President it should pass, it was by communicating it to confidential members; and if he did so it was a base shrinking from a faithful discharge of his duty. In the House of Representatives, when a resolution was offered by the Com-

mittee on Foreign Relations, that no further legislation in regard to our affairs with France was necessary, a distinguished member [Mr. ADAMS] moved that, if compatible with the interest of the Government, the negotiation be continued. That very resolution was, on motion by the chairman of the Committee on Foreign Relations, laid on the table, which was giving up all idea of contingent preparations for war. The Senate said no further legislation was necessary; and the House, that the treaty must be maintained, and that no preparations were necessary. There was, therefore, no difference between the House and Senate. The view he had taken was confirmed by the debates of the chairman of the Committee on Foreign Relations. [Here Mr. S. quoted passages from the speech of Mr. CAMBRELENG.] On the 24th of February it was explicitly declared in official documents, that there was no danger of a war. [Here Mr. S. gave way to a motion to adjourn.]

January 26.—Mr. SOUTHARD proceeded. When the Senate adjourned yesterday, he was endeavoring to exhibit his understanding of the progress of the fortification bill. Mr. S. went minutely into a detailed account of the circumstances connected with the fortification bill, and also the diplomatic bill.

The House of Representatives had refused to recede from their amendment, and the chairman of the Committee on Foreign Relations hoped the House would not recede, and said that the Senate had chosen to take the responsibility, and to let them have it; he would take no part in it. If the House had asked for a committee of conference, that bill might have been saved. The motion of the chairman of the Committee on Foreign Relations operated as a defeat of the bill. A question was raised, whether a motion to recede, or a motion to adhere had precedence; the chairman of the Committee on Foreign Relations insisting on the motion to adhere. The Senator from Massachusetts, then a member of the House, [Mr. HUBBARD,] moved a conference, which was unsuccessful. The Senator had a perfect parliamentary right, when the committee of conference came in, to refuse, inasmuch as the House had voted to adhere. In support of this position, Mr. S. referred to the proceedings of Congress on the judiciary bill in 1825–'26. In that case, the Senate even refused a conference; and at the last session, if the Senate had desired, they could have defeated the fortification bill in the same way; but by waiving its adherence, and granting a conference, the Senate showed its disposition not to defeat the bill. The result of the conference was reported to the Senate with the consent of the Senator from New York, who was on the conference, and it would have been confirmed by the Senate if the House had permitted it. The Senate were prepared to vote for the bill embracing appropriations amounting to $1,667,000; but it had assumed a specific form, and the moment it assumed that form, every effort was made to defeat it in the House of Representatives. If, in consequence of the failure of this bill, our cities should be sacked, and our Navy suffer, the Senate was innocent, or the records were false. Mr. S. adverted to various circumstances to show at what hour the conference took place, and said that no member of that conference objected to it, on account of the hour.

The Senate had sent a message to remind the House of the report of the committee of conference. For their right to do so, he referred to Jefferson's Manual. They had done it; and there was the record of it, which could not be expunged. The language of Mr. PARKER, of the House, was. "How can we pretend to say we have concluded the business without passing the fortification bill? Can we leave this bill when there is an apprehension of war?" And (said Mr. S.) he ought to have added, "Shall we charge the failure on the Senate, and have the President make the accusation?" There was not one recorded vote of any opponent of the Administration in the House of Representatives against the bill. It was said the President would not have signed it. His constitutional term had not expired. The matter is explained (said Mr. S.) in a memorandum on your table, granting him a discretionary power which would have been a substitute for the three million appropriation. Jefferson, Madison, or Monroe, found no difficulty in signing bills after twelve o'clock at night; and Washington had signed them at two o'clock in the morning, in his wrapper and slippers, after being waked up out of his bed; and there was no difficulty in getting bills signed after twelve o'clock until this "second Washington" had raised the objection. The President had thought it his duty to come into the halls of legislation and make an accusation; but the firm and fearless check of the Senate could be applied to the simple machine of executive power. Mr. S. closed his remarks by giving vent to some expressions of his own patriotic feelings.

Mr. SOUTHARD having concluded, a few remarks were made by Mr. LEIGH and Mr. HUBBARD, when

On motion by Mr. WHITE, the Senate went into the consideration of executive business;

After which the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 26, 1836.

Mr. HARDIN moved to suspend the rules in order to enable members to present petitions.

The motion was negatived—ayes 97, noes 62; two thirds being necessary.

Mr. WARDWELL, from the Committee on Revolutionary Pensions, reported a bill extending the provisions of the act supplementary to the act to provide for certain soldiers of the revolutionary war; which was read twice and committed.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Captain Thomas Cook, deceased; which was read twice and committed.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, reported a bill for the relief of John Randolph Clay; which was read twice and committeed.

Unfavorable reports upon petitions were made by Mr. WHITTLESEY, from the Committee on Claims, and Mr. HOWARD, from the Committee on Foreign Affairs; which were laid on the table.

RESOLUTIONS SUBMITTED.

Mr. ADAMS, from the Committee on Manufactures, reported the following resolution; which was agreed to.

Resolved, That the Secretary of the Treasury be, and he is hereby, authorized to make sale of the plates engraved for the treatise of the growth and manufacture of silk by Dr. James Mease, under a resolution of the House of Representatives of 11th May, 1826, being document No. 158 of the first session of the Twentieth Congress, and to deposit the proceeds of the sale in the Treasury of the United States.

THE APPROPRIATION BILLS.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, reported the following resolution:

Resolved, That from and after Tuesday, the 2d day of February, the several bills making appropriations for the support of Government, the naval and military service, fortifications, and the Indian Department, at the hour of one o'clock each day, except on Fridays and Saturdays, shall take precedence in the order of business, and shall be considered until the same shall have passed the House.

Mr. HARDIN rose to a point of order. He contended that it was incompetent for the Committee on Foreign Affairs to present this resolution, inasmuch as it transcended their jurisdiction and changed the rules of the House.

Mr. MASON, of Virginia, briefly explained, when

The SPEAKER decided that the resolution was in order, but that it must receive the approbation of two thirds of the House, as it proposed to give a precedence to certain business.

Mr. BELL opposed the resolution, and it was advocated by Messrs. SUTHERLAND, PATTON, MASON of Virginia, CAMBRELENG, WADDY THOMPSON, and HOWARD.

Mr. HOWARD moved the previous question, but withdrew the motion.

The resolution was further opposed by Mr. HARDIN, when

Mr. VANDERPOEL moved the previous question, which was seconded—ayes 113, noes 86.

The question, "Shall the main question be now put?" was decided in the affirmative.

Mr. CRAIG asked for the yeas and nays on the adoption of the resolution; which were ordered.

The question was then taken, and the resolution was adopted—yeas 159, nays 59; as follows:

YEAS—Messrs. Adams, Anthony, Ash, Ashley, Banks, Barton, Beale, Bean, Beaumont, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Bynum, William B. Calhoun, Cambreleng, Carr, Casey, Chancy, Chapman, Chapin, Childs, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushing, Cushman, Darlington, Denny, Dickerson, Dickson, Dromgoole, Effner, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Haley, Hamer, Hannegan, Hard, Albert G. Harrison, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Heister, Hoar, Holsey, Hopkins, Howard, Hubley, Hunt, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Miller, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Phillips, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shinn, Smith, Spangler, Sprague, Steele, Storer, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, and Weeks—159.

NAYS—Messrs. Chilton Allan, Heman Allen, Bell, Bond, Bunch, John Calhoon, Carter, George Chambers, John Chambers, Nathaniel H. Claiborne, Clark, Corwin, Crane, Deberry, Dunlap, Evans, Everett, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hammond, Hardin, Harlan, Harper, Hazeltine, Howell, Ingersoll, Jenifer, Henry Johnson, Luke Lea, Lincoln, Love, Sampson Mason, Maury, McKennan, Mercer, Milligan, Peyton, Pickens, Pinckney, Potts, Reed, Rencher, Robertson, Russell, Shields, Slade, Sloan, Standefer, Waddy Thompson, Underwood, Vinton, White, Whittlesey, Lewis Williams, and Sherrod Williams—59.

INDIAN HOSTILITIES IN FLORIDA.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill making an additional appropriation of $500,000, for repressing hostilities on the part of the Indians in Florida.

Mr. C. adverted to the propriety of a speedy action on the bill; and, by unanimous consent, moved that the House go into Committee of the Whole on the state of the Union upon the same; which was agreed to.

The House then went into Committee, Mr. HOWARD in the chair, upon the foregoing bill.

Mr. WHITE moved to amend the bill by adding a section authorizing the President of the United States to cause to be enlisted a regiment of one thousand mounted riflemen, by and with the consent of the Senate, for twelve months, if, in his discretion, he should deem it necessary.

Mr. W. briefly supported the amendment. He said all accounts from Florida represented the Territory to be in a most distressing condition. Three entire counties were already desolated by the Indians. Their numbers were not known, and the melancholy information received from the inhabitants of those counties, as well as the destruction of the detachment of United States troops, showed that these men had been equipped for action for a long time. A portion of them had been armed by the Government of the United States, with a view of their going to the west of the Mississippi river; and another portion had received arms from smugglers and others. Mr. W. knew that the number of Seminole Indians had been greatly underrated; and it was known that there were not less than twelve hundred or fifteen hundred men, who had captured already about two hundred and fifty slaves, and those slaves who would not operate with them they intended to transport to the Island of Cuba.

Now, the first question was, what was the best mode of putting an end to these disorders? It was impossible to draw the militia in the southern States this season, nor in the spring of the year; and if the Indians were not entirely subjugated before the warm season it would then be rendered impossible. He believed, that in the course of three or four weeks a sufficient force might be raised to put an end to these hostilities by June or July; and if these troops should be unemployed he understood that other portions of the United States wanted them at that time. Information had been received by the Secretary of War that the Creeks were in a very troubled state. He could assure the House that the whole Territory of Florida would be desolated in a very

short time, unless the Indians were repressed. Under these circumstances he hoped there would be no opposition to the amendment. He believed it proposed the best and most efficient means of putting an end to a war which had already caused a great sacrifice of lives, both of officers and men, on their march from Tampa Bay to join General Clinch. Mr. W. had himself received letters from officers at Tampa Bay, stating that the attack was made by no less a force than eight hundred Indians.

Mr. HUNTSMAN was for receiving volunteers as well as regulars, and spoke of the advantages of that description of troops over persons enlisted. His own county would raise five hundred men.

Mr. HARDIN offered a proviso authorizing the President of the United States to disband the force at an earlier period than twelve months, in case their services should be no longer required.

Mr. WILLIAMS, of North Carolina, moved to add the word "required" to the amendment, which Mr. HARDIN accepted as a modification.

Mr. ADAMS opposed the modification as an unprecedented requisition upon the Executive.

Mr. VANDERPOEL begged to inquire if the amendment of the gentleman from Florida had the consent of the Secretary of War?

Mr. WHITE believed it would have, and pledged himself to withdraw it when the bill came into the House, if it had not.

Messrs. ASHLEY, RIPLEY, and UNDERWOOD, opposed the amendment, and, after a few words in its favor by Mr. GLASCOCK, Mr. WHITE withdrew it.

Mr. SHIELDS then moved an amendment authorizing the President of the United States to accept the services of one thousand volunteers, for the period of nine months; which, after some remarks from Messrs. SHIELDS, CAVE JOHNSON, CRAIG, and WHITE, of Florida, was negatived.

The committee then rose, and reported the bill without amendment to the House; and it was ordered to be engrossed and read a third time.

The bill having been engrossed, was then read a third time and passed.

REPORTS FROM COMMITTEES.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill making appropriations for the civil and diplomatic expenses of the United States for the year 1836; which was read twice and committed.

Mr. PARKS, from the Committee on Foreign Affairs, reported a bill for the relief of Henry Wheaton; which was read twice and committed.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill amendatory of the several acts establishing and regulating the Treasury, War, and Navy Departments; which was read twice and committed.

RESOLUTION SUBMITTED.

Mr. WHITE, of Florida, by consent, submitted the following resolution; which was agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of organizing a regiment of mounted riflemen or dragoons, to operate against the Indians, if, in the opinion of the President, the public service requires it.

Mr. RIPLEY asked the consent of the House to submit a resolution of a similar character.

Mr. GRIFFIN moved an adjournment, which was carried; and at five o'clock, p. m., the House adjourned.

IN SENATE.

WEDNESDAY, *January* 27, 1836.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had passed a bill making an additional appropriation to repress hostilities commenced by the Seminoles, and asking the concurrence of the Senate therein.

On motion by Mr. WEBSTER, the bill was read the first time, and referred to the Committee on Finance.

CLERKS IN GENERAL POST OFFICE.

The CHAIR communicated a report from the General Post Office Department, showing the number of clerks employed by that Department, and the salaries paid to each; and

On motion by Mr. GRUNDY, it was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

PETITIONS, MEMORIALS, ETC.

Mr. EWING, of Ohio, presented the memorial of the Mad river and Lake Erie Railroad Company, praying preëmption rights of public lands over which the road passes; which was referred to the Committee on Public Lands.

Mr. ROBINSON presented the memorial of sundry citizens of Illinois, praying to be remunerated for lands claimed by them, which have been sold by the United States; which was referred to the Committee on Public Lands.

Mr. McKEAN presented the petition of a number of citizens of Schuylkill county, Pennsylvania, deploring the loss of property in the city of New York by a recent fire as a national calamity that must be felt in every portion of the Union; and as a measure of relief praying Congress to create two hundred millions of dollars of five per cent. stock to be divided among the several States, Territories, and District of Columbia; and that the proceeds of the sales of the public lands be pledged for the payment of the interest and gradual redemption of the same; which was referred to the Committee on Finance.

Mr. LINN presented the petition of a number of citizens of Missouri, praying for the establishment of post routes; also a petition from sundry citizens of Michigan on the same subject; both of which were referred to the Committee on the Post Office and Post Roads.

Mr. L. also presented the petition of sundry shipowners and masters of vessels, navigating Lake Michigan, praying that an appropriation may be made for the building of piers and the construction of a light-house at the mouth of Grand river, of Lake Michigan; which was referred to the Committee on Commerce.

Mr. L. also presented the petition of Alexander McMillan, and the petition of Brevet Major William T. Cobb, the first of which was referred to the Committee on Public Lands, and the latter to the Committee on Military Affairs.

Mr. TYLER presented the petition of Abraham Van Bibber, administrator of Isaac Garretson, deceased, praying that an act may be passed for the settlement of the accounts of the deceased; which was referred to the Committee on Naval Affairs.

Also, the petitions of the heirs of Captain Joseph Blackwell, deceased; the heirs of Enoch R. Withers, deceased; the heirs of Doctor William Ramsey, deceased, severally praying for the commutation of half pay due their ancestors; which was referred to the Committee on Revolutionary Claims.

Mr. GOLDSBOROUGH presented the petition of the heirs of Samuel Jones, deceased; which was referred to the Committee on Revolutionary Claims.

Mr. DAVIS presented the petition of sundry citizens of Massachusetts, engaged in the manufacture of cordage, remonstrating against any diminution of the duty on foreign articles; which was referred to the Committee on Manufactures.

Mr. LEIGH presented the petition of the heirs of Samuel Claggett, praying to be allowed the commutation of half pay to which their deceased ancestor was entitled; which was referred to the Committee on Revolutionary Claims.

Mr. CLAYTON presented the petition of sundry citizens of Delaware, praying that New Castle may be made a port of entry; which was referred to the Committee on Commerce.

On motion by Mr. BROWN, the petition of Lieutenant James Parkinson, presented at the last session, was again referred to the Committee on Revolutionary Claims.

Mr. MANGUM presented the petition of sundry citizens of Washington, North Carolina, praying that an appropriation may be made for the removal of the obstructions in the Pamlico river.

Mr. KING, of Alabama, presented certain resolutions of the Legislature of Florida, praying for an appropriation for a light-house at St. Joseph's point; that St. Joseph's may be made a port of entry; and that a survey may be made of the harbor of St. Joseph's; also praying for the establishment of certain post routes; which were appropriately referred.

Mr. BENTON presented the memorial of the Mississippi and Missouri Railroad Company, asking a grant of land and the right of way through the public lands; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. CLAYTON presented the memorial of William Thorp; which was referred to the Committee on the Judiciary.

REPORTS FROM COMMITTEES.

Mr. WEBSTER, from the Committee on the Judiciary, to which had been referred the petition of Charles J. Catlett, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. SWIFT, from the Committee on Claims, to which had been referred the petition of Martin Prindle, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. SHEPLEY, from the Committee on Revolutionary Claims, to which had been referred the petition of Theodore W. Morris, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. SHEPLEY, from the Committee on Claims, made an unfavorable report on the petition of John Kurtz and others.

Mr. NAUDAIN, from the select committee to which had been referred the memorial of Dr. Boyd Reilley, reported a bill granting him $10,000 for the right to use his improvement for the application of steam to the human body in the hospitals of the United States; which was read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, reported the bill for the relief of Robert Abbott, and the other heirs of James Abbott, without amendment.

Mr. KNIGHT, from the Committee on Manufactures, to which had been referred the resolution in relation to such duties as might be reduced without injury to the manufacturers, reported a bill reducing the duties on a number of articles therein named; which was read, and ordered to a second reading.

Mr. TYLER, from the Committee on the District of Columbia, to which had been referred the bill to extend the charters of certain banks in the District of Columbia, reported the same without amendment.

Mr. GOLDSBOROUGH, from the Committee on Revolutionary Claims, reported a bill providing for the payment of a company of Vermont militia, who served at the battle of Plattsburgh; also, a bill to increase the salary of the principal clerk in the office of the Adjutant General; which were severally read, and ordered to a second reading.

Mr. RUGGLES, from the Committee on Private Land Claims, to which had been referred the petition of Arthur Bronson, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. KNIGHT, on leave, introduced a bill to renew the patent of Joseph Grant; which was read twice and referred.

RESOLUTIONS SUBMITTED.

Mr. BENTON submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the District of Columbia be instructed to inquire into the expediency of abolishing lottery drawings and the sale of lottery tickets in the District of Columbia.

Mr. DAVIS submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of refunding to Ebenezer Spaulding the sum of thirty dollars, paid by him into the Treasury for a patent, which patent has never been issued.

Mr. SWIFT submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the purpose of deepening the channel between the islands of North and South Hero, in Lake Champlain, agreeably to an estimate contained in a survey of said channel, as appears by the report of the Secretary of War, referred to said committee.

Mr. TOMLINSON submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the improvement of Bridgeport harbor, in the State of Connecticut.

Mr. LINN submitted the following resolution:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of extinguishing the Indian title to the lands lying north of the Wisconsin, and the reservation on Iowa river in Des Moines county, all in Michigan Territory.

PROCEEDS OF SALES OF PUBLIC LANDS.

Mr. EWING, of Ohio, from the Committee on Public Lands, to which had been referred the bill to appropriate for a limited time the proceeds of the sales of the public lands among the States, and for other purposes, reported the same with amendments, which were read; and

On motion of Mr. CLAY, five thousand extra copies of the report were ordered to be printed.

INDIAN HOSTILITIES IN FLORIDA.

Mr. WEBSTER, from the Committee on Finance, to which had been referred the bill that came this morning from the House, making additional appropriations to repress hostilities commenced by the Seminoles, reported the same without amendment, and expressed the hope that the bill would, by general consent, be carried through its different stages and passed to-day.

Mr. CLAY observed, that as the war had commenced, it was no doubt the duty of Congress to do all in their power to put an end to it. But it was not the least extraordinary of the events, marking the present times, that a war should have been raging in one of the Territories for near two months without any information as to the cause of it having been communicated to Congress by the Executive, and without any information on the subject having been sought by either branch of the National Legislature. He would be glad if the chairman of the Committee on Finance, or the chairman of the Committee on Indian Affairs would give him such information as they might possess on the subject.

Mr. WEBSTER was surprised that no official communication had been made before this from the Secretary of War. All he had heard upon the subject was from the gazettes of that part of the country which was the seat of the war. He had inferred that the cause of hostilities had grown out of the undertaking to remove the Indians. The forces for such an enemy he thought a very considerable force.

Mr. WHITE was very sorry it was not in his power, as chairman of the Committee on Indian Affairs, to answer the inquiry of the gentleman from Kentucky, [Mr. CLAY.] The committee had had no communication directly or indirectly upon the subject from any quarter. He had heard of these Indian hostilities, but had been under the impression that they had grown out of the removal of them.

Mr. BENTON observed that he had received no communication from any source by which he could make known to the Senate anything in relation to the late disturbances in Florida; but some years ago he was a member of the Committee on Indian Affairs, and as such it became his duty to be informed of the situation of the Florida Indians. In the course of that duty it had been communicated to the committee that these Indians were in a state of starvation; that their country would afford no game; that they would not work, and must starve unless they were fed where they were by the Government, or kept themselves alive by plundering the inhabitants of the Territory. Under the pressure of these circumstances, appropriations had been made by Congress of large sums—say something like $30,000 or more—just to keep them from dying of hunger or plundering the inhabitants to get something to eat. These Indians had a bad character, as their name implied. Seminole, in the Indian tongue, meant wild Indian, runaway Indian, or what the Indians themselves called "bad fellows." He was in the Committee on Indian Affairs when appropriations were made in two or three instances, just to keep these Indians from starvation. The policy of removing them was so obvious, that measures were adopted to induce them to go beyond the Mississippi, to a country where they could find game to subsist on; and treaties for that purpose had been made with them two or three years ago; but when the time came round that they were to go, in pursuance of the treaty, they would, instead of going, shoot the chiefs who were to be their leaders. This, he understood, had lately been done, and from this shooting of chiefs broke out those disorders which have been carried to the extent of a serious disturbance.

He saw, from the letter of Major Belton, who made a report to the War Department from information derived from three of the soldiers who escaped the late massacre, that the most active, the most ferocious, the most cruel and unrelenting of those engaged in the massacre were the runaway negroes of the South. He had also seen a letter from Lieutenant Grayson, of the Army, published at New Orleans, confirming this statement; and one account stated that, after the field of battle was covered with the dead and dying, it was the business of these negroes to hunt for those who yet breathed, for the purpose of cutting their throats. He did not wish to go further; but he would remind the Senate that, two or three weeks ago, when he spoke upon the abolition petitions, he had remarked, and he would now repeat the sentiment, that what had lately resulted from the movements of the Abolitionists had brought upon themselves a load of guilt and sin, in causing many slaves and some white men to lose their lives in the South, for which they could never atone, although the whole remainder of their lives should be spent in prayers of contrition and works of retribution. As great as that mass of guilt and sin was, there might yet be another mass to account for, compared to which what now existed was as a drop to the ocean, and as a grain of sand to the mountain. He would say no more, for he had nothing but the public fact to go upon, that southern runaway negroes were among the hostile Indians, and the most active, cruel, and relentless of those engaged in the massacres.

The bill was then read the third time and passed.

The Senate then proceeded to the special order, which was Mr. BENTON's resolution for the appropriation of the surplus revenue to objects of national defense.

Mr. WHITE said an amendment had been offered that so much should be set apart as would be necessary for the defense of the country. Not being able to comprehend the meaning perhaps, the difficulty, in his mind, was increased by the amendment. Under it they could proceed to appropriate every dollar in the Treasury to other objects than those contemplated in the resolution. Who was to be the judge how much was necessary? It might be the means of inducing the public to believe that large funds were set apart for this great object, when, in fact, there might not be any. When the information sought for on that subject was received from the Departments by the Senate, they would be able to come to some definite conclusion, and could act more understandingly. For one, he was willing, if we were to have a war with France, to vote for any additional sum for the purpose of putting in a state of defense the present or any additional fortifications that may be deemed necessary, and to make liberal appropriations to arm these fortifications after they were put into a suitable state of defense. And I am willing, also, if necessary, (said he,) to vote an increase of the Army—willing to go to any reasonable extent in making appropriations for the Army and Navy. For one, I think, (said Mr. W.,) on so great a question the Executive will have no objection to come out and put us in possession of the necessary information, and the proper recommendation as to what preparations will be necessary. It was his duty to acquire the necessary information, and lay it before Congress. Whenever we are told in a proper way (said he) that the attitude of the country is likely to be changed, he was prepared to meet the emergency promptly. For one, he would use every means in his power to avoid that great calamity; but if it must come, I will (said he) go for my country against every other—would even waive my own opinion as to the propriety of the cause of the war.

There are circumstances in which, although the President cannot declare war, it may yet be necessary to sustain the interest and the honor of the country. If we were told that it must come, for one he was ready and willing to meet the crisis, whatever it might be. He hoped and believed we would have no war; and that these threatening clouds would disappear. The honorable mover of this resolution had given it a retrospective influence upon the last session. He had said there was a prospect of war, and that a fleet of observation of France was approaching our coast; that we were in an unprepared state; and that the Senate had defeated the $3,000,000 appropriation, which was the cause of the defenseless state of the country. I was one (said he) who voted against that appropriation; and I do not feel as if I am answerable, or as if those who voted with me are answerable, for the defenseless condition of the country. As to the fleet of observation, there was no certainty about its object. The French fleet, with that long sword, could not awe him into a vote. I do not (said he) take upon myself to show that A, B, or C has neglected his duty; it was enough for his purpose to establish his own innocence. He might plead a former acquittal in bar, as far as he was concerned. He had been tried on this very question by those who had a right to try him, and he was acquitted by their unanimous verdict.

But, notwithstanding his acquittal, he was disposed to waive his plea in bar, and meet the question on its merits. The Executive had recommended $439,000, and the Senate had added $420,000 more. If the House of Representatives had agreed to these amendments, a bill would have passed appropriating $859,000 to be placed at the disposal of the Executive, to be applied to the several objects embraced in it. The House of Representatives, in place of agreeing to this amendment, proposed to amend that amendment by a new section appropriating $3,000,000, to be applied to the Army and Navy, with a proviso to expend the whole or in part at discretion. We were called upon at eight o'clock to act upon it. For one, he declared, in the presence of this assembly and his God, he never was more surprised than on this occasion. He voted against it. He had not the most distant opinion as to who offered it. He believed, then, that the House, having the matter under their serious consideration, the moment they knew we disagreed to it, would at once recede. He felt a most anxious desire then, and he hoped he always would feel, to do all in his power to assist the Government in the discharge of its duties. He was deceived in his anticipations of what the House would do, and was called upon the second time to vote. I concluded (said he) the Executive had not asked this appropriation, and that he did not need it, and I so expressed myself. He was then honestly a friend to the Administration, whatever might be charged to him now; spoke of the influence that would have been exerted to induce the Executive to expend the $3,000,000 if it had passed. The whole influence of the Army and Navy would have been brought to bear on the President, to induce him to expend the whole amount. The President would conclude, that if he resisted their importunities, and the country be involved in a war, he would have to bear the responsibility. And suppose we should then have had no war, (said Mr. W.,) and he had expended it, then these same individuals would be the first to cast the blame upon him. He did not converse upon this subject with any person that evening; and except with his colleague behind that colonade, who said I had put the matter in a new light to him, I had no conversation with a single individual on the subject.

The gentleman from New Hampshire the other day adverted to the publication of debates in the newspaper in the interest of the Administration, in which a member of the House had given notice of his intention to move this appropriation. If I wished to know, (said he,) whether a fact was true or not true, that newspaper (the Globe) would be the very last place on God's earth to which I would go to ascertain it. He then referred to the transactions in the House, to show that, if the fact was known to a few that the President wished it, yet it was a matter to be kept

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, FEBRUARY 15, 1836. VOLUME 3....No. 10.

concealed. He stated that it appeared in the other House, that the then chairman of the Committee on Ways and Means, the present Speaker of the House, told two members from Tennessee, that the President did wish the appropriation; but that they need not say anything about it. He had not respect enough for any one member of either branch of Congress to feel bound to believe any statement as to what was the Executive will. Mr. W. objected to the undefined character of the three million amendment. He was led to conclude that the chairman of the Committee on Foreign Relations had not offered the amendment as chairman of that committee, but on his own responsibility as a Representative of his constituents.

But it was said, that if the publication in the papers of the 28th of February was read by some of the members, it would be naturally a subject of conversation, and the notice of the intention of the chairman of the Committee on Foreign Relations would reach us in that way. He could not speak for others, but as for himself he knew nothing of it. He had a degree of confidence in the Executive from his youth up that he never had in any other. He had that confidence in him then, and knowing he was never disposed to shun any duty, he (Mr. W.) expressed his belief at the time that he thought the President did not want it. Suppose his predecessor had recommended such an appropriation—I put it to those with whom I have been in the habit of acting, whether they would not have rebelled against it. He belonged to that school which goes for specific appropriations—and had believed that was the settled republican doctrine from the time of Jefferson down, and it was even to be found in the message of the present Chief Magistrate.

He said the application of a specific sum to a given object was a specific appropriation, and adverted to appropriations under former Administrations as being of that character; the dangerous tendency of the precedent of making undefined appropriations was such as ought to put them on their guard. He voted against it then, and he would now vote against a similar one. This bill was lost, and the public had sustained an injury; but the fault did not lie at the door of those with whom he voted, and he went at some length into a history of the progress of the bill, to show that the whole blame belonged to the House of Representatives. The committee of conference, after the vote of disagreement, ought to have brought the papers back. If they had done so, it might have produced a different result. Mr. W. referred to the Manual, to show that it was their duty to do so. But they had left the papers on the table in the conference room. The different branches were entitled to alternative votes on the bill, and each branch should keep the other informed of their action upon it. Sometimes men had not their wits about them, as well after dinner as before. He would not say what was the cause of it, but from some cause the committee of the other House had neglected their duty. He recurred to the action of Congress on the bill, for the relief of Mr. Monroe, in 1825-'26, to illustrate his position in regard to the duty of the committee of conference. The Senate had given the last vote, and had voted a committee of conference whose duty it was to take the papers to the other House; and if the papers had been taken there, they would have had it in their power to have saved the bill, and if the papers had been brought back to the Senate, they might have reconsidered their vote. Here was another branch of the subject that might be more fully discussed than it had been. After the bill was returned to the House, a vote was taken on the resolution in favor of R. P. Letcher, and no quorum, and the lateness of the hour was the ground alleged why the House did not act on the report of the committee. He referred to the vote on Mr. Johnson's resolution in the House, to show that there was a quorum, after the committee of conference had had their conference. How did that committee know there was no quorum? On the Journal, it appeared that, on the vote on a resolution offered by Mr. Johnson, there was very nearly a quorum, which was very soon after.

As to the idea that Congress was dead, or dissolved on account of the hour of twelve having arrived, he thought the best evidence on that point was the recollection of the gentleman from Virginia, [Mr. LEIGH,] whose attention was directly called to the subject.

But if the constitutional term of Congress was expired at twelve o'clock, then the constitutional term of the President, for the four years for which he was elected, expired at that hour also. He objected to no one's opinion, founded on conscientious scruples. He respected the scruples of any man, but he differed in opinion with some, as to what time on the 4th of March the term commenced; ascertain that point of time, and the moment at which the two years elapsed from that period, completed the term, and not before it. The First Congress, by resolution, met on the first Wednesday of March, which was then the fourth day of the month, and did any body pretend to say that the First Congress met at midnight? They met, probably, not before twelve at noon of the 4th of March, and if so, that was the time when the term runs out, and by establishing that time they brought back the good old days when the evening and the morning were the first day. Suppose the doctrine contended for be correct, it would then follow, that between twelve o'clock of the 3d of March and the time he is sworn in you have no President; and if a man is ordered to be executed for a violation of the laws of the United States, during the interim, under what authority would he be executed? There were no fractions of a day in law.

The gentleman from New Hampshire [Mr. HUBBARD] had referred to the fact of a committee of Congress reporting that the term for which members of Congress had been elected expired on the 4th day of March. But the question still recurred, at what hour of the 4th of March? He adverted to the practice of Congress in transacting business after midnight; and on one occasion he recollected it was broad daylight before he left the Senate Chamber to go to his lodgings. He had no doubt that there were members enough in the lobby of the House at the time the committee of conference ought to have reported, together with those in their seats, to have made up a quorum. He would ask whether gentlemen would be in any better humor to vote liberal appropriations when recrimination was resorted to and based upon matters that had been past? He alluded to the apparent pacific character of our relations with France at and prior to the close of the last session. There was nothing in those relations from which could be inferred the remotest necessity of making preparations for a war; and he never gave a vote with which he was better satisfied than the vote rejecting the three million appropriation; and, in the language of a worthy and celebrated man who was now no more, he wished that vote could be written in the very center of heaven, in characters as bright as the sun.

On motion by Mr. GRUNDY, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 27, 1836.

Mr. WILLIAMS, of North Carolina, from the Committee on Public Lands, reported a bill for the relief of James Baldridge; which was read twice and committed.

Mr. CHAMBERS, of Pennsylvania, from the Committee on Private Land Claims, reported a bill for the relief of James L. Stokes; which was read twice and committed.

Mr. C., from the same committee, reported a bill for the relief of Daniel Bush; which was read twice and committed.

Mr. BOND, from the Committee on Revolutionary Pensions, reported a bill for the relief of Peter Dimick, of the State of New York; which was read twice and committed.

Mr. INGERSOLL, from the Committee of Ways and Means, reported a bill for the relief of the president and directors of the Union Gold Mining Company; which was read twice and committed.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill for the relief of Melancthon Taylor Woolsey; which was read twice and committed.

Mr. J., from the same committee, reported a bill to reward the captors of the Tripolitan frigate, late the frigate Philadelphia; which was read twice and committed.

Mr. J., from the same committee, reported a bill to change the title of certain officers of the Navy; which was read twice, and its further consideration postponed until to-morrow.

Mr. HOWELL, from the Committee on Invalid Pensions, reported a bill, providing that John Smith be placed on the list of invalid pensioners; which was read twice and committed.

Mr. PEARCE, of Rhode Island, from the Committee on Commerce, reported a bill for the relief of the representatives of Jacob Shoemaker, deceased; which was read twice and committed.

Mr. HARRISON, of Pennsylvania, from the Committee on Invalid Pensions, reported a bill for the relief of Peter Cook, a soldier of the late war; which was read twice and committed.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs and legal representatives of Garland Burnley, deceased; which was read twice and committed.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill for the relief of Samuel Kincaid; which was read twice and committed.

Mr. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of John W. Howard; which was read twice and committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill to exempt merchandise imported under certain circumstances from the operations of the act of 19th of May, 1828, in alteration of the several acts imposing duties on imports; which was read twice and committed.

Mr. WISE, from the Committee on Naval Affairs, reported a bill to provide compensation to James Barron, for the use of his invention called the ventilator of ships; which was read twice and committed.

Mr. GRANTLAND, from the Committee on Naval Affairs, reported a bill for the relief of Philip F. Voorhees; which was read twice and committed.

Mr. DUNLAP, from the Committee on Public Lands, reported the following bills; which were read twice and committed:

A bill to increase the price of surveying the public lands in certain cases; and

A bill for the relief of Mary Tucker.

Mr. D., from the Committee on Public Lands, reported a bill for the relief of James M. Tuttle; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. CHAPMAN, from the Committee on Public Lands, reported the following bills; which were read twice and committed:

A bill for the relief of Isaac Wilbourne, Jr., and William Wilbourne;

A bill for the relief of John Jeffers; and

A bill to establish an additional land office in Louisiana.

Mr. LYON, from the Committee on Indian Affairs, reported a bill for the relief of Joshua Pitcher; which was read twice and committed.

Messrs. P. C. FULLER, TALIAFERRO, BANKS, and WHITTLESEY, from the Committee on Claims; Mr. CRAMER, from the Committee on Foreign Affairs; Messrs. LAY, STORER, FRY, and LEA of Tennessee, from the

Committee on Revolutionary Pensions; Messrs. CUSHMAN and PEARCE of Rhode Island, from the Committee on Commerce; Messrs CASEY and CHAPMAN, from the Committee on Public Lands; Mr. HARRISON of Pennsylvania, from the Committee on Invalid Pensions; and Messrs. BEAUMONT, CHAPIN, and KINNARD, from the Committee on Revolutionary Claims, made unfavorable reports upon various petitions; which were laid on the table.

On motion of Mr. WHITE, of Florida, the proceedings of a public meeting at St. Augustine, in relation to the depredations of the Indians, and several letters on the same subject, were referred to the Committee on Military Affairs, and ordered to be printed.

SUSPENSION OF RULES.

Mr. EVERETT moved to suspend the rules, so as to permit the States to be called for resolutions referring matters of inquiry to committees, and calls upon the Departments for information.

Mr. VINTON moved to amend the motion, by including the consideration of resolutions of a similar character upon the Speaker's table.

Mr. EVERETT accepted the amendment as a modification of his motion. The proposition was then negatived.

Mr. PARKS made an ineffectual attempt to submit a resolution directing an inquiry into the situation of the Patent Office.

LOSS OF THE FORTIFICATION BILL.

The House resumed the consideration of the following resolution offered by Mr. ADAMS on Friday last:

Resolved, That so much of the message of the President of the United States to Congress at the commencement of the present session as relates to the failure at the last session of Congress of the bill containing the ordinary appropriation for fortifications, be referred to a select committee, with instructions to inquire into, and report to the House, the cause and circumstances of the failure of this bill.

Mr. CAMBRELENG said it was not his design to take up the time of the House with a lengthy inquiry into the grave question of who caused the loss of the $3,000,000 appropriation, made last session by that House for the defense of the country, nor would he be drawn from the true issue. The true issue was, not who lost the fortification bill, but who defeated the $3,000,000 which that House had unanimously determined to be necessary, in order to defend the country in case of assault. Mr. C. then entered into a minute statement of the proceedings of the last Congress the last night of the session, in vindication of his own course from the charges brought against him. He pronounced the whole rumor respecting the Vice President and the Secretary of State to be false in every particular; and he took the occasion to express the pleasure he had of being authorized to state, that the narrative published in the National Gazette, as he at first understood it was, was not written by the Senator from Massachusetts, [Mr. WEBSTER.]

To prove that the appropriation was not proposed without the knowledge of Congress, Mr. C. referred to the President's message, and to his own remarks delivered in the House and published in the papers, before he moved it. He then produced the original draft of the amendment in his own handwriting, which had variations upon it in the handwriting of Mr. Archer, of Virginia, a member of the last Congress. The proceedings of the Senate proved their determination to kill the appropriation altogether. When it was sent from the House, the Senate, in no instance, adopted the usual forms of parliamentary courtesy. Instead of referring the amendment to a committee, which was the ordinary rule, it was at once rejected; and on the second time of its being sent to them, they adhered to their own amendment, and thereby effectually closed the door against any concession on their own part. [The report of the National Intelligencer was then read from the Clerk's table, at Mr. C.'s request, as containing sundry incidental matters omitted in the Journal of the House.] After the committee of conference had been appointed, the message had to be sent to the Senate, they had to act upon it, and Mr. C. and his colleagues had to wait in the House a short time till that was done; and during that time he voted upon the Cumberland road bill; and it was on that bill that Mr. GILMER, of Georgia, refused to vote. It was, therefore, past midnight when the committee retired. Mr. C. then went through the proceedings recorded on the Journal of the House, and pointed out sundry parts passed over by Mr. WISE.

Mr. PHILLIPS, of Massachusetts, referred to the report in the Globe, which (he said) was, in one particular, more correct than the House Journal; for the report of the conferees was not made by Mr. LEWIS, as the Intelligencer reported, and Mr. MERCER pronounced the latter to be false.

Mr. CAMBRELENG said he did return to his seat with the intention of making the report of the committee of conferees; but it was distinctly announced, both on the floor and from the Speaker's chair, that there was no quorum in the House. The Speaker counted the House, and could not count a quorum; and Mr. C. and Mr. LEWIS, of Alabama, were appointed tellers to go round the House and count it; and Mr. LEWIS himself could not find a quorum. No one would accuse that gentleman of want of keenness; and if members had been standing about the Chair, or in the lobbies, he would have counted them, or have reported the fact to the House; but even Mr. LEWIS could not make a quorum. It was not in that House the bill died, but the death-blow was given to it when the Senator from Massachusetts moved that the Senate adhere to its own amendment; and its poor, miserable remains were brought to the House by the committee of conferees.

Mr. C. said, to show what short memories distinguished statesmen sometimes possessed, he could refer to a volume of precedents, if necessary. At the organization of this Government, it was the uniform practice to put all the civil and diplomatic expenses into one line; and also all the expenses of the Army into one line, without the slightest specification whatever. He certainly admired, in some respects, the modern practice; but he very much doubted whether the country saved much by it, for, from two or three hundred thousand dollars, the appropriations had risen to three times as many millions. Mr. C. then cited a vast number of acts of Congress appropriating large sums of money, varying from half a million to one and two millions and upwards, without designation or specification, under the administrations of General Washington, Mr. Jefferson, Mr. Munroe, &c. In 1794, $1,000,000 and upwards; in 1798, $250,000, and another in the same year amounting to $800,000, as well as a clause for raising ten thousand men by the President, and another item in the same year for $900,000; in 1799, for $2,000,000; in 1803, during Mr. Jefferson's administration, $2,000,000. Mr. C. also quoted many other cases of appropriation, placed, without specification, under the direction of the President of the United States, down to the year 1812, all of which, some forty or fifty in number, were analogous in form, in substance, language, and every particular, with the proposed $3,000,000 appropriation of the last session. After some further remarks, Mr. C. concluded by hoping that, in a crisis like the present, the legislative bodies of the nation would not be driven into a petty, trifling controversy as to which lost this bill. He, himself, should have taken no part in the discussion, if he had not been driven to it in self-defense. This was no time for the American Congress to be deliberating upon petty questions, and upon a petty inquiry of this character. There were great national objects in view. We already had an Indian war; we were this moment threatened with a frontier war on our Mexican boundary; and a French fleet was known to be on the ocean ready to approach our shores. That country had exacted conditions which this country never could, never would comply with; no, not even if she were desolated with blood from Maine to Louisiana.

[The foregoing brief sketch of Mr. CAMBRELENG's remarks will be given in an extended form at a future day.]

Mr. REED said that the President was equally to blame in the loss of the appropriation bill. He charged the loss of it to him, and the majority of the House, who were friends of the President. The message of the President of the 1st December, 1835, was a declaration of war itself. If that message had been sustained, war would have been inevitable. It was a question of war to the House, and all considered it so. What was the message in the hands of the House? What did it do? Why, the chairman of the Committee of Ways and Means reported a bill appropriating $439,000 for the fortifications of the country; a gentleman from Massachusetts moved an amendment making an additional appropriation; and we were then told that we were wasting the treasure of the country, and bringing the nation into disrepute, and the yeas and nays were called on the amendment, and were 87 yeas, 120 nays; the Administration men voting against the amendment. Again, a gentleman from Maryland moved an amendment making additional appropriations for the defense of Baltimore; the vote was 87 for the amendment, 120 against it; and the yeas and nays will show how the Administration men voted. A gentleman from Georgia moved an amendment making additional appropriations; the vote was 67 for, 115 against, the amendment. A motion was made appropriating $50,000 for some improvements at Throgg's Neck, and the Administration men voted to strike it out. This was strange conduct in gentlemen who were so desirous that the country should be defended, and that, too, with the war speech of the President before them. The bill passed the House, was sent to the Senate, and came back with two amendments making additional appropriations. They did not oppose that bill; they added new appropriations to it. The Senate sent the bill back, and we might have passed it if we had accepted it; but on the last night of the session, the extraordinary appropriation of $3,000,000 must be added to it! The President had not recommended it, unless his message calling for war, called for that appropriation. The Committee of Ways and Means did not recommend it. No statements to the House recommended it. He said it was contrary to all precedent. The gentleman from New York, [Mr. CAMBRELENG,] to be sure, had adduced some instances, but they were for secret service money and the purchase of Florida. The chairman of the Committee on Foreign Affairs, on the last night of the session, proposed the amendment of $3,000,000, and it passed; and that, too, by the same House which had before refused to add $500,000 to the same appropriation bill. Was that not enough to astonish gentlemen? What under heaven had produced the change? The resolution of the gentleman from Massachusetts, [Mr. ADAMS,] was stated to be the foundation of that unprecedented amendment. He considered that resolution as a most harmless one, and voted for it as such. That resolution only said that the treaty must be insisted on; and was that the foundation for the appropriation? The gentleman from Massachusetts [Mr. ADAMS] had said that the bill was received in bad temper by the Senate. Mr. R. said, that at the time the Senate sent back their adherence to the House, he had the feelings of other men; but he suppressed that feeling. He knew the responsibility of his situation, and that there were duties which were paramount to that feeling. He was not for war with the Senate, but for preparing the country for defense. He was for *adhering* to the bill, and for passing it. There was a quorum in the House after twelve o'clock on the last night of the session; and the bill might have been passed, had there been a disposition to pass it. He thought then, as he thought now, that there was a movement of the Administration party to defeat the bill.

Mr. R. contended, that they had the right to sit after twelve o'clock, and do business. He said, that General Washington had been in the habit of signing bills after twelve o'clock. The elder Adams had been abused for making appointments to office after that hour. Mr. Jefferson and Mr. Madison had signed bills after that hour; and, if he mistook not, the gentleman from Massachusetts himself had done so. There was no time when the Government did not exist. He was in favor of the bill for ordinary appropriations, and voted for it, but he voted against the three million amendment, and that because he considered it a violation of the Constitution. The appropriation bill was reported on January 2d, the committee and the House had it under con-

sideration for fifty-two days, and yet the Senate is reproached with not passing it, with an unprecedented amendment attached to it, on the last night of the session. He hoped, in conclusion, the recriminating debate might be got through with, and that they might proceed to business, take up the appropriation bills, maturely weigh and discuss them, and pass such as the exigencies of the times demanded.

The House then adjourned.

IN SENATE.

THURSDAY, *January* 28, 1836.

The CHAIR communicated a letter from the Secretary of War, inclosing a report of the chief engineer on the subject of the removal of obstructions in the Ohio river below Shippingsport, made in compliance with the resolution of the Senate of the 21st instant; also, a report from the same officer, on the subject of constructing a mole near Cape Henlopen, for the protection of the Delaware breakwater, made in answer to a resolution of the Senate.

PETITIONS, MEMORIALS, ETC.

Mr. McKEAN presented the memorial of citizens of Philadelphia, setting forth the commercial importance of erecting piers in the river Delaware at or near the mouth of the Delaware and Chesapeake canal, and praying Congress to make an appropriation to that object; which was referred to the Committee on Commerce.

Mr. TOMLINSON presented the petition of Captain Francis Allen; which was referred to the Committee on Claims.

Petitions were also presented by Messrs. CRITTENDEN and WHITE.

SLAVERY IN THE DISTRICT.

Mr. SWIFT rose and said, he had had in his possession for some days a petition to abolish slavery in the District of Columbia. He was reluctant to add to the excitement already existing on the subject; but having waited for some days, and no final action having been witnessed on the petition relative to the same subject presented by the Senator from Pennsylvania, [Mr. BUCHANAN,] he did not feel himself at liberty to delay the presentation of this petition any longer. He was the more induced to present this petition at once, in consequence of the motion made by the gentleman from Pennsylvania at the time he presented the petition from the people of his State, to reject it, inasmuch as such a course would not be agreeable to those whose petition he was now about to present. It was a matter of perfect indifference to them whether the motion of the Senator from Pennsylvania, or that of the Senator from South Carolina, [Mr. CALHOUN,] should prevail, for they considered the rejection of a petition in the same light as a refusal to receive it. There appeared to be no difference whatever between the two courses. The right of petition was of no value unless the petition was referred and the reasonableness of the prayer investigated by a committee. With this preface, he would say one or two words in reference to the petition itself, and then ask for the reading of it, that gentlemen, after hearing it read, might have an opportunity of taking what course they pleased with regard to it. The petitioners believed that Congress had the power over this subject; they believed also that Congress not only had the power, but that it ought to exercise it, or to pass some law by which the evils of slavery in this District might be mitigated. The language of the petitioners was strong—very much so; but he believed they used such language no further than they conceived themselves justified in using by the evils which they sought to remedy. They did not speak in disrespectful terms towards Congress, nor did they attempt to interfere with slavery elsewhere than in this District. They did not know how to present the subject on which they treated otherwise than by speaking of evils as they existed; and they presented it as it was presented to the Legislatures of the non-slaveholding States at the time slavery was abolished in them. The petitioners believed that, from the relation in which this District stood to the Union, they were in some measure implicated by the continuance of slavery in it, and that the Government might be charged with being slaveholders. He did not mean to discuss the question, whether slavery ought to be abolished here or not, but, in presenting the petition, simply to discharge his duty to his constituents; but he would here remark, that it appeared to him, that while gentlemen from the slaveholding States deprecated excitement, they were taking an unwise course to avoid it by refusing to give the petitioners a fair hearing. These petitioners had an undoubted right to present their petitions here; but they did not desire to do so if Congress refused to listen to them or rejected them instantly without a proper investigation. They would speak as long as they had a hope of being heard, and there was no power on earth that would prevent the people of the North from claiming the right of petition and the freedom of speech. Petitions of this kind had usually been sent to a committee, with a view to a fair investigation and report; and he thought that this course was not only the most proper, but one that would be satisfactory.

He would now tell the Senate who these petitioners were. Gentlemen were mistaken if they supposed them to be such as petitioners for the same object had lately been designated on that floor. They were neither fanatics or incendiaries, unless they might be deemed so from the fact of their petitioning for the abolition of slavery. They were as respectable a body of men as any in the Union, and were opposed to some of the measures of the Abolitionists. They felt, it was true, a deep interest in the subject they presented to the consideration of Congress, but to charge them with being incendiaries or fanatics was very little calculated to allay the excitement of which gentlemen complained. The people of the North were not disposed to interfere with the institutions of the slaveholding States; but where they thought they had the right to interfere, they would not be prevented from so doing by being termed fanatics or incendiaries.

He (Mr. S.) gave no opinion as to the views of these petitions, nor as to those of the petitions presented by the gentlemen from Ohio and Pennsylvania, [Mr. MORRIS and Mr. BUCHANAN.] Of the language in which the petition was couched gentlemen might judge for themselves. He would only add that the petitioners requested a special committee, but this he did not for himself think it necessary to ask, deeming a reference to the ordinary committee all sufficient.

Mr. S. then presented the petition of sundry citizens of Vermont, praying for the abolition of slavery in the District of Columbia; which he requested might be read.

Mr. KING, of Alabama, said, that before the reading of the petition, he desired to know of the gentleman who presented it, if it was entirely respectful to that body? Parliamentary usage required that, before a gentleman presented a petition or paper of any kind to a deliberative body, he should satisfy himself that it contained nothing disrespectful to those to whom it was addressed.

Mr. CALHOUN desired to know if the language of the petition was respectful to those who had sent them there. He therefore wished to hear the petition read.

Here the petition was read by the Secretary.

Mr. CALHOUN demanded the preliminary question on receiving the petition. The Senator from Vermont (he said) objected to the calling these petitioners incendiaries, and yet (said Mr. C.) he does not object to the language used by them towards those who sent us here.

Mr. SWIFT had only said that gentlemen could judge of the language of the petition for themselves. The petitioners, he had said, were entirely respectable, were influenced by the purest motives, and believed themselves justified in speaking of evils as they supposed them to exist.

Mr. CALHOUN cared not what their motives were—he cared not whether they acted from ignorance or design—he only judged of the effect. Those persons who presented this petition knew of the existence of the southern institutions, and yet they spoke of them as unjust, wicked, and diabolical. Whatever might be the design of these men, the course they were pursuing was calculated to destroy this Union and subvert its institutions. He did not mean to enter into any argument with the gentleman from Vermont, but he demanded the preliminary question; and on it he asked for the yeas and nays.

The yeas and nays were accordingly ordered.

Mr. BUCHANAN was not only willing but anxious that a question should be distinctly taken before the Senate of the United States, and, as far as it was in his power to put it at rest, he was prepared to go. It would seem that on one morning the Senate were to have a dish of Mr. BENTON's resolutions served up, and the next morning the abolition question. He hoped they would dispose of one thing at a time, and would, therefore, move to lay the question on the table. He made this motion with a view that it might be called up hereafter, when the Senate were prepared to make a final disposition of it.

Mr. LEIGH read parts of the petition, from which he inferred that there was a design in the petitioners to act not only upon the rights of the people of the District of Columbia, but upon the rights of the slaveholding States generally, as it argued generally against slaveholders.

Mr. SWIFT said it was difficult to find expressions in any memorial to which some exception might not be taken. Let me (said he) illustrate this by calling the attention of gentlemen to another question. Suppose a petition presented there to prohibit the sale of lottery tickets in this District, calling the practice immoral gambling, &c., would gentlemen consider this language improper, because the sale of lottery tickets was tolerated elsewhere? This case was perfectly similar to the one treated of in the petition he had just presented.

After some additional remarks from Mr. CALHOUN,

Mr. BUCHANAN moved to lay the question on the table, and it was agreed to.

RESOLUTIONS OF GEORGIA LEGISLATURE.

Mr. KING, of Georgia, presented certain resolutions of the Legislature of Georgia, asking for the establishment of certain post routes; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. CLAYTON, from the Committee on the Judiciary, reported a bill to compensate John Howard Kyan, of England, for the right to use his invention to prevent the dry rot in vessels of the United States; which was read, and ordered to a second reading.

Mr. WEBSTER, from the Committee on Finance, reported a bill for the relief of —— Wainright; which was read, and ordered to a second reading.

Mr. CLAY, under the instructions of the Committee on Foreign Relations, submitted the following resolution; which lies on the table one day:

Resolved, That the President be requested to communicate to the Senate, if they be at his command, copies of the *exposé* which accompanied the French bill of indemnity from the Chamber of Deputies to the Chamber of Peers of France, on the 27th of April, 1835; and of the report of the committee presented to the Chamber of Peers on the 5th of June, 1835; and, also, a copy of the original note in the French language from the Duc de Broglie to Mr. Barton, under date the 26th of October, 1835, a translation of which was communicated to Congress with the President's special message of the 18th of January, 1836.

Resolved, also, That the President be requested (if not incompatible with the public interests) to communicate to the Senate a copy of a note, if there be one, from Mr. Livingston to the French Minister of Foreign Affairs, under date the 27th of April, 1835; and copies of any other official note addressed by Mr. Livingston, during his mission to France, either to the French Minister of Foreign Affairs, or to the Secretary of State, not heretofore communicated to Congress.

Mr. PRENTISS submitted the following resolution; which lies over one day:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of allowing to Jonathan Elkins an increase of the pension he now receives, in consideration of his services and his imprisonment by the enemy in the revolutionary war.

Mr. KING, of Georgia, from the Committee on Foreign Relations, to which was referred the resolutions of the Legislature of Louisiana on the subject, reported a bill for the settlement of the claims of sundry citizens of that State against the Spanish Government; which was read, and ordered to a second reading; and the report accompanying the bill was, on motion by Mr. PORTER, ordered to be printed.

Mr. EWING, of Ohio, from the Committee on Public Lands, reported unfavorably on several memorials that had been referred to that committee, and moved that the committee be discharged from the further consideration thereof. Among them was a memorial from the Legislature of Missouri, asking a grant of land for purposes of internal improvement; and one from the Legislature of Louisiana of the same purport.

Mr. EWING, in presenting the reports, said, it was the opinion of the committee that in all cases it was better to grant money than lands, and that it was better the United States should sell the lands.

Mr. BENTON said he should be glad to have a written report from the committee, on the subject of some of these memorials, especially the one from Missouri for a grant of land for internal improvement, which the committee had disposed of in such a summary way. He objected to this compendious process and wholesale condemnation, by which a dozen memorials were disposed of at once, on a mere motion to be discharged from their consideration, and without a word in writing. He wished to have an opportunity of showing that the State from which the chairman of the committee came (Ohio) had received above a million of acres of public land for internal improvement, while many of the new States had received not an acre. It was not convenient to go into this subject this morning, (Mr. B. said,) when other business was pressing; and he would prefer that it should be laid over for the present. Other States besides Missouri were about to be injured; and there were other gentlemen who would not sit still and see the Senate, by a *sub silentio* proceeding, on an *ore tenus* report, do such wrong to their States. He would wish the committee to take back their motion, or that it be laid upon the table for the present.

Mr. PORTER hoped the course suggested by the Senator from Missouri [Mr. BENTON] would be followed by the chairman of the Committee on Public Lands, and adverted to the immense sums of money expended by the people of Louisiana in extending the levee, and to the benefit of those lands. An application had been made to the Secretary of the Navy for information relating to this subject, and he hoped that, before so decided a disposition was made of those applications, the committee would wait until that information was received. These petitions were not bottomed upon the generosity, but the interest of the Government.

Mr. EWING, of Ohio, observed that he felt no anxiety that the question should be taken on the proposition of the committee at that time. He certainly was not disposed to get rid of the papers that had been referred to them, otherwise than in a direct mode, and that mode he had supposed had been adopted by him. The other day he had presented a detailed report, in which all these subjects had been fully discussed and examined, and he would, therefore, be willing to lay this report on the table till the gentleman had time to look into that report, and to decide whether the views he had taken on it were sound or unsound. A bill of the same nature of these petitions, which had been referred to the committee, would have been reported back on the same day that he made the detailed report, but he did not lay his hands on it at the time. In that detailed report he had said what he now repeated, "*ore tenus*," that it was better to make grants of money than of lands.

He was asked why the committee did not report money in lieu of lands? Now, the gentleman who asked that question had been a member of that body for many years, and knew very well that it was not customary for the Committee on Public Lands to report money bills. Such a report would come more appropriately from the Committee on Roads and Canals, or of Finance. In the general bill he had before referred to there was a grant of this very five hundred thousand acres of land the State of Missouri asked for. Whenever the subject fairly came up, he was disposed to present his views and those of the committee fully; and if the Senate was not satisfied with them they would cheerfully acquiesce in its decision. In the general bill reported the other day, the object was to place all the new States on the same footing; but his opinion was, that that bill, taking all circumstances into consideration, did Ohio great injustice. As that bill, however, was not then under consideration, he would not discuss it further. He was satisfied that the subject should be laid on the table till the report was printed, and the bill was brought up before them.

Mr. BENTON observed that the Senator from Ohio, who had just taken his seat, had said that it was not regular for his committee to report a bill granting money. Now he (Mr. B.) presumed it would be perfectly regular for them to recommend money, and also competent for the gentleman himself to say that he would vote for money in lieu of the land asked for. The gentleman remarked that they had decided, on principle, that it was better for the Government to grant money than land, and in the same breath said that the committee had reported favorably for granting five hundred thousand acres of land to the State of Missouri, in the distributive land bill. This is a pretty way to establish principle; a report for it; and a bill against it. So much for the principle decided on by the committee. But what (asked Mr. B.) is this five hundred thousand acres that is to be thus granted to the State of Missouri? It is (said he) the same five hundred thousand acres which I proposed myself long before this land bill was brought in, which proposition received the favorable consideration of the Senate, having passed to a third reading, and reached its third stage before that general land bill was conceived of. In this stage of its progress, this bill that he had brought in was laid on the table, and afterwards seized upon and taken away from him, the father of it, and put into a bill, which afterwards received the veto of the President. Nay, more, it was continued in the same bill of this year, with the knowledge, on the part of those who framed it, of the President's message on the veto of the bill, and that he would, on principle, adhere to his objections given in that message. Where, then, was the friendship to Missouri which the gentleman boasts of when he speaks of the grant to be in a bill, the principles of which the President has vetoed, and must veto again? Was the State of Missouri to be treated in this manner? Were the new States to be treated in this way? And was he, a Senator, to be treated in this way, to have his bill that he had introduced session after session taken from him, and embodied in another that could never become a law?

Sir, (said Mr. B.,) I mean when this land distribution bill comes up to move to have it disemboweled, and to take my child out of it. I want it taken from the guardianship of those who are pressing it to death, and to be delivered to me, its own father. The bill thus taken from him had been used against him in his own State; for when he voted against this distribution land bill, containing his own in its stomach, every press in his State on a certain side of the political line came out against him with the declaration that he had voted against his own bill; that he [Mr. B.] had voted against a grant of five hundred thousand acres of land to the State of Missouri. He did not say that such was the design of those who had taken his bill and put it into another; but such was the use that had been made of what they had done. The attempt to make the people of Missouri misunderstand him had failed; but, as respected the land, the State had lost it; and he was determined that the manner in which he had been treated, and the people of Missouri had been treated, by taking his bill from him and putting it in another—that this attempt—he would not say attempt—but that this proceeding having the effect to make the people of Missouri believe that there were those here who were willing to grant her five hundred thousand acres of land, while they placed the grant in a position which would prevent the possibility of its passing, should be fully known and understood. He moved to lay the reports for the present on the table.

Mr. MOORE adverted to the position in which he stood in relation to the principles involved in this matter, as one of the Committee on Public Lands. He was not in his place when the report was made; but, if a bill was reported, he hoped the child would not be killed, and that the gentleman from Missouri [Mr. BENTON] would have it in his power, as father, guardian, or author, to give it all the support and nutriment he wished.

Mr. EWING said he had been charged by the Senator from Missouri [Mr. BENTON] with inconsistency. It was not easy to discuss a report not before the Senate. The committee intended, in making their report, to treat the new States alike, and to place them all on an equality. It was the opinion of the committee, that grants of lands should not be made for these particular purposes. The grant of the ten per cent. was so far a grant for those purposes. The committee did not know of the veto of the bill alluded to by the gentleman from Missouri, and, for one, he could never consent, as a member of this body, to be swerved from his course by the exercise of it. He would not consent to mold his course to meet the executive approbation. He would not be held to act in obedience to executive will. If the motion prevailed to lay the report upon the table, it would place it in the power of the gentleman from Missouri [Mr. BENTON] to take such course in reference to it as he thought proper. He had nothing to do with his [Mr. BENTON's] State, to effect any object here, or any purpose there, but intended to act upon broad principles.

Mr. BENTON certainly had no objection that the Senator from Ohio, or any other Senator, should go on with their business, either public or private, without regarding the action of the President; but he hoped now that he might be understood, and that there would be no necessity for him again to repeat it. What he objected to, particularly, was the taking his bill, which had received the favorable action of the Senate, which had precedent to sanction it, which had nothing extraneous in it, which rested on its own merits, and putting it in another bill which had received the veto of the President, and which, taking into consideration the President's message, it must be known would receive his veto again. The gentleman said he had no object in acting on the State of Missouri; but what was the state of things there some years ago, at the time the vote was taken on this distribution land bill, into which his bill had been so irregularly embodied? There was an election pending there for United States Senator, and his vote on this bill was used against him from one end of the State to the other. To be sure, when the subject came before the General Assembly, they saw and fully understood the circumstances under which he acted, and appreciated the feelings which influenced him to vote against a measure to which they as well as he was opposed on principle, though it did propose to give five hundred thousand acres of land to the State he represented. Now, as to the bill for this grant to Missouri, which he had introduced at the very beginning of this session, and which, though referred to the committee long before this distributive land bill came limping in after it.

Sir, (said Mr. B.,) my Legislature has adopted that bill; and in asking for this grant of five hundred thousand acres condemns this general bill into which the grant is now put; and, having their approbation, he should again vote against this general bill, which, in his opinion, contained so much to condemn. Whatever was the design of gentlemen in making the grant in this way, it was entirely delusive while it was attached to a measure whose fate it must share. Now, with respect to the nurture of those land bills which had been sent to the Committee on the Public Lands. That committee had never, since the organization of the Government, been constituted so unfavorably for the new States as now. How stood that committee? It consisted of Mr. EWING of Ohio, Mr. MOORE of Alabama, Mr. CRITTENDEN of Kentucky, Mr. PRENTISS of Vermont, and Mr. MCKEAN of Pennsylvania—a majority from the old States; the first time this committee had been so organized since he had been in the Senate. The gentleman from Alabama was the only member on it from the new States; for he considered Ohio, in all that respected the public lands, as an old State. She [Ohio] had received large grants of land from the Government, upwards of a million of acres, while the chairman of the committee was from that State, and was opposed to making similar grants to the new States who had received nothing. She had but

little public land remaining to be sold. She was rich and populous, and not at all in the condition with the young States, which had received no grants, or but small grants for internal improvement, and whose population was thin and resources weak. The real new States had but one representative on the committee. It was a committee strangely and strongly organized against the new States, and could not speak and act for them with any knowledge of their feelings and interests. He should not submit in silence to the summary and compendious mode in which that committee had undertaken to dispose of all the petitions and memorials of the new States. He would take the proper time to contest their conduct; to oppose all that they had done against reducing the price of the public lands; against granting them lands for internal improvement, as had been granted to Ohio and some others; against a delusive report for money without any bill to grant money; against the land distribution bill; and above all, he should take the proper time to endeavor to extract his own bill for five hundred thousand acres to Missouri from the stomach of the monster which had swallowed it, and from the guardianship of self-constituted protectors, who have put it where it must die, and whose gratuitous protection had deprived the State of the grant in the bill for four years past.

Mr. EWING said the Senator complained that this bill had been thrust into the land bill which had been vetoed. This bill related to the lands of one State. The committee had first provided for lands generally, and then attended to particular cases, which accounted for the circumstance of this bill coming limping in one day after the general bill.

The reports were then laid on the table.

COMMUNICATIONS FROM THE WAR DEPARTMENT.

The CHAIR communicated a report from the War Department, in reply to the resolution of the 18th instant, stating the office held by Benjamin F. Curry in the Cherokee nation, the compensation paid him, and the act under which he was appointed; and

On motion by Mr. WHITE, the report was ordered to be printed.

The CHAIR also communicated a report from the same Department, showing the amount of expenditures under the appropriations for the military service for the year 1835, and the balance remaining in hand at the end of the year.

LANDS TO MISSOURI.

Mr. EWING, from the Committee on Public Lands, reported without amendment, the bill granting five hundred thousand acres of land to the State of Missouri for purposes of internal improvement; and stated that it was the opinion of the committee that the bill ought not to pass.

NATIONAL DEFENSE.

The Senate then proceeded to the consideration of the resolution of Mr. BENTON, for the appropriation of the surplus revenue to objects of national defense; when

Messrs. GRUNDY, HILL, and LINN severally addressed the Senate on the subject; after which,

On motion by Mr. CLAY, the resolution was postponed till Monday, and ordered that when the Senate adjourns, it adjourn to meet on that day.

ORGANIZATION OF TOPOGRAPHICAL ENGINEERS.

On motion by Mr. WALL, the Senate took up the bill for the better organization of the corps of topographical engineers; and the bill having been read the third time, was passed.

INCREASE OF ENGINEERS.

On motion by Mr. BENTON, the Senate took up the bill providing for the increase of the corps of engineers; and the bill having been read the third time, was passed.

The Senate then adjourned over to Monday next.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 28, 1836.

Mr. JARVIS, from the Committee on Naval Affairs, reported, without amendment, the bill from the Senate supplementary to the act to regulate and fix the compensation of the clerks in the public Departments, passed 20th of April, 1818. Mr. J. stated that the committee recommended that the bill be rejected.

Mr. CRANE, from the Committee on Revolutionary Claims, reported the following bills; which were read twice and committed:

A bill for the relief of the children and heirs of Colonel Thomas Knowlton, deceased; and

A bill for the relief of the legal representatives of Dr. William Johonnet, deceased.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported a bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof; which was read twice and committed.

Mr. CONNOR said he was instructed by the committee to move that an extra number of one thousand copies of the bill be printed.

The SPEAKER said the motion, under the rule, would lie over one day.

Mr. CONNOR moved to suspend the rule, for the purpose of considering the motion at this time; which was lost—two thirds not voting in the affirmative.

Mr. CARR, from the Committee on Private Land Claims, reported the following bills; which were read twice and committed: A bill for the relief of J. Elor Rachal; and a bill for the relief of Paul Poissot.

Mr. INGHAM, from the Committee on Commerce, reported a bill for the relief of Samuel Gilbert and others; which was read twice and committed

Mr. WARDWELL, from the Committee on Revolutionary Pensions, reported a bill for the relief of Weltha Barker, widow of Isaac Barker, deceased; which was read twice and committed.

Mr. GARLAND, of Virginia, from the Committee on Private Land Claims, reported a bill for the relief of William Marbury; which was read twice and committed.

Mr. HOAR, from the Committee on Invalid Pensions, reported the following bills, which were read twice and committed: A bill for the relief of John Bennett; a bill for the relief of Job Wood; and a bill for the relief of George Elliott.

Mr. CUSHMAN, from the Committee on Commerce, reported a bill for the relief of Nathaniel Dennison; which was read twice and committed.

Mr. PATTON, from the Committee on Territories, reported, with an amendment, the bill authorizing the President to cause to be run and marked the boundary line between the territory of the United States and the State of Missouri; which was read twice and committed.

Mr. JARVIS, from the select committee on the public buildings, reported a bill to provide for erecting a fire-proof building for the accommodation of the Departments of the Treasury and State; which was read twice and committed.

Messrs. EVANS, MILLER, and BEALE, from the Committee on Invalid Pensions; Mr. JARVIS, from the Committee on Naval Affairs, Messrs. CARR, and GARLAND of Virginia, from the Committee on Private Land Claims; Messrs. SLADE, and WILLIAMS of North Carolina, from the Committee on Public Lands; and Messrs. UNDERWOOD, MUHLENBERG, and BEAUMONT, from the Committee on Revolutionary Claims—made unfavorable reports upon various petitions; which were laid on the table.

Mr. JENIFER, by consent, presented several petitions; which were appropriately referred.

USE OF THE HALL.

Mr. McKENNAN asked the consent of the House to present a resolution, granting the use of the Hall of Representatives to the Historical Society, on Saturday evening next, for the purpose of holding a meeting of said society.

Mr. McK. said it was understood that the Secretary of War would deliver an address on the occasion.

Objection being made, Mr. McKENNAN moved to suspend the rule, which was agreed to—114 to 42.

Mr. McK. then submitted the resolution indicated in his motion.

The SPEAKER said he had received a communication from a member of the Historical Society, making a request similar to the proposition before the House, which, if permitted, he would present at that time.

It was objected to.

The question being on the adoption of the resolution,

Mr. HAWES said he had always given his vote against every proposition granting the use of this Hall, which was built with the people's money, and for the exclusive use of their Representatives, for the purpose of holding meetings of certain societies. He should continue to oppose these indirect inroads upon the public Treasury. He understood the object of the members of these societies in asking permission to hold their meetings in this Hall. It was to save their own pockets. There was another building in this city which was peculiarly suited for such meetings; but by procuring permission to use this Hall, two or three hundred dollars were taken from the public Treasury on every evening of such meeting to pay for candles, wood, &c., which ought to come out of the pockets of the members of these societies. If it was an object to these gentlemen to save this expense, it was also his right and duty to object that it should be paid out of the public Treasury. It was perhaps a small matter; but if the House yielded to these applications for the use of the Hall they might expect after awhile an application from a dancing society. He was opposed to granting this privilege to temperance, colonization, abolition, or historical societies. He considered them all upon a par. He concluded by calling for the yeas and nays on the adoption of the resolutoin, which were not ordered.

The resolution was then agreed to.

LOSS OF THE FORTIFICATION BILL.

The House resumed the consideration of the following resolution, offered by Mr. ADAMS on Friday last:

Resolved, That so much of the message of the President of the United States to Congress at the commencement of the present session, as relates to the failure at the last session of Congress of the bill containing the ordinary appropriation for fortifications, be referred to a select committee, with instructions to inquire into and report to the House the cause and circumstances of the failure of this bill.

The question pending being the amendment of Mr. WILLIAMS, of North Carolina, giving the committee power to send for persons and papers,

Mr. HARDIN said, he was somewhat struck with the strange course of the parliamentary proceedings of the present session for the last two or three weeks, especially when he compared it with the repeated speeches and declarations of honorable gentlemen. Some two weeks ago, or nearly that, an appropriation bill was called up, appropriating the necessary means for the Navy of the United States. The House was in Committee of the Whole, when a proposition was made by the honorable chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] to appropriate the sum of $2,000,000 over and above the ordinary appropriation for the Navy. These $2,000,000, Mr. H. considered, were what might be called a war appropriation, and they were then pressed to act as speedily as possible on account of the exigency of our affairs in relation to France. One honorable gentleman, whom he was proud to call his personal friend, [Mr. BYNUM,] had upon that occasion finished something like one half or two thirds of a very able and eloquent speech, in which they had been told that there was an American party and a French party, and that the true issue was between the aristocracy and the democracy of the country; and he was sorry the gentleman had not had an opportunity of finishing his speech. Well, the next morning, that measure, so much needed on account of the state of our affairs with France, was put by and the New York fire bill was called up at the special instance of the honorable chairman of the Committee of Ways and Means, who seemed to intimate yesterday that he would not have called up that bill but that he considered it a small matter, which would not occupy more than the morning hour of business. Well, that business was left about one third finished; he said about one third, because he hoped before it was finally finished that both the gentleman and himself would be

heard on the subject. Some day or two after this, when the business in charge of the indefatigable gentleman from Ohio [Mr. WHITTLESEY] was the order of the day, the chairman of the Committee of Ways and Means gets up to make an explanation in reply to an attack made upon him in a paragraph in the Telegraph; and after doing this, the gentleman seemed to throw out an intimation that it was to be followed up by an inquiry into the loss of this three million appropriation and the fortification bill. In an instant up rose the gentleman from Massachusetts, [Mr. ADAMS,] and took the floor with the resolution now before the House. Mr H. would not say there was any understanding between those two gentlemen, by no means, for he was not authorized to say so, but it did seem to him that the circumstance looked that way. All the business, then, was to stand still; the Navy appropriation bill was to stand still; the New York fire bill was to stand still for this. He did not know what to call it; he had heard of Government inquisitions and instructions, but he scarcely knew what to call this. Well, all business was stopped for that. They were every day informed—he could not tell how much was in the information—that France was arming and sending a large fleet; and they all knew—for it was a matter of fact that the Indians and runaways in Florida were at that moment desolating that Territory—one little army had been cut to pieces, another was gone, the women and children were falling victims to the tomahawk, and whole countries, as it were, swept from the face of the earth. Just at the very time all those things were going on what did they hear. Motion after motion was made every morning, for what purpose? To dispense with the rules of the House and take up the time of the House, that the great war minister of the nation should deliver them a lecture upon ancient history! He would declare that it presented the most ridiculous spectacle he ever saw. However, he had no hand in any business before the House, having a very humble and very obscure part to perform, and he therefore felt no share of responsibility at the course that body had taken. They had heard a speech from the gentleman from Massachusetts last Friday of great animation, and, in the opinion of some, of great ability, for it was cheered and huzzaed in the House, a thing never known in any parliamentary body, except in the bloody days of the French convention. Well, after that gentleman sat down, Mr. H.'s friend from Virginia [Mr. WISE] got the floor, and addressed the House something like an hour on Friday, and about two hours and a half on Saturday. It gave Mr H. pleasure to say that the gentleman acquitted himself well, both as to ability and industry, in developing and inquiring into this subject; but his efforts deserved still higher compliment. It showed in these degenerate days a bold and noble daring. Such men were rare; and when he saw the gentleman from New York [Mr. CAMBRELENG] get up, and after a few remarks move an adjournment, he intimated clearly what would happen at some future day; and he intimated at the same time that the gentleman from Virginia would receive scarcely a passing notice. He seemed to consider that the member from Virginia was a champion unworthy of esteem, and also intimating that he had higher game elsewhere. On yesterday what did they hear? He had expected to hear something like Jupiter thundering from Olympus; but instead of that it was the miserable squeaking of a jew's harp.

Mr. H. said he was little acquainted with parliamentary rules; for, though he had been in Congress, off and on, for nearly twenty years, and in legislative bodies for nearly twenty-five years, he had never had any aspirations for the Chair; but he would appeal to every member of the House, he would appeal to the father of the House, whether they ever saw anything like the present resolution? What did it propose? Nothing upon which that House—nothing upon which the Senate—nothing upon which any of the Departments could act. It was an idle, a ridiculous inquiry, why and wherefore the fortification bill did not pass at the last session of Congress. Were articles of impeachment proposed against the members of the last Congress, or against the Senate? No. Was any action of Congress proposed to grow out of it? No. Such a proceeding seemed to him to be a nondescript, the like of which was not to be found "in the heavens above, nor in the earth beneath, nor in the waters under the earth;" never. It might answer the objects of those who had their cue. What use could there be in raising a committee, when no act of legislation of any kind could grow out of it? As the inquiry was then before the House, and as gentlemen who had preceded him, had been indulged with a certain latitude, he must be pardoned in endeavoring to follow them a little through the mazes of their arguments. Mr. H. happened to have the good or ill fortune to be there on the occasion referred to, from the opening to the last scene.

Now let him inquire how, and in what manner, the three million appropriation came up. Had the President of the United States sent a message to Congress, informing them that he wanted to make war preparations against France? Had the war officer of the Government, the Secretary of War, the Secretary of the Navy, sent a communication to the Senate upon the subject? No. Had they any intimation, in any form or shape, on this subject? Not any. A bill had been brought into that House at the commencement of the session, and, according to the computation of the honorable gentleman from Massachusetts, had been before the House some fifty-two or fifty-three days. Well, it was sent to the Senate, and they added something like one hundred and fifty thousand dollars to the bill. It had originally passed the House with perhaps four hundred and fifty thousand dollars of appropriation, and something like one hundred and fifty thousand dollars in addition. Now, whenever the House had agreed to the Senate's amendment, the bill was that moment a law, as soon as the President of the United States had signed it. The House then concurred in that amendment, with an additional one, on the last day of the session, of three millions more. This was done in the latter part of the last day of the session. Did any member of that House officially—no, nor secretly, either to him, for he never knew it, nor ever heard of it until it was offered—say the Secretary of War or the Secretary of the Navy wanted it? Let him ask them, was it a thing remarkable, and one deserving the denunciation of the gentleman from Massachusetts, because they were ignorant, in the dark, and uninformed of the subject, that they did not think proper to vote for it? Certainly not. They were not in the Cabinet secret. They did not know the President wanted them to assume the responsibility.

The bill of indictment framed by the gentleman from Massachusetts had two or three counts. One was against the Senate, another against the members of the House who voted against the bill—though the count against the Senate was rather narrowed down against a prominent candidate for the presidential chair. The count against Mr. H., for he was included in it as voting against the bill, he would endeavor to answer. He voted against the $3,000,000 appropriation because he was uninformed upon it; that was one reason. He voted against it, also, because from his soul he believed it, from its general character, to be unconstitutional. It conflicted with that clause of the Constitution providing that no money should be drawn from the public Treasury unless appropriated by law; and no appropriation could be said to be in compliance with that provision which did not specify—which did not designate—the object of appropriation.

[Mr. H. then read the amendment.] How much (he asked) was designed for the Army? It did not state. How much for the Navy? It did not state. What proportion for the fortifications? It did not state. It was neither more nor less than giving the President $3,000,000, either to expend the whole, or any part, and telling him, "You may expend this for the Army, or the Navy, or for fortifications—just as you choose!" Mr. H. would again ask, if this was appropriating money within the true meaning and spirit of the Constitution? Gentlemen might say they had confidence in General Jackson; but that was no argument. Mr. H. would say he would not put money even into the hands of General Washington, if he were President. It was a dangerous precedent. Why, they might as well give General Jackson $3,000,000, and tell him to expend it under the head of "general welfare;" it would be just as reasonable. He called upon them to look at the tremendous power of the Executive of this country, even within the pale of the Constitution. The President of the United States wielded a more tremendous power at this time than any crowned head in Europe, not even excepting the Emperor of Russia; and there was no means of keeping it within bounds but by Congress. It was a growing, an alarming power; and that House, having the control of the nation's purse, offered the only check to it.

The proposed amendment was a violation (Mr. H. said) of the spirit of the Constitution. It was the only republican feature preserved in the British constitution, from which we had derived it. That feature offered the only barrier which the people of England could interpose against any unpopular ministry, and by which they could check the king on his throne. Nay, even a favorite like Lord Wellington, the conqueror of a thousand pitched battles, was compelled to yield before it. Then, he hoped American citizens would never forget nor resign it. He would now recur a little to the history of this bill.

The gentleman from New York [Mr. CAMBRELENG,] had entertained the House, from time to time, about what moment the bill had been sent to the Senate. The bill came back from the Senate, with their disagreeing to the amendment of the House. A motion was made for the House to recede, which failed; and then it went back to the Senate, with a message, informing them that we refused to recede. The Senate again sent it back to the House, for the purpose of throwing the responsibility upon it; and a committee of conference was appointed, &c. Mr. H. then went into the history of the bill, as recorded on the Journal of the House. He said there was a great deal of business transacted, contrary to the recollection of the gentleman from New York, between the appointment of the committee and the passage of the Cumberland road bill; and if the committee did not retire till then, they were negligent of their duty. The yeas and nays were twice called—sundry other business was done—and a variety of motions made, which must have taken at least an hour and a half. Mr. H. said he himself saw the clock put back at least an hour and eighteen minutes on that night, during a discussion on the judicial circuit bill. Mr. H. went into a minute history of this part of the proceedings. It was true there were some gentlemen who had constitutional scruples about voting after twelve o'clock; and he had been given to understand the President took the same ground.

Mr. H. said he took the same ground with the President of the United States, that the constitutional term of Congress expired at twelve o'clock on that night. He then read, in support of that ground, the resolution of the convention for adopting the Constitution, authorizing the old Congress to fix the day of meeting. The old Congress fixed it on Wednesday, the 4th of March, 1789, and the first presidential term commenced on the same day of that year. To him it was incontrovertible that the expiration of the congressional term was on the 3d of March every two years, and the presidential term on the same day every four years. The law took no notice of a fraction of a day. Mr. H. then quoted from Blackstone's Commentaries to show that the year was always, in law, held to be completed the day before the term commenced. The question then resolved itself into this, when did the 3d of March terminate? Supposing a man were indicted for a crime done on Saturday, when it was proved he did it after daybreak on Sunday, would it stand? He was positive that the committee could have reported before twelve o'clock, if they had pleased. Was the Senate of the nation to be arraigned at the bar of public opinion, and censured, because they refused to vote an appropriation of three millions, when they heard nothing of it till after dark? The gentlemen from Massachusetts said they knew of it, on account of the resolution unanimously adopted, but that resolution was not unanimously adopted. It was amended after Messrs. Archer, Binney, and Mr. H. himself had

severally addressed the House against it, and the words "*at all haza ds*,"—that the "House would abide by the treaty *at all hazards*," were struck out. It was opposed as a menace, a threat, little less than an insult, to a proud and noble nation, and was opposed by those gentlemen and struck out. This amendment he knew was adopted after Mr. H. had himself addressed the House. He well recollected the three or four speeches of the gentleman from Massachusetts, [Mr. ADAMS,] whose sentiments were Janus-like, the face sometimes one way and sometimes another, and Mr. H. had asked him, upon that occasion, which was his last will and testament.

Mr. H. then went into a brief review of the present condition of the French question. He could not censure the conduct of the King of the French, who had done everything that could be expected from him up to the last session. Let him ask why it was that the gentleman from Massachusetts had not displayed his chivalry under Charles X.? The organization of the French Government gave to the Deputies of the people the right over all appropriations. That republican feature was precisely the same in France as in our own country. Mr. H. deprecated any war with that nation; but whenever our honor was involved he would be willing to fight France or any other country. Who was it that really insulted us? Bonaparte, Louis XVIII., and perhaps Charles X.; but not Louis Philippe. The French nation may have broken faith with us, and Mr. H. would insist upon the treaty; but it was a mere money bond transaction. If France were to insult us, to menace us, he would instantly arm; but on a money transaction he would first weigh the costs of the suit. Were our one hundred and fifty millions of imports, one hundred and twenty millions of exports, our thousand ships engaged in the fisheries, &c., all to be hazarded for the sake of about five millions, a great portion of which would go into the insurance companies of England? Until something more took place than he now knew of, he would not vote one dollar of appropriation for war preparation. He would not, however, that the American Government should make an apology for a hundred millions, nor a hundred to that, for he was utterly opposed to this nation doing anything to injure her proud stand among the nations of the earth.

Mr. H. hoped the question would not be discussed with reference to the presidential election; but that they should consider it apart from all party considerations. He hoped, however, that the nation would not be dragooned into a war by the cry of French party. He was opposed to any war with France; but if we should become involved in a contest, he would consider himself a traitor if he did not vote for every war measure. It was extraordinary that the friends of one gentleman, who had never smelt powder in his life, should be striving to drive us into a war; whereas the friends of one who had been a soldier from his youth—for Mr. H. avowed himself in favor of General Harrison—were for peace, and were denounced as the French party. It was all done for the benefit of the office-holders and the office-hunters.

Mr. H. indignantly repelled the imputation cast upon those who voted against the three million appropriation, of being man-worshipers as insinuated in the speech of the gentleman from Massachusetts, and quoted Mr. Adams's letter in reply to an invitation to a dinner in August, 1834, in which he eulogized the Senate for their opposition to the Executive, and the removal of the deposits, contrasting it with his remarks in the House the other day. Mr. H. concluded by referring to the gentleman's course on the abolition question, and by an earnest appeal to that God who had protected our country in the revolutionary struggle, to dispel the dark cloud now impending over us.

Mr. EVANS said, he was very glad, after several ineffectual efforts, to have got an opportunity to address the House, because he was fearful, from indications, that the present debate would be cut short. He was one of those who voted to suspend the rules, to admit the resolution, and he did it, not because he had desired discussion, but because he would not shrink from it. He was as desirous to see the public business progressing as any man, and his course heretofore would show it; but he would say that when gentlemen see proper to make charges, he would meet them. He thought the manner in which the resolution under consideration was got up looked very much like a concert between the gentleman from New York [Mr. CAMBRELENG] and the gentleman from Massachusetts, [Mr. ADAMS.] When it came up, the great business of the nation was to be laid aside, and the honorable member must have been aware that the resolution would elicit a warm debate. The gentleman from New York has been charged with the loss of the appropriation bill of last year. Let him meet that charge, and not try to get off from it by making a new issue. The President of the United States had alluded to this matter. Why does he go to our Journal, and endeavor to show where the bill was lost. It was extremely singular that the gentleman from Massachusetts should have offered such a resolution, and that he should have examined the parliamentary practice in England for the last hundred years to show that the Senate had treated the House with disrespect; and then called on the Speaker, and the oldest member, and the youngest member in the House, to know whether there had ever been such a message sent from one House to the other. Did the honorable gentleman find a precedent for the resolution which he had offered, instituting an inquiry into the conduct of a preceding Congress? He did not say that he had not; but he asked the question. If he did not find a precedent, then it would stand alone, like the honorable gentleman said the Senate message stood. But most extraordinary of all was, that the gentleman should accompany the resolution with a speech; and in that speech he said it was all for the sake of harmony; and the gentleman said, before the House and the country, that he would keep within the spirit of the rules, which rules said that allusion must not be made to any transaction of the other body. He left it to the gentleman himself to say how sincere he was in his declaration. He did not, to be sure, allude directly to that body, but transferred it to a printing-office, and made it a personification of sentiment.

Mr. E. certainly had not expected such a resolution from the gentleman from Massachusetts. The loss of the fortification bill had nothing to do with the present House. If the gentlemen go on with a vindication of the character of former Congresses, where would it stop? How far should they go back? The gentleman not only made a general charge against the Senate, but went into a specification. He said the temper of the Senate was bad. He says they voted to adhere, and that was an instance of want of temper. Did the gentleman not know that it was a late hour in the evening when the bill went to them? Decorum might have given way to save the bill. He believed the Senate had come to the determination never to grant the $3,000,000, and the sooner the House knew it, the better; because it enabled the House to put it in a shape that the Senate could vote for it. The gentleman from Massachusetts had said that the clause appropriating $3,000,000 was introduced in consequence of the unanimous vote of the day previous, on the resolution insisting on the fulfillment of the treaty; that it was carrying out what that resolution contemplated; and that every member of the House knew it. The House adopted that resolution on the ground of its specific character. The resolution as first reported was exceptionable. It spoke of insisting on the treaty at all hazards. But the House struck out "all hazards." It was then adopted, because it was tapered down and softened until it suited all parties. If it had been avowed that that resolution was to be the forerunner of a $3,000,000 appropriation, it could never have passed unanimously. We voted for it because it did not permit us to do anything. The gentleman from New York said, that when we voted that resolution we were bound to go one step further, and vote money to accomplish it. If gentlemen had avowed that on the passage of the resolution, it would not have got through; one speech against it would have defeated it. At what time did the gentleman from Massachusetts come to the conclusion that extensive appropriations ought to be made for the defense of the country? We were favored during the last session with several speeches from the gentleman on the same subject. The committee had submitted a plan for the defense of the country, which was, to sell the government stock in the United States Bank, amounting to $7,000,000, and apply the money to that object. When the subject came up in the Committee of the Whole, the gentleman from Massachusetts said that it was a most extraordinary proceeding, by which $7,000,000 were to be expended in a windmill war with France. In another part of that speech he said he would pledge himself to the nation there would be no war. Well, there was no war, but the principal reason was, because the $3,000,000 had not been appropriated. Three days afterwards the gentleman said the nation was in imminent peril. If the nation was in imminent peril, why did he not say so three days before. The gentleman, in his charge on the Senate, was extremely respectful to members of the House—their motives were not to be questioned. He vindicated the motives of those who disappeared behind the pillars, so that no quorum could be formed. They were treated respectfully, yet the Senate had no right to constitutional scruples. On the 7th of February (he said) the Senate had dodged the question, and on the 14th he explained what he meant; and so far from censuring it, if he had his way, he would move the House to come to the same resolution. The Senate (he said) had acted, and he blamed the House for not acting. There was anything but a charge against the Senate.

Mr. E. had been astonished to see the contradictory speeches of the gentleman from Massachusetts, [Mr. ADAMS.] The gentleman said the constitutional scruples of the Senate dwindled down to a mere matter of dollars and cents. The objections were not to the amount, but to the form of the appropriation. It was voting $3,000,000 without object; throwing it into the hands of the President to be used at his discretion. The Senate thought it was unconstitutional, and that was enough for him. They acted up to their understanding of the Constitution. Mr. E. voted against the three million appropriation, and should do so again—not because he was unwilling to defend the country. The Journal would show that he had voted for every defense of the country, and for the highest sum. He had voted in the minority for appropriations when the majority were the very same men who are now charging us with the loss of this bill A gentleman from South Carolina desired an increase of appropriation for fortifications, and the argument used in opposition to it was an economical Administration. They did not pride themselves upon what they had done, but upon what they had left undone. When we told them the time might come when these fortifications might be needed, they talked about economy and retrenchment. About three years since he wished to get an appropriation for the defense of the State of Maine, but he could not get an Administration man to stand by him. He saw when danger came it would be but a poor time to act; a midnight vote could not build up impregnable defenses. He had voted against the three million appropriation, but he must confess that he was at a loss to know how to vote at present. If the country was in peril, he would go as far as him who went farthest; but if it was not, he would not vote a dollar. He knew not which was best, whether to vote for appropriations, or to take up opinions, which were somewhat current, that the country was in no peril—that there was no danger at all. He would now say a few words with respect to the loss of the fortification bill. The Senate did not cause its failure. It was lost by adding $3,000,000 to it. The House had the right to make the addition, but the Senate had the right to not vote for it. When the bill came back from the Senate, the gentleman from New York [Mr. CAMBRELENG] moved that the House adhere, and said he would let the Senate take the responsibility of defeating it Was it the fault of the Senate alone? As to that he had only to say that each House was to be the judge for itself. But the Senate must be brought down; it must vote the appropriation in any shape the House and the President might choose to receive it.

After the conferees returned, all of a sudden there seemed to be a great desire to defeat the bill. How it got into the House he would not pretend to say. Did the member from Alabama show any desire to defeat it? Did the Senate show any desire to defeat it? Did we, who voted to recede, show a desire to defeat it? Certainly not. We tried to get it through, but we tried in vain. Read the names of those who voted before twelve o'clock, and of those who voted after that hour, and it will be seen who defeated the bill. But gentlemen say they had constitutional scruples. Very few expressed such scruples—certainly not more than four or five. The gentleman from Georgia [Mr. GILMER] did express such scruples; but he did not remain in the Hall to embarrass the business. No, sir, he went out of the door and never returned. He went out like an honorable man, and left others to act. He had no part or lot in the disturbances of that night. Every man knows we had a quorum whenever we wanted one. There was a quorum when the Letcher and Moore resolution was taken up. The resolution was to pay Mr. Letcher for his services in Congress, to which was added an amendment to pay Mr. Moore also; the previous question was got on the resolution, which cut off the amendment to pay Mr. Moore, and then suddenly no quorum was to be found. There was another experiment resorted to to get the bill through. A call of the House was demanded; but the gentleman from New York protested against a call, saying, who would answer to their names? It was the pride of the party not to answer to their names. He did not say that gentlemen were afraid that the bill would pass, but it looked very much like it. When the motion was made that the House adjourn, in consequence of having finished its business, the gentleman from New Jersey [Mr. PARKER] rose in his place, and said the House had not finished its business; that the fortification bill had not passed; and he prayed the House to take it up and pass it. The House had it in its power to have passed the bill at that time. The gentleman from Massachusetts rose, and said there was a quorum in the House, and that the bill could be passed; but he was answered with loud cries of "order," order!" Disdisorder prevailed, and the bill was lost.

Mr. E. said it was extremely painful to him to be compelled to make the remarks which he did. He could not, however, sit still and hear charges made against a high-minded, honorable man, and that, too, by personified sentiments. It was not for him to defend him; his life, his services, and his history belonged to the country. Such charges will not shake the firmness of his friends; they will rally around him, let who will desert him.

When Mr. E. concluded his remarks, several members rose and addressed the Chair.

Mr. BYNUM obtained the floor, but the hour being late, he moved an adjournment.

EXECUTIVE COMMUNICATIONS.

At the request of the Chair, Mr. B. withdrew his motion, and, by unanimous consent, the following communications were presented by the Speaker:

I. A message from the President of the United States, transmitting the annual report of the Inspectors of the Penitentiary in the District of Columbia; which was laid on the table, and ordered to be printed.

II. A letter from the Secretary of War, transmitting, in pursuance of a resolution of the House of the 12th instant, a report of the engineer in reference to the works at the eastern termination of Lake Erie; which was referred to the Committee on Commerce, and ordered to be printed.

III. A communication from the Postmaster General, transmitting a list of the clerks employed in his Department, and the compensation of each; which was laid on the table, and ordered to be printed.

IV. A letter from the Secretary of the Navy, transmitting a list of pensioners; which was laid on the table, and ordered to be printed.

V. A letter from the Secretary of War, communicating a report, pursuant to the act of May 1, 1820, from the Second Comptroller, exhibiting the amount of certain expenditures for the year 1835, and the balances on hand at the close of that year; which was laid on the table, and ordered to be printed.

The House then (at half past four o'clock, p. m.) adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 29, 1836.

Mr. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of James Heron; which was read twice and committed.

Mr. STANDEFER, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs and legal representatives of Captain Pressly Thornton, deceased; which was read twice and committed.

Mr. W. B. SHEPARD, from the Committee on the District of Columbia, reported a bill to extend the jurisdiction of the corporation of the city of Washington; which was read twice and committed.

Mr. INGERSOLL, from the Committee of Ways and Means, reported a bill making an appropriation for the Military Academy of the United States for the year 1836; which was read twice and committed.

Mr. HAMMOND, from the Committee on Private Land Claims, reported a bill for the relief of John Borey; which was read twice and committed.

Mr. CHAPIN, from the Committee on Revolutionary Claims, reported a bill for the relief of Joseph Prescott; which was read twice and committed.

Mr. WASHINGTON, from the Committee on the District of Columbia, reported a bill amendatory of the act to incorporate the Provident Association of Clerks in the civil departments of the Government of the United States, in the District of Columbia; which was read twice and committed.

Mr. HAWES, from the Committee on Indian Affairs, reported a bill for the relief of the legal representatives of William Anderson, deceased; which was read twice and committed.

Messrs. WHITTLESEY and DAVIS, from the Committee on Claims; Messrs. STORER, BOND, and FRY, from the Committee on Revolutionary Pensions; and Mr. LAWLER, from the Committee on Private Land Claims, made unfavorable reports on various petitions; which were laid on the table.

LOSS OF THE FORTIFICATION BILL.

The House resumed the consideration of the following resolution, offered by Mr. ADAMS on Friday last:

Resolved, That so much of the message of the President of the United States to Congress at the commencement of the present session as relates to the failure at the last session of Congress of the bill containing the ordinary appropriation for fortifications, be referred to a select committee, with instructions to inquire into and report to the House the cause and circumstances of the failure of that bill.

The question pending being the amendment of Mr. WILLIAMS, of North Carolina, giving the committee power to send for persons and papers.

Mr. BYNUM said it was with sincere regret that he found himself compelled to address the House on the present occasion; but he had rights which he was bound to sustain whenever they were invaded by friend or by enemy. He had not risen for the purpose of making anything like an electioneering speech. He protested against electioneering for Presidents in the House, and in every other legislative body. The people of the United States, in their sovereign capacity, had the exclusive right to do that; and the House of Representatives never should make a President. He knew that there was an opinion abroad that in the Congress of the United States was combined the greater part of the intelligence, and some had thought that it contained the greater part of the virtue of the country; but he was not one of those who subscribed to that doctrine. He believed there was to be found more virtue and intelligence out of Congress than in it; and he felt proud that it was so.

So long as the people were intelligent and virtuous, Mr. B. feared no usurper in the White House; nor league of demagogues in any other branch of the Legislature. He would not be the Cato on that floor to electioneer for any man for President, nor did he believe that any effort made there would make one. The present Congress stood redeemed on that subject. Not many years since, a President was attempted to be made in another quarter. Denunciations of a serious nature were made against him, and the people were called upon to sustain them. What did the people say? They said, "Away with your denunciations; we call for facts, and will be governed by facts;" and the people did decide. But nothing daunted with that, they are trying to play the same game over again. The batteries had been opened on that floor, for the purpose of firing away on public opinion. He came here for the purpose of discharging his duty as a Representative of the people, and would do that fearlessly; but he did not come here to make a President, or to unmake one. The gentleman from Virginia had told us, that, upon the issue of the question under consideration, depended the presidential election. He admitted the superior sagacity of that gentleman, but for the life of him he could not determine how its termination would either make Judge White or Martin Van Buren President. The gentleman from Virginia had said, that he [Mr. BYNUM] had thrown obstacles in the way of an examination to prove corruption in certain gentlemen of the House. He was at a loss to know what the gentleman meant. He would go into an investigation as far as that gentleman dare go.

Mr. WISE said he did not charge the gentleman with throwing obstacles in his way. The gentleman could throw no stumbling block in his way. He did say that the gentleman had been very particular to say that it was not proved that the House was responsible for the failure of the appropriation bill. He did not know whether that was meant or was not meant; and he was not disposed to join issue with the gentleman.

Mr. BYNUM was glad to find that the gentleman did not accuse him of throwing obstacles in his way. He was opposed to no investigation. But the gentleman from Virginia had made a serious charge against some of the most prominent members of the House, and against the President of the United States. He understood the gentleman to say that the $3,000,000 appropriation was procured, or attempted to be procured, by certain individuals in the House, for secret service money.

Mr. WISE said he repeated, that he understood that the chairman of the Committee of Ways and Means knew that the President desired it, and the chairman of the Committee on Foreign Affairs had told us that he knew of it; but, instead of communicating it to the House officially, they only informed a few individuals of it, and told them to say nothing about it.

Mr. BYNUM said the gentleman had not answered him at all. He would go with the gentleman, if he would accept of his feeble company, in the investigation. He asked him again if he understood him right when he said the appropriation was to be procured for secret service money?

Mr. WISE said he had answered the question, and he thought the gentleman from North Carolina was in the secret; but, as he was not, he would ask the honorable Speaker of the House, who ought to tell; he would ask honorable members of the House if the appropriation was wanted for secret service money, or was it wanted for the defense of the country?

Mr. BYNUM said he asked for a direct answer. He had understood the gentleman to have made the assertion directly. If the President had attempted to impose on the House for the purpose of extracting $3,000,000 for secret service money, he was for carrying the investigation to the White House. He was for probing it to the bottom. If he understood the gentleman right, he was for purging the House of corruption, and the White House for despotism. Mr. B. said he had not the ability, he had not the intellectual power to do that; and if the gentleman from Virginia had, Judge White might step aside, and he would go for him for President, because he could do more than any other man in America. But he thought he understood the gentleman to oppose the resolution under consideration. He thought the gentleman ought to have seen the necessity of adopting the resolution, or something like it,

for the purpose of enabling him to carry on his investigation. The gentleman from Virginia had also said that there was a trained band in the House, but the gentleman did not tell us who belonged to that trained band. It was but a short time since the gentleman professed to belong to that same band.

Mr. WISE said, let me plead not guilty of belonging to that band—never in my life.

Mr. BYNUM said that the gentleman had been elected by professing to belong to that party; and if Mr. B. understood him rightly, he was favorable to the principles of the present Administration, and came to Congress a supporter of the President; and he appealed to the members who were in Congress at that time to sustain him in the assertion.

Mr. WISE said, when he spoke of the trained band, he meant the trained band of the party on the night of the 3d of March, 1835; and he begged leave to make a distinction between the friends of the President and the friends of the party.

Mr. BYNUM said he confessed that the gentleman had got into an inexplicable difficulty. He had divided the friends of the President from the friends of the party. He saw that the gentleman's perspicacity was too keen for him to follow. The gentleman had stated, in the commencement of his harangue, that he would tell the whole truth; but he had not told us that there were presidential partisans on the other side of the House. There were other parties besides the Van Buren party. There were a number of gentlemen elected under the influence of the President's name, but when they came to Congress they were suddenly changed to the other side.

ORDERS OF THE DAY.

Mr. B. was proceeding in his remarks, when

Mr. ASHLEY moved that the House proceed to the orders of the day.

Some conversation took place between Messrs. WHITTLESEY, BELL, PATTON, WISE, PEYTON, ADAMS, EVANS, and the CHAIR, as to the right of the gentleman from Missouri to submit the motion for the orders of the day, the House having suspended the rules, in order to enable the gentleman from Massachusetts to introduce the resolution under discussion.

The SPEAKER decided that the motion was in order, and that the pending debate, under the rules, could only be continued at that time by a vote of two thirds.

Mr. WISE then moved to suspend the rules, for the purpose of permitting the dicussion on the resolution to progress, and called for the yeas and nays on his motion; which were ordered, and were as follows,

YEAS—Messrs. Chilton Allan, Bell, Bond, Bunch, John Calhoun, Cambreleng, Campbell, Carter, Childs, Nathaniel H. Claiborne, Clark, Cleveland, Cushing, Denny, Rice Garland, Granger, Grayson, Griffin, Hammond, Hardin, Harper, Ingham, Jarvis, Lincoln, Love, Sampson Mason, Maury, McComas, McKay, McKennan, McKeon, Mercer, Miller, Milligan, Muhlenburg, Franklin Pierce, Pettigrew, Peyton, Rencher, Robinson, Russell, Shields, Spangler, Storer, Waddy Thompson, White, Lewis Williams, and Wise—48.

NAYS—Messrs. Adams, Heman Allen, Anthony, Ash, Ashley, Banks, Barton, Beale, Bean, Beaumont, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Burns, Bynum, William B. Calhoun, Carr, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, John F. H. Claiborne, Coles, Conner, Corwin, Craig, Cramer, Crane, Cushman, Davis, Deberry, Philemon Dickerson, Dickson, Dromgoole, Dunlap, Effner, Evans, Everett, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, James Garland, Gillet, Glascock, Graham, Graves, Grennell, Haley, Joseph Hall, Hamer, Hannegan, Hard, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Heister, Hoar, Holsey, Hopkins, Howell, Hubley, Hunt, Huntington, Ingersoll, Joseph Jackson, Janes, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Lawrence, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McKim, McLene, Montgomery, Moore, Morgan, Morris, Owens, Page, Parker, Patterson, Patton, Dutee J. Pearce, James A. Pearce, Phelps, Phillips, Pinckney, Potts, Reed, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shinn, Sloane, Smith, Sprague, Standefer, Steele, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Washington, Weeks, Whittlesey, and Williams—160.

So the House refused to suspend the rules.

Engrossed bills of the following titles were then read the third time and passed:

A bill for the relief of James Tilford;
A bill for the relief of Pierce and Van Voorhees;
A bill for the relief Joseph Cooper;
A bill for the relief of Thomas F. Townsley;
A bill for the relief of the heirs of Franzoni and Jardella;
A bill for the relief of the representatives of William Findlay;
A bill for the relief of Marinus W. Gilbert;
A bill for the relief of Richard Hardesty;
A bill for the relief of David Bartlett;
A bill for the relief of William Baker, of New York;
A bill for the relief of Doctor William Baker, of the District of Columbia;
A bill for the relief of Daniel Whitney;
A bill for the relief of Andrew Dodge;
A bill for the relief of Nathan P. Tatum;
A bill for the relief of Benjamin F. Stickney;
A bill for the relief of John McDonnell;
A bill for the relief of Henry Knowles, sen.;
A bill for the relief of John Pollock;
A bill for the relief of Daniel Homans;
A bill for the relief of Owen Rice, and others, representatives of Jacob Eyerly;
A bill for the relief of Lieutenant Washington Seawell;
A bill for the relief of Russ and Roach;
A bill for the relief of Jane Taylor and children;
A bill for the relief of the representatives of Wille Blount;
A bill for the relief of Laurentius M. Eiler;
A bill for the relief of Moses Bliss;
A bill for the relief of David S. Campbell;
A bill for the relief of Saunders and Putnam;
A bill for the relief of the executors of Charles Wilkins;
A bill for the relief of Stephen Crittenden;
A bill for the relief of Jacob B. Gilbert;
A bill for the relief of Joel Sartain; and
A bill for the relief of the representatives of Thomas Beaucham.

Mr. UNDERWOOD moved to reconsider the vote on the passage of the bill for the relief of Nathaniel P. Tatum; which motion was postponed until Friday next.

Mr. HAWES moved to suspend the rules in order to enable him to submit a motion for an adjournment over to Monday. Lost—84 to 61; two thirds being requisite.

Mr. ANTHONY moved an adjournment; which was carried—ayes 62, noes 59.

The House then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 30, 1836.

The question of order arising on the appeal from a decision of the Chair, taken by Mr. ADAMS on the presentation of a petition praying the abolition of slavery and the slave trade in the District of Columbia, having been postponed to this day,

Mr. ADAMS said, that the House had already decided the question of appeal upon another petition. He should, therefore, move to lay his motion on the table.

After some conversation between Messrs. BRIGGS, ADAMS, and the CHAIR, Mr. ADAMS withdrew his appeal, and the question on the reception of the petition was laid over to Monday.

Mr. R. M. JOHNSON, from the Committee on Military Affairs, reported a bill authorizing the President of the United States to accept the service of volunteers.

The bill was read twice; and, on motion by Mr. JOHNSON, committed to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. DROMGOOLE, from the Committee on Military Affairs, reported a bill for the relief of Henry Lee; which was read twice and committed.

Mr. MILLER, from the Committee on Invalid Pensions, reported a bill granting a pension to Samuel Cole; which was read twice and committed.

Mr. PINCKNEY, from the Committee on Commerce, made a report, accompanied by a resolution, on the subject of weights and measures; which was committed to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. WILLIAM B. SHEPARD, from the Committee on the District of Columbia, reported the following bills; which were read twice and committed: A bill to amend an act to incorporate the Medical Society of the District of Columbia; and a bill relating to the orphans' court of Alexandria county, in the District of Columbia.

Mr. BEALE, from the Committee on Invalid Pensions, reported a bill for the relief of John F. Wiley; which was read twice and committed.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of Louis Durett; which was read twice and committed.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill granting a pension to James Stevens; which was read twice and committed.

SUFFERERS IN FLORIDA.

Mr. WHITE, of Florida, asked the consent of the House to submit the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be authorized to cause rations to be delivered from the public stores to the unfortunate sufferers who have been driven from their homes by Indian depredations in Florida, until they can be reëstablished in their possessions, and enabled to procure provisions for the sustenance of themselves and families.

Objections being made, Mr. WHITE moved to suspend the rules, in order to enable him to submit his proposition; which was agreed to.

The resolution was then read.

Mr. WHITE said it was not his intention to occupy the time of the House further than to say that five hundred families were, by the last accounts, driven from their homes, and were utterly destitute. He could not persuade himself that there was a member on that floor who would refuse to vote for this resolution, because, by the bill passed the other day the President of the United States had no power to afford the relief contemplated and so imperiously needed. He would take that opportunity to express his grateful acknowledgments for the unanimity, the almost unexampled unanimity displayed on that occasion; and he hoped the same feeling would be displayed on the present. Mr. W. then went on to describe the late action in Florida, and the situation of the inhabitants there, substantially the same as has heretofore appeared in the papers of the day, and moved that the resolution be engrossed for a third reading.

Mr. W. added that he had called upon the Executive to know whether, under the former appropriation, he considered himself authorized to give the order required by this resolution, and the President answered he could not, but that it would afford him great pleasure to give the order if Congress would give him authority to do so. Under these circumstances Mr. W. felt the necessity of pressing the passage of the resolution without delay.

Mr. WHITTLESEY did not design to oppose the resolution, though he would remark that the power had been before assumed by the officers of the Government, particularly in the case of Michigan Territory, but he could not avoid saying he thought the resolution was too indefinite, and made provision equally for the distressed and the wealthy, where he thought there should be a distinction. It was also indefinite as to time, and he thought some discretion should be vested in the Executive as to when the sufferers should return to their homes. So long as they were in indigent circumstances, for one he was desirous to give them provision from the public stores, but while the House did that, they ought to guard and protect itself from abuse. He hoped, therefore, that the gentleman from Florida would himself propose an amendment to the resolution, so as to limit its operation to those who were unable to provide for themselves, and either fix a time, or leave it to the discretion of the Executive, when it should cease.

Mr. BOON was not opposed in principle to the relief sought for, but he really thought the latter

clause of the resolution entirely too indefinite. The people of Florida were to be provided for until they should be able to sustain themselves. It seemed to him that such a clause as that was little short of making life pensioners, for some of them might say they were never able to sustain themselves. He would not go so far as to say this would be the case, but that the clause was open to that objection was obvious.

Mr. BEALE moved to strike out all after the word "possessions."

Mr. WHITE assented to that as a modification of the resolution, and moved a limitation in the following words: "Or so long as the President shall consider it necessary."

Mr. PARKER would still suggest that the time be made more definite—say two or three months, when the present necessity would either be relieved, or Congress have had an opportunity to act advisedly upon the subject.

Mr. WHITE hoped the gentleman from New Jersey [Mr. PARKER] would not press such an amendment, for it was impossible to say how long these people might be kept from their houses. The last advices informed us, that more than five hundred families were now in this distressed situation, already reduced almost to a state of starvation, and the officers of the United States had no power to relieve them. General Scott was on his way to the scene of warfare, and the most effective measures would be adopted by the Government to put down the Indians; but it was impossible to calculate how long it would take to do so. He hoped the resolution would not be delayed; and he was sure that, in confiding the subject to the present Chief Magistrate, he would provide for the sufferers only so long as they should be really in want of it.

Mr. PARKER would still suggest to the gentleman to modify his resolution by some limitation as to time. Mr. P. did not desire to throw any obstacle in the way of its passage; but, on the contrary, to facilitate it by rendering it free from objection. He presumed, of course, there were only the quantity of rations sent for the troops now there, and it might be that the call, in consequence of this resolution, would be the means of reducing the army itself to a state of starvation. He was willing to vote for any specific measure for the relief of the inhabitants of Florida, and he would recommend the introduction of a bill for $50,000 at once for that purpose.

Mr. EVERETT wished the resolution amended so as to include the friendly Indians in its benefits, a considerable body of whom, he was given to understand, had joined our forces.

Mr. WHITE said he would accept such a modification, but that the friendly Indians now received rations from the army, with whom they were operating, as they had declared war against the hostile party. The former, however, were only a small body, amounting to about sixty in number, and not so large a force as the gentleman supposed.

Mr. WILLIAMS, of Kentucky, proposed a further amendment, to insert after the word "sufferers," "who are unable to provide for themselves."

Mr. BOON suggested that the adoption of this amendment would present a difficulty in consequence of the want of a tribunal.

Mr. WHITE remarked, that he would accept the amendment if the spirit of it was not already sufficiently provided for in the resolution.

Mr. WILLIAMS, of Kentucky, said it was well known that there were sufferers to a certain extent, and it should be the object of Congress to afford them relief; but, then, relief should only extend to those who were unable to provide for themselves. He wanted to restrict the commissary from issuing rations but to those only who had suffered, and were without the means of relieving themselves. The resolution, as it stood, was too general, and a hundred thousand might get the benefit of it, rich as well as poor.

The amendment was then agreed to without a count.

Mr. PARKS asked, whether there was any precedent for such resolution? It seemed to him to be important that they should not establish precedents which might be the means of taking away thousands and millions from our treasury. He felt as much for those sufferers as any other man, but he deemed it worthy of consideration, that we should not act without a precedent. He thought the House ought to reflect, and take time to consider the matter; and he therefore hoped the consideration of the resolution might be laid over at least till Monday next.

Mr. PATTON was glad the gentleman from Maine had made the inquiry; but it was necessary to make still further inquiry—not whether there was any precedent for such resolution, but whether there was any principle upon which it could be sustained. He believed that there was no conceivable object, no motion for which gentlemen might not find a precedent, or make an argument which would afford a precedent. It seemed to him that, instead of searching after precedents—instead of being carried away with sympathetic appeals, we ought to look to precedents as beacons of warning. A savage war had broken out, carrying with it all the calamities which war usually brought, and a proposition brought before Congress, not only to take away the public stores from their proper destination, but that it shall provide means of sustaining those people who have suffered from the calamity, until they shall be restored to their possessions. He admitted that the exigencies of the case might demand something to be done for their relief; but we ought to be careful how we dispose of the public property. It was but a few years ago when the bill for the relief of the inhabitants on the Niagara frontier was before the House, and it was opposed by many of the most talented men then in Congress. It eventually passed for their lief, but with such restrictions and limitations as made it entirely free from objections. Every one must agree, that everything should be done which can safely be done for the relief of the people of Florida; but before we do it we ought to examine the resolution, so that we may not go beyond what we are called upon by our oaths to sanction.

Mr. GRANGER said, that in the little time he had been in Congress there was nothing which had gratified him so much as the prompt manner in which the House had stepped forth in making appropriations for carrying on the war in Florida, and that, too, without any communication being made to it. While a newspaper discussion had been going on, as to whether censure should rest with the Departments of the General Government, for the breaking out of the Indian war, the House, on its own responsibility, stepped forth to make provision for carrying on that war, although no requisition had been made by the Chief Magistrate.

Mr. CAMBRELENG explained. He thought great injustice had been done to the Departments by the press and elsewhere in relation to this subject. The House had received information from the War Department, and they acted upon the very first document sent in. They had also received a subsequent communication from the same Department, with all the documents in relation to this Indian war. Mr. C. had seen, with very great surprise, that, from the debate which occurred in the Senate the other day, those documents did not go with the bill from that House. He could only say, they came into the House with the bill; they contained every detail, and all the circumstances relating to this war; and if they did not go to the Senate with the bill, he was greatly surprised at it, for they ought to have gone. There was no fault with the Executive, nor with the War Department, nor with the Committee of Ways and Means.

Mr. GRANGER resumed. He said, if the gentleman had heard him out, he would have found that the President would not have been censured; but as he had chose to challenge it, he would say that the history of the nation presented nothing like the silence of the Executive on the subject. He would say that, while the halls of Congress had been ringing with eulogiums of the present Administration, and while searches had been made after the bones of dead bills, no communication had been laid before the House in relation to the Seminole war, whether as a communication from the Secretary of War, or from the chairmen of any of the committees. We have been engaged in hunting up pretexts for a foreign war, while we have war enough of our own upon our hands. The war-cry is upon our frontier; women and children are slaughtered, and death and devastation are scattered along the plain; and the Government have been silent. He would not have said thus much if the gentleman had not cut short what he intended to say. If he understood the situation of Florida, it was but sparsely settled, and had no fertile and luxuriant country surrounding it, as was the case on the Niagara frontier; and when those sufferers had been driven from their homes by a savage foe, they had to fall in with the army for protection; and, unless the arm of Government was extended to their relief, they must inevitably starve. He wanted no precedent in legislating for a suffering people. He believed the Constitution provided for the relief and protection of the citizens of the United States; and when that protection was extended the people would feel that they were members of one common family.

Mr. LANE said he regretted the gentleman from New York, [Mr. GRANGER,] for whom he entertained the kindest feelings of respect, had not sought a more fit occasion to indulge in bitter remarks against the Executive and those who sustain him in this House. The resolution has for its object the immediate relief of the citizens of Florida, whose country has been desolated, whose houses and property have been destroyed, by an unexpected savage war upon its innocent and defenseless inhabitants—men, women, and children, in a state of starvation—a scene that can but call for the commiseration of every sympathetic bosom. Yes, sir, upon this resolution, calling for action and unanimity, the honorable gentleman from New York has deemed it his duty to arraign the Executive for neglect of duty, for being deaf to the cries of women and children, while the scalping-knife is urged to its bloody office—that this House, instead of suppressing this war, and defending the country, have been seeking other cause of war, and hunting for the buried of the last session. Mr. Speaker, with what justice are those charges made? The honorable gentleman from Florida [Mr. WHITE] has informed the House again and again, that the President of the United States has promptly done all in his power to suppress the savage and relieve the country. And whenever the subject has been presented to this House, it has been taken up and acted upon with a promptness unknown to legislation. To consider the present resolution, the rules of the House have been suspended. No matter, however, what the subject or the occasion, a dash ot the Executive or his friends is to be expected from some one of the Opposition. Sir, if ever there was a time or an occasion in legislation when men might indulge in all the nobler feelings of the soul—when, to pause for precedents in legislation, or to consult the letter of the Constitution, would be cruel—this is that time and that occasion. If ought could have dried up the sympathies of my heart, always, and I trust ever will be, open to the cries of distress, the remarks of the honorable gentleman from New York would have done it. But he trusted neither the injustice of the remarks nor the spirit of party it was so well calculated to awaken, will influence a single vote on the adoption of the resolution.

Mr. HOLSEY said, when a suffering people had been driven from their homes and left without the means of sustaining themselves, that then it was the duty of the Government to extend to them relief. In the present case, the inhabitants of a portion of Florida were cut off by the savages from any settlement where they could have an opportunity of supporting themselves by their own exertions, and surrounded on all parts by a wilderness. In such state of the case he considered it to be the duty of the Government to support those people until they could be restored to their homes. If the inhabitants of Florida had been thrown back on a frontier teeming with all the luxuries of the earth, then the application of the strength given them by their Creator would have been sufficient for their sustenance without the aid of Government. If the inhabitants had been thrown on the frontiers of Georgia and Alabama, then we might apply the principle of the gentleman from Virginia, [Mr. PATTON.] There are

about five hundred soldiers in that country, and they cannot procure the necessaries of life; and when men, with arms in their hands, cannot procure subsistence, how was it to be supposed that the suffering inhabitants could survive without the aid of the Government? A Government that will not extend protection and relief to its own citizens is unworthy the name of a government.

Mr. HAWES proposed to amend the resolution by striking out the word "sufferers," and inserting in lieu thereof "women, children, and men, unable to bear arms."

Mr. H. said, it would be apparent that his object was to confine the operation of the resolution to those who were incapable of bearing arms in defense of their country. If individuals capable of bearing arms were in the field, rations would be issued to them as a matter of course, and they should be nowhere but in the field of battle in defense of their firesides and their homes. Feed men up and stuff them with rations, and my word for it (said Mr. H.) there is no fighting; but let them depend upon themselves; let them have the soldier's rations as the soldier gets them in the field; let them be hungry at times, and then they will fight fast enough. Those who were unable to arm in defense of their country he would relieve; those capable of bearing arms should earn their rations by being found on the field of battle.

Mr. BOULDIN said he wished to relieve these people from their deplorable condition, but was not willing to violate the Constitution, or transcend the powers of the Government about it. He should never give a vote predicated on the idea that this House was a charitable institution. He had often felt his heart warmed with the mere imagination of what he would do for the relief of the suffering, were these splendid resources his. They not being his to dispose of, he could give nothing from them on the ground of sympathy or charity. This Government is bound to protect its citizens against invading enemies—the people of Florida, just as much as any others—no more, no less. If, from the suddenness of the attacks, or want of men or arms, we are not able to protect them in their houses and at home, where we are bound to do it, we must do it when we can. Take them under the immediate wing of the army. This protection must be real—not only from the tomahawk and scalping knife, but from inevitable starvation caused by the enemy. The richest man might starve, if chased into the wilderness by the scalping knife. Shall we be bound to save him from the scalping-knife, and let him starve in the wilderness before he can return to his means? If these people are driven from their homes by an invading foe, and unable to sustain themselves in any other way, I feel confident it is our literal duty to defend them in that way; not only from death at the hand of the savage, but from starvation, the immediate consequence of the pursuit of the savage; and if the resolution as now framed shall be altered so as that none will be provided for but such as we are bound to defend, and cannot otherwise defend, and who cannot protect or provide for themselves, I will vote for it.

Mr. GLASCOCK had hoped, at least, that, upon a subject like this, nothing would have transpired to have disturbed the harmony of this debate, and that they should have had immediate action upon it. He regretted that anything should have been thrown out in the way of censure upon the Government; and he had no hesitation in expressing his firm belief that, so far as related to depredations in Florida, and all which had grown out of it, no department of the Government was in any way to blame. He believed that, throughout the whole transaction, each department had faithfully performed its duty. Mr. G. felt but little disposed to say anything on a question like that; nor should he have said a word but for the remarks of the gentleman from New York, [Mr. GRANGER.] He would, however, tell that gentleman that, whatever he might suppose to influence the members of the Administration on questions of this kind; yet if a war came, whether foreign, domestic, or otherwise, the friends of the Administration would be found as ready and as willing to protect the Government and their fellow-citizens as any of the gentlemen of the opposite side. The time might yet come when the country would see which would and which would not be ready and willing to step forward in her defense.

With regard to the resolution, he hoped it would be adopted immediately. He did not know that it was actually necessary, for, if the Commissary General, or the person authorized to issue rations, had acted as Mr. G. would have done under the same circumstances, he had not waited for any preliminary action on the part of the Government. If the necessities of the inhabitants demanded it, he should, without consulting any Department of the Government, promptly have dealt out to them, trusting to the magnanimity and liberality of the Government for his vindication. The case, however, would be hopeless should this resolution be delayed or rejected. The knowledge of such a disposition of it would reach that section of the country in a short time, and the consequence would be, that those who had charge of the public supplies there would refuse all aid; for they would say Congress had refused them the power; or, if they did, they must do it at their own expense. He hoped, therefore, that there would be no further delay. There could be no necessity for postponing it. It was a plain question which needed no time for reflection, and he felt perfectly satisfied, in his own mind, conflicted with no provision of the Constitution.

Mr. BOND had no recollection (he said) of any communications to the House on the subject of this loan, and he should be glad to know what they were.

Mr. WHITE, of Florida, rose again, (he said,) not to protract the debate, but to appeal to those gentlemen who intended voting for the resolution to do so without further discussion. He had hoped this was one of the very last subjects on which a debate could have been gotten up. He would say of the Government, that *since* the war had broken out, every measure which could be taken by the Government had been taken by the President and by the Secretary of War. This was a matter of justice which he took pleasure in stating. But, with respect to the war itself, he begged to say that the people of Florida had, in no manner, any connection whatever with it. It was a war growing entirely out of a treaty made by the Government with the Seminole Indians, for their removal west of the Mississippi. A complaint was made by the Indians, and the Government gave them another year, which agreement those Indians refused to abide by, and thus commenced this war upon the defenseless inhabitants of Florida. Mr. W. then again reiterated the desolations committed by the Indians, and referred to the case of the Michigan boundary, which was a strong precedent, for it embraced the operation of this resolution under a general law for suppressing hostilities.

Mr. TURRILL did not rise to discuss this subject, but merely to make a few remarks, that he might be distinctly understood in the vote he was about to give. With the honorable gentleman from Florida, he sincerely hoped that a party discussion would not again grow out of any proposition similar to the one before the House. Such a discussion was at all times to be deprecated, and it was to be hoped that the honorable gentlemen hereafter would not adopt a course calculated to provoke such a discussion. If I understand him correctly, (said Mr. T.,) the honorable gentleman commenced his remarks by saying that, whatever may have been the fault of Government, it was evident that now was not the time to inquire into the causes which have produced the unfortunate state of things in Florida. He believed, however, that it was due to his constituents that the inquiry should be made; but that inquiry ought to be left for another occasion; and, sir, (said Mr. T.,) for the last two or three days, whenever this subject has been before the House, the honorable gentleman has repeatedly stated, and with great emphasis too, that the citizens of Florida have been placed in their present unfortunate situation by the acts of this Government, and without any fault of their own. Mr. T. said, if he voted for the resolution, he should not do so because he believed the Executive justly chargeable with any, the slightest omission of duty, or because he supposed the citizens of Florida had any peculiar claims.

Mr. WHITE explained. He did not say that any fault rested with the Government or its Departments. He said they had taken every measure they could *since* the hostilities had broken out. He was not prepared to speak of anything before that; but that it was due to his constituents that investigation should be made.

Mr. TURRILL said, that after what had fallen from the honorable gentleman from Florida, during this debate, taken in connection with the attack made by his colleague [Mr. GRANGER] upon the Administration, if he were to vote for the resolution without giving any explanation, it might be construed into a tacit admission that there was some foundation for the charges which have been preferred against the Executive Department of the Government. Mr. T. felt as much sympathy for the unfortunate sufferers as the honorable gentleman from Florida, and would go as far as any gentleman to extend to them that prompt and efficient relief which their peculiar situation demands, but he should not vote for the resolution, because he supposed that the Government was in fault, or because he believed the situation of the citizens of Florida to be such as to place them in a relation to the Government different from that of all other pioneers along our western frontiers, whose spirit of enterprise has stimulated them, with the hope of gain, to press their settlements into the wilderness, where savage tribes still linger. They locate with a full knowledge of the hardships and privations, of the difficulties and dangers they have to encounter; they are all alike entitled to the protection of the Government, and the citizens of Florida had no peculiar claims over other pioneers.

Mr. T. said the House ought not to act upon the impulse of the moment without some investigation. He apprehended that the true state of things in Florida was not correctly understood. He believed that the numerical strength of the hostile force was greatly overrated. It would be found, that instead of having been remiss the Executive had done more, much more than the exigencies seemed to require. Long since, and before any serious apprehensions were entertained, even in Florida, that there would be any hostile movements by the Seminoles, fourteen companies of regular troops were placed at the disposal of General Clinch. In addition to this that officer was authorized by the President to call upon the Governor of Florida for any force which might be necessary to meet any emergency, and by a prompt and decisive blow to put an effectual termination to hostilities, should the Indians attempt to make war upon the inhabitants. Orders had also been given to call upon the Governors of Georgia, Alabama, and South Carolina, for any additional force that might be required The time has been when seven hundred undisciplined militia, under a skillful commander, contended successfully against this very tribe of Indians; and Mr. T. said, from the best information he could obtain, he was satisfied that at the battle of Withlacoochie there were troops enough in sight to have gained a decisive victory—a victory which would have put an end to the war; but, for some cause or other, the militia did not cross the small creek which separated them from the battle-ground. They remained idle spectators of the bloody contest. There has (said Mr. T.) been no fault, I repeat—no omission of duty on the part of the Executive; all has been done, and more than could have been expected or required. If censure is merited, it must rest elsewhere, and not on the Executive. In voting for the resolution, he would do so, because he believed that the relief asked for should be granted in all cases where citizens have been expelled from their homes, and made penniless by any hostile force.

Mr. HARPER could not permit himself to doubt that this resolution would pass unanimously, and he was astonished that anything like party discussion should have grown out of such a subject as this. He would not stop to inquire who was right or who was wrong. Precedents were numerous; and it was only yesterday that they passed a bill to pay a man in Virginia for a barn which had been destroyed in the late war. He referred to this case the more because it was the most recent, and to draw the attention of the gentleman from Virginia [Mr. PATTON] to it.

Mr. REYNOLDS, of Illinois, then moved the previous question.

Mr. PARKS raised the question of order, whether the resolution, being one of appropriation, must not pass through the forms necessary for all appropriations, viz: that it could not be passed on the day of its introduction, and must first be considered in Committee of the Whole.

The CHAIR decided otherwise, on the ground that it was not an original appropriation, but directed the application of a sum already appropriated; whereupon

Mr. PARKS appealed from the decision of the Chair, and after a few words from Mr. MANN, of New York, in support of the Chair's decision, and Mr. PARKS against it, the decision of the Speaker was sustained by the House.

The previous question was then seconded—ayes 95, noes 56; and the main question, which was on the engrossment of the resolution as modified and amended, was then ordered to be put; and on the main question

Mr. PINCKNEY asked for the yeas and nays, which were ordered, and the result was—yeas 178, nays 14.

So the resolution was ordered to be engrossed; and the same having been engrossed, was then read the third time and passed.

Engrossed bills of the following titles were read the third time and passed:

A bill for the relief of Joshua Cullumber;

A bill for the relief of Abner Stelson;

A bill for the relief of the Springfield Manufacturing Company; and

A bill for the relief of James M. Suttle.

On motion by Mr. CRAIG, the House adjourned.

IN SENATE.

MONDAY, *February* 1, 1836.

The CHAIR communicated a report from the Solicitor of the Treasury, made in compliance with a resolution of the Senate of the last session, relative to the claim of the heirs of Silas Elliott, deceased; which was referred to the Committee on the Judiciary.

Mr. McKEAN presented the memorial of the Chamber of Commerce of the city of Philadelphia, soliciting the attention of Congress to that important public work, the breakwater in the Delaware bay, and praying that such appropriations shall be made as to insure its completion; which was referred to the Committee on Commerce.

Mr. PORTER presented the petition of sundry citizens of New Orleans, praying for an appropriation for a light-house on Lake Ponchartrain; which was referred to the Committee on Commerce.

Mr. NAUDAIN presented the petition of William Arnold; which was referred to the Committee on Revolutionary Claims.

Mr. TYLER presented the petition of George Smith, of Winchester; which was referred to the Committee on Commerce.

Mr. CLAYTON presented the petition of sundry citizens of Delaware, praying that New Castle may be made a port of entry; which was referred to the Committee on Commerce.

Mr. GOLDSBOROUGH presented the petition of George W. Howard, late a lieutenant of the Baltimore Riflemen, who was wounded at the battle of North Point during the last war with Great Britain; which was referred to the Committee on Pensions.

Mr. WRIGHT presented the petition of Julian Chastellan and others, of New York; which was referred to the Committee on Commerce. Also, the petitions of sundry citizens of New York, praying indemnity for French spoliations prior to 1800; which was laid on the table. Also, the petition of sundry merchants of the same city in behalf of certain officers of the customs, particularly the weighers and measurers, praying for an increase of their compensation; which was referred to the Committee on Commerce.

Mr. KNIGHT presented the petitions of sundry merchants of Rhode Island, praying indemnity for French spoliations prior to 1800; which was laid on the table, and ordered to be printed.

Mr. WALL presented the petition of the heirs of Colonel Philip Johnson, of New Jersey, who was killed at the battle of Long Island; which was referred to the Committee on Military Affairs.

Mr. EWING, of Illinois, presented the petition of sundry citizens of Illinois, praying for the establishment of a new post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. HUBBARD presented the petition of Samuel White, of Vermont, a surgeon of the revolutionary Army; and also the petition of Philip Taylor; both of which were referred to the Committee on Pensions.

Mr. TAYLOR presented the petition of the Eastern Branch Bridge Company, praying that a law may be passed to regulate their tolls; which was referred to the Committee on the District of Columbia.

Mr. BUCHANAN presented the petition of the Rev. Bishop White, and the rector and churchwardens of ——— church, Philadelphia, praying permission to import a bell for said church, duty free, to replace one that has been broken; which was referred to the Committee on Finance.

Mr. KING, of Alabama, presented the memorial of sundry citizens of Alabama, protesting against any treaty being made with the Cherokees recognizing reservations, as detrimental to the settlers on the public lands, and producing no benefit to the Indians themselves; which was referred to the Committee on Indian Affairs.

CAPTAIN NATHAN HALE.

Mr. NILES presented the petition of sundry citizens of New Haven, Connecticut, setting forth the extraordinary services, the great merits, and the untimely fate of Captain Nathan Hale of the revolutionary army, and praying that a monument may be erected to his memory.

Mr. N. said, I hold in my hand two petitions signed by some of the first citizens of Connecticut; among the names are six gentlemen who have been members of Congress, the Chief Justice, and Governor of the State. These petitions present, for the consideration of Congress, the extraordinary services and untimely and melancholy fate of Nathan Hale, a youthful patriot of the Revolution, praying Congress to erect a moument to his memory near the sepulcher of his fathers.

I understand that a similar petition was presented to the last Congress, and referred to the Committee on Military Affairs, who reported favorably in respect to the facts, and the great merits of Captain Hale; but deemed it inexpedient then to recommend any action on the part of Congress.

But at this time, when a cloud hangs over our country, when we are threatened with the long sword of France, when there is some danger—I trust not much—of our being involved in war, there may, perhaps, be more disposition to cherish, in the breasts of American youths, that spirit of patriotism, that devotion to country, and that love of fame which constitute so large a portion of the means of national defense.

However this may be, it is my duty to present these petitions. I had thoughts of moving for a special committee, but fearing that may be deemed as asking too much, I shall move a reference to the Committee on Military Affairs, and have to beseech that committee to give to the subject further consideration.

Was it not that a petition on this subject appears to have been presented to the Senate the last session, I should suppose that honorable Senators might inquire who is Nathan Hale? As this is a case of somewhat an unusual character, I hope to be excused for offering a few suggestions on the subject.

Captain Hale was one of those youthful patriots and heroes, who, when the first gun was fired in a neighboring colony, when the first blood of American freemen was shed in the streets of Lexington, abandoned his home, his studies, and all the prospects of peaceful pursuits, and repaired to the scene of danger.

The first intelligence of these events was received in the towns on the eastern border of Connecticut on Saturday; and General Putnam received the news when plowing in his field. This American Cincinnatus immediately left his work, and repaired to Boston, leaving his plow in the *furrow*, where it remained until he returned from the war. Further west, in the towns on the Connecticut river, this news was received on the Sabbath, and during the hours of public worship. In many instances, notwithstanding the devotional character of that people, the public worship was suspended and the meetings dissolved. In other places, individuals more ardent than others procured drums, and appearing in front of the church, beat the drum as a *signal to arms;* when, sir, it might be truly said that there were no Sabbaths in revolutionary times.

Among the youth who were aroused by these appeals was Nathan Hale, then only twenty years of age, and a recent graduate at Yale College. He received a lieutenant's commission, and during his service at Boston was promoted to the rank of a captain, in Colonel Webb's regiment. He accompanied the American army to New York, and such was the confidence which General Washington had in his valor and discretion, that he selected him for the hazardous and difficult enterprise of passing within the enemy's lines on Long Island, to ascertain their situation and designs. This was an enterprise in which no laurels were to be won, and great risk incurred. But it was readily accepted by Captain Hale. He performed his mission, and had got nearly back to his quarters, when he was stopped by a picket guard, and being recognized by a former friend, he betrayed him, and he was immediately hanged as a spy, without even the form of a trial. I had supposed that at *that* time there were no Tories in Connecticut, but it seems there was one malignant enough to betray a friend and relative. Thus perished Nathan Hale, in the morning of life, and at the commencing of a career promising so much glory to himself and so much advantage to his country; thus perished Nathan Hale, and lamenting that he had but one life to lose for his country.

I also hold a document, which I offer to accompany these petitions. It has no particular reference to the case of Captain Hale, except so far as it goes to show the general Whig spirit which at that early period prevailed in Connecticut, and which, no doubt, contributed to inspire in the breast of this noble youth that ardent love of liberty, and that daring patriotism, which led him into the field of danger, and inscribed his name on the list of the first martyrs in that glorious struggle.

This document consists of copies of sundry acts and resolutions of the General Assembly of the Colony, passed in May and June, 1776, which prove that before the first motion for independence was made in Congress, the Colony of Connecticut had virtually separated itself from the dominion and authority of the British Crown.

One is an act repealing the law in relation to high treason, by conspiring against the life or authority of the British monarch. The other changes the forms of all legal proceedings, directing that the name of his majesty be no longer used in any writ or other civil process. The third is a resolution instructing the delegates of the Colony in Congress to propose the *independence* of the several Colonies, and the establishment of a *confederation* among the Colonies. This was adopted in June; and, it would seem, before the subject had been brought before Congress. That, in the adoption of these resolutions, Connecticut was in advance of some of the other Colonies, I would by no means assert; for I believe some of them had adopted similar resolutions, but none, I presume, had gone further or taken a more bold and decided stand.

I do not find these resolutions, or any reference to them, on the Journals of the old Congress; nor do I find any resolutions or instructions from any of the Colonies, except that, on the 27th of May, 1776, it is entered on the Journal, that instructions to the delegates of those States were presented from Virginia and North Carolina, which probably related to the question of independence. The instructions are not entered on the Journal.

As these acts and resolutions are short, I move that they be read; and they should be preserved in the archives of this Government, as they belong to the history of the Union. Perhaps we may catch some of the Whig spirit of '76. Sir, the Whigs of that day did not *fear to arm;* when

their liberties were invaded, they did not count the cost of defending them. They met the crisis like men worthy to be free, and staked upon its issue their lives, their fortunes, and everything dear to man this side the grave.

The petitioners do not come here to ask of Congress to honor the memory of a distinguished son of Connecticut because the State is unwilling and unable to do it, but because they believe it belongs to Congress. He was not in the service of the State; he was not defending his native soil; he was in the service of the country, and in that service periled and lost his life. The State has erected a monument in honor of those brave men who were massacred on the heights of Groton, after a most gallant defense.

I move the reading of the petition and document, and that they be referred.

The motion was agreed to.

SUFFERERS IN FLORIDA.

The joint resolution from the House of Representatives, authorizing the President of the United States to cause rations from the public stores to be delivered to the sufferers in Florida who have been driven from their homes by the Indian hostilities, was read the first time, and ordered to a second reading; and,

On motion by Mr. BENTON, and by unanimous consent, the resolution was then passed through its second and third readings, and passed.

HOUSE BILLS REFERRED.

The following bills from the House were severally read twice, and referred to appropriate committees:

A bill for the relief of James Tilford;
A bill for the relief of Pierce and Van Voorhees;
A bill for the relief of Joseph Cooper;
A bill for the relief of Thomas F. Townsley;
A bill for the relief of the heirs of Franzoni and Jardella.
A bill for the relief of the representatives of William Findlay;
A bill for the relief of Marinus W. Gilbert;
A bill for the relief of Richard Hardesty;
A bill for the relief of David Bartlett;
A bill for the relief of William Baker, of New York.
A bill for the relief of Doctor William Baker, of the District of Columbia;
A bill for the relief of Daniel Whitney;
A bill for the relief of Andrew Dodge;
A bill for the relief of Nathan R. Tatum;
A bill for the relief of Benjamin F. Stickney;
A bill for the relief of John McDonnell;
A bill for the relief of Henry Knowles, Sr.;
A bill for the relief of John Pollock;
A bill for the relief of Daniel Homans;
A bill for the relief of Owen Rice and others, representatives of Jacob Everly;
A bill for the relief of Lieutenant Washington Seawell;
A bill for the relief of Russ and Roach;
A bill for the relief of Jane Taylor and children;
A bill for the relief of the representatives of Willie Blount;
A bill for the relief of Laurentius M. Eiler;
A bill for the relief of Moses Bliss;
A bill for the relief of David S. Campbell;
A bill for the relief of Saunders and Rutnam;
A bill for the relief of the executors of Charles Wilkins;
A bill for the relief of Stephen Chittenden;
A bill for the relief of Jacob B. Gilbert;
A bill for the relief of Joel Sartain; and
A bill for the relief of the representatives of Thomas Beauchim;

REPORTS FROM COMMITTEES.

Mr. DAVIS, from the Committee on Commerce, to which had been referred the bill for the relief of Christopher T. Ealy, reported the same without amendment.

Mr. KING, from the Committee on Private Land Claims, to which the same had been referred, reported, with amendments, the bill for the relief of Duncan S. Clinch, which were read.

On motion by Mr. KING, of Georgia, the Committee on Foreign Relations, to which had been referred the petition of Jannet Taylor, niece and heir of Commodore Paul Jones, moved that the committee be discharged from the further consideration of the same, and that it be referred to the Department of State; which motion was agreed to,

Mr. MANGUM, from the Committee on Finance, to which had been referred the memorial of sundry hardware merchants of Philadelphia, praying for the repeal of certain provisoes in the tariff act of 1830, in relation to the duties on hardware, reported a bill for that purpose; which was read, and ordered to a second reading.

Mr. MOORE, from the Committee on Revolutionary Claims, to which the same had been referred, reported unfavorably on the petition of Everand Mead and Ephraim Whitaker.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill to establish the territorial government of Wisconsin, reported the same with amendments; which were read.

RESOLUTION SUBMITTED.

Mr. GOLDSBOROUGH submitted the following resolution; which lies on the table one day:

Resolved, That the President of the United States be requested to communicate to the Senate any information that may be in his possession relating to the origin and causes of the existing war in Florida with the Seminole Indians; and, also, any other intelligence in relation to the same that he may have it in his power to give, and may think useful to impart.

NATIONAL DEFENSE.

The special order of the day, being the bill to regulate the deposits of the public moneys, was announced by the Chair, when,

On motion by Mr. HUBBARD, it was postponed till to-morrow, and the Senate took up the resolution submitted by Mr. BENTON for appropriating the surplus revenue to the national defense.

Mr. BUCHANAN, who had the floor, addressed the Senate until a late hour, when, without concluding, he gave way to

Mr. CLAYTON, on whose motion the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 1, 1836.

The House proceeded to the consideration of the unfinished business of last Monday, being the question of the reception of a petition presented by Mr. CUSHING, of Massachusetts, praying the abolition of slavery and the slave trade in the District of Columbia.

Mr. HAMMOND (who was entitled to the floor) addressed the House. He said that when he had made the motion for the preliminary question of reception, it was done with the hope and expectation that the question might have been taken without debate; but from what had taken place on last petition day it must be obvious that debate was inevitable. When the gentleman from Massachusetts presented his petitions, he prefaced them with an argument, and it was evident that there would be no more abolition petitions presented, unless accompanied by a preliminary speech; and he thought it would facilitate business by saying all that they had to say at once. The gentleman from Massachusetts, [Mr. CUSHING,] had enlarged upon the constitutional right of petition; and he concurred in the gentleman's views on that point. He said it was not his object to argue against the right of the people to assemble and petition Congress. They had assembled, and their petitions had been presented, and the House was in full possession of their contents. The petitioners had done their duty, and it devolved upon the House to do its duty. The House can refuse to receive them; can receive and report upon them, or can lay them on the table. They can do either of the three without infringing upon the sacred right of petition. If they receive them, however, they would become a part of the records of the House; and he therefore called upon the House to refuse to receive and enrol them. He did so because he believed the petitioners asked Congress to do what was unconstitutional. There was no difference between taking from the southern people their slaves, and taking from them their property. The Constitution guarantied to them both their property and their slaves; and if it had not done so, the Constitution never could have been adopted; if it had even been avowed, that it was the object to abolish slavery in the District, it could not have been adopted.

Even supposing the spirit of the Constitution to be dead, Mr. H. could not perceive how gentlemen could distort the meaning of legislation, so as to give Congress the power to abolish slavery in the District of Columbia. Legislation was intended to protect property, not to destroy it; to protect life and liberty, and not to destroy them. It was a palpable usurpation to take away any one of these. He objected to the reception of these petitions, because they were not only dangerous to the interests of the people he represented, but ruinous to all the interests of the Confederacy. It had been said by some on that floor, that there were but very few Abolitionists at the North; and others had said that the excitement was tremendous. But to show the House that there were considerable numbers of them there, he would exhibit some of the pamphlets and tracts which he had been honored with, by those societies in the northern States. It would be recollected that there had been but one day on which those petitions were presented to the House, and on that day their numbers amounted to fifty-eight, signed by some six or eight thousand individuals. There were at the present time, he believed, about three hundred and fifty societies in the northern States, and all these societies had sprung up since 1832.

Mr. H. here exhibited various documents of the anti-slavery societies, such as newspapers, tracts, pamphlets, almanacs, school books, prints, &c., showing that they must at least be possessed of considerable wealth, if not of great numbers. He said it was apparent, from one of the extracts which he read, that it was the intention of the Abolitionists to connect themselves with some political party; but he did not charge them with being connected with any political party in that House. His colleague (he said) had been attacked for saying that Dr. Channing had been playing a second part to an Irish demagogue; but he would say more: he would say that he played a second part to Dr. Coxe, Arthur Tappan, and the notorious Thompson, in calumniating the southern people, and in such temper as was unworthy of a gentleman and a divine. He begged pardon for using strong language, but when he, in common with the southern people, had been attacked and slandered, he must express the just indignation of an honest heart. Slavery (he said) might be an evil, but it was an evil which the southern people were willing to endure. Without it their lands would be useless. They could not till them to any extent, nor with any profit, by any other labor than slave labor.

But Congress had no right to legislate on the subject of slavery; and if ever the Government dared to take it up and act on it, there would be a civil war. If ever the proposition should come into that House, while he was there, he would not even remain to record his vote on it, but would go home and preach and practice disunion. He contended that the slaves were as happy and as contented a people as were upon earth, if left alone; they had everything to make them so; they had light work; were, generally speaking, well fed—far better than a large majority of the operatives of England. He did not know how they would compare with the operatives of the North; but they had a plenty; and they were in a better situation than they could be in their own country, even if they were sent there.

It had been said that families were separated and sold, and sent to distant places; but it was a mere flourish, and no truth in it. No southern man, who had any regard for his reputation, would dare to separate man and wife, except by consent of themselves, or unless he was forced to it from necessity; if he did, he would be truly disgraced; and the same might be said with regard to the separation of parents and children. He did not believe that there was half the amount of separation of the southern slaves, that there was of the northern and eastern people by emigration to the western States. But suppose the southern people would agree to emancipate their slaves, what would be the result? For that he would refer the House to an account of a free colony in Brown county, Ohio; which was read, and was substantially, that their land, which had been

bought for them, was in a very bad state of cultivation; the timber stripped off of it; their houses in a miserable condition, and that they were destitute of everything like the comforts of life. He would ask another class of Abolitionists whether they could reconcile it to their consciences to see the negroes of the South or of the North aspiring to seats on that floor? Would they wish to see a black man occupying the Speaker's chair; or to see some Othello who might be gifted with genius, grasping at the presidential chair? Would they wish to see such a picture?

Mr. H. said that upon the subject of abolition the people of the southern States were united as one man, and were prepared when the attack should be made to roll back the tide. If he was called upon to know what he desired, his answer would be to suppress the abolition societies and stop the crusade which was going on. Did freedom of speech or freedom of the press allow of licentiousness? If a man in New York were to say of his neighbor what those papers say of the southern people, would he not be indicted as a slanderer? And if he wrote the slanders would he not be indicted as a libeler? Then are not the people of the South entitled to the same protection? That had been established as a point of international law. When Bonaparte called upon England to suppress the slanders which were inserted in the English press, what did she do? She indicted one of her editors, because he had abused her greatest enemy. Then are not the people of the South entitled to the same protection which was give to the Corsican usurper.

The southern people, however, were prepared to meet the crisis when it should come; and all he asked was simply that the subject should be kept out of the halls of Congress; he wished that place to be a sanctuary of peace. He wished to sit there and do the work of his constituents, without being subject to the odious and insulting language held by some of the Abolitionists. He thought it the wisest and safest plan not to receive those petitions, so that they might not be scandalized in their own halls of legislation; and that he thought would not be evading any right either human or divine.

Mr. HOLSEY then moved to lay the motion under consideration on the table; which was agreed to.

Mr. WILLIAMS, of Kentucky, moved to suspend the rules, so as to lay aside the other abolition petitions, and to commence with the call for petitions and memorials with the Territories, and reverse the usual order. He said the House would never reach the western States, if all these abolition petitions were to be discussed.

Mr. MILLER called for the yeas and nays; but they were not ordered; and the question being then taken by tellers, was decided in the affirmative—ayes 115, noes 50.

So the rules were suspended, and the House proceeded with the call for petitions and memorials.

Petitions and memorials were then presented by

Mr. SEVIER, of Arkansas;

Mr. JONES, of Michigan;

Messrs. HARRISON and ASHLEY, of Missouri;

[Mr. HARRISON presented the petition of Alfred George, praying compensation for a horse lost in service during the difficulties with the Indians in 1832; the petition of sundry citizens praying for a mail route from Jefferson City, in Missouri, through the counties of Morgan, Benton, Polk, Greene, and Barry, to Little Rock, in Arkansas Territory; the petition of sundry citizens, praying for a mail route from Fulton, Callaway county, Missouri, to Paris, Monroe county.]

Messrs. LAWLER and LYON, of Alabama;

Messrs. CASEY, REYNOLDS, and MAY, of Illinois;

[Mr. CASEY introduced a joint resolution of the Legislature of Illinois, praying that competent engineers of the United States corps may be appointed to make a survey of the Great Wabash river, to ascertain the probable amount that will be necessary to remove the obstructions to the navigation of said river, and asking a donation in land to aid in said improvement; which, on his motion, was referred to the Committee on Public Lands.]

Mr. REYNOLDS presented a petition for a post route from Paducah, in Kentucky, by Fort Massacre, to Frankfort, in Illinois; a petition for a post route from Carlinville to Carrollton, in Illinois; a memorial from the General Assembly of the State of Illinois, praying Congress to establish a commercial hospital at or near the mouth of the Ohio; the petition of the Rev. Dr. Blackburn, praying for the purchase of a section of land for a seminary of learning, in the county of Macupin, Illinois; the petition of James McRoberts, Esq., of Monroe county, Illinois, praying a grant of land, under the true construction of the acts of Congress, for an improvement right; the petition of Mr. Robert Seybold, of Madison county, Illinois, praying a grant of land for his residence in the Illinois country, prior to the year 1783; and the memorial of the General Assembly of the State of Illinois, praying pensions to be given to all soldiers that served in the army prior to the year 1795; which, on motion by Mr. R., was laid on the table, and ordered to be printed.

Mr. MAY presented a number of petitions, praying for the establishment of additional mail routes in Illinois; also, the petition of a number of the inhabitants of Peoria, Fulton, and Putnam counties, praying for the establishment of an additional land office at Peoria, Illinois; also, a joint resolution of the Legislature of Illinois, asking that a corps of United States engineers be detailed to make a survey of the Illinois river, and an estimate of the expense necessary to remove the obstructions to the navigation of said river.]

Mr. CLAIBORNE, of Mississippi, said, that he held in his hand two papers, of some importance to the country generally. One was a memorial from certain Mingoes of the Choctaw nation, remaining in the limits of the State of Mississippi, praying a grant of unappropriated lands in lieu of those to which they say they were entitled, under the fourteenth article of the treaty of Dancing Rabbit creek, and of which they declare they have been unjustly deprived.

The other was a memorial or remonstrance of a numerous and respectable portion of his constituents, against the validity of these claims, denouncing the whole proceeding as fraudulent, and calling on Congress to protect them in their settlement and rights, and the country against the most stupendous fraud that was ever set on foot.

I will not now, sir, pronounce any opinion on the validity of these claims. At a proper time I shall consider it my duty and my privilege to do so. I understand that additional memorials and statements of facts are now being prepared on both sides, and will shortly be submitted. I wish the whole subject to go before the appropriate committee, and must respectfully ask the House not to prejudge the case. Let there be no *ex parte* statements—no wholesale denunciations of fraud. Let justice be done to all parties. It is a matter in which we feel a common interest. Whether we consider the magnitude of the claim, the respectability of the parties, or the deep, absorbing interest felt in the State of Mississippi, the subject is alike worthy of a full and fair investigation. On *one* side are these Choctaw claimants, their agents and assignees, citizens of different States, of every political party, and many of them gentlemen of the highest respectability, upon whose integrity heretofore not one shadow of suspicion has ever rested, and who come here, not shrinking from, but, as they say, seeking investigation. On the other side are many of the settlers of the State of Mississippi—a valuable class of men, entitled to the highest credit, and claiming justice at your hands. I acknowledge, sir, that I have but a limited acquaintance with the subject. I candidly confess, however, to the House, that if I have any prepossession, any prejudice, any conviction in the matter, *it is against these claims.* Whether just or unjust, if they be confirmed, the fairest portion of Mississippi will be desolated; the stability of property will be shaken; the tide of prosperity will be rolled back; and hundreds of my best constituents—the men who support their Government in peace, and fight its battles in war—will be driven from their homes to other and distant lands. Mr. C. said he could not contemplate such a result without the deepest regret, and he could not sanction any step going to produce it. But, sir, let the whole subject go to the Committee on Indian Affairs—a committee whose ability and experience, aided by its distinguished chairman [BELL,] furnish a guarantee to the House that the subject-matter will be ably and impartially investigated. Mr. C. hoped the memorials would be referred and printed.

Mr. VINTON moved that these memorials be referred to the Committee on Private Land Claims.

Mr. CLAIBORNE rejoined, and urged the propriety of the reference to the Committee on Indian Affairs.

The question was put; and the House decided to refer them to the Committee on Indian Affairs.

Messrs. HANNEGAN, KINNARD, DAVIS, McCARTY, and CARR, of Indiana.

[Mr. HANNEGAN presented the petition of Zebulon Sheets, asking relief from the effects of a mistake in the entry of certain lands; which was referred to the Committee on Private Land Claims. A petition for the establishment of a mail route from Rockville, in Park county, by the Narrows of Sugar creek, and Jacksonville, to Hillsborough; which was referred to the Committee on the Post Office and Post Roads. A memorial from the President and Directors of the Michigan City and Kankakee Railroad Company; which was referred to the Committee on Public Lands. A petition asking an appropriation for the construction of a harbor at the mouth of the St. Joseph, on Lake Michigan; which was referred to the Committee on Commerce.

Mr. KINNARD presented the petition of Aaron Stout, a soldier of the late war, praying to be allowed bounty land. Also, the petition of citizens of Miami and Fulton counties, in the State of Indiana, for the establishment of a post route from Peru to Chippeway.]

Messrs. JOHNSON, GARLAND, and RIPLEY, of Louisiana;

Messrs. THOMSON, STORER, PATTERSON, JONES, KENNON, CRANE, SLOANE, HAMER, McLENE, WEBSTER, MASON, VINTON, BOND, KILGORE, and WHITTLESEY, of Ohio.

[Mr. STORER presented the proceedings of a public meeting in Cincinnati, deprecating the course of the Abolitionists; which he moved be received, and read.

Mr. HAMMOND opposed the reception of the proceedings. He should object to any interference on this subject, whether in favor of, or in opposition to, the abolition of slavery.

Mr. WILLIAMS, of Kentucky, moved to lay the preliminary question of reception on the table; which was agreed to.]

[Messrs. JONES and KILGORE of Ohio presented petitions praying the abolition of slavery and the slave trade in the District of Columbia; the reception of which was objected to, and the preliminary question of reception was laid on the table.

Mr. PATTERSON presented the petition of the Mad River and Lake Erie Railroad Company, praying for preëmption rights on certain lands in the State of Ohio; which was referred to the Committee on Public Lands; also, petitions for a mail route from Paris, in Richland county, by Gamble's Mills, Martin's Mills, and Lexington, to Frederick, in Knox county, Ohio.

Mr. HAMER presented petitions from citizens of Ohio, praying for a branch of the national road to run from Columbus, Ohio, to Frankfort, Kentucky; also, remonstrances against any change in the mail route from Zanesville, Ohio, to Maysville, Kentucky; also, a resolution asking the establishment of a post route from Winchester to West Union, in Adams county, Ohio.]

Messrs. PEYTON, STANDEFER, DUNLAP, CARTER, and the SPEAKER, of Tennessee;

Messrs. WILLIAMS, CALHOON, GRAVES, HAWES, ALLAN, UNDERWOOD, JOHNSON, WHITE, BOYD, FRENCH, and CHAMBERS, of Kentucky;

Mr. CLEVELAND, of Georgia;

Mr. HAMMOND, of South Carolina;

Messrs. SHEPARD, McKAY, BYNUM, and PETTIGREW, of North Carolina.

RESOLUTIONS ADOPTED.

On motion by Mr. BOON, it was

Resolved, That the Committee on the Post Office and

Post Roads be instructed to inquire into the expediency of establishing a post road from Evansville, via Diamond Island, to Mount Vernon, Indiana; also, to inquire into the expediency of establishing a post route from New Harmony, via Cynthiana, to Evansville, Indiana.

On motion by Mr. WHITE, of Kentucky, it was

Resolved, That the Committee on the Post Office and Post Roads, be instructed to inquire into the expediency of establishing a post route from Richmond, Madison county, Kentucky, to London, Laurel county, Kentucky, and post offices on said route; also to inquire into the expediency of establishing a post route from Perry Court-house to Russell Court-house, Virginia, and post offiecs on said route.

On motion by Mr. HARLAN, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Hugh McBrayer, of Kentucky, a soldier of the Revolution, on the pension list.

On motion by Mr. HARDIN, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing half pay, and the bounty land promised by Virginia, to the heirs and representatives of John Roberts, a lieutenant in the Virginia State line, and who continued in the service to the end of the revolutionary war.

On motion by Mr. McCARTY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in Indiana, to wit:

From Richmond, by Newport and Winchester, to Fort Wayne; from Connersville, by Harrisburg, Louisville, and Newcastle, to Muncytown; from Fairfield, by West Union, Columbia, and Danville, to Rushville; from Fort Wayne, by McCormick's and Noblesville, to Indianapolis; and from Toledo, by Mungoquinon, South Bend, and Laporte, to Ottawa, in Illinois; and, also, from Grant Court-house to Legress.

On motion by Mr. HAWES, it was

Resolved, That the Committee on Commerce inquire into the expediency of establishing ports of entry at Bowling Green and Morgantown, in the State of Kentucky.

On motion by Mr. HUNTSMAN, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the town of Jackson, Madison county, by Trenton, Gibson county, to Troy, in Obion county, Tennessee, and to Mills' Point, in Kentucky.

On motion by Mr. LUKE LEA, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Marysville, in the county of Blount, and State of Tennessee, by way of Montvail Springs, to Hugh Gormley's, on the Tennessee river, in Monroe county.

On motion by Mr. SHIELDS, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of increasing the pension of Major William Smith, a soldier of the revolutionary war, who now receives a pension as a private, but who served in the said war in the various capacities of private, ensign, lieutenant, and captain.

On motion by Mr. FORESTER, it was

Resolved, That the Committee on Claims inquire into the expediency of paying the widow of Andrew Stewart, deceased, five years' half pay.

On motion by Mr. HAMER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Winchester to West Union, in Adams county, Ohio.

On motion by Mr. KILGORE, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Massillon, in Ohio, to Canal Dover, in the same State.

On motion by Mr. FRENCH, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Louisia, in Lawrence county, Kentucky, to West Liberty, in Morgan county, of the same State; and, also, into the propriety of establishing a post office on said route, on Big Plain.

On motion by Mr. MAURY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Williamsport, in Maury county, by the way of True's store and Snow Creek, to Franklin, in Williamson county, Tennessee.

On motion by Mr. SHIELDS, it was

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of allowing interest on the amount of a claim granted to the legal representatives of James Brown, deceased, by an act of Congress of the 30th June, 1834.

On motion by Mr. STANDEFER, it was

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Dallas, Tennessee, passing through Lookout and Wile's Valleys, to Ashville, Alabama.

On motion by Mr. WILLIAMS, of Kentucky, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the propriety of allowing to John Emerson interest upon his commutation pay as a revolutionary officer; and that the First Auditor be required to furnish said committee with a copy of all the papers on file in his office in the case on application of said Emerson for commutation pay.

On motion by Mr. GRAHAM, it was

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of causing each of the mints of the United States to make a legal gold coin, of the value of one dollar.

On motion by Mr. GRAYSON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Pocotaligo, South Carolina, by the way of Hickory Hill, to the Augusta road, and a post office at Hickory Hill.

On motion by Mr. OWENS, it was

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of annexing a salary to, and increasing the fees of the office of marshal of the district of Georgia.

On motion by Mr. GRAHAM, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Morgantown, in Burke county, North Carolina, up John's river, to John Most's, on Watauga, in Ashe county.

On motion by Mr. PINCKNEY, it was

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of allowing a salary to the district attorney, and also to the United States marshals, for South Carolina.

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of erecting a court-house in Charleston, South Carolina, or of making some other provision for the accommodation of the Federal court in that State.

On motion by Mr. GRANTLAND, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Centerville, or Turner's store, in Wilkes county, by the way of Wright's store, on the Skullshoal road; thence by the Bowling Green, John M. Coxe's store, and Poullan's bridge, to Salem, Clark county, in the State of Georgia.

On motion by Mr. WILLIAMS, of Kentucky, it was

Resolved, That the declaration of Barnaby Haley, made for a pension, under the act of June 7, 1832, and rejected by the Commissioner of Pensions, be referred to the Committee on Revolutionary Pensions, with instructions to inquire into the expediency of passing a special act for the benefit of said Haley, allowing and giving him a pension.

On motion by Mr. FORESTER, it was

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of placing James Francher, of Tennessee, on the pension roll.

On motion by Mr. MAY, it was

Resolved, That the Committee on Claims be instructed to inquire into the expediency of making an appropriation for the payment of Captain Pearcer's company of mounted volunteers, who were called into service during the late Indian disturbances in Illinois, and who were not paid.

On motion by Mr. CARTER, it was

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a mail route from Leesburg, in Washington county, Tennessee, via Newmansville, in Greene county, to Rogersville, in Hawkins county.

On motion by Mr. LYON, it was

Resolved, That the communication from the President of the United States to Congress, under date of the 6th of February, 1835, together with the accompanying documents, containing the evidence of certain claims to reservations under the fourteenth article of the treaty of 1830 with the Choctaws, and printed with document No. 138, be referred to the Committee on Indian Affairs.

On motion by Mr. WILLIAMS, of Kentucky, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Richmond, Kentucky, passing Slaughter's salt works, Mount Vernon, to Somerset, Pulaski county, Kentucky.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of extending the mail route to Monticello, in the State of Kentucky, (which now passes from Monroe, in Overton county, to Jamestown, in Fentress county, in the State of Tennessee, where it now stops,) passing Abraham Vinwinkle's.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route, leaving the present route, leading from Barboursville, in the county of Knox, Kentucky, to Williamsburg, in Whitley county, at Major Charles Rockhold's; thence by the mouth of Laurel river, the Stone coal mines, Somerset, Mount Vernon, and Slaughter's salt works, to Richmond, in Madison county, Kentucky; and that the petitions and papers referred at the last session of Congress to said committee, in relation to so much of said contemplated route as lies between Richmond, in Madison county, and Somerset, in Pulaski county, be again referred to said committee; and that the petitions and papers referred to said commitee, at the last session, relating to post routes from Monroe, Tennessee, by Jamestown, to Monticello, Kentucky, and from Monroe, Tennessee, by Locust Shade, to Burksville, Kentucky, and from Burksville to Gainsborough, Tennessee, be also referred to the same committee.

On motion by Mr. MUHLENBERG, the House then (at four o'clock) adjourned.

IN SENATE.

TUESDAY, *February* 2, 1836.

The CHAIR communicated a report from the War Department, transmitting the annual list of the officers and other persons employed in the Indian departments.

Also, a report from the same Department, made in obedience to the first section of the act of March, 1803, containing abstracts of the general returns of the militia of the United States, with their arms and equipments, for the year 1836.

MEMORIALS, PETITIONS, ETC.

Mr. SOUTHARD presented a communication from the Governor of the State of New Jersey, inclosing certain resolutions of the Legislature of that State, instructing their Senators in Congress to vote for expunging from the Journal of the Senate the resolution of the 28th of March, 1834, declaring that the President, in the late executive proceeding in relation to the removal of the public deposits from the Bank of the United States, had assumed powers not warranted by law; and, also, instructing them to vote against the renewal of the charter of the Bank of the United States, or any similar bank; and further requesting them to resign their seats in the Senate of the United States, in case they should not think proper to vote as above directed.

The resolutions were read and laid on the table.

Mr. McKEAN presented a memorial from the Select and Common Councils of the city of Philadelphia, stating that the city of Philadelphia, under the will of the late Stephen Girard, have an interest in certain lands in the State of Louisiana, the title to which is derived through the Baron Bastrop; that doubts have been suggested in regard to the validity of said title; and praying for the passage of a law confirming the same or providing for the legal adjudication thereof; which was referred to the Committee on Private Land Claims.

Mr. EWING, of Ohio, presented the memorial of sundry citizens of Ohio, praying for an appropriation for the construction of a bridge across the Ohio, near Wheeling; which was referred to the Committee on Roads and Canals.

Mr. WHITE presented the petitions of John A. Rogers and of William Thorp; which were referred, the first to the Committee on Pensions, the second to the Committee on Military Affairs.

Mr. TYLER presented the petition of John Good, praying remuneration for damages sustained by him in consequence of the passage of the Cumberland road through his land; which was referred to the Committee on Roads and Canals.

Mr. ROBINSON presented the petition of Josette Baubier; which was referred to the Committee on Indian Affairs.

Mr. CUTHBERT presented the petition of Brevet Major J. S. McIntosh, of the United States Army; which was referred to the Committee on Pensions.

Mr. TALLMAN presented the petition of Thomas Harrison, praying for increase of pension; which was referred to the same committee.

Mr. SOUTHARD presented the petition of the yearly meeting of the Society of Friends, held in the city of New York, for Vermont, and parts of the States of Massachusetts, Connecticut, New York, and New Jersey, praying Congress to abolish slavery in the District of Columbia; the petition having been read,

Mr. CALHOUN demanded the preliminary question on the reception of the petition.

Mr. CUTHBERT moved to lay the question on the table. There was no room, he said, to give reasons for a motion of this kind; but it was evident that they must decide on some course with regard to these petitions. The state of things required that some decision should be made. He hoped that the question would, for the present, be laid on the table.

This motion was agreed to.

Mr. CLAYTON presented the petition of sundry citizens of the State of Delaware, praying that New Castle may be made a port of entry.

Mr. KING, of Alabama, presented a communication from the Mayor of the city of Mobile, inclosing certain resolutions of the City Councils of that city, expressing their sympathy for their fellow-citizens who have suffered by the late calamitous fire in the city of New York, and asking Congress to extend to the sufferers some relief; which was referred to the Committee on Finance.

REPORTS FROM COMMITTEES.

Mr. LEIGH, from the Committee on Revolutionary Claims, to which had been referred the petition of the legal representatives of George Hurlbert, deceased, and the petition of the widow and heirs of Gustavus B. Horner, deceased, reported bills for their relief; which were severally read and ordered to a second reading.

Mr. LEIGH, from the same committee, to which had been referred the petition of the heirs of Colonel William Douglass, deceased, reported a bill for their relief; which was also read and ordered to a second reading.

Mr. TYLER, from the Committee on the District of Columbia, to which had been referred the memorial of the various corporations in the District of Columbia, asking pecuniary relief, made a report accompanied by a bill for their relief; which was read and ordered to a second reading, and the report was ordered to be printed.

Mr. HENDRICKS, from the Committee on Roads and Canals, reported, with amendments, the bill for the continuation of the Cumberland road, in Missouri; which was read.

NOTICE OF A BILL.

Mr. GOLDSBOROUGH gave notice that he would to-morrow ask leave to bring in a bill providing for the payment to certain States of their claims for interest on their advances during the late war.

RESOLUTIONS SUBMITTED.

Mr. LINN submitted the following resolutions; which lie on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes: from Columbia, via Rochefort, Boonville, Jonesboro', and Lexington, to Independence, Missouri;

From Fayette to Boonville;

From Liberty to Fort Leavenworth; and from Liberty to Plattsburgh, Clinton county.

Resolved, That the resolution adopted on the 7th of December last, admitting certain public officers of the United States, and others, to the floor of the Senate, as spectators, be further amended by inserting the Inspectors General, the Adjutant General, the Chief of the Ordnance Department, the Surgeon General, and the head of the Indian Bureau.

Mr. SOUTHARD submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of the Navy be directed to communicate to the Senate:

1. The present amount of the Navy hospital fund.
2. The average annual receipts for that fund, in the present condition and extent of the Navy.
3. The number, situation, and extent of the Navy hospital establishments, and the quantity of land connected with each of them.
4. The amount which will be required to complete the Naval Asylum at Philadelphia, and the hospitals at Charlestown, Massachusetts, New York, Norfolk, and Pensacola; together with the necessary and proper improvements of the grounds connected with each of them.
5. The time within which those hospitals, establishments, and the necessary appendages thereto, and the improvements of the several lots on which they stand, may be completed, if sufficient money for that purpose be appropriated.

Mr. PRESTON submitted the following resolution; which was considered and agreed to:

Resolved, That the communication from the President of the United States to Congress, under date of the 6th of February, 1835, together with the accompanying documents, containing the evidence of certain claims to reservations under the 14th article of the treaty of 1830, with the Choctaws, and printed with document No. 198 of the House of Representatives, be referred to the Committee of the Senate on Private Land Claims.

Mr. CLAYTON submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing marine hospitals for sick and distressed seamen at Lewes, in the State of Delaware.

Mr. MANGUM submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Louisburg, North Carolina, by Lemay's Cross Roads, Wilson Mebane's store, Wellborne's meeting-house, Red Mountain, and Turney Mills, to Hillsboro', in said State.

Mr. SOUTHARD submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to cause to be collected, arranged, and printed the documents connected with the cession of the District of Columbia to the United States; the purchase of the lands therein by the Government from the original proprietors; the adoption and execution of the plan of the city of Washington, and the erection of the public buildings therein; the laws passed by Congress in relation to said District; and all such papers of a public character as relate to a connection of said District with the Government of the United States.

The resolution lying on the table, submitted by Mr. TYLER, on the subject of the petitions for the abolition of slavery in the District of Columbia, came up in its order; and, on motion of Mr. TYLER, was laid on the table, in order to allow Mr. BUCHANAN, who had the floor on Mr. BENTON's resolution, an opportunity of continuing his remarks; Mr. TYLER giving notice that he should call up this resolution at the earliest opportunity.

The remaining resolutions lying on the table were then severally considered and agreed to.

NATIONAL DEFENSE.

The Senate then proceeded to the consideration of the resolution introduced by Mr. BENTON for appropriating the surplus revenue to the national defense.

Mr. BUCHANAN addressed the Senate at considerable length, in continuation of his remarks begun yesterday. When he concluded,

Mr. CRITTENDEN took the floor, and spoke until the usual hour of adjournment; when,

On motion by Mr. MANGUM, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 2, 1836.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported various estimates from the Departments for fortifications, &c.; which were ordered to be printed.

On motion by Mr. GIDEON LEE, of New the York, House suspended the rule for an hour, for the purpose of calling the States not called yesterday for petitions, with the limitation that all petitions upon which any debate might arise should lie over.

Petitions and memorials were accordingly presented by

Mr. DEBERRY, of North Carolina;

Messrs. HOPKINS, MORGAN, MASON, LOYALL, JOHNSON, GARLAND, CLAIBORNE, WISE, PATTON, MERCER, and TALIAFERRO, of Virginia;

Messrs. WASHINGTON, HOWARD, and THOMAS, of Maryland.

[Mr. HOWARD presented resolutions of the Mayor and City Councils of Baltimore; which were referred to the Committee on Naval Affairs, with instructions to inquire into the expediency of establishing a navy-yard in said city.]

Mr. MILLIGAN, of Delaware;

Messrs. SUTHERLAND, McKENNON, ASH, DARLINGTON, BANKS, MUHLENBERG, GALBRAITH, CHAMBERS, MANN, WAGENER, LAPORTE, MILLER, HENDERSON, INGERSOLL, and DENNY, of Pennsylvania.

On motion by Mr. MANN, of Pennsylvania, the petition and papers of William Kellar, of Bedford county, Pennsylvania, an officer of the late war, wounded in service, on the files of the House, praying for an increase of his pension, were referred to the Committee on Invalid Pensions.

Mr. HARPER, of Pennsylvania, presented an abolition petition from three hundred and sixty-eight ladies of the city and county of Philadelphia; which he moved be received.

Mr. HAMMOND objected to its reception, and moved to lay the preliminary motion on the table; which was agreed to.

Messrs. CAMBRELENG, MANN, BROWN, McKEON, CHAPIN, PHILO C. FULLER, GIDEON LEE, and TURRILL, of New York.

The SPEAKER announced that the hour set apart for the reception of petitions had expired.

Mr. WHITE, of Florida, by consent, presented sundry petitions, which, together with the foregoing, were appropriately referred.

Mr. TURRILL presented seven petitions, signed by a large number of inhabitants of the counties of Oswego, Oneida, and Jefferson, in the State of New York, asking for an appropriation to construct a harbor at the mouth of Salmon river, on Lake Ontario; also, a petition for the construction of a harbor at the mouth of the river St. Joseph, on Lake Michigan; a petition for the construction of a harbor at the mouth of Eighteen Mile creek, in Niagara county, New York; the petition of Oliver Davis, for compensation for services during the late war; of Satterle Clark, for services during the late war; of Job J. Campbell, for services during the revolutionary war; and of Catharine Schuyler, asking compensation for the services of her husband during the revolutionary war.

Mr. CHAPIN presented the petition of divers inhabitants of the western part of New York, asking an appropriation for the improvement of the harbor at the mouth of Oak Orchard creek, on Lake Ontario.

NORTH CAROLINA CONTESTED ELECTION.

The SPEAKER laid before the House additional testimony in the contested election in North Carolina. Referred to the Committee of Elections.

RESOLUTIONS.

On motion by Mr. JOSEPH JOHNSON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Weston, in the county of Lewis, to Charleston, in the county of Kanawha, in the State of Virginia.

On motion by Mr. JOSEPH JOHNSON, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of changing the time of holding the United States courts for the western district of Virginia, at Clarksburg.

On motion by Mr. McKIM, it was

Resolved, That the Committee for the District of Columbia inquire into the expediency of prohibiting the sale of lottery tickets of every description within the District of Columbia.

On motion by Mr. WASHINGTON, it was

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of reporting a bill for the improvement of Pennsylvania avenue, by paving or Macadamizing, from the War Department to its western termination, and the erection of a substantial stone bridge over Rock Creek.

On motion by Mr. TURNER, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation for the defense of Havre De Grace, in the State of Maryland.

On motion by Mr. ROBERTSON, it was

Resolved, That the claims of the heirs or representatives of Benjamin Harrison, deceased, deputy paymaster of the southern army of the Revolution, be referred to the Committee on Revolutionary Claims.

On motion by Mr. DICKERSON, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Job Daniels, of New Jersey.

On motion by Mr. PARKER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in the State of New Jersey:

From Princeton, through Hightstown, to Freehold.

From Hightstown, through Ewingville, Clarksburg, Hornerstown, Cassville, Charleston, Smithfield, to Freehold, and back.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Philadelphia, through Camden, Burlington, Highstown, and South Amboy, in New Jersey, to the city of New York.

On motion by Mr. CHAMBERS, it was

Resolved, That it be referred to the Committee on the Judiciary to inquire into the expediency of reporting a bill limiting the term of prosecuting suits against the sureties of deceased, resigned, or removed public officers, or any bond or other security to the United States.

On motion by Mr. HEISTER, it was

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of amending the penal laws of the said District, so as more effectually to suppress the practice of gambling within the same.

On motion by Mr. POTTS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, FEBRUARY 22, 1836. VOLUME 3....No. 11.

establishing a mail route from Coatesville, by way of Doe Run, Chatam, Westgrove, Roscommon, and Boyd's store, to Strickersville, all in the county of Chester, and State of Pennsylvania.

On motion by Mr. CHAPIN, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Columbia, via Cabean, E-core-a-Faire, to Washington, in Hempstead county, Arkansas; and from Columbia, via mouth of Arkansas river, mouth of White river, Helena, Greenock, and the county seat of Mississippi county, in Arkansas, to New Madrid, in the State of Missouri.

On motion by Mr. BEAUMONT, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of making some provision for the widows of revolutionary officers and soldiers who were married before or during the term of the service of their husbands.

On motion by Mr. DENNY, it was

Resolved, That the memorials relative to the extension of the circuit court system to the western district of Pennsylvania, and praying that appeals to the Supreme Court may be authorized, in cases where the sum in controversy may exceed the sum of $1,000, be referred to the Committee on the Judiciary; and that said committee be instructed to inquire into the expediency of making an appropriation to aid in the erection of suitable buildings at Pittsburg, for the accommodation of the United States court in and for the western district of Pennsylvania.

On motion by Mr. DENNY, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing Captain John Turner, of Pennsylvania, on the pension roll.

On motion by Mr. STEELE, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making a further appropriation for placing buoys in the rivers Great Choptank, Nanticoke, Wicomico, Manokin, Annamessic, and Pokomoke, and in Tangier Sound; and an appropriation for erecting light-houses on Hooper's Island and Sharp's Island.

Mr. TURRILL submitted the following resolution; which, by the rule, lies over one day:

Resolved, That the Secretary of War be requested to communicate to this House, if in possession of the War Department, a copy of the survey, plan, and estimates for the construction of a ship canal to connect the waters of Lake Erie and Lake Ontario, or any information he may possess in relation thereto.

Mr. GALBRAITH submitted the following resolution; which, by the rule, lies over one day:

Resolved, That the Secretary of War be requested to furnish to this House the report of Lieutenant Thompson S. Brown, of the United States Corps of Engineers, relative to the harbor of Presque Isle, with the accompanying drawings and estimates.

APPROPRIATION BILLS.

The first bill in order on the Speaker's table was the bill making appropriations in part for the expenses of the Government for the year 1836, commonly called the House contingent bill.

The bill was on its third reading, and there were two motions pending—one by Mr. JOHNSON, of Tennessee, to recommit the bill to a Committee of the Whole; and the other, by Mr. UNDERWOOD, to recommit to the Committee of Ways and Means, with instructions to adopt some uniform regulation relating to the pay and mileage of members of Congress.

Mr. JOHNSON, of Tennessee, recommended that the bill should pass by consent as it stood, reserving the items respecting the pay and mileage of members of Congress to future consideration in a separate bill. He expressed himself as desirous as any other gentleman that this subject should be regulated in a uniform manner.

Mr. UNDERWOOD feared that, if the bill was now passed without the deductions he proposed, that the subject would not come up again for consideration during this session. Mr. U. referred to a series of statements to show that, by the present regulations, the mileage of members was exceedingly unequal. There was no difficulty in ascertaining the facts, so as to adopt a uniform rule: the post office routes would be sufficient.

Mr. JOHNSON said, that had always been his rule since he had been a member of Congress. He doubted whether such a measure could properly be introduced into an appropriation bill for expenses of mileage under the existing regulations. It came under the cognizance of a different committee, to whom he wished to send the whole subject for investigation. He trusted the bill would be recommitted to a Committee of the Whole on the state of the Union, to amend it in the particulars he had indicated when the bill was last under consideration.

Mr. LANE made a brief explanation of the charges for mileage made by himself and other members from Indiana. He would vote for regulating the pay, or for reducing it.

Mr. McKENNAN thought the present bill the best place for an amendment to regulate this matter. He knew there was much irregularity, if not abuse, in the mode of charging mileage. Instead of charging by the mail route, gentlemen were too generally in the habit of consulting their own convenience for business or comfort, and going a long way by steamboat or railroad. He hoped the motion to recommit with instructions would prevail.

Mr. WARD would go as far as any gentleman to correct abuses; but the present bill was not, in his opinion, the proper place to do it.

Mr. ADAMS should vote for the motion of the gentleman from Kentucky, [Mr. UNDERWOOD,] though he was greatly opposed to delaying the passage of the bill.

Mr. HARDIN said it was impossible to limit an appropriation for printing before they knew what it would come to; and he could not see how the Committee of Ways and Means were to regulate the question of mileage. Could it be by latitude and longitude from Washington city? The present regulation, prescribing the mode to be by the "usual route," was the best, and to leave it to the honor of gentlemen to say they had so traveled. The members from Kentucky still pursued the same route they had traveled for thirty or forty years. He was for passing the bill as it was, and to regulate the matter of printing hereafter by not ordering so much work to be done.

Mr. PEYTON hoped the motion would prevail. The rule of honor was subject to various constructions; and his own State presented the case of one gentleman who placed a different construction upon the meaning of the law from all his colleagues, for he pursued all the turnings and meanderings of the Ohio river, by taking the river route. Two gentlemen came from the same city, traveled in the same stage together, and one charged two hundred dollars more than the other.

Mr. GIDEON LEE was opposed to the recommittal of the bill. The people of the city were suffering, or would suffer, for the want of this bill being passed, if the deposit bank had not made advances on account of it.

Mr. UNDERWOOD said the balance of the bill need not be delayed.

Mr. MANN, of New York, cared not in what bill a good provision came, so that they got it; and the best way to correct abuses was, to hold fast by the money. For this reason, among others, he should vote to recommit the bill, with instructions. Appropriation bills were the proper place to correct evils, and nowhere else could this be done so effectually.

Mr. ANTHONY said it would not be amiss to establish a geographical society, to assist the Committee on Accounts in this matter. He drew the attention of the House to the great disparity in the case of members coming from a short distance, and those who were able to travel two hundred miles a day in steamboats. Instead of twenty miles a day, the day's mileage should be for forty. The members who came from the far West received more than double what was received by those who had a shorter distance, and all by land. He hoped the bill would be recommitted, and that some regulation would be adopted to do away with this inequality. His rule was, that whenever a thing could be done, mere form should be set aside.

Mr. MERCER said he should vote for the instructions.

Mr. CAMBRELENG said the Committee of Ways and Means had reported this bill for the convenience of the House; and if the other members of the committee felt as he did, they cared very little what disposition the House made of the bill. He hoped, however, the House would gratify the gentleman from Kentucky; but he trusted the gentleman would modify the motion, by referring the bill and instructions to a select committee. The Speaker and Clerk were the executive officers of the House, and not the Committee of Ways and Means, which he hoped would be released from the proposed duty under these instructions. He hoped the gentleman from Kentucky [Mr. UNDERWOOD] would accept the modification.

Mr. ANTHONY moved to amend the instructions by inserting the word "*equalize*" the mileage of members of Congress.

Mr. HARPER said, the change that had taken place since the regulation in the mode of traveling was so great as to render it indispensable that a new regulation should be adopted; and he hoped a remedy would be instantly applied.

Mr. PATTON said, this same thing had happened during every session he had been in Congress, and he never knew an attempt of the kind to be unsuccessful. The law already in force was long settled and established; and it was under that existing statute that the Committee of Ways and Means had reported this bill. The members now here had a right to their pay and mileage under that law. No doubt there were many abuses, but the consideration of them did not come within the province of the Committee of Ways and Means. If there was time to introduce a separate law on this subject, he should have no objection to postpone the bill until that could be done; but he was at a loss to perceive how it could be done in the present bill. He was for going to the matter so as to have a full and fair inquiry into the whole subject, and to pass some law by which the abuses at present existing might be in future avoided.

Mr. DUNLAP was strongly in favor of some uniform method, and that that House should put its own construction upon the law. He should, therefore, vote for the instructions.

Mr. HANNEGAN entered into a warm defense of the Representatives of the West, in reply to Messrs. McKENNAN and ANTHONY.

Mr. ANTHONY moved to insert the words, "the propriety of regulating," &c.

Mr. D. J. PEARCE could not see the propriety of legislating in this bill. It was proposed to insert a new law, which should endure for a length of time, into an appropiation bill, which was in force only for one year. He was not opposed to legislating on this subject, but to legislating in an improper manner. He alluded to the same thing having been done in former appropriation bils, and the result had been productive of endless disputes as to what was the true construction of those laws. He was in favor of the appointment of a committee who could investigate the subject and bring forward a bill upon which the House might act advisedly, and legislate permanently. He was opposed to this kind of incidental and temporary legislation; it was entirely out of place and improper, and never produced any benefit.

Without taking the question the House, on motion by Mr. GRENNELL, adjourned.

IN SENATE.

WEDNESDAY, *February* 3, 1836.

Mr. NAUDAIN, from the Committee on Claims, to which had been referred the bills from the House for the relief of William Findley; for the relief of Marinus W. Gilbert; for the relief of William Baker, of New York; and for the relief of Doctor William Baker, of the City of Washington, reported them severally, without amendment.

Mr. SWIFT, from the Committee on Claims, to which had been referred the bill from the House for the relief of D. W. Whitney, reported the same without amendment.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which the subject had been referred, reported a bill authorizing the purchase of the stock in the Louisville and Portland Canal; which was read, and ordered to a second reading.

DISTRICT BANKS.

Mr. TYLER, from the Committee on the District of Columbia, to which the petitions of the Bank of Columbia and the Bank of Alexandria, asking an extension of their charters, was referred, reported a bill to extend said charters for three years to enable said banks to wind up their affairs; which was read, and ordered to a second reading; and

On motion by Mr. TYLER, and by unanimous consent, read a second time and ordered to be engrossed for a third reading.

BILLS INTRODUCED ON LEAVE.

Mr. EWING, of Ohio, on leave, introduced a bill authorizing the University of Michigan to convey to William Oliver certain lands therein mentioned.

RESOLUTIONS SUBMITTED.

Mr. EWING, of Ohio, submitted the following resolution; which was considered, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what particular balances of former appropriations enter into, and make up, the unexpended balance remaining in the Treasury on the 1st of January, 1836.

Mr. TOMLINSON submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making a further appropriation to preserve Fairweather Island and Black Rock harbor, on the northerly side of Long Island Sound.

On motion by Mr. SOUTHARD, the resolutions presented by him yesterday, from the Legislature of New Jersey, instructing their Senators to vote for expunging certain resolutions from the Journal of the Senate, were ordered to be printed.

RELATIONS WITH FRANCE.

On motion by Mr. CLAY, the resolution submitted by him from the Committee on Foreign Relations, calling on the Department of State for certain documents connected with our French relations, was takenup; when

Mr. KING, of Georgia, submitted the following amendment:

Resolved, also, That the President be requested to communicate to the Senate, an analytical abstract of the awards of the commissioners under the convention with France, of July 4, 1831, with the amounts respectively awarded to each category tor which indemnification was acknowledged to be due by Mr. Dumon, in his report to the French Chamber of Deputies on the 28th March, 1835.

Resolved further, That the President be requested to cause an estimate to be furnished to the Senate, showing the probable advantages already derived by France from the execution of the treaty of July 4, 1831, on the part of the United States, and also under the laws of the United States favoring French commerce.

Resolved further, That the President cause to be communicated to the Senate any information, under the control of the Executive, on the subject of discriminating duties imposed by France unfavorable to the commerce of the United States.

Mr. CLAY accepted this amendment as a modification of his resolution; and the resolution thus modified was agreed to.

ADVANCES TO THE GOVERNMENT.

Mr. GOLDSBOROUGH, on leave, introduced a bill providing for the payment to certain persons of interest on advances made by them during the late war; which was read twice and referred.

CALEB STARK.

Mr. HUBBARD, on leave, introduced a bill for the relief of Caleb Stark; which was also read twice and referred.

TERM OF OFFICE.

The bill to repeal the first and second sections of the act to limit the term of office of certain officers therein named, and for other purposes, was read the third time and passed—yeas 23, nays 20, as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Davis, Ewing of Ohio, Goldsborough, Kent, King of Georgia, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Tyler, and White—23.

NAYS—Messrs. Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, Knight, Linn, Morris, Niles, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Wall, and Wright—20.

BILLS PASSED.

The following bills were also severally read the third time and passed:

The bill for the relief of Peter H. Green and William Emerson.

The bill in addition to the act for the better organization of the district courts of the United States for the District of Alabama.

The resolutions directing certain experiments to be tried at the Mint, to determine how far it is practicable to prevent the debasement of the gold and silver coins of the United States; and

The resolution authorizing the temporary employment of additional clerks in the Patent Office.

NOTICES OF BILLS.

Mr. WRIGHT gave notice that he would tomorrow ask leave to introduce a bill in addition to the act to provide more effectually for the settlement of the accounts between the United States and the receivers of the public moneys, approved March 3, 1797.

RESOLUTIONS.

Mr. HILL submitted the following resolution; which lies on the table one day.

Resolved, That the President cause to be communicated to the Senate, so far as there may be information in the Department of State, the number and amount of claims for spoliations presented to the Commissioners under the French treaty of 1831, which were rejected, and the reasons for said objection.

Mr. BENTON submitted the following resolution; which was considered and agreed to:

Resolved, That the President be requested to cause the Senate to be informed of all the measures taken by the Administration to suppress the Indian hostilities in Florida; and, also, to communicate all the information in his power relative to the cause of those hostilities.

NATIONAL DEFENSE.

The Senate then proceeded to the consideration of the special order, being the resolution of Mr. BENTON for appropriating the surplus revenue to the national defense.

Mr. MANGUM, who was entitled to the floor, rose and addressed the Senate on the subject, and continued his remarks till the usual hour of adjournment, when, without having concluded, he gave way to

Mr. TYLER, on whose motion the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 3, 1836.

On motion by Mr. HUNT, the rule was suspended for one hour, for the purpose of calling those States for petitions not heretofore called during the present week.

Petitions and memorials were then presented by Messrs. HUNT, GILLET, WARDWELL, CRAMER, MASON, HAZELTINE, HARD, WARD, LOVE, CAMBRELENG, HUNTINGTON, LEONARD, CHAPIN, and RUSSELL, of New York;

Mr. ALLEN, of Vermont, presented an abolition petition from sundry inhabitants of Vermont; which he moved be received.

[Mr. PATTON objected to the reception of the petition, and the preliminary motion of reception was laid on the table.]

Messrs. INGHAM and JUDSON, of Connecticut;

Mr. PEARCE, of Rhode Island;

Messrs. PHILLIPS, GRENNELL, LAWRENCE, BORDEN, and REED, of Massachusetts.

Mr. BORDEN presented a memorial, praying the abolition of slavery in the District of Columbia;

[Mr. PATTON objected to its reception, and the preliminary question was laid on the table.]

Messrs. JACKSON and ADAMS, of Massachusetts, presented similar petitions, to the reception of which objection was made, and the preliminary question of reception was laid on the table;

Messrs. EVANS, HALL, SMITH, and MASON, of Maine.

RESOLUTIONS ADOPTED.

The following resolution, submitted yesterday by Mr. TURRILL, was considered and agreed to:

Resolved, That the Secretary of War be requested to communicate to this House, if in possession of the War Department, a copy of the survey, plan, and estimates for the construction of a ship canal, to connect the waters of Lake Erie and Lake Ontario, or any information he may possess in relation thereto.

On motion by Mr. HUNT, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency and propriety of reducing the present rate of postage upon all pamphlets not published periodically.

On motion by Mr. GILLET, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing to Jacob Redington, of Madrid, New York, his pay as a revolutionary pensioner from the time his name was stricken from the pension roll, in 1820, to the time he was restored, in 1828.

On motion by Mr. EVERETT, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing Captain Benjamin Durkee, an officer of the revolutionary army, commutation pay under the resolve of Congress of 1780.

On motion by Mr. EVERETT, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of allowing to Samuel Cleaveland, Jr., a soldier of the late war, bounty lands.

On motion by Mr. EVERETT, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of establishing a pension agency at Windrose, in the State of Vermont, for the payment of all pensioners resident in the counties of Windham, Windion, Orange, Caledonia, and Essex, and of providing that such agency shall provide for the payment of pensioners resident in said counties of Caledonia and Essex, at Danville, in said county of Caledonia.

On motion by Mr. EVERETT, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the survey of a railroad from Hartford, Connecticut, through the State of Connecticut, to the Canada line.

On motion by Mr. JANES, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the names of James Cummings, Benjamin Parkhurst, Daniel Hamny, and Eleazer Denny, on the roll of revolutionary pensioners.

On motion by Mr. INGHAM, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for improving the harbor, and removing the bar at the mouth of the Connecticut river, in the State of Connecticut, and that the papers relating to that subject, now on file in the Clerk's office, be referred to the same committee.

On motion by Mr. JUDSON, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Benjamin Coit, of Norwich, Connecticut, who served in the war of the Revolution.

On motion by Mr. JUDSON, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to David Walden, a soldier in the continental army.

On motion by Mr. PEARCE, of Rhode Island, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of placing a beacon on the south White Rock, and a buoy on Charley's Rock, near the harbor of Wickford, in the State of Rhode Island.

On motion by Mr. LINCOLN, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Worcester, in the State of Massachusetts, by the way of Charlton and Southbridge, to Tolland, in the State of Connecticut.

On motion by Mr. CUSHMAN, it was

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of making an appropriation for the purpose of erecting one or more wharves at the navy-yard, Portsmouth, New Hampshire.

On motion by Mr. HOAR, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety and expediency of allowing to Mary Coburn, late of the State of Maine, deceased, the half pay provided for officers and soldiers by the first section of the act of Congress, passed 16th of April, 1816, chapter fifty-five.

On motion by Mr. JARVIS, it was

Resolved, That the Committee on the Post Office and Roads be instructed to inquire into the expediency of establishing a post route from Dennyville, through Charlotte, Cooper, and Baring, to Calais, in the State of Maine.

On motion by Mr. FAIRFIELD, it was

Resolved, That the Committee on the Post Office and Post

Roads be instructed to inquire into the expediency of establishing a post route from Saco to Salmon Falls, in Hollis; thence to the Bar mills; thence to Moderation Falls, in Buckston; thence to Bonny, Eagle Falls, in Hollis; thence to Steep Falls, in Standish, and thence to East Baldwin, in the State of Maine.

On motion by Mr. PARKS, it was

Resolved, That a committee of five members be appointed to inquire whether any modifications are required in the patent laws, and whether any further accommodations are necessary for the reception and preservation of models.

Mr. ADAMS submitted the following resolution; which, by the rules, lies over one day:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, a copy and translation of the act of the Legislative Chambers of France, making appropriations for carrying into effect the indemnity stipulated for claims of citizens of the United States by the treaty of the 4th of July, 1831; and also copies of all the communications from the French Government and their representatives in the United States, in relation to the execution of that treaty, in the French language.

Mr. SMITH, of Maine, by unanimous consent, submitted the following resolution:

Resolved, That the letter of the late Hon. W. T. Barry, formerly Postmaster General of the United States, received by the Speaker of the House of Representatives at the last session of Congress, on the last day of said session, be taken from the files of the House, laid upon the table, and printed.

Mr. WHITTLESEY moved to lay the resolution on the table.

Mr. SMITH called for the yeas and nays on the motion; which were ordered, and were as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Ashley, Banks, Bond, John Calhoon, Carter, George Chambers, Nathaniel H. Claiborne, Clark, Corwin, Crane, Davis, Deberry, Dromgoole, Evans, Everett, Rice Garland, Graham, Granger, Graves, Grayson, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Heister, Howell, Hunt, Ingersoll, Janes, Henry Johnson, Lawrence, Lay, Luke Lee, Lincoln, Loyall, Sampson Mason, McKay, McKennan, Mercer, Milligan, Morris, Patton, James A. Pearce, Phillips, Reed, Robertson, Russell, William B. Shepard, Sloane, Spangler, Steele, Storer, Taliaferro, Underwood, Vinton, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—65.

NAYS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Beaumont, Boon, Borden, Bovee, Boyd, Briggs, Brown, Bunch, Burns, Bynum, William B. Calhoun, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Coffee, Connor, Craig, Cramer, Cushman, Denny, Dickerson, Dickson, Fairfield, Farlin, Forester, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Hoar, Hopkins, Hubley, Huntington, Huntsman, Joseph Jackson, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Kilgore, Kinnard, Lane, Lansing, Laporte, Lawler, Gideon Lee, Leonard, Logan, Love, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McCarty, McKeon, McKim, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Page, Parker, Parks, Patterson, Dutee J. Pearce, Pettigrew, Peyton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Smith, Sprague, Standefer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, and Ward well—128.

So the House refused to lay the resolution on the table.

The hour of one having arrived, the further consideration of the resolution was arrested.

SPECIAL ORDERS.

The SPEAKER announced the special order; but

On motion by Mr. BRIGGS, and by unanimous consent, the House determined to dispose of several bills from the Senate.

SENATE BILLS.

The following bills from the Senate, were read twice and committed:

A bill providing for the increase of the corps of engineers, and for other purposes; and,

A bill for the better organization of the corps of topographical engineers.

TERMS OF OFFICE.

A bill from the Senate to repeal the first and second sections of the act to limit the term of office of certain officers therein named, and for other purposes, was read twice.

A motion having been made by Mr. MANN, of New York, to refer the bill to the Committee on the Judiciary,

Mr. BELL said this was a subject of very great importance to the country, and demanded the most serious consideration of the American Congress. He saw no peculiar fitness in committing this bill to any of the standing committees of the House; and he should move to refer it to a select committee, as he wished the question to undergo the most serious and elaborate examination. It was a most extraordinary fact, that, notwithstanding that House was the popular branch of the Legislature, yet, by the operation of its rules, and the construction and decisions put upon them, no opportunity was afforded to any one member of the House to bring forward a resolution or proposition upon which he could express his own views. These were new days, and a new era. He did not know that he could trace it back; but he had also consulted older members; and never before was it known in the popular branch of the Legislature that everything was ruled down as it now was, by forms and decisions upon the rules. No opportunity was afforded for the consideration of great and fundamental principles, and they could only be got at indirectly. Mr. B. had himself held a proposition of this description in his drawer for the last six or seven weeks, but no opportunity had presented. Mr. B. extended his complaint upon the present operation of the rules. It was discussion, light, that was wanted by the country; and he hoped an opportunity would be afforded to the minority to express their views. Therefore, to test the sense of the House, he moved that the bill be committed to a select committee.

Mr. ADAMS hoped the motion of the gentleman from Tennessee [Mr. BELL] would prevail. Nothing but the consciousness of the time which he had occupied in the House had prevented him from making the same motion. He agreed with the gentleman from Tennessee, that this was a most important subject. He had seen it stated in a morning paper that this bill proposed to *amend* the Constitution. He viewed it as an attempt to *alter* the Constitution. It should be discussed to the utmost extent, and decided upon in the most mature deliberation. He should vote to refer the bill to a select committee.

Mr. HAMER did not agree with the sentiments expressed by the two gentlemen who had just addressed the House, that this bill should go to a select committee. A great deal had been said in the House during the present session with regard to the appropriate duties of the various committees of the House, and if any gentleman would take the trouble to turn to the rules, he would perceive, that when a proposition was made to change a law, which involved a constitutional question, proposing to repeal existing laws, and substitute others in their place, it ought properly to go to the standing Committee on the Judiciary. What did this bill propose? Was it not a bill, as had been remarked, of the utmost importance to the people of this country, proposing to change laws that had been long in existence? If gentlemen were so exceedingly desirous to get up a report of a partisan character, or of a political character, either the majority or the minority of the select committee might advance all their doctrines in a speech. There had been precedents for this during the present session, as well as previously.

Mr. H. did not well understand the lectures delivered there from day to day, upon the subject of the rules of the House. It was said by the gentleman from Tennessee, [Mr. BELL,] that by the present construction of the rules, and by the decisions of the Chair, and the majority of the House, no opportunity was afforded of discussing great principles. This was a strange sentiment. Why, what had they been doing the whole of the session but discussing great principles? Congress had been in session something like two months, and they had passed, he was given to understand, but three bills, and those of a private character. They had been constantly engaged in discussing matters and things in general. Had they no resolutions there? Why, there were two or three resolutions pending at the same moment, and some two or three unfinished speeches, which gentlemen were waiting to conclude. There was a blaze of light pouring forth from this quarter, over the community; and he would venture to say, that if they spent all the time of the session, as they had spent it thus far, there would scarcely be a constitutional question that would not be perfectly understood by every man in the country. He hoped this bill would take the usual course, and go to the standing Committee on the Judiciary, who would report upon it; and then gentlemen would have an opportunity of expressing their views upon it. With regard to the rules, he hoped an opportunity would soon be afforded of adopting such as would be best calculated to facilitate the business of the House. If the rules were wrong, let them be amended; if the decisions of the Speaker were wrong, let them be reversed. He should vote for the bill taking the usual reference to the Committee on the Judiciary.

Mr. VANDERPOEL said that he had heard no good reason for a reference of this bill to a select committee. The honorable gentleman from Massachusetts [Mr. ADAMS] had observed that this was a bill to change the Constitution, and therefore he would vote to refer it to a select committee. Another honorable gentleman [Mr. BELL] had observed that it was a very important bill; it was one in which the people took great interest, and therefore it ought to go to a select committee, that a report might be speedily made, and gentlemen might have an opportunity of discussing this subject. Mr. V. said he hardly thought the gentleman from Tennessee would hazard the assertion, made by the gentleman from Massachusetts, that this was a bill to change the Constitution. It originated in the Senate; and many gentlemen would doubtless deem it uncharitable *to that body* to say that they would, by means of a mere law, change the Constitution. If it was not a proposition to change the Constitution, it was only a proposition to change the existing law, and therefore belonged most appropriately to the Judiciary Committee. The mere *importance* of the subject, upon which the gentleman from Tennessee had dwelt with so much force, was certainly no reason for referring this bill to a select committee. The Judiciary Committee was surely one of the most important committees recognized by the rules of this House. It required great ability and learning, and its members were always selected, he supposed, in reference to their requisite talents and qualifications. He did not believe that the select committees engrossed all the wisdom and capacity of the House, but was rather disposed to think that a body of gentlemen, who were permanent and chosen for the investigation of great and interesting subjects, would be apt to be quite as *select* for their wisdom, in reference to the subjects that came within their province, as another body, which we dignified with the appellation of a "*select committee.*" The gentleman from Tennessee had not ventured to say, that the subject matter of the bill did not most naturally belong to the Judiciary Committee, but it was an *important* subject, and *ipso facto*, in the opinion of that honorable gentleman, it ought to be referred to a select committee. This was, to his (Mr. V.'s) mind, a very unsatisfactory reason for a special reference. It was, he believed, a very important law, and one which proposed to secure to the incumbents of office a freehold title in office.

Mr. V. said the honorable gentleman from Tennessee [Mr. BELL] had given the House another lecture about the mischiefs resulting from our rules, or from the administration of them. He did not understand the honorable gentleman to impute any blame to the presiding officer of the House; but the grievance of which he most complained was, that the discussion of no one important subject was finished before another was obtruded upon our consideration. This was no new mischief. He (Mr. V.) had felt the annoying influence of it under former auspices, and very shortly after he became a member of this House. Two years ago he undertook to make a speech upon an important subject, proceeded with his argument for about half an hour, and then gave way to a motion to adjourn. Next morning he resumed his seat, with notes in hand, to continue his argument; and, much to his annoyance, the subject was not again announced from the Chair till the expiration of some weeks!—and most of the gentlemen here would bear witness to the agony which resulted from being laden for whole weeks with a half delivered speech. His past experience, therefore, enabled him to bear witness, that the confusion in which the business of the House was involved, by means of our rules, was not unprecedented; and therefore it

was not a fit subject of rebuke to the majority of this House. He did not know that the honorable gentleman intended to rebuke the majority; but he at least took good care to remind them very often of the evils of their rules.

The honorable gentleman from Tennessee seemed to think, that it was vitally important to the people that this, and other subjects of importance, to which he had adverted, should be here discussed. He (Mr. V.) had not, for some time past, *so far as the enlightening of the people was concerned*, been in the habit of attaching quite as much importance to speeches made here, and in the other end of the Capitol, as was ascribed to them by many other gentlemen. He did not believe that this was the fountain, the source of all light for the people. No; he believed that the people of this country had wisdom enough to understand their political rights and interests, and *independence* enough to assert and vindicate them; and if gentlemen here would more frequently yield to, or profit by, the lessons which the people taught them, they would be more apt to perpetuate the confidence, and subserve the interests of the people. But, if gentlemen wanted to make speeches to enlighten the people, they could as well perform that duty after the report of a standing committee as after the report of a select committee. They might make their two hours' speech, print it in the Globe or Sun, and thus illuminate the benighted people. The argument of the honorable gentleman [Mr. BELL] in favor of a select committee, because of the facility that might be afforded to make speeches, was as unsound as the argument that it ought to be referred to a select committee on account of its *importance*.

Mr. BELL briefly rejoined, and denied that he was impelled by any party or partisan views in the course he should take on this subject.

Mr. MANN explained that he had made the motion to refer the bill to the Committee on the Judiciary, because he believed that to be the proper course, and he saw no reason to deviate from that course, unless there was some great principle that could be brought to bear against the propriety of doing so. He agreed that the subject was one of the highest importance, and one that required the most deliberate consideration. But it was not a new proposition, for it was as early as the first Congress. Mr. M. had heard no reason why the usual course should be departed from. The gentleman from Tennessee had manifested a very commendable zeal in regard to the business of the House, and told them that times had changed—strangely changed. Mr. M. would ask, was it not rather a change of the gentleman than a change of the times? With regard to the complaints made about the rules of the House, he could not perceive their application to the present question of referring this bill to a standing committee. Mr. M. had, as the principal organ of the committee of the House on the subject of the rules, made a report thereon, and had purposed to call it up; but he had, as yet, been unable to do so. If he waited till it became the regular order, he feared the report would not be considered during the present session; and for the purpose of endeavoring to discharge his duty, he would ask the House to take it up every day, from that day henceforward, until a decided manifestation of the House rejected his motion. Mr. M. complained of the disingenuous imputation cast upon the majority by the gentleman from Tennessee, of wishing to evade the question.

Mr. BELL said it was in answer to charges of that description against himself.

Mr. MANN said that did not alter the case at all, for it was equally disengenuous. Mr. M. made some further remarks in relation to the rules of the House; and concluded by saying, that he had heard and saw no objection whatever to referring this bill to the Committee on the Judiciary.

Mr. BELL wished to say a word in reply to the gentleman from New York, [Mr. MANN,] who, no doubt, intended to be severe in saying that "men have changed as well as times." Mr. B. said, however men may change, principles do not change.

Mr. MANN, in reply, said that he only asserted a general proposition that men change as well as "times." The gentleman from Tennessee says, "that principles never change." I know that, sir, (said Mr. M.,) but I know that men sometimes change principles.

Mr. MERCER desired to know whether the Committee on the Judiciary could act promptly on the bill?

Mr. REYNOLDS, of Illinois, asked for the yeas and nays; which were ordered.

Mr. THOMAS, as a member of the Committee on the Judiciary, in reply to Mr. MERCER's interrogatory, said, that it would be taking too much upon him for any member of the committee to answer the question. He said the House would certainly not be prepared to take it up in less than ninety days.

Mr. INGERSOLL said the main reason given for sending this bill to the Committee on the Judiciary—viz: because it changed an existing law—would send every proposition for a new law, or to change an old one, to that committee. He was in favor of referring it to a select committee.

Mr. SUTHERLAND adverted to the rule in regard to the reference of subjects to committees, and contended that the present bill involved legal and constitutional questions, which rendered its reference to the Committee on the Judiciary peculiarly proper. He did not object to a thorough examination of the subject, and, when a report should be made, that it should be discussed fully and freely. There was other business, however, of paramount importance to the nation, which he would not lay down for the purpose of first deciding whether John Doe or Richard Roe should hold the offices of the country.

Mr. PHILLIPS said, if it could be made apparent that this bill came within the province of the Committee on the Judiciary, he would vote to send it to that committee; but it was not merely a legal question. It involved questions which did not come within the province of that committee. He was strongly in favor of sending the subject to a select committee.

Mr. HAMER rose to reply to the gentleman from Tennessee, [Mr. BELL.] It was not his intention to prevent discussion on the present question, and he hoped his course had not been such as to prevent it. He was against a reference to a select committee, because the members who would compose that committee must be taken from the standing committees; and by that means it would interfere with the business of the standing committees.

Mr. MERCER said, he had understood from the chairman of the Judiciary Committee, that a report might be had from that committee on the subject before the House would be prepared to act upon it.

Mr. THOMAS said the gentleman from Virginia [Mr. MERCER] had misunderstood him. He had said that the committee had several questions before it; but he was of opinion that a report might be made in the course of sixty or ninety days; before which time he presumed the House would not be prepared to act upon the subject.

Mr. MERCER said he did not misunderstand the gentleman. He was aware, from the amount of business before the House, that it would not be prepared to act on that subject before that time.

Mr. McKIM demanded the previous question, but subsequently withdrew the motion.

Mr. BELL made a few remarks in reply to the gentleman from Ohio, [Mr. HAMER.] He thought they ought to consider the question as far as was possible to do so, or as far as human nature permitted of, apart from party feelings.

Mr. ROBINSON said that there was a mass of business before the Committee on the Judiciary; and such was the condition of things that it would be impossible for the committee, in consequence of the Ohio boundary and other questions before them, to act speedily on the present subject, if it should be referred to them. He should, therefore, oppose it.

Mr. DUTEE J. PEARCE said, as the bill under discussion involved constitutional rights, he thought the Committee on the Judiciary was the most appropriate reference it could have.

Mr. ADAMS said, as the yeas and nays were to be called on the question, he wished to give his reasons for voting against sending the subject to the Committee on the Judiciary. It was not because he had less confidence in that committee than any other, but because all questions coming before the House, relative to alterations or amendments of the Constitution, were referred to a select committee. The present subject being of that nature, he was in favor of its having the same reference, and would, therefore, vote for sending it to a select committee.

The subject was further discussed at some length by Mr. PEYTON and Mr. GLASCOCK, when

Mr. PATTON moved that the House adjourn.

Mr. VANDERPOEL called for the yeas and nays; which were not ordered; and

The House then adjourned.

IN SENATE.

THURSDAY, *February* 4, 1836.

The CHAIR communicated a report from the Navy Department, made in pursuance of the second section of the act of May, 1820, containing a statement of the appropriations made for the naval service for the year 1835.

Also, a letter from the War Department, with a report from the Adjutant General's office, and fifty copies of the Army Register for the year 1835, for the use of the Senate.

PETITIONS, MEMORIALS, ETC.

Mr. McKEAN presented the memorial and documents of William B. Foster, of the city of Pittsburg, a deputy commissary of purchases for the Army of the United States during the late war, praying compensation for extra services; which was referred to the Committee on Military Affairs.

Mr. LINN presented the petition of sundry citizens of Missouri, praying for the establishment of a post route from the seat of government of the State of Missouri, to the seat of government of the Territory of Arkansas; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of sundry citizens of Missouri, asking for the creation of a new land office; which was referred to the Committee on Public Lands.

Mr. TOMLINSON presented the petition of sundry citizens of Connecticut, praying for the establishment of a new post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. EWING, of Illinois, presented the resolutions of the General Assembly of the State of Illinois, instructing their Senators, and requesting their Representatives in Congress, to use their exertions to procure the passage of a law making an appropriation for the building of an hospital at or near the confluence of the Ohio and Mississippi rivers; which were referred to the Committee on Commerce.

REPORTS FROM COMMITTEES.

Mr. NAUDAIN, from the Committee on Claims, to which had been referred the petitions of James F. Southoron and William A. Gordon, reported bills for their relief; which were severally read, and ordered to a second reading.

Mr. ROBBINS, from the Committee on Naval Affairs, to which had been referred the petition of John M. Gamble, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the petition of Beverly Allen, reported a bill for the relief of the legal representatives of Nathaniel Shaver, deceased; which was read, and ordered to a second reading.

Mr. TIPTON, from the Committee on Claims, to which had been referred the bill for the relief of Joseph Hertick, reported the same without amendment.

Mr. WHITE, from the Committee on Indian Affairs, to which had been referred the bill for the relief of Benjamin Franklin Stickney, reported the same without amendment.

Mr. SWIFT, from the Committee on Claims, made an unfavorable report on the petition of the heirs of Richard Mason.

INCENDIARY PUBLICATIONS.

Mr. CALHOUN, from the select committee to which was referred that portion of the President's message relating to the attempts to circulate through the public mails publications calculated

to excite insurrection among the slaves of the slaveholding States, made a report thereon, accompanied by a bill.

The report, which is a very long one, having been read, the bill was read the first time, and ordered to a second reading.

The following is a synopsis of the bill:

SEC. 1 provides, that it shall not be lawful for any deputy postmaster knowingly to receive and put into mail any pamphlet, newspaper, handbill, or other printed, written, or pictorial representation touching the subject of slavery, directed to any person or post office where, by the laws thereof, their circulation is prohibited; nor to deliver the same to any person whatsoever, except such persons as may be authorized by the proper authority of such State, &c.

SEC. 2 authorizes the Postmaster General to dismiss deputies offending in the premises; and persons so offending are, on conviction, to be fined not less than ——, and not more than ——, at the discretion of the court.

SEC. 3 provides, that it shall be the duty of deputy postmasters, &c., to coöperate in preventing the circulation of pamphlets; and that nothing in former acts of Congress shall be so construed as to protect those convicted as above mentioned.

SEC. 4 makes it the duty of the Postmaster General to furnish to the deputies the laws of the several States prohibiting the publication or circulation, &c., for their government; and makes regulations to carry the act into effect.

SEC. 5 provides, that deputies shall give notice to the Postmaster General where pamphlets are deposited, that they may be withdrawn by the persons depositing them; and, if not withdrawn in the space of one month, they are to be burnt or destroyed.

Mr. MANGUM moved that five thousand extra copies of the report be printed.

Mr. DAVIS said, that as a motion had been made to print the paper purporting to be a report from the select committee of which he was a member, he would remark that the views contained in it did not entirely meet his approbation, though it contained many things which he approved of. He had risen for no other purpose than to make this statement, lest the impression should go abroad with the report that he assented to those portions of it which did not meet his approbation.

Mr. KING, of Georgia, said, that lest the same misunderstanding should go forth with respect to his views, he must state that the report was not entirely assented to by himself. However, the gentleman from South Carolina, [Mr. CALHOUN,] in making this report, had already stated that the majority of the committee did not agree to the whole of it, though many parts of it were concurred in by all.

Mr. DAVIS said he would add further, that he might have taken the usual course, and made an additional report containing all his views on the subject, but thought it hardly worth while, and he had contented himself with making the statement that he had just made.

Mr. KING, of Alabama, said this was a departure from the usual course—by it a majority might dissent; and yet, when the report was published, it would seem to be a report of the committee of the Senate, and not a report of two members of it. It was proper that the whole matter should go together with the bill, that the report submitted by the majority might be read with the bill, to show that the reading of the report was in conflict with the principles of the bill reported. He thought the Senator from North Carolina [Mr. MANGUM] had better modify his motion, so as to have the report and bill published together.

Mr. LINN remarked that, being a member of the committee, it was but proper for him to say, that he had assented to several parts of the report, though he did not concur with it in all its parts. Should it become necessary, he would, when the subject again came before the Senate, explain in what particular he had coincided with the views given in the report, and how far he had dissented from them. The bill (he said) had met with his approbation.

Mr. CALHOUN said he hoped his friend from North Carolina would modify his motion, so as to include the printing of the bill with the report. It would be seen, by comparing both together, that there was no *non sequitur* in the bill, coming as it did after this report.

Mr. KING, of Alabama, had only stated his impressions from hearing the report and bill read. It appeared to him unusual that a report should be made by a minority, and merely acquiesced in by the committee, and that the bill should be adverse to it.

Mr. DAVIS said the report was, as he understood it to be read from the chair, the report of the committee. He had spoken for himself only, and for nobody else, lest the impression might go abroad that he concurred in all parts of the report, when he dissented from some of them.

Mr. CALHOUN said, that a majority of the committee did not concur in the report, though there were two members of it—himself and the gentleman from North Carolina—who concurred throughout; three other gentlemen concurred with the greater part of the report, though they dissented from some parts of it, and two gentlemen concurred also with some parts of it. As to the bill, two of the committee would have preferred a different one, though they had rather have that than none at all; another gentleman was opposed to it altogether. The bill, however, was a natural consequence of the report, and the two did not disagree with each other.

Mr. CLAY said reports were merely argumentative papers, and were not considered as adopted paragraph by paragraph by the Senate, in ordering them to be printed. If a bill embracing the principles of a report was adopted, the reasoning of the report might, so far as applicable, be considered as adopted.

Mr. LEIGH rose merely to state to the Senator from Alabama, that the bill did not contradict the reasoning of the report, and was confirmatory of that portion of it to which it referred. This the gentleman would see when he came to read the report and bill together.

Mr. MANGUM then modified his motion by moving to print five thousand copies of the report, together with the bill; which motion was agreed to.

RESOLUTIONS.

Mr RUGGLES submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing, by law, a post route from Thomastown, through Cushing and Friendship, in the State of Maine; also, from East Thomastown to Owlshead, in the same State.

Mr. WHITE submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of War be, and he is hereby, requested to inform the Senate what number of the Cherokee Indians residing east of the river Mississippi enrolled themselves for removal to the western side of said river, from the 4th day of March, 1829, to the 1st day of January last; stating particularly the number enrolled each year, likewise the number of improvements valued for each emigrant in each year, giving the name of each Indian for whom a reservation was made, a description of the place valued, the sum at which it was valued, and the name of each person who received the valuation money; and also whether the business of enrollment was suspended for any portion of the time within the periods before mentioned, and how long.

Mr. BUCHANAN submitted the following resolution; which lies on the table one day:

Resolved, That the rules of the Senate be so modified that each Senator may introduce not exceeding three ladies daily into the circular lobby, under such regulations as the Vice President may direct.

NATIONAL DEFENSE.

The Senate then took up Mr. BENTON's resolution for appropriating the surplus revenue to national defense; when

Mr. MANGUM, who was entitled to the floor, yielded to

Mr. CLAYTON, who addressed the Senate till the usual hour of adjournment; when, without concluding, he gave way to

Mr. PORTER, on whose motion the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 4, 1836.

Mr. PINCKNEY, by unanimous consent, presented a communication from the Secretary of the Navy, in relation to a naval depot in the harbor of Charleston; which was ordered to be printed.

SLAVERY IN THE DISTRICT.

Mr. PINCKNEY asked the unanimous consent of the House to submit a resolution, relative to the abolition of slavery in the District of Columbia. His object was, to have the resolution printed; and when the pending resolutions on the subject should be taken up, he should offer his proposition in lieu of the same.

Mr. GRANGER called for the reading of the resolution; which was read accordingly, as follows:

Resolved, That all the memorials which have been offered, or may hereafter be presented to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, [Mr. JARVIS,] with the amendment thereto, proposed by an honorable member from Virginia, [Mr. WISE,] and every other paper or proposition that may be submitted in relation to that subject, be referred to a select committee, with instructions to report that Congress possesses no constitutional authority to interfere in any way with the institutions of slavery in any of the States of this Confederacy; and that, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union; assigning such reasons for these conclusions as in the judgment of the committee may be best calculated to enlighten the public mind, to repress agitation, to allay excitement, to sustain and preserve the just rights of the slaveholding States and of the people of this District, and to reëstablish harmony and tranquillity amongst the various sections of the Union.

Mr. WISE then rose and objected to its reception.

Mr. PINCKNEY moved to suspend the rules, in order to enable him to offer the resolution.

Mr. MANN, of New York, asked for the yeas and nays on the motion to suspend the rules; which were ordered.

Mr. W. B. SHEPARD inquired whether, if the rule was suspended, and the resolution offered, it would not open the whole subject for debate at this time.

Mr. PINCKNEY repeated that his only object was to present his resolution, for the purpose of having it printed for the information of members; and that when the subject should again come up, he contemplated moving it as a substitute for the propositions before the House.

Mr. WILLIAMS, of North Carolina, again called for the reading of the resolution; which being done,

Mr. MORGAN moved to lay the motion to suspend the rules on the table.

Mr. HAWES called for the yeas and nays; which were not ordered.

The motion to lay the motion to suspend the rules on the table was negatived.

The question on the suspension of the rules was then taken by yeas and nays, as follows:

YEAS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Beaumont, Bockee, Bond, Boyd, Briggs, Brown, Burns, Bynum, Cambreleng, Carr, Casey, George Chambers, John Chambers, Chapin, Chaney, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cushing, Cushman, Deberry, Denny, Dickson, Effner, Evans, Everett, Fairfield, Farlin, Fowler, Fry, Philo C. Fuller, Galbraith, James Garland, Gillet, Granger, Grantland, Graves, Hamer, Hannegan, Harper, Samuel S. Harrison, Hawes, Haynes, Hazeltine, Henderson, Holsey, Hopkins, Howard, Hubley, Hunt, Huntington, Huntsman, Ingram, Joseph Jackson, Jarvis, Cave Johnson, Benjamin Jones, Kilgore, Kinnard, Lane, Lawrence, Joshua Lee, Leonard, Logan, Abijah Mann, Job Mann, Manning, William Mason, Moses Mason, Sampson Mason, May, McKay, McKim, McLene, Miller, Moore, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Roane, Rogers, Schenck, Seymour, Augustine H. Shepperd, Sloane, Smith, Spangler, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Weeks, and Lewis Williams—124.

NAYS—Messrs. Chilton Allan, Heman Allen, Ashley, Banks, Boon, Borden, Bovee, Bunch, John Calhoon, William B. Calhoun, Carter, Chapman, Childs, Nathaniel H. Claiborne, Clark, Crane, Darlington, Dickerson, Dunlap, Forester, French, Rice Garland, Glascock, Grayson, Grennell, Griffin, Haley, Hiland Hall, James H. Hammond, Hard, Hardin, Harlan, Heister, Hoar, Howell, Ingersoll, William Jackson, Janes, Judson, Laporte, Lawler, Lay, Luke Lea, Lincoln, Love, Lyon, Martin, John Y. Mason, Maury, McKennan, Mercer, Morgan, Morris, James A. Pearce, Pettigrew, Peyton, Pickens, Potts, Robertson, Russell, William B. Shepard, Shields, Shinn, Standefer, Steele, Taliaferro, Waddy Thompson, Towns, Underwood, Webster, White, Whittlesey, Sherrod Williams, and Wise—75.

So the House refused to suspend the rules, two thirds being necessary.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following communications:

I. A letter from the Secretary of War, transmitting an abstract of the general returns of the militia of the United States; which was laid on the table, and ordered to be printed.

II. A letter from the Secretary of War, transmitting a list of the persons employed in the Indian Department; which was referred to the Committee on Indian Affairs, and ordered to be printed.

III. A communication from the Secretary of the Navy, transmitting a statement of the expenditures of appropriations for the naval service for the year 1835; which was laid on the table, and ordered to be printed.

IV. A letter from the Secretary of War, transmitting two hundred and fifty copies of the official Army Register for 1835; which was laid on the table, and ordered to be printed.

V. A report from the Commissioner of the Public Buildings, of the expenditures on the public buildings, and other objects under his care, for the year 1835; which was laid on the table, and ordered to be printed.

REPORT ON THE RULES.

Mr. MANN, of New York, asked the unanimous consent of the House to take up and consider the report of the select committee on the rules.

Objection being made,

Mr. MANN moved a suspension of the rules for this purpose.

Mr. BELL called for the yeas and nays on the motion; which were ordered, and were as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Ashley, Beale, Bell, Bockee, Bond, Boon, Borden, Boyd, Briggs, Bunch, Bynum, John Calhoon, William B. Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Childs, Clark, Cleveland, Conner, Corwin, Crane, Cushing, Davis, Deberry, Denny, Dickson, Dunlap, Everett, Forester, Fry, Philo C. Fuller, Rice Garland, Graham, Granger, Grayson, Grennell, Griffin, Joseph Hall, Hiland Hall, Hamer, Hard, Hardin, Harlan, Harper, Hazeltine, Heister, Howell, Hunt, Huntsman, Ingersoll, Janes, Henry Johnson, Kinnard, Lane, Laporte, Lawrence, Gideon Lee, Luke Lea, Lincoln, Love, Lyon, Abijah Mann, Samp'on Mason, Maury, May, McKay, McKennan, McKeon, Mercer, Milligan, Moore, Morris, Parker, James A. Pearce, Pettigrew, Peyton, Phillips, Pickens, Potts, Rencher, John Reynolds, Ripley, Roane, Robertson, Russell, Schenck, William B. Shepard, Augustine H. Shepperd, Shields, Sloane, Spangler, Sprague, Standefer, Steele, Storer, Taliaferro, Turner, Underwood, Vinton, White, Whittlesey, Lewis Williams, and Wise—102.

NAYS—Messrs. Adams, Anthony, Ash, Banks, Barton, Bean, Beaumont, Bovee, Brown, Burns, Cambreleng, Carr, Chaney, Chapman, Chapin, John F. H. Claiborne, Coffee, Coles, Craig, Cramer, Cushman, Darlington, Dickerson, Doubleday, Dromgoole, Effner, Fairfield, Farlin, Fowler, French, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Haley, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Hoar, Holsey, Hopkins, Howard, Hubley, Huntington, Ingham, William Jackson, Joseph Jackson, Jarvis, Joseph Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Lansing, Lawler, Lay, Joseph Lee, Leonard, Logan, Loyall, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, McKim, McLene, Miller, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Phelps, Pinckney, Joseph Reynolds, Rogers, Seymour, Shinn, Smith, Sutherland, Taylor, John Thompson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, and Sherrod Williams —103.

So the House refused to suspend the rules, two-thirds being necessary.

On motion by Mr. W. B. SHEPARD, the rules were suspended for the purpose of calling for reports from committees.

SUFFERERS BY NEW YORK FIRE.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported the following resolution:

Resolved, That so much of the nineteenth rule of the House which appropriates Friday and Saturday in each week to the consideration of private bills, be suspended on Saturday next, and that the bill for the relief of the sufferers by fire, in the city of New York, be made the special order of the day, at one o'clock on that day.

The resolution was rejected—ayes 109, noes 66; two thirds being necessary.

REPORTS OF COMMITTEES.

Mr. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of Major General Alexander Macomb; which was read twice, and committed.

Mr. ASHLEY, from the Committee on Indian Affairs, reported a bill for the relief of Reuben E. Gentry, William Monroe, and others; which was read twice, and committed.

Mr. P. C. FULLER, from the Committee on Claims, reported a bill for the relief of Samuel Sanderson; which was read twice and committed.

Mr. WILLIAM B. SHEPARD, from the Committee on the District of Columbia, reported a bill for the relief of the several corporate cities of the District of Columbia; which was read twice and committed.

Mr. PARKER, from the Committee on Naval Affairs, reported a bill for the relief of John Rudd, and the representatives of Samuel Stout, deceased; which was read twice and committed.

Mr. THOMSON, from the Committee on Military Affairs, reported, without amendment, bills from the Senate, providing for the increase of the corps of engineers, and for other purposes, and for the better organization of the corps of topographical engineers; and the same were committed to the Committee of the Whole on the state of the Union.

Mr. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of William Christy; which was read twice and committed.

Mr. GARLAND, of Virginia, from the Committee on Private Land Claims, reported a bill for the relief of John Borey, of Arkansas; which was read twice and committed.

Mr. CRANE, from the Committee on Revolutionary Claims, reported the following bills; which were read twice and committed:

A bill for the relief of the legal representatives of Joseph Young, deceased; and

A bill for the relief of the legal representatives of Colonel Willis Reddick, deceased.

Mr. LAY, from the Committee on Revolutionary Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of James Mullings; and

A bill for the relief of Stephen Talmadge.

Mr. BEALE, from the Committee on Invalid Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of Francis S. St. Clair; and

A bill for the relief of Luke Voorhees.

Mr. ASH, from the Committee on Naval Affairs, reported a bill for the relief of Captain F. A. Parker; which was read twice and committed.

Mr. JANES, from the Committee on Revolutionary Pensions, reported a bill granting a pension to John Collins; which was read twice and committed.

Messrs. WHITTLESEY and PHILO C. FULLER, from the Committee on Claims; Messrs. WILLIAMS of North Carolina, BOON, and CASEY, from the Committee on Public Lands; Messrs. PARKER and JARVIS, from the Committee on Naval Affairs; Messrs. THOMSON of Ohio, COFFEE, BUNCH, and MCKAY, from the Committee on Military Affairs; Messrs. HARRISON of Pennsylvania, BEALE, SHINN, and TAYLOR, from the Committee on Invalid Pensions; Messrs. MUHLENBERG and KINNARD, from the Committee on Revolutionary Claims; Mr. MCKEON, from the Committee on the Library; Mr. ADAMS, from the Committee on Manufactures; and Messrs. STORER, LEA, MORGAN, and JANES, from the Committee on Revolutionary Pensions—made unfavorable reports upon various petitions and memorials; which were ordered to lie on the table.

RESOLUTIONS SUBMITTED.

Mr. J. Y. MASON submitted the following resolution; which, by the rule, lies over one day:

Resolved, That the President of the United States be requested to communicate to this House a statement showing the amount of duties received into the Treasury of the United States, on wines and silks of the production of France, since the passage of the act entitled, "An act to carry into effect the convention between the United States and his Majesty the King of the French," concluded at Paris on the 4th of July, 1831, approved the 13th of July, 1832; and the amount of duties which would have been chargeable on the same importations under the revenue laws as they existed at the time of the passage of that act, with the amount of importations of those articles in each year for five years past; that he be also requested to communicate to this House a statement showing in analytical form the awards made by the commissioners who acted under the act aforesaid in execution of the said convention, their amount, the several classes or categories in which they are arranged, and the amount of the awards belonging to each class.

On motion by Mr. CHAPMAN, it was

Resolved, That the Secretary of War be directed to furnish, for the use of this House, any information in his Department in relation to the progress and present condition of the improvement of the Tennessee river at the Muscle and Colbert's shoals; and particularly the report made by Colonel James Kearney, under an order requiring him to examine and report the state of the said work.

INCENDIARY PUBLICATIONS.

Mr. WISE rose and said he wished to make an inquiry of the chairman of the Committee on the Post Office and Post Roads. Whether they would soon make a report on that part of the President's message relating to the transmission of incendiary publications by the mail?

Mr. CONNOR could only reply to the gentleman's interrogatory, by stating that the subject was now under the advisement of the committee, who would decide upon it as soon as possible—perhaps at an early, perhaps at a late day. It rested with a majority of the committee to say when, in their judgment, it would be most expedient and proper to bring it before the House.

Mr. MANN, of New York, inquired of the Chair whether it was competent for him, at that time, to move to take up and consider the report of the select committee on the rules, and whether it was not in the power of the majority to take up that report?

The CHAIR replied in the negative. The rules having been suspended for the purpose of receiving reports, it would require two thirds to take up a report upon the table.

APPROPRIATION BILLS.

The House then resumed the consideration of the bill making appropriations in part for the support of the Government for the year 1836, commonly called the House contingent bill.

The bill was on its third reading, with two pending motions, one by Mr. JOHNSON, of Tennessee, to recommit to the Committee of the Whole on the state of the Union; and the other by Mr. UNDERWOOD, of Kentucky, to recommit to the Committee of Ways and Means, with the following instructions:

With instructions to report one uniform mode of paying the mileage of the members of this House and the Senate, or to ascertain the mileage of each member of Congress, and to report an item for paying the mileage of the members of the House, and a separate item for paying the mileage of the members of the Senate, which items shall not exceed the aggregate of the sums allowed each Senator and Representative respectively, according to some uniform rule to be fixed by the committee.

The motion pending on the instructions was Mr. ANTHONY's amendment to insert after the word "discretion," the "propriety of regulating," &c.

Mr. EVERETT hoped the House would proceed to pass the bill this day, without recommitting it.

Mr. HANNEGAN then offered the following amendment:

That the said committee be further instructed to inquire—

1st. Into the expediency of removing the seat of the Federal Government from Washington to Cincinnati or Louisville.

2d. Into the propriety of so amending the rules of the House, as to cause a list of the absentees, whenever the yeas and nays are taken, to be entered on the Journal, and published as a part of each day's proceedings in the morning papers.

3d. Of compelling all members who may hereafter absent themselves during the sittings of the House, on visits to their homes and families, or for the purpose of attending their practice in the courts of this district and the adjacent States, to relinquish their pay during the period of such absence.

4th. Of requiring a relinquishment in like manner of their compensation from members during the time lost from the business of the House, in excursions to the neighboring cities, or in pleasure parties about this city and the surrounding country, or from any other cause whatever, except sickness and the order of the House.

5th. Of establishing a rule to prevent members from drawing their pay up to the close of the session, who leave several days prior to the adjournment.

Mr. HARDIN asked if it would be in order to move to lay the amendment on the table?

The CHAIR, (temporarily occupied by Mr. PATTON,) said that it would not.

Mr. BOON then demanded the previous question, which was seconded—yeas 74, nays 56; and on ordering the main question to be put—

Mr. PARKER asked for the yeas and nays, which were ordered; and the result was as follows:

YEAS—Messrs. Heman Allen, Anthony, Ash, Ashley, Beale, Bean, Beaumont, Bockee, Boon, Borden, Bovee,

Brown, Burns, Bynum, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, Childs, John F. H. Claiborne, Cleveland, Coffee, Coles, Conner, Cramer, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Effner, Fairfield, Farlin, Fowler, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Grantland, Grayson, Haley, Joseph Hall, Hiland Hall, Hamer, Hard, Harlan, Samuel S. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Holsey, Howard, Hubley, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Joseph Jackson, Janes, Jarvis, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Job Mann, Manning, Martin, William Mason, Moses Mason, May, McKeon, McKim, McLene, Miller, Milligan, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, James A. Pearce, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Rogers, Schenck, Seymour, Shinn, Smith, Sprague, Steele, Sutherland, Taylor, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Ward, Wardwell, Washington, Webster, and Weeks—133.

NAYS—Messrs. Adams, Chilton Allan, Banks, Bell, Bond, Boyd, Briggs, Bunch, John Calhoon, William B. Calhoun, Carter, George Chambers, John Chambers, Nathaniel H. Claiborne, Clark, Craig, Crane, Cushing, Denny, Dunlap, Evans, French, Graham, Granger, Graves, Grennell, Griffin, Hannegan, Hardin, Harper, Hawes, Heister, Hoar, Hopkins, Howell, Hunt, Joseph Johnson, Lawrence, Lay, Luke Lea, Lincoln, Love, Lyon, John Y. Mason, Sampson Mason, Maury, McComas, McKay, McKennan, Mercer, Morris, Parker, Patton, Peyton, Phillips, Potts, Reed, Rencher, Roane, Robertson, Russell, William B. Shepard, Spangler, Standefer, Storer, Taliaferro, Thomas, Turner, Underwood, Vinton, Wagener, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—76.

So the House determined that the main question, which was on the passage of the bill, should be put; and the bill was then read the third time, and passed.

Mr. RENCHER asked leave of the House to offer a resolution respecting the mileage, &c., of members of Congress.

Objection being made,

Mr. CAVE JOHNSON moved to suspend the rules; and

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays, which being ordered, Mr. C. JOHNSON withdrew the motion; and

Mr. HAWES renewed it, and asked for the yeas and nays, which were ordered; and the question being taken, was decided in the affirmative; yeas 158, nays 42, as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Banks, Bean, Beaumont, Bell, Bond, Borden, Boyd, Brown, Bunch, Bynum, John Calhoon, Cambreleng, Carr, Carter, Casey, George Chambers, Chaney, Chapman, Chapin, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Cleveland, Coffee, Conner, Corwin, Craig, Cushing, Darlington, Deberry, Denny, Dickerson, Doubleday, Evans, Everett, Fairfield, Forester, Fowler, French, Fry, Galbraith, James Garland, Glascock, Graham, Granger, Grantland, Graves, Grennell, Griffin, Haley, Hiland Hall, Joseph Hall, Hamer, Hammond, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Hazeltine, Henderson, Hiester, Holsey, Hopkins, Howell, Hunt, Huntsman, Ingersoll, Ingham, Joseph Jackson, Janes, Cave Johnson, Henry Johnson, Joseph Johnson, Richard M. Johnson, Benjamin Jones, Judson, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, Joshua Lee, Luke Lea, Lincoln, Logan, Love, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, Moses Mason, Sampson Mason, Maury, McComas, McKay, McKennon, McKim, Miller, Milligan, Montgomery, Moore, Morgan, Morris, Owens, Parker, Parks, Patterson, Patton, Pettigrew, Peyton, Phelps, Phillips, Pickins, Franklin Pierce, Pinckney, Potts, Reed, Rencher, John Reynolds, Roane, Robertson, Rogers, Russell, Shields, Sloane, Smith, Spangler, Sprague, Standefer, Steele, Storer, Thomas, John Thomson, Toucey, Turner, Underwood, Vanderpoel, Wagener, Ward, Washington, Webster, Weeks, White, Whittlesey, Lewis Williams, and Wise—158.

NAYS—Messrs. Ash, Barton, Beale, Bockee, Boon, Bovee, Burns, Campbell, Coles, Cramer, Cushman, Davis, Dickson, Dromgoole, Dunlap, William K. Fuller, Gillet, Grayson, Hard, Hardin, Haynes, Howard, Hubley, Huntington, Jarvis, Leonard, May, McLene, Muhlenberg, Page, James A. Pearce, Joseph Reynolds, Ripley, Schenck, Seymour, Shinn, Sutherland, Taliaferro, Taylor, Turrill, Vinton, Wardwell, and Sherrod Williams—43.

So the rule of the House was suspended. The resolution was then read as follows:

Resolved, That a select committee be appointed to inquire whether any, and what, alteration is necessary to be made relative to the pay and mileage of members of Congress; whether any, and what, legislation is necessary to limit and curtail the contingent expenses of this House.

Mr. HEISTER moved to insert in place of "select committee" "Committee on Accounts," which Mr. RENCHER accepted as a modification.

Mr. GRENNELL moved that the committee consist of twenty-four—one from each State; which was agreed to—ayes 89, noes 74.

And then, on motion, the House adjourned.

IN SENATE.

FRIDAY, *February* 5, 1836.

Mr. TIPTON presented a memorial in behalf of the widows and orphans of the officers and soldiers who had fallen in the different engagements with the Seminole Indians, in Florida, in 1835 and 1836; which was referred to the Committee on Pensions.

Mr. TIPTON also presented the memorial of the General Assembly of the State of Indiana, praying for an appropriation for the formation of a harbor at Trail creek; which was referred to the Committee on Commerce.

Mr. PORTER presented the petition of Miles Taylor; which was referred to the Committee on Roads and Canals.

Mr. NAUDAIN presented the memorial of sundry citizens of Kent county, Delaware, and of Queen Ann county, Maryland, praying for the establishment of a post route.

Mr. GOLDSBOROUGH presented the petition of the heirs of William Sands; which was referred to the Committee on Revolutionary Affairs.

Mr. HILL presented the petition of John G. Moore; which was referred to the Committee on Claims.

Mr. HENDRICKS presented the memorial of the General Assembly of the State of Indiana, on the subject of making additional appropriations for the Cumberland road; which was read, and referred to the Committee on Roads and Canals.

Also, a memorial and resolutions from the same, praying for a law authorizing the purchase of a portion of the public lands, on an extended credit, for a contemplated rail route from White Water canal to Fort Wayne. And also a resolution requesting the President of the United States to reserve from sale a strip of land near Fort Wayne. The first part of the memorial was referred to the Committee on Roads and Canals, and the second part to the President of the United States.

Mr. WHITE presented some additional documents in support of the claim of John A. Rogers; which were referred.

Mr. HUBBARD presented the petition of James Ladien; which was referred to the Committee on Pensions.

Mr. MOORE presented the resolutions of the Legislature of Alabama, protesting against the passage of the bill (introduced by Mr. CLAY) appropriating for a limited time the proceeds of the sales of the public lands, and for other purposes, and praying for the reduction and graduation of the prices of the public lands, and the extension of preëmption rights; which were referred to the Committee on Public Lands.

Also, a memorial from the same, remonstrating against any interference by Congress with the question of slavery in the District of Columbia; which was laid on the table, and ordered to be printed.

Mr. McKEAN, on the 3d instant, presented a memorial from the City Councils of Philadelphia, relative to lands in Louisiana under the will of the late Stephen Girard; which was referred to the Committee on Public Lands.

REPORTS FROM COMMITTEES.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred that portion of the President's message relating to military preparations, reported the following bill, which was read, and ordered to a second reading: A bill making appropriations for the collection of materials, and for the purchase of sites, and to commence the construction of certain fortifications, and for other purposes.

Mr. BENTON gave notice that he had been instructed by the committee to ask the Senate to consider this bill at an early day. He should, therefore, move to take it up at an early day next week.

Reports of bills, without amendment, were made from the standing committees by Messrs. TIPTON, NAUDAIN, SHEPLEY, SWIFT, DAVIS, and BLACK.

RESOLUTIONS.

Mr. TIPTON submitted the following resolutions:

Resolved, That the Committee on Military Affairs be instructed to inquire whether the Army is sufficiently numerous for the duties they are required to perform, and for the occupation of our various forts.

Resolved, also, That the Committee on Military Affairs inquire and report to the Senate whether in their opinion the pay and emoluments to the officers of the Army is sufficient compensation for the services they are required to perform.

Mr. TIPTON said, that in submitting these resolutions to the consideration of the Senate he felt it to be his duty to accompany them with a few brief remarks, explaining his motives for moving this inquiry. He did not wish to be considered an alarmist—his fears had not been operated on by anything said here or elsewhere about war, or the rumors of wars, nor was he influenced by a hope of raising men to terminate the war now raging between us and the Seminole Indians; but purely by a wish to put our peace establishment on a more respectable footing, and to prevent the recurrence of these conflicts with the Indians.

He was unable to see any just cause for war, unless it was the unfortunate collision occasionally happening between our border inhabitants and the neighboring tribes of Indians. If we wish peace with them, (said Mr. T.,) we must be prepared for war, and keep a sufficient force stationed in their vicinity to awe them into submission. He had waited until two months of the session had passed away, hoping that some gentleman better qualified than himself would move this inquiry. He made it with great diffidence, considering it a measure of some consequence, and that the mover should possess more ability than he did to bring to its support. It was a matter about which he had consulted no one. Be it for good or for evil, (said Mr. T.,) it is mine, and the censure must fall on me, if any is attached to it. He was aware that the people looked with a jealous eye on every step taken to augment the military force; but when rightly informed, the people were always right; the Army was theirs, the money to support it theirs, the Government theirs; and he was confident they wished the Army to be sufficiently strong to answer the purpose for which it was created, and no more.

Before he sat down, he would exhibit to the Senate a tabular statement showing the number of forts on our sea-coast as well as on the northwest and southwest frontier, some of which were occupied, others were not. After stating the facts, he would leave it to Senators representing the seaboard to determine whether an additional force was wanted for that part of the frontier or not. He, of course, did not pretend to know anything on this subject; he had made this motion under a conviction that a more efficient force was necessary to keep our Indians peaceable. He was not an advocate for raising new regiments, nor for increasing the number of commissioned officers. They were sufficiently numerous; but he was of opinion that the rank and file of the Army should be increased. We can make our Army (said he) much more efficient without incurring heavy additional expenses. He had prepared tables showing the present positions occupied by our troops, and the condition that our forts and military property are left in, for want of a sufficient number of men to preserve them.

Mr. T. here read the statements.

These tables showed, that in the eastern department, on the lakes and along the sea-board, there were thirty-three military posts, fourteen of which were unoccupied. In the western department there were twenty-two military posts, nine of which were unoccupied, and amongst them were Jefferson Barracks, and Fort Armstrong, on the upper Mississippi, and, being unoccupied, were liable to fall speedily to ruin.

The rank and file of the Army, as at present organized, could be increased, without increasing the number of the regiments, or of commissioned officers. The companies now consisting of about fifty privates should, in his opinion, be increased to sixty or eighty, as it would be impossible to garrison all our forts without more men. Several companies had been recently removed from their former station to do duty in Florida. Two of these companies had been cut off by the Indians, thereby reducing our former strength below what it now is. By concentrating this force in Florida, he understood that most of the forts in Louisiana were without troops.

The unsettled state of affairs in Mexico, with the actual war in Texas, had produced a restiveness among the Indians along our southwestern

frontier. General Gaines, we are told (said he) has been ordered to take the southwest to prevent an improper interference by our Indians, and others, with the concerns of our neighbors. It was probable, that the troops now doing duty on the Upper Mississippi and Missouri would be withdrawn and sent South. If so, the northwest frontier would be exposed to the innumerable tribes of Indians in that quarter.

Nothing but the presence of a sufficient force to crush all opposition would keep the Indians peaceable long; and he was of opinion that it was a wise policy to provide that force at this time.

The presence of a respectable military force at Forts Snelling, Crawford, Armstrong, in 1834, would have prevented the Black Hawk war, that had cost us $2,500,000.

A strong military force at Fort King and Tampa Bay, in Florida, last summer and fall, would have prevented the war now raging between us and the Seminole Indians, that would cost us, besides the loss of valuable lives, some millions of dollars, and would probably be the means of annihilating the poor deluded Seminoles.

Mr. T. said, in relation to the second resolution for increasing the pay of the officers of our Army, he was not prepared to give an opinion that such increase was necessary. Some, he knew, were of opinion that the compensation of some grades in the Army should be increased. He considered the officers of the Army a most meritorious class of men, who bore the dangers of every clime when duty called them—who risked their health, their lives, their all, in our defense. He felt confident that every citizen of our country would concur in giving them an ample compensation—he would say a liberal one. He hoped the Committee on Military Affairs would give the subject a careful investigation, and report the facts to the Senate; and he felt confident the Senate and country would do this valuable class of men justice; and he knew the officers would be content with a just reward for their valuable services.

These (said Mr. T.) are some of the reasons that have induced me to offer the resolution which I hope will be adopted.

Mr. LINN wished the resolutions might be again read, to see whether they were not analogous to some he (Mr. L.) had already offered.

The resolutions were again read, and laid on the table.

Mr. LINN submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of establishing a Surveyor General's Office in the Territory of Michigan, west of Lake Michigan; and, also, that the same committee inquire into the expediency of authorizing the survey and sale of the lands included in the purchase made of the Sac and Fox nations of Indians, at the treaty of Rock Island, made on the 21st day of September, 1832.

BILLS PASSED.

On motion by Mr. NAUDAIN, the bills from the House for the relief of Jane Taylor, and for the relief of the heirs of Guiseppe Franzoni, and for the relief of Francis Iardella, were read the second and third times and passed.

The bill to extend the charters of the Bank of Columbia and the Bank of Alexandria for three years, to enable said banks to wind up their concerns;

The bill to extend the charters of certain banks in the District of Columbia; and

The bill to incorporate a fire insurance company in the town of Alexandria, were severally read the third time, and passed.

UNITED STATES PENITENTIARY.

On motion by Mr. TYLER, the bill making appropriations for the support of the Penitentiary of the District of Columbia was read the second time, and ordered to a third reading.

BILLS REFERRED.

The bill from the House, making appropriations in part for the support of the Government for the year 1836, was read twice and referred.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill authorizing the relinquishment of the sixteenth sections of public lands granted for the use of schools, and the location of other lands in lieu thereof;

The bill to provide for the settlement of the accounts of Mary O'Sullivan;

The bill to provide for opening certain roads in the Territory of Arkansas;

The bill for the relief of Captain Augustus A. Nicholson;

The bill for the relief of Hiram A. Hunter;

The bill to provide for the legal adjudication and settlement of claims to lands therein mentioned;

The bill for the relief of David Beard;

The bill for the relief of James Thomas; and

The bill to revive and continue in force an act passed the 24th of May, 1834, for the relief of John Donelson and Stephen Heard.

CUMBERLAND ROAD.

The bill for the continuation of the Cumberland road in the States of Ohio, Indiana, Illinois, and Missouri, which was considered, and, after debate,

Mr. CALHOUN moved to lay it on the table; but, before the question was taken,

The Senate adjourned over to Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 5, 1836.

Mr. REYNOLDS, of Illinois, asked the consent of the House to submit a resolution; which was read for information, as follows:

Resolved, That the House of Representatives of the Congress of the United States, in regard to the execution of the treaty of the 4th of July, 1831, by France, approve of the President's late message recommending the prohibition "of French products, and the entry of French vessels into our ports."

Objection being made,

Mr. REYNOLDS moved to suspend the rule, and called for the yeas and nays on his motion.

Mr. MASON, of Ohio, moved to lay the motion to suspend the rule on the table.

Mr. REYNOLDS demanded the yeas and nays on the motion; which were not ordered.

The motion of Mr. MASON was then agreed to—ayes 119, noes not counted.

Mr. HANNEGAN asked the consent of the House to submit a series of instructions to the select committee appointed on the subject of the mileage of members, (being the same which he offered yesterday in reference to the commitment of the partial appropriation bill, and which were published in our proceedings yesterday.)

Objections being made, Mr. HANNEGAN moved to suspend the rule, and asked for the yeas and nays on his motion; which were ordered.

Mr. WILLIAMS, of North Carolina, moved to lay the motion to suspend the rule on the table.

Mr. BOON called for the yeas and nays; which were not ordered.

The motion to suspend the rule was then laid on the table.

REPORTS FROM COMMITTEES.

Mr. DUNLAP, from the Committee on Public Lands, reported a bill for the relief of Green Prior and the heirs of Peter Prior; which was read twice and committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported an amendment to the bill to credit the Treasurer of the United States with unavailable funds, &c.; which was ordered to be printed.

Mr. C., from the same committee, reported a bill for the relief of Chastelain and Pouvert; which was read twice and committed.

Mr. C., from the same committee, reported certain estimates from the War Department, asking additional appropriations for the Quartermaster's Department, &c.; which were ordered to be printed.

Mr. OWENS, from the Committee of Ways and Means, reported a bill for the relief of Lewis H. Bates and William Lason; which was read twice and committed.

Mr. CASEY, from the Committee on Public Lands, reported a bill for the relief of Samuel Dickerson; which was read twice and committed.

Mr. W. B. SHEPARD, from the Committee on the District of Columbia, reported a bill to organize the several fire companies within the District of Columbia; which was read twice and committed.

Mr. JARVIS, from the Committee on Naval Affairs, reported, without amendment, the bill from the Senate for the relief of Irvine Shubrick; and the same was committed.

Mr. EVERETT, from the Committee on Indian Affairs, reported a bill for the relief of James and John Brown; which was read twice and committed.

Mr. HARRISON, of Missouri, from the Committee on Public Lands, made a report, accompanied by a bill to grant the right of preëmption to actual settlers; which was read twice and committed.

Mr. H., from the same committee, reported a bill to establish an additional land district in the State of Missouri; which was read twice and committed.

Mr. LAWLER, from the Committee on Private Land Claims, reported a bill for the relief of Oliver Welsh; which was read twice and committed.

Mr. CARR, from the Committee on Private Land Claims, reported a bill for the relief of the legal representatives of Isaac Williams, deceased; which was read twice and committed.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill for the settlement of a claim of the State of Connecticut against the United States, for the service of her militia during the late war; which was read twice and committed.

Mr. INGERSOLL, from the Committee of Ways and Means, reported the following bills; which were read twice and committed:

A bill to repeal certain provisions of an act to alter and amend the several acts imposing duties on imports, passed 14th July, 1832; and

A bill for the relief of the rector, church-wardens, and vestry-men of Christ Church.

Messrs. CHAPIN and MUHLENBERG, from the Committee on Revolutionary Claims; Mr. McKIM, from the Committee of Ways and Means; Messrs. HOWELL, FRY, and MORGAN, from the Committee on Revolutionary Pensions; Mr. HUNTSMAN, from the Committee on Private Land Claims, and Mr. CHAMBERS, of Kentucky, from the Committee on Claims—made adverse reports upon various petitions, &c.; which were ordered to lie on the table.

RESOLUTION.

On motion by Mr. BOON,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a new mail route from New Albany, Indiana, via Georgetown, Salisbury, Milltown, Mount Prospect, Jasper, Petersburg, Princeton, and Columbia, in said State, to Mount Carmel, in the State of Illinois.

SENATE BILLS READ.

The following bills and joint resolutions from the Senate were read twice and committed:

A bill to amend an act for the further organization of the district courts of the United States, in the State of Alabama, approved March 10, 1834;

A bill for the relief of Peter H. Greene and William Emerson;

A joint resolution, directing experiments to be made at the Mint as to the practicability of preventing debasements of gold and silver coins; and

A joint resolution, providing for the temporary employment of additional clerks in the Patent Office.

LATE HON. WILLIAM T. BARRY.

The House then resumed the consideration of the following resolution, offered some days since by Mr. SMITH, of Maine:

Resolved, That the letter of the late Hon. William T Barry, formerly Postmaster General of the United States received by the Speaker of the House of Representatives at the last session of Congress, on the last day of said session, be taken from the files of the House, laid upon the table, and printed.

Mr. BOND begged to inquire of the mover of this resolution, if he intended to predicate any legislation upon it?

Mr. SMITH explained that he had moved the resolution as a simple act of justice to a late executive officer of the Government. He (Major Barry) had considered the letter as of importance to himself and to his own reputation; and it was understood that the only reason why the letter was not printed by the last Congress, in the ordinary mode of printing documents of this description, was on account of the lateness of the hour at which it was received, and the utter impracticability, at that time, of obtaining a quorum of the House to vote upon it. Every member of the

last Congress well recollected that this letter came in at the very last moments of the session; the Journals show this fact. Mr. S., therefore, as he before remarked, offered this resolution as a simple act of justice, necessary, or supposed to be necessary by the writer of the letter, to his defense before the country.

Mr. BOND felt compelled to oppose the adoption of the resolution. Since it was first moved he had made inquiry, and had ascertained that the paper to which the resolution referred had already been published, and received a very general circulation. He knew this, for he had seen it himself. Why, then, would they now order its printing? It was not addressed to that House particularly, but was somewhat of the character of another matter introduced there the other day, of the "resurrection order," and was calculated to produce much ill-will and an excited debate. Mr. B. further objected to it on the ground of the expense; and concluded by moving to lay the resolution on the table.

Mr. BRIGGS asked the gentleman to withdraw that motion; to which

Mr. BOND assented, on the understanding that Mr. BRIGGS would renew it.

Mr BRIGGS said he should vote for the resolution, though he did not agree with the gentleman from Maine [Mr. SMITH] in the reason assigned by him for not printing this document at the last session of Congress. Several gentlemen made remarks upon it, and Mr. B.'s friend from Maine [Mr. EVANS] raised an objection to it that the paper itself, or the terms of it, were disrespectful to the committee of the House who had made a report upon the subject of the letter.

Mr. B. should vote for printing the paper as an act of justice—or, if they pleased, as an act of generosity—to an individual, late a high officer of this Government, who is now no more. He would not withhold himself from publishing this letter. It was known that two reports were made by a committee appointed to investigate the concerns of the Department over which that officer presided, and that both reports brought the transactions of that Department into a notice in no ways complimentary to that officer, or to those who were engaged in its management. That officer was implicated; and, believing that he could vindicate himself before the country from the implication of error, or wrong, or dishonor, he drew up the paper now asked to be printed, communicated it to the House, and asked that it might be laid before the country. From circumstances not necessary then to go into, the motion to print was not agreed to; but the individual had left a family behind him, who were not beyond the reach of censure or praise, though he himself was. Was it then anything more than an act of justice—simple, naked justice, not to say of liberality and magnanimity—that they should print this communication by order of the House, and let it go forth to the country, and let the individual be tried by the presentation offered by the committee of the House and by himself?

In pursuance of his promise to the gentleman from Ohio, [Mr. BOND,] he renewed the motion to lay the resolution on the table, but at the same time he hoped it would not prevail.

The motion was then negatived without a count, and the question again recurring on the adoption of the resolution,

Mr. MASON, of Ohio, called for the reading of the document.

Mr. MILLER asked if a member had a right to call for the reading of the paper, as it was not before the House.

The CHAIR decided in favor of the right to call for the reading.

Mr. HAMER moved to postpone the further consideration of the resolution till Friday next; which was negatived—ayes 69, noes 80.

Mr. MASON, of Ohio, then again demanded the reading of the paper, and the Clerk proceeded for about ten minutes; when, on motion of

Mr. WHITTLESEY, the House passed to the consideration of the orders of the day.

JESSE SMITH AND OTHERS.

The House then resumed the consideration of the bill for the relief of Jesse Smith and others.

The question being on the passage of the bill, it was opposed by Mr. MANN, of New York, and advocated by Mr. WARDWELL; when

Mr. GILLET, in order to give further time for examination, moved to postpone the further consideration of the bill until Friday next.

The motion to postpone was advocated by Messrs. GILLET, WILLIAMS of North Carolina, and PARKER, and opposed by Messrs. CHAMBERS of Kentucky, HUNT, and WHITTLESEY; when it was lost.

The bill was further opposed by Mr. PARKER, and advocated by Mr. HUNT.

Mr. PARKS moved an adjournment; which was lost.

Mr. WILLIAMS, of North Carolina, moved to postpone the further consideration of the bill until to-morrow; which was not carried.

The bill was further opposed by Messrs. GILLETT and PARKS, and advocated by Mr. STORER.

Mr. PARKS moved a suspension of the rules, in order to submit a motion, that when the House adjourns to-day, it adjourn to meet on Monday; which was agreed to—ayes 112, noes 44.

Mr. PARKS then submitted the above motion; which was agreed to; and, on Mr. P.'s motion,

The House then adjourned.

IN SENATE.

THURSDAY, *February* 8, 1836.

The following message was received from the President of the United States, by Mr. DONELSON, his Private Secretary:

To the Senate and House of Representatives:

The Government of Great Britain has offered its mediation for the adjustment of the dispute between the United States and France. Carefully guarding that point in the controversy, which, as it involves our honor and independence, admits of no compromise, I have cheerfully accepted the offer. It will be obviously improper to resort even to the mildest measures of a compulsory character, until it is ascertained whether France has declined or accepted the mediation. I therefore recommend a suspension of all proceedings on that part of my special message of the 15th of January last, which proposes a partial non-intercourse with France. While we cannot too highly appreciate the elevated and disinterested motives of the offer of Great Britain, and have a just reliance upon the great influence of that Power to restore the relations of ancient friendship between the United States and France, and know, too, that our pacific policy will be strictly adhered to until the national honor compels us to depart from it, we should be insensible to the exposed condition of our country, and forget the lessons of experience, if we did not efficiently and sedulously prepare for an adverse result. The peace of a nation does not depend exclusively upon its own will, nor upon the beneficent policy of neighboring Powers; and that nation which is found totally unprepared for the exigencies and dangers of war, although it come without having given warning of its approach, is criminally negligent of its honor and its duty. I cannot too strongly repeat the recommendation already made to place the seaboard in a proper state of defense, and promptly to provide the means for amply protecting our commerce. ANDREW JACKSON.

WASHINGTON, *February* 8, 1836.

The message having been read was, on motion by Mr. CLAY, referred to the Committee on Foreign Relations, and ordered to be printed.

The CHAIR communicated a report from the Commissioners of the Sinking Fund, concluding with a recommendation that the board be discontinued, and that some disposition be made of its papers and records; which was referred to the Committee on Foreign Relations, and ordered to be printed.

The CHAIR also communicated a report from the War Department, transmitting surveys and estimates of the expenses for rebuilding the light-house on Brandywine shoals; which was referred to the Committee on Commerce.

PETITIONS, MEMORIALS, ETC.

Mr. CLAYTON presented the petition of the merchants and citizens of Philadelphia, praying for an appropriation for the improvement of the navigation of the Christiana river; also, the petition of sundry inhabitants of Sussex county, Delaware, interested in the trade of Lewis and Broad Kiln creeks, praying that an appropriation may be made for a light-house and buoys at the mouth of said creeks; also, a petition from the inhabitants of Milford, Delaware, and of masters of vessels navigating the Delaware bay and river, praying that New Castle may be made a port of entry; all of which were referred to the Committee on Commerce.

Mr. KENT presented the memorial of the City Council of the city of Baltimore, praying for an appropriation to aid in the preservation of their harbor; which was referred to the Committee on Commerce.

Mr. KING, of Alabama, presented a memorial from the Legislature of Alabama, asking Congress to devise some mode by which the land over which a contemplated railroad to connect the waters of the Tennessee with those of the Alabama, may be passed, and to determine the mode in which it shall be paid for; which was referred to the Committee on the Post Office and Post Roads.

Mr. KING, of Alabama, also presented two memorials from the same, on the subject of the preëmption laws and Indian reservations, representing the evils of the latter, and praying that the system may be discontinued; which was referred to the Committee on Public Lands and the Committee on Indian Affairs.

Mr. McKEAN presented a memorial from a number of merchants of Philadelphia, praying that an appropriation may be made for the erection of a new custom-house in that city; which was referred to the Committee on Commerce.

On motion by Mr. TYLER, the petition and papers of the heirs of Captain John Hawkins, presented at the last session, were again referred to the Committee on Revolutionary Claims.

Mr. TOMLINSON presented the petition of John C. Howard; which was referred to the Committee on Claims.

Mr. MOORE presented two resolutions of the Legislature of Alabama, one asking that the sixteenth sections of school lands may be relinquished where they are unproductive, and other lands entered in lieu thereof; and the other asking that the circuit court system may be extended to Alabama and the other new States; which were referred, and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. WEBSTER, from the Committee on Finance, to which had been referred the bill making appropriations in part for the support of the Government for the year 1836, reported the same without amendment.

Mr. WEBSTER, from the same committee, to which the memorial on the subject had been referred, reported a bill authorizing the authorities of Christ Church, Philadelphia, to import a new bell free of duty; which was read, and ordered to a second reading.

Messrs. LEIGH and SHEPLEY, from the Committee on Revolutionary Claims, made unfavorable reports on several memorials referred to that committee.

Mr. LEIGH, from the Committee on Revolutionary Claims, to which the subjects had been referred, reported bills for the relief of the legal representatives of James Beall, and for the relief of the heirs of Thornton Taylor; which were read, and ordered to a second reading.

Mr. WHITE, from the Committee on Indian Affairs, to which had been referred the petition of Josette Beaumanier, reported a bill for her relief; which was read, and ordered to a second reading.

Mr. WHITE, from the Committee on Revolutionary Claims, to which the petitions on the subjects had been referred, reported bills for the relief of James Sutherland and Rebecca his wife, for the relief of Patrick McGivens, and for the relief of the representatives of Colonel David Hopkins, deceased; which were severally read, and ordered to a second reading.

Mr. WHITE, from the same committee, reported unfavorably on the petitions of Hans Hamilton, and of the representatives of the late Lord Stirling; and the committee was discharged from the further consideration thereof.

Mr. TIPTON, from the Committee on Military Affairs, reported a bill making an appropriation for the payment of two companies of Missouri and Indiana militia, who were called into service for the protection of the frontiers against the Indians in 1832; which was read, and ordered to a second reading.

RESOLUTIONS.

Mr. KENT submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the propriety of establishing a navy-yard at Baltimore, in the State of Maryland, and that they report their opinion to the Senate

Mr. SHEPLEY submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the laying out and making of a street across the arsenal lot in Augusta, Maine, for the accommodation of the Insane Hospital.

Mr. SWIFT submitted the following resolution; which was also considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making provision to extend to the officers and soldiers of the Army the benefits of moral and religious instruction.

Mr. BENTON submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of the Treasury be directed to inform the Senate whether the Mint of the United States is regularly and amply supplied with bullion and foreign coins for the gold coinage; and, if not, that he communicate his opinion to the Senate on the measures proper to be adopted to insure such supply in future.

BILL INTRODUCED.

Mr. WRIGHT, in pursuance of notice given, asked and obtained leave, and introduced a bill to amend the act to provide more effectually for the settlement of accounts between the United States and receivers of public moneys, approved March 3, 1797; which was read twice, and referred.

EXTENSION OF DUTY BONDS.

Mr. WRIGHT presented the memorial of the Chamber of Commerce of the city of New York, urging the passage of the bill now before the House of Representatives, for the extension of the time of payment of the duty bonds, falling due in the city of New York, subsequent to the great conflagration of the 16th of December last; and said he felt bound to occupy a few moments of the time of the Senate in bringing to their attention the suggestions contained in this memorial. The memorial stated that the importance of the passage of the bill had been vastly increased by the delay which had already taken place—

1st. Because, by the expectation of time for payment excited by the passage of the bill in the Senate, a large amount of bonds had been suffered to pass the time of payment, and to remain unpaid, and that a call now for the immediate payment of these deferred bonds would produce great additional distress, and immensely endanger the solvency of the debtor merchants.

2d. Because the merchants who have bonds due and unpaid on, by a provision of the revenue laws of the United States, are prohibited from entering their goods daily arriving from foreign countries until the outstanding bonds are paid; and those merchants have, therefore, been compelled to place their goods, thus arriving, in the public stores, without the usual entry for the payment of duties; that their goods, to the amount of many millions in value, remain in the public stores "*uninsured;*" that these goods, thus stored, are unusually exposed to destruction by fire, in consequence of the great severity of the winter, the almost obstructed condition of the streets by snow and ice, and the necessarily resulting difficulty of extinguishing fires if once lighted.

Mr. W. said, he must remark that he was convinced the failure to insure these goods, thus situated, proceeded solely from the almost entire destruction of the insurance companies of New York by the fire referred to; and the memorial represents that the owners of these goods are imminently exposed to the danger of the further loss of the millions thus invested, and that the Government is equally exposed to the loss of the duties upon these goods, inasmuch as all hope of responsibility for the payment of duties must cease if this further loss should be heaped upon the already severe misfortunes of that afflicted city.

3d. Because a further deposit of the importations daily arriving in the public stores will, when a decision upon the bill shall be finally had, impose upon the officers of the customs in the city of New York such a load of accumulated duties as to cause great and injurious delay in placing the goods in a condition for advantageous sale.

4th. Because this mode of importation, in addition to the danger of exposure and delay, necessarily imposes upon the importing merchant great additional expense and trouble; and every delay increases this just cause of complaint.

Mr. W. said, he did not pretend to have used the language of the memorial in his statement of its substance; that he had received it since he had come into the Chamber; that he believed he had given a just view of its material suggestions; in any event he had given the views which a hasty reading of the memorial had impressed upon his mind. He was aware that the memorial did not concern any bill now in the possession of the Senate. The Senate had passed the bill very many days since, and he made the remarks in the hope that they might reach the notice of the members of the other branch of Congress, in case it should be impossible to present this same memorial to that body on this day. He did hope this bill might meet an early and definitive action in that body. He would not speak of the result of that action, but decision was immensely important to the interests of his valued constituents, who, by an unexampled calamity, had been compelled to represent their embarrassments to the Legislature of the nation, and ask relief.

Mr. W. then moved that the memorial, without reading, be laid on the table and printed; which motion prevailed without a division.

The bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, was taken up as the order of the day; and

On motion by Mr. KING, of Alabama, the further consideration thereof was postponed until to-morrow.

NATIONAL DEFENSE.

The resolution submitted by Mr. BENTON, on the appropriation of the surplus revenue, was taken up as unfinished business; and, after some remarks from Messrs. CLAYTON, WHITE, GRUNDY, WEBSTER, BENTON, KING, and LEIGH,

On motion by Mr. LEIGH, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 8, 1836.

Mr. PINCKNEY again asked the unanimous consent of the House to submit the following resolution:

Resolved, That all the memorials which have been offered or may hereafter be presented to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, [Mr. JARVIS,] with the amendment thereto proposed by an honorable member from Virginia, [Mr. WISE,] and every other paper or proposition that may be submitted in relation to that subject, be referred to a select committee, with instructions to report that Congress possesses no constitutional authority to interfere in any way with the institutions of slavery in any of the States of this Confederacy; and that, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union; assigning such reasons for these conclusions as in the judgment of the committee may be best calculated to enlighten the public mind, to repress agitation, to allay excitement, to sustain and preserve the just rights of the slaveholding States and of the people of this District, and to reëstablish harmony and tranquillity among the various sections of the Union.

Objection being made, Mr. PINCKNEY moved to suspend the rules for the purpose of enabling him to offer the resolution.

On this motion Mr. BROWN asked for the yeas and nays; which were ordered.

Mr. PARKER inquired, whether the gentleman from South Carolina contemplated an immediate consideration of the resolution?

Mr. PINCKNEY said he wished to submit the resolution, and have it disposed of by the House.

The question on the suspension of the rules was then taken by yeas and nays; and were as follows:

YEAS—Messrs. Adams, Anthony, Ash, Bean, Beaumont, Bockee, Bovee, Boyd, Briggs, Brown, Bynum, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapin, Cleveland, Coffee, Connor, Craig, Cramer, Cushing, Cushman, Darlington, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Granger, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Jenifer, Cave Johnson, Joseph Johnson, Richard M. Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Laporte, Lawrence, Lay, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Abijah Mann, Job Mann, Manning, Moses Mason, Sampson Mason, William Mason, May, McComas, McKay, McKeon, McKim, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Pettigrew, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Augustine H. Shepperd, Shinn, Sickles, Smith, Spangler, Sprague, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Vinton, Wagener, Wardwell, Weeks, Whittlesey, and Lewis Williams—135.

NAYS—Messrs. Chilton Allan, Heman Allen, Ashley, Bailey, Bell, Bond, Boon, Borden, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Davis, Dickson, Everett, Forester, French, Philo C. Fuller, Rice Garland, Glascock, Graham, Graves, Grayson, Griffin, Hammond, Hard, Harlan, Hoar, Ingersoll, Janes, Henry Johnson, Lawler, Luke Lea, Lincoln, Lyon, Martin, Maury, Milligan, Peyton, Phillips, Pickens, Potts, Reed, Robertson, Russell, William B. Shepard, Shields, Standefer, Steele, Taliaferro, Waddy Thompson, Towns, Underwood, Webster, White, Sherrod Williams, and Wise—65.

So the motion to suspend the rules was agreed to.

Mr. PINCKNEY said he would trouble the House with but a few remarks. He had offered the resolution before the House with the most temperate reflection, and with the firm conviction that it was the best course to be pursued. He was well aware of the responsibility which he incurred, but he did so cheerfully and readily. He had done so for the good of his constituents, for the welfare of the State he represented, and for the interests of the South; and he was not afraid or ashamed to own that he had done so for the safety and preservation of the Union. But because he had taken that course, he had been bitterly assailed by a print of the city [the Telegraph] before he had had an opportunity to explain his motives; but, once for all, he would say that he was not to be driven from his purpose by newspaper assaults. He had no fear of its producing any effect among his constituents; he was too well known by the people of South Carolina to fear any such assaults. He had offered the resolution because he was anxious to have that delicate matter adjusted, and he thought that course best for the South, and best for the Union. He did plead guilty of endeavoring to pursue a course which was likely to produce harmony on that exciting subject; not by avoiding the resolution of the gentleman from Maine, [Mr. JARVIS,] or that of the gentleman from Virginia, [Mr. WISE,] or any other resolution or motion; and all who knew him, either in the House or elsewhere, knew that he was utterly incapable of avoiding any question on which he might be called to act; but he did desire to produce harmonious, united action, by taking higher grounds than had yet been taken.

He desired to produce a direct vote and practical result upon the subject. Was it treason to the southern States that the House should say, by a solemn and temperate vote, that Congress had no constitutional authority to act on the subject of slavery? Was it treason to the country to say that it would not act on that subject in the District of Columbia? Was it treason to put down the great excitement existing in the country? If that was treason to the South, his constituents must judge him. If it was treason to the Union, the American people must judge him. But whether it be treason or not, in the opinion of a certain individual, he had the concurrence of a large number of members from the southern States. Several had told him that they wished the subject disposed of in that way, and he had reason to believe that the resolution would be sustained by almost the unanimous southern vote.

Mr. P. felt that he ought to ask pardon for speaking in the manner he had. It was painful for him to speak thus of himself, but he could not, with justice to his character and motives, do less. He wished his constituents to understand him, and he wished them to understand him distinctly, so that they might judge him correctly.

He had three objects in view in offering that resolution: the first was, if possible, to arrest discussion of the question of slavery on that floor, and throughout the country, because he believed it useless—worse than useless; the second was, to bring the whole matter to a practical result satisfactory to the North, satisfactory to the South, and calculated to harmonize the Union; the third and great object was, to put down fanaticism and produce harmony and tranquillity, and for that reason he had comprised the States in his resolution as well as the District of Columbia. The course he had pursued was similar to that pur-

sued in 1780, which, he believed, had received the unanimous sanction of the southern delegation at that time. Thus far, they had been contending about the right of petition on the subject, wasting and dissipating their strength upon mere abstractions, to the extreme excitement of the South, and danger to the Union. His object now was, to get a direct vote upon the whole subject. The Abolitionists aim at universal emancipation, and Congress ought to cut off their hopes at once. They should be told that it had no constitutional authority over slavery in the States, and satisfy them that they can have no hope in future. He would show them that there was no hope of effecting their object, and you put an end to agitation at once. He believed that vote would check fanaticism, and have a good effect in the non-slaveholding States. If the House adopted the resolution, he believed it would be sustained by every honest, patriotic man in the non-slaveholding States. In those States the fanatics were on one side, and the great body of the people on the other. He would allow them to fight their battles in their own way; and he firmly and conscientiously believed that they would succeed in putting down the spirit of agitation. He hoped he was distinctly understood by friends, and by foes, if he had any. He went for the suppression of abolition; he went for the just rights of the slaveholding States, without impairing the rights of any other portion of the Union. He firmly and conscientiously believed that, if the resolution was adopted, accompanied by a calm, argumentative report, it would go far to produce those blessed results; and if he could be the instrument of producing those results, he would be willing to incur any responsibility which might fall upon him.

Mr. HAMMOND said it was extremely unpleasant at all times to see gentlemen, coming from the same section of country, and members of the same delegation, so utterly opposed to each other as his colleague and himself.

Mr. PINCKNEY begged to explain, and to correct the misapprehension under which his colleague labored. They did not differ, radically or essentially, upon principles. In feelings, motives, and principles he entirely and cordially concurred with his colleague. They only differed as to the mode of proceeding. Mr. P. preferred his, as was natural, in the first place; and secondly, because he thought it went further than any other, and covered the whole ground.

Mr. HAMMOND considered their difference as to the mode of proceeding a vital and essential difference, involving the deepest and most important principles. He should say nothing with regard to his colleague's principles there; that was not the place to impeach them.

What the gentleman had said in reference to an article in a certain print in this city, Mr. H. begged leave to say that, so far as he was concerned, he had nothing to do with it, and knew nothing of it till he saw it in the paper. This he would say: that, as far as his recollection went in reference to that article, he believed the paper had neither calumniated the gentleman, nor done injustice to him. It was well known that the very motion now introduced was one that the whole northern party would have been glad, at any moment during the present session, to have adopted. Should a southern man, then, a Representative from the State of South Carolina, come there with a resolution granting peace, or asking peace, from the Abolitionists of the North, upon the very terms that any Abolitionist, in the House or out of it, would have been glad to give at any moment if they had condescended to have accepted it.

Why should they want a vote of that House, declaring that they had no power over the subject in the States? Who ever anticipated it? Why, was that gentleman so grossly ignorant as not to know that Arthur Tappan himself had over and over again denied that Congress had any power over that subject in the States? There was not a man from beyond the northern line that had a doubt upon that subject; and were they to invite an attack upon the South upon that ground? But he would leave the gentleman and his constituents to reconcile themselves on this subject. Mr. H. would himself laugh to scorn—would contemn and despise any settlement of the question by that House. It was a question of arms, to be settled by blood, when it came there. The gentleman's profession of love and veneration for the Union was a profession he always respected, come from whatever quarter it might. Mr. H. loved the Union, but he would never sacrifice his rights upon its altar. The gentleman wished, it seemed, to make a report.

Mr. PINCKNEY explained. He had no materials for such a report; he had never contemplated such a report; and it was his intention to propose that it should be deputed to hands from a different section of the country than that from which he came.

Mr. HAMMOND said he wished, then, the gentleman had left the whole matter to some member from a different section of the country; but now he had introduced it Mr. H. hoped it would be left entirely to him. But what necessity was there for any report? Had not everything been said on the subject that could be said? The only way to meet the question was, to reject the petitions. Anything short of this would be only calculated to excite the fanatics of the North; and a report of that House would stimulate them to new exertions.

Mr. H. adverted to the report of 1798, and said it was at that time a mere speculative question; but he entered his solemn protest against a similar course at the present day. Whatever might be the report of the House, it would act as the entering wedge for future legislation, and would be a means to encourage the fanatics to renewed attempts to embroil the peace of the South.

Mr. BOYD then demanded the previous question.

Mr. HUNT hoped the gentleman would withdraw his motion, as he wished to move an amendment to the resolution.

Mr. WISE expressed the same wish, as he also desired an opportunity to reply to certain newspaper attacks that had been made upon him.

Mr. BOYD said he should be happy to gratify the gentlemen who had desired him to withdraw the motion for the previous question; he must, however, be excused, believing, as he did, that discussion on this subject should not be further indulged in.

Mr. MANN, of New York, moved a call of the House; which was negatived—ayes 76, noes 91.

The demand for the previous question was then seconded by the House—ayes 102, noes 86; and on the question, "Shall the main question be now put?"

Mr. GRANGER asked for the yeas and nays; which were ordered.

Mr. PATTON moved a call of the House; which was negatived without a count.

Mr. MERCER inquired of the Chair, what would be the effect of the previous question?

The CHAIR replied, if the previous question was negatived, it would remove the subject from before the House for that day.

Mr. McCARTY asked for the reading of the resolution; which was then read.

Mr. WISE inquired, if there were any instructions to the select committee to report?

The CHAIR called the gentleman to order.

Mr. WISE. I appeal to the House. I say before any member is compelled to vote he has a right to understand what it is he has to vote about. Mr. W. said he merely wished to inquire what was the character of the resolution, and the Chair said he had no right to make this inquiry! He would then ask the House what was the character, the object, and the intention of the resolution before he would give his vote ay or no. If they were called upon to vote blindfold there, then order! order! order! in the sense of the Chair would be reason, and paramount to law! Mr. W. wished to know whether the resolution instructed the select committee to report a resolution declaring——

Mr. BYNUM. Is the gentleman from Virginia now in order?

The CHAIR said the gentleman from Virginia was speaking to a question of order.

Mr. WISE. I say I wish to know whether this resolution instructed the committee to report that Congress has not the power, under the constitution, to abolish slavery in the District of Columbia. If the resolution did not so instruct the committee, Mr. W. was against it *toto cælo*. If it had this principle in it he might vote for it, though there was enough in it besides to prevent his voting for it. He wished to know, also, whether he was not to understand the resolution before he did vote either way? It was true the resolution had been read, but he could not understand every resolution read in that House; for there was sometimes more meant than met the ear, and sometimes more meant than could be understood from what was written. In the name of God (said Mr. W.) give us light—give us information—give us understanding before we are dragged up here to vote like mules.

The CHAIR then commenced stating the question of order, when

Mr. WISE withdrew his appeal.

The question was then taken by yeas and nays; and determined in the affirmative—yeas 118, nays 97; as follows:

YEAS—Messrs. Ash, Ashley, Barton, Bean, Beaumont, Bockee, Bond, Boon, Bovee, Boyd, Brown, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Darlington, Davis, Dickerson, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Forester, Fowler, Fry, William K. Fuller, Galbraith, Gillet, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Hopkins, Howard, Hudley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Leonard, Logan, Lucas, Abijah Mann, Job Mann, Manning, William Mason, Moses Mason, May, McCarty, McKeon, McKim, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Weeks, and Sherrod Williams—118.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bell, Borden, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Cushing, Deberry, Denny, Evans, Everett, French, Philo C. Fuller, James Garland, Rice Garland, Glascock, Graham, Granger, Graves, Grayson, Griffin, Hammond, Hard, Hardin, Harlan, Hazeltine, Heister, Hoar, Holsey, Howell, Hunt, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Love, Loyall, Lyon, Martin, Sampson Mason, Maury, Mc Comas, McKay, McKennan, Mercer, Milligan, Morris, Parker, Patton, Dutee J. Pearce, James A. Pearce, Pettigrew, Peyton, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Robertson, Rogers, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Spangler, Sprague, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Towns, Underwood, Vinton, Webster, White, Whittlesey, Lewis Williams, and Wise—97.

So the House determined that "the main question shall now be put."

Mr. VINTON then called for certain divisions of the question on the main question, the adoption of the resolution.

Mr. HEISTER asked for the yeas and nays on all the divisions of the resolution; which were ordered.

Mr. HOLSEY then asked for a further division to conclude with the word "Maine" in the resolution.

The CHAIR said that branch of the resolution did not embrace a substantive proposition, and therefore such a division could not be made.

Mr. HOLSEY explained that he wished the subsequent part, "instructions," &c., to follow his division.

The CHAIR intimated that to be in order, inasmuch as the resolution embraced the reference of all the propositions contained in it to a select committee, and therefore any one proposition was of itself susceptible of the same reference.

Mr. WISE appealed from the decision of the Chair, and briefly addressed the House; but

The CHAIR rose and stated that, upon again referring to the authorities and the *lex parliamentaria*, and upon again recurring to the resolution and division, asked for by the gentleman from Georgia, [Mr. HOLSEY,] he was satisfied such a division as that asked for by the gentleman from Georgia would not be in order, because of itself it did not contain a substantive proposition.

Mr. BELL wished to know whether the effect of the resolution would be to refer the resolutions now before the House, and all memorials heretofore proposed to be offered on the same subject, but not received, to the same committee?

The CHAIR said that question was not now before the House for decision. The previous question having been moved and seconded, the

Chair could not entertain these collateral questions, but would decide them when they were properly made.

Mr. HOLSEY again urged his call for the division he had moved, appealing from the Chair's decision, and, after a few words from Messrs. HOLSEY, BRIGGS, and EVERETT, the decision of the Chair was sustained by the House without a count.

The question was then taken by yeas and nays on the first branch of the resolution; which is as follows:

Resolved, That all the memorials which have been offered, or may hereafter be presented to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, [Mr. JARVIS,] with the amendment thereto proposed by an honorable member from Virginia, [Mr. WISE,] and every other paper or proposition that may be submitted in relation to the subject, be referred to a select committee.

YEAS—Messrs. Adams, Heman Allen, Anthony, Ash, Ashley, Bailey, Banks, Barton, Beale, Bean, Beaumont, Bockee, Bond, Boon, Borden, Bovee, Boyd, Briggs, Brown, William B. Calhoun, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapin, Childs, John F. H. Claiborne, Clark, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Davis, Deberry, Denny, Dickerson, Doubleday, Dunlap, Effner, Evans, Everett, Fairfield, Farlin, Fowler, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Granger, Grantland, Graves, Haley, Joseph Hall, Hamer, Hannegan, Hard, Hardin, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Heister, Hoar, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawrence, Lay, Gideon Lee, Joshua Lee, Leonard, Lincoln, Logan, Abijah Mann, Job Mann, Manning, William Mason, Moses Mason, Sampson Mason, May, McCarty, McComas, McKay, McKennan, McKeon, McKim, McLene, Miller, Milligan, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, Phillips, Pinckney, Potts, Reed, Rencher, John Reynolds, Joseph Reynolds, Ripley, Rogers, Russell, Schenck, Seymour, Augustine H. Shepperd, Shinn, Sickles, Sloane, Smith, Spangler, Sprague, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, Weeks, Whittlesey, Lewis Williams, and Sherrod Williams—114.

NAYS—Messrs. Chilton Allan, Bell, Bouldin, Bunch, Bynum, John Calhoun, Campbell, Carter, John Chambers, Chapman, Nathaniel H. Claiborne, Dickson, Dromgoole, Forester, French, James Garland, Rice Garland, Glascock, Graham, Grayson, Griffin, Hammond, Holsey, Henry Johnson, Lawler, Luke Lea, Loyall, Lucas, Lyon, Martin, John Y. Mason, Maury, Mercer, Patton, James A. Pearce, Pettigrew, Peyton, Pickens, Roane, Robertson, William B. Shepard, Standefer, Steele, Taliaferro, Waddy Thompson, Towns, White, and Wise—48.

So the first division of the resolution was agreed to.

The question was next taken by yeas and nays, on the adoption of the second division of the resolution, which is as follows:

"With instructions to report that Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this Confederacy."

YEAS—Messrs. Chilton Allan, Heman Allen, Anthony, Ash, Ashley, Bailey, Banks, Barton, Beale, Bean, Beaumont, Bell, Bockee, Bond, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Bunch, Bynum, William B. Calhoun, Cambreleng, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushman, Darlington, Davis, Deberry, Dickerson, Dickson, Doubleday, Dromgoole, Dunlap, Effner, Evans, Fairfield, Farlin, Forester, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Graham, Granger, Grantland, Graves, Haley, Joseph Hall, Hamer, Hammond, Hannegan, Hard, Hardin, Albert G. Harrison, Samuel S. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Heister, Hoar, Holsey, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lincoln, Logan, Love, Loyall, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Sampson Mason, Maury, May, McCarty, McKay, McKennan, McKeon, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, Pinckney, Potts, Reed, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Russell, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Weeks, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—201.

NAYS—Messrs. Adams, Denny, Everett, Rice Garland, Glascock, William Jackson, and Robertson—7.

When the name of Mr. WISE was called in the last vote, that gentleman refused to answer, on the ground that he had no constitutional right to vote on the question.

Mr. PINCKNEY moved that the gentleman be excused from voting.

Mr. BOON said, that this was an important question; he therefore moved the yeas and nays; which were not ordered.

Mr. WISE was then excused from voting.

The vote was then announced; and the second branch of the resolution was determined in the affirmative.

Mr. GARLAND, of Louisiana, said, that as the vote which he had just given might be subject to misinterpretation, he asked the consent of the House to state the reasons for his vote upon the Journal.

The CHAIR said the gentleman could not attain his object at present.

The third division of the resolution was then read, as follows:

"And that, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia, *because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union.*"

Mr. UNDERWOOD called for a further division of the foregoing, so as to exclude, in the first instance, the words in italics.

The CHAIR decided that the proposition was susceptible of this division.

Mr. BOULDIN took an appeal from the decision of the Chair, on the ground that, if the first branch of this proposition should be negatived and the second agreed to, the second branch would then apply to the one just adopted, and would involve a principle at variance with the intention of the mover of the resolution, and the intention of those who voted in favor of the second division of the question.

Mr. MASON, of Virginia, took the same ground. He said the rule prescribed that a division of a question could be called for, when each division embraced *per se* a substantive proposition, which was not so in the division called for by the gentleman from Kentucky. The second part of this third proposition was a *resintegra*, an essential portion, indissolubly, inseparably connected with it, and could, in no case, form a substantive proposition.

Mr. BELL thought the decision of the Chair correct; and it was with the House to vote down the second branch of the proposition, if they feared to be entangled. The whole difficulty arose from ordering the previous question upon a complicated resolution, without debate or amendment; but the House, having done that, were bound by the Chair's decision, which, he repeated, was correct, and according to precedent.

The decision of the Chair was briefly sustained by Messrs. SUTHERLAND, UNDERWOOD, and HARDIN, opposed by Messrs. BOULDIN and RIPLEY, and affirmed by the House; taken by tellers—ayes 114, noes not counted.

The question was then taken on the first clause of the third division of the proposition, excluding the words in italics, and decided in the affirmative—yeas 163, nays 47; as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ash, Ashley, Barton, Beale, Bean, Beaumont, Bell, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Bunch, Bynum, John Calhoun, Cambreleng, Carr, Carter, Casey, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Conner, Craig, Cramer, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Graham, Grantland, Graves, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Joseph Jackson, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pinckney, Rencher, Reynolds, Ripley, Roane, Robertson, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thompson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Wagener, Wardwell, Washington, Weeks, White, Lewis Williams, and Sherrod Williams—163.

NAYS—Messrs. Adams, Heman Allen, Bailey, Banks, Bond, Borden, Briggs, William B. Calhoun, George Chambers, Childs, Clark, Corwin, Crane, Cushing, Darlington, Denny, Evans, Everett, Philo C. Fuller, Granger, Hard, Hazeltine, Heister, Hoar, Hunt, Ingham, William Jackson, Janes, Lawrence, Lay, Lincoln, Love, Sampson Mason, McCarty, McKennan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Sloane, Sprague, Vinton, Webster, and Whittlesey—47.

The question recurred on the second branch of the sentence, being the words in *italics*, and was decided in the affirmative, as follows:

YEAS—Messrs. Ash, Ashley, Barton, Beale, Bean, Bell, Bockee, Bouldin, Bovee, Boyd, Bunch, Bynum, John Calhoun, Cambreleng, Campbell, Carter, Casey, John Chambers, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Deberry, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Forester, French, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Graham, Grantland, Graves, Joseph Hall, Hamer, Hannegan, Hardin, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Huntington, Huntsman, Ingham, Joseph Jackson, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Kinnard, Klingensmith, Lansing, Lawler, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lyon, Abijah Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Mercer, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Pettigrew, Peyton, Phelps, Pinckney, Rencher, Reynolds Ripley, Roane, Robertson, Rogers, Seymour, Augustine H. Shepperd, Shields, Standefer, Steele, Taliaferro, Taylor, Waddy Thompson, Toucey, Towns, Turrill, Vanderpoel, Ward, Washington, Weeks, White, and Lewis Williams—127.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Banks, Beaumont, Bond, Boon, Borden, Briggs, Brown, William B. Calhoun, Carr, George Chambers, Chaney, Childs, William Clark, Corwin, Crane, Cushing, Darlington, Denny, Dickerson, Evans, Everett, Philo C. Fuller, Granger, Haley, Hard, Harlan, Hazeltine, Henderson, Heister, Hoar, Howell, Hunt, Ingersoll, William Jackson, Janes, Judson, Kilgore, Lane, Laporte, Lawrence, Lay, Lincoln, Love, Job Mann, Sampson Mason, McCarty, McKennan, Miller, Milligan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Schenck, Shinn, Sloane, Smith, Spangler, Sprague, Storer, John Thomson, Underwood, Vinton, Wardwell, Webster, Whittlesey, and Sherrod Williams—76.

The latter clause of the resolution was read as follows:

"Assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to repress agitation, to allay excitement, to sustain and preserve the just rights of the slaveholding States, and of the people of this District, and to reestablish harmony and tranquillity amongst the various sections of the Union."

The question on the adoption of the foregoing was decided in the affirmative, as follows:

YEAS—Messrs. Adams, Chilton Allan, Anthony, Ash, Banks, Beale, Bean, Beaumont, Bell, Bond, Boon, Borden, Bouldin, Boyd, Brown, Buchanan, Bunch, Bynum, John Calhoun, William B. Calhoun, Cambreleng, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Forester, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Graham, Grantland, Graves, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Harlan, Albert G. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Ingham, Joseph Jackson, Janes, Jarvis, Jenifer, Richard M. Johnson, Cave Johnson, Judson, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Joshua Lee, Luke Lea, Leonard, Lincoln, Logan, Love, Loyall, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Sampson Mason, Maury, McComas, McCay, McKeon, McKim, Mercer, Miller, Milligan, Montgomery, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Pettigrew, Peyton, Phelps, Pinckney, Rencher, Joseph Reynolds, Roane, Robertson, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Smith, Spangler, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, Whittlesey, Lewis Williams, and Sherrod Williams—168.

NAYS—Messrs. Heman Allen, Evans, William Jackson, Lawrence, Phillips, and Sloane—6.

Mr. GARLAND, of Louisiana, asked the consent of the House to permit him, and also the gentlemen from Georgia and Virginia, [Messrs. GLASCOCK and ROBERTSON,] to enter their reasons on the Journals for the vote given by them on the resolution just adopted.

Objection being made, Mr. GLASCOCK moved to suspend the rules for that purpose; which was disagreed to.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

The Government of Great Britain has offered its mediation for the adjustment of the dispute between the United States and France. Carefully guarding that point in the controversy which, as it involves our honor and independence, admits of no compromise, I have cheerfully accepted the offer. It will be obviously improper to resort even to the mildest measures of a compulsory character, until it is ascertained whether France has declined or accepted the mediation. I therefore recommend a suspension of all proceedings on that part of my special message of the 15th of January last, which proposes a partial non-intercourse with France. While we cannot too highly appreciate the elevated and disinterested motives of the offer of Great Britain, and have a just reliance upon the great influence of that power to restore the relations of ancient friendship between the United States and France, and know, too, that our own pacific policy will be strictly adhered to until the national honor compels us to depart from it, we should be insensible to the exposed condition of our country, and forget the lessons of experience, if we did not efficiently and sedulously prepare for an adverse result. The peace of a nation does not depend exclusively upon its own will, nor upon the beneficent policy of neighboring powers; and that nation which is found totally unprepared for the exigencies and dangers of war, although it come without having given warning of its approach, is criminally negligent of its honor and its duty. I cannot too strongly repeat the recommendation already made to place the sea-board in a proper state of defense, and promptly to provide the means for amply protecting our commerce. ANDREW JACKSON.

WASHINGTON, *February* 8, 1836.

On motion by Mr. MASON, of Virginia, the message was referred to the Committee on Foreign Affairs, and ordered to be printed.

EXECUTIVE COMMUNICATIONS.

The SPEAKER also laid before the House the following communications:

I. The annual report of the Commissioners of the Sinking Fund. Laid upon the table, and ordered to be printed.

II. A communication from the Secretary of War, transmitting a report of the Topographical Bureau in reference to a light-house on Brandywine Shoal. Referred to the Committee on Commerce, and ordered to be printed.

III. A letter from the Secretary of War, communicating a report in reference to the mineral lands in Missouri. Laid upon the table, and ordered to be printed.

The House then (at a quarter after five o'clock, p. m.) adjourned.

IN SENATE.

TUESDAY, *February* 9, 1836.

On motion by Mr. PORTER, the petition of Don Carlos Dehault de Lassus, presented at the last session, was referred to the Committee on Claims.

Mr. LINN presented the petition of Anna H. Penrose, praying for the payment of interest on a claim heretofore allowed by Congress; which wes referred to the Committee on Claims.

Mr. HILL presented the petition of Elijah Harris, praying for a pension; which was referred to the Committee on Pensions.

Mr. BUCHANAN presented the memorial of Ovid J. Johnson and six others, who had been appointed a committee by a large and respectable meeting of the citizens of Dauphin county, convened in the borough of Harrisburg, on the 28th day of August last, "to prepare a memorial to each House of Congress, praying the appropriation by the General Government of a sum sufficient to remove to Africa free negroes willing to remove, and manumitted slaves, equal in amount to the whole annual increase of the colored population of this country; and also such additional number as in the wisdom of Congress the finances of the nation and other considerations may justify; if in their opinion the Constitution of the United States will justify such appropriations; and if not, then to adopt measures to effect such an alteration of it as will authorize the measure."

Mr. B. said the committee, in their memorial, had gone at length into the subject, and had treated it with much ability. A proper degree of respect for them, and those whom they represent, required that this memorial should be printed for the use of the Senate. He would, therefore, move for its printing; and, for the present, that the memorial be laid upon the table.

These motions were adopted.

Mr. BENTON presented the petition of a number of the citizens of the town of Alexandria, in the District of Columbia, representing the moral evils and pecuniary embarrassments produced by the drawing of lotteries, and praying for their abolishment; which was referred to the Committee on the District of Columbia.

On motion by Mr. BENTON, the resolution submitted by him, directing the Committee on the District of Columbia to inquire into the expediency of abolishing lottery drawings and the sale of lottery tickets in the District of Columbia, was then taken up and agreed to.

Mr. KING, of Alabama, presented a memorial from a number of citizens from the State of Alabama, on the subject of the commissions for adjusting private land claims in that State; which was referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. KING, of Alabama, also presented a memorial from sundry citizens of Alabama, praying for the establishment of a mail route from Tuskeaga, passing through Wetumpka, &c., to Tuscaloosa; which was referred to the Committee on the Post Office and Post Roads.

Mr. BENTON presented the petition of the trustees of the French college of St. Louis, Missouri, praying for a grant of land; which was referred to the Committee on Public Lands.

Mr. PRESTON presented the petition of William Easby; which was referred to the Committee on Naval Affairs.

Mr. BUCHANAN presented the petition of Elizabeth Flicker, widow of Henry Richardson, a seaman who was lost in the Wasp, stating that she had neglected to avail herself, within the period limited, of the benefits of the law passed in favor of the widows and orphans of the officers and crew of the Wasp, and praying that the proper allowance may now be granted to her; which was referred to the Committee on Naval Affairs.

REPORTS FROM COMMITTEES.

Mr. EWING, of Ohio, from the Committee on Public Lands, to which the same had been referred, reported without amendment the bill to remove the United States land office from Clinton to Jackson, in the State of Mississippi.

Mr. E., from the same committee, reported unfavorably on several memorials from the Legislature of Missouri and citizens of that State, praying for a division of certain land districts, and for the establishment of a new land office in that State.

Mr. PORTER, from the Committee on Private Land Claims, to which had been referred the petition of Antonio Segura and others, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the bill confirming the claims of Joseph Lorin, *alias* La Rochelle, and those claiming under him, to a tract of land in Missouri, reported the same without amendment.

RESOLUTIONS.

Mr. GOLDSBOROUGH submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Commerce be requested to inquire into the practicability and usefulness of placing buoys at proper sites in the channels of the rivers Nanticoke, Monokin, Annamessex, Pocomoke, and Wicomico; in the straits of Hooper and Casy; and in the sounds of Tangier and Pocomoke, to render them more safely navigable; and an estimate of the cost of such buoys, if necessary.

Mr. SHEPLEY submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of prohibiting by law all persons receiving salaries as officers or clerks to the two Houses of Congress, from acting as agents, or from receiving in any manner compensation for services rendered to persons, or to their agents, having claims against the United States.

Mr. SHEPLEY said it was proper for him to remark that, in submitting this resolution, he had no reference whatever to the officers and clerks of the Senate. On the contrary, so far as he was informed and believed, they never had engaged in any such agencies as were referred to in the resolution, and had always performed their duties with the utmost fidelity and ability.

Mr. ROBINSON submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Terre Haute, Indiana, to Vandalia, Illinois.

Mr. LINN submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of War be directed to send to the Senate the official report of the expedition of the United States dragoons, under the command of Colonel Dodge, during the last summer to the Rocky mountains, with the journal and map accompanying said journal; making such change in the map as will show the position of the different Indian tribes situated on the frontiers of Louisiana, Arkansas, Missouri, and the northwest frontier.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill authorizing the relinquishment of the sixteenth sections granted for the use of schools, and the entry of other lands in lieu thereof;

The bill for the relief of David Beard;

The bill making appropriations for the payment of charges incurred for the support of the Penitentiary in the District of Columbia for the year 1835;

The bill to provide for the opening of certain roads in the Territory of Arkansas;

The bill for the relief of Captain Augustus A. Nicholson;

The bill for the relief of James Thomas;

The bill to continue in force the act for the final adjustment of private land claims in Missouri, approved 9th July, 1832;

The bill for the relief of Walter Loomis and Abel Gay;

The bill to revive the act of 24th May, 1832, for the relief of John Donnelson, Stephen Heard, and others;

The bill for the relief of Hiram A. Hunter;

The bill providing for the settlement of the claims of Mary O. Sullivan;

The bill to provide for the legal adjudication and settlement of claims to lands therein mentioned; and

The bill making appropriations in part for the support of Government for the year 1836.

NATIONAL DEFENSE.

The resolution of Mr. BENTON was then taken up; and the Senate was addressed at length on this subject by Messrs. LEIGH and BROWN; but before Mr. BROWN concluded he gave way to Mr. GRUNDY, on whose motion the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 9, 1836.

Mr. GARLAND, of Louisiana, asked the unanimous consent of the House to submit and have entered upon the Journal a protest of himself, Mr. GLASCOCK, of Georgia, and Mr. ROBERTSON, of Virginia, assigning the reasons for their votes against the first branch of the instructions in Mr. PINCKNEY's resolution, as adopted yesterday.

Objection being made, Mr. GARLAND moved to suspend the rule for the purpose indicated, and asked for the yeas and nays on his motion; which were ordered.

The Protest was then read for information, as follows:

The undersigned, who voted in the House of Representatives on Monday, the 8th instant, against the first clause of the instructions to the select committee proposed to be raised under the resolution offered by Mr. PINCKNEY, to which "all the memorials which have been offered, or may hereafter be presented to this House, praying for the abolition of slavery in the District of Columbia," and also the resolution offered by an honorable member from Maine, [Mr. JARVIS,] with the amendment thereto proposed by an honorable member from Virginia, [Mr. WISE,] "together with every other paper or proposition that may be submitted in relation to the subject," are to be referred, which clause is as follows: "That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this Confederacy"—did so vote, and now protest against said clause.

1. Because the constitutional power of Congress "to interfere in any way with the institution of slavery in any of the States of this Confederacy" is not brought in question, or in any manner referred to, in any memorial that has been presented, or in the resolution mentioned, or the amendment thereto; and we will not consent to have so vital and important a proposition brought forward gratuitously, referred to a committee of the House, reported on, and reasons given for a conclusion not open for discussion, thereby, as we

conceive, admitting the power of Congress to entertain the question, and asking its opinion upon a subject about which it has no right to express one.

2. Because, believing as we do, that it is undeniable, "Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this Confederacy," it is our intention to prevent any discussion of that question, so far as it is in our power, or even its submission as a proposition to Congress; and being determined now, and at all other times, to resist any such assumption of authority, we will not permit any doubt of such absence of constitutional power to be questioned or inferred, by consenting to refer it to the committee of a body having no jurisdiction, and obtaining from it a disclaimer of a want of such authority.

The undersigned having been prevented from stating their objections in the House to the aforesaid clause in the instructions, by the *previous question* having been called for and sustained within one hour after this most important resolution was submitted—now, to prevent all misconception or misconstruction as to their motives and opinions, submit this solemn protest against this House entertaining any such proposition, and respectfully ask that it, and their reasons, as herein briefly stated, may be entered on the Journal.

RICE GARLAND,
THOS. GLASCOCK,
JOHN ROBERTSON.

HOUSE OF REPRESENTATIVES, *February* 9, 1836.

The question on suspending the rule for the presentation of the foregoing protest was then decided in the negative; as follows:

YEAS—Messrs. Heman Allen, Anthony, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carr, Carter, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Corwin, Deberry, Denny, Everett, Forester, Philo C. Fuller, James Garland, Rice Garland, Glascock, Graham, Granger, Grantland, Grayson, Griffin, Hammond, Hannegan, Haynes, Hoar, Holsey, Hunt, Huntsman, Jabez Jackson, Lawler, Lawrence, Luke Lea, Lincoln, Love, Lucas, Lyon, Abijah Mann, Manning, Martin, John Y. Mason, Moses Mason, Maury, McComas, Miller, Moore, Page, Patton, James A. Pearce, Pettigrew, Peyton, Phillips, Pickens, Reed, Rencher, Rogers, Russell, Schenck, William B. Shepard, Augustine H. Shepperd, Shields, Sloane, Smith, Spangler, Standefer, Steele, John Thomson, Waddy Thompson, Towns, Vinton, Washington, White, and Wise—81.

NAYS—Messrs. Adams, Ash, Ashley, Bailey, Bean, Bond, Boon, Bovee, Brown, Bynum, Cambreleng, Casey, George Chambers, Chapin, Clark, Coles, Connor, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Davis, Dickerson, Doubleday, Dromgoole, Dunlap, Effner, Evans, Fairfield, Farlin, Fowler, French, Fry, William K. Fuller, Gillet, Haley, Joseph Hall, Hamer, Hardin, Harlan, Samuel S. Harrison, Hawes, Hawkins, Hazeltine, Heister, Howard, Howell, Hubley, Huntington, Ingersoll, Ingham, William Jackson, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lay, Gideon Lee, Joshua Lee, Leonard, Loyall, Job Mann, William Mason, Sampson Mason, May, McKay, McKennan, McKeon, McKim, McLene, Mercer, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, Potts, John Reynolds, Joseph Reynolds, Roane, Seymour, Shinn, Sprague, Storer, Sutherland, Taliaferro, Taylor, Thomas, Turrill, Underwood, Vanderpoel, Wagener, Wardwell, Weeks, Whittlesey, Lewis Williams, and Sherrod Williams—113.

Mr. WASHINGTON moved to suspend the rule until two o'clock, for the purpose of calling the States for petitions; which was decided in the negative—ayes 98, noes 79; two thirds being necessary.

Mr. PATTON, from the Committee on Territories, reported a bill authorizing a special term of the court of appeals of the Territory of Florida, and for other purposes; which was read twice, and ordered to be engrossed and read a third time.

Mr. PARKER, from the Committee on Naval Affairs, reported a bill for the relief of Charles W. Pickering; which was read twice and committed.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, reported a bill for the relief of Thomas P. Barton; which was read twice and committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported the following bills; which were read twice and committed.

A bill to repeal so much of an act entitled "An act transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans," as requires the Bank of the United States to perform the duties of Commissioner of Loans for the several States;

A bill to prescribe the mode of paying pensions heretofore granted by the United States; and

A bill to suspend the duties and powers of the Commissioner of the Sinking Fund.

The further presentation of reports from committees was here cut off by the expiration of the morning hour.

APPROPRIATION BILLS.

On motion by Mr. CAMBRELENG, the House then resolved itself into the Committee of the Whole on the state of the Union, Mr. MILLER in the chair.

On motion by Mr. CAMBRELENG, the committee took up the bill making appropriations for the naval service for the year 1836.

The bill had before been under the consideration of the Committee of the Whole, and the pending amendment was Mr. CAMBRELENG's, to strike out $950,000, and insert the sum of $2,000,000, for repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission, and completing those on the stocks.

Mr. CAMBRELENG withdrew the amendment, so as not to embarrass the passage of the present bill, and especially as the subject would come up in a separate bill to be reported by the Committee on Naval Affairs. This being the ordinary appropriation bill, and Mr. C. having withdrawn the only amendment pending, he hoped it would pass without delay.

Mr. BELL moved to reduce the several appropriations for the navy-yards one half the amount proposed in the bill. Mr. B. read the various items proposed, and maintained that such large appropriations should not be passed, in the prospect of a contingency that might probably ensue. The items were as follows:

For improvements and necessary repairs of the navy-yard at Portsmouth, New Hampshire, $67,000; at Charlestown, Massachusetts, $199,000; at Brooklyn, New York, $84,300; at Philadelphia, Pennsylvania, $11,750; at Washington, $37,500; at Gosport, Virginia, $167,000; at Pensacola, $64,000.

Mr. JARVIS thought the gentleman should at least examine whether the appropriations were necessary or not, before he made a sweeping motion to reduce the whole of them indiscriminately one half. Mr. J. then read various estimates and details from the officers of the Department in reference to the proposed items. Mr. J. said, whether there was peace or war, these works should be completed.

Mr. BELL again opposed the items, on the ground that this was not the time to make such an extraordinary outlay of the public money, when the public resources might be wanted for other objects. He then modified his motion, in order to test the question, by confining the amendment at present to the first item, and moved that the appropriation for the improvement and repairs of Portsmouth, New Hampshire, be reduced $33,500, being one half the amount proposed in the bill.

Mr. SUTHERLAND said he would vote for the proposed appropriations, unless gentlemen could show that they were unnecessary, or incorrect. In the first place, an appropriation was asked, for the purpose of making a timber shed: that he considered necessary, for the preservation of the timber. Another was for a mast and boat house: that he also considered necessary, whether there should be war or not. A timber dock was also asked for: that the officers whose duty it was to attend to that business had thought necessary; and he would take their word, unless gentlemen could show that they were incorrect.

Mr. CUSHMAN hoped the motion of the gentleman from Tennessee [Mr. BELL] would not prevail. It was his intention, if the pending amendment was negatived, to ask for any additional sum for the navy-yard at Portsmouth, New Hampshire. The improvements proposed by the Naval Committee were absolutely necessary in time of peace, and no remark which he should make would be predicated upon the supposition of a war with France. That Power, he was persuaded, would not persist in her refusal to carry into effect the treaty of 1831. The appropriation asked for was not made upon the ground supposed by the gentleman from Tennessee; it had no reference to a war with France. It was a wise saying, and a correct principle, which should never be lost sight of, that in peace we should prepare for war. He repeated, that the proposed improvements and repair of the navy-yard at Portsmouth, were absolutely necessary under any state of things. He had, three weeks ago, submitted a resolution, directing an inquiry into the expediency of erecting one or more wharves at this navy-yard, and it was for this object he contemplated asking for an additional sum to that contained in the bill.

Mr. PARKER replied to Mr. BELL, and recited the clauses of an act of Congress authorizing the construction of certain navy-yards, and the report of the Department made to Congress. Mr. P. maintained, at length, that the proposed appropriations were necessary, and it was false economy to suppose anything would be saved by reducing them one half.

Mr. WHITE, of Florida, said, so far from the reduction of the navy-yard at Pensacola being possible, he intended to move to double that proposed appropriation as soon as the proper time arrived.

The CHAIR said that point was not under consideration.

Mr. UNDERWOOD said, he had looked into the appropriations of Portsmouth for the last two years. He found that in 1834 it was $40,700, and in 1835 $39,925, while $67,000 was proposed for the present year, the only explanation of which was, that a large portion of it was required for erecting sheds to preserve the live-oak timber. He thought, at least, the appropriation should be reduced to the limit of the last two years, and not contain an excess of between $20,000 and $30,000. He said the House was very economical in small matters, and a trifling proposition handed in by himself to the Committee on the Rules to furnish lists of yeas and nays for the people, was returned to him by the chairman of that committee [Mr. MANN, of New York] on the ground of the expense. Mr. U. complained of the extravagance of the proposed items in this bill, and hoped they would be amended. The members of the committees in charge of this bill came generally from the large cities, and they were therefore more interested in the proposed appropriations.

Mr. PEARCE, of Rhode Island, said, it was argued, that they ought to curtail these appropriations, because there was a surplus on hand from last year. All the money on hand, he conceived, was pledged; some portions for the payment of the crews of vessels on long voyages, and for timber and other materials contracted for. There was, at the end of every fiscal year, an unexpended balance, but that balance was pledged, and could not be transferred, for any other purpose whatsoever. He was in favor of making appropriations speedily to finish the works already commenced; because delaying the completion of the kind of work contemplated in this item generally resulted in a loss of twenty per cent. He would take the estimates and recommendations of the Navy Board, or the Secretary of the Navy as correct, unless gentlemen could show that those statements were erroneous.

Mr. PHILLIPS should vote for this appropriation, as he should vote for every other for a public object, where nothing could be adduced against its propriety and necessity. He was satisfied that, from the increase of materials, and for other reasons, the estimated amount was not too large. Mr. P. entered at length into sundry statements connected with the subject, and the unexpended balances under the acts of 1827 and 1833. Mr. P. should like to know from the chairman of the Naval Committee, what amount remained of the unexpended balance on this navy-yard for the last year.

Mr. JARVIS replied, that it was impossible for him to say what amount remained unexpended of a balance of $1,750.

Mr. PHILLIPS admitted the item was very trifling, but he should apply the same principle to all the unexpended balances of the other items, and he should renew the same inquiry upon each of them. He complained that no statements of those balances had been furnished from the Departments. He thought the chairman of the committee should be prepared with them.

Mr. DUNLAP said it could not be expected that those who come from a different section of the country than that where these works were situated, should vote for them without statements or estimates. He was ever ready to vote for appropriations that were requisite, but he could not conceive that it was necessary to vote a sum of $18,000 to erect a shed to protect timber, at

least until his mind was satisfied that it was indispensable: he never should vote to appropriate the people's money for this purpose. He hoped the amendment would prevail.

Mr. BELL explained, that he was not so much opposed to the appropriation itself, as he was to such large appropriations at this time. It was, with him, a mere question of expediency; for, in case of war, the money would be wanted to equip ships of war, and put the country in a state of defense. He did not want to delay this bill, but he pledged himself at a future day to go into the whole subject, not only of our foreign relations, fortifications, &c., but of the whole civil establishment of the Government.

Mr. CAMBRELENG was happy to hear that it was not the gentleman's [Mr. BELL's] purpose to oppose the passage of the ordinary appropriation bill, for Mr. C. thought he knew that gentleman too well to suppose he would waste his fire upon so small an occasion. The gentleman had told them, that on a proper occasion he would come forward. Mr. C. hoped the gentleman would then give them his views, and he hoped when he did so, that he would be more successful in explaining them than he had been on the present occasion, for to this hour Mr. C. had been unable to understand what the gentleman had been driving at. The gentleman said, whether war or peace was to ensue, he wished to reserve our funds, in order, if called upon for large appropriations, they might apply them to the proper object. Well, taking this for granted, suppose they should be called upon to make large appropriations during the present session, to defend ourselves from war with France, was this the place the gentleman proposes to save the means to do it? Would he propose to diminish the conveniences of the navy-yards in such a crisis? Let any man look to the present condition of our navy-yards, and compare them with the most insignificant Power of Europe—Sweden, Denmark, or any other petty Power of the Atlantic—and what were they? They were in as bad a condition as our fortifications. Mr. C. then referred to the acts by which a gradual increase of the Navy had been authorized, and compared the proposed items in this bill with those of former years, to show that they varied in some particulars—some more, and some less. He had hoped, when he withdrew the amendment of $2,000,000, that the bill would have gone speedily through the committee. He had withdrawn that proposition for the purpose of facilitating the passage of the ordinary appropriation bill, and he did not anticipate the opposition of the gentleman from Tennessee, [Mr. BELL.] Mr. C. said, that be the result of our foreign relations what they might, he should vote to put this country in an attitude for war, not only upon the ground of expediency, but upon the ground of policy, not to suffer this nation to be insulted by every Power on earth. He hoped the bill would pass as it stood.

Mr. HARDIN said, he could not but admire the largeness of the views of the gentleman from New York [Mr. CAMBRELENG] upon the subject of those appropriations. A bill, amounting altogether to the sum of about four hundred thousand dollars, was considered so small a matter in his eyes that he could not perceive how gentlemen sylvania [Mr. SUTHERLAND] had said that they could object to it; and a gentleman from Pennought to take all the estimates and recommendations of the Departments as correct, until the contrary was shown. He thought if that gentleman would look around, he would see that it was almost impossible for members on that floor to show that those estimates were not correct, even if that should be the case; and according to that doctrine the House would have to give all that the Departments asked. He thought, however, he saw the object of gentlemen in recommending large appropriations. He thought they were in reality nothing but a trick to get all the surplus revenue expended on the sea-board, and not to give the western country a cent of it.

Mr. PARKER said that a part of the increase of expenditure was on account of the increase in pay of officers of the Navy, and the greater number of men required this year over the last; and he hoped the committee was ready to vote on the subject, and that the original appropriation would be sustained.

Mr. PHILLIPS explained. He said he had asked the chairman of the Committee on Naval Affairs whether he could furnish the committee with a statement of the amount of the unexpended balance of last year, as he could not ascertain from the documents whether it had been expended or not; and he thought the House was getting into a loose way of making appropriations. With regard to the Navy, he was in favor of the most liberal expenditure; but he did not wish to expend money unless it was actually necessary. If they would give him the information, he would probably go as far in favor of appropriations for the defense of the country as any other gentleman.

On motion by Mr. MANN, of New York, the committee then rose, and reported progress

The House adjourned.

IN SENATE.

WEDNESDAY, *February* 10, 1836.

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary, transmitting, in compliance with the resolution of the Senate of the 3d instant, a report from the Secretary of War on the subject of the Indian war in Florida.

On motion by Mr. GRUNDY, it was referred to the Committee on Military Affairs; and ordered to be printed.

PETITIONS, MEMORIALS, ETC.

Mr. KING, of Georgia, presented the petition of John Carr; which was referred to the Committee on Revolutionary Claims.

Mr. TOMLINSON presented the petition of James Glentworth; which was referred to the Committee on Pensions.

REPORTS FROM COMMITTEES.

Mr. McKEAN, from the Committee on Roads and Canals, to which had been referred the petition of George Dawson, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. SHEPLEY, from the Committee on Claims, to which had been referred the petition of Francis Allen, reported a bill making an appropriation of four thousand dollars, to compensate him and the owners of the ship Cadmus for bringing General La Fayette to this country in 1824; which was read, and ordered to a second reading.

Mr. PRESTON, from the Committee on the Judiciary, to which had been referred the bill concerning writs of error and appeals in the Supreme Court on suits in relation to the revenue laws of the United States, reported the same with an amendment.

On motion by Mr. TYLER, leave was granted to Captain William Rogers to withdraw his petition and papers, presented two years ago.

BILL INTRODUCED.

Mr. EWING, of Ohio, on leave, introduced a bill authorizing the Secretary of the Treasury to compromise the claims of the United States against the Bank of Steubenville and the German Bank of Wooster, Ohio; which was twice read and referred.

RESOLUTIONS.

Mr. NILES submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Finance be instructed to inquire whether, by the instruction given to the revenue laws, a duty is paid on anthracite and other fossil coal imported into the United States from foreign countries; also, if a duty is paid, to inquire into the expediency of repealing the same; and, further, to inquire into the expediency of adding coal screening charcoal, culm, and coke to the list of articles imported free of duty, provided this can be done without interfering with the principles of compromise recognized in the act in relation to the revenue, passed in 1833.

Mr. PRENTISS submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting a pension to Mills de Forrest, a soldier in the revolutionary war.

BANK NOTES.

Mr. BENTON rose and said, he had intended yesterday, when the general appropriation bill came up, to introduce an amendment, to which he would then call the attention of the Senate; but having left it accidentally at his lodging, he went for it, and on his return found that the bill had passed. He now asked the indulgence of the Senate to permit him to lay it on the table, while he gave notice that he would move to insert it as a particular section to the first appropriation bill that came up. Mr. B. then laid the following on the table; which was ordered to be printed:

SECTION ——. *And be it further enacted*, That no bank note of a less denomination than twenty dollars shall hereafter be offered in payment, in any case whatsoever in which money is to be paid by the United States or the Post Office Department; nor shall any bank note of any other denomination be so offered, unless the same shall be payable and paid on demand in gold or silver coin at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold and silver upon the spot, at the will of the holder, and without delay or loss to him.

NATIONAL DEFENSE.

Mr. BENTON's resolution for the appropriation of the surplus revenue was then taken up as the special order; when

Mr. BROWN continued and concluded his remarks begun yesterday.

After some remarks from Messrs. EWING, of Ohio, WEBSTER, and PRESTON,

Mr. PRESTON submitted the following amendment as a substitute to the original resolution, to come in after the word "Resolved."

That such appropriations as may be necessary for the purpose, ought to be made to carry on the system of general defense and permanent protection of the country.

Mr. WRIGHT made a few observations, expressing his intention of addressing the Senate on the general question before taking the question on the amendments; but as the hour was late he would yield the floor to any gentleman who desired it.

On motion by Mr. WEBSTER, the further consideration of the subject was then postponed till to-morrow.

RELATIONS WITH FRANCE.

Mr. CLAY said that the Committee on Foreign Relations, being desirous of ascertaining the identity of the dispatch from the Duc de Broglie to M. Pageot, he had, as chairman of the committee, addressed a letter to the Department of State on the subject, and he begged to lay the correspondence on the table, and that it might be printed.

This motion was agreed to.

HOUSE BILLS PASSED.

The following bills from the House were then severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill for the relief of Joseph Russ and Stephen Roach;

The bill for the relief of Lieutenant Washington Seawell;

The bill for the relief of Laurentius M. Eiler;

The bill for the relief of Owen Rice and others, representatives of Jacob Eyerby;

The bill for the relief of Daniel Homans;

The bill for the relief of John McDonell;

The bill for the relief of David Bartlett;

The bill for the relief of the heirs of Thomas F. Townley;

The bill for the relief of Joseph Cooper;

The bill for the relief of John Pollock;

The bill for the relief of Henry Knowles, senior;

The bill for the relief of Andrew Dodge;

The bill for the relief of Benjamin Franklin Stickney;

The bill for the relief of Daniel Whitney;

The bill for the relief of Doctor William Baker, of the District of Columbia;

The bill for the relief of William Baker, of the State of New York;

The bill for the relief of Richard Hardesty;

The bill to authorize the settlement of the accounts of Marinus W. Gilbert, an army sutler;

The bill for the relief of Marinus W. Gilbert;

The bill for the relief of the legal representatives of William Findlay;

The bill for the relief of James Tilford;

The bill for the relief of Abner Stetson;

The bill for the relief of Joshua Cullumber;

The bill for the relief of the legal representatives of Thomas Beacham;

The bill for the relief of Joel Sartain;

The bill for the relief of Jacob B. Gilbert;

The bill for the relief of the executor of Charles Wilkins;

The bill for the relief of John Saunders and Purley Putnam;

The bill for the relief of David S. Campbell; and

The bill for the relief of the legal representatives of Willie Blount.

On motion by Mr. CLAY, and by general consent, the above bills were then severally read the third time and passed.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 10, 1836.

Mr. WHITTLESEY, from the Committee of Claims, reported a bill for the relief of Jerah Fenner; which was read twice and committed.

Mr. SMITH, from the Committee of Ways and Means, reported the following bills; which were read twice and committed;

A bill making additional appropriations for the Delaware breakwater and for certain harbors, and for removing obstructions in and at the mouths of certain rivers, and for other purposes, for the year 1836; and

A bill directing the Secretary of War to report annually certain information in relation to works of internal improvements.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported the following bills; which were read twice and committed:

A bill for the relief of H. and D. Cotheal, of New York; and

A bill for the relief of Peter Harmony, of New York.

Mr. C., from the same committee, reported a letter from the Secretary of the Treasury, in reference to the relief of the sufferers by the late fire in New York; which was committed, and ordered to be printed.

Mr. JUDSON, from the Committee on Manufactures, reported the following resolution; which, by the rule lies over one day:

Resolved, That the Secretary of the Treasury be directed to transmit to this House the *tables* indicated in a note to his *annual report*, showing the progress in the cultivation and manufacture of cotton in the United States, and in other countries; also, showing the comparative quality and value of *exports* and *imports* of *cotton* and *cotton manufactures* in the United States and other countries.

Mr. STANDEFER, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs and legal representatives of Philip Turner, deceased; which was read twice and committed.

Mr. MILLER, from the Committee on Invalid Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of Peter L. Allen; and

A bill for the relief of Ebenezer Hickox.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of John Logan; which was read twice and committed.

Mr. KENNON, from the Committee on the Public Lands, reported a bill granting the right of preëmption to the president and directors of the Mad river and Lake Erie canal company in certain lands, when the Indian title to the same shall be extinguished; which was read twice and committed.

Mr. HARRISON, of Missouri, from the Committee on Public Lands, reported a bill for the relief of John Wiley and Jefferson Greer; which was read twice and committed.

Mr. ROBERTSON, from the Committee on the Judiciary, reported the following bills; which were read twice and committed:

A bill for the relief of Thomas Cooper; and

A bill to refund the fine imposed on the late Matthew Lyon.

Mr. FRY, from the Committee on Revolutionary Pensions, reported a bill for the relief of Benjamin Price; which was read twice and committed.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported a bill for the relief of John Clark; which was read twice and committed.

Mr. BEAUMONT, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of the Marquis de Rochambeau; which was read twice and committed.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill fixing the compensation of the officers of the Army employed on duty in the military bureaus of the War Department; which was read twice and committed.

Mr. CORWIN, from the Committee of Ways and Means, reported a bill making appropriations for certain military and other roads, and for examinations and surveys, for the year 1836; which was read twice and committed.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of Zebulon Sheets; which was read twice and committed.

Mr. JARVIS, from the Select Committee on the Public Buildings, reported a bill making appropriations for the public buildings, public grounds, and for other purposes; which was read twice and committed.

Mr. WHITTLESEY, from the Committee of Claims; Messrs. STORER and MORGAN, from the Committee on Revolutionary Pensions; Mr. THOMAS, from the Committee on the Judiciary; Mr. ASH, from the Committee on Naval Affairs; Mr. CHAMBERS, of Pennsylvania, from the Committee on Private Land Claims; Mr. BEAUMONT, from the Committee on Revolutionary Claims; and Mr. EVERETT, from the Committee on Indian Affairs; made unfavorable reports upon various petitions and memorials; which were laid on the table.

Mr. UNDERWOOD moved to suspend the rules for one hour, for the purpose exclusively of submitting joint resolutions and resolutions of inquiry and of reference.

Mr. HEISTER moved to amend the motion so as to include the presentation of petitions; which was disagreed to.

Mr. VINTON moved to include in the proposition similar resolutions heretofore submitted and not disposed of.

Mr. UNDERWOOD accepted this amendment as a modification of his motion.

The question was then taken; and the motion of Mr. UNDERWOOD was negatived.

SENATE BILLS REFERRED.

The following bills from the Senate were read twice, and referred to appropriate committees:

A bill extending for a limited time the charters of the Bank of Columbia, in Georgetown, and the Bank of Alexandria, in the city of Alexandria;

A bill authorizing the relinquishment of the sixteenth sections granted for the use of schools, and the entry of others in lieu thereof;

A bill for the relief of Hiram A. Hunter;

A bill to revive and extend the provisions of an act, of 24th May, 1834, for the relief of the representatives of John Thompson, Stephen Heard, and others;

A bill for the relief of Walter Loomis and Abel Gay;

A bill to provide for the settlement of the claim of Mary O'Sullivan;

A bill to provide for opening certain roads in the Territory of Arkansas, and for other purposes;

A bill for the relief of Captain Augustus A. Nicholson;

A bill for the relief of David Beard;

A bill for the relief of James Thomas;

A bill to continue in force the act for the final adjustment of land claims in the State of Missouri, approved 9th July, 1832, and the act supplementary thereto, approved March 2, 1833;

A bill to provide for the legal adjudication and settlement of claims to land therein mentioned; and

A bill making an appropriation for the payment of charges incurred for the support of the penitentiary in the District of Columbia, for the year 1835.

The amendments of the Senate to the bill incorporating a fire insurance company in the city of Alexandria, were considered and agreed to.

A bill authorizing a special term of the court of appeals for the Territory of Florida, and for other purposes, was read the third time and passed.

APPROPRIATION BILLS.

The House then, on motion by Mr. CAMBRELENG, resolved itself into the Committee of the Whole on the state of the Union, (Mr MILLER in the chair.)

NAVY APPROPRIATION BILL.

The committee resumed the consideration of the bill making appropriations for the naval service for the year 1826. The question pending was the proposed amendment of Mr. BELL, to reduce the appropriation for the improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire, from $67,000 to $33,000.

Mr. MANN, of New York, said that when he made the motion yesterday, that the committee rise, it was not with a view to enter into this debate, and he would not trouble the committee with but a very few general remarks. On looking into the estimates for the current year for the Navy, it will be perceived that the whole increase asked for by the navy board, constituted for the express purpose of supervising this important arm of the public service, combining great experience and fidelity, "having seen some service," amounts to the sum of $622,151 75; a sum certainly very moderate, considering the state of the country, and its proud financial condition. This increase, we are informed, is occasioned by the proposed addition to the force to be employed in commission, and in consequence of the increased pay of the officers under the law of the last session. As to the immediate question before the committee—the improvement and repair of the navy-yard at Portsmouth, and the other navy-yards of the United States—it seems to me, Mr. Chairman, that its importance must be apparent to the committee and to the country, whether we contemplate the contingencies of our foreign relations or not. For this purpose the increase of appropriation asked for is $287,010. The commissioners deem this necessary to meet the immediate wants of the public service. The commissioners remark that, "although much has been done in the different yards since the adoption of approved plans under the law of 3d of March, 1827, much still remains to be done to provide adequate means for the preservation of the materials which a prudent foresight has directed to be collected for future use, or to prepare the necessary conveniences for building, repairing, and equipping ships with proper economy and dispatch." This recommendation is clear and explicit, emanating from a source entitled to great respect, and which, I presume, will not be suspected of "executive dictation to Congress," to use the favorite language of some gentlemen. The importance of these great naval depots, for the construction and repair of the Navy, must be apparent, even to gentlemen representing the great West; for they are equally so, in truth, to every part of this wide country. Sir, let me ask those gentlemen to reflect upon their vast interests; their immense commerce floating down the Mississippi, and requiring more protection in the Gulf of Mexico than is now afforded to it, and that, too, from the Navy. That portion of our coast seems to me to require more adequate provision for its defense; and I would vote without scruple an appropriation for a dry-dock, to be constructed at the navy-yard at Pensacola, to enable our ships cruising there, and in the West Indies, to repair and refit; to enlarge that navy-yard, and supply it with every requisite to be useful and efficient. The true policy of the country requires that these great naval depots should be well prepared and supplied with all the materials of naval preparation. Pursuing this, for myself, sir, (said Mr. M.,) I do not see the propriety of agreeing to the motion of the gentleman from Tennessee [Mr. BELL] to reduce the appropriation for the improvement and repair of the navy-yard at Portsmouth.

Generally, sir, (said Mr. M.,) I believe I have been considered as *radical* in respect to appropriations of the public money. True, sir, I have always endeavored, as far as my vote would go, to withhold appropriations of a personal character, made for *individual and personal objects* of aggrandizement to the officers of the Government. So, too, for local and sectional purposes.

In respect to public objects—great purposes of national defense—objects confided to the national

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, FEBRUARY 29, 1836. VOLUME 3....No. 12.

Government by the Constitution, I have endeavored to distinguish in my action. Believing these distinctions to exist, and that they are apparent, it will not be necessary for me to defend myself against any charges of seeming inconsistency in voting for this appropriation, and such others of the same character as may appear necessary and proper.

These estimates (said Mr. M.) are made upon the basis of peace, with a prudent foresight, however, to any contingencies which await us. It is not necessary now to consider or debate our relations with other nations. Those relations are in a delicate condition at present, but we have a right to hope they will not be more seriously disturbed. Whether they are so or not, the measure now under consideration seems to be required by all the motives of prudence and patriotism.

Mr. EVERETT inquired of the Chair if it would be in order to move to strike out the whole clause?

The CHAIR replied, not at that stage of the bill. The motion would be in order after the amendment had been acted on.

Mr EVERETT said, if it had been in order he should move to strike out the whole appropriation. There were only four navy-yards at all worthy the consideration of the country, viz: Charlestown, Massachusetts; Brooklyn, New York; Norfolk, Virginia; and Pensacola, Florida; but the reasons were especially strong why the navy-yard at Portsmouth should be abolished altogether. He complained that the statements furnished by the Department were not sufficiently full so as to enable the great body of the House to judge of the propriety of these appropriations. Gentlemen residing in the immediate vicinity might be informed on the subject, but it was impossible for those residing at a distance to judge of them with accuracy. He further objected to the too much discretionary power left to the executive officers; and instanced the case of an act passed by Congress appropriating the sum of $200,000 for building the bridge across the Potomac, under which the President of the United States had considered himself authorized to make a contract for $1,350,000, a contract, the conditions of which, if it had gone on, would, in the opinion of the most eminent engineers in the country, have involved an expenditure upon the public Treasury of $4,791,620. This grew out of the neglect of Congress to specify the mode of expending the public money.

Mr. E. declared he should be as careful of the public Treasury at this time as he should if the bill to divide the surplus revenue among the several States were the law of the land—a bill that he hoped would pass. He would go for any reasonable appropriation for objects of utility, but he hoped the House would not pass these large appropriations for navy-yards, the utility or expediency of which was a matter of very great doubt. Understanding his motion would not then be in order, he gave notice that he should move it when the proper opportunity arrived.

Mr. LINCOLN was in favor of the whole bill as it stood, and contended at length for the necessity of keeping the navy-yards in a state of complete repair, for both in time of war and in time of peace they were indispensable. It was an error to say that no statements had been furnished to the House, for a report had been sent in embracing the very subject under consideration, both from the Secretary of the Navy, in general terms, and from the Commissioners of the Navy, in detail. Better authority, better evidence, could not be adduced. Would any gentleman in the House, or the gentlemen from Tennessee and Kentucky in particular, [Messrs. BELL and HARDIN,] presume to say that they understood the subject better than the head of the Navy Department, or the Commissioners of the Navy? Mr. L. then referred to the report of the Secretary of the Navy and the statements and recommendations of the board of commissioners —a body of gentlemen selected as being the best qualified in the country, and conversant with the subject from their youth.

The works were proved to be indispensable, and the onus was upon the mover of the amendment to prove that one half the sum proposed in the bill would be sufficient for their completion.

Mr. L. did not believe there would be war, and he was mistaken if he did not see the lowering cloud dispelled by the President's recent message. He did not believe war was contemplated or anticipated; and the very appropriations now asked for justified that conclusion. He believed, if war had been apprehended, more direct specific measures would, long ere this, have been recommended. This he believed, too, in view of the admonition of the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] yesterday, that he would put this country into a state of defense. If war should come, Mr. L. would stand by his country to the last, but he had no anticipations of anything but peace at the present. He hoped the bill would pass without reduction.

Mr. SMITH replied mainly to the gentleman from Vermont, [Mr. EVERETT.] The gentleman looked but one way, saying there was no necessity for a navy-yard at Portsmouth, because on one side there was, within sixty miles, a navy-yard at Charlestown. If the gentleman had turned the other way, his vision would extend over three hundred miles of sea-coast, without the provision of a dollar for that whole extent, and the whole of which was altogether unprotected and without a naval depot. Portsmouth was the only depot for all this coast, and was absolutely necessary. Objections were raised on the ground of economy; but those gentlemen who did so could easily satisfy themselves, by referring to the estimates and the nature of the works contemplated, and see if the proposed outlay was too much or not. That the buildings were necessary was evidenced by the reports already referred to; and the question then arose, whether they should be constructed of durable and permanent materials, or of those which would be rotten at one end before they were completed at the other, like many of the works heretofore constructed? Mr. S. was at a loss to see any connection between this appropriation and a war with France, as intimated by the gentleman from Tennessee; but, in either case, our public works ought to be kept in a state of repair.

Mr. JENIFER thought the estimates of the proper Department, sustained as they were by the Committee of Ways and Means, were sufficient, in the absence of any evidence against their propriety, to justify him in voting for all these appropriations. He was entirely opposed to the proposed reduction, whether with reference to war or peace, though Mr. J. did not consider war to be at all improbable; for the acceptance of the mediation of England was so conditional, that no one could say what would be the result, though he, from his heart, hoped such a crisis would be averted.

Mr. WISE wished to make known a fact of which the House was uninformed. A communication had been made from the Navy Department to the Committee on Naval Affairs, some days or a week ago, recommending a large appropriation, in reference to our present foreign relations. That committee had ordered this communication to be reported to the House; and it would be done, doubtless, as soon as the chairman had an opportunity. That communication expressly stated that when the Secretary of the Navy made his recommendation at the commencement of the session for an increase of two frigates and three sloops of war, he made it solely with a view to a peace establishment. He now recommended an increase of appropriations to the enormous sum of $6,337,000.

Mr. W. supported the motion of Mr. BELL, and drew a contrast between the sums expended on the east and those on the south coast, and condemned the whole policy of the Government in constructing navy-yards near the large cities. There was not a single navy-yard in the country but what was defenseless. He was opposed to the item under consideration; and said that while so large a sum was proposed for Portsmouth navy-yard, which was not necessary, Charleston, South Carolina, would require at least $250,000, and Pensacola $500,000, to put them in a fit condition. With regard to war, it was not a war with France—with Louis Phillippe—but it was a war on our own public Treasury

Mr. CUSHMAN said the navy-yard at Portsmouth was not only one of the oldest in the country, but one of the most important for its locality. It was approachable at all seasons of the year, which was not the case of any one yard south of the Potomac. Even from four to six weeks in the winter, Boston harbor was frozen up, while there was not a day in the whole year that ships could not enter Portsmouth.

Mr. CAMBRELENG said, he had made application at the proper Department to ascertain whether the appropriations for the yard at Portsmouth were necessary, and had ascertained that the estimate submitted by the naval officer of that station was $111,000 which the Navy Commissioners had reduced to $67,000.

Mr. JARVIS said that the navy-yard at Portsmouth had been long in existence and was a very important one. In consequence of its situation it was to be approached at all seasons of the year. Efforts had heretofore been made to abolish that station, which proved unsuccessful for that very reason. One argument made use of against these appropriations was, that gentlemen could not depend on the estimates submitted by the Departments. He thought those estimates were to be relied on, because they came through the hands of persons of long experience. In the first place, the estimates were submitted by the commanders of those stations, who were always old and experienced officers, to the Navy Commissioners. Then it was the duty of the commissioners to visit those stations yearly to ascertain whether those estimates were correct, and, if so, to concur in them. They were then laid before the Secretary of the Navy, and had to pass his inspection; and from him they came to the House. Another objection to the appropriation was, that there was an unexpended balance in the Treasury. Mr. J. said, there must necessarily be a balance in the Treasury on the 1st of December, otherwise there would have to be a suspension of operations in the navy-yards between that time and the time that our appropriations would be available.

Mr. BELL had, in the first instance, risen to propound an inquiry, whether this appropriation was necessary or not, without going into the general question; for on that he would take the very authorities adduced by gentlemen on the other side, which went to demonstrate that the navy-yard at Portsmouth ought to be abolished altogether. He had not got a specific answer to his inquiry. But with regard to the general question—the propriety of having seven navy-yards—it was generally admitted by competent officers that a single station was better. England, with her thousand ships of war, had but two naval stations; by which means she was enabled to concentrate the best talent, and to carry on her works with more vigor. He had made the motion he had to test the sense of the House, and see whether or not, with a view to a probable contingency, they were inclined to dispense with what he believed to be unnecessary buildings. He could not himself conceive them to be necessary. He could not see the necessity of erecting a timber-shed to preserve the accumulated timber in the yard. But it was not so much into this inquiry he wished to go, as whether or not some part of these large appropriations might not be wisely and prudently dispensed with during the

present year. He intended to apply the same principle to every part of this bill, to an amount of three or four hundred thousand dollars. Mr. B. referred to the unexpended balances, and said it appeared that the estimates of the Navy Department had been made without reference to those unexpended balances made for the same objects last year.

Mr. CAMBRELENG would inform the gentleman from Tennessee that, on the first of December the whole of the unexpended balance remaining on hand was $135,000, the whole of which would probably be expended before this bill passed both Houses. The argument of the gentleman, that only two navy-yards existed in England, would, if carried out, create at least thirty on our three thousand miles of coast—Plymouth and Portsmouth, in England, being only one hundred and fifty miles apart. Mr. C. agreed with the gentleman from Virginia, that the southern coast had been neglected; and he would cheerfully go with the gentleman from Florida to increase the appropriation for Pensacola.

Mr. PEARCE, of Rhode Island, then moved that the committee rise.

Agreed to—ayes 83, noes 48.

The committee accordingly rose, reported progress, and asked leave to sit again.

On motion, the House adjourned.

SELECT COMMITTEES.

The following gentlemen compose the committee of the House on the subject of the mileage of members of Congress: Mr. RENCHER of North Carolina, Mr. FAIRFIELD of Maine, Mr. DEAN of New Hampshire, Mr. GRENNELL of Massachusetts, Mr. TOUCEY of Connecticut, Mr. PEARCE of Rhode Island, Mr. ALLEN of Vermont, Mr. W. K. FULLER of New York, Mr. DICKERSON of New Jersey, Mr. HEISTER of Pennsylvania, Mr. MILLIGAN of Delaware, Mr. JENIFER of Maryland, Mr. HOPKINS of Virginia, Mr. MANNING of South Carolina, Mr. GLASCOCK of Georgia, Mr. UNDERWOOD of Kentucky, Mr. JOHNSON of Tennessee, Mr. WHITTLESEY of Ohio, Mr. RIPLEY of Louisiana, Mr. KINNARD of Indiana, Mr. REYNOLDS of Illinois, Mr. DICKSON of Mississippi, Mr. LYON of Alabama, and Mr. HARRISON of Missouri.

The following gentlemen compose the select committee of the House of Representatives, appointed under the resolution of Mr. PINCKNEY, on the subject of the abolition of slavery: Mr. PINCKNEY of South Carolina, Mr. HAMER of Ohio, Mr. PIERCE of New Hampshire, Mr. HARDIN of Kentucky, Mr. JARVIS of Maine, Mr. OWENS of Georgia, Mr. MUHLENBERG of Pennsylvania, Mr. DROMGOOLE of Virginia, and Mr. TURRILL of New York.

IN SENATE.

THURSDAY, *February* 11, 1836.

Mr. TYLER presented the petition of John Broane, asking that the land warrant due to John Allan for his services during the late war may be granted to him.

On motion by Mr. LEIGH, the petition of the heirs of William Sanford, presented at the last session, was again referred to the Committee on Revolutionary Claims.

Mr. LINN presented additional documents in support of the claim of Ensign John Baptiste Jarvis; which was referred.

Mr. ROBINSON presented the petition of sundry citizens of Champaign county, Illinois, praying for the establishment of a new post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. CLAYTON presented the petition of James Brobson, late marshal of the district of Delaware, praying for the passage of a law authorizing the Secretary of the Treasury to settle his accounts on the principles of equity; which was referred to the Committee on the Judiciary.

REPORTS FROM COMMITTEES.

Mr. ROBBINS, from the Committee on Naval Affairs, to which the petitions on the subject had been referred, reported a bill to compensate the widows of Commodore Preble and of Stephen Decatur, and the widows and children of the officers and seamen who served under them, for the destruction of the frigate Philadelphia in the harbor of Tripoli; which was read, and ordered to a second reading.

Mr. SOUTHARD, from the Committee on Naval Affairs, to which had been referred the memorial of Melancthon T. Woolsey, reported a bill for his relief; which was read, and ordered to a second reading.

RESOLUTIONS.

Mr. TOMLINSON, by unanimous consent, submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Navy be directed to communicate to the Senate a report of the topographical survey and the soundings of Bridgeport harbor, made by the officers employed under his direction in executing the coast survey during last session.

Mr. ROBINSON submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Public Lands be instructed to inquire into the propriety of authorizing the executors of James O'Hara, deceased, to locate certain lands confirmed to him by the Governor of Indiana Territory.

Mr. BLACK submitted the following resolution; which was also considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making an appropriation for the building of a court-house for the accommodation of the courts of the United States in the district of Mississippi.

Mr. EWING, of Ohio, submitted the following resolution; which was considered and laid on the table:

Resolved, That the Secretary of the Treasury be directed to inform the Senate whether he has construed the act of Congress of the 29th of May, 1830, entitled "An act to grant preëmption rights to actual settlers," and an act of June 19, 1834, to revive said act, so as to authorize or recognize as lawful assignments of such claims made before the issuing of the patents, and if he have, that he communicate to the Senate any legal opinion or authority, on file in the Department, warranting such construction.

Mr. KING, of Alabama, submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Columbus, Georgia, via Chamber's Court-House, Randolph Court-House, Benton Court-House, to Huntsville, Alabama; also, a route from Wetumpka, Alabama, via Chambers's Court-House, to La Grange, Georgia, thence to Milledgeville.

Mr. DAVIS, on leave, introduced a joint resolution, authorizing the Secretary of War to receive additional evidence in support of the claims of the State of Massachusetts for services, disbursements, and expenditures during the late war with Great Britain; which was read twice, and referred to the Committee on Military Affairs.

THE ARMY.

The resolutions submitted some days since by Mr. TIPTON—the first directing the Committee on Military Affairs to inquire how far the Army of the United States, as at present constituted, was sufficient for the protection of the frontiers and to garrison the forts of the United States; and the second directing an inquiry, whether the pay and emoluments of the officers of the Army was a sufficient remuneration for the duties performed by them—were taken up for consideration.

Mr. LINN said, that the first resolution was the same, almost word for word, with one on the same subject offered by him some days since, and adopted by the Senate. It had been sent to the War Department, from which no answer had yet been received.

The CHAIR read the resolution, which was adopted on the motion of Mr. LINN, and remarked that there was a slight difference between that and the one just offered. The inquiry in the first was directed to the War Department, while that of the second was directed to the Committee on Military Affairs.

Mr. PRESTON observed, that the two resolutions were in substance the same, the mode of inquiry only being different. That introduced by the Senator from Missouri [Mr. LINN] was directed to the Secretary of War, who, in pursuance of it, would give the necessary information to the Senate; while under the present resolution, the committee would necessarily have to obtain the same information from the War Department. It seemed to him, therefore, that the second resolution was unnecessary.

Mr. TIPTON then withdrew his first resolution; and the one calling for information relative to the pay of the officers of the Army was adopted.

RELIEF OF THE DISTRICT CITIES.

On motion by Mr. TYLER, the Senate then proceeded to the consideration of the bill for the relief of the three corporations of the District of Columbia.

[The bill, as reported, proposes to pay the Holland debt incurred by the three cities of the District for the construction of the Chesapeake and Ohio canal, with the interest and charge due thereon, amounting to nearly two millions of dollars.]

After a debate, in which Messrs. TYLER, CLAY, BENTON, SOUTHARD, SHEPLEY, PORTER, NILES, LEIGH, CALHOUN, GOLDSBOROUGH, DAVIS, KING of Alabama and WRIGHT, took part—in the course of which Mr. SOUTHARD submitted an amendment, providing for the transfer to the United States of the stock held by the corporations of the District in the Chesapeake and Ohio canal, as a condition for the payment of their debts, and an amendment offered by Mr. NILES, providing for the sale of said stock within twelve months from the passage of the act for whatever it will bring in the market—the bill was, on motion by Mr. CALHOUN, recommitted to the Committee on the District of Columbia, to be remodeled.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 11, 1836.

Mr. CARR, from the Committee on Private Land Claims, reported a bill for the relief of James Keytes; which was read twice and committed.

RESOLUTIONS ADOPTED.

On motion by Mr. ADAMS, the following resolution, submitted yesterday by the Committee on Manufactures, was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to this House the *tables* indicated in a note to his *annual report*, showing the progress in the cultivation and manufacture of cotton in the United States and in other countries; also, showing the comparative quality and value of *exports* and *imports* of *cotton*, and *cotton manufactures* in the United States and other countries.

A resolution, heretofore reported from the Committee on Roads and Canals, was, on motion by Mr. MERCER, taken up, amended, and agreed to, as follows:

Resolved, That the Secretary of War be directed to lay before this House a statement of the length and cost of the several portions of the national road west of the river Ohio, which have been completed; also, the length and cost, so far as any expense has been incurred upon the same, of such other portions of the said road as have been located, opened, and graduated, or in part constructed; distinguishing respectively in such statement the cost of the location, opening, graduation, bridges, masonry, and stone covering of the various parts of the said road; that he add to the above statement an estimate of the probable cost of the residue of the said road as far as the river Mississippi; and, also, of the relative expense of graduating and covering with stone such parts of the said road as may not have been definitively located and graduated with reference to the future use of the same as an ordinary Macadamized road and a railway; also, the relative cost of substituting a railway for a Macadamized road on the said graduated surface, and the relative expense of the future repairs of such railway and road; and that he inform the House by what regulations the economy of the public expenditure on the said road is now secured; and especially whether the said road is constructed by public contracts or otherwise; and, if by contracts, how the execution of those contracts are supervised.

Mr. TALIAFERRO, by consent, submitted the following resolution; which was agreed to:

Resolved, That the committee to whom the subject touching the construction of the public building consequent on the destruction of the Treasury office was referred, be instructed to accompany any bill or report presented to the House with a statement to show the comparative cost of the contemplated building if constructed of freestone, granite, or brick; the capacity of each of those materials to stand fire with the least injury; what is the comparative hazard between freestone and granite to firemen in case of fire; and whether the durability of freestone, as tested by experience, forms a recommendation to it as a suitable material for building.

The following resolution, heretofore submitted by Mr. VINTON, was, by consent, taken up:

Resolved, That the Secretary of the Treasury be directed to communicate to this House, any information in his possession of frauds or fraudulent practices, under the existing preëmption laws; and that he also inform the House what has been the effect of the preëmption laws now in

force, or heretofore passed, upon the sales of the public lands, and upon that branch of the public revenue.

Mr. GARLAND, of Louisiana, offered the following amendment; which was accepted as a modification by Mr. VINTON:

Also, the quantity of land entered or purchased in the State of Louisiana, under the preëmption law approved the 19th June, 1834, designating the quantity entered or purchased in each land district, and the quantity entered as *floats* in each district, under the several sections of the preemption law, approved May 29, 1830, revised by the preemption law of June 19, 1834; together with copies of all documents and papers on file in the Department relating to the official conduct of the late register of the land office and receiver of public moneys at Opelousas, in the aforesaid State, or either of them; also, copies of all letters written by the late Commissioner of the General Land Office, and Gideon Fitz, Esq., formerly register of the land office at Mount 'Salus or Clinton, in the State of Mississippi, upon the subject of allowing preëmption on *floats* under the second section of the preëmption law, approved May 29, 1830, together with copies of all the instructions that have been given to the registers of land offices and receivers of public moneys for their government, in executing the preëmption laws of May 29, 1830, and the 19th June, 1834.

Mr. VINTON further modified his resolution, by adding the following:

Also, that he communicate to the House any information in his possession respecting combinations of persons, by force or otherwise, to prevent or obstruct the sales of the public lands, either at public sale or private entry.

Mr. BOON moved to strike out so much of the resolution as called for the "opinion" of the head of the Department. Mr. B. was willing to vote for any requisition for information, but was decidedly opposed to asking the opinion of that officer.

Mr. VINTON had no objection to modify that clause, so as to inquire of the Department what had been the "effect" of the preëmption laws.

Mr. BOON assented; and, after a few remarks from Mr. HOWARD, the resolution, as modified, was agreed to.

REPORTS FROM COMMITTEES.

Mr. THOMAS, from the Committee on the Judiciary, reported the following resolution; which was agreed to:

Resolved, That the Committee on the Judiciary be discharged from the further consideration of all petitions, memorials, and resolutions, asking for an extension of patents, which have been committed to it by the House, and that the same be referred to the select committee appointed "to inquire whether any modifications are required in the patent laws, and whether any further accommodations are necessary for the reception and preservation of models."

Mr. PATTON, from the Committee on the Territories, reported a bill establishing the territorial government of Wisconsin; which was read twice and committed.

Mr. HARRISON, of Pennsylvania, from the Committee on Invalid Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of William Kellar; and

A bill for the relief of John Conkin.

Mr. KINNARD, from the Committee on Revolutionary Claims, reported a bill for the relief of Colonel Francis Vigo; which was read twice and committed.

Mr. COFFEE, from the Committee on Military Affairs, Mr. CASEY, from the Committee on the Public Lands, and Messrs. BEALE and DOUBLEDAY, from the Committee on Invalid Pensions, made unfavorable reports upon various petitions; which were laid on the table.

FRENCH WINES AND SILKS.

The following resolution, heretofore submitted by Mr. MASON, of Virginia, was, on his motion, taken up:

Resolved, That the President of the United States be requested to communicate to this House a statement showing the amount of duties received into the Treasury of the United States on wines and silks of the production of France, since the passage of the act entitled "An act to carry into effect the convention between the United States and his Majesty the King of the French, concluded at Paris on the 4th of July, 1831," approved the 13th July, 1832, and the amount of duties which would have been chargeable on the same importations under the revenue laws as they existed at the time of the passage of that act, with the amount of importations of those articles in each year for five years past; that he be also requested to communicate to this House a statement showing, in analytical form, the awards made by the commissioners who acted under the act aforesaid, in execution of the said convention, their amount, the several classes of categories in which they are arranged, and the amount of the awards belonging to each class; *and the persons and companies, and the sums awarded to each.*

Mr. ADAMS moved to amend the resolution by adding the following proposition, which he, some days since, offered as a distinct resolution:

That the President of the United States be also requested to communicate to this House, if not incompatible with the public interest, a copy and translation of the act of the Legislative Chambers of France, making appropriations for carrying into effect the indemnity stipulated for claims of citizens of the United States by the treaty of the 4th of July, 1831; and also copies of all the communications from the French Government and their representatives in the United States in relation to the execution of that treaty, in the French language.

Mr. EVANS offered the following amendment to the amendment; which was agreed to:

And, also, to communicate, if it be in his opinion compatible with the public interests, so much of the several letters of Mr. Livingston, addressed to the Secretary of State, of October 4, 1833, of November 22, 1834, of December 6, 1834, and of December 22, 1834, as have not been heretofore communicated to Congress; and, also, the inclosure referred to in the letter of October 4, 1833; and, also, so much of the instructions to Mr. Livingston, on his appointment as Minister to France, as relates to the execution of the treaty of July 4, 1831.

The amendment of Mr. ADAMS, as amended, was then concurred in.

Mr. MASON further modified his resolution, at the suggestion of Mr. ALLAN, of Kentucky, by inserting the words in italics; and, thus amended, it was agreed to.

WESTERN COMMERCE.

Mr. JOHNSON, of Louisiana, submitted the following resolution; which was agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of opening a passage for the navigation of vessels from the Mississippi river, on its left side, opposite Le Breton Island, to the Gulf of Mexico.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President:

WASHINGTON, *February* 10, 1836.

To the House of Representatives:

I transmit herewith a report from the Secretary of War, with copies of so much of the correspondence relating to Indian affairs, called for by the resolution of the House of January 23, 1835, as can be furnished by that Department. I transmit also a report on the same subject from the Treasury Department, from which it appears that, without a special appropriation, or the suspension for a considerable period of much of the urgent and current business of the General Land Office, it is impracticable to take copies of all the papers described in the resolution. Under these circumstances, the subject is again respectfully submitted to the consideration of the House of Representatives.

ANDREW JACKSON.

On motion by Mr. McCARTY, the message and accompanying documents were referred to the Committee on Indian Affairs, and the message ordered to be printed.

APPROPRIATION BILLS.

The House then, on motion by Mr. CAMBRELENG, resolved itself into the Committee of the Whole on the state of the Union, (Mr. MILLER in the chair.)

NAVY APPROPRIATION BILL.

The committee resumed the consideration of the bill making appropriations for the naval service for the year 1836. The question pending was the proposed amendment of Mr. BELL, to reduce the appropriation for the improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire, from $67,000 to $33,500.

Mr. PEARCE, of Rhode Island, addressed the House at length, on the whole system of our navy-yards. He was in favor of the proposed item as it stood, although the whole system required revision, and he believed some of them ought to be abolished entirely, and new sites chosen for others. The sum of $67,000 proposed for the navy-yard at Portsmouth, without reference even to its permanency, was by no means extravagant or immoderate. He also replied to the remarks of the gentleman from Tennessee, [Mr. BELL,] and contended, that whether the appropriation be proposed with reference to war or peace, it should pass. He then went at large into the whole subject, and detailed various actions and encounters to prove that New York harbor was not such a place of ingress and egress as justified the establishment originally, or the maintenance now, of a naval depot there. He also read various extracts in reference to the same subject, and cited a large mass of documentary evidence, reports, and papers, for the purpose of showing that Narragansett bay possessed greater natural advantages for such an establishment than any other place in the United States, contrasting it with the disadvantages of Boston and Brooklyn. He likewise went into numerous statements to prove that the money expended on those two places was thrown away, and cited the reports and opinions of various engineers and others, who were competent judges, in support of his argument.

Mr. CUSHING followed in reply, principally so far as regarded the navy-yard at Charlestown, Massachusetts. Mr. C. said, with regard to locality, the point most worthy of consideration, next to natural advantages, was the contiguity of a dense population. It would be folly to establish a navy-yard, which was of the character of a great manufactory, in a locality without a large, dense, and industrious population. This was one reason why navy-yards were found in the North. He also contended that so far from diminishing our naval depots, their number should be made commensurate with the extent of our sea-board. He admitted that Narragansett bay possessed all the geographical advantages described by the gentleman from Rhode Island, nor would he dispute with the gentleman that a naval depot ought to be established there; but it did not follow that there should not be one in Massachusetts bay or at Brooklyn. It was a mistake, as stated yesterday, that Boston harbor was often inaccessible in the winter. On the contrary, it was very rarely the case, more than a day or two in the year. He then entered into an argument at length to prove that in case of war our naval depots ought to be fostered, and hoped the bill would pass as it stood. Mr. C. also referred to the sectional attack made by an honorable gentleman from Kentucky upon the appropriations and expenditures in the eastern States.

Mr. HARDIN rejoined. He intended to address the House at length (he said) when the subject of fortifications came up, and had prepared various statements from the Departments upon the subject. He had complained that the appropriations in the present bill exceeded, by about a million of dollars, the estimates of former years. He said he had made up a table partially exhibiting the expenditures for fortifications since the war, and they amounted altogether to about fourteen millions of dollars. Some system of defense must be adopted; but to erect fortifications at proper points from Maine to the Gulf of Mexico, would cost from fifteen hundred to twenty hundred millions of dollars, and a standing army, including the western forts, of not less than eighty thousand men—a thing the people of this country would never permit. The time, however, had arrived, when the subject must be investigated; and he pledged himself to go into it fully when the other bill came up. Mr. H. repelled the attack made upon him for speaking to "Buncombe" with disdain, and pronounced it a false calumny.

Mr. CUSHING briefly replied.

The remarks of Mr. HARDIN and Mr. CUSHING were rather of a personal character, and at the conclusion of Mr. CUSHING's remarks, some individual in the ladies' gallery applauded; when

Mr. REED and Mr. HANNEGAN rose simultaneously.

Mr. REED moved that the gallery be cleared; but understanding it came from a single individual, he withdrew the motion.

Mr. HANNEGAN then renewed it.

Mr. LEE, of New York, moved that the committee rise; which was agreed to.

The committee rose, and the chairman having reported progress,

Mr. HANNEGAN renewed the motion he made in Committee of the Whole.

Mr. WILLIAMS, of North Carolina, moved that the rule be enforced; which was agreed to, and the south gallery was ordered to be cleared.

Mr. MERCER said, as he was given to understand that the individual who caused the disturbance was recognized by a member of the House, he moved that he be taken into custody.

Pending this motion, the House adjourned.

IN SENATE.

FRIDAY, *February* 12, 1836.

A message was received from the President of the United States, returning the resolutions of the General Assembly of Indiana, requesting him to

reserve from sale a strip of land near Fort Wayne therein described, and giving the reason why the President cannot act in this matter without being authorized by law.

The CHAIR communicated a report from the War Department, transmitting the information required by the resolution of the Senate of the 21st January last, relative to the improvements of Christiana river; which was referred to the Committee on Commerce.

PETITIONS, MEMORIALS, ETC.

Mr. McKEAN presented the memorial of a large number of citizens of the United States, being merchants and ship-owners interested in navigating the Atlantic ocean, and east of the United States southward of Sandy Hook, praying Congress to authorize the erection of a light-house near Abicon inlet, on the sea-coast, in the State of New Jersey; which was referred to the Committee on Commerce.

Mr. PORTER presented the petition of A. & J. Dennistown & Co., merchants of New Orleans; which was referred to the Committee on Finance.

REPORTS FROM COMMITTEES.

Mr. BENTON, from the Committee on Military Affairs, reported unfavorably on the petition of Lieutenant Vinton; and the committee was discharged from the further consideration thereof.

Mr. TOMLINSON, from the Committee on Pensions, to which had been referred the memorial of William W. Hall, made an unfavorable report thereon; and the committee was discharged from the further consideration thereof.

Mr. BENTON, from the Committee on Military Affairs, to which the same had been referred, reported, without amendment, the joint resolution authorizing the Secretary of War to receive additional evidence in support of the claims of the State of Massachusetts for disbursements, services, &c., during the late war with Great Britain; and

On motion by Mr. DAVIS, the resolution was considered as in Committee of the Whole; and ordered to be engrossed and read the third time.

SALES OF THE PUBLIC LANDS.

Mr. EWING, of Ohio, moved to take up the bill appropriating for a limited time the proceeds of the sales of the public lands among the States, and for other purposes, for the purpose of fixing a day for its consideration; which motion having been agreed to,

Mr. EWING moved to postpone it until Wednesday next, and make it the special order of the day for that day.

Mr. BENTON said he would prefer next Wednesday week, as the bill, if taken up at an earlier day, might interfere with other important business of the Senate. He had been instructed by the Committee on Military Affairs (as he informed the Senate the other day) to move to take up the bill, lately reported, making appropriations for the fortifications of the United States, and he had been waiting daily to see some opening in the business of the Senate to make that motion.

Mr. EWING expressed his unwillingness to delay the land bill to a later day than Wednesday next.

And the question being taken, Mr. EWING's motion was agreed to.

THE QUAKER MEMORIAL.

The memorial of the Society of Friends, of Lancaster county, Pennsylvania, was taken up as the order of the day; the question being "Shall the petition be received?"

After some remarks from Messrs. MOORE, KING of Georgia, CALHOUN, HILL, LEIGH, and BUCHANAN,

The Senate adjourned over to Monday.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 12, 1836.

The motion of Mr. MERCER, pending at the adjournment yesterday, directing the Speaker to issue his warrant for the arrest of the individual who caused the disturbance in the south gallery of the House, was taken up.

Mr. MORGAN moved to lay the motion on the table; which was agreed to,

Mr. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of Ebenezer A. Lester; which was read twice and committed.

Mr. W. B. SHEPARD, from the Committee on the District of Columbia, reported a bill to provide for the superintendence of the free bridge lately erected across the Potomac river; which was read twice and committed.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill for the relief of William S. Colquhoun; which was read twice and committed.

Mr. KENNON, from the Committee on the Public Lands, reported a bill to authorize the conveyance of certain lands belonging to the University of Michigan; which was read twice, and ordered to be engrossed and read a third time.

Mr. DUNLAP, from the Committee on Public Lands, reported a bill for the relief of James Cochran; which was read twice and committed.

Mr. LAY, from the Committee on Revolutionary Pensions, reported a bill for the relief of James J. Coffin; which was read twice and committed.

Petitions and memorials were, by consent, presented by Messrs. KINNARD, LYON, and HANNEGAN, and appropriately referred.

Mr. KINNARD made an unfavorable report, from the Committee on Revolutionary Claims, on the petition of the heirs of Richard Apperson. Mr. K. also presented a memorial of the General Assembly of Indiana, requesting that evidences of title may issue from the United States to the Michigan road lands in said State; which was referred to the Committee on Public Lands; and a memorial from the General Assembly of the same State, recommending increased and annual appropriations for the further progress and completion of the Cumberland road; which was referred to the Committee of Ways and Means.

Mr. HANNEGAN presented the memorial of the General Assembly of the State of Indiana, on the subject of a harbor at Michigan City; which was referred to the Committee on Commerce.

THE NEW YORK FIRE.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported three letters on the subject of the late fire in the city of New York. The first, from sundry merchants to the collector of the port; the second, from the collector to the Secretary of the Treasury; and the third from the Secretary of the Treasury to the Committee of Ways and Means. Mr. C. read extracts from the letters, and remarked that, while he was unwilling to trespass upon the business of the House, yet he desired to make an appeal to those gentlemen who were opposed to the bill for the relief of the sufferers by the late fire in New York, to give the friends of the measure a hearing, with a view to a decision one way or the other. He was instructed by the committee to move that this bill be made the special order of the day for Friday next; and he hoped the motion would meet the approbation of the House.

Mr. WILLIAMS, of North Carolina, suggested Tuesday week. He was opposed to interfering with private bills, which, under the rules, were considered on Fridays and Saturdays.

Mr. WARD expressed an earnest request that the House would fix upon some day.

Mr. PEYTON remarked, that if it was in order, he would move to take up this fire bill on the day succeeding that on which the resolution offered by Mr. ADAMS should be determined. The gentleman from Massachusetts supposed that his proposition would not be decided before the 1st of June. This fire bill having been made to give place to the resolution to which he referred, he would move to make the bill the special order for the 1st day of June next.

Mr. McKEON named to-morrow.

Mr. WILLIAMS, of North Carolina, proposed Tuesday week.

Mr. EVANS named Tuesday next.

The motions of Messrs. CAMBRELENG, PEYTON, and WILLIAMS were negatived.

Mr. McKEON acquiesced in the motion of Mr. EVANS; which was then agreed to—ayes 136, noes not counted.

Messrs. MUHLENBERG and KINNARD, from the Committee on Revolutionary Claims; Mr. DUNLAP, from the Committee on the Public Lands; Mr. CONNOR, from the Committee on the Post Office and Post Roads; Mr. JARVIS, from the Committee on Naval Affairs; and Mr. FRY, from the Committee on Revolutionary Pensions—made unfavorable reports upon various petitions and memorials; which were laid on the table.

REVOLUTIONARY SOLDIERS.

On motion by Mr. ALLAN, of Kentucky, the following resolution, submitted by him on the 7th ultimo, was again taken up:

Resolved, That a select committee be appointed, whose duty it shall be to inquire into the expediency of extending the provisions of the act of Congress, for the benefit of the surviving officers and soldiers of the revolutionary army, passed the 7th of June, 1832, so as to embrace those who were engaged in the wars of the United States which occurred between the treaty of peace with Great Britain, in 1783, and the treaty of Greenville, with the Indians, in 1795; and that the said committee have leave to report by bill or otherwise.

The motion pending was the amendment of Mr. MANN, of New York, to strike out "a select committee," and insert "the Committee on Revolutionary Pensions."

Mr. MANN, of New York, said, while he as highly appreciated the meritorious services of those contemplated under this resolution as any other gentleman, yet, considering the operations of the pension system, its vast extent, and the vast amount of the public funds it involved, he was utterly and entirely opposed to any further extension of it at this time. There were evils enough resulting from the system in the section of country he had the honor to represent, and he himself had seen so much of it, that he was perfectly satisfied, if the whole case could be properly presented and fully understood, there would be very little difficulty in confining its operations to that class of individuals alone who had sacrificed their all in the revolutionary struggle.

The CHAIR intimated to the gentleman, that on the question of reference the merits of the resolution were not open to debate.

Mr. MANN said he withdrew his motion. He did not design to debate the merits of the resolution, but to make a few remarks in explanation or justification of the motion he had made at a former day, and which, under the peculiar state of the case, he now saw fit to withdraw.

Mr. VANDERPOEL believed, if he recollected right, this whole subject was before the House some two or three weeks last year, and its whole merits were very fully discussed. If Mr. V. were now called upon to vote, he had no hesitation in saying that he should vote against it, without more light than he had upon the subject. The only question now before them was, whether they should appoint a select committee, for which he was perfectly willing to vote, so that the merits and claims of those individuals might be laid before the House. But, in so voting, he was not to be considered as committing himself upon the merits of the case ultimately, when the subject came fully before the House, though he would give to the subject the best consideration in his power.

Mr. WILLIAMS, of Kentucky, moved to amend the resolution by instructing the committee to inquire into the expediency of extending the provisions of the act of the 7th of June, 1832, so as to include those in the service of the United States in the revolutionary war for a shorter period than six months.

Mr. WARDWELL informed the gentleman from Kentucky that, if he would refer to the proceedings of the House, he would find that a bill was already reported, embracing the very provision contemplated by the gentleman's amendment.

Mr. WILLIAMS thereupon withdrew his amendment.

Mr. DEBERRY moved that the committee be further instructed to inquire into the expediency of so extending the act of the 7th of June, 1832, as to embrace the wagoners, mechanics, &c., during the revolutionary war.

Mr. WARDWELL suggested that the adoption of this amendment would confound two objects, that of the revolutionary soldiers, and those engaged in the Indian wars, which ought to be kept distinct; besides which there was a consti-

tuted committee of the House appointed to take charge of the former already.

Mr. REYNOLDS, of Illinois, for the purpose (as he said) of keeping the two subjects distinct, moved the previous question; but the motion was not seconded by the House.

Mr. ADAMS hoped the gentleman from North Carolina [Mr. DEBERRY] would withdraw his amendment, and allow the resolution to stand on its own merits. The subject was before the last Congress, and was fully discussed; and the more it was discussed the more satisfactory it was to his mind that the bill then reported ought to have passed. He hoped that no gentleman would encumber the present resolution with any amendments, and that the House would now consider and adopt it.

The amendment of Mr. DEBERRY was then negatived; and the resolution was agreed to without a count; and,

On motion by Mr. LANE, the select committee was ordered to consist of nine.

RESOLUTIONS.

On motion by Mr. DAVIS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Greencastle, in Putnam county, Indiana, by Manhattan, Bowlingreen, to Bloomfield, in Green county; also, of establishing a post route from Mount Pleasant, Martin county, Indiana, by Scotland, Clark's Prairie, to Bloomfield, Indiana; also, of establishing a post route from Merom, Sullivan county, Indiana, to Hutsonville, in Clark county, Illinois.

On motion by Mr. DUNLAP, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes, to wit: From Perryville, in Perry county, Tennessee, by Morgan's Creek, to Chalk Level, in Humphrey's county; also, from Huntingdon, in Carroll county, Tennessee, by Pleasant, Exchange, Lexington, Jack's Creek, to Purdy, in McNairy county; also, from Bolivar, Tennessee, by Nubbin Ridge, Simpson's Bridge, on Hatchee river, Cypress, Chamberland, Wolf's Ferry, on Tennessee river, to William Lilly's, in Harden county; also, from Columbus, in Hickman county, Kentucky, by Troy, Dyersburg, Lauderdale Court-house, Covington, Somerville, to La Grange, Tennessee; also, from Jackson, Tennessee, Mount Penron, to Purdy, McNairy county; also, from Randolph, Tennessee, by Portersville, Concordia, to Bell Mont, in Fayette county, Tennessee; also, from Somerville, Tennessee, to Egypt, in Fayette county, Tennessee; and from Mount Pleasant, Tennessee, by Rock House Creek, J. C. Gallick's, Perryville, Livingston, Independence, to Jackson, Tennessee; and from Durhamsville, Lauderdale county, to Ashport, on the Mississippi river, in said county.

On motion by Mr. MANN, of New York, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of prescribing the effect of judgments in the circuit and district courts of the United States, and regulating the fees of the clerks of said courts in respect to searches for judgments.

On motion by Mr. HOWARD, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Davidsonville, in Maryland, by Higgins's store, to Patuxent Forge.

On motion by Mr. JOHNSON, of Louisiana, it was

Resolved, That the Committee on the District of Columbia be instructed to inquire into the expediency of making an appropriation for the erection of a lunatic asylum in the city of Washington.

On motion by Mr. FRENCH, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Terre Haute, in Indiana, to Paris, Decatur, Springfield, Sylvan Grove, Beardstown, Rushville, and Quincy, in the State of Illinois.

On motion by Mr. ASHLEY, it was

Resolved, That the Committee on Indian Affairs be instructed to inquire whether the Indian title is, or is not extinguished, to the slip of land lying between the western boundary of the State of Missouri and the Missouri river; and if not, to inquire into the expediency of providing by law for its entire extinguishment.

On motion by Mr. HIESTER, it was

Resolved, That the Committee on the District of Columbia be instructed to inquire into the expediency of macadamizing the streets bordering on the Capitol square.

Mr. LOVE submitted the following resolution; which, by the rules, lies over one day:

Resolved, That the Secretary of War be directed to transmit to this House all surveys, maps, plans, and estimates on file in the War Department, relating to the construction of a harbor at New Buffalo, in Michigan.

Mr. JOHNSON, of Louisiana, submitted the following resolution; which, by the rule, lies over one day:

Resolved, That the Secretary of the Treasury be directed to lay before this House a copy of the correspondence between the Executive of the State of Louisiana and the Treasury Department, relative to the location of two townships of land granted to the State of Louisiana by an act of Congress passed on the 3d of March, 1827, for the use of a seminary of learning therein; and that he also be directed to transmit, at the same time, copies of all communications made to the said Department from other persons, in relation to that subject.

Mr. INGERSOLL, on leave, submitted the following resolution:

Resolved, That the Committee on the Library be instructed to cause a marble bust of the late Chief Justice Marshall to be prepared by an artist of merit and reputation, and to be placed in the Chamber of the Supreme Court of the United States, in a position corresponding with that of the bust of the late Chief Justice Jay.

Mr. INGERSOLL was not, he said, about to pronounce an eulogium on the character of John Marshall. His merits were already recorded in the hearts and judgments of his countrymen. A recollection of them would be cherished as long as a just estimate could be formed of brilliant talents and unspotted integrity—as long as gratitude should continue to be a virtue. Few men, since the formation of this Government, had served it so well, and none more faithfully. In the administration of the laws, under a Government of laws, he was for nearly five and thirty years supreme in station, in abilities, and in usefulness. It had been the peculiar fortune of this Republic that it had found, on different occasions, when it had called its eminent citizens to posts of public duty, a happy fitness in the individual to his station, a devotion of purpose in the man, and a confidence in his designs on the part of the people; an union and an aptitude from which nothing but lasting benefits could arise. Many shining properties were combined in the eminent person to whom it was the object of this resolution to offer a feeble tribute of respect and gratitude—properties which justified the feeling universally entertained for him as the pride and the boast of his countrymen. When that, and much more, should be done by them, the nation and posterity would continue to be immeasurably his debtors. Mr. I. said, he submitted the resolution as a cheerful acknowledgment of the debt they owed, and as the pledge of an effort to repay it in the emulation of his virtues.

The resolution was then agreed to.

On motion by Mr. WHITTLESEY, the House proceeded to the consideration of the

ORDERS OF THE DAY.

The bill for the relief of Jesse Smith and others was again taken up. The question being on its passage, it was opposed by Messrs. MANN of New York, HARDIN, WILLIAMS, of North Carolina, and HAWES; and advocated by Messrs. VANDERPOEL and WHITTLESEY.

Mr. OWENS moved an adjournment—negatived—ayes 45, noes 89.

The bill was then further opposed by Mr. OWENS; but before he had concluded his remarks he gave way to

Mr. HOWARD, who moved to suspend the rule for the purpose of submitting a motion for an adjournment over to Monday.

Mr. GARLAND, of Louisiana, asked for the yeas and nays on the motion to suspend the rule; which were ordered.

Mr. EVERETT moved an adjournment; which was negatived.

The question was then taken, and the motion to suspend the rule was disagreed to—yeas 71, nays 104.

On motion by Mr. HAWES, the House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 13, 1836.

Mr. HAWES, of Kentucky, made an ineffectual attempt to take up his resolution on the subject of the West Point Academy.

MEMORIALS, PETITIONS, ETC.

Memorials and petitions were presented on leave by Messrs. GARLAND, of Virginia, and MCCARTY, of Indiana, and appropriately referred.

THADDEUS PORTER.

Mr. BOND, from the Committee on Revolutionary Pensions, reported a bill for the relief of Thaddeus Porter; which was read twice, and committed.

RESOLUTIONS AGREED TO.

On motion by Mr. UNDERWOOD, the rule was suspended for one hour for the purpose of disposing of resolutions on the Speaker's table, and calling the States for resolutions, with the understanding that any resolution which should give rise to debate should lie over.

The following resolutions heretofore offered were then agreed to:

By Mr. GALBRAITH:

Resolved, That the Secretary of War be requested to furnish to this House the report of Lieutenant Thompson S. Brown, of the United States corps of engineers, relative to the harbor of Presque Island, with the accompanying drawings and estimates.

By Mr. LOVE:

Resolved, That the Secretary of War be directed to transmit to this House all surveys, maps, plans, and estimates on file in the War Department, relating to the construction of a harbor at New Buffalo, in Michigan.

By Mr. JOHNSON, of Louisiana:

Resolved, That the Secretary of the Treasury be directed to lay before this House a copy of the correspondence between the Executive of the State of Louisiana and the Treasury Department, relating to the location of the townships of land granted to the State of Louisiana by an act of Congress passed on the 3d of March, 1827, for the use of a seminary of learning therein; and that he also be directed to transmit, at the same time, copies of all communications made to the said Department from other persons in relation to that subject.

The motion heretofore submitted by Mr. CONNOR, for printing one thousand copies of the bill for the reorganization of the Post Office Department, was considered and agreed to.

Mr. DICKERSON submitted an amendment to the bill to prevent evasions of the revenue laws, and for other purposes; which was ordered to be printed.

On motion by Mr. TURNER, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the survey of the harbor of Havre de Grace, in Maryland, with a view to the removal of any sand bars, or other obstructions in or near said harbor, and for effecting such removal, if practicable.

On motion by Mr. GIDEON LEE, it was

Resolved, That it be referred to the Committee on Manufactures to inquire and report to this House on the expediency of discontinuing the duty on the several articles of merchandise enumerated in the annual report of the Secretary of the Treasury as not interfering with the compromise act of 1833; and that the article of foreign coal be embraced in such inquiry and report.

On motion by Mr. LAWLER, it was

Resolved, That the Secretary of War be directed to inform this House whether, in his judgment, an additional armed force be necessary to prevent the Creek tribe of Indians from aiding the Seminole Indians in the war of Florida, and from the commission of other depredations; and, if so, whether any legislation by Congress will be necessary.

On motion by Mr. WILLIAMS, of Kentucky, it was

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency and propriety of passing a law distributing the surplus revenue now in the Treasury, and the surplus revenue that may hereafter be in the Treasury, among the several States, according to the Federal population of each State, for the purposes of internal improvements and education.

On motion by Mr. McKAY, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing an arsenal in North Carolina.

On motion by Mr. HAWES, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a public armory on the waters of Greene river, in the State of Kentucky; and that said committee be instructed to report on or before the 1st of March next.

On motion by Mr. GILLET, it was

Resolved, That a select committee be appointed to inquire into the expediency of providing by law for coining gold coins of the denominations of one, two, three, and four dollars; and also whether any addition to the number of branch mints is required by the interests of the country; and that the committee have leave to report by bill or otherwise.

On motion by Mr. JOHNSON, of Kentucky, it was

Resolved, That the Committee on the District of Columbia be instructed to inquire into the expediency of abolishing imprisonment for debt within the District.

On motion by Mr. JOHNSON, of Virginia, it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of making an additional appropriation of land to satisfy the warrants in scrip which have been issued, or which may hereafter issue,

according to the resolutions and laws of the United States and of Virginia, for revolutionary services.

On motion by Mr. PHILO C. FULLER, it was

Resolved, That the Committee on the Public Lands be instructed to inquire and report to this House the number of land patents, as near as may be, which are due for lands purchased, and are not executed; the time which will probably elapse before patents can issue, under present arrangements, for lands now purchased; and whether some further provision is not necessary to reduce the interim between the time of purchasing lands and receiving patents therefor.

On motion by Mr. FRENCH, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of causing to be surveyed a route for the construction of a national road from Washington city to the mouth of the Big Sandy river; from thence through the States of Kentucky, Tennessee, Alabama, Mississippi, and on through the country below—such route to be so run as to afford (in case the road be constructed) the greatest possible convenience to the population and business of the country through which it will pass.

On motion by Mr. SMITH, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Buckfield to Portland, and from Brunswick to Harpswell, in the State of Maine, and that the petitions on the files of the House relating thereto be referred to said committee.

On motion by Mr. WARDWELL, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of authorizing the Secretary of War to establish pension agencies, not exceeding three in each State, provided the same can be done without expense to the Government.

On motion by Mr. GARLAND, of Louisiana, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing and extending the following post routes in the State of Louisiana:

1. From the town of Opelousas, to pass by Washington, Holmesville, and the Prairie Rouge, to St. Francisville.

2. From Lake Providence, in the parish of Carroll, by Monroe, in the parish of Ouachita, Russellville, and Drew's Landing, in the parish of Claiborne, to the Loggy Bayou, on Red river.

3. Of extending the existing route from Opelousas to the settlement on the Calcasieu, to the Sabine river.

On motion by Mr. VANDERPOEL, it was

Resolved, That the Committee on Invalid Pensions inquire into the expediency of placing the name of Lambert L. Van Volkenburgh on the invalid pension roll.

On motion by Mr. REYNOLDS, of Illinois, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation of money or land to improve the great mail stage road from Louisville, in Kentucky, by Vincennes, in the State of Indiana, through the State of Illinois, to St. Louis, in Missouri; and of making an appropriation of land, or the preemption to land, to the Central Railroad Company, in the State of Illinois, to aid in the construction of said road from the Illinois river, at the termination of the canal, to the mouth of the Ohio river.

On motion by Mr. CONNOR, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from South Point, in Lincoln county, North Carolina, to Fallsville; thence to William Odes's, passing Buffalo post office, Joshua Bean's, Bushy Creek, Hamilton's store, and Alfred Webb's, to Rutherfordton.

On motion by Mr. ROBERTSON, it was

Resolved, That the claim of the heirs and representatives of Colonel William Heth, deceased, an officer of the Virginia continental line during the war of the Revolution, for compensation for his revolutionary services, be referred to the Committee on Revolutionary Claims.

On motion by Mr. DROMGOOLE, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing Major General Winfield Scott the same rate of pension as a lieutenant colonel of artillery, as if the testimony in support of the disability sustained by him in the battle of Niagara, July 25, 1814, had been completed and filed at that date.

On motion by Mr. CRANE, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of placing additional buoys to mark the channel at the mouth of the Miami of Lake Erie, and across the Maumee bay.

On motion by Mr. BOND, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a marine hospital at the town of Portsmouth, in the State of Ohio.

On motion by Mr. MAY, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at Chicago, Illinois.

On motion by Mr. DARLINGTON, it was

Resolved, That the memorial of David Lewis, praying compensation for property destroyed by the British troops at St. Mary's, in 1815, and now on the files of the House, be referred to the Committee on Claims.

On motion by Mr. STORER, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of ascertaining, by a survey under the direction of the War Department, the practicability and the expense of erecting a bridge over the Ohio river, from Cincinnati to Newport or Covington, in Kentucky.

On motion by Mr. INGHAM, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the erection of a light-house at the mouth of Connecticut river, in the State of Connecticut.

On motion by Mr. GARLAND, of Virginia, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reëstablishing the mail route from Charlottesville, by Scottsville, to Buckingham Court-House, in the State of Virginia.

On motion by Mr. JARVIS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing the Postmaster General to make arrangements for establishing a communication by mail with the British Province of New Brunswick, through Holton, in the State of Maine.

On motion by Mr. SUTHERLAND, it was

Resolved, That the usual number of copies of the report of the Secretary of the Treasury, in relation to marine hospitals, be printed.

On motion by Mr. CUSHMAN, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of repealing so much of an act of the United States, passed 28th February, 1803, "concerning consuls and vice-consuls," as makes it the duty of every master or commander of a ship or vessel belonging to citizens of the United States, on his arrival at a foreign port, to *deposit* his register with the consul, commercial agent, or vice-commercial agent, if any there be at such port.

On motion by Mr. CHANEY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Pickrington, in the county of Fairfield, by Waterloo, Winchester, Middletown, and Kenady's store, to Circleville, in Pickaway county, Ohio.

On motion by Mr. CASEY, it was

Resolved, That the Secretary of the Treasury be directed to cause to be laid before the House a statement showing the number of claims for horses and other property lost in 1831-'2, on the frontiers of Illinois and Michigan, that have been presented for allowance, under "an act for the payment of horses and arms lost in the military service of the United States against the Indians on the frontiers of Illinois and Michigan Territory," approved 19th February, 1833, and an act to provide for the payment of claims for property lost, captured, or destroyed by the enemy, while in the military service of the United States, during the late war with the Indians on the frontiers of Illinois and Michigan Territory, approved 30th of June, 1834; the number that have been allowed, and the number that have been rejected or suspended, and the reason for such rejection or suspension.

On motion by Mr. HARLAN, it was

Resolved, That the Committee of Claims be instructed to inquire into the expediency of paying to Samuel Tillet, of Kentucky, the amount of a draft drawn by William Sterman, and payable to said Tillet, for the services of said Sterman as a teacher of the Cherokee Indians west of the Mississippi.

On motion by Mr. KENNON, it was

Resolved, That the Committee of Claims be instructed to inquire into the expediency of authorizing the Secretary of War to settle the accounts of Peter Comoyn and Arthur Taggart, and pay to them the amount which may, upon such settlement, be found to be due to them for work done or materials found in the construction of the Cumberland road in Ohio.

On motion by Mr. GRAVES, it was

Resolved, That the petitions and all the other documents upon the subject of the Government purchasing up the private stock in the Louisville and Portland Canal, referred last year to the Committee on Roads and Canals, be recommitted to that committee.

On motion by Mr. HUNTINGTON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of the establishment of a post route from Jamaica to Rockaway, in Queen's county, New York.

On motion by Mr. CHAMBERS, of Pennsylvania, it was

Resolved, That it be referred to the Committee on the District of Columbia to consider the expediency of reporting a bill prohibiting the sale and purchase of lottery tickets within the District of Columbia.

On motion by Mr. MASON, of Virginia, it was

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a mail route from Belfield, in Greenville county, Virginia, to Newcomer's Depot, in Southampton county, Virginia; also, a mail route from Surry Court-house to Wall's Bridge, in Surry county, in Virginia.

On motion by Mr. GRAHAM, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Ashville, North Carolina, by Ednysville, Mill's Gap, and E. S. Porter's, to Spartansburg Court-house, in South Carolina.

On motion by Mr. DEBERRY, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of so amending the act of the 7th of June, 1832, entitled "an act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution," so as to extend the benefits of said act to such persons as performed the requisite service in the capacity of mechanics, wagoners, and boatmen, who were put to such service by the officers in command.

On motion by Mr. HAYNES, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of so altering the pension act of the 7th of June, 1832, as to authorize the payment of arrears of pension due to Robert Lard, late of the State of Georgia, deceased, to the qualified executor of said deceased, to be distributed in conformity to his last will and testament.

On motion by Mr. COFFEE, it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the propriety of authorizing the Secretary of the Treasury, in cases where scrip may have been or shall be issued on military land warrants, and all the heirs or others interested therein shall not appear or join in receiving the scrip, to issue to those who shall appear or join, or their attorney or attorneys, their proper proportion, reserving in the Treasury the portion due to those who do not appear or join as aforesaid.

On motion by Mr. DUNLAP, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing an arsenal at Memphis, Tennessee.

On motion by Mr. HALL, of Maine, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing commutation to Benjamin Jones Porter, a surveyor in the revolutionary army.

On motion by Mr. PEARCE, of Maryland, it was

Resolved, That the memorial of Samuel Hambleton, a purser in the Navy of the United States, with the accompanying documents, now on the files of the House, be referred to the Committee on Naval Affairs.

On motion by Mr. CUSHING, it was

Resolved, That sundry memorials on the files of the House, and two hundred and twenty-one memorials taken from the files of the Senate, all presented at past sessions, and not yet fully disposed of, praying Congress to indemnify the memorialists for spoliations of their property committed by France prior to 1800, be referred to the Committee on Foreign Affairs.

On motion by Mr. WILLIAMS, of North Carolina, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from the Little Yadkin post office, in Stokes county, North Carolina, by William Wolff's, Reeve's and Johnson Clemont's, to Rockford, in Surry county.

On motion by Mr. BROWN, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a new mail route from the village of Goshen, in the county of Grange, in the State of New York, by way of Philipsburgh, Middletown, Mount Hope, Cuddebeckville, Forrestburgh, Big Edny, Honesdale and Carbondale, to Wilkesbarre, in the State of Pennsylvania.

On motion by Mr. SHINN, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of granting to the heirs of Barney Monrow, deceased, a private soldier in the revolutionary war, one hundred acres of the public land, and that the papers now on the files of the House relating to that subject be referred to said committee.

On motion by Mr. CRAIG, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of reëstablishing the post route from Staunton, in Virginia, by Buffalo Gap, to Millborough, in the county of Bath.

On motion by Mr. TALIAFERRO, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of providing, by law, that in all cases in which pensioners of the United States have, at any time, been stricken from the pension rolls, and have been subsequently restored by order of the Secretary of War, it shall be lawful for the Secretary of War to cause the pensions accruing to all pensioners between the time of their suspension and restoration, to be paid, provided, in the opinion of the Secretary of War, it be just and proper to make such payment, consistently with the principles and provisions of the law under which each pensioner, thus situated, shall have been pensioned—such arrears of pensions to be paid out of any money in the Treasury not otherwise appropriated.

On motion by Mr. PATTERSON, it was

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of making further appropriations for carrying on the treaty with the Wyandott Indians, at Upper Sandusky, in the State of Ohio.

On motion by Mr. McKENNAN, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of

establishing a post route from Buckland's Cross Roads, in Washington county, Pennsylvania, by Mill Creek Meeting-house, East Liverpool, Foulkstown, Clarkson, East Fairfield, and Lima, in Columbiana county, to Portland, in Trumbull county, Ohio; also, from Cross-Creek village, Washington county, Pennsylvania, to West Liberty, in Ohio county, Virginia; also from West Alexander, Washington county, to Waynesburg, in Green county, Pennsylvania; and that the petitions and papers on file in relation to those routes be referred to the said committee.

On motion by Mr. JOHNSON, of Louisiana, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the erection of a custom-house and a public store-house in the city of New Orleans.

On motion by Mr. CHAMBERS, of Kentucky, it was

Resolved, That the Committee on Revolutionary Pensions be directed to inquire into the expediency of restoring the name of Alexander Gibson, of Kentucky, to the pension roll, and directing the payment of the arrearages of his pension since its suspension by the Commissioner of Pensions.

On motion by Mr. LYON, it was

Resolved, That the Committee on Public Lands inquire into the expediency of authorizing the Secretary of the Treasury to allow and pay to the register and receiver of the land office at Demopolis, Alabama, the amount actually expended by them, in the hire of clerks in their respective offices, rendered necessary in the execution of the preëmption laws of 19th June, 1834, and in keeping up the business of their offices.

On motion by Mr. CHAPMAN, it was

Resolved, That the Secretary of War be directed to report to this House the papers in his office relating to the claim of Jubel B. Hancock to a reservation of land under the fourteenth article of the treaty of Dancing Rabbit creek with the Choctaws, if in his opinion the claim requires the action of Congress.

On motion by Mr. KINNARD, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of establishing the office of surveyor-general at the seat of government of each State and Territory in which any of the public lands are situated, and of making it the duty of such surveyor to copy, and deposit with the Executive thereof, all the field-notes or surveys of the public lands sold or unsold, and of all reservations of Indians, and private grants from foreign Governments within the State or Territory in which his office may be situated; and that said committee inquire into the expediency of making provision for a more speedy issue of land patents to the purchasers of the public lands.

On motion by Mr. LOYALL, it was

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of placing the master workmen at the several navy-yards upon a more permanent footing as to appointment and pay.

On motion by Mr. PEARCE, of Rhode Island, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making an appropriation for the erection or purchase of convenient and proper buildings, within the State of Rhode Island, for the United States courts holden in that State.

On motion by Mr. LINCOLN, it was

Resolved, That the Committee on Naval Affairs be instructed to consider the propriety of continuing to Mary J. Babbit, of Massachusetts, the widowed mother of Fitz Henry Babbit, late a lieutenant in the Navy of the United States on board the frigate President, Stephen Decatur, Esquire, Commander, who was killed in action with a squadron of the enemy on the 15th of January, 1815, the benefit of the pension granted to her for five years, from the 19th of November, 1830, now expired by an act of Congress of 2d March, 1833.

On motion by Mr. JUDSON, it was

Resolved, That the Committee on Manufactures be instructed to inquire into the expediency of promoting the culture and manufacture of silk in the United States.

On motion by Mr. CARTER, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of continuing the improvement commenced by the Government at the Muscle Shoals, in the Tennessee river, in the State of Alabama, up the said Tennessee river, thence up the Holston river, to Kingsport, in the State of Tennessee; and that said committee require the Secretary of War to transmit such information as may be in the possession of the War Department, in relation to the survey of said rivers by the United States engineers.

On motion by Mr. LANE, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of amending the act of Congress of April 5, 1832, so as to authorize any person or persons who shall have entered a quarter quarter-section of land, to enter any other forty acre tract, provided the same shall be subject to entry.

On motion by Mr. PINCKNEY, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing an arsenal of construction at or in the vicinity of Charleston, South Carolina.

On motion by Mr. SPRAGUE, it was

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of granting a land warrant to the legal representatives of David Warner, deceased, a soldier of the late war.

On motion by Mr. ALLAN, of Kentucky, it was

Resolved, That the Committee of Claims be instructed to inquire into the expediency of reporting a bill allowing the same amount to William Rufus Taylor, administrator of the estate of Jonathan Taylor, as has been allowed by an act of this session to B. W. Dudley, as the executor of Charles Wilkins, deceased; and that the annexed petition of said W. R. Taylor, and that the said petition of said B. W. Dudley, now on the files of the House, be referred to said committee.

On motion by Mr. JONES, of Michigan, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of establishing a surveyor general's office west of Lake Michigan, in the Territory of Michigan; and that the committee also inquire into the expediency of authorizing the survey and sale of the lands purchased from the Sacs and Fox Indians, at the treaty concluded at Rock Island, on the 21st day of September, 1832; and that an appropriation be made for the above object.

On motion by Mr. A. H. SHEPPERD, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Bethania, Stokes county, North Carolina, by Vienna and Shore's Ferry, to Doweltown, in Surry county; from Greensboro', Guildford county, North Carolina, by Thompson's Store, to Mooresville, in Orange county; and, also, from Milton, Caswell county, by Sargeantsville, and Blackwell's Store, to Rawlingsburg, in Rockingham county, North Carolina.

On motion by Mr. W. B. SHEPARD, it was

Resolved, That the papers now on file, relating to Roanoke Inlet, be referred to the Committee on Commerce; and that said committee be instructed to inquire into the expediency of a resurvey of said inlet.

On motion by Mr. MORGAN, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Polsley's Mills, in Monongalia county, Virginia, via Arnett's store and George Goust's, to Blacksville, in said county.

On motion by Mr. COLES, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting to John Crump a pension for revolutionary services.

On motion by Mr. MASON, of Ohio, it was

Resolved, That the report, and papers accompanying the same, from the Committee of Claims, at the present session, together with certain other papers relating to the claim of James McPherson, be referred back to the said committee.

On motion by Mr. BANKS, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of providing by law for the payment of commutation pay to William Amberson, of Pennsylvania, an officer in the army of the Revolution.

On motion by Mr. W. K. FULLER, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting an arrearage of pension to Daniel Shippey, a private soldier in the late war with Great Britain.

Mr. ASHLEY submitted the following joint resolution; which was read twice, and referred to the Committee on the Post Office and Post Roads:

Resolved by the Senate and House of Representatives in Congress assembled, That such additional post routes as may be necessary to connect and form a line of communication from Fort Towson, on Red River, via the seat of justice of each county in the Territory of Arkansas and State of Missouri, bordering on the western frontier, and the several intermediate military posts, to Fort Des Moines on the Des Moines river, and thence to the town of Dubuque on the Mississippi river, be, and the same are hereby, established, to be put in operation as soon as practicable.

RESOLUTIONS INTRODUCED.

The following resolutions were submitted. Those calling for information from the Departments were laid over for one day under a standing rule of the House, and the remainder were laid on the table on the motion of Mr. UNDERWOOD, objection being made to their consideration and adoption, to wit:

By Mr. INGERSOLL:

Resolved, That the Clerk of this House be authorised and required to furnish the new members of the Twenty-Fourth Congress with the same books furnished to the members of the Twenty-Third Congress.

By Mr. BRIGGS:

Resolved, That two thousand extra copies of the report of the committee for the monument to Captain Nathan Hale, be printed for the use of the House.

By Mr. HOWARD:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a naval academy.

By Mr. GARLAND, of Virginia:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing the Postmaster General to make reasonable compensation to postmasters in cases where commissions on the postages allowed by law are grossly inadequate, arising from extraordinary labor in distributing the mails.

By Mr. WISE:

Resolved, That a select committee, consisting of —— members, with power to send for persons and papers, be appointed to inquire into the amount of Government patronage to the public press in the District of Columbia, and into the policy and expediency of separating the Government patronage from the public press, and to report by bill or otherwise the means of so doing.

By Mr. MERCER:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the disbursements which have been made for building the Washington bridge across the Potomac; discriminating therein the cost of various works upon the same, in wood, earth, rubble stone, or masonry, and all extra work contracted for or added to the structure of the said bridge, by order or permission of the Department, subsequent to the original contract therefor, distinguishing in like manner the description and cost of all such extra work; and that he also state the relative elevation, above ordinary high tide, of the present bridge, compared with that which stood on the same site.

By Mr. WASHINGTON:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Susan Decatur, widow of the late Commodore Stephen Decatur, be paid from the Navy pension fund a pension for five years, commencing from the 30th June, 1834, in conformity with the provisions of the act concerning naval pensions and the Navy pension fund, passed 30th June, 1834; the said pension not to be liable for her responsibilities on account of the debts of her late husband: *Provided*, That the said pension shall cease on the death or marriage of the said Susan Decatur.

By Mr. DENNY:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, granted unto the several universities and colleges authorized by law in the several States, a portion of the public lands, equal in quantity to one township for each institution, and to consist of sections, which the Secretary of the Treasury is hereby directed to select, in any district where the lands have been surveyed. And when the Governor of any State shall make, or cause to be made, a report of the names and situations of said institutions in such State to the Secretary of the Treasury, he shall proceed to select and designate the sections to compose the quantity of land hereby granted to each institution; shall reserve the same from public sale and private entry, give public notice thereof, and transmit patents severally therefor to the said institutions respectively.

Be it further resolved by the authority aforesaid, That if the said lands, or any part thereof, hereby granted, or intended so to be, unto the several universities and colleges aforesaid, shall remain unsold at the expiration of ten years from the delivery of the patents, the Secretary of the Treasury, if he at that time should deem it to be expedient, shall cause the land so remaining unsold to be disposed of at public sale in the usual manner, and pay over the amount of such sales to the institutions respectively interested in the same.

By Mr. DICKSON:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the State of Mississippi an equivalent in land or money for the sixteenth sections which have been guarantied to said State within her limits by an act to authorize her to form a constitution and State government, and from which she is wholly excluded in the district of country lately ceded to the United States by the Chickasaw tribe of Indians.

By Mr. HAMER:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the Constitution of the United States as to limit the service of the judges of the supreme and inferior courts to a term of years, and also to fix an age after which they shall be ineligible to such offices.

By Mr. CARR:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of the granting a small bounty or donation in lands to the organized militiamen, rangers, and volunteers, who served in defense of their country for the term of —— months on the frontier, during the late war with Great Britain, and to the widows and orphans of those who so served; and, also, into the expediency of making like provision for those who served in the Tippecanoe campaign on the Wabash, in the year 1811.

By Mr. McCARTY:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of a grant to the State of Indiana of each alternate section of the unappropriated public lands for five miles on each side of a rail or turnpike road or canal, to be located upon the Detroit and Chicago road, at or near White Pigeon, in Michigan, to the northern extremity of the White Water canal, in the county of Wayne, Indiana, to be applied to the construction of such road or canal.

By Mr. HANNEGAN:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting to the actual settler who shall, with his family, reside upon and cultivate the same for a period of five years continuously, one quarter section of the unsold lands of the United States.

By Mr. DAVIS:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting to the States of Indiana and Illinois all the public lands for ten miles in width on each side of the Wabash river, from Terre Haute to its confluence with the Ohio river, that shall remain unsold after the 10th of May next; the proceeds of such lands to be applied to the improvement of the navigation of said river, under the direction of the above-mentioned States.

By Mr. CORWIN:

Resolved, That the Secretary of the Treasury be required to furnish to the House of Representatives a statement to show what is the amount of the unsatisfied military land warrants issued by the United States and the State of Virginia respectively, and filed in the land office of the United States, prior to the first day of September, 1835; also, to state the amount of the land warrants of the same description which have been filed in the land office aforesaid since the first day of September, 1835; and, also, what is the probable amount of the outstanding claims to military land warrants on the United States and the State of Virginia respectively, according to the best means in possession of the Secretary for making an estimate thereof.

By Mr. BIGGS, (at the request of Mr. WHITE, of Florida, who was absent:)

Resolved, That the Secretary of the Navy be directed to furnish to this House a statement exhibiting the amount annually expended at the navy-yard of Pensacola, under the respective heads of appropriation, from the establishment of said yard to the end of the year 1835; also, to state the present condition of the wharves at said yard; also, the number and condition of the houses, stores, shops, sheds, powder-magazines, barracks, and all other fixtures appertaining to said yard, and the uses to which the said buildings, fixtures, &c., are at present applied; and that he be further directed to furnish an estimate exhibiting the amount necessary for the construction of timber-docks, wharves, walls of inclosures, marine barracks, and all other fixtures necessary to place the said navy-yard of Pensacola on a footing with the most extensive navy-yard on the North Atlantic coast, so that vessels of war of the United States may be laid up in ordinary, refitted, repaired, and constructed at said navy-yard; and that the Secretary of the Navy be further directed to state the number of years in which the above can be accomplished.

AMENDMENTS TO THE CONSTITUTION.

By Mr. UNDERWOOD:

Resolved by the Senate and House of Representatives of the Congress of the United States of America, That the following amendments to the Constitution thereof be proposed and recommended to the Legislatures of the several States for their ratification, to wit:

Amend the seventh section of the first article by striking out the words "*two thirds of*," wherever they occur, and insert the words, "*a majority of all the members elected to*."

Amend the second section of the second article, by inserting after the words "*and which shall be established by law*," in the second paragraph of that section, the following words: "*Except the Secretary of the Treasury, and such officers whose principal duties consist in collecting, or in receiving, or in disbursing, or in keeping accounts concerning the revenue of the United States, or any part thereof.*"

Under the general head of amendments, add the following articles, to wit:

ARTICLE XIII.

SEC. 1. A Secretary of the Treasury shall be annually, or oftener, if needful, appointed by the joint vote of the Senate and House of Representatives, each Senator and Representative having one vote.

SEC. 2. The Secretary of the Treasury shall nominate and, by and with the advice and consent of the Senate, shall appoint all officers whose principal duties consist either in collecting, or in receiving, or in disbursing, or in keeping accounts concerning the revenue or any part thereof. But Congress may, by law, vest the appointment of such inferior officers, whose duties pertain to the collection, receipt, or disbursement of the revenue, or any part of it, as shall be deemed proper, in the Secretary of the Treasury alone.

SEC. 3. In case of the death, removal, resignation, or disability of the Secretary of the Treasury, the President of the United States shall designate some officer of the Treasury Department to perform the duties of the Secretary of the Treasury, until a successor shall have been duly elected, or until the disability is removed.

SEC. 4. In case of the death, removal, resignation, or disability of any inferior officer connected with the Treasury Department, in the collection, or receipt, or disbursement of, or in keeping accounts concerning, the revenue, or any part of it, during the recess of the Senate, the Secretary of the Treasury shall have power to fill the vacancy, by granting commissions which shall expire at the end of the next ensuing session of Congress, unless the appointment to the vacant office had been exclusively conferred on him by law.

ARTICLE XIV.

The tenure of all offices, except such as are specially provided for in the Constitution, and the mode of removal from office, shall be regulated by Congress.

ARTICLE XV.

Senators and Representatives shall not be eligible to any office on the nomination of the President, or on the nomination of the Secretary of the Treasury, during the time for which they were respectively elected to serve in the Congress of the United States, and for two years next ensuing the expiration thereof.

Resolved, That whenever three fourths of the Legislatures of the several States shall ratify the foregoing proposed amendments, or any one or more of them, the same, as thus ratified, shall be valid, to all intents and purposes, as part of the Constitution.

Mr. PEYTON submitted the following joint resolution:

Resolved, That the committee, to whom was referred so much of the President's message as relates to "amending that part of the Constitution which provides for the election of the President and Vice President of the United States," be instructed to report to this House the following joint resolutions to amend the Constitution of the United States, in relation to the election of President and Vice President of the United States, and for other purposes:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, That the following amendments to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three fourths of the States, shall be valid to all intents and purposes as part of the Constitution, to wit:

1st. The President and Vice President of the United States shall be elected for and during the term of six years; and no person who shall have been elected President of the United States shall be again eligible to that office.

2d. Hereafter the President and Vice President of the United States shall be chosen by the people of the respective States in the manner following: On the first Monday and succeeding Tuesday and Wednesday, in the month of August, eighteen hundred and ——, and the same days in every sixth year thereafter, an election shall be held for President and Vice President of the United States, at such places and in such manner as elections are held by the laws in each State for members of the most numerous branch of the Legislature thereof. And the citizens of each State, who possess the qualifications of electors of the most numerous branch of the State Legislature, shall then and there, directly and without the intervention of electors to be appointed by the States, vote for President and Vice President of the United States, one of whom shall not be an inhabitant of the same State with themselves. And the superintendents or persons holding elections in each election district shall immediately thereafter make returns thereof to the governor of the State. And it shall be the duty of the Governor, together with such other persons as shall be appointed by the authority of each State, to ascertain the result of said returns; which returns shall be immediately certified by the Governor, and sent to the seat of the Government of the United States, to each of the Senators in Congress from each State, to the President of the Senate, and to the Speaker of the House of Representatives. The places and manner of holding such elections, of canvassing the votes, making returns thereof, and ascertaining their result, shall be prescribed in each State by the Legislature thereof. Congress shall have the power of altering the times of holding the elections, (but they shall be held on the same days throughout the United States,) and of altering the time herein afterwards prescribed for the assembling of Congress every sixth year. The Congress of the United States shall be in session on the second Monday in October, in the year one thousand eight hundred and thirty ——, and on the same day in every sixth year thereafter; and the President of the Senate, in the presence of the Senate and House of Representatives, shall, as soon as convenient and practicable, proceed to open all the certificates and returns, and the electoral votes of the States shall be thereupon counted. The person having the greatest number of votes for President shall be President, if such number be a majority of the whole number of votes given; but if no person have such majority, or if the person having the majority of the whole number of votes given shall have died before the counting of the votes, then a second election shall be held on the first Monday and succeeding Tuesday and Wednesday in the month of December then next ensuing; which second election shall be conducted, the returns made, the votes counted, and the result of the election in each State certified by the Governor, in the same manner as in the first, and the final result of the election shall be ascertained in the same manner as the first, and at such time as shall be fixed by law, or resolution of Congress; and the person having the greatest number of votes for President shall be President, if such number be a majority of the whole number of votes given; but if two or more persons shall have received an equal and the highest number of votes at the second election, or if the person who shall have received the majority of the whole number of votes given at the second election shall have died before the counting of the votes, then the House of Representatives shall choose one of the remaining number of the persons voted for for President, in the manner now prescribed by the Constitution. The person having the greatest number of votes for Vice President at the first election shall be Vice President, if such number be a majority of the whole number of votes given; and if no person shall have received such majority, or if the person who shall have received a majority of the whole number of votes given shall have died before the counting of the votes, then, of the person having the two highest number of votes the Senate shall choose one for Vice President; but if two or more persons shall have the highest, and an equal number of votes, then the Senate shall choose a Vice President from the persons having the highest number of votes.

3d. No Senator or Representative shall, during the time for which he was elected, and the continuance in office of a President in whose term of service he shall have acted, be appointed to any office or employment, or hold or make any contract, with or under the authority of the United States.

4th. When the House of Representatives shall choose a President, no person who shall have been a member of, or elected to, that House at the time of making the choice, shall, during the continuance in office of the President so chosen, be appointed to any office or employment, or hold or make any contract with or under the authority of the United States.

Mr. DROMGOOLE referred to the fact that the subject embraced in the foregoing resolutions was already before a select committee of the House, of which he was chairman. That committee had made some progress in the consideration of the matter under their charge. He thought, therefore, that the proposition of the gentleman from Tennessee ought to be laid on the table.

The resolutions were then laid on the table.

REPORTS FROM COMMITTEES.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill providing for the payment of the volunteer and militia corps in the service of the United States, and for other purposes; which was read twice, and committed.

Mr. THOMAS, from the select committee on the banks of the District of Columbia, reported with an amendment the bill from the Senate to prolong the charters of the Bank of Columbia, of Georgetown, and the Bank of Alexandria, of the city of Alexandria; which was committed.

On motion by Mr. REYNOLDS, of Illinois, the House adjourned.

IN SENATE.

MONDAY, *February* 15, 1836.

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary, transmitting a report from the Secretary of State relative to our relations with France, made in compliance with a resolution of the Senate; which was referred to the Committee on Foreign Relations.

The CHAIR communicated a report from the Secretary of the Treasury, made in compliance with a resolution of the Senate, inquiring whether the supply of gold at the Mint of the United States is sufficient. The report says the supply is not sufficient, and recommends the passage of an act authorizing the purchase of gold bullion and foreign gold coins for the purpose; and,

On motion by Mr. WEBSTER, it was referred to the Committee on Finance.

The CHAIR also communicated a report from the Treasury Department, made in compliance with the resolution of the Senate of the 3d instant, showing what balances of former appropriations constituted the unexpended balances of appropriations at the end of the last year; which was also referred to the Committee on Finance.

Mr. NAUDAIN presented the memorial of a number of owners of vessels navigating the Delaware, praying for an appropriation for deepening the entrance of Christiana river; which was referred to the Committee on Commerce.

Mr. HENDRICKS presented memorials of the Indiana Legislature, praying that an act may be passed making an appropriation for horses lost in the late Indian campaigns, and praying for a donation of land for the construction of a railroad; which were referred to the appropriate committees.

Mr. TALLMADGE presented the petition of Thomas Ketchum; which was referred to the Committee on the Judiciary.

Mr. EWING, of Ohio, presented the petition of sundry citizens of Ohio, praying for the removal of a land office; which was laid on the table.

Mr. DAVIS presented the memorial of Means Clark; which was referred to the Committee on Commerce.

Mr. WHITE presented the petition of Nondeshaman, alias Peter Naggs, a Chippewa Indian; which was referred to the Committee on Indian Affairs.

Mr. WRIGHT presented the petition of Albert Pauling, praying for arrears of pension; which was referred to the Committee on Pensions.

Mr. WRIGHT also presented the memorial of the Board of Trade of the city of New York, praying further and speedy legislation on the subject of the relief of the sufferers by the late fire in that city; which was referred to the Committee on Finance.

Mr. EWING, of Illinois, presented the memorial of sundry citizens of Chicago, praying for the construction of a light-house at the mouth of Grand Calumet; which was referred to the Committee on Commerce.

Mr. NILES presented the petition of W. H. Freeman, lieutenant colonel of the marine corps, setting forth the evils and grievances which the

petitioners and other officers of that corps suffer from the act of Congress of the 30th June, 1834, and praying for the repeal or alteration of the same; which was referred to the Committee on Naval Affairs.

Mr. BUCHANAN presented the memorial of sundry inspectors of the port of Philadelphia, and of several merchants of that city, praying that the salaries of said inspectors may be increased; which was referred to the Committee on Commerce.

Mr. LEIGH presented the petition of Stephen McCormick, praying for the renewal of a patent; which was referred to the Committee on the Judiciary.

Mr. TOMLINSON presented the petition of John Powell; which was referred to the Committee on Pensions.

Mr. BENTON presented the petition of Barbara Bosworth; which was referred to the Committee on Pensions.

REPORTS FROM COMMITTEES.

Mr. LEIGH, from the Committee on Revolutionary Claims, made unfavorable reports on several petitions that had been referred to that committee.

Mr. L., from the same committee, to which had been referred the petition of the legal representatives of William Ramsey, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. HUBBARD, from the same committee, to which had been referred the petition of the legal representatives of Captain Robert White, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. H., from the same committee, reported, without amendment, the bill for the relief of the legal representatives of Robert Stark.

Mr. WHITE, from the same committee, to which the petition of the heirs of Captain Samuel Jones had been referred, made an unfavorable report thereon; and the committee was discharged from the further consideration thereof.

RESOLUTIONS.

Mr. WEBSTER submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting to Stephen Bohanan a pension, on account of the disability incurred by him in the service of the United States in the late war.

Mr. TIPTON submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of War be requested to prepare and transmit to the Senate a statement showing the effective force of the Army of the United States, and the pay and the emoluments allowed by law to each.

Mr. PORTER submitted the following resolution; which was rejected:

Resolved, That for the remainder of the present session, the Friday of each week shall be devoted to the consideration of bills.

CLAIMS OF MASSACHUSETTS.

The bill authorizing the Secretary of War to receive additional evidence in support of the claims of the State of Massachusetts for services, disbursements, and expenditures during the late war, was read the third time and passed.

STEPHEN CRITTENDEN.

The bill for the relief of Stephen Crittenden was also read the third time, and passed.

RESOLUTIONS AGREED TO.

The resolutions submitted by Messrs. LINN and PRENTISS, and lying on the table, were severally considered and agreed to.

HISTORY OF THE DISTRICT OF COLUMBIA.

The resolution submitted by Mr. SOUTHARD, directing the Secretary of the Senate to cause to be compiled and printed, for the use of the Senate, the documentary history of the District of Columbia, was considered.

Mr. KING moved to refer it to the Committee on the Contingent Fund of the Senate, with instructions to report what documents are necessary to be printed, and the probable expense to be incurred; and after a debate in which Messrs. KING, SOUTHARD, BENTON, WRIGHT, and BLACK took part, the motion to refer was carried.

SLAVERY IN THE DISTRICT.

The Senate then proceeded to the consideration of the petition of the Society of Friends of Lancaster county, Pennsylvania, praying for the abolition of slavery in the District of Columbia; the question being the preliminary one demanded by Mr. CALHOUN, "Shall the petition be received?"

Messrs. TALLMADGE, MOORE, SWIFT, and NILES severally addressed the Senate on the subject; after which,

On motion by Mr. BLACK, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 15, 1836.

Mr. PIERCE, of New Hampshire, rose (he said) to ask the indulgence of the House for permission to repel an assault which had been made upon his personal character and impugning his veracity. Mr. P. said that he rarely, on any occasion, trespassed on the patience of the House, nor should he have asked the present indulgence, had the assault been confined to the columns of a newspaper. But it had been read in the Senate of the United States. Mr. P. would, however, take that occasion to say, that so far as the Senator who brought that paper forward was concerned, that gentleman [Mr. CALHOUN] had made to Mr. P. all the apology he deemed necessary; and he now asked permission merely to reply to the attack made upon him.

Mr. MERCER rose in his place and objected.

Mr. PIERCE moved a suspension of the rules.

Mr. UNDERWOOD asked for the yeas and nays; but the House refused to order them, and the rules were suspended without a count.

Mr. PIERCE then proceeded, and returned his thanks to the House for the kindness manifested towards him, personally, on that occasion. There were a variety of reasons that should deter him from long trespassing upon the patience of the House; one was, that the state of his health that morning was such, that he was utterly unable to speak for any considerable length of time. He considered the vote taken on Monday last, upon the resolutions of the honorable member from South Carolina, [Mr. PINCKNEY] as declaratory of the indisposition of that House to entertain debate upon the unfortunate and deeply-exciting question of the abolition of slavery. This was the reason why he had taken the present course, instead of waiting for a more favorable opportunity to express what he thought due to himself, as a member of the House, and due to his constituents as their representative.

The article to which Mr. P. referred was contained in an abolition paper, printed at the capital of the State he had the honor, in part, to represent. The paper (said Mr. P.) was too insignificant and too odious, in the eyes of his constituents, to claim the slightest attention from him for any statement which might appear in its columns, but for the circumstance that it had been read in another branch of Congress, at the instance of an honorable member of the United States Senate. So far as that gentleman was concerned, he would again take occasion to say that the explanations made by him, both promptly in his place, and to Mr. P. subsequently, were perfectly satisfactory. The gentleman had no design of attacking Mr. P., but in rushing to the particular object, he had swept him along with it. From the course Mr. P. had taken upon this question, not only in that House, but everywhere else, at all times, and on all occasions, he could not but anticipate the denunciation of the northern Abolitionists. But he had a right to expect that at least no southern gentleman would have, in any way, become instrumental in publishing an incendiary article, which was equally unjust both to Mr. P. and to his constituents. Whether, as has been said, there be incidentally a conjunction between two parties of this Union, to shake it to its center, it was not for him to say, but he would express his belief that there was sufficient patriotism and moral firmness in the sunny South, and patriotism and moral firmness enough among the snow-capped hills of the North, to put down agitators, if they existed in both sections of the country, and to transmit an unbroken Union to posterity, with all the rights and privileges secured by the Constitution, and now happily enjoyed under it. That he might be perfectly understood, he would send to the clerk's table the paper which had been read in the Senate:

[The article was then read by the Clerk, as follows:]

"HON. FRANKLIN PIERCE.—An honorable member from New Hampshire (Mr. PIERCE) has said that not one in five hundred of his constituents were in favor of the object of these petitions," [for the abolition of slavery in the District of Columbia.]—*Mr. Slade's speech.*

"'Figures will not lie,' though the Representatives of the people sometimes do. 'Facts are stubborn things,' even when opposed by the magisterial *ipse dixit* of lawyers and legislators. The truth of these apothegms, 'the honorable member from New Hampshire' has undoubtedly learned before now. The present, however, is an occasion when he may be taught another lesson. He asserts 'that not one in five hundred of his constituents are in favor' of petitioning Congress to abolish slavery in the District of Columbia. We wonder where his constituents reside. Not, certainly, in New Hampshire, if this account of them is correct. Such an assertion is a libel on the views and feelings of the people of this State; facts and figures will prove it so.

"The number of inhabitants in New Hampshire, in 1830, over twenty years of age, was 133,313. Now, we have lying before us, from some six towns only, petitions, to which are affixed, by their own sign manual, the names of more than seven hundred individuals. Besides these, there have been procured, in a single town in Strafford county, the signatures of more than three hundred legal voters. Another town in the same county will furnish nearly six hundred, another about three hundred, and others upwards of two hundred each. These signatures have been obtained with comparatively but little exertion. But these are not all, as Mr. PIERCE will find before the present session of Congress closes. Large petitions have already been sent on, and others are still in circulation. From these facts we may safely calculate that more than four thousand persons will send in their petitions, not, however, by a dough-face like Mr. PIERCE, for the abolition of slavery in the District of Columbia. Let us, then, test the correctness of the honorable gentleman's assertion by the following calculations: The present population over twenty years of age being 133,313; then 133,313: 4,000=33; thus showing that, instead of only one in five hundred being in favor of such petitions, one in thirty-three has already *signed* them, besides numerous others who are ready to do the same. If Mr. PIERCE is as grossly ignorant of the general interests of his constituents as he is of their feelings and views in regard to slavery, we advise him to resign his seat *immediately* and *prepare* himself to represent them by spending the ensuing year in traveling among them, and making inquiry into their condition and opinions. If he should do this, and if he should faithfully portray, in the course of his tour, the various scenes he has witnessed at the capital of this Republic, and under the very banner of our freedom, the prison-house in which human beings are incarcerated for the crime of color—the auction scene, where men, women, and children are sold like brutes to the highest bidder—the violent and ruthless breaking up of families, and all the social relations of life—the separation of husband and wife, parent and child—the gloomy coffle—the heart-breaking procession of victims bending their way in chains to the far South—the bloody lash and savage voice of the foul driver—the tear, the groan, and the clanking manacle—if he will portray all this, and then, as a peroration, recount his own conduct in regard to abolishing the accursed system of which the above incidents constitute only a part, we assure him, from our knowledge of human nature, that 'his constituents' will never trouble him to represent them again, but will permit him to retire *in otium cum dignitate*, to private life."

Mr. P. proceeded. The text of this article purported to have been taken from the speech of an honorable member of that House, [Mr. SLADE, of Vermont.] It so happened that Mr. P. was not present at the time that declaration was made, and he was first made acquainted with it by an honorable member from South Carolina, but it was then too late to do what he would have done on the occasion had he been present. If the gentleman who made that remark had any evidence in his possession upon which the conviction of Mr. P.'s error was made, he should be glad to have that evidence. If not, until that gentleman had associated as freely with Mr. P's constituents as he had done, and consequently had the same opportunity of knowing their opinions and sentiments as he had, he must be permitted to take his own judgment in preference to the gentleman's.

Mr. P. said he was not mistaken. It was difficult in any case to prove a negative; it would be impossible in this. But while the yeomanry of New Hampshire refuse to entertain, refuse to hear incendiary lectures, and while they refuse to send in petitions for the abolition of slavery in this District or elsewhere, what is the inference? Are they to be charged with a disposition to invade your rights and wrest from you your property? Sir, (said Mr. P.,) it would be a strange deduction; and yet it is the only logic by which his constituents could be made to entertain incendiary designs, or their Representative be charged with a false statement. No age or country had ever been free from fanatics; no age or country had ever been without enthusiasts; and, consequently, no doc-

trines, however preposterous, would be without their advocates, and none too visionary to find support; and with equal justice and propriety might the whole people of New York be charged with being followers of Matthias, as the people of New Hampshire for favoring the designs of the Knapps, and Garrisons, and Thompsons, because some one or two adherents of those individuals might be found among them. The feelings of his constituents were strong, and had been fully demonstrated.

What were the remarks for which he had been arraigned, not only before the public, but before the Senate of the United States, as having been guilty of untruth in his place on that floor? What he said was, that there was no such disposition among the people of his section of the country as that indicated by the gentleman, [Mr. SLADE;] and that not one in a hundred of Mr. P.'s constituents who did not entertain the most sacred regard for the rights of their southern brethren, and not one in five hundred who would not have those rights proteeted at any and every hazard. When he made that remark, he did not, of course, intend to include the children, who knew not what they did, nor the ladies, who, in their proper sphere, had his highest respect and veneration. He meant to speak of the yeomanry of his country, the legal voters. With this qualification, he was prepared to reassert all he said before. He would go further. Within the last six months, as every one there must know, the subject of abolition had been much agitated in public, and he had never seen yet the first Abolitionist, man, woman, or child, within his knowledge, in the district in which he resided.

Mr. P. also understood, that since he had made this statement, a report had gone forth from member to member of the House prejudicial to his character. It was this, that petitions had been received there, and were there, with a large number of names upon them, praying the abolition of slavery in this District, and that his colleagues and himself had held them back. He now had a member in his eye who, he understood, had heard that statement, and he called upon that gentleman to state how the fact was.

Mr. HEISTER explained, that the report he had heard was, that there *would be* petitions sent on from the gentleman's district, with four or five thousand signatures attached to them. Mr. H. had heard nothing of their having come on.

Mr. PIERCE said, that was partly what he understood—that petitions had been signed by four or five thousand names for the abolition of slavery within the District of Columbia. He should regret exceedingly if any member, or any man living, could suppose him capable of stating in his place in that House, or anywhere else, what was an untruth. Before, however, he proceeded to the "mathematics" of this article, he would propound a single inquiry. He wanted to know if he was in error, and if any gentleman had in his possession, or had sent to him, any petition from New Hampshire for the abolition of slavery in this District? If he had, Mr. P. trusted he would do him the justice to state the fact.

Mr. BORDEN said, he had a petition of that character.

Mr. PIERCE wished to see it.

Mr. BORDEN said it was on the Clerk's table, having been presented on a former day.

Mr. PIERCE wished to know the number of signatures on it, and whether they were males, females, or children?

Mr. BORDEN replied that he could not tell.

Mr. PIERCE desired the Clerk to send for it. He again called the attention of the House to the article before referred to. The editor said he had already seven hundred signatures, and then went on to add that, in all human probability, six hundred legal voters would sign it in one township, and in another three hundred, in another two hundred, &c. Then, what does he do? He takes the number of individuals in the State over twenty years of age, and then assumes his presumptive divisor to show that one out of every thirty-three in that State were in favor of Abolitionism.

With regard to the petition already presented, he should have supposed that it would have been sent to some member of the delegation. He was not aware that such a petition was here as the one he held in his hand, until since the abusive article was read in the Senate on Friday last. It was from the town of Plymouth, in the county of Grafton, and was sent to his colleague, [Mr. BURNS,] then and now confined to his room by sickness.

Mr. P. then referred to the signers of the petition—about two hundred and thirty in number—all of whom were females and children, not one male signature among them; and, to show how they must have been got up, there were *fifteen signatures all of the name of George!* And he learned from his sick colleague that the greater portion of them were children. He would be much surprised if the petition presented by the gentleman from Massachusetts was not of the same character.

Mr. P. took that occasion to state another fact. Since he had the honor to address the House at an early period of the session, primary meetings of the people of New Hampshire had been held in every single county, in which almost every township had been represented, and they had there investigated his statements and passed upon this subject. Strong resolutions had been adopted at all of them upon this very subject, with, as he believed, but three dissenting voices; and those of his own county had been adopted unanimously.

Mr. P. then read them, as follows:

"*Resolved*, That the regulation of master and slave is a matter exclusively within the regulation of the States in which it exists, and that any interference by the inhabitants of other States in regard to it is not only unauthorized and intrusive, but faithless and dishonorable, as being against the letter and spirit of the sacred compact which binds us together.

"*Resolved*, That those who promote inflammatory discussions, and are guilty of disseminating among the slaves of the South publications, the tendency of which is to excite servile insurrection, are regarded by us as persons prompted by the most reckless wickedness, or by an insane fanaticism, fully as mischievous in its consequences."

Let him ask, then, whether, after such an expression from his own county, and from the people of his State generally, he was to be held up as having stated what was untrue? After such testimony as this, was the State he had the honor in part to represent to be arraigned upon the authority of a worthless and miserable incendiary editor? Mr. P. then referred to the other petition presented by Mr. BORDEN, and it was found, with the exception of about thirty, to be all signed by females. Mr. P. said he could adduce many other facts, that would show conclusively that there was hardly a difference among the yeomanry of his State.

Mr. P. was not only charged in this article with an inaccuracy of statement, but there was applied to him an epithet that had been made notorious in consequence of having been used on a memorable occasion by one of the ablest debaters of any age; at the North it was understood to designate a "craven-spirited man." Mr. P. said he would not intentionally injure the feelings of any man; he would not provoke an assault; but he would take occasion to say in his place there, once for all, that if any gentleman chose to take that statement as correct, he might put Mr. P.'s spirit to the test when, and where, and how he pleased. Mr. P. said he was too unwell to proceed, and he would conclude by expressing a hope that, if ever hereafter his character should be arraigned, intentionally or unintentionally, it would be upon no better authority than that of a worthless editor of an incendiary abolition publication.

Mr. PICKENS said, as to the paper which had been read, he had never seen it. He had only to remark that the reading of it in the Senate had, he understood, been only with a view to show presumptively that the Abolitionists were more numerous than an honorable Senator [Mr. HILL] declared them to be.

Mr. HAMMOND asked the permission of the House to put a single question to the gentleman from New Hampshire.

It being objected to, Mr. H. moved to suspend the rule, and stated that the point he wished to inquire about concerned himself personally. The motion was agreed to, and the rule was suspended.

Mr. HAMMOND then said he wished to ask the gentleman from New Hampshire if he intended in any part of the remarks he had just made to charge, directly or indirectly, that there was any connection between any two parties in this country, of one of which he (Mr. H.) was a member, for the purpose of dissolving the Union?

Mr. PIERCE replied that he had not said so, and had not intended to say so.

Mr. HAMMOND said he was perfectly satisfied.

The SPEAKER announced the special order, being the appropriation bills.

Mr. MASON, of Virginia, moved to suspend the rules, for the purpose of calling the States for petitions; which was agreed to.

PETITIONS, MEMORIALS, ETC.

Petitions and memorials were then presented by

Messrs. EVANS, JARVIS, HALL, BAILEY, and MASON, of Maine.

Mr. CUSHMAN, of New Hampshire.

SLAVERY IN THE DISTRICT.

Mr. BRIGGS presented a petition, praying the abolition of slavery in the District of Columbia.

Mr. WISE demanded the question of reception, and inquired whether it was the understanding of the Chair, that all the memorials heretofore presented, and those to be hereafter offered, were, as a matter of course, to be referred to the select committee, under Mr. PINCKNEY's resolution?

The CHAIR replied, that the memorials heretofore received had been referred to the select committee. As it regarded those to be hereafter offered, that question was not now before the House. The motion of the gentleman from Virginia, not to receive the present petition, was in order.

Mr. WISE inquired whether it was competent to debate his motion?

The CHAIR said it was.

Mr. WISE said that they could not turn the wheels of time backward; an understanding of the question of the abolition of slavery must be had now or never. He did not consider that the question of abolition was settled, or could be settled, by any evasive measures. Be it remembered by the people of this country, that it was not the people of the South, or their Representatives, who introduced this subject before the Congress of the United States. Be it remembered, that it was the people of the North who got up abolition petitions, and their Representatives who presented them, that introduced that subject; and, if there be agitation and agitators, the people and Representatives of the South are not concerned in it. They deprecate the agitation of that subject in Congress and elsewhere. The people of the South have protested against it in every form; but still you will receive those petitions, refer, and legislate upon them; and it is time that the South were acting. At the beginning of the session, when the States were first called for resolutions, be it remembered by all, that a gentleman from Maine [Mr. JARVIS] offered resolutions upon the subject; and when the whole subject was brought before the House by the northern Representatives, were southern men to be silent? If the Representatives of the South had remained silent when the subject of legislation upon southern rights was brought up by northern Representatives, they would have been recreant to their constituents and to the whole South. Strange, indeed, was it that a southern man should make a charge of agitation against the South, and come forward with an evasive proposition, at a time when gentlemen were ready to give the southern people the resolutions they wished! That a southern Representative should have done so was astonishing, and he hissed him and spurned him as a deserter from the principles of the South!

The SPEAKER called Mr. WISE to order, and said that the gentleman must take his seat. Mr. WISE remained standing, and the Speaker repeated that he was called to order, and he must be seated. Mr. WISE still remained on the floor, and the Speaker, in reiterating the call to order, appealed to the House to sustain the decorum of the body.

Various members in every part of the House now called to order, and Mr. WISE resumed his seat.

Mr. WILLIAM B. SHEPARD moved that the gentleman have leave to proceed.

Mr. GARLAND, of Louisiana, called for the yeas and nays; which were ordered.

Mr. ADAMS said he understood the usual course to be, that the words of the gentleman must be taken down, and then he must be asked whether he acknowledged those to be his words; and he moved that the words be taken down, and the gentleman so interrogated.

The CHAIR said he had directed the Clerk to take down the words of the gentleman, and they would be read.

The words were then read by the Clerk, as follows: "He hissed him and spurned him as a deserter from the principles of the South."

Mr. WISE denied having used those words.

Mr. GRANGER asked if the House must not then pass upon those words, and say whether they were the words of the gentleman or not?

The CHAIR said yes.

Mr. PATTON said he must hear witnesses before he could decide, as he did not hear the gentleman.

Mr. WISE then asked leave to explain; which leave being granted,

Mr. W. said he thanked the House most kindly for their indulgence. He thanked them, and was gratified to see that there was no power upon the throne, nor beneath the throne, that could tie the tongue of debate. He would not pretend to say what words he did utter; but he would say what he did not; and there were words taken down which he was reminded he had not said. He hoped the House would take the usual course, and that it would not make an example of so humble a person as himself.

Mr. ADAMS said he understood the gentleman to deny the words taken down; but, if Mr. A. understood the gentleman correctly, he said he was not able to say what words he had uttered.

Mr. WISE remarked that, although he could not undertake to say, precisely, the words he had used, he did undertake to say that he had not used the words taken down.

Mr. PATTON did not deny the right of the House to take the question, but he could not vote on the question *pro* or *con*.

Mr. BOULDIN asked to be excused from voting, because he was not within hearing when the words were spoken. He did not expect to get by testimony the exact words spoken with the context, without which the meaning of no words can be sufficiently understood to say certainly whether they be in order or out of order.

Mr. ADAMS said he was under the necessity of asking to be excused from voting on the question, because he could not say whether they were the words of the gentleman or not. As the gentleman had denied them, his impression would be that they were not his words; but the rights of two members were involved in the question: the rights of the gentleman from Virginia, [Mr. WISE,] and the rights of the member injured and insulted if the words were used. If in denying the words the gentleman had stated that he meant nothing personal, he would have been satisfied.

Mr. WISE said he did not know that he had a right to explain, as the right had been refused him by the Chair.

The CHAIR said the gentleman had a right to explain, if he chose to avail himself of it.

Mr. WISE thanked the Chair most graciously. He meant to make no personal attack upon the gentleman from South Carolina, [Mr. PINCKNEY.] He meant to attack his resolution—to maintain the principles of his own (Mr. W's.) resolution, and the principles of the South. He meant to characterize the course of the gentleman as treason to the South. He did not attack his motives; God only knew his motives. If there be in this House a Judas Iscariot, who has received his thirty pieces of silver, he knew it not.

Mr. PINCKNEY here rose and interrupted the remarks of Mr. WISE. Sir, (said he,) this matter is progressing rather too far. I ask the permission of the House to say a word or two.

The CHAIR called to order. The gentleman from Virginia was in possession of the floor.

Mr. WISE continued: He wished to be distinctly understood that he did not attack the motives of the gentleman from South Carolina, nor to insult him personally; but he had a right to characterize his acts in what terms he pleased. Mr. W. said he did use the words, "hiss him as a deserter from the principles of the South;" and if he could not characterize his measures in such terms, he could not understand what was the freedom of speech. If there was anything odious in the terms he had used towards the gentleman, he disclaimed it.

The CHAIR then varied the words according to the terms just avowed by the gentleman, viz: "He hissed him as a deserter from the principles of the South."

After some further explanations by the Speaker, in answer to inquiries by Messrs. WISE, PATTON, and VINTON,

Mr. PINCKNEY expressed the hope that the gentleman from Virginia would be permitted to proceed.

The CHAIR said that the pending question could not be debated.

Mr. INGERSOLL next attempted to address the House, but was called to order, and took his seat.

Mr. W. B. SHEPARD withdrew his motion to permit the gentleman from Virginia to proceed.

Mr. WISE again repeated that the words which he had used were, "that in reference to the course of the member from South Carolina, [Mr. PINCKNEY,] he hissed him as a deserter from the principles of the South on the abolition question."

The SPEAKER decided these remarks out of order.

Mr. WISE appealed from the decision of the Chair, but subsequently withdrew the appeal.

Mr. BELL moved that Mr. WISE be permitted to proceed with his remarks.

Mr. GARLAND, of Virginia, called for the yeas and nays; which were ordered; and were as follows:

YEAS—Messrs. Heman Allen, Ashley, Bailey, Beale, Bell, Bond, Bouldin, Boyd, Briggs, Bunch, John Calhoun, William B. Calhoun, Campbell, Carter, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Cleveland, Coffee, Coles, Conner, Corwin, Cushing, Deberry, Donny, Dromgoole, Everett, Forester, French, William K. Fuller, Galbraith, James Garland, Rice Garland, Glascock, Graham, Granger, Graves, Grennell, Griffin, Hiland Hall, Hammond, Hard, Hardin, Harlan, Harper, Albert G. Harrison, Hawkins, Haynes, Heister, Holsey, Howard, Hunt, Huntsman, Ingersoll, Jenifer, Joseph Johnson, Henry Johnson, Kinnard, Lawler, Lawrence, Lay, Love, Loyall, Lucas, Lyon, John Y. Mason, Maury, McComas, McKay, McKennan, Mercer, Milligan, Morgan, Morris, Owens, Patton, James A. Pearce, Pettigrew, Peyton, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Roane, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Sloane, Standefer, Steele, Storer, Taliaferro, Thomas, John Thomson, Waddy Thompson, Towns, Turner, Underwood, Vinton, Webster, White, Lewis Williams, and Sherrod Williams—111.

NAYS—Messrs. Adams, Ash, Bean, Beaumont, Boon, Brown, Bynum, Cambreleng, Carr, Casey, Bovee, George Chambers, Chaney, Chapin, Craig, Cramer, Crane, Cushman, Darlington, Dickerson, Doubleday, Dunlap, Effner, Fairfield, Farlin, Fowler, Fry, Philo C. Fuller, Gillet, Grantland, Haley, Joseph Hall, Hamer, Samuel S. Harrison, Hazeltine, Henderson, Hoar, Hubley, Huntington, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Abijah Mann, Job Mann, Manning, Martin, William Mason, Moses Mason, Sampson Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Muhlenberg, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Schenck, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, Toucey, Turrill, Wagener, Wardwell, Weeks, and Whittlesey—92.

So the House decided that Mr. WISE should be permitted to proceed in his remarks.

Mr. WISE rose to address the House, but

Mr. VINTON made a question of order. He contended that, under the resolution of Mr. PINCKNEY, it was incompetent for the gentleman from Virginia to raise the question of the reception of this petition, that resolution having declared that all petitions which should *hereafter be presented* should be referred to the select committee appointed on the subject.

The SPEAKER explained the grounds of his decision. Under the resolution adopted by the House, the Chair considered that all the petitions which had heretofore been received or offered, and their contents stated, were referred to the select committee. The present petition had been proposed to be offered for the first time; and the Chair proceeded to assign the reasons which, under the peculiar state of the case, had induced the decision, that it was competent to make the question which had been raised by the gentleman from Virginia [Mr. WISE] on the presentation of this memorial.

The decision of the Chair was sustained by Messrs. WISE, JENIFER, and PEYTON; and opposed by Messrs. BYNUM, CHAMBERS of Pennsylvania, BRIGGS, FRENCH, and HAWES.

In the discussion of the point of order, Mr. PINCKNEY was called upon by Mr. BYNUM to state the objects which he had in view in offering his resolution, and in reply, Mr. P. stated, that he meant to embrace all the petitions which had been offered, and which should hereafter be presented or proposed to be offered, with the especial object of putting a stop to a discussion which he deemed exceedingly dangerous to the interests of the South, and to the perpetuity of the Union. He intended by his resolution to refer every petition on this subject to a select committee, in order that a report should be made, which would be satisfactory to the South, and acceptable to the North. He hoped the House would act consistently, and send all the petitions which might be offered to the committee. If the decision of the Chair should be sustained, his object in offering the resolution would be frustrated, and the House would be thrown into confusion, and the discussion which he contemplated to arrest would be continued. Had he supposed that this interpretation would have been put upon his resolution, he should never have submitted it.

While on the floor, Mr. P. hoped (he said) that he would be permitted to reply to an unprovoked, wanton, and unjustifiable assault, made upon him by a member from Virginia, [Mr. WISE.]

The CHAIR said the question pending was a point of order on an appeal from a decision of the Speaker. The gentleman from South Carolina [Mr. PINCKNEY] could not be permitted, at this time, to reply to remarks made on another subject.

Mr. PEYTON suggested that the gentleman from South Carolina should be permitted by the House to proceed in his contemplated remarks.

Objection being made,

Mr. PINCKNEY said this was a matter personal to himself. His own self-respect would induce him to refrain from replying to the extreme and violent personalities of the gentleman from Virginia, unless agreeable to the House.

Further objection being made, Mr. PINCKNEY resumed his seat.

Before any question was taken on the appeal from the decision of the Chair,

Mr. GILLET (who had obtained the floor) remarked, that he did not desire, nor did his constituents desire, that the question of abolition should be discussed in Congress. He did not, therefore, rise to make a speech; but as the questions of order, growing out of the presentation of an abolition petition, had occupied the House until the usual hour of adjournment, he moved that the House adjourn; which was agreed to.

The House then adjourned.

IN SENATE.

TUESDAY, *February* 16, 1836.

Mr. TYLER presented the petition of William B. Chamberlayne; which was referred to the Committee on Revolutionary Claims.

Mr. CLAYTON presented the memorial of sundry citizens of Delaware, praying for the erection of piers for the protection of the Chesapeake and Ohio canal; which was referred to the Committee on Commerce.

Mr. TIPTON presented the memorial of the General Assembly of Indiana, praying Congress to grant lands to the militia and rangers who served in the late Indian wars; which was referred to the Committee on Military Affairs.

Also, a memorial from the same, on the subject of a survey for a railroad; which was referred to the Committee on Roads and Canals.

Also, the memorial of sundry citizens of Indiana, praying for the extension of the benefits of the preëmption laws; also, the petition of Adam Teel.

Mr. LINN said, I hold in my hand, which I am requested to present to the Senate, certain

papers and documents relating to a claim of Major Alphonso Whitmore, formerly of the United States Army. This gentleman highly distinguished himself during the last war in some of the bloody battles fought on the Niagara frontier, in one of which he lost an arm by a cannon ball. He afterwards received the appointment of paymaster; and, as he says, in one of his voyages to pay off troops stationed on the Missouri river, the public money confided to his care was lost in consequence of the sinking of his canoe, by which loss he became a debtor to the Government twelve or fourteen thousand dollars, for which he wishes relief. The situation of this gallant man is truly deplorable. He is now entirely ruined in fortune; his property all sold by the sheriff and constable, and deprived by a construction of our laws of that pension for his support which was awarded him for his services in defense of his country. His feelings are so vividly portrayed in the following letter to me, that I would claim the indulgence of the Senate while I read it:

"My story is a short one. I lost the money, and the constable and the sheriff have recently sold all my goods and chattels. The pension which I am entitled to by law I have not drawn for several years. I served the country in commission twenty-one years. I entered the Army with two arms, and came out with one. All I ask of the Government is to have my accounts balanced, and I will relinquish all claims to the end of the chapter for a pension. If this cannot be granted, I have nothing to pay with but flesh—how many pounds I will not undertake to say. What I have however, is now, as it always has been, at the service of my country, either in the field, or in jail, as those in authority may please to direct. If there is to be a fight with the French, I will work out the balance I owe in the war, or pay it off by installments of arms and legs, at as reasonable a rate as the state of the market will justify. My intellectual properties are to be filed in on the score of patriotism and fame. There may appear something like levity in my style, but, in substance, there is truth and gravity of a painful character.

"Will you be pleased to write me a line or two, and give me your opinion in the case?

"I am organizing an emigrating party of young men for Texas. They may get a league of land each, or *enter* a tract six feet by two."

The documents were then referred to the Committee on Claims.

REPORTS FROM COMMITTEES.

Mr. TYLER, from the Committee on the District of Columbia, to which had been recommitted the bill for the relief of the corporations of the District of Columbia, reported a bill in lieu thereof; which was read, and ordered to a second reading.

Mr. BUCHANAN, from the Committee on the Judiciary, made an unfavorable report on the petition of Thomas Tenant, and others, of Baltimore.

Mr. B. said this was a claim that had been several times before the Senate. It had been before the board of commissioners, and they had reported against it; and now to open that report, there was no telling what it would lead to.

Mr. CLAYTON, from the Committee on the Judiciary, to which the subject had been referred by a resolution of the Senate, reported a joint resolution, fixing the succeeding terms of the meeting and adjournment of Congress; which was read, and ordered to a second reading.

[The resolution provides that the annual meetings of Congress shall hereafter be on the first Mondays of November in each year, and that the adjournments of each session shall be on the second Mondays of May.]

Mr. DAVIS, from the Committee on Commerce, reported a bill for the relief of A. & J. Dennistown, of New Orleans; which was read, and ordered to a second reading.

RESOLUTIONS.

Mr. EWING, of Illinois, submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of War communicate to the Senate the report of a survey of a road, made during the summer of 1835, from Chicago, in the State of Illinois, to Green Bay, in the Territory of Michigan.

Mr. KING, of Alabama, submitted the following resolution; which was considered and agreed to:

Resolved, That the President of the United States be requested to cause the Senate to be informed, whether any further defenses are proposed to be erected at Key West and Mobile Bay; and, if so, whether it is expedient to commence such works this year, and the amount necessary to be appropriated for these objects.

The resolutions lying on the table submitted by Messrs. PORTER, MANGUM, HUBBARD, RUGGLES, WHITE, LINN, ROBINSON, and KING of Alabama, were severally considered and agreed to.

The resolution submitted by Mr. PORTER, contemplating the setting apart of the Friday of each week for the consideration of bills, was laid on the table.

LADIES IN THE LOBBY.

The resolution submitted by Mr. BUCHANAN, for giving each Senator the privilege to introduce three ladies into the circular lobby, was taken up for consideration.

Mr. TIPTON moved to lay it on the table; which motion was lost.

Mr. KNIGHT moved to amend it by striking out the word "ladies," and inserting "persons."

After some remarks from Messrs. BUCHANAN, KNIGHT, KING of Alabama, and PORTER,

Mr. LINN moved to amend the amendment by providing that the circular gallery be appropriated to ladies and persons accompanying them, and allowing to each Senator the privilege of admitting three persons into the lobby.

After some further conversation between Messrs. BUCHANAN, KNIGHT, and TIPTON,

Mr. BUCHANAN modified his resolution so as to allow each Senator to admit two ladies instead of three.

Mr. PORTER then moved to refer the subject to a committee of three members; which motion was lost—yeas 13, nays 22.

The question being taken on the amendment of Mr. KNIGHT, it was lost—yeas 19, nays 20.

The question being on Mr. LINN's amendment,

Mr. NAUDAIN moved to amend it by striking out the latter part, which allows each Senator to admit three persons; and after some remarks from Messrs. NILES, WRIGHT, and CALHOUN, the question was taken, and decided in the negative—yeas 19, nays 25; as follows:

YEAS—Messrs. Benton, Clayton, Grundy, Hendricks, Hill, Hubbard, Linn, McKean, Moore, Morris, Porter, Prentiss, Ruggles, Shepley, Tallmadge, Tipton, Webster, White, and Wright—19.

NAYS—Messrs. Black, Brown, Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Kent, King of Alabama, King of Georgia, Knight, Leigh, Mangum, Naudain, Niles, Preston, Robbins, Southard, Swift, Tomlinson, Tyler, and Wall—25.

The question was next taken on Mr. LINN's amendment; and it was lost—yeas 12, nays 31; as follows:

YEAS—Messrs. Benton, Hendricks, Hill, Hubbard, Linn, Porter, Prentiss, Ruggles, Shepley, Tallmadge, Tipton, and Wright—12.

NAYS—Messrs. Black, Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Ewing of Illinois, Goldsborough, Grundy, Kent, King of Alabama, King of Georgia, Knight, Leigh, McKean, Mangum, Moore, Naudain, Niles, Preston, Robbins, Southard, Swift, Tomlinson, Tyler, Wall, Webster, and White—31.

The question was then taken on the original resolution; and decided in the negative—yeas 20, nays 24; as follows:

YEAS—Messrs. Black, Brown, Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Ewing of Illinois, Goldsborough, Kent, King of Alabama, King of Georgia, Knight, Mangum, Preston, Robbins, Tomlinson, Tyler, and Wall—20.

NAYS—Messrs. Benton, Clayton, Grundy, Hendricks, Hill, Hubbard, Leigh, Linn, McKean, Moore, Morris, Naudain, Niles, Porter, Preston, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, Webster, White, and Wright—24.

SLAVERY IN THE DISTRICT.

The order of the day, being the petition of the Society of Friends of Lancaster, Pennsylvania, to abolish slavery in the District of Columbia, was then taken up.

Mr. LEIGH said he had seen in a morning paper a very odd account of an accident that occurred at the close of yesterday's debate. He then read from the Telegraph the following passages:

"Mr. N. proceeded till he got to Mr. LEIGH, to whom he ascribed an expression in regard to abolition at the North.

"Mr. LEIGH explained. He had uttered no such words and no such sentiment.

"Mr. N. waived a reply, and proceeded through his manuscript, interspersing and closing it with various extemporaneous comments. When he had done, at half-past four o'clock,

"Mr. LEIGH again repeated that he had uttered no such sentiment as Mr. N. had ascribed to him; and asked, as an act of justice, that Mr. N. would insert this disclaimer in his speech when published.

"Mr. NILES had got the expression from the Globe. He was unwilling to trust to Mr. LEIGH's disclaimer; but, if Mr. L. would prove to him that he had made no such expression, he would run his pen across it."

According to this account (said Mr. LEIGH) the grossest of all insults was intentionally given to me, and patiently submitted to. I cannot suffer this account to pass unnoticed. The substance of the conversation was this:

After the Senator from Connecticut concluded his remarks, I rose, and, referring to that passage in his speech in which he professed to state what I had said in the debate on this subject—the passage ending with attributing to me a declaration that Dr. Channing's book had convinced me that there was something rotten in Denmark—I said that I had understood the Senator from Connecticut to say he had not heard my speech; and he signified that I had understood him aright. I then said, that I supposed he must have found the sentiments he imputed to me in some printed account of my remarks. He assented. I asked him where? He answered, in the Globe. I then remarked, that I had hardly ever taken the trouble to correct misrepresentations of my conduct or language in the newspapers, simply because, whatever public man should undertake that task would have to devote his whole time to it; but that, when language and sentiments which I never uttered were imputed to me by a Senator in his place, and in my hearing, to permit such a misstatement to pass without correction would be to acknowledge its justness. That, therefore, I desired of the Senator from Connecticut, as an act of justice to me, that when he should publish his speech he would put a note on the passage alluded to, informing his readers that I declared in my place that I had uttered no such words and no such sentiments.

The Senator from Connecticut said, he had taken his information as to what I had said from a report in the Globe, which he took to be a very honest paper; and that, if I would *satisfy him* that I had not delivered such sentiments, he would run his pen through the whole passage; he would expunge it.

The requisition on me to *satisfy him* (after what had passed) was, to be sure, taking the Senator's words in their natural import, offensive enough, though I did not then (nor do I now) believe the offense was intended. But I rose, and said I had not intended to take, and certainly should not take, the least pains to *satisfy him;* that all I desired was, not to be misunderstood by *the public;* and that, if the language and sentiments which the Senator had ascribed to me were imputed to me by the report of my speech in the Globe, it was a gross, and, I did not doubt, a willful misrepresentation; that it imputed to me that which was not only never said by me, but the reverse of what I did say, as every gentleman who heard the speech could avouch; and, in truth, I had not supposed it possible that any human being could misunderstand the temper of that speech.

After some remarks from Mr. NILES,

Mr. LEIGH rose and asked the gentleman to say, explicitly, whether he intended to doubt the sincerity of his disclaimer of the language and sentiments ascribed to him?

Mr. NILES said that he already denied having any such intention; that he never pretended to give the precise words made use of by the gentleman, but only the construction which he thought they were fairly susceptible of.

Mr. LEIGH replied that in that case he had no further remark to make, except that he was wonder-struck that any human being could put such a construction upon the portion of his remarks in question.

Mr. MANGUM moved to postpone the further consideration of the order of the day, as Mr. BLACK, who had the floor, was too much indisposed to address the Senate; which motion was agreed to.

REPORTS FROM COMMITTEES.

The reports of several of the standing committees, unfavorable to various petitions that had been referred to them, were severally considered and agreed to.

The bill to authorize George Whitman and John

B. Lamar, to import free of duty an iron steamboat in detached parts;

The bill for the relief of Sebastian Butcher and others;

The bill providing for the execution of the survey of certain public lands; and

The bill for the relief of Andrew Knox; were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading.

The Senate then adjourned.

Note by the Reporter.—The words, "there is something rotten in Denmark," were not used in the report of the Globe; and Mr. NILES explicitly said at the time, when first requested by Mr. LEIGH to explain, that he did not attempt to give that gentleman's language, but was only expressing his understanding of the import of it. An extract from the full report of the National Intelligencer, understood to have been made out by Mr. LEIGH himself, with an extract from the brief synopsis of the same speech given in the Globe, is annexed, that Mr. L. may judge whether in this instance there has been a willful misrepresentation of his language.

Extract from the Intelligencer.

"I have since read the book itself; its title is 'Slavery, by William E. Channing,' printed at Boston, 1835; and I must say that I have never risen from the perusal of any book with a feeling of deeper sorrow. It has had the effect of weakening the chief remaining ground of hope in my mind, that the incendiary schemes of the Abolitionists in the northern States—the system of agitation they have organized—the war they are kindling against the peace and happiness of the South and the harmony of the Union—would be effectually counteracted and suppressed by the efforts of our fellow-citizens of the non-slaveholding States."

Extract from the Globe.

"Since that debate he had read a book, entitled 'Slavery,' by a Mr. E. Channing, of Boston. He had never read any paper that filled his mind with a deeper sorrow. * * * This book (said Mr. L.) has impaired in my breast the strong hope founded on the belief, deduced from conversations with intelligent gentlemen from non-slaveholding States, that that intelligence and good sense would be exerted to suppress this cause of mischief and agitation throughout the Union."

HOUSE OE REPRESENTATIVES.

TUESDAY, *February* 16, 1836.

Mr. CASEY, from the Committee on Public Lands, reported a bill granting a quantity of land to aid the States of Illinois and Indiana in the improvement of the Great Wabash river; which was read twice and committed.

Mr. DUNLAP, from the Committee on Public Lands, reported a bill for the relief of John Davlin; which was read twice and committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported the following bills; which were read twice and committed:

A bill authorizing the Secretary of the Treasury to act as the agent of the United States in all matters relating to their stock in the Bank of the United States; and

A bill to repeal the fourteenth section of the act incorporating the subscribers to the Bank of the United States, approved April 10, 1816.

Mr. HOAR, from the Committee on Invalid Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of Margaret Reynolds;

A bill for the relief of John Casey; and

A bill for the relief of Coleman A. Collier.

Mr. MILLIGAN, from the Committee on Naval Affairs, reported a bill for the relief of Samuel Hambleton; which was read twice and committed.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of William Foxworthy; which was read twice and committed.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a bill respecting discriminating duties upon Belgian vessels, and to refund part of the duties paid by Belgian vessels; which was read twice and committed.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, reported without amendment the bill from the Senate for the relief of Mary O'Sullivan; and the same was committed.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported a bill for the relief of Elizabeth Hunt, heir of Captain William Hendricks; which was read twice and committed.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported a bill granting arrearages of pension to Ellen Ahern Schmuck; which was read twice and committed.

Mr. MILLER, from the Committee on Invalid Pensions, reported a bill granting a pension to William C. Beard, late a captain in the United States Army; which was read twice and committed.

On motion by Mr. GRAYSON, and at the instance of the Committee on Naval Affairs, the Committee of the Whole House was discharged from the further consideration of the bill for the establishment of a navy-yard at Charleston, South Carolina; and the same was committed to the Committee of the Whole on the state of the Union.

Mr. PEARCE, of Rhode Island, from the select committee appointed on the subject, reported a bill for the relief of the officers and soldiers who served in the Rhode Island brigade in the revolutionary war, their heirs and assigns; which was read twice and committed.

Mr. ALLAN, of Kentucky, from the select committee raised on the subject, made a report, accompanied by a bill to extend the provisions of the act supplementary to the act for the relief of certain surviving officers and soldiers of the revolutionary war, approved 7th June, 1832; which was read twice and committed.

Mr. CARTER, on leave, submitted a motion to print five thousand extra copies of the last report and bill; which was agreed to.

Mr. WHITTLESEY, from the Committee of Claims; Messrs. CRAIG and TURRILL, from the Committee on Revolutionary Claims; Messrs. STORER, and HARRISON of Pennsylvania, from the Committee on Revolutionary Pensions; Mr. LINCOLN, from the Committee on the Public Lands; Mr. BEAUMONT, from the Committee on Invalid Pensions; and Mr. LYON, from the Committee on Indian Affairs, made unfavorable reports upon various memorials and petitions; which were laid on the table.

POST OFFICE DEPARTMENT.

The House resumed the consideration of the resolution offered by Mr. SMITH, of Maine, proposing to take from the files of the House and print the letter of the late Hon. William T. Barry, presented to the House of Representatives on the last day of the last session of Congress.

Mr. MASON, of Ohio, withdrew his motion for the reading of the letter.

Mr. HAWES renewed the motion, but subsequently withdrew it.

Mr. EVERETT regretted being under the necessity of making any remarks on this letter, but he felt compelled to oppose the motion to print this paper. It was not addressed to that House, and required no action of that body, being in the form of an appeal to the people. He put to the House this suggestion, whether they would print the reply of an individual to the report of one of its own committees? Mr. E. cited some paragraphs in the letter, the purport of which was to censure the proceedings of the committee, and replied thereto, so far as he himself was concerned. (Mr. E. was a member of the Select Committee on the Post Office.)

Mr. HAWES said this was indeed a singular proceeding on the part of the gentleman from Maine, [Mr. SMITH;] and in the discussion of this question Mr. H. should neither spare his feelings, nor the feelings of any member upon that floor, or any one in the House, or out of it, so long as he could keep himself within the rules of order.

In order that this question might be plainly understood by every member of the House, he should give a brief relation of it, and of the part taken by the gentleman from Maine during the recess of Congress in relation to this matter. Nor should he stop here, but he should go on to expose to the world the part that gentleman had acted.

It was generally known that the Post Office Department of this Government was considered mismanaged, and its funds misapplied, and that, by order of that House, a committee had been appointed to investigate its concerns. During the recess of the last Congress, he, together with the gentleman who had just addressed the House, and other members who had been appointed the committee on that occasion, made a laborious investigation, and two reports of the majority and minority of the committee had been made, and scattered through the nation. The people, therefore, were as well informed of the facts contained in those reports as their Representatives After the committee had made their reports, and a large number of them had been printed by order of the House, and circulated throughout the country, the then Postmaster General of the United States, now no more, whose friend Mr. H. was while living, and whose memory he held dear, now dead, upon the last night of the last session of Congress addressed a communication, not to that House, but to the people of this country, justifying himself against what he was pleased to call an attack made upon him by the committee. A proposition was now made by the gentleman from Maine, that this communication, which had been already printed in nearly all the public journals of the United States, should be printed by order of that House, and that the House should become the organ through which an attack was to be made upon a committee constituted by itself, and appointed by its Speaker. When the gentleman first offered this proposition, amounting to no more nor less than that the House should subscribe to the doctrines therein contained, and thus tear up the bones of the dead, Mr. H. felt it his duty, as an individual member of the House implicated in the charges and instrumental in making the report, to ask that gentleman to withdraw it. Mr. H. did so, as the late Postmaster General slept in his grave, and it was not the part of a friend to wish to arraign his bones again before the people of the country. What the gentleman expected to gain by this, and what he expected to gain by an elaborate letter addressed by himself (Mr. S.) to the people of the United States, Mr. H. would not pretend to say If he wished to be considered the defender of the dead, Mr. H. would tell him he would fail of his object. Nothing of that kind could happen; and the gentleman would find, before he got through, that he had subjected, not only himself, but his asseverations to an ordeal in which they would be proclaimed as false!

The CHAIR called the gentleman to order.

Mr. HAWES. I obey, sir; I beg pardon; I was led away by my feelings.

By the requirement of the Chair, Mr. H. took his seat.

Mr. PATTON moved that the gentleman from Kentucky be permitted to proceed.

Agreed to.

Mr. HAWES assured the House, that he was unwilling, upon any debate, to trespass upon the feelings of the House generally, or upon any individual member of it. But, God knows, every member of the post office committee of investigation could lay their hands upon their hearts and say that in the report they made they did justice to the Post Office Department, to the individual head of it, and to the great body of the people of the United States. When every individual member of the committee knew they had done this justice, then to be charged by an individual member of the House with partiality, misunderstanding, with ignorance, and with every thing almost within the human language of a denunciatory character, was more than he could bear. Let him ask, where did the gentleman from Maine obtain the vast body of information he professed to be in possession of in relation to this subject? Was he engaged in the Post Office Department day after day, week after week, and month after month, rummaging for, and wading through, a vast mass of documents from the commencement of the Government to the present time? Had he done all this, that he was to be permitted to put the brand of falsehood upon the report of the committee? He pronounced the gentleman's own report to be false, grossly false.

The CHAIR called the gentleman to order for being personal to a member of the House.

Mr. HAWES explained that he was not then speaking of the gentleman as a member of the House, the pamphlet to which he referred having been published before the present Congress was *in esse*.

Mr. SMITH hoped the gentleman would be allowed to proceed.

The CHAIR said the rule was imperative, which he read. The gentleman had indulged in

a personality towards a member of the House, and the gentleman could not proceed.

Mr. THOMPSON, of South Carolina, appealed from the decision of the Chair.

Mr. HAWES briefly explained. After the committee on the Post Office Department had made their report, the gentleman from Maine had published a paper purporting to be (if Mr. H. recollected correctly) a comment upon that report as a private individual, and not as a member of that House, attempting to prove that the Department was right and the committee wrong. It was in that way Mr. H. had thrown back the imputation cast upon the report.

The decision of the Chair was briefly opposed by Messrs. EVANS, WISE, MERCER, and PEYTON; and sustained by

Mr. SMITH, who, for himself, (he said,) had no objection that the gentleman from Kentucky should be allowed the utmost latitude. If that gentleman chooses to make the pamphlet to which he alludes the platform of a speech upon this floor, he (Mr. S.) would improve the opportunity which he hoped to have of showing that not a paragraph, nor a sentence of the pamphlet, was without the authority and support of the records of the Post Office Department itself. He would not travel out of that record for any proof. He hoped the gentleman from Kentucky would be allowed all the latitude that order would admit of, and the records of the Post Office Department shall furnish his (Mr. S.'s) defense to the country.

Mr. BYNUM said he did not come there to settle political quarrels. If the course was to be continued which had been commenced, they should in a short time have to come to the House prepared to protect themselves and their characters, as it would be out of the power of the Chair to protect them. If the position assumed by the gentleman from Tennessee [Mr. PEYTON] and the gentleman from Virginia [Mr. WISE] be correct, they would have scenes of confusion and violence on that floor, before long, which would be a disgrace to the country and to the American Congress. For his own part, he must say that, feeble as his health was, whenever he found that the Chair could not protect him in the House, he must come prepared to protect himself. He conceived that, whenever a remark was made personal to any member of the House, that remark was out of order. Gentlemen did not come there to settle questions of veracity, but to do the business of the nation. He thought the House had seen enough to be convinced that this state of things must be put an end to; and he conceived it to be the duty of the House to sustain the Chair in his effort to preserve order.

Mr. BELL expressed a wish that the words of the gentleman from Kentucky be taken down, so that the House might know what he was called to order for.

The CHAIR said he was not bound to take down the words of the gentleman from Kentucky; but he would state that he understood him in substance to say, that he pronounced a certain paper false, and attributed that paper to a member of the House, and stated that that member had been guilty of a falsehood in publishing that paper.

Mr. HAWES said he was as much in favor of supporting the exertions of the Chair to preserve order as any member, and must say that he concurred in every remark made by the gentleman from North Carolina, [Mr. BYNUM.] In alluding to the paper published by the gentleman from Maine, he had said that it was "grossly false;" but that paper was neither published at the expense of the Government, nor by any member of that House as such; and on that account only he conceived the Chair took it to be a personal insult to a member of the House. Mr. H. spoke in allusion to that paper, and pronounced it false. Perhaps the gentleman did not know it to be false; and he might not have written the paper, although his name was signed to it; and Mr. H. had an idea that that paper was not written by the gentleman, but was written in the Post Office Department, by an officer of that Department.

Mr. WISE moved that the House give the gentleman from Maine [Mr. SMITH] leave to explain.

Mr. SMITH said, he did write the pamphlet alluded to, every word of it, and was responsible for it; and every sentence of it would be found based upon, and supported by, the records of the Post Office Department.

The SPEAKER called for order, and Mr. S. thereupon took his seat.

Mr. GILLET objected to the motion being received.

Mr. WISE said, as the gentleman from New York *objected*, he was satisfied.

Mr. HAWES believed the Speaker was right in calling him to order, as he understood his remarks; but he again repeated, that he did not allude to a member of this House; and he must be understood to be out of order, in assailing the papers of that member, when he acted as a private individual in publishing that paper.

Mr. MILLER contended that the Chair was perfectly correct, and that it was the duty of every member of the House to sustain him. A false issue was made to the House; and if gentlemen were permitted to refer to written papers, with the names of members of Congress attached to them, they might attack and denounce every document published by gentlemen as false; and if that state of things was to be admitted, you might as well blot out your rules.

Mr. WADDY THOMPSON called for the yeas and nays; which were ordered.

Mr. PATTON hoped the appeal would be withdrawn.

Mr. WISE understood that the gentleman from Kentucky was called to order, first, for the irrelevance of his remarks to the subject under discussion; and second, for indecorum in debate; and he wished to know whether there could not be a division of the question?

The CHAIR said the question could not be divided.

Mr. WISE then asked if the words of the gentleman were taken down?

The CHAIR said they were not; but that the gentleman from Virginia [Mr. WISE] could take them down, and send them to the Clerk's table to be read.

After some further remarks by Messrs. UNDERWOOD, EVANS, WISE, HAWES, and BYNUM,

Mr. GRENNELL presented the following, which he believed to be the words of the gentleman from Kentucky:

"A letter published during the recess of Congress, to which the name of the gentleman from Maine [Mr. SMITH] was signed, containing a statement which, in truth and in fact, was grossly false."

The question was then put upon the appeal from the decision of the Chair, and decided as follows:

YEAS—Messrs. Anthony, Ash, Bailey, Barton, Beale, Bean, Beardsley, Beaumont, Bockee, Boon, Bovee, Boyd, Briggs, Brown, Bynum, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Clark, Coffee, Coles, Connor, Corwin, Cramer, Crane, Cushing, Cushman, Darlington, Davis, Deberry, Denny, Dickerson, Doubleday, Dunlap, Effner, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Grayson, Grennell, Haley, Joseph Hall, Hiland Hall, Hamer, Hard, Hardin, Harlan, Harper, Albert G. Harrison, Samuel S. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Heister, Hoar, Holsey, Howard, Hubley, Hunt, Huntington, Huntsman, Jabez Jackson, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, William Mason, Moses Mason, Maury, May, McCarty, McComas, McKay, McKennon, McKeon, McKim, McLene, Miller, Milligan, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Patterson, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, Pinckney, Potts, John Reynolds, Joseph Reynolds, Roane, Rogers, Russell, Schenck, Seymour, Augustine H. Shepperd, Shinn, Sickles, Sloan, Spangler, Sprague, Steele, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Webster, and Weeks—159.

NAYS—Messrs. Adams, Heman Allen, Banks, Bell, Bond, Bouldin, Bunch, John Calhoon, William B. Calhoun, Carter, John Chambers, Dromgoole, Evans, Everett, Rice Garland, Glascock, Graham, Granger, Graves, Griffin, Hammond, Hannegan, Henry Johnson, Lawler, Luke Lea, Love, Loyall, Sampson Mason, Mercer, Patton, Peyton, Pickens, Robertson, Slade, Standefer, Taliaferro, Waddy Thompson, Vinton, White, Whittlesey, Sherrod Williams, and Wise—42.

So the decision of the Chair was sustained.

Mr. WISE moved that the gentleman from Kentucky [Mr. HAWES] be permitted to proceed, in order.

Mr. HAWES, on leave, remarked, that the House having decided, by a large majority, that the words used by him were out of order, he submitted cheerfully to that decision. So far as he was concerned, he would in future endeavor not to infringe those rules of order and proceeding, so essential to the transaction of the public business. If it should be the pleasure of the House to permit him to proceed with the discussion to-morrow, he should carefully guard against any infringement of the rule of order.

The House determined that the gentleman from Kentucky should be permitted to proceed, when the subject next came up for consideration.

The CHAIR then announced the special order, being the bill from the Senate for the relief of the

SUFFERERS BY THE FIRE IN NEW YORK.

The question pending was the motion of Mr. HARDIN, to strike out the first proviso in the first section, which is in the following words:

Provided, That those who are within the provision of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded.";

Mr. PHILLIPS addressed the House at length in favor of the general principles of the bill, and in opposition to the pending amendment. He also replied to the remarks made on a former day by the gentlemen from Kentucky and Rhode Island, [Messrs. HARDIN and PEARCE.]

When Mr. P. had concluded, on motion by Mr. GRAVES, the committee rose; and the Speaker having resumed the chair,

Mr. CAMBRELENG moved that the said bill be made the special order for to-morrow at one o'clock; which was agreed to.

ST. LOUIS LAND OFFICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, in pursuance of a resolution of the House, a report of the register and receiver of the land office at St. Louis, in relation to certain claim to land therein mentioned.

The House then adjourned.

IN SENATE.

WEDNESDAY, *February* 17, 1836.

On motion by Mr. KENT, the petitions on the files of the last session of the administrator of Philip Moore were referred to the Committee on the Judiciary.

Mr. BENTON presented the petition of James Evans and others, remonstrating against the confirmation of certain land titles; which was referred to the Committee on Private Land Claims.

CAPTAIN HENRY SMITH.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the petition of Captain Henry Smith, made an unfavorable report thereon.

NOTICE OF A BILL.

Mr. McKEAN gave notice that he would to-morrow ask leave to introduce a bill authorizing Daniel Tyler to import, free of duty, an iron canal boat in detached parts.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill to authorize George Whitman to import, free of duty, an iron steamboat in detached parts;

The bill providing for the execution of the survey of certain public lands; and

The bill for the relief of Sebastian Butcher and the heirs of Bartholomew Butcher, Michael Butcher, and Peter Broom.

LADIES' GALLERY.

The resolution submitted yesterday by Mr. KING, of Alabama, appropriating one third of the circular gallery for the exclusive accommodation of the ladies, was considered, and unanimously agreed to.

ANNA ROYALL.

The report of the Committee on Revolutionary Claims, adverse to the petition of Mrs. Anna Royall, was considered.

Mr. TYLER moved to lay the report on the table. This case (he said) involved the question

of interest on a commutation claim; and he made the motion he did, preferring to discuss the question on a bill from the other House, involving a similar principle.

The motion was agreed to.

REPORTS DISPOSED OF.

The reports of the Committee on the Judiciary, unfavorable to the memorials of Sommerville Pinckney, executor of J. Williams, and of Thomas Tenant and others, were severally concurred in.

The reports of the Committee on Revolutionary Claims, unfavorable to the memorials of the representatives of Samuel Elbert, deceased; the heirs of Samuel Jones, deceased; Ebenezer Banks; and David Brooks, were severally concurred in.

The reports of the same committee, adverse to the petitions of the heirs of Enoch K. Withers, deceased; the representatives of William Rumney, deceased; the heirs of Everard Meade, deceased; the representatives of James Crain and William Tecis, deceased; Ephraim Whitaker; and William Arnel, were, on motion by Mr. LEIGH, laid on the table.

The joint resolution, authorizing a subscription for a certain number of copies of Van Zandt and Watterston's Statistical Tables, was considered.

On motion by Mr. ROBBINS, it was referred to the Committee on the Library.

NEW ORLEANS CUSTOM-HOUSE.

Mr. PORTER submitted two presentments of the grand jury of the district court of the United States for the district of Louisiana, held at New Orleans, representing the state of dilapidation into which the custom-house of that city has fallen, and the importance to the vast and growing commerce of that city of erecting a new and suitable one; which were referred to the Committee on Commerce.

NATIONAL DEFENSE.

The Senate then proceeded to the consideration of the special order, being the resolution introduced by Mr. BENTON for appropriating the surplus revenue to objects of permanent national defense.

Mr. WRIGHT, who had the floor, addressed the Senate in favor of the resolution; and, after he had concluded, the debate was further continued by Messrs. CALHOUN, WALL, PRESTON, and NILES.

On motion by Mr. ROBBINS, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 17, 1836.

Mr. WHITTLESEY, from the Committee on Claims, reported the following bills; which were read twice and committed:

A bill for the relief of Jesse E. Dow; and

A bill for the relief of Edmund Burgess.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Colonel George Gibson, deceased; which was read twice and committed.

Mr. DARLINGTON, from the Committee on the Expenditures on the Public Buildings, made a report; which was laid on the table, and ordered to be printed.

Messrs. WHITTLESEY, PHILO C. FULLER, and CHAMBERS of Kentucky, from the Committee on Claims; Mr. GILLET, from the Committee on Commerce; Mr. MERCER, from the Committee on Roads and Canals; and Mr. MORGAN, from the Committee on Revolutionary Pensions, made unfavorable reports upon various petitions and memorials; which were laid on the table.

REMOVAL OF CREEK INDIANS.

Mr. GLASCOCK asked the consent of the House to submit the following resolution; which was read for information:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of adopting measures for the immediate removal of the Creek Indians to the allotted territory in the treaty of the 24th March, 1832.

Mr. G. said, in offering the resolution, he was influenced by circumstances and events which had recently transpired between a portion of the citizens of Georgia and the Creek Indians; and although there had been a partial adjustment of the difficulties between the commanding officer in that quarter (General McDugald) and some of the principal chiefs, yet he felt assured there were many turbulent and disaffected Indians of the nation who could not be controlled by any measure, but would continue to commit their depredations on our citizens, and keep them in a continued state of alarm and excitement. Mr. G. said he had just been apprised, too, that the Executive of the State had found it necessary to organize a battalion of volunteers for the immediate defense and protection of our citizens in that quarter, the great expense of which might well be conceived; but it was due to that section of the State that it should be done, and he was gratified to find such a measure had been promptly adopted. But Mr. G. said he felt satisfied permanent peace and security would never be given to our frontier citizens until there was a final removal of the whole nation to their allotted territory, under the treaty of 1824; and it was with this view he offered the resolution suggesting the inquiry, and felt assured that some measures might be adopted by the present Congress to give satisfaction to our justly-excited and exasperated fellow-citizens, and enable them again to pursue in peace and tranquillity their usual avocations. He therefore hoped the House would vote for the adoption of the resolution, that some immediate action might be had on the subject.

The SPEAKER reminded the gentleman that the resolution was not before the House; and that the consent of the House to its reception must be first obtained before it could be debated.

Objection being made, Mr. G. moved a suspension of the rule, in order to enable him to submit his proposition; which was negatived.

PAYMENTS TO VOLUNTEERS.

Mr. JOHNSON, of Kentucky, moved to suspend the rule for the purpose of considering the bill providing for the payment of the volunteers and military corps in the service of the United States; which was negatived.

Mr. J. subsequently moved to suspend the rule in order to enable him to submit a motion, making the foregoing bill the special order for one hour to-morrow morning, after the reception of reports from committees.

Mr. ASHLEY moved to amend the motion so as to include the bill authorizing the President of the United States to accept the service of volunteers; which was negatived.

The motion to suspend the rules was agreed to—ayes 112, noes 38.

Mr. JOHNSON then submitted the motion indicated, which was carried.

SUSPENSION OF RULES.

Mr. MANN, of New York, moved to suspend the rules until one o'clock, for the purpose of receiving petitions, excepting petitions for the abolition of slavery in the District of Columbia; which was negatived.

CAPTAIN NATHAN HALE.

Mr. JUDSON, from the select committee on that subject, moved to take up the joint resolution in relation to the monument proposed to be erected to the memory of Captain Nathan Hale, for the purpose of reading it a second time by its title, and committing it; which was agreed to.

The resolution was then read a second time, when Mr. JUDSON moved that it be committed to the Committee of the Whole on the state of the Union.

Mr. VINTON moved to commit the resolution to a Committee of the Whole House. He deprecated the practice of sending ordinary matters to the Committee on the state of the Union. He was not opposed to the present resolution, but had made the motion to refer it to a Committee of the Whole House, in order, if possible, to arrest the improper practice to which he had referred.

Mr. JUDSON adverted to the patriotic character of the resolution, and urged the propriety of the motion which he had submitted. He regretted that the gentleman from Ohio [Mr. VINTON] should have selected this resolution as the occasion upon which to oppose what that gentleman considered an improper practice which had obtained in reference to the mode of proceeding upon measures before the House.

Mr. EVANS coincided in the remarks of the gentleman from Ohio. In the present instance, he contended that it was incompetent for the gentleman from Connecticut [Mr. JUDSON] to submit this motion, under the authority of the select committee raised on the subject referred to. The committee had reported. Their functions had therefore ceased.

The hour devoted to morning business having expired, the Chair announced the special order, being the bill for the relief of

SUFFERERS BY THE FIRE IN NEW YORK.

On motion by Mr. CAMBRELENG, the House then resolved itself into the Committee of the Whole on the state of the Union, and took up the said bill.

The question pending was the motion of Mr. HARDIN to strike out the first proviso in the first section, which is in the following words:

Provided, That those who are within the provision of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded.

Mr. GRAVES, who was entitled to the floor, addressed the committee at length in opposition to the bill, and in reply to Mr. PHILLIPS. Mr. G. maintained the ground that the principle involved, as to the relation between the Government and the importer, was that of creditor and debtor, and not, as the gentleman from Massachusetts argued, that of principal and agent. The importing merchants had no more right to look for assistance in this misfortune than they had to their individual creditors. They knew all their risks and liabilities, and invariably made their profits in proportion thereto. The argument that the city of New York had paid between two and three hundred millions into the public Treasury, in no sense bore on the merits of the question, because the importer charged in proportion to what he paid, and the whole came from the pockets of the consumer. He should like to know how was the information derived, that the loss in goods, property, books, papers, &c., would amount to $25,000,000; and how the city could sustain herself under such an immense loss, and yet be prostrated, unless she could get an allowance of interest upon four or five millions? He contended that this bill was of a novel character, and the cases of Alexandria and Norfolk were not analogous, because in these the actual sufferers only were relieved; whereas, in the present bill, its provisions were limited to merchants of the more wealthy class—those who had suffered loss to the amount of one thousand dollars and upwards. It proposed what was always objectionable, unequal legislation, leaving altogether unprovided for those who had as much claim upon the Government as any other citizens, and far higher claims on the ground of charity than the merchants.

Mr. G. was above any sectional jealousy, or any prejudice against New York, though he had no desire to see concentrated in her a majority of the trade and commerce of the country, but that it should be diffused among other large cities of the East.

Mr. CUSHMAN said it appeared to him there were but two principles involved, first, whether they ought to grant the relief solicited by the unfortunate sufferers of the city of New York; and next, whether it was expedient to do so? The question of expediency had been much discussed, and it had been argued that the bill was without precedent. This was not so; and he instanced the case of Portsmouth, New Hampshire, where, under similar circumstances, relief of the same character had been extended by Congress. He then cited the case of Portland, Maine, which in the early days of the Government had been destroyed by a cruel and vindictive foe. This offered a precedent why the motion to strike out this proviso should prevail; for the Continental Congress struck out a similar prayer on the ground that it would then be establishing a dangerous precedent, and placing the Government in the situation of underwriters. He could not vote in favor of this bill, unless the motion now pending should prevail. He believed it not only wrong in prin-

ciple and in detail, so far as the first section was concerned, but unconstitutional.

Mr. BROWN made an earnest appeal to the committee to act promptly on the bill. He thought the class of sufferers referred to by the gentlemen from Kentucky and Rhode Island [Messrs. GRAVES and PEARCE] were beyond the legislation of Congress. It was not on that ground he should support the bill, though he was as sensible to their sufferings and losses as any one else. That House had no power to relieve individual suffering. The provisions of this bill were not of that character, but merely proposed an extension of credit on the bonds. Mr. B. gave his reasons at length in favor of the bill.

Mr. PARKER was in favor of the bill, and would have even gone further, if possible, and given relief to any of the sufferers who were debtors to the Government, whether they had suffered by houses, land, merchandise, or anything else. He was in favor of any measure of relief within the limits of the Constitution. The distress consequent on the New York conflagration had been felt through every portion of the mercantile community. He conceived the present bill to be entirely within the constitutional limits, for it proposed nothing more than an extension of time to a suffering debtor, and he could not conceive it possible to make any further discrimination of classes of sufferers. He gave notice that he should propose an amendment to the bill when it was in order.

Mr. CAMBRELENG said that the pending motion was an important one, being simply whether a merchant, having paid his bonds, should be placed on a worse footing than those who had not paid them. In order to meet the objections of gentlemen to the pending question, he would offer an amendment. He said the money was not in the Treasury. No money was in the Treasury except such as was put there by warrant at the end of each quarter. Any money in the hands of the collector could not be considered in the Treasury, and could be paid back to the merchants without the passage of a special law for that purpose.

Mr. C. then moved to amend the proviso proposed to be stricken out by Mr. HARDIN, by the addition of the following words: "If not previously carried into the Treasury of the United States by a warrant." Mr. C. hoped this amendment would meet the object of the gentleman, and briefly replied to the arguments of that gentleman against the bill. He said, at a future time he should call the attention of the gentlemen of the West to various bills in favor of their section of the country, which went a great way further than the present bill.

Mr. HARDIN again opposed the bill at length; and cited various acts of relief heretofore passed, pointing out the variations in the provisions of those acts and the present bill. By the acts for the relief of Portsmouth and Norfolk, the credit was extended to only a year's indulgence, and its benefits were confined to the actual sufferers. Mr. H. also went into the proceedings on those acts, and urged his objections in detail to the present bill. He was strongly opposed to the clause relinquishing the interest, which he contended was in violation of the true spirit and intent of the Constitution. It was giving the importers of New York a preference over the importing merchants of Boston, Philadelphia, Baltimore, and other cities, conflicting with that clause of the Constitution which provided that all imposts, &c., "should be uniform through the United States."

He contended the money was in the Treasury the moment it was paid to one of the officers of the Government, whether collector, receiver, or a deposit bank. The provision he was opposed to was neither more nor less than taking money out of the public Treasury, and lending it to an individual who had suffered by fire. The gentleman from Massachusetts [Mr. PHILLIPS] had referred to the allowance of drawbacks, but Mr. H. contended the principle of drawbacks did not meet this case. The allowance of drawbacks was within the legitimate powers of Congress, under the Constitution, to regulate commerce. New York enjoyed immense advantages from the amount of public money received there; and instead of the Government being indebted to New York for collecting the revenue, she had been benefited not less than from twenty to twenty-five millions of dollars. She made from ten to fifteen cents on every dollar received there of the public revenue; and he drew the attention of the committee to the great outlays already made, and proposed to be made, on the public works, the custom-house, fortifications, the navy-yards, &c., amounting to about five millions of dollars. The bill proposed to place the Government in the character of an insurance office, but it went no further than the wealthy merchant. If it could be shown that any one of the great leading interests of the country had been prostrated, he might then vote for it, but until that could be shown he should oppose it at every stage. Mr. H. alluded to instructions that had been sent on from some of the large cities to their Representatives to support the bill. He said, if a bill had been brought forward to refund the duty on packages unopened and not offered in the market, he would have gone for it. He referred to the appropriations proposed for the current year, which were already about four millions more than in former years. Besides these, there was to be a special appropriation for the increase of the Navy to the amount of about six millions four hundred thousand dollars.

Mr. WISE explained, that the Committee on Naval Affairs had come to a resolution to fill up the blank in that bill with $2,000,000.

Mr. STORER moved that the committee rise. Agreed to—ayes 82, noes not counted.

The committee accordingly rose; and the chairman having reported progress,

Mr. CAMBRELENG moved that the bill be again made the special order at one o'clock to-morrow, which was agreed to; and then,

On motion by Mr. HOWELL, the House adjourned.

IN SENATE.

THURSDAY, *February* 18, 1836.

Mr. BENTON presented the petition of William H. Bell, of North Carolina, a captain in the Ordnance Department, and now in the city of Washington, stating that he has made some valuable improvements in the firing and pointing of cannon, and proposing that the Government shall have the advantage of his improvements on terms that may be just to himself; which was referred to the Committee on Military Affairs.

Mr. BENTON also presented the petition of John H. Jacocks, late inspector of the customs for the port of New Haven, praying to be compensated for extra services performed by him; which was referred to the Committee on Commerce.

Mr. TIPTON presented the petition of Charles O. Ermertinger; which was referred to the Committee on Military Affairs.

Mr. WALL presented the resolutions of the General Assembly of the State of New Jersey, approving the course of the Executive in relation to our recent difficulties with France, and instructing the Senators, and requesting the Representatives of that State in Congress, to vote for such appropriations for national defense as may be necessary to sustain the honor and dignity of the United States.

The time had passed (Mr. WALL said) when it would be necessary for him to make any observations on the subject of these resolutions. He would, therefore, merely move, that the resolutions be read, printed, and laid on the table; which motion was agreed to.

REPORTS FROM COMMITTEES.

Mr. McKEAN, from the Committee on the Contingent Fund, to whom was referred the resolution submitted by Mr. SOUTHARD, providing that "so much of the resolution of the 14th April, 1834, as makes the execution of any order of the Senate for the printing of documents for its use depend upon a similar order of the House, be rescinded," made a special report thereon; which was ordered to be printed.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred a resolution of the Senate instructing them to inquire into the expediency of establishing a depot of arms and munitions of war on the frontiers of Missouri, made a report, accompanied by a bill making an appropriation for that object.

The bill was read, and ordered to a second reading; and the report and papers were ordered to be printed.

BILL INTRODUCED.

Mr. McKEAN, in pursuance of notice given, asked and obtained leave, and introduced a bill to authorize Daniel Tyler, of Pennsylvania, to import, free from duty, an iron canal passage boat, in detached parts, with the necessary machinery, tools, and working utensils therefor; which was read twice, and referred to the Committee on Finance.

WILLIAM THORP.

Mr. GOLDSBOROUGH presented some additional documents in support of the claim of William Thorp; which were referred to the Committee on Military Affairs.

RESOLUTIONS.

Mr. PRESTON submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of purchasing the library of the late Count Bourtourlin, at Florence, for the Library of Congress.

Mr. BLACK submitted the following resolution; which lies on the table one day.

Resolved, That the expenses incurred during the last Congress in the taking of testimony by order of the Committee on Public Lands, in relation to frauds said to have been committed in the sales of the public lands, be paid by the Secretary of the Senate, as certified by the late chairman of that committee.

REPORTS DISPOSED OF.

The reports of the Committee on Revolutionary Claims, unfavorable to the petitions of the heirs of James Davis and Patience Babcock, were severally considered; the first was agreed to, and the latter laid on the table.

On motion by Mr. SWIFT, the report of the Committee on Military Affairs, unfavorable to the petition of Captain Henry Smith, was considered and concurred in.

THE WABASH RIVER.

The bill making an appropriation for the improvement of the Wabash river was read the second time, and considered as in Committee of the Whole.

Mr. HILL moved to lay it on the table; when

Mr. HENDRICKS explained and advocated the bill in a speech of some length; after which it was ordered to be engrossed for a third reading.

Mr. KING, of Georgia, gave notice that he would to-morrow ask leave to bring in a bill to provide for the opening of certain roads in the Territory of Florida.

THOMAS RHODES AND JEREMIAH AUSTIN.

A bill for the relief of Thomas Rhodes and Jeremiah Austin was, after some remarks from Mr. KING, of Alabama, in its support, and from Messrs. ROBINSON and DAVIS, in opposition to it, laid on the table, on Mr. KING's motion.

NATIONAL DEFENSE.

Mr. BENTON's resolution for appropriating the surplus revenue to national defense was taken up as the special order.

Mr. ROBBINS addressed the Senate in a speech of some length in opposition to the resolution; and, after he had concluded,

Mr. CALHOUN moved to lay the whole subject on the table. The change (he said) in the state of our relations with France rendered the resolutions unnecessary, and the appropriations for national defense would more appropriately be made in the general appropriation bills.

Mr. BENTON said, as this motion was to put a final conclusion to the debate, he would ask for the yeas and nays; which were accordingly ordered, and the question was taken and decided in the negative—yeas 15, nays 23; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, Knight, Leigh, Moore, Naudain, Porter, Swift, and Tyler—15.

NAYS—Messrs. Benton, Brown, Buchanan, Clayton, Ewing of Illinois, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Morris, Niles, Prentiss, Robbins, Ruggles, Tallmadge, Tomlinson, Wall, Webster, White, and Wright—23.

The question was then taken on Mr. GRUNDY's amendment to strike out the word "surplus," so as to leave the contemplated appropriation to

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, MARCH 7, 1836. VOLUME 3....No. 13.

be made out of the revenue generally; and the question was decided in the affirmative—yeas 23, nays 17; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Georgia, Knight, Leigh, McKean, Moore, Naudain, Porter, Prentiss, Robbins, Swift, Tomlinson, Tyler, and Webster—23.

NAYS—Messrs. Benton, Brown, Buchanan, Ewing of Illinois, Hill, Hubbard, King of Alabama, Linn, Morris, Niles, Ruggles, Shepley, Tallmadge, Tipton, Wall, White, and Wright—17.

The amendment of Mr. PRESTON, to strike out the whole resolution after the word "Resolved," and insert "that such appropriations as are necessary shall be made to carry on the system of general defense for the protection of the country," was next considered, and rejected.

Mr. EWING, of Ohio, offered an amendment, to come in as an additional section, but withdrew it at the suggestion of Mr. PRESTON.

Mr. CALHOUN then offered an amendment, to come in as an additional section, but subsequently withdrew it.

After some remarks from

Messrs. SHEPLEY, MANGUM, LEIGH, PORTER, BUCHANAN, DAVIS, and BENTON, the question was taken on the first of Mr. BENTON's resolutions, and it was decided in the affirmative by yeas and nays, unanimously—yeas 42.

On taking the question on the remaining resolutions, they were also unanimously adopted.

After the consideration of executive business, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 18, 1836.

Mr. BOULDIN, from the Committee on the District of Columbia, reported a bill for the relief of Frederick C. Dekrafft; which was read twice and committed.

Mr. BOULDIN, from the same committee, reported, with sundry amendments, the bill from the Senate, making an appropriation for the support of the Penitentiary in the District of Columbia, for the year 1835; and the same was committed.

Mr. SHIELDS, from the Committee on the Post Office and Post Roads, reported a joint resolution, authorizing the Postmaster General to establish certain post roads in Missouri and Arkansas; which was read twice, and ordered to be engrossed and read a third time. Subsequently, the said resolution was read the third time and passed.

[Mr. SHIELDS asked and obtained leave to refer certain documentary evidence in the case of Major William Smith, of Tennessee, to the Committee on Revolutionary Pensions, to whom that subject had been referred.]

Mr. LAWLER, from the Committee on Private Land Claims, reported a bill for the relief of the heirs and legal representatives of the late Robert Farmer, deceased; which was read twice and committed.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of Ephraim F. Gilbert; and

A bill granting arrearage of pension to Noah Miller.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Thomas Baytop; which was read twice and committed.

Mr. SUTHERLAND, from the Committee on Commerce, reported a bill making appropriations for building light-houses, light-boats, buoys, beacon-lights, and for making surveys, for the year 1836; which was read twice and committed.

Mr. BEALE, from the Committee on Invalid Pensions, reported a bill for the relief of Alpheus Hutchkins; which was read twice and committed.

Messrs. CHAMBERS of Pennsylvania, and GARLAND of Virginia, from the Committee on Private Land Claims; Mr. BEAUMONT, from the Committee on Revolutionary Claims; Mr. FRENCH, from the Committee on the Post Office and Post Roads; and Mr. HOAR, from the Committee on Invalid Pensions—made unfavorable reports upon various petitions; which were laid on the table.

SENATE BILLS, ETC.

The following joint resolution and bills from the Senate were read twice and committed.

A joint resolution authorizing the Secretary of War to receive additional evidence in support of the claim of Massachusetts for services, disbursements, and expenditures during the late war;

A bill for the relief of Sebastian Butcher and others;

A bill providing for the execution of certain surveys of the public lands; and

A bill to authorize George Whitman and John B. Lamar to import, free of duty, an iron steamboat in detached parts.

The amendments of the Senate to the bill for the relief of Stephen Crittenton were considered and agreed to.

RESOLUTIONS.

On motion by Mr. LAWLER, it was

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of passing a law authorizing the sale of reservations of land belonging to the heirs of deceased reservees of the Creek nation of Indians, east of the Mississippi, acquired by the treaty of March 24, 1832; as also the expediency of permitting such reservees under the said treaty to sell their reservations, as were, by mistake, omitted to be placed on the census roll by the agents of the United States.

On motion by Mr. MAY, it was

Resolved, That the Committee on Claims be instructed to inquire into the expediency of allowing compensation to Daniel Sherwood and William H. Spiller for horses lost by them during the late Indian disturbances in Illinois; and, also, that the same committee inquire into the expediency of compensating Ephraim Sprague for a lost horse and a two-horse wagon and two sets of harness, taken by Colonel Jacob Fry for the use of the United States, whilst engaged in an expedition to suppress the said Indian disturbances.

On motion by Mr. JOHNSON, of Louisiana, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the erection of a marine hospital in the city of New Orleans.

On motion by Mr. FORESTER, it was

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from McMinnville, Tennessee, to Liberty, Smith county, Tennessee.

PAYMENTS TO VOLUNTEERS.

On motion by Mr. JOHNSON, of Kentucky, the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair,) on the bill to provide for the payment of volunteers and militia corps in the service of the United States.

The bill was then read, as follows:

A bill to provide for the payment of volunteers and militia corps in the service of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers, non-commissioned officers, musicians, artificers, and privates of volunteer and militia corps, who have been, or may hereafter be, in the service of the United States, shall be entitled to and receive the same monthly pay, rations, and forage, and be furnished with the same camp equipage, including knapsacks, as are or may be provided by law for the officers, musicians, artificers, and privates of the infantry of the Army of the United States.

SEC. 2. *And be it further enacted*, That the officers of all mounted companies shall each be entitled to receive forage, or money in lieu thereof, for two horses, when they actually keep private servants, and for one horse when without private servants; and that forty cents per day be allowed for the use of each horse. That each non-commissioned officer, musician, artificer, and private of all mounted companies shall be entitled to receive forage in kind for one horse, with forty cents per day for the use thereof, and twenty five cents per day in lieu of forage and subsistence, when the same shall be furnished by himself, or twelve and a half cents per day for either, as the case may be.

SEC. 3. *And be it further enacted*, That the officers, non-commissioned officers, musicians, artificers, and privates shall be entitled to one day's pay, subsistence, and other allowances for every twenty miles' travel from their places of residence to the place of general rendezvous, and from the place of discharge back to their residence.

SEC. 4. *And be it further enacted*, That the volunteers or militia who may be received into the service of the United States by virtue of the provisions of this act, shall be entitled to all the benefits which may be conferred on persons wounded or otherwise disabled in the service of the United States.

SEC. 5. *And be it further enacted*, That when any officer, non-commissioned officer, artificer, or private of said militia, or volunteer corps, who shall die at any time in consequence of wounds received in service, and shall leave a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death for and during the term of five years; and in case of the death or intermarriage of such widow before the expiration of five years, the half pay for the remainder of the time shall go to the child or children of said decedent: *Provided, always*, That the Secretary of War shall adopt such forms of evidence, in applications under this act, as the President of the United States may prescribe.

Mr. JOHNSON, of Kentucky, moved the following amendment to the second section, to come in after the word "companies," where it first occurs, to wit: "who have been, or who may hereafter be, in the service of the United States;" which amendment was agreed to.

Mr. WILLIAMS moved the following amendments to the second section, in both places where the word "use" occurs, so as to read in the first place,

—for the use and risk of each horse, except horses killed in battle, or dying of wounds received in battle;

And in the second place,

—for the use and risk thereof, except such horses killed in battle, or dying of wounds received in battle;

Which amendments were agreed to.

The fourth section was then amended by Mr. JOHNSON, of Kentucky, and Mr. WHITTLESEY, to read as follows:

SEC. 4. *And be it further enacted*, That the volunteers or militia who have been, or who may be received into the service of the United States to suppress Indian depredations in Florida shall be entitled to all the benefits which are conferred on persons wounded or otherwise disabled in the service of the United States;

Which amendments were agreed to.

Mr. JOHNSON then added the following section to the bill; which was agreed to:

SEC. 6. *Be it further enacted*, That the volunteers and militia mentioned in the foregoing provisions of this act, called into service before its passage, and who are directed to be paid, shall embrace those only ordered into service by the commanding general, or the Governors of States and of the Territory of Florida, under authority of the War Department, for repressing the hostilities of the Florida Indians.

Mr. HAWES then offered the following amendment:

And be it further enacted, That the officers to be provided for in this act shall not exceed the number of officers attached to companies or regiments in the infantry service of the United States.

Messrs. JOHNSON of Kentucky, WHITE of Florida, and WHITTLESEY, objecting to the amendment,

Mr. HAWES then modified his amendment by the following proviso:

Provided, It shall not be in violation of the laws of the States or Territories from which such troops may be called.

Mr. JOHNSON, of Kentucky, objected to the whole proposition of the gentleman from Kentucky, [Mr. HAWES,] as he was confident that the authorities of the States and Territories from which the troops would be drawn would make provision for the number of officers to be sent, and that they would not send more than were actually required.

Mr. HAWES said his amendment provided that the officers were to be paid agreeably to the laws of the States and Territories from which they were drawn. He was for having more fighting men and fewer officers.

Mr. WHITTLESEY did not believe that House to be the only place where patriotism was to be found. He believed the States and Territories would make ample provision to secure the United States from any danger of paying more officers than were necessary.

Mr. JOHNSON, of Kentucky, hoped gentle-

men would allow the question to be taken, as it was highly important that the bill should be passed with the least possible delay.

Mr. WHITE, of Florida, hoped the gentleman from Kentucky [Mr. HAWES] would withdraw his amendment. He was satisfied that there would not be more officers than the laws of the States and Territories called for.

Mr. HAWES's amendment was then disagreed to.

On motion by Mr. JOHNSON, of Kentucky, the committee rose and reported the bill to the House.

The amendments were then concurred in by the House, and the bill ordered to be engrossed, and read a third time to-day.

The House then proceeded to the execution of the special order, being the bill for the relief of the

SUFFERERS BY THE FIRE IN NEW YORK.

On motion by Mr. CAMBRELING, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. CONNOR in the chair,) and took up the said bill.

The question pending was the motion of Mr. HARDIN, to strike out the first proviso in the first section, which is in the following words:

"*Provided*, That those who are within the provision of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded"—

as amended yesterday, on motion by Mr. CAMBRELENG, by the addition of the following words:

—"if not previously carried into the Treasury of the United States by warrant."

Mr. STORER was in favor of the principles of the bill, and was satisfied it would meet with the unanimity of his constituents, though he thought it did not go far enough. It had been urged against the bill that it was partial; but the same remark applied, with more or less force, to all legislation. It had also been contended that the mechanical interest was not provided for by the bill. Mr. S regarded the interests of the mechanic and merchant as identical; and that which insured prosperity to the one was equally felt by the other. Mr. S. replied principally to Mr. PICKENS, of South Carolina, and Mr. HARDIN, of Kentucky, supported the bill at length, and reviewed the various analogous acts heretofore referred to. He could find a hundred acts the same in principle, but no parallel one, for the event itself was unparalleled. He supported the bill for its own merits, and because he felt assured that it met the approbation of his constituents.

Mr. HUNT also addressed the committee in favor of the bill, and in reply to Messrs. PICKENS, of South Carolina, and PEARCE, of Rhode Island, on the ground mainly that it was simply a regulation of the debts of the Government.

Mr. LANE said, the bill under consideration was one he desired to sustain by his vote, and had intended to give a silent one. The extraordinary resistance, however, made to it from a certain quarter, has rendered it a duty he owes to himself and those whom he has the honor of representing, to detain the committee a few moments in giving some of the reasons which influence that vote. Sir, were the shipping merchants of the city of New York the only class of persons to be relieved by the provisions of the bill, his vote would be a different one. Twenty or twenty-five millions of mercantile capital has been annihilated by a fire that set all human exertions and human skill at defiance—a calamity as fearful and alarming as unlooked for and extensive in its effects; not only an individual, but a national calamity, extending its effects to every portion of this extended country.

Sir, what is the effect of this loss to the immediate individuals concerned, the Treasury, the commerce of the country, and the people?

The individual shipper has given his bond for the duty; the goods are destroyed; to him it is a clear loss; he must either fold his arms and yield his business in despair, or ship a like quantity to supply the place of those consumed. Upon these he pays the duty; it passes into the Treasury; the individual loses; the Government receives double duty, and is the only gainer.

The bill asks not to remit the duty, but to extend the payments. This is said by the gentleman from Kentucky [Mr. GRAVES] to be unjust and partial in its operation—that the cotton planter might, with the same propriety, if his crop should be blasted by an early frost, call upon Congress for relief. The case has no analogy; the planter owes the Government nothing for his crop; the Government has no control over it. Not so with the goods; the custom-house officer takes possession of the goods—puts his seal upon them until bonded. But, sir, suppose the cotton planter a tenant, and his entire crop destroyed by the fury of the elements, what would be said of the landlord who would refuse time for the payment of rent or relinquish the whole or a part.

In order to show how it affects the commerce of the country, it is proper to notice the usual course of trade. The New York merchant ships the goods, and has given bond for the duty. The goods are sold to a western merchant, who retails them to the people. Upon what terms are they sold and retailed? The western merchant buys at two, six, or nine months, and retails them to the people, his customers, at twelve months' credit. It is the policy and interest of the western merchant to keep his New York debt as large as possible, money being worth more in the West than in the East. The possession of it enables him to purchase the produce of the country. They desire no relief, but the usual and ordinary indulgence. Press the New York merchant—he urges payment earlier and more earnestly from the western retailer; he presses his customer; and the entire distress eventually falls upon the people of every class and condition in life. In proportion as you relieve the New York merchant from this calamity, you relieve the whole people—the whole nation—by a continuance of the usual credit, commerce, and confidence. Hence, sir, inasmuch as in voting for the relief in the bill we shall relieve the humblest citizen in his district, he should accord his support.

Mr. UNDERWOOD again opposed the bill.

Mr. JOHNSON of Tennessee, advocated the general principles of the bill; so far as they were consistent with the acts passed for the relief of Portsmouth and Norfolk, and with the modifications of which he had himself given notice at a former day.

Mr. REED advocated the bill. He said it was apparent that the New York fire had been an advantage to the Government, because it would receive the duties twice over on the same amount of goods, viz: on those destroyed and on those imported to supply the loss.

Mr. CAMBRELENG replied briefly to the opposers of the bill, and referred to sundry acts heretofore passed on the same subject, and for the postponement of time and relinquishment of interest in the purchase of poor land in the West. Mr. C. assured the House that if the bill were not adopted, the Government would lose three times the amount of the interest proposed to be relinquished.

Mr. WISE begged to inquire of the gentleman from New York, [Mr. CAMBRELENG,] if the proviso, as amended yesterday, was meant to say or to assert that the money in the hands of the collector or receiver, was not in the Treasury of the United States already?

Mr. CAMBRELENG replied, that he did not so consider it.

Mr. WISE said, that was the point he wished the country to understand. He maintained that the money was in the public Treasury as soon as it was paid. If not, there was no security for the public money, as the individual might either "filch" from it, or use it for party purposes. If the public money, the moment it was received, was considered as in the Treasury, then, under the Constitution, not a cent of it could be appropriated without law. But, by the converse doctrine, it might be used for all sorts of party purposes, corruption, and patronage, and portions of it eke out at every step *in transitu*.

Mr. CAMBRELENG should be very happy to unite with the gentleman whenever a measure should be brought to regulate the periods at which the receivers of the public lands and the collectors of customs should make their returns to the Treasury. At present it was either law or usage, and so long as the public money remained in the hands of the receivers of the public lands and collectors of the customs, so long was it liable to the correction of errors.

Mr. WISE and Mr. LANE made a few additional remarks, when

Mr. CHAMBERS, of Kentucky, moved that the committee rise; which was negatived without a count.

The question was then taken on the motion of Mr. HARDIN, to strike out the proviso as amended to the first section; and it was decided in the negative—ayes 59, noes 100.

Mr. WILLIAMS, of North Carolina, then moved that the committee rise; which was negatived.

Mr. CAMBRELENG hoped the committee would indulge him with the motion that the committee rise and report the bill to the House, when it could be amended in the House.

Objection being made, and the question recurring upon the amendments of Mr. EVERETT, Mr. E. withdrew them.

Mr. CAVE JOHNSON then moved the following amendment to the first section:

That the Secretary of the Treasury be, and he is hereby, authorized, as he may deem best calculated to secure the interest of the United States, to cause to be extended the time of payment on all bonds heretofore given for duties on imported merchandise at the custom house in the city of New York, and which was consumed in the late conflagration at New York by fire, and the owners of which had not been indemnified by insurance, to three, four, and five years, in equal payments: *Provided always*, That in all cases where, in the opinion of the collector at New York, said debts, or any of them, be rendered insecure by such indulgence, that further and additional surety be required before the indulgence be allowed: *And provided, also*, That nothing in this act contained shall extend to bonds which had fallen due before the sixteenth of December last. *And provided, also*, That the assent of the sureties on all said bonds so extended, be first had and indorsed on said bonds respectively.

Mr. HOWELL moved the committee rise; which was negatived—ayes 58, noes not counted.

The amendment was then negatived—ayes 60, noes not counted.

Mr. PEARCE, of Rhode Island, then moved an amendment, allowing fifteen per cent. out of the public Treasury, upon the actual loss; which was negatived without a count.

Mr. HARDIN gave notice that in the House he should renew some of the amendments withdrawn by the gentleman from Vermont.

Mr. GARLAND moved a further proviso, to confine the operations of the bill to citizens and residents in New York; which was rejected.

On motion by Mr. CAMBRELENG, the committee then rose; and the bill, as amended, being reported to the House, was, on motion by Mr. C., made the special order for to-morrow—ayes 86, noes 39.

The SPEAKER laid before the House two communications from the Secretary of War—the first in answer to a resolution of the House in reference to the Seminole hostilities, and the second transmitting a report and papers from the Indian Bureau in the case of J. B. Hancock.

The House then (at a quarter after five o'clock) adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 19, 1836.

Mr. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of William Bailey, surviving partner of Bailey & De Lord; which was read twice and committed.

Mr. EVERETT, from the Committee on Indian Affairs, reported a bill to provide for the security and protection of the emigrant and other Indians west of the State of Missouri and Territory of Arkansas; which was read twice and committed.

On motion by Mr. EVERETT, one thousand extra copies of the foregoing bill were ordered to be printed.

Mr. EVERETT, from the same committee, reported the following resolution; which was agreed to:

Resolved, That the Clerk of this House be directed to procure, for the use of this House, one thousand copies of the map of the western territory appended to the report of the Committee on Indian Affairs (No. 474) of 1834.

Mr. PARKER, from the Committee on Naval Affairs, reported a bill for the relief of Spencer C. Guest; which was read twice and committed.

CUMBERLAND ROAD.

Mr. VINTON, from the Committee on Roads and Canals, reported a bill amendatory of the act for the continuation of the Cumberland road; which was read twice.

Mr. V. said that the bill proposed no appropriation. It had reference exclusively to a change in the location of the road in the State of Ohio. It was not necessary, therefore, that the bill should be committed. It was important, both to those who opposed and advocated it, that it should be speedily determined, so that the work upon the road might progress. Those who intended to object to the passage of the bill, had no objection that it be ordered to a third reading, and they contemplated opposing it on its passage. He hoped, therefore, that the bill would be ordered to be engrossed, and that its further consideration be postponed until the second Tuesday in March.

Mr. MASON, of Ohio, was opposed to the bill, but had no objection to dispose of it at present as proposed by his colleague [Mr. VINTON.] The people who were interested in opposition to the proposed change in the route of the road, were now moving, and their remonstrance would be sent in at an early day. Some time, however, was necessary to afford them an opportunity of being heard on the subject. The day to which his colleague had proposed to postpone the bill would give the desired time, and he had no objection, under the circumstances, that the bill should be ordered to be engrossed. An important report of Lieutenant Canfield, accompanied by a plat, on this subject, was ordered to be printed some six weeks since. He was sorry that this printing had not been executed; and, without intending to cast any censure upon the printer, he was in hopes that the report to which he referred would be laid on their tables before the bill was finally acted on, as it would facilitate and lead to a correct decision of the subject.

Mr. MERCER said a few words, which—as usual, from his manner of speaking—were not distinctly understood by the reporter. He was supposed to be opposed to the bill.

Mr. DUNLAP was opposed to giving precedence to this bill over other matters of more importance to other sections of the Union.

Mr. WARDWELL could see no reason why this bill should have priority over other bills. He therefore moved to commit it to a Committee of the Whole House, and make it the order of the day for to-morrow.

Mr. VINTON said that, by ordering the bill to be engrossed no, person's rights were compromitted; and he thought it strange that objection should be made from a quarter not interested, when those who were opposed to the bill did not oppose the course which he had proposed.

Mr. JUDSON was in favor of the commitment of the bill; its merits should be discussed in committee. The motion of the gentleman from Ohio he considered premature and improper.

Mr. CRANE opposed the commitment; nothing could be gained by such a course.

Mr. WARDWELL adverted to the history of the controversy in relation to the proposed change in the location of the Cumberland road, and contended that it was an ordinary proposition, and not entitled to any precedence or extraordinary consideration, at the expense of other measures before the House. It was likely, however, to create a great deal of debate, and he desired that it should take the usual course.

Mr. VINTON again urged the adoption of his motion, and opposed the one to commit.

The motion to commit was then negatived—yeas 46, nays not counted.

The motion of Mr. VINTON was agreed to; and the bill was ordered to be read a third time on the second Tuesday in March next.

REPORTS—AGAIN.

Mr. CAMBRELENG, from the Committee of Ways and Means, to which had been referred the joint resolution from the Senate, directing experiments to be made at the Mint, with the view of preventing the debasement of gold and silver coins, made a report, recommending that the enacting clause of said resolution be stricken out; and the same was committed.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of John B. Ash, deceased; which was read twice and committed.

Mr. CASEY, from the Committee on the Public Lands, reported a bill providing for the establishment of the Peoria land district in Illinois; which was read twice and committed.

Mr. HARRISON, of Missouri, from the Committee on the Public Lands, reported a bill for the relief of John Whitsett; which was read twice and committed.

Mr. PHILO C. FULLER, from the Committee on Claims, reported a bill for the relief of John McCarty; which was read twice and committed.

Mr. CHAPMAN, from the Committee on the Public Lands, reported without amendment the bill from the Senate to revive and extend the provisions of an act of May, 1834, for the relief of the representatives of John Donelson, Stephen Heard, and others; which was committed.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of certain settlers in what is termed the Salt Lick reservation in the western district of Tennessee; which was read twice and committed.

Mr. LAY, from the Committee on Revolutionary Pensions, reported a bill for the relief of Godfrey Vaught; which was read twice and committed.

Messrs. WHITTLESEY and PHILO C. FULLER, from the Committee of Claims; Mr. TURRILL, from the Committee on Revolutionary Claims; Mr. BOND, from the Committee on Revolutionary Pensions, and Mr. HARRISON of Missouri, from the Committee on the Public Lands,—made unfavorable reports upon various petitions and memorials; which were laid on the table.

INCENDIARY PUBLICATIONS.

Mr. INGERSOLL asked the consent of the House to submit a resolution to print ten thousand extra copies of the report made in the Senate by Mr. CALHOUN, from a select committee, in relation to the transmission of abolition incendiary papers through the mails.

Objection being made, Mr. INGERSOLL moved to suspend the rule; which was negatived without a count.

DISTRICT BANKS.

The amendments to the bill from the Senate to extend the charters of the Bank of Columbia, of Georgetown, and the Bank of Alexandria, of Alexandria, were considered and agreed to; and thus amended the bill was read a third time and passed.

The House then proceeded to the special order of the day, being the bill for the

SUFFERERS BY THE NEW YORK FIRE.

The bill, as reported from the Committee of the Whole on the state of the Union, is as follows: the words printed in *italics* being the only amendment adopted by the committee:

A BILL for the relief of the sufferers by the fire in the city of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of the port of New York be, and he is hereby, authorized, as he may deem best calculated to secure the interests of the United States, to cause to be extended, with the assent of the sureties thereon, to all persons who have suffered loss of property by the conflagration at that place, on the sixteenth day of December last, by the burning of their buildings, or merchandise, the time of payment of all bonds heretofore given by them for duties, to periods not exceeding three, four, and five years, in equal installments from and after the day of payment specified in the bonds; or to allow the said bonds to be canceled, upon giving to the said collector new bonds, with one or more sureties, to the satisfaction of the said collector, for the sums of the former bonds, respectively, payable in equal installments in three, four, and five years, from and after the day of payment specified in the bonds to be taken up or canceled as aforesaid: and the said collector is hereby authorized and directed to give up or cancel all such bonds, upon the receipt of others described in this section; which last-mentioned bonds shall be proceeded with, in all respects, like other bonds which are taken by collectors for duties due to the United States, and shall have the same force and validity: *Provided*, That those who are within the provision of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded, *if not previously carried into the Treasury of the United States, by warrant: And provided, also*, That the benefits of this section shall not be extended to any person whose loss shall not be proved, to the satisfaction of the collector, to have exceeded the sum of one thousand dollars.

SEC. 2. *And be it further enacted*, That the collector of the port of New York is hereby authorized and directed to extend the payment, in the manner prescribed in the first section of this act, of all other bonds given for duties at the port of New York prior to the late fire, and not provided for in the first section, as aforesaid, for six, nine, and twelve months from and after the day of payment specified in the bonds: *Provided, however*, That nothing contained in this act, shall extend to bonds which had fallen due before the seventeenth day of December last.

Mr. CAMBRELENG moved that the House concur in the amendment of the committee; and on this question,

Mr. HOWELL asked for the yeas and nays; which were not ordered—ayes 23, noes 117, not one fifth.

Mr. ROBERTSON moved to amend the amendment, by striking out the whole after the word "previously," and inserting in its place the following words: "If not previously paid into the bank to the credit of the Treasurer of the United States."

Mr. CAMBRELENG said he had no objection to that amendment; and it was then agreed to by the House.

The question then recurring on the amendment as amended,

Mr. EVERETT inquired if it would not defeat the object of the section?

Mr. CAMBRELENG replied that it would not.

Mr. PARKER desired to know how the amount in bank, or in the hands of collectors, could be ascertained or discriminated? He thought the amended amendment was making a distinction without a difference; for he held that the moment a collector had money in his hands, it was the property of the Government, and held by him in trust.

Mr. CAMBRELENG thought, himself, the amendment was of very little importance, for the provision of the first section was just as good without it as with it. Other gentlemen thought differently, and he interposed no objection; but he was indifferent whether it was concurred in or not.

Mr. ROBERTSON made a brief explanation. He said his object was to defeat the whole provision as it stood.

Mr. EVERETT thought it would defeat the provision altogether, and he should, therefore, vote against it.

Mr. McKAY said the amendment of the gentleman from Virginia was substantially the same as the proviso of the gentleman from New York, [Mr. CAMBRELENG.] He was opposed to the notion that the public money was in the Treasury as soon as paid to the collector; for, if so, that would make the Treasurer of the United States liable for all loss, error, or deficiency. It was not in the Treasury till it was deposited.

Mr. WISE was certain his friend from North Carolina [Mr. McKAY] was incorrect, or that provision of the Constitution Mr. W. had before quoted—viz: that no money should be taken from the Treasury, without appropriation by law—was a nullity. He maintained that the Treasury was a unity, without any space between the first receipt and the deposit, and between the Treasurer and the disbursing officer. The public money was not paid to the collector as an individual, but, being due to the United States, was paid to one of its own officers. He expressed his surprise that the gentleman from North Carolina—for whose opinion on such subjects Mr. W. entertained a high respect—should have advanced such a construction as he had. The collector, receiver, treasurer, disburser, &c., were all officers of the Treasury, acting as checks on each other, accountable from the one to the other, and each could be sued on their bond. If this was not so, the Constitution could be set aside; for if there was a point of time when the public money was not in the Treasury, then it could be appropriated without law during that intermission.

Mr LANE understood the Treasury to be at bottom an ideal thing, and he held the receivers and deposit banks to be the agents of the Treasury. The receivers were no longer liable than for the time the money was actually in their hands; and so with the deposit banks. He held the money to be in the Treasury whenever it was received by one of its agents.

Mr. VANDERPOEL dissented entirely from the doctrine of the gentleman from Virginia, [Mr. WISE.] If that doctrine was sound, the moment the money was in the hands of the collector it was in the hands of the Treasurer, and he was responsible.

Mr. WISE did not say so. He said the money was then in the Treasury, and the Treasury officer was that instant responsible for it, as was the Treasurer when it came under his control.

Mr. VANDERPOEL said the gentleman's doctrine still involved an incongruity, because he would make the money to be in the possession of a Department, and yet the chief officer of that Department in no way responsible. Mr. V. held that after the money was once in the Treasury, neither the Treasurer, the Secretary, nor the President had any power to appropriate or disburse it, except by virtue of appropriations by law. If the money, as soon as received, was to be regarded in the Treasury, the Treasurer ought to be held accountable for it. But this doctrine Mr. V. wholly dissented from.

Mr. ROBERTSON offered a verbal amendment, which he thought would remove the difficulty. He was informed that the bank entry of the public money was to the credit of the United States, and, to obviate any inconvenience, he proposed to insert after the words "to the credit," "of the United States, or of the Treasurer of the United States." There seemed to be some difficulty in ascertaining where lay the Treasury of the United States. This was a matter which he believed the public had known very little about for the last two years, and was a question he should like to hear answered.

Mr. CAMBRELENG could not consent to this amendment; it was in opposition to a vote of the House on yesterday, of one hundred and fifty-nine, and would nullify the proviso altogether.

Mr. GIDEON LEE rose to ask the question—would that House extend the relief, asked by all the bond-payers, to that class only who had availed themselves of the indulgence granted by the Secretary of the Treasury, and have suffered their bonds to lie over due these two months, and deny the same relief to that other class, who, from a sensitiveness of their credit—from their high sense of honor, perhaps—could not consent to lie under the appearance of default, and have promptly paid their bonds?

The gentleman from Virginia [Mr. ROBERTSON] declared that his amendment was intended to have this effect: All who have paid promptly, were cut off from relief totally, while all those who had failed or refused to pay, came in for the full benefit of the bill.

Mr. ROBERTSON's last amendment was then disagreed to; and the original amendment, as amended, was agreed to.

Mr. HARDIN proposed to amend the first section, by inserting in the sixteenth line, after the word "payable," "with interest at the rate of five per centum per annum," and asked for the yeas and nays upon the question; which were ordered.

Mr. CAMBRELENG said there was no instance, since the adoption of the Constitution, where interest had been charged under similar circumstances; and he did, therefore, hope the amendment would be rejected.

Mr. HARDIN hoped the amendment would prevail.

Mr. TOUCEY said this money would be safer than if now exacted, or attempted to be exacted; and he should vote against the charge of interest, because he was well aware that, if the money were at once collected, it would lie in the Treasury without interest.

Mr. JENIFER was in favor of the amendment, and opposed to many parts of the bill, against which, in consequence, he should be compelled to vote.

The question was then taken on Mr. HARDIN's amendment; which was disagreed to—yeas 85, nays 117.

Mr. HARDIN then proposed a similar amendment to the second section of the bill, for the payment of interest at five per cent. on the bonds therein provided for; and also called for the yeas and nays; which were ordered.

Mr. BROWN said, he had voted for the amendment which had just been rejected with a view, if the motion to impose interest prevailed, to move to reduce it to four per cent. per annum, which he supposed to be sufficient. Although the second section embraced a class of debtors many of whom were not actual sufferers, and extended the time for the payment of their bonds six, nine, and twelve months only, he would still insist that, if interest was charged, it should not exceed four per cent. He would therefore move to amend the motion of the honorable gentleman from Kentucky by striking out five and inserting four per cent.

The question was then taken on Mr. HARDIN's amendment; and the result was—yeas 101, nays 96.

So the amendment was agreed to.

Mr. JOHNSON, of Tennessee, then renewed the amendment offered by him in Committee of the Whole, to strike out all the first section before the word "provided," in the twenty-fifth line, and insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized, as he may deem best calculated to secure the interest of the United States, to cause to be extended the time of payment on all bonds heretofore given for duties on imported merchandise at the custom house in the city of New York, and which was consumed in the late conflagration at New York by fire, and the owners of which had not been indemnified by insurance, to three, four, and five years in equal payments: *Provided always*, That in all cases where, in the opinion of the collector at New York, said debts, or any of them, be rendered insecure by such indulgence, that further and additional surety be required before the indulgence be allowed: *And provided also*, That nothing in this act contained shall extend to bonds which had fallen due before the seventeenth of December last: *And provided also*, That the assent of the sureties on all said bonds so extended be first had and indorsed on said bonds respectively.

Mr. J. briefly explained the object of his amendment.

Mr. CAMBRELENG referred to the acts of 1803,-'4 and '7, and said that in those acts no discrimination of property would be found.

Mr. JOHNSON, of Tennessee, asked for the yeas and nays, but they were not ordered; and the amendment was disagreed to—ayes 66, noes 115.

Mr. EVERETT then proposed to amend the first section by striking out, wherever they occurred, the words "three, four, and five," years, and insert "one, two, and three" years, and asked for the yeas and nays on his amendment; which were ordered.

Mr. CAMBRELENG referred to the case of Savannah, where credit had been extended to four years on the whole amount of bonds. This bill had extended it less than at any former period.

Mr. HARDIN said all the cases he had examined never went further than one year, as in Portsmouth and Norfolk It was now admitted that those who had insured would be fully indemnified.

Mr. CAMBRELENG made a brief statement, showing that, by the operation of the former acts, under the old system of credits, the credit extended to the whole amount of bonds for four years.

Mr. GIDEON LEE hoped the House would not suffer itself to be guided entirely by precedent in a case which was without a parallel.

The question was then taken; and the amendment was rejected—yeas 96, nays 111.

Mr. WILLIAMS, of Kentucky, then moved that the House adjourn; which was negatived.

Mr. GARLAND, of Louisiana, moved an amendment to the first section of the bill, so as to restrict its provisions to citizens of the United States and foreigners only residing in the city of New York; and explained in a few words the object he had in view.

Mr. GIDEON LEE hoped the amendment proposed by the gentleman from Virginia would not prevail: first, because the amount to be excluded from the proposed relief would be very small; and, second, because it would raise interminable difficulties in the settlement of the complicated questions which would arise; and finally, because He would not make this very invidious distinction. He was not thus inimical to foreigners.

Mr. McKEON remarked, that he hoped this amendment would not prevail. He was opposed to having such a proposition adopted by the Representatives of a liberal and commercial people, who had their merchants in every foreign country on the globe.

Mr. GARLAND asked for the yeas and nays; but they were not ordered.

Mr. DAVIS moved that the House adjourn; which was negatived—ayes 78, noes 98.

The amendment was then rejected.

Mr. PEARCE, of Rhode Island, renewed the amendment offered by him in Committee of the Whole, to allow fifteen per cent. to the sufferers on the actual loss; which was rejected.

Mr. ROBERTSON moved to strike out the first proviso of the first section, as amended.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays; which was not ordered.

The amendment was negatived without a count.

Mr. GRAVES proposed to amend the bill by inserting before the words, "three, four, or five years," wherever they occurred, "a period not exceeding;" which was rejected.

Mr. McKAY moved to insert in the ninth line, after the word "merchandise," the following: "who were not indemnified by insurance."

Mr. EVANS asked the consent of the House to submit a motion for an adjournment over to Monday.

Objection being made, Mr. CHAPIN moved to suspend the rule for that purpose.

Mr. GARLAND, of Louisiana, asked for the yeas and nays on the motion, which were not ordered; and the motion to suspend the rule was agreed to.

Mr. EVANS then submitted his motion.

Mr. MASON, of Virginia, moved to strike out Monday, and insert Tuesday; which was carried—ayes 105, noes not counted.

The motion, as amended, was then agreed to.

The question then recurring on the amendment of Mr. McKAY, that gentleman asked for the yeas and nays; which were ordered.

Mr. WISE moved that the House adjourn; negatived—ayes 69, noes not counted.

After a few words from Mr. PHILLIPS and Mr. McKAY, the question was taken; and the amendment was disagreed to—yeas 83, nays 110.

Mr. GRAVES moved a proviso to come in at the end of the bill:

That no individual shall realize a benefit under the provisions of the first section of this bill, greater than the amount of his loss, upon the calculation that the use of the amount he owes the Government is worth to him six per cent per annum.

Mr. MORGAN asked for the yeas and nays; which were not ordered.

The amendment was negatived.

Mr. CHAMBERS, of Kentucky, moved to strike out the second section of the bill, and addressed the House for some time in opposition to the bill.

Mr. WILLIAMS, of Kentucky, asked for the yeas and nays; which were ordered.

Mr. WISE moved that the House adjourn; which was agreed to—ayes 92, noes 84.

And, at a quarter before six o'clock, the House adjourned over to Tuesday next.

IN SENATE.

FRIDAY, *February* 19, 1836.

Mr. McKEAN presented a memorial from sundry citizens of Philadelphia, praying that the present rates of postage may be reduced to what they were prior to the late war; which was referred to the Committee on the Post Office and Post Roads.

Mr. TOMLINSON presented the petition of the Washington City Society for the establishment of a Manual Labor School and Orphan Asylum, praying for an act of incorporation; which was read, and referred to the Committee on the District of Columbia.

Mr. LINN presented the petition of a number of citizens of Michigan, praying for an appropriation for the improvement of the harbor at the mouth of the St. Joseph's river; which was referred to the Committee on Commerce.

Mr. TIPTON presented the petition of a number of citizens of Niles, Michigan, praying for an appropriation to build a bridge across the St. Joseph's, at that place; which was referred to the same committee.

Mr. CLAYTON presented the petition of sundry citizens of Delaware, praying that New Castle

may be made a port of entry; which was referred to the Committee on Commerce.

Mr. EWING, of Ohio, presented the memorial of sundry citizens of Ohio, praying that the United States land office at Wooster may be discontinued, and that the small quantity of public land remaining unsold in that land district may be given to the State of Ohio, to be applied to the construction of a harbor at the mouth of Black river; which was refereed to the Committee on Public Lands.

Mr. BUCHANAN presented the petition of Russell Jarvis, stating that he has made a valuable improvement in the construction of steam boilers, and obtained a patent for the same; and asking for an appropriation for the purpose of testing its usefulness, with a view to its being used in the Navy; which was referred to the Committee on Naval Affairs.

Mr. HENDRICKS presented the petition of a railroad company in Florida; which was referred to the Committee on Roads and Canals.

Mr. BENTON presented the petition of Lieutenant Colonel Kearney, of the United States dragoons, praying to be reimbursed for two horses lost in the service of the United States; which was referred to the Committee on Military Affairs.

REPORTS FROM COMMITTEES.

Mr. PORTER, from the Committee on Private Land Claims, to which had been referred the petion of the heirs and legal representatives of William Conway, deceased, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. EWING, of Ohio, from the Committee on Public Lands, to which had been referred the memorial of the Legislature of Illinois, praying for the establishment of a surveyor general's office, made an unfavorable report thereon.

The committee (Mr. E. said) had communicated with the Commissioner of the General Land Office on this subject, who was of opinion that the complying with the request of the memorialists would cause great delays in the public business, and would not effect the object of the memorialists at all.

The report was laid on the table, and, on motion of Mr. EWING, of Illinois, ordered to be printed.

Mr. EWING, of Ohio, from the same committee, made unfavorable reports on the petitions of Miles Taylor, Adam Peale, and of sundry citizens by Indiana, praying for the extension of preëmption rights.

Mr. BENTON, from the Committee on Military Affairs, to which the subject had been referred by a resolution of the Senate, reported a bill making an appropriation for the establishment of an armory on the western waters; which was read, and ordered to a second reading.

Mr. BLACK, from the Committee on Private Land Claims, to which had been referred the petition of William Pollock, made an unfavorable report thereon.

Mr. TOMLINSON, from the Committee on Pensions, to which had been referred the bill for the relief of General Daniel Newman, reported the same without amendment, and stated it as the opinion of the committee that the bill ought not to pass.

RESOLUTIONS.

Mr. McKEAN offered the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Honesdale, in Wayne county, Pennsylvania, by way of Big Eddy, Forrestburg, and Cuddebacksville, to Goshen, in Orange county, in the State of New York.

Mr. LINN submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of War be requested to transmit to the Senate a copy of the reports, survey, plan and estimate for improving the harbor at the mouth of Kalamazoo river, of Lake Michigan.

Mr. DAVIS submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of aiding William B. Barney in the publication of a chart called "Par of Exchange," designed to designate with accuracy the value of foreign coin.

Mr. BENTON submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate, during the session, monthly abstracts of the affairs of the deposit banks, commencing with the month of January; so as to show the condition of said banks and the state of public moneys therein, as fully as the condition of the Bank of the United States and its branches, and the state of the public moneys therein, have been heretofore shown in the monthly returns of that institution.

RESOLUTION AGREED TO.

The resolution submitted by Mr. EWING, calling on the Secretary of the Treasury for information as to the construction placed by the Department on certain preëmption laws, was considered and adopted.

FRAUDS ON THE LAND OFFICES.

Mr. BLACK, on leave, introduced a joint resolution, directing the payment, out of the contingent fund of the Senate, of the expenses incurred in taking testimony during the last Congress on the subject of frauds alleged to have been committed on the United States land offices; which was read, and ordered to a second reading.

NOTICES OF BILLS.

Mr. KING, of Alabama, gave notice that he would to-morrow ask leave to introduce bills to authorize two railroad companies in Florida to locate their roads through the lands of the United States.

Mr. KING, of Georgia, on leave, and in pursuance of previous notice, introduced a bill making an appropriation for the completion of certain roads, and the improvement of certain rivers, in the Territory of Florida; which was read twice and referred.

LIBRARY OF COUNT BOURTONLIN.

The resolution submitted yesterday by Mr. PRESTON, directing the Committee on the Library to inquire into the expediency of purchasing the library of the late Count Bourtonlin, of Florence, was considered.

Mr. PRESTON said, this library had been examined by a late distinguished member of Congress from Georgia, (Mr. Wilde,) who was a gentleman of great literary attainments, and eminently qualified to judge of its value, and who had strongly recommended to this country the purchase of it. It was worth much more than it was offered for. He (Mr. P.) believed there was no difference of opinion in regard to the great value of it, and that it would be a proper acquisition to the library of Congress. An opportunity would never perhaps occur again to purchase such a one. It was by mere accident that the opportunity had presented itself. It embraced books in various languages; and many years of his life had been devoted to the collection of this vast library.

Mr. WEBSTER had a high opinion himself of the great value of this library. It was one of those collections rarely found, and such as he believed did not exist in any library of any of the United States, public or private. He understood the expense would not be very great. He thought this was a favorable opportunity to make a valuable addition, if Congress saw fit to make such addition, to their library.

The resolution was then adopted.

POST ROUTES.

The joint resolution from the House providing for the establishment of certain post routes in Missouri and Arkansas, was read the first time.

Mr. LINN said that this was a resolution of some importance, about which there could be no objection; and as it had already been examined and passed in the other House, he hoped it would be permitted to pass through its different stages at once. The object of the resolution was to give a necessary facility of intercourse between the different military posts on the frontiers.

Mr. CALHOUN thought that the bill ought to be referred in the usual way, and made a motion to that effect; which (Mr. LINN assenting) was agreed to.

WABASH RIVER.

The bill making an appropriation for the improvement of the river Wabash was read the third time and passed.

HEIRS OF MILAN DE LA CARRERA.

The bill for the relief of the heirs of Milan de la Carrera was read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

FORTIFICATIONS.

Mr. BENTON gave notice that he would, on Monday next, immediately after the morning business, move to take up the bill making appropriations for fortifications, reported by him from the Military Committee some days since.

ABOLITION OF SLAVERY.

Mr. MANGUM said that it was on his motion that the memorial of the Society of Friends on the subject of abolition had been laid on the table, and that he gave a pledge at the time to move to take it up at an early day.

He had made the motion in consequence of the indisposition of the gentleman from Mississippi, who was entitled to the floor, and who was unable to go on with the discussion. He now, for the purpose of redeeming his pledge, moved to take up the memorial. Gentlemen might then make such disposition of it as they pleased.

Mr. PORTER asked why the motion could not be delayed until Monday? He hoped the Senate would not, by its vote, postpone the consideration of the general orders, which, it seemed, it was the general consent of the Senate to consider on one day of the week, for the purpose of accelerating the debate on a subject that had already been sufficiently discussed.

Mr. CALHOUN observed, that it never was his wish to bring on the debate on this subject. His whole object had been, from the beginning, defensive—to resist. He had not any agency in bringing on the debate in the first instance; for he had restricted himself simply to demanding the question, without argument. While up, he would remind the Chair of the parliamentary rule which had hitherto been lost sight of. He held it to be the duty of the Chair, when any doubt existed as to a petition being unanimously received, to present to the House the question: "Shall the petition be received?" without waiting for a member to demand it. This was the correct parliamentary rule, as laid down by Mr. Jefferson in his Manual; and the Chair, by adhering to it, would relieve him from the necessity of demanding the preliminary question when such petitions were presented.

Mr. KING, of Alabama, said that he differed entirely with the gentleman from South Carolina. We require (said he) that the member presenting a petition shall state the substance of it in order that any member objecting to receiving it may make his objections known. He recollected the parliamentary rule; but (said he) it is not our rule, but the rule of the British Parliament. He had no disposition to accelerate the discussion of the question. Had his inclination been consulted, the discussion would never have commenced at all, for he would have given the petitions the usual reference, and waited for a report, in order that the Senate might take such a course as would put the subject to rest. It was the question made by the gentleman from South Carolina that brought on the discussion. Gentlemen who felt that the right of petition was involved by it considered themselves bound to go into the discussion. He was not prepared, the moment a petition for abolition came in, to refuse to receive it, although he knew the petitioners asked what he could not constitutionally do. The proper course would be, when such petitions came in, to give to them the usual action, and then such an expression of opinion might be had as would put the subject at rest. Other gentlemen coming from the same section of country that he did, thought, with him, that the right of petition ought not to be infringed, though they were as much opposed as any one could be to the objects of the petitioners. If, when the motion of the gentleman from Pennsylvania to reject the petition came up, the petition should be unanimously rejected, it would have a greater effect in putting an end to discussion on the subject than the question of the gentleman from South Carolina, which, in fact, he thought had brought it on.

Mr. CALHOUN had made no question of order. He had merely suggested his construction of what the parliamentary rule was. It was the duty of the Chair not to put any question of

receiving a petition until a regular motion was made. There was either a rule to receive or not to receive. If there was no such rule, he had no right to insist. He considered it put down as one of the rules applicable to this country. He wished it to be settled that when a petition is to be received hereafter, the question should be made by the Chair as to receiving it.

Mr. C. here read from Jefferson's Manual the rule in substance that, when petitions are presented, the preliminary question is, whether they shall be received.

Mr. WALL apprehended that this was not a time for a discussion of questions involving a great constitutional principle. Whenever that time should arrive, he would undertake to show there was no such rule, requiring the question first to be made whether a petition should be received; and that the Senate had no right to make such a rule. He should endeavor to show that the rule was adapted to the meridian of the country where it was made, and where the right of petition was abridged by the laws. He would undertake to show that it was not applicable to our legislation, but directly in the teeth of our Constitution. He would undertake to show that the whole Congress could not make a rule by which petitions might not be received; and if Congress could not, that the Senate could not do it. Every deliberative body might require that petitions presented to them should be drawn up in proper and respectful language. This the Senate had a right to judge of; but he held that no parliamentary rule could interfere with the sacred right of petition, which was secured by the Constitution.

The memorial was then taken up, and postponed to Monday next.

LAND CLAIMS IN MISSOURI.

The bill confirming certain claims to land in the State of Missouri, was taken up; and, on motion by Mr LINN, postponed till this day week.

BILLS READ TWICE.

The following bills were severally read the second time, and considered as in Committee of the Whole; and ordered to be engrossed for a third reading:

The bill for the relief of the heirs of the late General William Eaton;

The bill for the relief of A. B. Ostrander;

The bill to authorize the Archipelago Railroad and Banking Company, to locate their road through the lands of the United States; and

The bill for the relief of the heirs and legal representatives of Henry Eckford, deceased.

REPRESENTATIVES OF MOSES SHEPHERD.

The bill for the relief of the legal representatives of Moses Shepherd, deceased, was considered; and, after a debate, in which it was supported by Messrs. HENDRICKS, TYLER, KNIGHT, and PRENTISS, and opposed by Messrs. SHEPLEY, BLACK, and EWING of Ohio, was rejected by the following vote:

YEAS—Messrs. Clay, Ewing of Illinois, Hendricks, Kent, Knight, Leigh, Linn, McKean, Prentiss, Robbins, Robinson, Southard, and Tyler—13.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Cuthbert, Ewing of Ohio, Hill, Hubbard, King of Alabama, King of Georgia, Mangum, Morris, Niles, Porter, Preston, Ruggles, Shepley, Swift, Tallmadge, Tipton, Tomlinson, White, and Wright—34.

DISTRICT BANKS.

The amendment of the House of Representatives to the bill to extend the charters of the Bank of Columbia and the Bank of Alexandria, to enable them to wind up their concerns, was agreed to.

PAYMENT OF VOLUNTEERS.

The bill from the House, to provide for the payment of the services of the volunteers and militia corps in the service of the United States in Florida, was read twice by unanimous consent, and referred.

The Senate then adjourned over to Monday.

IN SENATE.

MONDAY, *February* 22, 1836.

Mr. BENTON presented the credentials of the Hon. ROBERT J. WALKER, elected by the Legislature of Mississippi a Senator from that State, to serve for six years from the 4th of March last.

The usual oath to support the Constitution of the United States was then administered to Mr. W. by the Vice President, and he took his seat in the Senate.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President of the United States, by Mr. DONELSON, his Private Secretary; which was read:

To the Senate and House of Representatives:

I transmit, herewith, to Congress copies of the correspondence between the Secretary of State and the Chargé d'Affaires of his Britannic Majesty, relative to the mediation of Great Britain in our disagreement with France, and to the determination of the French Government to execute the treaty of indemnification, without further delay, on the application for payment by the agent of the United States.

The grounds upon which the mediation was accepted will be found fully developed in the correspondence. On the part of France the mediation had been publicly accepted before the offer of it could be received here. Whilst each of the two Governments has thus discovered a just solicitude to resort to all honorable means of adjusting amicably the controversy between them, it is a matter of congratulation that the mediation has been rendered unnecessary. Under such circumstances the anticipation may be confidently indulged that the disagreement between the United States and France will not have produced more than a temporary estrangement. The healing effects of time, a just consideration of the powerful motives for a cordial good understanding between the two nations, the strong inducements each has to respect and esteem the other, will no doubt soon obliterate from their remembrance all traces of that disagreement.

Of the elevated and disinterested part the Government of Great Britain has acted, and was prepared to act, I have already had occasion to express my high sense. Universal respect, and the consciousness of meriting it, are, with Governments as with men, the just rewards of those who faithfully exert their power to preserve peace, restore harmony, and perpetuate good will.

I may be permitted, I trust, at this time, without a suspicion of the most remote desire to throw off censure from the Executive, or to point it to any other department or branch of the Government, to refer to the want of effective preparation in which our country was found at the late crisis. From the nature of our institutions, the movements of the Government in preparation for hostilities must ever be too slow for the exigencies of unexpected war. I submit it, then, to you, whether the first duty we owe to the people who have confided to us their power is not to place our country in such an attitude as always to be so amply supplied with the means of self-defense as to afford no inducements to other nations to presume upon our forbearance, or to expect important advantages from a sudden assault, either upon our commerce, our sea-coast, or our interior frontier. In case of the commencement of hostilities during the recess of Congress, the time necessarily elapsing before that body could be called together, even under the most favorable circumstances, would be pregnant with danger, and if we escaped without signal disaster or national dishonor, the hazard of both unnecessarily incurred could not fail to excite a feeling of deep reproach. I earnestly recommend to you, therefore, to make such provisions that in no future time shall we be found without ample means to repel aggression, even although it may come upon us without a note of warning. We are now fortunately so situated that the expenditure for this purpose will not be felt, and if it were, it would be approved by those from whom all its means are derived, and for whose benefit only it should be used with a liberal economy and enlightened forecast.

In behalf of these suggestions I cannot forbear repeating the wise precepts of one whose counsels cannot be forgotten: "The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it. If we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war."

ANDREW JACKSON.

February 22, 1836.

WASHINGTON, *January* 27, 1833.

The undersigned, his Britannic Majesty's Chargé d'Affaires, has been instructed to state to Mr. Forsyth, the Secretary of State of the United States, that the British Government has witnessed with the greatest pain and regret the progress of the misunderstanding which has lately grown up between the Governments of France and of the United States. The first object of the undeviating policy of the British Cabinet has been to maintain uninterrupted the relations of peace between Great Britain and the other nations of the world, without any abandonment of national interests, and without any sacrifice of national honor. The next object to which their anxious and unremitting exertions have been directed has been, by an appropriate exercise of the good offices and moral influence of Great Britain, to heal dissensions which may have arisen among neighboring Powers, and to preserve for other nations those blessings of peace which Great Britain is so desirous of securing for herself.

The steady efforts of his Majesty's Government have hitherto been fortunately successful in the accomplishment of both these ends; and while Europe, during the last five years, has passed through a crisis of extraordinary hazard without any disturbance of the general peace, his Majesty's Government has the satisfaction of thinking that it has on more than one occasion been instrumental in reconciling differences which might otherwise have led to quarrels, and in cementing union between friendly Powers.

But, if ever there could be an occasion on which it would be painful to the British Government to see the relations of amity broken off between two friendly States, that occasion is undoubtedly the present, when a rupture is apprehended between two great Powers, with both of which Great Britain is united by the closest ties; with one of which she is engaged in active alliance; with the other of which she is joined by community of interest and by the bonds of kindred.

Nor would the grounds of difference on the present occasion reconcile the friends and well-wishers of the differing parties to the misfortune of an open rupture between them.

When the conflicting interests of two nations are so opposed on a particular question as to admit of no possible compromise, the sword may be required to cut the knot which reason is unable to untie.

When passions have been so excited on both sides that no common standard of justice can be found, and what one party insists on as a right the other denounces as a wrong, prejudice may become too headstrong to yield to the voice of equity; and those who can agree on nothing else may consent to abide the fate of arms, and to allow that the party which shall prove the weakest in the war shall be deemed to have been wrong in the dispute.

But in the present case there is no question of national interest at issue between France and the United States. In the present case there is no demand of justice made by one party, and denied by the other. The disputed claims of America on France, which were founded upon transactions in the early part of the present century, and were for many years in litigation, have at length been established by mutual consent, and are admitted by a treaty concluded between the two Governments. The money due by France has been provided by the Chambers, and has been placed at the disposal of the French Government, for the purpose of being paid to the United States. But questions have arisen between the two Governments in the progress of those transactions, affecting on both sides the feelings of national honor; and it is on this ground that the relations between the parties have been, for the moment, suspended, and are in danger of being more seriously interrupted.

In this state of things, the British Government is led to think that the good offices of a third Power, equally the friend of France and of the United States, and prompted by considerations of the highest order most earnestly to wish for the continuance of peace, might be useful in restoring a good understanding between the two parties, on a footing consistent with the nicest feelings of national honor in both.

The undersigned has, therefore, been instructed by his Majesty's Government formally to tender to the Government of the United States the mediation of Great Britain, for the settlement of the differences between the United States and France; and to say that a note precisely similar to the present has been delivered to the French Government by his Majesty's Embassador at Paris. The undersigned has, at the same time, to express the confident hope of his Majesty's Government, that if the two parties would agree to refer to the British Government the settlement of the point at issue between them, and to abide by the opinion which that Government might, after due consideration, communicate to the two parties thereupon, means might be found to satisfy the honor of each, without incurring those great and manifold evils which a rupture between two such Powers must inevitably entail on both.

The undersigned has the honor to renew to Mr. Forsyth the assurance of his most distinguished consideration.

CHARLES BANKHEAD.

DEPARTMENT OF STATE,
WASHINGTON, *February* 3, 1836.

The undersigned, Secretary of State of the United States, has had the honor to receive the note, of the 27th ultimo, of Mr. Charles Bankhead, his Britannic Majesty's Chargé d'Affaires, offering to the Government of the United States the mediation of his Britannic Majesty's Government for the settlement of the differences unhappily existing between the United States and France. That communication having been submitted to the President, and considered with all the care belonging to the importance of the subject and the source from which it emanated, the undersigned has been instructed to assure Mr. Bankhead that the disinterested and honorable motives which have dictated the proposal are fully appreciated. The pacific policy of his Britannic Majesty's Cabinet, and their efforts to heal dissensions arising among nations, are worthy of the character and commanding influence of Great Britain; and the success of those efforts is as honorable to the Government by whose instrumentality it was secured, as it has been beneficial to the parties more immediately interested and to the world at large.

The sentiments upon which this policy is founded, and which are so forcibly displayed in the offer that has been made, are deeply impressed upon the mind of the President. They are congenial with the institutions and principles, as well as with the interests and habits, of the people of the United States; and it has been the constant aim of their Government, in its conduct towards other Powers, to observe and illustrate them. Cordially approving the general views of his Britannic Majesty's Government, the President regards, with peculiar satisfaction, the enlightened and disinterested solicitude manifested by it for the welfare of the nations to whom its good offices are now tendered, and has seen with great sensibility, in the exhibition of that feeling, the recognition of that community of interests and those ties of kindred by which the United States and Great Britain are united.

If circumstances did not render it certain, it would have been obvious, from the language of Mr. Bankhead's note to the undersigned, that the Government of his Britannic Majesty, when the instructions under which it was prepared were given, could not have been apprised of all the steps taken in the controversy between the United States and France. It was necessarily ignorant of the tenor of the two recent messages of the President to Congress—the first com-

municated at the commencement of the present session, under date of the 7th of December, 1835, and the second under that of the 15th of January, 1836. Could these documents have been within the knowledge of his Britannic Majesty's Government, the President does not doubt that it would have been fully satisfied that the disposition of the United States, notwithstanding their well-grounded and serious causes of complaint against France, to restore friendly relations and cultivate a good understanding with the Government of that country, was undiminished, and that all had already been done, on their part, that could in reason be expected of them to secure that result. The first of these documents, although it gave such a history of the origin and progress of the claims of the United States, and of the proceedings of France before and since the treaty of 1831, as to vindicate the statements and recommendations of the message of the 1st of December, 1834, yet expressly disclaimed the offensive interpretation put upon it by the Government of France; and, while it insisted on the acknowledged rights of the United States, and the obligations of the treaty, and maintained the honor and independence of the American Government, evinced an anxious desire to do all that constitutional duty and strict justice would permit, to remove every cause of irritation and excitement. The special message of the 15th January last, being called for by the extraordinary and inadmissible demands of the Government of France, as defined in the last official communications at Paris, and by the continued refusal of France to execute a treaty, from the faithful performance of which by the United States it was tranquilly enjoying important advantages, it became the duty of the President to recommend such measures as might be adapted to the exigencies of the occasion. Unwilling to believe that a nation distinguished for honor and intelligence could have determined permanently to maintain a ground so indefensible, and anxious still to leave open the door of reconciliation, the President contented himself with proposing to Congress the mildest of the remedies given by the law and practice of nations; in connection with such propositions for defense as were evidently required by the condition of the United States, and the attitude assumed by France. In all these proceedings, as well as in every stage of these difficulties with France, it is confidently believed that the course of the United States, when duly considered by other Governments and the world, will be found to have been marked, not only by a pacific disposition, but by a spirit of forbearance and conciliation.

For a further illustration of this point, as well as for the purpose of presenting a lucid view of the whole subject, the undersigned has the honor to transmit to Mr. Bankhead copies of all that part of the message of December 7, 1835, which relates to it, and of the correspondence referred to therein; and also copies of the message and accompanying documents of the 15th of January, 1836, and of another message of the 18th of the same month, transmitting a report of the Secretary of State, and certain documents connected with the subject.

These papers, while they bring down the history of the misunderstanding between the United States and France to the present date, will also remove an erroneous impression which appears to be entertained by his Britannic Majesty's Government. It it suggested in Mr. Bankhead's note that there is no question of national interest at issue between France and the United States; and that there is no demand of justice made by the one party and denied by the other. This suggestion appears to be founded on the facts, that the claims of the United States have been admitted by a treaty concluded between the two Governments, and that the money due by France has been provided by the Chambers and placed at the disposal of the French Government for the purpose of being paid to the United States. But it is to be observed, that the payment of the money thus appropriated is refused by the French Government, unless the United States will first comply with a condition not contained in the treaty, and not assented to by them. This refusal to make payment is, in the view of the United States, a denial of justice; and has not only been accompanied by acts and language of which they have great reason to complain, but the delay of payment is highly injurious to those American citizens who are entitled to share in the indemnification provided by the treaty, and to the interests of the United States; inasmuch as the reduction of the duties levied on French wines, in pursuance of that treaty, has diminished the public revenue, and has been, and yet is, enjoyed by France, with all the other benefits of the treaty, without the consideration and equivalents for which they were granted. But there are other national interests—and, in the judgment of this Government, national interests of the highest order—involved in the condition prescribed and insisted on by France, which it has been, by the President, made the duty of the undersigned to bring distinctly into view. That condition proceeds on the assumption, that a foreign Power, whose acts are spoken of by the President of the United States in a message to Congress, transmitted in obedience to his constitutional duties, and which deemed itself aggrieved by the language thus held by him, may, as a matter of right, require from the Government of the United States a direct official explanation of such language, to be given in such form, and expressed in such terms, as shall meet the requirements and satisfy the feelings of the offended party; and may, in default of such explanation, annul or suspend a solemn treaty duly executed by its constitutional organ. Whatever may be the responsibility of those nations whose Executives possess the power of declaring war, and of adopting other coercive remedies, without the intervention of the legislative department, for the language held by the Executive in addressing that department, it is obvious that, under the Constitution of the United States, which gives to the Executive no such powers, but vests them exclusively in the Legislature, while at the same time it imposes on the Executive the duty of laying before the Legislature the state of the nation, with such recommendations as he may deem proper, no such responsibility can be admitted without impairing that freedom of intercommunication which is essential to the system, and without surrendering, in this important particular, the right of self-government. In accordance with this view of the Federal Constitution, has been the practice under it. The statements and recommendations of the President to Congress are regarded by this Government as a part of the purely domestic consultations held by its different Departments—consultations in which nothing is addressed to foreign Powers, and in which they cannot be permitted to interfere, and for which, until consummated and carried out by acts emanating from the proper constitutional organs, the nation is not responsible, and the Government not liable to account to other States.

It will be seen from the accompanying correspondence, that when the condition referred to was first proposed in the Chamber of Deputies, the insuperable objections to it were fully communicated by the American Minister at Paris to the French Government; and that he distinctly informed it that the condition, if prescribed, could never be complied with. The views expressed by him were approved by the President, and have been since twice asserted and enforced by him in his message to Congress, in terms proportioned, in their explicitness and solemnity, to the conviction he entertains of the importance and inviolability of the principle involved.

The United States cannot yield this principle, nor can they do, or consent to any measure by which its influence in the action of their political system can be obstructed or diminished. Under these circumstances, the President feels that he may rely on the intelligence and liberality of his Britannic Majesty's Government for a correct estimation of the imperative obligations which leave him no power to submit this point to the control of any foreign State, whatever may be his confidence in its justice and impartiality—a confidence which he has taken pleasure in instructing the undersigned to state is fully reposed by him in the Government of his Britannic Majesty.

So great, however, is the desire of the President for the restoration of a good understanding with the Government of France, provided it can be effected on terms compatible with the honor and independence of the United States, that if, after the frank avowal of his sentiments upon the point last referred to, and the explicit reservation of that point, the Government of his Britannic Majesty shall believe that its mediation can be useful in adjusting the differences which exist between the two countries, and in restoring all their relations to a friendly footing, he instructs the undersigned to inform Mr. Bankhead that, in such case, the offer of mediation made in his note is cheerfully accepted.

The United States desire nothing but equal and exact justice; and they cannot but hope, that the good offices of a third Power, friendly to both parties, and prompted by the elevated considerations manifested in Mr. Bankhead's note, may promote the attainment of this end.

Influenced by these motives, the President will cordially cooperate, so far as his constitutional powers may enable him, in such steps as may be requisite, on the part of the United States, to give effect to the proposed mediation. He trusts that no unnecessary delay will be allowed to occur; and instructs the undersigned to request, that the earliest information of the measures taken by Great Britain, and of their result, may be communicated to this Government.

The undersigned avails himself of the occasion to renew to Mr. Bankhead the assurances of his distinguished consideration. JOHN FORSYTH.

WASHINGTON, *February* 15, 1836.

The undersigned, his Britannic Majesty's Chargé d'Affaires, with reference to his note of the 27th of last month, has the honor to inform Mr. Forsyth, Secretary of State of the United States, that he has been instructed by his Government to state, that the British Government has received a communication from that of France, which fulfills the wishes that impelled his Britannic Majesty to offer his mediation for the purpose of effecting an amicable adjustment of the difference between France and the United States.

The French Government has stated to that of his Majesty, that the frank and honorable manner in which the President has, in his recent message, expressed himself with regard to the points of difference between the Governments of France and of the United States, has removed those difficulties, upon the score of national honor, which hitherto stood in the way of the prompt execution by France of the treaty of the 4th July, 1831, and that, consequently, the French Government is now ready to pay the installment which is due on account of the American indemnity, whenever the payment of that installment shall be claimed by the Government of the United States.

The French Government has also stated that it made this communication to that of Great Britain, not regarding the British Government as a formal mediator, since its offer of mediation had then reached only the Government of France, by which it had been accepted; but looking upon the British Government as a common friend of the two parties, and, therefore, as a natural channel of communication between them.

The undersigned is further instructed to express the sincere pleasure which is felt by the British Government at the prospect thus afforded of an amicable termination of a difference which has produced a temporary estrangement between two nations who have so many interests in common, and who are so entitled to the friendship and esteem of each other; and the undersigned has also to assure Mr. Forsyth that it has afforded the British Government the most lively satisfaction to have been, upon this occasion, the channel of a communication which, they trust, will lead to the complete restoration of friendly relations between the United States and France.

The undersigned has great pleasure in renewing to Mr. Forsyth the assurance of his most distinguished consideration. CHARLES BANKHEAD.

The Hon. JOHN FORSYTH, &c.

DEPARTMENT OF STATE,
WASHINGTON, *February* 16, 1836.

The undersigned, Secretary of State of the United States, has had the honor to receive Mr. Bankhead's note of the 15th instant, in which he states, by the instructions of his Government, that the British Government have received a communication from that of France, which fulfills the wishes that impelled his Britannic Majesty to offer his mediation for the purpose of effecting an amicable adjustment of the difference between France and the United States—that the French Government, being satisfied with the frank and honorable manner in which the President has, in his recent message, expressed himself in regard to the points of difference between the two Governments, is ready to pay the installment due on account of the indemnity, whenever it shall be claimed by the Government of the United States, and that this communication is made to the Government of Great Britain, not as a formal mediator, but as a common friend of both parties.

The undersigned has submitted this note of his Britannic Majesty's Chargé d'Affaires to the President, and is instructed to reply, that the President has received this information with the highest satisfaction—a satisfaction as sincere as was his regret at the unexpected occurrence of the difficulty created by the erroneous impressions heretofore made upon the national sensibility of France. By the fulfillment of the obligations of the convention between the two Governments, the great cause of difference will be removed; and the President anticipates that the benevolent and magnanimous wishes of his Britannic Majesty's Government will be speedily realized, as the temporary estrangement between the two nations, who have so many common interests, will no doubt be followed by the restoration of their ancient ties of friendship and esteem.

The President has further instructed the undersigned to express to his Britannic Majesty's Government his sensibility at the anxious desire it has displayed to preserve the relations of peace between the United States and France, and the exertions it was prepared to make to effectuate that object, so essential to the prosperity and congenial to the wishes of the two nations, and to the repose of the world.

Leaving his Majesty's Government to the consciousness of the elevated motives which have governed its conduct, and to the universal respect which must be secured to it, the President is satisfied that no expressions, however strong, of his own feelings, can be appropriately used, which could add to the gratification afforded to his Majesty's Government at being the channel of communication to preserve peace, and restore goodwill between differing nations, each of whom is its friend.

The undersigned avails himself of this occasion to renew to Mr. Bankhead the assurance of his distinguished consideration. JOHN FORSYTH.

CHARLES BANKHEAD, Esq.

Mr. CLAY said he rose to propose, as the course most proper and agreeable to the Senate, that the message and documents just read be laid on the table and printed; but before I make any motion, (said he,) allow me to express my satisfaction at the happy termination of the unfortunate differences between two nations who had so little cause for enmity towards each other. He could not (he said) withhold the expression of his cordial congratulation to the Senate for the agency it had in producing this happy termination of the difficulty. If the Senate had not, by its unanimous vote of last September, declared that it was inexpedient to adopt any legislative action upon the subject of our relations with France—if it had yielded to the recommendations of the Executive in ordering reprisals against that Power—it could not be doubted but that war would exist at this moment in its most serious state. Nay, further: if the Senate had not, at the close of the last session, refused the unconstitutional appropriation of $3,000,000, proposed under extraordinary circumstances, and without any specific limitations, could there be any doubt that at this moment war would be raging between the two countries? The correspondence between the two Governments disclosed great mistakes on both sides; but it was not his purpose, under the present happy circumstances, to throw any censure on either party. Upon one point of the correspondence, however, he trusted he would be excused for making a few observations. The great principle which created an obstacle to the settlement of the controversy was, as avowed by the President, that, for any communication made by him, publicly made, made in the presence of the world, made in the presence of the diplomatic corps assembled at the seat of Government, no matter what the official character of the communication, foreign Governments have no right to demand an explanation of it. He must be permitted to observe that, if this principle be correct, we must hold it towards other nations. If we have the right to use offensive language towards other nations, they have the right to speak of us in like manner. The King of France and other foreign potentates, in their communications to their Legislatures, have the right to use offensive language to us—to menace us, and to charge us with want of good faith. If the principle be true, that we have no right to ask explanations of offensive language towards us, if it be true that foreign nations have no right to ask the same of us,

it ought to inculcate on all the greatest caution in speaking of each other; but it was a little remarkable, that, while this principle was claimed so strongly by the Executive, it had been violated in more than one instance. The first violation of it was in a communication of our Secretary of State to our Minister at the Court of Great Britain, in which he apologizes for a claim made by this Government, which he was instructed to abandon. And what was this right claimed? It was no other than the right to carry our own products to the ports of the British colonies. There was also an invitation to the British Government to look into the part which the Secretary himself had acted, the part which his predecessors had acted; and, in short, the part which his party had acted in reference to this matter. It was a little remarkable, too, that this Secretary himself had, in March, 1823, voted for the very principle to carry our products to the ports of a foreign nation which he thus condemned and instructed our Minister to abandon. But again: Mr. Livingston made an unauthorized explanation to the French Government, which the President sanctioned; and he should like to know the difference between an unauthorized explanation that was sanctioned by the Executive, and one made by himself; the former he should think was the most objectionable, because it was establishing a dangerous principle, if our Ministers abroad were permitted to assume such a discretion. The principle inculcated by the President had been violated in another instance. The letter of the Duc de Broglie to Mr. Pageot was presented to Mr. Forsyth in September last, and he refused to receive it; and in three days afterwards he addressed a note to Mr. Barton, in which he said not one word about the letter to Mr. Pageot. Yet in his message of December last he made an explanation almost in the very language required by the Duc de Broglie. This explanation was made with two objects in view. The first was to get with France all the merit of making an explanation; and the next was to get with the people of the United States the merit of not making any explanation at all. He was truly glad that France saw the subject in its true light. The moment she saw the explanation he made arrangements to pay the money. France saw that, while the President protested that he would not explain, he did explain; and that, while protesting that he would not apologize, he did apologize.

Mr. C. was filled with joy and satisfaction that the calamities of war had been averted; and although he was not one of those who believed that war would ensue, yet it was impossible, from the course of the two Governments, or rather of their agents, not to feel apprehensions. If, unfortunately, we had been involved in war, what would have been its character? It would not have been a war for the defense of civil liberty, or of our national honor or national rights; but it would have been a war for the recovery of a debt canceled by the very act; a war for offensive language used towards France by our Chief Magistrate, disapproved by both Houses of Congress and by the people; a war, the result of false translations on the one side, and of false positions on the other. He had one regret to express, which came in as some alloy to his feelings of joy and satisfaction on this occasion. It was that our good old President would not suffer us for one moment to be at peace. The prospect of a war with France was hardly over, before he wages a new war upon the surplus fund, which he is very anxious to distribute. He hoped that he, and his friends in the Senate, would suffer that fund to be applied to those peaceful purposes, more calculated for the prosperity and happiness of the country. He concurred most heartily in the praise the President had so justly bestowed on the disinterested mediation of Great Britain. A war between this country and France would have given the carrying trade to Great Britain, enriching her commerce and building up her navigating interest. She had magnanimously overlooked all these advantages, and had nobly stepped forward to restore harmony between two countries, whose hostility to each other would have so greatly redounded to her commercial advantage.

He concluded by moving that the message and documents be laid on the table and printed.

Mr. BUCHANAN suggested the printing of five thousand additional copies, to which Mr. CLAY assented, and the printing was ordered accordingly.

Mr. PRESTON said, as this was an interesting day to the nation, he would move that the Senate adjourn. The House of Representatives, he said, had already adjourned over.

The motion was agreed to; and the Senate adjourned.

IN SENATE.

TUESDAY, *February* 23, 1836.

The Chair announced a communication from the War Department, transmitting a report from the Topographical Bureau on the subject of the improvements of the harbor at the mouth of the Kalamazoo river, called for by a resolution of the Senate.

Mr. EWING, of Illinois, presented the petition of Pierre Menard; which was referred to the Committee on Claims. And the petition of Isaac King; which was referred to the Committee on Public Lands.

Mr. WALL presented the petition of William Anthony Paradise; which was referred to the Committee of Claims.

On motion by Mr. WALL, leave was given to William G. Foster to withdraw his petition and papers, presented at this session.

Mr. WALL presented the petition of a number of citizens of Cape May, New Jersey, praying for an appropriation for the erection of a stone pier somewhere near the point of Cape May roads, for the protection of the coasting trade of the Delaware; which was referred to the Committee on Commerce.

Mr. SOUTHARD presented the memorial of sundry citizens of New Jersey, praying that some change may be made in the naturalization laws; which was referred to the Committee on the Judiciary.

Mr. SOUTHARD presented the petition of Charles G. Hunter, of the Navy, praying to be paid for the time he was suspended from duty; which was referred to the Committee on Naval Affairs.

Also, the petition of sundry citizens of Patterson, New Jersey, praying for the revision and amendment of the naturalization laws; which was referred to the Committee on the Judiciary.

Mr. KENT presented the petition of the representatives of the late Lieutenant John Trueman, of the revolutionary army; the petition of the representatives of the late Lieutenant Goldsborough, of the revolutionary army; and the petition of the widow and son of the late Luke Merryman, a soldier of the revolutionary army, severally praying for the commutation of half pay and bounty land; which were referred to the Committee on Revolutionary Claims.

Also, the petition of Elizabeth Merryman, the widow of a revolutionary soldier, praying for a pension; which was referred to the Committee on Pensions.

Mr. BENTON presented the proceedings and memorial of the citizens of St. Louis, praying that the Cumberland road may be located so as to pass through that place to Jefferson City; which was referred to the Committee on Roads and Canals, and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. WHITE, from the Committee on Indian Affairs, made a report on the petition of Nondashema, *alias* Peter W. Knaggs, a Chippewa Indian; accompanied by the following resolution:

Resolved, That the committee be discharged from the further consideration of the petition.

The report was ordered to be printed.

Mr. LEIGH, from the Committee on Revolutionary Claims, to which had been referred the petition of the legal representatives of Henry Fisher, deceased, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. TALLMADGE, from the Committee on Naval Affairs, to which had been referred the petition of Marinus W. Gilbert, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. TOMLINSON, from the Committee on Pensions, to which had been referred the petition of Daniel Stoddard, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. DAVIS, from the Committee on Commerce, to which various memorials had been referred, praying that New Castle, in Delaware, may be made a port of entry, made a report on the same, that, as the State of Delaware is established as one collection district, the port of entry to which is Wilmington, a deputy collector be appointed to reside at New Castle, and ending with a resolution directing the reference of the subject to the Secretary of the Treasury; and the report being considered by the Senate, the reference was ordered accordingly.

Mr. KING, of Alabama, from the Committee for the District of Columbia, to which had been referred the bill appropriating the surplus of the appropriation for the construction of the bridge across the Potomac to the improvement of the Maryland avenue leading to said bridge, reported the same with amendments; which were read.

BILLS INTRODUCED ON LEAVE.

Mr. KING, of Alabama, in pursuance of notice given, asked and obtained leave, and introduced the following bills; which were severally read twice, and referred to the Committee on Roads and Canals:

A bill to authorize the East Florida Railroad Company to construct a road through the public lands; and

A bill to authorize the Pensacola and Perdido Railroad and Canal Company to construct a road and cut a canal through the public lands.

RESOLUTIONS.

Mr. LINN submitted the following resolutions; which lie on the table one day:

Resolved, That the Committee on Pensions be instructed to inquire whether any existing law justifies the War Department in withholding money from those to whom it was granted for pensions.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending the northern boundary line of the State of Missouri westward to the Missouri river, and eastward from the Rapids of the Des Moines to the Mississippi; and whether such extension of the line would conflict with the fourth article in the treaty of Prairie du Chien, made in the year 1830, between the United States and the Sioux, Toways, Ottoes, Omahas, Missouries, and confederated tribes of Sacs and Foxes.

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate inquire into the expediency of employing a lithographer for executing such maps and charts as the Senate may order to be printed.

Resolved, That the Committee on Indian Affairs inquire into the expediency of making an appropriation to extinguish the Indian title to that portion of country situated between the western boundary line of the State of Missouri and the Arkansas river; and that the said committee call on the Secretary of War for all the information in his possession touching this subject, and also for his opinion of the policy of this measure as connected with the permanent peace and tranquillity of the white and red men in that quarter of the country.

Mr SWIFT submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of War be directed to cause to be surveyed the most eligible site for fortifications on Lake Champlain, near the Province of Lower Canada, suitable for the defense of the commerce of said lake, within the United States; and that he cause to be made the proper estimates of the expense necessary for the erection and arming such fortifications, and that he make report thereof to the Senate at the next session of Congress.

Mr. PORTER submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law for an equitable settlement of the claims of the late John Hudrey, of Louisiana, for his services and advances for the defense of New Orleans, in 1814 and 1815; and that the documents on the files of the Senate, in relation to that subject, be referred to the same committee.

PROCEEDS OF THE PUBLIC LANDS.

Mr. KNIGHT presented certain resolutions adopted by the General Assembly of the State of Rhode Island, instructing their Senators and requesting their Representatives in Congress to use their exertions and influence to procure, at the present session of Congress, or as early as may be, the enactment of a law providing for the distribution, in time of peace, in just and equitable proportions, to and amongst the several States, of the moneys annually accruing as net proceeds from sales of the public lands of the United States, and to aid the passage of such law by their votes.

The resolutions were laid on the table, and ordered to be printed.

PRINTING OF THE SENATE.

The report of the Committee on the Contingent Fund of the Senate, to which had been referred the resolution submitted by Mr. SOUTHARD on the subject of printing, was considered. The report recommends the adoption of the resolution which provides for rescinding a rule of the Senate requiring the Secretary, when the same document is ordered to be printed by both Houses, to make such an arrangement with the Clerk of the House as will prevent the paying for its double composition.

The question being on concurring with the report of the committee,

Mr. BENTON observed, that as that report and resolution went to undo a very wholesome and necessary regulation adopted by the Senate with a view of preventing great mischief, he wished to call the particular attention of the Senate to it. He should be very unwilling to see the present rule changed, and the mischievous consequences of the former practice again ensuing. We all know (said he) that, when the present rule was adopted, what vast quantities of printing was ordered, and paid double for, at both ends of the Capitol, and that, after a distribution by tons weight among the trunk makers, the domestic market was glutted. Before that time, the documents were sold in the city at four to five cents per pound, to the trunk makers and grocers; but after the great panic session, at which double sets of documents were printed by cart-loads, with the names, too, of men both alive and dead, the domestic market was glutted; and he had been told by the servants, whose perquisites these documents generally were, that they fell to about two cents per pound; they fell like the prices of butter and eggs in the interior of New York, which they were so feelingly told of in one of these panic memorials. Now, he hoped that the resolution which would introduce a practice so mischievous, opening the floodgates to a great deal of useless printing, would not prevail. If, however, the Senate should, contrary to his expectation, adopt it at the present moment, he gave notice, that he should consider it his bounden duty, at the earliest opportunity that he saw a chance of succeeding, to move to rescind it.

Mr. SOUTHARD did not think three or four thousand dollars for printing extravagant. The whole object he had in view was set forth in the report of the committee which had just been read, and to whom the subject on his motion had been referred. Documents sent to the Senate, and ordered by it to be printed, the Secretary of the Senate had first to go to the House of Representatives, and ascertain whether it had been ordered by that House. If ordered there, he could not get it printed, and it never appeared in the bound volumes of the Senate. The printer of the House of Representatives was not under the control of the Senate, and the result was, that the printing which had been ordered by the Senate, was done under the direction and superintendence of an officer of the House of Representatives, who was not amenable to the Senate. The Senate might order the printing of an important document, and the committee be ready to act upon it, but could not do so until printed under the order of the House of Representatives, and the committee would, consequently, have to wait for it. The committee of the Senate must wait on the will of the officer of that House, who would be sure to give a preference to the committee of that branch to which he belonged. The delay in his (Mr. S.'s) opinion caused the loss of more money than if printed under the order of the Senate. If a Senator wished a document of a preceding session, ordered to be printed by the Senate, he goes to look for it in the books of the Senate, and it is not to be found anywhere among the Senate documents. He, therefore, must search for them among the House documents. The Senate documents, therefore, did not give a faithful history of the Senate proceedings. As to that part of the report relating to the printers themselves, the Senate must act as it felt. The printers of the Senate have to be in readiness to do the printing promptly. They had to have in their employment a great number of hands, at great expense, to enable them speedily to do the printing of the Senate, and he thought it not fair treatment under their contract to withhold from them the printing that especially belonged to them. The printing was not enormous in amount; and the amount of money required to have it done would not hinder him from voting for what he conceived necessary to enable him to perform his duties promptly and faithfully.

Mr. LINN said, that as some difference of opinion on this subject seemed to exist among gentlemen of greater experience than himself, he should like to have an opportunity of inquiring into it further. If it was necessary for the public service that the resolution should pass, he would cheerfully give it his support; but if, on the contrary, the resolution would introduce a wasteful and extravagant expenditure, he must oppose it. He was, however, entirely unacquainted with the subject, and would be pleased if the resolution could be laid on the table for a few days, to give him an opportunity of examining into it. Mr. L. then made a motion to that effect; which was agreed to.

Mr. BENTON said, that as it was one o'clock, he would avail himself of that opportunity—the earliest that had been afforded him—to move to take up the fortification bill, in pursuance of the instructions of the committee. He hoped there would be no objection on the part of the Senate to take up the bill at this time.

Mr. EWING had been anxious to get up the land bill, and it would be recollected that it was on his motion that that bill had been made the order for Monday last. Inasmuch, however, as the fortification bill had been waiting for some days, and as the public service required that the subject should receive an early attention, there would be no objection to taking it up on his part.

The bill was then taken up and read; after which Mr. BENTON addressed the Senate in a lengthy and able exposition of the principles and objects of the bill; and when he had concluded,

Mr. PRESTON referred to some amendments he intended to propose, relative to the provision for steam-batteries, and to the provisions for the fortifications for which surveys and estimates have not yet been made.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 23, 1836.

Several messages from the President of the United States were received by the hands of Mr. DONELSON, his Private Secretary; which were laid before the House by the Speaker.

The message in reference to the French treaty (as published on page 198,) having been read,

Mr. JOHNSON, of Tennessee, moved that it be laid on the table and printed, together with the accompanying documents.

Mr. DAVIS moved that ten thousand extra copies be printed.

Mr. GILLET named twenty-five thousand.

The CHAIR said that the motion for an extra number of copies must, under the rule, lie over one day.

Mr. ADAMS moved to refer the message, &c., to the Committee on Foreign Affairs.

Mr. JOHNSON then withdrew his motion to lay the message on the table; and it was referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. PARKER moved to suspend the rule for the purpose of considering, at that time, the motion to print an extra number of copies of the President's message.

Mr. WHITTLESEY asked for the yeas and nays on the motion to suspend the rule; which were not ordered.

The motion of Mr. PARKER was agreed to—ayes 112, noes 41.

So the House determined to consider the motion to print additional copies of the message.

Mr. JOHNSON stated that the ordering of extra numbers of public documents accounted in part for the extraordinary increase in the contingent expenses of the House within the last few years; that a few years ago the contingent expenses of both Houses of Congress were less than twenty thousand dollars, and during the last year amounted to about three hundred thousand dollars, and the expenses of the House alone to more than two hundred thousand.

Mr. LAY said that they had now laid on their tables, for the first time, documents which had been ordered at the commencement of the session; he would, therefore, move that the message and documents be printed, and furnished to members before the first of June next.

The question was taken on this motion; and it was disagreed to.

Mr. PARKER said that this was the most important document, and one in which the community felt a greater interest, than any message which had been sent to Congress the present session, and the House should publish it for distribution in every hamlet in the country. It announces to us that the money which was justly due from France, and has been wrongfully withheld, is about to be paid; and it also announced that our national honor has been sustained. The gentleman from Tennessee [Mr. JOHNSON] had said that the message would be published in every paper in the United States. That was true; but many of the papers were of a small size, and it would be some time before they could publish it; and then the shape in which it would be placed was objectionable. If there was a document on which he should place his frank, the present message was the one; and he did not want it in a newspaper, but in a book, so that it would be laid up and preserved.

Mr. ADAMS said there was an additional reason to those which were suggested by the gentleman from New Jersey, [Mr. PARKER,] and it was at least an equally powerful one with him for wishing the document to be distributed to its utmost possible extent. He meant what he conceived to be the moral of this controversy with France—the recommendation with which it closed, and the quotation from the almost inspired words of the Father of his Country.

Mr. BOON said that there were but few of his constituents who could get the message through the newspapers; he therefore moved that forty thousand copies be printed.

The question was taken on Mr. BOON's motion to print forty thousand copies; which was decided in the negative.

The question was then taken on Mr. GILLET's motion to print twenty-five thousand copies; which was decided in the affirmative—yeas 103, nays 72.

RELATIONS WITH FRANCE.

The following message from the President was then read:

To the House of Representatives of the United States:

I transmit to the House of Representatives, in answer to their resolution of the —— of February instant, reports from the Secretary of State and the Secretary of the Treasury, with accompanying documents, relating to the relations between the United States and France. For reasons adverted to by the Secretary of State, the resolutions of the House have not been more fully complied with.

ANDREW JACKSON.

WASHINGTON, *February* 18, 1836.

Mr. MASON, of Virginia, said that as there was, then, no necessity of referring these documents to a committee, he moved that they be laid on the table and printed; which was agreed to.

The CHAIR proceeded to call for reports from standing committees, when

Mr. ADAMS reminded the Chair that the rule required that after the first thirty days of the session, petitions should be called for on the first day of the meeting of the House in each week.

The SPEAKER, on referring to the rule, announced that petitions were in order.

The question pending on the last petition day was a point of order arising on an appeal taken by Mr. VINTON from the decision of the Chair, on the presentation of an abolition petition by Mr. BRIGGS.

Mr. MILLER moved that the question of order be postponed until Monday next.

Mr. VINTON said, that if the motion to postpone should prevail, it would apply only to the solitary case under consideration; for there were many other cases of a similar character that would immediately come up.

Mr. MILLER explained, that his object was that all petitions which might give rise to debate should likewise be postponed; but he hoped the

good feeling of members having abolition petitions would induce them to withhold them.

Mr. WISE, as a southern man, as a slaveholder, did hope the House would act upon the subject of the abolition of slavery, and no longer evade or dodge the subject.

The motion to postpone till Monday next was then agreed to.

PETITIONS, MEMORIALS, ETC.

Petitions and memorials were then presented by Messrs. LAWRENCE, CUSHING, PHILLIPS, BRIGGS, and ADAMS, of Massachusetts.

SLAVERY IN THE DISTRICT.

Mr. ADAMS presented a petition for the abolition of slavery within the District of Columbia, and moved that it be referred to the select committee on that subject.

Mr. W. B. SHEPARD objected to its reception; and moved to postpone the further consideration of the preliminary question on the petition till Monday next.

Mr. ADAMS objected; and

Mr. DAVIS then moved to lay that preliminary motion on the table.

Mr. BRIGGS asked for the yeas and nays; which were ordered.

The hour of one o'clock having arrived,

Mr. CAMBRELENG inquired of the Chair what were the orders of the day?

The CHAIR replied that, by a resolution adopted some days since, the appropriation bills were made the special order of every day, after one hour being devoted to the consideration of the morning business, except on Fridays and Saturdays.

Mr. CAMBRELENG moved that the rules be suspended in order to proceed with the call for petitions and memorials, with the exception of those which would give rise to debate, but subquently withdrew the motion; and

Mr. LYON renewed it in a different form, viz: to suspend the rules for the same purpose, for this day, commencing at the Territories.

Mr. REED moved to amend that motion, so as to proceed in the order already commenced; agreed to—ayes 84, noes 79.

The motion as amended; was then agreed to—ayes 122, noes 38; and the rules were accordingly suspended.

The question then recurring on the motion of Mr. DAVIS, to lay the preliminary motion on the reception of the petition presented by Mr. ADAMS this morning on the table,

Mr. MANN appealed to the gentleman from Indiana to withdraw his motion, so that the vote of the House might be taken on the question of order.

Mr. DAVIS said he could not assent to the request, as he wished to preclude this debate, in order to give members an opportunity of presenting petitions from their constituents.

The question was then taken, and decided in the affirmative, as follows—yeas 120, nays 86:

YEAS—Messrs. Barton, Bean, Beardsley, Beaumont, Bell, Bockee, Boon, Bovee, Boyd, Buchanan, Bunch, Cambreleng, Carter, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Conner, Corwin, Cramer, Cushman, Davis, Deberry, Dickerson, Doubleday, Dunlap, Effner, Fairfield, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Graham, Grantland, Grayson, Hammond, Albert G. Harrison, Hawkins, Haynes, Holsey, Howard, Huntsman, Jabez Jackson, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Klingensmith, Lane, Lansing, Lawler, Thomas Lee, Luke Lea, Leonard, Logan, Loyall, Lyon, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Maury, McComas, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Standefer, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Washington, Webster, Weeks, White, Lewis Williams, Sherrod Williams, and Wise—120.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Banks, Bond, Borden, Briggs, Brown, Bynum, John Calhoon, William B. Calhoun, Campbell, Carr, George Chambers, John Chambers, Childs, Clark, Crane, Cushing, Denny, Dickson, Dromgoole, Evans, Everett, Farlin, Philo C. Fuller, Granger, Grennell, Griffin, Haley, Hiland Hall, Hannegan, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, William Jackson, Janes, Jarvis, Judson, Kennon, Kilgore, Kinnard, Lawrence, Lay, Gideon Lee, Joseph Lee, Lincoln, Love, Abijah Mann, Job Mann, Sampson Mason, May, McKennan, Miller, Milligan, Morris, Parker, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, Potts, Reed, Russell, Schenck, Sloane, Sprague, Storer, Underwood, Vinton, Wardwell, and Whittlesey—86.

Mr. MANN, of New York, moved to reconsider the vote of this day postponing, until Monday next, the appeal from the decision of the Chair, in reference to the abolition petition presented on Monday of last week by Mr. BRIGGS. Mr. M. said, he was induced to make this motion in order that the question might be at once decided, and that the House should not be blocked up with similar questions, thereby excluding the presentation of all petitions of a different character. He thought there was no more appropriate time than the present to decide this question. It was due to the importance of the subject that it should be met and decided promptly; it was due to the country, that it should know what disposition Congress intended to make of this question.

Mr. MILLER said that, having failed in accomplishing his object, in submitting his motion to postpone, he acquiesced in the motion of the gentleman from New York to reconsider, and was in favor of disposing of the question of order at this time.

Mr. WISE rose to make a prediction. When the gentleman from New York made the motion to reconsider, Mr. W. well knew that his appeal would be answered, and he expected that the gentleman from Pennsylvania [Mr. MILLER] would fully concur with the gentleman from New York. He begged the House to look at the fact that, when an appeal came from the *South* on the subject of slavery, it was unheeded—it was unsuccessful. Let it come from the gentleman from New York, and the gentleman from Pennsylvania would be found fully to concur with him.

Mr. BROWN rose to say that, so far as the remark of the honorable gentleman from Virginia [Mr. WISE] had any application, it could not embrace him. He had resisted the motion to postpone, because he wished the question of order settled now. It must be settled soon; for it was impossible the House should remain in its present state any length of time. Why not settle it now as well as next week, or any other time? He saw nothing to be obtained by procrastination. He came from a district which had not troubled the House upon the angry and engrossing question of slavery; and in sitting in silence in his seat for more than two months while the discussions were going on—in avoiding all agitation within their walls, as far as his influence could go, he believed he obeyed their wishes. The last thing he desired to do here was to debate the subject of the abolition of slavery in this District. In maintaining the most studied silence, he believed he obeyed the will of his constituents, as well as the dictates of his own judgment.

When the honorable gentleman from South Carolina [Mr. PINCKNEY] submitted his resolutions, he voted for them in the hope that all future petitions, praying for the abolition of slavery, would go to the select committee of which that honorable gentleman was chairman; and that the business of the House would be permitted to proceed in the usual manner. In what situation did the House find itself now? It was manifest that petitions could not be presented, so long as the question of order remained undetermined, and the right of petition, for the time being, was substantially denied. It was for these reasons he had voted against the motion to postpone; and it was for these reasons he should now vote for the motion of his honorable colleague [Mr. MANN] to reconsider the motion to postpone, with a view to reach the question of order.

Mr. PINCKNEY moved to lay the motion to reconsider on the table; which was negatived—ayes 85, noes not counted.

Mr. LAWLER asked for the yeas and nays on the motion to reconsider; which were not ordered.

The motion to reconsider was then agreed to—ayes 101, noes not counted.

Mr. MILLER withdrew the motion to postpone.

The question then recurred on the question of order, which was as follows: on Monday of last week a petition for the abolition of slavery within the District of Columbia was presented by Mr. BRIGGS, of Massachusetts. Mr. WISE raised the question of its reception. The Chair entertained that motion; and Mr. VINTON took an appeal from the decision of the Chair, on the ground that, by the adoption of the resolution of Mr. PINCKNEY, to refer all petitions heretofore offered, and which should thereafter be presented on that subject, to a select committee, it was not in order to entertain the question of reception.

Mr. SHIELDS asked for the yeas and nays; which were ordered.

The point of order was discussed at length; and the decision of the Chair was sustained by Messrs. LAWLER, CUSHING, WISE, GARLAND of Virginia, and opposed by Messrs. BEARDSLEY, GRENNELL, VANDERPOEL, and MANNING.

Mr. GALBRAITH demanded the previous question; which was seconded by the House—ayes 104, noes 70.

On the question, "Shall the main question be now put?"

Mr. GRANGER asked for the yeas and nays, which were ordered; and the question being taken, was decided in the affirmative—yeas 123, nays 84; as follows:

YEAS—Messrs. Adams, Chilton Allan, Banks, Barton, Bean, Beardsley, Beaumont, Bockee, Boon, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapin, Cleveland, Coffee, Connor, Craig, Cramer, Cushman, Davis, Deberry, Dickerson, Dickson, Doubleday, Dunlap, Effner, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Grantland, Haley, Joseph Hall, Hiland Hall, Hamer, Harper, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Henderson, Heister, Holsey, Howard, Hubley, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Gideon Lee, Joshua Lee, Leonard, Logan, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Roane, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Sprague, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Weeks, and Sherrod Williams—123.

NAYS—Messrs. Heman Allen, Ashley, Bailey, Bell, Bond, Bouldin, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Denny, Dromgoole, Evans, Everett, Forester, James Garland, Rice Garland, Granger, Grayson, Grennell, Griffin, Hammond, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Ingersoll, Jenifer, Henry Johnson, John W. Jones, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Love, Loyall, Lyon, Sampson Mason, Maury, McKay, McKennan, Milligan, Morris, Patton, James A. Pearce, Pettigrew, Peyton, Phillips, Potts, Reed, Rencher, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Towns, Underwood, Vinton, Webster, White, Whittlesey, Lewis Williams, and Wise—84.

So the House determined that "the main question shall be now put."

The main question, which was, "Shall the decision of the Chair stand as the judgment of the House," was then taken, and decided in the negative, as follows—yeas 56, nays 147:

YEAS—Messrs. Bouldin, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, Cushing, Dickson, Dromgoole, Everett, James Garland, Rice Garland, Graham, Grayson, Griffin, Hamer, Hammond, Hardin, Hoar, Holsey, Huntsman, John W. Jones, Kinnard, Lawler, Luke Lea, Loyall, Lyon, Martin, John Y. Mason, Maury, McComas, McKay, McKim, Morgan, Parks, Patton, James A. Pearce, Pettigrew, Phillips, Potts, Reed, Roane, Robertson, William B. Shepard, Shields, Spangler, Standefer, Taliaferro, Waddy Thompson, Towns, White, and Wise—56.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Banks, Barton, Bean, Beardsley, Beaumont, Bockee, Bond, Boon, Bovee, Boyd, Briggs, Brown, Burns, Bynum, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapin, Clark, Cleveland, Coffee, Coles, Conner, Corwin, Craig, Cramer, Crane, Cushman, Davis, Deberry, Denny, Dickerson, Doubleday, Dunlap, Effner, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Granger, Grantland, Grennell, Haley, Joseph Hall, Hiland Hall, Hard, Harper, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Heister, Howard, Howell, Hubley, Huntington, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Leonard, Lincoln, Logan, Love, Abijah Mann, Job Mann, Manning, William Mason, Moses Mason, Sampson Mason, May, McKennan, McKeon, McLene, Miller, Milligan, Montgomery, Moore, Morris, Muhlenberg, Owens, Page, Parker, Patterson, Dutee J. Pearce, Phelps, Pinckney, Rencher,

John Reynolds, Joseph Reynolds, Rogers, Russell, Shenck, Seymour, Augustine H. Shepperd, Shinn, Sickles, Slade, Sloane, Smith, Storer, Taylor, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, Weeks, Whittlesey, Lewis Williams, and Sherrod Williams—147.

So the decision of the Chair was reversed; and the memorial presented by Mr. BRIGGS, which was the subject of the point of order, was thereby referred to the select committee on the subject of slavery within the District of Columbia.

The memorial presented by Mr. ADAMS this day also took the same reference.

Mr. LAWLER sent to the Chair certain instructions, which he desired to go to the same committee, and proposed that they be read, which was objected to; and, after some conversation between the Chair and Mr. LAWLER, as to the right to offer these instructions, the House,

On motion by Mr. McKIM, (at half-past four o'clock,) adjourned.

IN SENATE.

WEDNESDAY, *February* 24, 1836.

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary, transmitting a report from the Secretary of War on the progress of the improvements of Red river; and,

On motion by Mr. NAUDAIN, it was ordered to be printed.

The CHAIR communicated a report from the State Department, on the petition of Janet Taylor, niece and legal representative of Commodore John Paul Jones, made in compliance with a resolution of the Senate of the 1st instant; and,

On motion by Mr. KING, of Georgia, it was ordered to be printed.

Mr. LINN presented the petition of Joseph Roulette; which was referred to the Committee on Private Land Claims.

Mr. BLACK presented the petition of the trustees of the common schools in the State of Mississippi, on the subject of sixteenth sections granted for school purposes; which was referred to the Committee on Public Lands.

Mr. BLACK also presented the petition of sundry inhabitants of several counties of the State of Mississippi, on the subject of alleged frauds under the late Choctaw treaty; which was referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. McKEAN presented the petition of sundry citizens of the State of Ohio, remonstrating against the proposed alteration in the location of the national road between Springfield, in the State of Ohio, and Richmond, in the State of Indiana; which was referred to the Committee on Roads and Canals.

Mr. LINN presented two memorials from the Legislative Council of Michigan; one praying for the establishment of a new Territory west of Lake Michigan, and the other on the subject of internal improvements; which were laid on the table.

Mr. BUCHANAN presented the memorial of sundry importers of linens in the city of Philadelphia, praying that the article denominated in commerce, "browned linens," may be placed on the same footing, with respect to duty, as bleached linens; which was referred to the Committee on Finance.

Mr. TOMLINSON presented the petition of the heirs of John Dennan; which was referred to the Committee on Revolutionary Claims.

REPORTS FROM COMMITTEES.

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, to which had been referred the joint resolution from the House of Representatives to establish certain post routes in Missouri and Arkansas, reported the same with amendments, which were concurred in; and by general consent the resolution was ordered to be engrossed for a third reading.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which had been referred the bills supplementary to the act to authorize the Legislature of the Territory of Florida to open a canal to connect the Apallachicola river and St. Andrews bay, and from Matanzas to Halifax; and the bill to authorize the Pensacola and Perdido Railroad Company to open a canal through the roads of the United States; reported the same with amendments, which were read.

On motion by Mr. TOMLINSON, the Committee on Pensions was discharged from the further consideration of the memorial in behalf of the widow and children of Major Dade, who was killed in the late action with the Indians in Florida, and those who served under him; and the same was referred to the Committee on Military Affairs.

Mr. ROBINSON, from the Committee on Roads and Canals, to which had been referred the bill for the completion of certain roads, and the improvement of certain rivers in Florida, reported the same without amendment.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill for the relief of the legal representatives of Henry Eckford, deceased;

The bill to authorize the Atchafalaya Railroad and Banking Company to locate their road through the territory of the United States;

The bill for the relief of A. B. Ostrander;

The bill for the relief of the heirs of General William Eaton, deceased; and

The bill confirming the title of Milas de la Carrera, and those claiming under him, to a tract of land.

The bill to divide the Green bay land district in Michigan was read a second time, and considered as in Committee of the Whole, and ordered to a third reading.

RESOLUTIONS.

Mr. HENDRICKS submitted the following resolution; which lies over one day for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing, without restriction or limitation, the entry of the public lands after the public sales in forty-acre tracts.

Mr. EWING submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what was the balance of money in the Treasury on the last day to which that balance was ascertained.

NATIONAL DEFENSE.

The Senate then proceeded to the consideration of the unfinished business, being the bill making appropriations for the fortifications of the United States.

Mr. BENTON addressed the Senate in support of the bill, making various explanations in addition to those made yesterday; after which

Mr. PRESTON followed in reply in a speech of considerable length; and after some further remarks from Mr. BENTON,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 24, 1836.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported the following bills; which were read twice and committed:

A bill to establish an arsenal of construction in the State of North Carolina;

A bill for the erection of a national armory on the western waters;

A bill for the purchase of certain rights or inventions of William H. Beall, of North Carolina; and

A bill for the benefit of John H. Hall.

Mr. WARDWELL, from the Committee on Revolutionary Pensions, reported a bill for the relief of John P. Becker; which was read twice and committed.

Mr. W., from the same committee, reported a bill to provide for the payment of certain pensions at Windsor and Danville, in the State of Vermont; which was read twice.

Mr. W. moved that it be ordered to be engrossed and read the third time.

Mr. ALLEN, of Vermont, moved to commit the bill to a Committee of the Whole House.

Messrs. EVERETT and WARDWELL opposed the commitment; and, on motion by the former, the bill was postponed to this day three weeks.

Mr. LAY, from the Committee on Revolutionary Pensions, reported a bill for the relief of John Lent; which was read twice and committed.

NORTH CAROLINA CONTESTED ELECTION.

Mr. BOYD, from the Committee of Elections, made a report in the case of the contested election of the Hon. JAMES GRAHAM, of North Carolina, which he moved to be printed, together with the accompanying documents, and made the special order for Wednesday next.

[The majority of the committee reported adversely to the sitting member, and that Mr. DAVID NEWLAND was entitled to his seat.]

Mr. W. B. SHEPARD moved to postpone the further consideration of the subject until Wednesday three weeks.

Mr. BYNUM remarked that this contested election had been before Congress for nearly four months. If it be a fact, that the present incumbent was not entitled to a seat on this floor, he had been there already a sufficient length of time; and it became them, as an act of justice to the people of that district, and of the State of North Carolina, to see that the contest should be settled as soon as possible, and that the legitimate representative should take his seat. He hoped, therefore, that no time would be lost in deciding on the question, more than was absolutely necessary to ascertain who was entitled to the seat. He thought one week was time enough to come to a correct understanding, and make a just and correct decision on the subject. He hoped the motion to postpone for three weeks, would not prevail.

Mr. CLAIBORNE, of Virginia, felt very little interest, for his own part, as to the time assigned for the investigation of this matter, but he desired that justice should be done to both parties. The gentleman [Mr. BYNUM] had observed that the State of North Carolina, in this particular, had been long enough misrepresented. Mr. C. would inform the gentleman that the committee were divided as to who was entitled to the seat on this occasion, and that a counter-report to the one presented that morning, exhibiting the case in an entirely different way, would be made, as soon as the former should be disposed of. Mr. C.'s anxiety on the present occasion was not to smother this case in any way whatever, but to give a fair and full opportunity to every gentleman disposed to go into it to do so. It then became necessary to print both reports, and the whole of the testimony, upon the construction of some portion of which it was readily and freely admitted that different views must of necessity be taken by different persons. The time first mentioned was, perhaps, too short, for it ought certainly to be long enough to permit the printing of both reports and the whole of the testimony, and to give an opportunity to the members of the House to examine it for themselves, and to compare it with the view taken of it by the different members of the committee.

Mr. A. H. SHEPPERD said, that the present subject was a matter of interest not only to the House, but to the district immediately concerned, and also to the State of North Carolina; and he regretted very much to hear the remarks which fell from his colleague upon this subject. He hoped the House would not enter into any other than the question, which of the candidates were entitled to the seat. There was a motion before the House that the documents be printed, and some days must elapse before the printing could be executed. He thought he understood from the gentleman from Virginia [Mr. CLAIBORNE] that another report was to be presented. Was it not, therefore, right that all this matter should be laid before the House?—and that could not be done hastily. It had been intimated to him that one of the parties in the contested election wanted time to make out the question and prepare the evidence of his being entitled to a seat. Would it not, therefore, be better to make the simple order for printing the documents, and let them have a few days to determine whether it might not be necessary to recommit the subject to hear other testimony? Let the matter be amply, discreetly, and dispassionately considered, and decided by the facts of the case.

Mr. HARDIN thought that all the members

of the House ought to be acquainted with the subject, so as to enable them to decide understandingly. He had cast his eye on the report, and he very much doubted whether it could be printed before next Tuesday or Wednesday; therefore, to take it up at that time would most certainly be too soon. The decision was to be made from an investigation into the laws of North Carolina, of which laws few knew anything but the members from that State; and time must be had to examine those laws after the documents were printed. Gentlemen well knew the trouble and embarrassment experienced in the case of the Moore and Letcher contested election. Although he was intimately acquainted with the laws in that case, he must say that he never met with anything which gave him more embarrassment than to apply those laws. Whether the district was misrepresented or not, he could not determine; but the presumption was, that the gentleman who had obtained a certificate of election was entitled to the seat. Yet there was a probability that he might not be entitled to it. He was satisfied that Wednesday was too short a time, although three weeks might be too long. In relation to having a lawyer come before the House to plead the cause of either of the gentlemen, he must protest against it. He could never consent to have a lawyer come there who was not a member of Congress.

Mr. GRAHAM (the sitting member) presented a written communication to the House, in reference to the subject, which by unanimous consent was read, and ordered to be printed.

Mr. HARD moved to recommit the report to the same committee, with instructions to give time, for the purpose of taking further evidence, until the first day of April next.

The CHAIR remarked that the motion to postpone took precedence; but when it was disposed of, the motion of the gentleman from New York could be entertained.

Mr. BELL said, as he understood the rules, the motion to recommit had precedence of the motion to postpone.

The CHAIR decided that the motion to postpone took precedence.

Mr. BELL then appealed from the decision of the Chair, but subsequently withdrew the appeal.

Mr. BELL said it was of great importance that the rules of the House should be correctly understood. All men of experience must know that important questions were often carried by their having a priority over other questions. It was unfortunate that the question had not been brought up earlier in the session; but he did not mean to enter into the merits of the question now. He had, however, a word or two to say on the subject of its being made the order of the day for this day week. Here was a proposition to make the present question the order of the day for Wednesday next. They had already a standing order to proceed at the hour of one o'clock to the consideration of the appropriation bills; and on yesterday a gentleman from New York [Mr. BEARDSLEY] had said that that resolution had precisely the same effect as the standing rules of the House. That measure was adopted for great and wise considerations. The reasons urged in its favor were that the appropriation bills must be disposed of speedily.

ORDERS OF THE DAY.

The hour of one having arrived, Mr. BELL's remarks were arrested by the annunciation of the special orders of the day.

REPORT OF COMMITTEE OF ELECTIONS.

Mr. BOYD asked the unanimous consent of the House to submit a motion for the printing of the report of the Committee of Elections; which was agreed to, when

Mr. CLAIBORNE, of Virginia, from the minority of the committee, made a counter report; which was also ordered to be printed.

Mr. MANN, of New York, moved to suspend the rules for the purpose of calling the States for tpetitions; which was negatived—yeas 113, nays 58, two thirds being necessary.

EXECUTIVE MESSAGES.

The SPEAKER laid before the House a message from the President of the United States, transmitting a report from the Secretary of War of the progress made in the improvement of the navigation of Red river, &c.; which was referred to the Committee of Ways and Means, and ordered to be printed.

The CHAIR also laid before the House the following communications:

I. A letter from the Secretary of the Treasury, in answer to a resolution of the 13th instant, in relation to the location of two townships of land granted to the State of Louisiana, for the purpose of education; laid on the table and ordered to be printed.

II. A letter from the Secretary of War, in response to a resolution of the 13th instant, respecting the construction of a harbor at New Buffalo, on Lake Michigan; referred to the Committee on Commerce, and ordered to be printed.

NEW YORK RELIEF BILL.

Mr. CAMBRELENG moved that the special order be postponed for the purpose of proceeding with the consideration of the bill for the relief of the sufferers by the fire in the city of New York; which was agreed to—ayes 120, noes 41.

The bill was on its third reading, and the question pending was the motion of

Mr. CHAMBERS, of Kentucky, to strike out the second section of the bill, which is in the following words:

SEC. 2. *And be it further enacted*, That the collector of the port of New York is hereby authorized and directed to extend the payment, in the manner prescribed in the first section of this act, of all other bonds given for duties at the port of New York, prior to the late fire, and not provided for in the first section, as aforesaid, for six, nine, and twelve months, from and after the day of payment specified in the bonds: *Provided, however*, That nothing contained in this act shall extend to bonds which had fallen due before the seventeenth day of December last.

Mr. CAMBRELENG explained that, under this section, about $2,700,000 would be included; that of this amount $2,000,000 have already fallen due; and that the prosecution of these bonds, at this time, would probably cost the Government between one and two hundred thousand dollars; that by extending the interest the Government would gain $80,000 in interest, which would otherwise be lost; for if the money could be collected at once, it would remain in the deposit banks without interest, in addition to the risk of losing a large portion of the principal by attempting to enforce immediate payment of the bonds.

Mr. WILLIAMS, of Kentucky, opposed the section at length, and maintained that the bill provided for the loan of the public money to the merchants in New York and elsewhere to the amount of $2,700,000. One argument of the gentleman he could not assent to the force of, viz: that the public money would remain in the deposit banks without interest. He was opposed to their having the use of any of the public money without paying for it. He again recurred to his argument, that the provisions of the second section were an effectual loan, and said it was very doubtful whether the Government had the constitutional power to loan out the public money in the way proposed. The bill was also objectionable to him in another point of view, by drawing a distinction between those who had lost to the amount of $1,000, and those who had lost less, thereby bestowing its advantages upon those who possessed most, and had been most fortunate, eaving the poor and needy altogether unprovided for. In reply to the gentleman from Ohio, [Mr. STORER,] he denied that the mercantile interest of the West would be benefited by this bill. There was no provision in the bill giving the western merchants any indulgence under it, nor had any pledge been given, or any understanding held out, that they would be indulged by the merchants of New York. He was at a loss to see wherein lay the claims of New York over any other section of country, and yet the bill was exclusively for the relief of that city.

Mr. HOWARD said that, although friendly to the bill, he had refrained from taking any part in the discussion, from an apprehension that the measure of relief might be endangered by consuming too much time in the debate; but he felt that he had a duty to perform towards those whom he had the honor of representing, by expressing very briefly what he believed to be their opinion upon the bill. He hoped, therefore, that the friends of the measure and the House would excuse him for trespassing upon a few moments of their time and patience. It had been said in the course of the debate, and not contradicted, that the meetings which were held in the commercial cities to express public opinion, were the result of management originating in New York. As far as Baltimore was concerned, he undertook to say that the meeting was the spontaneous impulse of sympathy, and that it occurred before the ashes in New York had cooled; and every one knew that the firemen of Philadelphia had hastened with such alacrity to the assistance of their friends, that they aided in the extinguishment of the fire itself. There was another point which had been urged by the gentleman from Kentucky, [Mr. WILLIAMS,] who had just taken his seat, and which was not a new objection, that the prolongation of the credit upon the bonds would be equivalent to a loan of money from the Treasury, and therefore unconstitutional. But how did the case stand? We had $2,700,000 worth of bonds in the hands of the collector, but no money—and it would be difficult to maintain the identity between money and bonds, which might never be paid. Mr. H. said he had heard of a man who, when pressed for payment of a debt, at length gave his bond for it, and then thanked heaven that "that debt was paid." Those who considered the present bill as a loan of money seemed to argue much in the same way. But it was thought unreasonable to indulge those who had not actually lost property by the fire. Those who knew the intimate fiscal connection between classes of merchants in a city, must be aware that the ability of a large portion of them to meet their engagements could not be lessened, without in some degree impairing the power of the rest. They were like bees, when swarming, so close was their dependence upon each other. As to the preference given by this measure to one port over another, he thought the merchants might be safely left to their own protection, without the gratuitous care of others; and it appeared, from their general friendship for this measure of relief, as if it could fairly be considered nothing more than a restoration of New York to that equality which she might otherwise lose by the recent calamity. Mr. H. insisted that the analogy derived from the indulgence heretofore extended to the debtors for public lands, had not been successfully refuted. When gentlemen said that this extension of credit was owing to the reduction of the price of public lands, they forgot dates, for that alteration did not take place until 1820; and from 1809 downwards the statute-book was full of laws, extending the time of payment to those who had purchased public lands on credit. The merchant purchases, either in cash or on time, the privilege of introducing goods for consumption, and when he becomes a debtor to Government ought to be treated with the same indulgence which had heretofore been extended to another and meritorious class of public debtors. Mr. H. said that he thought and hoped the bill would pass, and would not consume any more time in its discussion.

Mr. DUNLAP said, that he did not doubt there were many gentlemen in the House who intended to vote for the bill with the second section in it, who had not given the subject a full examination, and who believed they were only voting relief to those persons indebted to the Government who were injured by the fire in the city of New York. Mr. Speaker, (said he,) if the members of this House will but take the trouble to read the second section, they will find that it gives a credit to all persons who have given bonds for duties on merchandise imported into the city of New York prior to the 17th day of December last. The first section gives a credit of three, four, and five years to all those who have sustained an injury by the fire, and the second section gives a credit of six, nine, and twelve months to all others. Now this would be establishing a principle of giving a credit to persons who had met with no loss, and in fact had been benefited by the fire. Their rival merchants had been burnt out, and all their goods destroyed, and they still had all their goods on hand, and the competition was greatly lessened. They no doubt had advanced the price of their goods, owing to the scar-

city and the demand for them. In what had they been injured, or what reason had been given for this unprecedented section? Not that the Government was likely to lose any part of her debt. But it was said that Congress had heretofore extended relief to purchasers of public lands, and that western gentlemen had not shown the difference between the relief extended to the purchasers of public lands, and the relief granted by the second section of the bill to the merchants of New York. Mr. D. said that when it was looked into it would be found that, prior to April, 1820, the United States had sold, on credit, a large quantity of her lands at very high prices, and that there was due to the Government upwards of twenty millions of dollars under the credit system. Congress changed the system of selling her lands in April, 1820, from a credit to cash sales, and reduced the price to $1.25 per acre.

The desideratum with Congress, in 1821, was, how to save the debt due from the purchases of public lands; and in their wisdom they passed a law authorizing the purchasers to relinquish part of their lands, and apply what had been paid therefor to the payment of the part not relinquished. It was also provided in said act that those who paid the debt due to the United States prior to the thirtieth day of September, 1822, should be allowed a deduction of thirty-seven and a half per cent. on the amount paid. Now, Mr. Speaker, I would ask the friends of this bill to examine one other provision of the bill of 1821, and say if they have the same provision in their bill. I allude particularly to the fifth section. That section provides that those who have laid off towns, part or whole of the lots whereof have been sold, are entitled to the benefits of the act, on condition of a remission of interest and a discount of twenty per cent. to the purchasers of them, with a right to discharge their debts by bond with security, in equal annual payments of four years. Here, Mr. Speaker, was a condition imposed on all those persons who were indebted to the United States for bonds, and who had been benefited by their purchase. No such condition is imposed on the persons who receive the benefit of the second section of this bill. They are not required to give a credit to all persons indebted to them; they have evidently received a benefit from the fire, and sustained no injury.

For what purpose was the relief granted to the purchasers of public lands? To secure the debt. It was known to every person that, at the time of the sale of the public lands, whereby so large a debt had become due to the United States, it was in consequence of the then very high prices of all articles of agriculture. Cotton was selling at from twenty-five to thirty dollars per hundred; and the great amount of paper money put into circulation after the close of the war, when no bank pretended to pay specie, the great facility with which every person could procure accommodations at the bank, had advanced the price of every article of property, and particularly the lands in the southern section of the Union, where they sold at from fifty to one hundred dollars per acre, and greatly over their real value. When the banks broke, money became scarce. All produce raised by the farmer fell in value. Cotton was reduced from thirty to eight or ten dollars per hundred. The Government had received only one fourth of the purchase-money for her lands, and she was in danger of having them forfeited, and there was no hopes of their ever selling for one fourth of what they had sold for. It was a matter of policy, therefore, in the Government to grant the relief she did to the purchasers. She made money by granting the relief.

How was it with persons intended to be relieved by this bill? The first section provided for those who suffered by the fire, and if payment was attempted to be coerced, the Government was in danger of losing its debts; and, as a matter of policy, the credit should be extended on the debts being secured. I have no doubt but that the Government will save money by the relief granted in the first section. Not so as to the persons relieved by the second section. They have sustained no injury, and have not shown that they are, in any respect whatever, unable to pay the United States the money they owe. The only argument I have heard in their favor is, that they reside in a city where property to the value of $15,000,000 has been burnt. It does not follow, as a just conclusion, that they have thereby been injured, and are unable to pay at present, and that the United States would endanger her debt to attempt to collect it. I believe, sir, the argument is much stronger, from the nature of the property burnt, and that owned by the importing merchant, that the persons intended to be benefited by the second section have been benefited by the fire. I shall, therefore, vote to strike out the second section.

Mr. CHAMBERS, of Kentucky, moved a call of the House; which was ordered.

After the call had been proceeded with for some time, on motion of

Mr. ROBERTSON it was dispensed with.

The question was then taken on the motion to strike out the second section, and it was decided in the negative—yeas 89, nays 116; as follows:

YEAS—Messrs. Chilton Allan, Beaumont, Bell, Bond, Boon, Borden, Bouldin, Boyd, Bunch, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chapman, Nathaniel H. Claiborne, Clark, Connor, Craig, Cushman, Davis, Deberry, Denny, Dickson, Dunlap, Effner, Forester, French, Fry, James Garland, Graham, Graves, Grayson, Griffin, Hamer, Hammond, Hannegan, Hardin, Harlan, Samuel S. Harrison, Hawkins, Huntsman, Jenifer, Cave Johnson, Joseph Johnson, John W. Jones, Kinnard, Klingensmith, Lawler, Luke Lea, Logan, Lucas, Job Mann, Martin, Sampson Mason, Maury, May, McComas, McKay, McLene, Morgan, Morris, Patterson, Dutee J. Pearce, James A. Pearce, Franklin Pierce, Peyton, Pickens, Rencher, John Reynolds, Roane, Robertson, William B. Shepard, Augustine H. Shepperd, Shields, Sprague, Standefer, Taliaferro, Thomas, Waddy Thompson, Underwood, Webster, Weeks, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—89.

NAYS—Messrs. Adams, Heman Allen, Bailey, Barton, Bockee, Bovee, Briggs, Brown, Buchanan, Bynum, William B. Calhoun, Cambreleng, Chaney, Chapin, Childs, Cleveland, Coffee, Corwin, Cramer, Crane, Cushing, Dickerson, Doubleday, Evans, Everett, Fairfield, Farlin, Philo C. Fuller, William K. Fuller, Galbraith, Rice Garland, Gillet, Glascock, Granger, Grantland, Grennell, Haley, Hiland Hall, Joseph Hall, Hard, Albert G. Harrison, Hazeltine, Henderson, Heister, Hoar, Holsey, Howard, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, Jabez Jackson, William Jackson, Janes, Jarvis, Henry Johnson, Richard M. Johnson, Judson, Kennon, Kilgore, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, Loyall, Lyon, Abijah Mann, Manning, John Y. Mason, Moses Mason, William Mason, McKennan, McKeon, McKim, Miller, Milligan, Montgomery, Moore, Muhlenberg, Owens, Page, Parker, Parks, Pettigrew, Phelps, Phillips, Pinckney, Potts, Reed, Joseph Reynolds, Russell, Schenck, Seymour, Shinn, Sloane, Smith, Spangler, Storer, Sutherland, Taylor, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Vinton, Ward, and Wardwell—116.

Mr. WILLIAMS then offered the following proviso:

Provided, That the indulgence authorized under the provisions of this bill shall in no case be given without other and sufficient security be given, when in the opinion of the collector it shall be necessary to secure the sum due by the person or persons who ask indulgence.

Mr. CAMBRELENG suggested that the bill already provided for the object proposed by the gentleman from Kentucky.

Mr. WILLIAMS remarked that the language of the bill did not seem to embrace his provision.

The amendment was negatived without a count.

Mr. BRIGGS then moved the following proviso to the second section:

Provided also, That if, in the opinion of the collector aforesaid, any of the bonds which may be given under this act, payment of which may be postponed, shall at any time be insecure, it shall be the duty of the said collector to require such additional security as shall be satisfactory to him; and on failure of such additional security being furnished, the payment thereof shall be enforced forthwith.

Which was agreed to.

The question then recurring on engrossing the amendments agreed to, and ordering the bill to be read the third time,

Mr. JOHNSON, of Virginia, asked for the yeas and nays; which were ordered; and the question being then taken, resulted—yeas 125, nays 84; as follows:

YEAS—Messrs. Adams, Heman Allen, Bailey, Banks, Barton, Beardsley, Bockee, Bovee, Briggs, Brown, Buchanan, Bynum, William B. Calhoun, Cambreleng, Chaney, Chapin, Childs, Clark, Cleveland, Coffee, Corwin, Cramer, Crane, Cushing, Dickerson, Doubleday, Effner, Evans, Fairfield, Farlin, Philo C. Fuller, William K. Fuller, Galbraith, Rice Garland, Gillet, Glascock, Granger, Grantland, Grennell, Haley, Joseph Hall, Hard, Harper, Haynes, Hazeltine, Henderson, Heister, Hoar, Holsey, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Richard M. Johnson, Cave Johnson, Henry Johnson, Judson, Kilgore, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, Loyall, Lyon, Abijah Mann, Manning, William Mason, Moses Mason, Sampson Mason, Maury, McKennan, McKeon, McKim, Miller, Milligan, Moore, Muhlenberg, Owens, Page, Parker, Parks, Patterson, James A. Pearce, Pettigrew, Phelps, Phillips, Pinckney, Potts, Reed, Joseph Reynolds, Rogers, Russell, Schenck, Seymour, Shinn, Sickles, Sloane, Smith, Spangler, Storer, Sutherland, Taylor, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Vinton, Ward, Wardwell, and Washington—125.

NAYS—Messrs. Chilton Allan, Bean, Beaumont, Bell, Bond, Boon, Borden, Boyd, Bunch, John Calhoon, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chapman, Nathaniel H. Claiborne, Coles, Connor, Craig, Cushman, Davis, Deberry, Denny, Dickson, Dromgoole, Dunlap, Everett, French, Fry, James Garland, Graham, Graves, Grayson, Griffin, Hiland Hall, Hamer, Hammond, Hannegan, Hardin, Harlan, Albert G. Harrison, Hawkins, Jenifer, Joseph Johnson, John W. Jones, Kinnard, Klingensmith, Lawler, Luke Lea, Logan, Lucas, Job Mann, Martin, John Y. Mason, May, McComas, McLene, Montgomery, Morgan, Morris, Dutee J. Pearce, Franklin Pierce, Peyton, Rencher, John Reynolds, Roane, Robertson, Augustine H. Shepperd, Shields, Sprague, Standefer, Taliaferro, Thomas, Waddy Thompson, Underwood, Webster, Weeks, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—84.

So the bill was ordered to a third reading.

BANK OF THE UNITED STATES.

Mr. CAMBRELENG moved that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up and considering certain bills relating to the Bank of the United States.

Mr. C. explained that the Committee of Ways and Means had unanimously instructed him to make the motion, and it was indispensable that the bills in question should be acted upon before the 3d of March.

The motion was negatived, and the House then adjourned.

IN SENATE.

THURSDAY, *February* 25, 1836.

The CHAIR communicated a report from the Treasury Department, made in pursuance of the resolution of the Senate of the 19th instant, showing the construction placed by the Department on the act of May, 1830, granting preëmption rights to actual settlers on the public lands, with regard to assignments of preëmption rights; and,

On motion by Mr. EWING, of Ohio, it was referred to the Committee on Public Lands, and ordered to be printed.

Mr. EWING, of Illinois, presented the petition of a number of citizens of Illinois, praying for the establishment of a new post route.

Mr. BLACK presented the resolutions of the Legislature of Mississippi in relation to alleged frauds practiced under the provisions of the treaty of Dancing Rabbit Creek for Indian reservations; which, with the documentary testimony accompanying the same, was referred to the Committee on Public Lands, and ordered to be printed.

Mr. GRUNDY presented the petition of George F. Strother, late receiver of public moneys in the State of Missouri, praying, for reasons therein stated, that a judgment obtained against him by the United States may be reopened; which was referred to the Committee on the Judiciary.

Mr. TIPTON presented the petition of the widow of James Leomaster, praying compensation for supplies with which a number of volunteer mounted rangers were furnished by her husband; which was referred to the Committee on Claims.

Mr. WEBSTER, from the Committee on Finance, reported the bill authorizing the Secretary of the Treasury to compromise the claims of the United States on certain banks; and the bill to authorize Daniel Tyler to import an iron canal passage boat, in detached parts, with the necessary machinery, tools, and working utensils, free from duty, severally, without amendment.

On motion by Mr. WEBSTER, the Committee on Finance was discharged from the further consideration of the petition from sundry merchants of Philadelphia on the subject of the duty on linens; and the same was referred to the Committee on Manufactures.

Mr. ROBBINS, on leave, introduced a joint resolution, providing for the purchase of three hundred copies of the History of Congress, compiled by Carey, Lea & Blanchard; which was read the first time, and on the question, "Shall this resolution be read a second time?"

Mr. BENTON wished to know if this was the history of the panic session; and if this was the

Carey and Lea who had figured so largely in the printing of that session? If it was, he thought they had had enough of it. He hoped they might have a specimen number of it laid on their tables, that they might examine it before any action was had upon it, and that the resolution might in the mean time lie on the table.

Mr. PORTER had not known who the authors were, and thought it was not necessary to know. All books ought to be judged of by their merits, without regard to the authors. He was in favor of the motion to lay the resolution on the table, until they could see a specimen number of the work.

RESOLUTION.

Mr. LINN submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of amending the act entitled "An act laying off a town on Bean river, in the State of Illinois, and for other purposes," so as to extend the privileges granted by this act to the citizens of the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Bellvue, Du Bogue, and Peru, in the county of Du Bogue, and Territory of Michigan.

BILLS PASSED.

The following bills were severally read the third time, and passed:

The bill for the relief of William Hogan, administrator of Michael Hogan, deceased;

The bill to divide the Green Bay land district in Michigan, and for other purposes; and

The joint resolution for the establishment of certain post routes in Missouri and Arkansas.

RESOLUTIONS AGREED TO.

The resolutions lying on the table, submitted by Messrs. BENTON, LINN and HENDRICKS, were severally considered and adopted.

FORTIFICATION ON LAKE CHAMPLAIN.

The resolution submitted by Mr. SWIFT, directing the Secretary of War to cause a survey to be made of a site for a fortification on Lake Champlain, was considered.

Mr. PRESTON thought this resolution ought to be referred to one of the committees. It necessarily involved the expenditure of a considerable sum of money. He would, therefore, move that it be referred to the Committee on Military Affairs.

Mr. SWIFT said, that at a former period this survey had been ordered, and for want of being able to procure a competent engineer to make the survey at the time, it had necessarily been delayed. He had, however, no objection to the reference.

The resolution was then referred to the Committee on Military Affairs.

FORTIFICATION BILL.

The Senate took up the fortification bill, reported by the Committee on Military Affairs, as the unfinished business of yesterday.

Mr. PRESTON addressed the Senate in continuation of his remarks begun yesterday, and ended by moving to strike out the appropriation for the fortification in Kennebeck, which he said was to try the sense of the Senate as to the extent of appropriations for fortifications of a certain class.

Mr. CLAY suggested the laying the bill on the table, and the printing the tabular statements referred to by the chairman of the Military Committee, [Mr. BENTON,] and the gentleman from South Carolina, [Mr. PRESTON.] He thought it desirable that every Senator should be possessed of the whole of this valuable and useful information contained in these statements, before giving his vote. He would not, however, make any motion if any gentleman wished to go on with the debate.

Mr. PRESTON concurred with the Senator from Kentucky, as to the importance of having the tables printed; and if no gentleman wished to go on with the debate, he would move to lay the bill on the table until the printing could be executed. The motion he had made to strike out certain fortifications was not to limit the debate, but merely to test a principle.

Mr. BENTON observed that the statement used in his argument was an abstract made by himself of the more enlarged and general statements of the engineer department. An abstract, however, had come in that morning, containing all the information embodied in the larger statements, and it could be printed so as to be on the tables of members by twelve o'clock to-morrow. He saw no reason why the debate could not go on.

Mr. SHEPLEY then addressed the Senate in a speech of some length, in opposition to Mr. PRESTON'S amendment, showing the exposed state of Maine to hostile attacks, the importance of her commercial and navigating interests, and the necessity of affording them adequate protection.

Mr. BENTON (after Mr. SHEPLEY had concluded) said that if it was the pleasure of the Senate to order the printing of the papers, he had ascertained that the printing could be done by Monday next.

The bill was then laid on the table.

Mr. BENTON gave notice that he should call it up the first thing after the transaction of the morning's business on Monday.

After the consideration of executive business, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 25, 1836.

The House resumed the unfinished business of the morning hour of yesterday, being the subject of the contested election from North Carolina.

Mr. BOYD having moved to make the report of the Committee on Elections the special order for Wednesday next; and,

Mr. W. B. SHEPARD having proposed to extend the time to three weeks,

Mr. HARD moved to recommit the report to the same committee, with instructions to give time, for the purpose of taking further evidence, until the 1st of April next.

The SPEAKER decided that the motion to postpone the report had precedence of the one to recommit.

Mr. BELL resumed the remarks which he commenced yesterday. When he rose yesterday, he did not rise to argue the propriety of negativing the motion of the gentleman from Kentucky, [Mr. BOYD;] he left that part of the question to other gentlemen. His main object was to make a question for the decision of the House, which he considered of the greatest importance. He alluded to the resolution making the appropriation bills the special order of the day. When the gentleman from New York [Mr. CAMBRELENG] moved to make the New York fire bill the order of the day for a certain day, he must say that although he was favorable to the speedy passage of that bill, still, had he been in his place at that time, he must have objected to its being made the special order. He would have felt it his duty to object to it, as he now felt it his duty to object to making this contested election the order of the day for Wednesday next, because he believed it to be a violation of the rules and orders of the House. On the 27th of January last, the House came to the resolution that each succeeding day, except Friday and Saturday, should be set apart for the consideration of the appropriation bills. That resolution was adopted by a vote of two thirds, and he yielded respectfully, though reluctantly, to the decision of the House. When the subject of another resolution was under consideration, the right construction was put upon that resolution, which was, that it was precisely the same as the rules of the House. Although that was the right construction, he begged leave to show that that was not the construction put upon them by the House; they considered them in the light of standing orders of the House, for the execution of which any one member was entitled to call for. By that construction the orders might be changed as often as gentlemen thought proper. He thought he could demonstrate this. After one hour should have elapsed, a motion might be made that the House proceed to the order of the day; and the question shall be put, "Will the House proceed to the orders of the day?" What then were the orders of the day? It was to take up the business on the Speaker's table and dispose of it; bills from the Senate were to be read; engrossed bills read; executive communications presented. Then you arrive at the special order. If any business was made the special order, it was of course the understanding that it was to be after the morning hour. It was the order of the day from that hour. When the hour arrived, it was the practice of the Chair, heretofore, to put the question, "Will the House proceed to the orders of the day?" This was in compliance with the 43d rule of the House. But with regard to the resolution of the 27th of January, the Speaker had felt it his duty not to inquire of the House, whether it would go to the special order, but had said that the hour had arrived for proceeding to the special order of the day. This makes it a special order, which the Speaker feels bound to obey. If that was conceded, any member might rise in his place, and call for the execution of that order, and the Chair would be out of order not to execute it. It was the standing order by the construction placed upon it by the Chair itself. He had submitted to the decision of the Chair, but, as he had said before, reluctantly. We know that a resolution pending of great interest to the country was cut off by the operation of it; and on a late occasion, the Chair was under the necessity of asking the consent of the House to proceed to put some bills lying on the Speaker's table to a third reading; that had to be done from the necessity of the case. The House found that it had passed a resolution which would cut off its ordinary business. Well, on the first day that this was done, there happened to come up a bill in relation to executive patronage, which excited considerable discussion, and consumed the whole of the day. On the next morning the Chair did not ask the consent of the House, but announced the orders of the day. A gentleman from Ohio asked the unanimous consent of the House to have those bills read and disposed of which would not excite debate; which was agreed to. Mr. B. said, he had gone into the explanation to show, by the construction given the resolution by the Chair and the House, that the orders could not be set aside but by unanimous consent; however, he did not mean to interpose his veto. Whatever might have been the motives of gentlemen for adopting the resolution, he would not pretend to say; but he called upon them to look at their Journal, and see the inconsistencies and contradictory orders with which it was filled. Did any gentleman know, when he arrived at the House in the morning, what business would be taken up? The gentleman from New York, [Mr. CAMBRELENG,] on yesterday, instead of calling on the House to proceed to the consideration of the appropriation bills, intimated that he desired the House to take up another subject. Again, a motion was pending to make the North Carolina contested election the special order for Wednesday next. That motion came from one of the majority in the House, with whom would rest the responsibility of the measure.

Mr. CAMBRELENG rose to make a brief explanation. After the New York fire bill had been ordered to a third reading, he had asked the House to go into Committee of the Whole on bills which he did not think would have occupied more than five minutes' time. He would say, however, for the future, that he would relinquish all other measures for the purpose of getting through with the appropriation bills.

Mr. BELL was glad to hear the annunciation. Then we should not make the question of the contested election the order of the day for Wednesday next. But he wished to make a further appeal to the House. It had been seen that the order of the 27th January was unnecessary. Gentlemen had seen that of the twenty days which had expired since that order took effect, not one half of the time had been appropriated to the consideration of the appropriation bills. He hoped the House would do the justice to rescind that order, and then, if they chose to make the question of the North Carolina contested election the special order of the day for a day certain, he would agree to it. He called upon the honorable gentleman from Virginia, [Mr. MASON,] who had introduced that resolution, and had enforced its passage by an appeal to the message of the President, to unite with him in his efforts to unshackle the freedom of debate; he called upon him in the spirit of liberality to give him his aid. The

House had shown, by its votes since, that there was no necessity for that measure. He hoped gentlemen would not think that he had any party interest in view in this matter. He appealed to the liberality, to the patriotism, and to the candor of gentlemen, since it had been demonstrated that the measure was no longer necessary, and when the pressing occasion which had brought it forward had passed, to rescind the resolution. Did gentlemen fear that the appropriation bills would not be taken up? He conceived there would be no opposition to taking them up. There never had been any opposition to taking up those bills, whenever the motion to take them up came from the proper quarter—he meant the chairman of the Committee of Ways and Means. He remembered no case of objection being made, except on one occasion, and that Mr. B. had made himself, for the purpose of amending the rules and orders of the House, which he conceived to be of the utmost importance in any deliberative body. If any other opposition had been made to taking up those bills, he had no recollection of it; and he undertook further to say, that no opposition would be made. He had always yielded to the regularly constituted organs of the Government, and he believed, if the gentleman from New York [Mr. CAMBRELENG] should move to take up the appropriation bills, he could venture to predict that he would meet with no opposition. Then would gentlemen not repeal the resolution he had spoken of? If it was not repealed, the effect would be that any one member might call for the execution of it.

As to the North Carolina contested-election question, he left it to others to say whether it should be made the order of the day for Wednesday or not.

Mr. WILLIAMS, of North Carolina, said that it might be necessary to recommit the subject to a committee, and he believed the general course to be, to lay the subject on the table until the report and documents could be printed. He thought there would be no opposition to laying the subject on the table. It could then be taken up at any time, and acted upon during the morning hour. He moved to lay the subject on the table, but subsequently withdrew it.

Mr. MASON, of Virginia, said, that the remarks which he felt himself called upon to make had no necessary connection with the subject before the House. The gentleman from Tennessee [Mr. BELL] had made allusion not only to the resolution which he had the honor to submit to the House, but had alluded to Mr. M. personally, which made it necessary for him to reply. He did not think at the time that he introduced the resolution, nor did he think now, that the resolution had the effect the gentleman described. He could not conceive how the resolution tended to disturb or cut off debate. It would be remembered by the House, that when that resolution was brought before it, our foreign relations were on a very different footing from what they were at present. He agreed with the gentleman from Tennessee, [Mr. BELL,] that the reasons urged in its favor had, in a great measure, disappeared. We had at that time no indications of the mediation of Great Britain, nor of the happy effect produced by the President's message on the councils of France. The committee were of opinion at that time that immediate action was necessary on the appropriation bills. The gentleman from Tennessee was right in supposing that the time had passed by when any extraordinary appropriations would be necessary; but Mr. M. must be permitted to say that the ordinary appropriation bills did require speedy action. Some of the appropriations were already needed, and the public service must suffer until the appropriation bills were passed. There were ships of war now which could not be manned until some of those bills pass. It was a matter of vast importance that those bills should be speedily passed; and he thought the resolution adopted by the Committee on Foreign Affairs was well calculated to effect the object. It was true that we had made but little progress; but, without meaning to cast reproach anywhere, he appealed to the gentleman from Tennessee to say whether the protracted discussion on the Navy bill had not sprung from the motion made by the gentleman himself? It was time that the appropriation bills were disposed of. Let the appropriation bills be disposed of speedily, but with all the examination gentlemen may wish to give them, and with all the freedom of discussion asked for; and then he would be willing to rescind that resolution, unless an unlooked-for state of things should occur.

Mr. BELL said he saw already what was to be looked for. The public service was suffering, and that was to be the argument until the appropriation bills were passed. He called upon the gentleman from Virginia [Mr. MASON] to say whether the House had not, instead of going into the consideration of those bills, gone to other business which had taken days to discuss?

Mr. MASON said he was not responsible for the acts of other gentlemen. On one occasion he had made the motion to suspend the rule, for the purpose of receiving petitions; and, as the operations of the Treasury Department had experienced considerable embarrassment in consequence of the fire in New York, he had concurred with the gentleman from New York [Mr. CAMBRELENG] in his efforts to get that bill through the House. He had, however, always been anxious, and was still anxious, to have the appropriation bills disposed of.

Mr. MANN, of New York, said, for the purpose of disposing of this question, and, at the suggestion of several gentlemen near him, that it might be approached at some convenient time, if in order, he should move that it be postponed till Tuesday week, with a view of giving longer time than had been proposed on the one side, and shorter than had been asked for on the other. He would prefer that to laying it on the table, for the question was an important one to the State interested, and ought to be settled speedily. It usually happened, that cases of this kind were postponed to a remote period, or till nearly the termination of the session before they were definitively acted on; but he hoped that course would not be followed in future. He knew nothing of the present case, and had scarcely heard one word on the subject. He understood, however, that the report and documents were not very voluminous.

It was a matter of deep regret (said Mr. M.) to many gentlemen there, that the knowledge of the rules and proceedings of the House possessed by the honorable gentleman from Tennessee [Mr. BELL] should be the cause of giving him so much affliction—an affliction which seemed to press upon him daily, hourly, and continually, and which broke out sometimes to the affliction of the gentleman's own friends. Why, Mr. M. had been an observer of the proceedings there, under different administrations of the Chair, since he had had the honor of a seat there, and he had always observed that the first and regular business in order on that floor was to ask the unanimous consent of the House to make a motion to suspend the rules. That, he thought, was always business in order. As to the remedy to be applied with regard to the various subjects that came before them, he had heard none suggested by the gentleman from Tennessee, notwithstanding his great erudition in the rules and orders and course of proceedings of that House.

That gentleman had seen fit to complain, in no very measured terms, of the decisions of the present Chair in reference to the execution of the special order of the House—a decision, the gentleman informed them, not in accordance with the practice of the House when the gentleman himself had a seat in that chair. Now, so far as the correct proceeding might be concerned, Mr. M. would not profess to be qualified to decide between the various gentlemen who had occupied that chair, and who had found it necessary to give a construction to the various orders of the House in regard to their own proceeding. He only knew this, that so far as his own observation extended during the present session, comparing it with the two preceding sessions, he had not found greater or more confusion in the order of business now than heretofore. He was not, therefore, to attribute what confusion had arisen to the decisions of the Chair. Those decisions had been usually in accordance with the express orders of the House.

The gentleman from Tennessee said, that when the House had made an express special order, it became the duty of the Chair first to take up certain business on the Speaker's table before that special order was executed, If so, then there would be very little use in making a special order at all.

Mr. CRAIG rose to a point of order, on the ground that the gentleman's remarks were not pertinent to the question before the House.

The CHAIR was of opinion that the debate was taking too wide a range. It was understood, however, to be the object of the gentleman from Tennessee, and other gentlemen, to show that the House should or should not make this special order, because there were other special orders, and any reason why the House should or should not adopt any special order would be in order.

Mr. MANN expressed his obligations to his friend from Virginia [Mr. CRAIG] for admonishing him that they were debating a very different question, and he would endeavor to conform himself somewhat to it. He was only replying to the remarks of the gentleman from Tennessee, who, while he was complaining of want of order in the proceedings of the House, was, as Mr. M. considered, at the time as widely out of order as anything that could be found upon the records and Journals of either that or the former session of the House. That being so, with the admonition of his friend from Virginia, he would resume his seat.

Mr. WILLIAMS, of North Carolina, moved to lay the whole subject on the table.

Mr. BOYD asked for the yeas and nays; which were ordered.

Mr. ADAMS hoped the gentleman from North Carolina would withdraw the motion, as the sitting member had asked for more time to take further testimony; and it was therefore necessary to appoint some definite time for the consideration of the report.

Mr. MERCER hoped the call for the yeas and nays would be withdrawn, as about half the time of the session was consumed in taking them.

Mr. WILLIAMS then withdrew his motion to lay on the table.

Mr. BELL denied that he had spoken disrespectfully of the Chair; and as the gentleman from New York [Mr. MANN] had thrown no new light upon the subject, Mr. B. must say that what had fallen from the gentleman was impertinent.

Mr. MANN said he might have misunderstood the gentleman. He did not understand him to speak disrespectfully of the Chair, or in a spirit of complaint towards the Chair, but only in a spirit of complaint of the decisions of the Chair in regard to the order of business. If it was "impertinent" to speak of the gentleman's complaint, then, surely, the gentleman himself must have been "impertinent" in making the complaint of those decisions.

The CHAIR pronounced the motion of the gentleman from New York, to postpone until Tuesday week, not to be then in order.

Mr. BOYD said he was willing to accept it as a modification of his own motion.

The CHAIR informed the gentleman that he could not do it without an order of instruction from the Committee on Elections, the original motion being so made to the House.

Mr. W. B. SHEPARD then withdrew his motion to postpone till Wednesday three weeks.

The CHAIR announced the orders of the day, the hour of one o'clock having arrived.

Mr. McKAY moved to suspend the rules, in order to proceed with the consideration of the report before the House, and modified it for one hour, at the suggestion of Mr. CAMBRELENG, but the motion was lost without a count; and the House proceeded to the

ORDERS OF THE DAY.

The SPEAKER laid before the House the following communications:

I. A letter from the Secretary of the Treasury, correcting a material clerical error in the tabular statements of expenditures from 1816 to 1834, heretofore transmitted to the House in answer to a resolution of the 31st of December last; which was laid on the table and ordered to be printed.

II. A letter from the Secretary of War, transmitting a list of the clerks in the War Depart-

ment for the year 1835; which was laid on the table and ordered to be printed.

III. A letter from the Secretary of War, transmitting a report from the Commissioner of Pensions, pursuant to a resolution of the 17th December; which was laid on the table and ordered to be printed.

SENATE BILLS READ.

The following bills from the Senate were, by consent, read twice and committed:

A bill to divide the Green Bay land district, in Michigan Territory, and for other purposes;

A bill to improve the navigation of the Wabash river;

A bill to confirm the title of the heirs of M. de la Carrera to a tract of land;

A bill for the relief of the heirs of General William Eaton;

A bill for the relief of A. D. Ostrander;

A bill to authorize the Atchafalaya Railroad and Banking Company to locate a road through the public lands;

A bill for the relief of the heirs and legal representatives of Henry Eckford, deceased; and

A bill for the relief of William Hogan, administrator of Michael Hogan, deceased.

LIMITATION OF THE TERM OF OFFICE.

Mr. PATTON moved that the House proceed to dispose of the bill on the Speaker's table from the Senate, repealing the first and second sections of the act to limit the term of office of certain officers therein named, and for other purposes.

Mr. P. asked for the yeas and nays; which were ordered; and the question on taking up the bill was decided in the affirmative—yeas 104, nays 104, the Speaker voting in the affirmative, making the yeas 105.

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Banks, Barton, Bell, Boon, Borden, Boutdin, Briggs, Bunch, Bond, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Deberry, Denny, Dickerson, Dickson, Dunlap, Evans, Everett, Forester, French, Philo C. Fuller, Rice Garland, Graham, Granger, Grennell, Griffin, Hiland Hall, Hammond, Hard, Hardin, Harlan, Harper, Albert G. Harrison, Hazeltine, Heister, Hoar, Howard, Howell, Huntsman, Ingersoll, Janes, Jenifer, Richard M. Johnson, Cave Johnson, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Love, Lyon, John Y. Mason, Sampson Mason, Maury, McCarty, McComas, McKay, McKennan, McKim, McLene, Mercer, Milligan, Morris, Parker, Patton, James A. Pearce, Pettigrew, Peyton, Phelps, Phillips, Pickens, Reed, Rencher, Robertson, Russell, Augustine H. Shepperd, Shields, Sloane, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—104.

NAYS—Messrs. Ash, Bean, Beardsley, Beaumont, Bockee, Bovee, Boyd, Brown, Buchanan, Burns, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Effner, Fairfield, Farlin, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Hawkins, Haynes, Holsey, Hubley, Ingham, William Jackson, Jabez Jackson, Jarvis, Joseph Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McKeon, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, John Reynolds, Joseph Reynolds, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Sprague, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, and Weeks—104.

Mr. PATTON remarked, that in moving to adjourn when the subject was last before the House, his object was not so much to address the House, as to arrest what he considered an irrelevant discussion upon a simple question of commitment—a question not involving the merits of the bill, nor the consistency or inconsistency of parties or men heretofore. In order, however, that his motives and views might not be misunderstood, he would remark, that he entertained strong prepossessions against this bill.

The CHAIR reminded the gentleman that the merits of the bill could not be discussed upon the pending motions; and that the range which the debate had taken on a former day would not be further permitted.

Mr. PATTON resumed: He did not intend to discuss the merits of the bill at this time. He had merely desired to say that his prepossessions were against the bill, which might be changed by circumstances. He had a few words to say in reference to what committee the subject ought to be referred. In doing this, it was necessary that he should advert to the character of the bill. It was a measure of vast magnitude, involving serious and important fundamental principles. It involved not only the question of constitutionality, but the expediency, of the power of removal from office by the President of the United States—questions which had excited and agitated the country as much as any others which had ever been brought before it. It was a bill which ought to receive the most solemn, deliberate, and thorough examination possible. Could it be so well examined by a committee which had already before it a vast burden of important business, as by a select committee raised for the special purpose? There could be but one response to the inquiry. Supposing everything else out of the way, was there anything appropriate or apposite in referring this subject to the Committee on the Judiciary? It was absolutely amazing to hear gentlemen contend, as had been done there, that this subject came within the functions of the Judiciary Committee by the express terms of the rule. If the ground assumed should be sustained, that committee would draw within the vortex of its duties nine tenths of the business which came before the House. Without desiring to detract in the least from the eulogiums which had been made upon the Committee on the Judiciary for their intelligence and legal attainments, he denied that there was anything in the character of the committee or the materials of which it was composed which befitted them more than others to examine this question of constitutional law, or any other question. The subject was one which, from its broad character, did not peculiarly belong to any committee of the House. There was a special reason for not sending it to the Judiciary Committee, which, he repeated, was burdened with a mass of business greater than any other committee of the House, and could not, consequently, act on the subject as speedily as a select committee. It was desirable that the question should be disposed of one way or the other, in order that the country might decide upon the course of the Senate and this branch of Congress. He should, therefore, vote to commit the bill to a select committee, not only as an appropriate reference, but with the view of insuring a speedy examination of the important subjects connected with it.

Mr. DROMGOOLE moved to commit the bill to the Committee of the Whole on the state of the Union. There could be nothing gained by referring the bill to a select committee. A report from such a committee, one way or another, was a matter of no consequence. By the adoption of his motion, an opportunity would be afforded to discuss the subject in the most free and ample manner. It ought to be so discussed. It was in this mode that gentlemen of all parties, and of no party, (if any such there were,) would have every facility for a full discussion.

The question was then taken on the last motion; and decided in the affirmative, without a count.

So the bill was committed to the Committee of the Whole on the state of the Union.

NEW YORK RELIEF BILL.

On motion by Mr. CAMBRELENG, the House then took up, for a third reading, the engrossed bill from the Senate, as amended by the House, for the relief of the sufferers by the fire in the city of New York.

Mr. PEARCE, of Rhode Island, addressed the House, at great length, in opposition to the whole bill, and reviewed the various arguments and precedents that had been urged and adduced in its support.

Before Mr. P. had concluded, he gave way to Mr. JOHNSON, of Virginia, on whose motion the House adjourned.

IN SENATE.

FRIDAY, *February* 26, 1836.

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary, transmitting a report from the Secretary of State, complying, as far as practicable, with the resolution of the Senate of the 16th instant, asking information as to the number of claims under the French treaty which have been rejected by the Board of Commissioners, with the reasons for such rejection; and, on motion by Mr. GRUNDY, it was ordered to be printed.

The CHAIR communicated a report from the War Department, containing a list of the clerks employed in that Department, with the compensation paid to each, for the year 1830.

On motion by Mr. WHITE, leave was granted to Lieutenant Colonel Erwin, to withdraw his petition and papers.

RESOLUTIONS.

Mr. LINN submitted the following resolutions; which were considered and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of making an appropriation for extinguishing the Indian titles to lands in the vicinity of Green Bay, to those north of the Wisconsin, and the reservation on the Iowa river, in the county of Des Moines, all in the Territory of Michigan; also, that the Secretary of War be instructed to furnish to Congress any information in the War Department touching these subjects; also, that the Secretary of War be instructed to report to the Senate any information in the War Department, showing the number of the Winnebago Indians now living on lands ceded to the United States in that part of the Territory of Michigan between Lake Michigan and the Mississippi river, the expediency of their removal to the country provided for them west of that river, the best mode of effecting it, and the probable cost.

Mr. EWING, of Illinois, submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry at the towns of Chicago and Alton, in the State of Illinois.

REPORT FROM A COMMITTEE.

Mr. DAVIS, from the Committee on Commerce, to whom the petition on the subject had been referred, reported a bill for the relief of Joshua Hatten and others, and the owner, officers, and crew of the schooner Joseph; which was read and referred to a second reading.

CUMBERLAND ROAD.

On motion by Mr. HENDRICKS, the bill for the continuation of the Cumberland road in Ohio, Indiana, Illinois, and Missouri was taken up; and, after some remarks from Messrs. CLAY and TIPTON,

Mr. CLAY moved to amend the bill by reducing the appropriations to the amount made in the bill of the last session. The amendment reduces the appropriation from $670,000 to $300,000.

This motion was supported by Messrs. CLAY, CRITTENDEN, and DAVIS, and opposed by Messrs. TIPTON, HENDRICKS, ROBINSON, EWING, BUCHANAN, LINN, BENTON, and NILES; but, before taking any question,

The Senate adjourned over to Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 26, 1836.

Mr. EVERETT, (by consent,) from the Committee on Indian Affairs, reported a bill to extend the western boundary of the State of Missouri to the Missouri river; which was read twice, and its further consideration postponed until Tuesday week.

Mr. WHITTLESEY moved to suspend the rules, for the purpose of enabling the standing committees to report; which was negatived—ayes 75, noes 48, two thirds being necessary.

Mr. LANE moved to suspend the rules for one hour, for the purpose of calling the States for petitions; which was negatived without a count.

NORTH CAROLINA CONTESTED ELECTION.

The House resumed the consideration of the report of the Committee of Elections on the contested election from North Carolina.

The SPEAKER stated the question to be, first, on making the report the special order for Wednesday next, the motion of Mr. W. B. SHEPARD being understood by the Chair to have been withdrawn.

Mr. SHEPARD reminded the Chair that he had not withdrawn his motion, although he had intimated an intention of so doing.

The CHAIR said that the Journal so stated; and it was also his own impression that the gentleman had withdrawn his motion. The Journal could, however, be corrected.

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, MARCH 14, 1836. VOLUME 3....No. 14.

Mr. W. B. SHEPARD said, when he made the motion to postpone the subject for three weeks, he did so because the Chair was about to put the question on the motion of the gentleman from Kentucky, [Mr. BOYD,] to make it the order of the day for Wednesday next. He felt sensible that it was impossible in that short space of time for gentlemen to give the documents that careful examination which they required to come to a correct decision. Every gentleman must be familiar with the difficulty of examining into such a matter. He had, however, since learned from his colleague, the sitting member, that his motion had, in some degree, interfered with the disposition which was intended to be made of the matter. It appeared that a gentleman from the Committee of Elections had made a proposition, which he understood to come from the minority of that committee, that the subject should be recommitted to that committee for the purpose of taking further testimony in the case. He therefore intended to withdraw his proposition to postpone for three weeks, but he did so with the distinct understanding that the sitting member should be permitted to procure all the testimony necessary, and have his claims to his seat clearly stated before the House came to act upon it. He hoped the House would send the matter back to the committee, and give the sitting member time to make out his case as fully as possible; and there was nothing inconsistent in giving the subject that direction. He confessed he was mortified to hear his colleague [Mr. BYNUM] say, that the sitting member had misrepresented his district on that floor. Did he mean that the sitting member was wasting the time of the House in unprofitable discussion, which served only to fill the columns of a filthy newspaper? If his colleague meant to say that when a gentleman came to the House of Representatives by the vote of a majority of the people of his district, and attested by the proper officers, that that man misrepresented his constituents, he thanked God that he misrepresented his in the same way. How did the sitting member come there? He came with the certificate of election from the proper officers. Then, if you refuse to give him an opportunity to show that he is entitled to his seat, you stamp the charge of falsehood upon the returning officers. Mr. S. said, he had made these remarks with no understanding with the sitting member, or with the members of the Committee of Elections. He did not know the nature of their report, and he had not the facility of intellect of his colleague, [Mr. BYNUM,] to enable him to jump to conclusions without examination. He was willing the characters of gentlemen there should stand unimpeached until they were proved to be otherwise. He did not know the nature either of the majority or minority report, and he would not express an opinion in the case until he could examine it. He neither knew nor cared who they said was entitled to the seat; all he asked was, that the House would not prejudge it before the necessary testimony could be procured. If the House took up this matter at an early day, it would deny the right of being heard to a large and respectable district of North Carolina, and on this subject they ought to hear everything. His colleague [Mr. BYNUM] had told them that the present subject had been before the House for four months. The House had not yet been in session four months; and during the time it had been in session, the subject was before the Committee of Elections; and how could any one there have ascertained anything of the matter, except by going before the committee? And that would not have been the parliamentary course. It was utterly impossible to get the facts of the case, except by having time to examine it.

Mr. BYNUM said he sincerely regretted the course he perceived the discussion was likely to take. His honorable friend and colleague, [Mr. W. B. SHEPARD,] a day or two since, expressed surprise and regret at the course taken in relation to this matter. He must confess that that gentleman entertained no more surprise and regret at the course he (Mr. B.) was about to pursue, than he felt at the course and proposition which that gentleman himself had made. He then thought, and he still thought, that upon that occasion gentlemen had manifested extraordinary and unnecessary sensibility. A gentleman who spoke the other day, and his colleague who had just addressed the House, had expressed their astonishment at a statement which he had made, wishing a speedy termination of that question. He thought they had done him a little injustice in supposing that he was actuated by any motive less honorable and patriotic than themselves. They had also done him injustice—no doubt unintentionally—in misrepresenting his motives in respect to his colleague, the sitting member. He never intended to be understood as saying that that gentleman had misrepresented his district. What he had said was this, that if that gentleman was not the legitimate Representative on that floor, the people of that district had been long enough misrepresented. He had not expressed an opinion, but he again repeated, that if that gentleman was not entitled to a seat on that floor, he had been long enough there. He agreed most fully with his colleague when he said they should not act until they had all the lights in the case which could be had, and until the documents were published and laid before the House. He should be the last man to urge the matter, until the documents were printed and laid upon the table of every member of the House. He again repeated, that he was astonished at the remarks of his friend on the right, [Mr. A. H. SHEPPERD,] and his colleague on the left, [Mr. W. B. SHEPARD,] when they endeavored to impeach him of having brought a charge against the sitting member. The simple statement was, that if he was not the legitimate Representative, there had been a sufficiency of misrepresentation. He himself was not decided upon the subject; he wanted to have more light, as well as the gentleman himself; but, from what he had understood, if he might be permitted to express an opinion, he was predisposed to believe that the sitting member was not entitled to his seat.

The CHAIR remarked that the gentleman was not in order in entering into the merits of the question before the main question came up.

Mr. BYNUM said he should endeavor to confine himself to the question before the House. He did believe that the motion of his colleague [Mr. W. B. SHEPARD] went to postpone the question longer than was absolutely necessary to have the House placed in possession of all the information necessary. For that reason he had opposed that motion and still opposed it. He had been informed by those who had conversed with the printers to the House on the subject, that the documents would be printed and laid on the tables within eight or ten days; and they had also been told that when the documents were laid on the tables, the whole subject could be investigated in a few hours. Then, where could be the necessity for postponing the subject three weeks? The gentleman who had just taken his seat had made some remarks which he did not distinctly understand. He supposed a case, and supposed that if he (Mr. B.) meant to say that the individual who occupied a seat on that floor did so for the purpose of filling the filthy columns of a newspaper, that he had made an erroneous charge. He did not understand the gentleman's allusion, and should like to be correctly informed.

Mr. W. B. SHEPARD said, the remarks he had made were general. He had said that he did not exactly understand what his colleague [Mr. BYNUM] meant when he said the sitting member misrepresented his constituents on that floor. He further said, that if his colleague meant that any individual used his station there to get up useless discussions and unnecessary squabbles, to fill the columns of a newspaper, such an allusion would make any gentleman feel uneasy in his seat.

Mr. BYNUM said he would, on all proper occasions, express his opinions; but as to consumption of the time of the House, he believed him and his colleague were on about an equal footing. He did not say, however, that he had consumed too much time, for Mr. B. had always heard him with the greatest pleasure. His colleague seemed to regret that he was not possessed with the facility of intellect to judge of the present question without time. He believed that after the documents were printed and laid on the tables, every gentleman would be possessed of sufficient facility of intellect to judge of the case without a postponement of three or four weeks. He believed that most of the information which would be brought in them, was known now to the majority of the members of the House. Mr. B. would be the last man in the House to do an act of injustice to the sitting member; but while he would not do that gentleman injustice, he would be unworthy of maintaining a seat on that floor was he to be guilty of committing an act of injustice to the gentleman who was petitioning for his seat. He was disposed to do both justice. His colleague had said that Mr. B. had stated that the subject had been before the House for four months. Mr. B. had remarked that if the motion was made and carried to postpone for three weeks, then it would have been before the House between three and four months. He hoped the House would not follow the example set them last winter, but that they would decide upon the subject speedily. In the case of the Moore and Letcher contested election, the documents were much more voluminous, and yet only one week was allowed for considering it after the documents were printed. With regard to his friend from North Carolina, [Mr. WILLIAMS,] he had always had the profoundest respect for his opinions, and he approved his course, apart from his political views; but it did appear to him that, to lay that subject on the table, was rather undignified. He had looked over the Journal, and had never seen any disposition made of the report of a committee but by making it the order for a particular day. He believed that the motion of the gentleman from New York, [Mr. MANN,] to postpone it until Tuesday week, would allow ample time to examine the subject; and he hoped that motion would prevail.

Mr. SHEPARD then withdrew his proposition.

Mr. MANN, of New York, then renewed his motion to postpone the subject till Tuesday week.

Mr. GRAHAM (the sitting member) begged to inquire if the pending question was not the motion of the gentleman from New York, a member of the Committee on Elections, [Mr. HARD,] to recommit?

The CHAIR stated that, under the 32d rule, that motion gave way to the motion to postpone. The Chair had made the same decision a few days ago, and in that opinion, independent of the rule, upon examination, he found himself sustained by the *lex parliamentaria*.

Mr. GRAHAM was desirous (he said) that the motion submitted by the gentleman from New York [Mr. HARD] should be decided by the House before the question was taken on the postponement to a given day. It was true, as his colleague who had just taken his seat had remarked, that this was an important case; but it was more important that whenever a cause was about to be tried, it should be tried impartially, in such a way as to do justice between the parties, and to give satisfaction to the district interested in the issue. That was all he asked, and nothing more; and to which he humbly conceived he was entitled. He would not ask the House to try the cause without hearing the evidence, for he held the House to be in the situation of judges and jurors. It would be thought very strange for a judge or juror, about to go into the investigation of a cause, out of court or on the bench, before he had heard one word of the testimony, to express his opinion. It would

be said he was forestalling the verdict, or, at least, that he had strong prejudices, and would not be considered as competent to give an impartial decision.

Mr. G. assured the House that he desired no delay, but sought for justice; and he would give to the House a few facts, to show the inconvenience to which the sitting member had been subjected. In the first place, the petitioner was in the situation of a plaintiff in a court of justice, who was necessarily in advance of the defendant with his testimony, and could not be taken by surprise. The defendant, like the sitting member in the present case, had no opportunity of knowing what testimony he should have to hunt up, nor what he should have to make replication to. Now, the elections in North Carolina were held on the second Thursday in August. The petitioner (Mr. Newland) being one of the three candidates before the people, did not give the sitting member notice until the second day of October of his intention to contest the seat, having had nearly two months to ascertain, as well as he could, the nature and character of his testimony. Before that he did not think proper to take any stand, contrary to the general rule of contested elections, where notice was very often given at the moment, though they were afterwards abandoned. The sitting member did not deem it his duty to take any active steps until the petitioner had commenced taking his depositions. On Thursday, the 29th of October, the petitioner commenced, and continued through Thursday, Friday, and Saturday. He then went to another place thirty-eight miles off, and commenced taking depositions on the Monday following, continuing through Tuesday, Wednesday, and Thursday. The notices were so arranged that the sitting member attended with the petitioner. He then received a notice to attend some sixty-seven or sixty-eight miles on the Monday following; and he attended accordingly.

Mr. BYNUM begged to inquire if it was in order for his colleague to go into a detailed statement of the case at that stage of the proceeding?

The CHAIR replied that, though the merits of the question were not open, the gentleman had a right to state the grounds upon which he urged that the House should not postpone the subject to a day certain, or why he desired further time, with a view that the House should act on the motion to commit.

Mr. BYNUM would then ask if it would not be an act of justice to admit the petitioner to a seat on the floor, either in person or by counsel, to reply to the statements made by the gentleman himself, which, it was evident, must be prejudicial to the petitioner?

The CHAIR replied that that was a matter for the decision of the House.

Mr. GRAHAM proceeded. He was about to state the reasons, and he was borne out by the facts, why the sitting member should have an opportunity of placing the whole evidence before the House.

The depositions commenced on the 29th of October, and continued step by step, day after day, in constant succession, keeping the sitting member in constant attendance for upwards of twenty days, until he was compelled to take his departure for Washington city.

The mountain district which Mr. G. had the honor to represent, was not only one of the most populous in point of numbers, but for extent of territory, was, perhaps, the largest in the United States. The population was sparse, but the district was nearly two hundred miles in length, and about eighty or ninety in width, being shaped like a bell. Now, how was it possible for mortal man to have traveled over the whole space, and collect and investigate testimony in so short a time? This was one reason why, in justice, he asked for further time to enable him to lay the whole of the evidence before the House.

Mr. G. then entered into a lengthy statement of the proceedings before the Committee on Elections on the subject of a protest he had offered, and of his application to be heard on the principles of that paper. From the Christmas holidays he had heard nothing from the committee, until about the 15th or 16th of January, when the committee assembled and desired to know if the parties had anything further to say. The sitting member then informed them that he had anxiously and confidently hoped that his protest would have been passed upon, and an extension of time given him to collect further testimony. Some time afterward he was notified by the chairman of the committee that further time would not be allowed; and Mr. G. supposed he had then no right to make the motion in the House, because it had referred the whole subject to the committee. These were substantially the facts upon which he grounded his appeal to the House, that further time should be given him to take depositions.

Mr. HOWARD desired to make an inquiry of the committee, the necessity of which sprung from the remarks of the gentleman who had just taken his seat. It was proper that the inquiry should be made, and promptly answered, because something like censure had been imputed to the committee. A report had been brought in from a standing committee of the House, after two months of inquiry; and upon the very same day that that report was brought in the House was called upon to grant further time to take depositions. From the remarks of the gentleman from North Carolina, [Mr. GRAHAM,] it appeared that, on the 15th or 16th of January last, he applied to that committee for the privilege he then sought to obtain at the hands of the House. Now, if the House should undertake to grant that time, it struck Mr. H. that it would be entertaining an appeal from the decision of that committee, and reversing its opinions. They would be casting an implied censure upon the committee for refusing to do, after mature deliberation, what the House itself saw fit to do the moment it was called upon.

The inquiry Mr. H. desired to make was this: He wished to know from the committee what were their reasons for refusing, about the 15th or 16th of January, further time to the sitting member to take depositions? Being himself altogether ignorant of the merits of the case, and anxious to keep himself so until he was in possession of the testimony, he put this inquiry in order that he might judge if the committee had erred or not in refusing to grant what the House was then called upon to grant.

Mr. BOYD (in reply to the inquiry of the gentleman from Maryland, [Mr. HOWARD,] and to the remarks of the sitting member) said he had to state that the evidence before the committee showed that the petitioner gave notice sixty-six days before the meeting of Congress of his intention to contest the election of the sitting member. It was true, as stated by the gentleman from North Carolina, that the first depositions were taken on the 29th of October, and from that time up to the meeting of Congress, the parties were each engaged in taking depositions; and as to the inconvenience complained of by the sitting member, that he was notified to take depositions at one point to-day, and at another seventy miles distant to-morrow, Mr. B. had only to say, that that inconvenience, if it could be called such, operated reciprocally. The fact was, each of the gentlemen attended, either by themselves or by their agents, all the appointments for taking depositions; and they examined and cross-examined all the witnesses, except in one solitary instance; and in that case, the sitting member, who failed to attend, had twenty-four or twenty-five days' notice given him. The committee thought an equal opportunity had been given the parties for taking testimony, and that sixty-six days was a sufficient time to collect all the evidence necessary to enable that House to determine who was entitled to the contested seat. These were some of the reasons which induced the committee to reject the application of the sitting member for time to take additional testimony. It seemed to Mr. B. singular that gentlemen who thought further time should be given for taking testimony, should be found also urging the propriety of putting off the examination of the whole subject for more than three weeks. Ought they not rather (said Mr. B.) to join in making this subject the special order of the day for Wednesday next, or some other early day, that we may act as soon as the testimony is printed and laid upon our tables? This course seemed to him to be the proper one, unless gentlemen were disposed to act without evidence, except such as should be furnished by the sitting member and the individual members of the committee. He (Mr. B.) had no feeling on this subject, and in the whole investigation of this case he had been influenced alone by a desire to do justice to all concerned, and he had no doubt all the members of the committee had been actuated by a similar desire.

Mr. HARD merely wished to remark, in answer to the gentleman from Kentucky, [Mr. BOYD,] that the minority of the committee desired to put this matter off. He also wished to explain why he had submitted his motion to recommit. It would be recollected, that when the gentleman from Kentucky made this report of the majority of the committee, the sitting member obtained the unanimous consent of the House to submit his protest, and it was also unanimously ordered to be printed; and Mr. H. had supposed that that paper furnished subject-matter upon which the House could act. With that view, he had submitted the motion that the prayer or application of the sitting member might be granted. It also then occurred to him, and he still believed that motion to be in order, the House having granted their consent that he should submit his application—and he should still insist upon his motion, and renew it—that the sitting member have further time to make an examination of the evidence.

Mr. BOYD again rose but the Speaker announced that the hour devoted to morning business had expired.

Mr. RENCHER remarked that it was exceedingly important that this subject should be promptly decided; and, in order to effect that object, he moved that the rules of the House be suspended, with a view to make some disposition of it; but the motion was rejected—ayes 105, noes 58, not two thirds voting in the affirmative.

Mr. CAMBRELENG then made a similar motion, with a view to proceed to the consideration of the unfinished business of yesterday, being the bill for the relief of the sufferers by fire in the city of New York; which was lost without a count.

ORDERS OF THE DAY.

The House resumed the consideration of the bill for the relief of Jesse Smith and others.

Mr. OWENS concluded the remarks against the bill which he had commenced on a former day.

The bill was further advocated by Mr. WHITTLESEY, and opposed by Mr. CRAIG, when

Mr. DUNLAP moved the previous question; and, upon seconding the same, there appeared—ayes 79, noes 31—no quorum voting.

Mr. WILLIAMS, of North Carolina, moved a call of the House; which was agreed to.

The Clerk proceeded to call the roll; but before the same was gone through with,

Mr. GARLAND moved to suspend further proceedings under the call; which was agreed to—ayes 79, noes 53.

The previous question was then seconded—ayes 95, noes not counted.

The question, "Shall the main question be now put?" was decided in the affirmative.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the passage of the bill; which were ordered; and were—yeas 111, nays 72.

So the bill was passed.

PRIVATE BILLS.

The House then resolved itself into the Committee of the Whole (Mr. PHILLIPS in the chair) upon the following bills:

A bill for the relief of the heirs of James Latham;

A bill for the relief of Archibald Small;

A bill for the relief of Reuben Colburn;

A bill for the relief of Isaac Champlin and others, owners, &c., of the schooner Buffalo;

A bill for the relief of Henry Darling;

A bill for the relief of Charles M. Frazier;

A bill granting pensions and arrearage of pensions to persons therein named;

A bill for the relief of Joseph M. Wormstead;

A bill for the relief of Abiel Roads and others;

A bill for the relief of Ebenezer Phillips and others;

A bill for the relief of Joseph W. Green and others;

A bill for the relief of George Gott and others;

A bill for the relief of Benjamin and Nancy Merrill;

A bill for the relief of Joseph Gresham;

A bill for the relief of William Bowman;

A bill for the relief of citizens of the reserved township, Monroe county, Indiana;

A bill for the relief of Thomas Dixon & Co., New York;

A bill for the relief of Amy Wilson; and

A bill for the relief of Doxtator & Weaver.

The committee rose and reported the bill for the relief of the heirs of James Latham, deceased, with an amendment; and the bills for the relief of Archibald Small, Reuben Colburn, Isaac Champlin and others, and Henry Darling, without amendment.

Upon the other bills referred the committee asked and obtained leave to sit again; when

The House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 27, 1836.

Mr. MARTIN moved to suspend the rules to enable him to present certain memorials.

Mr. WARDWELL moved to amend the motion, so as to enable him also to submit various petitions; which was negatived.

The motion of Mr. MARTIN was also negatived.

Mr. WHITE, moved to suspend the rule for one hour for the purpose of receiving petitions; which was disagreed to.

NORTH CAROLINA CONTESTED ELECTION.

The report of the Committee of Elections on the contested election from North Carolina, came up as the unfinished business of the morning hour of yesterday.

The question pending was the amendment of Mr. MANN, of New York, proposing to make the report the special order for Tuesday week, instead of Wednesday next, as moved by the Committee of Elections.

Mr. VANDERPOEL said he understood the question now before the House to be a motion to fix a day certain for the consideration of the report presented by the Committee of Elections; and he also understood that the sitting member [Mr. GRAHAM] and other honorable gentlemen contended that the sitting member ought to have longer time for the taking of testimony; and he had already heard of a motion to recommit this case to the Committee of Elections, to the end that he might have further time. He was for taking up the case after the lapse of the shortest period of time within which the testimony and report could be printed, and gentlemen could possess themselves of the case.

The prominent facts of this case, as he had heard them from gentlemen of the Committee of Elections who had addressed the House yesterday, and also from the sitting member, were these: In October last, and more than sixty days before the commencement of the present session of Congress, the petitioner gave notice to the sitting member that he would contest his right to a seat in this House; the parties some time afterwards took testimony; the petitioner came here with his petition, and it was referred to the Committee of Elections. They proceeded to act upon the case; and about the middle of January, and after more than six weeks had elapsed since the committee had entered upon the case, the sitting member applied to the committee for further time to take testimony. The committee refused to give such time, and have reported to us that the petitioner is entitled to his seat. The sitting member has addressed to us a paper, in the shape of a petition, for further time to take testimony.

He humbly conceived, that this application could not be granted consistently with the rights of the petitioner, and, what were more important, the rights of the electors of the district to which the gentleman belonged. He objected, wholly objected to the position urged by the honorable sitting member on yesterday, that he was not obliged to commence taking his evidence until the petitioner had commenced taking his testimony. The sitting member was notified that his seat would be contested; he knew what evidence, what materials, he could command to fortify his claim to a seat; and it was his duty to secure them with all reasonable diligence. He need not have waited till after the other party had taken his incipient steps. The law and reason, in matters of this kind, favored only the diligent. The sitting member had told us that his district was very large. Mr. V. thought that, if it was as large as represented, sixty-four days were, in all conscience, time enough to have procured his testimony. The gentleman's State was very large, but he ventured to say that the laws and courts of his State did not require more than fourteen or twenty days' notice of trial in civil cases, though a party might have witnesses in the extremest portion of the State. But this was not all: not only had the sitting member had abundance of time to take his testimony before the meeting of Congress, but he was chargeable with the most fatal laches for not making an earlier application for an extended time, for taking testimony. Instead of making this application, when the committee first entered upon their duties, it seemed he had waited till the middle of January, and then made this application to the grace and favor of the House. This application, after this lapse of time, was not only unprecedented, but he (Mr. V.) had found a precedent very much against allowing such indulgence. He here referred to the case of Taliaferro *vs.* Hungerford, reported in a book of contested elections in Congress, page 248. There, the sitting member, before the examination of the evidence was gone into, asked for time to take testimony. The Committee of Elections reported a resolution to allow him further time. The House refused to concur in this resolution, by a vote of 46 to 65. A motion to recommit the subject to the Committee of Elections was lost, and the House then passed a resolution, that the petitioner was entitled to a seat in this House, by a vote of 67 to 29. The sitting member here, it will be perceived, does not make out as strong a case as did the sitting member in the case reported. *There*, the sitting member, before the examination of the case was gone into by the committee, asked for time to take testimony. Here, it seems, that he waited more than six weeks before he made such application. What might be the consequence if we granted the indulgence here asked for? Why, a party might first wait two or three months, and speculate *first* upon the chance of getting a favorable report from the committee; and then, upon ascertaining that the report would be adverse to him, he might come here, and ask for and receive further time to take testimony, and thus protract the final decision of the case till near the end of the session. There was a time in all tribunals when testimony was to be considered *as closed;* and if, after the parties had had sixty-four days' notice to take evidence, and after having been six weeks before the first tribunal, (the committee) we should grant an application to take supplemental testimony, he would only say it would be an instance of indulgence as extraordinary as it was unprecedented. Mr. V. said, that the remarks he had submitted were made with a feeling of entire kindness and respect for the honorable sitting member; and without knowing anything of the merits of the case, or how he should vote on the merits, he had felt constrained to say what he had said in relation to this *preliminary question.*

Mr. CLAIBORNE, of Virginia, begged leave to make a response to an inquiry put yesterday by an honorable member from Maryland, [Mr. HOWARD]—an inquiry that might be expected to come from every member disposed to give this matter a candid and impartial consideration. The inquiry would be distinctly recollected, and it was to this effect: what were the reasons which influenced the committee—both the majority and minority, the latter in agreeing, and the former refusing—to grant further time to take testimony? Mr. C. would not answer for others, but he could for himself. He had voted for giving additional time for reasons that were perfectly satisfactory to his own mind; and he thought he should be able to satisfy the House that additional time ought, under existing circumstances, indispensably to be given, to advance the great cause of truth and justice. It was true that the petitioner gave the adverse party sixty-six days' notice, when, by the laws of North Carolina, he might only have given thirty, but then there was only an interval of thirty days from October 29th till the sitting member was under a moral obligation to set out to attend to his duties in Congress. If the House would examine the proceedings of the parties, they would find that the petitioner had monopolized to himself almost the whole of the time, and left to the sitting member only a few days to collect his testimony. Mr. C. assimilated the present case to a suit in chancery, where further time, under the circumstances, was always given; and he earnestly appealed to the House to grant the application of the sitting member.

Mr. BOYD regretted the difference of opinion that existed on the part of the Committee of Elections, especially on the subject of the present application. Before he proceeded, he wished, if wrong, to be set right, and he begged respectfully to make an inquiry of the honorable chairman of the committee, [Mr. CLAIBORNE.] In relation to the notices given by the petitioner to the sitting member for taking testimony. the gentleman from Virginia and himself agreed, together with four other members of the committee, that the notices were sufficient. He believed this was so, and he desired to know if he was correct or not; for, if his memory failed him in this instance, he would never undertake to recollect anything again.

Mr. CLAIBORNE replied that he recollected not only the decision of the committee, but also the words in which he had expressed his own opinion. He stated that the first notice was a sufficient intimation of the intention of the petitioner to dispute the election; and he also signified his opinion that the other notices were a sufficient indication of the intention of the petitioner to take depositions; and he said so still.

Mr. BOYD had understood the gentleman as complaining that there was no sort of specification in the notices given to the sitting member. He recollected very well, that the gentleman said in committee that it was necessary, in cases of contested elections in the State of Virginia, that the names of the voters should appear in the notices, but that it had never been adhered to, there. They all agreed, then, that the notices of the petitioner to the sitting member had been sufficient, and it was admitted that the facts Mr. B. had stated yesterday, in relation to taking the depositions, were also correct. The notices were reciprocal, and equally inconvenient to both parties; or, if there was a balance on any side, the hardship was greatest on the petitioner. Mr. B. then read at length memoranda of the various notices given on both sides, to prove that the sitting member had no ground of complaint to make on that head with reference to the petitioner, but that the petitioner had been subject to most inconvenience and hardship. It would be found, however, that both parties attended, either by themselves or deputy, every meeting except one, and that exception was the fault of the sitting member himself, who had received ample notice. Mr. B.'s recollection also was, that nothing was heard about either party wanting further time till the testimony was all submitted. Then, would it have been reasonable, when the case was closed, for the committee to allow further time? Could it be reasonable that the House should allow further time? He had hoped no discussion would have arisen before the testimony was in possession of the House. He had hoped that an early day would have been fixed for its consideration, and he had an assurance that the documents would be laid on the table in the course of a few days. He would only remark, in conclusion, that, if the House should grant further time in this case, he was perfectly satisfied that it would never be decided; and he would not give one single groat for the privilege of contesting an election.

Mr. BEARDSLEY desired to know whether the application for further time was to search out and find evidence that might be supposed to have a bearing in the case; or whether it was for time to take testimony of which the sitting member was already cognizant? If the latter, he would also like to know what was the evidence the gentle-

man had a knowledge of, and why it had not been heretofore taken?

Mr. McKENNAN said that the statement just made by the gentleman from Kentucky [Mr. BOYD] had perfectly satisfied him of the propriety of granting the time requested by the sitting member to procure further testimony, so as to enable the House to come to a correct and satisfactory conclusion. From that statement it appeared that the parties had been diligently engaged from the commencement of the contest in taking testimony to support their respective claims, and had continued their efforts down till the very meeting of Congress. The sitting member, after thus using due and extraordinary diligence, now comes before the House, and declares, upon his word of honor, that with all his industry he has not been able to obtain all the evidence which is necessary to enable the House to act correctly and understandingly on the subject. He put it to the gentleman from Kentucky, (presuming that he was a lawyer,) and to the House, to say whether, even in a court of law, there would be any hesitation in granting similar indulgence? On an application before that tribunal to postpone the trial of a cause, the first inquiry made is, whether due and reasonable diligence has been used by the applicant to prepare for trial; and if satisfactory evidence is furnished upon that point, and the court are satisfied that there is no affectation of delay, he submitted that no court would refuse the application for a continuance. In the case before the House, there was no allegation that the sitting member had not been most diligently employed between the 29th of October, when the petitioner commenced the taking of his testimony, and the time when the discharge of his public duties demanded his presence here. He now comes forward and declares that he is not prepared, and there is no ground for the pretense that there is any disposition on his part unnecessarily and improperly to delay a decision upon the case. He thought, upon principle, and from analogy to proceedings in judicial tribunals, justice to the parties and to the people of the district from which they came, as well as an anxious wish on the part of the House to come to a correct decision, ought to induce them at once to give the time required for taking additional testimony.

But in resisting this application, which to him seemed so reasonable, the gentleman from New York, [Mr. VANDERPOEL,] who had just addressed the House, had cited some precedents to show that similar applications had been refused by former Congresses. The first case he referred to was the contested election between Hungerford and Taliaferro, of Virginia; and from the reading of the case, it was very apparent that it bore no analogy to the one now before the House, and of course ought to have no bearing upon the question. The election in Virginia took place in April; notice that the seat would be contested was given to the sitting member in May, and the depositions were commenced in September. In the case now before the House, the election was held in August; notice of the intention to contest was not given by the petitioner till some time in September or October, and he did not commence the taking of his testimony till the 29th of the latter month, leaving only about one month for the inquiry after, and examination of, all the witnesses on both sides who were to be collected in that mountainous and very extensive district. As he said before, there was not the most distant analogy between the two cases. But the gentleman from New York, to bear him out in his position, had cited the case of Moore and Letcher in the last Congress. The gentleman from New York was a member of the Committee of Elections, and one of the majority who reported on that case. This was a most unfortunate reference, and he (Mr. McK.) concurred entirely with the gentleman from North Carolina [Mr. BYNUM] in deprecating the course pursued in that case, and in expressing a hope that neither this nor any future Congress should feel a disposition to consider it a binding precedent. What were the facts in that case? A majority of the committee, of whom the gentleman from New York was one, reported, after a very elaborate examination of the testimony, a resolution that Thomas P. Moore was entitled to his seat, and the House came to a conclusion that would have disgraced an illiterate jury of the country. That conclusion was, that it was impossible to say which of the two claimants was elected, that no election had been made, and that they should, therefore, go back to the people. And what was still more extraordinary was the fact, that the gentleman from New York, after having, with the Committee of Elections, declared that Mr. Moore was clearly entitled to his seat, united with the majority of the House in the conclusion that the testimony was too voluminous and the case too intricate for decision, and should, therefore, be sent back to the people.

He hoped that such a case would not be set up as a precedent for future action, and particularly by the gentleman from New York.

The SPEAKER here intimating that he was taking too wide a range,

Mr. McKENNAN said, he submitted to the correction of the Chair, and would pursue that case no further.

Before he sat down, however, he must be permitted to say, that it was with no little surprise and regret that he heard the gentleman from North Carolina [Mr. BYNUM] yesterday declare his opinion that the sitting member was not entitled to his seat, although no opportunity has been afforded for the examination of the case. For his part, he knew nothing of the merits of the controversy, and he wished to know nothing till the testimony was laid before the members, and he could have an opportunity of fairly and fully examining that testimony. He would then endeavor to make such a decision on the questions presented as would satisfy his own conscience.

He concluded by expressing a hope that the proposition to make the report the special order for Wednesday next would not prevail, and that the House would grant the indulgence requested by the sitting member to enable him to take further testimony.

Mr. WHITTLESEY here called for the orders of the day, the hour of one having arrived; but gave way to Mr. GRAHAM, who asked leave to address the House; whereupon

Mr. BOYD moved that the rules of the House be suspended, in order to proceed with the consideration of the subject; but the motion was not sustained—ayes 104, noes 67; not two thirds.

Mr. GRAHAM then, by leave of the House, replied to the interrogatories of the gentleman from New York, [Mr. BEARDSLEY.] The gentleman had inquired if the sitting member was able to answer whether he knew the names of the voters alleged to be illegal, or whether he had yet to look for them? To that inquiry he had to answer that he was able to put his finger on something like ten, fifteen, or twenty illegal voters. Mr. G. here read over the names of several persons alleged to be illegal voters, and stated that he wished to take the evidence of the sheriff of Haywood county. He said the case of Hungerford and Taliaferro was not a case in point. In the State of Virginia, the elections came on in April, and notice was given of the intention of one of the parties to contest the election in May; so that there was much more time in that case than in the present for the collection of testimony. In the State of Virginia, also, it was the practice for the petitioner to exhibit the names of the illegal voters, and the place at which they voted; but it had not been so in his case. Whenever he called on the petitioner to give the names, he received no answer, and was left in the dark; and in the Virginia case alluded to, it was almost within cannon shot of the Capitol, while his district was five hundred miles from it; one portion of it on the frontier of Georgia and South Carolina, and another on the frontier of Tennessee. He sincerely trusted that Congress would give him such time as might be necessary in bringing the evidence before them.

Mr. BOYD inquired at what time the information reached the gentleman from North Carolina of the additional testimony in the case?

Mr. GRAHAM replied that it was about the time that he was leaving home to come to take his seat in Congress, and he had instructed his agents to get the testimony as soon as it could be procured.

Mr. BOYD inquired whether the testimony of the sheriff mentioned by the gentleman had not already been taken?

Mr. GRAHAM said he was not aware that it had been taken; if it had, he had never seen it.

Mr. BOYD said that it had been taken.

Mr. GRAHAM replied that he had never been examined when he was present; but he had been called from home for some time, and it might have been taken during that time.

HARBOR OF PRESQUE ISLE.

The CHAIR laid before the House a communication from the Secretary of War, transmitting a report of the chief engineer, in reference to the harbor of Presque Isle; which was referred to the Committee on Commerce, and ordered to be printed.

PRIVATE BILLS.

The following bills, reported from the Committee of the Whole yesterday, were ordered to be engrossed and read a third time:

A bill for the relief of Archibald Small;

A bill for the relief of Reuben Colburn;

A bill for the relief of Isaac Champlin, and others, owners, &c., of the schooner Buffalo; and

A bill for the relief of Henry Darling.

The House took up the bill for the relief of the heirs of James Latham, deceased, reported with an amendment from the Committee of the Whole.

Mr. REYNOLDS, of Illinois, opposed the amendment, and, in conclusion, submitted certain provisoes which he intended offering, if the amendment of the Committee of the Whole should be negatived.

Mr. MAY, in order to give time for a further examination of the subject, moved to postpone the bill and amendment until Friday next; which was agreed to.

The House then, on motion by Mr. WHITTLESEY, resolved itself into a Committee of the Whole (Mr. PHILLIPS in the chair) upon the bills unacted on by the committee yesterday, and upon which leave was granted to sit again.

After some time spent therein, the committee rose, and reported the following bills without amendment; and the same were ordered to be engrossed and read a third time:

A bill granting pensions and arrearage of pensions to persons therein named;

A bill for the relief of Joseph M. Wormstead;

A bill for the relief of Abiel Roads and others;

A bill for the relief of Ebenezer Phillips and others;

A bill for the relief of Joseph W. Green and others;

A bill for the relief of George Gott and others;

A bill for the relief of Benjamin and Nancy Merrill;

A bill for the relief of Joseph Gresham;

A bill for the relief of William Bowman;

A bill for the relief of citizens of the reserved township, Monroe county, Indiana;

A bill for the relief of Thomas Dixon & Co., New York;

A bill for the relief of Amy Wilson; and

A bill for the relief of Doxtator & Weaver.

The House again went into committee (Mr. WARDWELL in the chair) on the following bills:

1. A bill for the relief of the representatives of Thomas Haliday;

2. A bill for the relief of William Woodward and William Mitchell;

3. A bill for the relief of the representatives of Josias Thompson;

4. A bill for the relief of Gilbert A. Smith and others;

5. A bill for the relief of Clark Allen;

6. A bill for the relief of Samuel W. Ruff;

7. A bill for the relief of Thomas P. Eskridge and Alvariz Fisk;

8. A bill for the relief of the legal representatives of Dr. Absalom Baird;

9. A bill for the relief of Daniel Smith;

10. A bill for the relief of John Dement;

11. A bill for the relief of Farish Carter, and the heirs of Charles Williamson;

12. A bill for the relief of the heirs of Nathaniel Tyler;

13. A bill for the relief of Thomas McClelland and James Smith;

14. A bill for the relief of David Browning;
15. A bill for the relief of Jonathan Boone;
16. A bill for the relief of James Caulfield;
17. A bill for the relief of James Wiltbank;
18. A bill for the relief of D. L. R. Orillion; and
19. A bill for the relief of William Stannard and others.

The committee rose and reported the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 12th bills to the House—the 7th with an amendment; and the same were (with the exception of the 7th) ordered to be engrossed and read a third time.

Upon the residue of the bills referred, the committee asked and obtained leave to sit again.

On motion, the House adjourned.

IN SENATE.

MONDAY, *February* 29, 1836.

The CHAIR communicated the following letter from the Hon. JOHN TYLER, a Senator from the State of Virginia, which was read:

WASHINGTON, *February* 29, 1836.

SIR: I beg leave, through you, to inform the Senate that I have, on this day, resigned into the hands of the General Assembly of Virginia, for reasons fully made known to it, my seat in the Senate of the United States as a Senator from that State. This announciation is now made, so as to enable the Senate, at its earliest pleasure, to fill such vacancies on the several committees as may be created by my resignation.

In taking leave of the body over which you preside, I should be faithless to the feelings of my heart if I did not frankly confess that I do so with no ordinary emotions. I look to the body itself as the representative of those federative features of our system, to preserve which, unimpaired, has been the unceasing object of my public life. I separate from many with whom I have been associated for years, and part with friends whose recollection I shall cherish to the close of my life. These are sacrifices which it gives me pain to make. Be pleased to assure the Senate that I carry with me into retirement sentiments of respect towards its members, and that, in bidding them adieu, I extend to each and all my best wishes for their health and happiness and long life.

I have the honor to be, sir, your most obedient servant,

JOHN TYLER.

Hon. M. VAN BUREN.

EXECUTIVE COMMUNICATIONS.

The CHAIR communicated a report from the Secretary of War, in compliance with a resolution of the Senate of the 15th instant, showing the effective force of the Army; which was ordered to be printed.

Also, a letter from the Secretary of the Navy, transmitting a chart of the topographical survey and soundings of Bridgeport harbor, in compliance with a resolution of the Senate of the 11th instant.

Also, a report from the Secretary of War, made in compliance with a resolution of the Senate of the 16th instant, together with the Journal of Colonel Dodge of his expedition into the Indian country.

The report was read; and five hundred additional copies were ordered to be printed.

PETITIONS, MEMORIALS, ETC.

Mr. WEBSTER presented the petition of B. Adams and Co., and others, merchants of Boston, praying the remission of certain duties; which was referred to the Committee on Finance.

Mr. GOLDSBOROUGH presented the petition of John C. Gerrish; which was referred to the Committee on Commerce.

Mr. TALLMADGE presented the petition of William D. Cheevers; which was referred to the Committee on Claims.

Mr. LINN presented the following petitions:

The petition of sundry citizens of Missouri, praying for the establishment of a post route from Pontiac, by way of Shiawasse, Clinton county site, the mouth of Looking Glass river, &c., to the rapids of Grand river; which was referred to the Committee on the Post Office and Post Roads.

The petition of Peter Moore, praying for a pre-emption right to a tract of land; which was referred to the Committee on Public Lands.

The petition of sundry citizens of Michigan, praying for the construction of a light-house at the mouth of Saginaw river, and for the removal of obstructions to the navigation of Shiawasse and Maple rivers; which was referred to the Committee on Commerce.

The petition of sundry citizens of Michigan, praying for a road from Monroe, Monroe county, through Smooth Rock, to Dearbonville, in Wayne county; which was referred to the Committee on Roads and Canals.

The petition of Doctor Thomas B. Clark, praying for confirmation of title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. BLACK presented the petition of Thomas Mullens; which was referred to the Committee on Claims.

Mr. KNIGHT presented the petition of the widow of Isaac Angell; which was referred to the Committee on Revolutionary Claims.

Mr. KENT presented the petition of Robert P. Brown and others, merchants of Baltimore, praying that brown linens may be placed on the same footing, as respects duty, as bleached linens; which was referred to the Committee on Commerce.

Mr. TOMLINSON presented the petition of sundry ship-owners and masters of vessels navigating Long Island Sound, praying that an appropriation may be made for the improvement of the harbors of Black Rock; which was referred to the Committee on Commerce.

Mr. MANGUM presented the petition of Elizabeth Cleveland; which was referred to the Committee on Military Affairs.

Mr. BUCHANAN presented two memorials from sundry citizens of New Jersey, praying for an appropriation for building a light-house on the sea-coast of New Jersey; which were referred to the Committee on Commerce.

RESOLUTIONS OF THE STATE OF VIRGINIA.

Mr. LEIGH presented resolutions from the Legislature of the State of Virginia, in relation to the abolition of slavery, in substance as follows:

1. That she claims prompt and efficient legislation by her co-States to restrain and punish those citizens engaged in printing, publishing, and circulating, through the mail or otherwise, seditious and incendiary publications.

2. That non-slaveholding States of the Union be requested to adopt penal enactments, to suppress all associations within their limits purporting to have the character of abolition societies, and to make it highly penal to print, publish, or distribute newspapers and pamphlets to further their views.

3. That they have seen, with satisfaction, the expressions of opinions of their northern brethren, condemning the conduct and motives of the Abolitionists among them.

4. That Congress has no constitutional power to abolish slavery in the District of Columbia, or Territories of the United States.

5. That they would regard an act of Congress for the abolition of slavery in the District of Columbia as bringing the Union into imminent peril.

6. That it would be highly expedient for slaveholding States to enact laws to suppress and prevent the circulation of incendiary publications.

7. Requiring the Executive of Virginia to transmit copies of the above to their Senators and Representatives in Congress from that State, and to the Executives of each of the other States, to lay them before their Legislatures.

THE QUAKER MEMORIAL.

The memorial of the Society of Friends of Lancaster county, Pennsylvania, praying for the abolition of slavery in the District of Columbia, was taken up as the order of the day, the question being on the reception of the petition.

On this question a debate ensued, in which Messrs. WALL, BLACK, KING of Georgia, and PORTER, took part; but without coming to a decision,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 29, 1836.

The unfinished business of the last petition day, being an appeal taken by Mr. LAWLER from the decision of the Chair in reference to instructions moved by the former to the select committee on the subject of the abolition of slavery, was taken up.

The CHAIR stated the question. Under the decision of the House, the Chair was of opinion that, upon the presentation of an abolition petition, it was, under the resolution of Mr. PINCKNEY, virtually committed, without further question. The Chair felt bound to conform to the order of the House, and therefore decided that the instructions moved were not in order. From that decision an appeal had been taken; and the question was, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. LAWLER modified the form of his instructions, requiring the select committee to report "that there was no power granted by the Constitution to Congress to abolish slavery in the District of Columbia."

The CHAIR decided that, under the order of the House, the modified instructions were also out of order.

From this decision Mr. LAWLER appealed.

The decision of the Chair was opposed by Messrs. LAWLER and W. B. SHEPARD, and advocated by Messrs. MERCER, VINTON, BRIGGS, and PATTON; when Mr. LAWLER withdrew his appeal.

PETITIONS, MEMORIALS, ETC.

The SPEAKER proceeded to call for petitions and memorials, commencing with Massachusetts.

Petitions and memorials were accordingly presented by Messrs. ADAMS, LINCOLN, GRINNELL, LAWRENCE, BORDEN, and JACKSON, of Massachusetts.

The hour of one having arrived, on motion by Mr. CAMBRELENG, the special orders were postponed for the purpose of calling the remainder of the States for petitions.

Petitions and memorials were further presented by Mr. PEARCE, of Rhode Island;

Messrs. TOUCEY, PHELPS, INGHAM and JUDSON, of Connecticut;

[Mr. JUDSON presented the following petitions: Daniel Dewey, referred to the Committee on Revolutionary Claims; White and Pomeroy, referred to the Committee on the Post Office and Post Roads; Pamelia Chase and others, referred to the Select Committee on the Abolition of Slavery; Arba Covil and others, referred to the Select Committee on the Abolition of Slavery.

Mr. J. offered a resolution to establish a mail route from Southbridge to Cepachet; which was referred to the Committee on the Post Office and Post Roads.

Mr. INGHAM presented a memorial praying for an appropriation for the purpose of erecting spindles, and placing buoys on certain rocks, in the harbors of Greenwich, in the State of Connecticut, and Sawpits, in the State of New York.]

Mr. JANES of Vermont;

Messrs. WARDWELL, P. C. FULLER, CHAPIN, CRAMER, LAY, MOORE, GRANGER, G. LEE, HUNT, LOVE, LANSING, MANN, PAGE, McKEON, CAMBRELENG, RUSSELL, TERRILL, DOUBLEDAY, TAYLOR, LEONARD, VANDERPOEL, HARD, HAZELTINE, WARD, SICKLES, GILLET, HUNTINGTON, REYNOLDS, and FARLIN, of New York;

[Mr. TURRILL presented the petition of a large number of inhabitants in the city and county of Schenectady, New York, praying for an appropriation to construct a ship canal around the falls of Niagara; the petition of the heirs of Captain Nathaniel Adams, for services during the revolutionary war; the petition of the inhabitants of the village of Oswego, being shipowners and forwarding merchants, asking for an appropriation to construct a harbor at the mouth of Eighteen-mile creek, on Lake Ontario; the petition of the masters of vessels on Lake Ontario, for a harbor at the mouth of Eighteen-mile creek; the petition of inhabitants of the Wisconsin Territory, relative to preëmption rights; also the petition of inhabitants of Lockport, being merchants and traders of that place, asking for an appropriation to construct a harbor at Eighteen-mile creek; also several petitions for a harbor at the mouth of Salmon river, on Lake Ontario; also of Job Robinson, asking compensation for property destroyed by the British during the last war.

Mr. CHAPIN presented a petition of certain citizens of Wayne county, New York, asking an appropriation for the removal of the bar, and the construction of piers, at the entrance of Port Bay, on Lake Ontario; also, a petition for the improvement of the navigation of Little Sodus bay, on

Lake Ontario; also, a petition of the wife and children of David Beard, of Buffalo, New York, praying that the bill granting relief to David Beard be so framed as to secure the benefits of such relief to his family; also, documentary evidence relating to the claim of the heirs of Silas Drew, deceased; and, also, two petitions asking an appropriation to improve the harbor at the mouth of Oak Orchard creek.

Mr. PAGE presented a petition asking an appropriation to improve the channel of the Maumee river at its mouth.]

Mr. GRANGER presented a petition for the abolition of slavery in the District of Columbia; and was proceeding to comment upon the character of the petitioners, when

The SPEAKER said it was not strictly in order, if it was an abolition petition, to discuss the character of the petitioners.

Mr. GRANGER further proceeded.

Mr. CHAPIN called him to order.

Mr. WISE inquired whether it was not in order for a member to speak of the character of the petitioners on presenting a memorial?

The SPEAKER said it was not strictly in order, as all abolition petitions were to be referred without debate, under the resolution adopted by the House, and the standing rule admitted only of a brief statement of the contents of the petition on the presentation thereof.

The petition was then received and referred, under the resolution.

Messrs. PARKER and DICKERSON, of New Jersey.

Messrs. GALBRAITH, HEISTER, POTTS, McKENNAN, HARPER, BANKS, MORRIS, CHAMBERS, BEAUMONT, INGERSOLL, HARRISON, MILLER, CLARK, SUTHERLAND, FRY, KLINGENSMITH, and HUBLEY, of Pennsylvania.

[Mr. BEAUMONT presented the petition of the heirs of Benjamin Harvey, deceased; which was referred to the Committee on Revolutionary Claims.

Mr. CLARK presented the memorial of a public meeting of sundry citizens of Dauphin county, Pennsylvania, held at Harrisburg, praying Congress to make an appropriation for the purpose of removing to the coast of Africa free negroes and manumitted slaves; and that if, in the opinion of Congress, the Constitution should not authorize the appropriation, such measures may be taken to procure an amendment of that instrument as may be calculated to insure the objects of the memorialists.

Mr. CLARK moved that the memorial be referred to a select committee, and printed.

Mr. PATTON moved to lay the memorial on the table, together with the motion to print and commit.

Mr. CLARK called for the reading of the memorial, which was done.

A debate being likely to arise upon the memorial, it was, under the rule, laid over to Monday next.]

Mr. MILLIGAN, of Delaware;

Messrs. PIERCE, JENIFER, HOWARD, and McKIM, of Maryland; and

Messrs. MORGAN and PATTON, of Virginia.

SLAVERY IN THE DISTRICT.

Mr. PATTON submitted certain resolutions of the Legislature of Virginia on the subject of abolition, which he moved be referred to the Committee on the District of Columbia, with the following instructions:

That the resolutions be referred to the Committee on the District of Columbia, with instructions to report forthwith the resolutions:

1. *Resolved*, That Congress has no constitutional power to abolish slavery in the District of Columbia, or in the Territories of the United States.

2. *Resolved*, That any act of Congress, having for its object the abolition of slavery in the District of Columbia, or the Territories of the United States, ought to be regarded as affording great cause of alarm to the slaveholding States, and bringing the Union into imminent peril.

The CHAIR decided that the instructions were not in order, and that the resolutions of the Virginia Legislature, under the order of the House, must go to the select committee raised upon the resolution of Mr. PINCKNEY.

Mr. PATTON appealed from the decision of the Chair, on the ground that the instructions submitted by him were not identical, and went further in their principle, as applying to the Territories of the United States, than the resolution of Mr. PINCKNEY, which was limited in its operation to the subject of the abolition of slavery in the District of Columbia and the States. Mr. P. also contended that the decision of the House in reference to Mr. PINCKNEY's resolution did not apply to the instructions moved by himself, for the same reason that the object was not the same.

Mr. WISE also opposed the decision of the Chair in this instance, admitting it to be correct under the order of the House and the decision of the House on Tuesday last, on which the Chair's decision was founded; and appealed to the House to reverse that vote, by which the Chair considered itself imperatively governed.

Mr. W. was several times called to order by the Chair for remarks not pertinent to the question of order then before the House; upon the last of which occasions,

Mr. WISE said that the Chair, in calling him to order, merely expressed his opinion. Entertaining a different opinion, he (Mr. W.) should continue the course of his remarks, unless the Chair should appeal to the House to decide between them.

The CHAIR said the gentleman must resume his seat, and it was for the House to decide whether he should proceed, as intimated.

Mr. MASON, of Virginia, moved that leave be granted to Mr. W. to proceed.

Mr. CALHOON, of Kentucky, asked for the yeas and nays; which were ordered.

Mr. WISE appealed from the decision of the Chair, that he (Mr. W.) was out of order.

The SPEAKER said that the latter appeal must be decided without debate.

Mr. WISE rose, and was about addressing the Chair, but was called to order by various members. He continued in his position until he had announced his determination to withdraw his appeal from the decision of the Chair.

The CHAIR. The decision of the Chair is then acquiesced in by the member from Virginia, and the question to be determined is the motion to permit the gentleman to proceed.

The question was taken by yeas and nays, as follows:

YEAS — Messrs. Chilton Allan, Bell, Borden, Bouldin, Bunch, John Calhoon, Campbell, Carter, John Chambers, Craig, Cushing, Darlington, Deberry, Dickson, Dromgoole, Evans, Everett, Forester, French, James Garland, Rice Garland, Glascock, Graves, Grennell, Griffin, Hannegan, Hard, Hardin, Harlan, Albert G. Harrison, Hazeltine, Holsey, Howell, Ingersoll, Jenifer, Henry Johnson, Lawler, Luke Lea, Love, Loyall, Lyon, Martin, John Y. Mason, McCarty, McComas, McKay, McKennan, Mercer, Milligan, Morgan, Morris, Patton, James A. Pearce, Pettigrew, Peyton, Pickens, Pinckney, Reed, Roane, Robertson, Rogers, William B. Shepard, Shields, Sloane, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, White, Lewis Williams, and Sherrod Williams—78.

NAYS — Messrs. Adams, Ash, Ashley, Bailey, Banks, Barton, Bean, Beardsley, Beaumont, Bond, Boon, Boyd, Briggs, Brown, Bynum, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapin, Connor, Cramer, Crane, Cushman, Davis, Dickerson, Fairfield, Farlin, Fry, Philo C. Fuller, Galbraith, Gillet, Grantland, Haley, Joseph Hall, Hamer, Samuel S. Harrison, Hawkins, Henderson, Hoar, Howard, Hubley, Huntington, Ingham, Jabez Jackson, Janes, Jarvis, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Klingensmith, Lane, Lansing, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Logan, Lucas, Abijah Mann, Job Mann, William Mason, Moses Mason, Sampson Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, Potts, John Reynolds, Schenck, Shinn, Sickles, Smith, Sutherland, Taylor, John Thomson, Toucey, Turrill, Vanderpoel, Ward, Wardwell, Webster, Weeks, and Whittlesey—100.

So the House determined that Mr. WISE should not be permitted to proceed.

Mr. HOLSEY addressed the House in opposition to the decision of the Chair; but, before he concluded, he gave way to

Mr. FRENCH, who, in order to give an opportunity of calling the remainder of the States for petitions, moved to postpone the point of order and the questions connected with it until Monday next.

Mr. PATTON proposed to-morrow; and, also, that it be made the special order of that day.

Mr. FRENCH had no objection to the latter motion.

Messrs. CAMBRELENG and LANE simultaneously moved to postpone the subject to Monday next.

Mr. WILLIAMS, of Kentucky, moved to postpone until the 1st of July.

Mr. PATTON called for the yeas and nays on the latter motion; which were ordered.

Mr. WILLIAMS then withdrew his motion.

Mr. ROBERTSON asked for the yeas and nays on the motion to postpone until Monday next; which were ordered.

Mr. PINCKNEY inquired, what would be the effect of the previous question?

The CHAIR said the question would be on the appeal from the decision of the Speaker.

Mr. PINCKNEY then moved the previous question; which was seconded—ayes 93, noes 65.

Mr. EVANS moved an adjournment. Lost.

Mr. PATTON asked for the yeas and nays on the previous question; which were ordered, and were as follows:

YEAS — Messrs. Adams, Heman Allen, Ash, Ashley, Banks, Barton, Bean, Beardsley, Beaumont, Boon, Borden, Boyd, Brown, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Coles, Connor, Craig, Cramer, Crane, Cushman, Darlington, Davis, Denny, Dickerson, Doubleday, Dunlap, Fairfield, Farlin, Fry, Philo C. Fuller, Galbraith, Gillet, Grantland, Haley, Hamer, Hannegan, Hard, Harper, Albert G. Harrison, Samuel S. Harrison, Hawkins, Haynes, Henderson, Heister, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Leonard, Logan, Love, Lucas, Abijah Mann, Job Mann, William Mason, Moses Mason, Sampson Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Moore, Owens, Page, Parker, Patterson, Dutee J. Pearce, Phelps, Pinckney, John Reynolds, Schenck, Shinn, Sloane, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Ward, Wardwell, Webster, Weeks, and Sherrod Williams—110.

NAYS — Messrs. Chilton Allan, Bailey, Bond, Bouldin, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, John Chambers, Chapman, Claiborne, Corwin, Cushing, Deberry, Dickson, Dromgoole, Evans, Everett, Forester, French, James Garland, Rice Garland, Glascock, Granger, Graves, Grennell, Griffin, Hiland Hall, Hardin, Hazeltine, Hoar, Holsey, Howell, Ingersoll, Janes, Jenifer, Henry Johnson, Lawler, Lawrence, Luke Lea, Lincoln, Loyall, Lyon, Martin, John Y. Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Milligan, Morgan, Morris, Patton, James A. Pearce, Pettigrew, Peyton, Pickens, Potts, Reed, Roane, Robertson, Russell, William B. Shepard, Shields, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Towns, Underwood, Vinton, Whittlesey, Lewis Williams, and Wise—76.

So the House determined that the main question be now put.

The question, "Shall the decision of the Chair stand as the judgment of the House?" was then propounded.

Mr. PATTON called for the yeas and nays; which were ordered.

Mr. WILLIAMS, of North Carolina, moved an adjournment; which was negatived.

The question was then taken on the appeal from the decision of the Chair, by yeas and nays, as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Ash, Ashley, Bailey, Banks, Barton, Beale, Bean, Beardsley, Beaumont, Bond, Boon, Boyd, Briggs, Brown, Bynum, William B. Calhoun, Cambreleng, Carr, Casey, Chaney, Chapin, Clark, Cleveland, Coles, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Davis, Deberry, Denny, Dickerson, Doubleday, Dunlap, Effner, Evans, Everett, Fairfield, Farlin, Fry, Philo C. Fuller, Galbraith, Gillet, Granger, Grantland, Grennell, Haley, Hiland Hall, Hamer, Hannegan, Harlin, Harper, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Hiester, Hoar, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Janes, Jarvis, Jenifer, Cave Johnson, Joseph Johnson, Richard M. Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Gideon Lee, Leonard, Lincoln, Logan, Love, Lucas, Abijah Mann, Job Mann, William Mason, Moses Mason, Sampson Mason, May, McCarty, McKay, McKennon, McKeon, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Moore, Morgan, Morris, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, Pinckney, Potts, Reed, John Reynolds, Roane, Rogers, Russell, Schenck, Shinn, Sloane, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Vinton, Ward, Wardwell, Webster, Weeks, White, Whittlesey, and Sherrod Williams—143.

NAYS—Messrs. Bouldin, Bunch, John Calhoon, Campbell, Carter, John Chambers, Chapman, Nathaniel H. Claiborne, Conner, Dickson, Dromgoole, French, James Garland, Rice Garland, Glascock, Graves, Griffin, Hardin, Holsey, Henry Johnson, Lawler, Luke Lea, Loyall, Lyon, John Y. Mason, Maury, McComas, Patton, James A. Pearce, Pettigrew, Peyton, Pickins, Robertson, William B. Shepard, Shields, Spangler, Standefer, Taliaferro, Waddy Thompson, and Wise—40.

So the House sustained the decision of the Chair, and consequently determined that the motion of Mr. PATTON to refer the resolutions of the Legislature of Virginia, on the subject of abolition,

to the Committee on the District of Columbia, with instructions, was not in order, and that they must be referred to the committee raised under the resolution of Mr. PINCKNEY, conformably to a decision made by the House on the same subject on Tuesday last.

Mr. PATTON asked the permission of the House to withdraw the resolutions.

Mr. MASON, of Virginia, asked the unanimous consent of the House to submit a motion that those resolutions take the usual course of such communications, by being laid on the table and printed.

Mr. ADAMS objected, on the ground that such a disposition of these papers would counteract the decision of the House referring all matters on the subject of the abolition of slavery to the select committee thereon; and he inquired of the Chair if the gentleman from Virginia [Mr. PATTON] could withdraw the papers?

The CHAIR decided that if the objection was persisted in, the gentleman could not of right withdraw the resolutions.

Mr. PATTON then moved to suspend the rules, to enable him to submit the motion to lay on the table and print.

Pending this question, on motion by Mr. BRIGGS, the House, at five o'clock, p. m. adjourned.

IN SENATE.

TUESDAY, *March* 1, 1836.

A message was received from the President of the United States, by Mr. DONELSON his Private Secretary, transmitting a report from the Secretary of State, correcting an error recently made in the report relative to claims under the French treaty, rejected by the Board of Commissioners.

The CHAIR communicated a report from the Treasury Department, made in compliance with a resolution of the Senate, adopted two or three years since, containing information collected by the Department relative to the improvement of steam boilers, and the means of preventing their bursting;

Also, a report from the same Department, in answer to the resolution of the Senate of the 24th ultimo, inquiring what was the balance in the Treasury on the last day on which that balance was ascertained. The report shows that the balance, so far as ascertained, was, on the 20th September last, $17,885,824; on the 31st December last, $25,731,152; and on the 22d ulttimo, $27,907,478.

On motion by Mr. EWING of Ohio, the last-mentioned report was ordered to be printed.

PETITIONS, MEMORIALS, ETC.

Mr. CRITTENDEN presented the petition of the heirs of Samuel W. Key; which was referred to the Committee on Revolutionary Claims.

Mr. McKEAN presented the petition of a number of citizens of Wayne county, Pennsylvania, praying for the establishment of a post route from Honesdale, Pennsylvania, to Goshen, New York; which was referred to the Committee on the Post Office and Post Roads.

Mr. CALHOUN presented the petition of James Nicholson, of Charleston; which was referred to the Committee on the Judiciary.

RELATIONS WITH FRANCE.

Mr. MORRIS presented certain resolutions of the Legislature of Ohio, on the subject of our late differences with France.

Mr. M. observed, that although these difficulties had been amicably adjusted, it was a consolatory reflection, censured as the Executive had been for his conduct with regard to them, to find that his course had been approved of by a vast majority of the people. It was due to the President, due to the State he represented, and due to the country, that these resolutions should form a portion of its history. He therefore moved that the resolutions be read, printed, and laid on the table, which motion was adopted.

NORTHERN BOUNDARY OF OHIO.

Mr. CLAYTON, from the Committee on the Judiciary, to which had been referred the bill to settle and establish the northern boundary line of Ohio, and a joint resolution on the same subject, made a report thereon; which was read and ordered to be printed.

Mr. EWING moved that five thousand additional copies of the report be printed for the use of the Senate.

Mr. BUCHANAN said, that although he concurred with the Judiciary Committee, of which he was a member, in reporting this bill, yet from one point of the reasoning contained in the report he felt it to be his duty to express his dissent. He thought it expedient, under all the circumstances, to give the territory in dispute to the State of Ohio, and indemnify Michigan for its loss by ceding to her a portion of the vast Territory of Wisconsin. He did not believe, with a majority of the committee, that the proviso added to the constitution of Ohio, and the subsequent action of Congress in admitting that State into the Union, gave to Ohio any claim, as a matter of right, whether legal or equitable, to demand from Congress the territory in dispute, any more than that the law establishing the Territory of Michigan gives to that State any such right. He held it to be altogether a question of expediency on both sides, in which no right whatever was involved.

Mr. CLAYTON said, that the report did not profess to express the unanimous opinions of the committee. Every member of it, however, believes that Congress possessed the right to pass the bill, and concurs in the expediency of the measure.

The printing of the extra copies of the report was then ordered.

RESOLUTION SUBMITTED.

Mr. LINN submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of converting the arsenal at St. Louis, Missouri, into an arsenal of construction.

NOTICE OF A BILL.

Mr. ROBINSON gave notice that he would to-morrow ask leave to introduce a bill for the relief of Henry Hall.

EAST FLORIDA RAILROAD COMPANY.

On motion by Mr. KING, of Alabama, the bill to authorize the East Florida Railroad Company to locate their road through the territory of the United States, was taken up; and after some remarks from Messrs. DAVIS, KING, and HENDRICKS, the bill was laid on the table.

THE QUAKER MEMORIAL.

The Senate proceeded to the consideration of the petition of the Society of Friends of Lancaster, Pennsylvania, for the abolishment of slavery in the District of Columbia.

Messrs. PRENTISS and PRESTON addressed the Senate on the subject at considerable length; after which, on motion by Mr. BUCHANAN,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 1, 1836.

Pending the reading of the Journal yesterday,

Mr. PEYTON moved to amend the same by adding to the motion of Mr. MASON, of Virginia, that Mr. WISE "be permitted to proceed in his speech," (after being called to order,) the words "in order."

Mr. MASON, of Virginia, not being at the time in his seat, some conversation took place between the CHAIR and Messrs. PEYTON, J. CALHOON, DROMGOOLE, BYNUM, BELL, MERCER, ASHLEY, BOON, MILLER, and HOAR, as to the terms of the motion of Mr. MASON; when

Mr. MASON, of Virginia, (having taken his seat in the House,) rose and remarked, that his motion was that his colleague "be permitted to proceed." This he conceived to be the usual parliamentary form; and he supposed that his colleague would of course proceed, subject to the restraints and rules of order adopted by the House.

Mr. PEYTON then withdrew his motion to amend the Journal in this particular, and proposed to strike out the words, "in his speech," so as to make it conform to the motion of Mr. MASON, as stated by that gentleman; which, after some further remarks by Messrs. PARKER, PEYTON, ADAMS, and MANN of New York, was agreed to.

Mr. BRIGGS moved to suspend the rules for the purpose of calling for petitions from the States not called yesterday; which was agreed to.

Petitions and memorials were then presented by Messrs. COLES, JOHNSON, LUCAS, and WISE of Virginia.

SLAVERY IN THE DISTRICT.

Mr. WISE presented a memorial from an individual named John A. Smith, who represented himself to be a resident of the District of Columbia, protesting against the course of the northern Abolitionists in a legal and constitutional argument of some length, and insisting that all abolition petitions should be forthwith rejected.

Mr. W. moved that this paper be referred to the select committee raised on the subject, with instructions to report the following resolution:

Resolved, That Congress has no constitutional power to abolish slavery in the District of Columbia, or in the Territories of the United States.

The CHAIR decided that, on the construction given by the House to its own order, the motion of the gentleman from Virginia in reference to the instructions was not in order. He considered the question involved the same principles before acted upon by the House.

Mr. WISE took an appeal from the decision of the Chair, on the ground that the resolution of Mr. PINCKNEY embraced "every paper," and Mr. W.'s motion being written, was embraced in that order. It was as much a "paper" as the resolutions and acts of the Virginia Legislature; and he contended that everything within the vortex of abolition must go to the select committee on that subject. He called upon the House to act consistently, and not to send one set of papers to that committee, and refuse to send another. If the House did refuse to send these instructions, it would act inconsistently.

Mr. W. assured the House that the memorial was a *bona fide* one, and that he had been requested, in a letter from the memorialist, whom he knew not, to present it. Mr. W. then read the letter.

Mr. LANE said that something like six weeks had been expended in the presentation and consideration of memorials and resolutions on the subject of abolition from the North, to the entire exclusion of all petitions and memorials from the western States and Territories. Having, after this protracted period, passed Mason and Dixon's line, it was fondly hoped no further delay would have occurred from this all exciting subject. In this it seems we are mistaken. The firebrands of abolition seem to thicken around us from the South, and threaten equal, if not more, delay. To avert this storm, and to enable the people of the West to be heard in this House, *he* would move the previous question.

The previous question was seconded.

Tellers being appointed, there were—ayes 98, noes 63.

The main question was then ordered to be put without a count; and, on Mr. WISE's motion, the memorial, resolution, &c., were read at length from the Clerk's table.

Mr. CHAPIN then asked for the yeas and nays on the main question; which were ordered.

The main question, "Shall the decision of the Chair stand as the judgment of the House?" was about to be propounded; when

Mr. ASHLEY asked if the motion to lay the memorial and the motion of the gentleman from Virginia on the table would be in order?

The CHAIR, after a few words from Messrs. CRAIG, WISE, and ADAMS, decided that, under the order of the House, viz: the adoption of Mr. PINCKNEY's resolution, the motion would not be in order.

The main question was then taken; and the vote was—yeas 163, nays 38; as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Anthony, Ash, Ashley, Bailey, Banks, Barton, Bean, Beardsley, Beaumont, Bockee, Bond, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Bynum, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapin, Childs, Clark, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Davis, Deberry, Denny, Dickerson, Doubleday, Dromgoole, Dunlap, Effner, Evans, Everett, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Granger, Grantland, Graves, Grennell, Haley, Joseph Hall, Hiland Hall, Hamer, Hard, Hardin, Harper, Albert G. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Heister, Hoar, Holsey, Hop-

kins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Jenifer, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Logan, Lucas, Abijah Mann, Job Mann, William Mason, Moses Mason, Sampson Mason, May, McCarty, McKennan, McKeon, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, Potts, Reed, Rencher, John Reynolds, Joseph Reynolds, Roane, Russell, Schenck, Seymour, Augustine H. Shepperd, Shinn, Sickles, Sloane, Smith, Spangler, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpoel, Vinton, Wardwell, Webster, Weeks, Lewis Williams, and Sherrod Williams—163.

NAYS—Messrs. Adams, Bell, Bunch, John Calhoun, William B. Calhoun, Campbell, Carter, John Chambers, Nathaniel H. Claiborne, James Garland, Rice Garland, Glascock, Graham, Grayson, Griffin, Hannegan, Henry Johnson, Lawler, Luke Lea, Loyall, Lyon, Martin, John Y. Mason, Maury, McComas, James A. Pearce, Pettigrew, Peyton, Phillips, Pickens, Robertson, William B. Shepard, Standefer, Taliaferro, Waddy Thompson, Towns, White, and Wise—38.

So the House determined that the decision of the Chair shall stand as the judgment of the House; and the memorial was consequently referred to the select committee on the subject of abolition, but without the instructions.

VIRGINIA RESOLUTIONS ON SLAVERY.

Mr. WISE then rose to present certain joint resolutions on the Legislature of Virginia on the subject of the abolition of slavery, and was proceeding to read them, when

Mr. BROWN rose to a question of order. He desired to know whether the rules of the House had not been suspended merely for the purpose of presenting memorials and petitions, and whether those resolutions came under that character?

The CHAIR replied that it had always been usual to present joint resolutions of State Legislatures when the States were called for petitions and memorials, and under that rule these resolutions were in order.

Mr. PARKS begged to inquire of the gentleman from Virginia whether a similar paper had not been presented by another member from Virginia [Mr. PATTON] yesterday? And, if it were the same, he would inquire of the Chair if it was in order to present the same paper twice?

The CHAIR replied that it was not in his power to say whether those resolutions were the same or not, until they were sent to the Chair for examination.

Mr. WISE replied that the gentleman from Maine could not make that point of order until he knew whether the paper was the same or not, but he would answer the gentleman's inquiry by reading the paper itself.

Mr. W. then proceeded with the reading of the resolutions; and, on concluding, remarked that he had done his duty by submitting them to the House, but he should not present them to be carried to the select committee.

PETITIONS, MEMORIALS, ETC.

Petitions and memorials were presented by Messrs. GARLAND, CLAIBORNE, ROBERTSON, TALIAFERRO, MERCER, and MORGAN, of Virginia.

[Mr. GARLAND, of Virginia, presented the following petitions: of the widow and surviving heirs of Lieutenant William Lewis, for compensation for revolutionary services; of the heirs of Quartermaster John Moore, for compensation for revolutionary services; of the heirs of Colonel Charles Lewis, for compensation for revolutionary services; of sundry citizens of Albemarle and Fluvanna counties, in the State of Virginia, for the establishment of a mail route from Columbia to Lynchburg, on a prescribed line.]

Messrs. CONNER, McKAY, BYNUM, and MONTGOMERY, of North Carolina;

Messrs. GRIFFIN and THOMPSON, of South Carolina;

Messrs. GRANTLAND, TOWNES, JACKSON, and CLEVELAND, of Georgia.

[Mr. CLEVELAND presented the petition of James Wood, of Heard county, Georgia, heir and administrator upon the estate of Captain Edward Wood, deceased, praying compensation for revolutionary services; which was referred to the Committee on Revolutionary Claims.]

Messrs. JOHNSON, CHAMBERS, HARLAN, ALLAN, FRENCH, and WHITE, of Kentucky.

[On motion by Mr. HARLAN, the petition of William McBride, on the files of the House, was referred to the Committee on Claims.]

Messrs. DUNLAP, CARTER, HUNTSMAN, SHIELDS, and the SPEAKER, of Tennessee.

[Mr. DUNLAP gave notice that on Thursday week he should ask leave of the House to resolve itself into a Committee of the Whole on the bill to amend the act to authorize the State of Tennessee to issue grants for certain land, &c.]

Messrs. VINTON, BOND, HAMER, PATTERSON, SLOANE, THOMSON, STORER, WHITTLESEY, JONES, SPANGLER, KILGORE, CRANE, WEBSTER, McLENE, MASON, KENNON, and CORWIN, of Ohio.

[Mr. PATTERSON presented six petitions from the citizens of Huron and Richland counties, praying for the construction of the harbor of Vermilion, in the State of Ohio; also, a petition for a post route from Norwalk, in Huron county, to Runners, in Richland county, Ohio.

Mr. THOMSON, of Ohio, said he had been charged with the presentation to this House of petitions of sundry inhabitants of the State of Ohio, praying for the abolition of slavery and the slave trade in the District of Columbia, and signed by about seven hundred men and about three hundred ladies, as appears by the names; which petitions he moved might be referred to the select committee raised by the House on that subject.

Mr. SPANGLER presented the following memorials: of Levi Chadwick, a soldier of the Revolution, for a land warrant; of Robert Fulton, for the allowance of a claim; of citizens of Ohio, for a post route from Fairview, in Guernsey county, to Eastport, in Tuscarawas county; of citizens of Ohio, for a post route from Cadiz, in Harrison county, to Millersburgh, in Holmes county; of citizens of Ohio, for a post route from Chesterville, in Knox county, to Johnsville, in Richland county; of citizens of Knox county, Ohio, for an appropriation of money for the erection of a bridge across the Ohio river at Wheeling; of citizens of Tuscarawas county, Ohio, for the abolition of slavery and the slave trade in the District of Columbia.

Mr. WEBSTER presented petitions of sundry citizens, praying a change in the national road between Springfield, Ohio, and Richmond, Indiana, with the proceedings of several public meetings; which were laid on the table with the bill on that subject.

He said he held in his hand a petition signed by a number of very respectable citizens, on the subject which had produced so much agitation in this House. The object of the petitioners he could not better state, than by reading a brief paragraph from the petition: "That your petitioners would take no measures for the abolition of slavery which are not reasonable, and sanctioned both by the Constitution of our country and the dictates of an enlightened humanity. They do not, therefore, ask your honorable body to interfere with the laws which in the several States go to establish and regulate property in human beings; but as Congress has the exclusive power of legislation in and over the District of Columbia, they ask for the exercise of that power totally to abolish slavery within said District." He said the petition contained another proposition—the abolition of the slave trade. "To such a magnitude," say the petitioners, "has this trade grown under the exclusive legislation of Congress, that, if the citizens of the District themselves are to be believed, the capital of our republic is one of the greatest slave marts in the world."]

Messrs. JOHNSON and GARLAND, of Louisiana;

Messrs. DAVIS, HANNEGAN, McCARTY, BOON, CARR, LANE, and KINNARD, of Indiana.

[Mr. DAVIS presented the petition of William Purcell, of Vincennes, for horses lost in the late war; also, the petition of sundry citizens, praying the establishment of a post route from Bloomington to Merom, Indiana, in a direction to Vandalia, Illinois; also, the joint resolution of the Legislature of Indiana, relative to certain unreclaimed land on the Wabash river, below Vincennes; also, the petition of sundry citizens, praying the establishment of a post route from Washington to Emison's Mills, Indiana.

Mr. McCARTY presented a memorial from the General Assembly of the State of Indiana, asking a grant of a strip of the public lands along the line of a contemplated turnpike road from Fort Wayne to Richmond.

Mr. McC. also presented a memorial from the same Legislature, asking permission on the part of the State to enter, at a reduced price, a portion of the public lands along the line of a railroad from a point where the Whitewater canal crosses the Cumberland road, by way of Newcastle and Munceytown, to Fort Wayne.

Mr. McC. also presented the petition of Benjamin Sayer; praying indemnity for work done in the building a bridge on the Cumberland road in Indiana; and also the petition of Chening Madson, praying, in like manner, to be indemnified for work done by him in the construction of a bridge on the Cumberland road.

Mr. LANE presented the petition of J. Thrasu praying for a pension; the petition of Mr. Leop a revolutionary soldier, praying to be placed on the pension roll; the petition of Albert Vanderveer, of Wayne county, New York, a revolutionary soldier, praying for a pension; the memorial of the General Assembly of Indiana, praying relief for Margaret Nation, an aged and infirm woman, having a large family of deaf and dumb children; a petition for a post route from Brookville to Versailles, via Sumner; and one from Napoleon, via Aurora, to Bowlington, Kentucky.

Mr. KINNARD presented the claims of John Brewer, William Jacobs, John J. Smock, John C. Jacobs, Robert Farnsworth, Elzey Matthews, Hance Sturgeon, and John L. Dunn, for compensation for horses and other property unavoidably lost by them in an expedition of Indiana volunteer mounted riflemen, under command of Colonel Russell, in 1832; also, the claims on several other persons for supplies furnished said troops; which were referred to the Committee of Claims; also, a joint resolution of the General Assembly of Indiana, in favor of an examination and survey of a route for a railroad from Michigan City, in the State of Indiana, to Charleston South Carolina; which was referred to the Committee on Roads and Canals; also, a memorial in favor of allowing compensation for horses unavoidably lost by the United States rangers in the public service; which was referred to the Committee on Claims, and ordered to be printed.

Mr. CARR presented a memorial and joint resolution from the General Assembly of the State of Indiana, on the subject of granting a bounty of land to the organized militia-men and rangers who so successfully protected the frontier during the late war with Great Britain; which, on his motion, was referred to the Committee on Public Lands, and ordered to be printed.]

Mr. DICKSON, of Mississippi;

Messrs. CASEY, MAY, and REYNOLDS, of Illinois.

[Mr. REYNOLDS presented the claim of widow Bowman, of St. Clair county, Illinois, for a pension, on account of her husband, a lieutenant, being killed in battle by the hostile Indians in the year 1832; also, a petition for a post route from Frankfort by Brownsville, to Gill's Ferry, in the State of Illinois, and thence to Jackson, in Missouri; also, the claim of E. Wise, of Randolph county, Illinois, for a horse lost in the late disturbance with the Indians in the year 1832; the claim of Harry Welton, for horses and a wagon lost in the Black Hawk war in 1832; and the petition of General Willis Hargrow, of Gallatin county, Illinois. This petition states that General Hargrow now receives a pension, and that he received the wound for which he has now the benefit of the pension some time before he made application for his pension, and that he incurred expenses in his affliction which he paid out of his own funds; and now prays Congress to place him on the pension roll from the time he was disabled from attending to his ordinary business, and to refund the amount of money paid to physicians and others to effect his cure.

Mr. MAY presented a petition for the establishment of a mail route from Indianapolis, in the State of Indiana, to Peoria, in Illinois; also, a

petition from the citizens of Fulton county, for the establishment of a mail route from Peoria, to intersect the route from Springfield, through Lewistown and Knoxville, to Monmouth; also, a petition from the citizens of Hancock county, for the establishment of a mail route from Carthage, via Bear creek, to Warsaw, and to the Des Moines post office, in Missouri; also, a petition from the citizens of Knox and Henry counties, for the establishment of a mail route from Knoxville, via Henderson's Grove, Henryville, Prophetstown, to Galena; also, a petition from the citizens of Peoria, for the establishment of a mail route from Peoria to Quincy; also, a petition from the citizens of Peoria, Tazewell, and Putnam counties, praying for the establishment of a post route from Peoria to Hennepin; also, a petition from a number of citizens of Green county, for the establishment of a mail route from Alton to the Piasaw, Delaware, Greenfield, and Brown's Point, to Jacksonville; also, a petition from the citizens of Cook county, for the establishment of a post route from Chicago, northwestwardly to Fox river, at or near George McClure's; also, a petition of a number of citizens of Cook and Lasilee counties, for the establishment of a post route from Ottawa, up the Fox river, to a point intersecting the State road from Chicago to Galena; also, a petition for the establishment of a mail route from Chicago to Galena; also, a petition of the trustees of the town of Chicago, and other inhabitants of said town, and of the county of Cook, praying that the tract of land upon which Fort Dearborn is situated, adjacent to said town, may be given to the trustees of Chicago, and their successors in office, to be disposed of for the use and benefit of the corporation; also, the petition of the trustees of the Franklin Manual Labor College, praying for a donation of land for the use of said college; also, a joint resolution of the Legislature of the State of Illinois, asking for an appropriation to remove the obstructions to the navigation of the Illinois river.]

Messrs. LYON, CHAPMAN, LAWLER, and MARTIN, of Alabama.

Messrs. HARRISON and ASHLEY, of Missouri.

[Mr. HARRISON presented the petition of John Wilson, praying compensation for services rendered during the call of the Missouri militia in 1832; the petition of the heirs of William Young, praying compensation for services rendered by their father in taking the census of certain Indian tribes; the memorial of the citizens of St. Louis, praying that the Cumberland road may pass through St. Louis. Mr. H. moved that the decisions of the Supreme Court, made on some private land claims from the State of Missouri, be printed, and referred to the Committee on Public Lands.]

Mr. JONES, of Michigan Territory.

[Mr. JONES presented the following petitions, memorials, and resolutions:

1. Petition of the inhabitants of the county of Milwaukie, Michigan Territory, praying for the establishment of a land office in that county, for the sale of the public lands.

2. Petition of the inhabitants of Des Moine county, Michigan Territory, praying for the establishment of certain post routes.

3. Petition of Jesse Morrison, praying of Congress remuneration for a horse lost by him in the Indian war of 1822, on the frontiers of Illinois and Michigan.

4. Petition praying the establishment of a post route from Marshall, via Lyon lake, Wirt, Gerard, to Cold Water, Michigan Territory.

5. Petition of Sally Hale, praying relief for loss in the war of 1812, on the frontiers of Illinois and Michigan Territory.

6. Petitions of the citizens of Du Buque, praying the passage of a law to perfect their titles to their lots in that town.

7. Petition of Captain Joseph Dickson, praying relief as a pensioner.

8. Petition of George C. Willard, praying the passage of a law to authorize him to enter as a preëmption the southeast quarter, section 16, 2 north, range 1 east, of the 4th meridian.

9. Petitions of citizens of Du Buque county, Michigan Territory, praying the establishment of certain mail routes.

10. Petitions of inhabitants of Fort Madison, Des Moine county, Michigan Territory, praying the establishment of mail routes.

11. Memorials of the Legislative Council of Michigan Territory, praying the pasaage of laws for the establishment of the territorial government west of Lake Michigan, for the survey and sale of mineral and other lands in Michigan Territory; the establishment of land offices in said Territory; the extension of the preëmption law to occupants of all the public lands on the 1st January, 1836; the construction of light-houses, &c., on Lake Michigan; the improvement of the navigation of rivers; the making of roads, and for other purposes; and the extinguishment of the title of Indian lands in Des Moine county.

12. Resolutions of the Legislative Council asking and making appropriation for pay of its members, officers, printers, &c.

13. Petition asking a donation of one section of land, to be made to James Clyman.

14. Petition of the inhabitants of Des Moine county, praying the establishment of a surveyor general's office in Michigan Territory, west of Lake Michigan.

1. A resolution to inquire into the expediency of establishing numerous post routes in the Territory of Michigan, west of Lake Michigan.

2. A resolution to inquire into the expediency of constructing military roads between several places in Michigan Territory, west of the Lake.

3. A resolution to inquire into the expediency of granting to the citizens of Fort Madison, Burlington, Belleview, Dubuque, and Peru, in Michigan Territory, west of the Mississippi river, titles to their town lots in those towns.]

Mr. SEVIER, of Arkansas.

[Mr. S. presented the constitution adopted by a convention of the citizens of Arkansas, &c.]

Mr. WHITE, of Florida.

Messrs. EVANS and JARVIS, of Maine.

Mr. BEAN, of New Hampshire.

[Mr. BEAN presented two petitions on the subject of the abolition of slavery in the District of Columbia; which were referred to the committee appointed on that subject.

Mr. LEONARD, of New York, yesterday presented a petition from sundry inhabitants of the county of Tioga, in the State of New York, praying for the establishment of a mail route from the village of Smithsboro' to the village of Spencer, in the county and State aforesaid.

Mr. LEONARD also presented the petition of sundry inhabitants of the county of Cortlandt, in the State of New York, praying for the abolition of slavery and the slave trade in the District of Columbia.]

EXECUTIVE COMMUNICATION.

The SPEAKER presented a communication from the Secretary of the Treasury, in pursuance of a resolution of May, 1830, on the subject of navigation by steamboats and steam vessels.

RESOLUTIONS.

On motion by Mr. MORGAN, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of establishing a pension agency in the city of Wheeling, Virginia, for the payment of all pensioners resident in the counties of Brooke, Ohio, Marshall, Tyler, Wood, Lewis, Harrison, Randolph, Preston, and Monongalia, in Virginia, and —— counties in Ohio.

On motion by Mr. UNDERWOOD, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Bowling Green to Scottsville, by way of the Allum Spring.

On motion by Mr. DUNLAP, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the town of Van Buren, in the county of Hardeman, and State of Tennessee, to Moore's X Roads, in said county.

On motion by Mr. WILLIAMS, of Kentucky, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Stanford, in Lincoln county, Kentucky, via Colonel Jesse Coffey's, thence, via Liberty, in Casey county, to Jamestown, in Russell county, Kentucky.

On motion by Mr. HAYNES, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of replacing Benjamin Thompson, of Georgia, on the pension roll, at an increase of pension.

On motion by Mr. WILLIAMS, of Kentucky, it was

Resolved, That the declaration of Simeon Clutter, made for the purpose of obtaining a pension under the act of June 7, 1832, be referred to the Committee on Revolutionary Pensions, with instructions to inquire into the propriety of placing his name on the pension list, and giving him the benefit of the provisions of the aforesaid act.

On motion by Mr. OWENS, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of providing by law for the payment of commutation pay to the heirs and legal representatives of James Bullock, deceased, late of Georgia, an officer in the army of the Revolution.

On motion by Mr. GARLAND, of Virginia, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from the main stage route between Richmond and Charlottesville, in the county of Goochland, by Columbia in Fluvanna, Scottsville, in Albemarle, Warminster, and Tye River Warehouse, in the county of Nelson, to Lynchburg.

On motion by Mr. HAMER, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing an arsenal of depot and repair for the public arms at some suitable point in the State of Ohio.

On motion by Mr. JOHNSON, of Louisiana, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the erection of a light-house on Lake Ponchartrain, at the mouth of the Bayou St. John, in the State of Louisiana.

On motion by Mr. GARLAND, of Louisiana, it was

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of adopting some measure for testing the utility of a discovery made by Colonel Charles Morgan, of the parish of Point Coupee, Louisiana, for preventing dry rot in timber, for which he has obtained a patent.

On motion by Mr. GARLAND, of Louisiana, it was

Resolved, That the account of Colonel Washington Seawell against the United States, and the documents in support thereof herewith presented, be referred to the Committee of Claims, with instructions to inquire into the expediency of paying the same.

On motion by Mr. LYON, it was

Resolved, That so much of report No. 2 of the register and receiver of the land office at St. Stephens, Alabama, acting as commissioners under the third section of the act of the 7th March, 1829, and dated 3d May, 1832, and also so much of the report of the same commissioners under date of the 3d July, 1834, as relates to the claims of the heirs of Aliguel Eslava, deceased, together with the several documents relating thereto, which were heretofore transmitted to Congress from the Treasury Department, be referred to the Committee on Public Lands.

On motion by Mr. McLENE, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from the town of Delaware, by Radnor, in Delaware county, and Big Island, in Marion county, to Upper Sandusky, in Crawford county; also, a mail route from Delaware, through Maysville and Millford, in Union county, to Arbana, in Champaign county; also, a post route from Sunbury, in Delaware county, Woodbury, same county, Mount Gilead, in Marion county, Leesville, in Richland county, thence to New Haven, in Huron county; and also, a mail route from Reynoldsburg, on the National road, in Franklin county, passing Headley's mill and Plain Four Corners, in Franklin county, Harlaem and Genoa, in Delaware county, to Galena post office, in said county of Delaware; also, a post route from Dublin, in Franklin county, up west side Scioto to Bellepoint, in Delaware county, and continued to Middletown, in said Delaware county, thence to Big Island, in Marion county.

On motion by Mr. MARTIN, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing the Legislature of the State of Alabama to reduce the minimum price of the unsold part of the four hundred thousand acres of land granted to the said State for the improvement of the Tennessee river, and for other purposes.

On motion by Mr. KINNARD, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of providing by law for the examination and survey of a route for a railroad from Michigan City, on Lake Michigan, in the State of Indiana, to the city of Charleston, South Carolina.

On motion by Mr. WHITE, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing patents to be issued to the Polish exiles for land granted to them under the law of the 30th of June, 1834, on their paying to the Government the minimum price of said lands, or of

authorizing such other disposition of such lands as will give relief to said exiles in their unfortunate and embarrassed condition.

On motion by Mr. LYON, it was

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of repealing so much of an act, approved May 29, 1830, entitled "An act to relinquish the reversionary interest of the United States in certain Indian reservations, in the State of Alabama," as requires as a condition to such relinquishment that George Stiggins, with his family, shall remove west of the Mississippi.

Resolved further, That the same committee inquire into the expediency of relinquishing the reversionary interest of the United States in the reservation of land claimed and possessed by Latchlieu Durant, of Alabama.

On motion by Mr. WHITE, it was

Resolved, That the Committee on Territories be instructed to inquire into the expediency of providing by law for the erecting a court-house and jail at Pensacola, in Florida, for the use of the United States district court.

On motion by Mr. SEVIER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Dardanelles, by the county seat of Scott county, to Zebulon, in the county of Pike, in the Territory of Arkansas; and, also, for an extension of the mail route from Batesville, in Arkansas, by Clinton, to Lewisburg.

On motion by Mr. KILGORE, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from New Richmond, via Knoxville, to the mouth of Big Yellow creek, Ohio.

On motion by Mr. VINTON, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of granting to Edward Ferguson, of Lawrence county, Ohio, a soldier in the late war with Great Britain, and to the only child and heir-at-law of Hosea Neal, also a soldier in the late war, military bounty land.

On motion by Mr. MAY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Danville, in Vermilion county, to Ottawa, Illinois; also, that the same committee inquire into the expediency of establishing a post route from Danville, via Decatur, to Springfield, Illinois; also, that the same committee inquire into the expediency of establishing a post route from Carrollton, Illinois, via Grafton, to St. Charles, in Missouri.

On motion by Mr. TOWNS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Talboton, in the State of Georgia, by way of Uchee Village, in Marion county, Pond Town, in Sumpter county, to Americus.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Lumpkin, in Stewart county, to Starksville, in Lee county, Georgia.

On motion by Mr. WHITE, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making a donation of public lands to the Territory of Florida, to enable the said Territory to erect a suitable public building for the Legislative Council, and for other public purposes.

On motion by Mr. LYON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Monticello, in Pike county, Alabama, to Tuskeega, in Macon county.

On motion by Mr. CARTER, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of placing Jacob Hedderick, of Jefferson county, Tennessee, a soldier of the late war, upon the pension roll.

On motion by Mr. CARTER, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of extending the provisions of the act of Congress of the 7th June, 1832, to Hugh Carter, Sr., of Greene county, Tennessee, for revolutionary services.

On motion by Mr. HARRISON, of Missouri, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of making a grant of the public lands, for the purpose of constructing a road from Jefferson City, the seat of government for the State of Missouri, by the way of Little Rock, the seat of government for the Territory of Arkansas, on a direct line from the point of beginning to where the same would strik thee Mississippi river.

On motion by Mr. STANDEFER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes, to wit: 1st. From Ten Mile Stand, in Rhea county, Tennessee, passing George Gordon's iron works, and from thence through the Grassy Cove, to George Dawson's, on Cumberland mountain. 2d. From Pikeville, in Bledsoe county, Tennessee, by Blythe's Ferry, on Tennessee river, to David McNare's, on Conassaugn. 3d. From McMinnville, Warren county, Tennessee, by James Gardner's, Esq., to Dallas, in Hamilton county. 4th. From Calhoun, Tennessee, to Walker Court-house, Georgia, down Chittooga Valley, by Cherokee Court-house, to Jacksonville, Alabama.

On motion by Mr. JONES, of Michigan, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of passing a law for the benefit and relief of the citizens of the towns of Fort Madison, Burlington, Belleview, Dubuque, and Peru, respectively, as passed in the year ——, for the relief and benefit of the citizens of Galena, on Bean river, Illinois.

On motion by Mr. WHITE, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route by Florida Town, Alengrante, Pitman's Ferry, to Campbellton, in the Territory of Florida, and from Mariana to the town of St. Joseph.

On motion by Mr. JONES, of Michigan, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes: From the Rapids on the Des Moines river to Burlington; from Richlandtown to Burlington; from Mount Pleasant, Michigan Territory, through Burlington, to Macomb, Illinois; from Burlington to Monmouth, Illinois; also, from Dubuque, via the Macoqueta and the settlement on Turks, to Cassville, and thence through the county of Iowa, via Blue Mounds or Wiota, to Milwaukie bay; from Galena, Illinois, via Siusinawa post office and Gibraltar, Cassville and Prairie du Chien, to Fort Snelling; in Crawford county; from Cassville to Mineral Point, to intersect the Galena and Green Bay route; from Galena, Illinois, via White Oak Springs and Gratiot's Grove, to Wiota, and to intersect the route to Milwaukie; from Galena, Illinois, to Dubuque.

On motion by Mr. HARRISON, of Missouri, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in the State of Missouri: From Jefferson City, the seat of government, through the seats of justice for the counties of Morgan, Benton, Polk, and Greene, to the seat of government of the Territory of Arkansas; from the seat of justice of Greene county, through the seats of justice of Polk, Benton, Rives, Van Buren, and the seats of justice of Pettis and Johnson, to Jackson; from Booneville, Cooper county, through the seat of justice in Van Buren; from the seat of justice of Greene county, through the seats of justice of Pulaski, and by Massey's iron works, in Crawford county, to Union, the seat of justice of Franklin county; from Jefferson City, through the seats of justice of Gasconade, Crawford, Washington, and St. Francis counties, to Jackson, the seat of justice for Cape Girardeau county, twice a week; from the seat of justice of Stoddard county to Greenville, the seat of justice for Wayne county; from Potosi, the seat of justice for Washington county, through the seat of justice in Ripley county, to Jackson, in Arkansas; from Kaskaskia, in Illinois, to St. Genevieve, in Missouri; from St. Genevieve, through Farmington, to Potosi, seat of justice of Washington county; from the town of Cape Girardeau to Commerce, in Scott county; from St. Louis to the seats of justice of Franklin and Gasconade, to the city of Jefferson, twice a week, in a two-horse post coach; from Jefferson City to Boonville, in Cooper county, through the seats of justice of Saline and Lafayette, to Independence, the seat of justice of Jackson county, in a four-horse post coach twice a week; from St. Louis, through the seats of justice of St. Charles, Warren, Montgomery, Calloway, Boone, Howard, Charitan, Carroll, and Ray, to Liberty, the seat of justice of Clay county, three times a week, in a four-horse post coach: from Louisiana, Pike county, through Bowling Green, to Fulton, in Calloway county, in two-horse post coaches; from St. Genevieve, by Bolivia, to Fredericktown, the seat of justice of Madison county; from Jackson, the seat of justice of Cape Girardeau county, by the town of Cape Girardeau, and through the seat of justice of Scott county, to New Madrid, the seat of justice of New Madrid county; from Fulton, the seat of justice of Calloway county, by the town of Portland, to Mount Sterling, the seat of justice of Gasconade county; from Keyteville, the seat of justice of Chanton county, to Gresham Compton's store, on the North Grand river, and from thence to Richmond, the seat of justice of Ray county; from Carrollton, the seat of justice of Carroll county, to Mr. —— Nove's store, on North Grand river, thence to Gresham Compton's store, on the said river; from Fulton, the seat of justice of Calloway county, to Henry Neile's, at or near Cote Sans Dessein, in said county; from the city of Jefferson, through the seats of justice of Boone and Monroe, to Palmyra, in Marion county; from Fulton, in Calloway county, to Paris, the seat of justice in Monroe county; from Palmyra, by St. Francisville, on the Des Moines river, to Burlington, on the Mississippi river, twice a week, in a four-horse post coach.

On motion by Mr. KINNARD, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in the State of Indiana: From Indianapolis, via Beaver's mills, in Marion county, Pendleton and Huntsville, in Madison county, to Strawtown, in the county of Hamilton; from Strawtown to Peru, in the county of Miami; from Peru to the county seat of Fulton; from Bloomington, in Monroe county, via Bale's Bridge, to Salem, in Washington county; from Shelbyville, in Shelby county, via Manwaring's, on Sugar creek, Green post office, Far West, and Mooresville, to Monrovia, in Monroe county; from Mount Tabor, in Monroe county, to Stilesville, in Hendrick county; from Martinsville, in Morgan county, by the way of Lyon's mills, Mooresville, Danville, and Lebanon, to Frankfort, in Clinton county; from Indianapolis, the capital of the State of Indiana, upon the Cumberland road, to Terre Haute; from Thorntown, in Boone county, to Kirk's Cross Roads, in Clinton county; from Noblesville, in the county of Hamilton, to Montezuma, in Parke county, via Westfield, Northfield, Lebanon, Jamestown, and Russellville.

On motion by Mr. JONES, of Michigan, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making appropriation for the improvement of the crossing at the ferry on the river Wisconsin, on the military road between Prairie du Chien and Fort Winnebago, either by a bridge across said river or otherwise, as may appear most expedient; and that the said committee also inquire into the expediency of providing for the construction of a military road from Milwaukie, on Root river, on Lake Michigan, to the Mississippi river, in the Territory of Michigan; also, for the construction of military roads from Fort Des Moines, through Des Moines and Dubuque counties, to Cassville and Prairie du Chien; also for military roads from the Blue Mound to the nearest navigable point on the Mississippi river, by the most eligible route from Cassville, to intersect the military road leading from Prairie du Chien to Fort Winnebago, and from Cassville to Galena, on the most eligible routes.

The House adjourned.

IN SENATE.

WEDNESDAY, *March* 2, 1836.

The following message was received from the President of the United States, by Mr. DONELSON, his Secretary, which was read:

WASHINGTON, *February* 29, 1836.

To the Senate, and House of Representatives of the United States:

I transmit a report of the Secretary of the State, communicating an application from the Chargé d'Affaires of Portugal, for the passage by Congress of a special act abolishing discriminating duties upon the cargoes of Portuguese vessels imported into the United States from those parts of the dominions of Portugal in which no discriminating duties are charged upon the vessels of the United States or their cargoes; and providing for a return of the discriminating duties which have been exacted upon the cargoes of Portuguese vessels thus circumstanced, since the 13th of April, 1834. I also transmit a copy of the correspondence which has taken place on the subject between the Department of State and the Chargé d'Affaires of Portugal.

The whole matter is submitted to the discretion of Congress, with this suggestion, that if an act should be passed, placing the cargoes of Portuguese vessels coming from certain parts of the territories of Portugal on the footing of those imported in vessels of the United States, or deciding upon the propriety of restoring the duties heretofore levied, and the time to which they shall be restored, regard should be had to the fact, that the decree of the 18th of April, 1834, which is made the basis of the present application, took effect in the islands of Madeira and the Azores many months after its promulgation; and to the more important fact that, until the first of February instant, an indirect advantage was allowed by Portugal to importations from Great Britain over those from other countries, including the United States.

ANDREW JACKSON.

On motion by Mr. KING, of Georgia, the message and documents were referred to the Committee on Commerce.

PETITIONS, MEMORIALS, ETC.

Mr. TIPTON presented certain resolutions of the Legislature of Indiana, asking the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. NAUDAIN presented the petition of the heirs of Colonel John Hastlett, who was killed at the battle of Princeton; which was referred to the Committee on Revolutionary Claims.

REPORTS FROM COMMITTEES.

Mr. NAUDAIN, from the Committee on Claims, to which had been referred the petition of the heirs of Nathaniel Cassedy, reported a bill for their relief; which was read and ordered to a second reading.

Mr. N., from the same committee, to which had been referred the petition of Lieutenant John M. Gilbert, praying remuneration for a horse lost in the service of the United States, made an unfavorable report thereon.

Mr. EWING, of Ohio, from the Committee on Public Lands, to which the subject had been referred by the resolution of the Senate of the 6th January, reported a bill for the reorganization of the General Land Office; which was read and ordered to a second reading.

Mr. WALL, from the Committee on Military Affairs, to which had been referred the bill from the House providing for the payment of militia and volunteer corps called into the service of the United States, reported the same with several amendments; which were read and concurred in;

and by general consent the bill was then considered as in Committee of the Whole, and ordered to a third reading.

Mr. ROBINSON, in pursuance of notice given, asked and obtained leave, and introduced a bill for the relief of Henry H. Hall; which was read twice and referred.

Mr. CLAYTON, from the Committee on the Judiciary, to which the subject had been referred, reported a bill to authorize the Secretary of the Treasury to compromise and settle the claims of the United States against the Alleghany Bank of Pennsylvania; which was read and ordered to a second reading.

RESOLUTIONS ADOPTED.

The resolutions lying on the table were severally considered and agreed to.

FRAUDS ON LAND OFFICES.

The joint resolution introduced by Mr. BLACK, providing for the payment of the expenses incurred in taking testimony in relation to frauds alleged to have been committed on the public land offices, was, on motion by Mr. KING, of Alabama, referred to the Committee on the Contingent Fund of the Senate.

JESSE SMITH.

The bill from the House for the relief of Jesse Smith and others was read the first time and referred.

THE QUAKER MEMORIAL.

The petition of the Society of Friends of Lancaster, Pennsylvania, for the abolition of slavery in the District of Columbia, was taken up as the special order; and, after some remarks at considerable length from Messrs. BUCHANAN, WALKER, and WHITE,

On motion by Mr. GOLDSBOROUGH, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 2, 1836.

Mr. DENNY, by consent, submitted a motion to print five thousand extra copies of the report of the Franklin Institute of Pennsylvania, on the subject of the explosion of steam boilers, transmitted to the House yesterday by the Secretary of the Treasury.

The CHAIR said the motion must, under the rule, lie over one day.

Mr. DENNY moved to suspend the rule, in order to consider his motion at that time; which was agreed to—ayes 88, noes 44.

Mr. PARKS said a copy of this report had just been laid on their tables. No opportunity had been afforded to examine it, or to ascertain whether it was of any value, when a motion was made and pressed to print an extra number of copies. He was opposed, under the circumstances, to forcing the motion through the House at this time.

Mr. WILLIAMS, of North Carolina, moved to postpone the motion until to-morrow; which was agreed to—ayes 70, noes 64.

NORTH CAROLINA CONTESTED ELECTION.

The report of the Committee of Elections on the contested election from North Carolina, came up as the unfinished business of the morning hour of yesterday.

The question pending was the amendment of Mr. MANN, of New York, proposing to make the report the special order of Tuesday next, instead of Wednesday, (this day,) as moved by the Committee of Elections.

Mr. HARD said, with a view to have the House extend the usual courtesy to the petitioner, and understanding it to be the usual course, he moved that the petitioner, David Newland, have a seat assigned him on the floor of the House, and that he have leave to address it in his own behalf.

Mr. BYNUM was sorry the gentleman had made the motion. A similar motion had been made a few days ago by one of the majority of the Committee of Elections. That motion was, that the petitioner have leave to be heard on the floor of the House, by himself or by counsel. As the gentleman representing the minority of the committee had made the motion in a somewhat different form, he hoped he would accept an amendment. Mr. B. then moved an amendment that the petitioner be heard, on the main question, by himself or by counsel.

Mr. HARD said he had consulted both the majority and minority of the committee in relation to the suggestion of the gentleman from North Carolina, [Mr. BYNUM,] and he could not accept the amendment of that gentleman.

Mr. MANN, of New York, said, by leave of the gentleman from North Carolina, [Mr. BYNUM,] and his colleague, [Mr. HARD,] he would submit a motion which he conceived would meet the views of both those gentlemen. Mr. M. then moved that the petitioner, David Newland, have leave to appear, and also that he have leave to address the House on the subject of his petition.

Mr. HARD accepted the motion of the gentleman from New York, [Mr. MANN.]

Mr. BYNUM did not understand the motion precisely. If it extended only to the preliminary question, he must object to it. His object was to have the petitioner heard on the main question.

Mr. MANN replied that it embraced the hearing of the petitioner himself in every stage of the question, but not the hearing of him by counsel.

Mr. McKAY said the request of a petitioner, in the case of a contested election, to be heard by counsel, had never, he believed, been refused, when asked for. He cited the case from Georgia, of General Jackson and General Wayne, where one of the parties, not being a lawyer, was heard by counsel. He also cited the case of a contested election from the State of Virginia, where the petitioner was heard by counsel. He therefore hoped, if the petitioner was desirous of being heard by counsel, that he would not be refused the privilege. He believed such application had never been refused when asked.

Mr. DAVIS thought the motion should be, that the petitioner be permitted to address the House himself on the preliminary question, and by counsel on the main question, if he desired it.

Mr. HARDIN said he was in the House when there had been two cases of contested elections before it, and he had never heard even an application for counsel. When a man was brought before the House, charged with having committed an offense, then he would grant him counsel. Such had been the course in the case of General Houston. Here, however, was a member from North Carolina, who had been qualified, and was acting as a member of the House; another person contests his election; they were to go by the depositions in the case, and make up their minds from them, and not from the arguments which might be made. They were called upon to settle a great constitutional question, and the Constitution gave to them the exclusive jurisdiction over that matter. They were the judges. When they were settling great national principles growing out of the election of members, where was the difference between that and settling great national principles upon any other subject? And had it come to this, that they were to have lawyers brought into that House to assist them out in their deliberations? He did not say it as a disparagement of that class of men, for he himself was one of the profession. But he would as soon hear any other set of men speak as that profession; because, when they spoke as lawyers, they would argue for an hour to distinguish between the south and southwest side of a hair. He would ask his honorable friend from North Carolina, [Mr. BYNUM,] whether there was not some hundred lawyers on that floor, any of whom might compare with the lawyer who might be brought there as a counsel for the petitioner; and were they not disposed to do him justice,—strict, full, and ample justice? He recollected that, in the contested election year before last, each of the parties had lawyers to advocate his cause, and he had no doubt it would be the case on the present occasion. He had no doubt, if there were to arise any difficulty, lawyers enough would be found in the House to engage on both sides. Was a lawyer to be introduced on that floor, because the gentleman petitioning was not a lawyer? He hoped not.

Mr. BROWN begged to make an inquiry before he voted upon the question. He wanted to know if this motion, that the petitioning member have leave to appear by counsel, was made upon his authority and at his request? If such was the fact he should hardly feel himself at liberty to refuse an application so just and reasonable. A resolution of that kind might be necessary to place the petitioner upon something like a footing of equality with the sitting member. There was no petition for leave to appear by counsel, and it might be that the gentleman claiming the seat did not desire any such privilege. He might be willing to trust his claims to their own merits, to his own efforts, and the efforts of such friends as he might find upon this floor. He therefore begged the honorable gentleman who made the motion would furnish the House with this necessary information.

Mr. PEARCE, of Rhode Island, said he felt authorized in saying that, from the foundation of the Government to the present time, whenever either of the parties in a contested election requested to be heard by counsel, it was granted him. He cited the case from Georgia, of General Jackson and General Wayne, in which one of the parties had been heard by counsel. The gentleman from Kentucky [Mr. HARDIN] had taken the ground that there were lawyers enough in the House to advocate the claims of either of the gentlemen. They ought not to act on the supposition that one half would go on one side, and the other half on the other. If a gentleman who is not blessed with the faculty of debating, wishes to be placed on an equal footing with the other, let him have some person to do for him what he cannot do for himself. Neither ought they to go upon the ground that every gentleman would read over the whole of the testimony, and examine into it; then how could one claimant be on an equal footing with the other claimant, unless he be heard by counsel? It might be necessary to collate the testimony and make a synopsis of the case; then, if counsel be necessary, let it be furnished.

Mr. CONNOR stated that he was authorized by the petitioner himself to say, he only desired a seat on the floor to be heard; and that he did not desire counsel. He therefore hoped his colleague [Mr. BYNUM] would withdraw his motion.

Mr. BYNUM begged leave to set the gentleman from Kentucky, [Mr. HARDIN,] who spoke from memory, right. The cases which he was about calling attention to were not from memory He then read the case of a contested election from New Jersey, in 1789, in which Mr. Madison advocated the hearing the petitioner by counsel, and the petitioner was heard by counsel. He cited another case in 1804, in which a petitioner was heard by counsel. He mentioned those as additional evidence in support of those already mentioned. There were other cases which might be enumerated; and in the whole book of elections there was not an instance where counsel had been denied when asked for; and he was sorry to hear such sentiments come from the gentleman from Kentucky, who represented a farming people; and were the farming people not to be heard by counsel on constitutional questions? It was doing injustice to that people to exclude them from having counsel in that House. He wished to reply to some remarks which fell from the gentleman from Pennsylvania [Mr. McKENNAN] the other day. That gentleman did not know Mr. B., and he must be permitted to tell that gentleman, when he became acquainted with him, he would be among the last members in that House whom he would attempt to misrepresent. The gentleman from Pennsylvania was reported to have said "that it 'was with no little surprise and regret that he 'heard the gentleman from North Carolina [Mr. 'BYNUM] yesterday declare his opinion, that the 'sitting member was not entitled to his seat, 'although no opportunity had been offered for 'the examination of the case." Mr. B. asked the House and the honorable gentleman if he had made such declaration? In reply to some remarks which had fallen from his two colleagues on that subject, he did make use of the following words, as he distinctly recollected: "He himself was not 'decided on the subject; he wanted to have more 'light as well as the gentleman himself; but from 'what he had understood, if he might be permitted 'to express an opinion, he was predisposed to 'believe that the sitting member was not entitled 'to his seat." The gentleman from Pennsylvania

had put words in his mouth which he had never said. When some gentlemen have not subject-matter to make a display of parliamentary talents, they fancy some monstrous object to show themselves off to advantage. Mr. B. said he had not made such a statement, and the attributing it to him was gratuitous.

Mr. McKENNAN said he would be the last man who would attempt to misrepresent any gentleman. But as to what he had stated, he submitted it to the House to say whether there was any material difference between what he had said and the language admitted by the gentleman himself. He had said that he had not means of examining into the case; and as other gentlemen had not had an opportunity to do so, he only said that gentlemen ought not to prejudge it. As impartial jurors, they would be called upon to decide the case; and they should do so without any predisposition of it.

Mr. BYNUM rose to reply, but his remarks were arrested by the expiration of the hour.

The CHAIR announced the special orders, being the appropriation bills.

Mr. HARDIN moved to suspend the rules, in order to proceed with the preliminary discussion on the contested election.

Mr. CAMBRELENG was compelled to ask for the yeas and nays on the motion to suspend the rules. The public interest was suffering in consequence of the delay in the passage of the appropriation bills, and he could no longer remain quiescent.

The yeas and nays were ordered; and were—yeas 66, nays 132.

So the House refused to suspend the rules.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a message from the President of the United States, relative to abolishing discriminating duties on the cargoes of Portuguese vessels; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. CAMBRELENG said, presuming it to be the desire of the House to terminate the discussion on the New York relief bill that day, he, with that view, moved to suspend the rules of the House for that purpose; which motion was agreed to without a count.

NORTHERN BOUNDARY OF OHIO.

Mr. THOMAS, from the Committee on the Judiciary, asked leave to make a report from that committee, on the subject of the application of the Territory of Michigan for admission into the Union, and on the message of the President of the United States, in relation to the disputed boundary line between Ohio and Michigan. Mr. T. explained that he made the request of the House merely that the report and documents should be put in the hands of the public printer, as they would take several days to print; and not to discuss or even read the report at that time.

Mr. BRIGGS objecting,

Mr. THOMAS moved to suspend the rules; which was agreed to.

Mr. THOMAS then presented the foregoing report, accompanied by a bill to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions; which bill was twice read, and committed to a Committee of the Whole on the state of the Union.

Mr. T. then gave notice that on to-morrow he should ask leave to move that the bill be made the special order of the day for the 15th of the present month.

SUFFERERS BY NEW YORK FIRE.

The House then took up the bill for the relief of the sufferers by the fire in the city of New York; which was on its final passage.

Mr. PEARCE, of Rhode Island, concluded his remarks, and addressed the House at length in opposition to the provisions of the bill.

Mr. LANE, after a few remarks in reply to the last gentleman, demanded the previous question.

Mr. EVERETT hoped the gentleman would not press that motion after making a speech himself.

Mr. VANDERPOEL moved a call of the House; which was ordered; and, after proceeding some time, was, on motion by Mr. HOWELL, suspended.

The previous question was then seconded by the House, taken by tellers—ayes 81, noes 78.

Mr. EVERETT asked for the yeas and nays on the question, "Shall the main question be now put?" which were ordered, and the result was—yeas 95, nays 110; as follows:

YEAS—Messrs. Adams, Heman Allen, Anthony, Ash, Bailey, Barton, Bean, Beardsley, Beaumont, Bockee, Boon, Bovee, Boyd, Brown, Cambreleng, Carr, Casey, Chapin, Childs, Cleveland, Coffee, Connor, Craig, Cramer, Cushman, Darlington, Dickerson, Doubleday, Dunlap, Effner, Fairfield, Farlin, Philo C. Fuller, William K. Fuller, James Garland, Glascock, Grantland, Haley, Joseph Hall, Hannegan, Hard, Albert G. Harrison, Haynes, Howard, Hunt, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Richard M. Johnson, Cave Johnson, Henry Johnson, Judson, Kennon, Kilgore, Lane, Lansing, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Love, Lucas, Abijah Mann, John Y. Mason, William Mason, Moses Mason, May, McKeon, McKim, McLene, Moore, Muhlenberg, Owens, Page, Parker, Patterson, Phelps, John Reynolds, Joseph Reynolds, Schenck, Seymour, Shinn, Sickles, Smith, Sutherland, Taylor, John Thomson, Turrill, Vanderpoel, Ward, Wardwell, and Webster—95.

NAYS—Messrs. Chilton Allan, Ashley, Banks, Bell, Bond, Borden, Bouldin, Briggs, Buchanan, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chaney, Chapman, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Davis, Denny, Dromgoole, Evans, Everett, Forester, French, Fry, Galbraith, Rice Garland, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hamer, Hardin, Harlan, Harper, Samuel S. Harrison, Hawkins, Hazeltine, Henderson, Heister, Hopkins, Howell, Ingersoll, Janes, Jarvis, Jenifer, Joseph Johnson, John W. Jones, Benjamin Jones, Klingensmith, Lawler, Lawrence, Luke Lea, Lincoln, Logan, Loyall, Lyon, Job Mann, Martin, Sampson Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Parks, Patton, Dutee J. Pearce, James A. Pearce, Peyton, Phillips, Pickens, Potts, Reed, Rencher, Roane, Robertson, Russell, Augustine H. Shepperd, Shields, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Thomas, Waddy Thompson, Turner, Underwood, Vinton, Weeks, White, Whittlesey, and Sherrod Williams—110.

So the House determined that the main question shall not be now put, and the effect of the vote was to put the subject from before the House this day.

NAVAL APPROPRIATION BILL.

On motion by Mr. CAMBRELENG, the House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. MILLER in the chair,) and resumed the consideration of the bill making appropriations for the naval service for the year 1836.

The question pending was the motion of Mr. BELL, to reduce the item for the improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire, one half, viz: from $67,000 to $33,500.

Mr. THOMPSON, of South Carolina, said he could not support the bill as reported, because the estimates had not been furnished by the proper Department, nor examined by the proper organ of that House—the Naval Committee.

Mr. T. referred to the situation of our relations with France, and the correspondence between the two countries, the former of which he highly eulogized. He then referred to the system of fortifications recommended by a former administration, and avowed himself prepared to carry it out with the utmost liberality. A great contest was approaching between the northern powers of Europe—between despotism on the one hand, and constitutional governments on the other—to which the United States could not be an idle spectator, but would probably be compelled to take an active part. The signs of the times portended this contest, and, believing this, he was willing that the system of fortifications should be carried out with liberality. But he complained, that so far as it had gone, it had not been carried on with justice. The expenditure had been made in one section of the country, while the means were drained from another. Mr. T. then read from a tabular statement he had himself made out the estimates for the various naval appropriations, as contained in the report from the Navy Department, in the north Atlantic, south Atlantic, and the Gulf sections, to prove the great disparity in disbursement. The estimate of expenditure was, for the northern Atlantic, $7,547,000, south Atlantic, $7,000, and the Gulf frontier and south Atlantic together, only $393,000; so that the North had the advantage of the difference between upwards of seven millions and a half and less than four hundred thousand dollars. It so happened, too, that the heads of those very Departments, having the control of those expenditures, were selected from the North; the Secretary of State (Mr. Forsyth) having charge only of the foreign relations of the country. Mr. T. referred also to the expenditures in other branches of the Government. In the North there were two armories and twelve arsenals; the whole South and West had four arsenals and no armory. In the North, six navy-yards; in the South, on the Gulf, one. In the North, one military school; in the South, none. In the North, sixteen forts and twenty-five garrisons; in the South, only seven forts and garrisons. In the North there was less occasion for forts, garrisons, or soldiers, for they had neither slaves nor Indians to contend with. The whole amount proposed to be expended at the North was eleven million of dollars, and only about half a million to the residue of the Union. Mr. T. read the various items and particulars upon which his statements were founded, and contended that the Union was resolving itself into a Union of tribute-payers and tribute-receivers. He warned gentlemen not to press this too far, nor rely too long upon the endurance of a generous and willing people, at all times ready to expend their money and their blood in defense of their common country.

Mr. T. referred to an estimate furnished to himself by Captain Chace, which stated that it would require at least $2,950,000 to put Pensacoloa on a footing with the least respectable of northern navy-yards, while only $64,000 was proposed by the present bill. He then quoted the opinions of Captain Dallas, Colonel Gratiot, the board of engineers, Commodore Porter, Commodore Ridgley, &c., showing the importance of Pensacola harbor for a naval station in the event of a war. Mr. T. said he himself believed it of greater importance than all the other harbors put together, and entered into a detailed argument to show its capabilities and natural advantages over our other stations. Before Mr. T concluded, he gave way to

Mr. WISE, on whose motion the committee rose, reported progress, and asked leave to sit again.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in relation to military land warrants; which was laid on the table and ordered to be printed.

Also, a communication from the same, transmitting, in obedience to a resolution of the 13th ultimo, a statement showing the number of claims for horses lost on the western frontier in 1831, in the Black Hawk war; which was referred to the Committee on Claims, and ordered to be printed.

On motion by Mr. BROWN, the House then adjourned, at half-past four o'clock, p. m.

IN SENATE.

THURSDAY, *March* 3, 1836.

The CHAIR announced a communication from the War Department, transmitting, in obedience to the resolution of the Senate of the 26th ultimo, a report from Mr. Gratiot on the present condition of the Winnebago Indians; and also a report from Mr. Brush, who was selected last year to visit the Indians residing between the Mississippi and Lake Michigan; and,

On motion by Mr. WHITE, the reports were referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HENDRICKS presented the petition of sundry citizens of Laporte county, in the State of Indiana, praying for the establisment of a new post route; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. NAUDAIN, from the Committee on Claims, to which had been referred the petition of the widow of James Leomaster, reported a bill for her relief; which was read and ordered to a second reading.

Mr. N., from the same committee, made unfavorable reports on the petitions of Alphonso Wetmore and of Richard Boon; and the committee was discharged from the further consideration of the same.

PAYMENT OF VOLUNTEERS.

The bill providing payment for the militia and volunteer corps in the service of the United States, was read the third time and passed.

FLORIDA RAILROAD.

The bill to authorize the Pensacola and Perdido Canal and Railroad Company to construct a road through the lands of the United States, was, after being amended, on motion by Mr. DAVIS, ordered to be engrossed for a third reading.

DUTIES ON IMPORTS.

The bill to repeal the provisoes in the first and second sections of the act in alteration of the several acts imposing duties on imports, was also ordered to be engrossed for a third reading.

RESOLUTIONS.

Mr. DAVIS submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing for the appointment of chaplains for the Army of the United States.

Mr. NILES submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Hartford, Connecticut, via Windsor, Poquonock, East Granby, West Suffield, and Feeding Hills, to Westfield, Massachusetts.

Mr. EWING, of Ohio, submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the improvement of the harbor at the mouth of Black river, in the State of Ohio.

VACANCY FILLED.

On motion by Mr. KING, of Alabama, and by unanimous consent, the vacancy in the Committee on the District of Columbia, occasioned by the resignation of Mr. TYLER, was ordered to be filled by the Chair.

THE QUAKER PETITION.

The petition of the Society of Friends of Lancaster, Pennsylvania, for the abolishment of slavery in the District of Columbia, was taken up as the special order.

Mr. GOLDSBOROUGH said that, coming from a State so deeply interested, he could not be silent. It was not surprising that there was an excitement when they had so much at stake. He spoke of the anxiety to hear what would be done in Washington. It would be better to have a ten years' foreign war, than to have this excitement kept up; he disclaimed all intention to mingle it with politics. When the subject was up at a former time, he was disposed to have as little said on it as possible. He was willing then to receive the petitions, and let them quietly lie on the table until some course should be agreed upon; until an appeal by report should be made to that great arbiter, public opinion, that irresistible monarch to which all must submit. He would address himself to the gentlemen of non-slaveholding States, and through them the people of those States. This little government of ten miles square was ceded to the United States to enable Congress to protect themselves from being overawed by mobs, &c., in Philadelphia. The spot was selected from the midst of the slaveholding States. The citizens of Maryland and Virginia consented to it from patriotic motives, and did not dream that measures would be attempted to subvert their happiness in consequence of it. The North had nothing to gain, and the South everything to lose, in case of the interference by Congress. He read a report made on the subject some years ago, to show that the Representatives from the North and East had fixed the boundaries of legislation on this question themselves, and which he was willing to adhere to. The committee who made the report was composed of gentlemen from those States. It was very natural that citizens from different sections should be desirous to promulgate their peculiar opinions through Congress; but when the promulgation of those opinions led to a revolution, there ought to be some reasonable check interposed. The Abolitionists had mistaken the effect of their labors; instead of causing a relaxation in the rigorous treatment of slaves, it placed a greater restriction upon them. Their condition had been much improved from what it was under the colonial government of Great Britain. He described the happiness, fidelity, and attachment of the slaves, and the friendship and munificence of masters in return, until this interference of the Abolitionists had changed the character of their relations. He hoped measures would be speedily adopted that would put this matter at rest, that they might proceed in future in the path of their duty, without excitement and with good feelings.

Mr. KING, of Alabama, next took the floor, and in a speech of some length advocated the reception of the petition. He was one of those who, when the subject was first introduced, was opposed to any discussion on it, believing that the inevitable tendency of a protracted discussion would be to add to the excitement unfortunately prevailing. He thought that it would have been far preferable to follow the practice of former Congresses in either referring these abolition memorials, or laying them on the table, where they slept, and were not again heard of. By such a course excitement was prevented, and the fanaticism of the Abolitionists was rebuked and discouraged by them, seeing how little notice was taken of their wild and visionary projects, and what little prospect there ever was of being favorably listened to. He was not disposed to find fault with those gentlemen coming from sections of the country equally interested in the subject with the one he represented, who differed with him in regard to the manner in which these memorials should be disposed of; he knew that they were as strongly urged both by interest, feeling, and sense of duty to the course they thought it proper to pursue as he was; but, differing with them, though he was equally anxious to take the strongest course in opposition to the memorials, yet he could not consent to mix up a subject so important to the State he represented, and to the whole southern country, with another, which, by creating a sympathy among the virtuous and well-disposed for those in whose case the right of petition might be abridged, would, perhaps, add to the number of the deluded followers of the leading Abolitionists. As had been well argued by his friend from Pennsylvania, [Mr. BUCHANAN,] the right of petition was admitted, on all hands, to be an inherent right previous to the adoption of the Constitution, secured by that instrument, and not to be set aside under any circumstances. Should they, then, for the purpose of putting an end to the machinations of the Abolitionists, (though, indeed, it was the opinion of many that the refusal to receive the petitions would not produce that effect,) give occasion to many well-disposed persons to believe that the sacred right of petition had been violated, and induce them to unite with the Abolitionists in continuing the existing excitement? Even if he had no doubts of the constitutionality of the procedure, he would, on the grounds of expediency, hesitate before he would give rise to any apprehensions that Congress was willing to infringe on the right of petition.

It was not to be doubted, that, since the meeting of Congress these individuals, associated together for the purpose of disturbing the peace and tranquillity of the southern States, had increased beyond all calculation. The agitators were pouring out their treasure with a lavish hand in subsidizing presses, and distributing papers for the purpose of producing some action in Congress. He had no hesitation in expressing the opinion, that the discussion that had taken place in Congress had had the effect of stimulating these fanatics to greater exertions. If this was not so, why were their efforts greater now than at any former periods? They had not heretofore persevered to the extent that they now did, because Congress gave no consequence to their memorials by protracted discussion, but passed them by with silent contempt.

After some further remarks, showing why he could not vote against the reception of the petition, Mr. K. said he would go with his friend from Mississippi [Mr. WALKER] in the strongest measure that could be adopted, and that, he felt assured, was the one proposed by the Senator from Pennsylvania, [Mr. BUCHANAN,] to reject the prayer of the petition. This course would steer clear of all the objections that had been urged on the constitutional question. We take (said he) from the citizens of the United States, be they fanatics or whatever they may be called, the petition expressive of their wishes, but we go no further: we then tell them that their request is unreasonable, and cannot be granted; to grant their prayer would be contrary to the obligations of our duty; it would be a violation of the Constitution, and against every principle of justice and humanity, and we, therefore, stamp it with our unqualified reprobation.

Mr. K. dissented from the eloquent Senator from South Carolina, in apprehending any danger from the spirit of abolition in France and England crossing the Atlantic, and adding to that spirit on this side of the water. So long as he had the Christian world in America with him—so long as he had with him so strong a party of wise, zealous, disinterested and generous friends at the North making every exertion to put down that spirit, he cared little for what was thought or said in France or England. He expressed the strongest reliance on the exertions of his northern friends, upon the messages of the Governors of States, and the well ordered presses operating on public opinion, to put down the dangerous spirit of abolition; and spoke in the highest terms of the message of Governor Marcy on that subject; but he warned his northern friends, and he wished them to believe that, if ever public sentiment should approach that point so as to induce legislation in Congress on the subject of the abolition of slavery in the District of Columbia, the cords of the Union would be severed. It was disavowed on the part of a majority of these Abolitionists that there was any intention of interfering with the question of slavery in the States. The District was to be the battle-ground. He knew that many gentlemen entertained the opinion that Congress possessed the constitutional power to legislate on the subject in the ten miles square; and the Senator from Vermont [Mr. PRENTISS] entered into a constitutional argument to show that Congress did not possess the power. Some years ago a report was made in the other House, on a bill before that body, claiming remuneration for a slave killed in the public service, in which the doctrine was advanced, that slaves were not property. [Marigny D'Anterive's case.] The gentleman from New York, however, had passed over all the barriers of the Constitution, in support of his argument, by the position, that if Congress emancipated the slaves of the District, it could be done for the public use. Mr. K. here replied at length to that part of Mr. PRENTISS's argument, showing how impossible it was to reconcile it with the clause in the Constitution; and also replied to another part of the argument of the same gentleman, that slaves in the District might be taxed so high as to compel their owners to part with them, urging the strong injustice there would be in such a tax, and its manifest violation of good faith towards the States who ceded the ten miles square to the United States for a far different purpose.

Mr. K., after showing how impossible it was for the Abolitionists to benefit the slaves of the District, even if they succeeded in producing their desired effect on Congress, called upon all friends of the Union to lend their aid in putting down the alarming and dangerous excitement prevailing on the subject, and ended by assuring his brethren of the South, that although he could not, consistently with his sense of duty, vote against receiving the petition, yet he would cordially unite with them in the strongest measures for protecting the constitutional rights and interests of the South.

After Mr. K. had concluded,

Mr. CUTHBERT expressed a wish to address the Senate on the subject, before the question was taken. As he then felt somewhat indisposed, he hoped the Senate would not compel him to go on at that late hour, but would indulge him by postponing the question until to-morrow.

Mr. PORTER suggested that as Fridays were usually devoted to the consideration of bills, it would be better to postpone the subject until Monday, if agreeable to the gentleman from Georgia; and Mr. CUTHBERT assenting,

On motion by Mr. HUBBARD, the further

consideration of the memorial was postponed until Monday next.

HOUSE BILLS.

The following bills from the House were severally read twice and referred:

A bill authorizing the Secretary of War to transfer a part of the appropriation for the suppression of Indian hostilities in Florida to the credit of subsistence;

A bill authorizing the Secretary of the Treasury to act as the agent of the United States in all matters relating to their stock in the Bank of the United States; and

A bill to prescribe the mode of paying pensions, heretofore granted by the United States.

After the consideration of executive business, The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 3, 1836.

Mr. CHAPIN, by consent, reported from the Committee on Revolutionary Claims, the following resolution; which, under the rule, lies over one day:

Resolved, That the Secretary of the Treasury be directed to cause to be made out and furnished to this House, from the books and files of the Department, a full and accurate transcript of the accounts of Silas Deane, deceased, and of all agreements, vouchers, and evidences in support of the same, or relating thereto, which accrued while Mr. Deane was acting as the commercial and political agent of the United States in France, or elsewhere, and also while he was commissioner and embassador at the court of France; and subsequently, while he was required to be in attendance upon the continental Congress, or acting in any public capacity for the United States, together with all statements and evidences of the settlement, adjustment, liquidation, or payment of such accounts, or any part thereof; and also all information in the possession of the Department touching the validity and equity of the claims of the heirs-at-law of Silas Deane, deceased, now pending before Congress.

On motion by Mr. BOON, the rule was suspended, for the purpose of receiving reports from committees.

REPORTS FROM COMMITTEES.

On motion by Mr. SUTHERLAND, the Committee on Commerce was discharged from the further consideration of the bill from the Senate, making an appropriation for the improvement of the river Wabash; and, on motion by Mr. DAVIS, the same was committed to the Committee of the Whole on the state of the Union.

Mr. FORESTER, from the Committee on Claims, reported a bill for the relief of Captain W. H. Bell; which was read twice and committed.

Mr. WARDWELL, from the Committee on Revolutionary Pensions, reported a bill for the relief of William Allen; which was read twice and committed.

Mr. BOON, from the Committee on Public Lands, reported a bill to authorize the Michigan City and Kankakee Railroad Company to construct a canal through the public lands, and for other purposes; which was read twice and committed.

Mr. B., from the same committee, reported, without amendment, the bill from the Senate to divide the Green Bay land district, and for other purposes; and the same was committed.

Mr. REYNOLDS, of Illinois, from the Committee on Roads and Canals, reported a bill providing for the survey of certain rivers and roads therein named; which was read twice and committed.

Mr. HARRISON, of Missouri, from the Committee on Public Lands, reported a bill to authorize the Missouri and Mississippi Railroad Company to locate and construct a railroad through the public lands, and for other purposes; which was read twice and committed.

Mr. SMITH, from the Committee of Ways and Means, reported certain documents from the War Department relating to Plymouth beach; which were laid on the table and ordered to be printed.

On motion by Mr. CAMBRELENG, the Committee of the Whole on the state of the Union was discharged from the further consideration of the following bill, and the same was amended, read a third time, and passed: a bill authorizing the Secretary of the Treasury to act as the agent of the United States in all matters relating to their stock in the Bank of the United States.

Mr. C., from the same committee, reported a bill authorizing the Secretary of War to transfer a part of the appropriation for suppressing Indian hostilities in Florida, to the credit of subsistence; which was read twice and ordered to be engrossed and read a third time; and subsequently the bill was passed.

Mr. DUNLAP, from the Committee on Public Lands, reported a bill granting to Henry M. Shreve the right of preëmption to eighteen sections of public land lying on the line of the great raft on Red river; which was read twice, and committed.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of William Boyce, deceased; which was read twice, and committed.

On motion by Mr. CAMBRELENG, the Committee of the Whole on the state of the Union, was discharged from the further consideration of the following bill, and the same was read the third time and passed: A bill to prescribe the mode of paying pensions heretofore granted by the United States.

Mr. GALBRAITH, from the Committee on Private Land Claims, reported the following bills; which were read twice, and committed:

A bill for the relief of William C. Hazard, of Rhode Island; and

A bill for the relief of James Bradford, of Louisiana.

Mr. SUTHERLAND, from the Committee on Commerce, reported a bill providing for the erection of public hospitals; which was read twice and committed.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported a bill for the relief of the children and heirs-at-law of John Chilton, deceased; which was read twice and committed.

Mr. FRY, from the Committee on Revolutionary Pensions, reported a bill for the relief of William Farris; which was read twice and committed.

Mr. LINCOLN, from the Committee on the Public Lands, reported a bill for the relief of the heirs and assignees of Peter Alba, deceased; which was read twice and committed.

Mr. BANKS, from the Committee on Claims, reported a bill for the relief of the legal representatives of David Caldwell, deceased; which was read twice and committed.

Mr. LEA, of Tennessee, from the Committee on Revolutionary Pensions, reported a bill for the relief of Patrick McEwen; which was read twice and committed.

Mr. LAWRENCE, from the Committee of Ways and Means, reported a bill for the relief of Benjamin Adams & Co., and others; which was read twice and committed.

Mr. PATTON, from the Committeee on Territories, reported a resolution setting apart the fourth Thursday and Friday of this month for the consideration of bills and resolutions relating to the Territories of the United States.

Mr. BELL moved to amend the resolution by adding the following proviso:

Provided, That before that time the several appropriation bills should be disposed of by the House.

Mr. CAMBRELENG said he hoped the amendment would be agreed to.

The amendment was concurred in, when the resolution was rejected.

Mr. CHAPMAN, from the Committee on the Public Lands, reported a bill to allow such purchasers of public lands in the years 1818 and 1819 as omitted to take the credit allowed by law, the same relief which has been extended to those who availed themselves of the credit system; which was read twice and committed.

Mr. CHAPIN, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs-at-law of John D. Treville, deceased; which was read twice and committed.

Mr. KILGORE, from the Committee on Elections, reported a bill for the relief of Robert P. Letcher and Thomas P. Moore; which was read twice and committed.

Mr. CRANE, from the Committee on Revolutionary Claims, reported a bill for the relief of James Witherell; which was read twice and committed.

Mr. DAVIS, from the Committee on Claims, reported a bill for the relief of Benjamin H. McCall; which was read twice and committed.

Mr. CARR, from the Committee on Private Land Claims, reported a bill for the relief of the legal representatives of Daniel Warner, deceased; which was read twice and committed.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported a bill for the relief of Major William Loughburn; which was read twice and committed.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported the following bills, which were read twice and committed:

A bill to fix the pay of the officers of the national armories; and

A bill to provide for the better protection of the western frontier.

Mr. BEARDSLEY, from the Committee on the Judiciary, reported a bill declaring the effect of judgments in the circuit and district courts of the United States, and for other purposes; which was read twice and committed.

Mr. ROBERTSON, from the Committee on the Judiciary, reported a bill to change the time of holding the district court of the United States for the western district of Virginia, holden in Clarksburg; which was read twice and committed.

Mr. THOMAS, from the Committee on the Judiciary, reported a bill for the relief of certain heirs and representatives of James Wilson, deceased, late of the city of Alexandria; which was read twice and committed.

Mr. THOMAS, from the same committee, reported a resolution providing, that the bill to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions, be made the special order of the day for the 15th of the present month.

Mr. BELL moved the same amendment moved by him to the resolution reported this morning, from the Committee on Territories:

Provided, That before that time the several appropriation bills should be disposed of by the House.

The amendment was agreed to; and on the resolution as amended,

Mr. THOMAS asked for the yeas and nays; which were ordered.

Mr. MERCER inquired of the Chair if the motion required a majority of two thirds for its adoption?

The CHAIR replied, that inasmuch as its object was to change the order of business, and consequently the rules of the House, so far as that order was concerned, it would require a majority of two-thirds.

The resolution as amended was rejected—yeas 124, nays 79; not being two thirds in the affirmative.

YEAS—Messrs. Adams, Ash, Ashley, Banks, Barton, Bean, Beardsley, Bockee, Bond, Borden, Bovee, Buchanan, Buneh, Cambreleng, Carr, George Chambers, Chaney, Chapin, Coffee, Coles, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Davis, Denny, Dickerson, Doubleday, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Granger, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Heister, Holsey, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Jabez Jackson, Janes, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Job Mann, Martin, John Y. Mason, Moses Mason, Sampson Mason, William Mason, May, McCarty, McKennan, McKeon, McKim, McLene, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Patterson, Dutee J. Pearce, James A. Pearce, Peyton, Joseph Reynolds, Roane, Robertson, Schenck, Seymour, Shields, Shinn, Sickles, Slade, Sloane, Smith, Spangler, Steele, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Vanderpoel, Vinton, Ward, Wardwell, Weeks, and Whittlesey—124.

NAYS—Messrs. Heman Allen, Beaumont, Bell, Bouldin, Boyd, Briggs, Brown, Bynum, John Calhoon, William B. Calhoun, Campbell, Carter, Casey, John Chambers, Chapman, Nathaniel H. Claiborne, Clark, Connor, Deberry, Dickson, Dromgoole, Evans, Everett, Forester, Philo C. Fuller, Rice Garland, Graham, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Hardin, Harlan, Harper, Hazeltine, Henderson, Hoar, Ingersoll, William Jackson, Jarvis, Jenifer, Henry Johnson, Judson, Lawrence, Lay, Luke Lea, Lincoln, Love, Lyon, Abijah Mann, Maury, McComas, McKay, Mercer, Miller, Milligan, Morris, Parker, Parks, Patton, Phelps, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Russell, Augustine H. Shepperd, Standefer, Taliaferro, Waddy Thompson, Turrill, Underwood, White, Lewis Williams, and Sherrod Williams—79.

Mr. EVANS, from the Committee on Invalid Pensions, reported a bill for the relief of Charles Blake; also, a bill granting a pension to Robert Lucas; which were read twice and committed.

Mr. P. C. FULLER, from the Committee on Claims, reported a bill for the relief of James J. Pattison; which was read twice and committed.

Mr. MERCER, from the Committee on Roads and Canals, reported the following bills; which were read twice and committed:

A bill to authorize the removal of the bar at or near the mouth of the river Mississippi; and

A bill further to amend the act incorporating the Chesapeake and Ohio Canal Company.

Mr. MILLER, from the Committee on Invalid Pensions, reported the following bills; which were read twice and committed:

A bill granting arrearage of pension to Josiah Westlake; and

A bill granting a pension to Walter Dyer.

Mr. JARVIS, from the Committee on Naval Affairs, made an adverse report on the bill from the Senate for the relief of Captain Augustus A. Nicholson.

Mr. J., from the same committee, reported a bill making appropriations for removing the bar at the mouth of Pensacola Bay, and for constructing an hydraulic dock, or an inclined plane, at Pensacola; which was read twice and committed.

Mr. J., from the same committee, reported the following resolution; which, by consent, was considered and agreed to:

Resolved, That the Secretary of the Navy be directed to cause a course of experiments to be instituted, for the purpose of ascertaining the efficiency and testing the safety of the medium or light guns of the Navy, and of comparing their effect with the guns for which they were proposed to be substituted.

Mr. STORER, from the Committee on Revolutionary Claims, reported the following bills; which were read twice and committed:

A bill for the relief of Jeremiah Goldsmith; and

A bill for the relief of Joseph Tuttle.

Mr. GRANTLAND, from the Committee on Naval Affairs, reported a bill for the relief of Dudley Walker; which was read twice and committed.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported a bill for the relief of Matthias Travers; which was read twice and committed.

Mr. WHITTLESEY, from the Committee on Claims, reported the following bills; which were read twice and committed:

A bill for the relief of Daniel Davis;

A bill for the relief of James Baker; and

A bill granting half-pay to the widows and orphans, where their husbands and fathers have died, or shall hereafter die, in the military service of the United States, in certain cases.

Messrs. BOON and WILLIAMS, of North Carolina, from the Committee on Public Lands; Mr. PARKER, from the Committee on Naval Affairs; Messrs. CRAIG, MUHLENBERG, KINNARD, and BEAUMONT, from the Committee on Revolutionary Claims; Messrs. FRY and BOND, from the Committee on Revolutionary Pensions; Mr. TOUCEY, from the Committee on the Judiciary; Messrs. HOWELL and DOUBLEDAY, from the Committee on Invalid Pensions; Messrs. CHAMBERS, of Pennsylvania, CARR, and PATTERSON, from the Committee on Private Land Claims; and Mr. WHITTLESEY, from the Committee on Claims—made unfavorable reports upon various resolutions, memorials, and petitions; which, with one or two exceptions, were laid on the table.

[Mr. WHITTLESEY, from the Committee on Claims, reported adversely in the case of John Campbell, Nathan Winteringer, James Adams, Thomas Foster, Jr., and Aquilla Bishop.]

Mr. SEVIER, on leave, presented a statement containing the census of the population of Arkansas; which was laid on the table, and ordered to be printed.

RESOLUTIONS ADOPTED.

The following resolution, heretofore submitted by Mr. MERCER, was, on his motion, considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the disbursements which have been made for building the Washington bridge across the Potomac; discriminating therein the cost of various works upon the same, in wood, earth, rubble stone, or masonry, and all extra work contracted for or added to the structure of the said bridge, by order or permission of the Department, subsequent to the original contract therefor, distinguishing in like manner the description and cost of all such extra work; and that he also state the relative elevation, above ordinary high tide, of the present bridge, compared with that which stood on the same site.

The following resolution, heretofore offered by Mr. DICKSON, was, on his motion, considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the State of Mississippi an equivalent in land or money for the sixteenth sections which have been guarantied to said State within her limits, by an act to authorize her to form a constitution and State government, and from which she is wholly excluded in the district of country lately ceded to the United States by the Chickasaw tribe of Indians.

On motion by Mr. BOON, it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of authorizing incorporated railroad and canal companies to construct railroads and canals through the public lands of the United States.

On motion by Mr. PEYTON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Gallatin, Tennessee, to Tompkinsville, Kentucky, passing by Duncy Cross Roads, in Smith county, Tennessee, down the Long Fork of Barren river, by John B. Lamery's store, thence to Tompkinsville, Kentucky.

SUFFERERS BY NEW YORK FIRE.

Mr. LAWRENCE remarked, that it was exceedingly important that the New York relief bill should be disposed of; and he moved a suspension of the rule, for the purpose of proceeding with its consideration.

Mr. PARKS called for the yeas and nays; which were ordered; and the motion to suspend the rules was rejected—yeas 129, nays 66; not two thirds.

Mr. HANNEGAN asked leave to submit the following resolution:

Resolved, That the report of the select committee, appointed during the last Congress, to investigate the affairs of the West Point Military Academy, be withdrawn from the files, and that ten thousand copies thereof be printed.

Objection being made, Mr. H. moved to suspend the rule; which was negatived without a count.

Mr. ASHLEY moved a suspension of the rule for the purpose of taking up an amendment of the Senate to a joint resolution of the House, establishing certain post roads in Missouri and Arkansas; which was negatived—ayes 97, noes 54; not two thirds.

NAVAL APPROPRIATION BILL.

On motion by Mr. CAMBRELENG, the House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. MILLER in the chair,) and resumed the consideration of the bill making appropriations for the naval service for the year 1836.

The question pending was the motion by Mr. BELL to reduce the item for the improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire, one half, viz: from $67,000 to $33,500.

Mr. THOMPSON, of South Carolina, resumed his remarks in opposition to the general principles of the bill, on the ground of the inequality of expenditure on the northern and southern seaboard, and entered again into various details to show the advantages of the latter section for naval stations. Labor could be procured much cheaper at the South and West than at the North, where the system of society was complex and artificial, and which would be disbanded in the year 1842, at the breaking up of the tariff system. Mr. T. again recurred to the testimonies of Colonel Gratiot, Commodore Dallas, the board of engineers, &c., in favor of the advantages of Pensacola harbor for a naval station, and reiterated the charges of inequality comprised in the recommendations of the Secretary of the Navy which appropriated $7,000,000 to the North, and about $300,000 for the South. He complained of the pitiful bill introduced that morning by the chairman of the Naval Committee [Mr. JARVIS] for an hydraulic dock or an inclined plane at Pensacola. He would say, make Pensacola equal to the most respectable of the other naval stations, or expend nothing upon it. The measure proposed in the bill just reported, if carried out, provided only for vessels of a small class, and not those of a first-rate. He contrasted the amount of productions in the South and West with the North. The former was the great well-spring; the latter the reservoir. The people of the former he described as aliens to all the bounty of the Government, in comparison with the share of disbursements that fell to the latter. Mr. T. referred to the surplus revenue, and avowed himself willing to go to any reasonable lengths in disposing of it, for he regarded it as one of the most terrible impending calamities hanging over the liberties and institutions of the country. He entered into a statement to show that it was several millions more than was set down by the Secretary of the Treasury, exclusive of the bank stock and an estimate of $25,000,000 for the fiscal year. He regarded this subject a more conclusive one than all the existing measures that had hitherto occurred, the Missouri question, tariff, compromise, and all united. There would be no less than between forty and fifty millions of surplus revenue next year. After some further remarks Mr. T. concluded, and

Mr. EVANS obtained the floor, but gave way to

Mr. CAMBRELENG, on whose motion the committee took up and considered the bill making appropriations for payment of revolutionary and other pensions for the year 1836.

On motion by Mr. CAMBRELENG, the committee took up and considered the following bill:

A bill to repeal so much of the act entitled "An act transferring the duties of Commissioner of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans," as requires the Bank of the United States to perform the duties of commissioner of loans for the several States.

CONVENTION WITH SPAIN.

On motion by Mr. MASON, of Virginia, the committee took up for consideration the bill to carry into effect the convention with Spain.

Mr. M. said he was instructed by the Committee on Foreign Affairs to move a substitute for the bill, omitting only the enacting clause; which he did, and briefly explained its provisions, showing that the bill and the amendment differed only in the form and structure of the commission appointed under the bill.

Mr. ADAMS made a few remarks in favor of the amendment.

Mr. CUSHING said, that he desired to avail himself of this occasion to express his strong sense of the justice and honor exhibited by the Government of Spain in the treaty of which this bill was the consummation. In the midst of national calamities, which she met with her characteristic fortitude, with a deadly civil war raging in her bosom, and weighed down with financial embarrassments, Spain has acknowledged and satisfied the claims of our citizens in a spirit of manly promptitude and frankness strikingly contrasted with the conduct of some other European powers in a similar matter. This procedure on the part of that gallant and high-minded nation did honor to the liberal policy which actuates her present rulers; and united as Spain and the United States are by the ties of a close intercourse, reciprocally beneficial to both, he felt that it was the duty of the American Congress, in passing this bill, to bear emphatic testimony to the integrity and dignified sentiment of self-respect manifested in this affair by the Queen Regent of Spain.

On motion by Mr. BRIGGS, the committee rose, and reported the foregoing bills to the House.

The two bills reported without amendment, were then read the third time and passed.

The amendment of the Committee of the Whole to the bill to carry into effect a convention with Spain, was then concurred in by the House, and the bill, as amended, ordered to be engrossed for a third reading to-morrow; and, on motion by Mr. TOUCEY, the House adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 4, 1836.

The following resolution, submitted yesterday by Mr. CHAPIN, was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to cause to be made out and furnished to this House, from the books and files of the Department, a full and accurate transcript of the accounts of Silas Deane, deceased, and of all agreements, vouchers, and evidences in support of the same, or relating thereto, which accrued while Mr. Deane was acting as the commercial and political agent of the United States in France or elsewhere, and also while he was commissioner and embassador at the court of France, and, subsequently, while he was required to be in attendance upon the continental Congress, or acting in any public capacity for the United States; together with all statements and evidences of the settlement, adjustment, liquidation, or payment of such accounts, or any part thereof; and also all information in the possession of the Department, touching the validity and equity of the claims of the heirs-at-law of Silas Deane, deceased, now pending before Congress.

STATE OF ARKANSAS.

Mr. SEVIER, on leave, presented an ordinance of the convention lately assembled in Arkansas for the purpose of forming a State constitution; which was referred to the Committee on Territories, and ordered to be printed.

WEST POINT ACADEMY.

Mr. HANNEGAN rose, and remarked that he had seen with regret a settled determination on the part of the majority of the House to resist any attempt to expose the abuses of the Military Academy at West Point. He warned the House that they could not smother the truth, and that, one way or another, the facts should be made known.

Here Mr. H. was loudly called to order both by the Chair and by several members, and he moved a suspension of the rule for the purpose of offering the following resolution, which was read for information:

Resolved, That the report of the select committee appointed during the last Congress to investigate the affairs of the West Point Military Academy, be withdrawn from the files, and that ten thousand copies thereof be printed.

Mr. H. again rose, and was again called to order. He said it was easy to teach a starling to cry order, but he desired to have the yeas and nays; which motion he hoped was in order.

The yeas and nays were accordingly ordered.

Mr. BROWN begged leave to make an inquiry of the Chair.

The CHAIR informed the gentleman the question was not debatable.

Mr. BROWN said he did not desire to discuss the question; he only wished to know whether the report of the select committee, to which the resolution referred, had ever been received by the House?

The CHAIR replied that he could not answer the question. It was a report made by a committee at the last Congress.

Mr. WHITTLESEY inquired if the motion was intended to suspend the rule generally, so as to set aside the ordinary business of the day?

Mr. HANNEGAN explained, that his motion contemplated only an application to the morning hour.

The question was then taken; and decided in the affirmative—yeas 112, nays 83; as follows:

YEAS—Messrs. Adams, Ash, Bailey, Barton, Beale, Bell, Bockee, Bond, Bovee, Boyd, Buchanan, Bunch, John Calhoon, Cambreleng, Carr, Carter, Casey, John Chambers, Chaney, Chapin, Nathaniel H. Claiborne, Connor, Crane, Cushing, Cushman, Darlington, Davis, Deberry, Dickson, Doubleday, Dunlap, Effner, Fairfield, Farlin, Forester, French, Fry, Galbraith, James Garland, Gillet, Granger, Grantland, Grayson, Grennell, Griffin, Haley, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Holsey, Hubley, Hunt, Huntington, Ingham, William Jackson, Joseph Jackson, Jenifer, Cave Johnson, Benjamin Jones, Kinnard, Klingensmith, Lawler, Joshua Lee, Thomas Lee, Luke Lea, Logan, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Sampson Mason, Maury, May, McKay, McKennan, McKeon, McKim, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Parker, Parks, Patterson, Phelps, Potts, Rencher, John Reynolds, Robertson, Schenck, Augustine H. Shepperd, Shields, Shinn, Sickles, Sloane, Smith, Spangler, Standefer, Storer, John Thomson, Toucey, Turner, Wardwell, Weeks, and Lewis Williams—112.

NAYS—Messrs. Chilton Allan, Heman Allen, Ashley, Banks, Beardsley, Borden, Briggs, Brown, Bynum, William B. Calhoun, George Chambers, Chapman, Childs, Clark, Cleveland, Corwin, Craig, Cramer, Denny, Dickerson, Dromgoole, Evans, Everett, Philo C. Fuller, William K. Fuller, Glascock, Graham, Graves, Hiland Hall, Hard, Harlan, Harper, Hazeltine, Heister, Hoar, Hopkins, Howard, Howell, Huntsman, Ingersoll, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Henry Johnson, John W. Jones, Judson, Lane, Lansing, Lawrence, Gideon Lee, Leonard, Lincoln, Loyall, Lucas, McComas, Mercer, Milligan, Morris, Owens, Page, Patton, Dutee J. Pearce, Phillips, Pickens, Reed, Joseph Reynolds, Roane, Rogers, Russell, William B. Shepard, Sprague, Sutherland, Taliaferro, Taylor, Towns, Turrill, Underwood, Vanderpoel, Washington, Webster, Whittlesey, and Sherrod Williams—83.

So the House refused to suspend the rule, two thirds not voting in the affirmative.

NORTH CAROLINA CONTESTED ELECTION.

The House proceeded to the consideration of the report of the Committee of Elections in the case of the North Carolina contested election.

Mr. HARD, on a former day, made a motion, (which was modified on the suggestion of Mr. MANN, of New York,) that the petitioner, DAVID NEWLAND, have leave to appear, and also to address the House on the subject of his petition.

The question pending was the amendment proposed by Mr. BYNUM, that the petitioner be permitted to appear by himself or by counsel.

Mr. BYNUM said, when he made the motion, he had done so because he understood, in private conversation, that the petitioner wished counsel; and also in accordance with the views expressed by the majority of the Committee of Elections. His colleague [Mr. CONNOR] had stated that he was authorized by the petitioner to state that he did not wish counsel. Mr. B. had since had a conversation with the petitioner, and with his colleague, and had ascertained that the petitioner had made such declaration; but the reason why he had done so was, that at that time the petitioner was unconscious that such a request had ever been asked by any petitioner of the House of Representatives, and he was unwilling to ask anything that had not been granted to others under similar circumstances. Upon mature reflection, however, the petitioner had stated to Mr. B. that he would ask for counsel; ascertaining that it had been the uniform practice of the House to hear petitioners in such cases by counsel, and that that privilege had been in no one instance denied when asked. Mr. B. said, in reciting the case he had the other day of a contested election from New Jersey, in 1789, he had shown that it was the opinion of Mr. Madison, Mr. Stone, and various others, that the petitioner in such cases should have counsel. It appeared to be admitted by all parties that the petitioner should be heard by counsel on the main question, but it was doubted by some whether he should be heard on the preliminary question. He had understood it to be the almost invariable practice in the British Parliament to grant petitioners in such cases a hearing by counsel. He had found other cases in our own country than those already mentioned, and in one of those cases the sitting member had been allowed counsel; and he had not discovered a single case where counsel had been refused. He took the liberty of dissenting from the broad ground taken by the gentleman from Kentucky, [Mr. HARDIN.] That gentleman had stated that he thought it would be highly impolitic to admit lawyers on that floor to argue the cases of petitioners, in the case of contested elections. Mr. B. thought it would be politic to have counsel. He believed it would be better for each party to have counsel, and not have members of the House advocating each individual's claims; because, in so doing, gentlemen disqualified themselves from becoming judges of the matter, which they were bound to settle. For that reason, he believed the true policy would be to grant the petitioner counsel on the main question. The gentleman had very truly said that there were enough of distinguished lawyers in the House to advocate either of the gentlemen's causes; but he must tell the gentleman that those lawyers were not going to pay that attention to the case that one would who was employed expressly for that purpose. The members of the House were not going to make that search into the laws of the State in relation to the matter, which a lawyer would whose business it was to do so. He knew from his little experience that the practice was to give the documents a mere casual perusal. While up, he could not but express his regret at the remarks made the other day by the gentleman from Pennsylvania, [Mr. MCKENNAN.] He did think that the gentleman's statement had misrepresented his views; and his persisting in it would justify him (Mr. B) in using language towards that gentleman that he had too much regard for the dignity of the House to use in its presence; but he was willing to let the country judge between what he had said and the gentleman's statement. He hoped the vote would be taken on allowing the petitioner counsel, and that the preliminary question might be at once settled.

Mr. MERCER did not rise to discuss the subject, but merely to state, in reply to the gentleman from North Carolina, [Mr. BYNUM,] that counsel had not been admitted in such cases into the British Parliament since the passage of the Grenville act.

Mr. REED said he believed that counsel had not been admitted into Congress in the case of a contested election for thirty years past. At the commencement of the Government, when the House was small, counsel had been admitted; but time had become so precious of late years, that they were not admitted. If they were to admit counsel, there ought to be good reason for it, and he did not think there was good reason for such admission on the present occasion. The matter had been before a committee of nine members, whose duty it was to examine into all constitutional and legal questions in relation thereto. They had, after examining the question, and hearing all the testimony from the respective parties for the last three months, made two reports to the House. After that, was the examination to stop? No; it would be still further examined, and there were enough of members to discuss the subject. There was no difficulty in finding a sufficiency of speakers. There were many lawyers on the floor competent and willing to discuss any legal matters which might come before them; but he found other gentlemen, who were not lawyers, competent to discuss the present question, and to discuss it ably, too; and, therefore, he could not see the necessity of introducing lawyers to argue the case, and consume the time of the House. They might as well ask to have lawyers to come into the House to advocate the cause of the sufferers by the late fire in New York. Those sufferers certainly were as much in need of counsel as the petitioners, but his principal objection was to the time that would be wasted. If a lawyer was to be heard, he would take two days in making an argument. If the gentleman was not capable of advocating his claim to his seat, he would find plenty of friends in the House who would do it for him; and he ventured that no member would express an opinion which would make him incapable of acting afterwards as a judge in the case. He objected to it from want of time, and that it might be the means of introducing lawyers on the floor on other subjects.

Mr. HARD expressed a hope that the gentleman from North Carolina [Mr. BYNUM] would withdraw his amendment, and permit the petitioner to take his seat, until this preliminary question was settled. He could not but think that the debate had taken a wide and unnecessary range at this stage.

Mr. GLASCOCK would be very unwilling himself to adopt, under any circumstances, the amendment proposed by the gentleman from North Carolina, that counsel should be allowed, even if he could bring himself for a moment to believe that there was any necessity for it. Independent of this, he believed that, unless where there was an absolute necessity, the precedent was a dangerous and bad one. But why should the petitioner wish for counsel, when the report of the committee was in his favor? Mr. G. did not look upon the question as a mere legal one, or as involving only a legal question. It was true, that it depended in a great measure upon the law of North Carolina, regulating the proceedings of elections in that State, but the whole testimony was now introduced, and could it be for a moment presumed, that individual members of the House were not fully qualified to decide upon that evidence? Where, then, could exist the necessity for the employment of counsel, if there be no difficult points involved? Or even if there were difficult points involved, it appeared to him that it was both prudent and proper for the House to decide for itself, without the interference of counsel. He could not believe that any difficulties could arise in the discussion of this question, nor could he be induced to believe that any individual member of the House would undertake to decide a question of such importance without making himself perfectly qualified to do so, by fully informing himself of all the facts upon

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, MARCH 21, 1836. VOLUME 3....No. 15.

which he would have to vote. He would venture to assert, that no individual member on that floor would vote upon this question without reading all the evidence, and without listening to all the arguments that might be advanced by gentlemen on both sides of the question.

Independent of this, Mr. G. must be permitted to observe that, wherever counsel was employed for a specific purpose, for the purpose of advocating the particular cause of a particular individual, he was expected, from the very nature of his station, from the duty a counsel owed his client, to bring forward the strong points only, those calculated to operate exclusively for the benefit of the individual he represented, and not to touch upon those that would go to sustain the other side. It did appear to Mr. G., then, that, taking a general view of the subject, both as to policy and precedent, believing that House competent to investigate, for itself, this question, that there was no propriety on the present occasion, of allowing counsel to the petitioner. He was opposed to the motion upon general principles, and he concurred with the gentleman from Massachusetts [Mr. REED] that this principle, once adopted, would have to be carried out on all subjects involving a legal point which might come up there for discussion. It was wrong; it was improper; and he could never consent to it.

Mr. WHITTLESEY here called for the orders of the day.

Mr. BOYD moved to suspend the orders of the day, for the purpose of proceeding with the consideration of this subject.

Mr. BYNUM wished to move simply to proceed with the discussion, as he conceived that motion required only a bare majority.

The CHAIR decided that that motion would require two thirds, consistent with the precedents that had been long established by the House, and decided upon at least twenty times. The effect of the motion was to suspend the rules of the House, so far as private business was concerned.

Mr. BOYD then modified his motion, by moving that the House proceed with the consideration of the report of the Committee of Elections. The motion was decided as follows: ayes 87, noes 83, whereupon,

The CHAIR decided that, in conformity with what he understood to be the declared sense of the House, by long-established precedents, the motion was not agreed to, because it required a majority of two thirds.

Mr. BYNUM then took an appeal from the decision of the Chair, on the ground that a bare majority was sufficient to proceed with the business under consideration, and that Friday and Saturday were not so absolutely set apart for the consideration of private business, as to make that subject the special order for those days. The 19th rule is as follows:

Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House.

And the point was, whether it required a bare "majority," or a "majority" of two thirds. The decisions of the Chair, and former precedents for more than six years, were in favor of the latter.

The point of order was debated at some length, and the decision of the Chair was sustained by Messrs. MERCER, BRIGGS, WILLIAMS of Kentucky, CUSHING, EVERETT, WHITTLESEY, and SUTHERLAND; opposed by Messrs. BYNUM, BEARDSLEY, HARPER, VINTON, MANN of New York, BELL, VANDERPOEL and TOUCEY.

Mr. HAMER demanded the previous question; which was seconded—ayes 108, noes not counted; and the main question was ordered to be put without a count.

The main question was, "Shall the decision of the Chair stand as the judgment of the House?" and thereon,

Mr. MANN, of New York, asked for the yeas and nays; which were ordered, and the question being taken, was decided in the affirmative—yeas 132, nays 61; as follows:

YEAS—Messrs. Adams, Chilton Allan, Ash, Bailey, Banks, Beaumont, Bell, Bockee, Boon, Borden, Briggs, Buchanan, Bunch, John Calhoon, William B. Calhoun, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Dickerson, Doubleday, Dunlap, Effner, Everett, Fairfield, French, Fry, Philo C. Fuller, Galbraith, James Garland, Rice Garland, Glascock, Granger, Grennell, Griffin, Haley, Hiland Hall, Hamer, Hard, Harlan, Samuel S. Harrison, Hawkins, Hazeltine, Heister, Howell, Hubley, Huntington, Huntsman, Ingham, William Jackson, Joseph Jackson, Janes, Jenifer, Joseph Johnson, Henry Johnson, John W. Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawler, Lawrence, Lay, Joshua Lee, Thomas Lee, Luke Lea, Lincoln, Logan, Lyon, Job Mann, Martin, John Y. Mason, Moses Mason, Maury, May, McCarty, McKennan, Mercer, Miller, Milligan, Montgomery, Moore, Morgan, Morris, Dutee J. Pearce, James A. Pearce, Phelps, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Roane, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Sickles, Slade, Spangler, Standefer, Steele, Storer, Sutherland, Talliaferro, Taylor, Thomas, John Thomson, Turner, Turrill, Ward, Wardwell, White, Whittlesey, Lewis Williams, and Sherrod Williams—132.

NAYS—Messrs. Anthony, Barton, Bean, Beardsley, Bond, Bovee, Boyd, Brown, Bynum, Cambreleng, Chapin, Conner, Craig, Cramer, Cushman, Davis, Dickson, Farlin, William K. Fuller, Gillet, Grantland, Graves, Grayson, Joseph Hall, Hannegan, Harper, Albert G. Harrison, Haynes, Holsey, Hopkins, Ingersoll, Jarvis, Richard M. Johnson, Cave Johnson, Gideon Lee, Leonard, Abijah Mann, William Mason, Sampson Mason, McComas, McKay, McKeon, McKim, McLene, Muhlenberg, Owens, Page, Parker, Patterson, Joseph Reynolds, Ripley, Robertson, Rogers, Schenck, Smith, Toucey, Underwood, Vanderpoel, Vinton, Webster, and Weeks—61.

So the House determined that the decision of the Chair should stand as the judgment of the House.

The House then proceeded to the orders of the day.

REPORT FROM THE TREASURY.

The SPEAKER presented a communication from the Secretary of the Treasury, inclosing a statement relative to the growth, cultivation, and manufacture of cotton; which was referred to the Committee on Manufactures, and ordered to be printed.

BILLS PASSED.

The following engrossed bills were read the third time and passed:

A bill for the relief of Archibald Small;

A bill for the relief of Reuben Colburn;

A bill for the relief of Isaac Champlin and others, owner, &c., of the schooner Buffalo;

A bill for the relief of Henry Darling;

A bill granting pensions and arrearage of pensions to persons therein named;

A bill for the relief of Joseph M. Wormstead and others;

A bill for the relief of Abiel Roads and others;

A bill for the relief of Ebenezer Phillips and others;

A bill for the relief of Joseph W. Green and others;

A bill for the relief of George Gott and others;

A bill for the relief of Benjamin and Nancy Merrill;

A bill for the relief of Joseph Gresham;

A bill for the relief of William Bowman;

A bill for the relief of citizens of the reserved township, Monroe county, Indiana;

A bill for the relief of Thomas Dixon & Co., New York;

A bill for the relief of Amy Wilson;

A bill for the relief of Doxtator and Weaver;

A bill for the relief of the representatives of Thomas Haliday;

A bill for the relief of William Woodward and William Mitchell;

A bill for the relief of the representatives of Josias Thompson;

A bill for the relief of Gilbert A. Smith and others;

A bill for the relief of Clark Allen;

A bill for the relief of Samuel W. Ruff;

A bill for the relief of the legal representatives of Dr. Absalom Baird, deceased;

A bill for the relief of Daniel Smith;

A bill for the relief of John Dement;

A bill for the relief of the heirs of Nathaniel Tyler, deceased;

A bill to authorize the conveyance of certain lands belonging to the Territory of Michigan; and

A bill to carry into effect the convention with Spain.

SENATE BILLS.

The following bills from the Senate were read twice and committed:

A bill to repeal parts of the acts to alter and amend the several acts imposing duties on imports, approved July 14, 1832;

A bill to authorize the East Florida Railroad Company to construct a railroad through the public lands in the Territory of Florida; and,

A bill to authorize the Pensacola and Perdido Railroad and Canal Company to construct a railroad and cut a canal through the public lands.

POST ROUTES.

The amendment to the Senate to the joint resolution of the House, for the establishment of certain post routes in Missouri, Arkansas, and Wisconsin, was concurred in.

THOMAS P. ESKRIDGE.

The House proceeded to consider the amendment reported by the Committee of the Whole to the bill for the relief of Thomas P. Eskridge and Alvarez Fisk; and pending the same,

The House, on motion by Mr. MANN, of New York, adjourned.

IN SENATE.

FRIDAY, *March* 4, 1836.

Mr. PORTER presented the credentials of the Hon. ROBERT CARTER NICHOLAS, elected a Senator from the State of Louisiana to serve for six years from the 4th of March last; which were read.

The usual oath to support the Constitution of the United States was then administered to Mr. NICHOLAS by the Vice President, and he took his seat in the Senate.

VACANCY FILLED.

The CHAIR announced that he had, in pursuance of the order of the Senate yesterday, appointed Mr. WALKER to fill the vacancy in the Committee on the District of Columbia, occasioned by the resignation of Mr. TYLER, but with the understanding that the member next to Mr. TYLER in order on the committee shall be the chairman. This was agreed to by general consent; and Mr. KENT is, therefore, the chairman of the committee.

VACANCY IN FINANCE COMMITTEE.

On motion by Mr. WEBSTER, it was

Ordered, That the vacancy in the Committee on Finance, occasioned by the resignation of Mr. TYLER, be filled by the Chair.

PETITIONS, MEMORIALS, ETC.

Mr. HENDRICKS presented the petition of sundry citizens of Michigan, praying for an additional appropriation for the military road from Detroit; which was referred to the Committee on Roads and Canals.

Mr. EWING, of Ohio, presented the petition of sundry citizens of Ohio, praying for an appropriation for building a bridge across the Ohio at Wheeling; which was referred to the same committee.

Mr. MORRIS presented the memorial of sundry inhabitants of Michigan, praying for the establishment of sundry post routes; also, the memorial of sundry citizens of the same Territory, praying for an appropriation for the improvement of the harbor at the mouth of St. Joseph's; the first of which was referred to the Committee on the Post

Office and Post Roads, and the latter to the Committee on Commerce.

REPORTS FROM COMMITTEES.

Mr. KNIGHT, from the Committee on Manufactures, to which had been referred the petition of sundry citizens of Philadelphia and Baltimore, made a report thereon; which, without a reading, was ordered to be printed.

Mr. EWING, of Ohio, from the Committee on the Public Lands, made an unfavorable report on the petition of Peter Moore, and on the petition of sundry citizens of Erie county, Pennsylvania, praying for a donation of public lands, on condition of settling the same.

Mr. E., from the same committee, also made an unfavorable report on the memorial of the Legislature of Alabama, asking for preemption rights for settlers on public lands who were deprived of their improvements in consequence of Indian reservations.

Mr. E. said he had been instructed by the committee to report against these preemption claims on the ground that, in the opinion of the committee, the grant of preemption was a mere gratuity, and that the petitioners had no legal right whatever to the lands they had been deprived of.

Mr. KING, of Alabama, freely admitted that the laws granting preemption rights gave mere gratuities, and that the individuals had no legal right to the land they had been deprived of; but the Government had, in a spirit of wise liberality, made grants to those individuals who had settled on, and improved the lands, educated their children, and added to the resources and population of a growing country. These grants were general; and in pursuance of the Indian treaty the individuals were deprived of their improvements for the purpose of locating floating Indian reservations. It was extremely hard that these individuals, after having made their improvements, and believed that they had secured to themselves a home, should be deprived of them by floating Indian reservations, of which they could not possibly have anticipated when they settled on their lands. He should move to lay the report on the table; and when it came up again he hoped he should be able to satisfy the Senate, that this wise gratuity of Congress towards these individuals should not be departed from because they had unfortunately come under the operation of circumstances which were unforeseen and unexpected.

The report was then laid on the table.

BILLS INTRODUCED.

Mr. TIPTON, in pursuance of notice given, asked and obtained leave, and introduced a bill supplementary to the act to provide for the exchange of lands with the Indians residing in the several States and Territories, and for their removal beyond the Mississippi. This bill was read the first time, and by general consent read the second time, and referred to the Committee on Indian Affairs.

Mr. WEBSTER, on leave, introduced a bill to allow a drawback on the exportation of cordage manufactured from foreign hemp; which was twice read and referred.

RESOLUTIONS.

Mr. EWING, of Ohio, submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what part of the whole expenditure under the head of the Indian department, from the commencement of the Government to the 30th September, 1835, as stated in his report to the Senate of the 25th of January last, was paid to the Indians for lands purchased of them by the United States. Also, that he transmit to the Senate a statement of the balance of public moneys in each of the deposit banks on the latest day to which he has received their accounts current.

Mr. PRESTON submitted the following resolution; which lies on the table one day:

Resolved, That it is expedient, the States of Maryland and Virginia assenting thereto, to recede the District of Columbia to those States, with such reservations as may be necessary for this Government.

Mr. TOMLINSON submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of allowing to the widow of Captain Samuel Gibbs the amount which would have become due to her late husband, as an invalid pensioner during the time he was entitled to an annuity under the act for the relief of the surviving officers and soldiers of the Revolution, if he had not relinquished his invalid pension for the purpose of being placed on the list of revolutionary pensioners.

EXPUNGING RESOLUTIONS.

Mr. BENTON remarked that he was under a pledge to the American people to bring forward a motion for expunging from the Journals of the Senate certain resolutions which had passed that body. He had not made this motion up to the present time, because he thought it was a motion of that character requiring the Senate to be full when it was made. The Senate was not entirely full; there was still a vacancy, but it would probably be filled in the course of two weeks. He, therefore, thought proper now to give notice, (though he was not called on by any rule of the Senate to give such notice,) that, as soon as that vacancy was filled, he should bring forward his motion to expunge the resolutions he had referred to.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill to repeal certain provisions in the act in alteration of the several acts imposing duties on imports, approved 14th July, 1832;

The bill to authorize the East Florida Railroad Company to construct a railroad through the lands of the United States, in the Territory of Florida; and

The bill to authorize the Pensacola and Perdido Railroad and Canal Company to construct a road, and cut a canal through the public lands.

VESSELS IN THE MACKEREL FISHERY.

On motion by Mr. DAVIS, the bill in addition to the act of the 24th May, 1828, entitled an act to authorize the licensing of ships and vessels to be employed in the mackerel fishery, was taken up and considered, and ordered to a third reading.

THE CUMBERLAND ROAD.

On motion by Mr. HENDRICKS, the Senate resumed the consideration of the bill for the completion of the Cumberland road in the States of Ohio, Indiana, Illinois, and Missouri; and the question was then taken on the first part of Mr. CLAY's amendment, to strike out $320,000, the appropriation for the road in Ohio, and insert $200,000; and carried by the following vote:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Goldsborough, Hill, Kent, King of Alabama, King of Georgia, Knight, Leigh, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Swift, Tomlinson, Walker, and White—21.

NAYS—Messrs. Benton, Buchanan, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hubbard, Linn, McKean, Morris, Niles, Robbins, Robinson, Shepley, Tallmadge, Tipton, Wall, Webster, and Wright—19.

Mr. HENDRICKS stated the effect of this vote. There was $182,000 appropriated last year; and if the amendment of the Senator from Kentucky [Mr. CLAY] prevailed, it would reduce the appropriation now to a less amount than was appropriated to the road in the State of Indiana at the last session.

Mr. KNIGHT, in voting, had went on the principle that $200,000 was as much as could be economically expended in one year; but, after hearing the statement of the Senator from Indiana, [Mr. HENDRICKS,] he would change his vote.

Mr. KING, of Alabama, had not been in his place when this bill was up before. He thought the sum of $200,000 an amount which was, if expended as it ought to be, sufficient for one season. He thought they ought to complete a part of the road as far as they went, and not leave any of it in an unfinished state, so that it might be transferred to the States. With that view of the subject he should vote for the reduction of the amount appropriated to $200,000.

Mr. CLAY could go for the $200,000, but not beyond it; and went into a detail of the several amounts that had been appropriated and expended on the road. He had supposed the appropriation was to go to grading the road in Illinois. If it was to be macadamized with material to be hauled some thirteen miles, the road from the Wabash to the Mississippi would cost from ten to fifteen thousand dollars per mile. For one, he was not willing to put such an expenditure upon it. The road from Maysville in Kentucky had cost only at the rate of five thousand dollars per mile. He was opposed to commencing a system in Illinois that would incur an expenditure of from ten to fifteen thousand dollars per mile. He had an amendment he intended to offer at some future stage of the bill.

Mr. HENDRICKS went into an argument to show the advantages of a large appropriation over a small one. There was only about half the distance to work upon the road in Ohio there was in Indiana. The difficulty in procuring stone was not so great as some gentlemen had imagined, as there were gravel beds of considerable extent convenient to the road.

After some remarks from Mr. NILES,

Mr. BENTON referred to some of the arguments used by him the other day to show that it was really wasteful to make these small appropriations.

Mr. KING, of Alabama, said the road had cost more than it was really worth. He would prefer that a reasonable estimate should be made of the expense necessary to complete it, and that companies should be incorporated by the State Legislatures, through which it passed, to make it, and that Congress should make an appropriation to assist them in doing it. He had no doubt it would cost less in that way. He adverted to the manner in which it was pressed upon the Senate by the members immediately interested. They would be glad in his State to have an appropriation even for their common roads. He was disposed to be liberal, but not lavish. He had no disposition to embarrass any of the new States. He lived in one himself. He would vote to limit the appropriation to $200,000.

Mr. ROBINSON said the system of making this road had been changed, and the expense of construction greatly reduced. He ventured to assert there was no one place where stones would have to be drawn the distance of twenty-five miles. There was one place where a bridge was to be built, to which stones would be drawn thirteen miles. He spoke of the great importance of the road, and would feel sorry if measures should be taken to prevent its being macadamized. The Government had induced people to believe it would go on and make this road, in consequence of which they had been induced to purchase the Government lands at an advanced price, and not to go on with it would be doing injustice to them. Its importance in a national point of view would be enhanced by the increased expedition in transporting the mails.

Mr. TIPTON said the argument founded on the scarcity of stone did not apply to Indiana, where it was abundant. The engineers, in their estimate, had reported that the greatest amount that could be advantageously expended in one season was $600,000, and the smallest, $350,000, which was in the bill. They did not ask a pledge to make it at the expense which the gentleman from Kentucky [Mr. CLAY] had said it would cost, by hauling stone twenty-five miles.

Mr. KING, of Alabama, would ask the Senator from Indiana if this road did not pass through an extensive prairie? If it did, he well knew the difficulty and expense in making roads through them, and explained the nature of them at some length. A railroad would, in his opinion, through that level country, answer a better purpose, and cost less than a macadamized road, and he would prefer that it might be changed to a railroad.

Mr. HENDRICKS said the remarks of the gentleman would apply to Illinois, but not to Indiana. As the road had been graded, with a view to macadamizing it, the grading would have to be changed, and nearly all the expense of grading that had been done would be lost.

The question was then taken on the second part of Mr. CLAY's amendment to strike out $350,000 for the road in Indiana, and insert $100,000, and lost—yeas 22, nays 22; as follows:

YEAS—Messrs. Black, Brown, Calhoun, Clay, Crittenden, Goldsborough, Hill, Kent, King of Alabama, King of Georgia, Leigh, Mangum, Moore, Naudain, Niles, Porter, Prentiss, Preston, Swift, Tomlinson, Walker, and White—22.

NAYS—Messrs. Benton, Buchanan, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hubbard, Knight, Linn, McKean, Morris, Nicholas, Robbins, Robinson, Shepley, Tallmadge, Tipton, Wall, Webster, and Wright—22.

Mr. CLAY then submitted the following amendment:

Provided, The expenditure of that portion of the appropriation to be made in the State of Illinois, shall be limited to the graduation and bridging of said road, and shall not be construed as pledging Congress for future appropriations for macadamizing said road.

He would add a single remark: If the object was to make this a macadamized road, it would be cheaper to make both a railroad and macadamized road—a railroad to transport the stone upon for the macadamized road. He hoped they would be content with the $200,000.

Mr. ROBINSON answered the objection, that stone was scarce in Illinois. Portions of the country abounded there with limestone. He opposed the amendment offered by Mr. CLAY.

Mr. CLAY had hoped that an amendment so innocent in its character would not have been opposed. If the amendment was not adopted, the Government would stand pledged to go on and macadamize the whole road. He hoped the amendment would be adopted, and demanded the yeas and nays.

The yeas and nays were ordered; and on taking the question, Mr. CLAY's last amendment was carried—yeas 30, nays 14; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Goldsborough, Hill, Kent, King of Alabama, King of Georgia, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Niles, Porter, Prentiss, Preston, Robbins, Shepley, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, and White—30.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hubbard, Linn, Morris, Robinson, Tipton, and Wright—14.

Mr. BLACK moved to amend the bill by an appropriation of $150,000 for the repair of the road from Chattahoochee to Coshocton, and from Mobile to New Orleans.

Mr. B. contended that the road embraced in his amendment had as much of a national character as the road through Ohio, Indiana, and Illinois. The transportation of the great southern mail was upon it. He hoped his amendment would be agreed to. The population was so sparse in places along these roads, that they were not able to keep them in repair.

Mr. EWING, of Ohio, thought there was merit in the amendment offered by the gentleman from Mississippi, [Mr. BLACK,] and if he would offer it in a separate bill, he would be disposed to vote in favor of it.

Mr. LINN did not wish to see the bill clogged, to break it down by the amendment offered by the gentleman from Mississippi.

Mr. PORTER was not sure that his friend from Mississippi was serious in offering this amendment, but he was inclined to give it his strenuous support, for there never was a measure more imperiously called for. He thought it was of equal importance with the bill itself. Mr. P., in reply to Mr. EWING, vindicated the expediency, as well as the constitutionality of the amendment, and said he was anxious to have it tacked to so strong a measure as the great Cumberland road, in order to secure it from the President's veto. He felt confident, though, that when the President came to examine into the matter, and saw that this road was as national even as the one from New York to Washington, that he would give it his approval. He trusted that the friends of the bill would not object to the amendment. The claims of his section of the country were so strong, and the injustice of refusing it so manifest, that he had every hope that gentlemen, on a proper consideration, would give it their support.

Mr. MOORE was very glad that the amendment had been introduced. He thought, so far from clogging the bill, that it would render it more palatable in some quarters, and only regretted that the appropriation proposed had not been larger. Mr. M. then spoke of the difficulties in transporting the mail; and suggested to the gentleman to modify the amendment, so as to make it read "for repairing and constructing the main post road leading from Washington to New Orleans." This, by making the object more national, would go some way towards removing the objections to it.

Mr. BLACK accepted the suggestion, and modified his motion by adding the words, "being the road on which the great southern mail is transported from Washington to New Orleans."

After some further remarks from Mr. MOORE,

Mr. BLACK did not offer the amendment with a view to clog the bill. He thought it as proper a place for it as to make it a separate bill.

Mr. KING, of Alabama, could not vote for the amendment offered by the gentleman from Mississippi. He was not aware that he was going to offer it. No considerations of local interest could induce him to vote for an unconstitutional appropriation. He hoped the gentleman from Mississippi would withdraw the amendment, and not incumber the Cumberland road bill with it.

Mr. TIPTON was not prepared for the amendment proposed by the gentleman from Mississippi; and although compelled to vote against it, yet if gentlemen coming from the southwest will propose to apply the two per cent. fund of their States to this object, he would make no objection to it. One objection to the amendment was, that they had no estimates, and knew not the length of the road, or how it was to be constructed. He must oppose this new proposition, coming in at this late stage of an important bill. Let gentlemen propose a bill for making the surveys, and he should vote for it, and when full information was obtained, he had no doubt but the measure would pass on a proper application

Mr. BLACK observed, that the proposition was barely for repairing a road already laid out, on which the mail had long been carried. It had been said that this project would expend ten millions of dollars. This could not be so, for the two per cent. fund had long been expended. If this appropriation was to be made in Ohio and Indiana, and was constitutional, it certainly was not unconstitutional to make this road in the southwestern States. It certainly was of far greater importance than any road contemplated in the bill, and he was surprised at gentlemen's opposition to it.

After some remarks from Messrs. MORRIS, CRITTENDEN, and PORTER,

On taking the question, Mr. BLACK's motion to amend was lost—yeas 6, nays 34, as follows:

YEAS—Messrs. Black, Clay, Crittenden, Goldsborough, Moore, and Porter—6.

NAYS—Messrs. Benton, Brown, Buchanan, Calhoun, Cuthbert, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Morris, Nicholas, Niles, Robbins, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tipton, Tomlinson, Walker, Wall, Webster, White, and Wright—34.

On motion by Mr. NAUDAIN, the bill was further amended by providing that the money appropriated for the completion of the road in the States of Ohio, Indiana, and Illinois, shall be expended for the completion of the greatest continuous portion of such road possible, so that such finished parts shall be surrendered to said States respectively.

Mr. CRITTENDEN then moved to amend the bill by striking out the words "to be repaid out of the fund reserved for making roads leading to said States."

After some further remarks from Messrs. CRITTENDEN and NILES,

The Senate adjourned over to Monday.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 5, 1836.

The motion heretofore submitted by Mr. HAMER, to print ten thousand extra copies of the report and bill, fixing the northern boundary of the State of Ohio, and providing for the admission of Michigan into the Union, was taken up.

Mr. HAMER modified his resolution by proposing to print the usual number of copies of the brief on the same subject, presented on behalf of the Ohio delegation.

Mr. VINTON suggested that the papers referred to in the brief be also printed.

Mr. HAMER acquiesced in the suggestion, and modified his motion accordingly.

Mr. RENCHER had no objection to printing an extra number of the report and bill, but the number proposed he believed to be too large. He therefore moved to amend the proposition by substituting five thousand for ten thousand copies; which was agreed to.

Mr. BEARDSLEY suggested that the brief presented on behalf of Michigan, and the papers therein referred to, should also be printed.

Mr. HAMER had no objection, and further modified his resolution, in accordance with the suggestion of the gentleman from New York.

Some conversation took place between Messrs. MANN of New York, HAMER, PARKER, THOMAS, and GRENNELL, as to the character and extent of the briefs, and the papers therein referred to, when the resolution was further amended by excepting such papers as had been previously directed to be appended to the report of the Committee on the Judiciary; and thus amended, it was agreed to.

NORTH CAROLINA CONTESTED ELECTION.

The House then resumed the consideration of the report of the Committee of Elections on the contested election from one of the districts of North Carolina.

Mr. HARD, on a former day, made a motion, (which was modified on the suggestion of Mr. MANN, of New York,) that the petitioner, David Newland, have leave to appear, and also to address the House on the subject of his petition.

The question pending was the amendment proposed by Mr. BYNUM, that the petitioner be permitted to appear by himself or by counsel.

Mr. GRIFFIN called for the yeas and nays; which were ordered.

Mr. RENCHER wished to state one fact which ought to induce the House to grant counsel; and that was, that the petitioner had the benefit of counsel before the committee; and he could see no good reason why he should not be entitled to the same benefit on the floor of the House. He would vote for the motion that the petitioner be allowed counsel, because he had asked for it; and he would have granted the sitting member counsel if he had desired it. He agreed with his colleague [Mr. BYNUM] that it more became them to listen to the arguments of others than to engage in the discussion themselves.

The question was then put on the motion that the petitioner be permitted to appear by counsel, and decided in the negative—yeas 67, nays 112; as follows:

YEAS—Messrs. Barton, Bean, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bynum, Chapman, Nathaniel H. Claiborne, Cleveland, Connor, Corwin, Craig, Crane, Davis, Denny, Dickerson, Dickson, Fairlin, French, William K. Fuller, Galbraith, Joseph Hall, Hannegan, Harper, Albert G. Harrison, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, Jabez Jackson, Cave Johnson, Kennon, Kilgore, Lansing, Thomas Lee, Job Mann, William Mason, McKay, McKim, Mercer, Montgomery, Morgan, Muhlenberg, Page, Patterson, Phelps, Rencher, John Reynolds, Joseph Reynolds, Roane, Schenck, Augustine H. Shepperd, Shinn, Sutherland, Thomas, John Thomson, Turner, Vanderpoel, Ward, Wardwell, and Weeks—67.

NAYS—Messrs. Chilton Allan, Anthony, Ash, Banks, Beaumont, Bell, Bockee, Bond, Borden, Briggs, Bunch, John Calhoun, William B. Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Childs, Coffee, Coles, Cushman, Deberry, Doubleday, Dromgoole, Dunlap, Effner, Evans, Everett, Fairfield, Forrester, Fry, Philo C. Fuller, Garland, Giller, Glascock, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Hiland Hall, Hard, Hardin, Harlan, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Howell, Hunt, Huntsman, Ingersoll, Ingham, William Jackson, Janes, Jarvis, Jenifer, Joseph Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Kinnard, Lane, Lawler, Lawrence, Lay, Gideon Lee, Luke Lea, Leonard, Lincoln, Logan, Loyall, Abijah Mann, Martin, Moses Mason, Samp-on Mason, Maury, McCarty, McComas, McKeon, McLene, Miller, Morris, Owens, Parker, Parks, Patton, Phillips, Potts, Reed, Robertson, Rogers, Russell, Shields, Sickles, Smith, Spangler, Standefer, Storer, Taliaferro, Taylor, Towns, Underwood, Webster, Whittlesey, and Sherrod Williams—112.

Mr. BYNUM said he was in hopes that since the House had, by the vote which it had just given, refused the petitioner leave to be heard by counsel, that it would act its principle out, and reject the motion offered by the gentleman from New York [Mr. HARD] to allow the petitioner the privilege to appear at the bar of the House, and to speak in his own defense, as it was a request that the petitioner had not made.

The vote which had just been taken was one to which he begged the liberty of the House to call the earnest *attention* of every *farmer*, *mechanic* *workingman*, and *tradesman* in this nation. It was one in which, in the sincerity of his heart, he believed their most solemn rights as freemen had

been invaded and violated. For the *first time* it was that ever a freeman and an American citizen had been refused the right or *privilege* to be heard in the Congress of the United States, the professed *assemblage* of the representatives of the only truly free nation on earth, in defense not only of his own rights and interest, which is involved in his seat on this floor, but in defense of the rights and interest of forty-seven thousand four hundred souls of the district whose Representative he claimed the right to be in that House. He was glad that some honorable gentleman had called for the yeas and nays on that question, as the *farmers* and *workingmen* of the country might see what they had a right to expect from their Representatives here.

Here the Speaker called Mr. B. to order; and said it was not in order to speak on a subject that had been decided.

Mr. BYNUM said he would submit, with great respect, to the correction of the Chair; but that, by the vote of the House, an act of injustice had been done the petitioner, and that it could not be repaired by the passage of the resolution of the gentleman from New York. He, as a freeman, and an American citizen, had been denied the privilege of being heard by counsel in defense of his rights, and the rights of his constituents, on that floor; and he wished it to be marked and well noted by that class of citizens of this country who were not lawyers, and who were not professed speech-makers. Sir, (said Mr. B.,) the act of injustice done to that portion of the community is gross, and violative of every spirit of freedom; the decision that has been made is in the very face of every precedent that has ever occurred in this House. I protest against it as being fraught with the grossest injustice towards every petitioner that may hereafter come before this House, who is not a lawyer by profession, or a hackneyed public speaker. Surely gentlemen have not considered the consequences of the vote that has just been given; the vital rights of the great class of *farmers* and *workingmen* that it so seriously affects; the great advantage that it must give to the lawyers over every other class of men that have not been bred to speech-making. Can that class of the community who are not of the legal profession, sanction so enormous a breach of their dearest rights in a place where they should be so tenaciously guarded? Sir, the working class of society cannot look with indifference at this act. He hoped their attention would be called to it in every section of the country; the denial of the privilege to be heard by counsel was against the uniform practice of the House in every case where it had been asked, since the formation of the Government until the present time. There had not been a single instance where it had ever been before refused, and he thought the House assumed an awful responsibility in setting aside the precedent at this late day of the Republic, in opposition to a practice so long acquiesced in. It was against the spirit and genius of the Constituton.

Mr. B. said the case operated with peculiar hardship on the present occasion. The petitioner was no public speaker, and did not ask to be heard, except by counsel, and the House had made a most singular decision, that he should not be heard by counsel, and was about to decide that he should or might be heard by himself. Now, this is what the petitioner did not ask. He is no debater, and is, comparatively, a perfect stranger in this House; and no man could do himself justice that was a stranger, however much he might be accustomed to public speaking, who might in his first attempt undertake to address this House; but for one unaccustomed to public speaking to attempt it, it was utterly impossible that he could do it with that composure and deliberation that was necessary in the discussion of a great legal or constitutional question. Yet, by the vote of the House, it had decided that the petitioner, however illy competent to address it, was to be forced to attempt it, to the exposure of himself, and the great prejudice to his claim, and to the interest of all others interested in the decision. It was giving too great an advantage to the lawyers over every other class. No man in future might think of contesting a seat here who was not a lawyer, with any prospect of success. Had this been a new case, so strong were the reasons to his mind, he should, without the least hesitation, have granted counsel, if desired by either the petitioner or the sitting member. Such had been the constant and uniform practice of the House, which he had taken pains to ascertain; and it certainly offered the strongest reasons at this time against deviating from a precedent so long held sacred, and founded, in his judgment, in the strictest policy and propriety. But he had said it had operated with peculiar hardship on the petitioner. The sitting member had been a member near three years of this House, a lawyer of eminence, who had formed many acquaintances and connections of different kinds, and had had an opportunity, both in private and in public, of placing in possession of the strongest points of his case most of those with whom he had formed an acquaintance during this time; he had also made two lengthy arguments to the House, while the petitioner was excluded from the House both in himself and in counsel. Was such a couse not calculated to bias the House in his favor, and give their prepossessions in the justness of his claim? It certainly appeared so to him.

But the gentleman from New York has moved to permit the petitioner on the floor with the privilege to speak in his own defense. Sir, the gentleman from New York represents the minority of the committee that was opposed to the claim of the petitioner. The petitioner will ask nothing at the hands of those who are opposed to him: he is old enough to know what danger there has ever been found in the gifts of an enemy. The petitioner has not asked this from the gentleman from New York—the petitioner is aware that he has nothing to expect from that quarter. Sir, I think I see through the design of the gentleman from New York, and so does the petitioner. That gentleman thinks, no doubt, if his resolution is adopted, that it will supersede the resolution offered by the majority of the committee, who were friendly to the claims of the petitioner. Sir, is this not, by indirection, an attempt of monstrous injustice toward the petitioner, who has already had the strongest cause of complaint against the House? He certainly viewed such a course as being most unjustifiable.

Again, sir, has not evidence been presented, and ordered to be printed and laid on the desk of each member of this House, in favor of the sitting member, which was taken after the committee had decided they would receive no more evidence, which nobody was here to object to—the petitioner not being represented on the floor, either in person or by counsel? Can such a course be compatible with any principle of justice or equity?

Sir, (said Mr. B.,) I am not a little astonished at the course it is manifest that the House is disposed to take already on this subject, and I hope that the decision it has this day made against the rights and interests of a certain class of the community may long be remembered, and not overlooked by them at a future day. The resolution that the House was about to adopt had come from one hostile to the pretensions of the petitioner, and was, he was authorized to say, entirely gratuitous; and he viewed it as being wholly delusive, and, if adopted, could afford no substantial relief to the petitioner, and he thought it unnecessary to adopt it with any view of the kind. It would be adding insult to injury. He had asked for one thing; you will, by the adoption of the gratuitous resolution of the member from New York, with his known hostility towards the petitioner, have given him another.*

Mr. HARDIN said the motion was, that the petitioner have leave to appear and to address the House; but if that gentleman did not choose to avail himself of the privilege there was no harm done. The resolution was not mandatory that the petitioner shall come and speak, but that he have leave if he choose to do so. If, however, the gentleman did not avail himself of the privilege, he expected the members of the House would do him ample and impartial justice. They were to decide the case partly as members of the House, and partly in the character of a court of adjudication, and it was to be settled by the evidence which every member had on his table. The resolution proposed to give the petitioner a seat on that floor; but if that gentleman says he will not avail himself of those rights because the House would not give him more, let him do so. But the gentleman from North Carolina [Mr. BYNUM] had said that, because the House had negatived the motion to grant the petitioner counsel, it ought not to pass the resolution granting him a seat. The House (Mr. H. said) ought still to pass the resolution, and if the petitioner did not avail himself of the privilege it was his own look-out. He had voted against the amendment granting counsel, and should do so again. When a man spoke on that floor on great constitutional questions, he wanted him to speak as a member of that House, impressed with the high responsibility which rested upon him. It had not been from any disposition not to hear the counsel the gentleman might produce; he would be willing to hear everything that could throw light on the matter; but he could not consent to have the time of the House consumed by the arguments of a lawyer. In relation to the motion coming from the gentleman from New York, [Mr. HARD,] he thought it was perfectly correct. Was that gentleman an enemy of the petitioner? He believed not? Was he an opponent of the petitioner? He believed he was not. The members of the committee might have made up their minds that one was entitled to the seat, and another was not, but he was far from believing that either of them were opponents of the petitioner or of the sitting member. He would vote for the resolution, and then it would be optional with the petitioner to take his seat or not.

Mr. HARD said he wished to make a few remarks in explanation. If he understood the gentleman from North Carolina [Mr. BYNUM] correctly, he had said the motion came from a quarter unfriendly to the petitioner. He did not know what the gentleman from North Carolina considered a want of friendship in the members of the committee towards the petitioner, but he trusted, so far as he was concerned, and so far as he had acted, and in the course he intended to pursue, that he would not be governed by party, but by principle. He had been induced to bring the motion before the House at the instance and request of an honorable gentleman from Virginia; and if they were to judge from votes, that gentleman was the political friend of the petitioner. It was argued by that gentleman and others, that the sitting member had the privilege of making statements to the House, which the petitioner himself was better qualified to answer than any other individual. It was also urged by some of the petitioner's friends, that it was the duty of the committee to bring forward the motion. He had consulted both the members of the majority and minority of the committee, and he had to say to the gentleman from North Carolina, [Mr. BYNUM,] that he disclaimed all unfriendly feelings towards the petitioner.

*Book of Contested Elections in Congress.

1789. The cases to which Mr. BYNUM had referred in his former remarks was case the second, of the New Jersey members, page 42.

On motion by Mr. LUCY, that the parties appear, and be heard by their counsel before the House,

Mr. LIVERMORE said, I have no objection that counse should be heard upon the merits of the principal question.

Mr. MADISON thought it would be proper to hear counsel.

Mr. PAGE. If the jurisdiction of the House was questioned, the parties had an *indubitable* right to be heard by counsel, and he hoped no gentleman would refuse the people of the United States a privilege of this important nature, which had always been enjoyed by the subjects of Great Britain.

Mr. STONE had no objection to admitting a *limited* number, if it was required.

1792. Page 49.—*In case* 11, Jackson *vs.* Wayne, from Georgia, it was postponed to the 27th of February, and on that day it was further continued, on the suggestion of the sitting member, to the 10th of March, on which day leave was granted to the *sitting member* to be heard by his counsel at the bar of the House.

1804. Page 129.—Case 20. Moore *vs.* Lewis, from Virginia. March 1, 1804, the committee was discharged, and resolved that the memorialist and the sitting member shall, if they desire it, be heard by counsel before the bar of the House.

Mr. MOORE appeared at the bar, and spoke in favor of his memorial, claiming the seat of Major Lewis.

Mr. JONES, the counsel of Major Lewis, then spoke in favor of his right to his seat.

Mr. BYNUM also referred to the case in the British Parliament of John Luttrel, petitioner, *vs.* Sir Abraham Hume and William Joliff, when both the sitting member and petitioner were heard by counsel.

Mr. FRY, of Pennsylvania, said he was among those who had voted against the petitioner being heard upon this floor by counsel, and he should also vote against his being heard in person; and he had done so under the fullest conviction that the House were amply competent, and that the House would do the claim of the petitioner ample justice upon the final action of the House upon the subject.

Sir, we have not only the report of the standing Committee of Elections, but we have a double report—a minority report upon the subject; and what member of this House would hazard the opinion, that the reports did not embrace all the facts in the case? And if they do, do we want a lawyer to read and expound that report to the House? Does the House want a lawyer to distort the evidence? I have full confidence in the ability of the committee who have made the report to do justice to the contending parties; and having their reports, I want the opinion or advice of no lawyer to tell me what that report is, and whether it does justice or injustice to either of the parties.

I cannot see, if this petitioner is entitled to be heard upon this floor, why every person who has a claim is not entitled to be heard by counsel. I cannot make a distinction between claimants. Precedents have been referred to. I make precedents the rule of my conduct only so far as I consider them good and sound. I make precedents the rule of my conduct no further than I approve of them. I said I voted against allowing the petitioner to be heard by counsel upon this floor, and I repeat it, because I believed the House amply competent, and I cannot doubt but that the House will do him full justice; and I was sorry to hear the insinuation of the gentleman from North Carolina, that a disposition was manifested by the vote of the House to do the petitioner injustice.

I have troubled the House with these few observations in justification of the vote I gave upon the amendment, and in justification of the vote I should give upon the proposition of the gentleman from New York; and with these observations I dismiss the subject.

Mr. ADAMS said he felt some embarrassment on the present occasion as to the course he ought to pursue. It had happened that he was absent when the yeas and nays were taken, and he had not had an opportunity of recording his vote. It had not been his intention to enter into the present question at all; and he should have been satisfied by an opportunity of voting, which would have been in favor of admitting counsel on the part of the petitioner. He would have done so, because he conceived it to be the right of a citizen of the United States, sent there by forty thousand voters, or claiming to be sent by them. He should have considered it as one of the rights of the petitioner and of his constituents to be heard by counsel, if he had thought proper to ask it. It was the only principle on which he could be placed on an equality with his competitor, because no one was capable of speaking for himself in such a case. What was the result? Go into a court of justice, and see on one side one of the first lawyers of the land, and on the other a man who had nothing but the justice of his cause to sustain him: let the judges and jurors be as honest and capable as they might be, and, nine times out of ten, the suit would be decided in favor of the man who had the great lawyer. To deny counsel was to take away the equality which should be given to the petitioner.

Mr. BOON rose to a point of order. He did not think the gentleman in order in reflecting on the decision of House.

Mr. ADAMS resumed. It had not been his intention to trouble the House with any remarks; but he wished to give his reason for voting against the motion then before the House. The present motion was a substitute for the one which the House had refused to grant. It was now proposed that the petitioner should be admitted on the floor of the House, and that he should have permission of the House to use a faculty which his friends said he did not possess. Now, it seemed to him, if that principle was established, the question might be asked, have the people the right to send a man to Congress who was not a profound lawyer; a man who might be good in counsel, but had not the faculty of speaking? The right of the member was the right of his constituents, and he did not know of any law which required that a member of Congress should be a public speaker. That was a matter for their constituents to determine for themselves. And every gentleman knew full well that there were many members of that House who had not the peculiar faculty of speaking, but who were as useful members as any others in the House. But were gentlemen going to admit the petitioner, who was no lawyer himself, to plead his own cause, when his friends have told them that he was not capable of pleading it? and that, too, when his competitor was a debater equal to almost any gentleman on that floor? The proposition was fallacious. It had the appearance of placing the petitioner on an equality with his competitor, and at the same time amounted to nothing at all. It was a refusal of his rights, together with the pretension of granting him his rights. So far as a resolution went, taking it abstractly, he should vote for it, for the House had declined what he believed to have been the petitioner's rights; but he found the petitioner's friends were not willing to accept of it; and therefore he labored under some embarrassment, and he should rather be inclined to vote against the resolution. Gentlemen might consider it a sort of indemnity for what they had refused the petitioner; and it would be so, were it not for the fact that it was absolutely a delusive privilege; and it was better to say at once that he should not have a seat, and submit his case to the justice of the House. He begged not to be suspected of entertaining any hostile feelings towards either of the gentlemen. He had a high regard for the sitting member, and of his competitor he knew nothing. Not being in the House to record his vote on the subject, he had taken the opportunity of giving the reasons why he should vote against the proposition to allow the gentleman to plead his own cause, which he considered a delusive appearance of justice, and no reality.

Mr. WHITTLESEY called for the orders of the day, but withdrew it at the request of

Mr. HAMER, who, by consent of the House, moved a reconsideration of the vote of this morning on the resolution directing extra copies of the report on the Ohio and Michigan boundary question, &c., to be printed, as he wished to move to strike out that part directing the printing of the briefs. Mr. H. said, that by a conversation with some members of the Judiciary Committee, he had ascertained that under the resolution, as adopted, there was no document or brief that could be printed on behalf of Michigan. To print one on behalf of Ohio, under such circumstances, might seem like taking an advantage of Michigan. This Ohio did not want; and he desired a reconsideration for the purpose of striking out all that part of the resolution which related to the printing of briefs on either side.

The House reconsidered the vote. Mr. H. modified the resolution as proposed, and it was then adopted.

PRIVATE BILLS.

The House resumed the consideration of the bill for the relief of Thomas P. Eskridge and Alvarez Fisk.

An amendment having been proposed by Mr. PARKER, it was opposed by Messrs. LINCOLN and SEVIER, and advocated by the mover; when

Mr. PARKER varied his motion, by proposing to recommit the bill to the Committee on the Public Lands, with instructions.

After some further remarks by Messrs. SEVIER, BOON, VINTON, PARKER, MASON of Virginia, LINCOLN, WHITTLESEY, and KENNON,

Mr. WILLIAMS, of North Carolina, called for a division of the question; and it was first put upon committing, and decided in the negative; the second branch of the motion fell, as a matter of course.

The amendment of Mr. PARKER to strike out the allowance of interest was then disagreed to, and the bill ordered to be engrossed and read a third time.

A joint resolution for the relief of Benedict Alford was amended on motion by Mr. WARDWELL, by adding a provision for the relief of Robert Brush; and, after some debate, the further consideration of the resolution was postponed until Friday next.

Mr. DAVIS moved an adjournment.

Mr. PHILO C. FULLER asked for the yeas and nays on the motion; which were not ordered.

The question on the adjournment was taken by tellers—ayes 82, noes 61; and at 3 o'clock, p. m., the House adjourned.

IN SENATE.

MONDAY, *March* —, 1836.

The CHAIR communicated a report from the Navy Department, transmitting a statement of the contracts made by the Navy Commissioners for the last year.

Mr. BROWN presented the petition of the representatives of General James Moore, deceased, praying remuneration for the revolutionary services of the deceased; which was referred to the Committee on Revolutionary Claims.

On motion by Mr. WHITE, the petition and papers of the heirs of the late Lord Sterling were referred to the Committee on Public Lands.

Mr. BUCHANAN presented the petition of John Gardner, praying remuneration for horses lost in the service of the United State during the last war; which was referred to the Committee on Claims.

Mr. GOLDSBOROUGH presented the petition of the heirs of William Ramsay; which was referred to the Committee on Revolutionary Claims.

Mr. TOMLINSON presented the petition of Ransom Mix; which was referred to the Committee on Pensions.

Mr. BENTON presented the memorial of sundry expatriated Poles, praying that the sale of public lands, heretofore made them, may be changed into a donation; and that a like provision may be made for others of their countrymen who have lately arrived in this country; which was referred to the Committee on Public Lands.

Mr. WALL presented three petitions—one from sundry citizens of New Jersey, and two from certain inhabitants of the town of Cape May—praying for the erection of stone piers at the point of Cape May Island; which were referred to the Committee on Commerce.

RESOLUTIONS.

Mr. KENT submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Judiciary inquire into the expediency of giving to the District of Columbia a Delegate on the floor of the House of Representatives, and thereby place them on an equal footing with the other Territories of the United States.

Mr. CALHOUN submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Pendleton, South Carolina, by Clarkesville, to Dayton, Georgia.

Mr. CRITTENDEN submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency and justice of granting a pension to Leslie Combs, of Kentucky.

Mr. CLAY submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the total amount expended in constructing and repairing the Cumberland road, (including bridging,) and distinguishing the sums expended east of Wheeling, and in the three States of Ohio, Indiana, and Illinois; and that he also communicate to the Senate the total amount of the two per cent. fund which, by the compacts with the States of Ohio, Indiana, Illinois, and Missouri, respectively, was reserved, and of the net proceeds of the sales of the public lands, for making roads or canals leading to those several States, distinguishing between the amounts of that fund which have accrued in each of those States.

REPORTS FROM COMMITTEES.

Mr. WEBSTER, from the Committee on Finance, to which had been referred the bill authorizing the Secretary of War to transfer a part of the appropriations made for the suppression of hostilities in Florida to the credit of subsistence, and the bill prescribing the mode of paying the pensions heretofore allowed by Congress, reported the first without amendment, and the latter with an amendment.

Mr. NAUDAIN, from the Committee on Claims, to which had been referred the petition of Noah Brown and others, reported a bill for their relief; which was read and ordered to a second reading.

Mr. N., from the same committee, reported unfavorably on the petition of Thomas Mullens.

On motion by Mr. PRENTISS, the Committee on Public Lands was discharged from the further consideration of the petition of the Mad river and Lake Erie Canal Company.

Mr. CRITTENDEN, from the Committee on Public Lands, to which had been referred the petition of the executors of James O'Hara, late of Pittsburg, reported a bill for his relief; which was read, and,

On motion by Mr. CRITTENDEN, and by unanimous consent, the bill was read the second time, and ordered to a third reading.

Mr. CLAYTON, from the Committee on the Judiciary, to which had been referred the petition of Ebenezer Spalding, reported a bill for his relief; which was read and ordered to a second reading.

REPORT FROM THE TREASURY.

The CHAIR communicated a report from the Treasury Department, containing a statement of the expenditures under contracts for the year 1835, for light-houses, for expenditures out of the marine-hospital fund, and for miscellaneous expenses; which, on motion by Mr. DAVIS, was ordered to be printed.

DISTRIBUTION OF THE PUBLIC LANDS.

Mr. EWING, of Ohio, moved to take up the bill to distribute, for a limited time, the proceeds of the sales of the public lands; which motion was lost—ayes 18, noes 22.

MACKEREL FISHERY.

The bill in addition to the act of the 24th May, 1828, providing for the licensing of vessels to be employed in the mackerel fisheries, was read the third time and passed.

THE QUAKER MEMORIAL.

The special order was then taken up, being the memorial of the Society of Friends of Lancaster county, Pennsylvania, on the suject of the abolition of slavery in the District of Columbia.

Mr. CUTHBERT (who was entitled to the floor) first addressed the Senate on the pending question, giving the reasons which would induce him to vote against the reception of the memorial. In the course of his observations he declared that he did not share in the apprehension felt by some gentlemen, that the spirit of abolition would dangerously increase and spread to any great extend throughout the country; and he expressed the strongest reliance on the influences which were powerfully operating in quelling this spirit. He viewed it as one of foreign origin, caught by contagion from Europe. Mr. C. drew a comparison between the state of society and the state of slavery as it existed in the British West Indies prior to the emancipating laws of the British Parliament, and the condition, as it respected both, of the slaveholding States; showing that from the absence of those moral influences which injuriously affected the British islands, and of that dependence and state of subjection in which they stood towards the mother country, the designs of the Abolitionists could never be carried into effect here. He would vote against the reception of these memorials as the strongest measure, and because he had been able to see no constitutional objection to such a course. The clause of the Constitution requiring that the people should not be prevented from peaceably assembling and petitioning for a redress of grievances, would be in nowise abridged, for these memorialists had petitioned, and had had a full hearing.

Mr. C. showed that this question, which had already produced such an excitement in the southern States, should never be touched in Congress; that policy, justice, and good faith, as well as the obligations imposed by the Constitution, demanded that Congress should never legislate on this subject with regard to the District of Columbia; and that any attempt to carry their legislation farther into the States would lead to the most fearful and ruinous consequences. As there was a remote danger that the schemes of these Abolitionists, if not put a stop to, might produce mischiefs that he, though he did not pretend to infallibility, did not anticipate, he urged his friends, who came from that section of country whence these memorials sprung, to aid in putting them down while they were yet powerless.

Mr. BROWN dwelt at some length upon the exciting effect of exciting speeches. If a southern planter had by chance entered the Capitol when the honorable Senator from South Carolina [Mr. PRESTON] was addressing the Senate, he would have supposed a direct proposition to abolish slavery throughout the Union had been made. Before Congress met southern feelings had been greatly tranquilized, but had changed since this exciting discussion had taken place. He introduced, by way of similitude, the effect of the panic discussion. The honorable Senator from Vermont [Mr. SWIFT] had omitted, in his statement the other day on this subject, to mention the rejection of abolition resolutions by the Legislature of that State. He regretted the honorable Senator from South Carolina [Mr. PRESTON] had confined himself to evidence furnished by the Abolitionists in opposition to other and better evidence of public sentiment in the North, and also that he had connected it with a political party.

Mr. PRESTON disclaimed any intention of reflecting upon any political party.

Mr. BROWN continued: He adverted to the attempt in certain public prints opposed to the Administration to give it a political bearing. He thought it did not comport with the dignity of Senators to quote from these libelous abolition publications, and embody them in their speeches, to be distributed throughout the country, and especially the South. He thought they only gave dignity and importance to the abolition cause by noticing their libels. He did not believe the whole Christian world was against the South, as had been represented by the gentleman from South Carolina, [Mr. PRESTON.] He believed, if an attempt was made to invade the southern States, the North would rally to their aid, and the whole Christian sympathies of the northern States would impel them to the rescue. He drew a line of distinction between Christianity and fanaticism. In the South the spirit of Christianity was against the fanatics. Petitions on this subject had heretofore been received, without objection or discussion, from the southern Representatives, and were even referred to the Committee on the District of Columbia, and it was strange that some of the southern gentlemen should be so suddenly aroused to a sense of their dignity. It had, however, been represented that abolitionism was growing to an alarming extent; but he was satisfied that the accounts were exaggerated. He had taken great pains to satisfy himself on that point. A portion of the southern members had been charged with dividing the South on this question. Those of the South who acted with him were pursuing the course invariably pursued by the South, and, if a division was created, it was by those who varied from that course.

Mr. SWIFT observed, that as the remarks he had made some days since, on the subject of the spirit of abolition in the State of Vermont, had not been understood, and had been in some manner misrepresented, he would repeat his statement again. He had said that, as regarded the section of the State from whence he came, prior to his leaving home, abolition was very little thought of there, and but little said on the subject; but he had lately received the information that several abolition societies had sprung up, which had no existence before. He had received information of the formation of five or six societies in his neighborhood. He believed, with the gentleman from North Carolina, [Mr. BROWN,] that the excitement had, in some measure, been produced by the discussion here; but he would tell the gentleman that his speech, if circulated in his country, (Vermont,) would add very much to that excitement. To call respectable members of these societies vile incendiaries, fanatics, and apply to them other such violent epithets, would be little calculated to soothe their feelings. He believed that a great majority of the people of Vermont thought that Congress not only had the power to abolish slavery in the District of Columbia, but that it was their bounden duty to do so. As to the resolutions referred to by the Senator from North Carolina, [Mr. BROWN,] which were introduced into the Legislature of Vermont, declarative of the propriety of abolishing slavery in the District, and which were rejected, he thought that such rejection did not express the true state of sentiment in the Legislature; for they were rejected more on the ground of expediency than from any opinion that the resolutions were improper in their tendency. The opinion in Vermont, that Congress not only had the power, but that it ought to abolish slavery in this District, was very prevalent in Vermont; and this opinion was not confined to the lower classes of society, but prevailed among the wealthy, the well informed and influential.

Mr. HUBBARD thought the gentlemen of the South were alarmed unnecessarily. They would be satisfied, before Congress adjourned, with the sufficiency of the moral power in the North to keep the spirit of abolition in check. If measures should be taken to set at large the six thousand slaves in the District of Columbia, it would not have the effect intended; for the slaveholders would, before the law would go into force, sell their slaves to the slaveholders in Mississippi, or some other slaveholding State. If Congress should do all the petitioners asked, it would not make one slave less in the Union. It would make the District an asylum for all the runaway negroes and free blacks in the Union.

He would be sorry to see the blacks competing with the free white laborer of the North. To abolish slavery in the District would be productive of great mischief. He would adopt the very strongest measures that could be taken to prevent it. The condition of the blacks in the South was better than the free blacks in the North. He was in Virginia on one occasion, and it was common then for slaveholders, in speaking of a bad slave, to say he was worse than a free negro. He spoke of the affectionate relations between slaves and their masters. He had received a pictorial representation of slavery in the South, which was a gross misrepresentation. He would go for the motion of the gentleman from South Carolina, [Mr. CALHOUN,] if he thought it the better way to put down the cause of the Abolitionists. He did not, however, think it was; and went into an argument at some length, involving the right of petitioning, to show that it was not the better way to accomplish the object. He thought well of the proposition of the gentleman from Massachusetts.

The most effectual way, however, was to take their petition, and say to them "We cannot grant your request, as it would put in jeopardy the peace and tranquillity of the country." He believed the sentiments of the Senate were unanimous against abolitionism. The measure calculated to make the strongest impression on the public mind was the best. His State (New Hampshire) was sound. If the Senate, with unanimity, voted for the motion of the gentleman from Pennsylvania [Mr. BUCHANAN] it would satisfy the North, and he thought it ought to satisfy the South.

Mr. GRUNDY expressed a wish to address the Senate on the subject before taking the question; and, as the hour was late, the Senate went into the consideration of executive business; after which it

Adjourned.

HOUSE OF REPRESENTATIVES

MONDAY, *March* 7, 1836.

The CHAIR announced the unfinished business of the last petition day first in order to be the motion of Mr. PATTON to suspend the rule of the House, for the purpose of enabling him to submit a motion for leave to withdraw the joint resolutions of the General Assembly of the State of Virginia (presented by him) on the subject of the abolition of slavery.

Mr. PATTON called for the yeas and nays on his motion; which were ordered.

Mr. ADAMS moved to lay the motion to suspend the rule on the table.

On this motion Mr. MORGAN asked for the yeas and nays, which were ordered; and were as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bailey, Barton, Bean, Beardsley, Borden, Briggs, Brown, Carr, Casey, George Chambers, Corwin, Craig, Cramer, Crane, Cushman, Denny, Effner, Evans, Farlin, Philo C. Fuller, Galbraith, Gillet, Graves, Grennell, Joseph Hall, Hiland Hall, Hard, Harlan, Samuel S. Harrison, Hawkins, Hazeltine, Heister, Hoar, Howell, Hubley, Huntington, William Jackson, Janes, Jarvis, Cave Johnson, Kinnard, Lawrence, Gideon Lee, Joshua Lee, Lincoln, Job Mann, William Mason, Moses Mason, Sampson Mason, McKennan, McKim, McLene, Miller, Milligan, Montgomery, Morris, Muhlenberg, Page, Parks, Patterson, Dutee J. Pearce, Potts, Reed, Rencher, Joseph Reynolds, Russell, William B. Shepard, Shinn, Sickles, Smith, Storer, Taliaferro, John Thomson, Toucey, Underwood, Whittlesey, and Williams—80.

NAYS—Messrs. Ash, Beale, Beaumont, Bell, Bockee, Bond, Boyd, Buchanan, Bynum, John Calhoon, William B. Calhoun, Cambreleng, Campbell, Carter, John Chambers, Chaney, Childs, Claiborne, Cleveland, Coffee, Coles, Connor, Davis, Deberry, Dickson, Doubleday, Dromgoole, Dunlap, Everett, Fairfield, Forester, French, Fry, James Garland, Glascock, Graham, Granger, Grayson, Griffin, Haley, Hardin, Albert G. Harrison, Haynes, Henderson, Hopkins, Howard, Hunt, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jenifer, Joseph Johnson, John W. Jones, Lawler, Luke Lea, Leonard, Loyall, Lyon, Martin, Maury, McComas, McKeon, Mercer, Morgan, Owens, Parker, Patton, Phelps, Phillips, Pickens, Roane, Robertson, Shields, Spangler, Standefer, Steele, Towns, Turner, Turrill, Vanderpoel, and Ward—83.

The question was then taken on Mr. PATTON's motion to suspend the rules for the purpose stated; and decided in the negative by yeas and nays; as follows:

YEAS—Messrs. Ash, Bailey, Beale, Beaumont, Bell, Boyd, Buchanan, Bynum, John Calhoon, Cambreleng, Campbell, Carter, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Connor, Darlington, Davis, Deberry, Dickson, Doubleday, Dromgoole, Dunlap, Everett, Fairfield, Forester, Fry, James Garland, Rice Garland, Glascock, Granger, Graves, Grayson, Griffin, Haley, Hamer, Albert G. Harrison, Haynes, Holsey, Hopkins, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jenifer, Joseph Johnson, Richard M. Johnson, John W. Jones, Lawler, Lay, Joshua Lee, Thomas Lee, Luke Lea, Leonard, Loyall, Lyon, Martin, Maury, McComas, McKim, Mercer, Morgan, Muhlenberg, Owens, Parker, Patton, Pearce, Phillips, Pickens, John Reynolds, Ripley, Roane, Robertson, Rogers, William B. Shepard, Augustine H. Shepperd, Shields, Spangler, Standefer, Steele, Taliaferro, Towns, Turner, Turrill, Washington, and Wise—89.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Banks, Barton, Bean, Beardsley, Bond, Boon, Borden, Briggs, Brown, William B. Calhoun, Casey, George Chambers, John Chambers, Childs, Corwin, Craig, Cramer, Cushing, Cushman, Denny, Dickerson, Effner, Evans, Farlin, French, Philo C. Fuller, William K. Fuller, Gillet, Grennell, Joseph Hall, Hiland Hall, Hannegan, Hard, Hardin, Harlan, Samuel S. Harrison, Hawkins, Hazeltine, Henderson, Heister, Hoar, Howell, Hubley, William Jackson, Janes, Jarvis, Cave Johnson, Benjamin Jones, Kinnard, Lane, Lansing, Lawrence, Gideon Lee, Lincoln, Abijah Mann, Job Mann, William Mason, Moses Mason, Sampson Mason, May, McKennan, McLane, Miller, Milligan, Montgomery, Moore, Morris, Page, Parks, Patterson, Phelps, Potts, Reed, Rencher, Joseph Reynolds, Russell, Shinn, Sickles, Slade, Smith, Storer, Taylor, John Thomson, Toucey, Underwood, Vanderpoel, Wardwell, Webster, Weeks, White, Whittlesey, and Sherrod Williams—96.

Mr. SPANGLER (who voted in the majority) moved to reconsider the vote respecting the motion made by Mr. BYNUM, to allow Mr. Newland to appear before the House by counsel, on the subject of his petition for a seat in the place of Mr. GRAHAM, of North Carolina.

The motion to reconsider was received and laid over.

NEW YORK TRADES' UNION.

The motion heretofore made by Mr. HEISTER, to reconsider the vote referring to the Committee on Roads and Canals the memorial of the New York Trades' Union, in reference to the hours of labor required by the superintendence of the public works, was taken up.

Mr. HEISTER said, that in explanation of the vote he intended to give on the motion now pending, he thought it proper to state, that he made the motion at the solicitation of an honorable member of the House, as an act of *courtesy* to the gentleman from New York, [Mr. MOORE,] in order that he might again have the vote of the House on the reference he desired.

When, on Monday last, that gentleman presented the memorial in question, and asked its reference to a select committee, apprehending that if it was so referred a report would probably be made calculated to foster and encourage the *agrarian* and leveling spirit which, in my opinion, is already too prevalent in the country, I, in order to arrest in its incipiency what I believed to be an evil, moved to lay the petition on the table. This motion having failed, and the gentleman's motion also failing, I voted for its reference to the Committee on Roads and Canals, because I then thought that the subject legitimately belonged to that committee. I still entertain the same opinion.

I doubt, Mr. Speaker, whether there is a gentleman on this floor more conversant with the public improvements of the country than the chairman of the Committee on Roads and Canals; or who understands better what is due from the Government to the laborers employed on the public works; and I am sure there are none more willing than he and his associates of the committee to do what is expedient and right in reference to the subject-matter of the petition. For these considerations, I shall myself vote against the reconsideration.

Mr. EVANS moved to lay the motion to reconsider on the table; which was agreed to.

ORDERS OF THE DAY.

The hour of one o'clock having arrived,

The CHAIR announced the special order, being the appropriation bills.

Mr. BOYD moved to suspend the rule for the purpose of considering the report of the Committee of Elections on the contested election from North Carolina.

Mr. GRAYSON moved to amend the motion by suspending the rules, for the purpose of proceeding with the reception and disposition of petitions; which was agreed to.

PETITIONS, MEMORIALS, ETC.

Mr. CLARK presented the memorial of a public meeting of sundry citizens of Dauphin county, Pennsylvania, held at Harrisburg, praying Congress to make an appropriation for the purpose of removing to the coast of Africa free negroes and manumitted slaves; and that if, in the opinion of Congress, the Constitution should not authorize the appropriation, such measures may be taken to procure an amendment of that instrument as may be calculated to insure the objects of the memorialists.

Mr. C. moved that the memorial be referred to select committee and printed.

Mr. PATTON moved to lay the memorial on the table, together with the motion to print and commit; and that motion was the pending one.

Mr. DENNY asked the general consent of the House to move that the whole subject be postponed till Monday next, as his colleague [Mr. CLARK] was unavoidably absent; which was accorded, and the motion was agreed to.

Petitions and memorials were then presented by

Messrs. EVANS, SMITH, MASON, FAIRFIELD, JARVIS, and BAILEY, of Maine;

Messrs. PHILLIPS, CUSHING, ADAMS, JACKSON, BORDEN, and REED, of Massachusetts;

Mr. PEARCE of Rhode Island;

Mr. TOUCEY of Connecticut;

Mr. ALLEN of Vermont;

Messrs. P. C. FULLER, WARDWELL, GILLET, LANSING, TURRILL, BROWN, RUSSEL, CAMBRELENG, HARD, HAZELTINE, CHILDS, and LEE, of New York;

[Mr. WARDWELL presented several memorials, asking for an appropriation for the improvement of the harbor at the mouth of Big Sandy creek, in Mexico Bay, on Lake Ontario; also, a memorial for an appropriation for the improvement of the harbor at Cape Vincent, county of Jefferson, New York; also, for an appropriation for the erection of a light-house on Stony Point, in the county of Jefferson.

Mr. GILLET presented the petition of Andrew McCollum, praying indemnity for losses sustained during the last war; also, the petition of Amos W. Brown, praying the payment of his back pay as a Canadian volunteer. Mr. GILLET also presented the resolutions of the Legislature of the State of New York, instructing the Senators from that State to vote for expunging the resolution of the Senate, condemning the President of the United States for removing the public deposits; which resolutions were laid on the table, and ordered to be printed.

Mr. CHILDS presented a memorial praying for the abolition of slavery and the slave trade in the District of Columbia, signed by 1,557 persons, inhabitants of the county of Monroe, State of New York.

Mr. HARD presented the following: three petitions of inhabitants of Niagara and Orleans counties, in the State of New York, praying the establishment of a mail route from Youngstown, in Niagara county, through Wilson, Kempville, Somerset, Yates, East and West Carlton, to Garius, in the county of Orleans: four petitions from inhabitants in the counties of Erie and Niagara, praying the establishment of a mail route from Lockport, Niagara county, to Akson, in Erie county; proceedings of a public meeting of inhabitants of Orleans county, on the subject of memorializing Congress for an appropriation for the construction of a harbor at the mouth of Oak Orchard creek, on Lake Ontario.

Mr. RUSSELL presented a petition of Charles Hatch and others, of the county of Essex, in the State of New York, praying an appropriation for the construction of a military road from Whitehall to Plattsburgh, in said State; and, also, praying an appropriation for improving the navigation of Lake Champlain; which was referred to the Committee on Commerce and the Committee on Roads and Canals, with instructions that the Committee on Roads and Canals inquire into the expediency of making an apropriation for constructing a military or public road on the west side of Lake Champlain, upon the most direct route from Whitehall, in the county of Washington, to Plattsburgh, in the county of Clinton, in the State of New York.

Mr. GIDEON LEE moved that the document now on the files of the House relative to the erection of an additional public store, a sea-walls breakwater, and other improvements on the public property on Staten Island, in the port of New York, be referred to the Committee of Ways and Means; which motion was adopted.

Mr. GIDEON LEE presented the petition of George Innes, praying for compensation for service performed by him in the collection of the revenue; which was referred to the Committee on Commerce.]

Messrs. BANKS, MUHLENBERG, ANTHONY, BUCHANAN, and BEAUMONT, of Pennsylvania.

[Mr. BUCHANAN presented a memorial adopted at a meeting at Connellsville, of a large and respectable number of the citizens of Fayette county, Pennsylvania, on the subject of the abolition of slavery in the District of Columbia. He observed, the memorial had been in his possession for some time, but he was prevented from presenting it before this time on account of personal indisposition. He further stated that, what might appear extraordinary in a paper of this kind, coming from the north of Mason and Dixon's line, it was decidedly in favor of rejecting all petitions on the subject coming from any quarter without the bounds of the District, and contained some cogent arguments in favor of that position.]

Messrs. TURNER, HOWARD, McKIM, and JENIFER, of Maryland.

[Mr. TURNER presented the memorial of a large and respectable portion of the citizens of Harford county, Maryland, praying that an appropriation may be made for removing obstructions at or near the head of the bay below the port of Havre De Grace, and causing the channel to be deepened. Mr. T. said: Mr. Speaker, the substance of this memorial is of such a character, that it speaks for itself; but I cannot forbear saying that the magnitude and importance of its object are such as redound to the credit of the memorialists. The enterprise is one which, if carried into effect, will do much to promote the interest, not only of the citizens of Havre De Grace and its vicinity, but of the citizens of the great States of Pennsylvania and New York, by creating *an export market* immediately at the mouth of this magnificent river, where all the great mass of produce that descends the Susquehanna for hundreds of miles from the interior of a rich and fertile country abounding in wealth must concentrate, and ultimately make the town of Havre De Grace what it ought to have been years ago. I therefore move that the memorial be referred, without reading, to the Committee on Commerce, under a full assurance that they will give it that due consideration that its importance demands.]

Messrs. JOHN Y. MASON, LOYALL, TALIAFERRO, and MERCER, of Virginia.

Mr. ROBERTSON asked the consent of the House to submit the following resolution:

Resolved, That the Committee for the District of Columbia be instructed to inquire into the expediency of ceding the said District back to the States of Virginia and Maryland respectively; and to report specially—

1. The prominent objections, if any, to the validity of such cession.

2. The advantages or disadvantages likely to result from this measure (if adopted) to the said States, to the District itself and its inhabitants, or to the United States.

3. The reservations and provisions that should accompany such cession, with a view to the permanent continuance of the seat of Government in the said District, the entire protection and preservation of the property of the United States therein, and the attainment of such other objects as the committee may deem necessary and proper to guard the rights and interests of all; and that the said committee have power to send for persons and papers.

Objection being made, Mr. ROBERTSON moved to suspend the rules, in order to enable him to submit his resolution.

Mr. GARLAND, of Louisiana, called for the yeas and nays; which were ordered.

Mr. BOULDIN said, as the question was an important one and the House was thin, he would move a call of the House.

The motion was negatived—ayes 40, noes 68.

No quorum voting, Mr. WHITTLESEY renewed the motion for a call of the House; which was ordered.

After proceeding some time, on motion by Mr. VANDERPOEL, the further proceedings under the call were suspended.

The question was then taken on suspending the rules; and decided in the negative—yeas 71, nays 114; as follows:

YEAS—Messrs. Beale, Beaumont, Bell, Bouldin, Bunch, John Calhoun, Cambreleng, Campbell, Carter, Chapman, Childs, Nathani l H. Claiborne, Coffee, Connor, Corwin, Craig, Cramer, Davis, Doubleday, Fairfield, Forester, Philo C. Fuller, James Garland, Rice Garland, Glascock, Grayson, Griffin, Hiland Hall, Hannegan, Albert G. Harrison, Hoisey, Hopkins, Huntsman, Henry Johnson, John W. Jones, Lawler, Lay, Luke Lea, Loyall, Lyon, Abijah Mann, Martin, John Y. Mason, Moses Mason, Maury, McComas, McKeon, Moore, Owens, Page, Parker, Patton, Pickens, Rencher, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Russell, Shields, Standefer, Steele, Taliaferro, Thomas, Turner, Ward, Wardwell, Webster, Lewis Williams, and Wise—71.

NAYS—Messrs. Adams, Heman Allen, Ash, Ashley, Banks, Barton, Beardsley, Bond, Boon, Borden, Briggs, Brown, Buchanan, Bynum, William B. Calhoun, Carr, Casey, George Chambers, John Chambers, Chaney, Cleveland, Coles, Cushing, Cushman, Deberry, Denny, Dickson, Dunlap, Efiner, Evans, Everett, Farlin, French, Fry, William K. Fuller, Galbraith, Gillet, Granger, Graves, Grennell, Haley, Joseph Hall, Hamer, Samuel S. Harrison, Hawkins, Hazeltine, Henderson, Hoar, Howard, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, Jabez Jackson, James, Jarvis, Jenifer, Joseph Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Logan, Love, Job Mann, William Mason, Sampson Mason, May, McCarty, McKennan, McKim, Mercer, Miller, Milligan, Morris, Muhlenberg, Parks, Patterson, Dutee J. Pearce, Phillips, Potts, Reed, John Reynolds, Schenck, Augustine H. Shepperd, Shinn, Sickles, Slade, Sloane, Smith, Spangler, Storer, Sutherland, Taylor, John Thomson, Toucey, Underwood, Vanderpoel, Vinton, Washington, Weeks, Whittlesey, and Sherrod Williams—114.

Petitions and memorials were then further presented by

Mr. CONNOR, of North Carolina;

Messrs. PICKENS and GRAYSON, of South Carolina;

Messrs. COFFEE and GLASCOCK, of Georgia;

Messrs. UNDERWOOD and ALLAN, of Kentucky;

Messrs. DUNLAP, STANDEFER and CARTER, of Tennessee;

Messrs. WHITTLESEY, HAMER, PATTERSON, SPANGLER, JONES, MASON, and CRANE, of Ohio.

[Mr. HAMER presented the petition of Josiah Curtis, praying for a pension on account of a wound received in the service of the United States.]

Mr. GARLAND, of Louisiana;

Messrs. LANE, DAVIS, BOON, HANNEGAN, and CARR, of Indiana.

[Mr. HANNEGAN presented a petition for a post route and stages from Indianapolis, by Frankfort, Delphi, Monticello, and through the counties of Jasper, Porter, and Laporte, to Michigan city; which was referred to the Committee on the Post Office and Post Roads.]

Mr. DAVIS presented the petition of David Chirty, asked to be placed on the invalid pension list.]

Mr. DICKSON, of Mississippi;

Messrs. CASEY, MAY, and REYNOLDS, of Illinois.

[Mr. MAY presented a petition of sundry inhabitants of the State of Illinois, for the establishment of a post route from Macomb to Rock Island.

Mr. REYNOLDS presented the petition of William Morrison, of Kaskaskia, Illinois, praying payment for rations furnished the troops of the United States Army in 1816 and 1817; also, the petition of Daniel Malone, of Randolph county, Illinois, praying relief for a mistake in the entry of a tract of land.

Mr. CASEY presented various petitions for mail routes in Illinois; which were referred to the Committee on the Post Office and Post Roads; also, the petition of sundry citizens of the southeastern counties of Illinois, bordering upon the Ohio and Wabash rivers, praying the establishment of a hospital at Shawneetown, in the State of Illinois. On his motion it was referred to the Committee on Commerce.]

Messrs. LYON and LAWLER, of Alabama;

Messrs. HARRISON and ASHLEY, of Missouri;

Mr JONES, of Michigan;

[Mr. JONES presented a petition of the inhabitants of Rost river and Wisconsin city, praying the establishment of a post route from Rost river, by Wisconsin city, to Carsville, Michigan Territory; also, the petition of John Bell, of Bellevieu district, Bergen county, Michigan Territory.]

Mr. SEVIER, of Arkansas;

Mr. WHITE, of Florida.

[Mr. SLADE presented memorials, praying for the abolition of slavery and the slave trade in the District of Columbia, from 487 females, and 19 male citizens of the State of Vermont; from 548 females, and 274 male citizens of Dover, in the State of New Hampshire; and from 66 females, and 54 male citizens of Derry, in the same State; which were referred to the committee appointed under the resolutions offered by Mr. PINCKNEY, of South Carolina.]

On motion by Mr. CLEVELAND, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in the State of Georgia: 1, A route from Villarica, in Carroll county, *via* Paulding Court-house, Paulding county, Rome, in Floyd county, to Walker Court-house, in Walker county. 2, A route from Clayton, in Rabon county, *via* Blairsville, in Union county, Ellejay, in Gilmer county, Spring Place, in Murray county, to Walker Court house, in Walker county. 3. A route from Dahlonega, in Lumpkin county, *via* Harnageville, in Cherokee county, Canton, in Cherokee county, to Cassville, in Cass county. 4. A route from Dahlonega, in Lumpkin county, to Blairsville, in Union county. 5. A route from Canton, in Cherokee county, *via* Lebanon, Marietta, in Cobb county, Paulding Court-house, in Paulding county, to Cedar Town, Paulding county. 6. A route from Dahlonega, in Lumpkin county, *via* Cumming, in Forsyth county, Marietta, in Cobb county, Sweet Water Town, in Cobb county, to Campbellton, in Campbell county.

Mr. DAVIS submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of War be directed to transmit to this House a copy of the report of Howard Stansberry, made upon certain surveys (had during the past summer) for roads and canals in Indiana.

On motion by Mr. GARLAND, of Virginia, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of so amending the act of July 5, 1832, in relation to the half pay of the officers of the Revolution of the Virginia State line, so as to embrace claims of commutation, or five years' full pay, in lieu of half pay; and to provide for the refunding of such sums of money advanced by the State of Virginia in satisfaction of claims for half pay; also to provide for the adjustment and satisfaction of such judgments as may hereafter be recovered against the State of Virginia for such claims.

On motion by Mr. DENNY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Johnstown, via Legonia, to Pittsburg.

On motion by Mr. CRAIG, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of increasing the pension of William Matheny, of Virginia.

On motion by Mr. ROGERS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the Fishdam post office, on Broad river, in Union district, to Pinckneyville, in the same district. Also, into the expediency of establishing a post route from Draytonsville, by the Lime stone springs, Smith Lipscomb's, Rowland's store, and the Rolling Rill, to Spartanburgh Court house, in South Carolina.

On motion by Mr. MANN, of New York, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Herkimer to Utica, on the south side of the Mohawk river, by the villages of Mohawk, German Flatts, and Frankfort, in the State of New York.

On motion by Mr. MANN, of New York, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of providing by law for the purchase or construction of suitable fire proof buildings, for the use of the principal distributing post offices in the several large cities of the United States.

On motion by Mr. HOPKINS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes, viz: From Wythe Court-house, Virginia, via the house of James H. Piper, Esq, to the Blue Springs, Smyth county, Virginia; from Bickley's Mills, in the county of Russell, via Osbornesford, to Pendleton post office, in the county of Scott; from Broadford post office, in the county of Smyth, via Cox's store, to Sharon post office, in the county of Wythe; and of extending a post route from the Laurel post office, in the county of Washington, to the house of Captain Levi Bishop, in the county of Smyth.

On motion by Mr. SPANGLER, it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law for refunding to James Brewer, of Tuscarawas county, Ohio, the sum of one hundred dollars, by him heretofore paid to the United States for the west half of the southwest quarter of section No. 14, in township No. 8, range No. 3, military, in the Zanesville district.

On motion by Mr. JONES, of Ohio, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the town of Minerva, in Stark county, Ohio, by the way of Franklin, Mount Union, Williamsport, Lexington, Mahoning post office, and Lima, to Atwater, in the county of Portage, Ohio.

On motion by Mr. BOON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Leavenworth, in Crawford county, by Mount Prospect, in said county, to Jasper, in Dubois county.

On motion by Mr. STORER, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing to Elijah Borden the arrears of pay as a revolutionary soldier, from the 25th day of September, 1830, when he was stricken from the pension roll, until the 19th day of January, 1832, when his name was restored to the roll.

On motion by Mr. LAY, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting a pension to Sylvester Tiffany.

On motion by Mr. MAY, it was

Resolved, That the Committee on Claims inquire into the expediency of compensating James Robison for a horse lost in the service of the United States during the late Indian disturbances in Illinois.

On motion by Mr. MILLER, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of reviving and continuing in force for a further period the laws lately in force providing for placing persons wounded in the service of the United States during the revolutionary war, on the invalid pension roll.

On motion by Mr. LAWLER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Jacksonville, by way of Talledega, Mardisville, Lafayette, and Casseton, in Alabama, to Columbus, Georgia; that the same committee be instructed to inquire into the expediency of establishing a mail route from Wetumpka, by way of Tallassee and Casseton, in Alabama, to West Point, Georgia; that the same committee be instructed to inquire into the expediency of establishing a mail route from Tuskega, by way of Tallassee, Oaktuska, Shropshire, and Spraggingsville, to Mardisville, in Alabama.

On motion by Mr. LYON, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of amending the act of Congress, passed on the 23d of May, 1828, entitled "An act for the relief of the purchasers of the public lands that have reverted for the non payment of the purchase money;" and the act on the same subject, passed in June, 1832, so as to enable the heirs or legal representatives of deceased persons to draw scrip on all forfeited land stock remaining in the name of such deceased persons, upon the heirs or legal representatives of such deceased persons giving a refunding bond, to be approved of by the register of the Land Office, in double the amount of the scrip issued, and under such other restriction as may be thought proper and necessary, in all cases where the original cer-

tificates, given to such deceased persons, have been lost or destroyed.

On motion by Mr. FRY, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Robert McSnane, of Fayette county, Pennsylvania, upon the roll of pensioners, under the act of June 7, 1832, granting pensions to officers and soldiers of the revolutionary war.

On motion by Mr. WILLIAMS, of Kentucky, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the propriety of allowing to the heirs of Captain Nathan Faris, and to the heirs of Major Robert Powell, the pay that they were entitled to as officers of the Revolution, and for any other military services rendered by the said Captain Nathan Faris and Major Robert Powell.

On motion by Mr. DUNLAP, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of paying Colonel Clement McDaniel, of Shelby county, Tennessee, for his services as an officer in the revolutionary war.

On motion by Mr. SHIELDS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Waynesborough, Tennessee, by David Gallaher's and Pin Hook, in Wayne county, in said State, to the Brick House in Hardin county, in said State, on the stage road from Savannah, Tennessee, to Florence, Alabama.

On motion by Mr. GARLAND, of Louisiana, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Harrisonburg, in the parish of Catahoola, by Deer creek and the Bayou Macon, to Lake Providence, in the parish of Carroll, in the State of Louisiana.

Mr. CARTER submitted the following resolution; which, under the rule, lies over one day:

Resolved, That the Secretary of War be requested to communicate to this House such information as may be in his possession in relation to the different sites or location of iron ore fit for casting military and naval ordnance; and also his opinion and views on the policy and expediency of instituting a survey of the different sections of the United States, to ascertain the location or sites of such iron ore fit for such purposes.

On motion by Mr. JONES, of Michigan, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making appropriations for the surveys of the following rivers, preparatory to the improvement thereof for the purposes of navigation, to wit: the Mississippi river at the rapids of the Des Moine, and the rapids at Rock Island; the Des Moine river, from its mouth to the head of the rapids thereof; of the Skunk river, from its mouth to the mills of Jones & Co.; of the Iowa river, from its mouth to the western boundary of the purchase of 1832; of the Rock river, from its mouth to the mouth of the Picketonica; of the Picketonica, from its mouth to the forks thereof; of the Wisconsin and Fox rivers to the portage of the two rivers.

On motion by Mr. JOHNSON, of Louisiana, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of extending the provisions of an act entitled "An act to authorize the inhabitants of the State of Louisiana to enter the back lands," approved on the 15th of June, 1832, for the term of one year from the 15th of June next; and into the expediency of modifying the said act so as to authorize those claimants who may not be able to obtain the quantity of land embraced in their front tracts, by reason of bends in the water courses, bordering on their said front tracts, or from other cause, to locate the quantity of land of which they may be so deprived on other lands of the United States, in the vicinity of those claims.

On motion by Mr. LAY, the House adjourned.

IN SENATE.

TUESDAY, *March* 8, 1836.

The CHAIR communicated a report from the Treasury Department, transmitting, in compliance with the resolution of the Senate, a statement prepared by the Treasurer, of the balances in the deposit banks.

Also, a report from the same Department, transmitting statements of the affairs of the deposit banks up to the 1st of February last.

Mr. CLAY presented a memorial from a committee of managers of the marine hospital at Louisville, Kentucky, praying for aid from Congress for that and other institutions of a similar character on the western waters; and after a few remarks from Messrs. CLAY, DAVIS, BENTON, and PORTER, the memorial was referred to the Committee on Commerce, and ordered to be printed.

Mr. LEIGH presented the petition of the heirs of General William Campbell; which was referred to the Committee on Revolutionary Claims.

On motion by Mr. TOMLINSON, the report of the Secretary of the Navy, on the subject of the harbor of Bridgeport, was referred to the Committee on Commerce, and ordered to be printed.

THE PENNSYLVANIA QUAKERS MEMORIAL.

The Senate proceeded to the consideration of the memorial of the Society of Friends of Lancaster county, Pennsylvania, on the subject of the abolition of slavery in the District of Columbia.

Mr. GRUNDY observed that he did not intend to go into a full examination of the subject. His design was barely to express his opinions upon the different topics that had been discussed, and assign some of the reasons upon which those opinions were founded. At the commencement of the present session of Congress, it was his impression that no discussion on the subject ought to take place, and he had acted under that impression, and had accordingly, when the first petition for the abolition of slavery in the District of Columbia was presented by the Senator from Ohio, [Mr. EWING,] he (Mr. G.) had moved to lay it on the table; which motion was sustained by the Senate. His intention then was to prevent debate or discussion, and he still entertained the opinion that, had that course of proceeding been acquiesced in by other Senators, it would have been the wisest and most prudent course that could have been pursued. He was aware that great excitement had existed during the last summer in the slaveholding States; but so strong and emphatic had been the language and conduct of the citizens of the non-slaveholding States, that all danger and apprehension of danger seemed to him to have been dissipated, and the effect of a discussion here could only be to excite the Abolitionists to further action, and produce alarm in the slaveholding States.

The citizens of Boston, New York, Utica, Albany, Philadelphia, and all the principal cities to the East, as well as the cities of the West, in the non-slaveholding States, had come forward and placed themselves in opposition to the mad schemes of the Abolitionists. Mr. G. was of opinion that they had manifested such a disposition to prevent injury to the slaveholding States, as to afford a sufficient guarantee that they would discharge all the duties and obligations which they owed to the citizens of the slave States. Shortly after the commencement of the session, a discussion, contrary to his wishes, had commenced and been carried on; and it was therefore proper that he should depart from his original determination, and participate in a debate which had been introduced and persevered in by others. But he should studiously avoid increasing that excitement which this debate had produced, either here or elsewhere. So far as was practicable, he would avoid irritating either members here or those not entitled to a seat on this floor. The people of the United States enjoy more liberty and prosperity than any other people on earth. All the benefits possessed by them have grown up under the Constitution and form of Government under which they live. Any act which will endanger the Government or Constitution should be carefully avoided.

Mr. G. said he thought he was not mistaken when he declared, that the moment the citizens of the non-slaveholding States should, in violation of the Constitution, lay their hands on the property of the slaveholding States, the citizens of the latter would instantly consider the Union dissolved and the Government at an end. They could no longer confide in a Government which, instead of protecting, plundered them of their property. The right of property in slaves is guarantied to the citizens of the States where slavery exists by the Constitution, as fully as the right to any other species of property; and should the non-slaveholding States at any time violate these guarantees in so important a particular as this, it would be such a departure from the great principles of the compact, that the injured party would at once be absolved from all the obligations it imposes on them. It would be impossible tamely to submit to it. The citizens of the slaveholding States, therefore, intreat those of the non-slaveholding States to step forward and put down this spirit of abolition, before it produces the ruin of this Government. Mr. G. remarked, that, while speaking thus freely and frankly, he did not wish to be understood as chiding them for not having done their duty. He had seen with pleasure—he had rejoiced and exulted at the evidence which had been afforded by the citizens of every non-slaveholding State during the last fall, of their determination to discharge their duty to the citizens of the slaveholding States by putting down, by all means in their power, every effort that might be made by mistaken or misguided men upon this subject. They had manifested a soundness of public opinion, and a determination to preserve the union of the States and the rights of citizens as enjoined by the Constitution of the country. Mr. G. admitted that the duty which had already been performed and still to be performed by them, was a hard and unpleasant one. These Abolitionists reside among them. They are their neighbors—still they, and they only, have the power to put down that spirit which endangers the prosperity and safety of the slaveholding States. The Abolitionists are amongst them. There they have to be met. There the battle has to be fought. They are beyond our reach. If a straggler comes amongst us propagating his insurrectionary and incendiary doctrines, he is sent away with an admonition which will prevent his return. This is done in defense of ourselves. No other way is known by which the mischief, growing out of this plan of abolition, can be prevented. Therefore, as we have no power to reach these Abolitionists, as we cannot prevent their incendiary publications, we ask our brethren of the North and East to persevere in their efforts in putting down the labors of these men, which must terminate, unless they are arrested, in the destruction of ourselves and families. If a man, whether madman, fanatic, or worse than either, shall be seen approaching a neighbor's house with a lighted torch to consume it, ought not all good men to arrest him and prevent the mischief? It therefore seems (said Mr. G.) that too much is not asked, when we say to our friends at the North that it is their duty to adopt such means as will prevent the threatened danger.

Congress can do little on this subject. It may, and it is hoped will, prevent the circulation of these incendiary publications, and pictorial representations, through the medium of the public mails; but still there are other means by which they can be circulated. That this Government, designed for the protection of the States and their citizens, does not possess a competent power to prevent the circulation of these publications through the mail, is an opinion which I cannot entertain. That it does possess this power he hoped to be able to demonstrate whenever the bill upon that subject came up for consideration. It seems to be yielded, that the States possess the entire control over the subject of slavery within their respective limits. But it is insisted that Congress ought to interfere and abolish slavery within the District of Columbia, and this is the object prayed for by these petitioners. He would not go into an examination of the constitutional power of Congress. For his own part, he should consider himself as culpable were he to vote for such a measure, if the constitutional power existed, as were he to vote for it in the absence of such power. He considered the faith of the Government pledged not to interfere with this subject in this District, and the faith of the Government should be preserved as sacredly as the Constitution.

When application was made to Virginia and Maryland for a cession of this District, was it supposed by either of those States, or any citizen in them, that the abolition of slavery was to take place here, or that this District was to be used as a means of rendering of no value this species of property? Could it be believed that, if the General Government had intimated such an intention, a cession from either of the States could ever have been obtained? This no man can believe. If this be so, would not this Government be justly chargeable with Punic faith? Were they now to

do an act so vitally injurious to the citizens of these States, of which, at the time of obtaining the cession, it gave no intimation? He would appeal to that sense of justice which inhabits every honest man's bosom, whether such a proceeding would not be glaringly unjust? When the citizens of this District acquired this property, they did it under the sanction of existing laws. To deprive them of this property now would be a violation of their constitutional rights, unless compensation were made, and that compensation Congress possesses no power to make. When the Constitution provides that private property shall not be taken for public use without compensation, he (Mr. G.) understood it to mean that, where an individual owned property which the Government needed for its own use, it might be taken, and the ownership might be changed, and that which belonged to an individual might thereby cease to be his, and be owned by the Government. But it certainly cannot be a sound or safe construction of the Constitution to say that the public treasure may be expended for the visionary purpose of buying slaves to make them free. Besides, these petitioners wholly mistake their object, as has been shown already by the Senator from New Hampshire, [Mr. HUBBARD.] Were Congress to grant their petition, there would not exist a single slave less, although much loss might be produced to the owners, and misery to the slaves. Were Congress to attempt to pass such a law, with a probability of success, every slave would be immediately removed out of the District to Virginia and Maryland; and the further consequences would be, that the slaves would be sold to strangers, and sent to distant parts of the country, where they would be less happy, and be deprived of many of the comforts and associations they now enjoy.

Mr. G. asked what would be the condition of this District when all this should be effected? It would then be a habitation and harbor for free negroes and fugitive slaves from the States of Virginia and Maryland. It would be wholly unfit for the seat of the General Government, and those who are now urging these petitions would find that were they to succeed in their wishes not one of the objects desired by them would be accomplished. Mr. G. proceeded to say that ignorance or a want of knowledge of the subjects on which men act, had at all times done more mischief than anything else. These Abolitionists say they are the friends of the slaves, and that a principle of philanthropy prompts them to act the part they are performing. Let the effects already produced upon the slaves by their efforts be examined, and it will be readily discerned that they have produced much injury to the slaves themselves. Before they commenced their doings, pious men and women in different parts of the slaveholding States felt it their duty to attend Sunday schools established for the instruction of slaves, to learn them to read the Scriptures and become acquainted with the history of man's redemption. There were separate places of worship established, where learned and pious ministers of the Gospel dispensed the word of truth to them. All of these are now abandoned and broken up, and in addition the privileges of the slaves are curtailed, and restraints imposed upon them, which never would have been thought of had these Abolitionists never commenced their labors. Where perfect and entire confidence existed, jealousies and distrust now prevail, and liberal and kind indulgences have been changed into necessary and rigorous restraints. This has been rendered indispensable by the interference of these men, who are wholly ignorant of the true relations that exist between master and slave in the slaveholding States. If these men would only reflect that our slaves are better fed, better clothed, and more happy and contented than thousands of their own poor neighbors, and would confine their acts of beneficence to those nearer to them, they would do less mischief and add much more to the sum of human happiness. These Abolitionists seem to think that it is a religious duty to interfere with this subject. The Scriptures afford no warrant for such an opinion. The Prince of Peace, who, when on earth, reproved men of all sin, and who countenanced nothing wicked, at no time enjoined it on masters to liberate their slaves. Slavery then existed, and within his knowledge, in a much more rigorous form than it now does, and he taught slaves to be obedient to their masters. The teachings of these Abolitionists are, in effect, (although without the design,) to cause slaves to cut their masters' throats. Mr. G. said he must believe that it was a want of knowledge as to the true state of things in the slaveholding States, which had produced this misguided zeal, and that, so soon as the truth came to be fully understood, the whole scheme of abolition would be abandoned as unprofitable and mischievous. Mr. G. said he was struck forcibly with the character of these petitions. They were mostly signed by women and children. Artful and designing men probably had obtained their signatures to these memorials, to which they would not affix their own names. Sunday schools, the best institutions in the country, had been resorted to, and signatures obtained doubtless by false representations.

Mr. G. said he intended not to be tedious, and would, therefore, proceed directly to an examination of the question more immediately before the Senate. He differed from the Senator from South Carolina [Mr. CALHOUN] as to the manner of treating this petition. He should adopt and pursue the opinion acted upon by the Congress of the United States in 1790, and which had been substantially pursued from that period down to the present. Petitions similar to the present, and from the same society, had been presented to Congress at each session, and Congress had, at no time, refused to receive them; and a departure from the ordinary usage on this subject, he apprehended, might produce, rather than allay, excitement. It would be recollected, that by the Constitution of the United States Congress is expressly prohibited from interfering with the slave trade which might be carried on by the citizens of the different States for the space of twenty-one years; yet in 1790, the Society of Quakers or Friends forwarded their petition to Congress, praying their interference upon that subject. This petition, although in direct opposition to the Constitution, was received, and a motion was made to send it to a committee. This was opposed, and a proposition made to lay it upon the table. Those most opposed to the object of the petition sustained the latter proposition. Mr. Madison, of Virginia, a slaveholding State, advocated the reference to a committee, and used the argument which he would read to the Senate:

"Mr. Madison thought the question before the committee was not otherwise important than as gentlemen made it so by their serious opposition. Did they permit the commitment of the memorial as a matter of course, no notice would be taken of it out of doors. It could never be blown up into a decision of the question respecting the discouragement of the African slave trade, nor alarm the owners with an apprehension that the General Government were about to abolish slavery in all the southern States. Such things are not contemplated by any gentleman. But to appearance they decide the question more against themselves than would be the case if it was determined on its real merits; because gentlemen may be disposed to vote for the commitment of the petition without any intention of supporting the prayer of it."

Mr. GRUNDY proceeded by remarking that everything that Mr. Madison apprehended had been realized by the debate in which the Senate was engaged. Alarm had been produced by this discussion; the Abolitionists had been encouraged by it, and were redoubling their efforts; whereas, had the petitions been received and laid on the table, or had they been received and referred to the Committee on the District of Columbia, as heretofore, at this time the country would have been in a state of tranquillity. The decision that is to take place upon this motion may be a source of misapprehension to many citizens who may infer that all, or at least some, of those who vote for the reception of the petition are favorable to its prayer, when in fact there is not one Senator here favorable to it.

Many Senators have declared their determination in opposition to this petition, and at the same time have declared their conviction that the Constitution requires them to receive it. Gentlemen who think this may seem to favor the memorialists, when they are, according to their own judgments, only complying with a constitutional obligation. If the Senator from South Carolina would withdraw his objection to the reception of the memorial, it might be hoped that a general vote of this body might be obtained for rejecting its prayer. A vote of that kind would discountenance and discourage the Abolitionists, and give confidence to the citizens of the slave-holding States; and as so much has been said on this subject, he (Mr. G.) was desirous that the opinion of the Senate should be fully expressed by a vote upon the main question. The Senators from the North have told us they will abide our fate—that they will hazard everything to secure to us the guarantees of the Constitution in relation to this species of property; but they tell us, at the same time, that neither they nor their constituents entertain opinions upon the subject of the great right of petition which would justify them in refusing to receive this or any other petition couched in decorous and respectful language; that were they to vote not to receive the petition, they could not sustain themselves at home, and the Abolitionists would thereby obtain an advantage over them. Mr. G. said he would ask whether it was right or reasonable for Senators of the slaveholding States, when they were asking those of the non-slaveholding States to wage a war with the Abolitionists, who were their neighbors, for the security of the property of the South and Southwest, to arm their adversaries with dangerous weapons, and thereby enable them to conquer their friends? So far as he was concerned, he would aid the Abolitionists with no weapon or argument which they could use successfully against the friends of the Union and the Constitution. Therefore, if there were no constitutional doubts existing, he would, as a matter of expediency, vote to receive the petitions, to be followed up by a vote rejecting their prayer. But he confessed that the constitutional right to refuse to receive a petition was very far from being clear. The right of petition existed before the formation of the Constitution. It was well understood by the framers of that instrument; and although it only declares that Congress shall pass no law to prevent citizens from peaceably assembling and petitioning for a redress of grievances, it never could have entered into their minds that those to whom the petitions were addressed would refuse to receive them. Of what value is the right of petition if those to whom petitions are addressed will not receive them and act upon them? The framers of the Constitution remembered that the Parliament of Great Britain had passed laws prohibiting citizens from assembling, consulting, and petitioning for a redress of grievances. They recollected the acts commonly called the riot acts, and therefore they inserted the provision contained in the Constitution; but it never entered into their minds that petitions, when signed, would not be received by those to whom they were addressed.

It is a matter of very little consequence to citizens that they are permitted to assemble and petition for a redress of grievances, if, after they have done so, their petitions are not to be received or considered by those who have the power to act upon the subject-matter of the petition. To his mind these arguments were too strong to be disregarded, and he was unwilling to give the Abolitionists the benefit of them. At present they have no foundation on which to stand. They are giving way to the pressure of the public intelligence in the non-slaveholding States. But if we shall enable them to blend the right of petition with their abolition schemes, they may raise a storm which will shake the very foundations of this Government.

From the year 1790, down to the present day, all petitions have been received by this body which were respectful and decorous, whatever the subject-matter of the petition might be; and at every session the petition of the Society of Friends, clothed in similar language with the present one, has been received. Mr. G. would not depart now from the established usage. He considered the reception of the petition, and the rejection of its prayer, as the strongest course against abolition that could be adopted. It would unite more voices and convey a clearer expression of the sentiments of the Senate than any other mode that could be proposed, and would therefore operate as a greate discouragement to those who were engaged in this wild and unconstitutional scheme of abolishing slavery in the United States.

Mr. G. said he regretted to learn that the Ohio

Synod of the Presbyterian church had adopted a resolution debarring from church privileges those who owned slaves. He hoped there was some mistake upon this subject; but if it were so, he could only say that, in his judgment, it would be an injury instead of a benefit to that church; and should the General Assembly of the Presbyterian church confirm and enforce that resolution or decision, he believed the consequence would be a division of that church by a geographical line, which would be a result much to be lamented.

Mr. HUBBARD said that the paper from which he obtained the information alluded to was in the hands of the Senator from South Carolina nearest to him. He would, however, refer to the Senator from Ohio, [Mr. MORRIS,] and he requested that gentleman to state, for the information of the Senate, what he knew in relation to the resolutions of the Ohio Presbytery.

Mr. MORRIS said he had a distinct recollection of seeing some proceedings of the Ohio Synod and also some recollection of the tenor of their resolutions. They came to him during the session of that body, and they attracted his attention because some of his friends were members of it. These resolutions, after condemning slavery as a moral evil, not to be tolerated in a Christian world, declared that they would not permit their meeting-houses to be opened to preachers who were slaveholders, and that they would not permit any members of the church who held slaves to hold communion with them. He had not these proceedings with him then; but if they were necessary for the information of the Senate before taking the question, he would bring them to the Chamber, and put them into the hands of some Senator, in order that they might be made known. He felt this to be of some consequence, as frequent declarations had been made in the course of the debate, that a dissolution of the Union would be the result of legislation in a certain way on the subject of the abolition of slavery. As he deemed the subject of some importance to the section of the country he represented, as well as to the Union, he would take occasion to express his views on it before taking the question.

Mr. KENT had no doubt that the prayer of these petitioners would not be granted. He maintained that the guarantee of the right to petition implied the right that it should be received, otherwise the guarantee of the right to petition would be but a mockery. At the first session of Congress, they had not been in session six weeks before they were petitioned upon this subject. Congress then thought proper to receive the petitions, but decided that they had no power over the subject. He relied upon the intelligence and patriotism of the good people of this Union, by the exercise of reason, to put a stop to the causes of this excitement. After much reflection, he had come to the conclusion that Congress had no power to grant the prayer of this petition, and commented at some length on the deeds of cession and the Constitution in support of that position. Giving Congress legislative jurisdiction meant, that it should not be interfered with by the States of Virginia and Maryland, and was intended as an unrestricted power in other respects. In support of which he cited the opinion of Mr. Madison, and sundry decisions of courts.

He thought, if they adopted the motion of the gentleman from Pennsylvania, [Mr. BUCHANAN,] which was a strong measure, with some degree of unanimity, it would go far towards quieting these people, and prevent them from sending any further memorials to Congress. He alluded to the apprehensions entertained of the increase of abolitionism—the open declarations of the Abolitionists, that their object was to direct their efforts so as to reach the slaveholding States, and the painful events of last year. He adverted to the fact, that in some of the States north of the Potomac there were yet a number of slaves, to show the great difficulty in getting rid of the few they had had in those States. In the county in the State of Maryland where he lived, and which adjoined the District of Columbia, there were about 1,100 slaves, 1,100 whites, and 1,200 free negroes. Their property in slaves was of great value, and he thought it unreasonable that they should be asked to yield it up to gratify the peculiar notions of the Abolitionists. If it were yielded up, it would be placing the whites at the disposal of the blacks. If the six thousand slaves in this District, who were valuable to their owners, and whose condition was now as good and comfortable as it could be, were liberated, they would be placed in a worse condition, as there was no cultivation here, or any means of employment by which they could live. He alluded to a paper signed by Arthur Tappan and others, in opposition to the message of the President. They informed them that they had three hundred and fifty societies, a press, and the means of circulating their publications and pictorial representations, placing them in the most odious point of view, in defiance of the Post Office regulations. He thought Congress should not hesitate to come to some decision to check these people in their mad career. In doing so he thought the better way would be to follow in the footsteps of the patriots that had gone before them, and say to them that Congress had no power to interfere in the matter. Far be it from me (said Mr. K.) to implicate our northern fellow-citizens in an improper course. He gave full credence to the declarations of honorable Senators here, and intelligent gentlemen elsewhere, that they would not interfere on this subject. It was for the enactments of each State to provide for the amelioration of the condition of slaves within its limits, if there was any need of such amelioration. Mr. K. closed with a few remarks, and by citing the cases of McCowen and of Loughborough, in relation to the extent of the jurisdiction of Congress as the local Legislature of the District of Columbia.

Mr. EWING, of Ohio, was satisfied that the opinions of a majority of the people of Ohio on the subject of abolition were such as would be considered sound in the estimation of the Senators from the South. It was well understood that the opinions of Ohio were against slavery in the abstract; but the opinion was almost unanimous there that Congress had not the power to interfere with the subject of slavery in the slaveholding States. A few of the people of that State believed that Congress possessed the power to abolish slavery in the District; but these constituted but a very small minority. He did not believe that one fiftieth part of the population of Ohio were in favor of either of the two projects. In short, the sentiment against abolition was so prevalent among them, that he regretted to say some outrages had been committed against the Abolitionists. This had happened, though, in only one or two instances.

With respect to the two propositions before the Senate as to the manner of disposing of the memorial, he could not concur with the one of the Senator from South Carolina, because it was not in accordance with the opinions of the people of his State, and involved constitutional objections. The right of petition was secured by the Constitution, and the rejection of the one before them would be a violation of that right; at all events, even if the question was doubtful, the refusal to receive would present a new issue, and lead to mischief. He therefore could not vote for it. He was equally opposed to the motion of the Senator from Pennsylvania, to reject the petition without assigning the reasons for so doing; because such a course, taken with a reasoning and thinking people, such as these memorialists were, would not be treating them with proper respect. He thought, therefore, that, with the rejection of the memorial, there ought to be the reasons for it distinctly given and spread upon the journal, in order that the memorialists might see distinctly the unreasonableness of their request, and the mischief that would result from granting it.

Mr. EWING, after speaking of the peculiar situation of the District, governed so differently from any other portion of the Union, having even no Representative here, and depending upon the good faith of Congress impliedly pledged, declared that we would not pass such a law as the one contemplated by the petitioners, even if it did not interfere with the feelings of the people of the South, or with the rights of the people secured by the act of cession. It would have the effect to drive off the present inhabitants from the District, and people it with another population. He would not commit such an act of injustice, even if the people of the South joined with the North in asking it. His impressions were that there was one remedy for the evils produced by these abolition memorials, and that was the one suggested by the resolution of the Senator from South Carolina, [Mr. PRESTON,] to retrocede the District to the States who gave it. This course would effectually put an end to the evil, but he doubted whether it would meet the approbation of Congress. He would suggest that to permit the people of this District to meet in convention, and to form a constitution under certain regulations, would perhaps be a better plan. He would at the proper time submit a proposition to that effect.

On motion by Mr. CALHOUN, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 8, 1836.

Hon. DIXON H. LEWIS, of Alabama, appeared, was qualified, and took his seat.

Mr BOON moved to suspend the rule for one hour, for the purpose of enabling the standing committees to report.

Mr. HALEY moved to amend the motion by including the presentation of resolutions; which was negatived.

Mr. BOON's motion was also disagreed to.

Mr. BOON then moved to suspend the rule, in order to enable him to make a report from the Committee on the Public Lands; which was negatived.

ADJOURNMENT TO THURSDAY.

Mr. JARVIS said that it had been announced in the morning papers, that the frigate Columbia would be launched from the navy-yard in this city, to-morrow, at eleven o'clock. As many of the members had never witnessed the launch of a ship, and particularly of a vessel of war, and might desire to do so, he would move to suspend the rule, in order to enable him to submit a motion, that when the House adjourns to-day it would adjourn to meet to-morrow, at two o'clock, p. m.

The motion to suspend the rule was agreed to; when Mr. JARVIS submitted the motion indicated.

Mr. HEISTER moved to amend by substituting one for two o'clock; which was negatived.

Mr HALL, of Vermont, moved to amend the motion by proposing to adjourn over from this day to Thursday.

Mr. HOPKINS said that it had been announced in the morning papers that the ship Columbia would be launched at the navy-yard to-morrow morning, at eleven o'clock. There could then be no necessity for the adoption of the resolution itself, and still less for the amendment proposed by the gentleman from Maine, [Mr. HALL.] On the contrary, those members who chose to do so would have an opportunity of seeing the vessel launched, without an adjournment, and might return to their seats in this House without prejudice to the public business. He could not, therefore, justify it to himself to vote for the proposition, and hoped that the question might be taken by yeas and nays.

Mr. BROWN moved to lay the resolution and amendment on the table; which was negatived.

Mr. HALL's amendment was then agreed to—ayes 118, noes not counted.

Messrs. CONNOR and CUSHMAN simultaneously called for the yeas and nays on the adoption of the resolution as amended.

On a count by the Chair, there appeared 28 for, and 141 opposed to, taking the question by yeas and nays; but before the decision was announced,

Mr. SHEPPERD asked for tellers; and the same being appointed, and a count being had, there appeared 27 in favor, and 155 against, taking the question by yeas and nays; and they were accordingly not ordered.

The resolution was then agreed to.

WEST POINT ACADEMY.

Mr. HANNEGAN moved a suspension of the rules, for the purpose of offering the following resolution, which was read from the Clerk's table. Mr. H. remarked, that he did not expect many votes in favor of it from gentlemen who

were in the habit of having their sons, brothers, and kinsmen educated at West Point.

Resolved, That the report of the select committee appointed during the last Congress to investigate the affairs of the West Point Military Academy, be withdrawn from the files, and that ten thousand copies thereof be printed.

Mr. H. asked for the yeas and nays on his motion to suspend, which the House refused to order; and the motion was negatived without a count.

NORTH CAROLINA CONTESTED ELECTION.

The House took up the motion of Mr. SPANGLER to reconsider the vote whereby the motion of Mr. BYNUM, that the petitioner, David Newland, have leave to appear and address the House by counsel, was rejected.

Mr. SPANGLER called for the yeas and nays on his motion; which were ordered.

Mr. S. said it had not been his intention to debate the question of the contested election before the House, nor was it then his intention to do so, further than to state, in a few words, the reasons which had induced him to make the motion for a reconsideration of the vote whereby the House had determined, on Saturday last, that it would not permit the petitioner to be heard by counsel. As he had stated, when he made the motion to reconsider, he had voted with the majority on that occasion. He had done so without having given much examination and but little reflection on the subject. He had since become satisfied that he had voted erroneously, and he wished to have an opportunity of making known to the House and to his constituents the conviction that he had voted erroneously on that question. He had not the vanity to suppose that, with that motion, or anything he could say, he could influence the opinions of any gentleman. He was too humble and obscure an individual to influence the opinions of gentlemen upon that or any other question, but he wished to change his vote and make known to the House that he had changed his opinion. After the vote had been taken on Saturday, upon the proposition to allow the petitioner to be heard by counsel, and it had been rejected, a gentleman from North Carolina [Mr. BYNUM] rose, and stated to the House, and no doubt correctly, that the precedents showed that in every case like the one before the House, where counsel had been asked, it was always granted. He took it for granted that that gentleman was correct, and if such be the fact, he was unwilling, by any act of his, to reverse the decisions of the House, heretofore made in cases similar to the one then before them. He saw no good reason for departing from precedents heretofore had on similar occasions. One reason why he had changed his opinion was, that he had no doubt that the decisions heretofore had were made from good and sufficient reasons, and until some reason could be shown for departing from those precedents, he was unwilling to make the pending case an exception from all others. But there was another fact disclosed, which, to his mind, furnished additional reasons why the House should adhere to former practices, and one of which he was not apprised, which was, that the petitioner did not belong to that profession which would place him on something near an equality with the sitting member, provided he could be admitted. And it had been truly remarked on a former day, that if the petitioning gentleman did not possess that qualification, the privilege of being heard would be useless to himself and useless to his constituents. Such being the case, he confessed that he was dissatisfied with the vote which had been given; he honestly believed that he had voted erroneously, and he wished to let his constituents know that he was dissatisfied with that vote. He would embrace the present opportunity of stating to the House that on yesterday, after he had submitted the motion for a reconsideration, he was requested by the petitioner to withdraw it, the petitioner stating to him that he had informed his counsel that his services would not longer be required, and had discharged him. He made that statement in fairness to the petitioning gentleman; but nevertheless he could not withdraw his motion. He had two objects in submitting the motion: one was, so far as his vote was concerned, to extend to the petitioning gentleman the benefit of being heard by counsel; the other was, as he had before stated, that he believed the vote rejecting counsel was wrong, and that if a majority of the House would concur with him, they would reverse that decision. That decision had been recorded on the Journals by yeas and nays, and would go to posterity as the decision of the House on that very important question. He was unwilling, so far as his vote was concerned, that that decision should remain, and therefore he wished it reversed. His feelings would have induced him to comply with the request of the petitioner in withdrawing his motion to reconsider, if he could have done so with propriety; but as it was, he could not consent to do so. He had not risen for the purpose of detaining the House with a speech; it was what he had never yet done. He had stated the reasons why he could not withdraw his motion to reconsider. He wished an opportunity of changing his vote, and it would be for other gentlemen to determine whether the vote of Saturday last was right or wrong.

Mr. GRENNELL said the vote upon the question was so full, and apparently so decided, that he had supposed it would stand as the judgment of the House deliberately formed. That vote had been taken not without consideration, and not until reference had been made to parliamentary precedents. It had been taken after all those measures of inquiry, investigation, and argument usually resorted to on such occasions. He would have no objection to a reconsideration of the vote, if the object was to enable the gentleman from Ohio [Mr. SPANGLER] to have an opportunity to change his vote; but it seemed to him, that a due regard to the public business required them to stand by the decision of the House on Saturday last, unless for good and sufficient reasons. It had been said that former decisions were in favor of giving counsel to persons petitioning in such cases. He must say, however, that since he had the honor of a seat in that House, many cases of contested elections had been before them, and in some of those cases both parties were not of that profession which it was argued gave peculiar advantages, and he had never known the request made; and he had never known it extended to either party. But gentlemen had gone back for twenty-five or thirty years to find precedents. Whatever might have been the policy of granting counsel at an early period of the Government, he would not attempt to inquire. A gentleman on a former day had given reasons which he considered good ones; that at that time the House was not composed of so many members, and not having such a press of business upon their hands as at present. Was it any reason why counsel should be admitted, because the petitioner was not a member of the legal profession? He had yet to learn that belonging to that profession confers upon him or takes from him anything which belonged to him. The petitioner, of whom he would speak with respect, came there with the voice of but one half of the legal voters of his district, and it was decidedly wrong to suppose that he came there as the legal Representative of forty or fifty thousand voters. He came there claiming a seat, because it was an honorable station; a more honorable one he did not know of. But if he took his seat, he would be a law-maker, not merely for his own district, but for the whole people. He would not merely be the representative of that district, but would also in a measure be the representative of Mr. G.'s constituents. It was taking a very narrow view to suppose that it was a mere personal matter between the petitioner and the sitting member. He was apprised that a seat on that floor gave him a character and dignity greater than his being the organ of forty thousand of his constituents. He took a more extended view of the matter than that. He did not wish to see the relation of client and advocate on the floor, as in the case of a court and jury, and for that House to listen day after day to the arguments of a retained and hired counselor. He wished to hear no gentleman there who did not owe fidelity to that Constitution which, as a member of that House, he had sworn to maintain. He would not, by his vote, permit a man to come there to address that House who owed no other fidelity than to his client. They might find it unpleasant, if not painful. Suppose a counselor admitted to make a constitutional argument with the members of the House, would not the Chair be in an unpleasant situation? Suppose the counselor introduced should transgress the rules of order, how would you make him submit to those rules of order? If you would tell him he must keep within your rules, he would demur at once. He would say he was not a member of the House, but that he was a privileged counselor. Without going into a detail of the inconveniences, Mr. G. put it to the House to say whether it would be decorous, not only to themselves, but to the constituents whom they represented, to permit such a relation to exist. When constitutional questions were to be discussed by them, they had no interest to bias them, and the presumption was that there were enough to discuss every question of constitution and law, without the aid of retained counselors.

The more he looked at it, the more he was satisfied that they should not permit the petitioner to have counsel. Was the petitioner to suffer in consequence of the refusal? He wanted to know how? It had been said, that the sitting member was a lawyer, and able to advocate his own cause, while the petitioner was not. He thought nothing the less of the petitioner because of that. It had been remarked truly, the other day, that there were gentlemen eminently qualified to argue and settle any constitutional question which might come before them, without going through a legal course of study and practice. The petitioning gentleman had nothing to fear, as there were enough of his friends to debate any constitutional question.

The CHAIR here informed the House, that the hour had arrived for proceeding to the special order of the day.

Mr. A. H. SHEPPERD moved that the rules be suspended for the purpose of proceeding to the consideration of the contested-election question; which was disagreed to.

NEW YORK RELIEF BILL.

Mr. LAWRENCE said it was now between two and three months since a bill had been reported to that House for the relief of the sufferers by fire in the city of New York, and it was hoped by the friends of the measure that it would have been acted upon long ago. The time had now arrived, as he remarked the other day, that those who had suffered by that calamity should know what they had to depend upon from that House; and he now rose, throwing himself upon its indulgence, in behalf of these sufferers, asking the House to sustain him in the motion he was about to make, for the purpose of taking up that bill, and making, he hoped, a final disposition of it that day. He was assured the friends of the bill had no desire to debate it further. Mr. L. then made the motion indicated, that the rules of the House be suspended for the purpose of taking up the bill for the relief of the sufferers by fire in the city of New York.

Mr. PEARCE, of Rhode Island, was understood to express a hope that the House would delay acting on the bill till some further information had been furnished.

Mr. CAMBRELENG would only remark that the public interest was as deeply interested in this bill as in the special order, and he hoped the motion would prevail.

Mr. HARDIN asked for the yeas and nays, which were ordered; and the result of the vote was—yeas 138, nays 67; as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ash, Ashley, Bailey, Banks, Barton, Beardsley, Bockee, Bond, Boon, Borden, Bouldin, Briggs, Brown, Buchanan, William B. Calhoun, Cambreleng, Carr, George Chambers, John Chambers, Chapin, Childs, Cleveland, Coffee, Corwin, Craig, Cramer, Crane, Cushing, Davis, Dickerson, Dickson, Doubleday, Dromgoole, Dunlap, Evans, Everett, Fairfield, Farlin, French, Philo C. Fuller, William K. Fuller, James Garland, Rice Garland, Gillet, Glascock, Granger, Grennell, Haley, Hiland Hall, Hamer, Hard, Harper, Albert G. Harrison, Haynes, Hazeltine, Henderson, Heister, Hoar, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Joseph Jackson, Janes, Jarvis, Richard M. Johnson, Cave Johnson, Henry Johnson, Judson, Kennon, Kilgore, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, Lyon, Abijah Mann, Manning, William Mason, Moses Mason, Samp-son Mason, McKennon, McKeon, McKim, Mercer, Miller, Milligan, Moore, Muhlenberg, Page, Parker, Patterson, Phelps, Phillips, Potts, Reed, Joseph Reynolds, Ripley, Russell, Schenck, William B. Shepard, Augustine H. Shepperd, Shinn, Sickles, Slade,

Smith, Spangler, Steele, Storer, Sutherland, Taylor, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Vinton, Ward, Wardwell, Washington, Webster, White, and Whittlesey—139.

NAYS—Messrs. Beale, Beaumont, Bovee, Boyd, Bunch, Bynum, John Calhoon, Campbell, Carter, Casey, Chaney, Chapman, Coles, Connor, Cushman, Darlington, Deberry, Effner, Fry, Galbraith, Graham, Graves, Grayson, Griffin, Hannegan, Hardin, Samuel S. Harrison, Hawes, Hawkins, Hopkins, Joseph Johnson, John W. Jones, Benjamin Jones, Kinnard, Klingensmith, Lawler, Luke Lea, Lewis, Logan, Lucas, Job Mann, Martin, John Y. Mason, Maury, May, McCarty, McComas, McKay, McLene, Montgomery, Morgan, Morris, Owens, Parks, Patton, Dutee J. Pearce, Franklin Pierce, Rencher, John Reynolds, Roane, Robertson, Shields, Standefer, Thomas, Underwood, Lewis Williams, and Sherrod Williams—67.

So the motion to suspend the rule was carried in the affirmative.

The bill was then taken up, the question being on its final passage, and

Mr. CRAIG demanded the previous question.

Mr. PATTON moved a call of the House.

Mr. VINTON said he had voted in the affirmative for the motion to suspend the rules, on the understanding that the bill should be debated; but if the previous question should be insisted on, he would move a reconsideration of the vote to suspend the rules; whereupon

Mr. CRAIG withdrew his demond for the previous question.

Mr. EVERETT, after some explanatory remarks, moved to recommit the bill to the Committee of the Whole on the state of the Union, with the following instructions:

Strike out all after the enacting clause, and insert the following:

That on account of the late destructive fire in the city of New York, on the sixteenth day of December last, the collector of the port of New York is hereby authorized to extend to all persons the time of payment of all duties secured at that port, by bonds given before and falling due on and after that day, and to cancel such bonds; and in case such bonds have been paid, to refund the money so paid out of any money in his hands, upon their giving to said collector new bonds, with one or more sureties, to the satisfaction of said collector, for the sums of the former bonds, payable with interest, (after the time of payment specified in such former bonds,) at the rate of three per cent. per annum, in equal installments, in one, two, and three years from the said time of payment, or in one year from such time of payment without interest, at their election, which new bonds shall be proceeded with, in all respects, like other bonds taken by collectors for duties due to the United States, and shall have the same force and validity.

Mr. HARDIN opposed the instructions. They were, in his opinion, far more objectionable than the original bill, proposing, as they did, to extend the credit twelve months, without any interest, and for one, two, and three years, at an interest of three per cent. He was at a loss to perceive why the gentleman from Vermont should have opposed the original bill, for his amendment was ten times more favorable to those interested than the bill itself. Mr. H. should vote to recommit the bill, but without these instructions.

Mr. BOULDIN remarked, he would not say anything upon this subject, if it were not that he had voted to take up the bill a short time ago. This, he said, might be misunderstood by the friends of the bill and his constituents to be an intimation that he would vote for the bill on its passage. He said he would not vote for it in its present shape, or as it was proposed to be amended, or in any shape that he had any hope it would be amended. He merely thought it was time the question was settled. He would vote for it if so amended as to provide, first, for such cases as those in which the United States were about to lose a debt, in whole or in part, by reason of the fire. This was what any prudent creditor would do. If there were any goods imported liable to drawback, he was willing to give up the duty on those goods if they were burnt. He said he was an inland man, and not well acquainted with commerce; but had understood that goods brought into this country, and intended to be exported, although the duty was charged on their being brought into the country, yet it was given up if the goods were exported. Were there any goods in this condition he would give up the duty, but he would go no further. The right to duty liable to drawback was one not perfect. The bargain was conditional, and the fire put it out of the power of the merchant to perform his part, if he wished to export the goods. The Government had to take the chances against it, and was entitled to the chances in its favor. They stood on the same ground as other creditors. They were mere creditors: their being debtors had been relied on as a ground to authorize the interference of this House. The money proposed to be loaned out or given away was money of the people of the United States, and not of this House. This House had no right to give it away upon objects of charity, whether their debtors or not. We had nothing to do (Mr. B. said) with the money of the people, except to lay it out for their benefit under the law and Constitution. We had no right to lay it out in a charitable way. He could see no distinction between this and any case of private misfortune. Whether one or a thousand suffered by accident or providential occurrence, or otherwise, made no difference; only this—if one single individual suffered, he felt solitary and lonely in his misfortune. If many suffered together, there was something like sympathy to console them. He did not mean that the people of New York had not the sympathy of this House. They had the sympathy of this House and of the country, and he was conscious they had his. But we had no right to gratify our charitable and sympathetic feelings at the expense of the public. He said he had admired the exposition given by Chancellor Wythe, of Virginia, of this text so much admired, and often quoted, "Charity begins at home." That is, said Mr. Wythe, we are to be charitable with our own money, and let other people's alone. A guardian had spent his ward's money, and his counsel replied that he was a generous, hospitable, and charitable man. He said we had no right to be charitable with the public money; but if we had, we ought to be equally so to all. We had no more right to give money or indulgence to the debtors of the United States than to others. Where (he asked) is the difference between the misfortune of the sufferers by fire in New York, and the sufferers by frost in the south? Thousands lost their crops of tobacco and cotton last fall, and why not relieve them? We had (he said) no right or power to relieve either; yet all have the sympathy of the benevolent and kind, and many have shown, and many will show, their sympathy and kindness, in the way least of all liable to misunderstanding or reproach—by giving their own money to the sufferers.

Mr. PARKS wished to inquire of the Committee of Ways and Means, if it was not the intention of that committee to bring forward any other proposition on this subject?

Mr. CAMBRELENG replied that his own impression had been, from the beginning, that the duties upon the merchandise destroyed by the fire in New York, in cases of failure of the insurance companies, should have been remitted. From his own experience, however, and looking back to a period of thirty or forty years, he became convinced that no other bill would meet the approbation of that House or the other; and he therefore believed this would be the only one.

Mr. PARKS considered it due to the House that this fact should be known, for rumor had stated that some other measure was to be brought forward; and, if this report were correct, it was not treating the House fairly. He hoped this bill never would have the sanction of that House until it was understood to be a final measure.

Mr. UNDERWOOD should vote to recommit the bill, so that it might be amended in such a form as would be acceptable to him, for he was willing to extend such relief as he thought was merited. Mr. U. read a provision he should, in that case, propose.

Mr. JUDSON said, the bill on your table purports to relieve the *debtors* of the Government who suffered by the unexampled conflagration of December last, in New York. At this late stage of the debate, it will not be my business to detain the House by adding to the arguments already addressed to its consideration. My only object now is, a reply to some of the *objections* raised by an honorable member from Rhode Island.

The other day, when this subject was under discussion, I listened with much pleasure to an argument from that honorable gentleman, addressed to us with great ingenuity and force. He had brought into the discussion the result of great industry and ability; and yet, sir, it is impossible for my own mind to subscribe to certain parts of the argument.

While I would most cordially unite with him in the eulogium pronounced upon the agriculturists of the country, I do also agree most fully that the class of our fellow-citizens thus alluded to are highly meritorious, and their interests should always be regarded as important. The honorable member has told us that he will not say anything against *individuals* of the mercantile class; but, as a body, I did understand him to allege that the merchants living in New York were not entitled to relief, because Arthur Tappan resided in that city. Now, let me ask, is that a valid objection or a legitimate argument against the relief proposed to the suffering community by this bill? Let it be tested.

Suppose a member should rise in his place, and urge as an objection that the city of New York was visited with the yellow fever or small pox, would that be a good reason against our legislation?

Should a portion of the *debtors* of this Government, living in New Orleans, be visited by a calamity like the present, and relief being proposed for them, would this House be influenced by the fact that any loathsome disease, with its pestilential influence, had swept over that city? and would that constitute argument against their relief?

As much as I detest Arthur Tappan, or his hypocritical cant, I would not vote against *this bill* because he has seen fit to locate himself in that city.

Another objection urged is the fact, that the members of the Hartford Convention assembled at the house of a merchant in Boston the night before their departure. This is a charge brought against the mercantile community as a body!

It does appear to me that *this objection* is addressed to our prejudices, and not to our judgment. I do not agree to this course of debate. It is doing great injustice to the mercantile community. Whoever may be entitled to the *honor* or the *odium* of that assembly, it certainly does not belong to the *merchants* as a body. If you trace it to its true origin, it will probably be found to rest with the *statesmen* and partisans of that day, whose object probably might have been to overturn a particular administration, and get into power themselves. If this were the principal object, as many believe, even *this* is by no means chargeable to the merchants. In looking over the names of the members, I am not able to recognize more than *two merchants*.

To say, then, that this bill shall not become a law because two or three merchants were members of the Hartford Convention, is great injustice to them as a class. It would be very much such justice as was administered in a State adjoining to the State represented by the honorable gentleman whose arguments have called for these remarks. There, an eminent *judge* was thrust out of office because he attended the Hartford Convention, and another was appointed who actually voted for the bill calling the convention, and, as I believe, one who, by his vote, sent his predecessor to that body!

According to my estimation, arguments like these should not influence us in the discharge of our duty. They have a tendency to create a jealousy and distrust between the three great branches of national wealth and national prosperity. Commerce, agriculture, and manufactures are these great national resources. They have equal interests, and shall have equal support from the Government. Commerce is the channel through which passes all our agricultural products and our manufactured goods to their final destination, and through that same channel also returns to the agriculturist and the manufacturer the results of honest industry. There is, then, a mutual interest between these highly respectable classes, and no discussion here should tend to separate those interests. Pass this bill, and you will enable those who have suffered by this calamity to go on in their business, discharge their debts to the Government, and also enable them to pay the manufacturers, farmers, and mechanics what is due them. When it shall become the settled policy to break down the mercantile interest, you will inflict a blow upon agriculture and manufactures which will be equally injurious to the whole country.

Mr. SUTHERLAND warmly and at length supported the bill. The country generally, he

was assured, was in favor of it. The very fact of the large cities coming forward only with resolutions instead of money was a proof that they expected their representatives to act upon the subject, for they had sent those resolutions to them. Mr. S. also replied to the arguments of Mr. PEARCE, and entered into a succinct defense of the principles and provisions of the bill.

Mr. PEARCE, of Rhode Island, replied to Messrs. JUDSON and SUTHERLAND, and those gentlemen briefly rejoined.

Mr. CHAMBERS again opposed the bill at considerable length, on the ground he before maintained, that the bill provided for those who had sustained no loss, and entered into a minute examination of its various details.

Mr. TOUCEY said he was convinced that the discussion had been protracted to an unprofitable length, and that it was time it was disposed of; and he therefore demanded the previous question.

Mr. WILLIAMS, of North Carolina, moved an adjournment; which was not carried—ayes 66, noes not counted.

The previous question was then seconded by the House, tellers being appointed; which was carried—ayes 106, noes 58.

On ordering the main question to be put,

Mr. EVERETT called for the yeas and nays; but they were not ordered, and the main question was ordered to be put without a count.

The main question was on the passage of the bill, and on that question

Mr. HOPKINS asked for the yeas and nays; which were ordered.

The question was then taken, and decided in the affirmative—yeas 114, nays 94; as follows:

YEAS — Messrs. Adams, Heman Allen, Anthony, Ash, Bailey, Banks, Barton, Beardsley, Bockee, Briggs, Brown, William B. Calhoun, Cambreleng, Chapin, Childs, Cleveland, Coffee, Corwin, Cramer, Crane, Cushing, Darlington, Dickerson, Doubleday, Evans, Fairfield, Farlin, Philo C. Fuller, William K. Fuller, Rice Garland, Gillett, Glascock, Granger, Grantland, Grennell, Haley, Hard, Harper, Haynes, Hazeltine, Henderson, Heister, Hoar, Holsey, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Janes, Jarvis, Richard M. Johnson, Cave Johnson, Henry Johnson, Judson, Kennon, Kilgore, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, Loyall, Lyon, Abijah Mann, Manning, William Mason, Moses Mason, Sampson Mason, McKennan, McKeon, McKim, Mercer, Miller, Milligan, Moore, Muhlenberg, Owens, Page, Parker, Patterson, Phelps, Phillips, Potts, Reed, Joseph Reynolds, Rogers, Russell, Shinn, Sickles, Slade, Smith, Spangler, Steele, Storer, Sutherland, Taylor, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Vinton, Ward, and Wardwell—114.

NAYS — Messrs. Chilton Allan, Ashley, Beale, Bean, Beaumont, Bell, Bond, Boon, Borden, Bouldin, Boyd, Bunch, John Calhoon, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chapman, Nathaniel H. Claiborne, Coles, Connor, Craig, Cushman, Davis, Deberry, Denny, Dickson, Dromgoole, Dunlap, Everett, Forester, French, Fry, Galbraith, James Garland, Graham, Graves, Grayson, Griffin, Joseph Hall, Hamer, Hannegan, Hardin, Harlin, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Hopkins, Jenifer, Joseph Johnson, John W. Jones, Kinnard, Klingensmith, Lawler, Luke Lea, Lewis, Logan, Job Mann, Martin, John Y. Mason, Maury, McCarty, McComas, McKay, McLene, Montgomery, Morgan, Morris, Parks, Patton, Dutee J. Pearce, Franklin Pierce, Peyton, Pickens, Rencher, John Reynolds, Roane, Robertson, Augustine H. Shepperd, Shields, Standefer, Thomas, Turner, Underwood, Webster, Weeks, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—94.

So the bill was passed.

Mr. PEARCE, of Rhode Island then moved to amend the title of the bill, by striking out "An act for the relief of the sufferers by fire in the city of New York," and inserting the following: "An act to relieve and confer exclusive benefits upon certain merchants and importers in the city of New York."

Mr. WISE inquired of the Chair if that was a debatable question?

The CHAIR replied that he supposed it was.

Mr. WISE then moved an adjournment; which was negatived.

Mr. KENNON rose to a question of order. The previous question having been moved and seconded, and the main question carried, he could not conceive how any part of the bill could be amended thereafter.

The CHAIR said it was the first time within his recollection that the question had been raised, but his impression was that the title was a distinct part of the bill.

The amendment was then rejected, and the original title agreed to.

On motion by Mr. VINTON,

The House adjourned, at quarter past five o'clock, p. m.

IN SENATE.

WEDNESDAY, *March* 9, 1836.

The CHAIR communicated a report from the War Department, in answer to the resolution of the Senate of the 26th ultimo, containing the information required in relation to the extinguishment of the Indian title to lands in the vicinity of Green Bay.

Also, a report from the same Department, in answer to a resolution of the Senate, inquiring the number and situation of the Indians on the frontiers, and the opinion of the Department as to the expediency of increasing the present military force for frontier defense, containing the desired information.

On motion by Mr. WHITE, that portion of the reports with respect to Indian affairs was referred to the Committee on Indian Affairs; and that portion relating to the increase of the military force, to the Committee on Military Affairs.

HOUSE BILLS REFERRED.

The following bills from the House were severally read twice and referred:

A bill for the relief of Archibald Small;

A bill for the relief of Reuben Colburn;

A bill for the relief of Isaac Chaplin and others, owners, &c., of the schooner Buffalo;

A bill for the relief of Henry Darling;

A bill granting pensions and arrearage of pensions to persons therein named;

A bill for the relief of Joseph M. Wormstead and others;

A bill for the relief of Abiel Roads and others;

A bill for the relief of Ebenezer Phillips and others;

A bill for the relief of Joseph W. Green and others;

A bill for the relief of George Gott and others;

A bill for the relief of Benjamin and Nancy Merrill;

A bill for the relief of Joseph Gresham;

A bill for the relief of William Bowman;

A bill for the relief of citizens of the reserved township, Monroe county, Indiana;

A bill for the relief of Thomas Dixon & Co., New York;

A bill for the relief of Amy Wilson;

A bill for the relief of Doxtator and Weaver;

A bill for the relief of the representatives of Thomas Haliday;

A bill for the relief of William Woodward and William Mitchell;

A bill for the relief of the representatives of Josias Thompson;

A bill for the relief of Gilbert A. Smith and others;

A bill for the relief of Clark Allen;

A bill for the relief of Samuel W. Ruff;

A bill for the relief of the legal representatives of Dr. Absalom Baird, deceased;

A bill for the relief of Daniel Smith;

A bill for the relief of John Dement;

A bill for the relief of the heirs of Nathaniel Tyler, deceased;

A bill to authorize the conveyance of certain lands belonging to Michigan; and

A bill to carry into effect the convention with Spain.

BILLS PASSED.

The bill for the relief of the legal representatives of James O'Hara, of Pittsburg; and

The bill authorizing the Secretary of War to transfer a part of the appropriations for the suppression of Indian hostilities in Florida to the credit of subsistence, were read the third time and passed.

REPORTS AGREED TO.

The reports of the Committee on the Public Lands unfavorable to the petitions of Peter Moore, of certain inhabitants of Erie county, Pennsylvania, praying for a donation of land; the reports of the Committee on Claims unfavorable to the petitions of Alphonso and of Richard Boon; and the report of the Committee on Revolutionary Claims unfavorable to the petition of the widow of Colonel D. Pendleton, were severally considered and agreed to.

RETROCESSION OF THE DISTRICT.

The resolution submitted by Mr. PRESTON, on the subject of a retrocession of the District of Columbia to the States of Virginia and Maryland, was, on motion by Mr. P., postponed to, and made the order of the day for, the first Monday in April next.

DELEGATE FOR THE DISTRICT.

The resolution of Mr. KENT, directing an inquiry into the expediency of allowing the District to be represented by a Delegate in Congress was considered and agreed to.

RESOLUTIONS.

Mr. LINN submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for placing buoys in the channel of the Fox river, through the flats at its entrance into Green bay.

Mr. BLACK submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury inform the Senate whether the acts of Congress granting rights of preemption to settlers inhabiting and cultivating the public lands, at certain periods, have been so construed as to extend to such of the public lands as had been offered for sale, and were subject to entry at private sale; and, if so, to communicate such instructions to the Senate.

Mr. HUBBARD submitted the following resolutions; which were considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of restoring all those now living to the pension list under the act of March, 1818, who were stricken from said list in pursuance of the act of May 1, 1820; and in case any of said persons have obtained annuities under the act of June 7, 1832, that said committee be instructed to inquire into the expediency of providing by law for the payment to such persons the pensions to which they would have been entitled if they had not been stricken from said pension list, after deducting the amount which they have received by virtue of the act of June 7, 1832.

Resolved, That said committee be instructed to inquire into the expediency of providing, by law, in case any persons who were stricken from the pension list, in pursuance of the act of May 1, 1820, have since that period died, for the payment to their heirs of all arrearages to which they would have been entitled had said persons not been stricken from said list.

Mr. BLACK presented resolutions of the Legislature of the State of Mississippi, asking for the establishment of certain new mail routes; which were referred to the Committee on the Post Office and Post Roads.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill making appropriations for deepening the bar, and for the construction of a dry dock at Pensacola;

The bill to authorize the selection of certain lands in lieu of those granted to the State of Ohio, and sold at public sale by the United States;

The bill for the completion of certain roads in the Territory of Florida;

The resolution providing for the settlement of the claims of John S. Stiles; and

The bill making an appropriation for the completion of the title of the United States to the site for a light-house on Roanoke inlet.

THE PENNSYLVANIA QUAKER MEMORIAL.

The Senate then proceeded to the unfinished business, which was the question on receiving the petition of the Society of Friends of Lancaster, Pennsylvania, praying for the abolition of slavery in the District of Columbia.

Mr. CALHOUN addressed the Senate at length, and contended against the doctrine of the constitutional injunction to receive petitions as a matter of right; and drew a distinction between the right of presentation and the reception of petitions; that, strictly, the parliamentary rule required a motion to be made to receive petitions presented; but, as a matter of convenience, the Chair usually dispensed with the necessity of that motion. The right of petitioning could not be urged one inch beyond the right of presentation: with this action of the Senate commenced the rights of the Senate; and to urge the right of petitioning beyond presentation was expressly to encroach upon the

rights of the Senate. In support of this position he cited the 24th rule of the Senate, and the comments of Mr. Jefferson upon it. He controverted the doctrine, that a refusal to receive petitions was a refusal to hear the petitioners or to discuss the merits of the petition. In this case, the Senator from Pennsylvania [Mr. BUCHANAN] had stated the contents of this petition, and they had been discussing it for six weeks. He further contended that the question of receiving or not receiving the petition did not interfere with the right of presentation; and that not one of the intermediate motions to commit, &c., admitted of a more full discussion than this. He denied the application of the precedent cited in opposition to his motion. He wished Mr. Madison had pursued the same course pursued by Mr. Jackson, of Georgia, and Mr. Smith, of South Carolina, and many others. A petition had been presented at a subsequent period, when the South had become more awakened, and had met the question as he had done; but the brave, the gallant, and ever-to-be-remembered Senator from South Carolina, General Sumpter, had been quoted, who had unguardedly voted wrong.

Here Mr. BUCHANAN asked permission of the gentleman from South Carolina [Mr. CALHOUN] to read the names of the other Senators from the South who had voted with General Sumpter; which, being granted, Mr. B. read them accordingly.

Mr. CALHOUN referred to the construction put upon the rule by the British Parliament, not only refusing a single petition, but throwing out of Parliament a whole class of petitions. He regretted the decision made by the gentleman from Tennessee, [Mr. GRUNDY;] and, from the capability of that gentleman in deciding great questions, he presumed he had decided hastily and without examination. He adverted to a case in 1834, in which Mr. CLAY was sustained by the Senate in a motion that a certain preamble and resolutions from York, Pennsylvania, respecting the public deposits, should not be received. The Senate had the right to select and discriminate between what they should act upon and what they should not. If they had not, everything that was frivolous, rash, criminal, and blasphemous would pour into this Hall, and convert it into a Nassau hall; and, by yielding this right of refusing to receive petitions, the South surrendered all their outworks, and even the citadel itself. The Abolitionists did not expect merely to abolish slavery in the District of Columbia; they only expected to get a lodgment there to act with greater efficiency in accomplishing their general object. He did not expect the Abolitionists were coming with arms in their hands to wage a war with them, but it was to be a moral and religious war, the most dangerous of all wars. He could not consent to change his course to secure a strong majority which he thought was a fatal majority; not a majority for, but against the interests of the South. If they were bound to receive a petition, they were bound to consider it. The motion of the gentleman from Pennsylvania, although not so intended, looked like trick—deception—jugglery. He would feel a profound gratitude towards his northern friends, if they give that strong majority in favor of the motion he had made.

The only hope Mr. C. had that abolitionism could be arrested, was, that the two political parties at the North would not be divided. But if they did divide, it was impossible to prevent this question from running into politics. He believed the virtuous and patriotic were with them, but he despaired of success, unless both political parties could unite. They loved the Union, but all this glory and anticipations of it were nothing compared to this question, which was not only a case of liberty, but of existence itself. The capacity of the South was able to defend their rights; their resources were almost unequaled, and the dangers that surrounded them would unite them. The alternative with them would be, to do or die. He had intended at one time to move to refuse the reception of these petitions one by one, but it would have been worrying to him, and undignified.

Mr. CLAY rose to make an explanation with regard to the precedents cited by the Senator from South Carolina, one of which cases had been made on his motion; and as it was his intention to vote for the acceptance of the petition, it might, without some explanation, be supposed that there was an inconsistency in such vote. The right of petition had, it was true, certain qualifications, one of which was, that it must be addressed to a deliberative body, having power over the subject of which the petition treated. Another qualification was, that the petition should not be insulting to the body to which it was addressed. This was the case with the petition from the town of York, Pennsylvania, which the Senate refused to receive. It would be recollected that this petition was not intended to complain of a grievance in the power of Congress to redress, but was in fact an insult on the Senate. Hence the rejection was not founded on the ground that Congress had no power over the subject treated of in the petition, but on the ground that the matter contained in it was offensive. He differed with the Senator from South Carolina as to the right of Congress to refuse the reception of a petition. He well knew that every deliberative body had the right to determine the time when petitions should be received; but this was under a mere regulation having in view the convenience of the body as well as of the petitioners.

His idea was, that the right of petition carried with it the right of being heard on any subject that the body addressed had the power to act on. He thought that there was enough in the constitutional provisions which related to the District of Columbia, to justify their considering it. On the subject of the right of Congress to abolish slavery in the District he was inclined to think, and candor required the avowal, that the right did exist; though he should take a future opportunity of expressing his views in opposition to the expediency of the exercise of that power. The Constitution gave to Congress, with respect to the District of Columbia, all the powers not prohibited by it, and was directly contrary to that provision of the same instrument, with respect to the States, which prohibited the exercise of powers not granted, and reserved them to the States and their people.

Mr. C. also expressed his disapprobation of the motion to receive and immediately reject the petition made by the Senator from Pennsylvania. He did not think it a safe, substantial, and efficient enjoyment of the right of petition to reject it, without its passing through the usual forms. He thought that the right of petition required of the servants of the people to examine, deliberate, and decide, either to grant or refuse the prayer of a petition, giving the reasons for such decision. He thought accompanying the rejection of the petition with a clear and distinct expression of the reasons of the Senate would carry conviction to every mind, satisfy the petitioners of the impropriety of granting their request, and thus leave the best effects in putting an end to the agitation of the public on the subject.

The question was here taken, "Shall the petition be received?" and it was decided in the affirmative—yeas 36, nays 10; as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Ewing of Illinois, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, McKean, Morris, Naudain, Niles, Prentiss, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, and Wright—36.

NAYS—Messrs. Black, Calhoun, Cuthbert, Leigh, Moore, Nicholas, Porter, Preston, Walker, and White—10.

Mr. CLAY said this was a motion susceptible of amendment; and before he sat down he would offer one. He had thought a reference to a committee, and a report of the reasons against granting the prayer of these petitioners, would be the better way to dispose of the subject; but he feared a majority could not be had for that course. There were certain great subjects that ought to be kept out of the scope of political action—they were the tariff, the great public domain, slavery, and the Union. Mr. C. commented briefly upon the importance of each of these heads, and condemned the movements in a certain quarter on the subject of slavery.

Mr. C., after arguing at some length in favor of receiving the petition, contending that the refusal to receive it would be a violation of the right of petition as secured by the Constitution, expressed his strong disapprobation of the course of the northern Abolitionists, who were intermeddling with a subject that no way concerned them. He expressed himself in favor of a gradual emancipation of the black race, if it could be done without those injurious consequences which would inevitably flow from such a measure. Although he had been taught from his childhood to believe that every man, no matter what was his color or his condition, was entitled to freedom, yet the retaining the black race in slavery was justified by the necessity of the measure. If he was a southern man, he would resist emancipation in every form, either gradual or otherwise, because he would go for his own race, which was the superior race of the two; and because emancipation must necessarily give the inferior race, in the course of time, a numerical preponderance. Mr. C., after some further remarks, submitted the following amendment:

Resolved, That the prayer of the petitioners be rejected.

For the Senate, without now affirming or denying the constitutional power of Congress to grant the prayer of the petition, believes, even supposing the power uncontested, which it is not, that the exercise of it would be inexpedient:

1st. Because the people of the District of Columbia have not themselves petitioned for the abolition of slavery within the District.

2d. Because the States of Virginia and Maryland would be injuriously affected by such a measure, whilst the institution of slavery continues to subsist within their respective jurisdictions; and neither of those States would probably have ceded to the United States the territory now forming the District, if it had anticipated the adoption of any such measure, without clearly and expressly guarding against it.

3d. Because the injury which would be inflicted by exciting alarm and apprehension in the States tolerating slavery, and by disturbing the harmony between them and the other members of the Confederacy, would far exceed any practical benefit which could possibly flow from the abolition of slavery within the District.

Mr. PORTER made some remarks, expressive of his disapprobation of the amendment.

Mr. BUCHANAN said that some remarks, both of the Senator from South Carolina, [Mr. CALHOUN,] and of the Senator from Kentucky, [Mr. CLAY,] compelled him to make a few observations in his own defense.

Sir, (said Mr. B.,) I rejoice at the result of the vote which has this day been recorded. It will forever secure to the citizens of this country the sacred right of petition. The question has now been finally settled by a decisive vote of the Senate. The memorial which I presented from a portion of the highly respectable Society of Friends has been received by a triumphant majority. Another happy consequence of this vote is, that abolition is forever separated from the right of petition. The Abolitionists will now never be able to connect their cause with the violation of a right so justly dear to the people. They must now stand alone. This is the very position in which every friend of the Union, both in the North and the South, ought to desire to see them placed.

From the remarks which have just been made by the Senators from South Carolina and Kentucky, it might almost be supposed that my motion to reject the prayer of the memorialists was trifling with the right of petition, which, in the course of debate, I have defended with all my power. Is there the slightest foundation for such an imputation?

The memorial has been received by the Senate, and has been read. If this body are in doubt whether they will grant its prayer—if they wish further information upon this subject than what they already possess, then they ought to refer it. On the other hand, if every Senator has already determined how he will vote upon the question, why send the memorial to a committee? It presents but one simple question for our decision. It asks us to abolish slavery in the District of Columbia. My motion proposes that this prayer shall be rejected. Now, is it not self-evident to every Senator upon this floor, that any committee which can be formed out of this body will arrive at the same conclusion? Why, then, refer this memorial to obtain a report, when we already know what that report will be? Why keep the question open for further agitation and debate? Should it be referred to a committee, upon their report we shall have the same ground to travel over again which we have been treading for so long a time. I have yet to learn that, when a

petition is presented to any tribunal, in a case so clear as not to require deliberation, it is either disrespectful to the petitioners, or that it infringes the right of petition, to decide against its prayer without delay.

But in this case powerful reasons exist why the memorial ought not to be referred. Although we all agree that slavery ought not to be abolished in the District of Columbia, yet we arrive at this conclusion by different courses of reasoning. Before I presented this memorial, I endeavored to ascertain from Senators whether it would be possible to obtain a strong vote in favor of any proposition more specific in its terms than that now before the Senate. I found this would be impossible. I then made the motion to reject the prayer of the memorial after much deliberation.

I found the Senate divided upon this subject into four sections. One portion was opposed to the prayer of the memorial, because, in their opinion, it would be unconstitutional to grant it; another, because it would violate our compacts of cession with Virginia and Maryland; a third, because it would be inexpedient and unjust to abolish slavery in this District, while it exists in the surrounding States; and a fourth, who were unwilling to go even to this extent, but who equally condemned its abolition at the present moment. Here were the elements of discord. While all, or nearly all, are harmonious in their conclusion that the prayer of the petition ought not to be granted, their premises are far different. My object was to get the strongest vote, for the purpose of calming the agitation both in the South and in the North. In order to accomplish this purpose, my motion must be one on which the largest majority could agree, and on which each member might vote for his own peculiar reasons. I ask what motion could I have made so well calculated to attain the end as the one now before the Senate?

The amendment which has just been proposed by the Senator from Kentucky will, I fear, prove to be the apple of discord in this body. It is too strong a measure for one portion of the Senate; whilst it is too weak for another. Those who believe that we have no power, under the Constitution, to abolish slavery in this District, will not vote for the amendment, because it does not recognize this principle; whilst such gentlemen as deem it inexpedient at the present time to act upon the subject, but who do not wish to commit themselves for the future, will be equally opposed to the reasons which this amendment assigns. For my own part, individually, I should not object to the amendment. I could most cheerfully vote for all the principles which it contains. If I believed it would unite in its favor as large a majority of the Senate as the motion which I have made, unaccompanied by these reasons, it should have my support. But this, I am convinced, will not be the case; and my purpose is to obtain the largest vote possible, because this will have the strongest influence upon public opinion. It would most effectually check the agitation upon this subject.

Sir, (said Mr. B.,) this question of domestic slavery is the weak point in our institutions. Tariffs may be raised almost to prohibition, and then they may be reduced so as to yield no adequate protection to the manufacturer—our Union is sufficiently strong to endure the shock. Fierce political storms may arise; the moral elements of the country may be convulsed by the struggles of ambitious men for the highest honors of the Government—the sunshine does not more certainly succeed the storm than that all will again be peace. Touch this question of slavery seriously; let it once be made manifest to the people of the South that they cannot live with us except in a state of continual apprehension and alarm for their wives and their children, for all that is near and dear to them upon the earth—and the Union is from that moment dissolved. It does not then become a question of expediency, but of self-preservation. It is a question brought home to the fireside, to the domestic circle, of every white man in the southern States. This day—this dark and gloomy day for the Republic, will, I most devoutly trust and believe, never arrive. Although in Pennsylvania we are all opposed to slavery in the abstract, yet we will never violate the constitutional compact which we have made with our sister States. Their rights will be held sacred by us. Under the Constitution it is their own question; and there let it remain.

On motion by Mr. MORRIS, the Senate adjourned.

IN SENATE.

THURSDAY, *March* 10, 1836.

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary, inclosing a report from the Secretary of State, with the proceedings of a convention held at Little Rock, in Arkansas, for the purpose of forming a constitution and State government for Arkansas, together with the constitution and several accompanying documents.

Mr. BUCHANAN, at the request of the Delegate from Arkansas, moved to refer the papers to a select committee, to be raised for the purpose.

Mr. CLAYTON thought a reference to the select committee appointed to consider the subject of the admission of Michigan into the Union would be preferable.

Mr. BUCHANAN pressed his motion, and asked for the yeas and nays on it, which were ordered; and the question was taken and decided as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Georgia, Linn, McKean, Morris, Nicholas, Niles, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Wall, and White—22.

NAYS—Messrs. Black, Calhoun, Clay, Clayton, Davis, Ewing of Ohio, Goldsborough, Knight, Leigh, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, and Tomlinson—17.

Mr. BUCHANAN then, for the purpose of postponing the balloting for the committee till to-morrow, moved to lay the subject on the table; which motion was agreed to.

AMERICAN REGISTERED SEAMEN.

The CHAIR communicated a report from the Department of State, showing the number of American seamen registered in each port of the United States for the year 1836; and which, on motion by Mr. DAVIS, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS, MEMORIALS, ETC.

Mr. EWING, of Ohio, presented several petitions from citizens of Ohio, praying that a change may be made in the location of the Cumberland road; and

Mr. MORRIS presented several memorials on the same subject; both of which were referred to the Committee on Roads and Canals.

Mr. EWING, of Illinois, presented the petition of sundry citizens of that State, praying for the establishment of certain post routes; also, the petition of sundry citizens of Galena, on the subject of preëmption rights; the first of which was referred to the Committee on the Post Office and Post Roads, and the second to the Committee on Public Lands.

Mr. NILES presented the memorial and remonstrance of sundry citizens of Danbury, Connecticut, engaged in the manufacture of hats, against the renewal of the patent of Joseph Grant; which was referred to the Committee on the Judiciary.

REPRESENTATIVES OF C. C. B. THOMPSON.

Mr. BLACK, from the Committee on Naval Affairs, to which had been referred the petition of the legal representatives of the late Captain Charles C. B. Thompson, reported a bill for their relief; which was read, and ordered to a second reading.

SUFFERERS BY THE NEW YORK FIRE.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had passed the bill of the Senate for the relief of the sufferers by the late fire in the city of New York, with certain amendments, to which they asked the concurrence of the Senate; and

On motion by Mr. WRIGHT, the bill was taken up, and considered as in Committee of the Whole, when Mr. W. moved that the Senate concur in said amendments.

Mr. SOUTHARD wishing to have an opportunity of making himself acquainted with the nature of the bill as modified by the House, it was laid on the table, with an understanding to take it up at as early a day as the business of the Senate would permit.

Mr. CLAYTON moved to take up the bill to settle and establish the northern boundary of the State of Ohio.

Mr. KING, of Alabama, opposed the motion, on the ground that the Senate, after the vote taken yesterday to receive the petition praying to abolish slavery in the District of Columbia, was pledged to take the vote on the question pending to reject the prayer of the petitioner, in order that those who from a sense of duty voted to receive, might now give the strongest vote in opposition to its object. He showed the urgent necessity there was for settling this agitating question in the speediest and most decided manner; and suggested that the Ohio bill could be taken up the next day, as the abolition question, having been sufficiently discussed, only required the vote on the second and most important question (the first having been taken) to end the subject.

Mr. EWING, after referring to the numerous delays both in this and the other House, of the Ohio bill, and the powerful reasons that existed for settling the distracting controversy between Ohio and Michigan, said that a strong sense of duty constrained him to press the motion of the Senator from Delaware. There was no danger of this bill not passing both Houses of Congress if it could be brought fairly before them, but it had always been lost by being sent too late in the session to the other House.

Mr. BROWN observed that gentlemen expressed great anxiety to allay the excitement in the southern country, by giving some decided vote on the question that had so long been discussed. Yesterday the debate was brought to a close, the preliminary question taken, and the one most important to the South yet remained to be disposed of. He confessed he had heard with no little surprise the motion of the Senator from Delaware. Was there no way by which this country was to be relieved from this agitating subject of Abolition; and was it still to be kept up without making one effort to put an end to it? He hoped that the Senate would see the necessity of going on with the unfinished business, and taking the question on the motion of the Senator from Pennsylvania, which all expected when they voted to receive the petition.

Mr. CLAYTON had no idea that the Ohio bill would give rise to any discussion. It had been sufficiently discussed at the last session; and, after the two concurring reports that had been made on it, he was not aware of any cause for apprehending a debate that would delay or defeat the object of the gentleman from Alabama.

Mr. MORRIS, after a few remarks, expressed his intention of submitting an amendment to the bill to establish the Ohio boundary, if it should be taken up. He did not concur with the committee in their report, nor was he satisfied with all the provisions of the bill.

Mr. LEIGH observed, that it had been urged by the Senator from Alabama that he was anxious to proceed to the consideration of the unfinished business, in order to put an end to the excitement that had grown out of the subject so long discussed there. Whenever that subject came up, there would be the proposition of the Senator from Kentucky, which was most probable would lead to a further discussion. To that proposition he intended to submit another, by way of amendment, and he wished the Senate to be full, when it was made, which was not then the case. There surely was no good reason why they should lay aside a subject which had been debated for months, and could be settled without discussion, to hasten the action on one that would most probably give rise to a debate.

Mr. BROWN remarked, that as to the Senate being full at a particular time was a very uncertain matter. It was true that some Senators were then absent, but others might leave there on their return. Indeed, he knew of some then there who would necessarily be absent in a few days. He thought the expectation of having a fuller Senate was not a sufficient reason for delaying the important question that remained to be decided.

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, MARCH 28, 1836. VOLUME 3....No. 16.

Mr. BENTON observed, that this was one of those times for the application of the rules of parliamentary proceedings. Jefferson's Manual spoke of the necessity of finishing what business was begun, before proceeding to any other, "because in this way time was not wasted in debating what business should be commenced, and business was prevented from accumulating towards the end of the session." (Mr. B. quoted the rule from the Manual relating to this practice.) If ever there was a time (observed Mr. B.) for the application of this rule, it was now. They had been discussing this subject of abolition for weeks; and frequently, when they seemed to be coming to the end of the debate, something would come up that would carry it on still further. Last evening there seemed to be a determination to put an end to the subject, and the first question was taken, which was supposed would be immediately followed by the final question. A new proposition, however, was now before them, which, with other additional branches that might come up, might protract the discussion to an indefinite period. He thought it would be best for the Senate to proceed at once to the unfinished business, and settle it as speedily as possible.

Mr. CLAYTON said, if all the business of the Senate was to have the preference over this bill, it would not be disposed of this session. He had arrived at the conclusion that there was danger in delaying this matter any longer, and he wished his hands clear of the responsibility of further delay.

Mr. WALL observed that he had no objections to taking his share of the responsibility of voting against the motion to take up the bill to settle the northern boundary line of the State of Ohio; and if any consequences were to follow he was willing to bear so much of the blame as might justly be imputed to him. He said this, not from a reckless disregard of the interests of Ohio, but from a strong sense of duty. We have (said he) been for weeks engaged in the discussion of a subject pregnant with danger, involving the peace and security of one half the States, and threatening, as they had been told in the course of the discussion, a dissolution of the Union. He asked gentlemen if there could be a question of greater importance before them? Every gentleman had had an opportunity of becoming acquainted with the whole subject, and was prepared to decide it in some way or other. Let us then (said he) put an end to this exciting subject; let us by a prompt decision carry balm to the wounded feelings of the slaveholding States, and convince them that they have no cause to apprehend danger from here. If (said he) we do not end this question at once, what is to be the consequence? He heard yesterday that this Senate was to be converted into a Nassau hall, for the discussion of the subject of abolition. Was this to be the case; or were they to carry out the understanding of yesterday, to take a decisive vote on it? He hoped that no other question would supersede this most important one; and, with a view to the coming to a speedy decision, he would move to lay the motion of the Senator from Delaware on the table.

Mr. CLAYTON called for the yeas and nays, which were ordered; and the question of laying Mr. CLAYTON's motion on the table was decided in the affirmative—yeas 22, noes 20; as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Porter, Ruggles, Shepley, Tallmadge, Walker, Wall, White, and Wright—22.

NAYS—Messrs. Clay, Clayton, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Knight, Leigh, McKean, Moore, Naudain, Prentiss, Robbins, Robinson, Southard, Swift, Tipton, and Tomlinson—20.

THE PENNSYLVANIA QUAKER MEMORIAL.

The unfinished business was then taken up, being the petition of the Society of Friends to abolish slavery in the District of Columbia; the question being on Mr. CLAYTON's motion to amend the motion of Mr. BUCHANAN, to reject the prayer of the petition.

Mr. PORTER had moved yesterday to lay the motion of the Senator from Kentucky [Mr. CLAY] on the table, in order that he might have time for reflection. While that motion was pending, on motion by the Senator from Ohio [Mr. MORRIS] the Senate adjourned, which fully embraced the object of his (Mr. P.'s) motion. He was anxious to pursue that course best calculated to accomplish the object. He had reflected last night upon the matter, and had come to the conclusion that it was better for the southern Senators to vote for the naked proposition of the Senator from Pennsylvania, [Mr. BUCHANAN.] Without additional reasons being assigned, he thought it better not to go for the proposition of the Senator from Kentucky, [Mr. CLAY.] There was such a contrariety of opinion in the Senate as to the proper mode of disposing of this exciting subject, that the proposition of the Senator from Pennsylvania [Mr. BUCHANAN] was the only one on which they could hope to get anything like a united vote; and as the subject had been discussed so long, and the minds of Senators made up, he believed the best thing they could now do was to vote for the motion of the Senator from Pennsylvania to reject the prayer of the petition.

Mr. LEIGH moved to amend the amendment of Mr. CLAY, by striking out all after the first word, and inserting the words "That, in the opinion of the Senate, Congress has not the power to abolish slavery in the District of Columbia."

Mr. CUTHBERT said he thought that the Senator from Kentucky would now perceive the danger of opening the discussion still more extensively by the motion he had made. If the gentleman said (Mr. C.) will withdraw that motion, and allow us to take the question on the proposition of the Senator from Pennsylvania, they would have an opportunity of giving a decisive vote, in which every member could unite. The gentleman from Kentucky must see that there was great difference of opinion with regard to his motion, and that it must draw with it the propositions equally calculated to bring on debate.

Mr. LEIGH observed that he had no desire to press the subject at present, much less a desire to produce agitation. He had directed every word and expression of his, from the very commencement, with the view of avoiding excitement; and it was with unspeakable pain that he felt himself constrained to offer the amendment, not so much on account of the proposition of the Senator from Kentucky, as of the argument by which it was accompanied. He was willing that the whole subject should be laid over; he wished it particularly, as it was desirable that the most deliberate consideration should be given to it. If gentlemen would persist in now pressing the subject he would persist in the amendment.

Mr. L. inquired of the Chair (it having been suggested that Mr. CLAY, by withdrawing his amendment, could defeat his substitute) if this could be done; and, being answered in the affirmative, said that he would, in that case, feel it his duty to offer his amendment as a new proposition.

Mr. CLAY said, the amendment submitted by him was offered with the best motives. He could not assent that Congress had no constitutional power to legislate on the prayer of the petition. He was ready to express his opinion on that, as he was on all subjects. The first clause of his amendment was in reference to his feelings as it went against abolition, without affirming any opinion as to the constitutionality of the measure. The next, in the absence of its constitutionality, recognized the inexpediency of it.

In the reasons assigned, the first was, that the people of the District of Columbia had not petitioned; and that (he said) did not imply, that if they had petitioned their prayer would be granted. The next reason offered (he thought) ought to have been received by the Senators from the South with a very different feeling than was evinced, which was, that the States of Maryland and Virginia would be injuriously affected by it; and if they had anticipated it, they would not have made the cession. In that he had asserted a principle of faith coeval with the cession itself.

The third reason was, the degree with which the injury would be inflicted would far exceed any practical benefits resulting to the Government. This was a substantial reason, which must exist as long as the Government.

These views would suppress abolition in the North, and, in moments when the minds of the South were calm and unagitated, would quiet their alarms; but, as they had not been received in the spirit in which he expected they would be, he was willing to withdraw his amendment.

Mr. C. had listened attentively to the arguments of the Senator from Virginia, [Mr. LEIGH,] and, if any one could have convinced him that it was unconstitutional, that gentleman could; but he had heard no argument that had changed his opinion. He contended that, as neither Virginia nor Maryland, or both combined, could abolish slavery in the District of Columbia, the power without limitation or restriction existed only in Congress. He had intended to say but little, and that little in the spirit of kindness. He had risen for the purpose of withdrawing his amendment.

Mr. LEIGH, in assigning the reasons which induced him to press his amendment, referred to the resolutions of the General Assembly of the State of Virginia, lately presented by him, expressly declaring that Congress had not the power to abolish slavery in the District of Columbia. He did not expect, when he presented these resolutions, that there would have been an occasion so soon to submit a proposition on them; but as the Senator from Kentucky took the ground, when he submitted his amendment, that Congress did possess this power, he felt that it was a fit occasion to bring the views of his Legislature distinctly before the Senate. Mr. L. entered into a lengthy argument to refute the position of Mr. CLAY, that Congress possessed under the Constitution unlimited sovereign power with regard to this District, under the clause of that instrument giving Congress exclusive legislation over it; drawing the distinction between exclusive legislation and exclusive sovereignty; and further, he contended that Congress was prohibited from the exercise of this power by the clause in the Constitution providing that private property shall not be taken for public *use*, without just compensation, showing that to abolish property was not for "public use." Mr. L. deprecated the doctrines advanced by Mr. CLAY as to the evils of slavery, denying that slavery, as it now existed, was an evil. Such sentiments as the Senator from Kentucky had avowed were calculated to impose—most grievously impose, on all those who did not understand the subject. Mr. L., after some remarks at length, said he would be willing to delay the question so as to give further time for the consideration of the subject; but if gentlemen would press it he must press his motion to call for the yeas and nays.

Mr. CUTHBERT said the Senator from Kentucky had, in the plenitude of his frankness, yielded his amendment, for the purpose of enabling the Senate to come to a final and united vote; and now, when, by universal consent, the moment was about to arrive to take that vote, another amendment was interposed. He therefore conjured the Senator from Virginia [Mr. LEIGH] to withdraw his amendment also. The vote on the motion of the Senator from Pennsylvania [Mr. BUCHANAN] would not preclude him [Mr. L.] from offering his amendment at any time after this vote was taken, if he should feel it his duty to offer it.

Mr. LEIGH replied that he was called on to act on this subject without a moment's deliberation. He had warned the Senate of the course

he should be compelled to take, if this subject was pressed. If the Senate would give him time to deliberate, he would pursue that course which then seemed to him to be the best. Mr. L. then moved to lay the subject on the table, and called for the yeas and nays, but withdrew the motion at the request of

Mr. CRITTENDEN, who anticipated with confidence that the Senate would come to some unanimous vote. He had reluctantly voted to receive this petition yesterday, with a view at all times of giving it the most decided rejection; and in doing so he would desire to conform to the desires of southern gentlemen. He hoped, however, that the Senator from Virginia [Mr. LEIGH] would find it consistent with his feelings and the interests of his constituents not to press the question of the constitutionality of this measure at this time.

Mr. BROWN was not willing, by any vote of his, to procrastinate this subject, and demanded the yeas and nays.

Mr. KING, of Alabama, felt very desirous of giving the Senator from Virginia an opportunity of giving as much time as might be necessary to enable him to determine whether an imperious duty required him to press his motion. It was not his desire to hasten him into a decision. He suggested to the Senator from Virginia, that there were resolutions among the orders of the Senate which had been proposed by his late colleague, (Mr. Tyler,) involving the very question proposed in his amendment. These resolutions must come up before the Senate, and the whole subject relating to the powers of Congress, with regard to slavery in this District, would be a fair matter for discussion. [Mr. KING here read Mr. Tyler's resolutions, affirming that Congress did not possess the power to abolish slavery in the District, and that the assumption of it would be a breach of faith towards the States of Virginia and Maryland, who ceded the ten miles square, and a violation of the rights of private property.] The Senator from Virginia (Mr. K. said) would therefore perceive that delay was not desirable, either to enable him to carry out the instructions of his Legislature, or to get the constitutional question before the Senate, as the subject must come up in the resolutions of his late colleague.

Mr. LEIGH renewed his motion to lay the subject on the table; and

The question was taken, and decided as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, King of Alabama, Knight, Leigh, McKean, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, and White—24.

NAYS—Messrs. Benton, Brown, Buchanan, Ewing of Illinois, Grundy, Hill, Hubbard, King of Georgia, Linn, Morris, Niles, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, and Wright—20.

NORTHERN BOUNDARY OF OHIO.

On motion by Mr. EWING, of Ohio, the bill to settle and establish the northern boundary of Ohio was taken up; when

Mr. MORRIS submitted the following amendment:

Strike out after the enacting clause, to the word Ohio inclusive, and insert,

"The assent of the Congress of the United States is hereby fully declared and given to the proviso contained in the sixth section of the seventh article of the constitution of Ohio, and the northern boundary of said State as therein described."

Mr. MORRIS then addressed the Senate upon the amendment as offered.

Mr. CLAYTON supported the report of the committee at some length, and opposed the amendment offered by the gentleman from Ohio, [Mr. MORRIS.]

Mr. EWING, of Ohio, thought the report of the committee everything Ohio would desire; although he thought the amendment offered by his colleague would do no harm. He also thought it would be productive of no substantial benefit.

Mr. MORRIS had offered the amendment under solemn convictions of duty, to carry out a principle in which he believed every citizen of Ohio was deeply interested, and which, he believed, would settle this difficulty as it related to the people of Ohio.

The question was then taken; and the amendment of Mr. MORRIS was rejected by the following vote:

YEAS—Messrs. Morris, Niles, and Wall—3.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Robinson, Shepley, Southard, Tipton, Tomlinson, Walker, White, and Wright—34.

The question was then taken on ordering the bill to be engrossed for a third reading, and decided in the affirmative; as follows:

YEAS—Messrs. Benton, Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Morris, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Robinson, Southard, Tallmadge, Tipton, Tomlinson, Walker, Wall, and White—37.

NAYS—Messrs. Niles, Ruggles, and Shepley—3.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 10, 1836.

Mr. HEISTER stated that his vote was incorrectly recorded, on the passage of the bill for the relief of the sufferers by the fire at New York. He voted in the negative on that question; and he moved that the Journal be corrected accordingly, which, by unanimous consent, was done.

Mr. HOWARD asked a suspension of the rule, for the purpose of enabling him to submit a resolution, setting apart a day, commencing at eleven o'clock, for the purpose of presenting resolutions, and disposing of the same, together with the resolutions on the Speaker's table.

The motion to suspend the rule was negatived.

NORTH CAROLINA CONTESTED ELECTION.

The SPEAKER, by consent, laid before the House additional testimony (received through the post office) in the case of the contested election from North Carolina; which was laid on the table, and ordered to be printed.

The House then resumed the consideration of the motion made by Mr. SPANGLER, to reconsider the vote rejecting the proposition to allow Mr. Newland leave to appear by counsel, in the prosecution of his claim to the seat in the House at present occupied by Mr. GRAHAM.

Mr. GRENNELL, who was entitled to the floor, said he had but little to say after what he had said on a preceding day. In reference to the motion to admit counsel he remarked, although the decision might interest the parties personally, yet there were higher considerations which they should secure for the House. An office was in view—a high public trust, which was to be exercised for the good of the whole people, which made it of much higher consideration than a mere personal matter. The evidence was all before the House, and the House had the ability to understand and apply the law and the Constitution in the case; and the members were sworn to decide the question truly and justly, according to the requirements of the Constitution. But, in relation to placing the parties on a footing of equality, it was said the other day, in order to show the inequality which existed, that the sitting member was a member of the bar, and that the petitioner was neither a member of the bar nor a debater, and hence it was argued that there was a disparity between the parties. It was a disparity, however, of which the House could take no cognizance; it was unknown to the Constitution. He asked if the House felt the necessity of counsel for that purpose? If so, the House should employ counsel, and the ablest counsel. If, then, the House did not need counsel, it was not needed for the petitioner; but, if equality was the object, it would be a difficult matter to settle, even if both the parties were lawyers; one might be eminent, accustomed to make arguments and discussions in courts of law, and the other might be a silent counsel, and there would be an inequality, although both belonged to the same profession. Inequality would exist, and how was it to be remedied? They could not take professions as decisive. If they were to endeavor to place gentlemen on an equality, the House would be involved in an inextricable difficulty. It seemed to him that the proposition must satisfy every one that the object was unattainable.

But did it depend upon the inequality of counsel in courts of law, that suits should be decided for the ablest and against the poorest? His views were different. On the contrary, he had often witnessed the weakest party, with nothing but the justice of their cause, opposed to the ablest counsel, and prevailing under all those apparent disadvantages. But the petitioner need not apprehend any want of counsel in the House, because he would be done ample and impartial justice. Did the facts prove that counsel was of no use? He would remark that counsel was mainly important to see that his client's case was clearly drawn up and presented to the House. And after the facts were drawn up, he would ask where was the vast importance of able counsel? The House had been told that precedents were in favor of counsel; but he must say that for the last thirty years no counsel had been admitted. Cases had occurred more than once where persons had been brought before the bar of the House for trial, and counsel was granted then; but that had been for the best of reasons. Counsel was always allowed in cases of a breach of the peace, in assaulting and beating a member of the House, or for the like offenses. The House, of necessity, had to grant counsel in such cases, because they themselves were the judges and jurors to determine the matter. To deny counsel in such cases would be taking away that liberty which belonged to an accused. In such cases, it was right. But the present was one of a far different complexion. An office of honor, dignity, and responsibility was sought; and if his arguments were correct, which he took them to be, the cases were dissimilar. It seemed to him that the petitioning member had had all the advocates that could, with propriety, be accorded to him, as he had been heard before the committee by eminent counsel. Having been so heard before the committee, and that committee having reported favorably to the petitioner, what more could he ask? Was not the committee able to present to the House all the facts which the petitioner's counsel spread before them? It seemed to him that all that could reasonably be asked had been granted to the petitioner. If he supposed his rights were invaded he would be the last man to raise his voice against him.

Mr. MILLER said it was not his purpose to prolong the debate, which had already been too protracted. He was one of those who had voted against allowing the petitioner counsel, and he did so under the apprehension that counsel was not desirable. If he was not mistaken, it had been stated by a gentleman from North Carolina [Mr. CONNOR] that the petitioner himself did not desire counsel. That had influenced his vote more than anything else. He now understood that the petitioner did desire counsel, and that he did not feel himself competent to argue his own cause on that floor. That was sufficient for him; and he would not enter into an argument of the matter, because he considered, when the petitioner admitted that he was not competent to argue his cause, it would be doing him gross injustice to refuse him counsel. He hoped the House would dispose of the question then, so that they might have the morning hour for other business, which was then lying back.

Mr. PEARCE, of Rhode Island, said he was not in the House at the time the vote was taken, otherwise he should have voted in favor of the petitioner having counsel, because it had never been denied on former occasions when asked for.

As, however, there was a great difference of opinion on the subject, which would lead to a protracted discussion, he moved to lay the motion to reconsider on the table.

The CHAIR stated that the motion would lay the subject on the table.

Mr. PEARCE then withdrew his motion.

Mr. A. H. SHEPPERD said, to have a correct knowledge of the matter, it would be necessary to review the circumstances attending the proposition then under consideration. The gentleman from Kentucky made a report from the Committee of Elections, accompanied by a motion, that the subject be made the order for a certain day, and that the gentleman petitioning for the seat be permitted to appear, and be heard either by himself, or by counsel. Some

doubts arose as to the propriety of the motion; and in the mean time a report came in from the minority of the committee, and a paper from the sitting member. Some debate ensued, when the gentleman from New York [Mr. HARD] moved that the petitioner be permitted to take his seat within the bar of the House. His colleague [Mr. BYNUM] then moved an additional proposition, that upon the main question the petitioner have leave to be heard by counsel. On the next morning after this, a friend of the petitioner informed the House that the petitioner did not wish counsel; and on the next day again his colleague, [Mr. BYNUM,] after consulting with the petitioner, ascertained that he had changed his opinion. In that state of the case the vote was taken and decided against admitting counsel; and at the earliest possible moment the gentleman from Ohio [Mr. SPANGLER] came forward and moved a reconsideration. As a matter of justice and consistency to the petitioner, Mr. S. wished the broadest resolution offered which the House could adopt. He was in favor of giving him the greatest privilege; and if a legal question should arise then he would give him counsel if he wished it. He would let him have it whenever it was needed. If counsel was needed, he would give it without searching over musty records for a precedent. He had great respect for the petitioner, and he knew he was not a lawyer by profession. He sincerely hoped that the House would reconsider its vote, as he did not wish that this negative should apply for the first time to an individual from his own State.

Mr. VANDERPOEL said, he was one of those who, a few days ago, voted to allow the petitioner the privilege of appearing by counsel; and with all due respect for a majority of the House, which negatived his request, he must be permitted to say that he was surprised at the result on that occasion. Some very queer arguments had been urged in the progress of this discussion; and if he had not the utmost confidence in the modesty, as well as the patriotism of honorable gentlemen, he would almost be induced to suspect that they were the offspring of self-sufficiency. The substance of the arguments against granting the application of the petitioner was, "We are wise enough of ourselves; we want no instruction from any extrinsic quarter upon any questions, however important, that may come before us; we will depart from precedents established and adhered to by our predecessors ever since the foundation of the Government, because we are wiser than they were, and will deny to the petitioner a privilege which, when requested, has always been granted to every petitioner for a seat here." For, be it distinctly remembered, sir, that there is not a case on record where this privilege, to appear by counsel, has been denied. If, within the last twenty or thirty years, petitioners in cases of this description have not appeared by counsel, it is only because they have not asked the privilege of doing so. The contending parties have either, in most instances, both been lawyers, or the points involved have been few and simple, so that neither party deemed it an object to ask for the privilege of appearing by counsel.

What are the principal objections which are urged against the application of the petitioner in this case? It is said lawyers will make long speeches, and we cannot spare time enough to hear these speeches. In his (Mr. V.'s) humble opinion, we shall not be relieved from long speeches, whether we admit lawyers or not. The *talking disease* rages so violently here as to preclude the hope that we shall gain the great desideratum of *less talk* from the exclusion of lawyers in this case; nor need honorable gentlemen apprehend that counsel, if admitted, will preoccupy the whole ground, and thus leave us nothing to talk about. Who ever knew a subject exhausted here? After forty speeches, *pro* and *con.*, topics plenty as blackberries still spring up before the imaginations of honorable gentlemen, and enable us but too often to prove that we were never converted to the maxim, that "brevity is the soul of wit."

If we admit counsel, we might be pretty sure that the controlling points in the case would be presented to us by them. Courtesy and a sense of responsibility would induce honorable gentlemen to listen to counsel; and if the attainment of truth was our object, it would be far more profitable to listen to a methodical, well-digested argument of counsel, learned and respectable, as counsel always were who appeared at the bar of this House, than to crude and desultory lucubrations from other quarters, however *honorable*. What pledge had we that the points involved in this case were so simple and easy to be disposed of? The honorable chairman of the Committee of Elections [Mr. CLAIBORNE] a few days ago had admonished him, (Mr. V.,) most eloquently, not to come to a precipitate conclusion upon the merits of this case; and warned the House, that the questions presented by the two reports were complicated and multifarious; and if judges learned in the law deemed it no disparagement to their understanding to hear counsel in all matters upon which they were called to adjudicate, he could see no good reason in favor of our wrapping ourselves in our robes of self-sufficiency, and saying, in a case of such interest, not only to the petitioner, but to the electors of the district where the contending gentlemen reside, "We are too wise to be illuminated by counsel." There was no doubt that the vote a few days ago resulted from the belief that the petitioner did not want counsel. He now tells you, through gentlemen on this floor, that he is desirous to have the aid of counsel, and it would be as unreasonable as it was unprecedented to refuse to gratify him.

The honorable gentleman from Massachusetts [Mr. GRENNELL] had stated an objection to the allowance of counsel, which, to his mind, was wholly unsound. He says that counsel here would be peculiarly privileged, and would not be subject to the rules of order. This certainly could not be so. If we made an order to admit counsel, it was implied that such counsel should be subject to the rules of order prescribed for the members of the House. He addresses the Speaker or chairman of the Committee of the Whole House, and is, for the time being, as much subject to the rules of order as any member here. Counsel have been admitted in parliamentary bodies from time immemorial, and we could not learn that they had ever claimed to be exempt from rules of order, or that they had ever discovered a refractory spirit, unbecoming a member of a legislative assembly. He felt the House called upon, both by principle and precedent, to grant the reasonable request of the petitioner.

Mr. ANTHONY said he was present, and had voted that the petitioner should not be permitted counsel; first, that he did not desire it; and secondly, that he did not need it. He viewed the case in a different light from some other gentlemen. If the gentleman was brought there on a charge of breach of the peace, it would then be proper that he should be heard by counsel. But the present was a different case. They stood in the relation of counsel to the petitioner, and they had taken an oath to that effect. They were also counsel for the sitting member. He was *prima facie* entitled to his seat, and had taken it. They would give the other gentleman the same privilege on that question, because a certain portion of the people had sent him there to claim his seat. It was the people they were to decide for, because the petitioner was the agent and representative of those people. It was not a personal matter they had to settle, but a matter of interest to the people of the district the petitioner represented. Gentlemen might as well argue that counsel should be employed in every case coming before Congress as in the present. Some gentlemen might say they did not understand the laws and the Constitution in relation to that case. That question was brought up every day, and therefore they ought to have an expounder of the Constitution to tell them what were the law and the Constitution. Two thirds of the speakers in the House were not listened to at all, and, if they did have counsel, he asked if he would be listened to? Mr. A. said he was counsel, and so was every gentleman counsel, in that case, and they would decide, not only for the petitioner, but for the people of his district. The petitioner did not ask anything for himself, but as the Representative of the people. There were many persons who came there in the same way, and might on the same grounds ask for counsel. They might say that there was no one to take care of their interests; and why not carry out the principle, and allow every one who had claims on the Government to be heard by counsel? It was paying a poor compliment to gentlemen to say that they cannot understand a question of law in North Carolina, without having feed counsel to give them information and advice. He protested against it. He believed the petitioner would not be deprived of what counsel was necessary from gentlemen who were not only schooled in the laws of the United States, but also schooled in the laws of North Carolina. But the principal reason why he protested against it was, that they would have a long-winded argument to consume the time of the House, when they were sworn to decide the case from their own information. He thought they might as well allow a gentleman to say, when a matter came before the House in which his constituents were interested, that he was not able to argue the question, and must be permitted to have counsel. He considered it the right and the duty of the House to settle the matter; and, if they allowed the petitioner counsel, they might as well allow any other gentleman on that floor to ask for counsel to argue the cause of his constituents.

Mr. BOULDIN rose to address the House, but—

The CHAIR announced the arrival of the hour for proceeding to the special order of the day.

Mr. DUNLAP rose and said that, by the special orders of the House, no measure could now be brought before the House but by a vote of two thirds. He had heretofore voted against making the special orders of the House, because it was placing a bill in which his immediate constituents were interested in a situation that a majority of the House could not act upon it, but it would require of him to get a vote of two thirds of the House, which he did not believe he could do but by courtesy. He had risen this morning to ask of the House the favor to suspend the rule and special orders, to enable him to make a motion that the House resolve itself into a Committee of the Whole on bill No. 68—the Tennessee land bill. The bill was one in which his State and immediate constituents were interested; and not one hour of the time of this House had been occupied in the consideration of this subject since 1829. The House surely would now extend the favor to him of taking up this bill: a small portion of the time of this House was due to Tennessee. It not being in order to discuss this motion, he thanked the House for their indulgence in permitting him to make this short statement. He therefore moved that the rule be suspended, to enable him to make his motion.

Mr. WILLIAMS, of North Carolina, expressed a hope that the rule would not be suspended.

The motion was then negatived without a count.

SEMINOLE HOSTILITIES.

Mr. JOHNSON, of Kentucky, asked the consent to go into Committee of the Whole on the state of the Union, for the purpose of considering certain amendments of the Senate to a bill from the House entitled an "Act for the payment of volunteers and militia corps in the service of the United States."

Mr. J. briefly explained that the amendments in question provided for the appointment of three additional paymasters of the Army, a measure proposed in a bill already reported from the Military Committee of the House.

Mr. CAMBRELENG asked the gentleman from Kentucky to withdraw the motion for the present, as he wished to make a report from the Committee of Ways and Means connected with the same subject.

Mr. JOHNSON assented; and Mr. C. asked the consent of the House to make the report indicated by him.

Mr. BOON wished to amend the motion, so as to enable the standing committees of the House to report generally.

The CHAIR said it was not then in order to make that motion.

Mr. CAMBRELENG then asked the consent

of the House, briefly explaining that the report was an additional appropriation of $500,000 for repressing the hostilities of the Indians in Florida, which was imperiously required, from the fact that the funds already appropriated were exhausted, and drafts were constantly coming in which could not be paid.

Mr. BOND objected.

Mr. CAMBRELENG then moved to suspend the rule; which was agreed to without a count; and

Mr. C. then, from the Committee of Ways and Means, reported a bill making a further appropriation for the repression of Indian hostilities in Florida; which was read twice and committed.

PAYMENT OF VOLUNTEERS.

Mr. JOHNSON, of Kentucky, then moved that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of considering the amendments from the Senate to the bill providing for the payment of volunteers and militia corps in the service of the United States, &c., and also the bill just reported.

Objection being made,

Mr. CAMBRELENG moved a suspension of the rule; which was agreed to; and the motion of Mr. JOHNSON being also concurred in,

The House accordingly went into committee, Mr. MASON, of Virginia, in the chair, on the foregoing bills.

The amendments of the Senate to the bill from the House to provide for the payment of volunteers and militia received into the service of the United States, were first considered.

After a brief explanation by Mr. JOHNSON, the amendments were concurred in, with the exception of that which provided for the appoinment of three additional paymasters of the army.

Upon adopting the latter amendment, Mr. UNDERWOOD called for a count.

Mr. JOHNSON urged the necessity of adopting the amendment, as it was required by the public service.

Mr. DUNLAP inquired whether there was not a bill before the House providing for the appointment of three additional paymasters? He believed that such was the fact, and he thought the House ought to non-concur in the amendment, as its retention might induce some members to oppose a bill which was required by the necessities of the country, and which should be immediately acted on. If there was a necessity, which he did not admit, for an additional number of paymasters, let that proposition be considered separately, and decided upon its own merits. He hoped the House would disagree to this amendment of the Senate.

Mr. CAMBRELENG hoped the gentleman from Kentucky [Mr. JOHNSON] would not press this amendment. He concurred entirely in the remarks of the gentleman from Tennessee, [Mr. DUNLAP,] that, as this proposition had been reported to the House by the Military Committee in a distinct form, it should not have been attached to the present bill, which should be immediately passed. He was therefore opposed to the amendment.

Mr. WARD said the House was already in possession of all the facts necessary to arrive at a decision on the amendment. He referred to the circumstance that the present number of paymasters had been found insufficient to pay off the troops promptly, and that frequent delays on that account had taken place, and the officers and troops had gone without their pay for months together. In case of the sickness or death of a paymaster, the duties required of him could not be discharged by any other person, and a vacancy could only be filled by the President with the consent of the Senate. He was satisfied that the amendment was not only proper, but absolutely necessary, and he therefore hoped it would be concurred in.

Mr. JOHNSON, of Kentucky, could see no reason for disagreeing to this amendment. He adverted to the fact that the subject of the present amendment had been urged by the Department at a former session as absolutely necessary, and that it had been favorably considered by the Committee on Military Affairs. It had, however, fallen among the unfinished business, and having, by chance of good luck, come up in the shape of an amendment by the Senate to a bill from the House, he could see no reason for setting it aside. The amendment was a literal copy of the bill reported in the House at the last and the present session. He was no more interested in the proposition than other gentlemen. He hoped the report of the Military Committee in relation to it would be read, and if a majority of the committee should be in favor of non-concurring in the amendment, he would cheerfully acquiesce.

The report having been read,

Mr. WILLIAMS, of North Carolina, remarked that he had originally two objections to this amendment, the first of which was removed in some degree, if not entirely, by the reading of the report; the second, however, remained, and that was the mingling of different subjects in the same bill. He thought the amendment should be considered in a separate bill, and he hoped it would not be concurred in by the committee.

The question was then taken on the amendment, and there appeared—yeas 50, noes 61; no quorum voting.

Mr. ADAMS moved that the committee rise and report that fact to the House; which was negatived.

Tellers were then appointed; and the amendment was concurred in—ayes 72, noes 59.

Mr. JOHNSON, of Tennessee, said it appeared that this Florida war was to be made a pretext for the appointment of three additional permanent paymasters.

Mr. JOHNSON, of Kentucky, rose to explain. It was not on account of the war in Florida that this amendment had been made. For the last two years the Paymaster General had urged upon Congress the absolute necessity for an increase in the number of paymasters. The Florida war was an additional reason for urging the speedy action of the House on the subject. It had not, he repeated, originated the proposition.

Mr. JOHNSON, of Tennessee, resumed. He thought fourteen paymasters (the present number) amply sufficient to pay an army of six or seven thousand troops. If it should be determined to increase the number, they would have an army of paymasters after a while. As the Seminole war would enhance the duties of those officers for a limited time, he would move to amend the amendment by providing that the three additional paymasters should hold their offices for one year, and no longer.

Mr. JOHNSON, of Kentucky, was opposed to the amendment last proposed, and urged at some length the propriety and necessity of increasing permanently the number of paymasters of the Army. The Paymaster General, a distinguished and honorable officer, had informed them that he could not, with the present force, pay off the troops promptly and punctually. He had called for this increase, and he (Mr. J.) felt bound to take the word of the Paymaster General, that it was required by the public service. He trusted, therefore, that the amendment of the gentleman from Tennessee [Mr. JOHNSON] would not prevail.

Mr. SMITH said the amendment of the gentleman from Tennessee [Mr. JOHNSON] was well worthy of consideration; for, in a bill for an appropriation of a temporary character, the Senate had appended a permanent proposition, without, at the same time, furnishing a single fact of its propriety or necessity. He therefore thought at least the limit ought to be somewhat commensurate with the occasion giving rise to it. If it was a proposition to add those three paymasters for a short period, or to a period approximating the time of the present emergency of the appropriation, objections to it, strong as they then would be, might be waived; but this was not the proper place or occasion to provide for these permanent officers. It was entailing an expense of nearly $6,000 a year upon the country—$1,934 66 being the pay for each of those officers. If he were as convinced of the necessity of these additional paymasters as the gentleman from Kentucky himself, he should vote against their being provided for in the present bill, though he might be in favor of a distinct proposition. If the House should, however, concur in the Senate's amendment, he hoped at least the provision of the gentleman from Tennessee would be adopted.

Mr. MANN, of New York, followed in reply to the gentleman from Kentucky, [Mr. JOHNSON.] He could not see the necessity of this additional force. There were already six hundred and seventy-one officers of the Army, whose pay alone amounted to $860,706, leaving alone the Army itself. He was not disposed to put such high confidence in the head of a Department as the gentleman did. There were continual calls for the increase of officers, paymasters, topographical engineers, &c. Why, if the present number of paymasters was insufficient for our little Army, what would be the consequence if circumstances should ever require the country to raise a force of a hundred thousand men? They would want one paymaster to every other man. There were now between six and seven hundred officers to five thousand men, and he was at a loss to see the necessity for more officers. He hoped the amendment of the Senate would be rejected.

Mr. WHITE, of Florida, said, so far from this being a temporary appropriation bill, it was no appropriation at all, for it merely provided permanent regulations for the payment of militia in the service of the United States, whenever they were called out; and the amendment could be as well added to this bill as to any other. With regard to the expense, he believed a larger sum of money would be disbursed without the appointment of these additional paymasters, than their salaries would amount to.

Mr. UNDERWOOD was convinced the proposed addition to the Army ought not to be made. He was not disposed, like his honorable colleague, [Mr. JOHNSON,] to take the mere assertion of any head of a bureau as his authority, unless that officer at the same time furnished all the facts and data upon which his assertion was based, and then Mr. U. would form his own judgment. There were now fourteen paymasters, and each of them had no more than eight or nine stations to attend to, which, with the great facilities for traveling, were surely not more than they could do. He was satisfied the requisition ought not to be complied with, and he hoped the amendment of the Senate would not be concurred in.

Mr. PARKER remarked that the provisions of this amendment had been before the House for the last two years; and the only reason they had never been acted on and passed was because the House, from the load of business before it, had never reached them. Mr. P. was disposed to take the evidence of an officer of the Government, whose high character and official qualifications were unquestionable, and his integrity unimpeached; and any measure recommended by such a man should have with him its due weight. Mr. P. then read some extracts from the report of the Military Committee of the last Congress, recommending the appointment of three additional paymasters, and expressed a hope that the amendment would be concurred in.

Mr. CAMBRELENG could not vote for this proposition in its present shape, even if he was in favor of the object, for he objected to the principle of adding such riders to bills, or rather bills upon bills, which had no connection with each other. The gentleman from Kentucky had told them that the proposition had no reference to the campaign in Florida, and had objected to the amendment of the gentleman from Tennessee on that very ground. Mr. C. had no more idea that a measure which, if separately taken up, would occupy a week's discussion, would have come before the House that day, than that a proposition to double the Army would have been introduced. Had he thought this measure would have been discussed he never would have consented to waive the special order on the appropriation bills, nor would the House have gone into committee with such unanimity.

Mr. DUNLAP also complained of the manner in which this proposition had been appended to an extraordinary appropriation bill, thereby compelling the House to adopt it, or jeopardize the bill. He warmly opposed the amendment.

Mr. ANTHONY thought, if a measure that was right in itself could be brought in, it mattered little in what bill it was introduced, or in what place it was found. This was a matter that could as well be passed in this present bill as anywhere else. It was well known that the duties of this

branch of the service had greatly increased, and every necessary data had been furnished by the paymaster general, whose report to the present Congress Mr. A. read.

Mr. JOHNSON, of Tennessee, opposed the amendment on the ground of the principle of introducing such a measure in a bill having no necessary connection with it, and for this reason, if his own proposition was disagreed to he should be compelled to vote against the whole bill. He could not bring himself to believe that the additional force was necessary, for he thought it did not require seventeen paymasters to pay some six or seven thousand men.

Mr. FRENCH was in favor of the amendment, on the ground of the great increase of duties, and the immense extent of territory over which the duties of the paymasters extended, and the time required—three months—to make the payments.

Mr. ADAMS should vote for the amendment of the gentleman from Tennessee, for he was satisfied that fourteen paymasters were quite enough to pay five thousand men; but, if an addition was asked for, he should like to see the reasons for the requisition. The great objection, however, to the amendment was, that it did not belong to the bill. It was an attempt to "smuggle" in a permanent law a temporary appropriation bill, and was entailing an additional charge upon the people. He strongly condemned the mode by which it was introduced, as it would be the means of compelling members who disagreed to the amendment to vote, against their wishes and intention, against the whole bill. He yet hoped, however, that in the House the amendment would not be concurred in, although a small vote in its favor had been taken in the committee. Mr. A. called the attention of the House to former precedents in tacking on new matters to appropriation bills, particularly one with reference to sending a Minister to Great Britain. In the item of a general appropriation bill providing for the salary of a Minister to that country, the Senate introduced a provision, that, if he was appointed during the recess, he should not be paid unless his nomination was ratified by the Senate, which was a direct violation of the law and the Constitution. Mr. A. entered into the history of the proceedings on this case at some length, by way of illustration to the present, which he contended, to a certain extent, was precisely on the same ground, because it gave the Senate the power to frustrate the legislation of the House.

Mr. JOHNSON, of Kentucky, contended there was no incongruity in the introduction of this proposition in the present bill, for it was necessarily identified with the military regulations of the Government.

Mr. J. supported the amendment at some length, and denied that there had been any smuggling in the case. There was General Towson's report, the report of the Committee on Military Affairs, and the bill the latter had reported, all before the House. Mr. J. passed a high eulogy on the present Paymaster General.

Mr. MANN, of New York, again opposed the amendment. The gentleman from Kentucky had himself distinctly stated that the first amendment of the Senate making the provision for the appointment of additional paymasters, was not made with reference to the present situation of affairs in Florida, and it was no argument with Mr. M. that the head of a bureau required it, whatever might be his character for honor and integrity.

Mr. LANE said a few words in reply.

The amendment of Mr. JOHNSON, of Kentucky, was then agreed to without a count.

Mr. McKAY said a few words in explanation of the amendment, which was merely to change the tenure of office to one year.

The amendment of the Senate, as amended, was then non-concurred in.

Mr. WILLIAMS, of Kentucky, then moved a reconsideration of the vote of the committee concurring in the first amendment of the Senate, providing for the appointment of three additional paymasters, which was agreed to; and the amendment of the Senate was non-concurred in.

A further amendment, providing for the appointment and pay of the clerks, was then non-concurred in; and that part of the title of the bill setting forth the provision for the additional paymasters was stricken out, and the bill was then laid aside.

On motion by Mr. CAMBRELENG, the committee took up and considered the bill making further appropriations for the repression of Indian hostilities in Florida.

The committee then rose; and the two foregoing bills were reported to the House.

The House concurred in the report of the Committee of the Whole on the last bill; and it was ordered to be engrossed and read the third time to-morrow.

The amendments of the Senate to the bill providing for the payment of volunteer and militia corps in the service of the United States, agreed to in the Committee of the Whole, were concurred in by the House; and the House also concurred with the Committee of the Whole in their disagreement to the other amendments of the Senate.

STATE GOVERNMENT IN ARKANSAS.

The SPEAKER laid before the House a message from the President of the United States, transmitting the constitution adopted by a convention held in the Territory of Arkansas, together with various documents, in relation to the formation of a State government by that Territory; which on motion by Mr. BROWN, were referred to the Committee on Territories and ordered to be printed.

REGISTERED SEAMEN.

The SPEAKER also laid before the House a report from the Secretary of State, in relation to the number of seamen entered at the several ports in the United States, &c.; which was laid on the table, and ordered to be printed.

Mr. JENIFER asked the consent of the House to offer a resolution directing an inquiry into the expediency of changing a post route in Maryland. Mr. J. explained that he was compelled to offer the resolution at this time, in consequence of the uncourteous manner in which his applications had been treated by the Post Office Department; and he read a letter from Mr. Hobbie, the Assistant Postmaster General, on the subject.

Objection being made, Mr. J. moved to suspend the rules.

Pending this motion,

Mr. WILLIAMS, of North Carolina, moved an adjournment, which was carried; and

The House adjourned at five o'clock, p. m.

IN SENATE.

FRIDAY, *March* 11, 1836.

The CHAIR communicated a report from the Treasury Department, showing, in compliance with the resolution of the Senate of the 7th instant, the total amount expended on the construction and repairs of the Cumberland road; and on motion by Mr. CLAY, it was ordered to be printed.

Mr. BUCHANAN presented the petition of the administrators of Brigadier General John P. de Haas; which was referred to the Committee on Revolutionary Claims.

Mr. GOLDSBOROUGH presented the petition of John Keitt; which was referred to the Committee on Claims.

Mr. TOMLINSON presented the petition of Abel Turney, praying for arrears of pension; which was referred to the Committee on Pensions.

Mr. WRIGHT presented the petition of sundry merchants of the city of New York, praying for a repeal of the duty on brown linens; which was referred to the Committee on Manufactures.

Mr. TIPTON presented the documents of John Smith, the petition of William T. Lewis and Hiram H. Lewis, and the petition of Joseph Lefranbois, third head chief of the Pottawatomie Indians; all of which were referred to the appropriate committee.

REPORTS FROM COMMITTEES.

Mr. KNIGHT, from the Committee on Manufactures, to which was referred the bill allowing a drawback on foreign hemp, manufactured into cordage when exported, reported the same without amendment.

Mr. KING, of Georgia, from the Committee on Revolutionary Claims, to which had been referred the petition of the heirs of Colonel John Stone, of Maryland, reported unfavorably on the same.

Mr. PORTER, from the Committee on Foreign Relations, to which had been referred the petition of Margaret Meade, widow and executrix of Richard W. Meade, deceased, reported a bill for her relief; which was read and ordered to a second reading, and the report was ordered to be printed.

NOTICE OF A BILL.

Mr. KING, of Georgia, gave notice that he would to-morrow ask leave to introduce a bill authorizing a railroad in Florida.

RESOLUTIONS.

Mr. LINN submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of surrendering to the State of Missouri that portion of the public lands lying in the counties of Cape Girardeau, Scott, New Madrid, Stoddard, and Wayne, which has been reported by the deputy surveyors to the surveyor general as not worth the expense of survey, on condition that all money arising from the sale of such lands be expended under the direction of the Legislature of Missouri, for the purpose of draining the swamps, preventing its inundation, and removing obstructions to the navigation of such water-courses as take their way through said lands.

Mr. MORRIS submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Public Lands inquire into the expediency of ceding to the State of Ohio the residue of the public lands in that State which have been offered for sale for the term of fourteen years; and also of ceding the residue of said lands which have been offered for sale for a less term of time, or of permitting the State to become the purchaser of the last-mentioned lands, at the price of one dollar per acre, on a credit of fourteen years, except in case of foreign war; in which case the same shall be paid for by the State at such time as the Congress of the United States shall require; and that the same principle be extended to each of the new States in which the public lands of the United States are situated, by extending the sales to, or reserving for future sale, the same quantity of land as has been sold in the State of Ohio, in proportion to the whole quantity of land in each of said States.

Mr. ROBBINS submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of making and passing an act explanatory of the act entitled "An act for the relief of certain surviving officers and soldiers of the Revolution," approved the 7th day of June, 1832, whereby persons in the naval service of the United States on board privateers commissioned by the United States in the revolutionary war, be included in the provisions of said pension act, in like manner as persons engaged in said naval service on board vessels of war commissioned by the United States, and to report thereon.

SUFFERERS BY THE NEW YORK FIRE.

On motion by Mr. WRIGHT, the Senate took up the bill for the relief of the sufferers by the late fire in New York, the question being on concurring in the amendments made by the House of Representatives; and the said amendments having been considered, were concurred in.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill making appropriations for deepening the bar and constructing a dry-dock at Pensacola;

The bill making appropriations for the completion of certain internal improvements in the Territory of Florida;

The joint resolution providing for the settlement of the claims of John S. Stiles;

The bill for the relief of John Laforet;

The bill to authorize the selection of certain lands in lieu of those disposed of by the United States on the Miami, and which were previously granted to the State of Ohio;

The bill making an appropriation for the completion of the sale of the United States to the site of a light-house on Roanoke marshes, North Carolina; and

The bill to settle and establish the northern boundary line of the State of Ohio.

LAND CLAIMS IN MISSOURI.

Mr. KING, of Alabama, presented the memorial of several individuals residing in Arkansas, remonstrating against the confirmation of the report of the commissioners appointed to settle and confirm claims to lands in Missouri, on the ground that they are entitled to lands confirmed to others by said report.

Mr. KING moved for the printing of the memorial, and its reference to the Committee on Private Land Claims.

Mr. LINN expressed his surprise at the presentation of the memorial to the Senate after such a lapse of time, and after the report of the commissioners, which was about to be acted on by Congress. The bill to confirm this report was in such a situation on the general orders, that it would have been reached before this but for the protracted discussions which had occupied the Senate on important matters; and he intended to have moved to take it up to-day, but would be prevented from doing so by the understanding that a final action was to be had on the abolition memorial, which would most probably consume the remainder of the day. He could not give his assent that this memorial should interfere with the passage of a bill so important to those he represented; indeed it ought not to have been presented to the Senate at all. It was the duty of these memorialists to have presented their claims, with the evidence in support of them, to the board of commissioners while in session, who would have given every attention to the subject that it merited. Their failure to pursue this plain and obvious course was certainly a good and sufficient reason why the Senate should not listen to their prayer.

Mr. KING, of Alabama, replied, that he owed it to himself to say, that he had no idea that there was any fault belonging to this memorial, or any reason why it should not be presented. It had been handed to him by the memorialists, who were residents of Arkansas, and consequently had no representative on that floor, with a request that he would present it. Had they been citizens of a State, he should certainly have sent them to their representative; but, inasmuch as they had no representative in that body, he felt it his duty to comply with their request. They represented to him that they had offered to submit their claims, with the evidence, to the board of commissioners while in session, but were informed that that was not the proper time to receive them, and that, when the time arrived, they would have due notice of it. This notice, perhaps in consequence of the distance at which they lived from the place of sitting of the board, they never received. At all events, the commissioners adjourned without acting on their claims.

Mr. LINN said he had no intention of imputing blame to the Senators from Alabama for presenting the memorial; but he would observe that the memorialists had stated what was not the fact. He himself was a member of the board of commissioners, and he knew that the memorialists made no application to be permitted to present testimony to rebut that before the commissioners, but wanted to have an argument by counsel. He had informed them that the commissioners would cheerfully receive all the testimony they might offer, together with a written argument, and give to them the most deliberate consideration; but that they would not waste time in listening for weeks to the arguments of counsel about a matter they wanted to close at once.

The petition was then referred, and ordered to be printed.

CUMBERLAND ROAD.

On motion by Mr. HENDRICKS, the Senate proceeded to the consideration, as in Committee of the Whole, of the bill making appropriations for the repairs and continuation of the Cumberland road, in the States of Ohio, Indiana, Illinois, and Missouri; the question being on Mr. CRITTENDEN's motion to strike out those words in the bill declaring that the appropriation is made out of the two per cent. fund reserved for making roads in the above States.

Mr. CLAY suggested to Mr. CRITTENDEN to withdraw his amendment, which was done; when Mr. C. offered an amendment making the appropriation for Indiana $250,000, and reducing the appropriation for Illinois to $150,000, so that the sum appropriated in the whole bill would be $600,000.

Mr. C. adverted to the amount of appropriations made in several preceding years, and stated that the largest amount appropriated to this road in any one year was $450,000, and the appropriation about to be made now was $150,000 more than that sum.

These amendments having been agreed to as in Committee of the Whole, the bill was reported to the Senate; and the question recurred on concurring with the amendments as agreed to in Committee of the Whole.

Mr. BENTON observed that the State of Missouri was as deeply interested in the bill as the States of Ohio and Indiana. His State (he said) was much dissatisfied with the slow progress made in carrying this road to the Mississippi. He was much surprised at the manner in which gentlemen had agreed to the reduction of these appropriations. He meant to record his vote in opposition to the retardation of the road towards the Mississippi; and on that question he called for the yeas and nays.

The yeas and nays were accordingly ordered.

Mr. PORTER said, there was also considerable dissatisfaction among his constituents; but it was caused by very different views from those entertained by the constituents of the Senator from Missouri, [Mr. BENTON.] They were in Louisiana against taking the public funds for this road, unless an appropriation was made in which all the States could participate. They of the Southwest were called upon to vote for an appropriation of $600,000 for a road in which they had an interest so weak as to be virtually no interest at all. The gentleman from Kentucky had said he would bring forward a motion to make this system of appropriation general throughout the United States. He was glad ta hear it; and hoped he would do it now, as this was as good a time as any to do it. Voting upon the two per cent. fund was a mere delusion. He hoped the Senator from Kentucky [Mr. CLAY] would oppose this bill now, unless it was made general.

Mr. CLAY said, the question now before the Senate was only a question of reduction from a large to a smaller amount, and hoped the gentleman from Louisiana [Mr. PORTER] would not vote against that. But when the question came to be taken upon the bill itself, perhaps it would be well enough if the gentleman continued of the same mind to vote against it.

Mr. PORTER said, he was not so well acquainted with the rules as the gentleman from Kentucky, [Mr. CLAY,] and had labored under a misapprehension; but, if he had not confined himself to the question before the Senate, he had many illustrious examples before him.

Mr. LINN. My friend from Louisiana [Mr. PORTER] complains of a vote given some days since against an amendment offered to this bill by an honorable member from Mississippi, [Mr. BLACK,] which had for its object the making of a great road through the States of Alabama and Mississippi. The policy, expediency, or power of Congress to make such an appropriation for such an object was not, if I remember right, called in question on that occasion. The question was, simply, will the Senate, by adopting this amendment, and others that would probably have been proposed, consent so to load the bill as ultimately to insure its defeat?—for, if the amendment offered by the Senator from Mississippi had prevailed, my duty to my constituents would have obliged me to propose another, having for its object an appropriation to make the road through the State of Missouri to its western boundary. Other mmebers doubtless would have felt themselves constrained to have pursued a similar course. It became apparent to every friend of this great national work that this course would have insured its certain defeat. Now, if the gentleman from Louisiana is anxious his constituents should enjoy a portion of the benefits of this road, all he has to do is to vote a continuance of this great highway through Missouri, Arkansas, and Louisiana, on to the Gulf of Mexico, in the course of which route it is or will be much wanted for military purposes on account of our proximity to the Mexicans, and the vast hordes of Indians thrown along our borders by the policy of the General Government.

Mr. BENTON observed that the question was now to concur in the amendments made as in Committee of the Whole. He did not concur in them. He had been laboring for years to get the annual appropriation for this road increased, that its progress might be accelerated, so as to arrive at the Mississippi within the time of those now living. Heretofore the money was not in the Treasury to be spared to a sufficient amount to accomplish the object in view; but now, that the Treasury was full, there was no earthly reason why this great and necessary work should be delayed. The people of Missouri were becoming impatient on the subject; and he and his colleague had for years been receiving petitions and memorials of citizens, and resolves of their Legislature, earnestly asking for the completion of the road. They had been endeavoring to act on them, so as to carry these views into effect; and now that they thought themselves safe, and nearly at a successful termination of their labors, they found the appropriations reduced by some arrangement of which he knew nothing. If there had been no arrangement, he mistook the signs evinced, and would take back his words.

The question was taken on concurring with the amendments offered by Mr. CLAY, and made in committee, and decided in the affirmative—yeas 29, nays 11; as follows:

YEAS—Messrs. Black, Brown, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hill, King of Alabama, King of Georgia, Knight, Leigh, McKean, Naudain, Niles, Porter, Prentiss, Robbins, Robinson, Swift, Tipton, Tomlinson, Walker, Webster, and White—29.

NAYS—Messrs. Benton, Buchanan, Cuthbert, Hubbard, Linn, Morris, Ruggles, Shepley, Tallmadge, Wall, and Wright—11.

The question on concurring in the remaining amendments made in committee was taken, and carried in the affirmative.

Mr. PORTER here submitted an amendment, in substance the same as the one withdrawn by Mr. CRITTENDEN, viz: striking out the words in the bill expressing that the appropriation was made out of the two per cent. fund, reserved for making roads in the said States.

Mr. P. said he would, at all events, try the sense of the Senate by this motion. It had been admitted on all hands, that this two per cent. fund had long ago been exhausted, and there seemed to imply an absurdity that the money was appropriated out of this fund.

Mr. KING, of Alabama, said that he had neve admitted it.

Mr. PORTER and Mr. KING made some remarks in opposition to each other in relation to the exhaustion of the two per cent. fund.

Mr. HENDRICKS contended that the two per cent. fund would go far beyond the amount expended on this road in the State of Indiana. And as the gentleman from Alabama [Mr. KING] had said the road east of Wheeling was made more for Kentucky and Tennessee than for Indiana, he could not see the object of this amendment, unless it was to make the bill less acceptable to some gentlemen on the grounds of the compact.

Mr. CLAY said, as there seemed to be some inaccuracy in the minds of the Senators on this subject, he would give a history of its origin and progress. He then went into a detailed estimate of the appropriations to the road, and the two per cent. fund, for the purpose of showing that the fund was exhausted.

Mr. EWING, of Ohio, said the gentleman from Kentucky [Mr. CLAY] had fallen into the common error of jumbling all the States immediately interested in this road together in making his application of the two per cent. fund. Mr. E. advanced some reasons to show that there should be a distinction made, and that a separate calculation should be made in reference to each State, which would show a very different result from that to which the Senator from Kentucky had arrived.

Mr. PORTER's amendment was then rejected by the following vote:

YEAS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Goldsborough, Hill, Hubbard, King of Georgia, Knight, Leigh, McKean, Naudain, Porter, Prentiss, Preston, Robbins, Swift, and Webster—21.

NAYS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, King of Alabama, Linn, Morris, Nicholas, Niles, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Tomlinson, Walker, Wall, White, and Wright—22.

The question was then taken on ordering the bill to be engrossed for a third reading; and

decided in the affirmative—yeas 27, nays 16; as follows:

YEAS—Messrs. Benton, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, King of Alabama, Knight, Linn, McKean, Morris, Nicholas, Niles, Robbins, Robinson, Tallmadge, Tipton, Tomlinson, Wall, Webster, and Wright—27.

NAYS—Messrs. Black, Brown, Calhoun, Hill, Hubbard, King of Georgia, Leigh, Naudain, Porter, Prentiss, Preston, Ruggles, Shepley, Swift, Walker, and White—16.

PENNSYLVANIA QUAKER MEMORIAL.

On motion by Mr. LEIGH, the Senate proceeded to the consideration of the memorial of the Society of Friends to abolish slavery in the District of Columbia. The question being on Mr. LEIGH's amendment to the motion of Mr. BUCHANAN to reject the prayer of the memorial, declaring that, in the opinion of the Senate, Congress has no power to abolish slavery in the District of Columbia; when

Mr. LEIGH withdrew his amendment; and

The question recurring on Mr. BUCHANAN's motion,

Mr. McKEAN moved to amend the motion by striking out the words, "that the prayer of the petition be rejected," and inserting the words, "that it is inexpedient to legislate on the subject of slavery in the District of Columbia."

This motion was rejected by the following vote:

YEAS—Messrs. Hendricks and McKean—2.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Clay, Crittenden, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Knight, Leigh, Linn, Nicholas, Niles, Porter, Prentiss, Preston, Robbins, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tipton, Tomlinson, Walker, Wall, Webster, White, and Wright—37.

Mr. McKEAN submitted another amendment, so as to make Mr. BUCHANAN's motion read as follows:

Resolved, That it is inexpedient to legislate on the subject of slavery in the District of Columbia, and that the prayer of the petition be rejected.

This amendment was also rejected by yeas and nays, as follows:

YEAS—Messrs. Ewing of Ohio, Hendricks, and McKean—3.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Clay, Crittenden, Cuthbert, Davis, Ewing of Illinois, Goldsborough, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Knight, Leigh, Linn, Nicholas, Niles, Porter, Prentiss, Preston, Robbins, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tipton, Tomlinson, Walker, Wall, Webster, White, and Wright—36.

Mr. McK. could not say that he was in the least disappointed at the result of the vote just taken. He had offered his amendments, so that his vote on the motion of his colleague should not be so construed as to place him in the attitude of seeming to be opposed to slavery in the abstract, or as manifesting an opinion that Congress had no constitutional power to legislate upon the subject in this District. He had not assigned the reasons for his amendment in detail, because it might produce excitement. After all he had heard, he was of the same opinion he had been at first, that it was inexpedient at this time to legislate on the subject. He had satisfied his wishes for the present by having his vote recorded on the Journals. He was now prepared to vote for the motion made by his colleague.

Mr. CALHOUN rose, to give the reasons which induced him to avoid voting on the last two questions. The Senate, in deciding that this petition should be received, established the principle that they were bound to receive petitions on the subject, no matter what their language might be, on all occasions. This was a principle to which he could not give his consent. It gave a fatal stab at our liberties, and neutralized the effect of all the balm that had been attempted to be poured on the wounded feelings of the South. What they had done on that occasion was pregnant with disastrous consequences; and he foresaw that they of the South were fated to come there for years, and have their feelings outraged by the abusive epithets heaped on them by these petitions; to be humbled and debased by their constant repetition, until they almost felt themselves to be what they were called. Feeling as he did, he would not by any act of his, give the slightest countenance to the assumption that that body could entertain jurisdiction over the subject of slavery in the District of Columbia. Taking the two votes together, the one to receive the petition, and the other to reject its prayer, it would be the most disastrous blow that the South could receive. The one demolished the out-works of its defenses, and the other is to lull the South into a false security. He did not believe that, so far as the North was concerned, these votes would have the slightest effect in putting a stop to the abolition petitions. They had, by this vote, given a dangerous blow to the South, which in after times would be quoted as a precedent. It had had the effect of dividing the South. We of the South are unanimous in the opinion that Congress has no jurisdiction over the subject; but a majority of the Senate believed that Congress possessed that power, and the vote just taken sustained them. The question, then, for the Abolitionists would only be as to numbers. All they had to do was to get sufficient numbers to control the electors, and place abolition members there, to carry out their designs. They saw the advantage of their position, and would be sure to maintain it; and they would endeavor to turn out these members here who would not go for abolition, and get others in their places that would. Any one who understood human nature, could not be deceived as to the effect this vote would have in promoting their plans. They saw their way; the doors of the Hall were thrown open to them; and they knew that a majority of that body was of the opinion that Congress possessed the power to abolish slavery in the District of Columbia. Will I vote (said he) against the motion of the Senator from Pennsylvania to reject the prayer of the petition? It is unnecessary for me to say, no. He would not put himself in a false position, and therefore he was reduced to the painful alternative of refusing to vote at all.

Mr. KNIGHT said that the vote he should give on this question might be different from that of many of his friends, and probably variant from the expectations of some of his constituents. He would, therefore, state one reason, and one only, that governed him in the vote he should give. The petitioners prayed for two things; one the abolition of slavery, and the other a suppression of the slave trade in the District of Columbia. Now, believing as he did, that there was a slave trade carried on in this District which he believed improper, unjust, and inhuman, and which, if examined and brought to light, would not be justified by any Senator on that floor, he could not vote to reject the petition. He would have preferred the reference to a committee, and to have this slave trade inquired into, with a report of the facts to the Senate; but as no Senator had moved the reference, he would not at that stage of the business make the motion. He would content himself with voting against the motion to reject the prayer of the petition.

Mr. PRESTON felt bound in his judgment to adopt that species of action which was the next strongest to the motion made by his colleague. He had had the misfortune to differ from many gentlemen from the South as to the proper course to be taken. But a majority had decided to receive the petition. He had thought the matter over, whether he should retain his seat in this body if it had claimed jurisdiction in this matter? As long as he did retain his seat he felt it his duty to oppose these petitions. He would take his seat, and vote on all questions relating to this matter as usual.

Mr. BENTON observed that, as the Senator from Rhode Island [Mr. KNIGHT] had mentioned the slave trade in the District of Columbia, he wished to show him one of the effects of the interference with the subject of slavery by those who had no right to meddle with it. He had had upon his memorandum book for several years a memorandum for bringing in a bill to prohibit the traffic in slaves in this District, and he had not moved it because of the agitation on the subject of abolition kept up by these petitions to Congress. He had not yet brought forward this measure, nor would he do it, while the agitation was kept up.

Mr. DAVIS had been a patient and somewhat attentive listener to this debate. It was not his intention to engage in it. As the question to receive this petition was decided, he would say a few words in explanation of the vote he was about to give.

Since the question had come into this Hall, it had acquired a consequence it did not deserve He saw nothing in the petition that called for the excitement he had witnessed. Here was a few humble citizens asking to abolish slavery—and where? He would have supposed from the arguments that it was a proposition to abolish slavery throughout the United States. The vote taken showed the sense of the Senate, and the petition was now in the custody of the Senate. They had substantially decided that it contained matter proper for their consideration. The gentleman from Pennsylvania, [Mr. BUCHANAN,] on presenting the petition, had given notice of what his intention was; which was, after its being received, to deny the expediency of all the measures in it. He had looked with anxiety to the subject to accord to him his opinion; but although he had always thought the agitation of this question was calculated to disturb the peace and harmony of the country, yet he had not been able to reach the conclusion he (Mr. B.) had. He (Mr. D.) thought this petition ought to pass through the usual business channel to accomplish the object the gentleman from Pennsylvania had in view. With the present information before the people, a vast majority would entertain opposite opinions to the gentleman from South Carolina, [Mr. CALHOUN,] as to the constitutional power of Congress. He (Mr. D.) had seen petitions on this subject presented from time to time, and never before heard the constitutional power brought in question. Although (said Mr. D.) we do not by this vote say that we have a constitutional power, yet it is generally understood as making a distinction between the District of Columbia and the slaveholding States. He had heard it repeated on this floor, that we would treat this matter with the contempt it deserves. He did not suppose this epithet was used in its literal sense, but as a deliberate opinion. Why have organized committees, as the regular channels through which business was prepared for the action of the Senate? Why have rules that require bills to be read the first time on one day, and the second time on the next day, &c.? The answer was obvious: because this body was what it purported to be, a deliberative body, and was not designed to act precipitately and in haste, or with excited feelings. To give power and efficiency to this matter they ought to send it to a committee, and let the report of that committee go out under the sanction of the Senate. He had voted towards this object; and, being willing to let the gentleman from Pennsylvania have a direct vote on a proposition he seemed to have so much at heart, he had refrained from offering the amendment he had intended to offer, embracing his (Mr. D.'s) views. The course pursued by the Senate was a voluntary one. No one had advocated the prayer of the petition, and did they want a stronger expression of public sentiment than was evinced by that fact?

The motion of the gentleman from Pennsylvania was seeking to obtain that which made it no stronger. Every one must vote according to the dictates of his own judgment. He believed, with the Senator from Kentucky, [Mr. CLAY,] that there was no disposition to any extent, anywhere, to interfere with this question, nor did he believe in the existence of any settled object to get hold of this ten miles square as a footing to operate against the slaveholding States. He thought they had better send the petition to a committee. He feared the vote about to be taken would not have the happy influence anticipated.

Mr. WALKER did not rise to renew the discussion, but for the sole purpose of stating the reasons which should induce him to remain in his seat, and record his vote upon the motion now before us, to reject the prayer of this petition. It was true that he had voted with the Senator from South Carolina [Mr. CALHOUN] upon the previous motion for the rejection of the petition. After much deliberation and painful solicitude, he had arrived at the conclusion that the Senate might reject the petition, without any violation of the Constitution. He had not only voted for the motion to reject the petition, but had advocated its rejection in his remarks upon this floor; and his opinion upon this question was unchanged. The Senator from South Carolina [Mr. CALHOUN]

now proposes to withdraw from his seat when the vote is taken upon the question now before the Senate, because he believes, that by receiving the petition, the Senate has taken jurisdiction of the question of slavery, and inflicted a vital stab upon the interests of the South. Did I concur with the honorable Senator from South Carolina in this opinion, I would pursue a very different course. Should the American Senate succeed in assuming jurisdiction over the question of slavery, I would remain no longer in my seat upon this floor, amid the broken columns of the Constitution, but return to my constituents to act with them, and for them, as the emergency might demand. But the Senate has taken no jurisdiction over the question of slavery. The question upon which alone the Senate has decided is the question of the right of petition. When the Senator from South Carolina calmly deliberates upon the vote by which this petition was received, can he for a moment believe that it was a vote upon the question of slavery? Upon the only question decided by the Senate, (in opposition to my vote,) the South was equally divided; very many Senators voting for the reception of the petition who had avowed their conviction that Congress had no constitutional power over this subject, and who were as much opposed to the assumption of any jurisdiction by the Senate over this question, as the Senator from South Carolina himself. The South was not only equally divided in the vote given upon the reception of the petition, but the vote was neither a sectional nor a party vote. The Senate has decided only the constitutional question of the right of petition; and now we are, for the *first* time, called upon to give the *first* vote upon the main question of the abolition of slavery in this District. Upon this question the Senate have given no vote; they have made no decision; for as well might it be contended, that the Senate, by receiving, unanimously, a petition to incorporate a bank of the United States, had asserted their constitutional power to establish such an institution. The question now presented for our determination is, shall we grant the prayer of these petitioners for the abolition of slavery in this District? And shall I join the Senator from South Carolina in leaving my seat, and refusing to vote upon this vital question? Shall I remain a silent spectator in the lobby, when this momentous question is decided, and return here after the vote is taken, when the battle for the South is lost or won? Should I retreat from that conflict, my constituents might charge me with recreancy to their interests; and, what is worse, my conscience would accuse me of a gross dereliction of duty. We are now about to vote upon the question of the abolition of slavery in this District. None but Omniscience can throw its forecasting vision into futurity and predict, with absolute certainty, how this question will be decided here. Suppose it is decided against us, and that this decision is obtained by the want of my opposing vote? What answer could I give to my constituents for deserting my post at such a period, and thus yielding to our adversaries this victory over the Constitution and the Union? Sir, I could give no answer to such a question. I shall therefore remain in my seat, and record my vote for the rejection of the prayer of these petitioners.

The final question was then taken on Mr. BUCHANAN's motion to reject the prayer of the memorial; and it was decided in the affirmative—yeas 34, nays 6; as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Clay, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Leigh, Linn, McKean, Morris, Nicholas, Niles, Porter, Preston, Robbins, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Tomlinson, Walker, Wall, White, and Wright—34.

NAYS—Messrs. Davis, Hendricks, Knight, Prentiss, Swift, and Webster—6.

Mr. WEBSTER said, he had several petitions on the subject of abolishing slavery in the District of Columbia, which he had delayed presenting until the decision of this question. He said, he should take an early opportunity of laying them before the Senate, and he would, probably, at the same time, express the views he entertained in relation to the subject.

After the consideration of executive business, The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 11, 1836.

Mr. HAWES, by consent, laid before the House certain joint resolutions of the Legislature of Kentucky, in behalf of the officers and soldiers who served for a less period than five years during the late war; and in favor of a distribution, for a limited time, of the net proceeds of the public lands among the several States.

The resolutions were, on motion by Mr H., laid on the table, and ordered to be printed.

The SPEAKER remarked, that the first business in order was the report of the Committee of Elections upon the contested election from North Carolina. At the adjournment of the House on yesterday, a gentleman from Maryland [Mr. JENIFER] had moved to suspend the rule for the purpose of enabling him to submit a resolution; and the question would be on the suspension of the rule for the purpose stated.

Mr. JENIFER called for the reading of the resolution; and the same was read as follows:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of making an alteration in the transportation of the mail between Prince Frederick and St. Leonard's, Calvert county, Maryland.

Mr. TURRILL asked for the yeas and nays on the motion to suspend the rules; which were ordered, and were—yeas 68, nays 115.

So the motion of Mr. JENIFER was negatived.

MANUFACTURE OF COTTON.

Mr. ADAMS, instructed by the Committee on Manufactures, asked the consent of the House to submit the following resolution:

Resolved, That twenty-five thousand copies of the letter of the Secretary of the Treasury relating to the cultivation and manufacture of cotton, with the tabular statements annexed thereto, be printed under the direction of the Secretary of the Treasury, for the use of the House.

Objection being made, Mr. A. moved to suspend the rule to enable him to offer his resolution; which was agreed to—ayes 104, noes 36.

The resolution was then received, and the Chair stated that, under the rule, it would lie over one day.

Mr. ADAMS adverted to the importance of the report, it being on a subject interesting to every portion of the country. As the papers were now in the hands of the printer, and if an additional number should be ordered, it should be done at once, he moved to consider the resolution at that time; which was agreed to.

Mr. WILLIAMS moved to strike out twenty-five thousand and insert ten thousand copies; which was negatived.

Mr. HOWELL called for the reading of the report of the Secretary of the Treasury and the accompanying documents; but the House negatived the call.

Mr. WILLIAMS, of North Carolina, moved to amend the resolution by striking out twenty-five thousand and inserting fifteen thousand copies; which was agreed to.

Mr. DUNLAP moved further to amend the resolution by proposing to print ten thousand copies of the report of the select committee of the last session, on the subject of the West Point Academy.

The CHAIR decided this motion out of order.

The resolution of Mr. ADAMS was then agreed to as amended.

KENTUCKY DEAF AND DUMB ASYLUM.

Mr. HARLAN asked the indulgence of the House to permit him to submit a resolution of inquiry. Some years since, (said Mr. H.,) Congress granted to the Kentucky asylum for teaching the deaf and dumb, a township of land, to be located under the direction of the Secretary of the Treasury, in either of the territories on lands to which the Indian title had been extinguished. The locations had been made in the Territory of Florida. The time allowed by the act for making sale of the lands thus granted and located, was about expiring, but from causes not necessary to be then mentioned, (but which, he doubted not, when known would be entirely satisfactory,) more than one fourth of the grant remained unsold. It was the desire of the trustees of that institution that further time be allowed for the sale of the remainder of the grant.

Objections being made to the introduction of the resolution, the rules of the House, on the motion of Mr. H., were suspended, and he submitted the following resolution:

Resolved, That the Committee on the Judiciary inquire into the expediency of granting to the incorporated Kentucky asylum for teaching the deaf and dumb, further time to make sale of the lands granted to said institution by Congress.

Objection being made, Mr. H. moved a suspension of the rule; which was carried, and the resolution was submitted.

Mr. WHITE, of Florida, objected to the adoption of the resolution; when it was agreed to.

Mr. KINNARD (by consent) presented the claims of Thomas Tyner, Harry Pierson, John Walker, Morris Pierson, and Nathaniel Teal, for compensation for work performed on the Cumberland road; which was referred to the Committee on Claims.

Mr. JARVIS rose to submit a motion. He was opposed to making fish of one and flesh of another. He voted against suspending the rules in order to enable the gentleman from Maryland [Mr. JENIFER] to submit his resolution. Since that vote, however, the House had indulged several gentlemen in similar motions. He moved, therefore, to reconsider the vote whereby the House had refused to suspend the rules on the motion of Mr. JENIFER.

The motion was received and laid over.

NORTH CAROLINA CONTESTED ELECTION.

The House then resumed the consideration of the motion made by Mr. SPANGLER, to reconsider the vote rejecting the proposition to allow Mr. Newland leave to appear by counsel in the prosecution of his claim to the seat in the House at present occupied by Mr. Graham.

Mr. BOULDIN said it had not been, nor was it then, his design to detain the House more than a very few minutes, and he would not have spoken at all had it not been to reply to some remarks which fell from the gentleman from Pennsylvania [Mr. ANTHONY] yesterday, which were that every gentleman who had voted for counsel on that occasion gave a vote to disparage the petitioner. Mr. B. had before voted for counsel, and would again vote for it, but he protested against the idea that that vote was a disparagement of the petitioner. He did not consider it a disparagement of any gentleman to want counsel. He might need counsel himself in some cases—he might need it in relation to the laws of North Carolina, because he had never been under the necessity of examining those laws, and was unprepared to make a decision in relation to them. They had a vast deal of business on hand, besides the contested election, which called for their investigation. That being the case, he thought no gentleman should be unwilling to hear the arguments of any counsel that might be introduced. A gentleman might not be able to argue a legal question, and still he might do ample justice to his constituents. He did not understand that Mr. Jefferson was a great debater, yet he did not think any gentleman would say that he was not able to represent his constituents. Again, Lord Coke says, that a man is not so wise in his own matters as in those of other persons. It had been said that they were the counsel for the petitioner, as well as the judges. He would ask gentlemen if they would go into a court of justice and trust to the judges to be their counsel altogether? Did judges prepare themselves for every case which came before them? He thought not; he thought there was no better way of proceeding in such cases, than by hearing the arguments on both sides; they would then be able to decide between them, and decide correctly. He thought that much the best and safest plan, because when gentlemen became entangled in an argument, they seldom ever gave it up, whether it was right or wrong. They were then better capable, in his opinion, to judge of the case after hearing each of the parties setting forth their own pretensions in the best possible light. He did not consider it a disparagement to say that they had not time to make an inquiry into the matter. It was, to be sure, their duty to examine every question which came before them; but there were other questions which claimed their attention of more importance to the people generally, than the one pending.

He did not know whether the petitioning gentleman did or did not want counsel, but if he did, Mr. B. would rather hear a gentleman argue the cause who had made it his particular business to study the laws of North Carolina, than any one else. He did not wish to disparage any one, and he considered it no disparagement to say, that the petitioner was not able to argue his cause on the floor. If the sitting member was to ask for counsel, he would grant it to him. But if the House would not allow the petitioner counsel, he would say this much, that he would appropriate as much of his time as he conveniently could to the consideration of his case. These contested elections were supposed to be as much political questions, as any others which came before the House, and in which party feelings were as likely to become enlisted as in any others. In such cases, when counsel was admitted, and they heard the argument on both sides, those who sat still and listened to the arguments, were much more capable of judging correctly, than those who might participate in the debate. He had no doubt but that by hearing the argument of men who had made the laws of North Carolina their particular study, gentlemen could come to a satisfactory conclusion, which could scarcely be arrived at in any other way. He was acquainted with the sitting member, but the petitioner was a stranger to him; although, if they look to party, the petitioner belonged to the party with which he generally voted. Between those two gentlemen he was prepared to judge impartially, and he should like to hear the argument of some one whose business it was to set the matter in a proper light; he would then be able to judge.

Mr. HUNTSMAN said, if he understood the question aright, it was simply whether the House would reconsider the vote whereby counsel had been rejected. That question had taken up the time of the House day after day, when it might have been encompassed in a nut-shell. He therefore moved the previous question.

Mr. PARKER inquired of the Chair what the main question would be?

The CHAIR stated the case substantially as follows: A member from New York, by the unanimous consent of the House, submitted a motion that the petitioner be heard at the bar of the House. An amendment was offered thereto, and upon this amendment a vote was taken, and it was rejected. The question now pending was a motion to reconsider the vote by which the amendment was rejected. The Chair was therefore of opinion that the previous question, if sustained, would cut off the amendment and the motion to reconsider, and bring the House to a direct vote upon the original proposition.

Mr. HUNTSMAN then withdrew his demand for the previous question, and expressed a hope that the question would be taken without further discussion.

Mr. BYNUM addressed the House at some length in reply to other gentlemen, and in support of the motion which he had submitted to allow Mr. Newland to appear by counsel. [His remarks will be given hereafter.]

Mr. HARD remarked that he would not have added one word to this debate if, in some measure, he did not feel himself responsible for the introduction of this discussion, and the interruption of the other branch of the subject, which ought, in justice to both parties, and in justice to the House, to have been decided some days ago. When he rose to make the motion he did, though he had intended to address the House in the first instance, he felt bound not to do so, from a pledge he had given to the petitioner and his friends. When the gentleman from North Carolina [Mr. BYNUM] addressed the House a few days ago, Mr. H. was so situated that he did not hear the gentleman's remarks, but on reading them, as he found them published in the journals of the next day, [the Globe,] he found that the gentleman had charged him and the minority of the committee with unkind and improper motives in bringing forward this motion. If he (Mr. H.) recollected the amount of the gentleman's remarks on that point, it was that he had introduced this resolution or motion for the purpose of forestalling the opinion of the House upon the question of authorizing or permitting the petitioner to appear there by counsel. Now, in regard to that, he would say, that such a remark was unkind, unparliamentary, and without foundation. He knew it did not become any gentleman to contend in personal conflicts on that floor, and he would therefore only say that his intentions were dictated, or, rather, the motion was dictated and made by him, at the instance of the personal and political friends of the petitioner himself.

The gentleman from North Carolina [Mr. BYNUM] had displayed a great deal of research into the precedents and practices of that House and the Senate, and also of the British Parliament. To this he begged to make but one remark; the cases adduced were not parallel cases. If the gentleman would examine the history of the parliamentary proceedings of the British House of Commons, in cases of contested elections, he would find that the whole matter, and every point connected with and involved in it, were not only referred to their committee of elections, but that their report was final and conclustve. More than this, it was their practice to take testimony *viva voce;* and thence it became a matter of justice to allow counsel to both sides. The report of the committee of the British House of Commons, as he just remarked, was final and conclusive, and the individual in whose favor they reported invariably took his seat instanter. Now, the proceedings in our House of Representatives were very different from this. In the early history of proceedings in such cases here, they were disposed, as was natural, to adopt the proceedings of the British House of Commons.

Mr. WHITTLESEY here called for the orders of the day; and

Mr. A. H. SHEPPERD moved that the rules be suspended for this day, for the purpose of proceeding with the case of the contested election from North Carolina; but the motion was not agreed to, the vote being taken twice, as announced by the Speaker—ayes 101, noes 51; and taken by tellers—ayes 104; noes 53—not two-thirds in the affirmative.

The House then proceeded to

THE ORDERS OF THE DAY.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting, in answer to a resolution of the House, a statement of the disbursements made in the erection of the bridge across the Potomac at Washington; which was referred to the Committee on Roads and Canals, and ordered to be printed.

SENATE BILLS.

The following bills and joint resolution from the Senate were read twice and committed:

A bill for the relief of the executors of James O'Hara, late of Pittsburg, deceased;

A joint resolution providing for the settlement of the claim of John S. Stiles, under a contract for navy bread;

A bill making appropriations for deepening the bar, and for the construction of a dry-dock at Pensacola;

A bill to authorize the selection of certain lands in lieu of those granted to the State of Ohio, and sold at public sale by the United States;

A bill for the completion of certain roads in the Territory of Florida;

A bill making an appropriation for the completion of the title of the United States to the site for a light-house on Roanoke inlet, North Carolina;

A bill, in addition to the act of the 24th of May, 1828, entitled an act to authorize the licensing of vessels to be employed in the mackerel fisheries; and

A bill for the relief of John La Tourette.

BILL PASSED.

The bill for the relief of Alvarez Fisk and the legal representatives of Thomas P. Eskridge, was read the third time and passed.

NATHANIEL P. TATUM.

The House proceeded to consider the motion heretofore made by Mr. UNDERWOOD, to reconsider the vote whereby the bill for the relief of Nathaniel P. Tatum was passed.

After a few remarks by Messrs. UNDERWOOD, WHITTLESEY, and MANN of New York, the motion to reconsider was negatived.

BENEDICT ALFORD.

The joint resolution for the relief of Benedict Alford, was next taken up. The question pending was a motion to amend, by adding a provision for the benefit of Robert Brush.

Mr. WARDWELL moved to commit the resolution to a Committee of the Whole.

Mr. BROWN suggested the propriety of referring the resolution to the Committee on Revolutionary Pensions.

After some remarks by Messrs. LAY, UNDERWOOD, MASON of Virginia, and WHITTLESEY, the latter moved to refer the resolution to the Committee on Revolutionary Pensions.

Mr. WARDWELL then withdrew his motion.

Some further discussion ensued, in which Messrs. JANES, LAY, VINTON, ADAMS, BOND, GARLAND of Virginia, STORER, GRENNELL, GLASCOCK, BEARDSLEY, HOLSEY, and HOAR took a part, when, without taking the question,

On motion by Mr. HANNEGAN, the House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 12, 1836.

Messrs. TURNER and JOHNSON, of Louisiana, presented certain papers and resolutions; which were referred to appropriate committees.

Mr. TURNER asked and obtained the unanimous consent of the House to submit some additional testimony in the application of Benjamin McCulloh, a soldier in the late war, asking to be placed on the pension list; which was submitted.

NORTH CAROLINA CONTESTED ELECTION.

The House resumed the consideration of the motion made by Mr. SPANGLER to reconsider the vote rejecting the proposition to allow Mr. Newland leave to appear by counsel in the prosecution of his claim to the seat in the House at present occupied by Mr. Graham.

Mr. HARD remarked that he would not have added one word to protract this debate, if he did not deem himself measurably responsible for its introduction, and the interruption thereby of the action of this House upon the question of further time; a question which, in justice to both the parties interested, ought to have been decided some days ago. At the time he made the motion, he had risen to address the House on the question of postponement, and to urge the propriety of granting further time to the sitting member to collect his defensive evidence. But as he had intimated to the petitioner that he would move his admission on the floor of this House before any further discussion should be had in relation to his petition, he had, therefore, submitted his motion at that particular time; he had done so, too, with a reasonable expectation that the motion would have been received by the unanimous vote of the House.

When the gentleman from North Carolina [Mr. BYNUM] addressed the House on this question a few days since, he (Mr. H.) was so situated that he did not listinctly hear his remarks, but on reading them as he found them published in the Globe on the next morning, he perceived that that gentleman had charged him with improper motives in bringing forward this motion.

If Mr. H. recollected the substance of those remarks, they charged him with having introduced it with a view to forestall the opinion of this House on the question of admitting counsel, and with the intention of defeating the resolution reported by the majority of the Committee of Elections. In answer to such a charge, he would barely remark, that come from what source it might, it was unkind, unparliamentary, and without a shadow of foundation. He was aware it did not become any gentleman to indulge in personal contests on this floor; he would therefore only add, so far as he had been concerned, he had entertained the kindest personal feelings towards the petitioner, and in this matter had acted in accordance with his expressed desire, and at the advice and request of his warmest and more discreet political friends. What, (said Mr. H.) was the origin of the motion which had given rise to so much debate? How did it acquire its present form? When he submitted it, if he rightly rec-

ollected its form, it simply asked that the petitioner be admitted to a seat upon this floor during the discussion of the question of further time; at all events, this was the character he intended to have given it. It was the amendment proposed by his colleague, [Mr. MANN,] whose political orthodoxy none will question, that had thrown the original motion into its present shape, by modifying it in such a manner as to permit the petitioner to be heard in his own defense on the final question. He would ask gentlemen, then, who was the author of that portion of the proposition which supersedes the resolution reported by the gentlemen composing the majority of the committee? Was he the political *enemy* or *friend* of the petitioner? Why has the gentleman from North Carolina had so much to say about asking nothing from his (the petitioner's) *enemies?* Mr. H. thought he could see, in this course, a desire to give this question a political turn, with a view to prejudice the rights of the sitting member. He [Mr. BYNUM.] had charged all those who had expressed an opinion against the expediency of admitting counsel on this floor, of entertaining feelings unfriendly to the petitioner; and in answering the remarks of the gentlemen from Massachusetts [Mr. REED, and his colleague, Mr. GRINNELL,] he protested against submitting the case to such hands, as the petitioner had nothing to expect from such a quarter. If he (Mr. H.) had kept the run of the debate, as many of the political *friends* as the *enemies* had opposed the amendment. He hoped the House would never consent to treat this as a party question; as nothing could be more destructive to the rights of the parties concerned and the freedom and safety of the elective franchise than to turn our legislation on such subjects into mere partisan squabbles. If he were to follow the dictates of his own private feelings and inclination, without consulting the permanency of long-established parliamentary usage, he should most cheerfully accord his assent to the proposed amendment. This he would do, however, as a matter of grace—not of any right which the petitioner might claim. But he considered the amendment, if it should be adopted, as doing something more than extending an individual courtesy. It would be setting a precedent, prospective in its tendency, and as durable as your records, and as permanent as that instrument which holds this body in existence. He was unwilling to lend his vote out of mere courtesy to any individual, to introduce an innovation so mischievous in its tendency.

The application to be heard by counsel at the bar of this House must, as Mr. H. conceived, be either addressed to its courtesy, or founded upon some legal or constitutional right. If they were to credit the concurring testimony of a number of the friends and colleagues of the petitioner, he did not desire counsel on the main question. It could not therefore be addressed to the courtesy of the House, as it certainly would not extend its courtesy to a case where it was not desired. But it had been said that the claim was a matter of imprescriptable right, sanctioned by precedent and universal practice. This he denied, as what had been the former practice of this body was, by the showing of the Journals, long since discontinued.

The gentleman from North Carolina [Mr. BYNUM] has discovered great research into the practices and precedents of not only this House and the Senate, but of those of the Commons of Great Britain, and from thence had adduced cases to which he had referred us as authority, binding upon this House; but he begged to remind the gentleman, if he would but examine those cases carefully, and inquire into the history of the parliamentary proceedings of both Governments in cases of contested elections, and mark the change that had been introduced into this House since the year 1804, he must be satisfied he had not furnished us with a solitary parallel case. In the House of Commons the petition of the claimant is referred in the first instance to a select committee, who are authorized to summon before them witnesses to testify, *viva voce*, of the matters relating to the petition. This committee are empowered to hear and determine the whole case, and their decision is conclusive upon both parties as to the right to the seat; before this committee counsel is always admitted, to draw out and sift the evidence. Similar to this had been the early practice of this House; and in the first case referred to by the gentleman—the case of the New Jersey member, in 1797—the petition of a number of citizens of that State, complaining of the illegality of the election, was referred to the standing committee, without any evidence accompanying it. That committee finding that the extent of territory embraced in the United States would, in some instances, render it impossible to obtain *viva voce* testimony before a committee, in order to establish some convenient rule by which in future the House might be directed in collecting this kind of evidence, asked leave of the House, by resolution, to send out a commission to the State of New Jersey to take depositions to be read before the House. This course, although warmly resisted in the House by some members, was finally adopted; and from that time until 1804, the practice had uniformly been to take the depositions of witnesses at their residence, and to commit those depositions to a Committee of the Whole House for their consideration. This was a partial change in the mode of conducting contested elections, though not such a one as wholly dispensed with the necessity or propriety of permitting the parties to appear by counsel at the bar of the House; and hence it was, that prior to 1804, the gentleman had found three cases where counsel had been applied for and granted, though there were but two cases where counsel actually appeared. But (said Mr. H.) it was worthy of remark, that in the first case cited—the New Jersey case—the jurisdiction of Congress was questioned to send out a commission to inquire into the proceedings of the State election, and the parties asked that counsel might be heard on that point, and Mr. Madison very properly remarked, that where its jurisdiction was questioned, it would be indelicate for the House to deny counsel. Counsel, however, did not appear even in this case. But since the year 1804, (Mr. H. said,) another material change has been introduced into this branch of parliamentary practice. From that time to this, it had been the practice for the parties, on regular notices served, to take all their evidence before the case was presented to the House, in which case all the papers, evidence, and other documents, were, by the rules of this House, referred to the standing Committee of Elections, whose duty it was to admit the parties to a hearing, either by themselves or by counsel, and to hear, examine, and sift the evidence, and report their proceedings to the House, accompanied by the arguments, brief, and points presented by the parties. Here it would be perceived that, by the present practice, the parties have the full benefit of counsel in that stage of the proceedings where it is most needed. From the consideration of these facts, Mr. H. contended that it was but fair to infer, that from the change of the mode of conducting contested elections resulted that change in the practice of admitting counsel at the bar of the House. But it was not necessary to rely upon deductive evidence to satisfy this House that the practice had been discontinued. He had a case in his mind which would establish it affirmatively. He alluded to the very first case which arose after this change of practice—the case of Philip B. Key, of Maryland. All the evidence in his case was sent to the standing committee, where he was permitted to be heard by counsel; and we hear no more, although twelve cases had since been reported, of counsel being heard at the bar of the House in cases of contested elections.

From these considerations he had been irresistibly brought to the conclusion, that it had been the settled intention of this House, from its earliest history, to admit counsel where the evidence was to be collected and sifted. And this rule he considered could not, as had been urged, operate oppressively to either party concerned, as they had always been permitted to furnish, by themselves or counsel, their written arguments, which were appended to and formed a part of the committee's report, for the information of every member. This privilege had been extended to the petitioner in the case before the House, of which he had availed himself; this he (Mr. H.) thought was all that any person could reasonably ask, and with this the petitioner seemed himself to be contented. He should, therefore, vote against the reconsideration of the vote by which the amendment was rejected.

Mr. MANN, of New York, said he felt called upon to say a word or two in reply to his colleague, [Mr. HARD,] who had just taken his seat. His colleague had seen proper to sustain his argument by reference to him (Mr. M.) in holding him up to the view of the House as a standard of political and party orthodoxy on all party questions. He makes the remark in reply to the argument of the honorable gentleman from North Carolina, [Mr. BYNUM,] which he had not the pleasure to hear. He had never aspired to the distinction which his colleague, he must say, so gratuitously conferred upon him; and in offering the substitute, the other day, for the motion of his colleague, he was influenced singly by a desire to aid him in his momentary embarrassment, in reducing his motion to clear and distinct terms. It was no part of his purpose to assert a principle, though he confessed he could not distinguish so satisfactorily as some gentlemen had done, between the admission of counsel in this and similar cases, and other questions of mere private right. On questions of public right they never heard counsel, except such as were here in the representative capacity. He had voted against the admission of counsel in this case the other day, because the petitioner, after authorizing an honorable member to ask leave to appear by counsel, had changed his mind and authorized another, his worthy friend, [Mr. CONNER,] to say in his place that he did not wish counsel.

On this ground, Mr. M. presumed, many gentlemen voted on that occasion. The right of counsel Mr. M. regarded in most cases as a great constitutional right not to be abridged for light or transient causes; and if the petitioner had adopted the usual course of asking seriously by petition, Mr. M. could not doubt that the House would have granted it by favor, if not as of right. The petitioner, however, had fallen into some inconsistency in respect to these preliminary matters, no doubt in consequence of his want of experience in controversies before this House, and these preliminary questions in consequence had occupied much more time than had been anticipated.

Mr. M. had regretted to see his friend from North Carolina [Mr. BYNUM] spend so much of his ammunition upon the small game of the outposts, instead of reserving it for use upon the main question presented by the committee. Mr. M. had not discovered a disposition to make this a party question in any respect, and certainly, for himself, had in no way indulged such a disposition; but, Mr. M. would say to the friends of the sitting member, that if they continued a great while longer to resist the coming to a decision, it might ere long be deemed, in this House, and in the country, a party question, even against the dispositions which now exist here. He therefore hoped that the House would come to a decision upon these preliminary questions without further delay, and set an early day for the consideration of the resolutions reported by the Committee of Elections in favor of the petitioner. Justice to him and to the State of North Carolina required this. He had leaned over the bar of this House, asking their decision every day since the meeting of Congress. As to the remark of his colleague [Mr. HARD] to prove that this was not with him a party question—that he (Mr. M.) had suggested the terms of a resolution, and that it was well understood that he (Mr. M.) was the very essence of orthodoxy on political questions—he must be permitted to say that he did not feel himself complimented, (however intended,) for it came in a shape too questionable, too "ghost-like," to be so understood. Moreover, the judgment of his colleague on questions of party orthodoxy had been so long "infected," that in his State his conclusions might not pass as hard coin; and he would consider himself obliged if his worthy friend would spare his certificates in these matters.

Mr. PEYTON was sorry to hear a threat thrown out of making this contested election a party question. He did hope this never would be the case, though he himself did not see how it was possible. He understood the gentleman

from New York [Mr. MANN] to intimate pretty plainly that, unless gentlemen took a particular direction, they could and would have this a party question. But how was that possible? Did the gentleman from New York mean to be understood as intimating that these gentlemen [Messrs. Graham and Newland] were not both of the same politics? Did the gentleman intend to be understood as charging that there had been any change in their politics since their canvass before the people? How, then, was it possible for the gentleman from New York to intimate and hold up a threat to that body that unless a certain course be taken by certain gentlemen on that floor, it would result in making this a party question? Why, he did the gentleman whose cause he advocated great injustice, for the two gentlemen before the people declared themselves to be of the same party. Mr. P. denied, then, that a party question could arise out of this case under any circumstances, and he hoped this was the last they should hear on that subject.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the motion to reconsider; which were ordered.

Mr. MANN, of New York, rose and remarked, he merely wished to say a word in reply to the gentleman from Tennessee, [Mr. PEYTON,] which was, that he (Mr. M.) considered himself *lectured*.

The question was then taken; and decided in the negative—yeas 91, nays 97; as follows:

YEAS—Messrs. Adams, Chilton Allan, Ash, Barton, Bean, Bond, Bouldin, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Carr, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Cleveland, Connor, Corwin, Craig, Crane, Cushman, Darlington, Davis, Denny, Dickerson, Farlin, French, William K. Fuller, Galbraith, Grantland, Joseph Hall, Hamer, Harper, Hawkins, Haynes, Heister, Holsey, Hopkins, Howard, Huntington, Jabez Jackson, Richard M. Johnson, Cave Johnson, Kennon, Kilgore, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Job Mann, Sampson Mason, May, McKay, McKennan, McKim, Mercer, Miller, Montgomery, Morgan, Morris, Muhlenberg, Page, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, Pinckney, Potts, Rencher, John Reynolds, Joseph Reynolds, Schenck, Augustine H. Shepperd, Shinn, Spangler, Storer, Sutherland, Taylor, John Thomson, Turner, Vanderpoel, Ward, Wardwell, Webster, Wecks, and Lewis Williams—91.

NAYS—Messrs. Heman Allen, Anthony, Bailey, Banks, Beardsley, Beaumont, Bell, Bockee, Borden, Briggs, Bunch, William B. Calhoun, Campbell, Carter, Casey, Childs, Coles, Deberry, Doubleday, Dromgoole, Dunlap, Evans, Everett, Fairfield, Forester, Fry, Philo C. Fuller, James Garland, Gillet, Glascock, Granger, Graves, Grayson, Grennell, Griffin, Haley, Hiland Hall, Hannegan, Hard, Hardin, Harlan, Samuel S. Harrison, Hawes, Hazeltine, Henderson, Howell, Hunt, Huntsman, Ingersoll, Ingham, Janes, Jenifer, Joseph Johnson, Henry Johnson, John W. Jones, Judson, Kinnard, Lane, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Logan, Love, Loyall, Lucas, Lyon, Abijah Mann, Martin, Moses Mason, Maury, McCarty, McComas, McLene, Milligan, Owens, Parker, Parks, James A. Pearce, Peyton, Phillips, Reed, Roane, Shields, Sickles, Slade, Sloane, Smith, Steele, Toucey, Towns, Underwood, White, Whittlesey, Sherrod Williams, and Wise—97.

So the House refused to reconsider their vote.

The question then recurred upon the motion made by Mr. HARD, that the petitioner have leave to appear at the bar of the House, in his own behalf, upon the subject of his petition.

The hour for proceeding to the orders of the day having arrived,

Mr. GALBRAITH moved to suspend the rules for the purpose of proceeding with the consideration of this subject, but withdrew it at the request of

Mr. WHITTLESEY, who expressed a hope that the House was prepared to take the question without further discussion.

Mr. MORGAN asked for the yeas and nays, but they were not ordered; and the motion of Mr. HARD was agreed to without a count.

Mr. MAURY then moved to suspend the rules, for the purpose of proceeding with the consideration of the other motions relating to the report of the Committee of Elections.

Mr. CAMBRELENG hoped the motion would be agreed to, so that some disposition might be made of the subject that day, for it had already precluded reports from the standing committees for about three weeks.

Mr. MERCER moved to amend the motion by striking out "the purpose therein mentioned," and inserting "that the rules be suspended for the purpose of calling for reports of committees," but subsequently withdrew the motion.

Mr. HAMER asked for the yeas and nays on Mr. MAURY's motion; which were ordered; and the question being taken, was decided in the affirmative—yeas 143, nays 54.

So the rules of the House were suspended for the purpose indicated.

The CHAIR then explained the pending questions. The first recurred upon the motion made by the gentleman from Kentucky, [Mr. BOYD,] from the Committee of Elections, viz: that the report of that committee be postponed until Wednesday, the 2d of March, and be made the special order of that day. A motion to amend was then made by a member from North Carolina, proposing a more distant day, but that motion was subsequently withdrawn. A motion was then made by a gentleman from New York, [Mr. MANN,] to amend the original motion by striking out Wednesday, the 2d of March, and inserting Tuesday, the 8th of March. There was also a motion to recommit the whole report to the Committee of Elections, with instructions, by another gentleman from New York, [Mr. HARD.] The question pending at this time before the House was the amendment of Mr. MANN, of New York, to strike out Wednesday, the 2d of March, and insert Tuesday, the 8th of March.

Mr. MANN then withdrew his motion, and remarked that he had intended, when the House had decided the other preliminary question, to move a postponement to some day not far distant, when it would be convenient for the House to take it up and act upon it. If the present was the proper time, he would now move to postpone the subject till next Wednesday week.

Mr. MAURY hoped that motion would not be sustained, as he was in favor of recommitting the report of the Committee of Elections to the said committee, with instructions to allow further time to the sitting member to take depositions. Mr. M., at some length, proceeded to argue in favor of the latter course; and gave a detailed account of the proceedings of the committee of which he was a member to show that further time ought to be afforded to the sitting member to take depositions, &c. He hoped the motion before the House would be rejected, so that a vote might be taken upon the proposition to recommit.

Mr. BOYD did not rise to make a speech, but, being of the majority of the Committee of Elections, it would be necessary for him to state some of the grounds which induced the committee to refuse the sitting member further time to take testimony. It appeared by the documents which the committee had examined, that the petitioner had given written notice to the sitting member on the second day of October last, that he would contest his election. That notice was given in compliance with the laws of North Carolina, and the very words of the law were embraced in the notice. No gentleman would doubt the legality of the notice, or that it was not given in good time to take all the depositions which might be needed. The simple question then before the House was, shall the sitting member have more time to take testimony to lay before the House? From the time notice was given the sitting member to the meeting of Congress, there were sixty-six full days to take testimony, and he seriously asked that House whether sixty-six days were not sufficient time for taking all the testimony which could possibly be necessary? But it had been remarked that there were only twenty-nine days allowed for taking testimony, and that nearly all of that time had been occupied by the petitioner. He had only to remark, in reply to that, that the sitting member had the same opportunities that the petitioner had, if he had chosen to avail himself of them. He had stated, on a former occasion, that the sitting member had given as many notices of places where he intended to take depositions as the petitioner; that he had given the petitioner notice of his intention to take depositions at places one hundred and fifty miles apart on the same day; and this had occurred in more than one instance. If gentlemen would turn to the printed documents, they would see that sufficient notice had been given to take all the testimony necessary; but if it should be shown that the sitting member had not employed himself in the collection of testimony, could he, in justice, ask further time? If it should appear that he had not diligently searched for testimony, could he come there, and, in justice, ask more time? It seemed to him (Mr. B.) unreasonable. He had shown that the petitioner gave the sitting member notice on the 2d of October; and from that time he might have been taking testimony, if he had thought of it; but it appeared that, from the 2d of October until the 30th of that month, the sitting member never moved in the subject at all. Let gentlemen turn to the testimony, and examine the facts, and not trust to his arguments, as he did not expect to convince gentlemen by arguments, but by the facts of the case. The first notice that was given by the sitting member was on the 30th of October. Now, what was he doing in those twenty-eight days? If he was not taking testimony, he might have been doing so. But gentlemen had told them that the sitting member ought not to consider his election as contested until the petitioner acted in the matter. Did not the sitting member believe the petitioner, when he gave him notice in writing of his intention to contest his election? Such being the case, Mr. B. asked if the sitting member should not at once have applied himself to the taking of testimony? Or, if he failed to do so, why should he come to the House now to ask further time? He hoped he had been understood. It was a fact (and he repeated it) that twenty-eight days of the sixty-six allowed the sitting member for taking testimony had not been employed by him at all in that business. If the sitting member had come there, and showed that he had been employed all this time, and that was not sufficient, then they might allow him further time; but the facts were otherwise, and the notices would show them to be otherwise. He would not enter into an argument with the gentleman from Tennessee in relation to the protest of the sitting member. His recollection was simply this, that, at the earliest stage of the question, the committee did virtually and in fact decide against the sitting member's protest, and in favor of the sufficiency of all the notices. He meant precisely what he said, so that no gentleman could be deceived. He stated further, that, if any application had been made to the committee for further time, before the middle of January, he never had heard of it, and he was regular in attendance at the meetings of the committee. This was a simple history of the question. When the subject was before the committee, the chairman had gone in favor of the validity of the notices; he had stated that, notwithstanding it was required in Virginia that the names of all voters charged as illegal should appear in the notices for taking depositions—notwithstanding that was the express law, it had never been observed by former committees, and the House had never thought it necessary to require it. At that time a majority of the committee decided against the gentleman's protest, and in favor of the sufficiency of the notices. The committee went on and examined the testimony clear through, and took notes of such parts as were necessary. His recollection went further, that, about the 14th of January, the parties were admitted before the committee, and that the sitting member was asked whether further time was needed; but he would not determine, and never did determine, until he had examined the evidence entirely through; and on the 16th of January he came forward and asked further time. He believed that this subject ought to take precedence of all others. Every consideration prompted them to settle it as soon as the facts could be ascertained; and a very strong case should be made out before they should grant further time for taking testimony. Well, when the application was made for further time, what were the grounds—the written grounds? Turn to them, and you will discover that the most important one was the evidence of the sheriff of Haywood county, which evidence was to prove that some six or eight illegal votes had been given to the petitioner, and by two other gentlemen's evidence six other illegal votes were to be proved. But upon examination of the documents it would be discovered that the testimony of the sheriff of Haywood county had already been taken, and the agents of both the parties had attended the examination; and, as to the remainder of the testimony alluded to, it could not affect the

final result. He considered that sixty-six days were sufficient time for the parties to take all the depositions necessary; or, having failed to do so, they could not, in justice, come forward now, and ask for further time. His own judgment was, that there was sufficient time for taking testimony before the meeting of Congress, and he waived all other objections. He could not perceive in what stage of the proceeding the committee had done injustice to either of the parties. If gentlemen would look at the documents, they would see that the asking further time would have been, in the first place, an unreasonable request; but it was made doubly so by the fact, that it was not asked until the middle of January, yet still more so, to be asked at this time. Why did the sitting member not appeal, in the first place, to the House for further time? He had looked into the *ex parte* testimony which the gentleman from Tennessee [Mr. MAURY] had complained of. The facts were these: the sitting member objected to the testimony taken at Morgantown, because he had no agent there to cross-examine the witnesses. Mr. B. asked gentlemen to turn to the records, and they would discover that the sitting member had twenty-seven days' notice of the intention to take depositions at that place, and, if he failed to attend, whose fault was it? This was a strange sort of argument.

Mr. MAURY said the gentleman had misunderstood him. He did not object to the notice which had been given; but he had stated that the sitting member had a moral obligation, of a paramount nature, which called him to Washington, and that he could not be in Washington at the meeting of Congress, and in Morgantown at the time specified.

Mr. BOYD resumed: The petitioner had given the sitting member sufficient notice, and he might have attended, either by himself or by counsel. The sitting member, too, had made it impossible for the petitioner to attend at the times and places at which he had notified him to attend. If he recollected right, the sitting member might have attended at Morgantown, and then come on to Washington; but certain it was that twenty-seven days was sufficient notice, so that he might either have attended himself, or had an agent to attend for him. But he believed, in some of the written communications of the sitting member, it would be found that he had himself stated that he had an agent in every county in his district. In Mr. B.'s judgment, the committee had done right, and he believed the House would do wrong if it granted further time. As to party feelings, which had been spoken of, he had only to say that he had not turned back and examined himself thoroughly, to see if party had any influence in the course he had taken, because he should be sorry, extremely sorry, to ascertain hereafter that he had been swayed in his decision by party feelings.

Mr. MASON, of Ohio, followed in reply, and contended that the sitting member had not been allowed sufficient time, and that the time that had been allowed was almost entirely engrossed by the petitioner, for the former could not proceed to take testimony until the latter had closed, who occupied the time till the sitting member was compelled to set out for Washington. He was in favor of both parties having all the time they would say, upon their honors, was necessary.

Mr. PEARCE, of Rhode Island, contended that it was indispensable for the House to go into the merits of the report before they could possibly come to a conclusion whether further time ought to be allowed or not, and he was consequently opposed to the discussion of this preliminary question at that time.

Mr. GRAHAM (the sitting member) replied at length to Mr. BOYD, and disapproved of the course taken by the committee in not allowing him more time to take testimony.

Mr. NEWLAND (the petitioner) then rose and returned his acknowledgments to the House for the unanimous vote by which he was permitted to appear on the floor in his own behalf. It had been truly said of him, (remarked Mr. N.,) that he was a plain farmer, unaccustomed to public speaking, which must be evident from the visible embarrassment he felt on the present occasion. He trusted, however, if the House would condescend to hear him on Monday or Tuesday next, he should be able not only to overcome that, but to hurl back much that had been said of him. It was due to his own character, and to the rights of those who sent him there, that he should seek the earliest opportunity to do this; at the same time he begged leave to assure the House that he had no hostile motive or intent to accomplish, and no latent ambition to gratify. He presented himself there—sent, as he solemnly averred, and hoped to be able to convince that body, by a majority of his constituents—to contend for and maintain, to the best of his humble ability, their rights, and not his own. He again expressed his deep and unfeigned obligations to the House, and a hope that Monday or Tuesday would be assigned him to address them at length.

On motion by Mr. HOWARD, the House then adjourned.

IN SENATE.

MONDAY, *March* 14, 1836.

Mr. LEIGH presented the credentials of the Hon. WILLIAM C. RIVES, elected by the Legislature of the State of Virginia a Senator from that State, to supply the vacancy occasioned by the resignation of Mr. Tyler.

The usual oath to support the Constitution was then administered to Mr. RIVES by the Vice President, and he took his seat in the Senate.

The CHAIR communicated a report from the Secretary of the Treasury, inclosing a report from the Commissioner of the General Land Office, made in compliance with a resolution of the Senate of the 9th instant; and, on motion by Mr. BLACK, it was ordered to be printed.

PETITIONS, MEMORIALS, ETC.

Mr. PORTER presented the memorial of the New Orleans and Carrolton Railroad Company, praying permission to construct their road through the public lands; which was referred to the Committee on Roads and Canals.

Mr. P. presented two sets of resolutions of the General Assembly of the State of Louisiana; the first, instructing their Senators, and requesting their Representatives, to use their exertions to get a law passed to establish an additional land office in that State, to be named the Red river land office; and the second, instructing and requesting their said Senators and Representatives to use their exertions to obtain the passage of a law providing for the increase of the salaries of the officers of the United States land offices and the surveyors of the public lands in that State; and also for the increase of the number of clerks; which were referred to the Committee on the Public Lands.

Mr. WHITE presented the memorial of the Legislature of the State of Tennessee, praying for the establishment of an hospital for sick and disabled seamen at Memphis, in that State; which was referred to the Committee on Commerce.

Mr. KING, of Alabama, presented the petition of Alexander Jones; which was referred to the Committee on Private Land Claims.

Mr. K. also presented the memorial of a company about to construct a railroad from Mobile to Pascagoula, praying for a donation of the public land over which the road is to pass, and offering, in consideration of such grant, to transport on the said road the United States mail, and the troops and munitions of war of the United States, when necessary, free of expense for thirty years; which was referred to the Committee on Public Lands.

Mr. MORRIS presented some additional petitions from citizens of Ohio, praying for an alteration of the location of the Cumberland road in the States of Ohio and Indiana; which was referred to the Committee on Public Lands.

Mr. PRESTON presented the petition of John Russell, praying for a pension; which was referred to the Committee on Pensions.

Mr. RUGGLES presented the petition of John Watts; which was referred to the Committee on Commerce.

Mr. WALL presented several petitions from citizens of New Jersey and Pennsylvania, and from individuals engaged in the navigation of the Delaware, praying for the erection of piers on the Brandywine shoals; which was referred to the Committee on Commerce.

Mr. CLAYTON, from the Committee on the Judiciary, reported a bill for the relief of the sureties of James Brobson; which was read, and ordered to a second reading.

Mr. TOMLINSON, from the Committee on Pensions, reported without amendment the bill for the relief of Amy Wilson.

Mr. SHEPLEY, from the Committee of Claims, reported a bill for the relief of Samuel Y. Keene; which was read, and ordered to a second reading.

Mr. PRESTON, from the Committee on the Library, to which was referred the resolution directing an inquiry into the expediency of purchasing the library of the late Count Barlotine, made a report thereon; which, without reading, was ordered to be printed.

RESOLUTIONS.

Mr. PRENTISS submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of directing the Secretary of War to allow and pay to the heirs of Richard Anderson, deceased, late a pensioner on the revolutionary invalid pension roll, the amount of the said Richard's invalid pension, from the 3d day of March, 1826, to the 31st day of May, 1830, during which time the said pension was withheld or discontinued in consequence of the said Richard taking the benefit of the act for the relief of certain surviving officers and soldiers of the army of the Revolution, passed May 15, 1828.

Mr. KING, of Alabama, submitted the following resolution; which lies on the table one day:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the Senate and Speaker of the House of Representatives close the present session of Congress by an adjournment of their respective Houses on the —— day of May next.

CONSTITUTION OF ARKANSAS.

On motion by Mr. BUCHANAN, the Senate proceeded to ballot for a select committee to consider the constitution submitted by the convention held by the people of Arkansas, for the purpose of forming a constitution and State government; and Messrs. BUCHANAN, WRIGHT, KENT, BENTON, and CRITTENDEN, were chosen.

PROCEEDS OF THE PUBLIC LANDS.

Mr. EWING, of Ohio, moved to take up the bill appropriating, for a limited time, the proceeds of the sales of the public lands among the States; and after some remarks by Messrs. NAUDAIN, EWING, and CALHOUN, in favor, and from Messrs. WALL and BENTON, in opposition to the motion, it was negatived—yeas 20, nays 26; as follows:

YEAS—Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Knight, Leigh, McKean, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, and Webster—20.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, White, and Wright—26.

CUMBERLAND ROAD.

The bill making appropriations for the Cumberland road, in the States of Ohio, Indiana, Illinois, and Missouri, was read the third time and passed.

After the consideration of Executive business, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 14, 1836.

The House proceeded to consider the resolutions of the Legislature of the State of New York on the subject of the organization of the militia, presented on a former day by Mr. GILLET, who moved to refer them to the Committee on the Militia, with the following instructions:

To inquire into the expediency of so altering the laws relating to the militia as to provide:

1st. That all free white, able-bodied male citizens of the United States, between twenty-one and forty-five years of age, shall be enrolled in the militia.

2d. That of the persons so enrolled all who are under twenty-seven years of age shall, once in each year, be called out for a period not less than six days, and remain under arms during that period, with the view of improvement in military discipline and martial exercise; and such persons to be minute men, and first called upon in case of insurrection or invasion.

3d. That the persons who are so called out, and remain under arms, shall receive a reasonable compensation for their time.

4th. That the Government of the United States shall furnish, at proper depositories, for the use of the persons thus called out, all needful tents, arms, and accouterments.

5th. That there shall be deposited at the proper points on the frontiers and sea-board, all necessary and proper arms, including brass cannon, and accouterments, and ammunition, to supply the enrolled militia when called into actual service in defense of the country.

Mr. GILLET addressed the House at some length on the subjects embraced in the proposed instructions. [His remarks will be given in full hereafter.]

Mr. HAMER understood that this whole subject was already before the Committee on the Militia; and, before he was called upon to vote instructions for that committee to report, he desired an opportunity of examining them.

Mr. GILLET explained that the instructions extended no further than to direct the committee to inquire.

Mr. HAMER was about to move to have them laid on the table and printed; but, as they did not instruct the committee to report, he would not press the motion.

Mr. GLASCOCK, as chairman of the Committee on the Militia, stated, that all the facts sought to be inquired into, and embraced in the instructions intended to be given to that committee, were already before that committee. He had, however, no objection himself to the adoption of the resolution. All the bills hitherto reported to that House, at former sessions, and which, unfortunately, had never been acted on, were also then in possession of the committee.

Mr. G. further stated, that he himself considered this a very important question, and believed that some measure should be enacted for the purpose of organizing the militia throughout the country. Knowing, and feeling the importance of this question, he informed the House that a bill would be prepared before the adjournment of the present session, and presented to the consideration of the House. The bill would be presented after great deliberation, and important matters taken from the bills heretofore introduced would be incorporated in it. He believed such a bill would be reported as would meet the views of the majority. Whether it would be reported in time to be acted on during the present session of Congress was somewhat doubtful, from the press of business before the House; but it would, at all events, be reported in eight or ten days, and might be acted on during the coming session. He would suggest to the gentleman from New York, [Mr. GILLET,] that any amendment he might think proper to offer might be offered when the bill came up for action. It had become somewhat fashionable to instruct committees as to what they were to do. This Mr. G. thought unnecessary. If gentlemen had any suggestions to make with regard to any plans they might wish to incorporate in any bill, they would always be listened to with attention by the chairman or any member of the committee; but, independent of this, let him ask, if the fact was not well known, that every individual had it in his power to offer any amendment, or any additional clause he might think proper, at certain stages. Bearing this fact in mind, it did seem to him that it was altogether unnecessary to instruct the committee on the present occasion. He conceived it wholly unnecessary, particularly as the very object of the inquiry embraced in the instructions was before the committee, and at the same time he begged it to be distinctly understood, that he had no objection to their adoption.

Mr. HALEY moved the following amendment to come in as an additional instruction to the instructions of Mr. GILLET:

And that the Committee on the Militia be instructed to inquire into the expediency of paying the militia of the United States, when called out for military exercise, inspection, and review, as now organized.

Mr. H. explained that he introduced the amendment at this time in, order that the committee, before reporting the bill, might be in possession of the views of others in relation to the subject. He was of opinion that the militia ought to be paid. The Government found ways and means to pay everybody else who performed any duty with the single exception of the militia. They compelled the militia to perform services for three or four days in the year, subjected them to fine and imprisonment for neglect of duty, and all for nothing.

Mr. LINCOLN opposed the amendment at some length, and was in favor of the instructions of the gentleman from New York. He was entirely opposed to any provision for paying the militia, as it would tend to degrade the character of the free-born citizen of this country, and assimilate him to the mercenary tools of despotic tyrants. He designated the proposition as in effect nothing more nor less than one to get rid of the surplus revenue. Mr. L. bestowed a high eulogium upon the character of the militia, citing various instances of their conduct, and hoped a measure would be introduced for its better organization.

At one o'clock the Speaker announced the special order, being the consideration of the appropriation bills; but, on motion by

Mr. EVANS, the House suspended the rules for the purpose of proceeding with the call for petitions and memorials—ayes 112, noes not counted.

Mr. HAMER did not rise for the purpose of discussing the subject at present, although to him it was one of as much interest as, perhaps, to any other gentleman. He trusted, however, an opportunity would be afforded at the present session of Congress for a full discussion of the question; he would then embrace the opportunity of giving his views to the House. He would say, further, that he admired the high grounds the gentleman from Massachusetts [Mr. LINCOLN] had taken, although he could not agree with him in regard to details. He would say that there was no better material in any country for public defense than a well organized militia; and no country ever was free, or ever could be free, which depended upon a standing army for defense. But that was not the time for discussion, the rules having been suspended for the purpose of presenting petitions. He moved that the whole subject be laid on the table for the present, and the instructions printed; but withdrew the motion at the request of

Mr. GLASCOCK, who stated that, when he was up before, he had only remarked that he was apprehensive that the bill would not have an opportunity of being brought up for consideration at the present session, as there were so many other subjects of importance before the House which would take precedence over it. It would, however, be reported in eight or ten days, and it would then be for the House to determine whether it should be considered at the present session or not. He would go with gentlemen in their efforts to get it up and dispose of it at the present session.

Mr. G. then renewed the motion to lay on the table and print; which was agreed to.

The bill making a further appropriation for suppressing Indian hostilities in Florida was read the third time.

Mr. STORER said he did not rise to oppose the bill, but merely to ask for some light on the subject. If it were necessary he would vote for ten times the amount asked for, but he could not do so unless it was actually necessary. He said they had already voted half a million of dollars for the suppression of Indian hostilities in Florida, and to feed all the suffering inhabitants thereof; and he asked the chairman of the Committee of Ways and Means if he could show any reasons why they should vote more money. He said it was the practice with the committee of which Mr. S. was a member, to give the reasons, when they reported a bill, for so doing; but there the committee which had the whole management of the appropriations of the House introduced bills without a solitary reason to sustain them. He wished to know what were the grounds for the appropriation at present asked for?

Mr. CAMBRELENG called for the reading of a letter from the Secretary of War, which (he remarked) would probably be satisfactory to the gentleman from Ohio.

The letter of the Secretary of War was then read, and the bill passed.

Mr. HAMER gave notice that, on Monday next, or as soon thereafter as Ohio should be called for the presentation of petitions, he would ask leave to introduce a bill, entitled "A bill to dispose of the waste and unappropriated lands in the Virginia military district in the State of Ohio."

COLONIZATION OF FREE BLACKS.

The House took up the memorial heretofore presented by Mr. CLARK, of certain citizens of Dauphin county, Pennsylvania, asking an appropriation of money for the purpose of removing to the coast of Africa free persons of color and manumitted slaves.

Mr. CLARK having moved to refer the memorial to a select committee, and that it be printed, the question pending was the motion of Mr. PATTON to lay the memorial and the motion to refer and print on the table.

Mr. CLARK asked for the yeas and nays on the motion of Mr. PATTON; which were ordered, and were as follows:

YEAS—Messrs. Anthony, Beale, Bean, Beaumont, Bockee, Boon, Bovee, Boyd, Brown, Bunch, Bynum, Cambreleng, Campbell, Carter, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, James Garland, Gillet, Glascock, Graham, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Klingensmith, Lansing, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Logan, Loyall, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Franklin Pierce, Peyton, Phelps, Pickens, Rencher, John Reynolds, Joseph Reynolds, Roane, Robertson, Rogers, Augustine H. Shepperd, Shields, Sickles, Smith, Standefer, Steele, Taliaferro, Thomas, Waddy Thompson, Toucey, Towns, Turrill, Vanderpoel, Ward, Washington, Webster, Weeks, White, and Sherrod Williams—129.

NAYS—Messrs. Adams, Heman Allen, Ash, Bailey, Banks, Barton, Bond, Borden, Bouldin, Briggs, William B. Calhoun, Carr, Casey, George Chambers, Childs, Clark, Corwin, Crane, Darlington, Denny, Evans, Everett, Philo C. Fuller, Granger, Graves, Grennell, Hiland Hall, Hard, Harlan, Harper, Samuel S. Harrison, Hazletine, Heister, Hoar, Howell, Ingersoll, William Jackson, Janes, Kinnard, Lane, Lawrence, Lay, Thomas Lee, Leonard, Lincoln, Love, Sampson Mason, McCarty, McKennon, Mercer, Miller, Milligan, Morris, Parker, Patterson, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Schenck, Shinn, Slade, Sloane, Spangler, Storer, John Thomson, Underwood, and Vinton—69.

So the memorial was laid on the table.

Petitions and memorials were then presented by

Messrs. HALL, PARKS, and SMITH, of Maine;

Mr. CUSHMAN, of New Hampshire;

Messrs. LAWRENCE, BORDEN, and ADAMS, of Massachusetts;

Messrs. ALLEN and SLADE, of Vermont;

Messrs. TOUCEY, INGHAM, and JUDSON, of Connecticut.

[Mr. JUDSON presented the petition of Lieutenant Stephen Chamberlin, of the United States Navy; which was referred to the Committee on Invalid Pensions.]

Messrs. P. C. FULLER, WARDWELL, CAMBRELENG, CHAPIN, TURRILL, HAZLETINE, LOVE, REYNOLDS, FARLIN, HARD, RUSSELL, and DOUBLEDAY, of New York.

[Mr. MANN, of New York, asked leave to introduce the following resolution:

Resolved, That after Wednesday next, the daily hour of meeting of this House shall be eleven o'clock, a. m., until otherwise ordered.

Leave was refused.

Mr. DOUBLEDAY presented the petition of inhabitants of the county of Cayuga, in the State of New York, praying for an appropriation for the improvement of Little Sodus harbor, in said State; which was referred to the Committee on Commerce.

Mr. RUSSELL presented the petition of Platt Halstead and others, inhabitants of the county of Essex, in the State of New York, praying an appropriation for constructing a military or public road from White Hall to Plattsburg, in the State of New York; also, the petition of George Burnett and others, inhabitants of the county of Washington, in the State of New York, praying an appropriation for the construction of the aforesaid road; also, the petition of the inhabitants of the counties of Clinton and Essex, in the State of New York, praying the like appropriation for

the aforesaid object; also, the petition of C. F. Hammond and others, inhabitants of the said counties of Clinton and Essex, in said State of New York, praying the like appropriation for the aforesaid object; and also, the petition of William H. Maury and others, inhabitants of the town of Greenwich, in the county of Washington, and State of New York, praying the abolition of slavery and the slave trade in the District of Columbia, and within the Territories of the United States.]

Mr. LEE, of New Jersey;

Messrs. BEAUMONT, MILLER, DENNY, and HENDERSON, of Pennsylvania;

Messrs. HOWARD, McKIM, STEEL, and JENIFER, of Maryland;

Messrs. CRAIG, BEALE, MORGAN, LOYALL, and TALIAFERRO, of Virginia;

Messrs. RENCHER, GRAHAM, McKAY, CONNOR, and BYNUM, of North Carolina;

Messrs. PINCKNEY and ROGERS, of South Carolina;

Mr. CLEVELAND, of Georgia.

[Mr. CLEVELAND presented the petition of sundry citizens of Baker county, praying compensation for spoliations committed by the Creek Indians within the jurisdictional limits of Georgia.]

Messrs. BOYD, WILLIAMS, and JOHNSON, of Kentucky;

Messrs. DUNLAP, JOHNSON, HUNTSMAN, STANDEFER, and BELL, of Tennessee;

Messrs. JONES, MASON, BOND, WHITTLESEY, HAMER, WEBSTER, STORER, VINTON, and CORWIN, of Ohio.

[Mr. HAMER presented the petition of P. W. Todd, praying compensation for a horse lost in the service of the United States; which was referred to the Committee on Claims. Also, a memorial from citizens of Ohio and Kentucky, adopted at a meeting held in Augusta, Kentucky, praying for a branch of the national road from Columbus, Ohio, to Frankfort, Kentucky; which was referred to the Committee on Roads and Canals.]

Mr. HANNEGAN, of Indiana.

[Mr. HANNEGAN presented the memorial of Major James H. Hook, asking compensation for services rendered in the subsistence department; which was referred to the Committee on Claims.]

Messrs. MAY and REYNOLDS, of Illinois.

[Mr. MAY presented a memorial from the miners of the Upper Mississippi, in the State of Illinois, and western part of Michigan Territory, praying that the right of way be extended to all lawful occupiers of the mineral grounds;

Also, petitions for post routes from Knoxville, Illinois, to Galena.

Mr. REYNOLDS, presented the claim of Daniel Atkinson, praying a pension for wounds received while he was in the military service of the United States, and occasioned by said service; which was referred to the Committee on Invalid Pensions.]

Messrs. MARTIN and CHAPMAN, of Alabama.

On motion by Mr. JUDSON, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Abner Green, a soldier of the Revolution.

On motion by Mr. McKENNAN, it was

Resolved, That the accompanying papers be referred to the Committee on Claims, who are instructed to inquire into the expediency of passing a special law, directing the settlement of the accounts of John Krepps, late a contractor on the Cumberland road.

On motion by Mr. BEAUMONT, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Danville to Cattawissa, in Pennsylvania.

On motion by Mr. LOVE, it was

Resolved, That the Committee on Public Lands be, and they are hereby, instructed to inquire into the expediency of permitting the Maumee Branch Railroad Company, chartered by the Legislative Council of Michigan, in August, 1835, to locate the said road over any of the public lands it may become necessary for the said company to pass in extending the same from Manhattan, at the mouth of the Maumee river, to New Buffalo, at the mouth of the Gallatin river, on Lake Michigan.

On motion by Mr. COFFEE, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of the establishment of a post route from Jacksonville, Telfair county, by Holmesville, Appling county, Wayne Courthouse, to Waresboro', Ware county.

On motion by Mr. FRENCH, it was

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Greenupsburg in Greenup county, Kentucky, via Old Town, to the cross roads at the Little Sandy Saline, in the same county.

On motion by Mr. HOPKINS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Greenville, Grayson county, Virginia, to Jeffersonville, in the State of North Carolina.

On motion by Mr. RUSSELL, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of providing by law for the payment of commutation pay, and for bounty land, to the heirs and legal representatives of James Dole, deceased, late of the State of New York, an officer in the army of the Revolution.

On motion by Mr. JOHNSON, of Virginia, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of so amending the act of the 7th of June, 1832, as to extend its benefits to those spies and rangers who served six months or more during the war of the Revolution, whether such services were performed in an imbodied corps or otherwise.

On motion by Mr. JONES, of Ohio, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Bakersville in Wayne county, by Millbrook, Moorland, Shreene's Mills, to Nashville, in Holmes county, Ohio.

On motion by Mr. KENNON, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of William Beard on the pension roll.

On motion by Mr. MAURY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Murfreesboro' to Salem ⋈ roads, in Rutherford county, Tennessee.

On motion by Mr. CARTER, it was

Resolved, That the Committee on Roads and Canals be directed to inquire into the expediency of authorizing a reconnoissance and survey of the route of the Cincinnati and Charleston railroad.

On motion by Mr. CARTER, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a port of entry at King's Port, on the Holston river, in the State of Tennessee.

On motion by Mr. UNDERWOOD, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of establishing a pension agency in the town of Bowling Green, Kentucky.

On motion by Mr. HAWES, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Cloverport, Breckenridge county, by John Hayne's, Taylor's Mill, Hartford, William Brown's, in Ohio county, to Worthington, in Muhlenberg county, Kentucky; and from Hawesville, in Hancock county, to Nottsville, in Davies county; and from Clarksville, Tennessee, by Lafayette, to Clayton, in Kentucky.

On motion by Mr. HARDIN, it was

Resolved, That the Committee on Claims be instructed to inquire into the expediency of paying Bernard Fowler, Samuel Overton, and James Green, for horses lost during the last war, when in the service of the United States, under the command of General McArthur, and that the papers in support of said claims be also referred to said committee.

On motion by Mr. McLENE, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing to Elias Pegg the arrears of pay, as a revolutionary soldier, from the 6th day of May, 1820, when he was stricken from the pension roll, until the 5th day of March, 1830, when his name was restored to the roll.

On motion by Mr. JOHNSON, of Louisiana, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of enacting a law securing, in addition to a copyright, a privilege for the performance of dramatic compositions by citizens of the United States.

On motion by Mr. LAWLER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Erie, by way of Daniel's prairie and John's Bluff, to Livingston, in Alabama.

On motion by Mr. SEVIER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Izard Court-house to Dardanell, and from the mouth of the Arkansas river, by the mouth of White river, to Helena, in Arkansas Territory.

On motion by Mr. THOMAS, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making provision for the payment of two notes, held by H. C. Schnebley, and given by Thomas B. Hall for land purchased by him from Henry Lewis; which land was sold by the United States to pay a claim due to the same from said Hall, as collector of the direct tax for the year 1816.

On motion by Mr. McKAY, it was

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of causing the coast of the United States, between the Chesapeake and the southern part of Florida, to be examined with a view to the selection of one or more sites for the establishment of a navy-yard or yards.

On motion by Mr. WHITE, of Kentucky, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of establishing a national road, leading from Portsmouth, in the State of Ohio, by way of Prestonsburg and Pikeville, in the State of Kentucky, through Virginia and Tennessee, and to the southwest extremity of Lirville mountain, in the State of North Carolina; and that the reconnoissance and survey of said route, executed in 1831, by Lieutenant Colonel S. H. Long, Topographical Engineer, be referred to said committee.

Resolved, That said committee be instructed to inquire into the expediency of making an appropriation.

On motion by Mr. CASEY, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the improvement of the great post road from the bank of the Wabash river, opposite Vincennes, Indiana, by Palestine, Darwin, Paris, and Danville, to Chicago, on Lake Michigan, in Illinois.

On motion by Mr. MARTIN, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of permitting the Legislature of the State of Alabama to impose such tolls for the use of the canal round the Muscle and Colbert's shoals, in the Tennessee river, as will be sufficient to keep the same in repair.

On motion by Mr. DAVIS, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of revising and consolidating the pension laws.

On motion by Mr. WHITE, of Florida, it was

Resolved, That the Secretary of War be directed to communicate to this House the report of Major J. D. Graham, and the documents referred to in said report, upon the examination of the route of a railroad from Pensacola to Columbus, in Georgia.

On motion by Mr. ASHLEY, it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing, by law, for the issuing a patent in favor of the legal representatives of Gregois Sarpey, for a tract of 7,056 arpents of land granted to said Sarpey by the Spanish Government.

On motion by Mr. MAY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Princeton, in Putnam county, Illinois, by Brigham's and Dimick's Grove, to the Paupan Grove.

RAILROAD IN FLORIDA.

A bill from the Senate, authorizing the East Florida Railroad Company to construct a road through the public lands in Florida, was, on motion by Mr. WHITE, taken up. The question was on its third reading.

Mr. HARDIN wished further time to make an examination of this bill, and he therefore moved an adjournment, but withdrew it at the suggestion of

Mr. WHITE, of Florida, who explained that the bill did not embrace an appropriation of a foot of public land, but only the use of way through it, and that the operations of the company were suspended for want of the bill. The contemplated road connected the Gulf of Mexico with the Atlantic.

Mr. CAMBRELENG replied, that the bill ought to be committed; for it not only gave the right of way through the public lands, but also all the materials thereon necessary for the construction of the road, buildings, &c. He moved that it be postponed till to-morrow.

Before the motion was taken,

On motion by Mr. HARDIN, the House adjourned.

IN SENATE.

TUESDAY, *March* 15, 1836.

Mr. CLAYTON, from the Committee on the Judiciary, to which had been referred the petition of the widow of Philip Moore, made an unfavorable report thereon.

Mr. DAVIS, from the Committee on Commerce, to which had been referred the bills from

the House for the relief of Reuben Colburn, Joseph W. Wormstead and Abiel Roads, reported them severally without amendment.

Mr. TOMLINSON, from the Committee on Pensions, to which had been referred the petition of Thomas Halliday, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. EWING, of Ohio, from the Committee on Public Lands, to which had been referred the bill authorizing the trustees of the University of Michigan to convey certain lands, reported the same without amendment; and, on motion by Mr. E., the bill was considered as in Committee of the Whole, and ordered to a third reading.

Mr. WALKER gave notice, that he would to-morrow ask leave to introduce a bill to extend the benefits of the preëmption act of 1824 to certain individuals in certain cases; also, a bill to enable those individuals who have been deprived of the benefits of the preëmption of 1834, by the location of Choctaw reservations, to prove and substantiate their claims.

RESOLUTION.

Mr. KING submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Tuscaloosa to Fairfield, in the county of Pickens, Alabama.

BILL INTRODUCED.

Mr. KING, of Georgia, in pursuance of notice given, asked, and obtained leave, and introduced a bill to authorize the construction of a railroad in the Territory of Florida; which was read twice, and referred to the Committee on Roads and Canals.

PROCEEDS OF THE PUBLIC LANDS.

Mr. EWING moved to take up the bill to appropriate, for a limited time, the proceeds of the sales of the public lands among the States, and for other purposes.

Mr. BUCHANAN said he had intended, as soon as the morning's business had been got through with, to move that the Senate proceed to the consideration of executive business.

After some remarks from Messrs. EWING, BENTON, and BLACK, Mr. EWING called for the yeas and nays on the question; which were ordered; and the Senate decided to take up the bill by the following vote:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—24.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, and Wright—23.

Mr. EWING, of Ohio, after some remarks on the amendments to the bill, entered into a discussion of its general merits. It had been twice discussed, but the situation of the country was different now from what it was when it was up before. The public debt was not then paid, and there was no surplus revenue in the Treasury; at least it was not conceded, although the friends of the Administration contended there was. There was no reason why this bill should be made a party question. On a former occasion, several Senators who were party men and friends of the Administration had voted for it. The amount of revenue in the Treasury had been a matter of controversy. Mr. E. referred to a report of the Secretary of the Treasury, and details of other reports, to show the amount of revenue. He included in his estimate the amount of stock in the United States Bank, which (he said) had ceased to exist as a national bank, and he estimated the amount to be received by the Government from that institution at $8,000,000. Difficulties had been suggested in regard to obtaining that stock. He knew of none. But if the stock should be reduced half a million or a million less in the adjustment of the difficulty, it was a small matter as related to the main question. In reply to what had been alleged by the gentleman from Georgia, [Mr. KING,] that the same sum was calculated twice, he admitted that, if they could mark each $100 bill, and each eagle, to be applied to each particular object, or if the Administration was defunct, and they were about settling up its concerns, the argument of the gentleman would apply. But the demands against the Government were not all made at once; and if about two millions were retained in the Treasury as a kind of safety fund, it would be sufficient—all above that amount might be safely appropriated without at all embarrassing the concerns of the Government. He coincided with the gentleman from Missouri, [Mr. BENTON,] that the moneyed affairs of the country were in a diseased state, and alleged that there was a spirit of speculation abroad in consequence of the great increase of paper money. He went into a calculation, from which he estimated the amount that would be in the Treasury at the end of the current year at $51,273,000, after deducting all appropriations, ordinary and extraordinary. He said, from an examination of the reports of the Secretary of the Treasury of last year, it would be seen that his estimates were not to be relied on. They had fallen far short of the actual receipts. He attributed it to negligence. It looked like as if he wanted to hide the true state of the matter from the people, to effect the political objects of those in power, though he did not say positively that it was so. He referred to a statement he had made from the Commissioner of the General Land Office to show the average receipts into the Treasury, at different periods, from lands which would give in the aggregate twenty-seven millions for the whole year; at all events, at the lowest possible estimate, it would exceed twenty millions. He attributed the spirit of speculation to the increased number of banks, loaning large sums of money to speculating companies to invest in lands, and predicted that there must necessarily be a crash among them; and that ruin and pressure would follow, which could only be averted by the passage of this bill, which would now draw the money out of these banks before the mischief could be done. Although the Bank of the United States had expired, yet this dead bank, as he termed it, was charged with blowing up this balloon—this bubble of paper money—into this vast amount that is flooding the country. He adverted to the frauds that were committed in obtaining certificates, and the great number of applications that rested on perjury in the anxiety to obtain the public lands, and which the passage of this bill would put a stop to, as these speculators could not, in the event of its passage, obtain money from these banks to speculate upon, and their interest would prevent them from making a run on these banks. On an average calculation for thirty-five years which he had made, there would be $15,000,000 received annually from the public lands, and, under the most inauspicious circumstances, there was no doubt of $10,000,000 being received. At present, these lands were speculated upon, and he could not blame persons for speculating upon them; but it was the duty of a wise Legislature to place these lands in the hands of the cultivator, and suffer no middle man to come between him and the Government. Heretofore the regular appropriations for fortifications were about three millions per annum, and that sum had been more than could be expended. He was willing to appropriate even more than that sum, but he did not believe as much could be expended this year as in former years. The Government had not been able to procure a sufficient number of competent engineers to direct the to work on the fortifications, and had been unable expend the whole of the sums appropriated. The improvements going on in Indiana, Ohio, and Pennsylvania, would occupy the labor of a vast number of hands. The mass of labor, provisions, and materials used in the South, would be brought from the North, and reduce the number of hands, &c., there. Although a bill had been reported to increase the corps of engineers, the passage of the bill could not make engineers; that must take time. It had been said that persons who had been engaged in building canals, bridges, roads, &c., could be called to the aid of the engineers; but he thought that class of individuals were incompetent to superintend the erection of fortifications. He never knew of any particular country being profited by maintaining armies. He was willing, however, to maintain as many soldiers as were necessary to keep the public arms in order, or as many as were necessary for a peace establishment.

This measure, (the fortification bill,) antagonistical to this bill, he thought would not satisfy the people; they would not agree to have their money taken and appropriated to these purposes. They could not bring the revenue down within the limits of the ordinary expenses of the Government without distributing it. The reduction of the price of the public lands would only increase the purchases, and give rise to greater speculation; and the very attempt to get clear of these difficulties by means of fortifications would increase them. The great accumulation of bank paper was the cause of the instability of the price of property. He had foreseen this state of things. As the Administration was on the brink of the gulf, ready to shoot over the cataract down the precipice, they now cry out "Bank of the United States," and charge it with being the cause of this diseased state of the currency.

Here Mr. E. gave way to a motion by Mr. SOUTHARD to adjourn.

On this motion the yeas and nays were ordered; and were as follows:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Hendricks, Knight, Leigh, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Swift, Tomlinson, Webster, and White—19.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Georgia, King of Alabama, Linn, McKean, Morris, Nichols, Rivers, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, and Wright—23.

The motion being lost, was, after some remarks from Messrs. WEBSTER, BENTON, and BUCHANAN, again renewed by Mr. MANGUM; and the yeas and nays being ordered were —yeas 19, nays 26.

After some further remarks from Messrs. EWING, PRESTON, BENTON, and BUCHANAN, the former gave way to a motion by the latter to go into the consideration of executive business; which was agreed to; and after which

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 15, 1836.

Mr. BELL asked the unanimous consent of the House to submit a resolution providing that, hereafter, the hour to which the House shall stand adjourned shall be eleven o'clock, a. m., each day, until otherwise ordered.

Objection being made, Mr. BELL moved to suspend the rule, in order to enable him to offer his resolution.

Mr. GRENNELL asked for the yeas and nays on the motion; which were ordered.

Mr. MERCER moved to amend the motion to suspend, so as to afford the standing committees an opportunity to report.

After some conversation between Messrs. EVANS, MERCER, ADAMS, MILLER, and the CHAIR, the motion of Mr. MERCER was decided to be out of order.

The question was then taken on suspending the rules; and decided in the affirmative—yeas 144, nays 43; as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Barton, Bean, Bell, Bond, Boon, Borden, Bouldin, Boyd, Briggs, Bunch, Burns, Bynum, John Calhoun, William B. Calhoun, Cambreleng, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Claiborne, Coles, Connor, Corwin, Craig, Crane, Cushman, Darlington, Davis, Deberry, Denny, Dickerson, Doubleday, Dunlap, Everett, Fairfield, Farlin, French, Philo C. Fuller, James Garland, Glascock, Graham, Granger, Grantland, Graves, Grennell, Haley, Hiland Hall, Hamer, Hard, Harlan, Harper, Samuel S. Harrison, Hawkins, Haynes, Heister, Hoar, Hopkins, Howard, Huntsman, Ingersoll, Ingham, William Jackson, Janes, Jenifer, Cave Johnson, Joseph Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Lawrence, Luke Lea, Lincoln, Logan, Love, Loyall, Abijah Mann, Martin, John Y. Mason, Moses Mason, William Mason, Sampson Mason, Maury, May, McCarty, McComas, McKay, McKennan, McKeon, McKim, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Owens, Page, Parker, Patterson, Patton, Peyton, Phelps, Phillips, Potts, Reed, John Reynolds, Roane, Robertson, Rogers, Russell, Augustine H. Shepperd, Shields, Sickles, Smith, Standefer, Steele, Storer, Sutherland, Taliaferro, Thomas, John Thomson, Waddy Thompson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Vinton, Weeks, White, Whittlesey, and Williams—144.

NAYS—Messrs. Ash, Banks, Beardsley, Bovee, Brown, Campbell, Childs, Clark, Cleveland, Coffee, Dromgoole, Evans, Forester, Fry, William K. Fuller, Galbraith, Gillet, Grayson, Griffin, Joseph Hall, Hardin, Hawes, Hazeltine, Holsey, Howell, Hubley, Jabez Jackson, Jarvis, Henry Johnson, Lay, Gideon Lee, Job Mann, McLene, Muhlen-

berg, Parks, Franklin Pierce, Pinckney, Rencher, Joseph Reynolds, Shinn, Spangler, Wardwell, and Webster—43.

So the rule was suspended; and Mr. BELL submitted the resolution above referred to.

Mr. HARDIN moved to amend the resolution, by proposing that, instead of meeting at eleven o'clock from and after the present day, the House will meet at that hour, commencing on the first day of April next.

Mr. CAMBRELENG thought they had no time to spare, and the sooner they commenced their sessions at an earlier hour the better. He therefore called for the yeas and nays on the motion to amend; which were ordered, and were as follows:

YEAS—Messrs. Heman Allen, Anthony, Ash, Bailey, Banks, Barton, Beale, Beaumont, Boon, Borden Bovee, Boyd, Brown, Burns, Bynum, John Calhoon, William B. Calhoun, Campbell, Chaney, Clark, Cleveland, Coffee, Coles, Connor, Crane, Darlington, Deberry, Denny, Dickerson, Doubleday, Dromgoole, Efiner, Evans, Forester, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Grayson, Griffin, Hard, Hardin, Samuel S. Harrison, Hawes, Haynes, Holsey, Hubley, Ingham, William Jackson, Jabez Jackson, Jarvis, Joseph Johnson, Henry Johnson, Benjamin Jones, Klingensmith, Lay, Job Mann, McCarty, McKennan, McLene, Miller, Muhlenberg, Page, Parker, Parks, Patterson, Patton, Phelps, Pinckney, Potts, Reed, Rencher, John Reynolds, Joseph Reynolds, Russell, Schenck, Shinn, Spangler, Toucey, Towns, Ward, and Wardwell—82.

NAYS—Messrs. Adams, Chilton Allan, Ashley, Bean, Bell, Bond, Bunch, Cambreleng, Carr, Carter, Casey, George Chambers, John Chambers, Chapin, Nathaniel H. Claiborne, Corwin, Craig, Cushing, Cushman, Davis, Dunlap, Everett, Fairfield, Farlin, French, James Garland, Glascock, Graham, Granger, Grantland, Graves, Grennell, Haley, Joseph Hall, Hiland Hall, Hamer, Harlan, Harper, Hawkins, Hazeltine, Heister, Hoar, Hopkins, Howard, Howell, Huntsman, Ingersoll, Janes, Jenifer, Richard M. Johnson, Cave Johnson, John W. Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawler, Lawrence, Gideon Lee, Luke Lea, Lincoln, Logan, Love, Loyall, Lucas, Abijah Mann, Martin, John Y. Mason, William Mason, Moses Mason, Sampson Mason, Maury, May, McKay, McKeon, McKim, Mercer, Milligan, Montgomery, Morgan, Morris, Owens, Franklin Pierce, Peyton, Phillips, Pickens, Roane, Robertson, Rogers, Augustine H. Shepperd, Shields, Sickles, Smith, Standefer, Steele, Storer, Sutherland, Taliaferro, Thomas, John Thomson, Turner, Turrill, Underwood, Vanderpoel, Vinton, Webster, Weeks, White, Whittlesey, and Sherrod Williams—112.

So the amendment of Mr. HARDIN was negatived.

Mr. HAWES moved to postpone the further consideration of the resolution until Monday next.

Mr. MANN, of New York, hoped the consideration of this resolution would not be postponed. When on yesterday he had the honor to ask leave to submit a similar motion, which was not then received, he presumed, because at the moment it was feared it might interfere with the presentation of petitions, he (Mr. M.) had examined the Journals of several previous long sessions, and he had found the practice of the House nearly uniform to commence their daily sessions at eleven o'clock from the twelfth to the fifteenth day of March. This was, therefore, among the inducements influencing him to ask leave to submit such a resolution. He believed that the public business required the immediate adoption of this resolution now introduced by the honorable gentleman from Tennessee, [Mr. BELL,] in his (Mr. M.'s) momentary absence from his seat. He, therefore, repeated that he hoped it would not be postponed.

The motion to postpone was then negatived, and the resolution adopted.

Mr. JENIFER rose and remarked that he would suggest to the gentleman from Maine [Mr. JARVIS] not to press his motion to reconsider the resolution submitted by him, (Mr. J.,) in relation to the post office, as he had received, since the adjournment of the House on yesterday, a communication from the General Post Office Department, which was satisfactory, and precluded the necessity for the adoption of the resolution.

Mr. BEARDSLEY asked the consent of the House to make several reports from the Committee on the Judiciary.

Objection being made, Mr. B. moved to suspend the rule in order to permit the standing and select committees generally to report. The motion was negatived.

Mr. BOYD moved to suspend the rule for the purpose of proceeding with the preliminary questions connected with the contested election from North Carolina; which was negatived—yeas 121, nays 77—two thirds being necessary.

NAVAL SERVICE BILL.

On motion by Mr. CAMBRELENG, the House, pursuant to the special order of the 26th of January, then resolved itself into the Committee of the Whole on the state of the Union, (Mr. MILLER in the Chair,) and resumed the consideration of the bill making appropriations for the naval service for the year 1836.

The question pending was the motion of Mr. BELL to reduce the item for the improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire, one half, viz.: from $67,000 to $33,500.

Mr. EVANS, who was entitled to the floor, spoke at considerable length. He was aware, as had just been stated by the Chair, that the immediate question pending was the motion of the gentleman from Tennessee [Mr. BELL] to reduce the appropriation proposed by the bill for the contingent expenditures of the navy-yard at Portsmouth, New Hampshire. If that had been the only question brought into discussion, he should have remained silent; but occasion had been taken to go somewhat at large into the expenditures made in all parts of the country, and also upon the question of revenues. He was not very much disposed to complain of that, although the present was not a very fit occasion for debate. The bill then under consideration was a bill of an ordinary character; a bill for paying seamen and for the necessary expenditures in the navy-yards, and for the want of which appropriation he had no doubt the public service was suffering. In that view he would not be in favor of debate; but, notwithstanding, he could not forego the first privilege of a deliberative body. They were not sent there merely to register what had been sent them from other Departments of Government. It was one of the highest duties of a deliberative body to discuss and examine into such matters as came before them. The present bill, it would be seen, was for carrying on the most necessary public works connected with the Navy. He thought it their duty to take up the matter as they found it, and consider it. It was well known they had ships requiring repair, and that they were bound to attend to the public interest. The question admitted of but one answer; they were bound to do it, and they must do it.

The gentleman from Vermont [Mr. EVERETT] had said it was his intention to move to dispense with the navy-yard at Portsmouth. As to that, he (Mr. E.) would say, that the Government had property to a considerable amount there, and it was their duty to take care of it. If Portsmouth was not a suitable place for a navy-yard, he would be in favor of abandoning it, and he would do so by the passage of a law to that effect; but until that was done they must preserve the property, and provide for the interests of the country. If there was any just reasoa why that yard should be abandoned, he would not be for enlarging it; but if there be no such just reason it was their duty to protect, preserve, and repair it. One of the items of appropriation was for a timber shed. Well, they had timber there; and the only question for the House to decide was, does the public interest require that to be done? They had the opinion of the Navy commissioners in favor of those sheds; but as to the great importance of those works every gentleman would have to determine for himself; and minds would differ on such subjects. Still, those commissioners were to be taken as judges in the matter; and, for one, he attached more reliance on those commissioners' estimates than estimates coming from any other quarter of the Government, because the Navy officers had looked with an eye single to the prosperity of their country. They were the last men who would be found negligent of their duty, and he thought estimates coming from them came more forcibly than from any other quarter. He had looked into those statements, and could see nothing objectionable in them. As to the expediency of abandoning some of the navy-yards now established, and establishing others, he was not prepared to decide. It was, however, his opinion, that they had too many yards of construction; but before steps were taken for the purpose of abolishing any of them the matter would have to undergo the most mature deliberation. During that time they must take care of the public property already at those yards.

The gentleman from South Carolina [Mr. THOMPSON] had made a long argument the other day, and he doubted not the sincerity of that gentleman. If he understood him aright, he had said that the whole of the disbursements of the Government, as well for defense as others, were unjust, unequal, and oppressive on one section of the country; and he seemed to suppose that state of things to have been kept up by the northern and eastern people, and concluded by saying the southern people could no longer submit to it; that it was no Government for them. Mr. E. regretted exceedingly to hear a discussion of a geographical character springing up there, and to hear the perpetual allusion to the one sovereign remedy in such an emergency—disunion. He thought no good could come from a discussion of that sort, and that they would be better employed in fulfilling their duty to the public interests, and endeavoring to reconcile those feelings of dissatisfaction in a Government, which had poured down such blessings on the people of America. The gentleman from South Carolina had said that almost the whole revenue of the nation was paid by the South and West. That (Mr. E. said) was not a new doctrine on that floor; it was a doctrine which they had heard asserted there with transcendent ability; yet the doctrine had never been asserted but it had been refuted. It never had been maintained, and never could be. It had been stated that when a southern exporter sent a certain quantity of cotton to a foreign market, in his return cargo he lost a portion by the operation of the duties thereon. But Mr. H. contended that the assessment was the same on the northern exporter as on the southern; because, if a northern exporter sends out money for a cargo from a foreign market, he lost precisely the same amount by the operation of the duty. In relation to the revenue from public lands, he conceived the old States paid as much as the new, and that the new States not only took away the money of the old States, but also took away their inhabitants. The inhabitants of the old States moved to the West and bought land, and that money was paid into the Treasury. Now he could not see, in that state of the case, but that the old States paid as much of the revenue as the new States.

Mr. E. was at a loss to see what obligation there was in the Government to expend the proceeds of the public lands in the South and West, since the money was originally drained of the East. But if this were so, that the revenue was originally derived from one section of the country, did it not belong equally to all? Was it not a part of the general public Treasury, to be expended only where the public interest required? The gentleman from South Carolina [Mr. THOMPSON] had contended that there should be an equality of expenditure. Mr. E. was at a loss to know by what rule the gentleman would be governed; whether by geographical position, population, or what. The only rule Mr. E. would establish was to lay out the public money wherever the public interest required it. If equality of disbursement was to be regarded, the question would then arise, to what extent should it be carried? Mr. E. would go as far as the gentleman from South Carolina for equality of defense, but not for equality of expense of disbursements. If the gentleman would devise a grand scheme of equality of defense, or of internal improvement, he would go with him, keeping in view the public interest and exigency. The gentleman had brought forward a large mass of data showing the public expenditure north of a given point. Mr. E. would ask the gentleman to lay his finger upon a single disbursement or estimate which the public interest did not require, and he would go with the gentleman against it. Let him point out a single place in the South which required disbursement, and Mr. E. would vote for it; but he could not go with the gentleman for his principle of equality of disbursement. The gentleman had also brought forward sundry propositions for the erection of public works, armories, &c., but he had failed to show that the public interest required them at those points, or that the existing armories were insufficient, but proposed them merely because they had been erected in the North. With regard to arsenals, the South and West had as many as were necessary to supply the exigencies of the troops under any cir-

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. TUESDAY, MARCH 29, 1836. VOLUME 3....No. 17.

cumstances. Mr. E. then went over various items in Mr. THOMPSON's speech, and at great length opposed that gentleman's principle of equality of expenditure. Mr. E. avowed himself in favor of a navy-yard on a large scale at Pensacola, though not on the preponderating principle of the gentleman from South Carolina; but he denied that the Government was open to the charge of neglect in that quarter.

Mr. E. read various tabular statements of the expenditures of the Government on our fortifications, by way of reply to the argument of the gentleman from South Carolina, that the disbursements were unequal in the North and South, and in favor of the former. These statements showed that much more had been disbursed in the South than in the North. In the second session of the Twenty-First Congress, a complete statement had been made out of all the expenses of the Government up to that time; and, under the head of fortifications alone, the expenditure in the South was eight millions and forty odd thousand dollars, while in the North it was a little over five millions. He also produced tables of disbursements between 1812 and 1835, all of which showed the advantage to be decidedly in favor of the South. There were many cases of expenditure in the South from which the North could derive no corresponding benefit; but should the Government therefore withhold it? Here was the Seminole war, which would cost the country somewhere about six millions. On the gentleman's principle of equality of expenditure, the North might oppose this appropriation, unless an Indian war of a similar character, and equally expensive, could be got up in the North! He then adduced, as peculiar items of southern disbursement, the Indian annuities, treaties and wars, and the mints established there last year, all for the exclusive use of the South, and in which the North were little or no way interested. Mr. E. avowed himself prepared to support a general system of expenditure; that so much should annually be appropriated for certain specific objects, such as the Navy, fortifications, &c. He referred to the course of Mr. CALHOUN in originating and fostering the very system of which his friends now complained; comparing him to Phalaris, who was the first to be immolated in the machine he had constructed. Mr. E. concluded his remarks a few minutes before four o'clock.

On motion by Mr. CHAMBERS, of Kentucky, the committee rose and reported progress.

On motion by Mr. MILLER, the House then adjourned.

IN SENATE.

WEDNESDAY, *March* 16, 1836.

Mr. WEBSTER said that, in pursuance of notice given by him the other day, he wished to present several petitions on the subject of the abolition of slavery within the District of Columbia, and to move their reference to the Committee for the District of Columbia. He had four petitions of this nature: the first, purporting to be signed by two thousand four hundred and twenty-five of the female inhabitants of the city of Boston, was in the usual printed form, was entirely respectful in its language to that body, and prayed for the abolition of the slave trade in the District, as well as of slavery; the second was sent by other citizens of Boston, of the number of one hundred and upwards, and was of the same purport; the third was signed by a large number of the inhabitants of Wayne county, in the Territory of Michigan—it contained no harsh language, no reproaches, but treated the evils of which it complained with calmness and decorum; the fourth was like the first two, both in substance and form; it was signed by a large number of the citizens of Boston—clergymen, merchants, professional men, and, in short, by nearly all classes of the community. He offered these petitions, and, considering that gentlemen did not wish to raise the question as to their reception, he would move to refer them to the Committee for the District of Columbia. He would only observe that this was the most proper course to take with regard to the next object of the petitions, which was the suppression or restraint of the traffic in slaves. He concurred entirely in the propriety of the conduct of those gentlemen who voted against the reception of the abolition memorials on the ground that they asked of Congress to do that which it had no constituted power to do; for undoubtedly, if petitions came there praying for any measure acknowledged to be unconstitutional, they should not be received. For instance: if a petition came there asking Congress to pass a law abridging the liberty of the press, or a law for the support of any religious establishment, it should not be received; for Congress had no authority to legislate for any such objects. In doubtful cases, however, they should receive petitions and consider them; but he did not say that this was a doubtful case, for he believed that Congress did possess the power to abolish slavery in this District, and, consequently, to suppress or restrain the traffic in slaves. He had often expressed the opinion that, with respect to the States, Congress possessed no power over the subject; and that while it possessed no such power, it was its duty to act in good faith towards the two States who made the cession, and to take care that this Government did not indirectly bring to bear its own weight in this subject. He believed that a great majority of the people of the North entertained the opinion, first, that Congress had no power to interfere with slavery in the States; and, secondly, that it had the power to abolish slavery or restrain the slave trade in this District. The question was, then, of justice and of expediency. It might be expedient to act on one branch of the subject, and neither expedient nor just to touch the other; hence the propriety of a reference to the appropriate committee, who would enter into all the necessary investigations and report what, in their opinion, appeared the most desirable course to be pursued, and thus avoid any agitation of the subject by a discussion. He recollected that, within a few years past—in 1824—a resolution passed the other House instructing one of its committees to take up the subject and examine it in both of its branches; and it was well known that, at an earlier period—in 1816—Mr. Randolph, of Virginia, raised a resolution to take into consideration the state of the slave trade in the District—using the strong terms of the "slave trade." It was well known that the State of Pennsylvania, through both Houses of her Legislature, had strongly urged upon Congress the propriety of taking up this subject, and instructed her Senators and Representatives to use their best endeavors to get some favorable action upon it.

Some resolutions had also passed the General Assembly of the State of New York, having the same objects in view. Now, these proceedings were well known, and he thought the country was not prepared to hear that petitions on this subject had either not been received at all, or that the prayers of them had been rejected without inquiry or consideration. One of the subjects embraced in them certainly did demand inquiry. He, himself, knew nothing of it, and would not undertake to say that the slave trade existed in the District, as it was represented; but certainly he was not prepared to say that it should not be inquired into. For these reasons, he thought it better to give the reference to the Committee for the District of Columbia, who were not only the appropriate committee, but were constituted of members, a majority of whom were from States most immediately interested in the question. They would be very competent to state the grounds and reasons of the conclusion to which they might arrive, both on constitutional points, as well as on points of justice and expediency. As there were many of those petitioners who meant well, he thought they were entitled to have their petitions received and reasoned with; and if there were those who desired nothing but excitement and agitation, it appeared to him that it was the part of prudence not to give them the advantage by allowing them to complain that they had been refused a hearing. He wished, therefore, that there should be a reference to a committee, who would fully investigate the subject, and let their arguments upon it go forth to the country, and he had no doubt but that this course would tend much to produce harmony, good feeling, and mutual confidence, both in and out of Congress. Mr. W. then moved to refer the petitions to the Committee for the District of Columbia.

Mr. MANGUM said he wished to have an opportunity of recording his vote in opposition to the reception of these petitions; and he therefore demanded the preliminary question as to their reception.

Mr. RIVES said he did not wish, by any remarks of his, to open anew a discussion which had already occupied much of the time of the Senate, and agitated the feelings of a large portion of the country. He rose only to submit a motion. Under the influence of the principle conceded by the Senator from Massachusetts, he could, with perfect propriety, vote not even to receive these petitions; for it was the deliberate result of his best judgment, that Congress had no constitutional authority to abolish slavery in the District of Columbia, the object aimed at by the petitioners. The grounds of his opinion on this subject it would be inappropriate for him to go into at the present moment; nor did he wish, at any time, to obtrude his views on the Senate, already enlightened by much abler discussion, unless the question should be opened again by others. Although he held that the Senate had the constitutional right to meet these petitions, on their first presentation, by a refusal to receive them, it did not follow that it was expedient to exercise that right. After the decision already pronounced by this body, it was evident that it would be at least *useless* to renew the attempt. It might be that some of the gentlemen who had originally voted in favor of the motion not to receive these petitions, considering the motion now as *res judicate*, would be inclined to take some other course better calculated to attain a practical result. Various courses were open to consideration. The petitions might be referred to the Committee on the District of Columbia, as proposed by the gentleman from Massachusetts, or to a select committee; they might be referred with or without instructions; or they might be disposed of by a summary rejection of the prayer of the petitioners, as had heretofore been done on the motion of the honorable Senator from Pennsylvania, [Mr. BUCHANAN.] All these were questions involving a complex consideration of the comparative advantages and disadvantages attending each, which, having so recently taken his seat in the Senate, he had yet had no opportunity of making up his mind upon, by an interchange of views with other gentlemen standing in the same relation to the subject as himself. He, therefore, moved to lay the whole matter, for the present, on the table.

Mr. MANGUM said it was not his purpose to open this subject for discussion. He rose for the purpose of reiterating that he had been confined by indisposition when it was up before, and desired an opportunity of recording his vote on a subject he deemed vital to the existence of the South. He gave an unequivocal opinion against the constitutional power of Congress over the question, and declared that he would vote against every motion to receive a petition that should be made.

Mr. WEBSTER did not wish to hasten the decision of this question. If it could be taken up some time next week, he would have no objection to its lying on the table for the present.

Mr. KING, of Alabama, said that he had hoped, when this question was decided by so large a

majority of the Senate, that no gentleman would have felt himself bound to have brought forward memorials of a similar character to those whose prayers had been rejected. He thought he understood the gentleman from Massachusetts as saying that he was waiting for the decision of the question then pending, in order to determine what course to take with regard to the memorials he had in his possession. Could the gentleman have supposed, after the Senate's deciding by a large majority, on the motion of the gentleman from Pennsylvania, to reject the petition then before them, that any earthly object was to be accomplished by presenting petitions of the same nature? The gentleman from Massachusetts, by presenting these petitions, and by the opinions he had delivered in presenting them, had placed himself at the head of these individuals. He was prepared after the vote just taken, and he thought every other gentleman was also, to let this subject, which had created too much excitement throughout the country, sleep; and he thought they had taken a step that would allay that excitement, at least for the remainder of the session. Indeed, from the very first, he was opposed to any agitation or excitement on the subject; and though he had been drawn very reluctantly into the discussion by the force of circumstances, yet he had not promoted the excitement—had thrown out no denunciations or reproaches, but, treating the subject calmly and rationally, was anxious that it should be put to rest as speedily as possible. If, however, any decision was again to be had, let us (said Mr. K.) decide it at once. One word as to the reference to the Committee on the District of Columbia, proposed by the Senator from Massachusetts. Did the Senator believe that a report from that committee, constituted as it was, would have the effect to allay the excitement in a certain quarter, he would not say how gotten up? Would a report from a committee, the majority of whom were slaveholders, be satisfactory to these petitioners? The Senator would, he thought, hardly say that it would.

He wished this question, which had been settled by the Constitution, settled by the practice of the Government, and settled by the solemn decision of the Senate, by a large majority, laid over, not to be again revived. If this matter was pressed, he should be compelled to give his objections more at length; but he greatly preferred avoiding, if possible, any further discussion.

Mr. WEBSTER said the gentleman from Alabama had no right to place him at the head of these people. He as much desired to take the proper course to quiet the agitation, as the gentleman from Alabama himself; and the gentleman had no authority for saying that he (Mr. W.) had placed himself at the head of these people. He had given notice of his having these petitions in his possession some time ago. It was the opinion of the gentleman from Virginia, (Mr. Tyler,) who had recently resigned his seat, that if all the petitions relating to this subject were referred to the Committee on the District of Columbia, and reported upon by that committee, it would give better satisfaction than anything that could be done. In that opinion, Mr. W. fully concurred. Senators were mistaken as to the character and object of these petitioners. They were actuated by no political or party motives. Their petitioning arose out of solemn convictions of a religious duty. They might be mistaken motives, but it was a feeling not to be removed by hasty action, but might be reasoned with. He had no expectation that the Senate would adopt this motion; but whether they did or not, he wished an opportunity to express his views. He thought a fair exposition of the reasons embodied in a report would do more good than all the indignant rejections or summary dispositions that could be made. The point that it was inexpedient, supposing it to be constitutional, was not much known or understood; and to make it so, the origin, and progress, and peculiar circumstances connected with it, should be explained. He wished all the petitions might go to the committee, and at the proper time they would get a report which would be productive of much good.

Mr. PRESTON, in reply, said that his friend from Virginia, who was no longer a member of that body, (Mr. Tyler,) did, at the commencement of the session, entertain the opinion that a report could be had from the Committee on the District of Columbia that would be satisfactory to all parties; but that he had, after further information, and subsequent conversations with the members of the Senate, come to the conclusion that a report, such as he contemplated, would do more harm than good, and he had accordingly submitted the resolution referred to by the gentleman from Massachusetts, and which was then lying on the table.

Mr. MANGUM hoped this question would not be laid on the table. He wished to record his vote against it; although, in his opinion, no action of this body could put the spirit of abolition at rest. He expressed, in strong terms, his apprehensions of the evil consequences that would grow out of it.

Mr. HUBBARD expressed a wish that the Senator from Virginia would not press his motion to lay upon the table the proposition not to receive the memorial. He hoped that the Senate would at one proceed to the vote upon the question of reception, and prevent any further discussion at this time; and should the Senate, as he had no doubt they would, vote to receive the petition, he presumed that some one Senator would move to lay the motion of the Senator from Massachusetts and the petition on the table.

The proceedings of the Senate on Friday last satisfied his mind that it is not the intention of this body, at this session, further to agitate the question of slavery within the District of Columbia. He was entirely satisfied as to the policy and propriety of such a course. The Senate then decided by a very large majority of its members to reject the prayer of a similar petition to the one now presented by the Senator from Massachusetts. He was anxious to wait and see what effect shall be produced by the adoption of the vote of the Senate on Friday last, and he was very unwilling to agitate this question again. He was in hopes that we should not have been asked to take any course with these petitions which would render further consideration and debate necessary. He had on his table a petition committed to his care, and if no objection should be made to the reception of the petition, he would move that it be laid on the table. But if the motion of the Senator from Massachusetts should be adopted, he might find it necessary to give a different direction to that petition from the one he had contemplated. He hoped the Senator from Virginia would not press his motion; that the Senate would receive the memorials, and that the whole subject would at once be laid upon the table; and that the Senate would suspend all further action upon this subject until the Senate shall first ascertain the effect upon the public mind of the proceedings of the Senate on Friday last upon this subject.

Mr. RIVES, in reference to the remarks of the Senator from New Hampshire, begged leave to say that his purpose seemed to have been misapprehended by that gentleman. It was not his wish to revive the discussion, nor to create any additional excitement; but as he had stated, when he moved to lay the question on the table, (having just taken his seat in the Senate, and had no opportunity of comparing views with his southern friends on this subject,) he wished to be enabled to do so. There were various modes of disposing of these petitions, all of which he had named, and all of which he considered as presenting questions of expediency only; it was that he might, with the light of experience reflected by other gentlemen who had been here through the whole session, make up a clear opinion as to which of those modes was most eligible, that he wished the subject laid over. Though he believed Congress might refuse to receive a petition without violating the constitutional guarantee on the subject of petitioning, he was not prepared to say it was expedient under the present aspect of this case to exercise the right. It was far from his wish to raise any discussion again on the subject, and he regretted that his motion had given rise to it.

PETITIONS, MEMORIALS, ETC.

Mr. EWING, of Ohio, presented a petition of a similar character from sundry citizens of Ohio, and moved to refer it to the Committee for the District of Columbia.

Mr. PORTER demanded the question on the reception of the petition; and

Mr. LEIGH moved to lay that question on the table. For the reasons stated by his colleague, [Mr. RIVES,] this was the proper disposition to make of all such petitions as had been presented, or might be presented, to-day.

The motion to lay the question, as to the reception of the petition, on the table, was decided in the affirmative.

Various petitions of a similar character to the one just considered were then presented by Messrs. SOUTHARD, BUCHANAN, SWIFT, and McKEAN, the preliminary question on all of which were demanded by Messrs. MANGUM and PORTER, and were laid on the table.

Mr. McKEAN presented memorials from citizens of Pittsburg, managers of the Anti-Slavery Society of Philadelphia, citizens of Philadelphia, and vicinity, and from two thousand three hundred and sixty-three resident females in Philadelphia, praying Congress to abolish slavery in the District of Columbia and Territories of the United States.

Mr. CRITTENDEN presented the resolutions of the Legislature of the State of Kentucky; and

Mr. EWING, of Ohio, presented the proceedings of a large town meeting of the citizens of Cincinnati, both strongly disapproving the course of the Abolitionists; which were read, and laid on the table.

Mr. PRESTON moved, as there seemed to have been a general disemboguing of abolition petitions, that the Secretary be directed to prepare a statement showing the number of such petitions, and the number of the petitioners, and that the statement be printed for the information of the Senate.

Mr. KING, of Alabama, opposed this motion, on the ground of its circulation with the names, giving too much consequence to the Abolitionists, and of its creating further excitement.

Mr. PRESTON said, the gentleman was mistaken in supposing that he wished to print this statement with the names, or that he wished to give it any circulation. All he wanted was to ascertain the number of the petitioners and the sections of the country from whence they came, for the information and guidance of the Senate.

Mr. LINN said he was not certain but this motion to print these memorials, if followed up by a motion to print the names of the individuals signing them, would be a judicious course. His impression was that one half the signatures were fictitious names placed there to give fictitious importance to the subject; the greater part of the other half, he had good reason to believe, consisted of the names of women and children, who, in all probability, were unconscious of the wrong they were doing. His honorable friend from South Carolina, [Mr. PRESTON,] some two years since, for the purpose of preventing frauds on the pension laws, moved the printing of the names of all those who were on the pension list; this list was widely scattered through the country, and made one member of society a check on another. He was not certain but similar effects would follow the printing of these documents. Such is the abhorrence with which society at large view the attempts of the Abolitionists to disturb the compromise of the Constitution, and unhinge the relations of property secured under that Constitution, that the names of the disturbers have only to be known to bring down upon their heads almost universal condemnation. He, however, believed no course was necessary to their destruction but silence. By discussing the subject of slavery here no good can be done, but much harm, by keeping the country excited, and giving an importance to the Abolitionists which they do not merit. Although representing a slave State here, he at no time had ever felt the slightest fear that the efforts of the Abolitionists would prove successful. In their memorials they had called slaveholders many hard names; but he had not been able to lash himself into a passion for such foolish epithets. *Let them alone*, and their schemes of visions, like a thousand other schemes of visions which have had their day, will pass off and be

forgotten, or only remembered for their extravagance and folly.

Mr. WALKER expressed the hope that the motion of the Senator from South Carolina, [Mr. PRESTON,] to print the names of the memorialists attached to the petitions in favor of the abolition of slavery in the District of Columbia, this morning presented, would not prevail. These petitions have not been received—they perhaps never may be received, and he was equally opposed to printing them, or any part of them, or the names subscribed to them. No useful purpose could be accomplished by printing the names of these memorialists. On the contrary, it might tend only to increase their number, by gratifying the vanity of those who had subscribed these memorials for the purpose of a public display of a false and misnamed philanthropy. Mr. W. would not dignify these petitions by printing the names of the memorialists. Their number has been already stated by the Senator from Massachusetts, who had presented most of these memorials this morning. He had also stated the number of female subscribers to most of these petitions; from which it appeared that about four fifths of these memorialists were females; and no good object could be accomplished by publishing their names. Could it be ascertained by the mere publication of these names how many of these subscribers were Sunday-school children, some good object might possibly be accomplished by such publication. Mr. W. said he had hoped that abolitionism, so far as the action of this body was concerned, had been buried by the vote of the Senate a few days since. The Senate had given it a Christian burial, accompanying its interment with higher honors than Mr. W. thought it merited. The funeral had been accompanied by the Senate almost in a body. But Mr. W. deeply regretted that the distinguished Senator from Massachusetts [Mr. WEBSTER] was not one of the pall-bearers on that occasion. But although that Senator—from a difference of opinion, he hoped, rather as to the mode of proceeding than as to the main question—had refused to attend this interment; yet even his great powers, were he disposed to exert them, could not reanimate this dead body, and produce it for redissection here. Not only could he not reanimate it, but he could not even galvanize this putrid and putrifying corpse, so as to give to it the horrid motions of a seeming existence. The Senate, by an almost unanimous vote, had informed the abolition memorialists that it was utterly vain and nugatory to present any further similar petitions to this body, and that the Government of the Union never would interfere with the question of slavery in this District, or elsewhere.

They had refused to place their action against abolition upon the ground of mere inexpediency by an almost unanimous vote rejecting a resolution to that effect. The Senate had left their action to repose upon the broad basis of the Constitution, or of the implied faith of the Government, inviolably pledged in the cession of this District. The South might now rest perfectly secure that Congress never would abolish slavery in this District. Mr. W. said that the renewal of this discussion could be productive of no good; that no southern man could desire, and that no northern man ought to desire, to rediscuss the question, whether the institutions of the South were or were not so disgraceful that they ought no longer to be permitted to contaminate the soil where now stands the Capitol of the Union. Let us not, then, renew or prolong this excitement. Let us not tear open to bleed afresh those wounds which are now healing, under the balm applied, by the recent vote of this body, Mr. W. did hope that the honorable Senator from Massachusetts [Mr. WEBSTER] would withdraw his motion to refer these petitions to the Committee on the District of Columbia. As a member of that committee, Mr. W. knew that it would report against granting the prayer of these petitioners; but that port would only renew and prolong the discussion, and eventuate in the same vote already dopted by the Senate. Seeing, then, that no good could be accomplished by pressing these motions, Mr. W. hoped, not only that they would be withdrawn, but that the Senator from Massachusetts would withdraw the petitions altogether.

Mr. MOORE was very much afraid his friend from Mississippi [Mr. WALKER] was very much mistaken if he thought abolition was dead. He was afraid the question was not entirely buried, but hoped it might prove true that it was. He believed that, so far from its being dead, these Abolitionists were manufacturing petitions while they were taking the vote which the gentleman from Mississippi had supposed was its funeral. The exhibition they had just heard of, the number of petitions presented, proved that it was not dead yet. He was glad the gentleman from South Carolina [Mr. PRESTON] had made the motion to obtain further information.

The motion of Mr. PRESTON was laid on the table.

Mr. LEIGH presented three petitions from the heirs of revolutionary officers, praying for the commutation pay of their ancestors; which were referred to the Committee on Revolutionary Claims.

Mr. BUCHANAN presented the petition of Charles De Haas, administrator of John Phillip de Haas, an officer of the revolutionary army; which was referred to the same committee.

Mr. RUGGLES presented the petition of sundry merchants of Maine, praying for an appropriation for the improvement of a certain harbor in that State; which was referred to the Committee on Commerce.

Mr. WALKER, on leave, and in pursuance of previous notice, introduced two bills, extending the benefits of the preëmption laws to certain individuals in certain cases; both of which were twice read, and referred to the Committee on Private Land Claims.

Mr. WALL presented several petitions from citizens of New Jersey, remonstrating against the passage of the law to renew the patent of Joseph Grant for making hat bodies; which was laid on the table, and ordered to be printed.

Mr. WALL also presented resolutions of the Legislature of the State of New Jersey, calling the attention of Congress to the various petitions praying an appropriation for the erection of piers in the Delaware, on the shoals near Cape May roads; which was referred to the Committee on Commerce.

Mr. BENTON, from the Committee on Military Affairs, made a report on the resolution on the subject of a survey for fortifications on Lake Champlain.

Mr. BENTON submitted a resolution to expunge from the Journal of the Senate the resolution of the 28th day of March, 1834, censuring the conduct of the Executive in relation to the removal of the public deposits from the Bank of the United States.

Mr. WALKER, in pursuance of notice given, asked and obtained leave, and introduced two bills, one providing for the extension of the time of proving certain preëmptions granted under the act of 19th June, 1834, where such proof had been prevented by the want of public surveys; and the other bill to extend the time for proving certain preëmption claims granted by the same act, where such proof had been prevented by the opposing location of certain pretended Choctaw reservations.

These bills were severally read twice by general consent, and

Mr. WALKER moved to refer them to the Committee on Private Land Claims.

Mr. CALHOUN moved to refer them to the Committee on the Public Lands; and advocated this motion by contending that they involved the policy of the Government in regard to the preemption law, to the further extension of which, he believed, a large majority of the Senate was opposed.

Mr. WALKER replied, that the present bills did not involve an extension of the preëmption system; that the claims embraced in the bills now offered were already vested rights under the act of 19th June, 1834, and were now obstructed in the proof by no fault or neglect upon the part of the owners; that, after these claims had been vested by an act of Congress, the proprietors had, in many cases, made extensive and valuable improvements; that gins, Mr. W. believed, had in some cases been erected; and that, after all this had taken place, to set up these lands again at public auction, or to locate other claims over them, would be an act of spoliation which he hoped this Government would never commit; that these were private land claims; and that the committee on such claims was the proper one to which to refer these bills; that to send them to the Committee on Public Lands, upon the principle already reported by that committee, would be to insure a report against some, if not all, of these bills. Mr. W. took this occasion to declare that, although these bills did not involve the general preëmption system, yet he should press the adoption at this session of a standing preëmption law so guarded as to prevent the perpetration of any future frauds on the Government; that he should also press the reduction and graduation of the price of the public lands in favor only of the actual settlers; and the sale and entry of all the public lands in forty-acre lots. Mr. W.'s motion to refer these bills to the Committee on Private Land Claims prevailed.

PROCEEDS OF THE PUBLIC LANDS.

On motion by Mr. EWING, of Ohio,

The Senate took up the bill to appropriate, for a limited time, the proceeds of the sales of the public lands among the States.

Mr. EWING, after adverting to some of the points made yesterday, went into an argument in support of the constitutional power of Congress to make the distribution provided for in the bill. He went into, and commented upon, the deeds of cession from Virginia. The Government was the *cestui que* trust—the mere trustee of the States in the Confederacy—for the receipt of the money arising from the sales of those lands. The early history of the country would show the proceeds of the lands were not intended merely to defray the expenses of the Government, but contemplated a private distribution. Mr. E. made a detailed estimate of the amount the States would severally receive in the distribution. He did not understand the allegation, that this was a bribe to the people, as at all applicable, unless the handing over of money by a trustee to the persons for whom he held in trust could be called a bribe. All good government might, with as much propriety, be called a bribe. No one man was to be the gainer by it over another; all would be benefited equally by it. Congress could not distribute this money so advantageously as the Legislatures of the respective States. He spoke against making this a party question, and of the preferableness of this mode of disposition over leaving the money in the pet banks. He hoped the bill would pass in its present shape, or be amended, if necessary, so as to make it more acceptable.

After Mr. EWING concluded,

Mr. HILL expressed his wish to address the Senate on the subject. He would, at the pleasure of the Senate, either go on then, or move to adjourn, or move to postpone the further consideration of the bill, with a view of going into executive business; and, having ascertained the sense of the Senate, Mr. H. moved the postponement of the bill; which was agreed to.

On motion by Mr. KING, of Georgia, the Senate proceeded to the consideration of executive business; after which it adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 16, 1836.

Pursuant to the resolution adopted yesterday, the House was called to order at eleven o'clock.

Mr. EVANS objected to the reading of the Journal, on the ground that no quorum was in attendance.

The CHAIR counted the members, when it appeared that only seventy-three were present—no quorum.

Mr. HAWES moved that the House take a recess until twelve o'clock, for want of a quorum.

Mr. ANTHONY moved a call of the House, which was agreed to.

The roll was then called; and one hundred and twenty-three members having answered,

Mr. EVANS moved to suspend all further proceedings under the call; which was negatived.

The absentees were then called in part; when

Mr. HAWES moved to suspend further proceedings under the call; which was negatived.

The call of the absent members was proceeded in; but before it was concluded,

Mr. GRENNELL moved to suspend further proceedings under the call.

Mr. ANTHONY objected to suspending the call. Many of the members who had voted in favor of meeting at eleven o'clock had not answered to their names, and he thought the absentees should all be called.

The motion to suspend the call was negatived; and, when it was completed, it appeared that one hundred and fifty-nine members were in attendance.

Mr. EVANS said the object of adopting the resolution to meet at eleven o'clock was for the dispatch of the public business. For that purpose he would move that all further proceedings under the call be suspended.

Mr. WARDWELL was opposed to the resolution for meeting at eleven o'clock, under the belief that the hour would from day to day be occupied in calls of the House. In order, if possible, to prevent the frequent recurrence of these calls, he hoped the present one would be gone through with, and that the further proceedings under the call would not be suspended.

The motion to suspend was again negatived.

The doors were then closed, and the members still absent were called, a portion of whom were excused on account of sickness or unavoidable absence.

Mr. ANTHONY then moved to suspend all further proceedings under the call.

Mr. MERCER asked for the yeas and nays on the motion; which were not ordered.

The motion of Mr. ANTHONY was carried—ayes 92, noes not counted; and the doors, at twelve o'clock m., were opened.

Mr. HAWES withdrew his motion for a recess, when the Journal of yesterday was read.

NORTH CAROLINA CONTESTED ELECTION.

Mr. DAVIS moved to suspend the rule for this day, after the hour of one o'clock, for the purpose of continuing the consideration of the contested election from North Carolina, (it being the first business in order until that hour.)

On this motion Mr. PATTERSON asked for the yeas and nays; which were ordered—yeas 122, nays 66.

So the motion to suspend the rules for the purpose indicated was decided in the negative, two-thirds being necessary.

INDEMNITY FROM FRANCE.

The rule was suspended, on motion by Mr. INGERSOLL, for the purpose of considering a motion heretofore offered by Mr. MASON, of Virginia, as follows:

Resolved, That five thousand extra copies be printed of the report made by the Secretary of State, in answer to a call of this House, on the decrees of the commissioners appointed under the treaty of indemnity with France.

Mr. JOHNSON, of Tennessee, was compelled reluctantly to oppose the resolution. The awards of the commissioners under the French treaty were for the benefit of individuals, and they might, with equal propriety, print an extra number of the reports of the commissioners upon private land claims, or the decisions of the Supreme Court. He had not looked into the documents, and had no idea of the expense to which they might be subjected by printing the proposed additional number of copies. It might, for aught they knew, require as great an expenditure as some of the books authorized to be printed heretofore by Clark & Force, or Gales & Seaton. It might possibly cost thousands of dollars, and, under the circumstances, he hoped the resolution would not prevail.

Mr. MASON, of Virginia, said the gentleman from Tennessee had mistaken the character of the document. The document intended to be printed was a list of the names of the individual claimants, with the amount of money awarded to each, and he believed the number of individuals did not exceed three hundred and sixty. But there was another and a much more important object to be attained by the publication of the document, which was, that in the negotiation which preceded the adoption of the convention of July, 1831, the principles upon which the indemnification was to be ascertained were considered as unsettled, both throughout France and in this country; that the greatest differences of opinion had existed on the subject; and that, up to the last moment, it had been considered that the French Government had been overreached. The great object of having the present document published was to show in a compendious form that after cutting down the American claims by striking off every doubtful one, still they exceeded the amount stipulated for in the convention. It appeared to him that the publication of the document would have a most salutary influence, not only in our own country, but abroad. It showed that the claims were just, and to a greater extent than stipulated for in the convention, and therefore ought to be satisfactory. The great object of the resolution was to disseminate a most valuable document in relation to the treaty with France. So far as Mr. M. was concerned, he did not believe he had a constituent interested in the claims; but he thought the document one of great public importance, and in that view had offered the resolution.

Mr. INGERSOLL observed that it was the policy of the Government to give important information like the present to the people. It was vastly important that their constituents should have all the information on such subjects which could be given them. He did not know the size of the work, but he understood it was in the hands of the printer to the House and in type; therefore, that was the time to have it printed. The present was a matter of deep national interest. It was highly important that the principles on which the convention was based should be made known. He therefore hoped the motion to print would be agreed to.

Mr. LEE, of New York, said, although he trusted that the argument of the gentleman from Virginia would be conclusive, with a majority of the House in favor of printing five thousand extra copies of this important document, he would give some minor reasons for the measure, besides the great motive of correcting the errors of Europe and the errors of America in relation to the amount of the spoliations, which this document was so well calculated to do. It was due to the claimants that they informed them of the amount of the dividend they might expect. For thirty years these sufferers had been deprived of their property. New generations had grown up; children and grandchildren, and very aged persons, were the recipients of these awards. In many cases, it was their sole dependence; and small as it might be, they ought to be informed of the amount promptly.

Mr. JOHNSON, of Tennessee, remarked, that if the motion prevailed, they would next be asked to print large numbers of the awards of the commissioners under the Neapolitan, Spanish, and various other treaties, and also the adjudications of the Supreme Court. It would be just as proper to publish them in one case as the other. This would subject them to considerable expense, which he deemed wholly unnecessary. If the document in relation to the awards under the French treaty was of so much importance, it would probably be published in the Globe, which would answer the purpose of gentlemen, and save the expense of printing additional copies by the House. At any rate, he could see no propriety in publishing five thousand extra copies, when they had been informed that only three hundred and sixty persons were personally interested in the decisions.

Mr. RENCHER understood that this document had not been laid on their tables, and consequently they were not able to judge of its importance; he therefore moved to postpone the consideration of the resolution until Monday next.

Mr. MERCER hoped that the motion to postpone would not prevail, and that the resolution would be adopted.

The motion to postpone was then negatived; and the resolution was agreed to.

The hour of one having arrived,

Mr. W. B. SHEPARD again moved to suspend the rule for this day, for the purpose of proceeding with the consideration of the subject of the contested election from North Carolina.

The motion was negatived—yeas 106, nays 57; two thirds being necessary.

NAVAL APPROPRIATION BILL.

On motion by Mr. CAMBRELENG, the House, pursuant to the special order of the 26th January, then resolved itself into a Committee of the Whole on the state of the Union, (Mr. HAMER in the chair,) and resumed the consideration of the bill making appropriations for the naval service for the year 1836.

The question pending was the motion of Mr. BELL, to reduce the item for the improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire, one half—namely, from $67,000 to $33,500.

Mr. CHAMBERS, of Pennsylvania, who was entitled to the floor, addressed the House at length. He said he would not confine himself to the mere item under consideration, but should embrace the great and more important question of an increase of the Navy. He was for the increase of our Navy, though not as a war measure. He never believed either France or our own Government intended to involve the two nations in war. That cloud having happily passed off, he was now for increasing the Navy to the extent of our wants and resources.

The next question was, to what extent the increase should be carried. Our ships now navigated every sea and visited every maritime nation on earth. Look at our commerce and internal wealth at the present time, contrasted with former periods of our history. In 1790, the population of the United States was only four millions; it is now about fifteen millions—nearly quadrupled. In 1790, our imports amounted to $23,000,000; in 1835, so far as the returns had been made up, they showed the enormous amount of $151,000,000. In 1825, our exports were but $20,205,000; in 1835, an interval of ten years only, they amounted to $118,955,000, and the increase under every branch was advancing further and further every day. This alone afforded ample proof that an increased and efficient naval armament was indispensable.

Look, besides, at the practice of other nations—the nations of Europe. In 1833, Great Britain had thirty-three ships of the line, two hundred and seventeen frigates, one hundred and twenty-four brigs, &c., and fourteen steam vessels; France had thirty-nine ships of the line, fifty-odd frigates, and two hundred and thirteen sloops, brigs, and small vessels of war; Russia had thirty-two ships of the line, twenty-five frigates, and one hundred and seven smaller vessels; the Ottoman Empire had eighteen ships of the line, twenty-four frigates, and ninety smaller vessels; Holland twelve ships of the line, thirty-three frigates, and fifty-six smaller vessels, &c. The United States, which ought to be a second naval Power at least, was only a seventh or eighth. The nations of Europe, overwhelmed with debt, strained every nerve to foster and keep up their naval power.

But it was not only for security in time of peace that an efficient Navy was indispensable, but it was the best bulwark in time of war—the most efficient and the cheapest. The United States had no other enemy to fear, but what would approach them from the ocean. A naval armament had immense advantages over fortifications, for if they could not be used advantageously at one place, they could with facility be removed to another. Another advantage was, that it protected our trade to a certain extent during war, as well as during peace, while, at the same time, it could harass and cripple the commerce of the enemy. Blockades of our own ports might be opened, and the enemy's ports blockaded. Look at what we suffered during the last war for want of a Navy; our coasting trade and fisheries were destroyed, and even our intercourse from port to port at one time entirely suspended. We entered that war with only four hundred guns, exclusive of gunboats, and captured from the enemy about the same number as we set out with, and about treble the number captured from us. What would have been the effect if we had had a suitable naval armament? Many a blockade would have been raised, millions have been captured, and the capital of the nation would have escaped the ruthless destruction of a barbarous enemy, who spared neither the nation's archives nor its literary collections.

Mr. C. then adverted to and recited some extracts from the report of the Committee on Naval Affairs of the Senate, and the reports of the Secretaries of the Navy of former years. He then referred to the law of 1816, appropriating the sum of $1,000,000 annually for eight years for the increase of the existing Navy. This, too, was done at a time when the country was burdened with a debt of $120,000,000. More than this, our naval force was much greater then than at the present time. We had then seventy-four vessels of war in commission; we had now only eighteen in commission; and including what were in ordinary and on the stocks, our present naval force, taken altogether, amounted to no more than fifty-one in number. This force he contrasted with that of the enemy, with whom it was supposed we were about to cope. In 1835, France had the following naval force armed, manned, and equipped: three ships of the line, twelve brigs, fourteen sloops, twenty-six frigates, thirty-one smaller vessels, eighteen transports and store-ships, and six steam vessels.

Mr. C. then referred to the mode in which our fleets were manned, and condemned the practice of employing alien seamen in our Navy. He hoped the proposition before one of the committees of the House for training up boys in the service would be agreed to, and that eventually the service would be confined to American seamen.

He then adverted to the trifling increase proposed in the estimates of the naval commissioners for the present year. He was not for limiting so indispensable a branch of the service to three, four, or even five millions, when a trade of some three hundred millions was involved, and more than this, the preservation of national honor and national character. He was, however, disposed to rely upon the estimates for the navy-yards. It might be, that we had too many navy-yards, and that three would have been sufficient in the first instance; but taking the high character of the members of the naval board, their responsibility, and their experience, he placed the highest confidence in their estimates, and should vote for the appropriation for the navy-yards as they at present stood in the bill. He hoped nothing of a sectional feeling would operate on the present bill, for it must be borne in mind that one part of the country was as much interested as another. The navy-yards were the property of the nation, constructed for the interest of the nation, and kept up for the service of the nation. Still, he hoped justice would be done to the West, and that the great highway of sovereign States, the Ohio river, upon whose bosom floated annually two hundred steamboats, besides other vessels, would be improved by the General Government. He supported the estimates in this bill, not because it would peculiarly benefit his section of the country, for it was too distant to be benefited a dollar by any one of them; but because he believed the interest of the nation demanded that our navy-yards should be kept in good repair. It was impossible to do without them, and they were compelled to rely, in a great measure, at all times, upon the integrity of the estimates of executive officers.

Mr. C. again adverted to the necessity of an increase of the Navy, and recurred to the neglect of this branch of the service for several years back. It began with the radical spirit of economy of 1829, which had effected no good, and continued throughout the present Administration. In 1817, $3,000,000 were expended on the Navy. In 1834, during a period of seventeen years, the increase had only been $4,000,000. After some further remarks, Mr. C. concluded by again avowing his intention to support the bill, and also to vote for a proposition to increase the Navy to an extent commensurate with the interests and resources of the country.

Mr. BELL briefly explained, before he withdrew the motion to reduce the item under consideration to one half the amount reported, why he had made that motion. He had done it to test the sincerity of those who seemed to apprehend a French war. He never supposed such a lengthy discussion would have grown out of it, and he had deprecated it at the outset. He believed then, and he was now more and more confirmed in that belief, that war with France was never contemplated—he did not mean in that House, but elsewhere. He now withdrew the motion that had been so long pending, and moved to strike out the whole appropriation for the improvement of the navy-yard at Portsmouth.

Mr. B. admitted this to be a subject in which he had no experience; but he took the reports of those who were conversant with the subject—the naval commissioners and engineers. These gentlemen had condemned the locations of our naval stations, and declared that the distribution of the navy-yards was neither as economical nor as useful as it might be if they were differently located. These officers also laid it down that two navy-yards were sufficient. He referred to the report of the Navy Commissioners of 1829. The responsibility had been thrown upon Congress, but not justly, for there had always been exciting subjects interposing. The fault was not with Congress. It was well known that the influence of the Executive was able to set aside any subject proposed for legislation, or could procure the action of the House upon any subject.

Mr. B. was not so much opposed to the item for the navy-yard at Portsmouth, but he would vote for it if it should be shown that it was expedient. He, however, could not bring himself to see the necessity of four navy-yards within a distance of only three hundred and sixty miles—viz: between Philadelphia and Portsmouth—while Great Britain, with her thousand ships of war, and an extent of coast, including that of Ireland, little, if at all, less than that of the United States, had only two navy-yards.

Mr. B. also took up the argument of inequality of expenditure between the North and the South, and dwelt at length on the injustice that had been done to the latter. The rich and productive valley of the Mississippi, which produced everything in abundance required for the naval service, was never called for in any of the contracts. Even sugar and molasses required for the service on the Gulf of Mexico were brought from the North. In the matter of defenses, nothing was done for the Gulf of Mexico; and so far from the navy-yard at Pensacola being kept up, there was not even a wharf there, nor were there materials sufficient for the repairs of a ship. He denied that Congress was responsible for all this. For years past there had been an appropriation of upwards $100,000 left to the discretion of the Executive, which had never been expended. Mr. B. referred to the very large appropriations contemplated at the present session, and the defense made of them in that House by the opponents of the Administration, showing a strange and extraordinary combination of parties; and he dwelt at some length upon the almost boundless money power enjoyed by this Government. Without concluding, Mr. B. gave way to

Mr. LINCOLN, on whose motion the committee rose and reported progress.

On motion by Mr. BROWN, the House then adjourned.

IN SENATE.

THURSDAY, *March* 17, 1836.

Mr. TIPTON presented a petition from sundry citizens of Allen county, Indiana, praying for the sale of certain sections of lands on the line of the Wabash canal, reserved from sale by act of Congress; which was referred to the Committee on Public Lands.

Also, a petition from sundry inhabitants of Carroll county and Michigan City, praying for the establishment of a post route from Kirk's Cross Roads, via Frankfort, Delphi, and Monticello, to Michigan City; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. NAUDAIN, from the Committee on Naval Affairs, to which the same had been referred, reported the bill for the relief of Jesse Smith, without amendment.

Mr. SWIFT, from the Committee on Claims, to which the same had been referred, reported unfavorably on the petition of George Armstrong.

Mr. WEBSTER moved that three thousand additional copies of the communication of the Secretary of the Treasury, showing the condition of the deposit banks, be printed for the use of the Senate.

Mr. W. remarked, that this statement seemed to exhibit a state of things, with respect to the public moneys, that might very well be supposed to require the attention and consideration of Congress. He found, on looking at the statement, that the public deposits in these banks, amounted to thirty millions of dollars; that the deposits of individuals amounted to upwards of fifteen millions; and that the amount of their bills in circulation, payable on demand, was upwards of twenty-six millions. The whole amount of their liabilities was seventy-one millions; and it appeard that their specie on hand was only ten millions: that is, there was less than one dollar in specie for six dollars of debt; and there was due to the Government alone three times as much as the amount of their specie. It was true that there was something on the other side, such as notes discounted, and debts due to and from other banks, but these were equal on both sides, and were of no consequence so far as the Government was concerned. There was another thing which had drawn his attention, and he should be glad if some gentleman more conversant with the subject would give him some light upon it.

In the abstracts showing the capacity of these banks to meet their liabilities, there were credits described as "other investments." No less a sum than eight millions of dollars was described as being "in other investments." He was very anxious to know what these other investments were. His suspicion was that there were none at all, except that one credit balanced another debt. His opinion was, that many of these banks were unsafe. He would call the attention of the Senate to one remarkable case. The Farmers and Mechanics' Bank of Michigan had a capital of $150,000; it owed $800,000 to the United States, or $784,000 to the Treasury, and $16,000 to other public offices. It had received $800,000 of the public money, and where was it? It certainly could not be in specie, because the specie in that bank was but $1,000. Could it be in notes discounted? No; for the whole amount of notes, discounted and exchange, was only $400,000. Here was a bank owing to the United States $800,000, and where was the money? It was not in its notes, liens, and discounts; and where, then, could it possibly be? He had an idea that, when an investigation was made, other facts equally as remarkable would come out. He thought the system began to develop itself. It is apparent (said he) that we have arrived at a very remarkable crisis in the money concerns of the country, not to be trifled with. He held it to be indispensable that they should not delay the distribution of these surplus funds much longer. He held that every wise and discreet man should be anxious so to regulate the public money as to prevent total loss and misapplication.

Suppose (said he) these banks go on receiving the public money until July next; the amount of their deposits will then be upwards of forty or fifty millions of dollars—a sum equal to every dollar of specie in the country; a sum at the absolute disposal of the Government. What did gentlemen propose to do under such circumstances, if they did not mean to vote for the bills for distribution? How would they propose to dispose of this vast amount of money? He had made up his mind to vote for the fortification bill, every part and parcel of it; but this could not by any means absorb the vast amount of surplus in the Treasury. Appropriations for internal improvements could not remedy the evil, for they would be arrested by the veto of the Executive. Were gentlemen willing that "things should remain as they were?" There was a bill before the Senate, introduced by the Senator from South Carolina early in the session, and he hoped that that bill would be soon brought up, that they might have an opportunity of showing what they would do both with regard to the surplus on hand and that accruing. As to the land bill, they could not shut their eyes to the sources from whence flowed the vast amount accumulated from the sales of the public lands. The lands had changed hands, but the public had not been benefited thereby. They had gone from the possession of one great proprietor, the Government, to

many great proprietors, who knew nothing of minimums. He would not dwell further on this subject then, but should, at a more favorable opportunity, go more at length into an examination of it. For the present, he would only move the printing of an additional number of copies of the statement—say, three thousand.

Mr. BENTON seconded the motion of Mr. WEBSTER, and assigned his reasons for so doing; which will appear hereafter.

Mr. CLAY had, like the gentleman from Massachusetts, been very seriously impressed by an examination of the document to which the attention of the Senate had been called; and in reference to that document he had directed certain papers to be made out, which he should, at a proper time, lay before the Senate. He was struck with the total insecurity of the vast treasure in the keeping of these deposit banks, and the great disproportion between their liabilities and their capacity to meet them. They might be called on for seventy-seven or seventy-eight millions of dollars in any one of the three hundred and sixty-five days of the year, and they had only about ten millions to meet that demand—about one eighth of what they might be called on to pay; and if there was any truth in the signs of the times, they were on the eve of a great paper crisis; and could any man say how soon that day would arrive when this demand would be made? These deposit banks were, in fact, only the nominal debtors to the United States. The real, substantial debtors to the United States were those persons to whom the banks had loaned this public money. And who were they? The Secretary of the Treasury did not, nor did anybody else, know. We have (said Mr. C.) collected the people's money to a vast amount, and this money has been loaned out to individuals who were not known to the officers of Government. We are (said Mr. C.) the actual creditors, and we do not know our debtors. In one institution in his own State, called a savings institution, having a capital of ninety-six thousand dollars, there were upwards of three hundred and twenty thousand dollars of the public money deposited. Let us go (said he) to the metropolis of the country—the great city of New York. In each of the three deposit banks of that city the money deposited by the Government exceeded its capital. Now, what security had they for this money? Suppose a great deficiency of southern crops, or any other crisis, creating a necessity for the exportation of specie to Europe instead of the ordinary shipments, each of these banks would be compelled to call in; this would compel other banks to call in in like manner, and a panic and general want of confidence would ensue. Then what would become of the public money? You have not (said Mr. C.) even the power to make the periodical returns of your debtors; for these banks are not real debtors, as the money has been drawn from the people, and loaned out to persons whom you do not know. The distribution of this vast treasure must challenge the attention of every man. There was no other way to remedy the evil. He would invite the attention of the Senate to the distribution of this fund.

In the single city of New York there was deposited one third of the whole of the public money; while in the State of Kentucky $300,000 was deposited in a savings institution. He knew well that it would be said that the principal part of this money was deposited in places where it was principally collected; but let him ask if other circumstances were not to be taken into view as well as the collection of the revenue? This ten millions deposited in the city of New York was equivalent to a grant of $600,000; and the deposit of the whole surplus was equivalent to a grant of $1,800,000. There was some advantage derived to the United States from the deposit of the public money with the Bank of the United States, because the Government was a large stockholder of that institution; but in the distribution of this surplus it ought to be so deposited that the whole country should share alike in the disposal of the deposits.

Mr. CALHOUN said that, confident as his impressions were of the diseased state of the currency of the country, he had not believed it to be of so great magnitude. It had commenced three years ago. He would not enter into the causes, but would consider the fearful responsibility of the remedy. Something must be done, and that speedily, or a deep wound would be inflicted on the body-politic. If they permitted this session to pass without doing something, ruin must follow, which would enlist on the part of the Government a system of speculation and swindling. They had seen what gold had done; it had corrupted the country. He understood this increasing of the Army. Gold comes into the country first, (said he,) and steel settles the conflict. He put it to the Senator from New York, [Mr. WRIGHT.] Is he contented that his constituents in New York should have fifteen millions of the money of his (Mr. C.'s) constituents, and of the constituents of other Senators? Was he a friend to his country; and would he, as a man of justice, assent to this species of robbery?—for he could call it by no other name. He had hoped there was still virtue and patriotism left to correct this evil. All party spirit ought to be discarded, and now was the time to see who were friends of the country and above party feelings, and who were yoked down and chained to it. He hoped a number of these documents might be printed, that the public might see the state of things they were in. The public funds given away to private individuals called corporations presented to the country an anomaly. He hoped the Senate would adopt the motion.

Mr. WRIGHT observed, that the Senator from South Carolina had asked him a most important question, and as he conceived a most improper one. The gentleman had asked him, "was he a friend to this country?" That was an insinuation, the answer to which rested not with him. His country must answer; and proudly and fearlessly would he place his public actions there by the side of those of that Senator, and let the public answer. He would not put that question to the gentleman from South Carolina, or to any other gentleman. So much for the application to his humble self; he would not trouble the Senate further with it. The honorable Senator complained of the inequality of the deposits of the public money. Would he carry his recollections a little back? Did he recollect a little more than two years ago, when they were told by himself that the transfer of these public deposits, for the purpose of equalizing them in different parts of the country, was denounced as a corrupt abuse of power? Yet now he complained that these transfers were not made, and that the public money was suffered to accumulate in particular places. Was there any money in the banks of New York which had been collected there? The gentleman did not say there was. How, then, was the Department to be complained of for this accumulation of money in New York? It was in conformity with the opinions expressed on that floor two years ago, that the money was suffered to remain in New York, which had been collected there. There was a vast amount collected in that city, and hence the accumulation. He confessed that he had been astonished at hearing this complaint, treading on the heels of complaints the very reverse made there two years ago, and which every gentleman must recollect. If there was no law regulating the deposits of the public money, was the executive officer in fault for this accumulation? It was far from his purpose, never having seen the statement till that morning, to attempt to argue upon the security or insecurity of the public money. He could say that he had not so much apprehension of a loss as some gentlemen, and it might not be as much as he ought to have; but he must say that the executive branch of this Government was not in fault, if the deposits of the public money were not regulated by law.

Mr. CALHOUN said, the Senator from New York [Mr. WRIGHT] had on this, as on other occasions, displayed his ingenuity by changing the ground. He (Mr. C.) had stated as the existing evil the accumulating of $15,000,000 in New York belonging to his (Mr. C.'s) constituents, and the constituents of other gentlemen, and had put the question to the gentleman from New York [Mr. WRIGHT] not as questioning his patriotism. Mr. C. spoke of the pernicious political effects of transfer drafts, and of the report he had made on that point, which was lost in the House of Representatives. A plan ought to have been digested, and a uniform system adopted, of transferring these deposits. He was willing to go into a comparison of his political life with that of the gentleman from New York, [Mr. W.,] if he desired it, as related to the past or the future. The majority in the Senate had changed, and in some respects he was glad of it. A responsibility had in some measure, rested upon those opposed to the Administration, although their views were thwarted by vetoes from the Executive, and opposed by the other branch. Now the Executive and his friends had the entire control.

Mr. WRIGHT, in reply, said he had only intended to answer the questions of the Senator from South Carolina. As to a personal comparison, he had intended none; for it would be a vanity he had never indulged in to compare his public services with the long political life of that gentleman. He did understand the Senator as complaining of the accumulatiou of the public money in certain places, and as calling that accumulation of money which belonged not to New York alone, but to his constituents, and those of other gentlemen, a robbery. Now, suppose the bill which the gentleman introduced had become a law, would the state of things he complained of have experienced any possible alteration? He would read one section of the bill, in order that the Senator might judge of its effects.

Mr. W. here read the section which provides that the public money shall not be removed from the banks in which it shall be deposited, without the consent of Congress, unless the Secretary of the Treasury shall have good reason to apprehend that such money is not safe in said banks, or the banks shall fail to comply with the regulations instituted by him. Now, (he asked,) if this section had prevailed, would the present state of things have been altered? As to where the fault was, that regulations for the security of the public deposits had not been made, he could not say; but certainly the fault was not in the Executive.

Mr. CALHOUN said that the Executive was known to have a fixed and decided majority in the other House. We Senators (said he) have been called a factious body. Why did not the House pass this bill? The Senator, who was well acquainted with the discipline of the party, surely knew why this was not done. The Senator would recollect that this was one of three measures which he (Mr. C.) had brought forward; and it was to take out of the hands of the Executive the power of controlling the currency. This had not the sanction of the Senate. The other two were sent down to the other House, and there they slept the sleep of death. The Senator would recollect that there was another proposition, which was to send back to the people the surplus revenue not wanted for the current expenses of the Government; and that, when this was brought forward, it was declared by the friends of the Administration that there would be no surplus, and that all his figures and calculations were considered the wildest delusions. The time had now come round, and his calculations were proved not to have come up to the amount of surplus on hand. The Senator, with his usual ingenuity, wishes to turn the eyes of the Senate to the future. Now he wished to turn their eyes to the future. The danger which he had predicted had arrived, and he was not aware that the Senator, and those with whom he had acted, had made any effort to present it. He believed that when this question came up it would present two of the greatest questions that had ever been before any Government; one that would carry this Government from the present state of things to a military despotism, and the other that would restore it to its former purity.

Mr. BENTON could not let the debate go off without pointing out to the Senate and the people that what was called here a surplus of thirty millions was a mere delusion. He then went into a speech of considerable length, which will appear hereafter.

Mr. EWING, of Ohio, believed that there never had been before known to be in the Treasury a sum sufficient to cover all the appropriations at the time they were made. For instance, (said he,) if we had not more than five or six millions in the Treasury now, would not the gentleman from

Missouri feel perfectly safe in making all the appropriations for fortifications he contemplates, and relying on the accruing revenue to pay them? We go on, said he) making the appropriations, but they will not lessen the surplus in the Treasury a dollar. There would still be a vast increase beyond the appropriations. With regard to the appropriation bills having been kept back, how was it (he asked) that these appropriations had not been made in the other House, which was the proper place for them to originate in? Did the Senator from Missouri suppose that the other House had any object in keeping back these appropriation bills? The Administration had the majority there, and the Senator from Missouri said that the responsibility rested with them.

With respect to the money of the people deposited in these banks, it was exposed to great danger and loss. Out of these thirty-five deposit banks, there were only eight who had it in their power to pay promptly the public money in their hands. It was in the power of the Secretary of the Treasury to crush at once seventeen of them, who had not the means to pay on demand the public money in their hands. Mark (said Mr. E.) the power and influence that an officer of the Government has over the money concerns of the country! Was this a state of things that any patriot would wish to continue? Let this money accumulate as it would, still the Executive would have the power to control it. It would be like the state of things under Pharaoh, who, taking advantage of the famine, got all the property of his people in his own hands; and they finally had to sell themselves for bread.

Mr. WALKER did not rise to embark in this discussion, but to state a fact. The gentleman from Ohio [Mr. EWING] had stated, that the money deposited in these banks might be used for political purposes. He could state, and appeal to his colleague as to the deposit bank in his State, (Mississippi,) that a large majority of the directors and stockholders were opposed to this Administration. The president of a principal branch of it ran at the head of the opposition for Governor, and the president of it headed the opposition ticket for Congress; and failing in that, he was run as a candidate for the United States Senate.

It would be found, on examination, that the whole paper system was against the Administration, and against the people. He believed the deposit banks in other States would, on examination, be found to correspond with the statement he had made in relation to the one in Mississippi. If dollars and cents alone were to control our political relations, instead of the votes of freemen, this Administration would not now be in power.

Mr. BLACK rose to confirm the statement made by his colleague [Mr. WALKER] with respect to the banks in the State of Mississippi. A majority of those who held stock in these banks were not (he said) in favor of the Administration. With respect to the paper currency, his colleague would recollect that a proposition was before the Legislature of Mississippi to extend the banking capital of the State to fifteen millions more; and that this proposition, so far from being favored by the opposers of the Administration, was more peculiarly favored by the other party. Money matters (he said) had never been made a test of political influence in his State. He was sorry to see a disposition in Mississippi to extend the paper system, and he looked upon it as the inevitable consequence of measures pursued here two years ago.

Mr. WALKER wished to be distinctly understood as not having made the slightest charge against the Planters' Bank of Mississippi. He had risen only to show that, so far as the State which he had the honor in part to represent was concerned, the deposit bank was controlled by those who were opposed to the Administration.

The question was then taken; and the motion to print three thousand additional copies of the statement was agreed to.

MAIL BY RAILROADS.

Mr. GRUNDY submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing permanent contracts to be made for the transportation of the mail with the different railroad companies, or such of them as may be willing to make contracts for that purpose, upon such terms and under such restrictions as may be prescribed by law.

NEW LAND OFFICE.

Mr. EWING, of Ohio, presented a petition from sundry citizens of Ohio, praying for the establishment of an additional land office; which was referred to the Committee on the Public Lands.

PROCEEDS OF THE PUBLIC LANDS.

On motion by Mr. HILL, the Senate proceeded to the consideration of the bill to appropriate, for a limited time, the proceeds of the public lands among the States; and

Mr. H. addressed the Senate at length in opposition to the bill; after which

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 17, 1836.

Mr. HAWES asked the unanimous consent of the House to take up and consider a resolution, heretofore offered by him, for the appointment of a select committee to examine and report the situation of the West Point Academy.

Objection being made, Mr. HAWES moved to suspend the rule for that day, in order to dispose of his resolution; which was negatived.

Mr. MILLER moved to suspend the rule for one hour, for the purpose of enabling the committees to report; which was negatived.

NORTH CAROLINA CONTESTED ELECTION.

The House resumed the consideration of the contested election from North Carolina.

Two motions were pending; the first in order was that of Mr. MANN, of New York, making the report of the Committee of Elections the special order of the day for Wednesday next; and the second proposition was that of Mr. HARD, to recommit the report with instructions, to allow further time to the sitting member for taking additional testimony.

Mr. NEWLAND, (the petitioner,) having permission to appear in his own behalf, addressed the House: As he had before stated, he was but a plain cultivator of the soil, and made no pretensions to high learning; therefore, if he transgressed the rules of order, he hoped it would not be imputed to any other motive than the proper one. He wished merely to lay the plain, simple state of facts before the House. From the statements which had been made in that House the inference was to be drawn that the petitioner had endeavored to take advantage of the sitting member. He denied any such charge, and merely wished to call the attention of gentlemen to the facts. It had been said by the sitting member that the petitioner had occupied nearly all the time for taking testimony, so that he (the sitting member) had not an opportunity of getting his testimony. Now, Mr. N. had to remark, that the election was held in August, and on the 20th of that month, when the polls were compared, he had addressed many of his friends, in the presence of his honorable opponent, and had stated his intention to contest his election, if it was the wish of the people that he should do so. On the fourth Monday of September, the court met in Burke county; and at that time his honorable opponent was aware of the petitioner's intention to contest his right to his seat, and he might have been engaged in taking testimony throughout the counties at the courts which followed, if he had been so disposed. The sitting member attended all these courts, where he might have been employed in the collection of evidence.

Mr. N. said he served notice on his opponent at the September court. How, then, could the petitioner have been receiving evidence without the knowledge of the sitting member? The petitioner's object was, in taking the course of going to the different county courts, to give the sitting member an opportunity of obtaining testimony. If gentlemen would only take the trouble to look at the documents, they would see which was entitled to the most credit. Mr. N. stated several places in his district at which he had taken evidence, and where the evidence was cross-examined, either by the sitting member or his agents. He wished to call the attention of the House to another fact, that on the 2d of November he (the petitioner) had notified his opponent of his intention to take testimony at Morgantown on the 30th of that month, and at Flat Rock on the 26th of the same month; but, after that notice had been served, the sitting member had notified the petitioner of his intention to take testimony on those same days at other places. The petitioner had also been notified to attend examinations in places two hundred miles apart on the same day. If gentlemen will examine the notices they will find that, so far from the petitioner throwing obstacles in the way of taking testimony, it was the sitting member who threw the obstacles in the way of the petitioner. He remarked, that the notices were in conformity with the laws of North Carolina. When the subject was before the committee, the petitioner had expressed his readiness to trust his fate to the testimony then in his possession. After the committee had examined the testimony, they were informed that they would be heard by the committee. Mr. N. recollected (he said) he was content with the testimony then in their possession. He recollected a motion was made in the committee, that the testimony be submitted to them, that they might make out an abstract. He fell to work to make out his abstract; but although the sitting member was there, and had the evidence in his possession, he declined making out any. When the committee next met, he (the petitioner) submitted his abstract, but there had not one word been said about further time until they had examined the documents. He did not wish to detain the House, but he wished to correct a statement which had been made there. It had been stated that, in the case of Talifer and Hungerford, there was more time than in the present for taking depositions. It had been stated that the parties then commenced taking depositions in September, but it had been carefully kept out of view that Congress met at that time a month earlier than they do now. Congress then met in November; so that the time allowed in the present case was longer than the time then allowed. He had again to state to the House that he had no sinister motive to bring him there, but that he came, as he conceived, by the will of a majority of the freemen of his district, not to maintain his own rights alone, but to maintain the rights of his constituents. He wished, in all due deference to the House, to state that their forefathers, in the adoption of the Constitution, had said that each House shall be the judge of their own elections, evidently intending that they were the guardians of the rights of the people. Therefore, if he was rightfully entitled to the seat he ought to have it; and all he asked was stern justice.

[Mr. N.'s speech will appear hereafter.]

Mr. HOWARD said that, as both the candidates for membership had now addressed the House, it seemed as if the argument was closed, and the judicial functions of the House about to commence. The question under consideration was one of time, as the sitting member had requested a postponement of the final trial until he could have an opportunity of collecting further testimony. When called upon to vote upon this prayer, Mr. H. said that he found it sustained by many considerations of great weight. The sitting member alleged that he could not proceed with justice to himself; and a respectable minority of the committee had recommended that the indulgence should be granted. He had looked into the case so far, and so far only, as to enable himself to give a correct vote upon the question of time, and regretted to say that he could not grant it. For a vote, apparently so unkind and harsh, he begged leave to assign his reasons, which, if not well-founded, could be shown to be so, and he would cheerfully change his vote. It seemed to him that, if the testimony was in an imperfect state, it was the fault of the sitting member that it was so; and if he should lose his seat in consequence of this imperfection, the result must be attributed to the error of judgment into which the sitting member had fallen, respecting his duty to his district and to the House. In order to bring the point distinctly up, he would request the Clerk to read the passages which he

had marked in the report of the Committee of Elections.

[The Clerk accordingly read two extracts, showing that the sitting member and minority of the committee were of opinion that the evidence was left imperfect from the necessity of his attending to his duty at Washington at the opening of Congress.]

Mr. H. said that he wholly dissented from the opinion just read. It seemed to him that one of the first duties of the House, after its organization, was to inspect the validity of the titles of those who presented themselves as members, in order to settle all conflicting claims which might arise, and this duty was in its nature preliminary to the performance of all other duties. The nation at large had a right to require that those only who had been legally elected should sit and vote upon matters of deep public interest, which were often decided by a single vote. If this were true, it became the duty of every member to increase the facilities of the House for the decision of conflicting claims with as much promptness as justice would admit. The collection of testimony was therefore in the direct discharge of the first duty which the sitting member owed to the House, and he erred in judgment when he abandoned the field in the midst of the investigation, trusting the prosecution of the inquiry to friends or agents who had omitted to fulfill it. The personal superintendence of the sitting member ought to have been given to the scrutiny, because there was no duty which he could have been called upon to perform in Washington of such urgency as the investigation of his own title to a seat. The consequence of the error was, that now, in the middle of March, the House was called upon to postpone its final inquiry into the case, in order that the sitting member might either leave his seat and repair to his district to obtain additional testimony, or again trust those agents who had already disappointed him. Mr. H. said that he meant no disrespect to the sitting member; but it was one of those cases where a public man must construe his duty for himself, and abide by the consequences if he judged erroneously.

If he had moved into his building before examining whether its foundations were secure, and it should tumble upon him, the misfortune could be attributed only to the hasty zeal with which he had taken possession. Had it been his own case, (Mr. H. said,) he would not have left his adversary in possession of the field, but remained as long as the combat went on. It was the case of two generals who had fought a battle, in which one appeared to be worsted, but the victor had gone too soon into winter-quarters. His opponent had continued the contest, and captured post after post; and now this House, a neutral party, is asked to interpose, and obtain a postponement of further operations, until the field can again be taken and the lost ground recovered. Justice to the parties, to the people of the district, and to the nation, forbade it. It was now the middle of March; and if the defective state of the evidence was owing to the error of the sitting member, what was the condition of the petitioner? For three months and a half he had prosecuted his claim; and if the friends of the sitting member had consulted together to devise a plan by which most effectually to baffle the petitioner, none could have been adopted more likely to succeed than to procrastinate the inquiry during the whole winter, and in the spring obtain a further grant of time. But, he again said, that he imputed nothing of the kind to the sitting member or his friends, who were no doubt convinced of the justice of his cause, and disposed to uphold it by the fairest proceedings. He compared the House to passengers in a stage-coach, for a journey of thirty miles, empowered to decide upon the rights to seats. One of these being claimed, the petitioner was told to run along for ten miles, and then the case would be decided; but at the end of that time he is told that the passengers have been talking about other things, and he must continue his pursuit for ten miles more—when, two thirds of the journey being over, he shall be allowed to come in, if his right shall be confirmed.

Mr. H. said he had thus presented, as briefly as possible, his reasons for declining to grant further time; but was willing to take up the case upon the evidence before the House, which he would examine without prejudice.

Mr. GRAHAM said it must be borne in mind by the House that, at each time that he had addressed them, it was a matter of sheer duty to himself. It had been said by the petitioner that he had given notice at the comparing of the polls of his intention to contest the election. Mr. G. knew that the petitioner had made such a statement, but it had been made to an assembly of persons, and not to him personally, and it was impossible for him to say whether he intended to do so or not, from that assertion. The petitioner had also stated that he had given notice that he would take testimony on days which had already been set apart for that purpose. Mr. G. asked how he was to take testimony in any other way, when the petitioner had every day appropriated to himself? With regard to what had fallen from the gentleman from Maryland, [Mr. HOWARD,] he had only to say that, whatever might be his notion, Mr. G. was bound to conform to the opinion of his constituents; and however much he might respect that gentleman's opinions, still he respected the opinion of his constituents more. Mr. G. then read letters from three of the persons which he had appointed agents to take testimony and cross-examine witnesses, stating that for various reasons they had not been enabled to perform that duty.

Mr. NEWLAND, in reply, remarked that, if he were disposed to pursue the same course adopted by the sitting member, he could have produced a large number of letters of the same tenor, but he had resolved to abide by the usual action of that House and the laws of the State of North Carolina. This observation applied equally to additional depositions which had been tendered to him, but he had refrained from availing himself of them for the same reason.

Mr. BOYD adverted to a few facts in the report of the committee, showing that full and sufficient notices had in all cases been given to the sitting member, and that any complaint on that ground would have come with far more propriety or reason from the petitioner than his opponent. The former had not only served the latter with notices in due time, but with even more time than the strict requisition of the laws of North Carolina required. Mr. B. also entered into a statement of sundry facts which occurred in the Committee of Elections.

Mr. MAURY explained that he had distinctly recollected, at one meeting of the committee, at which all the members were *not* present, that a majority of those present deemed the notice insufficient, and that the sitting member ought to be allowed more time.

Mr. BOYD had not charged any one with misrepresentation; but where so many meetings were held it was natural to expect a discrepancy of recollection. The sitting member had not made the application in time, and the committee had passed on the sufficiency of the notices before they entered on the testimony. His recollection varied from that of the gentleman from Tennessee.

Mr. MAURY said the protest of the sitting member had been overruled, and he was not apprised of it in time. He called upon the honorable chairman of the committee to state what his recollection was on this point.

Mr. CLAIBORNE could not undertake to relate everything that occurred in the committee, but he would say he was not in the habit of communicating anything to either of the parties, unless under instructions of the committee. He did communicate to Mr. Graham the action on his protest. He recollected, also, a meeting of the committee, at which a majority of those present were of opinion the notices were sufficient; that is, that they contained a sufficient indication of an intent to dispute the election, and a sufficient indication of an intention to take depositions.

Mr. WISE here called for the orders of the day, but the motion was negatived.

Mr. BOYD again proceeded, and said he had a most distinct recollection that the committee did act on the preliminary question long before the middle of January.

Mr. HARD next obtained the floor, but gave way to

Mr. MAURY, who desired to explain. The gentleman from Kentucky [Mr. BOYD] had remarked that he was borne out in the statements which he had made by the recollections of several members of the committee. He (Mr. M.) was satisfied that the facts which he had submitted were substantially set forth in the report which was signed by four members of the minority. He repeated that his recollection was distinct, that on the 15th of January the chairman was instructed to notify Mr. Graham that his protest had been overruled, and, in point of fact, no decision was made before the day to which he had referred. Several days previous to that time he had been asked by the sitting member, if they had come to any decision upon his protest, and he informed him that they had not, but were waiting for a full meeting of the committee.

Mr. HARD again addressed the House, and contended that the notices given to the sitting member by Mr. Newland, were informal and insufficient, both as to time and substance. He urged the propriety of granting further time to the sitting member to take testimony essential to his defense, and to a correct decision of the case; and entered into a particular description of the notices, to show not only their insufficiency, but that their general character was so indefinite and vague as to preclude the sitting member from the opportunity of taking all the testimony which he deemed necessary.

Before Mr. H. concluded his remarks, the hour arrived for proceeding to the consideration of the special order.

Mr. BOYD moved to suspend the rule, for the purpose of proceeding with the consideration of the contested election.

Mr. GALBRAITH called for the yeas and nays, which were ordered; and were as follows:

YEAS — Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Beardsley, Beaumont, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Brown, Burns, Bynum, Carr, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Conner, Craig, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Effner, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Graham, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, Pinckney, John Reynolds, Roane, Robertson, Schenck, Augustine H. Shepperd, Shinn, Sickles, Smith, Sutherland, Thomas, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, and Weeks—125.

NAYS — Messrs. Chilton Allan, Heman Allen, Bailey, Bell, Bond, Briggs, John Calhoon, William B. Calhoun, Cambreleng, Campbell, Carter, George Chambers, John Chambers, Childs, Clark, Corwin, Crane, Cushing, Darlington, Denny, Dunlap, Evans, Everett, Forester, Philo C. Fuller, Granger, Graves, Grennell, Hiland Hall, Harlan, Harper, Hazeltine, Heister, Hoar, Howell, Huntsman, Ingersoll, Janes, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Sampson Mason, Maury, McKennan, Mercer, Milligan, Morris, Peyton, Phillips, Pickens, Reed, Rencher, Russell, William B. Shepard, Shields, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, Whittlesey, Sherrod Williams, and Wise—72.

So the House refused to suspend the rules.

Mr. HAWES moved to suspend the rules, in order to enable him to submit a motion to rescind the order of the House making the appropriation bills the special order for each day, and called for the yeas and nays on his motion; which were not ordered.

The motion of Mr. HAWES was then negatived without a count.

NAVAL APPROPRIATION BILL.

On motion by Mr. CAMBRELENG, the House, pursuant to the special order of the 26th January, then resolved itself into the Committee of the Whole on the state of the Union. (Mr. HAMER in the chair,) and resumed the consideration of the bill making appropriations for the naval service of the United States for the year 1836. The question pending was the motion of Mr. BELL, to strike out the following item from the bill:

For improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire, sixty-seven thousand dollars.

Mr. B. having withdrawn his previous motion

to reduce the said item one half, and substituted the foregoing.

Mr. BELL, who was entitled to the floor, rose and addressed the House at length. He said he had long desired to state, in justice to himself, that he had no hostility to this branch of the service, but, on the contrary, he was for an increase of it; and the remarks of the gentleman from Pennsylvania [Mr. CHAMBERS] on that point had his most hearty concurrence. What he wished was a full investigation of the subject. With regard to the number of navy-yards, although experienced officers had expressly laid it down that two would be a sufficient number, Mr. B. was willing to concede four, which number he deemed amply enough. He said there was but one way to settle this subject, and that was by bringing the influence of the Executive to bear upon it. He inquired why it was that no special messages had been sent in on this subject? It had been thrown out that there were political reasons why some of these navy-yards were kept up, and that the naval station at Portsmouth was to be fostered, because the people of New Hampshire had remained firm to the Democratic party. He again recurred to the neglect of Pensacola by the General Government, and complained that no special message had ever been forwarded thereon. Mr. B. then said he should proceed with a general inquiry into the state and condition of the Government, and the policy of the present Administration. He would have preferred doing this on the fortification bill; but he had reason to apprehend that the bill under consideration was the only one which would be debated in committee, till near the close of the session. The present bill, however, provided for a very considerable increase from former appropriations, he believed about $1,000,000; but if its principles were carried out an expenditure of $100,000,000 would be involved in it. Besides this, such a discussion as was desired could not be got up in any other way but on appropriation bills. He dwelt at some length upon the resolution adopted on the 26th of January, making these bills the special order of every day at one o'clock. That resolution was adopted on the very day the news was supposed to have arrived here of the proffered mediation of Great Britain: and the introducer of the resolution, [Mr. MASON, of Virginia,] from the peculiar station he occupied, (chairman of the Committee on Foreign Relations,) must have been privy to the news at the time he introduced it. The resolution was intended to suppress discussion.

Mr. MASON said, he regretted very much that the gentleman from Tennessee should indirectly impute an intention to him which he (Mr. M.) had heretofore, so far as he was concerned, most positively disclaimed. In offering that resolution, Mr. M. had no intention to trammel the House, or to preclude debate or discussion upon any particular subject or class of subjects.

In regard to the knowledge, or supposed knowledge, of the intelligence referred to, Mr. M. had only to say, and at once to relieve the gentleman from Tennessee from going into such proof, that at the time that proposition was submitted in the committee of which he had the honor to be chairman—at the time it was there adopted—at the time it was reported to the House and passed upon by the House—Mr. M. had held no communication with any member of the Administration, and had received no information, official or unofficial, direct or indirect, that there was any reason to believe that the mediation of Great Britain would be offered or accepted by this Government, or that any such purpose was in contemplation. At no period of time, prior to the adoption of that resolution, was there in Mr. M.'s possession any circumstance to justify such an idea.

Mr. BELL said, the gentleman's explanation only proved that he was not in possession of the information the position he occupied demanded. Mr. B. was assured of the fact that the news had been unofficially received in this city the day before the special messenger, with the proffered mediation of England, had arrived. He was in possession of the evidence to substantiate this fact. With regard to the resolution of the gentleman from Virginia, [Mr. MASON,] its spirit was to suppress debate, and such had been its effect. He then referred to the proceedings of the House on the resolution of Mr. ADAMS respecting the loss of the fortification bill of the last session, and condemned the course of certain gentlemen on that subject.

Mr. B. then read a variety of extracts from the report of the Secretary of the Navy to the President of the United States in the year 1798, from a memorial from certain citizens of Pennsylvania, after the passage of the alien and sedition laws, from the publications of the late William B. Giles, of Virginia, to show the analogy existing between the party in power in 1798, and the party now in power. Their leading principles (he said) were the same, and they were vindicated precisely on the same grounds, and with similar arguments. He, however, expressed it as his decided belief, that the present party was more to be dreaded than the party of 1798, because the latter were open in their warfare, and avowed their principles; while the present party acted without that avowal, and professed one set of principles, while they were governed by others totally at variance with them. Mr. B. remarked, that the Constitution gave to Congress the exclusive right to declare war or make peace, but recent practice had shown that provision to be a dead letter. That power was really in the hands of one man; and if the President had said it was expedient to declare war, he would ask what man of the party would have gainsayed it?

Mr. B., recurring to the increased appropriations of the present year, and to the probable demand for the augmentation of the Navy and the erection of fortifications, asserted that the resources of the country would be entirely drained; believing, as he did, in three years from this time the revenue from the public lands would be diminished down to less than a million. The proposition of the party in power contemplated a standing army of not less than twenty thousand men, and one hundred ships of the line: all this would lead to an increased annual taxation of not less than $5,000,000. With regard to his present position towards the Administration, and the relation he bore to the party in power, and the President of the United States, Mr. B. said he considered himself a supporter of the Administration, and of the distinguished man now in power, in reference to every prominent feature and principle of his administration, *except* those which had grown out of the illegitimate desire to elect a favorite successor to the President.

Mr. B. then quoted a passage from the special message of the President of the United States, communicating the acceptance of the mediation of England, and recommending to the attention of Congress the defenseless condition of the country. On the latter point he commented at great length, and argued that its intent was to subserve party views in the coming presidential election. The best way to carry out the maxim, "in peace, to prepare for war," was to provide for the proper organization of the civil department. They should first set their own House in order, and then the proper time would arrive to prepare the military defenses of the country. He called the attention of the House again to many of the practices of the present Administration, of an interference by Government officers in the elections of members of that and the other branch of Congress. It was notoriously true, that nearly every Government officer, openly and without restraint, was now engaged in efforts for the success of a certain individual as successor to the presidency. It was notorious that, to every effect and substance, they had a Government candidate for the presidency, having not only the personal influence of the Government officers, but also wielding, uncontrolled, the enormous power of the surplus revenue. Even gentlemen who professed the doctrines of Jefferson, State-rights men—even gentlemen from the Commonwealth of Virginia—were all found arranged on the side of the Government candidate for the presidency. At first, scarce an individual would avow himself; but a few short months wrought a wonderful change, and gentlemen now thought the whole influence of the Government should be brought to bear to perpetuate the power of the present party, under the plea of principle. For himself, he denied that he had swerved from his principles, or that the present dominant party was the party to which he had belonged, or the party which had elevated General Jackson to the executive chair, though many of the individuals were the same.

Mr. BELL, without concluding, gave way to Mr. BRIGGS, on whose motion the committee rose and reported progress; and then, on motion by Mr. WARD, the House adjourned.

IN SENATE.

FRIDAY, *March* 18, 1836.

Mr. MORRIS presented the petition of sundry citizens of Clermont county, Ohio, praying for the alteration of a certain post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. NILES presented the petition of sundry citizens of Connecticut, engaged in the whale fisheries, praying the aid of Congress to fit out an exploring expedition; which was referred to the Committee on Commerce.

REPORTS FROM COMMITTEES.

Mr. SHEPLEY, from the Committee on Claims, reported, without amendment, the bill from the House for the relief of Thomas Haliday.

Also, from the same committee, unfavorable reports on the petitions of Augustus Jones and Hugh Barton, administrators of Andrew Stewart.

Mr. BENTON, from the Committee on Military Affairs, to which the subject had been referred, reported a bill providing for the purchase of the right to use certain inventions of William H. Bell to facilitate the firing of ordnance; which was read, and ordered to a second reading.

Mr. DAVIS, from the Committee on Commerce, reported unfavorably on the bill from the House for the relief of Gilbert A. Smith and others.

Mr. BLACK, from the Committee on Naval Affairs, made an unfavorable report on the petition of Andrew A. Van Bibber, administrator of Isaac Garrettson, deceased.

Mr. MORRIS gave notice that he would to-morrow ask leave to bring in a bill to reduce the price of the public lands, and to prohibit the sales of lands except to actual settlers, and in limited quantities.

RESOLUTIONS.

Mr. NICHOLS submitted the following resolutions; which lie on the table one day:

Resolved, That the Committee on Public Lands be instructed to inquire into the justice of granting to the State of Louisiana five hundred thousand acres of the public lands within the limits of that State, in consideration of the great benefit derived from the levees made and kept up at individual expense, and the improvements, at the cost of the State, of the water courses, which by act of Congress are declared common highways, forever free from any tax or toll imposed by said State.

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of an appropriation for building or purchasing and equipping one or more steam vessels, to be employed in giving more effectual protection to the trade between New Orleans and the several ports of Mexico.

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate any information in his possession as to the expediency and probable cost of erecting a suitable building for the custom-house and district court in the city of New Orleans.

Mr. SOUTHARD submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making legislative provision for the employment of boys in merchant vessels of the United States in proportion to their tonnage.

BILL PASSED.

The bill to authorize the conveyance of certain lands belonging to the University of Michigan, was read the third time, and passed.

BILLS REFERRED.

The following bills from the House were severally read twice and referred:

The bill making additional appropriations for the suppression of Indian hostilities in Florida;

The bill for the relief of Nathaniel P. Tatum; and

The bill for the relief of Alvarez Fisk, and the heirs and legal representatives of Thomas B. Eskridge.

ADJOURNMENT SINE DIE.

The resolution submitted by Mr. KING, of Ala-

bama, fixing the adjournment of Congress for some day in May next, was taken up, when

Mr. KING moved to lay it for the present on the table, and said that when this resolution came to be finally acted on he would move to insert in the blank the 30th day of May. This motion was agreed to.

The remainder of the resolutions lying on the table, except that submitted by Mr. BENTON, were considered and agreed to.

EXPUNGING RESOLUTION.

The resolution submitted by Mr. BENTON, to expunge from the Journal of the Senate the resolution of Mr. CLAY, condemnatory of the President of the United States, was taken up for consideration.

Mr. BENTON then addressed the Senate in a speech of great length, in support of the resolution; but before concluding he gave way to

Mr. HUBBARD, on whose motion it was

Ordered, That when the Senate adjourns, it adjourn to meet on Monday next.

On motion by Mr. DAVIS, leave of absence was granted to Mr. WEBSTER for ten days from to-day.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 18, 1836.

Mr. BOON moved to suspend the rules for one hour to enable the standing and select committees to report.

Upon a count there appeared to be—ayes 49, noes 64; no quorum voting.

Mr. CONNOR moved a call of the House; which was negatived.

Mr. BOON waived his motion to suspend the rules, and the House resumed the consideration of the

NORTH CAROLINA CONTESTED ELECTION.

Two motions were pending. The first in order was that of Mr. MANN, of New York, making the report of the Committee of Elections the special order of the day for Wednesday next; and the second proposition was that of Mr. HARD, to recommit the report with instructions, to allow further time to the sitting members for taking additional testimony.

Mr. HARD continued, at considerable length, the remarks which he commenced yesterday. He wished to call the attention of the House to some of the facts which ought to induce them to grant further time to the sitting member to take testimony. In the first place, the notice given the sitting member was not sufficient, either as to length of time, or as to form; and the sitting member had scarcely any of the time allowed him for taking evidence, after notice was given, because the petitioner occupied nearly the whole of it himself. That fact alone ought to induce the House to grant further time. As he was one of the minority of the committee who had recommended further time to be given the sitting member, he felt called upon to show the reasons which had led them to that conclusion. The gentleman from Maryland, [Mr. HOWARD,] who addressed the House yesterday, had stated it as his opinion, that it was the paramount duty of the sitting member to have remained in his district, and that he should not have left it even to attend to a duty which was deemed paramount by the committee to every other. Mr. H. did not agree with the honorable gentleman. He considered it the duty of the sitting member to have attended at the meeting of Congress, if for no other purpose than to maintain his right to his seat there. The same remark might apply to the petitioner. The petitioner had thought proper to be there himself to attend to his own trial *in propria persona*. Well, if it became a matter of so much importance that the petitioner had remained there at his own expense, was it not of importance that the sitting member should be there also for the purpose of explaining and being heard before the committee in his own defense? The opinion of the gentleman from Maryland could not have proceeded from due reflection in the case. The question for the House to decide presented itself in one simple undivided point, which was this, has the sitting member had sufficient time for the collection of his evidence? He would appeal to the good sense of the House, whether the great extent of the district and the short time allowed—not more than thirty days, for the collection of testimony, and that time employed almost exclusively by the petitioner—should not induce them to grant the sitting member further time to allow him to take his defensive evidence? He then recurred to some of the occurrences in committee on the subject.

On the 15th of December last was the first day on which the Committee of Elections met and were organized; at least, it was the first day that the parties had an opportunity of having their claims considered. The committee found a mass of testimony before them, and they permitted the petitioner to be heard by counsel, so that he had all his points laid clearly before the committee. When the counsel had closed his remarks, the sitting member rose and offered his protest, protesting against receiving the evidence, and offered reasons for rejecting it which were considered sound reasons by a portion of the committee; and the committee were then unwilling to decide, because they might be liable to decide wrong. At the next meeting of the committee the member of the committee from North Carolina was absent. It was found that the committee were divided in opinion as to the legality of the testimony. It was proposed that they should postpone the consideration of the case until the member from North Carolina returned; but, as there was a great deal on the hands of the committee, it was agreed that they should go on examining the testimony, and not come to a decision of the matter until the gentleman from North Carolina returned. Unfortunately, however, for the committee at that time, the gentleman from Pennsylvania [Mr. BUCHANAN] was taken sick, and they continued still to examine the evidence in the case. At a subsequent day, however, a vote was taken, and it was found that a majority of the committee present overruled the receiving of the protest; but the report would show that the decision was not made until the 14th day of January.

Mr. BOYD said he had stated, on the first day that the preliminary question was before the House, what he again intended to state—which was, that the sitting member had offered a protest, wishing to set aside the whole of the testimony; and that the only vote which was taken was the vote which overruled that protest, and that was among the first acts of the committee in investigating that case.

Mr. HARD resumed, and again stated that the first decision of the committee was made known to the sitting member on the 14th day of January. He contended that the sitting member was not bound to take any action in the matter until that decision was made known to him. Soon after the 14th day of January, the sitting member applied for further time, which was as soon as he was bound to do so. In reply to what had been said about the sitting member applying to the House for further time, he had only to remark, that that would not have been the parliamentary course, and he had no doubt it would have been objected to. But, supposing he had presented a petition to the House, the usual course would be to refer it to the committee that had charge of the subject; and it would have gone back to the committee, there to sleep. He would only ask, in reply to the charge of unnecessary and oppressive delay, on whom was the charge to rest? The committee were ready to act at any time, and on whom the fault was to fall he would leave gentlemen to answer.

Mr. MAURY did not rise for the purpose of making a speech, but for the purpose of making a statement to the House; and he called upon the gentleman from Kentucky to admit or deny the correctness of it; because it was proper that this matter should be truly presented to the House. About the middle of December, the protest of the sitting member was presented to the committee. At that time there were seven members of the committee present out of nine; the vote was taken, and of the seven members four were of opinion that the protest ought to be overruled; and there were three of opinion that it ought to be sustained, so that four was a minority of nine. It was then suggested, as two members were absent, and as the majority of the whole number of the committee had not concurred in overruling the protest, that the matter might lie over, and a full session of the committee did not take place until the middle of January. At that time, it appeared that the protest was overruled, and no sooner; and at that time the chairman of the committee informed the sitting member that his protest was overruled. He knew the fact was not made known formally to the sitting member, and he believed it had not been made known informally at an earlier day.

Mr. RENCHER said he did not wish to protract the debate, but he wished to present some views which were necessary to come finally to a correct decision. He was satisfied that, by both the reports, the laws and constitution of North Carolina had been misconceived so far, that it was impossible for the House to decide with reference to them. He would ask any gentleman to tell him by the reports what constituted a legal voter for the lower branch of the North Carolina Legislature? The report of the majority was silent as the grave on the subject, and the minority had even done worse, for they had made a misstatement of the facts. If the petitioning gentleman obtained a seat on that floor, he must obtain it on grounds strictly technical and legal. Mr. R. here read an extract from the constitution of North Carolina, showing that a voter must be a resident of the county in which he votes one year preceding the election. He said it would be borne in mind that that provision related to the State Legislature, and showed that each voter shall vote in the county in which he resides, and that he shall have resided therein twelve months immediately preceding the election. It was supposed that provision did not apply in practice for members of Congress; and although a voter could not vote out of his county for members of the Legislature, yet he might vote out of the county, provided he voted in the district, for members of Congress. Well, it appeared that thirteen votes had been stricken from the sitting member's list which were legal votes, but which had voted by the prevailing practice there in another county, but within his district.

The CHAIR remarked that it would not be in order to discuss the merits of the report on the preliminary question.

Mr. RENCHER resumed. He merely wished to state his reasons, by referring to the report for recommitting that report to the Committee of Elections, for the purpose of allowing the sitting member time to take further testimony. He was going to show, that, although it was against the constitution, yet it was customary, and that they had not only custom to sanction it, but that even one of the brothers of the petitioner had voted out of the county of which he was a resident; but they had even more: the petitioner himself, whom he held in high esteem, had done so; therefore he considered it a reasonable mistake. It was a reasonable mistake for the people to make, when the petitioner himself made the same mistake.

Mr. WHITTLESEY called for the orders of the day.

Mr. CAMBRELENG moved to suspend the rules for this day, for the purpose of proceeding with the consideration of the subject then pending, and intimated, at the same time, that if it was not disposed of to-day he should renew a similar motion to-morrow.

Mr. MANN, of New York, asked for the yeas and nays, which were ordered; and the vote was—yeas 111, nays 74.

YEAS — Messrs. Adams, Anthony, Ash, Barton, Bean, Beardsley, Beaumont, Boon, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cushman, Davis, Dickerson, Dickson, Doubleday, Dromgoole, Effner, Fairfield, Fowler, French, William K. Fuller, Gillet, Glascock, Graham, Grantland, Haley, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Thomas Lee, Leonard, Logan, Loyall, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, Reed, Rencher, John Reynolds, Joseph Reynolds, Roane, Robertson, Rogers, Schenck, Augustine H. Shepperd, Shinn, Sickles, Smith, Sutherland, Thomas, Waddy Thompson, Toucey, Turner,

Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, and Weeks—111.

NAYS—Messrs. Chilton Allan, Heman Allen, Bailey, Banks, Beale, Bond, Bouldin, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Childs, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Dunlap, Evans, Everett, Forester, Philo C. Fuller, James Garland, Granger, Graves, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Heister, Hoar, Howell, Huntsman, Ingersoll, Janes, Henry Johnson, Lawrence, Lay, Luke Lea, Lincoln, Love, Sampson Mason, McCarty, McComas, McKennon, Mercer, Milligan, Morris, Phillips, Pickens, Russell, William B. Shepard, Shields, Standefer, Steele, Storer, Taliaferro, Underwood, Whittlesey, Sherrod Williams, and Wise—74.

So the House refused to suspend the rules.

Mr. BYNUM inquired of the Chair, what would be the effect of the motion for the previous question?

The CHAIR replied, that the subject had passed from before the House that day by the vote just taken.

Mr. BYNUM then gave notice—premising that he asked for nothing but what was right, and was not disposed to submit to what was wrong—that he should move the previous question.

The House then proceeded to the orders of the day.

BENEDICT ALFORD AND ROBERT BRUSH.

The House resumed the consideration of the joint resolution for the relief of Benedict Alford and Robert Brush.

The resolution was presented under the following circumstances: At the first session of the Twenty-Third Congress, a bill passed the House of Representatives, granting pensions to Benedict Alford and Robert Brush, soldiers of the revolutionary war. By the Journals of the Senate, it appears that this bill was indefinitely postponed in that body, and the House of Representatives was so notified; and it is also so entered in the Journal of the House. The postponement of the bill in the Senate in the hurry of business at the last hour of the session was inadvertently overlooked by the enrolling clerk, as well as by the Committee on Enrolled Bills in the House, and it was enrolled and signed by the officers of the two Houses, and presented to and approved by the President. A few days after the adjournment of Congress, the error was discovered in the Clerk's office of the House of Representatives, and notice of the fact was immediately given to the War Department. The Secretary of War thereupon declined complying with the provisions of the bill, under the conviction that it was not a valid statute. At the last session of Congress the President communicated the fact to the Senate by message. No action in the case was, however, had in either House at the last session. At the present session Benedict Alford again presented his petition, which was referred to the Committee on Revolutionary Pensions. The committee reported that, in its opinion, the act was a valid one, and that no further legislation was necessary to give a pension to the petitioner, which, in their opinion, the Secretary of War was bound to pay him. A member of the committee, differing from the majority, after the report was made, moved the resolution directing the Secretary of War to execute the act, which had passed in the manner herein stated; and the discussion on a former day, and on the present occasion, was mainly, whether or not the bill of the first session of the Twenty-Third Congress was, under the circumstances above stated, a valid act or not.

The motion pending, was that of Mr. VINTON, to refer the joint resolution to the Committee on the Judiciary, with instructions to report whether the act mentioned in the resolution was a law of the land or not.

Mr. WHITTLESEY expressed the hope that the instructions would be withdrawn, and the resolution referred to the Committee on the Judiciary without further debate.

Mr. WISE made a few remarks in opposition to the validity of the act; when

Mr. WHITTLESEY moved to postpone the subject to Friday next; but withdrew the motion at the request of

Mr. INGERSOLL, who offered a substitute for the motion of Mr. VINTON, directing the Committee on the Judiciary to report a bill, if they should deem it proper, for the relief of the persons mentioned in the resolution.

After some remarks by Messrs. INGERSOLL and DICKERSON,

Mr. WHITTLESEY renewed the motion to postpone the whole subject until Friday next; but subsequently withdrew it.

The discussion was further continued by Messrs. TOUCEY, INGERSOLL, ROBERTSON, MERCER, LANE, McKEON, JUDSON, and CRAIG.

At the suggestion of Mr. HOLSEY, Mr. INGERSOLL accepted a modification of his amendment, to change the reference of the subject from the Judiciary Committee to the Committee on Revolutionary Pensions.

The discussion was then further continued by Mr. HOLSEY, when

Mr. GILLET moved the previous question.

Mr. VINTON modified his motion, by directing the Committee on the Judiciary, if they should be of opinion that the act was not a valid one, to report a bill for the benefit of the persons named in the same, if they should be of opinion that relief ought to be granted to them.

The motion for the previous question was not seconded.

After various propositions to amend, and some further remarks and suggestions by Messrs. BEARDSLEY, SUTHERLAND, ANTHONY, ADAMS, INGERSOLL, GRENNELL, KENNON, and EVERETT, the substitute proposed by Mr. INGERSOLL, for the motion of Mr. VINTON, was negatived—ayes 63, noes 65.

Mr. ADAMS then moved a substitute for the motion of Mr. VINTON, in substance that the Committee on Revolutionary Pensions be instructed to report a bill for the relief of Benedict Alford and Robert Brush; which was agreed to—ayes 80, noes not counted.

So the joint resolution was committed to the Committee on Revolutionary Pensions, with the instructions moved by Mr. ADAMS.

EXECUTIVE COMMUNICATION.

The CHAIR laid before the House a letter from the Secretary of War, transmitting a report from the Topographical Bureau, of the survey of a railroad from Pensacola to Columbus, Georgia; which was laid on the table and ordered to be printed.

The House then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 19, 1836.

The House was called to order at eleven o'clock, when it appeared that only eighty-eight members (no quorum) were in attendance.

Mr. CRAIG moved a call of the House, and asked for the yeas and nays on his motion; which were ordered, and were—yeas 40, nays 90.

So the motion for a call of the House was negatived.

A quorum being present, the Journal was then read.

The House resumed the consideration of the

NORTH CAROLINA CONTESTED ELECTION.

Two motions were pending. The first in order was that of Mr. MANN, of New York, making the report from the Committee of Elections the special order of the day for Wednesday next; and the second proposition was that of Mr. HARD, to recommit the report, with instructions to allow further time to the sitting member for taking additional testimony.

Mr. RENCHER, who was entitled to the floor, spoke at considerable length in support of the motion to recommit the report to the committee. Before he proceeded to the argument, he wished to reply to the annunciation of his colleague, [Mr. BYNUM,] who (he said) had deemed it necessary to rise in his place, and state distinctly to the House that he would, on Tuesday next, call for the previous question. Mr. R. was surprised to hear such an annunciation come from that particular quarter. It would be borne in mind by the House that his colleague had made four speeches on that question, and consumed more time than all his colleagues put together; and now, when his other colleagues wanted to lay their views before the House, that gentleman deems it necessary to enforce the gag law. His honorable colleague had said, at the same time, that he would demand nothing but what was right, and he would submit to nothing wrong; which being interpreted, he presumed, meant that his colleague [Mr. BYNUM] should not ask to speak more than a half dozen of times, and that his other colleagues should not speak a single time. Mr. R. was anxious that this question should be decided speedily, but he was more anxious that it should be decided correctly. He was one of those who moved at an early period of the session that the rules should be suspended, so that the House might have an opportunity to decide it; but after his colleague [Mr. BYNUM] had made four or five speeches, he deemed it his duty to submit his views, humble as they might be, for the consideration of the House. It was true he had voted against a suspension of the rules, but he did so because some of his colleagues were absent. He had no other object in view, except justice and truth, and in the pursuit of that he hoped he would be respectful to the committee and to the House, and conform himself to the rules of the House.

When he was arrested yesterday, he was endeavoring to show that the reports of both the majority and the minority of the committee had failed to give the constitutional grounds on which they had declared votes illegal. He then took occasion to ask what was the qualification of a voter for the lower branch of the Legislature of that State. He had desired to present extracts from the constitution of North Carolina to the House, and it was with difficulty that he could find a single copy of the constitution of that State in the Capitol; then, how was it possible for the House to examine into the constitution and laws of North Carolina, unless copies had been laid on the tables of the members? His object in the remarks he had made was to show that no man was entitled to vote for a member of Congress in North Carolina who had not been a resident in the county for twelve months immediately preceding the election; and he had taken occasion to say, that there was a practice existing there by which they voted in any county in the district. Many of the voters supposed the purposes of the constitution were answered if they were qualified voters, no matter where they voted in their district. He had shown that this was a mistake which prevailed among them; that the petitioner himself fell into the same mistake; that he gave his vote not in the county in which he resided, but in a different county, in which he happened to be at the time; and that the petitioner's brother had fell into the same error. Yet it appeared, from the motion of the petitioner, that the sitting member was to be deprived of votes given in this very way; the petitioner at the same time was asking a seat there on grounds strictly technical and legal. Mr. R. said he should vote to strike all those votes from the sitting member's poll, because the constitution was peremptory and absolute. He regretted exceedingly that he should be called upon to disfranchise some of the qualified voters because of that mistake. He regretted that he was called upon to do so, but the law was imperative, and he should do it. Whether it was generous in the petitioner to ask this to be done, was for his own conscience to settle, but Mr. R. would do what he conceived to be right. The petitioner had given the sitting member the notice the law had required. But he did not intend to discuss the validity of the notice but only wished to ascertain whether further time was not necessary, to show that the sitting member was not sufficiently on his guard, and that the House should extend to him some indulgence

Why did the petitioner lie by for two months after the election? The petitioning gentleman had laid by from the time the election was held in August until the 2d of October; and then what dic he do? He gave notice that he intended to contest the election because illegal votes had been given the sitting member, and legal votes had been refused the petitioner. Mr. R. asked if any notice could be more vague? Who were the illegal voters who had voted for the sitting member? and who were the legal voters that had been refused the petitioner? and where were they to be found

in a district two hundred and fifty miles in length? He wished to present to the consideration of the House another view of the question, and he wished to impress it on those members who came from States whose elections were *viva voce*. In Virginia and Kentucky they vote *viva voce*. Each name is called out and registered, and opposite to the name of the voter is placed the name of the candidate for whom he votes; and when an election is there contested, all the sitting member has to do is to see the poll-book, and he can ascertain who voted and how he voted. That, however, was not the case in North Carolina; there the sitting member could see who voted, but how he voted would have to be ascertained in a different way. There you have to go into the precincts and ascertain by inquiry how each person voted. On the 2d of October the petitioner gave the sitting member notice of an intention to contest the election. The sitting member from that time was to procure the poll-books and go through an extent of country upwards of two hundred miles in length to ascertain how his constituents had voted; and at the same time the grounds on which his election was contested were concealed from him. The notices would have been definite, if the names of the persons who were charged as illegal voters had been stated to him; but no such thing was intimated to him. If even the witnesses by whom the petitioner expected to prove those illegal votes had been stated to the sitting member, he would have known what to do. Mr. R. would ask the House, if it had been the intention of the petitioner to devise a plan to keep the sitting member in the dark, if one could have been more cunningly devised? The petitioner passes through the district, and ascertains that illegal votes had been given to the sitting member, and legal votes refused the petitioner, and then, after two months, he gave notice of his intention to contest the election, and that notice as vague as it possibly could be. The votes that were to be disclosed as illegal were kept from the sitting member, so that he could not tell what to do, while the petitioner knew how to proceed in the matter. He would ask the House, if two months could be considered reasonable notice in a large congressional district, where they vote by ballot, and where the sitting member was to ascertain how the votes were given by going and examining evidence. Why did the petitioner not give notice at once? Why were those two months occupied by him in hunting up those illegal votes? That was the difficulty.

Mr. B. said the case of Talifer and Hungerford had been referred to, and he would take occasion also to make some reference to it. That case was from the State of Virginia, where they voted *viva voce*, and where you can ascertain the illegal votes by referring to the poll book. The election took place in April, and in May Mr. Talifer gave notice to Mr. Hungerford of his intention to contest the election; he specified the grounds on which he contested the election; he specified the votes given illegally, and specified all the witnesses by whom he was to prove those illegal votes; but it appeared that Hungerford neglected to procure evidence, although Talifer had given him ample notice; yet the Committee of Elections, notwithstanding Hungerford's neglect, decided that he should have more time to take testimony. They reported in favor of granting time; but the House, in consequence of Hungerford's entire neglect, refused, by a small majority, to grant further time. There was a case in which the Committee of Elections agreed that further time should be given, notwithstanding the assertion in the report of the present committee, that granting of further time was unprecedented. In a recent case, too, that of Moore and Letcher, the House agreed that further time should be given to both parties. In this case, too, the vote was taken *viva voce*, and notice was given immediately, so that both parties went to taking testimony at once. He conceived that a stronger case than this could not be presented, for both parties had been taking testimony for four months; yet the parties and the House conceived that they had not taken enough to do justice to their district, and the House sent both parties back to take testimony. They did not consider the application unreasonable by both parties; and it was no answer to it at present that both parties did not apply for time. If one party objected to it, it was evidently taking advantage of the other; and was the petitioner afraid of hearing the truth in this case? He knew not that this was the fact; but he was in favor of letting the twelfth district speak her own voice, and not put a voice into her mouth. In the Moore and Letcher case, the parties had six months to collect evidence; and the committee were not then able to decide which of the parties were entitled to the seat; yet, in the present case, gentlemen had intimated that it might be settled in a few hours. He knew the present was a difficult question to settle, because the report of the committee was a perfect insolvable riddle. Did the gentleman from Kentucky [Mr. BOYD] suppose the House was to take his report upon faith? It would seem so. He would ask if there were any one who could tell the principles on which that report was founded? Then, if the members of the present House could not tell, how much more difficult would it be for members of future Congresses to tell?

A gentleman from New York [Mr. VANDERPOEL] had said that the question might be decided in a single hour; yet the gentleman from Kentucky [Mr. BOYD] had not been able to make a report in the case in less than two months. He thought it would be difficult for the House to decide in one hour what had cost the gentleman from Kentucky two months' arduous labor. He said it was not as the gentleman from Maryland [Mr. HOWARD] supposed. It was not because the sitting member did not consider his case strong enough that he made the application, but it was because he wanted to put it beyond all sort of doubt. Mr. R. had examined the case as well as he could, and he had no sort of doubt but that the sitting member would be sustained in his seat, and he would stake his all upon the issue, that he would be sustained by incontrovertible evidence; but if the sitting member and the petitioner can take further testimony, let it be done. Gentlemen had said that this case ought to be decided at once. It would be recollected that, in the case of Moore and Letcher, although Kentucky was deprived of one of her Representatives, yet they did not press a conclusion until the facts in the case could be ascertained. The petitioner had received at the hands of the committee and of the House all the indulgence it was possible to receive. He had been entitled to the benefit of able counsel in the committee-room; and, if the committee had gone by the strict rules of parliamentary law, they would have decided every question in favor of the sitting member, for a majority of the committee were at all times in favor of the sitting member.

All the important questions had been decided by a member of the committee in his sick chamber. Here was a most unparliamentary proceeding, yet it had been allowed. They have taken the vote of a member of the committee in his sick chamber; and was it possible, under these circumstances, that the House can refuse the application of the sitting member for further time, to take testimony, when the reasons and authority he had assigned were all so favorable to the application for further time? He wished now to examine some parts of the report of the committee, for the purpose of showing that, in point of fact, it did not state what actually existed, and that it stated that which did not exist; and he thought if he could show this, the House would not refuse to recommit the report to the committee to be corrected, and to put the House in the possession of the means to decide the question for themselves. The Committee of Elections had stated in their report that, if the application had been made at the commencement of the session, it would not have been granted; and state that no authority could be found for doing so. Mr. R. said he had just cited the case of Talifer and Hungerford, in which the Committee of Elections had decided that further time should be allowed, but the House had refused to grant time; and he had cited the case of Moore and Letcher to show that the House had granted further time.

[Mr. R. here had extracts read from the majority's report, and from the evidence of Robert Hall and James W. Killian, to show that the committee had made an erroneous statement in relation to the evidence of those two gentlemen.]

Mr. R. said, that it would be seen that the report stated that Robert Hall swore that it was customary to correct such mistakes. Now, (Mr. R. said,) Robert Hall swore no such thing; he swore that it was customary for men who live in the district to vote at whatever county in the district they might be at; and he swore nothing else. The report said there was no positive proof to show how many ballots were exchanged. The evidence of Killian showed that there were six, and those six were given for Newland; yet the report said there were some for Newland and some for Graham. The report stated, it was not known how many votes were exchanged; yet Killian had sworn that there were five or six. There was, therefore, a material misstatement of facts in one short sentence. The committee had stated, that it was impossible to decide whether these five or six votes should be taken from the petitioner's poll, as there might have been some for the sitting member; yet the witness swore that they were all given to the petitioner; and the poll-book showed that there were five votes more counted than were given in. He asked the House to bear in mind that a great constitutional question was hanging upon that misstatement of facts. He appealed to the House to say whether they would allow a report to go down to their successors, when the principles on which it was founded were grossly mistaken. The gentleman from Kentucky [Mr. BOYD] had stated to the House, that he examined himself to discover if he had erred; but, notwithstanding that, the gentlemen had done the sitting member gross injustice. The law of North Carolina gave no power to judges to strike off votes. The committee have, however, added five votes, which they state were legally offered and illegally refused.

Mr. HAMER rose to a point of order. He understood that there were two motions before the House: one to fix a day for the consideration of the report, and the other a motion to recommit the report to the committee, to allow the sitting member further time to take testimony. His question of order was this: Whether, upon a motion to recommit to a committee, it was in order to discuss the proposition whether the committee had correctly stated the facts already laid before them, or drawn proper deductions from those facts?

The CHAIR stated, that to discuss the merits of the question was not in order. He had, however, not arrested the gentleman's remarks, because others had gone somewhat into the merits of the question, and the Chair found a difficulty in restraining those remarks.

Mr. HARDIN said that there was nothing stronger in favor of recommitting the subject to the committee than that the report was erroneous in point of fact.

Mr. RENCHER resumed. He had gone into the examination of the report to show that the facts were misstated. He hoped it would not be considered out of order that a member should set the committee right. He had gone into the examination to show that the committee were misled themselves, and being so misled, they also misled the House. He thought it the duty of the House, when it was made to appear that the committee had represented facts which were not true, that they should recommit it, as the least that could be done. He presumed that if the House suppose that this statement was not made in good faith, it would do something more. He had taken occasion to put the committee right, where they had added five votes as having been legally offered for the petitioner and illegally refused. In the State of North Carolina, when a man comes to the polls and desires to vote, and that vote is refused him, he has the right to demand to be sworn to his qualifications; but if he refuse to be sworn, no matter what his qualifications may be, the judges have a right to reject his vote, and this House has no right to receive that vote. The committee say that votes were legally tendered for the petitioner and illegally refused. Have the committee any proof of that? No. Have they shown you the law on the subject? No, sir. Then he would ask gentlemen to read the law. The judges, by the law, have the right to require

every voter to be qualified; and if the voter refuse to swear to his own qualifications; the judges have the right to refuse his vote.

The CHAIR informed the House that the hour had arrived for proceeding to the orders of the day.

Mr. HARD moved a suspension of the rules for the day, for the purpose of proceeding in the consideration of the present subject.

The question was taken by tellers, and decided in the affirmative—yeas 129, nays not counted.

Mr. RENCHER then proceeded. The committee have reported (said he) that the rejected votes were legally tendered; and Mr. R. hoped he had fully shown the fallacy of this. There was no proof that the voters were qualified, nor were they called upon to prove their own qualification at the election before the judges in the only legal and proper mode. On the contrary, the judges had said the voters were not qualified, and the only evidence opposed to this was that of a single witness, a relative of the petitioner, who swore they were qualified. Mr. R. then reviewed the testimony of several of the petitioner's witnesses, and contended that by the law and constitution of the State of North Carolina, their votes were properly rejected: first, from not being legally tendered; and, secondly, from a want of qualification—the former a necessary consequence growing out of the latter. These were John A. Jetton, John S. Small, Jonathan Sells, and two others.

Mr. R. said, that upon this subject he had no party predilections. He knew no party in the controversy but his country, and he would submit to no dictation. It had been said that both these gentlemen had hoisted the same flag; and what right, then, would he have to entertain a party feeling upon this subject? He could not believe that either of those men had pulled down that flag. Anxious and ambitious as the petitioner might be—and it was a laudable ambition to hold a seat on that floor—Mr. R. could not bring himself to believe that he would do it by sacrificing his political principles, and much less that he would barter away the rights and political principles of the twelfth congressional district of North Carolina. But if any man could be found willing to do that, Mr. R. could not bring himself to believe that any party could be found willing, by bribery and bargain, to procure support by trampling upon the constitution and the elective franchise of a sovereign State. Mr. R. concluded by repeating that he had no party predilections upon this subject, and that upon every question involved in this contested election, he should give his vote, to the best of his judgment, in support of what he believed to be consistent with the law and the constitution of the State he had the honor in part to represent.

Mr. NEWLAND then addressed the House at some length. He said, he was sorry it had again become his duty to trouble the House with any further remarks. When the House did him the honor to permit him to appear, on Wednesday last, in his own behalf, he first addressed the Chair, and inquired the nature of the motions then pending. The Chair was kind enough to explain, and informed him that it would be out of order to discuss the main question. Mr. N., on that occasion, endeavored strictly to observe the landmarks laid down by the Chair, carefully avoiding any explanation of the testimony, and confining himself to a plain and simple statement of facts in regard to the notices he had served on his honorable opponent, and the notices served on himself by his opponent. If, on that occasion, he was happy enough to be understood, and gentlemen had examined the dates he then referred to, he trusted the House was now fully satisfied that, so far from the petitioner having any intention to seek any advantages of the sitting member, he had manifested every disposition to afford that gentleman all the facilities a reasonable man could ask for. He had given him more than double the time the laws of their State required, serving the original notice on him at the September court in Burke county, the first court in the district, and continuing, week after week, from one county to another, until it passed through the whole district, at each and all of which his opponent saw all his friends, and had all the opportunity he could have asked for to collect and embody his testimony.

Mr. N. said, these facts spoke for themselves; and gentlemen surely must be satisfied that the sitting member had occupied more time in taking depositions than he had, coupled as this was with the fact that the sitting member had notified him (the petitioner) that he would continue taking depositions up to the 15th of December, having served notices to that effect prior to his (Mr. Graham's) leaving home.

By permission of the House, Mr. N. would turn for a moment to the remarks that had fallen from several honorable gentlemen who had spoken, but more particularly to what had just fallen from one of the Representatives from his own State, [Mr. RENCHER.] As to the honorable gentleman from New York, [Mr. HARD,] Mr. N. could not pretend to answer him, for the reason that much of what he said was in an unknown tongue, or, at least, in language Mr. N. was not conversant in. The gentleman from North Carolina [Mr. RENCHER] presumed he would, under no circumstances, permit him to call the gentleman his colleague—had said a good deal about prejudging his case, and about predilections. Now he (Mr. N.) would appeal to the candor of the House to say whether the gentleman himself had not prejudged this case? Before concluding his remarks, the gentleman had taken occasion to refer to the politics of the two contending gentlemen, [Mr. Graham and Mr. Newland.] These remarks rendered it incumbent upon him that he should give some further explanation than was prescribed to him by the direction of the Speaker, or than he had originally intended; and as the gentleman [Mr. RENCHER] had indulged in a very wide range of argument and discussion, Mr. N. hoped the House would extend the same courtesy towards himself. So far as politics were concerned, he had no secrets to keep. His politics were and ever had been known, both in the Legislature of his native State and to the people of his whole district. They had been inculcated into his youthful mind, and were in accordance with the views of one who made bare his bosom to achieve the liberties he then enjoyed. His early opinions he had never abandoned, nor would he; and if gentlemen wished to investigate his politics, he not only challenged, but should court it. He held himself ready to give a full, a fair, and impartial history of his whole course, if it was desired. He had nothing to conceal, little to regret, and still less to retract.

Mr. N. then proceeded to say that he had been an humble supporter of the present Administration, which had, in his opinion, carried out the principles he verily believed to have been intended by the framers of the great charter of our rights.

The CHAIR here interposed, and informed the gentleman that the course he was pursuing was not strictly in order.

Mr. MAURY moved that the gentleman have leave to proceed.

Mr. BYNUM thought, as the petitioner's politics had been first brought into question by his colleague, [Mr. RENCHER,] that the former gentleman had a right to proceed in reply.

The House then agreed to the motion of Mr. MAURY.

Mr. NEWLAND thanked the House for the indulgence, but having been rebuked, he would not proceed further on that subject. He hoped, however, he might be permitted to say to the honorable gentleman [Mr. RENCHER] that he (Mr. N.) was not one of those who fought under different colors. He would merely ask the gentleman to take the beam from his own eye, ere he could flatter himself with possessing that distinct perception to be able to take the mote from his brother's. Sir, (said Mr. N.,) "straws show which way the wind blows;" and it is easy to perceive from the gentleman's argument what he is aiming at. You know the maxim, sir, that "dog will not eat dog," and from the highest authority we are told that "he that is not for me is against me." The gentleman, in his elaborate speech, had, as must be apparent to all who heard him, taken but one side of the case.

The gentleman had given the House one reason why this report should be recommitted, viz: that the committee had wholly misconstrued the constitution of North Carolina in regard to the qualifications of voters. Now, with all due deference to the legal opinions of that gentleman, Mr. N. must be permitted to say that he was himself wholly wrong, and that the gentleman's opinion totally conflicted with the construction given to that section by the most able, experienced, and learned men of their State. Mr. N. then read that part of the constitution of North Carolina, and commented at some length upon the interpretation given to the section relating to elections by Mr. Rencher, whose argument, he said, was an absurdity, being totally at variance with the common meaning of simple language, unless the clause was intended to consist of empty words, and mean nothing. The constitution was so plain and explicit, that it seemed to him strange indeed that the gentleman should have given it the construction he had.

Mr. N. then referred to the letters and statements of the sitting member, and said "out of his own mouth let him be judged." Lawyer as his opponent was, Mr. N. was at a loss to perceive how the gentleman could get out of the difficulty. The gentleman thought, perhaps, he was playing a safe game, by objecting to Mr. N.'s testimony, yet he was willing to avail himself of the very same kind of testimony to that he objected to on Mr. N.'s part; if he could sustain himself by testimony, he would do so; if not, then the gentleman would set the whole aside.

Mr. N. made some further remarks, principally in reply to the speech of the sitting member; which will be given *in extenso* hereafter.

At the suggestion of Mr. CAMBRELENG,

Mr. MANN, of New York, then modified his motion by inserting Thursday, the 24th of March, instead of Wednesday, the 23d, so as to make the subject the special order for that day; which was agreed to by the House.

The question then recurring upon the motion as amended,

Mr. RENCHER said he still wished to take the sense of the House upon the application of the sitting member for further time to take testimony. If, however, the House should reject that application, he was indifferent on what day the consideration of the subject was brought up. He said he saw that, if the amendment should be adopted by the House, it would then be out of order to move an amendment to the effect he had indicated, or, perhaps, any other.

The CHAIR said that when the subject should come up on Thursday next, it would then be in order for the gentleman to make that motion.

Mr. RENCHER expressed a wish to move to postpone the further consideration of the subject till the third Wednesday in April.

Mr. McKAY hoped the House would decide to-day on the application of the sitting member for further time. A month had already been wasted in the discussion of this preliminary question, and as yet they had not progressed a single step. Suppose the motion of postponement, in its amended form, were adopted, and the subject was made the special order for Thursday next; they would then be where they were, since he understood from his colleague that he still intended to submit the very motion now pending, for further time. Mr. McK. did hope that, inasmuch as the rules had been suspended that morning for the purpose of proceeding in the consideration of this case, at least this preliminary question would be disposed of.

Mr. MANN had no objection to withdraw his motion for the present, if he could do so, so as to enable the House to reach the other question.

The CHAIR having stated the question, said that could only be done by a reconsideration of the vote by which the House had adopted the amendment of the gentleman from New York.

Mr. UNDERWOOD then made the motion to reconsider.

Mr. BYNUM wished to know the object of the reconsideration.

Mr. RENCHER explained that it was to obtain the vote of the House upon the application of the sitting member for further time to take testimony. He also wished to obtain that vote at this time, so that the preliminary question should not be in

the way of the House when it came to act on the main question.

Mr. McKAY again expressed a hope that the House would act on that question without further delay.

Mr. GILLET thought, if the motion to reconsider prevailed, they would stand precisely in the same situation they had been for the last month; and it was not in the power of man to tell when they would proceed with it. There were several other propositions, subsequent to the one already decided, before the House, upon which decisions would be likewise called for; and as he was opposed to wasting any more time in these preliminary questions, he moved to lay the motion to reconsider on the table.

Mr. BYNUM inquired of the Chair what would be the effect of that motion, if it prevailed?

The CHAIR replied, that the motion to lay a motion to reconsider on the table, would cohere to the main proposition; and if agreed to by the House, would carry the main subject with it, and lay the whole on the table; whereupon,

Mr. GILLET withdrew the motion.

Mr. BYNUM remarked that it appeared to him there was something more than met the eye in this motion to reconsider. His colleague now wanted to move for further time to be allowed the sitting member, and not to recommit; which seemed to Mr. B. to be an entire change of the original ground.

Mr. RENCHER repeated his previous statement, that he desired a decision of the House upon the application of the sitting member for further time. If that application should prevail, the subject would be recommitted as a matter of course. He could assure his colleague that he would do or say nothing there but what was clear.

Mr. VANDERPOEL thought the object represented by the gentleman to be very reasonable, and one that ought to be concurred in, otherwise they had gained nothing at all; and had been making speeches for the last month to no purpose whatever. He thought they were emphatically called upon to dispose of that application at once, one way or the other.

The motion was then agreed to, without a count; and the House reconsidered its vote, adopting the amendment of Mr. MANN.

Mr. RENCHER then moved to strike out "the 2d of March," as in the original motion of the committee, and insert "the third Thursday in April next; and that the parties have leave, until that time, to take further testimony."

Mr. MANN, of New York, asked for the yeas and nays on this motion; which were ordered.

Mr. CAMBRELENG inquired, if this motion should be rejected, whether the motion would still be open to insert "Thursday next?"

The CHAIR replied that would be the next question in order, the vote being taken on the most distant time first, which was the present motion.

The question was then taken; and the amendment of Mr. RENCHER was rejected—yeas 87, nays 103; as follows:

YEAS — Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Banks, Bell, Bond, Borden, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Darlington, Deberry, Denny, Dickson, Dunlap, Evans, Everett, Forester, Philo C. Fuller, Graham, Granger, Graves, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Hoar, Howell, Huntsman, Ingersoll, Janes, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lyon, Sampson Mason, Maury, McCarty, McKennan, Milligan, Morris, Patton, Pettigrew, Peyton, Phillips, Pickens, Reed, Rencher, Robertson, Rogers, Russell, Augustine H. Shepperd, Shields, Spangler, Standefer, Steele, Storer, Taliaferro, Turner, Underwood, Vinton, Whittlesey, Lewis Williams, Sherrod Williams, and Wise —87.

NAYS — Messrs. Anthony, Ash, Barton, Bean, Beaumont, Bockee, Bouldin, Boyd, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Cleveland, Coffee, Coles, Craig, Cushman, Davis, Dickerson, Doubleday, Dromgoole, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Haley, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Shinn, Sickles, Speight, Sutherland, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, and Weeks—103.

The question then recurring upon the modified amendment of Mr. MANN, of New York, to strike out "the 2d," and insert "the 24th of March."

Mr. MANN, with a view (he said) to test the sense of the House upon proceeding at once with the subject, withdrew his motion for the 24th, and moved to insert "this day," stating that if any objection were made he should withdraw it.

Mr. RENCHER hoped a few days' further time at least would be allowed.

Mr. MANN thereupon withdrew the latter motion, and renewed the former.

Mr. RENCHER desired also to take the sense of the House on the propriety of recommitting the report, as he wished the law and qualifications of electors to be so represented to the House as to enable it to act understandingly. If there was any way by which that object could be accomplished, he desired the sense of the House upon it.

Mr. SPEIGHT hoped the committee would report upon what they conceived the strict and legal interpretation of that part of the constitution and laws of North Carolina bearing upon the subject of elections, and that object could be attained, by his colleague, by moving to have the constitution and all the acts of North Carolina regulating elections in that State printed. Mr. S. expressed his surprise at one remark that fell from his colleague [Mr. RENCHER] that day, in reference to the qualification of voters of the House of Commons and Representatives in Congress from North Carolina. He understood his colleague to say that it required twelve months' residence in the county before an individual was entitled to vote. Surely, a gentleman so distinguished and learned in the law as his colleague would not contend for such an interpretation of the ninth section of their constitution as that. It had been correctly read, and very correctly commented upon by the petitioner, and his interpretation was in conformity with the construction given to that clause by the most learned men of their State. Any man otherwise qualified to vote, moving into another county, and swearing that that had become his *bona fide* place of residence, was entitled to vote. It required no particular time of residence, if a voter had paid his taxes, and his residence was in the county.

Mr. UNDERWOOD remarked that, since the report had been made, additional testimony had been laid on the tables of the House, and it seemed to him proper that the committee should report thereupon. Upon that ground he should vote for the recommittal of the report.

Mr. MAURY moved to insert "Thursday two weeks, and that in the mean time the additional testimony be recommitted to the committee, with instructions to report thereon."

The CHAIR said the motion in that form was not then in order; but if the House should now refuse to postpone to a day certain, the next question would be the motion to recommit.

Mr. MAURY. But if the House agree to postpone to a day certain, sir?

The CHAIR. If the House agree to postpone to a day certain, then on that day it would be in order to make the motion indicated by the gentleman. The House might then proceed to act upon the report of the committee, or postpone further, or recommit with or without instructions.

Mr. A. H. SHEPPERD should not vote for the recommittal of the report, for he was satisfied that the suggestion of his colleague [Mr. SPEIGHT] would obviate the necessity of doing so. The section of the constitution, and the laws regulating elections in North Carolina, were embodied in a very small compass, and could be conveniently printed in a day or so.

As to the additional testimony taken by the sitting member, since the report of the committee was made, all he had to say was this: it had been printed and laid on their tables; and when the House went into the consideration of the whole subject, it would then be competent for any gentleman to call for the reading of that testimony, and it was not so voluminous but that the House could extract the proof from it as well as the committee. It had never been Mr. S.'s purpose to throw difficulties in the way of any question; and he should, therefore, make no motion tending to embarrass any of the preliminary questions.

Mr. RENCHER was satisfied with the suggestion of his colleague, [Mr. SPEIGHT.] There was only a portion of the constitution, and one or two sections of the law, that it would be necessary to print.

Mr. SPEIGHT suggested to his colleague to amend his motion by directing the same to be printed under the direction of the committee.

Mr. RENCHER was also (he said) about to propose a more distant day, and he hoped the gentleman from New York would consent to a modification for Tuesday two weeks.

Mr. MANN replied that the chairman of the Committee of Ways and Means, as well as other gentlemen, wished to occupy Tuesday in public business; and Mr. M. therefore proposed Thursday and the two succeeding days.

Mr. GLASCOCK said it appeared to him that the motion to recommit these proceedings to the committee was all-important, and would save the House a great deal of trouble and much time. When the subject came up for final action, the most important question that would then be presented, would be with regard to the propriety of admitting or rejecting the additional testimony, presented to the House through the Chair, subsequently to the report of the committee. He was clearly of opinion, that the sense of the House ought now to be taken, with a view to ascertain what disposition should be made of it. He believed it indispensably necessary that the committee should be put in possession of the testimony recently arrived, and that they should report upon it; and, for himself, he was not prepared to exclude it. If that testimony should have the effect of changing the report of the committee, he should feel it his duty not to sustain the report, though he should certainly sustain it, if the testimony warranted him in so doing. His main question, however, in wishing the committee to report upon it was to prevent the discussion that would necessarily arise in the House upon the propriety of the reception or rejection of the additional testimony. It was true that it had been printed and laid on their tables, but no decision had been had, whether it should be received or not. He hoped, therefore, that the motion would be sustained; that the testimony which had been recently received should be committed to the Committee of Elections; and that the committee be instructed to report thereon as speedily as possible. Mr. G., in conclusion, hesitated not to say, that he was prepared to receive all the testimony now in possession of the House, if taken in conformity with the constitution and laws of North Carolina; and if that additional testimony would authorize the sitting member to retain his seat, Mr. G. would so record his vote. Mr. G. then made the above motion.

Mr. HARDIN had as yet been unable to lay his hand upon the constitution of North Carolina, or any law of that State upon the subject of elections. Mr. H. concurred entirely in the remarks of the gentleman from Georgia, [Mr. GLASCOCK,] and he should take the whole testimony into consideration, as well that which had been before the committee, as that which had subsequently been presented and laid on the tables of the House. With that understanding, he did not know of any particular necessity to call upon the Committee of Elections to report upon it.

Mr. GLASCOCK then withdrew his motion; and the modified amendment of Mr. MANN, to insert the 24th instead of the 2d of March, was agreed to without a count.

The question then recurring on agreeing to the motion of the Committee of Elections as amended,

Mr. MANN, at the suggestion of Mr. RENCHER, withdrew his motion to make the subject also the special order for the two succeeding days to Thursday the 24th.

The motion, as amended, was then agreed to without a count.

The CHAIR said, to avoid a question of order he would understand it to be the pleasure of two thirds of the House when Thursday arrived, unless otherwise determined by the House, that

this subject would take precedence of the special order (the appropriation bills) on that day.

Mr. WISE. Then, sir, I call for a division of the House on that question.

The vote was then taken by tellers; and the result was—ayes 124, noes 49, being two thirds in the affirmative; and so the subject was postponed, and made the special order for Thursday next, the 24th of March.

The question then recurred on Mr. SPEIGHT's motion, that that portion of the constitution and laws of North Carolina relating to the elections of that State be printed for the use of the House.

Mr. HARDIN suggested a modification to the following effect: as much as may be pointed out by the sitting member and the petitioner; which Mr. SPEIGHT accepted, and the motion was agreed to by the House.

Mr. ANTHONY moved that the House adjourn.

Mr. WHITTLESEY asked for the yeas and nays; which were ordered, and the yeas were—104, nays 86; and so

The House adjourned.

IN SENATE.

MONDAY, *March* 21, 1836.

The CHAIR communicated a report from the Secretary of the Treasury, in answer to the resolution of the Senate of the 4th instant, requiring information as to what part of the whole expenditures under the head of the Indian department, from the commencement of the Government to the 30th September, 1835, as stated in his report of the 25th of January last, was paid to the Indians for lands purchased of them by the United States, inclosing a letter from the Secretary of the Treasury, containing all the information in the Department on the subject.

The CHAIR also communicated a report from the Secretary of the Navy, in answer to the resolution of the Senate of the 16th ultimo, showing the present state of the Navy hospital fund, and inclosing a letter from the president of the Board of Navy Commissioners, showing the number and condition of the naval hospital establishments.

Mr. KNIGHT presented the petition of Samuel Warner, praying for a pension; which was referred to the Committee on Naval Affairs.

Mr. TOMLINSON presented the petition of certain importing merchants of New York; which was referred to the Committee on Finance.

REPORTS FROM COMMITTEES.

Mr. SOUTHARD, from the Committee on Naval Affairs, to which a memorial on the subject had been referred, reported a bill authorizing the fitting out a sloop of war, and such other smaller vessels as the President may deem necessary, for an expedition to the South seas; which was read, and ordered to a second reading.

Mr. CLAYTON, from the Committee on the Judiciary, reported unfavorably on the petitions of Thomas Triplett and Cyrus Sibley.

Mr. WHITE, from the Committee on Indian Affairs, to which had been referred the petition of Joseph Leframbois, a Pottawatomie Indian, reported unfavorably thereon.

On motion by Mr. WHITE, the Committee on Indian Affairs was discharged from the further consideration of the resolution directing an inquiry into the expediency of making an appropriation to extinguish the Indian title to lands in the vicinity of Green bay.

Mr. WALKER presented certain papers in relation to the claim of Alexander Talley; which were referred to the Committee on Indian Affairs.

Mr. WRIGHT, from the Committee on Finance, reported without amendment the bill from the House making additional appropriations for the suppression of Indian hostilities in Florida; and the same having been read the second time, and considered as in Committee of the Whole, was ordered to a third reading.

BILL INTRODUCED ON LEAVE.

Mr. TOMLINSON, on leave, introduced a bill for the relief of Carey Clark; which was twice read and referred.

RESOLUTIONS AGREED TO.

The resolutions submitted by Messrs. GRUNDY, NICHOLAS, and SOUTHARD, and lying on the table, were severally considered and agreed to.

THE EXPUNGING RESOLUTION.

Mr. RIVES laid on the table the resolution of the General Assembly of the State of Virginia, instructing their Senators to vote for expunging from the Journal of the Senate certain resolutions of that body censuring the conduct of the President in relation to the removal of the public deposits from the Bank of the United States.

PROCEEDS OF THE PUBLIC LANDS.

Mr. BUCHANAN laid on the table resolutions of the Legislature of the State of Pennsylvania, instructing their Senators, and requesting their Representatives, in Congress to vote for the bill to appropriate the proceeds of the sales of the public lands among the States; and also instructing and requesting them to vote for liberal appropriations for fortifications for the permanent defense of the country.

BILLS ORDERED TO A THIRD READING.

The bill for the relief of Susan Marlow; and

The bill for the relief of Samuel Smith, Linn Magee, and Semorici, Creek Indians, were severally read the second time, and ordered to a third reading.

THE EXPUNGING RESOLUTION.

On motion by Mr. KING, of Alabama, the Senate proceeded to the consideration of the resolution submitted by Mr. BENTON, to expunge a certain resolution from the Journal of the Senate, as the special order.

Mr. BENTON then, in continuation of his speech commenced on Friday, addressed the Senate at great length, in support of his resolution, continuing his remarks until the usual hour of adjournment; when, having concluded, and

Mr. PORTER having expressed a wish to address the Senate on the subject, the further consideration of the resolution was postponed until to-morrow, and the Senate went into the consideration of executive business; after which

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 21, 1836.

Mr. HAWES made an ineffectual effort to take up and consider the resolution in relation to the West Point Academy.

TRADES' UNION—HOURS OF LABOR.

The memorial presented on Monday last, by Mr. HOWARD, from the Trades' Union of Baltimore, asking Congress to regulate the hours of labor of the operatives on the public works, so as to confine the time of such labor to ten hours in each day, was taken up.

There were three motions pending: the first to refer the memorial to a select committee; the second to refer it to the Committee on Roads and Canals; and the third, that it be referred to the Committee on the Judiciary.

The first question in order was to refer the memorial to the Committee on Roads and Canals.

Mr. HOWARD had not supposed that the memorial would give rise to any debate, and less did he suppose that discussion could have arisen on the mere question of its reference. It was a prayer from about three thousand of the laboring classes of the community; and Mr. H. detailed the substance of the contents of the memorial, and the reasons assigned by the memorialists for the legislation of Congress on the subject. Mr. H. thought the Committee on Roads and Canals was not the proper reference, for they had but a comparatively small branch of the public works under their charge. For a similar reason he was opposed to referring it to the Committee on the Judiciary; and if any reference was necessary, he thought a select committee should be raised on the subject. The memorial was a reasonable one, and might be acted on by the House itself.

Mr. PARKER thought the subject itself one in which Congress had neither the right nor the power to interfere. It should be left to the regulations of the parties themselves—the workman and his employer.

Mr. WARDWELL was inclined to believe this question was not one of such small importance as the gentleman from New Jersey seemed to suppose. Certainly the Committee on Roads and Canals was not, in Mr. W.'s opinion, the proper reference, nor the Committee on the Judiciary, for it was not a question of law, but of expediency. He was in favor of having a special committee raised on the subject. Every other subject sent there was certain of a reference; but these men who labored with their hands, and toiled for their bread by the sweat of their brow, who were the bone and sinew of the country, were to be denied having even their memorial referred to a committee. He expressed his surprise at the remark of the gentleman, that this was a small matter.

Mr. PARKER explained. He did not say it was a small matter. At first he did not know the subject of the memorial, until he asked the gentleman from Maryland, [Mr. HOWARD.]

Mr. WARDWELL understood the gentleman to say something to that effect. It was notorious that there were many abuses which these men suffered, and which ought to be inquired into. It was notorious, that the men employed for the Government worked not only from sunrise to sunset every week-day, but often on Sundays too. Mr. W. said he should vote against every other proposition than that to refer the memorial to a select committee.

Mr. PARKER was misunderstood in saying that he was opposed to the object of the memorial, as it had been explained. All the petitioners asked was, that they should not be compelled to work on the public works more than ten hours a day. Now, Mr. P. was not aware that there was any law to compel them to work longer, nor ought there to be. He was not opposed to the interest of the working man, but was always prepared to maintain it. He had no objection to this memorial, but he questioned the power of Congress to interfere with the subject at all; and he thought it much wiser to leave it to the parties themselves for regulation.

Mr. BEARDSLEY moved that the further consideration of the memorial be postponed until Monday next. He explained that he made this motion on account of the indisposition of one of his colleagues, [Mr. MOORE,] who was confined to his room, and who wished to address the House on the subject. The motion also was in accordance with the wish of the gentleman who presented the memorial.

Mr. HAMER announced his intention of moving to lay the memorial on the table. He meant no reflection on any gentleman, when he said that there were some politicians in this country who seemed to think that everything ought to be regulated by law. Now he was against that doctrine. Every man should be left free, being prevented from encroaching on the rights of his fellow-man, and ought to be left free to manage his own affairs in his own way, without restriction.

Mr. ADAMS rose to a question of order. The gentleman had given notice that he intended to move to lay the memorial on the table, which motion was not debatable; and from the gentleman's exordium, Mr. A. apprehended a long speech from him. Now, Mr. A. inquired if it was in order for the gentleman to make a speech, after the intimation of his intention to make a motion to lay the memorial on the table?

The CHAIR replied that the motion to lay on the table was not debatable; but that motion had not been made.

Mr. HAMER had no intention of making a long speech.

Mr. BEARDSLEY would inquire, then, if the remarks of the gentleman were pertinent to the question under consideration, which was merely to postpone?

The CHAIR replied that the motion to postpone was debatable, though within very narrow limits.

Mr. HAMER said he should have been through by that time, if he had not been interrupted. He was against the whole proposition, and consequently he was opposed to its postponement. He did not believe it was a subject that ought to be entertained by Congress, and he thought they should dispose of it at once. Why, (said Mr. H.,) we might just as well prescribe by law what

sort of clothes a man should wear, or at what time he should eat his dinner! A man who is free should be left to make his own contract. He therefore moved to lay the memorial on the table; which motion was agreed to by the House—ayes 102, noes not counted.

PROCEEDS OF THE PUBLIC LANDS.

The House resumed the consideration of the preamble and resolutions (presented by Mr. WILLIAMS, of Kentucky) of the Legislature of Kentucky, in favor of the distribution of the proceeds of the sales of the public lands among the several States.

Two motions were pending: the first, that of Mr. WILLIAMS, of Kentucky, to refer the subject to the Committee of Ways and Means, with instructions to report a bill to distribute among the States the proceeds of the sales of the public lands, for the purposes of education and internal improvements; the second motion was that of Mr. BOON, to refer the preamble and resolutions to the Committee on Public Lands.

Mr. ALLAN, of Kentucky, rose (he said) to discharge the duty requested of him by the Legislature of Kentucky, to use his best exertions to procure the passage of a law for the distribution of the proceeds of the public lands, for the purposes indicated in the resolutions; and he was happy to say that the subject was in accordance with his own views. He rejoiced that the subject had been sent there by one of the sovereign States of the Union, and that at last that House was brought to the consideration of the great fundamental, vital question of the surplus revenue. They had arrived at a point of history of unusual importance, with a surplus revenue of $30,000,000, and probably not less, by the end of the year, than $50,000,000. They occupied an entirely new position, and must be compelled to adopt a new line of policy. One of these plans must be adopted. Either it must be suffered to accumulate in the Treasury from year to year, or it must be swallowed up in the increased expenditures of the Federal Government; or it must be distributed among the people of the several States. Where was it now? Loaned out, without interest, to whom no one could tell. A great contest was approaching—a contest between the tax-gatherers and tax-payers.

Mr. A. said he should at length enter into a retrospect of the principles and policy of the present Administration, and refer to a number of documents to show the ground that had been taken. He sent to the Clerk's table, to be read, an extract of the letter from General Jackson to Mr. Monroe, and commented on the manner in which the principles laid down in that letter had been carried out by the administration of President Jackson.

Mr. HAMER rose to a question of order. He was not (he said) one of the friends of the Administration who was disposed to shrink from an investigation, but was willing to go into it then, if proper, or at any other time, on these resolutions. The question he propounded was this: Whether it was in order, on a proposition from the Legislature of Kentucky to divide the surplus revenue, to go into and examine the manner in which the General Government had been administered, in relation to removals from and appointments to office for the last eight years?

The CHAIR decided the course of the gentleman's remarks to be in order, as illustrative of the proposition and the peremptory instructions by which it was accompanied, though the remarks would not be in order as an abstract proposition.

Mr. ALLAN proceeded: What he said was most strictly in order, because it was a question whether these $30,000,000 should be retained in the hands of the central agency, the Federal Government, or distributed among the people of the several States. Let him ask, had party spirit been suppressed? or, on the contrary, was not every aspirant to office compelled to bow the knee to the monster, the idol of party spirit?

Mr. A. then desired the Clerk to read a letter from Andrew Jackson to the Tennessee Legislature, some years since, stating that the appointment of members of Congress was the manner in which the Legislature was to be corrupted; and then, as a commentary upon that letter, he had read a statement from the Register of the Treasury, to show that members of Congress had been appointed to office under the present Administration, whose salaries amounted to nearly half a million of dollars. He also alluded to the promise of the Administration of bringing back the country to a metallic currency; and then read extracts to show that, at the present time, there was in existence upwards of five hundred banks, with a paper circulation much more extensive than it heretofore has been; and that, too, after the Administration had broken down a banking institution, whose paper was everywhere current. He also had extracts read from letters from the Department of State in 1830, and from the President's message in 1835, in relation to the French question, to show that the Administration had not acted consistently. He also adverted to the avowals made in the early part of the Administration, in relation to retrenchment; and then read extracts to show that the expenditures of the Administration far exceeded that of any former Administration; but he said it had been argued that the present had paid off more of the public debt than any former Administration. To this, Mr. A. dissented; and, by a comparison of the amount of public debt paid by the present and former Administration, showed that a former Administration had paid more of the public debt than the present. He contended that the power of the Treasury could raise and depress property and stocks by the appointment of its agencies through the country, and that that power would not only remain with the present, but would be transmitted to succeeding Administrations. The money (he contended) was unsafe in the situation in which it now was, on account of the small amount of specie at present in the deposit banks; and stated that, if the public money was now called for, it would blow up the paper system, and create general bankruptcy. The present was an unjust and unequal system, because the money was now loaned out without interest, and that in particular sections, for the exclusive benefit of those sections. In New York, there were about ten millions, and in Michigan there was about a million of dollars in the possession of two small banking institutions, which he conceived was entirely unsafe; while in Kentucky there was scarcely any of the public money. These were some of Mr. A.'s objections to the public moneys remaining where they are.

The hour of one having arrived, the remarks of Mr. ALLAN were arrested by the communication of the special order, being the appropriation bills.

Mr. HAWES moved to suspend the rules for the purpose of proceeding in the discussion of the subject before the House.

Mr. CAMBRELENG suggested, as there were memorials in the hands of gentlemen which they desired to present, that the rules be suspended for that purpose, and that the subject before the House, which was likely to elicit much debate, be laid over until Monday next.

Mr. ALLAN, of Kentucky, said, he would conclude his remarks in thirty minutes.

Mr. HAWES proposed to suspend the rules for half an hour.

Mr. MANN, of New York, moved to amend the motion of Mr. HAWES, by proposing to suspend the rules for the purpose of receiving petitions and the reports of committees, excluding the subject before the House.

Mr. HAWES, in making his last motion, was not aware that this subject would lay over until Monday next. This would enable his colleague [Mr. ALLAN] to send out his speech one week in advance of any reply. He would, therefore, modify his motion, by moving to suspend the rule for that day, for the purpose of continuing the consideration of the subject before the House.

Mr. SPEIGHT remarked, that if this subject was laid over, it would probably occupy the time alloted to petitions for the balance of the session.

Mr. ADAMS rose to make an inquiry of the Chair. It would be recollected that, about two months since, he had submitted a resolution, which was undisposed of, and remained among the unfinished business. He was very desirous that his resolution should again come up for consideration during the present session. He desired to know of the Chair, whether the resolution to which he had referred, did not take precedence of the subject under discussion?

The CHAIR replied, that the subject before the House was certain resolutions of the Legislature of Kentucky, presented on the last petition day, and a motion had been made to refer them to a committee with certain instructions, involving the merits of the whole subject. This discussion, however, was confined to the day allotted to the reception of petitions, and therefore could not interfere with, or take precedence of, the resolution of the gentleman from Massachusetts, on any other day.

The motion of Mr. MANN to amend was negatived—ayes 69, noes not counted.

Mr. VINTON moved to amend the motion of Mr. HAWES by proposing to rescind so much of the resolution of the 26th January as directs that the appropriation bills shall be the special order for Mondays.

The CHAIR decided the motion to be out of order.

The motion of Mr. HAWES to suspend the rules for the day was then negatived—ayes 68, noes not counted.

Mr. HAWES asked the consent of the House to submit, in a substantive form, a motion similar to that proposed by Mr. VINTON, as an amendment to the last proposition.

Objection being made, Mr. HAWES moved to suspend the rule for the purpose indicated.

Mr. DAVIS adverted to the confusion and difficulty which had, as he contended, grown out of the adoption of the resolution of the 26th of January, making the appropriation bills the special order for each day, except Fridays and Saturdays. He moved to amend the motion of the gentleman from Kentucky by proposing to suspend the rules for the purpose of submitting a motion to rescind the entire resolution of the 26th of January, referred to.

Mr. CAMBRELENG suggested to the gentleman from Indiana [Mr. DAVIS] that he had as well submit another amendment providing that no appropriation bills should be passed during the session.

The amendment of Mr. DAVIS was negatived.

The motion of Mr. HAWES was also negatived—yeas 93, nays 61; two thirds being necessary.

Mr. REED moved to suspend the rules for the purpose of calling the States for petitions, including the consideration of the Kentucky resolutions; which was agreed to—yeas 131, nays not counted.

Petitions and memorials were then presented by

Mr. SMITH, of Maine;

Messrs. BRIGGS, REED, LAWRENCE, CUSHING, PHILLIPS, HOAR, and ADAMS, of Massachusetts;

Mr. HALEY, of Connecticut;

Mr. HALL, of Vermont;

Messrs. LOVE; SEYMOUR, LAY, WARDWELL, CHAPIN, CAMBRELENG, LEONARD, RUSSELL, BOVEE, and HUNTINGTON, of New York;

[Mr. CHAPIN presented the petition of sundry inhabitants of the State of New York, asking the establishment of a mail route from the village of Franklin, in the county of Delaware, to Oneonta, in the county of Otsego.

Mr. LEONARD presented the petition of the heirs-at-law of Major Barnabas Tuthill, a soldier in the war of the Revolution, praying compensation for services in said war. Mr. L. also presented the petition of the heirs-at-law of Elisha Ely, an officer in the Connecticut continental line in the revolutionary war, asking commutation pay and interest for services rendered in said war.

Mr. RUSSELL presented the petition of Isaac Norton, of the State of Ohio, praying permission to select, enter upon, and improve, a quarter section of the public land in one of the four northwestern counties of the State of Ohio, for the purpose of cultivating the mulberry tree and promoting the manufacture of silk; and that a credit of ten years be allowed him for the purchase money, under such qualifications as Congress shall deem politic and just; which, on motion by Mr. R. was referred to the Committee on Agriculture. Also, the petition of Chester Stephens,

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. WEDNESDAY, APRIL 1, 1836. VOLUME 3....No. 18.

and about one hundred and sixty others, inhabitants of the town of Moriah, in the county of Essex, in the State of New York, praying an appropriation for the construction of a military or public road from Whitehall, in the county of Washington, to Plattsburg, in the county of Clinton, and State of New York; which, on motion by Mr. R., was referred to the Committee on Roads and Canals.

Also, *ten* petitions, purporting to have been signed by more than six hundred inhabitants of the county of *Oneida*, in the State of New York, praying the abolition of slavery and the slave trade in the District of Columbia. Also, five petitions, purporting to have been signed by about six hundred and fifty inhabitants of the *city of Utica*, in the State of New York, also praying the abolition of slavery and the slave trade in the District of Columbia. Also, nine petitions, purporting to have been signed by five hundred ladies, inhabitants of the county of Oneida, in the State of New York, also praying the abolition of slavery and the slave trade in the District of Columbia. Also, the petition of six hundred ladies, inhabitants of the city of Utica, in the State of New York, praying for the abolition of slavery and the slave trade in the District of Columbia. The several petitions praying the abolition of slavery and the slave trade, were referred to the select committee on that subject, of which Mr. PINCKNEY is chairman.]

Messrs. HARPER, ASH, INGERSOLL, BANKS, and DARLINGTON, of Pennsylvania;

Messrs. JENIFER and HOWARD, of Maryland;

Messrs. BEALE, ROBERTSON, and MASON, of Virginia;

Mr. HAWKINS, of North Carolina;

Mr. THOMPSON, of South Carolina;

Messrs. CLEVELAND and JACKSON, of Georgia.

[Mr. CLEVELAND presented the petition of sundry citizens of the county of Henry, in the State of Georgia, praying the establishment of a mail route from McDonough, via Tucker's Cabin, to Decatur.]

Messrs. WILLIAMS, HARLAN, HAWES, and WHITE, of Kentucky;

[Mr. WILLIAMS, of Kentucky, presented a preamble and resolutions of the Legislature of Kentucky, on the subject of slavery. The resolutions were as follows:

"*Resolved by the General Assembly of the Commonwealth of Kentucky*, That this Commonwealth alone has power to regulate and control the subject of domestic slavery as it exists within her territory, and any attempt on the part of the Federal Government to interfere with it in any manner would be at war with the solemn sanctions of that instrument which binds us together.

"*Resolved*, That the General Assembly views with unqualified reprobation the formation of abolition societies at the North for the purpose of circulating incendiary publications among the slaveholding States of the Union, as a violation of the original basis of the Federal compact, and calculated to endanger the integrity of this Union.

"*Resolved*, That any attempt by Congress to abolish domestic slavery within the District of Columbia would be regarded by this Commonwealth as a breach of the implied faith of the nation towards the citizens of that District, and as an usurpation of power which, if acquiesced in by the slaveholding States, must end in the ultimate disregard, by that body, of the constitutional tenure by which they now hold their property.

"*Resolved*, That our sister States, where domestic slavery exists, be, and they are hereby, assured of the earnest co-operation of the State of Kentucky to resist, at all hazards, every effort to interfere with that subject, either by Congress, any State, or combination of private persons."

The preamble and resolutions were referred to the select committee on the subject.]

Messrs. FORESTER, HUNTSMAN, LEA, STANDEFER, and the SPEAKER, of Tennessee;

Messrs. WHITTLESEY, KENNON, STORER, JONES, MASON, and WEBSTER, of Ohio;

[Mr. MASON presented an affidavit of the Hon. Ira Paige, of Clark county, Ohio, respecting the appraisement of the lands lying on the line of the national road in that county, in 1843, for the purpose of taxation; which was ordered to be laid on the table, and be printed.

Also, sundry remonstrances and memorials of citizens of Ohio, protesting against a change in the line of the same road between Springfield and Richmond.]

Messrs. HANNEGAN, CARR, and McCARTY, of Indiana;

[Mr. HANNEGAN presented the petition of numerous citizens of Indiana, asking the extension of a certain mail route from Kirk's Cross-roads, through Frankfort, Delphi, Monticello, and Laporte, to Michigan city; and a petition for a post route from Burlington to Delphi, to intersect said route; which were referred to the Committee on the Post Office and Post Roads.]

Messrs. REYNOLDS and MAY, of Illinois;

[Mr. REYNOLDS presented the petition of the Illinois Central Railroad Company, which stated that said company was incorporated by the General Assembly of the State of Illinois, for the purpose of constructing a railroad from the mouth of the Ohio river to the termination of the Illinois and Michigan canal, in the Illinois river, with the right to extend the same to Galena. The memorial further stated, that the length of this railroad would be four or five hundred miles, extending north and south through the center of the State of Illinois, and near, for the most part, the public lands of the United States. This road would connect the North with the South in commerce, and the same also for the transportation of munitions of war and military stores; and would expedite the sale of the public lands in the vicinity of said road. In consideration of the premises, the memorial prays a reasonable donation of the public lands to aid in the construction of said road, and to allow a preëmption in the purchase of the alternate sections of public lands over which said road may pass.]

Messrs. LEWIS, LAWLER, and LYON, of Alabama;

Messrs. HARRISON and ASHLEY, of Missouri;

Mr. JONES, of Michigan.

[Mr. JONES presented a petition of officers and citizens at Fort Snelling, Michigan Territory, praying the establishment of a post route from that place to Prairie du Chien; the proceedings of a meeting of the citizens of Joe Davies' county, Illinois, and of Iowa county, Michigan Territory, praying for the extension of the preëmption law to the miners of those countries; the proceedings of a meeting of the citizens of Dubuque county, Michigan Territory, praying for the survey of the lands west of the Mississippi river, and the establishment of the seat of government for Wisconsin Territory, at the town of Dubuque, in that Territory; a petition of C. A. Grignon, praying to be perfected in a title to six hundred and forty acres of land on Fox river, Michigan Territory; also, a petition for a mail route in Michigan Territory, *Peninsula*.]

The States having been gone through, the following gentlemen, having been temporarily absent when the States were called in their order, by permission of the House presented petitions and memorials, viz: Messrs. LEE of New York, EVANS, and MUHLENBERG.

[Mr. LEE presented the petition of John G. Pray, for compensation for services performed by him during the years 1814 and 1815; which was referred to the Committee on Claims.

Mr. LEE also presented the petition of the custom-house measurers of the port of New York, praying that the office of measurer may not be abolished; which was referred to the Committee on Commerce.]

Mr. PHILLIPS, from the Committee on Commerce, submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Commerce be discharged from the consideration of the memorial of the merchants and other citizens of the district of Boston and Charlestown, in favor of an increased appropriation for the erection of a custom-house at Boston; and that the said memorial be referred to the Committee of Ways and Means.

On motion by Mr. RUSSELL, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing a pension to George Robb, of the State of New York, equal to the full pay of a captain of infantry in the Massachusetts line, in lieu of the pension for revolutionary services which he now receives.

On motion by Mr. CUSHING, it was

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of allowing a drawback on the exportation of cigars manufactured in the United States of imported leaf tobacco.

On motion by Mr. EVERETT, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing to the legal representatives of Cornelius Russell, deceased, an officer in the army of the Revolution, his commutation pay and bounty lands.

On motion by Mr. LAWRENCE, it was

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency of allowing an annual salary to the consul of the United States at Alexandria, in Egypt.

Mr. REED submitted the following resolution; which, by consent, was considered and agreed to:

Resolved, That the Secretary of War be directed to lay before this House a chart or map of the harbor and land of Provincetown, in the State of Massachusetts, in a reduced form.

Mr. JANES submitted the following resolution; which, by consent, was considered and agreed to:

Resolved, That the Secretary of War be directed to lay before this House the report of the United States engineer relative to the survey of a canal from Wells river to Burlington, Vermont.

On motion by Mr. PEARCE, of Rhode Island, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the law of the United States which gives to the district judges thereof the right to appoint the clerks of the United States district and circuit courts.

On motion by Mr. PETIGREW, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Washington to Derham's creek, in North Carolina.

On motion by Mr. RUSSELL, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing a pension to Alexander Gillis, of the State of New York, for services rendered during the war of the Revolution as an Indian spy.

On motion by Mr. BROWN, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of providing by law for the payment of John Woodward, of the county of Sullivan, in the State of New York, of the sum of thirty-four pounds fourteen shillings, with the interest alleged to be due to him for services rendered to the United States during the war of the Revolution; and that the papers herewith submitted be referred to the said committee.

On motion by Mr. FORESTER, it was

Resolved, That the Committee on Revolutionary Claims inquire into the expediency of extending the benefit of the pension law of the 7th of June, 1832, to such revolutionary soldiers as served three months at one or more times during the war of the Revolution.

Mr. ADAMS submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury, under whose direction the printing of certain tables and notes on the subject of cotton has been placed by this House, be authorized to add any further explanatory notes on that subject which may occur to him in the progress of the printing.

On motion by Mr. MASON, of Ohio, it was

Resolved, That the papers relating to the claim of Thomas Todd, a soldier of the war of 1812, to bounty land, be referred to the Committee on Private Land Claims.

On motion by Mr. JONES, of Ohio, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Lexington, by New Baltimore, Midway, Manchester, Doylestown, Milton, Jackson, Canaan, to Waynesburg, in Wayne county, Ohio.

On motion by Mr. FORESTER, it was

Resolved, That the Committee on Claims inquire into the expediency of paying John B. Perkins for the loss of two horses, lost by him in the Seminole campaign.

On motion by Mr. PEYTON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Gaynesboro,' up the Cumberland river, via Meigstown, (Amos Kirkpatrick's,) Thomas Butler's, and Selina, Tennessee, to Burksville, Kentucky; and also to establish a post route from Locust Shade, in Overton county, Tennessee, via Fox spring, Selina, and Garrett Moore's, Tennessee, to Tompkinsville, Kentucky.

On motion by Mr. MASON, of Virginia, it was

Resolved, That the Committee on the Judiciary inquire into the expediency of making it criminal, within the limits of the United States, to counterfeit the current coin of any foreign nation.

On motion by Mr. HAWES, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of establishing a pension agency at Hopkinsville, in Kentucky.

On motion by Mr. BOYD, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the mouth of Sandy, in Henry county, Tennessee, by the way of Concord, to Waydsboro', in Callaway county, Kentucky.

On motion by Mr. JONES, of Michigan, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the survey of the Fox and Manitowoc rivers, and to Winnebago lake, preparatory to the improvement thereof.

On motion by Mr. JONES, of Michigan, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing post routes from Bellevieu, Dubuque county, Michigan Territory, to Galena, Illinois; from Pine river, via Antoine Le Clerc's, to Rock Island, Illinois; and from Mineral Point, via T. J. Parish's, to the English prairie, on the Wisconsin river.

On motion by Mr. JONES, of Michigan, it was

Resolved, That five thousand extra copies of a report of the Secretary of War, made in compliance with a resolution of the Senate, transmitting a report of the expedition of the dragoons under the command of Colonel Henry Dodge to the Rocky Mountains, during the summer of 1835, be printed for the use of this House.

On motion by Mr. JENIFER, it was

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency of making compensation to Cornelius Manning for the loss of a servant, taken by the British during the late war, out of the surplus fund, if the treaty of Ghent be applicable to such claims.

On motion by Mr. McKIM, it was

Resolved, That the Committee of Ways and Means inquire into the expediency of repealing so much of the act of Congress of the 2d of March, 1799, as requires the issuing of certificates by the collector to the importers of all wines in casks, boxes, or otherwise.

On motion by Mr. TURNER, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the propriety of allowing to the heirs of Edward Pannel, the amount due on a certificate signed by Lord Berkley, Assistant Deputy Quartermaster General of the Army of the United States, in the war of the Revolution.

On motion by Mr. HARRISON, of Missouri, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making Green's Landing, in the county of Marion, State of Missouri, a port of entry; and that the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the purpose of clearing out the obstructions of the Missouri and Mississippi rivers, within the State of Missouri.

On motion by Mr. CHAPMAN, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Jacksonville, in Benton county, Alabama, by the way of Fort Armstrong, Chattooza village, Major Dougherty's mills, Morgan's store, William Henry's, at the Big Spring, Walker Court-house, William Falkner's, and thence to Rossville, in Georgia.

On motion by Mr. CONNOR, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Beattie's Ford, North Carolina, to Sherrill's Ford post office, Hokesville, to Fisher's post office, returning by Eavesville, the neighborhod of Thomas L. May's, to Dry Pond; also, that said committee inquire into the expediency of establishing a post route from Salisbury, North Carolina, to Mount Pleasant, in Cabarras county, to Coburn's store, in Mechlenburg county.

On motion by Mr. ASHLEY, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of providing by law for the improvement of the navigation of the Marimeek river, from its mouth to the iron works at the Big Spring.

On motion by Mr. MARTIN, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Elkton, in the State of Tennessee, to Decatur, in the State of Alabama.

On motion by Mr. RIPLEY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Port Hudson, in Lawrence, by the way of Jackson, Clinton, Greenborough, to intersect the Holmesville and New Orleans route at or near Colonel Edwards', in the parish of St. Tammany.

On motion by Mr. MAY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Chicago to Elgin, on Fox river, thence to Rockford, on Rock river, thence to Wyota, on the Pecatoolica, thence to Galena.

On motion by Mr. PATTON, it was

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a post route from Orange Court-house, Orange county, Virginia, to Stannardsville, in said county.

On motion by Mr. CRAIG, it was

Resolved, That the Committee on Revolutionary Claims inquire into the expediency of allowing Lewis Webb, late a captain in the war of the Revolution, the five years' full pay, in lieu of half pay for life, promised by the resolution of Congress of 1783.

On motion by Mr. LANE, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of establishing a pension office at Lawrenceburg, Indiana.

On motion by Mr. LAWLER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Tuscaloosa, via Foster's mills, Thornton's, Clinton, and Gainville, Alabama, and Narketah, Yanaby old town, Mozelusha old town, Killing's, Scott Court-house, Myers', and Brandon's, to Jackson, Mississippi.

On motion by Mr. SEVIER, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of *affirming* the sales of certain tracts of lands in Arkansas, which land, by the mistake of the land officers, was allowed to be entered before the same was proclaimed for sale.

On motion by Mr. DAVIS, of Indiana, it was

Resolved, That the Committee on Claims be instructed to inquire into the expediency of allowing to Elijah Milam and the legal representatives of George W. Milam, deceased, compensation for two horses lost during their services as rangers in the late Indian depredations on the western frontier of Illinois.

On motion by Mr. ADAMS, it was

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of making some additional compensation for extra services and charges to David L. Brent, consul of the United States at Paris, and to report thereon by bill or otherwise.

On motion by Mr. CASEY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes, viz: From Mount Carmel, by Alhou, Leech's Mills, Fairfield, and Malding's Mills, to Mount Vernon; from Mount Carmel to Maysville; from Fairfield to Salem; from Crawfordville, Indiana, by Newton, Rob Roy, Williamsport, Marion, and Parksgrove, to Iroquois, in Illinois; from Dixon's Mills, Indiana, west to Blooomfield, in Edgar county, Illinois; from Terre Haute, Indiana, to Vandalia, Illinois, on the national road; from McLanesboro', by Croches, to Malding's Mills; from Lawrenceville to Palestine; from Mount Vernon to Nashville, in Illinois; from Charleston to Greenups, in Coles county, Illinois.

On motion by Mr. ALLAN, of Kentucky, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the justice and expediency of indemnifying all persons and their heirs out of the public lands which were ceded by the State of Virginia to the United State, who have lost, or may hereafter lose, land, the title to which was derived from the laws of Virginia, either by patent or entry, on the western waters, prior to the 1st day of May, 1792, in all those cases where the lands so lost have been taken or covered by claims, and so derived from the Commonwealth of Virginia.

On motion by Mr. LYON, it was

Resolved, That the Committee on Public Lands inquire into the situation of the title to the four reserved sections of land around the town of Eagleville, and within the four townships granted to the Tombeckbe association of French emigrants, for the cultivation of the vine and olive; and into the expediency of making provision by law for the granting of titles to such of the allottees as may have complied with the terms of the contract between the Secretary of the Treasury and Charles Villar, agent of the French Emigrant Association, and the several acts of Congress passed in relation thereto; and of authorizing the remainder of the said four sections to be disposed of as other public lands.

On motion by Mr. JARVIS, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing by law that all ships or vessels of the United States, of twenty tons or upwards, shall be registered, and all vessels under twenty tons shall be enrolled, and that the registers and enrollments be required to contain, in addition to the names of the owners of the vessels, the share which each owner may have therein; the said documents to be issued, instead of those now in use, without expense to the owners of the vessels; and also that every vessel of the United States, of twenty tons and upwards, shall be furnished with a document, by which she shall be licensed to engage in the foreign or coasting trade, or in the fisheries, as the case may be; and that all vessels under twenty tons shall in like manner be furnished with a license for the coasting trade or fisheries, no license for a foreign voyage being available for more than one voyage · and no license for the coasting trade or fisheries being available for more than one year. And that the said committee be also instructed to inquire into the expediency of providing by law for ascertaining the number of seamen engaged in the foreign trade, the coasting trade, and the fisheries of the United States.

REPORTS FROM COMMITTEES.

Mr. GRENNELL, from the Committee on Claims, reported a bill for the relief of the legal representatives of Roswell Lee; which was read twice and committed.

Mr. BOULDIN, from the Committee on the District of Columbia, reported a bill to amend the charter of the city of Alexandria, so far as respects the mode of choosing a mayor; which was read twice and committed.

Mr. FORESTER, from the Committee on Claims, reported a bill for the relief of Thomas McCandless; which was read twice and committed.

Mr. REYNOLDS, of Illinois, from the Committee on Roads and Canals, reported the following bills; which were read twice and committed:

A bill providing for the opening of a road from Milwaukie, in Michigan, to the Mississippi river; and

A bill for the improvement of the mail road between Louisville and St. Louis.

Mr. REYNOLDS, from the same committee, reported amendments to the bills to provide for the improvement of the navigation of the Mississippi river, and providing for the surveys of certain rivers; which were committed.

Mr. WISE, from the Committee on Naval Affairs, reported a bill to allow additional compensation to William Easby; which was read twice and committed.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported the following bills; which were read twice and committed:

A bill for the relief of the legal representatives of James Burton, deceased; and

A bill for the relief of the legal representatives of William Vause, deceased.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported the following bills; which were read twice and committed:

A bill regulating the deposits of the money of the United States in certain local banks;

A bill to authorize the Secretary of the Treasury to adjust the claim of the Bank of the United States for damages on a protested bill of exchange on the French Government, and to recover the dividends due by the Bank of the United States to the Government; and

A bill to explain and amend the act for the relief of the sufferers by fire in the city of New York.

Mr. CAMBRELENG, from the same committee, reported certain estimates from the ordnance department; which were ordered to be printed.

Mr. CAMBRELENG, instructed by the same committee, moved to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill repealing the 14th section of the act to incorporate the subscribers to the Bank of the United States.

After a few remarks by Messrs. CAMBRELENG and ADAMS, the motion was postponed until to-morrow.

Mr. PATTON, from the Committee on Territories, reported the following bills; which were read twice and committed:

A bill for the admission of Arkansas into the Union, and for the establishment of a district court therein; and

A bill to amend the several acts for the establishment of the territorial governments for the several Territories in the United States.

Mr. EVERETT, from the Committee on Indian Affairs, reported a bill for the relief of Jubal B. Hancock; which was read twice and committed.

Mr. JARVIS, from the Committee on Naval

Affairs, reported a bill concerning pensions chargeable to the navy pension fund; which was read twice and committed.

Mr. STORER, from the Committee on Revolutionary Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of Joseph Danforth; and

A bill for the relief of Jacob Wallace.

Mr. JOHNSON, of Louisiana, from the Committee on Commerce, reported the following bills; which were read twice and committed:

A bill for the relief of L. B. Willis, formerly acting deputy surveyor for the district of Mississippi; and

A bill making an appropriation for the erection of a marine hospital in New Orleans.

Mr. LAWRENCE, from the Committee of Ways and Means, reported a bill for the relief of Samuel D. Walker, of Baltimore; which was read twice and committed.

Mr. BEARDSLEY, from the Committee on the Judiciary, reported a bill to extend the time for selling the lands granted to the incorporated Kentucky asylum for the deaf and dumb; which was read twice and ordered to be printed.

Mr. ROBERTSON, from the Committee on the Judiciary, reported a bill for the relief of William Sanders and William R. Porter; which was read twice and committed.

Mr. MORGAN, from the Committee on Revolutionary Pensions, reported the following bills; which were read twice and committed:

A bill to provide for the payment of certain pensioners of the United States at Wheeling, in Virginia; and

A bill for the relief of Jonathan Dow.

Mr. FRY, from the Committee on Revolutionary Pensions reported the following bills; which were read twice and committed:

A bill for the relief of Richard Severson;

A bill for the relief of Frederick Wilheid;

A bill for the relief of Lot Leonard; and

A bill for the relief of James Scott.

Mr. JOHNSON, of Tennessee, from the Committee of Ways and Means, reported a bill providing for the salaries of certain officers therein named; which was read twice and committed.

Mr. KENNON, from the Committee on Public Lands, reported a bill for the relief of Solomon Sturges; which was read twice and committed.

Mr. PARKER, from the Committee on Naval Affairs, reported a bill for the relief of the representatives of Henry Richards, deceased; which was read twice and committed.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported the following bills; which were read twice and committed:

A bill to provide more effectually for the defense of the Arkansas frontier;

A bill for the relief of Major Freeman Cross; and

A bill to repair and extend the United States arsenal at Charleston, South Carolina.

Mr. JOHNSON, from the same committee, made a report on the subject of arsenals of construction; which was ordered to be printed.

Mr. TALIAFERRO, from the Committee on Claims, reported a bill for the relief of T. Savage, administrator of Boletha Laws; which was read twice and committed.

Mr. W. B. SHEPARD, from the Committee for the District of Columbia, reported the following bills; which were read twice and committed:

A bill for the suppression of lotteries and the sale of lottery tickets in the District of Columbia; and

A bill giving the assent of Congress to an act of the Virginia Legislature amendatory of the act incorporating the Portsmouth and Alexandria Railroad Company.

Mr. SHEPARD, from the same committee, reported a resolution setting apart Tuesday and Wednesday, the 26th and 27th days of April next, for the consideration of business relating to the District of Columbia; which was rejected without a count.

Mr. PHILLIPS, from the Committee on Commerce, reported a bill authorizing the Winnissimmet company to lay out and make a way through the property of the United States at Chelsea, in the State of Massachusetts; which was read twice and committed.

Mr. LEA, of Tennessee, from the Committee on Revolutionary Pensions, reported a bill for the relief of John Boon; which was read twice and committed.

Mr. HAYNES, from the Committee on Indian Affairs, reported a bill for the relief of Milly Yates; which was read twice and committed.

Mr. CRAIG, from the Committee on Revolutionary Claims; Mr. JARVIS, from the Committee on Naval Affairs; Messrs. FRY, STORER, and MORGAN, from the Committee on Revolutionary Pensions; Messrs. BEARDSLEY and ROBERTSON, from the Committee on the Judiciary; Messrs. KENNON and DUNLAP, from the Committee on the Public Lands; and Mr. HAWES, from the Committee on Indian Affairs, made unfavorable reports upon various petitions, a portion of which were laid on the table, and the residue committed to a Committee of the Whole House.

The House then, at a quarter past four o'clock, adjourned.

IN SENATE.

TUESDAY, *March* 22, 1836.

Mr. EWING, of Ohio, presented two petitions from sundry citizens of that State, praying for a change in the location of the Cumberland road; which was referred to the Committee on Roads and Canals.

Mr. KING, of Georgia, presented the memorial of the grand jury of Wayne county, Michigan, praying for an appropriation for the erection of a new court-house and jail; which was referred to the Committee on the Judiciary.

Mr. WHITE presented the petition of the heirs of Captain Richard McCarty, praying to be allowed the commutation due the deceased; which was referred to the Committee on Revolutionary Claims.

Mr. DAVIS presented the petition and papers of Alexander J. Dallas, praying to be allowed the difference between a depreciated coin in which he was paid at Rio, and the current money of the United States; which was referred to the Committee on Naval Affairs.

Mr. BENTON, from the select committee to which was referred the message of the President communicating the constitution of Michigan, and another message on the subject of the northern boundary line of Ohio, reported a bill for the admission of Michigan into the Union, and establishing her boundaries; which was read, and ordered to a second reading.

Mr. BUCHANAN, from the select committee appointed to consider the message of the President communicating the constitution of Arkansas, reported a bill providing for her admission into the Union; which was read, and ordered to a second reading.

Mr. BENTON moved that the above two bills be made the order of the day for Friday next.

Mr. EWING, of Ohio, suggesting the absence of several Senators, moved that the bills be made the order of the day for Wednesday next.

After some conversation between Messrs. EWING, BENTON, BUCHANAN, and CLAYTON, Mr. BENTON modified his motion so as to change the day to Saturday; and the question being first taken on postponing the bills to Wednesday, (the longest day,) was lost—ayes 19, noes 20.

Mr. EWING then moved to make the bills the order of the day for Tuesday next; and this motion was decided in the affirmative—ayes 21, noes 18.

Mr. BLACK, from the Committee on Private Land Claims, to which had been submitted several petitions from citizens of Mississippi, complaining of grievances and frauds practiced under Indian reservation, made a report thereon; which was ordered to be printed.

RESOLUTION.

Mr. HENDRICKS submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation to remove the obstructions from the navigable waters of the Maple, Shiawassee, Flint, and Cat rivers, in the peninsula of Michigan.

REPORT FROM A COMMITTEE.

Mr. WHITE, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of the late Colonel John Haslitt; which was read, and ordered to a second reading.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill making further appropriations for the suppression of Indian hostilities in Florida;

The bill for the relief of Samuel Smith, Linn Magee, and Semoice, friendly Creek Indians; and

The bill for the relief of Susan Marlow.

EXPUNGING RESOLUTION.

On motion by Mr. EWING, of Ohio, the Senate took up the unfinished business, being the resolution submitted by Mr. BENTON to expunge a certain resolution from the Journal of the Senate.

Mr. PORTER took the ground that this resolution of the gentleman from Missouri [Mr. BENTON] was unsound, illegal, and unconstitutional. It was not an attempt to impair the records of this, but the records of a former Senate. It was a momentous question, that must seriously impress the mind of every Senator present; and if the principle involved in the resolution should be carried out, it must place the records of the country since the formation of the Government at the mercy of those who, from time to time, might be sent here. The gentleman from Missouri [Mr. BENTON] had labored to show that the resolution proposed to be expunged was unconstitutional. Mr. P. said the Constitution did not say that a record should be kept of the constitutional acts alone; and the unconstitutional acts were guarded by it as much as acts that were constitutional. The framers of the Constitution intended the records of the Senate should be a beacon to warn, as well as a light to direct. It was his purpose to discuss the merits of this question, which were in a small compass, and to leave out of view the panic makers, Bank of the United States, the President and all his glory, as subjects entirely unconnected with it. Here Mr. P. quoted that clause in the Constitution relating to the keeping of a Journal. The more learned people became, the more difficult they were of comprehension. An ordinary, plain man would immediately give an answer, if asked, what was meant by keeping a journal; but let a learned lawyer or a judge answer, and he will give you thirty-six meanings to a single word. His (Mr. P.'s) understanding of the words "keep a Journal of the Senate," was to record and preserve the proceedings of the Senate, and it had no other meaning, and that was the idiomatic sense of the term. He assimilated it to the minutes taken by a clerk of the proceedings of a court.

The gentleman from Missouri [Mr. BENTON] had told them what the word "keep" did not, but not what it did, mean. In England, in Scotland, and even in Ireland, where they were not famed for the correctness of their expressions, it had uniformly received a meaning such as he had given it. If, then, the meaning of the term was to record and preserve their proceedings, it followed that the object of the gentleman's resolution was to deface and obliterate them, which was disobeying that Constitution which they were sworn to support. And if the principle was established and carried out, it would place the power to obliterate the Journals in the hands of any party that might be in power, and might be resorted to as a means of revenge. The meaning of the word "keep" was regulated by the object to which it was applied. Keeping a house, a horse, a book, or a journal, had their special meanings; and Mr. P. here instituted several humorous comparisons, illustrative of its meaning. If the thousand copies of the printed Journal were originals, they had many keepers. But he contended there was but one original, which was the manuscript copy, taken by the Secretary at his desk. The rest were only copies of copies. Courts had decided that printed copies of the journals might be received as evidence on grounds of convenience, from the necessity of the case. The gentleman from Missouri [Mr. BENTON] had said this practice of expunging prevailed in England for many years back, and that we have the authority of

parliamentary practice for it. He (Mr. P.) admitted it to be the practice there, but contended that they had no constitutional injunction, that each House should keep a journal of its proceedings there, as was the case here. And if the parliamentary practice of England was deemed authority for expunging, any gentleman here could have what he pleased expunged. If we were to have English rules, he wanted them in their purity. The expunging there was done in person by the hand of the chief magistrate, or the King himself He hoped, if the expunging took place here, it would be done according to their method of doing it there.

Mr. P. cited the cases of James I. of England, as the first; and from that time down it had been invariably done by the chief magistrate of England in person; and he submitted it to the honorable gentleman from Missouri, [Mr. BENTON,] whether he had not better amend his resolution so as to have the President do the expunging himself in person? It was true, he (Mr. P.) could not vote for it even then; but, if it was to be expunged, that mode would be following out the precedent.

Mr. P. ironically described the scene of the President coming into the Senate Chamber, the address that would be delivered to him on his coming in, the account given of it in the Globe the next morning, embracing the interview between the President and Vice President, and the praise awarded to the gentleman from Missouri [Mr. BENTON] for his instrumentality in accomplishing the object of expunging. He maintained that the Senate, as a legislative body, existed in fact but two years; and he denied the existence of any right or power to touch the journals of a body that had gone before them, whatever opinions might be entertained in regard to altering their own Journal, and quoted the language of the Constitution which used the term "House of Representatives and a Senate," and not *the* Senate; and also adverted to the fact of the annual election of a portion of the Senate in support of his position. They had, in his opinion, just as much right to take a leaf out of the Journal of the House of Representatives as out of the Senate.

If there was any law in this District, punishing as a criminal act the defacing of records, and the Secretary of the Senate should be prosecuted for it, what law could be cited in his defense? They would find no law to justify him.

Mr. P. remarked that he was much exhausted, and gave way for a motion to postpone the further consideration of the subject until to-morrow, which was agreed to; and the Senate went into the consideration of other business.

JOHN M'CARTY.

The bill for the relief of John McCarty was taken up and considered as in Committee of the Whole.

Mr. SHEPLEY moved to postpone the bill indefinitely; and after some remarks in opposition to the motion by Messrs. MOORE, KING of Alabama, and WHITE, and in support of it by Mr. SHEPLEY, the question was put; and it was decided in the negative—yeas 17, nays 22.

The bill was then ordered to be engrossed and read a third time.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 22, 1836.

Mr. DENNY moved to take up and consider a resolution heretofore offered by him for printing five thousand extra copies of the report of the Franklin Institute of Pennsylvania, on the subject of the bursting of steam boilers.

The motion was objected to.

BANK OF THE UNITED STATES.

The House proceeded to consider the motion made yesterday by Mr. CAMBRELENG, from the Committee of Ways and Means, to discharge the Committee of the Whole on the state of the Union from the further consideration of the following bill, in order to bring it before the House for a third reading:

Be it enacted, &c., That the 14th section of the act entitled "An act to incorporate the subscribers to the Bank of the United States," approved April 10, 1816, shall be, and the same is, hereby repealed.

Mr. CAMBRELENG called for the reading of the section proposed to be repealed, which was done, as follows:

"SEC. 14. *And be it further enacted*, That the bills or notes of the said corporation originally made payable, or which shall have become payable, on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of Congress."

Mr. CAMBRELENG inquired if he was at liberty to state the reasons which had induced the Committee of Ways and Means to ask the Committee of the Whole to be discharged from the subject?

The CHAIR stated that the gentleman could give his reasons for so moving; but that on the present motion the merits of the case could not be discussed.

Mr. CAMBRELENG then said that the reasons why the Committee of Ways and Means had instructed their chairman to make the motion was, that they wished the bill to be engrossed and read a third time. In addition to that reason, he would ask the clerk to read the following extract to show what had taken place on a former occasion in relation to the same subject:

Extract from the proceedings of the House of Representatives on the 12th of Februa y, 1812, as published in the National Intelligencer of February 13, 1812.

"UNITED STATES BANK NOTES.

"On motion by Mr. BACON, the House went into a Committee of the Whole, (Mr. BLACKLEDGE in the chair,) on the bill to repeal the 10th section of the act establishing the Bank of the United States. Mr. B. said the Committee of Ways and Means had thought it necessary to bring forward this bill in consequence of a decision which had been made in the circuit court of Virginia, that the notes issued by the Bank of the United States are still a tender in payments to the collectors and other officers of the United States. The committee do not know on what ground this opinion was given; they had conceived that, as the limitation of the law had expired, no part of it could still have force. But, as this opinion has been given by the Chief Justice of the United States, it produces great inconvenience to the officers of the United States, as the notes of the several branches, say Charleston, Savannah, New Orleans, &c., will be paid only at the branches from which they issue."

"Some irregular debate took place on the propriety of passing the bill at all. It was contended that, the whole law having expired, it was altogether unnecessary, not to say improper, to pass a bill to repeal a section of that law. It was replied by the chairman of the Committee of Ways and Means, and others, that, as the passing of the bill would prevent any further trouble to the public officers, and it could have no influence on anything which had heretofore taken place, its passage was desirable. The committee rose, and the House ordered the bill to a third reading."

Mr. E. would only remark, for the information of the House, that the provision in the old charter was different in one respect to the present provision. It did not end as the present one does, "until otherwise ordered by act of Con-gress." Another fact was, that the old bank had two years to wind up its concerns, and was going on so to do; with the present bank it was very different.

The CHAIR reminded the gentleman that the merits of the question could not be discussed.

Mr. INGERSOLL said he rose yesterday for the purpose of giving a word of explanation. He had understood the chairman of the Committee of Ways and Means [Mr. CAMBRELENG] to say that the instruction of the committee was a unanimous one. He rose merely for the purpose of entering his protest against that assertion.

Mr. CAMBRELENG said he did not state that he was unanimously instructed to make the motion. What he intended to state was, that, when the subject was first brought before the committee, there was some objection to it; but after they had the opinion of the chief justice on a former occasion on the subject, he did not hear any decided objection to it.

Mr. INGERSOLL reminded the honorable chairman of the Committee of Ways and Means that, when the subject was first before them, he had expressed his opinion that it would be unnecessary for Congress to act in the matter at all. It was proper, however, for him to say a word in relation to the precedent. If he understood the language of it, so far as it was a precedent, it was a precedent against the course now proposed by the Committee of Ways and Means. He could conceive of no reason for action unless the one intimated yesterday by the gentleman from New York, [Mr. CAMBRELENG,] that the bank was still, notwithstanding it had become a State institution, issuing notes of the old bank. Mr. I. knew of no such fact; and if it had come to the knowledge of the gentleman from New York he wished to know it.

Mr. ADAMS observed that it was the unusual course of the chairman of the Committee of Ways and Means yesterday that had induced him to make objection. He wished the present to have the benefit of all the discussion which important bills were entitled to in the House; and he did not know that the chairman of the Committee of Ways and Means had assigned any reason for taking it away from the Committee of the Whole. He had, to be sure, said that the object was to have the bill brought to a third reading. Every bill must do that: it was no reason for taking it from the Committee of the Whole, because it was the only place in which subjects of importance could be fully discussed. The Committee of the Whole was the only place in that House in which subjects could be fully considered; and every other mode of proceeding should either be by unanimous consent, or for some good reason; and it appeared to him that a worse reason than that the bill should be brought to a third reading, could hardly have been given. He knew of no reason why the bill should pass at all, and he was wholly unprepared to discuss it. It was totally unexpected to him; and he confessed that it was with some distrust that he had objected to it. It might be to discredit the paper of the United States Bank, or a continuation of the war on the Bank of the United States. He hoped, however, that war was at an end—he did not like stabs upon dead bodies. If that was the intention, he hoped they might have an opportunity for full deliberation upon the subject in that House. No reason had been assigned for discrediting the bills of the United States Bank. He believed their credit was of great advantage to the people of the country. They were the only currency existing that had full and complete credit; they were better than gold and silver—the best of all currencies. Well, sir, what was the necessity of passing an act of Congress discrediting those bills? Was Congress going to do all in its power to discredit the bills of that bank, to act out its little spite against that institution? He deemed it the duty of Congress rather to keep up the credit of the bank as much as possible, because there were yet seven millions of the money of the people in that institution.

The CHAIR remarked that the merits of the question were not open for discussion.

Mr. A. observed that he only mentioned those things to show the importance of the subject and the great necessity for keeping it in the Committee of the Whole. He did not know but that, when the subject came up, the chairman of the Committee of Ways and Means might find substantial reasons for the passage of the bill, but he did not think that the paper the gentleman had read was any good reason; for, as the gentleman from Pennsylvania had observed, it was against the course the gentleman was pursuing. He hoped, therefore, the House would adhere, not to the motion of the gentleman from New York, but to the precedent he had produced.

Mr. PATTON said the present was merely a question of time and of form. As to the question of time, it was simply whether they should proceed at once and in a way to enable the House to come to a speedy conclusion, or whether they should adhere to the forms of legislation which were prescribed; which, perhaps, would detain the question from being decided for three or four weeks. He, for one, was not disposed to dispense with those forms to precipitate and hurry legislation on that or any other subject, unless some good reasons could be shown for so doing; and therefore, although he did not know that he should object to the passage of the bill, yet he had heard no good reason for hurry in the matter. Were not the notes of that bank as good and as safe as the notes of any bank? Was any danger to be apprehended of the country suffering by postponing the subject three or four weeks? He could see no reason why the usual forms of proceeding should be dispensed with; and he thought they ought not to be deprived of an opportunity of discussing the present question, unless there was some good reason for dispensing with the usual forms.

Mr. BROWN said, if the fourteenth section of the act which makes the bills of the Bank of the United States receivable in payment of debts due to the Government, be inoperative since the 4th of March, as had been intimated, he was at a loss to know why the present motion should be resisted. The bill to repeal that section had been committed to the Committee of the Whole on the state of the Union, and, unless it could be brought back into the House, there was no prospect of reaching it until near the close of the session. There was a special rule making all the appropriation bills the special order for every day in the week, except Fridays and Saturdays those days were appropriated to the consideration of private business. He repeated, therefore, that if this bill remained in committee it could not be reached until near the close of the session. During all this time, the bills of the bank would have a decided preference over the bills of every other institution in the country. In payments to the Government, they were equivalent to silver and gold. He was unwilling the bank should have this advantage one moment longer. He denied that the effect of the bill would be to discredit the notes of the bank. Its effect would be to place them upon an equality with the paper of every other banking institution in the country, and nothing more. But if such should be its effect, he, for one, would gladly give his assent to it. A bank, such as that of the United States, renewed as it had been by the State Legislature after its condemnation had been repeatedly pronounced by the people, was not entitled to any favor from this Government, and should receive none from him. At a meeting of the stockholders of the bank the other day in Philadelphia, the President, Mr. Biddle, enumerated, amongst the advantages which the new institution enjoyed over the old, "its total separation from all the officers of the General Government, an unnatural connection, beneficial neither to the bank nor Government." He would hold him to his word, and annihilate whatever remained of this unnatural, and he might add, odious connection.

Here the SPEAKER called Mr. B. to order, stating that he could not, upon a motion to discharge the committee, go into the merits of the bill which was the subject of the motion.

Mr. BROWN said he would not draw the merits of the bill in controversy, as he did not wish to transgress the rules of order. He had been led to say this much in answer to some observations which had fallen from honorable gentlemen upon the other side of the House. He believed it had become essential to the best interests and to the dignity of the country that the 14th section of the bank charter should be instantly repealed; and with a view to a distinct and open expression of the opinions of honorable members, he concluded by demanding the yeas and nays upon the question.

The yeas and nays were thereupon ordered.

Mr. LANE said, he had taken the floor for the purpose of giving a single reason why he should vote for the motion. The gentlemen from Massachusetts [Mr. ADAMS] has pronounced the Bank of the United States dead, and that he was opposed to treading upon its dead body. In this Mr. L. agreed with the honorable gentleman, and *rejoiced* at the result; and, in order to relieve that gentleman, he would vote for its burial with all due expedition and ceremony. It is objected that no reason has been given for the motion: to this it is a sufficient reply, that no reason has been given against it.

Mr. McKENNAN understood that the Committee of Ways and Means, who reported the bill, originally moved to refer it to the Committee of the Whole on the state of the Union, and that they now moved to discharge that committee from the subject, and bring it directly before the House. He asked, as the gentleman from Massachusetts [Mr. ADAMS] and the gentleman from Virginia [Mr. PATTON] had done, what were the pressing reasons for immediate action on that bill? Had anything occurred, since the bill was reported and referred to the Committee of the Whole, which would make it necessary for the House to act on the subject? The chairman of the Committee of Ways and Means had given no reason why the bill should be hurried through. It was a question of expediency entirely, and would require deliberate consideration; and the Committee of the Whole was the place where all questions of importance ought to be discussed, and where a free discussion could not be cut off by the operation of the gag law. It was a question of expediency whether the notes of the Bank of the United States should be discredited or not; and for his part, when the question came up, he would say it was entirely inexpedient, because he believed that no better currency could be procured.

The CHAIR remarked, that this discussion would be in order when the main question came up, but was not now in order.

Mr. McKENNAN only threw out these suggestions to show the importance of the bill, and to show that it ought to remain in the Committee of the Whole.

Mr. SPEIGHT would say, that, so far as he was concerned, gentlemen might have full opportunity of discussion without the application of the previous question. The House had, however, passed a resolution making the appropriation bills the special order for every day, except private bill days; and, judging from what had passed, the greater part of the session would be taken up by the discussion of those bills; so that there would be no opportunity for getting up the present subject in Committee of the Whole. By the first of June, too, he hoped the majority of that House would be turning their faces homewards. Another reason why the bill should be passed was, that the bank was literally dead, yet its notes are a lawful tender to the Government for all payments thereto. It cannot make loans on individuals, but still, by the law proposed to be repealed, it is the only bank in the country whose bills are a legal tender for payments to the Treasury. He conceived the merits of the bill could be as well discussed in the House as in the committee; and it is presumed, judging from what had passed, that they would not be able to discuss it in committee during the present session. He hoped it would be speedily brought before the House and passed.

Mr. DENNY expected to be enlightened when the gentleman from Indiana rose to address the House, particularly as the chairman of the Committee of Ways and Means had given no reasons for the motion which he had made in reference to a matter of so much importance. The gentleman from Indiana had, however, wisely taken his seat and left them in the dark.

The gentleman from North Carolina [Mr. SPEIGHT] had come to the aid of his friends. Mr. D. proceeded to reply to the remarks of the last gentleman, in reference to the propriety of bringing the present measure before the House, and hastening its decision by means of the previous question.

The bill was reported on the 16th of February, previous to which time other bills, perhaps of more importance, were reported by the same committee, and referred to the Committee of the Whole; and the chairman of the Committee of Ways and Means had permitted them to slumber without attempting to call them up, or to make a motion similar to the present, to take them out of committee. He (Mr. D.) was opposed to a departure from the usual course, unless for special reasons. Had the Secretary of the Treasury demanded that this bill should be put in a situation to be hurried through the House? Had this course been required from any other quarter? Was the committee afraid of a full and free discussion of the subject? For his part, he desired that all the light which could be shed on the subject should be sent out to the country. If gentleman did not wish to shrink from discussion, they would permit the bill to remain where it was in Committee of the Whole. What, he would ask, was the situation of these bank notes? The law chartering the bank had expired. The notes of the institution, credited as they were by the legislation of the country, had gone abroad. They were in the pockets of individuals at a distance, who desired to give them in exchange for the public lands, &c. It was now proposed to discredit them, by authorizing the receivers of the customs and land offices not to receive them in payment of public dues. This course, if adopted, would compel many of the honest holders of the notes to dispose of them at a considerable discount to a broker or to a Government agent, in order to pay his debt to the Government. He was opposed to such a course.

The passage of the bill would operate deceptively. These notes were redeemed in specie, when demanded. They were at par. The Government had nothing to fear by continuing to receive them. If, as had been intimated, other subjects should come up in connection with this bill, it would form an additional reason for a full and free discussion in committee. He, therefore, hoped that the House would permit this bill to take the usual course, and that the motion to discharge the Committee of the Whole would not prevail.

Mr. JUDSON said the proposition from the Committee of Ways and Means under immediate discussion was to take a bill, now before the Committee of the Whole, and bring it before the House, to accelerate action upon it. The fourteenth section of the act creating the Bank of the United States made the bills of that bank a lawful tender to the Government. This, in its very nature, was an odious monopoly, against which the people had long since passed their decisive judgment. There were some who claimed that, although the bank itself had expired, and ceased to exist on the 4th of March last, yet this right pertained to this bank; and the bills might hereafter, by virtue of this clause, still continue to be what they were before the expiration of the bank. The object of this bill was to repeal that fourteenth section, and settle the question. He was in favor of the motion, and desired to see the business of that House progress: it was due to the interest of the country. Did gentlemen desire to continue a useless debate upon mere first principles, *whether such an odious monopoly as was here claimed should longer exist in a free country*, where the principles of legislation should be preserved on equal terms? Gentlemen say that the previous question may be applied, and cut off discussion. He did not say, that he should call that question, but he did say, that the people of this country would always justify the application of that rule, when useless and unimportant debate was carried on for the mere purpose of preventing the transaction of the public business. Whenever that became the case, he would always be ready to do the business of the House, instead of wasting its time.

Mr. VANDERPOEL said, he was very sorry that the ghost of the Bank of the United States had been exhibited here in any shape, for he had observed, while he had had the honor of a seat here, that the old lady could not be introduced here in any form without ruffling the temper of honorable gentlemen; but he saw no good reason for much sensibility on account of the motion now under consideration. According to the charter of the Bank of the United States, the bills of the bank were a lawful tender for the debts due to your Government. Your revenue collectors, and your public land receivers, were obliged to accept them. The bank was dead, and we had heard that there had been a judicial decision which rendered it at least doubtful whether the bills of this bank, after it had become a dead body, were not still a lawful tender for the debts due the Government. The gentleman from Pennsylvania, [Mr. INGERSOLL,] who was also a member of the Committee of Ways and Means, had told us that he did not believe that the bills of the Bank of the United States continued to be a lawful tender; that the bank had not claimed it; and he did not suppose that it would ever pretend that its bills were such tender. If so, then certainly no mischief could result from the motion to take this bill out of the Committee of the Whole on the state of the Union. The bank could not be prejudiced, and it was not necessary to keep the bill in Committee of the Whole for the purpose of debate. As there seemed to be no doubt as to the construction of the charter, a declaratory section was necessary, and he hoped the motion would prevail.

Mr. WISE said the question arising under the present motion was not as to what mischief would result from its rejection, but what possible good would be secured by its adoption.

The gentleman from New York [Mr. CAMBRELENG] had the honor of starting a doubt whether

the charter of a bank operated after the expiration of its term. There could be no doubt upon the subject. The bank was dead, and the gentleman from Indiana [Mr. LANE] might bury the "monster." He could, therefore, see no necessity for speedy action on this bill. He adverted to the unsettled state of the currency, and avowed that even the Secretary of the Treasury did not know what kind of money would be received in payment of the public lands. He applied to that officer for information on the subject. The Secretary, he repeated, could tell him nothing about it, and had referred him to the receivers for information. Mr. W. remarked, in conclusion, that there was an object, and but one object, for the repeal of this fourteenth section, and that was to array the Government on the side of one set of bank capitalists. The question had all along been kept up by different and conflicting banking interests.

Mr. SMITH, of Maine, said, the proposition before the House was one of simple expediency. Is it, or is it not, expedient for the House to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill to repeal the 14th section of the bank charter? The honorable gentleman from Pennsylvania, [Mr. DENNY,] who last addressed the House, thinks it is not expedient; and assigns certain reasons which are, to his mind, no doubt entirely satisfactory for this conclusion. The gentleman from Virginia [Mr. WISE] also thinks it is not expedient; and assigns for a reason, as does another gentleman from Pennsylvania over the way, [Mr. MCKENNAN,] that if the subject be brought before the House the previous question will be applied, and a protracted discussion of the subject as in Committee of the Whole will be cut off. This is probably the most important reason that influences gentlemen in opposition to the proposition before the House. Why, sir, the previous question can only be applied when a majority of the House shall think it necessary and expedient to bring the subject to a decision. And all who are opposed to the application of the previous question, or of placing the bill in question before the House, are unwilling to confide in the judgment and discretion of a majority of the House in relation to the order and disposition of business before the House. To those gentlemen who are disposed to distrust the judgment and discretion of the House—I mean of the majority—in relation to the arrangement and disposition of the business before us—to as many as are opposed to the application of the previous question to a subject, when in the opinion of a majority such application becomes necessary to the dispatch of business, the reasons of the gentlemen from Virginia and Pennsylvania must be satisfactory. But, sir, no person having confidence in the good sense, judgment, and discretion of a majority to control properly the business before the House, can be deterred, by any apprehension of the previous question, from giving his support to the proposition to discharge the Committee of the Whole from the further consideration of the bill, in order to bring the bill directly within the reach of the House.

The gentleman from Pennsylvania [Mr. DENNY] wants light upon this proposition—he wants reasons for it. What to his mind may seem to be light, or a sufficient reason for the measure, may not be so to another mind; and what to another mind may be light, or reason, may not be so to his. But, sir, to my mind, there are sufficient reasons in support of the proposition of the Committee of Ways and Means, and in favor of the expediency of discharging the Committee of the Whole from further action upon the repealing bill. It is expedient to bring the bill out of committee, because *thirty-four days* have elapsed since it was reported to the House, and referred to the Committee of the Whole, and such has been its position before that committee as not to have been reached at all during the whole period. Such has been the arrangement of the business before the committee, it has been, and still is, impossible to reach the bill there for action, or to have it taken up. This, sir, to my mind, is one good and sufficient reason for the proposition now before the House, and for a change of the position of the bill.

Another reason, in support of the expediency of bringing the bill out of the committee, is derived from the fact, that the charter of the Bank of the United States expired, for most of the purposes of its creation, some eighteen or twenty days since, and this bill, relating to the operation of that charter, remains undisposed of. The bill was reported to the House seasonably, before the expiration of the bank charter, to have been acted upon, if the arrangement of the business before the Committee of the Whole had been such as to have admitted of the bill being taken up; but it is well known that it has been impossible to reach the bill there.

The order of the House, giving precedence to the principal appropriation bills on every day at one o'clock, is another reason in support of the expediency of the proposition before the House. This debate which has already taken place, and is still pending on one of the appropriation bills, (the navy appropriation,) and the debate that is yet to take place, judging from what has passed, on that and each of the other appropriation bills, shut out all prospect of reaching this bill, relating to the bank charter, for weeks and weeks to come, if it is to remain in the Committee of the Whole on the state of the Union, where it now is. Unless the committee be discharged from the further consideration of it, and it be brought within the range and control of the House, no one can tell when it will come up for consideration. This, sir, to my mind, is a substantial reason for the measure proposed by the Committee of Ways and Means.

Again: doubts exist in the community relative to the character of the 14th section of the bank charter proposed to be repealed. It is true the gentleman from Virginia [Mr. WISE] says no doubts exist upon this subject—that the friends of the bank do not consider the 14th section as longer operative; but, sir, before the gentleman concluded his remarks, he informed the House, that the Secretary of the Treasury himself was unable to tell whether the bills of the Bank of the United States are or are not receivable in payment of the public lands. One would think that this fact was evidence enough of existing doubts in relation to the 14th section of the charter. It is true again, the honorable gentleman from Pennsylvania, [Mr. INGERSOLL,] who is also a member of the Committee of Ways and Means, is quoted for the opinion, that the 14th section of the bank charter, making the United States Bank bills a tender in payment of the demands of the Government, is no longer in force—that it expired with the bank charter.

But another gentleman from Pennsylvania, who last addressed the House, [Mr. DENNY,] entertains the opposite opinion, and thinks the section still to be in force, and offers, as a reason against the repeal of the charter, that many citizens have at this time pockets-full of the United States Bank money wherewith to make payments to the Government for public lands. Now, sir, I think we have evidence enough before us that doubts do actually exist in the community, and serious doubts, too, as to the force and operation of the section of the bank charter proposed to be repealed. Two opinions are evidently abroad upon the subject; and these adverse opinions, to my mind, constitute the best reasons for an early action of the House upon the subject; they are substantial reasons in support of the expediency of the measure proposed; they are reasons for the earliest possible action of the House, which cannot be had unless the bill be brought out of the Committee of the Whole.

Sir, the proposition is to bring the bill before the House for examination and discussion; not to apply to it the previous question without examination. My object is to take it from a position where it cannot be examined or discussed for weeks to come, and place it within the range of the House for examination and discussion at once. If, after discussion to the satisfaction of the House, the House, or a majority of the House, in the exercise of their discretion, shall desire the previous question, then a different proposition from the present one will be presented. The *expediency* of the previous question will *then* be considered. The *expediency* of bringing the subject before the House at once is the simple proposition *now* to be considered. I am satisfied, for one, on this question of expediency, and for the reasons stated. If, after discussion of the subject in the House, the previous question shall be desired, and there shall be evidence enough to my mind to support its expediency, as on the present question, then, sir, I will vote for the previous question.

Mr. REED remarked that the gentleman last up, had inquired if they could not trust the majority? Most assuredly; but at the same time he was in favor of pursuing the forms adopted by the majority for disposing of the public business, which were to consider, in the first instance, particular measures in the Committee of the Whole. This course was due to the majority itself, in order to guard against hasty and inconsiderate action on questions involving difficult points. He admitted that there was much useless debate in that body; but he could see no reason in this instance for departing from the rules and usages of the House, and he was opposed to discharging the Committee of the Whole from the bill under consideration.

Mr. MANN, of New York, said that a single reason operated with him to favor the motion, to discharge the Committee of the Whole on the state of the Union, and bring this bill into the House, and to a prompt decision. This reason had not, he believed, been alluded to by gentlemen. The charter of the bank has expired, but it is too well known that it had run into a State bank by the power of one of the States of this Union. It had "inherited," to use the language of the high priest of its oracle, "the circulation of its noble progenitor." Now, if this 14th section of its charter, making the notes of what was the Bank of the United States receivable in all payments to the United States, is now operative as the law of the land, (and Mr. M. said, whatever other gentlemen might think on this point, for himself he had very little doubt,) then it would happen that in virtue of this "inheritance," the United States Bank of the State of Pennsylvania would have preference over all the other State banks of the several States of the Union, and that, too, by the laws of the Union. Are gentlemen, friends of the Bank of the United States, prepared to prefer by our laws one State bank over all others, and those of their own States? And for what reason? I trust, sir, that by "inheritance" the Bank of the United States of the State of Pennsylvania is not to obtain an advantage over all other banks in the credit and currency of its old notes, used by this inheritance. Why should the Government receive the notes of this bank, merely because of its name, which now indicates anything else than truth?

Mr. M. had intimated his opinion, or rather fear, that this 14th section, making the notes of the bank receivable by the United States, had not expired with the general attributes of the corporation. This was grounded upon the doctrine, expressed by a maxim in the quaint language of Lord Coke, "that corporations have no souls; albeit they have immortality." They do not die so easily as gentlemen imagine in respect to all their attributes. Other clauses of the charter are now operative by their own terms; they have not expired. This 14th section is in general terms. If a citizen had held the notes of the bank in good faith on the 3d of March, and had offered them in payment of the revenue on the 5th, will it be contended that the Government would not have been bound to receive them, although the bank might have failed in the mean time? Mr. M. said he presumed not.

Mr. HAWES said that, whenever any proposition came up which looked to expediting the public business, there were certain gentlemen who uniformly opposed it; and the same persons were always the first to charge others with neglecting the necessary business of the country and of lengthening the session. They were yesterday told, that the majority would be held responsible to the country for the action, or the want of action, on the part of the House; and upon the present occasion the party friends of the gentleman who made the remark to which he referred were the very same who had again interposed to prevent the dispatch of the business of the session.

If, as had been admitted by the friends of the bank, the operation of this fourteenth section of its charter had ceased and expired on the 4th of March, why should any person object to its repeal? There could be none. There were doubts on the subject. As a Kentuckian, he felt bound to urge the repeal of this section. He would never consent to give privileges and immunities to a State bank of Pennsylvania which were not possessed by the banks in his own State.

Gentlemen were afraid of the previous question. He had moved it, and would again, if by so doing he could facilitate the transaction of the public business.

Mr. BOND made a few remarks, which were mostly inaudible to the reporter. He was understood to contend that, as the majority made its own rules of proceeding, the minority were not justly chargeable for any delay in the dispatch of the business of the House.

Mr. PEARCE, of Rhode Island, obtained the floor; but, the hour of one having arrived, the Chair announced the special order.

Mr. RIPLEY moved to suspend the rule for the purpose of proceeding with the consideration of the subject before the House; which was negatived without a count.

NAVAL APPROPRIATION BILL.

On motion by Mr. CAMBRELENG, the House, pursuant to the special order of the 26th January, then resolved itself into the Committee of the Whole on the state of the Union, (Mr. HAMER in the chair,) and resumed the consideration of the bill making appropriations for the naval service of the United States for the year 1836.

The question pending was the motion by Mr. BELL, to strike out the following item of the bill:

For improvements and necessary repairs of the navy-yard at Portsmouth, New Hampshire, $67,000.

Mr. BELL resumed his remarks. He adverted to the sketch of his remarks which appeared in the National Intelligencer the other day, in which he was represented to have "ridiculed" the special message of the President. He had neither done so, nor intended to do so; he had only remarked on the inconsistency of certain portions of that document. He still avowed himself a supporter of all the prominent and legitimate measures of the Administration, and all the early principles of the party that supported the present Chief Magistrate. He had never departed from them, nor ever should. This declaration he again reiterated.

Mr. B. then adverted to the mode of caucus or convention nominations, which he held to be synonymous, the tendency of which was, and always had been, to defeat the free will of the people. Hostility to these was one of the early principles of the present party. *Now*, all who did not subscribe to the absolute acquiescence of these caucus nominations—such a one, for example, as was held a few months ago in Baltimore—were held up and hunted down as enemies to the Democracy, anti-Jackson men, &c. With regard to the prevention of an election by the House of Representatives, the party now in power had invariably evaded the recommendations of the President. He recurred to the practice of electing the Vice President of the United States to the presidency. This was at first an early principle of the Government, but it was soon departed from. Then it was thought the office of the Secretary of State was the line of succession. No party opposed this practice with more vehemence, especially in the case of Mr. Clay, then the present party in power. Did not the same reasons exist at this moment? Was it necessary to show how the present party had disregarded and abandoned all their former declarations on this subject? Where was their consistency—where their adherence to principle?

In the canvass immediately preceding the present Administration, it was thought indispensable to preserve the purity of the press, and to keep it disconnected with the executive branch of the Government. Then the disbursement of $30,000 by the Secretary of State, for printing and publishing the laws of the United States, was thought enough to corrupt the whole press of the country in a most dangerous and alarming degree. He recurred to the resolution of Mr. Sanders, of North Carolina, and the debate that ensued thereupon. One of the most obnoxious acts of the President in Tennessee was taking away the privilege of publishing the laws, and giving it to the Nashville Republican. Lately the Secretary of State had taken it away from the Nashville Republican, and given it to a partisan newspaper in the same town, (the Union,) a paper of the highest partisan cast, possessing not a quarter, certainly not one half the circulation of the former. Besides this, the amount of Executive patronage upon the press, both in this city and elsewhere, had enormously increased.

Mr. B. then referred to the vast increase of power and influence in the Executive resulting from the present mode of keeping and distributing the public deposits, indirectly wielded through the agency of an individual who was said to reside in this city, (Mr. Whitney,) by which millions were gratuitously used to corrupt the people in their elections. He called the attention of the House to the indisposition of the party there to act on any subject embracing, or having the effect of curtailing, executive patronage; and gave a detail of the course pursued there during the present session, when a bill for that purpose came from the Senate. That bill now slept the sleep of death. It was a measure in unison with the principles of the party that brought General Jackson into power; whereas now a distinguished Senator, who advocated it, had been assailed and denounced for his course on that occasion. The Senate of the United States had now become a body yielding to the principle of passive obedience and non-resistance to executive authority. A profound regard to the rights of the States was professed and avowed by the original Jackson party. Need he recur to recent interferences in the election of Senators, and with the proceedings of State Legislatures?

An opposition to works of internal improvement was one of the principles of the original Jackson party. To show the departure from this, he cited the various appropriations for such objects from 1830 upwards, showing a gradual increase from year to year. In 1830, there was appropriated for the improvement of harbors, rivers, and breakwaters, the sum of $367,000; and for the surveys of roads and certain works of internal improvement, $158,000; for the present year, there were proposed to be appropriated by standing committees of the House, organized to carry out the will of the majority, for the first object, $876,000, and for the second, $1,090,000.

He then called the attention of the committee to what he considered the most exceptionable principle of the party in power, the practice of governing the country and sustaining party ascendency by an artful system of popular delusion and excitement, by treating the people more like children than as men. He referred to the delusion about the gold and silver currency, the "expunging," which was not so much intended to vindicate the character of the President of the United States as to change the political character of the Senate of the United States. But the great opic of the last year was the late French war, which had been got up as one of the topics of public excitement. He adverted to a paragraph relative to himself in the Globe of the 28th of January, to show that this was the design of the French war, and that his course had been directly misrepresented. It was false that he had opposed appropriations for putting the country in a state of defense; and, after quoting sundry other paragraphs and reading some passages from Governor Shelby's address, Mr. B. said he was prepared to demonstrate what he then affirmed—in the first place, that either there never was any danger of a war with France, or, if there was, the public functionaries of this country had been guilty of the most gross and culpable neglect of their public duties; and he should furthermore undertake to state and demonstrate that, if at any period during the preceding year, there existed danger of a war with France, then had the gentleman from New York, who was at the head of the Committee of Ways and Means, [Mr. CAMBRELENG,] and those with whom he acted out of that House, the leaders of the party, paltered with the honor and safety of the country. Either alternative, either horn of the dilemma, might be selected by them.

These positions Mr. B. set about to prove by the absence of any executive calls for those vigorous and speedy measures which the alleged exigency would have required, between the 3d of March, 1834, and the 26th of January, 1836, and the absence of any movements to that end by the party in power in the House. He recited sundry remarks during the present session by Messrs. CAMBRELENG, ADAMS, MASON, and MILLER, in relation to this point, and commented thereon at some length, referring also to the denunciations upon the character of the French King and people in the leading administration presses of the country. If, then, war had been apprehended by the party in power, they were guilty of gross negligence, for the country was in the most defenseless state, and no one solitary measure taken for its improvement in that respect. If war was really contemplated, those having the charge of that branch of the public service must have been either in a state of lunacy or guilty of treachery, neither of which was the case. Therefore war was never anticipated. What was the condition of our maritime frontier? Men of the highest military skill in the country were of opinion that three French frigates, with an equipment of only five thousand men, ably commanded, could have laid any city on the coast of the United States under contribution, and could have captured the whole of the public property, including every ship on the stocks, in every navy-yard of the United States. Nay, more, a single French frigate could have sailed up the Potomac with impunity, and not only have possessed itself of our navy-yard here and all its contents, but have battered down the walls of the Capitol itself. In this state of the public defenses, could it be possible that a war with France was contemplated?

Another fact in proof of this point was derived from the circumstance that the appropriation bill, embodying the items for the diplomatic expenses of the Government, was reported at an early day of the session, and contained the usual annual appropriation for a minister's salary and outfit to France,—not omitted, not in blank, as might have been expected, if a war with that nation had been apprehended. The course of the House in setting aside the proposed Navy appropriation for the discussion of a resolution which never proposed an act of legislation, was another proof that war was never anticipated. He believed at the time, there would be no war, and he believed the party were in possession of some indirect information, although of a positive character, either that the French Government would not insist upon an apology, or that the message of the President would be satisfactory, or that the mediation of another Power would be tendered and accepted.

He did not censure the Chief Executive only for the neglect of the public defenses of the country. His lieutenants, the heads of Departments and bureaus, should share some of it. There had been gross neglect in all the Departments. The charge attached to the whole corps, though not to individuals of it. Nor was the charge of neglect and abuse confined to the War Department. It extended equally, if not in a greater degree, through the civil Departments, and he need only to refer to the present condition of the Land Office, the Indian Department, and the Post Office. This arose, not so much from the organization of those Departments, as from the incompetency and utter incapability of most of those appointed to the offices. This was the cause, and the only remedy was the removal of the officers—the incompetent agents. The system, too, was so managed and contrived that the responsibility was thrown entirely upon the President. The name and popularity of General Jackson were made the shield and buckler for every abuse and enormity of the officers of the Government, from the head of a Department down to an Indian agent. The moment an abuse was touched, it was held up as a direct attack upon the President—as bringing in question the honor or integrity of the hero of New Orleans! Nor was this all. Even the secret recesses of the most intimate domestic relations were pryed into, for the purpose of searching for something to hunt down those who attacked abuses. He thanked his God, however, that such things could not long exist in a free Govern-

ment, for no Government where they did exist could long be free.

Without concluding, Mr. B. gave way to Mr. FORESTER, on whose motion the committee rose, and having reported progress,

On motion by Mr. EVANS, the House adjourned.

IN SENATE.

WEDNESDAY, *March* 23, 1836.

Mr. GRUNDY presented a memorial from a committee appointed by the clerks of the Executive Departments of the General Government, praying for a general increase of their compensation; also, a memorial on the same subject, signed by several individual clerks, accompanied with estimates; which were referred to the Committee on Finance.

Mr. GRUNDY gave notice that he would to-morrow ask leave to bring in a bill to authorize contracts for carrying the mails and public property on railroads.

Mr. EWING, of Ohio, presented the petition of sundry citizens of Ohio, protesting against any change in the location of the Cumberland road; which was referred to the Committee on the Post Office and Post Roads.

Mr. BUCHANAN presented the petition of the custom-house officers of Philadelphia, praying for an increase of their salaries; also, a recommendation of such increase, signed by a great number of the importing merchants of said city; which were referred to the Committee on Finance.

Mr. WRIGHT presented the petition of Archibald W. Hamilton, of New York, praying that a law may be passed, authorizing the settlement of his accounts on the principles of equity; which was referred to the Committee on Claims.

Mr. DAVIS presented the resolutions of the Legislature of Massachusetts on the subject of the unsettled controversy with Great Britain relative to the northeastern boundary, asking that measures may be taken by the Government of the United States for the speedy settlement of the controversy, or that an agent may be appointed on the part of the United States to reside on the disputed territory, and prevent trespassers and waste of timber; and, after some remarks from Messrs. DAVIS and SHEPLEY, on motion by Mr. CLAY, the resolutions were laid on the table and ordered to be printed.

Mr. WALKER presented three sets of resolutions adopted by the Legislature of the State of Mississippi: the two first on the subject of establishing new post routes in that State; which were referred to the Committee on the Post Office and Post Roads; and the last, instructing their Senators and Representatives in Congress to endeavor to obtain the passage of a law to establish a military depot at Columbus, on the Tombigbee river; which was referred to the Committee on Military Affairs.

EXPUNGING RESOLUTION.

The Senate resumed the consideration of the resolution introduced by Mr. BENTON, to expunge a certain resolution from the Journal of the Senate.

Mr. PORTER further illustrated his position assumed yesterday, that the Journal of the proceedings kept by the Secretary was strictly the only Journal; and made some further allusions to decisions of courts in relation to printed copies being received in evidence. He contended that, if the Clerk did not record their proceedings, they would have no Journal in accordance with the constitutional injunction to keep a Journal of their proceedings. He also maintained that the expunging of the proceedings in 1806, cited by the gentleman from Missouri, [Mr. BENTON,] was not at all applicable, and argued that the minutes of the Secretary did not become the Journal of the Senate until they were read by him the next morning under the sanction of the Senate. In the case cited, the proceedings were expunged on the same day they were minuted down by the Secretary, and had not yet received the sanction of the Senate. He argued, from analogy, that courts have power over their records at each day, up to the last day of their term, to correct clerical errors, and therefore the Senate for that purpose had a similar power up to the last day of the session.

The gentleman from Missouri [Mr. BENTON] had said the gentlemen in the opposition could not shelter themselves under a plea that there was no wrong or criminal motive imputed to the President by their resolution charging him with acting in derogation of the Constitution and laws. As for himself, (Mr. P.,) he never for one moment intended in the vote he gave on that resolution to ascribe to the President a false or a bad motive; but believed he (the President) had done it under the influence of strong passions, wrought up by others less pure than himself, and that he no doubt thought he was doing right. He (Mr. P.) had deemed it of the highest importance that the people of the United States should, on that occasion, be told the opinion of the Senate—that the removal of the deposits was in derogation of the Constitution and laws of the United States. It was urged by the gentleman that this was prejudging the President, and that if he had been impeached on that charge by the House of Representatives, the Senate by that vote had disqualified themselves to sit as the constitutional tribunal upon his trial.

Mr. P. said it was utterly impossible that they should not, in the multifarious subjects that came before them, in some instances act in a legislative capacity upon matters which might afterwards come before them in a judicial capacity; and as they could not foresee everything, those powers would sometimes run into each other. In illustration of this fact, he brought to view various examples.

In regard to the motives of the President, he said there might be remissness of duty, but no malfeasance without improper motives, and controverted the position that a judicial officer could be impeached for errors of opinion in matters of law, unless they were accompanied by criminal motives; and he did not think the position of the gentleman from Missouri sustained by the case of Judge Chase, and read extracts from his trial to show that improper motives were charged in all the accusations except one, upon which he was unanimously acquitted. The speech of the gentleman from Missouri [Mr. BENTON] he thought might be divided into two parts; one of which was in praise of General Jackson, and the other in the vituperation of the United States Bank. He (Mr. P.) found no fault in that part praising the President. He, himself, had found the utmost difficulty in seeing anything wrong in those to whom he was attached. But he did not carry his feelings quite so far as the gentleman from Missouri, who seemed to have adopted the adage, that to lay the plaster on thick was sure to make some stick. He (Mr. P.) had no respect for hackneyed politicians, if that was what the gentleman from Missouri had said; but if he meant that General Jackson had done more good than all the politicians in the world, he could not agree with him, and thereupon instituted a comparison between the President and Cicero, Hampden, Chatham, Randolph, Henry, Jefferson, and Franklin, all of whom he said were politicians, and certainly all of them put together had rendered as much service as him, whatever comparison he might bear with them individually. He spoke of the discussion over the dead body of the United States Bank. In the quarrel between the President and the United States Bank, he thought the gentleman from Missouri [Mr. BENTON] ought to come in for a share of the credit of the victory, as he had fought, shoulder to shoulder, with the President. But he doubted, after the part the gentleman had taken against the bank, whether he was an impartial judge in this matter. For his part, he believed the history of this globe did not present an instance where an institution of the magnitude of the United States Bank, and with the same extent of powers, had performed its functions with greater propriety. But, instead of being brought before a court of justice, where the evidence could have been heard in its defense, its deposits were taken from it in a manner unauthorized by either the Constitution or the laws of the country. He (Mr. P.) had never any transactions with the bank, and never borrowed a dollar from it; and, so far as that matter stood, he was impartial, and he never saw anything that destroyed his confidence in it. The defense of that institution by the Senators opposed to the President was not with a view to gain popularity. If they had wished to gain popularity, they would never have touched the subject of the United States Bank, for the popular feeling was always against moneyed institutions. When a bank, which, from a want of prudence and discretion, made nothing, and its stock was of little value, applied to the Legislature for a recharter, it immediately got it. But if it had managed its matters prudently, and made money, a cry was raised against it, and a charter refused. Mr. P. said he, and those who acted with him believed a national bank was necessary to the interests of the country, and did not wish to change the old bank for any other. They saw what its destruction would lead to, and foretold the present state of things. But their authority was overruled, and the responsibility was assumed by another branch of the Government. The Governor of Pennsylvania had swallowed the great monster bank, but could not swallow any more, and rejected a little monster that was offered him, the Girard Bank.

He alluded to the course pursued in the State of Ohio, and attempted to be pursued in New York, in relation to the notes of the United States Bank. On the demise of the United States Bank, every bank was interested in issuing as much paper as was possible; and hence the great amount of paper in circulation. The gentleman from Missouri [Mr. BENTON] had told them that the President was going to give them a gold—a good metallic—currency. Since then, he (Mr. P.) had had transactions to the amount of forty or fifty thousand dollars, and had but ten half eagles during the whole summer, which he carried in his pocket as a matter of curiosity. He did not recollect what had become of them; but he supposed that, having no more bank notes to spend, he had spent them. He then went into an examination of the increased amount of banking capital from 1830 to 1835, and also of the number of banks within that period; and as a consequence, property, although high in price, was not increased, but that paper was decreased in value, and placed it in the power of speculators to speculate upon the poor. He asked the Senator from Missouri [Mr. BENTON] whether he did not think it would have been better to have continued the United States Bank, [Mr. BENTON shook his head,] or a Bank of the United States? [Mr. BENTON again shook his head.] Mr. P. then predicted an alteration of the Constitution, as a means of merging all these small banks in one national bank, and urged the entire futility of establishing a metallic currency, although he believed many of the friends of the Administration had worked up their minds into the belief that we could have a gold currency. He controverted the position that the people, in sustaining General Jackson, condemned the bank. They had sustained him from other motives, in spite of his opposition to the bank. That doctrine amounted to this: that if a President adopts a particular measure, no matter how erroneous, and was afterwards reëlected, it was to be regarded as an approval of it by the people. General Jackson was elected by them from an appreciation of all his qualifications together. As evidence of the fluctuation of public opinion, he spoke of the gunboat system, and remembered when in the good old days of Democracy, he thought a Navy the greatest curse that could be brought upon the country. In short, human actions were nothing but a collection of errors, notwithstanding public opinion, in the opinion of the gentleman from Missouri, [Mr. BENTON,] was infallible.

After the consideration of executive business, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 23, 1836.

The House resumed the consideration of the motion made on Monday by Mr. CAMBRELENG, from the Committee of Ways and Means, to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill to repeal the fourteenth section of the act to incorporate the subscribers to the Bank of the United States, approved April 10, 1816—the object being to bring the bill before the House for a third reading.

The section proposed to be repealed is as follows:

"SEC. 14. *And be it further enacted*, That the bills or

notes of the said corporation originally made payable, or which shall have become payable, on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of Congress."

Mr. PEARCE, of Rhode Island, who was entitled to the floor, addressed the House.

It would be improper, (he said,) on a question which required the speedy action of the House, to consume much time in its discussiou, and if there was to be as much discussion in Committee of the Whole as there was a prospect of being, it was one of the best reasons why the committee should be discharged from the present subject. It was one of those bills which, according to his motion, might have been acted on without going to the Committee of the Whole on the state of the Union, because it was not a bill involving any appropriation of money. It was merely one with regard to the expediency of repealing a section of the charter of the Bank of the United States, or not acting at all on the subject. It was proper enough that it should have been referred to the Committee of the Whole, although it was not absolutely necessary; and its having been so referred, the question now was whether that committee should be discharged from the consideration of the subject, and let it come back into the House, and be speedily acted on. If it should remain where it now was, could any one tell when it could be acted on? He conceived that no one was prepared to say that it could receive the action of the House during the present session. Then, if it was a subject of such importance, which to his mind it was, and perhaps none more so, it should be brought before the House for speedy action. Suppose it remained where it then was, could they act upon it? Four months had already elapsed, and they had not moved an inch in regard to one of the important appropriation bills. Four days had already been consumed by one distinguished gentleman [Mr. BELL] in debating not only the items of the bill, but in reviewing the presidential question.

The CHAIR said it was not in order on the present question to refer to what was taking place on another subject before the House.

Mr. PEARCE resumed. He had only done so for the purpose of showing the improbability of getting the present subject up in Committee of the Whole during the present session. He had said that four days were consumed discussing one item of the bill; and if two other gentlemen should take the same range, who stood in different relations to that gentleman, there would be four more days consumed by each; and if it was lawful for one gentleman to consume four days, it certainly was lawful for another to consume the same number; and they had but three working days in each week; then there would be four weeks consumed by those gentlemen. When, then, would they get through with the appropriation bills, and when would they get an opportunity to take up the bill now before the House in Committee of the Whole? To his mind they ought to settle the question immediately. Was the bank dead? Certainly not. Then they ought to act most efficiently and expeditiously. Suppose the clause to be in operation, not only authorizing, but commanding, the receiving officers of the Government to take those notes.

The CHAIR was of opinion that the gentleman was discussing the merits of the bill, which could not be done on a motion to discharge the Committee of the Whole from the further consideration of the subject.

Mr. PEARCE resumed. He had merely made the reference for the purpose of showing the importance of immediate action, and to show that, unless the Committee of the Whole was discharged, no action at all could be had during the present session. He would further state that, if there be any doubt on this question, it was necessary that the House should decide and dissipate it. It was singular, however, that gentlemen who had contended that there was no doubt but that the section expired with the bill should still be so unwilling for action. He would state another thing to show the necessity of action. Suppose Congress was to rise without action, the Treasury Department might refuse to receive those notes, lawsuits would rise from the very circumstance of the bill lying over, and no one could tell the number of litigations which might so arise. No one was prepared to say what the decision of the courts might be on the subject; then, if there was doubt in regard to it, hence arises the necessity of deciding it at once. Without pretending to go into the merits of the question, he had submitted these remarks to show the necessity for action, and to show that, if the question remained where it now was, it could never be reached this session. The question then was, shall the subject remain where it cannot be reached this session, or shall the committee be discharged, and let it receive the immediate action of the House?

Mr. MORRIS, of Pennsylvania, said that the yeas and nays being now about to be called, he could not forego the opportunity of saying a few words in explanation of the vote which he expected to give upon this question. Much time has been already consumed in the debate upon this question, and he would not occupy any further the time of the House, were it not that he differed from some of his friends who had spoken upon the propriety of the disposition which was to be given to this proposition. The question is, whether you will discharge the Committee of the Whole from the consideration of a bill proposing to repeal the 14th section of the act of Congress, of the year 1816, incorporating the subscribers to the Bank of the United States, so that it may come directly into the House for their action; or whether you will keep the subject, to be deliberated upon and discussed, first in the committee, and afterwards leave it to be discussed and acted upon, a second time, in the House. Sir, I am in favor of this proposition. It has been indicated from the Chair that it is not in order to go into the merits of this question, further than to show the reasons for the proper direction of this simple proposition. I am in favor of the motion to discharge the Committee of the Whole—first and principally, to the end that it may facilitate the dispatch of the business of this House. He said, we have now been in session between three and four months, and he had yet to learn what important bills of a general import had received the final action of this House. The time is rapidly approaching when it has been more than once declared upon this floor, and when it is expected, according to the custom of the House, that Congress will adjourn, and he could not by his vote consent that the time of the House should be exhausted upon this motion, to the exclusion of other more important business, interesting to the nation at large. If (said he) we can form an opinion of the time which the prolonged discussion of the subject in the Committee of the Whole would occupy, from the readiness, and if he might be allowed to say so, the eagerness which was already manifested to go into the whole merits of the vexed question connected with the bank, it was impossible to foresee to what extent the debate may be carried out.

But again: Where is the pressing necessity for refusing to bring this bill immediately into the House for their deliberation? There is a rule, that all proceedings touching the appropriation of money, shall be first discussed in Committee of the Whole, in order that the greatest latitude may be given to the consideration of that class of subjects; but there is another rule, that the proceedings of the committee shall be subject to the government of the same rules that the House is, except so far as they relate to the limitation of the time of speaking, and except that the previous question cannot be called in the committee.

The operation of these rules will give to the House, as I apprehend, the benefit of all the discussion and explanation which will be necessary to the full and proper understanding of the bearings and merits of the bill in question. Various opinions are entertained as to the importance of the bill to be acted on; some gentlemen being of opinion that the passage of it is altogether unnecessary. That is a matter which I waive for the present; but whether important or not, there is not a member who may not be able to form his opinion, and to give his vote, from a brief examination of the matter, and from the discussion to be given in the House. The fourteenth section of the act proposed to be repealed is in the following words: "That the bills or notes of the 'said incorporation, (the bank,) originally made 'payable, or which shall have become payable 'on demand, shall be receivable in all payments 'to the United States, unless otherwise directed 'by act of Congress." The bank charter having expired on the 3d of March last, it is supposed that those bills of the old Bank of the United States ought not to be considered any longer a legal tender to the Governments for debts which may be due and owing from individuals, but that those bills should remain upon the same footing with the notes of other banks as to the legality of the tender; and in order to remove all doubts which may exist as to the effect of that section, the bill under consideration is introduced, providing that the said fourteenth section shall be repealed. Believing that the merits of this bill will be reached, and that ample opportunity will be afforded in the House, with some economy of time, to understand and deliberate upon the subject, and not being at liberty to examine and discuss further the use or propriety of the bill itself, in this stage of its consideration, I leave it, with this short explanation of my views upon the immediate question before the House.

Mr. BRIGGS had thought of voting against the proposition before the House, but a little reflection had brought him to the conclusion that he should vote the other way. He was of opinion that it was not a matter of so much consequence, because he did not think the bills of the late Bank of the United States a legal tender by virtue of the 14th section of the bank charter. So believing, he thought it of no sort of consequence whether they passed the bill or not. On the other hand, if the officers of the Government were in doubt, and it was likely to create any confusion it might be necessary to pass it. He had not heard any particular reasons urged why it should be taken from the Committee of the Whole, and no very strong one in favor of its remaining with them. Various reasons which had been urged were of very little consequence; and the hard names which had been used against the bank had as little influence with him now as heretofore. Some had said that the bank was a monster; others, that it was not dead; and the gentleman from New York [Mr. MANN] had quoted a very high authority to prove that it could not die, because it had no soul. This was the first time he had been informed that a body could not die without being possessed of a soul. Another gentleman had told them that the ghost of the old monster had returned. What! the ghost of a being who had no soul! The bank could not die, says one gentleman, because it had no soul; but, says another, it is dead, and its ghost is here in this Hall. But, says one, the old lady is here again. Why, this bank had only been chartered twenty years, and he hoped no gentleman would be so uncourteous as to apply that odious word, "old lady," to a being who had not existed over twenty years. The gentleman from Connecticut [Mr. JUDSON] had told them that the bank was an odious monopoly, and it ought to be put down. Yes, it was dead, and its ghost here; and it was an odious monopoly, and gentlemen wished still to put it down, because it was in accordance with the people's will. It was true the people had willed its death, but it was not permitted to rest at peace in its grave, but was still pursued by its desperate persecutors. But the people willed its death, it was true, and the people also willed its life; yet so much respect had he for the will of the people, that he would not now vote to recharter another bank, however favorable he might be to one, because the public voice was against it. But, sir, this thing which was killed by the voice of the people was made by it.

The CHAIR remarked, that the present was simply a motion to discharge the Committee of the Whole from the subject, and that the gentleman was evidently taking too wide a range in his remarks.

Mr. BRIGGS resumed. Well, sir, the monster was dead, and the charter expired, and he held that the section which made these bills a legal tender had expired with the other provisions of the charter and there was no reason why the bill should have a preference over other bills; but as there were some doubts on the subject, it might be well to act on the question, and settle those doubts, and it might as well be acted on

now as at any other time. He had, therefore, came to the conclusion to vote to take it out of Committee of the Whole; but he hoped that those who might differ from him in opinion, and those who might differ in opinion from other gentlemen, might be permitted to express their views on the bill without being cut off by that familiar monster, more dangerous to the freedom of debate than the old bank ever could be to the freedom of the country. He was somewhat surprised to hear gentlemen say, they were ready and willing to move the previous question. When the previous question was perverted by the power of party, it was one of the most odious and detestable instruments ever introduced into any deliberative body on earth.

Mr. HARPER wished merely to state his reasons, as the yeas and nays had been ordered, for voting against bringing the subject out of the Committee of the Whole. It was this eternal attempt to ride one portion of the business over another which created so much confusion, and consumed so much of the time of the House. As to the present subject, he conceived the law had been dead for a month, and he could see no reason why the notes should be offered as a legal tender for anything. Believing that the public could sustain no loss, he could see no necessity for speedy action on the question. A bill of the utmost importance was now before them, and yet it was desired to make this bill ride over that. He repeated, that this sort of procedure was calculated to delay the business of the House, and to create confusion; and hence the reason that the House had done nothing; and so long as that system continued the House would do nothing. This dead monster, who had called forth the whole influence of one party to wage war against it, could not be permitted to rest in its grave; it must have the last kick.

The CHAIR reminded the gentleman that he could not enter into the merits of the question.

Mr. HARPER resumed. Would the country sustain any injury? It could sustain none, and all that could be done was to give a few additional blows to the bank. But his principal objection was that the business of the House ought to go on in regular order; the interests of the country called for it. He had voted against all motions to suspend the rules of the House: he was anxious that the House should go on regular with its business. For these reasons he should vote against taking the subject out of the Committee of the Whole.

Mr. GALBRAITH wished to give one or two reasons for the vote he should give. He thought he ought to act on the subject immediately. One of his colleagues [Mr. INGERSOLL] had said that the 14th section was entirely inoperative, yet he argued that the present bill ought not to pass. But Mr. G. thought, as there was doubt about it, the bill should pass. Some had said that the bank was dead, but others thought differently; and the people of the country might collect up the notes of that bank under the impression that they were a legal tender, and might in consequence suffer inconvenience. This being the case, he thought the bill ought to pass, and without delay. The different arguments of gentlemen had made it satisfactory to him that the bill should be taken up and passed speedily; and, also, as it should do no harm, and might do a great deal of good, it ought to pass.

Mr. DAVIS regretted that this debate had taken so wide a range, for it did seem to him to be a simple question whether the subject should be taken from the Committee of the Whole and brought into the House. The bill could be acted on just as well in the House as in Committee of the Whole, and would be subject to the very same rules. If it was necessary to act at all, they should act speedily. There appeared to be a great disposition with some gentlemen to debate in that House, and a great dread of the gag-law—the previous question. Now, if those gentlemen would turn their eyes to their own side of the House, they would find that at least two thirds of the time of the House was occupied by Opposition speakers; yet the majority were accused of springing the previous question, and also of allowing no business to be done. This was a strange contradiction. He understood the nature of the previous question to be to cut off useless debate, because even the freedom of debate might be abused, and whenever it was in the deliberate opinion of the House, then it should be applied. The present bill was necessary, so that the United States Bank should have no other corporate powers than that of any other bank; therefore, he should vote for bringing the subject immediately before the House, and acting on it.

Mr. BEARDSLEY said, that the fourteenth section of the bank charter made the notes of the Bank of the United States a legal tender in all payments to the Government. The charter had expired, and perhaps the operation of that section expired with it; but upon that subject doubts seemed to exist, in consequence of a decision said to have been made by Judge Marshall. There seemed to be some reason to doubt, then, whether the section had expired with the bill; therefore, it was necessary to pass a law to clear up those doubts. The House should not leave the country under the supposition that these bills were a legal tender, and that they would be received by the collectors and receivers. There should be no hesitation; the doubts should be dissipated, and the public officers should know what to do; and if these notes were not entitled to a preference, the subject ought to be disposed of by a vote of Congress. It was said a great principle was involved in the fourteenth section, and that it ought to be kept in a place where it could have full discussion.

Mr. REED rose to a point of order. He said, if the gentleman went on with his remarks, the whole subject would be opened up for discussion.

The CHAIR said he was just about informing the gentleman that the merits of the question could not be discussed.

Mr. B. did not intend to violate the rules. He intended merely to suggest what seemed to him good reasons why they should act on the subject promptly, and dissipate those doubts in relation to the construction of the fourteenth section. If the subject remained in committee, there was no opportunity to get it speedily passed. He had heard complaints there of the application of the previous question. In relation to that, he had only to remark that those who had been in the House for a few years would recollect that there was not so much dread of the previous question when those gentlemen who now complained of it were in the majority. All would recollect that the bill to recharter this very same bank was passed under the previous question, and by the very same gentlemen who now complained of the operation of the previous question.

Mr. WHITE, of Kentucky, warned a certain interest in that House of the danger to be apprehended from the adoption of this precedent. It would be the entering wedge for similar motions upon questions of vital importance, and the rights of the minority would be subverted by the exercise of that engine of tyranny, the previous question.

What good, he would ask, could possibly result from the adoption of the motion? The only reason given was, that the passage of the bill might be expedited. The chairman of the Committee of Ways and Means, and the gentleman who last addressed the House, had not explained how and in what manner this bill was to be carried through. Why did they not tell the whole tale? Why did they not show their hands, and admit the real intention in moving, to discharge the committee? He repeated that the object contemplated was to hurry this bill through by calling that odious engine of tyranny, the previous question, which operated as an abridgment of the constitutional rights of the minority. The previous question could not be moved in Committee of the Whole. It was there, and there alone, that free discussion could be had, and it was intended very properly as a check upon the caprice of the House; and it was there that all important measures should be first deliberately considered and prepared for the final action of the House.

The gentleman from North Carolina [Mr. SPEIGHT] had asked, what reason there was to suppose that the previous question would be demanded upon this occasion? He would ask that gentleman why they expected that the sun would shine to-morrow? Why, simply because it had shone to-day and yesterday. Upon a former occasion a pledge had been made in committee that the previous question would not be moved in the House on a particular bill. That pledge had been violated. A gentleman, when the bill came into the House, after having spoken an hour, had declared that the question was very plain, and concluded by very politely moving the previous question.

After a few additional remarks in opposition to the principle of the previous question, and the manner in which it had been exercised, he concluded by expressing the hope that the motion to discharge the Committee of the Whole would not prevail.

Mr. BOON remarked, that notwithstanding the lecture which had just been delivered by the gentleman from Kentucky, [Mr. WHITE,] he (Mr. B.) was a previous-question man; and as to the pledges to which reference was made, that the previous question should not be demanded upon a particular bill, he knew nothing of it, and desired to be excluded from all such pledges. There never was, in his opinion, a more fit occasion than the present for enforcing the previous question. If the people of the country could be present, and witness the useless debates in that House, they would themselves demand the previous question more than it was done by members on that floor. The motion before the House was a preliminary one. It was simply whether a measure should be discussed, if at all, in committee or in the House. He was for coming up to the point—he would toe the mark; and, in order at once to settle this unimportant preliminary question, which was occupying unnecessarily the time of the House, he moved the previous question.

The motion was seconded—ayes 115, noes 66.

Mr. ROBERTSON called for the yeas and nays on the previous question; which were ordered, and were—

YEAS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Beardsley, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Brown, Bunch, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cushman, Davis, Dickerson, Doubleday, Dromgoole, Effner, Fairfield, Farlin, Forester, French, William K. Fuller, Galbraith, Gillet, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Heister, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, May, McCarty, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Pettigrew, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Thomas, John Thomson, Towns, Turner, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Webster, and Weeks —126.

NAYS—Messrs. Chilton Allan, Heman Allen, Ashley, Bailey, Banks, Bell, Bond, Briggs, John Calhoon, William B. Calhoun, Carter, George Chambers, John Chambers, Nathaniel H. Claiborne, Clark, Corwin, Crane, Darlington, Deberry, Denny, Evans, Everett, Philo C. Fuller, James Garland, Rice Garland, Glascock, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Hoar, Howell, Ingersoll, Janes, Jenifer, John W. Jones, Lawrence, Lay, Luke Lea, Lincoln, Lyon, Sampson Mason, Maury, McComas, McKennan, Milligan, Morris, Patton, Phillips, Pickens, Reed, Robertson, Russell, Augustine H. Shepperd, Spangler, Steele, Storer, Taliaferro, Waddy Thompson, Vinton, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—72.

So the House determined that the main question be now put; which was decided as follows:

YEAS—Messrs. Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Bunch, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Childs, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Dickerson, Doubleday, Dromgoole, Effner, Fairfield, Farlin, Forester, French, P. C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Haley, Joseph Hall, Hiland Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Heister, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, May, McCarty, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Pettigrew, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour,

Augustine H. Shepperd, Shinn, Sickles, Smith, Spangler, Speight, Standefer, Storer, Thomas, John Thomson, Towns, Turner, Turrill, Vanderpool, Wagener, Ward, Wardwell, Webster, and Weeks—139.

NAYS—Messrs. Adams, Chilton Allan, Ashley, Bailey, Bond, John Calhoun, William B. Calhoun, Carter, George Chambers, John Chambers, Nathaniel H. Claiborne, Clark, Corwin, Cushing, Darlington, Deberry, Denny, Evans, Everett, Rice Garland, Granger, Graves, Grayson, Griffin, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Ingersoll, Janes, Jenifer, Henry Johnson, Lawrence, Lay, Luke Lea, Lincoln, Sampson Mason, Maury, McComas, McKennan, Milligan, Patton, Phillips, Reed, Robertson, Russell, Steele, Taliaferro, Waddy Thompson, Underwood, Vinton, White, Whittlesey, Lewis Williams, and Sherrod Williams—57.

So the Committee of the Whole on the state of the Union was discharged from the further consideration of the bill referred to.

Mr. CAMBRELENG asked that the Clerk should read a letter which he sent to the Chair from the cashier of one of the deposit banks in Boston to the Secretary of the Treasury. It would be seen that the branch bank at Boston had refused to redeem the notes of the other branches of the Bank of the United States, while the deposit banks were compelled to receive them in payment of bonds. He said he had not been permitted under the rule to go into this explanation before; but he would now state, that if other branches should act in the same way the notes of the interior branches must soon be in the hands of the brokers, from whom they would be purchased at a discount, and merely for the purpose of paying bonds. If the other branches followed this example, the notes of the United States issued in the interior would be employed entirely for this purpose. If such may be the condition of things on the Atlantic, it might well be imagined what embarrassments would exist at our land offices in the interior. But if all the branches act as the branch in Boston is represented to have done, and refuse to redeem all notes except those issued at their offices, where, he asked of the gentleman from Massachusetts, [Mr. ADAMS,] and of the gentleman from Pennsylvania, [Mr. INGERSOLL,] were the notes of branches no longer in existence to be redeemed? He was surprised at the opposition to this measure: a similar one was adopted in 1812, almost, he might even say quite, unanimously; but he hoped that, when the question was properly understood, the House would see the propriety of acting promptly in repealing the section, and removing all doubt upon the subject.

The following is the letter referred to:

Copy of a letter from the Cashier of the Commonwealth Bank of Boston, to the Secretary of the Treasury; dated Boston, March 18, 1836.

SIR: Yours of the 14th instant is at hand. In answer to the last paragraph, viz: "I will thank you to inform me how, and in what case, the question can arise in your bank, as it has been presumed that the payments for duties have been, and will be, paid chiefly, if not entirely, by checks on your own or other city banks."

Heretofore, the branch bank in this city has redeemed the bills of the United States Bank, drawn here by regular course of business; consequently making them equal to the city bank bills. Being therefore no difference in value, the payments to Government have been made generally in checks and bills of the city banks. But this branch of the United States Bank now refuses to redeem any bill but of their own issue, and consequently every other city bank refuses to receive them. This depreciates in value all the United States bills issued elsewhere, and they must be negotiated by brokers, and purchased for the purpose of paying debts due to the Government. The rate of exchange will probably cause them to be remitted from one city to another, when money is scarce, and to be placed in the hands of the bond payers, to whom they will be equal to specie, although payable at a distant part of the country, and for all other purposes of less value. It was to guard, if possible, against this probable contingency that I addressed the Department.

Respectfully, CHARLES HOOD, *Cashier.*

After some conversation between Messrs. ADAMS, CAMBRELENG, and the CHAIR, as to the position which the bill occupied since the vote discharging the Committee of the Whole from its consideration, the hour arrived for proceeding with the special order of the day.

On motion by Mr. CAMBRELENG, the House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. HAMER in the chair,) and resumed the consideration of the

NAVAL APPROPRIATION BILL.

Mr. BELL resumed his remarks. He proceeded to review the causes which led to the defeat of the $3,000,000 appropriation of last year, which, he contended, had been brought about by a certain party, more to affect the standing of one of the Senators from Tennessee [Judge WHITE] than to have any real bearing upon the existing relations or pretended exigency of a war with France. If there had been any real apprehension of war, ought not some steps to have been taken for its provision before the 3d of March, 1835, the day that appropriation was proposed? He adverted again to some paragraphs in the semi-official organ of the Government (the Globe) which ascribed the loss of that appropriation to a "factious cabal"—the Opposition; and commented upon the same by referring to the course of the then chairman of the Committee of Ways and Means, [Mr. POLK,] who had moved numerous reductions to the reported appropriations for the defenses in the appropriation bills, which were concurred in by the majority of the House. Motions had also been made by various members for increased appropriations for the defense of Castle Island, Forts Warren and Independence, and for the city of Baltimore, all of which were resisted by the chairman of the Committee of Ways and Means, [then Mr. POLK,] and voted down by the House. This was only three short weeks before the 3d of March, and therefore it was not possible that the party, at that time, could have had any apprehension of a war. In his remarks upon that occasion, that gentleman [Mr. POLK] urged the keeping down all the appropriations within the limits of the estimates of the Departments and its officers; and so important did he deem that doctrine, and the necessity of having the full sense of the House upon it, that the gentleman moved and obtained a call of the House, and the proposed amendments were voted down by a large majority. This was only a few days before the 3d of March. The fact was, that the real cause of the loss of the fortification bill arose from the design to make the Senate responsible for it, and to make an issue between the Senate, and particularly a distinguished Senator, [Judge WHITE,] and the country. He was aware that some professed constitutional scruples about voting after twelve o'clock at night, and that they acted upon them; but had not General Washington acted, and Mr. Jefferson, in the Louisiana case, and the present Chief Magistrate, after twelve o'clock? Ought they not to have set aside minor constitutional scruples? Would they not have done so if a war with France had been really apprehended?

Mr. B. then referred to the reported debate of the last night of the last session of Congress, and the remarks and the various motions of Messrs. GHOLSON, POLK, LYTLE, CAMBRELENG, and HUBBARD, to show that the loss of that bill was not to be ascribed to the Senate, but to the party of the Vice President in the House. The tenor of the passages quoted by Mr. B. went to show that they preferred the loss of the whole bill, rather than accept a part of it, so as to throw the whole responsibility of that loss upon the Senate. He alluded to the whispers then current in the Hall, that Judge WHITE had voted against the $3,000,000, and that the President had taken a position that he would sign no more bills on that night. He thought the proceedings of the usual "whippers-in" becoming at the time "whippers-out," was a fair party movement, if the latter rumor was a veritable one, to shield the President from responsibility, whose inflexibility of character was well known to him, though he knew it was not always unyielding. But Mr. B. had no certain knowledge that the rumor respecting the President's determination not to sign any more bills on that night was correct. The evidence, however, was distinct and explicit, that there was a settled determination on the part of certain individuals to destroy the whole bill. Mr. B. then entered into an analysis of the votes taken by yeas and nays on that night, so classifying them as to show that there was an evident design on the part of those who now supported the Vice President for the Presidency to defeat the fortification bill, and then throw the responsibility of its failure upon the Senate of the United States. He also entered into a very minute and succinct statement of the proceedings of the House during the last night of the last session, to substantiate the charge of the failure of that bill upon the friends of the Vice President, and quoted also the letter of Mr. CAMBRELENG to the editors of the National Intelligencer, published shortly after the adjournment of Congress, contrasting it with the record on the Journal of the House.

Mr. CAMBRELENG briefly explained that neither his own recollection, nor any one of the statements made by any member who had adverted to the circumstances of that night, corresponded with the Journal.

Mr. BELL, referring to the confusion of that night, said; the presiding officer ought not to be held responsible for the fidelity of the record in every minute point. All he had shown from the gentleman's letter was this—and it should be borne in mind that the letter was written a few days after the occurrence—that the gentleman then said that he retired with the committee of conference immediately, which was what he ought to have done; whereas, he now assumed the ground, and rested his defense upon it, that he did not leave the House till after the vote was taken on the Cumberland road bill. The gentleman's first recollection, a few days afterwards, asserted distinctly that he had left the House with the committee of conferees *immediately*. The Journal testified that the gentleman did vote on the Cumberland road bill; and taking the two statements together, the gentleman's first recollection and the record, it was evident that *he had been out*, and *returned* between the appointment of the committee of conferees and the vote on the Cumberland road bill. Mr. B. then referred to the declaration made by Mr. CAMBRELENG on that night, that there was no quorum, which he referred to as a party movement, disrespectful to the Chair at the time and to the House, and of which Mr. C. could have had no certain knowledge.

Mr. CAMBRELENG explained that he knew it from the vote just then taken by yeas and nays.

Mr. BELL said, still it was perfectly gratuitous on Mr. C.'s part to call the attention of the House or the Chair to it. The fact of there being a quorum or not was the business of the presiding officer; and it was without a precedent for a member to get up and refuse to make a report of a committee because a quorum was not present. The Chair on that occasion (Mr. BELL himself) was prepared to receive the report, because he conscientiously believed a quorum was in the House. Nay, more, he believed that, at the final adjournment or dissolution of the House, there were not less than one hundred and fifty or sixty, or one hundred and seventy members present. Of one thing he felt assured, that if, at any time there was not a quorum within the bar, the gentleman from New York [Mr. CAMBRELENG] could have called in one at any moment. Mr. B. explained that he had very reluctantly entered into this controversy, but it had become necessary, from the violent and slanderous aspersions cast upon the character and motives of Judge WHITE, who had been charged with treasonable designs, analogous only to those of Benedict Arnold, for his course on that bill, and those very charges sent under the frank of the President (in the Globe) to members of the Legislature of Tennessee. Mr. B. then recurred to the charge brought against the White party for an intent to bring the presidential election into the House. This charge (he went on to maintain) should be justly retorted upon the Van Buren party.

It would be recollected that a proposition was laid before the last Congress, by Mr. Gilmer, of Georgia, to so amend the Constitution of the United States as to prevent an election by the House. That proposition was referred to a select committee, consisting of nine members, six of whom were the friends and partisans of the Vice President, and one of them nominated for that station by the Baltimore convention—and thus it became defeated. Again: the present Chief Magistrate had not omitted, in all his annual messages, to call and press this subject upon the consideration of Congress, urging them to propound a measure to prevent a recurrence of the events of the year 1825. He also quoted the paragraphs from the several messages of General Jackson, recommending an amendment to that effect; and he contrasted the course of the party with the violent and abusive articles that had appeared in the Richmond Enquirer and the Globe as a proof of their insincerity, and that they really contemplated a recurrence of such an election. If they

were sincere as a party, where had been exhibited the evidences of any party attempt to carry these recommendations of the President through the House? On the contrary, their direct influence had prevented action upon the subject. Upon several occasions attempts were made during the last session to act upon Mr. Gilmer's resolution.

Upon one occasion the vote to take up the subject was—yeas 151, nays 56; and of the negatives thirty-seven were the friends of the Vice President. On another occasion there were—yeas 112, nays 92; of the negatives forty-nine were friends of the same distinguished gentleman, and twenty-four of them from the State of New York. On the 27th of February a motion was again made to take up the subject, which was again lost—yeas 99, nays 104; of these 104 negatives sixty were friends of the Vice President, and of those sixty twenty-four were from the State of New York. On a motion to lay the subject on the table there were—yeas 39, nays 129; of the former, thirty were of the party, and thirteen of these were members from New York. These were only a few facts that might be cited to show that the "party" were responsible for the defeat of a proposition to prevent an election of the President by the House. Had they been sincere or in earnest in their professions, surely some declaration might long before this have been introduced during the present session. He referred to his speech last summer at Nashville, wherein he had charged the defeat of this proposition upon the party belonging to the Administration. He believed it might have been carried through the Senate last session; and would have been ratified by three fourths of the State Legislatures, if the friends of the Vice President in that House had not evaded that subject.

Mr. B. then returned his acknowledgments to the majority of the House for the attention afforded to him, and his duty to the House and to himself would compel him to conclude, not so much from having exhausted his materials, as from physical debility, and an indisposition to trespass too long upon their indulgence. He again explained the present position in which he stood towards the Administration, substantially the same as on the first day he addressed the committee, and gave a review of his course on all the leading measures of the Administration, the tariff, nullification, the United States Bank, the removal of the deposits, internal improvements, the veto messages, &c.; all of which he had supported from the first, though he had never given in his adhesion to the principles of the party, as removal from office on political grounds, executive patronage, succession to the presidency, &c. He had early given a distinct declaration, that, if called upon to give his support to such party principles, he should be driven to abandon it, and make an appeal to those to whom he was immediately responsible—the people who sent him there. As soon as Mr. B. had concluded,

Mr. GARLAND obtained the floor; and it being late, the committee rose; and,

On motion by Mr. EVANS, the House adjourned.

IN SENATE.

THURSDAY, *March* 24, 1836.

The CHAIR communicated a report from the Treasury Department in answer to the resolution of the 21st instant, requiring information of that Department as to the expediency and cost of erecting suitable buildings for the custom-house and district courts at New Orleans.

Also, a report from the same in compliance with the resolution of the 25th February last, transmitting statements of the deposit banks up to the 1st instant.

PETITIONS, MEMORIALS, ETC.

Mr. MORRIS presented the petition of sundry citizens of Ohio, praying for a change in the location of the Cumberland road; which was referred to the Committee on Roads and Canals.

Mr. DAVIS presented the petition of William Fettyplace and others; which was referred to the Committee on the Judiciary.

Mr. BUCHANAN presented the petition of Morris Waln & Co., of the city of Philadelphia, praying, for reasons stated in the petition, that certain duties paid by them be refunded; which was referred to the Committee on Finance.

REPORTS FROM COMMITTEES.

Mr. SOUTHARD, from the Committee on Naval Affairs, to which had been referred the petition of Captain Alexander J. Dallas, of the United States Navy, reported a bill for the relief of the officers of the United States sloop of war Boston; which was read and ordered to a second reading.

Mr. TOMLINSON, from the Committee on Pensions, to which had been referred the bill from the House granting pensions and arrearages of pensions to certain persons therein named, reported the same without amendment.

Mr. LINN, from the same committee, reported a bill for the relief of Orris Gray; which was read and ordered to a second reading.

RESOLUTION.

Mr. CALHOUN submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing proper measures for the safe-keeping of the Journals of the two Houses and other public records, and of protecting them by proper legal enactments from being mutilated, obliterated, erased, defaced, expunged, disfigured, altered, or otherwise destroyed or injured.

BILL INTRODUCED ON LEAVE.

Mr. GRUNDY, in pursuance of notice given yesterday, asked and obtained leave to introduce a bill to authorize contracts for carrying the mails and public property on railroads; which was read twice, and referred to the Committee on the Post Office and Post Roads.

MEDICAL HOSPITALS.

Mr. BENTON presented a report adopted by the Medical Convention of Ohio, on the subject of medical hospitals; which was referred to the Committee on Commerce.

FORTIFICATIONS.

Mr. BENTON called the attention of the Senate to the important bill making appropriations for fortifications. He was not able to call it up then, in consequence of the absence of a Senator who was detained at home by indisposition, and who wished to address the Senate on the subject. He gave notice that he would call up this bill at the earliest possible opportunity.

JOHN M'CARTY.

The bill for the relief of John McCarty was read the third time and passed.

JOHN CUMMINS.

Mr. EWING, of Ohio, on leave, introduced a bill for the relief of John Cummins; which was read and ordered to a third reading.

ADJOURNMENT SINE DIE.

On motion by Mr. KING, of Alabama, the joint resolution submitted by him designating the day for the adjournment of the two Houses of Congress was taken up.

Mr. KING then moved to fill the blank in the bill with the words, "the 30th day of May next."

Mr. CLAY said, that he was very desirous of an early adjournment of the present session, and indeed would be glad if the day of adjournment could be made earlier than the one proposed. So anxious was he individually on the subject, that, if Congress did not adjourn before that time, he thought he would be obliged to adjourn himself. He was not sure, however, that they could close the session so soon as the 30th of May, if they were to discuss the several important questions that were before them. One single question on which they were occupied yesterday (Mr. BENTON's resolution) would engross five or six weeks of their time, for that was a resolution presenting an ample field for the most elaborate discussion. If the other great subjects before the Senate were to be discussed at all, he did not think that they could get through with them by the 30th of May; and he therefore suggested to the gentleman from Alabama, whether it would not be more advisable for him to let the resolution lie for the present on the table.

Mr. KING, of Alabama, had no disposition to hasten the decision now if he could see the slightest inconvenience resulting from it. He could not estimate the time that would be occupied in making speeches; but the Senate could transact all the business now before them by the 30th of May. It might make a difference in the House of Representatives. He knew from experience, that, when a day certain was fixed upon, business went on with more expedition, and legislation was conducted with equal propriety. For himself, he was anxious to get away as early as possible. With a view that gentlemen might turn their attention to the amount of business on hand, to enable them to bring their minds to a conclusion, he would consent to lay the motion on the table, to be taken up again at as early a day as possible.

Mr. BUCHANAN suggested to the Senator from Alabama the expediency of postponing the further consideration of his resolution until Monday next. For his own part, (Mr. B. said,) he knew, from what little experience he had had in legislation, that when a day of adjournment was fixed, all accommodated themselves to that day, and the business of legislation went on more rapidly and more regularly than if no day had been fixed. It appeared to him that they might, with propriety, adopt the resolution fixing the adjournment at between two and three months from this time; and if the business of the House of Representatives required more time they could amend the resolution to suit themselves. For the present, he thought the subject had better be postponed until Monday next.

Mr. HENDRICKS would ask whether it would not be better to take up the bill on the general subject of the commencement and termination of the sessions of Congress, and act upon it?

Mr. LINN suggested the propriety of adopting the principle of the bill referred to by the Senator from Indiana, [Mr. HENDRICKS,] by amending the resolution. He only, however, threw out this as a suggestion to the mover of the resolution.

Mr. KING, of Alabama, replied, that when the subject came up again gentlemen were at liberty to offer such amendments as they pleased. The bill, however, did not conflict with the resolution as it applied to the future meetings, as well as future adjournments of Congress, while the resolution had reference only to the present session. He had no objection, when the resolution came up again, to an amendment making the meetings of Congress earlier than under the present regulation; for the present, however, he was willing to postpone the further consideration of the resolution till Monday next.

Mr. BENTON asked if any Senator knew the number of bills that had been passed of a public nature during this session? It was a fact, that they had passed only six, and one of them was for the transfer of part of an appropriation made in another bill. They were near the end of the fourth month of the session, and had passed but six public bills. Although it was good to adjourn and go home, it was not good to adjourn and go home till they had done the public business.

The resolution was then postponed to Monday next.

The resolution of inquiry, submitted by Mr. HENDRICKS, relative to certain internal improvements in Michigan, was agreed to.

DISTRICT CORPORATIONS.

On motion by Mr. KING, of Alabama, the Senate took up the bill for the relief of the three corporate cities of the District of Columbia.

Mr. KING then gave a brief statement of the nature and objects of the bill, and moved to fill the blanks with the following sums, which he said was the precise amount of the debts severally incurred by these corporations to certain individuals in Holland, being principal and interest, and incidental expenses:

For the city of Washington, $449,685;

For the town of Alexandria, $114,640 44; and

For the town of Georgetown, $116,795 48.

[The bill provides that the stock held by these corporations in the Chesapeake and Ohio canal shall be placed in the hands of the Secretary of the Treasury, as security for the above advances, as that it may be redeemed by them at any time within ten years.]

The above amendments having been agreed to,

Mr. CALHOUN called for the yeas and nays on the question of ordering the bill to be engrossed

for a third reading; and the call having been sustained, the question was decided in the affirmative by the following vote:

YEAS—Messrs. Clay, Cuthbert, Ewing of Illinois, Ewing of Ohio, Gold borough, Kent, King of Alabama, King of Georgia, Linn, Nicholas, Porter, Preston, Rives, Robbins, Southard, Tallmadge, and Walker—17.

NAYS—Messrs. Black, Buchanan, Calhoun, Davis, Hill, Hubbard, Mangum, Moore, Morris, Niles, Robinson, Shepley, Swift, Tomlinson, Wall, and Wright—16.

LAND CLAIMS IN MISSOURI.

The Senate proceeded, as the special order of the day, to the consideration of the bill confirming claims to lands in Missouri; and for other purposes.

Mr. LINN observed that this bill had passed the Senate two sessions in succession, and failed in the House of Representatives for want of time to consider its provisions. Towards the closing hour of the session before last, it was referred, by a resolution of the House, to the Secretary of the Treasury for his supervision, the result of which examination he was to report to Congress at its next meeting. The Secretary of the Treasury called on the Attorney General for his opinion on the merits of the claims. That officer, for a variety of reasons, was unable to go into a critical examination of the claims, and returned them, with an opinion, as far as it went, in favor of the claimants. With this opinion of the law officer of the Government, they were sent to the House of Representatives about the middle of January last.

The commission to which these claims were submitted for examination was appointed under the act of July 9, 1832, and 2d of March, 1833. The first step taken after the organization of the board was to cause the publication of a notice in all the newspapers of the State, requesting all those who were interested in these claims to come forward with their testimony, as they were then ready to receive evidence. To prevent all cause of cavil or complaint, they were repeated from time to time. The commissioners found that, from great age and infirmity, many important witnesses could not attend at St. Louis, their place of sitting, without great inconvenience to these old people, and oppression to the claimants. The commissioners adjourned to various places, as best suited the public convenience. In taking testimony, for the purpose of preventing imposition, they were particularly careful to ascertain the standing and respectability of the witnesses examined. When an individual, who, from age and long residence in the country, was called upon to testify in these cases, the commissioners uniformly made out a certificate of the good character of the witness, which was signed by his neighbors. These certificates are now on file in the recorder's office at St. Louis. Notice was also published in the newspapers, calling on all adverse claimants to come forward and attend to their interests, the great object of the commissioners being to make the law final and satisfactory in its results. But little attention was paid to this notice by those most interested in preventing the confirmation of the claims now presented by the bill for the decision of Congress.

One set of claims in these reports of the commissioners, and embraced in this bill, are called *donation* or settlement rights, and are based on acts of Congress, passed March 2, 1805, April 24, 1806, March 3, 1807, and June 13, 1812. * * * * * The first law gave six hundred and forty acres of land to the head of the family, one hundred arpens to the wife, fifty for each child, and twenty-five arpens for each slave, to all those who inhabited and cultivated prior to the 20th of December, 1803. This law was in many respects liberal in its provisions to the early settlers in Louisiana, who had not received grants of land either from France or Spain. But this law was modified by the act of April 24, 1806, which required the commissioners to conform in their decisions to the instructions of the Secretary of the Treasury. These instructions were to grant no more to the head of the family than one hundred arpens, one hundred arpens for the wife, fifty for each child, and twenty-five for each slave. These instructions were very illiberal, and prevented a great many individuals from obtaining the advantages of the act of June 13, 1812, which gave six hundred and forty acres to the head of the family who inhabited on the 20th of December, 1803, and cultivated within eight months after.

The next class of claims is marked by those based on French and Spanish concessions, many of which were rejected by former boards of commissioners by reason of their being located on lead mines, salt springs, for want of power in the officer to grant more than a league square, or for reasons long since considered untenable. The board of commissioners, of which he (Mr. LINN) was a member, labored assiduously to bring this matter to a satisfactory conclusion, so important in its results to the prosperity of the State and to the happiness of the ancient inhabitants of the country, who differed from us in laws, language, and customs, and to whom so much is due for the honesty and simplicity of their lives, and who were transferred to this Government without being consulted. From a deliberate examination of all the Spanish law, to which they had access, and the usages and customs that were practiced on in Louisiana, they came to the conclusion that these claims would have been confirmed if France or Spain had retained the sovereignty of the country; but it was not his intention to go into a discussion of the subject, unless it became necessary in the course of the debate.

Mr. CLAY remarked that this bill was one of very considerable importance, and ought to attract the attention of the Senate. He should like to be informed of the total number of the claims confirmed, with the number of acres; and he should like to know whether the Committee on Private Land Claims had given this subject a thorough examination, and were satisfied that the decisions of the board of commissioners were correct. Congress, in the act appointing this board, reserved to itself the power to revise these decisions, and it was their duty to do it carefully. These decisions ought to be subjected to such scrutiny as to satisfy Congress that they were not giving away these lands in the dark. He would thank some member of the committee for information on these several heads—the number of claims, the quantity of acres confirmed, and whether the committee had satisfied themselves of the correctness of the decision of the board of commissioners.

Mr. LINN observed that the committee were satisfied, from the investigations they had gone into, that the decisions of the board of commissioners were generally correct. In reply to the other point of the inquiries of the gentleman from Kentucky, he would state:

The commissioners reported in the year 1833, favorably on	404,000 arpens.
In 1834	108,000
In 1835	62,000
Total	574,000 arpens.

Of which amount thirty-five thousand acres is founded on donation or settlement right claims.

Amount in the reports confirmed by the decision of the Supreme Court is—

Soulard's case	10,000 arpens.
Two of Chouteau	8,337
La Sus	7,056
Thomas Mackey	800

Rejected by the Supreme Court—

Smith, John T	10,000
Makay, Wherry	1.600
Total	37,793 arpens.

Total number of claimants, 351.

Mr. WALKER did not rise to discuss the merits of any of these claims, but to designate the course which he should feel it his duty to pursue when the Senate should vote on the bill reported confirming these claims. Among these claims, in favor of the confirmation of which the board of commissioners have reported, and which report is now recommended by the committee of the Senate for our sanction, is embraced one claim in which Mr. W. had purchased an interest several years ago. This was the claim granted to Governor Villemont, embracing Point Chicot, in the Territory of Arkansas. Mr. W.'s interest in this claim amounted to several hundred American acres, and had been acquired by him before he became a candidate for the Senate of the United States, and it was the only interest, direct or indirect, that he now held, or ever had held, in any lands in Arkansas. The genuineness of this claim was not disputed by its opponents, but, on the contrary, distinctly conceded, and the opposition to this claim was based on the alleged non-performance of certain conditions annexed to the grant. Mr. W. wished to be distinctly understood as expressing no opinion for or against the propriety of a further confirmation of this grant; and he had risen to state, that having several years since purchased an interest in this grant; whenever the Senate should proceed to act upon the bill, he should ask to be excused by the Senate from voting upon the question. On the very day that Mr. W. took his seat in the Senate, the Senator from Missouri, [Mr. LINN,] now before him, not being apprised of his (Mr. W.'s) situation, had asked him to aid in the discussion which might arise upon the passage of this bill, when he (Mr. W.) then immediately informed the Senator from Missouri that he had an interest in this grant, and that he could take no part in the discussion, or express any opinion, either in the Senate or elsewhere, to any member of either House, as regarded the propriety of any further confirmation of this grant; but whenever the question came up before the Senate, he would ask to be excused from voting upon it.

Mr. BLACK agreed with the Senator from Missouri that the decisions of the board of commissioners were, as far as we could ascertain, very correct. He had every reason to believe, from the principles laid down by them, that they had not materially erred. There might possibly (he said) be errors in the report, but he believed they were as few as in any report ever before Congress. The cases confirmed in this report were of two descriptions—those in Missouri and those in Arkansas, the latter of which it was not the intention of the committee to embrace in the bill. But, inasmuch as doubts existed whether the bill, in its present shape, would not cover the cases in Arkansas, he would suggest to his friend from Missouri the propriety of making an amendment so as to exclude them.

Mr. PORTER was one of the members of the committee before whom this subject had been, and had given a great deal of attention to it. There was not a single claim embraced in the bill that he did not examine minutely. He had satisfied himself of the injustness of all of them, and could see no good reason why Arkansas should be taken out of the bill.

Mr. KING, of Alabama, said that he could see no propriety in acting now in those cases which were in dispute. He, himself, knew nothing of them except from the documents which had been put in his possession, and which were now before the Committee on Public Lands, who had not yet reported on them. The Senator from Louisiana might himself be satisfied as to these disputed cases, but when he came to see the report of the committee, he might change his mind. He put it to the gentleman whether, as a lawyer or as a judge, he would decide on cases before he had examined all that might be said on either side With regard to the other cases in Arkansas, which were not disputed, he saw no reason why they should not be confirmed with the claims in Missouri. He would not be very strict as to the performance of the conditions where the grants were genuine and made in good faith. To obviate all objections to the bill, and to do equal justice to all the claimants, he would offer an amendment that would take out the case of De Villemont, and save the rights of those claiming under him. He would observe that a portion of these lands, in De Villemont's case, had been sold by the Government, and if this case was confirmed, there would not be lands enough left for all the other cases.

Mr. K. then submitted the following amendment:

Provided, That nothing in this act contained shall apply to or be in confirmation of the claim of Don Carlos de Villemont for a tract of land at Point Chicot.

Mr. PORTER observed that the whole subject had already been examined and reported on by the Committee on Private Land Claims, and there was no good reason why they should wait for a report from another committee. Did the Senator from Alabama suppose that confirming these claims would confer a good title to the

-ands? The Senator knew that such confirmation would be only relinquishing the claim of the United States, and that all parties having conflicting claims could have recourse to the courts of justice. Let the claimants under De Villemont's grant (he said) go to the courts, and contest the claims of those holding the lands. If the Senate refused to confirm these claims, it would (Mr. P. said) be going directly contrary to the practice of Congress for the last twenty-two years.

Mr. LINN observed, that the persons claiming in opposition to this grant of De Villemont had, as he had stated on a former occasion, ample opportunity allowed them of presenting their testimony at St. Louis to the board of commissioners, and had failed to do so. He himself had given them the information that the board would receive and give every necessary examination to their claims. Since the commencement of this session, (he said,) and since the petition presented by these claimants, he had been informed by a gentleman from Missouri, whose attention was accidentally called to the subject, that if these people had presented their testimony to the board, it would have been met by counter testimony fully sufficient to overset it. They did not, however, avail themselves of the opportunity offered at St. Louis, but came here to interfere with the passage of a law so important to the people of Missouri. They had wanted him to embrace their views in an amendment to the bill; but this, for good reasons, he had declined doing. He considered that there was a provision for these persons in this bill, which protects their rights in the same manner as was done in Soulard's case.

Mr. LINN here read the provision and the decision of the Supreme Court, as follows:

"The Court doth, therefore, finally order, adjudge, and decree, that the decree of the district court of Missouri be, and the same is hereby, annulled and reversed, except as to such part or parts of the land surveyed to the said Soulard, pursuant to the aforesaid concession, as had been sold by the United States before the filing of the petitions in this case; as to which the decree of the district court is hereby affirmed, and the land so sold confirmed to the United States. And this Court, proceeding to render such decree as the district court ought to have rendered, doth further order, adjudge, and decree, that the title of the petitioners to all of the said land embraced in said concession and survey, which has not been so sold by the United States, is valid by the laws and treaty aforesaid, and is hereby confirmed to them, agreeably to said concession and survey. And the Court doth further order, adjudge, and decree, that the surveyor of the public lands in the State of Missouri shall cause the land specified therein, and in this decree, to be surveyed, at the expense of the petitioners, and to do such other acts thereto as are enjoined by law on such surveyor. Also, that such surveyor shall certify on the plats and certificates of such survey, to be so made, what part or parts of the original survey of such land has been sold as aforesaid by the United States, together with the quantity thereof; which being ascertained, the said petitioners, their heirs, or legal representatives, shall have the right to enter the same quantity of land as shall be so certified to have been sold by the United States in any land office in the State of Missouri, after the same shall have been offered for sale, which entry shall be made conformably to the act of Congress in such case made and provided."

He had no doubt but this would be a consolatory decision for those who have taken up land, and would go to settle many cases now considered doubtful. The honorable Senators from Kentucky, (Mr. L. said,) who were well acquainted with the manner in which the energies of the people of Kentucky had been crippled and paralyzed by the unsettled state of their land titles, could very well sympathize with the people of Missouri, who were in a similar situation. This much he was certain of—the protracting of the confirmation of these claims would only have the effect of enabling the lawyers to reap a rich harvest. He did not think it necessary to go further into this subject. He only regretted that these people had come here for the purpose of poisoning the minds of the members of Congress against a measure so just and necessary, instead of having presented their claims, with the necessary evidence, at a proper time, and before the proper tribunal. Now, he appealed to every gentleman if it was just that this untimely application should interfere with the settlement of a subject so long delayed, and in which so many important interests were involved?

Mr. EWING, of Ohio, said it was some time since he had turned his attention to this matter; but, according to his recollection of the case, in 1795, a grant was made to Villemont, on express conditions, that the land should be settled within three years, and a road cleared out in one. It was a grant of nine square miles, and was a naked grant on that condition. The heirs under Villemont did not contend that they ever settled on it, although sixteen years had elapsed since the grant was made. It had appeared in evidence, that Villemont had offered an individual a choice part of it, if he would settle on it, and thereby preserve the title in Villemont. He (Mr. E.) had read the Spanish laws relating to settlements, which held the settlers to as exact a fulfillment of conditions as ours. With the impressions now upon his mind, he could not vote for this claim, or for the bill, if it should be retained in it.

Mr. LINN said that he held in his hand a letter from a distinguished gentleman of Missouri, which gave the following information: that De Villemont at an early period had improved this property; his wife and family still reside thereon; and that much difficulty existed, from the inroads of the Indians, in making settlements in that remote and unprotected region. The Supreme Court in Arrodondo's case had laid it down that the right of the claimant under a Spanish grant was not invalidated by the non-performance of the conditions, when he could satisfactorily make it appear that he had been prevented from fulfilling this condition, either by the King's enemies, or by any other imperative cause. The testimony went on to show that, in De Villemont's case, the land had in the first instance been held in possession by hostile Indians; and secondly, that De Villemont had been removed from that part of the country by the order of his superior officer, and sent to another and distant command; by both of which means he was prevented from fulfilling the condition of occupancy. Mr. L. said that, for the reasons he had stated on a former occasion, he could not accept the amendment of the Senator from Alabama, but he would not oppose it.

Mr. KING, of Alabama, was sorry his friend from Missouri had thought it necessary to refuse this amendment. He knew the board of commissioners had done all in their power to do justice and to give satisfaction; but the honorable Senator had mistaken the object of the action of the commissioners. He (Mr. K.) had, at a former period, apprised the Senator from Missouri [Mr. LINN] of the state of the matter. The delay in presenting the claim and certificate was caused by sickness. The case was decided on a mistaken view of the laws of Spain. The case of Arrodondo was to settle the land and put on so many settlers; but the moment of the Florida transfer the terms of the condition were at an end. In reply to the gentleman from Louisiana [Mr. PORTER] he gave his reasons why he thought the course proposed to be pursued was no departure from parliamentary rules. As the Senate seemed to be all satisfied, with the exception of this individual case, he thought they had better go on with the bill, without including it, and take it up again.

Mr. EWING, of Ohio, said, so far as he had information, his opinion was against this claim, and without further information, or until he was better satisfied, he must vote against it.

The question was then taken; and the amendment of Mr. KING, of Alabama, was agreed to.

Mr. PORTER then submitted an amendment, to come in after the amendment of Mr. KING, in the following words:

And provided also, That nothing in this act contained shall apply to, or be in confirmation of, the following claims:

	Arpens.
Manuel Lisa	6,000
F. Coonts and Hempstead	450
Matthew Sanicer	1,200
Charles Tarpen	1,600
Sons of Joseph M. Pepin	5,600
Louis Lorimoore	30,000
Bartholomew Consin	10,000
Manuel Gonsales Mori	800
Seneca Rollins	400
William Long	400
James Journey	400
Joachim Lica	6,000
François Lacomb	400
Israel Dodge	7,056
Andrew Chevallier	400
Joseph Silvani	250
John P. Curbanis	2,000
William Hartley	650
William Morrison	750
Sblomon Bellew	350
Pascal Ditchemendi	7,056
Baptiste Annure	240
Alexander Maurice	400
Jean Baptiste Valle	20,000
Israel Dodge	1,000
Walter Fenwick	10,000
Total	117,722

This amendment was agreed to.

Mr. EWING, after some remarks, offered the following resolution:

This act shall confer no title to such land, in opposition to the rights required by such location or purchase; but the individual or individuals whose claims are hereby confirmed shall be permitted to locate so much thereof as interferes with such location or purchase.

Mr. PORTER did not see any reason why squatters on the public lands should be protected.

Mr. EWING, of Ohio, was not himself disposed to favor squatters, although they had heretofore, he thought, been treated very liberally for squatting. He would do no act that would confirm titles to lands claimed by them, for which patents had issued to others; as it would be productive of litigation, and give rise to claims for damages against the United States.

Mr. EWING's amendment was then agreed to; and the bill was ordered to be engrossed for a third reading.

U. S. REVOLUTIONARY LAND WARRANTS.

The bill to extend the time for issuing scrip for the satisfaction of the United States revolutionary land warrants was taken up; and after a short debate was, on motion by Mr. KING, of Georgia, laid on the table.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 24, 1836.

Mr. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of Joseph Hall; which was read twice and committed.

Mr. EVANS, from the Committee on Invalid Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of John Herrick; and

A bill for the relief of Ann Evans.

Mr. BOON, from the Committee on Public Lands, reported a bill to reorganize the General Land Office:

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported the following bills; which were read twice and committed:

A bill for the relief of the heirs-at-law of Joshua Fanning, deceased; and

A bill for the relief of the heirs of Lieutenant Colonel Campbell.

Mr. CASEY, from the Committee on Public Lands, reported the following bills; which were read twice and committed:

A bill to authorize the sale of a certain section of land in the State of Illinois;

A bill for the relief of James Brewer, of Ohio, and

A bill to create the office of Surveyor of the Public Lands in that part of the Territory of Michigan west of Lake Michigan.

Mr. WARDWELL, from the Committee on Revolutionary Pensions, reported a bill for the relief of Benedict Alford and Robert Brush; which was read twice and committed.

Mr. CHAPIN, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs and legal representatives of Captain John Marks, deceased; which was read twice and committed.

Mr. FAIRFIELD, from the Committee on the District of Columbia, reported a bill for reviving and extending the charter of the Eastern Branch Bridge Company; which was read twice and committed.

Mr. CUSHMAN, from the Committee on Commerce, reported a bill for the relief of Moses Treadwell; which was read twice and committed.

Mr. HOAR, from the Committee on Invalid Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of James McFarland; and

A bill for the relief of Josiah Strong.

Mr. EVERETT, from the Committee on Indian Affairs, reported a bill for the relief of certain

persons entitled to reservations of land under the treaty of 1830 with the Choctaws.

Mr. JONES, of Virginia, from the Committee on the Judiciary, reported, with an amendment, the bill from the Senate for the better organization of the United States courts in the State of Alabama.

The amendment was agreed to; and, having been engrossed, the bill was read the third time.

After some remarks, mostly of an explanatory character, by Messrs. WILLIAMS of North Carolina, LAWLER, UNDERWOOD, MARTIN, HUNTSMAN, EVERETT, BEARDSLEY, and MERCER, the latter gentleman moved to postpone the further consideration of the bill until to-morrow; which was agreed to.

Mr. GILLET, from the Committee on Commerce, reported a bill to fix the number and compensation of officers of the customs, and to alter certain collection districts, and for other purposes; which was read twice and committed.

Mr. MERCER, from the Committee on Roads and Canals, reported the following bills; which were read twice and committed:

A bill to authorize the New Orleans and Carrollton Railroad Company to construct a road through the public lands from Carrollton to Bayou Sarah, in the State of Louisiana;

A bill to provide for the construction of a road from Helena to Jackson, in Arkansas; and

A bill to improve the navigation of certain rivers.

Mr. P. C. FULLER, from the Committee on Claims, reported a bill for the relief of Jonathan Davis; which was read twice and committed.

Mr. LANE, from the Committee for the District of Columbia, reported a bill authoring the officers and managers of the Washington Monument Society to erect the same on the public grounds; which was read twice and committed.

Mr. STORER, from the Committee on Revolutionary Pensions; Messrs. EVANS and HOAR, from the Committee on Invalid Pensions; Mr. MUHLENBERG, from the Committee on Revolutionary Claims; and Mr. GILLET, from the Committee on Commerce—made unfavorable reports upon various petitions.

On motion by Mr. WHITTLESEY, the Committee on Claims were discharged from the further consideration of the petitions of Charles Goodspeed and Ebenezer Wilcox, and the same were referred to the Third Auditor.

Mr. W., from the same committee, made unfavorable reports in the cases of William Eaton, James Clyman, William McBride, Amos W. Brown, Elisha Foster, Daniel Sherwood, and William Cox; which were laid on the table.

On motion by Mr. W., the committee were further discharged from the consideration of the petition of the widow Bowman, and the same was referred to the Committee of the Whole, to whom a bill involving the matter in the petition had been referred.

Mr. BOYD called for the order of the day, and asked the consent of the House, preliminary to the consideration of the same, to introduce a resolution making the contested election from North Carolina the special order for Friday and Saturday as well as this day, in order to dispose of the subject as speedily as possible.

Objection being made, Mr. BOYD moved to suspend the rules to enable him to submit his resolution; which was agreed to—yeas 134, nays not counted.

The resolution was then submitted and agreed to.

NORTH CAROLINA CONTESTED ELECTION.

The House then, pursuant to the resolution adopted on Saturday, the 19th of March, proceeded to the consideration of the special order, being the report of the Committee of Elections on the contested election for the twelfth congressional district of North Carolina.

The report of the majority of the committee was in favor of the petitioner, David Newland, and concluded with the following resolution:

Resolved, That James Graham is not entitled to a seat in this House, and that David Newland is entitled to a seat in this House.

Mr. GRAHAM moved the following amendment thereto. Strike out all after the word "resolved," and insert the following:

"That the depositions which have been communicated to the House by the Speaker, and laid on the table, since the report of the Committee of Elections was made, wherever taken upon due notice, may be received by the House as testimony in this case," [concluding by the names of the voters.]

Mr. NEWLAND (the petitioner) hoped his honorable opponent would furnish some reasons why the resolution should be stricken out. He did not rise to make a speech, but merely to invoke the House not to adopt the resolution of the sitting member, unless good and sufficient reasons could be given by him for so doing.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays on the question; which were ordered.

Mr. McKAY inquired if those depositions had all been taken since the committee refused the application for further time, because if it was taken subsequently to that refusal, he should think the House would not be disposed to consider it as part of the evidence in the case. He should also be glad to know whether the notices for taking that testimony were given before the decision of the committee or subsequently.

Mr. GRAHAM (the sitting member) stated that the notice was given after the committee had refused further time. The committee refused time about the middle of January. The committee said the application for time must be made in writing. He gave it in writing; but during the time it was under consideration, he (Mr. G.) was taken sick, and remained sick about ten days or two weeks, and about the last of January, he was informed that no more depositions would be received by the committee. He considered it an act of gross injustice, not only to himself, but to the people of his district, and he resolved on taking further depositions, and gave notice accordingly to his agents; and he was ready and willing to prove that the petitioner not only had ample notice, but that he instructed his agents not to cross-examine the witnesses. He asked nothing but strict justice. He did not ask any testimony to be received, unless the petitioner had full, ample, and satisfactory notice of the time and place of taking it. The testimony was there full and complete, and he did hope that, under those circumstances, the House would not reject the testimony of the people speaking in their own behalf.

Mr. NEWLAND said, the notice that the sitting member had served on him in this case was received about the 24th of January—a full half month after the committee had decided that they would not receive any further testimony, and that notice called upon him to be at home in eleven days from that time, for the purpose of cross-examining those witnesses. The sitting member had told the committee and the House that a paramount duty called him to Washington at the first of the session. He (the petitioner) came on also, expecting that no further testimony would be taken; the subject came up in committee, and not a word was said by the sitting member about further time; but after the gentleman had examined the testimony, he objected to it; and he (Mr. N.) never knew a lawyer to object to testimony unless it was against him. The committee told the gentleman he could not have further time; but after a half month had elapsed, the sitting member gave him notice that he intended to take further depositions, and to take depositions, too, at places some hundred miles apart on the same day. He thought no precedent could be found for this kind of procedure. The gentleman had referred to depositions on your table which were to him (Mr. N.) perfectly strange; for he never had seen them, by which he was going to prove that the petitioner had not only ample notice, but that he had instructed his agents not to cross-examine the witnesses. Now, the truth was, when the committee decided that they would receive no further testimony, he (Mr. N.) had received a letter from a friend of his, who said that he had discovered several illegal votes which were given to the sitting member, and asked to be authorized to take depositions to prove the fact; but he (Mr. N.) frankly informed him that he could not authorize him to take further testimony. This was the truth, and the whole truth; and if he was to be censured for acting honestly, it was his misfortune, not his fault.

Mr. MAURY feared gentlemen labored under a misapprehension in regard to the point decided by the committee. The application made for further time to take depositions was decided against the sitting member, but to receive the depositions now before them was a distinct proposition. The sitting member asked to be allowed further time, and the committee refused to grant that specific application. They did not decide that additional testimony would not be received; but that further time to the first of March would not be allowed, because it would be doing injustice to the petitioner to keep him on expenses. They did not decide that, if testimony came forward in the mean time, taken under the laws of North Carolina, it would be rejected. Some time in January—he did not know whether before or after the decision of the committee—depositions taken in behalf of the petitioner were received by the committee. But suppose the committee decided that no further time would be allowed; the committee was not the ultimate arbiter of questions of that kind; the House of Representatives was the tribunal before whom that question was to be decided. Sir, there are depositions which had been lying three or four weeks on your table, which were communicated from the Speaker's chair, and the House had ordered them to be printed; there was testimony which the sitting member had asserted was taken in conformity to the laws of North Carolina, and with due notice given—depositions of men of character, not to be impeached, asserting positive facts, and facts in which themselves were concerned; and would the House refuse to receive it? Would the House sanction a thing of this kind? He asked, why had the petitioner written to his agents not to attend to cross-examine the witnesses? Was he apprehensive that he might be estopped? If the petitioner came there claiming a seat, he must think he was legally entitled to it; then he ought to be in favor of giving ample range to the taking of depositions.

Mr. WILLIAMS, of Kentucky, said, if the present amendment was adopted, it would cut off the conclusion to which the committee had come. He wanted to hear all the testimony he possibly could, to come to a correct conclusion; but he was not in favor of cutting off the conclusion to which the committee had come by this amendment. He hoped a separate proposition would be made, so as to leave the committee's report as it was. He wanted to vote that all the depositions be taken which could be taken; but he wanted to vote on a separate proposition, so that they would have something left after that vote was taken. The subject ought certainly to be left in some tangible manner, so that they might refer it back to the committee, if necessary.

Mr. VANDERPOEL said, it seemed to him, that the resolution now offered by the honorable sitting member could not be adopted consistently with the decision made by the House a few days ago. The resolution proposed that we should receive testimony taken after the Committee of Elections had decided that they would not receive any additional testimony. It would be recollected that, shortly after the commencement of the session of Congress, the petitioner addressed his petition here, claiming his right to a seat in this House. The petition, with the depositions in the case, were referred to the Committee of Elections. The parties proceeded to try their cause before the committee, and about the middle of January, after six weeks of the session of Congress had elapsed, the sitting member applied for time to take further testimony. The committee denied, and, as he thought, very properly denied, this application. Whether the sitting member was induced to make this application at that late day, from a presentiment that the report of the committee would be unfavorable to him, he would not undertake to say, as he did not know the fact. A report was made to the House adverse to the sitting member, and then the honorable sitting member, or some other gentleman, by way of appeal from the decision of that committee refusing to give him further time, moved to recommit the whole subject to the Committee of Elections, to the end that the sitting member might have further time to take testimony.

The justice and injustice, the reasonableness

and unreasonableness of recommitting the case, for the purpose of receiving supplemental testimony, was here debat d for several days, and the House, by a large majority, refused to recommit the case for the purpose of hearing new testimony, and thus most clearly and emphatically confirmed the previous decision of the committee. The case was then set down as a special order for this day. There ports and the evidence of the parties, as adduced before the committee and received by them, together with such extracts from the constitution and laws of North Carolina as relate to the matter, were ordered to be printed and laid upon our tables; and gentlemen, when they came here this morning, had a right to suppose that they were to try the case under the law and the testimony before them, when, all at once, the honorable sitting member introduced the resolution now under consideration.

Mr. V. said, he could not see how, if we had any regard to consistency, we could adopt the resolution. They proposed that certain depositions should here be received which were not only taken after the decision of the committee, (which had thus been sanctioned by the House,) that no further testimony should be received, but had been promulgated; but the *notice for taking which* was served upon the petitioner after the decision of the committee against taking further testimony was made public. The notice then was given, and the depositions were taken in the very teeth of the decision of the committee—a decision, too, which this House had held to be just and proper. What would we say by adopting the resolutions under consideration? Why, sir, we would exhibit ourselves in the most inconsistent and unenviable position, of first declaring that the parties should not have further time after the middle of January to take additional testimony, and then deciding that if the parties, after the middle of January, and in defiance of a decision of the committee which we had confirmed, proceeded to take additional testimony, we would here receive it! He hardly supposed that a majority of this House was prepared to exhibit such a spectacle of instability and inconsistency to the nation. He could not conceive how any gentleman who voted with the majority on the motion to recommit, could with the least semblance of consistency vote for the resolution now before the House.

He knew that many arguments, popular at first blush, would be urged against the view he was taking. Some had already been urged by the honorable gentleman from Tennessee, [Mr. MAURY,] who said it was hard, very hard, that depositions which told the truth should be excluded. If this argument, in the naked abstract form in which it is urged here, should be deemed sound in contests, either here or in courts of justice, it would be more than idle longer to talk about the existence of salutary rules of practice and proceedings, which promote the great ends of justice. Every consideration of justice and expediency required that there should be some time in every controversy when testimony should be considered as closed; otherwise a party might enter upon trial, calculate upon the weakness of his adversary's cause, and then, when disappointed as to the strength of it, he might move for further time to take testimony in order to atone for the too sanguine temperament with which he commenced the trial. The argument of *hardship*, however forcible in some cases, had not much force here, when we recurred to the prominent circumstances of the case, so far as they regarded this question.

The sitting member had had more than sixty days for taking testimony before the session of Congress. He had had six weeks here before he expressed a desire to take other evidence, and all that time proceeding with his case before the committee. He waited until the matter should, in justice to the electors of the district, have been decided. His laches were entirely inexcusable. Reason and justice protested against the new movement made by him after such a lapse of time. It was the policy of all intelligent equity tribunals to guard against the mischievous protraction of controversies which would ensue, if parties could, in the last stages of a cause, be permitted to go back and take evidence according to the exigency of the case. The honorable chairman of the Committee of Elections [Mr. CLAIBORNE] had, a few days ago, told us what a court of chancery would do in such a case as this. He knew not what such courts would do in Virginia; but he could say that, in the State which he had the honor in part to represent, a party in chancery was obliged, before he commenced taking his testimony, to serve his adversary with a notice containing *the names of all his witnesses*, so as to prevent him from speculating upon the chance of getting along with one portion of testimony before he resorted to another, and to prevent the delay consequent upon the practice of hunting, at a late stage, new testimony, *according as the case pinches*. He certainly could not see that the committee had made a hard or oppressive decision to the sitting member, when they refused to receive new testimony, or give time to take new testimony after the middle of January; and he would in conclusion repeat that he could not perceive how we could, consistently with our former decision, receive these depositions thus taken, after the decision of the committee was announced.

Mr. HARDIN said, if he understood the question, it was whether the depositions printed by order of the House, and on every gentleman's table, were to be considered by each member as evidence now before him, and as evidence to make up an opinion by? He, for one, would receive evidence from any quarter he could obtain it, if he believed in its truth; and whether he got it from the arguments of gentlemen or from evidence legally taken, he was willing to receive it, before they decided it would be necessary to call attention to the facts. The notice for taking testimony, served by the petitioner on the sitting member, was on the 2d of October, which left about two months for taking testimony up to the meeting of Congress. It was not certainly to be expected that the sitting member should take depositions until the petitioner began to take them. Now, he would ask the gentleman from New York, [Mr. VANDERPOEL,] whose State had a more enlightened judiciary than any other, whether it was incumbent on a defendant to take any depositions until the complainant should take rule? The first notice the sitting member received for taking depositions was on the 19th of October, and on the 29th of that month the first depositions were taken, leaving but a little over a month for taking all the depositions necessary. The next notice was for the 4th of November; and the next for the 23d day of November; and the fourth notice was for the 27th day of November. If gentlemen would examine, they would discover the situation of the sitting member. He would ask the House, where was the time the sitting member had for taking testimony, when the first notice for taking evidence was not given until a month before the meeting of Congress?

Mr. H. said these facts proved the hardship of the case of the sitting member, for he was compelled to set out for Washington at a given time; whereas the petitioner might have remained as long as he pleased, so long as he came here any time within the two years. Of this advantage he availed himself, for he continued to take testimony after the sitting member left home. He hoped they should find the gentleman from New York carrying out the principle he had laid down, which was a correct one; and then all the testimony under the head of "sundries," or "sundry other persons," in the petitioner's notices would be excluded. Each witness, the gentleman laid down, must be specified, so said Mr. H., and that was sound doctrine. Apply it, and all the petitioner's depositions but four must then be stricken out. He again repeated that, from the large extent of the district, and his being compelled to leave home to take his seat in Congress, the sitting member had not been allowed sufficient time.

He denied that the House had, by its vote to refuse further time, or to recommit for further time, indicated its indisposition to receive the depositions sent in and laid on the table since the report of the committee was made. On the contrary, if anything was indicated by that vote, it was that they would receive it; and such was the express tenor of the remarks made at the time (on Saturday last) by a gentleman from Georgia, [Mr. GLASCOCK,] who said he was prepared to receive and consider all the depositions since sent in; provided they had been taken agreeably to the constitution and laws of North Carolina. He hoped the House would receive the testimony, and, in deciding upon the merits of the controversy, would bear in mind that it was a question with the people of North Carolina rather than between the two gentlemen contesting for the seat.

Mr. HAWES replied by contending that the notice given by the petitioner to the sitting member was sufficient. He thought this the plainest proposition ever submitted to a deliberative body. The whole subject had been referred to an organized standing committee of the House, whose decision he felt bound to respect. Besides, the sitting member made no application for further time to take additional depositions until he had ascertained that the testimony already before the committee would give his opponent the seat. He contrasted the conduct of the two candidates. While one disregarded the decision of the committee, the other (the petitioner) submitted to it, and immediately wrote off to his agents to take no more testimony for him. These were the facts: on the 14th January the committee informed both gentlemen that they should take no further testimony; and sixteen days after that, on the 30th of January, the sitting member gave notice that he should proceed to take further testimony, eleven days afterwards, in North Carolina. Mr. H. should vote against the reception of this testimony by the House, and sustain the report of the committee, which he believed was founded on the strictest justice.

Mr. GRAHAM explained that he made his application to the committee for an extension of time before he had made a review of the testimony.

Mr. LOVE adverted to the decision of the committee, which, according to his understanding of it, was this: not that the sitting member should not take additional depositions, but that no further time should be allowed by the committee upon which they would act. The committee had not decided that further testimony should not be taken, but that *they* would give no further time, and that the party would run the hazard of taking it without having the action of the committee thereon. He should be glad to know from some one of the committee if he was correct or not?

Mr. MAURY confirmed this interpretation of the committee's decision, and referred to the report of the minority as indicative of that sense of it.

Mr. SPEIGHT adverted to the equity practice in North Carolina, which was, that, whenever a cause was set down for hearing, each party was thereafter barred from taking further testimony without leave of court. He also stated the fact, that the petitioner had, in consequence of the committee's decision, replied to and rejected the tender of additional depositions which had been offered to him.

Mr. NEWLAND gave a statement of the fact, that a gentleman of Haywood county had written to him, and informed him that he could procure evidence of bad votes in the sitting member's poll; but Mr. N. had replied, that, in consequence of the committee's decision that the case was closed, he refused it. He had left no agents to act for him, as had been stated, except in one instance. The letter in question was a spontaneous offer.

Mr. SPEIGHT hoped the House would not delay the main question by a lengthy discussion on a mere incidental one, or, if a decision of the House was required, that it would be considered as a substantive proposition, and not mixed up with the other and more material question.

Mr. CHAMBERS, of Kentucky, could not assent to the interpretation of the vote of the House made by the gentleman from New York, [Mr. VANDERPOEL,] nor to that gentleman's view on the decision of the committee, for the refusal to give further time did not reject the consideration of additional testimony, and he was in favor of receiving it.

Mr. PEARCE, of Rhode Island, would ask if any court ever did admit testimony taken under such circumstances as this? He cared not so much what the law or practice of North Carolina or any other State might be; but, judging it by the common law, or by the rules of common sense, no other construction could be put upon the

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

First Session, 24th Congress. FRIDAY, APRIL 3, 1836. Volume 3....No. 19.

decision of the committee than that their rejection of the application for further time closed the case, and no testimony taken after that ought to be received. A contrary interpretation would keep open this investigation to an unlimited extent, and it could never be decided at all; for, as it stood, the additional testimony was purely of an *ex parte* character, and opportunity would have to be given to the petitioner to rebut it. The decision, that no further time would be given to take additional testimony, inevitably carried with it the decision that no further testimony would be received. They were, in fact, one and the same decision.

Mr. A. H. SHEPPERD thought the additional testimony should be considered with the report itself. He should have preferred a different course to what the House was taking, namely, to have considered and decided upon each deposition, without being trammeled by the resolutions, and also, if possible, to have avoided all technical points. Mr. S. argued the point at some length, that the additional testimony ought to be allowed to come in, and that it would be an act of great injustice to the sitting member to reject it. He also referred to the depositions, and the informal character of the notices served on the sitting member by the petitioner.

Mr. UNDERWOOD remarked that, there being no law of Congress, and the Constitution of the United States being silent on the subject, the House was bound by a fair construction of the constitution and laws of the State wherein a contested election occurred. They referred the matter, as they did all others, to one of their own committees, who were directed to examine the testimony and report upon it; but where was the law or rule of the House in which such a doctrine was laid down as that the House must be bound by any decision of the committee? There was none, neither express, by implication, nor by practice. But upon what ground had the committee decided? Upon mere technical grounds only. He was at a loss to see upon what just ground the subsequent testimony should be rejected, for it had not only all the solemnities of an oath, sworn also before a competent tribunal, but had been taken, so far as he believed, agreeably to the requisitions of the law of the State interested in the controversy. Mr. U. cited various supposed cases applicable to the point in question, and in support of the argument, that the testimony ought to be received.

He said he considered that the committee had departed from its duty in not reporting the application of the sitting member for further time to the House, and that they had gone beyond their powers in deciding the question. He could, however, never consent to the doctrine, that the House were to be bound and tied up by the action of its own committees, all of whose proceedings were, at most, only of are commendatory or incipient character.

Mr. LINCOLN considered the amendment of Mr. Graham to be entirely out of order as an amendment to the resolution of the committee, because it might prevent the action of the House altogether on the latter. Mr. L. referred, at considerable length, to the practice of Congress in cases of contested elections, where the power of the House was different than in all other matters; since their power was not a delegated legislation on the subject, the Constitution making them the sole judges. Assuming the fact that the additional testimony was unexceptionable in point of form; and in conformity with the laws of North Carolina, he had heard no reason, nor could he conceive any, why it should be excluded. If the petitioner had not investigated it, the fault was his own, for there was nothing to show that he had not had every opportunity that he could desire. The question then arose, when was the commencement of the trial? It was not in the investigation before the committee, but in that House. The committee were not the triers, but the House. The opponents to this argument would make the House a mere court of errors, instead of possessing the original and sole jurisdiction. The proceedings before the committee were merely preliminary, growing out of the order of business; but the only tribunal before which the matter could be fully and finally acted on was the House. So said the Constitution. That instrument said not a word about the committee, but that the House should be the judge. Why, the House might have taken up the subject at any moment, or have discharged the committee from its further consideration, and taken the subject into its own hands. Everything that took place in the committee was strictly and constitutionally prior to the commencement of the trial, which began for the first time when it was taken up in that House.

Mr. LANE had yet heard no argument by which this testimony should be received according to the known rules of evidence. If it could not be so received, then it ought to be rejected. He contended that this testimony had not been taken in pursuance of those rules, and cited the practice of the courts of Kentucky and other States in proof of that fact, entering also into a review of the circumstances under which it was taken. Mr. L. was opposed to the reception of this testimony, because it would be in violation of all the known rules of law, at variance with the judgment of the committee, and contrary to the decision of the House a few days ago.

Mr. GRAVES then obtained the floor, and moved an adjournment, but withdrew it to enable the Speaker to present a communication from the Secretary of the Treasury informing the House that the second volume of the Commercial Digest had been printed, and two hundred and fifty copies forwarded for the use of the members; which was referred to the Committee on the Library.

The House then adjourned.

IN SENATE.

Friday, *March* 25, 1836.

Mr. DAVIS, from the Committee on Commerce, reported a bill for the relief of the late owners of the schooner Elizabeth; which was read, and ordered to a second reading.

Mr. CLAYTON presented a communication from the Secretary of the Treasury relative to the establishment of a port of entry at New Castle; which was referred to the Committee on Commerce.

Mr. BLACK, from the Committee on Private Land Claims, reported two bills from the House on the subject of preëmption rights, with amendments.

Mr. CLAYTON gave notice that he would, at an early day, move to take up the bill to establish the territorial government of Wisconsin, and at the same time laid on the table an amendment which he said he intended to offer as a substitute for the whole bill.

Mr. HENDRICKS submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of granting land to the officers of the staff in the army of the Revolution, as well as the officers and soldiers of the line.

The following resolution, submitted yesterday by Mr. Calhoun, was taken up for consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing proper measures for the safe-keeping of the Journal of the two Houses and other public records, and of protecting them, by proper legal enactments, from being mutilated, obliterated, erased, defaced, expunged, disfigured, altered, or otherwise destroyed or injured.

Mr. CALHOUN observed that it had been said that there was no evil under the sun without a remedy, and that the truth of this proposition was very strongly illustrated in the case which occasioned the introduction of this resolution. Unconstitutional and odious as was the attempt that had been made to expunge the recorded proceedings of that body, yet it had caused their attention to be turned to the unprotected state of the public records. He had entered into a diligent examination of the laws, to see if there were any legal enactments for the protection of the public journals, and found that, with a slight exception in one unimportant particular, there was nothing to protect them from being expunged, obliterated, defaced, or destroyed. This was a state of things which he presumed no Senator would wish to continue. As it now was, any individual, whether the public records were in his custody, or otherwise, might deface or destroy the most important records with perfect impunity. A leaf might be torn out, or the record might be disfigured or defaced, and no punishment would follow. Setting aside the constitutional injunction on them to preserve a correct journal of their proceedings, the importance of some law of the kind must be evident. These public records were the only authentic accounts of the history of this Government in all its branches—legislative, judicial, and executive. If they added to that, that they involved the important interests of individuals, there was the most powerful obligation on both Houses of Congress to preserve them from injury, and to keep them. Yes, sir, (said he,) to *keep* them; for, in spite of the sophistry used to obscure the meaning of the word, "keep" them meant to preserve them from injury. There was no word in the English language less susceptible of doubtful construction than the word "keep." It implied not only to record their proceedings in their Journals, but to preserve them. It would be in vain that the Constitution required them to record their proceedings, if it did not also require them to protect and preserve them from injury. Was the injunction in the Constitution merely for the childish purpose, that they should record their proceedings, that they might afterwards be thrown away, or defaced, obliterated, or disfigured? No. It was that they might go down to the latest posterity as a faithful and authentic history of the times. These meanings of the word "keep," as used in the Constitution, to record, to preserve, to protect, were enforced on them by the sacred obligations of an oath. He knew that this obligation could not prevent the Senate from passing the resolution which had given rise to his motion; but the Senate could not perform the act of obliteration—it must be performed by some individual, by their order; and if they passed an act making it penal to deface, destroy, or obliterate the Journals, the individual who did it would be subject to the penalty. Sir, (said Mr. C.,) we can give no dispensation to any one to violate the Constitution. If he had given the true construction to the word "keep," no order of that body, in any shape or form, could exempt the Secretary from the sacred obligations of his oath; and if the order should be given him to deface or obliterate the Journals, he would have to turn his eyes to the Constitution, which he was sworn not to violate. He trusted that no Secretary of that body would ever dare to violate his oath, and the obligations imposed by the Constitution, by obliterating or defacing the public records. He had but little fears for the present Secretary; but he knew not who might hereafter fill that office, and who, influenced by the force of party discipline, might be willing to plead the order of a majority of that body for a violation of the Constitution.

The framers of the Constitution, in putting in the provision that the Journals should be kept, foresaw the danger that might threaten their preservation from party feelings, and intended to provide against it. Now, he wished to go one step further—to sustain the Constitution—to make it penal in any one, whether ordered by that body or otherwise, to obliterate or disfigure the public records. It is in vain (said Mr. C.) for us to suppose that we have the slightest property in these Journals. They are called, it is true, our Journals; but they are the records of what we do, and are not our property, but the property of the people of the United States. We are sent here, (con-

tinued Mr. C.,) among other things, to preserve these precious records of our history from being obliterated, disfigured, or destroyed; and we have no more property in them than we have in the records of the other House. Does it make it a less heinous offense in us (asked Mr. C.) to destroy these records because we are their guardians? On the contrary, the crime would be greater, because they were intrusted to their care. As well might the guardian waste or destroy the property of his ward under the plea of his guardianship. Upon every view he could take of the subject, whether with regard to the injunctions of the Constitution, the obligations of their oaths, or the importance of preserving, in the utmost purity, the authentic originals of the history of the country, there seemed to be an imperious obligation on them to provide such legal enactments for the protection and preservation, not only of the Journals of the two Houses of Congress, but of the other public records, as, he regretted to say, were not now to be found on the records of their statute-book. It was with these views that he had submitted his resolution, and he hoped the committee would give to it its most serious consideration.

Mr. NILES said, that, as the resolution was merely one of inquiry, he felt reluctant to object to its passage, although he could not perceive the force of the reasons the honorable Senator [Mr. CALHOUN] had urged in its support; neither had he any objection to the gentleman's discussing, on this question, the resolution before the Senate offered by the Senator from Missouri. He could, if so disposed, go into that inquiry, and examine the power of the Senate over its Journal, and its right to correct or alter the same; but he was not disposed to follow the gentleman in this course, or to reply to his arguments on that subject. At the proper time he proposed to offer his sentiments on that resolution. He did not perceive either the force or consistency of the gentleman's reasons for the adoption of his resolution. At one moment he informs us that there are no legal provisions whatever for the security of the public records and the Journals of Congress; that there is no obligation to preserve them; and that they may be destroyed by any one, by the Secretary of the Senate himself, with impunity. Then again we are told, that the provisions of the Constitution are so clear and strong, that they cannot be mistaken or perverted, and that they impose on the Senate the most sacred obligation, not only to keep a Journal, or cause their proceedings to be recorded by the Secretary from day to day, but likewise to take care of and preserve the Journal. If the gentleman is right in his construction of the Constitution—and I am not now disposed to deny that he is—it appears to me that there is an obligation of the highest nature, so far, at least, as the Senate is concerned. The Journal of the Senate is a public record of the highest authority, and is so regarded in courts and elsewhere—a record which we are enjoined to make and preserve by the Constitution, according to the gentleman's construction of the provision relating to this question. How, then, can it be said that there is no security for these records? Is there no authority in the Constitution? If it imposes so sacred an obligation on the body, can it be said there is not protection or security for the preservation of our Journal? But, perhaps the gentleman means that there is no legal sanction; that there can be no punishment for mutilating, defacing, or destroying the Journal? If the Journal of the Senate is a public record, and made such by the Constitution, is it not a crime to destroy it, upon general principles, upon the principles of the common law? To violate the Constitution must be an offense. He felt reluctant to oppose a resolution of inquiry only, but could not perceive, from the gentleman's own view of the subject, that there was that necessity for legislation which he professed to feel, and which he so earnestly pressed on the Senate.

Mr. CALHOUN, in reply to the Senator from Connecticut, said, that it had been long since established that the common law formed no part of the law of the Union. In reply to another part of the gentleman's argument, he would observe, that there were other persons into whose possession the Journal might fall who could injure or deface them without incurring any punishment. They saw the force of party discipline, and how the judgment was warped by party feeling. Attempts had been made by the most respectable men, by Legislatures of the States, acting under the force of party, to mutilate the Journal, showing to what an extent party feeling might be carried, and the necessity of guarding against it. The act of mutilation could not be performed by twenty-five persons, the majority of the Senate; it must be performed by one single person, under the orders of the majority; and he would answer for it, if they passed a law making it penal to mutilate the public records, no person would be found to plead the order of the Senate in justification of such an act. My object (said Mr. C.) is to pass a law containing checks and guards against ourselves, to prevent us, under the influence of party feeling, from tampering with records of so sacred a nature. The Committee on the Judiciary were all legal men; and, by giving their attention to the subject, they would no doubt see how necessary it was that some legal enactments should be framed as would effectually sustain the particular provision in the Constitution in question.

Mr. SHEPLEY said, ordinarily, I should not be disposed to make any objection to a resolution of inquiry; and if I regarded this as coming properly within that class of resolutions, I would most readily consent that it should go to the committee. From the language of the resolution, as well as from the remarks of the Senator who introduced it, we may understand the object of it. The object thus understood is, by indirection, to withdraw from the regular action of the Senate the resolution of the Senator from Missouri, proposing to expunge a resolution now upon the Journal of the Senate. The resolution of the Senator from Missouri is now regularly before the Senate for consideration, and all the Senators have full opportunity to express their opinions upon it. It is right and proper that such opportunity should be given, and that a decision in the usual course should be had upon it. It is of a character to require that it should be sent to a committee to report upon it. The Senate is already in possession of all that relates to its proper action upon it. If, however, it was to be sent to a committee, it ought to be done by a direct motion to commit it, instead of attempting, by the introduction of another resolution, using the very term "expunge," to strike a side blow at that resolution.

The Senator from South Carolina seems disposed to dictate to the officers of this body whether they should or should not obey the orders of a majority of the body. The propriety of one member of the Senate assuming to prescribe to an officer of the Senate, before that officer is called upon to act, what ought to be his course, when called upon by a majority of the body to do an act in obedience to it, must be left to the judgment of the Senate. It seems to me, to say the least of it, to be a most extraordinary proceeding. I think this resolution should be laid upon the table; but, as some other Senators may desire to express their opinions upon it, I will not now make that motion.

Mr. BENTON observed, that in looking over the Directory he found that the Committee on the Judiciary, like all the other important committees of that body, was composed of a majority of those members who were in the majority in the Senate when the committees were chosen. He found that committee to be Mr. Clayton, chairman, Messrs. Buchanan, Leigh, Preston, and Crittenden.

Now everybody knew, if this resolution should be sent to them, what the report of that committee would be. The report would, in fact, be the speech of one of these gentlemen on the floor; and the only difference there would be between them would consist in the one being dignified with the name of a report, while the other would be simply called a speech. The only object of referring the resolution would be to get a report from the committee adverse to the expunging resolution he had introduced. He should look upon such a report in no other light than the speeches of members of the committee made up in the committee-room. He did not know whether it was perfectly regular, according to parliamentary practice, to take one subject already under the consideration of the Senate out of its hands, by sending another immediately relating to it to one of the committees. He was not disposed to make any formal motion upon the subject; but he would observe that expunging seemed to be one part of the business, and the right and justice of the condemnation another; and gentlemen were called upon to consider how far the sentence they had pronounced was consistent with truth and justice, and how far they could intrench themselves behind technicalities, to avoid going before the country on the merits of the case. They were aware (Mr. B. said) that the country had decided on the merits of the sentence they had pronounced, and decided against them. They had better, in his opinion, meet the subject on its merits, than rely on their speeches worked up into the form of a report in one of the committee-rooms of the Senate.

Mr. CLAYTON was not anxious for the passage of this resolution; but, in answer to a remark from the gentleman from Missouri, [Mr. BENTON,] that it was easy to tell what kind of a report the Committee on the Judiciary, to whom the resolution was proposed to be referred, would make, he could say, for his own part, that, if the gentleman could tell, it was more than he himself could. The question involved in this resolution was totally distinct and separate from the one that had received the action of the Senate, and did not necessarily involve the right of expunging. It was to inquire whether any legislation was necessary for the safe-keeping and protection of the Journals. The gentleman from Missouri said that the Judiciary Committee was divided as four to one. The division to which the gentleman alluded was well understood. He referred, doubtless, to the honorable Senator from Pennsylvania, [Mr. BUCHANAN,] as the dissenting one. He did not know what evidence the gentleman from Missouri had of the opinion of the gentleman from Pennsylvania on the subject. That gentleman, at the last session, had voted in favor of striking out the word "expunge" from the expunging resolution; and if the Senator from Missouri [Mr. BENTON] knew that he was prepared to reverse his vote now, it was more than he (Mr. C.) was aware of. He (Mr. C.) did not think the Senator from Missouri could point out where any gentleman on the committee had expressed himself on the point embraced in this resolution, relative to legal enactments.

Mr. CALHOUN observed, that this proposition, as had been well remarked by the Senator from Delaware, was totally dissimilar to the expunging resolution introduced by the Senator from Missouri. It proposed an examination by the Committee on the Judiciary into the expediency, not only of protecting the Journals of the Senate, but of all the other public records; and it was to protect them, not only against the action of this body, but against that of every other person. As it was, any stranger might deface or obliterate the public records with perfect impunity. It was true that the movement of the Senator from Missouri was the occasion of his offering this resolution; but this was no reason why the deficiency he had alluded to should not now be supplied. He wished to call the attention of the Senate and the public to the subject. He had no idea that this resolution could arrest the one offered by the Senator from Missouri, which must come up long before it; his object was a general one, and applied to all the public records as well as the Journals of the Senate. He had no reference to the resolution of the Senator from Missouri in offering his resolution; but at the same time he must say that he had no idea that the Senate had the slightest power to mutilate the Journal, which belonged, not to them, but to the people of the United States.

Mr. WALKER said that there was at least one objection to the motion, as it now stood, of the Senator from South Carolina, [Mr. CALHOUN,] which he thought it proper to state to the Senate. That motion asked to be considered, by a committee of the Senate, "the expediency of providing proper measures for the safe-keeping of the Journals of the two Houses." Now, are we not attempting by this motion to assume jurisdiction in relation to a matter over which we have no constitutional control? The Constitution says:

"*Each* House shall keep a Journal of its proceedings." What right, then, has the Senate to direct the proper measures for the safe-keeping of the Journal of the other House? Each House is to keep a Journal only of its own proceedings; what right, then, have we to direct the method in which the other House shall keep its Journal? The Constitution requires two Journals to be kept, one by each House; Journals that are distinct and separate; Journals that the Constitution requires to be kept distinct and separate, and by different journalists; and yet we are asked to blend these Journals into one by a new species of political fusion, and direct the mode in which the other House shall keep its own Journal, in defiance of a clear constitutional provision, conferring upon each House separately the sole prerogative of keeping its own Journal. This distinction cuts deeper into the question of the expunging resolutions now before this body, and conceded to be sought to be reached by this motion, than perhaps the gentleman from South Carolina supposes. This distinction, sought to be broken down by the adoption of this motion, demonstrates that each House has the exclusive control over its own Journal, and can alone direct the manner of keeping the Journal of its own proceedings. The manner of keeping each of these Journals is to some extent designated by the Constitution; and the very distinction which Mr. W. said he had alluded to demonstrated that, to keep a Journal of our proceedings, meant only to note down an account of our proceedings from day to day; for, had the constitutional provision related to the preservation of a Journal of both Houses after it was made, it would not have left this direction to the mere naked operation of a separate rule of each House, after the Journal of the two Houses was made. The whole direction is to make a Journal, and the manner in which that shall be done is directed by the Constitution; each House is to make its own Journal of its own proceedings; it is then to publish that Journal. The direction is to publish, not to preserve, unless, indeed, publishing the Journal was considered the best mode of preserving the Journal. Had the direction, indeed, been to Congress to keep a Journal of its proceedings by the operation of some law to be made in pursuance of a constitutional injunction, then, indeed, might there have been some ground to contend that, to keep a Journal, meant to preserve a Journal already made. But, as the Constitution now stands, every moment that the Secretary is noting down our proceedings here, from day to day, he is fulfilling for us the constitutional injunction upon the subject of keeping a Journal. If this clause in the Constitution had any other meaning, and some law were required upon a subject that is confided to the exclusive separate authority of each House, it is most extraordinary that the discovery is just now made, after the lapse of nearly half a century since the adoption of the Constitution. No law is required; none can be made, to direct the manner in which we shall keep our own Journal. But the resolution of the gentleman from South Carolina contemplates "legal enactments"—enactments which that gentleman has conceded are designed to operate upon this body, and to prescribe the mode in which it shall keep its own Journal—legal enactments to interfere with a subject confided by the Constitution to the exclusive separate control of each House. Mr. W. denied the constitutionality of any such enactment. This direction as regards keeping a Journal was, in that section of the Constitution, designating only the separate powers of each of the two Houses, not their legislative powers in their joint capacity as the Congress of the United States. As well might you attempt to legislate as regards our sole power to judge of the qualifications of our own members, or the determination of our own rules of proceeding, as to regulate by law the manner in which we shall keep our own Journal. Mr. W. said he should therefore oppose the adoption of this resolution.

Mr. EWING, of Ohio, rose and said that the resolution of the Senator from South Carolina proposed to inquire into the propriety of preventing, by legal enactments, the expunging or disfiguring of our Journal by any person whatever, and surely this could not be regarded by the gentleman from Mississippi [Mr. WALKER] as a violation of the Constitution.

Mr. WALKER explained that the resolution of the gentleman from South Carolina went further, at least to the safe-keeping of the Journals of the other House, with which we had nothing to do; and as regards any legal enactments in regard to our own Journal, it was conceded by the gentleman from South Carolina that his object in this resolution was to prevent by law any expunging of our own Journal by any order even of this body; that he sought to regulate by law the manner in which we should keep our own Journal; and, therefore, the object thus embraced in this resolution was at least so far unconstitutional.

Mr. EWING, of Ohio, in reply to Mr WALKER, observed that it was not very easy to see how a general law for the preservation of their Journal could be a violation of the Constitution. As was well said by the Senator from South Carolina, there was no provision in the common law which protected the public records from injury, because the common law did not apply to the Union. An individual might be punished for destroying the records of that body, but as for a contempt; and that could not be done if the act was committed while they were not in session. The views of the Senator from South Carolina and his resolution did not affect the expunging resolution of the Senator from Missouri. With regard to what had been urged by the Senator from Mississippi, he would say that neither the Senate nor the other House could pass a resolution affirming or denying the correctness of the Journals of either; but how a law, passed by both Houses for the mutual security of their records, could be considered a violation of the Constitution, he was yet to learn. If the Senate had the constitutional power to obliterate their Journals, their order to their Secretary would justify him in doing so; but if the Senate possessed no such power, then their order would not exempt him from punishment for the obliteration, should such a law as that contemplated by the Senator from South Carolina be passed. The public records of all the States (Mr. E. said) were protected by statutes; and, if it was thought necessary to preserve them in such a manner, it surely would be thought more necessary to protect the records of the General Government.

Mr. SHEPLEY here moved to lay the resolution on the table; and this question was decided in the affirmative—yeas 19, nays 15; as follows:

YEAS—Messrs. Benton, Cuthbert, Ewing of Illinois, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Shepley, Tallmadge, Walker, Wall, and Wright—19.

NAYS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Mangum, Moore, Robbins, Southard, Swift, Tomlinson, and White—15.

LAND CLAIMS IN MISSOURI.

The bill to confirm certain land claims in Missouri, and for other purposes, was read the third time and passed.

DISTRICT CITIES.

The bill for the relief of the three corporations of the District of Columbia was read the third time, when

Mr. NORRIS observed, that this was a measure which he looked upon to be one of some importance, and he was desirous of recording his vote on the final question taken on it. He therefore asked for the yeas and nays on the passage of the bill.

The yeas and nays having been accordingly ordered, the bill was passed by the following vote:

YEAS—Messrs. Clay, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Kent, King of Alabama, King of Georgia, Linn, Nicholas, Porter, Preston, Rives, Robbins, Southard, Tallmadge, and Walker—17.

NAYS—Messrs. Black, Calhoun, Hill, Hubbard, Morris, Niles, Shepley, Swift, Tomlinson, and Wright—10.

BILLS ORDERED TO BE ENGROSSED.

The bill to authorize the Bloomington, Leavenworth, and other railroad companies, to locate their roads through the lands of the United States, and

The bill to extend the time for issuing scrip to satisfy revolutionary bounty land warrants, were severally considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

PATENTS FOR PUBLIC LANDS.

The bill to give effect to patents for the public lands issued in the names of deceased persons, was considered: but after a debate, in which Messrs. EWING, BLACK, CLAY, and WALKER, took part, and before taking any question,

On motion by Mr. BLACK, the Senate adjourned over to Monday.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 25, 1836.

Mr. WILLIAMS, of North Carolina, from the Committee on Public Lands, reported the following bills; which were read twice and committed:

A bill for the relief of certain exiles of Poland; and

A bill granting an additional quantity of land to satisfy Virginia military land warrants, &c.

Mr. MARTIN moved to reconsider the vote whereby the bill from the Senate to regulate the United States courts in Alabama was ordered to a third reading, for the purpose of having the bill recommitted to the Committee on the Judiciary, so to amend it as to remove existing objections.

The motion to reconsider was agreed to, and the bill was recommitted.

Mr. HAYNES, from the Committee on Indian Affairs, reported a bill for the relief of Poas Hadgo; which was read twice and committed.

Mr. CASEY, from the Committee on Public Lands, reported a bill for the relief of Daniel Malone; which was read twice and committed.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill authorizing the President of the United States to cause experiments to be made to test the practicability and utility of a fire ship invented by Uriah Brown; which was read twice and committed.

Mr. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of A. T. Crew; which was read twice and committed.

On motion by Mr. WHITTLESEY, the Committee on Claims, in consequence of the accumulation of business, obtained leave to sit during the sessions of the House.

INCENDIARY PUBLICATIONS.

Mr. HALL, of Vermont, (a member of the Committee on the Post Office and Post Roads,) rose to submit a report, previous to which he wished to make a remark or two. It would be recollected, (said Mr. H.,) that the President, in his last annual message, had called the attention of Congress to the subject of transmitting incendiary documents through the United States mails. That part of the message had been referred to the Post Office Committee, and a decided majority of the committee had come to the conclusion that Congress had the constitutional power to act upon this subject. The majority, however, had not agreed to recommend any particular measure, some preferring to await the action of the Senate, who had the same matter under consideration, and others differing in the precise mode in which a report should be made to the House. He did not complain of the course of the majority. The minority were of opinion, that Congress possessed no constitutional power over the subject, and were prepared to submit their views to the House.

The minority were peculiarly situated. The arguments of the President, the Postmaster General, and a distinguished Senator, [Mr. CALHOUN,] had gone out to the community. No opportunity had offered to those entertaining different views to reply to this official and senatorial array. For reasons stated, no report had been made by the Post Office Committee; and, lest the motives of the minority of that committee should be misconstrued, he would send to the Chair the views of that minority, and would move that the paper be laid on the table and printed.

Mr. SPEIGHT inquired of his colleague, the chairman of the committee, [Mr. CONNOR,] if the majority of the committee had determined to make a report on this subject; or whether any action had taken place in committee which would authorize the report proposed to be offered by the gentleman from Vermont?

Mr. CONNER (chairman of the committee) was not aware, until the gentleman from Vermont had got half through his remarks, that it was the intention of the minority of the committee to present their views to the House. He did not object individually to this course, however much it might be out of order. The important subject alluded to had occupied much of the time and attention of the committee. He did not desire to go into a minute detail of the proceedings of the committee. He would say, however, that about two weeks since the subject had been laid on the table; and, although he could not say certainly, yet he trusted that the majority would shortly be able to make a report. It had required but one vote for weeks and months past to enable them to report. He repeated, that the course which the gentleman from Vermont [Mr. HALL] had taken was unknown to him until he had heard a part of his remarks that day. He believed it was also unknown to the other members of the committee, with perhaps two or three exceptions. Nothing had been said in the committee about a report from the minority. He was desirous that something should be done. Six of the nine members of the committee were of the opinion that the Constitution warranted legislation on the subject; and the only difficulty which had occurred was as to the details of the bill which should be reported. The course of the gentleman from Vermont was novel and unprecedented in legislation, so far as his experience went. In conclusion, he repeated the hope, that a majority of the committee would ere long be able to unite upon some specific measure, and report the same to the House.

Mr. SPEIGHT had accomplished his object. The course of the gentleman from Vermont was most unprecedented. A minority, before any final action on the part of the committee, had stepped forth with a report, not only in advance of any report from the majority, but before any decision of the committee upon the subject before it. He, therefore, objected to the reception of this paper.

Mr. BRIGGS, being a member of the committee, desired to say a few words, in order to remove any false impressions as to the action of the committee on this subject. There had been no collisions, no discord, nothing to interrupt the good feelings which had existed in the committee. He was proceeding to state particularly the course of the committee upon the subject to which reference had been made; when

Mr. WILLIAMS, of North Carolina, rose to a question of order. He desired to know what was the question before the House?

The CHAIR said that no question could be debated unless in possession of the House; and this document, not having been received, could not be discussed. The paper, not being in the character of a report from a committee, could only be received by leave of the House.

Mr. BRIGGS asked leave to proceed in his remarks; which was objected to.

Mr. HALL moved to suspend the rules, to enable him to submit the paper to which he had referred; which was negatived.

REPORTS FROM COMMITTEES—AGAIN.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Francis Taylor, deceased; which was read twice and committed.

Mr. CRANE, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of William H. Smith, deceased; which was read twice and committed.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of the heirs of William Pollard; which was read twice and committed.

Mr. JANES, from the Committee on Revolutionary Pensions, reported the following bills; which were read twice and committed:

A bill granting a pension to Ebenezer Dewey;

A bill granting pensions to Benjamin Parkhurst and Daniel Havens; and

A bill granting a pension to Jonas Comins.

Mr. INGHAM, from the Committee on Commerce, reported the following bills; which were read twice and committed:

A bill for the relief of Nathan Smith and others; and

A bill for the relief of Winthrop Sears and others.

Mr. GILLET, from the Committee on Commerce, reported a resolution for printing two thousand extra copies of the bill to fix the compensation of custom-house officers.

The motion under the rules lies over one day.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, reported a bill for the relief of Benjamin Hewitt; which was read twice and committed.

Mr. BEALE, from the Committee on Invalid Pensions, reported a bill for the relief of Joseph Ruland; which was read twice and committed.

Mr. CHAPMAN, from the Committee on Public Lands, reported the following bills; which were read twice and committed.

A bill for the relief of Joel Chandler; and

A bill to repeal in part, and amend an act appropriating certain relinquished and unappropriated lands granted to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers.

Unfavorable reports upon various petitions were made by Mr. MARTIN, from the Committee on the Judiciary; Mr. OWENS, from the Committee of Ways and Means; Mr. JARVIS, from the Committee on Naval Affairs; Messrs. CHAMBERS, of Pennsylvania, and HUNTSMAN, from the Committee on Private Land Claims; Messrs. LAY and JANES, from the Committee on Revolutionary Pensions; Messrs. WHITTLESEY and BANKS, from the Committee on Claims; Messrs. CRANE and MUHLENBERG, from the Committee on Revolutionary Claims; Mr. MASON, of Virginia, from the Committee on Foreign Affairs; Mr. BEALE, from the Committee on Invalid Pensions; and by Mr. CHAPMAN, from the Committee on Public Lands.

Mr. CHAPMAN, from the Committee on Public Lands, reported, without amendment, the bill from the Senate to authorize the Pensacola and Perdido Railroad and Canal Company to open a road and cut a canal through the public lands.

Mr. CHAPMAN moved that the bill be read a third time.

Mr. WILLIAMS, of North Carolina, moved to commit the bill to a Committee of the Whole House.

After a few explanatory remarks by Mr. CHAPMAN, on motion by

Mr. BYNUM, the House proceeded to the consideration of the orders of the day.

NORTH CAROLINA CONTESTED ELECTION.

The House then, pursuant to the resolution adopted on Saturday, the 19th of March, proceeded to the consideration of the special order, being the report of the Committee of Elections on the contested election for the twelfth congressional district of North Carolina.

The report of a majority of the committee was in favor of the petitioner, David Newland, and concluded by the following resolution:

"*Resolved*, That James Graham is not entitled to a seat in this House, and that David Newland is entitled to a seat in this House."

Mr. GRAHAM moved the following amendment thereto:

Strike out all after the word "Resolved," and insert the following:

"That the depositions which have been communicated to the House by the Speaker, and laid on the table, since the report of the Committee of Elections was made, wherever taken upon due notice, shall be received by the House as testimony in this case," [concluding with the names of the voters.]

Mr. G. modified his motion by moving the foregoing amendment as an addition to the resolution of the committee.

Mr. GRAVES was entitled to the floor, but gave way to

Mr. HARD, who moved that the report be committed to a Committee of the Whole House.

Mr. HARD addressed the House at length in support of his motion, and in opposition to the views of the majority of the Committee of Elections. He thought that the motion would be sustained not only by the minority of the Committee of Elections, but by the honorable gentlemen who composed the majority of that committee. His object was to have the report of the Committee of Elections so amended as to show on its face the distinctive legal propositions affirming on what the committee came to their decision. He considered such a course not only due to the committee, but to the House, who were acting in the capacity of the highest judicial tribunal known under the Constitution. They were acting in the character of a judicial body; and, while acting in that character, was it not important that the decisions which they were to make should be on propositions distinctly and clearly set forth? Mr. H. here referred to the opinions of Chancellor Kent in respect to legislative bodies acting on known principles and laws in the decision of such cases. As the House was acting in a judicial capacity, their decision ought to be given with clearness; and he considered the report of the committee very defective in many of its parts. He did not make this motion out of any disrespect to the majority of the committee, and he called upon them, as members of the committee, to assist him in presenting it before the House in such a manner as the House, in deciding, might establish principles of law which would reflect honor on the House and on the committee. He called on gentlemen to look at the situation of the report before them, and they would see its defects. He said, unfortunately for all, the committee in their examination had not kept that systematic record which they ought to have kept, and the House was kept somewhat in the dark in consequence thereof. Mr. H. said he had taken a brief minute of their proceedings, and would call attention to a few of the facts. The first decision which the committee came to was, that all hearsay evidence should be excluded. Now, every one knew that that proposition was the best and the only one that could be adopted in the taking of evidence; but he had searched the report in vain to discover that proposition, although all well knew that it was described before the committee. Now, suppose, at the next session of Congress, a contest should arise from the same State, and subject to the same laws, they would look to the present as a precedent, and they should want to point to the laws to establish facts—where would they find them? They would find hearsay evidence, but no distinctive laws.

Another of the decisions of the committee was, that where disqualified voters were discovered they were to be stricken from the poll, yet in the report of the majority no such principle or proposition could be discovered as presented to the committee, or settled by them. Another proposition was submitted and decided, which he had searched for in vain in the report, which was, that no person's vote was to be received who had voted out of the county in which he resided. Now, Mr. H. contended, that, if the House adopted this report, they would leave all the points of law in doubt and uncertainty. He had heard it said on that floor and elsewhere, by members of that body, that the report of the majority of a committee was *prima facie* evidence of the facts contained in it; and that when such report was made it carried on its face high authority—such authority as to enable them to act and decide. If the report was of that high character, was it not absolutely necessary that it should be clearly and distinctly made out? If the report should misstate the state of facts, and if important facts were left out, would the House not be led astray by the statements contained therein? might they not be led into errors? Mr. H. here went into an examination to show that the majority of the committee in their report had mistaken and misstated a fact in relation to a protest submitted by the sitting member.

The committee, also, in their report, state, when the sitting member asked for further time, that they could find no precedent for granting further time, therefore they refused the application. Now, Mr. H. had been so fortunate as to find some six or eight cases in which further time had been granted to take testimony; in some cases one month had been allowed, in others two, and in others again three months had been allowed. Such misstatements, he contended, were calculated to mislead the House. Another reason why it should be amended was, that the committee had

stated and appended to their report a list of votes which they say had been proven by hearsay to be bad votes given to Graham; and when you look to the report of a majority you ought to expect a fair and full disclosure of the facts, as well for one as the other of the parties. These were, no doubt, unintentional errors, but still they were made. He submitted, then, to the House, whether the report should not be committed to a Committee of the Whole, both to save time, and to have it corrected and settled judiciously and legally.

Mr. BOYD rose to reply to some matters of fact. The gentleman had stated that mention was not made in the committee's report of a decision that no votes would be received of a person voting out of the county in which he resided. Now Mr. B. believed it was in the report, with the reference to the laws of North Carolina on the subject. In relation to the hearsay testimony, the petitioner wished to have stricken from the sitting member's poll certain voters of this description, but the committee refused this as inadmissible. The committee set aside all testimony that came before them in the character of hearsay evidence, and received none except such as was positive. The gentleman had complained of a discrepancy in relation to the protest of the sitting member. Mr. B. had only to remark that, if the majority of the committee had not done the sitting member greater injustice than in relation to this, he should feel gratified indeed. The gentleman had also said that the majority had appended to their report a statement from the petitioner of a number of votes which he claimed ought to be stricken from the sitting member's poll, under hearsay testimony. Mr. B. said the list was appended, and he wished to be permitted to state that not only the list, but every other document which they could get hold of, was inserted into the report, both for and against the petitioner. In the committee they went on with their examination from the commencement under the rule laid down, that none but positive testimony should be received, leaving out all other; they went on taking notes, but not deciding in the case, until at length it was agreed that the documents should be submitted to the parties for the purpose of their making out an abstract of such testimony as they could rely upon. Before that nothing was heard about further time; but after they had investigated the testimony, the sitting member came forward and asked further time. The object in submitting the testimony to them was to have them make out an abstract of the case. The petitioner furnished an abstract, but the sitting member was taken sick; and the committee waited upon him in the hope of getting an abstract. He was too weak at that time to make it out, and it was delayed ten days or two weeks, the committee still waiting. The sitting member came in eventually with another protest instead of an abstract, and this protest was the one the gentleman had complained of as not being added to the report. They had searched for that and some other testimony at the time the report was made up, but it was nowhere to be found. Mr. B. wanted to append that very document to the report, but could not find it.

Mr. HARD wished to call the attention of the House to another fact. The committee had received some five or six votes as legal votes which were not on the poll-book at all.

Mr. BOYD resumed. The gentleman had complained about hearsay testimony. Now it was well known that the committee did not investigate hearsay testimony at all. The committee had decided against every description of hearsay evidence. At the time the petitioner presented his abstract, the sitting member, instead of presenting an abstract, presented another protest against the receivability of some of the evidence; and he had said that that protest could not be gotten hold of by him, or it would have been appended to his report. The gentleman from New York [Mr. HARD] had informed him afterwards that he had it, and would append it to the report of the minority.

Mr. HARD said he recollected the papers were in his possession. He had taken them to his room for the purpose of examining them, but did not recollect of the gentleman's inquiry of him in regard to them.

Mr. BOYD resumed. The gentleman [Mr. HARD] had complained of the majority of the committee having recognized the polls as evidence of the highest authority. These (said Mr. B.) were the register of the votes, called scrolls; and, being imperfect, had not been regarded alone as the highest description of authority.

Mr. B. hoped the subject would not be committed, for such a course was only designed to cause delay. He desired the fullest and strictest investigation into the testimony relied upon by the committee; and he was well assured that but one result would ensue—a confirmation of their report. If it were committed to the Committee of the Whole House, it never would be terminated, neither that session nor in the ensuing one.

Mr. B. was about, he said, to go into a brief history of the case, when

Mr. MAURY interposed, and raised a question of order, whether a motion to commit, which was the pending one, opened the whole merits of the question?

Mr. SPEIGHT remarked, that the gentleman was probably not aware that the motion was to commit with sundry instructions, and these instructions probably opened the whole merits of the case.

The CHAIR so decided, that the instructions did open the merits of the case.

Mr. BOYD proceeded, and entered into a brief statement of the acts of both parties, from the time the petitioner gave the sitting member notice of his intention to contest his seat, on the 2d of October, up to the time of the testimony being submitted to the committee. With regard to the admissibility of the testimony taken subsequently to the report, he was opposed to it; and was further of opinion that no testimony should have been considered which was taken after the meeting of Congress: but no application was made for further time till about the middle of January. This application was made, it should be borne in mind, after the party making it had had an opportunity of examining all the testimony, and knowing that it was insufficient to enable him to retain his seat. This was one act of the committee which Mr. B. thought they were censurable for; for his opinion was, that neither party should have been made acquainted with what the report would be. The sitting member had suffered upwards of sixty days to elapse before he made his application for further time, until he discovered what the report of the committee would be. His request was then unreasonable, and ought not to have been complied with. The case having been therefore closed, he thought the additional testimony ought not now to be received. That motion had for its object, and was in effect nothing else than to procure further time to hunt up testimony, an application the House had refused by its vote of Saturday last.

Mr. HOAR desired further information on certain points he had not heard touched upon, before he was able to give a reason for his vote. He confessed that he was unable to perceive any good ground on which the question, from the facts before the House, could be settled. What were they? The election took place on the 13th of August, and on the 29th of October the petitioner gave notice that he should contest the sitting member's seat.

Mr. BOYD said, the 2d of October.

Mr. HOAR. Well, he gave notice on the 2d that he should proceed on the 29th of October. Look at the character of this notice. It stated neither the reason nor the grounds for the contest. Nor did it contain the names of the witnesses, or the kind of testimony expected from them? Upon referring to the report, he found that the petitioner had continued taking depositions up to the 2d day of December, after the sitting member must have left for Washington. Again, the election taking place on the 13th of August, the petitioner had the advantage of all the interval of time between the day of election and the close (the 29th) of the month of October. With all these disadvantages, the sitting member entered into the investigation, and presented a protest against the admission of certain testimony, which was not decided upon by the committee till the 14th of January, and then that gentleman asked for further time. He (Mr. H.) would then ask the committee whether, without a physical possibility of knowing the evidence against him, the sitting member should be debarred from producing all the testimony he could in his own favor? He was at a loss to understand the principle upon which the majority of the committee had come to the conclusion they had; and, until he did, he could not sustain it. Testimony had been taken by the petitioner since the sitting member left home; and some opportunity should be afforded to rebut it, otherwise great injustice would be done him.

Mr. BEARDSLEY said there might be great force in the remark of the gentleman from Massachusetts, that the sitting member's case had suffered by the petitioner having taken evidence since he (the sitting member) left home, if that gentleman had rested his defense upon that ground. If he had come to the House, and stated that he was taken by surprise by the evidence taken since he left home, that would have presented a different case. But the sitting member was asked, when the subject of time was up some time ago for discussion, whether he desired time to take new evidence of which he had knowledge, or to hunt up evidence; and the gentleman distinctly answered, that he did not ask time to discover new evidence, but to take evidence of which he was privy. No complaint had ever been heard from the gentleman, that he was taken by surprise at the depositions taken since his departure from home. No complaint of this nature had been heard from him in the House, nor, as far as the report showed, in the committee.

Mr. WISE remarked, that politicians were not good judges of contested elections; but when lawyer politicians became judges then there was no expectation of either truth or justice. He was himself not swayed by party in this case; indeed he could not be, for he understood that both gentlemen came out before the people for the same candidate he supported, (Judge White.) He complained that the most material party in this case was forgotten, the people; and the whole had been treated as a case of *meum* and *tuum*, between A B and C D. Now, the question was, not one between Graham and Newland, but whom had the people elected? He understood the object of the motion then pending to be, to bring in the testimony taken since the report of the committee was made. These depositions were understood to vary, materially vary, the report of the majority of the committee, and he could conceive no reason why they should not be admitted. Could a decision of the Committee of Elections set aside the constitution and laws of North Carolina? That would be the effect of affirming the decision of the committee if the additional testimony were taken pursuant to those laws. But the decision of the committee, that these gentlemen should not have further time, did not assert that they should take no further depositions. He asked the gentleman at the head of the majority of the committee if such were not the fact?

Mr. BOYD admitted that the decision of the committee applied only to the application for further time.

Mr. WISE then proceeded at length to contend for the admissibility of the subsequent testimony; and referred to the practice of law and equity courts, which, under analogous circumstances, would, he contended, decide in its favor. Justice to the people of North Carolina required that the House should not pronounce a decision, in which their rights and interests were involved, without having all the evidence before them. Mr. W. stated that he had heard from good authority that there were tens and fifties of bad votes, not reported either by the majority or minority of the committee: and this was another reason why the House should have every tittle of the testimony before them. He reiterated that that House was an unfit place to try the case of a contested election, especially in view of a presidential election, and he could already foresee and prophesy how every vote would be recorded in the present case. He referred to the case of Moore and Letcher, as having been debated exclusively on party grounds. He admitted that he was himself unfit to decide the question; and it was from that consciousness and from the scenes he witnessed around him on that occasion, that he had voted

to refer it back to the people. What he did in that case, he should do in the present—vote to refer it back to the people, and let them decide.

Mr. ANTHONY remarked, that it had been evident for some time, that there was a continued and labored attempt to make this a party question by some gentlemen there; and he need only refer to the various motions that had been made from time to time, in proof of the fact; but he earnestly appealed to the House to set aside party feelings on this question.

Mr. A. went into a history of the proceedings as detailed in the report of the committee, at some length, to show that there was no necessity to commit or recommit the subject, and entered into an elaborate argument in support of the views of the majority.

Mr. PEYTON appealed to the gentleman from New York to withdraw his motion, and thus bring the question on the additional testimony immediately before the House.

Mr. HARD accordingly withdrew it.

The question then recurred on the amendment of Mr. GRAHAM to add the resolution before indicated to admit the additional testimony.

Mr. GRAVES moved an adjournment, but withdrew it, to enable the Chair to present a communication from the Secretary of War, in answer to a resolution of the House of the 21st instant, transmitting a report of the Topographical bureau, containing a survey of the route of a canal from Well's river to Burlington, Vermont; which was referred to the Committee on Roads and Canals.

The House then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 26, 1836.

The House resumed the consideration of the bill from the Senate to authorize the Pensacola and Perdido Railroad and Canal Company to construct a railroad through the public lands; the motion pending being that of Mr. WILLIAMS, of North Carolina, to commit the bill to a Committee of the Whole House.

Mr. WILLIAMS, of North Carolina, said that, having had some conversation with the gentleman who had reported the bill from the Committee on Public Lands, [Mr. CHAPMAN,] he had come to the conclusion to withdraw his motion to commit.

The CHAIR then announced the question to be on the third reading of the bill.

Mr. PARKER inquired if there was a quorum in the House.

The CHAIR counted the members; when it appeared that 117 were within the bar—no quorum.

Mr. PARKER moved a call of the House; which was negatived.

Upon a second count, one hundred and twenty-two members, being a quorum, were found to be in attendance.

The bill above referred to was then read for information.

Mr. HARDIN moved to amend the bill by striking out one hundred and eighty feet as the width granted for the construction of the road, and inserting eighty feet in lieu thereof. Mr. H. stated that the amendment which he had proposed was assented to by the Delegate from Florida, [Mr. WHITE,] who was not then present.

Mr. CHAPMAN should have objected to the amendment, as calculated to defeat the objects of the bill; but as the Delegate from Florida was understood to acquiesce in the amendment, he would be disposed to yield his own opinion on the subject. He repeated, however, that he considered the amendment as fatal to the objects of the company.

Mr. MERCER remarked that the charter of the company required that the road should be only eighty feet in width. The argument of the gentleman from Alabama [Mr. CHAPMAN] would only go to show that the company had accepted an impracticable charter. The Baltimore and Ohio Railroad Company occupied a width of only twenty feet. It was proposed to give the company, under the bill before the House, eighty feet, which he deemed amply sufficient.

Mr. RIPLEY said, as there were several similar applications from Louisiana for the privilege of constructing railroads through the public lands, he hoped that the present question would not be decided in a manner to make it an injurious precedent. Experience had shown that considerable more space than the mere width of the railways was necessary, in order to erect depots, &c. The committee had reported in favor of granting a width of two hundred feet to the Carrolton railroad in Louisiana. This, he contended, was not too much. The lands in the vicinity of the Perdido were comparatively worthless; and to stickle about a proposition which looked to the construction of a great thoroughfare like the one proposed, was unworthy of Congress.

Mr. R. adverted to the enhanced value of the adjacent public lands, owing to the construction of railroads. The lands in the vicinity of the Atchafalaya railroad were not previously worth one dollar per acre. Since the location of the road, they had risen to fifteen or twenty dollars. He would not say that there was any jealousy on the part of members, but particular scruples seemed to exist on this subject. He was decidedly opposed to the proposed amendment, unless the Delegate from Florida preferred that it should prevail.

Mr. HARDIN remarked that the bill gave to this company, in the character of an "incorporated hereditament," a tract of country sixty yards in width, and, perhaps, two or three hundred miles in length. If there was only one project of the kind, it might not be an object of so much importance; but there were numerous applications for similar grants. In this case the charter gave a width of eighty feet, when twenty were enough. The Delegate from Florida was content with eighty feet.

Mr. H. desired to see this charter. He wished to know if it afforded the United States a fair chance to transmit the mails, munitions of war, &c. He did not want these to be carried free, but upon reasonable terms, and without the power of extortion. This was a charter, not of that House, but was granted by the Legislative Council of Florida. Perhaps not five members in the House had ever seen this charter, and they ought not to act without knowing whether it sufficiently guarded the interests of the United States. He concluded by calling for the yeas and nays on his motion to amend.

Mr. MERCER was authorized by the Delegate from Florida to move the same amendment as the one which had been proposed by the gentleman from Kentucky.

Mr. RIPLEY was perfectly satisfied, after the declaration of the gentleman last up.

Mr HARDIN withdrew the call for the yeas and nays.

Mr. PARKER thought that time had been wasted in discussing a bill which had never been before the committee to which it rightly belonged. He would therefore move, that the bill be committed to the Committee on Roads and Canals. There was another bill, on the same subject, which he should also move be committed to the same committee.

Mr. CHAPMAN opposed the commitment. He had not seen the charter of this company, but presumed it was properly guarded, so far as the rights of those immediately interested were concerned. He entered into a defense of the system of improvements, by means of railroads, in the South, which he considered had been assailed by the gentleman from Kentucky, [Mr. HARDIN,] and also into the propriety of complying with the applications for right of way through the public domain.

Mr. MERCER was opposed to the commitment. He believed the subject should not originally have been referred to the Committee on the Public Lands; but to send it now to a different one would be a reflection upon the committee which heretofore had charge of it.

Mr. BOON (chairman of the Committee on Public Lands) had no pride in reference to the cognizance of this bill. He felt particular interest in regard to the precedent which might be made in this case. Mr. B. adverted to the large appropriations for railroads and other improvements which had been made by the Legislature of Indiana. If the views of the gentleman from Kentucky [Mr. HARDIN] were to prevail, it would be tantamount to denying to the new States the privilege of opening such communications as were demanded by the commercial operations and the growing prosperity of that portion of the country. The committee had, in several cases, reported bills granting a width of one hundred and fifty feet for those thoroughfares. This, he contended, was not too much, particularly when it was recollected that the value of the lands in the vicinity were greatly enhanced by the improvement.

Mr. GRENNELL said that the bill involved important interests, and should not be passed in a hurry, without such information as to enable them to vote intelligently. He adverted to the large grant which was proposed in the bill, as a reason why they should act understandingly on the subject. He desired to know from the chairman of the committee whether the charter of this company was before the committee; and, if so, what were its provisions, as it was to form the basis of legislation.

Mr. BOON, in reply, said, that the charter was not before the committee. The bill had, in committee, been given in charge to the gentleman from Alabama, [Mr. CHAPMAN,] who was best acquainted with the proposition.

Mr. DAVIS moved to commit the bill to the Committee on Roads and Canals, with instructions to provide for the transportation of the United States mail on the proposed railroad, by an amendment not contravening the rights of the company.

Mr. RIPLEY felt considerable solicitude on this subject, representing, as he did, a part of the country where three of these companies had been incorporated, and had made similar applications for the privilege of constructing their roads through the public lands. Railroads were now the order of the day in the South. He contended that two hundred feet in width was not too much in that section, when it was recollected that the products transported upon those roads were of a bulky description. He again adverted to the enhanced value of the public lands on account of the opening of railroads, and the unprecedented amount of revenue now derived from that source. He apprehended it was believed, by many of the members, that a part of these grants would be applied to other objects, for the erection of houses, laying off towns, or other speculating purposes. This could be easily remedied by an amendment prohibiting the use of the lands granted for any other than public purposes.

After a few suggestions by Messrs. PARKER and DICKERSON, the bill was, on motion by Mr. CASEY, committed to the same Committee of the Whole to which a similar bill from the Senate had been committed.

REPORTS FROM COMMITTEES.

Mr. LAY, from the Committee on Revolutionary Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of Job Daniel; and

A bill for the relief of Daniel Trabue.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill in addition to an act entitled "An act to regulate the pay of the Navy of the United States;" which was read twice and committed.

Mr. CARR, from the Committee on Private Land Claims, reported a bill for the relief of Stephen Lalanda; which was read twice and committed.

Mr. GILLET, from the select committee on gold coins, reported a bill directing the fabrication of certain gold coins; which was read twice, its further consideration postponed until Monday week, and ordered to be printed.

Mr. CARTER, on leave, presented certain testimony in a case pending before a committee of the House; which was referred.

On motion by Mr. A. H. SHEPPERD, the House proceeded to the consideration of the orders of the day, the contested election for North Carolina.

NORTH CAROLINA CONTESTED ELECTION.

The House then, pursuant to the resolution adopted on Saturday, the 19th of March, pro-

ceeded to the consideration of the special order, being the report of the Committee of Elections on the contested election for the twelfth congressional district of North Carolina.

The report of a majority of the committee was in favor of the petitioner, David Newland, and concluded by the following resolution:

"*Resolved*, That James Graham is not entitled to a seat in this House, and that David Newland is entitled to a seat in this House."

Mr. GRAHAM moved the following amendment thereto:

Strike out all after the word "Resolved," and insert the following:

"That the depositions which have been communicated to the House by the Speaker, and laid on the table, since the report of the Committee of Elections was made, wherever taken upon due notice, shall be received by the House as testimony in this case," [concluding with the names of the voters.]

Mr. G. having modified his motion by moving the foregoing amendment as an addition to the resolution of the committee, and

Mr. HARD having withdrawn his motion to commit the two reports and the additional testimony to a Committee of the Whole House,

Mr. GRAVES, who was entitled to the floor, gave way to

Mr. RENCHER, who said he had a series of resolutions to propose as an amendment to the resolution of the committee, which would bring the whole subject substantially and in detail before the House; and he asked his colleague [Mr. GRAHAM] to withdraw his amendment, as the propositions he (Mr. R.) intended to submit would embrace it.

Mr. GRAHAM accordingly withdrew his amendment: and

Mr. RENCHER submitted the following:

1. *Resolved*, That the depositions which have been communicated to the House by the Speaker, and laid on the table since the report of the Committee of Elections was made, whenever taken upon due notice, will be received by the House as testimony in this case.

2. *Resolved*, That the five votes taken from the commons' box at the Franklin precinct in Buncombe county, and counted for the petitioner, ought not to be counted.

3. *Resolved*, That the three votes which were stricken from the petitioner's roll by the judges at Asheville, in Buncombe county, because it appeared by the return of the judges from the Henderson precinct, that those of the votes given the petitioner were given by voters living in Yancey county, and which have now been added to his poll by the committee, ought not to be allowed.

4. *Resolved*, That two votes, (to wit: Robert Lankford and George Barkley,) stricken from the roll of the sitting member by the committee, on the ground that they voted out of their proper county, ought to be restored, because there is no proof that they lived out of the county in which they voted.

5. *Resolved*, That two votes, (to wit: Moses Pace and Andrew Morrison,) which were proven by parol testimony to have been given for James Graham, out of the county in which they reside, and on that account have been stricken from his poll by the committee, ought to be restored, because it does not appear from the poll books themselves that either of these men voted at the election.

6. *Resolved* That William H. Milton ought to be stricken from the poll of the petitioner, because it appears that he had not paid a public tax.

7. *Resolved*, That the five votes found on page six of the report, which have been counted for the petitioner, but which were not given in at the polls, ought not to be counted.

8. *Resolved*, That there is no evidence that these men were qualified to vote, not having lived in the county where they offered to vote twelve months immediately preceding the day of election, as required by the constitution of North Carolina, or that they tendered their votes as required by the law of that State.

9. *Resolved, therefore*, That ———— is entitled to a seat upon this floor as a Representative from the twelfth congressional district of North Carolina.

Mr. RENCHER did not submit these resolutions for the purpose of making a speech thereon, but simply for the purpose of bringing the subject before the House in such a manner, as they might vote on each separate proposition. He therefore asked a division of the question so as to take the sense of the House on each of the resolutions; and by the time they came to the ninth resolution it would be decided who was entitled to the seat. He hoped that the House would take each proposition by yeas and nays, so that the country might know the opinion of the House on each of the propositions submitted.

Mr. BYNUM hoped the House would not receive an individual one of the propositions submitted by his colleague, [Mr. RENCHER.] If the House had any regard for its own dignity or the interests of the country, it would not consent to receive those propositions. If gentlemen look but one moment, they would perceive that the case presented a striking similitude to one of the most extraordinary cases ever before the House: he meant the case of Moore and Letcher. It was within the recollection of the members of that House what were the consequences of departing from the known rules of parliamentary precedents. He asked what committees were formed for, if not to examine subjects of that kind in detail, and after examining the various details, to come to one general result, to report the facts to the House, and then call upon the House to sanction or reject their report? He asked if the House would attempt to deviate from that rule? If they did they would find it perfectly impracticable to get through with the subject. If the House had commenced examining the subject in detail, he ventured to predict that two thirds of the session would have been consumed in the consideration of that one single subject. If those propositions were to be kept before the House, and each one in the House was to consume as much time in arguments thereon as had already been consumed in committee, they would not adjourn before the meeting of the next Congress. Every one must recollect the immense time consumed in the committee, where there were only nine members to raise arguments; and if the subject was to be examined in detail in the House, where there were two hundred and forty, he asked what the consequence would be? Much had been said about responsibility in the House, and he now called on gentlemen to come up to meet the responsibility. He hoped the House would not attempt to sanction a proposition with a view of merely calling off attention from the main question.

The CHAIR said it was not in order to impugn the motives of the gentleman who submitted the motion.

Mr. BYNUM said he merely spoke of the proposition, without reference to the motives of the gentleman.

Mr. RENCHER inquired if his motion to amend was out of order?

The CHAIR said it was not out of order.

Mr. BYNUM resumed. He knew the gentleman had a precedent for his motion, but that precedent had met the universal disapprobation of every impartial member of that House. The House had set the precedent which it was proposed they should follow, by attempting to examine in detail the Moore and Letcher case, and after taking the yeas and nays some half a dozen or a dozen times, they found themselves involved in an inextricable difficulty, and their proceedings a perfect medley of inconsistency. What was the result? In order to get clear of the whole subject, they agreed to ward off the responsibility, and refer the subject back to the people of Kentucky. He hoped this would not be the case on the present occasion. He hoped the House would decide, as a body of its character ought to decide, upon the validity or invalidity of these reports. If the majority in their report had drawn wrong conclusions, let the minority show that the majority's report was erroneous, and the House would have independence enough to decide that it was erroneous; but he hoped the House would not go back, and retrace the grounds the committee had just passed over. He said he was prepared to show some of the most extraordinary inconsistencies of the minority of the committee ever committed by any set of men; then, if they intended to act, let them compare the reports, and judge of them, and if the report of the majority could be substantiated, then they could strike out the majority's report. He anticipated a motion to draw them off from the general conclusion, and render action on the reports nugatory. Such a course might be adopted when the House thought the committee had done wrong; but he hoped the House would not sanction this proceeding in this instance. Mr. B. inquired if the question could be further divided?

The CHAIR said the motion to strike out and insert was indivisible.

Mr. HARDIN said, the gentleman from North Carolina [Mr. BYNUM] seemed to be apprehensive that the dignity of the House would be compromitted by adopting the propositions then before them. Now, there seemed to be five votes which the committee had given to the petitioner, not because these persons did actually vote for him, but because they intended to vote for him, and were refused the privilege by the judges of the election. Would the dignity of the House be compromitted by considering a proposition to strike them off? He thought not. Again, at one of the election precincts, it appeared there were five votes received for the petitioner, which were not on the poll-book at all. There were only one hundred and forty-five votes polled, yet there were counted one hundred and fifty, in consequence of there being five votes in the commons' box for the petitioner. These votes were admitted by the committee. But, he contended, if such votes were to be received, then almost every man might vote twice. Another was, that the committee had set out with the intention of receiving no hearsay testimony; yet some of their most material facts were decided upon hearsay evidence; and it was necessary for the House to have some such propositions as those then before them, to come to a correct conclusion. They had the right to make such propositions, and they would claim the right to have a vote of the House upon them unless cut off by the previous question; and they were all equally mindful of the honor and dignity of the House and the nation. Mr. H. referred to the case of the Moore and Letcher contested election of last year, stating that some gentlemen had voted inconsistently.

Mr. HAWES rose to a point of order. He did not consider the gentleman in order in alluding to votes of gentleman on a former occasion, and he took down and sent to the Chair the words of the gentleman.

The CHAIR decided that the gentleman had a right to refer to the case of Moore and Letcher, if by so doing he intended to apply it to the present case.

Mr. HARDIN was glad to hear that he was not out of order. He was merely replying to the remarks of the gentleman from North Carolina, [Mr. BYNUM.] Mr. H. then went on to state several instances in the Moore and Letcher case, in which the committee had stricken out votes given for Mr. Letcher, but the House afterwards inserted them; after which it was found that Mr. Letcher was ahead. After this, Mr. H. said, some gentlemen who were on that committee voted that they could not decide which of the gentlemen were entitled to the seat.

The CHAIR said if it was the gentleman's purpose to apply the former to the present case, it would be in order, but that it would not be in order to re-examine the case of Moore and Letcher.

Mr. HARDIN resumed. It did seem to him that it was utterly impossible to decide the present case in any way unless in the manner proposed. Some of the propositions he would vote for, and perhaps some of them he could not vote for. It appeared that there were several grave legal questions settled by the committee, and it was necessary that the House should examine them, and see if they were correctly settled; besides, he did not want any evidence taken, except such as was of the most positive character.

Mr. MERCER said they were then sitting, as a court of justice, for the purpose of deciding an important cause—a cause in which, not only the rights of the people of North Carolina, but the rights and dignity of the people of the United States, were involved. He considered the propositions before the House as the best that could be adopted. He did not consider that they could arrive at just conclusions in any other way than by considering and deciding upon independent propositions. He alluded to the Virginia Legislature, in which similar propositions were brought forward in similar cases, and there they never had any difficulty in coming to just conclusions, and in coming to them speedily. He wished for the present to have distinct propositions laid down and settled, that in after times some correct principles might be left to be referred to by those who might succeed them.

Mr. THOMPSON, of South Carolina, would be glad if the House should take the course indicated by the resolutions then before them. He wished to have an opportunity of voting on those propositions separately; on some of them he might vote for the petitioner, but on others he could not; and,

therefore, he desired to have the opportunity of voting on them separately. He was astonished that any gentleman should object to the first resolution, for it appeared to him that they ought to receive all the evidence legally taken. He compared the report of the committee to the report of a commissioner in chancery, and argued that the better manner would have been to refer it back to the committee. It was not the parties there which were concerned, but the people of the twelfth congressional district of North Carolina who were interested, and on these grounds he argued that, no matter how great the laches of the sitting member might have been, yet they ought to grant further time. But the sitting member had shown that he had written to some of his agents, in which he was disappointed in getting their services, therefore he would receive the indulgence of any righteous judge upon earth. But the application was, that the testimony now on your tables be received, so that every man might make up his mind understandingly and justly. This he considered a most just and reasonable proposition. The committee, no doubt, had done their duty with all the information in their power, but here was new testimony which had come in since the report had been made, and he wanted all the evidence which could be procured. The evidence might make him decide in favor of the petitioner, or it might make him decide in favor of the sitting member. However that might be, he wanted to receive it. He also wanted to vote separately on the five votes spoken of; and if the final result was to be effected by those five votes, he should be in favor of sending the election back to the people.

Mr. McKAY was glad these distinct propositions had been presented, for he supposed he might infer that they presented the points upon which the sitting member's case relied. Mr. McK. referred to a brief of the testimony distributed by the sitting member, and to various depositions in the report of the committee, into a minute examination of which he went, and produced the original poll-book, or scroll, of Buncombe county. It appeared that the latter was imperfect, and that persons had voted whose names were not now found on it. The returns showed that Graham received one hundred and twenty at Flat Rock; Newland, ninety-five; whereas the poll-book contained only two hundred and fourteen names. He also pointed out some other discrepancies or *hiatus* therein.

Mr. RENCHER asked if that was the original poll-book, or a mere copy?

Mr. McKAY replied that he understood it was the original.

Mr. RENCHER thought they were the sheriff's copies.

Mr. GRAHAM remarked that they had protested against the admissibility of those poll-books.

Mr. McKAY replied that they were the original records, taken out of the clerk's office. He remarked that these records were not of the value or authenticity some gentlemen seemed to think, for they were never preserved by the clerk. Mr. McK. then proceeded into a minute examination of several cases embraced in the report, and the depositions relating to Moses Pace, Samuel Blackwell, Thomas Dorton, Robert Lankford, George Barklay, Andrew Morrison, and William H. Runion.

Mr. WISE, having examined the poll of Flat Rock, interposed, and remarked there was a still more material variation which the gentleman had overlooked. It stated that Graham had received one hundred and twenty votes, and Newland ninety-five; making two hundred and fifteen; but the sum total at the end, stated the number of votes to be two hundred and fourteen, being one less than the number returned. But this was not all: Mr. W. had counted over the names, and found there were only one hundred and fourteen; the numbers opposite the names were correct up to fifty-six; but the next number began with one hundred and fifty-seven, and so ran on, making the return one hundred or one hundred and one more than it should have been.

Mr. McKAY proceeded: That made no difference in the result. He agreed with one of the propositions of his colleague, [Mr. RENCHER,] and that was, that the five votes found in the commons box, having the name of David Newland on them, which were taken therefrom, placed in the congressional box, and counted for Newland, should be stricken off the petitioner's poll. He had no doubt the judges had done it innocently and conscientiously, but they had done wrong, and were not authorized to do so by the constitution and laws of North Carolina.

He also concurred with his colleague, that the constitution required a residence in the county twelve months preceding the day of election. He agreed, in sum, with his colleague, [Mr. RENCHER,] that the above-named five votes should be stricken from the petitioner's poll; also, the three votes for Newland in Yancy county, stricken off by the judges at Ashville; and that a twelve months' residence in the county was indispensable. Mr. McK. then entered into a detailed reference to the depositions, applying the principles of the foregoing propositions of Mr. RENCHER, which brought out a majority for the petitioner, testing it by one rule of four and by another of two votes. If, however, the subsequent testimony should be held admissible by the House, the sitting member would then have a majority and be entitled to the seat.

Mr. HAMER remarked that gentlemen had expressed their surprise at the course taken there by others, but Mr. H. was equally surprised at some remarks that had fallen from gentlemen themselves. One gentleman had said he did not consider himself qualified to decide this question. He believed he was not misrepresenting the gentleman, and he found it so reported in one of the morning papers, [the Globe.]

Mr. WISE. What I said was this: I do not consider myself "fit" to decide this question, nor do I consider the gentleman from Ohio "fit" to decide it.

Mr. HAMER, then, did not misunderstand the gentleman. A great deal (remarked Mr. H.) had been said about party, and party considerations. He would ask any gentleman to look over the lists of yeas and nays already taken in this case, and in the case of Moore and Letcher, or any other case of a contested election in high party times, and he would appeal to his candor to say whether party considerations were to be found on one side alone? It would, however, be sufficient to turn to the yeas and nays on the proposition to fix Thursday last for the time of going into the consideration of this subject. If gentlemen would talk about party, it would be seen which side it was who voted to a man on party considerations, and which it was that crossed the line. He himself held, that party considerations ought not to weigh in a case like this; and they all agreed in this, though there were parties in this country, as well as in others, who professed one thing and practiced another. Why should they be so repeatedly told by gentlemen on one side that party considerations were to govern them, while it was said in the same breath that both gentlemen were on one side, and in favor of the same candidate for the Presidency?

Mr. WISE explained. He had spoken cautiously and guardedly. He had understood that, in their canvass before the people, both gentlemen had avowed the same principles, but he knew not what might have been the effect of the magician's wand since then.

Mr. HAMER knew only from what he had heard, that he himself stood in the political relation to both parties, they being both politically opposed to Mr. H. He had, then, no party influence to govern him, and he could not conceive why party considerations should govern any one in deciding this question.

To recur to the history of this question since it had come from the committee: altogether it had been before the House nearly four months, and from the committee since some time in February; and they had already been one or two weeks engaged in the discussion of preliminary points. Now, let him ask, had they decided a single question, or progressed one step? They had not. He held this to be a question that ought to be decided before any other, being one of the most grave and weighty that could come up for consideration. Suppose an important measure were to be decided by the vote of the gentleman from North Carolina now in his seat, and the decision the next day should be against him; that law would go into force without having the sanction of the majority of the popular branch of Congress. This he mentioned as a case that might happen; and it certainly showed the importance of as speedy a decision upon questions bearing upon the organization or the vitality of their body as possible, or as was consistent with a due examination of the testimony adduced.

Mr. RENCHER raised a question of order, on the ground of the irrelevancy of the gentleman's course of remarks on the propositions then pending.

The CHAIR said it was impossible for him to see in what manner the gentleman intended to illustrate the subject; but the whole merits of the case being open, he conceived the gentleman to be strictly in order.

Mr. HAMER proceeded. He was replying to what had been thrown out by gentlemen who had preceded him. Mr. H. then entered upon a review of the resolutions of Mr. RENCHER, which were said to be intended to show on what principle the House should come to its decisions. This he showed to be impossible, from their vague and indefinite character; and even what they did express were mere truisms.

Mr. H. then proceeded to examine the additional testimony presented on the part of the sitting member, which he argued to be inadmissible in any court of law in the country, not only for want of due form, but from being purely *ex parte*. Its reception would militate against every principle of law established and recognized throughout the country.

Mr. WISE here rose to a point of order, on the ground that any argument on the subsequent depositions was irrelevant to the point before the House at that time.

The CHAIR was of opinion that the gentleman was in order, inasmuch as one of the propositions then before the House referred to the reception of this very testimony.

Mr. HAMER proceeded to show the *ex parte* character of the testimony in question. This was the very ground assumed by the sitting member in his protest, (p. 21, 22,) and by the minority of the committee, (p. 18,) in objecting to a portion of the petitioner's testimony. In one place the sitting member set forth the hardship of his being compelled, by a moral obligation, to be here at the commencement of the session, and objected to any testimony taken after he set out; and yet, after this, he applied for time to take further testimony, which must necessarily have been in his absence, and taken under the very circumstances against which he had previously protested. Now, the petitioner had a right to be governed by the same moral obligation to come here, believing himself to be the true representative of the people of the twelfth congressional district, as the sitting member. The testimony then subsequently taken was purely of an *ex parte* character, and ought not to be received. He mentioned another circumstance. It was well known that, in all ordinary cases of taking testimony, a day's journey varied from twenty to thirty miles; while the sitting member had served notices on the petitioner to take testimony, five hundred and fifty miles distant, in eleven days from time of serving of the notice, and this in the very depth of winter. But the petitioner was not bound to regard the notices at all; for Mr. H. held that, from the moment the proceedings commenced in the Committee of Elections, that moment the trial commenced, and the subsequent acts of the committee were a progression of the trial. He adverted to the fact of no application for further time having been heard from the sitting member, until he knew the report was made, and made unfavorable to him. Mr. H. was willing and desirous to have all the light that was possible; but let it come from all sides, and let each party be placed on an equal footing. The sitting member came away from North Carolina, refusing to attend further to his own case, and then objected to all testimony taken in his absence, though he now wished to bring in testimony taken, not only during the petitioner's absence, but taken at a time when the petitioner could not possibly have been present. Surely that was not a correct principle. He was for

giving each party a fair and equal opportunity of taking depositions and cross-examining witnesses.

A great deal had been said about the House being governed by legal rules of evidence. This, Mr. H. admitted, to a certain extent should be the case; but their first principles should be to do justice, and that promptly. This duty devolved upon them by the Constitution; and the House had not yet acted with that promptitude required of them. He then dwelt at some length upon the character of the resolutions of the gentleman from North Carolina, [Mr. RENCHER,] and concluded by expressing a hope that no further time would be wasted in discussing mere incidental points about the admissibility of evidence, but that they would come up and meet the main question itself. He made this appeal to gentlemen on all sides. Mr. H. then adverted to the case of Moore and Letcher, which had been decided upon grounds different from those assumed by some gentlemen. [Mr. H.'s remarks will be published *in extenso* as soon as they can be written out.]

Mr. WILLIAMS, of North Carolina, here moved an adjournment; and

Mr. VANDERPOEL asked for the yeas and nays; which were ordered.

Mr. MERCER hoped the hour would be noted on the Journal.

[It was then four o'clock.]

At the request of Mr. BYNUM, Mr. WILLIAMS withdrew his motion to adjourn; and

Mr. BYNUM inquired of the Chair what would be the situation of this question if they adjourned without taking it that night? and if it would not give place to all the other business on the Speaker's table?

The CHAIR replied that that would be the case.

Mr. GRAVES said: Whilst I claim to be influenced by proper motives, and feel that I am as much bound to deal out equal justice to both parties as though I had gone to the table of your Clerk, sir, and taken a solemn oath in the presence of my God to try this case according to law and evidence; yet I candidly admit what I believe to be true in reference to the feelings of every member of this House, that I have desired, since my attention was first directed to this subject, to be enabled from the testimony in this case, if I could conscientiously, to give my vote in favor of him whose opinions approach nearest mine on the subject of the presidential election, inasmuch as that election may come into this House, and the vote of North Carolina may depend on who shall fill the contested seat.

Mr. WILLIAMS, of Kentucky, then moved to suspend the rules for the purpose of proceeding with the consideration of the report of the Committee of Elections, giving it the preference, from day to day, over all other business, until it was disposed of.

Mr. BRIGGS asked for the yeas and nays, which were not ordered; and the motion to suspend, taken by tellers, was negatived—ayes 92, noes 77; not two thirds voting in the affirmative.

Mr. MERCER then renewed the same motion, and asked the yeas and nays thereon.

Mr. UNDERWOOD moved an adjournment, remarking that the motion could as well be made on Monday as then.

Mr. VANDERPOEL asked for the yeas and nays; which were ordered; and the motion to adjourn was negatived—yeas 83, nays 110.

Mr. MERCER then moved the suspension of the rules for the purpose of enabling him to offer a resolution giving this subject the preference over all other business on Monday and Tuesday next, unless sooner disposed of; and on that motion Mr. M. asked the yeas and nays, which were ordered.

This question was also decided in the negative—yeas 96, nays 92; not two thirds voting in the affirmative.

Mr. GRAVES being then entitled to the floor—

Mr. HOPKINS asked the gentleman to yield it for a moment while he made a motion which he thought would meet the approbation of all sides of the House. If the gentleman would give way for a moment, he (Mr. H.) would move a suspension of the rules for the purpose of submitting a proposition which he hoped it would be the pleasure of the House to adopt. It was as follows:

Resolved, That the contested election from the twelfth congressional district in the State of North Carolina, be made the order of the day for Monday next, to the exclusion of all other business for that day, for the especial purpose of affording to the sitting member and petitioner a further opportunity of submitting to this House such remarks in relation to the said contested election as they, or either of them, may think proper.

Mr. GRAVES refused to yield the floor for the purpose indicated, and replied that, from the manifest indisposition of the House to adjourn, he wished to conclude the very few remarks he had to make, and the gentleman might then make his motion. Mr. G. then proceeded to address the House, and expressed a hope that party considerations would not be brought to bear upon it, but that it would be decided according to the principles of right and justice. He appealed to the majority of the House, after suffering some weeks to be spent on the preliminary question, to allow this discussion to go on at least two or three days longer. Mr. G. was proceeding to reply to Mr. McKAY, when he gave way to

Mr. CHAMBERS, of Kentucky, who moved a call of the House; which was ordered—ayes 74, noes 67.

Mr. WILLIAMS, of North Carolina, moved an adjournment; and

Mr. LANE asked for the yeas and nays; which were ordered; whereupon

Mr. WILLIAMS withdrew his motion.

The call of the House was then proceeded in for some time; when, on motion by

Mr. HAWES, its further proceedings were dispensed with; taken by tellers—ayes 92, noes 62.

Mr. GRAVES then resumed, and proceeded to reply to Messrs. McKAY and HAMER, and in opposition to the report of the Committee of Elections; and, after proceeding a short time, he again gave way to

Mr. CALHOON, of Kentucky, who moved an adjournment; and

Mr. HAWES asked for the yeas and nays; which were ordered; and the question being taken, the House again refused to adjourn—yeas 79, nays 103.

Mr. MASON, of Virginia, then moved a suspension of the rules, for the purpose of offering a resolution to make this subject the special order of the day for Monday next, from and after twelve o'clock on that day. Mr. M. briefly explained that he had been given to understand that the sitting member wished to address the House, but that he was then indisposed. [Mr. GRAHAM was in his seat on the floor.]

The motion to suspend the rules was not agreed to—ayes 86, noes 85; not two thirds in the affirmative.

Mr. GRAVES resumed his remarks, and, after proceeding some time, again gave way to

Mr. HARD, who moved an adjournment; and

Mr. HAWKINS asked for the yeas and nays; which were ordered; and the House again refused to adjourn—yeas 74, nays 101.

Mr. GRAVES then resumed, and addressed the House till twenty minutes after eight o'clock; when he again gave way to

Mr. CALHOON, of Kentucky, who moved an adjournment.

Mr. VANDERPOEL asked for the yeas and nays; which, being ordered,

Mr. CALHOON withdrew the motion to adjourn.

Mr. GARLAND, of Virginia, moved a suspension of the rules for the purpose of enabling him to move that this subject be made the special order for Monday next. He remarked that he made this motion to accommodate the sitting member, who was then indisposed, as he was informed, and wished to address the House.

[Mr. GRAHAM was still in his seat at the time the motion was submitted.]

Mr. PEYTON wished the gentleman so to modify his motion as to permit the sitting member and the petitioner *only* to address the House on Monday, and that, as soon as they had concluded, the question should be taken on each proposition separately.

Mr. GARLAND replied, that he would merely make the motion to suspend, and, if permitted by the House to submit his resolution, the gentleman might then move his amendment.

Mr. PEYTON asked for the yeas and nays on the motion; which were ordered.

The motion to suspend was then negatived—yeas 91, nays 95.

Mr. CALHOON, of Kentucky, then renewed the motion that the House adjourn, and asked for the yeas and nays; which were ordered; but the House again refused to adjourn—yeas 81, nays 105; and

Mr. GRAVES continued his remarks for a few moments, chiefly in reply to Mr. ANTHONY, and then sent a document to the Clerk's table to be read. The document in question was some election case in Maine.

Mr. CAMBRELENG objected to the reading; and

Mr. GRAVES moved for the reading, and asked for the yeas and nays; which were ordered; and the motion was agreed to—yeas 106, nays 76.

Mr. ANTHONY raised a question of order, whether the gentleman could read, or cause to be read, such a document as this in refutation of an argument of Mr. A.'s yesterday, on the main question before the House. The document was a case from Maine, and did not apply to his argument in reference to the course pursued in Pennsylvania.

The CHAIR said, the gentleman had sent a book to the Clerk's table containing a report, which he desired to have read, or in part, and the House had determined by its vote that it should be read, and the Clerk would read it under that order.

The Clerk accordingly read an extract from the case.

Mr. GRAVES then resumed, and was proceeding to comment, with some severity, on the conduct of those gentlemen who had voted against the motion he had made, when he was called to order by several members, and the Chair pronounced him to be out of order.

Mr. G. then proceeded, and again recurred to the arguments of Messrs. HAMER and VANDERPOEL, &c.; but very little of what he said could be heard. At the end of about half an hour, he again gave way to

Mr. JOHNSON, of Louisiana, who moved an adjournment; and

Mr. GILLET asked for the yeas and nays; which were ordered; and the motion was rejected—yeas 82, nays 107; so the House refused again to adjourn; and

Mr. GRAVES again proceeded, and read various extracts from the printed depositions in the report of the Committee of Elections. At eleven o'clock Mr. G. gave way, apparently without concluding, to Mr. CALHOON, of Kentucky, who commenced addressing the Chair. The speech of Mr. GRAVES, and the various motions to adjourn, taken by yeas and nays, had occupied the House upwards of seven hours, Mr. G. having commenced at half-past three o'clock.

Mr. CALHOON, of Kentucky, who was in possession of the floor, after a few remarks gave way to

Mr. WISE, who remarked, that as the gentleman was a young member, he would move an adjournment.

Mr. PEYTON asked for the yeas and nays, which were ordered; and upon taking the question there were—yeas 80, nays 107; so the House refused to adjourn.

Mr. CUSHMAN rose and addressed the Chair, for the purpose, he said, of demanding the previous question.

The CHAIR decided the gentleman from Kentucky [Mr. CALHOON] to be entitled to the floor.

Mr. CUSHMAN remarked, that the gentleman from Kentucky had spoken, and given way to another gentleman.

The CHAIR said, that to give the gentleman from Kentucky the floor under the circumstances, was in conformity with the courtesy and practice of the House, and he therefore reiterated his decision in favor of that gentleman.

Mr. CUSHMAN said he would not press the point, and withdrew his motion.

Mr. CALHOON then, at about half past eleven o'clock p. m., proceeded to address the House. He said he could have no party predilections in

this case, for he was equally opposed to the politics of both gentlemen, as he was equally opposed to Judge White and Mr. Van Buren. He then went into an examination and review of the proceedings in the committee, and the details of their report; and, though believing that the sitting member had a clear and decided majority, he preferred sending the election back to the people, so as to place it out of the reach of president-makers and party influences. Mr. C. spoke till within a few minutes of twelve o'clock; when

Mr. LAWLER raised a point of order, that it was not lawful to continue the sessions of the House after twelve o'clock on Saturday night, so as to break in upon the Sabbath.

The CHAIR replied, that this question had once before been raised within his recollection, and decided. At the first session of the Nineteenth Congress the question was raised at twelve o'clock on the last night of the session, which was on a Saturday; and it was within the memory of the Chair, as well as of other members present, that the then Speaker decided that, as a question of order, there was no difficulty about it; that, during the war, Congress had in fact sat all day, or through all the day, on the Sabbath, and passed a large number of important bills. The Chair, however, upon the present occasion, would not undertake to say whether it was in order or not for this discussion to continue, and would leave it for the House to determine.

Mr. LAWLER then took an appeal from what he understood to be the decision of the Chair, and asked the reading of the resolution fixing the hour of meeting at eleven o'clock each day. Mr. L. argued the point for some ten or fifteen minutes, that twelve o'clock having elapsed, it was then the Sabbath; and being a *dies non* for legislation, further discussion ought to be arrested at that time.

The point was debated for some time between Messrs. LAWLER, UNDERWOOD, PEYTON, and ADAMS, the last gentleman concluding by a motion to adjourn.

Mr. WISE then raised another point of order, that, as the gentleman from Kentucky [Mr. CALHOON] was in possession of the floor when he was arrested by the other point of order, no motion could be made to adjourn until that gentleman yielded the floor.

The CHAIR overruled the last point, on the ground that a question of order always interposed, if made, in the discussion of every question, and that the motion to adjourn was always in order.

Mr. REED then asked for the yeas and nays on the motion to adjourn; which were ordered.

Mr. UNDERWOOD hoped the hour would be recorded on the Journal; and he moved an amendment to the motion to that effect.

The CHAIR remarked that a motion to adjourn was not susceptible of amendment; but he supposed there would be no objection to the time of night being entered on the Journal, and he would direct the Clerk to note it.

Mr. MASON, of Virginia, appealed to Mr. ADAMS to withdraw his motion, to enable Mr. M. to renew the motion he had before attempted to make, to proceed with this subject on Monday next.

Mr. ADAMS refused; and the question being taken, the House rejected the motion to adjourn—yeas 83, nays 95.

The question then recurring upon Mr. LAWLER's appeal from the decision of the Chair,

Mr. HAWES moved to lay it on the table.

Mr. CALHOUN, of Massachusetts, asked for the yeas and nays; which were ordered.

Mr. LAWLER then withdrew his appeal; consequently the motion of Mr. HAWES fell; and then

Mr. LAWLER renewed his appeal; but the Chair decided that now the gentleman from Kentucky [Mr. CALHOON] was entitled to the floor on the previous subject.

Mr. ADAMS appealed from that decision, and

Mr. HAWES moved to lay that appeal on the table.

The CHAIR having stated the grounds of his decision, and Mr. ADAMS having withdrawn his appeal,

Mr. LAWLER renewed his original appeal against the power of the House to continue its sittings after twelve o'clock on Saturday night, and argued the point for some ten or fifteen minutes.

Mr. HAWES demanded the previous question on the appeal; and

Mr. ADAMS made a few remarks against the right of the House, or of the majority, under the circumstances, to continue in business at that hour.

Mr. EVANS them moved an adjournment; and

Mr. PEYTON called for the yeas and nays; which were ordered—(it was then one o'clock, a. m.)—and the House again refused to adjourn—yeas 80, nays 95.

The question then recurred on seconding the motion for the previous question on the appeal, which was taken by tellers; and ninety-six gentlemen being counted off in the affirmative, a wish was expressed from several quarters of the House that the *noes* be not counted; when

Mr. ADAMS rose, and said he hoped they would be counted, and it would then be seen if a quorum would vote.

Accordingly, only nineteen gentlemen then passed between the tellers, making—ayes 86, noes 19; no quorum.

Mr. ADAMS, who had not voted, rose and said he denied the right of this House to compel him to vote on the Sabbath day.

Mr. HAWES moved that the gentleman from Massachusetts be excused from voting.

Mr. ADAMS. I do not ask to be excused.

Mr. LAWLER then moved an adjournment.

Mr. BOYD asked for the yeas and nays; which were ordered.

The question was then taken, (but in consequence of what took place, the vote was not announced till long afterwards,) and the motion was again rejected by the House—yeas 54, nays 95.

On calling over the roll, Mr. ADAMS had refused to answer to his name, and

Mr. WISE rose and moved that the rules of the House be enforced, and that the member from Massachusetts be thereupon compelled to vote.

After some conversation between the CHAIR, Mr. HAMER, and Mr. WISE, on the point,

Mr. BEARDSLEY remarked that, understanding the gentleman from Massachusetts had conscientious scruples about voting at that time, he moved that the gentleman be excused by the House.

Mr. ADAMS said he did not desire to be excused, nor did he refuse to vote upon the ground assumed by the gentleman from New York. He had no conscientious scruples on the subject; for if the public business demanded, he would sit there throughout, and till midnight of the Sabbath: but he held that the House had no right to sit there at that hour, without first passing an express order, setting forth that the public business demanded it, or could not be dispensed with.

Mr. PEYTON then addressed the House for about half an hour, commenting with great severity upon the motion of the gentleman from New York, and the inconsistency of his course in being there then after midnight, and his refusal to vote after that hour, on the last night of the last session of Congress. Mr. P. was several times called to order, both by the Chair and by the House. He spoke till a few minutes after two o'clock.

Mr. BEARDSLEY said that, as he perceived he had misapprehended the member from Massachusetts, and as the gentleman did not refuse to vote upon conscientious scruples, he withdrew his motion in relation thereto; whereupon

Mr. MERCER moved that the member from Massachusetts be not required to vote.

Mr. BYNUM then rose, and, after a few remarks, renewed the motion to make the subject of the contested election the special order of the day, in preference to all other business, on Monday and Tuesday next.

Mr. WISE. I object to that motion, sir; I wish the motion pending before the House to be decided before any other.

Mr. MERCER then withdrew his motion for the purpose of submitting the latter motion; whereupon

Mr. WISE moved that the gentleman from Massachusetts be required (subsequently modified by him "compelled") to vote, and addressed the House at some length in reply to Mr. BYNUM. In the course of his remarks he was called to order by the latter gentleman, and an altercation of an angry and painfully personal character ensued, which was arrested by the House.

Mr. MERCER interposed; and after a few remarks and suggestions by Messrs. MERCER, PEYTON, THOMAS, JOHNSON of Kentucky, ADAMS, ALLAN of Kentucky, LAWLER, THOMPSON of South Carolina, and HOWARD, both the gentlemen explained, and made their acknowledgments to the House, which had unanimously required that the controversy should there end.

Mr. LAWLER then withdrew his appeal; and

Mr. DAVIS asked leave to move that the subject of the contested election for North Carolina be made the special order of the day, in preference to all other business, from and after one o'clock on Monday, and twelve o'clock on Tuesday, unless sooner disposed of; which motion, by general consent, was put and agreed to.

On motion by Mr. BRIGGS, the House then adjourned at half past four, a. m.

IN SENATE.

MONDAY, *March* 28, 1836.

Mr. GRUNDY presented some additional testimony in support of the claim of John Hogan for a pension; which was referred to the Committee on Pensions.

Mr. BUCHANAN presented the petition of a number of citizens of Philadelphia, praying for the erection of a new custom-house; which was referred to the Committee on Commerce.

Mr. B. also presented the petition of Charles Frazier Sebbald, of Philadelphia; which was referred to the Committee on Claims.

Mr. McKEAN presented the memorial of sundry merchants and others of the city of Philadelphia, praying for an increase of the compensations of the custom-house officers; which was referred to the Committee on Commerce.

Mr. McK. also presented the resolutions of the Legislature of Pennsylvania, instructing their Senators, and requesting their Representatives, to vote for the bill to distribute the proceeds of the sales of the public lands among the States; which was laid on the table.

Mr. McK. also presented the proceedings and resolutions of a public meeting, held at Union Town, Pennsylvania, on the subject of the Baltimore and Ohio railroad; which was ordered to be printed, and referred to the Committee on the Post Office and Post Roads.

Mr. HENDRICKS presented a remonstrance of three hundred and forty citizens of Wayne county, Indiana, against the proposed change in the Cumberland road, by way of Dayton and Eaton; which was referred to the Committee on Roads and Canals.

Mr. WRIGHT presented the petition of sundry citizens of Brooklyn, New York, praying a repeal of the duty on coals; which was referred to the Committee on Finance.

Mr. PORTER presented the memorial from a number of merchants of New Orleans, praying for the erection of a new custom-house for that city; which was referred to the Committee on Commerce.

REPORTS FROM COMMITTEES.

Mr. BENTON, from the Committee on Military Affairs, reported a bill to increase the military establishment of the United States; which was read, and ordered to a second reading.

Mr. BLACK, from the Committee on Naval Affairs, reported a bill for the relief of Elizabeth Richards; which was read, and ordered to a second reading.

Mr. MORRIS, on leave, introduced a bill to prohibit the sales of the public lands, except in limited quantities to actual settlers; which was read twice and referred.

RESOLUTIONS.

Mr. WHITE submitted the following resolution; which lies on the table one day:

Resolved, That the papers and documents presented to the Senate for the purpose of procuring compensation to Dr. Alexander Tally, for corn and other supplies furnished to the emigrating Choctaw Indians, and for advances of money made by him be transmitted to the Secretary of War, with instructions to ascertain whether anything is due to the said

Tally, and if anything, how much; and whether the sum as ascertained to be due, ought to be paid by the United States or by the Choctaw Indians out of their annuity.

Mr. SOUTHARD submitted the following resolution; which lies on the table one day:

Resolved, That the Postmaster General be directed to report to the Senate, whether the cause of the discrepancy of $40,470 91 stated in reports of the accountants to the committee of the Senate, dated 3d March, 1835, as then existing in the accounts of the Treasurer of the General Post Office, has been discovered, and the said accounts finally adjusted; and if so, further to report the cause of said discrepancy, and who was the occasion thereof; and whether the balance, if any, has been paid.

BILLS PASSED.

The bill to authorize the Leavenworth and Bloomington, and other railroad companies, to locate their road through the public lands, was read the third time and passed.

The bill extending the time for issuing scrip for the satisfaction of military bounty land warrants, was also read the third time and passed.

TERRITORIAL GOVERNMENT OF WISCONSIN.

On motion by Mr. CLAYTON, the Senate proceeded to the consideration of the bill to establish the territorial government of Wisconsin, as in Committee of the Whole, when

Mr. C. submitted as an amendment, a substitute for the whole bill; and after a brief explanation from Mr. C. the amendment was accepted, and the bill was ordered to be engrossed for a third reading.

ADJOURNMENT SINE DIE.

The Senate proceeded to the consideration of the joint resolution, submitted by Mr. KING, of Alabama, assigning the 30th of May next as the end of the present session of Congress.

Mr. CRITTENDEN moved to amend the resolution, by making the day of adjournment the 20th instead of the 30th of May.

Mr. BENTON could not consent to adjourn, and leave nearly the whole business of the session undisposed of. Experience would enable every gentleman to know that in the vast amount of business before them, there were particular subjects which alone would occupy a whole month. Except those seven bills mentioned by him the other day, they might say they had been here about four months without doing any business. There was not a dollar yet appropriated for fortifications. He read an extract from a newspaper published in Pennsylvania, to show how the people were deluded by the delay of these appropriations; from which it appeared by a calculation in relation to the distribution of the surplus funds, that it was expected the proportion of that State would be upwards of two millions of dollars. This great accumulation of public moneys was on the same principle as water dammed up, in which case there would be more water above than below. Mr. B. enumerated some of the most important subjects that were to be acted on, some of which would take up half, and one or two the whole of the time allowed by the resolution. There was upwards of twenty millions to fortifications, &c., that ought alone to have been appropriated before this time; and on another subject there was five and three quarter millions, which, if the Senate carried out their pledge, must be appropriated, making a total of about twenty-seven millions; and were they to go on fixing an arbitrary day within which they could not possibly do the business? They were sent here to do the public business, and it was their duty to do it. They were not sent here to adjourn when they got tired, but to dispose of the business entrusted to them. He would join hands with gentlemen for as early an adjournment as possible, and would pledge himself to go to work as industriously as any one to effect it. But he was not willing himself, and as the friends of the Administration were now in the majority, he hoped they would not consent to adjourn and leave the business undone. He wished to go on and work industriously at the business, and as soon as they got done with it to adjourn.

Mr. CLAYTON was glad to hear that the Senator from Missouri was so anxious to go to work on the public business. The gentleman said, that the appropriation bills ought to have been passed before this; but who was to blame for the delay of those bills? Sir, (said Mr. C.,) no member of this body has retarded the appropriation bills more than the Senator himself. The debate on his fortification resolution, and on his expunging resolution, had almost expunged everything else in the Senate. There was no way that he knew of, of getting at the appropriation bills. He was agreed to lay the resolution of the Senator from Alabama, for the present, on the table; for he did not believe that they could consistently, with a due regard to the public service, fix on the day of adjournment at this stage of the session. He supposed that this expunging resolution must have its full share of debate; and he thought they had better go on, and debate it; and, when they had done, proceed earnestly with the dispatch of the public business.

Mr. CLAYTON then moved to lay the resolution on the table, but withdrew the motion at the request of Mr. MANGUM.

Mr. MANGUM hoped the resolution would not be laid on the table. He thought their former experience put it beyond all question, that the subject introduced by the Senator from Missouri would occupy them until next Christmas day, if gentlemen indulged themselves in long speeches, instead of attending to the public business. Complaints had been made, that at this late period of the session, the appropriation bills had not been acted on. But he would ask why this was so? The appropriation bills had not been brought there; and the responsibility was neither on that body, nor with those with whom he acted. What had delayed the public business? First, the resolution of the Senator from Missouri, resolving that the surplus revenue should be appropriated to the defense of the country. The mere resolving this proposition did not expedite the public business; and it would have been much better to bring in a bill that could have been acted on at once. He thought that by fixing the day of adjournment, they would expedite the business of the Senate. He was much gratified at the quarter from which this resolution for adjournment came. He looked upon it as an Administration measure, and as an evidence that they were disposed to proceed earnestly to dispatch of business, instead of wasting time in long wire-drawn debates, that were only calculated to drill political parties. Let us (said he) by fixing the day of adjournment, bring back the practice of Congress to those good old times, when the sessions were shorter, and more business was done in them.

Mr. KING, of Alabama, had fixed upon the time without consulting the Administration or any other party. If the Senate had occupied a great deal of time in debate, he would ask whether the honorable Senator from North Carolina [Mr. MANGUM] had not had his full share of it? He wanted to fix an early day, and then adapt their work to it; and in so doing he cared not where the responsibility rested. He would repeat what he had before observed, that when an early day was fixed on, speeches were shorter, and business was done as well, and with greater dispatch. He had fixed on the 30th as the earliest period within which he had thought they could get through with the business, and was rather surprised that any Senator should fix an earlier day. Had Senators, in doing so, any political object in view? He was not certain that they could get through the business by that time, (the 30th,) but he could see no reason why it should not pass the Senate; and if, when it came to receive the action of the House, it was ascertained that it was impossible to get through the business by that time, the period of adjournment could then be fixed at a more distant day. He thought they ought to go on and get through with the business without regard to party considerations. They owed it to themselves and to the country, to dispatch the business as soon as possible, and adjourn.

Mr. MANGUM referred to the Journals of last session to show that, on the last day of January, they had passed only sixteen bills; and, although it was the short session, they passed one hundred and forty bills before the adjournment. Their whole experience showed that business could be done in less time than it usually was done.

Mr. CLAYTON then renewed his motion; and the question was taken, and decided as follows:

YEAS—Messrs. Benton, Calhoun, Clayton, Grundy, Kent, Morris, Rives, Robbins, Ruggles, Southard, and Tallmadge—11.

NAYS—Messrs. Black, Buchanan, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Ewing of Illinois, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Knight, McKean, Mangum, Moore, Nicholas, Niles, Porter, Prentiss, Preston, Robinson, Shepley, Swift, Tomlinson, Walker, Wall, White, and Wright—30.

The question was then taken on Mr. CRITTENDEN's motion, and decided in the negative—yeas 21, nays 21—the Chair voting in the negative:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Ewing of Illinois, Hill, Hubbard, King of Georgia, Knight, Leigh, McKean, Mangum, Moore, Morris, Nicholas, Porter, Prentiss, Preston, Rives, Robinson, and Southard—21.

NAYS—Messrs. Benton, Buchanan, Clayton, Cuthbert, Davis, Ewing of Ohio, Grundy, Hendricks, Kent, King of Alabama, Niles, Robbins, Ruggles, Shepley, Swift, Tallmadge, Tomlinson, Walker, Wall, White, and Wright—21.

Mr. CLAY then moved to amend the resolution by making the 23d of May the day of adjournment; which motion prevailed—yeas 28, nays 14; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Ewing of Illinois, Hill, Hubbard, King of Georgia, Knight, Leigh, McKean, Mangum, Moore, Morris, Nicholas, Porter, Prentiss, Preston, Rives, Robinson, Southard, Swift, Tomlinson, Walker, and Wall—28.

NAYS—Messrs. Benton, Buchanan, Cuthbert, Grundy, Hendricks, Kent, King of Alabama, Niles, Robbins, Ruggles, Shepley, Tallmadge, White, and Wright—14.

The resolution, as amended, was then adopted—yeas 34, nays 8, as follows:

YEAS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Ewing of Illinois, Hill, Hubbard, King of Alabama, King of Georgia, Knight, Linn, Leigh, McKean, Mangum, Moore, Morris, Nicholas, Niles, Porter, Prentiss, Preston, Rives, Robinson, Shepley, Southard, Swift, Tomlinson, Walker, Wall, and Wright—34.

NAYS—Messrs. Benton, Clayton, Grundy, Hendricks, Robbins, Ruggles, Tallmadge, and White—8.

EXPUNGING RESOLUTION.

The resolution submitted by Mr. BENTON to expunge a certain resolution from the Journal of the Senate, was taken up; when

Mr. RIVES addressed the Senate at length in support of the resolution; after which,

Mr. LEIGH expressed his desire to address the Senate on the subject, and in order that he might have time to examine the precedents cited by Mr. RIVES, moved to postpone the further consideration of the subject until Monday next; which motion was agreed to.

BILLS ORDERED TO A THIRD READING.

The bill for the relief of the legal representatives and sureties of James Brobson, deceased; and

The bill to authorize the Secretary of the Treasury to compromise the claims of the United States against the Alleghany Bank of Pennsylvania; were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading.

REVOLUTIONARY PENSIONS—SPECIE PAYMENTS.

The Senate took up the bill making appropriations for the payment of the revolutionary pensioners of the United States for the year 1836; and

Mr. BENTON moved to amend the bill by adding the following as an additional section:

Sec. —. *And be it further enacted*, That no bank-note of less denomination than twenty dollars shall hereafter be offered in payment in any case whatsoever in which money is to be paid by the United States or the Post Office Department; nor shall any bank-note of any other denomination be so offered, unless the same shall be payable and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him.

On this motion a debate ensued, in which Messrs. BENTON, CLAYTON, NILES, WRIGHT, TALLMADGE, BUCHANAN, and DAVIS, took part; but without taking any question.

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 28, 1836.

Mr. STORER asked the unanimous consent of the House to permit him to offer the following resolution:

Resolved, That the select committee on the rules be instructed to inquire into the expediency of so amending the

standing rules of this House, that hereafter the session of Saturday shall expire at twelve o'clock at night; and that no part of the Sabbath shall be devoted to the business of the House, unless in case of urgent public necessity, to be previously determined by a majority of the House.

Objection being made, Mr. STORER moved to suspend the rules; and called for the yeas and nays on the subject; which were ordered, and were as follows:

YEAS—Messrs. Adams, Heman Allen, Bailey, Banks, Bond, Briggs, Buchanan, Bunch, John Calhoun, William B. Calhoon, Carter, George Chambers, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Philo C. Fuller, Galbraith, Rice Garland, Granger, Grayson, Grennell, Hiland Hall, Hard, Hardin, Harper, Hazeltine, Henderson, Heister, Hoar, Howell, Huntsman, Ingersoll, Ingham, Janes, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Love, Sampson Mason, Maury, Mercer, Morris, Pettigrew, Pinckney, Reed, Robertson, Russell, Augustine H. Shepperd, Spangler, Standefer, Storer, Taliaferro, John Thomson, Vinton, Wardwell, Whittlesey, and Lewis Williams—64.

NAYS—Messrs. Chilton Allan, Anthony, Ash, Barton, Bean, Beardsley, Boon, Cambreleng, Campbell, Carr, Casey, Chaney, Chapin, Cleveland, Conner, Craig, Cramer, Cushman, Davis, Dickerson, Effner, Fairfield, Farlin, French, Fry, William K. Fuller, Gillet, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hubley, Jabez Jackson, Jarvis, Cave Johnson, John W. Jones, Benjamin Jones, Lane, Lansing, Gideon Lee, Thomas Lee, Leonard, Logan, Loyall, Lyon, Job Mann, Manning, Martin, William Mason, Moses Mason, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Dutee J. Pearce, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Seymour, Shinn, Sickles, Smith, Speight, Waddy Thompson, Towns, Turrill, Underwood, Vanderpoel, Weeks, and Sherrod Williams—87

So the House refused to suspend the rules.

MEMOIRS OF LA FAYETTE.

The SPEAKER, on leave, laid before the House a letter from Leavitt, Lord & Co., of New York, presenting a printed copy of the private life of General La Fayette, with a request that the same be placed in the library of Congress.

Mr. CHILDS moved that the books be accepted by the House, that an entry of the acceptance be made on the Journal, and that the Speaker cause them to be deposited in the Library of Congress; which was agreed to.

PROCEEDS OF THE PUBLIC LANDS.

The House resumed the consideration of the unfinished business of Monday last, being the motion of Mr. S. WILLIAMS, of Kentucky, to refer certain resolutions of the Kentucky Legislature, in relation to the surplus revenue, to the Committee of Ways and Means, with instructions to report a bill distributing among the several States the proceeds of the sales of the public lands for the purpose of internal improvement and education.

Mr. ALLAN, of Kentucky, continued the remarks at considerable length which he commenced on a former day. He said the resolutions of the Legislature of Kentucky brought to the notice of the House a great matter which should be disposed of before the adjournment of the present Congress; he meant the distribution of the surplus revenue. One of the modes proposed for getting rid of it was by increasing the expenditures for military appropriations for the public defense. They were told that in time of peace they should prepare for war. He believed in this maxim, according to the American understanding of it, and he knew of no other way of collecting the American sense on the subject than by reviewing the administrations of this Government from its commencement down to the present time. At one time the Army had been as high as twelve thousand strong. In 1798, the provisioned army was fixed at ten thousand; it had been reduced, however, from time to time, till it only amounted at present to the number of seven thousand one hundred and eighty-nine. In 1816, Congress agreed upon a permanent system of preparing for war in time of peace, by fortifications and increasing the Navy establishment; and from that time to this, there had been expended $14,000,000 upon fortifications, and $22,000,000 for the Navy. This he conceived was going fast enough. He then recurred to the inaugural address of the present President in 1829, in which it was stated that he should not propose to enlarge the military peace establishment, and to his first message in regard to the naval establishment, in which it was stated to be the best policy to discontinue the building of ships of the first and second class.

Now, (he said,) the question was, whether they should disregard everything that had been said by the Administration formally, and support a system which would take away all the surplus revenue? He contended that it was utterly impracticable to provide for the defense of the country by a system of fortifications on our wide and extensive frontier and sea-board; all the industry and produce of the country would not build up such a set of fortifications as would be able to protect the country from invasion. The fortification scheme was unsafe, and they must rely on some other defense—on the hearts of a people who had carried them through two victorious wars. There were other means much more practicable than the fortification system: a system of internal improvements would be vastly more effectual in time of war for the purpose of transporting troops and arms. Suppose (he said) an enemy was to land near Charleston, which a fort at that place could not prevent, by means of a railroad troops and munitions of war might be brought to that place from the interior, in the course of a few days, when, by the ordinary mode of marching, they could not reach there in a month. Besides, the ordinary cost of transporting armies in times of war would pay for the construction of railroads almost over the entire country. He agreed with the gentleman from Maine [Mr. EVANS] on abstract principles, but did not come to the same conclusions which that gentleman had. He believed the taxes were collected equally, but that the benefits to be derived therefrom were not equally distributed. At the adoption of the Constitution, the States were all Atlantic States, and looked to a trade across the ocean; and it was natural enough for them to adopt the present system; but that it was far different now. The benefits then were more equally dispensed than now. The West was now called upon for the collection of her money, and for her quota of men in time of war; but when there came to be a disbursement of the public money she received but a small share.

Mr. A. said, at the commencement of the present Administration the President had said that the public debt would shortly be paid off, when it would be necessary to provide for a distribution of the public revenue. The time (said Mr. A.) had come, and why had the President not submitted a plan for its distribution? He said the President had, even in that message, recommended its distribution among the States. In 1833 Congress took up the subject, and decided by a large majority to distribute, in a measure, the public revenues; yet the President decided that such a disposition would not be most safe. When the Treasury was full, the President did not consider it the proper mode; but when it was empty, it was considered by him to be the most Federal disposition of the revenues to divide them between the States. He said the interests of the country called for the construction of great highways for the carrying their produce to market in time of peace, and for the transportation of troops and munitions of war in time of war. Kentucky (he said) had been grossly neglected; yet still they came there with a liberal spirit, and they would not withhold any appropriation which was for the public good. The time had come (he said) for a speedy settlement of this question. The time had come when it was in their power to extend the benefits of this Government to the whole people of the United States. The time had arrived when they were to decide whether all our resources should be added to the expenditures of this Government, and whether the tax-payer was to become the slave of the tax-receiver, and the liberties of the common people be given up to an odious aristocracy.

Mr. HAWES said the Legislature of Kentucky, as would be seen by the resolutions in possession of the House, had instructed their Senators, and requested their Representatives, in the Congress of the United States, to vote for the passage of a bill distributing the proceeds of the sales of the public lands among the States; or, in other words, to vote for Mr. Clay's land bill. This was not the only time since he had the honor of being a member on that floor, nor was it the only time previous to that, that the Legislature of the State of Kentucky had thought it to be their duty to pass resolutions similar in character to those. When he had offered the resolutions then under discussion, he moved that they be laid on the table and printed for the use of the members of the House, with the intention, when the bill on that subject came before the House, to move to refer them to the same committee to which the bill should be referred. There were then two propositions before the House; one to refer these resolutions to the Committee on Public Lands, and the other to refer them to the Committee of Ways and Means. He had observed, a moment ago, that this was not the only time when the Legislature of the State of Kentucky had thought it to be their duty to instruct their Senators to vote for certain measures, when they know that their Senators intended to vote in that particular way, and to request their Representatives, when they knew that a portion of them would vote in the same way, and when a portion of them intended to vote in a directly different manner.

He remembered a time which was past, when the Legislature of Kentucky, by an almost unanimous vote, if not a unanimous one, requested her Representatives on that floor to vote for the present Chief Magistrate of the United States. The then Representatives were almost unanimously requested to vote for an individual who had received more votes than every other candidate put together, yet they disobeyed that request, and elected another man Chief Magistrate. He asked the gentleman who had just resumed his seat, [Mr. ALLAN, of Kentucky,] what was his course on that occasion, and the course of his colleagues? They said the Legislature had no right to request their Representatives to vote in a particular manner, and if they did request them to do so, that they were not bound to obey that request. They contended that their Representatives were accountable only to the people of their districts for their conduct, and should abide by their decision. He asked if these were not their views? The Representatives then looked to the people to sustain them, and disregarded the instructions of the Legislature. It was most singular that the Legislature should send resolutions instructing men to vote in the very manner in which every one knew they would vote before they were requested.

He remembered another time when the Legislature of Kentucky again thought it to be their duty to request their Representatives to prostrate the liberties of the States and the liberties of Kentucky, and bow in humble submission to the Bank of the United States, by voting to restore the deposits which had been removed. Yes, Kentucky, which the gentleman had said, and it was true, had done so much for the preservation of this Union, had done all this. The Legislature of that State, regardless of her rights, had sent her resolutions there, instructing them to bow to the Bank of the United States and pronounce it high lord of Kentucky and America. Mr. H. said he would act as the gentlemen then did; he would disobey the request; he would throw himself on the people who elected him, and say he was not responsible for his acts on that floor to the Legislature of his State. When he saw the Legislature of his State pass a solemn resolution for the good of the people of the State, it would always give him pleasure to act with them; but when he saw the Legislature of his State influenced by party considerations alone, act contrary to the interests of the State and the Union, it gave him great pleasure to declare in his place, that he would not act in unison with the majority of that Legislature; he only spoke of the majority of the Legislature. He believed the Legislature had taken up about one day in every ten to advance the interests of their favorite candidate for the Presidency, and the remainder of the time to perform their duty to their constituents and provide for the interests of the State.

Mr H. understood why the Legislature had sent on those resolutions, and it was not for the object stated on their face. Did not the Legislature of Kentucky know that their Senators in Congress intended to vote for the land bill? They did; because one of those Senators was the author of that bill, and the Legislature had taken up the time of the people in discussing the resolutions

which would have been obeyed without being sent. Did not the Legislature know that every opposition man on that floor would vote for Clay's land bill just as certain as that the sun would rise to-morrow? Did they suppose that Mr. H. or any of his colleagues, sustaining the same opinions he did, would vote for this monstrous proposition? Did not the Legislature know that they were too regardful of the interests of the States to sell and manacle and prostrate the country they hold so dear? Mr. H. said the resolutions were sent there for political purposes, and he intended, before he got through, to give them a touch in relation to the election of the man they were striving so hard to make President.

The remarks of Mr. HAWES were here arrested by a call from Mr. HARD for the special order of the day.

The House then proceeded to the consideration of the

NORTH CAROLINA CONTESTED ELECTION.

The motion pending was the proposition of Mr. RENCHER to amend the resolution reported by the Committee of Elections. [See the proceedings of Saturday.]

Mr. CALHOON, of Kentucky, who was entitled to the floor, continued his remarks from Saturday night last. He adverted to the proceedings on that occasion, and defended the course of the minority, whose only purpose and object was to prevent the question being taken then, without taking a vote upon the various principles embraced in the amendment. That amendment, he maintained, embodied the very principles upon which the main question ought to be decided; and he yet expressed a hope that the House would vote on each proposition respectively, after hearing the sitting member and the petitioner. He felt authorized to pledge the House that those with whom he acted would refrain from further discussion. Mr. C. then proceeded to examine the report of the committee, and to controvert their conclusions in favor of the petitioner; supporting also, at considerable length, the amendment of Mr. RENCHER,

Mr. GRAHAM, the sitting member, then addressed the House at length in his own support. He said he concientiously believed and averred, that he had received a majority of the votes of the freemen of the twelfth congressional district of North Carolina, and in that belief, supporting their rights, he stood there. He then went into a history of the whole proceedings of the contest, from the first notice he received from the petitioner. He complained that the notices served on him were insufficient, for want of specification, being general in their terms, and he himself had been dragged into it blindfolded. He cited various precedents to show that the petitioner was bound to specify, in all cases, not only the name of the illegal voter, but also the grounds of objection to him. This the petitioner was bound to do. In reply to Mr. Anthony, Mr. G. said, he was not bound to do the same thing, for he was only bound to act in defense, as the petitioner had in his attack. He then entered into a review of the testimony adduced in the report, against the reception of most of which he protested, on the ground of informality, and referred to the whole in detail. As soon as Mr. G. concluded,

Mr. NEWLAND obtained the floor, and gave way to

Mr. GARLAND, of Louisiana, who moved an adjournment.

Mr. CHAPIN asked for the yeas and nays, but they were not ordered; and the vote being taken by tellers, was carried in the affirmative—ayes 94, noes 29.

So the House adjourned at half past four o'clock, p. m.

IN SENATE.

TUESDAY, *March* 29, 1836.

The CHAIR announced a communication from the War Department, inclosing a report from the Topographical Bureau, of a survey of the contemplated road from Chicago to Green Bay, made in compliance with the resolution of the Senate.

Mr. WHITE presented two memorials, one from a delegation of certain Indian tribes on the western side of the Mississippi, the other from Indians residing on the eastern side, on the subject of the western boundary line of Arkansas; which Mr. W. moved to lay on the table, saying that he would call for their reading when the bill for the admission of Arkansas into the Union, came before the Senate. The motion was agreed to.

Mr. MORRIS presented additional petitions from citizens of Ohio, on the subject of the change of location of the Cumberland road; which were referred to the Committee on Roads and Canals.

REPORTS FROM COMMITTEES.

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Joel Crawford and Seaborn Jones; which was read, and ordered to a second reading.

Mr. PRENTISS, from the Committee on Public Lands, reported unfavorably on several bills and petitions that had been referred to that committee.

Mr. EWING, of Ohio, from the same committee, reported the bill for the relief of Daniel Smith, without amendment.

Mr. E., from the same committee, also reported unfavorably on the bills from the House for the relief of Alexander Small, John Demot, and on the memorial of the Legislature of Alabama, praying for grants of lands in lieu of the sixteenth section, where found to be unproductive, or taken up by Indian reservations. This last report was made on the ground that the subject was provided for in a bill before the Senate.

Mr. E., from the same committee, also reported, without amendment, the bill for the relief of Alvarez Fisk, and the legal representatives of Thomas P. Eskridge.

Mr. CRITTENDEN, from the same committee, reported unfavorably on the resolution of the Senate, directing an inquiry into the expediency of ceding to the State of Ohio certain lands; also, reported unfavorably on the resolution directing an inquiry into the expediency of making grants of lands to colleges.

Mr. C., from the same committee, reported, without amendment, the bills from the House authorizing the issuing of scrip to Daniel Tyler, and the bill for the relief of the citizens of the reserved township in Monroe county, Indiana, recommending the passage of the latter.

Mr. SHEPLEY, from the Committee on Revolutionary Claims, reported unfavorably in the case of William Woodcock.

Mr. LINN presented a letter received by him, from a gentleman in Missouri, containing information relative to the claim of De Villemont, and moved to refer it to the Committee on the Public Lands; which was agreed to.

The resolution submitted yesterday by Mr. SOUTHARD was considered and agreed to.

The report of the Committee on Indian Affairs, concluding with a resolution to refer the papers relative to the claim of Alexander Tally to the War Department, was adopted.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill to establish the territorial government of Wisconsin;

The bill for the relief of the legal representatives and sureties of James Brobson, late marshal of the district of Delaware; and

The bill authorizing the Secretary of the Treasury to compromise and settle the claim of the United States against the Alleghany Bank of Pennsylvania.

The bill to provide for opening the road from Fort Leavenworth to some point on the right bank of the Mississippi, above the State of Missouri, was, after being amended, on motion by Mr. LINN, ordered to be engrossed for a third reading.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of Elijah Simmons;

The bill for the relief of Elizabeth Robinson, daughter and only surviving heir of Lieutenant Richard Wild, of the revolutionary army, deceased;

The bill for the relief of Martin Prindle;

The bill for the relief of Theodore W. Morris; and

The bill to purchase the right to use the invention of Boyd Reilly, for the application of vapor to the human body, in the Army and Navy hospitals.

NORTHERN BOUNDARY OF OHIO.

Mr. BENTON moved to postpone the previous orders, and to take up the bill to establish the northern boundary line of Ohio, and for the admission of Michigan into the Union; which motion was agreed to.

Mr. B. said the committee who reported this bill, and of which he was a member, had considered the southern boundary line as virtually established. They had included in the proposed limits a considerable portion of territory on the northwest, and had estimated the whole amount of territory embraced within the territorial limits of the whole State at sixty thousand square miles. The Territory attached contained a very small portion of the Indian population. He spoke of the trade on the river between Lakes Michigan and Superior. As Michigan presented an extended frontier, both as related to the Indians and foreign Powers, it was desirable that it should be as strong and defensible a State as possible. Mr. B. moved to strike out the words in the third section, "*be authorized to*," so as to make it read, the President "*shall*" announce the fact of the acceptance by the Legislature; also, to strike out the words, "shall receive the approbation of the Senators and members of the House of Representatives elected to represent the said State in the Congress of the United States," which were agreed to. He offered some other amendments of minor importance, which were also agreed to.

Mr. CLAYTON gave the reasons which (he said) constrained him to oppose the passage of this bill. He was one of the committee who reported it, and had assented to the report under the hope that in the course of the discussion something might be elicited which would obviate the difficulties that now appeared to him of a very serious nature. In assenting to this report, he felt that this was a proposition which might be discussed before the whole Senate, and not smothered in the committee, inasmuch as the supporters of the measure ought, in justice, to be allowed to submit their whole plan, and as some plan might be offered in the course of the discussion which would reconcile all parties to the passage of the bill. He did not then say that he would not vote for the bill, though there were difficulties in the way of serious magnitude; indeed, he was anxious for the admission of Michigan, believing that she had a sufficient population to entitle her to it; but his object was to elicit discussion, in order that his objections and those of other gentlemen might, if possible, be overcome. The bill proposed the ratification and confirmation of the constitution formed by the convention elected by the people of Michigan, but it changed the boundaries claimed by that constitution in the most essential particulars. The bill, in the third section, provided that this act shall receive the assent of the Legislature of the State acting under the authority of the convention elected by its people; and thereupon, and without further proceedings on the part of Congress, the President shall announce that the conditions of her admission are complied with, and her Senators and Representatives shall be allowed to take their seats in Congress without further delay. Gentlemen would perceive that the condition required by the bill for so important a change of the boundaries of the new State was not the assent of the people of Michigan, but the assent of her Legislature, acting under the authority of the before-named convention. He wished to call the attention of gentlemen to this point: Michigan was to be admitted into the Union as soon as her Legislature, acting under the authority of the convention, assented to the boundaries given in the bill. Was this a proper way to admit a State into the Union? Was this consistent with the principles of civil government, or of the origin of civil governments, which required the assent of the governed to the form and manner

of their government? How was the assent of the people living on the north side of the lake given, either expressed or implied? Congress by this bill added twenty thousand square miles to Michigan, not embraced in the boundaries defined in the constitution adopted by them; and how was the assent of the people living in that portion of the Territory, who took no part in forming this constitution, given to these boundaries? How would gentlemen extend the jurisdiction of the new State over these twenty thousand square miles, without asking the assent of the people living there? Again: this bill struck out five hundred square miles contained within the boundaries claimed by this constitution. The constitution runs thus: "We, the people of the Territory of Michigan, as established by the act of Congress of the 11th of January, 1805." Now this bill extended the jurisdiction of this constitution over the people of an immense tract of country, who are not within the limits of this Territory as established by the act of Congress of 11th January, 1805; and how this could be done, without violating the principle that all governments were founded on the consent of the governed, he was at a loss to conceive.

It was nowhere provided in the ordinance of the convention that this Legislature should have the power to alter or change the constitution or boundaries of the State; how, then, could the assent of this Legislature make this change of boundary binding on the State? At a large meeting lately held at the city of Detroit, it was asserted that the people of Michigan had given no power to any set of men to alter or change their boundaries. By the constitution framed by the convention, it was made a pre-requisite that the people should assent to it, and the manner in which such assent should be given was clearly defined. Now this assent had been given, and the constitution had been sent to Congress. Now he did not believe that the people of Ohio and Indiana who lived within the line claimed by Michigan ever gave their assent to this constitution; but he did not choose to go behind the evidence. They say that all who live within the line established by the act of Congress of January 11, 1835, voted for it; and how, then, could this Legislature give their assent to the subtraction of this territory claimed to be within the limits of Michigan by this constitution? He was anxious to hear what gentlemen would say in relation to these difficulties; and he put it to them whether it would not be necessary to ask the assent of the people living on the north and west side of the lake to this constitution, to make it binding on them?

Mr. CLAYTON gave his objections at length to another part of the constitution of Michigan, which provides that every white male inhabitant residing in the Territory at the time of the adoption of the constitution, or for a period of six months, shall be entitled to a vote. This clause, he contended, was in violation of the Constitution, which gives to Congress alone the power to prescribe a uniform rule of naturalization. Mr. C. concluded by saying that he was anxious for the admission of Michigan into the Union; and if this bill should be rejected, as he thought it ought, another bill might be brought forward and passed at this session, providing for obtaining in the proper form the assent of all the people within the prescribed boundaries to the constitution, and thus Michigan might come into the Union with her sister, Arkansas, on the first day of the next session. She would only be deprived of the privilege of being represented in Congress for the short period yet remaining of this session, which would be fully compensated by coming into the Union as all the other States had done.

Mr. BENTON replied to Mr. CLAYTON, that both the points raised by him had been debated and acquiesced in by Congress for nearly a quarter of a century, and cited the acts of Congress of 6th and 14th April, 1812, in relation to the admission of Louisiana into the Union, which, he contended, were parallel with the present case, and went into a minute history of the circumstances connected with it, to show its exact similarity to the case of Michigan.

Mr. CLAYTON replied, that the assent of the Legislature was required to this material change of boundary, and, it was said, the assent of the Legislature acting under the authority of an ordinance of the convention. Now, did the gentleman suppose that the ordinance gave power to the Legislature to assent to the annexation of twenty thousand square miles to the State, or the subtraction of five hundred square miles from it? Or did the gentleman suppose that the Legislature, acting under the authority of this ordinance, were authorized to give the assent of the people living within this twenty thousand square miles? How could any man stand up for an instant, and suppose that the ordinance gave any such power? He asked of gentlemen who intended to vote for this bill to examine this constitution over, and see whether the provisions of the bill comported with it.

Mr. HENDRICKS thought the case cited in regard to the admission of Michigan not exactly in point. There was no question of citizenship in Louisiana; and it was more than a year after her boundaries were prescribed and fixed, before the new acquisition was made to her territory; and she had the right of rejection, although it accepted the additional territory. In this case the people of Michigan had no right of rejection. The people within the territory that was added had not participated in the formation of the constitution submitted to Congress; and, if they had, it is not known that the constitution would have been what it is. He did not wish to debate the question, but merely to show the difference between this and the case cited by the gentleman from Missouri.

Mr. WRIGHT addressed the Senate in reply to Mr. CLAYTON. His remarks will be given hereafter.

On motion by Mr. DAVIS, and by general consent, the further consideration of the bill was postponed till to-morrow, and the Senate proceeded to the consideration of executive business; after which, it adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 29, 1836.

The SPEAKER laid before the House a letter from the Hon. SAMUEL BEARDSLEY, stating that he had resigned his seat in the House of Representatives; which was laid on the table.

Mr. McKIM, on leave, presented several petitions; which were referred.

On motion by Mr. GILLET, the resolution heretofore reported from the Committee on Commerce, for printing two thousand extra copies of the bill fixing the pay of the officers of the customs, was taken up and agreed to.

REPORT FROM COMMITTEE.

Mr. WARDWELL, from the Committee on Revolutionary Claims, reported a bill for the relief of Benjamin Coyt; which was read twice and committed.

JACKSON CITY, DISTRICT OF COLUMBIA.

Mr. FAIRFIELD, from the Committee on the District of Columbia, reported a bill to incorporate the Jackson City Association, in the District of Columbia; which was read the first time.

Objection being made to its second reading, the Speaker said, the question would be on the rejection of the bill.

Mr. FAIRFIELD said, that, from remarks which he had heard from gentlemen in his vicinity, the nature of the bill was entirely misapprehended; and he presumed that was the case with gentlemen on the other side of the House. It seemed to be regarded as a charter for a city. Now, sir, it is very far from this. The facts are these. A number of gentlemen, some of them residing in this District, having become associated in the purchase of a large tract of land on the other side of the Potomac, in this District, with the expectation that, from its peculiar position and other circumstances, not necessary now to enumerate, a commercial city will soon be established there, and intending themselves to make a beginning, now ask for an act of incorporation to enable them to manage this common property with more facility and convenience than they otherwise could. The powers granted are few, and no more than are absolutely necessary for the purposes of the association. If the gentlemen succeed as they now anticipate, in inducing gentlemen not now connected with the association to come here and establish themselves in commercial pursuits, they will by and by ask us to grant them a city charter. *Now*, they ask for no such thing; but for a few simple corporate powers. But, however well or ill grounded are the expectations of these gentlemen, or whatever may be the merits or defects of the bill, it is hoped that the usual courtesy will be extended towards it, of permitting it to pass to a second reading.

Mr. WARDWELL remarked that, in his opinion, if there ever was a humbug, this is emphatically one; and he hoped that the House would at once reject the bill. What are the facts attending this most singular application? Several gentlemen have purchased a farm at the south end of the Long Bridge over the Potomac, in this District. Their ostensible object is to build a city; but in my opinion, the real object is to make money out of it at the expense of the community. Should we incorporate this company, what will be the consequence? The lots will be advertised in New York, and the different cities of the Union: they will be sold at a large price; the company will pocket the money, and those who purchase will lose it. This will be the result of this humbug. He hoped the House would reject the bill at once, and not give countenance to a project so well calculated to deceive the people.

Mr. SPEIGHT had heard of taking time by the forelock, but the present motion looked like taking legislation by the forelock. Why did not gentlemen wait until the proper time for objecting to this bill? The course indicated on the present occasion was, to his mind, more odious than the previous question, about which so much had been said. He hoped the bill would be permitted to take the usual course, and be referred to a Committee of the Whole, where, in the present state of the business, it would probably sleep for the remainder of the session. The proposition to reject at that stage, would give to the bill more importance than it deserved. Mr. S. asked for the reading of the bill; which was accordingly read in part, when

Mr. ALLAN, of Kentucky, moved to suspend the further reading of the same; which was agreed to.

Mr. VANDERPOEL said that this bill was reported by one of the standing committees of this House, and he would ask whether it was entirely courteous to the committee to make the summary disposition of the bill which was now proposed. He did not know that he should ultimately vote for the bill; he was at least open to conviction as to its merits and demerits; but he did not believe that the bill was on its face so preposterous and so outrageous in principle, as to require the desperate expedient now proposed to be adopted in reference to it. Why not let it go through the ordinary routine of legislation? It did not propose to charter a city before a city was erected; but to grant to an association of gentlemen corporate powers to facilitate the effort to build a city on the other side of the Potomac, which the petitioners told us they contemplated doing. If the petitioners or proprietors really intended to build, or to commence building a city there, an act of incorporation like the one now under consideration, might be very convenient and useful. It would at least guard against the inconveniences that would result from the death of any one or more of the proprietors, and the probable minority of those who might succeed them. He was not, in principle, favorable to the unnecessary increase of corporations, but this bill was certainly not so flagrantly objectionable as to destroy all claim to that courtesy which was extended to most, if not all, other bills that were reported to this House. He hoped, therefore, that the motion *now* to reject, would not prevail.

Mr. BOND said, that this was a novel proposition. When it was attempted to grant an act of incorporation to deal in lands, it was time to take the alarm. In relation to the inconvenience to which reference had been made, about the management of the property of this company, it was the same which was experienced by every partnership; and he inquired whether there was a gentleman present, who had heard the bill read, who would vote for it?

Mr. PEYTON was sorry to witness the uses which were made of the name of the President. He did not object to the political speculations which were carried on in his name; but he did object to the pecuniary speculations which connected his name with the bogs, and swamps, and frogs of Jackson City. This city reminded him of the reply of a Georgian who had visited a tract of land which he had purchased in the western part of Tennessee, in answer to a question as to the production of his plantation. He said that it produced sixty bushels of frogs to the acre, and a sufficiency of alligators to fence in the premises. The gentlemen from New York were not content with appropriating to their use the military fame of Andrew Jackson, but were also disposed to connect it with this bull-frog speculation, for the purpose of advancing the original price of the property. He objected to the use of the President's name for any such purpose.

Mr. FAIRFIELD said that he rose to say only a word in reply. The bill now presented had not been drafted by himself. It was originally very voluminous, and granted very extensive powers; but on his motion in committee it had been razeed, and no greater powers retained than were essential to enable the association to manage this property with convenience, and progress with their design. When the subject had been first presented to the committee, he entertained the same opinion that some other gentlemen now appear to entertain, to wit: that it was a mere matter of *speculation*. But he had since been led to change that opinion. He was now satisfied that the gentlemen of this association had other objects; that they not only intended to proceed immediately in the erection of stores, wharves, and other conveniences for commercial operations, but that they had appropriated the sum of $60,000, and held it ready to invest in this enterprise, as soon as they could obtain an act of incorporation to enable them to proceed with safety. But he said he was not prepared to go into a discussion of the merits of the bill. He had been instructed by the committee to present it only about fifteen minutes before it was presented to this House. But when the proper time arrived, he would endeavor to show that the case had merits, and that the bill ought to pass, notwithstanding the remarks of the gentleman from Ohio, [Mr. BOND.] The opposition to this bill in this stage of its progress, he believed to be entirely novel, though he had not much experience in legislation; and he believed it must arise principally from the association of the illustrious name of the President in the title of the corporation, judging from the quarter of the House from which the objections came. The gentleman from Tennessee [Mr. PEYTON] seemed disposed to be merry upon the occasion, and had moreover manifested some solicitude, lest the President's name should suffer by its connection with "swamps and bogs." Sir, I wish the gentleman had always manifested the same regard for the President; but it appears to me, from the course pursued by that gentleman, and those with whom he is associated in support of a particular candidate for the presidency, that they would not have felt any great degree of reluctance at seeing the President's name and fame *swamped*, politically and otherwise, at any time during the past year or two. He repeated that the course pursued by those who objected to the bill was novel, and to him entirely unexpected. He had not the remotest idea on presenting it, that he should be called upon to say a word in its favor, and he now trusted that it would be permitted to take the usual course, and at a suitable time have its merits fairly and fully discussed.

Mr. REED said there were three cities in this District, neither of which could get along without the aid of the Government. He was opposed to any act by Congress which would countenance this speculation. He adverted to the locality and unfitness of this position for a city. He did not wish to treat this bill with any disrespect; he would treat it with more kindness than absolutely rejecting it, by moving to lay it on the table.

Mr. FAIRFIELD asked for the yeas and nays on the resolution; which were not ordered.

The bill was then laid on the table—ayes 80, noes 64.

Mr. CHAMBERS, of Kentucky, from the Committee on Claims, reported a bill for the relief of William R. Taylor, administrator of Jonathan Taylor, deceased; which was read twice and committed.

Mr. LYON, from the Committee on Indian Affairs, reported a bill authorizing the issuing of grants in fee simple, for reservations of land reserved by the treaty of Dancing Rabbit Creek with the Choctaws; which was read twice and committed.

Messrs. CASEY and CHAPMAN, from the Committee on the Public Lands; Mr. CRAIG, from the Committee on Revolutionary Claims; Mr. WARDWELL, from the Committee on Revolutionary Pensions; and Messrs. HAYNES and LYON, from the Committee on Indian Affairs, made unfavorable reports upon various petitions; which were laid on the table.

The following bills from the Senate were read twice and committed:

A bill for the continuation of the Cumberland road, in Indiana, Illinois, and Missouri;

A bill for the relief of Susan Marlow;

A bill for the relief of Samuel Smith, Lynn Magu, and Semoise, Creek Indians.

A bill to settle and establish the northern boundary line of the State of Ohio was read twice, when

Mr. VINTON expressed a hope that the bill would be put upon its passage. The delegation from Ohio (he understood) had no desire to discuss it.

The hour of twelve having arrived, the CHAIR announced the special order of the day.

NORTH CAROLINA CONTESTED ELECTION.

The House then proceeded to the consideration of the special order, being the report of the Committee of Elections on the contested election for the twelfth congressional district of North Carolina.

The report of the majority of the committee was in favor of the petitioner, David Newland, and concluded by the following resolution:

"*Resolved*, That James Graham is not entitled to a seat in this House, and that David Newland is entitled to a seat in this House."

Mr. RENCHER submitted the following amendment, which is the pending question:

1. *Resolved*, That the depositions which have been communicated to the House by the Speaker, and laid on the table since the report of the Committee of Elections was made, whenever taken upon due notice, will be received by the House as testimony in this case.

2. *Resolved*, That the five votes taken from the commons box, at the Franklin precinct in Buncombe county, and counted for the petitioner, ought not to be counted.

3. *Resolved*, That the three votes which were stricken from the petitioner's roll by the judges at Asheville, in Buncombe county, because it appeared by the return of the judges from the Henderson precinct that three of the votes given the petitioner were given by voters living in Yancey county, and which have now been added to his poll by the committee, ought not to be allowed.

4. *Resolved*, That two votes, (to wit: Robert Lankford and George Barkley,) stricken from the roll of the sitting member by the committee, on the ground that they voted out of their proper county, ought to be restored, because there is no proof that they lived out of the county in which they voted.

5. *Resolved*, That two votes, (to wit: Moses Pace and Andrew Morrison,) which were proven by parol testimony to have been given for James Graham, out of the county in which they reside, and on that account have been stricken from his poll by the committee, ought to be restored, because it does not appear from the poll books themselves that either of these men voted at the election.

6. *Resolved*, That William H. Milton ought to be stricken from the poll of the petitioner, because it appears that he had not paid a public tax.

7. *Resolved*, That the five votes found on page six of the report, which have been counted for the petitioner, but which were not given in at the polls, ought not to be counted.

8. *Resolved*, That there is no evidence that these men were qualified to vote, not having lived in the county where they offered to vote twelve months immediately preceding the day of election, as required by the constitution of North Carolina, or that they tendered their votes as required by the law of that State.

9. *Resolved, therefore*, That ———— is entitled to a seat upon this floor as a Representative from the twelfth congressional district of North Carolina.

Mr. NEWLAND, who was entitled to the floor, rose and addressed the House for some time in reply to the sitting member. At the conclusion of his remarks,

Mr. CUSHMAN rose and said: Mr. Speaker, Congress has now been in session almost four months; yet the contested election between Mr. Newland and Mr. Graham is undecided. But, sir, as both of these parties have had a full hearing before the Committee of Elections by themselves and counsel—a hearing which embraced eighty days; as the majority and minority of that committee have both made reports to the House, comprising the result of their deliberations, in a clear and intelligible manner; as those reports, together with all the evidence which was laid before the committee, have been printed and laid upon the table of each member of this House more than a month since; and as this question has for several days been fully discussed in this House—from which discussion and examination of the documents I presume that every gentleman has long since satisfied himself how he ought to record his vote; therefore, I move the previous question.

Mr. HAWKINS asked the gentleman to withdraw his motion, to enable him to make an explanation relative to the five votes which were taken from the commons box, alluded to yesterday by the gentleman from Kentucky, [Mr. CALHOON,] which was refused, for the reason that the previous question precluded debate.

Mr. PEYTON rose to a point of order: "That the previous question could not be moved upon resolutions purporting to be reported by a committee, but which, in fact, were never reported by the committee, because a majority never agreed thereto, and the report was never made in committee; and, also, that the document purporting to be the report of a majority of the committee is inconsistent and contradictory in its different facts, and presents no result on which the previous question can be called; inasmuch as in the body of the report it leaves to the House to decide the propriety of allowing to the petitioner the votes found in the commons box, and in schedule A, which is annexed as a part thereof, it includes the said votes among the three thousand seven hundred and twenty-six stated to have been given for the petitioner."

The SPEAKER decided that the report of the Committee of Elections, signed by a majority of the committee, made to the House on the 24th of February, was the subject before the House; that the previous question could be moved; and that, if demanded by a majority of the House, the main question would be on agreeing to the resolutions appended to said report, and constituting a part thereof, to wit:

"1. *Resolved*, That James Graham is not entitled to a seat in this House.

"2. *Resolved*, That David Newland is entitled to a seat in this House."

From this decision Mr. PEYTON took an appeal to the House, and was debating the same, when

Mr. RIPLEY rose and called him to order, on the following grounds: "That the majority of the committee having signed the report, notwithstanding the member from Tennessee [Mr. PEYTON] alleged that General HAWKINS, from North Carolina, had not agreed to it, which allegation is disproved by the statement of General HAWKINS, who explicitly declares that he did sign it, and agreed to the resolutions, although he dissented in relation to the five votes put into the commons box; that, under these circumstances, on an appeal from the decision of the Chair on a point of order, the honorable member from Tennessee has no right to go into the facts of the case involved in the report, after the motion for the previous question."

The SPEAKER decided that, on the appeal from the decision of the Chair on the point of order, pending a motion for the previous question, it was not in order to go into the facts of the case involved in the report.

From this decision Mr. PEYTON took another appeal to the House, and the question was put: "Shall the decision of the Chair on the point of order raised by Mr. RIPLEY stand as the judgment of the House?" and passed in the affirmative—yeas 124, nays 68.

YEAS — Messrs. Anthony, Ash, Ashley, Barton, Beale, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Effner, Everett, Fairfield, Farlin, Fryench, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Grayson, Haley,

Hamer, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Lyon, Job Mann, Manning, Martin, Moses Mason, Sampson Mason, William Mason, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Pettigrew, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Spangler, Speight, Steele, Taylor, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, and Weeks—124.

NAYS—Messrs. Adams, Chilton Allen, Heman Allen, Bailey, Bell, Bond, Briggs, Bunch, John Calhoon, William B. Calhoun, Carter, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Philo C. Fuller, Rice Garland, Granger, Graves, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Ingersoll, Janes, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Maury, McComas, McKennon, Mercer, Milligan, Morris, Peyton, Reed, Rencher, Robertson, Russell, Augustine H. Shepperd, Slade, Standefer, Storer, Waddy Thompson, Underwood, Vinton, White, Lewis Williams, Sherrod Williams, and Wise—58.

Mr. PEYTON resumed, and was addressing the House on the appeal from the decision of the Chair on the question of order, raised by himself, when

Mr. THOMAS rose and called him to order, on the ground "that there is no question before 'the House which is debatable: the previous 'question having been called for, which is not 'debatable; that it is not in order for any member 'to enter into debate on a question of fact, about 'which the Speaker and a member may disagree."

The SPEAKER decided that, as the previous question had been moved, and as, by the rules of the House, pending the demand for the previous question, "further debate of the main question" is precluded; and "on a previous question there shall be no debate;" that debate on the point of order, if objected to, could not be entertained; as, if permitted, the operation of the rules of the House, which precluded debate on the previous question, would be defeated; and that consequently, no member could enter into debate on a question of fact as set forth in the point raised by Mr. THOMAS.

The question was then put, "Shall the decision of the Chair on the question of order first raised by Mr. PEYTON, stand as the judgment of the House?" and passed in the affirmative—yeas 136, nays 46; as follows:

YEAS—Messrs. Adams, Anthony, Ash, Ashley, Barton, Bean, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushing, Cushman, Davis, Doubleday, Dromgoole, Effner, Evans, Fairfield, Farlin, French, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Grayson, Grennell, Haley, Joseph Hall, Hiland Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Hoar, Holsey, Hopkins, Howard, Hubley, Huntington, Ingham, Jabez Jackson, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Lyon, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, McKay, McKennon, McKeon, McKim, McLene, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Pettigrew, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Spangler, Speight, Steele, Taliaferro, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, and Sherrod Williams—136.

NAYS—Messrs. Chilton Allan, Heman Allen, Bailey, Bond, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Darlington, Deberry, Denny, Everett, Forester, Granger, Graves, Griffin, Hardin, Harlan, Hazeltine, Howell, Ingersoll, Luke Lea, Lewis, Lincoln, Sampson Mason, Maury, McComas, Mercer, Milligan, Peyton, Russell, Slade, Standefer, Storer, Waddy Thompson, Underwood, White, Lewis Williams, and Wise—46.

A motion was then made by Mr. PEYTON that the House do now adjourn; on the question being put, it was decided in the negative—yeas 50, nays 130; as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Ashley, Bailey, Bell, Bond, John Calhoon, Campbell, Carter, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Corwin, Crane, Darlington, Deberry, Denny, Forester, Philo C. Fuller, Granger, Grennell, Griffin, Hard, Hardin, Harlan, Howell, Ingersoll, Luke Lea, Lewis, Lyon, Maury, McComas, McKennan, Mercer, Milligan, Morris, Peyton, Rencher, Robertson, Rogers, Russell, Spangler, Standefer, Storer, Waddy Thompson, Under wood, Vinton, Lewis Williams, and Wise—50.

NAYS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, William B. Calhoun, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Effner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Grantland, Haley, Joseph Hall, Hiland Hall, Hannegan, Albert G. Harrison, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Logan, Love, Loyall, Lucas, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, McKay, McKeon, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Pettigrew, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Taliaferro, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, Whittlesey, and Sherrod Williams—130.

A motion was made by Mr. CHAMBERS, of Kentucky, that there be a call of the House; and the question being put, it was decided in the negative—yeas 60, nays 117; as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bond, Bunch, John Calhoon, William B. Calhoun, Carter, George Chambers, John Chambers, Nathaniel H. Claiborne, Corwin, Crane, Darlington, Deberry, Denny, Evans, Forester, Philo C. Fuller, Rice Garland, Granger, Graves, Grennell, Hannegan, Hardin, Harlan, Howell, Janes, Lawler, Luke Lea, Lewis, Lincoln, Love, Lyon, Sampson Mason, Maury, McKay, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Peyton, Reed, Rencher, Robertson, Russell, Augustine H. Shepperd, Slade, Standefer, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Lewis Williams, Sherrod Williams, and Wise—60.

NAYS—Messrs. Anthony, Ash, Bailey, Barton, Beale, Bean, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coffee, Connor, Craig, Cramer, Cushing, Cushman, Davis, Dromgoole, Effner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Haley, Hiland Hall, Joseph Hall, Hamer, Hard, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Hoar, Holsey, Hopkins, Howard, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Cave Johnson, Joseph Johnson, Richard M. Johnson, Benjamin Jones, John W. Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Job Mann, Manning, Martin, Moses Mason, William Mason, McComas, McKeon, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Taliaferro, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, Whittlesey, and Wise—59.

NAYS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, William B. Calhoun, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Effner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Grantland, Haley, Joseph Hall, Hiland Hall, Hannegan, Albert G. Harrison, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Logan, Love, Loyall, Lucas, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, McKay, McKeon, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Pettigrew, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Spangler, Speight, Steele, Taliaferro, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, Whittlesey, and Sherrod Williams—130.

A motion was made by Mr. CHAMBERS, of Kentucky, that there be a call of the House; and the question being put, it was decided in the negative—yeas 60, nays 117; as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bond, Bunch, John Calhoon, William B. Calhoun, Carter, George Chambers, John Chambers, Nathaniel H. Claiborne, Corwin, Crane, Darlington, Deberry, Denny, Evans, Forester, Philo C. Fuller, Rice Garland, Granger, Graves, Grennell, Hannegan, Hardin, Harlan, Howell, Janes, Lawler, Luke Lea, Lewis, Lincoln, Love, Lyon, Sampson Mason, Maury, McKay, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Peyton, Reed, Rencher, Robertson, Russell, Augustine H. Shepperd, Slade, Standefer, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Lewis Williams, Sherrod Williams, and Wise—60.

NAYS—Messrs. Anthony, Ash, Bailey, Barton, Beale, Bean, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coffee, Connor, Craig, Cramer, Cushing, Cushman, Davis, Dromgoole, Effner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Haley, Hiland Hall, Joseph Hall, Hamer, Hard, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Hoar, Holsey, Hopkins, Howard, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Cave Johnson, Joseph Johnson, Richard M. Johnson, Benjamin Jones, John W. Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Job Mann, Manning, Martin, Moses Mason, William Mason, McComas, McKeon, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Weeks, and Whittlesey—117.

A motion was made by Mr. RENCHER, that the rules of the House be suspended, to enable him to submit a resolution touching the subject-matter of the said contested election.

The SPEAKER decided that pending the motion for the previous question, it was not in order.

From this decision of the Speaker, Mr. RENCHER took an appeal to the House, and stated his point of order in writing, as follows:

That pending a call for the previous question, it is in order to move to suspend the rules of the House, for the purpose of offering such a resolution as the following, to wit:

Resolved, That by general agreement, there shall be no further debate upon the resolutions of the committee, or the resolutions proposed thereto, in the form of an amendment.

Resolved, therefore, That the call for the previous question ought to be withdrawn; and that the House proceed to vote on each resolution contained in the amendment; and that it be done without debate.

The SPEAKER stated that if, by "general agreement," the motion was entertained, no question of order could arise; but objection being made, it was not in order to entertain the motion at this state of the proceeding, and whilst the motion for the previous question was pending.

Mr. PATTON rose to debate this appeal.

The SPEAKER decided that it was not in order to debate the said appeal, the previous question having been moved.

From this decision Mr. PATTON took an appeal to the House—and the question was put on this appeal, "Shall the decision of the Chair stand as the judgment of the House?" and passed in the affirmative; yeas 108, nays 58.

YEAS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coffee, Coles, Conner, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Effner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Grayson, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hopkins, Howard, Huntington, Huntsman, Jabez Jackson, Cave Johnson, Joseph Johnson, Richard M. Johnson, John W. Jones, Benjamin Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Joshua Lee, Leonard, Loyall, Lucas, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Thomas, John Thomson, Towns, Turrill, Wagener, Ward, Wardwell, Webster, and Weeks—108.

NAYS—Messrs. Chilton Allan, Heman Allen, Bell, Bond, Briggs, Bunch, John Calhoon, William B. Calhoun, George Chambers, John Chambers, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Denny, Evans, Forester, Philo C. Fuller, Rice Garland, Graves, Grennell, Griffin, Hardin, Harlan, Hazeltine, Hoar, Howell, Janes, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Sampson Mason, Maury, McComas, McKennon, Morris, Patton, Pettigrew, Reed, Rencher, Robertson, Russell, Augustine H. Sheperd, Slade, Spangler, Standefer, Steele, Taliaferro, Waddy Thompson, Underwood, Vinton, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—58.

The question then recurred on the appeal moved by Mr. RENCHER; and being put, Shall the decision of the Chair stand as the judgment of the House? it passed in the affirmative—yeas 107, nays 48; as follows:

YEAS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Coffee, Coles, Connor, Craig, Cramer, Cushman, Doubleday, Dromgoole, Effner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Giles, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Cave Johnson, Joseph Johnson, Richard M. Johnson, John W. Jones, Benjamin Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Job Mann, John Y. Mason, Moses Mason, William Mason, McKay, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Spangler, Speight, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Wardwell, and Weeks—107.

NAYS—Messrs. Chilton Allan, Bond, Briggs, Bunch, John Calhoon, William B. Calhoun, Carter, John Chambers, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Denny, Evans Forester, Rice Garland, Granger, Graves, Grennell, Hardin, Harlan, Hoar, Howell, Ingersoll, Luke Lea, Lewis, Lincoln, Love, Sampson Mason, Maury, McCarty, McComas, McKennan, Mercer, Milligan, Morris, Patton, Rencher, Robertson, Augustine H. Shepperd, Slade, Standefer, Storer, Taliaferro, Waddy Thompson, Underwood, Lewis Williams, and Wise—48.

A call of the House was then ordered, on motion by Mr. WILLIAMS, of North Carolina; and the roll being called over, all the members answered to their names except——

On motion by Mr. ALLAN, of Kentucky, further proceedings under the call were dispensed with.

And it was then ascertained that the previous question, which had been moved by Mr. CUSHMAN, was demanded by a majority of the members present.

The said previous question was then put, viz: Shall the main question be now put?

And passed in the affirmative—yeas 112, nays 87; as follows:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Effner, Fairfield, Farlin, French, William K. Fuller, Galbraith, Gillet, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, and Weeks.—112.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Baily, Beale, Bell, Bond, Borden, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Forester, Philo C. Fuller, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Hawkins, Hazeltine, Hoar, Howell, Ingersoll, Janes, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lewis Lincoln, Love, Lyon, Samson Mason, Maury, McCarty,

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, APRIL 4, 1836. VOLUME 3....No. 20.

McComas, McKay, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Peyton, Reed, Rencher, Robertson, Rogers, Russell, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise.—87.

The previous question having been thus put and carried in the affirmative, and the main question ordered to be put, the amendment moved by Mr. RENCHER, to the resolutions reported by the Committee of Elections, was thereby put aside, and the main question was stated, to wit: That the House do agree to the resolutions reported by the Committee of Elections, which are as follows:

1. *Resolved*, That James Graham is not entitled to a seat in this House.

2. *Resolved*, That David Newland is entitled to a seat in this House.

A division of the said main question being called for,

The question was put, that the House do agree to the first of the said resolutions, viz:

1. *Resolved*, That James Graham is not entitled to a seat in this House;

And passed in the affirmative—yeas 114, nays 87; as follows:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Conner, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Effner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, McKay, McKeon, McKim, McLene, Montgomery, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, and Weeks—114.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Beale, Bell, Bond, Borden, Briggs, Bunch, John Calhoun, William B. Calhoon, Campbell, Carter, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Forester, Philo C. Fuller, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Huntsman, Ingersoll, Janes, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lucas, Lyon, Samp on Mason, Maury, McComas, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Peyton, Pinckney, Reed, Rencher, Robertson, Rogers, Russell, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—87.

So it was resolved that James Graham is not entitled to a seat in this House.

The question was then put, that the House do agree to the second of the said resolutions; and passed in the negative—yeas 99, nays 100; as follows:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bockee, Boon, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coffee, Coles, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Effner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Haley, Joseph Hall, Hamer, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Howard, Hubley, Huntington, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Kinnaid, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, McKeon, McKim, McLene, Montgomery, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Seymour, Shinn, Sickles, Smith, Speight, Thomas, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, and Weeks—99.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Beale, Bell, Bond, Borden, Bouldin, Briggs, Bunch, John Calhoun, William B. Calhoon, Campbell, Carter, George Chambers, John Chambers, Chapman, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Forester, Philo C. Fuller, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hannegan, Hard, Hardin, Harlan, Samuel S. Harrison, Hazeltine, Henderson, Hoar, Hopkins, Howell, Huntsman, Ingersoll, Janes, Jarvis, John W. Jones, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Loyall, Lucas, Lyon, Manning, Samp on Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Peyton, Reed, Rencher, Robertson, Rogers, Russell, Schenck, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Webster, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—100.

And so it was resolved that David Newland is not entitled to a seat in this House.

A motion was then made by Mr. PATTON, that the House come to the following resolution, viz:

Resolved, That the election held in North Carolina in last August, for a Representative of the twelfth congressional district of that State in the House of Representatives of the United States, be set aside, and the seat of such Representative is hereby declared vacant; and that the Speaker of this House inform the Governor of North Carolina of the fact.

And on the question that the House do agree to this resolution, it passed in the affirmative.

And then the House adjourned until to-morrow at eleven o'clock, a. m.

IN SENATE.

WEDNESDAY, *March* 30, 1836.

Mr. EWING, of Ohio, presented a communication from the Executive of Ohio, transmitting a report of the Medical Convention of Ohio on the subject of medical hospitals; also a resolution of the Legislature of that State, disapproving of the construction of a harbor at Black Rock; also, a resolution of the same Legislature in favor of the completion of the Baltimore and Ohio Railroad; also, a memorial of the same Legislature, stating the advantages that would result from placing the public moneys, to be expended in internal improvements in that State, under the care of the Board of Public Works lately established by them: also, a memorial from sundry citizens of Ohio, remonstrating against the change in the location of the Cumberland road: all of which were appropriately referred.

Mr. WALKER presented the memorial of the Legislature of the State of Mississippi, praying the establishment of a mail route from Memphis, in Tennessee, to Jackson in Mississippi; which was referred to the Committee on the Post Office and Post Roads.

Mr. GRUNDY presented the memorial of sundry clerks in the Executive Departments, praying for the increase of their salaries; which was referred to the Committee on Finance.

Mr. TOMLINSON presented the memorial of the Hospital Society of the State of Connecticut, praying the aid of Congress; which was referred to the Committee on Commerce.

REPORTS FROM COMMITTEES.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which the same had been referred, reported, without amendment, the bill authorizing the opening of a railroad in Florida.

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, reported with amendment the bill to authorize contracts for carrying the mails and public property on railroads: and the amendments, without reading, were ordered to be printed.

Mr. CLAYTON, from the Committee on the Judiciary, to which had been referred the petition of William Fettyplace, and others, reported unfavorably thereon; and the committee having been discharged from the further consideration of the petition, it was referred to the Committee on Foreign Relations.

Mr. TOMLINSON, from the Committee on Pensions, to which the subject had been referred by a resolution of the Senate, reported a bill to prohibit the withholding of pensions from pensioners of the United States, in pursuance of the act of 25th of January, 1805, to prevent defalcations in the public agents. The bill was read and ordered to a second reading.

Mr. T. (from the same committee) reported unfavorably on the petition of Moses Hoyt, and leave was given to the petitioner to withdraw his petition and papers.

Mr. NAUDAIN, from the Committee on Claims, reported a bill for the relief of Don Carlos de Hault de Lassus; which was read and ordered to a second reading.

Mr. BENTON gave notice that he would to-morrow ask leave to introduce a bill to cause the Mint of the United States to be better supplied with bullion for coining.

Mr. CLAY, from the Committee on Foreign Relations, reported, with amendments, the bill from the House to give effect to the convention with Spain.

RESOLUTIONS.

Mr. LINN submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of War be requested to send to the Senate the report made to the topographical bureau by the United States geologist.

Mr. HUBBARD submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of War be requested to furnish the Senate with an estimate of the expense that would be necessarily incurred in holding a treaty with the Chippewa Indians in Michigan, for the purchase of the reservations made by the second article of the treaty of Saginaw, of the 24th September, 1819.

Mr. DAVIS submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of the Treasury be instructed to communicate to the Senate the amount of money collected and expended for the relief of sick and disabled seamen, under the laws passed for that purpose, designating, as far as possible, the amount collected and expended in each port of the United States, and the amount paid, if any, by the custom house officers on the Mississippi and Ohio rivers to the collector at New Orleans.

Mr. MOORE submitted the following resolutions; which were considered and agreed to:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of reducing the price of such lands as may remain unsold, granted to the State of Alabama for the improvement of the navigation of the Tennessee river.

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of introducing a bill granting to the State of Alabama an additional quantity of land, or a sum of money adequate to the completion of the canal now in progress, designed to remove the obstructions to the navigation of the Tennessee river interposed by the Muscle Shoals.

Resolved, That the Secretary of the War Department be instructed to communicate to the Senate the report of Colonel Kearney, United States engineer, made to that Department after his examination of the said canal now in progress, relative to the prudent and judicious expenditure of the funds appropriated for said work.

NOTICE OF BILLS.

Mr. WALKER gave notice that he would, to-morrow, ask leave to introduce the following bills:

A bill to reduce and graduate the price of the public lands in favor only of actual settlers; to establish a general and standing preemption law; to provide for the sale and entry of all the public lands in forty-acre lots, and to equalize the grants of public lands among the new States in which the public lands are situated;

Also, a bill to provide a preemption to a quarter section to every actual settler on the public lands at any time before the 1st of January, 1836;

Also, a bill to provide for claims under former preemption laws.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill providing for the opening of a military road from Fort Leavenworth, on the right bank of the Mississippi, to some point on the Mississippi above the State of Missouri;

The bill for the relief of Elizabeth Robinson daughter and only surviving heir of Lieutenant Richard Wild, of the revolutionary army, deceased;

The bill for the relief of Elijah Simmons;

The bill for the relief of Martin Pindle;

The bill for the relief of the legal representatives of the late Theodore W. Morris: and

The bill to purchase the right to use, in the Army and Navy hospitals, the invention of Boyd Reilly, for the application of respirable vapor to the human body.

NORTHERN BOUNDARY OF OHIO.

The Senate then resumed, as the unfinished business, the bill to establish the northern boundary line of Ohio, and to provide for the admission of Michigan into the Union; and after a debate, in which Messrs. TIPTON, BUCHANAN, EWING of Ohio, BENTON, NILES, PRENTISS, and WRIGHT, participated,

On motion by Mr. PORTER, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 30, 1836.

Some conversation took place between Messrs. PEYTON, BRIGGS, MERCER, EVERETT, BELL, THOMAS, SPEIGHT, and the CHAIR, in reference to alleged inaccuracies in the Journal, and particularly in reference to the call to order by Mr. RIPLEY, of Louisiana.

Mr. PEYTON (who was called to order by Mr. RIPLEY yesterday) objected to the terms in which the transaction was entered upon the Journal. It appearing, however, that the motion made by Mr. RIPLEY was in writing, that it had been read at the time, and the point of order was decided under it, and it being also stated that the Clerk, in making up the Journal, had copied the motion of Mr. R. *verbatim*, Mr. PEYTON obtained the consent of the House to enter upon the Journal a protest or explanatory statement on the subject.

Petitions and memorials were presented, on leave, by Messrs. BOON, EVANS, LAWLER, CARR, BOND, KENNON, REYNOLDS of Illinois, and JOHNSON of Tennessee.

[Mr. CARR presented the petition of Tobias Cruise, which, upon his motion, was referred to the Committee on Private Land Claims.

Mr. BOND presented a memorial from sundry citizens of Portsmouth, in the State of Ohio, praying Congress to make the navigation of the Ohio river wholly free by the purchase of the individual stock in the Louisville and Portland Canal Company; which was referred to the Committee on Roads and Canals.

Mr. REYNOLDS, of Illinois, presented the petition of Mrs. Isabella Hill. This petition states that her husband, Samuel Hill, purchased a certain tract of land in the State of Illinois, of the United States; that said land was patented to the said Hill; but, by the decision of the supreme court of the State of Illinois, said land was decided to be vested in another person, and not to appertain to the United States at the time Hill entered it. The petitioner prays relief for the land sold when the Government had no title to it.]

REPORTS FROM COMMITTEES.

Mr. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of the legal representatives of John Adams; which was read twice and committed.

Mr. CARR, from the Committee on Private Land Claims, reported a bill for the relief of John and Samuel Rough, heirs and legal representatives of Ludwick Rough, deceased; which was twice read and committed.

DAVID NEWLAND.

Mr. HAWKINS, on leave, introduced a resolution directing the Clerk to pay Mr. David Newland the usual per diem and mileage allowed to a member of Congress, from the day he presented his petition for a seat in the House to the 29th instant, inclusive.

Mr. MERCER moved to amend the resolution by directing the Committee of Elections to inquire into the expediency of paying Mr Newland, as aforesaid; which was agreed to—ayes 80, noes 63.

The resolution, as amended, was then agreed to.

COURTS IN MAINE.

Mr. THOMAS, from the Committee on the Judiciary, reported a bill to change the time and place of holding certain courts in the State of Maine; which was read twice and committed.

DISTRICT OF COLUMBIA.

Mr. W. B. SHEPARD, from the Committee for the District of Columbia, reported a resolution setting apart Wednesday and Thursday, the 27th and 28th days of April, for the exclusive consideration of bills relating to the District of Columbia.

Mr. CAMBRELENG adverted to the impropriety of setting apart days which might be required for the consideration of public business, and moved to amend by substituting the last Friday and Saturday in April.

Mr. WHITTLESEY objected to the amendment, because of the large number of private bills, which could only be considered on Fridays and Saturdays.

Mr. BRIGGS moved to set apart Thursday and Friday, the 28th and 29th of April; which was lost without a count.

Mr. PARKER moved to lay the resolution on the table.

Mr. W. B. SHEPARD asked for the yeas and nays on the motion; which were not ordered.

The resolution was then laid on the table—ayes 70, noes 54.

MARINE HOSPITAL AT NEWPORT.

Mr. PEARCE, of Rhode Island, from the Committee on Commerce, reported a bill making an appropriation for the erection of a marine hospital in the town of Newport, in the State of Rhode Island; which was read twice and committed.

CAPTAIN NATHAN HALE.

The joint resolution for the erection of a monument to the memory of Captain Nathan Hale, was taken up.

Mr. PEARCE, of Rhode Island, remarked that the gentleman who had the peculiar charge of this resolution, [Mr. JUDSON,] was absent from indisposition. He therefore moved to postpone the subject until Wednesday next, (having first ascertained that it would not lose its place in the order of business.)

The motion was agreed to.

ELECTION OF PRESIDENT AND VICE PRESIDENT.

Mr DROMGOOLE, from the select committee raised on so much of the President's annual message on that subject, reported joint resolutions proposing amendments to the Constitution, in reference to the mode of electing a President and Vice President.

Mr. D. had reported the resolutions as the organ of the committee, and differing as he did with the majority, he should move, at the proper time, a substitute for the proposition of the committee. He would further state, that the committee had not deemed it necessary to submit any argument to the House on the subject, which had been referred to it.

The joint resolutions were read twice; when

Mr. DROMGOOLE moved that they be referred, together with his substitute, to the Committee of the Whole on the state of the Union, stating his intention to follow up that motion by proposing to make the subject the special order for a particular day.

Mr. BELL suggested that as it was the object of the gentleman to discuss and decide this question at the present session, he ought not to send it to the Committee of the Whole on the state of the Union, but permit it to be considered in the morning hour of each day. The various important bills which were before that committee, would probably not afford an opportunity of discussing this measure during the session. He would not make the motion, but merely throw out a suggestion for the consideration of the gentleman from Virginia.

Mr. DROMGOOLE had made the motion, which was usual and proper upon such an important measure. It was a question which peculiarly belonged to that committee. He had no desire to get up a discussion. He was in favor of an amendment of the Constitution. The bills alluded to by the gentleman from Tennessee, he hoped, would be disposed of in time to allow this subject to be examined in the Committee of the Whole. He therefore could not vary his motion.

Mr. BELL again adverted to the state of the business before the Committee of the Whole on the state of the Union, as a reason for not sending these resolutions to that committee. He would be happy, if circumstances would permit, that this subject should be discussed in committee, where alone it could be fully and freely debated. There would, perhaps, be no advantage gained by deciding the question at the present session; but something would be gained by its discussion, and bringing the subject before the country, so that they might come there, at the next session prepared to decide it. If gentlemen were not prepared to go on with the discussion now, he would propose to postpone the subject for two weeks.

Mr. SPEIGHT was not hostile to a proposition to amend the Constitution, in this particular. He had been twice upon committees who had brought the subject before the House; and he would gladly coöperate in any amendment which would remedy existing evils. He would suggest to the gentleman from Tennessee, [Mr. BELL,] that it would be impossible to give this subject a partial or any thing like a thorough examination during the morning hour, nearly the whole of which was devoted to receiving reports from standing committees. If the proposition of the gentleman from Tennessee prevailed, the resolutions would sleep out the session on the Speaker's table. He was in favor of marching up and deciding the question; and that some early day should be fixed for its consideration in the Committee of the Whole on the state of the Union.

Mr. BELL reminded the gentleman from North Carolina, [Mr. SPEIGHT,] that there were two hours in the morning instead of one, which might be devoted to this resolution. Besides, he could see no necessity for a protracted discussion on this subject. It had been ten years before the people, and been much discussed in Congress and by the public press.

Mr. SPEIGHT said, there was but one hour of the morning for the consideration of reports from committees. He had no objection to the postponement as proposed; and when it came up, it could go to the Committee of the Whole. He was prepared at that moment to decide upon this question. He was in favor of electing the President for one term, and of providing against the possibility of an election in the House of Representatives. He would favor a provision for one term of seven years, or even four years. He preferred seven, but would take six, five, or four years, as the term which the President should serve. He was in favor of entering upon this investigation as early as possible.

Mr. HAWES was in favor of an amendment of the Constitution on this subject; but he could not consent that the morning hour should be taken up in its discussion. He had offered a resolution on the subject of the West Point Academy, which he deemed of much importance, and he could not vote to give a precedence to other matters, while his resolution remained unacted on. He would vote to consider the present subject at an early day; but he could not consent to have it taken up during the morning hour.

After some conversation between Messrs. DROMGOOLE, BELL, and the CHAIR, as to the position of the resolutions, during the morning hour, if they should not be committed, the motion to postpone was negatived without a count, and the whole subject was committed to the Committee of the Whole on the state of the Union; and ordered to be printed.

Mr. DROMGOOLE further moved that the subject be made the special order for the first Tuesday in May. There seemed to be a disposition (said Mr. D.) to economize time; and he hoped that the important measures to which reference has been made, would be disposed of before the day he had named, and that an opportunity would yet be afforded during the present session for a full, free, and untrammeled discussion of the subject which he had reported to the House.

Mr. CAMBRELENG desired to throw no obstacle in the way of the subject before the House. But it was true, as had been remarked by the gentleman from Tennessee, that there were other

important measures besides the appropriation bills, which the House might feel disposed to act upon during the session in preference to this constitutional amendment; and he hoped they would make no other special orders until the one in reference to the appropriation bills was determined.

Mr. RIPLEY was a member of the select committee who reported this proposition to the House. He thought it ought to take precedence of all other business. In this matter they acted in the character of a convention. They proposed to make amendment to the constitutional compact; and in a business connected with the social relations of the community, precedence should be given over the ordinary acts of legislation.

The country had demanded that some change should be made in reference to the reeligibility, length of term, and patronage of the Chief Executive. He trusted it would be discussed, and properly disposed of. It was due to the people that this should be done, and it should not be made to give place to an ordinary matter of mere dollars and cents. He hoped, therefore, the motion of the gentleman from Virginia [Mr. DROMGOOLE] would prevail.

Mr. VINTON was opposed to making this subject a special order. Nothing could be gained by such a course. If the majority of the House was disposed to act on the resolutions, it was in their power, at all times, under the rules, to go into the Committee of the Whole on the state of the Union, and could there take up such measures as were deemed proper; and he was not prepared to say, at that time, that it would be proper to take up a particular subject on the second Monday in May. He adverted to the time which was wasted in consequence of an existing special order, and the impropriety of placing the majority in the hands of a minority, which resulted from such a course. He was opposed to any other special orders. He was willing to take up this subject and act upon it; but he could not vote for a motion whereby he would be trammeled.

Mr. LAWLER moved to amend the motion by making the subject the special order for the second Tuesday in April, instead of the first Tuesday in May; which was negatived without a count.

The motion of Mr. DROMGOOLE was also disagreed to without a count.

SENATE BILLS.

The following bills from the Senate were read twice and committed:

A bill for the relief of John McCarty;

A bill for the relief of the several corporate cities of the District of Columbia;

A bill to perfect claims to land in the State of Missouri, and for other purposes;

A bill to authorize the location of the Leavenworth and Bloomington railroad, and other works of internal improvements in the State of Louisiana;

A bill to extend the time for issuing scrip certificates on United States land warrants; and

A bill to authorize the Secretary of the Treasury to compromise the claim of the United States on the Alleghany Bank of Pennsylvania.

TERRITORIAL GOVERNMENT OF WISCONSIN.

The bill from the Senate establishing the territorial government of Wisconsin was read twice and referred to the Committee of the Whole on the state of the Union.

Mr. PATTON adverted to the importance and necessity for speedy action upon the last bill, and gave notice of his intention to move the House to go into committee upon it at an early day.

NAVAL APPROPRIATION BILL.

In pursuance of the special order of the 26th January, the House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. HAMER in the chair,) and resumed the consideration of the bill making appropriations for the naval service of the United States for the year 1836.

The question pending was the motion of Mr. BELL to strike out the following item:

"For the improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire, $67,000."

Mr. GARLAND, of Virginia, who was entitled to the floor, addressed the House at length. He remarked that the motion immediately pending was in itself of very little importance; but some of the most vital and fundamental principles had been opened in it; all the measures of the Administration now in power had been brought into review, questions of constitutional power, the whole system of our fortifications, the subject of an increase of the Navy, and the approaching presidential election. He premised that he differed with the gentleman from Tennessee [Mr. BELL] that this was the fit occasion to discuss all these questions, the subject of the presidential election in particular. They were a legislative body, who should look to the end to be accomplished through the Constitution, apart from political considerations only. The latter subject was one of too exciting a character to be discussed in that body with that calmness and grave deliberation which became a body clothed only with legislative powers. He should confine himself principally in reply to the three gentlemen who had preceded him, [Messrs. THOMPSON, of South Carolina, EVANS, and BELL,] divested of all party feeling and prejudice.

Mr. G. then proceeded to reply to Mr. THOMPSON, who had gone into a series of calculations by figures to prove an inequality of expenditure for public objects by the Government, and to prove that the appropriations in the present bill were a continuation of that system, without arriving at any definite result. The gentleman had so arranged Virginia, by commencing at the Capes, that it was difficult to say whether he considered her a northern or a southern State; he would only remark that she had always been considered a southern State; but Mr. G. was willing to leave her as she was—Virginia.

With regard to Pensacola, the charge of neglect was not made with justice upon the Treasury Department; for the Secretary's recommendations for the present year reached the amount of $350,000. It should also be borne in mind that, when our system of fortifications first commenced, neither Florida nor Louisiana belonged to us. Mr. G. then referred to the tabular statements cited by Messrs. THOMPSON and EVANS, and tested them by others he had himself prepared. He contended that the greater outlays in the North had arisen from a variety of circumstances, its geographical position, its defenseless or exposed condition, the more dense population, and its having been the center of trade and commerce. He denied that there had been any principle of inequality of expenditure, and adverted to the operation of these various circumstances as an argument in illustration of the expediency and absolute necessity of the public works that had been erected and maintained there. The gentleman from South Carolina [Mr. THOMPSON] had stated, as an argument, that the heads of Departments were almost invariably selected from the North. He regretted to hear such an argument, brought forward with such eloquence, for it was calculated only to excite sectional feelings and jealousies. But the gentleman was mistaken. He had omitted to mention the fact, that the chief of the executive department, the President, was a southern man, the Secretary of State was also a southern man, and the Secretary of War was from the West.

Mr. G. said the system of naval policy of England bore no application to ours, from the different situation of the two countries. She was isolated, surrounded, and exposed on every quarter, it was true, but she was small in comparison; yet, although having only two navy-yards, either one of them was more extensive than all ours put together. Let him ask, what would have been our condition in the last war, with only two naval stations, one of which was destroyed by the enemy? It was impossible to rely upon the defense of no more than two or three navy-yards. From the character of the institutions of the country, the Navy and fortifications were our only means of defense; for we had, and could have, no standing army. What would have been the probable result of the battle of New Orleans, but for the fortifications, brave and chivalric, and devoted as the western militia were, if we had had to meet a victorious and disciplined army in the open field—an army which had been victorious against the eagles of France? Mr. G. then entered into a review of the policy and system of defense proposed, and to a certain extent carried out by the administrations of Mr. Jefferson, Mr. Madison, Mr. Monroe, Mr. Adams, and the present, and referred to a variety of documentary testimony to show that the present system was the same, and had been kept up since the days of General Washington, and that the present Administration had in no way departed therefrom. If there had been any neglect of the public defenses, he pledged himself to prove that the fault lay not with the executive department of the Government, but was chargeable to that House.

Mr. G. then replied to that part of Mr. BELL's remarks in which he brought the charge of inconsistency upon the President's special message in relation to France, which recommended the country to be always prepared for war, in the spirit of the injunction of General Washington, "in peace prepare for war." This was the very time to adopt that principle and carry it out. We were at peace and amity with all the world; free from debt, with an abundant and overflowing Treasury, and past experience had taught us that our maritime frontiers were defenseless. All this was generally admitted, and should they stop and discuss a mere question of amount in dollars and cents? The people expected it; they said the money had been collected for that very purpose; and now was the hour. He would not pledge himself to vote for every measure that might be brought forward; but he was disposed to extend the system as far as it could be expediently carried. There were points enough, and he need only mention New Orleans, Pensacola, Charleston, Savannah, Norfolk, Baltimore, which offered good stations. He was in favor of keeping up the naval station at Portsmouth, as indispensable in case of an attack made upon the Canadian frontier.

Mr. G. then replied to the remarks of Mr. ALLAN, of Kentucky, of Monday last, in support of the proposition of the Kentucky Legislature to provide for the distribution of the proceeds of the sales of the public lands, and reviewed the constitutional point involved in the argument, at some length. He referred to a table exhibiting the inequality of the distribution by the principle proposed.

This scheme of equal distribution, as it was called, lessened the State of Virginia about $440,000; a State which had, originally, in her unexampled generosity, bestowed the whole of it upon the country. It was also calculated to destroy the rights of the States, and lay the deepest blow to the liberties we derived under the great compromise of the Constitution. He also took a review of the proposition to distribute the surplus revenue, the tendency of which was the same, and if carried out, would utterly subvert the rights of the States. He adverted to the many schemes for changing the Constitution of the United States, and warned the country never to touch that instrument for light or temporary purposes. Mr. G. vindicated the Administration from one of the charges brought against it by Mr. BELL, that more money had been expended in works of internal improvements than in any former one. This arose from the works having been commenced in former administrations. This was particularly the case with the Cumberland road. In relation to roads and canals, they had been constructed principally in the Territories; and it would be difficult to find any one work, of a purely local character, constructed in one of the States during the administration of General Jackson. In relation to harbors, Mr. G. thought them to be a legitimate object of improvement in the Federal Government.

Mr. WISE remarked that the internal improvement principle had always been considered as more involved in the annual appropriation of $30,000 for surveys than in any other work; and the President had uniformly sanctioned those appropriations for surveys.

Mr. GARLAND replied that the general specification of the term surveys did not necessarily imply that the money was expended for works of internal improvement, or projects of internal improvements within the limits of the States. It might contemplate the Territories, or the District of Columbia, or other legitimate objects. He

would confidently ask, had the President of the United States made an unconstitutional application of this $30,000? He believed it had always been kept within the principles of the veto message on the Maysville road bill. But even supposing it had not, what proportion did the pitiful sum of $30,000 bear to the whole expenditures for objects of internal improvement, $180,000 in six years? After some further remarks, Mr. G. gave way to

Mr. BOULDIN, on whose motion the committee rose.

On motion by Mr. HAMER, the House adjourned.

IN SENATE.

THURSDAY, *March* 31, 1836.

Messrs. MORRIS and EWING, of Ohio, presented sundry petitions from Ohio, on the subject of the change of the location of the Cumberland road; which were referred to the Committee on Roads and Canals.

Mr. MORRIS, after presenting the petitions on the subject of the Cumberland road, said, I have another petition to present, which I shall ask to lay on the table, and move that it be printed. It is a preamble and resolutions passed by the General Assembly of the State of Ohio, instructing the Senators from that State to vote for expunging from the Journals of this body the resolution passed in March, 1834, condemnatory of the President for the removal of the deposits from the Bank of the United States. These resolutions were passed by the Ohio Legislature early in January last, and I received an official copy some time during that month. I have thus long delayed presenting them, in hopes they would reach your table through another channel. On yesterday morning I received a number of other resolutions, passed by the Legislature of our State. Copies of a like kind my honorable colleague seized the first moment after the reading of the Journal to present. I was highly gratified for his attention and respect to our State; and not only for the prompt manner, but the cheerfulness with which he presented these resolutions; and I felt quite sure that *now* the resolution of instruction from Ohio would be also presented, and myself relieved from the performance of this duty. But, sir, I was sadly disappointed. My honorable colleague did not find it convenient for him to present them. He no doubt has his reasons for not doing so. Probably he has not received from the Governor of the State a certified copy. If this be the case, he is unquestionably excusable; but if a copy has reached him, and it is his wish to present it, I will most cheerfully return the one I have, and give him the opportunity of presenting to this body the one in his possession at any time he may think proper.

It now becomes my duty, a duty I owe to the State and the country, to present them. I take this occasion to say, and I have no doubt of the fact, that these resolutions express the sentiments of a vast majority of the people of Ohio. I venture this opinion without fear of a successful contradiction; for it will be remembered that during the session of Congress which has so appropriately received the name of the panic session, resolutions were passed by the Ohio Legislature, instructing their Senators in Congress to aid in sustaining the President in the removal of the public money from the Bank of the United States, and to oppose a recharter of that institution. We were then told with great confidence, that the General Assembly had altogether mistaken the opinion and wishes of their own constituents; and those upon whom resolutions of this kind were designed to operate, took an appeal from the constituent body to the people at large. And to influence the public judgment, the people were told that should the deposites not be restored, and the bank rechartered, a most deleterious effect upon the trade, prosperity, and welfare of the country would be the consequence; that, in fact, it would make our "canals a solitude, and our lakes a desert waste of waters." The long, loud, vehement, and repeated denunciations of the President for his act in removing the deposites; the fearful forebodings so strongly and eloquently urged on this floor as to the fatal issue of that act; all coming in aid of the means used by the bank in producing distress in the country, took some effect, and operated for a moment on the public mind in Ohio. It threw into each branch of the General Assembly for that year a small majority opposed to the Administration; but even that General Assembly, elected as it was, under the full pressure of bank power and panic speeches, had not the temerity to instruct the delegation in Congress from Ohio, to vote either for a restoration of the deposites or a recharter of the bank. They well knew that such instructions would be a violation of the public will; and they still, in appearance at least, paid so much regard to that, that they did not attempt it, but contented themselves with a bare repeal or rescinding of the resolutions passed on that subject at the previous session. And thus, in order to save themselves and friends, indirectly denied the right of instruction by the Legislature of their Senators in Congress. The appeal to the people was then perfected, and the issue thus made fairly presented to the voters of Ohio, to be tried at the election held in October last. And what has been the verdict? A solemn decision that the right of instruction exists in the Legislature, and that Senators are bound to obey. That verdict is recorded, and judgment pronounced in the resolutions I now offer. But, sir, that judgment has also been reviewed and reaffirmed, and is presented here with a double force, not only as the opinion of the last General Assembly, individually considered, but as required by the people of Ohio at the hands of their Representatives (as the General Assembly has rightfully declared) in the passage of those resolutions. It is hoped and expected that this high and solemn mandate will not be entirely disregarded, and the requirement of the General Assembly altogether useless. The obligation that a Senator is under to his own State, and the duty he owes, are of too sacred a character to be lightly dispensed with. Disobedience by a Senator to the instructions and requirements of his State as expressed by her Legislature, is a deep and festering wound in the vital principles of our institutions, which, if not speedily cured, will soon assume a fatal ulcer. It is, in the first place, a total abrogation of the doctrine that the legislative body is the true representation of State sovereignty. And it gives to the Senator, for the time being, all the attributes of despotism, the full and free exercise of his own will and authority without accountability. But, sir, could any one for a moment entertain such doctrine, and deny to the Legislature the right of instructing Senators of their States? Yet, in this case, the resolutions offered have another and different support, little inferior to the legislative body itself, and probably more conclusive to the real sentiment of the people on this important subject. The convention which met at Columbus, on the eighth of January last, composed of about five hundred members, representing upwards of sixty counties, being nearly the whole number in the State, by a unanimous vote, passed a resolution in the following words:

"*Resolved*, That we regard the right of instruction as the sheet anchor, the main pillar of our freedom, and that we are determined never to surrender it, but to the last to stand by it. Convinced, as we thoroughly are, that it is only by the frequent and rigid exercise of this invaluable privilege that the democratic character of this Government can be preserved, we believe the agent who disobeys to be unworthy the confidence of his constituents, and that he ought to resign his seat."

It is true this convention was composed of men friendly to the present Administration; and as a doubt no longer exists, that a majority of the people of Ohio are of the same opinion, the convention thus reaffirming the principles of the resolutions passed by the General Assembly, must satisfy every man that Ohio requires her Senators to vote as instructed by the Legislature. But, sir, this is not all. We had another convention —a grand Whig convention—held on the 22d of February last; and they claim that a number of returning prodigals had come into their ranks, and the great ox, instead of the fatted calf, was killed, and they had much rejoicing. And it is hardly necessary to say, that opposition to the Administration was their watchword; and while they boast of having far outnumbered the former convention, they did not open their lips on the subject of the resolutions of instruction passed by the General Assembly. In the pride of their strength, they were endeavoring to catch the popular gale, and well knew that opposition to these resolutions would prove their overthrow. I have before me a paper containing an account of their proceedings, and I find no resolution on the subject of instruction, *pro* or *con*, to Senators here. This silence is evidence of approval by our political opponents in Ohio, or that they well knew that the people of that State strongly disapproved of the condemnatory resolution passed by this Senate. This exciting subject had occupied public attention. Almost every man in Ohio had thought and conversed on the question; and the Whig convention, no doubt, would have used it to their advantage, if in their power.

Under this highly responsible situation are we called to act and vote; and the great question is, shall we do our own will, or the will of that sovereign power which sent us here? It is a hopeless warfare to be contending against our States. It is a kind of moral treason, for which, sooner or later, we must expect to suffer the penalty. It is wisdom, then, for us to make our submission at once; and when we are called to vote on the resolutions, offered by the Senator from Missouri, that we vote in their favor. I have now strong hopes that Ohio will be united in her vote here on this important question. Her Senators appear to pay the highest respect to the resolutions of her Legislature. I hope the one I now offer will not form an exception to our general conduct. Can we refuse our obedience on the ground that this resolution requires an unconstitutional act? We ought to pause before we make this excuse, and well distrust the correctness of our own opinion, when it comes in contact with that of the opinion of our State, repeatedly, and, I may add, almost, if not entirely, unanimously expressed, not only of our own State, but of twelve States, while not a single State has expressed a contrary opinion. It is the opinion of the State, and not the individual agent, that ought to be known and felt here. If the agent is unable, from conscientious motives, to express that opinion, his path of day is plain before him.

Mr. EWING, of Ohio, in reply to Mr. Morris, said the attack of his colleague was not the hasty feeling of the moment, which he could always excuse—it was a deliberate attack, drawn out on paper; and the singularity of it struck him with surprise. The appeal he had made was direct; he made it on this floor; and the result was that the majority was changed from twenty-six on one side to fourteen on the other. The question was taken directly on the instructions to compel a member to violate his conscience. He was willing to discuss it alone, or with his colleague, before the people; and in the result of that discussion he was willing to abide. He never denied the propriety of the Legislature sending to their Senators their views; it was their duty to inform them. He would not deny the right to instruct, but he did deny the right of the Legislature to command obedience. Neither the Legislature nor the Governor had the right or power of instruction. That power was not granted to either in the constitution of Ohio; and the Legislature, when they attempt to usurp that power, they usurp the power retained by the people in their constitution. He was willing to trust his political destiny to the instructions of the people, and to none other.

Mr. MORRIS, in reply, said that he had not the least expectation that he should be called on for any explanation, or be under the necessity of making a reply to anything that should be said by his colleague by way of excuse or otherwise, but he had found himself mistaken, and the matter which he had offered was overlooked to get at the manner in which the act was done; and his colleague appeared so much affected by it, that he had entirely misunderstood or misrepresented (no doubt unintentionally) what he (Mr. M.) had said, and his looking at a paper was made cause of loud complaint. He would now endeavor to set his colleague right by speaking *verbally*. It was true (Mr. M. said) that he had been a silent member in that body, almost entirely; so that his friends here and elsewhere had, in a good degree, censured him; that he heard many arguments which he thought both weak and

fallacious; but he had refrained from speaking while there were so many gentlemen willing to speak, and far more competent to the task than he was. But his colleague ought not to suppose that because he had been silent he could not defend any position he assumed, if it was necessary for him to do so; he had never, heretofore, attempted, nor should he now endeavor, to talk himself into notice; he relied on the truth and justice of the case, and the good and sound understanding of the American people, to make the application; and he would remind his colleague that politicians were sometimes so unfortunate as to talk themselves into a very unfavorable notice; that their very words might become a desert waste. His colleague had complained, almost in the language of woe, that he had coolly and deliberately written, and he had no doubt with much time and care, and now read to him a lecture for not obeying the instructions of the Legislature of his State, and for not presenting these resolutions, when the General Assembly had not required of him such presentation; and he had done so because he had no doubt it gave him (Mr. M.) much pleasure in presenting them.

Mr. M. said his colleague did not well understand or know him, when he supposed that the presenting these resolutions had given him any peculiar pleasure. It was true that it always afforded him pleasure to do his duty, but he could assure, not only his colleague but the Senate, that he had detained those resolutions a long time in his possession, in the hope that they would find their way into that body, as he had before said, through some other channel. Other resolutions of a like character had been presented; and he would ask by whom, and leave his colleague to make his own answer, and exercise his own reflection on the question; but he confessed he was somewhat surprised that his colleague on yesterday, at the very first moment that it was in order to do so, presented the resolutions that had been forwarded us from Ohio on various subjects, and leaving this, the most important one, still unpresented. He was perfectly willing his colleague should have the honor of presenting to the Senate all the papers sent here by his State. He would never attempt to snatch a single leaf from his brow; but he did think that it was unkind, if not unjust, in his colleague not to present *all*, when in his power to do so. And when he had seen and felt this act of unkindness, he thought it would be a dereliction of duty on his own part longer to wait on his colleague, and he had hastily thrown his ideas on paper to prevent misrepresentation here or elsewhere, and had recurred to them as full notes of what he said; but it was strange indeed, that a serious charge should be made here for reading a paper; but he (Mr. M.) well understood what was intended. Its effect abroad was no doubt hoped for, but it would be a vain hope where it was expected to be most operative. But why attempt to evade the fact by a charge against the manner of delivering, if his remarks had been coolly and carefully prepared, as his colleague had erroneously been led to believe? If they are not facts, they can be as easily contradicted and overthrown, when delivered in one form, as another; and (said Mr. M.) I call on my honorable colleague, if one fact be not correct, to at once deny it; it would give him pleasure to be corrected; and, if his reasoning was not correct, refute it. He had no other object but that right and justice should take place; but it was rather a small matter to evade a charge on the ground that it was read from a paper, when it might have been verbally made. His colleague had said he had not presented this paper, because the paper itself did not require him to do so; at least that was assigned as one reason. He would call on his colleague to say, if the same reason did not exist as to all the papers and resolutions he had offered on yesterday to the Senate, and why it was that distinction should be made between acts of the same kind; why one paper should be presented without such request, and another withheld on that account?

Mr. EWING here rose, and was understood to say, that none of the papers contained any special request that they should be presented, and he considered it entirely a discretionary matter whether he should or should not present them.

Mr. MORRIS continued. He was glad of the explanation; discretion was sometimes the better part of valor. We are willing to make a record here of all these acts of our Legislature sent us but those which operate on ourselves; this, he considered, would be an act of injustice towards the State, against which he protested. But (said he) I am charged with having neglected to state that the appeal, which his colleague admitted he had taken, had been decided in his favor.

Mr. M. said that, if he was so unfortunate as not to be able to make himself understood by his colleague, when he had charged him with reading deliberately from a paper, he had little hope of better success now; but he would assure his colleague that he had said, and he now repeated it, that, under the influence of panic speeches, aided by the means and power of the bank, operating like an electrical shock on the people, it threw into the Ohio Legislature a small majority of the gentleman's political friends; but even they did not attempt so far to violate the public will as to say one word in favor of a recharter of the bank, or restoration of the deposits, but contented themselves with repealing or rescinding the former resolution. This brought up the great question, the right of instruction by the Legislature of a State to Senators in Congress, which was fairly tried and settled in Ohio at our last elections, and will by the people of that State, he had no doubt, be fully and permanently maintained. He had said that he confined his remarks to Ohio only; he did not attempt to enter into the inquiry, whether the expunging power was constitutional, or whether the resolutions passed by this Senate were, or were not, justly passed. He passed by these inquiries at present; they were not necessarily connected with the right of instruction and the duty of obedience—a right which his colleague denied to the Legislature of his State; and, as he understood, he again appealed to the people for his resistance against the resolutions now offered. He (Mr. M.) contended that the sovereignty of the State ought to be represented in this body; that for this purpose was the Senate itself constituted; and that under our form of Government that sovereignty was vested in the State Legislatures, and they alone ought to be respected as the legitimate organ of instruction to Senators here; and he now called upon the people of his State to listen to their own Legislature, and to look to them as the great bulwark of all their domestic rights, and for the very preservation of their liberties, if they could be disregarded and treated with supercilious contempt, and their instructions made matter of appeal by an individual Senator here, on the ground that the legislative body had not the power or right to give such instructions; and if they should sustain such pretensions, they would not only surrender all their sovereignty into the hands of two men not elected by themselves, but they would in fact surrender all their rights into the hands of a dictator—would become slaves of an irresponsible power, and would in fact be fit to be such.

Not wishing to push himself into notice by public speaking, he felt entirely satisfied to give his colleague every opportunity to do so. He well knew that they represented an intelligent, thinking, and judging people, capable of understanding their rights, and well knew the means of maintaining them, and in many instances the arguments of opposition would do more for the cause of truth than anything that could be said in its behalf. Such had been the effect of panic speeches and visionary predictions, in which his honorable colleague bore a conspicuous part. Ohio had been literally flooded with them, but they were driven and scattered before the power of reason, like summer clouds before the winds, and were absorbed and lost before the light and power of truth, like the morning dew before the rising sun; and he now predicted that this second appeal of his colleague would share a like fate. It never could, it never would be sustained while the people have a just knowledge of their rights, and were able and willing to maintain them; and he was a poor political calculator indeed who did not know that this was the case; and, for his own part, he had such abiding confidence in the intelligence of his fellow-citizens, that he could not even doubt but that it would forever continue. He said he disliked personal allusions, or personal altercation on the floor of the Senate; he had, however, heard it often, and regretted it was so; he was not disposed to make such attacks, but always ready to repel them.

Mr. EWING, of Ohio, said he had received a copy of these resolutions some time ago, but did not feel exactly bound to present them. The paper that was sent to him was for his own private purpose. His colleague, on that question, had no need of instructions; and he (Mr. E.) could not have found it in his heart to have deprived him of so agreeable a task as that of presenting them. It seemed his colleague had had time enough to prepare the lecture he had just read to him, (Mr. E.) If the people of the State had instructed him, (Mr. E.,) he was not bound to obey the instructions of his colleague.

In 1834, instructions were presented by his colleague, and ordered to be printed. He (Mr. E.) voted against them, and made his appeal to the people on this floor; and the next Legislature that assembled rescinded them. His appeal was then answered, and he had no further appeal to make. He was not called upon by his colleague to state what course he should pursue. He should pursue a manly and independent course, and he was not to be swayed or turned aside from it. He should pursue it regardless of consequences. He disregarded party dictation.

The resolutions were then laid on the table, and ordered to be printed.

RESOLUTIONS OF MISSOURI.

Mr. LINN presented certain resolutions of the Legislature of Missouri, highly approving the conduct of the President in relation to the United States Bank, censuring the bank's conduct, and strongly disapprobatory of the resolutions of the Senate of the United States, and condemnatory of the President's removal of the public deposits, declaring them to be unjust, unconstitutional, and unmerited, and therefore ought to be expunged from the Journals. The resolutions also instruct their Senators and Representatives to use their influence to obtain appropriations for the improvement of the navigation of the Missouri and Mississippi rivers; and also recommending Mr. BENTON's plan for the graduation of the price of the public lands, while they disapprove of the land bill of Mr. CLAY, and instruct their Senators and Representatives to oppose it.

On motion by Mr. LINN, these resolutions were laid on the table, and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. NAUDAIN, from the Committee on Claims, reported unfavorably on the petition of Beverly Chew and others.

On motion by Mr. SHEPLEY, the Committee on Claims was discharged from the further consideration of the petition of John McDonald.

BILLS INTRODUCED.

Mr. WALKER, in pursuance of notice given yesterday, asked and obtained leave, and introduced the following bills; which were read, and ordered to a second reading:

A bill to reduce and graduate the price of the public lands in favor, only, of actual settlers; to establish a general and standing preëmption law; to provide for the sale and entry of all the public lands in forty-acre lots; and to equalize the grants of public lands among the new States in which the public lands are situated.

Also, a bill to provide a preëmption to a quarter section to every actual settler on the public lands at any time before the 1st of January, 1836.

Also, a bill to provide for claims under former preëmption laws.

The bills were then, by unanimous consent, read the second time by their titles; and Mr. W. moved to refer them to a select committee, composed of five members.

Mr. CALHOUN moved that they be referred to the Committee on the Public Lands; and, after some debate, in which Messrs. CALHOUN, WALKER, CLAY, BLACK, MOORE, and KING of Alabama, took part, Mr. CALHOUN varied his motion so as to refer one portion of the bill to the Committee on the Judiciary, and the other to the Committee on the Public Lands; and, after some further remarks from Messrs.

WALKER, CALHOUN, PORTER, CLAY, and EWING, Mr. CALHOUN withdrew his last motion and renewed the first—to refer the whole subject to the Committee on the Public Lands.

This question was taken by yeas and nays; and decided as follows:

YEAS—Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Leigh, McKean, Mangum, Naudain, Prentiss, Preston, Robbins, Southard, Swift, and Tomlinson—19.

NAYS—Messrs. Benton, Black, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, Linn, Morris, Moore, Nicholas, Niles, Porter, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, and Wright—25.

The question was then taken on the reference to a select committee as moved by Mr. WALKER, and carried in the affirmative.

NORTHERN BOUNDARY OF OHIO.

The Senate then resumed the consideration of the bill to establish the northern boundary line of Ohio, and for the admission of Michigan into the Union; and after an address of some length, in opposition to the bill, from Mr. SOUTHARD, he, without concluding, gave way to

Mr. HENDRICKS, who submitted the following amendments; which were ordered to be printed.

In section two, line eight, strike out "provided always, and this admission is on the express condition," and insert, "so soon as the free male white citizens of the United States shall, by their delegates in convention hereafter to be elected, so modify and amend their constitution."

Section three, strike out the first fourteen lines, and insert: "*And be it further enacted*, That the foregoing condition being in good faith complied with, and being reported by the convention to the Congress of the United States thereupon, and without any further proceeding, and immediately after the said constitution shall be modified according to the provisions of this act, the said State of Michigan may and shall proceed to appoint, in such manner as the Legislature thereof may direct, the number of electors of President and Vice President of the United States, to which the said State is entitled."

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 31, 1836.

Petitions and papers were presented, on leave, by Messrs. KINNARD, WISE, INGERSOLL, EVANS, and THOMAS.

[Mr. KINNARD obtained the consent of the House to present the following petitions: The petition of David Whitesides, claiming compensation for mail transportation; referred to the Committee on Claims. The petition of Richard Doughty, to be placed on the invalid pension roll. The petition of sundry citizens of Miami county, Indiana, for the establishment of a mail route from Peru to the seat of justice of Fulton county. The petition of Ezekiel Laswell, to be placed on the revolutionary pension roll. On motion by Mr. KINNARD, the petition of Dr. David H. Maxwell, claiming compensation as a surgeon in the late war, was referred to the Committee on Claims.]

On motion by Mr. JONES, of Michigan, it was

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of making an appropriation for holding treaties with certain tribes of Indians residing in the vicinity of Green Bay, Brown county, with those in Crawford county, and those on the reserve in Des Moine county, who have, or may express a willingness, to cede lands to the United States, and for the removal of those Indians.

On motion by Mr. SPEIGHT, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes, viz: from Newbern to the house of James Riggs, on Bay river, in the county of Craven; from Beaufort to Portsmouth, and thence to Ocracock; from Kinston, by Hookerton, to Snowhill.

On motion by Mr. SPEIGHT, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a marine hospital at Beacon Island, North Carolina.

Mr. HAWES made an ineffectual effort to take up his resolution on the subject of the West Point Academy.

REPORTS FROM COMMITTEES.

Mr. CASEY, from the Committee on the Public Lands, reported a bill to authorize the Illinois Central railroad company to locate and construct a railroad through the public lands, and for other purposes; which was read twice and committed.

Mr. JARVIS moved to suspend the rules one hour, for the purpose of presenting petitions; which was negatived—ayes 89, noes 47; two thirds being requisite.

Mr. BOON, from the Committee on the Public Lands, reported, without amendment, Senate bill No. 66, entitled "An act to authorize the location of the Leavenworth and Bloomington railroad, and other works of internal improvement in the State of Indiana, through the public lands; and the same was committed to a Committee of the Whole House.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of Charles A. Gridner; which was read twice and committed.

Mr. THOMSON, of Ohio, from the Committee on Military Affairs; and Mr. UNDERWOOD, from the Committee on Revolutionary Claims, made unfavorable reports upon various petitions; which were ordered to lie on the table.

DAVID NEWLAND.

Mr. HAWKINS, from the Committee of Elections, reported a resolution directing the Clerk of the House to pay to David Newland, out of the contingent fund, the same compensation for mileage and per diem as is paid to a member of Congress, from the time he presented his petition for a seat in the House to the 29th instant, inclusive.

Mr. GRIFFIN was opposed to the resolution, and asked for the yeas and nays on its adoption; which were ordered.

Mr. UNDERWOOD opposed the adoption of the resolution. He voted for the reference of the subject, in the hope that the committee would report to the House some precedent, if any existed, which would authorize the appropriation. The committee had reported no precedent, and he would inquire upon what principle this proposition could be sustained? The public money could only be paid to those who rendered some service. What service (he inquired) had the petitioner rendered the country to entitle him to remuneration? He objected to the establishment of a rule that in contested elections both parties should be paid; and if such a precedent should be made they would have an increased number of these contests hereafter. If a party fails in contesting the election, he would be satisfied with his pay. It would be very convenient for gentlemen under such circumstances to visit Washington, and spend a few months pleasantly with friends. If Mr. Newland had obtained the seat, there would have been some propriety in paying him; because he had done no wrong, and was legally entitled to it. But in this case, as well as other cases which might come up, he could not vote for paying a defeated applicant for a seat in that body. If the petitioner was paid, they ought to pay the magistrates and witnesses, and he could see no good reason for making an exception in favor of the former.

Mr. HAWKINS said it was true, as the gentleman from Kentucky had remarked, that the committee had reported no precedents on the subject. For himself, (Mr. H. said,) he had no precedent but his conscience, which dictated to him that it was clearly right to pay Mr. Newland, as proposed; a stronger case had never occurred. The House had declared by a majority of twenty-seven votes that the sitting member was not entitled to his seat, and the change of a single vote would have given the petitioner his seat on that floor. If they established the principle that a man, let his claims be ever so strong, should not be paid, it would put it entirely out of the power of a poor man to contest an election, although he might be entitled to the seat, and the most fraudulent means might be resorted to in order to prevent his return. It was not every man who might be preferred by the people as their Representative who possessed a princely fortune. He was opposed to a precedent which might operate so unjustly.

Mr. HARDIN adverted to the case of Moore and Letcher. He had voted to pay both gentlemen, although the House declared that neither was entitled to the seat. In answer to his colleague, [Mr. UNDERWOOD,] that by adopting this proposition it would induce contests of this sort merely to obtain the pay, &c., he would say, that he would pay no person who did not come there in a *bona fide* manner to contest an election; and the case of Moore and Letcher, and the present one, taken in connection with the action of the House, (which he recited,) showed plausible grounds for contesting the seats; and he would vote to pay in both cases.

The person contesting an election was not acting for himself alone, but on behalf of his constituents; and he agreed with the gentleman from North Carolina [Mr. HAWKINS] that, if they should determine not to pay a defeated applicant for a seat on that floor under any circumstances, it would prevent a poor man from contending for his rights and the rights of the people of his district. In this case Mr. Graham had been paid, and he was glad of it; and he was in favor of paying Mr. Newland. As to this being a mere pleasure excursion on the part of the latter, it could not be so considered when it was recollected that he had been, for months before coming here, traveling over the Buncombe district, which was two hundred miles long and one hundred in breadth, and in which was a spur of the Alleghany mountains, taking depositions; and, under the circumstances, he was the last man who, Mr. H. would be inclined to believe, was on a mere trip of pleasure.

Mr. VINTON had no objection to this proposition so far as the amount of money was concerned, but the precedent was an important one. Frequent contests of a similar character had taken place in that House, but in no instance had the defeated member been paid. He thought they ought to pause, at least, and look into the consequences which might result from the adoption of the resolution. Mr. V. proceeded at some length to oppose the resolution as setting a precedent which might lead to great abuse, embarrass the business of the House by inviting applications for seats, which would lead to unnecessary expenditures of money and waste of the time of the House.

Mr. GILLET said, the House had agreed to an amendment of a bill from the Senate, to pay Mr. Potter, of Rhode Island, which was very similar to the present case. Mr. Potter had come to the Senate, contesting the seat of Mr. ROBBINS, and after he was decided against he was paid by the vote of the members who were politically opposed to him. He hoped the gentleman from Kentucky [Mr. UNDERWOOD] would not say that that case was not a precedent. That question came into the House, and it was decided that he should be paid, by a strong vote; and among those who had voted to pay him was the name of the gentleman from Ohio, [Mr. VINTON,] so he considered the House had established a precedent for paying Mr. Newland. The Senate had paid Mr. Potter because he came before them with a plausible claim to his seat; so it was with Mr. Newland; he had come before the House with what he thought to be a constitutional majority of the people of his district, and the evidence which he brought forward, Mr. G. considered just as good as the evidence of a legislative body. He would also call the attention of the gentleman from Kentucky to the case of Moore and Letcher, in the last Congress. After they had discussed the subject for months, they came to the conclusion that Mr. Letcher was not entitled to the seat, and they resolved to send both the parties back to the people. A proposition was brought forward to pay Mr. Letcher, and his friend from Kentucky [Mr. HARDIN] moved a clause to pay Mr. Moore also. The previous question, however, was demanded and sustained, which cut off the amendment proposing to pay Mr. Moore. The yeas and nays were ordered on that question; and it was true that the name of the gentleman from Ohio was not among the yeas, but the name of the gentleman from South Carolina, [Mr. GRIFFIN,] who objected to this resolution, was to be found voting to pay Mr. Letcher under precisely similar circumstances to the present. Almost the entire opposition in the last Congress were found voting the same way. Now, he would ask gentlemen, who could refuse to pay Mr. Newland who had voted to pay Mr. Letcher?

Mr. BRIGGS said he recollected the vote he gave to pay Mr. Letcher, and he considered it as just a vote as he ever gave; but he would ask the

gentleman from New York, [Mr. GILLET,] if he could find his own name on the list of yeas and nays which he had referred to? He believed the gentleman was in his seat when the yeas and nays alluded to were called, and did not answer to his name; at least the gentleman was in the Hall. Mr. B. voted to pay Mr. Letcher, and he should vote to pay Mr. Newland. He hoped justice would be done to Mr. Newland, as well as to Letcher.

Mr. B. offered an amendment to the resolution as follows:

"The seat of said Graham having been vacated upon proceedings had under the petition of David Newland."

Mr. PEARCE, of Rhode Island, said it was well known to the House, that he had been in favor of Mr. Newland from the beginning of the contest, and that he believed him entitled to the seat, but the House had overruled his opinion, and he submitted to their decision. He did not, however, consider the case of Mr. Potter a precedent for paying Mr. Newland, and he could not, therefore, entertaining the opinions he did, advocate the present resolution. He would be glad to see Mr. Newland compensated, if he could do so consistently with what he considered his duty; but he did consider, if they passed the present resolution, it would be setting a precedent for the payment of all the parties to contested elections which might hereafter come before the House.

Mr. HAMER remarked, that they had discussed upon resolution the cases of Robbins and Potter, and Moore and Letcher—they had also touched upon the winding up of the last session, and the $3,000,000 appropriation, and he feared they would next have some remarks about abolition. Believing, however, that every gentleman was prepared to vote upon this proposition, which was one addressed to the sound discretion of the House, he would move the previous question.

Mr EVANS moved to lay the resolution on the table, and asked for the yeas and nays; which were ordered, when the motion was negatived—yeas 43, nays 131.

The question being on the second to the previous question,

Mr. PATTON called for the reading of the following clauses of the law making appropriations for the contingencies of the House, in order to show that they had no right to adopt the resolution:

"For stationery, fuel, printing, and all other incidental and contingent expenses of the House of Representatives, two hundred thousand dollars.

"The said two sums last mentioned to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally, and to no other purpose."

The reading was objected to.

The hour of one having arrived, the Chair announced the special order.

Mr. HAWKINS moved to suspend the rule, in order to dispose of the resolution which he had reported from the Committee of Elections; which was agreed to—ayes 105, noes 51.

The previous question was then seconded—ayes 89, noes 47.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the previous question; which were ordered; and were—yeas 101, nays 74.

So the main question was ordered to be taken; and the resolution was adopted—yeas 124, nays 54.

NAVAL APPROPRIATION BILL.

In pursuance of the special order of the 26th January, on motion by Mr. CAMBRELENG, the House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. HAMER in the chair,) and resumed the consideration of the bill making appropriations for the naval service of the United States for the year 1836.

The question pending was the motion by Mr. BELL, to strike out the following item:

"For the improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire, $67,000."

Mr. GARLAND, of Virginia, resumed his remarks, and commenced by referring to the proceedings of Congress on the Dismal Swamp canal, for an amendment to which Governor Tazewell voted, and vindicated the course of the present Administration, on the subject of internal improvement, from the charge of inconsistency. With regard to the $30,000 annual appropriation for surveys, he remarked that it originated under the administration of Mr. Monroe, and was first passed by a Republican Congress. He cited the act in question, (30th of April, 1824,) and said it would be found that every act since passed for that appropriation set forth, that it was to "carry into effect the plans and surveys directed by the act of 30th of April, 1824." He referred also to various other acts and documents connected with works of internal improvement in support of the argument, that the present Administration had adhered to the principles of the Maysville road veto.

He then repelled another charge made by Mr. BELL against the Administration, of neglecting points of national importance. He began with Pensacola, and enumerated the estimates proposed for the present year, which, altogether, for wharves and hydraulic dock, and deepening the bar there, amounted to upwards $500,000, instead of $64,000, as stated by the gentleman from South Carolina, [Mr. THOMPSON.]

Mr. THOMPSON inquired from whence the gentleman derived these statements?

Mr. GARLAND replied that he had procured them from the executive documents presented to the House and at the Departments. He then proceeded with regard to fortifications. He denied that their dilapidated condition was to be ascribed to the executive department. The fault was with Congress, which had refused to appropriate the necessary sums for repairs. During the war a large number of fortifications were necessarily constructed in great haste, and consequently of unseasoned and bad materials. He then quoted the amounts appropriated by Congress, which would prove that the fault lay with them. In 1821 the estimates were $20,000; in 1822 $20,000; in 1823 $23,000; in 1826 it came down to $15,000; for 1830,-'31,-'32, and '33, the War Department estimated the necessary repairs at $15,000, and Congress reduced it to $10,000. In 1834, pursuant to the determination shown by Congress to limit it to that sum, $10,000 was reported, and in 1835 nothing was appropriated. The fault, then, was with Congress. He then replied to another charge brought by Mr. BELL against the Administration, that the provisions of war had been neglected and suffered to diminish, viz: cannons, guns, balls, carriages, &c., citing reports of the War Department from 1830 downwards. The Department could only use the means furnished it by Congress; and it could not be denied that the money had been expended in the most judicious manner the service required.

With regard to another charge, that the present Administration had been more extravagant than former Administrations, he replied by citing expenditures of former periods, and adduced the following fact to show that the fault was not with the Executive. In the four years of 1831, 1832, 1833, and 1834, the appropriations by Congress had *exceeded* the executive estimates by nearly fourteen millions of dollars, viz: $13,881,128 93. Then it should be borne in mind that the pension list had been extended; that large sums had been paid for Indian lands and reservations. The Black Hawk war had cost a considerable amount of money, and Congress had appropriated large sums for harbors and for the Cumberland road; all of which had swelled the expenditure of several years past. These were extraordinary appropriations, for which the Executive was not chargeable; and, if taken away, he was prepared to prove that the present Administration would bear a comparison with any preceding one for economy. Mr. G. then proceeded to vindicate the course of the Administration on the subject of the currency and the press. He then adverted to the charge, that an amendment to the Constitution of the United States in relation to the election of President and Vice President, had been presented by the friends of the Administration. He denied that they had evinced any disposition to evade it. It was well known that the President had not failed to recommend the subject to the attention of Congress in all his annual messages, and the proposition had been lost in Congress, owing to a variety of circumstances. He referred to the proceedings of the last session, on Mr. GILMER's proposition, which was one of great length, and involving too many important principles to expect immediate or prompt action thereon. Mr. G. went through the proceedings on those resolutions *seriatim*, from which it was seen that the opponents of the Administration voted against them almost in a body. Why had the gentleman from Tennessee himself suffered the subject to lie over, without his having participated in it, from the year 1829 to the present time? Mr. G. held himself prepared to go into the subject at any time, whenever the public business would admit of it.

Mr. G. then referred to a series of statements proving that the State deposit banks were able to meet all their liabilities, and have a surplus of assets of upwards of forty millions; and reviewed, at great length, a variety of other important topics, the disposition of the surplus revenue, the executive patronage bill, the French question, &c. On the latter, he vindicated the course of the Administration, and the messages and recommendations of the President of the United States at length. He also adverted to the Baltimore Convention, and the principles of conventions and caucuses. The foregoing sketch must be taken as nothing more than a mere reference to the heads of the topics dwelt upon by Mr. G. His remarks will be given in full as soon as they can be prepared for the press. At half-past four Mr. G. concluded, and Mr. JARVIS obtained the floor, on whose motion the committee rose.

The SPEAKER laid before the House sundry executive communications, which were appropriately referred; and then the House adjourned.

IN SENATE.

FRIDAY, *April* 1, 1836.

Mr. LINN, from the Committee on Pensions, reported a bill for the relief of John Powell; which was read, and ordered to a second reading.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which the memorial on the subject had been referred, reported a bill to authorize the company about to construct a railroad from Mobile to Pascagoula, to locate their road through the public lands.

Mr. RIVES presented the petition of the heirs of the late Major Swan, paymaster general of the United States Army; which was referred to the Committee on Claims.

The resolutions lying on the table, submitted by Messrs. LINN and HUBBARD, were considered and agreed to.

Mr. TOMLINSON submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to complete and secure the works at Cedar Point, in the State of Connecticut.

NORTHERN BOUNDARY OF OHIO.

On motion by Mr. BENTON, the Senate resumed the consideration of the bill to establish the northern boundary line of Ohio, and for the admission of Michigan into the Union; when Mr. SOUTHARD, who had the floor, concluded his remarks in opposition to the bill, the question being on Mr. WRIGHT's amendment.

Mr. HENDRICKS addressed the Senate in support of the amendments offered by him yesterday.

Messrs. CLAYTON, EWING, and CLAY, addressed the Senate, principally in opposition to that part of the constitution of Michigan in relation to the right of suffrage; and their arguments were replied to by Messrs. BENTON, WRIGHT, and BUCHANAN, in support of the bill, with the amendment of Mr. WRIGHT; after which,

On motion by Mr. DAVIS, that the Senate adjourn, it was decided in the negative—yeas 21, nays 22.

After some further remarks from Mr. CLAY, and a reply from Mr. BUCHANAN,

Mr. EWING moved that the Senate adjourn; which motion was negatived—yeas 21, nays 24; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, and Tomlinson—21.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas,

Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, and Wright—24.

After some remarks from Messrs. CLAY, BUCHANAN, and WALKER,

Mr. CLAYTON moved that the Senate adjourn; which motion was negatived—yeas 22, nays 23; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, audain, Porter, Prentiss, Preston, Robbins, Southard, Swift, and Tomlinson—22.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, and Wright—23.

The question then recurred on Mr. WRIGHT's amendment, which provides, that on the assent being given by a convention of the people of Michigan to the boundaries in the proposed bill, convened for the sole purpose of giving their assent herein required, the President shall issue his proclamation that the conditions have been complied with, and thereupon the State of Michigan shall be admitted into the Union, and the Senators and Representatives elected by her shall take their seats in Congress without delay.

Mr. CLAY moved to amend Mr. WRIGHT's amendment, by striking out the words, "people of the said State," and insert, "by the free white male citizens of the United States, over the age of twenty-one years, residing within the limits of the proposed State."

This amendment, after some remarks from Mr. CLAY, was rejected—yeas 22, nays 23; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Robbins, Southard, Swift, Tomlinson, and White—22.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, and Wright—23.

Mr. CLAY then moved to amend Mr. WRIGHT's amendment by striking out the words "for the sole purpose of giving the assent herein required," and inserting "to revise the said constitution, and to give the assent herein required."

The amendment was rejected—yeas 19, nays 25; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, and Tomlinson—19.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Leigh, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, and Wright—25.

Mr. Porter then moved to adjourn; which motion was rejected by the following vote:

YEAS—Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Leigh, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, and Tomlinson—19.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, and Wright—23.

Mr. HENDRICKS remarked that the principle of one feature of his amendment having been decided by the Senate, and his principal object being embraced by the amendment of the Senator from New York, that of a convention of the people of Michigan to amend her article of boundary, instead of the Legislature as propsed by the bill, he would withdraw his amendment, and would cheerfully vote for the amendment of the Senator from New York. The remaining amendment of Mr. HENDRICKS was then withdrawn by him.

The question being taken on Mr. WRIGHT's amendment, it was carried—yeas 32; as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Clay, Clayton, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Knight, Linn, Morris, Nicholas, Niles, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Tomlinson, Walker, White, and Wright—32.

Mr. CRITTENDEN then moved that the Senate adjourn; which motion was rejected—yeas 19, nays 24; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Leigh, Mangum, Moore, Naudain, Porter, Prentiss, Robbins, Southard, Swift, and Tomlinson—19.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, and Wright—24.

The question next came up on Mr. HENDRICK's amendment, as follows:

Section 3, lines 11 and 14, strike out "as soon as the assent here required shall be given, the President of the United States shall announce the same by proclamation," and insert, "the foregoing condition being in good faith complied with, and being reported by the convention to the Congress of the United States."

This amendment was rejected—yeas 9, nays 28; as follows:

YEAS—Messrs. Clay, Crittenden, Ewing of Ohio, Hendricks, Kent, Leigh, Moore, Porter, and Southard—9.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Davis, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Naudain, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Swift, Tallmadge, Tipton, Tomlinson, Walker, White, and Wright—28.

Mr. SOUTHARD moved to amend the bill, by striking out the words "and the Senators and Representatives who have been elected shall be entitled to take their seats without further delay."

After a debate, this amendment was negatived—yeas 12, nays 23; as follows:

YEAS—Messrs. Black, Clay, Crittenden, Davis, Ewing of Ohio, Leigh, Naudain, Porter, Southard, Swift, Tomlinson, and White—12.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, and Wright—23.

Mr. CLAY moved to amend the bill, by inserting after that part of it declaring that the constitution of Michigan is ratified and confirmed by Congress, the words "except that provision of said constitution by which aliens are permitted to enjoy the right of suffrage."

Mr. BENTON said it was necessary to proceed with precision in this matter, and to have a perfect understanding of it. Although it might appear, from the result of the vote on this amendment, that the Senate sanctioned a clause admitting aliens to enjoy the right of suffrage, yet no such thing appeared in the constitution. It might be, that on the day on which the convention met, every person there participating in the election would be a citizen. There was no such clause as that excepted to by the amendment of the Senator from Kentucky, by which aliens would be permitted to enjoy the right of suffrage.

The amendment, after some remarks from Mr. CLAY, was rejected—yeas 14, nays 22; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Hendricks, Leigh, Naudain, Porter, Southard, Swift, Tomlinson, and White—14.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, and Wright—22.

Mr. CALHOUN here moved that the Senate adjourn; rejected—yeas 12, nays 23; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Leigh, Naudain, Porter, Southard, Swift, and Tomlinson—12.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmade, Tipton, Walker, White, and Wright—24.

The question was next taken on Mr. EWING's amendment as a substitute for the whole bill, and it was rejected—yeas 7, nays 24; as follows:

YEAS—Messrs. Black, Davis, Ewing of Ohio, Leigh, Southard, Swift, and Tomlinson—7.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, and Wright—24.

No other amendment being offered, the question was taken on ordering the bill to be engrossed for a third reading, and decided in the affirmative by the following vote:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, and Wright—23.

NAYS—Messrs. Black, Davis, Ewing of Ohio, Leigh, Southard, Swift, Tomlinson, and White—8.

On motion by Mr. BENTON, the Senate agreed to reconsider the vote taken in the morning by which the Senate determined to adjourn over to Monday—yeas 20, nays 5.

On motion by Mr. WHITE, the Senate then proceeded to the consideration of executive business; after which it adjourned to meet to-morrow, at twelve o'clock.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 1, 1836.

Mr. REYNOLDS, of Illinois, asked the unanimous consent of the House to permit him to offer a resolution to suspend the standing order of business for the second Monday in April, so as to give priority on that day to the bill extending the provisions of the pension act of 1832.

Objection being made, Mr. REYNOLDS remarked that he thought one day at least should be given for the consideration of a measure for the benefit of old soldiers; he would, therefore, move to suspend the rule, in order to enable him to submit his proposition.

On a count, there appeared—ayes 52, noes 49—no quorum.

Mr. HOWELL then asked for the yeas and nays on the motion to suspend the rule; which were ordered—yeas 78, nays 51.

So the motion to suspend was negatived.

Petitions and memorials were presented on leave by Messrs. JOHNSON, of Louisiana; GRENNEL, LAWRENCE, MASON, of Virginia; ASHLEY, CHAPMAN, STORER, JARVIS, JONES, of Michigan; CAMBRELENG, THOMAS, REED, LOVE, CLAIBORNE, of Mississippi; and CHAMBERS, of Pennsylvania—which were appropriately disposed of.

[Mr. LAWRENCE, by leave, presented a memorial of importing merchants of the city of Boston, representing that much inconvenince is frequently experienced by them in consequence of unavoidable delays in passing their importations through the custom-house, arising wholly from the insufficiency in the number of officers allotted to the customs in that city; and, further, that the public warehouses are too circumscribed and ill-suited for the purposes for which they are designed, and soliciting an enlargement of the public stores, and an increase of the number of clerks; by which means greater facilities will be afforded to the appraisers for the more speedy and correct discharge of their duties, which the memorialists represent have greatly increased during the present year; which memorial was referred to the Committee on Commerce.

Mr. JONES, of Wisconsin, presented the memorial of George H. Walker, of Milwan, Ree county, the petitions of J. H. and Nathaniel Knapp, praying for a confirmation to a tract of land in Des Moine county; of the citizens of Des Moine county, praying for the improvement in the navigation of the Mississippi, at the rapids of the Des Moine and Rock river; a petition of the people of Des Moine county, against the extension of the half-breed tract, between the Des Moine and Mississippi rivers; petitions for post routes in Michigan Territory; of the inhabitants of Du Buque county, for post offices and post routes.]

On motion by Mr. JONES, of Wisconsin, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Carthage, Illinois, to Fort Madison, Des Moine county, Michigan Territory.

On motion by Mr. MERCER, it was

Resolved, That a select committee, to consist of a member from each State, be appointed to consider the expediency of providing general rules for conducting the proceedings in contested elections, and that they have leave to report by bill or otherwise.

On motion by Mr. CARTER, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing the same pay to those officers who served to within six months of the close of the revolutionary war, and who had been in service for three years previously, as was allowed to those who died in the service, who became supernumerary, or who served until the end of the war.

Mr. W. B. SHEPARD, from the Committee for the District of Columbia, made a report concluding with a resolution setting apart Thursday and Friday, the 5th and 6th of May, for the exclusive consideration of bills relating to the District of Columbia.

The resolution was agreed to—ayes 88, noes 42.

REPORTS FROM COMMITTEES.

Mr. W. B. SHEPARD, from the same commit-

tee, reported without amendment the bill from the Senate for the relief of the several corporate cities in the District of Columbia; and the same was committed.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill for the relief of the representatives of Colonel William Piatt; which was read twice and committed.

Mr. PEARCE, of Rhode Island, from the Committee on Commerce, reported the following resolution:

Resolved, That the use of this Hall be granted to J. N. Reynolds, Esq., on Saturday evening next, for the purpose of delivering an address on the subject of an expedition, or voyage of discovery, to the South Sea and Pacific Ocean.

The resolution was agreed to.

Messrs. CRAIG and TURRILL, from the Committee on Revolutionary Claims; Mr. LINCOLN, from the Committee on the Public Lands; and Mr. JACKSON, of Georgia, from the Committee on Foreign Affairs, made unfavorable reports upon various petitions; which were laid on the table.

Mr. TALIAFERRO, on leave, presented an amendment to the report of the select committee on the subject of an amendment to the Constitution in regard to the election of President and Vice President; which was committed, and ordered to be printed.

SENATE BILLS.

The following bills from the Senate were read twice, and committed:

A bill to provide for opening a military road from Fort Leavenworth, on the right bank of the river Mississippi, above the State of Missouri, to Fort Gibson, on the Arkansas river;

A bill for the relief of Abijah Simmons;

A bill for the relief of Elizabeth Robinson, daughter and only surviving heir of Lieutenant Richard Wilde, deceased;

A bill for the relief of Martin Prindle;

A bill making an appropriation for purchasing the right to use in the Army, Navy, &c., an invention of Boyd Reiley, Esq.; and

A bill for the relief of the legal representative of the late Theodore W. Maurice.

PRIVATE BILLS.

Mr. CAMBRELENG rose to make a suggestion to the chairman of the Committee on Claims, [Mr. WHITTLESEY,] which was that, in going into committee on private bills, it should be understood that any bill which gave rise to discussion should be laid aside; and in this manner a large number of claims, about which there was no difficulty, might be disposed of that day and to-morrow. He referred to the fact, that the claim of Jesse Smith and others had occupied the days appropriated to private business for several weeks, and other bills might produce similar delays. In making this suggestion, he would remark that he should feel bound to ask the House to dispose of the naval appropriation bill during the next week.

Mr. WHITTLESEY remarked that the suggestion of the gentleman from New York was in accordance with his own wishes.

Mr. WILLIAMS, of North Carolina, objected to any such arrangement.

The bill for the relief of the heirs of James Latham, deceased, was taken up, an amendment of the Committee of the Whole non-concurred in; and, after some remarks by Messrs. MAY and CHAMBERS, of Pennsylvania, the bill was, on motion by the latter, recommitted to the Committee on Private Land Claims.

The House then went into the Committee of the Whole (Mr. WARDWELL in the chair) on the following bills:

A bill for the relief of Charles M. Frazier;

A bill for the relief of Farish Carter, and the heirs of Charles Williamson;

A bill for the relief of Thomas McCleland and James Smith;

A bill for the relief of David Browning;

A bill for the relief of Jonathan Boone;

A bill for the relief of James Canfield;

A bill for the relief of Benedict Alford and Robert Brush;

A bill for the relief of James Weltbank;

A bill for the relief of D. L. R. Orillon; and

A bill for the relief of William Stannard and others.

The committee rose, and reported the bills to the House, with the exception of the bill for the relief of McCleland and Smith, which was passed over; and the same were ordered to be engrossed and read a third time, with the exception of the bills for the relief of D. L. R. Orillon and F. Carter, and the heirs of Charles Williamson.

On motion of Mr. CLAIBORNE, of Mississippi, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in the State of Mississippi: From Rodney, by Paine's store, to Selserstown; from Pantitoe to Coffeeville: from Gallatin, by Sears's old store, Hughes's store, and Malcolm, to Fayette; from Madisonville, by Canton, Montgomery, and Franklin, to Lexington; from Lexington, by Attala and Leak Court house, to Brandon; also, from Pickensville, Alabama, by Macon, to Louisville, Winston county, Mississippi; from Columbus, by Macon, Noxville, Waholoc, Kemper, Lauderdale, and Clark Court-houses, to Winchester.

Mr. CLAIBORNE, of Mississippi, also on leave, submitted the following resolutions; which were considered and agreed to:

Resolved, That the Secretary of War be directed to inform this House what number of Choctaw Indians have been removed west of the Mississippi since the treaty of Dancing Rabbit Creek; what sum has been expended in their removal; whether any portion of the appropriation made for that purpose is on hand; what number of Choctaws still remain within the boundaries of the late purchase; and what would be the probable expense of removing them.

Resolved, That the Secretary of the Treasury be directed to inform this House what number of acres of land have been entered at the office at Augusta, in the State of Mississippi, from its establishment up to the year 1835.

On motion by Mr. REYNOLDS, of Illinois, the House then adjourned.

IN SENATE.

SATURDAY, *April* 2, 1836.

The CHAIR announced a communication from the Post Office Department, in compliance with the resolution of the Senate of the 29th ultimo, on the subject of discrepancy in the report of the accountant of the Department of March, 1835; and,

On motion by Mr. GRUNDY, it was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. PRENTISS, from the Committee on Pensions, reported a bill for the relief of the widow and family of Samuel Gibbs, deceased; which was read, and ordered to a second reading.

On motion by Mr. HILL, leave was given to Moses Hoyt to withdraw his petition and papers.

On motion by Mr. BLACK, leave was given to Abraham A. Van Bibber to withdraw his petition and papers.

NORTHERN BOUNDARY OF OHIO.

The bill to establish the northern boundary line of Ohio, and for the admission of Michigan into the Union, came up on its third reading.

Mr. PORTER moved to recommit the bill for the purpose of amending it on the subject of the right of suffrage, and more effectually to secure the rights of the United States to the public lands in the new State.

On this motion a debate ensued, in which it was supported by Messrs. PORTER, BLACK, CALHOUN, CRITTENDEN, CLAY, MANGUM, WHITE, and CLAYTON, and opposed by Messrs. WALKER, WRIGHT, and BENTON; and Mr. PRESTON, though in favor of the recommitment, opposed the principle of interfering with the right of the new State to settle the qualification of its voters.

Mr. CALHOUN moved to amend the bill by general consent, by inserting a clause providing that the assent of Michigan to this bill shall be given by a convention elected by the free white male citizens of the United States over the age of twenty-one years residing in the said Territory; but this amendment requiring the unanimous consent of the Senate, and

Mr. WRIGHT objecting, the question was not put.

Mr. WRIGHT said that this amendment was precisely the one rejected yesterday by the Senate by a large majority. The principle, however, contended for by the gentleman and his friends could be carried out by inserting the words, "qualified voters," instead of the word "people," used in the bill, and to this course he presumed there would be no objection.

Mr. CLAYTON intimated his intention of offering an amendment in pursuance of Mr. WRIGHT's suggestion, but, on Mr. CALHOUN saying he would object to it, it was not offered.

On taking the question, the motion to recommit the bill was lost — yeas 19, nays 24; as follows:

YEAS — Messrs. Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Leigh, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, and White — 19.

NAYS — Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, and Wright — 24.

Mr. PRESTON moved to lay the bill on the table; which motion was lost — yeas 20, nays 24; as follows:

YEAS — Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Leigh, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, and White — 20.

NAYS — Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, Knight, Linn, McKean, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, and Wright — 24.

Mr. PRESTON next moved that the Senate adjourn; and this question was decided in the negative — yeas 20, nays 23; as follows:

YEAS — Messrs. Black, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Southard, and Swift — 20.

NAYS — Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, Linn, Morris, Nicholas, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, and Wright — 23.

The final question was then taken; and the bill was passed by the following vote:

YEAS — Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, and Wright — 24.

NAYS — Messrs. Black, Calhoun, Davis, Ewing of Ohio, Kent, Knight, Leigh, Mangum, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, and White — 17.

ADMISSION OF ARKANSAS.

On motion by Mr. BUCHANAN, the Senate proceeded to the consideration of the bill for the admission of Arkansas into the Union; and the bill having been read,

Mr. NAUDAIN moved that the Senate adjourn; and this motion was negatived by the following vote:

YEAS — Messrs. Crittenden, Davis, Ewing of Ohio, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, and Tomlinson — 11.

NAYS — Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Leigh, Linn, Mangum, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, and Wright — 27.

On motion by Mr. WHITE, the bill was so amended as to provide more effectually against any difficulties as to the boundary with the western Cherokees.

After some brief remarks from Messrs. CALHOUN, SOUTHARD, CLAY, KING of Alabama, BENTON, WALKER, PRESTON, and EWING of Ohio,

Mr. EWING, in the course of his remarks, said he could not and would not give his vote on a bill which he had not an opportunity of making himself acquainted with; and as the bill could not pass that evening but by unanimous consent, he, for one would object to its passage.

Mr. KING, of Alabama, moved that the Senate adjourn. He, as a southern man, felt no apprehension as to the bill passing without difficulty on Monday, and being sent to the other House, so as to pass that body with the Michigan bill. There was no necessity for hurrying it that evening, particularly as the other House could not act on both bills at once, and as there were no such objections to this bill as had been made to the one for Michigan. He had such a perfect confidence in the disposition of the Senate to pass this bill, that he was willing to delay it another day, to give to those members who wished an opportunity of examining into its details, being fully persuaded that they would find nothing in it to object to.

Mr. KING's motion was lost—yeas 16, nays 18; as follows:

YEAS—Messrs. Brown, Cuthbert, Davis, Ewing of Ohio, Hendricks, King of Alabama, King of Georgia, Leigh, Mangum, Naudain, Porter, Preston, Shepley, Southard, Swift, and Tomlinson—16.

NAYS—Messrs. Benton, Black, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, Linn, Niles, Rives, Robinson, Ruggles, Tallmadge, Tipton, Walker, White, and Wright—18.

After some remarks from Mr. CRITTENDEN,

Mr. BUCHANAN explained the bill fully—expressed his anxiety that it should pass and be sent to the other House simultaneously with the Michigan bill, in order that the two States may come into the Union together. He explained, that the bill contained no provisions that had been objected to in the Michigan bill; and, in answer to Mr. CALHOUN, stated, that the rights of the Government to its public lands in the State were perfectly guarded. The bill (he said) had been reported more than a week ago; and being printed and in the hands of every Senator, they had had a full opportunity of becoming acquainted with its provisions.

The bill was then ordered to be engrossed for a third reading without division; and

The Senate adjourned

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 2, 1836.

The House was called to order at eleven o'clock, when Mr. HAWES inquired of the Chair if there was a quorum present.

The Chair counted the members, when it appeared that eighty-one were in attendance.

There being no quorum, Mr. HAWES moved a call of the House, and asked for the yeas and nays on his motion; which were ordered, and were—yeas 60, nays 50.

After proceeding a short time with the call,

Mr. BOON moved to suspend further proceedings under it; which was agreed to.

The Journal was then read.

The CHAIR laid before the House a letter from the Hon. John Banks, announcing that he did, on the 31st ultimo, transmit to the Governor of Pennsylvania, his resignation as a member of the House of Representatives of the United States.

On motion by Mr. SPEIGHT, the communication was laid on the table, and it was ordered that the vacancies on committees, occasioned by the resignations of Messrs. BEARDSLEY and BANKS, and the result of the contested election from North Carolina, be filled.

REPORTS FROM COMMITTEES.

Mr. GILLET, from the Committee on Commerce, reported the following resolution; which was agreed to:

Resolved, That the Secretary of War be directed to report to this House the state and condition of the various works of internal improvement mentioned in the bill numbered 297; giving an account of the history of each, as reported to Congress, the amount appropriated and expended on each; the original estimate; the amount now estimated to finish each work; and stating whether the original estimates were designed to defray the expense of making the works permanent, or whether they were to erect temporary works as experiments; whether the construction of harbors is necessary for carrying on the commerce on the lakes, and whether the works constructed, or being constructed, have answered the purposes for which they are designed.

Mr. CARR, from the Committee on Private Land Claims, reported a bill for the relief of Tobias Drum; which was read twice and ordered to be engrossed.

WISCONSIN TERRITORY.

Mr. PATTON reminded the House that he had given notice of an intention to call up, at an early day, the bill from the Senate for the establishment of the territorial government of Wisconsin. It had been suggested that the present was a favorable opportunity for that purpose. Mr. P. adverted to the peculiar situation of the inhabitants of that Territory, they being entirely without government and without laws. Murders were almost daily committed, and there was no lawful punishment provided for any crime. He would, therefore, move to suspend the rule for one hour, in order to consider the bill to which he had alluded.

Mr. JONES, of Michigan, urged the propriety of speedy action on the bill referred to. In addition to the reasons assigned by the gentleman from Virginia, [Mr. PATTON,] he would inform the House, that there was no organization of the militia in Wisconsin, and it was desirable that the Territory should be established, and a Governor appointed, who could organize its militia.

Mr. STORER objected to the motion.

Mr. PATTON moved to suspend the rule for the purpose stated; which was agreed to.

The House then went into Committee, (Mr. SPEIGHT in the chair,) on the bill to organize the territorial government of Wisconsin.

Mr. STORER adverted to the report of the proceedings of the House yesterday in a morning paper, (the Globe,) from which it would be inferred that there was already a Delegate from the Territory of Wisconsin. He begged to inquire of the chairman of the Committee on the Territories, if he could inform the House what was the number of inhabitants within that Territory.

Mr. JONES, of Michigan Territory, rose and said, that he had twice endeavored to catch the eye of the honorable Speaker, and had twice risen to make the same motion that the gentleman from Virginia had so kindly made. Mr. J. felt the most intense interest in the early decision of this question, which was of such vital interest to his young, flourishing, but long neglected Territory.

In addition to the arguments so feelingly adduced by the honorable gentleman from Virginia, that the people are now, and have ever been, without the pale of judicial tribunals, Mr. J. had information, upon which reliance could be placed, from the country west of Lake Michigan, in the public newspapers, in letters and other sources, that the country was on the verge of another horrid Indian war; that the country is wholly unprepared to defend itself, for want of some organization of the militia of the country, and the means of defense. The people are brave, and only want authority to organize, and they will then protect their wives and their children with their own hands. The honorable Secretary of War had informed Mr. J., on Tuesday evening, that he too had received a newspaper with the unpleasant information that an Indian rupture might soon be expected in the Northwest. Shall we not then ask for the means of defending ourselves from the Government to which we are so warmly attached? He humbly hoped that it would at once be granted; and that the bill now before the House would receive its concurrence with the bill from the Senate, and which had passed through that body without the slightest opposition from any quarter. He hoped that the bill would receive the final action of the House, that the Governor, whoever he may be, may receive his appointment, and at once repair to the Territory, to organize the gallant men who are there now, and who so bravely defended the country in the late war of 1833 with the Sacs and Foxes, Winnebagoes, and other nations.

In the course of the debate on this bill, Mr. J., in reply to an inquiry from the gentleman from Ohio, would state that no complete census of the population of the Territory west of the Mississippi river had ever been taken; but he had every reason to believe that the country already contained a population of nearly thirty thousand souls, of the most enterprising and meritorious class of population on the continent of America; and he could not have the slightest grounds to doubt that before the next census for 1840, Wisconsin would present a population for two States; and would, before that time, ask at your hands for admission as States into this Union.

An objection or amendment has been offered to the last section of the bill, which appropriates $5,000 to purchase, for the use of the Legislative Assembly and the courts, a library, to contain the laws of the United States and the different States of the Union. Mr. J. stated that he did not know of a single set of the laws of the United States within the bounds of the contemplated Territory. The like favor had been shown to Michigan Territory; and he hoped that this trifling sum would not be used to defer the passage of the bill. The matter of dollars was of little moment to the Territory in this particular, and he would not object to slight corrections but that they would necessarily cause the bill to go back to the other branch for its concurrence. Mr. J. would remind the House that upwards of seventy millions of pounds of lead had been manufactured and raised at the United States lead mines in this quarter, upon which ten per cent., as rent or tithe, had been paid to the Government of the United States. Does this not give us some claim upon the generosity of the General Government? He thought it did; and, whilst I am speaking here now, one of my constituents and friends—Colonel H. Gratiot, of Iowa county, out of whose pocket, and those of the honest and hard-working miners, the value of this tithe is taken—is in the gallery of the House, who had paid to the Government upwards of one million two hundred thousand pounds of lead, for which he could now obtain $6 50 per one hundred pounds, equal to $60,000, all costs paid. Does this not entitle him and the people of the country to the patronage and protection of the Government to which we are so affectionately attached? He thought it would with all generous and just minds.

On the question of amendment as proposed by the honorable gentleman from Illinois, [Mr. MAY,] Mr. J. regretted exceedingly that discussion was about to arise, as that question, it had been thought, had been avoided and settled to the satisfaction certainly of the two honorable Senators from Illinois, and the other part of the delegation in this House, (the honorable Messrs. CASEY and REYNOLDS,) with whom Mr. J. had conversed, and, he had all the while believed, to the satisfaction of the honorable gentleman who now moves it. He does not think that the proposed amendment will alter or affect the question, except to procrastinate its passage. If Congress could, it had already fixed and established the northern boundary of Illinois; and, besides this, Mr. J had had a provision inserted in the bill, which expressly declares that nothing contained in the bill shall prohibit Congress from attaching any portion of the Territory of Wisconsin to any other State or Territory. The amendment, as proposed, is deemed of little or no importance to either Illinois or Wisconsin, except so far as to prevent the delay in the passage of the bill, which is to be the constitution or fundamental law for Wisconsin. Mr. J. said he resides but one mile north of the northern boundary of Illinois, is intimately acquainted with the wishes and feelings of the people bordering on the line in Illinois, and knows that there is no anxiety on this subject; and he entreats the gentleman to withdraw his objection, and permit this bill, which is of such deep interest to his constituents, to become a law.

Mr. STORER was not opposed to this bill, but he could see no necessity for such hot-haste legislation; and he wanted to know the reason for attempting to pass this bill in such an unusual mode. Mr. S. made some remarks touching the boundary question and controversy between Ohio and Michigan.

Mr. PATTON, adverting to the latter question, said the committee had studiously avoided having anything to do with the Ohio and Michigan controversy, for they were not charged with it, nor was the subject under consideration at all connected with that dispute.

After a few remarks to the same purport from Mr. BROWN,

Mr. JOHNSON, of Tennessee, moved to strike out the clause providing for the purchase of a library for the judiciary.

Mr. JOHNSON, of Louisiana, briefly supported the amendment; and Messrs. JONES, of Michigan, PATTON, and KINNARD opposed it; when it was negatived.

Mr. MAY said he had two amendments to offer to this bill; which he read as follows:

1. Commencing at the northeast corner of the State of Illinois, in the middle of Lake Michigan, at 42° 30′ north latitude.

2. And with the boundary of the State of Illinois at 42° 30′ north latitude, as run and marked by Lucius Lyon, the surveyor on the part of the United States, and John Messenger, the surveyor on the part of the State of Illinois.

Mr. JONES, of Michigan, hoped the amendment would not be agreed to.

Mr. REYNOLDS, of Illinois, advocated the amendment; and, after a few remarks from Messrs. ADAMS, PATTON, and MAY, the

hour having expired, the committee rose, without coming to any conclusion on the bill.

REPORTS FROM COMMITTEES.

Mr. SUTHERLAND, from the Committee on Commerce, reported a bill making appropriations for the improvement of certain harbors therein mentioned; which was read twice and committed.

On motion by Mr. SUTHERLAND, the light-house bill, together with sundry amendments, was ordered to be reprinted.

BILLS PASSED.

On motion by Mr. HARLAN, the bill granting further time to sell certain lands granted to the Deaf and Dumb Asylum of Kentucky, was taken up, read a third time, and passed.

The following bills were read a third time and passed:

A bill for the relief of Charles M. Frazier;
A bill for the relief of David Browning;
A bill for the relief of Jonathan Boone;
A bill for the relief of Benedict Alford and Robert Brush;
A bill for the relief of James Caulfield;
A bill for the relief of James Wiltbank; and,
A bill for the relief of William Stannard and others.

The bill for the relief of Farish Carter and the heirs of Charles Williamson was ordered to be engrossed and read a third time, as amended in committee. Subsequently the bill was passed.

PRIVATE BILLS.

The House then went into committee (Mr. WARD in the chair) on the following bills and joint resolution:

A bill to authorize a compromise, and to secure to the United States the title to the Pea Patch island, in the river Delaware;

A joint resolution to renew the gold medal struck and presented to General Morgan, in honor of the battle of the Cowpens;

A bill for the relief of Jacob F. Walter;
A bill for the relief of Gætano Carusi;
A bill from the Senate for the relief of Henry B. Tyler;
A bill for the relief of Robert McJimsey, surviving partner of Jackson and McJimsey;
A bill for the relief of Robert Dickey, of New York;
A bill for the relief of John Frazer and Company, of Charleston, South Carolina;
A bill for the relief of James Robertson, of South Carolina;
A bill for the relief of Thankful Randall;
A bill for the relief of Elizabeth Mays;
A bill for the relief of James Tucker and John Judge;
A bill for the relief of N. and L. Dana & Co.;
A bill for the relief of Philip and Eliphalet Greely;
A bill to authorize the President of the United States to cause to be issued to Albert G. Smith, and others, patents for certain reservations of land in Michigan Territory;
A bill for the relief of Francis R. Theobald;
A bill for the relief of Benjamin F. Stone;
A bill for the relief of Ebenezer Breed;
A bill for the relief of the representatives of Michael Fenwick, deceased;
A bill for the relief of David Kilbourn;
A bill for the relief of the heirs of John Brahan, late receiver of public moneys at Huntsville, Alabama;
A bill for the relief of Nancy Haggard;
A bill for the relief of Robert Allison, a lieutenant in the revolutionary war;
A bill for the relief of Andrew Hoover, of Indiana;
A bill for the relief of Asa Armington; and
A bill for the relief of Henry Stoddard.

The committee rose and reported, when the bills for the relief of N. and L. Dana & Co.; of Philip and Eliphalet Greely; of Ebenezer Breed; of David Kilburn; of Nancy Haggard; and the bill for the relief of the heirs of John Brahan, were postponed until Friday next.

The remainder of the bills reported from the Committee of the Whole, (the amendments to a portion of them having been concurred in,) were ordered to a third reading.

The House again went into committee (Mr. P. C. FULLER, of New York, in the chair) on the following bills:

A bill for the relief of John Barkley;
A bill for the relief of Amelia Leech;
A bill for the relief of S. Morris Waln;
A bill for the relief of John F. Lewis;
A bill for the relief of James Moore and William Moore;
A bill confirming to the legal representatives of Thomas F. Reddick, a tract of six hundred and forty acres of land;
A bill for the relief of James Bradford;
A bill for the relief of Abraham Forbes, a spy in the late war;
A bill granting pensions to Theophilus E. Beekman, late first lieutenant forty-first regiment United States infantry;
A bill granting a pension to Colonel Gideon Morgan;
A bill for the relief of Alexander and Ira Nash;
A bill allowing rations to Brigadier General John E. Wool, Inspector General United States Army;
A bill for the relief of Israel Ingall;
A bill for the relief of the heirs of William Forbes, deceased;
A bill from the Senate for the relief of Benjamin Murphy;
Report (Revolutionary Pensions) in the case of Alexander Noel;
A bill for the relief of John McCarroll, jr.;
A bill for the relief of James Trumble;
A bill for the relief of Michael Thornton;
A bill for the relief of Joseph Neibert; and
A bill for the relief of Jesse Sykes.

The committee rose and reported the foregoing bills, with the exception of the bills for the relief of General Wool; of Benjamin Murphy; and of John McCarroll, jr., upon which leave was given to sit again.

The bills for the relief of S. Morris Waln; of James Trumble; and of Michael Thornton, were postponed until Friday next.

The remainder of the bills referred to the Committee of the Whole were ordered to be engrossed, and read a third time.

Mr. HUNTSMAN asked the consent of the House to submit a motion to make the Tennessee land bill the special order of the day for the first Monday in May next, and to give it precedence of other business on that day.

Leave being granted, there appeared ayes 70, noes 17; no quorum voting.

On motion by Mr. WISE, the House adjourned.

IN SENATE.

MONDAY, *April* 4, 1836.

On motion by Mr. WHITE, the papers of the heirs of Captain John Spottswood, deceased, on the files of the Senate, were again referred to the Committee on Revolutionary Claims.

Mr. MORRIS presented additional petitions from citizens of Ohio, on the subject of a change in the location of the Cumberland road; which were referred to the Committee on Roads and Canals.

Mr. M. also presented the petition and the proceedings of a meeting of citizens of Adams county, Ohio, asking for a grant of waste lands, to aid in the construction of a turnpike road, lately chartered by the Legislature of that State. Referred to the same committee.

Mr. GRUNDY said, that the Committee on the Post Office and Post Roads, to which had been referred a report of the Postmaster General on the subject of a discrepancy in the accounts of the accountants of that Department, had directed him to offer the following resolution:

Resolved, That the report of the accountants employed by the Committee on the Post Office and Post Roads at the last session of Congress, be printed, and a copy thereof be furnished to the Postmaster General; and the Postmaster General is directed to report to the Senate, whether the cause of the discrepancy of $40,490 91, stated in the report of the accountants to the committee of the Senate, dated 3d March, 1835, as then existing in the accounts of the general post office, has been discovered; and further, to report the cause of said discrepancy, and who was the occasion thereof, and whether the balance, if any, has been paid.

This resolution was, by unanimous consent, considered and agreed to.

Mr. TOMLINSON, from the Committee on Pensions, to which had been referred the petition of Ransom Mix and John McLeod, reported a bill for their relief; which was read and ordered to a third reading.

Mr. MOORE gave notice that he would to-morrow ask leave to bring in a bill for the relief of Simeon Gerrett.

On motion by Mr. KNIGHT, it was

Ordered, That one thousand extra copies of the report made to the House of Representatives by the Secretary of the Treasury, on the cultivation, trade in, and manufacture of foreign cotton, be printed for the use of the Senate.

Mr. HILL submitted the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes, viz: From Worcester, by West Boylston, Sterling, Lancaster, Shirley, and Groton, in Massachusetts; Dunstable, Merrimack, Bedford, Goffstown, Hooksett, and Bow, to Concord in New Hampshire; from Dunstable, by Hudson, Londonderry, Derry, Hampstead, Hawke, and Kingston, to Exeter, in New Hampshire; from Exeter, by Hampton Falls, to Hampton Beach, in New Hampshire; from Dover, by Durham, Lee, Epping, Chester, Derry, Windham, and Pelham, in New Hampshire, and Drewitt, to Lowell, in Massachusetts; from Charlestown, by Claremont, Cornish Flats, Meredin, East Plainfield, and Lebanon, to Hanover, in New Hampshire; from Lebanon, by Springfield, New London, and Sutton, to Warner, in New Hampshire; from Claremont, in New Hampshire, by Wethersfield, to Proctorsville, in Vermont; from Hillsborough Bridge, by Antrim, North Branch, Stoddard, and Sullivan, to Keene, in New Hampshire; from Hillsborough Bridge, by South Antrim and Hancock, to Petersborough, in New Hampshire; from Centre Harbor, by Moultonborough, Tuptonborough, Ossipee, in New Hampshire, Newfield, Limerick, Waterborough, and Buxton, to Portland, in Maine; from Hillsborough Bridge, by Hillsborough Centre, Bradford Centre, and Sutton, to Sutton Village, in New Hampshire; from Amherst, by Milford, Witon, and Mason, to New Ipswich, in New Hampshire.

ADMISSION OF ARKANSAS.

The bill providing for the admission of Arkansas into the Union, on an equal footing with the other States, came up on its third reading.

Mr. BUCHANAN asked for the yeas and nays on the passage of the bill, and they were accordingly ordered.

Mr. BENTON observed that he had no intention to delay the passage of this bill, but on account of the circumstances under which the two bills for the admission of Michigan and Arkansas into the Union had been brought forward—he alluded to the great agitation on the subject of slavery—he thought it due to the occasion to notice one remarkable fact, that ought to be taken into consideration by the people of the United States. It was worthy of notice, that on the presentation of these two great questions, those gentlemen who had charge of them there were so slightly affected by the exertions that had been made to disturb and ulcerate the public mind on the subject of slavery, as to put them in the hands of Senators who might be supposed to entertain opinions on that subject different from those held by the States whose interests they were charged with. Thus the people of Arkansas had put their application into the hands of a gentleman representing a non-slaveholding State: and the people of Michigan had put their application into the hands of a Senator (himself) coming from a State where the institutions of slavery existed; affording a most beautiful illustration of the total impotence of all attempts to agitate and ulcerate the public mind on the worn-out subject of slavery. He would further take occasion to say, that the abolition question seemed to have died out; there not having been a single presentation of a petition on that subject since the general jail delivery ordered by the Senate.

Mr. SWIFT observed, that although he felt every disposition to vote for the admission of the new State into the Union, yet there were imperative reasons under which he must vote against it. On looking at the constitution submitted by Arkansas, he found that they had made the institution of slavery perpetual; and to this he could never give his assent. He did not mean to oppose the passage of the bill, but had merely risen to explain the reasons why he could not vote for it.

Mr. BUCHANAN observed, that on the subject of slavery this constitution was more liberal than the constitution of any of the slaveholding States that had been admitted into the Union. It preserved the very words of the other constitutions in regard to slavery: but there were other provisions in it in favor of the slaves, and among them a provision which secured to them the right of trial by jury, thus putting them, in that particu-

ular, on an equal footing with the whites. He considered the compromise which had been made when Missouri was admitted into the Union as having settled the question as to slavery in the new southwestern States; and the committee, therefore, did not think proper to interfere with the institution of slavery in Arkansas.

Mr. PRENTISS referred to the reasons which had induced him to vote against the bill for the admission of Michigan, and said that he must also vote against the admission of Arkansas. He viewed the movements of these two Territories with regard to their admission into the Union as decidedly revolutionary, forming their constitutions without the previous consent of Congress, and importunately knocking at its doors for admission. The objections he had to the admission of Arkansas particularly were, that she had formed her constitution without the previous assent of Congress, and in that constitution had made slavery perpetual, as noticed by his colleague. He regretted that he was compelled to vote against this bill; but he could not, in the discharge of his duty, do otherwise.

Mr. MORRIS said: Before I record my vote in favor of the passage of the bill under consideration, I must ask the indulgence of the Senate for a moment, while I offer a few of the reasons which govern me in the vote I shall give. Being one of the Representatives of a free State, and believing slavery to be wrong in principle, and mischievous in practice, I wish to be clearly understood on the subject, both here and by those I have the honor to represent. I have objections to the constitution of Arkansas on the ground that slavery is recognized in that constitution, and settled and established as a fundamental principle in her government. I object to the existence of this principle forming the part of the organic law in any State; and I would vote against the admission of Arkansas, as a member of this Union, if I believed I had the power to do so. The wrong, in a moral sense, with which I view slavery would be sufficient for me to do this, did I not consider my political obligations, and the duty, as a member of this body, I owe to the Constitution under which I now act, clearly require of me the vote I shall give. I hold that any portion of American citizens who may reside on a portion of the territory of the United States, whenever their numbers shall amount to that which would entitle them to a representation in the House of Representatives in Congress, have the right to provide for themselves a constitution and State government, and to be admitted into the Union whenever they shall so apply, and they are not bound to wait the action of Congress in the first instance, except there is some compact or agreement requiring them to do so. I place this right upon the broad, and I consider indisputable, ground, that all persons living within the jurisdiction of the United States are entitled to equal privileges; and it ought to be matter of high gratification to us here that, in every portion, even the most remote, of our country, our people are anxious to obtain this high privilege at as early a day as possible. It furnishes clear proof that the Union is highly esteemed, and has its foundation deep in the hearts of our fellow-citizens.

By the Constitution of the United States power is given to Congress to admit new States into the Union. It is in the character of a State that any portion of our citizens inhabiting any part of the territory of the United States must apply to be admitted into the Union; a State government and constitution must first be formed. It is not necessary for the power of Congress, and I doubt whether Congress has such power, to prescribe the mode by which the people shall form a State constitution; and for this plain reason, that Congress would be entirely incompetent to the exercise of any coercive power to carry into effect the mode they might prescribe. I cannot, therefore, vote against the admission of Arkansas into the Union, on the ground that there was no previous act of Congress to authorize the holding of her convention. As a member of Congress, I will not look beyond the constitution that has been presented. I have no right to presume it was formed by incompetent persons, or that it does not fully express the opinions and wishes of the people of that country. It is true that the United States shall guarantee to every State in the Union a republican form of government, meaning, in my judgment, that Congress shall not permit any power to establish, in any State, a government without the assent of the people of such State; and it will not be amiss that we remember here, also, that that guarantee is to the State, and not as to the formation of the government by the people of the State; but should it be admitted that Congress can look into the constitution of a State, in order to ascertain its character, before such State is admitted into the Union, yet I contend that Congress cannot object to it for the want of a republican form, if it contains the great principle, that all power is inherent in the people, and that the government drew all its just powers from the governed.

The people of the Territory of Arkansas—having formed for themselves a State government, having presented their constitution for admission into the Union, and that constitution being republican in its form; and believing that the people who prepared and sent this constitution here are sufficiently numerous to entitle them to a Representative in Congress; and believing, also, that Congress has no right or power to regulate the system of police these people have established for themselves, and the ordinance of 1787 not operating on them, nor have they entered into any agreement with the United States that slavery should not be admitted into their State—have the right to choose this lot for themselves, though I regret that they made this choice. Yet, believing that this Government has no right to interfere with the question of slavery in any of the States, or prescribe what shall or shall not be considered property in the different States, or by what tenure property of any kind shall be holden, but that all these are exclusively questions of State policy, I cannot, as a member of this body, refuse my vote to admit this State into the Union because her constitution recognizes the right and existence of slavery. As the question of the admission of Michigan has been mentioned at this time, I beg leave to say a word on that subject. I gladly would have corrected some errors into which gentlemen had fallen with regard to the State of Ohio, when that bill was before us, but had not the opportunity to do so. The great objection then made was, that the constitution of Michigan admitted to the right of suffrage inhabitants of six months' residence, without providing that they should be citizens of the United States; and that this Government had the right, and ought to exercise the power, to fix the basis of State power, and to provide that none but citizens of the United States should be qualified voters in the different States. To this doctrine I cannot give my assent; and I am happy to find that, of the eight Senators who represent the four northwestern States, seven of us have disagreed to this doctrine, and voted for the admission of Michigan into the Union. The provision contained in the constitution of Michigan, that all white males of a given age, who had resided in the State for six months, should be entitled to vote, is contained in the constitution of Ohio, long since adopted, with the only difference that a residence in Ohio must be one year, the constitution declaring that all inhabitants who have resided one year in the State, &c., shall enjoy the right of an elector.

It was said, however, that the courts in Ohio had decided, as early as the year 1807, that the word "inhabitant," as used in the Constitution, meant only citizens of the United States, and that none others were entitled to vote. I know of no such decision in Ohio, nor can I believe that, if such had been made, it would be entitled to any weight, or be regarded as obligatory by any portion of our citizens. We do not believe there, that our political rights depend on courts of justice; we regulate that concern by a different process. It is true that the Legislature of the State in 1828, I am inclined to believe, in a time of high party excitement, passed an act requiring of the judges or inspectors of elections that, when a voter presented his ballot, if they were satisfied he was a citizen of the United States, and had in other respects the qualifications of a voter, they should deposit his ballot in the box; but this, like other attempts on the constitutional rights of the citizens, as far as my knowledge extends, has been mostly, if not entirely, disregarded; and if the voter has been one year an inhabitant of the State, is a resident at the time in the district in which he tenders his vote, and has paid or is charged with a State or county tax, and is over the age of twenty-one years, his vote is received, for these are the only requirements of the Constitution. I cannot, for myself, discern upon what possible ground the claim rests, that Congress have the power to establish a basis for voters in the different States by requiring that they shall be citizens of the United States. However just and proper the requirement may be, it is the States and not this Government that have the right to make it; and the Constitution of the United States, so far from asserting this right, declares that members of the House of Representatives in Congress shall be elected by the electors in each State, which have the qualification requisite for electors of the most numerous branch of the State Legislature. This to my mind is conclusive on this subject; and I did believe there was not any just ground for the objections urged against the admission of Michigan; nor can I now believe that those against the admission of Arkansas ought to prevail, either because there has been no previous act of Congress to authorize her people to form a constitution, as has been urged by one Senator; nor because her constitution admits slavery within the State, as has been argued by another; under every view which I have been able to take on these important questions, that the application of both Michigan and Arkansas for admission into the Union, is not prohibited by any provision of the Constitution of the United States; and that Congress have not the power to enter into any compromise, bargain, or agreement with the people of those States, in order to produce a change, amendment, or alteration of their constitutions; nor has Congress the power to make any such requirement, or to effect such change; but that each State has the right to present herself for admission, in her own time and manner, and that justice and sound policy require the admission of both the States that now seek it.

Mr. PORTER rose to say, that he could not vote for the admission of Arkansas, strongly as his feelings were in her behalf. Being opposed in principle to any State coming into the Union in the manner attempted by Michigan and Arkansas, and which he considered so revolutionary, he felt himself constrained to vote against the bill.

Mr. EWING, recapitulated the objections he had before given to the bill for the admission of Michigan, and expressed his disapprobation of the manner in which the constitution of Arkansas had been formed without the previous assent of Congress. He would, however, under all the circumstances, give his vote in favor of the bill.

The question was then taken on the final passage of the bill; and it was passed by the following vote:

YEAS—Messrs. Benton, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, Hill, Hubbard, King of Alabama, King of Georgia, Linn, McKean, Mangum, Moore, Morris, Nicholas, Niles, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, and Wright—31.

NAYS—Messrs. Clay, Knight, Porter, Prentiss, Robbins, and Swift—6.

Mr. CALHOUN rose to say, that, as soon as the debate on the expunging resolution would allow, he would call up the bill introduced by him to prevent the circulation of incendiary publications through the mails, and he hoped the Senate would then agree to its consideration.

EXPUNGING RESOLUTION.

On motion by Mr. LEIGH, the Senate proceeded to the consideration of the resolution, introduced by Mr. BENTON, to expunge a certain resolution from the Journal of the Senate; when

Mr. LEIGH, after some preliminary remarks, read the resolution of the 28th of March, 1834, condemnatory of the President. The points in it were, whether the proposition was true in point of fact, or in point of law; and whether the Senate had a right to determine on its rights? He did not doubt the competency of the Legislature to rescind or repeal; but the word "expunge" was

the word fixed on, because that was the only word which could fix a stigma upon the Senate, and because that was the only word that could do justice to the man who had done more good to mankind than any other; and because, forsooth, the Senate was a most irresponsible body. If the President really desired to see this coördinate branch of the Government humbled before him to preserve his fame, that alone was enough to satisfy him, (Mr. L.,) that he was not deserving of it.

The idea of the irresponsibility of the Senate was suited to the newspaper slang of the country, and he was very sorry his colleague had touched upon it. His colleague was mistaken in his opinion of the irresponsibility of this body. He (Mr. L.) contended, that it was not so irresponsible as either the Executive or the judiciary. He expected, when the Senate was disposed of, to see an attack upon the judiciary. In fact, it had already been attacked in the war that was going on. Mr. L. read from the Constitution the injunction to keep a journal, and the right of one fifth of the members to demand the yeas and nays. Allow this absolute control over the Journal contended for, and it might at once be handed to the President, and by him to the common hangman, who might burn it up. He gave the various definitions, literal and metaphorical, of the term, "keep a journal," and the word "expunge". If the original manuscript was *functus officio* as soon as it was copied and published, then neither it nor the laws, so carefully enrolled on parchment, would be necessary to be preserved, and one would be no better than waste paper, and the other might be given to some antiquarian to take *fac similes* from. He held that the manuscript copy of the Journal was not only the evidence of fact, but of law; and where, by mistake or otherwise, there should be a want of correspondence between the original manuscript and the printed copies of the Journal, the former would be received by courts of justice as the better evidence. Printed copies of the Journal were relied on, because, in more than ninety-nine cases out of a hundred, they would be found to be an exact transcript of the manuscript.

Mr. L. controverted the position, that to keep a journal did not mean to preserve it, and contended that the cases cited in illustration of that position were not applicable, because the circumstances attending them were not the same; as, for instance, the miller who kept the mill did not make the corn he ground, as the Senate did the Journal they kept. The verb "*to keep*" invariably meant to preserve. He gave examples of the use of the word "keep" from Johnson's dictionary, the Scriptures, John Locke, and others. In the vernacular language, keeping a journal was understood to mean a diary of transactions, and in the vernacular and parliamentary sense, taken together, it meant to keep and preserve a record of the transactions of the Senate. If it was the duty of the Senate to keep a journal, and the manuscript was that journal, and a part of it expunged, it was, in fact, no longer the journal of their proceedings. By the laws of England, and the statute of Virginia, it was felony for the clerk of a court, who kept the record of its proceedings, to alter it, notwithstanding the maxim in law, "*Qui facit per alium facit per se.*" He would not say the Senate would be guilty of felony in directing the Secretary of the Senate to alter the records of its proceedings.

Mr. L. went into a detailed history of the ship money case, and the controversy between the Crown and Parliament, cited by his colleague, and said an act of Parliament was passed in that case authorizing the cancellation.

[Mr. RIVES here explained the purpose for which he had introduced that case.]

Mr L. claimed the right of the Senate to refuse to enter the protest of the President on the Journal, and insisted that the President had no right to say one word to the Senate, except in his official communications within the line of his constitutional duties. From circumstances, he was induced to believe that Mr. Jefferson's memory was incorrect in regard to the expunging of the resolutions of Patrick Henry in the House of Burgesses. Expunging this record of the Senate was only to maintain the prerogative of the President, for there was no law to authorize it, and it must, therefore, be in virtue of his prerogative. Lord Chatham had called the tearing out of leaves from a book by the House of Lords the act of a mob. He spoke of England as the mother of liberty, from whom we had imbibed our principles of republicanism. He belonged to the Episcopal Church; and, if following out the rules of catechism taught him by his parents constituted him an aristocrat, with which he had been charged, he was willing to bear the charge.

Mr. LEIGH, without having concluded, here gave way to

Mr. WHITE, on whose motion the Senate went into the consideration of executive business; after which it adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 5, 1836.

The motion of Mr. HUNTSMAN to suspend the rule, in order to enable him to submit a motion to make the Tennessee land bill the special order for a future day, was postponed until to-morrow.

SURPLUS REVENUE.

The House resumed the consideration of the preamble and resolutions of the Legislature of Kentucky on the subject of the proceeds of the sales of the public lands.

The question pending was the motion of Mr. WILLIAMS, of Kentucky, to refer the resolutions to the Committee of Ways and Means, with instructions to report a bill appropriating to the several States, for a limited time, the proceeds of the sales of the public lands for purposes of internal improvement and education.

Mr. HAWES continued the remarks which he commenced on Monday last, at considerable length. He said he had ever held to the doctrine that the Legislature of a State had the right to instruct their Senators to vote according to their will, and that they were either bound to obey those instructions or resign their stations; and he conceived that he who violated this first principle of our Government was recreant to the trust reposed in him, and ought never to be again returned to public office by the people; but when the Legislature of his State requested him to do that which he did not consider right and proper, he did not consider that he was bound to obey that request, because the Legislature had no right to instruct him, inasmuch as he was only accountable to his own constituents. He conceived that these resolutions of the Legislature of Kentucky were not sent for the object avowed on their face, because the Legislature knew that the Senators would vote for a distribution of the revenue, and for Clay's land bill, and that every opposition member of the House would do the same thing. He believed that there were but four or five representatives on that floor who were the representatives of the interests of the people of Kentucky, and that there were eight or nine who were not the people's representatives, because, in his humble opinion, they went against the interests of the people of their State on this land bill, although, he had no doubt, they acted conscientiously.

Mr. H. always professed to be a man of the people, and opposed to all monopolies, whether the Bank of the United States or any other; but the Legislature of Kentucky, instead of attending to the interests of the people of Kentucky, had been engaged in bringing before the people of the United States the name of W. H. Harrison as a candidate for the next Presidency. His colleague [Mr. HARDIN] had gone on to show the folly of placing the name of Mr. Van Buren before the people as the war party candidate. Mr. H. said the name of Mr. Van Buren never had been introduced as the war party candidate.

The CHAIR stated that, although the range of debate might be very wide on the question before the House, yet he did not consider that it should be so wide as to go into the merits or demerits of candidates for the next Presidency.

Mr. STORER observed that he hoped the gentleman might be permitted to proceed, so that there might be an opportunity of replying to his remarks.

Mr. BYNUM asked if the sense of the House would be taken on the subject?

The CHAIR remarked that the sense of the House might be taken, and then the responsibility would rest with the House.

Mr. BOON said, after the wide range taken by the gentleman's colleague, he hoped the gentleman would be permitted to reply.

Mr. HAWES resumed. He said, Mr. Van Buren's friends never brought him forward as the war-party candidate, but he was brought forward by that party which was willing to vote appropriations when they were required to carry on a war with France, or any other nation. But his colleague [Mr. ALLAN] had said that he was always willing to vote appropriations, provided it was necessary. Now, Mr. H. had the Journal before him, where that gentleman had voted, in a very small minority, against a proposition merely to inquire into the expediency of increasing our naval power, and that, too, at a time when the cloud of war lowered over us. But his colleague [Mr. HARDIN] had gone on to eulogize their candidate for the next Presidency, by saying that William Henry Harrison had spent his youth and his manhood in battles and in the midst of fire and smoke. Now, Mr. H intended to review some of the acts of that gentleman who had spent his youth and his manhood in the midst of fire and smoke. He would first take a view of his conduct at Tippecanoe. He had commanded upon that occasion as brave men as ever went into the field of battle—men who, if they had had a proper commander, would have shed a ray of glory on the country. The commander, however, according to the report of the times, trusting upon the faith of an Indian chief, had allowed his army to be drawn into a position in which it required the greatest bravery to prevent their entire overthrow. On that occasion, Kentucky lost many of her bravest sons, and among them the name of Joseph Daviess will always be deplored. He was among those who fell on that occasion, and Kentucky was still mourning his loss. His impetuosity led him in the midst of danger and slaughter; and, in the language of a great poet, he rushed into the field, and foremost, fighting, fell. Again, at Sandusky, and the defense at Fort Stevenson, where was General Harrison? Where was he when this little band was surrounded by an enemy? He was at the head of an effective army, yet he left one hundred and fifty devoted patriots to defend themselves against a superior enemy. He had ordered them to retreat; and, according to the letter of Governor Duncan, of Illinois, he had piled up his provisions and munitions of war to burn them and retreat with his whole force, thus leaving an extensive frontier open to the enemy and their savage allies; but the bravery and intrepidity of Chrogan and his little band prevented this, and thus raised the reputation of our troops. According to the same letter, when the cannon was heard he observed, their blood be on their own shoulders Does the gentleman from Kentucky [Mr. HARDIN] think that this is spending his prime of life amidst fire and smoke? for he appears to rest his whole claim upon that, and not his competency or qualification for that high station.

Again, at the river Raisin was General Harrison there, in the midst of fire and smoke, as his colleague [Mr. HARDIN] had said? He was not very distant, but he did not come to the rescue. Mr. H. remembered to have heard it said, but does not vouch for it, that when the express from the battle-field reached Frankfort, the theater was in session; and there was scarcely a being in that spacious establishment but had lost some relative or friend. Kentucky was put in mourning from one end to the other. The blood that was spilled on that occasion flowed from the veins of Kentucky's choicest spirits. Years after their bones still bleached on that fatal field of slaughter, and stood as a lasting monument of the ill-starred and unfortunate conduct of the commanding General. Was he in fire and smoke on that occasion? No, he was not; and the spirits of the brave, of our Allen, our Hart, our Simms, and the many others who died for their country, will rise up and proclaim that he was not amidst the fire and smoke which enveloped their manly forms on that trying and heart-sickening day.

Mr. H. again asked, where was Mr. HARDIN's fire-and-smoke hero at the battle of the Thames?

There was one in that Hall who was truly amidst fire and smoke, and death and blood. And yet his colleague preferred the commander who was in the rear, out of danger, and out of fire and smoke.

Mr. H. here read extracts from the letter of General Harrison, where he had represented to the War Department that dismay and disinclination to the service pervaded the western country. He also read an extract, where he said that the Ohio militia were not to be depended on. He pronounced this a slander on Ohio. He also read an extract where he (General Harrison) said that good militia might be had from Kentucky, provided they were permitted to fight on horseback. Mr. H. contended that the Kentuckians were brave individually or collectively, whether on foot or on horseback; and repelled the insinuation, which might be drawn from the letter, that on foot the people of Kentucky were not good soldiers, and ready to defend their country at all hazards.

The CHAIR said he did not arrest the gentleman for replying to the arguments of the gentleman who had preceded him, but he did not consider it in order to go into so wide a range of debate, unless in reply to arguments of those who had preceded him.

Mr. BELL said that he considered that the Chair had done his duty; and having done so, if the House were not dissatisfied with the arguments of the gentleman, the usual course would be to allow him to proceed.

Mr. HAWES resumed. He had now come to another individual, (Mr. Van Buren,) than upon whose head, perhaps, there never had been heaped more calumny; and why had he been thus persecuted by the aristocracy of the land? Simply because he was a democrat; a man of the people, and not belonging to the aristocracy. His colleague had said that he had never been in the midst of fire and smoke; but Mr. H. said, that he had been called to discharge other duties in the nation, equally as honorable, and to the perfect satisfaction of the people. He was truly and emphatically the man of the people. The people, upon many occasions, had called him to fill important offices. It was true, he was never called to fill any military offices—but he had filled many high civil stations. He was an able foreign minister; but then it was discovered that he stood in the way of the aristocracy, and was considered a stumbling-block to them. It was then that the war was commenced upon him. But he has since been raised by the people, and the people will still raise him higher. But to the resolutions of the Legislature of Kentucky. Those resolutions requested Mr. H. to vote for Clay's land bill, and he could not and would not do it. He could not even in obedience to the request of that high and honorable body, the Legislature of his State, because he conceived it would be voting to prostrate the liberties of his country. He could not, as a citizen of the West, tie, and manacle, and prostrate her. He would not, as a citizen of Kentucky, share in the surplus which was to be taken from the sister States. No: the Legislature knew he would not do it; and if he was to die a political death, it would be contending against the aristocracy and monopolies of every kind. Efforts too had been made by the Legislature of Kentucky to change the congressional districts, which, if it had been done, it was well known that he (Mr. H.) could not have been elected. But they had thrown themselves upon the people, and the people reversed the decision of the Legislature. Mr. H. opposed the system of dividing the proceeds of the public lands, because if once commenced, the price of the public lands would never be reduced. He conceived, if this bill was passed, it would be taking the money from the new and giving it to the old States. It was true thebill proposed to give the West a certain per cent., but that, in fact, amounted to nothing. But he was opposed to it on another ground; and so far as his vote would go, he never would consent to have his State look up to the Government of the United States for money. He could not give his vote for such law; but if the people instructed him to do so, he would humbly obey and resign his seat on that floor.

His colleague had asked what was to be done with the immense surplus revenue. He would say in reply, that whenever the revenue exceeded the wants of the Government, it should be reduced. Reduce the tariff; reduce the price of the public lands, until you bring them upon an equality with the expenditure of the Government. He conceived this to be the wish of the great body of the people of Kentucky. He would reduce the price of the public lands so as to bring them within the reach of the poor, which would increase your yeomen, and raise up a prosperous and industrious people. He hoped this Government would not pursue the course of the European Governments, and retain the public lands for hunting grounds for the aristocracy. He sincerely hoped they would not, but that they would be sold out at a reduced price to the yeomen of the land. Bonaparte did one good act by breaking up the large forests of the noblemen; and he hoped this Congress would do the poor of the country the justice to reduce the price of the public lands, so that the country might have yeomen where it now had the mere tenants of men of wealth. It was proposed to give the proceeds of the public lands to the States for purposes of internal improvements and education. Who ever heard that this Government had the right to tax the people for purposes of internal improvements and education? He presumed his district would be divided up into school districts; and what would be the consequence if it was? Why, there would not be money enough to educate all the children in the State; and the schools would be confined to towns and cities, the seats of the aristocracy, while the yeomen of the country would be left in the same condition in which they now are. But another portion of the money was to be spent in internal improvements. Now, every one knew, that by the Constitution the Government had no right to make local internal improvements; but by this bill the States were to be forced to do that, which by the Constitution of the United States they had no right to do. He could not see the difference between the Government making these improvements, and their giving the money to the States, and saying to them that they should make them. He asked his colleague, where was the Kentuckian who would agree to this? He could not believe that Kentucky would agree to it until he saw it. But the bill had a clause in it which was to give a certain sum to colonize the blacks of the country. Now, he would ask, where was there a man so regardless of the Constitution of the country, as to suppose for one moment that they had the right to appropriate money to colonize the blacks? Yet by the land bill you propose to violate the Constitution in this very way; and to force the States to do that which they had no power under the Constitution to do. Mr. H. had an acquaintance who thought he would be doing God a service by liberating and sending his slaves to Africa; and they had not been there six months before the whole of them were destroyed by the natives.

The CHAIR here remarked that the land bill was not under discussion, and that there was nothing said about the colonization of blacks in the resolutions before the House.

Mr. HAWES resumed. The people of Kentucky never could consent to have their money taken for the purpose of sending their blacks to a foreign country. It was against the Constitution of the country, and the people of Kentucky never could permit this Government to bring them into a violation of that Constitution. His colleague had said that the perpetuity of the free institutions of the country depended upon the passage of this land bill. He thought that gentleman must have a very unfavorable opinion of the free institutions of the country, if he thought for one moment that they depended upon the passage of a little land bill. Mr. H. said it depended upon no such thing. Their perpetuity depended upon the affections of the people of the country, and money had nothing to do with it; if it had, the Bank of the United States would never have been scattered to the four winds, and entirely put down by the people of the country. That struggle had taught Mr. H. to believe that the people of the country never could be led from their propriety even by the power of money, which was the greatest enemy to liberty.

Mr. HAWES was here interrupted by the arrival of the hour for proceeding to the orders of the day.

DEPOSIT BANKS—R. M. WHITNEY.

Mr. WISE asked the consent of the House to submit the following resolution:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the agency or mode of selecting the banks of deposit for the public money, and into the contracts with the Treasury Department by which they are regulated, and into the manner in which, and the persons by whom, such contracts are made; and to inquire whether any, and, if any, what connection or relation, official or unofficial, exists, or has existed, between a certain Reuben M. Whitney and the Treasury Department of the United States, or between him and the banks of deposit of the public money; and into the extent of his agency generally in keeping and controlling the public money; and into the amount of his compensation, whether the same be paid out of the public Treasury, or by the deposit banks; and that said committee have leave to report by bill or otherwise.

Objection being made, Mr. WISE moved to suspend the rules to enable him to offer his resolution, and asked for the yeas and nays on the motion; which were ordered, and were—yeas 84, nays 91; as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bell, Bond, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, John Chambers, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Forester, French, Philo C. Fuller, James Garland, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Haley, Hiland Hall, Hard, Hardin, Harlan, Harper, Albert G. Harrison, Hazeltine, Hoar, Hopkins, Howell, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, John W. Jones, Lawrence, Lay, Luke Lea, Love, Lyon, John Y. Mason, Maury, McCarty, McComas, McKennan, Milligan, Morgan, Owens, James A. Pearce, Peyton, Reed, Ripley, Robertson, William B. Shepard, Augustine H. Shepperd, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—84.

NAYS—Messrs. Barton, Bean, Bockee, Boon, Bovee, Boyd, Brown, Burns, Cambreleng, Carr, Casey, Chaney, Chapman, Coffee, Connor, Craig, Cushman, Dromgoole, Effner, Fairfield, Farlin, William K. Fuller, Galbraith, Gillet, Glascock, Joseph Hall, Hamer, Haunegan, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Job Mann, Martin, William Mason, Moses Mason, May, McKay, McKim, McLene, Montgomery, Moore, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Roane, Schenck, Seymour, Sickles, Smith, Speight, Sutherland, John Thomson, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, and Weeks—91.

So the motion to suspend the rules was negatived.

DEPOSITS OF THE PUBLIC MONEY.

Mr. PEYTON asked the unanimous consent of the House to submit the following resolution:

Resolved, That the bill reported by the Committee of Ways and Means, entitled "A bill regulating the deposit of the money of the United States in certain local banks," together with any amendments which may be offered to the same, be made the special order of the day, and that it have precedence over all other business of the House from the hour of one o'clock on the second Monday in May next, and on each succeeding day, from the same hour, Fridays and Saturdays excepted, until the same shall be finally disposed of.

Mr. CAMBRELENG pledged himself to the gentleman from Tennessee, [Mr. PEYTON,] that he would take the earliest opportunity to call up the bill referred to in the resolution. He hoped, however, the House would make no more special orders, until the appropriation bills were disposed of.

Objection being made by several members to the reception of the resolution, Mr. PEYTON moved to suspend the rules to enable him to submit it, and asked for the yeas and nays on the motion; which were ordered, and were—

YEAS—Messrs. Chilton Allan, Heman Allen, Ashley, Bell, Bond, Briggs, Bunch, John Calhoon, William B. Calhoun, Carter, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Forester, French, Philo C. Fuller, Granger, Graves, Grayson, Grennell, Griffin, Hard, Harlan, Harper, Samuel S. Harrison, Hoar, Howell, Huntsman, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, Lawrence, Lay, Luke Lea, Love, McCarty, McKennan, Milligan, James A. Pearce, Peyton, Reed, Robertson, Augustine H. Shepperd, Shields, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Turner, Underwood, Vinton, Washington, White, Whittlesey, Lewis Williams, and Wise—67.

NAYS—Messrs. Adams, Anthony, Barton, Beale, Bean, Bovee, Boyd, Brown, Burns, Cambreleng, Carr, Casey, Chaney, Coffee, Coles, Connor, Craig, Cramer, Cushman,

Doubleday, Dromgoole, Effner, Fairfield, Farlin, William K. Fuller, James Garland, Gillet, Glascock, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Hubley, Huntington, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Lucas, Job Mann, Manning, John Y. Mason, William Mason, Moses Mason, May, McKeon, McKim, McLene, Montgomery, Moore, Morgan, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Sickles, Smith, Sutherland, John Thompson, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, and Sherrod Williams—99.

So the motion to suspend the rules for the purpose indicated was disagreed to.

Mr. PEYTON gave notice that, as he considered the bill referred to in his resolution an important one, he should renew the motion at some convenient time.

The CHAIR announced the special order of the day, being the naval service bill.

Mr. EVANS moved to suspend the rules for the purpose of calling the States for petitions.

Mr. CAMBRELENG suggested, as there could be but few petitions, (several having been presented on Friday by common consent,) the motion to call the States for them was unnecessary, as they could be presented in the morning by common consent.

The motion of Mr. EVANS was lost without a count.

Mr. CAMBRELENG moved that the House resolve itself into the Committee of the Whole, for the purpose of taking up the special order.

Mr. LAY asked the consent of the House to present several petitions.

Objection being made, Mr. L. moved to suspend the rules, in order to enable him to present the petitions referred to, and asked for the yeas and nays on his motion.

The House refused to order the yeas and nays, and negatived the motion to suspend without a count.

NAVAL APPROPRIATION BILL.

In pursuance of the special order of the 26th of January, on motion by Mr. CAMBRELENG, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. HAMER in the chair,) and resumed the consideration of the bill making appropriations for the naval service of the United States for the year 1836.

The question pending was the motion by Mr. BELL to strike out the following item:

"For the improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire, $67,000."

Mr. JARVIS, who was entitled to the floor, rose and addressed the House at length. He adverted to the extraordinary range this debate, on a mere motion to strike out a small item, had taken, and expressed a hope to see it brought back to the subject of the bill. On this item there had been brought in a great variety of topics not at all connected with it, viz: the Bank of the United States, the surplus revenue, internal improvements, &c. He recurred to the position now occupied by a gentleman from Tennessee, [Mr. BELL,] who had heretofore supported the Administration, and now opposed it, who had fought side by side, and shoulder to shoulder, with the friends of the Administration for years past, but now spoke of them as "gentlemen on the other side." What occasion had the gentleman chosen for his attack? On a bill that, in ordinary times, passed almost without a question. The time chosen by the gentleman was equally extraordinary; for his motion, which had delayed it till this time, was made when there were daily apprehensions that we should be driven to a contest with the second naval Power in the world.

With regard to the locality of the naval yards, the present Administration could not be held responsible for them. They were all constructed long before. He also replied to the charge of neglect of the Navy, brought by Mr. BELL against the Administration, by citing the appropriations made for this branch of the service during the present term, which exceeded all the naval expenditures for the preceding twenty-seven or twenty-eight years. Mr. BELL, in advocating the reduction of the number of navy-yards in the United States, had stated that Great Britain, the first naval Power in Europe, had only the number of two. She had seven navy-yards, the least of them greater than the largest in the United States, and employing more men than the best of ours. Sheerness, which, at the close of the war, was the least of them, and intended only for the repair of frigates, had been taken in hand by the British Government in 1816, and more money had been expended upon that one station alone than upon all the yards in the United States together since they were first established. The navy-yard at Chatham ran a mile along the river, and had two basins, four docks, and six buildings. Woolwich was a mile long. The navy-yard at Deptford covered an area of thirty-one acres, and had two wet-docks, one covering an acre and a half, and the other an acre. France also had thirteen naval depots, five of which were superior to any of ours.

Mr. J. then briefly adverted to the argument of Mr. PEARCE, of Rhode Island, in favor of Narragansett bay, and entered into a reference and description of various points on the coast of Maine, which offered as good sites for naval stations as Rhode Island. He named Sheepscot, Penobscot, and Mount Desert, each of which could accommodate at all times the largest fleet that could be brought together. He reviewed the course of argument of Mr. THOMPSON, of South Carolina, who had divided the country into three great divisions. He asked whether the honor, the renown, the glory, of the navy, was a sectional matter? Why, there was not a State or Territory in the Union which had not furnished officers to the Navy. Nor was their career confined to the limits of the north Atlantic coast. Their duties called them to the Gulf frontier, the south Atlantic, and the Pacific, the Mediterranean, and the coast of Africa. The gentleman from South Carolina had also stated that labor was cheaper in the South than in the North. In answer to this, Mr. J. quoted a number of facts. Among others, there were now applications for an increase of wages, on account of the high price of other labor in the South. He cited the case of the Adams and the John Adams, two vessels of the same tonnage. The former was built at New York, and cost a little over $76,000, the other was built at Charleston, and cost over $113,000. He adduced, also, several other similar instances.

With respect to a navy-yard at Pensacola, the Administration was not answerable for any neglect, for the bill in relation to that place had reference to no such construction. It was also even doubtful whether it was a proper site or not, for the report of Commodore Rogers, which Mr. J. read, distinctly stated that, for a naval station, Pensacola possessed not the same means by nature, nor could be made artificially, essentially fit for the protection of ships, owing to the small depth of water, and other obstructions. But large sums had been expended there already, and much more was proposed to be done. The estimates of the Department for the present year, and included in this bill, amounted to $164,000; and the Committee on Naval Affairs had, through him, reported a bill appropriating $75,000 for removing the bar, and for constructing a hydraulic dock or inclined plane, $125,000, making in the whole $264,000. It was still questionable with him whether, from the examinations he had been able to make, the money would be judiciously appropriated or not. Mr. J. then cited a number of statistical and tabular statements, in reply to the argument of Mr. THOMPSON, of inequality of expenditure to the advantage of the North, both as to the construction of certain public works, and the appointment of officers. From the facts adduced, the advantage was in favor of the South. This applied to various objects of public expenditure, as well the Army as the Navy, and to forts and fortifications. With regard to supplies for the Navy, the South had a manifest advantage. She produced the sugar, tobacco, rice, timber, &c. Mr. J. was for an increase of the Navy, commensurate with the exigencies and commercial interest of the country. He was also in favor of certain regulations in the gradations and rates of the officers of the Navy, which were at present very unequal. Mr. J. spoke till within a few minutes of four o'clock, when

Mr. ROBERTSON obtained the floor, and on motion by

Mr. PEYTON, the committee rose and reported.

EXECUTIVE COMMUNICATION.

The Speaker laid before the House a communication from the War Department, in answer to a resolution of the House of the 17th of January, 1835, transmitting a statement and details from the second and third Auditors, exhibiting the items of pay and allowances to officers of the army for the two fiscal years ending September, 1834; which was laid on the table, and ordered to be printed.

NEW POST ROUTE.

On motion by Mr. CHAPMAN,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Lagrange, in Troup county, Georgia, by the way of Dickson's mills, in Randolph county, Alabama, thence to the court-house of Randolph county to Taledaga, in Taledaga county.

On motion by Mr. FAIRFIELD, the House adjourned.

IN SENATE.

TUESDAY, *April* 5, 1836.

Messrs. MORRIS and EWING presented several petitions from citizens of Ohio, on the subject of a change in the location of the Cumberland road; which were referred to the Committee on Roads and Canals.

Mr. TOMLINSON presented the petition of the representatives of Captain Andrew Leach; which was referred to the Committee on Revolutionary Claims.

On motion by Mr. LINN, leave was given to Joseph Roulette to withdraw his petition and papers.

Mr. MOORE, on leave, introduced a bill for the relief of Simon Gerer; which was read and ordered to a second reading.

Mr. HENDRICKS presented the petition of sundry citizens of Carroll county, in the State of Indiana, representing the town of Delphi as the head of steamboat navigation on the Wabash river, and praying that a port of entry may be established at that place; which was referred to the Committee on Commerce.

Also, a petition of the citizens of Toledo, in the State of Ohio, praying that a further appropriation may be made for the construction of a road from that place to the Indiana State line, in the direction of Michigan city; which was referred to the Committee on Roads and Canals.

BULLION FOR THE MINT.

Agreeable to the notice which he had given, Mr. BENTON asked leave to bring in his bill for the better supply of the Mint with bullion and metals for coining.

Not being a member of the Finance Committee, to which the bill would be referred, Mr. B. said he must claim the indulgence of the Senate to state the reasons which induced him to bring it forward. It was framed (he said) upon the supposition that the Mint was not adequately supplied with bullion and metals for coining, and that it was necessary to take legislative measures to insure its better supply. Both these suppositions were realities, and he had taken care to provide himself with evidence to that effect. He had two letters from the Director of the Mint, which he would send to the committee with the bill, and which would verify the statements which he made. These letters showed the present capacity of the Mint to be equal to the coinage of a million a month, or twelve millions per annum, the coinage to consist of gold and silver and the usual proportions of small coins; and they also showed the coinage of the last year to be about five millions and a half of dollars; that is to say, about half as much as the Mint could have done if adequately supplied with bullion. But the letters also state that improvements were now in progress, by which steam-power would be substituted for manual labor in several parts of the machinery, and the effect of which would be to increase the capacity of the Mint threefold; that is to say, to make it equal to three millions a month, or thirty-six millions per annum. When these improvements were completed, and a part

of them were already in operation, the Mint, unless better supplied, would have stood idle five sixths of its time, as it could execute in two months the whole coinage of last year. This (said Mr. B.) must doubtless result from some great fault in our legislation, and naturally leads to the inquiry, *How is the Mint now supplied with bullion and metals for coining?* Pursuing this inquiry, he found that the great business of supplying this national establishment was virtually devolved upon individuals, and upon banks; and that these individuals and banks were charged a tax of one half of one per centum on the amount coined, either in a direct charge, or in a delay equivalent in loss of interest to the same amount. This (he said) accounted for the lamentable result, that in forty years our coinage had amounted to no more than forty millions; that our Mint was but half supplied now, and would soon be not one fifth supplied. Such a result was incompatible with the idea of establishing a Mint, and of creating a specie currency; and he had been led to pursue the inquiry further, and to ascertain whether it could ever have been the intention of the founders of the Mint, that that institution was to be thrown upon individuals and corporations, and they discouraged by a tax, for the means of supplying a national coinage? Looking into the early laws, and he found the answer which the reason and propriety of the case required to exist; he found that it had never been intended that the Mint was to be limited to these precarious sources of supply; but that the national revenues were made a resource by law for that purpose. He found in the act of 1793, sec. 3, this provision:

"ALL *foreign gold and silver coins, except Spanish milled dollars, and parts of such dollars, which shall be received in payment for moneys due the United States,* AFTER *the said time when the coinage of gold and silver shall begin at the Mint of the United States, shall,* PREVIOUSLY *to their being* ISSUED *in circulation, be coined* ANEW, *in conformity to the act establishing the Mint,*" &c.

This (said Mr. B.) establishes the intention of the founders of the Mint. That intention was to make the United States the supplier of bullion to the Mint, and to devote the revenues of the Union to that object. The effect of this law, (Mr. B. said,) at the time it was enacted, was expected to be great and decisive; for the act of 1789, forbidding anything but gold and silver to be received on account of the United States, was then in force; no bank notes were then receivable for public dues; so that the revenues, and these revenues in specie, were intended to pass through the Mint, and a full and perfect new coinage to be kept up. But this law soon lost its entire force, and has remained for forty years a dead letter on the statute-book. The Bank of the United States was chartered, and its notes became receivable in lieu of coin; State banks began to grow up, and their paper also to be received; and eventually all the public moneys came to be deposited in banks, instead of any part going to the Mint; and this is the state of things at present. The deposit banks receive all the revenue; and whatever coin they receive is considered as their own, and there is nothing for the act of 1793 to operate upon.

This exposition of the evil (continued Mr. B.) is, in itself, an indication of the remedy. The remedy lies in the repeal of the half per cent. tax on coinage, and in reviving and carrying into effect the original intent of the founders of the Mint, to make the revenues of the Union the main source of supply to that establishment. For this purpose he had drawn up the bill which he proposed to bring in, and would say but a word in support of the two provisions which it contained.

First, as to the repeal of the tax and the abolition of the charge for refining. The amount of the tax could be no object to the Government, while it was a serious consideration to the depositor, and, no doubt, often prevented deposits for coinage from being made. It might have been justifiable when the Mint was first established and the national Treasury was empty; but could have no apology now, especially with those who were intent upon reestablishing the currency of the Constitution.

Second, as to coining the revenues.

This must have a good effect in a great variety of ways:

1. The revenues of the Union are now received in paper; and there is little or no national check upon the amount of this paper received. Its transfer to the Mint will supply a check, and that a serious one; for even now a million a month of the revenues might be sent to the Mint; and with the improvements going on, and the completion of the branch mints, the whole amount of the annual revenue, if necessary, might be coined anew; for the minting establishments will be sufficient to coin forty millions at least per annum.

2. It will keep the Mint fully supplied, and will furnish the Union with a perfect and beautiful coinage by coining up all foreign coins and all domestic ones which become imperfect by wear or by fraudulent diminution.

3. It will put the coinage under the direction of the Government, which can then direct the denominations to be coined, and can supply the country with small change. At present the banks and individuals chiefly direct the denominations which suit themselves, and those are half eagles and half dollars; but the interest of the country, the convenience of the people, and the cultivation of a beneficial spirit of economy in small dealings, require a great coinage of small change.

4. The transfer of part of the revenues to the Mint for coinage will show their capacity to become depositories, with a few additional branch mints, for the public moneys, and thus let the banks see that the United States are not dependent upon them for keeping the public moneys, and are in a condition to dictate terms to, or to cut the connection with, all banking establishments.

5. It would cause the present surplus revenue to take the solid and substantial form of coin, instead of remaining a light and volatile mass of paper.

Mr. B. concluded what he had to say at present with remarking, that, the return to a constitutional currency was a work of many steps, and that one step was to supply the mints with metals for coinage, and this was the step which he now proposed to take.

The bill was then read twice, and referred to the Committee on Finance.

HOUSE BILLS REFERRED.

The following bills from the House were severally read twice, and referred:

The bill to extend the time for selling the land granted to the incorporated Kentucky Asylum for teaching the Deaf and Dumb;

The bill for the relief of Jonathan Boone;

The bill for the relief of David Browning;

The bill for the relief of Farish Carter and the heirs of Charles Williamson, deceased;

The bill for the relief of James Wiltbank;

The bill for the relief of Charles M. Frazier;

The bill for the relief of William Stannard, and others;

The bill for the relief of James Canefield; and

The bill for the relief of Benedict Alford and Robert Brush.

The resolution submitted yesterday by Mr. HILL was considered and agreed to.

The bill for the relief of Robert Abbott and the other heirs of James Abbott, deceased, was, after a brief explanation from Mr. LINN, ordered to be engrossed for a third reading.

REPEAL OF DUTIES.

The bill to repeal the duties on certain articles of importation, and to reduce the duties on others therein enumerated, was taken up and considered as in Committee of the Whole; and, after being amended,

On motion by Mr. KNIGHT, it was laid on the table.

INCREASED SALARY.

The bill to increase the salary of the principal clerk employed in the office of the Adjutant and Inspector General was read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

ARTHUR BRONSON.

The bill granting a preëmption to Arthur Bronson was read the second time, and laid on the table.

SUFFERERS BY NEW YORK FIRE.

The bill from the House amendatory of the act for the relief of the sufferers by fire in the city of New York, passed the 9th of March, 1836, was read the first time; and,

On motion by Mr. WRIGHT, and by unanimous consent, read the second and third times and passed.

EXPUNGING RESOLUTIONS.

The Senate then proceeded to the consideration of the expunging resolution submitted by Mr. BENTON, when

Mr. LEIGH, being entitled to the floor, proceeded. He enforced the position assumed yesterday, that the manuscript was, and the printed copy was not, the Journal, and, in parliamentary language, to keep a journal implied to preserve it. He controverted the idea of expunging in the manner prescribed by the resolutions of the Senator from Missouri, [Mr. BENTON,] and made a distinction between the will and the act. It was competent for the maker of a will to cancel it; but it was not competent for any one to do the act of canceling, and say it was his will to do it. If authorized in this figurative way in this instance, it would be a precedent to expunge hereafter any part of the Journal. A future Senate would have the same power over the Journal of a preceding session that this Senate has over the Journal of the last session. If this Senate should expunge, the Senate of 1837 might resolve to expunge the expunction, and the Senate of 1838 might resolve to expunge the expunction of the expunction, and so on as long as party spirit and different parties predominated. But the question was, how or by what method was all this to be done? Alternate cancelation and scratching out would wear out the paper.

Every man was bound to speak the truth, and when acting under the obligation of an oath to speak nothing but the truth, and not to suppress it or equivocate. Here the Senate votes to expunge, and by way of excuse they say that they do not expunge. He would not read the ninth chapter of Pascal's provincial letters, for it might wound the feelings of Senators who, on this question, differed from him in opinion; but he would refer to it, and they might read it if they wished.

He thought his colleague unfortunate in regard to the case mentioned by him of the scroll round the place of the seal. It was a fictitious case reported in the newspapers. It purported to be a case in which the plea of *non est factum* was made; and the scroll round the place where the seal should have been was urged as evidence that the seal had been expunged.

If they had a right to expunge this particular resolution, it was competent for them to expunge any legislative, executive, or judicial proceeding on their Journal. He illustrated, by supposing the passage of an act the last session to recharter the Bank of the United States; and asked if it would be competent for this branch of Congress to repeal it by expunction, or in any case for any branch of Congress to repeal in that way the acts of the other? He also supposed the case of a conviction of a judicial officer on articles of impeachment being expunged, and afterwards, through bribery or otherwise, nominated by the President, and the nominee pleading the expunction as a former acquittal in bar, on an inquiry into the validity of his commission. After some further illustrations, he said, so much for this ingenious metaphorical device of expunging without expunging—destroying an act without destroying it. He adverted to the case of expunging the petition of Samuel G. Ogden and William S. Smith. The expunging resolution in that case directed that everything relating to their petition be expunged—yeas 13, nays 8; but the reason why it was expunged did not appear anywhere. He supposed it passed *sub silentio*, as matters often did in the last day of the session, without the notice of the House being particularly attracted to it; but supposing it to be a case exactly in point, he would ask if a proceeding adopted on the last hour of the last day of the session was to be regarded as a precedent to justify a deliberate departure from the solemn injunctions of the Constitution? Precedents, as his friend from South Carolina [Mr. PRESTON] had well remarked, were never resorted to where there

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, APRIL 11, 1836. VOLUME 3....No. 21.

was a plain constitutional injunction. It was truly said, that in the most popular reigns acts the most dangerous to liberty were most eminent.

During the administration of Mr. Jefferson, General Wilkinson, in New Orleans, laid his hands on three individuals, citizens of the United States, (Bollman, Swartwout, and Alexander,) seized them in their own houses, and tore them from their families, without the authority of the law, and sent them to Washington. Against Alexander nothing appeared; there was nothing alleged as the slightest pretext for the act by which he was deprived of his liberty; but against the other two, Bollman and Swartwout, to use a recent phrase, there was some suspicion of complicity between them and Mr. Burr. On an application for a writ of *habeas corpus*, Mr. Jefferson wrote a letter, which was published by his grandson, stating that the issuing of the writ of *habeas corpus* depended on each and every case in which it was applied for. If all the Jeffersons, Masons, Henrys, and Washingtons on earth had signed that letter, he (Mr. L.) would stand up before his country against it. After admitting General Jackson's eminent military services to the country, he denied that it was the battle of the 8th of January which entitled him to the greatest share of credit as a great soldier; it was the night attack of the 23d of December which struck a panic into the ranks of the enemy, and created a cautiousness in the British that gave him time to station the militia behind the cotton bags.

General Jackson had done more than suspend the writ of *habeas corpus*. If he declared martial law, which was the absence of all law but his sole will, from an imperious necessity, he ought to have been indemnified by an act of the Legislature alone. He took upon himself to suspend the writ of *habeas corpus* in the case of Judge Fromentin. But his popularity in other respects was such that it extinguished, in the estimation of the people, these unjustifiable acts.

Under an impression of a general panic and scarcity, Lord Chatham ordered the suspension of the law by which the exportation of corn was prohibited. When he came before the House of Commons, he said he had a right to prohibit the exportation of corn; and this was the only word which ever fell from his lips which ever affected his reputation as an English statesman and patriot. Indeed he was told at the time by his sincerest friends, and by the author of Junius in particular, that it would have been better for him to have acknowledged his fault, and to have thrown himself upon the mercy of his country. "You have," said Junius, "assumed the authority to suspend the laws of your country, and you ought to have gone to Parliament and said, I did it in a time of great and unusual scarcity, to save the people from starvation, and I throw myself on your mercy for pardon." Without going into the necessity of General Jackson's proceedings, he would observe that here were precedents established in 1806, and followed in 1814, by which the privilege of the *habeas corpus* is held at the mere will and pleasure of a military commander. Again, in the time of profound peace, this same officer took upon himself to suspend the writ of *habeas corpus* in reference to Judge Fromentin. And was it supposed that the people of the United States, in twice electing him to the highest office in their gift, approved of these arbitrary proceedings? No: he trusted in God it was not so; all this was only saying that his distinguished merits and services far more than counterbalanced all his faults. Nay more, the precedents for correcting a mistake in the Journal, made on the motion of Mr. RANDOLPH, announcing the death of Mr. PINKNEY, was cited as a precedent for doing that figuratively which they had no right to do in substance. As an application to this, Mr. LEIGH quoted the words of SWIFT in substance, that statesmen ought never to be swayed so far by precedents as to make the least breach in the Constitution, by which a thousand abuses might creep in. These he said were the words of a tory, of a monarchist, but they were the words of a sage, which all Republicans, all Democrats—he was surprised to learn that Democrats and Republicans were different—words which all Republicans would do well to follow. In committing breaches in the Constitution, the people were the sufferers; the constituted authorities were the instruments. Those for whom the trusts of Government were exercised, were the first affected. And who were they? Each and all of us (said Mr. L.) I humbly apprehend. He trusted in God that, when he took the office of Senator, he did not relinquish the far more valuable privilege of citizenship—that he did not cease to be a citizen. He claimed for the whole Senate, and claimed for himself, the distinction of being an American citizen. He was absolutely astonished to hear gentlemen on that floor speak of the American people as those of whom they did not constitute a part. The monstrosity of the doctrine had often shocked him, while its absurdity sometimes excited his mirth. He spoke of it in these terms, because he heard of it almost every day. Sometimes, God knew, he heard it with a disposition to laugh, and sometimes he heard it with a feeling of resentment.

We know not (said Mr. L.) how long we are to hold these happy and glorious institutions; and he declared it as his deep and settled conviction, that this Government is making the most rapid strides to a civil monarchy that ever was made by any Government in the world. Let it be well understood, no free people that he had ever read of in the history of mankind, ever gave up their free institutions by design or purpose to surrender them. He suspected no man of a design to establish a monarchy in this country; but the danger was of establishing principles, and putting into action particular causes, which might produce consequences that those who set them to work never thought of. He would not pursue this subject further; but the argument of the gentleman from Missouri, by which he sought to establish the right to expunge from the Journals of the Senate the resolution of March, 1834, required some notice. The gentleman based his argument on the ground, that if the Senate had the competence to pass this resolution, they would have no competence to expunge it; but, as they had no competence to pass this resolution, he proposed to expunge it, to show that they were wrong from beginning to end, in assuming to themselves powers which the Constitution did not confer on them. And the argument in support of this proposition was, that the Senate was a judicial tribunal for trial of all malfeasances in office, brought by the House of Representatives; that no charge having been made by the House, it had violated the Constitution in assuming to itself the powers of the House, and in proceeding to pass sentence without a regular trial, without a hearing, and without a judgment. Now, looking at the resolution itself, it was simply the affirmance of a proposition, that "the President, in his late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both." Not only was there no charge that the President had done this willfully, or with intent to violate the Constitution, but the utmost care was taken to avoid anything of the kind; it was simply an affirmation that his acts were not warranted by the Constitution, but in derogation of it; and it was inferred by the gentleman from Missouri, that, to charge the President thus, was to charge him with an impeachable offense. The Senators from Missouri and Virginia had both, as well as himself, taken oaths to support the Constitution of the United States. It was his opinion that, to expunge the Journals, was a violation of that instrument. What then? Did he mean to impute to those gentlemen a willful violation of the Constitution, and a violation of their oaths? He trusted that he did not. Then, entertaining a different opinion from them on a constitutional point, he should be very much hurt to hear that they supposed he meant to impugn their motives. The history of his own country might teach him that differences of opinion on the plainest points was as old as the history of the world. But did the President of the United States maintain that when they charged him with "assuming powers not warranted by the Constitution and laws," they charged him with a criminal and willful violation of the Constitution? And, if he did so, did he charge the Senate with a criminal and willful violation of their oaths?

Again, the judgments of the Supreme Court had again and again been declared to be violations of the Constitution. His honorable colleague had himself charged John Marshall and his associates with having violated the Constitution. Did it ever enter into the brain of any man making such charge, to charge, at the same time, a criminal intent—to say that they had been guilty of a willful violation of the Constitution, and deserved the hatred and contempt of the country? He was surprised to hear, that in some of the charges against Judge Chase, no allegation was made of a criminal intent, but they all, with one exception, expressly made such charge. Mr. L. here read over the various articles of impeachment against Judge Chase, for the purpose of showing that a criminal intent was charged in them all but one. He referred also to the impeachment against Judge Pickering, to show that criminality was then charged in the strongest terms. But it was a little remarkable that, while the gentleman from Missouri was contending that the charge against the President was a criminal charge, he refuted himself by showing how vague and indefinite the charges were. The gentleman, not contented with repudiating these resolutions, went back to the original resolutions, which the Senate did not adopt, for the purpose of condemning those that they did adopt; and referred, in terms of condemnation, to the speeches made on that floor, imputing to the President the worst of actions. He was not here, and did not hear those speeches; and though he took it on the authority of the gentleman from Missouri, that such imputations were used, yet he did not remember to have read them in the written speeches which came to him. All he meant to say was, that, if he had thought that the resolutions charged the President with a criminal intent to violate the Constitution, he should not have voted for them. But let us (said he) compare the freedom of debate, in this republican country, with the language held in the British House of Lords. The President of the United States was the Chief Magistrate, and, at the same time, the Prime Minister of this country. He was not, as in the case of the King of England, so constituted that he could do no wrong, (a maxim, let it be observed, in favor of liberty; for it fixed the responsibility somewhere,) but he was the responsible agent. Well, then, Lord Chatham, in the House of Lords, used this language: "I assert, in the face of this House, that the Ministers have advised the King to utter a deliberate falsehood!" And yet the freedom of debate which had taken place there was made a source of reproach, and we (said he) cannot speak of our Prime Minister in the language with which the Ministers can be spoken of in the British House of Lords. This was the fruit of the services of that man who had, as was said of him, done more to benefit mankind than any other man in the tide of time. It would be apparent (he said) that, if the Senate had no competence to pass this resolution, they had not the competence to discuss it; and, consequently, the conduct of the President, no matter how unconstitutional and dangerous to the liberties of the people, could not in any manner be called in question, unless the subject was brought before them by impeachment by the House of Rpresentatives; and further, that no member of that House, if that

doctrine prevailed, could even speak in terms of censure of the President, unless he was about to bring forward articles of impeachment for a criminal offense. Thus the President must be impeached, tried, and condemned, before the Senate, one of the constituted guardians of the liberties of the country, could express its disapprobation of his conduct, however dangerous to the liberties of the people. This was too much. They had got the President into a state of irresponsibility only equal to that of the Grand Seignor; and which, with the sole exception of the autocrat Nicholas, was not known to any Christian potentate of the age.

Mr. L., after pursuing this part of the subject at some length, concluded by quoting that part of Mr. BENTON's speech in which he said, if they failed then, let them transmit and bequeath the expunging resolution to the Democracy of the country—to the aged sire, that he might hand it down to his heir—to the young mother, that she might teach her infant babe to suck in the avenging word EXPUNGE with the sustaining milk which it draws from her bosom. As to the young mother who was to teach her infant child the *avenging* word, he trusted that the mother who was to instill revenge into her child would bear no more children. It was the last thing that a child should suck in, for the word was vengeance and not justice; and he was convinced that the gentleman from Missouri, no more than himself, was willing that a son of his should be capable of performing an act of vengeance.

On motion by Mr. BENTON, the resolution was then laid on the table, and ordered to be printed.

After making Mr. CLAY's land bill the order of the day for Monday next, the Senate went into the consideration of executive business; after which it adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 5, 1836.

Mr. WHITTLESEY, from the Committee on Claims, reported a bill for the relief of the legal representatives of Thomas W. Bacot; which was read twice and committed.

Mr. W., from the same committee, made an adverse report upon the bill from the Senate for the relief of John McCartney, and moved that the same be committed to a Committee of the Whole.

Mr. CHAPMAN moved to refer the bill to the Committee on Indian Affairs.

After a few remarks by Messrs. CHAPMAN and WHITTLESEY, the motion of the latter was agreed to.

Mr. BOON, from the Committee on Public Lands, reported a bill for the relief of John Almond and George Wolsey; which was read twice, and ordered to be engrossed.

Mr. CASEY, from the Committee on the Public Lands, reported a bill for the relief of George C. Willard, which was read twice and committed.

Mr. P. C. FULLER, from the Committee on Claims, reported a bill for the relief of Allen R. Moore; which was read twice and committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill supplementary to the act establishing a mint, and regulating the coins of the United States; which was read twice and committed.

Mr. CAMBRELENG, from the same committee, reported, without amendment, the bill from the Senate authorizing the Secretary of the Treasury to compromise the claim of the United States against the Alleghany Bank of Pennsylvania; which was committed.

Mr. FORESTER, from the Committee on Claims, reported a bill for the relief of Elias Johns; which was read twice and committed.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of John Jordan, deceased; which was read twice and committed.

Mr. McKIM, from the Committee of Ways and Means, reported a bill for the relief of James W. Osborne, of Baltimore; which was read twice and committed.

Unfavorable reports upon various petitions were made by Messrs. WHITTLESEY and GRENNELL, from the Committee on Claims, and Mr. TOUCEY, from the Committee on the Judiciary.

Messrs. ADAMS and LEWIS, on leave, presented several petitions; which were referred.

Mr. ADAMS presented certain resolutions of the Legislature of the State of Massachusetts, in reference to the northeastern boundary of the United States; which were laid on the table, and ordered to be printed.

On motion by Mr. LEWIS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in Alabama: From Tuskagee, in Macon county, to Monticello, in Pike county, and from thence to the court-house of Dale county; from Manningham Post Office, in Butler county, via Mount Willing, to Haynesville, in Lowndes county, and from thence by Graves's Ferry, to Washington, in Autauga county; from Mount Willing, in Lowndes county, via Maule's store, to Benton, and from thence to Selma, in Dallas county; from Montgomery, and along the main Patsalagga road to the nearest and most convenient point on the route now running from Greenville to Gaines's store, in Pike county; from Mount Meigs, in Montgomery county, to Carter's store, and from thence, the best route to Haynesville, in Lowndes county; from Haynesville, via Hickory Grove, to the nearest and most convenient point on the road from Montgomery to Patsalagga, and from thence to the nearest and most convenient point on the route from Monticello, in Pike county, to Gaines's store, in said county.

SUFFERERS BY NEW YORK FIRE.

Mr. SMITH, from the Committee of Ways and Means, reported a bill amendatory of the act for the relief of the sufferers by the fire in the city of New York, which was read twice.

Mr. S. remarked that the bill met the unanimous assent of the committee, and was intended to supply an omission in the former act, so as to confine or limit its operation to bonds given prior to the fire. The act to which the present bill was an amendment was similar in its terms to the acts of 1803–'4, and 1807, granting relief on account of fire. The first section provided for "all bonds *heretofore* given," which would apply not only to bonds executed prior to the 16th December, 1835, as was intended, but to those given prior to the passage of the act on the 19th March, 1836. This would have the effect to grant indulgence upon bonds for upwards of a million of importations, which was not intended by the passage of the act. He was instructed to move that the bill be engrossed and read a third time, as it was important that it should pass both Houses as early as possible.

Mr. ADAMS wished to know, before the passage of this bill, whether the Committee of Ways and Means, who reported it, had considered the principles involved in it, before they reported it to the House. If he was not mistaken, it was what might be called an *ex post facto* bill, and if pasred, would be an *ex post facto* law. If he understood it aright, it took away from a portion of the citizens of the United States, vested rights—rights to property. How for it was prudent or discreet in Congress to pass a law to give to citizens of the United States benefits to which they were not entitled, was not now the subject of consideration; but the present bill seemed to give sanction to a principle not very conformable to the character of our laws; and he, for his part, considered the precedent somewhat dangerous. He hoped the chairman of the Committee of Ways and Means would inform the House of the character of the bill.

Mr. CAMBRELENG said, the bill was in strict conformity to laws of a similar character passed in 1803, 1804, and 1807. He had copied from the act of 1803, and the present bill was precisely in the words of that act. The intention of the committee was not to give the benefit of the act to bonds executed up to its passage. The subject was now before the House, and it would be for it to determine as to the propriety of the passage of the law.

Mr. ADAMS hoped the bill might not be read a third time now, so that an opportunity might be afforded of examining into the nature of it; because he had doubts whether it should pass. It certainly appeared to him to be in the character of an *ex post facto* law, because it took away rights vested by a former act of Congress; and if the House did pass it, the courts might decide that it was an unconstitutional law, and declare it null and void. He hoped the bill would be committed, and take the ordinary course.

Mr. SMITH said, the original law had not yet taken effect in a single instance, and if this law was passed immediately, it might be that it would be in time to prevent the original law from applying to those cases, which it was desired to prevent. He did not think that the principle of vested rights would apply to the present law, because it was a mere gratuity of the Government, and being a gratuity, he considered that they might modify it in such a way as to prevent the Government from having money taken from it, which never was intended to be taken from it. The relief bill was a gratuity in which Congress had overstepped their own intention; and before that act took effect, they proposed to modify it in such way as not to go beyond what was intended But if the passage of the bill was to be delayed, it certainly would be useless, and some would receive the benefit of the original law who did not ask relief, and the effect would be to confer fortunes on those who had never asked it of you.

Mr. BRIGGS hoped the bill would not be read a third time to-day. It seemed to him that the principles involved in the bill would require more consideration than could be given to it on the moment of its being reported. He had inquired of one who he thought should be likely to know, and he thought the probability was that some of the bonds had already been extended. If that was the case, he should like to be informed what the position of the Government would be towards those debtors. The Government had passed a law authorizing an extension of those bonds, and now this bill provided that extension should not be made. He conceived that this was a specimen of legislation which called for a little more reflection than they could give to it to-day; therefore, he hoped it would not be ordered to a third reading at present.

Mr. MERCER did not consider that the clause in the Constitution, which related to *ex post facto* laws applied to any other than criminal laws. Some years past (Mr. M. said) there had been a pension law passed, which it was afterwards discovered would take an immense amount of money from the Treasury. A law was thereupon passed limiting the extent of the original law, and he never heard any objection raised to that law on the ground of its being an *ex post facto* law.

Mr. CUSHING believed his colleague [Mr. ADAMS] was under a misapprehension in reference to that clause in the Constitution in relation to *ex post facto* laws. Those words applied only to penal statutes, and not to legislation, affecting the rights of individuals; and if that was the gentleman's only objection to the present bill, he did not deem it of such great consideration as his colleague apprehended.

Mr. SPEIGHT said it appeared clear to him that Congress had the right to pass the bill. It intended merely to confine the provisions of a law which had not yet taken effect, and he appealed to the House to say, whether the bill should not be passed immediately, so that it should take effect at the same time of the original law.

Mr. CHAMBERS, of Kentucky, thought gentlemen to be consistent, ought not to support this bill. They had furnished a great capital to citizens of New York to trade upon, and to act consistently, should allow them to have the full benefit of that law. Those bonds which had already been extended, he considered could not be affected by the present bill; therefore he doubted whether there was any necessity for its passage. But as he considered the merchants of New York would derive sufficient benefit from the bill, the passage of the present bill might be of some service.

Mr. ADAMS said he was perfectly well aware that the clause in the Constitution which related to *ex post facto* laws was only considered by the courts to apply to criminal statutes. He was aware, also, which, perhaps, his colleague [Mr. CUSHING] and the gentleman from Virginia [Mr. MERCER] were not, that there was no provision in the Constitution prohibiting Congress from passing an *ex post facto* law. He did not suppose that Congress was prohibited from doing so. He used the word in its general sense, that it should not pass a law which would have a retrospective effect. He considered the bill under consideration

of that character, because the effect of it was to take away rights from citizens of the United States, which they had been vested with by a former act. If the bill was to be passed, he hoped it would be amended in such manner as not to take away rights from the people which they had already conferred upon them. The gentleman from Virginia [Mr. MERCER] had furnished a precedent which he hoped never would be brought up as a precedent again, because it was one of the most unjust acts ever passed by Congress; an act by which a large body of the pensioners of the revolutionary war, after having by former acts of Congress received pensions for some two or three years, had them taken away from them by a subsequent act, because they were not actually starving. There was before the House at this time, a proposition to remedy that very evil, for an evil it was, and he regretted that the gentleman from Virginia, was under the necessity of introducing it as a precedent for any act of justice. That very law had deprived those pensioners of their rights, although they had served in the revolutionary war of the country; and the proposition now before Congress, was for the purpose of rendering justice to those veterans from whom that bill had taken their bread; and he hoped before the end of the present session, that justice would be done those persons. He hoped that act would never again be produced as a precedent, unless it was for something which was to be avoided. As gentlemen were anxious for the passage of the bill, if it was amended as he had suggested, he would not oppose it.

Mr. MERCER said the gentleman from Massachusetts [Mr. ADAMS] was certainly under a mistake in relation to there being no clause in the Constitution, declaring that Congress should not pass an *ex post facto* law. Mr. M. read the clause from the Constitution, and said that although he had not voted for the pension law alluded to, yet he considered the act a perfectly just one.

Mr. WISE here called for the orders of the day; but the House refused to proceed to the orders of the day.

Mr. EVERETT was opposed to the immediate passage of the bill, as there were certain points he wished to investigate before he should vote for it, connected with the bonds that fell due before the passage of the original bill.

Mr. JOHNSON, of Tennessee, advocated the speedy passage of the bill. If there were any bonds which had been extended they would have to remain; but he hoped, if the bill was speedily passed, that it would go into effect before there were any extensions made. Upon this consideration, he hoped the House would lose no time in passing the bill.

The motion to commit was negatived, and the bill was ordered to be engrossed; when it was read the third time and passed.

[The foregoing bill was subsequently returned from the Senate, having passed that body, and was enrolled and signed by the Speaker of the House.]

TERRITORIAL BUSINESS.

Mr. SEVIER asked the unanimous consent of the House to permit him to submit a resolution setting apart one hour each day, on Wednesday, Thursday, and Friday, (from twelve to one o'clock,) for the purpose of considering local bills relating to the Territories.

Objection being made, Mr. SEVIER moved to suspend the rule for the purpose indicated; which was negatived.

DEPOSIT BANKS—R. M. WHITNEY.

Mr. WISE again asked the consent of the House to offer the following resolution:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the agency or mode of selecting the banks of deposit for the public money, and into the contracts with the Treasury Department, by which they are regulated, and into the manner in which, and the persons by whom such contracts are made; and to inquire whether any, and if any, what connection or relation, official or unofficial, exists, or has existed, between a certain Reuben M. Whitney and the Treasury Department of the United States, or between him and the banks of deposit of the public money; and into the extent of his agency generally in keeping and controlling the public money; and into the amount of his compensation, whether the same be paid out of the public Treasury, or by the deposit banks, and that said committee have leave to report by bill or otherwise.

Objection being made, Mr. WISE moved to suspend the rules, and called for the yeas and nays; which were ordered, and were—yeas 89; nays 91.

So the House refused to suspend the rules.

Mr. WISE gave notice that he would renew the request from day to day, until it was clearly demonstrated that more than one third of the House was opposed to the proposed inquiry.

NAVAL APPROPRIATION BILL.

On motion by Mr. CAMBRELENG, the House, pursuant to the special order of the 26th of January, resolved itself into the Committee of the Whole on the state of the Union, (Mr. HAMER in the chair,) and resumed the consideration of the bill making appropriations for the naval service of the United States for the year 1836.

The question pending was the motion by Mr. BELL, of Tennessee, to strike out the appropriation of $67,000 for the improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire.

Mr. ROBERTSON, who was entitled to the floor, addressed the House at length. He avowed himself to be in favor of liberal appropriations for public works, so long as they were confined within the limits of the necessities or exigencies of the country; but he was at a loss to perceive the reason for the large increase that had taken place in the public expenditure. In 1828 the appropriation of some ten or twelve millions was thought to be most exorbitant; we had now risen, in 1836, and during the state of profound peace, to twenty-three millions, besides a large amount of unexpended balances. He remarked that the propositions for new works, by the General Government, were particularly objectionable at this time, because they would tend to increase the demand for labor, which was required for the numerous works of internal improvement in which the States, especially the South and the West, had embarked. With regard to the surplus revenue, something must be done. The Secretary of the Treasury had submitted a plan, proposing a distribution of about $30,000,000 of it. Mr. R. then read the various statements and estimates from that Department for the current year. He inquired what should be done with the surplus? It could not all be expended in public works. Internal improvements would not do, for that had been pursued already to the ruin of the southern people, and by the present Administration, too, for he was prepared to prove they had carried it to a greater extent than any former one, in spite of all that had been said to the contrary by his honorable colleague, [Mr. GARLAND.] The object had been to increase Federal patronage by extending its foothold to the States, in the erection of custom-houses and other public works, requiring officers of various kinds. Another scheme of the present party was a proposition to open rights of way for canals and railroads, under the pretense of transporting the mail thereon. This was only another opening scheme for expending the people's money, for it required no more to transport the mail over the new facilities than by the old plan. He was opposed to this mode [Mr GRUNDY's] of disposing of the surplus revenue.

He was likewise opposed to retaining it in its present depositories, where $800,000 of the public money was deposited in a single bank (in Michigan) possessed of a capital of only about one hundred and fifty thousand dollars; or of giving a single city (New York) the advantage of using a large proportion of it for her exclusive benefit, by which she realized a clear annual profit of from five hundred to six hundred thousand dollars. He did not desire to see the United States Treasury converted into a great loan office. But if they had the power to loan out, why not lend it to the States, either with or without interest? If they had the constitutional power to do this, surely there was no constitutional objection to the other, either to surrender or loan it. He would distribute it, at least the proceeds of the public lands, directly to the States from which it had been drawn. In favor of this disposition of it, he quoted the authority of General Jackson, in one of his messages, who recommended that mode of distribution, not only of the surplus proceeds of the public lands, but of the entire surplus revenue, from whatever source derived.

Mr. R. did not believe the President had changed his opinion on the subject at this time; certainly none of his subsequent messages controverted that recommendation; and he read various extracts therefrom, and commented thereon. He could not, they had no right to anticipate a veto to such a proposition, since it was in direct accordance with the President's message of 1829. Mr. R. then cited the Virginia act of cession of the Western Territory, and argued upon it to show that a fair construction of that law proved that Virginia contemplated such a distribution, in her independent and sovereign character, of the proceeds of that cession. That it was a trust fund, placed for a given or specified time at the disposal of the Federal Government for a specified object. He then read an extract from the President's veto message on Mr. Clay's land bill, and commented thereon at length. He maintained that Congress had no power to reduce the price of the public lands, because they held it merely as a trustee. The States themselves alone had the power to surrender or abandon them, but the General Government possessed not that power, or what was equivalent to it, the power to reduce their price to any given standard. He denied that his scheme would reduce the States to the character of mendicants or suppliants to the General Government, but the effect of a scheme of internal improvements would be, that those States which stood, not like Virginia, upon their constitutional integrity, would accept it, and the others reject it. The operation would be partial, and the whole surplus revenue in this way would be expended for the exclusive benefit of the North and West, which would not refuse it. He then adverted to the remarks of Mr. GARLAND, in vindication of the Administration on the subject of internal improvement, and reiterated the charge that more money had been expended on such objects by it than by all the others that had gone before it, and double what had been so expended by the extravagant one that immediately preceded it. He read a series of tabular statements in proof of this. In the administration of Mr. Madison $216,000 were appropriated for internal improvements; in Mr. Monroe's $346,000; in Mr. J. Q. Adams's $1,040,000, and in the first four years of General Jackson's administration $2,768,000, more than twice the amount expended by the Administration that had been pursued with the vengeance of the present party. The inequality of the disbursement was equally remarkable.

In a series of years there had been expended in Maine $155,000, in New York $446,000, in Massachusetts $355,000, in Delaware $604,000, in Ohio $859,000; while during the same period Virginia had received the pitiful sum of eighty dollars, and Kentucky and South Carolina not one dollar. He pursued this argument at some length. There had been, altogether, during the period he referred to, appropriated for internal improvements by the General Government, $4,372,345, out of which the States of Virginia, North Carolina, Georgia, South Carolina, and Kentucky had received only $60,000—the first only eighty, and the last two nothing. He recurred again to the subject of the public lands, and the present mode of disposing of them, to which he objected. By this mode a fair price was not obtained for them. No more should be offered for sale than what were required for actual settlement. Though he opposed the latitudinarian doctrine of internal improvement, and contended that neither the General Government could expend money for that object, nor loan the public money to the States to do it, yet he maintained that the States could so expend their own money. This was the doctrine he contended for.

He then adverted to the subject of executive patronage, and the inconsistency of the present Administration in not carrying out their former professions on this subject. Where, also, were the evidences of their economy? In what department, either in the number of officers, or in the amount of their compensation, had they carried out one of their former pledges? He then read various extracts from the report of the retrenchment committee in 1828, and contrasted it with the present expenditures of the executive branches of the Government. In 1829 two bills were reported, one to restrict the expenses of Congress,

the other containing a plan of deduction. These bills then failed, and nothing had been since heard of them. The loss of these measures he ascribed wholly to the party in power. He then referred to the Post Office Department. An inquiry had been attempted in 1831 or 1832, but not by the party in power, for they opposed it. An investigation was ordered at last by means, not of the Administration party, but of the opposition, and two reports were made, exposing the abuses of that Department, and the remedy was resisted by the majority. He also referred to a variety of cases touched in those reports, of tyrannical and arbitrary removal from office, and to the proceedings of the two Houses on the bill of the last session for the organization of the Post Office Department. That bill passed the Senate unanimously, was sent to the House, referred to the standing committee on the subject, which reported a substitute, and there the whole subject was at an end; nothing more was heard of that bill in the House. This gross neglect he charged to the majority of the Democratic party, and he was compelled to the belief that there would be no efficient action on it during the present session.

Mr. R. dwelt at some length upon the manner in which appointments had been made during the present Administration, and quoted General Jackson's letter to Mr. Monroe on that subject. He remarked that one part of that letter had been carried out, namely, that which recommended no party to be consulted. General Jackson did not consult party. No matter what a man's principles were, if a Federalist of the deepest dye, so long as he called himself a Jackson man, he might procure an appointment to office. This was the governing principle of the present Administration in its appointments; a principle calculated to make them all sycophants and man-worshipers. It was the devotion to a king. Mr. R. also referred to General Jackson's letter to the Tennessee Legislature, the sentiments of which, he contended, exhibited a direct contrast to the acts of his Administration. In connection with this he recurred to the case of a Speaker of that House, [Mr. STEVENSON,] who sat in the chair with the promise of a high and lucrative appointment in his pocket; and after his rejection by the Senate the place was kept vacant, and the public business neglected, till his nomination could be affirmed by that body.

Mr. R. then drew a parallel between the conduct of the Senate and of that House in expediting the public business of the country. They had passed many important measures which were demanded by the country, such as the custom house bill, the judiciary bill, the patent bill, the post office organization bill, the Ohio and Michigan boundary, the bill providing for the safekeeping of the public deposits, the executive patronage bill, all of which had been suffered to die by the majority in that House. Mr. R. here gave way to

Mr. STORER, who moved that the committee rise, but withdrew it at the request of

Mr. CAMBRELENG, who remarked that he merely wished to make an appeal to the House. He was very much gratified yesterday, when the gentleman from Virginia [Mr. ROBERTSON] obtained the floor, and he listened to him to-day, and should listen to him to-morrow, with great pleasure. His object, then, was to make a suggestion. There were many gentlemen, like himself, who wished to be heard on the subject of the surplus revenue and the public expenditure, but the public business had suffered so much from the delay consequent on the discussion upon a mere ordinary appropriation bill, that he hoped the House would now see the necessity of coming to some conclusion on them at once. For that reason, he intended to waive his own right to address the House on this bill, as it was designed upon the Army bill to bring in an extraordinary appropriation of a million of dollars, which would, of itself, open the whole of these questions, and, he thought, present a more proper occasion to go into an enlarged field of debate upon the public expenditure, and the surplus revenue, than the bill then under consideration. He begged then to inform the House that he was instructed that morning by the Committee of Ways and Means, that, if there was little prospect of the discussion on that bill terminating in some way or other to-morrow, to move to discharge the Committee of the Whole from its further consideration, and, bring it into the House. Looking, then, to the condition of the Navy, which would, in a few days, be without a dollar of money, he earnestly and confidently appealed to gentlemen on all sides to waive, as he should do himself, all further discussion. He pledged himself to bring forward the Army bill shortly, and to make a motion connected with it which would open the whole question. He, therefore, again appealed to gentlemen on all sides that, after the gentleman from Virginia should conclude his remarks to-morrow, they would at once permit the question to be taken on the proposition of the gentleman from Tennessee, [Mr. BELL,] so that this ordinary appropriation bill might be brought into the House, and passed in some form or other.

Mr. STORER rose and remarked that he gave way for a hint, and not for a speech. He renewed the motion that the committee rise.

Mr. PEYTON wished to ask the gentleman a single question. It was this: whether he was authorized by his "party" to bring up another question that would open this whole debate?

Mr. CAMBRELENG would only state that, on this occasion, he was acting as the organ of the Committee of Ways and Means, not of *his* party only, but of the gentleman's party also.

Mr. PEYTON. I do not belong to your party.

Mr. CAMBRELENG added that it was the unanimous wish of the members of the Committee of Ways and Means. If the gentleman from Tennessee belonged to that party who wished to delay the ordinary appropriation bills of the country, then there was no member of the gentleman's party in the Committee of Ways and Means; for, though the members of that committee were not all of the same party, there was no division of opinion among them on this subject.

Mr. THOMPSON, of South Carolina, would suggest to the gentleman from New York, that, if he would withdraw the extraordinary appropriations from this bill, it need not be longer delayed. He would recommend the gentleman to consent to their being stricken out, and he might introduce them in a separate bill.

Mr. CAMBRELENG replied, that the items in question amounted altogether to no more than $300,000.

The committee then rose and reported.

Mr. EVANS moved an adjournment.

Mr. HANNEGAN asked for the yeas and nays on the motion. He thought one speech should not take up more time than one day.

The yeas and nays were ordered; when Mr. EVANS withdrew his motion to adjourn.

Mr. ADAMS thanked the gentleman for withdrawing his motion. For some time past the House had been in the habit of adjourning between three and four o'clock. The reason of this was, that gentlemen in Committee of the Whole would go on with their speeches, until they became exhausted, and a motion would then be made that the committee rise, and therefore the House would adjourn. In consequence of this practice, one gentleman had occupied the House four days, on a motion to strike a few thousand dollars from the navy bill; a matter inconsiderable in itself. He hoped the House would now take up and consider such business on the Speaker's table as would not occasion debate, but which was really as important business as any other.

Mr. STORER then moved to suspend the rule, for the purpose of considering bills upon the Speaker's table, on their third reading; which was agreed to—ayes 83, noes 38.

Mr. WISE moved that the House adjourn.

Mr. HANNEGAN asked for the yeas and nays, which were ordered, and were—yeas 41, nays 91.

So the House refused to adjourn.

Mr. WISE said, as the seats were not much more than half filled, he would move a call of the House, and asked for the yeas and nays on the motion, which were not ordered.

The motion was then negatived.

BILLS PASSED.

The following bills were then read the third time and passed:

A bill for the relief of Tobias Drum;

A bill to renew the gold medal struck and presented to General Morgan, in honor of the battle of the Cowpens;

A bill for the relief of Jacob F. Walter;

A bill for the relief of Gætano Carusi;

A bill from the Senate for the relief of Henry B. Tyler, executor of Colonel Richard Smith, deceased;

A bill for the relief of Robert McJimsey, surviving partner of Jackson and McJimsey;

A bill for the relief of Robert Dickey, of New York;

A bill for the relief of John Frazer & Co., of Charleston, South Carolina;

A bill for the relief of James Robertson, of South Carolina;

A bill for the relief of Thankful Randall;

A bill for the relief of Elizabeth Mays;

A bill for the relief of James Tucker and John Judge;

A bill to authorize the President of the United States to cause to be issued to Albert G. Smith, and others, patents for certain reservations of land in Michigan Territory;

A bill for the relief of Francis R. Theobald; and

A bill for the relief of Benjamin F. Stone.

On motion by Mr. LEWIS, the House then, at five o'clock, p. m., adjourned.

IN SENATE.

WEDNESDAY, *April* 6, 1836.

Mr. EWING, of Ohio, presented several petitions on the subject of the location of the Cumberland road; which were referred to the Committee on Roads and Canals.

Mr. TOMLINSON, from the Committee on Pensions, reported a bill to amend the act supplementary to the act for the relief of the surviving officers and soldiers of the revolutionary army; which was read and ordered to a second reading.

Mr. PRENTISS, from the Committee on Public Lands, reported a bill authorizing the location of a section of land for a school in Mississippi; which was read and ordered to a second reading.

RESOLUTIONS.

Mr. ROBINSON submitted the following resolution; which lies over one day:

Resolved, That the Secretary of War be directed to cause to be made out and laid before the Senate, during the first two weeks of the next session of Congress, a statement of the cost, per mile, of that part of the Cumberland road west of the Ohio river which is contemplated; also, a statement of the cost of making said road, per mile, in the States of Ohio, Indiana, and Illinois, designating the cost per mile, in each State, of grading, bridging, and macadamizing, and, if necessary for full information upon the subject, to have further examination made as to the quality, quantity, and convenience of the materials for construction of said road.

The resolution of Mr. HENDRICKS, directing an inquiry into the expediency of granting lands to the staff of the revolutionary army, came up; when Mr. LINN submitted the following amendment:

"And also into the expediency of embracing in the grant the officers and soldiers who served as volunteers under Colonel George Rogers Clarke, at the capture of Kaskaskias and Cahokia, and at the siege and capture of Vincennes; and also to the officers and soldiers who served under the same commander in the campaigns against Chillicothe town and Piqua Plains."

The amendment was concurred in, and the resolution, as amended, was adopted.

TREATY WITH THE CHICKASAW INDIANS.

On motion by Mr. WHITE, the bill providing for carrying into effect the treaty with the Chickasaw tribe of Indians, was taken up and considered as in Committee of the Whole; and ordered to be engrossed for a third reading.

BILLS PASSED.

The bill to increase the salary of the principal clerk employed in the office of the Adjutant and Inspector General; and

The bill for the relief of Robert Abbott and the other heirs of James Abbott, deceased, were severally read a third time and passed.

COMMISSIONER OF LOANS.

On motion by Mr. WRIGHT, the bill from the House to repeal so much of the act entitled "An act transferring the duties of Commissioners of Loans to the Bank of the United States, and abolishing the office of Commissioner of Loans, as requires the bank of the United States to perform the duties of Commissioner of Loans for the several States," was carried through its several stages and passed.

REDUCTION OF DUTIES.

On motion by Mr. KNIGHT, the bill to repeal the duties on certain articles, and to reduce those on others therein enumerated, was taken up and considered as in Committee of the Whole, and ordered to a third reading.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill to authorize the issuing of letters patent to John Howard Ryan, a subject of the King of Great Britain; and

The bill for the relief of Henry Wainwright, of Boston.

INCENDIARY PUBLICATIONS.

The bill to prevent the circulation through the mails of incendiary publications, was taken up as the special order.

Mr. CALHOUN briefly explained the provisions of the bill, and moved to fill up the first blank with $100, and the second blank with $1,000; which motion was agreed to.

[These sums apply to the penalty imposed on the deputy postmasters for a violation of the law, being a fine of not less than $100, and not more than $1,000.]

Mr. DAVIS said this was a very important bill, and ought not to be acted on without some deliberation. He had hoped some gentleman would have been prepared to deliver his views at length upon it. As for himself, he was not now prepared to speak on it. He would move to postpone it for the present.

Mr. GRUNDY observed that he had lately turned his attention to the subject, and approved of the principles of the bill, though he did not think it altogether calculated to effect the objects it had in view. If the gentleman from South Carolina would consent to a postponement for two or three days, he should then be prepared to offer some amendments that he thought would be satisfactory to the gentleman, and would answer the purpose intended; his duties in the committee of which he was chairman preventing him from attending to the subject sooner. Mr. G., after further consideration, and a suggestion from Mr. CALHOUN, assented to the postponement till to-morrow, and the bill was accordingly so postponed.

Mr. DAVIS did not know that he would or would not address the Senate on the subject, but if he did he should want it laid over longer than till to-morrow.

On motion by Mr. DAVIS, the Senate took up the bill from the House to suspend the operation of the second proviso in the third section of the act making appropriations for the civil and diplomatic expenses of the Government for the year 1835; and the bill was, by unanimous consent, carried through its different stages, and passed.

PENSION APPROPRIATIONS.

On motion by Mr. WRIGHT, the Senate took up the bill making appropriations for the payment of the revolutionary and other pensioners of the Government for the year 1836. The question being on the following amendment submitted by Mr. BENTON:

SEC. —. *And be it further enacted*, That no bank note of less denomination than twenty dollars shall hereafter be offered in payment in any case whatsoever in which money is to be paid by the United States or the Post Office Department; nor shall any bank note, of any other denomination, be so offered, unless the same shall be payable and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him;

Mr. NILES submitted the following amendment to the amendment:

That hereafter no bank note of less denomination than ten dollars, and that from and after the 3d day of March, A.D. 1837, no bank note of less denomination than twenty dollars, shall be offered in payment in any case whatsoever in which money is to be paid by the United States or the Post Office Department, nor shall any bank note of any denomination be so offered unless the same shall be payable, and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him.

Mr. NILES, after submitting his amendment, explained at some length the nature and effect of it. He said, in the present state of things, the amendment of the Senator from Missouri [Mr. BENTON] might operate too suddenly, and, in effect, produce a sort of panic; and he had offered his amendment with a view to give more time, and to effect the object more gradually.

Mr. WHITE approved most highly of the objects of the bill, but thought, if there was any defect in it, it consisted in there being no penalty imposed on the officers or agents of the Government for disobeying the law.

Mr. BENTON most cordially concurred with the Senator from Tennessee. He had turned over the subject in his own mind, and had not inserted a penalty in the bill, partly because he was unwilling to embarrass a measure which he had so much at heart, and partly because he knew that the officers of the Army would be subject to the rules and articles of war if they disobeyed the injunctions of the bill, for its provisions would be sent to them with instructions from the War Department. But he was heartily willing, and would warmly and cordially concur in inserting the penalty that the disobedience of the officer shall be followed by a dismissal from the service. He knew that great oppressions had been practiced by officers on laborers and others who could not help themselves. The main stress of the amendment (said Mr. B.) lies in the last clause of the amendment—that is, in making our mark at $20, and which goes to cut off every bank note which is not payable in gold and silver upon the spot. This would be of incalculable benefit to the soldier, who could not leave his post to get uncurrent paper exchanged. Gentlemen might say that this amendment was to carry gold and silver to the soldiers. He said, God grant that it might. The largest payments to the Army were made in the West; and there were three paymasters there—Major Massias, Major Stewart, and Major Harney—who determined to carry nothing to the soldiers but gold and silver, and that equivalent to it; and they did carry it, and the beneficial effects were soon discovered. The largest sum that was carried was carried by Major Harney. He carried about $40,000, $10,000 of which was in gold; and he did it without any expense to the United States. All he had to do was to make a requisition on the next military post for baggage wagons and a guard: and he was informed by that officer that there was a general rejoicing in the camp when he arrived there with the money. There was but one rueful countenance to be seen, and that was of the sutler, who complained that if that practice was continued he would be ruined; that formerly, when payments were made to the soldiers, they rushed to him in crowds with their bank notes; but that now they would keep the gold and silver, instead of spending it in drink and other superfluities. He believed that under this provision nothing but gold and silver would be carried to the outer military posts. If the Senator from Tennessee would suggest an amendment to suit his views, he would heartily concur in it.

Mr. WHITE spoke in favor of pensions being paid in specie, and that it was of more importance that their interests should be subserved in this matter than even the soldiers of the Army. That class of them who received their forty-eight dollars were, of all things, most glad to receive the specie. He was, on the whole, content with the amendment of the Senator from Connecticut, [Mr. NILES.]

The question was here taken on Mr. NILES's amendment, and it was adopted—yeas 22, nays 13; as follows:

YEAS—Messrs. Benton, Brown, Calhoun, Grundy, Hendricks, Hill, Hubbard, King of Alabama, Leigh, Linn, McKean, Morris, Nicholas, Niles, Porter, Robinson, Ruggles, Shepley, Tomlinson, Walker, White, and Wright—22.

NAYS—Messrs. Black, Clay, Davis, Ewing of Ohio, Kent, King of Georgia, Knight, Mangum, Moore, Naudain, Prentiss, Robbins, and Swift—13.

Mr. CLAY thought it worthy of serious consideration whether it would not be better to leave the matter as it now stood, as under the present laws the creditors of the Government were bound to take nothing but gold and silver in payment. It was worthy of consideration whether the passing of this amendment would not be giving an implied sanction to the reception, by the officers of the Government, of bank notes of every description.

Mr. BENTON observed, that the subject of receiving and disbursing the revenues of the United States, had occupied the attention of all; it certainly had occupied his attention; and after spending years in thinking about it, he had come to the conclusion, that there was but one safe course for the United States to pursue, and that was, to return to gold and silver for the Treasury. He had been of that mind for years past; and had made a rough draft of a bill to accomplish that object; the only difficulty was, to arrange the times so as to enable the Government to cut loose from bank paper without giving a shock to the community. It was a lamentable circumstance that the Federal Government, while receiving the depreciated currency of the States, was able, at the passage of the very first revenue law, and at the first session of its Legislature, to declare that gold and silver only should be received in payment, and that they were not now able to do it without producing a convulsion, so much had they become entangled in the paper system. Now, the little amendment which he had offered to the appropriation bill, was only the commencement of a system which he hoped to see carried out; and the rough bill he had drawn out was to take up and carry on the system thus commenced. While they were complaining of the States for the sanctioning the inordinate increase of banking capital, it was lamentable that this was owing to the fault of the Federal Government in receiving these notes to the extent they did, and paying them out to the public creditors. It was by this means that a fictitious credit was given to them; it was by this means that they got the money of the United States to bank on; and it was by this means that a piece of worthless paper with a little lamp black on it, and made at Passamaquoddy, and called five dollars, was made to pass at Attakapas, because it was receivable in payment for the public lands. He saw it announced in the New Orleans papers, that a Mr. Armand had, in the Louisiana Legislature, proposed in bitter irony, that the ancient and renowned company of fox-hunters should be incorporated with banking privileges. He did it in bitter irony, as a reproach to the wild spirit of speculation, by which the evils of a paper currency was so much extended. As a consequence of this expansion of the paper system, they were purchasing bread from Europe. The starvelings of Europe were sending them bread; and it was because those who made this bank paper, did it with such facility, that they could give a bundle of it for a single loaf. He held that all this was the fault of the Federal Government, rather than of the States; for if they did not give this paper money the wings to fly on, by making it payable for the revenues, it would fall back on those who issued it; and those charters, by which uncounted millions were circulated, and which encouraged an extravagant and demoralizing system of gambling in stocks, would soon cease, for the quantity of bank capital in the United States was brought back to the lawful operations of trade; he believed that four fifths of the stock now held would be surrendered as unprofitable. So far from giving sanction to the receipt of paper-money, his object was to cut loose from the whole of it.

Mr. PORTER here submitted the following amendment:

"*Provided*, That nothing herein contained shall be construed to make anything but gold or silver a legal tender, by any individual, or by the United States."

Mr. BENTON assented to the amendment, and said that the gentleman might make it as strong as he pleased.

Mr. KING, of Alabama, presumed it was intended by gentlemen to follow up this amendment by a repeal of the law which forced on them the reception of the notes of the Bank of the United States in payment of the revenue. There was a bill pending (not before them, however) for that purpose; and he did not know whether gentlemen were prepared to give it their support, if the bill did come up. He only made this suggestion to gentlemen, that they might give their attention to the subject.

Mr. EWING said there was nothing in this bill to prevent the receiving of the notes of the United States Bank. If there was a compact or obligation on the part of the Government, in pursuance of the charter, to receive them, it could not be violated. He understood it had been so construed by the Secretary of the Treasury, that that Department was bound to receive them. He (Mr. E.) however, did not wish to be considered as giving any opinion on the subject.

Mr. CLAY. The notes of the Bank of the United States were never a legal tender; the law only authorized them to be received in payment of debts due the Government. If any Senator had any of those notes, and wanted to get rid of them, he might hand them to him. He would be glad to give the notes of any of these small banks, or even specie, for them.

Mr. KNIGHT considered the amendment altogether useless. There was no obligation in any one to receive anything but specie in payment from the Government; and he presumed that when notes less than ten dollars were paid to an individual, it was only for his convenience. If the individual was paid in notes over five dollars, he only had to turn round and ask the cashier to change them for fives; and he could also, if paid in five dollar notes, get them changed for tens or twenties, by asking for them. He considered the amendment altogether useless; but if the gentleman would introduce a proposition requiring payments to be made only in gold and silver, he should vote for it.

Mr. BENTON said he should certainly do so; but not for a single suggestion, and not at that time.

Mr. CALHOUN doubted whether much, if any, good could come out of this proposition. He could see nothing in it that could cure the wretched state of the currency. It would be better to draw the fifteen millions of Government money out of these deposite banks, and distribute it where it cold be usefully employed. They were using this money without paying anything for the use of it, and drawing from the Government something like two and a half millions of dollars profit. The Administration was responsible for that thoughtless, mischievous, and imprudent act of withdrawing the deposits from the United States Bank, and placing them in these pet banks; notwithstanding they were told that, instead of stopping the evils of banking, these Hydras would spring up like mushrooms. It was amazing to see the majority sitting quietly by without proposing a remedy to this evil, which was making beggars of thousands, and enriching speculators. These pet banks had an agent by the name of Whitney, (Mr. C. did not know him,) who had a control over the pecuniary affairs of the country, which no other man ever had. He could raise or depress stocks at pleasure. There was an awful responsibility resting on the supporters of the Administration. The gulf into which they were rushing was before their eyes. The dreadful explosion was coming. The injury to the manufactures would be immense. But he thanked God, it would not be so great to those of the South. If the growing crop should be cut off, no one could tell the state of things it would bring about. Money that had been won by blood, was put into public lands, and drawn out to be put into pet banks. Withdraw them (the deposits) from the banks, said he, and if you cannot return them to the people in any other way, loan them without interest. The money of the United States deposited in these irresponsible banks, was an annual tax of something like two millions of dollars. He approved of the spirit in which this resolution was offered, but it would not meet the crisis. Let the Senate follow up this resolution with measures that would make this money cease to be banking capital. The Senate would do him justice for predicting in 1834, that the state of things then would shake the country to its very center. He could not let the matter pass without warning the Senate and the country of the dangers that threatened the country.

Mr. BENTON said that, among the other papers in his possession, he had an amendment that he had prepared for the bill, to regulate the deposits of the public moneys. Would the Secretary be so good as to tell him how that bill stood on the Calendar?

[The Secretary answered that the bill was only eight ahead.]

Well, (continued Mr. B.,) we shall come to it pretty soon, and he was then for making these deposit banks pay something handsome for the use of the public money. He also had a provision to prevent them from issuing notes less than twenty dollars, and to make them pay in gold and silver, or that equivalent to it, so that the holder of the bills should have a right to demand specie, and one half in gold on the spot. He should stake his political existence against suffering the notes of any of these banks from becoming the currency of the country. We cannot (said Mr. B.) cut them off at once, but must come to a specie circulation gradually. He would state, before he sat down, that his bill to supply the Mint with coin (proposed a few days ago) would take up a considerable portion of the revenue; for the Mint would require, as he had been informed by the director of that institution, a million of dollars a month.

Mr. CALHOUN rose to express his approbation of the measures the Senator from Missouri proposed to introduce, and said he would coöperate in any measure that would prevent that greatest of all calamities to any country, a ruined currency, a state of things which gave the sagacious and cunning man the advantage over the honest laborer.

Mr. NILES said that the Senator from South Carolina [Mr. CALHOUN] had delivered the speech we had just heard, or the substance of it, three or four times during the session, on different occasions. The surplus of the deposit banks appears to give the gentleman great anxiety and alarm. In addition to his apprehensions for the security of the public funds, which he has not now enlarged upon, he represents the surplus as an alarming evil by its tendency to enlarge the action of the deposit banks, and give a dangerous expansion to the whole paper system. So far the gentleman is correct. Aside from all other weighty objections to an accruing surplus, if it shall appear that there is a surplus, this is, no doubt, an evil of no small magnitude. The money now in the Treasury, however, cannot be regarded as a surplus; it has accumulated by the tardiness of our legislation, and the delay of the appropriation bill; it is much of it required for the public expenditures of the current year. The evil, therefore, to a considerable extent, may be regarded as a temporary one. But if there shall prove to be a surplus beyond the appropriation, such surplus, whether of thirty millions or ten millions, being, as of course must be the case, deposited in the banks, becomes a capital on which the banks will make discounts, and enlarge their operations. This operates like sudden creation of additional bank capital to the amount of the permanent surplus, and will enable the banks to increase their loans to perhaps twice the amount of these deposits. This state of things, in common with the improvident legislation of the States for the last two years, in creating bank capital to an unprecedented amount, exceeding probably $50,000,000, has had a pernicious influence by giving a dangerous expansion to the whole paper system.

The profits which the deposit banks derive from the public funds, although large, and what they ought not to receive, is the smallest part of the evils of this state of things. Did I suppose there was to be a permanent surplus, I should be as anxious to make some disposition of it as the Senator from South Carolina can be; and although I will not say that I would support any of the proposed schemes for the distribution of it, yet I would go as far as he who goes the furthest in support of any plan to get rid of it, founded in justice, and which shall not conflict with the Constitution. He did not, however, wish to see it distributed among the States, but desired to see it returned to the people; or rather, that no more money should be drawn into the Treasury than what was required to meet the wants of the Government. Let us stop the money from flowing into the Treasury, and leave it to distribute itself among the people. This was the scheme of distribution which he should prefer. But the Senator represents the evils of this surplus as arising from the public funds being withdrawn from the Bank of the United States and deposited in certain State banks. He could not understand how this had either caused the evil, or increased it. It was unaccountable to him how a given amount of money deposited in one set of banks should have more influence to extend banking operations than if deposited in another set of banks. The banks are all governed by the same principles, and act from the same motives. Their object is to make the greatest profit; and the public funds, let them be in what bank they may, will be used for this purpose. It is now claimed, that the public revenues, being in State banks, have occasioned an alarming extension of banking operations and an expansion of the paper system which threaten general ruin. Would not these evils, so far as they do exist, have been the same if these funds had been in the Bank of the United States and its branches?

He should like to have the explanation of this matter. It was to him as great a mystery as one of an opposite character two years ago. Then it was claimed by the Senator and others that the removal of the public funds from the bank of the United States to these same pet banks occasioned a money pressure and a panic. It was then said that the public revenues, while deposited in the United States Bank, were a fund in which that bank extended accommodations to merchants and others; but that, being removed to State banks, they were not available for such purpose. The public could not be benefited by them in the State banks; and this was gravely alleged as the cause of the money pressure. Men of plain common sense could not then comprehend how it was that the removal of eight or ten millions of dollars from one to another set of banks, all acting on the same principles, and using it as a capital, should create a scarcity of money. This was a mystery two years ago; and now it seems we have another mystery quite as great—the deposit of the public funds in State banks, or what the gentleman calls pet banks, producing an alarming expansion of the paper system, deranging the currency and threatening a general explosion, when none of these evils would exist had the same funds been deposited in the Bank of the United States. He had no partiality for the deposit banks nor any other banks; he wished them to be restricted and compelled to pay for the use of the public deposit; they were now enjoying advantages which they ought not to enjoy; but he could not in silence hear it repeated again and again on this floor, that the evils arising from the present surplus, whatever they may be, have been occasioned by the public revenues being deposited in the State banks, instead of the Bank of the United States, as that bank has greater power, is controlled by one will, and can act with more energy and effect. Had it retained the public funds, the present evils would have been greatly increased.

Mr. CALHOUN, in reply to Mr. NILES, said the gentleman had misunderstood him. His argument was, that the removal of the deposits, and the breaking down of the Bank of the United States, had given rise to innumerable State banks; and not that the surplus would not have accumulated in the Bank of the United States; and that the idea of limiting bank capital by removing the deposits had turned out to be wholly fallacious. But it was the security of the public money, to which he had alluded; for he would venture to assert, that, if an insurance was opened, they could not get the public money insured in the deposit banks, against loss, for a premium of twenty per cent. In the Bank of the United States the public money would have been safe, and, what was more, they would, as stockholders, be drawing an interest of $400,000 for this money, which the deposit banks used without interest. There would have arisen another advantage from

leaving the public money in that bank. Had it it remained there, there would have been no objection, as now, to the distribution of it among the States, because the Government was in a state of hostility to the bank. President Jackson had twice recommended this measure, and it was surprising to see the facility with which his friends changed their opinions to please him. When he first recommended the distribution, they highly applauded it; the recommendation was eagerly hailed by New York; Pennsylvania followed suit, and the whole party sung hosannas to it; now they were all opposed to it.

He saw a great difference in having the public money where it was safe, from having it where it was not safe. Banking capital had increased more than one hundred millions, and he held the Administration responsible for it, as well as for all the evils with which they were threatened. He had predicted this state of things again and again, as a consequence of the measures of the Administration; but he had not been listened to, and they had proposed no measures to remedy or prevent the evils acknowledged to exist. They came into power in 1830; they saw the public debt was about to be paid; they saw the tariff throwing millions into the Treasury, which it ought not to have collected; and they recommended no measures to meet these emergencies. Instead of being employed in attending to these objects, they were employed in turning out one Cabinet and putting in another, and regulating social intercourse, declaring who they should visit and who they should not visit. He held the Administration responsible for the existing state of things in regard to the currency, and for converting the public lands, the property of the people, into useless paper.

Mr. WALKER said, he had heard with much surprise the charge renewed by the gentleman from South Carolina, [Mr. CALHOUN,] in relation to the deposit banks; or, as that gentleman designates them, pet banks, the President's banks. Mr. W. said, that if these banks are the pets of any man, or set of men, they were the pets of the United States Bank; for, Mr. W. believed, that nine tenths of these very misnamed pets had petitioned for, or favored the recharter of, the Bank of the United States. They were, (said Mr. W.,) with few exceptions, all opposed to the President. The official documents from the Treasury Department, on which gentlemen of the Opposition have heretofore commented, exhibit the fact, that the Planters' Bank of Mississippi held nearly three millions of the public moneys; and yet this enormous sum is permitted to remain in a bank whose president, whose cashier and directors, were the decided opponents of that gentleman whose cause, it is insinuated, the President desires to promote through the aid of the public moneys in the deposit banks. Should not this fact convince every impartial mind, that these charges against the President were utterly groundless? Sir, (said Mr. W.,) I venture to affirm, that four fifths of the deposit banks are opposed to the President, and that a publication of the list of names of the stockholders, directors, and officers of these institutions, would prove the truth of this assertion. Sir, (said Mr. W.,) if banks, ay, even if deposit banks were to decide the politics of the day, hopeless indeed would be the cause of the President and his friends. But (said Mr. W.) the gentleman from South Carolina tells us that the public moneys are unsafe in the deposit banks; that no one would insure the return of these public moneys by these banks to the Government at less than twenty per cent.

Sir, (said Mr. W.,) if the gentleman will make the offer, he can, I have no doubt, obtain this insurance at less than one half per cent.; and, sir, so far as my humble means would go, I would most cheerfully insure the prompt payment of all the public moneys by the Planters' Bank of Mississippi at less than one twentieth of one per cent. Sir, (said Mr. W.,) that bank is owned and controlled by political opponents; but I feel bound to say, that the institution is perfectly solvent, fully able to meet, at any moment, any call the Treasury may make upon it, and that it is, at this moment, infinitely safer than the Bank of the United States; that it has more specie or northern funds, in proportion to its circulation, than the Bank of the United States. Sir, (said Mr. W.,) an effort was made some two years ago, on this floor, to destroy the credit of the Planters' Bank of Mississippi. An alarm was created abroad; the notes of the bank were sent from all the distant cities for redemption in specie, and they were redeemed, and the panic terminated; and, sir, is it desired to get up another panic, not merely in Mississippi, but throughout the Union? Is it intended once more to unhinge public confidence, to excite another alarm by asserting that twenty per cent. would not be taken as an insurance for the return of the public moneys from the deposit banks. Is it intended to create, by false alarms here, another scene of distress and embarrassment, and then to charge it upon the President? Is it for this, that inflated estimates of the alleged surplus are presented to the public, when, at the rising of Congress, when all the appropriation bills may have passed, there may be no surplus at all? But these public moneys are not deposited in the United States Bank: they are not there to be used in prostrating the Administration, and overthrowing the liberties of the people; and this seems to be the great grievance of which the gentleman from South Carolina so loudly complains. Sir, the sentiment of the American people, shaken by the portentous alarms, echoed and reechoed from this Hall, did for a moment vibrate upon this subject; but it is now fixed and immutable, that the public moneys had better be scattered to the four winds of heaven than to be used as a part of the artillery of the bank in its war upon the Government and people of the Union. Believing, then, that no useful object can be accomplished by these incessant assaults upon the deposit banks, I hope these attacks will cease, or, if renewed, it may in future have facts and specifications, instead of vague assertions and groundless insinuations.

Mr. PORTER's amendment was then agreed to; and the bill was ordered to be engrossed for a third reading.

HOUSE BILLS REFERRED.

The following bills from the House were severally read twice and referred:

A bill for the relief of Tobias Drum;

A bill to renew the gold medal struck and presented to General Morgan, in honor of the battle of the Cowpens;

A bill for the relief of Jacob F. Walter;

A bill for the relief of Gætano Carusi;

A bill from the Senate for the relief of Henry B. Tyler, executor of Colonel Richard Smith, deceased;

A bill for the relief of Robert McJimsey, surviving partner of Jackson and McJimsey;

A bill for the relief of Robert Dickey, of New York;

A bill for the relief of John Frazer & Company, of Charleston, South Carolina.

A bill for the relief of James Robertson, of South Carolina;

A bill for the relief of Thankful Randall;

A bill for the relief of Elizabeth Mays;

A bill for the relief of James Tucker and John Judge;

A bill to authorize the President of the United States to cause to be issued to Albert C. Smith, and others, patents for certain reservations of and in Michigan Territory;

A bill for the relief of Francis R. Theobald; and

A bill for the relief of Benjamin F. Stone.

AMENDMENTS TO DEPOSIT BILL.

Mr. WRIGHT submitted certain amendments which he proposed to offer to the bill to regulate the public deposits, and moved that they be printed for the information of the members of the Senate; which motion was agreed to.

On motion by Mr. BLACK, the Senate went into the consideration of executive business; after which it adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 6, 1836.

Mr. CONNOR, on leave, presented a petition from sundry citizens of Lincoln county, North Carolina, in favor of an amendment of the Constitution in that part which provides for the mode of electing a President and Vice President of the United States; which was committed to the Committee of the Whole on the state of the Union, to which that subject had been referred.

REPORTS FROM COMMITTEES.

Mr. JARVIS, from the Committee on Naval Affairs, reported, with an amendment, the bill from the Senate, providing for deepening the bar and constructing a dry dock at Pensacola; which was committed.

Mr. GLASCOCK, from the Committee on the Militia, reported a bill to provide more effectually for the national defense, by organizing and arming the militia, and providing for disciplining the same; which was read twice and committed.

Mr. BOON, from the Committee on Public Lands, presented a communication from the Commissioner of the General Land Office; which was ordered to be printed.

Mr. SUTHERLAND, from the Committee on Commerce, reported a joint resolution to suspend so much of the third section of the act making appropriations for the civil and diplomatic expenses of the Government for the year 1835, as provides that the whole number of custom-house officers on the 1st January, 1834, shall not be increased until otherwise allowed by Congress.

Some explanatory conversation took place between Messrs. SUTHERLAND, HARDIN, WHITTLESEY, LAWRENCE, GIDEON LEE, DENNY, and CAMBRELENG, when,

On motion by Mr. SUTHERLAND, the joint resolution was amended by giving the proposition the character of a bill, and also by limiting the suspension of the third section, as aforesaid, to the end of the present session of Congress.

The bill was then ordered to be engrossed, and read the third time; subsequently, it was passed.

BOOKS TO MEMBERS.

Mr. BRIGGS moved to suspend the rules for the purpose of considering a resolution on the Speaker's table, directing the Clerk of the House to furnish the new members of the Twenty-Fourth Congress with the same books which were furnished to the members of the Twenty-Third Congress; which was agreed to—ayes 112, noes not counted.

The resolution being read,

Mr. JOHNSON, of Tennessee, objected to the passage of the resolution, and felt it his duty to make a statement to the House of the expenditures which would arise upon the adoption of the resolution. He had examined into the subject, and caused a statement to be made, showing the books that would be printed and purchased under the resolution, and he found it would cause a reprint of eighty-four volumes, which would cost the sum of $35,041 16, and under it the Clerk of the House would purchase fifty-four volumes, now in print, or preparing for the press, costing the sum of $63,938, making an aggregate expenditure of near $100,000; making over $1,000 in books to each of the new members of the present Congress.

Mr. J. read a catalogue of the books, and the cost as estimated by one of the Clerks of the House, as follows:

INGERSOLL's resolution will cause a reprint of—

	Cost estimated.
7 volumes Documents of the second session of the Twenty-Second Congress	$3,118 50
4 Elliott's Debates	1,237 50
2 volumes Manufacturing Documents	891 00
27 volumes Documents and Journal of the first session of the Twenty-Third Congress	12,475 10
9 volumes Diplomatic Correspondence	4,845 06
9 volumes Journal, to 1815	4,455 00
1 Land Laws	693 00
12 volumes Documents and Journals of the second session of the Twenty-Third Congress	5,346 00
4 volumes Journals, to 1778	1,980 00
85	$35,041 16

Works in Print.

1 Documentary History of the United States Bank, at $4 50 each	$445 50
9 Register of Debates, at $75 each	7,425 00
1 Livingston's Code, at $5 each	495 00
1 Commercial Regulations, at $5 each	495 00
1 Peck's Trial, at $5 each	495 00
1 Cobb's Manual, at $1 each	390 00
20 American State Papers, at $227 40 each	22,512 60
20 Documentary History of the United States, at $320 each	30,680 00
54	$63,938 10

Mr. J. said many of the books which would necessarily be reprinted if the resolution was adopted, were wholly useless, and would never be read. He referred to the volumes of the documents of the first session of last Congress, containing the panic memorials and the names of the memorialists, and also those containing the names of the pensioners. He thought the thousand dollars could be as well—much better expended for the benefit of the new members in purchasing other books of a different character. Mr. J. regretted placing himself in a position in which he might have the appearance of acting unkindly to the new members of the present Congress. He felt it his duty to resist such an application of the publication heretofore, as well as now; he had uniformly opposed all such propositions from the time he had the honor of a seat upon this floor; and he expected to do so. If Congress should purchase and present books to the members of Congress, they should be returned to the Public Library upon the expiration of their respective terms, for the use of their successors. The resolution seemed plausible in placing the *new* members upon the same footing with the members of the last Congress; it was apparent, however, that they could, with the same propriety, claim as many books as the members of the present Congress who had served fifteen or twenty years, and all our successors upon this floor might with the same propriety make the same claim. He felt it his duty to make these statements to the House, and he should ask the privilege of recording his vote in opposition.

Mr. INGERSOLL (who originally offered the resolution) said: I introduce this resolution, not so much from any impulses of my own, as in compliance with the wishes of others, who, like myself, are without the advantage of personal experience here. I do not now desire to urge it beyond a point which may be considered perfectly reasonable and just. The resolution, it will be perceived, merely adopts the precedent which has been set by those members of the present Congress who were also members of the last. All of them, I presume, have either supported the measure by their votes, or availed themselves of its fruits. The gentleman from Tennessee has, as he says, received the books, and he manifests the utility of them in the information which he habitually communicates to the House. Those who are entirely without the benefit derived from a participation in the past proceedings of Congress, are obliged to recur to the volumes in question, in order that they may reach the information necessary to enable them to give a conscientious vote upon almost any subject that occurs. For myself, I acknowledge my obligations to an honorable friend for the use of the books which have been furnished to him under former resolutions of a similar character. The *State papers*, which are especially objected to, are of peculiar value, and of constant use as a work of reference.

This resolution, however, is more important in a public than a private sense. Besides the immediate communication of intelligence to members of Congress, it contemplates a broader diffusion of interesting knowledge throughout the nation and throughout the world. Every element of the present elevation of the country, in power and in happiness, is to be found in the works which it is proposed to distribute. You cannot better serve the cause of universal freedom, and sound political wisdom, than by exhibiting everywhere the measures which this nation has resorted to, and adopted, in the course of its brief but comprehensive history. After the books have been used by the immediate representatives of the people, they will become the property of the people themselves. They will be cherished as the true, and, before long, the only evidence accessible to every citizen, of the wisdom and the errors of those who have gone before us. They will teach lessons of equal practical utility, whether they reflect a record of proceedings which are wise enough to be imitated, or erroneous enough to be avoided.

The example of another Government is worthy of recollection. Your library has recently been enriched by a gift of the valuable and extensive publication of the almost bygone monuments of British history and British law. That politic and liberal nation has endeavored to spread as widely as the empire of civilized man extends, the information contained in these costly volumes. Not only are the especial libraries of sister Governments in possession of them, but the existence of them is perpetuated by finding them a place in the halls of all the celebrated seminaries of learning throughout Christendom. It appears to me that we owe at least as much to our fathers and to ourselves.

At a moment when the National Treasury is filed to repletion, what better use can be made of a comparative *modicum* of its surplus wealth than that which the resolution contemplates? Not an interest can suffer. Every one may be benefited. The expense which is complained of is insignificant, whether it be compared with the good effects that are likely to be the consequence, or with the ordinary profusion which is manifested in the printing of public documents by the House.

With respect to one of the works called for, it is not easy to understand upon what principle a preference is to be given to our more experienced brethren over ourselves. Where publications have been made heretofore, and are now exhausted by distribution, there may be plausibility in the argument which objects to a renewed expense; but the "Documentary History of the United States" is yet in *embryo*. Not a member has been furnished with it. When it shall have issued from the press, and comes fresh and new, for the information of the people, with the whole expense which it calls for, yet to be incurred, I claim for the Representatives an equal right to partake of the benefits which it confers.

Mr. REED was in favor of the resolution; but if there were some works ordered by it which had lost their value, it might be difficult at present to amend it so as to make it acceptable. To avoid this difficulty, and as he thought the subject should be investigated elsewhere, he moved that the resolution be referred to the Committee on the Library, so that they might examine and report in favor of only such works as were valuable.

Mr. JUDSON hoped the gentleman from Massachusetts would vary his motion so as to refer the resolution to a select committee.

Mr. SPEIGHT thought that gentlemen would not put the Government to the expense of furnishing some of those works. Without any disrespect to gentlemen, he would say, that he had a copy of some of the books proposed to be furnished, which he would present to any gentleman who would read them. He thought the better way would be to let the subject lie over till to-morrow, to afford time to examine the proposition; and with that view he moved that the House proceed to the orders of the day; which was agreed to.

PUBLIC DEPOSITS—R. M. WHITNEY.

Mr. WISE rose again to renew his request for permission to offer the resolution which he had proposed to offer the two last days. He had modified the resolution, and asked that it be read for information.

The resolution was read, as follows:

Whereas, since the custody of the public money has been under the entire control of the Treasury Department, the Secretary of the Treasury, by himself, or his agents, has selected certain local State banks as places of deposit, without regulation by law; and, whereas, there is great doubt about the agency by which the said deposit banks are selected and regulated; and, whereas, said agency is alleged to be improper and corrupt, effected by some person or persons not officers of the Government, or appointed or responsible as such, or known in any manner to the laws, and who are secretly paid large stipends or amounts of compensation for procuring the custody and the use of the public deposits; and, whereas, the said banks, for which the public deposits are thus procured, are in possession of the public money without charge or interest, or other charge whatsoever for the use of the same, and the said person or persons, their agent or agents, are alleged to be political partizans, wielding the public deposits for electioneering purposes, dangerous to the purity of the Government and the liberties of the people; Therefore,

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposit for the public money; the contracts with the Treasury Department by which they are regulated; the manner in which and the persons by whom such contracts are made; into all correspondence whatsoever touching contracts for the public deposits; into all connection or relation, official or unofficial, which exist or has existed between any person or persons and the Treasury Department, or between them and the deposit banks, or any other individuals or banks, touching the custody, and the control, and deposit of the public money; and into the amount and mode of compensation of all persons whomsoever in any manner whatever connected with the Treasury Department or the deposit banks, having any agency whatever in negotiating between said Department and said banks, or any banks or individuals, touching the public deposits; and that said committee have leave to report by bill or otherwise.

Mr. WISE assured the House that it was not his intention, nor the desire of those friends with whom he acted, so far as he knew, to discuss the resolution at that time. It contained no data which would elicit debate, and the preamble asserted nothing which would call forth discussion.

Mr. CAMBRELENG suggested to the gentleman that the opposition to the introduction of the resolution did not arise from any disposition to stifle the proposed inquiry, but because it was believed that it would cause a long and unprofitable discussion. With the understanding that it would not be debated, he had no objection to the introduction of the resolution, and should vote for its adoption.

Objection being made to the reception of the resolution,

Mr. WISE moved a suspension of the rule, and asked for the yeas and nays on the resolution; which were ordered—and were:

YEAS — Messrs. Chilton Allan, Heman Allen, Ashley, Bailey, Barton, Beale, Bell, Bond, Bouldin, Boyd, Briggs, Bunch, John Calhoun, William B. Calhoun, Cambreleng, Campbell, Carter, John Chambers, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Corwin, Crane, Deberry, Denny, Evans, Everett, Forester, French, Philo C. Fuller, Rice Garland, Glascock, Granger, Grantland, Grayson, Grennell, Griffin, Haley, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Albert G. Harrison, Hazeltine, Hoar, Hopkins, Howell, Ingersoll, William Jackson, Janes, Henry Johnson, John W. Jones, Kennon, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Lucas, Lyon, Martin, Maury, McCarty, McComas, McKennan, Milligan, Owens, Patton, James A. Pearce, Pettigrew, Peyton, Reed, Rencher, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Turner, Underwood, Vinton, White, Whittlesey, Lewis Williams, Sherrod Williams, and Wise—96.

NAYS — Messrs. Adams, Anthony, Ash, Bean, Bockee, Boon, Bovee, Brown, Buchanan, Burns, Casey, Chaney, Chapin, Coffee, Connor, Craig, Cramer, Cushman, Doubleday, Dromgoole, Fairfield, Farlin, William K. Fuller, Galbraith, Gillet, Hamer, Hannegan, Hawes, Hawkins, Haynes, Henderson, Holsey, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Job Mann, William Mason, Moses Mason, May, McKeon, McKim, McLene, Montgomery, Morgan, Page, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Roane, Rogers, Schenck, Seymour, Sickles, Smith, Speight, Sutherland, Taylor, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Ward, Wardwell, Webster, and Weeks—87.

So the House refused to suspend the rules—two thirds being necessary.

Mr. WISE rose to say, that he would recall the notice heretofore given by him, and say that he should not again offer the foregoing resolution, for the reason that he was now satisfied a majority of the House were not disposed to expose the abuses of the Government.

THE PUBLIC LANDS.

Mr. HANNEGAN asked the unanimous consent of the House to permit him to offer a resolution making the bill to graduate and reduce the price of the public lands the special order of the day for the first Tuesday succeeding the final disposition of the appropriation bills, and that the same be the standing order on each day at one o'clock, Fridays and Saturdays excepted, until the same be disposed of.

Objection being made,

Mr. HANNEGAN moved to suspend the rules to enable him to offer the resolution; which was negatived.

THE PUBLIC MONEY.

Mr. PEYTON felt constrained reluctantly again to ask the consent of the House to offer the following resolution. He did so in discharging what he conceived an imperious duty.

Resolved, That the bill reported by the Committee of Ways and Means, entitled "A bill regulating the deposit of the money of the United States in certain local banks," together with any amendments which may be offered to the same, be made the special order of the day, and that it have precedence over all other business of the House, from the hour of one o'clock on the second Monday in May next, and on each succeeding day, from the same hour,

Fridays and Saturdays excepted, until the same shall be finally disposed of.

Mr. PATTON suggested to the gentleman from Tennessee to modify his resolution by making the bill the special order for the day named, provided the appropriation bills should be previously disposed of.

Mr. PEYTON would like to accommodate the gentleman from Virginia; but it was probable the appropriation bills would be disposed of prior to the day named in his resolution. If they were not, the measure which he desired to bring up could be postponed to a more distant day. He declined to modify his proposition.

Objection being made to the reception of the resolution,

Mr. PEYTON moved to suspend the rule, to enable him to offer it, and asked for the yeas and nays; which were ordered; and were—

YEAS—Messrs. Chilton Allan, Heman Allen, Ashley, Bailey, Bell, Bond, Briggs, Bunch, William B. Calhoun, Campbell, Carter, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Darlington, Deberry, Denny, Evans, Everett, Forester, French, Philo C. Fuller, Rice Garland, Granger, Grennell, Griffin, Hard, Hardin, Harper, Samuel S. Harrison, Hazeltine, Hoar, Hopkins, Howell, Huntsman, William Jackson, Janes, Jenifer, Henry Johnson, Lawler, Lay, Luke Lea, Lewis, Lincoln, Lyon, Martin, Maury, McCarty, McKennan, Milligan, James A. Pearce, Peyton, Reed, Rencher, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Slade, Spangler, Standefer, Storer, Taliaferro, Waddy Thompson, Turner, Underwood, Vinton, White, Whittlesey, Lewis Williams, and Wise—75.

NAYS—Messrs. Adams, Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Bovee, Boyd, Brown, Buchanan, Burns, Cambreleng, Casey, Chaney, Chapin, John F. H. Claiborne, Coffee, Coles, Connor, Craig, Cramer, Cushing, Cushman, Doubleday, Dromgoole, Fairfield, Farlin, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Haley, Hiland Hall, Hamer, Hannegan, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hubley, Huntington, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, John W. Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Lucas, Job Mann, Manning, William Mason, Moses Mason, May, McKeon, McKim, McLene, Montgomery, Morgan, Owens, Page, Parker, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Roane, Rogers, Schenck, Seymour, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, John Thomson, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks and Sherrod Williams—108.

So the rule was not suspended.

PETITIONS, MEMORIALS, ETC.

Petitions were presented, on leave, by Messrs. MORGAN, EVANS, LAY, UNDERWOOD, MAY, SEVIER, and GARLAND, of Louisiana; and appropriately referred.

REPORTS FROM COMMITTEES.

Unfavorable reports upon various petitions were made by Messrs. WHITTLESEY and GRENNELL from the Committee on Claims.

Mr. KINNARD, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Major Tarlton Woodson; which was read twice and committed.

Mr. K., from the same committee, reported the following resolution; which lies over one day for consideration:

Resolved, That the Secretary of War be directed to cause to be selected from the Journals and acts of Congress, and arrange in proper chronological order, all resolves and general laws of Congress relating to the pay, half-pay, commutation, and bounty lands, promised to the officers and privates of the revolutionary army, with references to cases in which interest has been allowed and paid on revolutionary claims, together with a synopsis of the provisions made for funding the domestic revolutionary debts of the United States, and for the settlement and adjustment of the accounts between the several States and the United States, embracing the periods when said accounts were settled, and statements of the sums of money credited to the States respectively; the whole to form an abridged history of the legislative proceedings of Congress in relation thereto.

On motion by Mr. SHIELDS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Purdy, Tennessee, by Colonel John Reeves's in the Chickasaw cession, to Pontotock, in the State of Mississippi.

On motion by Mr. REYNOLDS, of Illinois, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in the State of Illinois, to wit: From Frankfort by Bainbridge's store, to Jonesboro'; from Frankfort by Whiteside's to Golconda; from Belleville to Pinckneyville; from Unity to Smithfield on the Mississippi; from Alton to Carlinville, and from Carlyle to Greenville.

On motion by Mr. GARLAND, of Louisiana, it was

Resolved, That the Committee on Claims be instructed to inquire into the expediency of paying the claim of Thomas J. Lawler against the United States, which is herewith submitted, together with the documents in support thereof.

On motion by Mr. EVERETT, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of placing the name of John M. Jewell on the roll of invalid pensions, on account of disability incurred during the late war.

On motion by Mr. EVERETT, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Benjamin Cox, a revolutionary soldier, on the pension roll.

On motion by Mr. HOPKINS, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of paying to the heirs of Lieutenant Timothy Feeley, deceased, an officer of the Revolution, attached to the Virginia Continental line, full pay, with interest, for the services of the said Timothy Feeley.

On motion by Mr. RENCHER, it was

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Mocksville to Huntsville, in North Carolina.

NAVAL APPROPRIATION BILL.

On motion by Mr. CAMBRELENG, the House, in further execution of the special order of the 26th of January, resolved itself into a Committee of the Whole on the state of the Union, (Mr. HAMER in the chair,) and resumed the consideration of the bill making appropriations for the naval service of the United States for the year 1836.

The question pending was the motion by Mr. BELL, of Tennessee, to strike out the appropriation of $67,000 for the improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire.

Mr. ROBERTSON resumed his remarks, and commenced by adverting to the non-action of the House upon many important measures which had passed the Senate. He also entered into a review of the proceedings of both Houses last session, on the bill for the reorganization of the Post Office department, and the developments elicited by that investigation. This investigation had been forced on the majority against their will, and though gross fraud and abuses were unequivocally proved, yet the head of the Department, (Major Barry,) was retained in office, and the clerk, whose misconduct was proved, was permitted to retire by resignation, instead of being dismissed. With regard to the character of the late Postmaster General, he would do him the justice to say, that he believed him to be a man "more sinned against than sinning;" but his official conduct proved him to be totally unqualified for his situation. He also dwelt at some length upon the report of the investigating committee, and read various extracts therefrom.

Mr. R. condemned the manner in which the public deposits were now distributed among favorite State banks, by which too close a connection was kept up between the political and the moneyed power. He put no confidence in the declarations that had been put forth about a hard-money currency. He did not believe in their sincerity; and as evidence of this he adduced the fact that no scheme or plan for carrying such a measure into effect had, as yet, emanated from the Secretary of the Treasury. On the contrary, the plain and visible effect of all the measures of the Administration had been to cement still closer and perpetuate the dangerous union between the moneyed and the political power, thereby increasing and extending the amount of Executive patronage. It was not necessary at this time to go into the deposit question, though he remarked that he never had, nor ever could, believe that the President had not, by ordering the removal of the deposits, transcended the constitutional powers of his office. But the friends of the President relied upon this very act as a defense of the present mode of keeping the money; for since their removal, say they, the public money must be deposited in the State banks, a concession that begged the question, for the argument would enable the President to place them at the disposal of the Albany Regency, or anywhere else.

Mr. R. dwelt at length upon the illegality of the act of removing the public deposits, both as an assumption of power on the part of the President, and as a breach of the section of the bank charter providing for their being placed in that institution. He also maintained that the country was in far more danger from the uncontrolled power assumed by the Executive over the public money than anything the bank could ever do.

Mr. R. then adverted to the discussion on the loss of the fortification bill, of last session, of which the proof was incontrovertible that that loss was caused by the majority of the House, and not by the Senate. In proof of this, he referred to the votes recorded on the Journal, and the declaration at that time by Mr. CAMBRELENG, that there was no quorum. This he designated as a "gratuitous assumption" on the part of that gentleman, and it was the signal under which the bill was lost, for there was no quorum found afterwards, though there was an evident quorum in and about the Hall. The minority did not desire the loss of that bill, and he was himself anxious that it should have passed. He referred to the fact of the President having privately made known his approbation of the three million appropriation to a few of his friends, without sending that recommendation to Congress in the usual way. This offered another proof of the growing Executive influence over members of that House. Mr. R. adverted to the dispute with France, and congratulated the country at the result; for, from the manner in which the Florida campaign had been conducted, he had very little confidence in the military skill of the head of the War Department. Three major generals had been sent there against a far less body of Indians than the force they commanded; a large amount of money had been already expended, and no one could see the probable termination of the contest. With reference again to the French question, he censured the course of the President for recommending reprisals and other measures, the effect of which would have been to widen the breach between the two countries. The article in the National Intelligencer, stating that the people of the United States would not sustain the recommendations of the President, Mr. R. contended was not likely to produce the effect upon the French Chambers or Government that had been ascribed to it.

Mr. GARLAND briefly explained. The articles in the National Intelligencer persisted in the assertion that the message conveyed a menace, and that the French Government ought so to consider it; and they also stated that the people of the United States would not sustain their own Executive in his recommendations. He had not said a word about the motives of the parties, but had stated the fact as it was.

Mr. ROBERTSON resumed, and proceeded to describe the rapid growth of executive power in this country, both from the acts and professions of the party now in power, and the contrast they presented to the conduct and declarations of the Republican party in 1826. A strong proof of this was seen in the patronage of party presses throughout the country, and more particularly one at the seat of Government, with an amount of patronage, little, if at all, short of an annual sum of one hundred thousand dollars. In reference to this subject he again read various passages from the report of the retrenchment committee. That was the doctrine of the Republican party of 1826-'27, which had for its object to curtail executive power; the now dominant party were, on the contrary, doing all they could to extend it. In connection with this Mr. R. recurred to the action of the last session, on a proposition by himself, to disconnect the office of public printer with that of the editors of papers, and the report on the same subject (made by Mr. HAMER) on a similar proposition at a former session. He dwelt at length on the dangerous consequences resulting and to be apprehended from this union between the public patronage and the political press. Mr. R. then sent to the Clerk's table, to be read to the House, General Jackson's letter to the Rev. Mr. Gwin; and, after it had been read, he commented upon it with great severity, as being an electioneering attempt in support of Mr. Van Buren, and in opposition to Judge White. He also adverted to the Baltimore convention, and other recent proceedings of the Administration party, all of which

he commented upon at length. As for the credit given to the Administration for the present prosperity of the country, he would as soon ascribe to them the shining of the sun. Nor had they any more to do with paying off the public debt than the cashier of a bank who paid a check across the counter. The prosperous condition of the country was owing to circumstances over which they had no control. He again recurred to the increase of executive patronage over the presses throughout the country, over forty millions of capital, and an army of officers who drew their daily subsistence at the will of the Executive; and, after dwelling upon these points for some time, concluded at half past three o'clock, and

Mr. VANDERPOEL obtained the floor. Mr. V. said he had but few remarks to make then, and should pass lightly over the materials he had prepared. He remarked upon the extraordinary range this debate had taken upon a mere ordinary annual appropriation bill. The first debate was a very desultory one, on an amendment of Mr. BELL to strike out half the appropriation of $67,000; and, after it was supposed to have been nearly brought to a termination, the gentleman from South Carolina [Mr. THOMPSON] opened it again with a most elaborate and learned speech. Then followed the gentleman from Tennessee [Mr. BELL] again, who withdrew his amendment, substituted another to strike out the whole item, and favored the House with a speech of four days in length; one day longer in duration than the last French Revolution. Mr. V. proceeded to reply to the remarks of Mr. BELL *seriatim*, referring particularly to Mr. B.'s silence during the panic session, when the President was daily denounced on that floor as a tyrant and an usurper, and as trampling on the rights of the widow and orphan; and also replied to the charges brought by Mr. B. against the President and the Administration, for tolerating and maintaining abuses of executive power and influence. After dwelling upon these points for some time, Mr. V. recurred to the subject of the surplus revenue, and advocated the plan recommended by the Secretary of the Treasury to extend the public defenses of the country; and after proceeding for some time he gave way to

Mr. HOWARD, who moved that the committee lay aside this bill for the present, and take up the bill respecting discriminating duties upon Dutch and Belgian vessels, and their cargoes, &c., which he believed would elicit no discussion.

Mr. CAMBRELENG objected, and

Mr. VANDERPOEL proceeded with the subject of the surplus revenue, and viewed at length the various schemes proposed for its distribution. He then replied to the charge made by Mr. THOMPSON, of South Carolina, of inequality of expenditure to the disadvantage of the South; as well in fortifications as in other works, and quoted a series of tabular statements which proved the converse of that gentleman's argument. For fortifications finished there had been expended in the South $3,275,393, and in the North only $797,541; and of thirteen new works now constructing, six were in the North, and seven in the South. He denied that the appropriations had been partial; and he expressed his regret that such an argument, so little in unison with the spirit that achieved our independence, and calculated only to excite coolness and distrust of the Federal Government in the South, should have been brought forward on that floor. Mr. V. also entered into various comparative statements having reference likewise to expenditures in the West, and in proof that there had been no partiality or inequality. He referred to the expenditures at Norfolk for the defense of the western frontier, the many millions appropriated for the removal of the Indians, &c., which on the other side might be adduced as having been expended for the exclusive benefit of those sections of the country. It had been urged that those treaties had brought a vast accumulation into the Treasury; but he (Mr. V.) read from a document from the Land Office a statement that showed that we had already expended on that account, and exclusive of the Cherokee treaty, &c., which would amount to some five or six millions, $68,000,000; while the sales from the public lands had, as yet, produced no more than $57,000,000.

As soon as Mr. V. had concluded,

Mr. STORER obtained the floor.

Mr. WISE rose, and moved that the committee rise.

Mr. STORER had no objection to proceeding to-night, or to the question being taken on the amendment by the committee at once, with the assurance that he should have the opportunity of addressing the House to-morrow.

Mr. BELL suggested, if it were consistent with the views of the chairman of the Committee of Ways and Means, to give to-morrow to the discussion of this bill. Mr. B. was not disposed to throw any difficulties in the way of its passage, and he did not think there would be any further delay to its progress, as those gentlemen who wished to speak on the topics that had been discussed would have some other opportunity of doing so.

Mr. CAMBRELENG hoped the question would at once be taken on the amendment.

Mr. WHITE, of Florida, appealed to Mr. BELL to withdraw his amendment, to afford him (Mr. W.) an opportunity of offering the one of which he had given notice some weeks since, for an appropriation for the harbor of Pensacola.

Mr. JENIFER (Mr. STORER having given way) renewed the motion that the committee rise.

Mr. BOON moved to amend the motion by adding the following words: "and report the bill to the House."

The motion was lost—ayes 49, noes 77.

Mr. STORER then proceeded to reply to the remarks of Mr. HAWES, of Monday last, on the subject of the Kentucky resolutions, and entered into an elaborate defense of the military character and conduct of General Harrison.

Mr. LEWIS moved that the committee rise.

Tellers being appointed, there appeared—ayes 26, noes 86.

No quorum voting, the committee rose and reported that fact to the House.

Mr. WISE moved an adjournment.

Mr. CAMBRELENG asked for the yeas and nays on the motion, which were ordered, and were—

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Bell, Beach, John Calhoon, William B. Calhoun, Campbell, Carter, Darlington, Denny, Forester, James Garland, Glascock, Granger, Griffin, Harper, Ingersoll, Janes, Jenifer, Lawler, Lawrence, Luke Lea, Manning, Maury, Milligan, Peyton, Pinckney, Robertson, Spangler, Standefer, Whittlesey, and Wise—33.

NAYS—Messrs. Barton, Bean, Bockee, Bouldin, Bovee, Boyd, Brown, Cambreleng, Casey, Chaney, Chapin, Cleveland, Connor, Cramer, Cushing, Cushman, Doubleday, Dromgoole, Effner, Fairfield, Farlin, William K. Fuller, Galbraith, Gillet, Grayson, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Haynes, Hopkins, Hubley, Huntington, Huntsman, Jarvis, Joseph Johnson, Richard M. Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Kinnard, Lane, Lansing, Gideon Lee, Joshua Lee, Leonard, Lincoln, Logan, Job Mann, William Mason, Moses Mason, McLene, Montgomery, Morgan, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Seymour, Sickles, Smith, Speight, Sutherland, Taylor, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Wardwell, Webster, and Weeks—80.

No quorum voting, Mr. CAMBRELENG suggested that a quorum was present, as several members had come in during the call for the yeas and nays.

Tellers being appointed, 121 members were ascertained to be within the bar, who, constituting a quorum, the House again went into committee.

Mr. STORER resumed his remarks in reply to Mr. HAWES, (on another subject,) and in defense of the military character and services of General Harrison. His remarks were altogther confined to this subject; and in the course of them he referred to, and sent to the Clerk's table to be read, and read himself, a variety of extracts from papers and documents published on the military career of General Harrison.

Mr. S. concluded his remarks at half past eight o'clock, p. m.

The amendment of Mr. BELL, to strike out $67,000 for the navy-yard at Portsmouth, New Hampshire, was then negatived without a count.

Mr. WHITE, of Florida, moved the following amendment:

"For wharves and their appendages at the navy-yard at Pensacola, as recommended by the Secretary of the Navy, $150,000.

"For powder magazine, $17,000.

"For wall or inclosure of brick three yards high, and a half yard thick, as recommended by Commodore Dallas, $24,000."

Mr. W. said, that he did not propose, after the protracted debate that had already taken place on this bill, and especially at that late hour of the session, to occupy more than a few moments of the time of the House. He would only take occasion to remark, that the amendment submitted by him was conformable to the recommendation of the Navy Department, contained in a letter from the Secretary of the Navy of the 12th of February, 1836. He would merely remark, that the navy-yard at Pensacola had been established now eleven years, and yet it was not in a fit condition for the repair of a long boat. Such was its situation, that the whole western country from the Alleghanies to the Gulf of Mexico, was interested in it, and it was admitted on all sides to be one of the most important points on the whole of our coast. He trusted, therefore, that, as the Treasury was overflowing with money, justice would be done to their navy-yard.

Mr. WISE remarked that the Committee on Naval Affairs had already amended a bill from the Senate by proposing an additional appropriation of something like $200,000, embracing, he believed, the very objects contemplated by the gentleman's amendment. It was true, the subject of the brick wall or inclosure had never been before the Committee on Naval Affairs; but for other objects they had appropriated more than the gentleman from Florida himself proposed; and if they amended this bill they would create confusion. He suggested to the gentleman, therefore, that he had better withdraw it.

Mr. WHITE replied. He remarked that Congress had made a provision, in 1827, for a railway for sloops of war; and in 1830 a plan was prepared; but, from that time to the present, nothing had been done with the money; and the Secretary of the Navy had again recommended the same appropriation which was contained in the appropriation bill of 1833. The bill referred to by the gentleman from Virginia, and reported by the Committee on Naval Affairs, was for different objects than his amendment. It proposed the erection of a hydraulic dock to repair sloops of war; and he held in his hand a number of communications from skillful officers, who gave it as their opinion that such a work could not be completed in less than three years. The commerce of the Gulf of Mexico did not fall short of an annual amount of $65,000,000; and this navy-yard, about which so much had been said, had now, for ten years, existed only in name. He repeated that the items of his amendment were not embraced in the other bill; and he hoped it would be adopted by the committee.

Mr. WISE rose amid loud cries of "question." He remarked it was not often that those who hallooed "question" loudest, understood it best; and he briefly explained the subject pending. The committee, having had the recommendation of the Secretary of the Navy for an appropriation of $64,000 for the improvement and necessary repairs of the navy-yard at Pensacola, came to the resolution that it was by far too little, and they voted $125,000 for the construction of a hydraulic dock or inclined plane, and also $75,000 for clearing out the harbor of Pensacola, making together $200,000, in addition to the $64,000 proposed by the Secretary of the Navy. The gentleman from Florida asked for a still further appropriation of $150,000 besides all these; and the committee thought the $200,000 additional, sufficient, and as much as could be conveniently and judiciously expended during the present year. It would be time enough to vote more money another year, and he felt compelled to vote against the amendment.

Mr. WHITE again advocated his amendment, and quoted the report of Commodore Bainbridge. He was compelled to press it at this time, for he was apprehensive that the bill referred to by the gentleman from Virginia would not pass this session. He entered into a brief description of the bay, and said that the bar was now twenty-one feet deep at low water, and twenty-four at high water, and that it was the only site for a naval station on the whole gulf frontier.

Mr. JARVIS presumed it was not the gentleman's intention to misrepresent, but it was never-

theless true that he had done so most egregiously. There had not been a cent struck out of the bill; on the contrary, the $64,000 recommended by the Secretary of the Navy had been put into it, and it was there still. Besides this, there were extraordinary appropriations recommended by the Secretary of the Treasury, which were embraced in a different bill. The gentleman had informed them that so little had been done at Pensacola, that even a long boat could not be repaired there. Now, (said Mr. J.,) there had been already expended on that navy-yard no less a sum than $550,000; and he might ask whether it was worth while to go on making still further appropriations without first ascertaining whether it could be judiciously expended. If it would take more than $550,000 to construct a place to repair a long boat, how much more would it take for one for a frigate? The gentleman from Florida had done his duty to his constituents, and he hoped the House would also do its duty by rejecting this amendment.

Mr. PARKER thought the House competent to make an appropriation, if they thought fit, whether it exceeded the estimate of the Navy Department or not.

Mr. WHITE, of Florida, replied to Mr. JARVIS, by reading an extract from the letter of the Secretary of the Navy of the 12th of February, (before referred to;) and

Mr. JARVIS rejoined by reading a continuation of the extract, in which it was stated that the sum of $15,000 for wharves and appendages had been set down without the necessary estimates.

The amendment was then rejected, tellers being appointed—ayes 58, noes 68.

Mr. EVERETT then moved to reduce the item of $67,000 for the navy-yard at Portsmouth, New Hampshire, to $4,000, remarking that the latter sum would leave a sufficiency for the necessary repairs of that station.

The amendment was rejected without a count.

On motion by Mr. CAMBRELENG, the Committee then rose and reported the bill and amendments to the House; and, on motion by the same gentleman,

The House adjourned at half past nine o'clock, p. m.

IN SENATE.

THURSDAY, *April* 7, 1836.

Mr. KENT presented the memorial of Alexander Scott; which was referred to the Committee on Claims.

Mr. ROBBINS presented the petition of Felice Pulezzi and others; which was referred to the Committee on Naval Affairs.

Mr. ROBINSON, from the Committee on Public Lands, to which the subject was referred, reported a bill to grant certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahauba, and Black Warrior rivers; which was read, and ordered to a second reading.

Mr. CRITTENDEN, from the same committee, to which the subject had been referred by a resolution, reported a bill for laying out the towns of Fort Madison and Burlington, in the county of Des Moines, in the State of Illinois, and the towns of Bellevue, Dubuque, and Peru, in the county of Dubuque, Territory of Michigan; which was read, and ordered to a second reading.

MAILS ON RAILROADS.

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, made a report in relation to contracting for the transportation of mails on railroads; which was read.

Mr. EWING, of Ohio, observed that the report was a very important one, and ought to be widely disseminated. He would therefore move that an extra number of the report, say five thousand, be printed, together with the bill reported some days ago on the same subject.

Mr. CALHOUN had great doubts whether the principles of the report could be carried out. Unless the power of the Postmaster General should be most vigilantly guarded, it would become enormously increased. When the bill came up, he would coöperate in guarding against the increase of the patronage of that officer. He had noticed beautiful pictures presented in generalities, but when they came down to matters in detail they were changed. Before a large edition was ordered, he would prefer a discussion upon the merits of the report.

Mr. GRUNDY observed, that when the Senator from South Carolina turned his attention more particularly to the subject, he would find that the committee had already considered and endeavored to obviate the objections he had raised. The proposition originally was, that the Postmaster General should first make the contracts, but that was amended in the committee, on the suggestion of the gentleman from Ohio, by providing that the Postmaster General should in the first instance receive the proposals for the contracts and submit them to Congress, who would enter into them, or not, as it thought proper; so that, so far from giving the Postmaster General additional power, the bill made it only his duty to receive the proposals and transmit them to Congress. If the Senator from South Carolina would turn his attention to the subject, he thought he would give it his support.

Mr. CALHOUN said, the reasons, so far as they went, to appearance, were satisfactory. Sometimes, however, plans that looked well in theory turned out differently in practice. Projects of intellectual improvement had shown it.

Mr. EWING, of Ohio, said it was impossible to foresee the effects of this measure. He had suggested to the committee the difficulty of leaving it at the option of the Postmaster General, and it was stricken out. The bill did not pledge Congress to a compliance with any contract. The terms were to be laid before Congress, at whose option it was to accept or reject them. They could, if they thought proper, reject the first contract offered, if they found the plan was not likely to be a good one. He could see no difficulty at present. The advantages had been presented in the report favorably, without any of the difficulties, for the committee had really seen none.

Mr. GRUNDY remarked, that whatever number of the document was ordered to be printed ought to be ordered shortly, on this account: This was a business subject, and they wanted information on it from practical men; and by printing an extra number the report would be more widely disseminated, and the information wanted would more probably reach them. For these reasons, he thought that whatever number of the document was to be printed ought to be printed at once.

Mr. KNIGHT had concurred with the report in committee, reserving to himself the privilege of voting for the measure or not, when it came before the Senate, according to the future lights that might be thrown on it. He was not certain, however, but that this was the commencement of a system of internal improvements, and that hereafter railroad companies about to be formed might apply to Congress to make with them contracts for carrying the mails, and thus get the Government engaged in such a system.

The printing of the extra number was then ordered.

OTHER REPORTS.

Mr. EWING, of Ohio, moved that the Committee on Public Lands be discharged from the further consideration of the resolution of the 6th instant, directing an inquiry into the expediency of granting lands to the staff of the revolutionary army, and to the officers and soldiers who served in the Virginia State line under General George Rogers Clark, and that the same be referred to the Committee on Revolutionary Claims; which motion was agreed to.

Mr. EWING, from the Committee on Public Lands, reported unfavorably on the bills from the House for the relief of Jonathan Boone, David Browning, and Tobias Drum; and also on the bill to prohibit the sale of the public lands except to actual settlers and in limited quantities.

Mr. GRUNDY gave notice that he would to-morrow ask leave to introduce a bill changing the time of the commencement of the contracts for carrying the mails.

LANDS TO THE KENTUCKY INSANE ASYLUM.

Mr. CRITTENDEN, from the Committee on Public Lands, reported without amendment the bill from the House to extend the time limited for the sale of the lands granted to the incorporated Kentucky Asylum for the education of the deaf and dumb; and,

After some remarks from Messrs. KING, of Alabama, CRITTENDEN, and CLAY, the bill was ordered to a third reading, and then read the third time and passed.

RESOLUTIONS.

Mr. LINN submitted the following resolutions; which lie on the table one day:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to remove obstructions to the navigation of the Mississippi river above St. Louis and the Missouri river, to Fort Leavenworth.

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making appropriations for the speedy completion of the road from Chicago to Green Bay, and of the road from Fort Crawford, via Fort Winnebago, to Green Bay.

BILLS PASSED.

The following bills were also read the third time and passed:

The bill for the relief of Henry Wainright;

The bill providing for carrying into effect the treaty with the Chickasaw Indians;

The bill to repeal the duties on certain articles, and to reduce those on others therein enumerated; and

The bill for the relief of the revolutionary and other pensioners of the United States, and for other purposes.

INCENDIARY PUBLICATIONS.

The Senate then took up as the special order, the bill to prohibit the circulation through the mails of incendiary publications.

Mr. DAVIS said it had been very justly asserted, that this was a measure of very great importance. The gentleman from South Carolina [Mr. CALHOUN] had given them so to understand, and he (Mr. D.) viewed it so when he moved the postponement of it yesterday, in order to have further time for consideration. The design was to prohibit the circulation of those papers denominated as incendiary, by preventing their transmission through the mail. He read the first section of the bill, from which it appeared that the design was to prohibit any person from putting into any post office any paper touching the subject of slavery of the character described in the bill. He viewed this measure as a fundamental change in the policy of this Government. It was putting the whole power of the Government into the hands of the State.

They had a report from a select committee before them, of which he had expressed his disapprobation, and also of the bill when it was made. While the report went on to show there was no power in Congress to exercise the authority in a direct form, or to pass any law containing the provisions of this act, yet it assumed the power to carry into effect the laws of the State.

He objected to this measure on the ground of expediency. The design of the Post Office establishment was to facilitate the transmission of intelligence throughout the country, to encourage intercourse, and foster a community of interest and feeling between the different portions of it. These were the reasons that influenced the convention in granting these powers to establish post offices and post routes. Gentlemen in the slaveholding portion of the country had met with difficulties, and were placed in hazard by the circulation of pictorial representations, and ask the Government to suppress it; in doing which they propose to create an inquisitorial power in this branch of the Government. For he held that, if a penalty was annexed, it made it the duty of the deputy postmaster to inquire into the character of papers put into his office, and also of whatever went out of it. He must examine the publications under the penalties put into the bill by the gentleman from South Carolina, [Mr. CALHOUN,] ranging from one hundred to one thousand dollars, at the discretion of the court, as a criminal offense. It imposed on a set of officers a judicial character so odious in its nature, that he apprehended few would be found willing to take the responsibility of accepting the office on such terms. It reached everything written, printed, or painted

on paper, which touched the subject of slavery. Whoever exercised the office of deputy postmaster, with these penalties hanging over his head, would naturally be vigilant in detecting papers that were prohibited, and if any were found they would be rejected and thrown out of his office. Whatever his imagination connected with it must pass under the bar of his judgment. It would be claiming on the part of the Government a monopoly, an exclusive right either to send such papers as it pleased, or to deny the privilege of sending them through the mail. Once establish the precedent, and where would it lead to? The Government might take it into its head to inhibit the transmission of political, religious, or even moral or philosophical publication, in which it might fancy there was something offensive, and under this reserved right contended for in this report it would be the duty of the Government to carry it into effect. It would be an invasion of the liberties of the country, of the press, and virtually a denial of the right of trial by jury; for the person who deposits a paper in the post office is not present or inquired of when the deputy postmaster exercise the power over his rights.

If an essay upon education reached the post office, and the postmaster should find out that it was not the policy to educate slaves, and that there was a law prohibiting it, its transmission must be prohibited. If, in a discussion of the great principles of civil liberty, slavery might happen to be incidentally mentioned or touched, its transmission must, therefore, be prohibited. In short, there was scarcely any subject that could be approached in which it might not, in the imagination of postmasters, be construed as relating to slavery. Whatever might be prohibited by any one State was, under this act, to be enforced. Different States might have different enactments; consequently, there would be an entire want of uniformity in the laws on the subject.

There were other rights and powers to be enjoyed, equally important, with which the rights here claimed ought not to come in conflict. Mr. D. spoke of the great difficulty in determining what were, and what were not, incendiary papers, and read an allegation, contained in a bill of indictment found by a grand jury in Alabama, against Joseph G. Williams, of New York, in September, 1835, for publications in a newspaper, and who was demanded from the Executive of New York for trial under it. The charge was, that he feloniously, wickedly, and seditiously caused to be published that "God commanded, all nature cried out, that human beings should not be held in bondage." Mr. D. introduced this to show how far the doctrine went, which was very important to know. What had been alleged in that indictment would never have been thought of by any gentleman, not a resident of a slaveholding State, as criminal. Then where were the boundaries to show what was to be included, and what excluded, from transmission by mail? To admit the right to suppress carried with it the right to circulate or not at pleasure. Instead of doing it through its own power, the General Government was to use the power of the State. The report said the power did not belong to the General Government to determine what was scandalous or libelous, or what was not, but that right belonged to the States.

Mr. D. said, wherever there were powers reposed in the Government there were corresponding duties, and spoke of the powers and duties of the post office establishment. He denied the right of the Government to exercise a power indirectly which it could not exercise directly; and, if there was no direct power in the Constitution, he would like to know how they would get the power of the States, which was a legislative power at most. He asked if the State of South Carolina could give a power to the General Government not contained in the Constitution of the United States? The act of 1803 had been quoted, by which this Government prohibited the importation of slaves from abroad. That act was meant to inhibit slavery, and was not applicable to the non-slaveholding States. In Massachusetts there was no occasion for the assistance of this Government. Slaves could, by her laws, be made free the moment they placed their feet on her shores. It was, therefore, intended to be confined to the slave-holding States. If there was any great existing evil, which called for a remedy, the State Legislatures could make it penal to circulate these publications; and when that should be found inadequate it would be time enough to take measures to change the whole policy of the Government.

Mr. CALHOUN said that the Senator from Massachusetts had certainly raised a very important point; and he could not do justice to his argument and to himself without previously arranging the various points of it. The Senator, however, was mistaken in his view of the subject. It was because the subject particularly belonged to the States, and it was the duty of the General Government to aid and coöperate with them in carrying their laws into effect, that the bill was framed. He ventured to assert that, not only did this duty result from the relations between the States and the Federal Government, but that it was an indispensable duty. The principle was not a new one; it had been applied more than once; but it was an old principle applied to a new case. He threw out these hints to prevent any erroneous impressions resulting from the remarks of the gentleman from Massachusetts.

On motion by Mr. CALHOUN, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 7, 1836.

Mr. WARDWELL, from the Committee on Revolutionary Pensions, reported a bill for the relief of Robert Smith; which was read twice and committed.

Mr. McKEON, from the Committee on Commerce, reported a bill for the erection of a public store at the quarantine ground, Staten Island; which was read twice and committed.

Mr. P. C. FULLER, from the Committee on Claims, reported a bill for the relief of James McMahon; which was read twice and committed.

Mr. BOON, from the Committee on the Public Lands, reported a bill for the relief of Benjamin Bennet and others; which was read twice, and ordered to be engrossed.

Mr. HARRISON, of Missouri, from the Committee on Public Lands, reported the following joint resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, directed to be caused to be surveyed, by a sufficient number of competent engineers, the inundated lands on the Mississippi river, the Missouri, the St. Francis, the Arkansas, and Red river, and that he report to Congress, as soon as the same is done, the practicability of reclaiming the same, and of removing the obstructions from said rivers; the best mode of doing the same; the amount of money which it will cost to accomplish it; the quantity, quality, and estimated value, of the lands that may be so reclaimed; and the effects which such works may have upon the health and prosperity of the country.

The resolution was read twice.

Mr. WISE inquired of the gentleman from Missouri, whether the resolution proposed to survey all the inundated lands on the Mississippi river and its tributaries?

Mr. HARRISON, of Missouri, remarked that this subject had been before Congress for several years; and the Committee on Public Lands had carefully examined the subject and had submitted a long report in relation to the same, which he should move to have printed. The information in possession of the committee was imperfect; but it was believed that twenty millions of acres of land of the best quality, on the Mississippi river and its tributaries, which were now either inundated or covered with swamps, might be reclaimed. The committee had, however, assumed that there were certainly ten millions of acres, thus situated which would, if reclaimed, sell for five dollars per acre, and yield $50,000,000. The entire cost of reclaiming and surveying these lands would be from two to three millions of dollars. The subject was one of much importance, and he would move to commit the resolution, and report to the Committee of the Whole on the state of the Union, and that the same be printed.

The motion was agreed to.

Mr. GARLAND, of Louisiana, adverted to the importance of the subject, and moved to print five thousand extra copies of the report.

The motion was received, when

Mr. GARLAND moved to consider it at that time, (the rule requiring the motion to lie one day;) which was objected to.

PROCEEDS OF THE PUBLIC LANDS.

Mr. GRENNELL asked the consent of the House to submit the following resolution:

Resolved, That the Committee of Ways and Means be instructed to report a bill for the distribution, for a limited time, of the net proceeds of the sales of the public lands among the several States of the Union according to their respective Federal population, as ascertained by the last census of the United States, with such reservations of land or money in favor of the States of Ohio, Indiana, Illinois, Missouri, Louisiana, Mississippi, and Alabama, as may be just, equitable, and expedient.

Mr. WILLIAMS, of Kentucky, suggested that the subject embraced in the resolution was already before the House in a resolution submitted by himself.

The CHAIR remarked, that the propositions were not identical in every particular.

Objection being made to the reception of the resolution,

Mr. GRENNELL moved to suspend the rules to enable him to offer it, and asked for the yeas and nays on the motion; which were ordered, and were—yeas 63, nays 108; as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bell, Bond, William B. Calhoun, Campbell, Carter, John Chambers, Clark, Crane, Cushing, Deberry, Denny, Evans, Everett, French, Philo C. Fuller, Granger, Graves, Grennell, Griffin, Hardin, Hard, Harper, Hazeltine, Henderson, Hoar, Howell, Ingersoll, Janes, Henry Johnson, Kinnard, Lawrence, Luke Lea, Lincoln, Job Mann, McComas, McKennan, Mercer, Morris, Parker, Dutee J. Pearce, James A. Pearce, Pettigrew, Reed, Rencher, Ripley, Russell, Augustine H. Shepperd, Spangler, Standefer, Taliaferro, Waddy Thompson, Turner, Underwood, Vinton, Washington, Webster, White, Whittlesey, and Wise—63.

NAYS—Messrs. Anthony, Ash, Barton, Beale, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Cambreleng, Casey, Chaney, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Coffee, Conner, Craig, Cramer, Cushman, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Fry, William K. Fuller, Galbraith, Gillet, Glasscock, Grantland, Grayson, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Haynes, Hopkins, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Klingensmith, Lane, Lawler, Gideon Lee, Thomas Lee, Leonard, Lewis, Logan, Lyon, Manning, Martin, Moses Mason, William Mason, Maury, May, McKeon, McKim, McLene, Montgomery, Morgan, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Roane, Robertson, Schenck, Seymour, Shields, Sickles, Smith, Speight, Taylor, Thomas, John Thomson, Toucey, Turrill, Wagener, Ward, Wardwell, Weeks, and Sherrod Williams—108.

So the House refused to suspend the rules.

ORGANIZATION OF THE MILITIA.

On motion by Mr. LINCOLN, it was

Resolved, That three thousand additional copies of the bill reported by the Committee on the Militia, entitled "A bill to provide more effectually for the national defense, by organizing, arming, and establishing a uniform militia throughout the United States, and to provide for the discipline thereof," be printed for the use of the House.

NEW POST ROUTES.

On motion by Mr. MASON, of New York, it was

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a mail route from Ithica, in Tompkins county and State of New York, through the towns of Green, Oxford, Mount Upton, in Chenango county; Otsdewa, Gilbertsville and Oneonta, in the county of Otsego; West Harpersfield, Stamford, Davenport, Center, and Davenport, in the county of Delaware, to Catskill, in the county of Greene; and that the committee further inquire into the propriety of discontinuing the mail route from Oxford to Cooperstown so far as Gilbertsville, twenty miles; and from Oneonta to Gilbertsville, sixteen miles; and from West Harpersfield, to Oneonta, twenty miles.

On motion by Mr. ANTHONY, it was

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a post route from Taneyville, by Hiddleson's, in Davidson township, Lycoming county, to Columbus, Luzerne county, Pennsylvania.

PETITIONS, MEMORIALS, ETC.

Petitions and memorials were presented, on leave, by Messrs. TOUCEY and MERCER, and appropriately referred.

Mr. McKIM presented certain joint resolutions of the Legislature of the State of Maryland; which were referred to the Committee on Roads and Canals.

TERRITORY OF WISCONSIN.

On motion by Mr. PATTON, and by unanimous consent, the House went into Committee (Mr. SPEIGHT in the chair) on the bill from the Senate to establish the territorial government of Wisconsin.

Mr. MAY modified his former amendments, so as to make the southern boundary of Wisconsin conform to the boundary heretofore established by Congress between Michigan and Illinois; which was agreed to.

Mr. PARKER moved to strike out that part of the bill which granted to the Governor and Legislature of the Territory of Wisconsin ten thousand acres of land, for the purpose of defraying the expense of erecting public buildings, with a view to appropriating, in lieu thereof, a sum of money for the purpose stated.

After ineffectual attempts to amend the section proposed to be stricken out, and a few remarks and suggestions by Messrs. PARKER, HUNTSMAN, P. C. FULLER, SEVIER, VINTON, PATTON, BOND, JONES of Michigan, HARDIN, TURRILL, HAMER, and REED, the motion of Mr. PARKER to strike out was agreed to, without a count.

Mr. HAMER moved to fill the blank thus created with $30,000 for the purpose of erecting public buildings; which was negatived.

Mr. GARLAND, of Louisiana, moved to fill the blank with $25,000; negatived.

Mr. BROWN named $20,000, and Mr. GRENNELL $15,000. The former sum was agreed to.

The committee then rose, and reported the bill to the House as amended.

On motion by Mr. JONES, of Michigan, the bill was made the special order of the day from 11 until 1 o'clock to-morrow.

On motion by Mr. CAMBRELENG, the House proceeded to the consideration of the orders of the day.

NAVAL SERVICE BILL.

The House then took up the bill making appropriations for the naval service of the United States for the year 1836, reported from the Committee of the Whole with sundry amendments; which were severally concurred in.

Mr. WHITE, of Florida, renewed the amendment offered by him in the Committee of the Whole, on the subject of the navy-yard at Pensacola; and, after a few words in its support, he asked for the yeas and nays thereon, which were ordered.

Mr. CAMBRELENG opposed it on the ground that it had not been referred to the regular standing committee, the Committee of Ways and Means, which was the ordinary course.

Mr. SPEIGHT understood the gentleman from Virginia [Mr. WISE] to state last night that the substance of this amendment was reported in another bill now before the Committee of the Whole.

Mr. WISE repeated, in substance, his explanation of last evening, that there was a bill embracing the same objects; not in the same words, "for building a wall," but for constructing a hydraulic dock, which, of course, included a wall. They were not separate objects, but belonged to each other.

Mr. SPEIGHT hoped, then, the gentleman from Florida would withdraw his amendment.

Mr. JARVIS again explained that the items in the amendment had not been made up from actual surveys or statements, except one which came from a captain in the Navy. The necessary estimates had not been furnished to the Department, nor was there a recommendation for them from the Secretary of the Navy. The additional bill embraced all that was necessary for the present year.

Mr. PARKER recited the provisions of the supplemental bill reported by the Committee on Naval Affairs for removing the bar at Pensacola, $75,000, and for constructing a hydraulic dock, or inclined plane, $125,000, objects entirely different from those contemplated by the amendment of the gentleman from Florida. He also quoted the letter of the Secretary of the Navy of 12th February last, and briefly supported the amendment on the ground that the works contemplated by it were as indispensable as those approved of. He thought, also, that the House might act on the subject without waiting for the recommendations of the Department.

Mr. GARLAND, of Louisiana, supported the amendment. He remarked upon the extraordinary circumstance that, though the Navy commissioners, some ten or twelve years ago, had recommended this station, and that recommendation was backed by the Secretary of the Navy, yet the time had not yet arrived when gentlemen would vote for appropriations to put it in a fit condition. There were not less than ten or eleven States interested in it; and it was the only site on the whole Gulf frontier, the most dangerous of all our sea-board, where a naval station could be constructed. It was also very remarkable that it was never introduced into the regular appropriation bills, but could only be reached in some supplemental bill, which might be lost, or in a Senate bill, which might not be taken up.

Mr. RIPLEY also supported the amendment, and gave a statement of the amount of commerce on the Gulf of Mexico, both domestic and foreign, to show the importance of a naval station of the first grade being constructed and kept up there.

Mr. GARLAND, of Louisiana, sent the following letter from Commodore Dallas, to be read from the Clerk's table:

UNITED STATES FRIGATE CONSTELLATION,
PENSACOLA BAY, 16th *February*, 1836.

DEAR SIR: You ask my views as to the necessity of a dry-dock at Pensacola, and flatter me by supposing that an opinion, expressed by me, would have weight in obtaining an appropriation for that object. You are well aware of the views I entertain in relation to this position as a naval depot on the most extensive scale. Pensacola is, in my opinion, the only point south of the capes of Virginia at which any attempts should be made to that end. Other points there certainly are, where our commerce and the Navy might find temporary relief from the stress of weather, or from an enemy. Such positions no doubt could be found; indeed are already known, viz: the Tortugas, for vessels of all classes, and Charleston, South Carolina, for sloops of war.

That a dry-dock ought to be constructed at this point is, and has been my opinion, ever since I first became acquainted with the harbor of Pensacola; but in connection with this necessary work to the refitment of vessels, the bar at the entrance must not be neglected. A very trifling expenditure of money, in comparison with the object to be obtained, would, in my opinion, so enlarge and deepen it, that vessels having the greatest draught of water could pass at all times. I would also suggest that a hydraulic dock be constructed at once, for the repairs of frigates and sloops of war. This can be done and finished while the other work is progressing. The materials for repairs are all at hand, and of the best kind; and when workmen shall be required, they will be found without difficulty, provided they be assured of constant employment.

Yours, very sincerely, A. J. DALLAS.

Mr. PEARCE, of Rhode Island, remarked, that the question was whether what was asked for was proper? The only valid objection that had been urged last night was, that no more money than was already appropriated could be expended at Pensacola; but if it could not be expended this year, it could the next. They should inquire whether the proposed works were required; and not only had no one urged an objection on that score, but the best practical evidence had been offered in their favor, by Commodore Dallas, by the board of naval commissioners, by a former Secretary of the Navy, and by the present. He was in favor of the amendment, and if the amount appropriated should not be expended in one year, it could in two.

Mr. REED was disposed, as was the committee of which he was a member, to give as much as was necessary to Pensacola; he, himself, even to the amount of half a million; but he was opposed to appropriating more than could be expended. Another objection was in the vagueness of the amendment for "wharves and *appendages;*" nor could he see how $150,000 was to be laid out for wharves in one year. There was no necessity for acting upon it at this time, especially as the Senate bill would come under consideration during the present session.

Mr. JUDSON was opposed to the construction of a hydraulic dock, for, by the operation of salt water upon timber in the South, it would be destroyed in two, or at most, in three years. This was a fact known to every merchant, and it would therefore be utterly useless. He preferred the propositions of the gentleman from Florida, and should vote for them, because he believed them reasonable, and because they were recommended by men of the highest experience. He repudiated the idea that the amendment should be rejected on the ground of there being another bill before the House for the construction of an hydraulic dock, when that dock, if constructed, would be utterly useless after the first year or two. He appealed to the good sense and justice of gentlemen representing States where similar works had been already constructed, to vote for the amendment.

Mr. REED considered a hydraulic dock worth more than ten wharves; and one of the authorities referred to by the gentleman himself, (Commodore Dallas,) recommended its immediate construction. He could not assent to, nor be induced to act upon, the gentleman's argument of reciprocity. He was governed only by considerations of propriety whether the proposed works were expedient, and then, if the amount of money proposed to be appropriated could be judiciously expended.

Mr. CAMBRELENG hoped the House would at once come to a decision upon the question, and that the amendment would not be prejudiced by the fact of its non-examination by the Committee of Ways and Means.

Mr. HARPER was willing to give a liberal vote, but they were, he thought, to a certain extent, groping in the dark, for there was still a difference of opinion existing as to whether the amendment was embraced in a separate bill or not. Moreover, nothing had been furnished the House to show the necessity of the proposed works, or whether the large sum of $150,000 could be well laid out or not. He should oppose the amendment now, whatever he might be disposed to do when the subject again came up, prior to which, he trusted some more information would be furnished.

Mr. CUSHING advocated a liberal provision for Pensacola, and was in favor of the amendment. Whether the money could be expended or not, he was willing that it should be appropriated. When the bill from the Senate came up, it would be time enough to enter upon this subject of the expediency of constructing a hydraulic dock.

Mr. HARPER said, he found he had fallen into an error, and that the other bill referred to did not embrace the objects of the amendment. Believing, then, that this money could be advantageously expended, he should vote for the appropriation at the present time.

Mr. HOWELL expressed his intention of voting against the amendment more with reference to the time, than from any other objection to its expediency. He thought they had better defer it.

Mr. JARVIS again made an explanation. The Secretary of the Navy had recommended $64,000; the committee inserted an additional $200,000; and if the amendment now proposed should be agreed to, they would appropriate to this one navy-yard just one half the amount appropriated for all the other navy-yards in the United States put together. He was willing to be as liberal as any one towards Pensacola, even to the amount of millions, if necessary, so that the money was judiciously expended; but he was confident the committee had done all that ought to be done. He was also opposed to that loose mode of legislation of putting riders upon bills, or inserting new laws in appropriation bills, and he still trusted the amendment would be rejected. He was confident that no more money than what had been proposed by the committee could be expended at Pensacola during the current year, unless it was lavishly thrown away.

Mr. THOMPSON, of South Carolina, remarked that the appropriations would be just as necessary whether the experiment of deepening the bar succeeded or not, for our ships were not all seventy-fours. He would mention one fact, however, that was, perhaps, little, if at all known there, and it was this, that the bar at Pensacola was within one foot as deep as the bar at New York. He would go further, and state, on the very highest authority of our Navy, that the Brandywine goes in and out of the bar without striking, and that it was an extremely rare occurrence for a vessel of a similar size to pass over the bar at New York without doing so. He maintained

that the money proposed to be appropriated, a little over two hundred thousand dollars, could be well expended at Pensacola; and he repeated his former assertion, that the average price of labor was one third less in the South than in the North. Labor could be procured on the spot to any amount, and half a million could well be expended during the current year. He again recurred to his former charge of inequality of expenditure, and said he was prepared to prove all he had urged on that subject against all the specious and voluble arguments that had been advanced to the contrary.

Mr. PEYTON called the attention of the House to the report of Captain Chace of the United States engineer corps, which stated the depth of water on the bar at Pensacola to be from twenty-three and a half to twenty-four feet, and consequently that all ships of war, less than first rates, could sail in and out.

The question was then taken, and the amendment was agreed to—yeas 151, nays 26.

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Barton, Beale, Bell, Bond, Boon, Bouldin, Bovee, Boyd, Buchanan, Bunch, Burns, John Calhoun, William B. Calhoun, Campbell, Carter, Casey, George Chambers, Chapin, John F. H. Claiborne, Cleveland, Coffee, Connor, Corwin, Cramer, Crane, Cushing, Cushman, Denny, Doubleday, Dunlap, Evans, Fairfield, Farlin, Forester, French, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Granger, Grayson, Grennell, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Harper, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Hoar, Holsey, Hopkins, Howard, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jenifer, Joseph Johnson, Richard M. Johnson, Henry Johnson, John W. Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lawler, Lawrence, Lay, Joshua Lee, Thomas Lee, Luke Lea, Leonard, Lewis, Lincoln, Love, Lucas, Lyon, Job Mann, Martin, William Mason, Moses Mason, Maury, May, McCarty, McComas, McKennan, McKim, Mercer, Milligan, Montgomery, Morgan, Morris, Page, Parker, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Pettigrew, Peyton, Phelps, Pinckney, Rencher, John Reynolds, Ripley, Roane, Robertson, Augustine H. Shepperd, Shields, Sickles, Sloane, Smith, Spangler, Speight, Standefer, Storer, Taliaferro, Taylor, Thomas, John Thomson, Waddy Thompson, Toucey, Towns, Underwood, Vanderpoel, Ward, Washington, Weeks, White, Whittlesey, and Sherrod Williams—151.

NAYS—Messrs. Ash, Bean, Dromgoole, Effner, Fry, Glascock, Grantland, Hiland Hall, Hardin, Hawes, Howell, Hubley, Jarvis, Cave Johnson, Benjamin Jones, Logan, Loyall, Manning, John Y. Mason, McLene, Owens, Parks, Rogers, Seymour, Turner, and Wise—26.

Mr. PINCKNEY inquired if it would be in order at that time to move, as an amendment to this bill, the bill now before the House for the establishment of a navy-yard at Charleston, South Carolina?

The CHAIR replied that it would not.

Mr. LANE rose, and remarked that, inasmuch as five or six weeks had been spent in Committee of the Whole on the motion of the gentleman from Tennessee, [Mr. BELL,] to amend this bill, and as he had been waiting to hear the gentleman's amendment renewed in the House, he would himself renew it, in order to test the sense of the House: He therefore moved to strike out the appropriation, "for improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire, $67,000," and asked for the yeas and nays; which were ordered.

Mr. EVERETT was opposed to striking out the whole appropriation, though he was in favor of its being amended in the way he had proposed last night.

Mr. BELL said, if he had had the estimates before him when he first made his motion, he should have confined his amendment to all but what was appropriated for the repair of works already erected.

The question was then taken; and the amendment was rejected—yeas 6, nays 160; as follows:

YEAS—Messrs. Chilton Allan, Graves, Hardin, Luke Lea, James A. Pearce, and Wise—6.

NAYS—Messrs. Adams, Heman Allen, Anthony, Ash, Ashley, Bailey, Barton, Bean, Bond, Boon, Bouldin, Bovee, Boyd, Buchanan, Burns, John Calhoon, William B. Calhoun, Cambreleng, Casey, Chapin, John F. H. Claiborne, Cleveland, Coffee, Connor, Cramer, Crane, Cushing, Cushman, Darlington, Denny, Doubleday, Dromgoole, Dunlap, Evans, Everett, Fairfield, Farlin, Forester, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Granger, Grantland, Grayson, Grennell, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Harper, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Hoar, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lawler, Lawrence, Thomas Lee, Leonard, Lewis, Lincoln, Logan, Love, Loyall, Lyon, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McCarty, McComas, McKennan, McKim, McLene, Mercer, Milligan, Montgomery, Moore, Morgan, Morris, Owens, Page, Parker, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Pettigrew, Peyton, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Russell, Seymour, Augustine H. Shepperd, Shields, Sickles, Sloane, Smith, Spangler, Speight, Standefer, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Wagener, Ward, Washington, Weeks, White, Whittlesey, and Sherrod Williams—166.

Mr. EVERETT then renewed the amendment made by him in Committee of the Whole, to reduce the appropriation for the navy-yard at Portsmouth, New Hampshire, from $67,000 to $4,000. Mr. E. said it was evident that this item was an administration measure; and, in proof of this, he referred to an article which appeared some time ago in the Globe, on the Democracy of New Hampshire, and setting forth that the opposition to this appropriation was a consequence growing out of the opposition of the citizens of Portsmouth to the Bank of the United States, &c.

Mr. BOON wished to know whether the member from Vermont meant to say that he (Mr. B.) was at all influenced in his vote by that publication?

Mr. EVERETT replied, certainly not; he had spoken only of the intention of the publication.

Mr. BELL then entered into an explanation of the reasons that had induced him to make the motion; and stated that it was his intention, both originally and now, to have made the very motion just made by the gentleman from Vermont. It was truly the motion he desired to make at first, but he was not then in possession of the estimates. After some few further remarks, Mr. B. asked for the yeas and nays on the amendment; which were ordered.

Mr. CUSHMAN entered into a brief review of the advantages of the naval station at Portsmouth, both for its natural advantages as a harbor—being open at all seasons of the year—and for the cheapness with which ships could be built there, being, on an average, twenty per cent. less than at Boston.

Mr. LANE made a few remarks in reference to the course of the gentleman from Tennessee in making a motion that had occupied the attention of the House for several weeks, and addressing the House upon it himself for four days in succession, and then retaining his seat when the vote was taken, and refusing to answer to his name.

Mr. BELL said a few words in reply.

Mr. BOON inquired of the Chair whether it would be in order then to answer the arguments of gentlemen made in Committee of the Whole?

The CHAIR said it would not.

Mr. BOON said, if it had, he wanted to make something of a party speech himself.

The question was then taken on the amendment; and it was rejected—yeas 45, nays 130; as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Ashley, Bell, Bond, Boon, Boyd, Bunch, John Calhoon, Campbell, Carter, Nathaniel H. Claiborne, Clark, Corwin, Deberry, Everett, Forester, P. C. Fuller, Granger, Graves, Grayson, Griffin, Hiland Hall, Hardin, Hawes, Howell, Lawler, Luke Lea, Lewis, Love, Maury, McCarty, McKennan, Mercer, Rencher, Robertson, Russell, Augustine H. Shepperd, Sloane, Standefer, Taliaferro, Underwood, Vinton, and Wise—44.

NAYS—Messrs. Adams, Anthony, Ash, Bailey, Barton, Beale, Bean, Bouldin, Bovee, Buchanan, Burns, William B. Calhoun, Cambreleng, Casey, Chapin, John F. H. Claiborne, Cleveland, Coffee, Connor, Craig, Cramer, Cushing, Cushman, Darlington, Denny, Doubleday, Dromgoole, Evans, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Grantland, Grennell, Haley, Joseph Hall, Hamer, Hannegan, Harper, Albert G. Harrison, Hawkins, Haynes, Hazeltine, Hoar, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lawrence, Thomas Lee, Leonard, Lincoln, Logan, Loyall, Lyon, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, May, McComas, McKim, Milligan, Montgomery, Moore, Morgan, Morris, Page, Parker, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Phelps, Pinckney, Reed, John Reynolds, Joseph Reynolds, Roane, Seymour, Sickles, Smith, Spangler, Speight, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Washington, Webster, Weeks, White, Whittlesey, and Sherrod Williams—129.

Mr. WISE said, he rose to do what was perhaps very unnecessary to do, after the vote of the House upon the amendment of the gentleman from Florida, but he felt compelled by a sense of duty to offer another amendment. In the thirty-fourth line of the bill there was an appropriation of $64,000 for improvement and necessary repairs for the navy-yard at Pensacola. Of that $64,000, as he informed the House both last night and to-day, there was included $15,000 for wharves; but the House had, very much to his wonder and amazement, now appropriated $150,000 for wharves, besides that sum of $15,000, making in the whole $165,000 for this one object, without any appropriation at all for docks, a sum that never could be judiciously expended in the construction of wharves. He therefore moved to reduce the item of $64,000 to $49,000, thereby striking out the $15,000. He trusted, at least, that this amendment would be agreed to, and he hoped also that some gentleman would move a reconsideration of the former vote. Mr. W. was as warm a friend as Pensacola had, and would go almost any lengths for it, but he was convinced that $165,000 for wharves would be a most injudicious expenditure.

Mr. GARLAND, of Louisiana, hoped no motion would be made to reconsider.

Mr. RIPLEY said a few words in support of the original clause.

The amendment was then agreed to—ayes 90, noes not counted.

The bill, as amended, was then ordered to be engrossed and read a third time this day.

Mr. CARTER moved a reconsideration of the vote on the amendment respecting the navy-yard at Pensacola. He referred to the extraordinary haste manifested to hurry through this bill.

The CHAIR said the motion directly was not in order; but the gentleman from Tennessee could attain his object by first moving to reconsider the vote by which the bill was ordered to be engrossed and read a third time this day.

Mr. CARTER then made that motion.

Mr. BOON said a few words against the motion, and he was at a loss to see the justice of the remark about hasty legislation on a bill which had been some six weeks under discussion. He did hope that no further difficulties would be thrown in the way of this bill.

Mr. CARTER had no intention of throwing any difficulties in the way; and he had come to the conclusion to withdraw the motion, before the gentleman from Indiana rose.

The bill was then read the third time and passed; and the House adjourned at six o'clock, p. m.

IN SENATE.

FRIDAY, *April* 8, 1836.

A message was received from the President of the United States, transmitting reports from the Secretaries of the Navy and War, in answer to the resolution of the Senate of the 18th February last, inquiring what would be the probable expense of putting the defenses of the country on a permanent footing of strength and respectability. The reports and accompanying estimates were, on motion by Mr. BENTON, referred partly to the Committee on Naval Affairs, and partly to the Committee on Military Affairs, and ordered to be printed.

Messrs. EWING, of Ohio, and MORRIS, severally presented petitions on the subject of the location of the Cumberland road; which were referred to the Committee on the Post Office and Post Roads.

Mr. ROBINSON presented resolutions of the Legislature of Illinois, instructing their Senators to vote for expunging from the Journal of the Senate the resolution of March, 1834, censuring the President for the removal of the public deposits from the United States Bank; and, on motion by Mr. R., the resolutions were laid on the table, and ordered to be printed.

On motion by Mr. EWING, of Ohio, the Committee on Public Lands was discharged from the further consideration of the petition of sundry

citizens of Indiana, praying that certain public lands may be exposed to sale.

REPORTS FROM COMMITTEES.

Mr. WHITE, from the Committee on Public Lands, reported, without amendment, the bill from the House to authorize the President of the United States to cause to be issued to Albert G. Smith, and others, patents for certain reservations in the Michigan Territory.

Mr. ROBBINS, from the Committee on Naval Affairs, reported a bill to extend the naval pensions to widows and orphans of deceased officers and seamen in certain cases; which was read, and ordered to a second reading.

Mr. DAVIS, from the Committee on Commerce, reported, without amendment, the bills from the House for the relief of Benjamin F. Stone and Francis K. Dearborn; and also reported unfavorably on the bill for the relief of Robert Dickey, of New York.

BILL INTRODUCED.

Mr. GRUNDY, in pursuance of notice given, asked and obtained leave, and introduced a joint resolution to change the time of the commencement of the contracts of the Post Office Department; which was read twice and referred.

EXPUNGING RESOLUTION.

Mr. HUBBARD stated that the Legislature of New Hampshire, on the 25th of June, 1835, passed a resolution instructing their Senators in the United States Senate to vote for expunging from the Journals of that Senate a certain resolution which was adopted on the 28th of March, 1834; and that the Legislature also passed, at the same time, a resolution instructing their Senators to present their resolutions to the Senate. In obedience, therefore, to the instructions of the Legislature, and in accordance with his own feelings, he would now ask leave to present the resolutions, and would move they be laid upon the table and be printed.

The following are the resolutions referred to by Mr. HUBBARD:

"STATE OF NEW HAMPSHIRE:

"*Be it resolved by the Senate and House of Representatives in General Court convened*, That our Senators in Congress be, and they are hereby, authorized to vote that the resolution passed by the Senate of the United States on the 28th day of March, 1834, in the words following, viz: '*That 'the President, in the late executive proceedings in relation 'to the public revenue, has assumed upon himself authority and 'power not conferred by the Constitution and laws, but in dero-'gation of both*'—be expunged from the Journals of that body; and that they be further instructed to lay this resolution before the Senate of the United States."

Mr. RUGGLES said, that he held in his hand a copy of resolutions passed by the Legislature of Maine, relating to the subject of abolition proceedings in the non-slaveholding States. They are responsive to resolutions transmitted to the Executive of Maine from the States of North and South Carolina, Georgia, and Alabama, calling upon the non-slaveholding States to suppress by law abolition publications. These resolutions of the Legislature of Maine assert, as the sense of the two Houses, that the Government of the United States is one of enumerated, limited, and defined powers; that the power of regulating slavery within the States does not belong to Congress, not being one of the enumerated powers; that the States, with certain defined exceptions, are, with respect to each other, distinct and sovereign States, each having an independent government, whose action is not to be questioned by any Power whatever, but by the people of such States; and that any interference by a State, or by the citizens of a State, with the domestic concerns of another State, tends to break up the compromises of, and to disturb the Union. The resolutions further declare it to be inexpedient to legislate on the subject of abolition publications, because there is no abolition paper printed within the State, and because all discussion on the subject has been arrested by the decided expression of public disapprobation.

These resolutions (said Mr. R.) were reported from a large and respectable committee of both Houses, and received the unanimous assent of that committee. In the Senate they passed unanimously, and nearly so in the House of Representatives, a body composed of upwards of one hundred and eighty members.

There was one circumstance (said Mr. R.) which he considered deserving of the particular attention of certain honorable Senators. He could not refrain from recommending it, with due deference to their serious consideration, as furnishing an example worthy of imitation in this body in its action upon the abolition memorials which had been, or should hereafter be, presented here. The circumstance to which he alluded (he said) was this: the resolutions were *permitted* to pass through both Houses of the Legislature of Maine without one word of agitating and exciting debate.

He then moved that the resolutions be read.

Mr. CALHOUN expressed his gratification at the tenor of the resolutions, which (he said) gave the correct view of the subject in discussion, going back to the good old republican principles. He was also gratified to understand from her Senator, that the reasons which induced Maine not to legislate on the subject were, that no abolition papers were printed in that State, and no discussion of the kind was carried on there. He would now ask the Senator whether there was not an abolition society in Maine, and whether it did not issue addresses that were extensively circulated? He put these questions because he was anxious to give correct information to the South on the subject.

Mr. RUGGLES replied to the inquiry of the Senator from South Carolina, [Mr. CALHOUN,] that there had been in times past, as he had been informed, a society in Maine, friendly to the abolition of slavery; but whether that Society is in existence now he was not able to say. He regarded the resolution just read to the Senate, asserting that public discussions of the subject had been arrested, as justifying the belief that there were now no proceedings relating to abolition in that State which it was necessary to suppress by law.

Mr. CALHOUN observed, he had put the question because, shortly after his arrival here, he saw a publication, drawn up with great ability, said to be issued by a society calling itself the Maine Abolition Society, having numerous signatures appended to it. Now, he held the existence of such a society to be as dangerous to the South as an abolition newspaper; and he thought, if the State could suppress the one, it could suppress the other He hoped that, in time, public sentiment would be such at the North as to put down all such societies; but he confessed he was incredulous as to the result. The Senator from Maine went so far as to cite the example of the Legislature of Maine as worthy to be followed by certain Senators on that floor, meaning, he supposed, himself for one. He thanked the Senator for his advice, and was, perhaps, so weak-minded as to require it; but he who offered this advice ought to have himself followed the example recommended by him to others. He would tell the Senator, that so long as his constituents sent here denunciations against the people he represented, terming them pirates, murderers, and villains, he should take the liberty to treat such denunciations with the scorn they deserved. He held it to be a solemn truth, that, as long as they were compelled to discuss the subject of abolition on petitions received there, the Abolitionists had gained all they wanted; and so long as they were permitted to come there he would take the liberty to speak of them in the terms they deserved.

Mr. BROWN rose and said that he did not know in what spirit the resolutions which had been presented by the Senator from Maine, passed *unanimously* by both branches of the Legislature of that State, might be received by some gentlemen; but in his capacity, as one of the Representatives from a southern State, he hailed them with feelings of gratification, and looked on them as a most favorable omen, among many others, of that peace and good will among our brethren of the North so important to the continuance of the Confederacy.

He did not know to what extent anti-slavery societies existed among the people of Maine; but when that party had been unable to return a *single* member to the Legislature of that State, the resolutions having, as appeared on the face of them, been passed without a dissenting voice, strongly condemnatory of the course of the Abolitionists, he thought it would require a high degree of credulity to believe that they possessed either weight of character or strength of numbers. To expect a State to eradicate every folly or infatuation from the minds of all its citizens was, and would be found, a very impracticable undertaking. Mr. B. said, in this, as in many others of the Legislatures of the northern States, the unanimity of sentiment on this subject was almost unprecedented. In *some*, he was confidently assured, there was not an Abolitionist; in *none*, could that party make any exhibition of strength.

It had been said by gentlemen on several occasions that they could not sit here patiently and hear the people of the South branded as "pirates, robbers, and murderers," by these petitioners. This language had repeatedly gone forth, in speeches delivered here; the effect of it was, to excite the feelings and sensibilities of the people of the South. He would now say, that he had never heard either of the epithets just repeated used in any, even the most offensive, of the petitions. Their language was bad enough, but none of them had used the language which had been repeated; if they had, he, too, would have voted against their reception, on the ground that they had violated outrageously that rule of the Senate which required decorum to this body, applying precisely the same rule in regard to petitions on this subject, that he would to those on any other subject in regard to their reception—the constitutional principle in regard to the right of petition being the same.

Mr. B. would again ask if it was prudent that such expressions should go forth from this Hall, when so well calculated to inflame public feeling, and when they were not to be found in even the worst of the petitions themselves. None felt more sensibly on this subject than himself; but it was the part of wisdom as well of generosity, for us to cultivate harmonious feelings with those who were acting in concert with us in the North, to put the Abolitionists down; and he had heard with regret, expressions in reply to the Senator from Maine, which he thought should have been rather those of gratulation than of a different character.

Mr. CALHOUN asked the Senator from Ohio [Mr. MORRIS] to let him have the petitions that he had withdrawn.

[Mr. MORRIS gave Mr. CALHOUN some petitions, and said he could not consent for them to be used at that time.]

Mr. CALHOUN said he was utterly astonished at the remarks of the gentleman from North Carolina. These made when the Ohio petitions were presented and read, and in the gentleman's presence. Memory was frail, but he could hardly be mistaken as to the offensive epithets used in the Ohio memorials. Certainly, (said he,) all remembered that we were charged with dealing in human flesh—an allegation as strong as any he had quoted. The Senator from North Carolina could not rejoice more strongly than himself to see this spirit of abolition arrested, but he feared that it was too strong to be easily subdued.

The feelings as indicated in these resolutions of the Legislature of Maine, were certainly to be highly commended, and he had taken occasion to express the satisfaction with which he received them. He had thought it, however, right for the people of the South to know that there was an abolition society in Maine, which put forth very able and extensive publications.

Mr. LINN would merely remark that the petitions to which the gentleman from South Carolina alluded, had been withdrawn by the gentleman who presented them, before taking any question on them.

Mr. MORRIS observed, that he had put the petitions which he had withdrawn, into the possession of the Senator from South Carolina, but not with a view that he should use them publicly on the occasion. It was true that he did present petitions, couched in language deemed by other gentlemen to be exceptionable, but which he then and now thought, were perfectly unexceptionable; and that he had afterwards withdrawn them, at the solicitation of his friends, to make way for a Quaker petition, as if that was entitled to a precedence over those from Ohio. At a

proper time, he should present them to the Senate, and if the Senator from South Carolina objected to their reception, and should be sustained by the Senator from North Carolina and other Senators, the petitions might be rejected. The Senate would then see in what language the petitions were drawn up, and might judge for itself whether they were as offensive as they had been represented to be. Remarks had been made on that floor in relation to these petitioners, which he deemed very erroneous. It mattered not what class of citizens presented themselves as petitioners, they were entitled to a respectful hearing. They had been termed miserable fanatics, vile incendiaries, and charged with an intention to dissolve the Union. All those interested in putting down this spirit which they so much deprecated, had used these violent terms in reference to persons petitioning for what they deemed Congress had a right to grant. He had always thought that these people had an undoubted right to be heard, and he was of opinion that the receiving their petitions, and then rejecting them immediately, as moved by the Senator from Pennsylvania, was tantamount to refusing to receive them; it was keeping the word of promise to the ear, and breaking it to the hope.

He would here take occasion to correct an error that appeared in one of the morning papers. His name was there given in the list of those who voted to reject the prayer of the petitioners. His name ought not to have been on that list; he gave no such vote, and, consistently with his views, could not vote to reject a petition without giving the subject of it a fair examination. Could he have done this, he would have no hesitation in voting with the Senator from South Carolina, to refuse to receive the petition at all. He would here make another acknowledgment with respect to a declaration he made to his friend from Georgia. When he first took his seat here as a Senator of the United States, he believed that Congress had a right to legislate on the subject of slavery in the District of Columbia; and he was also of opinion that sound policy required that something should be done with regard to it. He was now convinced, from information since acquired, that it was not expedient for Congress to touch the subject, and he would gladly rid them of all further solicitation to legislate on it, by going, with the Senator from South Carolina, for a retrocession of the District to the States to whom it originally belonged. He believed that, as long as Congress had exclusive jurisdiction over the ten miles square, petitions for abolishing slavery would be continually pouring in. The feelings which induced these petitions were the deepest rooted of any in the human breast; they were excited by a high sense of religious duty, and no human power could ever induce them to abandon what they believed themselves thus bound to perform. A retrocession of the District, therefore, would be the best mode of relieving Congress from continued petitions on this subject, and of avoiding that agitation and excitement which gentlemen said threatened a dissolution of the Union. Mr. M. here took an extended view of the subject of dissolution and secession from the Union, denying that there was any power in any State either to dissolve or secede from the Union. A man (said he) may commit treason against his Government, and, if he succeeds, he is a hero; but if he fails, his fate is that of a traitor. When he heard gentlemen speak so frequently of a dissolution of the Union, he asked himself if it was possible they could be in earnest, and could suppose that there was any power capable of performing what had been thus threatened.

Mr. PRESTON expressed his approbation of the resolution. The people of Maine had taken fair, just, and honorable grounds, which were dictated by an honorable spirit of patriotism. It was because he felt great apprehension, as to the consequences of the agitation of this subject, that he so highly appreciated the sentiments of the resolution. But, although it might not be competent for an individual, or a single State, to attempt to dissolve the Union, if Maine had taken a different stand, and this matter had continued to grow and spread, it would have involved the disunion of the Government. He had, he believed, heretofore said that the South could, if placed in a situation of self-defense, protect itself. For his part, he did not, as a southern gentleman, ask any favors, or fear any result. He was glad, however, to see the indication of a better state of feelings. These resolutions expressed their disapprobation of any interference by one State in the domestic affairs of another State. As the gentleman from Maine [Mr. RUGGLES] had given them a lecture from this resolution, he would not take a similar course in regard to him. It was an easy matter for gentlemen living at the extreme North, to read a lecture to those of the South. He, however, preferred the resolution of the Legislature of Maine, to the lecture. If it was wrong for those of the South to interfere with the domestic concerns of the North, it was as wrong for them to interfere in theirs of the South. As to the agitation, they had had the initiatory and the conclusion. He spoke of the number of petitions that had been sent here, which, in the aggregate, amounted to twenty-eight thousand, and adverted to the language of the petitions. They had called the petitioners incendiaries and fanatics, and the petitioners had called them immoral and irreligious. They could not take away the offensive character of the petitions, by wrapping them up in honeyed words; they could not knit up or intertwist the phraseology as they pleased. It was not fair or decent in regard to them, to say this or that institution in the South is immoral. They were not called on to plead to this matter. He rose merely to express his approbation of these resolutions. If this matter was to be stopped, it was necessary that the moral, intellectual, and legislative power of the country should be interposed. He entertained the hope that the thing was not so far gone as to be remediless.

Mr. MORRIS, in justice to the Senator from North Carolina, [Mr. BROWN,] must say that his impressions were that his statements in regard to these petitions were correct. He had suggested to the Senator from South Carolina, when he gave him these petitions, that he was not to use them on the present occasion; and he had also informed him that, as soon as the present debate was over, he would lay them before the Senate, when all could judge whether the language was such as they deemed proper to be received, or otherwise.

Mr. CALHOUN was very happy that the Senator from North Carolina had at last made up his mind to reject petitions that were such as he would deem offensive in their language; and he hoped that he and all other southern Senators would in time see the propriety of rejecting all abolition petitions, no matter in what language they were couched, for, from the very nature of the subject they treated, they must be offensive to the South.

Mr. BROWN felt himself bound to explain, with a view to prevent any misapprehension on this subject. He did say, that the epithets, which he had before repeated, were not, as had been represented, in any of the petitions which he had examined or had heard read, offensive as their language was. The gentleman from South Carolina has not been able, he presumed, to find the alleged epithets in the petition which he had then before him, and to which he had made reference, otherwise he supposed he would have read them to the Senate. He only draws inferences from certain vague and general expressions, having no immediate application to the people of the South. It was not that on which he had made the issue, but it was upon the existence of the fact, whether the epithets alleged to be used in the petitions were to be found in any of them? He had not been met on that issue, but by constructions and inferences put on vague and general expressions, having no particular application as to the people of the South.

He had made this explanation, he would again repeat, in reference to the language of these petitions, to prevent highly-colored pictures of their offensive language from going abroad, to add to the excitement already existing on this subject, and to repel the inference that he and his friends had voted to receive a petition couched in terms such as had been spoken of.

It is, sir, (said Mr. B.,) a very great sin, in the estimation of some gentlemen, to vote to receive these petitions; but they must recollect that they set the example. He expressed the confident belief, that both of the gentlemen from South Carolina voted, at the last session, to receive petitions of a like character. He could cite a dozen instances from the Journal of the last session where they were received, on different days, by the unanimous consent of this body, and, more than that, were unanimously referred to the Committee on the District of Columbia; and certainly the gentlemen could not have been absent upon every occasion, with their known attentive habits to business. To enlist in a warfare with these petitioners on this floor, when their objects had found but few, if any, advocates here, was but little calculated to gain distinction or elevation for the South; he had, therefore, uniformly been in favor of that silent and contemptuous course towards them, by which they always had been consigned to a neglect and insignificance, to them the most cutting and mortifying course of all others; and to the exertions of honorable gentlemen they were indebted for that notoriety which the present session of Congress had more than ever given them.

The Senator from South Carolina nearest to him, [Mr. PRESTON,] in alluding to some of his remarks, said that he would not tender his gratitude to the Legislature of Maine, because they adopted these resolutions; that they were nothing more than what the South was entitled to, and what the South had a right to demand. He trusted that he, too, felt that manly independence becoming a southern representative; he trusted that he, too, would never ask more than the South was entitled to receive; but he also trusted that he never should be insensible to those sympathies which bound together the different sections of this great Republic, nor backward in expressing the pleasure with which he saw a kindred feeling cherished by his brethren of any portion of their common country. This was the ground that he took, and these were the feelings which called forth the animadversions of the Senator from South Carolina. He well knew the strength of the South and its capability to protect itself against all attempts on its internal peace; on that he felt the most perfect reliance; but the resolutions just read from the State of Maine, he thought, ought to be hailed by every southern man as an earnest of the indissoluble ties which bound the North and South together, and of the strength and durability of the Union.

Mr. CALHOUN said, the Senator from North Carolina certainly did not hear his remarks. The Senator from Ohio [Mr. MORRIS] had put the petitions in his hands, and suggested to him not to use them. He would now refer to some of the expressions found in one of these petitions; among them was the phrase, "traffic in human flesh," a phrase borrowed from the shambles—from the butchers; holding up to all the world, that the gentleman and his constituents treated human beings as they treated beeves. That was the first. The petition went on to say, that [dealing in slaves] "had been solemnly declared piracy by the laws of our own, and all Christian nations;" assimilating the acts of himself, and those whom he represented, with the acts of those who seize Africans on the coast of Africa, and sell them for slaves. If he could lay his hands on the other petitions, he could point out the epithets he had quoted; but those he had given were, he thought, sufficiently offensive to justify a southern representative in voting to reject them. But he would read a little further. "It [slavery] was sinful because it violated the laws of God and man;" because it [slavery] corrupted the public morals. This was some of the language of the petitions which had been withdrawn to make way for the Quaker petitions which were first tried in order to obtain the sanction of the southern representatives to that most dangerous of all principles, that they were bound to receive petitions, no matter in what language they were drawn. The Senator from North Carolina had mistaken him in supposing he had found nothing in these petitions that was as offensive as he had termed them. The Senator from Ohio, on putting them into his hands, had requested him not to use them at that time.

Mr. MANGUM would inquire of his colleague whether he understood him correctly in saying that he would feel it his duty to reject petitions

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. WEDNESDAY, APRIL 13, 1836. VOLUME 3....No. 22.

only that were offensive to that body, or some member of it?

Mr. BROWN replied that he would vote to reject petitions that violated the rules of the Senate by the use of language indecorous towards individual members of the body, or to the body itself—rules which every parliamentary body had adopted.

Mr. MANGUM said he had so understood his colleague; but it was with undisguised astonishment that he heard such doctrines pronounced by those who set up as the exclusive representatives of the Democracy of the South. Sir, (said he,) who gave us the right to exclude petitions because offensive to ourselves, and not to exclude them when they use offensive terms in reference to our constituents? Who are we (said he) that we are not to be touched but our feelings are outraged? and this great constitutional right of petition, about which so much has been said, is to be violated if our honor is called in question? He scouted such doctrine. If (said he) we have the right to reject petitions because our persons are reflected on, are we to be silent when eleven sovereign States are reflected on in terms of the grossest abuse, and denounced as dealers in human flesh, and likened to pirates? He should like to see how those gentlemen who affected to be the exclusive representatives of the Democracy of the South shielded themselves from this dilemma. Was this a part of the Democracy of the day, and the doctrine of those who, *par excellence*, termed themselves the real Democrats, abhorring every thing in the shape of aristocracy?

He claimed for himself no exemption that he did not claim for those he represented; and when he could not cause the rejection of petitions outraging their feelings, he would claim no exemption for his own. They had been told by his colleague, that these petitions were offensive enough. He should like to know from him when they would be too much so? They had seen a wonderful facility in gentlemen endeavoring to lessen the odium of these abolition petitions. He had seen it in their endeavoring to prove that there was nothing to be apprehended from all these abolition petitions; that the whole was confined to a miserable, contemptible party; and yet the wings of every wind from the North had blown upon these petitions and publications on the subject, without number. He himself had no fears. The Abolitionists might go on subsidizing presses, and inundating the country with their publications and petitions. The South, if united, was able to protect itself against the whole non-slaveholding world. The real danger consisted in the South being divided—in their being put to sleep by calling out, "All's well!" while the storm was gathering over their heads.

Mr. CALHOUN rose to say, that the Senator from North Carolina [Mr. BROWN] was utterly mistaken, when he said that he (Mr. C.) voted to receive a petition on this subject. No vote of his would be found on the Journal. He might have suffered petitions to pass at former sessions, when there were but few of them presented. He confessed he had neglected this matter too long. The gentleman from North Carolina [Mr. BROWN] said he (Mr. C.) had not made good his word. He (Mr. C.) thought the expressions in the petition to which he had referred were as strong as the terms used by him. It seemed, however, that the Senator cared for nothing but the precise words. He had shown that these petitions likened his constituents to pirates, and spoke of them as dealers in human flesh. This, he thought, was sufficiently strong to make good his position.

Mr. WALKER said that he did not rise to embark in any discussion of the abolition question, but to state some facts to the Senate. It had been said by the Senator from South Carolina [Mr. PRESTON,] that twenty-eight thousand memorialists had subscribed these abolition petitions. Mr. W. said that, feeling a deep interest in this question, he had looked at the names of the subscribers to these petitions, and found that a majority, or nearly a majority, of the whole number appeared to be females. [Here Mr. PRESTON said thirteen thousand were females.] Mr. W. remarked, that of the remainder it was perfectly obvious, on the slightest inspection, that a vast number were children; many of the names are made up of entire families, including all the children, male and female, and repeatedly all written by the same hand. Mr. W. even believed that at least three fourths of these petitioners were children or females; but the whole number would constitute but a small portion of a Republic embracing now a population probably of fifteen millions. Mr. W. said he would make one further remark on this subject; he did it with regret; he had been pained to see the names of so many American females to these petitions. It appeared to him exceedingly indelicate that sensitive females of shrinking modesty should present their names here as petitioners, in relation to the domestic institutions of the South, or of this District. Surely they would be much better employed in attending to their domestic duties as mothers, sisters, wives, and daughters, than in interfering with a matter in regard to which they were entirely ignorant. Mr. W. said, he believed if the ladies and Sunday-school children would let us alone, there would be but few abolition petitions. At all events, the ladies and children could only be a subject of ridicule, and not of alarm, to the people of the South; more especially would the South not be alarmed by a few women and children, when we have this day presented to us the resolutions of the Legislature of the State of Maine, unanimously condemning abolitionism in a manner admitted to be satisfactory by the Senator from South Carolina [Mr. PRESTON] himself.

Mr. BROWN observed that it was with very profound regret that he rose to detain the Senate for a single moment. Nothing could have been more unexpected to him when he took his seat this morning, than to be engaged in a discussion of this nature; and he much regretted that he was now compelled, in self-defense, to continue that discussion. The gentleman from South Carolina [Mr. CALHOUN] said he never voted to refer petitions of this kind to the Committee on the District of Columbia, and that no such vote of his was to be found recorded on the Journal. Mark the words, Mr President, "*recorded on the Journal.*" But there were numerous petitions on this very subject, both at the last session and the session before, that were unanimously referred to the Committee on the District without one word being heard from any quarter in disapprobation. Now he would ask, was it probable that the gentleman was absent on all these different occasions? Would it be pretended for a moment that, when the question was propounded, "Shall these petitions be referred to the Committee on the District of Columbia?" and no member objecting—would it be pretended for a moment, when such a question was propounded, and the gentleman from South Carolina sanctioned the reference by his silence, that he did not vote for it as essentially as if his name had been recorded on the Journal? Indeed, (said Mr. B.,) the denial of the Senator that any such vote of his was recorded on the Journal was a distinction without a difference.

His colleague [Mr. MANGUM] had made some remarks that he (Mr. B.) thought, at any rate, were pointed with no little application to himself. That gentleman, too, had discovered that it was one of the unpardonable sins of a southern representative against southern rights to vote for the reception and reference of petitions on the subject of abolition-votes, let it be remembered, that had been given from the earliest periods of our legislative history, by as high-minded, chivalrous, and patriotic republicans of the South—Democrats if it suited the gentleman better—as any who now claimed to be the exclusive advocates of southern rights. He would venture to assert that there was no southern representative who took his seat previous to the present session but had given the same vote. They, too, had committed this unpardonable sin; but the hidden influences of this mysterious session of 1836 had suddenly dissolved the sleep in which they were enwrapped; and they had as suddenly discovered that it was an outrage on southern rights and southern honor to receive petitions of the same nature with those they had voted to receive and refer again and again.

Mr. MANGUM here interrupted Mr. BROWN, by saying that he never gave such votes.

Mr. BROWN continued. He would ask the gentleman if he was not present when abolition petitions were received, and when the question was propounded, "Shall the petitions be referred to the Committee on the District of Columbia? and whether he did not, by making no objection to the reception and reference, give his unqualified acquiescence to both?

Mr. MANGUM said that he did not know whether he was present on such occasions.

Mr. BROWN resumed. But there was one petition that had been presented as late as the commencement of the present session, when the honorable gentleman from Tennessee [Mr. GRUNDY] moved to lay it on the table. He believed that his colleague was in his seat when that motion was made, and he did not remember that he made any objections to it. His colleague had thought proper to indulge in some gratuitous advice to him, as to what ought to characterize the conduct of a southern representative, when petitions reflecting on his constituents were presented. He was not in the habit of gratuitously giving his advice to any one, much less to his colleague; but, if he was, he might say to him, that he who was so ready to give gratuitous lectures to others ought to learn first to obey them, and that very wholesome admonition had been given him from a highly respected source, which he would do well maturely to consider.

It was said, both by the Senator from South Carolina and by his colleague, that he ought to have resisted the reception of these petitions, because they were offensive and indecorous in their language to those whom he represented. What, sir, (said M.. B.,) petitions from women, and from a parcel of children!—for it had been proved that a large number of these petitioners were women and children. What, sir, (said Mr. B.,) my high-minded and intelligent constituents offended at the impotent acts of ignorant and deluded minors and females! Sir, (said he,) my constituents are possessed of a degree of intelligence, gallantry, and high-mindedness, that would give a different answer to these ignorant and misguided petitioners than that proposed by my colleague. It would be that of silent contempt.

Without going any further on this part of the subject, he would express it as his solemn belief before God and the whole world, that all this agitation and excitement on the subject of abolition, had not been produced by the miserable fanatics of whom so much had been said that session; but it had resulted, in part, from the designs of a more sagacious political party, for the purpose of operating on the South at an important crisis. The time at which it had commenced, the manner in which it had been carried on, the avidity with which it had been seized upon and trumpeted forth by the presses of a certain party at the South—all these had produced, in his mind, a conviction that it would require a world of proof to shake. The time when these incendiary publications were first thrown abroad in such masses, was when the elections in North Carolina, Alabama, and Tennessee, and shortly afterwards in Georgia, were about to commence; it was on the eve of the important elections in those States, that these publications were precipitated upon the South; and yet it had been said that these incendiaries were the friends of the party now in

power. What, sir! the friends of a certain political party to deluge the South with publications on a subject of such delicacy, and so well calculated to be used by their opponents to their disadvantage! Could anything be more absurd than such a supposition? No, sir; it was another party, and far more sagacious and calculating in their designs than the deluded zealots who were used to subserve their political purposes; and what most powerfully corroborated this opinion, was the fact that the presses of this party immediately seized upon these incendiary publications so opportunely thrown out, and wielded them with great force and ingenuity against their opponents. He repeated that the whole was not a fanatical movement, but that it had a political party in alliance with it, and shown so plainly to be so by subsequent events, as hardly to need a confirmation. How then could he, as a southern man, give his vote to deny the right of petition, and sanction designs which, from the beginning to the end, he utterly condemned? How could he, as a southern man, give his vote to uphold a deep laid party scheme, as he believed, that had been floating for a time on the tempestuous waves of political excitement, but that was destined inevitably to subside into its original insignificance with the occasion which produced it.

Sir, (said Mr. B.,) the course I took was dictated by the highest considerations of public duty, and flowed from a jealous regard of the rights and honor of the South, as well as a sincere and ardent attachment to the Union. It was to aid in reprobating the attempts to desecrate the social relations and domestic peace of the South, by the introduction of this dangerous question into her politics, creating an unreasonable and unfounded jealousy of our northern fellow-citizens, and weakening the bonds of this Union, to subserve the unholy designs of party—it was for these reasons that he had taken the stand that he did. And gratified he was at the result; for everything that had transpired on this subject since the commencement of the session, had only tended to show that the attachment of the people to this Union was not to be shaken, and that it rested on the most firm and abiding foundations. These were the reasons which induced him to take the course he did. And was he to be told that he was recreant to the South, because he had done that which had been done on repeated occasions by those quite equal in intelligence, patriotism, and chivalrous southern feelings to those who now claimed to be the exclusive defenders of southern honor? Was he to be accused of the dereliction of duty to the South, for voting to receive petitions on the subject of abolition, by those who were present on repeated occasions, when such petitions were not only unanimously received, but referred to one of the standing committees of that body without raising the slightest objection to the reference? He knew that the South had too much strength within her own bosom to be unnecessarily alarmed; and he knew that she had too much intelligence to permit herself to be excited to her own injury by the cry of "wolf! wolf!" when there was no danger.

He had conceived it to be his duty to make these few remarks, principally in self-defense. There was nothing further from his intention when he took his seat this morning than to engage in a discussion of this nature; for he had hoped that this spirit of evil omen had received its death blow, and that it would be no more revived this session. He regretted that the gentleman from South Carolina had thought proper on an occasion like this, when the resolutions of Maine came bearing the olive branch, to receive them, not in the spirit of peace, but in the spirit of discord.

Mr. PRESTON said, that three years ago, when he took his seat in this body, a petition on this subject was presented. He was unacquainted with the practice of the Senate, and looked round him to see if some one more experienced than himself was not going to rise; and seeing none, he rose, and made the question of its reception. But gentlemen from all parts of the Senate rose, and said it had been usual to give petitions of that kind a particular direction, where they quietly remained, without being heard of more. A Senator from Maryland said that was the lion's den for these petitions. He was willing they should be laid on the table, or dispatched in any other way, and acquiesced. But did not the gentleman from North Carolina [Mr. Brown] see a different state of circumstances now? The Quakers had said they had pressed it year after year without interruption, and there were more petitions presented this session than had been since the commencement of this institution. If a mischievous boy threw a cracker on the floor of the Senate, and the Sergeant-at-Arms tramped it out, it was a small matter. But when, if the building was surrounded by incendiaries with torches in their hands, were they not to be roused from their lethargy? He was not going to be impelled to mix up this matter with politics, which separated father from son, and party from country, and mingle them in its own vortex. While a portion of them were alarmed, while they counted by hundreds and by thousands what used to be units, philosophy taught them distrust on both sides. While the gentleman from North Carolina [Mr. Brown] says party feelings on our side have induced this alarm, let us say party may have its influence on his side. He (Mr. P.) entreated gentlemen, when they called them alarmists, to bear in mind that there was another party saying "peace! peace!" where there was no peace. Which was the safe side, to magnify or diminish the danger? Were they to fold their arms, and wait till the presidential election was over? They might then find a storm too violent to resist. He did not say whether party had been mixed up with this matter. But it was said they had falsely raised the cry of "wolf! wolf!" The shepherd's boy cried "wolf! wolf!" when the shepherd was asleep, and the wolf came!

Mr. RUGGLES remarked that, in presenting to the Senate the resolutions which had been so cordially approved by Senators from the South, he had not expected that a debate would have ensued characterized as this has been. The sentiments and opinions contained in those resolutions, he had supposed, would be consolatory to southern feeling, and they had been warmly approved from that quarter. One of the resolutions asserted that all public discussion of the question of slavery had been arrested and suppressed in Maine, by a decided expression of public disapprobation. Gentleman say they heartily approve of these resolutions, and he regretted they had not, on this occasion, given a practical illustration of the sincerity which he had no doubt they felt, in expressing their approval of the suppression of such discussions. The circumstance of their having passed without any exciting and agitating debate, he had ventured, with great deference, to commend to favorable consideration. He said that he himself had been so favorably impressed with it, as an example, that he should follow it, on this occasion, by abstaining from any discussion of the matter, and should move that the resolutions be printed, and hoped the question would be permitted to be taken without further debate.

The resolutions were then laid on the table, and ordered to be printed.

HOUSE BILL REFERRED.

The bill from the House making appropriations for the naval service, for the year 1836, was read twice, and referred.

EXECUTIVE COMMUNICATIONS.

The CHAIR communicated a report from the War Department, in answer to a resolution of the 1st instant, inclosing a statement from the Commissioner of Indian Affairs of the expenses attending the holding of a treaty with the Chippewa Indians; also a report from the same, transmitting surveys from the Topographical Bureau, of certain harbors in Maine; also a report from the same, made in pursuance of the act of the 6th of May, 1822, containing a statement of the accounts rendered by the disbursing agents of the Indian Department.

The CHAIR also communicated a report from the Treasury Department, in answer to a resolution of the Senate, requiring to be informed of the amount of money collected and expended for sick and disabled seamen; which was referred to the Committee on Commerce.

THE LONG BRIDGE.

The joint resolution providing for the expenditure of the surplus appropriated for the bridge over the Potomac, in the improvement of the Maryland avenue, leading to said bridge, was ordered to be engrossed for a third reading.

Mr. WALKER moved to take up the bill to extend the time for completing certain preëmptions, under the act of 1824; but after a short discussion the motion was negatived.

TREATY WITH SPAIN.

The bill to carry into effect the eighth article of the treaty with Spain, was ordered to be engrossed for a third reading.

GRANT OF LAND.

The Senate proceeded to the consideration of the bill granting a certain quantity of land to the State of Missouri for internal improvements.

Mr. BENTON explained the objects of the bill. The principle (he said) contained in this bill, had been voted for in the general land bill, distributing the proceeds of the sales of the public lands among the States. In drawing it up, however, he had only provided for the State of Missouri, and those gentlemen representing new States that had not received any donations for the public works, might now offer amendments to provide for them; while those representing States that had received grants, might move to amend it by adding grants for so much as would make, together with what they had received, the same number of acres as was granted to Missouri by this bill.

Mr. WALKER moved to amend the bill by inserting a grant of five hundred thousand acres; and on Mr. Nicholas moving to insert a like grant for the State of Louisiana, accepted the motion as a modification of his amendment.

Mr. KING, of Alabama, then moved to amend the bill by inserting a grant of so much to each of the States of Alabama, Indiana, and Illinois, as would make, with what the said States had already received, five hundred thousand acres each.

After some remarks from Mr. EWING,

Mr. CRITTENDEN said he felt little interest in the question involved in the discussion between the gentleman from Missouri [Mr. Benton] and the gentleman from Ohio [Mr. Ewing] as to who had received the most of the public lands. For his part, he was satisfied the State of Ohio had received enough. If it was unjust to grant these lands to Ohio, he did not feel bound to follow up that injustice in regard to other States. He had risen to state, so that he might not be misunderstood, that he would vote for these amendments, and after that he would vote against the whole bill. He regarded it as an act of the most flagrant injustice and partial legislation. If it were termed liberality to the new States, it was injustice to the old ones. He was constrained, by a sense of justice to the old States, to place himself in opposition to the whole bill. What had these new States done to merit such liberality on the part of the General Government, except encountering the difficulties of settling a new State? There was not one half the difficulties in settling them that was encountered in the settlement of Kentucky. In fact, Kentucky and Tennessee were the pioneers to the settlement of the new States. Until a mere matter of favor could justify the Senate in going on with these partial grants, he must oppose them. And until a proper disposition should be manifested towards the old States, as well as the new ones, he should vote against it.

Mr. CLAY presumed there was no intention, on the part of the Senate, to pass this bill, either as originally reported or in any shape the amendments might present it; and presuming that it would be rejected on its third reading, he thought it would prevent delay to take the question as to the final disposition of it at once. He therefore moved that it be indefinitely postponed.

Mr. BENTON said he had been treated in a manner which outraged all the rules and the courtesies of parliamentary proceeding; his own bill had been taken away from him and put into another which he detested, and against which he voted, and thus voted against his own. He had borne this treatment for years, but he should bear it no longer without availing himself of every

motion and of every effort known to the rules of the House, to correct the wrong which had been done him. Four or five years ago he brought in this bill to grant to Missouri five hundred thousand acres of land, for the purposes of internal improvement. It was only half the quantity which had been granted to Ohio for similar purposes. The bill had been favorably considered by the Senate, and was ordered to a third reading. In this state, the Senator from Kentucky [Mr. CLAY] had got it incorporated in his distribution bill, where he (Mr. B.) had to vote against it, and where it had shared the fate of that bill, being vetoed with it. It was now in the same distribution bill, and must share its fate a second time, be that fate what it may. Certainly he (Mr. B.) would vote against it forever in that bill; and it was nearly certain, looking to the President's messages, that it would be vetoed again even if it passed Congress.

Mr. B. said his bill had a right to stand or fall upon its own merits. It ought not to be subjected to the fate of the distribution bill, and would have none of the main objections of that bill to encounter. It had repeatedly received the vote of majorities while in that bill, and he presumed would receive the vote of majorities again. The gentleman from Kentucky nearest to him [Mr. CRITTENDEN] might consistently vote against it, as he intimated an intention to do, for he had never voted for it in the other bill; but the case was different with the Senator from Ohio; [Mr. EWING.] he had voted for it often in the distribution bill, and might vote against it by itself, and justify himself as he could for the contradiction. It was perfectly immaterial to him (Mr. B.) what the plea of justification was. He knew that the grant was either right or wrong; if wrong, it ought not to be voted for in the distribution bill; if right, it ought not to be rejected in its own bill.

The whole proceeding, he said, had been not only a violation of parliamentary rules and proprieties in respect to him, but an injury to the State of Missouri, and, besides that, an insult to her. That State wished to have the grant; she was entitled to it, upon the same principle that Ohio had received a million of acres, Alabama four hundred thousand, and Illinois and Indiana near half a million each. This she was entitled to, and the Legislature of the State had passed resolutions claiming the grant, and had also passed resolutions against the land distribution bill. In this state of the question, it was not only a wrong, but it was an insult to the State to take the grant which she had asked for, and put it into a bill which had received a veto, and would almost certainly receive it again, and against which she had instructed her delegation to vote; and thus say to her, in effect, that she should not have the grant she applied for, unless she would take also what she objected to; and it was laying her Senators under the necessity of voting against a grant to their own State. This had happened. He had voted against the grant himself, when found in the land bill of the Senator from Kentucky, [Mr. CLAY,] and the newspapers of a certain party had taken great pains to emblazon that vote; but the intelligent and high-spirited people of Missouri sustained him in his course, and were indignant at the outrage to herself and the trick upon her Senator.

Another feature of this case Mr. B. would mention. His bill had been buried in the Land Committee of 1833-'34 for seven months. He brought it in as soon as Congress met; it went to the Public Land Committee, and it remained there till the end of the session in June, and was then returned among the unconsidered business of the committee. [Here Mr. B. inquired of the Secretary who composed that committee? The Secretary gave him a list of the names. He read some of them: Mr. Poindexter, Mr. Clay, Mr. McKean, &c.] He said that a member of the committee told him he had never heard of it in committee; and when at the end of the session his bill was returned among the unconsidered business of the committee, he had called the attention of the Senate to the fact, by way of showing how his bill had been treated, and he had also sent an attestation of the fact to the Governor of the State, to be shown to the members of the General Assembly. Thus had he been treated, and not himself only, but the State whose Senator he was, and whose interests were thus trampled upon. For several years he had annually brought in this bill. It was now before the Senate again, and in a duplicate form. It was in a bill by itself, and it was also in the land distribution bill. In the latter bill it could never pass; in the bill by itself it might pass, and certainly would, unless the spectacle was exhibited of those refusing to vote for it in one bill and voting for it in another. The Senator from Ohio [Mr. EWING] intended to exhibit that spectacle for one, but he knew of no others, and presumed that the majority of those who voted for it in one bill would do it in the other; as right was right, whether it was found in his bill or in that of the Senator from Kentucky, [Mr. CLAY.]

Mr. B. said that six of the new States were interested in the bill. They all claimed grants on the same principle that Ohio had obtained hers. Ohio had received a million and six thousand acres for internal improvement. This quantity was stated to him in writing by the late Commissioner of the Land Office, [Mr. Hayward.] Missouri, Mississippi, and Louisiana had received nothing; Alabama, Indiana, and Illinois had received less than half a million each; and his bill proposed that each of these six States should receive half as much as Ohio. The application was moderate, for they might well demand the same quantity that Ohio had received. All of them had the same interest in the issue of his motion; for all these grants had been seized upon, and crammed into the distribution bill, to swell the mass of temptation which that bill held out; they had all been vetoed in that bill, and would, judging from the President's messages, be vetoed again, if kept in it. They should all go in a bill by themselves. They were in a bill by themselves before they were engulphed in the maw of the distribution bill. They had been in that maw about as many years as Jonah was days in the whale's belly, and he now meant to get them out of it, and must appeal to the justice of the Senate—it was the first time he had ever made such an appeal—he must appeal to their justice to restore him his bill, and let it stand or fall upon its own merits.

Mr. EWING, of Ohio, said there was a slight difference between the Senator from Missouri [Mr. BENTON] and himself. He had combined the amount of lands given to Ohio with grants for colleges and salt reservations.

Mr. BENTON meant grants for internal improvements alone.

Then, said Mr. EWING, he is mistaken as to the amount. He [Mr. BENTON] asked whether we intend to vote in good faith. I do not (said Mr. E.) vote in good faith or bad faith for any particular State. I vote in good faith for what I believe to be the benefit of all the States.

Mr. PORTER would vote for both the amendments and the bill with the same readiness that he would vote for the general land bill, as an act of justice to Louisiana and all the new States. He should also vote for the general land bill, for the surplus revenue had so increased that he saw no other way of getting rid of it on fair principles. He should vote for the grant to the State of Missouri with other new States, as a general clause. He thought the Senator from Missouri [Mr. BENTON] entirely too sensitive about the course his bill had taken; there might be good reasons why Senators from old States refuse to vote for it now, and were willing to vote for it in the general land bill.

Mr. CALHOUN inquired whether the principles contained in this bill were not contained in the bill of the same nature introduced by the Senator from Mississippi?

Mr. WALKER replied that the equalizing principle was.

Mr. CALHOUN said that the bill introduced by the Senator from Mississippi had been referred to a select committee, and they ought at least to wait for the report of that committee, before they proceeded further with this bill. He would move, therefore, to lay it on the table.

The question was then taken on this motion, and it was decided in the affirmative—yeas 26, nays 8, as follows:

YEAS—Messrs. Brown, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Gold borough, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, McKean, Nauklin, Niles, Pearce, Preston, Robbins, Shepley, Swift, Tomlinson, and Whit—25.

NAYS—Messrs. Benton, Black, Linn, Nicholas, Porter, Robinson, Ruggles, and Walker—8.

On motion by Mr. WHITE, the Senate then proceeded to the consideration of executive business; after which it adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 8, 1836.

The following resolutions were submitted on leave, and agreed to:

By Mr. MORGAN:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of replacing George Cox and Absalom Rogers, of Virginia, on the pension roll.

By Mr. PEARCE, of Maryland:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the propriety of establishing the following post routes, viz: From Port Deposite, in Cecil county, Maryland, through Principia and North East, to Elkton, in said county; also, from Church Hill, in Queen Anne county, Maryland, through Roe's Cross roads, the Beaver Dams and Bucktown, in the same State and county, to Dover, in the State of Delaware.

Mr. HANNEGAN asked the unanimous consent of the House to offer the following resolution:

Resolved, That the bill providing for the graduation and reduction of the price of the public lands be made the special order of the day for Tuesday succeeding the day on which the special order concerning the ordinary appropriation bills shall be complied with, or so soon as the same shall have been disposed of; and for each succeeding day thereafter, Fridays and Saturdays excepted, until the questions involved in the final dispositions of the public domain shall have been determined.

Objection being made, Mr. HANNEGAN moved to suspend the rules for the purpose indicated; and as he wished to know distinctly what course gentlemen intended to take upon that important subject, he asked for the yeas and nays on his motion; which were ordered.

Mr. CAMBRELENG said if the gentleman would modify his resolution, so as to include in it the bill regulating the deposits of the public moneys in certain local banks, he would most cheerfully vote for it.

Mr. HANNEGAN had no objection, and would so modify his resolution.

Mr. SUTHERLAND moved to amend the resolution by including also the light-house and harbor bills.

The CHAIR remarked, that until the resolution was in possession of the House, a motion to amend it was not in order.

The question was then taken, and the House refused to suspend the rules for the purpose indicated—yeas 74, nays 75; as follows:

YEAS—Messrs. Chilton Allan, Ashley, Bailey, Bean, Bell, Boon, Bunch, William B. Calhoun, Cambreleng, Carter, Casey, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coffee, Corwin, Dickerson, Dunlap, Everett, Farlin, French, Gilbraith, James Garland, Gillet, Glascock, Granger, Joseph Hall, Hiland Hall, Hannegan, Hardin, Albert G. Hardison, Hawes, Hawkins, Haynes, Hazeltine, Holsey, Howell, Hunt, Huntington, Huntsman, Jarvis, Kinnard, Lane, Lawler, Lay, Luke Lea, Loyall, Lyon, Mury, May, McKennan, McKim, Mercer, Montgomery, Page, James A. Pearce, Pettigrew, Phelps, Rencher, John Reynolds, Joseph Reynolds, Roane, William B. Shepard, Shields, Spangler, Speight, Standefer, John Thomson, Wiley Thompson, Toucey, Underwood, Washington, Weeks, Sherrod Williams, and Wise—74.

NAYS—Messrs. Heman Allen, Anthony, Ash, Barton, Beekee, Bond, Bouldin, Bovee, Campbell, George Chambers, Chaney, Nathaniel H. Claiborne, Clark, Connor, Craig, Cramer, Cushing, Doherty, Denny, Efner, Evans, Fairfield, Philo C. Fuller, William K. Fuller, Grantland, Grennell, Griffin, Haley, Samuel S. Harrison, Hoar, Hopkins, Hubley, Ingersoll, Ingham, William Jackson, Jabez Jackson, Jenifer, Joseph Johnson, Cave Johnson, Judson, Kennon, Kilgore, Klingensmith, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Logan, Job Mann, William Mason, Moses Mason, McComas, McLene, Morgan, Morris, Owens, Parker, Parks, Dutee J. Pearce, Potts, Reed, Robertson, Seymour, Sickles, Smith, Storer, Sutherland, Taliaferro, Taylor, Turner, Turrill, Vinton, and Whittlesey—75.

WISCONSIN TERRITORY.

The House, on motion by Mr. MAY, proceeded to execute the special order, being a bill to establish the territorial government of Wisconsin.

The amendment of the Committee of the Whole, by adding to the clause in relation to the southern boundary line, the words, "as already fixed by Congress," was concurred in.

The Committee of the Whole further amended the bill by striking out the grant of ten thousand acres of land, the proceeds of which should be applied to the erection of public buildings, and inserted $20,000 for the same purpose.

Mr. BOND moved to amend the amendment by striking out $20,000, and inserting $12,500, and asked the yeas and nays on the motion; which were ordered.

Mr. B. had but a few words to say in support of his motion. He believed, if gentlemen would seriously consider the question, little need be said in favor of the amendment. He considered that $12,500 was amply sufficient to build a house which was to be but a temporary building for the use of the Legislative Council. That sum of money would erect very comfortable buildings, and there was no necessity for raising extravagant ones, as they were to be but temporary. In the Indian territory they never had buildings which cost $20,000; but they had as comfortable accommodations as were necessary. The sum he proposed was just the price of the ten thousand acres of land at one dollar and twenty-five cents the acre. He was in favor of giving enough, but no more than enough. The State of Ohio had not for some time a building, for the use of her Legislature, worth $20,000. He therefore insisted that, although the Treasury was full, yet there was no reason why they should make extravagant appropriations for objects which were not to be permanent.

Mr. JONES thought that $12,500 would not be sufficient for the purpose of erecting suitable buildings. The gentleman had said that the buildings were to be temporary. He admitted that; but if they had good buildings, after the Government no longer needed them, they might turn them into a college. He hoped the appropriation would not be reduced.

Mr. REYNOLDS, of Illinois, said that it was, to be sure, desirable that appropriations should be as small as possible; but, when it was to be considered that this Territory was on the extreme borders of the United States, it was difficult to get mechanics; and, when they were procured, it took considerable money to pay them. Therefore, he conceived the sum of $20,000 would be small enough to construct suitable buildings. It might be, if the buildings were to be erected in this part of the country, that as much might be done for $12,500 as could be done in Wisconsin for $20,000; but when money was plenty he thought this Territory ought to have enough to raise her convenient and comfortable buildings. Again: when money was plenty, it required more of it to erect such buildings than when it was scarce, on account of the advanced price of labor and materials. He hoped, too, that gentlemen, when they were voting liberal appropriations for navy-yards and other public works on the sea-board, would also act liberally towards the West.

Mr. BOON had not intended to say a word on the subject, nor would he do so now, were it not that he would be called upon to give his vote by yeas and nays. He should vote for the proposed amendment upon the same consideration which had induced another branch of Congress to give ten thousand acres of land to the Territory. Besides that, some twenty years ago he had the honor of being a representative of the Territory of Indiana, and they then passed as salutary laws in a log cabin as had ever since been passed in their fine State-house; and they got along just as comfortably then as they do now. He considered $12,500 sufficient to erect a suitable building.

Mr. PARKER expressed a desire that the appropriation would not be reduced. He thought $20,000 was a small enough sum.

Mr. KINNARD differed in opinion with his colleague [Mr. BOON.] It appeared to him that to make an appropriation of $20,000 would be to consult the best interests of the Government, as these appropriations most assuredly would enhance the value of the public domain. If they made a large appropriation it would attract public attention to the new country. It would attract the attention of capitalists and settlers, and they of course would purchase the public lands. If they appropriated $20,000 the consequence would be, that they would receive in return $40,000 for the public lands in the vicinity. As to Indiana, which had been alluded to, she has had less from the Government than any other of the Territories. She had not had a dollar to make roads, and nothing to build a temporary seat of government. To be sure, she had four sections of public lands allowed her; but he contended that even the granting of those lands were a speculation to the Government. He hoped the appropriation would be left at $20,000.

Mr. BOND said the gentleman from Illinois [Mr. REYNOLDS] contended, that, because they had voted large sums of money yesterday for navy-yards on the sea-board, they were bound to-day to vote extravagant sums for Wisconsin Territory. That was one of the great evils in this kind of legislation—this bargain-making system of appropriations. From the course of things, it seemed to him that danger was to be apprehended from this kind of proceeding; and they ought to be more watchful to prevent this system from creeping in. The gentleman from Indiana [Mr. KINNARD] thought a large appropriation would make the land more valuable in the vicinity. Mr. B. did not believe that the building of a large house would enhance the value of the public lands. If they were to establish a permanent seat of government there, that circumstance might have a tendency to raise the price of the public lands. He did not think they should do for this Territory what they had not done for any previous one. They were told that labor was high, and mechanics were not to be procured. He contended, however, that mechanics could be taken there from a distance, and a comfortable building erected for less than $12,500.

The question was then taken on Mr. BOND's amendment; and it was decided in the negative—yeas 60, nays 117; as follows:

YEAS—Messrs. Chilton Allan, Bell, Bockee, Bond, Boon, Boyd, Bunch, Carter, George Chambers, Chapman, Nathaniel H. Claiborne, Connor, Corwin, Crane, Doberry, Dickerson, Dromgoole, Dunlap, Evans, Everett, Fairfield, Grennell, Griffin, Hiland Hall, Hard, Harper, Hawes, Hawkins, Hoar, Hopkins, Howell, Hubley, Janes, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Lawler, Luke Lea, Lewis, Logan, Loyall, Martin, Maury, McLene, Montgomery, Morgan, Parks, Peyton, Phelps, Rencher, Robertson, Russell, Standefer, Underwood, Vinton, Webster, Lewis Williams, Sherrod Williams, and Wise—60.

NAYS—Messrs. Heman Allen, Anthony, Ash, Ashley, Bailey, Barton, Bean, Bovee, Buchanan, Burns, William B. Calhoun, Cambreleng, Campbell, Casey, Chaney, Chapin, John F. H. Claiborne, Clark, Cleveland, Coffee, Craig, Cramer, Cushing, Cushman, Denny, Doubleday, Effner, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Granger, Grantland, Graves, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hazeltine, Henderson, Holsey, Howard, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jenifer, Richard M. Johnson, Henry Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Lincoln, Lyon, Job Mann, Manning, John Y. Mason, William Mason, Moses Mason, May, McCarty, McKennan, McKim, Mercer, Miller, Moore, Morris, Muhlenberg, Owens, Page, Parker, Patterson, Dutee J. Pearce, Franklin Pierce, Pettigrew, Pinckney, Potts, Reed, John Reynolds, Joseph Reynolds, Ripley, Rogers, Seymour, Augustine H. Shepperd, Shields, Sickles, Smith, Speight, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Turner, Turrill, Vanderpoel, Ward, Washington, Weeks, White, and Whittlesey—117.

The other amendment of the Committee of the Whole was then concurred in.

Mr. JOHNSON, of Tennessee, renewed the amendment offered by him in Committee of the Whole, to strike out the clause appropriating the sum of $5,000 for the purchase of a library for the use of the territorial government, and asked for the yeas and nays; which were not ordered.

Mr. SPEIGHT briefly opposed the amendment. There was no instance of a territorial government having been formed of late years without a provision of this kind; and nearly all the States possessed libraries.

Mr. HAMER also advocated the appropriation. There ought at least to be a small law library at the seat of the territorial government, for the use of the judges as well as for the use of the members of the Legislative Council. The sum proposed was a very inconsiderable one, and he trusted it would be agreed to.

Mr. JOHNSON said a few words in support of his amendment. The proposition was without a precedent, and Congress had refused to give a library to the Supreme Court and to the Attorney General of the United States, but it seemed every thing was to be done for this Territory.

Mr. SPEIGHT rejoined. The judges of the Supreme Court and the Attorney General had free access to the library of Congress; and it was on that ground the proposition to provide a library for the latter officer was opposed.

The amendment was then rejected without a count.

Mr. UNDERWOOD moved to amend the bill by striking out so much thereof as allowed the Governor of the Wisconsin Territory *an annual salary of* $2,000 *as Governor, and* $1,500 *as superintendent of Indian affairs;* and to insert, in lieu thereof, "an annual salary of $2,500 for his services as Governor, and as superintendent of Indian affairs."

Mr. U., in support of the proposed amendment, said that he had for some time been impressed with the great disparity in the salaries allowed by the General Government, and those allowed by the different States for similar services. He could perceive no good reason for the great difference made, and he was anxious to see greater equality prevail. The Governor of Kentucky heretofore received a salary of $2,000 only. The Legislature, at their last session, increased it to $2,500. Thus the Governor of a State, possessing a population approximating to a million of souls, was allowed only $2,500, while this bill provided a salary of $3,500 for the Governor of a Territory whose population was not sufficiently numerous to justify the establishment of a State Government. What reason can there be for this difference? Are provisions—are those articles essential to a comfortable household establishment—is house rent—is labor more costly in Wisconsin than in Kentucky? He believed the fact to be, that everything essential to what may be called a *good living* was as cheap, or nearly so, in Michigan as in Kentucky. Take the whole together, he believed a family could be supported for less money in Wisconsin than in Frankfort, the seat of government in Kentucky, where the Governor resides. He had been told that the Wisconsin Governor would be heavily taxed by his hospitality to the Indians. [Here several members remarked that rations were allowed the Indians and charged to the Government, and that the Governor would sustain no loss by supporting or feeding any of them.] Mr. U. said, whether taxed or not, he ventured the assertion that his expenses, on the score of hospitality to Indians and others, would never exceed those incurred by the Governor of Kentucky in entertaining his constituents and visiting strangers.

Mr. U. said he disliked that provision of the bill which separated the services of the Governor, in his character of territorial chief magistrate, from his services as superintendent of Indian affairs, and allowed a separate salary for each description of service. He was desirous to pay the Governor an adequate salary for his whole time, for the whole three hundred and sixty-five days in the year, and then require him to perform all such duties as shall be prescribed by law. It was a cunning device to cut up the services of our public servants into different classes, and then to pay a large salary for each class of services. It reminded him of the conduct of a cobbler, who said he never sold a waxed end without making out a bill of particulars. By doing it, he said he would charge half a cent for the bristle, half a cent for splitting it, half a cent for putting it on, besides making as many charges for thread and wax; when, if he had asked a single cent for the waxed end in the lump, every body would call him an extravagant dog. Mr. U. said he was for lumping it with the Wisconsin Governor. He would allow him for all his services $2,500 a year, equal to the salary of the Governor of Kentucky; and he trusted that the proposed amendment would prevail.

Mr. JOHNSON, of Louisiana, thought $2,500 an ample salary, and even a liberal one; but, if the clause was unamended, the Governor of Wisconsin Territory would receive $1,000 more than the Governor of Arkansas.

Mr. VINTON moved to amend the amendment by striking out five, so as to leave the salary of the Governor $2,000, which, he contended, was quite enough in a country where living was almost

as cheap as dirt. The Governor of Ohio received only $1,000 a year; and the judges of the superior courts in that State $1,250, where living was almost double what it would be in Wisconsin for many years to come.

Mr. WISE would suggest to the gentleman from Ohio, that the amount of salary was a matter of perfect indifference to the man who might be appointed Governor of this Territory, where there was such an abundance of the public lands to be got hold of. By combining the two offices of Governor and superintendent of Indian affairs, it was a matter of indifference whether you give him one cent or one million, for he would be sure to get enough out of the public Treasury some way or another.

Mr. JOHNSON, of Tennessee, inquired how much the Governor of Michigan received?

Mr. ASHLEY replied that he understood he received $1,500 for his service as Governor, and he formerly received an additional salary of $1,000 as superintendent of Indian affairs, a mode of payment which he briefly advocated on the ground that the duties of superintendent of Indian affairs would be shortly abolished on the removal of the Indians to the West. He was also in favor of a liberal salary, for the labor and responsibility would be great, and the expenses more than gentlemen were aware of.

Mr. SEVIER remarked that the salary of the Governor of Arkansas was $2,000, and he formerly received an additional $500 for his extra services.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on Mr. VINTON's amendment, but they were not ordered; and the amendment was then rejected—ayes 75, noes 76.

Mr. UNDERWOOD's amendment was then agreed to.

Mr. HARDIN moved to strike out "$5,000;" and insert "$2,000," in the clause providing for the purchase of a library for the Government; which was lost—ayes 68, noes 72.

Mr. HOWELL proposed an amendment with reference to the boundary; which, after being opposed by Messrs. JONES, of Michigan, HARDIN, THOMAS, TOUCEY, and HAMER, was rejected without a count.

Mr. CUSHMAN moved to amend the clause relative to the duration of the terms of the judges, by striking out "*during good behavior*," and inserting "*for five years.*"

Mr. SEVIER suggested that it be made four years—the same as it was in Arkansas; which Mr. CUSHMAN accepted as a modification.

Mr. WISE asked for the yeas and nays on this amendment; which being ordered—

Mr. W. addressed the House in opposition to the amendment, on the ground that it was an innovation, the tendency of which was to increase executive patronage. The only tenure heretofore had been during good behavior; and the judicial office was the only one where the President of the United States could not remove an officer after he was once appointed. If this amendment should be adopted, at the end of four years a worthy judge might be turned out, and an unworthy favorite might be put in. It was the introduction of a new and dangerous principle in the Federal judiciary, and one he trusted never to see adopted.

Mr. LANE said a few words in support of the amendment.

Mr. SPEIGHT appealed to the mover to withdraw it.

Mr. WISE then read the following clause of the Constitution of the United States:

"The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices *during good behavior*, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office."

Mr. W. read this section to the House (he said) as persuasive authority to the House to establish the same principle in the Territories.

Mr. HAMER denied that this amendment proposed the introduction of a new principle; for Congress had changed the act with reference to Michigan about the year 1826 or 1827; and in Arkansas the same principle had also been established, and was still in force. The gentleman from Virginia was correct as to the courts of the United States *in the States;* but this was the first time he had heard that Congress had not the power to pass a law having force in the Territories alone.

Mr. HOAR opposed the amendment on the same ground taken by Mr. WISE, that it would be an innovation, and a very dangerous one, upon the Constitution of the United States. If the principle had been before adopted, it must have been an act of inadvertence.

Mr. PEARCE, of Maryland, a member of the Committee on the Territories, explained that this subject had been under discussion in that committee. He referred to the clause of the Constitution, and maintained that no distinction could be fairly drawn between the United States judiciary in the States and that in the Territories.

Mr. TOUCEY would prefer to have the amendment withdrawn, for it was a matter of very little import, since in two or three years from this time, Wisconsin would be entitled to admission into the Union, and therefore the judges would go out of office, as a matter of course, before the term contemplated by the amendment. He, therefore, appealed to the gentleman from New Hampshire to withdraw it.

Mr. CUSHMAN, premising that he was one of the friends of the bill, and therefore unwilling to delay it, for he had no idea that the amendment would have provoked a protracted discussion, accordingly withdrew it.

The amendments concurred in were then ordered to be engrossed for a third reading, and having been engrossed, the bill, as amended, was then read the third time and passed.

Mr. WHITTLESEY called for the orders of the day.

Mr. ROBERTSON asked the consent of the House to offer the following resolutions; which were read for information:

RETRENCHMENT OF PUBLIC EXPENSES.

1. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire and report to this House what retrenchments, if any, can be made, with safety to the public interests, in the annual expenses of Congress.

2. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire and report to this House whether any retrenchment can be made, with safety to the public interest, in the expenses of the Treasury Department; whether an effective system of accountability for the collection and disbursement of the public money is there established; whether banks be necessary for the fiscal purposes of this Government; whether the intercourse of the Department with the deposit banks, on any of them, has been, or is conducted, through the instrumentality of an intermediary agent; if so, whether such agent receives compensation for his services; and if so, by whom the same is paid; and whether communications between such agent and the Department are verbal, or in writing, and regarded by the Department as public and official, or private and confidential; whether it is, or has been, the practice of the Department to make transfers of public money from one bank or place of deposit to another, for the accommodation, use, or benefit of banking institutions, or for any other purpose than to meet the exigencies of the Government; whether it is, or has been the practice or usage of the Department, to draw from the Treasury money appropriated for the public service, in sums not necessary for immediate use; if so, to what extent and for what purpose; and whether, in any case, payments of money are, or have been made or authorized, out of money in the hands of public collectors, or in places of deposit, without previous appropriation or previous warrant.

3. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire and report to this House what retrenchments, if any, can be made with safety to the public interest, in the expenses of the Navy Department.

4. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire and report to this House what retrenchments, if any, can be made in the expenses of the Department of War.

5. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire and report to this House what retrenchments, if any, can be made with safety to the public interest, in the expenses of the department of Indian affairs; whether any defects exist in the organization or regulation of the said department, or abuses in the management of its affairs; and, if so, in what manner the same should be corrected or prevented.

6. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire, and report to this House what retrenchment, if any, can be made with safety to the public interest, in the expenses of the General Land Office, and bounty land office; whether any defects exist in the organization or regulations of said offices, or neglect of duties confided to those who have the management or superintendency of the said offices; and, if so, the best means of remedying such defects, or of correcting and preventing such abuses. Also, to inquire what abuses or frauds, if any, have taken place, or exist in the management of the sales of the public land, by the registers or receivers of the several land offices, or by other persons; whether any illegal or improper speculations have been entered into by the said registers or receivers in the lands sold by them, or in the Indian reservations; whether the said registers or receivers, or any of them, have received compensation from persons applying to become purchasers of the public lands, or have become interested in their purchases; whether the said receivers have duly and faithfully paid over the moneys received by them according to instructions from the Treasury Department; and, in general, to inquire into the management of the offices of the said registers and receivers, and into the manner of making sales or purchases of public lands; to point out the defects or frauds, if any, in such management and sales, and suggest such measures as the public interest may require.

7. *Resolved*, That a select committee be appointed, whose duty it shall be to revise the laws relative to the privilege of franking; to inquire into the expediency of limiting, or more accurately defining, the said privilege; of authorizing the transmission of all public documents, official communications, and newspapers, free of postage, and of increasing the postage upon magazines and pamphlets, other than those published by order of Congress, or either House thereof.

8. *Resolved*, That the several committees appointed to inquire into the expediency of retrenching the expenses of the several Departments, be instructed to inquire whether any abuses exist in soliciting or procuring clerkships or appointments in the same, and in the payment or receipt of the salaries annexed to such clerkships or appointments.

9. *Resolved*, That each of the foregoing committees be authorized to send for persons and papers, and to report by bill or otherwise.

Objection being made,

Mr. MILLIGAN moved to suspend the rules, in order to enable the gentleman from Virginia to submit his resolutions, and asked for the yeas and nays on the motion; which were ordered, and were—yeas 83, nays 83.

So the House refused to suspend the rules, (two thirds being necessary,) and the resolutions were not received.

EXECUTIVE COMMUNICATION.

The CHAIR laid before the House a communication from the Secretary of War, transmitting statements of the accounts and disbursements of Indian agents; which was referred to the Committee on Indian Affairs.

PEA PATCH ISLAND.

The bill to authorize a compromise, and to secure to the United States the title to the Pea Patch Island, in the river Delaware, was taken up.

After some remarks by Messrs. MILLIGAN, THOMSON of Ohio, and HARDIN, the latter moved to postpone the further consideration of the bill until Friday next.

Some suggestions were made by several members in reference to the proposed postponement, and also explanatory statements connected with the propriety of passing the bill; when

Mr. LANE moved an adjournment; which carried, and

The House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 9, 1836.

Mr. ROBERTSON rose and asked leave to make a brief statement to the House, connected with the subject of one of the resolutions submitted by him on yesterday.

Objections being made,

Mr. CAMBRELENG hoped the gentleman would be allowed to make his explanation.

No objection being then made, Mr. ROBERTSON proceeded. The resolution to which he referred was the 10th of the series submitted by him, as follows:

Resolved, That it be a standing rule of this House, that, in the appointment of all committees, standing or select, by the Speaker, it shall be his duty to appoint a majority, at the least, of the members thereof, without respect to party, of the individuals in his judgment most competent and most disposed to perform the duties prescribed to said committees respectively, and promote the objects contemplated in their appointment.

Mr. ROBERTSON said it would be recollected by the House, that on yesterday he offered a series of resolutions, having chiefly for their object the appointment of a number of investigating committees on the great and interesting subject of retrenchment and reform. Subjoined to these resolutions was one proposing an alteration in the manner and rule of appointing the standing committees of that House, and much to his surprise he found that this resolution was construed by gentlemen on both sides of the House as implying a direct censure upon the present Speaker, and calculated to wound his feelings. He now rose for the purpose of frankly and voluntarily disavowing any such intention; and further, to state explicitly his inducement for offering it.

The resolution was very hastily drawn by him in his seat, a few moments only before he submitted it; but he did not suppose, nor intended to convey the idea, that the present Speaker had departed from the ordinary usage and rule in the manner in which he had appointed the committees of the House. On the contrary, Mr. R. supposed that the Speaker had done nothing more than conform to that usage—a usage that had prevailed, for aught he knew, as far back as the origin of the Government. Mr. R.'s sole object (he said) in that resolution, was to embody what he held to be the true parliamentary usage in the formation of committees; that the members should be selected solely with reference to the object for which the committees were constituted, and not with respect to party or political considerations. It could not have escaped the attention of every one; nay, it was, he believed, a well-known fact which could not be disguised, that, in the organization of the committees of the House, not during the present session only, but he presumed for a long period back, they had been so constituted as to consist, almost invariably, not the heads only, but a majority of the members, of gentlemen of one political complexion. It was with this view, that he had recommended what appeared to him to be very just and proper, that the committees of that House should be constituted solely with reference to the dispatch of business. He again assured the Speaker personally, that there had been nothing in his intercourse towards him, (Mr. R.,) either in the chair or out of it, which could induce him to wound that gentleman's feelings.

While on the floor, he asked leave to withdraw that resolution; and it was his intention to submit the others in a more condensed form. He should again ask the House to consider this subject, for it was one of a most interesting and vital character to the people of the United States. It might be thought that it was late in the session to bring forward so important a proposition; but there had been little or no opportunity during this session for submitting resolutions, except on a suspension of the rules, which required a majority of two-thirds. Moreover, in a preceding Congress, a similar resolution, embodying in itself the whole subject, and imposing the duty of the investigation upon a single committee, had been adopted at a later period—he believed as late as the 19th of April; and the resolution directing an inquiry into the management of the Post Office was adopted as late as the 26th day of June.

There was one subject embraced in the resolutions, above all others, perhaps, deeply interesting to the people in every part of the country, and which demanded the most rigid investigation. He alluded to alleged abuses and frauds in the land office, and the sales of the public lands. The committee to whom this subject should be referred could not do justice to it without sitting during the recess of Congress. It should be constituted of members well versed in the subject, and who would visit the offices of the registers and receivers in person. With these remarks, he hoped the House would receive the propositions, and that the question would be taken on them without debate. He did not desire to debate any of them, in order that the whole subject might be brought directly before the House, without further consumption of time, by moving for a suspension of the rules, or taking the yeas and nays.

Mr. TURRILL rose, and was proceeding to make some remarks, when

The CHAIR interposed, and stated that there was no motion before the House.

Mr. TURRILL remarked that as the gentleman from Virginia had been permitted to make a statement, he desired to say a few words in reply. He objected to the gentleman's motion.

Mr. ROBERTSON rose, but—

Mr. WHITTLESEY appealed to the gentleman to withdraw his motion then, to enable the committee to report; to which

Mr. ROBERTSON assented.

REPORTS FROM COMMITTEES.

Mr. HAMER, from the Committee on Foreign Affairs, reported a bill for the relief of Alexander Scott; which was read twice and committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill remitting the duties on merchandise destroyed by fire in the port of New York; which was read twice and committed.

Mr. WHITTLESEY, from the Committee on Claims, reported a joint resolution referring the petition and papers of the heirs of Robert Fulton, deceased, to the Secretary of the Navy, to report thereon to Congress; which was read twice, and ordered to be engrossed.

Mr. GALBRAITH, from the Committee on Private Land Claims, to which was recommitted the bill for the relief of the heirs of James Latham, deceased, reported the same with an amendment; which was agreed to.

Mr. VINTON moved a further amendment which was discussed by himself and Mr. MAY, until the expiration of the morning hour; when

Mr. WHITTLESEY called for the orders of the day.

RETRENCHMENT RESOLUTIONS—AGAIN.

Mr. ROBERTSON again asked the consent of the House to offer in a modified form, the resolutions proposed to be introduced by him on yesterday.

Objection being made, Mr. ROBERTSON moved to suspend the rule, to enable him to offer the resolutions.

Mr. ALLAN, of Kentucky, asked for the reading of the resolutions.

Mr. WHITTLESEY said, if there was no right under the rule, to ask for the reading of the resolutions, he objected to their being read.

The CHAIR said that the resolutions were not in possession of the House, and could only be read by unanimous consent.

Mr. GARLAND, of Louisiana, moved to suspend the rules, for the purpose of having the resolutions read for information, and asked for the yeas and nays on his motion; which were ordered.

Mr. WISE suggested that the motion of his colleague could be so framed as to supersede the motion of the gentleman from Louisiana, [Mr. GARLAND,] namely: by reading the resolution, and moving to suspend the rule for the purpose of offering it.

Mr. VANDERPOEL remarked, that this being private bill day, he would move to lay the two motions to suspend the rules on the table.

Mr. ROBERTSON inquired of the Chair, whether, if the last motion prevailed, his resolutions would be spread upon the Journal.

The CHAIR replied that if the resolutions had been read, they would have been entered on the Journal. As, however, they had not been read, they could not go upon the Journal.

The question was then taken, and the motions to suspend the rules were laid on the table—yeas 98, nays 75; as follows:

YEAS—Messrs. Anthony, Ash, Barton, Beale, Bean, Boon, Bouldin, Bovee, Buchanan, Burns, Casey, Chaney, Chapin, Cleveland, Coffee, Connor, Craig, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Fry, William K. Fuller, Galbraith, Gillet, Glascock, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Henderson, Holsey, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, William Jackson, Joseph Johnson, Richard M. Johnson, Benjamin Jones, Judson, Kilgore, Kinnard, Lawrence, Joshua Lee, Thomas Lee, Leonard, Logan, Mann, Manning, Moses Mason, William Mason, May, McKeon, McKim, McLene, Moore, Owens, Page, Parker, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Rogers, Seymour, Shields, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Webster, Weeks, and Whittlesey—98.

NAYS—Messrs. Chilton Allan, Heman Allen, Bailey, Bell, Bond, Boyd, Bunch, John Calhoon, William B. Calhoun, Cambreleng, Carter, Nathaniel H. Claiborne, John F. H. Claiborne, Corwin, Cushing, Darlington, Evans, Everett, French, Philo C. Fuller, James Garland, Rice Garland, Grantland, Grennell, Griffin, Hiland Hall, Hardin, Harper, Hazeltine, Hoar, Hopkins, Howell, Ingersoll, Jarvis, Jenifer, Henry Johnson, John W. Jones, Kennon, Lawler, Luke Lea, Lewis, Lincoln, Love, Lyon, Martin, John Y. Mason, Maury, McCarty, McComas, McKennan, Mercer, Milligan, Morgan, Morris, James A. Pearce, Peyton, Potts, Reed, Rencher, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, Underwood, Vinton, Washington, White, Lewis Williams, Sherrod Williams, and Wise—75.

The resolutions of Mr. ROBERTSON, as modified, were as follows:

1. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire what retrenchment, if any, can be made with safety to the public interest, on the annual expenses of Congress, to revise the laws relative to the privilege of franking, and to inquire into the expediency of limiting or more accurately defining the said privilege, and of authorizing the transmission of all public documents, official communications, and newspapers, free of postage, and of increasing the postage upon pamphlets other than those published by order of Congress, or either House thereof.

2. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire and report to this House whether any retrenchment can be made, with safety to the public interest, in the expenses of the Treasury Department; whether an effective system of accountability for the collection and disbursement of the public money is there established; whether banks be necessary for the fiscal purposes of this Government; whether the intercourse of the Department with the deposit banks, or any of them, has been, or is, conducted through the instrumentality of an intermediary agent; if so, whether such agent receives compensation for his services; and if so, by whom the same is paid; and whether communications between such agent and the Department are verbal, or in writing, and regarded by the Department as public and official, or private and confidential; whether it is, or has been, the practice of the Department to make transfers of public money from one bank or place of deposit to another, for the accommodation, use, or benefit of banking institutions, or for any other purpose than to meet the exigencies of the Government; whether it is, or has been, the practice or usage of the Department, to draw from the Treasury, money appropriated for the public service, in sums not necessary for immediate use; if so, to what extent, and for what purpose; and whether, in any case, payments of money are, or have been, made or authorized out of moneys in the hands of public collectors, or in places of deposit, without previous appropriation or previous warrant.

3. *Resolved*, That a select committee be appointed to inquire what retrenchments, if any, can be made with safety to the public interest in the expenses of the Departments of State, of War, and of the Navy; also, to inquire whether any abuses exist in soliciting or procuring clerkships or appointments in any of the Departments or bureaus of the Government, or in the payment or receipt of the salaries annexed to such clerkships or appointments.

4. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire and report to this House what retrenchments, if any, can be made with safety to the public interests, in the expenses of the Department of Indian Affairs; whether any defects exist in the organization or regulation of the said Department, or abuses in the management of its affairs; and, if so, in what manner the same should be corrected or prevented.

5. *Resolved*, That a select committee be appointed, whose duty it shall be to inquire, and report to this House, what retrenchment, if any, can be made with safety to the public interest, in the expenses of the General Land Office, and Bounty Land Office; whether any defects exist in the organization or regulations of said offices, or neglect of duties confided to those who have the management or superintendency of the said offices; and, if so, the best means of remedying such defects, or of correcting and preventing such abuses. Also, to inquire what abuses or frauds, if any, have taken place, or exist in the management of the sales of the public land, by the registers or receivers of the several land offices, or by other persons; whether any illegal or improper speculations have been entered into by the said registers or receivers in the lands sold by them, or in the Indian reservations; whether the said registers or receivers, or any of them, have received compensation from persons applying to become purchasers of the public lands, or have become interested in their purchases; whether the said receivers have duly and fairly paid over the moneys received by them according to instructions from the Treasury Department; and in general to inquire into the management of the offices of the said registers and receivers, and into the manner of making sales or purchases of public lands; to point out the defects or frauds, if any, in such management and sales, and suggest such measures as the public interest may require.

6. *Resolved*, That each of the foregoing committees consist of —— members, be authorized to send for persons and papers, and to report by bill or otherwise.

Mr. HANNEGAN asked the consent of the House to offer the following resolution:

Resolved, That the second Monday in May, and the three succeeding days, after the hour of twelve o'clock, be set apart for the consideration of the bill to graduate and reduce the price of the public lands, and such other propositions as may be involved in the final settlement of the question, provided so much time as above specified shall be required for the purpose.

Objection being made, Mr. HANNEGAN moved to suspend the rules, to enable him to offer his resolution, and asked that it be read for information.

Mr. MERCER said, as a similar request had just been denied his respectable and honorable colleague, [Mr. ROBERTSON,] he must object to the reading of this resolution.

Mr. HANNEGAN did not expect to meet with this captious objection from the gentleman last up. He would, however, not press his proposition at that time.

PUBLIC MONEY—R. M. WHITNEY.

Mr. WISE rose again to ask the consent of the House (notwithstanding the notice which he said he had given, that he would not again press the proposition) to permit him to offer a resolution in reference to the agency, &c., connected with the deposits of the public moneys.

Mr. W. read the resolution, and remarked that he understood several gentlemen had voted against its introduction on a former day on account of the preamble. He had withdrawn the preamble, and he hoped the resolution would be received and adopted without debate.

Objection being made, Mr. WISE moved to suspend the rules, to enable him to present the resolution, and asked for the yeas and nays; which were ordered.

Mr. FRENCH moved to lay the motion to suspend the rules on the table.

Mr. WISE asked for the yeas and nays on the latter motion; which were ordered; and were as follows:

YEAS — Messrs. Anthony, Ash, Bean, Boon, Bovee, Buchanan, Craig, Cramer, Cushman, Dickerson, Dromgoole, Burns, Casey, Chaney, Chapin, Cleveland, Coffee, Connor, Dunlap, Effner, Fairfield, Farlan, French, William K. Fuller, Galbraith, Gillet, Glascock, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Henderson, Holsey, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Mann, Manning, William Mason, Moses Mason, May, McKim, McLene, Moore, Owens, Page, Parker, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Webster, Weeks, and Whittlesey —95.

NAYS — Messrs. Chilton Allan, Heman Allen, Ashley, Bailey, Bell, Bond, Bouldin, Boyd, Bunch, John Calhoon, William B. Calhoun, Cambreleng, Campbell, Carter, George Chambers, Nathaniel H. Claiborne, John F. H. Claiborne, Corwin, Crane, Cushing, Darlington, Doubleday, Evans, Everett, Fry, Philo C. Fuller, James Garland, Rice Garland, Granger, Grantland, Grennell, Griffin, Haley, Hiland Hall, Hard, Hardin, Harper, Hazeltine, Hoar, Hopkins, Howell, Ingersoll, Janes, Jarvis, Jenifer, Henry Johnson, John W. Jones, Lawler, Luke Lea, Lewis, Lincoln, Love, Martin, John Y. Mason, McCarty, McComas, McKennan, Mercer, Milligan, Morgan, Morris, Pettigrew, Peyton, Potts, Reed, Rencher, Robertson, Russell, Augustine H. Shepperd, Shields, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, Underwood, Vinton, Washington, Lewis Williams, Sherrod Williams, and Wise—82.

So the motion to suspend the rules was laid on the table.

BILLS PASSED.

The following bills were read the third time and passed:

A bill for the relief of the representatives of Michael Fenwick, deceased;

A bill for the relief of Robert Allison, a lieutenant in the revolutionary war;

A bill for the relief of Andrew Hoover, of Indiana;

A bill for the relief of Asa Armington;

A bill for the relief of John Barkley;

A bill for the relief of Amelia Leech;

A bill for the relief of John F. Lewis;

A bill for the relief of James Moore and William Moore;

A bill confirming to the legal representatives of Thomas F. Reddick a tract of six hundred and forty acres of land;

A bill for the relief of James Bradford;

A bill for the relief of Abraham Forbes, a spy in the late war;

A bill granting a pension to Colonel Gideon Morgan;

A bill for the relief of Israel Ingall;

A bill for the relief of the heirs of William Forbes, deceased;

A bill for the relief of Joseph Nibert;

A bill for the relief of Jesse Sykes;

A bill for the relief of John Almond and George Woolsey;

A bill for the relief of Benjamin Bennet and others;

A bill for the relief of George Bender; and

A bill for the relief of Henry Stoddart.

Mr. HOWELL moved to reconsider the vote of this day, whereby the bill for the relief of Robert Allison was passed.

The motion to reconsider was carried, and the bill was postponed until Friday next.

Mr. HANNEGAN moved an adjournment.

Mr. WHITTLESEY asked for the yeas and nays; which were ordered; and were—yeas 56, nays 76.

The House resumed the consideration of the bill to authorize a compromise, and to secure to the United States the title to the Pea Patch Island in the river Delaware.

The bill was opposed at length by Mr. HARDIN, and advocated by Messrs. THOMPSON of South Carolina, and PEYTON, when the latter gave way to

Mr. WISE, who moved an adjournment, but withdrew the motion at the request of

Mr. JONES, of Virginia, on whose motion his colleague [Mr. ROBERTSON] had leave of absence for ten days from Monday next.

The House then adjourned.

IN SENATE.

MONDAY, *April* 11, 1836.

Mr. NAUDAIN presented certain resolutions, adopted by the Legislature of Delaware, instructing their Senators to vote against the expunging resolution.

Mr. KING, of Alabama, presented the petition of the Corporation of Georgetown, District of Columbia, praying for authority to sell a portion of Langan and Fayette streets, in said town, rendered useless by the canal; which was referred to the Committee on the District of Columbia.

Mr. DAVIS presented the memorial of sundry pilots and masters of vessels lying at New Castle, Delaware, praying for an appropriation for the improvement of that harbor; which was referred to the Committee on Commerce.

Mr. DAVIS presented the petition of Leonard Stockton and others, representing themselves to be privates in the fourth regiment of United States artillery, praying that a provision may be made by law for the appointment of a chaplain to said regiment; which was referred to the Committee on Military Affairs.

Mr. LINN presented the petition of Jean Baptiste Jarvis, who served under General George Rogers Clark, praying for a pension; which was referred to the Committee on Pensions.

Mr. SOUTHARD presented the petition of Bernard O'Donnel; which was referred to the Committee on Naval Affairs.

Mr. RUGGLES presented the petition of Martin Quincy and others, owners of the ship Neptune, praying that certain duties paid on said ship may be refunded to them; which was referred to the Committee on Commerce.

REPORTS FROM COMMITTEES.

Mr. LINN, from the Committee on Private Land Claims, to which had been referred the petition of Dr. Thomas Clark, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which the subject had been referred, reported a bill making appropriations for making certain roads in Arkansas; which was read, and ordered to a second reading.

Mr. TOMLINSON, from the Committee on Pensions, to which had been referred the petition of John A. Rodgers, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. TOMLINSON, from the same committee, made an unfavorable report on the petition of James Ladieu.

Mr. SHEPLEY, from the Committee on Claims, to which was referred the petition of James L. Cathcart, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, to which had been referred the joint resolution for changing the times of making contracts in the Post Office Department, reported the same with amendments; which were read.

Mr. DAVIS, from the Committee on Commerce, reported a bill to suspend the discriminating duties on merchandise imported in foreign vessels, so far as relates to the vessels of Portugal, and to reduce the duties on wines; which was read, and ordered to a second reading; and on motion by Mr. DAVIS, and by unanimous consent, it was read the second time, and ordered to be engrossed for a third reading.

Mr. WHITE, from the Committee on Revolutionary Claims, made unfavorable reports on the petitions of the heirs of Captain West, and the heirs of Richard McCarty.

Mr. LINN submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of the Navy be requested to send to the Senate all the information in his possession relating to the Dry Tortugas; also, his opinion of its fitness as a naval station to protect and defend our commerce passing the peninsula of East Florida.

The joint resolution to expend the balance of the appropriation for building the bridge across the Potomac, to the improvement of Maryland avenue, leading to said bridge, was read the third time and passed.

The bill giving effect to the eighth article of the treaty with Spain came up on a third reading; and,

On motion by Mr. KING, of Alabama, to allow time for further examination, was laid on the table.

Mr. CRITTENDEN gave notice that he would to-morrow ask leave to introduce a bill to alter the terms of the district court of the United States for the middle district of Florida.

The amendments of the House of Representatives to the bill establishing the territorial government of Wisconsin were considered.

Mr. CRITTENDEN moved that the Senate refuse to accede to the amendment reducing the salary of the Governor; which motion was agreed to.

Mr. EWING, of Ohio, moved to amend the amendment in relation to the appropriation for the public buildings in the new Territory, by striking out $20,000, and inserting $10,000; and, after some remarks from Messrs. CLAYTON, EWING, BENTON, GRUNDY, LINN, and KING, of Alabama, the motion of Mr. EWING was rejected, and the amendments of the House were agreed to.

On motion by Mr. BENTON, twelve hundred extra copies of the reports of the Secretaries of War and Navy, on the subject of national defenses, were ordered to be printed; two hundred for the Engineer office, and one thousand for the use of the Senate.

The bill to prohibit the circulation through the mails of incendiary publications was taken up as the special order; when

Mr. KING, of Georgia, addressed the Senate in favor of the bill, and in opposition to the report; after which,

On motion by Mr. KING, of Alabama, the bill was laid on the table.

On motion by Mr. WRIGHT, the bill from the House to prescribe the mode of paying the pensioners of the United States was taken up; and, the amendment of the committee being concurred in, the bill was ordered to a third reading.

The bill to appropriate, for a limited time, the proceeds of the sales of the public lands came up as the general order.

Mr. WALKER observed, that he had on Friday called the attention of the Senate to the bill allowing further time to complete certain pre-emption rights. If that bill (he said) was not acted on within eight or ten days, it would be hardly worth while to act on it at all; and he therefore hoped that the Senate would agree to postpone the general order for the purpose of taking up that bill.

Mr. EWING moved that the Senate adjourn.

Mr. WALKER called for the yeas and nays on this question, and they having been accordingly ordered, the motion was carried by the following vote:

YEAS—Messrs. Brown, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, King of Georgia, Knight, Naudain, Rives, Robbins, Robinson, Southard, Swift, and Tomlinson—18.

NAYS—Messrs. Benton, Black, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, Linn, Porter, Ruggles, Shepley, Walker, Wall, White, and Wright—15.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 11, 1836.

The first business in order were the resolutions of the Legislature of Kentucky on the subject of the distribution of the proceeds of the sales of the public lands, the motion pending being the resolution of Mr. WILLIAMS, of Kentucky, directing the Committee of Ways and Means to report a bill conformably to the resolutions of the Legislature of Kentucky.

Mr. PEARCE, of Maryland, rose to ask the consent of the House to submit a resolution, but yielded to

Mr. SPEIGHT, who moved that the subject in order be postponed till Monday next, for the purpose of presenting petitions and memorials, and of offering such resolutions only as would give rise to no debate.

Messrs. WILLIAMS, of Kentucky, and GRAVES, said a few words in opposition to the motion, on the ground that the subject was a very important one, and it could only be discussed for a single hour in the week.

Mr. BOON said he was also bound to vote against the motion on the following ground: The principles involved in these resolutions were principles in the settlement of which the State he had the honor in part to represent was vitally interested, and, from the votes heretofore taken, offered the only opportunity for considering the bill for the graduation and reduction of the price of the public lands.

Mr. CHAPIN said he would suggest to the honorable gentleman from South Carolina to modify his motion so as to obviate the objections raised, that is, to postpone the consideration of the Kentucky resolutions until the States shall be first called for petitions, after which the subject may be resumed to-day. This subject had already occupied the two last petition days. Many members had important petitions lying on their tables, which they had had no opportunity to present for two weeks. The further consideration of the resolutions, at the present time, will embarrass and delay the business of the House.

The motion of Mr. SPEIGHT was then agreed to without a count.

PETITIONS, MEMORIALS, ETC.

Petitions and memorials were then presented by Messrs. EVANS, HALL, and SMITH, of Maine;

Mr. CUSHMAN, of New Hampshire;

Messrs. CUSHING, LAWRENCE, GRENNELL, REED, HOAR, and CALHOUN, of Massachusetts;

[Mr. CALHOUN presented the petition of the Western Railroad Corporation of Massachusetts, for leave to lay out and construct their road upon land of the United States in Springfield, in Massachusetts.]

Mr. PEARCE, of Rhode Island;

Mr. EVERETT, of Vermont;

Messrs. CRAMER, MASON, CAMBRELENG, GRANGER, TAYLOR, J. LEE, HARD, HAZELTINE, CHAPIN, GILLET, RUSSELL, and CHILDS, of New York;

[Mr. CHAPIN presented the petition of divers inhabitants of the county of Wayne, in the State of New York, asking an appropriation for the improvement of Port Bay, on Lake Ontario; which was referred to the Committee of the Whole House on the state of the Union, while on the subject of bill No. 523.]

Messrs. CHAMBERS, WAGENER, DARLINGTON, HARRISON, ASH, BUCHANAN, MANN, DENNY, and SUTHERLAND, of Pennsylvania;

[Mr. MANN presented the petition of sundry inhabitants of Bedford county, Pennsylvania, praying for the establishment of a post route from Hancock, Maryland, by way of Warfordsburg, Whipscove, Brush creek valley, to the crossing of Juniata, Bedford county, Pennsylvania; which was referred to the Committee on the Post Office and Post Roads.

Mr. CHAMBERS presented a petition from the citizens of Beaver county, Pennsylvania, complaining of the burdens imposed on the navigation of the Ohio river in the payment of tolls to the Louisville and Portland Canal Company; and that, whilst immense sums of money have been appropriated and expended for foreign commerce and on the Atlantic coast, but little has been done for inland commerce and navigation. The petitioners ask Congress to make an appropriation to purchase out the individual stock in the Louisville and Portland Canal Company, and make the navigation of the Ohio river free.]

Mr. MILLIGAN, of Delaware;

Messrs. McKIM, THOMAS, WASHINGTON, PEARCE, and JENIFER, of Maryland;

Mr. JENIFER offered to present certain resolutions passed by the Legislature of Maryland, protesting against the expunction from the Journals of the proceedings of either House of Congress.

Mr. THOMAS objected to the reception of the resolutions at this time.

Mr. JENIFER asked for the reading of the resolutions, and he should ask that they be printed.

Mr. THOMAS objected to any action on the resolutions to-day, and hoped they would be laid over until Monday next, when, under the rules, they could be debated.

Mr. JENIFER said he had hoped that the resolutions would have been presented either by his colleague, or one of his friends from the city of Baltimore. He should have been happy to have had the benefit of their advice as to their disposition; but he hoped they would be read, as he discovered a disposition to suppress them entirely.

Mr. THOMAS said he was misunderstood by his colleague. He did not object to the reception of these resolutions on account of their contents. It was unnecessary to read them. He knew they professed to express the voice of the people of Maryland. Now, whether they attempted to give that voice as to one question or another, he should equally protest against their reception this morning. The House had suspended its rules, to receive petitions and such resolutions as will give rise to no debate. Whenever any resolution shall be presented, designed to produce impressions as to the opinions of the people of Maryland, he desired to have an opportunity to show that the Legislature of Maryland ought not to be considered a fair exponent of the popular will. The character of the Government of that State is such, that the majority have been ruled by the minority for years. Under such circumstances, it ill becomes any man to parade before the country resolutions of the Maryland Legislature as evidence that the people of the State are for or against any particular measure of national policy. Let the gentleman present his resolutions on next Monday or any other day, when the rules of the House do not forbid all explanation or discussion; and then he [Mr. THOMAS] would take care to make such explanations as to the organization of the government of Maryland as would guard against false impressions. He would show that, in consequence of the unjust apportionment of representation, two thirds of the people might be for, and yet two thirds of the Maryland Legislature would be against, any particular measure of national policy. If gentlemen are disposed to do that which is fair, they will not press the presentation of these resolutions now, when all explanations are out of order.

The resolutions were then laid over till Monday next.

Mr. WISE offered the following resolution:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposit for the public money; the contracts with the Treasury Department, by which they are regulated; the manner in which, and the persons by whom, such contracts are or have been made; into all correspondence whatsoever, touching contracts for the deposit of the public money, and into all connection or relation, official or unofficial, which exists or has existed between any person or persons and the Treasury Department, or between them and the deposit banks, or any individual or banks, touching the custody and the control and deposit of the public money, or between any Department of the Executive, and any individual or individuals or banks, touching the disbursement of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whatsoever, official or unofficial, connected with said Department, or said banks, touching the disbursement, safe keeping, or deposit, of the public money; and that said committee have leave to report by bill or otherwise.

Its reception was objected to, on the ground that the rule was suspended for the purpose of receiving petitions, and such resolutions only as would not give rise to debate.

Mr. WISE moved to suspend the rule, in order to enable him to offer the resolution, and asked for the yeas and nays on his motion; which were ordered, and were—yeas 85, nays 82.

So the rules were not suspended, and the resolution was not received.

Messrs. MASON and TALIAFERRO, of Virginia;

At this stage of the proceedings, Mr. TALIAFERRO offered a resolution, to which Mr. WISE objected; and some conversation arose on the point of order, whether, under the resolution to suspend the rules adopted this morning, a single member could object to the reception of a resolution; and whether, if it was likely to give rise to debate, it must not be received, but must lie over for consideration at a future day.

Mr. SPEIGHT explained in substance, that the intention of the motion he made was, that such resolutions as would give rise to debate should not be received.

Some further conversation arose between Messrs. WISE, GILLET, SPEIGHT, TOUCEY, EVANS, and the CHAIR, as to the construction of the order of the House; when the hour of one o'clock arrived, and the orders of the day were called for.

Mr. WISE moved a suspension of the rules for the purpose of proceeding with the reception of petitions, memorials, and resolutions, and that such resolutions as should give rise to debate should lie over; which was negatived.

Mr. WEBSTER then moved to suspend the rules for the purpose of proceeding with the call of the States for petitions and memorials only; which was agreed to—yeas 120, nays not counted.

Petitions and memorials were then further presented by Messrs. MERCER, JOHNSON, HOPKINS, and ROANE, of Virginia;

Messrs. SPEIGHT, W. B. SHEPARD, and McKAY, of North Carolina;

Messrs. CAMPBELL and MANNING, of South Carolina;

Mr. TOWNS, of Georgia;

Messrs. CALHOON, HARLAN, UNDERWOOD, and JOHNSON, of Kentucky;

Messrs. HUNTSMAN, FORESTER, and the SPEAKER, from Tennessee;

Messrs. CRANE, JONES, PATTERSON, P. C. FULLER, (for Mr. WHITTLESEY,) KENNON, HAMER, and WEBSTER, of Ohio;

[Mr. HAMER presented a petition of the citizens of Ohio, praying for a post route from Urbana, Ohio, to Maysville, Kentucky; also, petitions praying for a donation of land to the Zanesville and Maysville turnpike road, through the State of Ohio.

Mr. PATTERSON presented the petition of James Thompson, of Richland county, Ohio, a soldier of the revolutionary war; which was referred to the Committee on Revolutionary Pensions.]

Mr. JOHNSON, of Louisiana;

Messrs. HANNEGAN and KINNARD, of Indiana.

[Mr. HANNEGAN presented the petition of Peter Wells, a revolutionary soldier, praying to be placed on the pension roll.

Mr. LANE asked leave to offer the following resolution:

Resolved, That the Committee of Ways and Means be instructed to report a bill, forthwith, authorizing the Secretary of the Treasury to loan to the respective States all the present and accruing surplus revenue which shall remain in the Treasury unappropriated or required for the ordinary and necessary expenses of the Government, without interest, to be made to each State in proportion to its present or future ascertained population; the faith of each State to be pledged for the repayment of such loan at any time when required by the exigencies of the Government of the United States."

Objection being made, Mr. L. moved a suspension of the rules; which was negatived.]

Mr. CLAIBORNE, of Mississippi;

Messrs. CASEY, REYNOLDS, and MAY, of Illinois;

[Mr. CASEY, presented the petition of sundry citizens of Jasper county, praying the establishment of a post route from Charleston to Greenup; thence to Newton; thence to Stonytown, and thence to Lawrenceville—all in Illinois. Referred to the Committee on the Post Office and Post Roads.

Mr. REYNOLDS, of Illinois, presented the petition of the Belleville and Mississippi Railroad Company. This petition states that a company was incorporated by the General Assembly of the State of Illinois, for the purpose of constructing a railroad from Belleville, in said State, to the ferry on the Mississippi, opposite St. Louis, Missouri; that the company is willing to convey the United States mail from Belleville to St. Louis, which is on the main route from Louisville, Kentucky, to St. Louis, Missouri, free of

expense, on certain provisions and considerations; and that the railroad will also be serviceable to the Government, to convey coal from the Mississippi Bluff to the public works near St. Louis, which is eight or ten miles distant from the works. In consideration of the promises, the petition prays the preëmption right in the Edwards district, in said State, to lands equal in amount to every alternate section over which the road may pass. Mr. R. also presented the claim of John Wigle, of Union county, Illinois, praying relief for a mistake in an entry of land; also, the claims of J. W. Flankin, H. Garrett and F. B. Thompson, for horses lost in the campaigns in Illinois in 1832; and the petition of sundry citizens, praying that a mail route from Carlyle by Greenville to Hillsborough, in the State of Illinois, be established.

[Mr. MAY presented the petition of a number of the miners residing on the Upper Mississippi, praying that the right of preëmption be extended to them for the lots of mineral grounds by them occupied; also a number of petitions for the establishment of various post routes.]

Mr. LYON, of Alabama;
Messrs. ASHLEY and HARRISON, of Missouri;
Mr. JONES, of Michigan;
Mr. SEVIER, of Arkansas;
Mr. WHITE, of Florida.

On motion by Mr. HALL, of Maine, it was

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of placing the names of Jonathan Trofton, William Coffe, William Wyman, David Perry, Allan Crary, Samuel Hinckley, John Wallace, and Charles Matthews, on the pension roll of the United States.

On motion by Mr. CHAMBERS, of Pennsylvania, it was

Resolved, That it be referred to the Committee on the Library to consider the expediency of reporting a bill providing for the engraving and publication of copies of the various medals struck in relation to important events in the United States, before and since the Declaration of Independence, with an account or statement of the events or occasion which said medals were designed to commemorate.

On motion by Mr. TURRILL, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a marine hospital at Oswego, in the State of New York.

On motion by Mr. HUNTINGTON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of extending the southern post route on Long Island, New York, from East Hampton, its present eastern termination, to the village of Amaganzette, three miles further east.

On motion by Mr. CAMBRELENG, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of placing buoys in the newly-discovered channel over Sandy Hook bar; and also as to the practicability of erecting a beacon light on Romer shoal, near the same.

On motion by Mr. PIERCE, of New Hampshire, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Hillsborough Bridge, New Hampshire, through the south part of Antrim and Hancock, to Petersboro'.

On motion by Mr. BURNS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Hebron to Alexandria and Bristol, in the State of New Hampshire.

On motion by Mr. RUSSELL, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Gideon Safford, of New York, for services rendered as a soldier in the war of the Revolution.

On motion by Mr. CUSHING, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing suitable hospitals on a general system for the benefit of the nautical population of the United States, wheresoever employed, whether on its interior waters or on the ocean.

On motion by Mr. GALBRAITH, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Butler, in Butler county, to Franklin, in Venango county, Pennsylvania, by the graded road; and also extending the route from Venango Furnace to Nesley post office, in Venango county, Pennsylvania.

On motion by Mr. CALHOUN, of Massachusetts, it was

Resolved, That two thousand extra copies of the report of the Secretary of the Treasury, communicating the latest returns of the condition of the deposit banks, and the monthly statements of the United States Bank, be printed for the use of the House.

On motion by Mr. P. C. FULLER, it was

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a post route on the east road between Graveland post office and Genesee, in the State of New York.

On motion by Mr. THOMAS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Boonesborough, by Bohrersville, to Knoxville or Barketsville, in Maryland.

On motion by Mr. GRANGER, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Daniel McKinney upon the roll of revolutionary pensioners.

On motion by Mr. REED, it was

Resolved, That the Secretary of War be directed to lay before this House the charts of Nantucket harbor and Great Point harbor, so called, and also a chart of the harbor of Holmes's Hole, in the island of Martha's Vineyard, in a reduced form.

On motion by Mr. GIDEON LEE, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Jersey City, in Bergen county, New Jersey, to Bellville.

On motion by Mr. W. K. FULLER, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of authorizing the Secretary of War to furnish the State of Kentucky, at the national expense, with a supply of arms, ordnance, and munitions of war, equal to the quantity lately destroyed by the burning of the arsenal in that State.

On motion by Mr. TALIAFERRO, it was

Resolved, That the Committee of the Whole House be discharged from the further consideration of the bill and report in the case of Teakle Savage, administrator of Bolithea Laws; and that the bill and report be referred to the Committee on Claims.

On motion by Mr. MERCER, it was

Resolved, That, for the purpose of ventilating and purifying the Hall, and substituting the customary spring matting for the carpet on the floor, this House, when it adjourns on the last Friday of this month, will adjourn over to the ensuing Tuesday; and that, after the first day of May next, the daily sessions of the House shall commence at ten, instead of eleven, o'clock in the morning.

On motion by Mr. CARTER, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the propriety of placing Henry Maggart, a soldier of the late war, upon the pension roll.

On motion by Mr. CARTER, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the propriety of allowing the heirs of John Hudley, deceased, such commutation for services performed in the Revolution, in the Virginia line, as said John Hudley may have been entitled to under the resolutions of the Congress of the United States.

On motion by Mr. CONNOR, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Franklin, in Marion county, North Carolina, down Valley river, to Huntingdon, thence to Clarksville, Habersham county, Georgia.

On motion by Mr. GARLAND, of Louisiana, it was

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of making an appropriation for the purpose of erecting a suitable building at the town of Opelousas, in the State of Louisiana, in which the district court of the United States for the western district of that State shall be held, and in which the offices of the clerk of said court, the district attorney and marshal of said court shall be kept, as well as the offices of the register of the land office and receiver of public moneys for the district south of Red river.

On motion by Mr. TALIAFERRO, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the propriety of providing, by law, for the payment of commutation to such of the officers of the Revolution as were entitled thereto, at the end of the war, in pursuance of the then existing laws on the subject, but who have been deprived by a proviso in the pension act passed by Congress on the —day of ——, 1785.

On motion by Mr. BUNCH, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Bean's Station, in East Tennessee, by Morristown and the mouth of Chuccky river, to New Port, in Cocke county.

On motion by Mr. COFFEE, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of increasing the compensation of the collector of the district of Brunswick, State of Georgia, and compensating him for his services in 1835.

On motion by Mr. COFFEE, it was

Resolved, That the Committee on the Judiciary be instructed to inquire if any legislation is necessary to enable the owners of fugitive slaves to reclaim them from the Indian country.

On motion by Mr. GARLAND, of Louisiana, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the appointment of a judge of the district court of the United States for the western district of Louisiana.

On motion by Mr. JONES, of Ohio, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Wooster, in Wayne county, to Pennesville, in Richland county, Ohio.

On motion by Mr. CRANE, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Defiance, in Williams county, Ohio, by Evanport, to Lafayette, in said county.

On motion by Mr. JOHNSON, of Louisiana, it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of increasing the salaries of the surveyor general of the United States, register of the land office, and receivers of public moneys, for the State of Louisiana.

On motion by Mr. LEA, of Tennessee, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Campbell's Station, in Knox county, Tennessee, by way of Low's Ferry, the Holston river, to Maryville, in Blount county in said State.

On motion by Mr. FRENCH, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Mount Sterling, Kentucky, via the mouth of Aaron's Run, and North Middletown, to Paris.

On motion by Mr. CALHOON, of Kentucky, it was

Resolved, That the Committee on Revolutionary Claims inquire into the propriety of passing a law granting commutation pay to the heirs of Lieutenant John Wilson, deceased, for his revolutionary services.

On motion by Mr. CALHOON, of Kentucky, it was

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Cloverport, by the Great Falls of Rough Creek, to Brownsville, in the State of Kentucky.

On motion by Mr. UNDERWOOD, it was

Resolved, That the heads of Departments, Auditors, Treasurer, and Register of the United States, be directed to lay before this House a list of their respective clerks or deputies, containing their names, their ages, and dates of their several original appointments, and the dates of their promotions, with the amounts of their several salaries, and a specific enumeration, under appropriate heads, of their peculiar functions and duties.

On motion by Mr. McKAY, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing suitable buildings for the accommodation of the courts of the United States, and the safe-keeping of the public records therein.

On motion by Mr. BEALE, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of extending the present established mail route from Culpepper court-house, to the town of New Market, in the county of Shenandoah, Virginia, to the village of Timberville, in the county of Rockingham, in said State.

On motion by Mr. LAWLER, it was

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a post route from Greenborough, in Alabama, to Caudy's anding, on the Black Warrior river.

On motion by Mr. LEA, of Tennessee, it was

Resolved, That the Committee on Indian Affairs be instructed to inquire into the propriety of allowing compensation to Robert M. Anderson, and George W. Churchwell, Esqs., attorneys at law, for their services in behalf of the Government, in certain reservation suits in the courts of the United States, for the 7th circuit and district of East Tennessee.

On motion by Mr. HAWKINS, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of issuing a duplicate military land warrant, heretofore issued to Crawford Johnson, a soldier of the Revolution, which has been lost.

On motion by Mr. GRAVES, it was

Resolved, That the petitions of sundry citizens of the States of Kentucky, Illinois, and Pennsylvania, in favor of the Federal Government's purchasing up the individual stock in the Louisville and Portland canal, be referred to the Committee on Roads and Canals, with instructions to inquire into the expediency of reporting a bill providing for the appropriation of the proceeds of the Government stock for that purpose.

On motion by Mr. HANNEGAN, it was

Resolved, That the Secretary of War be directed to transmit to this House the papers on file in the Pension Office, in the case of Peter Wells.

On motion by Mr. COFFEE, it was

Resolved, That the Committee on Claims be instructed to inquire into the justice of compensating Major Mark A. Cooper, for the loss of a horse at Picolata, Florida, whilst he was engaged in mustering his battalion into the service of the United States; and that the committee inquire into the expediency of authorizing the Paymaster General to pay for all horses that are lost or die in the service of the country, as well as those that are killed in battle or die of wounds received in battle.

On motion by Mr. CLAIBORNE, of Mississippi, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Canton, by Warsaw, to Beattie's bluff, in the State of Mississippi.

On motion by Mr. CASEY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Mount Carmel to Lawrenceville, in Illinois.

On motion by Mr. MAY, it was

Resolved, That the Committee on Claims inquire into the expediency of compensating Aaron Pierce for two horses belonging to him, and which were killed in 1832 by a party of hostile Indians.

On motion by Mr. PINCKNEY, it was

Resolved, That the Commitee on Roads and Canals be instructed to inquire into the expediency of making an appropriation in aid of the contemplated railroad from Cincinnati, in Ohio, to Charleston, South Carolina, *on condition* that the company about to be established for the execution of that work, shall enter into a contract with the Government for the transportation of the public mails and public property on said road.

Mr. PEARCE, of Maryland, submitted the following resolution; which, by the rule, lies over one day.

Resolved, That the Secretary of War be directed to inform the House at what time, and in what sums, the money appropriated for the repair of the Cumberland road east of the Ohio, by the acts of 1834, chapter 68, and 1835, chapter 31, has been drawn out of the Treasury; whether the money so appropriated, or some part of it, was not paid into the hands of an agent, other than the officer of engineers, charged with the superintendence of said road; who this agent was; what compensation he received; how long said agent was in possession of the said money, or any part thereof, before its being required for the performance of the work, or its actual application in payment to contractors; also at what places the said money was paid out by the said agent; and that this House be furnished with a copy of the account of said agent.

On motion by Mr. LEWIS, it was

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing the following routes, viz: From Washington, in Autauga county, to Kingston, Independence, and Hamilton, in said county; and from thence to Oak Ridge, in Dallas county, to Valley Creek; and from thence to Marion, in Perry county: from Rockford, in Coosa county, to Chesnut Creek, in Autauga county; to Maplesville, in Bibb county; from Greenville by Robb's store, in Camden county, to Sparta, in said county; and from thence to Pensacola, in Florida; from Dade Court-House, in Alabama, to Valambrosa, in Florida: from Tallahassee, via Tuckabatchee, to Line Creek post office, (about twelve miles.)

On motion by Mr. WHITE, of Florida, it was

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of providing by law, that all claims and titles to land in Florida, which shall not be decided on the 1st day of October next, shall be reported to Congress, with the evidence filed in each case, and that the special jurisdiction of the courts on that day shall cease.

Mr. KINNARD, from the Committee on Revolutionary Claims, reported the following resolutions, (being a modification of those heretofore reported on the same subject;) which were considered and agreed to:

Resolved, That the Clerk of this House cause to be compiled, for the use of the House, and arranged in chronological order, under appropriate heads, all the resolves and acts of Congress relating to the pay, half-pay, commutation of half-pay, bounty lands, and other promises made by Congress to the officers and soldiers of the revolutionary army. Also, a synopsis of the provisions for funding the revolutionary debt of the United States, and of the several acts in aid thereof. Also, the acts of the old and present Governments for the settlement of the accounts between the United States and the several States: and such other general information, to be ascertained from the archives of the Government, as may be useful in the settlement of revolutionary claims now pending.

Resolved, further, That the Secretary of the Treasury be directed to inform this House whether all certificates of public debt given for services rendered, or supplies furnished, in the war of the Revolution, or which were issued in fulfillment of the provisions contained in any ordinance or resolution of the old Congress, did not bear interest, and whether interest was not allowed and paid upon such of said certificates as were not subscribed to the funded debt of the United States, created by the act of August 4, 1790, and which were subsequently settled and paid at the Treasury; also whether interest was not allowed on all settlements made under the act of March 23, 1792, entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims of invalid pensioners;" so far as said act relates to the claims of widows and orphans, under the act of March 27, 1792, entitled "An act for the relief of certain widows and orphans, invalids, and other persons," particularly as far as regards the persons named in the said act, and under the act of March 27, 1792, entitled "An act to provide for the settlement of the claims of persons under particular circumstances, barred by the limitations heretofore established." And that said Secretary also accompany his report with a statement as to what period each State was credited for payments made on account of the United States, together with a statement of the aggregate amount credited to each State, and charged to each State. Also that the said Secretary accompany his report with a copy of any opinion or opinions given by the Attorney General of the United States, in relation to allowances of interest on claims to half pay, commutation of half pay on other claims, and whether interest was paid under said opinion or opinions, and in the execution of laws for the settlement of claims, in which no special provision was made for interest; and, if so, a statement of the cases in which the same was allowed, and the amount thereof.

Mr. STORER moved to suspend the rules for the purpose of taking up the bill from the Senate to establish the northern boundary of Ohio, and the southern boundary of Michigan; which was negatived.

Mr. SLADE, who stated he was out of his seat when the State of Vermont was called, then rose, and presented a memorial from Dr. Atley and eighty-five other individuals, representing themselves to be citizens of Philadelphia, against the admission of Arkansas into the Union with a constitution which sanctions the existence of slavery, and prohibits the abolition thereof. Mr. S. moved its reading.

Objections being made to its reading, Mr. SLADE said he claimed that right.

Mr. SPEIGHT inquired whether the petition should not be referred, as a matter of course, to the committee raised under Mr. PINCKNEY's resolution?

The CHAIR had not examined the petition, and could not judge of its character.

Mr. HANNEGAN moved to lay the memorial on the table.

Mr. SLADE insisted upon his right to have the petition read, and he made a motion accordingly.

The CHAIR decided that the petition must first be read before any question could be put upon it, as the gentleman insisted.

Mr. CUSHMAN moved to lay the motion to read on the table.

The CHAIR pronounced that motion then out of order.

Mr. GLASCOCK asked if the petition had been received?

The CHAIR said the gentleman from Vermont rose in his place to present the petition, and, no objection being made at the time, the Chair considered leave had been granted, and thus the petition had been received.

Mr. HANNEGAN then moved to reconsider the motion by which leave had been granted to the member from Vermont to present the petition.

After some remarks from Messrs. SPEIGHT, GLASCOCK, WISE, SLADE, and HANNEGAN,

Mr. SLADE said, if the gentleman from Indiana insisted upon his motion to reconsider, he (Mr. S.) should raise and insist upon the question of order, whether the gentleman could object to the offering or reception of any petition under the order adopted that morning.

Mr. HEISTER asked for the yeas and nays on the motion to reconsider; which were ordered.

Mr. CAMBRELENG inquired if the whole subject ought not to go over until next petition day.

The CHAIR stated that the memorial would be referred, as a matter of course, to the select committee upon the subject of abolition, if the motion to reconsider were not pending; whereupon—

Mr. HANNEGAN withdrew his motion to reconsider; and

The CHAIR announced that the memorial was referred to that committee.

Mr. SLADE renewed the call for the reading of the memorial.

Mr. LOVE raised the question of order, that the pending question on the withdrawal of the motion to reconsider was, that the memorial be read, and that the petition had not been referred.

Mr. SLADE again insisted on the reading.

The CHAIR decided that it would require a vote of the House.

After some remarks by Messrs. TOUCEY, EVERETT, SLADE, and MASON, of Virginia, pending the question of order,

The House adjourned.

IN SENATE

TUESDAY, *April* 12, 1836.

Mr. CLAY said that several petitions had been sent to him from a large number of the citizens of Philadelphia, some of whom were personally known to him, (and, judging from the signatures, he supposed all of them respectable,) remonstrating against the admission of Arkansas into the Union with the clause in her constitution prohibiting the exercise of the power to abolish slavery by her Legislature. The petitions were very emphatic in their language, but otherwise not indecorous. He at first had some doubts as to whether he should present these petitions, but after some consideration he felt that it would be his duty to do so, and he now acquitted himself of the obligations he was under. The bill for the admission of Arkansas had passed the Senate, and was now before the other House, and was therefore beyond the control of the Senate; but as it might possibly come back with amendments, the best disposition he could make of the petitions would be to lay them on the table. He should have preferred it had the petitioners selected some other organ to communicate their wishes to the Senate, because he did concur with the objects of the petitions, believing that Arkansas, or any other State or Territory, had a right to make, on the subject of slavery, what provisions she pleased. He still adhered to the opinions expressed by him on a memorable occasion, which probably some gentlemen present might remember. He asked that one of the petitions might be read, and that all of them might be laid on the table.

The petition having been read,

Mr. C. said he wished to qualify some expressions used by him as to the right of a State or Territory to make what regulations it pleased on the subject of slavery. He meant, that all the new States admitted into the Union were bound by the terms of the Missouri compromise; that all those north of the line described in the bill for the admission of Missouri were prohibited from holding slaves, and that all those south of that line were permitted to held them.

Mr. KING, of Alabama, remarked, that it wa with regret that he heard the gentleman from Kentucky say that he felt it his duty to introduce memorials of the description of these just presented. The Senator, as well as himself, well recollected the feelings that grew out of this same kind of interference, when Missouri was admitted into the Union. The gentleman and himself then acted together, and felt together, as men dearly prizing the rights of the southern States, and determined to support them. The bill to admit Arkansas into the Union had, as was remarked by the gentleman, been sent to the other House, and might possibly come back again with amendments. Now, would the gentleman be willing that the question, which so agitated the country with regard to Missouri, should again come before them? He should be the last man that would consent to it; and he regretted that the gentleman had felt it to be his duty to present these memorials, that might possibly be followed by consequences that the gentleman himself would regret as much as any one; for, remembering the agency he had in the Missouri compromise, he could not suppose him willing that such an alarming controversy should again arise.

Mr. KING, of Alabama, referring to the Missouri compromise, said he only regretted the part that he had taken in it; that he had yielded too much in a spirit of conciliation and harmony; and that, under like circumstances, he never would consent to yield so much again. If new States come into this Union, they should of right come in on an equal footing with the old States; and they would have a right to make what regulations they pleased on the subject of slavery, or

any other subject relating to their internal concerns not prohibited by the Constitution, and he would never consent to impose any conditions on them not warranted by the Constitution.

Mr. CLAY felt surprised at the expression of regret by the Senator from Alabama, [Mr. KING.] He had said the subject of the petitions he did not approve, and had stated he wished the petitioners had selected some other organ through which to present them to the Senate, and that his opinion was unchanged. He had merely performed a sacred duty, and had asked for no other action upon them than to propose to lay them on the table. He had found them in his possession, they were respectful in their language, and yet he was chided by the Senator from Alabama for presenting them with respect to the compromise. The Constitution itself was a compromise; and the compromise which had been adverted to in the admission of Missouri was one on which he would stand, on the ground of the great principle of the rights every people had in forming their Constitution.

The CHAIR announced a communication from the Secretary of the Treasury, inclosing a report from the First Comptroller, showing the emoluments of certain officers of the customs; which was ordered to be printed.

Mr. EWING, of Ohio, and Mr. MORRIS, presented several memorials on the subject of the location of the Cumberland road; which were referred to the Committee on Roads and Canals.

Mr. KENT presented resolutions of the Legislature of Maryland, instructing their Senators to vote for the bill to distribute the proceeds of the sales of the public lands among the States; which were laid on the table.

Mr. KENT presented the memorial of the Franklin Insurance Company of the city of Washington, praying for a re-charter; which was referred to the Committee on the District of Columbia.

Mr. GOLDSBOROUGH presented resolutions of the Legislature of Maryland on the subject of French spoliations prior to 1800; and also, resolutions on the subject of the expunging resolution; all of which were laid on the table.

Mr. SOUTHARD, from the Committee on Naval Affairs, reported a bill to organize the Navy of the United States; which was read, and ordered to a second reading.

Mr. EWING, of Ohio, moved that the Committee on Public Lands be discharged from the consideration of the petition of Horace Walworth, and others; and, after a discussion, in which Messrs. EWING, KING of Alabama, LINN, BENTON, PORTER, and BLACK, took part, the motion was agreed to.

DEPOSITS OF THE PUBLIC MONEYS.

Mr. BENTON submitted the following amendment to the bill to regulate the deposits of the public moneys, and moved that it be printed for the information of the Senate; which motion was agreed to:

SEC. . *And be it further enacted*, That no bank shall hereafter be employed or continued as a depository of the moneys of the United States, or of the Post Office, which shall not, by an authentic act, filed with the Secretary of the Treasury, before the next stated meeting of Congress, agree to the following terms and conditions:

First. To proceed in good faith, and as speedily as possible, to make its specie capital consist of gold *and* silver, and, as nearly as may be, of equal proportions of each.

Second. To pay the demands of the United States and of the Post Office Department in gold *and* silver; the proportion of gold to be as large as the bank, in good faith, can pay, until the 3d day of March, in the year 1838, from and after which time the proportion to be paid shall be one half in either coin, at the option of the demander; the other half at the option of the bank.

Third. To pay all the notes, or paper currency issued or put in circulation by it, in gold and silver; the option of the demander, from and after the 3d day of March, 1837, being for one half of either, and of the bank for the other half.

Fourth. To discontinue the use and circulation of all paper currency of less denomination than twenty dollars, as follows: less than five dollars, immediately; less than ten dollars, from and after the 3d day of March, 1837; less than twenty dollars, from and after the 3d day of March, in the year 1838.

RESOLUTION.

Mr. BLACK submitted the following resolution; which was considered and adopted:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of confirming the report of the register and receiver of the land office at St. Stephen's, in the State of Alabama, acting as commissioners under the authority of the third section of an act of Congress, passed on the 2d March, 1829, recommending for confirmation the title of Andrew Demetry to lands on the bay of St. Louis; which report was made on the 16th February, 1834.

BILLS INTRODUCED.

Mr. CRITTENDEN, on leave, introduced a bill to regulate the terms of the superior court for the middle district of Florida; which was read twice and referred.

Mr. NILES, on leave, introduced a bill, authorizing the lease of the unoccupied public grounds in the city of Washington, for the cultivation of the Chinese mulberry; which was read twice and referred.

BILLS PASSED.

The bill to suspend the discriminating duties imposed on foreign vessels, so far as relates to the vessels of Portugal, and to reduce the duty on wines; and

The bill prescribing the mode of paying the pensions of the United States, were severally read the third time and passed.

INCENDIARY PUBLICATIONS.

A bill to prohibit the circulation through the mails of incendiary publications was taken up as the special order.

Mr. CALHOUN denied being actuated by the feelings of hostility to the Administration imputed to him by the gentleman from Georgia, [Mr. KING,] and said, if he had been actuated by them, his course would have been very different. He had formed his opinion before he came here, and saw that it must come before Congress. When he arrived here, and read the President's message, his apprehensions were increased on seeing that he had covered the whole ground that the Government had the sole power over the matter. He knew the weight of General Jackson's name, and the power of Jacksonism. He had ever considered the Senator from Georgia [Mr. KING] as one of the most independent of the party, and enumerated sundry measures in which that gentleman and himself agreed in opinion; and, if he was not mistaken, they had heretofore agreed in every important measure, except the case of the Protest, until they differed on the question on the motion to receive the petitions on abolition; and yet he (Mr. C.) was held up as a single individual actuated alone by motives of hostility to the Administration. He [Mr. KING] had gone with the Administration on the arguments in relation to this report, and with him on the bill. Mr. C. could assure him he would rather have his vote on the bill than his speech. He must express his regret that, after having concurred with him in all important measures, he should say that he (Mr. C.) was influenced by his opposition to the Administration, and then illustrate the declaration with a comparison from O'Connell, better suited to an Irish mob than the dignity of the Senate.

He thought, if they once acknowledged the power of Congress to suppress the transmission of these incendiary papers directly, and to say what was incendiary, it would be conceding to it the right to decide what was not incendiary, as they were in their nature correlative rights. The gentleman from Georgia believed the General Government had a right to decide what was incendiary; and, if it had, it followed that it had a right to decide what was not, and to force them into circulation. Should the General Government say it had a right to enforce such a right, could Georgia resist? If the Senator says she could, he will come nigh on nullification; nay, he even went beyond it. We nullifiers (said Mr. C.) only go for resisting an unconstitutional act, but this would be nullifying an act which the Senator believes to be constitutional. He saw a control in this matter more potent than the sedition law itself, and supposed, if this document went to the Committee on the Post Office and Post Roads, it would be confirmed. The gentleman from Georgia was willing to support the bill, which was in direct opposition to the message of the Executive, and he (Mr. C.) thought there was a fair prospect of its passage; and if it did pass he had then accomplished his object.

The Senator from Georgia had said that it was very extraordinary that he who was opposed to receiving abolition petitions should be in favor of this principle, and that in taking this ground he had taken ground against the position he then took. If so, it brought him and the gentleman to the same point. He was in favor of the reception of the petition in that case, and against this report; and he (Mr. C.) was against receiving the petition, and in favor of the receiving of the report. He was against the principle in the one case, and Mr. C. in the other. He would now meet the objections of the Senator from Massachusetts [Mr. DAVIS] against the bill. The first and an important principle of the bill was, that slavery was solely a domestic question, belonging to the slaveholding States—to say whether the transmission of incendiary publications through the mail, to endanger the peace and safety of their citizens, should be prohibited; also, what law should be enacted to suppress their transmission. Another principle that grew out of this right was, that it was the duty of the General Government to respect the laws of the States, and, when circumstances would permit, to coöperate with them. He would acknowledge, if this was a new doctrine, it ought to be approached with caution. The principle, however, was not new, which he had shown by cases cited in his report. One was in relation to the health laws, and the other in regard to a branch of this very subject. The health of the State was one among its reserved rights. Health might be endangered through its commerce; and it had a right to establish quarantine laws, and the laws of the General Government might come in conflict with these quarantine laws of the State.

The laws of the General Government had been modified so as to correspond with the State laws. He also adverted to the case of the inhabitants of St. Domingo in 1803, and the act of Congress making it penal to receive such persons as were therein described, which was a precedent fully in point. It recognized the point, that the Government was bound to recognize the acts of the State. South Carolina had a positive law against these colored seamen being received in her ports; and the British Minister had remonstrated for ten successive years, but finally acquiesced in the justness of the act, even against the treaty. The gentleman from North Carolina had rested his argument on this act of 1803, which had led him to an examination of its history, and had found that it met with opposition in its passage; from which he inferred it had been fully discussed, and passed with full deliberation.

The gentleman from Massachusetts [Mr. DAVIS] had made an objection that the power claimed would be to transfer the power from the General Government to the States. To this he replied, that the bill simply proposed that the General Government, through its agents, should not violate that law of the State; and was simply a modification that the General Government should use its power so as not to violate the laws of the State, and merely showed that the power of the General Government was not absolute over the mail; and in support of this position he said there were two laws on their statute-books embracing this same principle. It was an important right, showing that the General Government shall not exercise the right to discriminate what papers shall not be transmitted.

It had been alleged that there was a contradiction between the report and the bill. If so, it only proved that the person who made the report was an indifferent logician. The principles it asserted were: 1st. That there was no right in the General Government to prohibit papers; 2d. That it had no right to say what papers should be transmitted; and, 3d. That those rights belong to the States.

The Senator from Georgia had said he (Mr. C.) was influenced by his opposition to General Jackson. He (Mr. C.) had too little respect for General Jackson's judgment, and, if he were not President of the United States, he would say, for his character, to place himself in such a position. He illustrated, by examples of comparison, the consistency of State rights with the rights of the General Government. The Senator from Massachusetts [Mr. DAVIS] had said that he had claimed the power, through the agency of the General Government, to do that indirectly which it could

not do directly; to which he replied, that the State was not an agent, but an independent body. There were innumerable instances where States coöperated with the General Government. The United States had the sole right to coin money, and the States made it penal to counterfeit United States coin. The United States had also a right to declare war, and the States coöperated, and these rights were reciprocal. The Senator from Massachusetts had said the laws of the States must yield where they and the laws of the General Government came in conflict. But Mr. C. contended that the rights of the States were as clearly defined as those of the General Government. The framers of the Constitution had wisely said that all powers not delegated to the General Government were reserved to the States. No conflict could take place between the delegated and reserved rights, except in the single exception of concurring powers. The conflict might be between the laws, but not between those powers.

The States prohibit the transmission of some kinds of papers, and the General Government permits all. In such case, which must give way! That must be determined by the extent and magnitude of the evil to be remedied. Those laws which related to mere accommodation must yield to necessary laws. The laws for carrying the mail were merely for accommodation, and this law to prevent the circulation of incendiary publications was a necessary law. It was very improper, on the part of the General Government, to endanger the peace and safety of the citizens of eleven States of this Union by the exercise of this law of accommodation, and it was proper that it should yield to the law of necessity. He was happy to see so many advocates of State rights, and that even his old Federal friends (the honest, upright, and intelligent old Federal party) began to hold the language of State rights. Yes, (said he,) the old Federal party—for they were an honest, consistent, and intelligent, but, at the same time, mistaken party—were coming round to State rights in proportion as the dominant party were receding from them. As to whether the General or State Government must yield when their laws came in conflict, depended on the general circumstances of each case. The Senator from Massachusetts had said the principle contended for might be carried into politics or religion. He (Mr. C.) could assure the gentleman, that, if such a case should be permitted, he was prepared to sustain the States in such a conflict with the General Government. He did not piecemeal his principles. The bill did not make it penal for postmasters merely to receive papers, but to receive and deliver them up. The Senator from Massachusetts objected to the inconvenience in being able to distinguish what were incendiary publications. He saw no difficulty in that. Their only object was, that Abolitionists should not be permitted to send their matter to them. They had reached a very important point in this question of abolition. That ferocious band were in the possession of ample funds and a powerful press, and for the first time that instrument had been seized upon to be wielded against the peace of the South. The General Government was now called on to say what part they would take—whether they should be on the side of the South, or on the side of their enemies? They asked nothing but that they should respect their laws. He was anxious that those he represented should understand whether they should rely on themselves or the Government. He did not know whether they should come in conflict on this subject now; but, judging from human nature, he feared the time would come when they should. Thus far, he was sorry to say, their just hopes had not been realized. Such was the state of politics in the non-slaveholding States, that he knew the difficulty of obtaining any legislation there. In receiving those abolition petitions, they had given Congress jurisdiction so far against them. Was Congress against them or not? When they had a duty to perform, and did not perform it, the non-performance was a violation of it. He wished to see this matter decided. If decided against them, he would say to the people of the South, "Look to yourselves; you have nothing to hope for from abroad." The South never would abandon the principles of the bill. If Congress refused to adapt its action to theirs, they would come into conflict, and the State would not yield. This bill asserted the supremacy of the State laws, and gave a power of protection, and by its passage the evil would be cured. He closed his remarks by hoping the Senate would excuse the unreasonable ardor of one who had so deep an interest in this subject.

Mr. DAVIS replied to Mr. CALHOUN at length, in opposition to the bill sustaining the position taken by him in his first address on the subject. If there were no constitutional objections to the measure, he held it to be exceedingly unwise in gentlemen representing slaveholding States to establish a policy of the Government which looked exclusively to the preservation of slave property, and which would make every individual in the non-slaveholding States, who had business with the Post Office, feel that slavery was an evil in the country. He asked the Senator from South Carolina to forbear from pressing this evil on the attention of the people, for he regarded every step towards it as a step towards the dissolution of the Union. The gentleman from South Carolina had referred to the precedents by which the bill was sustained; and he could not have given a stronger argument against the establishment of precedents than the attempt to make the sanitary laws precedents for assaulting the liberty of the press, as he contended that this bill did. He knew, from the language held every day by the gentleman, that he would be the last man to be guided by precedents to false conclusions; and he was therefore surprised that he should have adduced the sanitary laws as a precedent for this assault on the liberty of the press. The liberty of the press was not like the other reserved rights, reserved by implication, but was reserved in express terms; it could not be touched in any manner. Mr. D., after urging the constitutional objections to the bill, on the ground that it would abridge the liberty of the press, denied that the Post Office was established solely for the promotion of commercial and social intercourse. It was designed by the framers of the Constitution for the dissemination of public intelligence, it occurring to them that the people would like to get accounts of the proceedings of the National and State Legislatures, and the judicial proceedings of the courts; in short, for the dissemination of that kind of general intelligence which was the foundation of a free government; for it was vain to suppose that free institutions could long be preserved without the dissemination of useful intelligence.

Mr. D. contended that it would be impossible to discriminate between publications of a dangerous tendency and those that were harmless, without exercising such a system of espionage over the Post Office as would not only greatly diminish the usefulness of that Department, by destroying the public confidence in it, but would also be fatal to the liberty of the press. He warned gentlemen that all the assaults on the press that had ever been made in any country had always been made under the plea of strong necessity. The press was charged with being libelous and seditious, dangerous to the public morals, and, therefore, it was said that it was better to establish a censorship over it than to submit to its unrestrained abuses. Mr. D. contended that there was a great discrepancy between the report and the provisions of the bill. The report, he said, went on to show that this Government had no power to pass a general law prohibiting the circulation of incendiary publications, for the reason that it would abridge the liberty of the press, and there was an able argument in the report to establish this fact. The Senator from South Carolina still adhered to that doctrine; but, while he adhered to it, he proceeded to demonstrate that the General Government might pass a law in aid of those of the States. Now, if the General Government might do this, suppose that the States should come to the determination that the circulation of any political or religious doctrine was dangerous, and should pass laws to prevent it; then he thought that the General Government might, with as much propriety, sustain such laws by its legislation, as to pass this bill.

After Mr. DAVIS concluded, the bill was laid on the table.

On motion of Mr. BROWN, the Senate proceeded to the consideration of executive business; after which, it adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 12, 1836.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a bill for the relief of Nathan Lamme, a captain in the revolutionary war; which was read twice and committed.

Mr. CHAPIN, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of Crocker Sampson, deceased; which was read twice and committed.

Mr. McKIM, from the Committee of Ways and Means, reported a bill to repeal so much of the act of March 2, 1799, as respects the issuing of certificates on the importation of wine; which was read twice, and its further consideration postponed until to-morrow.

Mr. JANES, from the Committee on Revolutionary Pensions, reported the following bills; which were read twice and committed:

A bill granting a pension to John Dow; and

A bill granting a pension to Andrew Gray.

Mr. HAYNES, from the Committee on Indian Affairs, reported a bill for the relief of John Fosdick; which was read twice and committed.

Mr. BEALE, from the Committee on Invalid Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of George Fields; and

A bill for the relief of Samuel M. Asbury.

Mr. KLINGENSMITH, from the Committee on Revolutionary Pensions, reported a bill for the relief of William Jenkinson, of the State of Pennsylvania; which was read twice and committed.

Mr. BOON, from the Committee on Public Lands, reported the following resolution:

Resolved, That the fourth Thursday in May be set apart for the consideration of the bill reorganizing the General Land Office.

Mr. CAMBRELENG was compelled reluctantly to object to the adoption of the resolution. If the appropriation bills were disposed of before the day named in the resolution, he would not then oppose acting upon the bill referred to.

Mr. BOON adverted to the importance and necessity of reorganizing the General Land Office, and of providing additional clerks to bring up the indispensable business of the office, which was very much behindhand.

The resolution was then disagreed to without a count.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported, with an amendment, the bill from the Senate providing for the legal adjudication of certain claims to land therein mentioned; and the same was committed.

Mr. MERCER, from the Committee on Roads and Canals, reported a bill to authorize the Shenandoah Bridge Company, at Harper's Ferry, to erect a bridge on the lands of the United States, at or near the town of Harper's Ferry; which was read twice, and postponed until to-morrow.

Mr. WASHINGTON, from the Committee for the District of Columbia, reported a bill to incorporate the Howard Institution of the City of Washington; which was read twice and committed.

PETITIONS, MEMORIALS, ETC.

Petitions were presented on leave by Messrs. JUDSON and BOND.

[Mr. JUDSON had the unanimous consent of the House to present the petition of the ship-owners of New London; which was referred to the Committee on Commerce.

Also, the petition of Joel Davison and others, of Brooklyn, praying for the abolition of slavery in the District of Columbia; which was referred to the select committee on the resolutions of Mr. PINCKNEY.

Mr. BOND, by consent, presented a petition from sundry citizens of Fayette county, praying that a mail stage route may be established from Chillicothe, in the county of Ross, via Bloomingburg, in Fayette county, to Springfield, in the county of Clark, in the State of Ohio; and the same

was, on motion, referred to the Committee on the Post Office and Post Roads.]

RESOLUTIONS.

Mr. WHITE, of Florida, asked the consent of the House to offer the following resolution:

Resolved, That this House will, from twelve until one o'clock, on next Wednesday, Thursday, and Friday, consider and dispose of bills relating to the Territories and the citizens thereof, *with the exception of the bills for the admission of Michigan and Arkansas into the Union.*

Objection being made,

Mr. WHITE moved to suspend the rules, to enable him to offer the resolution; which was carried—ayes 94, noes 38.

Mr. THOMAS moved to amend the resolution by striking out the latter clause, printed in italics, and adding the following:

And that from and after one o'clock on Thursday, Friday, and Saturday, the bill from the Senate "to settle and establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed," and "for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes," shall be the special order of the day, to the exclusion of all other business, until they be disposed of.

Mr. WISE moved to amend the amendment of Mr. THOMAS, by adding that the House would, on Saturday, after disposing of the bills referred to, proceed to consider the following resolution:

Resolved, That a select committee be appointed with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposit for the public money; the contracts with the Treasury Department by which they are regulated; the manner in which, and the persons by whom such contracts are or have been made; into all correspondence whatsoever touching contracts for the deposit of the public money; and into all connection or relation, official or unofficial, which exist, or has existed between any person or persons and the Treasury Department, or between them and the deposit banks, or any individuals or banks, touching the custody and the control and deposit of the public money; or between any department of the Executive, and any individual or individuals or banks, touching the disbursements of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whomsoever, official or unofficial, connected with the said Department, or said banks, touching the disbursement, safe-keeping, or deposit, of the public money; and that said committee have leave to report by bill or otherwise.

Mr. WHITE moved the previous question; which was not seconded.

Mr. WISE asked for the yeas and nays on his amendment; which were not ordered; and it was negatived, without a count.

Mr. WHITE then accepted the amendment of Mr. THOMAS, as a modification of his resolution.

Mr. WILLIAMS, of Kentucky, moved to amend the resolution by making the bill extending the provisions of the pension act of 1832 the special order from eleven to one o'clock, on Tuesday and Wednesday of next week, and asked for the yeas and nays on his motion; which were not ordered.

The amendment of Mr. WILLIAMS was negatived, without a count.

Mr. P. C. FULLER called for a division of the question, and it was first taken on that part of it embraced in the original proposition of Mr. WHITE, and adopted as follows:

YEAS — Messrs. Heman Allen, Anthony, Ash, Ashley, Barton, Beale, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Buchanan, Burns, William B. Calhoun, Cambreleng, Campbell, Casey, George Chambers, Chaney, Chapin, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Conner, Corwin, Craig, Cramer, Cushman, Deberry, Denny, Dickerson, Doubleday, Dromgoole, Effner, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Glascock, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Harper, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Heister, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Jarvis, Jenifer, Cave Johnson, Henry Johnson, Joseph Johnson, Richard M. Johnson, John W. Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lewis, Logan, Lucas, Lyon, Job Mann, Manning, Martin, John Y. Mason, Moses Mason, William Mason, Maury, May, McComas, McKay, McKennan, McKim, McLene, Mercer, Miller, Milligan, Moore, Morgan, Morris, Owens, Page, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Peyton, Phelps, Pinckney, Potts, John Reynolds, Roane, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Slade, Spangler, Speight, Steele, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Turrill, Vinton, Washington, Webster, Weeks, and Whittlesey—145.

NAYS—Messrs. Chilton Allan, Bailey, Beaumont, Bell, Bond, Bunch, John Calhoon, Clark, Crane, Cushing, Darlington, Dunlap, Evans, Everett, Granger, Graves, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Janes, Lawrence, Lay, Luke Lea, Lincoln, Parker, Phillips, Reed, Rencher, Sloan, Smith, Standefer, Taliaferro, Waddy Thompson, Underwood, Wagener, White, Sherrod Williams, and Wise—39.

Mr. BOND desired that the second branch of the resolution should be further divided, by first taking the question on making the bill fixing the northern boundary of Ohio the special order for the days mentioned.

The CHAIR informed the gentleman from Ohio that the resolution was not susceptible of the division which he had proposed.

The second branch of the resolution was then negatived, (two thirds being necessary,) as follows:

YEAS — Messrs. Anthony, Ash, Barton, Beale, Bean, Bockee, Bond, Boon, Bouldin, Bovee, Buchanan, Burns, Cambreleng, Casey, George Chambers, Chaney, Chapin, John F. H. Claiborne, Cleveland, Coffee, Connor, Corwin, Craig, Cramer, Crane, Cushman, Dickerson, Doubleday, Dromgoole, Fairfield, Farlin, Fowler, Fry, William K. Fuller, Galbraith, Gillet, Glascock, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingman, Jabez Jackson, Jarvis, Cave Johnson, Joseph Johnson, Richard M. Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Lucas, Lyon, Job Mann, Manning, Martin, John Y. Mason, Moses Mason, William Mason, May, McKay, McKim, McLene, Montgomery, Moore, Morgan, Owens, Page, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Pettigrew, Phelps, Pinckney, John Reynolds, Roane, Rodgers, Seymour, William B. Shepard, Shinn, Sickles, Sloan, Spangler, Speight, Storer, Sutherland, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Vinton, Wagener, Ward, Webster, and Whittlesey—120.

NAYS—Messrs. Chilton Allan, Heman Allen, Ashley, Bailey, Beaumont, Bell, Boyd, John Calhoun, William B. Calhoun, Campbell, Childs, Nathaniel H. Claiborne, Clark, Cushing, Darlington, Deberry, Denny, Dunlap, Evans, Everett, French, Philo C. Fuller, Granger, Graves, Grayson, Griffin, Hard, Hardin, Harlan, Harper, Hazeltine, Heister, Hoar, Jenifer, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Maury, McCarty, McKennan, Mercer, Milligan, Morris, James A. Pearce, Peyton, Phillips, Potts, Reed, Rencher, Russell, Augustine H. Shepperd, Shields, Slade, Smith, Standefer, Steele, Taliaferro, Waddy Thompson, Underwood, Washington, White, Lewis Williams, Sherrod Williams, and Wise—69.

Mr. GALBRAITH then moved to reconsider the vote adopting the first branch of the resolution.

Mr. EVANS moved to lay the motion to reconsider on the table.

Mr. STORER asked for the yeas and nays on the motion to lay the proposition to reconsider on the table; which were not ordered.

The motion of Mr. EVANS was negatived without a count; and the motion to reconsider was carried.

Mr. SPEIGHT moved to lay the resolution on the table; which was agreed to without a count.

Mr. THOMSON, of Ohio, on leave, presented certain papers in reference to the bill authorizing a compromise for the purpose of acquiring the title to Pea Patch Island; which were ordered to be printed.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, reported a bill for the relief of Alexander H. Everett; which was read twice and committed.

Mr. TURRILL, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of Charles Taylor; which was read twice and committed.

Unfavorable reports upon various petitions, &c., were made by Messrs. JANES, KLINGENSMITH, LAY, and FRY, from the Committee on Revolutionary Pensions; Messrs. WHITTLESEY and DARLINGTON, from the Committee on Claims; Messrs. BEAUMONT and TURRILL, from the Committee on Revolutionary Claims; Mr. BEALE, from the Committee on Invalid Pensions; Mr. TOUCEY, from the Committee on the Judiciary; and by Mr. ASH, from the Committee on Naval Affairs.

Mr. OWENS, from the Committee of Ways and Means, reported the following resolution:

Resolved, That the bill reported by the Committee of Ways and Means, regulating the deposit of the money of the United States in certain local banks, be made the special order of the day for the first Wednesday in May next, at twelve o'clock, provided the appropriation bills be at that time disposed of; and, in case said appropriation bills be not then acted on, then on the day next after their disposition; and that the said bill in relation to the deposit banks have precedence on the first Wednesday in May next, or the day after the disposition of the appropriation bills, and the following days, over all other business until the same is disposed of.

Mr. WISE moved to amend the resolution by adding the one which he proposed this day as an amendment to the resolution of Mr. WHITE, of Florida.

The hour of one having arrived, the CHAIR announced the special orders, and the foregoing resolution and amendment were laid over until to-morrow.

BANK OF THE UNITED STATES.

Mr. CAMBRELENG moved that the House take up and consider the bill repealing the fourteenth section of the act incorporating the subscribers to the Bank of the United States.

The bill was on its engrossment, the Committee of the Whole having been discharged from its consideration some time since.

Mr. DUNLAP objected to taking up that or any other bill till the appropriation bills, under the special order, were disposed of.

Mr. CAMBRELENG remarked, that a letter had been received from the cashier of the branch bank at Savannah, who had refused to pay $27,000, stating that he was not authorized to redeem the notes of that branch, and that the notes of the Bank of the United States and its branches were redeemable only at the mother Bank at Philadelphia.

Mr. DUNLAP replied, that he should persist in his objection until the bills under the special order had been disposed of, or until that order had been rescinded.

Mr. CAMBRELENG said he had not anticipated a single objection; but, as it was of the greatest importance to the country that this bill should be passed, he moved a suspension of the rules to take it up, and on that motion asked for the yeas and nays; which were ordered.

The question being taken, the rules were suspended—yeas 135, nays 36; as follows:

YEAS — Messrs. Ash, Ashley, Bailey, Barton, Beale, Bean, Bell, Bockee, Bouldin, Bovee, Boyd, Buchanan, Bunch, Burns, William B. Calhoun, Cambreleng, Casey, George Chambers, Chaney, Chapin, Childs, Nathaniel H. Claiborne, Clark, Coffee, Coles, Connor, Corwin, Cramer, Cushing, Cushman, Deberry, Dickerson, Dromgoole, Everett, Fairfield, Farlin, Fowler, French, Fry, William K. Fuller, Galbraith, Gillet, Glascock, Grauger, Grantland, Haley, Joseph Hall, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Heister, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, James, Jarvis, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lawler, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Logan, Loyall, Lyon, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McCarty, McKay, McKim, McLene, Montgomery, Moore, Morgan, Morris, Owens, Page, Parker, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Peyton, Phelps, Phillips, Pickens, Pinckney, Reed, Rencher, John Reynolds, Roane, Russell, Seymour, Augustine H. Shepperd, Shinn, Sickles, Slade, Smith, Spangler, Speight, Storer, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpool, Vinton, Wagener, Ward, Whittlesey, and Sherrod Williams—135.

NAYS — Messrs. Chilton Allan, Heman Allen, Bond, John Calhoon, Darlington, Denny, Dunlap, Evans, Philo C. Fuller, Graves, Grayson, Griffin, Harlan, Harper, Hoar, Howell, William Jackson, Jenifer, Henry Johnson, Luke Lea, Lewis, Love, McComas, McKennan, Mercer, Milligan, James A. Pearce, Pettigrew, Potts, Shields, Standefer, Steele, Taliaferro, Underwood, White, and Lewis Williams—36.

Mr. CAMBRELENG repeated in substance his former explanations, and referred to a letter, stating that the notes of the branches were redeemable only in Philadelphia; and that the new bank issued none but the notes of the old bank and its branches. Mr. C. sent to the Clerk's table a copy of a letter received from the late cashier of the Savannah branch, to whom application had been made for the payment of $27,000 of the notes of that office. The letter referred to was as follows:

"SIR: I have received your letter of this date, asking payment of certain bills of the Bank of the United States, and have in reply to say, that the charter of that institution having expired on the 3d of March last, and with it my office of cashier of the branch in this city, I am no longer authorized to redeem the bills of the Bank, except by receiving them in payment of debt. I will add, that any amount of these bills which you may hold, will be promptly paid on presentment in Philadelphia.

JAMES HUNTER, *Agent.*

Mr. PEYTON said he had voted in favor of suspending the rules; and he now asked the privilege of the House to offer an amendment to this bill, which would not, in the slightest degree, interfere with the object of the gentleman from New York. The amendment he wished to

propose was one of great importance, not only to that House, but to the people of the United States, for it involved nothing less than regulating by law the whole treasure of the country. In substance, it was the same resolution he had heretofore attempted to move, changing only the day from the second to the third Monday in May. The resolution was as follows:

Resolved, That the bill reported by the Committee of Ways and Means, entitled "An act regulating the deposit of the money of the United States in certain local banks," together with any amendments which may be offered to the same, be made the special order of the day, and that it have precedence over all other business of the House from the hour of twelve, on the third Monday in May next, and on each succeeding day from the same hour, Fridays and Saturdays excepted, until the same shall be finally disposed of.

The CHAIR, having examined the resolution, said it would not be in order to move it as an amendment to the bill under consideration, which was on its engrossment.

Mr. PEYTON would then change his motion. Inasmuch as the rules of the House had been suspended, he would move to take up his resolution instead of that bill.

The CHAIR replied that the rules had been suspended for the specified purpose of taking up this particular bill; and therefore the gentleman could not substitute his resolution for it.

The bill was discussed, and its passage advocated by Messrs. CHAMBERS, of Pennsylvania, and CUSHING, and opposed by Messrs. HARPER and DENNY.

Mr. PEYTON, after some remarks, moved, as an amendment or substitute to this bill, the bill now before the House regulating the deposit of the public moneys in certain local banks.

The CHAIR said that bill was now in Committee of the Whole on the state of the Union, and it was not in order to move it as an amendment to, or substitute for, this bill.

Mr. PEYTON then said he would move that this bill be recommitted to the Committee of the Whole, with instructions to report as an amendment to it the bill above referred to.

The CHAIR said that would not be in order. At an earlier part of the day, before the bill under consideration had been taken up, it would have been in order for the gentleman to have moved to discharge the Committee of the Whole from the other bill.

Mr. PEYTON would then make that motion.

The CHAIR replied, that, pending the consideration of this bill, that motion could not then be made.

Mr. BELL. Does the Chair decide that it is not in order for my colleague to move to recommit this bill with instructions?

The CHAIR had made no such decision, but had stated that it would not be in order to move, as an amendment to this bill, another bill now in Committee of the Whole on the state of the Union.

Mr. BELL was not prepared, he said, to acquiesce in that decision.

Mr. PEYTON thought he could, perhaps, obviate the difficulty under which the Chair labored. He then sent to the table another printed paper, containing the same thing, (a Senate bill,) which (he said) was not in Committee of the Whole.

The CHAIR referred to some former decisions of the House, proving this to be out of order, and cited the rule of the House, that no proposition of a different nature from the one under consideration should be moved in the form of an amendment.

After some conversation on this point between the CHAIR, Mr. WILLIAMS, and Mr. PEYTON,

Mr. PEYTON then proposed to amend the bill by adding thereto only the last page of the foregoing, relating to the kind of money that should be received, (*Part of Mr. Wright's amendment to the Senate bill,*) as follows:

SEC. 11. *And be it further enacted*, That the commissioners of the sinking fund be hereby authorized and directed, at the commencement of every quarter of the year, to examine into the condition of the Treasury, and the probable amount of receipts and expenditures during that quarter; and if, in their opinion, the money in the Treasury during the quarter will generally exceed, or fall short of, $7,030,000, it shall be their duty to cause the sum equal in the former case to the supposed excess to be drawn out of the Treasury, and invested in some safe stock or stocks in the name and behalf of the United States; and in the latter case to order a sale or sales of such part or portion of any such stocks owned by the United States, as will produce a sufficient sum to make up the supposed deficiency, the proceeds whereof shall be paid into the Treasury.

SEC. 12. *And be it further enacted*, That said commissioners of the sinking fund shall be governed in making such investments or sales by the current and customary prices of stocks in the commercial cities of the United States; and in their purchases said commissioners shall give preference to such stocks whose payment is guarantied by some State, if the rate of interest upon the sum proposed to be invested will probably be as favorable. And at the commencement of every year, said commissioners shall make a detailed report to Congress of all their doings and proceedings under the provisions of this act.

The CHAIR remarked that the same principles on which the whole bill was out of order applied to the part now proposed to be inserted.

Mr. PEYTON appealed from this decision of the Chair, and made a few remarks on the main point.

Mr. BEAUMONT moved the previous question; which was seconded by the House, taken by tellers—ayes 75, noes 50; and the main question was ordered to be put, without a count.

The main question was, "Shall the decision of the Chair stand as the judgment of the House?" which was agreed to without a count.

The question then again recurred on the engrossment of the bill.

Mr. HARDIN briefly opposed it.

Mr. PARKS demanded the previous question; which was seconded by the House, and the main question ordered to be put, without a count.

Mr. ALLEN, of Vermont, asked for the yeas and nays on the main question, the engrossment of the bill; which were ordered; and, the question being taken, was carried in the affirmative—yeas 136, nays 17; as follows:

YEAS—Messrs. Anthony, Ash, Bailey, Beale, Bean, Beaumont, Bell, Bockee, Bouldin, Bovee, Boyd, Buchanan, Bunch, John Calhoon, William B. Calhoun, Cambreleng, Campbell, Casey, George Chambers, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Coffee, Connor, Craig, Cramer, Cushing, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, French, Philo C. Fuller, William K. Fuller, Gillet, Glascock, Granger, Grantland, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Henderson, Heister, Hoar, Hopkins, Howard, Howell, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Klingensmith, Lane, Lawler, Lawrence, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lincoln, Logan, Loyall, Lucas, Lyon, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, May, McComas, McKay, McKennan, McKim, McLene, Moore, Morgan, Morris, Owens, Page, Parker, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Peyton, Phelps, Phillips, Reed, Rencher, John Reynolds, Roane, Augustine H. Shepperd, Shields, Shinn, Sickles, Slade, Sloane, Smith, Spangler, Speight, Standefer, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Turrill, Ward, Weeks, Whittlesey, Sherrod Williams, and Wise—135.

NAYS—Messrs. Chilton Allan, Heman Allen, Ashley, Bond, Childs, Denny, Evans, Hardin, Harlan, Harper, Jenifer, Mercer, Potts, Steele, Underwood, Vinton, and Lewis Williams—17.

So the bill was ordered to be engrossed for a third reading this day; and having been engrossed, it was read the third time and passed.

PENSION BILL.

On the motion of Mr. CAMBRELENG, the House took up the bill providing for the payment of certain revolutionary and other pensioners, returned from the Senate with an amendment providing that all payments of ten dollars and under should be made in specie.

Mr. BOND moved to insert "twenty dollars" instead of "ten dollars;" and, after some remarks, asked for the yeas and nays on this amendment; but the House refused to order them, and the amendment was negatived.

The amendment of the Senate was then concurred in.

GENERAL APPROPRIATION BILL.

On the motion of Mr. CAMBRELENG, the House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. PATTON in the chair,) and took up the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1836.

The bill having been read at length by the Clerk,

Mr. CAMBRELENG rose and remarked, that it was proper he should state that, in pursuance of a vote of last year, and of a resolution reported by the committee on the rules and orders of the House, no appropriation should be inserted in an appropriation bill, not provided for in a previous act of Congress. There were some items in the present bill very much diminished from the estimates, particularly in regard to clerk hire. The Committee of Ways and Means had consequently provided for the subjects in a separate bill.

On motion of Mr. A. H. SHEPPERD, the bill was taken up by sections.

Mr. ALLAN, of Kentucky, moved to amend the first section by a general system of reduction in the salaries of all the officers of the Government: the President of the United States to $15,000 a year after the present term; a reduction of one third in the salaries of the Vice President and heads of Departments; twenty-five per cent. on the salaries of all the clerks; so that no clerk should receive less than an annual salary of $800, &c.; members of Congress to six dollars a day, &c.; which was negatived without a debate or a division.

Mr. A. H. SHEPPERD moved to amend the fourth clause by striking out the sum of $25,000 "for incidental and contingent expenses of the Department of State, including the expense of publishing and distributing the laws," and inserting $5,000 for the first object, and $12,000 for publishing and distributing the laws; and addressed the committee for some time in support of his amendment, referring to a variety of estimates and minute details connected with the incidental expenses of that Department.

Mr. CAMBRELENG said it was impossible to fix the contingencies of this or any one of the Departments at any definite sum, though for the last seventeen years there had invariably been the sum of $25,000 appropriated for those of the State Department.

Mr. WISE should not vote for the amendment, because it included the sum of $5,000 for contingencies. He was opposed to the form of the amendment; and, if it should prevail, he should then move to amend it by striking out the $5,000, and inserting a specific sum for the other object.

He remarked upon the large amount these contingencies and incidentals involved. There were twenty of them in the present bill, which amounted to an aggregate of $88,845; and there were many of a much larger amount, particularly under the items for foreign intercourse. He also dwelt upon the irregularity of inserting these latter contingencies, and outfits for foreign ministers, without its being known that they were, or would be, confirmed by the Senate. He announced to the committee that he should vote indiscriminately against all the contingencies of this bill, for they were abuses, and might be applied to partisan purposes. He would vote for no appropriation in this or any other bill, the object of which was not known to himself or to the country.

Mr. MASON, of Virginia, adverted to the fact, that every officer disbursing money, whether it was included in the contingencies or not, was accountable, and was compelled to produce his vouchers. Such was the case with the incidentals in the foreign missions, where the minister was compelled to produce his vouchers for every payment he made. These expenditures were necessarily incidental, being for postages, translations, special messengers, &c.; and Mr. M. knew, himself, of no instance in which these incidental appropriations had been misapplied. It was true, that the experience of the Government had ascertained the general nature and amount of them, but it would be impracticable for Congress to enter into all the petty items they embraced, or to anticipate the exact sum for each specific object. They could be governed only by the general scope and outline, specifying only the limit of the whole sum, beyond which there should be no authority to go. With regard to the item under consideration, Mr. M. could not see the necessity of reducing it; though he thought $17,000 was sufficient, he would vote to reduce, but if more should be appropriated than was required, the balance would be carried to the credit of the United States.

Mr. BELL inquired of the gentleman from Virginia, [Mr. MASON,] upon what authority it was that the Executive had appointed two ministers plenipotentiary to proceed to the dividing

line between Ohio and Michigan? and upon what precedent it was that $1,800 of the contingent fund of last year had been disbursed for that object? Mr. B. commented upon this proceeding for some time. It was an appointment of officers without the warrant or authority of law, a dangerous precedent, of which he complained, and not the amount of compensation paid to those distinguished gentlemen, (Messrs. Howard and Rush.) By this principle, under this precedent, the Executive might appoint as many new officers as he pleased, in the character of ministers plenipotentiary, Indian agents, &c. He should make no motion on the subject, but it was a subject worthy of deep and grave consideration, to which he felt bound to call the attention of that House.

The committee then rose and reported.

The SPEAKER laid before the House sundry executive communications; which were referred; and then,

On motion of Mr. SUTHERLAND, the House adjourned at five o'clock, p. m.

IN SENATE.

WEDNESDAY, *April* 13, 1836.

Mr. EWING, of Ohio, presented a petition from a meeting of sundry citizens of Ohio, praying the aid of Congress for the completion of the Maysville and Zanesville road; which was referred to the Committee on Roads and Canals.

Mr PORTER presented the petition of Amos Webb and Florence Mulford, representatives of Stephen Tabb; which was referred to the appropriate committee.

Mr. BUCHANAN presented the memorial of a number of merchants, traders and others, of the city of Philadelphia, praying for an appropriation to erect piers to protect vessels in the river Delaware against the ice, and for the removal of the bar opposite Fort Mifflin, placed there during the revolutionary war; and also praying for an appropriation for the erection of light-houses at such points on the river as may be necessary; also a similar memorial signed by the presidents of all the marine insurance companies of said city; which were referred to the Committee on Commerce.

Mr. BUCHANAN also presented four petitions from citizens of Philadelphia, objecting to the admission of Arkansas into the Union with a clause in her constitution sanctioning slavery; which was laid on the table.

Mr. SOUTHARD presented two similar memorials; which were also laid on the table.

Mr. EWING, of Illinois, presented the petition of sundry citizens of Illinois, praying for the establishment of a new post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. KENT presented a petition from sundry citizens of Maryland, praying that a survey may be made of the Chesapeake, and also for appropriations for the removal of sand bars at the mouth of the Potomac; which was referred to the Committee on Commerce.

Mr. KENT also presented the petition of John McLane, a revolutionary soldier, praying for arrearages of pension; which was referred to the Committee on Revolutionary Claims.

Mr. WEBSTER presented the petition of certain inhabitants of Duxbury and Plymouth, Massachusetts, praying for an appropriation for the improvement of the harbor of those towns; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. NAUDAIN, from the Committee on Claims, reported the bill from the House for the relief of Charles Frazier, without amendment.

Mr. SOUTHARD, from the Committee on Naval Affairs, reported a bill for the relief of L. Baldwin; which was read and ordered to a second reading.

NOTICE OF A BILL.

Mr. BENTON gave notice that he would, at the first convenient opportunity, ask leave to bring in a bill to reëstablish the currency of the Constitution for the Federal Government.

RESOLUTIONS.

Mr. HENDRICKS submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Crawfordsville, by the way of Darlington, in Montgomery county; Thomastown, in Boon county, to Frankfort, in Clinton county.

Mr. CALHOUN submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate, with as little delay as may be practicable, the amount of money in the Treasury on the 1st of this month, where deposited, and the amount of the liabilities of the several banks of deposit, respectively, with their means of meeting the same; and also the receipts of the Treasury for the quarter ending the 31st March last, arranged under the heads of customs, public lands, and incidental receipts.

CONVENTION WITH SPAIN.

On motion of Mr. KING, of Alabama, the Senate took up the bill giving effect to the eighth article of the treaty with Spain; and, after adopting an amendment moved by Mr. KING, the bill was passed.

CHINESE MULBERRY.

The joint resolution introduced on leave by Mr. NILES, authorizing the commissioner of the public grounds in the city of Washington to lease a portion of said grounds for the cultivation of the Chinese mulberry, was taken up on its third reading; and, after some remarks from Mr. SOUTHARD, was, on motion of that gentleman, referred to the Committee on the District of Columbia.

INCENDIARY PUBLICATIONS.

On motion of Mr. CALHOUN, the bill to prohibit the circulation of incendiary publications through the mails was taken up.

Mr. BENTON was not willing that the United States should be made a pack-horse for the Abolitionists; but it seemed to him to be going too far to invest ten thousand postmasters, (for he believed that was about the number,) with the authority vested in them by this bill, and he could not vote for it. The authority was such a one as would lead to things they might all regret. He was very sorry to vote against any measure which, even in appearance, had for its object the suppression of so great an evil; but he thought this bill was not calculated to effect that object.

Mr. GRUNDY hoped that this bill might be postponed for a short time, so that gentlemen might turn their attention particularly to it, and, if it did not suit them, to offer them such a bill as they could support. This Government was made to protect and secure the States in all their rights, and, if so, it was very strange that it should permit one of its Departments to throw firebrands among them to destroy them. The General Government was bound by solemn contract to protect them in their persons and in their property, and he wished gentlemen to examine the Constitution, and see whether it prohibited such a regulation of the Post Office Department as to prevent the transmission of these mischievous publications. The States had no Post Office Department. The power to establish that Department was entirely delegated to the General Government. The power, therefore, over that Department by the General Government was complete, and could not come in conflict with the State government. He was speaking now as to the power under the Constitution; and could it not make all constitutional provisions to regulate that Department? He admitted that, although the power did exist, perhaps no subject was so liable to be abused, or so dangerous in the exercise of it. A power was, during last summer, exercised by the Postmaster General, and some of the postmasters, which answered the purpose; but they acted without law. If it answered without law, it certainly would with it.

Mr. G. replied to some remarks of the Senator from Ohio, from whom he differed in opinion in regard to the obligation of States to each other concerning slaves, and cited the constitutional provision, that any person bound in service, escaping into another State, should be given up on demand. His object, however, in rising, was to ask the Senator from South Carolina [Mr. CALHOUN] to consent to let this bill lay on the table, to be called up again on Tuesday.

Mr. NILES moved to amend the bill by striking out the first section and inserting the following:

Limiting the operation of the bill to postmasters where the newspapers prohibited are to be delivered, and also to confine it to newspapers, the design and tendency of which are to excite insurrection among the slaves. The first section of the bill embraced papers touching the subject of slavery, the violation of which was prohibited by any of the States.

Mr. NILES said he had offered the amendment for the consideration of the Senate, believing the bill to be wholly impracticable as it was, as well as objectionable in principle. He did not think he could support the bill, should the amendment be adopted, as that would not change its principle; although he thought it would remove a large share of the practical evils and inconveniences which the law would occasion. He would explain the difference between his amendment and the bill: the first section of the bill prohibits any postmaster from knowingly receiving and forwarding in the mail any newspaper, pamphlet, or other printed or written paper touching the subject of slavery, into any State, Territory, or district, the circulation of which is prohibited by the laws of such State, Territory, or district. It also makes it unlawful for any postmaster to deliver any such prohibited newspaper when it shall have reached its destination.

The amendment confines the operation of the law to the postmasters where the inhibited paper is to be delivered. This would secure the object of the bill, and avoid many of the evils and inconveniences which would attend it as the provision now stands. The amendment differs in another particular from the bill: it limits and defines the description of papers which are prohibited. The language in the bill is, "any newspaper touching the subject of slavery." This is general and indefinite, and would embrace almost every periodical in the country. The amendment confines the law to such papers as are designed and calculated to excite insurrection among the slaves. These are the essential points of difference between the amendment and the first section of the bill.

Mr. GRUNDY wished the gentleman from Connecticut might consent to strike out the latter part of his amendment. He thought the better way would be to have the postmaster not give out the incendiary papers, but keep them in the office until the owner called for them, or, on his failure to do so, to destroy them. That modification would make it more acceptable to him, and, he had no doubt, to some others.

Mr. RUGGLES observed that one of the difficulties which, as it appeared to him, was involved in the first section of the bill, was brought to view by the amendment proposed by the Senator from Connecticut. The great difficulty was in the postmasters determining what publications were interdicted by law, and what were not—what publications came within the prohibition, and what were excluded. As the bill was reported, all publications touching the subject of slavery were prohibited. The amendment proposed prohibits only those which were designed, and had a tendency to produce insurrection among the slaves. He thought it would be more difficult to to decide what were designed and had a tendency to produce insurrection, than to determine whether a publication touched the subject of slavery at all or not. Both the bill and the amendment were exceptionable in that respect, but the amendment was more so than the provision of the bill for which it was intended as a substitute. It would be impossible for postmasters to decide upon the design and intent of all publications passing through their hands, or deposited in their offices, with any certainty of being correct. If this bill became a law, South Carolina might pass one law prohibiting the circulation of publications of a certain description, Virginia might pass another law, and Alabama another, and so on through all the slaveholding States, all having the same purpose in view, but differing in their details and in their terms. Now all the postmasters in the United States would be obliged to make themselves acquainted with these State laws, and give

to each a construction according to their best judgment and discretion. And they would be required to decide correctly at their peril. Could it be supposed that all of the eight or ten thousand postmasters would arrive at the same conclusions in regard to the true construction of these several State laws? And what would be the consequences of a mistake? They must give a true construction to each on their peril? They will be liable to incur a penalty on the one hand or the other. If they permit the circulation of publications, which a court should decide to be within the prohibition of the law, the penalties of this bill would attach; if they stop what should ultimately be decided not to be within the prohibition, according to the construction given to the law, they would be liable under the present post office laws. Now, however correct postmasters may be in regard to other matters, they are not all lawyers, and could not with unerring certainty determine the character of every publication, and have their opinions stand the test of a judicial decision. The courts themselves might differ. It seemed to him that the amendment requiring postmasters to decide upon the design and intent was exceedingly objectionable, as throwing additional embarrassments in their way, in the performance of their duties, and for that reason he could not vote for it.

Mr. NILES said the Senator from Maine [Mr. RUGGLES] had passed over the chief provision in the amendment, and taken an exception to a comparatively unimportant part of it. The great object of the amendment is, to restrict the operation of the bill to offices where the prohibited papers are to be delivered, which will of course be only in those States which have, or may enact laws prohibiting the circulation of such publications. This amendment would so change the bill, that it would not have the slightest operation on all the postmasters in thirteen States in the Union.

As the bill now is, it would be an impracticable law; it would not be possible to execute it; it would paralyze and destroy the entire mail establishment. It requires duties of postmasters which they cannot perform, without delaying and deranging the whole operations of the mail. It confers on a deputy postmaster, a mere ministerial officer, Federal powers; and requires him to decide questions of the most difficult and delicate character; to put a construction on the laws of a State, and determine what publications are prohibited by such laws. To decide what is incendiary matter would be similar to deciding what is a libel—what constitutes blasphemy or heresy. Of all cases ever tried before judicial tribunals these are the most difficult and uncertain. Yet a Federal power similar to this is to be conferred on all the postmasters in the United States. What is the number of periodical publications in the city of New York? Probably fifty or more of every description, many of them daily. They must all be examined before they can be lawfully forwarded, and of course time must be allowed for the performance of this service. These are, most of them, of a miscellaneous character, made up from other publications, and of course each paper must be carefully examined in its entire contents, to see if it contains anything touching the subject of slavery. This would be utterly impracticable.

He was aware that the same difficulty would exist to some extent under the amendment, but it would be confined to the offices where the prohibitory laws prevailed—where the evil from the circulation of such papers is apprehended. In those States the postmasters would be better acquainted with the State laws, and the public sentiment would be favorable to their execution. He must admit that there would be a difficulty in executing the law, should the amendment be adopted; but it would be confined to the States interested in the law, and would be less at offices where the prohibited paper was to be delivered than where it might be received, to be forwarded in the mail. A difficulty in the application was always experienced in acting on a new, doubtful, and untried principle.

He regarded the principle of the bill as unsound and dangerous, and did not think it could be modified in any way, so as to remove his objections. This principle will work a change in the mail establishment—a change from a free institution to one restricted and subjected to a legalized system of imputation and espionage. He would not go so far as the Senator from Massachusetts, [Mr. DAVIS,] and say that this was an infraction of the first article of the amendments to the Constitution; it might not be strictly an interference with the liberty of the press, but it was a conflict with the spirit of that provision, for circulation and publication were intimately connected; and to limit and restrict the great public channel of circulation was to impair the efficiency of the press by denying to it the only public facility of circulation provided by our laws. The public mail, like the press, should be free—free as the air we breathe; the nature, design, and usefulness of it require this. If you take away this essential attribute, confidence in it may be destroyed, and its character may be entirely changed. The public mail is the most important and beneficent of all the institutions of the Federal Government; it is one of unmeasured good, and brings its blessings to every man's door. It is one of those institutions that we must be careful how we touch.

The Senator from Maine supposes that the amendment would render it more difficult to execute the law, as the description of papers prohibited would be less definitely pointed out. This may be true. But the question is not which rule would be the most easy of application, but which is the most just? The language in the bill is so general and indefinite that it would apply to almost all papers of every description; the words, touching the subject of slavery, are as extensive as any that could be used; it would be easy to apply them, as they would embrace all the newspapers in the country, as all allude to the subject of slavery. But would not this give an operation to the law dangerous and alarming? The amendment would confine it to newspapers, the design and tendency of which are to excite insurrection among slaves—to those calculated to produce the mischief which it is the object of the law to prevent. He thought the evil, however, within the reach of State legislation, and should like to see the energies of that applied to it before we were called on to enact laws on the subject. State laws could take hold of these publications the moment they came from the post office, and stop their circulation, or require them to be surrendered up to a magistrate and destroyed. However he might deprecate the circulation of these mischievous publications, he was not satisfied that there was any urgent necessity for calling in the agency of this Government.

Mr. RUGGLES replied that, if he understood the amendment offered, it went to indorse all the laws of the several States which should hereafter be passed, interdicting the circulation of publications designed or having a tendency to produce insurrection among the slaves of such States. The Senator says that the design and intent would be the important object of inquiry—that criminality cannot be determined without ascertaining the motive and design with which the act is done. That would indeed be a very proper and necessary matter to be inquired into when the original author of the publication should be put upon his trial; but he presumed it was not the intention of the Senator to transfer the criminality from the author of the publication to the postmaster who permits its circulation. The criminality of the author would not, or ought not, to be the subject of inquiry any further than was necessary to determine whether the postmaster decided correctly or otherwise, as to the design or tendency of the publication on which he passes judgment. He objected to the amendment on the ground that it would be impossible for postmasters to determine in most cases as to the design and intent of the publication. He is required to judge at his peril of the design of the author, which he cannot possibly know. He cannot procure evidence; he cannot examine witnesses for the purpose of proving the design, nor even the tendency of the publication he is to judge of. Yet when he is arraigned in court for delivering out publications contrary to law, he is to be judged on evidence to which, in forming his opinion, he had no access. A court can summon witnesses and obtain evidence; but postmasters in their offices have no opportunity or means of taking testimony to establish facts which they must decide under a penalty for every mistake of judgment.

Mr. NILES. The Senator from Maine does not appear to understand the amendment. There is nothing in it which directs an inquiry into the motives or intentions of the publisher; the inquiry is confined to the publication, and has nothing to do with the publisher. The language is, that "no newspaper, the design and tendency of which are to incite insurrection among slaves." The inquiry will be as to the character and tendency of the paper, as to its general object and purpose, and the tendency of such a publication.

Mr. RUGGLES then observed that he might have mistaken the views of the Senator in proposing the amendment. He did understand him to say that the motive and design with which any publication was made, was the important matter to be determined. But if it was not the object of his amendment to impose such a duty on postmasters, and it should be modified so as to embrace the question of tendency only, he should have less objection to it.

Mr. CALHOUN said that, in bringing this subject before the Senate, he had done his duty. He had brought it before them with the aid of the special committee appointed for that purpose, and it depended on them whether it should pass. All he asked was, that there should be a final vote on this subject; and this was due to those he represented, that they might distinctly know whether there was a power in this Government to arrest the evil that all acknowledged to exist; and if there be such a power, whether there was a disposition to exercise it for the remedy of that evil. The attacks of these incendiaries was through the mails, using the press as an auxiliary. This was an acknowledged evil, and the question was, had they the power to arrest it? If we have no power, (said Mr. C.,) let us say so at once; but if we have the power, let us understand the extent of it, and why this power is not exercised. Let this (said he) be told to our constituents. Let it be told to them, if the mere convenience or inconvenience of the mails is considered of more importance than their existence. He had done his duty, and the responsibility now rested on the majority. He could not but be surprised at the course of the friends of the Executive. He had heard Senators denounce this measure, recommended by the Executive, as unconstitutional, as tyrannical, or an abuse of power, who never before dared whisper a word against the Administration. What was he to understand from this? Was it because the present Executive was going out of power, that his influence was declining? Was he to understand from this, that it was now for the first time discovered that the man who never erred had committed the most monstrous errors, recommending an abridgement of the liberty of the press and a tyrannical espionage over the post office? The very thing they denounced as proposed to be done by Congress, was now informally done by one branch of this Administration. They all knew that many of the postmasters at the North, and all of the postmasters at the South, had refused to receive these incendiary publications for transmission through the mails; yet this bill, giving the authority of law to that which was now done without authority, was denounced by Administration members as a most tyrannical abuse of power, while they did not raise a whisper against those officers of the Administration who now exercise this power.

He must express his surprise, that gentlemen who now denounced this measure, which was to legalize what had been done without authority, had sat there silent during the whole session, knowing that what they deemed such an unconstitutional abuse of power was carried on. Why did they not introduce a resolution to inquire into these abuses? Why did they not denounce them at first, instead of waiting until the action of Congress was proposed? There was a strange disease in the public mind. They permitted the Executive to do without censure what they refused to permit Congress to do. If the Executive trampled on the laws and Constitution, not a word

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, APRIL 18, 1836. VOLUME 3....No. 23.

was said; but when Congress came to legalize what the Executive had done, and to do what he had recommended, then the liberty of the press was assaulted and the Constitution violated. Mr. C. here referred to the President's protest, and to the removal of the deposits, citing them as abuses of power, and spoke of the deposit banks as being a greater evil than the Bank of the United States.

Mr. GRUNDY said, no doubt the Senator from South Carolina [Mr. CALHOUN] was the best judge himself as to whether he had done his duty to his country; but, in his (Mr. G.'s) humble judgment, he would not put the bill into the hands of enemies to do with it as they pleased. He could not say as to the correctness of the Senator from South Carolina in his belief that the majority were going against the bill. If he had reference to the objections made by the Senators from Ohio and Maine, and wished them brought in on party grounds, that would look a good deal like making it a party question, and he did not know whether it was best to do so. Although the party went together in most cases, yet they reserved the right to differ in some instances, and could not be kept together on all questions. The Senator from Connecticut, [Mr. NILES,] who was, undoubtedly, a very faithful supporter of the Administration, had, in this very case, differed from the Executive recommendation; but that did not make him an anti-Administration man. Where they could conscientiously support the executive recommendations, the friends of the Administration were disposed to do so; but if a Senator, who was no Administration man, should occasionally vote against an executive recommendation, he was not considered, on that account, an anti-Administration man; nor if the Senator from South Carolina [Mr. CALHOUN] should happen to vote for an executive recommendation, it would not make him an Administration man. But he would say this much, that if the Senator from South Carolina would bring in all his party to the support of the bill, they would, he had no doubt, be able to carry it. But where would this party logic lead to? If (said Mr. G.) we bring in all the Administration party in support of this bill, then the Senator from South Carolina would leave us. And, indeed, he thought that Senator already not so zealous as at first. Mr. G. thought this a delicate question, and one that ought not to be acted on hastily. He would like to hear the views of others in relation to it. He wanted, however, a final action on it this session.

Mr. CALHOUN said the Senator from Tennessee [Mr. GRUNDY] was much mistaken in supposing he reflected any censure upon him as an Administration man. The President himself had given his recommendation, going much further in this matter than he had. The gentleman was correct in saying that, in the general range of party discipline, they reserved the right to act for themselves; but he saw in this House men who, by raising their finger, could make this a party question. It was his opinion that they made nothing a party question that was not connected with the spoils. The same party had been brought to bear on the expunging resolution, the deposit question, the surplus funds, and which had kept those funds where they now were, in the hands of speculators, who were to be brought to bear on the people. That power was brought to bear on the spoils; and although the Senator from Connecticut [Mr. NILES] had dissented in this case, he would have found it a little hazardous to have went against the executive recommendation in regard to the removal of the deposits, or the recharter of the United States Bank. The Senator from Tennessee [Mr. GRUNDY] had put Tuesday as the day to postpone the bill to. That Senator and himself agreed in the general. They had had conversations respecting the bill, and his remarks were not intended to apply to him; but he feared that the bill, having grown out of the subject of the executive message, might take a part of the Administration from its support.

Mr. GRUNDY observed that it was hard that the Senator from South Carolina and himself could not get along when they agreed. We agree (said he) as to the object, but as to the means of effecting it we may disagree, though not essentially.

Mr. CALHOUN said that his remarks had no application to the Senator from Tennessee, whom he knew, from frequent conversations with him, was in favor of the principles of the bill.

Mr. GRUNDY continued. As to the responsibility being with the majority, he did not know how the blame would be apportioned out, if he (one of the majority referred to) should be in the minority with the gentleman on this bill; for the gentleman's friends over the way might come forward in a solid phalanx, and vote them down Now, he did not agree that it was necessary that the twenty-five friends of the Administration should always go together in all things. He, it was very well known, went with the Administration on most occasions, but there might be cases where he could not agree with them, and there he would leave them. So also it might be with other friends of the Administration, and with regard to this bill. If the majority voted for all the recommendations of the Executive, it might be said of them, that they only registered the edicts of the Executive, a tolerably harsh expression, which had with great injustice been used towards them. If, on the other hand, the majority did not go together for the measures of the Executive, they would be charged with defeating his recommendation. He did not think this fair. If the measure failed, the majority should not be justly blamed as a party, but each individual member ought to bear the responsibility for the part he took. The Senator from Massachusetts, [Mr. DAVIS,] whom he heard yesterday, conscientiously believed that this bill would be a violation of the Constitution, and an assault on the liberty of the press; and, on the contrary, the Senator from South Carolina believed that the measure was just and necessary, and perfectly within the constitutional power of Congress. He should not say that the Senator from South Carolina was an Administration man, because he voted for a measure recommended by the Executive; nor would he say that the Senator from Massachusetts was an anti-Administration man, for voting against it; because he believed that the gentleman might be considered a very good Administration man, and to be relied on on most occasions. Believing that the bill was a safe and constitutional measure, and that the times called for it, he should vote for it with some modifications. He did not design to go into an argument on its merits at that time, as he thought that it had better be laid on the table for the present. He should aid the Senator from South Carolina in calling it up whenever it did not interfere with the railroad bill to which he had referred.

Mr. CUTHBERT had no disposition, at present, to say anything as to matters more particularly before the Senate; but his purpose would be to state what, perhaps, though not stated, had weighed with almost every gentleman who wished the passage of this bill. All thought alike on the circumstances of the country on which this bill was intended to operate. A great Republic, composed of several different republics, covering a vast extent of territory, under the influence and restraints of a General Government; and the question occurred, will that General Government show a disposition to protect one or more of these republics against plots hatched against their internal peace? If this was a just view of the subject, then, though the measure should not be carried into complete effect, yet the sanction given to the principle, that this Government should protect, as far as the legitimate exercise of its powers permitted, the several members of the Confederacy, would have the most beneficial tendency. To prevent the effect of parties, that sanction would be all important by sustaining on the one hand, and restraining on the other He called upon gentlemen, therefore, to endeavor to give to this measure that modified form unobjectionable to any party, that would calm the feelings of the southern States, by showing them that the States which do not hold slaves shall not become armories for the forging of arms with which to assail them. This was all that the southern States demanded; all that a sense of justice and humanity required; and was dictated by the soundest policy as well as by every patriotic feeling.

Observations in reference to this subject had been made by the gentleman from South Carolina, which he much regretted to hear on that floor. He wished that the gentleman would restrain the frequent repetition of such expressions, as they necessarily brought on him, he feared, a suspicion of his sincerity. Why (said Mr. C.) should this be a party question? It would show a wickedness, a recklessness of the welfare of our common country, in any man, to endeavor to make it so. He wished the gentleman would restrain the expression of such feelings, as southern rights might be injuriously affected by a frequent recurrence to topics of this kind.

Mr. CALHOUN touched those topics because he knew there was a potent power in this Government, and when he heard the opposition coming from the quarter it did this morning, he confessed he thought it withdrawn from this bill. He differed from the Senator from Georgia [Mr. CUTHBERT] in adverting to the responsibility of the majority in regard to this matter. It was salutary to bring public attention to it. He was sorry to see the Senator from Tennessee [Mr. GRUNDY] employ his wit in so grave and solemn a question. He must say his wit was good and his reasons feeble. He alluded to the power invested in the Government by its patronage, and the immense amount of money at its disposal, and its control of the press. All he asked was that the Executive should keep the people in a state of harmony. He objected to the power exercised, because he had seen its abuse when applied to the removal of the public deposits, and its distribution of the spoils. The Executive had expressed himself boldly in regard to suppressing these publications, and he would say, manly; and he would do him the justice to say he believed him sincere, although mistaken in this matter. He (Mr. C.) had not abandoned his interest in this bill; he had put it into the hands of a stronger party. He was happy to hear the general remarks of the Senator from Georgia, [Mr. CUTHBERT.] He wanted the country should have their eyes upon it. One point he could not abandon, and that was to have a final vote on the bill, and that he was determined to have. If the Senator from Tennessee would call it up in a reasonable time, he would consent to its postponement.

Mr. GRUNDY thought that they could get along with this bill without making it a party question. What division on it there would be among the friends of the Administration, he was not able to say; though he thought the most of them were friendly to the principles involved. Then, if the gentleman would get his friends over the way to give the bill their support, it might be carried, even if the Administration should be against them. The Senator said that he had exercised some wit, and that his wit was good while his reasoning was weak. He would not say whether his reasoning was good or otherwise; he would leave that to be judged of by others; but he would say, that it was better to have the wit good than to have both wit and reasoning bad. He would not make this application to the Senator from South Carolina. He had thought that what he said was in the legitimate course of argument, and he spoke in his own way, as he had done on frequent occasions.

He thought the best course would be to lay the bill on the table, as further discussion would only consume time without producing any practical

good. He would aid the gentleman in taking it up on the day proposed, provided it did not interfere with the railroad bill, which had by accident been put out of its proper place.

Mr. NILES said he would say a word in reply to the remarks of the Senator from South Carolina, [Mr. CALHOUN,] which seemed to have a personal allusion to himself. He did not suppose that his course would be acceptable to that gentleman; but he little thought of hearing a complaint of the kind he had just heard—the want of party fidelity and zeal; he little expected such a charge from any one, and, least of all, from the Senator from South Carolina. He had supposed that his course had been such as to have satisfied that gentleman, at least, that he was prepared to do his duty as an humble supporter of the Administration. He had supposed, that, so far as party politics are concerned, he was quite orthodox, and always came directly up and toed the mark. He, with other supporters of the Administration, had been repeatedly charged by that Senator of being governed entirely by Executive influence; of not possessing a particle of independence; of being mere palace slaves. After these bold imputations, repeated so often and with so much vehemence, who could have supposed that it would be made a matter of complaint against any of us, that we had too much independence and did not yield implicit deference to Executive recommendations! Although prepared to hear almost anything from that gentleman, he did not expect a declaration of this kind.

The Senator says it is marvelous; he does not understand it; some great change must have taken place, and asks what it can mean. Sir, (said Mr. N.,) I will explain this matter; I will tell the gentleman what it all means. That gentleman has heretofore grossly misrepresented the friends of the Administration. We are not the passive instruments of power; we are not the palace slaves the gentleman has so often represented us to be. This is the explanation of the whole matter. I will not charge him with doing us such injustice intentionally and willfully, but it has proceeded from his violent prejudices, his heated imagination, and his uncontrolled passions, which have swayed his judgment and carried him great lengths; further, perhaps, than he is himself aware.

He (Mr. N.) was charged with having denounced the Executive recommendation. This is entirely incorrect. He had yet to learn that the gentleman's bill and the recommendation of the President are the same thing. The message merely presented the subject to Congress, for their consideration, whether some legislation might not be necessary, but does not point out what that legislation is to be. He had, however, great doubts whether there could be any legislation on this subject. He had great confidence in the judgment as well as the integrity of the President; of his profound and almost intuitive sagacity, his mature judgment, and strong, practical common sense, he had the most exalted opinion; in these strong points of character, he knew of no man living who is his equal. But the President is not infallible, and he could not act on his recommendation unless he was satisfied that it was just. The Senator says, entertaining the views he (Mr. N.) did, it was his duty to have introduced a resolution inquiring into the conduct of the Postmaster General who had exercised similar powers to those proposed to be conferred on him by this bill. This (said Mr. N.) is a mistake. What has the Postmaster General done? He addressed a letter to the postmaster at New York, and another to the postmaster at Charleston, South Carolina, saying that although there was no law authorizing him to exclude any papers or pamphlets from the mail, on the ground of their character or tendency, yet considering that in doing so they had acted from an urgent necessity, and from the high considerations of the safety of the mail, as well as the peace and security of society, he should not censure their conduct. This is all the Postmaster General has done, unless it be to throw out some suggestions and doubts whether it was proper and lawful to convey in the mail publications prohibited by the laws of the States into which they were to be conveyed. These were mere speculative opinions, and no action or instructions were based upon them. Perhaps no one had more confidence in that officer than himself; yet he dissented from these opinions, and had so informed him.

The Senator asks whether a new political movement is not about to take place—whether now the power and patronage of the President are nearly at an end, and his agency in disposing of the spoils—whether those who had professed so much admiration, and been such devotees of power, were not about to transfer their admiration and devotion to another object? Mr. N. said he could answer the question, so far as concerned himself—he could only speak for himself. It is true the power and patronage of the Executive are nearly spent; the offices are all filled; few more appointments are to be made; and those whose deference to the President has sprung from motives of this kind, may now be directing their attention to another quarter. But this will not diminish the number of those honest supporters who have been influenced from confidence in the man, and admiration of the strong points in his character. Sir, in whatever is personal, in whatever belongs to the services, the character, the high attributes of mind of the venerable man who now fills the highest executive office, those who have been his admirers are not the less so now, when his power is departing. The splendid sun which they gazed upon with delight and admiration when at its meridian, when its power and effulgence were at their height, they still gaze upon with equal veneration and respect—they discover it to be the same orb, unimpaired in its power, shining with the same steady and undiminished light, as in its course it descends to the far west, and will soon disappear forever from our political horizon.

After some remarks of Mr. MORRIS, the bill was laid on the table; and

On motion of Mr. PORTER, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 13, 1836.

Mr. SPEIGHT moved a call of the House; which was negatived.

Petitions and memorials were presented, on leave, by Messrs. HALL, of Vermont, EVANS, and HOAR.

On motion of Mr. WHITTLESEY, a joint resolution referring the petition and papers of the heirs of Robert Fulton, deceased, to the Secretary of the Navy, to report thereon to Congress, was taken up, read a third time and adopted.

Mr. REED, on leave, from the select committee to which the same was referred, reported without amendment, the bill from the Senate for the benefit of Boyd Reilly, and the same was committed.

On motion of Mr. BEAUMONT, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Wilkesbarre via White Haven, Loury Town, to Lausanne, in the State of Pennsylvania.

On motion of Mr. MORGAN, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of replacing the name of John Curtis, of Virginia, on the pension roll.

On motion of Mr. HEISTER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route between the borough of Reading, in Berks county, and the Blue Ball, in Lancaster county, Pennsylvania, by way of the State road recently laid out and opened between those two places.

On motion of Mr. McCARTY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Good Hope to Lima, in Indiana.

On motion of Mr. MARTIN, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Bellefonte, in Jackson county, Alabama, by the way of Langston, to De Kalb court-house, Cherokee court-house, and thence to Jacksonville, Benton county, Alabama.

SELECTING DEPOSIT BANKS.

Mr. DROMGOOLE asked the unanimous consent of the House to offer the following resolution:

Resolved, That the Secretary of the Treasury be directed to communicate to this House full information of the mode and manner of selecting banks in the several States or Territories for the deposit of the public money of the United States, of all contracts, agreements, or stipulations entered into with said banks, for the safe-keeping of said moneys; that the Secretary of the Treasury also state what agents have been employed, the nature and extent of their agency, and the compensation which such agents have received in any way from the Government of the United States; and that he also state what officers or agents on the part of said banks have in any way participated or been instrumental in the formation of any such contracts, agreements, or stipulations, concerning the deposit and safe-keeping of said moneys in said banks.

Mr. WISE rose, and objected to the reception of the resolution, and asked the consent of the House to permit him (which was not allowable under the rules) to state his reasons for objecting to the reception of the resolution.

Objection being made, the CHAIR stated that the gentleman could only proceed by permission of the House; and the question being put, there appeared 59 in the affirmative, when

Mr. WISE asked for the yeas and nays; which were ordered; and the question was stated by the Chair.

Mr. WISE. With your permission, sir, I will announce to the House, that I do not wish to enter into a debate upon this proposition, but simply, in justice to myself——

[Mr. W. was here interrupted by cries of "Order!" from various parts of the Hall.]

The question was then taken; and the House refused to permit Mr. WISE to state the reasons which induced him to oppose the introduction of the resolution of his colleague, by the following vote:

YEAS—Messrs. Chilton Allan, Heman Allen, Bell, Bond, John Calhoun, William B. Calhoun, Carter, George Chambers, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Corwin, Crane, Darlington, Denny, Dromgoole, Evans, Everett, Philo C. Fuller, Glascock, Granger, Graves, Griffin, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Howell, Janes, John W. Jones, Luke Lea, Lewis, Love, Loyall, Lyon, John Y. Mason, Maury, McComas, McKay, McKennan, Mercer, Morris, Parker, Pettigrew, Peyton, Phillips, Reed, Russell, Augustine H. Shepperd, Shields, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thomp on, Vinton, White, Whittlesey, and Sherrod Williams—66.

NAYS—Messrs. Anthony, Ash, Barton, Bean, Beaumont, Bockee, Boon, Bouldin, Boyd, Burns, Cambreleng, Casey, Chaney, Chapin, Cleveland, Coffee, Connor, Craig, Cramer, Cushman, Dickerson, Doubleday, Fairfield, Farlan, Fowler, French, Fry, William K. Fuller, Gillet, Joseph Hall, Hamer, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Hubley, Huntsman, William Jackson, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Judson, Kilgore, Kinnard, Klingensmith, Lane, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Logan, Job Mann, Manning, Martin, William Mason, Moses Mason, May, McKim, McLene, Montgomery, Moore, Morgan, Owens, Page, Parks, Patterson, Patton, Dutee J. Pearce, Phelps, Potts, John Reynolds, Seymour, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Webster, and Weeks—88.

Mr. DROMGOOLE gave notice that he should renew his request to the House to-morrow to present the resolution, and should it be again objected to, he should then move a suspension of the rules.

Mr. BELL appealed to Mr. WISE to withdraw his objection.

Mr. WISE said he would immediately give his colleague [Mr. DROMGOOLE] an opportunity of offering his resolution.

Mr. W. then asked leave to offer the following resolution, which he read:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposit for the public money; the contracts with the Treasury Department, by which they are regulated, the manner in which, and the persons by whom such contracts are or have been made; into all correspondence whatsoever touching contracts for the deposit of the public money; and into all connection, relation, official or unofficial, which exists, or has existed, between any person or persons and the Treasury Department, or between them and the deposit banks, or any individuals or banks, touching the custody and the control and deposit of the public money; or between any department of the Executive, and any individual or individuals or banks touching the disbursements of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whatsoever, official, or unofficial, connected with the said Departments, or said banks, touching the disbursements, safe-keeping or deposit of the public money; and that said committee have leave to report by bill or otherwise.

Mr. W. said, if the House would permit him to offer this resolution, his colleague could move his as an amendment, and this would cut off the

previous question upon the former, as in that case it would be the main question. He had no idea of calling upon rogues for an account of their own conduct.

Objection being made,

Mr. WISE moved a suspension of the rules, and asked for the yeas and nays, which were ordered, and were—yeas 76, nays 96; as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Bell, Bond, Bunch, John Calhoun, William B. Calhoun, Carter, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Denny, Evans, Everett, Philo C. Fuller, James Garland, Granger, Graves, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Albert G. Harrison, Hazeltine, Heister, Holsey, Howell, William Jackson, John W. Jones, Lawler, Lawrence, Luke Lea, Lewis, Lincoln, Love, Loyall, Lyon, Martin, John Y. Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Peyton, Phillips, Reed, Russell, Augustine H. Sheppard, Shields, Slade, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, White, Whittlesey, Sherrod Williams, and Wise—75.

NAYS—Messrs. Anthony, Ash, Barton, Bean, Beaumont, Bockee, Boon, Boyd, Burns, Cambreleng, Casey, George Chambers, Chaney, Chapin, John F. H. Claiborne, Cleveland, Coffee, Conner, Craig, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Fowler, French, Fry, William K. Fuller, Galbraith, Gillet, Glascock, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Hubley, Huntsman, Jabez Jackson, Janes, Jarvis, Cave Johnson, Joseph Johnson, Richard M. Johnson, Judson, Kilgore, Kinnard, Klingensmith, Lane, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Job Mann, Manning, Moses Mason, William Mason, May, McKim, McLene, Montgomery, Moore, Morgan, Owens, Page, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, Potts, John Reynolds, Seymour, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Wagener, Ward, Webster, and Weeks—96.

So the House refused to suspend the rules.

Mr. DROMGOOLE then rose, and remarked, that he had intended waiting till to-morrow morning before asking leave again to offer his resolution; but, believing the House then to be probably as full as it would be to-morrow, he thought it as well to ascertain at once whether leave would be granted. He therefore moved a suspension of the rule till one o'clock this day, for the purpose of offering the resolution indicated. (See above.)

Mr. HOPKINS asked for the yeas and nays; which were ordered.

Mr. STORER and Mr. WISE suggested various modifications to Mr. DROMGOOLE, who stated that, if the rule was suspended, they could be offered as amendments, and they were withdrawn.

The question was then taken; and decided in the affirmative—yeas 158, nays 19; as follows:

YEAS—Messrs. Heman Allen, Anthony, Ash, Barton, Beal, Bean, Beaumont, Bell, Bockee, Boon, Bouldin, Boyd, Bunch, Burns, William B. Calhoun, Cambreleng, Casey, Chaney, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Cleveland, Coffee, Connor, Corwin, Craig, Cramer, Crane, Cushman, Darlington, Denny Dickerson, Doubleday, Dromgoole, Dunlap, Evans, Everett, Fairfield, Farlin, Fowler, French, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Granger, Grantland, Graves, Griffin, Joseph Hall, Hiland Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Heister, Holsey, Hopkins, Howell, Hubley, Huntsman, William Jackson, Jabez Jackson, Janes, Joseph Johnson, Richard M. Johnson, Henry Johnson, John W. Jones, Judson, Kilgore, Klingensmith, Lane, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Luke Lea, Leonard, Lincoln, Logan, Loyall, Lucas, Lyon, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Maury, McCarty, McComas, McKay, McKennan, McKim, McLene, Mercer, Milligan, Montgomery, Moore, Morgan, Morris, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, Potts, Reed, John Reynolds, Rogers, Russell, Seymour, Augustine H. Sheppard, Shields, Shinn, Sickles, Slade, Sloane, Smith, Spangler, Speight, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Washington, Webster, Weeks, White, and Sherrod Williams—158.

NAYS—Messrs. Bond, Buchanan, Carter, George Chambers, Fry, Hard, Hardin, Harlan, Harper, Jarvis, Cave Johnson, Kennon, Kinnard, Lewis, Love, Peyton, Waddy Thompson, White, and Wise—19.

So the rule was suspended.

The CHAIR remarked that the resolution of Mr. DROMGOOLE would, under the rule, lie over one day.

Mr. DROMGOOLE hoped there would be no objection to considering the resolution at that time.

Objection being made, Mr. WISE moved to suspend the rule for this day, for the purpose of considering the resolution; which was negatived without a count.

On motion of Mr. EVANS, the resolution was ordered to be printed.

The joint resolution from the Senate, fixing a day for the adjournment of Congress, came up in order.

Mr. CAMBRELENG moved to postpone its consideration until the first Tuesday in May.

Mr. SPEIGHT objected to the postponement to the day mentioned: he would not approve its postponement for one week.

Mr. CAMBRELENG reminded the gentleman that the day named by himself was not distant. He was opposed to fixing any day for the adjournment until the bill in relation to the public deposits was passed by Congress.

Mr. SPEIGHT was anxious that the bill, to which the gentleman had referred, should be acted on. When a day was fixed for the adjournment, the business of the House would progress with more regularity and dispatch.

Mr. HARDIN was in favor of the motion of the gentleman from New York, [Mr. CAMBRELENG.] No good (he contended) would result from acting on the resolution at present. Mr. H. adverted to the great number of bills unacted on, and particularly the bill extending the pension act of 1832, which he was anxious should be passed, and which he believed would be sustained by a majority of the House. If they should not be prepared to dispose of the resolution on the day named by the gentleman from New York, they could further postpone it.

Mr. TOUCEY hoped the motion of the gentleman from New York would prevail. The committees of the House had been maturing and laboriously preparing business for the final action of the House. A mass of important business had in that way been brought before the body. It was to be hoped that the long political speeches of the session had been delivered—especially those in reference to the presidential election. The House had, for a few days past, manifested a disposition to dispose of the legitimate public business. When the day named by the gentleman from New York arrived, they could then act more understandingly on the resolution.

Mr. MERCER thought nothing would be gained by now fixing a day for the adjournment. Were they to do so, much time would be spent by motions to suspend the rules, in order to give precedence to particular measures.

Mr. MASON, of Virginia, obtained the floor; but the hour having arrived, the Chair announced the special order.

GENERAL APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House, in further execution of the special order of the 26th of January, resolved itself into a Committee of the Whole on the state of the Union, (Mr. PATTON in the chair) and resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of Government for the year 1836.

The question pending was the motion of Mr. A. H. SHEPPARD to amend the fourth clause by striking out the sum of $25,000 "for incidental and contingent expenses of the Department of State, including the expense of publishing and distributing the laws," and inserting the sum of $5,000 for the former object, and $12,000 for publishing and distributing the laws.

Mr. JOHNSON, of Tennessee, remarked that it was impossible for the House to go into every minutiæ then of contingent expenditure, for pens, ink, &c., though he advocated the most economical expenditure of that fund; and it was his intention, either then, or at some future stage of the bill, to offer an amendment applying to all the incidentals and contingencies. He should offer it as an amendment to the bill, or as an additional clause to it. In substance it was as follows: To make it the duty of the Secretaries of State, the Treasury, and War, the heads of bureaus, and the Postmaster General, to lay before Congress, in the first week of January in each year, a statement exhibiting the expenses of the previous year of the various items appropriated by Congress under the head of contingent expenses, specifying each item of expenditure, and name of persons to whom the money was paid.

Mr. MASON, of Virginia, to whom the interrogatory had yesterday been directed, replied to the question of Mr. BELL as to the authority for sending two ministers plenipotentiary. Mr. H. denied that these distinguished gentlemen (Messrs. Howard and Rush) went in that character; but that they were mere agents. He went on to show, at length, from the directions given to those gentlemen, that the President had done nothing more than his constitutional duty required him to do. These gentlemen were mere agents, sent to collect information, an appointment the President had the constitutional power to make. Mr. M. had no other means of knowing the views of the Executive than what was to be found in the communications sent to the House, the President's message on the subject, with the accompanying documents, and the opinion of the Attorney General, from all of which he quoted various extracts. There was a multiplicity of instances of the same kind of appointments, or exercise of discretionary power, in Mr. Jefferson's, time, (Burr's case,) in Mr. Monroe's, in Mr. Adams's, and during the present Administration, sending an agent to the Creek country. There were numberless instances, from the foundation of the Government, where agents were sent in this way for a special purpose. The peculiar structure of our system of Government, having no Home department, rendered the exercise of this small discretionary power occasionally indispensable, under the application of the principle *salus reipublicæ suprema lex*. Mr. M. reviewed at length the circumstances growing out of the Michigan controversy, and contended the President had most emphatically done his duty, and nothing more.

Mr. BELL thought this a very important subject, and one that should be discussed, though he had no desire to bring on a protracted debate. He was not, however, to be deterred from the discussion of questions of this description by the taunts and jibes of gentlemen, who were constantly throwing out the charge that it was done for the purpose of bringing up a political debate. He reiterated the complaint, that no other opportunity had been, or would be, afforded for considering important measures; and he had had resolutions in his drawer from the commencement of the session, waiting for an opportunity to be offered. He contended that the gentlemen sent to the Michigan boundary did go in the character of ministers plenipotentiary. It was true, that at first the difficulty assumed a serious aspect, but not so much so as the controversy with South Carolina, where no special minister had ever been sent. He maintained that the President had exceeded his authority by the appointment in question, and that he had no right to send those agents there without a nomination to, and confirmation by, the Senate. It was the introduction of a dangerous principle, which would enable the President to act *ad libitum*, and without authority of law. One of the precedents referred to by the gentleman from Virginia was that of Mr. Key to Alabama, and it was the case cited by Mr. B. yesterday, as the only other he knew of a like character. He found Mr. Key was paid from October, 1833, to January, 1834, $3,400, and the agents to Michigan $1,800. It was not the amount of compensation, however, that he condemned, but the principle now for the first time introduced—a principle replete with the most dire and destructive consequences to a free Government.

Mr. WISE said this was one of the best cases that could be given against the continuance of these pure or impure contingencies. Here were embassadors, agents, or missionaries appointed without a nomination to the Senate, and the money actually paid to them for their services, without the House of Representatives ever having been called upon to make the appropriation. It was under the head of contingencies that these illegal payments were made; and this fact demonstrated the necessity of no longer passing any more contingent appropriations. Mr. W. reviewed the opinion of the Attorney General, and contended that the President, in the appointment of Messrs. Howard and Rush, had departed from that opinion. Mr. Butler stated, that the President had the power of removing the officers and appointing others in their places; but he made no

recommendation for the President to appoint extra officers, and, therefore, the President's conduct was at war with the opinion of the Attorney General of the United States. Mr. W. also contended that the appointments in question were unconstitutional, being informally made, and without the authority of law. These contingencies he designated as nuisances, *contra bonos mores*, and items that ought no longer to be sanctioned. Though they might at first have been introduced *ex necessitate rei*, at an early period of the Government, the necessity for them no longer existed.

Mr. W. then referred to the subject of the deposit banks, and the obstructions thrown in the way of a rigid investigation into the manner by which they were selected. Referring to Mr. DROMGOOLE's resolution, he argued that it did not go far enough. Mr. W. desired a full and rigid scrutiny by a select committee, not only into them, but also into the connection of Reuben M. Whitney with those banks, for he was prepared to prove that this individual was paid, indirectly, out of the public Treasury. Whitney was the agent of the deposit banks at Washington. These banks had the use of the public money without paying any interest for it, when there were other solvent banks throughout the country who would willingly pay one and one and a half per cent.; and the inference was irresistible. The resolution of his colleague was merely one of inquiry, and that inquiry to be made of the Secretary of the Treasury, not of investigation, and was unsatisfactory. He also desired an investigation into the doings of the Secretary himself

Mr. W. then adverted to another alleged fraud of an agent of the Government, into whose hands a sum of $650,000, appropriated at the last session, had been placed, which was kept by him, as was said, for some ten months, used in some private speculations, by which he realized some ten, twenty, thirty, or forty thousand dollars.

He then referred to the condition of the deposit banks, which were unable to meet their liabilities if called upon. Should a proposition be agreed upon to distribute the surplus revenue, there would be a general smash among them. They could not meet the call for the deposits. He then recurred to his charges against Reuben M. Whitney, as connected with his relations to the deposit banks, whom he designated as the miserable pimp of the Treasury and of the party. He said, in reply to the card in this morning's Globe, that he cared nothing about Whitney's perjuries, or private transactions, but only his connection with the Treasury and the people's money. He also wished to bring Levi Woodbury, Whitney's master and copartner, to the bar of public opinion, by the appointment of a select committee, with authority to send for persons and papers. There were serious charges, he solemnly assured the House, he could prove against Whitney, if not against the Secretary. Mr. W. dwelt at length on this subject, and contrasted the repugnance of Mr. Woodbury to investigation with the voluntary solicitation of Mr. Hamilton and Mr. Crawford for an inquiry into their conduct. He said, in conclusion, that he would not vote for one dollar of appropriation, either pure or impure, till he knew where the public moneys were, whether they were safe or not, by whom and how they were used, and whether they were abused or not.

Mr. A. H. SHEPPERD rose to address the committee, but

Mr. BOND, remarking that the gentleman was indisposed, moved that the committee rise.

Mr. CAMBRELENG said he should be sorry to interpose an objection under such circumstances, but he would merely remark that, if they were to go on in this way, it would be impossible to see when this bill could go through. It was twenty-one folio pages in length, and they had not yet progressed with the first six lines of it, upon a clause of which the whole controversy involved an amount only of $8,000.

Mr. A. H. SHEPPERD then proceeded to address the committee at length, in support of his amendment, and referred to a variety of particulars of expenditure, both in the State and other Departments, under the head of contingent expenses, to show that the sum of $5,000 would amply cover the whole of the incidentals and contingencies of the Department of State; and that $12,000 would be sufficient to cover the expense of publishing and distributing the laws.

The amendment was then rejected—ayes 55, noes 67.

Mr. UNDERWOOD moved to strike out the following clause: "For the superintendent and watchman of the northeast executive building, $1,500."

Mr. A. H. SHEPPERD thought the item of $5,350 for the contingent expenses of the said building enough to cover this expenditure.

Mr. CAMBRELENG made a brief explanation; and, after a few words from Mr. HARPER, and Mr. JOHNSON of Tennessee, the amendment was rejected without a division.

Mr. CAMBRELENG moved to increase the item of $24,700 for compensation to the clerks and messengers in the office of Third Auditor to $27,000; which, after a few words of explanation from Mr. C., was agreed to.

Mr. LAY moved to strike out the two following clauses: For compensation to the Solicitor of the Treasury $3,500, and for compensation to the clerks, &c., in said office $1,650.

Mr. L. said he was given to understand this office was a mere sinecure.

Mr. CAMBRELENG replied that the gentleman had better move to repeal the law under which the office was created.

The amendment was rejected, and a motion was made by Mr. CAMBRELENG to increase the sum of $1,650 in the latter clause to $3,950; which was agreed to.

Mr. JOHNSON, of Tennessee, moved to strike out the item of $220 for compensation to the secretary to the commissioners of the sinking fund, to the 16th of February last; and after a few words from Messrs. CAMBRELENG, LAWRENCE, and JOHNSON, the committee rose for want of a quorum, and reported that fact to the House.

Mr. HANNEGAN said that, inasmuch as there were many important bills before the House which were delayed by the appropriation bills, and as it was probable that they might be able to get through this bill to-night, he moved a call of the House.

Mr. VINTON moved an adjournment.

Mr. PARKS was confident there was a quorum in the House; and, with a view to ascertain that fact, he called for the yeas and nays; which were ordered, and were—yeas 78, nays 53.

So the House adjourned.

IN SENATE.

THURSDAY, *April* 14, 1836.

Mr. McKEAN presented three petitions from a large number of citizens of Philadelphia, remonstrating against the admission of Arkansas into the Union, with the clause in her constitution authorizing slavery; which was laid on the table.

Mr. SWIFT presented the petition of Ephraim Page, praying for a pension; which was referred to the Committee on Pensions.

Mr. KNIGHT presented the petition of a number of ship-owners and others of Providence, Rhode Island, praying for an appropriation for placing buoys, dolphins, &c., in the Providence river; which was referred to the Committee on Commerce.

Mr. WALKER presented the memorial of the heirs of Edward Randolph; which was referred to the Committee on Private Land Claims.

REPORTS FROM COMMITTEES.

Mr. NAUDAIN, from the Committee on Claims, to which was referred the bill for the relief of Simon Gerom, reported the same without amendment, and stated it as the opinion of the committee, that the bill ought not to pass.

Mr. KNIGHT, from the Committee on Manufactures, to which had been referred the petition of the citizens of Brooklyn, New York, and other places, praying for the repeal of the duty on foreign coal, made an unfavorable report thereon.

RESOLUTIONS.

Mr. LINN submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Helena, seat of justice of Pettis county, Missouri, to the seat of justice of Benton county.

Mr. WEBSTER submitted the following resolution; which was considered and agreed to:

Resolved, That the returns for the last three months from the Bank of the United States, and the different deposit banks, communicated to the Senate on the 14th of January last, be printed.

HOUSE BILLS REFERRED.

The following bills from the House were severally read twice and referred to the appropriate committees:

A bill for the relief of George Bender;

A bill for the relief of the legal representatives of Michael Fenwick, deceased;

A bill for the relief of Andrew Hoover, of Indiana;

A bill for the relief of Asa Armington, and others;

A bill for the relief of Henry Stoddard;

A bill for the relief of John Barkley;

A bill for the relief of Amelia Leach;

A bill for the relief of John F. Lewis;

A bill for the relief of James Moor and William Moor;

A bill confirming to the legal representatives of Thomas F. Reddick, a tract of land;

A bill for the relief of Abraham Forbes, a spy in the late war;

A bill granting a pension to Colonel Gideon Morgan, of the State of Tennessee;

A bill for the relief of Israel Ingall;

A bill for the relief of the heirs of William Forbes, deceased;

A bill for the relief of Joseplr Neibert;

A bill for the relief of Jesse Sykes;

A bill repealing the 14th section of the act incorporating the subscribers of the Bank of the United States, approved April 10, 1816;

A bill for the relief of James Bradford, of Louisiana;

A bill for the relief of John Almon and George Woolsey;

A bill for the relief of Benjamin Bennett, Peter Guthrie, George W. Bennett, James Calvin, John Fifer, and the heirs of Henry Sumpton, deceased; and

A resolution referring the petition and papers of the heirs of Robert Fulton, deceased, to the Secretary of the Navy, to report thereon to Congress.

RESOLUTIONS ADOPTED.

The resolutions lying on the table were severally concurred in.

LAND PATENTS.

On motion of Mr. EWING, of Ohio, the Senate took up the bill giving effect to patents for public lands, issued in the names of deceased persons; and, after being amended.

On motion of Mr. WALKER, the bill was ordered to be engrossed for a third reading.

PROCEEDS OF THE PUBLIC LANDS.

The bill to appropriate, for a limited time, the proceeds of the sales of the public lands among the several States, and for granting lands to certain States, was taken up as the special order.

Mr. BENTON observed, that this bill contained the same donation for the State of Missouri as was contained in a bill introduced by himself; and he would barely observe, that the Legislature of Missouri had passed resolutions asking for this donation of fifty thousand acres, while they remonstrated against the passage of this distribution land bill. The representatives of Missouri, in accordance with the wishes of their Legislature, preferred that this donation should be made in a separate bill, and he therefore moved that it be stricken out from the bill before them. He presumed there could be no objection to this motion on the part of the Senate.

Mr. WALKER said that, as the bill now stood, he should move, as an amendment to the motion of the gentleman from Missouri, to strike out the donation of a like quantity of land to the State of Mississippi. He thought nothing could be more clear than that it was the duty of Congress to put all the new States on an equal footing as to grants of land, and that Mississippi, therefore,

ought to have the same quantity given to her that had been given to other new States. It was perfectly certain, also, that if this grant to Mississippi should be retained in the bill, she would get nothing; for even if the bill passed, it was known, from the avowed sentiments of the Executive, that it must receive his veto. As a representative of Mississippi, therefore, he would not perform his duty to his State, if he stood by and silently permitted this grant to pass in a bill which never could become a law, and, in consequence of which, Mississippi would receive no grant.

Mr. PORTER took a different view of this matter, in regard to his State, from the Senator from Mississippi, [Mr. WALKER.] He voted for including the State of Louisiana in the bill introduced by that Senator, and he should also vote for this. It was doing an act of justice to Louisiana. He did not feel authorized to modify his views or square his acts to meet the views of the President. He did not feel authorized to say the President would not take a different view of the measure from what he had taken formerly. He knew he did not change his views very often. But, whatever might be his views, he (Mr. P.) considered it his duty to vote for all grants to Louisiana, let them come in what shape they might; and he was sorry the Senator from Mississippi did not concur with him. But the Senators from Mississippi and Missouri understood the interests of their States better than he did, and he would vote for their amendments.

Mr. CLAY observed that the provisions in the bill, by which grants of lands were made to the new States, were made on the principles of equalization and compromise. In that view the grants were made in Louisiana, Missouri, and all the new States except Ohio, so as to bring their donations up to the quantity that had been received by the last-mentioned State. So far as his vote went, he should vote to expunge from the bill the grant to any new State, whose two Senators concurred in desiring it to be so expunged. He would here observe, that any reference to what the President would do, with regard to a measure pending before the House, was not altogether parliamentary; and if such a reference were made in the English Parliament, as to the opinions of the King, it would be immediately decided to be out of order. And here, too, the same question of order would have been raised, if they had not gone further than they ever had in England as to executive responsibility. The proper rule was, that each Department of the Government should perform its duty without considering the opinions or wishes of the other Departments.

The Senator from Mississippi, however, had no warrant for his opinions as to what the President would do with regard to this bill, unless he got it from late conversations with him. In the message of 1832, the President laid it down, that Congress had the power over the public lands as broad as any one had; and, in pursuance of what was supposed to be his recommendations, the bill to distribute the proceeds of the public lands was framed; but things had materially altered since the President's veto. A large portion of the public domain had been sold, and a large surplus had accumulated in the Treasury, which it was highly necessary to dispose of. These circumstances would justify the President in going back to his first opinions. The most the Senator from Mississippi could say was, that the President had given two opinions as to the public lands; one in the message of 1832, the other in the veto message; but which of the two, under the present state of things, he will adhere to, he could not know, unless from conversations with him. In the veto message the President laid it down that they had no right to grant money or lands to the new States, and he referred to the act of cession to show that the public domain must be held for the benefit of the old States as well as the new. This veto message, he would inform the Senator from Mississippi, would meet him at every turn, and would apply with equal force against a donation to a new State in a separate bill, as against the general bill under consideration.

[Here Mr. CLAY quoted at length from the message of the President, giving his reasons for refusing his assent to the land bills.]

The gentleman would here find, (Mr. C. said,) that the reasoning of the President was against giving lands or money to the new States beyond what was given to the old; and, unless the Senator from Mississippi knew from conversations with the President what he would do, they were left, by his public acts, to infer that he would veto one bill as much as the other. The only way for them to act was to legislate according to their own ideas of propriety, without waiting to inquire what the President would do.

Mr. WALKER said it was under a sense of the obligation he owed, as a Senator to the people of the State he in part represented, that he had offered his amendment. His object was, that the State of Mississippi should be placed on the same footing with other States; and felt anxious that she should receive that justice which was due to her by a bill having that grant, and no other principle in it. He did not approve of the principle of making grants to some of the new States, and refusing them to others. It was his duty, as a representative, to pursue that course most likely to effect the object of the grant to Mississippi, and he should have been recreant to his duty to have put it in a bill that had received the veto of the President.

In reply to the Senator from Kentucky, [Mr. CLAY,] he believed that Senator referred more frequently to the acts of the President than he had; and not only referred to what he had done, but to what he would do, and even to what he had not done; for on that auspicious day, when he (Mr. W.) took his seat in that body—the birth-day of the Father of his Country—he (Mr. C.) had said the President had given an apology to France. If the flag of our country had been stained with that word apology, the youngest republican in it would have scaled the walls of the Capitol and cut it out. The President had given no apology. The Senator from Kentucky had said that they might infer that the President would not veto this bill again. He (Mr. W.) had the most exalted opinion of that venerable man, (the President,) notwithstanding the denunciations against him in this Hall, which had been converted into a debating club.

The policy of the President in regard to the public lands was to reduce the price of them so as to bring them within the reach and ability of the settlers to buy them. Whereas the policy of his opponents was to increase the price of them; and the Senator from Ohio [Mr. EWING] had said he intended to bring in a bill fixing the price at thirty dollars per acre.

Mr. EWING explained that the bill he intended to introduce was to prevent frauds by combinations, and to raise the price of that part of the lands which were of the best quality.

Mr. WALKER proceeded. Then, should he stand by and see a bill of that description pass, and which ought to have its title changed to a bill for keeping up the price of lands, instead of the title it bore? He could not tell what might be the effect of the policy of raising the price of the public lands, but, like the tariff act, it would endanger the safety of the Union; it would, in all probability, be met with open violence in some of the new States.

If he (Mr. W.) had fallen into an error in alluding to what the President would do, he had an illustrious example before him; for, if it was out of order for him to do so in regard to this bill, it was out of order for the Senator from Kentucky to do so in relation to the other. Mr. W. went into an explanation of some length to show the justice of the claim of Mississippi and other new States, and wherein the bill he introduced differed in principle from this bill, and that it was not so liable to be vetoed by the President as this, and that he had signed bills making appropriations of land when unconnected with a general bill such as this was.

Mr. BLACK said that he would prefer taking the grant to Mississippi in a distinct bill, though he could not vote against her having the grant in the bill before them. If he concurred with the principles of the veto message, he should not hesitate to join his colleague in voting for his amendment; but, under present circumstances, he must vote for the grant to his State in any bill in which it was made. When this distribution bill was first introduced, he took occasion to express his disapprobation of it.

Circumstances, however, were much changed since that time. The public debt was paid off, and there was a large surplus revenue accumulating in the Treasury. The President, in his veto message, excepted to that portion of the bill which gave to the new States the twelve per cent. fund and grants of land. Now, with respect to grants of land, Congress had not only the right, but it was their duty, as large landholders in the new States, to assist them in their internal improvements by such grants, because by this means they enhanced the value of the public domain. It was on this principle that five hundred thousand acres had been granted to Ohio for her canal, which greatly increased the amount of the sales for public lands in that State. He could point out in Mississippi improvements which, if made, would enhance the value of the public lands there as much as had been done in Ohio. He thought the grant of the twelve and a half per cent. fund rested on the same principle.

Mr. B., in conclusion, appealed to all the members of the Senate to first take the question on the grant to Mississippi in the separate bill, as an act of justice to his State, in putting her on an equal footing, as respected grants of lands, with the other new States.

Mr. CLAY said, if he understood the Senator from Mississippi last up, [Mr. BLACK,] he would prefer retaining the provision for the benefit of that State. There was a division, then, between the Senators from that State; and as he (Mr. C.) should prefer retaining the provision including that State, he would vote to retain it. That Senator from Mississippi [Mr. WALKER] had said that he (Mr. C.) was equally obnoxious to the charge of referring to the veto of the President. That Senator had first brought the veto into view; and then, because he (Mr. C.) had referred to it, he had read him a lecture. It was well known to every Senator here, that he (Mr. C.) had been a very silent member during the session; and as he was an old, experienced, and indeed silent member, he thought the Senator from Mississippi might have spared him the lecture. The Senator from Mississippi, it was true, had taken his seat on a very auspicious day—auspicious by its being the birthday of the man whose like we might never see again. As to whether it was rendered more auspicious by his (Mr. W.'s) taking his seat on the same day, he (Mr. C.) must be spared the expression of an opinion.

The Senator from Mississippi alluded to an affair which he supposed had long since gone with all the Capulets. The Senator said an apology would have been disgraceful. An apology (said Mr. C.) might or might not be disgraceful, which depended upon the circumstances that induced it. He did say, and he repeated, the letter to the Prince Polignac was a labored letter; and, putting it and the letter of the Secretary of State together, they amounted to an apology. Let Senators look at them, and see if they did not amount to an expression of regret amounting to an apology.

When the question of these grants came up, he would vote for them as a part of a great compromise; but if they came up separately he would vote against them as being without precedent or principle.

Mr. WALKER observed that, after what had been heretofore said by the Senator from Kentucky, he had listened to him with some surprise. He certainly entered that body with feelings of high personal respect for that gentleman. What had been that gentleman's course in relation to himself? He thought the gentleman had pursued a course somewhat marked towards him. He introduced a bill in conformity with the wishes of six States of the Union, so often expressed to that body; and what was the course of the Senator on that occasion? It was to rise and say, that, if it was not an unusual course in that body, he would move for the immediate rejection of the bills and further, the gentleman strenuously opposed the sending the bill to a select committee, who would have given it a fair consideration; while he urged the sending it to the Committee on Public Lands, which it was known was hostile to it. What was the gentleman's course on

the present occasion? He (Mr. W.) had moved to strike the grant for Mississippi out of the bill; because he knew, as he had explained to the Senate, that, if it remained in it, Mississippi would receive no grant at all, as it was known that the President would veto the bill even if it passed both Houses. And now to refer to the lecturing the Senator spoke of. He read no lecture to the Senator from Kentucky: it was that gentleman who first read a lecture to him. He (Mr. W.) had not made a solitary objection to the gentleman's course on that or any other subject; but the gentleman took occasion to lecture him for looking at the President's opinions, for the purpose of seeing what would be his course on this bill, and saying that he had violated the rules of order when the gentleman commenced the lecture. Considering the gentleman's age and distinguished services, notwithstanding the differences of political opinions between them, there was no gentleman for whom he had entertained a higher respect, or from whom he would receive an admonition with greater pleasure; but the admonition must be given in a spirit of kindness; but when it came in a spirit of taunt and reviling, he would use the privilege which God had given to every human being, of resistance to the utmost. And what (said Mr. W.) did I do? I merely followed his illustrious example. I said that, the first day that I took my seat, I heard him refer to the message of the President, and tell the American people, and the whole world—and I have seen it in print, too, in the newspapers of this country, and I suppose it is in those of France—that the Chief Magistrate of my country had disgraced it by making an apology to France. He would close his remarks by expressing his deep regret that an American Senator had made statements that would carry joy to the bosom of every Frenchman; but would cause a pang of shame and mortification in the heart of every true American. He was compelled to contest the assertion made by the Senator, that the President had made an apology to France; and he would maintain it, by reading an extract from that very message on which the French Government came to the conclusion to pay the money.

[Here Mr. W. read extracts from the message of the President, in which it is stated, in the most emphatic terms, that he never would degrade himself and his country by making an apology.]

It had been said (continued Mr. W.) that an explanation was an apology. This he never had heard before; and certainly the explanation made by the President was one of which no American had cause to regret. It was only repeating what he had said from the first, and retracting nothing. The manner in which the President closed the difficulties with France would shed on the close of his administration a blaze of glory, as brilliant as that which marked his path at New Orleans; and he believed that, of all the laurels he had gained, those would grow the greenest which sprung from the termination of the controversy with France.

Mr. CLAY had no doubt, as the Senator [Mr. WALKER] said, he took his seat without any personal feeling. He had no unfriendly feelings toward the Senator from Mississippi. When that Senator had more experience, he would find the expression of a difference of opinion was not considered a want of courtesy. He (Mr. W.) had expressed a strong opinion in favor of large appropriations of land to new States, and he (Mr. C.) that it was better to equalize them among all the States. There were three bills making large grants to the new States, and not one to the old ones; and was it a want of courtesy, that he should propose a reference to a committee well-informed on the subject, to examine it in all its bearing? It would be strange, if a difference of opinion should indicate a want of courtesy. After the Senator had been here for a time, he would find it not best to retain these reminiscences. He (Mr. C.) felt it his duty to oppose these partial, one-sided grants, and would still oppose them. It was true, the message of the President, as read by the Senator from Mississippi, stated he would not apologise; but he invited the Senator to look at the letter of the Secretary of State to Count Polignac, and he would find it was an apology; not, to be sure, a degrading one, as the Senator had referred to, and he did not say whether it was to be construed as being wrong. He thought France had behaved wrong. It would have been more in accordance with her chivalrous character to have first paid the money, and then, if she felt herself wronged, to have taken measures for redress. She had seized upon this matter as a pretext to withhold the money acknowledged to be due to this Government. But while the President was holding out to the country that he would not make an apology, he (Mr. C.) felt himself placed in that unpleasant predicament in which it became necessary for him to point the inconsistency.

Mr. HUBBARD (in the chair) here stated that the debate was irregular, the amendments of the Senators from Missouri and Mississippi being out of order, until the amendments made by the committee were disposed of.

Several amendments made by the Committee on the Public Lands were then concurred in; some of them occasioning a slight discussion.

After a few remarks by Messrs. EWING and KING of Alabama, the bill was, on Mr. KING's motion, laid on the table, with an understanding that it be taken up to-morrow.

SALARY OF GOVERNOR OF WISCONSIN.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House insisted on their amendment to the bill establishing the territorial government of Wisconsin.

[The amendment reduces the salary of the Governor as Governor and superintendent of Indian affairs.]

Mr. BUCHANAN moved that a committee of conference be appointed.

Mr. KNIGHT inquired whether it would not be the proper course to move that the Senate insist on its disagreement and ask a conference?

Mr. BUCHANAN said he preferred the motion as he had made it; and, on taking the question, it was carried by the following vote:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Crittenden, Cuthbert, Ewing of Illinois, Goldsborough, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Porter, Rives, Robbins, Robinson, Ruggles, Walker, Wall, Webster, and Wright—23.

NAYS—Messrs. Clay, Davis, Ewing of Ohio, Hendricks, Hill, Kent, Knight, Mangum, Morris, Naudain, Nicholas, Niles, Prentiss, Shepley, Southard, Swift, Tomlinson, and White—18.

Mr. PORTER moved that the committee of conference be appointed by the Chair; and, the motion having been unanimously adopted, the Chair named Messrs. BUCHANAN, WEBSTER, and SHEPLEY, to compose the committee.

ERRORS IN INDIAN RESERVATIONS.

The joint resolution to correct mistakes made in certain Indian reservations, was read the second time, and considered as in Committee of the Whole; and ordered to be engrossed for a third reading.

ARTHUR BRONSON.

On motion of Mr. KING, of Alabama, the Senate took up the bill granting a preëmption to Arthur Bronson; and, after a debate, in which the bill was supported by Messrs. RUGGLES and PORTER, and opposed by Messrs. KING of Alabama, and EWING, the question on ordering it to a third reading was lost—ayes 9, noes 19.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 14, 1836.

Mr. MASON, of Virginia, on leave, presented a petition; which was referred.

SELECTING DEPOSIT BANKS.

On motion of Mr. DROMGOOLE, the following resolution, submitted by him yesterday, was taken up:

Resolved, That the Secretary of the Treasury be directed to communicate to this House full information of the mode and manner of selecting banks in the several States or Territories for the deposit of the public money of the United States, of all contracts, agreements, or stipulations entered into with said banks for the safe keeping of said moneys; that the Secretary of the Treasury also state what agents have been employed, the nature and extent of their agency, and the compensation which such agents have received in any way from the Government of the United States; and that he also state what officers or agents on the part of said banks have in any way participated or been instrumental in the formation of any such contracts, agreements, or stipulations, concerning the deposit and safe-keeping of said moneys in said banks,

The resolution having been read, Mr. WISE rose, and moved to amend it, by substituting the following in lieu thereof:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposit for the public money; the contracts with the Treasury Department, by which they are regulated; the manner in which, and the persons by whom such contracts are or have been made; into all correspondence whatsoever touching contracts for the deposit of the public money; and into all connection, relation, official or unofficial, which exists, or has existed, between any person or persons and the Treasury Department, or between them and the depo it banks, or any individuals or banks, touching the custody and the control and deposit of the public money; or between any department of the Executive, and any individual or individuals or banks touching the disbursements of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whatsoever, official or unofficial, connected with the said Department, or said banks, touching the disbursements, safe keeping, or deposit of the public money; and that said committee have leave to report by bill or otherwise.

Mr. WISE said the resolution of his honorable colleague differed very materially from the one which he now offered as a substitute for it. The first difference was, that the resolution of his colleague directed simply an inquiry of the Secretary of the Treasury, and an inquiry, too, for information which the Secretary had given at the last session of Congress. The amendment which Mr. W. submitted proposed immediately the appointment of a committee to investigate and to inquire into, by witnesses brought before the committee, the charges made against the Secretary of the Treasury and those who were acting with him in the keeping of the public money. He knew very well that heretofore it had been the parliamentary usage and custom, before an investigation was ordered, to make inquiries of the Departments; but he asked the House if this Department would give the information desired, by a mere inquiry being made of it. There were two sufficient answers to this argument of usage In the first place, the last Congress of the United States addressed this very inquiry of his colleague to the Secretary of the Treasury, and in fact more full and more satisfactory than the present inquiry; and that inquiry was answered. In the second place, the Secretary of the Treasury had already informed Congress and the country, through the columns of the Globe of Saturday last, that the same answer would be again returned which was given to the Congress of 1834. He would take the trouble to read to the House the answers which the Secretary of the Treasury had already given before the inquiries were made; which was a most unusual and unprecedented course. The Secretary intimates, in the first place, the course he desires Congress to pursue; which was either for him (Mr. W.) to inquire of him individually, or for the House simply to inquire.

Mr. W. then read extracts from the Globe, as follows:

"Mr. WISE. This individual, in a resolution which he has three times called up in the House for *immediate* action, is but acting anew the panic scenes in the Senate in 1833-'34. Then, the Secretary of the Treasury was called upon for copies of contracts made by the Department with the deposit banks, correspondence with them, and even the amount of stock that officer held in one of them; also whether an agent was employed to superintend the deposit banks; if so, by what authority he was employed, and how much he was paid, and out of what funds, &c. To all these inquiries prompt answers were given, and to the latter, that no agent had been employed by the Department. We have good reason to believe that any information which Mr. WISE may wish concerning the deposit banks, in possession of the Treasury Department, he can readily obtain by applying for it, without the aid of a formal resolution; and in relation to an agent to superintend the deposit banks being employed or paid by the Department, we are authorized to say the same answer would be given to such an inquiry as that made to the Senate in 1834."

Mr. W. would not inquire of the Secretary of the Treasury, neither would he examine the records of the Department to get the truth, because the only records kept of the transactions were in the bosoms of the individuals concerned; but he would examine witnesses and get the truth, and the whole truth, of these transactions. He had been recommended to inquire of the Secretary of the Treasury in relation to this matter. Suppose he was to do so: would the Secretary

be under obligations to answer him? No. And if he did answer him, would he be under obligations to tell the whole truth? No.

Mr. W. then read the following extract from the Globe:

"The insinuation made by Mr. Wise, that some person as an agent of the Secretary of the Treasury, or of the deposit banks, is employed in deciding on their selection, or taking security for them, is without the least shadow of foundation. All these arrangements, we are authorised to say, are made between the public authorized officer of the Treasury Department and the banks only.

"So far as the resolution of Mr. Wise refers to 'a certain Reuben M. Whitney,' and his agencies for the deposit banks, and the compensation which he receives from any of them, he (Mr. W.) has already, over his own signature, given to the public the nature of the same; and, although these may be considered matters purely and altogether of a private nature, yet we believe that Mr. Whitney will not hesitate to answer any question relating to them which may serve to gratify the curiosity of Wise."

Here (Mr. W. said) the editor was authorized by the Secretary of the Treasury to say that the same answer would be given which was given in 1834. Now, what Mr. W. wished to ascertain was, whether that answer was an honest and just answer. He wished to examine into the truth of it. He would say that, if the answers given in 1834 were not an expression of falsehood, they were a suppression of the truth. At the time the Secretary said that there was no agent employed, he did not tell the fact; because he knew that there was an agent employed and paid by the deposit banks. This was what he wished to examine into. His colleague must perceive that the Secretary of the Treasury had invited the mode of proceeding which he (his colleague) intended to pursue. The Secretary had recommended it through the Globe, and the inquiry was already answered by the authorized statement in the Globe.

Another objection he had to his colleague's resolution was this: that if there was anything false or foul in the relations of the Secretary of the Treasury with R. M. Whitney, was it to be expected that the Secretary himself would expose it? Every lawyer knew that the man who has committed a felony would, nine hundred and ninety-nine times out of a thousand, plead not guilty; and if you did not swear witnesses, you could not prove him guilty. In the present case, if they pursued the course indicated by his colleague, they would have a white-washing answer which might be satisfactory to the blind devotees of the party, and full faith and credit would be given to all that came from the heads of the Executive Departments, and Mr. W. and every man who had intimated charges against the Secretary of the Treasury and R. M. Whitney, would be held up to public odium. This was to be the result if his honorable colleague's resolution was adopted.

Mr. W. alluded to the inquiries made of the Post Office Department for information, and answers to those inquiries being prepared by subordinates of that Department, which led the Department to bankruptcy; and almost brought the name of the honest and honorable man [Mr. Barry] at the head of it into contempt. Then (he said) what was the Post Office Department compared with the Treasury? It was but as the drop in the bucket, or the rivulet to the ocean. They ought to go into the inquiry immediately, and investigate it to the bottom, and save the public Treasury while it was in their reach. There were insuperable objections to the course of his honorable colleague. First, in relation to complying with usage: they had complied with usage; and the answers had been false, knowingly false. He said, in his place, if they would give him a committee, and extend to him the facilities which ought to be given, he would prove the fact that the Secretary of the Treasury did suppress the truth when he returned the answer that no agent was employed or paid out of the public funds; because he knew that R. M. Whitney was employed, and received thousands of dollars for his salary. Would gentlemen procrastinate longer an investigation of so much importance? Mr. W. would not wait a moment; and, as it was far advanced in the session, he considered it of sufficient importance, to save the entire Treasury of the people, to sit there till December. He considered it of more importance than all the presidential questions since the foundation of the Government. He said that the object of some of the party, in their efforts to put down the Bank of the United States, was to get possession of the public funds; and they had attained their object fully. How were these deposit banks to be investigated without the aid of the House? They have the public moneys entirely under their control, and can produce a pressure and panic precisely as the Bank of the United States could, and that, too, with tenfold more effect; and at this very time they were doing it. There was every inducement for the Secretary of the Treasury to conceal all that he could from the public eye; and Mr. W. said that he had done it, and he was opposed to allowing him this resolution, so that he could whitewash and conceal the truth again. The difference between his resolution and his colleague's was, that his was an investigation and inquiry into the facts touching the public deposits on oath, and his colleague's was a mere inquiry of the Secretary of the Treasury in relation thereto. The Secretary of the Treasury had already informed them that the banks were selected by the authorized officers of the Treasury Department, and by no one else. That might be true; but R. M. Whitney was the *intermuncio* between the Secretary and the deposit banks; not publicly, perhaps, but secretly. The public had seen the relations of this individual with the Illinois bank, and he thought it could be established that this same man was employed by all the banks. He thought it could be shown, too, that if any of the banks (with the exception of the Bank of the Metropolis) should refuse to pay him a salary, they would not be selected by the Secretary of the Treasury. But if you inquire of the Secretary of the Treasury, he will tell you that the authorized officer of the Government makes the selection; and they would be told by Reuben M. Whitney and the Globe, that it would be highly improper to go into an investigation which was purely private. But the Globe said that no doubt Mr. Whitney would answer any questions relating to them which might serve to gratify the curiosity of Mr. Wise. Was not this impudence, that a Representative of the people dare not inquire into the squanderings of the public money, without being treated thus? This would not do; and he called upon those who had warred against the monster, to come to his aid in this investigation into this matter. Are you not now to investigate into the affairs of Reuben M. Whitney? This was an imposition upon the people, and he considered it his sworn duty to denounce it as such. He believed it was the intention of the Secretary of the Treasury to protect both Whitney and himself. He stated that when it was learned that one of the agreements drawn up by Mr. Kendall in Baltimore was, that the deposit banks should employ an agent, was it to be supposed that no agent had been employed? The Secretary of the Treasury had told them that no agent was employed by the Department; yet it was known to his colleague, and to the friends of the party, that Reuben M. Whitney was the intimate and confidential friend of the Secretary, and agent of the banks; that their officers were side by side, and he that walked the streets by noon-day sun could see the name of R. M. Whitney over one door, and that of the Secretary of the Treasury of the United States over another, under the same roof. Now, he claimed to know who were the members of this firm of Whitney & Co. Uncle Sam, he believed, was one of the firm, and furnished the funds and stocks for the other members of the firm to speculate on. He would tell his colleague, however, if he and the party would allow him a committee, with power to investigate the matter, he would knew every one of the partners to the firm. The fact of their having the control of the public moneys made Reuben M. Whitney's a public employment; and if there was any corruption between him and the Secretary of the Treasury, he wanted to know what that corruption was. He wanted to know the facts; and if corruption could be proved on the Secretary, he ought to be impeached. He hoped the bill regulating the deposit banks would be shortly taken up, so that they might know who were to have the control of the public moneys. The Bank of the United States paid speedily a bonus to the Government of $1,500,000, and it performed duties for the Government which are not now performed for it by the deposit banks. But the *quid pro quo* of the deposit banks was the *douceur* paid to Mr. Whitney, which might be $10,000 or it might be $20,000 a year. In the inquiry contained in the latter part of his colleague's resolution, he deceived himself, and it would deceive the country. The Secretary of the Treasury would tell him that there was no agent employed and paid by the Department, or out of the public moneys; yet there was an agent employed by the deposit banks, and paid out of the profits arising from the use of the public moneys.

Mr. Wise was here interrupted by a call for the orders of the day.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following communications:

1. A letter from the Secretary of War, transmitting a report of the Chief Engineer, in answer to a resolution of the 2d instant, containing estimates of various works of internal improvements; which was laid on the table and ordered to be printed.

2. A letter from the Comptroller of the Treasury, transmitting a list of balances remaining on the books of the Register, against collectors of the customs, &c., for three years prior to 30th September last; which was laid on the table and ordered to be printed.

3. A communication from the Secretary of the Treasury, transmitting, in obedience to a resolution of the 11th of February, a report and sundry documents from the Commissioner of the General Land Office, in answer to the several inquiries embraced in said resolution; which was laid on the table and ordered to be printed.

NORTHERN BOUNDARY OF OHIO.

Mr. THOMAS asked the consent of the House to submit a resolution to take up the bills from the Senate, fixing the northern boundary line of the State of Ohio; fixing the northern boundary of Ohio, and providing for the admission of Michigan into the Union; and the bill providing for the admission of Arkansas into the Union; and that the same be read twice, postponed until Friday next, and that they may be made the special order for that day from one o'clock, and on each succeeding day until they should be finally disposed of.

Objection being made, Mr. THOMAS moved to suspend the rule for the purpose of presenting his resolution; which was negatived—yeas 119, nays 70; two thirds being necessary.

Mr. STORER asked the consent of the House to submit a resolution, making the bill fixing the northern boundary of Ohio the special order for Tuesday next.

Objection being made, Mr. STORER moved to suspend the rule; which was negatived without a count.

TERRITORIAL GOVERNMENT OF WISCONSIN.

On motion of Mr. PATTON, the House took up the bill to establish the territorial government of Wisconsin.

The House having amended the bill by fixing the salary of the Governor at $2,500 for his services as Governor and Superintendent of Indian Affairs, instead of $3,500, (as contained in the bill as it came from the Senate,) and the Senate having disagreed to the amendment of the House.

Mr. PATTON moved that the House recede from their proposed amendment.

This motion was briefly advocated by Messrs. JONES of Michigan, G. LEE of New York, ASHLEY, and PATTON, and opposed by Messrs. JOHNSON of Louisiana, HARDIN, UNDERWOOD, BOON, and VINTON; when it was negatived—yeas 58, nays 135.

So the House refused to recede from their proposed amendment.

Mr. JOHNSON, of Tennessee, then moved that the House insist upon their amendment; which was agreed to without a count.

GENERAL APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House, in further execution of the special order of the 26th of January, resolved itself into a Committee

of the Whole on the state of the Union, (Mr. PATTON in the chair,) and resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1836.

The question pending was the motion made yesterday, by Mr. JOHNSON, of Tennessee, to strike out the following item:

For compensation to the secretary of the commissioners of the sinking fund, to the 7th of February, 1836, $250.

Mr. CAMBRELENG stated that there was an imperious necessity for getting through with this bill as soon as possible, for there had been no money for the payment of the officers provided for under it since January last. With reference to the foregoing item, he sent a letter from Mr. Butler, to be read by the Clerk, reciting the act under which the office of the commissioners was created; and that, until the office was abrogated, the duties of the secretary would continue.

Mr. JOHNSON contended that the office was a sinecure, and the secretary also held another clerkship.

Mr. PEARCE, of Rhode Island, would ask what right they had to withhold the salary of this officer under his appointment by law, so long as the office was continued, and the secretary performed the duties?

Mr. MASON, of Virginia, contended, that as a legal question, it was perfectly clear the secretary was entitled to the salary, as the law was still in existence under which he received his appointment.

The amendment was then rejected.

Mr. CAMBRELENG moved an additional item to the appropriations under the War Department:

For compensation to clerks employed under the act of 20th of April, 1818, $3,600.

The amendment was agreed to.

Mr. WISE moved to strike out the following clause, in order to elicit an answer to the inquiry of what these extras consisted:

For contingent expenses of the office of the Secretary of War, $3,000.

Mr. CAMBRELENG could only assure the gentleman they were the same as they had been for several years, from year to year. Perhaps some other gentleman could give the requisite information.

Mr. A. H. SHEPPERD said, they resolved themselves into a great variety of details, the particulars of which he was unable to give.

Mr. MASON, of Virginia, referred to the estimates; and the details were found to consist of stationery, blank books, binding necessary documents, advertisements, and a number of miscellaneous expenses.

Mr. WISE complained of the want of proper specification, and of the amount of balances. He said he had received an intimation that the wine merchants and grocers of the city of Washington (some of them unknowingly and unwillingly, it was to be supposed,) received the stationery of this Government as so much cash, for liquor. He had also heard of another abuse: that there were some of the higher clerks in this Government who had subordinates under them, and had the privilege of selecting them—received double what their real salaries ought to amount to, by selecting only such subordinates as would relinquish a part of their salaries. The Committee on Naval Affairs had this subject now under examination.

Mr. CAMBRELENG said the balances were all known, and the unexpended balance of last year amounted to the sum of $2 67, and the expenditures were open to every member of Congress and every man in the country.

After a few words from Mr. A. H. SHEPPERD, Mr. WISE withdrew the amendment.

On the following clause being read:

For contingent expenses in the office of the Commissioner of Pensions, $5,500—

Mr. WISE complained of the large amount appropriated for a subordinate office under so general a head as that of contingencies. Unless he could receive some satisfactory explanation, he should move to strike it out.

Mr. CAMBRELENG explained that it was the same last year. From the numerous applications, and peculiar duties of the Pension Department, they all knew that more stationery was required than for any other office of the Government. This was the sole reason of the large amount of $5,500 under this head.

Mr. WISE was satisfied with the explanation, and, instead of moving to strike out the whole clause, he should move to make it more specific, by striking out the words "contingent expenses," and inserting "for stationery and other similar objects."

Mr. ADAMS was opposed to the amendment, because it would amount to nothing more than was now contained in the clause as it stood. The phraseology proposed was not more specific than the word "contingencies." The best safeguard was in the Committees on Expenditures of that House; and if any abuses existed, such as those intimated by the gentleman from Virginia, they ought to be ascertained and investigated, instead of sending forth rumors without foundation.

Mr. WISE wished such an investigation, but he could not get it. Let a resolution be offered for an inquiry into these abuses, and it would fail for want of a majority of two thirds to suspend their rules. He was not disposed to send forth rumors without a basis, and he was willing to protect the present Administration from slander and calumny by a fair and impartial examination. He contrasted the conduct of the present Administration party in resisting all investigations, with that of the National Republican party in Mr. Adam's administration, when they were assailed. Mr. W. bestowed a high eulogy upon Mr. Edwards, the Commissioner of Pensions, and having the greatest confidence in him, he withdrew his amendment.

The following clause being read:

"For contingent expenses of the Post Office, $7,500."

Mr. WISE said this was a Department to which he would not vote one dollar of contingent appropriation, and he therefore moved to strike out the whole clause; which was rejected.

Mr. ASHLEY moved to amend the following clause, by striking out $1,000, and inserting $2,000, and referred to the law which provided the latter sum for these officers:

"For compensation to the surveyor of Illinois and Missouri, $1,000."

Mr. CAMBRELENG said, if the law was so, the motion ought to prevail.

The amendment was agreed to.

Mr. ASHLEY moved two additional items to this clause, viz:

For additional clerk hire, in order to bring up the arrears of transcribing field notes for the purpose of having them preserved at the seat of Government, &c., $4,800 and $1,000.

Mr. CAMBRELENG explained that these additional items were omitted in the present bill, as it was the intention of the Committee of Ways and Means to provide for them in a separate bill.

Mr. JOHNSON, of Tennessee, opposed the amendment as conflicting with the principle of making no appropriations in any annual appropriation bill not already provided for by law. The Committee of Ways and Means had throughout been governed by this bill.

Mr. ASHLEY adverted to a similar appropriation made last year, which recognized the principle in this instance.

Mr. SEVIER advocated the amendment, first, because it was indispensable and necessary to facilitate the sales of the public lands, which would be greatly impeded without it; and next, on the ground of precedent.

Mr. CAMBRELENG remarked, that it was on the ground alone stated by Mr. JOHNSON, of Tennessee, that the Committee of Ways and Means had not considered these additional items.

Mr. JOHNSON did not mean to say that the additional clerk hire was not required, but he resisted its introduction in this annual appropriation bill, as he disapproved of embodying new laws in an ordinary bill.

Mr. HARPER said the committee merited great praise for the principle they had adopted, and he hoped to see it carried out; for by the old practice, the expenses of this Government had been enormously increased, and new laws, in this way, passed without the framers of them being aware of it. He wished to see every appropriation bill predicated upon existing laws, and he should oppose the amendment in this bill, though he might—he believed he should, coming from a gentleman [Mr. ASHLEY] in whom he had the highest confidence, vote for it in a separate one.

Mr. ASHLEY entered into a brief explanation of the necessity of the additional clerk hire.

Mr. JOHNSON suggested that the gentleman from Missouri could move his amendment to the other bill; whereupon,

Mr. ASHLEY withdrew it.

Mr. SEVIER then moved a similar amendment to the foregoing $1,000, applicable to Arkansas; which was rejected.

Mr. LAY moved to strike out all the items appropriating salaries of the Governor, judges, and secretary, pay of the Legislative Council, contingent expenses, &c., of Michigan Territory, and explained that he made the motion, because it was, to all intents and purposes, a State, and a bill had passed the Senate recognizing it as such. He intimated that he should make the same motion with reference to Arkansas, when they reached that clause.

Mr. STORER was given to understand that the United States had no Governor in Michigan, the people having elected one of their own; that the courts of justice were suspended, and that some of the judges had spent the preceding winter in this city; nay more, that the territorial laws of the United States were not now in force there. With regard to the Legislative Council, at the last session held by them, they had destroyed themselves, virtually abrogated their own functions, and declared themselves no longer a council.

Mr. CAMBRELENG said, all the facts relating to Michigan were well known. Congress had not yet acknowledged the independence of Michigan, and until they di they were bound to pay these expenses. Should Michigan be acknowledged as a State during the present session, no more money would be expended for the territorial government than up to the moment of that recognition.

Mr. STORER said he had it from the Delegate from Wisconsin, that the only council who met were elected exclusively by the people west of the lake, and that Governor Horner convened them at Green bay, in the latter Territory.

Mr. JOHNSON, of Tennessee, said, to obviate the difficulty he would move a proviso that no money should be paid to the Territories of Michigan and Arkansas longer than they continued Territories; which Mr. LAY accepted as a modification.

Mr. SEVIER said this proviso was not necessary so far as Arkansas was concerned, since the people of that Territory still remained under the territorial government, and would so continue until the recognition of their independence.

Mr. MASON, of Virginia, thought the amendment unnecessary, because no portion of the money would be paid longer than those Territories remained Territories.

Mr. JONES, of Maryland, hoped the appropriation would be made; and he stated, of his own knowledge, that the judge had held a court west of the lake during the year.

Mr. VINTON was opposed to striking out the appropriation for Michigan, because he was unwilling, even by implication, to recognize her in any other light than as a Territory.

Mr. SEVIER again opposed the amendment, and it was rejected.

Mr. SEVIER moved to amend the bill by inserting $10,000 for the expenses of the Legislature of Arkansas, for mileage, per diem, fuel, and other contingencies.

After some explanatory remarks by Messrs. SEVIER and CAMBRELENG, the amendment was concurred in.

Mr. CAMBRELENG submitted an amendment appropriating $908 60 for arrearage of expense of the Legislative Council of Florida; which was agreed to.

Mr. WHITE moved two additional items to the clause relating to the judges in Florida:

For extra compensation of the judge of the middle district, $900;

For extra compensation to the judge of the eastern district for 1835–'36, $600;

and cited a law of 1828, providing for the extra duties those judges had to perform.

Mr. CAMBRELENG said the subject had been under the examination of the Committee of Ways and Means, who had come to the unanimous conclusion that the law referred to by the gentleman was extinct.

Mr. WHITE replied that the law had not become extinct, because the duties prescribed by it were still pending, and many cases yet undecided. He also referred to some certificate in favor of the claim from one of the Departments.

Mr. CAMBRELENG had never seen or heard of such a document, and he expressed a wish to see it.

Mr. WHITE would produce it when the bill came into the House.

The amendment was then rejected.

Mr. HARRISON, of Missouri, moved an additional item of $1,600 for cost of certain land suits decided against the United States in Missouri and Florida, under the acts of 1824 and 1828, providing for the settlement of certain land claims in Missouri and Florida. Mr. H. cited the acts in question, and made a brief explanation.

Mr. WHITE also briefly commented on the laws in question in support of the amendment.

Mr. SEVIER requested the gentleman from Missouri to embrace Arkansas, to which Mr. HARRISON assented; and the amendment was so modified.

Mr. SMITH contended that, by a fair construction of the act of 1828, the claimants embraced in this amendment were not entitled to relief. The subject had been fully investigated before the Committee of Ways and Means, and they had unanimously decided against it.

Mr. WHITE, had no knowledge of its ever having been before that committee; certainly he had not brought it there, nor was he aware that any other gentleman had. The gentleman from Maine must have confounded this matter with something else. Mr. W. was opposed to the modification, and he hoped the gentleman from Arkansas would withdraw it.

Mr. CAMBRELENG replied, that this matter had been before the committee, and the papers were referred to a legal member of the committee from Pennsylvania, [Mr. INGERSOLL,] who had examined it, and reported against the claims.

Mr. TOUCEY dissented from the construction put upon the act by Mr. SMITH; and, after some remarks by the latter gentleman, Mr. KENNON, Mr. SEVIER, Mr. HARRISON, of Missouri, and Mr. WHITE, on taking the question, there appearing—ayes 60, noes 55, no quorum, the committee rose and reported that fact to the House.

Mr. CARTER then moved that the House adjourn; and

Mr. CAMBRELENG asked for the yeas and nays; which were ordered, and were—yeas 62, nays 75.

There being a quorum present, the House again went into committee.

The question was then taken on Mr. HARRISON's amendment; and the result being—ayes 67, noes 48, no quorum again voting, the committee again rose and reported that fact to the House.

Mr. CAMBRELENG then rose, and reiterating his statement of the fact that no officer of the Government, provided for in this bill, had received a dollar since January last, moved that the bill be made the special order of the day for to-morrow and next day.

Mr. WHITTLESEY objecting,

Mr. CAMBRELENG moved a supension of the rules.

On taking the question, the vote was—ayes 86, noes 32; no quorum.

Mr. CAMBRELENG moved a call of the House.

Mr. RENCHER moved an adjournment.

Mr. SUTHERLAND appealed to Mr. R. to withdraw that motion, and suffer the motion on suspending the rules to be taken.

Mr. RENCHER refusing, the question was taken, and decided in the negative—ayes 53, noes 73.

Mr. CAMBRELENG then moved that the order of business be set aside, and that this bill be made the special order of the day for to-morrow and Saturday.

Mr. WHITTLESEY asked for the yeas and nays, which were ordered, and were—yeas 95, nays 49; so the motion was agreed to, and the bill in question was ordered to be taken up at the hour of twelve on those days.

On motion of Mr. PATTON, a committee of conference was appointed on the part of the House to meet the committee on the part of the Senate, in reference to the disagreement of that body to the amendment of the House to the bill for the establishment of the territorial government of Wisconsin.

The House then adjourned, at six o'clock p. m.

IN SENATE.

FRIDAY, *April* 15, 1836.

Mr. CALHOUN said that a petition had been sent to him with a request that he would present it to the Senate, by a Mr. David Melville, late an officer of the customs at Newport, Rhode Island, complaining of his removal from office.

Mr. C. said that he had no acquaintance with this individual; and why he had been selected to represent the petition, he was at a loss to know. He had therefore inquired into his character, and had understood that he was a highly respectable and worthy man. He then examined his petition, and he must say that Mr. Melville had made out a very strong case. He was weigher and gauger, and had been uniform and consistent in his politics as a Jeffersonian Democrat. He had taken a decided part in the late war, having been principally instrumental in raising a volunteer corps which had been highly serviceable. Yet, notwithstanding all this, the purity of his character, the correctness of his deportment in his official duties, and non-interference with elections, he had been dismissed from office—and on what grounds? Because he would take no part in elections; and having a small freehold he had disposed of it, and could no longer vote. These facts were all stated in plain and perspicuous language. He knew that this might be considered a small affair, but this, he thought, was very far from diminishing its importance. It laid bare the manner in which those who administered this Government abused their trusts. Nothing was too high, and nothing was too low for them. It laid bare the manner in which the conditions under which they came into office have been fulfilled. He confessed that sad impressions were made on his mind by the perusal of this petition. He could not but remember the great struggle which brought the President into power. He could not but remember that one of the principal objects they had in view was that the power and patronage of the Government should not be brought to bear on the freedom of elections. He never could forget the scene which took place when the President was inaugurated, and when he declared openly, in the presence of thousands of citizens assembled on that occasion, the principles on which he would administer the Government. It was a short and noble address, and was received with shouts of approbation by congregated thousands; and particularly that part of the address was applauded which declared that he would reform those abuses by which the power and patronage of the Government had been brought to bear on the freedom of elections. How that promise had been carred out, let the case of this humble individual answer.

Mr. C. referred to the reasons given for the removal of Mr. Melville, as stated in the petition, and to his correspondence with the Secretary of the Treasury on the subject. On writing to the Secretary, he received an answer, by which he only found out that the collector had exercised the legal authority vested in him. Not satisfied with that, he wrote for a copy of the report of the collector on the subject, and was answered, that the report, being confidential, could not be communicated. Sir, (said Mr. C.,) under what Government could such an act of injustice and oppression be perpetrated? Many of the friends of the Administration there would hardly believe it possible such things had occurred. The individual made application to the collector, for the reasons of his dismissal, and the collector told him in a friendly, verbal reply, that no fault had been found with his official conduct, but that his case was one on which he could give no written answer. Mr. C. moved that the petition and papers be referred to the Committee on Commerce. He thought no remedy could be applied; but he wished the committee to take the matter into their consideration. He wished particularly to see the report made by the collector to the Secretary of the Treasury, on the dismissal of Mr. Melville. He had often heard it stated on that floor, that this administration was supported by the votes of freemen; but if the facts stated in this petition be true, it was easily seen how they controlled the fifty or sixty thousand office-holders who supported them.

The petition having been read,

Mr. CLAY said, if the facts stated in the memorial were true, they disclosed an instance of flagrant injustice and abuse of power; but however flagrant it might be, he knew of no remedy. He had risen to inquire, whether the Secretary of the Treasury, or the President, who absolved all responsibility in cases of removal from office, had authorized this removal. As the memorial contained some charges against those high functionaries, he would suggest to those Senators who adopted the expunging principle, whether they should receive this petition. As he did not hold to that doctrine himself, it would not be proper for him to do so; but some of them might make a question of its reception.

Mr. KING, of Alabama, said he knew nothing of the particulars set forth in the petition of this individual; they might be correct or not. With that he had little to do. In no case would he lend his sanction to oppress on of any kind, or be willing to screen the oppressor, let him hold office high or low. He should like to know who was the Secretary of the Treasury under whom this removal took place. Would the Secretary turn to the papers, and tell him who the Secretary was, and the date of the letters?

[The Secretary replied, that one of the letters was signed by Mr. Woodbury, and dated March, 1835.]

Mr. KING was under the impression that this case originated some three years past. The petition was dated in 1835, but he thought the removal was made at an earlier period, and, on investigation, it would be found to have taken place under Mr. Secretary Ingham, who was certainly not one of the most thoroughgoing of the supporters of the Administration. Be that as it might, he was under the impression that they acted in discharge of their duty by receiving memorials complaining of oppression, no matter from whom they came; he was therefore not operated on by anything said by the Senator from Kentucky. He thought no good could come of the reference of the petition, unless it was to go into the conduct of the collector. The subordinate officers of the customs, the Senate was well aware, were under the control of the collectors, and must necessarily be so. The Secretary acted with respect to them solely from information received from the collector; and whether this removal was made under the present or former Secretary, it would be found, he was confident in saying, that it was on the representation of the collector, either that the services of Mr. Melville were not wanted, or that he was removed on some other than political grounds.

Mr. GRUNDY, after some remarks in favor of the right of petition, said he had known Mr. Littlefield, the collector named in the memorial, ever since he was a mere youth; and, until he knew more about this memorial than mere assertion, he would hold the opinion he had always held, that he was incapable of doing an act of injustice. He was inclined to believe it would turn out that these statements were unfounded.

Mr. NILES said that this was a wonderful case of oppression according to the petitioner's own statement; and from the remarks of the Senators from South Carolina and Kentucky, [Mr. CALHOUN and Mr. CLAY,] it must be regarded as an outrage of the most alarming kind, from the lawless exercise of power, by a public officer, scarcely less than the acts of rapacity and violence of the pro-consuls of Rome in the provinces of that Republic.

But what is this case which is introduced before the American Senate, under such imposing circumstances, and backed by speeches from two

of the most distinguished Senators of the body? Stripped of its coloring and embellishments, of the long homily about proscription, party machinery, a system of despotism, and the like, it is nothing more than this: the petitioner was a subordinate officer of the customs, and had held his office ten years, when, a new collector having been appointed, he deemed it expedient to make some new arrangements, and removed the petitioner and appointed another person. The presumption clearly is, that this change of one officer for another was not only legal, but perfectly fair and reasonable. This change could only have been made by the concurring action of two public officers; the collector made the removal and the new appointment, which had to be submitted, with his reasons, to the Secretary, and were approved by him. The office of collector is an important one, and is generally filled by men of high character and intelligence, which afford some guarantee for the correctness of his conduct: he is responsible to the laws and to public opinion. But the decision of this officer is reviewed and approved by the Secretary of the Treasury, one of the highest public functionaries of the Government. An act, which has received the sanction of two important public officers, acting under their official responsibilities, must, he supposed, be legal and just until it is clearly shown to be otherwise.

But the petitioner says he was removed without cause, and on account of his political opinions. This statement comes from the party himself, and is the same complaint that is always heard in all similar cases—indeed in all cases of removal from office. Did you ever hear of a public officer who was removed, who did not tell the same story? who did not declare that it was without cause, and an act of high-handed persecution and oppression? He had no knowledge of this case; he judged of it only from what appeared on the face of the memorial; that was sufficient to satisfy him as to its true character. It was evidently a political concern, and intended for political purposes. It appeared to him that the bare reading of this petition must produce this conviction on every impartial mind. The petitioner does not come here like an injured man, whose only object is to seek redress for his own wrongs. If such had been the case, he would have told a plain and simple story, a mere narration of the facts, unaccompanied by such additions and embellishments as this petition contains about terrible proscriptions, a frightful system of despotism, party machinery, and party dictation. No man, he thought, could mistake the true character of this memorial, and the object for which it was sent there.

But, supposing this man had been removed from a subordinate ministerial office, after holding it ten years, without cause, so far as respects any default or misconduct on his part, are we to be told that this is an act of oppression—a flagrant outrage? Was there any violation of law in this act—any invasion of the personal liberty or rights of this man? If not, where was the injustice—where the outrage which the Senator from Kentucky [Mr. CLAY] represents as so palpable, that the President, Secretary, or officer, whoever he may be, who has been guilty of such abuse of official trust, ought to be impeached? Sir, (said Mr. N.,) there would doubtless be as strong grounds for impeaching the President as those for which he was impeached two years ago. The removal of this petitioner was a lawful act, and so was that of the removal of one Secretary and the appointment of another. The only question there could be, in either case, was as to the propriety and expediency of the act, and of this, the officer possessing the power of removal and appointment was the rightful and proper judge.

Had this man a private interest in this office—a vested right of which he could not be dispossessed without injustice and oppression? This seems to be the doctrine for which the Senators contend. Sir, (said Mr. N.,) I deny this doctrine as unsound in principle and dangerous in practice; I protest against it as anti-republican and even monarchical; it does not belong to our system; it is not consistent with the genius of our institutions.

The Senator from South Carolina says he does not know this petitioner, and is at a loss why he should have selected him as the organ of presenting his petition to the Senate. He (Mr. N.) thought he could relieve the gentleman from his doubts on this point. He knew of two reasons, and very strong ones, why the Senator may have been selected to present this petition. In an elaborate report on executive patronage, that gentleman denied to the President the constitutional power of removal from office, and, by the same reasoning, I conclude the principle should be followed out and applied to subordinate executive officers possessing a portion of the appointing power. The Senator has also maintained, I believe, in the same report, the principle, that officers ought to be as stable and permanent as a freehold. These principles establish the perpetuity of office as a vested right in the incumbent, and doubtless induced the petitioner to select the honorable Senator to present his grievance to the Senate.

Sir, (said Mr. N.,) what is a freehold? Is it not an indefeasible right secured by the law, which cannot be taken from the possessor without violation of law? According to the principles of the gentleman, offices ought to become vested in the holders, as private rights, and become private property; and we may expect that they would become the subjects of traffic, and bargain, and sale. Can any principle be more hostile to our free institutions than this? It destroys all accountability in public officers, and renders them independent and irresponsible. It is in direct conflict with the great elementary principle on which our institutions rest, that of popular power. It is essentially a monarchical principle; for what is monarchy but independent, irresponsible power, not derived from, or responsible to, the people. Perpetuity of office would not only destroy all official accountability, but would impair the energy of the representative principle which would become only a matter of form, and not substance; for it is not the mode in which offices are filled, but the tenure of them, and the control which the appointing power has over them, which secures their accountability. The principle which secures the accountability of official trusts must be an active and an efficient principle, one which is brought into action, which is applied in practice, the force of which is known and felt from time to time; it must not be a merely nominal or dormant principle.

Sir, (said Mr. N.,) the principle of change, rotation, or removal, call it what you please, is one of the great conservative principles of this Government. It is a principle closely associated with that of representation and the delegation of power; it is a principle which abides with the people—which has its source in the popular will. With the people this is an active and efficient principle, one which they never fail to apply on all needful occasions. They applied it to the second President of the United States; that was a removal, or a refusal to reappoint the incumbent, notwithstanding a precedent had been established of retaining him for a second term. That distinguished man, and all his friends, believed that this power was exercised capriciously and unjustly—that they were removed from the public councils without cause, without any default of theirs, and from the influence of party excitement. These sentiments they retained to the day of their deaths; but they were not the sentiments of the country. In the congressional districts the people frequently have recourse to this principle, and change without cause, or for such causes as they see fit, their public agents; this is also done in the States in all popular appointments. The people, periodically and frequently, change their Representatives and others, offices dependent immediately on them, and give efficacy to the principle of rotation in office. In almost every case, those who are excluded by this salutary principle complain of injustice, proscription, and persecution. But the people do not think so; they have only exercised a right which belonged to them, and the public interest is generally promoted by its exercise.

Sir, (said Mr. N.,) I protest against the principle of perpetuity of office—the principle of a freehold tenure; it converts all officers into private property, and private rights. This principle belongs to a monarchy, and not a republic; and should it once become established, my word for it, we should have memorials enough presented to Congress, setting forth acts of oppression, not of one officer oppressing another, but of public officers oppressing the people, of gross abuses of public trusts, lawless acts of illegal exercise of power—of injustice, extortion, and oppression. Such would be the consequences of irresponsible power—of removing that accountability which can alone be secured by the limited tenure of officers, and the efficient operation of that salutary principle of change and rotation. If you once admit the principle of a private right in offices, you destroy the principle of rotation; for a private right, if it exists, cannot be divested without cause; it is the freehold principle, for a freehold can be divested for sufficient cause. There may be a defect in the title, or a better one may be shown to exist in another person, and the possessor may thus be ousted. But a freehold is an indefeasible right in the possessor, unless it should be defective; so it would be with the office-holder; he would have vested in him a private right, which you could not take from him without proof of some defect in it—without it shall be shown that he has forfeited his right by his misconduct, or in some way lost it. I deny (said Mr. N.) the whole doctrine; I deny that any incumbent has any private interest in an office further than is secured to him by the legal tenure of it. He holds it under the law, and he has no other rights than what the law expressly secures to him. If it is for a term of years, when the term expires he cannot complain of injustice if he is not reappointed; if during the pleasure of the appointing power, he cannot complain if he is removed, and another person appointed. The only question is, as to the public interest; if the office is not as well filled, if the public suffer, if the revenue sustains a loss, then there may be grounds of complaint.

The Senator from South Carolina has referred to the inaugural message, and says the assembled multitude responded to its sentiments, and himself among the rest. What were the principles of that message on this point? Did not the President declare and assert in that message the principle of *reform*—that a searching operation was called for into the conduct of the public agents? and did not the public sentiment respond to this? Sir, a reform was demanded by the highest considerations, and, so far as it was carried out, has been highly beneficial to the public service.

Mr. KNIGHT knew nothing about the facts of the case, but rose to give his testimony in favor of the character of the memorialist, whom he knew to be a man of good character.

Mr. HUBBARD remarked that he had no knowledge of the petitioner. He lived remote from him. He was equally ignorant of the transaction to which the memorial refers. He knew not the present collector, nor the present gauger and weigher; nor did he know the reasons which had induced the collector to remove from office the memorialist and to give that office to another. One fact is certain, that no complaint is set forth in the memorial against the collector for having appointed an unfit, an incompetent officer. It is not alleged—it is not pretended, that the present incumbent is unworthy of confidence. What has the collector done? He has done precisely that which he was authorized to do. He came into the office of collector, and, for reasons which he deemed satisfactory, *he has* seen fit to remove the memorialist from the office of gauger and weigher, and has appointed to the same office the present incumbent. The collector, then, has done no more than what he has had entire and full authority and power to do. It was the right of the collector; it was within his power to do precisely what has been done. Mr. H. stated that he had reason to believe that there was an object beyond the memorial itself from the remarks of the Senator from South Carolina, and from the remarks of the Senator from Kentucky, and from the argument of the memorial itself. He could not but believe that the Secretary of the Treasury was viewed with suspicion in reference to this affair. That public officer has been of late singled out as an object of attack—as an object of abuse here and elsewhere.

How often has it been said by honorable Senators, that the official reports of that officer are entitled to no credit—are wholly unworthy of

confidence—and yet hardly a day passes without some gentlemen, who are so free and so severe in their strictures upon the conduct of this officer, presenting resolutions to the Senate calling upon him for official information? The Secretary of the Treasury seems at this moment to be not only distrusted, but in his judgment most unmercifully—most unjustly abused. Why is this so? Why is the Secretary of the Treasury thus singled out and thus attacked? He had long been well acquainted with that public officer; he and the Secretary were natives of the same State, educated at the same institution, members of the same profession, and for many years he had been on terms of great personal intimacy with that gentleman; and he felt a pride and a pleasure in the fact that that gentleman was his friend. From these considerations, Mr. H. remarked that he considered himself called upon to say, that that officer would at no time shrink from any investigation into his official conduct. There is not to be found a more faithful, a more industrious, a more intelligent public servant connected with the administration of our Government. In saying this much, he believed that he said no more than truth and justice would warrant. He hoped the memorial would go to the Committee on Commerce, or to some other committee who would do justice to those who have been thus arraigned before the Senate—who would, by their report, effectually put down this fault-finding disposition, or would put down those who are so constantly held out before the Senate as unworthy of confidence. Let the investigation be made; let the examination be prosecuted with every possible degree of severity. He, for one, had no fears for the result. The Secretary of the Treasury has too much integrity of character to be lessened in public opinion by any such insinuations, or by any attacks whatsoever which may be made here or elsewhere upon his public official conduct.

Mr. KNIGHT said, that, from some observations he had heard, it might be inferred that the Secretary of the Treasury was to blame. He believed the Secretary knew nothing about the underwork—the machinery by which the removal was effected.

Mr. GOLDSBOROUGH said, that, as there seemed to be some doubt whether the Senate was the proper body to go on with the examination into this matter, and as it was probable a similar memorial had been presented to the other House, which would seem to be the proper place for investigation, he would move, for the present, to lay the memorial on the table.

Mr. CALHOUN said, if the petition should be referred, the committee would have all the facts before them. If the Secretary did not know of this underwork, the case presented a state of things which, to his mind, made it little better. Did he understand the Senator from New Hampshire to hold that, because a man had lost his freehold, he should be turned out of office? Was there any Senator here who would subscribe to such a doctrine? Where a man had conducted himself properly, and was well qualified to discharge the duties of his office, that he should be turned out of it for no other reason than because he had lost his freehold qualification to vote! The Senator from Tennessee thought this representation of the memorialist not correct. The facts set out seemed to him to be a plain, unvarnished narration of his wrongs; and it seemed Mr. Melville was reluctantly turned out, as he was acknowledged to be a good officer. It might appear to some Senators that it was so small a case that no one would think it worth while to notice it. He did not think so. The principles involved in it gave it great importance. The Senator from Connecticut [Mr. NILES] had said that he (Mr. C.) had given an opinion that public offices should be perpetual. If the Senator had stated so in a newspaper at Hartford, he would not have noticed it; but, stating it as he did, in his place, he felt bound to say not one word of it was true.

Mr. HUBBARD said, that when he first addressed the Senate he stated as his suspicion that it was among the objects contemplated, to reach the Secretary of the Treasury. In this supposition it seemed he was not mistaken; for, from what has just fallen from the Senator from South Carolina, there can be no doubt that that gentleman conceives that the Secretary may be implicated. The Senator has stated the ground of his opinion that the Secretary must necessarily have been made acquainted with all the facts and circumstances connected with the removal of the memorialist; and that of consequence, if the collector has committed an error or a fault, blame might attach to the Secretary. He stated, when up before, the power of the collector over this subject, and that in this instance he had not transcended the power confided to him; and that he (Mr. HUBBARD) could not believe that, under any circumstances, there would be good ground of complaint against the Secretary of the Treasury. He hoped that the memorial would be referred to the Committee on Commerce, or to some other committee; and he trusted that whoever should have charge of the subject, all proper inquiries would be made into the official conduct of the Secretary of the Treasury—an officer in whose fidelity he had the most unlimited confidence. He could not believe that that officer would fail, on any occasion, to do his whole duty; that in the execution of the trust confided to him, he could not suppose that he would knowingly do any wrong, for any purpose whatever. And on stating his opinion of, and his confidence in, the Secretary of the Treasury, he was well assured that the time was when the honorable Senator from South Carolina entertained as favorable an opinion of, and as much confidence in, that officer, as he himself now did. How it has happened that so great a revolution in the sentiments and feelings of the Senator has been wrought towards that officer he might be able to tell; but the cause was wholly unknown to him, and he believed to the Secretary of the Treasury.

Mr. CALHOUN made no accusation against the Secretary. He had said that it was the duty of the Secretary to look into all the facts of the case; and if the collector had turned out Mr. Melville only because he had no freehold, and could take no part in elections, to apply the proper remedy. This the Senator from New Hampshire could not deny.

Mr. HUBBARD. Certainly not.

Mr. CALHOUN continued. But the gentleman said that the collector had power to remove the officer, without giving any reasons for it. Against this doctrine he protested. All these high offices were held as trusts for the benefit of the people, and not as the property of the individual or his party. The officer having appointments to make, was bound to appoint men capable and worthy, and to sustain them, if they did their duty faithfully; and he had no right to turn them out, to put in men who would serve the party. If the office was the property of the collector, and not held as a trust, he admitted that he would have a right to turn out and put in whom he pleased. He said nothing against the Secretary; but he thought, from his correspondence with Mr. Melville, he had a knowledge of all the facts, and it was his duty to inquire further into them, and if the collector had done wrong, to apply the remedy. This was all he had said, for it might turn out that the collector gave good reasons for the removal.

Mr. CLAY thought the Senator from New Hampshire [Mr. HUBBARD] had displayed more zeal than discretion. He (Mr. C.) had made a remark that, however flagrant the outrage might be, he did not suppose there was any remedy. He did not intend by it to implicate the Secretary of the Treasury, for whom he had a favorable regard, and took pleasure in stating that on several occasions he had transacted business in his office, and found him prompt and accommodating in the discharge of his duties. But he thought the Senator had, nevertheless, traveled out of the way, when he pronounced the Secretary innocent before he had had his trial.

Mr. HUBBARD. The Senator from Kentucky had said that he had manifested rather more zeal than discretion in his defense of the Secretary of the Treasury; and in support of his declaration, the Senator from Kentucky states that he (Mr. H.) had pronounced the Secretary of the Treasury innocent, even before that officer had been put upon his trial. He had not pronounced that officer innocent of any charge which might be preferred against him. All that he stated was, and that he now repeated, that he knew that officer well, and from his knowledge of his general integrity, faithfulness, and intelligence, he hazarded nothing in saying that that officer would never shrink from any and every investigation into his public official conduct which may be set on foot by authority here or elsewhere; and such was his confidence in the purity of that man—a confidence which he had reason to believe was not misplaced—he had no fears for himself as to the result of any and of all such investigations. This he stated, and all this he most conscientiously believed. And he would only say in conclusion, that the Secretary had been often assailed on this floor by some of the most distinguished Senators of this body. He had heard those attacks with regret and sorrow; not that he for a moment could believe that that officer was obnoxious to the charges which had been so often made, but his regret proceeded from the circumstance that the Secretary of the Treasury was not as well known to all his accusers as he was to himself. Mr. H. said that, in his judgment, in his full belief, examine when and how it shall be the pleasure of the Senate to do, into the official conduct of the Secretary of the Treasury, that officer will never suffer by any such examination.

Mr. NILES said the Senator from South Carolina denied that he advanced, or sustained the principle, he (Mr. N.) had referred to, that offices should be as stable and permanent as a freehold. It might be that he (Mr. N.) was mistaken in saying that it was contained in the report of the Senator; but he believed it was in his speech, or the report; he thought he could not be mistaken that the Senator had asserted that principle. He now appealed to the Senator to say whether it was true that he had advocated such a principle either in his report or speech. And what did the Senator now contend for? Was he not now maintaining, to a great extent, the same principle? How was this petitioner injured? In what did the outrage consist, of which the gentleman had spoken, except in violation of the rights of the petitioner to hold on to his office? The entire ground of the complaint rested on the principle that the petitioner had a private right and vested interest in the office. It was not pretended that the public interest had suffered; that was not the ground of complaint.

Mr. WALL said that he had no intention of entering into any debate on the subject; but one remark which had fallen from the honorable Senator from Kentucky demanded some notice. He thought that the honorable gentleman need not entertain any fears that any action of the Senate in respect to this memorial would require the process of expunging to correct it; and he must take the liberty to remind him, that the expunging process did not originate in this body, but received its impulse from the people.

This petitioner complains of a grievance which he has sustained. He has a right to present that grievance to this body, and Mr. W. said, that he held the right of petition included the right of reception; and this petition steered clear of the difficulty which had so much embarrassed the Senator from South Carolina on a former occasion. Here the petitioner complained of a grievance which affected himself individually, although it is one which many others in all parts of the country likewise suffer; and what is it? Why, sir, it is nothing more nor less than the operation of the great republican principle of "rotation in office." The petitioner, after having held an office for upwards of ten years, was displaced to make room for another more acceptable to the people, and equally, or better, qualified to discharge its duties. To be sure, it was always considered a great grievance by the losing party; my political friends suffered under its "scorching operations" recently in New Jersey, and in the city of New York, and are now feeling it in all its rigor in the great State of Pennsylvania, and also in other States. But it is a complaint which does not excite much general sympathy; it is a grievance which is looked upon as one resulting necessarily from the operation of our system of Government. The petitioner does not complain that the public has sustained any injury by his removal—that a deserving and capable officer had been removed to make room for an unfit and

incapable one; he does not complain that his right, as an independent freeman, to vote as he pleased, has been interfered with; for, by his own showing, he was not qualified to vote, nor was any attempt made to bribe him by bestowing on him a freehold as a qualification to vote. What is his grievance? Mr. W. said, as he understood it, some ten years ago, the petitioner, being so indifferent to the highest and most inestimable right of a freeman—a right to participate in the selection of those who administer the laws—as not even to make himself qualified to vote in the place where he lived, nevertheless condescended to accept of an office under a Government which he valued so little as to neglect to obtain the right to participate in the choice of its officers. And what was that office? Was it for life, or during good behavior? No. It was for no definite term, but during the pleasure of the appointing power. He was suffered to hold it for ten years—till near the expiring of the third constitutional term of those who appointed him; and he now complains that he was turned out, and another put in his place. He complains that he is not suffered to enjoy it contrary to its tenure—to convert it into a life estate. He could not complain that the freedom of election was interfered with in his person, for he was no *voter*, and he does not allege that any attempt was made to bribe him to purchase a freehold. The only *freehold* that he sought was to make his office such; it is a mere personal grievance, in which the public have sustained no injury.

Mr. W. said he was perfectly willing that this matter should be inquired into. It was a very common grievance, that men could not hold offices, when they got them, as long as they pleased; and there was another equally common, that men could not get the offices which they wanted. He was willing that the petition should take the direction which the honorable Senator from South Carolina was desirous to give to it. Let the inquiry be made, and if any remedy was called for by the case, and within the competency of this body, let it be applied. He, however, felt impressed with the belief that any inquiry would result in establishing the naked fact that the petitioner had held an office, the tenure of which was at the pleasure of the appointing power, for ten years; wished to hold it for ten years longer, or to convert it into an office for life; was turned out to make room for a citizen equally or better qualified to discharge the duties; and no one had any reason to complain of the change but himself.

Mr. CRITTENDEN was an entire stranger to the parties, and had never heard of any of their controversies. It would afford him a great deal of satisfaction to know that the petitioner was mistaken, and was conscious that it was with no desire to throw guilt on any party that induced him to favor a reference of the memorial to a committee. It was agreed, he believed, on all hands, that it was a grievous case if true. The Senator from New Jersey [Mr. WALL] said he could smile at a petitioner who brought in a case of mere rotation of office. But this showed a case of tyrannical and oppressive exercise of arbitrary power. That Senator had furthermore said, that this was a case in which no complaint of a public grievance was involved. Had the public no interest, he would ask, in the abuse of its laws, in their being perverted to the purposes of oppression from sinister motives? When any officer, high or low, dared to pervert his office to sinister purposes, he could have no patience to endure it. If facts were brought to light to sustain the charge in this petition, he could not believe the President of the United States would permit these petty tyrants longer to exercise this arbitrary abuse of power. And if he should not turn this collector out, he would be disposed to provide a remedy by law. He hoped the memorial would go to a committee, and that the Senate would show its contravention of a principle so odious in its character.

The petition and papers were then referred to the Committee on Commerce.

BILLS PASSED.

The bill giving effect to patents for the public lands issued in the names of deceased persons; and

The resolution authorizing the correction of errors made in the location of certain Indian reservations, were severally read the third time, and passed.

BILL INTRODUCED.

Mr. KING, of Alabama, on leave, introduced a bill for the relief of William C. Easton; which was read twice, and referred.

REPORTS FROM COMMITTEES.

Mr. MOORE, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of Brigadier General James Moore; which was read, and ordered to a second reading.

Mr. M., from the same committee, reported unfavorably on the resolution of inquiry as to the expediency of granting lands to the officers of the staff of the revolutionary army, and to the officers and soldiers who served under General George Rogers Clark.

Mr. GOLDSBOROUGH, from the Committee on Military Affairs, to which had been referred the petition of certain officers and soldiers of the Army, praying that provision may be made by law for affording them moral and religious instruction, reported a bill for the appointment of additional chaplains in the Army; which was read, and ordered to a second reading.

RESOLUTION SUBMITTED.

Mr. KENT submitted the following resolution; which lies on the table one day:

Resolved, That the President of the United States be requested to open negotiations with the Government of France, as soon as diplomatic intercourse between the two countries shall be renewed, for the purpose of placing our trade in tobacco with that country upon a more liberal footing than the existing system of administration of "*en regie*" admits of, and corresponding better with the generous spirit exhibited heretofore, as well as at this time, by the United States, in reducing the duties on various products from that country.

PROCEEDS OF THE PUBLIC LANDS.

On motion of Mr. KING, of Alabama, the Senate took up the bill to distribute, for a limited time, the proceeds of the public lands among the States, &c.; and, after some remarks from Messrs. BENTON and EWING, the bill was laid on the table.

MAIL CONTRACTS.

On motion of Mr. GRUNDY, the resolution for changing the time of making contracts for carrying the mails was taken up; and, after being amended, was ordered to be engrossed for a third reading.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 15, 1836.

Immediately after reading the Journal—

Mr. DENNY rose to make a motion, when

Mr. HOWARD requested him to yield the floor, to enable him to bring a subject before the House, in which he felt a personal interest.

Mr. DENNY having complied, and leave being granted by the House,

Mr. HOWARD said that he wished to call the attention of the House, and of the gentleman from Virginia, [Mr. WISE,] to the imperfect manner in which his (Mr. W.'s) remarks, made on the day before yesterday, were reported in the National Intelligencer of this morning. It would be remembered by the House that considerable debate occurred upon a motion of a gentleman from North Carolina, [Mr. SHEPPERD,] to strike out a part of the contingent fund provided for the State Department, and which involved in its range the propriety of the appointment by the President of two commissioners, to proceed to Ohio and Michigan after the adjournment of the last Congress. Mr. H. said that, as was well known, he had the honor of being selected as one of these commissioners, associated with a distinguished gentleman [Mr. Rush] who had filled many honorable stations under the Government. With what success or ability they had performed their duties, it was not for him to judge, being satisfied with the approbation of the President, expressed on the surrender of the trust; but he would say that they were undertaken with a single eye to the preservation of the peace of the country, then threatened with imminent danger of violation. In the course of the debate, the power of the President to make such appointments had been freely discussed. This was a matter properly open to debate, and gentlemen had a fair right to scrutinize it strictly. He had listened to the remarks of the gentleman from Virginia, [Mr. WISE,] as he always did, with attention, and was perfectly sure that the report of them, which he would ask the Clerk to read, was not an accurate report. The debate having turned exclusively upon the appointment of the commissioners, the gentleman from Virginia is made to say as follows:

The Clerk then read this extract:

"Mr. WISE said the discussion showed the necessity of examining these contingent appropriations. What would gentlemen say, (he asked,) if it should turn out that this very appropriation of $25,000 was used to pay some of these secret agents, appointed without any authority of the Constitution? He went into the examination of the right of appointment, and contended that the President had no power of the kind contended for. The contingent appropriations (he said) were applied to all sorts of illegitimate purposes, and even to one portion of a system of corruption, which had increased to a most enormous extent."

Mr. HOWARD said that, in the passage just read, it might be inferred by some readers, that the epithet contained in the last sentence was applied to the appointment of the commissioners, which he was perfectly sure the gentleman from Virginia did not do. The remarks which were made by members of the House in debate, were of great consequence; but those which were reported to have been made were equally so, because they went forth to the nation instead of being confined to the House; and having called the attention of the gentleman from Virginia to the imperfection in the report of his remarks, he left it to his own sense of justice what course to pursue.

Mr. WISE said it would give him a great deal of pleasure to explain. He would say he had spoken on the day alluded to without preparation, and extemporaneously, and could not say what his precise words were; but he knew what his meaning was. He meant to instance this appointment of commissioners to Michigan, by the President of the United States, not as a corrupt appointment, but as an illegitimate appointment; and he had generally denounced contingent appropriations as covering illegitimate and corrupt applications of the public moneys. He did not mean to charge the honorable gentleman from Maryland, or the President, with corruption in the appointment; but he charged the President then, as he did now, with making an illegitimate appointment, when there was no necessity for doing so. There was, however, a difference of opinion on that subject. At the time alluded to he was debating the subject with his colleague [Mr. MASON] of these contingent appropriations covering corrupt applications of the public money. He did not charge the gentleman from Maryland [Mr. HOWARD] with corruption; and if such charge was intimated in the report, he would say, with great pleasure, that he was misreported.

Mr. HOWARD said, that he was glad to find that the recollection of the gentleman from Virginia corresponded with his own. The constitutionality or legality of the appointment was properly open to debate, and gentlemen upon all sides had a perfect right to express their opinions upon it. He would no longer detain the House from its ordinary business.

SELECTING DEPOSIT BANKS.

Mr. DROMGOOLE asked the general consent of the House to take up and dispose of the resolution submitted by him, calling on the Secretary of the Treasury for certain information connected with the deposit banks.

It was objected to.

DEPOSIT OF THE PUBLIC MONEYS.

The resolution reported by Mr. OWENS, from the Committee of Ways and Means, fixing a day for the consideration of the bill in relation to the deposit of the public moneys, and Mr. WISE's amendment thereto, came up as the unfinished business.

Mr. WHITTLESEY moved to postpone the resolution and amendment until to-morrow; which was agreed to.

REPORTS FROM COMMITTEES.

Mr. WHITTLESEY, from the Committee on

Claims, reported the following bills, which were read twice and committed:

A bill for the relief of Sarah Murphy;

A bill for the relief of Abram Lansing; and

A bill for the relief of Thomas J. Lawler and Smith M. Miles.

Mr. EVANS, from the Committee on Invalid Pensions, reported the following bills, which were read twice and committed:

A bill granting a pension to John Miles; and

A bill for the relief of Hannah Hazard.

Mr. P. C. FULLER, from the same committee, reported a bill for the relief of Nicholas Hodges; which was read twice and committed.

Mr. THOMAS, from the Committee on the Judiciary, reported a bill to compensate the attorneys and marshals of the United States for the districts of Georgia and South Carolina; which was read twice and committed.

Mr. PEARCE, of Rhode Island, from the Committee on Commerce, reported a bill making an appropriation for the erection of a marine hospital near Ocracoke inlet, in the State of North Carolina; which was read twice and committed.

Mr. BEALE, from the Committee on Invalid Pensions, reported a bill for the relief of Josiah Curtis; which was read twice and committed.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of T. Kellar; which was read twice and committed.

Mr. JACKSON, of Massachusetts, from the Committee on Roads and Canals, reported a bill to authorize the construction of a railroad through the lands of the United States in Springfield, Massachusetts; which was read twice, and ordered to be engrossed.

Unfavorable reports upon various petitions and memorials were made by Messrs. P. C. FULLER, CHAMBERS, of Kentucky, and DARLINGTON, from the Committee of Claims; Mr. LINCOLN, from the Committee on Public Lands; Messrs. CHAPIN and UNDERWOOD, from the Committee on Revolutionary Claims; Mr. HOAR, from the Committee on Invalid Pensions; and by Messrs. MORGAN and STORER, from the Committee on Revolutionary Pensions.

On motion of Mr. WHITTLESEY, the Committee of Claims were discharged from the further consideration of several petitions; and leave was given to the petitioners to withdraw the same.

[Mr. CHAPIN, from the Committee on Revolutionary Claims, made an adverse report upon the petition of the heirs of John Moore, late of Alabama, deceased. Mr. C., from the same committee, asked that the committee be discharged from the further consideration of the petition of Cornelius Fenwick. The motion was agreed to.]

On motion of Mr. CARTER, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of paying to the heirs of Captain George Daniel McMahen such pay and commutation as said Captain McMahen, deceased, was entitled to for revolutionary services.

On motion of Mr. HANNEGAN, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Kirk's Cross Roads, by Frankfort and Jefferson, to La Fayette, in the State of Indiana.

On motion of Mr. INGHAM, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for erecting or providing a marine hospital in the State of Connecticut.

On motion of Mr. BEALE, it was

Resolved, That the Committee of Invalid Pensions be instructed to inquire into the propriety of restoring to Philip Hartman, of the county of Rockingham, Virginia, the pension and consequent arrearages of which he has been deprived by a late decision of the Commissioner of Pensions.

On motion of Mr. INGHAM, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing to be paid to Ely Ransom, or his heirs or legal representatives, the sum due on a final settlement certificate in his favor for $93 96, dated the 22d day of March, 1782.

TREATY WITH THE CHICKASAWS.

On motion of Mr. BELL, (instructed by the Committee on Indian Affairs,) the House went into Committee of the Whole (Mr. GRANGER in the chair) on the bill from the Senate to carry into effect the treaties with the Chickasaw tribe of Indians, of the 20th October, 1832, and the 24th May, 1834.

The bill was read, when the committee rose, reported the same without amendment, and the bill was read the third time and passed.

OTHER BUSINESS.

Mr. WEBSTER, on leave, presented an amendment, which he intended offering to a bill on the Speaker's table; which was ordered to be printed.

Mr. WILLIAMS, of North Carolina, on leave, presented a petition, which was referred.

SENATE BILLS REFERRED.

The following bills and joint resolution from the Senate were read twice and committed:

A bill for the relief of Robert Allen, and other heirs of James Allen, deceased;

A bill to fix the compensation of the principal clerk employed in the office of the Adjutant and Inspector General;

A bill to repeal the duties on certain articles, and to reduce those on others, therein enumerated;

A bill for the relief of Henry Wainwright;

A joint resolution to apply the unexpended balance of the appropriation for rebuilding the Potomac bridge to the improvement of Maryland avenue, and for other purposes;

A bill to suspend so much of the act imposing discriminating duties, &c., as applies to the vessels and goods from the islands belonging to Portugal, and to reduce the duties on wines; and

A bill giving effect to the eighth article of the treaty of 1819 with Spain.

GENERAL APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House, in further execution of the special order of the 29th January, and in pursuance of the further order adopted on yesterday, resolved itself into a Committee on the state of the Union, (Mr. PATTON in the chair,) and resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of Government for the year 1836.

The question pending was an amendment submitted by Mr. HARRISON, of Missouri, for an additional item of $1,000 for cost of certain land suits decided against the United States, in the Supreme Court of the United States, in Missouri and Florida, under the acts of 1824 and 1828, providing for the settlement of certain land claims in Missouri and Florida, subsequently modified, by request of Mr. SEVIER, to extend the same to the Territory of Arkansas.

The amendment was rejected.

Mr. HARDIN moved to strike out the following clause: "For compensation to the reporter of the decisions of the Supreme Court, $1,000;" and gave, as a reason for the motion, that a number of cases had been inaccurately reported, referring to one case in which he himself had detected upwards of a hundred errors.

Mr. HARPER thought, if the office was indispensable, or if it was provided for by law, the item ought not to be stricken out. If, however, Mr. Peters, the reporter, was incompetent to discharge the duty, some other should be appointed in his place.

At the suggestion of Mr. THOMAS,

Mr. HARDIN withdrew the amendment, with the intention of renewing it in the House.

Mr. HARDIN moved an additional item of $250 as compensation to the clerk for recording the opinions of the Supreme Court.

Mr. CAMBRELENG inquired if this was in the appropriation bill of last year?

Mr. HARDIN replied that it was, and referred to the act.

The amendment was then agreed to.

Mr. CAMBRELENG moved to increase the item for the expenses of the Supreme and other courts, jails, prosecutions, jurors, witnesses, for defraying suits, &c., in the District of Columbia, from $330,000 to $345,000, and stated that he made the motion on the ground of the expense of arresting the persons charged with setting fire to the Treasury building.

Agreed to.

On the following clause being read:

For erecting a frame building for a beacon light at the end of west pier, at the mouth of Black river, Ohio $2,600—

Mr. CAMBRELENG said he could not find any previous act authorizing this appropriation, and on that ground he moved to strike it out.

Mr. STORER hoped the gentleman would not press the motion then, as the gentleman representing that district was out of his seat; whereupon

Mr. CAMBRELENG withdrew it, intimating that he should renew it in the House if there was no existing law authorizing it, and he had been unable to discover one.

The following clause being read:

For office rent and fuel for all the surveyor's offices, $2,100—

Mr. CAMBRELENG remarked that it was proper he should state that this was a new item, though he should not move to strike it out till he heard whether it was necessary or not.

Mr. WISE thought it could not be possible that our surveyors wanted a sum of $2,100 for the purchase of fuel in the northwestern wilderness, where that article was of no pecuniary value.

Mr. JOHNSON, of Louisiana, replied that all the offices were not in the northwest; and office rent was in some places so high that the salary of the surveyors was frequently greatly diminished by it.

Mr. ASHLEY advocated the clause.

Mr. CORWIN was satisfied that, instead of striking out the item, it ought to be doubled, for it was within his own knowledge that the surveyors in Illinois and Indiana had to pay as much as from $500 to $800 office rent.

Mr. OWENS, with a view (he said) of testing the sense of the committee, moved to strike out the item.

Mr. LAWLER moved to amend the clause by an additional item, appropriating a sum not exceeding $300 for office rent to the several registers and receivers of the public moneys.

Mr. JOHNSON, of Tennessee, was opposed both to the amendment and to the original clause. These contingent provisions were continually increasing, and he saw no reason for these extra allowances at the present time. The officers in question had done without them for twenty years, and should continue to do so, at least until some good reason was given for the increase.

Mr. JOHNSON, of Louisiana, briefly advocated the original provision and the amendment.

Mr. HARDIN hoped the clause would be stricken out, for these increases were continually taking place, and no reduction was ever made, nor any office abolished. These things were augmenting by little and little, as they had done in the old countries of Europe, till at length we should have an army of office-holders, with all their various classes, grades, and subordinates. It was in this way that the expenditure of this Government had swelled from twelve to twenty millions within a few years.

Mr. LAWLER advocated his amendment. It was no good reason that justice should be withheld from one class of officers because others received a higher compensation than they were entitled to, or because others might ask for what was unequal or unjust. By this rule, no allowance would ever be made to any officers if they were to withhold a just remuneration from one class because another might ask for what was unreasonable.

Mr. RIPLEY was as great a stickler for economy as the gentleman from Kentucky, but then they ought not to impose—he would not say upon the officers, but upon the people, heavy duties without a due compensation. Now, in the district where he lived, not a man could be got to accept the office, and the consequence was that not an acre of land was held in one of the most important agricultural points in the country under patents. No man would accept the appointment, for the compensation was so miserable and contemptible, that no man could go there with his family without involving himself in debt.

Mr. VANDERPOEL was opposed to the amendment. If it could be made to appear that these officers did not receive enough, the better way would be to increase their salaries, without compensating them in this indirect mode. Should

the amendment be agreed to, they would have all the other officers coming there to ask a similar provision, and there would be no end to it.

Mr. RIPLEY mentioned the fact, that there was no class of public officers in this Government, excepting those connected with the Land Office, but what had their office rent and fuel paid out of the public Treasury. Why should this distinction be made between the officers of the West and all others? There could be no valid reason for it.

Mr. VINTON said there never had been less occasion for the extra allowance proposed than at the present time, on account of the large amount of sales, for which they received a percentage. The argument of the gentleman from Louisiana applied only to that State, and ought not to be acted upon as a general rule, or taken as a standard for the western States.

Mr. LANE remarked that there were no offices so much sought after in this Government as those of the registers and receivers of the public lands. He referred to his own State. It was true, they received a salary of only $500, but they received a per centage of one per cent. on the sales, a commission on the deposits, and various other perquisites, amounting altogether to between two and three thousand a year.

Mr. BOON was willing, if any special case of necessity existed, to vote for it, but no such had ever existed in the State of Indiana, so far as came within his knowledge. He believed those officers already received an ample remuneration under the existing law, and he should vote against any increase.

Mr. THOMPSON, of South Carolina, said it was true that this was a small matter, but it involved an extraordinary principle He was opposed to this indirect mode of increasing salaries. If they were too small, and proved to his satisfaction to be so, he would be willing to add $500 a year to them; but, so far from this being so, he ventured to say that no officers were better paid than the registers and receivers of the public lands. Who ever saw a poor one? Why, they were already paid more than the Governor of any western State, and received salaries of $2,500 in States where judges of the superior courts did not receive a thousand dollars. He was opposed to the amendment *in toto* on principle, and the more so from the apparently insidious manner in which it had been proposed. He sincerely hoped and trusted it would be rejected.

Mr. RIPLEY said, as the Senators and Representatives from Louisiana had been instructed by the Legislature on the subject, he moved, in execution thereof, an amendment to the following effect: That the registers and receivers, whenever their salaries and emoluments did not amount to $1,000 a year, should be furnished with office rent at the expense of the Government.

Mr. LAWLER accepted this as a modification, and addressed the committee for a short time in support of his amendment, and of the reasons that had induced him to move it, which were that the present compensation was inadequate. Surely where those officers did not receive more than a thousand dollars, it would be unreasonable to compel them to pay from three to five hundred dollars out of that for office rent. He denied that his proposition was either insidious or extraordinary; and if all appropriations were as free from objection as this there would be no great objection to them.

Mr. HARPER was opposed to the amendment on the ground that it was not in pursuance of a preëxisting law; and even, if assured of its necessity, he should vote against it in the present bill on that account.

The amendment, as modified, was not agreed to.

The question then recurred on the motion of Mr. OWENS to strike out the whole clause; which was agreed to.

Mr. HARDIN gave notice that he should move in the House to non-concur in the amendment appropriating $250 to the clerk for recording the opinions of the Supreme Court.

The following clause being read:

For outfits of chargé des affaires to Mexico and Peru, $9,000—

Mr. MASON, of Virginia, moved to insert the word "Prussia," and increasing the amount to $13,500; which, after a few words of explanation, was agreed to.

Mr. CAMBRELENG moved to strike out the following item:

For contingent expenses of all the missions abroad, $30,000.

Mr. A. H. SHEPPERD wished the gentleman to include in his motion a reduction of the item, "for contingent expenses of foreign intercourse," from $30,000 to $9,000, as he wished to address the committee on the whole subject embraced in those two items.

Mr. CAMBRELENG remarked, that the two clauses could not be embraced in one motion, but the gentleman might avail himself of either motion to give his views.

Mr. SHEPPERD then addressed the committee at length on the subject of the expenditures of the several Departments, going at large into the whole subject, and referring to a variety of details and statements under the several heads embraced in the contingent and incidental expenditures of the different Departments.

The amendment of Mr. CAMBRELENG was then agreed to, and the clause was stricken out.

The following clause being read:

For the expenses of intercourse with the Barbary Powers, $17,400—

Mr. A. H. SHEPPERD wished this item reduced, and moved to strike out the present sum, and substitute the sum of $10,000.

Mr. MASON, of Virginia, said the item had already been reduced from the appropriation of former years, and was $3,600 less than the actual expenditure in 1834-'35. He also added, that within the last two years these expenditures had been regulated by responsibility, as they would be in future, each agent being under an obligation to produce his vouchers for every item of account. He also entered into a statement of the items of which the appropriation was made up. If the gentleman would limit it to $12,000, Mr. M. would have no objection.

Mr. SHEPPERD accepted this as a modification.

Mr. WISE understood the question to be this: that our consuls to the Barbary Powers were in the habit of making presents to them, and by a law of 1810 these consuls were required to return vouchers for these presents; but this had not been done, and the accounts had been paid without vouchers, by adopting another system of procuring presents, viz: by buying them in the United States. This, he supposed, had been done to encourage American manufactures, to carry out the principles of the American system. Mr. W. read a list of articles furnished as presents by the State Department, among which was nankeen, the production of Georgia. This might be an ingenious invention to substitute the law, by patronizing articles of American production, but it was probably done for the purpose of patronizing an agent of them here.

Mr. MASON, of Virginia, replied by referring to the original law, passed in Mr. Jefferson's administration, authorizing the President to open and carry on intercourse with the Barbary Powers, and to send agents there. He then entered into an explanation, establishing the fact that the provisions of the law had been carried out. The sum to be expended was, under the amendment, $12,000, and all the agency would amount to would be the small sum of $600.

Mr. SHEPPERD briefly explained that the nankeen had been charged at the fair market price, and it was a very saleable commodity. He had also inquired whether that article had been inserted at the requisition of the Secretary of State, and he was satisfied, from that investigation, that it had not.

Mr. MASON explained that the clerk in the Department made out the list without the slightest consultation with the Secretary of State; that the demand exceeded the production, and that Mr. Forsyth's agent gave no preference. He also stated the fact that, when Mr. Forsyth ascertained the order had been given for the American nankeen, that gentleman objected to its execution, on the ground that there was not enough for American consumption.

The amendment as modified, was then agreed to.

Mr. CAMBRELENG moved to strike out the clause,

For contingent expenses of foreign intercourse, $30,000.

Which was agreed to.

The following clause being read:

For expenses of translation in preparing a "Digest of Commercial Regulations of Foreign Countries," under the resolution of the House of Representatives of 3d of March, 1831, $500—

Mr. CAMBRELENG moved to strike out "one," and insert, "for the third volume of the same, $5,000," so as to make it read, $5,500; which was rejected.

The following clause was then read:

For the Documentary History of the American Revolution, per act of 2d March, 1833, $20,000.

Mr. JOHNSON, of Tennessee, made some remarks in reference to the extraordinary contract under which this work was printed. By the terms of this contract, the individuals with whom it was made (Clarke and Force) had the power of printing every document and paper from the first discovery of the American continent to the close of the Revolution. The volumes cost the country twenty-one dollars each; and, instead of being limited to $408,000, the first estimate, it would probably exceed double that sum, for the parties assumed to themselves the right to make each volume as large as they pleased. He should move to strike out the clause; and he intended to submit, at a future day, a resolution directing an inquiry to be made as to the propriety of rescinding the contract altogether, and paying the damages. At all events, it had better lie over. The House had been grossly imposed upon, and the parties would make more by it than if Congress had given them $20,000 a year for doing nothing.

The motion was agreed to, and the clause was stricken out.

Some conversation took place on the clause appropriating $300,000 for the erection of the custom-house at New York, between Mr. UNDERWOOD, Mr. CALHOUN of Massachusetts, Mr. HARDIN, and Mr. CAMBRELENG, (the latter gentleman producing the correspondence between the Secretary of the Treasury and the architect and superintendent, including the estimates for the current year, and for completing the building, which was stated to be about $750,000,) Mr. JOHNSON of Tennessee, Mr. STORER, Mr. REYNOLDS of Illinois, and

Mr. MERCER, who moved to strike out the whole appropriation; which was rejected—ayes 44, noes 81.

Mr. MERCER then moved to reduce the appropriation one half, ($150,000,) which, after a few words from Mr. CAMBRELENG, was rejected—ayes 53, noes 74.

Mr. CHAMBERS, of Pennsylvania, moved to strike out the following clause:

For completing the public warehouse at Baltimore, $17,000.

Mr. McKIM made a brief explanation, and the amendment was rejected without a count.

The other clauses of the bill were then agreed to.

Mr. CAMBRELENG then moved to increase the item for compensation to the clerks and messengers in the office of Indian affairs from $3,950 to $4,950, and explained that the committee had reported less than the law authorized, though not so much as was asked.

Mr. HAWES moved that the committee rise; which was negatived—ayes 50, noes 91.

The amendment was then agreed to.

Mr. CAMBRELENG moved to amend the bill by adding an item of $347 67 for payment of the claims of Colonel Lawrence and others, being part of an appropriation made by the act of the 5th March, 1816, for these objects, carried to the surplus fund on the 30th December, 1826, reappropriated on the 20th March, 1828, and again carried to the surplus fund on the 31st December, 1830; which was agreed to.

Mr. CAMBRELENG moved a further amendment:

For the expense of medals and swords to Colonel Croghan and others, $5,200,

Which was agreed to—ayes 113, noes not counted.

Mr. CAMBRELENG moved the following:

For the expense of bringing to the seat of Government the votes for President and Vice President of the United States, $8,000.

Agreed to.

Mr. CAMBRELENG then moved further to amend the bill by adding the following item:

For the survey of the coast of the United States, $60,000.

Mr. C. explained that this branch of the service had been recently transferred from the Navy to the Treasury Department.

Mr. HARDIN inquired whether the mineralogist was included in this appropriation, because, if so, he was dead against him?

Mr. CAMBRELENG replied in the negative; and the item was then agreed to.

Mr. CAMBRELENG then moved a series of appropriations for the salaries of Governor, judges, secretary, district attorney, marshal, and contingent expenses of Wisconsin Territory, $10,500; also for the pay and mileage to the members of the Legislative Council, printing the laws, &c., $9,400; and for the public buildings and library of said Territory, $25,000.

Mr. JOHNSON, of Tennessee, inquired if the estimates for these appropriations had been submitted to the Committee of Ways and Means?

Mr. CAMBRELENG replied that they had not, because there had been no opportunity, as the bill establishing the Territory had only been under consideration a day or two ago. He would state, however, that the items had been filled up from the bill, including the Governor's salary, which, if reduced in the bill, could be reduced when the present bill came into the House.

The amendment was then agreed to.

Mr. CAMBRELENG moved an additional item:

For enlarging and repairing the custom house, and purchasing additional land therefor, at Bath, Maine, $5,500.

Agreed to.

Mr. CAMBRELENG moved an additional item of $4,5[illegible] for the repairs of the public buildings at Staten Island; which was agreed to.

Mr. CAMBRELENG moved an item for defraying the expenses of the survey of lots in the town of Galena, Illinois, made by the surveyors general of Missouri and Illinois, under the act of Congress of 1829, $1,000; which was agreed to.

Mr. CAMBRELENG moved the following:

For a custom-house in the city of Boston, Massachusetts, in addition to a former appropriation, $200,000.

Mr. LAWRENCE made a brief explanation in relation to the manner of bringing forward this proposition, and said that it would have been originally inserted in the bill but for want of time. He also stated that in respect to the amount of tonnage, though not of import, Boston was the largest port in the United States.

Mr. CAMBRELENG confirmed the explanation of Mr. LAWRENCE as to the item not being in the bill. There was a doubt, at first, on the minds of the members of the Committee of Ways and Means, as to whether the subject belonged to that committee, and they consequently moved its reference to the Committee on Commerce, who, after investigation, referred it back again to the former committee, but too late to be inserted in the bill, which had been previously reported and printed. But for this reason the appropriation would have been inserted in the bill.

Mr. UNDERWOOD then moved to amend the amendment so as to require the foundation of the buildings to be of stone, and the superstructure of brick.

Mr. LAWRENCE remarked that the soil itself was composed of granite, and consequently the foundations of all the buildings in Boston were of that material. They lived in a country of granite, which was therefore as cheap with them as brick.

Mr. UNDERWOOD was satisfied with the explanation, and would modify his amendment so as to cause the superstructure to be furnished of granite or brick. After the example of the marble palace at New York, he was convinced some provision of this kind was indispensable.

Mr. LAWRENCE had no objection to the amendment.

Mr. UNDERWOOD inquired if a proper house for the purpose required could not be constructed in the way his amendment proposed for $100,000 in addition to the sum already appropriated?

Mr. LAWRENCE replied that the land for the site of the custom-house would probably cost somewhere from $125,000 to $175,000, but of the building he had not gone into the particulars. All the people of Boston wanted was a substantial, good, solid building, without any marble or ornaments of any kind.

Mr. HAWES thought it altogether unnecessary to make any opposition to this proposition, as the House had already determined that the custom-house at New York should cost $750,000. He hoped then, after granting that, they would not refuse this to the people of Boston; and, for himself, he would vote them a like sum of $750,000, for he now saw that his friend, the chairman of the Committee of Ways and Means, was resolved to take the whole of the surplus revenue out of the Treasury for these expenditures.

Mr. WISE begged to inquire if there was any custom-house in this country built of marble? [Several voices exclaimed "New York!" "New York!"] There was, then, a new project for distributing the surplus revenue, and he was glad to hear from one of "*the party*" the intention charged upon the chairman of the Committee of Ways and Means of expending it. There was half a million of dollars at one fell swoop for building two mammoth marble temples in the cities of New York and Boston!

Mr. CAMBRELENG would only reply that the "marble" contracts were not made by one of "the party," but by one of the "other party."

Mr. MERCER thought that a little unkind, for though he was not at this time a particular friend of the late Secretary of State, (Mr. McLane,) he once was, and he was sorry to find that gentleman made the scape-goat, and compelled to bear all the weight of this most improvident contract.

Mr. CAMBRELENG was merely repelling an attack of the gentleman from Virginia, [Mr. WISE.]

Mr. WISE merely asked a question, but made no attack upon any one. His allusion was to the gentleman from Kentucky, [Mr. HAWES,] who ought to know something about "the party" and their intentions, and that gentleman said he saw plainly that his friend from New York was about to expend the surplus revenue in the way indicated.

Mr. HAMER, with reference to Mr. UNDERWOOD's amendment, remarked that he could see no reason why the limitations, as to the materials for structure, should be confined to Boston only, and he should, therefore, vote against it.

Mr. UNDERWOOD wished to guard against the erection of another marble palace, and he had no objection to modify his amendment, so as to provide that the superstructure of the Boston custom-house should be of brick.

Mr. LAWRENCE stated that there was not at this time a marble building in the whole city of Boston, nor did he think it likely there would be. They were all of granite, because that was the cheapest as well as the most available material they had for building.

Mr. HARPER had some knowledge of this business; and he knew that in Philadelphia there was very little difference between the cost of granite and of the best white marble. He also knew that granite must necessarily be dearer than bricks, on account of the expense of cutting the former.

Mr. HALL, of Maine, said, the gentleman from Pennsylvania last up [Mr. HARPER] was, he understood, a practical brickmaker, and that may account for his preference of brick to granite, or any other material, for building. Mr. H. came from a granite country, and could assure the gentleman from Pennsylvania and that committee, that granite could be furnished in Boston for the erection of the custom-house at as low a rate of cost as bricks. He thought the amendment of the gentleman from Kentucky was therefore immaterial.

After some further remarks by Messrs. CUSHING, UNDERWOOD, LAWRENCE, HARPER, HANNEGAN, REED, PENTON, and RIPLEY,

Mr. UNDERWOOD again modified his amendment as follows:

Provided, That said custom-house shall be constructed of brick or granite;

which was rejected; and the original amendment was then agreed to.

Mr. HAWES then proposed an amendment "for enlarging the custom-house in Louisville, Kentucky, $25,000."

Mr. H. had but a few words to say in relation to this proposition. Louisville was now a port of entry, and one of the most important commercial cities on the western waters. When they had already appropriated, in addition to other large appropriations for the city of New York of $300,000, not *to complete*, but *for* or *towards* the completion of a custom-house there, and $200,000 to the city of Boston for the same purpose—for he had no doubt they would be called upon for additional appropriations next session—now, when all this had been done for those two cities, he had a right to expect the vote of gentlemen for this simple sum of $25,000 for the city of Louisville. Moreover, he would pledge himself that, when that sum was granted, no more would be asked for a long course of years to come for the same object. He would now test the impartiality of gentlemen who had voted such large appropriations for the eastern country, and see if they were equally willing to extend the same benefits to the West. He did not ask a tenth for Louisville that had been appropriated for New York; and that was a city of as much importance to the western country as was New York or Boston to the East.

Mr. MASON, of Virginia, remarked that he had been in his seat now nearly eight hours without refreshment, and, as there were still several amendments to be offered, he moved that the committee rise; which was negatived—ayes 65, noes 68.

Mr. GRAVES hoped the amendment would prevail.

Mr. CAMBRELENG knew nothing of the question, and should, therefore, reserve his vote upon it till the bill came into the House. If the mover would satisfy the House that it was proper, he should then vote for it.

The amendment was not agreed to—ayes 44, noes not counted.

Mr. UNDERWOOD moved an amendment appropriating $500,000 for the purpose of improving the navigable streams in the State of Kentucky, to be paid to, and expended under the direction of, the board of internal improvements of that State; which was rejected.

Mr. JOHNSON, of Tennessee, then offered the amendment, of which he had given notice, to come in as a second section of the bill, as follows:

SEC. 2. *And be it further enacted*, That it shall be the duties of the Secretaries of State, of the Treasury, of the War and Navy Departments, and of the Postmaster General, and the Secretary of the Senate and Clerk of the House of Representatives, to lay before Congress, the first week in January in each year, a statement showing in detail the expenditures of the previous year of the various sums which may have been appropriated by Congress for the contingent expenses of their respective Departments, and the two Houses of Congress, specifying the appropriation, and under it the expenditures, each article purchased, the price paid, and to whom the same shall have been paid.

The amendment was agreed to.

Mr. STORER proposed an item of $25,000 for the erection of a marine hospital at Cincinnati, Ohio.

Mr. REYNOLDS, of Illinois, proposed to amend the foregoing by appropriating the sum of ——— dollars for the erection of a marine hospital on the western waters, the site to be selected by, and money to be expended under the direction of, the Secretary of the Treasury.

Mr. R. remarked that the gentleman from Massachusetts had done the subject so much justice, and had advanced such liberal views, that it was almost useless for him to say one word to the committee. But it was a subject of vast importance to the people of Illinois, whom he represented; and on that consideration he would say to the committee, that many meritorious individuals, in navigating the western waters, become *sick*, and

have no place for the irrepose and care. Not one public hospital existed in all the region of the West.

There are navigating the western waters more than forty thousand people; and from the necessity of their avocation they pass through various climates and countries, so that they are necessarily subject to sickness and disease.

The section of the State of Illinois which I have the honor in part to represent is situated on and between the largest and most navigaole rivers in the West, and on that consideration there is more business done on them than perhaps in any other part of the West, and, consequently, there are more sick and disabled sailors thrown on the shore of the district I represent than any other.

This is the reason that he respectfully brings this subject before the consideration of the committee, and hopes it may be adopted in the present bill, which is before the committee.

It is true there is a bill reported to the House on this *same* subject; but it is extremely doubtful if that bill, or many others of such character, will be acted on during the present session.

In a conversation with the honorable chairman of the committee who reported the bill providing public hospitals in the West, he (Mr. R.) was satisfied with the bill, and is yet, if we could reach it and act on it. The bill allowing land could be changed into an appropriation for money, if that should be deemed the most advisable, which he considered it would be. He (Mr. R.) said he had and others had, also, endeavored to bring up certain measures for the action of this House, but failed in them all. The gentleman from Indiana [Mr. HANNEGAN] had, on various occasions, attempted to bring up the bill graduating the price of the public lands, and failed in them all. He (Mr. R.) had attempted to bring before the House, on a day certain, the bill allowing a pension to those brave men that defended the country from the Indian enemy, from the year 1783 to 1794, but failed in it.

The subject of the West Point Academy cannot be brought up for the action of the House. Seeing all these attempts fail, Mr. R. feared that this subject could not be brought up for the action of the House, and it is on this consideration he hoped the amendment would be adopted in the bill before the committee.

The gentleman [Mr. STORER] is laboring under a mistake in the course and views he has taken of this subject. His amendment provides for the location of a public hospital at the city of Cincinnati, which will injure the measure. It is impossible for Congress to locate the hospitals; the sites must be selected by the Secretary of the Treasury, or some other competent officer of the Government.

In conclusion, he hoped that the amendment would be adopted in the present bill, as the subject might not be acted on in any other bill during the present session of Congress.

The amendment of Mr. REYNOLDS was rejected, as was also the proposition of Mr. STORER.

Mr. WILLIAMS, of Kentucky, moved that the sum of $50,000 be appropriated for the improvement of the Cumberland river from the mouth of Laurel to Nashville, Tennessee; which was rejected.

Mr. BOON moved that the sum of $25,000 be appropriated for the erection of a marine hospital at Evansville, Indiana; which was rejected.

Mr. ASHLEY renewed the amendment offered by him yesterday, for clerk hire in the office of the surveyor general of Illinois and Missouri, $2,000. He explained that the appropriation was authorized by a preëxisting law.

Mr. JOHNSON, of Tennessee, remarked that the item had been struck out of the bill in the Committee of Ways and Means at his instance, because he was unaware of its being in pursuance of an existing law. As the gentleman from Missouri had produced the act, Mr. J., of course, withdrew his objection.

The amendment was then agreed to.

Mr. KINNARD moved the following:

Be it further enacted, That the sum of $20,000 be, and the same is hereby, appropriated to defray the expense of making copies of the field notes, maps, and surveys of the public lands, sold and unsold, in each of the States and Territories in which the public lands are situated, for the use of the Legislature of such State or Territory.

Mr. K. remarked that he would detain the committee but a few moments in explaining the object and meaning of his amendment. It was a proposition which he felt it his duty to submit from a conviction, after mature reflection, that the object proposed to be accomplished deserves the serious and favorable consideration of the committee. He had not been in the habit, and he never would be, of submitting amendments merely to show an anxiety for the interests of his own constituents, or to consume the valuable time of the committee to no useful purpose. His object was to furnish the Legislature of each State and Territory in which the public lands are situated a complete authenticated copy of the field notes and maps of the lands within their limits. It is a matter connected intimately with the general subjects relating to the public domain. I conceive that the item of expense necessary to accomplish this object belongs to this appropriatien bill, as there are appropriations contained in it for various purposes connected with the land offices, and the lands themselves. Is it not due to the new States, where the Government, the greatest of all land speculators that has ever been or ever will be, has sold, for the sake of revenue, millions upon millions of acres? Will not the General Government place in the keeping of those States a copy of these land records, to them and their rights, perhaps, in the course of time, the most important of all the documents they could possess?

These documents are retained by the General Government exclusively. They show the subdivisions which have been made of the whole domain. They show the situation and magnitude of the various grants made to individuals by the Spanish, French, and British Governments, which, by treaties, the United States have undertaken to confirm. They present a view of a multitude of Indian reservations which have been transferred to citizens of the United States. I would ask the committee if it is not important to the rights of the new States, that they should have the maps and records by which they might correctly comprehend the nature, situation, and magnitude of these grants, reservations, and subdivisions into which the public lands have been cut up, so as to apply correctly the taxing power, and to guard forever the titles and homes of their citizens againt the accidents and contingencies to which these records are liable while in the keeping of this Government? I beg leave to remind the committee, that some years ago a portion of the maps and field notes were destroyed by the burning of one or more of the offices of the surveyor general. What was the consequence? The surveys had to be made anew. Suppose another Treasury building—the destruction of other offices of the surveyor general, and the consequent loss of these records, showing the subdivisions of the domain of whole States, densely settled, embracing towns and cities—what would have to be done to secure and perpetuate millions of titles to real estate which may have often changed owners? The mischief which would ensue would be beyond calculation. Would the resurvey of the country by the General Government remedy the evil? Would it, if allowed by the States, which is questionable, arrest the litigation that would grow out of the destruction of the original records and the obliteration of the old landmarks? I apprehend not. If the States would permit it, and if Congress were disposed to make a resurvey, it would be impossible to run the lines in all cases as they were run at first, and to give anything like satisfaction in the attempt to readjust the surveys. There are other considerations, which at this time he would not press on the attention of the committee. The item of expenditure for this important purpose is very small; and I think it due to the States, where the Government is collecting millions upon millions of dollars, in the sale of lands, to pass it promptly.

Mr. CARTER moved that the sum of $100,000 be appropriated to extend the improvement heretofore commenced by the Government of the United States at the Muscle Shoals, in the State of Alabama, up the Tennessee and Holston rivers, to Kingsport, in the State of Tennessee; rejected.

Mr. C. said, that it was his duty to say to the committee that he offered this amendment for the purpose of acquiring for the country he represented in part some of the benefits of the appropriations and expenditures of the Government. He was assured that the improvement of these rivers could not be objected to upon constitutional scruples by those in support of the present Administration. Upon examination it will be found that the improvement proposed by the amendment is national in its character in several points of view. It is national, because it opens a free, safe, and direct communication between the interior of the fertile and valuable country of East Tennessee, possessing an inexhaustible treasury of natural wealth and national resources of indispensable materials for national defense, as well as an abundance of provision stuffs; and, sir, it communicates with a hardy, industrious, and patriotic people, who, upon all exigencies and calls of their Government, are always ready to pour out their blood and expend their treasure in defense of the honor and free institutions of their country. All these indispensables, in time of difficulty and war, can be transported with facility to the most vulnerable part of our whole frontier in defense of the country. And, sir, in time of peace, the proper time to prepare for the defense of the country, this section of country of East Tennessee can, by the reception of some encouragement, supply the Government with ordnance and munitions of war of every character and description upon much better terms and of superior quality to any she has heretofore been in the use of, all which can be transported by means of this improvement to any part of the United States that the Government might require. Again, sir, the whole country is interested in this improvement, for the single reason that East Tennessee is capable of supplying the world with the indispensable articles of iron, nails, &c., and of a better quality afforded anywhere else. East Tennessee seems, sir, to be designed by nature for a manufacturing country, as well as agriculture, and only needs a market to secure the independence and happiness of the people. In order to aid in the procurement of this independence, I hope this committee will adopt the amendment.

Mr. DENNY moved the sum of $20,000 for the erection of a public hospital at Pittsburg, Pennsylvania; rejected.

Mr. EVERETT moved that the sum of $10,000,000 be paid to the several States, to be divided among them in proportion to their Federal numbers as ascertained by the last census; rejected—ayes 38, noes not counted.

Mr. RIPLEY moved that the sum of $200,000 be appropriated, to be expended under the direction of the Secretary of the Treasury, to select sites and prepare materials for the erection of hospitals on the western waters for the accommodation of sick persons employed in navigation thereon; rejected.

Mr. GRAVES proposed the sum of $35,000 for the endowment of a marine hospital at Louisville, Kentucky, to be erected under the direction of the Secretary of the Treasury; rejected.

Mr. LEA proposed the sum of $3,000 for the erection of a district court-house at Knoxville, Tennessee; rejected.

Mr. HANNEGAN proposed that the sum of $50,000 be appropriated for the erection of a marine hospital at the foot of the Grand Rapids of the Wabash river; rejected.

Mr. MERCER moved the sum of $15,000, to be expended under the direction of the Commissioner of the Public Buildings, for improving and extending the public grounds around the Capitol, to the west thereof, as far as First street, and graduating the same; rejected.

Mr. McKENNA, (at the instance of the gentleman who represented the western district of Virginia, [Mr. MORGAN,] who was absent through indisposition,) moved the sum of $25,000 for the erection of a commercial or marine hospital at Wheeling, Virginia; rejected.

Mr. GLASCOCK moved the sum of $20,000 for the erection of a marine hospital in the city of Savannah, Georgia, to be expended under the direction of the Secretary of the Treasury; rejected.

Mr. MERCER moved that the amount of the proceeds of the sales of the public lands, for the last two years, be paid to the several States in

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, APRIL 24, 1836. VOLUME 3....No. 24.

such sums as shall bear a just proportion to their Federal numbers.

Mr. WISE inquired why his colleague limited the distribution to the proceeds of the last two years only?

Mr. MERCER replied, because he wished to avoid the difficulty of meeting the argument of withdrawing so much from the magnificent schemes of expenditure now going forward, and for other purposes.

Mr. WISE inquired what was the probable amount of the proceeds of the public lands for that period?

Mr. MERCER understood it to be about sixteen million dollars.

Mr. WISE would suggest to gentlemen who wished to debate this question that then was the accepted time. In this way, and this way only, could that question ever be debated.

Mr. MERCER then modified his proposition by extending the time to four years; and it was rejected.

Mr. HUNTSMAN rose and indicated his intention of submitting a proposition for the erection of a marine hospital at Memphis, Tennessee, $15,000.

Mr. H. said, that in offering the amendment which he was about to do, if he was to consult his own judgment, he would most assuredly defer it until the bill, which, it was said, would be reported by the Committee on Commerce, in favor of a general and uniform system of *marine hospitals*, came up for consideration. He considered the subject one worthy of the consideration of Congress; the wants and necessities of such an establishment were more in demand on the western waters than elsewhere. The diseases of the climate, the universal resort of citizens of all parts of the United States, (he might say of the civilized world,) combine to present this as a subject of deep solicitude to the people of the far West. In returning from New Orleans, about the commencement of the sickly season, Memphis, perhaps with a single exception, is the first point of highland. Those who contract the diseases of the climate incident to the lower latitudes, as well as those who have suffered from attacks of cholera and small pox, (which is not unfrequent,) have to land at this point. Many have there died, and have gone to their long homes without receiving the assistance that the law of humanity in every civilized country upon the globe should guaranty to the stranger, when cast abroad, sick and afflicted, in a foreign land. The citizens of Memphis are entitled to the everlasting gratitude of the States in the valley of the Mississippi, for the exertions they have always made for the ease, the comfort, and the cure of the sick and afflicted from other countries cast upon their hospitality. They have even exerted themselves beyond their means for this humane purpose. With a population of fifteen hundred, or two thousand, perhaps, they have paid, for this purpose, sometimes, that number of dollars yearly, for medical assistance and nursing, and those nourishments which are indispensable for such a purpose, to those disabled and diseased strangers. The State of Tennessee has made some appropriations to build a hospital at this point. At the last session of Congress a sum, perhaps $5,000, was appropriated by the House of Representatives to aid the State of Tennessee in the establishment of this institution at Memphis; but owing to the want of time, or some other cause, the Senate did not act upon it. Tennessee is less concerned in this than any other State in the Union, so far as respects her own citizens. If their sick can get that nigh home, (to Memphis,) then resident friends or relatives can immediately fly to their assistance. But the citizens of other States cannot enjoy this benefit. They are far from their homes, their friends, and their firesides; and although their bodies may be racked with pain, their systems charged with disease, yet there is no friend, no relation, to administer consolation, to soften affliction, or smooth the pillow of death. They die in a distant land, uncomforted, neglected, and too frequently unattended to. This will always be so upon such a highway as the great river Mississippi, where five hundred thousand persons annually travel; where the small pox, the cholera, and the diseases of a southern climate, prevail. I therefore offer this amendment, Mr. Chairman, on behalf of my colleague, [Mr. DUNLAP,] who is the immediate Representative of the district comprehending the town of Memphis, and who is now absent from his seat by indisposition. I know he has this subject much at heart; and by offering the amendment here, when the bill is reported to the House, he can then take such a course as his judgment shall dictate to him on that occasion. For myself, when the general bill to establish marine hospitals shall come up, (which I think the most suitable occasion,) I shall then advocate a provision for a hospital at Memphis on a respectable scale.

The amendment was then rejected.

Mr. HAWES moved the sum of $250 for printing the report of the select committee made at the last session of Congress, in relation to the Military Academy at West Point; which was rejected.

Mr. CHAMBERS, of Kentucky, moved the sum of $30,000 for the erection of a marine hospital at Maysville, Kentucky; which was rejected.

Mr. LOYALL proposed the sum of $500 for a marble bust of the late Chief Justice Marshall; which was agreed to.

On motion of Mr. CAMBRELENG, the committee then rose and reported the bill and amendments to the House, and the same were ordered to be printed.

The House then, at eight o'clock, p. m., adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 16, 1836.

Mr. HARRISON, on leave, presented several petitions for post routes; which were referred to the Committee on the Post Office and Post Roads.

Petitions were also presented by Messrs. GRAVES, P. C. FULLER, REYNOLDS, of Illinois, ADAMS, and SEVIER, and referred.

Mr. REYNOLDS, of Illinois, presented the petition of the heirs of Colonel Daniel Cresap, praying relief for services performed in the war of the Revolution, and for which, no compensation was ever given.

RESOLUTIONS SUBMITTED.

On motion of Mr. PARKS, it was

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a post route from Anson, in the county of Somerset, through North New Portland and Lexington, to Dead river, in the said county of Somerset, and State of Maine.

On motion of Mr. REYNOLDS, of Illinois, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route in the State of Illinois, from Unity to the mouth of the Ohio.

On motion of Mr. JUDSON, it was

Resolved, That the Committee of Claims be instructed to inquire into the expediency and justice of refunding thirty dollars to Eli Horton, which sum was paid by him into the Treasury of the United States on the 20th day of February, 1835, for a *patent* which the said Horton has never taken out, and has abandoned.

Mr. JARVIS submitted the following resolution; which, by consent, was considered, and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to this House the number of sick and disabled seamen received during the year 1835 into each of the marine hospitals; the expense of sustaining each of those establishments, including the pay of superintendents, physicians, nurses, and all other persons employed, and all contingencies; the average expense per week of a patient in each of the hospitals, and the average expense per week incurred during the same year in the relief of sick and disabled seamen in those collection districts in which there is not a marine hospital. Also, the whole amount of hospital money collected, and the whole amount of expenditure for the relief of sick and disabled seamen within each collection district within the United States during the same year.

Mr. BOON submitted the following resolutions; which, by consent, were considered, and adopted:

Resolved, That the Secretary of the Treasury be directed to furnish this House with a statement showing the quantity, in acres, of public land unsold at the time of the last quarterly return of sales, and within the limits of the several States and organized Territories. Also, the number of acres which have been appropriated for internal improvements, education, or charitable institutions; showing, under separate heads, the quantity of land unsold in each State and Territory; and to what States and Territories, or bodies politic, grants of land have been made, and the quantity to each.

Resolved, That the Secretary of the Treasury inform this House what amount of money has been paid by the United States for the title to the public lands, including the payments made under the Louisiana and Florida treaties, the compact with Georgia, the settlement with the Yazoo claimants, the contracts with the several Indian tribes, and the expenditures for compensation to commissioners, clerks, surveyors, and other officers, employed by the United States for the management and sale of the western domain; also, the gross amount of money received at the public Treasury as the proceeds of sales of public lands, and the sums still due from supposed solvent purchasers.

AMERICAN ARCHIVES.

On motion of Mr. JOHNSON, of Tennessee, it was

Resolved, That the report of the Secretary of State, dated the 23d of December, 1834, numbered thirty-six among the documents of the first session of the Twenty-Third Congress, and the papers accompanying the same, be referred to the Committee of Ways and Means, with the following instructions:

1st. To inquire into the propriety of repealing the act of the 2d March, 1833, and rescinding the contract made by virtue thereof, by Edward Livingston, on the part of the United States, and Clark & Force, for the publication of the "Documentary History of the Revolution," and to pay the expenditures incurred by said publishers in consequence of said contract.

2d. If that is not proper to be done, then to inquire into the propriety of better regulating said contract; directing the number and size of the volumes, and the sum to be paid for the same, and the time for the completion of said publication, and the best and proper means of superintending said publication, and directing the documents to be inserted in said publication.

CAPTAIN WILLIAMS'S SURVEY.

Mr. HARD submitted the following resolution; which lies over one day:

Resolved, That there be printed five thousand extra copies of Captain Williams's report of the result of the survey of a canal route connecting the waters of Lakes Erie and Ontario, made by him during the summer of 1835, together with the accompanying maps.

PENSIONS TO WIDOWS AND ORPHANS.

On motion of Mr. WHITTLESEY, and by unanimous consent, the House resolved itself into Committee of the Whole, (Mr. HAWES in the chair,) on the bill granting half pay to widows and orphans, where their husbands and fathers have died, or shall hereafter die, of wounds received in the military service of the United States, in certain cases.

After a few explanatory remarks by Mr. WHITTLESEY, the committee rose, reported the bill to the House without amendment, and it was ordered to be engrossed and read a third time. Subsequently the bill was read a third time, and passed.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following communications:

I. A letter from the Secretary of the Treasury, transmitting a report from the Commissioner of the General Land Office received from the surveyor general of Illinois and Missouri, accompanied by sundry documents; which was laid on the table, and ordered to be printed.

II. A letter from the Secretary of War, transmitting, from the Topographical Bureau, a report and survey of a ship channel to connect the waters of Lake Erie and Lake Ontario; which was referred to the Committee on Roads and Canals, and ordered to be printed.

III. Communications from the Register and First and Third Auditors of the Treasury, in answer to a resolution of the 11th instant, transmitting a list of the clerks, their duties, &c.,

employed in their offices; which was laid on the table, and ordered to be printed.

THE PUBLIC LANDS.

Mr. HANNEGAN asked the consent of the House to submit the following resolution:

Resolved, That the second Monday in May, and the three succeeding days, after the hour of twelve o'clock, be set apart for the consideration of the bill to graduate and reduce the price of the public lands, together with such other propositions as may be involved in the final settlement of the question, and more especially the propriety of suspending further sales, except to actual settlers and residents; provided so much time as is above specified shall be required for the purpose.

Objection being made, Mr. HANNEGAN moved to suspend the rule; and to show that his motion was not an idle one, which was made to consume time, he would not call for the yeas and nays.

Mr. ASHLEY asked for the yeas and nays; which were not ordered.

The motion to suspend the rule was then negatived.

GENERAL APPROPRIATION BILL.

The House, pursuant to the special order adopted on Thursday last, took up the bill making appropriations for the civil and diplomatic expenses of Government for the year 1836.

The bill was reported at a late hour last night, from the Committee of the Whole on the state of the Union, with sundry amendments, and the question was on concurring with the committee in their report.

Various amendments made in the body of the bill were then read, and concurred in without a division.

Mr. WHITE, of Florida, moved to non-concur in the amendment proposed by himself, and adopted by the committee, in relation to the allowance to the district attorney of Florida, under the acts for the settlement of private land claims in Florida; which was agreed to.

The Committee of the Whole had stricken out the following item:

"For office rent and fuel for all the surveyor's offices, $1,000."

Mr. CORWIN moved to non-concur in that amendment, so as to restore the clause to the bill. Mr. C. made a few remarks in support of the provision in question, and referred to the recommendation for it by the Commissioner of the Land Office.

Mr. HARDIN opposed the allowance, and asked for the yeas and nays on the question of concurrence; which were ordered.

The original clause was further advocated by Messrs. JOHNSON of Louisiana, RIPLEY, and ASHLEY; and opposed by Messrs. VANDERPOEL, LINCOLN, BOON, and BOND.

The question was then taken; and the amendment of the committee being concurred in, the clause was accordingly stricken out—yeas 129, nays 23.

Sundry amendments of merely verbal or clerical character were moved by Mr. CAMBRELENG, and agreed to by the House.

The committee proposed to strike out the following clause:

"For the Documentary History of the American Revolution, per act of 9th March, 1833, $20,000."

Mr. EVERETT excepted to the amendment on the ground of its rejecting a provision to carry into effect a valid and binding contract, and asked for the yeas and nays; which were ordered.

Mr. PHILLIPS produced the contract made by Mr. Secretary Livingston with Clarke and Force, and a letter addressed by them to Mr. Secretary Forsyth; which were read by the Clerk.

The debate was continued by Mr. THOMPSON of South Carolina, and Mr. CHAMBERS of Pennsylvania, in favor of the clause, and by Mr. CAVE JOHNSON against it.

Mr. CARTER then submitted an amendment to the clause directing the Secretary of State to notify Clarke and Force to discontinue the said work, and to ascertain the probable amount of damages that would be incurred by rescinding the contract, and to report the same to Congress at the next session.

Mr. SPEIGHT suggested to the gentleman to withdraw his amendment, and to permit the question to be taken on the amendment of the committee to strike out.

The debate was further continued by Mr. ADAMS in favor of the appropriation, and by Mr. SMITH against it; when Mr. PEARCE, of Rhode Island, obtained the floor; but gave way to

Mr. LANE, on whose motion

The House adjourned.

IN SENATE.

MONDAY, *April* 18, 1836.

The CHAIR communicated a report from the Treasury Department, in answer to the resolution of the Senate of the 13th instant, inquiring the amount of money in the Treasury up to the 31st of March last; in what banks the same is deposited, and the capability of such banks to meet their liabilities; also, the receipts for customs, &c.; and,

On motion of Mr. EWING, of Ohio, it was laid on the table, and ordered to be printed.

Mr EWING, of Ohio, presented petitions on the subject of a change in the location of the Cumberland road; which were laid on the table.

Mr. TOMLINSON presented the petition of Peter Bradley, praying for a pension; which was referred to the Committee on Pensions.

Mr. HENDRICKS presented the petition of William Patterson, of the city of Dublin, in Ireland, representing that he has invented a valuable improvement in the art of tanning hides and skins by an article not heretofore used for that purpose, and applicable also to tanning ropes and sails, and to dyeing. He wishes to take out a patent from the United States; and not being a citizen of the United States, he prays that that part of the patent law be dispensed with which requires citizenship or a residence of two years, and that a patent be granted to him, or to his legal representatives in the United States; which was referred to the Committee on the Judiciary.

Mr. BLACK presented the petition of William Bryan; which was referred to the Committee on Public Lands.

REPORTS FROM COMMITTEES.

Mr. SOUTHARD, from the Committee on Naval Affairs, reported the bill making appropriations for the naval service, with several amendments; which were read.

Mr. S., from the same committee, reported, without amendment, the joint resolution of the House, referring the petition and papers of the heirs of Robert Fulton to the Secretary of the Navy, with instructions to report thereon.

Mr. TOMLINSON, from the Committee on Pensions, to whom had been referred the petition of Leslie Coombs, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. WHITE, from the Committee on Indian Affairs, reported the bill for the relief of Henry Stoddart, without amendment.

On motion of Mr. WHITE, leave was granted to Elizabeth Smith to withdraw her petition and papers.

STATISTICS OF THE UNITED STATES.

Mr. CALHOUN presented a memorial of Professor Lieber, on the subject of a statistical work on the United States, in preparation by him, and praying for the aid of Congress. Mr. C. spoke of the work in terms of high approbation, and moved the printing.

Mr. WEBSTER said, he had had the honor of an acquaintance with Professor Lieber, and believed him to be a gentleman of much experience, and an accurate and judicious writer. He had read, too, the memorial which the member from South Carolina had presented, and he thought it a very able and comprehensive plan, or outline, for a useful and important work on the statistics of the United States. How far Congress might be inclined to patronize such a work he could not say, but he thought it would be useful to give publicity to this plan; and he hoped the member from South Carolina would ask for the printing of twice the usual number, so that some few copies might be distributed.

Mr. CALHOUN modified his motion so as to make it for printing double the usual number, and in this form it was agreed to

FORTIFICATION ON LAKE CHAMPLAIN.

On motion of Mr. SWIFT, the resolution directing the Secretary of War to cause a survey to be made, for the purpose of ascertaining the most eligible site for a fortification on Lake Champlain, was taken up, and, after a slight discussion,

Mr. WALKER moved to amend it by adding a provision directing a survey to be made, for the same purpose, of the coast of the Mississippi, bordering on the Gulf of Mexico.

After some remarks from Mr. WALKER, the question was taken on his amendment and lost.

The resolution was then adopted.

THE LAND DISTRIBUTION BILL.

Mr. CRITTENDEN laid on the table the resolutions of the Legislature of Kentucky, instructing their Senators and Representatives to vote for the distribution land bill.

PREEMPTION CLAIMS

Mr. WALKER submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury of the United States be requested to ascertain and report to the Senate of the United States, with as little delay as practicable, the quantity of the public lands of the United States secured by claimants under the various acts of Congress granting preëmptions since the adoption of the cash system, specifying in said report the quantity so secured each year.

SLAVERY IN THE DISTRICT.

Mr. DAVIS presented a petition from sundry citizens of Fall River, Massachusetts, praying for the abolition of slavery and the slave trade in the District of Columbia.

Mr. GRUNDY moved to lay the petition on the table.

Mr. WHITE said he presumed that the proper course would be to reject the prayer of the petition, as had been done in the case of the memorial of the Society of Friends; and he moved to reject it accordingly.

Mr. GRUNDY then moved to lay that motion on the table; which was agreed to.

CARRYING THE MAILS.

The joint resolution for changing the time of making contracts for carrying the mails was read the third time and passed.

This resolution makes the contract year commence on the 1st of July.

CAPTAIN THOMAS WEST.

The report of the Committee on Revolutionary Claims, unfavorable to the petition of the representatives of Captain Thomas West, deceased, was concurred in.

RESOLUTIONS DISPOSED OF.

The resolution submitted on Friday by Mr. LINN was agreed to; and the resolution submitted on the same day by Mr. KENT was laid on the table.

TERRITORIAL GOVERNMENT—WISCONSIN.

Mr. BUCHANAN, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill to establish the territorial government of Wisconsin, reported that the committee had agreed to recommend to the Senate to recede from its disagreement to the amendment of the House; and,

On motion of Mr. B., the Senate receded accordingly.

CARRYING MAILS ON RAILROADS.

On motion of Mr. GRUNDY, the Senate took up the bill to authorize contracts for the transportation of the United States mail and property on railroads.

Mr. G. said the report of the committee embraced the principles and explained the objects upon which it was intended to support this bill. This was no party measure, nor was it gotten up for temporary purposes; and whatever of merit there might be in it, or whatever matter of recommendation it had, was in the measure itself, and in the effect it would produce upon the whole country, let the Government be in whose hands it might.

He subscribed most heartily to the patriotic sentiment expressed some days since by the Sen-

ator from Kentucky, [Mr. CLAY,] "that, whatever our political or party differences might be, still there were some subjects paramount to all party considerations, and upon them at least we should act without reference to party." And this measure (said Mr. G.) is believed to be of that description. He therefore invoked no aid from his political friends on party grounds; and he hoped those of the Opposition would fairly, and without prejudice, consider the subject, and give or withhold their support according to their convictions of its propriety and utility.

By the Constitution of the United States, the whole subject of post offices and post roads was confided to the General Government, and the States had no power left over it; from which, he would infer, that there was a strong moral as well as constitutional obligation upon this Government so to use this power as to produce the greatest benefits to the citizens of the States.

How were these benefits to be produced? Only by a safe and expeditious transmission of intelligence and communication of all kinds, which might be placed in the mails throughout the country. Of the necessity of a safe transmission, he need say nothing, as all would at once perceive it. Of the necessity for expedition, he would remark, that one of the great purposes of the mail establishment was to give general information, political and commercial, and especially of the state of the market abroad, and in our principal cities, that speculators might not avail themselves of private expresses, and thereby obtain the property of the laboring part of the community at a lower price than it was worth.

Let us now see (said Mr. G.) what is the true state of things, if the Government shall not have the use of those railroads. Six miles an hour upon a macadamized road (say the road from Baltimore to Wheeling) is as great speed as has been attained by teams and coaches; and in England, where, regardless of expense, roads had been made perfectly level, ten miles an hour on them was the greatest speed. The speed of a locomotive on railroads would average fifteen miles. If, then, these railroads were not to be used for the transportation of the mail, private intelligence would arrive at a place two hundred and fifty miles distant, while the mail had only traveled one hundred miles. By this means the utility of the mail was in a great degree destroyed. He therefore concluded that the Government must have the benefit of these railroads in some way. Suppose (said Mr. G.) you make a contract for four years, at a reasonable rate, on a particular railroad—from that moment all competition is at an end, and, at the end of the four years, you are completely in the power of the company as to price. He had, therefore, considered it fortunate that so few contracts had been effected.

Another idea exists, (said Mr. G.,) which is, that the Government shall, by law, declare these railroads post routes, and then contract with persons to carry the mail on them in cars provided by the Government or the contractor. This, he thought, would be perhaps the most expensive plan of transporting the mail that could be devised. Grant the power of this Government to transport the mail on them—it would scarcely be contended that the right to transport passengers or private property existed. If, then, these engines and cars were to be procured, and kept in operation for the sole purpose of carrying the mail, the expenses could not be borne by the Government. Not so with a railroad company. A small increase of their means of transportation would enable them to take the mail and its superintendent.

He had heard another plan suggested, which was, that as these companies were common carriers, the mail carrier employed by the Post Office Department would have the legal right to demand the transportation of himself and mail at the usual legal rates. Admit this to be so, (said Mr. G.,) you put the mail, as to the time of its departure and arrival, entirely in the power of a corporation, proverbially heartless at all times, but especially so when at variance with you upon the subject of money transactions. If the Postmaster General were not to control and fix the times of the departures and arrivals of the mails, a derangement and disorganization would ensue, the evil effects of which could not be calculated. If two hours' delay should take place between this and Baltimore, the mail of one day would be lost to all post offices east and north, not only on the main line, but on all the dependants or lateral mail lines; and the same consequences would follow south and west upon a failure on the great southern line. This proves (said Mr. G.) that you or the Post Office Department must have the control of the railroads, as to the times of departure and arrival of the mails. Besides, the mails had to be delayed in some of the offices, for short periods, to be distributed and exchanged; and, in such cases, the managers of engines and cars must wait, or there would be failures; and when the Post Office Department was in controversy with these companies they would intentionally produce those failures. Besides, our stipulation in a contract should be, in case of injury to an engine carrying the mail, the first that could be had should be taken, if it stopped the transportation cars.

Upon an examination of all the plans and suggestions he had heard, he could see no plan so practicable as that contained in the bill by which to secure the advantages of the railroads for the transportation of the mail; besides, all collision and irritation between this Government and the States, and their incorporated companies, will be avoided.

He was, in the general, as much opposed to monopolies and incorporations as any one; but here were State charters, granted by State Legislatures competent to grant them; and we had no power over them, except that which might arise from the authority in the Constitution to establish post roads. Was there, then, any wisdom in having a controversy with these companies, when we could, at a reasonable price, procure valuable and indispensible services from them, and change them into agents of great public benefit?

So strong was his conviction of the great utility of these railroads as a means of defending the country, that, so soon as a reasonable number of fortifications should be erected, and the principal roads now projected should be completed, he should consider this country perfectly secured against foreign invasion. Ten thousand men, with their arms, could be brought from Baltimore to this place in *three* hours; the militia, from the whole interior east of the Alleghany Mountains, could be placed on the sea-coast in two or three days; the physical strength of Philadelphia could be transferred to Baltimore or New York in a few hours; and each of these cities could be brought to the relief of Philadelphia, if needed, in the same period of time.

Should the two great routes in the western country, which had been projected under very favorable auspices, be effected, New Orleans would never again be in danger. If the road from New Orleans to Nashville were in operation, in three days men could be sent from the latter to the former place; they could be sent from the most populous parts of Mississippi in half the time.

If the road from Charleston to Cincinnati should be completed, the militia of the back country, even embracing a portion of Tennessee, could be transferred to Charleston in less than forty-eight hours in case of an invasion.

The advantages of these railroads to the Government were too apparent to require further illustration. What objections could be urged? It could not be objected that State rights were invaded. According to the views of the strictest sect of State-rights men, here was no attempt at jurisdiction. The States and their incorporations retained all the power over the roads; this Government did not become a partner, nor had it any control in any manner over them. It contracts with the company to receive the mail at a given time, and to deliver it at a certain place, before or at a time specified in the contract, in the same way that it now contracted with an individual who was to transport it in stages or coaches.

The friends of internal improvement by the General Government could not say that this measure conflicted with their principles. It neither affirmed nor denied them. It was free from the controversy growing out of that subject.

It would afford incidental aid to the construction of railroads; but, at the same time, did not bring up the disputed questions which had divided the people of the country.

Without examination, it might be apprehended that the scheme would involve the Government in the concerns of these companies. Not so, (said Mr. G.;) no money is to be advanced until the road, or some important section of it, is in actual use, and then only for that part of it which is completed. No visionary schemes would be embarked in by the Government, but it would proceed on absolute certainties.

This measure was recommended by its equal operation and beneficial effects in all the States. Every State was now engaged in constructing, and would have railroads passing through them. In a short time all would have the benefits of these contracts extended to them.

It might be apprehended that the Government might lose the money advanced, by a failure of the company. This was very improbable. It was not to be expected that Congress would make any contract until it had well examined the ability of the company, its connection with the State government in which the road was located, the importance of the road itself, in relation to the points it connected, and those through which it passed. Further, a lien was to be had upon the road itself, and every kind of property appurtenant to it; and in case of a failure to comply with the contract, proceedings were to take place to subject the whole to the payment of the money advanced by the Government.

If a company should fail, and proceedings be instituted against them, the General Government ought not—and he was willing so to provide—to become the purchaser. If the road should be of value, other purchasers would come forward and buy it; and the property on which the lien existed would always be sufficient to secure the Government; for no money was to be advanced except the road should be finished, or a section of it sufficiently important for the transportation of the mail thereon.

Upon what principle were these contracts to be made? This was a matter for the decision of others, and not his. He should himself be willing that a fair compensation should be fixed on for the transportation of the mail and other public property; then advance a sum which would produce an interest, the amount of the yearly compensation, making a reasonable addition for increased expedition.

After some further general remarks, Mr. G. said it was his design, at the proper time, to associate in the bill the Secretary of War with the Postmaster General, as the provisions of the bill appertained to the War as well as the Post Office Department.

Mr. WEBSTER adverted to two resolutions he had presented at an early period of the session on this subject, and would have brought the matter forward at an earlier day had it not been for the position in which he stood here as the friend of the land bill. If this bill could be brought in competition with the land bill, he would give that bill the preference; but if there was, in his opinion, money enough in the Treasury to meet both objects, he was disposed to support this measure, no matter what party was for or against it, and concurred in the views of the Senator from Tennessee, [Mr. GRUNDY.] It was their bounden duty to relieve the country from the evils of the accumulation of money in the Treasury. He then went into a statement to show the amount of money in the Treasury, which in the aggregate for the present year would amount to about forty-one millions, in addition to the seven millions from the Bank of the United States. And how were they to dispose of it? He concurred generally in the recommendations for appropriations for defense from the Department; but gave a preference to an increase of the Navy over the fortifications. Forts were good in guarding against sudden attacks, but after all we must rely on a superior naval power to keep us free from invasion, except in those sudden attacks which no naval power could guard against. Looking to the extent of all reasonable appropriations, he thought there must be a large surplus, which they were loudly called on to dispose of. The state of the currency was made up at present of contradictory elements, in which money was scarce,

and yet property high, beyond all precedent. This paradox might be solved by the propensity to draw all the money into the Treasury, and hold it there. When the occasion came he would express his opinion on the causes, and hoped that time would soon come; but as it was not necessary, in the discussion of this bill, he would not go into it now. He adverted to the advantages of transportation of mails on railroads over other roads, and thought, if they could come upon any just and reasonable terms, by which it could be effected, it ought to be done, and he would say even liberal terms. Companies had accomplished, and even exceeded their most sanguine expectations in completing and putting their roads in use, and their enterprise had far outrun that of individuals; and if they could be benefited they ought. As he could not see that this measure could at all affect the land bill, he should vote for it, and hoped the Senate would pass it.

Mr. BUCHANAN said he understood that this measure was to be taken up merely for the purpose of introducing it to the notice of the Senate and the public, and then passing it over for further consideration. He had not read the bill until that morning, and he did not rise to express any opinions as to the vote he should give; but it seemed to him that there were great difficulties attending this measure. He never had any constitutional objections as to the mere appropriation of money by subscription of stock to internal improvements, though he had formed a decided opinion as to the jurisdiction of the Government over internal improvements, believing that over them they had no power. He came, however, to the conclusion that they should exercise the power they did possess with extreme caution. The vast number of systems for internal improvements started in the different States, which sought to be fostered by Congress, showed that they were not a body fitted for contracting with the interested individuals in the States.

Though he had no constitutional objections to the first section of the bill, yet he feared that it would be the commencement of a general system of internal improvement. In the State which he represented, railroads were becoming as common as ordinary turnpike roads. In one part of the State two railroads ran parallel to each other for a considerable distance. This bill proposed, in all cases in which it was proposed to carry the mail on a railroad, to advance the company a sum, the interest of which would be equal to the compensation for carrying the mail and troops of the United States on such road. This principle would connect the United States with every railroad over which the mail was to be carried; and what security had the Government that the railroad company would perform its part of the contract, except under the last section of the bill, by bringing a suit against them, though they might be insolvent? If gentleman could make any suggestions, showing how the benefits of the railroads could be secured to the United States, without the difficulties that presented themselves, he would be ready to give up his objections, and vote for the bill as the least of evils. The United States were not to acquire jurisdiction over these roads. Then cases might occur in which it would become the interest of these companies to suffer these roads to be taken from them by legal process; and in what position would the Government then be?

Again, railroads in this country were but in their infancy. Vast improvements were making, and had been made, within the last ten years. Ten years ago the great object was to get a level; it was now discovered that an ascent of sixty feet in a mile was not too much. The science of railroad making was now in its infancy; and, by giving an advance to these companies, the Government would be bound to them for all time, no matter what improvements might be made in roads running parallel with them.

If this land bill should pass, or a bill to lend the surplus money to the States, as he had heard suggested, the easiest thing in the world would be to insert a provision, that where the States own or charter railroads, the mail and troops of the United States shall be carried on such terms as Congress may deem reasonable. Mr. B. could not then say whether he should vote for the bill or not. If it could be so modified as to obviate some strong objections that presented themselves, he would cheerfully give it his support.

Mr. CALHOUN admitted, that if something was not done the transmission of intelligence would be transferred from the General Government to the railroad corporations. He thought, with the gentleman from Pennsylvania, there were great objections to this bill. He saw very clearly, if they commenced this system, that there was great danger of its ultimately ending in a system of internal improvements. There was no knowing the extent to which these contracts would be carried; and there was also a great difficulty in fixing what would be an adequate compensation. He would mention another difficulty that could not well be guarded against. So long as it should be the interest of these companies to fulfill their contracts, they would do so; but when it became their interest not to fulfill them, and they failed to comply with their engagements, there was no remedy but a suit for the return of the funds advanced.

Mr. WEBSTER said, the remarks he had made were confined to the general object of the bill, and thought the details might be altered in regard to the perpetuity or limitation of contracts. He would, however, take it for granted that the power was given in the bill to have modified contracts. He was glad the Senator from South Carolina [Mr CALHOUN] saw no constitutional objections, and had suggested difficulties which might be remedied.

Mr. GRUNDY remarked, that there was nothing in the bill about the duration of contracts. The bill contained no such provision; because he knew that the charters of the railroad companies in many of the States were limited.

He had now obtained his object in bringing the bill to the notice of the Senate. Neither he nor the committee supposed the bill was perfect; and they were obliged to gentlemen for any suggestions they thought proper to make. He hoped they would examine the subject further, and come to a conclusion to give it their support.

Mr. CLAY'S opinion heretofore expressed in regard to the power of the Government to construct roads was unchanged. He had little doubt that this measure, if adopted, would end in a complete revival of the system of internal improvement. At present the Post Office sustained itself, but this bill proposed a new principle, an entire change; and the people would want to know whether some diminution of postage was not going to be had, as it was to be supported from the surplus funds in the Treasury? He was struck with the spirit of speculation both in England and in this country in regard to railroads, and alluded to a paper he had read, (published in England,) giving an account of the various projects for railroads there, and, from its corresponding tenor with publications here, would have supposed it to have been published in this country, did he not know the fact to be otherwise. He spoke of the rapidity with which subscriptions to railroad stock were filled up. Sometimes they were filled up in a few hours by persons who never meant to pay the stock, and A would sell his stock at an advance to B, and B at an advance to C, and so on lower down the alphabet; and it was a species of great speculation. He had heard this morning of one in contemplation from Smithfield to Albany, a distance of one hundred miles, called a grand scheme, and the stock was taken in a few hours. He feared this measure of the Senator from Tennessee would operate as a stimulus to this system of fancy speculation, as it had been termed. Property had risen while money was depreciated, and more money wanted. The money lying in these deposit banks, and the want of confidence, and apprehension that this paper system must burst, and the hoarding up of hard money going on even by obscure individuals to a great amount, might be added to the cause assigned by the Senator from Massachusetts [Mr. WEBSTER] of the present state of the currency. If he (Mr. C.) had ten or fifteen thousand dollars, which, by the way, he had not, he should want to look out for some of this yellow or white money too. If this bill passed, owners of stock in these railroads would believe it was going to be valuable, and it would give rise to speculation.

Without expressing any opinion for or against this measure, it was clear that the Government must avail itself of the use of these roads in some way. In Pennsylvania and New York, railroads were becoming as numerous as common roads; and in those States where they had the most railroads they would get the most money; and, therefore, according to the provisions of this bill, it would not be an equal apportionment of the money among the Federal States; and in those States where assistance was in fact most needed they would get the least. In regard to the Baltimore and Washington railroad, he had understood that, after paying to the State of Maryland the half dollar on each passenger—which he thought rather unjust—and other expenses, the whole amount, divided among the stockholders, was less than $300. The bill granted no new power to the Post Office Department; and they ought not to hasten its passage. He thought, upon the whole, Congress would be a very bad board to examine into the nature of these contracts.

Mr. DAVIS was in favor of the bill. It proposed nothing more than an inquiry by the authorized agents of the Government into the capacity of the railroad companies to perform the service required; and, on their being satisfied as to these particulars, a conditional contract to be ratified by Congress with the approbation of the President. The bill, therefore, was sufficiently guarded; for if they could not trust Congress—the immediate representatives of the people—to make contracts, there was no human agency by which they could be made.

Mr. MANGUM rose merely to suggest difficulties that occurred to him in relation to this bill. It took away the responsibility of the Post Office Department, and transferred it to Congress, and was virtually establishing a system of internal improvement by the General Government. If it aided in anything, it was those railroads now in progress. It authorized advances to enable their completion, which was essentially a system of internal improvement. The only difference between the parties in this country was, that one contended for State improvements by the States themselves, and the other for internal improvements under the denomination of national objects. It was resuscitating the old system of internal improvements in its worst form, and they could easily imagine the combination of associations with the Treasury which might subsidize the whole community. The application of the principle would go to every one who raised a shovel-full of earth in the construction of these roads. This was only one of the innumerable difficulties arising from the surplus revenue. Cases would occur where it would not be the interest of the United States, or of the company, to continue the use of these roads, and then they would be thrown upon our hands. Hundreds of thousands of dollars would be invested in these improvements; and he would prefer going directly into the system of internal improvement, as they should then be able to judge where it would lead to. He would prefer more time to look into this matter, and for the present had merely thrown out these suggestions as they had occurred to him. He was unwilling to proceed in this matter at all, and not merely because of his distrust of the Postmaster General or of the supervision of Congress. He understood the object was to empower the Postmaster General to look a great way ahead, and make advantageous terms by advancing large sums of money. Many changes might take place within the period within which a contract for a long period might be made, which might lessen its advantages. The Postmaster General had a right to contract for four years now; and he apprehended, on the roads already finished, they would take no less for the transportation of the mail. He had no doubt, however, that these railroads would have to be resorted to for the transportation of the mail. This was an important matter, and ought not to be hastened.

Mr. GRUNDY said, he wished the Senator from North Carolina had read the report, and he would have understood the bill better. The bill proposed that money should be advanced in two cases only; one where the entire road was in

operation, so that the mail could be carried on it, and the other where an important section of the road was in operation. Then the right to carry the mails on them might be contracted for, but must be approved by Congress. There could be no contract so as to produce the payment of the money before the corporations commenced performing the service.

Mr. BENTON had made it his business to consider this proposition, and to listen to what had been said with respect to it; but he was bound to say that he saw difficulties of many kinds surrounding this proposition; one of them would be the shifting of large burdens from the Post Office Department on the Treasury, while it, at the same time, threw additional burdens on it. These railroads were only carried from one great point to another, passing by the smaller towns and villages, without stopping long enough for the purposes of the mail, so that the mails for these neglected places would still have to be kept up, though the mails were transported from one great town to another in the railroad cars. It was known that these railroad companies were instituted solely to their own convenience, without regard to political, or any other, considerations. Their cars run from one great point to another, without taking into view the intermediate points; while, in various parts of the United States, there were so many minor post offices, so near to each other, that it had been found necessary to establish a rule that the post offices should not be nearer than five miles to each other. These rail cars did not arrive at the maximum of their speed until some time after starting, and were obliged to restrain their speed for some time before stopping; consequently, if they should stop frequently, they would not, on the average, travel much faster than the ordinary mail. With respect to the length and breadth of this scheme, the Senator from Tennessee found it impossible yet to determine anything like its boundaries; and, that it was so impossible, would be granted by any one who would cast his eye over the map of the United States. By patronising one company, the hopes of various others would be excited, and active competition would be produced for the patronage of the Government to a great extent. There were at this time, in Missouri, projects for nearly three hundred miles of railroad. He mentioned this for the purpose of showing how numerous and how extensive these railroad projects had become; for, if the business was carried so far in a State of the population and resources of Missouri, how much further would it be carried in States whose population and resources so greatly exceeded hers? If the scheme took effect in one place, it must pervade all the others. If other States got the patronage of the Government, Missouri would also make application for it, and so it would be with all the States until they obtained their share.

He thought, therefore, they could not see the boundaries of this scheme. The difficulties with regard to this measure appeared to him to be such, that, like other gentleman who had addressed the Senate on the subject, he was willing to hold it under consideration without pledging himself as to the course he should take. He, for one, did not think they ought to surrender so quickly, and agree that they could not get along with the business of the country without the aid of these railroad companies. Certainly the speed of these cars was very great, but they had very different objects in view from the transmission of general intelligence. They must regulate their own hours of arrival and stopping, a circumstance wholly incompatible with the convenience of the mails. It would be in vain for the Postmaster General to attempt to regulate this: considerations affecting their own interests and the convenience of their passengers would solely influence them. He could readily see that our common mail stages loaded with a newspaper mail of wet sheets and nine passengers inside, must travel slowly, yet some arrangement might be made which would give sufficient speed to the transportation of the letters. For instance, by sending the letters first in horse mails to themselves, then the newspapers, and, lastly, the documents, the letters might, by sufficient relays of horses, travel as fast as the railroad cars; for, although the speed might not be the same for a given number of miles, yet, taking into consideration the stoppage of the cars at different points for passengers, the average speed might be made nearly equal. He had understood that great delays, by which passengers were subject to much inconvenience, had occurred on one of these railroads—the railroad from Baltimore to Wheeling. He had been told by gentlemen who had recently traveled on that road, that the delays to which they had been subjected had been so vexatious that they had cause to regret that railroads had superseded the old mode of travel. Mr. B. replied to the argument, that these railroads would be of great advantage in transporting the troops and munitions of war of the United States. Under the present arrangement of the War Department, he said the expenses of the travel of the officers was much better regulated by allowing them so much per mile; and when war came, the Government could, under the provisions of the Constitution, take one of these railroad cars for the transportation of its troops with the same ease that they could take an ox-team. Let a war begin, and there was a spark of patriotism in the bosom of every man which would induce those companies to offer the use of their railroads to the Government on reasonable terms; but if in any case that patriotism should be wanting, there was a provision in the Constitution which would enable the officers of the Government to take these cars for the transportation of troops or munitions of war, as readily as they can take an ox-cart.

For the present, (Mr. B. said,) he would hold this measure under consideration; he saw many difficulties in the way, and he hoped that the friends of the bill would find some mode of getting over them.

Mr. WEBSTER knew of no one instance of such fancy speculation as alluded to by the Senator from Kentucky, [Mr. CLAY,] of the first class selling to the second, and the second to the third, and so on; and he understood from the Senator from South Carolina that no such speculation existed in South Carolina. He believed these enterprises were connected with the public good, and ought to be encouraged. If there was a spirit of speculation abroad, (and he rather thought there was, and also an excessive spirit of internal improvement,) would not the same spirit exist, in case the land bill passed, in the distribution of the money among the States in which these improvements were going on, as existed now?

Mr. W. made some corrections of his statement of the average amount of money per quarter in the Treasury, when up before.

After some remarks from Mr. LEIGH, the bill was laid on the table; and, on motion of Mr. PORTER,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 18, 1836.

On motion of Mr. JACKSON, of Massachusetts, the bill to authorize the construction of a railroad on the lands of the United States, in Springfield, Massachusetts, was read a third time and passed.

Mr. McCARTY, on leave, presented an amendment, which he intended offering to bill No. 86, on the subject of the public lands; which was ordered to be printed.

Mr. HARD asked the consent of the House to take up the resolution offered by him on Saturday, for printing five thousand extra copies of the report of the War Department of the survey, &c., of a ship canal to connect the waters of Lake Erie and Lake Ontario.

Objection being made, Mr. H. moved to suspend the rules for that purpose; which was negatived.

Mr. REED, on leave, presented certain resolutions of the Legislature of Massachusetts, on the subject of the introduction of foreign paupers; which were ordered to be printed.

Mr. BELL, on leave, presented a petition from certain Chickasaw Indians; which was referred to the Committee on Indian Affairs.

Mr. REED moved to suspend the rules until one o'clock, for the purpose of calling the States, in order, for such petitions as should not be objected to or give rise to debate, and also resolutions on the subject of post routes; which was agreed to—ayes 116, noes 24.

Petitions were accordingly presented by

Mr. BAILEY, of Maine;

Messrs. ADAMS and REED, of Massachusetts.

Mr. PIERCE, of Rhode Island, offered to present three petitions, each of which was objected to by Mr. WISE, on the ground that, by a vote of the House, it was put in the power of one man to object to the presentation of petitions. He was opposed to any such power being placed in the hands of a single member; and he should continue to object to every petition which was presented under the rule just adopted.

Mr. SPEIGHT hoped that some gentleman who voted in the majority would move a reconsideration of the vote adopting the proposition of Mr. REED, and that they would proceed to dispose of the regular business on the Speaker's table. It was obvious that they could not proceed under the resolution of the gentleman from Massachusetts, as notice had been given by the gentleman from Virginia, [Mr. WISE,] that he should object to every petition which should be offered.

Mr. HOAR moved to reconsider the vote, with a view to an amendment of Mr. REED's motion, so as to suspend the rule to receive petitions without being restricted by any objections.

The motion to reconsider was agreed to; when Mr. REED modified his motion in accordance with the suggestion of his colleague, [Mr. HOAR.]

Mr. WILLIAMS, of Kentucky, moved to lay the motion on the table; which was negatived.

The motion of Mr. REED, as modified, was then agreed to—ayes 111, noes 34.

Petitions and memorials were then further presented by

Mr. REED, of Massachusetts;

Mr. INGHAM, of Connecticut;

Messrs. ALLEN and SLADE, of Vermont.

SLAVERY IN ARKANSAS.

Mr. SLADE presented the petition of eighty-one citizens of Bristol, Pennsylvania, remonstrating against the admission of Arkansas into the Union with a constitution which tolerates the existence of slavery. Mr. S. was stating the contents of the petition, when

Mr. WISE objected to its reception.

The SPEAKER decided that, according to the construction given by the House to its own resolution, (Mr. PINCKNEY's resolution,) passed on the 8th of February last, the petition would go to the select committee under the order of the House.

Mr. WISE. I appeal from the decision of the Chair.

Mr. SLADE asked for the reading of the petition; which was objected to in all parts of the House. The question recurring upon the appeal from the decision of the Chair—

Mr. WISE said there was nothing in the resolution, even by the broadest construction of it, which would sustain the decision of the Chair. The resolution which the House had adopted, he contended, only related to the District of Columbia, and had no reference whatever to the Territories of the United States. There was an important question involved in this memorial; and that was, whether the Congress of the United States had the right to impose conditions in relation to the subject of slavery on the new States when admitted into the Union. He could not see, for the life of him, how it was possible for any person to apply the construction to the resolution which the Chair had applied in this case. He asked if it was the intention of gentlemen to disturb the compromise in the Missouri question? After what the country had witnessed on that exciting question, were they, by a construction like this, to have that excitement raised anew? He asked gentlemen who had voted for this resolution, if it was intended to raise the Missouri question again upon the country? He, as a southern man, dreaded the excitement of that question; and he therefore protested with all his power against it. He thought that no gentleman

who had voted for this resolution, with the exception, perhaps, of the gentleman from Vermont, ever contemplated that the Missouri question was to be raised upon them. Neither of the resolutions had any reference to the Territories of the United States; and he thought it was too plain a case to be argued. There was nothing in the resolution to admit of the construction the Chair had given to it; and if the House should refuse to receive the petition, there the excitement would end, and debate would cease.

Mr. SPEIGHT. This was a mere question. It was an important one, and as a southern man so he felt it. This was no question about the abolition of slavery in this District, but one for the abolition in the States; for he considered Arkansas as a State. He was not disposed to argue this question; for that, indeed, would be precisely what its friends desired. It would be to give the subject an importance which it did not merit. He was inclined to differ with the Speaker. He thought this petition should not be received. He had understood the Chair in the early part of the session to have given a different decision, and had decided that it was in order to object to the reception of these petitions.

The CHAIR observed, that he had so decided on one occasion; but the House by their vote reversed the decision; and subsequently his decisions had been in conformity with that vote of the House.

Mr. SPEIGHT resumed: He hoped the House would refuse the reception of this petition. This is the first attempt to interfere with slavery in the States; it was a new question. What right, he asked, had Congress to impose a restriction on the people of Arkansas? This question must be met and put down. He was well aware that nine tenths of the people of the North were opposed to mooting this question. It was the work of a miserable degraded faction, who were at work for political purposes, and the member from Vermont, [Mr. SLADE,] as their instrument to effect it. He hoped gentlemen would meet the question and put down these petitions. However much he might be disposed to support the right of petition, he would not shrink from this question, let the consequences be what they might. Here was a direct interference with the rights of a southern State, for he called Arkansas a State, as she was just about coming into the Union; and were they to receive a petition from a set of miserable, degraded fanatics, instructing them as to what conditions were to be imposed on this new State when she was admitted into the Union? Mr. S. said he had great respect for the Chair as an officer of the House, and great respect for him personally, and nothing but that respect prevented him from rushing up to the table and tearing that petition to pieces. He wished to have the question taken on the reception of the petition, and, if the petition should be received by a majority of the House, then he cared not what became of it.

The CHAIR stated the grounds of his decision to the House. He said that, in giving the decision he had, he considered himself as but executing the resolution of the House, (Mr. PINCKNEY's resolution,) according to the construction which the House itself, by its decision shortly after its adoption, had placed upon their own resolution. It would (he said) be remembered that, when the resolution offered by the gentleman from South Carolina, and which had been adopted by the House, first took effect, the Chair had placed a construction upon it, and had decided according to that construction. The House differed with the Chair, and placed their own construction upon its meaning and intent. Subsequently to that time the Chair had taken great pleasure in carrying the resolution into effect conformably to the opinion and decision of the House as declared by a large majority of that body; and, in giving the decision which he had on the present occasion, he had, in his opinion, done nothing more than attempt faithfully to conform to the decision of the House, and to carry into effect the declared will of the House itself. The House itself had placed the construction upon their own resolution under which the Chair was then acting; but if the House should reverse their decision, the Chair would of course be governed by the last construction placed upon the resolution by the House. The resolution was a new rule or order, operating upon this particular question. In construing it, no lights could be derived from the authorities of parliamentary precedents. It was a question of intention on the part of the House who passed it. What did the House mean should be the construction placed upon it, was a question which the House alone was competent to determine.

The petition now presented the Chair considered, from its face, to be an abolition petition—a petition upon the subject of slavery generally—in which the petitioners express their opinions upon the subject generally, and state that an occasion has arisen on which they press their views upon Congress in connection with the admission of Arkansas into the Union. He read from the resolution of the House, in which it was declared that "all memorials which have been offered, or may hereafter be presented," and that every "other paper or proposition that may be submitted *in relation to that subject* be referred to a select committee." The resolution further declared, that "the resolution offered by the gentleman from Maine should be referred to the select committee." The resolution of the gentleman from Maine, thus referred by the order of the House to the select committee, declares, that "any attempt in this House to agitate the question of slavery is calculated to disturb the compromises of the Constitution, to endanger the Union, and, if persisted in, to destroy the peace and prosperity of the country." Such were the broad terms in which the resolution adopted by the House was couched. The House had heretofore decided that all petitions, papers, and propositions, upon the subject of the abolition of slavery, went, upon presentation, as matter of course, under the operation of that resolution, to the select committee. This being a petition of the character embraced by the resolution, the Chair, in conformity to the decision of the House, was of opinion that it would go to the select committee upon its presentation. Should the House, upon reconsideration, reverse its own decision, and place a different construction upon the resolution, the Chair, as already stated, would take pleasure, as it would be his duty, to carry the will of the House, as declared, into effect.

Mr. HAWES moved to lay the question on the appeal on the table; and upon that motion called for the yeas and nays; which were ordered.

After some conversation as to what situation the petition would be left in, &c., between Messrs. WISE, MORRIS, SLADE, LEWIS, PATTON, UNDERWOOD, BYNUM, and the CHAIR, the question was put on the motion to lay the appeal of Mr. WISE on the table, by yeas and nays.

Before the decision was announced,

Mr. CHAMBERS, of Kentucky, rose and informed the House that his colleague [Mr. UNDERWOOD] had not voted; and he moved to compel him to vote. In doing this, he concurred with his colleague in the reasons which had induced him to decline voting, and he made the motion for the purpose of giving him an opportunity to present his reasons for so doing.

Mr. UNDERWOOD asked to be excused on the ground that he could not conscientiously vote upon this question, unless he knew the contents of the paper upon which he was required to vote. If the house then refused to allow the paper to be read, he hoped they would not compel him to vote upon it.

The question was then taken on excusing Mr. UNDERWOOD; but, before the decision was announced,

Mr. CHAMBERS, of Kentucky, inquired of the Chair if the question was debatable?

The CHAIR replied that, from the voice of the House, the gentleman was excused by a large majority.

Mr. CHAMBERS said he had risen before the decision was announced, and he again asked if the question was debatable?

The CHAIR referred to the rule, and said, as it was a new question, (for he had no recollection of its ever having been presented before,) he was, therefore, not prepared to say that the gentleman was not entitled to assign reasons why the reasons of his colleague to be excused were or were not satisfactory. The Chair, however, never knew the question raised before; for the invariable practice had heretofore been to take the question without debate.

Mr. CHAMBERS then understood the Chair to say he had the right to debate this question. Mr. C. proceeded to address the House, and continued till one o'clock; when Mr. CAMBRELENG called for the orders of the day.

The subject before the House was then laid over, without announcing the decision upon the appeal of Mr. WISE.

[The vote was understood to be 127 in favor and 67 against the motion to lay the appeal on the table.]

In the course of the morning, the following resolutions were submitted:

On motion of Mr. BOON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Fredonia, in the State of Indiana, to Mount Prospect, in Crawford county, in said State.

On motion of Mr. WHITTLESEY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Ravenna, in Portage county, to Warren, in the county of Trumbull, Ohio, by Newton Falls.

On motion of Mr. DICKERSON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Dover, in the county of Morris, and State of NewJersey, through Suckasunny and Flanders, to Hackettstown, in the county of Sussex.

On motion of Mr. HOWELL, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of changing the post route between Newark, in Licking county, to Mount Vernon, in Knox county, so as to pass through Chatham, in Licking county, Ohio.

On motion of Mr. EVERETT, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Windsor, via Hartland, Quincle village, West Hartford, Snowstown, Sharron, and South Stafford, to the town of Stafford, in Orange county, in the State of Vermont.

On motion of Mr. McCARTY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Eaton, Ohio, via New Boston, Abington, and Philomith, to Centerville, in Indiana.

On motion of Mr. FOWLER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Hamburg, by way of Franklin Furnace and Sparta, to Newton, in the county of Sussex, New Jersey.

On motion of Mr. BOCKEE, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Standfordville, in the State of New York, to the town of Sharron, in the State of Connecticut.

On motion of Mr. JUDSON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in the State of Connecticut: from Jewett city, by Parksville post office, to Canterbury; from Plainfield, by Moosup and Central village, to Brooklyn; from Ashford, by Hampton, to Canterbury.

GENERAL APPROPRIATION BILL.

The House, in further execution of the special order of the 26th of January, resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of Government for the year 1836.

The bill had been considered in Committee of the Whole; and the question immediately pending was on concurring with the amendment of the committee to strike out the following clause:

For the Documentary History of the American Revolution, per act of March 2, 1853, $20,000.

Mr. CARTER moved to amend the clause by directing the Secretary of State to notify Clarke and Force to discontinue the said work, and to ascertain the probable amount of damages that would be incurred by rescinding the contract, and report the same to Congress at the next session.

Mr. PEARCE, of Rhode Island, who was entitled to the floor, addressed the House for some time in opposition to the amendment of the committee, and in favor of retaining the clause.

Messrs. VANDERPOEL, THOMPSON of South Carolina, GLASCOCK, CHAMBERS of Pennsylvania, TOUCEY, EVERETT, and ADAMS, followed on the same side; and it was opposed by Messrs HARDIN, HUNTSMAN, JOHNSON of Tennessee, and RENCHER.

The amendment of Mr. CARTER was then rejected without a count.

The question recurred upon concurring with the Committee of the Whole in their report, being to strike out the clause, and it was further debated by Mr. PATTON, (who objected to the appropriation at this time, on the ground that it was an advance to the parties before the completion of the work for which it was appropriated,) Mr. THOMPSON of South Carolina, Mr. TOUCEY, and Mr. JOHNSON of Tennessee.

Mr. TOUCEY then offered a proviso to the following effect:

Provided, The same shall not be disbursed before the delivery of the first volume of such work; nor if such volume shall contain any documents anterior to the restrictive measures, or any unimportant documents which, in the opinion of the Secretary of State, ought not to be inserted therein; nor unless, in the opinion of that officer, such volume shall not be in strict conformity with the contract.

Which was rejected.

The question was then taken on concurring with the Committee of the Whole; and it was decided in the negative—yeas 85, nays 93.

So the clause was not stricken out.

Mr. CAMBRELENG moved a reduction of $1,000 in the clause appropriating the salaries of officers, &c., of Wisconsin Territory, pursuant to the provision of the bill passed by the two Houses for the establishing the government of said Territory; which was agreed to.

TERRITORIAL GOVERNMENT OF WISCONSIN.

Mr. PATTON, from the committee of conference on the part of the House on the disagreement of the two Houses on the bill to establish the territorial government of Wisconsin, made a report that the joint committee had agreed to recommend that the Senate recede from their disagreement. The bill in question was a Senate bill, amended by the House in reducing the salary of the Governor from $3,500 to $2,500, to which the Senate disagreed, and the House insisting, a conference was asked, and Mr. P., the chairman, made the foregoing report. During the proceedings of the day, the bill was returned from the Senate to the House, accompanied by a message stating that they had receded from their disagreement.

The House then adjourned.

IN SENATE.

TUESDAY, *April* 19, 1836.

Mr. NAUDAIN presented the petition of Peter A. Karthaus, on the subject of French spoliations; which was referred to the Committee on the Judiciary.

Mr. CLAY presented a petition, numerously signed by citizens of Louisville, Kentucky, praying that the private stock in the Louisville and Portland canal may be purchased by the Government, and that it may be made toll free; which was laid on the table.

Mr. TIPTON presented the petition of sundry inhabitants of Miami county, Indiana, praying for the repeal of a law reserving certain sections of land from sale; which was referred to the Committee on the Public Lands.

Mr. TIPTON also presented the petition of the citizens of St. Joseph's county, Indiana, praying for the establishment of a post route from Southbend to Edwardsburgh; which was referred to the Committee on the Post Office and Post Roads.

Mr. MORRIS presented several petitions from citizens of Ohio, on the subject of a change in the location of the Cumberland road; which was referred to the Committee on the Post Office and Post Roads.

Mr. NILES presented the petition of Gabriel W. Denton; which was referred to the Committee on Commerce.

Mr. KING, of Alabama, presented the petition of William Robertson and others; which was referred to the Committee on Finance.

Mr. BLACK presented the memorial of the heirs of James Mason; which was referred to the Committee on Revolutionary Claims.

Mr. PRESTON presented the petition of John Gardiner, of Washington, praying to be compensated for the invention of his life preserver, to prevent people from drowning; which was referred to the Committee on Naval Affairs.

REPORTS FROM COMMITTEES.

Mr. EWING, of Ohio, from the Committee on Public Lands, reported the bill for the relief of Benjamin Bennet and others, without amendment.

Mr. LEIGH, from the Committee on the Judiciary, reported the bill to regulate the courts of the middle district of Florida, without amendment.

Mr. PORTER, from the Committee on Private Land Claims, to whom the subject had been referred, reported a bill for the confirmation of certain land titles in Louisiana; which was read, and ordered to a second reading.

Mr. WALL, from the Committee on Military Affairs, to whom was referred the petition of William P. Rathbun, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. PRESTON, from the Committee on the Judiciary, reported the bill for the relief of Doctor Thomas Cooper, without amendment.

RESOLUTIONS INTRODUCED.

Mr. BENTON submitted the following resolutions; which were considered, and agreed to:

Resolved, That the Secretary of War be directed to inform the Senate what is the maximum amount that can be beneficially expended *annually* upon the construction of fortifications; provided the Corps of Engineers is increased according to the bill which has passed the Senate, and that the whole appropriation for each fort is made at once, to be drawn for in annual installments, as required by the progress of the work. Also, that he inform the Senate what is the maximum amount which can be beneficially expended *annually* on the objects of expenditure within the Ordnance department, as detailed in the report of that department of March 8, 1833, provided, the appropriations for each object be made at once for a series of years, to be drawn for annually until the object is accomplished.

Resolved, That the Secretary of the Navy be directed to inform the Senate what is the maximum amount which can be beneficially expended *annually* towards completing the naval defenses of the country, embracing—1, ordnance and ordnance stores; 2, gradual increase of the navy, and collection of materials; 3, repairs; 4, navy-yards and docks, and other incidental heads of expenditure; provided the appropriations for the expenditure be made at once for a series of years, to be drawn from the Treasury annually, as needed.

Mr. TIPTON submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of authorizing the President of the United States to exchange lands situate southwest of the Missouri river, with the Pottawatomie Indians, for lands given to them by the treaty of Chicago, of 1833, lying north of the Missouri river, should the Indians desire to make such exchange. Also, to inquire into the expediency of authorizing an exchange of lands in the territory west of the State of Missouri, for lands owned by the Miami and other Indians, in the State of Indiana.

Mr. KING, of Alabama, submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Manningham, Butler county, Alabama, to Mount Willing, Lowndes county.

Mr. WALKER submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of War be directed to cause to be surveyed the most eligible sites for fortifications on or near that portion of the coast of the State of Mississippi, bordering on the Gulf of Mexico, or the islands in that vicinage, suitable for the defense of that section, and of the commerce that exists there, especially that commerce which is carried on between New Orleans and Mobile, or between the Pearl river, or Pascagoula, and either of the above mentioned cities; and that he cause to be made the proper estimates of the expense necessary for the erection and arming such fortifications; and that he make report thereof to the Senate at the next session of Congress.

Mr. EWING, of Ohio, submitted the following resolution; which was considered, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what amount of moneys of the United States, received for public lands in the States of Ohio, Illinois, and Missouri, and the Michigan Territory, has been, in pursuance of his instructions, transferred to banks in the eastern cities since the 30th of June, 1835; and that he designate the banks *from* and *to* which such transfers have been made; that he also inform the Senate whether any such transfers are now ordered, and whether any other deposit banks in the above-named States or Territory have authority to direct what money shall be received for public lands in the districts for which they are the depositories.

GEORGE GIST, EBENEZER PHILLIPS, AND OTHERS.

Mr. DAVIS, from the Committee on Commerce, to which had been referred the bills from the House for the relief of George Gist and others, and Ebenezer Phillips and others, reported them severally without amendment, with a recommendation that they be passed.

HOUSE BILLS REFERRED.

The bills from the House authorizing the construction of a railroad through the property of the United States at Springfield, Massachusetts, and to grant half-pay to the widows and orphans of deceased officers and soldiers, were severally read twice, and referred.

PROCEEDS OF THE PUBLIC LANDS.

The bill to appropriate, for a limited time, the proceeds of the sales of the public lands among the States, and for granting lands to certain States, was taken up as the order of the day.

Mr. SOUTHARD addressed the Senate in a speech of great length in support of the bill. He said that he would not approve of the distribution of a dollar of this money that was wanted for the completion of the national defenses on a permanent footing of strength and respectability, and entered into calculations from the estimates of the Secretary of the Treasury, and taking into view the expenditures of the last year, for the purpose of showing that the national defenses, both naval and military, can be completed on the most liberal scale without touching the proceeds of the land sales, and still leave a large surplus yet to be disposed of. These calculations (he said) were bottomed on the estimates of the Secretary himself. In his calculations for the naval defenses, Mr. S. expressed himself in favor of the most liberal appropriations that had been suggested. He said he would go as far as the seven millions per annum, as estimated by the Secretary of the Navy; though he believed that, with a much smaller naval force than this sum would produce, and with a sea-coast like ours, we might bid defiance to the combined naval force of the whole world. Mr. S. spoke in high terms of eulogy of the Navy, and declared that a naval force was the most appropriate arm of defense for free governments, there being no instance recorded in history where navies had ever been instrumental in subjugating their country.

Mr. S. was not in favor of an increase of the Army. He gave it as his opinion, in which (he said) he was supported by the Secretary of War, that the present Army was sufficiently for all the purposes for which an army was needed.

As to fortifications, Mr. S. was for completing those already begun on a liberal scale, with such others as information, founded on actual surveys and estimates, showed to be necessary; but he was of opinion that the system of fortifications was injudiciously commenced, though under circumstances which, at the time, seemed imperiously to recommend it. Those who originated the system were actuated by feelings of mortification at the frequent aggressions of the enemy on our shores, and a very natural desire to prevent the hostile tread of the foreign soldier on our shores in future. They had no idea of the immense power and wealth to which this giant nation would arrive, and that its vast population and resources, with the improved facility of intercommunication throughout the country, would, taking our Navy into consideration, render us secure from invasion.

Mr. S. then argued that, there being no want for the proceeds of the land sales for the purposes of the Government, (there being more than enough for all our expenditures of every description arising from the money received for customs,) this fund ought to be appropriated for the common benefit of the whole of the States, as was originally intended by the act of cession of the State of Virginia. He answered the various objections that had been made to this bill, contending that the money was not needed for national defense; that it would not be wanted either for Indian wars or wars with foreign nations, and that it could not possibly impede the growth or prosperity of the new States, as had been objected by gentlemen opposed to the bill.

Mr. SOUTHARD, without concluding, yielded the floor to

Mr. PRESTON, on whose motion the Senate went into the consideration of executive business; after which,

It adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 19, 1836.

Mr. PHILLIPS asked the consent of the House to discharge the Committee of the Whole from the further consideration of a bill from the Senate, in addition to an act of May 24, 1828, to authorize the licensing of vessels to be employed in the mackerel fisheries.

Mr. WISE objected. He desired that the House should take up and dispose of the resolution submitted by his honorable colleague, [Mr. DROMGOOLE,] and his amendment thereto. His colleague was in favor of the consideration of the resolution. He had but little to say in conclusion of the remarks which he had heretofore submitted. But as he had been attacked in a scurrilous manner by a newspaper of the city, he was anxious to have an opportunity of concluding what he had to say on this subject.

Mr. PHILLIPS hoped the gentleman would withdraw his objection, as the bill which he wished to bring before the House would occupy but a moment.

Mr. WISE had opposed the motion merely for the purpose which he had indicated. He would withdraw his opposition, under the hope that the resolution of his colleague would be taken up after the bill was disposed of.

The Committee of the Whole was then discharged from the further consideration of the bill mentioned by Mr. PHILLIPS; and the same was read the third time, and passed.

SELECTION OF DEPOSIT BANKS.

Mr. DROMGOOLE then moved to take up the resolution offered by him. He felt great anxiety that it should be disposed of, and accorded with his colleague in the hope that it would be now taken up and acted on.

Mr. WHITTLESEY preferred that the standing committees should first have an opportunity to report.

Mr. WISE remarked, that the same request had been acquiesced in heretofore, which had occupied the whole morning hour, and defeated any action on the resolution. He asked it as a favor of his friend from Ohio [Mr. WHITTLESEY] to permit this resolution to be taken up. Reports of committees could be made subsequently to the disposition of the resolution of his colleague.

No objection being made, the resolution of Mr. DROMGOOLE was taken up, and read, as follows:

Resolved, That the Secretary of the Treasury be directed to communicate to this House full information of the mode and manner of selecting banks in the several States or Territories for the deposit of the public money of the United States, and of all contracts, agreements, or stipulations entered into with said banks for the safe-keeping of said moneys. That the Secretary of the Treasury also state what agents have been employed, the nature and extent of their agency, and the compensation which such agents have received in any way from the Government of the United States; and that he also state what officers or agents on the part of said banks have in any way participated or been instrumental in the formation of any such contracts, or agreements, or stipulations concerning the deposit and safe-keeping of said moneys in said banks.

The motion pending was the proposition of Mr. WISE to strike out all after the word "*Resolved*," and insert the following:

"That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposit for the public money; the contracts with the Treasury Department by which they are regulated; the manner in which, and the persons by whom, such contracts are or have been made; into all correspondence whatsoever touching contracts for the deposit of the public money; and into all connection or relation, official or unofficial, which exists, or has existed, between any person, or persons, and the Treasury Department, or between them and the deposit banks, or any individuals or banks, touching the custody and the control and deposit of the public money; or between any department of the Executive, and any individual or individuals, or banks, touching the disbursement of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whomsever, official or unofficial, connected with the said Department, or said banks, touching the disbursement, safe-keeping, or deposit, of the public money; and that said committee have leave to report by bill or otherwise."

Mr. WISE, who was entitled to the floor, addressed the House. When he had spoken the other day, he was presenting to the view of the House the difference between his colleague's [Mr. DROMGOOLE] resolution and his own. The first and most important difference was, that his colleague's resolution was a mere inquiry of the Secretary of the Treasury; while his amendment directed an inquiry by an investigating committee. He had enumerated three objections to the form of proceeding pointed out by his colleague. The first was, that parliamentary usage had already been complied with. The Secretary of the Treasury had already answered, in 1834, the inquiries his colleague desired to make. The Secretary of the Treasury had already given an answer, but that answer was not satisfactory to Mr. W. It was a suppression of the truth. Another objection was, the repugnance he felt, and which the House ought to feel, to adopt a mode of proceeding recommended and asked for by the Secretary of the Treasury. The third objection was, the effect of this measure of inquiry of the Secretary of the Treasury would be to lose the discovery of the fraud and falsehood which he believed had been practiced upon Congress and the country. Would gentlemen tell him it was not necessary to grant an inquiry by a committee, until an inquiry should be made of the Secretary of the Treasury? They told him, too, that when the answer came, if it was evasive, then he might propose his inquiry. He told gentlemen that the answer of the Secretary of the Treasury would be a mere cloak—a mantle thrown over the secret transactions of the Department in relation to the transactions of Reuben M. Whitney and the deposit banks; and when that answer should be received, gentlemen would then say that it would be an imputation on the Secretary of the Treasury to institute an investigation after he had given his answer; it would be to say that that answer was not satisfactory and correct.

There was a great and manifest difference between the extent of the inquiries in his resolution and that of his colleague. His colleague's resolution did not go far enough; but was a mere inquiry of the Secretary of the Treasury as to the mode and manner of selecting banks of deposit for the public money; whether any agent had been instrumental in the formation of contracts, &c. Now, his colleague must understand that this was what he charged especially. He did not intend to say that Whitney actually made the selection; he believed the Secretary of the Treasury did that, and that this certain Reuben M. Whitney was the mere *internuncio*. But he wished to examine into the extent of the agency between the deposit banks and this individual. That agent was not merely to examine into the condition of the banks, and report whether they were good or not, before they were selected, but, after that, this agent was the eye of the Treasury over those banks.

This agency is not officially recognized by the Department, although Mr. Kendall was appointed supervising agent; and his contracts showed expressly the influence which he had in the selection of banks of deposit; and it was to be supposed that he would have the same influence in removal after selection was made. This agent might not make the selection, but he was employed in giving information which was the cause of the selection. Now, he said to his honorable colleague, and to the country, that this position of a merely recommending agent was a most strong, powerful, and dangerous position for any one man to occupy in this country. He might, in the first place, insist on an extravagant demand for procuring the public moneys for those banks; and then, after they were selected, he might demand of them almost anything he pleased, and obtain it under a threat of having them removed. How was this agent paid? He is, to be sure, not paid by the Government; but he was paid by the banks for the use of the public moneys. Argus, of old, had a hundred eyes to watch a single object, and he was put to sleep; but this Argus of the Treasury had but two eyes—one for himself, and the other for the Treasury—and was paid for watching thirty-five objects. This was a lynx-eyed Argus indeed. The contract with the Metropolis Bank showed that the Secretary of the Treasury might appoint an agent to examine into their means and liabilities. The Secretary of the Treasury, to be sure, never had himself appointed an agent; but Mr. W. believed he had recommended to the deposit banks to employ one, and that Reuben M. Whitney was the man; and he believed he was paid many thousands of dollars by these banks. Were these transactions to be concealed from the knowledge of the people by a mere inquiry of the Secretary of the Treasury, whether an agent was paid by the Government? If they would ask in a proper and satisfactory manner, he would be satisfied.

Mr. W. asked, from the knowledge they had of Reuben M. Whitney, who it was to be supposed he would serve, being employed by the Treasury, and paid by the banks? Would he serve God or mammon? But his inquiry went much further than his colleague's. His inquiry went to watch their own watchmen, the Secretary of the Treasury and Reuben M. Whitney—to watch their own purse-holders, banks and all. His purpose was to inquire into all correspondence between the Secretary of the Treasury and Reuben M. Whitney; and would gentlemen refuse to lay open that correspondence? What was supposed to be the character of that correspondence? He believed there would be found much in it to be dreaded. He believed in that correspondence political considerations would weigh heavily. He did not charge this—he charged nothing; he only asked for an inquiry. He presumed, in a letter from Whitney to the Secretary of the Treasury, as to the selection of a bank of deposit, it would rather be negatively of a political bearing. He would say there were several good banks in a certain place; but one of them, he would say, had officers who belonged to a certain political party, and might use the money for political purposes; therefore, it would not be best to select that bank. Yes, these political considerations would be of a negative form. They would not select a Whig bank, because it might use the money for political purposes, but they would select an Administration bank, because it would not use the money for political effect. A correspondence of that character had partially come to light in relation to the Illinois bank, and yet they were told that no agent was employed by the Government. Suppose Whitney should, after a bank was selected as a bank of deposit, apply for a special favor, and should be refused; he might then inform the Secretary of the Treasury that this bank was unsafe, and the bank should be dismissed: ought not this correspondence to come to light, if there be any such correspondence as this? His inquiry went further; he wanted to know the whole connection, reciprocal and material, that existed between Whitney and the Department and the banks of deposit; the whole agreement appertaining to the public moneys, and its safe keeping. What right had any one man—what right had the Department or the deposit banks to make a secret of their business touching the public deposits? and he asked for no correspondence which was not touching the safe-keeping and disbursement of the public moneys. Were they to suppose that this investigation would result in an inquisition? He would call attention to the investigation of the affairs of the Bank of the United States: see what important facts that investigation brought before the public. He asked gentlemen of the party how far that investigation went into the private transactions of individuals; of Thomas Biddle, and of Noah and Webb? Then ought not Whitney's connection with the deposit banks come to be understood? But was Whitney and the Treasury to be cloaked by this resolution of his colleague? No, never, with Mr. W.'s consent. But he did not ask an investigation of a private nature The banks might pay Whitney from their private coffers what they pleased. He only wanted to know what pay he had touching his agency with the public moneys; and that was no private transaction. He asked gentlemen if they would protect Whitney in his sanctuary from a public investigation? He asked the nation—he asked the world. He asked who this Reuben M. Whitney was, that was fattening upon the people's money, and publishing insulting cards in an infamous print (the Globe) con-

cerning Mr. W. This infamous individual had taken the oath of allegiance to our enemies during the last war, while General Jackson was fighting the battles of his country. This was the man who was fattening upon your public Treasury.

[Mr. W. here read a long extract from the report of Messrs. McDuffie, Watmough, and Adams, in 1832.]

Here (Mr. W. said) was the traitor during the last war, who had then sworn an oath of allegiance to the enemy, and had since sworn a false oath, as shown by the report of as high-minded and honorable men as were in this nation, who had the charge of the treasure of the land, which amounted to upwards of forty millions. How came he there? Did not the Secretary of the Treasury know this when he made him *internuncio*? Mr. W. had understood that a former Secretary of the Treasury had refused to receive this individual as an agent on account of his character; yet the present Secretary of the Treasury had recognized him, and they were to inquire of the Secretary of the Treasury who employed this perjured villain? Sir, Reuben M. Whitney is nothing, but his connection with the public Treasury is something. When he saw that patriotic man, who had fought the battles of his country, giving a high trust to a traitor who had sworn allegiance to the enemy in our day of trial, and who had sworn falsely since—when he saw the public treasure appropriated to building up blasted monuments of infamy, he had to appeal to the people. He asked the bold adventurer of the stormy sea—he asked the enterprising and industrious merchant—and he asked the hardy backwoodsman, if, when this money was taken from their purses, it was intended to be guarded by a perjured traitor? He could not stand this when he thought of his constituents, who built their own vessels and ventured thousands of miles with their produce, and paid their duty into the Treasury, and then for it to be guarded by such men as this! This compelled him to do a deed of daring which he knew would bring down the vengeance of power on his head, if he failed in his effort. But he asked gentlemen of the party what benefit they expected by smothering this investigation? He should think, if everything was pure, they would be pleased to demonstrate it; and, if the reverse, most certainly this investigation ought to be had. He feared the money mania had seized upon the minds of all. Money speculations, he feared, had become connected with political speculations. Would the honest man be benefited by this? Would the people be benefited? No. It would only be for the benefit of a few of the leaders of the party. The honest men of the party were out of power, and the dishonest men were in power. What was the maxim of the party? It showed the power of the party. It was, "Give us the golden key, and we will unlock the hearts of the people; give us the power and patronage of the Government, and dictation itself may run." The party have the people's own money to make this attempt; and it was said the other day, that the reason why the surplus funds would not be distributed was that they dare not touch them, for fear of breaking the banks of deposit.

[Mr. W. here read a letter from Pittsburg, to show the manner in which the deposit banks were to be made shaving shops.]

He also alluded to the Manhattan Banking Company, who (he said) were prohibited by the laws of New York from loaning out more than a certain amount over their capital stock. This bank might have large amounts of the public moneys, which by the law it would not be authorized to loan out. If directors, however, were allowed to take the money and lend it on their own responsibility, and could by this means make from two to three per cent. per month, in the same manner, (he said,) the directors might loan out the money to brokers, or put in their hands to be loaned out, for the purpose of raising stocks, and by these operations great speculations might be carried on with the public moneys.

Mr. W. said the country had arrived at a crisis. The question was of more importance now than it ever had been during the existence of the Government. Were the people of the country to be ruled by their own money? He would tell the candidate for the next presidency, who expected that office, that he might read a lesson from his Bible: "And when Simon saw that through the laying on of hands the Holy Ghost was given, he offered them money; but Peter said unto him, Thy money perish with thee, because thou hast thought that the gift of God may be purchased with money; thou hast neither part nor lot in this matter." If the people are as faithful to their liberties as Peter was to his God, they would remind that candidate as Peter did Simon, "Thou hast neither part nor lot in this matter."

Mr. PEYTON followed with some remarks in support of Mr. WISE's amendment, in which he drew a variety of contrasts between the resistance to investigation in this instance, and other well-known precedents. He entered also into a minute examination of the resolution of Mr. DROMGOOLE, to show that the object desired could not be obtained by it.

Mr. DROMGOOLE replied at length to the gentlemen from Virginia and Tennessee, [Messrs. WISE and PEYTON.] He expressed his surprise at the opposition this resolution had met with, as it was a mere ordinary resolution of inquiry, such as were almost daily presented and agreed to without a question. The question was this—was the information called for in it desirable to be placed in the possession of the House? He maintained that it was absolutely essential for the action of the House upon the bill regulating the public deposits. Mr. D. then contended that the information called for was full and ample, but that if the response turned out to be unsatisfactory his colleague might then extend the inquiry. He denied most unequivocally, in reply to his colleague, that the effect of this resolution would be to smother inquiry, or to suppress the truth; and he repelled the idea that he had consulted the Secretary of the Treasury in drafting the resolution; but he was unwilling to condemn him, or any other officer, unheard or without investigation. Again, he was not disposed to go into the private inquiry embraced in the amendment of his colleague. He could not consent that a resolution asking for information from the head of a Department should be supplanted by the appointment of an inquisitorial committee; founded, too, upon the assumption of guilt on the part of that officer. It would be prejudging the case, and no good could result from it. But Mr. D.'s resolution in no way embarrassed the proposition of his colleague, and the gentleman might continue to urge it as a distinct proposition, either before or after obtaining the required information. Mr. D. dwelt at length on the subject, and concluded by hoping the resolution he had submitted would be adopted, and that, as soon as practicable, they would act on the bill regulating the deposits of the public money in certain local banks; to do which the information called for by this resolution was essentially necessary.

Mr. CAMBRELENG called for the orders of the day.

PUBLIC DEPOSITS.

On motion of Mr. MERCER, it was

Resolved, That the Secretary of the Treasury be directed to lay before the House a statement of the several amounts deposited in the various deposit banks of the Government by the several officers thereof, on public account, on the first day of the present month, together with the semi-monthly returns of the deposit banks in relation thereto.

POST ROUTE.

On motion of Mr. HOWARD, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a continuous post route from Baltimore, by way of Chambersburg, to Pittsburg.

PROTEST AGAINST ADMISSION OF MICHIGAN.

Mr. ADAMS, on leave, presented a remonstrance of sundry citizens of Michigan against the bill which has passed the Senate for the admission of that Territory into the Union; which was referred, and ordered to be printed.

Ineffectual attempts were made by Messrs. ASH, and WILLIAMS of North Carolina, to submit resolutions in relation to post routes.

GENERAL APPROPRIATION BILL.

The House resumed the consideration of the bill making appropriation for the civil and diplomatic service for the year 1836.

The following amendment of the Committee of the Whole was read:

For defraying the expenses of a survey of lots in the town of Galena, Illinois, to be made by the surveyor general of Missouri and Illinois, under an act of Congress, approved 5th February, 1839, $1,000.

After some suggestions and explanations by Messrs. CAMBRELENG, HARDIN, HOWELL, MAY, REYNOLDS of Illinois, and EVANS, the amendment was disagreed to.

Mr. CAMBRELENG moved that the expense of surveying the lots in Galena be defrayed out of the appropriation for surveying the public lands in Missouri and Illinois.

Mr. SEVIER opposed the amendment, when it was withdrawn.

On the suggestion of Mr. RIPLEY, a motion was made by Mr. P. C. FULLER, to reconsider the vote rejecting the amendment of the Committee of the Whole providing for the aforesaid survey of town lots in Galena.

The motion was debated by Messrs. RIPLEY, P. C. FULLER, REYNOLDS of Illinois, and HARDIN; when the vote was reconsidered, and the amendment was concurred in.

The following amendment of the Committee of the Whole was next read:

For a custom-house in Boston, in addition to a former appropriation, $200,000.

Mr. UNDERWOOD moved to amend the item by restricting the cost of the site and building to the sums heretofore and now proposed to be appropriated.

The latter amendment was briefly advocated by Messrs. UNDERWOOD and MERCER, and opposed by Messrs. LAWRENCE, ADAMS, and CAMBRELENG; when

Mr. UNDERWOOD modified his amendment so as to limit the entire cost of the ground and building, appropriated heretofore, and to be appropriated hereafter, to the sum of $350,000. After a few additional remarks, Mr. U. asked for the yeas and nays on his amendment; which were ordered.

The discussion was further continued by Messrs. REED, HARPER, SUTHERLAND, MERCER, and EVERETT; when the amendment of Mr. UNDERWOOD was negatived—yeas 82, nays 88.

The question recurred on the amendment of the Committee of the Whole.

Mr. OWENS asked for the yeas and nays; which were not ordered; and the amendment was concurred in without a count.

The following amendment of the committee was also concurred in:

For a marble bust of the late Chief Justice Marshall, $500.

The next and last amendment of the Committee of the Whole was read, as follows;

SEC. 2. *And be it further enacted*, That it shall be the duties of the Secretaries of State, of the Treasury, of the War and Navy Departments, and of the Postmaster General, and the Secretary of the Senate, and Clerk of the House of Representatives, to lay before Congress, the first week in January, in each year, a statement showing, in detail, the expenditures of the previous year of the various sums which may have been appropriated by Congress for the contingent expenses of their respective Departments, and the two Houses of Congress, specifying the appropriation, and under it the expenditures, each article purchased, the price paid, and to whom the same shall have been paid.

Mr. A. H. SHEPPERD moved an adjournment; which was lost—ayes 77, noes 79.

Mr. S. moved to amend the amendment by inserting after the word "Departments," where it last occurs, the words, "including the contingencies of foreign intercourse, and all missions abroad."

This amendment was briefly advocated by Mr. SHEPPERD, and opposed by Mr. MASON of Virginia; when

Mr. LOVE moved an adjournment—ayes 78; noes 60.

The House then (at half past four o'clock) adjourned.

IN SENATE.

WEDNESDAY, *April* 20, 1836.

The CHAIR communicated a report from the Treasury Department, in answer to the resolution of the Senate of the 21st ultimo, inquiring as to

the expediency, and the probable cost of erecting a suitable building for the custom-house at New Orleans, transmitting a letter from the collector of New Orleans on the subject; which was laid on the table.

Mr. McKEAN presented the memorial of a number of merchants, traders, and others, of the city of Philadelphia, praying for the establishment of an express mail for the transportation of letters from the eastern cities to New Orleans; which was read, referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Mr. BUCHANAN presented the petition of Colonel Jacob Slough, praying for an increase of pension; which was referred to the Committee on Pensions.

REPORTS FROM COMMITTEES.

Mr. EWING, from the Committee on the Public Lands, reported the bills from the House for the relief of John Barkley, John Almon and George Woolsey, Amelia Leach, James Moore, and William Moore, severally, without amendments, and recommending that the last two be rejected.

Mr. TOMLINSON, from the Committee on Pensions, reported the bills from the House for the relief of Colonel Gideon Morgan and Israel Ingalls, severally, without amendments.

Mr. McKEAN, from the Committee on Pensions, made a report adverse to the petition of Noah Crane.

Mr. SHEPLEY, from the Committee on Claims, reported the bill for the relief of George Bender, without amendment.

Mr. LEIGH, from the Committee on the Judiciary, reported a bill for the relief of the heirs of Silence Elliott; which was read, and ordered to a second reading.

Mr. ROBBINS, from the Committee on Naval Affairs, reported a bill for the relief of Andrew Armstrong; which was read, and ordered to a second reading.

BILL PASSED.

The bill authorizing the construction of a railroad through the property of the United States at Springfield, Massachusetts, was read the third time, and passed.

LAND GRANTS BY GEORGIA.

The resolution confirming the grants made by Georgia to certain lands in Alabama was read the second time, and ordered to be engrossed for a third reading.

C. T. BAILY AND DUNCAN L. CLINCH.

The bill for the relief of Christopher T. Baily, and the bill for the relief of Duncan L. Clinch, were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading.

POST ROADS IN MISSISSIPPI.

Mr. WALKER submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing post roads to the county towns in all the counties of the State of Mississippi where no post roads to said towns, or any of them, are now established.

PROCEEDS OF THE PUBLIC LANDS.

The bill to appropriate, for a limited time, the net proceeds of the sales of the public lands among the States, and to grant lands to certain States, was taken up as the special order.

Mr. SOUTHARD resumed his remarks, commenced yesterday. He had satisfied himself, from public documents in the possession of the Senate, that the Government had a right to the disposition as proposed of the public lands; in support of which he referred to the original grants, by which they were considered as a common fund for the benefit of the States. This position he maintained in an argument at some length. Each State admitted into the Union subsequent to the grants gave its assent to this right.

He then proposed to show the justice and equity of the principles of this bill, and that it was not only the right, but the imperative duty, of Congress to pass it. This was the only plan among all that had been proposed, by which an equal proportion of the fund would be given to the different States. It would prevent this fund from being used for party purposes; and he commented upon the natural propensity of parties in power to use it, and the effects of the use of it. It was a temptation to whatever party might be in power, from which they ought to be relieved. He went into a comparison between the expenditures of the last four years of President Adams's, and the last four years of President Jackson's administrations. The average of the former he put at $12,625,000, and the latter at $19,193,388—making an average difference in favor of the economy of the former of $6,567,910. This (said Mr. S.) was the result of reform. The administration of Mr. Adams was regarded as prodigal; and he was considered as the most prodigal member of it in regard to the defences; but, prodigal as it was, it was less so than the present; and if this was the case in the green leaf, what could they expect when the plant had reached its full vigor? In order to stop this downward course, it was necessary to pass this bill. This fund was in imminent danger; and he feared the time had gone by now when they could save it. The whole amount of capital in the deposit banks was $43,193,000; debts due the United States on deposits $38,754,000; and specie in their vaults $11,067,000.

He exhibited a general statement of the condition of the several deposit banks, designating the amount of notes in circulation in each, and the means relied on for their redemption. The whole currency of the country, he said, was under the control of the President, who, by his order could ruin not only all the deposit, but other banks—they were all at his entire mercy; which was more power than any one man ought to have, or that the Executive should have, even if he were all that was said of him; and unless there should be relief, there would soon be such a depression of commercial credit in this country as was never known since the organization of this Government. Some of them (the Opposition) were rebuked because they were false prophets. He had prophesied that there would not be a return of gold currency, as predicted by the Senator from Missouri, [Mr. BENTON.] It was true that members of Congress could get gold here in Washington, but there was none of it to be seen in the country. So far, then, his prophecy was not false. The present state of the currency, he thought would be admitted, was worse than it was at the time of his prophecy two years ago. The deposits could not be drawn from the banks promptly by the Government, without those ruinous effects he had mentioned. But by assigning the money to the twenty-four States, according to this bill, they could be drawn out gradually to meet the demands upon them by the respective States as the money would be wanted; and it would be the interest of the States, in that case, to sustain these banks. Internal improvements by roads and canals could then go on prosperously, and education would go on under the auspices, care, and guardianship of the States, and the money would not be left in the Treasury to be squandered away by an extravagant Administration.

Mr. WRIGHT next took the floor, and addressed the Senate for about one hour and a half in opposition to the bill; when, without having concluded, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 20, 1836.

The CHAIR, by leave of the House, presented the following communications:

I. A letter from the Secretary of War, transmitting a report from the topographical bureau, in reply to a resolution of the 4th of February, relative to the progress and present condition of the improvement of the navigation of the Tennessee river; which was referred to the Committee on Roads and Canals, and ordered to be printed.

II. A letter from the Secretary of War, inclosing a report of the Commissioner of Pensions, in the case of Peter Wells; which was referred to the Committee on Revolutionary Pensions.

III. A letter from the Secretary of the Treasury, in response to a resolution of the 11th instant, in relation to claims for supplies furnished during the war of the Revolution; which was laid on the table, and ordered to be printed.

IV. A letter from the Secretary of War, in answer to a resolution of the 11th instant, transmitting a list of the clerks employed in his Department, their duties, emoluments, &c.; which was laid on the table, and ordered to be printed. Also, similar reports from the Second, Fourth, and Fifth Auditors, and the Treasurer of the United States; which were disposed of in like manner.

The SPEAKER presented the remonstrance of sundry citizens of Michigan against the boundary proposed by the bill before the House for the admission of that Territory into the Union; which was laid on the table.

Petitions and memorials were presented, on leave, by Messrs. McKIM, CHANEY, PEARCE of Rhode Island, THOMPSON of South Carolina, TALIAFERRO, and LAWLER.

Mr. HARD made an ineffectual effort to take up his resolution for printing an extra number of copies of the report and survey of a ship channel around the Falls of Niagara.

POST ROUTES.

On motion of Mr. WILLIAMS, of North Carolina, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from New Castle, Trop Hill, in Wilkes county, North Carolina, to Gayron court-house, Virginia.

On motion of Mr. BEAUMONT, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Carbondale, by the way of Greenville, Abingdon, and Nicholson, to Tunkhannock, in the State of Pennsylvania.

On motion of Mr. CRAMER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the City of Albany to the village of Waterford, by Watervliet, and Cohoes.

On motion of Mr. CRAMER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Schenectady to Burtonville, and Esperance, in the county of Schoharie, passing through the towns of Rotterdam, Princetown, and Duanesburg, in the county of Schenectady.

PERSONAL EXPLANATION.

Mr. WISE asked, and obtained, leave of the House to correct a misstatement contained in an editorial article in the Globe of yesterday (Tuesday) in relation to the proceedings of the House. It would be recollected that on Monday last an honorable gentleman from Massachusetts [Mr. REED] moved to suspend the rules of the House in order to allow the presentation of such petitions as should not be objected to, and such as should not give rise to any debate. It was stated in the editorial article in the Globe, that, when the honorable gentleman from Massachusetts, who made this motion, offered to present his petitions, he (Mr. WISE) objected to them. This, so far from being true, was a total perversion of the facts as they actually occurred. It was for the reason that another gentleman objected to the presentation of the petitions of the gentleman from Massachusetts, that he (Mr. WISE) objected to all the petitions offered thereafter. He considered the resolution itself to exclude such petitions as would not give rise to debate, and receive such as the House, in its wisdom and discretion, should see fit to receive; this was against the freedom and the right of petition. He appealed to the gentleman from Massachusetts, and the whole House, to bear witness that he did not object to the presentation of the petitions of the gentleman from Rhode Island, [Mr. PEARCE,] but for the reason that another member had objected to the petitions of the gentleman from Massachusetts. He should not have noticed this charge but for the fact that it was given in evidence against him as being connected with the gentleman from Vermont, [Mr. SLADE,] and that he knew that gentleman's intention to present the memorial on the subject of restricting the admission of Arkansas into the Union. He went further, and stated that any and all intimations, by whomsoever made, that he or any of his friends, as far as he knew, had had any understanding, tacit or express, with any gentleman, either the gentleman from Vermont or

any other gentleman, of the non-slaveholding States, with a view of introducing those memorials, were false, basely false. He had no more idea that the gentleman intended to offer any memorials on the subject of the restriction of Arkansas, or any other subject, than the dead. He protested against the introduction of such memorials, and from the beginning he had fought against the reception even of memorials to abolish slavery in the District of Columbia. He thought it due to himself that a contradiction of this statement should go out to the public; and he requested the reporters, and the reporters for the Globe especially, to take down what he said: that this statement was a base, willful misrepresentation of the proceedings of the House; and a vile attack upon the motives of individual members, and upon the honesty of their intentions in their acts of legislation. He made this request of the reporters of the Globe in order that the baseness and falsehood of the editorial article in that paper might be recorded by itself.

[From the proceedings of the House on Thursday, the 21st, it appears that the Clerk of the House, in making up the Journal, committed the same mistake that we did. It appears that Mr. GRAVES made the objection; but, as he was sitting and Mr. WISE standing up when the objection was made, it was supposed by every person who was not in the immediate neighborhood of their seats, that it was the latter.]

WEST POINT ACADEMY.

Mr. HAWES made an ineffectual motion to take up his resolution for printing the report of the select committee of the last session on the subject of the West Point Academy.

REPORTS FROM COMMITTEES.

Mr. WHITTLESEY, from the Committee of Claims, reported a bill for the relief of Pressly N. O'Bannon; which was read twice, and committed.

Mr. EVERETT, from the Committee on Indian Affairs, reported a bill for the relief of Thomas F. Triplett; which was read twice, and committed.

Mr. CHANEY, from the Committee on Indian Affairs, reported a bill to authorize the President of the United States to cause to be issued to Oseola a patent for a certain reservation of land in the State of Alabama; which was read twice, and committed.

Mr. CASEY, from the Committee on Public Lands, reported a bill granting a bounty in lands to the organized militia-men, mounted militiamen, volunteers, and rangers, who defended the country during the late war; which was read twice, and committed.

Mr. JOHNSON, of Louisiana, from the Committee on Commerce, reported a bill making an appropriation for the erection of a custom-house and public store-houses in the city of New Orleans; which was read twice, and committed.

Mr. HEISTER, from the Committee on the District of Columbia, reported a bill for the suppression of gambling in the District of Columbia; which was read twice, and committed.

Mr. GILLET, from the Committee on Commerce, reported a bill to abolish the distinction in ports of entry, and extend the privilege of drawbacks; which was read twice, and postponed until this day three weeks.

[This bill places all ports in the United States on the footing of the most favored ones, and also permits goods in original packages to be exported for the benefit of drawback to all places, whether immediately adjoining the United States or not, and whether carried from port to port by sea or otherwise. This will place the countries to the north and northeast of the United States, on the same footing as places lying to the south and southwest of Louisiana. It will allow goods in original packages to be carried from the Atlantic to the Lakes, and *vice versa*, and be exported for the benefit of drawback of duties. Accompanying the bill is a report of considerable length, reviewing the present laws on this subject, and stating the principles upon which the proposed alterations are based.]

Mr. W. B. SHEPARD, from the Committee for the District of Columbia, reported a bill to authorize the corporation of Georgetown to close certain streets in said city; which was read twice, and committed.

Mr. FRY, from the Committee on Revolutionary Pensions, reported a bill for the relief of William Pattie; which was read twice, and committed.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported the following bills; which were read twice, and committed:

A bill for the relief of the heirs of Miguel Eslaver;

A bill to adjust the titles to lands in the State of Louisiana, east of the Mississippi, and the Island of New Orleans; and

A bill for the relief of Aaron Stout.

Mr. SLADE, from the Committee on the Public Lands, reported a bill for the relief of Henry Stoker; which was read twice, and committed.

Mr. PHELPS, from the Committee on Commerce, reported a bill for the relief of William Fettyplace and others; which was read twice, and committed.

Mr. SUTHERLAND, from the Committee on Commerce, reported a bill to encourage the employment of boys in the vessels of the United States; which was read twice, and committed.

Unfavorable reports upon various petitions, were made by Mr. P. C. FULLER, from the Committee of Claims; Messrs. PIERCE of New Hampshire, and THOMAS, from the Committee on the Judiciary; Messrs. FRY, and LEA of Tennessee, from the Committee on Revolutionary Pensions; Mr. HARRISON of Pennsylvania, from the Committee on Invalid Pensions; and by Mr. KENNAN, from the Committee on the Public Lands.

Mr. JOHNSON, of Kentucky, instructed by the Committee on Military Affairs, moved to set apart one hour (from twelve to one o'clock) on Friday next, for the purpose of considering the bill authorizing the President of the United States to accept the service of volunteers, and the bill for the better protection of the western frontiers.

After some conversation between Messrs. SEVIER, JOHNSON of Kentucky, HAMER, and UNDERWOOD, the latter moved to amend the motion, by inserting "Thursday," instead of "Friday;" and thus amended, the motion was agreed to.

On motion of Mr. THOMAS, the House proceeded to the consideration of the orders of the day.

ADJOURNMENT OF CONGRESS.

The joint resolution from the Senate, fixing a day for the adjournment of Congress, was taken up.

Mr. THOMAS presumed that gentlemen were not now prepared to vote upon this resolution. He would, therefore, in order to reach other bills on the Speaker's table, move to lay the resolution on the table.

Mr. WHITTLESEY suggested that the proper course would be to postpone the resolution to some future day.

Mr. THOMAS replied that the resolution, if laid on the table, could be called up at any time; and a proposition to postpone would give rise to a debate, which would occupy the entire morning hour.

Mr. WHITTLESEY asked for the yeas and nays on the motion to lay on the table; which were ordered, and were—yeas 102, nays 74.

So the resolution was laid on the table.

OHIO—MICHIGAN.

A bill from the Senate to establish the northern boundary line of the State of Ohio, and to provide for the admission of Michigan into the Union, upon the conditions therein expressed, was read twice.

The question being on the engrossment of the bill—

Mr. MERCER moved that it be committed to the Committee of the Whole on the state of the Union.

Mr. THOMAS said he would not detain the House very long, to urge objections to this motion. Every member is doubtless prepared to vote, in the absence of all explanations. The subject-matter of this bill has been under consideration by the members of this House since the present session commenced. It has not been actually before the House for that period; but in the reports which have been made in the Senate and in this House, and in incidental discussion, nearly every member is familiar with all the questions touching the admission of Michigan into the Union. Nevertheless, he did not desire to prevent further discussion. The House can, if we refuse to commit, hear discussion every morning from twelve until one o'clock. If the bill be committed, it will be out of the power of a majority of the House to proceed to its consideration until all the appropriation bills have finally been disposed of. Now, is it right and proper to put it in the power of a small minority of the House to postpone this bill until near the close of the session? We all know that the inhabitants of the territory over which Ohio and the authorities of Michigan each claim jurisdiction, are in a most unenviable condition. They know not to what laws they are subject; and have been greatly harassed. The State of Ohio has a right to demand an early decision of this. The people of Michigan have also strong claims on our attention. They are entitled, through their Representatives, to participate in our legislation; and he did hope that the House, without further delay, would proceed to act finally on a bill involving so many serious and grave questions.

Mr. MERCER advocated his motion on the ground of its being the proper course which a bill of such a character required, and the only place where it could be fully discussed.

Mr. REED contended that the very principles of the Government demanded that they should go into the Committee of the Whole on this bill—a bill affecting the rights and interests of every State in the Union. He expressed his great surprise at the opposition made to the reference by the gentleman from Maryland. Mr. R. was willing to receive Michigan into the Union, but he must have light on the subject; and he ventured to say, that no preceding Congress had ever acted on a subject of this magnitude with such precipitancy as that desired by the gentleman from Maryland.

Mr. VINTON raised the point of order that this bill could not be taken up till the other bill on the same subject, now on the Speaker's table, was first disposed of; which bill was also on its engrossment.

The CHAIR referred to the rules prescribing the order of business, and decided that the first business, on the House passing to the orders of the day, was bills on the Speaker's table on their first and second reading.

Mr. VINTON replied, that by a fair construction of that very rule, the first subject in order would be the other bill, of which no disposition had been made, and he therefore contended that that bill should have been first taken up. Mr. V. consequently appealed from the decision of the Chair; and after addressing the House for a few minutes, he gave way to

Mr. THOMAS, to make an explanation; and pending this question of order—

Mr. CAMBRELENG called for the special orders of the day.

GENERAL APPROPRIATION BILL

The House resumed the consideration of the bill making appropriation for the civil and diplomatic service for the year 1836.

The question was on concurring with the Committee of the Whole in the following amendment, (adopted on motion of Mr. JOHNSON, of Tennessee:)

SEC. 2. *And be it further enacted*, That it shall be the duties of the Secretaries of State, of the Treasury, of the War and Navy Departments, and of the Postmaster General, and the Secretary of the Senate and Clerk of the House of Representatives, to lay before Congress, the first week in January in each year, a statement showing in detail the expenditures of the previous year; of the various sums which may have been appropriated by Congress for the contingent expenses of their respective Departments, and the two Houses of Congress, specifying the appropriation, and under it the expenditures, each article purchased, the price paid, and to whom the same shall have been paid.

To which Mr. A. H. SHEPPERD moved the following amendment: by inserting after the word "Departments," where it last occurs, the words, "including the contingencies of foreign intercourse and missions abroad."

Mr. MASON, of Virginia, excepted to the whole amendment on the ground of the great expense that would be incurred in printing the requirement of it, nor was he assured that any benefit would result from it.

Mr. JOHNSON, of Tennessee, contended that the expense would certainly not exceed more than from eight hundred to a thousand dollars, and advocated his amendment at some length.

Mr. EVERETT was in favor of both amendments, as he hoped to see the principles of the original proposition applied to all the contingent expenses of every Department of the Government. At present there was no check upon these expenditures, but they were left entirely to the discretion of the heads of Departments. He was assured that the contemplated expense would hereafter save as many thousands.

Mr. MASON, of Virginia, entered into a calculation to show that the cost would be much greater than the estimate of the gentleman from Tennessee; probably little, if at all, less than $4,000. He thought, also, that it was better to leave the subject of the contingent expenditures to the committees of the House charged with them, and not cashier those committees. If the amendment should be agreed to, there would be less safeguards than at present, for very few of the two hundred and forty members would take the trouble to wade through such a voluminous map of figures and tabular statements.

Mr. HARDIN thought the adoption of the proposition indispensable to prevent any improper expenditure of the contingent appropriations, for the officers would be wary of the fund committed to their charge, when they knew every item of it was to be laid on the tables of the House, and printed. Those who now wished to investigate this subject had no other way to do it than by going to all the several Departments and bureaus, a labor that would consume not less than two months from day to day.

Mr. WILLIAMS, of North Carolina, was in favor of the amendment, for he contended the effect of it would be, so far from cashiering the committees, to cause them to do their duty with more vigilance. It was known from experience that scarcely any committee, whose duties required them to go frequently to the Departments, while they were required at the same time to attend the sessions of the House, did or could perform what was required of them as a committee. Besides, it was more consistent with the legislative character of the House, that the officers of the Departments should send their reports to the House, instead of the House sending their committees to them. So far from the proposition being an abolition of control, it was an extension of it, and the expense was inconsiderable.

Mr. BOND remarked that the Committees on the Contingent Expenditures were merely raised as a matter of form, and rarely ever did anything. In fact, they sometimes never held a single meeting in the session, and therefore this proposition would be productive of great benefit.

Mr. HARPER also supported the amendment, for it would present a check to the expenditures of the Departments, where none now existed. The committees scarcely ever acted on the subject.

Mr. HAWES considered the amendment necessary. He had been for five years chairman of the Committee on the Expenditures of the Post Office, and during the whole of that time he never knew who the members of his committee were. He would be bound to say that the gentleman from North Carolina, [Mr. SHEPPERD,] was the first chairman of a Committee on the Expenditures that had ever even thought of calling them together. These committees were never expected to act. The amendment, then, was absolutely indispensable, and would present some check to the contingent expenditures. Mr. H. adverted to the extraordinary fact, that, in a return from the War Department, the expenses of the West Point Academy were set down as amounting to little more than $20,000 per annum, while the House was called upon, from year to year, to appropriate upwards of $150,000 for that institution.

Mr. A. H. SHEPPERD addressed the House for some time in support of this modification, and thought the amendment ought not to be adopted without it.

Mr. ADAMS was opposed to the modification to the amendment, for the most injurious results would be the inevitable consequence of publishing the contingent expenditures for foreign intercourse and missions abroad, a great portion of which must necessarily be of a secret nature. He was also opposed to it, because it was inconsistent with the provisions of the existing law prescribing the duties of the President of the United States, and placing that fund at his disposal. He presumed that law was carried into effect; and, if so, the amendment of the gentleman from North Carolina [Mr. SHEPPERD] was entirely unnecessary.

Mr. BOND again addressed the House for a short time in support of the amendment.

Mr. WEBSTER said, as this was the last amendment of the Committee of the Whole, and as the debate on it seemed to be interminable, he demanded the previous question.

Mr. WILLIAMS moved a call of the House, which was ordered; and after proceeding with the call for a few names, on motion of

Mr. SPANGLER, the further proceedings of the call were dispensed with—ayes 78, noes not counted.

The House then refused to second the call for the previous question—ayes 57, noes 87.

The debate was then further continued by Messrs. EVERETT, MASON of Virginia, RENCHER, and McKAY.

Mr. McKAY suggested a modification to his colleague's amendment, by excepting such expenditures of the contingent expenses for foreign intercourse as were settled on certificate by the President of the United States; which

Mr. SHEPPERD accepted as a modification; and the amendment, as modified, was then agreed to.

Mr. JOHNSON then moved to amend his amendment by inserting, after the word "Congress," "in lieu of the statement now required by law;" which was agreed to.

The question then recurred upon concurring with the Committee of the Whole in their proposed amendment as amended; and the debate was further continued by Messrs. JOHNSON of Tennessee, MERCER, WHITTLESEY, CAMBRELENG, TOUCEY, and BOON.

The question was then taken; and the amendment, as amended, was concurred in—yeas 131, nays 57.

Mr. CAMBRELENG rose (he said) to make a suggestion to the gentleman who had offered various amendments in Committee of the Whole: that, as the Committee of Ways and Means had acted under the practice, he might almost say under the instructions, of the House, by excluding from this bill, as far as practicable, every appropriation not authorized by an existing act of Congress, he would, therefore, respectfully suggest to those gentlemen, that there would be other opportunities presented, which would be more proper than the present, for offering their amendments, particularly on the light-house and other bills from the Committee on Commerce.

Mr. HANNEGAN said, he rose neither for the purpose of offering an amendment, nor of making a speech; but, believing the interest of the country in every quarter demanded the speedy action of Congress upon this bill, and that the country was at this time actually suffering under the present circumstances, he rose for the purpose of precluding any further unprofitable debate, and he therefore demanded the previous question.

The motion for the previous question was then seconded by the House, taken by tellers—ayes 95, noes 64; and, on ordering the main question to be put,

Mr. MERCER asked for the yeas and nays; which were ordered; and the result was—yeas 104, nays 74.

So the House determined that the main question, which was on the engrossment of the bill, should be now put, and that question was then agreed to without a count.

The bill was then ordered to be engrossed for a third reading to-morrow.

On motion of Mr. THOMAS, the bills from the Senate fixing the northern boundary of Ohio, and for the admission of Michigan into the Union, and the bill for the admission of Arkansas into the Union, were ordered to be printed.

The SPEAKER laid before the House two communications from the War Department; the first transmitting a report from the commissary general of subsistence, in relation to the emigrating Choctaw Indians; and the second a report of the engineer bureau, respecting the national road west of the river Ohio; which were appropriately referred.

On motion of Mr. STORER, the House (at a quarter past five o'clock, p. m.) adjourned.

IN SENATE.

THURSDAY, *April* 21, 1836.

Mr. EWING, of Ohio, from the Committee on Public Lands, to which had been referred the petition of Henry Newman and others, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. WEBSTER, from the Committee on Finance, reported the bill to remit the duties on goods imported into the city of New York, and destroyed by fire, and the bill to repeal the 14th section of the act incorporating the subscribers to the Bank of the United States, without amendment.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill for the relief of Duncan & Clinch, and John H. McIntosh;

The bill to confirm grants made by Georgia of lands in Alabama; and

The bill for the relief of Christopher T. Baily.

RESOLUTION SUBMITTED.

Mr. KING, of Alabama, submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing a mail route from Portland, by Athens, to Union Town, Alabama.

BILL REFERRED.

The bill for the relief of Andrew Armstrong was read the second time, and referred to the Committee on Naval Affairs.

THE PUBLIC DEPOSITS.

The bill to regulate the deposits of the public moneys was taken up, and, on motion of Mr. WRIGHT, postponed to, and made the order of the day for Tuesday next.

BILLS READ THE SECOND TIME.

The bill for the relief of the legal representatives of George Hurlbert, deceased;

The bill for the relief of Gustavus B. Howard, and

The bill for the relief of the legal representatives of Colonel William Bond and Colonel William Douglass, were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

PROCEEDS OF THE PUBLIC LANDS.

The bill to appropriate for a limited time the net proceeds of the sales of the public lands among the States, and for granting lands to cetain States, was taken up as a special order.

Mr. WRIGHT resumed, and concluded his speech begun yesterday in opposition to the bill.

Mr. CRITTENDEN then rose and addressed the Senate in support of the bill. He referred to the resolutions he had laid on the table a few days ago, passed by the Legislature of Kentucky, instructing her Senators to use their exertions in favor of this measure; and, in addressing the Senate on this occasion, he acted (he said) in obedience to the dictates of a sense of duty, as well as in conformity with his own wishes and opinions. Mr. C. first endeavored to show, taking into view the manner in which the United States came into the possession of the public lands, and the tenure by which they were held, the perfect competence of the Government to dispose of them as contemplated by the bill. He reviewed the various arguments of Mr. WRIGHT, and contended, in opposition to that gentleman, that the net proceeds of the land sales were not liable to the offsets that had been charged against them; that the thirty

millions expended for the purchase of Louisiana and Florida could not justly be charged against the land sales, as the sovereignty over that vast and wealthy Territory was of incalculably more value than the sum paid for it; and that the revenues that had been derived from the customs at New Orleans alone were sufficient to demonstrate the absurdity of such an offset; and further, that to charge these lands with the cost of our Indian wars, was equally out of the question, as there would have been Indians on our frontiers to create disturbances, whether these territories had been purchased or not. He contended that all the expenses incurred for the purchase, for the surveys of the lands, and for Indian wars, had been more than recompensed by the consequences of these purchases. Mr. C., after entering into calculations to show the vast surplus that must remain in the Treasury after paying the expenses of the current year, and the necessity there was of devising some mode of safely disposing of it, took a view of the objects to which it had been proposed to appropriate it, entering very extensively into the subject of the proposed fortifications on the sea-board. He was much opposed to the extensive system of fortifications contemplated by the bill of the Senator from Missouri, believing that they were not necessary for the defense of the country, and that the inevitable consequences of having such extensive fortifications would be the creation of a standing army. He would much rather rely for the defense of the country on its increased strength and powerful resources, together with the courage and patriotism of our citizens. So powerful had our nation become, such was its wealth and resources, and such the courage and patriotism of our citizens, that he was certain that no invading army that landed on our coasts would ever get back to tell the reception they met with. He believed that we might safely permit any invader to land without molestation on our coasts, for he was confident of our ability to destroy them as soon as they landed. Besides, he thought an invading army would act very unwisely to go out of its way to attack one of these fortifications. Mr. C., in conclusion, spoke of the great advantages that would accrue from distributing this fund among the States, and the danger of its remaining in the Treasury, encouraging schemes of extravagance and prodigality.

Mr. BENTON withdrew his amendment on which the question was pending, as he did not wish to take the question on it in the absence of his colleague, who was absent in consequence of sickness in his family, in order to make way for other amendments that might be offered.

Mr. WALKER then submitted the following amendment, to come in as an additional section:

And be it further enacted, That from and after the passage of this act, all the lands of the United States which have been offered at public sale to the highest bidder, and which have remained unsold for fifteen years or upwards after said offer at public sale, shall be subject to sale at private entry at the rate of twenty five cents per acre; those lands which have been offered in like manner under ten and less than fifteen years, at the rate of fifty cents; and those offered and remaining unsold five years and less than ten years, at the rate of seventy-five cents per acre: *Provided*, No person under the provisions of this act shall be authorized or permitted to enter at the prices specified by this act more than one hundred and sixty acres, or a quarter section, in subdivisions not less than a quarter-quarter section, in his or her own name, or in the name of any other person, for his or her own use, and in no case unless he or she intends it for settlement or cultivation, or the use of his or her improvement; and the person applying to make any entry under this act shall file his or her affidavit, with such regulations as the Secretary of the Treasury shall prescribe, that he or she makes the entry in his or her own name for his or her own benefit, and not in trust for another: *And provided, also*, That no patent shall issue to any person making said entry until three years thereafter; and that any sale, contract for sale, lease, or contract for lease, of said lands so entered under the provisions of this act, which may be made prior to the emanation of the patent, shall be utterly null and void, and shall operate as a forfeiture of the title to the United States.

Mr. CLAY said it was his wish, during the progress of the bill, to ask the indulgence of the Senate to hear him on its general merits; but he had risen now to speak to the amendment offered by the Senator from Mississippi, [Mr. WALKER.] The amendment was a principle of graduation, by which, after the lapse of a period of years, the public lands were to be reduced to a very low price. The immediate effect would be to put these lands in the State of Ohio down to twenty-five cents per acre; and in Michigan they would be reduced to fifty cents. In Ohio, sales were now rapidly going on at the minimum price, and if the system was not disturbed it would, in the course of the year, produce $2,000,000. Anxious as he was, after four years' reflection, he was so far opposed to the introduction of this graduating principle, that he would rather see the bill itself defeated than to see it pass into a law with it incorporated in it; and he would say, if altered at all, it would be much better to increase than diminish the price of the land. They ought to conduct the business of the United States the same as individuals conduct their concerns. In the State of Ohio there was more land sold than in any other State in the Union, which (he said) grew out of a dense and increasing population. This graduation system must be supported on the ground that the progress of the sales was too slow, or that they were not settling fast enough. These lands were bringing in so much now there was no necessity of a reduction in price. There was, in fact, a general impression in both branches of Congress that they were selling too rapidly, and investing the proceeds in an unsafe medium. There was no want of stimulus to induce the settlement of the new States; and this reduction was not necessary or required as an incentive to emigration.

Mr. C. read extracts from a publication exhibiting a statement of the state of population in the new States, to show their annual increase from 1820 to 1830. Illinois had increased eighteen and a half per cent. per annum; Alabama, fourteen; Indiana, thirteen and a third; Missouri, eleven; Mississippi, upwards of eight; Ohio, six; and Louisiana, four per cent. per annum, whereas Delaware had increased but a half per cent. per annum. The average rate of increase of the whole population of the United States, during that period, was about thirty-two per cent., which was exceeded by Illinois at the average rate of one hundred and fifty-three per cent., (her average being one hundred and eighty-five per cent.,) and by Alabama one hundred per cent.; and by Louisiana, the lowest, eight per cent. The average of the seventeen old States was twenty-five per cent., and the new States sixty per cent. more than that amount. There was, therefore, no new impulse necessary to induce emigration to the new States.

He knew the ideas of the Senator from Mississippi [Mr. WALKER] were in favor of the settlers. He (Mr. C.) had had some experience in this matter of preëmption rights of settlers in his own and the adjoining State of Tennessee. The inhabitants there, at an early day, had tried the graduating system of settling some on one hundred-acre tracts, some on four hundred, and some on one thousand-acre tracts; and, except in the case of the late Governor Shelby, he and his colleague could not recollect an instance of the original settler remaining on the land under this system; and so careful was the law in regard to them that they were designated by the term *bona fide* actual settlers. They began the reduction of the price with eighty cents, and got down eventually to five cents per acre. And with regard to its being a law for the benefit of settlers, the title of the bill ought to have been changed to a bill for the benefit of speculators. They were bought up by persons who would move on to them with their property and a number of negroes. They would send out Tom to make a settlement in one place, Dick to another, Jim to another, and Harry to another, and so on; and in registering the names of the settlers they found it necessary to put down the surnames of the settlers; and as Tom and Dick and Jim and Harry had no surnames, they put them down Tom Black, Dick Black, Jim Black, and Harry Black. And when he (Mr. C.) was in the Legislature of Kentucky, he said it was an old saying, that murder would out, and that by reversing these names, as was done in indexing, they would find these settlers to be no other than Black Tom, Black Dick, Black Jim, and Black Harry. [Laughter.] The rich from Philadelphia, New York, &c., would employ persons to make settlements on them, and, instead of their falling into the hands of the poor settlers, they fell into the hands of the wealthy. What was there, then, for the security of the country, that the settler took the land as a *bona fide* settler, except making an affidavit, and affidavits of that kind should not be encouraged. The man who regarded the obligation of an oath would refuse to take it; while the less scrupulous would not hesitate to do it with an improper design.

Mr. C. spoke of the soundness of the present system of disposing of the public lands. Fortunes were now daily making under it, and this was therefore not the time to reduce the price of them. The Senator from New York had spoken of the large amount of purchases, and the small proportion of the lands purchased, that were owned by *bona fide* settlers; and have we not reason to believe (said Mr. C.) that our own money has been used to make these speculating purchases, and then returned again to the deposit banks? By this dangerous, ruinous system of graduation, these speculators would exact more exorbitant prices from the real *bona fide* emigrant than he pays now; and there never was a more inauspicious time to admit the principle of graduation than the present. He admitted there might be land not worth twenty-five cents an acre, or even the taxes. They would do wrong, then, to tempt a poor emigrant to settle on this poor land when there was better. And why (said he) make it applicable to all the States, while in some States there was not an acre that was not arable? In the State of Ohio the sales were more rapid, and the poor land much greater in proportion than in the other western States. The price was low enough; and every man who wished could buy a good tract, and purchase from a parental seller, instead of the speculator. Let us, then, (said Mr. C.,) not adopt a system that cuts down all your lands in the state of Ohio at one single blow to twenty-five cents an acre. Let us continue to pursue the course our fathers have pointed out.

After Mr. CLAY concluded,

The bill from the House making appropriations for the civil and diplomatic expenses of the Government for the year 1836, was read twice, and referred to the Committee on Finance.

Mr. GRUNDY rose to correct some representations made yesterday, no doubt by mistake, by the Senator from New Jersey, [Mr. SOUTHARD,] in relation to the Union Bank in the State of Tennessee, and exhibited official statements from the Treasury Department to show the error into which that Senator had fallen; and also to show the entire solvency and ability of that bank to meet its engagements. He explained the manner in which he supposed he had fallen into the error by showing facts in relation to resources of the bank which he could not have been aware of. He felt it his duty, in justice to the bank, to make this correction.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 21, 1836.

The SPEAKER stated that an error had occurred in making up the Journal of Tuesday, which was not noticed or corrected when it was read yesterday. The Clerk had stated, in the Journal to which he referred, that when the gentleman from Massachusetts [Mr. REED] offered to present a petition under the order adopted upon that gentleman's motion, its reception was objected to by the gentleman from Virginia, [Mr. WISE.] It appeared that the objection was made by another member, [Mr. GRAVES,] and by the unanimous consent of the House the Journal would be so corrected.

No objection being made, the correction was made accordingly.

REPORTS FROM COMMITTEES.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of William B. Bunting, deceased, late a lieutenant of infantry in the army of the Revolution; which was read twice and committed.

Mr. C., from the same committee, made several unfavorable reports upon several petitions.

RESOLUTIONS INTRODUCED.

Mr. MERCER submitted the following resolution; which, by consent, was considered and adopted:

Resolved, That the Secretary of War be directed to lay before this House a statement of the various surveys made pursuant to the act of the 30th of April, 1824, specifying therein, as nearly as practicable, their respective cost; the date of the commencement, and, where already completed, of the report of each survey; and distinguishing such as have had their entire expense defrayed out of the annual fund appropriated by that act, and the several appropriations subsequently made for the same object, from those surveys which have been made at the joint cost of this Government, and various States, corporations, or associations of individuals.

Mr. BELL submitted the following resolution; which was considered, and agreed to:

Resolved, That the Clerk of this House hereafter be required to make a weekly statement of the resolutions and bills (Senate bills inclusive) upon the Speaker's table; accompanied with a reference to the orders and proceedings of the House upon each, and the date of such orders and proceedings; and that such statement shall be printed for the use of the members of the House.

On motion of Mr. WILLIAMS, of North Carolina, it was

Resolved, That the Committee on Claims be instructed to inquire into the expediency of paying the claim of North Carolina, for advances made by that State during the late war; the evidence of the said advance being on file in the office of the Third Auditor of the Treasury Department.

On motion of Mr. RIPLEY, it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing the Secretary of the Treasury, by commissioners, (subject to his approbation,) to select sites and prepare reports and estimates of hospitals, to be built upon the western rivers and lakes, for disabled sick seamen and boatmen on said waters.

Mr. HAWES asked the unanimous consent of the House to submit the following resolution:

Resolved, That the resolution presented on the 7th day of January last, authorizing the appointment of a select committee to inquire into the expediency of reporting a bill for the reorganization of the Military Academy at West Point, be made the special order of the day on Tuesday next, between the hours of twelve and one o'clock.

Objection being made, Mr. HAWES moved to suspend the rules for the purpose indicated; which was decided in the negative—yeas 106, nays 67; two thirds being necessary.

PETITIONS, MEMORIALS, ETC.

Petitions and memorials were presented by Messrs. UNDERWOOD, GRANGER, and SUTHERLAND, and appropriately referred.

SERVICE OF VOLUNTEERS.

Pursuant to order, the House went into the Committee of the Whole on the state of the Union, (Mr. MUHLENBERG in the chair,) on the bill authorizing the President of the United States to accept the service of volunteers.

Mr. McKAY moved to amend the bill by restricting the power proposed to be conferred on the President to the same limitations provided by the act of 1795—namely, that volunteers should be received only in the event of invasion, insurrection, &c. In a time of profound peace, Mr. McK. thought this limitation necessary and proper.

Mr. JOHNSON, of Kentucky, had no objection to the proposed amendment. The committee did not desire to change any principle embraced in the act of 1795. The only new feature in the bill was to receive volunteers for twelve, instead of three months, as now provided by law.

Mr. BOND inquired whether the bill was intended to meet any peculiar emergency, or whether it contemplated a general and permanent system?

Mr. JOHNSON sent to the Clerk's table a letter from the Secretary of War in favor of the provisions of the bill; which was read. The passage of the bill (Mr. J. believed) would be a saving of expense, and would at the same time be the best mode of providing for the defense of the frontiers in case of Indian hostilities, &c. He had no objection to any limitation upon the power conferred upon the President, which the gentleman might deem proper.

Mr. ASHLEY was in favor of the principles of the bill. He should, however, propose two additional sections, authorizing the raising one more regiment of dragoons. If the bill, as reported, was not acceptable to the House, he would then move his proposition in lieu of the same. He was in favor of providing for the defense of the western frontier, by an efficient force, which should be kept constantly in the service; and an additional regiment of dragoons, in his opinion, was preferable to any other force for the protection of that frontier.

Mr. EVERETT preferred the proposition of the gentleman from Missouri, [Mr. ASHLEY.] He was not, however, aware of any emergency which should induce them to give to the President the extraordinary powers contained in the bill. He should vote for the amendment of the gentlemen from North Carolina and Missouri, [Messrs. McKAY and ASHLEY,] but he should feel himself bound to vote against the bill.

Mr. JOHNSON, urged the necessity and importance of the passage of the bill, with such modifications as might meet the views of all. The want of similar preparation had, besides the loss of life, cost the Government $2,000,000 in the Black Hawk war.

Mr. MANN, of New York, was in favor of the bill, under proper limitations. The bill gave the President extraordinary powers. The amendment of the gentleman from North Carolina, he believed a very judicious one; and, at a proper time, he would move to limit the operation of the act to two years; and also to restrict the number of men to be called out to five or ten thousand men. If thus guarded, he would vote for the bill, mainly because it would supersede a bill before the Senate, which proposed a permanent increase of the Army.

Mr. HARDIN was opposed to the bill, as reported from the Committee on Military Affairs, principally on account of the extraordinary power and patronage which it conferred on the President.

Mr. H. was proceeding in his objections to the provisions of the bill, when the hour of one having arrived, the committee rose, reported progress, and asked leave to sit again.

GENERAL APPROPRIATION BILL.

The House took up the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1836.

The question being on the final passage of the bill,

Mr. MERCER rose, and moved to recommit the bill to the Committee of the Whole on the state of the Union, with instructions to reduce the appropriation for the custom-house at New York from $300,000 to $100,000, and providing that the total cost should not exceed $500,000; and also to add another section to the bill enacting that out of the net proceeds of the sales of the public lands received in the years 1832, 1833, 1834, and 1835, there be appropriated the sum of $23,861,972 for the common use and benefit of the several States of the Union, to be apportioned among them according to their respective Federal representative numbers, and to be paid in four equal quarterly installments, to the treasurer, or other proper officer of each State respectively; the first installment to be paid on the 1st of July next, and the others on the 1st of October, January, and April following, with a provision that each of the seven new States should receive ten per cent. in addition to their allotment.

Mr. MERCER supported his amendment at length, and entered into a series of statements and calculations to show how much of the whole would be received by the respective States. He was understood to say that he had made the apportionment by doubling the Federal numbers of each State for the amount in dollars.

Mr. FRENCH inquired of the Chair if the amendment opened the whole merits of the subject for discussion?

The CHAIR replied, that the discussion must be confined to the proposition before the House.

Mr. CAMBRELENG remarked that he was as anxious as any gentleman to discuss this whole subject, but he hoped the appropriation bill would not be delayed by a debate on a subject which would occupy weeks, or perhaps months. He would suggest, however, that when the Army bill came up, it would present an opportunity to bring up the whole subject.

Mr. MERCER inquired what possible connection had his proposition with appropriations for the Army?

Mr. CAMBRELENG replied by referring to the proposed appropriations for the public defenses of the country, which would open the whole discussion on the surplus revenue. He would merely remark that there was every probability that in 1838,-'39, and '40, the public revenue would not exceed two thirds of the expenses of the Government.

Mr. FRENCH addressed the House at some length, orincipally in reference to the distribution of the surplus revenue arising from the sale of the public lands. [His remarks will be given hereafter.]

Mr. SPEIGHT said he could not say, as his friend from Kentucky [Mr. FRENCH] had said, that if this proposition was to come forward in a proper manner, he would vote for it; for Mr. S. could not vote for it in any form, much less could he do so when it was attached to the civil list bill, which, if passed with such an amendment, as every gentleman knew, would jeopardize its passage. Mr. S. said he looked upon the principle contained in this proposition as one of the most obnoxious ever presented to the American Congress; and as it was a subject which had somewhat agitated the public mind in his State, he should, when it came up in due form, ask permission of the House to give his views on it. For the present he forebore, because he deemed it improper, and he therefore demanded the previous question.

Mr. GIDEON LEA moved a call of the House; which was negatived—ayes 55, noes not counted.

The previous question was then seconded—ayes 88, noes 64.

The CHAIR remarked that if the House ordered the main question to be put, it would be on the passage of the bill.

Mr. MERCER. If the Chair so decides, I appeal from the decision. I contend that the main question will be on the commitment of the bill.

The CHAIR stated the question. The bill had been read the third time, and the question was on its passage. The gentleman from Virginia moved to recommit the bill with certain instructions. The previous question was moved and seconded; and there could be but one main question, and that would be on the passage of the bill. The previous question cut off all amendment—all debate. The only motions which could be entertained after the previous question was ordered, was to adjourn, or to lay on the table. The rule and the practice of the House was plain and explicit on this point.

Mr. MERCER remarked, that the previous question had been seconded, but not ordered.

The CHAIR. The gentleman can then reserve his point until it is ascertained whether the previous question is sustained.

Mr. MERCER acquiesced in this course.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the previous question; which were ordered, and were:

YEAS—Messrs. Anthony, Ash, Ashley, Bean, Boon, Bouldin, Bovee, Boyd, Buchanan, Bunch, Burns, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Fairfield, Farlin, Fowler, French, Fry, William K. Fuller, James Garland, Gillet, Glascock, Grantland, Haley, Hamer, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Haynes, Howard, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, May, McKeon, McKim, McLene, Montgomery, Morgan, Owens, Page, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Pettigrew, Phelps, John Reynolds, Ripley, Roane, Seymour, Shields, Shinn, Sickles, Smith, Speight, Standefer, Sutherland, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, and Webster—108.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bell, Bond, John Calhoon, William B. Calhoun, Campbell, George Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Darlington, Deberry, Denny, Evans, Everett, Philo C. Fuller, Granger, Grayson, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Heister, Hoar, Howell, Hunt, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Sampson Mason, Maury, McCarty, McComas, McKay, McKennan, Mercer, Milligan, Morris, James A. Pearce, Peyton, Phillips, Potts, Reed, Rencher, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Sloan, Spangler, Storer, Taliaferro, Waddy Thompson, Underwood, Vinton, Washington, Whittlesey, and Lewis Williams—75.

So the House determined that the main question be now put, which

The CHAIR stated would be on the passage of the bill.

Mr. MERCER then appealed from the decision of the Chair, and contended that the main question was on the commitment of the bill.

Mr. SPEIGHT made a few remarks in reply to Mr. MERCER, and in favor of the decision of the Chair, urging that the rules and the invariable practice of the House were against the ground assumed by the gentleman from Virginia.

Mr. MERCER then withdrew his appeal, stating that he was satisfied he was correct in his views on this subject.

The bill was then passed.

Mr. INGERSOLL, on leave, submitted a resolution, instructing the Committee on the Judiciary to inquire whether the decisions of the Supreme Court are reported with accuracy and fidelity; which was agreed to.

On motion of Mr. SPEIGHT, the House then adjourned.

IN SENATE.

FRIDAY, *April* 22, 1836.

The CHAIR communicated a letter from the War Department, transmitting a report from the engineer department, in answer to the resolution of the Senate of the 19th instant, inquiring the maximum amount that can be profitably expended annually on fortifications; which was read; and

On motion of Mr. BENTON, it was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS, MEMORIALS, ETC.

Mr. PORTER presented the petition of Joseph de la Francia; which was referred to the Committee on Claims.

Mr. NILES presented the memorial of the trustees of the Wesleyan University of the State of Connecticut, praying that a portion of the public domain may be appropriated to the endowment of every incorporated college in the United States, and that this institution may receive a just proportion; which was referred to the Committee on Public Lands.

Mr. SHEPLEY presented the resolutions of the Legislature of Maine, instructing their Senators and requesting their Representatives to use their exertions to procure an amendment to the Constitution of the United States, so as to prevent any future election, by the House of Representatives, of the President, and by the Senate, of the Vice President.

Mr. SHEPLEY also presented resolutions of the same Legislature, instructing their Senators and requesting their Representatives in Congress to use their exertions to procure adequate appropriations for fortifications for the defense of the coast of Maine.

THANKFUL RANDALL.

Mr. TOMLINSON, from the Committee on Pensions, to which was referred the bill from the House for the relief of Thankful Randall, reported the same without amendment, and stated that the committee recommended its rejection.

RESOLUTION.

Mr. BENTON submitted the following resolution; which lies on the table one day:

Resolved, That from and after the —— day of ——, in the year 1836, nothing but gold and silver coin ought to be received in payment for public lands; and that the Committee on the Public Lands be instructed to report a bill accordingly.

WIDOWS OF COLONELS BOND AND DOUGLASS.

The bill for the relief of the legal representatives of the widows of Colonel William Bond and Colonel William Douglass, of the revolutionary army, deceased, came up on its third reading; when

Mr. HILL said that most questions having a direct political bearing produced in this body long and animated discussions. Subjects having no connection with the proper business of legislation, agitating subjects, are here introduced, and debated for weeks. Yet, when bills are proposed, taking from the Treasury thousands, tens, and even hundreds of thousands, for the benefit of individuals, there seems to be a perfect lassitude, an almost entire indifference. The debating gentlemen who speak to the galleries are still on these occasions; and who else than those who can secure the applause of the galleries will feel free to discuss questions on this floor? It is a most unwelcome task to oppose claims, even the claims that have not a scintilla of foundation, on the floor of Congress. To be popular in the District of Columbia, no man in Congress can be permitted to raise his voice against claimants who come here and make it the interest of those who reside here to help them through.

There are hundreds of claims in bills before Congress that ought not to be allowed; yet how few of these, when they come to be passed on, are even understood by a majority of those who pass on them! If the allowance of these claims went for the benefit of the persons in whose favor they purport to be, the injustice to the public, who pay them, would not be so flagrant. They generally go for the benefit of speculators, who purchase them for a trifle, or else cheat the nominal claimant of the whole amount. I am informed that a sub-clerk, in another part of this Capitol, is now, and has been, extensively concerned in these claims; that his practice has been to hunt up, from the files of Congress, old claims that have, many years since, been decided against or laid aside as hopeless; and, in the recess, to take journeys in different parts of the country and seek for powers of attorney to prosecute them before Congress. His charge for services, when he cannot buy the claim for a trifle, is never below twenty-five per cent. of the whole amount recovered. His situation as a sub-clerk enables him to place his claims in the most favorable position. I have seen, while on the Committee on Revolutionary Claims, elaborate statements and reports in favor of the claims, setting forth in the most glowing colors the services or the sufferings of the persons in whose names the claim is preferred, which statements and reports having very little evidence to sustain them, were in the handwriting of the clerk, and evidently drawn up, not by the committee, but by him, who was interested in prosecuting them. I will confess that, when I first discovered the practices in relation to claims prosecuted here, it was not without surprise; but an experience of five years in Congress has taught me to be no longer surprised at anything which is occurring. The management of the claim-prosecutors—of those, I mean, who have long successfully carried on the business—is most adroit. They press nothing hard till near the close of the session; and when this period arrives, when there is not time left to discuss or inquire into anything, and when the bars and gates are for the moment left open, the claims pass through both Houses of Congress in floods.

The two bills, having relation to what is called the commutation claims of the Revolution, which were ordered to a third reading on Thursday, and one of which has just now been read, if passed, will establish precedents which will throw a burden on the Treasury of at least ten times the amount of all the surplus now in the Treasury. It seems strange to me that generally those gentlemen most anxious to dissipate at a single blow twenty-seven millions of money now in the Treasury, by a distribution among the States, should almost always be on the side of claims presented here. If the minority shall have a direct interest to throw the Administration into a state of embarrassment by voting more money to be expended than the Treasury possesses, the majority must have an interest to prevent that state of things.

One of the two commutation claims allows commutation to a surgeon's mate of the revolutionary army. Over and over again has it been decided that surgeons' mates were not included in any resolution of the old Congress granting commutation. I was not a little surprised to hear it announced by the Senator from Virginia [Mr. LEIGH] that the Committee on Revolutionary Claims are now unanimous in favor of allowing commutation to surgeons' mates; and the reason offered by the Senator for making this allowance was most singular. Other officers, less exposed than surgeons' mates, being expressly named in the resolutions, were allowed commutation; therefore surgeons' mates ought to be allowed commutation. This might have been a good argument for the foundation of a bargain to be made with surgeons' mates at the time the service was performed; but it seems to be too late for the United States to volunteer such an argument as this for the purpose of getting rid of some of its surplus funds fifty years after the account for service has been settled and paid. Were not the soldiers of the Revolution as much exposed in the service as the officers? And if the argument of exposure be a good one as applied to the surgeons' mates, will it not be equally legitimate as applied to the poor soldiers? Are they not equally entitled to commutation pay? The Senator from Maine, [Mr. SHEPLEY,] of those who were disposed to go to the bottom in investigating these commutation claims, is yet left on the Committee of Revolutionary Claims; is it possible that he makes one of the committee which now unites in this after legislation in favor of surgeons' mates? If so, I can only say—"Ephraim is joined to his idols—let him alone."

The other commutation claim is for interest on a former allowance to the heirs of two revolutionary officers by the names of Bond and Douglass, who died while in commission, and one of them, I believe, before he had entered the service. This is one of the numerous cases hunted out of the files of Congress by the individual to whom I have alluded, and in which a former clerk of the House of Representatives appeared as the agent. When the first allowance was made, the name of another officer (Holmes) was included in the allowance of commutation: that name was stricken out of the bill, because, by the merest chance, it was found that the commutation had been paid. The state of the case was this: It was found that a few officers, having color of claim to commutation pay, were not included in the resolutions; and their case was brought before Congress for special allowance. A bill was reported, and, after a long discussion, the names of Bond, Douglass, and Holmes were stricken out, as not coming within the spirit of the resolutions, while others were retained. These old proceedings on the files rested for some forty years. The heirs of the deceased officers would probably never have thought of applying for commutation, had not the cases been hunted out of the files by persons in the employ of Congress. After some discussion, a majority of the committee of the Senate took a different view of the evidence from that previously taken by Congress, and agreed to report the bill, simply allowing commutation without interest, which passed. Having thus succeeded in procuring the principal of what might always be considered a doubtful claim, the agents now follow up with the claim for interest, amounting to two or three times as much as the original commutation—probably from ten to twenty thousand dollars in each case. If interest shall now be allowed on this claim, there is no claim which has ever been presented and allowed which cannot claim interest; and hundreds of millions of money will be still due to those who have been liberally paid by the Government for the services they have rendered.

It is worthy of remark, that these claims for commutation, which come in upon us as a flood, had quietly rested for nearly half a century, and were never thought of until the pension law of 1828 had passed. It is a fact, that not only the officers and their heirs who were entitled to commutation, and had received it, but such as were not entitled to it, and never expected it, in different sections of the country, have been written to by persons offering to act as agents to prosecute and recover their claims. The Senator from Virginia, [Mr. TYLER,] who has recently resigned his seat, had presented many petitions for commutation during the present session, some of which I know had been repeatedly decided against by former committees of the Senate. I know not whether these petitions have or have not been disposed of by the committee. Since the immense grants of land scrip that have passed to Virginia officers, there seems to be a general idea that every officer who has obtained the land is entitled to commutation also; and it would seem as if every man, woman, and child in Virginia, who had a male ancestor (whether Whig or Tory) living in the time of the Revolution, would suppose that

ancestor to be an officer, and to be entitled both to land and to commutation.

The truth probably is, that there are not half a dozen officers on the rolls of the Revolution who were entitled to commutation, who did not receive it nearly half a century prior to the presentation of these claims. If they did not receive it, the fault was not with the Government. Every officer living, and the heirs of every officer deceased, knew when such officer was entitled to the pay, and received it according to the terms of the several resolutions of Congress. After the revolutionary claims had been barred by a law of limitation, the time was more than once extended by Congress, until probably not a single *bona fide* claim was left. And now, if, in consequence of casualty or mistake, any case remains, is there any obligation of the nation to pay any thing beyond the principal? It would seem that the public generosity never can satisfy those who have been most liberally dealt with. The allowance of commutation pay in the cases of Bond and Douglass first made was a stretch of generosity far beyond what would be expected in any case between individuals; and now to come in for a claim of interest equal to twice or thrice the amount first granted almost exceeds the presumption of the sturdy beggar, who, because you have given him a dinner, claims the perpetual right to feed from your table without so much as an offer of thanks for your generosity.

Mr. CLAY said the Senator from New Hampshire [Mr. HILL] had been here five years; and was it possible that, within that period, one little clerk was the only corrupt officer he had found in the Government? He thought, if he would look into the Post Office and other Departments, he would find many more instances of corruption. That Senator and himself had gone together in opposition to the mints; and he wished he might signalize himself by one more vote with him on the distribution of the surplus, instead of leaving it to be eaten up by the rats, or squandered away by the industry of the clerks.

Mr. HILL would cheerfully go with the Senator from Kentucky in voting for the distribution of the surplus revenue, if he could be convinced there would be any surplus to be distributed after the proper appropriations had passed, and he could do it without violating his conscience in regard to constitutional difficulties. He was fearful, however, that the gentleman [Mr. CLAY] did not always vote as patriotically as he preached. He was willing to go as far as the Senator from Kentucky, or any other, in ferreting out corruptions. He had no claims to eloquence, and therefore would acknowledge his inferiority, as a public speaker, to the Senator from Kentucky.

Mr. CLAY said the gentleman [Mr. HILL] had done himself great injustice when he acknowledged his inferiority in public speaking; for he (Mr. C.) liked his extemporaneous speaking better than the speeches he read. There was great point, and even eloquence, in it. The gentleman had pledged himself to go for this measure of distributing the surplus revenue in case he could be satisfied there were surplus funds to distribute, and he could get over his constitutional difficulties. He (Mr. C.) promised him that he could, when he took up that subject, show there were no constitutional difficulties, and that there were $27,000,000 to distribute.

Mr. HILL said it was evident that the right of those persons to commutations was not perfect until after the passage of the bill. Their failure in 1792 to establish it left them without remedy. If they were included under the resolution, there was no necessity for any law, and if they established the precedent of allowing interest, they would bring in all the pensioners who were stricken from the list under the law of 1818.

Mr. CALHOUN, after some remarks against the bill, said he did not see why the Senate should be so very particular about these small matters, when their attention was so little directed to the millions of money in the deposit banks, independent of the seven millions of stock in the Bank of the United States, and the money arising from the Chickasaw purchase. He wished the hundredth part of the zeal was directed to these large items while the country was on the brink of ruin, that there was to small matters. He hoped the money of the Government would be taken out of the hands of these public plunderers, and that Congress would not adjourn till it made an equitable disposition of it.

Mr. LEIGH said if he had any zeal in this matter, it was founded on justice; and in a matter of this kind, although it was small, he would measure out justice in the same manner he would in any tribunal or court of justice to the last farthing.

Mr. CALHOUN said he had no personal reference to the Senator from Virginia.

Mr. LEIGH then went into an argument of some length in favor of the justice of the claim.

Mr. BUCHANAN was against establishing a precedent for the payment of interest. It was but seldom he concurred in opinion with the Senator from South Carolina, [Mr. CALHOUN;] and, as they coincided now on this bill, it gave him pleasure to state that concurrence. But, in regard to our being on the brink of ruin, two years ago it was stated we were on the brink of ruin, because there was no money in the Treasury; and now, because we have an overflowing Treasury, we are said to be on the brink of ruin; and when the distribution of the surplus fund was made, which he believed would be done before the session closed, he expected, in two or three years more, they should hear we were again on the brink of ruin, because it had been distributed.

After some further remarks from Messrs. SHEPLEY, WALKER, WHITE, KING of Alabama, DAVIS, and PRENTISS,

The question was then taken on the final passage of the bill; and it was passed—yeas 22, nays 21; as follows:

YEAS—Messrs. Crittenden, Davis, Goldsborough, Hendricks, Hubbard, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Preston, Rives, Robbins, Shepley, Southard, Tomlinson, Webster, and White—22.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Clay, Cuthbert, Ewing of Ohio, Grundy, Hill, King of Alabama, King of Georgia, Morris, Niles, Prentiss, Robinson, Ruggles, Swift, Tipton, Walker, and Wright—21.

PROCEEDS OF THE PUBLIC LANDS.

The bill to appropriate for a limited time the net proceeds of the sales of the public lands among the States, and to grant lands to certain States, came up as the special order, the question being on Mr. WALKER's amendment given in yesterday's proceedings.

Mr. WALKER then addressed the Senate in favor of the amendment.

The question was taken on Mr. WALKER's amendment; and it was lost—yeas 9, nays 26; as follows:

YEAS—Messrs. Benton, Black, King of Alabama, Moore, Morris, Nicholas, Robinson, Ruggles and Walker—9.

NAYS—Messrs. Brown, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Ewing of Ohio, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, Leigh, McKean, Naudain, Niles, Porter, Prentiss, Robbins, Shepley, Southard, Swift, Tomlinson, Wall, and White—26.

Mr. BENTON submitted the following amendment; which was ordered to be printed:

To come in after the word "net proceeds"—

which net proceeds shall be ascertained to be the balance which remains, after deducting from the gross proceeds all expenses for the year on account of public lands, to wit:

1. Appropriations for the General Land Office.
2. Appropriations for the surveyor general's offices.
3. Appropriations for surveying public lands.
4. Appropriations for salaries and commissions to registers and receivers.
5. Appropriations for annuities to Indians on account of the purchase of lands.
6. Appropriations for holding treaties for the purchase of lands.
7. Appropriations for amounts paid within the year for the extinction of Indian titles.
8. Appropriations for removing Indians from the lands purchased from them.
9. Appropriations for the five per centum allowed by compact to the States in which the lands lie.

Mr. ROBINSON also informally offered the following amendment for the consideration of the Senate; which was laid on the table:

SEC. —. *And be it further enacted*, That all lands belonging to the United States, which have been, or hereafter may be, subject to entry at private sale for twenty years and upwards, and have not been sold, shall hereafter be sold at one dollar per acre, and at a reduction in price of ten per centum every five years, until the price of such lands be reduced to fifty cents per acre.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 22, 1836.

Mr. LANE moved to correct the Journal of yesterday in reference to his vote on the previous question, upon the general appropriation bill. His name was recorded in the affirmative, whilst he had voted in the negative.

The correction was ordered to be made accordingly.

Mr. MERCER, from the Committee on Roads and Canals, reported certain documents from the War Department, in reference to the construction of the Cumberland road west of Ohio; which were ordered to be printed.

PETITIONS, MEMORIALS, ETC.

Petitions and papers connected with claims before the House were presented, on leave, by Messrs. BEALE, LOYALL, TALIAFERRO, REYNOLDS of Illinois, CARTER, MORGAN, FRY, KINNARD, HAZELTINE, LYON, and CASEY, and appropriately referred.

[Mr. REYNOLDS, of Illinois, presented the petition of sundry citizens of Madison county, Illinois, to the House of Reprentatives, and on his motion, it was referred to the Committee on Public Lands. This petition states, that a section of land, being the sixteenth, was reserved for the use of schools in a certain township in said county; and that a preëmption of the same was granted away, and the school section first reserved was selected by the register and receiver without the knowledge or consent of the inhabitants of the township on lands that are almost valueless and unproductive. On this consideration the petition prays relief.]

REPORTS FROM COMMITTEES.

Mr. HOWELL, from the Committee on Invalid Pensions, reported the following bills; which were read twice and committed: A bill for the relief of John Scott; and a bill for the relief of Travis Fritters.

Mr. HARRISON, of Missouri, from the Committee on Public Lands, reported, with an amendment, a bill from the Senate confirming claims to land in Missouri, and for other purposes; and the same was committed.

Mr. HARRISON, from the same committee, reported the following bills, the first of which was ordered to be engrossed, and the second committed: A bill for the relief of Robert Murray; and a bill for the relief of the legal representatives of Henry Deuchouquitte.

Mr. JONES, of Virginia, from the Committee on the Judiciary, reported, with an amendment, a bill from the Senate to amend the act for the better organization of the district courts of the United States in the State of Alabama; which was committed.

Mr. HUNTSMAN, from the Committee on Private Land Claims, reported a bill for the relief of James Mackey; which was read twice, and committed.

Mr. HOAR, from the Committee on Invalid Pensions, reported a bill in addition to, and in amendment of, the act providing for certain persons engaged in the land and naval service of the United States in the revolutionary war; which was read twice, and committed.

Mr. WASHINGTON, from the Committee for the District of Columbia, reported a bill for the improvement of Pennsylvania avenue, for the erection of a bridge over Rock Creek, and for the improvement of the streets around the Capitol square; which was read twice, and committed.

Mr. COFFEE, from the Committee on Military Affairs, reported a bill to provide for the payment of expenses incurred for supplies furnished the militia engaged in the service of the United States in Florida; which was read twice, and committed.

Mr. LYON, from the Committee on Indian Affairs, reported a bill for the relief of Bazle Brown; which was read twice, and committed.

Mr. CHAPMAN, from the Committee on the Public Lands, reported the following bills; which were read twice, and committed:

A bill for the relief of certain persons who have been deprived of their rights of preëmption under the act of 19th June, 1834, by locating Indian reservations, or any floating rights granted by Congress; and

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. WEDNESDAY, APRIL 27, 1836. VOLUME 3....No. 25.

A bill to grant the right of way over the public lands to a company incorporated by the Legislature of Alabama to construct a railroad from the Tennessee river to the waters of Mobile bay, and to grant a certain quantity of public land to that company.

Unfavorable reports were made by Messrs. BEALE and HOWELL, from the Committee on Invalid Pensions; Mr. LOYALL, from the Joint Committee on the Library; and Mr. JANES, from the Committee on Revolutionary Pensions.

Mr. CHAPMAN, from the Committee on Public Lands, reported a bill from the Senate for the relief of Susan Marlow, without amendment.

The question being on its third reading, some discussion ensued, in which Mr. WILLIAMS of North Carolina, Mr. SPEIGHT, Mr. HARDIN, Mr. LYON, and Mr. VINTON, took part. Before the vote was taken, the morning hour expired.

SERVICE OF VOLUNTEERS.

Pursuant to order, the House went into Committee of the Whole on the state of the Union, (Mr. MUHLENBERG in the chair,) on the bill authorizing the President of the United States to accept the service of volunteers.

The question pending was the motion of Mr. McKAY to amend the bill by restricting the power proposed to be conferred on the President to the same limitations provided by the act of 1795—namely, that volunteers should be received only in the event of invasion, insurrection, &c.

Mr. HARDIN said a few words in favor of the amendment, and indicated his intention of offering a further amendment.

Mr. MERCER suggested a modification to the following purport, providing that the power vested in the President of the United States by this act should be exercised only in the cases enumerated in the eighth section of the Constitution of the United States, that the numbers of the volunteers should not exceed five thousand rank and file, and that the act should continue in force for two years only from the end of the present session of Congress.

Mr. McKAY accepted this as a modification of the amendment.

Mr. WILLIAMS, of North Carolina, was in favor of a restriction of the number to five thousand men. He understood the gentleman from Missouri to say that no more than one thousand men would be sufficient for the protection of the Missouri frontier

Mr. ASHLEY explained that he desired an additional regiment to the force already employed there.

Mr. WILLIAMS resumed, and opposed the bill, on the ground that it was superseding the regular force, that no information had been laid before Congress, by which it was shown that so large an extra force was requisite for repelling the Indians, and that it was, to a certain extent, authorizing the formation of a new standing army. If he thought a general Indian war was to be apprehended, he would not only vote for ten thousand men, but for one hundred thousand if necessary. At present, however, he saw no occasion for so large a number as ten thousand, and he should vote for the bill only with the restriction of five thousand.

Mr. SEVIER was opposed to any restriction, and gave a brief description of the present position of the western and Mexican frontiers, as proving the necessity of the immediate passage of the bill.

Mr. REYNOLDS, of Illinois, stated that he considered it a duty to apprize the committee of the restless, and even hostile disposition of the Indians on the northwestern frontier. He did not pretend to know more than other gentlemen on this subject, who had the same means of information, or to state it better. But that such was the true state of the Indians generally he had no doubt. The Indians had been recently removed in great crowds to the West, where hunting was not very good in many places, and the means of support not so abundant as they desired. They had left the region of country where they had been happy, and in great relative prosperity. They had, *as they say*, been *forced* from the *bones of their fathers* to a region of country not of their own choice, and not well adapted to their wants. He presumed this was the main reason why it was that they were dissatisfied, and rather hostile to the United States. In order to keep them in check and subordination, it was necessary to make a demonstration of military force among them. It is well known to this committee that they are not wise and intelligent; they know and care very little about the great force of the United States, as that force is at such a great distance from them. Not many of them travel through the several States; and when the strength of the Government is told to them they do not, in all cases, believe it. They, the Indians, therefore, do not know the situation they are in, and will act under mistaken views of their situation to their own ruin and destruction.

Mr. R. said he was raised in the West, on the frontiers of many of these Indians, and believed this to be a true statement of their situation and condition. He admired much the merited standing of the American army, for its chivalry and noble daring; but such force could not, and would not, awe the Indians and keep them in proper subjection. A moderate force *only* could effect this object. It was idle to see cannon, trailed in with oxen, in pursuit of an Indian enemy—they would laugh at it—so would the whites. He would support the intended amendment of the gentleman, [Mr. ASHLEY,] to raise another regiment of dragoons. If the committee would reflect on the extent of frontier from Detroit around the settled part of the United States to the Gulf of Mexico, a distance of two or three thousand miles, it was quite out of the power of *one* regiment of dragoons, even if commanded by a Dodge, to keep in subjection the Indians to that extent. It would require two or more additional regiments. He hoped it would be attended to at the proper time for the safety of the country and of the Indians. He said those individuals—and he hoped all were so—who felt friendly to the Indians, would do the Indians a service to keep among them a proper force to keep them in proper subjection. The humanity that is in the breast of each member of this committee would dictate this course to him, and will no doubt influence the committee on the subject. It was not much difference what the provision was in the bill as to the number of the troops to be received by the President. The proper number would always be found in the West to answer the emergency of the occasion.

Mr. Chairman, you cannot keep back the brave sons of the West, when there is a necessity for their military services in the defense of their country. There is no paper law on this subject that will suppress the patriotism that burns in the breast of a western man, when his country is invaded by an Indian or other foe. Therefore, he considered it very little difference about the limits in the bill. If something were not done on the subject, we may witness, as we did in 1832, the massacre of women and children, and the war-whoop extended all along our frontier. To prevent this, and the extermination of the Indians, this bill and other preventive measures ought to be adopted.

Mr. CAMBRELENG remarked that, if the committee would reflect for a moment on the condition of the western frontier, it struck him that they would retain the maximum of numbers in the bill. The condition of the Mexican frontier had been adverted to, and he did not think that gentlemen could look at that condition, as developed from documents and advices received within the last few days, without coming to the conclusion that the Government of the United States were slumbering at their post. The Mexican army were at this time approaching our frontier? And what must be the inevitable consequences if they did? Why, there were ten thousand chances to one that there would be a general war by the Indians upon the whole of that frontier, the moment the Texans were driven to our borders, as he firmly believed they would be. The Mexican army was well appointed, much more numerous, and much more effective than they were generally described; and we must not rely, too confidently rely, upon the valor and bravery of the Texans, for numbers preponderated too much against them.

It should also be borne in mind that the Mexican army were veterans in the service, having been more or less engaged in actual warfare for the last twenty years; and, moreover, that many of them were mountaineers, and had been accustomed to the highways. He was satisfied that both the force and prowess of the Mexican army had been greatly underrated. With the contest going on there; we had nothing to do but we had much to do with our frontier, and therefore ought to take efficient measures for its protection. He was willing to devote the whole of this day to the consideration of this bill, and he hoped the maximum of numbers would be retained.

Mr. CALHOON, of Kentucky, said he entirely concurred with the gentleman from New York [Mr. CAMBRELENG] in the necessity of strengthening our military force on the western frontier: for himself, he should vote for an increase of our force in that quarter, as well on account of the danger which we had a right to apprehend of a rupture with the Indians, as from the events which are occurring in the province of Texas. Sir, (said Mr. C.,) if our information does not deceive us, a most bloody war is waging on our borders, between the Texans and the Mexicans—a war which, for cruelty on the part of the Mexicans, is without an example in the history of savage nations; a war in which the Mexican general sets at defiance all the rules of civilized warfare. Shall we not prepare to see, at least, that the *bloody* flag shall halt at our border?

Mr. C. said he did not desire to embarrass the Administration in regard to the delicate relations between this country and Mexico by any hasty movement of his, nor would he, on the present occasion, inquire how far it might be the duty of this Government to compel the Mexicans, in this contest, to observe the rules of civilized warfare. He wished to say to the Administration that, in such an effort, they should have his cordial support.

Mr. MASON, of Virginia, did not understand that this bill, in any way, proposed to enlarge the power of the President of the United States, but merely authorized him to relieve the States, by accepting, in lieu of the force to be furnished by them, the services of volunteers. It was acknowledged that the service to be required was one of a nature far beyond the efficiency of the ordinary militia; and on this ground, therefore, he should vote for the bill. There was no doubt that the relations of the Government of the United States, and the interests of the people of the United States, had assumed, in that quarter of our country, an important aspect; but he should not give his support to this bill from any apprehension that the territory of the United States was to be invaded, nor from any apprehension that the ruthless and cruel tyrant of Mexico was to unfold the bloody flag in our atmosphere. He had no such apprehensions. It was, however, undoubtedly the duty of the Government of the United States to look to the security of its citizens in that quarter, and to that of the settlers near the Indians who had gone west of the Mississippi. They had a right to look to the Government for protection—to call upon it to use the strong arm of power, when necessary, to protect them from the wanton aggressions of savages, who, experience had taught us, could neither be civilized, nor

restrained but by a powerful force. The very circumstance of so many Indians being thrown together, their known disposition to violence and war, always seeking occasion of hostility without adequate cause, and other circumstances he need not particularly advert to then, justified an apprehension, rather than anticipation, that aggressions might be committed, and cause of war might arise. The object of this bill was to organize an efficient force, which would act as a protection to our western frontier, and be more effective than any militia force that could be brought out. He therefore sincerely trusted that the bill would pass; but he hoped they would not involve in its consideration any of those extremely delicate questions connected with our foreign affairs. They owed obligations under the stipulations of solemn treaties; and in conformity with the long-established usage of this Government, he hoped they would be maintained, on their part, with sacred and inviolable fidelity. He hoped they would not permit themselves to be led away by their feelings or sympathies, to take any step which might, in any way, interfere with the obligations of those treaties.

Mr. THOMPSON, of South Carolina, was opposed to an increase of the army; nevertheless, he felt constrained, by the highest considerations of duty, to support a measure for the protection of our frontier. He believed there were causes now at work which would make it necessary to prepare for an Indian war on the western frontier, of an extent and ferocity which had never been witnessed. In the early part of the session he had voted for a suspension of the rules for the purpose of allowing a proposition to be introduced for raising another regiment of mounted men for the protection of the frontier. He believed that a regiment of a thousand such men as could be raised in the West would have put an end to the war in Florida in one month. The western people were unquestionably the best marksmen in the world; they shoot with a deadly aim, and are almost born on horseback and with gun in hand; and he felt confident, if that gallant officer, Colonel Dodge, had been sent to Florida with a regiment of such men, that, ere this, he would have given a receipt in full for every man there. The Indians were not to be conquered by the slow movements of infantry, or by the usual modes of warfare. Look at what had occurred in Florida. Men were taken into the service for three months; many of them were collected from South Carolina and Georgia; and before they could reach the field of action a month of that time must elapse, leaving but two months for service. Whenever the Indians were commanded by men of talents, (as every one must now admit they were so commanded in Florida,) every order for disbanding your army would be an order for the assembling of the Indian enemy. Then, whenever a war broke out with the Indians, Tennessee and Kentucky were the places to find the men to put it down, and put it down effectually. If the war in Florida should be terminated by a treaty, and those Indians be removed to the West flushed with victory, and having the utmost confidence in their leader, Osceola, and connected with powerful tribes already there, they would scarcely sit quietly down, or even be kept down, by one thousand of the most distinguished warriors of the West. He conceived it to be the duty of Congress to grant this to prevent the shedding of blood; and an Indian war, properly managed, he contended ought not to last more than a month. As to the invasion spoken of, he thought no sensible man would entertain such an idea for a moment; and as to that fellow, Santa Anna, if the House and the Government were of the same opinion Mr. T. was, they would cut off all diplomatic intercourse with such a wretch.

Mr. CAMBRELENG explained. He did not say there was any fear of an invasion by a Mexican army; what he said was, that the Mexicans might reach our frontier, and that circumstance might be the cause of stirring up the Indians to hostilities against the United States.

Mr. THOMPSON would give the bill his warm support, if it was amended so as not to call the troops into service unless in case of an actual Indian war, or good reason to apprehend such war. He considered five thousand men sufficient, and six months long enough period of time.

Mr. HARRISON said it was the part of wisdom to prepare for a difficulty with those western Indians while they could do so, and endeavor to arrest it. Heretofore the Indians had been dispersed throughout the different western States; and, in case of difficulty with them, they were not able to bring such a formidable force into the field, and were put down by merely calling out the militia. Their situation, however, was now different; they were concentrated upon the western frontier of the country, and could now accomplish what they never before could accomplish. He was in favor of receiving those men for six months, because, by so doing, you were able to get the best men; and if you took men for a long period of service, you necessarily got the dregs of society and men of very little use in that kind of service. The Indians on the western frontier, agreeable to a report from the War Department, amounted to upwards of one hundred and fifty thousand souls; and it was generally believed they could bring from thirty to forty thousand warriors into the field, which, at any time of disturbance, might march into Missouri and Arkansas, and drive them and their wives and children from their homes. It was well known that regular troops were of very little service to chastise those Indians, if a war should break out. The history of the western country, from the defeat of Braddock down to the present time, would show the truth of this; and the gentleman from South Carolina [Mr. THOMPSON] was correct in saying that the western mounted men were the most efficient force that could be brought against them. Men, to fight these Indians with advantage, must be men who have been accustomed to arms, and accustomed to the woods. He considered it was best to have a good and sufficient force to put down the war at once if one should break out, and therefore hoped the bill would pass.

The hour of one having arrived, the committee, pursuant to the order of the House, rose and reported progress.

Mr. ASHLEY moved to suspend the rule for this day for the purpose of proceeding with the consideration of the bill authorizing the President to accept the service of volunteers, and the bill for the better protection of the western frontier; which was agreed to—ayes 110, noes 40.

The House again went into committee, (Mr. MUHLENBERG in the chair.) The former bill was again taken up.

The amendment of Mr. McKAY was agreed to as modified.

The question recurred upon the amendment of Mr. ASHLEY, which proposed to raise an additional regiment of dragoons.

Mr. ASHLEY said infantry were of little use to put into the woods against Indians, but they were serviceable, and were necessary to occupy the posts; and, in case of a war, to fall back and protect the frontier. The war in Florida showed the truth of this assertion. Mounted men were the only kind of troops to put into the field against the Indians; but it must not be supposed that one little regiment, however brave and skillful they might be, could protect the frontier extending from the lakes to the Gulf of Mexico. In Florida a few hundred Indians kept an army engaged there, of some two or three thousand; then, that being the case, he asked how many it would take to keep at bay, on the western frontiers, fifteen or twenty thousand warriors? The Government was bound, he said, to keep a force among them to keep them from committing depredations upon each other, and upon the frontier inhabitants. He advocated his amendment at some length, and urged the speedy passage of the bill.

Mr. GRANGER rose to give his assent to the general purposes of the bill, but particularly to the amendment of the gentleman from Missouri. He remembered, when the question of removing those Indians from the abodes and sepulchres of their fathers was first raised, an argument in its favor, and one that had recommended itself to him with more force than any other, was the fact that they would be removed from the vices which civilization threw around them; that they would be taken to a country where broad hunting grounds would be secured to them; and that there they would follow the chase as they had been accustomed to do in the land of their fathers. He remembered, too, that those who then viewed the subject more calmly, and, as it would seem, more wisely, prophesied what had since happened. But he considered there was but little to fear. No man had higher confidence in the armed freemen of the United States than he had when called into action; but he did not consider that the manner in which the war was carried on in Florida had been the best for putting it down. The Indian cared nothing about honorable warfare, because he had been taught from his youth to take advantage. He would, in fact, possess himself of your camp before you had moved from it ten miles. One word in relation to what had been said by his colleague, [Mr. CAMBRELENG.] It seemed that a war panic must be kept up somewhere, and he supposed an army would next be raised to protect us from the invasion of Santa Anna.

Mr. CAMBRELENG observed that he had said nothing about invasion by Santa Anna. What he had said was, that in the case of Santa Anna coming to our frontier, it might stir up the Indians to commit depredations.

Mr. GRANGER regretted that his colleague should have connected Santa Anna's name even with our frontier Indians. He said, if his blood-stained flag should ever be brought so near our territory that its folds could be seen, the valley of the Mississippi and Ohio, and the whole western country, would be poured upon that frontier; and his colleague, as well as himself, well knew that when the hunters of Kentucky and the Tennessee riflemen were in the field, the enemy had better look out.

Mr. RIPLEY addressed the House at some length in reference to the exposed state of the sparsely-settled population on the western and southwestern frontier, the formidable and powerful tribe of Indians residing contiguous to those frontiers, and the importance and necessity of providing for the permanent defense, which he contended could be best done by adopting the proposition of the gentleman from Missouri, [Mr. ASHLEY,] providing for raising an additional regiment of dragoons, which was almost the only description of troops that could contend efficiently and with success against the Indians.

Mr. WHITE, of Florida, hoped the amendment of the gentleman from Missouri would prevail. It was substantially the same as Mr. W. himself had proposed to another bill some eight or nine weeks ago, and which, if adopted then, would have saved the Government at least half a million of dollars. He then entered into a description of the campaign in Florida and the present situation of the country there. In a very short time General Scott would be compelled to disband nearly his whole force, and the country would be left to the mercy of the savage the whole summer. Even with reference to the existing circumstances in Florida alone, the amendment ought to prevail; and he recommended the honorable mover to use the words "dragoons or mounted riflemen."

Mr. MANN, of New York, expressed his surprise that this bill should be embarrassed by gentlemen coming from the quarter of the country most interested in it, with propositions which he conceived to be highly objectionable; such as the one pending to incorporate a new force in the regular Army of the United States; in other words, to increase the standing Army upon mere surmise. He had recently received a lengthy communication from a distinguished officer now stationed on the western frontier, (Colonel Taylor,) which stated that there was no apprehension of hostilities on the part of the Indians, nor had there been the slightest manifestation of dissatisfaction exhibited by them. Mr. M. strongly opposed the amendment. In the first place, there was no evidence that any additional force was required; and secondly, they had no experience as yet that the proposed force would be more effective than those already existing. On the contrary, it was a well-established military fact, that cavalry were at least more expensive, if not less effective, in an enemy's country, from the necessity of collecting forage, and the difficulty of procuring it.

Mr. GLASCOCK was in favor of the formation of such a corps as that proposed in the amendment. He remarked, that official advices had been received, that serious apprehensions were entertained from the Creek Indians on the borders of Georgia and Alabama, and the effect of this amendment, if adopted, would go far to secure the peace and tranquillity of that quarter. Had such a force been stationed in Florida before the war, all the depredations and slaughter which had visited that Territory would have been prevented, and the Seminoles would have been as peaceable as the Indians in the Northwest. He was confident that, if a cavalry force was raised and properly stationed, nothing would ever again be heard of Indian aggressions. He would not take the expenses into consideration, for it would be a reflection upon our national character. Mr. G. then adverted to the Florida war, where, from the peculiar nature of the country, cavalry could not be so effective as infantry; but this was not the case on the western prairies. His object was to have a force of mounted infantry, thereby partaking of both characters, with the advantages of each.

Mr. HANNEGAN replied to Mr. MANN, and supported the amendment. He referred to the great efficiency of mounted men in the Black Hawk war, in the campaigns on the Wabash, before and after the battle of Tippecanoe, in the last war on the northwestern frontier, and in the campaign of Colonel Dodge. He referred to advices he had received of the temper of the Indians at present on the western and northwestern frontier, from whom apprehensions were justly entertained. Mr. H. adverted to the fact that the Indians themselves used horses in their excursions, being always well mounted, and that the prairies furnished ample forage for their sustenance, as also for the subsistence of our own horses. As Texas had been alluded to by several gentlemen, and the possibility of Santa Anna's approach to our frontier suggested, he would only speak as one, that for himself, were the powers and resources of the American Government at this moment under his control, he would lend them all, and with all the energy ever given by man to any cause, to aid in inflicting deserved punishment upon the monsters who, at San Antonio and elsewhere, had offered an insult to every civilized nation of the earth by their brutal atrocities. He would never pause, never hesitate, never falter, until every miscreant who had stood beneath the wavings of the bloody flag had found beneath the soil of Texas a bloody grave—never till Texas was free.

Mr. GILLET moved to insert the following words in the amendment: "if the President shall hereafter deem such regiment necessary;" which

Mr. ASHLEY accepted it as a modification.

Mr. GILLET was convinced the additional force for the western frontier should be provided for. If they were not wanted they would not be raised, as the amendment was modified; but if they should omit to pass this bill, and hostilities should break out when the time had passed to provide the means of repelling them, their constituents would justly hold them responsible for the consequences. He contended that a cavalry force was the most efficient that could be employed against the Indians in the open prairie region of the West. He admitted that it was more costly, but that would not weigh anything with him. He should vote for putting that frontier in such a state of defense as would be satisfactory to the people who resided there.

Mr. JOHNSON, of Louisiana, also supported the amendment and the bill; and he stated that the people of the western part of Louisiana were very much alarmed, and they were in daily apprehension of hostilities from the Indians.

Mr. VANDERPOEL briefly replied to Mr. MANN, and made a few remarks in support of the amendment. It seemed that all concurred, that a mounted force was the best that could be employed; and the only question was, whether they should wait till the moment had arrived for their employment? He was disposed at once to make the provision, and should not envy the responsibility of his colleague if they neglected to do it, suffered the war to break out, and the country to be ravaged before it could be prevented. He should, however, have preferred the amendment without the modification of his colleague, [Mr. GILLET.]

Mr. ASHLEY then withdrew his acceptance of Mr. GILLET's modification, and accepted that of Mr. WHITE, of Florida, to insert the words, "or mounted riflemen."

Mr. MANN, of New York, said a few words in rejoinder to the gentleman who had replied to him. He was not opposed to the bill, but he could not bring himself to concur in the expediency of raising all at once so large a body of cavalry as ten thousand men. He was in favor of limitation, and not to the utmost extent they could go, especially without any information having been furnished to prove its necessity.

Mr. EVERETT said he had been misunderstood on yesterday. He was in favor of the amendment of the gentleman from North Carolina, [Mr. McKAY,] but it did not go far enough to remove his objections to the first section of the bill.

Mr. THOMPSON, of South Carolina, cited the report of the Secretary of War, giving a tabular statement of the number of warriors of the various tribes of Indians on the frontiers.

Mr. HOAR thought at least the opinion of the Military Committee should be given thereon before they were required to vote on a proposition of so important a character as this.

Mr. THOMPSON cited a passage from the annual report of the Secretary of War, recommending a similar provision.

Mr. HOAR still thought the subject should have been considered by the Military Committee, and they ought to have the result of their deliberations. Until that was done, and it came recommended from that committee, he could not consent to vote for it.

Mr. JOHNSON, of Kentucky, explained the course that had been taken on the proposition in the Military Committee, who had postponed it, and brought up the single proposition to authorize the President of the United States to receive volunteers, instead of drafting the militia. He should himself vote for the amendment of the gentleman from Missouri.

Mr. ADAMS was opposed to the introduction of Mr. ASHLEY's proposition in this bill, as it was incongruous, and the bill and amendment were inconsistent with each other. He should vote for the bill, and would also for the gentleman's proposition, if he would bring it forward separately; but the principles embraced in the one and in the other were totally separate and distinct. Mr. A. also wished that some specific sum should be appropriated to carry the provisions of the bill into effect; for, otherwise, it was placing the whole Treasury at the disposition of the President.

Mr. BOND said there was no necessity for the amendment, inasmuch as the first section of the bill already provided for "mounted troops."

Mr. WILLIAMS, of North Carolina, remarked that it was evident they would not get through the bill that day, and he therefore moved that the committee rise. Lost.

The debate was further continued by Messrs. ASHLEY, WHITE of Florida, and McKEON, in support of the amendment; and it was then adopted—ayes 96, noes 40.

Mr. HARDIN moved to amend the first section by adding the following:

"In the same manner as the militia of the several States and Territories are now appointed and commissioned, and as militia, said mounted men, when in service, shall be considered."

Agreed to.

Mr. ADAMS moved to insert a specific appropriation of $300,000 for the pay of the troops to be employed under the provisions of this bill.

Mr. McKAY contended there was no necessity for a specific appropriation, because the number of men was provided for, and their pay was regulated by the bill.

Mr. ADAMS could not subscribe to that doctrine. He thought they might as well throw out all the specific clauses in the civil list bill, and make a general enactment for so much as was required for that branch of the service, as leave this bill without specifying the precise sum to be expended in the object of it.

Mr. JOHNSON, of Kentucky, was willing to accept the amendment.

The motion was then agreed to.

Mr. ADAMS moved a proviso to the bill, that nothing therein contained should be so construed as to deprive the persons so called into the service of the United States of any privilege belonging to the militia, when called into the service of the Government; which was agreed to.

Mr WHITTLESEY moved to strike out the fourth section providing for the payment of horses lost in the service; which was agreed to.

Mr. EVERETT moved to limit the term of service from twelve months to "six or" twelve months; which was agreed to.

The bill was then laid aside; and the committee took up the bill to provide for the better protection of the western frontier.

Mr. SEVIER proposed an amendment to the bill, pending which the committee rose and reported the first bill and amendments; and on the latter asked leave to sit again.

The House then adjourned.

IN SENATE.

SATURDAY, *April* 23, 1836.

Mr. LINN, who had been absent from his seat for some days in consequence of the indisposition of himself and family, attended.

Mr. McKEAN presented a memorial from sundry citizens of Pennsylvania, praying Congress to create $200,000,000 of five per cent. stock, to be divided among the States and Territories, and District of Columbia, and pledge the public lands for its redemption; which was referred to the Committee on Finance.

Mr. EWING, of Ohio, presented several memorials, praying for a donation of a portion of the public lands in aid of the construction of the Zanesville and Maysville road; which was referred to the Committee on Public Lands.

Mr. PRENTISS, from the Committee on Public Lands, moved that the Committee be discharged from the further consideration of the petition of the Wesleyan University of Connecticut; which motion was agreed to.

Mr. LEIGH presented the petitions of the heirs of John McKinley and John Judge; which were referred to the Committee on Revolutionary Claims.

Mr. SOUTHARD presented the proceedings of a meeting of a number of officers of the Navy, on the subject of a naval academy; which were referred to the Committee on Naval Affairs.

Mr. S. also presented the petition of the trustees of the College of New Jersey, praying for a donation of public lands; which was referred to the Committee on Public Lands.

Mr. TIPTON presented the memorial of the General Assembly of Indiana, praying Congress to take measures for the extinguishment of the Indian titles to lands in that State, and for the removal of the Pottawatomie and Miami Indians; also praying for the establishment of a post route from Strawtown, via Camden, to Delphi, and from Peru, via Good Hope, to Lima; which was referred to the Committee on Indian Affairs, and to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES

Mr. CRITTENDEN, from the Committee on the Judiciary, reported the bill for the relief of Antoine Peltier, without amendment; and reported a bill for the relief of Pierre Menard and Joseph Bogy; which was read, and ordered to a second reading.

Mr. DAVIS, from the Committee on Commerce, reported a bill making appropriations for the improvement of certain harbors, and for making certain surveys; which was read, and ordered to a second reading.

Mr. LEIGH, from the Committee on the Judiciary, reported a bill for the relief of the executors of David Caldwell; which was read, and ordered to a second reading.

RESOLUTION SUBMITTED.

Mr. TIPTON submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of a post route from Strawtown, via Camden, to Delphi. Also,

a post route from Peru, via Good Hope Prairie, to Lima, in the State of Indiana.

REPRESENTATIVES OF G B. HORNER.

The bill for the relief of the legal representatives of Gustavus B. Horner, was read the third time, and passed.

The resolution submitted yesterday by Mr. KING, of Alabama, was considered and agreed to

GOLD AND SILVER FOR PUBLIC LANDS.

The following resolution, submitted yesterday by Mr. BENTON, was taken up for consideration:

Resolved, That from and after the —— day of ——, in the year 1836, nothing but gold and silver ought to be received in payment for public lands; and that the Committee on Public Lands be instructed to report a bill accordingly.

Mr. BENTON addressed the Senate in favor of the resolution. He was opposed to a national currency of paper, and in favor of disconnecting the Federal Treasury from paper money as expeditiously as it could be done without injury to the public. At present he limited himself to one branch of the revenue, the public lands; and for strong and peculiar reasons wished to begin with hard money payments in that branch. The state of the paper system, the impossibility of regulating it in its application to lands, and the mischiefs which were now resulting to the Federal Treasury, to the currency of the new States, and to the settlers and cultivators who wished to purchase lands for use, imperiously required a remedy; and a cessation to receive paper money for land was an obvious and certain remedy for a part of these evils.

The state of the paper system was now hideous and appalling; and those who did not mean to suffer by its catastrophe should fly from its embraces. According to a report made in the House of Representatives by the select committee, of which Mr. GILLET, of New York, was the chairman, the present number of chartered banks and their branches in the United States could not be less than seven hundred and fifty, their chartered capitals not less than three hundred millions, and their chartered right to issue paper money extended to $750,000,000! Mr. B. repeated this statement; and dwelling from the last sum, (the $750,000,000 of paper money,) he said it was enough to make the spirits of the dead start from their graves!—the spirits, he meant, of those dead patriots, who, having seen the evils of paper money, and being determined to free their country from such evils in all future time, took care, by a constitutional enactment, to make gold and silver the only currency of the Constitution, and the only tender in payment of debts.

Having stated the number of the banks, their vast nominal capital, their unlimited real power to cover the country with paper, the great amount of their paper issues, five of them alone having increased their circulation fifteen millions in about a year, and reminding the Senate that the business of chartering banks was in full progress in many of the States, Mr. B. looked to the state of the connection between this wilderness of banks and the Federal Treasury. This connection (he said) depended, in point of law, upon the joint resolution of 1816, which, in addition to specie and the notes of the bank of the United States, gave authority, by implication, to receive the notes of all specie-paying banks in payment of public dues. This was the law; the practice under it he would state presently, and would show that no practice under it, with the multitudes of banks now existing, could be safe for the country, or free from the danger of irretrievably entangling the Federal Government with the ups and downs of the whole paper system, and all the fluctuations, convulsions, and disasters to which it was subject. But, before he did this, he would say that the joint resolution of 1816 was a wise and laudable act at the time it was passed, and made a great step at that time towards the improvement of the currency. The currency of the country, especially of the whole South and West, was at that time paper, and not only paper, but inconvertible paper; the banks which issued it not paying specie, and the holder being obliged to sell his notes at ten, fifteen, or twenty per cent. discount if he wished to get hard money for them. The whole community was submitting to the imposition of using this paper, and the Federal Treasury with the rest. The joint resolution of 1816 was passed, and fixed a limited time, less than a year, within which no notes but those of specie-paying banks should be receivable for public dues. The effect was immediate and magical, and showed how completely the Federal Government had the paper currency under its power, and could control it if it would only use that power. Before the day limited there was a general resumption of specie payments, which, with some exceptions, has continued ever since.

The joint resolution of 1816 was then wise and laudable when passed; but the advance which the paper system has since made, and is still making, entirely changes the effect of that resolution. There are no longer any non-specie paying banks whose notes will be received either by the Federal Treasury or by individuals; and there are seven hundred and fifty specie-paying banks, with a constant increase of their number, whose notes may be received by the Federal Treasury. In point of law, all these banks are equal; they all have an equal right to be received in Federal payments; but in point of fact they are not all admitted; and here the practical difficulties begin to present themselves. To receive the paper of all these banks would be to fill the Treasury, in a very short time, with some tens of millions of unavailable funds; to discriminate between them, to receive some and reject others, would be to exercise a power which might lead to favoritism, undue influence, partiality, and injustice, and might invest some man, or some body of men, with a dangerous power over the paper currency. The first question would be, *who shall make the discrimination?* And the practical answer would probably be, that the deposit banks, for the time being, from 1816 to the present time, have been the practical arbiters of the receivability of State bank paper. These banks, it is presumed, have been required to receive no paper but that which they could credit as specie to the United States; and while this gave them an option which seems naturally to belong to the obligation of paying all the Government demands in specie, yet it had the effect of devolving the power of regulating the paper currency upon banking institutions, formerly the Bank of the United States, and at present upon three dozen banks which are the depositories of the public moneys. Mr. B. objected to devolving this power upon banks. It was a most responsible and dangerous power, liable to abuse and to great mischief from indiscretion as well as design. In the first place there could be no system; for each of the thirty-six banks would decide for itself what should be received, and what should have the high character of land office or custom-house money. In the next place, there could be no permanency in the receivability of any particular paper. The deposit bank could make and break its arrangements at pleasure; and what was land office money or custom-house money on one day, might cease to be so on the next, and the public not be able to see any reason for the change, and which change might subject individuals to great loss and imposition. In the third place, the best banks of the country might be capriciously excluded, while insignificant ones might be invested with all the advantages of supplying a Federal currency; and in the present multitude of thirty-six banks, to decide each for itself on the paper of seven hundred and fifty banks, perhaps many of them as good as the deposit banks, it was impossible to get along without complaints and dissatisfaction, and much possible injustice to banks as well as injury to individuals.

The next tribunal to decide, Mr. B. would assume to be the Secretary of the Treasury himself; but this would only be an arbiter in name; the Secretary would have to decide according to the representations of members of Congress, and these members would have to act upon the importunity and representation of the petitioning banks, so that there would be no real arbiter, and no real responsibility; and, besides, he (Mr. B.) was not willing to invest any officer whatever with the power of regulating the paper currency, and giving to what notes he pleased a circulation coextensive with the Union, by ordering them to be received in payment for public dues. The third tribunal was the Congress itself; and this would be found to be no tribunal at all, as every member would take care to have the banks in his own district admitted to all the advantages which were granted to any other; and thus the whole would be admitted without discrimination.

Mr. B. saw insuperable difficulties in the detail as well as in the principle of this question. The Federal Government can create a national paper currency by giving receivability to bank paper; it can deluge any new State with bank paper from any other State by making it receivable for public lands. It can give a paper currency to a State in spite of itself; in Missouri, for example, where the Legislature has refused to charter a bank from a just and laudable antipathy to a paper currency, and where the Federal Government receives paper money for its lands, and thus gives currency to that paper; thus counteracting the policy of the State, and introducing strange and foreign notes into circulation to the diminution of gold and silver.

Taking the fact as it now existed, Mr. B. said it was clear that the deposit banks, each for itself, was the regulator of the paper currency, and the arbiter of what might, and might not, be received in payment of public dues. And what was the result? Why, that the whole paper system had run wild. Bank charters were granted for millions, paper issues to exceed all bounds, loans to any amount to anybody to speculate—in reality, to gamble in stocks, public lands, and what not, until the public Treasury is filled to distension with bank paper. The effect of all this uncontrolled state of the paper system has been most signally manifested in the public lands, where the sales have increased from *four* millions *per annum* to *five* millions *per quarter!* causing the Treasury to be filled with paper, the Congress to be harassed with projects for getting rid of surpluses, while the new States have been overrun with speculators bidding up the lands against cultivators and settlers, and introducing myriads of strange notes into places where they were wholly unknown.

Mr. B. said he was able to inform the Senate how it happened that the sales of the public lands had deceived all calculations, and run up from four millions a year to five millions a quarter; it was this: speculators went to banks, borrowed five, ten, twenty, fifty thousand dollars in paper, in small notes, usually under twenty dollars, and engaged to carry off these notes to a great distance, sometimes five hundred or a thousand miles, and there lay them out for public lands. Being land office money, they would circulate in the country; many of these small notes would never return at all, and their loss would be a clear gain to the bank; others would not return for a long time; and the bank would draw interest on them for years before they had to redeem them. Thus speculators, loaded with paper, would outbid settlers and cultivators who had no undue accommodation from banks, and who had nothing but specie to give for lands, or the notes which were its real equivalent. Mr. B. said that, living in a new State, it came within his knowledge to know that such accommodations as he had mentioned were the main cause of the excessive sales which had taken place in the public lands, and that the effect was equally injurious to every interest concerned except the banks and the speculators. It was injurious to the Treasury, which was filled up with paper; to the new States, which were flooded with papor; and to settlers and cultivators, who were outbid by speculators loaded with this borrowed paper. A return to specie payments for land is the remedy for all these evils.

It would put an end to every complaint now connected with the subject, and have a beneficial effect upon every public and private interest. Upon the Federal Government its effect would be to check the unnatural sale of the public lands to speculators for paper; it would throw the speculators out of market; limit the sale to settlers and cultivators; stop the swelling increase of paper surpluses in the Treasury; put an end to all projects for disposing of surpluses; and relieve all anxiety for the fate of the public moneys in the deposit banks. Upon the new States, where the public lands are situated, its effect would be most auspicious. It would stop the flood of paper with which they are inundated, and bring in a

steady stream of gold and silver in its place. It would give them a hard-money currency, and especially a share of the gold currency; for every emigrant could then carry gold to the country. Upon the settler and cultivator, who wished to purchase land, its effect would be peculiarly advantageous. He would be relieved from the competition of speculators; he would not have to contend with those who received undue accommodations at banks, and came to the land offices loaded with bank notes which they have borrowed upon condition of carrying them far away, and turning them loose where many would be lost, and never get back to the bank that issued them. All these and many other good effects would thus be produced, and no hardship or evil of any kind could accrue; for the settler and cultivator who wishes to buy land for use, or for a settlement for his children, or to increase his farm, would have no difficulty in getting hard money to make the purchase. He has no undue accommodations from banks. He has no paper but what is good; such as he can readily convert into specie. To him the exaction of specie payment from all purchasers would be a rule of equality, which would enable him to purchase what he needs without competition with fictitious and borrowed capital.

Mr. B. considered that the return to hard money for the payment of the public lands was the only thing that could give permanency, uniformity, and equality, to what is called land-office money. It was of the greatest moment to the people of the new States that they should know what was, and what was not, receivable for public lands; and that what was once fixed, should remain stable. They were subject to too many losses and impositions from instability in the receivability of different kinds of paper. They never knew anything about changes until they are made. When a citizen, with much trouble, has collected what is land-office money to-day, he may find to-morrow that it is changed; or, at the moment of carrying it to the land office, he may find it rejected, and himself thrown upon the tender mercies of a shaver to procure, at a new sacrifice, what the receiver can accept. Since the adoption of the amendment which he had the honor to offer, restricting the use of paper in payments from the Government, it followed, as a necessary consequence, that there must be corresponding restrictions upon the receipt of it. That amendment made four important improvements in the Federal use of paper money:

1. In prohibiting, *forthwith*, the use of notes of less than ten dollars in all payments from the Federal Government or the Post Office;

2. In prohibiting the use of notes of less than twenty dollars in such payments, from the 3d of March next;

3. In prohibiting the use, in like payments, of all notes whatever which were issued at one place and made payable at another;

4. In prohibiting the use of all notes, in such payments, which were not equivalent to specie at the place where offered in payment, and convertible into gold or silver on the spot, at the will of the holder, and without loss or delay to him.

Under these enactments, Mr. B. considered the Federal Government and the Post Office as virtually confined to specie payments. They will have, then, to confine themselves to specie receipts. Whether Congress made a further enactment or not, the Treasury and the Postmaster General would have to impose restrictions upon the receipt of paper corresponding with the restrictions upon the payments in it. He (Mr. B.) was certain that the payments upon the western frontier must be made in specie. There was not a bank note in the United States which could be offered in the West; there was not one which would come under the restrictions which the enactment imposed. The effect of the enactment was, to prevent bank notes from being offered in payment, except at the place where the bank was situated which had issued it. Such was the effect of the enactment, and such was its intention; for it was intended to lay the foundation for completely breaking up paper money as a national currency—for completely cutting off paper from the Federal Government—for completely returning to the currency of the Constitution for the Federal Government—in a word, for reëstablishing the gold currency;—which never could be done if the Federal Government continued to receive and pay out paper money.

Mr. B. considered the proposition which he had made as another step towards the consummation of the great object of securing to the people a specie currency. It would effectually accomplish that purpose for the new States, and the extension of the same provision to the custom-houses and post offices would secure a specie currency to the old States. Whether his proposition became law or not, it must take effect. The Secretary of the Treasury would have to do by regulation what he proposed that Congress should do by law. The obligation to pay out in hard money involves the necessity to receive in hard money; and he was only anxious about his proposition as he preferred stability to change, legislation to regulation, and the will of Congress to the will of the deposit banks or of a Secretary of the Treasury.

Mr. WEBSTER said that he did not know that there were any reasons rendering it incumbent on him, or those members of the Senate with whom he acted, to take any course with regard to this resolution, other than to sit still and suppress their surprise and astonishment as well as they could, and to let these schemes and projects take their fate in the form of such laws as their projectors proposed. We are powerless (said he) and can do nothing. Those schemes, one and all, affecting the national currency, we have resisted since 1832, and thus far resisted without effect. We strove (said he) for the recharter of the national bank as the only means of preserving a safe currency; we struggled against the removal of the public deposits, believing it to be a direct usurpation of power. We strove against the experiment, and have striven and struggled in vain; and who will now (continued Mr. W.) look with the perception of an intelligent and the candor of an honest man on the present state of the currency and finances, and say that the prominent evils which affected both had not flowed from these acts which we opposed, and vainly opposed? What were those evils that distressed the country in its financial concerns, now admitted by every body to exist? What were they? The public money was not safe; it was under the protection of no law, and the Treasury was overflowing. There was more money than was needed, and the currency was now unsound. Now, what did these evils result from—the two evils, the insecurity of the public treasure, and its abundance? It was to be traced directly to those two great experiments, the veto of the bank bill with the removal of the public deposits, and the veto of the land bill. Nobody doubted it; for it was certain that if the public money had remained in the Bank of the United States, it would have been safe.

It was the veto of 1832, which, breaking down the Bank of the United States, removed a salutary control over the currency, and permitted the creation of so many State banks, whose issues, not being restrained, were extended far beyond the wants of the country, and were therefore unsound. That was one of the products of the veto. What was the other? The veto of the land bill of 1833, which, preventing a necessary and equal distribution of this surplus fund, not wanted for the ordinary expenses of the country, had caused an overflowing Treasury. That was another of the products of the veto power. Both of these great evils would have been prevented, if the wisdom of Congress had been suffered to go into effect. They passed the bank charter, and it was vetoed; and they passed the land bill, which was also vetoed. Now, these extraordinary exertions of prerogative, the exercise of the negative power on these two occasions, had produced the evils which were now so sensibly felt by all. As applied to the bill rechartering the bank, it had produced the insecurity of the public treasure; and as applied to the land bill it had produced a superabundance of money not wanted. Sir, (said Mr. W.,) the country is the victim of schemes; we are wiser than those who have gone before us; experience is not enough to convict us; we are not willing to let well alone. The experience of forty years was not enough to settle the question whether a national bank was constitutional or not. Whatsoever extraordinary powers may have been claimed for the Executive, there had been a constant tendency to deny, or curtail and take from, the powers of Congress. The bank charter was negatived, because Congress had no constitutional power to grant it; and though Congress had not the power to make a bank, the Executive had the power to make many banks. There was not a more palpable evidence of a constant bias of this Government to a wrong tendency, than this denial of power to Congress, and assumption of power to the Executive. The restriction of the power of Congress necessarily tended to the increase of the power of the Executive. Was it not constitutional doubts of the powers of Congress that caused the breaking up of the bank, and the giving of uncontrolled power, in relation to the finances, to the Executive? Was it not constitutional doubts as to the power of Congress to pass the land bill, that produced this accumulation of money in the Treasury? In the whole history of this Administration, doctrines had prevailed tending to detract from the settled, all-pervading, long-practiced powers of Congress, and to give, hand in hand, everything over to the control of the Executive. In every case—in the case of the bank bill, the land bill, and the bill for internal improvements—the establishment of these doctrines was to give themselves, without restraint, into the hands of the Executive.

Gentlemen now talked of returning to a specie basis. Did any man suppose that that was practicable? The resolution before them contemplated that, after this year, all the proceeds of the sales of the public lands were to be in specie. Now, if he (Mr. W.) had brought forward this proposition, he would have been told that he was a great enemy to the settlement of the new States. It would have been said that the speculators could carry gold to the new States both by sea and by land, while the cultivator, who wished to purchase a small farm, could not go to the large cities to get specie, but must pay the speculator his own price for it. He should have been met with arguments like this, had he brought forward such a proposition. He should suppose that, to introduce specie payments for the public dues, it would produce much less inconvenience to begin with the customs, which were payable in the large cities, where men could get specie much easier than they could get it on the frontiers. But speculators or settlers considered what was the use of these specie payments. This specie was to be dragged over the mountains to be brought back again. The purchaser of land on the frontiers would buy gold by bills on the eastern cities, and it would go across the country in panniers or wagons, and the land offices would send it back again, thus creating the useless expense of transportation. He had, from the first to the last, looked upon all these notions of returning to a hard currency as extremely idle. It was not suited to the practice of this or any other nation. It was not suited to the policy of these twenty-four States; and against that policy what had they to offer? The currency of this country was much in the power of the great cities, and the great banks of the great cities. He was as much opposed to the increase of these great institutions as any man; but the evil had begun and would go on. It was supposed that great danger, great hazards, and great misfortunes, had happened to the currency, and all this had taken place while the Constitution gave to Congress the sole power over it. Congress had the coining power, and the States had not; and yet the States had the power to issue paper as a substitute for coin, and Congress could not prevent it. We (said Mr. W.) cannot issue paper; we cannot make a bank, though the Constitution gives us the sole power over the currency. Did gentlemen ever see a more peculiar state of things than existed in the country at this time—a country more bountifully blest in all things than any country on earth, prosperous beyond example in all the pursuits of industry and enterprise? And yet its finances were deranged; a growing want of confidence was felt in its circulation; and property of every description was extravagantly high. But the experiment was to carry all this safely through; and it was predicted with

great confidence that a few selected banks would operate so as to give a safe currency, a great deal better and more practically beneficial than that of the United States Bank. Well, here were the results; or rather, to use the expression of a great statesman; "they began to see the commencement of the end of the experiment."

Mr. W. here took a view of the present state of the exchanges between the different sections of country, contrasting that produced by the operations of the Bank of the United States with that under the operations of the State banks, greatly to the disadvantage of the latter. Looking, then, to the state of the currency, the insecurity of the public money, and the rate of exchange, which, to be cheap, ought to be under some reasonable control, he asked any intelligent man to say what had been the result of these experiments? If there were any doubt, let gentlemen look to the disclosures made by the circular of one of the deposit banks of Ohio, read in the Senate the other day. It would not take the notes of the specie-paying banks of Ohio from the land office, or tells the land office that it would not take them. Here were thirty or forty specie-paying banks in Ohio, all good; and out of these thirty or forty, three were selected whose notes would be taken. If gentlemen coming from the West and Southwest were satisfied with this state of things more peculiarly affecting them, he had nothing to say.

As he had said in the beginning, he knew of nothing he could do with regard to the resolution before them, but to sit still and see how far things were to be carried. Here was this vast fund in the Treasury under no control whatever; and they were in the last month of the session, as contemplated by a resolution of the Senate, without having adopted any measure to put it under control. Two great questions had been proposed: one was to diminish this fund, and the other to provide for its greater security. Now, he wished to understand, and for the country to understand, whether anything was to be done with regard to these propositions or not. One thing he would say, and that was, that in his opinion there was no way of safely keeping the national treasure but in a national bank; but as there were doubts whether such a bank was constitutional, a much more enlarged use should be made of this treasure; and in its distribution no preference should be given, as was the case in Ohio, to three banks, passing over all the other solvent and specie-paying banks in the State. Some mode of distributing this fund was indispensably necessary, and for this object the land bill first claimed his approbation; but if that measure could not be adopted, he should go for any other just and reasonable measure that should be brought forward. It was very probable that there would be some little check in the land sales of the coming year. He believed that the purchases of the last year had gone far beyond the emigration, and that they were made with a spirit of speculation to get up the price of the lands. He believed that the spirit of speculation had been turned in that quarter; and that, having got a taste of the profits to be made there, everything that tended to facilitate the transfer of the public domain from the present proprietors would but increase that spirit.

For one, he should not oppose this proposition; and if he had been in his seat at the time he would not have opposed the amendment that was made to the pension bill. Let the experiment go on, (said Mr. W.,) and let us see its results. He should do nothing except to vote against all projects and visionary schemes, until the public should be convinced by better experience that a sound currency was only to be obtained by having a national institution properly organized to control it; for one experienced truth was worth a thousand reckless schemes and experiments.

Mr. NILES said there were two subjects which were drawn into almost every debate, whatever the particular question may be before the Senate. The distribution of the proceeds of the public lands and the surplus revenue were topics which certain Senators, on almost all occasions, brought under consideration.

On a question recently before us, no way connected with that subject, the Senator from Kentucky [Mr. CLAY] favored the Senate with a speech in support of his land bill; and the resolution offered by the gentleman from Missouri [Mr. BENTON] has furnished an occasion for the speech we have just heard from the Senator from Massachusetts, [Mr. WEBSTER,] in relation to the surplus revenue, the state of the finances, the deposit banks, the Bank of the United States, and other matters.

We have been told by the honorable Senator that the present evils, which he represents to be very alarming, have all arisen from putting down the Bank of the United States, and changing the deposit of the public revenue from that bank to certain State banks; but he has not informed us how these evils have arisen from a cause which has no necessary tendency to produce such results. We have the naked, unsustained assertions of the gentleman, in strong and emphatic language, but we have no reasons or explanations.

He says he foresaw these alarming consequences at the time, when he raised his warning voice against the experiments about to be introduced in regard to the currency and the finances. He not only claims credit for his sagacity and wisdom, but for the gift of prophecy. Whatever claims the Senator may have for judgment and sagacity, I think his pretensions to be a prophet will hardly be admitted. What (said Mr. N.) were the Senator's predictions two years ago? Did he not then repeatedly, and with all that power of expression and emphatic manner which belong to him, declare that the money pressure and distress which then prevailed must continue, and would continue, until the public deposits were restored, and the Bank of the United States was rechartered? This was then asserted to be the only remedy for the existing evils, both in regard to private credit, the general interests of the country, and the condition of the national finances. It was then emphatically said that the interruption of the connection between the Treasury and the Bank of the United States, the refusal to employ that institution as the fiscal agent of the Government, would derange the currency, impair public and private credit, and impoverish the Treasury; that the revenue would rapidly fall off, and that the finances of the country could not be managed without the aid of the United States Bank as a fiscal agent. These were the predictions of the Senator, proclaimed with great confidence; and how have they been fulfilled?

Why, we are now told that our affairs are in a very alarming situation, and that the country is threatened with the most serious calamities; not from an exhausted Treasury, as was then said, but from an overflowing one—from an excess in the revenue unprecedented and alarming. From whence has this surplus in the Treasury proceeded? Is it not the result of the activity of business and the unexampled prosperity of the country? There has no doubt been an improper expansion given to the credit system; and, as a consequence of that, a spirit of overtrading and speculation has prevailed, which has contributed, in part, to the unprecedented increase of revenue. But what measures of this Government have produced these results? We are told it is all owing to the *schemes* and experiments of those who have directed public affairs. What schemes and experiments does the gentleman allude to? I know of none; I believe there have been none; the schemes and experiments have been on the other side. The Administration has proposed no new schemes, has tried no experiments, but has rather sought to get rid of the schemes of others, who, by the questionable exercise of the powers of this Government, had *created* agents to manage its fiscal concerns. The Administration has sought to return to the natural and ordinary course of things, and to disconnect the Treasury with a powerful and dangerous moneyed corporation. They have preferred to employ such agents, so far as any are necessary, in the management of the finances, whether natural or artificial, as the country afforded, without creating them by the exercise of doubtful powers.

The present state of things is said to be unexampled—that in the midst of apparent prosperity, when property of all descriptions is in demand, and prices at the highest point, there is an unprecedented pressure for money, and much distress in the commercial community. This is not a state of things so extraordinary as the Senator seems to suppose; the history of our country affords many examples of this kind. It is only necessary to go back to 1818, when it will be found that the condition of affairs was remarkably similar. Then, property was in demand, and prices were high; yet the pressure for money was great, and the embarrassment and distress of the whole trading community were severe and almost unexampled. This pressure and distress continued for three years, and the evil could only be corrected by that severe but necessary remedy, the long and distressing reaction which followed over-trading, over-banking, and ruinous speculation. Such were the causes which produced the distress at that time, and it is similar causes which have produced similar results at this time. And among the causes which occasioned the ruinous speculations, and gave such a dangerous expansion to credit and the undue extension of all kinds of business, was the conduct of the Bank of the United States. That institution, which, we are now told, as the country has so often been heretofore, was a regulator of the currency, exerted the most pernicious agency in inflating the whole credit system. I have (said Mr. N.) some facts in relation to this subject before me, which I had collected for a different purpose, to which I will beg to call the attention of the Senate. The bank in its infancy, when but a small portion of its capital had been paid in, engendered a spirit of speculation which it infused into the whole trading community. From July, 1817, to February, 1818, a period of about eight months, the bank increased its loans from $4,000,000 to $42,000,000; an increase of $38,000,000 in eight months, and at a period when the currency and banking capital of the country were not one half what they are at this time. This was equal to a sudden expansion of credit, at the present period, of $70,000,000 or $80,000,000. This was necessarily followed by a corresponding enlargement of discounts by the State banks. The consequence was, that money became plenty, and property appreciated in value. But this state of things could not continue; a reaction speedily followed, and the bank became an efficient agent in producing the reaction, as it had been in causing the expansion. To save itself, it was obliged to commence a rapid system of curtailment, and in July, 1818, ordered the reduction of $5,000,000 of the line of its discounts; in October, $2,000,000 more; and by December its loans to individuals had been reduced $12,000,000. But with these rapid reductions, the bank was scarcely able to save itself from destruction, and came very near being forced to suspend payment. This sudden expansion and contraction of the currency and of credit brought on the country a state of embarrassment and distress seldom equaled, and which continued for three years; thousands were ruined, and the whole community suffered severely. This was when the bank was in its infancy, before it had assumed a political character, and when a spirit of gain and speculation alone controlled its action. Such were the early and bitter fruits of this corporation, which, we are repeatedly told, is necessary to regulate the currency, and give stability to public and private credit. Similar fluctuations have marked its course at subsequent periods.

Sir, (said Mr. N.,) the honorable Senator from Massachusetts [Mr. WEBSTER] informs us, that in every instance the exercise of the veto has operated to swell the accumulating power of the Executive. He says the veto on the bill for rechartering the bank gave the President the entire control over the public revenue, and that his veto of the land bill tended to the same result, as it prevented the distribution of the revenue, which has occasioned the present surplus, which the Executive now uses and controls. A declaration like this, (said Mr. N.,) coming from such a source, from the Senator who has assumed a sort of guardianship over the Constitution, he heard with astonishment. How does the refusal of the President to approve of an act of Congress operate to augment his own power, and especially when the refusal is on the ground that the act is not within the constitutional competency of this Government? He should like to hear the honorable Senator, who is regarded by many as the great

expounder of the Constitution, explain this point. The Executive is a coördinate branch of this Government, and in this respect is on an equality with Congress. No power granted, or claimed to be granted, can be exercised without the concurrence of the legislative and executive departments of the Government. If either refuse to act, and deny or doubt the existence of the power, it appeared to him that the necessary result was, the non-user of the power; and if the power is not exercised, or is denied to this Government, it of course remains among the reserved powers, and belongs to the States or the people. The action of Congress, by two thirds of both Houses, would be an exception to the general principle here laid down. It was a strange doctrine to him, that the denial of any power to this Government by either of the three coördinate departments would operate to transfer that power to either of the other branches of the Government. He had supposed that directly the contrary was the result; that the exercise of any power required the concurrence of the three coördinate branches; and that the denial by one destroyed the power, or at least prevented its exercise altogether, and left it among the reserved powers in the States or in the people. It is not the non-user, but the exercise of doubtful powers by Congress, with the concurrence of the President, by which the sphere of executive action and authority is enlarged.

Sir, (said Mr. N.,) the Senator tells us that the veto of the land bill has occasioned the present surplus, and given the Executive the control over it. This may be true; but does it prove that the veto was wrongfully exercised? If that bill had passed, and the money had been distributed among the States, it is very clear that it would not now be in your Treasury; but the great question then was, and is now, pending before Congress, whether that was a constitutional, rightful, and proper disposition of the revenue of the United States—of the common fund of the people of the United States? The President thought it was not; and, as the representative of the people in one department of the Government, he exercised the power which the Constitution had conferred upon him, in opposition to the will of a majority of both Houses of Congress. The President, as the Chief Executive Magistrate and the representative of the people, exercised a power which they had conferred upon him, to check what he regarded as an unconstitutional and dangerous exercise of power on the part of this Government. He assumed a high responsibility, because he believed that the interests of his country required it; he opposed himself to the majority of both Houses of Congress; he looked beyond the representatives of the people here; he looked to the people themselves; he threw himself on public opinion, and was triumphantly sustained. He assumed, it is true, a fearful responsibility; for that law, more than any other that ever emanated from Congress, appealed directly to the interests, to all the passions calculated to warp and sway the judgment. Upon its very face it was little short of a bribe to the people of all the States; but their integrity, good sense, and sound judgment had hitherto stood firm, erect as a tower of strength, unseduced, uncorrupted; but how long they may be able to withstand the influences of such a measure remains to be known.

Sir, (said Mr. N.,) I have great confidence in the people; and the longer I live, and the more I become acquainted with public affairs, the stronger does this confidence become; while my confidence in the agents they are obliged to employ to execute public trusts is proportionally diminished. He spoke generally, without any reference to parties or individuals. The popular will, if we look to its source, will always be found honest and pure; but, like the stream flowing from a pure fountain, which becomes turbid in its course, the popular will, before it reaches the point to become consummated in action, is, in a greater or less degree, adulterated and corrupted. If the will of the people could be carried out; if they could speak for themselves from the plantations, farms, and workshops; if their voice could be heard and heeded in the halls of legislation, whether here or in the States, not only the Bank of the United States, which the Senator from Massachusetts seems still to regard as so essential to the public interests, but all the State banks, and all other corporations calculated to interrupt the natural diffusion of wealth, and to concentrate it in the hands of a few—all corporations, the object of which is to advance the general interests of society through the special interests of a few, which confer power and wealth on the few as means of benefiting the whole, should be swept away as with the besom of destruction.

The distribution bill belongs to this class of measures. It proposes to divide among the States the funds which belong to the people of the Union, and which it is the duty of this Government to apply to constitutional and proper objects, beneficial to the whole country within the sphere of our own action, and without stepping over those limits presented to us. If this surplus be dangerous and corrupting here, will it be less so in the States? If there be a scramble for it here, will there be less elsewhere? But he would not pursue this subject.

Mr. BENTON said he did not expect, when he offered this resolution, that it would give rise to any debate; and he had no intention, now, to prolong the discussion. He was too well satisfied with the declaration of the Senator from Massachusetts, that he would not oppose the resolution, to reply to some other observations he had made.

He well remembered a proposition made by that gentleman, which was much stronger than the measure now contemplated, and which was hailed with approbation throughout every portion of the country. He was certainly too well satisfied with the declaration of the gentleman to make any reply to his remarks. All that he would now say would be comprehended in two words. He wished to get back to the currency spoken of in the act of 1789 for the Government—this was the constitutional currency for the Government. With that of the States he had nothing to do. All his movements (Mr. B. said) tended to this one point: to get back to a constitutional currency.

Mr. WEBSTER said the gentleman from Missouri had referred to the resolution of 1816; and he would beg leave to make a brief explanation in reference to the part he bore in it. The events of the war had greatly deranged the currency of the country, and a great pecuniary pressure was felt from one end of the continent to the other. The war took place in 1812, and not two months of it had passed before there was a cessation of specie payments by at least two thirds of all the banks of the country. So strong was the pressure, that, although the enemy blockaded the Chesapeake, so that not a barrel of pork or flour could be sent to market, yet the prices of these articles rose fifty per cent. This state of things continued; the collectors of the customs every where received the notes of their own local banks for duties payable at their own places, but would not receive the bills of the banks of the other cities. And what was the consequence? Why, at the close of the session of Congress, a member, if he had been fortunate enough to preserve any of his pay, had to give twenty-five per cent. to get the money received here exchanged for money that he could carry home. Another effect of this state of the currency was this. The constitution provided that, in the regulation of commerce or revenue, no preference should be given to the ports of one State over those of another. Yet Baltimore, for instance, which had the exchange against her, had an advantage, by the payment of her duties in the bills of her banks, and had the advantage of at least twenty-five per cent. over some northern cities. The resolution then introduced by him was to provide that the revenue should be equally paid in all parts of the United States; and what was the effect of it? The bank bill had just passed; and the resolution was, that all debts due the Government should be paid in the legal coin, in notes of the Bank of the United States, or in notes of banks that paid coin on demand. That was the operation of the law of 1816, rendered absolutely necessary by the existing state of things.

The gentleman from Connecticut inquired whether the omission to use the powers of Congress necessarily increased that of the Executive? He would put a poser to the gentleman. The President himself admitted that it was the appropriate duty of Congress to take the public treasure into its hands and appoint agents to take care of it. The gentleman himself must admit this, for he supposed that he did not go the lengths of the Senator from Tennessee, in being willing that things should remain as they are. Then, if it was their duty to take care of the national treasure, and they did not do it, it went into the hands of the Executive. Was not the custody of the national treasure, power? and if they neglected to use this power, did they not augment the power of the Executive?

Nothing could be more appropriate for a historian, than to review the doctrines which had been advanced with regard to executive power, and the means by which it was sought to increase it. The President himself first advanced the doctrine, and it had been repeated there, that the President of the United States was the sole representative of the people of the United States. Did the Constitution make him so? Did the Constitution acknowledge any other representative of the people than the members of the other House? But it had been found extremely convenient to those who wished to increase the President's power to give him this title. This claim of the President reminded him of a remark he heard made many years ago by a member of the House of Representatives. That gentleman had voted against the first bank of the United States, and had changed his mind, and was about to vote for the second. If, said the gentleman, the people have given us the power to make a bank, we can do it; and if they have not, we are the representatives of the people, and can take the power. And this was the doctrine applied to the President, as the peculiar representative of the people. The Constitution gave him a modicum of power, and he, claiming the lion's part, took all the rest. This was the result of that overwhelming personal popularity which led men to disregard all the ancient maxims of the founders of this Government, and to yield up all power into the hands of one man. They could not now even quote the doctrines of Mr. Jefferson without being scouted; and they could not resist any power claimed by the Executive, however arbitrary, but must yield up everything to him by one universal confidence, because he was the representative of the people.

Mr. NILES said, in reply to the Senator from Massachusetts, [Mr. WEBSTER,] that in one particular, and one only, the refusal to recharter the Bank of the United States, and the withdrawal of the deposits from that institution, had increased the power of the Executive over the revenue. The Secretary of the Treasury, or the President, if the gentleman please so to have it, had the selecting of the banks in which the public revenues were deposited; but in all other respects his authority over the revenue was the same as before, and in this particular is the same as it was before the incorporation of the Bank of the United States. It was only a provision in the charter of a private corporation which controlled the action of the Secretary, and that charter had now expired. But if there had been no law to regulate and direct the Secretary in the discharge of his duty in relation to the revenue, he did not know as it was the fault of the President: to show that he had assumed power in this matter it must be shown that he had vetoed a law regulating the deposits, or opposed the action of Congress. But (said Mr. N.) the honorable Senator seems to ridicule the idea that the President is the representative of the people. Perhaps, in a limited sense of the expression, he is strictly correct, as in that sense of the term it means a member of a legislative body; but in a more general sense, and in the way he (Mr. N.) had used the expression, it was strictly correct to call the President the representative of the people. He was the Chief Executive Magistrate, chosen directly by the people; for the electoral body was, in practice, only useless machinery. The President was chosen by the people to execute the executive powers of the Government, his appointment was a popular one, and he was the representative of the people to execute those powers of the Government which the Constitution confided to him. He was the representative of the

people for certain purposes, as much as the members of Congress were for other purposes.

The Senator says that the Executive, as President of the United States, exercises those powers conferred on him by the Constitution; and, as the representative of the people, he exercises such powers as he sees fit, on his assumed powers. This observation was entirely gratuitous, and not authorized by anything he (Mr. N.) had said. In speaking of the President as the representative of the people, he did not use the term in reference to his powers, but solely in referenee to his responsibility—to his relation to the people, as a popular officer. Whether he was regarded rightfully and properly as the representative of the people or not, would neither enlarge nor diminish his powers; for if he was correct, as he (Mr. N.) believed it to be, to regard the President as the representative of the people, he was their representative, under the Constitution, clothed with the authority which that conferred upon him; it was for that purpose that the people elected him, and in that sense he was their representative.

Mr. WEBSTER remarked that it was the best course, when a gentleman replied to another, to use his very words as far as his recollection permitted him. He had noticed on other occasions that the Senator from Connecticut gave his own language as that of the gentleman he was replying to, put his own construction on it, and then replied to this man of straw. He hoped that the gentleman would, when he quoted him in future, use his exact language, and not put into his mouth words that he did not use. The gentleman in speaking of the President used the term representative of the people precisely in the meaning of the term as applied to a member of the House of Representatives. Now, it was impossible, to believe in any idea of power pertaining to the President in this character. But he would remind the Senator that the President himself in more than one communication had claimed this character and power. It would be found in the protest that he is the only single representative of the people. Sir, (said Mr. W.,) this is the very essence of consolidation, and in the worst of hands. Do we not all know (said he) that the people have not one representative? Do we not know that the States are divided into congressional districts, each of which elects a representative, and that the States themselves are represented by two members on this floor? Do we not all know that it was carefully avoided by the framers of the Constitution to give him any such power at all? He admitted that the President, in reference to his popularity merely, was called, with great propriety, the representative of the people; but in other respects he was no more so than was the president of the old Congress. There was another false doctrine that was worth no icing, and that was, that everything that had been done by the President had been approved of by the people, because they reëlected him.

Mr. EWING, of Ohio, said it had been the habit of some gentlemen to say that they who were in the majority two or three years ago predicted that there would be a deficiency in the public revenue. Although he was then on the Committee on Finance, he could not recollect any such prediction, nor could he find it in any of the speeches delivered at that time. He would not say there was no such expression, but if there was he did not recollect it. They did say that, as a consequence of the removal of the deposits, there would be a great pressure—a depression in commerce—an increase of the number of banks—an emulation and strife among those banks in getting their paper into circulation—an unsound currency—a rise in the price of property—a crush among the banks, and the ruin of thousands. All these things had come to pass, except the latter, which was so near being fulfilled that they were told they must not whisper a want of confidence in these banks—that they must not wake up the sleeper for fear he might fall over into the precipice below. On one third of a page he found these predictions as they had been verified; and, if it was in the power of two or three of these deposit banks in one State to say what shall be received in payment and what shall not, he thought the crisis was near at hand in which the last prediction would be fulfilled. He would not go fully into this subject until he had received an answer from the Treasury Department to the resolution of inquiry he had submitted a few days since. If there was no other remedy that could be had, he would go for the resolution offered by the Senator from Missouri, [Mr. BENTON.] Harsh as it was, he would go for it. He would, however, prefer it to be laid on the table until the answer was given to the resolution he had offered the other day.

Mr. CALHOUN observed that he should be very much governed in the vote he should give on this occasion by the opinions of gentlemen coming from the new States where the public lands were. He saw a great many advantages that would result from the measure, and particularly in the check it would give to that spirit of speculation by which the bank rags were given in exchange for the valuable public domain. If the gentlemen coming from the West were of opinion that the measure would not affect the settlement and prosperity of the new States, he would cheerfully give it his support.

Mr. KING, of Alabama, said he did not intend to enter into the discussion of this question, and would only remark that gentlemen seemed to have traveled out of their way to discuss questions long since gone by, either to show that distress and ruin had not taken place, or that it had resulted from certain causes which were apparent to them. Now these questions were not to be settled there, but were to be settled by the people of the United States. Whether the vetoes of the President had, as alleged by the gentleman from Massachusetts, caused the derangement of the currency, was a question which the people could decide as well, and probably better, than gentlemen on that floor. With regard to the superabundance of the Treasury, they all knew that it would not have occurred had the land bill passed; but the question was, whether the evils resulting from the land bills would not have been greater than those now existing? He was not, however, prepared at this time to say to the Senator from South Carolina whether the adoption of the measure before them would or would not injuriously affect the new States. He did not believe that it would have the effect to prevent speculation, though it might affect many of the cultivators who purchased in small quantities. This, however, was an important measure; and they ought to be in the possession of the fullest information before they acted on it. His desire was that it might be inquired into by one of the committees of the body; and if, after investigation, it should be found that the measure would be productive of the benefits that had been predicted, why, it would be proper to adopt it. If, on the contrary, it should be found that it would produce embarrassment to the *bona fide* purchasers, it would be rejected. Mr. K. then submitted the following amendment:

Strike out all after "Resolved," and insert: "That the Committee on Finance be instructed to inquire into the expediency of prohibiting the receipt, in payment for the public lands, of anything but gold and silver, after the — day of ——,"—thus changing the character of the resolution, from that of an order to bring in a bill, to one of mere inquiry as to the expediency of doing so.

Mr. SHEPLEY said it was with extreme reluctance that he said a word at that time. He had imposed silence upon himself upon personal considerations. But he could not permit the remarks of the Senator from Ohio [Mr. EWING] to pass without notice, lest his silence might be supposed to admit their accuracy. I do think, said Mr. S., that he is greatly in error, if he supposes that the prediction was not made that the Treasury would be unable to meet the just demands upon it.

I cannot mistake the import of the expressions which I heard two years since upon this floor. they were too deeply interesting—they were too forcibly impressed upon my mind—to allow me to do so. I do not profess to use the language, but only to convey the idea then so frequently and emphatically exhibited, that we were to have an empty Treasury.

The Senator from Massachusetts [Mr. WEBSTER] imputes the evils of the currency, and the fluctuations and speculations in business, to the refusal to renew the charter of the Bank of the United States.

Sir, (said Mr. S.,) I allege that these evils have been occasioned by the action of that very bank, or, at least, have been greatly aggravated by it. We need only recur to the history of the last twelve or fourteen years to be satisfied of it.

In 1831 the loans of the bank to the people were, if he recollected rightly, about forty-two millions. The next year they were raised to seventy millions. In 1834 they had become reduced again to nearly forty millions; and in 1835 they were again very high; and this year reduced again. This was but the brief history of its operations for five years. It had been producing fluctuations in the money market, uncertainty in prices, and an insecurity in property during the whole of that short period.

The direct tendency of such a course was subversive of honest industry, of regular business, and breaking up all calculation for future action No dependence could be placed upon any state of things, present or past; for a new change is hastened on to break up all regularity that might otherwise have been looked for. It was to these excesses of expansion and depression of its loans, four times in five years, to the amount of many millions at each time, that he charged the evils which they had experienced.

These were the fruits, the blessed fruits, of a national bank—this the practical benefit of that mighty institution which was to regulate the currency and the business operations of the country, and to pour out blessings upon the people.

Sir, (said Mr. S.,) I do not believe there has existed a country upon the face of the earth, where the fluctuations in the moneyed system have been as great, and the changes as sudden, for any term of twenty years, as they have been in this country during the twenty years' time that the charter of that bank has existed.

The State banks might have contributed their share. He was no apologist for those which had done so. When the United States Bank increased its loans by millions upon millions, they had naturally pursued the same course of increase. But, compared with the United States Bank, their excesses had been small; and he had never yet noticed a State bank that had increased and decreased its loans in the proportion of fifty per cent. to that of the United States Bank.

The United States Bank had been the mischief-maker, instead of the regulator, in the moneyed concerns of the country. It had been the instrument for putting property up, and for putting it down at pleasure. It could change the relation of debtor and creditor, so that the creditor might not obtain more than half his debt; or the debtor might be compelled to pay double, by the great changes occasioned in the prices of property.

He was no more for schemes or projects than the Senator from Massachusetts. He was for adhering to practical experience; and the experience which they had had, taught them that they should no more trust the destinies of their country to the machinations, the fluctuations, the fictitious prosperity, and the fictitious adversity, occasioned by the United States Bank.

The Senator, two years ago, when the bank was calling in its loans at the rate of from one to three millions a month, justified that course, and regarded it as the necessary and proper duty of the bank to continue to call in its loans until the end of its charter. He took occasion then to express the opinion that there was no necessity for it, and that it was done "designedly, unnecessarily, to compel obedience to the bank."

And what was the result? Soon after the adjournment of Congress, the bank, instead of following the course alleged to be necessary, extended its loans, and continued to extend them, until the millions which it had called in were thrown out again. And now complaint was made against the State banks, that they had done a little of what that bank had done much.

If the measure now before them could be adopted without injury to the new States in the West, he was disposed to vote for it; but upon that subject he was not sufficiently advised at the time to form an opinion. It might do something towards protecting us from those great and sudden changes in our moneyed concerns which had marked their history for the last five years.

Mr. MANGUM rose, not for the purpose of

prolonging the discussion, but to suggest to the Senator from Alabama the expediency of referring the resolution to a select committee instead of the Committee on Finance. This measure contemplated an important change in the currency of the country; and he preferred that it should be left in the charge of its friends, who better understood it. He was perfectly ready to vote for it, if it came recommended by the gentlemen from the new States; and he was willing to do so, because he looked upon it to be a remedy against speculations in the public lands, and because it might possibly bring about a sounder state in the circulating medium. He thought the present debate an unprofitable one. All this bandying of reproaches tended to no good; they had better set about applying some remedy to the evils all acknowledged to exist, than waste time in criminating each other. He had taken no part in this unprofitable discussion, because his opinions were so primitive that he almost feared to express them, lest they should be scouted at. They might be chimeras; but he believed that all these wealthy corporate institutions were inimical to a spirit of liberty, which he preferred to all the wealth and splendor of the great cities. Banks, railroads, stock companies of every description, might be useful; but he was opposed to them all, because, in his opinion, they were inconsistent with the true spirit of liberty. He repeated, that he would give this measure his hearty support, if, in the opinion of the western gentlemen, it would not retard the settlement and prosperity of the new States.

Mr. CALHOUN agreed with the Senator from North Carolina as to the appointment of a select committee, and hoped that it would be appointed by the Chair selecting a majority from the new States.

In reply to the Senator from Connecticut, he would observe that, during the time of the pecuniary pressure he said nothing, because he believed that it would be temporary. He never did doubt but the removal of the deposits would produce the greatest distress and the most disastrous consequences; but he always did believe that there would be an excess in the Treasury. We make great mistakes in supposing that certain events do not follow their causes, because they do not come at once. In the ordinary course of Providence, causes and their consequences are frequently remote; but this was no reason for neglecting the caution that the one necessarily followed the other.

The great distress that pervaded the country, the changes of property, and the degrangement of the currency—all these were seen and predicted, and the present majority were justly chargeable with them. He never had anything to do with the Bank of the United States, though he opposed the removal of the deposits, as leading to a ruinous derangement of the currency by the unlimited issue of State-bank paper. Since that measure $100,000,000 had been added to the currency by these banks; which would not have been the case had there been a Bank of the United States to control them. As to the superabundance of the Treasury, he had always forseen it. Ever since the fatal tariff of 1828, he foresaw the evil; and his subsequent course, which had brought on him so much opprobium, (he alluded to the proceedings of South Carolina in opposition to the tariff,) was dictated by the knowledge that this tariff would produce an overwhelming accumulation of money in the Treasury, which ought never to be there. There was a deep responsibility on those who had caused these evils. But let us (said he) not look to the past, but to the future: let us apply what remedies are in our power; and above all let us endeavor to prevent this noble domain (the public lands) from passing out of our hands into those of speculators in exchange for worthless bank rags. His only desire was that the measure under consideration should be approved of by western gentlemen; and if it was so, he should give it his hearty support.

Mr. PORTER could not agree with the Senator from North Carolina, [Mr. MANGUM.] The strong convictions of duty that prevailed in his breast required that he should contribute his aid to arrest these evils. He did not understand why the operation of the resolution should be confined to the western States, when the people throughout the whole Union were interested in it. Mr. P. referred to the relative amount of specie in the country, and sales of the public lands, to show that this measure was not going to have the tendency of correcting the evil. He should prefer it to be left to a committee to report their reasons upon it at length. Lord Chatham had said the currency of the country was like a sensitive plant—the moment you touch it it dies. Some statements were made which he could not believe were not founded in error. He could not believe the United States Bank was the cause of all that had been imputed to it by the Senator from Maine, [Mr. SHEPLEY.] He would have preferred if that Senator had given them his figures to demonstrate his charges, instead of his general conclusions. The reason why the bank, when first instituted, did not regulate the currency as was expected, was owing to its inexperience. He adverted to the special causes of the expansion and contraction of paper issues at the close of the war; but if they had a good system, constitutional in its character, and perfected in its manhood, they ought to take it; and such he believed the bank was. When its capacity enabled it to operate on the small banks, it became stationary. Mr. P. cited the amount of its issues in different years from its first institution, and contended that the charges made against it, of filling the country at one time with its paper, and withdrawing it at another, was not supported by the facts during the period of twenty years. After alluding to the increase of banking capital since 1830, he asked the Senator from Maine [Mr. SHEPLEY] if he believed the bank that had regulated the currency from 1810 to 1830 would, if it had been continued, have made such an increase of paper as we now have? All the object he had in view was to place this matter on its right footing. There was no country in the world that could get along without an occasional rise and depression in the price of property. The habits of the people now were such that the system adopted must take its course; the experiment was in full tide; the sails were set, and they were going down the current to its consummation. The state of things that now existed had been clearly depicted, and he could refer to the speeches now in which it was depicted, if he had time to do so. The currency was now up; but when it would get down he would leave it to his honorable friend from Maine [Mr. SHEPLEY] to foretell.

On motion of Mr. MOORE, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 23, 1836.

Mr. SMITH, on leave, submitted the following resolution; which was agreed to:

Resolved, That the Secretary of State be requested to furnish the House of Representatives with a copy of the list on file in his Department of the awards made by the commissioners on claims arising under the convention with the King of the Two Sicilies.

THE DEPOSIT BANKS.

Mr. DROMGOOLE asked the unanimous consent of the House to take up the resolution heretofore submitted by him, calling upon the Secretary of the Treasury for information in relation to the selection of the deposit banks, the agents connected with the same, &c.

Mr. LAWLER hoped the gentleman would waive his motion until he could present a petition.

Mr. DROMGOOLE had given way on several occasions in order to accommodate gentlemen, and by so doing had been prevented from pressing his motion. He could not withdraw it, as it was important, in his opinion, that the inquiry which he proposed should be agreed to.

Mr. HAWES hoped both gentlemen would waive their motions to enable him to call up a resolution which he had offered on the 7th January, in reference to the West Point Academy.

Mr. DROMGOOLE declined withdrawing his motion, when Mr. LAWLER objected to it, but subsequently withdrew his objection.

Mr. ADAMS suggested to the gentleman from Virginia [Mr. DROMGOOLE] that his colleague [Mr. WISE] had proposed an amendment to his resolution, in which he felt much interest, and that, inasmuch as the latter gentleman was not in his seat, the proposition ought not to be pressed at that time.

Mr. EVANS objected to taking up the resolution.

Mr. DROMGOOLE moved to suspend the rule until one o'clock, in order to enable him to make a motion to take up his proposition.

Mr. HOWELL moved a call of the House, upon which Mr. WILLIAMS, of North Carolina, asked for the yeas and nays; which were ordered, and were—yeas 40, nays 115.

So the call was refused.

The motion to suspend the rules was then agreed to—ayes 100, noes 33. [Previous to taking this vote, Mr. WISE appeared in his seat.]

The resolution was then read, as follows:

Resolved, That the Secretary of the Treasury be directed to communicate to this House full information of the mode and manner of selecting banks in the several States or Territories for the deposit of the public money of the United States, of all contracts, agreements, or stipulations entered into with said banks for the safe-keeping of said moneys: that the Secretary of the Treasury also state what agents have been employed, the nature and extent of their agency, and the compensation which such agents have received in any way from the Government of the United States; and that he also state what officers or agents on the part of said banks have in any way participated or been instrumental in the information of any such contracts, agreements, or stipulations concerning the deposit and safe-keeping of said moneys in said banks.

The question pending was the following amendment proposed by Mr. WISE:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposit for the public money; the contracts with the Treasury Department by which they are regulated, the manner in which, and the persons by whom, such contracts are or have been made: into all correspondence whatsoever touching contracts for the deposit of the public money; and into all connection, relation, official or unofficial, which exists, or has existed, between any person or persons and the Treasury Department, or between them and the deposit banks, or any individuals or banks, touching the custody and the control and deposit of the public money, or between any department of the Executive and any individual or individuals, or banks, touching the disbursements of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whatsoever, official or unofficial, connected with the said Department, or said banks, touching the disbursements, safe-keeping, or deposit of the public money; and that said committee have leave to report by bill or otherwise.

Mr. CALHOUN, of Massachusetts, who was entitled to the floor, addressed the House at some length. His object in addressing the House was to submit an amendment to the amendment of the gentleman from Virginia, [Mr. WISE,] because he believed both the original resolution and the amendment as wanting. He could see no great difference between the original resolution and the amendment, except as it related to the transactions of a certain individual with the deposit banks. He proposed to amend, so as to inquire how the public moneys had been used since they had been in the deposit banks; and unless the gentleman from Virginia [Mr. WISE] was willing to make that inquiry, he should consider it a mere personal matter, which did not seem to him to be important. His amendment, if adopted, would go to show in what manner the moneys had been used since they were placed in the deposit banks, which was a matter of the greatest interest to the country, and an inquiry demanded by the people of the country, inasmuch as the whole funds of the nation were now in the hands of those banks, which he understood, from a report of the Secretary of the Treasury, to be at present very nearly thirty-two millions of dollars; and he believed by the end of the present year they would amount to upwards of fifty millions. This money was bringing in no interest to the Government, which he considered might be loaned out for two millions of dollars. This was the reason why an inquiry should be made into this matter; and he hoped such an inquiry would be had. The gentleman who had offered the original resolution [Mr. DROMGOOLE] gave as his reasons for it that he wished some information in relation to the subject, before the bill to regulate the deposit banks came up to be acted on. This might have been the gentleman's object; but he considered, that if this had been his real object, he would have brought forward the proposition at an earlier period of the session. He found that the deposit bill was

reported in the other branch of Congress during the first month of the session, and that a bill for the same purpose was reported in the House about a month ago. Now, although such was the fact, and attempts had been made to fix a day for the consideration of that bill, still no resolution of this sort was brought in for the consideration of the House until the gentleman from Virginia [Mr. WISE] had repeatedly made attempts to get his resolution before the House. From these circumstances, he was led to believe that the resolution was not offered for the object avowed by its mover, but to prevent a searching inquiry from being made. He then went into a comparison of the original resolution and amendment, and remarked that the only material difference between the resolution and the substitute was, that the substitute proposed an inquiry in relation to the connection of a certain individual with the banks of deposit and the Government. He considered it important that the people should know all about these money transactions of the deposit banks connected with the public revenue. He considered they had the right to examine into the manner in which the moneys had been used by the deposit banks, and if they neglected to do so he considered they would be recreant to their duty as representatives of the people; they not only had the right to make this investigation, but were bound to do it. As they stood at present, they could have no information except such as was laid before the Secretary of the Treasury in the monthly statements of the banks, which, being made up by the banks themselves, he did not know that they were always to be depended on.

The amendment proposed to make an investigation into the connection which a certain individual had with the deposit banks. This mysterious relation he considered most important. What was that relation? Was there a gentleman in that House who could tell what it was? Could even the honorable chairman of the Committee of Ways and Means inform them what that relation was? He had not even heard an attempt made to point out the relations of this individual between the deposit banks and the Government. Were they, then, to rest calmly when $50,000,000 would be in the banks at the end of the present year, in the face of the fact, that this individual had much to do with these banks? No; he wanted to know what use had been made of the public moneys. He considered an investigation all important, for the purpose of satisfying the country, because the inquiry was demanded by the people of the country. He said they were called upon by every consideration to look into this matter; and were bound to see what uses had been made of the moneys, and what security there was for the money. When the public moneys were in the Bank of the United States, it was found necessary, on several occasions, to inquire into the state of that institution, and then they had proper legal restrictions. Such being the case, how much more important was it now, that the condition of those banks should be examined into, when there were no legal restrictions! There was also another consideration which should induce them to go into this investigation, which was, that there were suspicions attached to the character of the individual who was connected with these banks by some kind of agency. Not only suspicious statements had been made in relation to him on that floor, but there was evidence, which had been read to the House from the records of the House—the report of the bank-investigating committee. On these considerations he conceived they should make the examination. But there was still another, and an important reason, why the examination should be made, which was, that it was due to the Secretary of the Treasury. The Secretary of the Treasury held a very important station, and had charge of the funds of the nation, and was bound to give an account of the situation of those funds. Now, if an individual was employed by the banks who was subject to meddle with those funds, on whom suspicion rested, he considered it important that the Secretary of the Treasury should be placed in a situation to show that he had no intercourse with that individual. He thought the inquiry should be made for the Secretary's benefit, if not for the benefit of the House; because he considered the Secretary a most able and industrious officer, and should not desire to see any suspicion attached to him. The inquiry was due to him and to the country. There was also a clause in the Constitution which provided that no money should be drawn from the Treasury but in consequence of appropriations made by law; and if it was a fact that an individual, or individuals, drew moneys from the deposit banks, in consideration of the use of the public moneys, he considered it a violation of this article. The Government had always been in debt, until within a short time, when we arrived at an unexampled state of prosperity. But if the corruptions which were frequently spoken of were to creep in, and the moneys to be used for such purposes, he considered that a national debt would have been a national blessing compared with that state of affairs.

Mr. C. then submitted his amendment to the amendment, namely, "the manner in which the public moneys have been used, and the security received for the same."

Mr. WISE accepted this amendment, and modified his own amendment so as to make it come in immediately after the resolution of Mr. DROMGOOLE.

Mr. BOND considered the amendment of the gentleman from Virginia [Mr. WISE] should prevail. He went into an examination to show how much money had been lost to the Government by the failure of State institutions about the time of the late war, and argued that such a state of things might again come to pass. He also contrasted the condition of the finances of the country during the time the United States bank had possession of the public deposits with the present time, and contended that the bank of the United States performed the service of the Government much more satisfactorily than it was now performed.

The remarks of Mr. BOND were arrested by the arrival of the hour of one o'clock.

Mr. McKAY moved to suspend the rules for one hour, for the purpose of resuming the consideration of the bills authorizing the President to accept the service of volunteers, and for the better defense of the western frontier.

Mr. WHITTLESEY called for the yeas and nays; which were ordered, and were—yeas 92, nays 82.

So the House refused to suspend the rules.

Mr. MERCER gave notice that he would, on Monday next, ask leave to bring in a bill to provide for the distribution among the several States of the surplus revenue at present in the deposit banks.

Mr. HARD made an ineffectual effort to take up his resolution for printing an extra number of copies of the report, &c., in reference to a ship channel around the Falls of Niagara.

ORDERS OF THE DAY.

A bill for the relief of Don Louis Rosamond Orillon was taken up, and an amendment offered by Mr. GARLAND, of Louisiana; which was agreed to.

The question being on its engrossment, it was discussed by Messrs. VINTON, GARLAND of Louisiana, BYNUM, HAWES, LANE, and JOHNSON of Louisiana, when the bill was postponed until Friday next.

Several private bills on their third reading were also postponed until Friday next.

A bill for the relief of the heirs of John Brahan, late receiver of public moneys at Huntsville, Alabama, was ordered to a third reading.

A bill for the relief of James Alexander and Ira Nash was passed.

A bill for the relief of Nancy Haggard was taken up, and was discussed at some length (mainly in reference to the principle of allowing interest upon claims for commutation pay for serving in the revolutionary war) by Messrs. ALLEN of Vermont, MUHLENBERG, JUDSON, and CRANE, when the proposition to strike out interest was negatived, and the bill was ordered to be engrossed.

Mr. HARD moved an adjournment; which was negatived without a count.

The bill for the relief of James Trumble, and the bill for the relief of Michael Thornton, were ordered to be engrossed for a third reading.

The House then went into the Committee of the Whole, (Mr. THOMSON, of Ohio, in the chair,) on the following bills:

A bill for the relief of Thomas McCleland and James Smith;

A bill allowing rations to Brigadier General John E. Wool, inspector general United States Army; and

A bill from the Senate for the relief of Benjamin Murphy.

Mr. REYNOLDS said that the bill, as he understood it, presented a claim on the Government for compensation for damages done by the Cherokee Indians; that the Government had moved these Indians west, and located them in such situation that the inevitable consequence was, that they would commit a trespass on the property of the claimant.

If the Government was the means by which the individual lost his property, it ought to be accountable for it; but if the property was destroyed by the man's own imprudent acts, without the agency of the Government, then he ought to be the loser himself. It is admitted that Indians committed the trespass, and it was by the act of the Government moving the Indians to *that* region of country, that the outrage was done.

To excuse the Government from paying for this damage, which was caused by their agency, the gentleman [Mr. VINTON] says this claimant was a trespasser on the lands of the United States, had placed himself out of the pale of protection of the Government, and thereby ought not to have relief.

By an old act of Congress, that has by time and public opinion become obsolete, and, he might say, almost void, these citizens settling on the public lands might be called, and no more than called, trespassers. They are, in *fact*, not trespassers. Public opinion long since has discarded this notion. No one in the West considers these individuals on Congress lands as trespassers. They are respectable citizens, many of them, and in every respect entitled to the privileges and immunities of other citizens.

The American Congress so considers them. Preëmptions to secure these meritorious citizens in their labor and improvements have been passed from time to time, and continued in force for many years. It is the settled policy of the Government, and (Mr. R. said) he hoped it would always remain the liberal and enlightened policy of the country.

He hoped the claimant, because he was settled on the land of the Government, would be placed in a worse condition than the gentleman [Mr. VINTON] would be in the State of Ohio, settled on his own soil, if the Indians, by the agency of the United States, had committed trespass on his property.

The gentleman [Mr. VINTON] said that it was the encroachment of the whites on the Indians that caused these Indian wars, which cost the Government so much money. He instanced the Black Hawk war.

Mr. R. said he would state the facts in relation to the last-mentioned war, as he had an intimate knowledge of the war, and the facts that led to it. The Government had purchased of the Sac and Fox Indians, of which tribes the Black Hawk and band formed a part, the whole country which was invaded by the hostile Indians. These Indians had not one foot of land on the east side of the Mississippi river. They were, in a public council the year before at Rock Island, made acquainted with their rights, and the view the Government had taken of the whole transaction. They were in a friendly manner cautioned against again crossing the river to the east side, in violation of their agreement, and the wishes and advice of the United States. They, in a most solemn manner, pledged themselves not again to violate the command of the Government to recross the river to the east side.

Early in April, 1832, they, in violation of that pledge, and contrary to the command of the Government, crossed the river to the east side, where they had not any land and no well-founded claim to it.

It is true, Black Hawk and a part of his band,

claimed their portion of the land on the east side of the Mississippi, as they said they never had sold it. They were cheated out of it, &c. The nature of this claim, in 1831, in the council at Rock Island, before mentioned, was explained to them, and made them understand that the Government could not be bound by it. They had surveyed part of it, and had actually sold some of it to her citizens. The country did not belong to the Indians. Instead of the white population intruding on the Indians, the reverse of this statement was the fact. The Indians invaded and intruded themselves on the whites; the whites resisted, as they had a right, and were in fact bound to do.

Thus the war of 1832 commenced. It was the aggressions of the Indians that caused it.

The Winnebagoes actually, in 1832, sold out all their land and possessions south of Wisconsin, and agreed to move away and never return. This will be seen by a reference to the treaty made at Rock Island in the State of Illinois, in that year. If they return, they are intruders and trespassers on the lands and possessions of the whites. If any difficulty should arise, they are the trespasers, and must abide by the consequences. If war ensue, the wrong commenced with themselves.

The policy of the Government is correct in moving them away from the whites. No other policy will preserve them at all. If the Indians will violate this humane and benevolent view of their condition taken by the United States, and return among the whites in violation of the treaty, they must expect to receive *rough treatment*. It will surely be the result of their rash and unwise course of conduct. Let the evil be with them.

4. A bill for the relief of John McCarroll, jr.;
5. A bill for the relief of Robert Allison;
6. A bill for the relief of William Hewes;
7. A bill for the relief of the representatives of Colonel Anthony White;
8. A bill for the relief of the representatives of Tristam Coffin, deceased;
9. A bill for the relief of Henry Keefer;
10. A bill for the relief of Francis Bashford;
11. A bill for the relief of Bernard Pompilly;
12. A bill for the relief of Elisha Lucas;
13. A bill for the relief of John Cowper;
14. A bill for the relief of the Lexington, Ohio, Railroad Company;
15. A bill for the relief of James Whitsell and Jacob Stewart;
16. A bill for the relief of the representatives of Captain John Winston, deceased;
17. A bill for the relief of John S. Devlin;
18. A bill for the relief of Patrick Green;
19. A bill authorizing the Commissioner of the General Land Office to issue to David T. Talbot a patent for a quarter section of land;
20. A bill for the relief of Thaddeus Tuttle;
21. A bill for the relief of James Steel.

After some time, the committee rose and reported the second bill without amendment, and that the enacting clause of the third had been stricken out. Upon the remainder of the bills the committee asked leave to sit again; which was granted.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following communications:

A letter from the Secretary of the Treasury in reply to a resolution of the 1st instant, in reference to the quantity of land entered at the Land Office at Augusta, Mississippi; which was laid on the table, and ordered to be printed.

Letters from the Secretary of the Navy and Postmaster General, transmitting, in obedience to a resolution of the 11th instant, a list of the clerks, their compensation, duties, &c., employed in their respective Departments; which were laid on the table, and ordered to be printed.

A letter from the Secretary of the Navy, in response to a resolution of the 17th January, 1835, containing an abstract and statements of compensation and allowance to officers of the Navy, &c.; which was ordered to be printed.

A letter from the Secretary of State, transmitting, in obedience to law, a statement of the number and designation of passengers arrived in the United States from foreign countries in each collection district, &c.; which was laid on the table, and ordered to be printed.

The House then, at half past five o'clock, adjourned.

IN SENATE.

MONDAY, *April* 25, 1836.

The CHAIR communicated a report from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 1st instant, a report of the United States geologists.

Also, a letter from the Secretary of the Treasury, transmitting a statement additional to the statements contained in his report of the 18th instant, relative to the balance in the Treasury, and the condition of the deposit banks.

Also, a report from the Secretary of State, transmitting statements of the number and designation of the passengers who have arrived quarter-yearly in the respective collection districts from foreign countries.

PETITIONS, MEMORIALS, ETC.

Mr. TALLMADGE presented the petition of a number of the inhabitants of the town of Rotterdam, New York, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. ROBBINS presented the memorial of F. G. Brown; which was referred to the Committee on the Judiciary.

Mr. BUCHANAN presented the memorial of a meeting of the religious Society of Friends, recently held in the city of Philadelphia, remonstrating against the admission of Arkansas into the Union while the bill contained the provision in relation to slavery.

Mr. B. (on its presentation) said he rose to present the memorial of the yearly meeting of the religious Society of Friends, which had been recently held in the city of Philadelphia, remonstrating against the admission of Arkansas into the Union whilst a provision remained in her constitution which admits of, and may perpetuate, slavery. This yearly meeting embraced within its jurisdiction the greater part of Pennsylvania and New Jersey, the whole of the State of Delaware, and the eastern shore of Maryland. The language of this memorial was perfectly respectful. Indeed, it could not be otherwise, considering the source from which it emanated. It breathed throughout the pure and Christian spirit which had always animated the Society of Friends; and, although he did not concur with them in opinion, their memorial was entitled to be received with great respect. When the highly respectable committee which had charge of this memorial called upon him this morning, and requested him to present it to the Senate, he had felt it to be his duty to inform them in what relation he stood to the question. He stated to them that he had been requested, by the Delegate from Arkansas, to take charge of the application of that Territory to be admitted into the Union; and that he had cheerfully taken upon himself the performance of this duty. He also read to them the eighth section of the act of Congress of March 6, 1820, containing the famous Missouri compromise; and informed them that the whole Territory of Arkansas was south of the parallel of 36° 30′ north latitude; and that he regarded this compromise, considering the exciting and alarming circumstances under which it was made, and the dangers to the existence of the Union which it had removed, to be almost as sacred as a constitutional provision. That there might be no mistake on the subject, he had also informed them that, in presenting their memorial, he should feel it to be his duty to state these facts to the Senate. With this course on his part they were satisfied, and still continued their request that he might present the memorial. He now did so with great pleasure. He hoped it might be received by the Senate with all the respect it so highly deserved. He asked that it might be read; and, as the question of the admission of Arkansas was no longer before us, he moved that it might be laid upon the table.

The memorial was accordingly read, and ordered to be laid upon the table.

Mr. GRUNDY presented the memorial of William H. Moore and William Gillian, of Tennessee, praying for the remission of duties on goods imported by them, and consumed by fire before their arrival at the place of their destination; which was referred to the Committee on Finance.

Mr. KNIGHT presented the petition of Jeptha A. Wilkinson, praying for a patent right; which was referred to the Committee on the Judiciary.

REPORTS FROM COMMITTEES.

Mr. WEBSTER, from the Committee on Finance, reported several bills from the House, without amendment; also reported, with an amendment, the bill from the House authorizing the Secretary of the Treasury to act as the agent of the United States in all matters relating to its stock in the Bank of the United States.

Mr. DAVIS, from the Committee on Commerce, to which had been referred the resolutions of the States of Tennessee, Illinois, Indiana, and sundry petitions on the subject of marine hospitals, made a report, together with a bill in addition to the acts for the relief of sick and disabled seamen; which was read, and ordered to a second reading.

NOTICES OF BILLS.

Mr. DAVIS gave notice that he would to-morrow ask leave to bring in a bill to amend the act in addition to the act to alter and amend the several acts imposing duties on imports.

Mr. LINN gave notice that to-morrow he would ask leave to bring in a joint resolution providing for the purchase of two hundred and fifty copies of Burr's map of the northwestern frontier.

RESOLUTIONS INTRODUCED.

Mr. GRUNDY submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Cherryville to Brownsville, in the State of Tennessee.

Mr. HILL submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Lowell, by Drainell, Massachusetts, Pelham, Windham, Londonderry, and Manchester, to Hooksett, in New Hampshire.

Mr. WEBSTER, by instructions from the Committee on Finance, submitted the following resolution; which was considered, and agreed to:

Resolved, That the several heads of Departments be directed to report to the Senate their several and respective opinions upon the justice and propriety of increasing the compensation of all or any of the clerks in their respective Departments; and, if they deem such augmentation proper or necessary in any case, that they state their opinion of the reasonable amount of such augmentation.

Mr. BUCHANAN submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of making an appropriation to enable the President of the United States to contract with Luizi Persico for two groups of statues to complete the eastern front of the Capitol.

Mr. HUBBARD submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing to Benjamin Porter, a surgeon's mate in the Navy, during the war of the Revolution, the commutation pay granted to such officers under the resolution of the old Congress.

NAVY APPROPRIATION BILL.

On motion of Mr. SOUTHARD, the Senate proceeded to the consideration of the bill making appropriations for the support of the Navy for the year 1836; and the amendments reported by the Committee on Naval Affairs being read,

Mr. WHITE said he would be glad if some member of the committee would explain the objects of these amendments, and why so large an increase of the appropriations made by the House was deemed necessary by them.

[The amendments increased the appropriations of the House nearly two millions of dollars.]

Mr. SOUTHARD explained that the increase of the appropriations, particularly in the largest increase, ($570,160,) was for keeping a greater number of vessels afloat than was recommended by the Executive at the commencement of the session, thereby incurring a great additional expense for the pay and subsistence of the officers and seamen. The increase of this item of

expenditure had been recommended in a communication received from the Navy Department, since the receipt of the President's message at the opening of the session. It was also contemplated by the committee to employ four steam vessels for the defense of the coasts, and to fit up three of the ships of the line, to be used as receiving ships at each of the three navy-yards at Boston, New York, and Norfolk, but so far completed as to be in a situation to be fitted for sea at a very short notice, should the defense of the country require it. The other increased appropriations were for dry-docks, completing a steam vessel, a navy hospital, and a powder magazine at Boston and New York, and for the purchase of sites and the erection of barracks at Brooklyn, Gosport, and Pensacola, not provided for by the House of Representatives.

Mr. HILL said the amendments proposed by the Committee on Naval Affairs in the Senate provided for an addition to the bill as it had passed the House of nearly $2,000,000. It added simply to the pay of officers and seamen of the Navy more than $500,000. He was unable to divine why this great addition to the Navy expenditures was now to be made. When the bill was first taken up by the House of Representatives, our foreign affairs, in a highly critical state, seemed to require an increased expenditure; and the bill had passed the House making considerable increase. Yet, this was not enough. The chairman of the Naval Committee, [Mr. SOUTHARD,] who a few days ago made a speech in favor of distributing among the several States $27,000,000, now recommends an addition of other millions to the naval appropriation. How gentlemen can vote for these extravagant, these uncalled-for appropriations, at the same time they vote to distribute the surplus, he (Mr. H.) would not attempt to explain. He was anxious to see who of this body were in favor of these appropriations—he wished the ayes and noes to be placed on the Journal on the principal amendments proposed by the Naval Committee. It was indeed extraordinary that the Executive should now recommend these increased expenditures over and above what was recommended by the Executive three months ago, when the estimates were sent from the Department to the committee of the House of Representatives. If the Executive shall be thus unsteady and wavering in its recommendations, its wishes would not be much regarded in any vote he (Mr. H.) should give.

[Mr. SOUTHARD having explained that the estimates differing from those of the House resulted from a changed view of the importance of the Navy, and said they were derived from the commissioners of the Navy,]

Mr. HILL continued: He would not regard communications coming from a subordinate bureau of any Department as executive recommendations. He could not, knowing their sentiments in relation to the Chief Magistrate, take the recommendations of the Navy commissioners as his guide.

The hour of one o'clock having arrived, Mr. CALHOUN moved to lay the bill on the table, for the purpose of taking up the special order; which motion was agreed to—ayes 16, noes 11.

PROCEEDS OF THE PUBLIC LANDS.

The bill to distribute the net proceeds of the sales of the public lands among the States, and for granting lands to certain States, was then taken up as the special order of the day; when

Mr. WHITE said the circumstances with which we were now surrounded were not only novel, but were different from those of former times when a debt was due by the nation, and no money in the Treasury beyond the sum necessary to meet the ordinary expenses of the Government. Now the nation owed not one cent, and the Treasury was full to overflowing. In this state of things, after satisfying every ordinary demand on the Government, every man supposed a surplus would be left. For the distribution of this surplus various *projects* had been offered, and this among the rest. He had compared this one with each of the others, with a view to make a selection of that one which he conceived most advantageous to the country. The question arose, has Congress the power to make this distribution? If it had not, then the inquiry into the expediency or policy was useless. Some years ago it was foreseen that there would be a surplus; and, if he was not mistaken, the President had made a communication in relation to it. The Secretary of the Navy, Mr. Dickerson, when in Congress, had made a report on the subject in 1825,-'26, from which he read extracts to show the great advantages which he (Mr. D.) thought would result from an equitable distribution of the revenue for the purposes of education and internal improvements, which report (Mr. W. said) was not confined to the revenue from one source or another, but embraced the whole revenue, and that it even recommended a distribution of a portion of the revenue in anticipation of the gradual extinguishment of the national debt; and asserted that it would relieve Congress from a great source of unnecessary legislation. When the present Chief Magistrate came into power, so far as he knew in the section of country in which he lived, it found very considerable favor among the mass of the people. He quoted the recommendation of the President to distribute the surplus revenue in a ratio of representation among the States, and that if there were any constitutional doubts, to apply to the legitimate source, the States, for their removal. He cited the report of the Secretary of the Treasury, Mr. McLane, in 1831, in favor of the constitutional power of Congress over the revenue from public lands, to appropriate them to the purposes of education and internal improvement. No distinction was observed in the message of the President; but the Secretary of the Treasury saw difficulties ahead, and seized upon it, and suggested how it should be met, by purchase by the United States.

He believed the doctrines of the Chief Magistrate were correct. They were not called on to decide the question, whether revenue arising out of all sources was constitutionally subject to a general distribution. Had they not the power (he asked) to correct the mistakes of the Government in collecting the revenues? Suppose (said he) you estimate fifteen millions as the amount necessary for the expenses of Government, and when you come to collect it it amounts to seventeen millions, must you let that two millions be locked up forever? Or have you the power to correct the mistake by returning the excess to the people from whom it comes? In cases where the Government took from an individual more money than was due from him, where (he asked) did they get the power to refund? They had the power to assess and collect taxes, and pay him out of it. It would be thought strange if one man, in settling with another, should not have the power to correct mistakes; and why should not the Government have the same power as individuals? He agreed with the President, that when a doubt of the power existed it ought not to be exercised. But the question is, (said he,) whose money is it you have got in your Treasury? You do not know who you received it from, and therefore cannot return it to its rightful owners. All the public lands were acquired either by deeds of cession or by purchase. The deed of cession from Virginia, in 1784, contained an express provision, that these funds were to be applied for the benefit of all the States in the Union, or that should thereafter be admitted.

But it was said this deed was made before the new Confederation, and before which each State contributed its proportion to the support of the Government. Suppose (said he) that form of government had continued, and the national debt had been paid off, and it had acquired a surplus, as it has now. In that case (he asked) what became of the question, what shall be done with the surplus revenue? They could dispose of it only by distributing it on the same principle by which it was paid in. If they were obliged to appropriate, as other appropriations, that was another matter, in which the question of distribution was not involved.

It had been objected, that in making a distribution among all the States they would include the grantor as well as the other States. If his views were correct, they would not only have the right to make appropriations as trustees, but it was their bounden duty, under the old Confederation, to return the excess to the States. He cited a clause in the sixth article of the Constitution to show that a change of Government was not intended to change the relative rights of any of the States, but that they stood in the same situation as before; and also cited authorities to show that Congress had clearly the power over the fund arising from the public lands. Although they had a general power to collect taxes, yet that power was necessarily limited to the objects for which it was given. If, by giving a section of land along a line of canal, it would increase the value of the rest, nobody would doubt the power of Congress to do so.

But it was said that Louisiana and Florida were purchased. How were the lands in these new States acquired? By the avails of the public lands, which enabled the Government to purchase more lands; and these newly-acquired lands in Louisiana and Florida would be decreed in a court of chancery to be held as the other lands were held in trust by the Government. With this view of the subject, his mind was clearly settled down that Congress had the power to distribute the surplus revenue from the public lands. But it was said, that, after all the appropriations were made, there would be only four or five hundred thousand dollars to dispose of. In settling this question, he doubted the propriety of going into an account of dollars and cents. He asked whether the public lands were to be debited with the expense of the removal of the Indians and the payment of agents? The trustee was bound to give all the benefit to the person for whose trust he held the money, and the person for whose use and benefit the trustee undertook to apply his money faithfully, had a right to expect the full benefit. He spoke of the great importance of the purchase of Florida to the country, and especially the southern States, in preventing a lodgment of a foreign enemy, independent of its pecuniary value. He had no doubt that, after deducting these sums, improperly debited to the public lands, and allowing a reasonable sum for all necessary appropriations, there would be enough left to fully equal the amount proposed for distribution He would not go into so labored an argument as some others to show what would be left in the Treasury.

At the close of the last quarter, there were in the Treasury thirty-one millions; and, at the end of the next quarter, there would probably be thirty-three millions, and they had in bank stock, nominally, seven millions, but which would probably be equal to seven millions five hundred thousand dollars, and by adding these sums together they had at the end of the year about seventy-two millions. To avoid everything like mistake, he deducted three millions five hundred and sixty-seven thousand dollars, and still there would be upwards of sixty-seven millions left. The late Secretary of the Treasury, Mr. McLane, had estimated all the ordinary wants of the Government at fifteen millions, and, taking that as the data, there would still be twenty-five millions left; and he confidently asked, if, after all the wants of the Government were provided for, there would be twenty-five millions needed, unless they increased the Army and Navy to an unreasonable extent? He cited documents from the War Department to show that a great increase of the Army was not wanted, and that the notion of fortifications, on the scale contemplated, was exploded as not calculated for general defense, and that they were useful only at certain important points; and that a board of examination had been recommended to point out the most eligible points for their erection; and that it was not recommended to go on with all the fortifications this year, but to expend the appropriation this year in completing those already begun. Forts, if not manned and armed, might serve the enemy as a place of security and annoyance, instead of defense against them. The radicals in 1822, 1823, 1824, and 1825, were in favor of the fortification system. They might think they could take the lead and regulate public opinion on that subject, but they would find that public opinion would regulate them, if they saddled a standing army on the country.

These armies employed to fight for the Government would think it necessary to do their voting, and the militia of the country would rise

en masse, and vote and abolish them. They might give what they pleased for their navy, and get out all the timber they could to build all the ships they could, and they could not consume the surplus. He understood there was a project started to invest the surplus in stocks—but that would increase the difficulty, and instead of getting clear of the surplus, they would have an increase of it.

The Committee on the Post Office and Post Roads had brought to bear a steam power to help them to get rid of it, and to that system he entered his solemn protest. The Postmaster General had now the power to make contracts with these steam-car companies for the transportation of the mails, and if he had not the power he was in favor of giving it to him. He argued, at very considerable length, against the measure proposed by the Committee on the Post Office and Post Roads, to show the difficulties in which it would involve the Government in becoming connected with these companies, and if the power was doubted in passing the distribution bill, the post office bill was still more objectionable. He relied upon the sound integrity of the Chief Magistrate in reconsidering his former views, when he found the people desired this distribution of the surplus. If, then, they had money enough, and none of these *projects* were received with the same favor as this, the question was, whether it would not be sound policy to adopt it. It was said that its passage would have the effect to destroy a spirit manliness, which was necessary to keep the Federal Government in tone. When the people would understand that the money they received was not a gratuity or a bounty, but was taken from their own funds, and returned to them, they would not be decoyed into useless experiments. He would never think of distributing, except in cases of an extraordinary accumulation like the present. The State governments understood quite as well how to manage their affairs as the United States did to manage its affairs, and would make a judicious disposition of the quota they would respectively receive.

Another difficulty was suggested. There was a number of new States, and some going to be admitted, and if they went into the system of dividing the revenue from the public lands, the old States would hold on to the high prices, and never consent to the reduction of them. It was right for gentlemen from the new States, who really thought so, to oppose this bill; but he did not believe the objection well founded. They must always suppose an integrity and magnanimity of character in the thirteen old States upon which they could rely for justice. He had been raised in a new State himself, and he was ready to say that, the moment he voted for the distribution, he would be ready to vote for a reduction, so as to enable the inhabitants of the new States to purchase land for a home for themselves and families. He had voted against the amendment offered by the Senator from Mississippi, [Mr. WALKER,] because he did not think it could answer the purpose intended, but declared himself friendly to a gradual reduction that would benefit the settlers, let the fate of this bill be what it might, and would vote for a graduation principle such as would protect the honest settler. If anything should put him out of humor on that subject, it would be because his own State had not received anything from the General Government. He spoke of the facilities loans from banks afforded to combinations for the purposes of speculation, and of the inability of those not concerned in them to compete with them in the purchase of public lands. Those speculators lived upon their wits instead of their labor. He closed by portraying the general benefits that would result from the passage of the bill, which would check this system of speculation, and bring back a return of a wholesome and sound currency; it would be the means of sustaining these banks; it would be invested in internal improvements and general education, and none of the other projects ought to come into collision with it, as there was money enough for them all. It was returning to the States what was their own money, and he would never consent that they should be treated as infants, incapable of acting for themselves.

Mr. WALKER submitted the following amendment: Strike out the distribution according to the last census, and insert a distribution according to the compound representation of the respective States in the Senate and House of Representatives.

Mr. WALKER said that if this distribution bill should be forced upon us, whether he should vote for or against it, he wished to see it made as perfect as possible. His amendment was in accordance with that feature of the Constitution which regarded the States as coequal sovereignties, which provided for their equal representation in the Senate, and which gave each of them two electoral votes in addition to their number of representatives in the other House of Congress. If the distribution principle was to be adopted, he could not think it proper, under existing circumstances, to look upon the States as counties, and wholly disregard their rights as equal members of this great Confederacy. The principle proposed by him, whilst it did not divide the moneys equally among the States, yet was a nearer approach to equality than the proposition embraced in the bill as it now stands. Mr. W. then proceeded to show what States would be the gainers by this amendment, specifying the exact amount for each State. He said the proportion of Mississippi would be nearly doubled, and that of little Delaware nearly tripled.

Mr. CLAYTON returned his thanks to the gentleman from Mississippi for his kind intentions towards little Delaware, though she would be glad to get the proportion allotted to her in the bill in the shape it came from the committee. Should any measure in favor of little Delaware come before them on a future occasion, he would be happy to receive the gentleman's support; but, for the present, he must beg to decline his proffered kindness. The bill gave to Delaware her proportion; not according to the ratio of her representation in the other House; not according to the number of her Senators and Representatives in both Houses; but apportioned her share of the distribution on the basis of her Federal population, which was the only true and just principle of distribution. With this, Delaware would be satisfied.

Mr. CLAY opposed the amendment as not in accordance with the provisions of the deed of cession from the State of Virginia, declaring that the lands given by her should be held for the common benefit of all the States then in the Union, and those that might thereafter come into it; and that the distribution should be made in proportion to the burdens borne, respectively, by the several States, of the general expenses of the Government. The amendment, therefore, of the Senator from Mississippi, would be unconstitutional; the only true principle of distribution complying with the terms of the deed of cession, was on the basis of Federal population.

Mr. WALKER replied, disclaiming any disrespectful reference to Delaware, and eulogizing her valor and patriotism at the period of the Revolution. He said that, if the distribution proposed by him violated the terms of cession, so did this bill; for it proposed to give a certain additional percentage of the proceeds of these lands to some States, and not to others. Mr. W. denied that his proposition violated the terms of the compact. These terms (admitting even that they remained in force after the adoption of the Constitution) did not grant these lands as a common fund to the several States in proportion to their population, but upon a different ratio, namely, in proportion to "their usual respective proportions in the general charge and expenditure." Now, (said Mr. W.) the "usual general charge" in carrying on this Government is not in proportion to population. The exporting States, of which Mississippi is one of the largest, bear a proportion in sustaining this Government, both in war and in peace, far beyond their population. In war they bear nearly the whole pecuniary burden, for their great staple falls to a mere nominal price, whilst home manufactures rise in value; and in peace, the tariff, from which we derive our revenue, whilst it is thought to aid the manufacturers of the North, depresses the value of the southern staples. In any point of view, the charges upon the people of the Union are not in proportion to population. It is true, direct taxes are in proportion to the Federal population, and we are told taxation and representation go together; but taxation and representation do not go together in their full extent under our form of Government; otherwise, the large and the small States would not be equally represented in the Senate. If representation is to be the criterion, that criterion, under our Constitution, should be the representation in both Houses of Congress, as he (Mr. W.) proposed. If taxation was to be the criterion, direct taxation would furnish no practical rule on the subject. Direct taxation was one only of the modes of supporting this Government—a most unusual one—and Mr. W. thought it probable would never be resorted to again. The "*usual* general charge" upon the States is the *tariff*; and this does not operate in proportion to the population.

Whilst Mr. W. was no believer in the forty bale theory, yet he proceeded to prove under the tariff system the exporting States bear more than their proportion of the charges of conducting the Government; it affects them both as consumers and exporters, whilst those States that export nothing are affected as consumers only. Mr. W. then pointed to that clause of the bill which proposed to distribute the proceeds of the sales of the lands in 1840 and 1841, according to the last census, whereas they should, according to the theory of the bill, be distributed according to the next census, which will greatly increase the share of Mississippi, and ought to be done if the present ratio was retained.

Mr. NILES made some remarks in favor of the amendment. He said these lands were ceded as a common fund, to pay the debts of the Confederation and carry on the war; and if they were considered a fund belonging to the States, there was much reason to believe they belonged to them as sovereignties; but if they were the exclusive property of the Union, then there was an arbitrary power in the Government over their distribution. He regarded the whole scheme as an indirect system of internal improvement, and in carrying it out a regard ought to be had to the distribution among the States according to their respective wants and necessities; they ought to give the most to those that needed it most. Some States had just commenced their internal improvements, and would need more than others. The State of New York had finished hers, and would not need any assistance. If there was any principle in this bill, it was in favor of this amendment. The States had formerly stood upon equal footing, and little Delaware then stood up as an equal with Virginia. He belonged to one of the small States, and was opposed to the whole scheme; bu tif they were to be bought up he wanted as high a price as he could get.

Mr. CLAYTON referred to the deed of cession from the State of Virginia to show that the principle contained in the amendment was unconstitutional. The deed of cession required that the distribution of the fund arising from these lands should be made according to the respective proportion contributed by them of the general charges and expenditures of the Government. Now, could the gentleman from Mississippi tell him that Mississippi and Delaware paid a proportion of the expenses of the Government equal to the proportion of their Senators and Representatives in Congress? and if not, how the distribution proposed by his amendment (taking the additional amount given to these two States from the other States) would be just? Now, the apportionment on the basis of Federal population was the only just one, because it was on that basis that the direct taxes were apportioned. Mr. C., after taking a view of the two messages of the President recommending a distribution of the surplus revenue on the basis of Federal population, and reading copious extracts from it, said that the distribution on that basis, as recommended by the President, was the only just one, and that he heartily agreed in opinion with him. By apportioning the distribution according to the representation in the other House, Delaware would be treated with great injustice, because she had but one Representative, and wanted but a fraction of population, according to the apportionment of Representatives, to entitle her to two; while a distribution, according to the number both of Senators and Representatives, would give Delaware three shares, though she was entitled to but

two, or nearly two, and would be unjust to the large States.

Mr. WALKER said he had not said the additional percentage was unequal; he had only said it was not according to the proposed ratio of Federal population; and therefore, if this ratio could be departed from in the one case, it could in the other, as proposed by him, [Mr. WALKER.] That the distinguished Senator from Kentucky [Mr. CLAY] must be hard pressed for argument when he rallied the friends of the bill against a just amendment, by saying it had emanated from him, [Mr. WALKER,] an enemy of the bill. Mr. W. said it was true he had feared the policy of the bill was to defeat preëmption laws, to keep up the price of the public lands, to keep up the tariff on the lands of the West, whilst it was reduced in all other cases; and that he had deeply lamented the failure for the present of this amendment, reducing the price for four forty-acre lots in favor of actual settlers only, which would have greatly benefited the poor man and the actual cultivator of the soil. But he had not told the Senate how he should now vote. Since this bill was introduced, the old States had, he feared, become more and more rigid in regard to the settlers in the new States—that they were now opposing preëmptions as well as a reduction of the price. That as regards the settlers, the speeches of gentlemen in their favor were very good things; but when gentlemen spoke one way for the settlers and voted another way against them, their speeches amounted to less than nothing. That no provision as regards any ratio of distribution was designated by the Constitution; and that to disregard the representation of the States in the Senate altogether was to make an approach towards breaking down the State sovereignties and consolidating the Government.

Mr. W. said there were peculiar reasons why the principle of distribution which he proposed now might be very just at this period, and yet not constitute a standing precedent. All the new States (but one) are small States, whose fund would be increased by the principle he proposed to adopt; and that this would be only returning to the people of the new States, who paid into your Treasury nearly all this fund, a large ratable proportion of the moneys paid by themselves. Mr. W. said, if he had proposed to divide this fund equally among all the States without regard to population, there might be some ground to complain; but when his proposed distribution adopted the compound ratio of representation in both Houses fixed by the Constitution, it would come much nearer to a just basis, under existing circumstances, than the last or the next census.

Mr. CLAY said that the gentleman from Mississippi, it was true, offered strong inducements to Delaware to obtain the support of her Senator to his amendment, and, these failing, he had offered another by way of compliment to her Senator, and that had also failed, the Senator from Delaware's sense of justice outweighing all other considerations. The gentleman referred to the inequality in the bill which gave the twelve per cent. to the new States. If the Senator's sense of justice towards the old States was so strong as to induce him to move to strike out this provision, and he could get the gentlemen from the other new States to agree with him, he (Mr. C.) did not know that he would persist in a desire to retain it. Mr. C. then went on to show that the distribution according to the basis of Federal population was the only just one, and urged the Senate not to adopt the amendment, as striking at the very principle of the bill.

Mr. PORTER observed in reply to Mr. WALKER that, as the Senator from Mississippi had not given any pledge to vote either for or against the bill, he was still open to conviction, and he hoped that he might be induced to go for it. Now, he had made up his mind to vote for the bill, and being friendly to it he dreaded the effect the amendment would have in the other House. In the Senate the small States were strong, but in the other House the tables would be turned; there will be (said Mr. P.) forty to one against us. He therefore could not vote for the amendment, as he believed it would defeat the bill.

Mr. BLACK observed that he had carefully examined the deed of cession from the State of Virginia, and was satisfied, after full reflection, that the amendment of his colleague conflicted with its provisions. He was therefore compelled to vote against it.

The question was here taken on Mr. WALKER's amendment; and it was rejected—yeas 6, nays 37; as follows:

YEAS—Messrs. Benton, Ewing of Illinois, Linn, Niles, Robinson, and Walker—6.

NAYS—Messrs. Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, McKean, Mangum, Moore, Morris, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Shepley, Southard, Swift, Tallmadge, Tomlinson, Webster, White, and Wright—37.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 25, 1836.

The unfinished business of Monday last was taken up, being a motion to excuse Mr. UNDERWOOD from voting on laying an appeal on the table taken by Mr. WISE, from a decision of the CHAIR, that a memorial presented by Mr. SLADE against the admission of Arkansas into the Union, on the ground of the toleration of slavery, went, under the order of the House, to the committee appointed under the resolution of Mr. PINCKNEY.

Mr. UNDERWOOD was then excused from voting; and the motion to lay the appeal on the table was carried—yeas 127, nays 62, as follows:

YEAS—Messrs. Adams, Anthony, Barton, Beale, Bean, Beaumont, Bockee, Bovee, Buchanan, Bunch, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coffee, Connor, Craig, Cramer, Cushing, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Effner, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, James Garland, Gillet, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Haynes, Henderson, Hoar, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Laporte, Lawrence, Gideon Lee, Joshua Lee, Thomas Lee, Luke Lea, Leonard, Lincoln, Logan, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McCarty, McComas, McKeon, McKim, McLene, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Peyton, Phelps, Pinckney, Reed, Rencher, John Reynolds, Ripley, Rogers, Seymour, Shields, Shinn, Sickles, Smith, Spangler, Speight, Storer, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Webster, Weeks, Whittlesey, and Sherrod Williams—127.

NAYS—Messrs. Chilton Allan, Heman Allen, Bailey, Bell, Bond, John Calhoon, William B. Calhoun, Campbell, George Chambers, John Chambers, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Corwin, Crane, Darlington, Denny, Evans, Everett, Glascock, Granger, Graves, Grayson, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Heister, Holsey, Hunt, William Jackson, Janes, Jenifer, Henry Johnson, Lawler, Lewis, Love, Lucas, Sampson Mason, McKay, McKennan, Mercer, Morris, James A. Pearce, Pettigrew, Phillips, Potts, Russell, William B. Shepard, Slade, Sloane, Standefer, Steele, Vinton, Washington, White, Lewis Williams, and Wise—62.

The next subject in order was an appeal of a similar character taken by Mr. SLADE on the 11th instant from a like decision upon a petition presented by Mr. S. on that day.

Mr. SPEIGHT, in order to put an end to the discussion on the appeal, moved that it be laid on the table, together with the subject connected with it.

Mr. WISE had received a letter from certain persons connected with Bristol College, which denied that they had signed any memorial in reference to slavery in the Territories.

Mr. SLADE had not stated that the persons alluded to had signed the memorial which he presented from Bristol.

Mr. MORRIS asked for the yeas and nays on the motion to lay on the table; which were ordered

Mr. ADAMS had in his possession similar petitions, and inquired of the Chair what would be the effect of laying the appeal on the table, and whether or not the petition would also be laid on the table, or go to the select committee?

The SPEAKER replied that, if the motion to lay the appeal on the table prevailed, it would carry with it the whole subject, and that the action upon the petition would be suspended, subject to the point of order upon the appeal, and would remain suspended until the House should take up and decide the point of order arising upon that appeal.

The question was then taken; and the appeal was laid on the table; yeas 110, nays 63, as follows:

YEAS—Messrs. Ash, Ashley, Barton, Beale, Bean, Beaumont, Bockee, Boon, Bovee, Boyd, Buchanan, Bunch, Burns, Bynum, Cambreleng, Carr, Casey, Chapin, Clark, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickerson, Dromgoole, Dunlap, Effner, Fairfield, Farlan, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Gillet, Graves, Grayson, Haley, Joseph Hall, Hamer, Samuel S. Harrison, Albert G. Harrison, Hawes, Haynes, Henderson, Hopkins, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Gideon Lee, Leonard, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Mercer, Montgomery, Morgan, Muhlenberg, Page, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Pettigrew, Phelps, Pinckney, John Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Sickles, Smith, Speight, Taliaferro, Taylor, John Thomson, Turrill, Vanderpoel, Wagener, Ward, Webster, and Sherrod Williams—110.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bell, Bond, Bouldin, Briggs, Campbell, Carter, George Chambers, John Chambers, Chapman, Childs, John F. H. Claiborne, Corwin, Crane, Darlington, Evans, Everett, James Garland, Glascock, Granger, Griffin, Hard, Hardin, Harlan, Hazeltine, Heister, Hoar, Holsey, Howell, William Jackson, Kennon, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lucas, Lyon, Sampson Mason, Maury, McKennan, Milligan, Morris, James A. Pearce, Phillips, Potts, Reed, Russell, Slade, Spangler, Standefer, Steele, Storer, Waddy Thompson, Towns, Washington, Whittlesey, Lewis Williams, and Wise—63.

PROCEEDS OF THE PUBLIC LANDS—GENERAL HARRISON.

The House resumed the consideration of the resolutions of the Kentucky Legislature in favor of a distribution of the proceeds of the sales of the public lands.

The question pending was the motion of Mr. WILLIAMS, of Kentucky, to refer the resolutions to the Committee of Ways and Means, with instructions to report a bill for the distribution of the proceeds aforesaid among the several States for purposes of internal improvements and education.

Mr. HAWES rose to proceed in the remarks which he had heretofore commenced.

Mr. WILLIAMS, of Kentucky, contended that, by giving way for other business on former days, his colleague had waived his right to the floor, and that, under the rule, he could not again address the House until every other member had spoken who chose to do so.

The sense of the House was taken, and it was decided, without a count, that Mr. HAWES was entitled to the floor.

Mr. HAWES said it had been so long since he had submitted the preceding part of his remarks, that he scarcely remembered at what point of the debate he had left off. He should, however, before coming to the subject of distribution, touch upon the military career of General Harrison during the late war. The able and indefatigable member from the State of Illinois [Mr. CASEY] had offered a proposition to graduate the price of the public lands. The subject now under consideration was to distribute the proceeds of the public lands among the several States, according to their Federal numbers. This proposition, if carried into effect, he believed, would entirely prostrate the interests of the western country; and he had said before, that he never could consent that the interests of the land of his adoption should be thus prostrated. He asked if it would not be better to take the bill of the gentleman from Illinois in preference to the proposition then under discussion? That bill, if carried into effect, would go to enhance the prosperity of the West. There were a portion of the people of the United States who considered that it was unconstitutional for the General Government to makes internal improvements; and yet, under the operations of the land bill, it would be to force the States to do that which the Government itself could not do. Since Mr. H. had had the honor of addressing the House, his friend from Ohio [Mr. STORER] had taken occasion, in Committee of the Whole, to answer the remarks which Mr. H. had made on that occasion, although he had not, as the House well knew, finished his speech; the effect of which was, that the speech of the gentleman from Ohio, in answer to his, was laid before the people of the country before his was finished. He

therefore hoped that he might be permitted then to answer the speech which purported to be an answer to his.

The CHAIR stated that, as he was not permitted to do so by the rules of the House, he must put the question to the House.

The question was then put, and Mr. HAWES was permitted to reply to the remarks of the gentleman from Ohio.

Mr. HAWES observed that he felt thankful to the House for the favor, because, otherwise, the speech of the gentleman from Ohio, in answer to his, never could have been answered by him. The speech of the gentleman in pamphlet form, was the most singular looking article of the kind he had ever seen. It purported upon its face to be a speech in answer to his, in relation to the military conduct of General Harrison during the late war; yet when it came to be opened and looked into, instead of its being a speech, four fifths of it were certificates to the conduct of General Harrison during the late war; so he thought the best designation he could give it would be, the certificate speech of the gentleman from Ohio. It never was his intention to charge a want of personal bravery in General Harrison during the war. He had, however, a right to inquire into his military character, as it was on that ground alone that his colleague [Mr. HARDIN] called on the people of Kentucky to support him for the highest station in the people's gift. This being the case, and as on this alone were rested his claims for the Presidency, Mr. H. considered it a duty to show on what basis these claims were founded. His friend from Ohio, too, had introduced as many certificates of character of General Harrison as a physician would have strung to a patent medicine he wished to recommend to the country. He asked if it was necessary, in this instance, to support the military character of a commanding officer by a long list of certificates? It had been observed by one now in a high station, that the character of a military man was always injured by certificates, because it led men to doubt whether he had acted bravely. He asked if a man would go to get certificates of character, unless charges had been made against that character? Certainly not. What would be thought of a female, who would go through the land to get certificates of character? Why, it would be thought that serious charges had been made against her character. He considered the character of a military man as delicate as that of a female. He discovered, too, in these certificates, that they were all colonels, majors, generals, &c. It would be recollected, however, that during that period of the war, these men were not colonels, majors, and generals, but were the mere subordinate officers under the command of General Harrison, and that they became colonels, majors, and generals, subsequent to that period. At the time they gave the certificates alluded to, they stood pretty much in the same relation to General Harrison that his friend from New York [Mr. GRANGER] now did—as lieutenant, or second in command. They were his mere subordinates, and dependent upon him; and he made this allusion to show that they should not be carried before the country as colonels and generals at that time. But he asked where was the certificate of the individual who commanded the fourth regiment at Tippecanoe—that regiment which shed luster and glory on the country? General Harrison had the certificates of all his subordinates; but Mr. H. asked where was the certificate of the commander of that regiment? He appealed to some of the gentlemen in that House if they had not heard, on various occasions, General Boyd speak of the military character of General Harrison in a different way from that of these certificates. The reason why his certificate was not produced was, that it would go in opposition to those laid before them, because he was of a different opinion from those who had given these certificates.

He had said before, that the battle of Tippecanoe was the best action of General Harrison's life, save one, and that one was, when the hand of Providence directed him to come to Washington to throw up the command of the army, in order that the hero of Orleans might be appointed in his stead. Mr. H. said, if they did not take the conduct of General Harrison at the battle of Tippecanoe as evidence of his powers, they might look in vain for what he had done in any other field. He believed the gentleman from Ohio had said that the general once had a hole shot in his hat. As certificates had become the order of the day, Mr. H. would read the opinion of Major Madison, who was not the subordinate of General Harrison, nor dependent upon him for support, but who was the Governor of an independent State; and he stated that the reasons why the day was so calamitous, was, that the part of the army under command of General Harrison was kept at such a distance from the remainder of the troops that they could not be brought to act in concert with them; and Major Madison had much better means of ascertaining the true state of facts than one of General Harrison's subordinates. Yet, notwithstanding that General Harrison generally kept a considerable distance from the enemy, he was to be brought before the people for the Presidency as the hero of the last war, with a long string of patent-medicine certificates, patched up by the gentleman from Ohio, while those who actually fought and bled in some of those battles were to be cried down by those gentlemen. But Major Madison stated that if even five hundred men had been sent by General Harrison to the relief of those who were engaged in that conflict, it would have been a victory instead of a defeat. He asked the gentleman from Ohio if he would rest the claims of an individual for the Presidency on so flimsy a foundation as this? That General would not even send five hundred men to save the slaughter of his fellow-citizens on that occasion; and yet they were called upon to support that General for the Presidency on no other ground than his great military achievements. He would tell his colleague, who had based his claims of General Harrison on his military achievements, that, because of the recollections of the field of Raisin, the people would most assuredly defeat him. The gentleman from Ohio had thought that Mr. H. was taking upon himself that which ought to have been left to some of the gentlemen from Ohio. He would tell the gentleman that he had a very warm feeling for Ohio; and when he saw a sister State slandered, and that too by an individual who was now coming forward to ask them for their votes, he, as a Kentuckian, should make an effort, however humble it might be, to throw back that slander. He had understood the gentleman from Ohio to say that when Ohio needed his (Mr. H.'s) services, she would send a special messenger. He would tell the gentleman that he would always be found ready to do justice to Ohio or any other State without being sent for by a special messenger. He would also tell the gentleman, that if the people of his State had been spoken of thus, he would not have endeavored to pass it over by showing that some other person had spoken in like manner of the people of another State; but he would at once have pronounced it a slander. How did the gentleman from Ohio justify this charge which General Harrison had made against the people of Ohio? He justified it by saying that General Jackson spoke in the same manner of the Kentuckians at New Orleans. Had his friend forgotten the history of the matter? It must be recollected that that matter was investigated by a court-martial, which determined that the Kentuckians had acted like true soldiers, and the judgment of the court-martial was signed by General Jackson himself. If General Jackson had done injustice to the Kentuckians, he immediately withdrew it by signing their acquittal; and Mr. H. had no doubt but that General Harrison would now sign an acquittal for the people of Ohio, since he had become solicitous of their votes. But the gentleman from Ohio had been bringing forward certificates to back General Harrison in the charges he made against the people of Ohio.

Mr. STORER said, what he had said on that subject was, that it was in a time of universal dismay, in consequence of the massacres that had taken place. He had said that the people were, for a time, panic-struck, and that dismay pervaded the frontier, but that they were not in fear or dread.

Mr. HAWES resumed: He denied this asseveration, although upon the authority of the gentleman from Ohio, because he believed a braver people never did exist than the western people; and he asked those who were old enough to know, if the time ever was when dismay pervaded the West. It did not. Enlistments were unnecessary because enough volunteered to answer every purpose; and this he did not think looked much like dismay or disinclination to the service.

Mr. H. said General Harrison ought not to receive the vote of Kentucky on account of his great military talents; and on this alone his colleague had rested his claims to the presidency. He was willing to do justice to that individual, and would again repeat what he had said once before, that he did not intend to make any charge against his personal bravery; but he considered his military character as public property; and so he should exercise the privilege of treating the military character of any individual. He again said that he should not have mentioned the name of General Harrison at all, and should not have found it necessary even to allude to his military character, had it not been for the remarks of his colleague, [Mr. HARDIN.] The gentleman from Ohio [Mr. STORER] thought Mr. H. had acted wrong in tearing up the military character of General Harrison. That gentleman (said he) ought to have been much gratified at the course he (Mr. H.) took, because it gave the gentleman from Ohio a good opportunity to tack together his list of certificates, showing what a military man and excellent soldier General Harrison was; and those public documents and certificates could not fail to do good in Ohio, because the people of Ohio were an intelligent people, and could not fail to be convinced by the vast number of certificates which the gentleman from Ohio had attached to his speech.

Mr. H. said, as he had occupied a considerable portion of the time of the House, and as there would be another opportunity of discussing this subject, he would now yield the floor to his colleague, [Mr. WILLIAMS,] who had shown so much anxiety to obtain the floor.

Mr. WILLIAMS, of Kentucky, obtained the floor; but the hour having nearly expired, he moved that the House proceed to the orders of the day; which was agreed to.

REPORTS FROM COMMITTEES.

Mr. CAMBRELENG, from the Committee of Ways and Means, on leave, reported a bill making a further appropriation for repressing Indian hostilities in Florida; which was read twice, and committed.

Mr. LANE, from the Committee for the District of Columbia, reported the following bills; which were read twice, and committed: A bill for the erection of a new jail in the city of Washington, for Washington county, in the District of Columbia; and a bill to establish a criminal court in the District of Columbia.

Mr. CALHOON, of Kentucky, from the Committee on Roads and Canals, reported a bill providing for purchasing the individual stock in the Louisville and Portland Canal by the United States; which was read twice.

Mr. GRAVES moved to commit the bill, and make it the special order for Thursday next, from eleven to one o'clock; which was negatived without a count.

Mr. GRAVES then moved to appropriate one hour on Thursday, from twelve to one o'clock, to the consideration of the aforesaid bill; which was not agreed to.

On motion of Mr. CALHOON, of Kentucky the bill was then committed.

PETITIONS, MEMORIALS, ETC.

Petitions and memorials were presented, on leave, by Messrs. UNDERWOOD, THOMPSON of South Carolina, HOWARD, MAY, LAWRENCE, WHITE, JENIFER, PETTIGREW, JOHNSON of Kentucky, THOMPSON of Ohio, LAY, GIDEON LEE, BUCHANAN, BEALE, INGERSOLL, COLES, ALLEN of Vermont, WISE, LAWLER, PATTERSON, MUHLENBERG, SLOANE, HANNEGAN, and CLAIBORNE of Mississippi.

Mr. LAWRENCE presented a memorial of sundry citizens of Boston, on the subject of an express mail from that city to New Orleans;

which was referred to the Committee on the Post Office and Post Roads.

Mr. ADAMS presented joint resolutions of the Legislature of Massachusetts, in favor of the bill before the Senate for the distribution of the proceeds of the sales of the public lands;

Also, joint resolutions in reference to fortifications in Boston harbor; which were laid on the table, and ordered to be printed.

Mr. VANDERPOEL presented a petition praying an appropriation for the erection of a monument in memory of Mr. David Williams, deceased, one of the captors of Major André; which was referred to a select committee of five.

Mr. PATERSON presented the petition of the Wyandott nation of Indians at Upper Sandusky, asking remuneration for stolen horses; which was referred to the Committee on Indian Affairs.

Mr. HANNEGAN presented the petition of Hugh McConnell, a revolutionary soldier, praying to be placed on the pension roll; which was referred to the Committee on Revolutionary Pensions.

RESOLUTIONS.

On motion of Mr. SHIELDS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Pulaski, Tennessee, by Rogersville, to Cortland, Alabama.

On motion of Mr. HANNEGAN, it was

Resolved, That the Secretary of War be directed to lay before the House the papers on file in the Pension Office, in the case of Hugh McConnell.

On motion of Mr. HOWARD, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Edward Dennis on the pension roll.

On motion of Mr. HAMER, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of increasing the pension of Zebedee Smith, of Adams county, Ohio.

On motion of Mr. FAIRFIELD, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the propriety of placing the name of Daniel Granger upon the pension roll.

On motion of Mr. MANN, of New York, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing the Postmaster General to contract for carrying the mails on the navigable canals of the several States.

On motion of Mr. DUNLAP, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency or paying to Nicholas Darnell the per annum allowance now allowed him, from the 21st of November, 1828, to the 21st of November, 1835, at which time his name was placed on the invalid pension roll.

On motion of Mr. McKAY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Elizabethtown, by Lennon's cross roads, to Fair Bluff; thence by Whitesville and the Prong, at Wooten's, back to Elizabethtown.

On motion of Mr. BAILEY, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting to the heirs of Paul Dodge, late of Newcastle, in the county of Lincoln, State of Maine, deceased, the amount of his pension from the 4th of March, 1820, (the time his name was dropped from the roll, under the act of 1820, on account of property,) to December, 1820, (the time of his death.)

APPROPRIATION BILLS.

In further execution of the special order of the 26th of January last, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. SUTHERLAND in the chair.)

Mr. CAMBRELENG moved to take up the bill making further appropriations for the repression of Indian hostilities in Florida.

Mr. MERCER inquired of the Chair whether the special order embraced this bill, and whether the effect of that order was prospective as well as retrospective?

The CHAIR referred to the resolution of 26th of January, and said it embraced all the appropriation bills for the expenses of the various Departments of the Government.

Mr. MERCER merely made the inquiry, and should not press a question of order upon it.

The committee then took up and considered the bill reported this morning, providing for the repression of Indian hostilities in Florida.

The bill was read. It appropriated the sum of $1,000,000 for the purpose.

Mr. CAMBRELENG made a brief explanation that of the former appropriation only $487 remained; when the bill was considered, ordered to be laid aside and reported to the House without amendment.

On motion of Mr. CAMBRELENG, the committee then took up the bill providing for the salaries of certain officers therein named.

This bill provides for the payment of the salaries of such extra clerks as are now employed in the various Departments, and whose compensation was not provided for in the civil list bill, the Committee of Ways and Means having included in that bill only such clerks and officers as were already provided for by law.

Mr. CAMBRELENG moved a reduction of the item for the clerks in the office of the surveyor general of Illinois and Missouri from $4,820 to $2,820, on the ground that the balance was provided for under the civil list bill; which was agreed to.

Mr. BRIGGS moved to strike out the following words from the first clause: "That being the sum heretofore allowed him in the appropriation bills;" which was agreed to.

Mr. ADAMS moved that the same words be stricken out of the bill wherever they occurred, on the ground of their being surplusage; which was agreed to.

Mr. JOHNSON, of Tennessee, moved that the two extra clerks in the Treasury Department be allowed an annual salary of $1,150, and the other $1,000; which was agreed to.

Mr. JOHNSON moved to strike out the clause appropriating $1,000 for the salary of an additional clerk for the Navy Department; which was agreed to.

Mr. McKAY moved to strike out the words, "commencing with the present year," whenever they occurred in the bill; which was agreed to.

Mr. JOHNSON, of Louisiana, moved an additional clause to the bill providing an annual salary of $2,500 to the surveyor general of the United States for Louisiana, and to the registers and receivers an additional $1,000 during the time they are employed in attending to private land claims.

Mr. CAMBRELENG explained, that it was a mere supplementary bill to the ordinary appropriation bill, and provided for no increase, nor for any new salary, nor indeed for any appropriation not heretofore provided for.

Mr. ASHLEY moved to add the words, "Missouri and Illinois," after "Louisiana," in the amendment.

Mr. SEVIER suggested "Arkansas" also.

The amendment to the amendment was rejected.

Mr. JOHNSON, of Tennessee, suggested to the mover of the amendment to withdraw it, and, if necessary, the provision could be introduced in a separate bill; whereupon,

Mr. JOHNSON, of Louisiana, withdrew the amendment.

Mr. ASHLEY moved to amend the amended clause for the clerks of the surveyor general of Illinois and Missouri, by increasing it from $2,820 to $3,820; which was agreed to.

Mr. CAMBRELENG moved a general provisional clause to the bill; which was agreed to.

Mr. JOHNSON, of Kentucky, moved an additional clause, providing for the employment of six extra clerks and one messenger in the Quartermaster General's office; which, after some remarks from Messrs. JOHNSON of Kentucky, CAMBRELENG, JOHNSON of Tennessee, and VINTON, was agreed to.

Mr. BELL, from the Committee on Indian Affairs, moved an additional clause, authorizing the surveyor general at St. Louis, Missouri, to employ two clerks in his office; the one at an annual salary of $1,000, the other at $800; which, after a few words from Messrs. BELL, CAMBRELENG, ASHLEY, and JOHNSON of Tennessee, was agreed to.

Mr. HARRISON, of Missouri, moved to insert an item of $1,000 for the payment of costs of certain suits decided against the United States in Missouri and Florida. [The same amendment moved by Mr. H. to the civil list bill.] Lost.

The bill was then laid aside; and the committee took up the bill making appropriations for the Indian Department for the year 1836, for Indian annuities, &c.

Mr. CAMBRELENG, from the Committee of Ways and Means, proposed sundry amendments for carrying into effect the stipulations of various treaties with the Senecas, Choctaws, &c., and expenses arising from entering into said treaties; which were agreed to.

Mr. GARLAND, of Louisiana, moved an additional item of $80,000, for the purpose of carrying into effect the provisions of the treaty with the Cado Indians; which was agreed to.

Mr. LYON moved an item of $2,327 12, to pay Colonel David Brierly for provisions purchased by him, and applied to the use of the Indians; which, after a few words from Messrs. LYON, CAMBRELENG, BELL, and EVERETT, was agreed to.

Mr. BELL, under direction of the Committee on Indian Affairs, moved two additional items, viz: to defray the expense of removing certain Indians residing south of the Wisconsin, $40,000; and to defray the expense of holding treaties with certain Indians in the Green Bay district, $20,000; which was agreed to.

Mr. EVERETT, from the same committee, moved an additional item of $2,000, to defray the expense of holding treaties with the Indian tribes, for the purpose of extinguishing certain Indian titles in Missouri; which was agreed to.

Several additional items were agreed to, on the motions of Mr. ASHLEY and Mr. BELL; and the bill was laid aside.

The committee then rose, and reported the foregoing bills, as amended, to the House.

The bill making a further appropriation for suppressing Indian hostilities in Florida, reported without amendment, was then ordered to be engrossed for a third reading; and, having been engrossed, was read a third time and passed.

The House also concurred with the committee in their amendments to the Indian appropriation bill, and it was ordered to be engrossed for a third reading to-morrow.

The bill providing for the salaries of certain officers therein named was then taken up, and all the amendments concurred in by the House except that providing for additional clerk hire in the Quartermaster General's department.

Mr. McKAY said, if the amendment should be adopted, he should move a proviso to prevent the employment of commissioned officers as extra clerks in the bureau.

Mr. JOHNSON, of Kentucky, hoped there would be no objection to such a modification.

Mr. McKAY moved his proviso, and it was agreed to *nem con.*

The amendment was then discussed by Messrs. CAMBRELENG, JOHNSON of Kentucky, and JOHNSON of Tennessee, when it was agreed to—ayes 86, noes 40; and the bill was ordered to be engrossed for a third reading to-morrow.

Mr. CAMBRELENG gave notice that the next bill he should propose to take up would be the Army appropriation bill, to which he intended to move some important amendments.

On motion of Mr. FULLER, of New York, the House adjourned.

IN SENATE.

TUESDAY, *April* 26, 1836.

Mr. LINN presented the petition of the inhabitants of Johnson county, Missouri, praying for the establishment of a post route from Columbus, situated at the iron works on the Mississippi river, State of Kentucky, to pass through the seats of justice of Scott, Cape Girardeau, Madison, and St. Francis counties; thence to Caledonia and Mina counties, to the seat of justice of Crawford county; thence to the seat of justice in Pulaski county, by the way of Massy's iron works; thence to the seat of justice of Pettis county; thence to Gilchrist's mills in Johnson county; thence to Blackwater post office in said county; thence to Independence, in Jackson county; which was referred to the Committee on the Post Office and Post Roads.

The CHAIR communicated a report from the Treasury Department, in answer to a resolution of the Senate submitted by Mr. EWING, inquiring

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, MAY 9, 1836. VOLUME 3....No. 26.

as to the transactions of the land offices with the deposit banks in Ohio, and as to the description of bank notes the said banks received, or refused to receive, in deposit from the land offices; which was referred to the Committee on Public Lands; and

On motion of Mr. HUBBARD, one thousand extra copies of the report were ordered to be printed.

Mr. KENT presented the memorial of certain merchants of Baltimore, praying to be indemnified for spoliations committed by French cruisers under the Berlin and Milan decrees, their claims having been rejected by the late commission under the French treaty; which was referred to the Committee on the Judiciary.

Mr. BENTON presented a petition from Dr. Planteau, of Philadelphia, stating that he had made valuable improvements in the construction of steamboats, and asking for the patronage of Congress, which was referred to the Committee on Roads and Canals.

INDEPENDENCE OF TEXAS.

Mr. MORRIS presented the proceedings of a large and respectable meeting of the citizens of Cincinnati, on the subject of the struggle for freedom now going on in Texas, and suggesting the expediency of acknowledging the independence of that country. Mr. M. asked that the proceedings might be read, and referred to the Committee on Foreign Relations.

Mr. KING, of Alabama, suggested to the Senator from Ohio whether it was not going too far, in the present aspect of the affairs of Texas, to refer these proceedings to a committee. However strong (he said) our feelings might be in favor of those unfortunate men who were struggling for the preservation of their dearest rights, as well as for their very existence, and however deep our abhorrence and detestation of the cruel and tyrannical conduct of their invaders, yet he thought that the acknowledgment of their independence at this time, or the adoption of any measures looking to it, seemed to be premature. He admitted there was a strong feeling on this subject pervading every portion of this country, and it was natural that it should. The people of this country could not but deeply sympathize with those who were contending for the dearest rights of man, and must necessarily feel a powerful sense of indignation at the blood-stained atrocities which had marked the desolating progress of their cruel oppressors. This was all very natural; but for the Senate to interfere in the present state of affairs he thought was premature; and he suggested to the gentleman from Ohio, whether the best course would not be to lay the proceedings on the table.

Mr. WALKER said that he hoped the motion to lay these proceedings upon the table would not prevail; that such a course would not be expressive of the sense of the people of the United States; that the sympathies of the American people were deeply excited in regard to the situation of Texas; that there were thousands of American citizens invited by Mexico to participate in the blessings of a Federal Government and of free institutions—invited to settle the wilderness, and defend the Mexicans against the then frequent incursions of a savage foe, and now attempted to be trodden down beneath the feet of the most sanguinary despot and usurper that had ever disgraced the annals of the world; that, in point of fact, Santa Anna, and his priests and mercenaries, were the rebels, and not the people of Texas; that it was Santa Anna and his party who had prostrated the Federal Government of Mexico, and were now attempting to establish upon its ruins a central military despotism; that the people of Texas had fought for the Federal Constitution of 1824, and adhered to it until all hope of its preservation had been extinguished; and that then, and then only, when the only alternative presented was to receive the chains of a usurper, or resist unto death, they had nobly unfurled the flag of independence, resolved to maintain their liberties, or perish in the conflict. Nobly, gloriously, had they maintained the unequal contest; they had performed deeds of valor that would challenge a comparison with anything in Greek or Roman history. Such men could not be vanquished. No! the sun was not more certain to set in the western horizon than that Texas would maintain her independence, and that we would acknowledge it. The death of the murdered heroes at the Alamo, of prisoners of war massacred in cold blood by the orders of a ruthless tyrant, would call down upon him the vengeance of earth and heaven. It had excited a thrill of horror throughout this Union, and was now bringing the evidences of public feeling before this body. Let us now, then, give to these proceedings in favor of Texas, that respectful reference to which they are so justly entitled, and which, whilst it does not now violate the neutrality of this Government; will cheer onward, in the hour of gloom and danger, a people who are imitating the example of the patiots of our own Revolution, and whose destiny will be the same.

Mr. MORRIS was well assured that this was a question of great delicacy, and that they should proceed with much caution. He agreed with his friend from Mississippi that the public mind was much excited on the subject, and that the sympathies of our people were deeply aroused in favor of the suffering Texans. As a citizen, individually, he accorded fully with the feelings expressed in the proceedings of this meeting; but, as an American Senator, he felt that he ought to act with some caution. He believed the people of Cincinnati spoke the united voice of the whole State, and that their meeting would be followed by other meetings, not only in Ohio, but in every part of the Union. He was willing to lay the proceedings on the table for the present, as suggested by the Senator from Alabama; and the more so, as he had been informed that similar memorials would be presented from other parts of the United States, when, the Senate having the sentiments of the country more generally expressed, it would be proper to call up the proceedings, and act on them.

The proceedings were then laid on the table.

OTHER PETITIONS.

Mr. TALLMADGE presented the petition of sundry citizens of New York, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. BROWN presented the petition of James Manning, late collector of Beaufort, North Carolina; which was referred to the Committee on Claims.

Mr. BLACK presented a petition of sundry citizens of Mississippi, complaining that they had been deprived of their lands by the location of Choctaw reservations; which was referred to the Committee on Public Lands.

MARINE HOSPITAL FUND.

Mr. BENTON presented a statement, which he had received from the collector of New Orleans, showing the amounts received on the western waters for the marine hospital fund; which was referred to the Committee on Commerce.

WESTERN ARMORIES.

Mr. BENTON, from the Committee on Military Affairs, reported a bill for the establishment of several armories and depots of arms; which was read, and ordered to a second reading.

ADMISSION ON THE FLOOR.

Mr. MANGUM submitted the following resolution; which was considered, and agreed to:

Resolved, That the rules of the Senate be so amended as to admit into the lobby of the Senate Chamber ex-Governors of the States.

THE TARIFF.

Mr. DAVIS, on leave, introduced a bill to amend the tariff laws; which was read twice, and referred to the Committee on Manufactures.

INDIAN HOSTILITIES IN FLORIDA.

The bills from the House making additional appropriations for the suppression of Indian hostilities in Florida, and for the relief of James Alexander and Iran Allen, were severally read twice and referred.

RESOLUTIONS AGREED TO.

The resolutions lying on the table were considered and adopted.

PROCEEDS OF THE PUBLIC LANDS.

The bill for the distribution of the net proceeds of the sales of the public lands, &c., was taken up as the order of the day, and Mr. CLAY addressed the Senate until a late hour in a long and argumentative speech in favor of the bill; after which,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 26, 1836.

Mr. GLASCOCK rose and remarked, that he felt it to be his duty, whatever might be the result, to renew the motion made by the gentleman from Virginia [Mr. WISE] yesterday, to have read a letter from the Faculty of Bristol College, Pennsylvania, in reference to a correspondence of the Philadelphia Inquirer, which purported to give an account of a petition presented by Mr. SLADE, from Bristol, against the admission of Arkansas into the Union. He made the motion as an act of justice to the Faculty of this college.

The CHAIR desired first to ascertain whether the reading of the letter was objected to?

Mr. GLASCOCK was satisfied, if he was permitted to state the purport of the letter, no person would object to the reading.

Mr. WISE said it was at his request, and also at the instance of the gentleman from Georgia, [Mr. GLASCOCK,] that the motion had been made. He hoped it would be read.

Mr. ADAMS objected to the reading of the letter, until the House decided whether or not they would receive petitions of the character alluded to.

Mr. GLASCOCK moved to suspend the rules for the purpose of having the letter read; and asked for the yeas and nays on the motion.

The CHAIR requested Mr. G. to reduce his motion to writing.

Mr. GRANGER inquired whether there was before the House any petition to which the letter related?

The CHAIR replied that the petition referred to was suspended upon a point of order.

Mr. GLASCOCK's motion was then read, as follows:

That the rules be suspended for the purpose of offering, and having read, a letter from the Faculty of Bristol College, Pennsylvania, disclaiming having ever signed any memorial remonstrating against the admission of Arkansas with slavery attached to her, and if their names appeared to such they were forgeries.

Mr. REED was not aware that any such memorial had ever been presented to the House.

Mr. ADAMS moved to amend the motion by adding, "and that the memorial to which the letter refers be also read."

Mr. SEVIER said this was a matter of much delicacy, and in which his constituents were much interested. He had sat in his seat and silently witnessed the course pursued in reference to this subject. He felt it to be his duty to move to lay the whole subject on the table.

Mr. GLASCOCK was as anxious for the admission of Arkansas as the Delegate from that Territory.

The motion of Mr. SEVIER was then agreed to without a count.

PUBLIC DEPOSITS.

Mr. DROMGOOLE asked the unanimous con-

sent of the House to proceed to the consideration of the resolution offered by him calling upon the Secretary of the Treasury for information in relation to the deposit of the public moneys, &c.; which was objected to.

Mr. DROMGOOLE moved to supend the rules until o'clock, for the purpose stated; which was agreed to.

The resolution was then taken up, the question being on the amendment of Mr. WISE to add to the resolution a clause proposing to raise a select committee for the purpose of inquiring into the same subject.

Mr. BOND, who was entitled to the floor, addressed the House at considerable length in continuation of his remarks on a former day. He went into an examination to show the great prosperity of the country from the year 1790 to 1811, during the existence of the old Bank of the United States, and the melancholy gloom which hung over the land from the latter period up to the establishment of the new Bank of the United States. He also showed the great increase in the number of banks and paper money in the last few years, and argued that those banks were established by the persons who were making a great outcry about bringing the country back to a specie currency. Mr. B. alluded to the assertion of the Secretary of the Treasury, that the State banks would afford a better and safer currency than the Bank of the United States, and that the moneys of the United States were safer now than they had been at any former period. This he denied; and maintained that the moneys were now unsafe, and that it was the bounden duty of Congress to look into the state of those banks. He read a circular of the Clinton Bank of Columbus, and commented upon it at some length, and contended that it was unfair that the notes of banks in the States of Pennsylvania and New York should be taken in preference to those of the notes of banks in the State of Ohio. This Clinton Bank of Columbus (he said) was a much younger bank than some others there, and had a capital of but a little upwards of $289,000, and had Government deposits in it to the amount of $356,000. He did not mean to disparage the bank, but this was the actual state of facts. He said there were different kinds of pet banks. Some were special pets, such as the Commercial Bank of Portsmouth; a bank which, he said, had but a capital of $102,000, and $11,000 in specie, and her Government deposits amounted to nearly $200,000. He then went into a review of the condition of several of the banks of deposit, and argued at some length that the public moneys were in an unsafe situation, and that Congress should take measures speedily to remedy the evil.

The remarks of Mr. BOND were arrested by the arrival of the hour for proceeding to the orders of the day.

AFFAIRS OF TEXAS.

Mr. THOMPSON, of South Carolina, asked the consent of the House to lay on the table and have printed a resolution calling on the President of the United States for information in relation to the state of affairs in Texas, &c.; which was objected to.

Mr. T. moved to suspend the rules to enable him to offer the resolution; which was negatived without a count. Mr. T. gave notice that he should renew his motion to-morrow.

Mr. STORER asked the consent of the House to present the proceedings of a public meeting in his district, in relation to the "troubles in Texas;" which being objected to, Mr. S. moved to suspend the rules for the purpose stated; which was negatived without a count.

INDIAN APPROPRIATION BILL.

A bill making appropriations for the Indian Department, for annuities, &c., was read the third time.

Mr. GARLAND, of Louisiana, asked the unanimous consent of the House to amend the bill by making the appropriation for carrying into effect a treaty with the Caddo Indians $40,000 instead of $80,000, as heretofore inadvertently inserted.

Mr. BOON said the bill was an important one, and appropriated about a million of dollars. There did not appear to be more than sixty members in attendance. He thought they should take measures to obtain a quorum.

The CHAIR counted the members, and announced that there was no quorum present.

Mr. HEISTER moved a call of the House, which was agreed to; and after proceeding a short time,

On motion of Mr. ASH, the further proceedings under the call were suspended.

INDIAN ANNUITY BILL.

The amendment of Mr. GARLAND to the Indian annuity bill was then agreed to, and the same was passed.

INCREASE OF SALARIES.

A bill to provide for the salaries of certain officers therein named, and for other purposes, was read the third time, and passed.

SERVICE OF VOLUNTEERS.

On motion of Mr. JOHNSON, of Kentucky, the House then took up the bill authorizing the President of the United States to accept the service of volunteers, reported from the Committee of the Whole with sundry amendments.

The question was on concurring with the committee in their proposed amendments.

The most material were the following:

SEC. 1. Limiting the term to "six or twelve months," and adding to the section the following words, within brackets:

Commissioned officers shall be appointed in the manner prescribed by law in the several States and Territories to which such company or companies shall respectively belong, [in the same manner as the militia of the several States and Territories are now appointed and commissioned; and as militia, said mounted men, when in service, shall be considered: *Provided*, That the power vested in the President by this act shall be exercised only in the cases enumerated in the eighth section of the Constitution, that the number of volunteers whose services may be accepted, pursuant to this act, shall not exceed ten thousand rank and file, and that this act shall continue and be in force for two years from the end of the present session of Congress, and no longer: *And provided also*, That nothing herein contained shall be so construed as to deprive the officers and men who may have entered the service as volunteers under this act of any rights, immunities, or privileges therein secured."]

Mr. WHITTLESEY had moved to strike out the fourth section; which was in the following words:

SEC. 4. *And be it further enacted*, That in case any volunteer above mentioned, while in actual service, shall sustain any damage, by injury done to his horse, or such other equipment as shall have been furnished at his own expense, or by loss of the same, without any fault or negligence on his part, a reasonable sum, to be ascertained in such manner as the President of the United States may direct, shall be allowed and paid to such volunteer, for each and every such damage or loss.

These amendments were severally concurred in.

The following additional sections were reported by the Committee of the Whole:

SEC. 7. *And be it further enacted*, That there shall be raised and organized, under the direction of the President of the United States, one additional regiment of dragoons or mounted riflemen, to be composed of the same number and rank as the officers, non-commissioned officers, musicians, and privates, composing the regiment of dragoons now in the service of the United States, who shall receive the same pay and allowances, be subject to the same rules and regulations, and be engaged for the like term, and upon the same conditions in all respects whatever, as are stipulated for the said regiment of dragoons now in service.

SEC. 8. *And be it further enacted*, That the sum of $300,000, required to carry into effect the provisions of this act, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

On the question of concurring with the committee in this amendment,

Mr. HOWELL asked for the yeas and nays, as he wished to record his name against it; and on ordering them to be put, there appearing—ayes 24, noes 61, no quorum—

Mr. ASHLEY moved a call of the House, which was ordered; and on going through the first call, one hundred and thirty-three members answered to their names.

Mr. JOHNSON, of Kentucky, them moved to dispense with the further proceeding of the call. Lost.

Mr. VINTON moved that the House adjourn. Lost—ayes 50, noes 71.

Mr. ASHLEY moved that the further proceedings of the call be dispensed with. Lost; and the call was proceeded with.

Several other members answered to their names.

Mr. BOON said an experience of several years had taught him that a call of the House could never be carried out, and he therefore moved that the further proceedings of this call be dispensed with.

Mr. CLAIBORNE, of Mississippi, moved that the House adjourn.

Mr. LANE asked for the yeas and nays; which were ordered, and were—yeas 36, nays 108; so the House refused to adjourn; and the question recurring on Mr. BOON's motion,

Mr. ADAMS asked leave to move a suspension of all the rules of the House, in order to take up the joint resolution of the Senate for adjourning on the 23d of May.

The CHAIR decided the motion to be out of order pending the taking of a question before the House.

The motion of Mr. BOON was then agreed to, and the further proceedings of the call dispensed with.

The question then recurred on Mr. HOWELL's call for the yeas and nays on the two additional sections; which were ordered.

Mr. HAWES then moved to add a proviso to the bill, providing that not more than one third of the officers of said corps should be taken from those educated at the public expense at the West Point Academy, in the State of New York. Mr. H. briefly addressed the House on the subject of the West Point Academy, and the great injustice done to the citizens of the West by excluding them from appointments in the Army, and conferring them exclusively upon the graduates of that institution.

Mr. ASHLEY said a few words in favor of the original amendment, and the necessity of its immediate passage. Mr. A. had the highest confidence in the President of the United States in the organization of this corps, and preferred leaving the appointments to him; and therefore saw no necessity for the restrictive clause proposed by the gentleman from Kentucky.

Mr. HAWES was as desirous as the gentleman from Missouri that this corps of dragoons should be raised, but he was opposed to the selection of all the officers from the West Point Academy, though he was willing to give them a third. The education derived at that institution was found to be of little service in a campaign against the Indians; and, for himself, he thought a corps of women would be as serviceable against Indians as a corps of West Point graduates.

Mr. WARD remarked that the gentleman from Kentucky seemed to have forgotten that a majority of the officers of General Dodge's regiment of dragoons were selected from citizens of the West. Mr. W. also warmly advocated the passage of this bill, which had been examined, and was highly approved of by the War Department. He hoped the question of appointment would not then be entered into, for it would have the effect of delaying the passage of a measure which had the sanction of the most distinguished military officers in the country. Mr. W. referred also to General Jesup's recommendation of a similar corps, in a letter from that officer to the Secretary of War.

Mr. BOON was decidedly in favor of this corps having the selection of their own officers, and he wished such a condition could be annexed to it. Though he had himself no particular objection to the War Department sending West Point graduates to the frontier, yet he knew they would not be well received there, and he was also convinced that they were not well qualified by their education to command or serve as mounted men.

Mr. EVERETT had another objection to the amendment, that it conferred upon the President the power of appointment without the advice and consent of the Senate.

Mr. ADAMS contended that the proviso ought not to be adopted, because it would conflict with the Constitution of the United States, which contained no restrictive clause as to the appointment of officers of the Army. Moreover, if that House could restrict the President as to those whom he should *not* appoint, they could also dictate to him those whom he *should* appoint, a power not belonging to that body.

After a few words from Mr. THOMSON, of Ohio, and Mr. MERCER,

Mr. REYNOLDS, of Illinois, asked for the yeas and nays on the amendment of Mr. HAWES, which the House refused to order; and it was then negatived without a count.

Mr. HAWES then moved a proviso, that not more than one half the commissioned officers of said regiment should be taken from the commissioned officers of the army; which was disagreed to.

Mr. CHAMBERS, of Kentucky, proposed the following substitute for the seventh section; which was disagreed to:

That the existing regiment of dragoons shall be increased to the number of twelve hundred, and that the companies shall consist of not more than one hundred men each.

Mr. WHITTLESEY moved to amend the seventh section by adding, after the word "riflemen," the following words:

If, in his opinion, the security of the western frontier requires the organization of said regiment;

and after a few remarks from Messrs. WHITTLESEY, MERCER, ASHLEY, HARRISON of Missouri, and WHITE, at the suggestion of the latter gentleman—

Mr. WHITTLESEY modified his amendment by extending it to the "western or southern frontiers."

The amendment was negatived without a count.

Mr. MERCER moved to strike out the following words in the seventh section: "for the like term, and," on the ground that they were an incongruity with other parts of the bill; which, after some remarks from Messrs. MERCER, THOMSON of Ohio, ASHLEY, and THOMPSON of South Carolina, was lost.

The question recurring on concurring with the Committee of the Whole in their proposed amendment—

Mr. MERCER called for a division of the question on the two additional sections.

The question was then taken on the first branch of the amendment, being the seventh section of bill; and it was concurred in by the House—ayes 144, noes 32.

The question recurring upon the second branch of the amendment, being the eighth section—

Mr. UNDERWOOD moved to amend the same, by inserting after the word "enacted," the following: "that the President of the United States may disband said regiment whenever, in his opinion, the public interest no longer requires its services."

Mr. HANNEGAN asked for the yeas and nays on this amendment, but they were not ordered; and the question being taken by tellers, was decided in the affirmative; ayes 103, noes not counted.

The clause, as amended, was then concurred in without a division.

Mr. THOMPSON, of South Carolina, moved to strike out from the first section of the bill the following words: "in cases enumerated in the eighth section of the Constitution;" and insert: "in cases of Indian hostilities, or good cause to apprehend the same."

The CHAIR decided the motion to be out of order, on the ground that the passage proposed to be stricken out had been voted in by the House.

Mr. CHAPIN proposed an amendment to the first section of the bill—that is, to restrict the clause which continued the act in force for two years from the end of the present session of Congress, and no longer, to so much of the act as relates to volunteers. Mr. C. supported the amendment on the ground that, as the bill now stood, there was a manifest incongruity between the first section, relating to volunteers, and the seventh section, providing for the raising of a regiment of dragoons, or mounted riflemen. That regiment, when raised, was to be engaged for the same term with the dragoons now in service, which was three years; but the first section limited the operation of the act to two years. The sections, therefore, contained an incongruity, which it was the object of the amendment to remove.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading to-morrow; and then—

The House adjourned, at five o'clock, p. m.

IN SENATE.

WEDNESDAY, *April 27*, 1836.

The CHAIR communicated a report from the Secretary of War, made in answer to a resolution of the Senate, in relation to the claim of Doctor Talley.

Mr. EWING presented the petition of a number of citizens of Fairfield, Ohio, praying for a donation of the unsettled and refuse land in that State, to aid in the construction of a road from Zanesville to Maysville; which was referred to the Committee on Roads and Canals.

REPORTS FROM COMMITTEES.

Mr. NAUDAIN, from the Committee on Claims, reported a bill for the relief of the legal representatives of Michael Fenwick, deceased.

Mr. LEIGH, from the Committee on Revolutionary Claims, made unfavorable reports on the petitions of the representatives of Lieutenant Thomas Goldsmith, deceased; the heirs of Joseph Blackwell, deceased; and the legal representatives of William Sands, deceased.

Mr. PRENTISS, from the Committee on Pensions, reported a bill for the relief of Jonathan Elkins; which was read, and ordered to a second reading.

Mr. TIPTON, from the Committee on Private Land Claims, reported a bill for the relief of Andrew Hoover, of Indiana, without amendment.

INCREASE OF SALARIES.

The bill from the House, making appropriations for the Indian Department for the year 1836, and the bill from the House to increase the salaries of certain clerks, and to provide for the employment of certain clerks, were read the first time, and ordered to a second reading.

NEW POST ROUTES.

Mr. GRUNDY submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in Michigan: From the village of Saganon, in the county of Saganon, to the Sault St. Marie, in the county of Chippewa, by Mackinac; from the village of Saganon to the mouth of the river Saganaw; from Bellevue, in the county of Calhoun, to Middle Village, by Hastings, in the county of Barry; from the village of Kalamazoo, in the county of Allegan, to the mouth of north Black river, in the county of Ottowa; from the rapids of Grand river, in the county of Hart, to Grand Haven, in the county of Ottowa; from the village of Kalamazoo, in the county of Kalamazoo, to the mouth of South Black river, in the county of Van Buren; from the village of New Buffalo, in the county of Berrien, to the village of Laporte, in the State of Indiana.

NAVY APPROPRIATION BILL.

Mr. SOUTHARD moved to take up the bill making appropriations for the naval service for the year 1836; which motion was agreed to.

Mr. BENTON gave notice that as soon as this bill was disposed of he should move to take up the fortification appropriation bill.

The various amendments reported by the Committee on Naval Affairs having been read—

Mr. HILL called for the yeas and nays on concurring with the committee in the first amendment, which appropriates $2,244,338 16, instead of $1,974,178 16, as in the bill, for pay and subsistence of officers, petty officers, and seamen, &c.; and the yeas and nays having been accordingly ordered, the question was taken; and decided in the affirmative—yeas 37, nays 5; as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Clayton, Cuthbert, Davis, Ewing of Illinois, Goldsborough, Grundy, Hendricks, Hubbard, King of Alabama, Knight, Leigh, Linn, McKean, Mangum, Morris, Nicholas, Niles, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Sutherland, Swift, Tipton, Tomlinson, Walker, Webster, White, and Wright—37.

NAYS—Messrs. Ewing of Ohio, Hill, King of Georgia, Moore, and Naudain—5.

So the amendment of the committee was agreed to.

The remaining amendments reported by the committee were then concurred in; when

Mr. HILL called for the yeas and nays on ordering the amendments to be engrossed, and the bill to be read a third time; which were accordingly ordered; and the question was decided in the affirmative—yeas 41, nay 1; as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Clayton, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Naudain, Nicholas, Niles, Porter, Prentiss, Preston, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tipton, Tomlinson, Walker, Webster, White, and Wright—41.

NAY—Mr. Hill—1.

INDIAN HOSTILITIES IN FLORIDA.

Mr. WEBSTER, from the Committee on Finance, reported without amendment the bill from the House making additional appropriations for the suppression of Indian hostilities in Florida, and moved that the bill be then considered; which motion was agreed to; and the bill having been read the second time, and considered as in Committee of the Whole, was ordered to a third reading.

SERVICES OF VOLUNTEERS.

The bill from the House authorizing the President to accept the service of volunteers, and to raise an additional regiment of light dragoons or mounted riflemen, was read twice, and referred to the Committee on Military Affairs.

PROCEEDS OF THE PUBLIC LANDS.

The bill to distribute the net proceeds of the sales of the public lands among the States was then taken up as the order of the day; when Mr. BENTON moved to postpone it till Monday next, for the purpose of taking up the fortification bill; and supported the motion in a speech of great force and argument.

This motion was rejected—yeas 20, nays 26; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—20.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—26.

Mr. BENTON remarked that some gentlemen might have voted against his motion because the postponement was to a day certain. He would now make another motion, which was to lay the bill on the table, for the purpose of taking up the bill making appropriations for fortifications.

This motion was also decided in the negative—yeas 20, nays 26; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, and Wright—20.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—26.

Mr. EWING, of Ohio, moved to amend the bill by striking out all after the words "United States," to the words "thirty-six," in the seventh line, and insert: "one fourth part on the 4th day of July, 1836, and one fourth part at the end of each ninety days thereafter, until the whole shall be paid;" which amendment was agreed to.

[The above amendment fixes the periods of distribution.]

Mr. ROBINSON here moved the following amendment, to come in as an additional section:

SEC. —. *And be it further enacted*, That all lands belonging to the United States which have been, or hereafter may be, subject to entry at private sale for twenty years and upwards, and have not been sold, shall hereafter be sold at one dollar per acre, and at a reduction in price of ten per centum every five years, until the price of such lands be reduced to fifty cents per acre.

Mr. WALKER moved to amend the amendment by adding the following:

Provided, That no person, under the provisions of this act, shall be authorized or permitted to enter, at the prices specified by this act, more than three hundred and twenty acres, or two quarter sections in subdivisions not less than a quarter quarter section, in his or her own name, or in the name of any other person, for his or her own use; and in no case, unless he or she intends it for settlement or cultivation, or the use of his or her improvement; and the person applying to make an entry under this act, shall file his or her affidavit, under such regulations as the Secretary of the Treasury shall prescribe, that he or she makes the entry in his or her own name, for his or her own benefit, and not in trust for another: *And provided, also*, That no patent shall issue to any person making said entry, until three years thereafter; and that any sale, contract for sale, lease, or contract for lease, of said lands, so entered under the provisions of this act, which may be made prior to the emanation of the patent, shall be utterly null and void, and shall

operate as a forfeiture of the title to the United States: *And provided, also*, That said entry shall not be made at the reduced price, unless it is proved, under such regulations as the Secretary of the Treasury shall prescribe, that said applicant, at the date of said entry, was in possession of said tract proposed to be entered, or cultivating the adjacent tract.

After some remarks from Messrs. WALKER, CLAY, WHITE, ROBINSON, and PORTER, the question was taken on Mr. WALKER's motion, and it was lost.

The question then recurring on Mr. ROBINSON's amendment, Mr. EWING, of Ohio, suggested to him that he would obtain more favor for it by adding the words "twelve and a half" after the word "dollar;" which Mr. R. agreed to, and modified his amendment accordingly.

Mr. WHITE moved to amend the amendment by providing that the person making the entry should be the head of a family, and continue to reside on the land for three years before receiving his patent; and that, in case he removes from or transfers the land, it shall revert to the United States; prefixing to it the first part of Mr. WALKER's amendment.

This motion was lost—yeas 20, nays 21; as follows:

YEAS—Messrs. Benton, Buchanan, Crittenden, Hendricks, King of Alabama, Knight, Linn, McKean, Mangum, Moore, Nicholas, Porter, Prentiss, Preston, Ruggles, Shepley, Swift, Walker, Webster, and White—20.

NAYS—Messrs. Black, Brown, Calhoun, Clay, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hill, Hubbard, Kent, Morris, Naudain, Niles, Rives, Robbins, Robinson, Southard, Tallmadge, and Tomlinson—21.

The question was then taken on Mr. ROBINSON's amendment; and it was rejected—yeas 16, nays 27; as follows:

YEAS—Messrs. Benton, Black, Davis, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, King of Alabama, Linn, Moore, Morris, Nicholas, Porter, Robinson, Walker, and Webster—16.

NAYS—Messrs. Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Goldsborough, Hill, Hubbard, Kent, King of Georgia, Knight, Leigh, McKean, Mangum, Naudain, Niles, Preston, Prentiss, Rives, Robbins, Shepley, Southard, Twift, Tallmadge, Tomlinson, and White—27.

The bill was then reported to the Senate; and the amendments made in committee being concurred in—

Mr. BROWN moved to strike out that part of the first section of the bill which gives the ten per cent. to the new States; and the motion was rejected—yeas 11, nays 22; as follows:

YEAS—Messrs. Brown, Buchanan, Cuthbert, Hill, Hubbard, King of Georgia, McKean, Mangum, Niles, Ruggles, and Shepley—11.

NAYS—Messrs. Benton, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, King of Alabama, Knight, Leigh, Linn, Moore, Morris, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Southard, Swift, Tomlinson, Walker, Webster, and White—22.

Mr. BENTON moved to strike out the provision in the bill giving twenty-five thousand acres of land to the State of Missouri; and, after a debate, in which Messrs. WALKER, LINN, PORTER, and BENTON, took part, Mr. BENTON's motion was lost—yeas 6, nays 34; as follows:

YEAS—Messrs. Benton, King of Georgia, Morris, Niles, Robinson, and Ruggles—6.

NAYS—Messrs. Black, Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hill, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Rives, Robbins, Shepley, Swift, Tomlinson, Walker, Webster, and White—34.

Mr. BENTON then offered the following amendment, which he had submitted to the consideration of the Senate some days ago:

To come after the words "net proceeds"—

which net proceeds shall be ascertained to be the balance which remains, after deducting from the gross proceeds all expenses for the year on account of public lands, to wit:

1. Appropriations for the general land office.
2. Appropriation for the surveyor general's offices.
3. Appropriations for surveying public lands.
4. Appropriations for salaries, and commissions to registers and receivers.
5. Appropriations for annuities to Indians on account of the purchase of lands.
6. Appropriations for holding treaties for the purchase of lands.
7. Appropriations for amounts paid within the year for the extinction of Indian titles.
8. Appropriations for removing Indians from the lands purchased from them.
9. Appropriations for the five per centum allowed by compact to the States in which the lands lie.

After a debate, in which Messrs. BENTON, EWING, MORRIS, PORTER, CLAY, LINN, WRIGHT, WHITE, and BUCHANAN, took part—

Mr. EWING said he had no objections to the amendments, except to those which proposed to deduct the Indian annuities, and the sums paid for the extinguishment of Indian titles; and the question was taken on the several amendments with the above exceptions, and they were carried without a division.

After some remarks from Messrs. WEBSTER, WRIGHT, and BENTON, the question was taken on the clause of the amendment proposing to deduct the amount of annuities paid to Indians for the purchase of lands; which amendment was rejected—yeas 18, nays 27; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Niles, Rives, Ruggles, Shepley, Tallmadge, Walker, and Wright—18.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—27.

The question was then taken on the clause of the amendment deducting the expenses of holding Indian treaties for the purchase of lands; which was lost—yeas 18, nays 26; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Niles, Rives, Ruggles, Shepley, Tallmadge, Walker, and Wright—18.

NAYS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—26.

The next clause of the amendment, deducting the amount paid to Indians for the purchase of lands, was also rejected—yeas 19, nays 26; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—19.

NAYS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—26.

The last clause of the amendment, deducting the amount expended in the removal of Indians from the lands purchased, was also rejected—yeas 17, nays 28; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Georgia, Linn, Morris, Niles, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—17.

NAYS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Alabama, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tomlinson, Webster, and White—28.

The bill was then ordered to be engrossed for a third reading—yeas 25, nays 21; as follows:

YEAS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—25.

NAYS—Messrs. Benton, Brown, Calhoun, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—21.

[The debate of this day will be given in full as soon as the reporters can prepare it.]

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 27, 1836.

The resolution heretofore reported by Mr. OWENS, from the Committee of Ways and Means, making the bill in relation to the deposits of the public moneys the special order for the first Wednesday in May, provided the appropriation bills should be previously disposed of, &c., was taken up.

Mr. WHITTLESEY moved that it be postponed to this day week.

Mr. OWENS hoped the resolution would not be postponed, but would be adopted. As the day named had been set apart for the consideration of bills in relation to the District of Columbia, he would move to amend the resolution by inserting the second Monday, instead of the first Wednesday in May.

The amendment was agreed to.

The CHAIR remarked, that an amendment had been offered to the resolution on a former day by the gentleman from Virginia, [Mr. WISE.] The same amendment had also been offered to the resolution of another gentleman from Virginia, [Mr. DROMGOOLE,] and that one of the amendments was out of order.

Mr. WISE said, his object was simply to get his resolution before the House, and, having succeeded in doing so on another occasion, he would withdraw his amendment to the present proposition.

The resolution was then postponed to this day week.

PUBLIC DEPOSITS.

Mr. DROMGOOLE moved to suspend the rules for the purpose of proceeding in the consideration of his resolution, calling on the Secretary of the Treasury for information in relation to the public deposits, &c.; which was negatived.

REPORTS FROM COMMITTEES.

Mr. REED, from the Committee on Naval Affairs, reported a bill for the relief of Thomas B. Parsons; which was read twice and committed.

Mr. WHITTLESEY, from the Committee of Claims, reported the following bills; which were read twice, and committed:

A bill for the relief of Anne W. Johnson;
A bill for the relief of Frances Gardiner;
A bill for the relief of Benjamin Mooers;
A bill for the relief of Eli Horton; and
A bill for the relief of M. Geltson, executor of David Geltson, deceased.

Mr. WHITTLESEY, from the same committee, reported the following resolution; which was agreed to:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of allowing interest on all claims against the United States which may be finally sanctioned by Congress on the same proof on which they were reported in those cases, in which Congress shall not finally act on the bills at the session they have been, or shall be, reported; the said interest to commence from the close of the said session.

Mr. HOWARD, from the Committee on Foreign Affairs, reported with amendments the bill from the Senate to suspend the discriminating duties on goods imported in vessels of Portugal, and to reduce the duties on wines; which was committed.

AFFAIRS OF TEXAS.

Mr. THOMPSON, of South Carolina, moved to suspend the rules until one o'clock, to enable him to offer the following resolution, and have it disposed of.

Resolved, That the President of the United States be requested to communicate to this House all the information in his possession, not incompatible with the public interest, concerning the present condition of Texas; its political organization; the character of the war now waged there, and especially any information he may have as to the massacres said to have been lately perpetrated; and that he will also (if in his judgment not inexpedient) communicate to this House any correspondence in possession of the War Department in relation to the probability of Indian hostilities on the Texan frontiers.

Mr. THOMPSON asked for the yeas and nays on the motion to suspend; which were ordered, and were—yeas 67, nays 109; as follows:

YEAS—Messrs. Adams, Ash, Bell, Boyd, Buchanan, Bunch, Bynum, John Calhoon, Cambreleng, Campbell, Carter, Casey, John Chambers, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Deberry, Denny, Dickson, Forester, French, James Garland, Glascock, Graves, Griffin, Hannegan, Hardin, Samuel S. Harrison, Albert G. Harrison, Hawes, Haynes, Henderson, Holsey, Hopkins, Janes, Joseph Johnson, Richard M. Johnson, Henry Johnson, John W. Jones, Kinnard, Lane, Lansing, Luke Lea, Maury, McComas, Miller, Morgan, Page, Pettigrew, Pickens, Ripley, Roane, Robertson, Rogers, Shields, Spangler, Speight, Standefer, Steele, Storer, Thomas, Waddy Thompson, White, Sherrod Williams, and Wise—67.

NAYS—Messrs. Chilton Allan, Heman Allen, Anthony, Bailey, Barton, Beal, Bean, Beaumont, Bockee, Bond, Borden, Bouldin, Bovee, Briggs, Burns, William B. Calhoun, Carr, George Chambers, Chaney, Chapin, Childs, Clark, Coles, Connor, Corwin, Craig, Crane, Cushman, Darlington, Dickerson, Doubleday, Dromgoole, Dunlap, Evans, Everett, Fairfield, Farlin, Fowler, Fry, Philo C. Fuller, William K. Fuller, Gillet, Granger, Grayson, Haley, Joseph Hall, Harlan, Harper, Hawkins, Hazeltine, Heister, Hoar, Howard, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Jarvis, Cave Johnson, Kennon, Kilgore, Klingensmith, Lawrence, Lay, Gideon Lee,

Joshua Lee, Leonard, Lincoln, Love, Loyall, Abijah Mann, Job Mann, William Mason, Moses Mason, Sampson Mason, May, McKay, McKennan, McKim, McLene, Mercer, Moore, Morris, Owens, Parks, Patterson, Franklin Pierce, James A. Pearce, Phelps, Phillips, Pinckney, Reed, Rencher, Russell, Schenck, Seymour, Sickles, Smith, Sutherland, Taliaferro, John Thompson, Toucey, Turrill, Vinton, Ward, Webster, Whittlesey, and Lewis Williams—109.

So the House refused to suspend the rules.

Mr. FRENCH asked the indulgence of the House to take up, for the purpose of making it the special order for the morning hour of Wednesday next, the bill extending the provisions of the pension act of 1832.

Objections being made, Mr. FRENCH moved to suspend the rules, to enable him to submit his motion. He thought the worthy band of Indian fighters for whom this bill provided ought at least to have a hearing, if nothing more.

The House refused to suspend the rule, without a count.

SURVEY FOR A CANAL.

Mr. MERCER, instructed by the Committee on Roads and Canals, moved to take up the following resolution, heretofore offered by Mr. HARD:

Resolved, That there be printed five thousand extra copies of Captain Williams's report of a survey of a canal route connecting the waters of Lakes Erie and Ontario, made by him during the summer of 1835, together with the accompanying maps.

The House having agreed to take up the resolution, Mr. MERCER moved to amend it by striking out "five thousand" and inserting "three thousand;" which was agreed to.

The resolution, as amended, was then adopted.

ALEXANDRIA AQUEDUCT.

Mr. MERCER, from the Committee on Roads and Canals, reported the following resolution; which was considered, and agreed to:

Resolved, That the Secretary of War be directed to lay before the House a copy of a recent report of Captain Turnbull, of the corps of Engineers, on the survey and construction of the Alexandria aqueduct across the river Potomac, in the District of Columbia.

REPORTS FROM COMMITTEES.

Mr. MERCER, from the Committee on Roads and Canals, reported the following resolution; which was considered, and adopted:

Resolved, That the Committee of the Whole, to whom was referred a bill to improve the harbor of St. Louis, be discharged from the further consideration thereof, and that the same be referred to the Committee of the Whole on the state of the Union.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported a bill to establish certain post roads, and to alter and discontinue others, and for other purposes; which was read twice, and committed.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported the following bills; which were read twice, and committed:

A bill for the relief of Major James H. Hook; and

A bill for the relief of the heirs of captain Jesse Copeland.

Mr. TALIAFERRO, from the Committee of Claims, reported a bill for the relief of John M. Oliver; which was read, twice and committed.

Mr. WEBSTER gave notice that he would, as soon as the Journal should be read on to-morrow, move to proceed to the consideration of bills on their third reading upon the Speaker's table.

Mr. RENCHER asked the consent of the House to submit a resolution, requiring the Commissioner of the Public Buildings to cause the dirt upon Pennsylvania avenue to be removed.

Objection being made, Mr. R. moved to suspend the rules for the purpose stated; which was negatived—ayes 102, noes 53, two-thirds being necessary.

Unfavorable reports upon several petitions were made by Messrs. CHAPIN, P. C. FULLER, and TALIAFERRO.

Mr. CHAPIN, from the Committe on Revolutionary Claims, made an unfavorable report upon the petition of the heirs of Jonathan Knight, deceased.

SERVICES OF VOLUNTEERS.

On motion of Mr. THOMAS, the House proceeded to the consideration of the orders of the day.

The bill to authorize the President of the United States to accept the service of volunteers, and for raising an additional regiment of dragoons or mounted riflemen, was read the third time, and passed.

AFFAIRS OF TEXAS—AGAIN.

Mr. LEWIS asked the consent of the House to permit him to record his vote in favor of suspending the rules, to enable the gentleman from South Carolina [Mr. THOMPSON] to offer his resolution in reference to the affairs of Texas.

It was objected to.

ADMISSION OF ARKANSAS, ETC.

Some conversation took place between Messrs. VINTON, THOMAS, SPEIGHT, MERCER, BELL, STORER, SUTHERLAND, JUDSON, and the CHAIR, in reference to the mode of proceeding, &c., upon the bills from the Senate to establish the northern boundary of Ohio, and for the admission of Michigan and Arkansas; when—

The bill for the admission of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes, was read twice.

Mr. PATTON moved that the bill be postponed to, and made the special order for, next Tuesday week, from one o'clock, and on each succeeding day until disposed of.

Mr. THOMAS hoped the gentleman would include in his motion the bills in relation to the northern boundary of Ohio, and for the admission of Michigan.

Mr. PATTON accepted the modification so far as to include the bill for the admission of Michigan. He supposed there would be no necessity or occasion for acting on the bill fixing the northern boundary, as that question was embraced in the Michigan bill.

Mr. THOMAS desired that the other bill should also be included, as otherwise it would be impossible to obtain a vote of two-thirds.

Mr. EVANS objected to the motion as modified, as out of order. The bill for the admission of Arkansas had been read twice, and it was not in order to connect it with any other bill.

Mr. BRIGGS moved to commit the Arkansas bill to the Committee of the Whole on the state of the Union; but on the suggestion of Mr. VINTON, that if the House proceeded with the special order, pending this motion, it would give precedence to this bill to-morrow morning, Mr. B. withdrew his motion for the present.

The hour of one having arrived, the CHAIR announced the special order of the day.

Mr. THOMAS moved to suspend the rule, in order to enable him to submit a resolution, setting apart Tuesday week, at the hour of one o'clock, and each succeeding day, (so long as might be necessary,) for the consideration and final disposition of the following bills from the Senate:

A bill to establish the northern boundary line of the State of Ohio;

A bill to establish the northern boundary of the State of Ohio, and to provide for the admission of Michigan into the Union upon the conditions therein expressed; and

A bill for the admission of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes.

Mr. HARDIN asked for the yeas and nays on the motion to suspend the rules; which were ordered.

Messrs. HARDIN and WILLIAMS of Kentucky were in favor of dividing the question, so as to take the vote upon suspending the rules in reference to making each of the bills the special order as proposed.

The CHAIR said it was not in order to call for a division, until the rules were suspended. It would then be competent, if insisted on, to take the question separately in reference to each bill.

The question was then taken on suspending the rules, which was decided in the negative, not two-thirds voting in the affirmative, as follows:

YEAS—Messrs. Anthony, Ashley, Barton, Beel, Bean, Beaumont, Bockee, Bond, Boon, Bouldin, Bovee, Boyd, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Conner, Corwin, Craig, Cramer, Crane, Cushman, Dickson, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Fowler, French, Fry, James Garland, Rice Garland, Gillet, Grennell, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Huntingdon, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Loyall, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Miller, Moore, Morgan, Muhlenberg, Owens, Parks, Patterson, Patton, Dutee J. Pearce, Phelps, John Reynolds, Roane, Rogers, Schenck, Seymour, Shields, Sickles, Sloane, Spangler, Speight, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Vinton, Wagener, Ward, Webster, and Whittlesey—124.

NAYS—Messrs. Adams, Chilton Allen, Heman Allen, Ash, Bailey, Bell, Borden, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Childs, Clark, Deberry, Denny, Evans, Everett, Forester, William K. Fuller, Granger, Graves, Grayson, Griffin, Hiland Hall, Hardin, Harlan, Harper, Hazeltine, Heister, Hoar, Hunt, Ingersoll, William Jackson, James, Henry Johnson, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Sampson Mason, Maury, McComas, McKennan, Mercer, Milligan, Morris, James A. Pearce, Pettigrew, Phillips, Potts, Reed, Rencher, Russell, Slade, Standefer, Steele, Taliaferro, Underwood, Washington, White, Lewis Williams, Sherrod Williams, and Wise—69.

ARMY APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, and in further execution of the special order of the 26th of January last, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. MASON, of Virginia, in the chair,) and took up the bill making appropriations for the support of the Army for the year 1836.

The bill having been read through by the Clerk,

Mr. CAMBRELENG moved to amend the following section: "For the armament of the fortifications, $200,000," by striking out this sum and inserting $1,224,301. Mr. C. sent to the Clerk's table a letter from the Secretary of War, dated January 21, 1836, inclosing the estimates on which the amendment was founded; which was read. He also informed the House that he had moved the amendment under the instruction of the Committee of Ways and Means. This was the first motion he had made with reference to the disposition of the surplus revenue, and it was due to himself to state his views at length. Mr. C. then proceeded to reply to the speech of Mr. BELL on the naval bill. He regretted that the presiding officer of the last Congress should have entered into a controversy about the proceedings of the last night of the session. Mr. C. defended himself from the charge of Mr. BELL in relation to Mr. C.'s "assumption" that there was no quorum at a particular moment of that night. He knew it from the yeas and nays. The then Speaker himself also knew there was no quorum, and the Journal evidenced the fact. Mr. C. also vindicated the course of the present Committee of Ways and Means, in reply to the charge of Mr. BELL, that the appropriation bills had been unnecessarily delayed. There had not been an instance, for forty years, when so many of the ordinary appropriation bills had been reported within fifteen days from the time the committees were announced. He adverted, in reply, to the course of the gentleman from Tennessee himself on the ordinary naval bill, containing appropriations for all parts of the world, which, in times of high party excitement, was generally passed without the slightest embarrassment. That bill was retarded for several weeks by a motion of the gentleman to reduce the appropriations for navy-yards one half, in order to save $300,000 in the exigency of a war with France. After this had been debated for some time, the gentleman from Tennessee took another ground, and made a motion to reduce an item from $67,000 to $33,500, which was discussed at great length, the gentleman himself speaking four days upon it; and then he refused to vote on his own motion. A gentleman from Vermont [Mr. EVERETT] moved to reduce the same item to $4,000, and then the gentlemen from Tennessee declared that that motion he himself intended to make.

Mr. C. then adverted to the proposition of Mr. MERCER, to engraft upon the civil list a proposition to distribute the surplus revenue, and congratulated the country upon the frustrations of the various attempts to renew the panic, as evinced by the results of the elections in Virginia, Connecticut, and Rhode Island. Mr. C. also

vindicated the Administration from the charge of having been guilty of extravagant expenditures in works of internal improvement. They were not responsible for those expenditures, for, in the first place, those works had their origin under former Administrations, the Delaware breakwater, Cumberland road, &c.; and the Committees of Ways and Means, Commerce, and Roads and Canals, of that House, must be held accountable for the amount of appropriations made for them. In reference to the public deposits, Mr. C. was anxious that some measures of regulation should be adopted. He was, however, opposed to the Government having anything to do with stocks; and if any surplus should remain after the wants of the Government should be supplied, which he doubted, he would vote, rather than have anything to do with stocks, that the surplus should be temporarily invested, and leave that fund pledged, in the language of the eighth article of the old Confederation, "to be disposed of for the common benefit of the United States." He denied that the present Administration were accountable for the accumulation, but that it had, on the contrary, endeavored to stem it. It was produced by the tariff act of 1816. He himself did not think the surplus would continue but little, if any, beyond the ordinary necessities of the Government. Mr. C. dwelt at length upon this subject, and that of the distribution of the proceeds of the sales of the public lands, the inevitable effect of which would be to produce an increase of the tariff.

He also entered into a variety of statements with reference to the revenue arising from importations and the public lands, which, in case of a reaction that would inevitably ensue, would not amount to more than two thirds of the expenditures of the Government. He controverted the doctrine that there was a large surplus. On the first of January of the present year, the unappropriated balance in the Treasury amounted to only $17,500,000, not including the United States Bank stock, for he would not calculate on anything from an institution that had acted as that had done with reference to the pension fund, and the widow and orphan. This amount of $17,500,000 would be more than exhausted during the present year, without the aid of adopting any measure of direct distribution. There were extraordinary estimates amounting to $6,000,000; two Indian treaties approved by the late majority of the Senate, $7,000,000; the Seminole war would probably cost $5,000,000; and there were a large mass of other expenditures that would swell it up to $25,000,000. Besides this, the war cloud now hanging over the southwestern frontier ought not to escape the attention of Congress. He examined in detail the effects of distributing the surplus revenue in the manner proposed, which would introduce a general scene of corruption, break down the independence of the States, and produce consolidation. He would go with gentlemen for putting the fortifications in a state of defense, and of possessing a naval power commensurate with the commerce and coast of the country. He would triple the force in the Gulf of Mexico; he would increase the naval force on the east, and would have an efficient force in the Pacific to protect our fisheries, where, in case of war, we should be first assailed. He again adverted to the Seminole war, and the probability of a rupture with Mexico, or with the Indians in that quarter, incited through the influence of that nation. Should this be the case, every dollar of the surplus revenue would be exhausted; and Mr. C. concluded, after some further remarks, by calling upon the friends of distribution to pause and reflect upon these circumstances before they took a step which they would be unable to retrace.

Mr. BELL proceeded to reply to Mr. CAMBRELENG in reference to the allusions made to himself by that gentleman. He said there had been great neglect in not bringing forward the appropriation bills, with reference to the apprehension of war; and he therefore came to the conclusion, which he took that opportunity to reiterate, that the party never had any apprehensions of a war with France. Under ordinary circumstances no delay had taken place; but at that time there was a pretense of apprehension of a war, and yet the appropriation bills were not only suffered to sleep for a long time, but to give place to the New York relief bill. Mr. B. endeavored to get an hour devoted to the adoption of some amendment to the rules of the House, and he believed that, if they had devoted three or four weeks to that subject, the country would have been a gainer; and that motion was resisted on the same ground that a war was apprehended, and the patriotism of members on all sides was appealed to. He denied, in reply to the articles in the Globe, that he had made a frivolous motion to embarrass the Navy bill. He did not hold the President of the United States nor any member of the House responsible for the articles in that print, but it was well known they indorsed them by inclosing copies of the paper under their frank. He hardly received a letter that did not inform him that hundreds of that infamous paper were franked to Tennessee by the President; and though he would not hold the President responsible for, or say that he indorsed its slanders, yet such was the effect of their being forwarded under his frank. Mr. B. then went into the history of the proceedings on the naval appropriation bill, and of his own course on that occasion, and repelled the attacks made upon him by the Globe, several of which he read. He then went into a diurnal history of the proceedings on the New York fire bill, Mr. ADAMS's resolution, and Mr. WISE's resolution, the contested election, &c.; by which he showed that the Navy bill had been compelled to give way to those propositions. The changes were rung on the New York fire bill and the contested election case, each being alternately considered, during which time the appropriation bills slept. Out of the six weeks' discussion on the Navy bill, alleged to have been the effect of Mr. B.'s motion, after all the slanders made against him, he proved that bill had only been discussed during parts of thirteen days. With regard to his motion, he explained that he had made it to bring out the views of those who were supposed conversant with the matter; but the motion to reduce the appropriation to $4,000, the ordinary expenses, was perfectly consistent with his own to reduce the whole appropriation one half. Besides, when in the Committee of the Whole on the state of the Union, that was the only occasion that would be given the minority for political discussion, and he had availed himself of the Navy bill, believing he should have no other occasion. He believed that, if the ordinary appropriation bills were got through, and Michigan and Arkansas admitted into the Union during the morning hour, they would soon find themselves adjourned; nor did he believe they would act on the deposit bank bill, the land bill, the Post Office bill, and several other great subjects, unless they interposed and kept back one of the appropriation bills. If any of these measures were brought up, without the interposition of some such bill as he alluded to, they would either not be acted upon, or no opportunity would be afforded of discussing them, but they would be forced through by means of the previous question. After some further remarks, Mr. B. intimated that he should avail himself of a future opportunity to give his views at length on the subject embraced in the amendment, and such other topics as were involved in, or should grow out of it.

Mr. MERCER, after some remarks in reply to Mr. CAMBRELENG, moved to strike out the clause proposed to be amended by that gentleman, and insert the following:

For the purchase or construction of a foundery for ordnance at such place as the Secretary of War, with the approbation of the President of the United States, may select, and for defraying the expenses of conducting the operations of such foundery for one year, including the purchase of necessary tools and materials, the sum of —— hundred thousand dollars, and that the further sum of —— hundred thousand dollars be appropriated to the purchase of ordnance for immediate use.

After some further remarks by Mr. MERCER and Mr. CAMBRELENG,

Mr. MOORE obtained the floor, and gave way to Mr. BYNUM, on whose motion the committee rose and reported.

The SPEAKER laid before the House a communication from the Secretary of State, transmitting, in compliance with a resolution of the 23d instant, a list of the awards made by the commissioners on the claims under the convention with the King of the Two Sicilies; which was laid on the table, and ordered to be printed.

On motion of Mr. MANN, of New York, the House then adjourned.

IN SENATE.

THURSDAY, *April* 28, 1836.

The CHAIR communicated a report from the Navy Department, containing an estimate of the maximum amount that can be advantageously expended, annually, for naval purposes, navy-yards, arsenals, dry-docks, &c.; which was laid on the table, and ordered to be printed.

Mr. LINN, from the Committee on Pensions, to whom had been referred the petition of Jean Baptiste Jarvis, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. TOMLINSON, from the same committee, reported a bill to restore certain invalid pensioners to the pension roll; which was read, and ordered to a second reading.

Mr. CLAYTON, from the Committee on the Judiciary, to whom had been referred the petitions of Peter A. Karthaus, and Robert P. Moore, and others, reported unfavorably thereon; and the committee was discharged from the further consideration thereof.

NEW POST ROUTES.

Mr. WALKER offered the following resolution; which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in the State of Mississippi: From Port Gibson, by Darwin, Shelby's, Lloyd's Mills, and Casey's Store, to Raymond; from Clinton, by Spring Hill, and Summerville, to Silantia.

Mr. LINN offered the following resolution; which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the town of St. Genevieve, Missouri, to the steamboat landing near that place.

STATUARY FOR THE CAPITOL.

Mr. BUCHANAN moved that the resolution directing the Committee on Finance to inquire into the expediency of contracting with Luigi Persico for two groups of statues to complete the ornaments of the cast front of the Capitol, be taken up for consideration.

Mr. PRESTON had no sort of objection to matters of this kind, nor was it with him a mere question of expense. The declaration in the resolution was virtually that it was proper to make an appropriation for the purchase of two groups from Mr. Persico, and he thought the terms of the resolution ought to be enlarged, and not confined to any particular individual; and it might be a question whether the Committee on Finance, who were burdened with other duties, were the appropriate committee. It was a matter of taste, and peculiar in its character.

Mr. MANGUM said the Committee on the Library invariably had the charge of the expenses and selection of ornaments for the Capitol. As to the question of expense in matters of that kind it was not a matter of much consequence, and not necessary to place it under the direction of the Committee on Finance. He would, therefore, move to strike out the Committee on Finance, and insert the Committee on the Library. This inquiry was very proper, and, he thought, properly belonged to the Committee on the Library. The ornaments to be selected would not only be valued for this, but for all future ages.

Mr. CALHOUN said that when this resolution was first introduced his attention was called to it, and he really did think that they ought to reserve objects of this description for native artists; one of whom was at that time in Europe, at the head of his profession. At the solicitation of the mover, he would not make any opposition to the resolution now. Let it go (said Mr. C.) to the committee, and let them report on it, and should their report be unfavorable, he would then have an opportunity of expressing his views further on the subject. Mr. Persico was a gentleman of talents, and would no doubt do justice to the subject; but the Government had but little patronage of the kind, and he thought they owed it to native artists to reserve it for them.

Mr. BUCHANAN did not intend at that time

to enter into a discussion of the question raised by the Senator from South Carolina, [Mr. CALHOUN,] though on a proper occasion he should have something to say with regard to it. He would assure the junior Senator from South Carolina, [Mr. PRESTON,] that if he had had the selection of an individual in the Senate, whose judgment and taste in matters relating to the fine arts qualified him to decide as to the merits of the proposed pieces of statuary, he should have selected him; but he knew that a bill had come there from the House of Representatives, containing appropriations for statuary, which had been referred to the Committee on Finance, and he had, therefore, no choice but to send his resolution to that committee, or incur the risk of its not being acted on during this session.

Mr. MANGUM said there could be no difficulty in this matter. As to the question of taste he should have as much confidence in the taste of the chairman of the Committee on Finance as in that of any other gentleman; but he thought it would be more appropriate to send it to the Library Committee.

Mr. PRESTON doubted the propriety of the suggestion of the Senator from North Carolina. The Committee on the Library were not more qualified to decide in such matters than any other members of the Senate; and, indeed, few of them had had opportunities of making themselves so. It had been usual to refer matters of this description to the Committee on the Library, on the natural supposition that there was some connection between literature and the fine arts; but he should think the Committee on Finance as well qualified as any other committee; and he would suggest that they should be instructed to inquire whether an appropriation, and to what amount, should be made to ornament the east front of the Capitol, leaving the selection both of the subject and the artist to some proper department of the Government—say the President of the United States. The resolution contemplated two groups of statues for the east front of the Capitol. Now whether groups of statues were proper for that place, or what groups, or whether the subject chosen was consistent with good taste, were all questions of great importance, which the Senate was not competent to determine; and a degree of responsibility should be thrown upon the proper department of the Government for the selection both of the subject to be executed and the artist to execute it, so as to insure a work worthy of the building whose cost was three millions of dollars, of the wealth and greatness of the nation, and of the admiration of posterity. He had the highest opinion of the talents and excellence of Mr. Persico as an artist; but some of our own artists had obtained, very deservedly, great celebrity. One of them, Mr. Greenough, was soon expected home, and it might be deemed proper to give him an opportunity of exercising his talents on the contemplated work. He thought that some competition might be advantageously excited—that some little collision of mind among men of genius and taste might result in the adoption of a design more appropriate than that suggested by Mr. Persico; but of this he could not pretend to judge. The reference of such matters to persons of competent skill and acknowledged taste was necessary to prevent their being burdened with works unworthy of the nation. Their public halls had been disgraced with exhibitions purporting to be of the fine arts, utterly offensive to the public taste, absurd in design, and wretched in the execution. He would vote against the motion of his friend from North Carolina; and would move to amend the resolution, so as to authorize the President of the United States to contract for suitable ornaments to complete the east front of the Capitol, instead of directing the Committee on Finance to inquire, &c.

Mr. BUCHANAN said he did not anticipate so much discussion on a mere question of inquiry. Some years ago I (said Mr. B.) submitted a similar resolution to the House of Representatives, and I thought I could not do wrong in asking a committee of the Senate to inquire into the expediency of making an appropriation.

I feel it to be my duty, however, after what has taken place, to reply to some of the remarks which have fallen from the Senators from South Carolina, particularly those of the junior member.

No man living, sir, is willing to extend more encouragement to native talent than I am. Wherever it can fairly be brought into competition with that of foreign growth, it ought to be preferred. I am no connoisseur in sculpture, but I know that it requires immense labor, intimate knowledge of drawing, and years of experience, to execute a classical or historical figure.

There is as much difference between the artist who forms a bust, and he who executes a group of statuary, as there is between a mere portrait painter and a Michael Angelo. It is the very lowest grade of the art—the commencement of the study of the profession. No gentleman, whatever may be his natural genius, who has proceeded no further than the execution of a bust, and the taking of a striking likeness, is fit to be employed in ornamenting the eastern front of our Capitol.

It may be asked, (and I answer the question now,) why I feel this interest in Mr. Persico? It is from motives of private friendship, in consistence with the public good. He came to the town in which I reside in 1819, merely as a portrait painter, and for the purpose of acquiring a knowledge of the English language. His genius and taste were soon discovered, and in his society I have passed many agreeable and instructive hours. He left us without a single enemy. He is not a native, but he intends to spend his days among us, for he loves liberty with all the enthusiasm of genius. He is devoted to the institutions of this country.

When I next saw him, it was in New York, where his talents as a sculptor had begun to attract much attention. I asked him why he had concealed his knowledge of sculpture to his friends in Lancaster, and he replied, evincing the modesty which always accompanies true merit, that there were so many foreigners in this country who pretended to what they were not entitled, that he had determined not to speak of his knowledge of this art until he should have an opportunity of displaying it by his works. He was subsequently employed by this Government at a salary of $1,500 a year to ornament the tympanum of the eastern front of the Capitol. How he succeeded, let the universal approbation which his efforts have received, decide.

After he had completed this work, I presented a resolution to the House of Representatives, of which I was then a member, similar to the one I have now offered. He was employed; and though I pretend to no taste in the fine arts, yet I know that others, who are competent judges, as well as *myself*, have been delighted with the results of his labors, and admired the industry and genius with which they were accomplished.

The hope of identifying his talents with the Capitol of the Union has been the subject of his thoughts by day, and his dreams by night. Most keenly and deeply, therefore, would he feel, if the Senate of the United States should refuse to entertain a mere resolution of inquiry.

Any one, whether a man of taste or not, cannot but be struck with the model of one of the groups which he has completed. It represents the great discoverer when he first bounded with ecstasy upon the shore; all his toils and perils past, presenting a hemisphere to the astonished world, with the name of America inscribed upon it. Whilst he is thus standing upon the shore, a female savage, with awe and wonder depicted in her countenance, is gazing upon him. This is one of the happiest, noblest, grandest conceptions of genius. It is worthy of the subject. I hope every Senator will examine the models for himself. I hazard the assertion that, if ever this work shall be finished according to the model, it would command in Europe five times the amount which it will cost in this country. I believe, however, from the enthusiasm of the artist, that he would rather have this work of his placed on the blocking of the Capitol, if he should receive from Government no more than a mere subsistence whilst engaged in its execution, than to realize a fortune from it in Europe.

If the Senator from South Carolina desires it, let him offer a separate resolution in favor of any other artist. He shall receive my vote. I should feel indebted to him, however, if he would suffer mine to take the usual direction without any amendment.

Mr. PRESTON said the gentleman from Pennsylvania was mistaken if he imagined for a moment that what he said was in reference to a special competition between Mr. Persico and any other artist. He should very much regret if Mr. Persico himself thought he had said anything invidious to him. That body was not fitted to discuss these matters, as was evident from the manner in which the names of individual artists had been brought forward. He knew that he himself was not competent to decide on them. There was, to be sure, as the gentleman from Pennsylvania observed, every difference between the execution of a correct likeness, and the execution of a grand historical or allegorical subject; but he would observe *en passant* that he who copied nature most correctly in the execution of a likeness would be the most apt to succeed in the execution of a work of greater importance. By referring the decision of this matter to the President, he would most probably, before deciding, consult with gentlemen upon whose taste and judgment every one would be willing to rely. Washington Alliston, of Boston, was one on whom he would entirely rely; and if he would say that the design of Mr. Persico was worthy of the object for which it was intended, he would be satisfied that after generations would speak of the work with the same admiration that we speak of the works of Michael Angelo. Mr. P., after referring in terms of disapprobation to the works in the rotunda of the Capitol, and particularly to the statue of Mr. Jefferson, which had got there by some means or other *per fas, aut nefas*, said that he concurred with his colleague in wishing to reserve such works for native artists, if competent ones could be found; but if not, as expense should be no object, he would be willing to send to Thorwaldsen for a suitable work. He would rather (he said) have one such statue as that of Washington by Canova, which had been destroyed in the conflagration of the State-house at Raleigh, North Carolina, than all the trash that cumbered and disgraced the walls of the rotunda. He wished it to be distinctly understood, that in all he said nothing disparaging to Mr. Persico, whose talents were acknowledged on all hands. All he wished was, that the decision of this matter should be left to the proper department of the Government, without saying that this particular design should be executed, or this particular artist employed, to the exclusion of all others. He therefore renewed his motion.

Mr. CLAY said the Senator from South Carolina regarded this as a more serious matter than he could. When he heard the remarks of that Senator, from the manner in which he had exhibited his taste and knowledge of the art of sculpture, he felt as if he wished the whole matter submitted to him exclusively. Mr. Persico was well known as a superior artist, and Mr. Greenough was already employed by the Government to do an important work. To refer it to the President was a mere shifting of the responsibility from Congress to the President. If a good painter could be a good judge of sculpture, they would have enough to counsel with; or if a good orator was a good judge of sculpture, he believed there were several of them on the Committee of Finance. But really he thought there was too much importance attached to this matter; and if the President should refuse to take the responsibility of contracting for these groups, it would then be time enough for them to take it upon themselves.

Mr. CALHOUN was of opinion that they should reserve such matters for native artists, many of whom were highly distinguished. The very fact being known that they had such works in reservation for native talent, would have a powerful influence in stimulating their exertions to attain excellence in their professions.

After a few remarks from Mr. DAVIS,

Mr. CLAYTON said, that whenever Mr. Greenough, or any native artist, should present himself with such a design as that presented by Mr. Persico, he would most cheerfully vote to send it to a committee for consideration. He did not consider the voting for this resolution as voting to contract for the group of statues; it was only

a resolution of inquiry, and he would therefore vote for it.

The question was then taken on Mr. PRESTON's amendment, which was rejected; after which, Mr. BUCHANAN's resolution was agreed to.

PATENT LAWS.

Mr. RUGGLES, from the select committee appointed to inquire what alterations are necessary in the patent laws, made a voluminous report thereon, accompanied by a bill to reorganize the Patent Office, and make it a distinct department of the Government, and to alter and amend the patent laws.

The report and bill having been read, the bill was ordered to a second reading; and, on motion of Mr. CLAYTON, three thousand each of the report and bill were ordered to be printed.

NAVY APPROPRIATION BILL, ETC.

The bill making appropriations for the naval service for the year 1836; and

The bill making additional appropriations for the suppression of Indian hostilities in Florida, were severally read the third time and passed.

PROCEEDS OF THE PUBLIC LANDS.

The bill to distribute for a limited time the net proceeds of the sales of the public lands among the States, and to grant lands to certain States, came up on its third reading; when

Mr. NILES addressed the Senate in a speech of great length, force, and argument, in opposition to the bill; after which,

Mr. BENTON observed that, in reading over the bill that morning as engrossed, he found that the amendments made yesterday to the second section, defining what the net proceeds of the sales of the public lands were, did not apply to the third section, where the same amendments were equally necessary. He therefore moved to recommit the bill, for the purpose of having it amended in that particular. At the same time that he made this motion, he would inform the Senate that there were four gentlemen, including himself, desirous of being heard in opposition to the bill; the manner in which it had been carried through yesterday having prevented them from addressing the Senate on it. If the Senate refused the motion, these gentlemen were determined to speak to-day; and he, for one, would speak if the sun rose and set on their session. He did not mean to let this bill go off without making his sentiments with regard to it known to the American people. If the recommitment was ordered, the bill would be reported to-morrow, and gentlemen would have an opportunity of then being heard on it; otherwise, they must speak to-day.

Mr. EWING hoped the motion to recommit would not prevail, as the proposed amendment was altogether unnecessary. The designation in the second section of the current items of expenses to be deducted from the sales of the year, would be sufficient information to the Department as to what Congress meant by the net proceeds of the sales of the public lands, and by it they would know the principles on which they were to make up the accounts.

Mr. MORRIS had discovered, on reading the bill, the same objections to it that had been mentioned by the Senator from Missouri; but, being altogether opposed to the bill in principle, he did not think it necessary to refer to them. He had very little concern with the details of the bill, and thought that those gentlemen who, like him, were opposed to it in principle need not care for them. He should, however, be pleased if the motion of the Senator from Missouri prevailed, in order that those gentlemen who intended to address the Senate might have an opportunity of examining it, as it was now very different from the printed bill as it came from the committee. It was with great reluctance that he ever intruded on the time of the Senate, but he was so situated that he was compelled to address them on this occasion; indeed, he could not refrain from doing so without violating what he considered to be an imperious sense of duty. How long it would take him to express his sentiments on this subject he could not say—probably not long; and he hoped the Senate would indulge him, as well as there gentlemen, by a postponement. There had been no hurrying of this bill until last evening, and he did not see any necessity for passing it that evening. If the objections of the Senator from Missouri had any weight, the bill ought to be recommitted; and he would suggest to its friends, whether it would not be better to make it so plain that nothing should be left to inference in the Departments?

The question was here taken on Mr. BENTON's motion; and it was rejected.

Mr. MORRIS then moved that the Senate adjourn.

The motion was decided in the negative—yeas 20, nays 24; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—20.

NAYS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Robbins, Southard, Swift, Tomlinson, Webster, and White—24.

Mr. PORTER then observed that he would make a compromise with gentlemen opposed to the bill. If they would agree that the final question should be taken to-morrow, he would move to adjourn, and he hoped his friends on his side of the House would agree to it. He did not wish to compel gentlemen to speak at that late hour; and his friend from Missouri, as well as every member of the Senate, must see that the delaying of this bill delayed other important busines which was suffering by the delay. He, for one, was determined that this bill should have precedence of all others.

Mr. BENTON said he fully appreciated the sentiments expressed by the Senator from Louisiana, but he could make no compromise. He was determined to speak on that bill before it passed.

Mr. MORRIS said he would much prefer addressing the Senate to-morrow than at that late hour. His address would not probably occupy a long time; and, if the Senate would agree to adjourn, he would agree that the final question should be taken to-morrow.

On motion of Mr. PORTER, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 28, 1836.

Mr. PIERCE, of New Hampshire, rose and remarked that, not seeing the gentleman from Virginia [Mr. DROMGOOLE] in his seat, he would move to take up the resolution submitted by that gentleman calling on the Treasury Department for certain information in reference to the deposit of the public moneys, and the amendment thereto offered by another gentleman from Virginia, [Mr. WISE.]

Mr. P. thought it was due to the Secretary of the Treasury, and to themselves, that this resolution should be taken up and disposed of.

Objection being made,

Mr. PIERCE moved to suspend the rules; which was agreed to—ayes 103, noes not counted.

The resolution was then read; the question pending being the amendment of Mr. WISE, as modified at the suggestion of Mr. CALHOUN, of Massachusetts, proposing also to raise a select committee to inquire into the various subjects connected with the deposit of public moneys in certain local banks.

Mr. BOND, who had spoken on two former days, addressed the House for the third time on the subjects embraced in the resolution. The nation found itself in possession of about $37,000,000, all of which was in the hands of the deposit banks, which moneys, he contended, were unsafe in those institutions, because the banks were not sufficiently responsible to the Government for those moneys, and because of the small capitals of those banks. He alluded to the communication of the Secretary of the Treasury about the time the deposits were removed, in which it was stated that the domestic exchanges would be improved by that removal, and to the circular of the Clinton Bank of Columbus, a young institution with a smaller capital than many others in that region of country, which refused to take the notes of specie-paying banks in its own neighborhood, and received those of distant banks; which (he argued) would have the tendency of deranging the exchanges. This system (he said) would have the effect of compelling those who had money to pay for public lands to get their moneys shaved by brokers, for the purpose of getting moneys which this bank would receive. The deposit banks might transfer moneys to those brokers, which could be used for the purpose of shaving. When our moneys were in this uncertain state, he did not think gentlemen ought to sit and fold their arms, and not go into an examination of the condition of those moneys. If the investigation was not now gone into, it would give the guarantee to those banks that an investigation never would be had, and, in consequence of this, they would go on in their speculations; and he feared that by next December they should have an account of empty boxes. He asserted, without fear of contradiction, that many of the deposit banks were not able to repay the money to the Government which they were intrusted with, and pay the debts due their creditors. It was, to be sure, asserted that the banks had four dollars to one to pay their Government deposits with; but it must be recollected there were other creditors to be paid besides the Government. He alluded to the agent of the deposit banks, and asked, if he was not an agent of the Government, why it was that he had a room in the building occupied by the Treasury Department? This he did not consider proper, and contended that no individual should be allowed to have an office in the same building with the Treasury Department who was not connected with it, and responsible to the head of that Department. He went into an examination to show the amount of moneys the Government had lost by local banks, and argued that the same result might again be expected.

Mr. PIERCE, of New Hampshire. Mr. Speaker, I do not propose to discuss the deposit question, though there are few more fruitful subjects, as experience has taught us, and none presenting more ample materials with less of laborious research. What power Congress possesses over the deposit banks—whether they are safe or unsafe—whether they constitute a United States bank, to all intents and purposes, as the gentleman from Massachusetts [Mr. CALHOUN] alleges—and whether that is to be made an objection to them, in a certain quarter, as depositories of the public moneys—are questions which will very properly come under our consideration when the bill upon your table, for which a special day has been assigned, shall be taken up. At present, the question legitimately before the House appears to me to be, what is the appropriate and judicious mode of seeking the information contemplated alike by the original resolution presented by the gentleman from Virginia, [Mr. DROMGOOLE,] and the amendment proposed by his honorable colleague? [Mr. WISE.] To this question, sir, I should have confined myself exclusively, but for certain extraordinary assertions and grave charges which have been preferred against the Secretary of the Treasury; and to repel even these may be regarded as the work of supererogation; for in this country there is, fortunately, so much intelligence—the avenues to correct information, open to all, are so multiplied and various—that no Administration, and no public officer, can suffer long or seriously in consequence of mere bold, sweeping denunciation. And he who expects to make a successful attack with such weapons alone does great injustice to the character of the yeomanry of this country, in whose hands are its destinies. They are watchful of their public servants—jealous, if you please—but they are at the same time just. They are not convinced, and they cannot be alarmed, by mere naked charges. They look beyond the charges to the evidence upon which they are predicated, and so I trust will this House do, before they adopt any new and extraordinary course of proceeding. Whether Mr. Whitney, whose name has so often been introduced in the course of this debate, is the agent of a corporation, or any number of corporations—the agent of individuals, or no agent at all—is to me an affair of perfect indifference. If he is not a public officer, or in the pay of the Government—and I understand that neither is the fact—the nature of his agencies, if such he have, and the compensation he may receive for his

services, are matters into which I have as little curiosity as right to inquire. Whether he occupies a room in the block of buildings a portion of which is rented for the accommodation of the Treasury Department, or a room on the opposite side of the avenue, are questions in which the House can feel no possible interest, however much gentlemen may attempt to make of it in debate.

But there are other subjects, as the gentleman from Ohio justly observed, of the highest importance. For instance, if the Secretary of the Treasury, or any agent of the Department, by his order, or with his approbation, has adopted a new rule, with regard to what money shall be received for public dues, operating injuriously upon any portion of the country, it deserves prompt consideration; the cause of the change should be inquired into without delay. This charge the gentleman from Ohio [Mr. Bond] has distinctly made. I shall not, in replying, retort the harsh term the gentleman has thought proper to apply to the Secretary, but I will pronounce his position erroneous, and assert that the terms, in this respect, have never been more liberal, except during the suspension of specie payments, than since the removal of the deposits from the United States Bank. The same construction has been given to the laws relating to this subject from the days of Hamilton's administration to the present time. That the gentleman's complaint, in this particular, is unreasonable and without any foundation, is shown conclusively by a report of the Secretary of the Treasury, read in the Senate on Tuesday last; and I will not take up the time of the House by pursuing a proposition which, in that report, is clearly demonstrated. I thank the gentleman, Mr. Speaker, for having called the attention of the House particularly to the deposit bank of the State which I have the honor in part to represent—the Commercial Bank at Portsmouth, which the gentleman denominates, I suppose by way of eminence, "*the special pet in particular of the Secretary of the Treasury.*" Now, a moment's examination will show what constitutes, in the gentleman's estimation, "a special pet in particular." On the 18th of the present month, there was on deposit in the Commercial Bank at Portsmouth $119,713, out of which the pensions of the State, your appropriations for the navy-yard at that place, and all other expenditures accruing there, are to be paid. At the same date there was on deposit in the city of Cincinnati alone more than two millions of dollars.

Mr. BOND. The Commercial Bank at Cincinnati, by what authority I know not, has established an agency at St. Louis, Missouri, and much the greatest part of the public deposit held by that bank is at this agency, and not in the State of Ohio.

Mr. PIERCE resumed: It is quite immaterial—the bank at Cincinnati is responsible for it. There was on deposit in the State of Ohio, at the date before given, $2,455,136, which is more than quadruple the amount on deposit in New Jersey and Delaware, and all the New England States together, with the exception of Massachusetts. Such, sir, is the evidence of favoritism on the part of the Secretary, of which the gentleman from Ohio complains; and he is at liberty to make the most of it.

The Secretary, in his annual report, under the head, "Deposite Banks and the Currency," says:

"The payments to creditors, officers, and pensioners have been punctual and convenient; and the whole fiscal operations through the State banks have, as yet, proved highly satisfactory. Incidental to this, the facilities that have been furnished to the commercial community in domestic exchanges were probably never greater, or at so moderate rates."

This the gentleman does not hesitate to pronounce false. I do not say this of his assertion, but will content myself with opposing to that assertion facts, of which he may dispose at his leisure. The deposit banks are required to state, on the back of their semi-monthly returns, the rates of exchange at the places where they are located; and on the 18th of the present month those returns show that, at the various points where complaints have been made—at New Orleans, Mobile, Cincinnati, Baltimore, Philadelphia, and the Atlantic cities—in no instance has exchange been higher than one per centum, in many a half and a quarter, and others at par.

Mr. BOND. I said that it was stated in a newspaper, received yesterday from Cincinnati, that the notes of all the Ohio banks out of the city were at a discount of four to five per centum; and that a friend of mine, now here, (but who resides in Cincinnati,) had just informed me that exchange could not be had there, on Philadelphia or New York, for less than one to one and a half per centum, and that no considerable amount can be had at either of these rates.

Mr. PIERCE. Undoubtedly; and the gentleman's friend has been no more unfortunate in finding high rates of exchange than individuals and the teeming press in other places. I do not say that there is a panic-manufacturing spirit abroad, but I feel bound to rely upon official statements from the different points, in preference to the declaration of any individual or any newspaper paragraph. Decided exception has been taken to one of the articles of agreement entered into between the Government and the deposit banks. It is in the following words:

"If the Secretary of the Treasury shall think proper to employ an agent or agents to examine and report upon the accounts and condition of the banks in the service of the Government, or any of them, the said bank agrees to pay an equitable proportion of his or their expenses and compensation, according to such apportionment as may be made by the said Secretary."

Is it not the duty of the Secretary, as a faithful public officer, to make every provision which prudence can suggest for the safe-keeping of the public moneys? Should he hold no control over the agents of his own appointment? While the banks consent to a stipulation of this kind, it is difficult to conceive why the representatives of the people should object. But my object, in referring to this article, which is regarded with so much alarm, is chiefly to state that no agent has ever been appointed by the present Secretary, and that the power has been exercised only on two occasions since the withdrawal of the deposits from the United States Bank, with neither of which the mysterious Mr. Whitney had any connexion; one of those agencies, which was to examine into the condition of the Union Bank at Baltimore—suggestions against its solvency having been made during the panic era—consisted of Mr. Reverdy Johnson, (then, and I believe now, a decided opponent of the present Administration,) and Mr. Howard, of Baltimore. About the same period, upon similar suggestions, Judge Ellis, of Mississippi, was appointed to inquire into the state of the Planters' Bank. These are the only occasions on which the power has been exercised.

Where, Mr. Speaker, is the evidence of inducement on the part of the present Secretary to conceal aught from the public eye, as charged by the gentleman from Virginia, [Mr. Wise;] or where is the evidence of the more extraordinary charge of the same gentleman, that the Secretary has done it? Is it to be found in the document which I hold in my hand, going fully and minutely into this subject, and showing where, and how, every dollar of your public money was deposited at the time of its date? No, sir! No, sir! The Secretary has not only given a specific and detailed statement upon the subject, but he has more than once appealed to you to take away his present broad latitude of discretion, under which, without your legislation, he is compelled to act; and that request is repeated in this very report. The Secretary says:

"The Department is aware that, in the present overflowing condition of the Treasury, the regulation of these operations, with the selection and superintendence of the deposit banks, is a task of no small difficulty and delicacy; and when governed by a strict and uniform adherence to sound principles, as has been attempted, must necessarily lead to many disappointed applications. But in the absence of that specific legislation on the subject, which has been, and still is, earnestly requested, the Department has not hesitated (it is hoped faithfully) to discharge, and frankly to explain, the duties, and the high and painful responsibility which so much discretionary power has imposed."

I believe this high responsibility could hardly be intrusted to abler or more faithful hands; but I would not have it rest even there. All I say is, let us attend to our own appropriate duties, before we heap grave charges upon coördinate departments of the Government. If the gentleman from Virginia [Mr. Wise] was not misled himself, his remarks in relation to the report, of which he complains as not containing the whole truth, were manifestly calculated to mislead the public. That report was not made by the present Secretary, but by another distinguished individual, who has recently been appointed by the President and his constitutional advisers—to which body of constitutional advisers that report was made—to a situation which, in point of dignity and high responsibility, is hardly inferior to that of the Chief Magistracy itself. I could add nothing, if I were disposed, to such a commentary upon the report and the gentleman making it.

Mr. WISE explained. I was perfectly aware that the report of 1833-'34, was made by Mr. Taney, and not by the present Secretary; and what I said on the floor was, that Mr. Secretary Woodbury had, "by authority," in the Globe, adopted that answer or report as his own at this time; and that answer is false, and Mr. Secretary knew it to be false.

Mr. PIERCE resumed. I am not here to discuss articles that may appear in the Globe, editorial or otherwise. If the gentleman from Virginia chooses to put the Globe upon the stand as a witness, and take all that witness shall say, I certainly cannot object.

Mr. WISE. Will the gentleman from New Hampshire deny that the Secretary did authorize the publication of the article alluded to?

Mr. PIERCE. No, sir; I will neither deny nor admit that he gave such authority. I make no inquiries into the *authority* upon which the editor of the Globe makes publications. He acts, I presume, upon his own responsibility, as I do upon mine.

Sir, the change in form which the gentleman from Virginia proposes, in introducing his amendment, is a mere mockery. If adopted, you send to the Secretary for certain information; and you say to him, at the same time, "Sir, doubting your integrity, we send a committee to oversee you, and see that you keep nothing back!" Mr. Speaker, if the House really believe that such a supervision is necessary, the manly way would be to meet it at once—not attempt to conceal their doubts under so slight a veil of affected courtesy. The gentleman from Virginia admitted, on a former occasion, and again in his modification, that the mode proposed by his honorable colleague [Mr. Dromgoole] is the ordinary course, and the one sanctioned by the usages of this House.

Mr. WISE. I did not admit that the course proposed by my amendment would violate the usage of this House; but I contended that usage had been complied with, and, if not complied with, our experience of the Post Office derangement should teach us to abolish it; and I changed the form of my amendment to make it less obnoxious to the previous question.

Mr. PIERCE resumed. Well, sir, it seems I misunderstood the gentleman; but whether he admitted it or not is of no consequence for the purposes of my argument. I can appeal with confidence to the experience of all gentlemen upon this floor for confirmation of what I did understand to be the gentleman's admission. What, then, would the gentleman propose? Does he propose to change the usage generally, and instead of calling upon the heads of Department, when information of public interest is desired, to institute a committee at once, with power to send for persons and papers? No, sir; this would be preposterous. I ask gentlemen, then, upon what ground they propose to depart from the common usage in this particular instance? Has the Secretary declined furnishing information called for, either by the House or any individual member of it? Will any gentleman upon the floor declare, that, within his knowledge, inquiries at the Department have been evaded, or desired information withheld? Sir, I fearlessly assert that nothing of the kind has ever occurred; and cannot but regard the attacks which have been made upon the Department as most extraordinary and unjustifiable. Who has ever before heard, upon this floor, the head of any one of the Departments, without any examination, and without any evidence spread before the House, charged with a foul connection with an individual to defraud the revenue of the Government? I believe it is without a parallel.

Mr. Speaker, I do not stand here as the apolo-

gist of the Secretary of the Treasury; in his life, he never needed any man to appear for him in that character. The ability, the untiring industry, and the fidelity with which he has discharged the duties of various high and responsible trusts, are known to all men of all parties in this House, and to the country. His character is elevated above individual assault, and needs not individual eulogium. His whole career, as a public officer, challenges the most scrutinizing inquiry, and stands forth its own sure and triumphant vindication.

If abuses exist in any Department of this Government, I am as anxious that they should be exposed and punished as the gentleman from Virginia can be. But the summary course proposed by his amendment—the departure from the common courtesy and established usages of this House—would be a reflection upon the Secretary, under which he ought not in justice to rest while the examination shall be in progress, without some specific and substantial reason. If the ordinary course shall not prove successful—if the original resolution shall not elicit the information, and *all* the information needed, I, for one, will cheerfully unite in raising a committee, with plenary powers, for the most free and ample investigation.

Laying aside all considerations of what is due to the Department, will not this course prove most satisfactory to ourselves? Little time will be lost; the call embraces few and simple inquiries, which may be, and I venture to say will be, promptly answered.

The gentleman from Virginia [Mr. WISE] has charged upon the Secretary a reluctance to submit to an investigation, and contrasted his course with that of Mr. Crawford and Mr. Hamilton on former occasions. Where is the evidence of such reluctance? I fearlessly assert that there is no repugnance on the part of the head of the Treasury Department to any investigation the House may choose to instance, by committee or otherwise, into his conduct as a public officer, official or unofficial; and the remarks I have submitted have been prompted by no consideration of what he would desire, but by a conviction of what is due to justice and to ourselves.

Mr. GILLET obtained the floor; but

The CHAIR announced the arrival of the hour for proceeding to the orders of the day.

Mr. DROMGOOLE moved a suspension of the rules for this day for the purpose of proceeding in the consideration of his resolution; which motion was lost—ayes 90, noes 55; two thirds not voting therefor.

ARMY APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, and in further execution of the special order of the 26th of January last, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. MASON, of Virginia, in the chair,) and took up the "bill making appropriations for the support of the Army for the year 1836."

There were two motions pending—the first by Mr. CAMBRELENG to amend the bill in the following clause: "for the armament of the forifications, $200,000," by striking out this sum and inserting "$1,224,301."

The other motion was the following amendment, submitted by Mr. MERCER:

Strike out the whole clause, and insert:

For the purchase or construction of a foundery for ordnance at such place as the Secretary of War, with the approbation of the President of the United States, may select, and for defraying the expenses of conducting the operations of such foundery for one year, including the purchase of necessary tools and materials, the sum of —— hundred thousand dollars; and that the further sum of —— hundred thousand dollars, be appropriated to the purchase of ordnance for immediate use.

The latter amendment was the one immediately pending.

Mr. MOORE, who was entitled to the floor, addressed the House at length. He commenced by an examination of some of the positions laid down by the gentleman from South Carolina, [Mr. THOMPSON,] in his speech on the Navy appropriation bill, in reference to the laboring portion of the community. Mr. M. said it was idle to deny that the time was coming, and then was, when the gulf between the Democracy and the aristocracy would be widened, and its lines distinctly marked out. He then entered into a defense of the character of the laboring classes from the aspersions cast upon them, that the rich were in danger from their principles. He repelled such a stigma with indignation. They were friends of freedom, in favor of equality of political franchise with reference to persons only, and not to property, and opposed to monopolies of all kinds. Mr. M. dwelt at length upon the various slanders and calumnies cast upon the workingmen—the friends of Democracy and equal rights, the real Democracy of the country—with reference to the rights of property, agrarianism, &c., all of which he examined and replied to. The principles of the Democracy were really conservative—those of their opponents destructive. Where there was one instance of the rights of property having been invaded by the people, there were five thousand where they had been violated, disregarded, and trampled to the dust, by the aristocracy. All history testified to this fact; and he referred to the almost innumerable instances of the ancient republics and kingdoms. The history of the aristocracy, through all ages of the world, was a continued series of rapine, plunder, villany, and perfidy, without a single ray of honor, virtue, or patriotism. After proceeding for about an hour, Mr. M. was compelled to give way, without concluding, from physical exhaustion.

Mr. BYNUM moved that the committee rise; but withdrew it at the suggestion of

Mr. CAMBRELENG, who said a few words in opposition to the amendment of the gentleman from Virginia, and hoped he would not then press it, for its effect would be to retard the repairs of the fortifications.

Mr. MERCER remarked, that his amendment did not differ essentially from that of the gentleman from New York, and he was decidedly of opinion that such a work as it contemplated ought to be constructed. He was not opposed to the proposition of the gentleman, and should probably go with him to the whole extent of the $1,200,000; but he thought it right that the Government, following the examples of Great Britain and France, should cast its own cannon instead of providing it by contract.

Mr. McKEON was disposed to give the proposition of the gentleman from Virginia all the attention its importance demanded, but he did not think that the proper place for it. He, however, should avail himself of that occasion to enter at length into the discussion brought up by the gentleman from Tennessee, [Mr. BELL,] some of whose charges he noticed and replied to. One of those charges was in reference to the Government press. He asked why it was that these attacks had not heretofore been made by the same gentleman upon other presses that had been connected with the two Houses of Congress? and he adverted to the extraordinary fact of gentlemen heretofore, of opposite principles, now acting together against the Administration. He denied that the friends of the Administration were the cause of the defeat of the proposed amendment to the Constitution with reference to an election of President by the House. At this very moment such a mode of election was openly advocated by many of the opposition presses in the North, and it was the very principle on which they were endeavoring to elect one of their many candidates. He adverted to what Mr. BELL called "humbugs," viz: the Baltimore convention, and the expunging resolution; the only answer to which charge was, that they were the work of the people. Mr. McK. dwelt at length upon the policy of the present Administration, and many of its leading measures, particularly with regard to the Bank of the United States, our foreign diplomacy, extinction of the debt, removal of the Indians, &c., in reply to the attack made upon it by Mr. BELL, as being a corrupt one.

Mr. McK. was in favor of a general system of defense, by four modes: fortifications, navy, internal communications, and the militia. These should be constructed or provided on three great points—our frontier bordering on the British provinces, the west and southwest frontier, and the maritime frontier. On these propositions he dwelt at considerable length, and referred to a variety of details and statements drawn and digested from the documents of the War Department. He referred to the marine force and fortifications of Great Britain and France, and contrasted them with our own Navy and defenseless frontiers. He went on to show that the various recommendations for works of absolute necessity for the public defense would more than absorb all the surplus revenue for years to come. Those of the War and Navy Departments involved an amount of above a hundred millions, and there were now about seven hundred bills before Congress, seventy of which alone would require an appropriation of upwards of $27,000,000. The unappropriated balance in the Treasury at this time was said to be $32,000,000. He then reviewed the propositions to distribute the surplus revenue, and pointed out the baneful tendency and corrupting and demoralizing effects of carrying such a scheme into effect. After proceeding at length on these topics, Mr. McK. concluded, and

Mr. McCOMAS obtained the floor, and on that gentleman's motion the committee rose and reported.

NAVY APPROPRIATION BILL.

The bill making appropriations for the naval service for the year 1836, returned from the Senate with amendments, was, on motion of Mr. CAMBRELENG, taken up, and the amendments read.

Mr. CAMBRELENG said that, as the amendments contained some original propositions, it was necessary that the bill should be committed to the Committee on Naval Affairs, as the new subject ought to undergo their inquiry. These were appropriations for a steam battery, for an exploring expedition to the South sea, and $200,000 towards marine barracks, objects not already provided for by law. Mr. C. then made that motion.

Mr. McKIM moved a reference of the bill and amendments to the Committee of Ways and Means.

The question was taken on the first motion, and was decided in the affirmative—ayes 83, noes not counted; and it was accordingly referred to the Committee on Naval Affairs.

PRINTING DOCUMENTS.

Mr. PHILLIPS rose and requested the chairman of the Committee of Ways and Means to move to have printed sundry communications Mr. P. understood to be in that gentleman's possession, addressed to him officially from the War Department, in relation to arming fortifications.

Mr. CAMBRELENG replied that they had all been printed, with the exception of a letter he had read to the House on yesterday. Mr. C. then moved that that document be printed; which was agreed to.

Mr. McKIM, on leave, submitted a motion to print five thousand extra copies of the reports of the Secretaries of War and of the Navy on the subject of the public defense; which was agreed to.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting a statement showing the quantity of acres of the public lands unsold within the limits of the several States and Territories; also the number of acres appropriated for objects of internal improvement, education, &c., and the amount of the cost of all the public lands acquired by the Government; which was, on motion of Mr. DUNLAP, referred to the Committee on Public Lands, and ordered to be printed.

The House then adjourned.

IN SENATE.

FRIDAY, *April* 29, 1836.

Mr. LINN presented the petition of James Jones, praying Congress to authorize the issuing to him of a patent for some lands in Missouri; which was referred to the Committee on Public Lands.

REPORTS FROM COMMITTEES.

Mr. WEBSTER, from the Committee on Finance, to whom had been referred the petition of sundry citizens of Philadelphia, praying for the erection of a new custom-house, moved that the

committee be discharged from the further consideration thereof, and that it be referred to the Committee on Commerce; which motion was agreed to.

Mr. W., from the same committee, to whom had been referred the bill from the House making appropriations for the civil and diplomatic expenses of the Government for the year 1836, reported the same with amendments; which were ordered to be printed.

Mr. W., from the same committee, reported also, without amendment, the bill from the House providing for the salaries of certain officers therein named, and for other purposes, and gave notice that he should call up the above appropriation bills on Tuesday next.

Mr. CLAYTON, from the Committee on the Judiciary, made an unfavorable report on the petition of Jeptha Wilkinson.

Mr. TOMLINSON, from the Committee on Pensions, reported without amendment the bill for the relief of Benedict Alford and Robert Pugh.

RESOLUTIONS INTRODUCED.

Mr. BENTON submitted the following resolution; which was considered and adopted:

Resolved, That the President of the United States be requested to cause the Senate to be informed whether any branch of the public service has suffered, or is likely to suffer, any injury, loss, neglect, or delay for want of timely and adequate appropriations.

Mr. HENDRICKS submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of War be directed to cause a reconnoissance or survey to be made of the Manitowoc river, in the Territory of Wisconsin, from its mouth to the Winnebago lake; also a reconnoissance or survey of the Fox river, from Green Bay to the Wisconsin Portage, with a view to the improvement of those rivers.

Mr. BROWN submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Military Affairs inquire into the expediency of reporting a bill for the payment to North Carolina of certain sums of money and interest paid by said State for the prosecution of the late war with Great Britain, and which have been disallowed at the Department; and particularly for the purchase: 1st., of ammunition, powder, and flints, &c.; and for transportation; 2d., of clothing, &c.; 3d., of expenses in repairing forts, &c.; and lastly, for the pay and subsistence of militia, and for such other expenditures as are justly chargeable to the General Government.

Mr. MOORE submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Claims be instructed to inquire into the propriety of allowing to Captain William East, of Madison county, Alabama, fifty-six dollars for one hundred and twelve pair of horse shoes furnished to a part of Major Russell's battalion of General Coffee's brigade, in the service of the United States during the late war.

RECONSIDERATION

Mr. WEBSTER rose to move a reconsideration of the vote on agreeing to the resolution just submitted by Mr. BENTON. It was an extraordinary resolution, (he said,) and ought to take the usual course of lying on the table one day. Had he been in his seat when the vote was taken, he should have opposed its consideration at that time.

Mr. BENTON said he was willing to have the vote reconsidered, and for the resolution to lie one day. It was, he admitted, an extraordinary resolution, but it was introduced on an extraordinary occasion. Here they were voting money to distribute among the States, while they refuse to appropriate money for the expenditures of the Government, though it was known that the public service was suffering.

Mr. WEBSTER said that he only wanted the resolution to take the usual course.

The vote on adopting the resolution was then reconsidered, and the resolution lies on the table one day.

VERMONT MILITIA.

On motion of Mr. KING, of Alabama, the bill to provide for the payment of a regiment of Vermont militia, who served at the battle of Plattsburg, was taken up.

The bill (Mr. K. said) had, in the absence of some necessary information, which he believed was now in the possession of the Senator from Vermont, been laid on the table on his (Mr. K's) motion, and it was for that reason that he moved to take it up.

The bill was then taken up, and considered as in Committee of the Whole; and after some remarks from Messrs. PRENTISS and GOLDSBOROUGH in its support, and from Mr. KING of Alabama in opposition to it, on the ground that the evidence it contained was not sufficient, the bill was ordered to be engrossed for a third reading.

HOUSE RESOLUTION REFERRED.

The resolution from the House to suspend from sale certain lands acquired by the treaty of Dancing Rabbit creek, was read twice, and referred to the Committee on Public Lands.

PROCEEDS OF THE PUBLIC LANDS.

The bill to appropriate, for a limited time, the net proceeds of the sales of the public lands among the States, and to grant lands to the States, came up on its third reading.

Messrs. MORRIS and WALKER addressed the Senate in speeches of great length, force, and argument, in opposition to the bill, having occupied the floor until the usual hour of adjournment.

The bill was, then, by general consent, laid on table.

Mr. LINN rose to move that the Senate adjourn. He had no disposition (he said) to delay the vote on the land bill, but he hoped it would not be taken before Tuesday. The state of the northwestern frontier was such that he wished to know what Congress would do for its protection, before the vote on the land bill was taken. Mr. L. then withdrew his motion to adjourn, at the request of

Mr. MORRIS, who moved that when the Senate adjourns, it adjourn to meet on Tuesday next, the House of Representatives having adjourned over to that day.

Mr. HILL called for the yeas and nays on this motion; which were ordered; and the question was decided in the negative by the following vote:

YEAS—Messrs. Clay, Clayton, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Leigh, McKean, Mangum, Morris, Niles, Preston, Robinson, Ruggles, Shepley, Swift, and Tallmadge—19.

NAYS—Messrs. Benton, Black, Buchanan, Calhoun, Davis, Hendricks, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, Naudain, Nicholas, Porter, Prentiss, Robbins, Southard, Tomlinson, Walker, Webster, White, and Wright—24.

Mr. RUGGLES moved that when the Senate adjourns, it adjourn to meet on Monday next.

Mr. BUCHANAN opposed the motion, and called for the yeas and nays. They had arrived (he said) at a stage of the session when they had but little time to spare. They ought to act speedily on the appropriation bills, for which the public service was suffering.

Mr. RUGGLES's motion was negatived—yeas 13, nays 29; as follows:

YEAS—Messrs. Benton, Crittenden, Cuthbert, Ewing of Illinois, Goldsborough, Hendricks, McKean, Morris, Niles, Preston, Robinson, Ruggles, and Shepley—13.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Davis, Ewing of Ohio, Grundy, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, Webster, White, and Wright—29.

Mr. EWING observed that, as several members would be absent on Saturday and Monday, he would not call up the land bill until Tuesday next.

Mr. WRIGHT gave notice to the Senate that he would, on Monday, call up the bill to regulate the deposits of the public money.

On motion of Mr. LINN, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 29, 1836.

The Hon. THOMAS J. WHITTLESEY, of Connecticut, elected to supply the vacancy occasioned by the death of the Hon. ZALMON WILDMAN, appeared, was qualified, and took his seat.

REFUGEES FROM TEXAS.

Mr. HUNTSMAN asked the consent of the House to submit the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be instructed to cause to be issued rations to such suffering families as are destitute of provisions, who have been driven by the casualties of war within the limits of the United States from the province of Texas, and who are remaining upon the borders thereof, where, in his opinion, he may think it prudent and necessary to prevent said families from absolute suffering.

Objection being made, Mr. H. moved to suspend the rules, for the purpose of presenting the resolution, with a view to having it laid on the table and printed, intending to call it up next week.

Mr. RIPLEY asked for the yeas and nays on the motion to suspend the rules; which were not ordered.

The motion to suspend the rules was then negatived without a count.

INDEPENDENCE OF TEXAS.

Mr. WILLIAMS, of Kentucky, asked the unanimous consent of the House to submit the following resolution:

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency and propriety of this Government acknowledging and recognizing the independence of Texas.

Objection being made, Mr. W. moved to suspend the rules, for the purpose of offering the resolution; which was negatived.

WEST POINT ACADEMY.

Mr. HAWES asked the consent of the House to submit a resolution, proposing to set apart Wednesday next, from twelve to one o'clock, for the consideration of a resolution offered by him on the 7th of January, proposing an inquiry into the expediency of introducing a bill to reorganize the West Point Academy.

Objection being made, Mr. H. moved to suspend the rules for the purpose stated; which was not carried.

SUSPENSION OF LAND SALES.

Mr. BELL, from the Committee on Indian Affairs, reported the following joint resolution:

A resolution to suspend the sale of a part of the public lands acquired by the treaty of Dancing Rabbit creek.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the public lands acquired by the treaty concluded with the Choctaw nation of Indians, at Dancing Rabbit creek, on the 28th of September, 1830, as has been conditionally or otherwise located by the locating agent of the United States, to persons claiming reservations under the fourteenth article of said treaty, be withheld from public sale until the further order of Congress.

Mr. B. adverted to the importance of the resolution, and the necessity for speedy action upon it. The resolution had received the unanimous assent of the committee, and there was a like unanimity as to the remedy which should ultimately be adopted. He moved that the resolution be considered at that time; which was agreed to.

After a word or two of explanation by Messrs. SEVIER and BELL, the resolution was read the second and third times, and passed.

OFFICERS, ECT., OF THE LATE WAR.

Mr. LINCOLN, from the Committee on Public Lands, reported the following resolution; which was agreed to:

Resolved, That the Secretary of War be directed to communicate to this House the number of officers, non-commissioned officers, and soldiers of the organized militiamen, mounted militiamen, volunteers, and rangers, who entered the service of the United States under the several acts of Congress providing for the defense of the country during the late war with Great Britain, and were regularly discharged; distinguishing the different description of corps, time when they respectively entered the service, and term of continuance therein; and also distinguishing the number of those who were entitled, under the laws of Congress, to a bounty of lands from the United States by reason of such service, from those to whom no such bounty was promised by law.

REPORTS FROM COMMITTEES.

Mr. WHITTLESEY, of Ohio, from the committee on Claims, made adverse reports upon various petitions; which were laid on the table, and ordered to be printed.

PENNSYLVANIA AVENUE.

Mr. W. B. SHEPARD, from the Committee for the District of Columbia, reported the following resolution:

Resolved, That the Committee on Public Buildings be directed to have the dust scraped from Pennsylvania avenue, between the Capitol and the President's square, and that part of the avenue watered during the session of Congress.

Mr. HAWES opposed the resolution. He considered it a new way of getting resolutions before the House, for a gentleman to attempt on one day to get in a resolution, and failing in that, on the

next day to have it reported from a committee. He called for the yeas and nays on the passage of the resolution; which were not ordered.

Mr. HARPER did not think that the avenue could be kept watered from the Capitol to the President's house, in warm dry weather, by fifty men, and he considered the money would be completely thrown away.

Mr. PARKER said there was no provision for paying the expense to be incurred by the Commissioner of Public Buildings. If it involved an appropriation, it ought to be considered in committee; and if it was to come out of the contingent fund of the House it ought to go to the committee which had charge of that subject. He was, however, opposed to the resolution.

Mr. W. B. SHEPARD said it was a small matter, and he should not have said a word, was it not to correct a mistake of the gentleman from Kentucky, [Mr. HAWES.] The resolution was not reported at the request of the gentleman who had offered a similar one on a former day. He was not in the Hall at the time that resolution was proposed to be submitted; but the resolution had been reported in consequence of suggestions from a number of members of the House to the Committee on the District. The same thing had been done a few years ago, and the expense only amounted to one hundred and forty dollars.

Mr. BOULDIN said he was a member of that committee, though recently put on it. He knew but little of the duties of the committee. He knew that the Pennsylvania avenue was made by Congress, and was a nuisance in summer, and not far short of it in winter, and he thought it ought to be remedied as far as well could be. He thought we might at least prevent the mischief while we were here, and contributed so much to raise the dust. Congress, no doubt, made it with the best of intentions, but the stone was bad, and the street was a nuisance, and we ought to remedy it as far as we well could.

Mr. DROMGOOLE wished to know whether it was competent for the House to instruct the Commissioner of Public Buildings to incur this expense?

Mr. W. B. SHEPARD read to the House the duties of the Commissioner of Public Buildings, and stated that the same thing had been required of the Commissioner heretofore, and he made no objection to doing it.

Mr. BOULDIN said he understood that the streets belonged to the United States, and the superintendent had the management of the whole.

Mr. LANE said the United States had exclusive jurisdiction over this subject. They had put the avenue in a situation very uncomfortable to the officers of the Government, as well as citizens, to travel upon, and it was almost impossible to pass it in a windy, dry day. The dust was considered injurious to the lungs and eyes; and as the street belonged to the Government he considered they ought to have it cleared of dust.

Mr. BOON said, if this was a nuisance created by Congress, they ought to extend the removing of it beyond the sitting of Congress, and not have it merely for the benefit of members during the session.

Mr. BOULDIN said that, if the gentleman thought the dust ought to be kept on the whole year, perhaps he was right. We found it difficult to get it done for the time we were here. If this House, without the Senate, could not appropriate the money, let the resolution be joint.

Mr. PARKER moved to lay the resolution on the table, and on that motion called for the yeas and nays; which were not ordered.

The question was then taken on the motion to lay the resolution on the table; which motion was disagreed to.

Mr. MANN said, when the avenue was cleaned a few years ago, the top was only scraped off, and gentlemen had as much dust blowing in their eyes afterwards as they had before. He thought, if it was to be cleaned at all, it ought to be swept, so as to remove the dust entirely.

Mr. BOON moved an amendment, as follows:

That the watering should be continued during the dusty season.

The question was then taken on Mr. BOON's amendment; which was disagreed to.

After some further remarks by Mr. HAWES in opposition to the passage of the resolution, he moved to refer it to the Committee on Accounts.

Mr. LANE made some further remarks in support of the resolution; and Mr. HAWES in opposition thereto; when

Mr. VINTON called for the orders of the day.

ARUNDEL MANUSCRIPTS.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Joint Committee on the Library, and ordered to be printed:

WASHINGTON, *April* 29, 1836.

To the Senate and House of Representatives:

It affords me pleasure to transmit to Congress a copy of the catalogue of the Arundel Manuscripts in the British Museum, which has been forwarded to me, as will be perceived from the inclosed letter, on behalf of the trustees of that institution, for the purpose of being placed in the United States Library. ANDREW JACKSON.

BILLS PASSED.

The following bills were read the third time, and passed:

A bill for the relief of Robert Murray;

A bill for the relief of the heirs of John Braham, late receiver of public moneys at Huntsville, Alabama;

A bill for the relief of Nancy Haggart; and

A bill for the relief of James Trumbull.

A bill for the relief of Michael Thornton was read the third time, and discussed at some length by various members, when, without taking the question on the passage of the bill,

Mr. MANN, of New York, moved an adjournment, which was carried; and

The House adjourned until Tuesday next, at ten o'clock, a. m.

IN SENATE.

SATURDAY, *April* 30, 1836.

Mr. LINN presented the petition of Augustus Jones, of Missouri, on behalf of the Washington Turnpike Company, for two hundred feet of the public lands on each side of a road about being made from Caledonia to the Mississippi river; which was referred to the Committee on Roads and Canals, and ordered to be printed.

Mr. SOUTHARD presented the memorial of a delegation of the Cherokee Indians, praying the interposition of Congress to procure justice to them from the United States; which was referred to the Committee on Indian Affairs.

Also, the petition of sundry citizens of New Jersey, remonstrating against the admission of Arkansas into the Union while its constitution recognizes slavery; which was laid on the table.

Mr. HENDRICKS presented the memorial of the Trustees and Faculty of Hanover College, in the State of Indiana, representing that the state of our national prosperity justifies them in urging the claims of our colleges generally, and especially of their own institution, which is a manual labor college, upon the means and the bounty of the General Government; that it is now in the power of Congress, with scarcely a sensible diminution of the Treasury, to relieve every college in our country from pecuniary embarrassment; and they pray that a portion of the public lands be appropriated in aid of the incorporated colleges in the United States; which was referred to the Committee on the Public Lands.

REPORT FROM COMMITTEE.

Mr. LEIGH, from the Committee on the Judiciary, reported a bill for the relief of George F. Strother; which was read, and ordered to a second reading.

INCENDIARY PUBLICATIONS.

On motion of Mr. GRUNDY, the Senate took up the bill to prohibit the circulation through the mails of incendiary pamphlets, when Mr. GRUNDY submitted, by way of amendment, a substitute for the whole bill.

The amendment was ordered to be printed; and the bill was laid on the table.

RESOLUTIONS.

Mr. WHITE submitted the following resolution; which lies on the table one day:

Resolved, That whereas, on the 28th day of March, 1834, the Senate of the United States adopted a resolution in the words following, to wit:

"*Resolved*, That the President, in the late executive proceeding in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both:"

And whereas, upon the question whether said resolution should be adopted, it was desired by one fifth of the Senators present that the same should be taken by yeas and nays, and the votes of the several members now stand recorded on the Journal of the Senate: And whereas, the said resolution still remains on the Journal of the Senate in full force, not rescinded, reversed, repealed, or annulled, and cannot now be expunged, canceled, or in any manner obliterated or defaced, without violating that clause of the Constitution of the United States which is in the following words, to wit: "Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of either House, on any question, shall, at the desire of one fifth of those present, be entered on the Journal:" And whereas each Senator, before taking his seat, was bound to take, and did take, an oath to support said Constitution: And whereas, the President of the United States, in the late executive proceedings in relation to the public revenue, alluded to in said resolution, *did not*, in the opinion of this Senate, assume upon himself authority and powers not conferred upon him by the Constitution and laws: Therefore,

It is resolved, That the said resolution, and the opinion therein expressed, be, and the same hereby are, rescinded, reversed, and annulled; and it is hereby declared that the said resolution ought not to be considered as having had, or as now or hereafter having, any force or effect whatever.

Mr. MOORE submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law a remedy for the evils which have occurred by the destruction, by the recent calamitous fire in Huntsville, of all the important records of the district court of the United States for the northern district of Alabama; and also into the expediency of making an appropriation to aid the county of Madison, now projecting public buildings for the county, to provide suitable apartments for the accommodation of the said district court of the United States.

Mr. ROBBINS laid on the table a resolution directing the Committee on the Library to inquire into the expediency of purchasing —— copies of a map of the seat of war in Florida.

PATENT TO A BRITISH SUBJECT.

On motion of Mr. PRESTON, the bill granting a patent right to John Howard Ryan, a subject of the King of Great Britain, for his discovery or invention for preserving vegetable substances from decay, was taken up; and the bill having been amended by a provision granting patents to William Patterson and Elias Carter, also subjects of the same sovereign, was ordered to a third reading.

BEQUEST OF JAMES SMITHSON.

On motion of Mr. PRESTON, the Senate took up the bill authorizing the President of the United States to appoint an agent or agents to prosecute and receive from the British court of chancery the legacy bequeathed to the United States by the late James Smithson, of London, for the purpose of establishing at Washington city an institution for the increase of knowledge among men, to be called the Smithsonian University.

Mr. PRESTON said, that by this will it was intended that this Government should become the beneficiaries of this legacy; and contended that if they had not the competence to receive it by the Constitution, the act of no individual could confer the power on them to do so. He claimed that they had not the power to receive the money for national objects; and if so, the expending it for another object was a still higher power. He controverted the position that if they could not receive it as the beneficiary legatee, they might receive it as the fiduciary agent. If they had not the power to establish a university without the power conferred on them by a grant, they could not have it with the grant; or what they could not exercise directly, they could not exercise as trustee. He referred to a report made by Mr. ADAMS, in the House of Representatives, in which the genealogy of Mr. Smithson was given, and traced through the line of the illustrious Percys and Seymours of England. He thought this donation had been partly made with a view to immortalize the donor, and that it was too cheap a way of conferring immortality. There was danger of their imaginations being run away with by the associations of Chevy Chase ballads, &c., and he had no idea of this District being used as a fulcrum to raise foreigners to immortality, by getting Congress, as the *parens patriæ* of the District of Columbia, to accept donations from them.

The committee had misperceived the facts; the bequest was to the United States of America to found a university in the District of Columbia, under the title of the "Smithsonian University;" and the execution of the terms of the legacy was to redound to the purposes of the donation, which was for the benefit of all mankind. It was general in its terms, and not limited to the District of Columbia; it was for the benefit of the United States, and could not be received by Congress.

Mr. LEIGH said he would thank the gentleman to inform the Senate that the report he had referred to was made in the House of Representatives, and not by a committee of the Senate. The report of the Senate's committee was simply a statement of matters of fact. Mr. L. explained the provisions of the will, which were simply these: The testator, James Smithson, bequeathed to his nephew, James Henry Hungerford, a legacy of £100,000 sterling; providing that, if Mr. Hungerford should die without children, the legacy should inure to the United States, for the purpose of founding, at the city of Washington, an institution for the increase of knowledge among men, to be called the Smithsonian University; and the Government had received information from the American consul at London, that Mr. Hungerford had lately died without ever having been married, and without leaving any children. It now became necessary (Mr. L. said) for Congress to determine whether it was competent for the United States to receive this money; and if they should receive it, to take measures for carrying the intentions of the testator into effect. The committee to whom this subject had been referred were all of opinion, with the exception of the gentleman from South Carolina, [Mr. PRESTON,] that it was proper for the United States to receive this money. They had not considered the question at all, whether it was in the power of Congress to establish a national university; nor was it necessary they should do so. They looked upon this bequest as having been made simply for the benefit of one of the cities of the District of Columbia, of which Congress was the constitutional guardian, and could receive and apply the money in that form. Congress was the *parens patriæ* of the District of Columbia, in the sense laid down by Blackstone—a power which necessarily belonged to every Government—and could therefore very properly receive this trust for a charitable purpose in the District of Columbia. Congress had in fact exercised this power of *parens patriæ* of the District in the establishment of an orphan's court, in the erection and support of a penitentiary, and could create an establishment to take care of lunatics; and, indeed, if it did not possess this power, in what a deplorable condition would this District be! The States of Maryland and Virginia undoubtedly possessed this power; and of course Congress derived it as to the District from their deeds of cession. He did not look upon this legacy to be for the benefit of the United States, but for the benefit of one of the cities of the District, over which Congress was guardian, and he had therefore no difficulty in voting for the bill.

Mr. PRESTON was aware of the decision of the Supreme Court cited by the Senator from Virginia, [Mr. LEIGH,] that the people of this District might be taxed without representation; and he had no doubt that these corporations could exercise a trust—but this was not a trust to the city of Washington. The United States was the *cestui que trust*, and not the city of Washington. The corporation of the city of Washington could not enforce this claim in a court of chancery in England. If an institution of the kind was desired, he would prefer it to be established out of our own funds, and not have Congress pander to the paltry vanity of any individual. If they accepted this donation, every whippersnapper vagabond that had been traducing our country might think proper to have his name distinguished in the same way. It was not consistent with the dignity of the country to accept even the grant of a man of noble birth or lineage.

Mr. CLAYTON said the Senator from South Carolina [Mr. CALHOUN] had considered this as a donation to the United States. It was not so. The United States was merely named in the will as the trustee; and was to receive no benefit whatever. It was merely a charitable object to establish a university in the District of Columbia. They had established similar institutions within the District of Columbia by acts of Congress, and no one doubted the power to permit persons from other places to be educated in them.

Mr. CALHOUN said, if his memory served him, there was opposition made to the passage of those acts.

Mr. CLAYTON said he believed there was some objection made to the policy, but not to the power of making the donation. It was to be located in the city of Washington, and persons in this city would be more benefited by it than any others.

Mr. CALHOUN was of opinion that this donation was made expressly to the United States. By reading the terms in which the bequest was made, it was impossible to conceive otherwise. The bequest was "to the United States of America, for the purpose of establishing, *at the city of Washington*, an institution for the increase of knowledge among men." Now, take out the words the "city of Washington," and the donation was clearly to the United States. The words, "the city of Washington," were only used to designate the place where the university was to be established, and not by any stretch of the meaning of language, to be considered as making the donation to the city. He understood the Senators on all hands to agree that it was not in the power of Congress to establish a national university, and they all agreed that they could establish a university in the District of Columbia. Now, on this principle, they could not receive the bequest, for the District of Columbia was not even named in it; the city of Washington being only designated as the place where the university was to be established, and the bequest being expressly made to the United States. He thought that, acting under this legacy, would be as much the establishment of a national university, as if they appropriated money for the purpose; and he would indeed much rather appropriate the money, for he thought it was beneath the dignity of the United States to receive presents of this kind from any one. He could never pass through the rotunda of the Capitol without having his feelings outraged by seeing that statue of Mr. Jefferson, which had been placed there contrary to their consent.

Mr. SOUTHARD said that the Senator from South Carolina was mistaken in saying that every Senator agreed that it was not in the power of Congress to establish a national university. He, for one, believed that Congress had the unquestionable right to do so. This, however, did not involve the constitutionality of the question before them, as, in his opinion, the most rigid construction of the Constitution would not be adverse to the bill. Congress had the same right to establish this university, as they had to charter a college in Georgetown or Alexandria.

Mr. BUCHANAN believed that Congress had the power to receive and apply this money to the purposes intended by the testator, without involving the question whether they had the power to establish a national university or not. There was no question but that James Smithson, in his lifetime, had a right to establish a university at the city of Washington, and call it the Smithsonian University; or a national university, if he pleased; and Congress, by receiving and applying this bequest, would only act as the trustee of the city of Washington, for whose benefit it was made.

Mr. WALKER would not discuss the question whether this was a national university, because he believed that question was not involved. But he should vote for the bill on the ground that Congress would be doing manifest injustice to the citizens of the city of Washington by refusing to accept the donation. It was true that it operated for the benefit of all mankind, but not more so than a university established at Princeton, or any other place. The Senator from South Carolina, [Mr. CALHOUN,] had said they ought to read the will as if the words "at Washington" were left out. He (Mr. W.) did not think so; they ought to read it just as it was in connection with the whole, and give it its true construction, which was that the United States was only designated as the trustee, and the people of the city of Washington had a right to call upon Congress as the representatives of the United States to execute the trust.

Mr. DAVIS said this man Smithson, it was said, had devised £100,000 sterling for the establishment of a university in the city of Washington, to diffuse knowledge among men. It seemed to be taken for granted that it was for the establishment of a university, although he believed the word university was not to be found in the will. He could not infer why it was so construed, as there were other means of diffusing knowledge among men besides doing it through the medium of universities, and he therefore thought the discussion as to the particular design of the will premature. He did not regard it as a gift or bequest to the Government. If he did, he would have all the feelings evinced by the Senator from South Carolina, [Mr. PRESTON.] The testator had not specified what special purpose it was to be applied to, nor when the fund was to be used, and Congress might defer using it until it became large enough to be used advantageously to the purposes of diffusing knowledge among mankind. If they denied the right to establish a university, they denied the right to establish all institutions of charity. The same question involved in this was also involved in the incorporation of institutions which had been incorporated by them in this District. The only question now under consideration was, whether they should receive this money. He would vote for it, and if they could not devise some appropriate disposition of it after it was received, he would be willing to send it back by the first return packet.

Mr. CALHOUN asked the Senator from Massachusetts [Mr. DAVIS] what construction he would put upon the will if the words "at Washington" had been left out of it?

Mr. DAVIS replied, that he would put the same construction on it then as he did now. His first inquiry would be, whether it was for a charitable purpose; and if there was no power to establish the institution in any of the States, he would establish it in the District of Columbia; and if the power to establish it there was doubted, he would establish it in one of the Territories. He deemed the establishment of institutions for the diffusion of knowledge a vital principle of a republican government. They might as well say that delivering lectures in any of the sciences was a national institution, as to call this one.

Mr. PRESTON said, the declaration of the Senator from New Jersey [Mr. SOUTHARD] had satisfied him that this was a national university. There was no difference between a university in the District of Columbia, for the benefit of all mankind, and a national university. That Senator had not distinguished between the power of erecting buildings, and the use to which they were appropriated. They had the power to erect buildings *in loco parentis patriæ*, for the benefit of the District of Columbia; they might erect buildings for the maintenance of paupers of the District; but if the people of the District, in this case, were to have any benefit peculiar to the place, it was in the erection of the buildings alone. He asked if the buildings of the Post Office Department were erected by Congress as the *parens patriæ* of the District of Columbia? Had they the right, as *parens patriæ* of the District of Columbia, to erect this building for the benefit, *humani generis* of this District, when it was, in fact, a general charity to mankind, including the Confederacy, and not confined to the District of Columbia? He was against the power, and would be against the policy, if they had the power.

After some further remarks from Messrs. LEIGH and PRESTON, the question was taken on ordering the bill to be engrossed for a third reading; and decided in the affirmative—yeas 31, nays 7, as follows:

YEAS—Messrs. Benton, Black, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Grundy, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, Mahgum, Moore, Nicholas, Porter, Prentiss, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, and Walker—31.

NAYS—Messrs. Calhoun, Ewing of Illinois, Hill, King of Georgia, Preston, Robinson, and White—7.

The Senate then adjourned.

IN SENATE.

MONDAY, *May* 2, 1836.

The CHAIR announced a communication from the Secretary of State in answer to a resolution of the Senate, inquiring from the several heads of the Departments whether in their opinions the compensation of the clerks in the public offices ought to be increased. The communication from the Secretary of State recommends the increase of the salary of the clerks in his office.

The CHAIR also communicated a report from the Secretary of the Navy in answer to a resolution of the Senate, containing all the information in possession of the Department relative to the Dry Tortugas; which was referred to Committee on Naval Affairs.

PETITIONS, MEMORIALS, ETC.

Mr. PORTER presented the petition of Captain Charles G. Ridgely, of the United States Navy; which was referred to the Committee on Foreign Relations.

Mr. RIVES presented the memorial of Captain Lewis Warrington, of the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. TOMLINSON presented the petition of sundry citizens of Connecticut, praying for an appropriation for the improvement of the harbor of Darien; which was referred to the Committee on Commerce.

Mr. EWING, of Illinois, presented several petitions, one of which was the petition of sundry citizens of Illinois, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. EWING, of Ohio, presented the memorial of sundry citizens of Columbiana county, Ohio, remonstrating against the admission of Arkansas into the Union with the clause in her constitution recognizing slavery; which was laid on the table.

Mr. WHITE presented the petition of the President and Trustees of East Tennessee College, praying for a grant of lands; which was referred to the Committee on Public Lands.

FOREIGN PAUPERS.

Mr. DAVIS presented the resolutions of the Legislature of Massachusetts, instructing their Senators, and requesting their Representatives, to use their endeavors to obtain some legislation from Congress to prevent the introduction of foreign paupers into the country.

Mr. D. said this was a matter of so much consequence as to call for the interposition of the Legislature of Massachusetts in memoralizing Congress. Mr. D. adverted to the vast amount of pauperism in Europe, and especially in England and Wales. In 1833, under a commission to ascertain the extent of it, evidence was collected by sub-commissioners, which was in possession of this Government, and to which Senators could have access, which filled some ten or twelve large folio volumes. That evidence proved that the pauperism in that country was debased and demoralized; and he was sorry to say that in that portion of the country in which he lived it bore some resemblance to it. In making a scale of allowance for their support, they allowed to married a larger sum for their support than to unmarried persons, which had led to the formation of such unnatural marriages as were never heard of, for the purpose of obtaining these greater allowances; and also, because persons who had children were allowed a greater sum on that account it had led to unprecedented debauchment. These paupers would actually laugh to scorn persons who labored to procure an honest livelihood, and tauntingly tell them they were slaves of their own accord; and in that way had actually seduced persons to abandon their honest pursuits, and give themselves up to idleness. The demands of pauperism were so great in one parish, that all the profits of the lands within it were swallowed up, and the landholders actually abandoned their lands. The evils of pauperism were not alone confined to pecuniary burdens, but exposure to the consequences of malicious mischief was matter of serious alarm. Under this state of things, it was natural that some sort of relief should be sought for against this disease, which was preying upon the body politic; and some of the landholders had sought relief through voluntary emigration by placing funds in the hands of these paupers, to induce them to emigrate to this country; and there was now a proposition before the Parliament of Great Britain to send off the vicious and worst kind of them to some point on this continent. Some of these paupers had arrived in Boston, and no sooner did they arrive there, than they betook themselves to their old habits of idleness, and became the tenants of a poor-house, and, in some instances, the money provided them to induce them to emigrate had been actually found on their persons after being put into the poor-house, and with which they were in the habit of purchasing nick-nacks.

In Boston it was ascertained, that out of five hundred and sixty-seven paupers five hundred and sixteen of them were foreigners; and in New York he understood there was a like proportion. He would therefore ask, if it was proper for the Parliament of Great Britain to legislate her paupers out of her jurisdiction, and shift them on to us? If they had a right to do so, we had a right to counteract it. They not only put the burden on us of maintaining their paupers, but threw among us a most corrupting influence. His object in making these remarks at present was with a view to call the attention of Congress and the country to the subject.

JAMES ALEXANDER AND IRA ALLEN.

Mr. WHITE, from the Committee on Indian Affairs, reported without amendment the bill for the relief of James Alexander and Ira Allen.

CUMBERLAND ROAD.

Mr. LINN moved to take up the bill to continue the Cumberland road from the Mississippi river to the western boundary of Missouri, which was agreed to; when

Mr. L. submitted the following amendment; which was ordered to be printed, and the bill was laid on the table:

SEC. — *And be it further enacted*, That there be, and is hereby, granted to the State of Missouri, for the purpose of aiding said State in making said road, a quantity of land equal to one half of five sections in width on each side of said road between the Mississippi river to the point where the road commences, laid out by the United States, from the western boundary of Missouri to the Mexican line, so far as the same shall be located through the public land, and reserving each alternate section or parts of section of the land unsold to the United States, to be selected by the Commissioner of the General Land Office, under the direction of the President of the United States; and which land so reserved to the United States shall not be sold for less than two dollars and fifty cents per acre; the said land hereby granted to the State of Missouri to be subject to the disposal of the Legislature of said State for the purpose aforesaid, and no other: *Provided*, That said road, when completed, shall be and forever remain a public highway for the use of the Government of the United States, free from any toll or other charge whatever for any property of the United States or persons in their service: *And provided, also*, That the said road shall be commenced within five years and completed within twenty years, or the State shall be bound to pay to the United States the amount of any lands previously sold, and that the title to the purchasers under the State shall be valid.

SEC. — *And be it further enacted*, That so soon as the route of said road shall be located and agreed on by said State, it shall be the duty of the Governor thereof, or such other person or persons as may have been, or shall hereafter be, authorized to superintend the construction of said road, to examine and ascertain the particular lands to which the said State will be entitled under the provisions of this act, and report the same to the Secretary of the Treasury of the United States.

SEC. — *And be it further enacted*, That the State of Missouri, under the authority of the Legislature thereof, after the selection shall have been made as aforesaid, shall have power to sell and convey the whole or any part of said land, and to give a title in fee simple therefor to the purchaser thereof.

TOBACCO TRADE WITH FRANCE.

On motion of Mr. KENT, the resolution submitted by him some days ago, requesting the President of the United States to open negotiations with the French Government for the purpose of placing our trade in tobacco on a better footing, was taken up.

Mr. K. said, he had been induced to offer the resolution just read, under the persuasion that the renewal of diplomatic intercourse between the two countries would be an auspicious moment to attempt to place our trade with France upon a footing of greater reciprocity than existed at present, in his estimation, especially as regarded the article of tobacco, which, in amount shipped to foreign countries, exceeded that of any other agricultural product except cotton. We were importing very freely, indeed, the silks, wines, and brandies from France at this time, almost free of duty; our trade in those articles was every day increasing, and low as the duties were at present, they would, under our existing laws regulating our tariff, be made still lower during the next four years. Under these favorable circumstances, all the productions of that country, at the head of which were the articles he had mentioned, were rapidly finding their way to us, and entering freely into our daily consumption, whilst the products of the United States sent to France in exchange increase but in a small degree, except the article of cotton. Tobacco, the growth of this country, was of a superior quality to that they were forced to grow in France, in consequence of the high duties imposed upon it; and could the Government of that country be induced to reciprocate the liberal spirit evinced on the part of the Government of the United States in our commercial regulations with her, and remove the restraints existing under her laws upon our tobacco trade, which were truly embarrassing and injurious to it, it would prove mutually beneficial. France could then advantageously discontinue its cultivation, and more of her products suitable to our consumption would be produced, and those much more congenial to her soil, and the habits of her people, than the cultivation of an inferior description of tobacco; whilst our citizens would be encouraged in their use by finding that, in doing so, they were extending their market for an article, the growth of which had been long familiar to them, and which continues to employ a large capital in its production.

Mr. K. presumed that more capital was engaged at this time in the cultivation of tobacco than was employed in producing sugar and rice together.

In Austria the system of monopoly also existed similar to that prevailing in France at this time. Under our existing commercial regulations with that country, liberal in every respect but as regards the article of tobacco, we rarely find a hogshead from our country finding its way into an Austrian port, and it had only but latterly occurred that the enterprising tobacco dealers of Bremen had been able to extend the quantity introduced into that country to a few thousand hogsheads.

In England, also, the duty was excessive. He had submitted the resolution before the Senate, and made these few remarks, that the attention of the Executive Department of the Government might be forcibly drawn to an important branch of our trade at a moment when it appeared that we were about to introduce, in the freest manner, all foreign productions into our country. Commerce consisted in an exchange of commodities, and unless those exchanges were reciprocal it could not continue long, or to any extent, beneficially. During the last three years, so far as our custom-house returns could be relied on as a safe guide, our imports had exceeded our exports between sixty-eight and sixty-nine millions of dollars. He was aware that a large portion of this apparent balance, during a prosperous condition of our commerce, was absorbed by freight, commissions, and profits; but let a reverse occur, and our produce be sent to a declining market, and this balance against our exports would be no longer nominal; it would be real, and could only be discharged by exporting our specie to pay it. The resolution he had submitted referred to a lucrative portion of our trade—one valuable from its amount, as well as its importance to our shipping interest. From its bulky character, it required a large proportion of tonnage to transport it to market. Under these circumstances, he hoped it would receive the sanction of the Senate

The resolution was then adopted.

VERMONT MILITIA—JAMES SMITHSON.

The bill to provide for the payment of the Vermont militia who served at the battle of Plattsburg; and

The resolution authorizing the President of the United States to appoint an agent to prosecute and receive from the court of chancery of England the legacy left to the United States by the will of the late James Smithson, of London, for

the purpose of founding the Smithsonian University; were severally read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House were severally read twice and referred:

The bill for the relief of Robert Muncy;

The bill for the relief of the representatives of John Brahan: and

The bill for the relief of Nancy Hazard.

PUBLIC DEPOSITS.

The bill to regulate the deposits of the public moneys was taken up as the order of the day, when

Mr. WRIGHT submitted an amendment to the amendment submitted by him some days ago, changing that amendment so far as to provide that, whenever the money in the Treasury shall amount to seven millions and upwards, it shall be the duty of the Secretary of the Treasury to invest it in some stock of the States of this Union, bearing an interest of — per cent.

Mr. CALHOUN then submitted an amendment, which was ordered to be printed.

Mr. WRIGHT'S amendment was then ordered to be printed, and the bill was laid on the table, Mr. W. saying, in reply to a question asked by Mr. C., that he would call it up at the earliest opportunity that he could, without interfering with the appropriation bills.

IMPROVEMENT OF HARBORS.

The bill for the improvement of certain harbors, and for making certain surveys, was then taken up.

Mr. PORTER moved to amend the bill by inserting an appropriation for deepening the bar at, and keeping clear the mouth of, the Mississippi river.

After a debate, in which Messrs. PORTER, MANGUM, CALHOUN, DAVIS, LINN, EWING, and TOMLINSON, took part,

Mr. CLAYTON moved to amend Mr. PORTER'S amendment by providing that the Secretary of War shall first cause a survey to be made to ascertain the practicability of the work, and the best mode of doing it; and if in his judgment the object can be accomplished, he shall then apply $75,000 thus appropriated.

After some remarks from Messrs. DAVIS, BUCHANAN, PRESTON, SOUTHARD, and CLAYTON, the amendment was agreed to.

Mr. WALKER moved further to amend the bill by appropriating a sum not exceeding fifteen hundred dollars for surveying the channels of Pearl river and Pascagoula river, in the State of Mississippi, near the mouth of said rivers, and ascertaining whether the existing obstructions in said channels can be removed, and the probable expense of removing such obstructions.

After some remarks from Messrs. CALHOUN, PRESTON, DAVIS, WALKER, and KING of Alabama, Mr. WALKER'S amendment was rejected—yeas 14, nays 20; as follows:

YEAS—Messrs. Benton, Black, Ewing of Illinois, Goldsborough, Hendricks, King of Alabama, Knight, Moore, Nicholas, Porter, Robinson, Tallmadge, Walker, and Wall—14.

NAYS—Messrs. Buchanan, Calhoun, Clayton, Cuthbert, Davis, Ewing of Ohio, Hill, Leigh, Linn, Mangum, Naudain, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tipton, Tomlinson, and White—20.

Mr. HENDRICKS moved to amend the bill by inserting an appropriation of $5,000 for removing a ledge of rocks in the Ohio river below Shippingport; and, after some remarks from Messrs. WALKER, BUCHANAN, and HENDRICKS, Mr. HENDRICKS'S amendment was rejected—yeas 10, nays 24; as follows:

YEAS—Messrs. Benton, Clayton, Ewing of Illinois, Ewing of Ohio, Hendricks, Nicholas, Porter, Robbins, Robinson, and Wall—10.

NAYS—Messrs. Black, Buchanan, Calhoun, Cuthbert, Davis, Goldsborough, Hill, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, Mangum, Naudain, Prentiss, Preston, Rives, Southard, Swift, Tipton, Tomlinson, Walker, and White—24.

Mr. LINN moved to amend the bill by inserting an appropriation of $1,200 for removing the obstructions in White river; which motion was agreed to without a division.

Mr. KING, of Alabama, moved to amend the bill by inserting an appropriation for the survey of the mouth of Dog river bar, in the Bay of Mobile, to determine the practicability of deepening the bar; which motion was rejected.

Mr. KING then moved to strike out all the appropriations in the bill for specific purposes, leaving the appropriations in gross for general surveys at the discretion of the Secretary of War.

After some remarks from Messrs. KING of Alabama, LINN, WALL, and WALKER, Mr. KING'S amendment was rejected—yeas 12, nays 21; as follows:

YEAS—Messrs. Black, Calhoun, Hill, King of Alabama, King of Georgia, Leigh, Mangum, Preston, Rives, Robinson, Walker, and White—12.

NAYS—Messrs. Benton, Clayton, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Linn, Naudain, Nicholas, Porter, Prentiss, Robbins, Southard, Swift, Tallmadge, Tipton, Tomlinson, and Wall—21.

The bill was then ordered to be engrossed for a third reading—yeas 25, nays 9; as follows:

YEAS—Messrs. Benton, Buchanan, Clayton, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Alabama, Knight, Linn, Naudain, Nicholas, Porter, Prentiss, Robbins, Robinson, Southard, Swift, Tallmadge, Tipton, Tomlinson, and Wall—25.

NAYS—Messrs. Black, Calhoun, Hill, King of Georgia, Leigh, Mangum, Preston, Rives, and White—9.

After the consideration of executive business, the Senate adjourned.

IN SENATE.

TUESDAY, *May* 3, 1836.

A message was received from the House of Representatives, by Mr. FRANKLIN, the Clerk, informing the Senate of the death of the Hon. RICHARD J. MANNING, a Representative from the State of South Carolina, and that the House had adopted a resolution to go into the usual mourning, by wearing crape on the left arm, as a testimony of respect for the deceased.

Mr. PRESTON rose and addressed the Senate, as follows:

Mr. PRESIDENT: The message just read imposes upon me the customary duty of moving for the usual testimony of respect to the memory of my deceased colleague, the Hon. RICHARD J. MANNING, of the House of Representatives; and never, sir, has such an official act been performed with deeper emotions than those under whose melancholy influence I rise on this occasion.

It is not fit that I should obtrude my private griefs upon the Senate, although I am well assured that its kindness would extend some indulgence to a friendship of a most intimate character, which, commencing in college companionship, has been unimpaired by the chances and changes of life, and undiminished even by party spirit, whose repulsive energy so often breaks asunder the strongest bonds of affection. For although, sir, it has so happened that we have been much and long opposed in politics, and although I have had much occasion to feel the adverse influence of his high character, there is no man who loved *him* living, or mourned him dead, more than I.

He was indeed, Mr. President, of a very noble nature, endowed with all high and generous qualities—cool, bold, just, patient, and resolute; magnanimous in his whole tone of feeling, and turn of thought; utterly exempt from all sordid or selfish propensities; of that prompt and patient benevolence, to do or to suffer, which comes of natural impulse, educated into principle, unflinching in the performance of duty, but too kind in his nature to be stern; scrupulous in self-regulation, but generously indulgent to others. His father, who was a distinguished soldier of the Revolution, deeply marked upon his son's character the impress of that heroic period; courage and devotion to his country were hereditary and native to him. And these manly virtues were softened and made amiable by the kindliest affections of the heart; while over his whole character presided an exalted and fervent piety.

For many years, in various ways, he received distinguished testimonies of the affection and confidence of his native State. He served frequently in either branch of the Legislature; was Governor; and, at length, Representative in Congress.

In the prime of life, and in the vigor of manhood, he has died as he lived—in the midst of his duties. Never, Mr. President, have the honors of the Senate been more worthily bestowed than upon the memory of RICHARD J. MANNING, for which I invoke them by offering the following resolution:

Resolved, unanimously, That, as a testimony of respect for the memory of the deceased, the members of the Senate will go into mourning, by wearing crape on the left arm for the space of thirty days.

After which, on motion of Mr. PRESTON, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 3, 1836.

The House, pursuant to previous resolution, assembled at ten o'clock, a. m.

Immediately after the reading of the Journal of Friday,

Mr. PINCKNEY rose and addressed the House to the following effect:

Mr. SPEAKER: Often as Death has already been amongst us this session, he has again entered within these walls, and taken another, and one of the most excellent members, of this honorable body. Yes, sir, Death has again been amongst us; and it is in consequence of one of those sudden and awful dispensations of Divine Providence, to which, however painfully we may feel them, it is our duty to submit, that I now rise to announce to this House the decease of my late honored and lamented colleague, RICHARD J. MANNING. He left this city on Friday last on a visit to Philadelphia, and died, as I am informed, at that place, on Sunday evening, of a hemorrhage produced by the rupture of a blood vessel in his lungs. Surely, if ever there was an event which could teach us "what shadows we are, and what shadows we pursue," this is one which should impress that lesson deeply on our minds. But a few days ago, he was here, in his place, upon this floor, in the pride of intellect and vigor of manhood, mingling freely with his fellow-members, partaking the cares and honors of legislation, and discharging the high duties of a Representative of the people in the councils of the nation. Now, he is numbered with the silent dead.

I know that it is customary, upon occasions of this kind, to deliver eulogies upon the character of departed members. But I shall make no such attempt upon the present occasion. I could not do justice to such a character as his. To say that he was a man of sound judgment and extensive information—a gentleman in the strictest signification of the term—a man of sterling honor and integrity—a devoted husband and most tender parent—pure and irreproachable in all the relations of life,—all this is true—perfectly true; and yet it conveys but a poor idea of the beautiful cluster of noble and estimable qualities that were concentrated in him. He was more than all this: he was, emphatically, a patriot, who discharged all his duties to his country with ardor and fidelity; and he was a sincere and consistent Christian, who adored the doctrine of his Lord and Savior. He died, like a patriot, in the service of his country; and his life, as a Christian, assures me that he is now reposing in the bosom of his God.

As an evidence of the high estimation in which he was held by the people of his native State, it will suffice to observe, that he was repeatedly elected to the Legislature of South Carolina, once unanimously chosen Governor of that State, and twice elevated to a seat in Congress. In times of the bitterest party contention in South Carolina, he retained the unqualified respect of his political opponents; nor do I believe that he had a personal enemy. But all his talent, all his virtues, all his noble qualities of head and heart, could not save him from the grasp of the destroyer. He *is* gone—gone from me, whom he honored with his friendship—gone from this House, which he adorned by his virtues. His place here will know him no more. He cannot listen to the poor tribute I throw upon his tomb. He cannot witness the deep and respectful sympathy manifested by this honorable body. No, sir, *he* is gone, and all that we can do is to lament his loss, and imitate his virtues, and to pay to his memory the unavailing honors of the dead.

I now beg leave to offer the following resolutions for adoption by the House:

1. *Resolved unanimously*, That this House has received with deep regret, the melancholy intelligence of the death of the Hon. RICHARD J. MANNING, a Representative of the State of South Carolina.

2. *Resolved unanimously*, That this House tender the expression of their sympathy to the relatives of the deceased, upon this mournful event, and that in testimony of their regret for his loss, and respect for his memory, the members will wear crape on the left arm for thirty days.

The resolutions were agreed to unanimously.

Mr. PINCKNEY moved that a message be sent to the Senate, informing that body of the death of the Hon. RICHARD J. MANNING.

The CHAIR remarked that such a message would be sent to the Senate as a matter of course.

On motion of Mr. PINCKNEY, the House then adjourned.

IN SENATE.

WEDNESDAY, *May* 4, 1836.

The CHAIR communicated a report from the Secretary of War, transmitting a list of contracts entered into by his Department for the year 1836.

Also, a communication from the Secretary of the Treasury in reply to a resolution of the Senate, relative to the compensations of the clerks in the Executive Departments, giving it as his opinion that the salaries of the clerks below $1,400 ought to be increased.

Also, a report from the Treasury Department, in addition to the one heretofore sent in reply to the resolution introduced by Mr. EWING, relative to the deposits of the public moneys and the transfers of funds from the west to the east; and, on motion of Mr. HUBBARD, one thousand extra copies were ordered to be printed.

Mr. HENDRICKS presented the petition of Caspar W. Weaver, praying to be further compensated for his services in macadamizing Pennsylvania avenue; which was referred to the Committee on the District of Columbia.

Mr. PORTER presented the petition of Captain Daniel T. Patterson, of the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. CLAYTON presented the petition of J. T. Berger, of Philadelphia; which was referred to the Committee on Commerce.

Mr. TALLMADGE presented the petition of sundry merchants of New York, praying that the office of measurer may not be abolished; which was referred to the Committee on Commerce.

Mr. KING, of Alabama, presented the petition of the Trustees of the University of Florida; which was referred to the Committee on Public Lands.

Mr. WHITE presented the petition of the widow and children of Emanuel Tritchell, praying for confirmation of title to a tract of land given to Tritchell by the Caddo Indians; which was referred to the Committee on Private Land Claims.

Mr. BUCHANAN presented a presentment of the grand jury of the circuit court of the United States for the eastern district of Pennsylvania, recommending in strong terms the erection of a court-house, public jail, and penitentiary, by the United States, at the city of Philadelphia; which was referred to the Committee on the Judiciary.

Mr. SHEPLEY presented the petition of Payne Perry, praying for arrears of pension; which was referred to the Committee on Pensions.

Messrs. EWING of Ohio, and MORRIS presented several petitions, praying the aid of Congress in the construction of the Zanesville and Maysville road; which was referred to the Committee on Roads and Canals.

REPORTS FROM COMMITTEES.

Mr. ROBBINS, from the Committee on Naval Affairs, reported, without amendment, the bill from the House for the relief of Andrew Armstrong.

On motion of Mr. PRENTISS, the Committee on Public Lands was discharged from the further consideration of the petitions of Hanover College, Indiana, and of the East Tennessee College.

Mr. WEBSTER, from the Committee on Finance, reported, with amendments, the bill from the House making appropriations for the Indian department for the year 1836.

On motion of Mr. EWING, of Ohio, the Committee on Public Lands was discharged from the further consideration of the petition of Thomas G. Brockett, and the memorial of sundry citizens of Miami county, Ohio, praying that a preëmption may be granted to Isaac Stewart and others.

IMPROVEMENT OF HARBORS.

The bill making appropriations for the improvement of certain harbors, and for making certain surveys, was read the third time, and passed.

RESOLUTIONS INTRODUCED.

Mr. LINN submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of making an appropriation to purchase, for the use of the Senate, two hundred and fifty copies of Burr's map of the western and northern territory of the United States.

Mr. MANGUM submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a mail route from Winton, North Carolina, via Gates court-house and Sunsbury, to Edenton.

Mr. CLAY submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Manufactures be directed to inquire into the expediency of so amending the existing laws as to subject all hemp imported into the United States, from any place whatsoever, to the same duty as Russia hemp may be liable to pay for the time being.

Mr. SWIFT submitted the following resolution; which lies on the table one day:

Resolved, That during the remainder of the session of Congress the daily meeting of the Senate shall commence at eleven o'clock, a. m., unless otherwise ordered.

SERVICES OF VOLUNTEERS.

Mr. BENTON, from the Committee on Military Affairs, reported without amendment the bill to authorize the President to accept the services of volunteers for the defense of the frontiers, and said that, in the present condition of the country, he felt it his duty to move that the Senate then proceed to the consideration of the bill.

Mr. EWING, of Ohio, opposed the motion, on the ground that this was the day set apart for the final disposition of the land bill; and after some remarks from Messrs. LINN, PRESTON, CLAY, BENTON, PORTER, BUCHANAN, and CLAYTON, Mr. BENTON's motion was rejected.

PROCEEDS OF THE PUBLIC LANDS.

The bill to appropriate for a limited time the proceeds of the sales of the public lands among the States, and to grant land to certain States, was taken up; when Messrs. WRIGHT and BENTON severally addressed the Senate in speeches of some length in opposition to the bill; after which the question was taken, "Shall this bill pass?" and it was decided in the affirmative—yeas 25, nays 20; as follows:

YEAS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—25.

NAYS—Messrs. Benton, Calhoun, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—20.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 4, 1836.

The House resumed the consideration of the following resolution, reported on Friday by Mr. W. B. SHEPARD, from the Committee on the District of Columbia:

Resolved, That the Committee on the Public Buildings be directed to have the dust scraped from the Pennsylvania avenue between the Capitol and the President's square, and that part of the avenue watered during the session of Congress.

Mr. CONNOR asked for the yeas and nays on the adoption of the resolution; and, upon ascertaining whether they were ordered, it appeared that only seventy-two members were in attendance.

There being no quorum, Mr. HEISTER moved a call of the House, upon which motion Mr. BRIGGS asked for the yeas and nays; which were ordered, and were—yeas 90, nays 27.

The Clerk commenced the call, when Mr. ALLAN, of Kentucky, moved that all further proceedings under the call be suspended; which was agreed to.

The House then refused to order the yeas and nays on the foregoing resolution.

The question being on the adoption of the resolution,

Mr. PARKER was opposed to the resolution, on the ground that it involved an appropriation of money which he contended they had no right to make in a resolution of this kind. This avenue had been pronounced a nuisance by some gentlemen. If so, he thought it strange that a proposition should now be before the House for continuing this nuisance to Georgetown. He recollected a resolution of this kind had been brought before the House at a former session, and negatived. Afterwards, however, he had observed that the Commissioner of Public Buildings was engaged in removing the dust; and, on inquiry, Mr. P. had discovered that it was to be done by a subscription of citizens residing on the avenue, with the understanding that if Congress should appropriate money to defray the expense, their subscription was to be refunded. He thought it was poor encouragement for them to make appropriations for the benefit of the city, if they were to be told afterwards that those appropriations only created nuisances.

Mr. BOULDIN advocated the adoption of the resolution. He had spoken of the avenue as a nuisance simply in this sense—that it raised a dust of a peculiarly distressing nature, and in great quantities: and it was complained of by a large number of the members of the House. He said they had a bill before the House providing for a continuance of the avenue to Georgetown, but not such a one as was already made. If the gentleman from New Jersey thought that the resolution ought to be joint, and would move so to amend it, he would give it his support; but he thought the appropriation was a small matter, and ought to pass.

Mr. HARDIN had made a measurement of the avenue, and stated that it could not be watered for one hundred dollars per day. He said the avenue originally had cost much more than it ought to have cost; and he believed it was always the way, that Uncle Sam paid more for his work than other persons. He contended that watering and scraping were impracticable, and hoped the resolution would not pass. The avenue had been made of soft stone, when there was good hard material to be had in the neighborhood of the city; and he would vote for a proposition to put a coat of hard material over the avenue, which would prevent the rising of the dust in future. He felt the bad effects of the dust as much as any gentleman, and was willing to vote for curing it effectually—which could be done for about fifteen thousand dollars; but he could not vote for a resolution like the present.

Mr. BRIGGS hoped the House would dispose of this resolution, and not take up the time of the House by discussing a proposition so unimportant. The debate on this resolution had already cost the country more than six hundred dollars, when the scraping of the avenue could not have cost more than three hundred and fifty dollars. The gentleman from New Jersey, who had such nice notions of economy, had made a speech on this proposition which had cost a hundred dollars. Some gentlemen were in the habit, whenever they rose to say anything in relation to matters of the District, to say something against the people of the District. He had, however, understood that the resolution was reported at the suggestions of members of the House, and not of citizens of Washington. He would not take up further time of the House; but hoped they would speedily dispose of the subject.

Mr. ROBERTSON moved to lay the resolution on the table.

Mr. HAWES asked for the yeas and nays; which were ordered; when

The motion to lay the resolution on the table was decided in the affirmative—yeas 88, nays 84.

On motion of Mr. THOMAS, the House proceeded to the consideration of the orders of the day.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a letter

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. WEDNESDAY, MAY 11, 1836. VOLUME 3....No. 27.

from the Secretary of State, transmitting, in obedience to a resolution of the 11th ultimo, a statement of the names, duties, salaries, &c., of the several clerks employed in his Department; which was referred to the Committee of Ways and Means, and ordered to be printed.

On motion of Mr. JOHNSON, of Tennessee, similar communications heretofore received from other Departments were also referred to the Committee of Ways and Means.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a statement of the contracts entered into by the Department for the year 1835, under the act of 21st April, 1810.

PETITIONS, MEMORIALS, ETC.

Petitions, &c. were presented, on leave, by Messrs. SHIELDS, BOND, and ANTHONY.

[Mr. SHIELDS presented, and had referred to the Committee on the Post Office and Post Roads, the petition of sundry citizens of the counties of Wayne and Hardin, Tennessee, praying the establishment of a post route from Waynesboro to Savannah, Tennessee.

Mr. BOND stated that he had just received four memorials from a large number of most respectable citizens of Ross county, in the State of Ohio, relating to an object of great importance to that and other portions of that State, and the encouragement of which would, he believed, materially promote the interest of the United States in the construction, as proposed by a recent act of the General Assembly of Ohio, of a turnpike road from Zanesville, in Ohio, to Maysville, in Kentucky, intended as a connecting link in the extension of the great western turnpike road from Zanesville to Maysville and Lexington, in Kentucky, to Nashville, in Tennessee, Florence in Alabama, and so on to New Orleans. The memorialists pray the aid of Congress; and as the subject is already before the Committee on Roads and Canals, Mr. B. asked and obtained the special permission of the House now to refer the said memorials to that committee; and they were referred accordingly.]

NEW POST ROUTES.

On motion of Mr. JONES, of Michigan, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Warsaw, in Illinois, via Keokuck, Wisconsin Territory, to Fort Des Moines.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post roads in Michigan: From Detroit, in Wayne county, to Fort Gratiot, in St. Clair county, on the United States military road; from Mount Clemens, in Macomb county, to Lapeer, in Lapeer county; from Plymouth Corners, in Wayne county, to Dexter, in Washington county, through Salem, Northfield, and Webster; from Monroe, in Monroe county, to Tecumseh, in Lenawee county, on the La Plaisance bay road; from Toledo, in Monroe county, to Adrian, in Lenawee, through Whiteford and Palmyra; from Maumee, in Ohio, to Jonesville, in Hillsdale county, through Whiteford, Canandaigua, and Laneville; from Saline, in Washtenaw county, to Loudon, in Monroe county, through York; from Detroit, in Wayne county, to Utica, in Macomb county, on the territorial road; from Detroit, in Wayne county, to Kent, in Kent county, by Howell; from Clinton, in Lenawee county, to Kent, in Kent county, by Napoleon and Jacksonburg; from Coldwater, in Branch county, to St. Joseph, in Berrien county, by Centreville and Cassopolis; from Kalamazoo, in Kalamazoo county, to Kalamazoo, in Allegan county, by Allegan; from Battle Creek, in Calhoun county, to Kent, in Kent county, by Geloster; from Ann Arbor, in Washtenaw county, to Pontiack, in Oakland county, by Whitmore's Lake, Green Oak, Lyon, and Walled Lake; from Battle Creek, in Calhoun county, to Schoolcraft, in Kalamazoo county, by Climax prairie; from Bellevue, in Eaton county, to Middle Village, in Barry county, by Hastings; from Fort Defiance, in Ohio, to Adrian, in Lenawee county, by Canandaigua; from Michigan city, in Indiana, to Grand Haven, in Ottawa county, by New Buffalo, St. Joseph, Kalamazoo, in Allegan county, and Saugatuck, in Ottawa county; from Iowa, in Iowa county, to Sangamon, in Sangamon county, by the mouth of the Maple river; from Schoolcraft to Geloster, by Kalamazoo, in Kalamazoo county.

NAVY APPROPRIATION BILL.

Mr. JARVIS, from the Committee on Naval Affairs, to whom had been referred the amendments of the Senate to the naval service bill, reported the same, with amendments to those proposed by the Senate; which were committed.

Mr. J. gave notice that he should call up the bill at one o'clock to-day.

PATENTS FOR PUBLIC LANDS.

A bill from the Senate to give effect to patents for public lands, issued in the name of deceased persons, was read twice.

Mr. VINTON briefly explained the provisions of the bill, and offered an amendment to the same; when—

After some conversation between Messrs. THOMAS, BELL, and the CHAIR, upon a point of order connected with the disposition of the bill—

Mr. BOON moved that it be committed to the Committee on Public Lands; which was agreed to.

SENATE BILLS REFERRED.

The following joint resolutions and bills from the Senate were read twice, and committed:

A joint resolution authorizing the Secretary of War to correct certain mistakes;

A joint resolution to change the time of making contracts for the transportation of the mail;

A bill for the relief of Duncan L. Clinch;

A bill for the relief of Christopher T. Bailey;

A joint resolution to confirm the grants made by Georgia of certain lands in Alabama;

A bill in addition to the act for the relief of the legal representatives of George Hurlbut, deceased;

A bill for the relief of the legal representatives of Gustavus B. Horner, deceased; and

A bill in addition to the act for the relief of the legal representatives of Lucy Bond and Hannah Douglas.

A bill amendatory of the act for the continuation of the Cumberland road was read the third time.

Mr. MASON, of Ohio, entered into a history of the facts connected with the location of the Cumberland road in Ohio, and opposed at length the change in the location of the road provided for in the bill under consideration.

Mr. CRANE replied to the views of his colleague, and advocated the passage of the bill. Before he had concluded his remarks, the hour of one arrived; and

The SPEAKER announced the special order of the day.

DISTRICT BANKS.

Mr. THOMAS, on leave, moved that a subcommittee of the committee appointed to inquire into the affairs of the banks in the District have leave to sit during the sessions of the House; which was agreed to.

ARMY APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, and in further execution of the special order of the 26th of January last, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. MASON, of Virginia, in the chair,) and took up the "bill making appropriations for the support of the Army for the year 1836."

There were two motions pending; the first by Mr. CAMBRELENG to amend the bill in the following clause: "for the armament of fortifications, $200,000," by striking out this sum and inserting $1,224,301.

The other motion was the following amendment, submitted by Mr. MERCER: strike out the whole clause, and insert:

For the purchase or construction of a foundery for ordnance at such places as the Secretary of War, with the approbation of the President of the United States, may select, and for defraying the expenses of conducting the operations of such foundery for one year, including the purchase of necessary tools and materials, the sum of —— hundred thousand dollars; and that the further sum of —— hundred thousand dollars be appropriated to the purchase of ordnance for immediate use.

Mr. McCOMAS was entitled to the floor.

Mr. CAMBRELENG rose and stated that in consequence of the intelligence recently received from the South, and the heavy drafts required in that quarter, it became indispensably necessary that this bill should be acted on as promptly as possible. With that view, after the gentleman from Virginia [Mr. McCOMAS] should conclude, Mr. C. would withdraw the proposition then pending, and introduce it into the fortification bill, which would be the next bill taken up. There were now no funds remaining for subsistence, and none for the Quartermaster General's Department, although the drafts from the South were very heavy for both these purposes. He hoped, therefore, that the army bill, containing the ordinary appropriations, with some unimportant amendments—the amendments to the Navy bill—would be passed that day, as to-morrow and next day were set apart for the consideration of business relating to the District of Columbia, with which he had no wish to interfere.

Mr. McCOMAS then, in consequence of the statement of the gentleman from New York, waived his right to address the committee.

Mr. CAMBRELENG then withdrew his amendment.

Some conversation then took place between the CHAIR, Mr. BELL, and Mr. CAMBRELENG, as to whether the amendment proposed by Mr. MERCER fell, as a matter of course, or was then pending.

The question was put; and the amendment was negatived, without a count.

The bill was then taken up by sections.

Mr. HAWES inquired if the first section of this bill included appropriations for the support of the West Point Academy?

Mr. CAMBRELENG replied that it provided not a cent for that institution, further than the pay of such officers of the Army as were stationed at West Point.

Mr. CAMBRELENG moved to increase the clause—

For subsistence, exclusive of that of officers, from $370,400, to $495,400.

In explanation of the amendment, Mr. C. sent to the Clerk's table a communication from the Commissary General of Subsistence.

The amendment was then agreed to.

Mr. HARDIN moved to strike out the following clause:

For the payment of the taxes for 1835, assessed by the State of Pennsylvania on the United States Arsenal, on the Schuylkill river, $725.

Which motion, after some remarks from Messrs. INGERSOLL, HARDIN, HARPER, and CAMBRELENG, was agreed to.

Mr. MANN, of New York, moved to strike out "&c., &c.," in the clause for clothing; remarking that such words were clearly unconstitutional, or at least irregular.

Mr. CAMBRELENG remarked that they were not in the original bill, and they must have been inserted by the Clerk or the Printer. The motion was agreed to.

Mr. CAMBRELENG moved to insert the following words after the forty-fourth line:

For extra clerks in the offices of the quartermasters and assistants at posts where their duties could not be performed without such aid.

Mr. C. referred to a communication from the Quartermaster General on the subject, and further explained that these clerks were only occasionally required at distant posts to keep an account of the supplies and transmissions from one point to another.

The amendment was then agreed to.

Mr. CAMBRELENG then moved an addition of $4,000 to the clause to meet this object; which was also agreed to.

Mr. SEVIER moved to strike out the following clause:

For barracks, quarters, store-houses, hospitals, defenses, &c., at or in the vicinity of Fort Gibson, in the Territory of Arkansas, $50,000;

and insert the following:

For enabling the Secretary of War, under the direction of the President of the United States, to remove the troops

from Fort Gibson to some eligible point on the Arkansas river, on or near the western frontier line of Arkansas, and to cause a fort to be erected upon the point so selected for the accommodation of the troops of the United States, and for the better defense of the Arkansas frontier, the sum of $50,000.

Mr. S. explained that this amendment was substantially the same as a bill that had been reported from the Military Committee.

Mr. GARLAND, of Louisiana, was glad the gentleman had introduced this proposition; for the returns of the Army would show the mortality to be greater at this point than at any other. He would suggest to the gentleman to omit the indication of the site, and leave it to the discretion of the War Department.

Mr. SEVIER had no particular objection to the modification, though he preferred the proposition as it stood.

Mr. CAMBRELENG suggested that it would be better to strike out the appropriation, and introduce it in the fortification bill.

The amendment was briefly discussed by Messrs. JOHNSON of Kentucky, HARDIN, CAMBRELENG, WARD, CARTER, SEVIER, GARLAND of Louisiana, and ADAMS.

Mr. CAMBRELENG said, after the explanations he had heard, he should withdraw his opposition to the amendment.

Mr. THOMPSON, of Ohio, thought that if the amendment was agreed to, the appropriation should be increased; and he moved to substitute $100,000 for $50,000; which was lost.

The propriety of agreeing to the amendment was further discussed by Messrs. SEVIER, WILLIAMS of North Carolina, ADAMS, JOHNSON of Kentucky; CAMBRELENG, and PARKER; when

Mr. HOWARD moved to strike out $50,000, and insert $75,000, but subsequently withdrew it; and the subject was further debated by Messrs. RIPLEY, CAMBRELENG, and PARKER; when the amendment was agreed to.

Mr. CAMBRELENG moved to strike out the following clause:

For barracks, quarters, store houses, hospital, defenses, &c., at Fort Armstrong, in the State of Illinois, or on such point on the river Des Moines as may be selected under the orders of the Secretary of War, $20,000.

Which was agreed to.

Mr. CAMBRELENG moved to reduce the item for contingencies of the Army, from $10,000 to $3,000; which was agreed to.

The other clauses of the bill were then agreed to, and the bill was laid aside.

NAVY APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the committee took up the amendments of the Senate to the bill making appropriations for the naval service for the year 1836.

The bill originally passed the House, was returned from the Senate with various amendments, and reported by the Committee on Naval Affairs, recommending certain amendments to the Senate's amendments.

The first clause, as originally passed, was as follows:

For pay of commissioned, warrant, and petty officers, and of seamen, $1,974,178 91;

which sum the Senate increased to $2,492,040 41, and the Naval Committee recommended a reduction of this sum to $2,318,017 16.

Mr. JARVIS made a brief explanation of the principle of increase in the Navy adopted by the Senate, being one ship of war, two frigates, one sloop of war, and one schooner, &c. He was instructed to move to reduce the pay of officers and seamen of a sloop of war, because there was no vessel of that class now on the stocks, and one could not be built in time for equipment during the present year.

The amendment of the Senate was then disagreed to; and the amendment of Mr. JARVIS was agreed to.

The next clause was for provisions, $590,000, amended by the Senate by increasing it to $798,597 50. The Committee on Naval Affairs recommended the sum of $782,263 75, which was agreed to; and the Senate's amendment as amended was then agreed to.

The next clause taken up was the following:

For repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission.

The House had appropriated $950,000—the Senate had increased the item to $1,075,000.

Mr. JARVIS moved to amend the Senate's amendment by reducing the appropriation to $1,065,000, which was agreed to; and the amendment, as amended, was concurred in.

Mr. JARVIS moved to non-concur in the following amendment of the Senate:

For building a dry-dock at Brooklyn, $180,050;

which motion was agreed to.

Mr. JARVIS moved to amend the following additional clause, inserted by the Senate:

For the purchase of sites, and the erection of barracks, near the navy-yards at Charleston, Brooklyn, Gosport, and Pensacola, $200,000,

by striking out "Brooklyn," and reducing the appropriation to $150,000; which was agreed to; and the amendment of the Senate as amended was concurred in.

The following additional sections to the bill were inserted by the Senate:

SEC. 2. *And be it further enacted*, That an exploring expedition to the Pacific ocean and the South seas be, and the same is hereby, authorized and directed, and that the President of the United States be, and he is hereby, authorized to prepare and send out for that purpose a sloop of war, and to purchase or provide such other smaller vessels as may be necessary and proper to render the said expedition efficient and useful.

SEC. 3. *And be it further enacted*, That the use of so much of the appropriations for the support of the Navy, and of the means and facilities under the control of the Navy Department, as may be necessary and proper for that object, be, and the same is hereby, authorized; and, in addition thereto, the sum of $150,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. JARVIS moved to strike out all after the word "that," in the first line, and insert a substitute; which was read, as follows:

The President of the United States be, and he hereby is, authorized, if in his opinion the public interest shall require, to send out a surveying and exploring expedition to the Pacific ocean and South seas; and for that purpose to employ a sloop of war, and to purchase or provide such other small vessels as may be necessary and proper to render the said expedition efficient and useful, and for this purpose, the sum of $150,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; and, in addition thereto, if necessary, the President of the United States is authorized to use other means in the control of the Navy Department not exceeding $150,000 for the objects required.

Mr. HAWES moved that the committee rise; and on taking the vote, there appearing—ayes 57, noes 56, no quorum, the committee rose and reported that fact to the House.

The SPEAKER then resumed the chair, and a quorum being ascertained to be present, the House again went into committee.

The motion pending being that the committee rise, it was agreed to; and the committee then rose and reported the Army appropriation bill to the House.

The bill making appropriations for the support of the Army for the year 1836, reported from the Committee of the Whole, was then taken up, the amendments of the committee concurred in, and the bill ordered to be engrossed for a third reading now; and, having been engrossed, it was then read the third time, and passed.

Mr. JARVIS earnestly appealed to the House to go into committee again on the naval appropriation bill, on the ground that the service was at this time suffering for want of its passage; and he made that motion.

Mr. VINTON moved that the House adjourn.

Mr. JARVIS asked for the yeas and nays; which were ordered, and were—yeas 59, nays 78.

So the House refused to adjourn.

The question then recurred on the motion of Mr. JARVIS, that the House resolve itself into a Committee of the Whole, when there appeared—ayes 81, noes 32; no quorum.

Mr. WISE moved that the House adjourn; and on taking the question by tellers there were—ayes 62, noes 62; and the Chair voting in the negative, the motion was lost.

The question again recurred on going into Committee of the Whole; and being taken by tellers, the vote was 77 to 28; no quorum again voting on going into committee.

Mr. CRAMER moved a call of the House.

Mr. STORER moved that the House adjourn; which was agreed to—62 to 53; and so the House adjourned.

IN SENATE.

THURSDAY, *May* 5, 1836.

Mr. EWING rose to move a correction of the Journal of yesterday's proceedings. He observed, on hearing it read by the Secretary, that the yeas and nays on the final passage of the land bill were stated to have been ordered on his motion. Now, as he made no such motion, he wished the Journal to be so corrected that the yeas and nays might not appear to have been ordered at his instance.

Mr. HUBBARD felt confident that the yeas and nays were ordered, but on whose motion he would not pretend to say. He was under the impression that they were ordered shortly after the bill was ordered to be engrossed for a third reading.

Mr. CLAY believed that the yeas and nays were not called for, but were taken under an impression that they had been ordered. He was certain, at all events, that they were not ordered on the motion of his friend from Ohio, who, he was certain, had reasons, as well as himself, for not calling for them, in reference to a gentleman opposed to the bill who was absent.

Mr. WEBSTER suggested that the correction could be made by striking out the words, "On motion of Mr. EWING," so as to let it appear on the Journal that the yeas and nays were ordered by one fifth of the members present.

The correction, as proposed by Mr. EWING, was then ordered.

The CHAIR communicated a report from the Secretary of War, in answer to a resolution of the Senate, inquiring whether, in the opinion of the heads of the executive departments, the salaries of the clerks employed under them ought to be increased; and,

On motion of Mr. WEBSTER, it was referred to the Committee on Finance, and, with the communications on the same subject from the other Departments, ordered to be printed.

PETITIONS, MEMORIALS, ETC.

Mr. McKEAN presented a memorial from sundry citizens of Pennsylvania, recommending the creation of a large amount of stock, to be divided among the several States and Territories, and pledging the public lands for its redemption; which was referred to the Committee on Finance.

Mr. MOORE presented the petition of Samuel Miller; which was referred to the Commitee on the Judiciary.

REPORTS FROM COMMITTEES.

Mr. LEIGH, from the Committee on the Judiciary, to which had been referred the petition of Francis Cazot, reported a resolution referring the same, with all the accompanying documents, to the Secretary of the Treasury, with instructions to report thereon to the next session of Congress; which resolution was agreed to.

Mr. TOMLINSON, from the Committee on Pensions, to which the memorial of Jacob Slough had been referred, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. KENT, from the Committee on the District of Columbia, to which had been referred the memorials of the several banks of the District of Columbia, praying to be rechartered, made a report thereon, accompanied by a bill; which was read, and ordered to a second reading; and

On motion of Mr. K. the report was ordered to be printed, and the bill was made the order of the day for Wednesday next.

Mr. ROBBINS, from the Committee on Naval Affairs, reported a bill for the relief of Samuel Warren; which was read, and ordered to a second reading.

RESOLUTION SUBMITTED.

The following resolution was submitted by Mr. TIPTON; and lies on the table one day:

Resolved, That the Committee on Roads and Canals inquire into the expediency of making an appropriation to rebuild the bridges over the rivers George, Rouge, Huron, and Raisin, on the United States military road, from the city of Detroit to the foot of the rapids of the Miami of Lake Erie.

FOREIGN HEMP.

On motion of Mr. CLAY, the resolution submitted by him directing the Committee on Manufactures to inquire into the expediency of placing all imported hemp on the same footing with respect to duty as Russia hemp, was then taken up.

Mr. C. said, there is a species of hemp which, under the construction now given to the tariff laws, comes in at about fifteen per cent. He believed this construction was erroneous; and the object of his resolution was to subject all hemp to the same duty as Russia hemp.

Mr. WALKER said he did not rise to oppose the usual reference of the resolution to the Committee on Manufactures, but merely to call the attention of the Senate to the fact that, upon the very day succeeding the passage of the bill distributing the proceeds of the public lands, a resolution was sought to be adopted by the great advocate and author of that bill and of the American system, to increase the tariff by increasing the duty on hemp. Mr. W. said that this movement was ominous of his (Mr. W.'s) prediction, that the success of that land bill would produce an increase of the tariff; and he wished the fact to be noted and remembered by the Senate, when and under what circumstances the present resolution was introduced.

Mr. CLAY said he had no objection to the Senator from Mississippi having all the facts in regard to this resolution recorded in any book that the Senator might select—and when recorded, he hoped they might not have the benefit of the expunging process; but (said Mr. C.) let the facts be correctly and accurately recorded. I did not (said Mr. C.) introduce this resolution upon the day after the passage of the land bill, but upon the very day of the final passage of that bill by the Senate. The present construction of the tariff, so far as the hemp to which he referred was concerned, threatened the country with a positive evasion of the tariff. But (said Mr. C.) let me tell the Senator from Mississippi, that the true plan to avoid an increase of the tariff is to abandon the present heavy appropriations for fortifications and the navy, or an increase of the tariff is inevitable. Let that Senator admonish his friends to abandon their mad career of squandering the public funds. Let him take the money for distribution from these miserable deposit banks, where it is entirely insecure, and may be totally lost to the country.

Mr. WALKER said he had expected to give rise to no debate by merely calling the attention of the Senate to the time and circumstances under which this resolution to increase the tariff was introduced. But the Senator from Kentucky said, that although he asked the adoption of the resolution now, he had introduced it yesterday.

Mr. W. said he had first heard of this resolution this day; but whether introduced the day of the passage of the land bill, or the day after the final passage of that bill, it could make no difference; it was introduced after that bill was ordered to be engrossed for a third reading, when the victory of the friends of that bill was complete; that the Senator from Kentucky [Mr. CLAY] now distinctly admitted that the increase of the tariff was inevitable, if the present fortification system was not abandoned. Yes, sir, it is conceded, since the passage of the land bill, that we must increase the tariff or abandon the defenses of the country—leave the coast and western frontier unprotected, or to be protected only by exposing the lives of our citizens to certain sacrifice, and by causing streams of American blood to flow in the event of a conflict with foreign Powers; that it was now conceded that the country must be left defenseless or the tariff increased; and what produced this necessity? It is (said Mr. W.) the land bill; which, by taking some twenty or thirty millions from the Treasury of the Union, leaves us not money enough to defend the country without increasing the tariff. Sir, (said Mr. W.,) if this land bill becomes a law, the increase of the tariff is inevitable. Let southern sections pause and reflect that this land bill is a bill to increase the tariff; and that, immediately after the engrossment of the land bill for a third reading, a resolution is introduced by the author of that bill [Mr. CLAY] to increase the duty on hemp. Sir, (said Mr. W.,) this proposed increase, the Senator from Kentucky [Mr. CLAY] tells us, is to prevent an evasion of the tariff. Why is this just now discovered? And if the land bill becomes a law, we shall have many other similar alleged evasions of the tariff, and similar propositions to increase it on that account. Yes, (said Mr. W.,) it is perfectly clear that every vote for the land bill is a vote to increase the tariff. The proposition of the Senator from Kentucky, [Mr. CLAY,] is to *amend* the existing tariff so as to make all hemp pay the same heavy duty as that imposed upon hemp from Russia; and the measure, if adopted, would greatly increase the burdens of the South. To increase the duty on hemp would increase the duty on cotton-bagging, which was made of hemp. The proposition was to benefit Kentucky, the hemp grower, at the expense of Mississippi and other cotton-growing States, that were hemp consumers. It was (said Mr. W.) to take hundreds of thousands of dollars out of the pockets of his (Mr. W.'s) constituents, to put into the pockets of the constituents of the Senator from Kentucky. Mr. W. said he would oppose every measure to increase the tariff, whether it came, as now, in a direct proposition for that purpose, or in the more insidious guise of the land-distribution bill, which rendered an increase of the tariff inevitable.

But (said Mr. W.) the Senator from Kentucky [Mr. CLAY] has denounced the deposit banks—the miserable deposit banks, as he calls them—and where he says the public revenue is insecure. Sir, (said Mr. W.,) this is another demonstration of the truth of his remarks before made—that this land-distribution bill is a bill to restore the deposits to the Bank of the United States, and renew its charter. What (said Mr. W.) will the present government of Pennsylvania do with her mighty share of the spoils from the Treasury? She will deposit them in the Bank of the United States, which her minority Legislature have rechartered; and so will all the other Whig States place their share of these funds in the agencies of this United States Bank, which might as well at once be called their branches. Miserable deposit banks! says the Senator from Kentucky. The public funds insecure! Sir, one of the effects of this bill, and of the speeches, is to get up another panic, and to create this very insecurity. Sir, the Senator from Kentucky pronounces these deposit banks miserable—the funds insecure; and proposes, by his distribution bill, to take some twenty millions from them in July and October next. If the Senator from Kentucky succeeds in producing the impression that the public funds in these banks are insecure, will not the holders of all their notes demand their redemption in specie before the requisitions in July and October are made? The Whig States and the Bank of the United States will demand from them the specie also; and thus the currency will be depreciated; unexampled distress inflicted upon the community, immediately preceding the presidential election; and the election of a bank president, and recharter of the United States Bank, be demanded as necessary to restore the currency and dispel the panic. Confidence is the life of bank paper and of banks. The deposit banks have now more specie than the Bank of the United States, in proportion to their circulation; and the public funds are there perfectly secure, unless we render them insecure by panic speeches and distribution bills, placing them in the power of Whig States and the Bank of the United States, whose tender mercies we have all once experienced.

Mr. CLAY said, that he had not now proposed to increase the tariff; that the advocates of these heavy appropriations for defenses, as it was called, were those that would render an increase of the tariff necessary. Let them reduce the expenditures of the Government; let them retrench and reform. Fifteen millions, we were told not many years since by the then head of the Treasury Department, would be sufficient. Now seventeen millions were asked upon the reports of lieutenants and subalterns. The defenses! that magical word "defenses!" as if we did not all feel interested in what was necessary for the defense of the country! In England none of their principal cities have fortifications; but we must have our whole coast and frontiers lined with arsenals and fortifications from Maine to the Balize and the Sabine, so that, in the language of his colleague, gun from gun along the entire line may be heard. These defenses were gotten up to keep the money in these miserable deposit banks, and keep the banks from breaking, as it seems conceded they will if we call upon them for our money for distribution in July next.

Why (said Mr. C.) should the Senator from Mississippi place himself in an antagonistical position (that is the fashionable phrase) to me? Why should he so often attack me and my measures? If he desires to win from me any laurels by these conflicts, I will spare him the trouble of these encounters, and acknowledge my inferiority to him as the great champion of the Administration.

Mr. WALKER said the Senator from Kentucky was mistaken. It was, on all former occasions, the Senator from Kentucky who had attacked him and his measures, and not he who had assailed that Senator: he had only repelled his assaults. There were many reasons why he could have no desire to assail the Senator from Kentucky. It was unnecessary to assail him—his career of success he could have no desire to arrest. He could truly say, and not in the spirit of sarcasm, which some gentlemen seemed to prefer to truth and candor, that the acknowledged talents, the long services, the great experience of the Senator from Kentucky gave him a superiority which he felt no disposition to dispute or question. The Senator from Kentucky had been the aggressor

Not one word had he (Mr. W.) said to that Senator in debate, or any measure of his, when he, (Mr. W.,) in March last, brought forward his preëmption bill, and bill to reduce the price of the public lands in favor of actual settlers only, when the whole Senate had heard the Senator from Kentucky [Mr. CLAY] rise and denounce this bill in the very strongest language, and threaten to move its instantaneous rejection. And what had he (Mr. W.) done, other than to defend himself and his abused constituents? The other occasion was upon his, (Mr. W.'s) support of the motion of the Senator from Missouri [Mr. BENTON] to strike out a certain grant to Missouri from the land bill, upon the ground, that to put the grant in that bill as he (Mr. W.) said, would be to insure the loss of the grant; for that, judging from the fact, that the President had vetoed the bill, we had a right to conclude that he would again put his veto upon it. Did not the whole Senate again hear the Senator from Kentucky rise in his place, and with great vehemence attack him, (Mr. W.,) accuse him, most unjustly, of a heat of ardor for referring to the supposed veto of the President upon the land bill; talked of his having the king's ear; of obtaining information from the President himself, as regards the supposed veto? Again, (Mr. W. said,) he had only repelled the assault of the Senator from Kentucky; and repel such assaults (Mr. W. said) he always would, whatever might be the consequences.

Mr. CLAY said he would offer an armistice to the Senator from Mississippi. He would now give that Senator a *carte blanche*, that he would not hereafter assail that Senator or his measures generally, unless when he should bring forward his bills in favor of his squatters; and he could not go that.

The resolution was then adopted.

ARMY APPROPRIATION BILL.

The bill from the House making appropriations for the support of the Army for the year 1836, was read twice, and referred.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

On motion of Mr. WEBSTER, the Senate took up the bill from the House making appropriations for the civil and diplomatic expenses of the United States for the year 1836: the amendments reported by the Committee on Finance being first the subject of consideration.

The amendment making an appropriation of $2,500 to enable the Secretary to distribute, as ordered by a resolution of the Senate, a compilation of documents relative to land titles, being under consideration—

Mr. BENTON moved to strike out the provision for giving one set to each Senator. He thought it had been considered as settled for two sessions

past, that they were done with giving themselves books at the public expense. It had been stated in the other House by Mr. JOHNSON, of Tennessee, that it would take about one thousand dollars to each member to put him on the same footing, with respect to books, as the old members. He was aware that it was an exceedingly ungracious task to oppose giving the same books to the new members that had been given to the old, but the thing had been commenced two years ago by his friend from Georgia, [Mr. KING,] who deserved the thanks of the country for calling their attention to one of the grossest abuses. This was one of the greatest impositions that had ever come to his notice, with the exception, perhaps, of one enormous and flagrant abuse—a work that was to go on for years, to an unknown extent, and then to be distributed to those who were members of the Twenty-Second Congress. He did not know whether it was proposed to give copies to the legal representatives of such of the members as have died, but it was certain that they would, under the provision of the resolutions, have a right to them. They might go to the assignees of these members; and it had been stated by the Senator from Georgia, [Mr. KING,] that a member of Congress had sold to a bookseller in this place, for ten dollars, his share of that which was to cost the United States hundreds of thousands of dollars.

Mr. B. here spoke of the uselessness of the work proposed to be distributed, and the shameful waste of public money in printing such a mass of worthless matter. The principal part of the publication related to the preliminary proceedings in investigating the titles of lands which were not worthy of preservation, as everything relating to land titles was merged in the patents which had since been issued. There was (Mr. B. said) in his office in this city, about five hundred volumes of documents, which he apprehended cost the Government far beyond $1,000, and he should consider them a dear bargain at $100. He had, it was true, voted at first for some of these books till his attention was called to the subject; but, since then, he had strongly resisted all such appropriations. He presumed, as the books had been printed and paid for, that they must be distributed, but he was opposed to that part of the distribution which referred to their worthy selves, and he would therefore move to strike out that part of the amendment which gives one copy to each member of Congress.

Mr. WEBSTER said the distribution would be made in the usual way. The question involved in the amendment was merely whether they should be distributed as they were already ordered and paid for, or whether they should remain in the lumber room. He hoped the amendment would not prevail.

Mr. BENTON replied that they did well to appropriate money for the transportation of these books; for whoever they were to be sent to would, cheap as transportation now was, hardly be willing to pay for getting such useless lumber. He had, therefore, no objection to paying for sending them away, but he was opposed to giving them to members of Congress. He would rather give them away to anybody that would take them. They might be useful to the grocers, if the leaves had not been cut; but as it was they were hardly worth having to wrap a herring up in. Such had been the enormity of the abuse in printing worthless documents, that he had been told by the servants of the boarding-houses that the mass printed during the panic session had glutted the market, and that their perquisites had fallen to about two cents per pound. The gentleman near him smiled at what he said; but he would tell him that, if he would take his little children to a shoe-store, and buy a pair of shoes, he would find that they would be wrapped up in public documents. Buy whatever he would in any of the stores of this city, he would find his purchases wrapped up in papers that had been printed by order of Congress. Indeed, such had been the profusion with which these public documents had been printed, that they had greatly depreciated even as wrapping paper: there was no doubt of there being a surplus there. If no other disposition could be made of these documents, they might put them to the same use that the Ottoman conqueror did the books of the Alexandrian library—distribute them among the public booths, to be used as fuel. There were public booths in this city, where these documents might be found useful in the same way. Mr. B. was opposed, out and out, to giving these documents to the members of Congress; and he therefore asked for the yeas and nays on his motion.

Mr. HILL said the number of volumes was five, and they were not worth, for anybody's use, the trouble of carrying them home. There were, at a former session, eight hundred and fifty additional copies ordered out of the contingent fund, by a simple resolution offered by Mr. POINDEXTER, and the cost of which amounted to $57,000. They were made up of mere notes taken in relation to the public lands, and he believed were not even of any value to the Territories; and if this was not extravagance he did not know what was.

Mr. BENTON here read extracts from one of the volumes, taken at random (he said) from the pile, and opened in the middle, which were a fair sample of the whole publication. There never was (he said) a grosser imposition practiced than was done in the publication of this work. Here was a sample of the five volumes, and the whole related to land titles thirty years ago, which were all merged in the patents, the only titles now necessary to be looked at.

Mr. EWING, of Ohio, had not examined these documents to ascertain their value, but he had found some of a similar kind very useful and valuable as books of reference to members on the subject of public lands.

Mr. WEBSTER observed, that this was a subject of which he professed to have no knowledge. Whether these books were useful or not could better be judged of by gentlemen coming from the States where the public lands were. All he rose to say was, that he thought it unnecessary to delay the appropriation bill in questions of this kind, and that the best way would be to reject the amendment at once.

Mr. WALKER did not concur with the Senator from Missouri in his opinion as to the value of these books. As books of reference, he had found them very useful while on the select committee; and, although there might be a great deal in them that was not worth printing, yet he did not think that he could have got on without them. As regarded their distribution, he thought, with his friend from Missouri, that they ought not to be given to the Senators individually, though it would be proper to give them to them in their official characters, to be retained while they were in the Senate, and to be handed over to their successors on leaving it.

Mr. KING, of Alabama, thought, at the time the resolution was adopted, that they would be paying for a useless work. Some of the matter contained in the publication might be useful, but a great deal of it certainly was not so. A great deal of it had been printed before in another work, as the Senator from Missouri had well observed, and they had therefore to pay double for the same matter. But the time had gone by when it would be profitable to discuss this question—they had got the work, and the question was, what were they to do with it? As regarded the distribution, he was opposed on principle to the giving books to Senators. If the work was at all useful, let all the copies (said Mr. K.) be thrown into the library of Congress.

Mr. BENTON referred the Senator from Mississippi to two publications, one being a compilation of documents relative to the public lands by Matthew St. Clair Clark, and the other a work now going on by Gales & Seaton, in which the Senator would find all the information he wanted in a more compendious form, without being cumbered with the mass of obsolete and useless matter that loaded this publication. He wished the gentleman to be informed that the type set up on this work was taken in the form already set up from another office, so that the Senate was paying for the same work twice. Let the gentleman refer to the collections relating to the public lands now going on by Gales & Seaton, and he would find all the information he wanted in a more compendious form.

Mr. WEBSTER wished the Senate to negative the whole amendment. He did not wish to be involved in a debate on the printing and distribution of documents, to the delay of the most important appropriation bill.

Mr. LINN could not entirely concur with his colleague as to the value of these documents. Although much useless matter might have been printed, yet he thought they contained a great deal of useful information.

Mr. BLACK said the only way in which these books were valuable was to Committees on Private Land Claims: when claims were presented, by turning to these books, the proceedings had in relation to them could be found, and attempts at imposition could be detected.

Mr. WRIGHT said, after the expression given by the Senate, he would vote for the bill as amended by the Senator from Missouri. He would, however, state a fact within his knowledge, which was, that three of these volumes were mere transcripts, word for word, and letter for letter, of three other volumes; and he remembered very well when the resolution authorizing their publication was offered, which, he supposed, at the time, was for some temporary publication, and never dreamed that the whole expense would amount to $500, and never knew of the enormous expense incurred until his attention was drawn to it by an estimate made in the other House. The Secretary of the Senate had complained that they incumbered his room. The books were already purchased, and the lumber was on their hands, and the only question now was, whether they should distribute it?

Mr. BENTON's motion was then adopted; and the question recurring on the amendment of the committee,

Mr. KING, of Georgia, observed that he had already said so much in relation to the printing of books, that he did not think it necessary to say anything now further than that he agreed with his friend from Missouri as to the utter worthlessness of these books. If useful at all, they could only be so to the Committee on Private Land Claims; and it had been well observed that they might obtain all the information that was in these documents in other publications that had been made by order of the Senate, in a much more compendious form. He did not want any of them to be on his table; and he would be willing to give them away to anybody that would take them.

Mr. KNIGHT moved to amend the amendment by providing for the sending of one copy of the publication to the Historical Society of Rhode Island, and one copy to a college in that State. Mr. K. said it seemed that these books were of no value to anybody, and yet they were extremely loth to part with them. He thought they would increase in value as they increased in age.

Mr. BUCHANAN did not care much about the distribution of these books; but, as it appeared that there were books to be given away, he would only say that he left the House of Representatives in 1831, and came into the Senate in 1834; consequently, he found himself entitled to no books. He thought that, when books were to be distributed, he and the gentleman from Georgia [Mr. CUTHBERT] ought to have a share.

Mr. BENTON observed that this showed what a vile thing it was. Here were members sitting on that floor who were entitled to no books; while those who had been out of Congress for four years could get them; and if they had died in the interim the books must go to their heirs.

Mr. KNIGHT's amendment was rejected.

On motion of Mr. WEBSTER, the bill was further amended by the insertion of an appropriation of $300 for completing the medals heretofore voted to General Ripley.

Mr. PRESTON moved to amend the bill by adding an appropriation of $20,000 for the erection of a court-house for the courts of the United States in Charleston, South Carolina.

Mr. BLACK moved to amend the amendment by adding an appropriation of $20,000 for the erection of a court-house for the courts of the United States at Jackson, Mississippi.

Mr. BUCHANAN moved further to amend the amendment by adding an appropriation for the erection of a court-house for the courts of the United States at Philadelphia.

After some remarks from Messrs. PRESTON, BLACK, BUCHANAN, WEBSTER, and MANGUM—

Mr. PRESTON withdrew his motion; and the motions of Messrs. BLACK and BUCHANAN consequently fell with it.

Mr. MANGUM moved to amend the bill by striking out the appropriation of $340,000 for the contingent expenses of the courts of the United States, which (he said) was extravagant and unnecessary, and insert $140,000.

After some opposition from Mr. WEBSTER, this amendment was rejected.

On motion of Mr. EWING, of Ohio, the bill was amended by inserting an appropriation for the survey of lands lately acquired from the Indians in the Wisconsin Territory.

The amendment of the committee was then concurred in; and the bill was reported to the Senate; when

Mr. KING, of Georgia, moved to amend it by striking out the appropriation of $20,000 for the Documentary History of the Revolution now in progress by Matthew St. Clair Clark and Peter Force.

Mr. BENTON hoped that the motion to strike out this appropriation would prevail. He was rejoiced to see the Senator from Georgia persisting in the good work, and he would enlist with him for the war. They had already paid $20,000 for this work without seeing a page of it; and that, he thought, was enough to break up this improper contract. He thought that this work was stopped two years ago; but now it seemed that more money was asked for it. His attention had been called to some remarks made in relation to this work the other day, in the House of Representatives, which he would now read for the benefit of the Senate.

[Here Mr. BENTON read some remarks made by Mr. JOHNSON, of Tennessee.]

That gentleman stated, in his place, that there was a bill brought in to print this work at eight dollars per volume; and that it was rejected by the House on account of the price; yet, at the succeeding session, another bill was brought in, which was hurried through almost without notice, at the heels of the session, giving $13 50 for this same work. The gentleman further informed him that, on searching among the files of the House for this manuscript bill that had been thus rejected, they found the bills immediately before and after it, but that bill could not now be found. All this showed that the contract had been obtained in an improper manner.

I am to receive (said Mr. B.) $252 worth of this work, while the gentleman from New Jersey [Mr. WALL] who sits on my right, is to receive nothing. At least one half of those who were now members of Congress would get no copies, while those who were members of the Twenty-Second Congress would get them, or, if they should not now be delivered, they would be given to their executors. Two years ago (said Mr. B.) we struck out this thing, and the next morning it was reinstated. This session it was struck out in the House of Representatives, and the next morning it was in like manner reinstated. Night work, sir—night work, (said Mr. B.;) what was done in the morning was undone at night.

The extent to which this work was carried was a great abuse. The contract was got through for a work professing to be a documetary history of the Revolution, and they had got matter as far back as the settlement of the Pilgrims; while they had to pay double as much as the work could be printed for anywhere else. He hoped the appropriation would be struck out. Everything that these gentlemen had been compiling would be found in the library of Congress or in the library of the Department of State, so that the compilers had not been put to much trouble in making their collections. He was for putting a stop at once to the work; and if the compilers could show that they were damnified, he would readily agree to pay them, and pay then liberally.

Mr. SOUTHARD said, that when a contract had been made, and the work commenced under it, it then would be a violation of the principles of justice in refusing to go on with it. This was an appropriation bill for items allowed by law; and while the contract stood, it did not seem to him to be honest to withhold payment. If there was anything wrong in the matter, the proper way would be to let a resolution of inquiry be offered, and a committee of investigation appointed. But when a contract was made for a work to be published, they could not refuse an appropriation to complete it. The Senator from Missouri had made charges upon mere allegations.

Mr. BENTON remarked that he had based his charges upon what a member had said in his place on the floor of Congress.

Mr. SOUTHARD. The Senator, then, rests his charges upon the allegation of what a member of the other House had said in his place, although the House of Representatives had passed the bill in the face of the statement of that member. He would be unwilling, for his part, to proceed in any case on such evidence alone. He would first ask for the evidence, before he could do what he was here asked to do. Did it (he asked) dissolve them from the contract because the work was worthless? The inquiry whether the work was worth the continuation of its publication would be proper enough. But when the Secretary of State made the contract, it was in the power of Congress either to confirm or reject; but they confirmed it. He gave no opinion of the value of the work at present. He spoke of the importance of preserving the records of the early history of our country, and to do which he cared nothing about the expense. He was not willing that the Senate, at a single jump, should violate the rights of parties; but, with the Senator from Massachusetts, [Mr. WEBSTER,] he was willing that a committee should be appointed to inquire into the matter.

[At the close of Mr. SOUTHARD's remarks, a sample of the work under discussion was handed to several of the Senators.]

Mr. HILL said he did not wish to consume the time of the Senate to throw any obstacle in way of the passage of the appropriation bill; but to prevent an improvident contract being fastened upon the nation, it was indispensable that the item of $20,000 towards the publication of the work of Messrs. Clark & Force should be stricken out; if that item was retained we would hereafter have no hope that an immense expenditure would be avoided.

The Senator from Missouri had said that the original bill which authorized this expenditure had passed without the attention of anybody. The Senator was under a mistake; and he (Mr. H.) would refer to the Senate Journal of 1833 to prove the fact. On the 27th February, three days before the close of the session, three propositions of immense jobs of printing were brought up at the same time. Each of these propositions, as were many others of a like tenor, was reported and recommended by the Library Committee, who had always been exclusively of one political party. Reports from that committee had usually been made in whispers, in so low a tone of voice that it had been impossible for him (Mr. H.) to hear them when they were made; but all three of these propositions for printing had attracted his attention when they came up for a third reading. The first proposition was for a continuation of Gales & Seaton's compilation of State papers, extending that work eight volumes, and involving an expense to the Treasury of $63,000. Mr. Foote, the late Senator from Connecticut, was then in the chair, and I called for the yeas and nays to be taken on the question. The attention of so few was called to the subject, and the question was so hurried by the Chair, that one fifth of the Senate failed to respond to the call I then made. Then, almost in the same breath, came up for consideration the bill to provide for the publication of a stereotype edition of the laws of the United States, by Duff Green. Although his proposition was nearly double the price at which the same work had been offered by several other printers, it was passed by a vote of twenty-five to seven. On this proposition, which involved an expenditure of at least $125,000, I was able to obtain the yeas and nays, and six other Senators voted with me against the bill. Then succeeded immediately the bill making provision for the publication of the Documentary History of the Revolution, by Messrs. Clark & Force; and on the question of its passage, my call for the yeas and nays was not sustained by one fifth of the Senator spresent—the occupant of the chair hurrying the decision, and evincing little disposition to gratify my wish to ascertain who was in favor of, and who against, this extravagant expenditure for public printing. This third resolution, at the minimum calculation, involved an expenditure of about $500,000—it may amount to two or four millions; nay, there is no limit to it; the publication may include everything connected with the time of the Revolution.

It is worthy of remark, (continued Mr. H.) that all these extravagant projects for printing have been in favor of one side of the question exclusively. The three propositions to which I have adverted embraced each branch of the opposition. Gales & Seaton were to have a fat job, and Duff Green's friends insisted that he should have one also. When the proposition came to be considered in the House of Representatives on the last night of the session, Gales & Seaton's and Clark & Force's bill passed—both belonging to and including one branch of the opposition. Duff Green's proposition to stereotype the laws and treaties failed, thus disappointing the other branch of the opposition. But this disappointment was made up at the beginning of the next session, (1834,) by a resolution of a late Senator from Mississippi, (Mr. Poindexter,) authorizing the publication of land documents, which also passed without attracting sufficient attention of the Senators to call for a division of the question—probably when not a half a dozen Senators heard the resolution read. The execution of this measure has involved an expenditure of $57,327, to be paid from the contingent fund of the Senate; and the result is the publication of five folio volumes, sixteen hundred copies each, or eight thousand volumes in the whole—a lumber, which has been proved to be of no use to every nine hundred and ninety-nine in a thousand of the people of the United States—a publication so useless as really not to be worth the price of transport for members carrying it home, and which now incumbers the rooms of the Capitol. Three of these folios were but a reprint of the very documents published by Gales & Seaton, and they were twice printed, in the same year, at the public expense.

The price of the proposed publication is said to be $13 62 per volume—about twice as much as the price of Congress printing; and this Congress printing is much higher than the prices of printing in all our principal towns. This matter of printing is alleged to be a small affair, not worthy of the attention of Senators. Although it is a subject of little interest here, it may be interesting elsewhere, to look into the expenditures for public printing at this point. From a report of the Secretary of the Senate, made at the commencement of the present session, I have taken the footings of the several years of the public printing, which I will present:

Printing of the Senate and House from 1817 *to* 1835.

Years.	Senate.	House.
1817	$4,837 69	$8,561 99
1818	6,107 72	15,218 88
1819	5,726 79	10,492 00
1820	11,030 59	13,042 34
1821	11,871 64	17,883 94
1822	12,778 47	18,935 63
1823	6,349 46	22,182 21
1824	10,380 00	34,350 00
1825	10,553 09	19,953 29
1826	14,938 04	50,463 07
1827	13,055 89	52,027 52
1828	21,863 97	35,531 10
1829	10,385 73	25,623 81
1830	11,391 96	34,939 67
1831	6,882 19	31,120 82
1832	18,391 52	67,776 89
1833	14,757 57	31,329 63
1834	29,412 50	89,290 64
1835	85,342 22	

By this statement, it will be seen that the expense of printing for the Senate has been multiplied twenty times, and that of the House ten times! The Senator from Kentucky [Mr. CLAY] had reproached the Administration for its "utter and reckless extravagance," and taunted it with its failure in making "retrenchment and reform." The extravagant expenditures by the Senate and House of millions for public printing could not be charged on the Administration or its friends—

the Executive certainly is not responsible for them. From the Secretary's report, I have gathered the facts that Gales & Seaton, during sixteen years, from 1821 to 1835, have received from the Treasury $651,723 84, or an average of more than forty thousand dollars a year; that Duff Green, for nine years, from 1827 to 1835, has received $443,144 78, or nearly fifty thousand dollars per annum; and that Francis P. Blair, for five years, from 1831 to 1835, has received $19,479 54, or about thirty-nine hundred dollars per annum. These persons are editors of the three daily political papers which have been published at the seat of Government.

The first two are inveterate opponents, the last is friendly to, the Administration. These expenditures show in what channel the patronage of the public press has been directed under the present Administration. Before it was drawn into this temptation, the National Intelligencer was the faithful organ of the public voice; all who could remember as far back as the year 1812 could remember what the Intelligencer was What is that paper? Whose organ is it now? The other opposition paper, the Telegraph, had pretended friendship for the Administration until it had procured the printing; but it had instinctively turned to the party which always paid best. Here is a million of dollars paid to two printers, (a large portion of it since the present Administration came into power,) whose newspapers have been constantly employed to batter down the Administration!

How happens it (said Mr. H.) that all resolutions for extra jobs of printing have been on one side of the political question? Is it because the Committee on the Library have had no political predilections? That committee (I repeat) has for several years been exclusively of one political party; and the Administration has not had so much as one poor representative in this body upon it. This Clark & Force is not less a political business than the other contracts. The persons employed in it are of one side; if it is carried through the Senate at this time, it will be carried as an opposition measure. The Senator from New Jersey [Mr. SOUTHARD] says it will not be honest now to refuse to carry into effect this contract. There surely can be no injustice, no dishonesty, in stopping this wasteful expenditure, if Congress shall indemnify Clark & Force for the expenditures they have already made. Twenty thousand dollars have already been advanced to them—more will be paid if more has been expended. There can be no hesitation in saying that Congress had been deceived and cheated into this measure, whether the publishers had or had not intended it. Mr. Livingston, the late Secretary of State, to whom the business of contracting had been referred, had been imposed on: he knew nothing of the nature of the contract himself; and it is now said the person who happened to be the agent to make a bargain with Clark & Force, was a person in direct interest with them. Hence may we account for the raising the price from $8 00 per volume, as first proposed by the publishers themselves, to $13 62, as prescribed in the contract. It is very evident we have been imposed on in some way. It now seems, as a matter of grace, that these contractors are willing to limit the expenditure to somewhere about half a million of dollars. There is yet no limit to this matter; if it proceeds the present generation may not see the end of it. I have never consented to this contract, and never will consent to it. The work, when it is printed, is to be distributed among the members of Congress of 1833, who voted for the bill, and to members who have not been in Congress for two years. There surely is great impropriety in this part of the law. It cannot be said that injustice is done to these publishers if Congress remunerates them for their expenses until this time, and the work shall henceforth cease and be discontinued.

Mr. BENTON said, as he understood it, the House did believe what Mr. JOHNSON said, for they struck out the appropriation by a large majority; and that appropriation was reinstated next morning—after operating on the members over night. He would now offer a resolution, which he hoped would be received by general consent, to appoint a committee to examine into the progress of this work, and to report to the Senate what ought to be paid to the compilers for what they had done.

Mr. KING, of Georgia, said that the resolution was unnecessary, as nothing could be due on the work. It was impossible that the sum of $20,000, appropriated last year, had been expended in collecting materials for this work; so that in fact nothing could be due on the contract. His proposition was to strike out the appropriation of $20,000.

Mr. WEBSTER observed that it would be unjust to suppose that these contractors would print anything not authorized by Congress. It was well known that they had offered to submit the selection of the matter to be printed to an agent appointed by Congress; and it was also well known that they had agreed to an important modification of the contract. The contract might be broken up; but the question was not now whether they should pay the money or not. The contract had been made—whether improvidently or not it was not now for him to say—and they were as much bound to make the appropriation as to appropriate money for the pay of salaried officers. He hoped that the progress of the bill would not be interrupted by the consideration of the resolution offered by the Senator from Missouri, [Mr. BENTON.]

In regard to the contract, the parties had a right to their pay under an act of Congress; and this was only appropriating the amount to be paid. He hoped no new principle would therefore be involved in this bill; and he would demand the yeas and nays, to ascertain whether the Senate would sanction such new principle.

[As the resolution of Mr. BENTON could only be received by unanimous consent, the objection by Mr. WEBSTER prevented its being received.]

Mr. MANGUM (in reply to Mr. HILL) observed that the contract for this publication had been placed on party grounds; and this extravagant and improvident contract had been charged against the opponents of the Administration. Now, was this just? Who was the first to make objections to this measure? He himself was the first that called the attention of the Senate to it two years ago: and he expressed the same opinion then that he held now—that the contract would lead to an extravagant and useless expenditure of money. It was said by the Senator from New Hampshire, that the yeas and nays were not taken on the adoption of this measure, and this circumstance showed that it was not a party vote; for when such was the case, there were always enough ready to order them. At all events, the resolution passed at the close of the session, authorizing the publication of a documentary history of the Revolution, and the contract was to be made by the highest officer under this Administration, (Mr. Livingston.) Now, if there is nothing else than this improvident and extravagant contract, that would, of itself, be enough to show that Mr. Livingston was utterly unqualified for the situation he held. The contract was not only to pay double for the printing, but was for the printing of an indefinite number of volumes, so that the contractors might draw millions from the Treasury. If this was a party measure, (said Mr. M.,) put the saddle on the right horse. As to this contract, he would be glad to get rid of it in any form. He would be willing to raise a committee to rescind it; but he would say that he would not take it upon himself to abrogate it at once. He was ready, however, to do parties full justice, and would pay them liberally—nay, he would even pay them more than they were entitled to. Taunts about this contract were wholly useless. For his part he believed that no party was censurable for it. Mr. Livingston managed it. Mr. Livingston managed it, as he had done other matters, with great improvidence—though he meant not to impugn that gentleman's integrity. As to the distribution to members, he had always opposed it. There was a degree of indelicacy in voting books to themselves, which he could not approve of.

Mr. KING, of Alabama, regretted very much the course which this discussion had taken. He did not believe that this was ever considered a party measure. He believed that they were divided two years ago, not on account of doubts of the improvidence of the contract, but because they differed as to the mode of getting rid of it.

The simple question, then, before them was, whether they were to go on making appropriations without seeing where they were to stop? If they could see the end of it, or if they could know what they were paying for, they might with more reason be called on to make the appropriation. It was not necessary that they should appropriate them; they had already appropriated $20,000, and there was no reason why they should appropriate more without knowing whether a sufficient amount of work had been done to justify it. They had no evidence before them of what had been done other than a single sheet of the work. He thought that the proper course would be to strike out the appropriation now, and appoint a committee to examine what had been done, and to report to the Senate the best way of stopping the work, and the amount that ought to be paid to the contractors. If they made the appropriation now, it would be at once sanctioning the continuance of the work; they would be called on to make the same contract the next year, and there was no knowing where they would stop.

Mr. BENTON merely wished to say, in justice to the Senator from North Carolina, [Mr. MANGUM,] that that gentleman was the first that ever called his attention to these abuses; and it appears from the Journal (Mr. B. said) that he has voted with us in regard to these matters ever since.

Mr. PRESTON wished the matter to be regulated to the satisfaction of the parties. They were not bound to proceed unless the other party had proceeded. He wished to know of the chairman whether any considerable progress had been made in the work.

Mr. CALHOUN hoped the Senate would agree to strike out the section, and allow the publishers liberal compensation for what they had done, and stop its further progress. They had made a most improvident contract. And, besides, he had strong constitutional doubts as to the power of Congress to contract for such a work; and if they had, there were few, in his opinion, who were qualified to perform a work of so sacred a character.

Mr. WEBSTER suggested that it would be but just to these contractors to give them an opportunity of showing what progress they had made in the work. It was now late in the day, and he would therefore move that the Senate adjourn, which he hoped would be agreed to; and the Secretary could then signify to these persons that it would be necessary for them to make a communication to the Senate next morning.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 5, 1836.

Petitions were presented, on leave, by Messrs. DUNLAP, REYNOLDS of Illinois, WARDWELL, BRIGGS, and WILLIAMS of Kentucky.

[Mr. REYNOLDS presented the petition of Jesse W. Shull, of Jo Davis county, Illinois, which was, on his motion, referred to the Committee on Public Lands. The petition stated that Mr. Shull had, at his private expense, advanced the interest of the Government in the mining country at and near Galena, in Illinois, and Wisconsin Territory; and that he, in consideration of the premises, prayed remuneration of a section of land.]

On motion of Mr. EVANS, and by leave, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Daniel Cobb; and that the papers herewith submitted be referred to the said committee.

NAVY APPROPRIATION BILL.

Mr. CAMBRELENG adverted to the importance and necessity of acting speedily on the naval appropriation bill. This ordinary appropriation bill was usually passed in the month of January; and the naval service was now suffering on account of the delay in its passage. He hoped, therefore, that the morning hour would be devoted to disposing of this bill; otherwise, it probably could not be taken up for several days to come. He accordingly asked the unanimous consent of the

House to go into committee on this necessary measure.

Mr. GRAVES objected.

Mr. CAMBRELENG moved to suspend the rules for the morning hour, for the purpose stated.

The members in favor of suspending the rules having been requested to rise,

The CHAIR decided that the motion was carried by a large majority.

Mr. GRAVES demanded a count; when there appeared—ayes 85, noes 16.

No quorum voting,

Mr. CAMBRELENG moved a call of the House, in case there should not be a quorum in the House.

Upon a count, it appeared that a quorum were in attendance.

Mr. GRAVES had objected, because he had desired for the last two weeks to offer a resolution of inquiry.

Mr. CAMBRELENG would not object, if the gentleman would propose his resolution at that time.

Mr. GRAVES asked the consent of the House to present his proposition; but it was objected to.

On motion of Mr. CAMBRELENG, the House then went into Committee of the Whole on the state of the Union, (Mr. MANN, of New York, in the chair,) and resumed the consideration of the remaining amendment of the Senate to the naval service bill, and the amendment of the Naval Committee of the House to the same.

The Senate's amendment was read, as follows:

SEC. 2. *And be it further enacted*, That an exploring expedition to the Pacific ocean and the South seas be, and the same is hereby, authorized and directed; and that the President of the United States be, and he is hereby, authorized to prepare and send out for that purpose a sloop of war, and to purchase or provide such other smaller vessels as may be necessary and proper to render the said expedition efficient and useful.

SEC. 3. *And be it further enacted*, That the use of so much of the appropriations for the support of the Navy, and of the means and facilities under the control of the Navy Department, as may be necessary and proper for that object, be, and the same is hereby, authorized; and, in addition thereto, the sum of $150,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The question pending was the following amendment, reported by Mr. JARVIS, from the Committee on Naval Affairs: to strike out all after the word "that," in the first line, and insert the following as a substitute:

The President of the United States be, and he hereby is, authorized, if in his opinion the public interest shall require, to send out a surveying and exploring expedition to the Pacific ocean and South sea; and for that purpose to employ a sloop of war, and to purchase or provide such other small vessels as may be necessary and proper to render the said expedition efficient and useful; and for this purpose, the sum of $150 000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; and, in addition thereto, if necessary, the President of the United States is authorized to use other means in the control of the Navy Department not exceeding one hundred and fifty thousand dollars, for the objects required.

Mr. JARVIS, in a few words, explained the amendment to the amendment of the Senate, when it was agreed to; and, thus amended, it was adopted.

The committee then rose, and reported the bill to the House.

The House concurred with the Committee of the Whole, in their disagreement to the amendment of the Senate, appropriating $180,000 for a dry-dock at Brooklyn, New York.

The House also concurred with the Committee of the Whole, in reference to their action on the remainder of the amendments of the Senate, with the exception of the amendment in regard to a South-sea expedition.

Upon the latter amendment, Mr. HAWES desired that a separate vote should be taken. He hoped the whole proposition would be stricken out.

Mr. HAMER remarked, that before he could vote for this amendment, he wished to know from some of the members of the committee the reasons which had induced them to amend the Senate's amendment? If he understood the matter aright, the difference between the two propositions only amounted to this—that the Senate's amendment threw the responsibility where it ought to be, upon the Congress of the United States; whilst the amendment of the Committee on Naval Affairs of the House threw the responsibility upon the President. He thought it would be very well if each department of the Government would act upon its own responsibility in this matter. He thought the House as well calculated to judge of the expediency and propriety of sending out the expedition as the President of the United States; and if so, why, take the responsibility, as the Senate had done? He was not willing to acknowledge himself to be, strictly speaking, such a collar-man as to give to the President every such discretion. If it was expedient, and the public interest required this expedition, let the House act upon its responsibility, as the Senate had done. He could not vote for the amendment unless some reason could be given to justify it.

Mr. JARVIS did not think himself any more of a collar-man than the gentleman from Ohio. The reason why the committee had proposed an amendment leaving it discretionary with the President to send out the expedition or not, was because they had not time to investigate the matter themselves; and he doubted very much whether the House had the time to examine the subject as it ought to be examined. The committee conceived that all they could do would be to give an opinion that it might be expedient, and leave it to those who had time to examine the subject to ascertain whether it was expedient or not; and if, in the opinion of the President, after examination, it should be found to be expedient, then it would be for him to carry it into effect. If the committee had had time to examine the question, it would have been quite a different thing; and he submitted it to the members of the House, whether they had time to give the subject due examination. He would, therefore, vote to refer it to the President, or Executive Departments, to examine; but under the circumstances he was not willing to vote for the expedition in any other manner, as it appeared to him to be leaving the matter where it ought to be.

Mr. HAWES observed, that what he had to say might as well be said at the present as at any other stage of the bill. Some time ago (he said) a proposition was made and carried, to permit a certain gentleman to deliver a lecture to the Representatives of the people, upon the subject of a South-sea expedition. He was opposed to granting the privilege to that gentleman, or anybody else, because he was fully apprised of the fact, that the object of it was to operate upon that House and the other branch of Congress. He knew that a proposition would be brought before Congress to expend a large sum of money to further this gentleman's object. It appeared to him that they had arrived at a time that, no matter what chimerical opinions were taken up by any gentleman, if he could only get an opportunity to address the Representatives of the people they would enter into all the chimerical notions of the gentleman who might address them. It was true, that they had in the Treasury a vast amount of money; but if it was there, it had been wrested from the hands of the people of the United States; and he was not willing that it should be expended in every chimerical and hair-brained notion that entered the head of any individual in the country. He remembered the time when his friend from Massachusetts, [Mr. ADAMS,] in one of his messages to the Congress of the United States, spoke of establishing light-houses in the skies. That message went to the West, and he would tell the gentleman now, that, if it had not been for that notion, he would have received the votes of the western States for a second term of the Presidency. That notion played directly into the hands of his opponents, and they hopped upon it, to use a homely phrase, like a duck on a June-bug; and thousands and thousands of votes were lost to the gentleman on that ground alone. They had argued that here was a gentleman who was President of the United States, that wished to reach heaven by other means than by faith—or, in other words, to erect a ladder to the happy place. He had himself a hundred times addressed the people in relation to that very proposition of the gentleman from Massachusetts; and he was happy to say that hundreds and hundreds of the people of the western country had turned against the gentleman from Massachusetts on that very ground; and perhaps the gentleman had lost his election to a second term of the Presidency on account of this very notion. But the times had changed; and what was the proposition that they were blessed with in these days of plenty and prosperity? It was to take the vessels and seamen of the United States, and send them to the South seas, exposing them to all the diseases, hurricanes, and mishaps of that climate—and for what? For nothing on the face of the earth. The proposition was a hundred times more monstrous than the one which had lost one hundred thousand votes to the gentleman from Massachusetts. If, in an appropriation like the present, any gentleman were to introduce a clause for the benefit of his constituents, he would be told that he had no right to make such amendment. The present proposition was one of a new character; and he thought gentlemen ought to pursue the usual manner of proceeding in those bills, as it was well known that the appropriations for the Navy must pass.

Mr. PATTON rose to express his gratification at the inquiries which had been made by the gentleman from Ohio, [Mr. HAMER,] and the objection to the amendment which the inquiries implied. He was glad the objection had been made by that gentleman; as, coming from him, it prevented any prejudice to the objection, from the idea that it was founded in distrust of the Executive, especially as the gentleman had taken care to inform us that he was a decided party man, though he disclaimed being quite a collar-man. The principle of the objection (Mr. P. said) he considered as a most important and salutary one. It was exceedingly important that the Legislature of the country should not devolve upon the Executive any duty which appropriately belonged to the legislative department itself. What was it proposed to do by this amendment introduced into this bill? It was to authorize a general voyage of exploration and discovery. For what purpose? For the improvement of science, or the discovery of unknown regions, to be taken possession of and colonized by us? Without entering into a discussion of the propriety or right of the Government to send out this expedition, still he might be allowed to say that there was some doubt of the propriety of entering upon such a scheme; but if there ever was an authority for entering into such a scheme, it belonged to the legislative department of the Government, and it ought to be determined upon entirely by the legislative department of the Government. They ought to satisfy themselves of the propriety of entering upon this scheme; and instead of throwing the responsibility on the President, they ought to take it themselves. He was entirely opposed to shifting the legislative functions upon the shoulders of the Executive Departments. Why was it that this duty was intrusted to the President? and why was the Executive called upon to determine whether the expedition should be formed or not? Why, because the Legislature, if he understood the gentleman from Maine aright, were not in possession of facts which would justify them in authorizing the expedition. They had not the means of deciding whether the expedition ought to be undertaken, or not; and because they had not the information necessary for them to decide, they were called upon to appropriate a large sum of money, and to authorize another large sum to be drawn from the funds of the Navy Department, provided the President should, in his discretion, think it necessary. He was opposed to the amendment, because of its shifting legislative duties upon the President of the United States which did not, and ought not, to belong to him.

Mr. VINTON observed, that he should certainly not be disposed to shift upon the Executive duties which did not belong to him; but he thought the amendment proposed by the Committee of Naval Affairs ought to prevail. What did that amendment propose? If he understood it, it was simply to authorize the President to send out an exploring expedition to the South seas, if he should deem it necessary. We have (said Mr. V.) in those seas a vast commerce—four hundred ships engaged in the fisheries there, who were almost unknown to the rest of the world, and

without maps and charts, in seas more perilous than any other; and when they were wrecked there, they were entirely lost to the world. The object of this proposition was to procure surveys of those seas, and better security to our commerce in those regions; which, if it could be done, would be a new source of wealth to the nation.

Now, what was this discretion left to the President, and how could it be abused? Was the discretion not to be left with the President merely because it was a discretion? Did it confer office on any one? Then how could it be abused? The President did every day the same thing that was proposed by this amendment. Before sending a fleet to the Mediterranean, or any other part of the globe, Congress authorized him to do the same kind of duty. The information could not be obtained by the House at the present session, and could only be procured from seamen engaged in that business; and they can inform the Executive of the charts and maps of those seas to be procured; and if it should turn out that there are maps and charts sufficient to enable them to navigate those seas with safety, and there was no necessity for such expedition, then of course there would be no occasion to expend there one hundred and fifty thousand dollars. But if, on the contrary, the President of the United States should be satisfied that there was a total want of those maps and charts, and if he should be satisfied that there were probably other sources of wealth in those regions, then let him order the expedition to be fitted out. We should also contribute our mite towards the advance of science; and he believed we had done less than any other portion of the globe. He did not, however, concur in the views of the gentleman from Kentucky, [Mr. HAWES,] in relation to the advancement of science.

Mr. MERCER could not vote for the amendment, because he could not agree with gentlemen in relation to the discretion left the President. He questioned, too, whether the House had the right to direct the President in relation to this matter. Congress never had attempted to direct the President to send a force to any particular quarter, and he could not recognize their right to do it in this instance.

Mr. TOUCEY had thought he should not have heard a constitutional objection to the amendment proposed by the Committee on Naval Affairs. The amendment proposed to be introduced into this bill was a proposition authorizing the President of the United States, if, upon examination, he should not find it expedient to send out the expedition, to decline sending it out; and limiting the appropriation to one hundred and fifty thousand dollars. If there was any force in the remarks of the gentleman from Virginia, [Mr. PATTON,] it went to the whole proposition, and not to the amendment now under consideration. Surely, if Congress could authorize an expedition of this kind, which he had no doubt of, they could authorize the President, if the expedition ought not to be sent out, to refrain from sending it; thus leaving it in his power to send it or not, as the public interest required. He forebore to say anything on this appropriation upon a subject which was not upon earth, as that was *toto cœlo* different from the present subject.

Mr. W. B. SHEPARD called for the orders of the day.

Mr. CAMBRELENG said, if the House would permit the Navy bill to be finished on this day, he would on Monday ask the House to take up the District bills.

Mr. SHEPARD observed that, if the House was prepared to take the vote on the Navy bill, he should throw no objection in the way.

Mr. PATTON said it was not at all a new thing to him, when he or any other gentleman made a constitutional objection to any particular measure, that it should be received with surprise. He knew this to be the case, and he regretted it. It was a fact deeply to be lamented, that to all practical purposes of legislation in this country they were as perfectly unrestrained by the Constitution as if that instrument had been thrown into the fire the day after it went into operation. With all deference to the gentleman from Connecticut, [Mr. TOUCEY,] it seemed to him that he could have shown himself off to much greater advantage if he had shown the committee whether the power existed to pass such a proposition. He did not suppose that his argument presented an insuperable objection to the proposition, but he thought gentlemen who supported it ought to show some authority to support the proposition.

Mr. SHEPARD said he felt it to be his duty to call for the orders of the day.

Mr. CAMBRELENG proposed that, the House continue the consideration of the naval bill this day until disposed of, and that Saturday be set apart, in addition to Friday, for the consideration of business relating to the District.

The proposition was negatived.

Mr. CAMBRELENG then moved that the House continue the consideration of the naval bill this day. He would pledge himself to vote for taking up the District business on Monday.

Objection being made, Mr. CAMBRELENG moved to suspend the rules for the purpose stated; and as the drafts of the Department, in consequence of the delay in the passage of this bill, were under protest, he asked for the yeas and nays on the motion; which were ordered.

Mr. MERCER moved to amend the motion by setting apart Monday, from twelve o'clock, for the consideration of District business.

Mr. GRAVES moved to amend the amendment by inserting one o'clock; which was lost.

The amendment of Mr. MERCER was then negatived.

The question was then taken on the motion of Mr. CAMBRELENG to suspend the rules for the purpose of proceeding with the consideration of the naval appropriation bill; which was decided in the negative—yeas 114, nays 68, as follows:

YEAS—Messrs. Adams, Anthony, Ash, Bean, Beaumont, Bockee, Boon, Borden, Bovee, Buchanan, Burns, Bynum, Cambreleng, Carr, Casey, Chapman, John F. H. Claiborne, Clark, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushing, Cushman, Denny, Dickerson, Doubleday, Dromgoole, Effner, Everett, Farlin, Forester, Fowler, French, Fry, William K. Fuller, James Garland, Rice, Garland, Gillet, Glascock, Grantland, Joseph Hall, Hamer, Haynes, Henderson, Holsey, Hopkins, Howard, Hunt, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Kennon, Kilgore, Kinnard, Lansing, Laporte, Lawler, Gideon Lee, Joshua Lee, Leonard, Lincoln, Logan, Loyall, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Maury, McComas, McKay, McKean, McKim, McLene, Morgan, Muhlenberg, Owens, Page, Parker, Patton, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Robertson, Rogers, Schenck, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Weeks, Elisha Whittlesey, Thomas J. Whittlesey, and Sherrod Williams—114.

NAYS—Messrs. Chilton Allan, Heman Allen, Ashley, Bailey, Bond, Bouldin, Briggs, Bunch, Campbell, Carter, George Chambers, Childs, Nathaniel H. Claiborne, Corwin, Crane, Dunlap, Evans, Fairfield, Philo C. Fuller, Granger, Graves, Grayson, Grennell, Griffin, Haley, Hiland Hall, Harlan, Harper, Albert G. Harrison, Hawes, Hazeltine, Heister, William Jackson, Janes, Jenifer, Henry Johnson, Judson, Lane, Lay, Lewis, Love, Moses Mason, Sampson Mason, McCarty, McKennan, Mercer, Miller, Milligan, Morris, Patterson, Pettigrew, Phillips, Potts, Ripley, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Underwood, Washington, Webster, and Lewis Williams—68.

DISTRICT OF COLUMBIA.

The House then, pursuant to previous order, setting apart this day and to-morrow for the consideration of business in relation to the District of Columbia, went into Committee of the Whole (Mr. WARD in the chair) on the following bill, entitled

An Act for the relief of the several corporate cities of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to assume, on behalf of the United States, and discharge to the holders of the evidences of debt contracted and entered into between the cities of Washington, Alexandria, and Georgetown, and certain individuals in Holland, negotiated by Richard Rush, Esquire, on behalf of said corporate bodies, the entire obligation of paying said debts, with the accruing interest thereon, according to the terms of said contract; and that the Secretary of the Treasury be directed and authorized to pay, out of any moneys in the Treasury not otherwise appropriated, to the corporate authorities of the city of Washington, the sum of four hundred and forty-nine thousand six hundred and fifty dollars and eight cents; to the corporate authorities of the city of Alexandria, the sum of one hundred and fourteen thousand six hundred and forty dollars and forty-four cents; and to the corporate authorities of the city of Georgetown, the sum of one hundred and sixteen thousand seven hundred and ninety-five dollars and forty eight cents, in full of all such sum or sums as have been paid by the said corporations, respectively, in the shape of interest, exchanges, costs, and expenses incurred by the terms of said contract of loan, or in and about the negotiation therefor.

SEC. 2. *And be it further enacted*, That before the said Secretary of the Treasury shall execute the duties prescribed by the first section of this act, the said corporate authorities of said cities shall deposit the said stock, held by them in the Chesapeake and Ohio Canal Company, in the hands of the Secretary of the Treasury, with competent and proper instruments and conveyances in law, to vest the same in the said Secretary of the Treasury, and his successors in office, for, and on behalf of, the United States, to be held in trust to receive the dividends on: *Provided, always*, That if the said corporate authorities of said cities shall, within ten years after the passage of this act, repay to the United States the amount which shall be paid under and by virtue of this act for, and on behalf of, the said corporate authorities, respectively, the Secretary of the Treasury for the time being shall thereupon transfer and deliver up the said stock to the said corporate authorities, so repaying the said sums to the United States.

Mr. PARKER moved to strike out the first section of the bill, and insert what follows;

Be it enacted, That the Secretary of the Treasury be, and he is hereby, authorized and directed to assume, in behalf of the United States, a debt of $1,000,000 due by the corporation of Washington, a debt of $250,000 due by the corporation of Alexandria, and a debt of $250,000 due by the corporation of Georgetown, which debts were contracted by the said corporations, respectively, to pay their subscriptions to the stock of the Chesapeake and Ohio Canal Company, under the authority of the act entitled "An act to enlarge the powers of the several corporations of the District of Columbia, and for other purposes," approved May 24, 1828, the interest on which debts shall hereafter be paid by the United States in half-yearly payments at the Treasury.

And be it enacted, That the Secretary of the Treasury be, and he is hereby, authorized to purchase the funded debt of any one or more of the United States, bearing an interest of not less than five per cent. per annum, to the amount of $1,500,000, to be held by the United States in trust, to receive the dividends of interest accruing, and to accrue thereon, from time to time, and to apply the same to the payment of the interest accruing, and to become due on the debt of the several corporations aforesaid, the payment of which is hereby assumed.

And be it enacted, That when the whole, or any part of the principal sum of the debts of the said corporations hereby assumed shall become due and payable, it shall be the duty of the Treasurer, and he is hereby authorized to sell so much of the stock of the States, purchased by the United States under the provisions of this act, as may be equal to the amount of the debt of the said corporations then due and payable, and to apply the necessary amount arising from such sale to the payment and final discharge of the debt aforesaid.

Mr. PARKER also moved to add the following after the second section of the bill:

And be it enacted, That all the buildings, lots, and parts of lots owned by the United States in the city of Washington, now remaining unsold, and not granted by any act of Congress, be, and the same are, hereby declared to be held in trust for the benefit of the city of Washington to be sold and disposed of at such times and in such parcels or quantities as the corporate authorities of the said city shall direct; the money arising from such sale to be applied solely to the discharge of the principal of such of the debts of the said city now existing as are not provided for by this act; and all sales of the said lots, or any part thereof, shall be at public sale, and to the highest bidder, and sixty days' notice of the time and place of sale shall be given, in two or more of the public newspapers printed in the city of Washington, and any person purchasing shall be allowed, at his or her option, to pay for the same in money, or in any debt of the said city now existing, to the payment of which the money, if paid, is herein directed to be applied.

And be it enacted, That upon notice of any sale of the said lots, and payment of the consideration as herein directed, the Commissioner of the Public Buildings shall convey to the purchaser or purchasers all lots and parts of lots so sold, and all the right, title, and interest of the United States of, in, and to the same.

And be it enacted, That the sum of ——— dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the payment of the interest now due and remaining unpaid upon the debts of the said corporations assumed by the first sections of this act.

And be it enacted, That an act entitled "An act to enlarge the powers of the several corporations of the District of Columbia, and for other purposes," approved May 24, 1828, be, and the same is hereby, repealed: *Provided*, That nothing herein contained shall be so construed as to annul or invalidate any act or proceeding had or done in virtue thereof.

Mr. W. B. SHEPARD said a few words in opposition to the amendments, and expressed a hope that the committee would rise and report the bill to the House, where the gentleman's propositions could be discussed. He could see no reason why the amendment should be adopted, for it did not save a shilling of money, and involved as large a grant as the bill itself. He would not, however, discuss the merits of the bill in committee.

The amendments were then severally negatived without a count.

Mr. UNDERWOOD moved to strike out the proviso to the second section, s follows:

Provided always, That if the said corporate authorities of said cities shall, within ten years after the passage of this

act, repay to the United States the amount which shall be paid under and by virtue of this act, for and on behalf of the said corporate authorities respectively, the Secretary of the Treasury, for the time being, shall thereupon transfer and deliver up the said stock to the said corporate authorities so repaying the said sums to the United States.

Mr. U. said he understood the object of the bill to be to pay the debt, and take an hypothecation of the stock. He at first thought it was a purchase. If the proviso was retained, and the stock ever became valuable, the corporation would claim a retransfer of it; if it should be worth nothing, the Government would be forever saddled with it.

Mr. VINTON would vote for this bill if the proviso was stricken out, but not otherwise. He would vote for it to get rid of the perpetual importunities with which Congress was assailed from year to year by these corporations, and he should like to see a bill passed to prevent their contracting any more debts in future. The bill was equivalent to a donation of six or seven hundred thousand dollars, which was the difference between the market price of the stock, and the sum of a million and a half of dollars appropriated by the bill. If the proviso was retained, the United States would be unable to make any disposition of the stock in the interval, and at the end of ten years they would be at the mercy of these corporations, who would either reclaim the stock, if it was above par, or compel the United States to sell it and claim the surplus, or, if valueless, leave it on the Government. He was for cutting loose entirely from the District, and taking the stock off their hands. Besides this, if the proviso was retained, the United States would lose the interest on a million and a half of dollars for ten years.

Mr. TOUCEY was inclined to think he should vote in favor of the amendment when the bill came into the House, but he hoped the merits of the bill would not be gone into in committee, but that gentlemen would refrain from discussion till it came into the House.

Mr. MERCER addressed the committee in reply to the gentleman from Ohio, [Mr. VINTON.] He was opposed to striking out the proviso, which was indispensable to meet the objections of those gentlemen who maintained that the General Government had no constitutional power to hold stock. He himself did not entertain that doctrine, but others did, and the proviso obviated that objection to the bill. He thought the most judicious mode was to afford relief to the extent of the pressure, in the form of a loan, the stock being hypothecated for its repayment. He denied that the Government would lose the interest. The United States were to assume the liabilities; these included interest of course; and the proviso assuredly included the repayment of interest, in the words that the corporate authorities should "repay to the United States the amount which shall be paid under and by virtue of this act, for and on behalf of the said corporate authorities." This manifestly provided for the repayment of the entire obligation, principal and interest. He earnestly hoped the bill would not be sent back to the Senate, amended in the form proposed, and thereby its final passage longer delayed.

Mr. W. B. SHEPARD stated that the Committee on the District had had difficulties to contend with, and one was the objection on the part of many gentlemen to the right of the General Government to hold stock. It was for this reason that the proviso had been inserted. With regard to the question of interest, no loss could accrue by a fair and legal construction of the act. If the proviso were stricken out, it would, however, so materially vary the principle of the bill as to make the Government embark in a great speculation.

Mr. HAMER said he had but a few observations to make in relation to this bill. He was the friend of the District. It had been set apart for the capital of a great Republic; and we ought to pursue a kind and paternal policy towards it. He desired its prosperity; but all must admit that it could not prosper without some relief in regard to these debts, which weighed it down, and must necessarily prevent its improvement.

He had no objections to this bill in its present shape, which he thought would compel him to oppose it, unless they could be removed. It proposed to take the stock on deposit. Why did we not take it absolutely as our own, at once, and then we could control it, and dispose of it whenever we thought proper. He would be for selling it in a reasonable time, at public auction or otherwise.

Mr. VINTON explained, that if the proviso were stricken out the bill would be in that form.

Mr. HAMER thought not, because another part of the bill declared that the stock should be held *in trust* by the United States to receive the dividends. The Government would not therefore be absolute owners. He thought the cities ought to be satisfied, if we paid the debt and took the stock, without allowing them ten years to decide whether they would take it back. If the stock proved to be valuable, they would receive it; and, if unprofitable, they would not.

Mr. UNDERWOOD said, that in order to meet that objection he would modify his amendment so as to strike out all after the words, "United States," in the second section.

Mr. HAMER said that that modification would remove his objections to the United States being the trustee of this stock. If the amendment prevailed, they would have the absolute property. He would take it in that way, and prohibit the cities from contracting any more such debts.

It had been remarked that this conditional transfer of the stock had been provided for, in order to remove the constitutional objections of some gentlemen. He said he had no repugnancy to hearing constitutional objections on that floor; but he was very far from agreeing with all he heard. If the United States could not take the stock at once, how could they take it indirectly? He should like to hear the distinction between taking it directly and receiving it on pledge or mortgage, allowing the opposite party to redeem or not, at their own option. Suppose the cities should refuse to redeem, would not the stock at the end of the ten years become the absolute property of the Government? Undoubtedly it would; and he held the principle involved in the two cases to be precisely the same.

There were some things in the first section of the bill with which he was not entirely satisfied; but he should not notice them at present, as that section was not now under discussion.

Mr. SUTHERLAND was in favor of retaining the proviso; because, although some gentlemen thought differently on the constitutional question, yet it did meet the objection of those opposed to the Government holding stock. This was not a local measure: the whole country was interested in seeing the capital of the nation in such a condition as would be to its honor. The Congress was also, to some extent, pledged for the payment of this debt; and he trusted the bill would pass in its present shape.

Mr. GLASCOCK was in favor of the amendment, because he was satisfied, if the proviso was retained, the Government would be a loser to the extent at least of the interest on the loan for ten years; for he gave a different construction to that clause from the one given to it by the gentleman from Virginia, [Mr. MERCER.] For himself, he could see no difference between taking this stock absolutely at once, and taking it in the indirect mode recommended in the proviso. It was a distinction without a difference, and certainly did not meet the constitutional objection. If the proviso were stricken out, he should vote for the bill.

Mr. LOVE thought that placing the stock in the character of a pledge was destructive to the interest of all the parties concerned, and would jeopardize the value of the stock to a considerable extent. He insisted that it should be absolutely held by some one empowered to make, if thought necessary, an immediate disposition of it. He could see no material difference between the Government holding the stock absolutely or in trust, with the probable contingency of its being left on their hands at the end of ten years. He was well assured that these corporations would never be in a situation to redeem the pledge.

Mr. UNDERWOOD remarked that the proviso might be an attempt to smother and deceive, but it certainly did not remove the constitutional objection, because the condition involved the same principle that taking the estate absolutely at once did; as, by the condition, the estate might absolutely devolve upon the Government.

Mr. LINCOLN believed that there was not a member on that floor who doubted but that it was the duty of Congress to pay this debt; and the only question now was, whether they would take a pledge for its indemnity? He could see nothing improper in the Government receiving such a pledge, or such an assignment, as the borrowers had to offer; but he was opposed to an advance of $1,500,000, without the possibility of reimbursing the Treasury of the United States until the expiration of ten years. He was therefore in favor of striking out the proviso, because he was for doing that at once directly which was sought to be done at a remote period indirectly. He should vote for the bill if the proviso were stricken out; but if it were not he feared he should be constrained to vote against it, much as he desired that relief should be given to the District.

Mr. EVANS did hope that these corporations would not be sacrificed at the altar of constitutional scruples, and that the proviso would be retained; for, if it had not been inserted, the bill would never have reached that House. He hoped the passage of the bill would not be jeopardized by adopting this amendment, and thereby creating a disagreement between the two Houses. For himself, he did not believe that these corporations would ever have the means of repaying the money; but he had no constitutional scruples on the subject, and he hoped the amendment would not be pressed.

Mr. CUSHING said the first question he always put to himself was, whether Congress had the constitutional power to pass an appropriation; and next, whether the appropriation proposed was just and expedient within those powers? Now, in the present case, the proviso did not render the bill unconstitutional, but there were gentlemen who held that, if the proviso were not in the bill, they had constitutional objections to it. He was, therefore, disposed to respect those scruples, and on that ground he should vote to retain the proviso.

Mr. WARDWELL was opposed to the bill in its present shape, because it called upon Congress to pay to those cities what they had already paid, and he should vote for that amendment. The bill was deceptive; for it held out to the people abroad that the United States were receiving an equivalent for their million and a half of dollars, when such was not the fact.

Mr. HARPER was an advocate of the United States disposing of its revenue for objects of internal improvement in every direction, and therefore he had no constitutional scruples on the subject. With regard to any claims the city of Washington had upon Congress, he thought that every other city in the Union had equal claims, except so far as it had a claim for taxation upon the lots now belonging to the United States within the city. He could not vote for any appropriation for the District on the ground of claim. He was in favor of taking the stock at once absolutely, and he should therefore support the amendment to strike out the clause, because that would be the effect of the motion if it prevailed.

Mr. VANDERPOEL said he wanted to say a word or two in explanation. It had, perhaps, been inferred from what he said, when the gentleman from Ohio, [Mr. HAMER] addressed the committee, that he (Mr. V.) cherished constitutional scruples as to the power of the Government to take an absolute transfer of the canal stock. He had no such scruples, but, on the contrary, was clearly of opinion that, if Congress had power to take a mortgage, or a conditional transfer of the stock, it had power to take an absolute assignment of it; but as practical men it behooved us to deal with men as *they were*, and not as they *should be;* and though it was inadmissible to allude to the proceeding of the other branch of this Legislature, yet he would take occasion to say that no gentleman who had paid due attention to the proceedings of the Senate upon the bill now before us, could doubt that, if the proviso under consideration was stricken out, the passage of the bill would be jeoparded; nay, it was almost certain that, in that event, it would not become a law. Under this apprehension, he would vote

against the amendment now under consideration, though the bill would be more acceptable to him (Mr. V.) if the proviso were stricken out. If he wished to secure an object which he deemed one of paramount justice or expediency, and if to obtain that object it was necessary to move or sacrifice a receiver, for one, he would freely make the sacrifice. He believed that the relief of the cities of this District from the burdens under which they were now staggering was called for by the honor of the nation; and, to secure this very desirable end, he would dispense with some provisions in the details of the bill which were preferable to some that were retained, if the adoption of the former would endanger the final passage of the bill. He believed that we ought to relieve the corporations of the District, but whether the obligation to do so resulted from our past legislation, or from other considerations, he would not here undertake to say; when the proper time arrived he would, perhaps, say something upon this point. He had only rose to say that he had no constitutional scruples to deter him from voting for the amendment of the gentleman from Kentucky; but that, as he did not deem the proviso proposed to be stricken out of *vital importance*, he would vote against striking it out, because he believed, if struck out, *the whole bill would be defeated*.

Mr. W. B. SHEPARD made an earnest appeal to the committee to take the question on the amendment at once, so that the bill might be reported to the House.

The question was then taken; and the amendment was rejected—ayes 64, noes 65.

Mr. FAIRFIELD moved to amend the bill by inserting in the second section a provision requiring the repayment by the cities of all *interest* that may accrue on payments made by the Government, deducting whatever dividends may have been received. In support of the amendment Mr. F. said, that he felt disposed to go for the bill, but not on the grounds assumed by several gentlemen who had addressed the House. If he went for it, it would be from the necessity of the case—it would be to avoid incurring the national disgrace of having our Capitol sold under the hammer of an agent of foreign bankers. But he would like to have the bill made as perfect as possible before voting for it, and had therefore proposed an amendment to the second section. It seemed to be admitted on all hands, that if we take this stock by way of *pledge*, and not as an *absolute purchase*, the payment of interest as well as principal should be made by the cities on a reconveyance to them of the stock. But it has been contended by the gentleman from Massachusetts, [Mr. LINCOLN,] and the gentleman from Virginia, [Mr. MERCER,] that by a fair legal construction of the bill the payment of interest is provided for. I cannot agree with gentlemen in this construction; to me it appears plainly otherwise. But perhaps the argument having the most plausibility in it is one advanced by the gentleman from North Carolina, [Mr. SHEPARD,] which is, that inasmuch as the transfer appears to be in *trust* the payment of interest would follow of course. But it appears to me that this merely establishes the *relation* which is to exist between the parties, and has nothing to do with the *extent* of the liability of either to the other. The latter is *expressly* stated in the next sentence, to wit: that on reconveyance the cities shall pay to the Government the *same amount* that may have been paid by the Government. Nothing, however, is said about the payment of *interest*. Now, would any gentleman contend that interest would be recoverable on a note of hand which did not provide for the payment of interest? If not, why should it be contended for here? It appears to me there is no more ground for it in one case than in the other; and those who entertain the same opinion will, I trust, vote with me for the amendment.

The amendment was agreed to.

Mr. GRAVES then moved to amend the bill by an additional section, providing for the purchase, by the United States, of the stock of the Louisville and Portland canal.

Mr. MERCER suggested that the motion was out of order.

Mr. W. B. SHEPARD contended that it was out of order, on the ground that this day was set apart exclusively for the consideration of bills for the District of Columbia, with which the amendment had no connection; and also on the ground that the proposition was identically the same as a bill now before the House.

The CHAIR decided the motion to be out of order on the first ground stated by the gentleman from North Carolina.

Mr. GRAVES took an appeal from the decision of the Chair, and briefly argued the question.

Mr. JENIFER asked the gentleman from Kentucky if he really wished this bill to pass; because, if he did, Mr. J. hoped he would withdraw his amendment, since it would inevitably defeat the bill.

After a few words from Mr. BOON, the decision of the Chair, that the amendment was out of order, was sustained without a count.

Mr. HAWES moved to strike out the enacting clause, and proceeded to address the committee at length in opposition to the bill. He said in future he should oppose bills in Committee of the Whole, so as to prevent discussion being cut off by the previous question. On referring to the memorial from the city of Washington, which Mr. H. read, it appeared that they claimed this relief from Congress entirely on the ground of a claim, that the original proprietors of the land had surrendered it without a full consideration. Now, he contended that, if any claim existed on this ground, the real and only claimants should be the heirs of the original proprietors. Mr. H. then proceeded to review the memorial at length, to show that the city of Washington had no just claim upon Congress. On the contrary, all their present embarrassments were the result of extravagance and improvidence on their own part, and in no way grew out of their relations to the Government of the United States. If, however, they complained that their embarrassments grew out of the fact of this city being the seat of Government, where so many millions had been expended, what would be the nature of their complaints if the seat of Government should be removed? He designated this as one of the most extravagant propositions that ever had been introduced into Congress. It involved an expense of at least three millions of dollars, or from three to five dollars an acre for every acre of land over the twelve miles square of the District of Columbia. Would the people of the United States in any section of the country approve of $3,000,000 of their hard earnings being lavished on this District? No, this proposition would not, and could not stand such a test.

But there was another consideration. If the President of the United States did not abandon the principles of his veto messages upon internal improvements, he must veto this bill if it should ever be presented to him. Mr. H. expressed his surprise at the remark of the gentleman from Pennsylvania, [Mr. SUTHERLAND,] that the honor and glory of the American people were involved in keeping up the metropolis of this country, or in keeping Pennsylvania avenue in repair. He could not subscribe to that. Mr. H. then entered into a review of the constitutional questions growing out of the bill, and contended that the General Government had no more right to tax the people, or to take the people's money, for the purpose of holding stock in the District of Columbia, than anywhere else; and on this ground he fervently hoped and believed that the President of the United States would veto it.

The principle of this bill was precisely the same as that of the Maysville road bill, the only difference being that one provided for an eastern, and the other a western, expenditure. He, therefore, called upon all his friends on that floor who had sustained the President on the Maysville veto to vote with him against the present proposition. Moreover, the Maysville road bill appropriated only $1,000,000, whereas the present one involved an expenditure of $3,000,000, and was, therefore, so far as the amount of money was concerned, three times as unconstitutional as the former. The honorable member then went over the names of the members of the Committee for the District of Columbia, remarking upon the inconsistency of the principles of this bill with those professed by some of the gentlemen of that committee, [Messrs. VANDERPOEL, BOULDIN, ROGERS, LANE, FAIRFIELD, and TOWNES.] He adverted to the manner in which they were continually beset with applications for relief, begging from year to year, and the success of one application being only the precursor to another. He adverted to the numerous memorials that had been presented. They first asked for lots, and they are given to them. They then come back, in the very same session of Congress, and ask Congress to buy them back again, and give some one hundred and fifty or two hundred thousand dollars for them. They then petition for a lottery, and suffer themselves to be cheated out of $250,000 by it; and sure he was that, if the present bill passed, before to-morrow's sun would set the city of Washington would be there again begging Congress to relieve them from their loss. For the citizens of the District, individually, he entertained the highest respect, for he had always received at their hands great kindness and respect.

As soon as Mr. H. had concluded, the question on his motion was taken and rejected—yeas 39, nays 89.

Mr. LINCOLN then addressed the committee in opposition to the second section of the bill, which provided that the stock should be held in trust by the Secretary of the Treasury and his successors, but contained no provision for voting the stock, and thereby securing the rights of the holders.

Mr. VANDERPOEL said he had drawn an amendment expressly providing for that objection by authorizing the Secretary of the Treasury to represent and vote the stock.

Mr. GRAVES then moved to strike out the first section of the bill.

Mr. VINTON moved that the committee rise; which was lost—yeas 52, nays 68.

Mr. GRAVES then gave way to

Mr. VANDERPOEL, who moved the amendment indicated above; which was agreed to *nem. con.*

Mr. GRAVES then proceeded to state his objections to the first section of the bill; the effect of which he stated to be, in consequence of the present depressed value of the stock, a donation of $900,000 to the three cities of the District of Columbia. Mr. G. also adverted to the large expenditures heretofore made by Congress, independent of the Government buildings, for the erection of prisons, penitentiary, interest on the Holland loan, &c., amounting in the gross to $2,392,000, besides many items he did not enumerate, and the appropriation proposed in the present bill.

The motion of Mr. GRAVES was lost without a count.

Mr. MANN had hitherto opposed every step taken to burden the country with the extravagant charges of this District; and, though he was sensible of the extent of their embarrassments, yet he was conscientiously compelled to vote against the present bill. He should feel it his duty to oppose the bill upon constitutional grounds, if there was no other objection to it. The bill divested of all surplusage was a bill in substance and in fact to authorize, as an original proposition, a subscription to the stock of the Chesapeake and Ohio canal; and if the principle of the bill was a sound one, there was not a city in the Union which could not claim relief under similar circumstances of embarrassment. Mr. M. then moved, at the request (he said) of a friend to the bill, an amendment to the following effect: providing, that the stock of the Chesapeake and Ohio canal, owned by the three corporations of Washington, Georgetown, and Alexandria, shall be transferred absolutely to the Government of the United States, which stock shall be sold at auction, after the lapse of ten years, by the Secretary of the Treasury.

Mr. W. B. SHEPARD remarked that the motion was similar in effect to a proposition rejected by the committee that day. It would also be manifestly to the injury of all the parties interested to throw so much stock into the market all at once, at a fixed period, without probably there existing at the time any valid reason for it.

The amendment was then rejected.

Mr. JARVIS moved to strike out all that part of the first section which proposed to pay out of the Treasury the sum of $681,086 to the several

corporations of the District, in full of all such sums as have been paid by the said corporations respectively, in the shape of interest, exchanges, costs, and expenses incurred by the terms of said contract or loan, (from Holland,) or in and about the negotiation therefor. The amendment was briefly advocated by Mr. JARVIS, Mr. VINTON, Mr. HARDIN, and Mr. GRAVES, and opposed by Mr. MERCER and Mr. WASHINGTON.

The amendment of Mr. JARVIS was then negatived—ayes 61, noes 62; when

The committee rose, reported the bill as amended to the House, and, on motion of Mr. HARDIN,

The House adjourned.

IN SENATE.

FRIDAY, *May* 6, 1836.

The following message was received from the President of the United States, by Mr. DONELSON, his Private Secretary:

To the Senate and House of Representatives:

Believing that the act of the 12th July, 1832, does not enable the Executive to carry into effect the recently negotiated additional article to the treaty of limits with Mexico, I herewith transmit to Congress copies of that article, that the necessary legislative provisions may be made for its faithful execution on the part of the United States.

ANDREW JACKSON.

WASHINGTON, *May 6th*, 1836.

REPORTS FROM COMMITTEES.

Mr. DAVIS, from the Committee on Commerce, reported without amendment the bill from the House for the relief of Joseph W. Green and others.

Mr. TOMLINSON, from the Committee on Pensions, who had been instructed by a resolution of the Senate to inquire into the expediency of granting a pension to Stephen Bohanan, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which had been referred the petition of Augustus Jones, reported a bill for his relief; which was read, and ordered to a second reading.

On motion of Mr. SOUTHARD, the Committee on Naval Affairs was discharged from the further consideration of the resolution directing them to inquire into the expediency of establishing a navy-yard at Baltimore.

Mr. SOUTHARD, from the same committee, to which had been referred the memorial of the City Council of Charleston, South Carolina, praying that a navy-yard may be established at that place, and the resolution of the Senate directing them to inquire into the expediency of establishing a navy-yard at Key West, made reports thereon.

MR. MELVILLE.

Mr. CALHOUN presented some additional documents to substantiate the statements of Mr. Melville, the dismissed custom-house officer of Newport, Rhode Island, whose petition he had presented some time ago.

BANK NOTES.

Mr. EWING moved that there be printed one thousand extra copies of the additional report of the Secretary of the Treasury, made some days ago in answer to his resolution of inquiry relative to the bank notes received from the land offices by the deposit banks, and the transfer of funds from the West to the East.

Mr. E. begged leave to say, in reference to that report, that it was called for in consequence of a circular from one of the deposit banks, in which it was declared that none of the notes of the other banks of Ohio would be received unless they would agree to give drafts on Baltimore in payment for them at thirty days after date. This would be rather a serious matter to these banks, considering the high rate to which exchange had risen.

In the first part of the Secretary's report, he says, that the deposit banks have the authority to say what shall be received in payment for the public lands other than gold and silver; and he justifies them on the ground that they are answerable to the Treasury for gold and silver, or its equivalent. Now, (said Mr. E.,) it was not a cause of complaint with the Ohio banks that the deposit banks required of them to pay gold and silver; it was not gold and silver that the deposit banks wanted. The complaint was, that the deposit banks would not take the notes of banks that paid specie on demand. It was not specie that these deposit banks wanted—it was the exchange which they sold at a profit. He saw, by a recent publication, that they had agreed to receive the notes of some distant banks, and the weakest banks in the State; but at the same time they refused to receive the notes of banks their next-door neighbors; such, for instance, as the Franklin Bank of Columbus, one of the most able and solvent banks in the State, whose notes they could instantly get specie for, only by walking across the street.

In another part of the Secretary's report he found that the reasons given by these deposit banks, that they had to transmit the greater part of their collections to the East, were not sustained by him. He had been under the impression that they had to do so, but, to his great surprise, he found that the Secretary only required them to transmit one two hundred and fifty-third part of their receipts to the East. But why (Mr. E. said) did these deposit banks want the exchange? It was that they might make a profit out of it—a brokerage out of the money of the United States.

One other thing was said by the Secretary in this report, and that was, the facilities of exchange never were better than they were at the present time. He (Mr. E.) mentioned this, not to contradict the Secretary, for a contradiction here was of no consequence whatever. He mentioned this single fact, that it might go abroad to the world—to the merchants and men of business in the United States, that they might know what the Secretary of the Treasury has stated to Congress. He did not contradict the Secretary, for the merchants and men of business knew whether the state of exchange was favorable or otherwise.

Mr. HUBBARD remarked that he tendered his thanks to the Senator from Ohio for having renewed the motion which he presented a few days past to the Senate, (the consideration of which was postponed upon the Senator's motion,) to have printed a thousand extra copies of the report of the Secretary of the Treasury, which was communicated to the Senate in answer to the resolution which that Senator had offered requiring the Secretary to inform the Senate "what amount of moneys of the United States, received for public lands in the States of Ohio, Indiana, Illinois, and Missouri, and the Michigan Territory, had been, in pursuance of his instructions, transferred to banks in the eastern cities since the 30th of June, 1835, and that he designate the banks from and to which such transfers had been made." It will be recollected that, when the first part of the Secretary's report came in, in part answer to this resolution of the Senator from Ohio, he had moved that a thousand extra copies should be printed; and when the report now under consideration was communicated he had made a similar motion. In making these motions he was principally governed by a desire to give early information to the public; so that if the Secretary of the Treasury had been in fault, in relation to this matter, it should be known as extensively, at least, as the reports should be circulated—and that, if no blame was chargeable upon him, he might stand acquitted from something more than a mere insinuation, which, in the progress of this affair, had been, in his judgment, cast upon that officer. He therefore tendered to the Senator his thanks for having renewed the motion; and if he had rightly understood the remarks which had just been made by the Senator from Ohio, he had not undertaken to gainsay any part of the report itself, or to complain of the Secretary for the manner in which he had answered his resolution. He He was not disposed to engage himself in any matter in controversy between the deposit banks in Ohio and the other banks of the State. Whatever the Senator had been pleased to say as to the course and conduct of the State banks, having the public money in deposit, with reference to the other banks of that State, did not seem to require any notice from him. He was disposed to let these banks manage their own affairs in their own way; it was merely his purpose to show that the course and the conduct of the Secretary of the Treasury upon the subject of the public money in deposit in Ohio, and in the other States mentioned in the resolution of the Senator, was wholly unexceptionable; that he had pursued towards the banks of those States, as far as he had authority to interpose, the same liberal, just, and impartial course which he had pursued towards the banks in the other States.

It certainly was known to the Senate that the bills of the State banks are not by law receivable for the public lands. Nothing but gold and silver, and bills of the Bank of the United States, are by law receivable; and whatever regulations are made between the banks who have the public money in deposit, and who are to be called upon to transfer, or in any way to disburse it, and other banking institutions, upon the subject of their own paper currency, is matter exclusively for them, and with which the Secretary can have, and should have, nothing to do. The deposit banks are liable, in pursuance of the contract between the Government and them, to pay out the deposits in specie—to transfer their funds, without charge, to any section of the country where they may be wanted for expenditure, or where they may be preserved in greater security. It must be, therefore, wholly a regulation between the banks themselves—a regulation for their convenience—entered into for their accommodation, and the accommodation of the public, and which will be observed so long as, and no longer, than it will be conducive to their interests.

Mr. H. remarked, that although he had very cursorily looked through the report of the Secretary of the Treasury in manuscript, yet he was not disposed to discuss that report at this time. The report, when published, would speak for itself; it would show the principles upon which the transfers of public money are made from one point to another. The report will clearly show that they are made to a given point, when a greater expenditure is there demanded than the ordinary collections at that given point will meet the requirements of the Government. The report will show that these transfers are sometimes made, very properly, with a regard to the safety and security of the public money; but never have these transfers been ordered by the present head of the Treasury Department, unless for some such just and meritorious consideration which I have mentioned. Never have they been ordered with a view to prejudice, to weaken, to embarrass the section or the money market at the point from which these transfers have been made. The Secretary of the Treasury is incapable of being influenced by any such blameworthy considerations.

Mr. H. said all he desired was, that the report might be published, and that all judgments upon its merits or demerits might be suspended, until it shall have been printed, read, and considered. He thought he hazarded little in saying, that when well examined it would give to the Senator from Ohio himself entire satisfaction—that it would afford entire satisfaction to the Senate and to the whole community. It would show most conclusively, that the Secretary of the Treasury was not, in relation to this matter, in the least degree liable to censure. He would merely add that, unless he was greatly mistaken, the report would show, so far from pursuing an oppressive course, that no more money had been transferred from those points of collection than a proper regard to public convenience and economy demanded; that it will be found that there was left in deposit within the limits of Ohio, at the latest returns, millions more than were in deposit in that State in June, 1835, and more than, in all probability, will be required for public expenditures within that State for the whole of the current year; and the same remark will apply to the other States and to the Territory named in the resolution of the Senator. It will be found that more of the public money was at the last returns in deposit in Ohio alone, than in all the New England States, Massachusetts excepted. He did not, however, wish to pursue this subject further. He hoped that the motion of the Senator would prevail; that the thousand copies would be published, and

would be distributed with as little delay as possible.

Mr. EWING, of Ohio, replied, that the report of the Secretary did not show that any unreasonable amount had been transferred from Ohio. The Senator was mistaken in supposing that there had been no transfer, for the Secretary said to the contrary, though the amount was too small to warrant the deposit banks in saying that they had to transmit all the money they had collected to the East.

The motion to print was then adopted.

INCREASE OF SALARIES.

Mr. WRIGHT moved to take up the bill providing for the salaries of certain officers, and for other purposes; which motion was agreed to; and the bill having been amended, on motion of Mr. W., it was ordered to a third reading.

GABRIEL W. DENTON.

Mr. CRITTENDEN, from the Committee on the Judiciary, reported a bill for the relief of Gabriel W. Denton; which was read, and ordered to a second reading.

RESOLUTIONS INTRODUCED.

Mr. WEBSTER submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of War inform the Senate whether any contract has been made with any person or persons for the removal of the Creek Indians, or any part of them, to the country west of the Mississippi; and if any such contract has been made, that he state with what persons, or what terms, and under what authority; and whether such contract was entered into after advertisement and public notice, or without such advertisement or public notice.

Mr. WALL submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Freehold, in the county of Monmouth, to Princeton, in the county of Middlesex, via Haightstown, in the same county, in the State of New Jersey; also, from Philadelphia, in the State of Pennsylvania, to New Egypt, in the county of Monmouth, via Cookstown, Jacobstown, Recklesstown, and Bordentown, in the county of Burlington, and State of New Jersey; also, from the city of New York to Easton, in Pennsylvania, via Port Colden, Oxford Furnace, and Belvidere, in the county of Warren, in the State of New Jersey.

The following resolution was submitted by Mr. LEIGH; which was considered, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to make the report required of him in relation to the claim of the heirs of François Cazeau, to the present session of Congress, if he shall find it in his power to do so."

POSTPONEMENT OF LAND SALES.

On motion of Mr. BLACK, the resolution to suspend from sale certain public lands acquired by the treaty of Dancing Rabbit creek, was taken up; and, after being amended, on motion of Mr. WALKER, the resolution was ordered to a third reading.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

On motion of Mr. WEBSTER, the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1836 was taken up; the question being on the motion to strike out the appropriation of $20,000 for the Documentary History of the Revolution, now being compiled by Clark & Force.

After some remarks from Messrs. BENTON, KING of Alabama, and SOUTHARD, the motion was agreed to; and the bill having been further amended, was ordered to a third reading.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of the heirs of David McCord;

The bill to provide for the enlistment of boys in the Navy;

The bill for the relief of Captain Melancthon T. Woolsey, of the United States Navy; and

The bill for the relief of Daniel Steinrod.

On motion of Mr. CLAYTON, the Senate proceeded to the consideration of Executive business; and when the doors were opened—

CIVIL AND DIPLOMATIC BILL—AGAIN.

The bill making appropriations for the civil and diplomatic expenses of the United States for the year 1836, having been reported correctly engrossed, was read the third time, and passed.

The Senate then adjourned over to Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 6, 1836.

Mr. WHITTLESEY, of Ohio, from the Committee of Claims, reported the following bills; which were read twice, and committed:

A bill for the relief of Christopher Clark; and

A bill for the relief of Philip Marshall, representative of John Marshall, deceased.

Mr. W., from the same committee, reported resolutions referring the case of Don Juan Pedraza to the President, for the purpose of obtaining the opinion of the Attorney General on the same, &c.; which were agreed to.

Mr. W., from the same committee, reported, with amendment, the bill from the Senate for the relief of John S. Siles; and the same was committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill appropriating $1,000,000 for the defense of the western frontier.

Mr. C. sent to the Clerk's table the following communications from the Secretary of War and the Quartermaster General, to show the necessity of speedily disposing of this bill:

WAR DEPARTMENT, *May* 4, 1836.

SIR: In January last orders were given to Major General Gaines to take measures for the defense of the western frontier of Louisiana. Events which were then passing in Texas led to the belief that a state of things might arise requiring the interposition of the Government to protect the inhabitants of that portion of the United States from the calamities of war.

There were placed, subject to General Gaines's orders, three regiments of infantry and seven companies of dragoons; and he was instructed to prevent, by force if necessary, any armed parties from crossing the boundary line into the territory of the United States. He was also informed that the thirty-third article of the treaty with Mexico imposes upon both of the contracting parties the duty of preventing all hostile incursions on the part of the Indians into the possessions of the other; and he was directed to take the necessary measures for fulfilling this obligation on the part of the United States. He was also instructed, if called upon by the civil authority for any aid towards enforcing the laws having relation to the neutral duties of the United States, to render such assistance as the laws prescribe; and he was referred to the district attorneys of the two districts of Louisiana for their opinion upon such points of law connected with his duty as might arise. He was also particularly advised that it was the duty of the United States to remain entirely neutral, and to cause their neutrality to be respected.

By information recently received from General Gaines, it appears that he considers it necessary that his force should be increased, with a view to afford proper protection to the frontiers. He has, therefore, called upon each of the Governors of Louisiana, Mississippi, and Tennessee, for a brigade, and upon the Governor of Alabama for a battalion of militia; the whole, or as many of them as practicable, to be mounted. He reports that the Mexican forces are rapidly approaching the border; and he anticipates that, as soon as they have reached the vicinity of the Indians, these will join in the contest, and that the Indian force will respect no boundary line; and the operations in Texas, as described by General Gaines, cannot fail to produce a favorable effect upon the cruel disposition and predatory habits of the Indians.

I have, therefore, the honor to suggest to the Committee of Ways and Means the propriety of an appropriation of $1,000,000 "to defray the expenses attending the defense of the western frontier of the United States, to be expended under the direction of the Secretary of War, conformably to the provision of the act of April 5, 1832, making appropriations for the support of the Army."

I send for the information of the committee a letter from the Quartermaster General.

Very respectfully, your obedient servant,

LEW: CASS.

Hon. C. C. CAMBRELENG, *Chairman Committee of Ways and Means, House of Representatives.*

QUARTERMASTER GENERAL'S OFFICE,
WASHINGTON CITY, *May* 3, 1835.

SIR: The operations on the frontiers of Texas will require large appropriations. I have a requisition on my table for $100,000 for that service, and have not a dollar to meet it. A have received a letter from the assistant quartermaster at Natchitoches, reporting that he had found great difficulty in obtaining land transportation for five companies. The wagons and horses, as well as mules for packing, must be taken from Ohio, Kentucky, or Tennessee. Should the operations be continued through the season on the scale indicated by General Gaines's requisitions, a million of dollars will probably be required for the service of this department alone.

I have the honor to be, sir, your obedient servant,

TH. S. JESUP, *Quartermaster General.*

The Hon. SECRETARY OF WAR, *Washington City.*

WAR DEPARTMENT, *May* 5, 1836.

SIR: In consequence of the intimation contained in your note of this date, I beg leave to observe, that the request for an appropriation of $1,000,000 for the protection of the frontier, in my letter of yesterday, was submitted to, and approved by, the President.

Very respectfully, your obedient servant,

LEW: CASS.

Hon. C. C. CAMBRELENG, *Chairman Committee of Ways and Means, House of Representatives.*

Mr. CAMBRELENG was in hopes that the House would agree to go into committee on this measure to-day.

The bill was then read twice, committed, and, together with the correspondence, ordered to be printed.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a bill for anticipating the payment to the individual claimants of the indemnities due under the conventions with France of July 4, 1831, and with the two Sicilies of October 14, 1832; which was read twice, and committed.

Mr. WILLIAMS, of North Carolina, reported, without amendment, the bill from the Senate to extend the time for issuing scrip certificates on military land warrants; and the same was committed.

Mr. THOMAS, from the Committee on the Judiciary, reported the following resolution which was agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the laws fixing the salaries of the several district judges of the United States, so as to establish a more equitable compensation for the services they are respectively required to perform.

Mr. CHAPMAN, from the Committee on the Public Lands, reported, without amendment, a bill from the Senate for the relief of Samuel Smith, Lynn Magee, and Semoiza, Creek Indians, and a bill for the relief of Elijah Simmons; and the same were committed.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Timothy Feley, deceased, late of the army of the Revolution; which was read twice, and committed.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported, without amendment, the joint resolution from the Senate to change the time of making contracts for the transportation of the mail.

Mr. C. moved that it be read a third time.

Mr. GRANGER asked for some explanation of the proposition.

Mr. CONNOR explained, in a few words, the object of the resolution. At present, the mail contracts were made to terminate on the 1st of January, and the fiscal year of the Department ended on the 1st of July. The resolution gave the Postmaster General the power to extend the contracts from the 1st of January to the 1st of July, so as to make the contracts and the fiscal year terminate at the same time hereafter. This would add to the convenience of all parties concerned.

Mr. GRANGER doubted the propriety of legislating an extension of existing contracts, and thereby excluding all competition.

The resolution was then passed.

Mr. CASEY, from the Committee on Public Lands, reported the following resolution:

Resolved, That the bill to "graduate the price of the public lands, to make provision for actual settlers, and to cede the refuse lands to the States in which they lie," be made the special order of the day for the 17th, 18th, and 19th of this instant, and that it take precedence on those days over all other business, unless sooner disposed of.

Mr. VINTON moved to amend the resolution by inserting after the word "*Resolved*," the words, "That the bill from the Senate to distribute the proceeds of the sales of the public lands and to grant lands to certain States, and"—so as to include this bill also in the special order, and to give it precedence over the bill named in the resolution of the Committee on Public Lands.

Mr. PATTON moved to lay the resolution and amendment on the table.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the motion; which were ordered; and were—

YEAS—Messrs. Adams, Bean, Beaumont, Bockee, Boulden, Bovee, Brown, Buchanan, Burns, Bynum, Cambre-

leng, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Conner, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Elmer, Fairfield, Farlin, Fowler, Fry, William K. Fuller, James Garland, Gillet, Glascock, Grantland, Haley, Joseph Hall, Hamer, Hawes, Holsey, Hopkins, Howard, Huntington, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Benjamin Jones, Kennon, Kilgore, Kinnemsmith, Lansing, Laporte, Gideon Lee, Joshua Lee, Leonard, Logan, Lovall, Lucas, Abijah Mann, Job Mann, John Y. Mason, Moses Mason, William Mason, McKay, McKim, McLene, Miller, Morgan, Muhlenberg, Owens, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, Joseph Reynolds, Roane, Rogers, Seymour, Sickles, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Webster, Weeks, and Thomas J. Whittlesey—91.

NAYS—Messrs. Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Bell, Bond, Boon, Boggs, William B. Calhoun, Campbell, Carr, Casey, George Chambers, Chapman, Childs, John F. H. Claiborne, Clark, Corwin, Crane, Darlington, Denny, Dunlap, Evans, Everett, Forrester, French, Philo C. Fuller, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hardin, Harlan, Harper, Samuel S. Harrison, Albert G. Harrison, Hazeltine, Henderson, Heister, Hoar, Hunt, Huntsman, Ingersoll, William Jackson, James, Jenifer, Cave Johnson, Henry Johnson, Kinnard, Lane, Lawler, Lay, Lewis, Lincoln, Love, Lyon, Martin, Sampson Mason, Maury, McCarty, McComas, McKennan, Mercer, Morris, Parker, Pettigrew, Potts, Rencher, John Reynolds, Ripley, Robertson, Russell, William B. Shepard, Slade, Spangler, Sprague, Standefer, Steele, Storer, Taliaferro, Underwood, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, and Sherrod Williams, —91.

The House being thus equally divided, the SPEAKER voted in the affirmative, making the vote—yeas 92, nays 91. So the resolution and amendment were laid on the table.

On motion of Mr. CHAPMAN, (by leave,) it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of regulating by law the mode of proof to remedy the evils consequent on the late destruction of the records of the United States court for the northern district of Alabama, by fire; and that the documents relating to that subject, from certain members of the bar at Huntsville, Alabama, be referred to that committee, as well as the protest of Colonel Le Roy Pope, in the form of a letter against any legislation on that subject, so as to affect a case in which he was a party in said court.

Mr. JOHNSON, of Kentucky, instructed by the Committee on Military Affairs, moved to set apart one hour on Tuesday next, from eleven to twelve o'clock, for the consideration of a bill for the better protection of the western frontier, and the bill providing for an arsenal of construction in the State of North Carolina.

Mr. THOMAS moved to amend the motion by substituting from one to two o'clock; which was agreed to.

Mr. PINCKNEY moved to amend the proposition by including the bill for repairing the arsenal at Charleston, South Carolina; which was agreed to; and, thus amended, the motion of the gentleman from Kentucky was agreed to.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported, with amendment the bill from the Senate to authorize the Secretary of War to take additional evidence in support of the claims of the State of Massachusetts for disbursements during the late war; which was laid on the table, and ordered to be printed.

Unfavorable reports were made upon various petitions, &c., by Mr. BRIGGS, from the Committee on the Post Office and Post Roads; Mr. P. C. FULLER, from the Committee of Claims; Mr. CHAPMAN, from the Committee on Public Lands; and by Mr. CRAIG, from the Committee on Revoluionary Claims.

Mr. W. B. SHEPARD called for the special orders of the day.

Mr. ASHLEY asked the consent of the House, before proceeding with the orders of the day, to present the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law for placing at the disposal of the Governor of Missouri, for the use of that State, cannon, carriages, and all the necessary implements and appendages thereto, complete for the field, for two companies of artillery, to be used as aforesaid, so long as the western border of said State shall continue to be the abode of numerous Indian tribes.

Objection being made, Mr. ASHLEY moved to suspend the rules for the purpose of enabling him to offer the resolution; which was negatived.

DISTRICT OF COLUMBIA.

The House resumed the consideration of the bill from the Senate for the relief of the several corporate cities of the District of Columbia.

The amendments reported by the Committee of the Whole were concurred in.

The question being on engrossing the amendments, and ordering the bill to be read a third time—

Mr. W. B. SHEPARD stated the reasons which had induced the committee on the District, as well of the House of Representatives as of the Senate, to report their original propositions to their respective bodies. Afterwards, he remarked, the Senate had instructed their committee to report the bill which was then under consideration. The President, in his annual message, had called the attention of Congress to the subject; and he argued that the measure was nothing more than what was due to the city. He advocated the payment of the $681,000 of interest which the corporations had already paid on this money, inasmuch as the Government was getting the stock on which this interest was paid. He argued, also, that Congress was bound to pay the money because it was the guarantee of the loan; and said he had hoped not to hear a constitutional objection to this bill. The custom-house at Alexandria had paid into the Treasury about $2,000,000; and he thought, as there were no scruples in receiving this money from the District, that there ought to be none to the paying out of money for the relief of the District. He thought they ought not to act the Jew's part in this matter. America had astonished the world in her rapid improvements; and if the District cities had been led astray in this spirit of improvement, he did not think they ought to be censured for it. It had been frequently said that the citizens of the District had brought this burden upon themselves by their own misconduct. It must be recollected, however, that it was in consequence of the Government insisting upon the canal being made twice the width which was originally designed, that this embarrassment ensued. If, then, the Government had in this way brought the District into this difficulty, it ought, at least, to place it where it found it. Exclusive legislation was granted over the District; but it never was intended by the original grantors that the Government should speculate on the property which was acquired by the original grant. Mr. S. referred to documents, and showed that the Government had received as a voluntary grant from the District, or the individuals ceding it, in grounds for public buildings, &c., upwards of $2,000,000. He stated further that the United States claimed property in the streets of Washington, and had exercised the right to close up streets and sell them out. He then argued that the Government, as owner of that property, ought to keep it in repair; which, if they had done, would have cost as much as the entire debt of the corporation of Washington. He said, if it was intended to afford relief to the District, they could not do less than pass this bill; less would only protract their difficulties. He asked gentlemen to pass this bill, and sever forever the responsibility of Congress in the debts of the District. He wished the question to be taken, because, if the bill did not then pass, he doubted whether it would ever pass.

Mr. HARDIN obtained the floor and addressed the House at length in opposition to the bill. He said that the first consideration was, that these cities claimed this money on account of a debt due to them by the Government; and the question then was, whether or not the claim existed? The facts were these: Georgetown had subscribed $250,000, Alexandria $250,000, and Washington $1,000,000, for constructing a canal from the District of Columbia to Cumberland. Now, what did the bill propose? Not that Congress should pay for this stock only, but that they should pay for it and also indemnify them in all their costs and charges in getting the money. Calculating the interest, the debt amounted to $2,700,000; and this bill appropriated $680,000 for interest paid by those cities on account of the debt, making altogether three millions two or three hundred thousand dollars. All this Congress was called upon to pay. Now, if these cities had any claim upon the Government, either in law or in equity, he would willingly pay it; but such was not the fact. The Government did not owe them a solitary cent. Mr. H. then cited the act of cession, by the articles of which it appeared that the original proprietors of the land were paid twenty-five pounds an acre for what the Government required. The memorial of the city set forth that the Government did not pay five shillings for it; which was a total perversion and misrepresentation of facts. Then what interest had the present proprietors? None. The original proprietors were paid twenty-five pounds an acre for the land taken for public purposes, and they nor their heirs could set up any claim; still less could the present proprietors have any.

The other claim set up was that the Government property had not been taxed. He denied that the corporation of Washington had any right to tax it. None of the western States had ever taxed the United States property within their limits, and he regretted that his native State of Pennsylvania should have done so, in the case of the Schuylkill arsenal. The city of Washington had no just claim on that ground. On the contrary, they were relieved from a variety of burdens which were borne by the people of every other section of the country. The judges, marshals, district attorney, expenses of jurors, jails, penitentiary, &c., were all paid by the General Government. Then again, the Government had built their jails, their court-houses, and a penitentiary, which alone had cost $100,000—works, all of which were constructed by the people themselves in the States. He then enumerated a variety of other expenditures for the Potomac bridge, for the mud-hole pool, called the Jersey canal, for macadamizing Pennsylvania avenue, for the bridge at the Little Falls, &c., altogether amounting to between two and three millions of dollars.

Another ground for the claim was the debt or obligation the General Government owed to the two States of Maryland and Virginia. This he controverted, and denied that any thing was due to those States; and, therefore, this District had no claim, and could not establish a claim upon Congress on the ground of any debt due by it. He maintained that Congress had no more power, under the Constitution, to pay the debts and liabilities of the cities of Washington, Georgetown, and Alexandria, than to pay to the State of Indiana the debt of $11,000,000 she had lately contracted for internal improvements, or to assume the debts of any other State. Again, it was not a debt incurred exclusively for the District, for the States of Maryland and Virginia were as much interested in it, and even more, than the District itself. It was, therefore, expending money for internal improvements in those two States. The mode he also objected to, for it was neither more nor less than taking stock in a private corporation, and taking it absolutely, for the proviso was nothing more than an attempt to evade the question by special pleading. He denied that the Constitution gave Congress the power to take and hold this stock, and he reviewed this subject at some length. These cities had no shadow of a claim, and Congress had no right to tax their constituents to pay the debts of the people of this District. But they were able to pay it themselves; and he would engage that four hundred yards on each side of the Pennsylvania avenue would, if sold, pay the whole of it. The debt did not amount to the thirtieth part of the capital in the District. Would any one believe that Georgetown could not raise their proportion of $250,000? He was convinced that they could do it, and would do it if necessary, when they were to derive such advantages on the completion of the canal which was to terminate at that city. Even if the stock was worth an investment of only one per cent. they would be benefited in the end.

Another argument in support of the claim was, that the faith of the nation was pledged for the payment of the Holland loan, and a correspondence between Mr. Rush and the lenders had been quoted to establish this fact. Mr. H. denied that the faith of the nation was pledged. Mr. Rush had no right, if he did give such a pledge, to do so; for it was a right against the exercise of which Mr. K. should enter his solemn protest at all times. Even Congress had no right to bind their successors in that manner. He again referred to the enormous amount of appropriations made for this District, of which the State of Maryland was almost alone benefited, amounting to $4,600,000; and if this bill should pass, it would amount to

$7,000,000; and before they had done it would fall little short of $10,000,000, expended to facilitate the transportation of exports from Maryland to the West. Even if the city of Washington should be sold to the Dutch, he asked what right had Congress to erect itself into a general insurance office for the security of this loan? or even if they paid the debt, why should they reimburse the District the sum of $650,000 which they had paid for interest of the loan, and costs and expenses in procuring it? Such a principle of donation was unheard of. Even in the character *in loco parentis*, Congress ought not to pass this bill, for its bounty had been for years most lavishly thrown away upon the District. Mr. H. then entered into a review of the value and utility of the canal itself, the money expended on which might as well have been thrown into the mud; and dwelt upon these points at some length.

Mr. THOMSON, of Ohio, then moved to amend the bill by striking out the following from the second section:

"To be held in trust to receive the dividends on;"

And also the proviso, as amended,

"That if the said corporate authorities of said cities shall, within ten years after the passage of this act, repay to the United States the amount which shall be paid under and by virtue of this act, for and on behalf of the said corporate authorities respectively, with all interest that may accrue on payments made by the Government, deducting whatever dividends may have been received by the United States, the Secretary of the Treasury, for the time being, shall thereupon transfer and deliver up the said stock to the said corporate authorities so repaying the said sums to the United States."

And on the amendment, Mr. T. asked for the yeas and nays; which were ordered.

Mr. MERCER rose and replied at length to the gentleman from Kentucky [Mr. HARDIN] in support of the bill.

Mr. UNDERWOOD rose to make a statement. He and several of his friends were willing and desirous to pay the Holland debt, and take the stock of this company; but they would do no more. If the friends of the bill, then, would so modify it as to present it in that form, he and some others would most cheerfully vote for it; if not, they would be compelled to vote against it. It was for the friends of the bill to decide whether they could get along with the bill without these votes. He would merely add, that the motion then made by the gentleman from Ohio [Mr. THOMSON] was the same Mr. U. had himself made yesterday, and he should of course vote for it.

Mr. HAWES moved a call of the House; which was lost.

The question was then taken on the amendment; and it was decided in the affirmative—yeas 89, nays 67.

Mr. JARVIS then renewed the motion, submitted by him in Committee of the Whole, to strike out the whole of the first section of the bill, with the exception of that part of it authorizing the Secretary of the Treasury to assume, on behalf of the United States, the Holland debt; and also to strike out the whole of the second section. Mr. J. gave notice that if this motion should prevail he would follow it up by a further amendment having reference to interest.

Mr. GRAVES moved to amend the amendment by striking out all the first section from the word "and" in the tenth line, and retaining the second section as it was in the original bill, by which the United States would assume to pay the Holland debt, and take the stock of the corporations in the canal, which Mr. JARVIS accepted as a modification.

Mr. HAWES asked for the yeas and nays on the amendment, which were ordered; and the question being taken, it was decided in the affirmative—yeas 108, nays 61.

Mr. JARVIS then moved still further to amend the bill by appropriating a sum not exceeding $75,000 for the payment of interest now due on the Holland loan and remaining unpaid.

Mr. LINCOLN suggested that the interest was provided for already in the first section of the bill, by assuming the whole of the obligations.

Mr. JARVIS replied, that the first section contemplated only the interest thereafter accruing, and not the interest already due.

The amendment was agreed to without a count.

Mr. PARKER renewed, in a modified form, the amendment offered by him in Committee of the Whole yesterday; which was lost.

Mr. PARKER then asked for the yeas and nays on the engrossment of the bill; which were ordered.

Mr. HARDIN moved to strike out the word "deposit" in the second section, and insert the word "transfer," and, at the suggestion of Mr. UNDERWOOD, strike out the words "in the hands of the," and insert the word "to" the said Secretary of the Treasury; which amendments were agreed to.

Mr. LINCOLN moved to substitute the word "And" for "Provided always," in the second section; which was agreed to.

Mr. MASON, of Ohio, then moved to strike out the whole of the second section.

Mr. EVANS thought it very doubtful whether, as the bill then stood, the corporations of the three cities would accept it and resign their stock. If any of them should refuse it, the Secretary of the Treasury would have no power to proceed.

Mr. GRAVES explained the effect of the bill in its amended form; and remarked that the gentleman from Maine need be under no uneasiness on account of either of those cities refusing to accept the bill.

The amendment of Mr. MASON was then rejected without a count.

The question was then taken on ordering the amendments of the House to the Senate's bill to be engrossed; and it was decided in the affirmative—yeas 109, nays 71.

So the bill was ordered to a third reading at this time.

Mr. HOPKINS remarked that, as this was a very important bill, he would ask for the yeas and nays on its final passage.

Mr. JOHNSON, of Tennessee, said there were not less than sixty members absent; and as the bill appropriated no less than a million and a half of dollars out of the public Treasury, he should like to see a full House voting upon it; he therefore moved an adjournment; which was lost.

The call for the yeas and nays was then also lost.

Mr. HAWES moved a call of the House, and asked for the yeas and nays; but the House refused to order them; and the motion was lost.

Mr. MANN, of New York, then renewed the call for the yeas and nays on the final passage of the bill; which were ordered, and were as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Bockee, Borden, Briggs, William B. Calhoun, George Chambers, Childs, Cleveland, Corwin, Cramer, Crane, Cushing, Darlington, Denny, Doubleday, Everett, Fairfield, Farlin, Fowler, Fry, Philo C. Fuller, Rice Garland, Glascock, Granger, Grennell, Haley, Joseph Hall, Hamer, Harlan, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Hunt, Huntington, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Jenifer, Richard M. Johnson, Henry Johnson, Kilgore, Kinnard, Klingensmith, Lane, Laporte, Lay, Leonard, Lincoln, Logan, Love, Lucas, Job Mann, Moses Mason, Sampson Mason, McKennon, McKim, Mercer, Miller, Milligan, Muhlenberg, Page, Patterson, Pettigrew, Phelps, Phillips, Pinckney, Potts, Ripley, Schenck, William B. Shepard, Shinn, Sickles, Slade, Spangler, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, Turner, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, White, Elisha Whittlesey, and Thomas T. Whittlesey—102.

NAYS—Messrs. Ash, Bean, Beaumont, Bond, Bouldin, Bovee, Brown, Buchanan, Bunch, Bynum, Carr, Carter, Casey, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Coffee, Coles, Connor, Cushman, Deberry, Dromgoole, Dunlap, French, William K. Fuller, James Garland, Gillet, Grantland, Graves, Hardin, Hawes, Haynes, Holsey, Hopkins, Joseph Johnson, Cave Johnson, Benjamin Jones, Lansing, Lawler, Luke Lea, Lyon, Abijah Mann, Martin, William Mason, Maury, McComas, McKay, McLene, Morris, Owens, Parker, Patton, Franklin Pierce, Peyton, John Reynolds, Joseph Reynolds, Roane, Robertson, Rogers, Russell, Seymour, Augustine H. Shepperd, Sprague, Standefer, John Thomson, Toucey, and Sherrod Williams—69.

So the bill was passed.

Mr. W. B. SHEPARD said, as there were a number of other important bills connected with the District of Columbia, he moved that to-morrow be set apart for their consideration.

Mr. HOAR suggested Monday.

Mr. JARVIS remarked that they had now been in session seven hours, and had appropriated a million and a half of money; and he, therefore, moved an adjournment, but he withdrew the motion to enable the Speaker to present the following executive communications:

To the Senate and House of Representatives:

Believing that the act of the 12th of July, 1832, does not enable the Executive to carry into effect the recently negotiated additional article to the treaty of limits with Mexico, I herewith transmit to Congress copies of that article, that the necessary legislative provisions may be made for its faithful execution on the part of the United States.

ANDREW JACKSON.

WASHINGTON, *May* 6, 1836.

A communication from the Secretary of the Treasury, transmitting a statement of the amount of the public moneys deposited in the deposit banks, by the several officers thereof, on the public account, on the 1st of April last; which was laid on the table, and ordered to be printed.

Also, a communication from the same, transmitting a statement of the number of clerks employed in the Treasury Department; which was also laid on the table, and ordered to be printed.

Mr. JARVIS then renewed his motion, and the House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 7, 1836.

On motion of Mr. CAMBRELENG, and by unanimous consent, the House went into Committee of the Whole on the state of the Union (Mr. BRIGGS in the chair) on the amendments of the Senate to the general appropriation bill.

Various unimportant amendments of the Senate were agreed to.

The committee disagreed to the Senate's amendment appropriating $1,600 for extra compensation to the judge of the eastern district of Florida, for services during the years 1835-'36, under the act of 23d of May, 1828; and also $800 for extra compensation to the judge of the middle district of Florida. [This was one of the clauses in the original bill as reported by the Committee of Ways and Means, and which was struck out by the House.]

The Senate had struck out the item of $500 for translations for the digest of commercial regulations of foreign countries, and inserted in lieu thereof an appropriation of $5,883 34 for completing the said digest by printing a third volume thereof; the Senate had also struck out the appropriation of $20,000 towards the Documentary History of the American Revolution.

Mr. CAMBRELENG briefly explained that the last item had been struck out in the Senate by general consent, as the money would not be due till December next; and it was presumed by that time that a satisfactory arrangement could be made in reference to the work, or Congress assured of the propriety of its continuance. At all events, it would be quite time enough to make the appropriation next session. The Senate had, however, added an amendment, which had been rejected by the House, for printing the third volume of the Commercial Digest of Foreign Countries; and Mr. C. sent to the Clerk's table a letter in explanation of the contents of the proposed volume from the author, John Speare Smith, and also a letter from the Secretary of the Treasury on the same subject.

Mr. JOHNSON, of Tennessee, inquired if the act authorizing the publication of this work provided also for the third volume?

Mr. SUTHERLAND replied, that the act contemplated only two volumes, but it had been found impossible to embrace the compilation within that compass. The act, however, provided for the completion of the work, and its intention ought to be carried into effect.

Mr. CAMBRELENG called for a division of the question.

The two branches of the amendment were then severally agreed to without a count.

The Senate's amendment appropriating the sum of $15,606 for printing and binding the eighth volume of the second series of Gales & Seaton's American State Papers, and providing for the distribution of the same, was then taken up.

Mr. CAMBRELENG stated the fact that this appropriation was in execution of an act of Congress.

Mr. JOHNSON inquired how much money had been paid on account of this work? He distinctly recollected that, when the last appropriation was made, it was said that it would be

enough to complete the work. Now $15,000 more were asked, and he supposed next session they would be called on for $15,000 more.

Mr. WHITTLESEY, of Ohio, replied that he had no such understanding when the last appropriation was made.

Mr. JOHNSON said this work had already cost the country $155,000.

After a few words from Messrs. GRENNEL, McKAY, and TOUCEY, the amendment was agreed to—ayes 83, noes 42.

The other amendments of the Senate were then agreed to.

On motion of Mr. CAMBRELENG, the committee took and considered the amendment of the Senate to the bill providing for the salaries of certain officers therein named, [extra clerks,] and for other purposes; and the amendment was concurred in.

On motion of Mr. CAMBRELENG, the committee then rose, and the bills, as amended, were reported to the House.

The House then concurred with the Committee of the Whole in their agreement to the Senate's amendment to the last mentioned bill, after a verbal amendment thereto being inserted at the suggestion of Mr. McKAY.

The amendments of the Senate to the civil service bill were then taken up, as reported from the Committee of the Whole, and severally concurred in, with the exception of the one disagreed to in committee, and that relating to Gales & Seaton's American State papers; which last was excepted to by Mr. JOHNSON.

The amendment providing for extra compensation to the judges of the eastern and middle districts of Florida was then taken up, the question being on concurring with the Committee of the Whole in their disagreement thereto.

The amendment was briefly discussed by Messrs. OWENS, CAMBRELENG, JOHNSON, of Tennessee, and PARKER, when the report of the committee was concurred in, and the Senate's amendment disagreed to.

The Senate's amendment in relation to Gales & Seaton's American State Papers being then taken up—

Mr. JOHNSON asked for the yeas and nays; which were not ordered; and the amendment was agreed to.

An amendment of the Senate to the joint resolution of the House to suspend the sales of lands acquired by the treaty of Dancing Rabbit Creek, was, on motion of Mr. BELL, taken up and concurred in.

DEFENSE OF THE WESTERN FRONTIER.

Mr. CAMBRELENG asked the consent of the House to go into committee on the bill reported yesterday, for the defense of the western frontier of Louisiana.

Mr. WASHINGTON hoped the gentleman would permit several bills relating to the District of Columbia to be disposed of to-day.

Mr. CAMBRELENG would cheerfully aid the gentleman in the attainment of the object on Monday next.

Objection being made, Mr. CAMBRELENG moved to suspend the rules for the purpose stated. The bill which he proposed to take up ought not to be postponed. He had warned the House a month since, that in relation to the defense of the frontiers they were slumbering upon their posts, and before another month elapsed they would find that he had not been mistaken.

Mr. HOPKINS asked for the yeas and nays on the motion to suspend the rules; which were ordered; and were—yeas 154, nays 34; as follows:

YEAS—Messrs. Adams, Chilton Allan, Anthony, Ash, Ashley, Bailey, Bean, Bell, Bockee, Boon, Bouldin, Bovee, Brown, Bunch, Burns, John Calhoon, Cambreleng, Campbell, Carr, Carter, Casey, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Cleveland, Coles, Connor, Craig, Cramer, Cushing, Cushman, Deberry, Denny, Dickerson, Doubleday, Dromgoole, Dunlap, Everett, Fairfield, Forester, Fowler, French, Fry, William K. Fuller, James Garland, Rice Garland, Gillett, Glascock, Granger, Grantland, Haley, Joseph Hall, Hamer, Harlan, Harper, Albert G. Harrison, Samuel S. Harrison, Hawes, Haynes, Heister, Holsey, Hopkins, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Janes, Jarvis, Cave Johnson, Henry Johnson, Richard M. Johnson, Benjamin Jones, Judson, Kennon, Kinnard, Klingensmith, Lane, Lansing, Lawler, Lay, Gideon Lee, Joshua Lee, Luke Lea, Lewis, Lincoln, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, Moses Mason, William Mason, Maury, McCarty, McComas, McKay, McKennan, McKeon, McLene, Milligan, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, James A. Pearce, Franklin Pierce, Pettigrew, Peyton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Russell, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickles, Slade, Sloane, Sprague, Standefer, Storer, Sutherland, Taylor, John Thomson, Waddy Thompson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, Thomas T. Whittlesey, Sherrod Williams, and Wise—154.

NAYS—Messrs. Heman Allen, Bond, Briggs, William B. Calhoun, George Chambers, Corwin, Crane, Darlington, Evans, Philo C. Fuller, Grayson, Grennell, Griffin, Hiland Hall, Hardin, Hazeltine, Hoar, Howell, Kilgore, Laporte, Sampson Mason, Mercer, Morris, Phillips, Potts, Reed, Rencher, Spangler, Steele, Taliaferro, Underwood, Vinton, Elisha Whittlesey, and Lewis Williams—34.

More than two thirds voting in the affirmative, the motion was carried; and the House accordingly went into committee, (Mr. WHITTLESEY, of Ohio, in the chair,) on the following bill:

A Bill making an appropriation for the defense of the western frontier.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $1,000,000 be, and the same is hereby, appropriated out of the money in the Treasury not otherwise appropriated, to defray the expenses attending the defense of the western frontier of the United States, to be expended under the direction of the Secretary of War, conformable to the provisions of the act of April 5, 1832, making an appropriation for the support of the Army.

Mr. CAMBRELENG sent to the table the following documents, embracing all the information in the possession of the committee on this subject:

WAR DEPARTMENT, *January* 23, 1836.

SIR: I am instructed by the President to request that you would repair to some proper position near the western frontier of the State of Louisiana, and there assume the personal command of all the troops of the United States who are, or may be, employed in any part of the region adjoining the Mexican boundary. It is not the object of this order to change at all the relations between yourself and the military departments under your command, but to require your personal presence at a point where public considerations demand the exercise of great discretion and experience. An order will be issued without delay to the sixth regiment, to proceed to Fort Jesup; and this force, together with all the troops in the western part of Louisiana, and in the country west of the Mississippi and south of the Missouri rivers, will be employed, as occasion may require, in carrying into effect the instructions herein communicated to you.

The state of affairs in Texas calls for immediate measures on the part of the Government. It is the duty of the United States to remain entirely neutral, and to cause their neutrality to be respected. It is possible that the course of operations may induce one or other of the contending parties to approach the boundary line, with a view to cross it in arms. Should you find that the case, you will give notice to the persons having the direction, that they will not be permitted to cross into the territory of the United States; and if they attempt to do so by force, you will resist them with the means at your disposal.

The thirty-third article of the treaty with Mexico requires both the contracting parties to prevent, "by force, all hostilities and incursions on the part of the Indian nations living within their respective boundaries, so that the United States of America will not suffer their Indians to attack the citizens of the Mexican States," &c.

The provisions of this article you will cause to be faithfully enforced; and the various Indian agents and the officers of the Indian department in that region will be required to furnish you any information in their power in relation to this matter, and to carry into effect any instructions you may give. You will make known to the various Indian tribes inhabiting that part of the United States, the determination of the Government to prevent any hostile incursions into Texas; and you will call upon the chiefs to inculcate upon all their people the necessity of carefully abstaining from any violation of the abovementioned engagement, and you will not hesitate to use the force at your disposal for the purpose of preventing any such designs.

Should you be called upon by the civil authority for any aid towards enforcing the laws having relation to the neutral duties of the United States, you will render such assistance as the laws prescribe.

You are requested to communicate freely with the district attorneys of both the districts of Louisiana, on all points of law connected with the execution of the instructions; and those officers will be desired to give you their opinion.

I will thank you to keep me advised of any occurrences in that quarter, which it may be important for the Government to know.

Very respectfully, your obedient servant,

LEW: CASS,

Major General E. P. GAINES, *Memphis, Tennessee.*

HEAD-QUARTERS WESTERN DEPARTMENT,
BATON ROUGE, *March* 29, 1836.

SIR: I have received, not until yesterday, an official copy of your letter of the 23d January last, by which I have the satisfaction to be informed that the President of the United States has been pleased to direct my immediate attention to the western frontier of the State of Louisiana, in order to preserve, if necessary, by force, the neutrality of the United States.

In obedience to this order, I have availed myself of the very first steamboat conveyance that offered after the receipt of the order, to proceed to Baton Rouge, to enable me to ascertain to what extent the arsenal there will furnish ordnance and ordnance stores, for the prompt and efficient discharge of the duties assigned to me—duties which derive great importance from the recent accounts of the sanguinary manner in which the Mexican forces seem disposed to carry on the war against our Texan neighbors. (See the accompanying newspapers.)

Upon this point, I take leave to suggest whether it may or may not become necessary, in *our own defense*, to speak to the contending belligerents in a language not to be misunderstood — a language requiring *force*, and military supplies, that shall be sufficient, if necessary, for the protection of our frontier, to check the savage operations of each of the contending parties, who may forget to respect the laws of war and our neutral rights—until Mexico and the United States shall, by an adjustment of existing difficulties, put an end to the scenes of barbarism which cannot but endanger the peace and other vital interests of all the parties concerned—scenes of barbarism disgraceful to all who enact or tolerate them.

Should I find any disposition on the part of the Mexicans or their red allies to menace our frontier, I cannot but deem it to be my duty not only to hold the troops of my command in readiness for action in defense of our slender frontier, but to anticipate their lawless movements, by crossing our supposed or imaginary national boundary, and meeting the savage marauders wherever to be found, in their approach towards our frontier.

Should I err in this view of the subject, in which, however, I am convinced the laws of war and of nations will bear me out, I shall be gratified to receive the views of the President, to which I shall scrupulously adhere. But if it be otherwise—if my own views are approved, I shall, in that event, have occasion for some mounted volunteers, with other forces sufficient to make my numerical strength equal to the estimated strength of the contending parties, which is now estimated at eight thousand to twelve thousand men. (8,000 to 12,000 men.) With a view to this possible contingency, I have already desired the fine legionary brigade, commanded by General Plauche, of the city of New Orleans, *to calculate on the possibility of my having occasion to invite the legion to join me.* To this suggestion the officers of the legion, with the gallant general at their head, cordially responded that they would, whenever it might be deemed necessary, promptly repair to the frontier, delighted with the opportunity of carrying into effect the wishes of the President, under whose immediate command many of these officers had distinguished themselves in the defense of their city and State in the memorable triumphs of December, 1814, and January, 1815.

All which is submitted for the information of the President of the United States.

With profound respect, EDMUND P. GAINES,
Major General Commanding.

To the Hon. LEWIS CASS, *Secretary of War.*

P. S. I arrived at the city of New Orleans at seven o'clock, a. m., and departed therefrom on board this steamboat at seven o'clock, p. m. yesterday, having taken my passage on board the steamboat the Levant, bound from New Orleans for Natchitoches, and to be at Baton Rouge on the 1st of April, Friday next. E. P. G.

WASHINGTON, *April* 25, 1836.

SIR: Your letter of the 29th ultimo was received at the Department a few days since, but I have been prevented by indisposition from giving it an earlier answer.

I inclose for your information a copy of the memorandum of an official conference between the Secretary of State and the Mexican Minister, respecting the present state of affairs upon the southwestern borders of the United States. You will consider, as a part of your instructions, the declaration made by the Secretary of State, and govern yourself accordingly.

It is not the wish of the President to take advantage of present circumstances, and thereby obtain possession of any portion of the Mexican territory. Still, however, the neutral duties, as well as the neutral rights of the United States, will justify the Government in taking all necessary measures to prevent a violation of their territory. Recent events induce the belief that the Mexican forces, as well as the inhabitants of Texas, must be in a high state of excitement. In that portion of the country there are many Indian tribes whose habitual predisposition to engage in war is well known, as is, also, their reckless disregard of any of the claims of humanity. And from information which has reached the Government, there is too much reason to believe that efforts have been made to induce these Indians to join the Mexican troops. It may, therefore, well be, as you anticipate, that these various contending parties may approach our frontiers, and that the lives and property of our citizens may be placed in jeopardy. Should this be the case, the President approves the suggestion you make; and you are authorized to take such position, on either side of the imaginary boundary line, as may be best for your defensive operations. You will, however, under no circumstances, advance farther than old Fort Nacogdoches, which is within the limits of the United States, as claimed by this Government. But you will please to observe, that this permission will not be exercised, unless you should find such an advanced position necessary to afford due security to the frontier in consequence of the unsettled state of things beyond you.

You will please to explain fully your views and instructions to any armed parties who may be marching towards you; and should they continue to threaten your position, or to manifest a design of crossing into the United States, you are authorized to attack and repel them.

I have this day, by direction of the President, requested the Governors of Louisiana and Mississippi to call into service any militia force you may find necessary for the protection of the frontiers. This force must be called out for a term of not less than six months from the day they reach

their rendezvous, to be discharged at any time by the United States. The necessary means will be furnished to the officers of the proper staff departments for such supplies as may be required.

I need hardly say, that the duty committed to you is one of great importance, as well as of great delicacy; and I do not doubt it will be so executed as to preserve, on the one hand, the proper safety of the frontier, while, on the other hand, as little cause of offense as possible will be given to any foreign authority. I have to request that you would keep me regularly advised of your proceedings.

L. C. GAINES, *Major General, E. P.*, FORT JESUP, LOUISIANA.

[Copied from the letter-book of the War Department.]

DEPARTMENT OF STATE,
WASHINGTON, *April* 23, 1836.

SIR: In compliance with your request, I have the honor to transmit a memorandum of the substance of what I stated in an official conference on the 20th instant, with Mr. Gorostiza, Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic to the United States.

I have the honor to be, your obedient servant,
JOHN FORSYTH.

The Hon. LEWIS CASS, *Secretary of War.*

Memorandum for Mr. Gorostiza of what was said to him by Mr. Forsyth, in their conference on the 20th of April, 1836.

Mr. Forsyth stated to Mr. Gorostiza, that in consequence of the contest in Texas, the movements of some of the citizens of the United States on the Red river, and apprehended hostile intentions of the Indians in Mexico against the United States, and of the Indians within the United States against Mexico, orders would be given to General Gaines to take such a position with the troops of the United States as would enable him to preserve the territory of the United States and Mexico from Indian outrage, and the territory of the United States from any violation by Mexicans, Texians, or Indians, during the disturbances unfortunately existing in that quarter, and that the troops of the United States would be ordered to protect the commissioners and surveyors of the two Governments, whenever they should meet to execute the instructions to be prepared under the treaty of limits between the United States and the United Mexican States. Should the troops, in the performance of their duty, be advanced beyond the point Mexico might suppose was within the territory of the United States, the occupation of the position was not to be taken as an indication of any hostile feeling, or of a desire to establish a possession or claim not justified by the treaty of limits. The occupation would be precautionary and provisional, and would be abandoned whenever (the line being run and the true limits marked) the disturbances in that region should cease, they being the only motive for it.

HEAD-QUARTERS WESTERN DEPARTMENT,
NATCHITOCHES, LOUISIANA, *April* 8, 1836.

SIR: I arrived at this place on the 4th instant, since which time I have received information, from various sources, which leaves no doubt in my mind that a considerable portion of several tribes of the Indians residing within our territorial limits have gone over to the Texas side of the boundary line between the United States and Mexico.

When to this fact is added the reports daily received at this place, that the army of Mexico, commanded by President Santa Anna in person, is rapidly approaching in this direction through the center of Texas; that his plan is to put to death all he finds in arms, and all who do not yield to his dictation; that as soon as he comes to the section of country occupied by the Indians in question, on the waters of the Trinidad or Trinity river, they will unite with him in his war of extermination; and that no boundary line, save such as they find properly guarded with an efficient force, will be sufficient to arrest the sanguinary career of these savages, I cannot but deem it my *duty to prepare for action.*

For this purpose, I have requested of the Governors of Louisiana and Mississippi and Tennessee, each a brigade, and of the State of Alabama a battalion, making altogether three brigades and one battalion—the whole, or as many of them as practicable, to be mounted—to repair to this place as soon as may be convenient, by battalions or companies.

This force, though not equal in numbers to that which it may be my duty to meet in battle, will enable me at least to secure the confidence of the frontier settlements, and keep them at home to plant their crops; and, moreover, to enable me to inflict summary punishment on such of the enemy by whom they are now menaced as may teach them to respect us, and in future to pay more regard than they seem now disposed to pay to our rights and treaties.

I shall in the course of a few days address to each one of the commanders of the armies in Texas a note calling their attention to their duties, and apprising them of the course which I shall pursue towards them, in obedience to the orders of the President of the United States, should they approach our boundary, or suffer the Indians near them to commence hostilities. I have notified the Governors of the States to whom I have applied for force that "should the war in Texas be brought to a close without the apprehended Indian hostilities," the volunteers will in that case "be discharged forthwith."

I have the honor to be, very respectfully,
EDMUND P. GAINES,
Major General commanding.

Hon. LEWIS CASS, *Secretary of War, Washington City.*

P. S. I inclose a copy of my letters to the Governors of the States above-named. E. P. G.

HEAD-QUARTERS WESTERN DEPARTMENT,
NATCHITOCHES, LOUISIANA, *April* 8, 1836.

SIR: The war in Texas, which has of late assumed a sanguinary and savage aspect, has induced the President of the United States to require a considerable augmentation of the regular force to be concentrated upon this section of the national frontier, to which my attention has been particularly directed. He deems it to be the duty of the United States to remain entirely neutral, and to cause their neutrality to be respected, *peaceably if practicable; forcibly if necessary.*

The thirty-third article of the treaty with Mexico requires both the contracting parties to prevent "by force all hostilities and incursions on the part of the Indian nations living within their respective boundaries; so that the United States of America will not suffer their Indians to attack the citizens of the Mexican States," &c.

The provision of this article I am particularly instructed to cause to be enforced; and I have, pursuant to instructions, taken measures to make known to the various Indian tribes inhabiting that part of the United States bordering on the Mexican territory, on the waters of the Red and Arkansas rivers, the determination of the Government to prevent any hostile incursions into Texas, and have directed that the chiefs be called upon to inculcate upon their people the necessity of carefully abstaining from any violation of the above-mentioned engagements; and I have moreover informed them, pursuant to the orders of the President, that *I will not hesitate to use the force at my disposal for the purpose of preventing such designs.*

I have learned from several of our citizens entitled to credit, that one Manuel Flores, a Mexican Spaniard, but for some years past a citizen of "Spanish-town," in this State, near the Sabine ridge, has been lately commissioned by persons professing to act by the authority of the Mexican Government, for the purpose of enticing the Indians in the western prairies, on our side of the boundary line, to join them in the war of extermination now raging in Texas, and that with this view, the agent, Manuel Flores, accompanied by a stranger, has lately passed up the valley of the Red river, and has already produced excitement among the Caddo Indians; and I have very recently learned from several intelligent persons in Texas, and others who have lately been there, that many of our Indians have lately gone over to the Texas side of the line.

These facts and circumstances present to me the important question, whether I am to sit still and suffer these movements to be so far matured as to place the white settlements *on both sides of the line wholly within the power of these savages*, or whether I ought not instantly to prepare the means for protecting the frontier settlements, and, if necessary, compelling the Indians to return to their own homes and hunting grounds? I cannot but decide in favor of the last alternative which the question presents; for nothing can be more evident than that an Indian war commencing on either side of the line will as surely extend to both sides, as that a lighted quickmatch thrust into one side of a powder magazine will extend the explosion to both sides.

But I am without *mounted men*, the only description of force which will enable me to interpose an effectual check to the daily increasing danger which every intelligent citizen, with whom I have conversed upon the subject, apprehends; and apprehending, as I do, that the loss of a month, which it would require to submit the case to the decision of the President of the United States, might prove fatal to a large portion of the frontier inhabitants, I have determined to solicit of your excellency a brigade, to consist of two or three batalions of volunteers, as many to be mounted as practicable, to repair to this place as soon as may be convenient, by companies or battalions, to receive their arms and camp equipage at New Orleans and Baton Rouge. There may be eight or ten companies to a battalion.

Should the war in Texas be brought to a close without the apprehended Indian hostilities, the volunteers will, in that case, be discharged forthwith.

With perfect respect, I have the honor to be your obedient servant,
EDMUND P. GAINES,
Major General commanding.

To his Excellency, Governor of Louisiana,
" of Mississippi,
" of Alabama,
" of Tennessee,

WAR DEPARTMENT, *May* 4, 1836.

SIR: I have received your letter of the 8th ultimo, and, in answer, have to inform you, that the President will sanction the employment of whatever force may be necessary to protect the western frontier of the United States from hostile incursions. This Department has addressed the Governors of the States of Louisiana, Mississippi, Tennessee, Kentucky, and Alabama, requesting them to call into service such militia force as you may find necessary in carrying into effect the instructions heretofore given to you. The theater of operations is so distant from the seat of Government, that much must be intrusted to your discretion. The two great objects you have to attain are, first, the protection of the frontiers, and, secondly, as strict a performance of the neutral duties of the United States as the great object of self-defense will permit. You will take care, and do no act which can give just cause of offense to any other Government, and on the other hand you will not permit the frontiers to be invaded by any forces whatever. I have to request, that the militia you may call out may not be more numerous than the exigencies shall seem to require. They ought to be called into service for six months, if practicable, to be disbanded whenever not wanted; and you will take care that all due economy is preserved, as well in your disbursements as in the preservation and accountability of the public property. It is very necessary that you should communicate freely to the commanding officers of any military parties who may approach the frontiers, and inform them of the nature of your orders. You will state to them, that while you have been ordered to that quarter with a view to the execution of the neutral obligations of the United States, you have also been instructed to defend their territory from any invasion whatever; and that this duty will be executed under any circumstances that may happen. You will also remonstrate against the employment of any of the Indians. Although the dictates of humanity forbid the use of this species of force which cannot be restrained, yet the right of the United States to remonstrate against its service rests upon other grounds. From the habits and dispositions of the Indians, it is well known that the power employing them cannot restrain them within the legitimate rules of warfare. If they approach the frontiers, they will pay no regard to a mere imaginary line, but will carry on their depredations and massacres wherever inhabitants can be found and where there is no force to oppose them. It is altogether idle to expect that in such a state of things the frontier settlements of the United States would not be exposed to these calamities. Whoever calls the Indians into service, and induces them to approach our border, cannot but be aware of the consequences that must ensue. All this you will represent to the proper officers, and you will use your best exertions to keep such a force from marching towards your position; and if they do so, to repel and disperse it.

Very respectfully, your most obedient servant,
LEWIS CASS.

Major General GAINES, *Fort Jesup, Louisiana.*

Mr. CAMBRELENG referred to an article in the New York Courier and Enquirer, in reference to the reception in Mexico of the official report of Santa Anna of the taking of the Alamo, the rejoicing which had taken place on that account, such as the singing of *te Deums*, &c. His object in adverting to this intelligence was to show the increased Mexican force in Texas.

Several members called for the reading of the article referred to.

Mr. CAMBRELENG was not in possession of the paper.

A copy of the Courier alluded to was handed to the Clerk by Mr. CUSHING, and the paragraphs which had been referred to were read.

Mr. UNDERWOOD rose to submit a proposition which he thought would be concurred in by the committee. The communications which they had just heard read were to his mind astonishing; and he was not at that time prepared to vote on the bill, and desired to have the documents printed, so that they might have an opportunity of examining them more closely. The motion he intended submitting was, that the committee should rise, and then he would move to have the documents printed. There was another thing which he desired to know. He wished to know what the Mexican Minister had said in reply to the statements made to him by the Secretary of State; and when they got into the House he said he would move a resolution calling on the Department of State to give the House that information; so that they would have both sides of the question. He desired to know what the minister had said, as well as what had been said by the Secretary of State. It appeared to him, from the reading of the papers which he had just heard, that the Government had directed the commanding general to take a position inside of what had heretofore been considered the Mexican line. If so, he feared evil consequences would result from it. He wished the papers to be printed, so that every gentleman would have an opportunity of examining them; and with that view moved that the committee rise.

Mr. CAMBRELENG concurred with the gentleman from Kentucky. He said this was an important question, and they ought to have all the information which could be procured in relation to it. With this view, he had called the question up at this time, so that the attention of the House might be drawn to the subject.

Mr. THOMPSON, of South Carolina, said it was not his intention to detain the House; but he merely wished to rid himself of all responsibility in having delayed the passage of this bill for a single moment. He would go cordially with gentlemen in voting this million of dollars, or any number of millions that might be deemed necessary for the defense of the frontiers; but he was not willing to overstep the limits prescribed by the Constitution, even to defend ourselves. If he was not mistaken, General Gaines had called on one of the brigadier generals of one of the southern States for aid; but by what constitutional right he had done so Mr. T. was unable to define. There was a prescribed mode of calling out the military; and under no circumstances ought they to be called out contrary to that. He desired to know the authority by which General Gaines had made this call, as well as the authority upon which the President had authorized militia to be called out for six months, or for a longer period than three months.

Mr. UNDERWOOD here withdrew the motion that the committee rise, at the request of

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, MAY 16, 1836. VOLUME 3....No. 28.

Mr. ADAMS, who wished to make an inquiry of the chairman of the Committee of Ways and Means, or the chairman of the Committee of Foreign Affairs. He wished to know, in the first place, whether either of them, or whether the Executive Departments, had in their possession the report of General Santa Anna to the Mexican Government, upon which comments of a New York editor had been read? because it appeared to him to be a much more important paper than the commentary upon it by the editor of a New York paper.

Mr. CAMBRELENG stated that he had not asked for the reading of that paper, and had only alluded to it to show that, by the intelligence from Mexico of General Santa Anna's calling for five thousand men and two hundred officers, in addition to his army already in Texas, it was necessary to have a strong force upon our frontier, because the people of Texas must eventually be driven to the frontier, and unless there was a force there to protect that frontier it might be invaded by a hostile army.

Mr. ADAMS said there was another question which he wished to ask, which was, whether the chairman of the Committee of Ways and Means could inform the House of the part performed by the Mexican Minister in the most important conference with him by the Secretary of State, which had been laid before the House alone; and what the reasons were which had prevented the other part of the conference from being presented to the House? He wished to know whether the Mexican Minister had stood mute, and said nothing, when the Secretary of State announced to him what had been read to the House? He wished to know if there was any communication from the Mexican Minister to be given hereafter in relation to this very important conference? He asked this question the more readily, because it seemed to him that there was a most extraordinary power given by the Executive to the commanding General to cross the line between the United States and Mexico; that was to commit an act of hostility—to make war upon her. This was virtually giving the commanding General the power to make war, and this information was given to the Mexican Minister by the Secretary of State.

Did the Mexican Minister submit to this? If he had submitted to it—if he had said nothing when he received this communication, there was another consideration involved relating to the constitutional power, as to the authority given to the commanding General to commit acts of hostility without a communication being made to Congress by the Executive.

They had, then, (said Mr. A.,) the first intimation of this state of things, excepting some mysterious words from the chairman of the Committee of Ways and Means, some days since, when he had told them in a very mysterious manner that they were in all probability on the eve of war with Mexico; and that gentleman, at that time, had told them very truly that they would have little trouble in disposing of their surplus funds if this war was to break out.

They might dispose of all their surplus funds, if they were to enter into a war with Mexico; and that bill gave indications of its being a war proposition. He did not, however, mean to say that it was not proper, and he did not mean to say that he would not be disposed to go into a war with Mexico, or any other country, when the rights, the interests, and the honor of the nation required it. But he saw something more than the defense of the frontier in this. He saw the authority granted to invade another territory; and he wished to know whether the Mexican Minister assented to this and acquiesced in it? He did not desire this for the purpose of delaying the appropriation, for if the frontier was in danger, he would make the appropriation let it be what it might; but if there was more complete and perfect communications they ought to be transmitted by the Executive. He said that, on that day, and in the communication then read, the commanding General on that frontier was authorized to invade a foreign nation; which was the first intimation given to the House of the difficulties existing between the United States and the Republic or sovereign State of Mexico. It seemed to him that more communications were necessary upon this subject. What were the difficulties existing in that quarter? They had seen citizens of the United States go into the territory of Mexico, establishing themselves there, and making war. That very war, upon which they had heard such lamentable appeals made, was carried on by her own citizens; and a late member of that House was at the head of the military power, and had not the House been called upon to acknowledge the independence of that State, which was at war with a country with whom the United States were at peace, and in the very act of making a treaty with? There was another consideration which made it necessary to look into this war, before we engaged in it. If he had been rightly informed, and he professed to have no information except from the public prints, this was a war of Texas to establish slavery in the Republic of Texas, which had been banished by the United Mexican States; that it was a resistance against the abolition of slavery by Mexico, and that Texas was making war to establish that slavery which had been abolished. Now if this was the case, and if the acknowledgment of the independence of Texas was to be followed by an application to admit her to become one of the States of this Union, he begged leave to declare off from that reception. He would be for receiving no such addition to the United States. It was important that Congress should have all the information which could be procured. The paper which had been read [New York Courier and Enquirer] was a journal which had been stimulating the people of the United States to embark in the cause of Texas; and they had seen that a great meeting had been held at New York on this subject; and one of the leading men in that meeting was a confidential officer of the Government of the United States. This was, to be sure, contrary to the orders given by the President of the United States; and he was gratified to see in the instructions this order for the preservation of the neutrality more than once repeated; and he should have been glad if the other parts of the instructions to General Gaines had been a little more consistent, and particularly the order allowing him to invade the territory of another Government. He hoped that, whatever might be done on this subject, Congress would take care that the neutrality should be preserved.

Mr. PEYTON had heard the remarks of the gentleman from Massachusetts with no less astonishment than deep mortification. That that gentleman had deemed it expedient to introduce the subject of the abolition of slavery upon this question was to him extraordinary. However that subject might have pressed upon that gentleman's mind, surely when they asked for the consideration of a question which involved the lives, the property, and the security from savage butchery of the defenseless women and children on our frontier, he might have withheld his abolition reflections for a moment. The gentleman had seen, too, in the conduct of the President and commanding General, great cause of alarm. He had seen intrusted in the hands of the commanding General, the power of making peace or war. The gentleman might have been silent on this subject, for the power conferred upon the commanding General was not to make war, but to preserve peace. The gentleman from Massachusetts, living remote from such scenes as were enacted on the frontier, and knowing them but by hearing, had not before his mind that vivid picture which western gentlemen had, who had seen some of the scenes of savage warfare enacted. He hoped the gentleman would not find in an imaginary line, in time of war, anything to make it necessary for an army to pause upon the boundary, while the enemy were embodying and calling in the aid of savage allies. A Republic indeed! It was a misnomer to call Mexico a Republic. It was governed by a military despot, who had trampled under foot the liberties of the people. The gentleman from Massachusetts seemed to be displeased, because, forsooth, some gentlemen who had once been citizens of the United States were engaged in the struggle for liberty in Texas. Nothwithstanding that the Mexican General was pursuing and murdering those people, and carrying on an unparalleled savage warfare, the gentleman seemed to think that it was improper to have a force upon the frontier sufficient to compel our neutrality to be respected. When the savages should be burning the houses of the citizens of the frontier, and murdering defenseless women and children, the gentleman would stop to hear what the Mexican Minister would think of General Gaines crossing the line, before he would make an appropriation. Mr. P. would neither ask the Mexican nor any other Minister, what they should do when American citizens were in danger from Santa Anna and his Indian allies. He would say to General Gaines, take your position in spite of the Mexican Minister. On this side of the imaginary line there might not be a suitable position to take, while on the other might be an important and strong hold; yet the gentleman from Massachusetts says, if you go to take that position, you make war upon a sovereign Republic. With regard to the subject of abolition, which the gentleman had introduced, he thought it was an improper time and an improper place to discuss that subject. He was opposed to the committee rising; and he did not wish to delay them with any useless discussion. He was in favor of voting, before the setting of the sun, an appropriation of a million of dollars, or more if it was wanting. He would say to gentlemen, withhold not your money, when at this very moment the best blood on the frontier might be running in streams upon the ground.

Mr. HAMER said the instructions to General Gaines were certainly misunderstood. The instructions were that he should go past the line claimed by Mexico, but under no circumstances to go beyond the line claimed by the United States.

Mr. BELL thought, from the specimens they had just heard, that they were to have a lengthy discussion of this matter. He thought the most discreet plan would be to vote the appropriation. He understood that there were no instructions to go beyond the undisputed boundary, and that, whenever a decision was to be made as to the boundary, if it should be decided against the United States, the commanding general was immediately to cross within our own territory. He considered they were called upon for the appropriation by the peculiar state of affairs on the frontiers. If the Texans should be driven to the frontier of the United States, unless there was a force sufficient to check the Mexicans, they might even overrun our Territory to the banks of the Mississippi. The Mexicans had some cause to feel a hostility to a portion of the citizens of the United States, who had entered Texas and engaged in the struggle going on there; but that was no reason that measures should be taken, not only against those persons, but against the people of the entire West. He called upon gentlemen at this stage of the question to consider whether it would not be most prudent to vote this preliminary appropriation to arm the frontier, and to provide against any possible contingency, and then to discuss the matter on some other proposition which might be brought forward hereafter. Was there a gentleman who would pause at that hour, when there was not only a possibility, but a strong probability, of a war upon our frontier, which had no fortifications and no barriers to check the progress of a victorious army? It seemed to him that they should have a full explanation of this

subject from the Executive; but he would receive those communications hereafter, at a time when he could examine them with greater deliberation than at present.

Mr. ADAMS replied to the gentleman from South Carolina, [Mr. THOMPSON.] He complained that, upon several occasions, when gentlemen had risen apparently for the purpose of refuting his arguments, they had indulged in personalities towards himself—in attacks upon him as an individual. He had heretofore listened to them in silence, deeming that he had no right to occupy the time of the House with subjects that interested himself only.

The gentleman had stated that Mr. A. was about to oppose this appropriation. Now, he had not opposed it, but had said that he thought more executive informations should have been sent to the House before they acted on it. He had also asked the question whether any answer was made by the Mexican Minister to the communication made to him by our Secretary of State; and if so, what that answer was, or if that minister had remained mute?

The gentleman from South Carolina had charged Mr. A. with a desire to introduce the question of the abolition of slavery in this country on that floor. Now, he said nothing about the abolition of slavery in the United States, and he wished to say nothing about it. The gentleman had also thought proper to go back and charge Mr. A. (although he did not impute dishonorable motives to Mr. A., but said that some among his [Mr. W. THOMPSON's] constituents did) with the sole responsibility of the treaty by which the boundary between the United States and Mexico was settled, and by which Texas was recognized as belonging to the latter Power. In reply to this charge, he would inform the gentleman that he negotiated that treaty under the eye and under the instructions of James Monroe, then President of the United States, and himself a slaveholder. Every line of that treaty was negotiated by Mr. Monroe's order; and let Mr. A. tell the committee that he was the last, the very last man in that Administration who consented to the treaty; nay more, that he was the *only man* in the Administration who was for holding on to Texas. He mentioned also another fact: The present Chief Magistrate of the United States being in the city at the time, Mr. A. was directed to take the treaty to him, and ask his opinion about it, and it was approved of by that gentleman. He hoped the gentleman from South Carolina was answered on this head; and that when the gentleman's constituents in particular were again disposed to charge Mr. A. with having given away that country, they would bear this fact in mind—that *he was the last man* of Mr. Monroe's Administration who consented to the treaty, and that *he was the only member* of that Administration who was for holding on to it.

Mr. RIPLEY addressed the committee in relation to the difficulties growing out of the undefined boundary line settled by the treaty between the United States and Mexico. The communications he contended to be satisfactory, and the House had nothing to do with the response of the Mexican Minister to the Secretary of State. He could not avoid expressing his surprise at what had fallen from the gentleman from Massachusetts, [Mr. ADAMS,] when he remembered who was the author of the eloquent and learned defense of General Jackson's taking possession of Pensacola, the principle of which was identical with the present exigency on our Louisiana border.

Mr. REID had had but very little time to investigate this subject; but it did seem to him that it was one of too great magnitude to justify them to be influenced by their passions, or by appeals to their feelings. In his opinion this debate, and the communications read that morning, were of the most extraordinary character. But they ought to act as legislators for their country. Was it not extraordinary that newspaper accounts should be produced and read in that House on a subject of so grave an import as the present? He believed, and he hoped, this was the first time such an occurrence had ever taken place. In his opinion the newspapers had been the foundation of all the difficulty. As to General Gaines, he had no confidence in him; his own letter convinced Mr. R. that that officer did not deserve confidence. He was opposed to the appropriation if, in passing it, they would be sanctioning that letter, or giving a tacit approval of the President's sanction of that letter, though he would not for a moment withhold it, if it was called for by the condition of our own frontier. If this appropriation were now passed, in the face of these communications, and the letter of General Gaines stating it to be his intention to cross the boundary line, making himself the sole judge of the cause, and the President's approval of that letter, it would be taken as a *quasi* declaration of war. He hoped the subject would be postponed, so that these papers might be printed, whereby an opportunity would be afforded for gentlemen to examine the subject for themselves. With this view he moved that the committee rise; which was lost.

Mr. WILLIAMS, of Kentucky, was in favor of making an appropriation forthwith, and for any amount necessary to protect our whole western frontier. He had no desire to hurry the country into a war; but if that tyrant, Santa Anna, should only give one reason for it—should only venture to put his foot within our border—nay, should even dare to shake his fist at us, he was for decapitating the miscreant at once. He looked upon the cause of the Texans as identical with that for which our fathers fought and bled—a struggle for freedom against the tyrannies and exactions of a blood-thirsty usurper.

Mr. GARLAND, of Louisiana, cautioned gentlemen not to go too far in their zeal for defending the frontier, and endanger it still more; to take no step, nor sanction any principle, the effect of which would be to lead to a war with Mexico, and deluge our southwestern frontier with blood. He had heard statements, both in the communications read to the House, and by the gentlemen from Tennessee, [Mr. PEYTON,] from South Carolina, [Mr. THOMPSON,] and from Kentucky, [Mr. WILLIAMS,] that he could not listen to without regret and alarm. He was surprised that statements from a newspaper, edited, it was said, by a man who was largely interested in land speculations in Texas, and in whose columns he had previously seen statements betraying a great want of knowledge of the situation of affairs in that country, or an attempt to impose upon the public, should have been gravely read from the Clerk's table of that House, and which were calculated to influence and work upon the feelings of its members. He believed the foundation of the controversy grew out of land speculations in that province, and he had also reason to believe that a large proportion of the early settlers who went to that country were opposed to it. Mr. G. then replied to the argument of his colleague, and contended that the idea of an imaginary line, or imaginary boundary, was equally new and absurd; for he contended that it was sufficiently clear and explicit in the treaty made by Mr. Poinsett, and that proclaimed during the present session of Congress. Coming from that section of country, and having lived there for thirteen years, he entered into a minute detail of the localities defined in the boundary, and denied that there was any difficulty in relation to it, or at least until lately. The position which General Gaines was required to occupy had always been understood to belong to Mexico.

Mr. MASON, of Virginia, said they must all be very sensible, as he had been from its commencement, that the controversy between the different portions of the Mexican Republic was certain to produce consequences deeply affecting our foreign relations, and involving interests, domestic and foreign, of the most absorbing character. The principles involved in the contest, the contiguity of the seat of hostility to our own border, and the character of the parties engaged, were all calculated to produce these results. He had, therefore, been most anxious to exclude from this Hall a discussion which might be very powerful for mischief, but in the present condition of that controversy could not be productive of any national benefit.

While he concurred with the gentleman from Louisiana [Mr. GARLAND] in deprecating in debate here the use of language of denunciation against the character or conduct of the chief Executive of a country with which our relations were those of amity, peace, and friendship, however he may have been elevated, or may exercise his authority towards those who are subject to it, he could not but regret that that gentleman had himself fallen into a similar error. Under the treaty of limits existing between the United States and Mexico, the western boundary of the United States is described as commencing on the Gulf of Mexico, at the mouth of the Sabine river, running on the west bank of that river to the thirty-second degree of latitude, and thence a due north line to the Red river. There are two branches of the river which fall into the Sabine lake before it enters the gulf, and it is an unsettled question which is the boundary. The gentleman from Louisiana concedes that the eastern branch, as contended by Mexico, is the true boundary; while the opinion of his colleague, [Mr. RIPLEY,] of the President of the United States, and of others possessing more accurate geographical information than he (Mr. M.) did, claim that the most western branch was the true boundary. Commissioners are now charged with the duty of running and fixing this unsettled boundary; and one of the most important duties of General Gaines was to afford protection to the commissioners in performing this duty.

It was admitted that Nacogdoches lies south of the thirty-second degree of latitude, and between the two branches of the Sabine river. If the gentleman from Louisiana [Mr. GARLAND] be correct, General Gaines is invested with a discretionary power of taking a position on the Mexican territory; but Mr. M. contended that, under the law of nations, and the existing treaties between the two countries, with the avowed and *bona fide* motives of that movement, no just cause of complaint on the part of Mexico existed.

The debate had been conducted on the gratuitous assumption, by some gentlemen, that this proposition involved a declaration of war against Mexico; while others seemed to suppose that it evinced a purpose on the part of the Executive of the United States to take the part of the people of Texas in the war in which they are engaged. Mr. M. confidently asserted that neither conclusion did justice to the Executive, or the object of the appropriation under consideration.

The great principle which lies at the foundation of our institutions is, that the people of every country have the right to adopt and administer their own form of government without interference from others. It was on this principle that we asserted and achieved our own independence. It was by the observance of this neutrality—by abstaining from the quarrels of other nations, whether foreign or domestic, that our country had secured its past prosperity, and to the same course we must look for the same results in the future. Mr. M. said that he was for abiding by these principles; and he confidently asserted that they had controlled the course of the Executive in the instructions to our military commander, which had been the subject of discussion. He had seen nothing in those instructions, or the letter of General Gaines, calculated to violate them. Mr. M. expressed the hope that the question raised by the gentleman from Massachusetts, [Mr. ADAMS,] whether the United States will recognize the independence of Texas, would not be involved in the consideration of this question. These people have asserted their rights to an independent self-government, and are now engaged in a bloody and appalling struggle to maintain it. Whether they are to succeed, time alone can decide. If they shall successfully encounter the fearful odds arrayed against them, and maintain a *de facto* government, it will be for the United States, when the event shall transpire, to determine on the relations to be established with them: a recognition of their independence, under such circumstances, will be no violation of our treaty with Mexico. But surely nothing has occurred here or elsewhere to justify a suspicion that it is the purpose of the President of the United States, or of a majority of the House of Representatives, under the existing state of affairs, to exercise this high power. The Texans have not asked it; they have too many melancholy proofs of the uncertainty of the result of their efforts, to expect us to recognize them as an independent people. When the fact

shall exist, it will be the duty of the Government of the United States to decide the question.

What, then, (asked Mr. M.,) is the question under consideration? And why have the measures been adopted which induce a call for this appropriation?

In the prosecution of a fixed policy, the United States have removed to a tract of country west of the Mississippi bordering on Texas, Indian tribes, with a population now there estimated at one hundred and sixty thousand. In the treaty with Mexico, ratified in 1831, there are mutual stipulations, binding each of the Republics to restrain by FORCE the Indians within their respective limits, from hostilities against the other. We are not only bound to protect our own frontier, but to repress the hostile movements of these powerful Indian tribes already restless and discontented, whose disposition to join in the contest it must be extremely difficult to restrain, if the country in their immediate vicinity shall, as it probably will, become the seat of war. Nothing is so well calculated to accomplish this object as the presence of a strong military force on the part of the United States. It may be said that Mexico will not complain, but may invite them to join in the conflict. Whether Mexico complains or not, it is the duty of the United States to prevent the Indians from engaging in war, because there can be no doubt of the correctness of the opinion of General Gaines, that they will, when in arms, respect no boundary, real or imaginary, and that the calamities of their hostility will be felt by our people.

A general officer of great experience and discretion, and of acknowledged bravery, charged with the duty of defending this frontier, has communicated to the War Department his apprehensions of hostile feelings and movements on the part of the Indians, and of the possible event of a violation of our territory and neutrality by the belligerents in Mexico. Orders have been given to collect a force sufficient to awe the savages into peace, and to restrain either of the contending parties in Texas from entering our territory with arms in their hands. An estimate is sent from the proper Department, asking an appropriation to furnish the means of affording this protection to our own citizens, and to enable the Executive, in good faith, to execute the treaty. It is true that General Gaines, in executing the orders of the Government given to accomplish these objects, had been authorized to advance within the territory claimed by Mexico; but the United States has notified the Mexican Government that, in taking such a position, the purpose has not been to take an adversary possession of the territory in dispute, but with the single intention of executing the treaty, and preserving our neutrality. So far from being a war measure, it is declared to be provisional and precautionary, and it is the only prudent measure by which peace is to be preserved and war prevented. The committee would observe, that in these orders both the contending parties were placed on the same footing; and that the Government, abstaining from any interference with the war between them, was determined to do equal justice to both.

Mr. M. said he did not undertake to determine whether even these precautionary measures would secure peace; but, believing them essential, whether peace is to continue or war is to be encountered, he should consider himself shamefully wanting in duty if he were not to respond to this call by placing at the command of the Executive the means of maintaining our neutrality, of protecting our soil from the aggressions of any who may be disposed to invade it, and of restraining a savage war in which our own citizens must be the greatest sufferers. He saw, in the orders to General Gaines, a clear recognition of the principle of neutrality; a disposition to do exact justice to both parties; a firm resolve to protect the American people from violence; and a faithful observance of the obligation of treaties.

Mr. UNDERWOOD was still convinced of the propriety of postponing the further consideration of this subject until Monday, at least, for he was not disposed to vote hastily on it; and if compelled to act to-day, he should feel compelled to vote against the appropriation altogether. He feared the effect of passing this bill, after the communications that had been read to-day; it would give the Mexicans reason to believe that we anticipated a war, as it would be sanctioning the conduct of General Gaines in entering their territory. He thought they should insert a declaration that the conduct of General Gaines, if he entered the Mexican borders, would be disapproved of. The gentleman from Virginia [Mr. MASON] said that General Gaines was justified in passing the border, because he did it to maintain the treaty. Santa Anna might invade the United States, and justify himself under the same pretext. For the purpose of considering the subject after more mature deliberation, he moved that the committee rise; which was lost—ayes 61, noes 96

Mr. U. then moved to amend the bill by inserting a proviso that the appropriation should not be understood as giving any sanction to any invasion, by the troops of the United States, of the territory of the United Mexican States; which was not agreed to.

Mr. McKAY then moved to amend the bill by providing that the money should be expended under the direction of the Secretary of War, according to the act of the 28th February, 1795, providing for calling forth the militia, and the act of 2d January, 1795, regulating the pay, &c., of the militia, when called into actual service.

Mr. CAMBRELENG did not know the precise effect of the amendment proposed, but presumed it was in conformity to the provisions of the act of 1795. When the bill making an appropriation for the Seminole war passed this House, the amount was to be expended according to law; that provision was stricken out, and the reference to the act of 1832 was substituted; that refers to the act of 1828, and the last to the act of 1795. If he comprehended the amendment, he saw no objection to it. While up, he would express his surprise at the extraordinary course the debate had taken. We had been discussing the question of a war with Mexico, and the Administration were charged with a design to create it; while it was manifest that they had determined, by every step they had taken in reference to this war on our border, to preserve the most rigid neutrality, and to respect the national rights of Mexico. The President had, but two days ago, sent us a communication asking for an appropriation to pay the expense of running the boundary line between this country and Mexico. We are now called upon for an appropriation to enable our Government to maintain its neutrality. Without a strong force, then, (and we ought to have had ten thousand men there before now), it will be impossible to command the respect of both parties; and, without occupying the position in the neutral territory, as proposed in a certain contingency, and without an efficient force, our neutrality can never be sustained. He was, therefore, much surprised at the remarks of the gentleman from Massachusetts [Mr. ADAMS] about a war with Mexico. We were trying to avoid one, whatever might be the event.

Mr. MASON, of Ohio, addressed the committee at some length against the bill. He denounced the whole Texan controversey to be a "humbug," and this proposition for the defense of the Southwestern frontier to be a decided humbug for the purpose of bleeding the Treasury and getting rid of the surplus revenue. He also condemned and animadverted with great severity on the conduct of General Gaines, as a mere fourth-of-July speech maker. The citizens of Texas, now engaged against Santa Anna, he described to be a set of runaways, and all men of notoriously bad characters, most of whom had fled their native country for their crimes, and to escape a halter; and the fate which some of them had met in Texas was not worse than would have fallen to their lot if they had not run away from their own country. He ridiculed the sympathy which was gotten up in behalf of the Texans. They were termed *our brethren, our unfortunate countrymen*, when their characters were such that while they were among us we would not speak to them if we met them in the streets.

Mr. BYNUM followed in reply both to the gentleman from Ohio and the gentleman from Louisiana, [Mr. GARLAND,] and reviewed the whole subject involved in the Texan controversy, and urged the necessity of providing for the defense of our own frontier. [Mr. B.'s remarks will be given at length hereafter.]

Mr. JOHNSON, of Louisiana, addressed the House in favor of the appropriation, and in the course pursued by the Executive and General Gaines.

Mr. SUTHERLAND also defended the appropriation at some length. While he was opposed to any collision with Santa Anna, yet he was in favor of having a competent number of brave troops on the frontier, which would be the best means of preventing such collision. In conclusion, he hoped the bill would be passed at once, and that means should be thus provided to meet any emergency which might occur.

Mr. GRAVES was not opposed to the passage of the bill. He concurred, however, with his colleague [Mr. UNDERWOOD] that the documents which had been read should be printed, and an opportunity afforded of examining the whole subject before any final action on it. This course was also sanctioned and approved by the chairman of the Committee of Ways and Means.

Mr. CAMBRELENG here interrupted the gentleman from Kentucky. It was true that he had acquiesced in the suggestions of the gentleman from Kentucky [Mr. UNDERWOOD] when the bill was first taken up. The debate which had since taken place had changed his opinion entirely. He had no idea, when he agreed to a postponement of the measure for a day or two, for the purpose of enabling gentlemen who desired to do so to examine the documents which had been read, that they should have a debate about a Mexican war. He was now satisfied that any further delay was unnecessary, and that the bill ought to be passed before they adjourned that day.

Mr. GRAVES was unable to perceive any good reason for the change which the gentleman avowed had taken place as to his course on this subject. He (Mr. G.) still thought that the papers which had been read, and also the additional information which had been suggested by several gentlemen, should be laid before them in a printed form, before they acted finally on this bill; and for this purpose, he moved that the committee rise.

The question being put, there appeared, from the sound, to be a majority in the negative; but a count being called for,

Mr. GRAVES modified his motion, by moving that the committee rise, and report the bill to the House.

The motion was decided to be out of order, while an amendment was pending.

Mr. SEVIER next addressed the House in favor of the bill, and in reply to the remarks of Mr. GARLAND, of Louisiana, in reference to the boundary line between the United States and Texas.

After a suggestion or two by Mr. ASHLEY, the amendment of Mr. McKAY was agreed to; when the committee rose, reported the bill to the House, and the amendment adopted in committee was concurred in.

Mr. WISE briefly assigned the reasons which would induce him to support the bill.

Mr. MASON of Ohio, explained his former remarks, in reference particularly to the terms in which he had spoken of the citizens of Texas. He believed that there were some men of great respectability residing in that province.

The question being on the third reading of the bill, Mr. MILLER asked for the yeas and nays; which were ordered; and were—

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Ash, Ashley, Bailey, Bean, Beaumont, Bell, Boon, Bouldin, Brown, Burns, Bynum, Cambreleng, Barr, Carter, Casey, Chapman, John F. H. Claiborne, Nathaniel H. Claiborne, Clark, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Deberry, Denny, Dickerson, Doubleday, Dromgoole, Dunlap, Forester, French, Fry, Philo C. Fuller, William K. Fuller, James Garland, Rice Garland, Gillet, Glascock, Granger, Grantland, Graves, Grayson, Griffin, Haley, Hiland Hall, Hamer, Hannegan, Harper, Albert G. Harrison, Hawes, Haynes, Heister, Holsey, Hopkins, Huntington, Huntsman, Ingersoll, William Jackson, Jabez Jackson, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Henry Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lay, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Lincoln, Logan, Loyall, Lyon, Abijah Mann, Job Mann,

John Y. Mason, William Mason, Moses Mason, Maury, McComas, McKay, McKeon, McLene, Miller, Milligan, Morgan, Morris, Muhlenberg, Owens, Page, Patterson, Pettigrew, Peyton, Phelps, Phillips, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Schenck, Augustine H. Shepperd, Shields, Shinn, Sickles, Spangler, Standefer, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Waddy Thompson, Toucey, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, White, Elisha Whittlesey, Thomas T. Whittlesey, and Wise—146.

NAYS—Messrs. Hazeltine, Love, and Potts—3.

The bill was then passed, and, at a quarter before seven, p. m., the House adjourned.

IN SENATE.

MONDAY, *May* 9, 1836.

The CHAIR communicated a report from the Secretary of the Treasury relative to the accounts of John Brohan, late receiver of public moneys.

Also, a report from the Postmaster General, in reply to a resolution of the Senate relative to the compensation of the clerks employed in that office.

Mr. WEBSTER, from the Committee on Finance, reported the bill from the House making appropriations for the support of the Army for the year 1836, with two amendments, which were read and agreed to; and the bill was ordered to be engrossed for a third reading.

MESSAGE FROM THE HOUSE.

The message from the House of Representatives, stating its disagreement to the amendment of the Senate relative to the compensation of the judge of the middle district of Florida, was considered, and the Senate receded from its amendment.

The message from the House, with the amendments to the bill passed by the Senate for the relief of the corporate cities of the District of Columbia, was considered; and,

On motion of Mr. KING, of Alabama, the bill and amendments were referred to the Committee on the District of Columbia.

DEFENSE OF THE WESTERN FRONTIER.

The bill from the House making appropriations for the defense of the western frontier was read twice, and referred.

REPORTS FROM COMMITTEES.

Mr. CLAYTON, from the Committee on the Judiciary, to whom had been referred the memorial of the Legislature of Missouri, on the subject of the northern boundary of that State, made a report thereon, accompanied by a bill; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Revolutionary Claims, made unfavorable reports on the petitions of the heirs of William Chew, and the heirs of James Mann.

Mr. H., from the same committee, reported a bill for the relief of Benjamin J. Porter; which was read, and ordered to a second reading.

PETITIONS, MEMORIALS, ETC.

Petitions were presented by Messrs. WHITE, HUBBARD, GOLDSBOROUGH, and TOMLINSON.

Mr. PRESTON presented the petition of a number of the citizens of Philadelphia on the subject of the affairs of Texas, and praying Congress to acknowledge the independence of that country.

Mr. P. said he had received a memorial from citizens of Philadelphia, in favor of those who were struggling in Texas for liberty, and recommending to Congress an early recognition of their independence. He was not at all surprised that the sympathies of our citizens should be aroused; and it would be very strange if we, who had a fresh and vigorous recollection of the events of our own country, should not have a warm emotion for struggles for liberty in every country. An appeal had been mude to us in every quarter, where struggles had been made, and had called forth our deepest sympathies. A few years since, when a most desperate effort was made by a small community in the center of Europe, and when, from its unequal chances, its efforts were certain to be crushed, our most active sympathies were elicited. He meant the unfortunate Poles. He regarded these feelings as honorable to our national character. It was not surprising, then, that our fellow-citizens, in the case of Texas, had regarded the struggle there with the deepest solicitude. Those who were waging that war professed the same religion, the same principles, and talked the same language we did, and were struggling against a greatly disproportionate power. In this province, lying immediately on our southwestern frontier, were citizens of our own country, seduced to go there under a liberal promise of lands; and when they came there, the republic was overthrown, and a usurper seized upon the Government with the broken fragments of the republican constitution in his hands, and was waging a war at once of Abolition and Catholicism, and crushing those who, under all kinds of guarantees for civil liberty, had been induced to migrate there. Mr. P. spoke of the inhuman massacre of a number of brave individuals, who were swept off at one blow from the ruthless hand of the usurper, in violation of the rules of war among civilized nations. He believed there was no portion of the United States that had not been agitated, and deeply aroused by those tragical events. Scarcely anything of public note had, in his connection with public affairs, so deeply affected him; and his hopes were that the standard of liberty that had there been raised, would yet triumph over the barbarity of the usurper. They were not to exhibit to the world any highly excited sensibility of feeling, but a high and determined sence of justice. He did not intend to transcend the duties the laws of nations imposed on us; but he had heard that Santa Anna had threatened to cross the Sabine and plant his standard on the walls of the Capitol at Washington; and such expressions showed the disposition of the man, whether he was determined to cross over into the territory of the United States, or intended to impose upon the ignorance of his followers in exhorting them to carry on the war. But upon the slightest movement of Santa Anna, either in crossing the line or in coalescing with the Indians to harass our frontier, he trusted in God we should be prepared to crush him and his followers at a blow. As the matter might assume a character that would give rise to a discussion at length, and as they could take no measures at this stage of it, he would, for the present, move that the memorial be read, and laid on the table.

Mr. WEBSTER concurred, generally, with what had been said by the Senator from South Carolina. The sympathy expressed by him in favor of the Texans was natural, and was no doubt pervading the whole country. He agreed with the gentleman that in the present state of things it was not necessary for Congress to do anything but to put the country in a state of preparation. Beyond that he was opposed to any measures whatever. In one respect he differed with the Senator from South Carolina. Whatever opinions he might form with respect to the manner in which this war was waged in Texas, he could not forget that we were on terms of peace, and had treaty stipulations with the Government of Mexico, constituted and organized as it was at this time. He could not forget that they, themselves, as component parts of this Government, had advised and consented to the entering into a treaty with Santa Anna, and that, therefore, epithets and terms of reprobation applied to him on this floor were out of place. With respect to the state of things in Texas, he would say nothing; he was desirous of hoping for the best, and preparing for the worst; but he could not think it proper to suppose a case of aggression on the part of Santa Anna, and then say how he would act to repel it.

With respect to the language said to have been used by Santa Anna, he could not attach any importance to it. All saw how very ridiculous it was, and that it was hardly possible for a person of common understanding to have formed such a design as that imputed to him. Agreeing with the gentleman from South Carolina in the most of what he said, and reserving what he had further to say as to the defenses of the frontiers till the defense bill came up, all he would now say was that, considering the terms we were on with the Mexican Government, he did not feel himself at liberty to use terms of reproach towards the head of that Government. He would go for the peace of the United States, while he would go for her just rights to the fullest extent.

Mr. PRESTON said, in thinking over this matter, he endeavored to restrain his feelings, but it was almost impossible to measure one's line, in a matter of this kind, by language of a diplomatic character. While the honorable Senator [Mr. WEBSTER] desired peace, he (Mr. P.) was not disposed to throw any obstacle in the way of preserving it. He must, however, as a citizen of the Republic of America, express himself in relation to the recent events in Texas in the strongest terms of condemnation; and if such feelings, which the occasion so imperiously called forth, should burst out in despite of all restraint, it was not surprising. He defied any one to control his impulses on such an occasion within the limits of cold diplomatic language. We had recognized diplomatic relations with Mexico under a Government *de facto*. A Government by whom? and when established? and what sort of a Government? Was it a Government so long established that it had grown old in the affections of the people? It was a Government formed on the ruins of a republican constitution. Our policy had been to recognize Governments *de facto*, no matter who were at the head of them; and it was true that we had recognized the Government of Santa Anna as a Government *de facto*, and he was not disposed to disturb those relations as long as they existed. We had treated with him, and gained by the treaty some acquisition of territory; and a further treaty was now under negotiation. But, nevertheless, the existence of things was such on our southwestern frontier, that we should be prepared to meet the next menacing step that might be taken. The war was now raging along the line of that frontier by a mixed, heterogeneous, and ferocious force, commanded by an officer of some talent. He would forbear involving the country in a war; and as they were called on here to forbear an expression of their high and indignant feelings at the cruelty and dishonorable conduct of the forces under Santa Anna, he would content himself by moving that the petition be printed.

Mr. PORTER said he should like to know the authority on which the Senator from South Carolina stated that Santa Anna had used the language, in reference to this country, attributed to him. If true, it must excite very serious consideration in those coming from his section of the country; but this report, like many others, might rest on very slight foundations; or the person giving the information might have been misinformed.

Mr. PRESTON said he relied with great caution on reports with regard to the events in Texas or Mexico. He was very much disposed to believe that we had, within the last twenty-four hours, received a correct contradiction of a report that had made his blood run cold; but with respect to the information asked of him by the Senator from Louisiana, it would have been better had the gentleman permitted it to go abroad on his own authority. He would, however, now say to him, that the information came in a letter addressed to one of the members of that body, the Senator from Mississippi, [Mr. WALKER,] by a gentleman of the highest respectability now in Mexico.

Mr. WALKER said, that as the fact stated by the Senator from South Carolina, [Mr. PRESTON,] in regard to the letter in question, had been doubted by the Senator from Louisiana, [Mr. PORTER,] he would say that such a letter had been received by him; that he had shown this letter to many Senators, who had no doubt communicated its contents to the Senator from South Carolina, [Mr. PRESTON;] that every Senator was at perfect liberty to read the letter, but that a perusal of it would show the impropriety of giving the name of the writer to the public. The writer was, however, well known to him, [Mr. WALKER,] and to many Senators, and was a most honorable and estimable gentleman, wholly unconnected with the difficulties in Texas; and no doubt every word contained in the letter was strictly true. Here Mr. W. produced the letter, which was from Mexico, under date of the 26th of March last, and read from it an extract which stated that Santa Anna, just before starting to Texas, had stated to the British and French Ministers, *that he would drive the Texans across the Red river, and into the territories of the United States; and that, if the*

Texans were protected there, he would drive them to Washington, and burn it too, as the British once had done; and that he would strip the laurels from General Jackson's brow; that he would identify the United States with this Texas affair.

Mr. W. said there were many other extraordinary facts contained in the letter; that the Senator from Louisiana [Mr. PORTER] might inspect the letter; but that to publish it all, or the writer's name, would be manifestly improper, and indeed highly dangerous. And who (said Mr. W.) is this Santa Anna that has made this threat? It is, sir, the Mexican Government, for Santa Anna is the Government. He has destroyed the Government, and substituted in its place a central despotism. The army and bayonets of Santa Anna are now the Government, and such a Government as never had a precedent; a Government compared with which that of the tomahawk and scalping-knife were mild and merciful! And would apologies for this blood-stained tyrant and usurper be offered by any American Senator? Were we to be told that we must speak of Santa Anna in terms of mildness and respect? Mr. W. said he had spoken of him, and would speak of him, as he deserved—as a monster unworthy the name of man. And whilst this Mexican usurper is threatening a war of extermination and indiscriminate massacre upon our frontiers, are we coldly debating whether we shall defend the country or not? One word as regards the much abused people of Texas. They were not rebels; Santa Anna was the rebel. It might be that he was in Mexico a successful rebel; time would determine; but still he was a rebel—a rebel against the federal constitution of Mexico, which he had prostrated by the bayonets of a brutal soldiery; and that it was only when this constitution was overthrown — when its wrecks and fragments were scattered over the Mexican empire—and when the surges of despotism were rolling onward to ingulf the liberties of Texas—then, and then only, had the people of Texas declared their independence; and however unequal the conflict might be, Mr. W. did not doubt but that they would be successful.

Mr. PORTER observed that he was no apologist for Santa Anna; indeed, he had heard no apology for him on that floor, as the Senator from Mississippi seemed to have done. As to going to war with any Government whose institutions we did not like, or because they were oppressors and despots, the idea was absurd. He should like to know in what sort of a situation we should be placed, if we entered into such quixotic contests. Despots predominated all over the world, and we had treaties with many of them. We had treaties with the Sublime Porte; with the Barbary Powers; and, as the gentleman from Virginia near him observed, they had treaties with the Autocrat of all the Russias. We had arrangements with all these Powers; and yet they heard nothing about them like the language that had been used in reference to Santa Anna. He should like to know what was the use of this abuse, unless it was to excite in our people those feelings which the Senator from South Carolina said he found so difficult to restrain. He had as strong a sympathy for the people of Texas, as strong a feeling for human rights, and as much hatred of cruelty and oppression, as any man; but he was not prepared to go over the world expending our blood and treasure to succor the oppressed. We should end (said Mr. P.) by leaving them where they are, while we should be much worse off than when we began. It was in vain to indulge in such feelings—we could do no good by it, and we might involve ourselves in difficulties with a foreign Power. The Senator from Mississippi said that he could not give the name of the author of this letter, but that he was a man of the highest respectability. He had seen too much of the world to attach any credence to reports of this kind. He did not question the veracity of the writer, though he believed that he did not get his information from a correct source. The idea was too ridiculous, that Santa Anna should march one thousand eight hundred miles from the banks of the Sabine, to plant his banners on this Capitol, and tear the laurels from the brow of General Jackson. The idea was so ridiculous, that gentlemen there could not hear the letter read without laughter. And this, too, was the man who was said to be a man of genius, and who had successfully usurped the Government of his country. He had nothing to do with Santa Anna. As a man, and as a free citizen of a free Government, he regretted his sanguinary conduct in Texas; but he would not compromit the peace and neutrality of the country.

Mr WALKER stated that he had not said that any Senator *had* apologized for Santa Anna; he had only expressed a hope that no such apology would be offered; that the writer of the letter from which he had read an extract, vouched for the statements and threats made by Santa Anna; and that the facts were also confirmed from other sources; that every Senator might peruse the letter for himself; but that the name of the writer must not be published. Mr. W. said he should not have read any part of the letter to the Senate, but for the call made by the Senator from South Carolina, [Mr. PRESTON,] and the doubts expressed by the Senator from Louisiana, [Mr. PORTER.] These doubts, however, would disappear upon a perusal of the letter.

Mr. BROWN regretted very much to hear expressions that had been used in the course of the debate, calculated, in his opinion, to stimulate feelings in the people of this country already sufficiently excited, and to encourage feelings of hostility against a nation with which we are at peace. He protested, for one, against entering into a crusade to regulate the internal concerns of any nation; he protested against any acts, or the expression of any feelings, calculated to involve us in a war with the Government of Mexico. He could attach no importance to the expressions said to have been used by Santa Anna with regard to this country; for, coming in the way it did, we could not, consistently with what was due to ourselves, notice it. When Santa Anna himself thought proper to address to this Government, through his diplomatic agents, or promulgate to the world officially, threats of the nature alluded to by the Senator from South Carolina, he should then be ready to resent them; but, coming in the shape these expressions have done, they were unworthy of our notice, and ought not to influence our judgments. They all knew how common it was, in the city of Washington, to hear of extraordinary declarations attributed to distinguished individuals, and how little credence was to be attached to them. He did not intend (he said) to question the veracity of the author of the letter; but he could not avoid questioning the correctness of his information

But the gentleman from South Carolina had invoked them in the name of liberty to act in favor of Texas, (not at this time, for he considers it premature,) but when the proper time should arrive. Was the honorable gentleman very certain that they would favor liberty by engaging in war in behalf of Texas? What had these Texans done to require that we should embroil ourselves in a war with a country with whom we were on terms of peace, in order to favor their cause? They had gone from a land of liberty to a land of despotism; they had cut asunder the ties which bound them to the freest and happiest country on earth, and although they had our sympathies, they had voluntarily relinquished all claims to our support.

But it was said that Santa Anna had overthrown the Republic of Mexico, trampled on the constitution, and established a despotism; and that, therefore, we should support the Texans. We were (said Mr. B.) the last people on earth who should meddle with the internal concerns of another nation. If there was any one principle of national law more sacred than another, it was that one nation ought not to interfere with the internal policy of its neighbor. If we set him the example, Santa Anna might take it into his head, or another foreign Government might do so, that we were in need of reformation; that our institutions were not such as conformed to their opinions; and we might have a war on our hands brought on us by the very example we had set. He was utterly opposed to anything of the kind. What, (said Mr. B.,) shall we become propagandists? Shall we have scenes here at this capital such as were witnessed at Paris in the French revolution when individuals representing every country in Europe appeared before the National Assembly, and called on them to liberate them from their oppressors? Shall we have another Anacharsis Cloots preaching a crusade in favor of the oppressed all over the world? We were now (said Mr. B.) in a state of peace and unexampled prosperity, and should we pursue any course calculated to jeopard that peace and impair our prosperity?

He thought it due to the importance of the subject to throw out these few observations; he viewed the subject as pregnant with important consequences, and considered that our best interests depended upon pursuing a prudent and cautious course.

Mr. MOORE could not conceive how the Senator from North Carolina [Mr. BROWN] saw any proposition there to interfere with Santa Anna's Government. The gentleman seemed to have mistaken the question before the Senate. He regretted to see the disposition evident in many gentlemen to give petitions of this nature the go-by—a measure they were not disposed to mete out to abolition petitions, for when their reception was objected to gentlemen talked about violations of the Constitution. They were told that they must not use harsh epithets towards Santa Anna; gentlemen would excuse him if he did not choose to be so delicate in his language towards that blood-thirsty despot. Who was Santa Anna that they must not speak of him in the terms that he deserved? Was he not more ferocious and cruel than the most savage Camanche that roamed the prairies? Had he not violated the most solemn pledges, and shed blood without pity and without remorse? These Texans, for whom our sympathies were excited, were our countrymen and kindred; had gone to Texas from the purest and noblest of motives; and he rejoiced to hear the eloquent Senator from South Carolina speak of them as he did. He was himself opposed to doing anything that would compromit the neutrality of this country; but he could not see how the printing of the memorial, or expressions of gentlemen on that floor, could have that effect.

Mr. BUCHANAN said he had received several memorials from the city of Philadelphia of the same character as those which had been presented by the Senator from South Carolina, [Mr. PRESTON.] He had intended to present them this morning to the Senate, but was prevented from doing so at the proper moment by an accidental circumstance. It was also his intention to have accompanied their presentation by some remarks. These he thought best to offer now, rather than to wait until to-morrow, and then become instrumental in getting up another debate.

These memorials asked Congress "to recognize the independence of Texas, and at such time, and in such manner as may be deemed proper, to interpose to terminate the conflict which now rages in that country."

In some remarks which he had submitted to the Senate a few days since, and which, like all other proceedings in this body, had been much misrepresented abroad, he had indulged the feelings of a man and an American citizen. What he then had uttered were the sentiments of his heart in relation to the existing struggle in Texas. But when he was called on as a Senator to recognize the independence of that country, he thought it prudent to refer back to the conduct of our ancestors, when placed in similar circumstances, and to derive lessons of wisdom from their example. If there was any one principle of our public policy which had been well settled—one which had been acted upon by every Administration, and which had met the approbation not only of this country, but of every civilized Government with which we have intercourse, it was, that we should never interfere in the domestic concerns of other nations. Recognizing in the people of every nation the absolute right to adopt such forms of government as they thought proper, we had always preserved the strictest neutrality between the parties, in every country, while engaged in civil war. We had left all nations perfectly free, so far as we were concerned, to establish, to maintain, or to change their forms of government, according to their own sovereign will and pleasure. It would indeed be surprising, and more than that, it would be unnatural, if the sympathies of the American people should not be deeply, earnestly enlisted

in favor of those who drew the sword for liberty throughout the world, no matter where it was raised to strike. Beyond this we had never proceeded.

The peaceful influence of our example upon other nations was much greater—the cause of free government, was thus more efficiently promoted than if we should waste the blood and treasure of the people of the United States in foreign wars waged even to maintain the sacred cause of liberty. The world must be persuaded; it could not be conquered. Besides, (said Mr. B.,) we can never, with any proper regard for the welfare of our constituents, devote their energies and their resources to the cause of planting and sustaining free institutions among the people of other nations.

Acting upon these principles, we had always recognized existing Governments *de facto*, whether they were constitutional or despotic. We had the same amicable relations with despotisms as with free Governments; because we had no right to quarrel with the people of any nation on account of the form of government which they might think proper to adopt or to sanction. It was their affair, not ours. We would not tolerate such interference from abroad; and we ought to demean ourselves towards foreign nations as we should require them to act towards ourselves.

A very striking illustration of this principle had been presented, during the present Administration, in the case of Portugal. We recognized Don Miguel's Government, because he was *de facto* in possession of the throne, apparently with the consent of the Portuguese people. In this respect, Mr. B. believed, we stood alone, or nearly alone, among the nations of the earth. When he was expelled from that country, and the present Queen seemed to be firmly seated upon the throne, we had no difficulty, pursuing our established policy, in recognizing her Government.

A still more striking case, and one to the very point in question, had occurred during Mr. Monroe's administration. The Spanish provinces, throughout the whole continent of America, had raised the standard of rebellion against the King of Spain. They were struggling for liberty against oppression. The feelings of the American people were devotedly enlisted in their favor. Our ardent wishes and our prayers for their success continued throughout the whole long and bloody conflict. But we took no other part in their cause; and we rendered them no assistance, except the strong moral influence exerted over the world by our well-known feelings and opinions in their favor. When (said Mr. B.) did we recognize their independence? Not till they had achieved it by their arms; not until the contest was over, and victory had perched upon their banners; not until the good fight had been fought and won. We then led the van in acknowledging their independence. But until they were independent in fact, we resisted every effort, and every eloquent appeal which was made in their behalf, to induce us to depart from the settled policy of the country. When the fact of their actual independence was established, then, and not till then, did we acknowledge it.

He would rejoice should similar success attend the arms of the Texans. He trusted they would yet conquer their independence against the myrmidons of Santa Anna. In that event, there was no man in the country who would vote more cheerfully to recognize it than himself. Until that time should arrive, he must continue to act upon the firmly-established principles which had been our guide for nearly half a century.

Mr. B. believed that no President of the United States had ever been more strongly convinced of the necessity of maintaining this principle inviolate than General Jackson. His whole conduct toward foreign Governments had made this manifest. Whilst (said Mr. B.) he requires justice from all, he treats all with justice. In his annual message, at the commencement of the present session, he informed Congress that instructions had been given to the district attorneys of the United States to prosecute all persons who might attempt to violate our neutrality in the civil war between Mexico and Texas. He also stated that he had apprised the Government of Mexico that we should require the integrity of our territory to be scrupulously respected by both parties. He thus declared to the world not only that we had determined to be neutral between the parties, but that our neutrality must be respected by both. This affords abundant evidence of his disposition neither to interfere with the internal concerns of other nations, nor to submit to any violation of the law of nations by them. Mr. B. entertained not a doubt that the line of conduct which he had marked out for himself in the beginning, he would pursue until the end, so far as the executive Government was concerned.

It was obviously necessary to concentrate a strong military force on the confines of Texas, not only to enforce our neutrality, but to protect the lives and property of our fellow-citizens. This had been done; but the commanding general had been strictly prohibited from acting except on the defensive.

Such a force was absolutely necessary to preserve inviolate our treaty with Mexico. Under it, we were bound to maintain peace among the Indian nations along the frontier of the two countries, and to restrain the Indians within our territory, by force if that should become necessary, from making war upon Mexico. This obligation was reciprocal, and bound both parties. If the Indians from Texas should be let slip upon our frontier—if they, or Santa Anna, or any other power, should attempt to invade our territory, then every American would say, repel force by force, and return blow for blow. Our cause and our quarrel would then be just.

But (said Mr. B.) let us not, by departing from our settled policy, give rise to the suspicion that we have got up this war for the purpose of wresting Texas from those to whom, under the faith of treaties, it justly belongs. Since the treaty with Spain of 1819, there could no longer be any doubt that this province was a part of Mexico. He was sorry for it; but such was the undeniable fact. Let us then follow the course which we had pursued, under similar circumstances, in all other cases.

Mr. B. said his blood boiled whilst contemplating the cruelties and the barbarities which were said to have been committed by the Mexicans in this contest. The heart sickened and revolted at such a spectacle. But, as an American Senator, he could give the Texans nothing except his prayers and his good wishes.

Mr. SHEPLEY was opposed to the printing of the memorial. He would do nothing that would give the least countenance to the objects contemplated by these memorialists, which were neither more nor less than that they should interfere in the affairs of Texas. Nor was the Senate prepared to compromise the neutrality of the country by taking part in the struggle going on there. Why print these memorials, unless it was proposed to circulate them, either for the purpose of further inflaming the public mind on the subject, or acting on them there? He was not prepared to propagate these opinions; and the very allusion to the expressions of Santa Anna made on that floor would convey abroad erroneous impressions. He did not understand the letter as saying that Santa Anna would come here, but that he would do so and tear the laurels from the brow of General Jackson in case we should be the first aggressors. We had no occasion for war, and our sympathies in favor of Texas ought not to be excited for that purpose. He sympathized with the people of Spain, suffering from a most sanguinary state of warfare; he felt a sympathy for the oppressed all over the world; but he had no idea of sacrificing the peace of the country. He hoped that the printing of the memorials would not be ordered; for it would be like giving countenance to the objects of the memorialists.

Mr. WEBSTER submitted to the Senate, whether the motion to print the memorial had not better be adopted, because the citizens who signed it were respectable, and the omission of it might seem to be a sort of disrespect to the petitioners; and, as printing was so much a matter of course, no improper construction, he thought, could be put upon it. He had heard nobody on this floor making an apology for the commander of the forces in Mexico, and did not wish any erroneous impressions to go abroad that any one here was the apologist of the dishonorable conduct and cruelty displayed in violating the rules of war in Texas. He hoped the Senator from Maine would make no particular opposition to printing the memorial.

The memorial was then laid on the table, and ordered to be printed.

REMOVAL OF INDIANS.

The resolution submitted by Mr. WEBSTER, calling on the War Department for information as to contracts for the removal of Indians, was agreed to.

SERVICES OF VOLUNTEERS.

On motion of Mr. BENTON, the bill authorizing the President to accept the service of volunteers was taken up; and, after a discussion on the amendment relative to the manner in which the officers shall be appointed, in which Messrs. BENTON, PRESTON, LEIGH, KNIGHT, CRITTENDEN, and WEBSTER, took part,

Mr. SWIFT moved to recommit the bill to the Committee on Military Affairs.

Mr. NICHOLAS moved to amend the motion of Mr. SWIFT, by instructing the committee to bring in a bill to place the military peace establishment on the footing that it was in 1815.

On taking the question, the motion of Mr. NICHOLAS was lost; and the motion of Mr. SWIFT was adopted.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 9, 1836.

Mr. EVERETT, by leave, submitted the following resolution; which, under the rule, lies one day:

Resolved, That the President of the United States be requested to communicate to this House, if, in his opinion, it shall not be incompatible with the public interest, the instructions which have been transmitted from time to time since the 1st day of January, 1835, to the representative of the United States at the Government of Mexico, relative to the boundaries between the two nations, and relative to the setting on foot military expeditions by citizens of the United States against the Mexican province of Texas; and relative to the military occupation or contemplated occupation, under the authority of the President, of any post or place within the said province of Texas; and all correspondence and communications which have passed at Washington or at Mexico, between the two Governments, respecting the same; and all information in possession of the Executive respecting the same; and also, that the President be requested to communicate to this House all orders and instructions issued to the military or other officers of the United States or of the States, relative to the defense of the western frontier; and all correspondence between them and the Government respecting the same.

PROCEEDS OF THE PUBLIC LANDS.

The House resumed the consideration of the motion heretofore submitted by Mr. WILLIAMS, of Kentucky, to refer to the Committee of Ways and Means, with instructions, a preamble and resolutions of the Legislature of Kentucky on the subject of the public lands.

Mr. WILLIAMS modified his motion by proposing to refer said preamble and resolutions to the Committee of Ways and Means, with instructions to report a bill distributing the proceeds of the sales of the public lands among the several States according to their Federal population, to be applied to such objects and for such purposes as the Legislatures of the States respectively shall determine.

Mr. W. rose to address the House; when

Mr. GRAVES requested him to give way for a moment to enable him to make a remark or two personal to himself, in reply to an attack made upon him in the Globe this morning.

Mr. WILLIAMS would yield the floor for that purpose.

Mr. BOON protested against the practice of one member yielding the floor from time to time to another, and afterwards claiming it as a matter of right. If the gentleman from Kentucky, entitled to the floor, again yielded it, he would contest his right to it, until other members, who chose to, had addressed the House.

Mr. WILLIAMS would not give way if the gentleman from Indiana objected.

Mr. GRAVES would not press his request, if it would be the means of depriving his colleague of the floor. It was the first time, he believed, that any objection had been made, where a member had asked the consent of the House to make a statement personal to himself.

The CHAIR said, if the gentleman from Kentucky [Mr. WILLIAMS] declined yielding the floor, he would proceed with his remarks on the subject before the House.

Mr. WILLIAMS then proceeded to address the House on the subject of the instructions moved by him to the Committee of Ways and Means; and in reply to such of the arguments of his colleague [Mr. HAWES] as he considered; for he contended that the principal part of his colleague's speech was made up of broad denunciations, without the shadow of truth to support them.

He contended that the request from the Legislature of Kentucky was an expression of public opinion, and ought to be received as such; and hoped his colleague would receive that expression now, as he had contended it should have been heretofore received. His colleague had charged the Legislature of his State with having acted in bad faith, and for political effect, in relation to this measure. Mr. W. repelled that charge. He had more confidence in the Legislature of his State than to suppose they would act in bad faith on so important a subject as the present. He contended that they had acted in good faith, and agreeable to the wishes of the people of Kentucky, who felt a deep and abiding interest on this subject. With respect to the assertion of his colleague, that there were only four representatives of the people of Kentucky on that floor, and that there were nine who were not the representatives of the people, he would say that his (Mr. W.'s) constituents were decidedly in favor of a distribution of the proceeds of the public lands. Mr. W. said, as his colleague had boasted of having always acted in conformity to the will of his constituents, he would ask him whose representative he was on the memorable occasion of the passage of the bill, commonly called the force bill? His colleague's name (he said) would be found in a very lean minority voting against that measure, which measure was concurred in by ninety-nine out of a hundred of the people of Kentucky. His colleague had said that he never would vote for a measure which would bring his constituents to ask or receive money of the General Government. Now, Mr. W. thought it rather extraordinary that his colleague would not vote for a proposition allowing his constituents to receive what they were entitled to. Mr. W.'s constituents did demand the passage of the bill, and they demanded it as a matter of right. But his colleague had said, Would you have the people, who are masters, ask of the representatives, their servants, to give them this? Why, Mr. W. had always considered the relation of master and servant to be such, that the master had the right to ask his servant to give him that which he was entitled to; but his colleague had reversed the nature of things. His colleague had also said if this bill did pass, that it would take the whole of that portion of the money which would go to Kentucky to educate the children in his district. Mr. W. thought it a singular kind of argument, that because there would not be enough of money to educate all the children in a State, therefore it should not be allowed to receive anything for purposes of education. But he said that his proposition went to distribute the proceeds of the sales of public lands, not for a limited time, but while there were lands in the market. He said we had now arrived at a period of unusual prosperity; a period which to a certain extent, was to fix the policy and future destiny of the country. The country had reached a height of prosperity which few governments had ever reached at so early an age. He said we were now out of debt—had paid off the debts which we had incurred during our struggles for liberty; we had paid off, and were still paying off, those who had rendered service in days of trial; and notwithstanding all that, we had an overflowing Treasury, which was increasing with a rapidity heretofore unknown. Ought they not, then, to fix upon some plan for disposing of this money? There were different means of disposing of it. Some were for preparing the country for defense in time of war, by increasing the Navy, building up of fortifications, &c. He would go as far as any member on that floor to put the country in a condition for ample and complete defense; he would go as far as the furthest in increasing the Navy; but he was opposed to a system of fortifying the whole seacoast. He pronounced it impracticable; they never could put the whole Atlantic coast under fortification. He was in favor of having certain points fortified, and to have navy-yards protected; but he contended that the most effective way of preparing for war was by railroads, canals, and improving the navigation of water-courses. By that means, in a short time, any number of men, and any amount of munitions of war, might be brought to a certain point. He considered this much more efficient than to fortify the whole seacoast.

He was opposed to the public treasure remaining in the deposit banks. He did not, however, pretend to say that they were unsafe. The presses of one political party said they were unsafe, while those of the other pronounced them safe. He would not pretend to decide that point; but whether it was in the vaults of the deposit banks, or in those of the United States Bank, still he would be for removing it and returning it to the pockets of the people. The mere question of the money being safe or unsafe, ought not to influence the vote of a single man. If the money was unsafe, the bill could not make it safe. The money should be returned to the people in the same proportion in which it was taken from them. Another reason why the money should not remain in the vaults of the banks was, that it was leaving too much power and influence in the hands of those who had charge of the money. It was the duty of the Representatives of the people to remove temptation from the President and Secretary of the Treasury. However patriotic and honorable the present President might be, it was unknown who was to be his successor. Let who would be his successor—whether it was to be Martin Van Buren, Hugh L. White, or William H. Harrison, still he would put the money out of their reach, because there might arrive a time when the money would be grasped to perpetuate a continuance in the office of President for life. It was the duty, therefore, of the representatives of the people to remove as far as possible all temptation from the officers of the Government. Some (Mr. W. said) had constitutional objections to this measure of distribution. He would only say upon that subject that he, for one, had no constitutional scruples. He did not believe that the framers of the Constitution ever intended that money should be collected to be hoarded up by the Government in all time to come. Mr. W. then argued that they had the right to distribute the proceeds of the sales of public lands; and asserted that although Kentucky had paid in her proportion to the public Treasury, yet she had never received the first dollar from the Treasury, while millions had been expended in other States.

Mr. TOUCEY obtained the floor; but gave way to

Mr. JOHNSON, of Tennessee, who submitted a motion to postpone the subject before the House, and also other debatable petitions upon the Speaker's table, until Monday next, and that the rules be suspended for the purpose of calling on States for petitions which should give rise to no debate. Mr. J. subsequently withdrew the motion.

Mr. TOUCEY being entitled to the floor, but preferring to postpone his remarks until another day, he yielded the floor to

Mr. BOON, who addressed the House on the subjects embraced in the motion of the gentleman from Kentucky, [Mr. WILLIAMS.] As it had become the fashion now not to speak to the subject before the House, he hoped he would be pardoned if he should make a small digression from the subject under consideration. The gentleman from Kentucky [Mr. ALLEN] had, some time ago, congratulated himself and the country in having had an opportunity, after a session of three months, to discuss this proposition; and he commenced to discuss it by reading extracts of letters and documents to show that Andrew Jackson had not pursued the same course in his administration which he had previously recommended to Mr. Monroe. Mr. B. said, about the close of Mr. Monroe's administration, the country was divided into four great political parties. Those four parties were, after the election of a President by the House of Representatives, reduced to two—the Adams and Jackson party. It was then that war was commenced between the ins and the outs.

After General Jackson was elected, he found himself surrounded by men in office who were hostile to him, and it was necessary for him to make a change; and in consequence of that change, the cry of proscription had been rung over the land ever since he came into office. But Mr. B. would ask where this proscription commenced? He would say in his place, without the fear of contradiction, that the first work of proscription, since the days of Mr. Jefferson, was by that Administration which preceded the present, of which Mr. CLAY had been a prominent member; which proscription was the taking of the publishing of the laws from editors who had opposed that Administration, and giving them to the friends of that Administration. That was the gentleman who, he understood, had said, "Give us patronage, and we will make ourselves popular." There was an editor in Vincennes, Indiana, who was, and still continued to be, a friend of the present Administration, who had published the laws in consequence of his central position. Mr. B. again recommended this editor to the then Secretary of State; but he discovered that the printer was to be changed, because he was not a friend of the Administration; and there is where the work of proscription commenced. But, if this work of proscription had been carried on in Indiana, he contended they would have had a Jackson Legislature. Mr. B. said there had been a great deal said about collar-men, and some gentlemen had taken occasion to say that they were not collar-men; but he had the gratification to say that he was a collar-man. He wore the collar of principle, and belonged to that party, whether it was fortunate or unfortunate, which professed to act upon principle. He hoped they would not hear so many charges of party tactics, because every individual who was capable of discernment, must see that those opposed to the present Administration were just as full of proscription, not only in feeling, but in acts, as any party could be. They would proscribe members of Congress, members of the Legislature, and Martin Van Buren himself, if they had the power of doing so. They had attempted five times to proscribe Mr. B., and on one occasion, had succeeded by one single vote.

Much had been said upon the subject before the House, and many tricks had been played off in various places. He did not believe there was any surplus to distribute. By a reference it would be seen that there were in the deposit banks on the first of April about thirty-one millions of dollars. There were bills reported to Congress during the present session, making appropriations of upwards of twenty-seven millions of dollars; and they would be called upon for about six and a half millions for the fulfillment of Indian treaties, being a sum of upwards of two millions of dollars over and above the amount in the deposit banks. Then if these statements were correct, this matter of passing a bill for the distribution of the public revenue was a perfect political humbug. The question was not to be whether the people would consent to a distribution of the public revenue, but whether they would consent to have drawn from their pockets more money than was necessary to carry on the operations of the Government. The effect of the bill then would be to raise taxes, instead of to distribute the surplus revenue; and he would ask gentlemen if the money would be returned to the people in the same ratio in which it was collected? Mr. B. was opposed to the system of selling the public lands, which would throw them into the hands of speculators and land jobbers. But give us (said Mr. B.) a reduction of the price of the public lands, and the new States will receive actual settlers instead of land speculators; and then they would make their own roads and canals, and make their own improvements. He would let the money rest in the pockets of the people, and would advocate no measure which would have a tendency to increase taxation, as this bill assuredly would, if the estimates he had referred to were correct. He would have no surplus to distribute; and if it was likely to increase, he would lower taxes and duties, such as could be, so as

to let the people retain their money in their own pockets, to be used as they may see fit.

Mr. LINCOLN moved to take up the joint resolution from the Senate, "to authorize the Secretary of War to receive additional evidence in support of the claims of Massachusetts for disbursements, services, &c., during the late war."

Mr. McKIM objected. This day was set apart (at least until one o'clock) for the presentation of petitions. No opportunity had been afforded for the last three weeks to present petitions; and he had in his possession one which he desired to have referred.

Mr. WARD hoped that the gentleman would withdraw his objection. The resolution would give rise to no debate, and it was important that it should be passed.

The resolution was taken up, the question pending being the following amendment, reported by the Committee on Military Affairs:

And that in the settlement of claims of other States upon the United States for services, disbursements, and expenditures during the late war with Great Britain, the same kind of evidence, vouchers, and proof, shall be received as is herein provided for in relation to the claim of Massachusetts, the validity of which shall be, in like manner, determined and acted upon by the Secretary of War.

The amendment was concurred in; and the resolution as amended was read the third time and passed.

Mr. CAMBRELENG, on leave, presented a document from the War Department on the subject of cannon and a national foundery; which was ordered to be printed.

Mr. PHILLIPS, on leave, presented a petition.

NAVAL APPROPRIATION BILL.

The House resumed the consideration of the following amendment of the Senate to the naval appropriation bill:

SEC. 2. *And be it further enacted*, That an exploring expedition to the Pacific ocean and the South seas be, and the same is hereby, authorized and directed, and that the President of the United States be, and he is hereby, authorized to prepare and send out for that purpose a sloop of war, and to purchase or provide such other smaller vessels as may be necessary and proper to render the said expedition efficient and useful.

SEC. 3. *And be it further enacted*, That the use of so much of the appropriations for the support of the Navy, and of the means and facilities under the control of the Navy Department, as may be necessary and proper for that object, be, and the same is hereby, authorized; and, in addition thereto, the sum of $150,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The question pending being the following substitute for the foregoing, adopted in Committee of the Whole, on the motion of Mr. JARVIS:

Strike out all after the word "that," in the first line, and insert:

The President of the United States be, and he is hereby, authorized, if in his opinion the public interest shall require, to send out a surveying and exploring expedition to the Pacific ocean and South seas: and for that purpose to employ a sloop of war, and to purchase or provide such other small vessels as may be necessary and proper to render the said expedition efficient and useful; and for this purpose the sum of $150,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; and, in addition thereto, if necessary, the President of the United States is authorized to use other means in the control of the Navy Department, not exceeding $150,000, for the objects required.

Mr. PATTON said that, when he was interrupted the other day by the calling of the orders of the day, he was proceeding to state the ground of his objection to the amendment proposed by the committee of the House to the amendment of the Senate. He apprehended that the point of his objection had been misunderstood. He did not intend to make an argument against the authority of the Government to fit out and direct such an exploring expedition. He had his doubts about it, but was willing to hear what could be said in favor of it, and to indicate the result of his reflections upon it by a silent vote. But he objected to the change of the proposition made by the Committee of Naval Affairs of this House. The orinal proposition was, that Congress should *authorize and direct* the institution of this expedition. The amendment proposed to make an appropriation authorizing the expedition, provided the President should be of opinion that it was expedient to send it out and establish it.

The gentleman from Connecticut [Mr. TOUCEY] is mistaken in supposing that, by the amendment, Congress decides that the expedition is proper, but gives the President the privilege of preventing it, if he thinks it ought not to be undertaken; and if it were so, it would not remove the objection. If this thing be right, we ought to direct it to be done by law, and leave the President to execute the law. If it be not right in our opinion, or if we are not satisfied that it is right, we ought not to leave it in the discretion of the Executive to do it. Mr. P. said he held it as an important principle in the administration of the affairs of the Government, that as little discretion as possible should be transferred to the executive department; that Congress—the legislative department—whenever it is competent to that department, should direct what ought to be done in the execution of the legislative powers of the Government; and that the Executive Department should be confined to the execution of the laws directed by Congress; and, in relation to this matter, I maintain that the amendment involves a transfer to the executive department of a portion of the legislative power of Congress, and to devolve upon him a responsibility and burden which appropriately does not belong to the duties of an Executive. Is this business of instituting an expedition to explore distant seas and regions a proper subject of legislation, or is it not? The very terms of the original proposition, as well as those of the amendment, show the general sense that it must be authorized by Congress. If so, it is a part of our legislative power to authorize it, or not to authorize it. The Executive has no power to institute it until Congress shall by law authorize it. When, therefore, instead of deciding that it shall be instituted, we refer it to the Executive to say whether it shall be instituted or not, we invest him with a part of our legislative power, and shift from our own shoulders the responsibility of doing what, if done at all, *we* ought to order to be done. The principle of the amendment, in my judgment, goes the whole length of sanctioning our right to devolve upon the Executive the whole legislative business of the country, if we thought he could do it better, and were disposed to relieve ourselves from the burden of it.

Mr. P. said he thought it invaded that principle of separation which ought to be so sedulously preserved between the several departments of the Government, the importance of which could hardly be overrated for maintaining the just theory and harmonious action of the system. Mr. P. said he knew not, and cared not to know, whether the performance of this duty, which it was proposed to devolve upon the Executive, would be agreeable to him or not. He may consider it an unpleasant duty, or he may desire the privilege of authorizing what some parts of the country think so beneficent a measure, or he may be entirely indifferent about it. I know nothing about this. My objections are not influenced by any desire to relieve the President from a burden, or deprive him of any gratification. I object to the principle of the amendment, under which it seems to me we might with the same propriety transfer to the Executive the discretion to do or not to do any other legislative duty. If this expedition ought to be undertaken, let us direct it absolutely and positively to be instituted. If it be not right to institute, let us say so, and prevent it from being proceeded in. We surely ought not to be persuaded to abstain from the performance of our own peculiar legislative duty in determining if this expedition ought to be directed, and to devolve it upon the Executive, by the reason given by the chairman of the Committee of Naval Affairs, to wit: that we have not the necessary information, or means of obtaining it, to enable us to decide it. I am not prepared to give any sanction to it until I have the necessary information to satisfy me it ought to be carried on.

Mr. HAMER concurred to a great extent in the views of the gentleman from Virginia on the amendment, for he held that each branch of the Government should take the responsibility belonging to it, whether legislative, executive, or judicial, and therefore he should have preferred the original amendment of the Senate. On the subject of the expedition, it had been opposed on the ground of novelty. This was not the fact, for every nation in Europe had sent out similar exploring expeditions. Again, with regard to the power of Congress to authorize this expedition, he maintained that the authority was derived under that clause of the Constitution in relation to the interests of commerce. As precedents, he adduced the surveys of Mr. Hasler of the coast of the United States, and the instructions to Messrs. Featherstonaugh and Long. They were all national objects, similar to the one proposed for an exploring expedition to the South sea, and on that ground he should vote for it. Mr. H. entered into a review of the plan proposed, and the advantages that the South sea fishing interest in particular, and the commercial interest in general, would derive from it. He also bestowed a high commendation upon Mr. Reynolds, who was actuated alone by disinterested and patriotic zeal, and whose services would be afforded, whether he was employed by the Government or not. Mr. H. had known him from his boyhood, and had the means of estimating his character. He expressed his surprise that the gentleman from Kentucky, [Mr. HAWES,] some days since, should have denounced the scheme as visionary, after the unanimous expression of opinion now before the House from so many enlightened individuals. The whole commercial community almost had petitioned for it. The East Indian Marine Society of Salem, Massachusetts, composed of members who must all have doubled one of the capes, had also petitioned for it; and there were now before Congress the expression of the Legislatures of seven different States in its favor. It was due to this great country that it should add something to the stock of nautical knowledge; and he cited the authority of Commodore Downes for saying that every chart now used in navigating the South seas was the product alone of European enterprise and information.

Mr. REED remarked that this was truly a national object, and one the justice, the expediency, or the constitutionality of which he had no doubt. He should have preferred taking the responsibility himself, as one of the members of that House; but he had no fears of the result, if it was left to the Executive. Mr. R. adverted to the extent of our commerce in the South sea, the number of ships engaged in that navigation, and the dangers and perils attendant thereon, in consequence of the existing defective charts, and the want of practical information being collected and embodied for the use of the navigator; and dwelt on these points at some length. He referred to a variety of oral and documentary testimony in support of the object of this expedition, and to show that it was in no sense of a local character.

Mr. HAWES again opposed the proposition. He said it went to appropriate no less than $300,000 for an exploring expedition to the South seas, which, he was satisfied, was exceeding the power given to Congress under the Constitution. Moreover, it ought not to have been fixed upon a bill for the naval service, in the face of the principle heretofore acted on, that no appropriation should be inserted in any of the bills for the service of the Government but such as were authorized by an existing law. Every proposition to amend the other appropriation bills had been rejected on this very ground. This alone was a sufficient argument against it. Nor was he to be governed in his vote by any such consideration as that the Governments of Europe had authorized it. As well might he be called on to give his vote for a standing army of one or two hundred thousand men, because the Governments of Europe authorized such establishments. They had their dukes, and their marquises, and lords, but that was no reason why we should.

Mr. HAMER explained that he had not called upon any gentleman to vote for this proposition, because the Governments of Europe had authorized similar exploring expeditions. He had merely adverted to the fact that such expeditions were not novel, in replication to the argument of the gentleman himself that this was of a novel character.

Mr. HAWES should, however, in no way, be governed by what the Government of Europe had done. He did not follow them in their political institutions, nor was he disposed to do so in anything else of a speculative character. He denied that the benefits contemplated would result from

this expedition. With reference to the surveys of Mr. Hasler, they were valuable, because they related to our own coast. As to Mr. Featherstonaugh's book, there was not a single idea, not a solitary new fact in it; and this was the opinion of men of the West who had examined it. But even if the book was valuable, it offered no reason for the present proposition. Was it recommended by the Secretary of the Navy? It was not. So far from it, he had been given to understand that that gentleman was opposed to it. Mr. H. really could not believe that it would pass that House. If it did, he believed they should next have a proposition for a voyage of discovery to the moon, or of carrying out the plan of the gentleman from Massachusetts [Mr. ADAMS] for erecting light-houses in the skies.

Mr. PHILLIPS denied that the object of this expedition was of a visionary character; for if he could bring himself to believe so he should vote against it. He did not, however, approve of the amendment coming from the Naval Committee, as it presented many difficulties, such as those adverted to by the gentleman from Virginia; and he would have preferred the amendment of the Senate, though he should vote for the former. Mr. P. then reviewed the subject at some length, presenting the difficulties attendant on the navigation of the South Seas, from its great extent, its almost innumerable islands, and its coral reefs, referring also to the extent of commerce in that quarter. He was in favor of the expedition, because he was satisfied the result of it would tend most materially to diminish, if not altogether relieve seamen from the danger attendant on South sea voyages; and he also promised himself that important commercial advantages would grow out of such an expedition. On these two points Mr. P. dwelt at some length, and cited a variety of documentary and statistical details, illustrative of the present extent of our commerce in the South seas.

Mr. SUTHERLAND made an earnest appeal to the House to take the question without further discussion, and he would give way for that purpose, though, if the debate was continued, he should claim the floor.

The amendment of the Committee of the Whole to the amendment of the Senate was then agreed to.

The question recurring on agreeing to the amendment as amended,

Mr. HAWES asked for the yeas and nays, which were ordered.

Mr. DICKERSON was opposed to the whole proposition; for he did not believe it expedient, even if it were constitutional. Moreover, they had not the information before them necessary to enable them to act on the subject understandingly; and he was opposed to this hasty mode of legislation by tacking new propositions to bills with which they had no necessary connection. The bill for the service of the Navy had now been delayed for weeks in discussing a measure for an exploring expedition which, if carried into effect, it was doubtful whether any benefit would result. The subject was not a new one, and action on it had before failed in Congress. He then referred to the report of a former committee of the Senate on the subject, unfavorable to such an expedition, and sent the report to the Clerk's table to be read.

Mr. CAMBRELENG did not rise (he said) to engage in this debate, but to intreat the House not to carry the ordinary Navy appropriation bill upon an exploring expedition further than it had already gone. He regretted that this amendment should have been made by the Senate; not that he was opposed to the object, for he deemed it highly expedient, but he threw himself upon the indulgence of the House to intreat them to vote on it at once, and either adopt it or reject it. The passage of this appropriation bill had now been postponed for a month, in consequence of the Senate's amendment.

The question was then taken on concurring in the amendment as amended; and the vote was—yeas 92, nays 68.

So the amendment as amended was concurred in.

ARMY APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the House resolved itself into the Committee of the Whole on the state of the Union, and took up and considered the amendments of the Senate to the bill making appropriations for the support of the army for the year 1836.

The amendments were of an unimportant character; one was merely verbal, and the other appropriated only the sum of $300 for completing a medal ordered to be struck and presented to General Ripley, and other officers, for their meritorious conduct during the late war, by a resolution of a former Congress.

The amendments were severally concurred in, and the bill was laid aside.

FORTIFICATION BILL.

On motion of Mr. CAMBRELENG, the committee then took up the bill making appropriations for certain fortifications of the United States for the year 1836.

The bill having been read by the Clerk,

Mr. CAMBRELNG proposed to amend the same by inserting a clause for the armament of the fortifications, in addition to the amount appropriated in the bill making appropriations for the support of the Army for 1836, $700,000.

On motion of Mr. McCOMAS, the committee then rose, and reported the Army appropriation bill to the House; and the amendments of the Senate to that bill were severally concurred in.

BRIDGE AT HARPER'S FERRY.

On motion of Mr. MERCER, by general consent, the House took up the bill to authorize the Shenandoah Bridge Company at Harper's Ferry to erect a bridge on the lands of the United States at or near the town of Harper's Ferry.

The bill was read a second time, and ordered to be engrossed for a third reading to-morrow.

On motion of Mr. LEWIS, the House then adjourned.

IN SENATE.

TUESDAY, *May* 10, 1836.

The CHAIR communicated a report from the Navy Department, in reply to a resolution of the Senate, on the subject of compensation of the clerks in the public offices; which, on motion of Mr. GRUNDY, was referred to the Committee on Finance.

Mr. WALKER presented the petition of the heirs of Peter Walker, praying to be permitted to locate land in lieu of that claimed by them and sold by the United States; which was referred to the Committee on Private Land Claims.

Mr. KENT presented the petition of Eleanor Wills; which was referred to the Committee on Claims.

Mr. HUBBARD presented the petition of the heirs of General Jacob Bailey, of the revolutionary army; which was referred to the Committee on Revolutionary Claims.

The following message was received from the President of the United States.

WASHINGTON, *May* 10, 1836.

To the Senate and House of Representatives:

Information has been received at the Treasury Department, that the four installments under our treaty with France have been paid to the agent of the United States. In communicating this satisfactory termination of our controversy with France, I feel assured that both Houses of Congress will unite with me in desiring and believing that the anticipations of the restoration of the ancient cordial relations between the two countries, expressed in my former messages on this subject, will be speedily realized. No proper exertion of mine shall be wanting to efface the remembrance of those misconceptions that have temporarily interrupted the accustomed intercourse between them.

ANDREW JACKSON.

REPORTS FROM COMMITTEES.

Mr. TOMLINSON, from the Committee on Pensions, reported a bill granting a pension to Guy Hitchcock, a soldier of the Revolution; which was read, and ordered to a second reading.

Mr. MOORE, from the Committee on Revolutionary Claims, reported the bill for the relief of Nancy Haggard, without amendment.

NAVY APPROPRIATION BILL.

On motion of Mr. SOUTHARD, the Senate proceeded to the consideration of the amendments of the House to the amendments made by the Senate to the bill making appropriations for the naval service for the year 1836; and the same were severally concurred in, with the exception of the amendment providing that the exploring expedition to the South seas shall be fitted out, "*provided that the President shall be of opinion that such expedition is proper and necessary for the public service;*" the provision having been struck out on motion of Mr. SOUTHARD—yeas 26, nays 3, as follows:

YEAS—Messrs. Benton, Black, Clay, Clayton, Davis, Ewing of Ohio, Grundy, Hendricks, Hubbard, Kent, Knight, Leigh, Linn, Naudain, Niles, Prentiss, Rives, Robbins, Ruggles, Shepley, Southard, Swift, Tallmadge, Tomlinson, Walker, and White—26.

NAYS—Messrs. Hill, King of Georgia, and Wright—3.

DEPUTY COLLECTOR AT NEWCASTLE.

Mr. DAVIS, from the Committee on Commerce, reported a bill providing for the appointment of a deputy collector to reside at New Castle, Delaware; which was, by unanimous consent, read twice, and ordered to be engrossed for a third reading.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill for the relief of David McCord;

The bill for the relief of Captain M. T. Woolsey, of the United States Navy;

The bill to carry into effect the ninth article of the treaty with Spain;

The bill for the relief of Daniel Stoddert;

The bill to increase the pension of Thomas Harrison;

The bill for the relief of Orris Gay;

The bill for the relief of Carey Clark;

The bill for the relief of Albert Pawling;

The bill for the relief of John Powell;

The bill for the relief of Richard Anderson;

The bill for the relief of the widow of Captain Samuel Gibbs;

The bill for the relief of Dr. Samuel White;

The bill for the relief of Ransom Mix and John McLeod;

The bill for the relief of John A. Rodgers;

The bill for the relief of Leslie Combs;

The bill for the relief of Jonathan Elkins;

The bill for the relief of Jean Baptiste Janis, Sr., of Missouri;

The bill to increase the pension of Jacob Slough;

The bill for the relief of Stephen Bohannan;

The bill for the relief of Guy Hitchcock;

The bill explanatory of the act entitled "An act to prevent defalcations on the part of the disbursing agents of the Government," passed January 25, 1828;

The bill for the relief of Samuel Warner;

The bill for the relief of Joshua Hatch and others, interested in a fishing vessel which was lost at sea;

The bill for the relief of Elizabeth Flicker, late widow of Henry Richards, deceased;

The bill for the relief of Benjamin Bennett and others;

The bill for the relief of the legal representatives of Joseph Hazlitt and Jemima Munroe;

The bill for the relief of the owners, officers, and crews of the private armed vessels Neptune and Fox; and

The bill providing for the payment of certain companies of militia of Missouri and Indiana, who were embodied for the protection of the frontiers against the Indians in 1832.

BILLS PASSED.

The following bills from the House were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading; and, after having been engrossed, were, by unanimous consent, read the third time, and passed:

The bill granting pensions and arrearages of pensions to certain persons therein named;

The bill for the relief of Amy Wilson;

The bill for the relief of Elizabeth May;

The bill for the relief of Peter Doxtater and Jacob Weaver;

The bill for the relief of Benedict Alford and Robert Brush;

The bill granting a pension to Colonel Gideon Morgan;

The bill for the relief of Israel Ingalls;

The bill for the relief of Jesse Sykes;

The bill for the relief of Joseph W. Wormstead, of Marblehead, and the crew of the schooner Sally, which was lost at sea;

The bill for the relief of Abiel Rhodes and others, owners, officers, and crew of the schooner Mary; and

The bill for the relief of Reuben Colbourn.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 10, 1836.

Petitions and memorials were presented, on leave, by Messrs. McKIM, INGERSOLL, JUDSON, HOWARD, PARKER, ADAMS, LAWRENCE, PINCKNEY, BOND, JOHNSON of Tennessee, JOHNSON of Louisiana, MUHLENBERG, BOYD, and HARRISON of Missouri.

Mr. McKIM presented a memorial of the Board of Trade of the city of Baltimore, praying for the establishment of a daily express mail from New Orleans, through the principal cities, to Portland. Also, a memorial from the same board, asking for the passage of a bill to encourage the employment of boys in vessels of the United States.

Mr. LAWRENCE presented a petition of Thomas Cushing, of the city of Boston, owner of the schooner Germantown, of Boston, which schooner was duly licensed and engaged during the last season in carrying on the codfishery, praying that the bounty granted by law to vessels so licensed and employed may be paid to him, which bounty is withheld because said schooner returned into the port of Ellsworth, and not to the port of Boston; which was referred to the Committee of Commerce.

Also, a petition of Joseph Eustis, merchant of Boston, praying that the duties paid by him on a quantity of merino goods, imported into the port of New York in 1834, over and above the rate of duty usually imposed on such goods, may be refunded with interest, so that he may be placed on the same footing with other merchants engaged in the importation of the same article; which was referred to the Committee of Ways and Means.

RELATIONS WITH MEXICO.

On motion of Mr. EVERETT, the following resolution offered by him yesterday was taken up:

Resolved, That the President of the United States be requested to communicate to this House, if in his opinion it shall not be incompatible with the public interest, the instructions which have been transmitted from time to time since the first day of January, 1835, to the representative of the United States at the Government of Mexico, relative to the boundaries between the two nations, and relative to the setting on foot military expeditions by citizens of the United States against the Mexican province of Texas; and relative to the military occupation, or contemplated occupation, under the authority of the President, of any post or place within the said province of Texas, and all correspondence and communications which have passed at Washington or at Mexico, between the two Governments, respecting the same; and all information in possession of the Executive respecting the same; and also, that the President be requested to communicate to this House all orders and instructions issued to the military or other officers of the United States or of the States, relative to the defense of the western frontier, and all correspondence between them and the Government respecting the same.

The question being on the adoption of the resolution,

Mr. ADAMS said, as this subject was somewhat connected with the debate which took place on Saturday last, and in which he had made a statement, noticed in the Globe of this morning, as follows:

"We are informed that several members of Congress have made inquiries of the President in relation to the fact stated by Mr. ADAMS in debate, that he had consulted him (then a Major General in the United States Army) in regard to the limits stipulated in the treaty of 1819, for the south-western frontier of the Union. We are informed that the President, in reply to these inquiries, has said, that Mr. ADAMS must have fallen into some mistake; that he has not the slightest recollection of having been consulted on the subject; that he could not have expressed an opinion in regard to the stipulation, because he had not any exact information at that time, either in regard to the topography of the country, or the nature and extent of the claim set up for it by our Government; and because the only point in the treaty with which his duties as a military man made him acquainted being Florida, he presumes, if consulted at all in relation to the treaty, of which he has no recollection, it must have been in regard to that Territory"—

He wished to say a word before the question upon the resolution should be taken. With reference to this statement, he had only to say, that of the recollections of the President of the United States he knew nothing; but in consequence of this statement in the Globe, he felt himself called upon to repeat the statement which he had made on Saturday last, and to say, that the consultation with the present President of the United States, to which he had then adverted, was not because he was a military commander in the Army of the United States, though he was then acting in that capacity. The treaty was signed on the 22d of February, 1819; and he presumed it was in the recollection of many members of the House, that General Jackson was at that time in this city, as that was the celebrated session during which his proceedings in the Seminole war were subjects of deliberation in both Houses of Congress; and General Jackson was here during the consideration of that subject, and was here at the time of the conclusion of the treaty. He now repeated, that with regard to the western or southern boundary of the United States mentioned in that treaty, he (Mr. A.) was the last person in the cabinet of Mr. Monroe who assented to that boundary. Mr. A. was the negotiator of the treaty with Mr. Onis, the Spanish Minister, and he acted upon the principle that it was his duty to concede nothing, either territory or anything else, claimed on the part of the United States. Whatever he did was subject to the decision of his superior, the President of the United States, under whose orders he acted; and he would further state, that during the negotiation of that treaty, which was partly carried on by personal conferences with Mr. Onis, and partly by correspondence, there was nothing either in the conferences nor in the correspondence, of which he did not make immediate report to the President of the United States, both of the communications made to Mr. Onis and of those received from him. In every step in relation to that treaty, the President took advice of the whole of his cabinet; in no one single instance was there a concession of any claim proposed or advised by Mr. A. He did not mean to say that he did anything but what he was bound to do, or was his duty; and he had carried through that measure the same principle as he had done in all others which had been assigned to him. Acting immediately under the eye of the President, *his* duty was to defend the *whole* claim of the United States; and to the best of his ability he had done so. Concession might, and did, come from others—it was in no instance whatever proposed by him.

But to come to the precise point. After the treaty had been framed and ready to receive the signatures of the contracting parties, but before there was any obligation upon our part to sign it, by the express direction of Mr. Monroe, he (Mr. A.) took the treaty, drawn up as it was, to General Jackson, not as to the military commander of the Army of the United States, but as to a highly distinguished citizen of the United States, who, being here at the time, the then President of the United States thought proper to consult upon a subject of such great importance. He took the treaty to him at his lodgings, which were in a house at that time kept, he believed, by Mr. Strother. He took and delivered that treaty into the hands of General Jackson, with the particular request from Mr. Monroe that he would read it over and give his opinion upon it. He would state further, that General Jackson kept the treaty some time, possibly not more than one day, but he kept it a sufficient time to form a deliberate opinion upon it; and that he (Mr. A.) called upon him after a day or two, and that he returned the treaty, with his approbation of that particular boundary.

The resolution was then agreed to.

INDEPENDENCE OF TEXAS.

Mr. SUTHERLAND asked the consent of the House to present a petition from sundry citizens of Pennsylvania, praying Congress to recognize the independence of Texas.

Objection being made Mr. S. moved to suspend the rule to enable him to present the petition referred to.

Mr. DENNY had several petitions which he desired to present. He hoped his colleague would move to suspend the rule until one o'clock, so as to call the States generally for petitions.

Mr. SUTHERLAND modified his proposition accordingly; when it was negatived without a count.

Mr. HAYNES moved to take up and consider the resolution from the Senate, fixing a day for the final adjournment of the present session of Congress.

Mr. HEISTER asked for the yeas and nays on the motion.

Objection being made to taking up the resolution,

Mr. HAYNES moved to suspend the rules, in order to enable him to submit a motion to that effect.

Mr. MANN, of New York, asked for the yeas and nays; which were ordered; and, being taken, were—yeas 87, nays 90.

So the motion to suspend the rules was negatived.

REPORTS FROM COMMITTEES.

Mr. WHITTLESEY, of Ohio, from the Committee on Claims, reported a bill for the relief of Curtis Grubbs; which was read twice and committed.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported the following bills; which were read twice and committed:

A bill for the relief of the heirs-at-law of Wadley Noyes; and

A bill for the relief of the heirs-at-law of Lieutenant James Conway.

Mr. M., from the same committee, reported, without amendment, bills from the Senate, in addition to the acts for the relief of the legal representatives of George Hurlbert, and of Lucy Bond, and Hannah Douglass.

Mr. MERCER, from the Committee on Roads and Canals, reported, without amendment, a joint resolution from the Senate to apply the unexpended balance of the appropriation for building a bridge across the Potomac to the improvement of Maryland avenue leading to said bridge; and the same was committed.

Mr. BRIGGS, on leave, presented certain amendments to the rules of the House; which were laid on the table, and ordered to be printed.

Mr. JOHNSON, of Tennessee, from the Committee of Ways and Means, reported a bill increasing the compensation of the clerks in the several offices therein named; which was read twice and committed.

Mr. INGERSOLL, from the Committee of Ways and Means, reported a bill for the relief of S. Morris Waln & Co.; which was read twice and committed.

Mr. GILLET, from the Committee on Commerce, reported the following bills; which were read twice and committed:

A bill for the relief of Squire Sterns; and

A bill for the relief of Henry Beamish.

Mr. JOHNSON, of Virginia, moved that the morning hour for Thursday next be set apart for the consideration of the bill to extend the pension act of 1832; which being objected to,

Mr. J. moved to suspend the rules for the purpose of making the motion. Lost.

Mr. HARRISON, of Missouri, from the Committee on Public Lands, reported a bill making a donation of land to the State of Missouri and Territory of Arkansas for the purpose of constructing a road for military and other purposes; which was read twice, and committed.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported several amendments to the bill for the organization of the Post Office Department; which were ordered to be printed.

Unfavorable reports upon various petitions, &c., were made by Mr. WHITTLESEY, of Ohio, from the Committee of Claims; Mr. STORER, from the Committee on Revolutionary Pensions; Messrs. MUHLENBERG, CRAIG, CRANE and BEAUMONT, from the Committee on Revolutionary Claims; Messrs. EVANS and HARPER, from the Committee on Invalid Pensions; and by Mr. HARRISON, of Missouri, from the Committee on Public Lands.

On motion of Mr. VINTON, the House proceeded to the consideration of

THE ORDERS OF THE DAY.

The following bills and resolutions from the Senate were read twice and committed:

A bill to provide for the payment of the Vermont militia who served at the battle of Plattsburgh;

A joint resolution authorizing the President of the United States to appoint an agent to prosecute and receive from the Court of Chancery of England the legacy left to the United States by the will of the late James Smithson, of London, for the purpose of founding the Smithsonian University;

A bill to authorize letters patent to be issued to John Howard Ryan, and others; and

A bill for the improvement of certain harbors, and for the survey of certain proposed improvements.

A bill from the Senate to appropriate, for a limited time, the proceeds of the sale of the public lands of the United States, and for granting land to certain States, was read twice.

Mr. WILLIAMS, of Kentucky, moved to commit the bill to the Committee of the Whole on the state of the Union.

Mr. CARR moved that it be committed to the Committee on Public Lands; and

Mr. GILLET moved to commit the bill to the Committee on Ways and Means.

Mr. WILLIAMS, of North Carolina, hoped the subject would be referred to the Committee of the Whole on the state of the Union. This was a measure in which the old States felt a deep interest, and it was a measure requiring the prompt and speedy action of the House, and therefore should be referred to the Committee of the Whole on the state of the Union. If the subject should be referred to the Committee on Public Lands, it would have to come back to the Committee of the Whole; there was no sort of necessity to refer the subject to a standing committee, because the subject had occupied the attention not only of Congress but of the whole nation, and he was desirous that it should be acted upon at the present session.

Mr. CHAMBERS, of Pennsylvania, was opposed to any motion which would delay the action of the House upon this measure. The people of Pennsylvania had their attention directed to the subject of a distribution of the proceeds of the sale of the public lands, as one of great moment to them. The Legislature of the State, by a resolution adopted by an overwhelming majority, had requested their representatives on that floor to press with all their influence a distribution of the proceeds of the sales of the public lands; he therefore could not consent to any disposition of the subject which would occasion delay. He argued that there was no sort of necessity for referring the subject to one of the standing committees of the House, because the subject had been discussed in speeches, reports, and messages, until it was as familiar to every member of the House as it would be after being returned from one of the committees. He argued also, that it should not go to the Committee on Public Lands, because that committee had already expressed an opinion on the subject; and there was no reason why it should go to the Committee of Ways and Means. He believed, then, the subject should be referred to the Committee of the Whole on the state of the Union, and hoped it would be sent there.

Mr. GRENNELL said that this bill was to be regarded as the great and prominent measure of the session; that, for three or four years past, the condition of the Treasury, and the condition and sentiment of the country, concurred to show that it was necessary a measure of this kind should be adopted; and he thought the whole House must see the necessity of acting definitely on this measure during the present session. From the period of the session at which they had arrived, he feared that, if they referred the bill to one of the standing committees, it would lose a favorable place upon the Calendar, and lose the action of the House. There were involved in the subject, according to the opinion of some gentlemen, legal and constitutional topics; and they had heard no motion to refer it to the Committee on the Judiciary. The Committee on Public Lands were committed already on the subject, by their proposition to reduce the price of the public lands, and to cede, on certain conditions, a large portion of the domain to the States in which it lies—a measure admissory to this. He would say nothing as to the constitutionality of the proposition; he would not (for it was not in order) discuss the merits of the bill; but he could see no reason why the subject should be referred to the Committee of Ways and Means, as he could perceive of no occasion for that committee to give the House their financial views upon the subject. He hoped the subject would be taken up in Committee of the Whole, and that there might be some action upon it, so that the people of the country might be satisfied on this great and engrossing subject, and the Treasury saved from an alarmingly swelling surplus. The State he represented had expressed, over and over again, its opinion upon the subject, through its Legislature. Massachusetts felt a very deep interest therein. Why, sir, (said Mr. G.,) should we not act upon it in obedience to the declared will of the people—for the people of the several States had spoken in favor of the measure? It seemed to him that they would not be doing their duty to the people who made those calls for action, if they passed over this bill without acting upon it at the present session of Congress. He hoped no motion would prevail calculated to delay the passage of the bill; but that it would be made the order of the day for some particular day, and acted on speedily.

Mr. HAMER hoped the motion to refer the bill to the Committee of Ways and Means would prevail. He could not see this matter in the light which some gentlemen seemed to view it. It was said by some gentlemen that the subject ought not to be delayed. He would ask why should it not be delayed? Upon what principle did this bill proceed? It proceeded upon the principle that there was a surplus of the public money in the Treasury, and that there would be a surplus for some time to come, above what was wanted to carry on the operations of the Government. Well, in order to ascertain this, ought not the appropriation bills to be acted upon and settled?—because until then no one could say whether there would be any surplus at all to distribute. You have bills before the House appropriating many millions of dollars, perhaps enough to cover the whole amount of money in the Treasury. Congress should first act upon those bills, so that it would be seen what the surplus was; because it might be so small that it would not be worth talking about; or, in other words, that it might only be worth talking about for a political effect. He would ask why not send it to the Committee of Ways and Means—because it was directly appertaining to the revenue of the country and the public treasure of the nation? That committee ought to make report as to the condition of the revenue arising from customs, as well as from the sales of the public lands. It might be, if the measure was to pass, that you would have to modify your tariff laws. He trusted a majority of the House would concur in sending this bill to the Committee of Ways and Means. The gentleman from Pennsylvania [Mr. CHAMBERS] asked if it was necessary that they should have any information from one of the standing committees. Mr. H. said it ought to be referred, for the purpose of collecting such information as to enable them to act understandingly. They ought to wait to see what disposition would be made of other important bills; then they would be able to act understandingly and promptly; but before they should act upon it, they should know what amount of money they would be likely to have in the Treasury.

Mr. REYNOLDS, of Illinois, remarked that any branch of the subject of the public lands was important and interesting to the people in the State of Illinois, and particularly to the section of the State which he had the honor to represent in Congress. On this consideration he would detain the House for a few minutes.

He considered that the reference of the bill from the Senate, having for its object the distribution of the proceeds of the sale of the puplic lands, ought to be made to the Committee on Public Lands.

He had not long been a member of the House, and had not much attended to the *small* details of business; but as far as he had observed the progress of business, all subjects were referred to the appropria e committees.

This course is founded on sound reason and good sense. The committees become familiar with the subjects on which they act; and, by a long course of examination of subjects of a certain class, the committees become more acquainted with the business before them, and more intelligent and able to decide correctly in the class of cases submitted to them.

The Committee on the Judiciary became more acquainted with the laws of the land, and the proper constructions to be given to the laws and the Constitution, than any other committee can be.

The same reasoning will apply to any and all other committees.

The subject before the House is more immediately connected with the subject of the public lands than it is with any other, and of course should be referred to the Committee on Public Lands. It may be, that the committee may amalgamate the two propositions, one to graduate the price of the public lands, and the other the distribution of the proceeds of the sales. He said he knew not what would be the course of the committee on that subject, but he would not be surprised if the House would adopt such course as to unite the two propositions. On this subject, he said, he knew not the opinion of the committee; but they may adopt such course, and it would not be amiss to let them act on the proposition.

Mr. R. said that he was anxious that the House should act on every proposition connected with the subject of the public lands during the present session of Congress. He did not want the subject to remain open any longer; he wanted the people to know at once what to depend on. It was said that this subject was held up before Congress and the people, for a *hobby* to ride on. Candidates, it is said, mount it, and on it whip into office. On this consideration, and for the good of the people, he was anxious, very anxious, to bring the subject to a positive close this session. It was on this consideration he voted this day against coming to a certain adjournment of Congress before this and other important measures are acted on. He would rather remain here until October next, than to go home without acting on these measuses. It was due to the whole people of the Union, and particularly to the people of the new States, to give them a discussion. He solicited it strongly, that every subject relating to the public lands should be acted on with all convenient speed, during the present session of Congress.

The gentleman from Pennsylvania [Mr. CHAMBERS] objects to the Committee on Public Lands, as they are composed of members from the new States, and are not friendly to the proposition to distribute the proceeds of the sales of the public lands. The committees are generally composed of members who are more conversant with the subject-matters that are appropriate to the committees.

The Committee on Commerce are composed of members from the Atlantic States. Not one is, as far as he recollects, taken from the west of the mountains; but they are taken from that region of country where they are more conversant with, and are presumed to know more about, the principles of commerce than any other members. It is so with the members composing the Committee on Public Lands. They are generally taken from the States in which the public domain is situated.

The formation of the committee can make no objection to the reference of the bill to that committee.

He could not agree with his friend from Ohio, [Mr. HAMER,] that the Committee of Ways and Means were the most appropriate committee. It is true, the proceeds of the sales of the lands might, in a slight degree, appertain to the legitimate business of that committee; but the public lands were the subsratum on whtich all were erected, and were properly referable to the Committee on Public Lands.

This was a subject of grave import, and on that consideration should be acted on by the committee that did know, and were presumed to know,

all the various bearings of all subjects in any wise connected with the public lands. Therefore, he hoped the bill would be referred to the appropriate committee—the Committee on Public Lands.

Mr. GRANGER was in favor of the motion to refer the bill to a Committee of the Whole on the state of the Union. It was not many days since they were told by the Chairman of the Committee of the Judiciary, on bills involving some of the strongest constitutional principles that could arise, that at that stage of the session, even to refer a subject to a Committee of the Whole House, was as much as to declare the death warrant of those bills; and still it was urged, that this bill should not only be referred to a committee, but a committee which was pledged against the principles of the bill. The Committee on Public Lands had brought another proposition before the House; and as to the Committee of Ways and Means, if they were to judge of it, it was pledged against this proposition. He wished to have the bill to graduate the price of the public lands, and this proposition, set side by side in committee, and then let each bill stand on its intrinsic merits.

Mr. LINCOLN was in favor of committing the bill to the Committee of the Whole on the state of the Union. He said, let it be referred to what committee it might, it would have to come back to the Committee of the Whole on the state of the Union, and be discussed there. He then went into an argument to show that the subject ought not to be referred to the Committee on Public Lands, because they had expressed an opinion in relation to the subject already. He also argued that it should not be sent to the Committee of Ways and Means; because if they were to judge of the opinions of that committee by the declarations of its chairman—that that committee was decidedly hostile to this measure, he would as soon vote against the bill as to send it to a committee who were pledged to make an unfavorable report thereon; therefore, believing that they were as well prepared to act now as after a report should be made from a committee, he would vote to refer it to the Committee of the Whole on the state of the Union.

Mr. GILLET obtained the floor, and spoke for a few moments in support of his motion to refer the bill to the Committee of Ways and Means. He contended that the duties of the Committee on the Public Lands were different from the subject contained in the bill, and read the rule of the House in support of this position. He then read the rule defining the duties of the Committee of Ways and Means, and contended that the duties of that committee made it necessary to refer the subject to that committee.

The CHAIR here announced the arrival of the hour for proceeding to the orders of the day.

Mr. MORRIS moved that the rule be suspended for the purpose of continuing the consideration of the measure then before the House; and, upon that motion, called for the yeas and nays; subsequently he withdrew the call for the yeas and nays, and the motion to suspend was lost.

DEFENSE OF THE WESTERN FRONTIER.

The House then proceeded to the execution of the special order adopted some days since, and went into the Committee of the Whole on the state of the Union, (Mr. PARKER in the chair,) on the following bill:

A Bill to provide for the better protection of the western frontier:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to cause to be surveyed and opened a military road, from some point upon the right bank of the Mississippi river, between the mouth of the St. Peters and the mouth of the Des Moines rivers, upon such route as may appear best calculated to effect the purposes of this act, to Red river.

SEC. 2. *And be it further enacted*, That the said road shall pass west of the State of Missouri and of the Territory of Arkansas, and shall be so constructed as to enable troops to move along the same with proper facility; and the following mode of construction shall be adopted, subject to such alterations and additions as the President may, from time to time, direct to be made. The timber shall be cut down to a reasonable width, and the wet and marshy places shall be causewayed or otherwise rendered passable; cheap bridges shall be erected over the smaller streams, not having good fords across them; and, where it may be found necessary, the road may be thrown up in the center.

SEC. 3. *And be it further enacted*, That military posts shall be constructed at such places along the said road as, in the opinion of the President, may be most proper for the protection of the frontier, and for the preservation of the necessary communication.

SEC. 4. *And be it further enacted*, That the troops of the United States shall be employed in performing the labor herein required, whenever, in the opinion of the President, the same can be done with a just regard to their other duties; and the other labor rendered necessary shall be procured in such manner as the President may direct.

SEC. 5. *And be it further enacted*, That the sum of one hundred thousand dollars shall be, and the same is hereby, appropriated, to be applied towards the accomplishment of the objects specified by this act.

Mr. JOHNSON, of Kentucky, made a brief explanation of the object of the bill.

Mr. VINTON doubted the power of the House to make this road through the Indian country.

Mr. MANN, of New York, suggested an amendment which he thought would meet the gentleman's objection; which was to strike out the words from the second section, "shall pass west of the State of Missouri and of the Territory of Arkansas."

Mr. VINTON replied that that would not altogether remove his objection to the clause.

Mr. McKAY then moved to amend the section, by inserting after the word Arkansas, "on condition that the consent of the Indian tribes through whose territory it shall pass, shall be previously obtained; and if such assent of said tribes cannot be obtained, then the road shall be made east of the western boundaries of said State and Territory."

Mr. VINTON approved of that amendment.

Mr. WILLIAMS, of North Carolina, should vote against the amendment, because he thought it better in no case to construct a road through the Indian country, either with or without the consent of the tribes.

The amendment was further discussed by Messrs. HUNTSMAN, HARRISON of Missouri, EVERETT, ASHLEY, WHITTLESEY of Ohio, and THOMSON of Ohio.

The amendment was then agreed to; and the bill was laid aside.

The committee then took up and considered the bill for the construction of an arsenal in the State of North Carolina; which was laid aside.

The bill for the repairs and improvements of the United States arsenal at Charleston, South Carolina, was then taken up and considered, and the blank filled up with $20,000.

The committe then rose, and reported the foregoing bills to the House.

The SPEAKER having resumed the chair, communicated to the House the following message from the President of the United States:

WASHINGTON, *May* 10, 1836.

To the Senate and House of Representatives:

Information has been received at the Treasury Department that the four installments under our treaty with France have been paid to the agent of the United States. In communicating this satisfactory termination of the controversy with France, I feel assured that both Houses of Congress will unite with me in desiring and believing that the anticipations of a restoration of the ancient cordial relations between the two countries, expressed in my former message on this subject, will be speedily realized. No proper exertion of mine shall be wanting to efface the remembrance of those misconceptions that have temporarily interrupted the accustomed intercourse between them.

ANDREW JACKSON.

FORTIFICATION BILL.

The House, in further execution of the special order of the 26th of January, resolved itself into the Committee of the Whole on the state of the Union, (Mr. MANN, of New York, in the chair,) and continued the consideration of the bill making appropriations for certain fortifications of the United States for the year 1836.

The question pending was the amendment of Mr. CAMBRELENG, to appropriate $700,000 for the armament of the fortifications, in addition to the amount appropriated in the bill making appropriations for the support of the Army for 1836.

Mr. McCOMAS, who was entitled to the floor, addressed the committee at length. He had approved of the policy of Andrew Jackson up to the time of the removal of the deposits, and was one of the earliest supporters of his Administration. In that particular only he had differed with him, but he had always believed his motives to be pure and patriotic, and had never taken part in those deep and heavy denunciations that had been bestowed upon the President for that act. With reference to the presidential election, he said that neither of the candidates now in the field would be his choice, if he had the power to make the selection. As to Mr. Van Buren, he was one of the legislative caucus in Virginia who had brought him forward for the vice presidency.

The question he wished to discuss principally was that of the surplus revenue; in other words, the war now waging against the public Treasury There were various propositions for the disposition of this revenue. The first was, to spend all of it in a general system of national defense. The second proposition before the country was, to distribute it among the several States in proportion to their Federal population. Another was, to graduate the price of the public lands, and ultimately surrender the public domain to the States in which it was located. The other was, to vest it all in railroad stocks, for the purpose of facilitating the transportation of the mail. With regard to the first proposition, to expend it in constructing a general plan of defense of the country, though he was disposed to make liberal appropriations for that object, he was convinced the surplus revenue that would necessarily accrue in the public Treasury, until the expiration of the compromise bill, could not be so appropriated without endangering the liberties of the country, and jeopardizing the principles of our institutions. As to the railroad scheme, he really thought it need only be named for every man of every party to stamp it with the seal of reprobation. Of all the propositions that would ever have suggested itself to his mind, this certainly would have been the very, very last. As to the plan of graduation in price, and the surrender of the public lands to the new States, it had some plausibility in it, but it was a plan he disapproved of.

He reviewed this project at some length, and stated at large his objections to it. He was satisfied that the lands could not be surrendered to the new States without violating the pledged faith of the nation to the old States. He would have the new States to bear this fact in mind, that if the General Government had the power to recede, it had also the power to retrocede the public lands. The power to do one necessarily involved the power to do the other.

Mr. McC. was in favor of a plan of distribution in a different way from this. He was in favor of it upon the doctrine laid down and recommended by General Jackson, and he considered that gentleman high authority, at least in that House. General Jackson had decreed that internal improvements by the General Government should cease, and he would deserve the nation's gratitude for arresting that system. To carry out that principle, Mr. McC. then went on to show that the best mode of disposing of the surplus revenue was to distribute it among the States for the purposes of internal improvement, to be expended by them. He controverted the argument that this project would tend to weaken the States, or have the effect of making them suppliants to the Federal Government. On the contrary it would strengthen the State Governments, and be more likely to weaken the Federal Government. On this point he dwelt at some length, and stated what he conceived to be the advantages of this mode of disposing of the surplus revenue, by giving life to works of internal improvements of vast extent and indispensable utility. He referred to General Jackson's message on the subject, who (he said) had answered every objection urged against the plan of which Mr. McC. was the advocate, contending, as he did, that the President's plan was identical with his own. He then reviewed a variety of other topics of public policy, the tariff question, the deposit question, and the Bank of the United States, contrasting the present mode of keeping the public moneys, in which no one could tell where they were, or whether they were safe or not, with that of having them in a depository at all times under the direction and immediate control of the Government. He would not go so far as to say that the moneys were unsafe at present, but he knew nothing about them, further than they were understood to be in the management of a certain Reuben M. Whitney, "chief cook and bottle-washer" to the concern. Certainly, nothing had yet been seen of those oceans of gold that were to flood the country in consequence of the removal of the deposits. The

effect had been just the reverse, for the paper circulation had more than doubled during the last three years. In 1832, there were three hundred and thirty banks in the country, with a circulation of $60,000,000; in 1835, the number of banks had increased to six hundred and four, having a circulation of $200,000,000, and they had greatly augmented since that return. He then adverted to the French question; and while he admitted the French Government was wrong, he condemned the course of the President in recommending reprisals, as it was calculated to increase the difficulties between the two countries. After some further remarks, Mr. McC., feeling himself exhausted, briefly passed over the other topics, and concluded by again expressing his preference to the plan of disposition of the surplus revenue by distributing it among the States, instead of expending million after million in vast objects of public works, the expediency or necessity of which was very questionable.

Mr. TOWNS then obtained the floor, and on his motion the committee rose and reported to the House.

NAVY APPROPRIATION BILL.

The Speaker having resumed the chair,

On motion of Mr. CAMBRELENG, the House took up the amendment of the Senate to the bill making appropriations for the naval service for the year 1836.

The amendment was as follows: The Senate had inserted an additional clause in the bill providing for an exploring expedition to the South sea; the House had amended it substantially by authorizing the President of the United States to send out the said expedition, "*if, in his opinion, the public interest shall require it.*" The bill being returned to the Senate, they had stricken out the words in italics, thereby making it imperative on the President, or taking from him any discretion on the subject.

Mr. CAMBRELENG moved that the House recede.

Mr. JARVIS hoped the House would not recede. He was for leaving it to the discretion of the President, because the House were not at present in possession of facts sufficient to justify them in directing the expedition to be undertaken immediately.

Mr. VINTON moved that the House adjourn; which was lost.

Mr. JARVIS resumed his opposition to the motion then pending to recede, and also to the object of the whole amendment, for he thought it neither expedient to embark in such an expedition, nor could he anticipate any of those splendid advantages which some gentlemen promised themselves. He was for leaving it, at least, to the discretionary power of the President, who would not shrink from the responsibility.

Mr. ADAMS contended that the word "authorized" in the amendment left it sufficiently discretionary with the President. He conceived the bill to be the same in effect, whether the words struck out by the Senate were retained or not; the whole would still be left entirely at his discretion.

Mr. JARVIS then withdrew his opposition to the motion.

Mr. MERCER contended that the word "authorize" was, in parliamentary phraseology, as imperative on the President as the word "require." The word "authorize" was always used when the President was required to perform any act; but if it was intended to leave it discretionary with the Executive, the words should be retained.

Mr. GRAVES remarked that he hoped the House would not agree with the amendment of the Senate, because he was convinced that many members had voted for the bill in consequence of the amendment which was made to it by this House, and which the Senate had stricken out; for many who had not the necessary means to satisfy themselves of the necessity of the measure voted for it from a confidence they had in the President, and from a belief that he would not incur the responsibility of the expenditure without good reasons.

Mr. ADAMS rejoined, that an authority to do a thing did not necessarily imply an imperative obligation to do it. As an illustration of this he referred to a case that occurred in Pennsylvania. The constitution of that State provided that the Governor "may" remove the judges; and in a controversy on the meaning of that word between the Governor and the Legislature, the Governor told them that the word "*may*" sometimes meant "*will not.*"

Mr. GRAVES remarked: In reply to the gentleman from Massachusetts, [Mr. ADAMS,] he had only to say, that it seemed to him to devolve very naturally on the enemies of the measure to see as many guards thrown around the expenditure as was practicable. But the gentleman says that the amendment of the Senate does not change in substance the bill as amended by this House, and that the word "they," used in the bill, left the subject as entirely in the discretion of the President, as the words, "if, in his opinion, the public service requires." Now, sir, this is truly a strange doctrine, considering the source from which it comes; for that gentleman, since this session, has objected to the phraseology of bills passed by this House, because the words "is hereby required," were inserted after the word "may;" and now that a favorite measure of his has come up, and depends for its passage, perhaps, upon a different ground, the gentleman abandons his former principles, and says, in effect, that his former opinions were all wrong, and that the effect of his former favorite phraseology places all the duties imposed upon the President by the language usually employed by acts of Congress, entirely in his discretion.

The point was further discussed by Messrs. JUDSON, MANN of New York, MERCER, ADAMS, and HUNTSMAN.

Mr. CAMBRELENG then modified his motion by moving that the House "concur" with the Senate in their amendment.

After a few remarks from Messrs. JOHNSON of Tennessee, CAMBRELENG, MERCER, FRENCH, and ADAMS,

Mr. McKIM demanded the previous question.

Mr. VINTON moved that the House adjourn; which was negatived—ayes 54, noes 81.

The previous question was then seconded by the House—ayes 86, noes not counted.

The main question was then ordered to be put.

The main question was on concurring with the Senate in their proposed amendment; and, thereon,

Mr. HOPKINS asked for the yeas and nays; which were ordered; and the question was decided in the affirmative—yeas 80, nays 65.

So the amendment of the Senate was concurred in by the House.

On motion of Mr. CAMBRELENG,

The House then adjourned at a few minutes before six o'clock, p. m.

IN SENATE.

WEDNESDAY, *May* 11, 1836.

Mr. BLACK presented the petitions of William Y. Yerby and Thomas Taylor; which were referred to the Committee on Public Lands.

Mr. LINN presented the petition of Michael Burbois, praying remuneration for property taken by the United States; which was referred to the Committee on Claims.

Mr. L. also presented the petition of Alphonso Whetmore, praying for a reconsideration of his case; which was referred to the same committee.

Mr. BENTON presented four petitions from Philadelphia, numerously signed, asking the interference of the Government of the United States in behalf of Texas, and also praying Congress to recognize its independence; which were laid on the table and ordered to be printed.

Mr. HENDRICKS presented the petition of sundry inhabitants of the village of St. Joseph's, in Michigan, asking of Congress various appropriations for building a bridge over the St. Joseph's river, and for the completion of several roads therein named; which was referred to the Committee on Roads and Canals.

Mr. H. also presented the petition and documents of the executors of Lawrent Bassadore, deceased, praying compensation for property seized and appropriated to public use by George Rogers Clarke, at Vincennes, in the year 1786; which was referred to the Committee on Revolutionary Claims.

Mr. BUCHANAN presented the petition of Hannah Caldwell, widow of Lieutenant Caldwell, of the Navy, praying for arrearages of pension; which was referred to the Committee on Naval Affairs.

RESOLUTIONS INTRODUCED.

Mr. SWIFT submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of placing the name of William Coley, a revolutionary officer, on the pension roll, allowing him a pension according to the provisions of the pension act of 1832.

Mr. HUBBARD submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting a pension to Ebenezer Stanell, under the act of January, 1832, or of restoring him to the list of revolutionary pensioners under the act of Congress of March 18, 1818.

REPORTS FROM COMMITTEES.

Mr. CLAY, from the Committee on Foreign Relations, to which had been referred the message of the President of the United States on the subject of the boundary line between the United States and Mexico, reported a bill to provide for carrying into effect the treaty of limits between the United States and Mexico; which was read, and ordered to a second reading, and, by unanimous consent, read the second time and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

Mr. WEBSTER, from the Committee on Finance, to whom the same had been referred, reported the bill from the House making appropriations for the defense of the western frontier, with amendments; which were read.

Mr. EWING, of Ohio, from the Committee on Public Lands, made an adverse report on the bill from the House for the relief of the heirs of John Braham.

Mr. E. also, from the same committee, reported a bill to establish a surveyor general's office for the Territory of Wisconsin; which was read, and ordered to a second reading.

On motion of Mr. E., the Committee on Public Lands were discharged from the further consideration of the petition of James Jones.

Mr. PRESTON, from the Committee on Military Affairs, to which was recommitted the bill to authorize the President to accept of the services of volunteers for the defense of the frontiers, reported the same with amendments.

MAP OF FLORIDA.

The resolution submitted by Mr. ROBBINS, authorizing the Committee on the Library to procure a number of copies of the map of the seat of war in Florida, was considered, and agreed to.

CENSURE ON THE PRESIDENT.

The resolution submitted by Mr. WHITE to rescind and annul a certain resolution of the Senate, censuring the conduct of the Executive for his removal of the deposits from the Bank of the United States, was taken up for consideration.

Mr. WHITE considered it his duty to propose this resolution, and was ready to submit the reasons why he considered it his duty to offer it. Although it was his wish to discuss it, it was not his desire to have it interfere with any of the appropriation bills, and he would be content with a postponement of it to a future day.

Mr. BENTON said he was desirous of proceeding to the consideration of the fortification bill; and

Mr. WHITE said that he did not wish to be charged with delaying any of the appropriation bills, and would move to postpone his resolution till next Monday.

On motion of Mr. WHITE, the resolution was then laid on the table.

BILLS READ A THIRD TIME.

The bills that were yesterday ordered to a third reading were severally read the third time, and passed.

FORTIFICATION BILL.

On motion of Mr. BENTON, the bill making appropriations for the purchase of sites for the

collection of materials, and for the construction of fortifications, was taken up.

On motion of Mr. B., the following items were stricken out of the bill in pursuance of the recommendations in the report of the Secretary of War:

For fortifications at Provincetown	$50,000
For works on the Delaware at the outlet of the Chesapeake and Delaware canal	50,000
For fortifications to cover the artificial harbor at Cape Henlopen	150,000
For a fort at Cedar Point on the Patuxent river	100,000
For fortifications at the mouth of the St. Mary's river, Georgia	50,000
For steam batteries, to strike out the appropriation of $660,000, and insert $100,000, making a deduction in this item of	560,000

Mr. B. moved further to amend the bill by adding an additional section making an appropriation of $30,000 for defraying the expenses of a board of officers to examine sites, make surveys, &c., for the purpose of ascertaining the best plan of fortifications, and the most eligible situations for them; which motion was carried.

Mr. B. then submitted the following amendment:

To strike out $101,000 for fortifications at Penobscot bay, and insert $75,000 for the year 1836, and $75,000 for the year 1837.

Mr. B. observed that this was in pursuance of the recommendations of the Secretary of War, that, when appropriations are to be made for fortifications, it would be better for the public service to make the whole appropriation at once, so that the officers might know the extent to which they were to go, and that the works might not be delayed by waiting for appropriations, as had been the case heretofore. The principle introduced in this bill was to provide in one year for what was proposed to be done in two years. The object was, to prevent delay in commencing the work early in the season. The officers employed to carry it on would have time to engage persons to do it, and to invite competition; whereas, when delayed to the summer, they had to employ laborers at an advanced price, and the consequence was, that the same amount of work cost the Government more than it ought to.

Mr. WHITE understood the recommendations of the Secretary of War were to appropriate such sums as would be necessary to finish the fortifications already commenced, and to reëxamine the whole system under a board of examination for that purpose. He believed we ought to reexamine it, to see whether the plan might not be reduced to one of greater economy. In his (Mr. W.'s) view, they ought to strike out every appropriation to new fortifications in the bill. [Mr. BENTON here remarked, there were nothing but new fortifications in the bill.] To which Mr. W. replied, that he then would go for striking out the whole. The Secretary of War, in his report, had said, that "before any expenses should be incurred for new works, a thorough reëxamination should be made," and that he would organize a board for that purpose. And as to all these places where he was certain that fortifications would be necessary, he had pointed out a reëxamination of them, to see whether an improvement in the plan might not be made, and had recommended the amount necessary to be expended for those objects. But in no case of new fortifications had he recommended an appropriation without a reëxamination. Mr. W. was opposed to the principle of making appropriations for a series of years. If made from year to year, their expenditure could be better examined; and so careful were the framers of the Constitution on this point, that there was an express prohibition that appropriations should be made for a longer period than two years. He was opposed to all new appropriations until they had the benefit of new and improved plans.

After some remarks from Mr. RUGGLES,

Mr. SOUTHARD said that the position in which the bill under consideration was now placed, induced him to make a very few remarks, his views on the bill having been pretty fully given on a former occasion.

When this bill was taken up this morning, the Senator from Missouri [Mr. BENTON] had moved to strike out various appropriations, amounting to something more than a million of dollars, making a reduction of that sum from the amount of appropriations in a bill which they were so confidently called on a short time since to support. He thought that perhaps, by a little further delay, they might possibly find another million stricken out. So far as it regarded the million having been stricken out, he had no objection, and would not have objected to the process being carried on further.

There was now a new principle proposed; which was that the new work be commenced, and appropriating the whole amount, and dividing it into two years, and the next appropriation into three years. He (Mr. S.) had at least doubts as to new fortifications being commenced before old ones were completed. He believed it to be the true policy of the country to complete the old ones first, because they were the primary ones, and the most important to the country; and if neglected, they will fall to ruin. He would have no difficulty in voting for appropriations to complete them, provided they were not so large as that they could not be economically expended. As no appropriations were made last year, it would perhaps be proper to increase the ordinary appropriations for this year. But there was a certain limit beyond which they could not go without they were regardless of economy. He felt reluctant to commence any new fortifications, unless they could go on with the old ones; and, according to the reports, they could not command the labor of the country beyond the completion of the old fortifications, without pressing upon the business and interests of the country. He was of the opinion that all that could be expended the present year, might be expended in completing and arming the old fortifications. If it were true that injustice had been done to Maine, or that injustice had been done to New Jersey, let justice (he said) be done to them hereafter. Mr. S. spoke of a change in the opinions of public officers in regard to the system of fortifications, and of the great number of men necessary to be armed in occupying them. Every day was adding nerve to the arm of our defense in our increase of wealth and population, and there was consequently a great change in the necessity of carrying out that system to its full extent. Then the difficulty was as to what point they should stop at. The Secretary of War did not think it necessary to carry on that system. Take Penobscot, or any other place mentioned in the bill, and (he asked) was the system of fortification proposed for that point precisely such as they would adopt at this day? He regarded that amendment, offered this morning, in relation to the board of officers, worth more than the whole bill. Mr. S. said the time would come when our whole coast would be defended with steam. Our batteries on the coast would be floating batteries, instead of batteries on land. Batteries on our inlets and peninsula bays, as they were termed, would be worth more than in any other location. They needed information on both these points. The Senator from Maine, in speaking of the delay of the defenses of the country, had asked where was the fortification bill? He, (Mr. S.,) too, asked where it was? He meant the ordinary fortification bill. Here was a bill on their tables, not originating in the House of Representatives, where the fortification bill usually originated, but which was called a fortification bill. He understood the ordinary fortification bill was now on their tables, and he would therefore prefer that this bill should be delayed until it was acted on. He must vote against this whole bill, if compelled to vote now, with the exception of the provisions for surveys and steam batteries. He intended to propose that the bill be laid on the table; as $1,000,000 of the appropriation had been stricken out, he was not prepared to say what would be the effect on the remainder.

Mr. WHITE thought that it would be very unwise to adopt any plan for fortifications which there was danger they might have to abandon hereafter. The plan ought to be well considered, estimates and surveys furnished, and all the necessary information obtained from scientific and practical men, before they commenced expenditures for such important works as were intended to endure for ages. It would be remaked, that when the report of the Secretary of War was brought in two plans were before Congress; one was, the bill making appropriations for entirely new works, then before them; and the other was the customary fortification bill, making appropriations for such fortifications as were already in a state of progress. Upon looking at the report, it plainly appeared that the Secretary recommended (all apprehensions of a war with a foreign Power having ceased, and there being full time for the necessary preparations and examinations for new works) that appropriations for these should be suspended till such examinations were made; while he advised that they should progress as rapidly as circumstances would permit, with the works already begun. Immediately after, the Secretary recommended the creation of a board of officers for the examination, as well of the old works as for surveys and examinations for contemplated new ones, to determine on the best plans for improving the one, and for commencing and completing the other. The Secretary also said, that if the appropriations were early made, most of the new works could be put in operation this season; but he went on to add, that unless the corps of engineers was increased, it would be unnecessary to make any appropriations, because the number of officers now in the corps was barely sufficient to attend to the completion of the old works; and as there would be no officers to superintend the disbursement of the money, it must lie idle. Mr. W. here made quotations from the report of the Secretary of War. His interpretation of this report was, that the Secretary recommended that they should create this board of officers for examinations and surveys, and, in the mean time, appropriate $100,000 for making experiments for the improvement of steam batteries, and go on as rapidly as possible with the old works. We would then get the advantage of all the improvements in steam machinery that were advancing from day to day; have the benefit of the information and suggestions of this board of officers, and, at the same time, have the country protected to a considerable extent by the completion of the old works. Why should they, he asked, deprive themselves of all these advantages, at a time when there was no prospect of hostility from any foreign Power, by unnecessary haste? It did seem to him that it would be an unwise and improvident expenditure of money to commence any new works that they might find it necessary hereafter to abandon, because not adapted to the situation of the country, the improvements of the age, and the purposes for which they were intended.

Mr. SHEPLEY contended that the opinion of the Secretary of War had been misconstrued. He thought the Secretary had declared the reverse of an opinion that we should not proceed with new fortifications during the present year. Mr. S. adverted to the language of the report of that officer, in which he had said that it could not be doubted that fortifications at certain points, designated in this bill, would be necessary, and that it would be to the interest of the country that they be constructed. Here, then, was a decided opinion expressed in favor of these new fortifications; and, let the vote be what it might, he hoped, if it was against the bill, it would not be claimed to be based on the position that it was in accordance with the recommendation of the Secretary of War. There were none so blind as those who would not see. But for those who desired to come to the light in regard to the fortifications at Penobscot bay, they would find that all had been done there that could throw any light on the subject. An examination in detail had been made, and no further knowledge could be acquired. They had all the necessary information before them now in relation to the necessity, importance, and expense of the work.

Mr. SOUTHARD said, as there had been upwards of a million of dollars of the appropriations stricken out of the bill by various amendments, which changed the features of it, and in order that they might better understand the bill as amended, he would move to lay it on the table, and that it be printed in its amended form.

Mr. WEBSTER said he wished to see the bill as it then stood, and hoped the motion to print would prevail.

Mr. BENTON observed that it was wholly unnecessary to lay the bill on the table for the purpose of printing it. Any gentleman might in

a moment see it in the shape in which it then stood, by getting from the Secretary the items that were stricken out, and drawing his pen through them on the bill which belonged to his file.

Mr. EWING moved that the Senate adjourn; which was lost—ayes 17, noes 21.

Mr. SOUTHARD then withdrew his motion to lay the bill on the table, and moved to print the amendments.

This motion was also lost—ayes 17, nays 21.

On motion of Mr. KING, of Alabama, the Senate then proceeded to the consideration of executive business; after which, it adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 11, 1836.

Petitions and memorials were presented, on leave, by Messrs. WHITTLESEY of Connecticut, FRY, REYNOLDS of Illinois, INGERSOLL, CHAMBERS of Kentucky, MILLER, and DICKERSON.

[Mr. REYNOLDS presented the claims of Messrs. John Newton, John Randleman, and others, claimants for horses lost in the campaign of 1832, against the hostile Indians in the State of Illinois. Said claimants were members of Captain Craig's company of mounted volunteers, and pray relief.

Mr. CHAMBERS asked and obtained leave to present the memorial of the trustees and faculty of Augusta college, praying an endowment of the incorporated colleges of the United States out of the public lands; which, on his motion, was committed to the Committee on Public Lands.

Mr. MILLER presented the petition of the trustees and faculty of Dickinson college, in the State of Pennsylvania, asking that a portion of the public lands may be appropriated in aid of the several incorporated colleges within the United States.]

REPORTS OF COMMITTEES.

On motion of Mr. SHIELDS, the Committee of the Whole was discharged from the further consideration of the bill to provide for paying certain pensioners of the United States at Pulaski, Tennessee; and the same was read twice, amended, and ordered to be engrossed and read a third time.

Mr. FRY, from the Committee on Revolutionary Pensions, reported a bill for the relief of Balaam Bowens, of Virginia; which was read twice, and committed.

Mr. WHITTLESEY, of Ohio, from the Committee on Claims, reported the following resolution; which was agreed to:

Resolved, That the Committee of Claims be discharged from the further consideration of the claim of Spaulding & Irwin, for extra work for painting the Potomac bridge, and that the same be referred to the Secretary of the Treasury, to settle and pay as he would have done if he had not reported to Congress the entire cost of said bridge.

Mr. BELL, from the Committee on Indian Affairs, made a report, accompanied by a bill for the adjustment of certain claims to reservations of land under the 14th article of the treaty of 1830, with the Choctaw Indians; which was read twice, and committed.

Mr. CLAIBORNE, of Mississippi, remarked that this report and bill were of great importance to his constituents, and to the Union generally. Property to an immense amount was involved, as well as the reputations of many of his constituents. The report, he had no doubt, coming from so intelligent a committee, and from the pen of its distinguished chairman, would place the whole subject in a clear and satisfactory light; would enable the people to understand all the details and ramifications of this extensive speculation, and go far to quiet the excitement that existed on the subject. He hoped the House would indulge him with the printing of five thousand extra copies of the report and bill. It was a very unusual number, but the extraordinary interest of the subject would justify it.

The motion was received; and the Chair stated that it would, under the rule, lie over one day.

Mr. CLAIBORNE asked the House to consider the motion at that time; which being objected to, he moved to suspend the rules for the purpose stated; which was agreed to.

Mr. PARKER thought the number of extra copies proposed unnecessarily large. He named two thousand.

Mr. HAWES was in favor of the largest number. The subject was one of importance to the whole southern country.

Mr. VINTON objected to printing so large a number. There were but a few hundred persons interested in these claims, and these were confined to a particular district of the country. This report was of no sort of importance or interest to the citizens of Ohio, New York, Massachusetts, and most of the other States; and he knew no reason why five thousand extra copies should be printed.

Mr. HAWES said a great deal of testimony would have to be taken in the State of Mississippi on the subject of these claims. The report pointed out the character of evidence which was required, and that document should be extensively circulated, for the purpose of eliciting testimony necessary to a correct decision upon the claims referred to.

Mr. GRENNELL said this was a subject which had heretofore produced much excitement and conversation. As it was about being brought to a close, and as the people in all parts of the country were interested in it, he hoped the motion to print the largest number would prevail.

Mr. JOHNSON, of Louisiana, adverted to the deep interest which was felt upon this subject, and advocated the motion of the gentleman from Mississippi.

Mr. CLAIBORNE said he would state, for the information of the House, that the claims under the fourteenth article of the treaty of Dancing Rabbit creek involved, as he understood, several hundred thousand acres of the public domain, and was, therefore, a subject of interest to the people of the whole Union. It was *not*, as gentlemen contended, a subject exclusively of *local* interest. It was the first time he had seen either the gentleman from Ohio, [Mr. VINTON,] or the gentleman from New Jersey, [Mr. PARKER,] manifest an indifference towards the public lands. On most occasions they watched the public lands with duenna eyes; and now, when a report is made upon a question that will either preserve, or transfer from the United States, property to a large amount, they are found opposing the general circulation which such a document on such a subject should have. Mr. C. said he did not ask the printing of an extra number as a special boon to himself or to his constituents. It was due to the whole country that the subject should be exposed in all its lights and shadows. If frauds had been committed, they were not committed exclusively by Mississippians. His State was swarming with foreign speculators; foreign capital to an immense amount had been sent there for the purchase of lands; and he would venture to say, that very few of the permanent citizens of his State had anything to do with these fourteenth article claims. If any infamy, any degradation, should follow the exposure of the transactions of this speculation, there were many gentlemen on this floor whose constituents would have to participate in it. He therefore insisted on his motion for the printing of five thousand additional copies, because he was anxious that every constituent he had, and the country generally, should see the whole subject in its proper light.

The motion to print five thousand extra copies of the bill and report was then agreed to.

Mr. BELL, from the Committee on Indian Affairs, reported a bill to provide for the speedy adjustment of claims to grants and reservations under Indian treaties; which was read twice and committed.

Mr. BELL, from the same committee, reported a bill for the relief of Silas Fisher; which was read twice, and ordered to be engrossed for a third reading.

Mr. KINNARD, from the Committee on Revolutionary Claims, reported the following resolution; which was agreed to:

Resolved, That the Committee on Revolutionary Claims be discharged from the further consideration of the petition of the heirs of Lieutenant William E. Cunningham, and that their claim be referred to the Secretary of War for settlement.

Mr. PEARCE, of Rhode Island, from the Committee on Commerce, reported a bill making an appropriation for the erection of a marine hospital at City Point, Virginia; which was read twice and committed.

Mr. ADAMS, from the Committee on Manufactures, reported, with sundry amendments, the bill from the Senate to repeal the duties on certain articles, and to reduce the duty on others therein enumerated; and the same was committed.

Mr. MARTIN, from the Committee on the Judiciary, reported without amendment a joint resolution from the Senate to confirm certain grants made by the State of Georgia to lands in the State of Alabama; and the same was committed.

Mr. TAYLOR, from the Committee on Revolutionary Claims, reported a bill for the relief of Singleton Ketcham; which was read twice and committed.

Mr. JACKSON, of Massachusetts, from the Committee on Roads and Canals, reported a joint resolution appropriating $4,000 for the purpose of enabling the Secretary of the Navy to cause an experiment to be made for applying steam power to the navigation of canals upon the principles of the invention of Dr. Plantou; which was read twice and committed.

Mr. MERCER, from the Committee on Roads and Canals, reported, with sundry amendments, a bill from the Senate for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois; and the same was committed.

Mr. PARKS, from the select committee on patents and patent rights, reported without amendment a bill from the Senate to extend a patent granted to James Barron; which was committed.

Mr. FORESTER, from the Committee on Claims, reported a bill for the relief of John B. Perkins; which was read twice and committed.

Mr. MERCER asked the consent of the House to offer a resolution directing the select committee of twenty-four, appointed on the subject of contested elections, to inquire into the expediency of preparing some other room in the Capitol to be occupied as the Representative Hall.

Objection being made, Mr. MERCER moved to suspend the rules; which was negatived—ayes 97, noes 49; two thirds being necessary.

Unfavorable reports upon various petitions, &c., by Mr. FRY, from the Committee on Revolutionary Pensions; Mr. WHITTLESEY, of Ohio, from the Committee of Claims; Mr. POTTS, from the Committee on Territories; and by Mr. PARKS, from the select committee on patents and patent rights.

Mr. JOHNSON, of Kentucky, made an ineffectual attempt to take up the bills to provide for the better defense of the western frontiers, and in relation to arsenals in North and South Carolina.

On motion of Mr. PINCKNEY, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for a survey of the bar and harbor of Georgetown, South Carolina.

On motion of Mr. MASON, of Maine, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing a pension to Daniel H. Crockett, as an invalid soldier in the last war.

On motion of Mr. MANN, of New York, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing the name of Neil McNeil, of the State of New York, on the pension roll.

On motion of Mr. GRAVES, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the town of Bedford, Oldham county, to the town of Port William, in Gallatin county, Kentucky, and one from the town of New Castle to Port-royal, in the county of Henry, Kentucky.

A bill from the Senate for the relief of Melancthon Taylor Woolsey, of Virginia, was read three times and passed.

PROCEEDS OF THE PUBLIC LANDS.

The House resumed the consideration of the bill from the Senate to distribute the proceeds of the sales of the public lands among the several States, and to grant lands to certain States.

Three propositions were pending. The first

was to refer the bill to the Committee of the Whole on the state of the Union; the second to refer to the Committee on Public Lands; and the third, that it be referred to the Committee of Ways and Means.

Mr. GILLET, who was entitled to the floor, addressed the House at some length in support of his motion to refer the bill to the Committee of Ways and Means. He could find nothing in the duties of the Committee on Public Lands, as defined in the rule which he had read on yesterday, appertaining to the revenues of the country; but that their peculiar duty was to provide for taking care of the public lands. The gentleman from Pennsylvania [Mr. CHAMBERS] had argued that the Committee on Public Lands were not only committed on this subject, but that they were selected generally from the new States. Now, (said Mr. G.,) he would call the attention of that gentleman and the House to the formation of the Committee of Ways and Means, as the majority of that committee were not selected from the new States; and therefore that committee could not be objectionable on that ground. Six of the members of that committee were from the old States; therefore, on that consideration, that ought to recommend it strongly to the consideration of the gentleman from Pennsylvania. Another of the reasons that the gentleman had urged why the bill should not go to the Committee on Public Lands was, that that committee had expressed an opinion on another measure in relation to the public lands. It seemed to Mr. G. that merely because that committee had expressed an opinion on another measure, it should not be disfranchised. The Committee of Ways and Means, however, were not committed, as they had not brought before the House any report, or given any vote on any proposition which had committed them for or against this measure. It was, too, their peculiar duty to attend to the financial concerns of the nation, and to see what amount of money might be in the Treasury, and to see what probable calls there would be for that money. If gentlemen would take notice, a motion had heretofore been made to refer this subject to the Committee of Ways and Means. They would find that the Kentucky resolutions, which had been discussed week after week upon each petition day, were proposed to be referred to that committee; but the reason why his colleague [Mr. GRANGER] objected to the Committee of Ways and Means was, because the chairman of that committee had said that, at the end of the year, there would be no such thing as a surplus revenue to dispose of.

Now, the fact stated by his colleague as a reason why the bill should not go to that committee, was the very reason why Mr. G. thought it should go there, because that committee had charge of all subjects appertaining to the finances of the country; first, as to what amount of money there was in the Treasury; secondly, whether the same amount received last year will be received this year; and thirdly, to consider the probable calls which would be made for the money in the Treasury. Mr. G. had understood the chairman of that committee to say, that, if Congress made the appropriations which were called for by bills then reported, there would be no such thing as a surplus revenue to divide. If it was true that there would be calls for all the money in the Treasury, then certainly the bill ought to be referred to the Committee of Ways and Means, so that they might report and tell the House what calls were to be made for the public money, and show whether the assertions of the chairman of that committee were correct. Most certainly that committee was the proper committee to refer this subject to. But his colleague [Mr. GRANGER] had argued as another reason why this subject should not go to that committee, because they ought to act promptly and speedily on the subject, and that they now had as much information as if the committee had reported on the subject. Now, Mr. G. disagreed with his colleague entirely on this subject. Although his colleague might be acquainted with the subject, still that was not the case with every member of the House, and it certainly was not the case with Mr. G. himself. He had not made himself so familiar with the subject as his colleague seemed to have made himself. But there was a strong reason why they should not act speedily—that is, before they dispose of the other business before them, involving appropriations—because they could not, until that business was disposed of, say what amount there would be in the Treasury to be divided; and if there would be nothing, they would be placed in the ridiculous situation of having passed a law to distribute the surplus revenue when there was none to distribute.

The decision of this question ought to depend upon the action of the House on a variety of subjects; and he wished to call the attention of his colleague [Mr. GRANGER] to some of those subjects. As that gentleman, he presumed, expected to come into power, he [Mr. GILLET] wished he would give them all the information on these various subjects which he could. He would first inquire of him whether he was prepared to go for the defenses of the country—for putting the country in a state of defense to protect us against any nation and every nation? because, if he did, he imagined he would have but a small amount of revenue to distribute. He also wished to know if that gentleman would go for the proposition in relation to the transportation of the mails on railroads? He thought, if the gentleman went for that, there would no such thing as a surplus revenue to distribute.

He then further wished to know whether he would go for building custom-houses and court-houses for the accommodation of the Federal courts, and for arming and disciplining the militia? because, if he would go for these measures, he most certainly would have a very small amount of surplus to distribute. There was also a proposition, which was somewhat agitated at the present time, to reduce the postage on newspapers and pamphlets; and another to make harbors and build light-houses; and if the gentleman went for these measures, the surplus would be greatly diminished. Another proposition before them was to make a canal around the Falls of Niagara, the estimated expense of which was $5,000,000; and it was very important that these subjects should be settled before they passed a law like the present.

The CHAIR said the merits of the question could not be gone into on a motion to refer the subject to a committee.

Mr. GRANGER hoped his colleague would be permitted to proceed.

Mr. VINTON understood the gentleman as referring to these subjects to show that the bill ought to be referred to the Committee of Ways and Means.

Mr. GILLET resumed: He said they had just passed a bill which contained a proposition to fit out a South sea expedition, and there was no telling but that they might be called upon to send out another expedition before the end of the session. Besides this, there was a disposition to have the sales of public lands confined to actual settlers; and if the sales should be so limited, it would keep a large amount of money from going into the Treasury. Again: there was a proposition before the House to graduate the price of the public lands; and if they passed that bill they would diminish the amount of revenue to be received from lands greatly. Now, if the gentleman was for these propositions, he would find that there would be a less amount of surplus to divide than he imagined. There was besides this a proposition to erect an armory of construction in the West, and a national foundery to cast cannon, which would take away and diminish the surplus very considerably. Then there was another proposition of a distinguished individual, whom he imagined his colleague had no doubt he would come into power, which was to apply the surplus revenue for the purpose of colonizing the blacks. It would be well to have the views of his colleague on these subjects; and he considered it important that these questions should be settled before this bill was passed. He would give no opinion on any of these subjects, except as to the defense of the country, and arming the militia. He had nothing to say as to the merits of the other propositions, because it would be time enough to express an opinion upon them when they come up to be acted upon; but before the Treasury should be swept of every dollar these questions should be passed. There was a controversy, too, as to the amount of money in the Treasury. Some had contended that there were sixteen or seventeen millions, while others said there was the sum of fifty or sixty millions in the Treasury. The Committee of Ways and Means then ought to leave this subject before the House, and all the light upon it which they could give, before they passed the bill. There was also a proposition to pay off all the French claims prior to 1800; and, besides this, the treaty stipulations would require upwards of seven millions of dollars.

There were also a number of private claims, and many of them did not carry the amount of the appropriation made by them on their face. He did not say which of these appropriations he should vote for, except the ones for the national defense and for arming the militia; but he would say, if they passed this bill, distributing the public revenue, they would prejudge the whole of these claims. It seemed to him that they ought to refer this bill to the Committee of Ways and Means, and have a report from that committee in relation to the finances of the nation. The gentleman from Massachusetts [Mr. LINCOLN] had given, among other reasons why this bill should not go to the Committee of Ways and Means, because they would have the influence of a report from that committee against it. Now it seemed to Mr. G. that, if this bill could not stand the test of a report from the Committee of Ways and Means, or the Committee on Public Lands, it must be a very doubtful measure indeed. He apprehended that the country was not prepared for a measure, if it was to be injured by a report from one of the standing committees of the House. If the measure stood strong in the public estimation, as gentlemen had said it did, a report from a committee would not kill it; and if it could not stand the test of that scrutiny it ought not to be passed.

It was a new thing in that House, that a proposition to dispose of the whole of the public treasure should not be allowed to take the usual course in the House. Such a thing never had been heard of in that Hall, to endeavor to carry so important a measure without letting it receive the investigation of a committee. It was the proper place to refer it to one of the standing committees; and if it should stand the test of that committee, then let it come into the House and be discussed in the Committee of the Whole on the state of the Union. He thought gentlemen ought to go with him in sending this bill to the Committee of Ways and Means. If it was not able to stand the test of the scrutiny of that committee, then it ought not to pass.

Mr. BRIGGS obtained the floor, but gave way to

Mr. GRANGER, who wished to reply to the inquiries made of him by his colleague. Mr. G. spoke upwards of an hour, in reply to the various inquiries made of him by his colleague, [Mr. GILLET.] He was in favor of appropriations for arming fortifications on the sea-board, but not to the extent of the amendment proposed by the fortification bill. He would, however, expend as much as could be done with economy the present year; say four or five hundred thousand dollars. He said that the present Administration had gotten all the appropriations which they had asked for this purpose, and at a time when the country was, in their opinion, near being plunged into a war with one of the powerful nations of Europe, that they had not a gun on one of their fortifications, except at Charleston.

When Mr. GRANGER concluded his remarks, several gentlemen rose to address the Chair.

Mr. BRIGGS obtained the floor.

Mr. BYNUM contested the right of Mr. BRIGGS to the floor. He protested against the principle that a member should obtain the floor and be permitted to yield it to another to make a long speech, (who, having previously spoken on the subject, was not entitled to the floor until other members, who chose to do so, had spoken,) and then that the member thus yielding should be permitted to claim the floor, after having thus yielded it.

The CHAIR had first caught the eye of the gentleman from Massachusetts, [Mr. BRIGGS.] Had any other gentleman risen before the member from Massachusetts, the floor would have been given to such individual.

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. WEDNESDAY, MAY 18, 1836. VOLUME 3....No. 29.

Mr. BRIGGS presumed the gentleman from North Carolina was now satisfied.

Mr. BYNUM was satisfied with the decision of the Chair, but he was not satisfied in regard to the imposition which had been practiced upon the House.

Mr. BRIGGS thought, if it was necessary to refer the subject to a standing committee at all, that it appropriately belonged to the Committee on Public Lands; but, for the purpose of having speedy action upon it, he would be in favor of referring it to the Committee of the Whole on the state of the Union. He considered they had information sufficient to enable them to act upon it, and therefore could not see the necessity of referring the bill to the Committee of Ways and Means to have their opinion upon it. He conceived there would be money in the Treasury, after sufficient appropriations were made, for the defenses of the country, which he would go for to any reasonable extent. He hoped the bill would be referred to the Committee of the Whole on the state of the Union, so that it might have the speedy action of the House.

Mr. LANE obtained the floor, when

Mr. CAMBRELENG called for the orders of the day; and the House therefore proceeded to the special order of the day.

FORTIFICATION BILL.

On motion of Mr. CAMBRELENG, in further execution of the special order of the 26th of January, the House resolved itself into the Committee of the Whole on the state of the Union, and proceeded with the consideration of the bill making appropriations for the fortifications of the United States for the year 1836, (Mr. MANN, of New York, in the chair.)

The question pending was the amendment of Mr. CAMBRELENG, to insert an additional clause in the bill appropriating the sum of $700,000 for the armament of the fortifications.

Mr. TOWNS, who was entitled to the floor, addressed the committee at length on the subject of the surplus revenue, and in reply to Mr. THOMPSON, of South Carolina, on the course of Messrs. CLAY and CALHOUN, and in reply to Mr. BELL, in defense of the Administration and its principles. Mr. T. spoke upwards of two hours; his remarks will be given as soon as they can be prepared for the press.

Mr. FRENCH then took the floor, and on his motion the committee rose and reported; and then the House adjourned.

IN SENATE.

THURSDAY, *May* 12, 1836.

Mr. BROWN presented a memorial of sundry citizens of Wilmington, North Carolina, praying for an appropriation to remove the obstructions in Cape Fear river, below the town of Wilmington; which was referred to the Committee on Commerce.

Mr. CLAYTON presented the petition of George Bomford and William W. Seaton; which was referred to the Committee on the Judiciary.

Mr. CALHOUN presented the petition of the town council of Georgetown, South Carolina, praying for a survey with a view to the improvement of their harbor; which was referred to the Committee on Commerce.

Mr. HILL presented a petition of sundry inhabitants of Sullivan county, New Hampshire, praying for the establishment of a post route; which was referred to the Committee on the Judiciary.

Mr. DAVIS presented the petition of Elkanah Cobb, praying for a pension; which was referred to the Committee on Pensions.

Mr. WRIGHT presented the petition of sundry inhabitants of Michigan, praying for the establishment of a land office; which was referred to the Committee on Public Lands.

Mr. WALL presented the copy of a judgment obtained by the United States against William P. Rathbone; which was laid on the table, to be called up, as Mr. W. said, when Rathbone's case is considered.

RESOLUTION.

Mr. DAVIS submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of allowing the widow of Peter Smith such sum as would have been paid him under the pension act of January 4, 1832, provided his claim for a pension under said act had then been admitted.

REPORTS FROM COMMITTEES.

Mr. EWING, of Ohio, from the Committee on Public Lands, reported a bill to authorize the Government and Legislative Council of the Territory of Florida to sell the lands heretofore reserved for the benefit of a general seminary of learning in said Territory; which was read, and ordered to a second reading.

Mr. WALKER, from the select committee, to which was referred the bill to carry into effect, in the States of Alabama and Mississippi, the existing compacts with these States with regard to the five per cent. fund, and the school reservations, made a report thereon, accompanied with an amendment to the bill; which was read; and,

On motion of Mr. WALKER, two thousand extra copies were ordered to be printed, and the bill was made the order of the day for Tuesday next.

On motion of Mr. EWING, of Ohio, the Committee on Public Lands was discharged from the further consideration of the petitions of William M. Yerby and Thomas Taylor.

ADMISSION OF ARKANSAS.

Mr. BUCHANAN, from the select committee, to which was referred the subject of the admission of Arkansas into the Union, reported a bill supplemental to the act entitled "An act for the admission of the State of Arkansas into the Union, and to provide for the execution of the laws of the United States within the same;" which was read, and ordered to a second reading.

On motion of Mr. BUCHANAN, the bill was postponed to, and made the special order of the day for, this day week.

MARY J. BALLARD.

Mr. DAVIS, on leave, introduced a bill providing for the further payment of a pension to Mary J. Ballard; which was read twice, and referred to the Committee on Naval Affairs.

BILLS PASSED.

The bill to carry into effect the treaty of limits between the United States and Mexico; and

The bill to provide for the enlistment of boys in the naval service, were severally read the third time and passed.

WESTERN BOUNDARY OF MISSOURI.

On motion of Mr. CLAYTON, the bill to extend the western boundary of the State of Missouri was taken up, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

FORTIFICATION BILL.

The bill making appropriations for the purchase of sites, the collection of materials, and for the construction of fortifications, was taken up as the special order of the day; the question being on Mr. BENTON's motion to strike out the appropriation of $101,000 for fortifications at Penobscot bay, and to insert in lieu thereof $75,000, to be applied to the same object in the year 1836, and $75,000 in the year 1837.

Mr. CALHOUN was not disposed to depart from the usual course of legislation in this case. Bills for fortifications usually originated in the House of Representatives, and the Senate could add to or reduce the amount of appropriations contained in them, as they thought proper. They had before them two propositions—to complete old and to erect new fortifications. He thought they ought, as far as possible, to complete the old fortifications before new ones were taken up. By pursuing the course indicated, which was that of waiting for the action of the other House, would prevent confusion, caused by the Senate sending their fortification bill to the House of Representatives, and the House of Representatives sending theirs to the Senate; while both branches would be acting on the same subject in distinct bills. Mr. C. then moved to lay the bill on the table.

Mr. BENTON demanded the yeas and nays.

Mr. CLAYTON thought the Senator from Missouri [Mr. BENTON] would jeopardize the bill by taking it up now, when the Senate was so thin, and suggested whether it would not be better to let it lie over until to-morrow.

Mr. BENTON said the Senator from Delaware had shown a disposition throughout to go on with the fortifications, and had manifested that disposition while serving with him on the committee; and there was no one to whose suggestions he would listen with more respect than his. But, under the circumstances, he was not willing to postpone it any longer.

Mr. CALHOUN was not disposed to elude the question, but wished to meet it fairly.

Mr. CALHOUN's motion was then rejected—yeas 17, nays 22; as follows:

YEAS—Messrs. Calhoun, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Leigh, Moore, Naudain, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, and White—17.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Georgia, Linn, McKean, Morris, Nicholas, Niles, Rives, Ruggles, Shepley, Tallmadge, Walker, Wall, and Wright—22.

Mr. BENTON observed, that the fairest way of getting at the whole matter would be to take the question suggested by the argument of the Senator from Tennessee yesterday; that was, on a motion to strike out all the new works. This would be the best way of getting at the sense of the Senate; and he would withdraw his amendment in order to give the gentleman an opportunity of making a motion to that effect.

Mr. WHITE would not submit any motion to strike out; and if any of the fortifications were to be retained, he was inclined to think there was as much merit in the fortifications at Penobscot bay as any other. His objections were to appropriating the whole sum in gross, to be expended in different years. He had made no motion, and would not make any now.

Mr. BUCHANAN said the report of the Secretary of War on the subject of fortifications was one of the ablest State papers he had ever read. He believed it had met with the decided approbation of every member of the Senate. The views of the Secretary were practical, and commended themselves to the common sense of all of us, whether military men or not.

The principles established by that report were, that it would be vain and impracticable for us to attempt to erect fortifications along our coast at every point where an enemy might effect a landing; and if we even could do so, it would render a large standing army necessary to provide them all with garrisons; and would thus be in opposition to the genius of our institutions. That fortifications should only be erected to defend our commercial cities from the attack of an enemy; and these ought to be constructed merely for the purpose of resisting an assault by sea, because it was not to be imagined that an enemy would or could ever sit down before them on the land side, and besiege them regularly, according to the European custom.

The principles of this report would not only reduce the number of our fortifications, but their size, and consequently the expenses of their construction. This, with him, was an important object, as he should never be willing to involve the country in unnecessary expenditures, merely because we had a large surplus in the Treasury.

What, then, did the present bill, as it had been amended, propose? Simply to appropriate

money for the erection of those fortifications which had been specially recommended by the Secretary of War as necessary for the defense of our commercial cities. Was there a single Senator who did not admit that it was necessary to erect fortifications at the proposed points? He believed we were unanimous upon this subject. Then what was the question? It was one merely of time. Shall we appropriate the money this year, or wait until the next? For his part, he was ready and willing to concur in what he understood to have been distinctly recommended by the Secretary, and make the appropriations at once. It was true that he had also suggested the propriety of establishing a board of engineers for the purpose of making further surveys and examinations before any of the works should be commenced, and had asked an appropriation for this purpose. But why should we delay making the appropriations for the construction of the works until this was done? Several of these fortifications had been already surveyed; and, in regard to these, all that was necessary before commencing their construction was to reduce their dimensions to the standard of the report. As soon as this was done, they might be commenced immediately. At an early period of the session, we had resolved unanimously in favor of making all necessary appropriations for the defense of the country. The Treasury was now full, and he could perceive no good reason for postponing until the next year what we might as well and better do at the present session. Let us place the money at the disposition of the Department, and let the fortifications be commenced as soon as the preliminary surveys could be completed.

Mr. EWING concurred with the Senator from Pennsylvania as to the general import of the report of the Secretary of War; and also concurred with him in the opinion that it was a very able State paper. He further agreed with the Senator from Pennsylvania, that the question as to the construction of these fortifications was the proper time for commencing them. Now, from all he could gather from the report of the Secretary, it appeared that there would be no advantage to be obtained by commencing these works at this time; and that it would be a departure from the well-established policy of this Government to go on with them before making the necessary surveys and estimates. It would appear, from the Secretary's report, that there were certain works which did not need examination; but on turning to another page it would be seen that the Secretary says that a reëxamination should be made in every case, "in order to apply these principles." The Secretary told them that the whole plan was originally deficient, though well adapted to the situation of the country at the time; but that it was now inefficient, and ought to be changed. Mr. E. continued his objections to making appropriations for new works before the necessary surveys and estimates were made, and contended that they ought to wait for the result of the examinations of this board of officers to be appointed on the recommendation of the Secretary of War. If this bill should now be passed, it would take some time to get it through the other House; the bill to increase the corps of engineers must also be passed by that body; and it would take some time to get them together and instruct them; and therefore, under all those unavoidable delays, no use could be made of the appropriations this season. It appeared to him that these appropriations at this time would only have the effect of changing the deposits of the public moneys in the deposit banks from the name of the United States to the names of the disbursing officers. It would be nothing more; for the money must remain in these banks without a possibility of using it.

Mr. PRESTON said that laborers had by this time probably made their arrangements for employment during the season, and no doubt great inconvenience would arise in procuring them, and, if procured, it would be at an increased expense. There were two fortification bills; one emanating from the Military Committee, designating the points of location, and the other from the Committee on Finance, making the necessary appropriations. Heretofore, the practice had been for the other House to originate these bills, and the fault of the delay was not properly the fault of the Senate, but of the House of Representatives. The Senate now went into the consideration of one branch of this subject, while they were left in the dark in regard to the other. The Military Committee, at the commencement of the session, found us under peculiar circumstances. We were then threatened with a war, and fearing the House might not get a bill up in time to meet the emergency, had brought this bill forward, but now matters were changed. The temper and judgment which characterized the report of the Secretary of War was such that he was much disposed to acquiesce in its recommendations, and he very much distrusted his own judgment when differing from him in this matter. He differed from the Senator from Ohio [Mr. EWING] in regard to the construction he had put upon the report; and the President concurred in opinion with the Secretary of War against the opinion of the engineers.

There were certain fortifications which had been excepted by the Secretary of War in his report, who had suggested the prosecution of them under the peculiar circumstances with which they were identified, and had therefore acquiesced in the prosecution of some of the fortifications, while he rejected others. He could not tell how far the principles laid down by the Secretary would be retained in the provisions of this bill; but he inferred that the general purpose of the Secretary was, that Congress should examine this matter with full deliberation; and the general conclusion was, that the principles laid down by him should be deliberately applied to all these works. He had come to the conclusion that the Secretary believed those works which he had designated might be carried on under the direction of the Government on certain contingencies, and that future changes might be made which would require a corresponding change of plans to meet them. In regard to many of these works, plans of them had been frequently approved, and the estimates of the necessary labor stood a matter of record for the last twelve or fifteen years. Most of those of the first class had been completed, and the present bill proposed to carry into completion those of the second class, and part of those of the third class. Penobscot and Kennebec were of the third class, and also the fortification at Provincetown, at Cape Cod. He believed Provincetown ought to have been of the first class, as it was of primary importance; but the Secretary of War had differed from this classification; and the President, looking directly to the question, had decided with the Department, and differed from the bureau. The idea of defending the coast by steam was not new, but was as old as 1816, although a new and more powerful application of it had been invented. The springing up of new towns and cities, the development of new energies, and the rapid improvement of the country, had already produced a change in the state of things different from what existed when the original plan of fortifications was adopted.

Mr. P. went into an inquiry as to the length of time that would be required to put up these buildings. The Secretary of War (he said) had recommended that a general appropriation be made, so that, as soon as works were found to be necessary at any given point, they should be commenced, with a view to a gradual completion; and the chairman of the Military Committee [Mr. BENTON] had moved, in pursuance of those recommendations, to change the appropriations to Penobscot from $104,000, to be expended in one year, to $150,000, to be expended in two years, and the appropriation to be divided into $75,000, to be expended in each year. It was proposed to commence from the stump, and finish that work in eighteen months. Heretofore, it had been the practice of Congress, in undertaking a series of works, to adopt the mode of appropriating a yearly amount at every session, by which the subject annually passed the ordeal of examination by a committee. This pledge to make these appropriations for a series of years was different from an appropriation for the fiscal year; and he would prefer that so much for 1836, and so much for 1837, should be particularly specified; and when they had acted on this amendment he would offer some suggestions in relation to the proposed fortifications at Kennebec.

Mr. NAUDAIN moved to amend the amendment by striking out the $75,000 for the year 1837, leaving the 75,000 for the year 1836.

Mr. N. observed that the reasons which induced him to make this motion were drawn from the report of the Secretary of War, which recommended that surveys should be made before commencing any new works. He believed also, that one half of the appropriation would be sufficient to keep the workmen in employment for the remainder of this year, and until the middle of the next. For one, he was opposed to making appropriations for so long a time in advance.

Mr. SHEPLEY showed that different reports and examinations had been made in regard to the fortifications at Penobscot bay. That the Department could never make contracts beyond the appropriation was a regulation well understood. It was judged this fortification would cost $150,000, and had been increased to that sum from $101,000. He went into a calculation of the cost, whether it should be constructed of brick or stone, to show the disadvantage and want of economy in making limited or partial contracts, which would be unavoidable in case the appropriation for the second year should be cut off.

Mr. CALHOUN observed that the Senator from Maine put these large appropriations on the ground that the Secretary would make the contracts to run through the whole time. Now, he had had some little experience in these matters, and well knew the disadvantages attending the making long contracts. If they were made when prices were high, the profit consequent on the fall of prices inured to the contractor; and if they were made when prices were low, the contractor was sure to violate his contract when he found himself losing by the fall of prices, so that in either case the Government must be a great loser. One great objection that he had to the large appropriations in this bill was, that they were calculated to empty the public purse and fill the pockets of the contractors.

The Senator from Connecticut said that labor is now falling. Well, what would be the result? Why, the fall in the price of labor would put thousands into the pockets of individuals for no earthly benefit to the public. There never was a time better fitted to make fortunes for contractors than the present. He understood this thing very well. He would not attribute motives to any gentleman, but it had been almost openly avowed on that floor, that the design was to retain the public money where it is, and prevent it from going back to the people to whom it rightfully belonged. There were powerful combinations interested in this matter. Millions were deposited in these deposit banks who paid no interest on it, and were, therefore, deeply interested in retaining this money; a vast number of individuals who were indebted to them, were equally interested in the same object, and this powerful combination would make every effort to prevent the withdrawal of this money. If this bill was a question of fortifications, there would be no difficulty; it would be passed at once; but these were not the real objects in view. The question now was not fortifications, for they were not even dreamed of; but how to prevent this immense amount of public money from being withdrawn from the deposit banks with respect to these appropriations, the passing them at this time, and in the absence of surveys and sufficient information, would be a departure from the long-settled practice of the Government, for which no sufficient reason could be given. Their custom had been to wait for the action of the other House, and to pass such fortification bills as came from that body. There was a fortification bill now in progress there, and there was no danger of its not being sent to the Senate in time to be acted on. It was not expected to expend this money this year, for the Secretary would have too much discretion to make contracts at this time.

There never was a time when there was so little use in expending money on new fortifications as the present. There were only two nations in the world against whose attacks they would be warned, and these were France and Great

Britain. Our difficulties with France were, thanks to Providence, happily settled, and with Great Britain there was not the slightest expectation of our coming in conflict. Her magnanimous interference to settle our foolish and wicked quarrel with France, plainly showed her friendly intentions towards this country, and her strong desire to maintain her friendly relations with us. Our danger (said Mr. C.) lies not on the sea-coast; it lies in another way; in the southwest. Let me tell you (said Mr. C.) that every dollar of our surplus may be wanted, and that soon. They knew not even what the next mail might bring them. Wait then (said Mr. C.) a few days, and watch the progress of events; let this bill lie and rest until the Senate had time to consider and reflect upon it. They were proceeding with too much precipitation on idle schemes to prevent the surplus money from going back to the people from whom it was derived. He was anxious to have the bill to provide for the safety of the public money taken up and considered; it being, in his opinion, a more important matter than any that could be brought before them; and he had hoped that the Senator from New York [Mr. WRIGHT] would have called it up before this. He now gave notice that he would himself call up that bill on Saturday next, if the Senator from New York did not call it up before that day.

Mr. WRIGHT expressed a wish to address the Senate on the subject, but it being late in the day, moved an adjournment, which was carried; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 12, 1836.

On motion of Mr. SHIELDS, the bill providing for paying certain pensioners of the United States at Pulaski and Dandridge, in the State of Tennessee, was taken up, read a third time, amended, and, after some conversation between Messrs. WHITTLESEY of Ohio, LEA of Tennessee, HARPER, McKAY, CARTER, ALLEN of Vermont, WARDWELL, SHIELDS, and EVERETT, the bill was passed.

PERSONAL EXPLANATION.

Mr. GARLAND, of Louisiana, by permission of the House, rose to make a statement personal to himself. There were certain individuals who attended in that House as reporters, who were in the practice of writing letters for publication in the papers of other cities. In two letters of this character, one of which had appeared in the Philadelphia Inquirer, and the other in the New York Courier and Enquirer, his course on the bill to provide for the defense of the western frontiers was misrepresented, and statements were made not founded in fact. The letter in the New York paper stated, that both Mr. Adams and himself had opposed the bill to which he had referred; and the correspondent of the Philadelphia Inquirer understood him to oppose it, but supposed he might be mistaken, owing to the confusion which prevailed at the time; and he, (Mr. G.,) had been called upon by the latter correspondent to correct the error, if one had been committed. No gentleman who had heard him on the occasion to which he alluded, could fail to remember that he stated explicitly that he was in favor of the passage of the bill, and that the appropriation ought to be made. Such was his anxiety that the measure should be speedily adopted, that he had previously determined to forbear making any remarks, lest the passage of the bill should be delayed or endangered by discussion. Seeing, however, no decided opposition to it, and a debate having sprung up in reference to the affairs of Texas, (which in fact had little or no connection with it,) he had been drawn out, and had followed other gentlemen in the course of remark in which they had indulged on that occasion. In addition to what he had stated, his name was recorded in favor of the passage of this bill, and under the circumstances it was most extraordinary that it could have entered into the mind of any person that he had opposed this measure, more particularly when it was recollected that it was intended to protect the people of his own district. This gross error should admonish those who undertook to give the proceedings of the House to report them correctly; and it was also a reflection upon the House, that owing to the confusion which prevailed, a member had been called upon to correct an erroneous impression in regard to his own remarks and course upon an important subject.

NATIONAL FOUNDERY.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill providing for the establishment of a national foundery; which was read twice and committed.

ADJOURNMENT.

Mr. HAYNES moved to suspend the rules for the purpose of enabing him to submit a motion to take up and dispose of the joint resolution from the Senate, fixing a day for the final adjournment of Congress.

Mr. MANN, of New York, asked for the yeas and nays on the motion; which were ordered; and were—

YEAS — Messrs. Chilton Allan, Barton, Bean, Bockee, Bond, Boyd, Briggs, Brown, Buchanan, Burns, William B. Calhoun, Campbell, Carr, George Chambers, Chapman, Nathaniel H. Claiborne, Coffee, Corwin, Denny, Dickson, Fairfield, Fry, Philo C. Fuller, William K. Fuller, Granger, Graves, Grennell, Griffin, Hannegan, Harlan, Harper, Samuel S. Harrison, Haynes, Hazeltine, Hoar, Ingersoll, William Jackson, Janes, Jenifer, Richard M. Johnson, Henry Johnson, Judson, Kennon, Kilgore, Klingensmith, Lansing, Lawrence, Lay, Lincoln, Logan, Love, Abijah Mann, Job Mann, Martin, William Mason, Sampson Mason, May, McKennan, Miller, Milligan, Morgan, Morris, Pettigrew, Phillips, Potts, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Sickles, Sprague, Steele, Sutherland, Turrill, Vanderpoel, Wagener, Ward, Wardwell, White, Elisha Whittlesey, Lewis Williams, and Sherrod Williams —82.

NAYS — Messrs. Adams, Heman Allen, Anthony, Ash, Ashley, Bailey, Beale, Beaumont, Boon, Borden, Bouldin, Bovee, Bunch, Cambreleng, Carter, Casey, Chaney, Chapman, John F. H. Claiborne, Clark, Cleveland, Coles, Connor, Craig, Cramer, Crane, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Effner, Everett, Farlin, Forester, French, Galbraith, James Garland, Rice Garland, Gillet, Grantland, Grayson, Haley, Joseph Hall, Hiland Hall, Hamer, Hawes, Holsey, Hopkins, Howard, Hubley, Hunt, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Kinnard, Lane, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Loyall, John Y. Mason, Moses Mason, McKay, McKeon, McKim, McLene, Mercer, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Phelps, Pinckney, Reed, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roan, Seymour, Shields, Slade, Sloane, Spangler, Standefer, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Townes, Turner, Underwood, Washington, Webster, Weeks, and Thomas T. Whittlesey—107.

So the House refused to suspend the rules.

GEORGETOWN MANUFACTURING COMPANY.

Mr. ADAMS, from the Committee on Manufactures, reported a bill to incorporate the Georgetown Manufacturing Company; which was read twice, referred to a Committee of the Whole House; made the order of the day for to-morrow, and ordered, together with the petition upon which the bill was founded, to be printed.

Mr. A. said that, being up, and as he might have no other opportunity for it, he would ask the permission of the House, in consequence of the statement made by the gentleman from Louisiana, [Mr. GARLAND,] to make one for himself. In one of the two reports which the gentleman from Louisiana had cited as having misrepresented his remarks in the important debate of last Saturday, Mr. A.'s name had been misrepresented in the same manner. It was said in that report, as noticed by the gentleman from Louisiana, that *he* had opposed the passage of the bill of appropriation for the defense of the southwestern frontier. It was perfectly well known to every member of the House, not only that he did not oppose the passage of the bill, but that such an intention having, from some remarks which he had made in the debate, been imputed to him by a member, he had in the most explicit manner disclaimed it; that he had voted for the bill through all its stages on that day; and that his name stood recorded upon the Journal of the House in its favor.

But this was not the grossest misrepresentation which had gone forth with regard to his remarks in the House on that occasion. It had been expressly stated in one of the daily newspapers of this city,* that in that debate he had said that he would prefer to see a black colony established in the Mexican province of Texas, sooner than to have it annexed to this Union as a slaveholding State or States. Every member of the House who had heard him, knew that he had said no such thing. He had said not a word about the establishment of a black colony in Texas. What he said was, that he would prefer to see Texas remain a part of the Mexican Republic, with slavery abolished, than have it made a part of the United States with slavery reëstablished by war, to constitute slaveholding States of this Union. Now, it was impossible for him to believe that so gross a misrepresentation of what he had said could have been inadvertently made. The purpose of exposing his remarks to obloquy, was too apparent to leave a doubt that it was intended. And thus it is that members of the House are subjected to the most invidious misconstructions of their conduct.

He would further observe that, in the report in the National Intelligencer of this morning, of a few words which he had been called incidentally to say in the House yesterday, and which had certainly not occupied *two minutes* of time, there were two errors, not indeed so important as those which he had just exposed, nor, as he believed, intentional, but equally wide of what he had actually said. A gentleman from Georgia, [Mr. TOWNS,] in addressing the House, had stated that he (Mr. A.) had, when Secretary of State, dismissed a printer of the laws, favorable to the election of General Jackson, and had appointed in his place a printer friendly to himself. Mr. A. had then interrupted the gentleman from Georgia, and assured him and the House, that while Secretary of State he never had, in any one instance, dismissed a printer of the laws, and appointed another on account of any political partiality for or against himself. He had added, that the only change which he had made of a printer of the laws at Nashville, had been made at the request of General Jackson, and his then colleague in the Senate, Mr. Eaton, though he know not whether this fact would be recollected by the President. Thus far the report in this morning's Intelligencer was substantially correct, but it then proceeded to represent Mr. A. as having said that "the motive for this change was afterwards the subject of much misconstruction." The members present yesterday when he spoke must remember that he made no such remark.

The other error was more considerable, because it misrepresented not only what he said, but his real opinion. He had said, that during the period when he had held the highest station in the Union, he had never removed from office one man on account of his political opinions or preference with regard to the Presidency. That his adherence to this system had been universally known; that it had been much disapproved of by many of his friends; and that in an historical work, published some years since, it had been mentioned as one of the causes of his subsequent failure of political success. The report in the Intelligencer represents him as saying that he himself "believed it was one among the principal reasons why he was not more successful as a candidate for a second election." He had not only not said this, but he did not believe it. He did not believe that his forbearance to dismiss public officers opposed to him had the slightest effect on the subsequent election. Many of his friends, however, believed that it had.

Mr. A. concluded, by observing that these were exemplifications of gross misrepresentations of his words and sentiments, expressed in the House within the last four days. It was, perhaps, a useless attempt to correct them, for he verily believed he could not open his lips to speak ten words in the House but they would be misrepresented, unless they were submitted by the reporter to his own revision.

*Mr. ADAMS was understood to allude to an editorial article in the Telegraph of Monday last.

REPORTS FROM COMMITTEES.

Mr. BRIGGS, from the Committee on the Post Office and Post Roads, reported a joint resolution authorizing the Postmaster General to settle a claim of Hard & Longstreet, for carrying the mail; which was read twice, and committed.

Unfavorable reports were made by Messrs.

MANN of New York, PATTON, and CRAIG, from their respective standing committees.

Mr. LINCOLN, from the Committee on Public Lands, reported, with several amendments, the bill from the Senate to give effect to patents for public lands issued in the names of deceased persons. The amendments were concurred in, and ordered to be engrossed, and the bill was directed to be read a third time.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported a resolution providing that, on Thursday next, from twelve o'clock, the House would take up and consider the following bills:

A bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof; and

A bill to establish certain post routes and to alter and discontinue others.

After some suggestions by Messrs. CONNOR, MANN of New York, JOHNSON of Kentucky, WHITTLESEY of Ohio, and VINTON, the latter moved to amend the resolution by striking out "twelve," and inserting "one" o'clock.

Mr. HAMER was opposed to the resolution in any shape or form. It would have the effect of giving precedence to bills of far less importance to the country than others which were pending, and which should be passed. He, therefore, moved to lay the resolution and amendment on the table.

Before any question was taken, Mr. LINCOLN moved that the House proceed to the consideration of the orders of the day; which was agreed to—ayes 100, noes not counted.

Mr. PATTON, on leave, presented a petition; which was referred.

PROCEEDS OF THE PUBLIC LANDS.

The House resumed the consideration of the bill from the Senate to distribute the proceeds of the sales of the public lands among the several States, and to grant lands to certain States.

Three propositions were pending. The first was to refer the bill to the Committee of the Whole on the state of the Union; the second, to refer to the Committee on Public Lands; and the third, that it be referred to the Committee of Ways and Means.

Mr. LANE said it was not his purpose to detain the House by a discussion of the merits of the bill; that when it shall be in order, it was his intention, not only to give his opinion, but his vote, fearlessly and according to the dictates of his own consciousness of right and wrong. That he was deeply impressed with its importance, and of the opinions and wishes of those whom he had the honor to represent on that floor That he was also aware of the political importance attached to it, in reference to the pending presidential election by a party in this country, and by certain aspirants for that office both here and elsewhere. Sir, had any doubts existed of this fact, the distinguished gentleman from New York, [Mr. GRANGER,] in his remarks, would have dissipated them. He seemed to speak of it with peculiar emphasis; to hail it as the rising star of promise; to gaze upon it as the hope of political power and personal aggrandizement; a star he was willing to worship, in reference to which he had nothing to conceal. His opinions upon that and every other subject were open to all as noonday—no *secrets*, no *Masonry;* but his whole soul thrown open to public view in all the beauty and grandeur of *anti-Masonry*.

Sir, the only question before the House is, whether the bill shall be referred to one of three committees. He was for sending it to the Committee of Ways and Means, which would be in conformity with the uniform practice of the House. Why should this bill be taken out of the common course of legislation?—a bill, whether we consider it with reference to the States, the nation, or the revenue, fraught with more of good or evil than any measure ever agitated in this Hall.

The bill, if passed, may, in its consequences, swallow up the sovereignty of the States, and convert the Federal Government into assessors and collectors of the State governments; the oppressor of the people, the taking from the many and returning to the few; a bill that may dry up all the streams of emigration to the West, and check her growing prosperity. It may produce a state of things that will convert the General Government to tax-gatherers, and the West and South to tax-payers.

Sir, what does the bill propose? Not an ordinary appropriation to be paid out of any money in the Treasury not otherwise appropriated, but to take from the Treasury tens of millions that have already been appropriated and expended. Send it the Committee of Ways and Means, whose duty it is to examine all questions in relation to the revenue, and let them inform the House if such an appropriation can be borne by the Treasury; whether it will not interfere with the ordinary expenditures of the Government. This will enable the House to act knowingly and speedily. It is objected that the committee will not act promptly on the subject; that it will sleep in the committee room. Should they delay action, he assured the House he would vote with gentlemen to compel action upon it; that it was important this bill should be disposed of, finally disposed of, as early as possible, that the House may make some other disposition of the surplus revenue, either by a general division, a loan to the States, or in State stocks; for he could assure gentlemen, whatever might be his opinion of the bill, it never would become a law.

Sir, no one is more desirous of making some final disposition of that portion of the revenue not called for by the ordinary expenditures of the Government, than the individual who addresses you. To accomplish it, he will go as far as any one; nor will he ever agree to adjourn until that subject shall be disposed of in a manner satisfactory to the people and to the nation.

Upon this subject, Mr. Speaker, I am like the honorable gentleman from New York, [Mr. GRANGER.] I have nothing to conceal—nothing to fear. That gentleman seems to think the money in the hands of the Administration to be dangerous. Whether these suspicions be well founded or not, I, for one, am desirous to relieve them from the responsibility and from such suspicions. The gentleman seems to have hung a war speech upon the bill; and in most glowing and eloquent language informed the House of what all know, that war was a scourge to a nation; that it drew the widow's tears, and blasted the orphan's hopes; that pledges have been given and violated, and that a failure to act may cause this dome to tremble over our heads.

Mr. Speaker, I am unconscious of any violated pledges on the part of the Administration. Therefore, I have no fears from that source, and would to God I had none from any other! Sir, when the States shall become pensioners upon the Treasury, and millions taken from all and returned to the few—when the office of President and Vice President shall be sought for, other than at the ballot-box, by the undisturbed judgment of the people—when political aspirants for that office shall be seen going over the country eating dinners and making speeches—when this House shall be made the arena for aspirants to that office, hitherto the voluntary gift of a free people as the reward of virtue and patriotism—then we may fear and expect to see virtue, patriotism, and worth disregarded; the public interest neglected; the Union torn into fragments; civil war the order of the day, and a country in ruins—then, and not till then, will the gentleman's picture be realized—then will flow the widow's tears, the orphan's prospects be blasted, and man's best and last hope annihilated. Then may this dome not only tremble, but crumble beneath our feet.

Sir, I trust the bill will be referred to the Committee of Ways and Means—acted upon, and finally passed or rejected by the House.

Mr. MORRIS said, he doubted whether all that he had to say upon this question was worth the pains which he had taken to obtain the floor for the purpose of expressing it; but not knowing whether he should again have the opportunity of occupying the floor, he was glad of the present occasion, and he should use it in offering his opinion upon the present question of reference. He scarcely thought, if the bill should ever come up to be acted upon in the House, that he should ask their attention to any remarks of his upon its merits. It was a subject with which the people were already generally acquainted; it had received the consideration of the public; it had been discussed in the public papers and official communications, and probably all the light of which it was susceptible, had been shed upon it by the able arguments of gentlemen in this or the other branch of Congress. He should confine himself in his present remarks to the question immediately under consideration; he should not follow the example, whether proper for imitation or not he would not say, of taking the wide range into topics which he conceived to be foreign from the question on hand. Besides, he had listened to the remarks of gentlemen upon this floor, whose experience here enabled them to present all the views of the subject, and their arguments, as he believed, being more important upon the merits than his own. He thought he should not take up the time to the exclusion of all others who may wish to speak, so near as he hoped the present was to the close of the session.

He was more anxious to take the present occasion to express an opinion, in discharge of his duty, from the fact that the people of the State which he, in part, represented, and especially the immediate district from which he came, felt themselves deeply interested in the fate of this bill. The Legislature of the State of Pennsylvania had repeatedly, at different sessions, and more recently, at the session of the last winter, expressed their sentiments upon the subject-matter of the bill in the following manner:

"*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met,* That our Senators in Congress be instructed, and our Representatives be recommended, to use their influence to procure the passage of a law to distribute the proceeds arising, or which may have arisen, from the sale of the public lands, amongst the several States, in proportion to the number of members from each State in the House of Representatives of the United States."

It was in accordance with these sentiments, repeatedly expressed, and with these strong recommendations of the Legislature at its last session, as well as in conformity with his own opinions and feelings, that, in the language of the resolution, he would at the present time "use his influence" to obtain for this bill such a reference as would be most likely to insure an expression of this House upon it, rather than it should be left to sleep or expire with the session.

It is proposed, Mr. Speaker, (said he,) to refer this bill making appropriations of the surplus proceeds of the public lands to one of three committees—either to the Committee of the Whole House on the state of the Union, or to the Committee of Ways and Means, or to the Committee on Public Lands—in either of which committees, I mean not to say but it would receive the attention and deliberation which its merits demand. The question is then presented, whether a reference to either of the standing committees of this House would afford the means of more prompt and speedy action, or whether the immediate reference to the Committee of the Whole would not place the subject in a state as favorable for legislation as if the more formal and slow method be adopted.

I suppose it may be assumed as a position incontrovertible, that there is no gentleman in this Hall but what, other things being equal, would say his object and purpose are to give such a direction to this and all other subjects as would best promote and facilitate the concurrent action of both branches of Congress; that if the subject has merits, it should be so disposed of as to be acted upon and passed. If then, this be the case, unless good and sufficient reasons can be advanced for first referring this matter to a standing committee, I hope it will go immediately and at once to the Committee of the Whole, both for dispatch and effective legislation. It has been said that if it be referred to the Committee on Public Lands they may make such suggestions and alterations in the proposed bill as may meet the wishes both of the friends of this bill and of the bill for graduating the price of the public lands. It is true, there may be modifications proposed in the committee, but the same may be proposed, deliberated upon, and discussed, in the Committee of the Whole; nor can it be supposed, if such alteration should be made in the standing committee, that that circumstance would prevent or

foreclose alterations, propositions, and debate, in the Committee of the Whole. If he understood the true purpose and use of standing committees, it was to take into consideration memorials, resolutions, and matters connected with them in their incipient stage; or bills, if their recent introduction and novelty render it expedient; so that having them before them, and all the facts, which may be numerous and diversified, and with which it is not presumed the House are acquainted, they, the standing committees, may give such a condensed form to the subject, with their recommendation, as to place it intelligibly before the House, and enable it to make such final disposition of the matter as they may think right and proper to do.

Objections have been raised to the reference of this bill, upon the ground that the appropriation bills should first be acted on and passed, before this is taken up, in order that it may be known whether there will be any surplus in the Treasury to be distributed. Whatever weight there may be in that objection, it is met and answered, in great part, by the operation of the special order of January last, giving precedence to the appropriation bills over others. I presume they will first be called up and disposed of, before this bill would be passed. But if it is meant to be contended, that this bill shall not be reported by a standing committee, until all the appropriation bills are finally acted upon by this House and the Senate, and shall receive the sanction of the Executive, then the consequence is apparent and inevitable, that this bill is not to be reported by the standing committee, or if so, it will be so late in the session as to render it impracticable to give to it that consideration which it deserves, and to place it in a situation that it is not probable it would receive the legislative action of Congress during this session. So that it appears to me, whatever weight the argument in favor of waiting for this purpose may otherwise have, it is removed by the position in which the business of the House is placed by antecedent rules, and by the fact that it is a virtual denial of the consideration of the bill.

This bill has already passed the Senate of the United States, and although I mean not say that it is not the duty of this House to examine this and all other bills that are sent here, I hold it to be the incumbent duty of the House, and of every member, to examine, and judge for himself of the propriety of every measure; yet it did strike me, whether correctly or not I leave for others to say, as I have not heard the argument used, that after the subject had received so much of the public attention; after it had occupied so much of the consideration of the Senate, where this bill has been for between four and five months, and of the members of this House; (for it is within the recollection of every one, that during the discussion there, for a part of the time at least, such was the intense anxiety of members, that it was difficult to keep a quorum here to transact the current business which was then on hand;) after all this, I submit to the consideration of gentlemen, whether the comity to be shown by one coördinate branch of the Legislature to another, and the respect which is due to the labor bestowed by the Senate, and the time occupied there, would not dictate such a course in the disposition of this bill, as may not leave the labor employed and the time consumed there, to be useless and vain for all the practical purposes of legislation.

This bill proposes to distribute a portion of the surplus funds of the Government, about which there has been, I think I am safe in saying, more anxiety than upon any other subject to which the public attention has been called during the present session. When has been the day, that the inquiry has not passed from one member of this House to another, "what shall be done with the surplus money in the Treasury?" Is not the same solicitude manifested from all quarters of the country, and by all who witness the deliberations of this body? If, then, that question is deemed so vital to the purity of the Government, and so important to its faithful administration, it cannot fail to appear to every one, that this leading and absorbing subject, which tends to the purpose, at least one of the purposes, of disposing of the surplus funds of the Government, should be placed in such a situation as that the opinion of this House may be indicated, and the vote of members be taken upon the main question, without the hazard of getting no vote at all upon that question.

It is, then, of importance to the country and to Congress, that this bill should be acted upon as speedily and effectively as its nature will admit of. But while it is important in this point of view, that this House should come up at once to the matter before them, it is not less important to the States, with reference to the ulterior disposition which they may make of their proportionate share of these proceeds upon the supposition that the bill should pass into a law, that it should be known what is to be its fate. If the bill should pass into a law, and pass in season, the Legislatures of some of the States may convene, (such at least may be the case in the State of Pennsylvania,) and be in session, in sufficient time, to pass upon the subject, which in that event would become an interesting question, and worthy of immediate consideration by the Legislatures of the respective States. In this aspect of the matter, this reference, in my apprehension, acquires additional consequence, and in that point of view, also, I hope it will be considered by this House.

Sir, I have but little more at this time to trouble the House with. These are my reasons for urging the reference of this bill to such a committee as will give to it the attention of all its members, and insure the vote of members on one side or the other without delay; it is not speeches that are wanted. Upon this I was forcibly struck with an observation of the honorable gentleman over the way [Mr. ADAMS] at the early part of the session; I have since thought it one of the most essential truisms which has been pronounced here this session, "that all would agree that a vote was of more consequence here than a speech." In conclusion, sir, I have only to appeal to gentlemen to come up and meet this question fairly and independently; it is scarcely to be supposed that an opinion is yet to be formed, or a vote to be changed by anything that will be said or done in relation to this subject. The trust is confided to us of acting, and so to act as to advance the public interest; that when a public measure is in itself unworthy of the sanction of this House, to put our negative upon it by means direct; but if it be meritorious, to carry out the means of making it effectual.

Mr. WILLIAMS, of Kentucky, gave the reasons which had induced him to move to refer the bill to the Committee of the Whole on the state of the Union. He wished to be permitted to remark, although it might seem somewhat strange to some gentlemen, that this bill was not a very favorite measure with him; notwithstanding, he thought it probable that he should vote for it. There were objections to the bill which he should like to see removed, still he did not know but he should be induced to vote for it. He was opposed to referring the bill to the Committee of Ways and Means, because he considered that to refer it to that committee would be tantamount to a rejection of it. That committee, he believed, never would report it to the House, but would hold it back as they had done another measure of his which they had in their possession.

Mr. CAMBRELENG explained: It was true that the committee had not reported on that gentleman's resolution. He hoped, however, that the committee would not be censured for this, because it must be admitted by all, that the report which he was instructed shortly to make would be much more satisfactory to the House and to the country than a report could have been in February last; as they would have a much better knowledge of the state of the finances now than they could have had then.

Mr. WILLIAMS said the explanation was not satisfactory, as his proposition, which the Committee of Ways and Means had under consideration, did not specify a single dollar that was to be distributed. It only proposed to distribute the surplus; and, if there was no surplus at the end of the year, there would be no distribution. Mr. W. contended that there was no necessity to refer the bill to one of the standing committees of the House, but that it should be referred to the Committee of the Whole on the state of the Union, where it could be discussed, amended, and acted upon at the present session.

Mr. BYNUM said the course taken by gentlemen on the present occasion was such that he was disposed to doubt their sincerity. It appeared to him that they could not believe their own assertions. The gentleman who had just addressed the House, and the gentleman who addressed the House yesterday, [Mr. GRANGER,] had told them that it was important that the subject should be acted upon immediately—that the country required immediate action. Did those gentlemen suppose that they could carry a measure like this without there being sagacity enough among the Democracy to detect its fallacy? It was a mistake; the Democracy were not so simple as the friends of this measure seemed to suppose. The gentleman who addressed the House on yesterday wished to have the House act on the bill immediately. He said, "Pass the bill now, and it becomes a law." Now, he would ask gentlemen if they believed this?—or, if the people of the country believed it? He would ask every honest man of that House—he would ask the gentleman from New York, and the gentleman from Kentucky—whether they believed that this bill would become a law, even if it did pass the House this session? No; they well knew the President would veto it. Had he not already vetoed a similar bill? Yet this firm old man, who never swerved when he once made up an opinion, was to be persuaded by these gentlemen to sign this bill. He thought gentlemen could not entertain the opinion that this bill could become a law with these facts staring them in the face. They could not pass this bill into a law. The people did not believe it; they were too intelligent to believe it; and upon that intelligence depended the preservation of the liberties of the people. So much for the necessity of speedy action. Had the bill been discussed sufficiently to throw all the light and information before the people of the country which was necessary? If it was for the interest of the people of the country, let them have all the facts before them; and let them decide upon it again, as they had already done. Let us give all the information which can be procured to the people, and then let them decide.

But, say, gentlemen, we are prepared to vote now, because the bill has been passed in the Senate, and came from the Senate. No doubt they were prepared to vote upon it, because it was the offspring of their oracle. It was the very hobby which was to give them success. It was made the hobby by every species of politicians. This was the little pony which the anti-Masonic party, the National Republican party, the Abolition party, the no-party party, and many other parties, were to ride; and he feared that the little pony would be so burdened that he would break down and leave them all. Mr. B. would let the facts go to the people; and let them take the matter in hand and say whether this little pony was to carry all these parties into office or not. He asked if the proposition to refer this subject to the Committee of Ways and Means was an unusual proposition? When a bill was sent from one House to another, the usual course was to refer to one of the standing committees. He cited the fortification bill, which had passed the House by an overwhelming majority; yet when it went to the other branch of Congress it was referred to the proper committee. Then certainly they had a precedent for this case, and from a body which always, in the opinion of the advocates of this bill, did things in a proper manner. It was not an unusual course for the bill to take. It was the uniform practice, when bills were sent from one House to the other, to refer them to some select or standing committee. Unquestionably this was the proper course. There was a great difference of opinion as to the amount of money to be distributed. Some contended that there were at present thirty or forty millions of dollars in the Treasury, whilst others did not believe there was more than half that amount. Under these circumstances, this bill comes into the House, and gentlemen say they are prepared to vote for it, because it had passed the other branch of Congress, and they took it for granted that there was this large amount of money in the Treasury. But (Mr. B. said) there were some

of them in that House who were not prepared to take everything for granted which came from that branch of the Legislature of the nation. The gentleman from New York [Mr. GRANGER] objected to sending this subject to the Committee of Ways and Means. He presumed it was not desired by that gentleman to have the subject discussed and investigated by the Committee of Ways and Means. Mr. B. said this committee was constituted for the special purpose of investigating subjects of this kind. They obtained information from the Departments, and laid it before the House. The documents were obtained and laid on the table; and if gentlemen wished, they could have extra copies printed to send out to the people, who would have to decide upon the subject at last. But gentlemen say they do not wish this, because they have no confidence in the report of a committee of this House.

Well, in reply to that, Mr. B. would say that he had no confidence in a majority of the other branch of Congress in regard to this subject. He was aware that there were some gentlemen who had no confidence in reports from committees of that House; and he supposed gentlemen were afraid to have the bill referred to the Committee of Ways and Means, where they thought it would be reported upon in such manner as to prevent its being acted upon at the present session. It appeared to be the object of gentlemen to get the bill into Committee of the Whole, where they could get up and make what bold assertions they pleased, and send out those assertions to the people of the country, perhaps in the very face of the facts. He was astonished to hear gentlemen make these assertions about there being forty or fifty millions of surplus revenue. They must think that the people had very short memories to believe such assertions as these, especially when they were made by the same gentlemen who but a short time ago had told them that the Treasury was empty and the Government bankrupt, and that there would have to be levied additional taxes in consequence of the removal of the deposits. These gentlemen had told the people that the President was a usurper, that the country was ruined, and that the people were impoverished, and the people were called upon to hurl him from office. But what was the language held by gentlemen now? Why, that the Treasury was overburdened with its surplus, and, unless they would take the money out of the Treasury, that the people would be ruined; and that the money would be squandered by *the party*. Did gentlemen believe they could affect injuriously *the party* by such assertions? Why, unless the people were the ignorant, contemptible beings that these gentlemen would have them to be, they never could injure the party in this way. The people have more intelligence and more sagacity than those gentlemen think them to have. The gentleman from New York on yesterday had stated, that the President had made a promise that he would distribute the surplus funds among the States. Now, Mr. B. would tell the gentleman, that the President had made no such promise. The words the gentleman used were neither the words of the President, nor the substance of his words, as used in the message of 1829. The President then did say that he made these suggestions to the American people; but at the same time he gave them to understand that he doubted the constitutionality of the measure.

Mr. B. would state another fact for the information of the gentleman from New York. It would be recollected that the President in one of his messages said something about a national bank, and rather intimated that such an institution could be established as would be of service to the country. But *the party*, collar-men, as they had been called, were not so bound up that they would support that measure. The President finding that this measure was pregnant with consequences not foreseen by him, abandoned it. The proposition contained in this bill was a new subject—one to sweep from the Treasury the whole of the funds of the nation; yet gentlemen come forward, and say they are ready to act upon it without opposition. Now, gentlemen certainly must know as well as he did, that this bill could not become a law so long as Andrew Jackson was President of the United States.

Mr. BYNUM was here interrupted by the announcement of the arrival of the hour for proceeding to the orders of the day.

SENATE BILLS.

The following bills from the Senate were, by consent, read twice, and committed:

The bill for the relief of Daniel Stoddert;

The bill to increase the pension of Thomas Harrison;

The bill for the relief of Orris Gay;

The bill for the relief of Carey Clark;

The bill for the relief of Albert Pawling;

The bill for the relief of John Powell;

The bill for the relief of the heirs of Richard Anderson;

The bill for the relief of the widow of Captain Samuel Gibbs;

The bill for the relief of Dr. Samuel White;

The bill for the relief of Ransom Mix and John McLeod;

The bill for the relief of John A. Rogers;

The bill for the relief of Leslie Combs;

The bill for the relief of Jonathan Elkins;

The bill for the relief of Jean Baptiste Janis, Sr., of Missouri;

The bill to increase the pension of Jacob Slough;

The bill for the relief of Stephen Bohannan;

The bill for the relief of G. Hitchcock;

The bill explanatory of the act entitled "An act to prevent defalcations on the part of the disbursing agents of the Government," and for other purposes;

The bill for the relief of Samuel Warner;

The bill for the relief of Joshua Hatch and others, interested in a fishing vessel which was lost at sea;

The bill for the relief of Elizabeth Flicher, late widow of Henry Richardson, deceased;

The bill for the relief of Benjamin Bennett and others;

The bill for the relief of the legal representatives of Joseph Hazlitt and Jemima Mauro;

The bill for the relief of the owners, officers, and crews of the private armed vessels, Neptune and Fox;

The bill providing for the payment of certain companies of militia, of Missouri and Indiana, who were embodied for the protection of the frontiers against the Indians in 1832; and

The bill providing for the appointment of a deputy collector of the customs for the port of New Castle, Delaware.

The following bills were read the third time, and passed:

A bill to authorize the Shenandoah bridge company, at Harper's Ferry, to erect a bridge on the lands of the United States at or near the town of Harper's Ferry; and

A bill for the relief of Silas Fisher.

FORTIFICATION BILL.

On motion of Mr. CAMBRELENG, in further execution of the special order of the 26th of January, the House resolved itself into the Committee of the Whole on the state of the Union, and proceeded with the consideration of the bill making appropriations for the fortifications of the United States for the year 1836, (Mr. MANN, of New York, in the chair.)

The question pending was the amendment of Mr. CAMBRELENG, to insert an additional clause in the bill appropriating the sum of $700,000 for the armament of the fortifications.

Mr. FRENCH, who was entitled to the floor, addressed the committee at length. He expressed his gratification that he had an opportunity now to set forth his views in relation to certain great subjects of public policy now before the country. A time had now arrived for carrying out the invaluable maxim of the Father of his Country, in peace to prepare for war; and though Mr. F. was in favor of carrying out that cherished maxim, he was not to be understood as being in favor of the scheme which had been unjustly charged upon the present Administration, of covering the whole maritime frontier with defenses. He would restrict the expenditures for this object, as he would for every other, to the actual wants and exigencies of the public service and the public interest. He avowed himself to be in favor of the present bill, and read the report made by General Wool on the subject of the armament of the fortifications. That report stated, in substance: to complete the armament of the forts now in readiness and those which might be placed in readiness in the course of a year, would require about two thousand four hundred guns, the cost of which, exclusive of what was already appropriated, would be about one million two hundred thousand dollars, including all expense of carriages and implements and one hundred rounds of ammunition for each gun. The report then went on to state the amount that could be judiciously expended during the present year; and the object of the amendment then pending was to carry out the recommendation of that document. Having stated his intention to, and his reasons for, the support of this bill and the amendment, Mr. F. then proceeded to reply to the remarks of one of his honorable colleagues, [Mr. C. ALLAN,] in relation to the principles and course of the present Administration. He cited General Jackson's letter to Mr. Monroe; and went on to show that, putting a fair construction upon that document, the President had in no way departed from the principles therein laid down. So far from executive appointments having been confined to party, facts went to show directly the reverse. It was well known, and generally admitted, that, in the Federal offices at the seat of the General Government, a considerable majority of the individuals holding them consisted of opponents of the Administration; and he believed, from having given the subject some investigation, that throughout the States, considering the larger number of the people friendly to the Administration, the Opposition had more than their due proportion of Federal offices.

Mr. F. then read General Jackson's letter to the Legislature of Tennessee, written in 1825, and commented thereon at some length, to show that the President had in no sense acted inconsistently with the principles of that letter. The Chief Magistrate had sworn to obey the provisions of the Constitution, not as he wished it to be, but as it actually existed. The President had recommended an amendment, but that amendment had never been adopted. If the President had acted strictly according to that letter of his, under the Constitution now existing, he would have been denounced, as he would have deserved, the character of a usurper. The conduct of the President in this particular had been not only most commendable in itself, but was in strict conformity with the manner in which the Constitution had been administered from the days of General Washington to the moment of his own elevation to that office. Mr. F. then adverted to General Jackson's letter to Governor Ray, of Indiana, and his vetoes on the subject of internal improvements, and repelled the President from the charge of inconsistency on that subject, citing a variety of statistical data in proof of the position. He then reviewed at length many other subjects of public policy under the present Administration—Indian and foreign treaties, the amount of acquisition of the public lands, imports and exports, &c., and quoted a variety of details to show that the expenditures had, in a great measure, grown out of the exigencies of the country. On the subject of the public deposits, he referred to the reports of the situation of the selected banks to show that they were able to discharge all their liabilities of every kind. He further went on to contend that the Administration had done all in its power to obtain the passage of a law to regulate the deposit banks, and the fault of such law not being passed lay with Congress. On the distribution principle, Mr. F. explained his views at great length. With regard to that portion of the revenue collected as duties—collected under the revenue power embraced in the Constitution, he held that they had no right to distribute it; but he drew the distinction between that and the proceeds from the sales of the public lands. On the latter project he was prepared to redeem his pledge to his constituents.

Mr. MAURY then took the floor, and, on his motion, the committee rose and reported.

On motion of Mr. CAMBRELENG, the bill from the Senate to provide for the distribution of the proceeds of the public lands was ordered to be printed.

On motion of Mr. UNDERWOOD, the House then adjourned.

IN SENATE.

FRIDAY, *May* 13, 1836.

The Senate met pursuant to adjournment; and the Journal of yesterday having been read,

Mr. EWING, of Ohio, moved that the Senate adjourn; which motion was carried—ayes 14, noes not counted.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 13, 1836.

Mr. ADAMS rose and said, he was under the necessity of asking permission of the House to make another explanation.

Objection being made, Mr. GRANGER moved to suspend the rules for the purpose of allowing the gentleman from Massachusetts to explain; which motion was agreed to.

Mr. A. said, it would be recollected by the members of the House that, in the debate on Saturday last, an insinuation had been made by one of the members of the House that, in the negotiation of what was commonly called the Florida treaty, which had been concluded on the 22d of February, 1819, the boundary line of the United States had been placed where it was, instead of being extended further on, in consequence of having been negotiated by him, (Mr. A.;) and, as being a northern man, that it was his wish to exclude from the United States a portion of territory which would be inhabited by slaveholders, and, if admitted, would send a slave representation here; and that he had stated, in consequence of that insinuation, that the negotiation of the treaty was made in this place, under the immediate and direct eye of James Monroe, himself a slaveholder; that it was carried on, partly by personal conferences and partly by correspondence; that Mr. Monroe had consulted, at every step, his Cabinet, both with respect to that boundary, and with respect to every other claim on the part of the United States; and that he (Mr. A.) was the last man in that Cabinet to consent to any concession; that he considered it a part of his duty to hold on to every claim of the United States, whether of territory or anything else, until ordered to recede from it. That he further stated that, before the treaty was definitively concluded, and after it had been generally agreed upon, but before the United States were under obligations to sign it, he was directed by President Monroe to call upon General Jackson, and consult him with respect to that treaty, and with respect to that boundary; that he took the treaty to General Jackson's lodgings, and that he kept it some time, perhaps one or two days, (he had spoken from recollection, and with that degree of diffidence which every one must do in speaking with regard to mere incidental circumstances at the expiration of sixteen or seventeen years;) but that General Jackson had, after retaining it some time, returned the treaty to him with his approbation of it. This was the substance of what he had stated. This fact had not been denied by the President of the United States; and if he did deny it, Mr. A. should feel himself called upon to produce evidence to prove it of a different character than his own statements at this time. Mr. A. said that this had not been denied by the President of the United States, but indirectly in a newspaper of this city, edited and published by the official printer of this House, and furthermore by the official printer of the Executive Government.

There was, in the first place, two days after he had made this statement, an editorial article, stating that several members of Congress, who were not named, had thought proper to call upon the President, and to make inquiries of him with regard to the accuracy of this statement—that they had learned from the President that there must be some mistake in the matter, because he had no recollection of having been consulted respecting that treaty before its conclusion. Please to observe (said Mr. A.) that my statement was not denied; it was stated, not by the authority of the President of the United States, but by the authority of nameless persons, members of Congress. They were informed by the President that he had no recollection of this fact; and had stated furthermore, that if he had been consulted at all, being then in a military character, it must have been in regard to Florida. Sir, that was not the subject of consultation either with General Jackson or anybody else. The treaty contained the cession of Florida; and that was the object, the attainment of which being very desirable, it was to be supposed that some concession to obtain it must, on the part of the United States, necessarily be made. It was not, therefore, with respect to anything relating to Florida that General Jackson was consulted; but it was precisely with regard to the degree of concession which was to be made to obtain this object. Well, in answer to this statement, as he had before observed, there was no denial by the President of the fact which he (Mr. A.) had stated; but the official printer of the Executive and of this House, in an editorial article in his newspaper, in consequence of this statement of certain nameless members of Congress, had undertaken to make a question of his (Mr. A.'s) veracity with regard to the fact. He could enter into no controversy with the editor of the Globe; because that newspaper was something like many other newspapers. He might call the editor of that paper the embassador of the Executive, according to a definition heretofore given to that term. By that definition, an *embassador* was a distinguished person sent abroad to *lie* for the benefit of his country. He considered that editor in the capacity of an embassador of the Executive, and with him he desired to have no controversy; and he hoped the House would consider that he ought to have no controversy with him

But in consequence of this editorial article, one or two days since, he had repeated the statement, and added to it some circumstances with respect to the place where General Jackson lodged at the time; and perhaps he might have stated that General Jackson was in the city when the treaty was signed. It was so stated in the editorial article of the Globe of to-day; and it was also stated that that report was revised and added to by Mr. A. himself. Mr. A. said that, when he had explained two or three days ago, two reporters had sent to him to revise his remarks, one a reporter for the Globe, the other a reporter for the Intelligencer, and in one of those two reports, observing these words, "that General Jackson was here," he had inserted *at or near* that time. It was possible that he might have said that General Jackson was in the city when the treaty was concluded; but he was perfectly aware that General Jackson did leave this city for the North near the time when the treaty was signed, and did not return to this city until after that event. He had now no doubt of the fact, and that it was as stated in the paper before him, that General Jackson was not in the city on the day when the treaty was *signed*.

Now, with the permission of the House, he would consider this second article in the Globe as authorized by the sovereign of this embassador, that is, by the President of the United States; and he wished the House to understand him as speaking to the President, in reply to what was stated here. He did so, because the editor, in preparing this article, had been allowed access to the official documents in the Department of State, for the purpose of contradicting what he (Mr. A.) had said on a former occasion; or rather the editor had undertaken to say that he had settled this question of veracity. Sir, in undertaking to settle this question of veracity, this embassador says:

"Mr. Adams, in his speech published in the Globe of Wednesday, as revised by himself, and amended and added to by his own hand, makes the following precise averments:

"1st. It is stated by him that '*General Jackson was here at the conclusion of this treaty.*'

"2d. It is stated by him that '*the treaty was signed on the 22d of February, 1819, and that General Jackson was at that time in this city.*'"

The first averment was, that General Jackson was here at the conclusion of the treaty. Now Mr. A. had not a Globe nor an Intelligencer of that day about him; but in one of those two reports it would be found that it was stated that General Jackson was here, *at or near* the time of the conclusion of the treaty. He could not charge his recollection with the precise words he had used, and he might have used the expression as quoted in the Globe; but upon reflection it occurred to him that General Jackson had gone to the North about that time; whether before or after the day of the signature of the treaty he could not now undertake to say from memory. He would add, that he had not at this time, and in this place, the documents to prove the material fact of his statement, consisting of his own diary taken down at the time. In consequence of this fact, it was not in his power to bring forward at this moment his proof. All he had said heretofore, and what he said now, was merely founded upon his own recollection, without any reference to the documents of that time. These small incidental circumstances, however, had no relation with the question of veracity; and if there had been some little inaccuracy in relation to immaterial circumstances, he hoped the House and the country would not consider the question as involving his veracity. But he observed again, that, this being the first incident upon which this embassador contradicts the whole statement, that, is the explanation with regard to this fact. Mr. A. was satisfied that General Jackson was not in the city at the time that the treaty was signed. He was absent on a tour to the North.

The editor went on repeating what Mr. A. had said, as follows:

"After the treaty had been framed, and ready to receive the signatures of the contracting parties, but before there was any obligation upon our part to sign it, by the express direction of Mr. Monroe, he (Mr. A.) took the treaty, drawn up as it was, to General Jackson, not as to the military commander of the Army of the United States, but as to a highly distinguished citizen of the United States, who, being here at the time, the then President of the United States thought proper to consult upon a subject of such great importance. He took the treaty to him at his lodgings, which were in a house at that time kept, he believed, by Mr. Strother. He took and delivered that treaty into the hands of General Jackson, with the particular request from Mr. Monroe that he would read it over and give his opinion upon it. He would state further that General Jackson kept the treaty some time, possibly not more than one day, but he kept it a sufficient time to form a deliberate opinion upon it; and that he (Mr. A.) called upon him after a day or two, and that he returned the treaty, with his approbation of that particular boundary."

Now, he would ask the House to observe that this commentator went on to say—

"The public will mark the particularity of this phraseology:

"'*After the treaty had been framed and ready to receive the signatures.*'

"'*He took the treaty, drawn up as it was, to General Jackson, he being here at the time.*'

"'*He took the treaty to him at his lodgings, which were at that time kept, he believed, by Mr. Strother.*'

"'*He took and delivered that treaty into the hands of General Jackson.*'

"'*He would state further, that General Jackson kept the treaty some time, possibly not more than one day, but he kept it a sufficient time to form a deliberate opinion upon it.*'

"'*He (Mr. A.) called upon him after a day or two, and he returned the treaty with his approbation of that particular boundary.*'

"These are certainly the most precise and special set of allegations ever penned. We will proceed to show that in every material point they are absolutely untrue.

"The following note, which we have copied from the records of the State Department, shows that Mr. Adams first submitted his project of the treaty to Mr. Onis, on the 13th of February, 1819:

"'Mr. Adams presents his compliments to Mr. Onis, and has the honor of proposing for his acceptance the counter project inclosed, upon which Mr. Adams requests as early a decision as may be convenient to Mr. Onis. Mr. Adams regrets that he is prevented by the indisposition of Mr. Onis from delivering this paper in person to him.'

"'DEPARTMENT OF STATE, *February* 13, 1819.'

"On the 19th of February, 1819, the treaty was '*definitively drawn up and acceded to by the President,*' as is shown by this note:

"'Mr. Adams presents his compliments to the Chevalier de Onis, and has the honor of sending him a copy of the treaty as definitively drawn up and acceded to by the President of the United States, in our language, to which it will be necessary to have the Spanish copy made conformable. Mr. de Onis will perceive that the President has consented to several of the modifications proposed on the part of Mr. de Onis and by him; the rest have, on full deliberation, been concluded to be inadmissible. Any variation from the draft now sent could have no effect other than of leading to new discussions, which would defeat the common object of coming to an immediate conclusion. As soon as the Spanish copy shall have been prepared, Mr. Adams will thank Mr. de Onis to have the originals in both languages made out, so that they may be executed next Monday morning, and every assistance from this Department will be given to effect that object.

"'DEPARTMENT OF STATE, *February* 19, 1819.'

"From this note it also appears that Mr. Onis was '*to have the originals in both languages made out, so that they might be executed next Monday morning,*' which was the 22d of February. This was done, it appears; and from the following paragraphs of the National Intelligencer it seems that it was ratified on the same day by the Senate:

"'It is said, and we have no doubt correctly, that the President of the United States yesterday laid before the Senate a TREATY recently concluded between Mr. Secretary Adams on the part of the United States, and Don Luis de Onis, on the part of Spain, FOR A CESSION OF FLORIDA to the United States.'—*National Intelligencer, February,* 23, 1819.

"'It is seldom that we have so acceptable an office to perform as that of announcing to our readers the *unanimous ratification* by the Senate of a TREATY OF AMITY, SETTLEMENT, AND LIMITS BETWEEN THE UNITED STATES AND SPAIN, as recently concluded at this place by Mr. Secretary Adams and Don Luis de Onis.—*National Intelligencer, February* 25, 1819.

"From these documents, then, it appears that Mr. Adams submitted his project to Mr. Onis on the 13th of February; that it was discussed between them until the 19th, when it was '*concluded,*' that the treaty was not '*drawn up and ready to be signed*' until the 22d.

"General Jackson was not in this city at any point of time referred to by Mr. Adams in his statement to the House. He was not here when the treaty was '*concluded*'—he was not here when '*it was drawn up and ready to receive the signature*'—he was not here when it '*was signed*'—nor was he here at any point of time before it was signed, and after it was drawn up, so that he could have received it from the hands of Mr. Adams, read it, and given it his approbation. He left this city on the 11th of February, 1819, and did not return until the 1st of March, as the following extracts will establish beyond doubt:

"Major General Jackson and his suit, consisting of several officers, left this yesterday morning for Baltimore on a tour northward."—*National Intelligencer, February* 12, 1819.

"Major General Andrew Jackson and suit arrived in this city last evening."—*Baltimore Patriot, February* 12, 1819.

Now (said Mr. A.) please to observe, the treaty was sent to Mr. Onis for signature on the 13th of February; and, if he so signed it, the United States were bound to sign it also. What was his statement? After the treaty was drawn up, but before there was any obligation on our part to sign it, he had taken it to General Jackson. Well, General Jackson left the city on the 11th of February, 1819, and Mr. A. had sent the treaty to Mr. Onis to sign on the 13th. Now, where was the inconsistency of this with the statement he had made to the House. He had stated that the treaty had been prepared and was ready to be signed, but that we were under no obligations to sign it when he presented it to General Jackson. The proof was, that General Jackson left the city on the 11th of February, and that, two days afterwards, he (Mr. A.) had sent a treaty to Mr. Onis to sign; and that was a counter *projêt* to a *projêt* which Mr. Onis had sent to Mr. A. before. Why, the treaty had been under negotiation for three months before it came to that stage; and, from this document, he should infer, what he believed was the fact, although he did not venture so to state it, that the sending of it to General Jackson was the last act of Mr. Monroe, before sending it to Mr. Onis for his signature.

He believed he had sufficiently explained to the House what might appear to be inaccurate in what he had said heretofore, and he hoped it would satisfy the House that he had made no statement of any consequence or materiality that was in the smallest degree contradicted by anything produced in that paper; and that, if the official documents produced were correct, they go to confirm the statement he made, instead of conflicting with it.

Mr. HUNTSMAN asked the consent of the House to make a statement in reference to the remarks of the gentleman from Massachusetts, who had just taken his seat.

Objection being made, Mr. HUNTSMAN moved to suspend the rules to enable him to accomplish his object; which was agreed to—ayes 117, noes 41.

Mr. HUNTSMAN. Mr. Speaker, I am sensible of the polite indulgence shown to me by the House, in granting the privilege of reply to the gentleman from Massachusetts, for which I am grateful. It is with the deepest regret that I feel that I am called upon, as one of the Tennessee delegation, who, in common with my constituents, feel an interest in the public character of Andrew Jackson, to notice one of the statements that have been uttered by the gentleman from Massachusetts in relation to the President of the United States. The substance of the remark, when divested of its classicality, and laying bare its substance, is this: *That General Jackson uses the editor of the Globe as an embassador to send abroad and propagate lies for him.* I think, sir, in all human charity, if the gentleman had supposed that the President was in error in any statement, even if he had made it, that the error was unintentional; I think he should have as much charity for the President, as *he now calls upon this House to have for him,* in an unintentional error on his part in a statement made to this House a few days since. I do not believe that General Jackson keeps any embassador to go and propagate lies for him; and the gentleman from Massachusetts must pardon me if I cannot believe that anybody else believes so. The great principle of charity, which ought to operate on every human heart, would teach us to say that neither the President nor ex-President has been guilty of a willful misstatement. It is probable that those persons who are approaching the boundaries of three score and ten, cannot have that retention of memory which belongs to those who are younger in years. But I consider the charge he has brought against the President beneath the dignity of the high character and the many exalted stations the gentleman has filled in his country's service, and, I might say, with honor to himself and benefit to his country, in many instances. It was with perfect astonishment I heard the allegation from him, to which I have taken exception. The expression to which I have taken exception seems to impeach the veracity of the President. So far as I ever heard, his character for veracity stands unquestioned. Can the gentleman from Massachusetts say as much? I apprehend not. It seems, Mr. Speaker, that the high and distinguished personages of this Government have their troubles as well as we who are of the smaller fry. If my recollection is not at fault, some fifteen or twenty years ago, shortly after the conclusion of the treaty at Ghent, the gentleman from Massachusetts was engaged in a question of veracity with another gentleman, who has long occupied, and perhaps justly, a very exalted situation in this country. What became of the question? It was adjourned over, and a book was to be written about it. Now let us have the book. If it is not forthcoming, I may introduce a resolution here calling for the book. It would be equally proper with many resolutions which have been introduced in this House. General Jackson has stated he has no recollection of the transaction alluded to by the gentleman. Every one acquainted with the President, the manliness of his character, and the frankness with which he always utters his sentiments, will at once conclude that if such a transaction ever took place, and he had recollected it, he would have so stated at once.

But, Mr. Speaker, I most solemnly protest against a practice which is prevailing in this House to an extent detrimental to the public business. On every occasion when a member or his conduct is called in question by a newspaper paragraph, instead of *hunting up the editor or the author,* and either having it explained, or taking measures with him or them, why, sir, the member comes into the House, and, to the interruption of all other business, calls upon the House, in deep and doleful terms, to suspend the business of Congress until he unfolds his tale of private griefs in more sympathetic streams than Jeremiah did in writing his longest chapter of lamentations. Now, sir, if the gentleman thinks General Jackson has injured him, I advise him to go and tell General Jackson so himself; that is the manly mode of doing business in the West. To pour out his complaints and charges here, where the party charged can neither hear nor answer the charge, is not the sort of chivalry that I admire. Now, as these old gentlemen are about of equal age—both have filled many important stations in the Government—the one President, the other ex-President of the United States—let the gentleman from Massachusetts go and demand satisfaction from the President himself; I have no doubt the President will give him any sort of satisfaction; I will agree, crippled as I am, to underwrite for General Jackson. He will explain matters and things fully to the gentleman. This is the mode that I, humble and unknown as I am, had to take not long since with the editor of the Telegraph. An article appeared in that paper charging me with being a partisan, and other things. Supposing the editor was mistaken or misinformed, I called upon him, and he promptly published an explanation which I furnished for that purpose. I think charity, good feeling, good neighborhood, and social relations in life, all require that, if we feel injured, we should first inquire if it was intentionally done. Is there any explanation to give? If so, receive it; if not, settle your differences out of this House—shed no crocodile tears here. I have heretofore voted to give individual members the privilege of venting their complaints here; but if my Maker will forgive me for that error, I will offend in the like case no more; and I hope it will be the last occurrence of the sort in this House.

Mr. Speaker, one observation more, and I shall close my remarks. From the high standing of the gentleman from Massachusetts, I have a right to suppose that the expression made by him, to which I have taken exception, was made under the influence of deep excitement and without due reflection. I cannot believe that he himself will consider that he has done justice to General Jackson in this particular. If he possesses the justice and magnanimity that we have a right to expect—the charity for others that he has just claimed of us for himself—the gentleman will immediately withdraw the charge, and act by others as he would wish others to act towards him.

NEW POST ROUTES.

On motion of Mr. FAIRFIELD, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Saco, in the State of Maine, to Ossipee, in the State of New Hampshire, by the way of Salmon Falls, in Hollis, Waterborough Corner, Limerick Corner, Parsonfield Academy, and Effingham; also, for a route from Portland, in the State of Maine, to Centre Harbor, in the State of New Hampshire, by the way of Stroudwater Village, Scarborough, Buxton, Salmon Falls, in Hollis, Carlis Corner, in Waterborough, Limerick Corner, Dam's Mills, and Adams's Corner, in Newfield, Leighton's Corner in Ossipee, Ossipee Corner, Tuftonborough, and Moultonborough.

Mr. McKAY, on leave, presented a petition which was referred.

Mr. WHITTLESEY, of Ohio, called for the orders of the day; which were taken up.

Mr. CAMBRELENG felt it to be his duty whatever might be the result, to move to suspend the rules for the purpose of proceeding with the consideration of the fortification bill.

The motion was negatived.

SENATE BILLS REFERRED.

The following bills from the Senate were read twice and committed:

A bill for the relief of David McCord; and

A bill to provide for carrying into effect the treaty of limits, and an additional article thereto, between the United States of America and the United Mexican States.

BILLS PASSED.

A bill from the Senate to give effect to patents for lands issued in the names of deceased persons was passed as amended.

The following engrossed bills were read the third time and passed:

A bill for the relief of Michael Thornton; and

A bill granting a pension to Theophilus E. Beekman.

PRIVATE BILLS.

The House went into Committee of the Whole (Mr. THOMSON, of Ohio, in the chair) on the following private bills:

1. A bill for the relief of Thomas McClelland and James Smith;
2. A bill for the relief of John McCarroll, Jr.;
3. A bill for the relief of William Hewes;
4. A bill for the relief of the representatives of Colonel Anthony White;
5. A bill for the relief of the representatives of Tristam Coffin, deceased;
6. A bill for the relief of Henry Keefer;
7. A bill for the relief of Francis Bashford;
8. A bill for the relief of Bernard Pompilly;
9. A bill for the relief of Elisha Lucas;
10. A bill for the relief of John Cowper;

11. A bill for the relief of the Lexington and Ohio Railroad Company;
12. A bill for the relief of James Whitsell and Jacob Stewart;
13. A bill for the relief of the representatives of Captain John Winston, deceased;
14. A bill for the relief of John S. Devlin;
15. A bill for the relief of Patrick Green;
16. A bill authorizing the Commissioner of the General Land Office to issue to David T. Talbot a patent for a quarter section of land;
17. A bill for the relief of Thaddeus Tuttle;
18. A bill for the relief of James Steel;
19. A bill for the relief of the representatives of Captain Tarpley White, deceased;
20. A bill for the relief of Daniel Whitney, and others;
21. A bill for the relief of Jean Baptiste Grainger;
22. A bill for the relief of the representatives of William Graham, deceased;
23. A bill to amend the charter of the Potomac Fire Insurance Company;
24. A bill for the relief of the widows and orphans of the officers, seamen, &c., of the schooner Wild Cat;
25. A bill for the relief of Thomas B. Parsons;
26. A bill for the relief of Davis Hunt;
27. A bill for the relief of William York;
28. A bill for the relief of Relief Harris;
29. A bill for the relief of the representatives of Lathrop Allen, deceased;
30. A bill from the Senate for the relief of the representatives of Robert Jouet, deceased;
31. A bill for the relief of James Taylor; and
32. A bill for the relief of Robert Allison.

The committee, after some time, rose and reported the bills to the House, with the exception of the 4th, 5th, 13th, 19th, 23d, and 32d, upon which the committee asked and obtained leave to sit again. Amendments to the 6th, 7th, and 29th, were concurred in; and the 1st, 2d, 3d, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 14th, 15th, 16th, 17th, 18th, 21st, 22d, 23d, 24th, 25th, 26th, 27th, 28th, 29th, 30th, and 31st, were ordered to be engrossed and read the third time. The 20th was postponed until to-morrow.

The House again went into committee (Mr. SUTHERLAND in the chair) on the following bills:

1. A bill for the relief of John Dal;
2. A bill for the relief of Nathaniel Platt;
3. A bill for the relief of Sciota Evans;
4. A bill for the relief of the securities of Nicholas Kern;
5. A bill for the relief of Doctors J. E. B. Findley and A. E. Deas;
6. A bill for the relief of Lieutenant John McDowel;
7. A bill for the relief of William Walker, Abraham Woodall, and heirs of Samuel Brown;
8. A bill for the relief of Joseph R. Folsom, and the owners and crew of the schooner Galaxy;
9. A bill granting a pension to William Lawrence;
10. A bill for the relief of Elihu Hall Bay, and others;
11. A bill for the relief of Theodore Stanwood, Samuel W. Brown, and John Woodbury;
12. A bill for the relief of John Howell;
13. A bill for the relief of James Baldridge;
14. A bill for the relief of William W. Stevenson and Joseph Henderson;
15. A bill for the relief of Samuel Hunt;
16. A bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of the treaty between the United States and the Choctaw Indians;
17. A bill for the relief of certain persons who have been deprived of the right of preëmption by the location of Indian reservations, or floating rights granted by Congress;
18. A bill for the relief of Simon Summers;
19. A bill for the relief of John Pickard;
20. A bill for the relief of Richard Martin;
21. A bill for the relief of the representatives of Captain Thomas Cook, deceased;
22. A bill for the relief of John Randolph Clay;
23. A bill for the relief of Henry Wheaton;
24. A bill for the relief of James L. Stokes;
25. A bill for the relief of Daniel Bush;
26. A bill for the relief of Peter Dimick;
27. A bill for the relief of the Union Gold Mining Company;
28. A bill for the relief of Melancthon Taylor Woolsey;
29. A bill to reward the captors of the Tripolitan frigate, late the frigate Philadelphia;
30. A bill providing that John Smith be placed on the list of invalid pensioners;
31. A bill for the relief of the representatives of Jacob Shoemaker, deceased;
32. A bill for the relief of the representatives of Garland Burnley, deceased;
33. A bill for the relief of Peter Cook, a soldier in the late war;
34. A bill for the relief of Samuel Kincaid;
35. A bill for the relief of John H. Howell; and
36. A bill to provide compensation to James Barron for the use of his invention, called a ventilator of ships.

The committee, after some time, rose and reported the bills to the House, with the exception of the 6th, 10th, 14th, 16th, 17th, 21st, 27th, 29th, 32d, and 36th, upon which the committee asked and obtained leave to sit again. The 23d was laid on the table; the 28th was referred to the Committee on Claims; and the other bills reported from the Committee of the Whole were ordered to be engrossed and read a third time to-morrow.

Mr. WILLIAMS, of North Carolina, moved an adjournment, which was lost.

The House again went into committee (Mr. GILLET in the chair) on the following bills:

1. A bill for the relief of Philip F. Voorhees;
2. A bill for the relief of Mary Tucker;
3. A bill for the relief of James L. Cochran;
4. A bill for the relief of Isaac Welborn, Jr., and William Welborn;
5. A bill for the relief of John Jeffers;
6. A bill for the relief of Joshua Pitcher;
7. A bill for the relief of the representatives of Colonel Thomas Knowlton, deceased;
8. A bill for the relief of the heirs of Joshua Fanning, deceased;
9. A bill for the relief of the heirs of Lieutenant Colonel Richard Campbell;
10. A bill for the relief of the representatives of Doctor William Johonnot, deceased;
11. A bill for the relief of J. Eloi Rachal;
12. A bill for the relief of Paul Poissot;
13. A bill for the relief of Samuel Gilbert and others;
14. A bill for the relief of Wealthy Barker, widow of Isaac Barker, deceased;
15. A bill for the benefit of William Marbury;
16. A bill for the relief of Job Wood;
17. A bill for the relief of George Elliott;
18. A bill for the relief of John Bennett;
19. A bill for the relief of Nathaniel Gunnison;
20. A bill for the relief of James Herron;
21. A bill for the relief of the representatives of Presly Thornton, deceased;
22. A bill for the relief of Joseph Prescott;
23. A bill for the relief of the representatives of William Hooper Smith, deceased;
24. A bill for the relief of the representatives of William Anderson, deceased;
25. A bill for the relief of Henry Lee;
26. A bill granting a pension to Samuel Cole;
27. A bill to amend an act to incorporate the Medical Society of the District of Columbia;
28. A bill granting a pension to John F. Wiley;
29. A bill for the relief of the representatives of Lewis Durett;
30. A bill for the relief of William Pollard's heirs;
31. A bill granting a pension to James Stevens; and
32. A bill for the relief of Major General Alexander Macomb;

The committee subsequently rose, and reported the bills to the House, with the exception of the 2d, 3d, 4th, 7th, 8th, 9th, 10th, 11th, 12th, 15th, 21st, 22d, 23d, 27th, and 32d, upon which the committee asked and obtained leave to sit again. The 1st was postponed until to-morrow, and the remainder of the bills, except the 24th and 25th, were ordered to be engrossed, and read a third time to-morrow.

Pending the consideration of the 24th bill, the House adjourned.

IN SENATE.

SATURDAY, *May* 14, 1836.

The CHAIR communicated a report from the War Department in reply to a resolution of the Senate, relative to the contracts made for the removal of the Creek Indians.

Also a letter from the Secretary of the Treasury, transmitting a report from the Commissioner of the General Land Office, on the subject of preëmption.

Mr. EWING, of Ohio, presented the memorial of Edward L. Crane, remonstrating against any change in the location of the Cumberland road; which was referred to the Committee on Roads and Canals.

Mr. KING, of Georgia, presented the petition of sundry citizens of Georgia, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

RESOLUTIONS SUBMITTED.

Mr. PRENTISS submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting a pension to Silas Williams, a soldier of the revolutionary war.

Mr. LINN submitted the following resolution; which lies on the table one day:

Resolved, That the Commissioner of the Land Office be requested to send to the Senate a statement of the number of sixteenth sections of the public lands which belong to the State of Missouri for school purposes; what number of such sections are actually selected; what number are interfered with from conflicting claims derived from the Governments of France, Spain, or the United States; and what amount is due the State of Missouri on account of the fractional sections.

BANKING IN FLORIDA.

Mr. HUBBARD remarked that he had that morning received, through the medium of one of the public journals of the country, information which had created in his mind no inconsiderable degree of astonishment, and which information, he presumed, would produce a like effect upon the mind of every individual who should be made acquainted with the facts. He had noticed that the Legislative Council of Florida had recently established "banking institutions," the maximum of whose capital amounted to at least $12,000,000. *This* (said he) *may be all necessary for the "fair business transactions" of the Territory*, but it was, however, an amount of banking capital *quadruple* the amount of banking capital employed in his own State, with a population of nearly three hundred thousand white male inhabitants, while there was not, at this time, within the Territory, a sufficient white population to entitle Florida to a place among the States of this Union. There had been established a "Life Insurance and Trust Company," with banking powers, to be located at St. Augustine, its maximum capital amounting to $4,000,000. The charter of this company extends for the term of fifty years, and it possesses the power of establishing branches in any part of the Territory. Besides this trust company, "there are in Florida," as he learned, "several other moneyed institutions—the Union and Central Banks at Tallahassee—one with $3,000,000, the other with $2,000,000 of capital;" and he believed that it would appear, if an examination should take place into this subject, that in the course of the last winter the territorial government of Florida had established "banking companies" at Pensacola and at St. Joseph, the maximum capital of each consisting of $3,000,000. From what he had stated, it would result that moneyed institutions had been recently chartered in Florida whose maximum capital amounted to the enormous sum of $12,000,000. This is, however, not the whole story.

It will be found, upon examination, *he had no doubt*, that other moneyed institutions had been previously established at Pensacola, and in other parts of the Territory. All this, as he had remarked before, may be right, necessary, and proper; the condition, the state, the commercial business may demand this most extraordinary, if not alarming, increase of the moneyed institutions of the Territory, *but it may be wrong; it may spring from that uncontrollable spirit for speculation which is abroad in the land.* He would not presume to pass judgment upon these transac-

tions. The account given had made a strong impression upon his mind, and he felt it to be his duty to bring the matter to the notice of the Senate. He had prepared a resolution instructing the Committee on the Judiciary to inquire into the character, condition, and the amount of capital of the several moneyed institutions exercising banking powers which have been chartered within the last three years by the territorial government of Florida, and to report to the Senate whether in their opinion any proceeding on the part of the Senate, or any legislation on the part of Congress, is necessary.

He could not doubt but that Congress possessed "supervisory authority over territorial legislation"—that Congress possessed the power to disapprove of, and to annul the laws which might be enacted by the proper authority of this Territory. This was his impression; and he believed that our own statutes would show that we had "disapproved and declared null and void" a legislative act of Florida years after the act had been approved. At any event, he believed it was competent for the Senate to express its own opinion, its own views, upon the legislative proceedings of Florida to which he had referred. He would therefore ask leave to present the resolution he had prepared, and he hoped the Senate would adopt it, and that the Committee on the Judiciary would investigate this whole matter, and make report whether the business of the Territory called for this increase of her moneyed institutions. For himself, he most conscientiously believed that there was imminent danger that *the credulous, the thoughtless, the confiding portion of our community may be overwhelmed in this deluge of speculation* which is now spreading over our beloved country.

Mr. H. then submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Judiciary be instructed to inquire into the character, condition, and the amount of capital of the several "banking institutions" which have been chartered within the last three years by the territorial government of Florida; and that they report to the Senate whether, in their opinion, any legislation of Congress is necessary to disaffirm the establishment of said charters.

REPORTS FROM COMMITTEES.

Mr. CLAYTON, from the Committee on the Judiciary, reported a bill for the relief of Richard C. Stockton, William B. Stokes, and others.

Mr. CLAYTON explained the object of this bill, which was to refer the case of those gentlemen to the Solicitor of the Treasury, who, after examining all the evidence on the subject, should decide according to the principles of equity and justice.

The committee (Mr. C. said) were unanimously in favor of this bill, believing that these gentlemen were justly entitled to relief.

Mr. BUCHANAN advocated the bill in a speech of some length, observing that this case was, early in the session, submitted to the committee; and there was not a member of it who was not of opinion that these persons were entitled to compensation for the services they had rendered. Mr. B. spoke of the fidelity with which the contracts had been performed; and observed that he had had no communication on this subject with these gentlemen at all; but he knew them to be highly meritorious contractors, who, in order to sustain themselves thus far, had made great exertions, and had stretched their credit to the utmost.

After being amended, the bill was ordered to be engrossed for a third reading, without a division.

Mr. KING, of Alabama, on leave, introduced a bill for the relief of Thomas T. Barton; which was read twice, and referred to the Committee on Foreign Relations.

Mr. K. also, from the Committee on the District of Columbia, to which had been referred the amendments of the House of Representatives to the bill for the relief of the several corporations of the District of Columbia, made a report thereon, recommending that the Senate agree to the first amendment, and submitting an amendment to the second.

Mr. K. explained the bearing of the amendments of the House of Representatives upon the bill as it had passed the Senate. One of the amendments of the House had reduced the appropriation $600,000, in which he supposed the Senate would concur. The other amendment proposed to take the stock in the canal absolutely, whereas the Senate had only proposed to take it as a security. For his part, he was opposed to taking the stock absolutely, and hoped the amendment of the House authorizing it would be stricken out; and if the House of Representatives should not concur in the amendment to strike it out, perhaps some arrangement could be made in committee of conference upon the amendments which would meet the views of both branches. If, however, the Senate should not think proper to strike it out, he had an amendment prepared to offer, which would make the section more acceptable to him, and he thought it would make it more so to others. He wished the Senate to understand distinctly the principles on which they were voting. If they struck out the second section, it would be relinquishing entirely the stock to these corporations, and making the appropriations in the bill without taking any security for reimbursement. If they retained this second section, it would be taking this stock as the absolute property of the Government, and depriving the three cities of the resources by which they might relieve themselves from their great pecuniary embarrassments. He had insuperable objections to the Government owning this stock, and he would therefore be glad to see this section stricken out.

Mr. WALKER said that, being a member of the committee which reported this bill, it seemed necessary that he should explain his reasons for agreeing to the report. He never could have voted for the bill in the shape that it came from the House, as it proposed to make the Government the purchasers of stock in this canal company, in the same manner as if it had originally subscribed to the same amount. He had strong objections to the Government becoming joint stockholders in any company; and he should, therefore, vote for the amendment to strike out the second section, believing it better for the United States to have no security at all for the advances they were to make, than to be secured in so objectionable a way.

On taking the question, the first amendment of the House was concurred in without a division; and the amendment to the second amendment reported by the committee, striking out the second section, which provides that the stock held by the three corporations shall be relinquished to the Government, was agreed to—ayes 21, noes 9.

Mr. EWING, of Ohio, from the Committee on Public Lands, to which had been referred the petition of sundry inhabitants of Michigan, praying for the establishment of a new land office, moved that the committee be discharged from the further consideration thereof; which motion was agreed to.

The bill to extend the western boundary of the State of Missouri was read the third time and passed.

Mr. WHITE, from the Committee on Indian Affairs, to which had been referred the memorial of John Ross and others, in behalf of the Cherokees, made a report thereon; which was ordered to be printed.

Mr. SOUTHARD, from the Committee on Naval Affairs, reported a bill to establish a naval academy; which was read, and ordered to a second reading.

BILL INTRODUCED.

Mr. MOORE, on leave, introduced a bill for the relief of the children and heirs of the late William Fisher, deceased; and a bill for the relief of Elisha Moreland, William S. Kennedy, and others; which were severally read twice, and referred.

RELIEF TO THE DISTRICT CORPORATIONS.

Mr. LEIGH, who had voted with the majority, moved a reconsideration of the vote striking out the second section of the bill for the relief of the corporate cities of the District of Columbia, as amended by the House. This vote (he said) gave to these cities a large sum of money without taking any consideration whatever for the repayment of the money. He confessed that he had not attended sufficiently to this amendment to understand its purport when he gave his vote; indeed he was under the impression that the question then taken had a different import from the one it really had. He did not consider that he had a right to vote to give this money to the city of Washington, or to anybody else, without security for reimbursement, and he therefore moved for a reconsideration of the vote.

Mr. KING, of Alabama, thought he had stated the simple question before the Senate as plainly as language could make it. If they struck out the second section, they gave up the stock and advanced the money without any pledge whatever; if they retained the section there would be a transfer of this stock to the Government. He did not mean to mislead a single individual in the explanation he had given. He wished further to state that, if the object was to take from these corporations the stock for which they had paid $650,000, it would leave them without any resources to rid themselves from the heavy embarrassments under which they were laboring.

Mr. LEIGH did not doubt that the honorable Senator from Alabama [Mr. KING] had made the explanation as stated, and he confessed it was his own fault for not understanding it; but his mind, at that moment, had been abstracted from the subject. If he had understood the question, he should have voted directly contrary to the vote he gave. He agreed with the Senator from Mississippi, [Mr. WALKER,] that the Government had no right to become a joint stockholder, but would not enter into a discussion of that question at that time. He would prefer the amendment proposed to be offered by the Senator from Alabama, [Mr. KING,] in case this amendment to strike out failed, to the section as it now stood.

The reconsideration was then ordered; and the question recurred on striking out the second section.

Mr. GRUNDY wished to know from the chairman of the committee whether, if this amendment were adopted, these corporations would remain in debt to the Government, or whether the appropriation in the bill was to be considered as a free gift?

Mr. KING replied that there was no obligation whatever on the part of these corporations to refund this money. The object (Mr. K. said) was to relieve these corporations from their embarrassments, and to get rid of the whole matter. If gentlemen were not prepared to go this far, he was, for he believed that the expenses incurred by one of these corporations had greatly enhanced the value of the Government's property, the taxes on which alone would amount to the sum granted. He hoped this bill would be sent to the other House, unembarrassed by any stock transactions whatever.

Mr. WEBSTER could not see any difference in the principle between lending these corporations money on security, and giving it to them as a donation. He was here when the loan was contracted, and, foreseeing the difficulties that would be created by it, had remonstrated against it; and in fact none protested more loudly against it than the good people of Washington themselves. It was well known that these corporations, the city of Washington in particular, pretended to have claims against the Government on account of expenditures which had had the effect of raising the value of its property. This was no doubt true, to some extent; and he thought the money granted by this bill would be a very liberal way of paying all claims they might have of that nature. He was willing to give them this money, and to have the debt considered as canceled.

Mr. CALHOUN said the chairman of the Committee on the District of Columbia [Mr. KING, of Alabama] had avowed this appropriation to be a donation. He (Mr. C.) doubted the propriety and also the constitutionality of making it. He would much rather support the bill as sent from the Senate. He believed, when the canal was extended to the mineral regions, the stock would rise above par. He would much rather the bill would be sent back to the House of Representatives, as it had originally passed the Senate. He doubted the right of Congress to vote away the money of the people, without making provision to have it returned to their Treasury again.

Mr. NILES said it was a very ungracious task in any one to oppose this bill, containing a donation to these corporations, which a high sense of public duty required him to do. Congress, in his opinion, had no right to interfere in this matter,

except as the local Legislature of the District of Columbia. These people had involved themselves in this great work, and for his part he could see no foundation for this claim either in law or equity. So far as the Government had stepped in as an indorser, they ought to see the debt paid. If they paid the debt in the capacity of an indorser, they ought, as an indorser, to secure themselves for the reimbursement of it. He believed conscientiously that to relieve these people from these improvident acts would be to encourage improvidence. The value of this stock at this time was not worth one sixth of the amount of the debt; and the very property which the money appropriated by Congress had purchased might not be worth $10,000; but whether worth much or little, they ought to take security, not as a hard creditor on the whole property of the District, but on this canal property, on account of which the debt had been incurred.

Mr. WRIGHT said, as he had opposed this bill originally, he owed it to himself to explain the views which would govern his vote upon the question now presented. It seemed to him to be simple, and to rest within a very narrow compass. The Senate passed this bill assuming the Holland debt, amounting, as he understood, to one and a half millions of dollars; and also appropriating from the public Treasury from six to seven hundred thousand dollars to pay the several cities of Washington, Georgetown, and Alexandria the interest and charges they had respectively paid on account of their respective portions of the loan from Holland; and, as a show of security to the Government for those payments, the bill provided for a pledge or mortgage to the United States of the stock held by each city respectively in the Chesapeake and Ohio Canal Company.

The bill went to the House in this shape, where it was amended by striking out the appropriation of from six to seven hundred thousand dollars for interest and expenses, and by striking out also the provision for the pledge, or mortgage, of the stock, and inserting, in lieu thereof, a provision for a positive transfer of the stock to the United States, in consideration of the assumption by the Government of an equal amount of the Holland debt.

The committee of the Senate, as he thought, most wisely, had disagreed to the amendment of the House providing for a positive transfer of the stock, because he considered that provision entirely objectionable in principle, as in effect making the United States a purchaser of this amount of the stock of the canal company at par, for money advanced, or for an equal liability, less advantageous to the public Treasury than an advance of money. He was unable to discover any difference in principle between this proposition and a proposition to subscribe, on the part of the Government, to an equal amount of the stock of this canal company.

The committee of the Senate now recommend to us to concur in the first amendment of the House, to strike out the appropriation for interest and expenses, amounting to between six and seven hundred thousand dollars; and, in consideration of this, to give up to the cities the pledge, or mortgage, upon the canal stock proposed to be taken by the bill, as it originally passed the Senate; and to strike out the amendment of the House requiring the transfer of the stock to the United States.

Mr. W. said he should vote for the amendment proposed by the committee of the Senate, simply because he considered the bill in this shape much more favorable to the public Treasury than in the shape in which it originally passed the Senate, and because he could not consent to the principle contained in the amendment of the House requiring a positive transfer of the stock to the United States. He did not consider the intrinsic value of the stock worth the six or seven hundred thousand dollars stricken from the bill as the consideration for a release of all claim upon the canal stock. He would not now vote for an appropriation of that amount of money from the Treasury for the purchase of the stock, as a mere financial measure, without any objection of principle to such a use of the public money. He, therefore, thought we should make a more profitable bargain for the public Treasury by passing the bill in this shape, than in the shape in which it had been first put by the Senate. He must be most distinctly understood as entirely opposed to the whole appropriation in any shape; and his present object was, having seen that a majority of the Senate were favorable to the bill in some shape, to make the best bargain for the Treasury in his power. It seemed to him that some gentlemen were treating rather with matters of form than matters of substance. They were insisting upon the form of security for the entire amount of liability assumed by the Government, while no man did contend, and he was sure no man would contend, that the real value of the security proposed to be taken was not equal to the actual payment of money from which we propose to relieve the Treasury in consideration of yielding our mortgage upon the stock, which is all the security offered, or proposed to be taken.

Mr. W. said, entertaining these views, he should vote for the amendment recommended by the committee, though he should at all times, and in any shape, while his feelings remained as they now were, vote against the bill.

Mr. BLACK had always voted against bills similar to this. In the first place he was opposed to the claim, and in the second place he was opposed to taking nominal security, which was, in fact, no security at all, and which he was opposed to having anything to do with. He concurred in opinion with the Senator from Alabama, [Mr. KING,] that it was better to give it as a donation than to have anything to do with the stock. He could not see the difference in the power of Congress between loaning the money on the security of a transfer of the stock, and giving it as a donation without security.

Mr. CLAYTON said that he could vote to grant relief to the city of Washington, because, had the Government paid taxes on its property in the same manner that the citizens had, the sum would have amounted to more than was given to it by this bill; but this principle did not apply to the towns of Georgetown and Alexandria, and he must, therefore, vote against the bill. He could vote for it if applied to Washington alone, but as he could not vote for Washington unconnected with the other towns, he must oppose the whole bill.

The question was then taken on striking out the second section; and it was decided in the negative—yeas 13, nays 26; as follows:

YEAS—Messrs. Black, Ewing of Illinois, Kent, King of Alabama, Nicholas, Porter, Preston, Southard, Tallmadge, Walker, Wall, Webster, and Wright—13.

NAYS—Messrs. Benton, Brown, Buchanan, Calhoun, Clayton, Crittenden, Cuthbert, Davis, Ewing of Ohio, Grundy, Hill, Hubbard, King of Georgia, Knight, Leigh, Moore, Morris, Niles, Prentiss, Rives, Robbins, Robinson, Ruggles, Shepley, Swift, and Tomlinson—26.

Mr. KING, of Alabama, then moved to amend the amendment of the House, so as to provide that the stock in the Chesapeake and Ohio canal, held by the corporations of Washington, Georgetown, and Alexandria, shall be deposited with the Secretary of the Treasury, who is empowered to sell the same at any time within ten years, and reimburse the money advanced by this bill.

Mr. WEBSTER said he felt bound to inquire, before we should consent to take this stock, either positively or conditionally, whether it was subject to further calls by the company—whether, by taking a mortgage, or a transfer, we were subjecting the Government to further payments, before we should attempt to protect our interests in a manner which would, in fact, merely incur further indebtedness?

Mr. WRIGHT said he would reply to the Senator from Massachusetts, that, according to his understanding of the matter, a further call would be most desirable to the Government, in case we took the stock. He supposed the only consequence of a failure to pay, in case of a call, would be a forfeiture of the stock; and it seemed to be the only way in which we could get rid of it. He believed he was not mistaken, and that the privilege of forfeiture, in case of further calls, would be left to us.

Mr. WEBSTER (sitting in his seat) said, I hope so.

Mr. KING's amendment was then agreed to: and the bill, as amended, was sent to the other House for concurrence.

On motion of Mr. SHEPLEY, the Senate took up the bill for the relief of Daniel Steenrod; and, after a debate,

On motion of Mr. CLAYTON, it was referred to the Committee on Claims.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 14, 1836.

On motion of Mr. MORGAN, the Committee of the Whole House was discharged from the further consideration of a bill to provide for the payment of certain pensioners of the United States at Wheeling, in Virginia, and the same was read the second time, and ordered to be engrossed for a third reading; subsequently, the bill was passed.

On motion of Mr. HARLAN, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of restoring the name of Benjamin Briggs, of Kentucky, on the pension roll.

On motion of Mr. HALL, of Maine, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing Daniel Gregg on the pension roll.

Mr. HAWES asked the unanimous consent of the House to take up and consider, for one hour, the resolution heretofore offered by him in relation to the West Point Academy; which being objected to, Mr. H. moved to suspend the rules for that purpose; which was negatived.

Mr. REYNOLDS, of Illinois, asked the consent of the House to submit a resolution, making the bill for the survey of certain rivers and roads therein named the special order for half an hour on Tuesday next, from twelve o'clock; provided, that length of time should be necessary for its disposition. It was objected to.

Mr. ALLAN, of Kentucky, moved that the morning hour of Tuesday next be set apart for the consideration of the bill to extend the provisions of the pension act of 1832; which being objected to, Mr. A. moved to suspend the rules for the purpose stated, and asked for the yeas and nays on the motion; which were ordered, and were—yeas 88, nays 72.

Two thirds not voting in the affirmative, the rules were not suspended.

Mr. CHAPIN made an ineffectual effort to submit a motion appropriating one hour on Tuesday, the 24th instant, for the consideration of the resolution from the Senate, and the bill of the House, in reference to the Smithsonian legacy.

Mr. SEVIER made an earnest appeal to the House to set apart Wednesday and Thursday next, from ten to twelve o'clock, for the consideration of bills relating to the Territories, excluding the bills for the formation of new States.

Objection being made, Mr. SEVIER moved to suspend the rules, which was negatived.

Mr. GRAYSON made an ineffectual effort to set apart the first Monday in June for the consideration of a bill for the establishment of a navy-yard and naval depot at Charleston, South Carolina.

The resolution heretofore reported by Mr. CONNOR, from the Committee on the Post Office and Post Roads, setting apart Thursday next, from twelve o'clock, for the consideration of the bill changing the organization of the Post Office Department; and the bill to establish certain post routes and to alter and discontinue others, were again taken up.

The motion to lay the resolution on the table, and the motion to substitute one for twelve o'clock, were negatived.

The resolution was then agreed to,—112 (more than two thirds) voting in the affirmative.

DEPOSIT BANKS.

The resolution heretofore reported by Mr. OWENS, from the Committee of Ways and Means, fixing a day for the consideration of the bill regulating the deposits of the public moneys in certain local banks, was taken up.

Mr. OWENS proposed to amend the resolution by providing that the foregoing bill should be made the special order from one o'clock on

the day succeeding the disposition of the appropriation bills, and should be considered from day to day until disposed of. Mr. O. adverted to the importance of the bill, and hoped that the resolution would be adopted.

Mr. VINTON moved to amend the amendment, by providing that, previous to acting on the deposit bill, the bills now on the Speaker's table should be disposed of.

Mr. MILLER moved to postpone the resolution until Monday; which was lost.

Mr. TOUCEY suggested to the gentleman from Ohio to modify his motion, so as to confine it to the bills establishing the northern boundary of Ohio, and for the admission of Michigan and Arkansas into the Union. For four years the people of Michigan had been entitled, by the fundamental laws of the land, to be admitted into the Union.

The SPEAKER reminded the gentleman that a question of priority of business was not debatable.

Mr. OWENS had no objection to the amendment proposed by the gentleman from Ohio.

Mr. BOON inquired whether, if the resolution was adopted, it would not interfere with the bill to graduate the price of the public lands? He would object to every proposition which would give precedence to any other measure over the one which he had named.

The morning hour having expired, Mr. WHITTLESEY, of Ohio, called for the orders of the day.

Mr. CAMBRELENG hoped the gentleman would permit the question to be taken on the resolution.

Mr. WHITTLESEY persisted in his motion; and the House passed to the consideration of the

ORDERS OF THE DAY—PRIVATE BILLS.

The following engrossed bills were read the third time, and passed:

A bill for the relief of William Hewes;
A bill for the relief of Henry Keefer;
A bill for the relief of Francis Bashford;
A bill for the relief of Bernard Pompilly;
A bill for the relief of Elisha Lucas;
A bill for the relief of John Cowper;
A bill for the relief of the Lexington (Ohio) Railroad Company;
A bill for the relief of James Whitsell and Jacob Stewart;
A bill for the relief of John S. Devlin;
A bill for the relief of Patrick Green;
A bill authorizing the Commissioner of the General Land Office to issue to David J. Talbot a patent for a quarter section of land;
A bill for the relief of Thaddeus Tuttle;
A bill for the relief of James Steel;
A bill for the relief of Jean Baptiste Grainger;
A bill for the relief of the heirs and legal representatives of William Graham, deceased;
A bill for the relief of the widows and orphans of the officers, seamen, &c., of the schooner Wild Cat;
A bill for the relief of Thomas B. Parsons;
A bill for the relief of Davis Hunt;
A bill for the relief of William York;
A bill for the relief of Relief Harris;
A bill for the relief of the legal representatives of Lathrop Allen, deceased;
A bill from the Senate for the relief of the representative of Robert Jouet, deceased;
A bill for the relief of James Taylor;
A bill for the relief of John Dahl;
A bill for the relief of Nathaniel Platt;
A bill for the relief of Scioto Evans;
A bill for the relief of the sureties of Nicholas Kern;
A bill for the relief of Doctors J. E. B. Findley, and A. X. Deas;
A bill for the relief of William Walker, Abraham Woodall, and heirs of Samuel Brown;
A bill for the relief of Joseph B. Folsom and the owners and crew of the schooner Galaxy;
A bill granting a pension to Colonel William Lawrence;
A bill for the relief of Theodore Stanwood, Samuel W. Brown, and John Woodbury;
A bill for the relief of John Howell;
A bill for the relief of James Baldridge;
A bill for the relief of Samuel Hunt;
A bill for the relief of John Pickard;
A bill for the relief of Richard Martin;
A bill for the relief of John Randolph Clay;
A bill for the relief of James L. Stokes, and for other purposes;
A bill for the relief of Daniel Bush;
A bill for the relief of Peter Dimick;
A bill providing that John Smith be placed on the list of invalid pensioners;
A bill for the relief of the representatives of Jacob Shoemaker, deceased;
A bill for the relief of Peter Cook, a soldier in the late war;
A bill for the relief of Samuel Kincaid;
A bill for the relief of John H. Holland;
A bill for the relief of John Jeffers;
A bill for the relief of Joshua Pilcher;
A bill for the relief of Samuel Gilbert and others;
A bill for the relief Wealthy Barker, widow of Isaac Barker, deceased;
A bill for the relief of Job Wood;
A bill for the relief of George Elliott;
A bill for the relief of John Bennett;
A bill for the relief of Nathaniel Gunnison;
A bill for the relief of James Herron;
A bill granting a pension to Samuel Cole;
A bill granting a pension to John F. Wiley;
A bill for the relief of William Pollard's heirs;
A bill granting a pension to James Stevens;

A bill for the relief of Don Louis Rosamond Orillon was rejected; but subsequently, at the request of Mr. GARLAND, of Louisiana, (who was absent when the vote was taken,)

Mr. MANN, of New York, moved to reconsider the vote rejecting the bill; which was carried; and the further consideration of the bill was postponed for the present.

UNITED STATES—MEXICO—TEXAS.

A message from the President of the United States was received by the hands of Mr. DONELSON, relating to the affairs of Texas and Mexico, and read; as follows:

In compliance with a resolution of the House of Representatives of the 10th instant, I transmit reports from the Secretaries of State and War, with the papers accompanying the same.

ANDREW JACKSON.

WASHINGTON, *May* 14, 1836.

The message and documents were referred to the Committee on Foreign Affairs, and ordered to be printed.

PEA PATCH ISLAND.

The House resumed the consideration of the bill to authorize a compromise, and to secure to the United States the title to the Pea Patch Island, in the river Delaware.

The question being on the passage of the bill, it was advocated by Messrs. DICKERSON, PEYTON, REYNOLDS of Illinois, PHILO C. FULLER, and opposed by Mr. HOWARD.

Mr. MILLIGAN obtained the floor, but gave way to a motion for an adjournment, which was carried; and the House adjourned.

IN SENATE.

MONDAY, *May* 16, 1836.

Mr. SHEPLEY presented the credentials of the Hon. JOHN M. NILES, elected by the Legislature of the State of Connecticut a Senator from that State, to supply the vacancy occasioned by the death of the Hon. Nathan Smith.

The oath to support the Constitution of the United States was then administered to Mr. NILES by the Vice President.

PETITIONS, MEMORIALS, ETC.

Mr. KNIGHT presented the petition of sundry citizens of Bristol, Rhode Island, praying for the erection of a custom-house; which was referred to the Committee on Commerce.

INDEPENDENCE OF TEXAS.

Mr. MANGUM presented a series of resolutions adopted by a meeting of citizens of Burke county, North Carolina, on the subject of the affairs of Texas, recommending the acknowledgment by the Government of the United States of the independence of that country.

Mr. PRESTON said, he had recently had occasion to express his hopes, his wishes, and his feelings, in regard to the affairs in Texas, and as his views were known in relation to them, he was not disposed to trouble the Senate at this time with any further expression of them. And yet he could not recognize the honor conferred on him by the mention of his name in the resolutions just presented, without reiterating the sentiments expressed by him before. He could not tell why the honor was done him in this case, unless it were on account of his devotion to the cause of civil liberty generally throughout the world. He adverted to the coincidence in point of time between the receipt of those resolutions and this glorious intelligence from Texas of one of the most glorious results ever achieved. It was at a gloomy period in the cause of Texas when the Mexican Governor had advanced to our own borders, with a well-disciplined army flushed with victory, and in his progress had marked his footsteps with blood, when he (Mr. P.) gave utterance to the impulse of his feelings the other day. He then used epithets which were prompted by the natural feelings of his heart. But he had now no feeling against Santa Anna, for he was, thank God, a prisoner, or perhaps a corpse, and he was ready to proclaim glory to God in the highest!

The effect of that victory had opened up a curtain to a most magnificent scene. This invader had come on at the head of his force, urged on by no ordinary impulse—by an infuriate fanaticism—by a superstitious Catholicism, goaded on by a miserable priesthood, against that invincible Anglo-Saxon race. It was once a war of religion and liberty. And when that noble race engaged in war, victory was sure to perch upon their standard. This was not merely the retribution of the cruel war upon the Alamo, but that tide which was swollen by this extraordinary victory would roll on, and roll on, and roll on; and it was not in the spirit of prophecy to tell when it would stop.

He adverted to a period when these Halls were animated in a controversy between Mexico and Spain, in which, although too young to participate in it, yet he remembered his heart beat high on that occasion for the cause of freedom. The Anglo-Saxon race was a population to which liberty belonged, and from which liberty could not be eradicated. Look (said he) across to the Gulf of California, and one government will overspread that whole extent of country. Mexico, it was known, raised her army with difficulty; for it was well known that there was a part of the people there who were republican, and that Santa Anna had brought the army he led into the field himself, and that he was the soul of it. He was now cut off, and the impression upon the public mind would be such, that the spirit of the South and Southwest would pour thousands of volunteers on the scene of action, to put an end to the struggle; and when they had once put their foot upon the Alamo, they would not look back, but onward, onward, would be their march.

The Mexican Government had now no foothold—Santa Anna was now no more, and there was no Mexican Government. Texas had achieved her liberty; she had swept her foes off the land by her valiant achievements. She had conquered in her own rights, and by her own arms, while we had stood by witnessing the struggle for liberty.

Texas might or might not belong to us, or us to it; but talking, as the people there did, the same language with us, and having the same feelings with us, they were too homogeneous not to belong to us. They were with us, and for us, and we were with and for them.

Wishing all happiness, success, and prosperity to Texas, he declared his readiness to receive her the moment her achievements had sealed her independence. He was not prepared at this time to go the length asked of him in the resolutions. A short waiting of events was necessary before definite action could be had. But the tidings were on the wing; and but give him the fact that Texas was a government *de facto*, and he pledged himself, for one, to go for the recognition of her independence *instanter*.

Mr. P. concluded by tendering his hearty response to the sentiments of the people of the county of Burke, in North Carolina, and his acknowledgments for the honor they had done him in the mention of his name.

Mr. WALKER said he had, upon the 23d of April last, called the attention of the Senate to the struggle in Texas, and suggested the reservation of any surplus that might remain in the Treasury for the purpose of acquiring Texas from whatever Government might remain the Government *de facto* of that country. At that period, (said Mr. W.,) no allusion had been made, he believed, by any one in either House of Congress to the situation of affairs in Texas. And now, (said Mr. W.,) upon the very day that he had called the attention of the Senate to this subject, it appeared that Santa Anna had been captured, and his army overthrown. Mr. W. said he never doubted this result. When, on the 22d of April last, resolutions were introduced before the Senate by the Senator from Ohio, [Mr. MORRIS,] requesting Congress to recognize the independence of Texas, he (Mr. W.) had opposed laying these resolutions on the table, and advocated their reference to a committee of the Senate. Mr. W. said he had addressed the Senate then under very different circumstances from those which now existed. The cries of the expiring prisoners at the Alamo were then resounding in our ears; the victorious usurper was advancing onward with his exterminating warfare, and in the minds of many all was gloom and despondency; but (Mr. W. said) the published report of our proceedings demonstrated that he did not for a moment despond; that his confidence in the rifle of the West was firm and unshaken; and that he had then declared that the sun was not more certain to set in the western horizon, than that Texas would maintain her independence; and this sentiment (Mr. W. said) he had taken occasion to repeat in the debate on this subject in the Senate, on the 9th of May last. Mr. W. said what was then prediction is now reality; and (Mr. W. said) his heart beat high, and his very pulse throbbed with delight, in contemplating this triumph of liberty. Sir, (said Mr. W.,) the people of the valley of the Mississippi never could have permitted Santa Anna and his myrmidons to retain the dominion of Texas.

Look (said Mr. W.) at the maps, and observe the extraordinary corners and angles of our present boundary—that boundary, by the treaty of 1819, by which Texas was sacrificed; by which the valley of the Mississippi was dismembered; by which the great tributaries of the Mississippi, the Arkansas for hundreds of miles, and the Red river for a thousand miles, were virtually surrendered to Spain; by which the right to navigate the Mississippi was in fact ceded to Spain, and a foreign Power placed on Red river within three days of New Orleans; a treaty by which the most valuable territory, and the most important harbors on the Gulf of Mexico were given up—an enemy placed within a few hours' sail of New Orleans, and the command of the Gulf abandoned; a treaty by which five or six States (in the prospective) were torn from the banner of the American Union; by which the balance of power between the North and the South was broken; a balance, by establishing which, whilst the North maintained its numerical preponderance in the lower House, the South would maintain a majority in the Senate, and thus each section be prevented from oppressing the other, and our glorious Union be rendered perpetual! And (said Mr. W.) let gentlemen look at the nature of the population of Mexico; let them examine Malte Brun, and they will find that the valley of the Mississippi never could have permitted Santa Anna to settle Texas with the mixed colored races of Mexico. He said that, by a reference to Malte Brun, it appeared that of the eight millions that peopled Mexico, but one seventh were of the white race, and that since that period the expulsion of the European Spaniards had still further diminished their number. The rest were Africans, Indians, Mettizoes, Mulattoes, and Zamboes, speaking twenty different languages, and constituting the most poisonous compound that could be amalgamated; united in but one thing, their subjection to a tyrannical priesthood, and their total ignorance of the first principles of civil and religious liberty. And could this miscalled Republic be permitted to dismember the great valley of the West, to establish a government of Zamboes and Mettizoes, of Africans and Mulattoes, upon the borders of Louisiana and Arkansas, in the very heart of the country, commanding the great tributaries of the father of waters, constituting an asylum for fugitive slaves from the West—a people prepared to join at any moment in predatory incursions upon the frontiers—prepared to unite with and instigate the people of their own colored race within our limits to deeds of bloodshed and massacre? No, (said Mr. W.,) this never could, it never ought, it never would have been permitted by the people of the West; and Mr. W. rejoiced that the conflict was over.

The resolutions were then ordered to be printed.

PETITION.

Mr. KING, of Alabama, presented a petition from sundry citizens of Alabama, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

NEW POST ROUTES.

Mr. MOORE submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from New Market, via Madison Springs, to Hazelgreen.

Mr. KING, of Alabama, submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Salina, Alabama, by Catawba, Pleasant Hill, and Bragg's Store, to Greenville.

RESOLUTION SUBMITTED.

Mr. LINN submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of State be requested to send to the Senate all the information in the possession of his Department relating to the capture of Messrs. Chouteau and De Mem's trading party by the Mexican Government, and whether any effort has been made by this Government to obtain compensation for the property plundered from said Chouteau and De Mem, or satisfaction for the outrage thus perpetrated on our citizens.

HOUSE BILLS REFERRED.

The following bills from the House were severally read twice and referred:

A bill for the relief of William Hewes;
A bill for the relief of Henry Keefer;
A bill for the relief of Francis Bashford;
A bill for the relief of Bernard Pompilly;
A bill for the relief of Elisha Lucas;
A bill for the relief of John Cowper;
A bill for the relief of the Lexington and Ohio Railroad Company;
A bill for the relief of John Whitsell and Jacob Stewart;
A bill for the relief of John S. Devlin;
A bill for the relief of Patrick Green;
A bill authorizing the Commissioner of the General Land Office to issue to David J. Talbot a patent for a quarter section of land;
A bill for the relief of Thaddeus Tuttle;
A bill for the relief of James Steel;
A bill for the relief of Jean Baptiste Grainger;
A bill for the relief of the heirs and legal representatives of William Graham, deceased;
A bill for the relief of the widows and orphans of the officers, seamen, &c., of the schooner Wild Cat;
A bill for the relief of Thomas B. Parsons;
A bill for the relief of Davis Hunt;
A bill for the relief of William York;
A bill for the relief of Relief Harris;
A bill for the relief of the legal representatives of Lathrop Allen, deceased;
A bill for the relief of James Taylor;
A bill for the relief of John Dal;
A bill for the relief of Nathaniel Platt;
A bill for the relief of Scioto Evans;
A bill for the relief of the sureties of Nicholas Kern;
A bill for the relief of Doctors J. E. B. Findey and A. X. Deas;
A bill for the relief of William Walker, Abraham Woodall, and heirs of Samuel Brown;
A bill for the relief of Joseph B. Folsom, and the owners and crew of the schooner Galaxy;
A bill granting a pension to Colonel William Lawrence;
A bill for the relief of Theodore Stanwood, Samuel W. Brown, and John Woodbury;
A bill for the relief of John Howell;
A bill for the relief of James Baldridge;
A bill for the relief of Samuel Hunt;
A bill for the relief of John Pickard;
A bill for the relief of Richard Martin;
A bill for the relief of John Randolph Clay;
A bill for the relief of James L. Stokes, and for other purposes;
A bill for the relief of Daniel Bush;
A bill for the relief of Peter Dimick;
A bill providing that John Smith be placed on the list of invalid pensioners;
A bill for the relief of the representatives of Jacob Shoemaker, deceased;
A bill for the relief of Peter Cook, a soldier in the late war;
A bill for the relief of Samuel Kincaid;
A bill for the relief of John H. Holland;
A bill for the relief of John Jeffers;
A bill for the relief of Joshua Pilcher;
A bill for the relief of Samuel Gilbert, and others;
A bill for the relief of Wealthy Barker, widow of Isaac Barker, deceased;
A bill for the relief of Job Wood;
A bill for the relief of George Elliott;
A bill for the relief of John Bennett;
A bill for the relief of Nathaniel Gunnison;
A bill for the relief of James Herron;
A bill granting a pension to Samuel Cole;
A bill granting a pension to John F. Wiley;
A bill for the relief of William Pollard's heirs; and
A bill granting a pension to James Stevens.

On motion of Mr. WHITE, the Senate proceeded to the consideration of executive business; and, after spending some time therein, adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 16, 1836.

Mr. TOWNS asked the consent of the House to submit certain resolutions adopted by a meeting of the citizens of Macon, Georgia, in relation to Texas.

Objection being made,

Mr. TOWNS moved to suspend the rules for the purpose stated. He designed making no remarks on the subject; his desire was simply to present the resolutions, have them read, laid on the table, and printed.

Mr. GLASCOCK asked for the yeas and nays on the motion to suspend the rules; which were ordered.

Mr. STORER moved to amend the motion so as to enable him also to present the proceedings of a public meeting in Cincinnati, Ohio, on the same subject.

Mr. TOWNS accepted the amendment as a modification of his motion.

Mr. PARKER suggested that the motion should be amended so as to enable the members generally to present petitions.

Mr. MASON, of Ohio, moved to lay the motion of Mr. TOWNS, as modified, on the table.

Messrs. GLASCOCK and STORER simultaneously asked for the yeas and nays on this motion; which were ordered.

The motion to suspend the rules was then laid on the table—ayes 83, noes not counted.

PROCEEDS OF THE PUBLIC LANDS.

The House resumed the consideration of the resolutions of the Legislature of the State of Kentucky on the subject of the proceeds of the sales of the public lands. The question pending was the motion of Mr. WILLIAMS, of Kentucky, to refer the resolutions to the Committee of Ways and Means, with instructions to report a bill distributing among the States the revenue derivable from the sales of the public lands, to be applied to such purposes as the State Legislatures may think proper.

Mr. GRAVES, who was entitled to the floor, addressed the House at considerable length. The gentleman from New York [Mr. CAMBRELENG] had said that there would not be more money in the Treasury at the end of the year than to meet the demands of the Government. Mr. G. went into a calculation to show what amount of money would be in the Treasury by which he showed that there would be in the

Treasury upwards of seventy-six millions of dollars at the end of the year; which sum (he said) was upwards of fifty millions over and above what the Secretary of the Treasury considered necessary for the disbursements of the year. He then showed that there were large amounts of former appropriations which had been made for the Navy and other purposes, which could not be expended in consequence of the scarcity of laborers. He contended that this same obstacle existed at present, and that it would be useless to make larger appropriations than could be expended during the year. Supposing, however, that this money all could be used, they would still have in the Treasury upwards of fifty millions of dollars. He replied to the arguments of the gentleman from New York [Mr. CAMBRELENG] in relation to this distribution of the revenues producing consolidation. He did not consider that this came very well from the gentleman from New York, a State which had drawn more from the Treasury than any other, and more than the whole southern States together, Kentucky included. He considered the arguments of the gentleman from New York an attack upon the people themselves.

He considered the people of New York just as independent, notwithstanding that they had been fattening on the revenue of the Government, as the people of those States which had received none of its favors. That State had received millions upon millions from the coffers of the General Government, and still he could not conceive that the people were at all debased thereby, notwithstanding the gentleman from New York had argued that a distribution of the revenue would corrupt the people. This, Mr. G. considered to be a strange kind of doctrine to come from a man professing to be a Democrat. Mr. G. also went into a calculation to show the amount of money which the States would receive, by which he showed that Kentucky would get more than sufficient to establish and maintain a system of education throughout the State. He contended that there was great danger to be apprehended from the leaving the public money in the situation in which it now was, because of the danger to be apprehended from its being used hereafter for corrupt purposes. He considered a division of the public moneys as the most just and proper mode of getting rid of them, and believed that it was desired by nine tenths of the people of the country.

Mr. CUSHING said he desired to give his views on the land bill; but not deeming the present a fit or auspicious occasion, he moved to postpone, until Monday next, the further consideration of the resolutions of the Kentucky Legislature, for the purpose of calling the States for petitions and memorials; which motion to postpone was agreed to.

The motion heretofore made to reconsider a vote whereby a petition of the Trades Union of Baltimore was laid upon the table, came up for consideration, and was negatived.

RELIEF OF THE DISTRICT CITIES.

Mr. W. B. SHEPARD hoped the House would take up and consider the amendment of the Senate to the bill for the relief of the several corporate cities of the District of Columbia.

Objection being made,

Mr. MANN, of New York, moved to suspend the rule for the purpose of taking up said bill; which was agreed to—ayes 101, noes not counted.

Mr. SHEPARD moved that the House concur in the amendment of the Senate.

Mr. JARVIS objected to the amendment of the Senate. He was opposed to advancing this money, and holding out the deception, that the Government was to be hereafter reimbursed by the stock proposed to be pledged, when it must be evident that it was wholly inadequate, and never would be worth the amount proposed to be advanced. He was willing to strike out the stock altogether, and let the money be appropriated as a gratuity. He was opposed to placing the Government in the position of a pawnbroker; and he was still more opposed to holding out a pretense that they were to be reimbursed, when, in fact, they were giving away this money. He was willing to give it, but not in this indirect manner, and he hoped that the House would adhere to their amendments, and a committee of conference might be able to propose a compromise which would be acceptable to a majority of each House.

Mr. WILLIAMS, of Kentucky, considered the amendment more objectionable than the provision in the original bill as it passed the Senate, on the ground of the power conferred upon the Secretary of the Treasury to sell this stock at any time within ten years, and the provision that, if it should sell for more than the amount advanced, the excess should be paid over to the corporations. If the Government took this stock and ran the risk of being reimbursed, it should certainly be entitled to all the advantages which might possibly accrue from a profitable disposition of the same. By the amendment the corporations were to derive all the benefit, and the Government had to sustain all the loss. He hoped the amendment would be negatived, and that this bill would be permitted to lie on the table with the unfinished business, where it ought to be.

Mr. UNDERWOOD asked for the yeas and nays on concurring in the amendment of the Senate; which were ordered.

Mr. WISE was opposed to the bill in every shape, whether in the form of a gift, or bargain and sale, and expressed his surprise that such an extraordinary measure should have obtained precedence over the important business of the House. Neither the public nor private business should have been made to give place to this bill. There were claims involving $5,000,000 on account of French spoliations prior to 1800, which could not even be brought before the House, and which, if examined, would be found to be founded in strict justice, and other claims which had been outstanding for half a century were forced aside for the purpose of letting in this bill for the relief of the corporations of this District. He had looked into this bill, and could not support it upon any ground of policy, reason, or sympathy. The amount of debt due by the corporations was the result of mismanagement and folly, and it was a matter of indifference to himself and his constituents, whether this stock was owned by foreigners, or by the citizens of this District. If it should be purchased by the former, it might be their interest to bring capital to us, and thus be a benefit to us.

Mr. W. was aware that some individuals would be benefited by the passage of this act. In consequence of the load of debt hanging over the corporations, taxation was so great that real estate had depreciated to almost nothing. Some hawk-eyed speculators had bought up much property, and if this bill should pass, the property thus purchased would raise one hundred per cent. in value. It was a matter of no consequence with his constituents whether one set of speculators or another should be most successful. In order, therefore, to test the sense of the House, he moved to lay the bill and amendments on the table, and asked for the yeas and nays on the motion; which were ordered, and were—

YEAS—Messrs. Ash, Barton, Bean, Beaumont, Bond, Bovee, Brown, Buchanan, Bunch, Bynum, John Calhoon, Campbell, Carr, Carter, Casey, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Coles, Connor, Craig, Cushman, Dickson, Effner, James Garland, Gillet, Grantland, Grayson, Griffin, Haley, Hardin, Harper, Hawes, Haynes, Hoisey, Huntsman, Joseph Johnson, Cave Johnson, John W. Jones, Lawler, Luke Lea, Lyon, Martin, John Y. Mason, William Mason, Maury, McCarty, McKay, McLene, Montgomery, Morgan, Owens, Patton, Peyton, Pickens, Rencher, John Reynolds, Joseph Reynolds, Roane, Robertson, Rogers, Augustine H. Shepperd, Shields, Smith, Standefer, John Thomson, Waddy Thompson, Toucey, Towns, Underwood, Vinton, Weeks, Lewis Williams, Sherrod Williams, and Wise—75.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Beale, Bockee, Borden, Briggs, William B. Calhoun, Cambreleng, George Chambers, John Chambers, Childs, Clark, Cleveland, Corwin, Cramer, Crane, Cushing, Darlington, Deberry, Denny, Dickerson, Everett, Fairfield, Farlan, Fry, William K. Fuller, Glascock, Granger, Grennell, Joseph Hall, Hamer, Harlan, Samuel S. Harrison, Hazeltine, Henderson, Hoar, Howard, Howell, Hubley, Hunt, Huntington, Ingham, Jabez Jackson, Janes, Jarvis, Jenifer, Richard M. Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Laporte, Lawrence, Joshua Lee, Leonard, Lincoln, Logan, Love, Lucas, Job Mann, Moses Mason, Sampson Mason, May, McKennan, McKim, Mercer, Miller, Milligan, Moore, Morris, Page, Parker, Patterson, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, Potts, Reed, Schenck, William B. Shepard, Shinn, Sickles, Slade, Spangler, Steele, Storer, Sutherland, Taliaferro, Taylor, Turrill, Vanderpoel, Ward, Wardwell, Washington, Webster, and White—106.

So the House refused to lay the bill on the table.

Mr. PARKER contended that the Senate had made the bill worse than it was originally. The amendment might affect seriously the interests of the United States. The Secretary of the Treasury was authorized to sell this stock at any time within ten years. He objected to the responsibility which was thrown upon the Secretary of the Treasury, and also to making that officer a broker. He might determine to sell, and if the proceeds should not come up to the expectations of the corporations, they would complain that he had sold too soon, or he might delay such sale until the end of the ten years; and similar complaints might be made that he had waited too long. He hoped the House would adhere to their amendments.

Mr. VANDERPOEL said, that the amendment of the Senate now under consideration was certainly more favorable to the Government than the provision in relation to the stock which the bill contained when it first came from the Senate. The original bill contained a provision that the Secretary of the Treasury might, after the expiration of ten years, sell the stock in question, and apply the avails to the reimbursement of the debt now proposed to be assumed for the benefit of the three corporations of Washington, Georgetown, and Alexandria. The House amended this provision by making an *absolute transfer* of the stock to the United States. The Senate had amended our amendment by mortgaging the stock to us, and authorizing the Secretary of the Treasury to sell the stock within ten years. He was in favor of concurring in the Senate's amendment, because it is surely more acceptable to those who want to sever the connections between the Government and the corporations, than was the original bill from the Senate. That bound them to the stock for the term of ten years, without the power of severing them from it. The present amendment of the Senate authorized the Secretary of the Treasury to sell the stock *at any time* within the ten years; and as it is pretty well understood that incorporated companies are not very great favorites of the executive department of this Government, we had a right to hope that if the amendment of the Senate should be concurred in, the partnership between the Government and the corporation would not long continue.

Mr. V. said that he had stated, when this bill was under discussion here before, that, if we adhered to our original determination of making an *absolute transfer* of this stock to the Government, we would not, at this session, pass any law for the relief of the District. The truth of that sentiment was now more manifest, and he would here repeat, that if we rejected the amendment, *the bill would be lost*, and all the hopes of the District would be blasted.

Mr. HARDIN agreed with the gentleman from New Jersey that the amendment of the Senate was more objectionable than the original clause in the bill from the Senate. He contended that the mortgage proposed could not be foreclosed before the expiration of the ten years, notwithstanding the provision that the Secretary should proceed to sell the mortgaged stock at any time within that period. There was another radical error connected with this amendment. If the Secretary proceeded to sell this stock, the United States did not possess the right to purchase. Some individual, as the agent of the mortgagers, might bid one dollar; and the mortgagee, having no power to buy, would lose his money. If no person should bid, there would be an end of the business. The only remedy would be to add an additional clause, giving the United States the power to buy. Mr. H. understood this whole business. The object of this bill was to make a gratuity colorable only, to prevent the people of the United States from knowing it. If they intended to give this money, let it be done openly and directly, and let them have the credit for so doing, and not throw this kind of color over the transaction, whereby they appropriated about two millions six hundred thousand dollars, and were to receive in exchange property not worth half a million; and then they were to be harassed hereafter with committees of those cities, begging Congress to give them this stock.

The gentleman from New York [Mr. VANDERPOEL] had alluded to another ordeal through

which this bill was to pass. This was perhaps a fiery ordeal at the White House. He did not know whether the gentleman had consulted the President as to the course which he would pursue on this subject. He might speak from instinct, or like a person seeking salt water: the gentleman might have been enlightened by the use of a forked stick. At all events, he hoped the President would veto the bill; for there was certainly not the least difference in principle in buying this stock as mortgaged, and purchasing it absolutely.

Mr. MANN, of New York, had voted against the bill in all its stages. He should, however, vote for the amendment, as it would make the bill far more acceptable than in the form in which it passed the House; and as it would doubtless pass, he desired that it should be made as perfect as possible. He should vote for the amendment, principally on the ground that it looked to the ultimate dissolution of the connection between the Government and this corporation.

Mr. THOMPSON, of South Carolina, had never more anxiously endeavored to discover some plausible pretext to vote for this bill. He had examined every ground upon which this measure could possibly be placed, and it appeared to him that the only pretense for making this appropriation was upon the ground of charity and benevolence; and he could never consent to legislate upon any such principle.

Mr. JENIFER urged the House to decide upon the amendment without further debate, and made a few remarks in support of the amendment, as the only means of securing relief to the District.

Mr. SUTHERLAND moved the previous question; which was seconded—ayes 83, noes 48.

The main question was then ordered to be put; and the amendment of the Senate was concurred in, as follows:

YEAS—Messrs. Adams, Heman Allen, Anthony, Ashley, Bailey, Beale, Bockee, Borden, Briggs, Cambreleng, George Chambers, Chapin, Childs, Cleveland, Cramer, Crane, Cushing, Deberry, Denny, Dickerson, Dromgoole, Evans, Everett, Fairfield, Farlan, Fry, William K. Fuller, Glascock, Granger, Grennell, Haley, Hamer, Hannegan, Harlan, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, James, Jenifer, Richard M. Johnson, Henry Johnson, John W. Jones, Judson, Kennon, Kilgore, Lane, Laporte, Lawler, Lawrence, Leonard, Lincoln, Logan, Loyall, Lucas, Abijah Mann, Job Mann, John Y. Mason, Moses Mason, Sampson Mason, McKennan, McKeon, McKim, Mercer, Miller, Milligan, Moore, Morgan, Page, Patterson, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, Pickens, Potts, Reed, Rencher, Schenck, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Slade, Spangler, Speight, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, Toucey, Turrill, Vanderpoel, Ward, Wardwell, Washington, Webster, and White—110.

NAYS—Messrs. Chilton Allan, Ash, Barton, Bean, Beaumont, Bond, Boon, Bovee, Boyd, Brown, Buchanan, Bunch, John Calhoon, William B. Calhoun, Campbell, Carr, Carter, Casey, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Coffee, Coles, Connor, Craig, Cushman, Dickson, Dunlap, Effner, French, James Garland, Gillet, Grantland, Graves, Grayson, Griffin, Joseph Hall, Hardin, Harper, Hawes, Haynes, Holsey, Hopkins, Howard, Howell, Hubley, Jarvis, Joseph Johnson, Cave Johnson, Benjamin Jones, Lansing, Luke Lea, Love, Lyon, Martin, William Mason, May, McComas, McKay, McLene, Montgomery, Morris, Owens, Parker, Patton, Peyton, John Reynolds, Roane, Robertson, Rogers, Seymour, Smith, John Thomson, Waddy Thompson, Towns, Underwood, Vinton, Wagener, Weeks, Lewis Williams, Sherrod Williams, and Wise—83.

SENATE BILLS.

The following bills from the Senate were read twice, and committed:

A bill to provide for the enlistment of boys in the Navy: and

A bill to extend the western boundary of the State of Missouri to the Missouri river.

UNITED STATES AND MEXICO.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, reported the bill from the Senate to provide for carrying into effect the treaty of limits, and an additional article thereto, between the United States and the United Mexican States; which was read twice, and committed to the Committee of the Whole on the state of the Union.

On motion of Mr. MASON, the House then went into Committee of the Whole on the above bill, (Mr. HOWARD in the chair.)

The bill having been read,

Mr. MASON made a brief explanation of its provisions, which appropriated the sum of $14,500 as a compensation to a surveyor and a commissioner on the part of the United States for running and fixing the boundary line between the United States and Mexico, as prescribed by the treaty between the two Governments.

Mr. WISE would inquire if the law itself provided for these commissioners; and also if they were invested with full power to determine the boundary, without reference to any ulterior measure on the part of Congress. A controversy was at this moment going on with reference to the true meaning of the treaty with Spain and Mexico respecting the boundary, as to what was the Sabine river; and he was credibly informed that the President of the United States never considered, and did not then consider, what had always been considered, the Sabine to be the Sabine in contemplation of the treaty with Mexico. He had had a conversation with Mr. Darby, and that distinguished geographer had informed him that there never had been, nor ever could be, a dispute about what was the Sabine river; and he had sustained his views in a publication in the National Intelligencer. Yet Mr. W. understood from Mr. Darby that the President of the United States still contended that what was heretofore considered the Sabine, was not the true river as contemplated in the treaty.

Mr. MASON, of Virginia, explained the provisions of the treaty. That treaty prescribed, as far as any treaty could, the boundary between the two countries; but an additional article had rendered it necessary that the boundary line should be run, and ascertained by actual surveys. He did not understand that this bill invested either the commissioner or surveyor with any other power than devolved upon them by the treaty. In the event of disagreement between the commissioners of the two countries, they would not of course execute the duty, but leave it open for further negotiation between the Governments. That was the whole purpose of the bill. The treaty required that each Government should appoint one commissioner and one surveyor, who should act together in running the line, and this bill was nothing more than an appropriation for the performance of that duty on our part.

Mr. PEYTON suggested to the gentleman from Virginia [Mr. MASON] whether it was not premature to urge immediate action upon this measure. If the intelligence received that morning should turn out to be true, all controversy with the Government of Mexico on the subject of our boundary line was at an end, and the next question would be that of hailing a new-born republic, or acknowledging Texas as an independent and sovereign State. If those advices should be confirmed, we might soon be called upon to negotiate with a people who had achieved their liberty and independence, avenged the fall of the Alamo, and established their right to be recognized with all the powers of a free, sovereign, and independent State. He would suggest, therefore, whether it would not be expedient to act upon this measure at some more distant day of the session, and at least wait until we knew whether we should carry on negotiations with the authorities of Mexico, or with the authorities of the republican State of Texas.

Mr. MASON trusted that gentlemen would see the necessity of passing this bill, since it was nothing more than to carry out the provisions of a treaty entered into and ratified by the treaty-making Powers of the United States and Mexico. So far as the United States were concerned, the contest now raging in that country in no way affected the treaty under which the boundary of the United States was fixed; for he presumed it was not the purpose of the Texans to acquire any portion of our territory. This bill was an indispensable step for the execution of the treaty on our part, and would be equally obligatory, so far as the boundary was concerned, in any event of the contest now going on in that country. If, hereafter, it should become necessary to act with any other State, nothing would be lost by placing ourselves in a situation to execute the treaty to its letter on our part.

Mr. PEYTON said, before he could vote for this bill, he should wish to introduce in it a proviso, that our commissioner shall meet the commissioner of Mexico or Texas, whichever might be the Government *de facto*.

Mr. CUSHING thought both questions of the two gentlemen [Mr. WISE and Mr. PEYTON] were premature. Mr. C. then referred to the treaty of 1825, which set forth that the Sabine should be the western boundary of the United States, and that commissioners from both sides should meet to determine where the Sabine was. When a disagreement arose, then it would be time enough to meet the objection of the gentleman from Virginia. With reference to the remarks of the gentleman from Tennessee, the Government of the United States had made a declaration that it would maintain its neutrality, and hold on to its treaty, long since the revolution broke out in Texas. Here was a treaty with Mexico, requiring certain obligations of duty on our part, which ought to be fulfilled. It would be time enough to treat with Texas, when she had fully acquired her independence, but still the same boundary would necessarily exist between the two countries. This Government was bound to continue to remain neutral in the existing controversy so long as it remained a controversy. The question of recognizing Texas might come upon that Congress, but the present was neither the fit time nor occasion, and would be premature even to agitate it.

Mr. WISE had only started the question as to the power of the commissioners. He now understood that these commissioners had the sole power, if they agreed, of settling the boundary, and that it would, in that case, never come up before Congress at all. He conceived this to be the proper time to settle the question of the power of the commissioners, and also with regard to ulterior objects. He saw no reason for hurrying this bill through at this time. He did not believe that if our commissioners were sent, Santa Anna, with his hands as full as they were, would send any on his part. Mr. W. was for postponing the subject for the present at least. He knew and felt that Texas would be free, and he should make no cool, cold calculations about the matter. He had also another reason for postponing this bill. It seemed as if we were anxious, by far too anxious, in our consistent determination to preserve our neutrality—too anxious with our professions. We seemed to be too neutral between those parties, as if we wished to hasten the execution of the treaty with Santa Anna. It might come to this, that we might have no boundary line to settle, for he wished to see Texas bone of our bone, and flesh of our flesh, under the ægis of our Constitution.

Mr. MASON referred to the message of the President of the United States of the 5th of the present month, in reference to the treaty with Mexico, and recommending the appropriation embraced in this bill. He expressed an earnest hope that the discussion of the grave and important questions adverted to would not be indulged in on the present occasion. This bill was in no sense inconsistent with, nor had it any remote bearing upon, any right Texas might at this moment possess, or might hereafter acquire.

With regard to the bill then under consideration, he remarked that it came from the Senate before the Committee on Foreign Affairs, on Saturday last, who held a meeting, and unanimously determined to report the bill, and recommended its passage through the House. At that time no intelligence had been received respecting the result of the movements in Texas, so that the committee could not be charged with any indecent haste in reporting the bill that morning.

Mr. CALHOON, of Kentucky, wished this bill postponed, for a short time at least, on the ground that the aspect of affairs had materially changed since the additional article of the treaty had been entered into. If the news of the morning were true, the President of the United States would either not appoint commissioners on our part, or he would pause at least; and, therefore, Mr. C. thought the bill had better be deferred for the present.

Mr. PEYTON then moved the amendment he had indicated, providing that the commissioners on the part of the United States be authorized to act with the commissioners appointed by the Government of Mexico, or by the Government

of Texas, whichever is recognized by the United States as a Government *de facto*.

Mr. BOULDIN was opposed to the amendment and in favor of the bill, which would convince the world that the United States were willing to pass all the laws necessary to be passed, even between brother and brother. There could be no harm in passing the law, under either of the exigencies referred to. He was prepared to acknowledge the independence of Texas the moment a justifiable cause arose to do so; but he wished to do all that the good faith of the country, in the eyes of nations, demanded of us.

Mr. HOAR was strongly opposed to the views of certain gentlemen with regard to Texas, and for himself, (he said,) whatever might be the result in that quarter, he never would give his vote for an inch of that territory to become an integral part of the United States, under any pretext whatever.

Mr. VANDERPOEL said, that but for some remarks made by an honorable gentleman from Kentucky, [Mr. CALHOUN,] he would not have obtruded himself upon the committee; but silence under such allegations as had been made against northern gentlemen might imply an assent to their justice. The honorable gentleman from Kentucky had more than insinuated that, while the countenances of southern gentlemen were beaming with joy and exultation at the recent intelligence from Texas, the faces of gentlemen from the North exhibited nought but gloom and disappointment. As a northern man, he (Mr. V.) felt himself called upon to repel this charge, and to declare before this House, and the world, that he rejoiced, most fully and cordially rejoiced, at the triumph in Texas, the recent intelligence of which now seemed to animate so many countenances here. He rejoiced with a joy that he would always feel, when a gallant band, struggling for freedom, no matter in what portion of the globe, triumphed over the forces of a despot; and his joy upon this occasion was enhanced by the consideration, that the victory here was one over a tyrant, who, if one half of the enormities imputed to him were true, had not only introduced more than savage cruelty into civilized warfare, but disgraced the age in which we live. But at the same time he must be understood as indulging in the sympathies which he here expressed as a *man* and not as a *legislator*. He had already lived too long not to be aware that, as a general rule, it was extremely unsafe, when acting upon subjects of national policy or national interest, to take counsel from our passions or our sympathies. Those public functionaries who yielded too suddenly to their impulses were often betrayed into imprudences, which proved them unwise and unsafe counselors.

Mr. V. said, he was not a little surprised to see how suddenly the tune of gentlemen was changed in relation to the feelings of the North, and particularly of a portion of that State which he had the honor in part to represent, in relation to the struggle in Texas. But a few days ago, and we are told, that this revolution was the work, in part, if not chiefly, of New York speculators, who had made large purchases of lands in Texas, and were now, in the guise of philanthropy, exciting the citizens or subjects of Santa Anna to insurrection, for the purpose of consummating their unhallowed speculations. Have gentlemen forgotten the unmeasured denunciations with which an editor of a New York paper was visited here, because of an article in his paper in relation to Texas, which was read from the Clerk's desk? Were we not then told, that the "*vile editor of that journal*" (as he was termed) was one of that miserable band of speculators who were willing to swell their pecuniary profits at the expense of the peace of States, and the blood of valuable citizens? but now, for reasons that it requires but little sagacity to understand, we of the North, who had but a few weeks ago been so culpably instrumental in getting up this resolution, are not to be permitted to share in the joy which all freemen ever feel at the triumphs of the brave votaries of liberty. Sir, we *will* rejoice, we *do* rejoice, though some gentlemen from the South seem to fancy that, upon that occasion, *they* have the right to monopolise this privilege. Have gentlemen learned where the most expensive, if not the first expeditions in the United States, were fitted out for Texas, to aid her in her struggles? Have they been told where the President of the United States found it necessary *first* to inculcate upon the officers of this Government the duty of seeing that no forces should be enlisted contrary to the laws of the Union, for the purpose of being marched against a nation with which we were at peace? Ask the United States district attorney of the southern district of New York, and he will be able to tell you.

Mr. V. said that he had been not a little surprised at sentiments which had been uttered here to-day, at hopes and predictions that had been indulged in, as to the fruits to us that would flow from the triumphs of the Texan arms. The honorable gentleman from Virginia [Mr. WISE] had indeed taken time by the forelock, for he had told us that he looked forward with joy at the prospect of the annexation of Texas to this Confederacy, and seemed to derive much of his exultation from the belief that such an accession to our territory would serve to extend the "*terra firma*" upon which the slave interest of the South could rest.

Mr. V. said he would not say, for he did not now know, what course he would take, how he would vote, should a proposition here be made to annex Texas to the United States; but he was free to say that, if he should ultimately be induced to oppose its annexation to the United States, he would not do so from the apprehension that it would strenghten the influence and enlarge the sphere of the slave interest. He firmly believed that the contrary would be its effect; that it would secure to the free States accessions in this vicinity which would more than counterbalance the addition of Texas to the slave interest. Admit Texas into the Union, and the day would not be far distant when Virginia, yes, old Virginia, with all her high moral influence, Maryland, (and he would almost add North Carolina,) would be numbered among the anti-slave States. The fine and productive sugar lands of Texas, so eminently adapted to slave labor, would justify the prices for slaves there which, in the event of its being annexed to the Union, would, in a very short time, drain at least three of the present slaveholding States of their black population; for already were the cotton regions of the new States of Alabama and Mississippi making heavy drafts for laborers upon the slaveholders of Maryland, Virginia, and North Carolina; and if you were to add to the Union that immense territory now about to be wrested from the sanguinary rule of the ruthless Santa Anna, a region in which the sugar-cane will spring up so luxuriantly, and, my word for it, we of the North would soon be able to hail "*the Old Dominion*," with some two or three of her sisters, as non-slaveholding States. If a slave, worth only five hundred dollars here, would command a thousand dollars in Texas, it would be calculating against all the potent laws of self-interest to presume that the slaveholder here would not part with his slaves. He could never, therefore, oppose the incorporation of Texas in the Union from any considerations connected with slavery.

Mr. V. said he had another word to say before he sat down, in support of one of the positions with which he had started. He stated that the sympathy which he felt at the triumph of the Texan arms, he cherished as *a man*, and not as *a legislator*. He must first have erased from his mind those lessons of wisdom which had been taught by the Father of his Country as to the danger of intermeddling *as a Government* with the affairs of other nations, before he could consent or vote to lend this Government to any foreign struggle, however meritorious. The word "*neutrality*," not "*entangling alliances*," indicated the policy with which the wise men who established this fair fabric of freedom supposed the true interests of our country to be connected. It was almost superfluous to urge that a Government like ours could not long exist if it pursued an officious intermeddling policy with the affairs of other nations. We had in our day and generation seen and heard enough of oppression under other dynasties—enough of the struggles of the brave to become free, to have often filled our bosoms with anxious hope and agonizing sympathy. Still we could not, without a dereliction of that policy in which our true interest lies, lend to the oppressed abroad the strong arm of this Government; we could not in our public capacity, without forgetting our duty to our constituents, and our country, like Peter the hermit, fix a strap on our necks, and sally forth on a crusade against despots. We had too much to do at home; and if we once entered upon this herculean task of setting the world free, and straightening the affairs of other nations, we would soon find our hands entirely too full. He (Mr. V.) belonged to a border State. He heard a great deal said about the abuses which the colonists north of him suffered—those colonists, many of whom were his friends and his kindred. He would not say, for he did not know, whether their complaints were well or ill-founded; but if their grievances were real, and not imaginary, he would lend them the tear of sympathy *as a man* and *a relative;* but he would not so far forget his duty as a legislator—he would not so far jeopard the peace and prosperity of his country—he would not so suddenly relinquish her long and well-tried policy, as to connect this Government with the convulsions that might at any future time agitate the northern section of North America. As an individual, he might admire, yes, he was free to say, he did admire, that spirit of chivalry which had prompted many gallant spirits of this country to go to the aid of their neighbors in Texas, without the sanction of their Government; but he could not at this late day abruptly abandon those principles, those lights which had guided this nation to such a summit of happiness and prosperity, and connect it with the struggles and revolutions of other nations, though they might be conflicts between freedom and despotism.

The debate was further continued by Mr. HOLSEY; when, on motion of Mr. MANN, of New York, the committee rose.

Mr. JARVIS moved that the Committee of the Whole be discharged from the consideration of the bill from the Senate providing for the enlistment of boys in the naval service of the United States, and that the same be referred to the Committee on Naval Affairs; which was agreed to.

The House then adjourned.

IN SENATE.

TUESDAY, *May* 17, 1836.

The Chair communicated a report from the Secretary of the Navy on the subject of transfers of the balances of appropriations.

Mr. BUCHANAN presented thirteen memorials from citizens of Philadelphia, praying for the acknowledgment of the independence of Texas.

Mr. LINN presented the petition of Martin Thomas, praying compensation for extra services; which was referred to the Committee on Claims.

Mr. WALKER presented the petition of sundry citizens of Mississippi, praying for the establishment of a post road; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

On motion of Mr. NAUDAIN, the Committee on Claims was discharged from the further consideration of the petition of Alphonso Wetmore.

On motion of Mr. PRENTISS, the Committee on Public Lands was discharged from the further consideration of the memorial of Augusta College, Kentucky.

Mr. WRIGHT, from the Committee on Finance, to whom had been referred the petition of William R. Robertson and others, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. W., from the same committee, to whom had been referred the resolution of the Senate on the subject of statuary to complete the ornaments of the east front of the Capitol, reported a joint resolution authorizing the President to consult with distinguished artists and men of taste, and to procure plans and drawings for the purpose of selecting the most appropriate plan for a group of statuary for the contemplated purpose; the whole to be submitted to Congress at its next session. The resolution was read, and ordered to a second reading.

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, MAY 23, 1836. VOLUME 3....No. 30.

Mr. EWING, of Ohio, from the Committee on Public Lands, made unfavorable reports on the bills for the relief of Elisha Moreland and others, William Walker and others, and Daniel Bush; also, reported favorably, without amendment, the bill for the relief of Daniel Jeffers.

Mr. E., from the same committee, to whom had been referred the amendment of the House to the bill to give effect to patents for public lands issued in the names of deceased persons, made a report, recommending that the Senate concur in said amendment; and the amendment was accordingly concurred in.

Mr. PRESTON, from the Committee on Military Affairs, reported a bill providing for the appointment of three additional paymasters of the Army; which was read twice, and ordered to be engrossed for a third reading.

RESOLUTIONS SUBMITTED.

Mr. EWING, of Ohio, offered the following resolution:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what amount of transfers of the public money has been made by his direction, since the 30th of June last, from the Commercial Bank of Cincinnati, and also from the Clinton Bank of Columbus, to banks east of the Allegheny mountains, giving the date and amount of all such transfers, and the banks from and to which they were made. And also, that he inform the Senate what transfers are ordered from each of the above-named banks, and when and to what banks they are to be made. That he also inform the Senate what amount of transfers were made to each one of the said banks in Ohio since the 30th of June last, and what amount, if any, is now ordered to each.

By Mr. GRUNDY:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes in Michigan: from New Buffalo, in Berrien county, to Laporte, in Laporte county, Indiana; from Kalamazoo, in Kalamazoo county, to Kent, in Kent county; from the county seat of Barry county to the mouth of North Black river, in Ottawa county; from Fort Gratiot, in St. Clair county, seat of Shiawassee, by Lapeer, and the county seat of Genesee; from Lapeer, in Lapeer county, to Stevens, in Genesee county, from Adrian, in Lenawee county, to Coldwater, in Branch county, through the village of Hillsdale, in Hillsdale county.

This resolution was agreed to.

SCHOOL LANDS, ETC.

On motion of Mr. WALKER, the bill to carry into effect the compact with the States of Alabama and Mississippi, in relation to the school lands and the five per centum fund, was taken up, and, after a slight amendment, ordered to be engrossed for a third reading.

On motion of Mr. WHITE, the Senate proceeded to the consideration of executive business; and when the doors were opened adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 17, 1836.

Mr. ADAMS asked the consent of the House to submit the following resolutions:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, copies of any overture made since the 3d of March, 1829, by his authority, to the Government of the United Mexican States, for the acquisition by the United States of any portion of the territories of Mexico; and copies of all correspondence between the two Governments relating thereto, and upon any question of boundary existing between the United States and Mexico.

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, a copy and translations of any law, decree, or ordinance of the Mexican Republic, abolishing slavery within the territories thereof, which may be in the possession of the Executive Department of the United States.

Objection being made, Mr. A. moved to suspend the rules for the purpose stated, and asked for the yeas and nays on his motion, which were ordered.

Mr. MASON inquired whether it would be in order to call for a division of the question, so as to vote upon suspending the rules for the introduction of each resolution separately?

Mr. ADAMS was willing, if the House would permit the introduction of the resolutions, that the question on their adoption should be divided.

Mr. MERCER and Mr. WHITTLESEY suggested to the gentleman from Massachusetts to waive his motion until the standing committees should report.

Mr. ADAMS acquiesced in the suggestion.

The report of the Committee of Ways and Means, fixing a day for the consideration of the bill in relation to the public deposits, was announced as the unfinished business.

Mr. WHITTLESEY, of Ohio, moved to postpone the report until to-morrow.

Mr. OWENS hoped this resolution would not be further postponed. It has been before the House upwards of a month, and he trusted it would be now disposed of.

The motion to postpone was negatived.

Mr. WHITTLESEY supposed that the gentleman from Massachusetts had withdrawn his motion to suspend the rules to enable the committee to report, and not with a view of considering a report heretofore made.

Mr. ADAMS had not waived his motion for the purpose of considering existing reports, and he therefore renewed the motion to suspend the rules to enable him to offer the resolutions heretofore read.

The motion to suspend the rules was negatived—yeas 74, nays 85, as follows:

YEAS—Messrs. Adams, Chilton Allan, Ash, Bailey, Bond, Borden, Boyd, Briggs, Bynum, John Chambers, Childs, Cleveland, Corwin, Crane, Cushing, Darlington, Denny, Everett, Philo C. Fuller, Galbraith, Granger, Grennell, Harlan, Albert G. Harrison, Hawes, Hazeltine, Heister, Hoar, Howell, Hunt, Huntsman, William Jackson, Janes, Joseph Johnson, Benjamin Jones, Kilgore, Kinnard, Laporte, Lawrence, Lay, Joshua Lee, Lincoln, Love, Lucas, Sampson Mason, McCarty, McKennan, Mercer, Morris, Parker, Dutee J. Pearce, James A. Pearce, Phelps, Potts, Reed Robertson, Russell, Shinn, Slade, Spangler, Sprague, Steele, Storer, Taliaferro, Waddy Thompson, Towns, Underwood, Vinton, Wagener, White, Elisha Whittlesey, Lewis Williams, and Wise—74.

NAYS—Messrs. Bean, Bell, Bockee, Boon, Bouldin, Bovee, Bunch, Cambreleng, Campbell, Carr, Casey, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Craig, Crainer, Cushman, Doherty, Dunlap, Effner, Fairfield, Fatlin, Forester, Fry, James Garland, Gillet, Glascock, Grandland, Grayson, Griffin, Haley, Hannegan, Samuel S. Harrison, Haynes, Holsey, Hopkins, Howard, Hubley, Ingham, Jabez Jackson, Jarvis, Henry Johnson, Judson, Kennon, Lane, Lansing, Lawler, Gideon Lee, Luke Lea, Leonard, Lewis, Lyon, Abijah Mann, Job Mann, John Y. Mason, William Mason, Moses Mason, Maury, McKay, McKim, McLene, Miller, Montgomery, Morgan, Owens, Patterson, Patton, Pickens, Pinckney, John Reynolds, Joseph Reynolds, Roane, Seymour, William B. Shepard, Shields, Standefer, Thomas, John Thomson, Toucey, Turrill, Ward, Wardwell, Webster, and Sherrod Williams—85.

PUBLIC DEPOSITS.

The House then took up the resolution reported by the Committee of Ways and Means, (as amended,) providing that the bill regulating the deposits of the public money in certain local banks be made the special order of the day for the day succeeding the disposition of the appropriation bills, and that it be considered from day to day, Fridays and Saturdays excepted, until disposed of.

The amendment offered by Mr. VINTON, on a former day, providing that the bills then on the Speaker's table should be first disposed of, was agreed to.

Mr. BELL moved to amend the resolution by striking out all after the word "Resolved," and inserting, "that the bill in relation to the deposits of the public moneys be made the special order for Wednesday, the 25th instant, and each succeeding day until disposed of."

After some suggestions by Messrs. BELL, CAMBRELENG, SUTHERLAND, MILLER, THOMAS, and HOPKINS, the latter asked for the yeas and nays on the motion to amend.

Mr. ADAMS moved to lay the resolution and amendment on the table.

Mr. VANDERPOEL asked for the yeas and nays on this motion; which were not ordered; and the House refused to lay the resolution on the table—ayes 70, noes not counted.

Mr. MILLER then moved to postpone the further consideration of the resolution and amendment until Monday next.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the resolution; which were not ordered; and the resolution was postponed until Monday next—ayes 95, noes not counted.

Mr. DROMGOOLE made an ineffectual attempt to call up his resolution requiring certain information from the Treasury Department on the subject of the public deposits.

REPORTS FROM COMMITTEES.

Mr. JARVIS, from the Committee on Naval Affairs, made an adverse report upon a bill from the Senate for the relief of Samuel Warner; which was ordered to be printed.

Mr. J., from the same committee, reported with amendments a bill from the Senate for the relief of Elizabeth Flicker; which was committed.

Mr. J. also reported without amendment a bill from the Senate to provide for the enlistment of boys in the naval service. Mr. J. moved that the bill be read the third time.

After a few remarks of an explanatory character by Messrs. JARVIS and GRANGER, the bill was, on motion of the latter, committed to the Committee of the Whole on the state of the Union.

Mr. MERCER, from the Committee on Roads and Canals, reported a bill to provide for the completion of the Cumberland road east of the State of Ohio; which was read twice and committed.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, to whom had been referred an amendment of the Senate to the bill from the House to provide for carrying into effect the convention between the United States and Spain, reported adversely to said amendment.

After a few remarks by Messrs. MASON, of Virginia, ADAMS, and WHITTLESEY, the amendment of the Senate was disagreed to.

Mr. P. C. FULLER, from the Committee on Claims, reported a bill for the relief of William Eadus; which was read twice and committed.

Mr. WISE, from the Committee on Naval Affairs, reported a bill to authorize the Secretary of the Navy to cause to be constructed a steam prow ship; which was read twice and committed.

Petitions were presented, on leave, by Messrs. WISE, VANDERPOEL, EVERETT, and CHAPMAN.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a bill for the relief of Thomas L. L. Brent; which was read twice and committed.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported a bill for the relief of Lieutenant Colonel William Fountain; which was read twice and committed.

Mr. CARR, from the Committee on Private Land Claims, reported a bill for the relief of James S. Douglass and others; which was read twice and committed.

Mr. SUTHERLAND, from the Committee on Commerce, reported a bill to authorize the building of a custom-house at the port of Philadelphia; which was read twice and committed.

Mr. PATTERSON, from the Committee on Private Land Claims, reported a bill for the relief of Thomas Todd; which was read twice and committed.

Mr. PATTON, from the Committee on Territories, reported a bill disapproving and annulling certain sections of an act passed by the Legislative Council of Florida; which was read twice and committed.

Mr. WHITTLESEY, of Ohio, from the Committee on Claims, reported the following bills; which were read twice and committed:

A bill for the relief of Hannah Budlong; and

A bill for the relief of Robert Peebles and John Graham.

Mr. W., from the same committee, reported without amendment a bill from the Senate to provide for the payment of certain companies of the militia of the States of Indiana and Missouri, for services in the campaigns against the Indians in 1832; and also, a bill for the relief of David McCord; and the same were committed.

Mr. BUNCH, from the Committee on Military Affairs, reported a bill for the relief of Elizabeth Swain; which was read twice and committed.

Mr. McCARTY, from the Committee on Indian Affairs, reported adversely upon the joint resolution from the Senate authorizing the Secretary of War to correct certain mistakes. The question being on the third reading of said resolution, it was determined in the negative; and it was consequently rejected.

Mr. GILLET, from the Committee on Commerce, reported a bill making an appropriation to rebuild the custom-house at Savannah; which was read twice and committed.

Mr. JONES, of Virginia, from the Committee on the Judiciary, reported a bill for the relief of Polly Lining, executrix of Charles Lining, executor of Edward Blake; which was read twice and committed.

Mr. JANES, from the Committee on Revolutionary Pensions, reported a bill for the relief of Peggy Abel, Sally Rollins, and Elijah Green; which was read twice and committed.

Mr. WARDWELL, from the Committee on Revolutionary Pensions, reported, without amendment, bills from the Senate for the relief of Jonathan Elkins, of Albert Pawling, and of J. Hitchcock; which were severally committed.

Mr. W., from the same committee, reported, without amendment, a bill from the Senate explanatory of the act "to prevent defalcations on the part of the disbursing agents of the Government, and for other purposes;" and the same was read the third time and passed.

Mr. TALIAFERRO, from the Committee on Claims, reported a bill for the relief of the administrators of Edward W. Duval; which was read twice and committed.

Mr. T. made an ineffectual effort to introduce a joint resolution to provide for carrying into effect a resolution of the Continental Congress, complimentary to Major Henry Lee, now deceased.

Mr. MANN, of New York, moved to suspend the rules for half an hour, for the purpose of receiving resolutions in relation to post routes.

Mr. REED moved to amend by adding, "and for the reception of petitions of revolutionary soldiers."

Mr. MANN accepted the amendment as a modification of his motion; and also a further modification, at the suggestion of Mr. THOMSON, of Ohio, providing for the reception of petitions for post routes.

Mr. HAWES hoped the gentleman would further modify his motion, so as to enable him to present various petitions for the abolition of the West Point Academy.

Mr. MANN reduced his proposition to writing; which was to suspend the rules for half an hour, for the presentation of resolutions and petitions in relation to post routes.

Mr. ROBERTSON moved, as a substitute, that the rules be suspended for the remainder of the day, for the purpose of calling the States for resolutions and petitions, which should not give rise to debate; which was negatived.

The resolution of Mr. MANN was also negatived.

Unfavorable reports upon various petitions, &c., were made by Messrs. UNDERWOOD, MUHLENBERG, and CRANE, from the Committee on Revolutionary Claims; Messrs. CARR and PATTERSON, from the Committee on Private Land Claims; Mr. MILLER, from the Committee on Invalid Pensions; Messrs. HAYNES, and HAWES, from the Committee on Indian Affairs; Messrs. PEARCE of Rhode Island, and CUSHMAN, from the Committee on Commerce; Mr. McKIM, from the Committee of Ways and Means; Mr. DARLINGTON, from the Committee on Claims; Mr. JANES, from the Committee on Revolutionary Pensions; and by Mr. HARPER, from the Committee on the Expenditures in the Treasury Department.

MILITARY BILLS.

On motion of Mr. JOHNSON, of Kentucky, the House took up the bill to provide for the better protection of the western frontiers;

The bill to provide for the establishment of an arsenal of construction in the State of North Carolina; and

A bill to repair and extend the United States arsenal at Charleston, South Carolina.

The amendments of the Committee of the Whole to each bill were concurred in by the House; the two latter were read a third time, and passed; and the former bill was ordered to be engrossed, and read a third time to-day.

Mr. CHAPIN made an ineffectual attempt to make the bill in relation to the Smithsonian Institution the order of the day for Tuesday next, between the hours of eleven and twelve o'clock.

STOCKTON & STOKES, ETC.

The bill from the Senate entitled "An act for the relief of Stockton & Stokes, L. C. Stockton, and Daniel Moore," was read twice and referred.

EXECUTIVE COMMUNICATION.

The Speaker laid before the House a communication from the Secretary of the Navy, in accordance with an act of Congress of 30th of June, 1834, directing a transfer of appropriations under certain circumstances, transmitting an account of moneys transferred, and of their application; which was laid on the table, and ordered to be printed.

Mr. UNDERWOOD moved a suspension of the rules until one o'clock, for the purpose of calling the States for petitions; which motion was disagreed to.

Mr. BRIGGS moved a suspension of the rules until one o'clock, for the purpose of receiving petitions and resolutions for the establishment of post routes; which was agreed to.

The following gentlemen then presented petitions for post routes: Messrs. RUSSELL, MAY, WAGENER, GLASCOCK, HOWARD, HAZELTINE, ANTHONY, FRY, ASH, CRANE, WARDWELL, and SHINN.

NEW POST ROUTES.

On motion of Mr. MASON, of Ohio, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Canton, in Hardin county, to Bucyrus, in Crawford county.

On motion of Mr. GRANTLAND, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Fort Gaines on Blakely, in Early county, Georgia, to Spring creek post office, in the said county.

On motion of Mr. HAMER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from New Market, in Highland county, through Fincastle, to Russellville, in Brown county, Ohio.

On motion of Mr. MAURY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Bradyville, Rutherford county, to Beach Grove, in Bedford county, Tennessee.

On motion of Mr. HAWES, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Hartford, Kentucky, to V. W. Peyton's, in the county of Ohio, and from Hawesville to Viles, in the county of Hancock.

On motion of Mr. CRANE, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Jonesville, in Michigan Territory, by Adrian, to Maumee, in Wood county, Ohio.

On motion of Mr. GARLAND, of Louisiana, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Fort Jesup and Campti, in the parish of Natchitoches, to Coat's Bluff, in Louisiana.

On motion of Mr. JARVIS, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Vinalhaven, to Isle Haut, in the county of Hancock, State of Maine.

On motion of Mr. BEAUMONT, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Stoddartsville to Clifton, in Luzerne county, State of Pennsylvania.

On motion of Mr. W. B. SHEPARD, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Winton, North Carolina, to Edenton, via Gates court house.

On motion of Mr. RUSSELL, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Union village, by way of the villages of Patten Hill and Show's Mills, to the village of Salem, in the county of Washington, and State of New York, and discontinuing that part of the present route which leads from Pattenville to Jackson.

On motion of Mr. STANDEFER, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Long Savannah, Hamilton county, Tennessee, to Walker court-house, in the State of Georgia.

On motion of Mr. SCHENCK, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Kingston to Somerville, by way of Rocky Hill, Griggstown, Millstone, and Weston, in the State of New Jersey.

On motion of Mr. WILLIAMS, of North Carolina, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Tomlinson's store to Ash court-house.

On motion of Mr. MANN, of New York, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from William Faulkner's plantation to Donaldsonville; and also from Baton Rouge to Clinton, in the State of Louisiana.

On motion of Mr. HAYNES, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Wrightsborough, Georgia, to Greensborough, in said State, by way of Stag Hall and Ray Town.

FORTIFICATION BILL—SURPLUS REVENUE.

In further execution of the special order of the 26th of January, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. MANN, of New York, in the chair,) and resumed the consideration of the bill making appropriations for certain fortifications of the United States for the year 1836.

The question pending was the amendment of Mr. CAMBRELENG, to insert an additional item in the bill appropriating the sum of $700,000 for the armament of the fortifications.

Mr. MAURY, who was entitled to the floor, addressed the committee at length. He said he should readily vote for the amount of money embraced in the amendment, or any other amount, if the gentleman from New York would convince him of its necessity or expediency. He, however, should confine his remarks principally in relation to the surplus revenue, and also in vindication of the party to which he belonged.

With regard to the first object, he was convinced there would be an immense surplus remaining, after all the appropriation bills of every kind, both of an ordinary and extraordinary character, were passed, certainly not less during the present year than $50,000,000. The question then arose, what disposition should be made of this mass of revenue, which, it should be borne in mind, was progressively accumulating. A reduction of the tariff would not meet the evil, for it would still continue to augment. He was surprised the other day to hear the charge of inconsistency brought upon a distinguished Senator from South Carolina, [Mr. CALHOUN,] by the gentleman from Georgia, [Mr. TOWNS,] when that gentleman ought to have reflected that the principles of that bill were supported by the present Administration, and that it was hailed by the gentleman's own friends in Georgia, and supported by them too, as the olive branch of peace. Mr. M. would be willing to vote for the reduction of the tariff if he believed it could be effected without endangering the repose and harmony of the country; but he was convinced this could not be done. Then a reduction of the tariff could not be satisfactorily brought to bear upon this question; and if it could, still the surplus would not be brought within the expenses of the Government. Two other plans had been proposed,

one to loan out the surplus revenue on interest, and the other to loan it—ostensibly to loan it, but actually to give it to railroad companies. This last project was nothing more nor less than a proposition for the General Government to embark in a large scheme of internal improvements.

There was another plan proposed a session or two ago, by a distinguished Senator from South Carolina, to distribute the surplus revenue, as surplus revenue, among the several States in the ratio of their Federal population. The only objection he could see to this plan was, that there was not time enough for the several States to act upon it, so as to relieve the public Treasury from its present plethoric condition. This objection, however, was obviated by another measure, which had received the action of the Senate, and was now waiting the action of the House. This was the "land bill," a measure which he deemed to be not only the best practical mode that could be devised to dispose of the surplus revenue, but it was also strictly constitutional. On the advantages of this project he dwelt at some length.

Mr. M. then reviewed the subject of the fortifications, and bestowed the highest commendation upon the report of the Secretary of War on that subject, both as regards its literary merits and scientific statesmanlike views. Mr. M. was in favor of completing such fortifications as were already commenced, and for commencing such others as might be deemed requisite, in accordance with the suggestions in Secretary Cass's report. The plan of fortifying every possible or probable assailable point on upwards of three thousand miles of sea-board was equally visionary and impracticable.

Mr. M. then proceeded to vindicate the party, consisting of the friends of Judge White, from the aspersions cast upon them of having apostatized from the Republican party; from having separated from the Democracy of the country. The truth of these accusations he denied *in toto;* and he repelled them as false. He then reviewed at length the principles of the contest which resulted in the election of General Jackson, and went on to show that the White party, in opposing the election by "succession," were in the same position as the old Jackson party who had opposed Mr. Adams in the first instance, and subsequently defeated him. The very objection taken to the election of Mr. Adams was identical with that now assumed as an objection to Mr. Van Buren. He then entered into a contrast between the characters and political course of Judge White and Mr. Van Buren, maintaining that the former had always been consistent throughout his whole life. The mode by which the last named gentleman had procured himself to be nominated by a convention, without even the semblance of a representation in most cases, was precisely similar to the caucus mode of 1823, which had been passed upon and condemned by the people. The Democratic party, and the then Democratic press throughout the Union, had condemned the very mode by which Mr. Van Buren and his party were now seeking to secure his election; and he referred to that *par nobile fratrum*, the Richmond Enquirer and the Albany Argus. He then cited a letter from General Jackson to a committee of citizens in Pennsylvania, who had nominated him for the Presidency, in which he said he should neither seek nor decline office; and he also read a letter from Judge White to the same effect, in proof that the latter avowed the same doctrine, and carried out the same principles, as the former.

In connection with this subject, he quoted from a variety of other papers, among which were the following: an address of the Democratic party in 1824, ascribed to Mr. Van Buren, and a certain preamble and resolutions from a regimental muster in some county in Tennessee. He then replied to some of the arguments of the gentlemen from Georgia, [Mr. TOWNS.] That gentleman had given as a reason why the caucus nominations of 1824 did not receive the sanction of the Republican party, that it was composed of a minority of members of Congress. Mr. M. did not know on what ground Mr. Crawford was opposed in Georgia; but this he did know, that that gentleman was opposed in Tennessee on the ground of the radical objection the people had to caucus nominations. The gentleman from Georgia had also drawn a parallel between the nomination of Judge White by the members of the Tennessee delegation in 1835, and the caucus nomination of 1824, but that parallel did not hold good; and he entered into an explanation relative to the former, which is already before the public. General Jackson was first nominated by the Tennessee Legislature; but in the case of Judge White, the Legislature of that State was silent until her sister State of Alabama had spoken out. She did but respond to that nomination. He then entered into a minute explanation of the circumstances connected with the letter of Judge White to John Ross, with regard to the sovereignty of the Cherokee nation within its limits. At the time that letter was written, the question of relative sovereignty, as the jurisdiction of the States within the Indian country, so far as the limits of the said States extended, had never been mooted; and a variety of decisions had been made by the circuit court in precise accordance with that letter, and by Judge McLean within the last twelve months. The letter in question bore on the subject of sovereignty only *quo ad* the United States and the Indians. He then cited a report on the subject, made by Judge White, in which the rights of the States were recognized in complete sovereignty of jurisdiction within their chartered limits. It should, however, be borne in mind that, when the letter was written, Judge White was then considered as most orthodox on this and on every other subject, and, from all others, he least expected such an assault to be made upon that distinguished Senator by the gentleman from Georgia, [Mr. TOWNS,] who should have remembered that Georgia owed more, perhaps, to Judge White than to any other man.

Mr. M. then reviewed the projects introduced into the Senate a few years ago, for the restriction and limitation of executive patronage, comparing them with the bill passed the Senate during the present and last sessions, with which they were similar. He also cited a variety of the arguments at that time adduced in support of the measure, and to show the great danger to be apprehended from the enormous extent of executive patronage. Those bills were supported in 1826 by the then friends of the Administration; whereas the present bill, imbodying the same principles, was known to be disapproved of by the Vice President of the United States; and though it passed the Senate, it was suffered to sleep in the House. He dwelt on this point at some length, as an exposition of the inconsistency of the present party in power. He then again recurred to the contest between General Jackson and Mr. Adams, and the means by which his election had been secured—by General Jackson's own popularity, by the aid of Mr. Calhoun and his friends, and by the subsequent junction of the party of Mr. Crawford; on the principles of the party that brought General Jackson into power—the old Democratic Republican party; they were the principles now advocated by the friends of Judge White. If they were to be separated from the Administration, the fault was not theirs; but they should continue to support and to vote for such measures of the Administration as were conformable to the principles upon which General Jackson was elected; but further than that they could not go, because they would not compromit those principles. They had been uniform and consistent in their support of General Jackson, at a time, too, when many of the supporters of the present Administration were opposed to him; yet they were now denounced by that very party. He adverted to the military character of Andrew Jackson; and though he admitted he had proved his gallantry and bravery, yet he owed much of it to the Tennessee troops, which had so ably seconded him with their own valor. Many of the very men now supporting him, had bitterly opposed him, denounced him as a tyrant, and unworthy to preside over a free people, and his election was predicted as a curse to his country; while at that very period, he was supported by his friends in Tennessee with unanimity. Mr. M. concluded; and

Mr. FORRESTER took the floor, and moved that the committee rise.

Mr. CAMBRELENG hoped they would not rise so early, since they had but two public days in the present week, and this bill had already been delayed much longer than had been anticipated.

The committee then rose and reported.

Mr. CAMBRELENG said, there was no member of the House whom he would sooner accommodate than the gentleman from Tennessee, for whom he had the kindest feelings; but at so late a period of the session, after this bill had already been under consideration for a week, and as several gentlemen had risen for the purpose of addressing the Chair, he felt it his duty to move to go again into Committee of the Whole thereon.

Mr. ADAMS remarked that the gentleman would probably be unable to effect his object, since there was evidently not a quorum in the House, and they would have to adjourn *ex necessitate rei.*

Mr. WILLIAMS, of North Carolina, moved that the House adjourn; and

Mr. GILLET asked for the yeas and nays; whereupon Mr. WILLIAMS withdrew the motion.

On taking the question to go into committee, only 49 rose in the affirmative; and there being evidently no quorum present,

Mr. HEISTER moved a call of the House; which was lost—46 to 49.

Mr. ASH then moved an adjournment; and

Mr. CAMBRELENG asked for the yeas and nays; which were ordered, and the House refused to adjourn—yeas 25, nays 85, no quorum being present.

Mr. MANN, of New York, then moved a call of the House; which was ordered—ayes 58, noes 47.

After proceeding with the call of a few names,

Mr. WILLIAMS, of North Carolina, said he felt assured the call would be useless at that time of day, (between three and four o'clock,) and he therefore moved that its further proceedings be dispensed with; which was agreed to—ayes 53, noes 48.

Mr. WISE then moved that the House adjourn; and

Mr. GILLET asked for the yeas and nays; which were ordered; and were—yeas 59, nays 70.

So the House refused to adjourn.

Mr. CAMBRELENG moved that the House again go into Committee of the Whole.

Mr. WHITTLESEY, of Ohio, asked the gentleman from New York to suspend his motion, to permit him to present a resolution that the House will, until otherwise ordered, take a recess after this day, during the present session, from three to four and a half o'clock, p. m.

Mr. CAMBRELENG dissenting, and several voices objecting,

Mr. WHITTLESEY gave notice that he should again ask leave to-morrow morning, and if objected to, he should then move to suspend the rules to enable him to offer the resolution.

The House then took up the bill for the better protection of the western frontier; which was read a third time, and passed.

Mr. HAWES remarked that, as they did not seem much inclined to enter seriously into any other business, he thought that about as good a time as any to take up the joint resolution from the Senate, fixing the day of adjournment.

Mr. WISE moved that the House adjourn; which was agreed to—ayes 75, noes 32; and so

The House adjourned.

IN SENATE.

WEDNESDAY, *May* 18, 1836.

Mr. GRUNDY presented the petition of sundry citizens of Michigan, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads

Mr. G. also presented the memorial of the president and trustees of the Nashville University, stating that the donation of land heretofore made them had failed to answer the purpose for which it was intended, and asking for a further grant; which was referred to the Committee on Public Lands.

Messrs. CLAYTON, SWIFT, SHEPLEY, WHITE, and TOMLINSON, reported several bills from the House, without amendment.

NEW POST ROUTES.

Mr. LINN submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes, to wit:

From Warsaw, Illinois, via Keokuck, Wisconsin Territory, Fort des Moines, Fort Madison, Gibson's Ferry, Burlington, Iowa, Clark's Ferry, Davenport, Parkhurst, Bellevue, Dubuque, Pene, Durang's, Wayman's, Cassville, and Prairie du Chien, to Fort Snelling.

From Carthage, Illinois, via Commerce, Illinois, to Fort Des Moines, Wisconsin Territory.

From Richland Town, via Burlington, to Macomb, Illinois.

From Burlington, Wisconsin Territory, to Monmouth, Illinois.

From the Rapids on the Des Moines river, via Mount Pleasant and Powachique, to Dubuque.

From Stephenson, Illinois, to Davenport, Wisconsin Territory.

From Savannah, Illinois, to Bellevue, Wisconsin Territory.

From Dubuque, via Sinsinawa post office at Centreville, and Blast Furnace, to Elk Grove.

From Mineral Point, via Savannah, on the Wisconsin river, to Prairie Du Chien.

From Mineral Point, via Dodgeville and Helena, to Arena.

From Dodgeville, via James Morrison's, Moundville, city of the Four Lakes, Fort Winnebago, Butte des Morts, Little Butte des Morts, Grand Kakalaw, and Menomonee, to Green Bay.

From Cassville to Mineral Point.

From Galena, Illinois, via Vinegar Hill, Elk Grove, and Bellmont, to Mineral Point.

From Galena, Illinois, via White Oak Springs, Gratiot's Grove, Willow Spring, and Prairie Springs, to Mineral Point.

From Gratiot's Grove, via Wiota, McNutt's Diggings, Wisconsin City, to Milwaukee.

From Wisconsin City to Racine.

From Fort Winnebago, via Fond du Lac, Calumet Village, to Grand Kakalaw.

From Chicago, Illinois, via Pike river, Racine, Milwaukee, Chebragon, Pigeon, and Maulitewac, to Green Bay.

From Wisconsin City to the city of the Four Lakes.

PROTECTION OF THE FRONTIERS.

Mr. KING, of Alabama, observed that they had received information that morning of a character which rendered it necessary that they should proceed, without delay, to the consideration of the bill providing for raising an additional force for the protection of the frontiers. They had undoubted information that the Creek Indians who had, for some time, been in communication with the Seminoles, had manifested a hostile spirit. In this state of things, he deemed it unnecessary to say anything more than to ask the Senate to take up the bill from the House authorizing the President to accept the services of volunteers; and he hoped that the amendments made to it by the Senator from South Carolina [Mr. PRESTON] would obviate all objections to it, and that it would be passed and sent back to the House immediately. If they wished to avoid the scenes of horror that had been witnessed in Florida, it was necessary for them to act at once.

The bill was then taken up; and after the amendments had been explained by Mr. PRESTON, they were agreed to, and the bill was ordered to a third reading.

INDIAN APPROPRIATION BILL.

On motion of Mr. WEBSTER, the bill making appropriations for the Indian department for the year 1836, was taken up.

The amendments of the committee having been agreed to,

Mr. LINN offered an amendment providing for the salary of a clerk for the superintendent of Indian affairs for the Territory of Wisconsin, $1,200; which was agreed to.

Mr. WRIGHT offered an amendment authorizing the Secretary of War to invest, in some safe public stocks, the sum of $33,000, the balance remaining from the sales of the lands acquired under the treaty with the Seneca and Sandusky Indians; which amendment was also agreed to.

Mr. WHITE submitted an amendment providing that the appropriation of $40,000 for removing the Indians of Wisconsin to the neutral ground on the borders of Missouri, shall not be used unless said Indians will agree to emigrate to the country on the south side of the Missouri river.

Mr. W. explained the objects of the amendment, and strongly urged its propriety. If these Indians (he said) were troublesome neighbors now to the whites, they would be equally so in the country to which it was proposed to remove them. Indeed, they might as well remain where they are as to be sent to the very borders of Missouri and close upon the white settlements; and he hoped that the amendment would be adopted, so that, if they were removed at all, they would be sent where they were not likely to give future trouble. Mr. W. spoke of the delays in the emigration of the Indians; he did not censure the Secretary of War, who had done everything in his power to hasten the emigration; but there was blame somewhere, and it must be in the incompetence or unfaithfulness of some of the agents that had been employed.

Mr KING, of Alabama, said the interests of speculating white men had greatly retarded the removal of the Indians. The last agent appointed (he believed) was faithful, but had found his energies counteracted by these interested whites. The Secretary of War had facilitated their removal by taking measures to prevent their being daily forced to travel unreasonable distances, and also to prevent their being exposed to inclement weather. But notwithstanding every precaution used by the Government to prevent it, he believed frauds had been committed which caused the difficulty with the Indians; and he therefore hoped the amendment containing the appropriation might prevail.

Mr. CALHOUN hoped that some gentleman who understood the subject would explain the uses for which this appropriation was intended, and the prospect there was of its being applied so as to accomplish the object in view. For his part, he feared that it would, like other appropriations of the kind, be productive only of the greatest frauds. He had long anticipated things of this kind. He had long believed that this Indian department was one of the branches of the Government under which the greatest frauds would be perpetrated—that and the public lands, and the banking system. He only regretted that the speculators in Indian lands were not the persons to suffer, instead of the frontier inhabitants. It made his heart bleed to think of the sufferings of the innocent frontier settlers. All these evils (he said) had been the result of mismanagement. The persons appointed had been generally incapable or unfaithful. The Government ought to have appointed men of intelligence, of firmness, and of honor, who would have faithfully fulfilled their obligations to the United States and to the Indians. Instead of that, men were sent out to make fortunes for themselves and to oppress the Indians. He believed that the two Indian wars they had had were the result of mismanagement, and that the one that was announced that morning might be traced to the same cause. All this resulted from want of capacity or honesty in the agents sent out by the Government. Did he not see on one hand large fortunes built up, and on the other the most degrading subserviency to those in power?

The prominent cause of these Indian disturbances had been the reservations, which he had invariably opposed from the first, predicting that they would be followed by speculations, the grossest frauds, and by the greatest injustice to the Indians themselves. He recollected that when the first Indian treaty, containing reservations, was brought in the Senate, it was strenuously opposed by a distinguished Senator from New York, (Rufus King,) who demonstrated the evils that these reservations would lead to. That treaty was confirmed; and since that time the system had been kept up, always accompanied by the same abuses. There was no remedy for this state of things but in the appointment of honest, capable men, who would consult the interest of the Government, and the welfare of the Indians, rather than their own selfish purposes. Let gentlemen think of the course of this Administration, and the consequences of its mismanagement of public affairs. First, there was a French war threatened; then a Seminole war; next the probability of a war with Mexico; and now a Creek war. All this was the consequence of converting this Government into a political electioneering machine, intead of properly administering the high trusts that had been confided by the people. He hoped that some gentleman who understood this matter would explain the necessity of the appropriation.

Mr. WHITE said these were Indians who inhabited the other side of the Ouisconsin river, and to whom we had agreed to give a particular sum for their lands. They had remained in the place to which they had removed until they had expended all their money, and then returned back again to their old place of habitation, and were there now, to the great annoyance of the people. The nation had an annuity of $10,000. The object of this provision was, (although we were now under no obligation to advance them one dollar,) that the money should be withheld, unless they would go beyond the Missouri river, and remain there. The white people were settled close by them; and unless they were removed while in our power, they would be on the whites, and serious difficulties would arise. It was a matter of regret that the Indian agent there, who was an intelligent man, and had the subject much at heart, had recently died.

Mr. PORTER observed, that if the object was to place these Indians on the immediate borders of Missouri, the honorable Senators who so ably represented that State could better judge than himself, whether they would be agreeable neighbors. For his part, he was opposed to the removing any more Indians to the borders of Missouri, Arkansas, and Louisiana, although there might have been some good reasons for removing them from the interior of a State; yet, when they came to the removing them from the Territories, it would be well to consider whether they were not doing more harm than good by the measure. This was the first step, (Mr. P. said,) in the removal of the Indians from the northwest, to place them on the borders of the southwestern States. He had much rather that the people of the northern part of Missouri should submit to the inconvenience of having such neighbors, than that they should be added to the number of Indians already on the borders of Louisiana. Let the Indians on the north of Missouri (said Mr. P.) remain there; the people of the northwestern States were not anxious for their removal; it was only the speculators who were anxious to get the Indian titles to their lands extinguished. This continually extinguishing Indian titles, while they had such large quantities of lands of the best quality yet unsold, benefited no one but the speculator, who believed that he could more readily get purchasers for the new lands, and that greater fortunes could be made by them.

Mr. LINN exhibited to the Senate a statistical account of the number and location of the different Indian tribes, and said that the State of Missouri had objected to the policy of locating them in her vicinity, but eventually submitted to it; and he would not now object to that system of policy being carried out. He would rather see them located on one frontier border than on two, as it was easier to establish an efficient line of posts for the protection of one than it would be for the protection of two frontiers. He agreed with the views of the Senator from Tennessee, [Mr. WHITE.] It was too late to inquire now into the fact as to whether they had been cheated, which had been admitted from the beginning. The Senator from South Carolina [Mr. CALHOUN] was mistaken as to the Black Hawk war. In that case the Indians were bought off by salt and corn, and came back again expecting to be bought off again, and being disappointed in not being bought off commenced hostilities.

Mr. CALHOUN regretted much that the Senator from Indiana, [Mr. TIPTON,] who knew more about the origin of Black Hawk's war than anybody else, was not in his place. That gentleman rose in his place, and declared that that war broke out in consequence of the mismanagement of the officers of the Government. Let the Senator from Missouri recollect that this acknowledgment came from one of the warmest friends of the Administration.

He acknowledged, with the Senator from Missouri, that the Indians had been treated wrong from beginning to end; which, unfortunately, would ever be the case, when savage and civilized men came in conflict; but this was no reason why they should suffer their agents to practice frauds both against the Indians and the Government. They ought to have honest, intelligent, and active men to manage their Indian affairs, or

there would never be an end to these abuses. There were no people on earth so easy to deal with as our half civilized Indians. It only required ordinary justice, a mild but firm course of conduct, with a strict adherence to truth in all transactions with them, and it was the easiest thing in the world to keep them quiet. The Senator spoke of the cordons of Indians around the frontier; but let him look to the heavy annuities paid them, which made it their interest to keep at peace. With proper management they were the best allies we could have to keep off the wild Indians at a distance. He saw (he said) very plainly the progress of events. These Indian disturbances were to furnish the pretext for a large increase of the standing army. This was the consequence of carrying out the principles of the spoils party, enriching men with large jobs and contracts, and the system to be kept up by a large military force. He repeated that there never was a time when it was so easy to keep the Indians at peace. Their frontier posts were greatly extended, and the Indians were driven back into the prairies; and, though they were formidable in the woods, being the best light troops in the world, they were entirely helpless in the open plain. If they would appoint honest, faithful, intelligent men to transact their business with the Indians, instead of broken-down politicians—men sent out to be rewarded for party services, these Indian disturbances would soon cease; but, unless that was done, it was apparent that there would be continual disturbances, creating causes for wars, to be followed by a large increase of the standing army. He should not oppose the appropriation after the explanation of the Senator from Tennessee, but he feared that it would be used to give jobs to reward some political partisans.

Mr. LINN said he did not rise to prolong this discussion, but merely to do justice to the character of an individual now no more. Injustice had been done the agent of the Sacs and Foxes, in saying that the Black Hawk war was caused either by want of character or competency. He had the pleasure of an intimate acquaintance with Mr. St. Vrane, the agent, and knew him to be a man of sterling virtue, active, and of business habits, and very intelligent. He had done all that mortal man could do to prevent the war with Black Hawk, and was cut off in the prime of life by a band of the Winnebagoes, who were on their way to join the forces of Black Hawk. He fell in the discharge of his duty to the Indians and to his country. The appointment of agent was not given to him from political considerations, as he was known to be what was then called a Clay man.

Mr. WHITE repeated, that if these Indians were not removed southwest of the Missouri, difficulties and schisms would take place between them and the whites; but, by removing them southwest of the Missouri, we would have a natural boundary between them and our people; and, if he belonged to Missouri, he would prefer having them removed across the river; for, although they might be nearer, they could not be so annoying to the whites as if on two borders, and not bounded by any natural boundary. The plan was that, if they were removed there, to have laws adapted to them enacted for their government; but, if removed to where they now own the lands, no practical benefit would result from it. Take them from among the settlements in Wisconsin, under the direction of a faithful agent; and instead of endangering, they would add to the safety of the States near whose borders they were to be removed to; and, so far from being apprehensive of any injury from them, their attachment was so strong to the United States, that he would repeat what he had said before, that, if the country was in need of volunteers, there was no part of our white population that would make more faithful soldiers than they. If they were to remain to annoy our whites, they might as well remain where they were, as to remove them back to the place proposed in the bill.

Mr. WALKER did not rise to continue this discussion, but to notice some observations that had fallen from the Senator from Louisiana, [Mr. PORTER.] The Senator supposed that the removal of the Indians from Mississippi and Alabama, to the borders of Louisiana, had operated unfavorably towards that State. Now he took it upon himself to say that it was a measure the most favorable to her interests; the Choctaws, the Indians thus removed, having been uniformly the friends and allies of the United States from the time of the Revolution to this day. These Choctaws had invariably been our warmest friends; they had fought by the side of our riflemen, both in the Revolution and in the last war. And, as the Senator from Tennessee well observed, he would rely on no volunteers sooner than they for faithful and efficient service. If the Senator from Louisiana would inquire at the War Department, he would find that these Choctaws had offered to raise a thousand volunteers to act against the Seminoles. So far from the removal of these Indians having been a disadvantage to Louisiana, the putting them on her frontiers rendered her more secure.

Mr. PORTER said, if the people of the States of Mississippi and Alabama loved these Indians so, they ought not to permit them to pass beyond the lines of their States. He apprehended there would be nothing but "weeping, wailing, and gnashing of teeth," on account of the dear Choctaws being removed away beyond the Missouri river; but he contended, however, that, whatever might be the state of their feelings now towards the whites, there was no certainty as to what it might be in the coming generation, or a hundred years hence.

Mr. WALKER replied that the people of Mississippi and Alabama never intimated that these Choctaws were troublesome or dangerous neighbors; it was only because they occupied a valuable territory in these States, keeping the States dismembered, that they wanted them removed.

Mr. WHITE's amendment was then agreed to.

After being further amended, the bill was ordered to be engrossed for a third reading.

The following bills were severally read the third time, and passed:

The bill to authorize the President to accept the services of a number of volunteers, not exceeding ten thousand, for the defense of the frontiers;

The bill to carry into effect, in the States of Alabama and Mississippi, the compact with those States relative to the school lands and the five per cent. fund; and

The bill to authorize the appointment of additional paymasters.

The CHAIR communicated the annual commercial report of the Secretary of the Treasury; and

On motion of Mr. DAVIS, one thousand extra copies were ordered to be printed.

On motion of Mr. WHITE, the Senate proceeded to the consideration of executive business; after which it adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 18, 1836.

Mr. WHITTLESEY, of Ohio, from the Committee of Claims, reported, without amendment, a bill from the Senate for the relief of the owners, officers, and crews, of the private-armed schooners Neptune and Fox; and the same was committed.

Mr. MERCER, from the Committee on Roads and Canals, reported a bill to grant to the New Orleans and Nashville Railroad Company the right of way through the public lands; which was read twice and committed.

Mr. M., from the same committee, laid before the House sundry documents in relation to the Louisville and Portland canal; which were laid on the table.

Mr. THOMAS, from the Committee on the Judiciary, reported a bill to compensate the marshals and attorneys of the United States for the districts of South Carolina and Georgia for extra services; which was read twice and committed.

Mr. PINCKNEY, on leave, presented a petition; which was referred.

ABOLITION OF SLAVERY.

Mr. PINCKNEY, on leave, presented a report from the select committee on the subject of the abolition of slavery. In making this report, Mr. P. remarked, that it had received the unanimous assent of the committee, and he trusted it would meet the unanimous approbation of the House. By the instruction of the committee, he moved that it be read and printed.

Mr. MERCER moved that the report be laid on the table without reading, and printed.

Mr. CLAIBORNE, of Mississippi, asked for the reading of the report; which was accordingly done.

The reading occupied about an hour and a half. The report concluded with the following resolutions:

Resolved, That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this Confederacy.

Resolved, That Congress ought not to interfere in any way with slavery in the District of Columbia.

And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested for the purpose of restoring tranquility to the public mind, your committee respectfully recommend the adoption of the following resolution, viz:

Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatsoever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.

Mr. PINCKNEY was instructed to move that five thousand extra copies of the report be printed.

Mr. HARDIN, believing from the first that he had been placed on the select committee merely to make up the notable number of nine, had therefore declined to attend, or take any part in its proceedings. He considered this explanation necessary, inasmuch as the report purported to have been agreed to unanimously.

There was one part of the report from which he entirely dissented. From the reading of the report he understood it to set forth that the Abolitionists were few, and their efforts insignificant. In this he did not concur; and he must enter his protest against it. He believed there were large numbers of Abolitionists, and that this report was gotten up for the very purpose of suppressing this fact.

Mr. PINCKNEY said the gentleman from Kentucky was wholly mistaken. There was no such expression in the report as the one alluded to by the gentleman. The expression was, and it was founded on the signatures to the petitions themselves, that the numbers of the Abolitionists had been exaggerated. The whole number of abolition petitioners scarcely exceeded thirty thousand, one half of whom were females, and it was confidently believed that a considerable number of the remainder were children.

Mr. WISE said this report had at length come; he never expected it would have come; and it was precisely such a document as he anticipated; and his protest, for one, went much further than that of the gentleman from Kentucky, [Mr. HARDIN.] He saw everything in it to arouse the feelings against it, even more than against the abolition memorials themselves. If southern men adopted this report to sustain their principles, they would be much mistaken. There was not one ground in the whole report, long as it was, for southern men to rest a foot upon. But he had been most disappointed in this report, because its author had not kept his faith with Mr. W. There had been an express pledge given to him, that the ground would be taken in the report that Congress had not the power to abolish slavery in the District of Columbia. He repeated that this pledge had been distinctly made to him, that no report should be made, unless that ground should be taken; and he saw no such ground taken in the report. The whole amount of what was contained in the report was, that it was not expedient now to abolish slavery in the District. Mr. W. said there were petitions and resolutions laid before the committee, of which no notice had been taken; and the committee had only announced, in relation to the States, what every one knew, that these States had declared that Congress had no power to abolish slavery in the District of Columbia. He did not consider the reports as a defense of southern interest, nor as an expression of southern feeling.

Mr. THOMPSON, of South Carolina, would not allow one moment to pass without his unmeasured denunciation of the report just read. He felt called upon to do so, that it should not go

to the world with the authority of the name, not of the individual who had presented it, but of the State from which he came. He had listened in vain for one South Carolina argument, or one honest bursting out of the feelings of a South Carolinian; not of a South Carolinian from geography only, but one who has a head to see the dangers that await us, and a heart that does not shrink from meeting them. Instead of a cool, firm, and fixed purpose to stand upon the rights, the chartered rights of the South, what have we? An abandonment of those rights; stale homilies about union and fanaticism; puerile rhetoric, and jesuitical sophistry. When the report squints even at the constitutional argument, it shrinks back from declaring it unconstitutional, and mollifies with the phrase, "violation of the public faith." Why not speak out? The chairman of that committee assured me and my friend from Virginia, [Mr. WISE,] and others who were known to stand on the third parallel on this question, that he would not report at all unless with distinct assertion of the principle that Congress had no constitutional power to legislate upon slavery in this District. And how has this pledge been redeemed? With a puling declaration of "violation of public faith." Mr. T. desired to hear less of public faith from one so regardless of private faith. Mr. T. would not, if he could fairly avoid it, send the report to the printer; he would rather commit it to the flames or to the hangman.

Mr. OWENS said the document must speak for itself. It was the intention of the committee to have the documents printed, so that it might be fairly understood, and might be a subject of deliberation hereafter; but no one had anticipated a debate on it at this stage. He had supposed every gentleman would have concurred in a motion to print, so that they would have an opportunity to deliberate upon it and make up an opinion. It was a document of great length, and it was impossible for gentlemen to make up an opinion upon it unless they were predisposed to oppose it. He had hoped that gentlemen would have permitted it to take the usual course, and then they would have an opportunity to make up an opinion upon it. Mr. O. concluded by moving to print thirty thousand extra copies of the report.

Mr. BOULDIN remarked that he would not have said a word on this motion, but for the fact that he had often expressed his willingness to print the memorials, or some of them, on this subject; that he had yielded his opinion, and openly and expressly, often in this House and elsewhere, expressed it, that it would be better to print the memorials, and even the abolition papers, or let them circulate openly, (seeing that they were circulated covertly,) than to refuse. He had given up his own notion to the better judgment and experience of others from the South, knowing their feelings and interests to be the same with his, and their judgments more matured, and better. He had voted against printing against his own judgment, in compliance with that of his colleagues from the South, and, as he believed, with that of his constituents. He had thought the people ought to know who they were, many or few, and what they wanted. It could do no harm. Mr B. said he was asked by a friend, in an under, but audible tone of voice, why not print this report? Mr. B. said he had voted against raising the committee; that the report came from that committee; that it contained matters that he was not willing to pay for or vote for; that the memorials and papers before alluded to were from known and acknowledged enemies (in this particular) to the interests of the South; but their projects he was willing his constituents should understand and know. This report contained arguments and positions that he did not believe would do his constituents and the country any good. He had not heard every word read, but he had heard enough to satisfy him that the general aspect of it would not suit him or his constituents. He did not wish to pay for the printing of it, nor was he willing to have any one in doubt about his objection to the raising of the committee, or the general complexion of the report. He said he had boarded, and still boarded, with the honorable chairman, [Mr. PINCKNEY,] and lived, and had lived, and still should live, he had no doubt, in the utmost friendship and harmony with that gentleman. He could not, therefore, be then influenced by any dislike to the chairman. He simply did not wish to print it; and having expressed his opinion hitherto that he wished all upon the subject printed, and was only restrained by the general opinion of the South, he wished to make this explanation; the more especially as he expected, and had little doubt, that many of his political friends, and others from the South, would vote for the printing. He thought the rights of the District and the South were plain, and needed neither report nor argument to sustain them; that they were well understood; and all we wanted to know upon the subject was, whether anybody intended to interfere with those rights.

Mr. HAWES was convinced, from the arguments of gentlemen, that this report ought to be printed. No sooner was this very long report read, in the preparation of which the committee had been engaged weeks upon weeks, than one gentleman from the South rose in his place, and said he could not vote for it, because it contained such and such matters. Another gentleman from the South rose and said that he would go for printing the document, because he considered it as going to allay the excitement at the South; and this difference of opinion he considered as the strongest reason why the document should be printed. His constituents would not permit him to form an opinion for them in this matter; they would require the report itself to be submitted to them; and he thought the gentleman from Virginia had gone rather far in speaking for his constituents.

Mr. WISE said he could speak for every man in his district, and say that they would not be satisfied with this report; and with the exception of a few, he could speak for the State. Whilst up, he would say to the gentleman from Georgia—who had said that none would oppose the printing, except those predisposed not to agree with it—he would say that, in consequence of the pledge given to him, he had kept a strict eye upon the report while reading; and besides this, he was informed by the gentleman from Georgia himself, that there was no express declaration that Congress had not the power to abolish slavery in the District.

Mr. OWENS said that the observations of the gentleman from Virginia showed the necessity of having this document printed, so that every gentleman could be clearly informed on the subject.

Mr. HAWES remarked that the gentleman from Virginia [Mr. WISE] had said that he would answer for every man in his district. He believed the constituents of that gentleman, from what he had heard of them, to be a highminded and honorable set of men; but he would say that, if they permitted their representative to form an opinion for them, they were a most servile set of men. Mr. H. said his constituents would demand to have the document laid before them for their own examination; and he felt it to be his duty to vote for the printing of the largest number of copies.

Mr. HOWARD said that he intended to vote, not only for printing the document, but for printing the largest number proposed, and wished to state the reason why he would do so. However deeply the States to the south of Virginia might be interested in the question of abolition of slavery in the District, it must be conceded that the two States which had ceded to the Federal Government a portion of their territory and population, were peculiarly bound to watch the exercise of the powers of Congress, and see that the intention of the grant was not frustrated. Of these two States, Maryland, perhaps, might be expected to feel a deeper interest than even Virginia, because of her being the frontier of the slaveholding States, liable to be affected most early and sensibly by any abolition movement. In the siege which the fanatics of the North were carrying on against the District, some of the bombs and shells which they were aiming to throw into this House might be expected to burst on the way; and so it had proved. The feelings of a large portion of the people whom he had the honor to represent had been much roused, and they had expressed them in resolutions at public meetings, which were upon the records of this House, and manifested as much sensibility as was shown by any part of the United States. He himself (Mr. H. said) was a slaveholder, and partook largely of the feelings incident to that condition. When he left his home to take his seat in this House, he left his children surrounded by slaves, and therefore could not but be sensitive to any movement which went to corrupt the principles of that species of population. But as far as he had been able to understand the report from hearing it read, he could not concur with the gentleman from Virginia, [Mr. WISE,] that the entire question of constitutional power was surrendered. On the contrary, he thought the rights of the people of Maryland, Virginia, and the District, were sufficiently defended in the report, by the denial of any power to Congress to go further on the subject of slavery than the States ceding the territory did, or might do. To ascertain whether the mere abstract power existed in the Federal Government, it would be necessary to enter into a critical examination of the acts of cession, and the Constitution; but as long as the ground assumed in the report should be adhered to by Congress, viz: that the people in the District were entitled to equal protection at the hands of Congress with the inhabitants of Virginia and Maryland, he thought it unnecessary to inquire into an abstract point, which might or might not ever come up for decision. Although the consequences flowing from an opinion furnished no exclusive guide to the accuracy of that opinion, especially upon a point of law, yet in this case it might be useful to regard the results which would follow from the establishment of the doctrine maintained in the report, and that contended for by the gentleman from Virginia.

Maryland had passed an act appropriating $200,000 to send out of the United States free blacks, or such slaves as might be voluntarily emancipated. The managers of this fund were aided by a society, of which he (Mr. H.) had the honor to be the presiding officer; and they had established a colony in Africa, which was as flourishing as any colony which had ever been planted. As far as their experience had gone, the number of slaves who were voluntarily emancipated by their masters, for the purpose of being sent to Africa, was greater than the means of sending them; and this fact, of itself, might satisfy the non-slaveholding States, that humanity as well as policy required the adjustment of every matter relating to the African race to be left to those who best understood their condition. By them alone could any truly wise or humane measure ever be carried into effect? What might be the consequence of this step, taken by Maryland, no one could foresee; but it was evident, that if emancipation continued to be ahead of funds, an increase of pecuniary means must eventuate in the conversion of that State into a non-slaveholding State. Now, suppose this result to take place in any given number of years, and the same thing to occur in Virginia: it is clear that the construction of those opposed to the report would consign the people of the District to a remediless and hopeless condition, whilst on the other hand the principles of the report would permit, upon the application of the inhabitants, the extension to them by Congress, of the same laws which had operated upon Maryland and Virginia. That such a construction of the powers of Congress as would enable them to do this would be attended with a desirable result must, he thought, be admitted upon all hands, provided the phraseology of the Constitution and the acts of cession would admit of it; and this was the only case in which he understood the report to assert that Congress possessed any power over slavery in the District.

Mr. OWENS rose to inquire whether the gentleman from Maryland was not going too far into the merits of the report, upon a motion to print.

Mr. HOWARD said, that during the whole session he had carefully avoided giving any encouragement to general debates upon the subject of slavery, and was unwilling now to do anything more than state the reason why he should vote for printing an extra number of the report. Having expressed this, he would hope, with the gentleman from Georgia, that the debate would not be prolonged.

Mr. PATTON wished to state his reasons for voting to print this document. He should not only vote to print the usual number, but he would vote to print any reasonable extra number. The report was presented to him as the result of the labors of a committee which had been raised to take into consideration a most interesting and exciting subject. He had not concurred with the House in the course it thought proper to pursue on this subject, because he was not of opinion that it was the most prudent and judicious course; and he had not changed in opinion. He was perfectly satisfied that the expectations of gentlemen would be frustrated and disappointed. Notwithstanding this, he would be in favor of having the report take its usual course. No matter whether they agreed with the conclusions to which the committee had come or not, still it should be put in a form in which the House could judge of its acts of omission or of commission. No man could suppose that, by refusing to print it, it would not be a subject of discussion there and elsewhere. The document would be printed; and the agitators and fanatics of the North would seize upon it, and discussion would again be renewed. He did not believe that there was an Abolitionist from the Potomac to the northernmost part of Maine, who would not be in favor of printing this document. He begged leave to say that, in voting to print, he must not be understood as concurring with the committee in their report; because he apprehended that it did not go so far as he desired it should go.

Mr. SPEIGHT said, if he understood the question rightly, it was to print the usual number of copies, and he would respectfully suggest to gentlemen whether it ought to be discussed before it was printed. He must confess, although he listened very closely to the reading of the document, that other gentlemen had been more fortunate than himself in hearing it, if they were able to decide that it should not be printed. He asked the gentleman from Virginia [Mr. WISE] if he was prepared to act on this report before it was printed; and he would also ask whether voting to print the usual number could be construed into an acquiescence in the report? He was surprised to hear the opposition which had been made to this report, because, so far as he had heard, it asserted every principle which the South contended for, except, perhaps, so far as the District of Columbia was concerned; and when this question came before the House he was prepared to express his opinion upon it, as his mind was made up, but he did not consider this the proper time to do so.

Mr. WISE rose to state to the House that he did not mean to object to the printing of the usual number; but he objected to the printing of any extra number.

Mr. ROBERTSON objected to the printing of the usual or any other number of this report.

The hour of one having arrived, the SPEAKER arrested the discussion.

Mr. MERCER moved to suspend the rules until half past one o'clock, for the purpose of disposing of the motion to print; which was agreed to—ayes 127, noes not counted.

Mr. SUTHERLAND was in favor of printing the report, which had been made by the gentleman from South Carolina. That gentleman had been accused by one of his colleagues [Mr. THOMPSON] of misrepresenting the feelings and wishes of his State. This was a high and grave charge, and he wished to give the former a chance of defending himself by printing his report, and sending it to South Carolina, and thus affording an opportunity to the people of that State to judge for themselves. He was not prepared to say, that all the reasoning of the report would suit either his constituents or himself, but this would not prevent him from having it printed and sent out for the judgment of the country; and he would always be ready to afford an opportunity to those, against whom serious charges had been made, to be heard.

Mr. THOMPSON, of South Carolina, could not oppose printing the ordinary number of this report, but objected to printing an extra quantity. He repeated, that his colleague [Mr. PINCKNEY] had grossly misrepresented his State. But it seemed that the gentleman from Pennsylvania last up had undertaken to vindicate his colleague from a charge upon which that colleague had chosen to remain silent. There was much fitness in the gentleman from Pennsylvania as a champion for the gentleman from South Carolina The gentleman from Pennsylvania had furnished the world with his canons of political ethics; it was a simple question of the rule of three, how much principle will an ascertained amount of interest give? He should suppose, from the zeal of that gentleman in this matter, that he had some interest in it.

Mr. ROBERTSON contended that the report yielded to Congress the right to abolish slavery in this District, and yielded everything which the Abolitionists could have expected when they sent their petitions there. He had heard the report read, he would not say with surprise, but with deep mortification and regret; because it was not calculated to put the South upon the ground which she ought to occupy; and the resolutions did not go to the extent absolutely necessary to the peace and safety of the country. Mr. R. contended that the printing of a document was left to the discretion of the House, and he thought in the present instance they should not print. Mr. R. concluded by moving to recommit the report to the select committee, with instructions to report a resolution that Congress does not possess the constitutional power to abolish slavery in the District of Columbia or the Territories.

Mr. THOMSON, of Ohio, did not rise to discuss the question. It had already been too much discussed. He moved the previous question.

Mr. PINCKNEY hoped the gentleman would withdraw the motion for a moment. He desired merely to say that the report did not, as had been stated, yield the constitutional power to Congress of abolishing slavery in the District. All assertions of the kind were grossly incorrect.

In answer to an inquiry, the CHAIR stated that, if the previous question prevailed, the main question would be on the adoption of the resolutions.

Mr. THOMSON supposed the main question would be on the motion to print. He therefore withdrew the motion for the previous question.

Mr. BYNUM obtained the floor; but yielded it for explanation to

Mr. SUTHERLAND, who replied to the remarks of the gentleman from South Carolina, [Mr. THOMPSON.] Mr. S. said that the gentleman had backed out from the ground which he originally took. At first he was for burning the report, or giving it over to the common hangman; now he was in favor of printing the usual number. But the gentleman had spoken of him as the champion of his colleague, [Mr. PINCKNEY.] He needed no champion, and the gentleman might want one quite as soon as his colleague. The gentleman had thought proper to allude to an old and long since worn out imputation in relation to himself. This allusion he considered beneath the character of the member from South Carolina, and he would only refer the gentleman to his whole public life as a sufficient answer to the charge.

The debate was here arrested by the expiration of the time for which the rule had been suspended.

Mr. LEWIS said he had received information of such a character as would induce him to move to set aside the fortification bill and all other business, for the purpose of considering and passing the bill for raising additional volunteers, which he expected would be returned from the Senate with amendments.

Mr. CAMBRELENG would cordially unite with the gentleman in the attainment of his object, and would inform him that he had received that morning a communication from the Secretary of War, asking an appropriation of $500,000 for suppressing Indian hostilities on the part of the Creek Indians.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the annual statements of commerce and navigation; which was laid on the table, and ordered to be printed.

Mr. CAMBRELENG moved to print the usual number (two thousand) of extra copies of the foregoing documents. The motion lies one day for consideration.

FORTIFICATION BILL.

In further execution of the special order of the 26th of January, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. MANN, of New York, in the chair,) and resumed the consideration of the bill making appropriations for certain fortifications of the United States for the year 1836.

The question pending was the amendment of Mr. CAMBRELENG, to insert an additional item in the bill appropriating the sum of $700,000 for the armament of the fortifications.

Mr. FORESTER, who was entitled to the floor, addressed the committee at some length. He took a general view of the subject of fortifications, and avowed himself in favor of a plan to protect the more exposed and prominent points, but opposed to a general scheme of fortifying the whole of the sea-board. He was also in favor of such an increase of the Navy as would render it efficient to protect our commerce, and to defend ourselves in case of attack. He then entered into an examination of the present and probable future amount of the surplus revenue. By the last returns of the deposit banks, they then had, to the credit of the Treasurer of the United States, $32,000,000, and $3,000,000 besides, deposited by other officers of the Government. The last quarter's revenue, ending on the 31st of March, amounted to $11,000,000 already collected; and should the next three quarters be as much, it would amount to $33,000,000 more by the end of the year. It was not, however, probable that the coming revenue would be so large, and therefore he would knock off $8,000,000, putting it down at $25,000,000, making the whole accumulation in the Treasury no less than $60,000,000, and including the $7,500,000 to be derived from the Bank of the United States, would, in all, amount to $67,500,000. He had taken some pains to examine the various public and private bills before the two Houses, and the whole of them, supposing every one to pass, would require an aggregate of appropriations, in round numbers, of about twenty-five millions of dollars, leaving, in the event of every bill passing, at the lowest estimate of the accruing revenue, upwards of forty-two millions of dollars. He then proceeded to discuss the tariff question and its consequences, the subject of internal improvements, &c., and replied to some of the points advanced by one of the gentlemen from New York, [Mr. MOORE.] He adverted to the course of Mr. Van Buren on the foregoing subjects, and said he believed that gentleman had voted for every tariff measure that had been brought forward, and also for every measure of internal improvement.

A message arriving from the Senate, Mr. F. suspended his remarks. The committee rose, and the Speaker resumed the chair.

WESTERN FRONTIER.

The message from the Senate was then received, returning, with amendments, the bill authorizing the President of the United States to accept the services of volunteers, and to raise a regiment of dragoons or mounted riflemen.

On motion of Mr. LEWIS, the bill was taken up, and read as amended.

Mr. WILLIAMS, of North Carolina, objected to the proposition in the bill for raising ten thousand cavalry.

Mr. McKAY remarked that the bill did not propose that number to be absolutely raised, but merely limited the number to ten thousand.

Mr. LEWIS advocated the amendment, which contemplated the raising of ten thousand men at the discretion of the President of the United States. The exigency for doing so had already arrived; and Mr. L. had received letters that morning, stating that there was a general scene of massacre now going on in the Creek nation; that all the troops in command of the Government, not employed in the Florida war, had been sent on to that point, but that they were but a handful; and the Secretary of War now invited the passage of the bill, in order to send an efficient aid and protection to the helpless women and children who were now at the mercy of the savage.

Mr. GLASCOCK followed on the same side, and briefly supported the amendment. The number of men to be raised, was left to the discretion

of the President, and he would order the particular description of troops, infantry, or cavalry, according to the nature of the country where they were to act. He earnestly appealed to the House to pass the bill as speedily as possible.

The question was further debated by Mr. McKAY, Mr. SPEIGHT, and Mr. ASHLEY.

Mr. ADAMS expressed a wish for further information, before he desired to record his vote on this bill; to know whether the exigency was sufficient to justify the raising of so large a force, and whether it was intended to add to the standing army of the United States. Mr. A. then reviewed the subject of the war in Texas, and passed some strictures on the manner in which that subject had been discussed, both in and out of Congress; adverting to the resolutions offered by him yesterday, on the subject of our relations with Mexico. On these topics he dwelt at some length, and contended that the principle of the bill had been entirely changed by the Senate's amendment, which, he hoped, would be disagreed to by the House.

Mr. LAWLER adverted to the alarming advices that had been received from the Creek country, to urge upon the House the immediate necessity of passing this bill, and made a brief reply to the remarks of the gentleman from Massachusetts.

Mr. GLASCOCK also replied to the same gentleman's remarks in opposition to this bill. He regretted that any individual on that floor, and more so one who had occupied so distinguished a station in this country as he had, should be found openly to avow his feelings to be in favor of that tyrant and usurper, Santa Anna.

Mr. ADAMS explained that he had been misunderstood.

Mr. GLASCOCK replied that the gentleman had so avowed himself, though indirectly, and his language could bear no other construction. Mr. G. proceeded further in reply to the gentleman from Massachusetts, and stated his own views with regard to Texas; that he went heart and soul with the Texans, and was ready to aid them, when the proper time arrived, in the most efficient manner. He explained the provisions of the bill, and supported it at considerable length, which, in no sense that could be put upon it, provided for an addition to the standing army. The troops were to be raised for a specific time, and to be engaged in a specific service.

Mr. THOMSON, of Ohio, referred to the provisions of a similar bill passed in 1812, which offered a precedent in point, and he compared their details, to show that the present bill was in no construction unconstitutional. He hoped the amendment would be passed without further objection.

Mr. MANN, of New York, remarked that this bill had been very deliberately considered and discussed at great length when it was last under consideration before the Committee of the Whole; and as they were informed that it was of the utmost importance to those residing in and on the borders of the Indian country, that the bill should pass without delay, and as the debate appeared to be taking a very wide, and he must say a very unusual range, he therefore moved the previous question.

The motion was seconded by the House—ayes 98, noes not counted.

Mr. HARDIN remarked, that as he wanted to see how many would vote to increase the regular army by ten thousand men, he therefore asked for the yeas and nays on the question of ordering the main question to be put.

The yeas and nays being ordered, the question was declared in the affirmative—yeas 126, nays 66.

So that the House determined that the main question, which was on agreeing to the amendments of the Senate, should be now put.

Mr. BELL asked for a division of the question on the respective amendments.

The first amended being read,

Mr. HOWELL asked for the yeas and nays thereon, which the House refused to order; and the first amendment of the Senate was concurred in—ayes 107, noes not counted.

The second amendment was then concurred in without a count.

The amendment of the Senate to the third section, giving to the President the power to commission the officers elected by the volunteers, by and with the advice and consent of the Senate, when they are mustered into the service, being read,

Mr. HARDIN asked for the yeas and nays thereon; which were ordered; and the question being taken, was decided as follows—yeas 101, nays 102.

So the House refused to concur with the Senate in their amendment.

The other amendment of the Senate to the fourth section, regulating the pay for mileage and forage of the officers and privates of the volunteers, was then concurred in—ayes 109, noes not counted.

The remaining amendments were then concurred in.

Mr. VINTON moved that the House adjourn.

Mr. OWENS asked for the yeas and nays; but they were not ordered; and the motion to adjourn was negatived—ayes 73, noes 91.

CREEK HOSTILITIES.

Mr. CAMBRELENG asked leave to report a bill making appropriation for the suppression of hostilities with the Creeks.

Leave being granted, Mr. C. reported the said bill, under instruction from the Committee of Ways and Means; which was read twice and committed.

On motion of Mr. CAMBRELENG, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. DICKERSON in the chair,) and proceeded to the consideration of the foregoing bill.

The bill was then read. It appropriated the sum of $500,000 for the object above stated.

Mr. CAMBRELENG then sent to the Clerk's table a letter from the Secretary of War, calling for the appropriation, and inclosing an estimate for the purpose.

Mr. ADAMS said he should vote for this bill, both in committee and in the House, and should also vote for its immediate passage this day. Mr. A. then availed himself of that opportunity to make a brief reply to the two gentlemen [Mr. MAURY and Mr. GLASCOCK] who had spoken with reference to him on the former bill.

On motion of Mr. OWENS, the committee rose and reported the bill to the House.

The SPEAKER having resumed the chair, the bill was taken up.

Mr. McKAY inquired of the chairman of the Committee of Ways and Means if the War Department was in possession of any other information than that which had been read? They had for some time past heard many rumors, and it might turn out that the accounts had been exaggerated.

Mr. CAMBRELENG remarked, that the letter of the Secretary of War was very full, and, moreover, a number of letters received by members of Congress from Georgia and Alabama had been read among the members.

Mr. LEWIS then sent to the Clerk's table a letter from a gentleman at Columbus, detailing the most distressing scenes that were passing in the Creek country.

Mr. VINTON said he should not vote against the bill, but he could not omit the occasion of entering his dissent against the extraordinary and irregular manner in which this bill and others of a similar character, were hurried through the committee and the House. He complained also of the irregular and disrespectful manner in which the Secretary of War sent his letters to the House. The Executive was responsible for such matters, and a message from him ought to have been sent there. He believed in the end that it would be found the fault lay with ourselves, and that the Indians, both in Florida and elsewhere, did not take up the tomahawk until they were driven to it. He was for inquiring into the causes of the war, for if, upon the faith of a few letters from the borders, and the requirement of a subordinate Department, they were to pass these bills, they would be only encouraging these Indian wars.

Mr. SPEIGHT referred to the course of the gentleman from Ohio and his friends some years ago, which was the real and only cause of the present troubles, but for whom the Indians would all long since have removed west of the Mississippi. With regard to the gentleman's complaint of disrespect on the part of the War Department, Mr. S. said, it was in the usual and customary form, and the estimates were always sent to Congress at the commencement of every session.

Mr. MANN, of New York, saw a connection between the gentleman's argument and a certain bill now before the House, the land bill, the passage of which might be rendered still more hazardous by appropriating the public money to the absolute necessities of the country, and thereby preventing a division of the spoils. Pass that bill, and the means for passing another appropriation would be exhausted.

Mr. BRIGGS denied that those gentlemen who were in favor of a distribution of the surplus revenue, beyond what was required for the wants of the Government, were influenced by sordid or mercenary motives, or that, if such a law were passed, there would be an end of appropriations.

Mr. HOLSEY replied to the gentleman from Ohio, and entered into a brief statement of the causes leading to the hostilities of the Indians.

Mr. LEWIS made an earnest appeal to the House to pass the bill without further discussion. When the war was actually raging in our country, it was no time to set about inquiring into its causes; he therefore moved the previous question on the engrossment of the bill.

The previous question was seconded *nem. con.;* and the main question being ordered to be put, the bill was then ordered to be engrossed for a third reading now.

Mr. HARDIN made a few remarks in reply to the remarks of the gentleman from North Carolina, [Mr. SPEIGHT,] that the troubles with the Indians grew out of the opposition to the removal of the Indians. He repelled that idea, for he was perfectly satisfied that, let the Indians be removed as far west as possible, still they would be encroached upon by the whites. He saw but one remedy, and that was to civilize them, and make them part of our own family, or else to exterminate them.

Mr. WISE detailed some circumstances connected with the operations under the Seminole treaty, which were probably the cause of the war, which had been furnished to him from a source upon which he could rely.

Mr. MILLER moved the previous question; which was seconded without a count; and the main question, being on the passage of the bill, was ordered to be put; and being put, was agreed to *nem. con.*

So the bill was passed.

On motion of Mr. EVANS, the House adjourned at quarter before seven o'clock, p. m.

IN SENATE.

THURSDAY, *May* 19, 1836.

Mr. LINN presented the petition of the representatives of Charles Sanguinett, praying for confirmation of their claim to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. KENT presented the memorial of the Board of Trade of the city of Baltimore, praying for an increase of the compensation of the custom-house officers of that city.

REPORTS FROM COMMITTEES.

Mr. BLACK, from the Committee on Naval Affairs, reported the bill from the House for the relief of Gaetano Caruse, without amendment.

Mr. PRESTON, from the Committee on Pensions, reported, without amendment, the bill from the House for the relief of certain pensioners therein named; and moved that the committee be discharged from the further consideration of the bill for the relief of Payne Perry; which motion was agreed to.

Mr. TOMLINSON, from the same committee, reported, without amendment, the bills for the relief of Samuel Kincaid and Peter Livingston.

Mr. SOUTHARD, from the Committee on Naval Affairs, reported, without amendment, the bills for the relief of John Devlin, and for the relief of the widows and children of the officers,

seamen, and marines of the United States schooner Wild Cat.

On motion of Mr. WALKER, the report of the Secretary of the Treasury on the subject of preemptions, made some days ago, was ordered to be printed.

SERVICES OF VOLUNTEERS.

On motion of Mr. KING, of Alabama, the Senate proceeded to the consideration of the disagreement of the House to the Senate's amendment to the bill authorizing the President to accept the services of volunteers for the defense of the frontiers; when

Mr. K. moved that the Senate insist on its amendment. He looked on this amendment of the Senate as a very important one, and that without it the corps to be raised would not be an efficient one. The difficulties with the Executives of the States with regard to the appointment of the general and field officers, would effectually prevent this corps from being so organized as to be efficient and useful. He hoped that the Senate would insist on its amendment, and that a message would be sent to the House without delay, so as to expedite the passage of this bill as much as possible.

Mr. CALHOUN understood that the effect of this disagreement of the House was to change the character of this volunteer force from regular soldiers to volunteer militia. The bill, in this particular, as it came from the House, might have been informally worded; but he thought the intention of that body was sufficiently expressed that this should be a volunteer militia and not a regular force. He hoped that the Senator from Alabama would, in a spirit of conciliation, agree to add to his motion a request for a conference. Mr. C. then moved to amend the motion of Mr. KING by adding the words, "and ask for a conference."

Mr. KING asked for a division of the question as it stood; and after a discussion as to the points of order, between Messrs. CALHOUN and KING,

The CHAIR stated that the proper question would be, "Shall the question on the motion of the Senator from South Carolina be first put?"

This question having been decided in the negative,

Mr. CALHOUN withdrew his motion.

The question was then taken on Mr. KING's motion that the Senate insist on its amendments; and decided in the affirmative.

Mr. HUBBARD thought that it would expedite the passage of the bill through both Houses to have a conference with a committee of the other House.

Mr. CALHOUN renewed his motion to ask for a conference; which motion was agreed to; and the committee, with the unanimous consent of the Senate, was appointed by the Chair, consisting of Messrs. CALHOUN, KING of Alabama, and BUCHANAN.

NORTHEASTERN BOUNDARY.

Mr. WEBSTER submitted the following resolution; which lies on the table one day:

Resolved, That the President of the United States be requested to communicate to the Senate, so far as in his judgment the public interest may permit, and confidentially or otherwise, information of the present state of the negotiation between the United States and Great Britain, respecting the northeastern boundary of the United States; including all correspondence between the two Governments not heretofore communicated to the Senate; and those preliminary conditions, without which Great Britain declines to renew the negotiation, as stated in the President's message at the opening of the present session, and which conditions he deems to be incompatible with a satisfactory and rightful adjustment of the controversy.

TRANSFERS OF PUBLIC MONEY.

On motion of Mr. EWING, of Ohio, the Senate took up the resolution submitted by him, inquiring from the Secretary of the Treasury the amount of moneys transferred since the 30th June last to the banks east of the Alleghanies, from the Commercial Bank of Cincinnati and the Clinton Bank of Columbus.

After some remarks from Mr. HUBBARD and Mr. EWING, the resolution was amended by inserting, "the Franklin Bank of Cincinnati;" and,

After some further remarks from Messrs. HUBBARD, EWING of Ohio, WEBSTER, and WRIGHT, the resolution was agreed to.

FORTIFICATION BILL.

The Senate then proceeded to the consideration of the bill making appropriations for the purchase of sites, the collection of materials, and for the construction of fortifications; when

Mr. WRIGHT addressed the Senate in a speech of some length, in favor of the bill.

After some remarks from Messrs. EWING of Ohio, RUGGLES, WALKER, and PRESTON,

Mr. PRESTON moved to amend the pending amendment by making it read as follows:

For fortifications at Penobscot bay, the sum of —— dollars annually for two years;"

which motion was accepted by Mr. BENTON as a modification of his amendment.

Mr. WEBSTER suggested that the question on this amendment had better be taken when the Senate was full; and as it was late in the day, he thought that they had better adjourn.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 19, 1836.

Mr. CUSHING, from the Committee on Foreign Affairs, reported the following resolution; which was considered and agreed to:

Resolved, That there be printed for the use of the House fifteen thousand extra copies of the message and accompanying documents in relation to the southwestern frontier of the United States, communicated to the House by the President on the 14th instant, with the documents from the War Department on the same subject, presented to the House on the 7th instant by the chairman of the Committee of Ways and Means.

Petitions and memorials were presented, on leave, by Messrs. CHANEY, JUDSON, REED, LAWRENCE, GRANGER, ASHLEY, REYNOLDS of Illinois, McKIM, THOMAS, INGERSOLL, TOWNS, DENNY, HOPKINS, JONES of Ohio, UNDERWOOD, HAZELTINE, DOUBLEDAY, HAWES, STORER, McKENNAN, STANDEFER, McCARTY, and LOVE; and appropriately referred.

[Mr. REYNOLDS, of Illinois, presented the claim of the heirs of Captain William B. Whiteside, for military services performed by their ancestor. Captain Whiteside was appointed captain of a company of spies, in the year 1809, by Governor Lewis, of Upper Louisiana. He performed service as captain for several months, at Fort Madison, in that year, and has not yet been paid for it; therefore his heirs pray relief.]

Mr. STORER made an ineffectual effort to present the proceedings of a public meeting held in Cincinnati, in relation to Texas.

Mr. MILLER, from the Committee on Invalid Pensions, reported a bill for the relief of Michael Rickets; which was read twice and committed.

On motion of Mr. LAY, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Batavia, in the county of Genesee, in the State of New York, to Pike, in the county of Alleghany, in said State.

On motion of Mr. STORER, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of increasing the pension heretofore granted to John Hamman, of Ohio, a revolutionary soldier.

On motion of Mr. JUDSON, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from New Haven by East Haven, North Brewford, North Guilford, North Killingworth, and Essex, to the city of Norwich.

On motion of Mr. BAILEY, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to consider the expediency of granting a pension, or commutation pay, or other suitable compensation, to the legal representatives of the late Colonel Richard Gridley for his services as an engineer and commander of artillery during the revolutionary war.

On motion of Mr. ROBERTSON, it was

Resolved, That the Committee on Commerce be instructed to inquire into the propriety of making an appropriation for removing sand bars and other obstructions to navigation in James river, below the city of Richmond.

On motion of Mr. JOHNSON, of Virginia, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Leadville to Westernford, in the county of Randolph, in the State of Virginia.

ABOLITION OF SLAVERY.

The House resumed the consideration of the report made by Mr. PINCKNEY from the select committee on the subject of the abolition of slavery.

The immediate question pending was the motion of Mr. ROBERTSON to recommit the report to the same committee, with instructions to report a resolution, that Congress possesses no constitutional power to abolish slavery in the District of Columbia.

Mr. BYNUM, who was entitled to the floor, spoke at considerable length. He observed, that it had been said by certain gentlemen that they were disappointed in the report; that it was just such a report as had been anticipated by them. In reply to that, Mr. B. said that the opposition to this report was just such identical opposition as he had anticipated. He was prepared to expect that the report would not meet the approbation of certain gentlemen in that House, and he was not at all surprised at this opposition. It was surprising that gentlemen were prepared, as by intuition, to condemn a report of immense length, and that these gentlemen perfectly understood the report without having it printed for examination. If, however, the statements of gentlemen who had opposed the printing of the report were to be taken as good for anything, it was the strongest evidence that the report should be printed for the consideration of that body and of the nation. It was due to the honorable chairman of the committee who had made that report, that it should be printed, because his motives and his reasons had been denounced on that floor, and this document should be printed as his defense. He ought to have it laid before the people, who were to judge him. It would be an act of injustice of the most crying kind to refuse to print this document; that gentlemen had a right to be heard before that House and before the country.

Mr. B. was not prepared to say that he would sanction every sentiment and every principle laid down in this report; but he was prepared to say, that he would look into it, and give it his impartial consideration, and he felt himself free to act after reading it. But the gentleman from Virginia [Mr. ROBERTSON] had stated that the report surrendered everything to the Abolitionists. It was a mistake. Neither the House nor the report, so far as met his observation, surrendered anything to the Abolitionists. The very object which the Abolitionists contended for had been met by the House and refused them; yet the gentleman from Virginia said, that they had surrendered everything to the Abolitionists.

Mr. ROBERTSON explained. He had said that they had surrendered everything which the Abolitionists expected.

Mr. BYNUM was glad he had misunderstood the gentleman. He did not, however, know what the Abolitionists expected, because he was not in their secrets, and held no conversation with that description of men. They were at war with the best interests of the North as well as the South; and he did not know what they expected, except so far as their petitions went for the abolition of slavery in this District; and that question had been met by the House, and he thanked God that it had. Gentlemen had said that they had heard this report read with deep surprise, because it did not contain all that the South contended for; that it was not calculated to allay the excited feelings of the South. Mr. B. was perfectly aware that this report would not give peace to the excited feelings of some gentlemen in the South; and nothing but a place in a certain House not far distant from this Capitol would give peace to certain gentlemen of the South.

It was thought by some gentlemen that there was nothing southern and nothing patriotic except that which came from South Carolina. Mr. B. had not been desirous of entering into a discussion of this question; because it was one of an extremely delicate and sensitive character to the South. He believed it could not be beneficial to the South; and as a slaveholder, the half of whose property consisted in slaves, he entered his protest against it, because, in his humble opinion, he considered it as calculated to injure and pros-

trate the South. Gentlemen from the South assumed positions from which they were driven, and by this means imputations were cast upon the South. With respect to the amendment of the gentleman from Virginia, he would have no objection to voting for it when it should be brought up as a national measure, and brought up in its proper place, and in a situation in which he would be compelled to vote on it; but he did not consider this a fit place to bring in this proposition. The gentleman must have seen, by what took place in another body in relation to this subject, that the South were divided. The Senators from Kentucky, as well as from Maryland, had dissented from the course which some other southern gentlemen wished to pursue. Mr. B. considered it highly impolitic to call upon the House to decide a question like this, when the South was divided against itself, and when they could not expect to meet with anything but defeat. He could not see how the gentleman could press this proposition, unless it was because that the party with which he acted were more accustomed to defeats than Mr. B. was. Mr. B. said a large majority of the people of the North had met the South in the spirit of compromise on this question, and had said, although there might be some doubt in relation to the constitutional question in the District, still they would not touch even slavery in the District. He was aware that, in consequence of the course he had taken on this occasion, he was to be attacked and denounced both in the House and out of it, as he had lately been denounced by the contemptible lick-spittle editor of the Baltimore Chronicle, as being a traitor to the interests of the South. Besides this, communications were sent from this Hall denouncing Mr. B., and every man who acted with him, and pronouncing high eulogies on those other gentlemen who were now so ready to press this question; and who was it to be supposed prepared these communications? Fortunately he had a pamphlet put in his hands, which would mark the individual who had been propagating these slanders. He wished the House to hear what this individual, who wished to be the now guardian of the interests of the South, through the medium of the press, had heretofore said. Mr. B. then read the following extracts from the pamphlet:

"I am here, then, to tell what *I know* to be true of a much-injured and deeply-calumniated man; and I know, as well as any, that of all men he need not fear that the truth should be told."

* * * * * * * * * *

"From his prison in Baltimore he was relieved by the noble benevolence of Arthur Tappan, who paid his fine in default of which he had been confined, and sent him once more to prosecute the self-denying errand upon which, with a full view of all the cost, he had voluntarily embarked."

* * * * * * * * * * *

"With a soul that, like the flower that emits fragrance from its wounds, only rose higher the more it was trampled upon, he came back to New England. He had felt, by experience, what before he had only imagined, and, imagining, had lifted up his voice against—the degrading pressure of bodily confinement; and now that voice was to be still more eloquently raised to crush a monster so cruel and yet so powerful. He established the 'Liberator' press in Boston, and has since been statedly and unwearyedly engaged in its editorship. This paper and its editor are now identified throughout our land with the subject of emancipation. Their names ring from northern Maine to southern Georgia; *the universal heart* of the colored population of the Republic throbs with joy at the mention of them; the wary, calculating, selfish supporters of the *colonization plot* (strengthened by an array of the names of some influential men who have been *cheated* into its support by the delusive promise of advantages that can never accrue) *are trave sing the land from North to South, from East to West, to counteract the influence they are calculated to obtain; while, at the mere articulation of these words ('Liberator'—'Garrison') the guilty conscience-stricken slaveholder howls forth maledictions upon both, and offers his blood-stained gold as a price for the Liberator's head.*"

* * * * * * * * * * *

"Never, in the whole of my experience in human nature, had I met with a man more purely conscientious than William Lloyd Garrison. Scrupulously regardful of The Right, I may truly say that I never knew him to do wrong. His intercourse with his fellow-men was always marked by a nice respect to the laws of courtesy, as far as these did not conflict with that more than paramount duty, *moral obligation*. He was a devout worshipper of Truth, as a principle, and he never compromised it from fear or favor. His intercommunication with his fellow-citizens was thus constantly characterized by a lofty independence which seemed rather that of the intellectual than of the physical man. His religion, to whose requisitions he was always cheerfully obedient, taught him humanity; and he *was* humble when contemplating his relation to his Maker and his fellow men. But when he felt himself called upon to vindicate suffering Truth—to throw himself into the arena of strife for the support of principle, to become the champion of moral and religious obligation—he was not, for then it would have been criminal to be humble or submissive. Having, by a careful and strict investigation of his positive and relative duties, arrived at a conscientious conviction of the rectitude of any particular path to be pursued, he fixed his eye resolutely on the high motive which urged him onward, as his polar star, and fearlessly trod therein, although his course might have been solitary."

Now, (said Mr. B.,) who do you suppose this was that spoke in this kind of style of Mr. Lloyd Garrison? This was the very man who had arraigned him for being wanting in friendship to southern men and southern rights; as would be seen by the following extract:

"At a meeting of the Board of Managers of the Maine Anti-Slavery Society, holden at Portland, at the Christian Chapel, on Friday, November 1, 1833, General Fessenden in the chair—

"*Voted*, That James F. Otis, Esquire, be requested to furnish a copy of the address, just delivered before this board, for publication.

"Attest: DANIEL C. COLESWORTHY,
Recording Secretary."

Mr. B. had been informed that this individual acted in concert here with a certain party from the South to make the southern people believe that Mr. B., and those who acted with them, had deserted the interests of the people of the South; that this man was the eulogist of every member that belonged to a certain party, and the denouncer of Mr. B. and every one who acted with him, in taking a stand for the people of the South. Mr. B. did not know whether these circumstances were true, as he held no communication with this person, and he would warn other southern gentlemen to beware of such men.

There was another paper printed in this city which propagated these slanders, the editor of which had been striving—for four long years had been striving—to get up a difficulty between the North and the South. Mr. B. said there were many other passages in the pamphlet he had read, which were more calculated to excite the feelings of southern men than the ones alluded to. He had read enough, however, to mark the individual, if he be the man; and common report said he was the one who had been endeavoring to set southern gentlemen by the ears. Attempts had been made to cast imputations on the party with whom he acted in relation to this subject; and if it was not out of order, he would call upon the chairman of the committee who had made this report to say what party had generally introduced these abolition memorials, and what number of those that belonged to the party with which he acted had signed them.

Mr. PINCKNEY, in reply to this call upon him, declined giving any explanation. He could not do so, consistently with a sense of propriety, upon the call of an individual member. If the House required it, he would state all that he knew respecting the memorials, but not otherwise. He had examined them very carefully, and had made a schedule of the places and States they came from, and of the aggregate number of memorials and signatures. He had nothing to do with party, in reference to slavery, and therefore would not say anything that might have the remotest tendency to excite any party feeling on the subject. It was not amiss, however, he thought, to state that the whole number of memorials presented to Congress this session amounted to one hundred and seventy-six; that they came from ten States, embracing an aggregate population of nearly eight millions; that the whole number of signatures was about thirty-four thousand; and that of those more than two fifths were females. He thought these facts ought to be known. The people of the South ought to know everything respecting these memorials. They could see the immense disproportion between the millions of freemen who are determined to maintain their constitutional obligations to their southern brethren, and the band of incendiary agitators who would trample on all laws, human and divine, in the relentless prosecution of their diabolical designs. He believed that there never was a healthier tone of sentiment in the non-slaveholding States, in reference to the domestic institutions of the South, than at this moment. There was, unquestionably, abundant reason for vigilance and caution in relation to the fanatics; but there was also abundant reason to rely on the enlightened patriotism of the non-slaveholding States. There are great moral causes at work in favor of the South. We should trust their efficacy, and watch their progress. The people of the non-slaveholding States are alive to the dangers connected with this question, and they are generously fighting the battle of the South. They should be encouraged by confidence and gratitude, not repelled by vituperation and suspicion. Mr. P. said he deeply regretted that inflammatory discussion had again arisen upon this matter. He should do nothing to continue it. He had always deprecated the agitation of slavery in the Halls of Congress. He hoped the subject would soon be disposed of, and that peace might be restored to the South and to the country. While he was up, however, with the permission of the House, he would inquire of the honorable member from Virginia whether it was his desire to press his amendment to a vote?

Mr. ROBERTSON replied, unquestionably it was.

Mr. PINCKNEY then said, if that was his object, and a vote should be taken, he should certainly vote for the amendment. Mr. P. held, and always had held, that Congress possesses no constitutional authority to abolish slavery in the District of Columbia. He thought it susceptible of demonstration. It had been his opinion, long before it was ever talked of by many who now ride upon it as a hobby. The gentleman had said that the report gave up the constitutional question. It does no such thing. It asserts distinctly the contrary, considering Congress as the national Legislature of the Union. As regards its power as a local Legislature, no opinion is expressed. Congress remains uncommitted upon that point. No decision has ever been made upon it by either House; and why should a decision be called for now? What would be thought of any southern man who should move the resolution declaring that Congress does possess power to abolish slavery in the District of Columbia? Now, he had no doubt, that if the House were pressed to vote upon a resolution denying such power, it would be rejected, and most probably by a large majority. He did not *know* the fact of course, as no man can *know* anything that has not actually taken place; but it was his decided conviction, that such would be the result. The South would be beaten, as it had been in the Senate on the question of reception. One defeat was enough. He did not desire another. That was the reason he had avoided pressing the House upon the abstract questions of the right of petition, and the actual authority of Congress over slavery in the District.

Mr. P. had no doubt that the South would have been beaten upon both grounds, because he knew that the South itself was divided on those questions. The vote in the Senate proved that distinctly. But, in this case, the result, if given against the South, would be far more fatal than ever on the question of reception. It was an established parliamentary principle, that where a motion is made to *disagree* to a proposition, and *that* is rejected, it is in effect *a vote to agree to it;* and upon the same principle a refusal to reject is a vote to adopt, and a *refusal to deny is a vote to affirm.* It follows clearly, therefore, that to offer a disclaimer of authority, not only with the moral, but almost with the absolute certainty that it will be rejected, is literally tantamount *to calling upon Congress to affirm that it does possess this dangerous authority.* And why should any southern man do that? Why force the House to assert a power it is unwilling to assert? Why compel it to take ground against the South, and in favor of the fanatics, when, if left to itself, and its mode of operation, it would take very strong and decided ground in favor of the South, and against the views and objects of the fanatics? What good would this do to the citizens of this District, or to the slaveholding interest throughout the Union? On the contrary, every man must see that it would give a most animating impetus to abolition, and place the peace and property of the citizens of this District in imminent jeopardy; and not only that, but the people of the South, considering an open assumption of authority over slavery in the District as almost identical with a declaration of hostility against the institution of slavery in every

other portion of the Union, might be inflamed to measures of violence, in vindication of their rights, for which there neither is, nor will be, the slightest shadow of necessity. Mr. P. said he did not impute any such objects to the honorable member from Virginia—certainly not; but he looked to the tendency of his movement, which he could not but consider as most disastrous to the South.

As matters now stand, everything is operating favorably to the South. The Senate, by a large majority, has rejected the prayer of the abolition memorials. This House has adopted resolutions pledging the national faith not to interfere with slavery in the District of Columbia. The tone of public sentiment is sound and patriotic in all the non-slaveholding States. The South, so far, is victorious, and everything goes well for her advantage and security. Why, then, press this abstract question now? Why force a battle upon a ground no way necessary to the safety of the South, and with a moral certainty of being driven from it? Is it for the purpose of party agitation? Is it for the purpose of exciting the South, with no shadow of necessity for such excitement? He could not believe it. What then? The gentleman says a pledge of the public faith signifies nothing! Indeed! What, then, would a resolution of disclaimer signify? If the House can rescind the one, so it can rescind the other. But the House would be much more likely to rescind a mere disclaimer of authority, which is nothing more than an expression of opinion upon an abstract point, than it would be to violate a solemn pledge of the national faith, which it could not do without shocking the moral sense of every well-regulated mind, and degrading itself in the estimation of the whole civilized world by the palpable commission of an act of perfidy. Mr. P. said he had no fear of any such atrocity. He considered the question settled. The Government had made a solemn covenant upon this subject with the slaveholding States. Congress might violate the Constitution; it could not, would not, violate the public faith. It was bound hand and foot. The South had nothing now to fear, except from those who are determined to continue the agitation of slavery for the purpose of excitement. Abolitionism has attained its height. It has begun to go down, and will soon disappear entirely, if we do not fan the flame ourselves, and will only allow our friends in the non-slaveholding States to fight the fanatics in their own way, and not trammel them in their operations by mixing up extraneous and unnecessary questions with the subject of abolition. One word more, (said Mr. P.,) and I have done. I have been charged with misrepresenting the South. All that I ask is, that those who make the charge will allow the report to be printed, that the people of the South may read it and judge for themselves. I do not pretend to be *the South*, nor will I admit that any five or six men here constitute the South either, however they may be styled by certain papers the South—the exclusive champions and immediate representatives of the South. Let the people read the document. That is all I ask; and then we shall see who is most faithful to the slaveholding interest—the humble individual who presented that report, or those who opposed its printing, and would rather have burnt it than allowed the people of the South to read it.

Mr. BYNUM said he had asked the gentleman from South Carolina for the facts; but, as he did not choose to give them to him, he was satisfied. His object was to have these facts laid before the people for their decision, instead of the bold assertions that were made in that House and elsewhere without a single shadow of proof to support them. He wished to know the facts, in justification of the party with which he acted, and to have it demonstrated whether the abolition petitioners belonged to the Democratic party, or to the other parties which acted in opposition to it. Mr. B. believed that four fifths or five sixths of the abolition petitions had come from individuals opposed to the Democratic party; yet they were charged, day after day, by such men as the eulogist of Arthur Tappan, with aiding in keeping up the excitement, and with deserting the interests of the South. He asked the gentleman from Virginia [Mr. ROBERTSON] what object he had in view in pressing his resolution? He believed that gentleman had stated that the report did not go far enough, and would not give peace to the South. Now, he asked the honorable gentleman if his resolution would give peace to the South? He feared not. The gentleman could not suppose that it would pass; he had too much intelligence to think so.

Mr. B. said, as a southern man, he would go as far as him who went furthest in defense of southern rights; but he protested, on behalf of the party with whom he acted, (and, thank God, he acted with the majority on that floor,) against the policy adopted by those persons who had taken upon themselves to be the peculiar guardians of the South. He had not listened to all the details of the report, as he thought that it was to take the usual course, and be printed, so that he would have an opportunity to read and deliberate upon it; and he expected, after this deliberation, that he should have been prepared to vote understandingly on the subject; and the contrariety of opinions with respect to this report was sufficient evidence that it should be printed in some shape or other, so that gentlemen could have an opportunity of examining it. He did not care whether they had printed five thousand, ten thousand, or twenty thousand copies; but he wanted it printed for his own benefit, and for the benefit of the people of the country.

Mr. ROBERTSON replied to the remarks of the gentlemen from North and South Carolina, [Messrs. BYNUM and PINCKNEY.] He had been asked upon what consideration he had proposed his resolution, while at the same time both of the gentlemen had avowed themselves favorable to its adoption. He had submitted the resolution because it was obviously just and proper. He set up no pretension to speak exclusively for the South, and had merely asked the sense of the House upon a proposition which was almost unanimously approbated by the people of the State which he had the honor in part to represent.

Mr. R. next replied to the argument of impolicy in adopting his resolution. He inquired if it was impolitic to vindicate the rights of the South? Was there any propriety in deserting them? But it was said that a majority of the House was opposed to the proposition which he had submitted. He was not aware how that fact had been ascertained; but, even if true, why should it be concealed? Where was the harm or danger of letting that fact be made known?

Mr. PINCKNEY explained. He did not say that he knew of his own knowledge that the resolution would be negatived. He merely apprehended that such would be the case. As the matter now stood, Congress was uncommitted on the subject.

Mr. ROBERTSON was opposed to all non-committals. If the resolution should be rejected, it might then be proper to apply for an amendment of the Constitution, so as to place this District upon the ground it ought to occupy in reference to the question of slavery.

The gentleman from South Carolina, [Mr. PINCKNEY,] in reply to a question of the gentleman last up, had stated that thirty-four thousand signatures were appended to the abolition memorials referred to the committee, fifteen thousand of whom were females, and he conjectured that many others were children, although there was no evidence adduced that such was the fact. It might be safely affirmed that there were nineteen thousand male subscribers to these petitions, who, for aught they knew, were voters, or would soon possess that privilege, and whose influence it was not for him to measure. These constituted the bold, the daring, and the reckless of the Abolitionists. They had many secret friends, whose names did not appear upon these memorials, and there was doubtless double, treble, nay, quadruple the number of Abolitionists which had been mentioned. He repeated what he had said on a former occasion, that this formidable band of Abolitionists had, by the report of the committee, obtained all they expected. They knew they could not now procure a vote of Congress abolishing slavery in this District. This was not the right time for them to attempt carrying a measure of this sort. They had, however, succeeded in getting up agitation from one end of the country to the other, and this report was calculated to excite rather than to allay this agitation.

Mr. R. urged a variety of considerations in favor of the adoption of his resolution, as a measure demanded by the interests and security of the South; but before he had concluded his remarks, the hour arrived for proceeding to the consideration of the special order of the day.

On motion of Mr. MILLER, and by general consent, the usual number of the report made by Mr. PINCKNEY, on the subject of abolition, was ordered to be printed.

POST OFFICE DEPARTMENT.

The House then, in execution of the special order adopted some days since, on motion of

Mr. CONNOR, resolved itself into the Committee of the Whole on the state of the Union, (Mr. SUTHERLAND in the chair,) and took up the bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof.

Mr. CONNOR remarked that he should not then take up any time in detailing the provisions of the bill, but would merely state that the bill had been drawn up with great care, and had been unanimously reported by the Committee on the Post Office and Post Roads. He moved that the bill be taken up by sections, adding, that he was instructed by that committee to move a variety of amendments, which he should do as the sections were reached.

The bill was accordingly taken up by sections, and various amendments, moved by Mr. CONNOR, were agreed to without a division.

Mr. EVERETT moved to amend the eighth section, which provided for the appointment of "an Auditor of the Post Office Department," by striking out these words, and insert "a Sixth Auditor of the Treasury;" and further amend the clause by making the said officer perform his duties at the requirement of the "Secretary of the Treasury;" instead of the "Postmaster General," as in the bill. Mr. E. briefly explained the object of his amendment to be to disconnect the Post Office Department from the Treasury.

Mr. CONNOR remarked that, though there was no particular objection to the plan proposed, yet he did not think it would work as well as the proposition of the committee. It seemed to him that the connection between the Post Office Department and the Auditor was necessarily closer than between the Treasury and the Auditor.

Mr. WILLIAMS, of North Carolina, was in favor of the amendment, on the principle that the duties of the Auditor peculiarly belonged to the Treasury Department, and to the Secretary of the Treasury he should be responsible.

Mr. BRIGGS briefly opposed the amendment.

Mr. MANN, of New York, thought the amendment unnecessary, even to effect the object the gentleman from Vermont had in view. He said the object of the committee had been to render the Post Office Department independent of the other Departments, and this had been carried out where practicable. In the case of the Auditor, he had been placed as independently as possible from responsibility to the Postmaster General, except in one instance. The object was to keep the funds of the Post Office Department distinct, so that they should not be mixed up with the general funds of the country, and thereby provide an effectual check for the disbursements.

Mr. PARKER was in favor of the amendment, because a more effectual check would be provided upon the Postmaster General, by making the auditor responsible to the Secretary of the Treasury, than by keeping him subordinate to the former, which would be no check at all.

Mr. JOHNSON, of Tennessee, was compelled reluctantly to admit that neither the original section, nor the amendment, met his approbation. He saw no necessity for having an additional Auditor at all, for he was convinced the duties could, and would be performed, if the House ordered it, by the Fifth Auditor, assisted by the officers of the Post Office Department; and let that officer be called the Auditor of the Post Office Department.

Mr. PEARCE, of Rhode Island, said that if they reorganized this Department they ought to

take care to provide the most effectual checks. He was, however, prepared to say that what was contemplated by this bill would, in effect, be no check at all; inasmuch as all the officers, the Auditor included, were to be nominated in the first instance by the Postmaster General, to whom they were all responsible, and it would be absurd to suppose that any check could be secured under such a system.

[A message here arriving from the Senate, the Speaker resumed the Chair, and the message was announced, informing the House that the Senate insisted on their amendment to the bill to authorize the President of the United States to accept the services of volunteers, and had appointed a committee of conference on their part.

Mr. SPEIGHT hoped the House would, by general consent, take up and consider the amendment.

Mr. LEWIS moved that the House agree to the appointment of a committee of conference, which was agreed to unanimously, and the committee on the part of the House ordered to consist of five members.]

Mr. SMITH said he had found it oftentimes very difficult, in the short experience he had had, to rightly comprehend the provisions of any bill that might be under consideration; and still oftener most difficult to comprehend the arguments of gentlemen upon this floor. If he rightly understood the provisions of the bill now before the committee on the one hand, and rightly understood the arguments of the gentleman from Rhode Island [Mr. PEARCE] on the other hand, he could not possibly conceive the applicability of the one to the other. The gentleman from Rhode Island objects to the provision of the bill, on the ground that it makes the proposed new officer, the Auditor, the creature and dependent of the Postmaster General. And how will he be the creature of the Postmaster General? Why, says the gentleman, he will be designated by the Postmaster General to the President, and upon such designation he will be appointed by the President. This, it is said, will defeat the object desired in the creation of an Auditor, as it will destroy the check desired to be secured upon the revenue accounts of the Department. Now, to me, it appears, from the little examination I have been able to give the provisions of the eighth section of this bill, that the most independent and effectual check will be secured, and of the very character which the gentleman from Rhode Island seeks. He must have overlooked one of the most important features of the bill, relating to the selection and appointment of the officer proposed.

The bill nowhere provides that the Auditor shall be designated to the President by the Postmaster General. But even if the Postmaster General should be consulted by the President in the selection of the officer, as it may be usual to consult other heads of Departments, in the selection of subordinate officers in those other Departments, still the bill provides that the appointment shall be made by the concurrence of the Senate, another coördinate, yet independent branch of the Government. The language of the eighth section of the bill is, "that there shall be appointed by the President, *with the consent of the Senate*, an Auditor of the Post Office Department, whose duty it shall be," &c. This, sir, is the most efficient check upon the selection of this officer, which has been adopted in relation to the appointment of the Comptrollers and Auditors of the other Departments of the Government; and to me it appears the most efficient that can be conceived under the Constitution. It renders the Auditor entirely independent of the Postmaster General for his appointment and place, and I think the whole arrangement of his duties most judiciously and happily conceived and provided in this bill. He said, from the examination he had given the bill, he was unable to discover that the Auditor would be, in any one important particular, subject to the dictation or control, in any way, of the Postmaster General. It is true that, by the eighth section, he is to submit certain forms for doing business relating to the revenue of the Department to the Postmaster General, and the latter has a negative upon their adoption. But in the selection of the Auditor, and in the execution of his duties, he is made above the dictation and control of the head of the Department, in all respects. I know not how such an office could be built up, attached to the Department, in a state of greater independence. If, then, the point be established, that such an officer is essential to the Department, all the checks which are desirable to be centered in him upon the Department are secured by the bill.

Upon the other point, sir, which has been suggested, that an auditor already provided by law can perform all the duties of the proposed officer, not now having his appropriate quantum of duties to perform, I am uninformed, and have no opinion. For if there are gentlemen upon this floor, who are informed upon this point, they can readily offer their amendment to conform the provisions of this bill to such a state of things, and assign the proposed duties over to the existing auditor, without throwing any impediment in the way of passing this bill.

Mr. HARPER said he would, when in order, move a further amendment, to strike out "Postmaster General" in the twenty-fourth line, and insert "Secretary of the Treasury," and to add the latter words in the nineteenth line. The effect of this amendment was to make the auditor accountable to both these heads of the two Departments. With regard to the appointment of clerks, he held that the head of every Department should have the appointment of all the clerks and subordinate officers employed therein.

Mr. EVERETT then modified his amendment, so as to make it read "a Sixth Auditor of the Treasury for the Post Office Department."

Mr. MANN, of New York, believed there would be no objection to the amendment so modified.

Mr. JOHNSON, of Tennessee, again opposed the amendment. He wished the Department to have an auditor, but there was no occasion for creating a new office for the purpose. He was convinced that the duties of the Fifth Auditor might be doubled, and the work could and would be easily done.

Mr. BRIGGS moved to amend the amendment by striking out the word "sixth;" which was lost.

The first part of the amendment of Mr. EVERETT was then agreed to; and Mr. E. withdrew the other for the present.

Mr. JOHNSON, of Tennessee, moved that hereafter the Fifth Auditor of the Treasury should be called the Auditor of the Post Office Department; that he should perform the duties thereof; and that the duties now performed by him should be transferred to the offices of the First and Second Auditors.

The Chair decided this amendment to be out of order, as the one of the gentleman from Vermont had been agreed to.

Mr. McKENNAN then moved a reconsideration of the vote by which the former had been adopted; which was agreed to; and Mr. JOHNSON then made his motion.

The amendment was advocated by Messrs. JOHNSON of Tennessee, MERCER, HARPER, and McKENNAN; and opposed by Messrs. ADAMS, MANN of New York, and CONNOR.

Mr. JOHNSON inquired of the chairman of the Committee on the Post Office, what increase of expenditure was involved in the provisions of this bill?

Mr. CONNOR replied, a very trifling one. The only additional officers proposed were a Third Assistant Postmaster General, and an Auditor, whose salaries would be whatever Congress might think fit to appropriate therefor.

Mr. JOHNSON had gone through the bill; and, unless he was mistaken, it involved an annual augmentation of expenditure to the amount of about $70,000.

Mr. CONNOR replied that the whole amouut would be probably $6,000 a year, viz: $3,000 each to the Assistant Postmaster General and the Auditor.

Mr. MANN, of New York, could assure the gentleman, that the only additions made to the bill were those indicated by the honorable chairman, [Mr. CONNOR.]

After a few further remarks from Mr. JOHNSON, Mr. MANN, and Mr. CONNOR, the amendment was rejected, and the amendment of Mr. EVERETT was, as before, agreed to.

Mr. GILLET moved to strike out that part of the proviso of the 8th section, giving the Postmaster General, or any person whose account shall be settled, and who shall be dissatisfied therewith, the power to appeal to the Comptroller of the Treasury within six months, whose decision shall be final and conclusive. Mr. G. stated that his object was, that every account should go before the Comptroller without the form of an appeal, which would be embarrassed by rules. He thought the provision unnecessary, and being limited to six months, might be very prejudicial to persons at a distance. Mr. G. also moved to insert an amendment to leave the whole matter to the Comptroller.

Mr. MANN, of New York, remarked that the amendment of his colleague, if adopted, would require a new office and twenty additional clerks.

The amendment was then rejected.

Mr. HARPER then moved the first branch of the amendment of which he had given notice above, and after a few remarks from Mr. HARPER and Mr. ADAMS, it was rejected.

The second branch of Mr. HARPER's amendment, being substantially the same as the second part of the amendment which Mr. EVERETT had moved, was agreed to.

Sections from nine to eighteen inclusive, were severally agreed to with some immaterial amendments.

Mr. EVERETT moved to amend the nineteenth section so as to give the appointment of all the Assistant Postmasters General to the President of the United States, by and with the advice and consent of the Senate, instead of, as under the bill, to the Postmaster General.

Mr. HALL, of Vermont, opposed the amendment, because he thought the appointment of the subordinate officers should be left to the heads of the Department in all cases.

Mr. JOHNSON, of Tennessee, saw no reason for appointing an additional Postmaster General at all.

Mr. CONNOR concurred with the amendment, and stated that it was an oversight on his part that the provision was not pursuant to the amendment in the bill.

Mr. EVERETT withdrew the amendment, intimating that he should renew it in the House.

Mr. JOHNSON moved to strike out that part of the clause appointing an additional Postmaster General; which was lost.

Mr. UNDERWOOD moved to strike out so much of the twenty-second section as authorized the Postmaster General to make extra allowances in certain cases; which was lost.

Mr. EVERETT moved to amend the twenty-third section of the bill, by adding a provisional clause, that the contracts in all cases should be awarded to the lowest bidder.

Mr. CONNOR said the effect of the amendment would be productive, in many instances, of great inconvenience, in consequence of the mode of "straw-bidding," some of the effects of which he described. Nominal, or straw-bids, were not unfrequently put in, for a motive well understood; and if the Postmaster General was compelled to take the lowest bids in all cases, an important route might be without a mail for eighty or ninety days.

Mr. EVERETT replied that the twenty-fifth section provided that the bidder should accompany his proposal by a written guarantee signed by one or more responsible persons.

Mr. MANN, of New York, saw no objection to the amendment providing that the guarantee should be signed by one or two postmasters.

The amendment was advocated by Messrs. BRIGGS, THOMPSON of South Carolina, HAWES, and ASHLEY; and opposed by Messrs. LANE, HOWARD, HUNTSMAN, and BOON; and was then agreed to.

Mr. EVERETT moved to amend the twenty-fifth section, by causing the bidder to give a guarantee of "two postmasters," instead of one or more responsible persons; which was greed to.

Mr. E. moved to strike out the twenty-sixth section, which was as follows:

SEC. 26. *And be it further enacted*, That no contract for the transportation of the mail shall knowingly be made by the Postmaster General, with any person who shall have entered into any combination, or proposed to enter into

any combination, to prevent the making of any bid for a mail contract by any other person or persons; or who shall have made any agreement, or shall have given or performed, or promised to give or perform, any consideration whatever, or to do or not to do, anything whatever, in order to induce any other person or persons not to bid for a mail contract. And if any person so offending be a mail contractor, he may be forthwith dismissed from the service of the Department.

Mr. MANN, of New York, and Mr. BRIGGS, opposed the motion.

Mr. WISE recommended that the gentleman from Vermont amend the section rather than to strike it out, so as not to leave so great a power in the hands of the Postmaster General arbitrarily. He would prefer the existence of combinations than to leave so much power in the hands of that officer without limitation.

Mr. BRIGGS said somebody must be left to determine, and the section was sufficiently explicit in terms. There could not, he thought, be a tribunal instituted for the inquiry into this matter, and he hoped the section would be retained.

Mr. WHITTLESEY, of Ohio, thought this section of the bill absolutely necessary for the proper administration of the Department; and, upon reflection, he hoped the gentleman from Vermont would withdraw the motion.

Mr. HALL moved an amendment to the section, giving the person offending the privilege of defending himself; and, also, that depositions should be taken, &c.

Mr. GRAVES moved to amend the amendment by restricting the Postmaster General in the exercise of the power conferred upon him by the section, except upon written evidence before a tribunal authorized to administer an oath, and only then, upon due notice.

Mr. ADAMS disapproved of the amendments, and the section also, for it was giving too great a power to the Postmaster General, and he was in favor of striking it out.

Mr. WARDWELL contended that the power embraced in the section was absolutely indispensable for carrying on the Department, and he hoped it would pass without amendment.

Mr. McCOMAS was in favor of compelling the Postmaster General to give his reasons for discharging a contractor.

Mr. GARLAND, of Virginia, entered into a review of the section, which, (he said,) under the fairest construction, was strangely incongruous. He thought the best provision would be to make it the duty of the Postmaster General to require every mail contractor to file his affidavit, that he had no connection with these fraudulent combinations, and if the individual was guilty of perjury let him be prosecuted by the United States attorney.

Mr. GRAVES then modified his amendment by including therein the suggestion of the gentleman from Virginia.

The discussion was further continued in opposition to the amendment by Messrs. BRIGGS, JUDSON, and LANE, when the amendment was negatived, as was the other amendment.

The section was then agreed to.

On motion of Mr. CONNOR, the following section was stricken out:

SEC. 31. *And be it further enacted*, That no letter or packet, containing any bound book, or any article of wood, metal, mineral, or glass, shall be carried in the mails; and if any such letter or packet shall be placed in any post office for transmission by mail, it shall be retained by the postmaster, and returned to the person from whom it was received.

On motion of Mr. PARKER, the thirty-fourth section was so amended as to require that each postmaster hereafter appointed should be an inhabitant of the place wherein the appointment was made.

The bill having been gone through,

Mr. CONNOR, from the Committee on the Post Office, proposed the following as additional sections of the bill:

SEC. 38. *And be it further enacted*, That, from the 31st day of December, 1836, the following rates of postage shall be charged upon all letters and packets carried in the mail of the United States, excepting such as are by law exempt from postage, to wit:

For every single letter, or letter composed of one piece, carried not exceeding fifty miles, five cents; over fifty, and not exceeding one hundred miles, ten cents.

Over one hundred, and not exceeding two hundred miles, fifteen cents.

Over two hundred, and not exceeding four hundred miles, twenty cents.

Over four hundred, and not exceeding eight hundred miles, twenty five cents.

Over eight hundred miles, thirty cents.

And for every letter or packet composed of two pieces, double these rates; and for every letter or packet composed of three pieces, triple these rates; and for every letter or packet composed of four or more pieces, quadruple these rates: *Provided*, That all letters and packets of one ounce avoirdupois in weight, or more, shall be charged single for every quarter of an ounce.

SEC. 40. *And be it further enacted*, That in case the Postmaster General shall deem it expedient to establish an express mail on horseback, in addition to the ordinary mail on any of the post roads in the United States, for the purpose of conveying slips from newspapers in lieu of exchange newspapers, or letters, other than such as contain money, not exceeding half an ounce in weight, marked "express mail," and public dispatches, he shall be authorized to charge all letters and packets carried by such express mail with triple the rates of postage to which letters and packets, not free, may be by law subject, when carried by the ordinary mails.

SEC. 43. *And be it further enacted*, That the Postmaster General shall be authorized, in his discretion, to contract for carrying the mails on the navigable canals of the several States, in all cases where, in his opinion, the public interest and convenience shall require it, and for the time during which mails may be carried on such canals, or any parts thereof, the same are hereby declared to be post roads.

Several other additional sections in relation to the regulation of the Post Office Department were then, on motion of Mr. CONNOR, agreed to.

Mr. SHIELDS offered an amendment of great length, prohibiting the circulation, through the mail, of incendiary publications, prints, &c. Mr. S. said, as he wished to enter into the subject at length, he moved that the committee then rise, report the bill to the House, and ask leave to sit again; which was lost—ayes 58, noes 71.

Mr. S. proposed to lay aside this bill, and proceed to the consideration of the post route bill; which was negatived.

At the request of Mr. LOVE, Mr. SHIELDS withdrew his amendment for the present.

The last amendment, authorizing the Postmaster General to contract with railroad companies, &c., having been amended as to the price to be paid, on motion of Mr. MANN, of New York,

Mr. BELL moved a substitute to the whole clause, to repeal all laws prohibiting private individuals or companies from carrying letters for hire, and proceeded at length to address the committee in support of the motion.

Messrs. MANN of New York, and HAWES, briefly opposed the amendment.

The debate was further continued by Messrs. BELL, WISE, and HAWES, when the amendment was negatived without a count.

Mr. MANN, of New York, submitted the following amendments:

Amend the nineteenth section in the last line by inserting "three," instead of "two," and by adding the words, "and two watchmen."

Add the following sections to the bill:

And be it further enacted, That the following annual salaries shall be allowed to the Assistant Postmasters General and to the clerks, messengers, and watchmen, provided for the service of the Post Office Department, to be paid at the end of each calendar month, viz:

To the three Assistant Postmasters General, each $3,000.
To the chief clerk, $2,100;
To the three principal clerks, each $1,700;
To ten clerks, each $1,400;
To fifteen clerks, each $1,200;
To eight clerks, each $900;
To the messenger, $900;
To the three assistant messengers, each $600;
To the two watchmen, each $300.

Be it further enacted, That the following annual salaries shall be allowed to the auditor of the Post Office, superintendent, and to the clerks and messengers herein provided for the service of his office, to be paid as aforesaid, viz:

To the auditor, $3,000;
To the chief clerk, $2,000;
To the four principal clerks, each $1,700;
To ten clerks, each $1,400;
To twenty clerks, each $1,200;
To eight clerks, each $900;
To the messenger, $900, and to the assistant messengers, $600.

After a few remarks by Messrs. JOHNSON of Tennessee, GRANGER, and MANN of New York, the amendments were concurred in—ayes 75, noes 61.

Mr. SHIELDS renewed the amendment heretofore offered by him in relation to the transmission of incendiary papers, &c., through the mails, and moved that the committee rise and ask leave to sit again; which was agreed to—ayes 78, noes 53.

The committee accordingly rose, and reported progress.

Mr. MANN, of New York, moved to discharge the Committee of the Whole from the further consideration of the bill for the purpose of bringing it into the House, and having it printed.

Mr. STORER moved an adjournment; which was negatived—ayes 63, noes 81.

The SPEAKER decided the motion of Mr. MANN out of order.

Mr. MANN then moved to suspend the rules for the purpose of submitting a motion to proceed on to-morrow, from eleven o'clock, with the two bills in relation to the Post Office Department; which was agreed to, and the motion was made and carried.

Mr. MANN, by consent, moved that the bill and amendments in relation to the organization of the Post Office Department be printed; which was agreed to.

The House then, at seven o'clock p. m., adjourned.

IN SENATE.

FRIDAY, *May* 20, 1836.

Mr. LINN presented the petition of John Moore, and others, praying, for reasons therein set forth, to be released from the payment of a judgment recovered against them by the United States; which was referred to the Committee on Claims.

Mr. CALHOUN, from the committee of conference appointed on the part of the Senate to confer with a committee of the House on the disagreeing votes of the two Houses as to the Senate's amendment to the bill authorizing the President to accept the services of ten thousand volunteers for the defense of the western frontiers, reported that the committees of the two Houses had had a meeting, but that they had not been able to effect the objects for which they were appointed, having sat the whole day without coming to any agreement whatever.

Mr. KING, of Alabama, (from the same committee,) observed that it was true that they had come to no agreement on the point at issue between the two Houses, inasmuch as some gentlemen seemed to think that they had the whole bill under consideration, and that they had the power to modify it at pleasure. He hoped that when the Senate again appointed a committee of conference, they would appoint gentlemen who would be willing to confine their deliberations to the subject of disagreement, and not think themselves authorized to take the range of the whole bill.

Mr. CALHOUN replied that the committee did confine themselves to the subject of disagreement until, finding that there was no possibility of coming to an agreement on that point, they entered into a more enlarged discussion, for the purpose of ascertaining whether the bill could not be so framed as to meet the concurrence of both Houses. His understanding was, that when a committee of conference came to a proposition that could not be agreed on, the whole subject was open to them.

Mr. KING recollected exactly the state of the case. The proposition last made was, that they should extend the term of service of the militia force of the United States for a year, instead of its being a volunteer militia force. This was the last subject of conference; and after talking until half past five o'clock, the committee found that they could come to no agreement whatever.

Mr. CALHOUN said it was true that that proposition was made, but another one was also made, and that was, that the President should receive these volunteers from the States by battalions, regiments, and brigades, officered by the States. The committee of the other House was unanimous in the opinion, that it was unconstitutional for the President to officer this force, unless it was made a part of the regular army, and that then he must appoint the officers in the same way that other officers of the regular Army are appointed. He must say that this bill had been passed under the pressure of very extraordinary circumstances, and that, consequently, that consideration was not given to it in particular that its importance deserved. It had been called up by the Senator from Alabama, under the apprehension of a Creek war, and its immediate passage

was urgently insisted on. They were told that there were precedents to sanction it; but on examination he found that there was not one. The precedent referred to was the volunteer bill of 1812, which was passed the very day preceding the adjournment of Congress. By it, authority was given to the President to commission these volunteers; but on what condition? Why, on the condition of enrollment. The bill provided, that after these companies should be organized, and their services accepted, they should enroll themselves as part of the Army, and then, and not till then, the President was to commission them.

Now, he would ask gentlemen to consider the difference between this bill which had been cited as a precedent, and the one before them. By the present bill, they were to have a dormant military force in the country, mixed up with the militia; and this dormant force was to be officered by the President, to mingle with our citizens, entirely contrary to the provisions of the Constitution. They ought to be cautious how they established precedents. They all remembered the circumstances under which this volunteer bill of 1812 was passed. Unfortunately, some of the New England States held up their militia, and Congress wanted to get that military force without going to the Executives of those States for them. They authorized the President to accept the services of this militia in companies; and what was the next step? It was first to enroll, and then commission them. And what was the next step now? We get (said Mr. C.) a military force mixed up with the citizens of the United States, not organized as part of the standing army, but officered by the President, thus having, at the same time, two militia forces, one officered by the States and the other by the President. Again, the power of appointment of the subordinate officers was virtually taken from the President and given to the men. He wished to know the necessity for this departure from the Constitution. The gentleman from Alabama said, that the mode of appointment provided by the bill would render the force more effective. Why should it be so? Why would a force officered by the President be more effective than one officered by the States? He did not think that the description of force contemplated by the bill could be raised. The difficulty would be in getting the men to enroll themselves; for officers who were in the late war said that the same thing had been ineffectually tried then. There were but two ways of getting men for a military force; the one was by volunteers raised on the spur of the occasion; and the other was by enlisting men for the regular Army from the dregs of society. Now, the men could not be raised under the provisions of this bill, and the result would be that there would be a multitude of officers appointed by the President, and no men to be commanded by them.

The CHAIR here stated that the debate was irregular, the message of the House on the subject of its disagreement not being before the Senate.

Mr. KING, of Alabama, to give the Senator from South Carolina an opportunity of continuing his speech, moved to take up the message of the House with the amendment; which was disagreed to.

The message of the House was then received, stating that that body insisted on its disagreement to the amendment of the Senate.

Mr. CALHOUN moved that the Senate also insist on its amendment, and that it ask for another committee of conference.

Mr. KING said, although the committee were very unfortunate in their conference upon the disagreement between the two Houses, yet he still hoped they might come to some conclusion in a matter of such vital importance as this. He could not assent to the declaration of the Senator from South Carolina, [Mr. CALHOUN,] that this bill was forced on the Senate by surprise. It was sent from the other House, and was some time under discussion before the Senate. It was time it was acted on with dispatch, as it ought to be, for the bleeding citizens of our frontier demanded it, and it passed without opposition even from the Senator from South Carolina [Mr. CALHOUN] himself. He hoped one more effort might be made, so that we might have a force in the field sufficient to meet the emergency.

Mr. CALHOUN said there had not been, nor should there be, anything wanting on his part to give a safe, prompt, and efficient force for the protection of the frontiers. If the gentleman from Alabama believed, that for the sake of having an efficient force these volunteers should be officered by the President, he had wholly overlooked the Constitution. He entertained the deliberate opinion, that this bill was wholly unconstitutional, and was not supported by a single precedent. In reply to the Senator from Alabama, he asked if it was not under the pressure of extraordinary circumstances that this bill was called up and hurried through?

Mr. BUCHANAN said that he had been a member of the committee of conference; and if a second committee should now be appointed, he hoped he would be excused from serving upon it. He did not believe that the appointment of the same committee by the Senate and the House could result in any practical good. They had been busily engaged in the conference chamber until a late hour yesterday, and when they had separated they were further, if possible, from agreeing, than when they had first met.

For his own part he could not feel the force of the constitutional objections which had been made by the Senator from South Carolina, [Mr. CALHOUN.] It was true that the amendment which had been proposed by the Senate to the bill of the House was somewhat vague and ambiguous in its terms. He had thought, at one time, during the conference, that we should have agreed upon an amendment to the Senate's amendment, which would have made the bill much more explicit, and would have removed all the constitutional objections of the gentleman. When it came to the final vote, he found that he had been mistaken.

The amendment proposed in the committee of conference provided that none of the officers should be appointed by the President, until the volunteers were actually mustered into the service of the United States. Until that moment, the companies which might be formed would thus be considered as mere voluntary associations, under no pledge whatever, except that of honor, to enter the service of their country. When once, however, this pledge was redeemed—when they were mustered into the service—they became a portion of the army of the United States for the period of six or twelve months; and then there could not possibly be a constitutional objection to the appointment of their officers by the President. Congress possessed the power to raise armies in any manner they thought proper. Whether they obtained soldiers by individual enlistments, or whether the patriotic young men of the country chose to associate together as volunteers, and come in masses, we had an equal right to receive them. The one mode of obtaining soldiers was just as constitutional as the other.

The amendment which had been proposed, whilst it practically insured to the companies the selection of their own company officers, did not interfere with the constitutional powers of the President. The volunteers themselves were to designate such officers; and if the President approved of such designation, these officers would be appointed. This would be the best and strongest recommendation which could be presented to him; and, no doubt, he would always obey the wishes of the companies, unless in cases where powerful and satisfactory reasons existed to render it improper.

Until these volunteers should actually enter the service, they would continue to be militia-men of the States, and liable to perform militia duty in the States. Their character would not be changed. They would not constitute a dormant standing army in the States, with officers appointed by the President, as has been urged, but would be mere associations, bound together by no law but that of honor. Such men would always be ready to obey the call of their country in case of necessity.

The Senator from South Carolina [Mr. CALHOUN] did argue that it would be a violation of the Constitution for the President to appoint these officers without the previous advice and consent of the Senate. Whatever doubt might have rested upon this point at the organization of our Government, this power had been exercised, over and over again, ever since the adoption of the Constitution, under all Administrations. The precedents were numerous. One act had been read, which passed during the late war, conferring upon the President, in express terms, the power of appointing all the officers of the military force to be raised under its provisions, but requiring him to submit these appointments to the Senate for their approbation at the next session. The very same thing was proposed to be done by this act, in regard to all the officers above the rank of captain.

He was afraid to trust his memory in attempting to state the proceedings of the committee of conference. So much had been said, that he could not, if he would, undertake to report it all. We did not confine ourselves to the point of disagreement between the two Houses; but almost every question relating to the military defense of the country had been ably and eloquently discussed. He had derived much information on this subject from the members of that committee.

There was one fact which he would mention, and which demanded the serious consideration of the country at the present crisis. A gallant and distinguished officer, who was a member of the committee, (General Ripley,) had stated, that, according to his recollection, the history of our Indian wars did not present a single case in which a volunteer force had been beaten by the Indians. Our disasters in this kind of warfare had always suffered by the regular troops. Our recent experience was certainly in accordance with this statement. This important fact, however, established the necessity of raising volunteer corps, in some form or other, composed of our brave and hardy youth, accustomed to the modes of Indian warfare, and who were able and willing to fight the Indians, man to man, according to their own custom. Such men would best protect our citizens from the ravages of the Indians, and would soon put an end to the Creek war.

He had said more than he intended, as his chief object in rising had been to request that he might not be appointed a member of the new committee of conference.

Mr. CALHOUN would have been glad if the Senator from Pennsylvania had stated the whole of his objections to this bill. He did object to the President's appointment of the officers in the recess; because he believed there was no necessity for giving him such powers. The volunteer bill of 1812, referred to as a precedent, was passed on the last day of the session, and there was therefore no time to have the appointments submitted to the revision of the Senate. But here there was no such exigency; if this force was to be at all valuable in the Creek war, they would certainly sit there long enough to provide for its constitutional organization. The Senator from Pennsylvania had omitted another of his objections. This bill conferred on the companies the power of appointing the officers, from the rank of captain down, and there was not the slightest authority for this in the Constitution. Remember, (said Mr. C.,) that this bill provides for an army of the United States: it can only be defended on that ground; and the bill conferred on the companies the power of appointing their own officers, while the Constitution provided that they should be appointed by the President, by and with the advice and consent of the Senate. The proposition was to treat all the officers, from captain down, as inferior officers, and this, too, in the regular Army; and to have them appointed by the President without the previous consent of the Senate. They well knew how an ambitious man would proceed, when he wanted to seduce the Army to aid his views. He would not go first to the general officers; it would be the subordinates that he would first practice on; Cromwell-like, he would take the corporals to his bed. The proposition was, in creating this regular Army, to confer on the President the power of appointing the officers of every grade.

A member of the committee of the other House, who was a distinguished officer of the late war, told them that it would be impossible to raise the force contemplated by the bill, as it now stood; that the experience of the late war had fully shown that but an inconsiderable force could be

raised in this way. This gentleman was most decidedly in favor of a volunteer force in the constitutional way. He said further, that if officered by the States, a trained force of twenty thousand men could be got in a very short time, without the least difficulty. Mr. C. believed that if the bill passed in its present form, there would be a multitude of officers, without men to be commanded: and that if it passed in the form recommended by the Senator from Pennsylvania, there would be neither men nor officers; and this Creek war would have to be ended without this volunteer force. He hoped that it would soon pass off; indeed, he had just been informed that it was not likely to prove as serious as had at first been apprehended. He believed that a volunteer militia force would be as efficient as the force proposed by the Senator from Alabama. Why should not a volunteer militia force, the officers having commissions in their pockets signed by Governor Clay, of Alabama, Governor Lynch, of Mississippi, or Governor Cannon, of Tennessee, be as efficient as if their commissions were signed by Andrew Jackson?

With respect to himself he was not ambitious of serving on this committee of conference, neither had he any objections to doing so. He held himself at the disposal of the Senate, and was content to serve or not to serve, as it pleased.

Mr. PRESTON desired to state the history of the bill, which was a proposition to raise ten thousand volunteers; and the fourth section provided the manner in which they should form themselves into battalions, regiments, brigades, and divisions, out of which had arisen the difficulty in relation to the officering of them.

It was yielded that they were not the militia, and, as his colleague had correctly stated, they turned out to be somewhere between the militia and regulars. In forming a battalion or regiment, if one company belonged to one State, and the other companies necessary to form it belonged to another State, how were the commanding officers of such battalion or regiment to be chosen? If chosen by the States, which State should have the appointment of them?

Here was a difficulty that presented itself in regard to appointments by States, to obviate which it was necessary that something should be done; and in the discussion in the Senate, they decided that the volunteers should not be officered by the States, and the bill was accordingly recommitted to the committee with instructions; and in obedience to the instructions given by the Senate, the committee reported the bill. The constitutional question which had been raised in regard to the power of appointment by the President vanished the moment it was decided that the volunteers were not militia. He cited the act of July, 1812, as a precedent for this bill. But his colleague had drawn a distinction between that act and this bill, and spoke of a force lying inert and scattered over the country, and not under the control of the States, but subject to the call of the President. With all proper deference to the opinion of his colleague, he thought he had not construed this act correctly. By the act of 6th February, 1812, the President was authorized to receive fifty thousand volunteers, in companies, battalions, regiments, and divisions, who were liable to be called into service by the terms of that act, within two years from the time the President accepted their service. And where, he asked, were these battalions and divisions during this time? They were lying inert, and scattered over the country, organized and officered for the service of the country whenever the President called them into service, and in the mean time were not subject to militia duty. And so it was in the other case; they could be inert for two years, from a corporal up. The enrollment was not to take place after they were brought into actual service, but when organized to tender their services.

Although the President might issue commissions, he did not do it until they were enrolled for actual service, and subject to the articles of war. He was authorized to form them into battalions, regiments, brigades, and divisions. Mr. P. cited the language of the act, to show that they belonged to and were entitled to the privileges of the mass of the people until called into actual service. A portion of that organization must necessarily, he said, be by the appointment of officers. Taking it for granted that this species of force was desirable, the committee were not willing, on the grounds of expediency, to endow it with all the constitutional powers of the militia. From 1807 to 1814, this species of force was frequently appealed to in our difficulties with Great Britain. The act of the 3d July, 1812, passed about a week before the other act referred to; the old Republican party, who voted for the war, voting for it, and the Federal party, who voted against all the war measures, of course voting against it. In the ordinary course of militia organization, the companies, battalions, regiments, brigades, and divisions, were all officered complete under the laws of the States, and in his State (South Carolina) they had recently taken some pains in their organization. But who was to command this force? Could the Governor call out one of these brigadiers to take command of a force raised partly out of his brigade and partly out of other brigades? He could not do it; and without calling on the State Legislatures their system could not be altered. For one, he would make no invidious distinction between a commission signed by George McDuffie and one signed by Andrew Jackson. But if eighty or one hundred men went beyond the boundary of the States, he would prefer their officer being appointed by the President.

Mr. BUCHANAN could not now but hope, after having heard the observations of the Senator from South Carolina, [Mr. CALHOUN,] that a committee of conference might yet agree upon some compromise which would be acceptable to both Houses. He now believed, from what he had just heard from several members of the other House, that another committee ought to be appointed.

The Senator from South Carolina had not, he believed, denied any of the positions which he had stated. They did not materially differ as to their constitutional views on this subject. His (Mr. B.'s) positions were these: that any number of individuals within the States might associate together, either in companies, battalions, or divisions, for the purpose of entering the Army of the United States for six or for twelve months, upon any contingency which might render their services necessary; that these associations would be voluntary and not compulsory, and would be held together by no tie but that sense of honor which binds a man to enter the service of his country, after he has declared, in the presence of the world, that such was his determination; and that these volunteers, after having arrived at the place of rendezvous, and after having been mustered into service, but not before, became a part of the regular Army of the United States; and the President could then, by and with the advice and consent of the Senate, appoint their officers. At one period of the conference he had believed that the committee would arrive at these conclusions.

One of the objections of the Senator from South Carolina was, that the appointment of the captains of companies and other inferior officers ought, like that of the superior officers, to be submitted to the Senate. Mr. B. had been perfectly willing, and was still willing, to adopt this modification. He could not, however, agree, nor did he understand the gentleman now to insist upon it, that these offices could not be filled without the previous advice of the Senate. Such a provision would render the law perfectly nugatory. We might not, and probably would not, be in session when these appointments must be made. The same necessity which the gentleman alleges to have existed during the late war, for authorizing the President to make appointments during the recess of the Senate, will exist in regard to the appointments to be made under this act. Besides, whatever might be our opinion in regard to the power of the President, if the question were now for the first time submitted to us, Congress have so often authorized him to make appointments during the recess, to be submitted to the Senate at its next session, that this constitutional question must be considered as settled

As to the act of 1812, which had just been cited by the other Senator from South Carolina, [Mr. PRESTON,] he thought it went too far. He would not say that it was unconstitutional, because he had not examined the subject sufficiently to express a positive opinion. This he would say, however, that it did authorize the existence of a dormant military force within the several States, commanded by officers appointed by the President of the United States, and liable to be called into service at any moment he might think proper. The individuals composing this force were exempted from militia duty within the States. Upon the principles contained in this act, the militia of the several States might be subverted, and a national militia, under the command of national officers, might be substituted in its stead. This would certainly be at war with the spirit of the Constitution, which reserves to the States respectively the appointment of the officers of the militia, and the authority of training them according to the discipline prescribed by Congress. The militia emphatically belongs to the States, and not to the General Government; and it might be very dangerous for the States to surrender their control over this force, into the hands of Congress.

Under the act cited by the gentleman, a portion of the militia was taken from the control of the States, and relieved from the performance of militia duty, whilst they remained in the heart of the country, mixed up with the other citizens. This did seem to him to interfere with the power of the States over their militia, contrary to the provisions of the Constitution. But these objections did not apply to the bill before them, nor to the amendment he had suggested. They had drawn a broad line of separation between the force to be raised and the militia of the States What they proposed was, that these volunteers should associate themselves together for the purpose of offering their services to their country; and that, when they arrived at their places of rendezvous, they should enroll themselves, and be mustered into service as a part of the regular army; but, until then, that they should remain as they were—citizens of the several States, liable to the performance of the militia duty of the States. With these views, he was confident that a new committee of conference might come to such an agreement as would be acceptable to both Houses; and he therefore hoped that one would be appointed. He was almost ashamed to say that he had never acquainted himself sufficiently with the rules which governed the proceedings of a committee of conference. His common sense, however, had taught him that it was the duty of such a committee to confine itself to the point of disagreement between the two Houses; but he had been informed by gentlemen of great experience that the whole subject of the bill was open to them. Acting upon this principle, they had got into a general discussion as to the relative value of volunteer and regular, as well as the common militia forces. He believed now that a committee of conference might do some good; and that, by steering clear of the constitutional scruples of gentlemen, they might agree on some amendments that would render the bill acceptable to both Houses; and thus enable them speedily to adopt a measure so urgently demanded for the protection of the suffering inhabitants of the frontiers.

Mr. B. said, as he should not be a member of the new committee of conference, he would read the amendment which had been so much discussed in the old committee:

Be it enacted, That the said volunteers shall form themselves into companies, and designate their company officers, who, if he approve of such designations, shall be commissioned by the President, after they shall have been mustered into service; and that the President be, and hereby is, authorized to organize the volunteers so mustered into the service as aforesaid, into battalions, squadrons, regiments, brigades, and divisions, as soon as the number of volunteers shall render such organization, in his judgment, expedient, and shall then appoint the necessary officers, which appointment shall be submitted to the Senate at its next session.

Mr. LEIGH said the bill, as it came from the other House, provided that the President be authorized to accept the service of ten thousand volunteers; and the committee, finding no provision for appointing field or staff-officers, provided that the President should appoint them. In most of the States there were corps of men called volunteers; and what struck him was, that

it was these volunteer companies that were accepted, and that the first provision required that the companies should be officered by the States. But the greatest difficulty that struck him was, that when companies were some from one State, and some from another, in forming the battalions, who was to appoint the officers for such battalions? And so in the case of regiments, brigades, and divisions. He contended that the only mark of distinction between volunteers and regulars was, that one received the bounty and the other did not. As to the character of the force, the length of the term of service was of no consequence. It was a voluntary enlistment in both cases—the one with, and the other without, the bounty; and they ought to be commissioned in the same way as the commissions were issued for the regular army. But the greatest difficulty in his mind, was in taking a body of men out of the militia, and keeping them subject to the control of the President.

Mr. WEBSTER said the first proposition to be considered was, that the militia belonged to the States, who had the exclusive right to organize and train them; there was no other militia known to the Constitution. The militia, therefore, was the militia of the States, there being no such thing as a national militia known to the Constitution. If they were to say that there should be men enrolled and officered by the Government, liable to be called into service at its pleasure, that would be a national militia, which he supposed no gentleman contemplated. By the Constitution, they might raise an army, and on a sudden emergency call on the States to furnish military aid by their militia. In the first ten years of the Government, a law was passed under their difficulties with France, authorizing the President, should circumstances render it necessary, to raise a provisional force; and the act went on to provide that when raised and organized, this force should be subject to the rules and articles of war. There might then be a provisional army as well as a regular army. He had no idea that any man could be in the military service of the United States, but in one or the other of the two characters—a member of the regular army or a militiaman, called into service in the constitutional way. He would be the last man to agree that there should be an organized unemployed force scattered throughout the country, liable to be called into service at the pleasure of the Executive; but for a short service it seemed to him that they might accomplish the object by providing that the men should have the privilege of electing their own officers, such elections to be approved of and confirmed by the President. It was with these views, and to render it more in conformity to the general ideas of a volunteer force, that he had made this suggestion when the bill was before them a few days ago. He had simply made the proposition, leaving it to wiser heads than his own to determine the manner in which it should be carried into effect.

Mr. CALHOUN stated his impressions in reference to that amendment; and, as he understood it, the members of that committee who voted for the amendment, voted for it as preferable to the bill of the Senate. The question was put distinctly, whether they would prefer their own bill of the Senate, or the bill as amended by the Senator from Pennsylvania, and they decided in favor of their own bill. The cases cited as precedents for this bill were not analogous; and by the act of July, 1812, the distinction was still broader, which was "upon the express condition of enrolling," which, by changing the phraseology of a single word, would read, "on the express condition of enlisting." The question was discussed in committee, as to what was the condition of these men before being called into service after their service was tendered. They were citizens, and he would ask, could they be tried by a court-martial? The question was simply, whether the President could enroll a number of men as an army, and leave them in the midst of citizens? He could not bring his mind to the conclusion to consent that the officers should be appointed without the consent of the Senate. The act of the 3d of July was passed under peculiar emergencies, at the very close of the session, and he could not consent to recognize it as a general precedent.

After some further remarks from Messrs. PRESTON, CALHOUN, SOUTHARD, and WEBSTER,

The question was taken; and the Senate determined to insist on its amendment, and to ask for another conference; and, on balloting for a committee on the part of the Senate, Messrs. CALHOUN, KING of Alabama, and NICHOLAS, were chosen.

The bill making appropriations for the support of the Indian department for the year 1836, was read the third time, and passed.

The bill from the House making appropriations for the suppression of hostilities by the Creek Indians, was read twice, and referred.

On motion of Mr. WHITE, the Senate proceeded to the consideration of executive business; after which, it adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 20, 1836.

Mr. LEWIS, from the joint committee of conference on the disagreeing vote of the two Houses upon an amendment of the Senate to the bill authorizing the President of the United States to accept the service of volunteers, reported that the committee had come to no agreement, and that he was instructed to move that the House insist on their disagreement to the amendment of the Senate. [The amendment provides that the officers shall be appointed by the President and Senate, instead of being appointed by the volunteers, under the regulations of the State governments, as proposed by the House.]

In making this report, Mr. L. adverted to the necessity of acting speedily on the bill; and although he had been instructed to move that the House insist on their disagreement, and was decidedly hostile to the amendment of the Senate, still, rather than have no bill, he preferred to take the proposition of the Senate; and he hoped some gentleman would move that the House recede from their disagreement, and thus let the bill become a law. He adverted to the probability of a general Indian war, and the necessity of speedily providing for such an emergency. He was credibly informed that at least six thousand Creek warriors were in arms.

Mr. BELL begged leave to state, from the information which he had obtained, that instead of there being six thousand Indians in arms, there had not been more than six hundred; and that in all probability the whole insurrection had been suppressed before this time. He warned the House not to be driven into measures by this panic, because it could not be possible that there were six thousand warriors in the field in the Creek nation.

Mr. LEWIS had received his information from the gentleman from Florida, [Mr. WHITE,] who had just arrived from the South.

Mr. BELL said, even if the bill did pass, it could not be carried into effect in time to be of any service in the insurrection in Alabama and Georgia. The insurrection must be put down by volunteers and militia, before the troops provided to be raised in this bill could be brought into service.

Mr. LEWIS had no disposition to delay the passage of the bill; on the contrary, he hoped it would be immediately passed. He had stated the number of warriors at six thousand. He believed that to be the number of warriors; and certainly there were but very few of those Indians friendly to the whites.

Mr. GLASCOCK moved that this House recede from their disagreement to the Senate's amendment; and in making this motion, he would remark, he did not consider it important at this time to dispute or discuss the point as to the actual number of Indians now under arms, and assuming a warlike attitude. It was enough for him to know that many of his fellow-citizens had fallen victims to the tomahawk and scalping-knife, and that large numbers were fleeing from the State of Alabama, under the greatest excitement, panic, and confusion, into the limits of his own State, for security and protection, to induce him to urge and invoke the immediate action of the House on the bill, in order that some final disposition might be made of it. And he did believe the passage of the present bill would produce the most beneficial results to our whole frontiers, and would have a tendency to give permanent peace and security to our injured and suffering citizens. He would, however, observe, that he looked with confidence to the militia of Georgia and Alabama to do their duty; and he had no fears, if an opportunity were afforded them, that they would promptly repair to the theater of action, and at once subdue the merciless savages, and avenge the deaths of their murdered neighbors and friends.

But Mr. G. said he had great apprehension still as to Florida, and was indeed fearful that there would be a coöperation with the Seminoles and the lower Creeks; in which event, no one could foretell or foresee what would be the ultimate consequences, or when the war, now raging, would be brought to a close. He thought, therefore, if the bill could pass at once, thousands of volunteers from different sections of the country would be found entering the ranks, enrolling themselves for service, and flying to any standard where those services might be required; and he did believe and hope that many of them would have the pride and gratification of aiding in bringing to a close the unfortunate and ill-fated war of Florida, and would ultimately render lasting services in our northwestern and other frontiers. Mr. G. then concluded his remarks by making a strong appeal to the House to act at once on the bill, and dispose of it in some way or other, without further delay.

Mr. WHITE, of Florida, confessed that he had listened to the suggestions of the gentleman from Tennessee [Mr. BELL] with some surprise. He did not know on what information the gentleman had founded his opinions; but gentlemen had certainly seen the statement of the commander of Fort Mitchell, that six thousand warriors could at any time be brought into the field. Mr. W. had seen, on Thursday last, a gentleman who was incapable of being deceived, and he had informed Mr. W. that there was a general movement among the Creek Indians. Besides this, the Seminoles were advancing towards the Creeks, and it was to be feared that in a short time there would be a general Indian war, from the Creek line to the Gulf of Mexico. He called upon Congress to act, and act speedily. He said the numbers of the Indians were greater than gentlemen generally imagined—General Gaines had estimated the Seminoles at fifteen hundred, and General Scott at twelve hundred; and, from every appearance, it was to be feared that a general war would break out.

Mr. THOMPSON, of South Carolina, agreed fully with gentlemen as to the danger of an eruption, not only of the Creeks, but of other Indian tribes. It will be remembered that months past he had expressed his fears on this subject, which were then regarded as visionary. He was very sorry that his predictions were in the course of such terrible fulfillment. He had as much sympathy, and as many personal reasons for that sympathy, as any man on this floor; as many of his kindred and his blood, and as dear to him, were on that frontier, as of any other member. But it was precisely on that account that he was opposed to a measure not only of permanent and great danger, but of present impracticability. He would not, under a momentary panic, vote for a measure likely to cause so much evil, and certain to have no practical beneficial results. He had no hesitation in saying that men will not volunteer under officers to be appointed by the President. The gentleman from Georgia [Mr. GLASCOCK] said that these *volunteers*, as they are called, will be furnished by Kentucky and Tennessee. He is mistaken. There is no place to which he would sooner go for volunteers, properly so called, than to those States; but they are the last to which he would go to enlist soldiers in a regular army. This would be, in every attribute, a regular army, and you will get none to join it but such as would enlist. Men are not to be cheated into enlisting in a regular army by calling them volunteers.

He spoke of the people he was acquainted with, and said with confidence, that whilst they would promptly volunteer in this or any other emergency, under their own officers, men in whose courage, skill protection, and kindness, they

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. WEDNESDAY, MAY 25, 1836. VOLUME 3....No. 31.

could confide, they were just the men who would not volunteer under officers unknown to them. This has always been the feeling—a feeling infinitely increased by the Florida campaign, a campaign in which defeat and disaster, without any fault or failure on their part, had been compensated for by harshness, unkindness, and ungenerous sneers by their commander—sneers upon men who complained not of toil, starvation, or discipline, but only that they were not allowed to fight when an opportunity offered—men, sir, some of whom, as God is my Judge, I believe would have terminated the war if they had been in command.

But, (said Mr. T.,) if these troops can be raised, how is it to be done? By establishing fifty recruiting stations, bringing the men together from distant quarters, electing their company officers, and sending the result here?—the officers, company, field, and general, appointed by the President from all quarters? Such a force cannot possibly be brought into the field in less than six months; and when they are, they will come to a desolated country, an exterminated people. Do any doubt this? And yet with all this inevitable delay, we are to be hurried, without discussion, into the adoption of this most important, most dangerous, and inefficient measure. Mr. T. protested again and again against the topics, the exciting topics, which had been involved in this discussion. If these topics are proper, they are of course not in favor of this impracticable measure, but of some other that will be effectual. Is the country defenseless, unless we pass this amendment? Is it true that our Government is and has so long been so organized, that it cannot resist an Indian insurrection? He trusted not. Let the militia be called out, not only in sufficient numbers to suppress this insurrection, but to suppress, and forever, as well by its magnitude, as by the punishment it will inflict on all insurrectionary spirits among the Indians. There is power already to call out militia for three months. Let it be done, and instantly done; and in the mean time let us deliberate with cool heads and steady nerves upon such other measures as may be necessary. Mr. T. would add that, if these men can be raised, which he did not believe, they would be exactly such men as he did not desire to organize, and under officers appointed by the Executive.

Mr. HARDIN said gentlemen only differed as to the mode of putting down this war, as all were in favor of putting it down. He thought, however, the numbers of these Indians had been greatly exaggerated. He had no idea that there were six thousand Creek warriors in the field. He had no doubt but that gentlemen were sincere in stating what they had heard; but these reports were generally exaggerated. Besides this, he would inform gentlemen that a regular force was not the kind of force to put down those Indians. He had said, when the war first broke out in Florida, that mounted men from Kentucky or Tennessee were the kind of troops needed there: and he verily believed, if the Government had made a contract with western men to put down this war, that it would have been done for a few thousand dollars, where it would now cost the Government perhaps two or three millions. When the Black Hawk war was going on, the only efficient force which was brought against the Indians was the mounted men, and the regular troops were of very little service. There was, to be sure, some discontent on the frontier; but he did not think that should be made a pretext for increasing the regular Army. He had no objection to seeing twenty thousand militia called into service, but he protested against an increase of the regular Army. He alluded to the difficulty in reducing the Army after the last war, and adverted to the deleterious effects of standing armies in every country in the world. The gentleman from South Carolina was right in saying that regular soldiers could not be enlisted in the South and West; but tell them that you want militia, and that they would be commanded by their own officers, and you could, in a very short time, raise ten thousand men. He thought, if they were to have a new conference with a committee appointed by the Senate, that the bill might be made satisfactory; but he hoped that no Indian hostility which might break out would induce the House to pass the bill as it was. He alluded to the destructive Indian wars which were carried on in the years 1790,-'91,-'92, which were put down by the militia, without the regular Army being over three thousand strong.

Mr. HOLSEY said, the facts in relation to the Indian hostilities in Georgia and Alabama should be understood by the House. Information had reached him that the Indians were in open hostility; that they had murdered several of the citizens; that women and children were flying from their homes for protection; and the fact that upwards of three thousand citizens had deserted their homes, was sufficient to convince him that there was a necessity for speedy action upon this bill. Those people were not the people who would fly from their homes unless there was actual danger; and gentlemen could not persuade him that, the hardy cultivators of the soil would desert all their resources without there being an actual Indian invasion. I could not sit silent and hear the gentleman from Tennessee [Mr. BELL] say, that there was not more than six hundred of these hostile Indians. He pressed the House to recede from their disagreement to the Senate's amendment, because it was his firm conviction that, unless they did so, the bill would be defeated. Mr. H. went into an argument to show that there was no danger to be apprehended from this bill, and also to show that it was not unconstitutional.

Mr. CONNOR called for the orders of the day.

Mr. MILLER asked that the vote might be taken by general consent.

Objection being made, Mr. M. moved to suspend the rules until twelve o'clock, for the purpose of disposing of this question.

Mr. CAMBRELENG called for the yeas and nays on the motion to suspend; which were ordered, and were—yeas 156, nays 37.

So the motion to suspend the rules was agreed to.

Mr. SPEIGHT thought the bill had been amply discussed, and that every member was prepared to vote upon the proposition before the House; he, therefore, moved the previous question; which was seconded—ayes 106, noes not counted.

Mr. PATTON remarked, that considering this bill as involving a violation of the Constitution, he asked for the yeas and nays on the previous question; which were ordered.

The House then determined that the main question (which was on receding from their disagreement to the Senate's amendment) should be put—ayes 126, noes 70.

Mr. WHITTLESEY, of Ohio, asked for the yeas and nays on the main question; which were ordered, and were—yeas 74, nays 123.

So the motion to recede was decided in the negative.

The House then insisted upon its disagreement to the amendment of the Senate.

POST OFFICE DEPARTMENT.

The House then proceeded to the further execution of the special order; and, on motion of Mr. CONNOR, resolved itself into the Committee of the Whole on the state of the Union, (Mr. SUTHERLAND in the chair,) and resumed the consideration of the bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof.

The question pending was the following amendment of Mr. SHIELDS:

Be it further enacted, That whosoever shall knowingly and willfully deposit, or cause to be deposited, or offer to deposit, in any post office in the United States, or any of the Territories thereof, any incendiary handbill, almanac, newspaper, pamphlet, print, picture, painting, or other incendiary paper or document, for the purpose that the same may be transmitted by the mail into any of the slaveholding States or Territories of the United States, wherein the circulation of the same shall have been, or may be forbidden by the laws of such State or Territory, with the intent to excite the slaves, in any of said States or Territories, to insurrection, or domestic violence, upon due conviction thereof by a jury of the country in any of the district courts of the United States having cognizance thereof, he, she, or they, so offending, for each and every offense, shall be fined in a sum not less than $———, nor more than $———, or imprisoned for a period not more than ——— months, nor less than ——— months, at the discretion of the court before whom such conviction shall nave been had.

SEC. —. *And be it further enacted*, That nothing contained in the acts of Congress which establish and regulate the Post Office Department of the United States shall be construed to protect any postmaster, mail carrier, or other officer or agent of said Department in knowingly publishing or circulating in any of the slaveholding States or Territories aforesaid, any incendiary handbill, almanac, newspaper, pamphlet, print, picture, painting, or other incendiary paper or document, the printing, publication, or circulation of which shall be prohibited by the constitution or laws of that State: *Provided*, That such constitution or laws be not, in that respect, incompatible with the Constitution and laws of the United States; and any postmaster, mail carrier, or other officer or agent aforesaid, offending in the premises, is declared to be amenable to the State laws and tribunals in the same manner, and to the same extent, as any other citizen or resident of the said State, not in the service of the United States.

SEC. —. *And be it further enacted*, That any handbill, almanac, newspaper, pamphlet, print, picture, painting, or other paper or document, which shall have been, or shall be, printed, uttered, or published, with the intent to instigate or excite the slaves of any of the said slaveholding States or Territories to insurrection or domestic violence, or which shall have manifestly a tendency thereto, shall be deemed and held to be *incendiary*, within the true intent and meaning of this act.

Mr. SHIELDS addressed the House at length upon the subject embraced in his amendment. He adverted to the importance of the subject itself, and to the fact of the President of the United States having called the attention of Congress to it in his last annual message. It was one that demanded the deepest investigation, and that without delay. It was to meet the recommendation of the Executive that Mr. S. had drafted his propositions. He then referred to the letter of the Postmaster General on the same subject, and proceeded to review the acts and designs of the Abolitionists, and the danger to be apprehended from them. According to their own reports there were three hundred and fifty societies, all regularly organized, with officers and executive committees, distributing pamphlets, papers, circulars, prints, &c., in every possible way, either by special agents or through the mail. The object of these societies was identical with that of the *Amis des Noirs* during the first French revolution, whose designs and labors eventually produced the dreadful scenes in St. Domingo. He quoted a remarkable expression of Robespierre on that occasion, that he would rather see all the colonies perish than that the society should abandon its principles; which was a parallel to a well-known declaration of the abolition society in this country. After cursorily reviewing a variety of historical facts on the subject, he went on to show that the General Government ought to interfere, or at least it was a subject requiring the gravest deliberation, so far as regarded the transmission of incendiary papers. He examined at length the compact binding the States together, by which it was seen that property in slaves could not be interfered with either by the General Government, or by one State with another. But there was a power given to the General Government, that of regulating commerce among the several States, and to establish post offices and post routes, which came within the provisions of his proposition.

Mr. HALL, of Vermont, said he concurred with the gentleman that the subject of slavery was one over which the slaveholding States alone respectively had power, and if it had been shown that the States had exerted ir power, and had failed, then he would consider the gentleman's

amendment. He held that Congress had no power over the subject of slavery, but he also held that it had no constitutional power to restrict the productions of the press passing through the mail. They could prescribe the mode by which packages should be conveyed, their postage and weight, but the moment they took upon themselves the power to examine into the character of publications, to look into the sentiments they contained, or the mode of expressing them, and determine upon their tendency, that moment they invaded the Constitution. They had no power to become, themselves, the censors, or to erect a censorship of the press. If the amendment should prevail, it would be a direct blow to the liberty of the press, and would establish a principle which would give Congress the power, not only to abridge the liberty of the press, but absolutely to undermine and destroy it.

The amendment was then negatived without a count.

Mr. MANN, of New York, moved to add the word "money" in the clause prescribing what the postmasters should receive free of postage and frank; which was agreed to.

Mr. REED moved an additional clause, providing that no tax should be paid, directly or indirectly, by any individual having the accommodation of private boxes or pigeon-holes at the post offices, to the postmaster of said offices, but that said box or pigeon hole should be constructed at the expense of the individual requiring it, and that he should pay one dollar per annum to the Government therefor.

After a few remarks from Messrs. REED, McKIM, MANN of New York, HARPER, ASH, WARDWELL, CONNOR, BRIGGS, and PEARCE of Rhode Island,

Mr. UNDERWOOD suggested a substitute for the amendment, providing that no rent whatever should be charged for any box or pigeon-hole by any postmaster or deputy postmaster, but that they should be constructed at the expense of the Post Office Department.

Mr. REED accepted this in lieu of his own.

After a few words from Messrs. PARKER, REED, JOHNSON of Louisiana, MANN of New York, and HARLAN, the amendment was rejected.

Mr. BELL moved an amendment, to come in as the first section of the bill, providing that the President, by and with the advice and consent of the Senate, should appoint three commissioners, at an annual salary of $3,500 each, and who should hereafter perform all the duties of the Postmaster General, and that the act authorizing the appointment of the Postmaster General be repealed; which was rejected.

Mr. WILLIAMS, of North Carolina, proposed an amendment to the twenty-fourth section, providing that, in addition to the penalty of being dismissed from office, any person employed in the Post Office Department who shall become interested in any contract should also be liable to pay as much as would have been realized by said contract, to be recovered as an action of debt in any court having jurisdiction over the subject, &c.

Mr. CONNOR said it met his, as he believed it would the committee's, approbation.

The amendment was agreed to.

Mr. UNDERWOOD moved an amendment, providing that if any person having the franking privilege shall make use of it for the purpose of enabling other persons to evade the privilege, shall be punished with fine and imprisonment.

Mr. WISE hoped the gentleman would embrace a provision making it an impeachable offense for a President of the United States to frank pamphlets and papers for the purpose of promoting the election of a successor to the Presidency.

The amendment was not agreed to.

Mr. JOHNSON, of Tennessee, proposed an amendment providing that the clerks embraced in the bill shall be in lieu of all the clerks employed at present in the Post Office Department under former acts of Congress; which, after a few words from Messrs. JOHNSON of Tennessee, CONNOR, MANN of New York, and BRIGGS, was withdrawn.

Mr. GARLAND, of Louisiana, offered an amendment providing that the Post Office Department should be open for the transaction of business for ten hours in the winter, and twelve in the summer; which was rejected.

Mr. HARLAN moved an amendment providing that, in every case of dismissal by the Postmaster-General, he should file the reasons therefor, &c.; which was rejected.

Mr. JOHNSON, of Tennessee, moved the following in lieu of the nineteenth and twentieth sections of the bill:

One chief clerk, $2,400; one assistant postmaster general, $2,100; four clerks, each $1,800; ten clerks, $1,500; thirty-five clerks, each $1,200; twenty-three, each $900.

Rejected.

Several other amendments were moved and lost.

On motion of Mr. CONNOR, the bill was laid aside; and

The committee proceeded to consider the bill establishing certain post routes, and to alter and discontinue others.

Numerous amendments were offered and agreed to, and others were proposed and negatived, when the committee rose and reported the two bills to the House as amended; and, on motion of Mr. MANN, of New York, the bills were made the special order for Thursday next, at eleven o'clock, and the latter bill was ordered to be printed as amended.

[Pending the consideration in committee of the mail route bill, the Speaker momentarily resumed the Chair, and, on motion of Mr. LEWIS, the House agreed to a second joint committee of conference on the disagreeing votes of the two Houses upon the amendment of the Senate to the bill authorizing the President to accept the services of volunteers, and a committee was appointed on the part of the House.]

The House then, at seven oclock, p. m., adjourned.

IN SENATE.

SATURDAY, *May* 21, 1836.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House agreed to the resolution of the Senate for the appointment of a committee of conference on the disagreeing votes of the two Houses to the amendment of the Senate to the bill authorizing the President to accept the services of volunteers, and for raising an additional regiment of light dragoons, and that the House had appointed a committee on their part.

Mr. WHITE presented the petition of a number of citizens of Tennessee, praying for the establishment of a new post route; which was referred to the Committee on the Post Office and Post Roads.

Messrs. SOUTHARD, TALLMADGE, HENDRICKS, PRENTISS, TOMLINSON, and NAUDAIN, severally reported, without amendment, bills that had been referred to standing committees.

REPORTS FROM COMMITTEES.

Mr. LINN, from the Committee on Pensions, reported, without amendment, the bills for the relief of James Steele and David Hunt.

Mr. NAUDAIN, from the Committee on the District of Columbia, to whom had been referred the petition of Thomas Sewall and others on the subject, reported a bill to incorporate the Washington Manual Labor School; which was read, and ordered to a second reading.

Mr. BLACK, from the Committee on Naval Affairs, reported, without amendment, the bill for the relief of James Tucker.

SILAS FISHER.

On motion of Mr. WHITE, the bill for the relief of Silas Fisher was taken up; and, after having been explained and advocated by Mr. W., was ordered to be engrossed for a third reading.

DISTRICT BANKS.

Mr. KENT moved to take up the bill to recharter the banks of the District of Columbia.

Mr. BENTON said he should oppose the taking up any measure whatever, except a defense or appropriation bill, till the fortification bill was disposed of; and he therefore asked for the yeas and nays on the motion of the Senator from Maryland.

The yeas and nays having been accordingly ordered, the question was taken and decided in the negative—yeas 16, nays 16, the Chair giving the casting vote.

HOUSE BILLS REFERRED.

The following bills from the House were severally read twice and referred:

The bill making an appropriation for the repairs of the United States arsenal at Charleston, South Carolina;

The bill to provide for the better protection of the western frontier; and

The bill to establish an arsenal in the State of North Carolina.

RESOLUTIONS ADOPTED.

The resolutions lying on the table were severally considered and agreed to, with the exception of the resolution introduced by Mr. HUBBARD relative to banks in Florida.

FORTIFICATION BILL.

On motion of Mr. LINN, the bill making appropriations for the purchase of sites, the collection of materials, and for the commencement of certain fortifications, was taken up; the question being on Mr. BENTON's amendment as modified by Mr. PRESTON to strike out $101,000 for fortifications at Penobscot, and insert "For fortifications at Penobscot bay, —— dollars per annum for two years."

Mr. BENTON then addressed the Senate in a speech of some length in favor of the amendment and the bill generally.

Mr. SOUTHARD addressed the Senate in opposition to the bill.

Messrs. HILL and WALL severally addressed the Senate in favor of the bill; after which,

Mr. CALHOUN moved that it be laid on the table to enable him to make a report from the committee of conference; which motion was agreed to by general consent.

SERVICES OF VOLUNTEERS.

Mr. C., from the committee of conference appointed to confer with a similar committee of the House on the disagreeing votes of the two Houses as to the Senate's amendment to the bill authorizing the President to accept the services of ten thousand volunteers, and to raise an additional regiment of light dragoons, reported that they had had a meeting with the committee of the House of Representatives, and that they had jointly agreed to recommend an amendment to their respective Houses, in substance as follows:

The President is authorized to accept the service of volunteers, the number not exceeding ten thousand, in companies, regiments, brigades, and divisions; the officers to be commissioned in the manner prescribed by the laws of the several States from which these volunteers may offer themselves; where regiments, brigades, or divisions volunteer. They shall be commanded by the same officers by whom they shall be commanded at the time of volunteering; and that for volunteers offering their services in single companies, the President shall organize them into battalions, regiments, brigades, and divisions, and apportion the battalion and field officers among the States from which said companies shall come.

After some remarks from Messrs. KING of Alabama, and CALHOUN, the report was laid on the table.

At a subsequent period of the day, a message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had adopted the report made by their committee of conference, and asked the concurrence of the Senate therein.

On motion of Mr. CALHOUN, the report and message of the House were then considered, and on the question, "Shall the Senate concur in the amendment recommended by the committee of conference?"

It was decided in the affirmative.

FORTIFICATION BILL—AGAIN.

On motion of Mr. BENTON, the fortification bill was again taken up; and after some remarks from Mr. CALHOUN in opposition to the amend-

ment, the question was taken, and it was adopted by the following vote:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, Linn, Morris, Niles, Preston, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, and Wright—20.

NAYS—Messrs. Black, Calhoun, Davis, Ewing of Ohio, Hendricks, King of Georgia, Mangum, Naudain, Nicholas, Rogers, Swift, Tomlinson, and White—13.

Mr. BENTON then moved to fill the blank with $75,000, so as to make the appropriation for Penobscot for two years $75,000 for each year; which, after some remarks from Mr. PRESTON, who thought the sum too large, was agreed to.

Mr. PRESTON then moved to strike out the appropriation of $100,000 for fortifications at Kennebec river, these being one of the places for which there were no estimates or surveys.

After some remarks in support of the motion from Messrs. CALHOUN and PRESTON, and from Mr. BENTON, in opposition to it, the question was decided in the negative—yeas 7, nays 23; as follows:

YEAS—Messrs. Calhoun, Ewing of Ohio, King of Georgia, Mangum, Preston, Robbins, and White—7.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Davis, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, Linn, Morris, Nicholas, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, and Wright—23.

Mr. BENTON moved further to amend the bill by striking out the appropriation of $100,000 for fortifications at Kennebec river, and inserting $100,000 for the same object for the year 1836, and $200,000 for the year 1837.

Mr. PRESTON moved that the Senate adjourn; which was lost—ayes 12, noes 13.

Mr. WALL moved to amend the amendment, so as to make it read $100,000 per annum for two years; which motion was agreed to.

The question was then taken on the amendment as amended; and it was adopted—yeas 19, nays 9; as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Grundy, Hill, Hubbard, King of Alabama, Linn, Morris, Nicholas, Niles, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, and Wright—19.

YEAS—Messrs. Calhoun, Davis, Ewing of Ohio, Hendricks, King of Georgia, Mangum, Preston, Webster, and White—9.

Mr. BENTON moved further to amend, by striking out the appropriations for fortifications at Portland, and inserting for the same object $75,000 per annum for two years; which motion was carried in the affirmative—yeas 20, nays 8; as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Grundy, Hill, Hubbard, King of Alabama, Linn, Morris, Nicholas, Niles, Preston, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, and Wright—20.

NAYS—Messrs. Calhoun, Davis, Ewing of Ohio, Hendricks, King of Georgia, Mangum, Webster, and White—8.

Mr. PRESTON moved that the Senate adjourn; which was lost—ayes 11, noes 15.

Mr. P. then moved to strike out the appropriations for fortifications at Portsmouth; which motion was lost without a division.

Mr. BENTON moved further to amend the bill, by inserting in lieu of the appropriations for fortifications at Portsmouth, "for fortifications at Portsmouth, $150,000 annually for two years."

On taking this question it was found that there was not a quorum voting.

The following is the vote:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Grundy, Hill, Hubbard, King of Alabama, Linn, Nicholas, Niles, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, and Wright—18.

NAYS—Messrs. Black, Hendricks, and White—3.

Mr. DAVIS moved that the Senate adjourn; which was lost—ayes 8, noes 13.

There still being no quorum,

On motion of Mr. GRUNDY, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 21, 1836.

The House resumed the consideration of the report made by Mr. PINCKNEY, from the select committee on the subject of the abolition of slavery.

The immediate question pending was the motion of Mr. ROBERTSON to recommit the report to the same committee, with instructions to report a resolution that Congress possesses no constitutional power to abolish slavery in the District of Columbia.

Mr. ROBERTSON, who was entitled to the floor, addressed the House at considerable length in support of his motion to recommit the report with instructions.

I avail myself of the permission of the Chair, (said Mr. R.,) to enter into a somewhat fuller exposition and vindication of the resolution I had the honor to submit a few days past, than I then had an opportunity of doing. This is due to myself; to those who sent me here; but above all to the solemn importance of the question, and the vast magnitude of the interests it involves. I shall endeavor, sir, to perform this task—for which, however, I am conscious of possessing no adequate powers, either physical or mental—as calmly and dispassionately as the nature of the subject will permit; and to abstain, if possible, from those exciting topics by which its discussion has been almost invariably characterized.

I have already assigned some reasons for dissatisfaction with the report of the select committee, and for the opinion expressed, that it would be considered as virtually surrendering the constitutional question. If it could have been met satisfactorily to the South, no sufficient excuse can be offered for waiving it; and all will believe it was avoided, because of the difficulty of making good the position for which we contend. The chairman tells us, as an apology for taking this course, that the committee abstained from examining it, "*because they were not instructed to discuss it.*" Sir, the instructions, so far from prohibiting this discussion, plainly authorized and required it. They enjoined it upon the committee to report that, "in the opinion of this House, Congress ought not to interfere, in any way, with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union; assigning *such reasons* for these conclusions, as in the judgment of the committee may be best calculated *to enlighten the public mind*, to allay excitement, to repress agitation, *to secure and maintain the just rights of the slaveholding States and of the people* of this District, and to restore harmony and tranquillity among the various sections of this Union." Thus it appears that full latitude was allowed the committee, in supporting the conclusions which the House desired to see maintained; and what stronger reason could they have assigned, than that the proposed interference with slavery in this District would be a direct infraction of the Constitution? This reason alone would have been sufficient. It embraced all the positions the House had taken; for if the measure could be shown to be unconstitutional, it must of necessity be *a breach of faith, unwise, impolitic, and dangerous.* Sir, the committee were not justified in omitting to interpose this constitutional barrier in defense of our rights, if it was in their power to do so; and their failure to occupy the strongest of all positions will be regarded as a concession of their want of ability to maintain it.

Independently of his instructions, the chairman of the committee, especially, stood bound to demonstrate the unconstitutionality of the proposed interference. In a letter to which his name is affixed, addressed to the electors of the Charleston electorial district, (South Carolina,) he uses this language:

"And now I ask my fellow-citizens seriously to consider, and candidly to decide, whether, as I have already succeeded in obtaining a solemn declaration by Congress, that 'any interference with slavery in the District of Columbia would be a violation of the public faith,' if I should also succeed in procuring the adoption of a report, insisting and *demonstrating that a violation of the public faith is unconstitutional, and that therefore, and upon that ground,* Congress will not, and ought not to interfere with slavery in the District of Columbia;—whether, *doing this,* I really deserve to be stigmatized as a traitor to the South?"

Sir, I will apply no such epithet to the chairman of the committee, whether he succeed or fail. But is he likely to realize the expectations he has raised? Does not the report declare that the committee have abstained even from the *examination* of the constitutional question? It is true, that in another part of the report, the ground indicated in this letter is approached. Even there, however, it is not *directly* occupied. It is not alleged, nor demonstrated, that a breach of faith is *unconstitutional;* but that, to prove the act in question a breach of faith, is *tantamount*, in its binding obligation to the Government, to a positive declaration that it would be so. The *moral* obligation does not necessarily import a *constitutional* obligation, but is something of equivalent force. Not satisfied, however, with this position, the report goes on to insist that the moral obligation is even more efficacious.

"What is the meaning of the declaration adopted by the House in relation to the District of Columbia? Is it not that Congress cannot and will not do an act which it has solemnly proclaimed to involve a violation of the public faith? Does it not afford every security to the South which it is in the power of the Federal Government to afford? Is it not *tantamount in its binding obligation upon the Government* to a positive declaration, that the abolition of slavery in the District of Columbia would be unconstitutional? Nay, is it not even *more* efficacious in point of fact? Constitutional provisions are matters of construction. The opinion of one House upon an abstract controverted point may be overruled and reversed by another. But when Congress has once declared that a particular act would be a violation of the public faith, is it to be supposed that it would ever violate a pledge thus given to the country?"

The whole stress of the argument is to prove, not that to violate the pledge would violate the Constitution, as the letter proposes, but that such a pledge gives a security equal, or even superior, to the Constitution itself. But does not every man see that this argument is unsound and fallacious? I confess I was surprised to hear it addressed, at this time of day, to the representatives of the American people, by a gentleman, too, coming from the South.

What folly was it in our ancestors, if this be so, to spend days and months in anxious deliberation framing written constitutions for each of the States, and for the Union, containing guarded limitations against abuses of power! Why did they not discover the *superior efficacy* of this *moral* obligation, which prohibits every act that violates good faith between man and man, and reposes the rights of their countrymen upon the good faith, the good sense, and the justice of those who were to administer their Government? If, as the report declares, a succeeding Congress may reverse the opinion of a prior one in reference to the construction of a written constitution, may they not also controvert an opinion in respect to the existence or efficacy of a moral obligation? Must there not exist even greater contrariety of opinion upon questions of moral propriety than of legal construction?

Sir, if the chairman of the committee could have placed the rights of the District upon the ground of the Constitution, he has neglected to place them upon the only ground on which they can long or successfully be defended. I cannot agree that notions, of moral obligation merely, are higher security than the positive injunctions of our fundamental law. Give us the Constitution as our defense; I want no higher security. We had a right to expect this from him. It has been affirmed on this floor by one of my colleagues, [Mr. WISE,] that the chairman gave an explicit pledge that the question should be placed upon that ground. I have heard no denial of this statement. But the gentleman, I observe, is not now in his seat, and I forbear, therefore, to make any further remark upon that subject. Perhaps he will insist that he has redeemed his promise; that he has convinced, or will convince, the House, that every violation of good faith is a breach of the Constitution. I fear he will find himself mistaken; but if not—if he shall succeed in producing this conviction, then the House, I trust, as well as himself, will concur in supporting the resolution now under consideration. If the majority shall be of opinion that the measure *is* unconstitutional, and will unite in saying so, it is immaterial by what course of reasoning each may arrive at that conclusion. Let us declare the opinion that it is a violation of the Constitution, and each reconcile his vote to his constituents, or his own conscience, upon whatever grounds his judgment may best approve. It is to the Constitution, Mr. Speaker, that those whom I have the honor to represent—nay, sir, the entire State itself from which I come, acting through her immediate representatives, have appealed for protection.

At the late session of the General Assembly,

the House of Delegates adopted, by a vote of one hundred and six to thirteen, a resolution upon this subject, of which that now under consideration is an exact copy. It was offered, permit me to say, not by one of those whose *patriotism* might be questioned on the ground of opposition to the ruling powers, but by one of the orthodox faith—by a staunch friend of the Administration. The Administration majority in that House almost unanimously, perhaps without an exception, sustained it. Nor does Virginia alone assume this position: the Legislatures of Georgia, Mississippi, and Louisiana, if I have not been misinformed, have adopted similar resolutions; one of them, perhaps, going still further, and threatening to secede from the Union, if any measure should be adopted endangering the security of the slave-holding States. I do not advert to these threats as approving them: they ought, perhaps, never to be made. It will be time enough to talk of that when the crisis shall arrive, if it ever should, when no other alternative is left us but to sever the Union, or surrender the rights it was intended to protect. But such language shows what ought to be known, the danger to result from countenancing, in any way, the schemes of the Abolitionists.

The States of South Carolina and Alabama, also, it is said, have denounced the measure in question as a *usurpation*. This is precisely equivalent, all will admit, to a declaration that it is unconstitutional. Thus six southern States have concurred in pronouncing the contemplated interference an infraction of the Constitution. With this fact before us, who will condemn the Representatives on this floor for speaking their voice, and maintaining their rights on the very basis on which they themselves have placed them?

But, say gentlemen, where is the policy of assuming this position? There is an overwhelming majority against you. The gentleman from South Carolina [Mr. PINCKNEY] asks why occupy this ground with a moral certainty of being driven from it? Sir, the same rules that should govern us in our private transactions should govern us in our representative character. In both honesty is the best policy. This may not be the politician's creed: and if not, I thank God I am no politician. The gentleman from North Carolina [Mr. BYNUM] can see no reason for pressing this proposition, unless it is that the party with which he supposes me to act are more accustomed to defeats than he is. Sir, it may be so. I vote for every measure which I consider constitutional and beneficial to my country; otherwise I vote against it, and never stop to inquire whether the Administration party, or the Opposition, vote with me or against me. The idea of being in a minority has for me no terrors. We may be defeated by this overwhelming majority; but in contending against it I will say, the fewer our numbers the greater the honor of the struggle.

In vindicating the claims of the South, on the very grounds it has assumed, I trust her Representatives will be united. In an early period of the discussions on this subject, this was the view, as I understood it, of almost the whole southern delegation: especially of that of my own State. My colleagues, three of whom now sit near me, were, for the most part, decidedly of opinion that we should insist upon a direct and unequivocal vote—a disclaimer of the power to do what the Abolitionists demanded. In a speech delivered by one of them, [Mr. GARLAND,] much commended in the loyal prints of the day—and I do not mean to question its merits—I find this passage:

"But, say gentlemen, why press the constitutional question now? I reply, we press it from the most urgent and imperious necessity. It is due to our safety, to our quiet, that we press it. Every other form in which this question has been presented has failed to secure us against the repetition of these memorials and petitions. *Nothing*, it seems, short of a declaration on the part of Congress *of their want of constitutional* power, will restrain these fanatical crusaders from seeking the intervention of Congress in aid of their diabolical schemes, and perpetually harassing the country."

Mr. GARLAND rose and said, he not only had taken the ground as stated by his colleague, but desired distinctly to repeat that he still adhered to it.

Mr. ROBERTSON. I did not suspect my colleague of any intention to abandon it; nor will I believe there is one of them who has maintained it, that can be seduced or driven from it. There is yet a gallant band prepared to meet all the consequences it may involve—to make a voluntary sacrifice, if necessary, of political prospects, of life itself, sooner than shrink from what they consider their duty to their country and its Constitution. They are assigned to defend the pass which may lead to its destruction. In defending it, hopeless as it may seem, they may maintain it, or, should they fail, may yet afford time for those they would protect to prepare for a better defense. We are stationed on the ramparts of the Constitution. Shall we be induced to march out of our stronghold and meet the enemy in the open field?

Sir, if the commander-in-chief, on a memorable occasion, had committed this folly, and deserted his intrenchments, we should never have heard of the glorious victory of New Orleans. No, sir; never let us give up the stronghold of the Constitution. Let us not repose too much confidence in the good faith or the justice of those who have power over our lives or our liberties. Those who trust too much to the mercy of men in power, may probably realize the fate of the unfortunate Texans who fell at Goliad. They may surrender at discretion, and be destroyed in detail—murdered by divisions. For myself, if I stood alone, never but with life would I yield up the citadel of our rights. If the day shall come when it *must* fall, I am content to perish with it.

Mr. R. gave way, without concluding, to a call for the orders of the day.

FLORIDA WAR.

On motion of Mr. WHITE, of Florida, and by general consent, the House went into committee (Mr. PHILLIPS in the chair) on the bill to provide for the payment of expenses incurred, and supplies furnished, on account of the militia received into the service of the United States for the defense of Florida. The bill was read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, directed to cause to be paid the expenses that have been incurred, and the supplies that have been furnished, in the States of South Carolina, Georgia, Alabama, Louisiana, and the Territory of Florida, on account of the militia received into the service of the United States for the defense of Florida: *Provided*, That the accounts of these claims shall be examined and audited at the Treasury, as in other cases.

Mr. WHITE moved to amend the bill by including in its provisions the militia first called into service by Generals Clinch and Hernandez.

This amendment (said Mr. W.) was rendered necessary by a very rigorous technical construction of the first section of an act providing for the payment of the militia who has been in service. He did not consider that the amendment was necessary, because it was before provided for—other and higher authority has thought further legislation is necessary. We must yield to it. The gallant men who has been in service, for whom this provision is intended, did not want for orders from the War Department. They rushed to the field upon a call from General Clinch upon the brigadier general of the militia of East Florida; which order is as follows:

ST. AUGUSTINE, *December* 1, 1835.

GENERAL: Since writing to you last evening another express has arrived from Fort King, bringing me such information as to compel me to change my plan of operations, and it will not be in my power to give your section of country that protection that I wished and intended. You must, therefore, rally the gallant spirits on the east of the St. John's, and endeavor to protect yourselves. I will use my best efforts to keep the hostile party sufficiently amused to prevent them from paying many visits.

I will thank you to apprise the Spring Garden settlements and the settlements south of you, as early as possible, to be on the alert.

In much haste, I remain, General, yours with high respect,

D. L. CLINCH,

Brevet Brigadier General United States Army commanding.

S. HILL WILLIAMS, A. D. C.

Gen. J. M HERNANDEZ, *Tomoka.*

Mr. W. read, in the course of his remarks, a number of letters showing the distressed situation of the frontier.

The following were among the letters read by the delegate from Florida:

Extract from a letter dated

"JACKSONVILLE, *April* 28, 1836.

"MY DEAR SIR: Judge Smith last week informed me that some doubts existed in his mind that the act passed was not full enough to insure us our pay, and that he had told General Hernandez to write you immediately on the subject. Do have an amendatory act passed, as our people will be worse ruined by the United States' refusal to pay than many have been by Osceola.

"Scott has done us great injustice and injury; he has marched to Tampa and back again, without effecting any one object; and during his abandonment of the settlements, the Indians have made an attack on Fort Drane and carried off several horses, and to-day I am informed that Mr. McIntosh's sugar-house has been burned.

"There is no alternative now left for the United States, unless they intend to abandon East Florida to Osceola, but to call on the East Florida militia again; and without pay for what has been done, I doubt much whether our regiment could be induced to furnish a sergeant's guard.

"Men cannot leave their families without something to eat. As to the *resolution* of yours for the delivery of rations, it is a complete nonentity."

Extract of a letter from St. Augustine, dated

"MAY 1, 1836.

"General Hernandez and Mr. Douglass had an interview with General Scott to-day, and he informed them that he was going to give up all operations till December next.

"When these gentlemen asked him about the protection of the inhabitants in the country during the summer, I understood them to say that his answer was very unsatisfactory. He told them, however, that many of the planters would necessarily have to abandon their plantations and crops: this is what I have apprehended. It appears that he does not care about the destruction of property, and the sufferings of the inhabitants, or how long he delays the war. All this is nothing to him. You see how it is: we are all to be sacrificed, and the country depopulated, for the want of a little exertion. Something must be done at Washington, or nothing will be done in Florida."

Extract from a letter dated

"ST. AUGUSTINE, *May* 1, 1835.

"DEAR SIR: Several planters had armed their negroes, and returned to their plantations, in hopes that they might yet be able to make a crop this year; but they will now be obliged to abandon them again, and seek for some place of safety. I have just ordered my overseer to remove mine to this place, and it is believed some will leave the country altogether. I think you ought to see the Secretary of War, or the President himself, and urge the propriety of there being a mounted force raised from among the inhabitants of the country, to scour the same during the summer months, otherwise our roads will be intercepted by the Indians, and all intercourse with the interior be stopped."

Extracts from a letter dated

"FORT GEORGE, FLORIDA, *May* 8, 1836.

"I wrote you from St. Augustine, 6th instant, advising of our dismal prospects of safety, owing to the retreat of the army under General Scott, and his want, either of goodwill or means, of protecting us."

"Clinch they all speak highly of, and regret that he was ever superseded."

"I never saw so dreadful a prospect of annihilation to East Florida. A great proportion of the slaves, the only productive property we have, are already carried off by the Indians. A great proportion of those which have escaped are carried off and sold out of the Territory. Another portion are now about being sold in Augustine to the slave-dealers from the West, who are hovering round like vultures after a favorite prey. Alachua is about being broken up; and except, perhaps, a couple of hundred on the sea islands about the mouth of the St. John's, I can see no available labor in East Florida for this year."

Extract of a letter from

"TALLAHASSEE, *May* 10, 1836.

"We are just informed, by express from St. Mark's, that the Gadsden troops are fighting the Indians within view of the bomb-proof, but we do not yet know the result. We are truly anxious to hear the fate of these brave men, who are always first in the field. If it be disastrous to the whites, I know not what will happen."

Extract of a letter dated

"CHARLESTON, *May* 15, 1836.

"DEAR SIR: The *rules of the Army* applicable only to *ordinary cases*, and framed chiefly for regular troops, have been brought to bear upon *a movement* which was peculiar in its character, and in relation to which all of these rules, it seems to me, should have been dispensed with. Men were wanted *on the instant;* they were hastily collected, and sent down, for dispatch, on *the railroad. The expense of transportation was refused to be paid.* On their arrival here, no *sufficient provision* was made for quartering and supporting them; and we were told 'that Government had nothing to do with troops until they were regularly mustered into service.' When the difficulties first occurred in East Florida, several vessels, loaded with provisions and military stores, were instantly forwarded from this place for the relief of the suffering inhabitants, and two companies of volunteers were organized to be sent on for the protection of St. Augustine. The volunteers were taken off our hands by General Eustis, but the other expenses, voluntarily incurred, have, I think, not yet been discharged. This you can ascertain, however, from the War Department. I have not a shadow of doubt, if the liberal spirit displayed in reference to Florida by the citizens of Charleston, as well as those of the whole State, had been *met by a corresponding spirit* on the part of the War Department, and all the officers acting under their authority, that it would have been easy now to send any force for the protection of Florida that could have been desired. But our constituted authorities, as well as our own citizens, have been taught, by their recent experience, that *a zeal* which prompts them to rush forward, *without calculating the cost, and regardless*

of forms, is not duly appreciated by the Federal Government, or their officers. I think that nothing short of a liberal appropriation, put at the control of the Governor, to be expended at his discretion, in organizing a force to be *commanded by State officers*, could enable him to send to the defense of Upper Florida such a regiment of rangers as you think necessary for that purpose."

Extract of a letter from St. Augustine.

"Consequently most of us have no money to purchase provisions; and as to hiring out any number of negroes, it is impossible. Nothing can be done in the country, and no one wants them; and if he keeps them, they are likely to starve. It is a very hard case, indeed, to compel a man to sell one part of his family to support the other. If the Government is not able to protect us, they ought not certainly to suffer us to starve.

"According to the late orders received here from the Secretary of War, about provisions, no person can receive any without they are actually paupers. The result will be, if this state of things lasts six months longer, there will be none in East Florida but paupers, for every man that can get away will move away."

Mr. PINCKNEY conceived that the bill did embrace the whole of the corps employed in the Floridas.

Mr. SPEIGHT explained that the amendment was necessary, for the first section of the bill did not provide for the object embraced in the amendment.

Mr. WHITE, of Florida, was also given to understand, by a letter received that morning, that the volunteers called out by Generals Clinch and Hernandez would not be paid under the former bill; and he read a letter from the Secretary of War to the same effect.

After a few words from Messrs. OWENS, JOHNSON of Kentucky, and CAMBRELENG,

Mr. GLASCOCK suggested a modification of the amendment as follows:

And such other militia and volunteers as have been received and mustered into the service of the United States, and regularly discharged.

He explained in a few words the object of his amendment.

Mr. HAWES wanted to know if any estimates had been sent to the House, and if the bill was intended to provide for those who were mustered into the service, and afterwards refused to fight and went home?

Mr. GLASCOCK replied that his amendment met the gentleman's question by the phrase "regularly discharged."

Mr. HAWES was not satisfied with that, as it did not go far enough. The men might have been discharged by their own officers, and he certainly would not vote a dollar to such men.

Mr. WHITE, of Florida, said there were no troops in Florida that had refused to fight. There were some who came near the border, and retired upon some disagreement with their officers; but the bill was not intended to embrace them, nor could be so construed.

Mr. GLASCOCK remarked that, if his amendment were agreed to, it was sufficiently explicit. The words, "regularly discharged from the service," could only mean a discharge by the officers of the United States.

The amendment of Mr. G. was then agreed to *nem. con.*

The amendment as amended was then also agreed to.

Mr. GARLAND, of Louisiana, moved further to amend the bill by inserting in the first section the word "volunteers" after the word "militia;" which was agreed to.

Mr. MARTIN submitted an amendment providing for the payment of all reasonable expenses of such volunteer companies as were formed and marched to the seat of government of Alabama, at the call of the Governor of said State, and who were not received and mustered into actual service on account of the requisite number of companies having been received before their arrival there. Mr. M. briefly explained that a requisition had been made by Governor Clay, of Alabama, and a large body of men, assembled from various parts of the State, at the seat of government; many more than were wanted. All his amendment required was, that they should be remunerated in the expenses they had actually incurred.

Mr. WHITTLESEY, Ohio, inquired if this subject had been submitted to the Military Committee of the House?

Mr. MARTIN was understood to reply in the negative; but he hoped there would be no objection to it.

Mr. WHITTLESEY thought it should undergo the revision of that committee. He remarked that there were a great many instances of militia having been called out in this way in the late war, without any claim having been made upon Congress. At all events he hoped the gentleman from Alabama would not embarrass or incumber this bill by urging his proposition at that time.

Mr. MARTIN was at a loss to see how it could embarrass the bill, for his proposition was of a character identically the same as the provisions of the bill.

Mr. SPEIGHT said, though he thought the expenses these men had incurred should be repaid to them, yet he hoped the gentleman from Alabama would not then press the subject.

After a few further remarks from Messrs. MERCER, LAWLER, HUNT, and WHITE of Florida,

Mr. MARTIN said, not to delay or prejudice the passage of this bill, and at the suggestion of his friend, he would withdraw the amendment. He wished the House, however, distinctly to understand, that he should ask leave to introduce a resolution by which this subject should be referred to the Committee on Military Affairs.

Mr. OWENS moved to insert the words "out of any money in the Treasury not otherwise appropriated."

Mr. BRIGGS hoped the amendment would not prevail, for the bill was merely an explanatory one of a former bill. If it should prevail, it would be making the bill a new appropriation, which was not the intention of the committee who reported the bill.

Mr. OWENS explained that his object was to secure the immediate payment of the money, but if his amendment would conflict with the intention of the committee, and being anxious for the speedy passage of the bill, he withdrew the amendment.

Mr. PINCKNEY moved to amend the bill as follows: strike out "in" the States, and insert "by" the States, and also add the following: "or individuals or corporations." He said his object was to provide for the repayment of advances made by banks in the State from which he came.

Mr. GLASCOCK requested the gentleman to withdraw the amendment; and after a few words by both gentlemen, Mr. P. withdrew it.

Mr. MASON, of Ohio, then spoke for some time in reference to the irregular and hasty manner in which such important bills as this were lately hurried through the House.

The committee then rose and reported the bill and amendments to the House.

The SPEAKER having resumed the chair, the bill as amended in committee was then taken up, and the amendments read.

Mr. JARVIS said he should not oppose the bill, but he did dissent from the manner in which the House was transacting its business. The requisite information failed to come from the Executive Department in a regular manner. Instead of the House receiving executive communications through the Chair, a communication was received by a chairman of a committee, and the first the House heard of it was when the bill was reported. This ought not to be tolerated. He did not say this from want of respect to the Secretary of War, for he had the highest opinion of that gentleman. He moved to recommit the bill to the Committee on Military Affairs.

Mr. SPEIGHT denied that the manner in which the suggestions had been sent to the House were either disrespectful or irregular. He asserted, without fear of contradiction, that, from the origin of the Government to the present time, no estimates for a bill of this character were sent through the Speaker. The uniform practice had always been the same as in the present instance. This bill had now been reported by the Military Committee, and been before the House upwards of a month. He appealed to the gentleman to withdraw the motion to recommit.

Mr. JARVIS replied that he had never reported any bill, which was an original measure, under the circumstances he had complained of in regard to the present.

Mr. HAWES should vote to recommit this bill to the Military Committee, and he did not know whether he should vote against it or not when it again came up for consideration. The gentleman from North Carolina seemed to have overlooked a most material fact, that a new provision had been inserted in the bill that morning, upon the motion of the gentleman from Florida, as suggested by the Secretary of War in a letter to himself, [Mr. WHITE,] which had never undergone the revision of the Military Committee.

The motion to recommit was further discussed by Messrs. GRANGER, PARKER, EVERETT, CAMBRELENG, WHITE of Florida, JOHNSON of Tennessee, BELL, GRENNELL, LINCOLN, and WARD.

Mr. JARVIS then withdrew the motion.

The discussion was further continued by Messrs. VANDERPOEL, GRAVES, JUDSON, WHITTLESEY of Ohio, PARKER, ADAMS, and WHITE of Florida; when the amendment of the Committee of the Whole was concurred in, and the bill was passed.

SERVICES OF VOLUNTEERS.

Mr. LEWIS, from the joint committee of conference, appointed on the disagreeing votes of the two Houses upon an amendment of the Senate to the bill authorizing the President to accept the service of volunteers, reported several amendments to said bill; which were agreed to.

RESOLUTIONS.

On motion of Mr. WISE, by leave, it was

Resolved, That the President of the United States be requested to communicate to this House all the measures taken by the Administration to suppress Indian hostilities in Florida; also to communicate all the information in his possession relative to the cause of those hostilities.

On motion of Mr. MARTIN, by leave, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making provision for the payment of the reasonable compensation of such volunteer companies as were formed and repaired to the seat of government of the State of Alabama, upon the call of the Governor of said State, and were not received into the service, on account of the disturbances in Florida, as well as for the Creek service, the requisite number of companies having been received before they arrived; and that the accompanying communication upon this subject from his Excellency C. C. Clay, Governor of the said State, be referred to that committee.

On motion of Mr. VINTON, the House adjourned.

IN SENATE.

MONDAY, *May* 23, 1836.

Mr. WALKER rose and said there had been forwarded to him the proceedings of a large and respectable meeting of citizens of the State of Mississippi, held at the court-house of Warren county, which he had been requested to present to the Senate. The resolutions contained in these proceedings (Mr. W. said) instructed their Representatives and requested their Senators in Congress to use their utmost endeavors to obtain from this Government the immediate recognition of the independence of Texas, stating the reasons which have induced the people of this county to urge this measure. The time had now arrived, Mr. W. believed, for action on this subject; and he therefore moved the reference of these proceedings to the Committee on Foreign Relations.

Mr. W. handed up to the table the resolutions in a printed form; upon which

The CHAIR stated that a paper in that form could not be received—that it must be attested by the real signatures of some of the parties, or accompanied by a letter vouching for its authenticity.

Mr. WALKER said that he was himself satisfied of the authenticity of the proceedings. Their having been sent in a printed form was merely for the convenience of transmission; and that he had received a letter on the subject, but that in consequence of its containing also matters of a private nature, he did not wish to communicate it for publication.

The CHAIR stated that the rule of the Senate was imperative on this subject.

Mr. WALKER said that if it was out of order to receive this paper he would, in obedience to the instructions of his constituents, move the reference of the proceedings of the citizens of Cincinnati, having a similar object in view, pre-

sented some days since by the Senator from Ohio, [Mr. MORRIS.]

Mr. MORRIS did not feel disposed to take up these resolutions at this time. This was a very important question, which would, in all probability, produce some excitement in the country, and he was not prepared to act on it before it became necessary to act. He was not willing to take all that he had heard as facts, until officially communicated. It was true it was a glorious struggle, in which our citizens, and he among the rest, felt a deep interest; nevertheless, he did not go the length of the Senator from Mississippi, [Mr. WALKER.] He had received from the capital of his State proceedings of a meeting of highly respectable citizens, warmly espousing the cause of Texas; and he was the first to present to the Senate proceedings on this subject. The recognition of Texas involved a question which did not meet the eye, and which was beyond the mere recognition of her independence—a question that would convulse this Union from one end to the other; and the observance of prudence and caution was necessary. While there was agitation on this subject it was not the most appropriate time for action upon it. It might have a material effect upon some portions of the country, and he therefore thought the time had not yet arrived when it was proper, in his judgment, to act.

Mr. PRESTON, with great satisfaction, tendered to his friend from Mississippi the use of the memorial on the subject of Texas, presented by him some days since. It might have been supposed, that he would call up this memorial himself, and he had proposed to do so this morning; but he had much rather second the views of the gentleman from Mississippi, and follow in his wake, than take the lead himself. There was much propriety in this movement coming from that quarter. The zeal and ardor which that gentleman had manifested on that subject, and the powerful interest in the affairs of Texas which his constituents had exhibited, alike qualified him to take the lead on this occasion. He was glad, for another reason, that the gentleman from Mississippi was the first to move in this business. He himself was in the minority, belonging to that party which had no control over the destinies of this country, except by repulsion; and, therefore, the motion coming from a distinguished member of the party of the Administration would have a more powerful effect than one coming from him. It showed the strength of the cause of Texas, and indicated the feelings of the Administration party in its behalf; or if it did not indicate such feelings, it showed that a powerful current of public sentiment was urging them on. He had expected this morning to follow the lead of other Senators. He had expected that the Senator from New York would have presented a memorial on this subject from that great State, containing such a vast number of signatures as to put all others in the shade; and he had also expected that a memorial of the same nature would have been presented by the Senator from Pennsylvania.

The period had now arrived when, if public information was not false, some action on the part of this Government would be proper. He did not mean direct and positive, but initiatory action, to put things in a course of investigation. If a tithe of that information was true, no one could question but that the domination of the President of Mexico was forever at an end. If it was true that his army was dispersed, his person captured, and the Texan army triumphant, Texas was in the situation supposed some days since, by the Senator from Massachusetts, having a Government *de facto*, and being to all intents and purposes independent. They had, it was true, received no official confirmation of this intelligence; and therefore it was not proposed to do more than take the initiatory steps to obtain further information through the Committee of Foreign Relations; but without over estimating the feelings of the Senator from Mississippi, he would take it for granted that, if instead of these rumors they had been in possession of official confirmation of the Texan victory, the gentleman would at once have laid a resolution on the table for the immediate recognition of the independence of Texas.

Mr. WALKER accepted with great pleasure the proceedings tendered him by the Senator from South Carolina, [Mr. PRESTON.]

Mr. MORRIS said he would not now object to the use of the Ohio proceedings by the Senator from Mississippi.

Mr. WALKER then moved the reference of all the proceedings and memorials in relation to Texas to the Committee on Foreign Relations. He said that his feelings had perhaps been more deeply excited than those of any other Senator, by the fact, that he attributed the death of a very near and much beloved relative, in passing through Texas immediately proceding the late struggle, to the unwarrantable proceedings of the Mexican authorities in Texas. Mr. W. said he spoke and acted on this subject upon his own responsibility, and not, as was supposed by the Senator from South Carolina, [Mr. PRESTON,] as the organ of the Administration. Mr. W. said he had no authority to represent the President's views on this subject, but that, were he to give his own opinion of those views, Mr. W. could not doubt but that, as a man, the President could not be otherwise than friendly to the cause of those who were struggling for liberty against usurpation in any quarter of the globe; that the love of liberty still glowed as warmly in the bosom of our venerable President as when, in the morning of life, he shed his blood in defense of his country in the war of the Revolution; that whatever might be the feelings of the President, as a man, he would, no doubt, so discharge the duties of his office as to preserve unsullied the national faith and the national honor.

If (said Mr. W.) the accounts we have received from Texas were official, he would have moved a resolution for the immediate recognition of the independence of Texas. Mr. W. believed these accounts to be true; but, as the information was unofficial, he had moved the reference of the Texas memorials to the Committee on Foreign Relations, in the expectation that they would immediately investigate the subject, and be enabled to present the facts to us in that authentic form which would justify immediate action. When South America was not yet wholly disenthralled from the power of Spain—when the scale was still balancing, and the question not yet entirely determined which should preponderate, liberty or despotism, Congress had acted upon the question of South American independence. And, at a late period, when the struggle of Greece was still progressing—when her classic soil was still the theater of a sanguinary and doubtful conflict—when the Moslem crescent had not yet faded before the dawn of liberty, the distinguished Senator from Massachusetts had moved to accredit an agent to Greece. If we were warranted in thus acting upon that occasion, why refuse now to investigate, through the appropriate committee, the situation of affairs in Texas? The intelligence is, that a division of the Mexican army has been overthrown, and the survivors of the contest captured by the troops of Texas; that Santa Anna, the leader of the Mexican army, and the head of the Mexican Government, the very man in whose person that Government was concentrated, was also a prisoner; and that he had consented to the exaltation of Texas, and the immediate recognition of her independence. If, then, (said Mr. W.,) Texas has maintained, upon the field of battle, that declaration of independence made by her many months since—if that independence has been acknowledged by the head of the Mexican Government, and Texas evacuated by the Mexican troops—if there be now a Government *de facto* in operation in Texas, and her enemies overthrown, we must, upon the principles that have always guided our course, recognize at once the independence of Texas.

Mr. WEBSTER said that, if the people of Texas had established a Government *de facto*, it was undoubtedly the duty of this Government to acknowledge their independence. The time and manner of doing so, however, were all matters proper for grave and mature consideration. He should have been satisfied had this matter not been moved again till all the evidence had been collected, and until they had received official information of the important events that had taken place in Texas. As this proceeding had been moved by a member of the Administration party, he felt himself bound to understand that the Executive was not opposed to taking the first steps now, and that in his opinion this proceeding was not dangerous or premature. Mr. W was of opinion that it would be best not to act with precipitation. If this information was true, they would doubtless before long hear from Texas herself; for as soon as she felt that she was a country, and had a country, she would naturally present her claims to her neighbors, to be recognized as an independent nation. He did not say that it would be necessary to wait for this event, but he thought it would be discreet to do so. He would be one of the first to acknowledge the independence of Texas, on reasonable proof that she had established a Government. There were views connected with Texas which he would not now present, as it would be premature to do so; but he would observe that he had received some information, from a respectable source, which turned his attention to the very significant expression used by Mr. Monroe, in his message of 1822, that no European Power should ever be permitted to establish a colony on the American continent. He had no doubt that attempts would be made by some European Government to obtain a cession of Texas from the Government of Mexico.

Mr. MORRIS said, that on this question he was in hopes he should be able to make himself fully understood. He explained his views of the effect of the motion of the Senator from Mississippi, [Mr. WALKER,] which, he thought, was premature and hasty. Mr. M. disclaimed being under executive influence in this matter. He went with, and for, the people of the State he represented. It was true he respected the executive will, when he knew it officially. But (he asked) where was the Government or the authorized agents of Texas? Those gentlemen who were here as agents, he believed, had shown no credentials from the authorities of Texas. He would go as far as any gentleman on this floor in favor of civil and religious liberty, and held that all men were born free and equal. When he acted as the humble organ of a portion of the people of this Government, he desired to act on something official. He would be prepared to act on this important event at the proper time, and he believed that the time would soon arrive. He could sympathize in the feelings of the Senator from Mississippi, [Mr. WALKER.] That Senator had reason to feel in this matter, having met with the loss of a near relative. But he ought not to suffer his judgment to be misled by the intensity of his feelings. They might, out of these walls, act in their individual capacity like men; but when acting as Senators they should be cautious. But, as the Senator from Mississippi said, time would be taken for consideration by the committee, if referred to the Committee on Foreign Relations; and as that committee was an able one, he would withdraw his objections to the reference.

Mr. WALKER stated that, from the observations of the Senator from Ohio, it would seem that the gentleman supposed that his course on this occasion had been dictated by the impulses of his heart, and not by his judgment. The gentleman was deeply mistaken; for there was no one subject upon which he had more deeply reflected, and more deliberately consulted his judgment, than on the subject of Texas. At the period when the treaty was made by which the valley of the Mississippi was dismembered, and Texas surrendered to a foreign Power—at that period, not yet having arrived at the age of manhood, and not being entitled to a vote, he had expressed his conviction against the treaty, and by addresses in 1826 in the public papers, over his own signature, had shown his opposition to that unwise and important measure.

These were the deliberate dictates of his own judgment, before he ever had a relative in Texas—before he was a resident of a southern State, and before he ever expected to have a seat on this floor. These (he said) were not southern feelings—they were not northern feelings—no, they were the feelings which were wholly American, prompted by an ardent zeal for civil and religious liberty; and which, he trusted, would

ever have influence in every American bosom. It was the solemn and deliberate conviction of his judgment, that they should recognize the independence of Texas, whenever they were satisfied that she had an established Government. Whether they extended their jurisdiction to Texas, as he desired, or not, they should congratulate themselves that American institutions, American feelings, our freedom, our language, and our kindred race, predominated over that fair country, instead of the colored mongrel race, and barbarous tyranny, and superstitions of Mexico. They had not, it was true, received official confirmation of the glorious intelligence which there was so much reason to credit. If they had, he would have at once laid a resolution on the table, looking to the acknowledgment of the independence of Texas; but not having received such official information, he did not propose more at present than to take the initiatory steps of an inquiry by the appropriate committee.

The Senator from Ohio referred to the agents from Texas now in this city as being private agents only. He begged leave to tell the gentleman that they were public and accredited agents, and not the less respectable because they were once American citizens, and not less respectable than the accredited agents of the tyrant and usurper, Santa Anna. They had been told to wait till Texas had established her independence. She had established it, and was able to maintain it. By her great and glorious victory, she had her oppressor in her power, and could dictate to him what terms she pleased; and Mr. W. said, the battle in which Santa Anna was captured was next in importance to the civilized world to the conflict which terminated in the surrender of Cornwallis, and would be equally decisive of the fate of an infant republic.

Mr. KING, of Alabama, was aware, from the present state of feeling on the subject of Texas, that every wise and prudent course would be construed as an opposition to the recognition of the independence of that country; but so long as he remained on that floor he would throw himself in opposition to every effervescence of feeling which he conceived militated against the high character of this country for good faith and the preservation of treaty stipulations with foreign countries. He knew not whether the intelligence from Texas was true or not—he hoped that it was true; but that should not alter the true course of policy which this Government had invariably pursued towards foreign Powers. We ask not (said Mr. K.) whether they have established a Government of liberal principles or a despotic Government; we do not ask on what principles their Government is founded. We only ask if they have established a Government on settled principles; and having satisfied ourselves of that fact, we proceed to acknowledge them as a nation. It was on this principle that we recognized the Government of the Republic of France, established on the ruins of the old monarchy; it was on this principle that we recognized the Consular Government established in the same country, and again recognized the Imperial Government, afterwards the Kingly Government of the house of Bourbon, and now the French monarchy as at present existing. On this principle we had uniformly acted, and correctly acted, with respect to all the new Governments with whom we had had intercourse. Let us first see a Government established, and then only can we act according to the principles laid down from the first formation of this Government.

Was there a man who did not deeply sympathize with them, and desire to see them freed from their oppressors? Did they acknowledge her independence at once? No, far from it; the eloquence of the Senator from Kentucky was exerted in vain in the Hall of the other House; our Government felt itself restrained by a sense of prudence and of justice; and it was not till after we had sent agents to see whether a Government existed, and what that Government was, that they recognized them as an independent nation. So would he act now; so would he that this Congress and this Administration should act on the present occasion. It was said that the movement of these proceedings in the Senate was to be regarded as an evidence of the feelings and wishes of the Executive on this subject. He had had no communication whatever which would enable him to know what were the wishes and feelings of the Chief Magistrate; but he should think that the individual at the head of this Government was too wise and too prudent to hazard any premature action in relation to a matter involving such important consequences. He should have been better pleased had honorable gentlemen waited for the further development of coming events, and not, when the public mind was in a state of effervescence, receive, as implicit, every rumor which was favorable to the cause of Texas. They should have waited until they could act in accordance with the long-settled policy of this Government. Then he would have been disposed to go with the Senator from Mississippi, and recognize the independence of Texas, when she had proved that she really possessed that independence. He could not see the necessity of sending this memorial to the Committee on Foreign Relations, as they had not the means of obtaining any information not already in the possession of the public. If the motion should be pressed, and the memorial sent to the committee, he hoped they would let it sleep, and not recommend any action until they were in possession of the fullest information, enabling them to act in accordance with the settled policy of this Government, and becoming to the national Legislature and to the nation.

Mr. MANGUM hoped the Senate would send this matter to the committee, not to sleep, for they ought to report something on the subject. From the relation in which he stood as a member of that committee towards the Executive, he ought to be cautious not to embarrass that Department of the Government; and from local causes it would naturally be expected he should have some feeling on this subject. If he had, he dare not move in the matter until the Executive moved. He would not vote for a reference of them, or any other proceedings to embarrass the Executive Department. He alluded to a bill before another branch of Congress to fix the boundary line between this Government and the Government of Mexico, and they ought to act with some delicacy. He knew he would be denounced in a certain quarter as wanting in a due sense of feeling for Texas. But when Texas came up to the standard of independence, he was prepared to act promptly, but was not willing to embarrass the Executive upon mere newspaper rumor. He would vote against the reference on the ground that he was unwilling to take any step until he could go the whole length. At present there was no authentic information that there was any Government in Texas. He would not yield that he had less sensibility than others in behalf of Texas, and being unwilling that the committee should be embarrassed by this delicate question, he would move to lay it on the table.

Mr. CALHOUN was of opinion that it would add more strength to the cause of Texas to wait for a few days until they received official confirmation of the victory and capture of Santa Anna, in order to obtain the more unanimous vote in favor of the recognition of Texas. He had been of but one opinion from the beginning, that, so far from Mexico being able to reduce Texas, there was great danger of Mexico herself being conquered by the Texans. The result of one battle had placed the ruler of Mexico in the power of the Texans, and they were now able, either to dictate what terms they pleased to him, or to make terms with the Opposition in Mexico.

This extraordinary meeting had given a handful of brave men a most powerful control over the destinies of Mexico; he trusted they would use their victory with moderation. He had made up his mind, not only to recognize the independence of Texas, but for her admission into this Union; and if the Texans managed their affairs prudently, they would soon be called upon to decide that question. No man can suppose for a moment that this country could ever come again under the dominion of Mexico, and he was of opinion that it was not for our interests that there should be an independent community between us and Mexico. There were powerful reasons why Texas should be a part of this Union. The southern States owning a slave population were deeply interested in preventing the country from having the power to annoy them; and the navigating and manufacturing interests of the North and East were equally interested in making it a part of this Union. He thought they would soon be called on to decide these questions; and when they did act on it, he was for acting on both together, for recognizing the independence of Texas, and for admitting her into the Union.

Though he felt the deepest solicitude on this subject, he was for acting calmly, deliberately, and cautiously, but at the same time with decision and firmness. They should not violate their neutrality; but when they were once satisfied that Texas had established a Government, they should do as they had done in all other similar cases—recognize her as an independent nation; and if her people, who were once citizens of this Republic, wished to come back to us, he would receive them with open arms.

If events should go on as they had done, he could not but hope that, before the close of the present session of Congress, they would not only acknowledge the independence of Texas, but admit her into the Union. He hoped there would be no unnecessary delay—for in such cases delays were dangerous—but that they would act with unanimity, and act promptly.

Mr. BROWN said he would not enter into the consideration of the very important topics, on the present occasion, which the gentleman from South Carolina [Mr. CALHOUN] had alluded to, in the course of his remarks, as to the position which Texas ought to occupy, in relation to the United States, in the event of her succeeding in the establishment of her independence. Whether she was to be incorporated into our Confederacy as one of its members, or whether she was to stand in the relation of an independent sovereignty, having no political connection with us as a nation, were questions which were fraught with the most important consequences, and would, when presented for deliberation, deserve the most solemn consideration.

He would proceed to say a few words on the motion to refer the memorials, in favor of the recognition of the independence of Texas, to the Committee on Foreign Relations. We had been called on (said Mr. B.) to take this step by the advocates of the motion, confessedly on the grounds of the propriety of an immediate acknowledgment of the existing authorities of Texas as a Government. He, therefore, should view the motion as looking to that result, *and as the means by which* it was sought to be accomplished. What, he would ask, was the nature of the information on which this important step was to be predicated? Were we in possession of that well-authenticated intelligence, as regards the condition of Texas, and the competency of its existing authorities to maintain themselves against the power of the Mexican Government, which would authorize such a measure? These were important preliminary inquiries, and should not be regarded as settled until we had received more certain and definite information than we yet had in our possession. Mr. B. could not (he said) consider the effort which was now making by honorable gentlemen to stimulate action on this subject by our Government in any other light than as an attempt to change practically and radically the neutral and pacific character of our Government, which had long been cherished as one of its wisest and best settled principles of policy—a policy under the guidance of which we had grown, and strengthened, and become powerful at home and respected abroad. He, for one, was not willing to exchange a policy which had produced such rich and valuable fruits for one of novel experiment and of uncertain issue. He could not yield his judgment to the enthusiastic appeals which had been made to our sympathies on this occasion. He trusted that he, too, felt a becoming and proper sympathy for those in every clime and in every country who were engaged in a struggle for liberty against arbitrary power. *But there was a sympathy* which he owed in another quarter, and which he acknowledged he felt in its full extent—*higher, stronger, and of more sacred obligation* than that which had been on the present occasion claimed of us.

It was a sympathy *for the preservation of our*

national character, for justice, and for the preservation of *our own free institutions*. Such was the ardent anxiety and solicitude that he felt for the success of our own great and hitherto eminently successful experiment in self-government, that he believed that we should not only be doing great injustice *to our own country, but to the cause of liberty everywhere*, by embarking our Government, which was the best and brightest hope of the friends of civil liberty, in schemes, if not dangerous, to say the least of them, injudicious and precipitate. Mr. B. thought he could see, in the considerations to which he had adverted, reasons at least as strong, and motives as powerful, to call forth our patriotic sympathies, and to afford us an ample occasion for their exercise, as any which had been urged on the other side.

It had repeatedly (said Mr. B.) been charged against republics by the advocates of power, that they were too much governed by a spirit of conquest, and had often endeavored to aggrandize themselves, at the expense of other nations, disregarding the principles of justice. He believed the charge unfounded, and trusted that the United States would continue, as they had heretofore done, to afford an exemplification of the truth, that a republican Government can not only *act* with justice and moderation towards other nations, but that it can *preserve* a character for those elevated national virtues, placing it in honorable contrast with the selfish and arbitrary examples too often set by Governments of a different form.

Mr. B. said that, generous as the enthusiasm was which had been expressed on this occasion in behalf of Texas, and disinterested as the motives doubtless were, alleged in favor of the proposed departure from our neutrality, (for such he should regard a recognition of the independence of Texas at present,) did gentlemen believe that the sharp-sighted diplomacy of foreign nations would not suspect us of *some disposition* to aggrandize ourselves at the expense of a weaker neighbor, and of impatience to plant our eagles on a foreign soil?

He regarded our national character as worth infinitely more than all the territorial possessions of Mexico, her wealth, or the wealth of all other nations added together. We occupied a standing among the nations of the earth of which we might well be proud, and which we ought not to permit to be tarnished. We have (said Mr. B.) arrived at that period of our history, as a nation, when it behooves us to act with the greatest wisdom and circumspection. But a few years since, as a nation, we were comparatively in a state of infancy; we were now in the confidence of youth, and with the buoyancy of spirit incident to this period of our existence as a nation, about to enter on "man's estate." Powerful in resources, and conscious of our strength, let us not forget the sacred obligations of justice and good faith which form the indispensable basis of a nation's character, greatness, and freedom, and without which no people could long preserve the blessings of self-government. Republican government was based on the principles of justice, and for it to be administered on any other, either in its foreign or domestic affairs, was to undermine its foundation and to hasten its overthrow.

Mr. B. said that the peaceable acquisition of Texas by purchase was a question which might well merit the consideration of the Government of the United States; but any step which looked either directly or indirectly to obtaining possession of it in any other way, or which would commit us to take part in the contest in which it was at present engaged, ought, in his opinion, to be steadily resisted. If, in the existing condition of things, we acknowledge her independence, it would become not only a matter of pride, but somewhat of obligation on our part, to maintain it by military force; an extremity which gentlemen ought to pause before they were prepared to precipitate the country improvidently into.

If (said Mr. B.) we shall receive unquestionable informatian that Texas can maintain her independence against the authority of the Mexican Government, none would be more willing to see her recognized as a free and independent State than himself; but until then we owed it to our character as a nation, to our love of justice and moderation, and to our republican form of Government, to do nothing which would compromit the one or endanger the other.

Mr. WALKER said the arguments made by some Senators were calculated to place him in a position which he had not occupied, and demanded a reply. Honorable Senators had spoken as though he (Mr. W.) had made some proposition to dismember Mexico, to violate the faith of treaties, and to tarnish the national honor. Mr. W. had made no such proposition. Mr. W. said he would violate no treaty—he would never desire to tarnish the national honor, or sully a single star that beams in the banner of the Union. The question is, to inquire, through the appropriate committee, into the existence of a Government *de facto* in Texas. The sole question is, has a revolution been effected in Texas? has the Mexican Government been overthrown there? and whether this revolution, as in the present case in a single campaign, or as in the three days at Paris, has been effected, leaves the question unchanged. Mr. W. would desire to call back honorable gentlemen from the fields of speculation into which they had wandered, and ask them to meet the question now proposed, whether the Senate ought not to inquire into the fact of the existence of a Government *de facto* in Texas? If in Texas there be a successful Government in operation, then we shall violate the fundamental principle of the law of nations if we continue to recognize the existence of the Mexican authority in a country from which it has been expelled. But the recognition, it is said, should come from the Executive, or upon his suggestion. Had the President proceeded to recognize the independence of Texas, or to dictate our course here on this subject, some of those very Senators who object to my motion would have at once denounced, as a usurpation, such a course upon the part of the Executive. But the Senate has a right to act on this subject, not only as a branch of the Legislature, but as a branch of the executive department, in controlling our foreign relations. No treaty can be made with any foreign Power, no envoy accredited there, but through the direct action of the Senate, as a branch of the executive department; and it is therefore peculiarly appropriate that the proposed inquiry should commence here. But we are told that the proposed inquiry is *indelicate* under existing circumstances. Indelicate to whom? To Santa Anna, the captive chief of the Mexican Government? Mr. W. said that, to his mind, such an idea was irresistibly ludicrous. When our illustrious Franklin presented his credentials, as the first American embassador to France, did we think it indelicate to send such an envoy on such an embassy? And when the young Franklins from Texas shall present their credentials, as they may already have done on a similar embassy, shall we be told that the inquiry is indelicate, whether they do in fact represent a Government *de facto* or not? But, if the inquiry is indelicate on our part, would it not be much more so on the part of the Executive—brought heretofore, and, perhaps, at the present moment, into actual conferences with the Minister of Santa Anna? There was another strong reason for immediate action. The Senator from Massachusetts had stated that a foreign Power was endeavoring to obtain a cession of Texas from Mexico. If Mexico would ever cede Texas to that foreign Power, now would be the moment. If she made such a cession when we refused even to inquire into the propriety of recognizing the independence of Texas, might not Mexico, and such foreign Power to whom Texas was ceded, then declare that we could not object to the cession, because we still considered the Mexican power as the lawful Government of Texas? This circumstance alone demanded immediate action.

After some further remarks from Messrs. PRESTON, CALHOUN, and MANGUM,

Mr. RIVES concurred in the necessity of caution. This Government should act with moderation, calmness, and dignity; and because he wished the Senate should act with that becoming moderation, calmness, and dignity which ought to characterize its deliberations on international subjects, it was his wish that the subject might be referred. If it was postponed, it would come up again for discussion from morning to morning, to the exclusion of most of the business of the Senate, as there was nothing to prevent the presentation of petitions every morning to excite discussion. It was for the purpose of avoiding these discussions that he should vote to refer it at once to the Committee on Foreign Relations. A prominent member of that committee had been long and intimately acquainted with the subject of our foreign relations, and there were members on it representing all the different sections of the country to whose charge he believed the subject could be safely committed. It would seem, from the course of debate this morning, that gentlemen supposed the question of the recognition of the independence of Texas, or its admission into this Union, was directly before the Senate, and some gentlemen had volunteered their opinions in advance of the report of the committee. He did not vote to refer it to the committee to receive its quictus, but that they might give their views upon it; nor did he feel as if he were called upon to express an opinion upon the propriety of the measure. It was strange that Senators who stated that their opinions were made up should oppose the reference.

Mr. CALHOUN explained. He stated that he was not prepared now to take either course that he had suggested. But he said that the questions, both of the recognition of Texas and her incorporation into the Union, would soon be brought before them. He stated that the Texans having the power, could make good terms with Santa Anna, or with the opposing party in Mexico; and that if they acted with prudence Congress would soon be called upon to decide whether they should be incorporated into the Union. The gentleman from Virginia, he presumed, would not oppose this. He was not so prudent as to wait for the opinion of the committee. He had the fullest confidence in the committee, but having made up his mind long ago he did not rely on the opinions of any one. It was not that he considered action to be now premature, but because he desired to see a greater unanimity of opinion that he wished this matter delayed.

Mr. RIVES was under the impression, without being able to recall to his mind particularly who the individual Senators were, that other gentlemen had so expressed themselves. He held it to be entirely premature, in any Senator, in cases of reference, to express an opinion in advance. The committee would be governed by all proper and patriotic feelings in their deliberations upon the subject, and report to the Senate their views upon it in detail, based upon authentic information received from all sources within their reach. He believed that the discussion of all preliminary questions, without having well authenticated facts before them, gave rise to excited feelings. The gentleman from South Carolina [Mr. CALHOUN] had stated his feelings as a southern man.

Mr. CALHOUN explained. He stated that all parts of the Union, the manufacturing, navigating, and commercial interests, were all equally interested in the independence of Texas.

Mr. RIVES repeated that it was for the purpose of avoiding these excited feelings and discussions that he was in favor of the reference. They all knew the interest felt in relation to this Government. He did not conceive that voting for a reference committed any one. Did any gentleman, when he voted for the reference of a particular claim to a committee, consider himself bound to vote for that claim? Certainly not. He hoped every Senator would acquiesce in the reference; and in all probability, in a short time, they would have placed in their hands such information of an official character as would enable them to act with unanimity, and perhaps even without discussion.

Mr. LINN said, when Santa Anna descended upon Texas like Hyder Ali on the plains of the Carnatic, spreading destruction and desolation before him; when he stormed the Alamo and put its noble and devoted defenders to the sword; when Colonel Fannin, who, after fighting gallantly a overwhelming force of his enemies, was seduced into an honorable capitulation; when this capitulation was basely and treacherously violated, and his followers assassinated; when property was plundered and laid waste; when

women and children were seen flying to the swamps, forests, and cane-brakes for shelter and protection against the power of these ruthless invaders; then, in the hour of their darkest hopes, I was willing to vote an acknowledgment of the independence of Texas, because at that moment it would have served their cause a good purpose. But now, sir, the scene has changed; they have met their proud and vainglorious enemies, and completely triumphed; they have trampled their enemies in the dust, and worked out their own SALVATION. TEXAS IS INDEPENDENT, and it matters but little whether we now pass through the forms of admitting it or not. She is too prosperous for me to take much interest in the matter.

Mr. BUCHANAN said that he had in his possession a memorial from citizens of the city and county of Philadelphia, urging Congress to recognize the independence of Texas, which he intended to present to the Senate as soon as an opportunity should offer. After much deliberation he had determined to move its reference to the Committee on Foreign Relations, believing that, under existing circumstances, this was the most proper disposition which could be made of these memorials.

Mr. B. entirely concurred in the views which had been presented by the Senator from Virginia, [Mr. RIVES.] A reference of these memorials to that committee committed nobody. It left the future course of every Senator as free as it had been before. Such a vote did not, in itself, imply either that we favored or that we opposed the recognition of Texan independence. No inference could be fairly drawn from it, except that we deemed the subject of sufficient importance to justify an inquiry. Could any Senator deny this proposition? It might be, though he confessed he thought it highly improbable, that the committee would feel themselves bound to determine against the cause of Texas, and against the ardent wishes of the people of the United States. In that event it would become the duty of the committee to endeavor to tranquillize the country, and to satisfy the public that this view of the subject was correct. The simple reference of these memorials was the best mode of getting clear of the subject for the present; and for these reasons, if he had no other, he should vote for it. He did not believe that, in the present state of the war between Mexico and Texas, the most jealous minister ever sent from old Spain or Mexico would have any cause to complain of the mere reference of these memorials to a committee of the Senate.

But (Mr. B. said) he should not do justice, either to his feelings or his judgment, if he were to place his vote upon these considerations alone. When he had last addressed the Senate upon this subject, the civil war was still raging in Texas, and the result of the conflict was still involved in doubt. It would then have been a violation of the established principles of our policy to institute an inquiry whether we should recognize its independence. From these principles, whatever might be his feelings as a man, he should never depart as an American Senator. But since that time the aspect of affairs had materially changed. Although he was not of a credulous or sanguine disposition, yet the sources of our information were so numerous, and of such a respectable character, that he now believed the dominion of Mexico over Texas was gone forever. For this he thanked his God. Its mountains and its fertile plains were destined to sustain millions of American freemen in the enjoyment of American liberty. Whatever struggles the patriots of Texas might yet be compelled to make in the sacred cause of liberty, of one thing he felt certain, that they would be finally triumphant. But would they use their victory as wisely as it had been bravely won? This was a question on which we should soon be able to form an opinion. Before we could acknowledge their independence, we must be satisfied that they had organized and established a Government *de facto*, and were actually independent. When these facts were clearly proved, we should then owe it to ourselves—we should owe it to the feelings of the American people—to exhibit an alacrity in declaring them independent. On this subject we should manifest no tardiness or cold delay; but, until that time should arrive, we must be faithful to our principles, and to our duties as a member of the great family of nations.

A habit seemed to be growing in this body of attributing to the opinions of Senators on this floor, who were known to be friendly to the present Administration, a meaning beyond what could be fairly inferred from their expressions, and thus attempting to commit the Executive. This had been done in the course of the present debate. He protested against the justice of any such inference. What he had said upon the present occasion were his own opinions, for which he was individually responsible, without any reference whatever to those which might be entertained by the President of the United States. He trusted that, without further debate or delay, these memorials might be referred to the committee, and we might thus have a breathing spell from this subject to attend to the other important business which was now pressing upon us.

After some further observations from Mr. PRESTON,

The several memorials were then referred to the Committee on Foreign Relations.

EXECUTIVE COMMUNICATION.

The CHAIR communicated a report from the Secretary of the Treasury, containing a statement of the deposit banks for the last month.

INDEPENDENCE OF TEXAS.

Mr. BUCHANAN presented a memorial from sundry citizens of Pennsylvania, asking Congress to acknowledge the independence of Texas.

Mr. McKEAN presented a similar memorial from sundry citizens of Pennsylvania.

Mr. WRIGHT presented a similar memorial from sundry citizens of New York; all of which were referred to the Committee on Foreign Relations.

OTHER PETITIONS.

Mr. HENDRICKS presented a petition, numerously signed by the citizens of Toledo and Michigan City, and the people on the route, praying the establishment of a post route between those places, via South Bend; which was referred to the Committee on the Post Office and Post Roads.

Mr. RIVES presented a memorial from sundry citizens of Virginia, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. LINN presented the petition of sundry citizens of Prairie du Chien, praying for confirmation to certain land titles; which was referred to the Committee on Private Land Claims.

REPORTS FROM COMMITTEES.

Mr. BENTON, from the Committee on Military Affairs, reported, without amendment, the bill from the House to provide for the expenses incurred, and supplies furnished, to volunteers called out for the defense of Florida; and, by unanimous consent, the bill was ordered to a third reading.

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Patrick Green; which was read, and ordered to a second reading.

The bill for the relief of Silas Fisher was read the third time, and passed.

RESOLUTIONS ADOPTED.

Mr. NICHOLS submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of confirming the claim of Morris Conway to a tract of land on the left bank of the Mississippi, purchased by him from the Hournas Indians; which claim was confirmed and extended by the Spanish Government in June, 1777, by Bernardo de Galvez, and subsequently confirmed by the United States commissioners under the act of 1805; and being more than a league square requires the action of Congress to perfect it.

Mr. MOORE submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of establishing a new land district, to include the country recently acquired by treaty with the Cherokee Indians.

Mr. EWING, of Ohio, submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Kenton, in Hardin county, to Bucyrus, in Crawford county, in the State of Ohio.

Mr. LINN submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post roads in the Territory of Wisconsin, viz: from Warsaw, in the State of Illinois, via Keokuck, Fort Des Moines, Fort Gibson, Fort Madison, Gibson's Ferry, Burlington, Iowa, Clark's Ferry, Davenport, Parkhurst, Bellevue, Dubuque, Peru, Durango, Wayman's, Cassville, and Prairie du Chien, to Fort Snelling; from Macomb county to McDonough, Illinois, by Burlington to Mount Pleasant; from Racine on Root river, by Wisconsin city and Mineral Point to Cassville; from Richlandtown to Burlington, and thence to Monmouth, in Illinois; from Milwaukee to Wisconsin city; from Galena, via Sinsinawa city, Centreville, (at Sinsinawa post office,) Gibraltar, Van Buren, La Fayette, Cassville, and Prairie du Chien, to Fort Snelling; from Bellevue to Galena, Illinois; from Carthage, Illinois, via Commerce, Illinois, to Fort Des Moines; from the Rapid on the Des Moines river, via Mount Pleasant and Powachique, to Dubuque; from Stephenson, Illinois, to Davenport; from Savannah, Illinois, to Bellevue; from Dubuque, via Centreville, and Blast Furnace, to Elk Grove; from Mineral Point, via Wingville and Savannah, to Prairie du Chien; from Mineral Point, via Dodgeville and Helena, to Arena; from Dodgeville, via James Morrison's, Moundville, City of the Four Lakes, Fort Winnebago, Butte des Morts, Little Butte des Morts, Grand Kakalan and Menomonee, to Green Bay; from Cassville to Elk Grove, via Platteville; from Galena, Illinois, via Vinegar Hill, Elk Grove, Bellemont, to Mineral Point; from Galena, Illinois, via White Oak Springs, Gratiot's Grove, Willow Springs, and Prairie Springs, to Mineral Point; from Gratiot's Grove, via Wiota, McNutt's Diggings, and Wisconsin City, to Milwaukee; from Wisconsin City to Racine; from Fort Winnebago, via Fort Du Sac and Calumet Village, to Grand Kakalan; from Chicago, Illinois, via Pike river, Racine, Milwaukee, Chewagan, Pigeon, and Mamtowac, to Green Bay, from Wisconsin City, to the City of the Four Lakes.

Mr. WALKER submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post routes:

From Clinton, by Springhill and Summerville, to Satartia, State of Mississippi; from Port Gibson, by Darwin, Shelby's, Lloyd's Mills, and Casey's Store, to Raymond, State of Mississippi.

Mr. LINN submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Mineral Point, via Wingville and Savannah, to Prairie Du Chien, all in Wisconsin Territory.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES

MONDAY, *May* 23, 1836.

The House resumed the consideration of the resolutions of the Legislature of Kentucky, on the subject of the proceeds of the sales of the public lands. The question pending was the motion of Mr. WILLIAMS, of Kentucky, to refer the resolutions to the Committee of Ways and Means, with instructions to report a bill distributing the proceeds of the sales of the public lands among the several States, to be applied to such objects as may be determined upon by the Legislatures of the States respectively.

Mr. CUSHING, who was entitled to the floor, addressed the House at great length. He was favorable to a distribution of the revenue among the several States, and was also favorable to a system of public defense. He would go as far as any of the friends of the Administration in making appropriations for the defenses of the country, because he considered it the first duty imposed upon Congress by the Constitution to put the country in a proper state of defense. He refuted the arguments of gentlemen, who had said that arming the country gave cause for war. He congratulated the country on its unexampled state of prosperity, and on its prospects of peace with all the nations of Europe; but still (he said) there were causes which ought to make the Legislature of the Union provide itself for every contingency which might arise. He then went into a critical examination of the probable amount of receipts and expenditures for the coming year, and showed that there would be a surplus of some millions to divide among the States, after all the necessary appropriations should be made. Mr. C. met and refuted the arguments of western gentlemen, in relation to the expenditures of the Government being nearly all to the North; and showed that,

since the adoption of the Constitution, the expenditures had been nearly equal between the North, the South, and the West.

Mr. HAYNES rose and addressed the House as follows: Whatever opinions may be entertained upon the subject now under consideration, it cannot be thoroughly and correctly understood without reference to the early legislation of the country, and the claims so pertinaciously set up on the part of some of the States, that the waste lands held by certain other States were the common property of the Union. It is not here necessary to inquire at what period, or by what States, this claim was set up, as these facts may be readily ascertained by an examination of the journals of the Congress of the Confederation. Nor can it be for a moment apprehended that any attempt will be made to evade or deny the assertion that such claim was made to these lands as the common property of the Union, on the ground that they had been acquired by the common efforts and expenditures of that Union. Every one conversant with the history of revolutionary times, knows that the ratification of the Articles of Confederation was postponed and suspended by several of the States, in the hope of coercing this concession from such States as possessed waste and unappropriated lands. Such were the apprehensions entertained of the effects to be expected from the delay of their ratification, as to call into exercise the efforts of our generous and powerful ally, the King of France, to induce the States which insisted most obstinately upon this prerequisite to waive their objections and perfect the Union by ratifying the Articles of Confederation. Congress, from time to time, both for the purpose of satisfying the claims of the dissatisfied States, and for the further purpose of providing a fund for the payment of the debt of the Revolution, and for bounty to the officers and soldiers who entered the service for and during the war, urged the States to cede these waste and unappropriated lands. It may be true that a majority of the States never did recognize the claim thus set up for the Union; but it is equally certain that such claim operated powerfully to induce the several States which owned unappropriated lands to cede them, or a portion of them, to the Union.

In the preamble to the act of cession from the State of New York of the 9th of March, 1780, the motives referred to are distinctly expressed in the following terms:

"Whereas nothing under Divine Providence can more effectually contribute to the tranquillity and safety of the United States of America than a Federal alliance, on such liberal principles as will give satisfaction to its respective members; and whereas, the Articles of Confederation and perpetual union recommended by the honorable Congress of the United States of America have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory, in the limits or claims of certain States, ought to be appropriated as a common fund for the expenses of the war; and the people of the State of New York being, on all occasions, disposed to manifest their regard for their sister States:"

"*Be it further enacted by the authority aforesaid*, That the territory which may be ceded or relinquished by virtue of this act shall be and inure for the use and benefit of such of the United States as shall become members of the Federal alliance of the said States, *and for no other use or purpose whatsoever.*"

Whether this cession from the State of New York conveyed anything or nothing to the Union, the motives which influenced it alone are to be considered—to induce the dissatisfied States to ratify the Articles of Confederation, which was not finally done until the 1st March, 1781, and to provide a common fund for the benefit of the Union.

Following up the example, and in furtherance of the principle of New York, the General Assembly of Virginia, with certain reservations, did, on the 20th of October, 1783, pass an act ceding her territory northwest of the Ohio, to the United States, upon condition "that all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the aforesaid purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered a common fund, for the use and benefit of such of the United States as have become, or shall become, members of the confederation or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bone fide* disposed of for that purpose, and for no other use or purpose whatsoever."

The terms of the cession made by Massachusetts, on the 19th April, 1785, are "transfer, quitclaim, cede, and convey to the United States of America, for their benefit, Massachusetts inclusive, all right, title, and estate, of and in, as well the soil as the jurisdiction," &c. Connecticut, by her act bearing date the 14th October, 1786, cedes "to the United States in Congress assembled, for *the common use and benefit* of the said States, Connecticut inclusive." North Carolina, by her act of cession of 2d April, 1790, cedes her waste lands with certain reservations, "as a common fund for the use and benefit of the United States of North America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever." In like manner, Georgia, by her compact of cession, entered into with the United States on the 2d of April, 1802, after expressing certain other stipulations, declares "that all the lands ceded by this agreement to the United States shall, after satisfying the above-mentioned payment of $1,250,000 to the State of Georgia, and the grants recognized by the previous conditions, be considered as *a common fund* for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever." As the phraseology of the cessions from Virginia and North Carolina is somewhat peculiar, it may not be improper to show what was the mode of ascertaining the "usual respective proportions in the general charge and expenditure" of the several States of the Confederation; although it may not be difficult to show that this particular mode of expression in no respect varies the character of the cessions of North Carolina and Virginia from those of the other States, nor can it be made the foundation for a mode of distribution differing in the smallest degree from that established by the cessions from the other States.

The eighth article of Confederation prescribes the rule by which the requisitions upon the States for money shall be regulated, and is in the following terms:

"All charges of war, and all other expenses that shall be incurred for the common defense and general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State granted to, or surveyed for, any person, and such land, and the buildings and improvements thereon, shall be estimated according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint."

When it is remembered that the Congress of the Confederation possessed no powers of taxation, properly so called, either direct or indirect; that the only mode of collecting revenue was by requisitions upon the several States; that several of the States did, for a series of years, contend that the waste land, lying in any one of the States, was rightfully the property of the Union; that the ratification of the Articles of Confederation was delayed for the purpose of procuring, if possible, the recognition of this principle; that the first cession was made in reference to such claim, and for the purpose of facilitating their ratification; and especially, when we collate the article above quoted with the language of the various cessions, it would seem to be impossible to give such a strained construction to the plain import of plain language as to derive for Congress, from the terms of any single cession, the power to distribute the proceeds of the sales of the public lands among the several States.

But to be more explicit. The cession from Virginia, which, it is contended, conveys the power to distribute the money arising from the sales of the public land, conveys that land to the United States as a "common fund." The article of Confederation above quoted declares that "all charges of war, and all other expenses that shall be incurred for the common defence and general welfare, and allowed by the United States, shall be defrayed out of a common Treasury." The Virginia cession provides that the land ceded shall be a common fund, for the benefit of the States, "according to their usual respective proportions in the general charge and expenditure," and for no other purpose. The article of Confederation provides that the "common Treasury shall be supplied by the several States," according to the standard therein directed. Both instruments provide the same means for the accomplishment of the same objects, a "common fund," a "common Treasury," to meet "the general charge and expenditure which shall be incurred for the common defense and general welfare." In the one case, the "common Treasury" is to be raised by requisitions upon the respective States; and in the other, the "common fund" is created by the patriotic and distinguished liberality of a single State. Could it have been possible, without using the same terms, to have expressed an entire concurrence of purpose more perfectly than it is expressed in the article of Confederation referred to, and the cessions from the various States, especially the State of Virginia? Other considerations enforce this view of the subject as conclusively as if it had been established by mathematical demonstration.

At the time the several cessions were made, no man ever dreamed that the sale of the public lands would ever furnish a fund for distribution among the States. The country was overwhelmed with debt; the Government had not the power to enforce the collection of requisitions of money from the States; and the strongest fears were entertained that the pressure of common danger being withdrawn, the arch of the Union would tumble into ruins. To meet the crisis, to "render the Federal Constitution adequate to the exigencies of Government, and the preservation of the Union," the convention was assembled in 1789, whose consultations resulted in the formation of the admirable Constitution under which we now live. What were the exigencies of Government for which the convention was required to provide? The most important and pressing was the creation of a fund for the redemption of the public debt by the adoption of such a system of taxation as might enable the Government to meet its pecuniary responsibilities without the delays, and vexations, and disappointments, and refusals, which had invariably attended the plan of raising revenue by requisitions upon the respective States. And yet, in this state of things, when the Government was bankrupt, when the States were resorting to the extraordinary measure of creating a general central Government, and giving to it the power of direct taxation over their citizens, and the entire control of their commerce, for the purpose of creating a "common fund" for the redemption of their common debt, and when scarcely any other exigency could have induced them to make such concessions, we are now gravely told that the "common fund," created by the cessions of portions of their public lands by the States, for meeting "their usual respective proportions in the general charge and expenditure," and "for no other use or purpose whatsoever," was merely intended to enable this General Government to collect money from the PEOPLE of the United States with one hand, and to distribute it to the *Governments* severally with the other. And not only this, but that, in doing so, "their usual respective proportions in the general expenditure should be entirely disregarded."

Having very briefly and imperfectly adverted to the cessions of public lands from the several States, it is proper and necessary to inquire into the nature of the contracts by which other public lands have been acquired by the United States; and here it is not intended to follow the track which has been generally pursued by those entertaining the same views upon this subject. Much has been said of the comparative cost and revenue of the public lands. With great deference to the opinions of others, this is not believed to be the most correct view of the subject. It has already been shown that the cessions of land by the several States to the Union were intended as contributions to that "common Treasury" spoken of in the Articles of Confederation, to meet the "expenses incurred for the common defense," as expressed in the same article, and for "no other use or purpose whatsoever," as is expressly provided in the cession from Virginia

It is believed that as little difficulty exists in showing that the purchases from foreign nations belong to the same "common fund" with the lands received from the States of this Union. It is not necessary here to state an account of debit and credit between the land fund and tax fund, for the purpose of showing on which side a balance may preponderate, although such a comparison may fall into a subsequent part of this inquiry. It will be sufficient to show by what means such purchases of lands were effected. No man at all acquainted with the history of this country can be ignorant that Louisiana was purchased from France, and Florida from Spain; nor that the first cost fifteen, and the latter five millions of dollars, without estimating interest, difference of exchange, or any other incidental charge; nor will it be pretended that they were not paid for out of the public Treasury—out of that very "common Treasury," designed to provide for the "common defense" of the whole Union, as contradistinguished from its separate parts. How, then, can it be pretended that the money arising from the sale of the lands acquired by the purchase of Louisiana and Florida stands upon different ground with respect to distribution from money brought into the Treasury by taxation? Nor can this view of the subject be too clearly or strongly enforced upon the public mind.

The present Constitution had for its object the perpetuity of the Union, and for that purpose conferred on the Federal Government certain powers, to be exercised for certain defined and specified purposes and no others. Among these was the power "to levy and collect taxes, duties, imposts, and excises;" and for what purpose? "To pay the debts and provide for the *common* defense and *general* welfare of the *United States*"—the "common defense," "the general welfare" of the United States—that "defense" and that "welfare," which are "common" and "general" to the "United States" as a Confederacy, as a whole, as contrasted with and distinguished from its several parts—not that vague common defense and general welfare understood by some to confer unlimited power of taxation and appropriation upon this Government, but such as may be provided for and promoted by the exercise of the powers definitely and specifically granted in the Constitution, and by no other. If this view of the subject be correct—and it is not only intact, but believed to be intangible—it follows irresistibly that Louisiana and Florida were paid for out of the tax fund collected out of the pockets of the people for certain specified purposes, and, as an unavoidable consequence, that the public lands within their limits are bound, by every principle of law and equity, to stand in the place of the fund from which they were paid for. It then results in this, that this Government, for the better providing for the common defense and general welfare, appropriated a portion of the public money collected from the people in the purchase of stock, to be thereafter disposed of to the best advantage for the promotion of the objects for which the taxes were raised, and is therefore the trustee of the people for the faithful application of the proceeds of that stock for such purposes, and no other. It is useless to answer, that as the stock is worth more than the money it cost the States are entitled, as bodies politic and corporate, to the profits by a ratable distribution among them. The fund with which these purchases were made was not contributed by the States. It was contributed in the form of "taxes, duties, imposts, and excises," directly by the people. How, then, can Congress take a fund, or the proceeds of such fund, contributed by the people in their individual character, for certain definite purposes, "to provide for the common defense," &c., and distribute it among the State governments? The thing is utterly absurd and impossible upon any fair constitutional principle. To close this branch of the subject, it is asserted, without fear of successful contradiction, that as Congress can alone raise revenue by taxation for purposes common to the Union, and has appropriated a portion of the revenue so raised to the purchase of lands, that body is, to that extent, the trustee of the people, and bound for the faithful application of the whole trust property to the purposes and objects for which alone the money with which it was paid for was raised.

This view of the subject is still more strongly enforced by the consideration, that the whole of the public expenses, ordinary and extraordinary, including an amount of public debt exceeding four hundred millions of dollars, have been met and discharged *exclusively* by the fund raised from the pockets of the people by direct or indirect taxation. This assertion is not too strong when we advert to the report of the Secretary of the Treasury of the 28th of April, 1836, by which it appears, that by a fair statement of the account current between the tax fund and the land fund, technically so called, by the returns rendered up to the 18th day of the same month of April, the balance due the land fund was only $3,016,961 68, not much more than one tenth of the sum now claimed to be subject to distribution for they ears 1833, 1834, and 1835. What show of justice, then, would there be in such a scheme of distribution, by which the money collected from the people, and paid for public lands, shall be squandered, when received back again from the sale of these lands, among the *governments* of the States of this Union? The catch-word has been, that, as the public revenue had accumulated greatly beyond the necessary wants of the Government, let it be returned to the people again by distribution. Of all the humbugs created in this age of invention for ministering food to political ambition or pecuniary cupidity, this is the most preposterous and absurd! Distribute money among the people forsooth! The scheme is to distribute it to the regularly-organized State governments. It need not be said that the intention is to corrupt these governments by giving them an interest at war with the best interests of the people; but it requires no exercise of the imagination to perceive that such would be the inevitable result.

Already have we heard it more than whispered from a quarter most ominous, that if the revenue shall be so reduced by this notable scheme of distribution as to produce a deficiency in the Treasury for defraying the ordinary expenditures of the Government, the duties on wines will admit of augmentation, and those on silks be augmented or restored according as they are now subject to or free from duty.* But what is the plan of distribution now proposed for our adoption? As before stated, instead of returning money to the pockets of the PEOPLE from whom it had been previously collected, it contemplates dividing it among the *State Governments*. The cession from Virginia provides that the land shall constitute a "common fund," according to the "usual proportions of the States in the general charge and expenditure, according to the rule established by the Articles of Confederation." The Federal Constitution, in changing the mode of creating and collecting revenue, retained a rule analogous to that of the Articles of Confederation, by which direct taxes should be apportioned among the States—the rule of Federal numbers. While the bill under consideration proposes to distribute according to this rule, it is not until fifteen per centum have been previously secured to the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, and to those at the northwest, the benefits of the expenditures already made in building and repairing the Cumberland road, without any charge or deduction, except the nominal reimbursement from the two per cent. fund originally set apart for its construction. It is true, the Federal Constitution has set up no standard by which money or other favors shall be distributed among the States, and this is of itself sufficient to show that no such distribution was ever intended by it. But if the rule of direct taxation is settled, invariable, and, as far as may be, equitable between the States, it may be fairly concluded that if, under any circumstances, a distribution of public money among them should ever be made, it would be regulated by the same standard. It is again asserted, that no rule of distribution of money different from the one established for regulating direct taxation could possibly be consistent with the Constitution. But, in addition, it is fearlessly asserted that, as the Constitution is a grant of defined and specified powers to carry into effect objects equally definite, the power sought to be exercised by this bill is totally repugnant to its most obvious principles. It has been asked, what shall be done with the redundant revenue with which the Treasury is now overloaded? To the comprehension of a plain understanding there does not seem to be much mystery in the matter. If the land fund is sufficient to meet the necessary expenditures, repeal the whole of your taxes. If not sufficient, repeal a part of them. If more than sufficient, repeal the whole of the tariff, and curtail the sale of the public lands, by limiting it to actual settlers, and to actual settlers alone; and in connection with this latter subject, establish an equitable system of graduation in the price, according to the period which the land has remained subject to entry at the minimum price established by the Government.

It might not be difficult to expatiate upon the general course of public affairs, not only since the commencement of the present Administration, but from the adoption of our present form of Government; but it is not now considered necessary.

On one topic of general discussion, within the last three years, a single remark may not be inappropriate. Believing, at the time the subject was first investigated in Congress, that the change of the deposit of the public money from the Bank of the United States to the local banks was, if not the wisest, among the wisest acts of General Jackson's civil administration, subsequent experience and observation have strengthened and confirmed that opinion. And I now as confidently believe that, if the Bank of the United States had held the control of the large amount of public money at the time its charter was about to expire, which would have been in its possession if the fiscal agency of the Government had not been previously taken away from it, the local banks would have been crushed, and a scene of pecuniary distress and ruin created, such as the wildest imagination would scarcely be able to conceive.

Mr. DUNLAP said, as the bill from the Senate embraced the object contemplated by the resolution under consideration, and as the time was near at hand for proceeding with the orders of the day, he would move to postpone the further consideration of the subject before the House until Monday next, at which time he should move to appropriate the three hours which would otherwise be devoted to the continuation of this debate, to the consideration of the Tennessee land bill.

Mr. HANNEGAN moved to lay the resolutions of the Kentucky Legislature, together with the instructions, on the table.

Mr. STORER asked for the yeas and nays; which were ordered.

Mr. SPEIGHT, in view of the importance of the motion, proposed that there should be a call of the House; which was agreed to.

After proceeding a short time with the call, Mr. MERCER moved that it be suspended; and after some conversation between that gentleman and Mr. SPEIGHT,

Mr. HANNEGAN remarked that he hoped the call would be proceeded in, and that they should have a full House, as the motion which he had made was intended by him to be a test vote on the subject of distributing the proceeds of the sales of the public lands.

The motion to suspend the call was lost; and the roll was then called through, as were also the absentees, when it appeared that one hundred and ninety members were in attendance.

Mr. HEISTER moved to suspend all further proceedings under the call; which was agreed to.

* In Mr. CLAY'S last elaborate speech upon the bill for distributing the proceeds of the land sales, he is understood to have said, that if, in consequence of the distribution proposed, there should not be money in the Treasury to meet ordinary expenditures, the duties on wines and silks might be restored or increased. This is ominous, but it is not the only circumstance going to show the connection of his scheme, and the scheme of Mr. CALHOUN, with the continuance, and, if necessary, the increase of a high tariff. It is sufficient to refer to the fact, that the scheme to distribute dates with the "compromise" tariff act of 1833, intended by Mr. CLAY, and so stated by him, was to save, not to destroy, the protective system. If the scheme of distribution, in either form, as presented by Mr. CLAY or Mr. CALHOUN, shall be carried, my life on it the tariff will be increased and perpetuated.

Mr. MANN, of New York, appealed to the gentleman from Indiana to withdraw the motion, as he desired to make a few remarks on the subject before the House.

Mr. HANNEGAN could not withdraw the motion.

Mr. ADAMS called for the reading of the resolution of instructions; which being done,

Mr. McCOMAS desired to know whether it was intended that the motion to lay on the table should be a test question on the propriety of distributing the proceeds of the public lands.

Mr. HANNEGAN repeated that he had made the motion expressly for the purpose of testing the sense of the House on the subject alluded to.

The motion to lay the resolutions of the Legislature of Kentucky, and the instructions moved by Mr. WILLIAMS, on the table, was then decided in the affirmative, as follows:

YEAS—Messrs. Ash, Ashley, Barton, Beale, Bean, Beaumont, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Cambreleng, Carr, Casey, Chaney, Chapman, John F. H. Claiborne, Cleveland, Connor, Craig, Cramer, Cushman, Dickerson, Doubleday, Dunlap, Fairfield, Farlan, William K. Fuller, Galbraith, James Garland, Gillett, Glascock, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawes, Haynes, Holsey, Howard, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Roane, Rogers, Schenck, Seymour, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, and Weeks—111.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bailey, Bell, Borden, Briggs, Buchanan, Bunch, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Cushing, Deberry, Denny, Evans, Everett, French, Fry, Philo C. Fuller, Granger, Graves, Grennell, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hazeltine, Heister, Hoar, Hopkins, Howell, Hubley, Hunt, Ingersoll, William Jackson, Janes, Jenifer, Laporte, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Sampson Mason, McCarty, McComas, McKennan, Mercer, Milligan, Morris, Parker, Dutee J. Pearce, James A. Pearce, Pettigrew, Phillips, Potts, Reed, Rencher, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Spangler, Sprague, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Turner, Underwood, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, and Sherrod Williams—89.

So the whole subject was laid on the table.

The hour of one having arrived, the SPEAKER announced the special order.

Mr. LOVE moved to suspend the rules for the purpose of calling the States for petitions; which was lost.

Mr. WILLIAMS, of Kentucky, moved to take up the resolution from the Senate fixing a day for the adjournment of Congress.

Mr. HUNTSMAN called for the yeas and nays; which were ordered.

Mr. CAMBRELENG hoped the gentleman from Kentucky would withdraw his motion. The best way to bring the session to a speedy termination was to persevere in transacting the public business, without wasting the time in motions to suspend the rules.

Mr. WILLIAMS declined withdrawing his motion; when it was negatived—yeas 98, nays 89; two thirds being necessary.

FORTIFICATION BILL—POLITICS.

On motion of Mr. CAMBRELENG, and in further execution of the special order of the 26th of January, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. MANN, of New York, in the chair,) and resumed the consideration of the bill making appropriations for certain fortifications of the United States, for the year 1836.

The question pending being the motion of Mr. CAMBRELENG to amend the bill by inserting an item of $700,000 for the armament of the fortifications,

Mr. FORESTER resumed his remarks, and set out by a review of the land bill. He then adverted to the course of Mr. Van Buren, upon former occasions, on the subject of internal improvements, the Bank of the United States, &c.

He examined that principle of the majority party which said that "the spoils belong to the victors," which was an anti-Democratic doctrine, and one of the most abominable Federal maxims ever advanced. It was making the voice of the people give way to the voice of corruption. It might be New York Democracy, but it was not the kind of Democracy which prevailed in Tennessee. There it was held that the rule of Democracy was the rule of the majority alone. The caucus system was another of the principles of the New York Democracy, a principle he declared to be at war with the Constitution. He described the manner in which he himself had been nominated to the Baltimore convention. Nine individuals out of ten thousand, at Nashville, had met and nominated him, and the nomination was afterwards approved of by some fifty or sixty more, and he paid as much attention to it as he should to the whistling of a bird. It was said the principle of the caucus system was indispensable to keep the party together; why, carry out such a principle, and the election of a king might be justified under it. He again denounced it as one of the most dangerous of the Federal doctrines, and tending to the most alarming inroads upon the liberties of the people. He then adverted to the loss of the fortification bill. He said he saw the chairman [Mr. CAMBRELENG] of the committee of conference on that occasion, when he returned, and asked him if they had agreed, and that gentleman informed him that they had, and that he was only waiting for an opportunity to make the report to the House. He was, however, astonished just after to see the same gentleman get up and protest against that very report from being made, on the ground of there being no quorum in the House. He remarked upon the extraordinary manner in which the Journal was kept at present, by the protest of Messrs. GLASCOCK, ROBINSON, and GARLAND, of Louisiana, containing their reasons for not voting on the abolition question, being now spread on the Journal. Every other member had an equal right, and the Journal might be filled in this way. He then referred to Judge White's letter to John Ross, and said that Judge White had been consulted by Ross as a lawyer, and that his letter was a legal opinion. When the question of State jurisdiction came up, Judge White reiterated the same doctrine contained in that letter, that *quoad* the United States, the Cherokees were independent, but that Georgia being one of the original States, she had supreme jurisdiction within her territorial limits. The one was a legal opinion, given on consultation in the character of counsel, and was confined to the question of sovereignty between the United States and the Cherokees; the other was his constitutional opinion as respected the latter people and the State of Georgia. There was, then, no inconsistency between the two documents.

Mr. F. then adverted to the subject of the surplus revenue. He had made a calculation, and he found that all the bills before Congress at that time, if they should pass, amounted, exclusive of the French spoliation claims, to an appropriation of about $23,000,000, say $25,000,000, and this would inevitably leave a surplus in the Treasury. To say that to return a people the money that belonged to them would corrupt them, was absolutely ridiculous. This was the argument of the gentleman from Georgia [Mr. HAYNES] that morning, and it was the strongest he had ever heard from any man. The manner in which Congress had been in the habit of voting away the public money was far more corrupting. He censured the mode of members voting books to themselves, perhaps to the value of $1,000 each; and he had always condemned it.

On the subject of the deposit banks, he reviewed the course of the House, on the resolution of Mr. WISE, in resisting an inquiry into the connection of that "traitor and perjured scoundrel," Reuben M. Whitney, with those banks. It was due to the Secretary of the Treasury, that this investigation should have been had, in spite of the defense made of him by the gentleman from New Hampshire, [Mr. PIERCE,] that that officer was above public opinion. What the facts were, Mr. F. knew not; but it was due to Mr. Woodbury, and due to the country, that the charges made on the floor of that House, by one of its distinguished members, should have been met. He would say no man was above public opinion, not even General Washington himself, in his day. It was a despotic doctrine to say that any man was above public opinion, where "a king could do no wrong." After dwelling on these topics for some time, he concluded; and

Mr. PICKENS obtained the floor, and said he would move that the committee rise, though, if it was desired, he would proceed.

Mr. PEARCE, of Rhode Island, said, it was evident there was not a quorum present, and he asked that the Chair count the committee.

The CHAIRMAN counted, and reported only fifty-one members present.

Mr. MERCER said a quorum was doubtless within the Capitol, and he would take that opportunity of sending to the Chair an amendment to the amendment, authorizing the President of the United States to expend so much of said sum as he may deem expedient for the purpose of establishing a national foundery. Mr. M. (Mr. PICKENS having given way) made a few remarks in relation to his amendment.

Mr. MASON, of Virginia, was in favor of the object of his colleague, but he would suggest some limitation of the amount to be appropriated for the purpose, say $100,000.

Mr. MERCER replied, that a limitation was hardly necessary, inasmuch as money laid out for cannon was just as valuable to the country as if it was preserved in gold or silver coin. He again entered into a brief statement, showing the necessity of the Government having a foundery of its own, and thereby the insuring of the manufacture of a good material. He preferred leaving the sum to be expended to the discretion of the Executive.

Mr. PICKENS then proceeded to address the committee on the bill under consideration. He avowed himself willing to go, as far as was consistent with reason and the public policy, to appropriate as much as could be expended in the present year for fortifications; but it must be shown to him that they were necessary to protect and give vigor to our Navy. Further than this he would not go, and should resist every project to expend the public money in an indiscriminate erection of fortifications. The best defense of this country was, to have a naval force of sufficient strength to counteract any other Power. Mr. P. then reviewed the various topics that had been brought up in the late discussions—the surplus revenue, the compromise bill, the Texan war, &c. He was in favor of the independence of Texas, but he did not desire to take any step that should put a stop to negotiation between the United States and Mexico. He then reviewed, at great length, the speech of Mr. CAMBRELENG, the doctrines of which (he said) had raised his indignation. He adverted to the allusion of the gentleman about the right of legislating for posterity. To deny this right would bring on anarchy, and the government of brutal numbers over virtue and morality. The same gentleman had also said this nation had been converted into one great gambling-house. He asked who had brought it to this condition? The party now in power—a viler, a more degraded, a more corrupt set of wretches never lived. The contempt of pledges, man-worshiping, office-seeking, &c., had wrought a distinct change in the principles of this Government. The whole course of the present Administration, from General Jackson's first war upon the Supreme Court down to his assaults upon the Senate, had produced all this. General Jackson's appeals to the people were appeals to brutal numbers. On these points Mr. P. dwelt at length, and with great earnestness. After dwelling on these subjects at some length, he concluded.

Mr. UNDERWOOD obtained the floor, and moved that the committee rise, which was decided in the negative—yeas 49, nays 87.

Mr. UNDERWOOD then proceeded to address the committee on the subject of the surplus revenue, the land bill, &c. He went on to prove:

1. That there was a surplus in the Treasury of sufficient magnitude to justify a distribution of it.

2. That a distribution thereof was constitutional; and

3. That it was consistent with policy that a distribution of the surplus revenue should be made.

On those points he dwelt at some length, and on the first entered into a variety of statistical details to show that a surplus now existed, and would continue to accrue after the necessary expenditures of the country had been made.

After proceeding for some time, Mr. U. gave way to Mr. LEWIS, who moved that the committee rise, when the tellers reported—ayes 25, noes 70; no quorum. The committee rose and reported that fact to the House.

Mr. CUSHMAN then moved a call of the House.

Mr. VINTON moved that the House adjourn.

Mr. CAMBRELENG called for the yeas and nays; which were ordered, and were as follows:

YEAS—Messrs. Chilton Allan, Bell, Borden, Bunch, William B. Calhoun, George Chambers, Nathaniel H. Claiborne, Clark, Corwin, Deberry, Denny, Evans, Everett, Graves, Grayson, Griffin, Hiland Hall, Hazeltine, Howell, Hubley, William Jackson, Lawler, Lay, Lewis, Sampson Mason, Mercer, Muhlenberg, Phillips, Pickens, Potts, Rencher, Augustine H. Shepperd, Shields, Spangler, Standefer, Storer, Underwood, Vinton, White, and Wise—39.

NAYS—Messrs. Adams, Heman Allen, Bean, Beaumont, Bouldin, Bovee, Briggs, Brown, Buchanan, Cambreleng, Carr, Casey, Chaney, Chapman, John F. H. Claiborne, Cleveland, Craig, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Dunlap, Farlan, French, Fry, Philo C. Fuller, James Garland, Gillett, Glascock, Granger, Grantland, Haley, Hannegan, Hawes, Henderson, Heister, Hopkins, Howard, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Judson, Kennon, Kilgore, Lane, Lawrence, Gideon Lee, Joshua Lee, Leonard, Lincoln, Abijah Mann, Job Mann, Moses Mason, McKay, McKim, McLene, Miller, Montgomery, Morgan, Owens, Page, Parks, Patterson, Dutee J. Pearce, Phelps, Joseph Reynolds, Roane, Russell, Schenck, Seymour, Speight, Sprague, Sutherland, Thomas, John Thomson, Toucey, Turner, Ward, Wardwell, Webster, Elisha Whittlesey, and Sherrod Williams—87.

So the House refused to adjourn, and, a quorum being present, again went into Committee of the Whole.

After speaking some time, Mr. UNDERWOOD gave way to a motion of Mr. ADAMS, that the committee rise; which was decided in the negative—ayes 50, noes 71.

Mr. UNDERWOOD again resumed his remarks, and in a few minutes he gave way at the request of

Mr WISE, who moved that the committee rise.

The question was taken; and there appeared —ayes 51, noes 54; no quorum voting.

The committee rose, and reported that fact to the House.

Mr. EVANS moved that the House adjourn.

Mr. CUSHMAN asked for the yeas and nays; which were ordered, and were—yeas 66, nays 69; as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Ash, Bailey, Borden, Briggs, Buchanan, Bunch, William B. Calhoun, Carter, George Chambers, Childs, Nathaniel H. Claiborne, Corwin, Denny, Evans, Forester, Philo C. Fuller, James Garland, Granger, Graves, Grennell, Hiland Hall, Hazeltine, Henderson, Hoar, Hopkins, Howell, Hubley, Ingersoll, Ingham, John W. Jones, Lawrence, Luke Lea; Lincoln, Loyall, John Y. Mason, Sampson Mason, Maury, McComas, McKay, Morgan, Morris, Muhlenberg, Pettigrew, Phelps, Phillips, Reed, Robertson, Shields, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Thomas, Toucey, Underwood, Webster, White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, and Wise—66.

NAYS—Messrs. Barton, Bean, Bovee, Boyd, Brown, Cambreleng, Carr, Casey, Chaney, Cleveland, Craig, Cramer, Cushman, Dickerson, Dromgoole, Fairfield, Farlin, William K. Fuller, Gillett, Glascock, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawes, Haynes, Heister, Huntsman, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, Kennon, Kilgore, Kinnard, Lane, Lansing, Gideon Lee, Joshua Lee, Leonard, Logan, Lucas, Job Mann, William Mason, Moses Mason, McKim, McLene, Miller, Montgomery, Page, Parks, Patterson, Dutee J. Pearce, Joseph Reynolds, Roane, Rogers, Russell, Schenck, Seymour, Sickles, Speight, Sprague, Sutherland, Taylor, John Thomson, Turner, and Wardwell—69.

The CHAIR stated that as there was a quorum present, the House would again go into committee.

Mr. ADAMS moved a call of the House, and asked for the yeas and nays on the motion; which were ordered, and were—yeas 45, nays 95; as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Borlan, William B. Calhoun, Carter, George Chambers, Nathaniel H. Claiborne, Cleveland, Corwin, Deberry, Denny, Evans, Everett, Granger, Grennell, Hiland Hall, Hoar, Howell, Ingersoll, Jenifer, Lawrence, Lincoln, Love, Sampson Mason, Milligan, Morris, James A. Pierce, Phillips, Pickens, Reed, Roane, Robertson, Slade, Spangler, Steele, Storer, Taliaferro, Turner, Underwood, White, Elisha Whittlesey, Lewis Williams, and Sherrod Williams—45.

NAYS—Messrs. Ash, Barton, Bean, Bovee, Boyd, Briggs, Brown, Cambreleng, Campbell, Carr, Casey, Chaney, Craig, Cramer, Cushman, Dickerson, Fairfield, Farlin, Forester, French, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Glascock, Grantland, Grayson, Haley, Joseph Hall, Hamer, Hannegan, Hard, Albert G. Harrison, Hawes, Haynes, Hazeltine, Heister, Hopkins, Hubley, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Kinnard, Lane, Lansing, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, McKay, McKim, McLene, Miller, Morgan, Muhlenberg, Parks, Patterson, Dutee J. Pearce, Pettigrew, Phelps, Joseph Reynolds, Rogers, Russell, Schenck, Seymour, Shields, Sickles, Speight, Sprague, Standefer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Wagener, and Wardwell—95.

So the motion for a call of the House was negatived.

Mr. SUTHERLAND had voted twice against an adjournment, and there seemed to be a determination to report the bill to the House that evening. It was probable that this could not be done; and he therefore moved to suspend the rules, for the purpose of moving that this bill be made the special order for to-morrow at ten o'clock.

This would enable gentlemen to speak, and he was willing, for this purpose, to continue in session until the rising of the sun on Wednesday morning, provided the subject should be then disposed of.

Mr. WHITTLESEY, of Ohio, suggested that the bill be taken up at eleven o'clock in the morning.

Mr. SUTHERLAND had no objections to that hour.

Mr. WISE asked for the yeas and nays on the motion to suspend the rules; which were not ordered, and the motion was carried—ayes 110, noes 19.

Mr. SUTHERLAND then submitted his motion, that the fortification bill be made the special order for eleven o'clock to-morrow.

Mr. GARLAND, of Louisiana, proposed ten o'clock.

Mr. WISE inquired whether this was a debatable question?

The CHAIR said it was not.

Mr. WISE then moved that the House adjourn; which was negatived.

Mr. GARLAND's amendment was negatived; and the motion of Mr. SUTHERLAND was agreed to.

The House then (at eight o'clock p. m.) adjourned.

IN SENATE.

TUESDAY, *May* 24, 1836.

Mr. GOLDSBOROUGH presented the memorial of the president and directors of the Union Bank of Maryland, praying for the interference of Congress to correct a mistake made in transcribing the award of the commissioners under the French treaty; which was referred to the Committee on Finance.

REPORTS FROM COMMITTEES.

On motion of Mr. EWING, of Ohio, the Committee on Public Lands was discharged from the further consideration of the memorial of the trustees of the University of Nashville.

Messrs. SWIFT and PRENTISS, from the Committee on Claims, reported bills from the House, without amendment.

Mr. BLACK, from the Committee on Private Land Claims, reported the bill for the relief of the heirs of William Fisher, without amendment.

NEW POST ROUTE.

Mr. McKEAN submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing a post route between Liverpool, in Perry county, and Mifflin, in Juniata county, in the State of Pennsylvania.

CREEK WAR.

Mr. KING, of Alabama, stated that he had received information, on which the most perfect reliance could be placed, that a great number of individuals had been driven from their homes on the Alabama side of the Chattahoochee river, by the hostile Creek Indians, many of them having families, being deprived of their all, and having no means of sustaining themselves until the Indians can be put down, and the country restored to a state of peace and quiet. It was not necessary (Mr. K. said) to dwell on the scenes of affliction which were now witnessed in that unhappy country; all they could now do was to extend to them such assistance as would enable these unfortunate people to sustain nature until their country could be restored to a state of peace and quiet, and they reinstated in their homes. He therefore asked leave to introduce a joint resolution authorizing the President of the United States to cause rations to be issued from the public stores to supply, for the present, those sufferers who have not the means of sustaining themselves and families.

He hoped that the resolution would be received by unanimous consent, and that the rule of the Senate requiring one day's previous notice would be dispensed with. In a case of this nature, (Mr. K. said,) even one day was of importance.

The resolution was then read twice, and ordered to be engrossed for a third reading.

At a subsequent part of the day, the above resolution having been reported correctly engrossed, was, on motion of Mr. K., and by unanimous consent, read the third time and passed.

PRIVATE BILLS.

The resolution submitted on Saturday by Mr. HUBBARD, for setting apart the Fridays and Saturdays of each week for the consideration of private bills, was taken up for consideration; and after a debate, in which Messrs. HUBBARD, WEBSTER, CALHOUN, PORTER, NAUDAIN, LINN, and HENDRICKS, took part, and an ineffectual motion to lay it on the table the resolution was rejected—ayes 13, noes 17.

HOUR OF MEETING.

On motion of Mr. KING, of Alabama, the Senate then took up and adopted the resolution providing that the meetings of the Senate, for the remainder of the session, shall be at eleven o'clock in the morning.

MARINE SCHOOL.

Mr. DAVIS, from the Committee on Commerce, reported a bill appropriating $10,000 for the establishment of a school at Boston, for the education of boys intended for the maritime service; which was read and ordered to a second reading.

EXPENSES IN FLORIDA.

The bill providing payment for expenses incurred, and for supplies furnished for the volunteers called out for the defense of Florida, was read the third time and passed.

FRAUDS IN PUBLIC LANDS.

On motion of Mr. KING, of Alabama, the resolution to provide payment for the persons employed in taking testimony under the resolution of the Senate in relation to frauds on the public lands was taken up and considered, and ordered to be engrossed for a third reading.

FORTIFICATION BILL.

On motion of Mr. HUBBARD, the Senate proceeded to the consideration of the bill making appropriations for the purchase of sites, the collection of materials, and the commencement of certain fortifications—the question being on Mr. BENTON's motion to strike out the appropriation for Portsmouth, New Hampshire, and insert in lieu thereof "for fortifications at Portsmouth, New Hampshire, $150,000 annually for two years."

Mr. HUBBARD addressed the Senate in a speech of some length in favor of the motion; and

After some remarks from Mr. WEBSTER, the question on the motion was decided in the affirmative—yeas 17, nays 16; as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, Linn, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—17.

NAYS—Messrs. Black, Calhoun, Crittenden, Davis, Ewing of Ohio, Goldsborough, King of Georgia, Leigh, Mangum, Naudain, Prentiss, Preston, Robbins, Tomlinson, Webster, and White—16.

Mr. PRESTON then moved to strike out the appropriation for Portsmouth, on the ground that

there were no estimates and surveys for fortifications at that harbor; which motion was supported by Messrs. CALHOUN, CRITTENDEN, PRESTON, and PORTER, and opposed by Messrs. HUBBARD and BENTON.

On taking the question, Mr. PRESTON's motion was lost—yeas 10, nays 25; as follows:

YEAS—Messrs. Calhoun, Crittenden, Ewing of Ohio, King of Georgia, Leigh, Mangum, Moore, Naudain, Preston, and White—10.

NAYS—Messrs. Benton, Brown, Buchanan, Davis, Ewing of Illinois, Goldsborough, Grundy, Hendricks, Hill, Hubbard, King of Alabama, Linn, Morris, Nicholas, Niles, Porter, Rives, Robbins, Robinson, Ruggles, Shepley, Tallmadge, Tomlinson, Walker, Webster, and Wright—25.

Mr. BENTON moved further to amend the bill, by striking out "for fortifications at Salem, Massachusetts," and inserting "$75,000 per annum, for two years, for the same object."

Mr. DAVIS addressed the Senate in a speech of some length, in opposition to the bill generally.

Mr. NILES replied at some length in its support.

After some further remarks from Mr. DAVIS, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 24, 1836.

Mr. ADAMS rose and remarked, that he had asked the consent of the House several days since, to permit him to offer two resolutions calling on the President for information. He had not been successful; and he now asked the consent of the House to submit the resolutions to which he had referred, and also to permit him to state, in a few words, the reasons which had induced him to offer them.

The resolutions were read for information, as follows:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, copies of any overture made since the 3d of March, 1829, by his authority, to the Government of the United Mexican States, for the acquisition, by the United States, of any portion of the Territories of Mexico; and copies of all the correspondence between the two Governments relating thereto, and upon any question of boundary existing between the United States and Mexico.

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interest, a copy and translations of any law, decree, or ordinance of the Mexican Republic, abolishing slavery within the Territories thereof, which may be in possession of the executive department of the United States.

Objection being made to their reception,

Mr. ADAMS renewed the request, that he might be permitted to assign briefly the reasons why he had proposed the resolutions.

This was also objected to; when Mr. CHAMBERS, of Kentucky, moved to suspend the rules, to enable the gentleman from Massachusetts to make the statement which he desired.

Mr. HUNTSMAN inquired whether the question was divisible? He would hear the gentleman in reference to the first resolution; but not upon the second. He had no objection to the adoption of the former resolution, and he had reason to believe that the President would promptly give the information desired by it.

The CHAIR said the proceeding was irregular, and that the motion was not divisible.

The motion of Mr. CHAMBERS was then negatived without a count.

Mr. ADAMS then moved to suspend the rules to enable him to offer his resolutions, and asked for the yeas and nays; which were ordered.

Mr. THOMPSON, of South Carolina, said, as the motion was not now subject to amendment, he wished to give notice, that if the rules were suspended, and the resolutions submitted, he would move to amend the first by inquiring also of the President the present condition of Texas, its political organization, and his opinion of the expediency of the recognition by this Government of its independence.

Mr. HUNTSMAN hoped, if it was practicable, that the motion to suspend the rules should be taken separately on each resolution. He was in favor of the first, but opposed to the second, resolution. He had reason to know, and did know, that the President was ready to answer at any moment.

Mr. ADAMS, in order to accommodate the gentleman, would vary his motion so as to suspend the rules to enable him to offer the first resolution.

The question was then taken; when there appeared—yeas 82, nays 68; so the rules were not suspended, two thirds being necessary.

ABOLITION OF SLAVERY.

The House resumed the consideration of the report of Mr. PINCKNEY, from the committee on the subject of the abolition of slavery.

The immediate question pending was the motion of Mr. ROBERTSON to recommit the report to the same committee with instructions to report a resolution declaring that Congress has not the power to abolish slavery in the District of Columbia.

Mr. ROBERTSON, who was entitled to the floor, addressed the House in continuation of his remarks. The portion of Mr. R.'s speech in brackets was delivered on Saturday last, but was unavoidably crowded out of Monday's paper.

[Mr. Speaker, I have said more than I had intended on the preliminary grounds justifying the submission of the resolution now under discussion. I come now directly to the question involved in it. From all that has been said, it is my fate, I fear, to address an unwilling auditory—one, perhaps, that has already prejudged the question. A very general impression, none can doubt, exists among our fellow-citizens of the North, that the abolition of slavery is clearly within the constitutional power of Congress. Nothing is more natural. Born or raised under institutions adverse to slavery, and under which it has, in most cases, been long abolished, they readily adopt the opinion that it is lawful for every other Government to do the same. It is natural, sir, but not logical, that they should jump to this conclusion, without nicely examining into its grounds. It falls in with all their *early* habitudes of thought, with their feelings, and, I may add, what is still more difficult to encounter, with their prejudices. They have probably in few instances ever thought to inquire whether the provisions of the Federal Constitution, which bear upon this question, correspond with their own. Yet every candid man will admit that this is the test by which the proposition is to be tried. I have endeavored to examine into this matter with some care, and think I may venture to say that while there is, perhaps, not one of the northern States whose fundamental law may not be reasonably construed to give the power of abolishing slavery to the respective legislative bodies, they all of them, in this particular, vary essentially from that of the State of Virginia, and of the United States, under both of which such power is denied to exist. I do not entertain the vain hope of removing the impressions or changing the opinion of any gentleman on this floor. The powers of a Chatham or a Cicero would in all probability work no such effect. But we may hope, from the interesting nature of the subject, that every gentleman will examine fully into the reasons of his belief, renounce it if his own reflections prove to him that it rests upon fallacious principles; or, if otherwise, show us the substantial grounds upon which it can be maintained.

The reasons, Mr. Speaker, why the institutions of the northern States admit or require the interpretation I have mentioned must occur at once to every one. In those States, during our revolutionary struggle, slaves were comparatively few, and the intention of abolishing slavery, if not actually carried into effect, entertained in almost all. It would have been absurd, therefore, in framing their constitutions, to close the door to abolition, or throw any serious obstacle in its way. The reverse, however, was the case in the South; and there it was reasonable to expect the fundamental law would be more guarded in protecting what was a most important interest in a large proportion of the community. The fact, it is believed, will be found in a great degree to correspond with these views.

Look, sir, to the constitution of *New Hampshire*. The clause which may be regarded as bearing upon this point is a part of the twelfth section of the bill of rights. It is in these words:

"Every member of the community has a right to be protected by it in the enjoyment of life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service, when necessary, or an equivalent; but *no part of a man's property shall be taken from him*, or applied to public uses, without his own consent, *or that* of the representative body of the people."

Provisions nearly, or precisely similar, are to be found in the bill of rights of Massachusetts, section ten; of Delaware, section ten; of Vermont, section ten. The constitutions, moreover, of each of these States confer ample power on its legislative body to pass all laws for *the good and welfare* of the Commonwealth, not repugnant to the Constitution itself. (Constitution New Hampshire, constitution Massachusetts, article four; constitution Vermont, section two.) Taking these provisions together, it may be fairly contended that there is full authority to take away private property, whether wanted for public use or otherwise, whenever, in the opinion of the Legislature, the measure would conduce to the "*good and welfare*" of the Commonwealth.

Rhode Island derived her institutions from King Charles the Second, of blessed memory, and still reposes under the protection of the royal charter. That charter gave to the Governor and company authority to pass all laws *as to them might seem meet for the "good and welfare" of the said company, &c., so as such laws be not contrary and repugnant to the laws of England;* and as slavery was an institution not recognized by the laws of England, whatever doubts may exist of the right to *establish it* in Rhode Island, none can possibly exist as to the right to *abolish* it.

In New York, the old constitution of 1777 gave, if possible, still greater latitude. It vested the *supreme*, not merely *exclusive*, legislative power in two bodies; it contained no direct provision, as far as I have seen, protecting private property from seizure, except what is contained in the thirteenth section, which declares "that no member of this State shall be disfranchised or deprived of any of the rights or privileges *secured* to the subjects of this State *by this constitution*, UNLESS by the *law of the land*, or the judgment of his peers." Thus, then, in New York, not only was the right of the citizen in his property not secured by any constitutional provision, but even if it was, it might at any time be wrested from him by any "law of the land" passed by the *supreme* legislative power—*supreme* indeed, since it might abrogate the Constitution itself.

Nor do I find in the constitution of *New Jersey* any recognition of the inviolability of private property. The Legislature is clothed with power simply "to pass laws." The common law of England is declared to be in force; and it follows, consequently, that the Legislature might, (as the omnipotent Parliament of Great Britain might,) under the common law, and in the absence of any restrictive clause, exercise the power of abolishing slavery.

Pennsylvania, it is known, passed a law abolishing slavery as early as 1780. I have already shown that the right to do so existed under similar provisions to those which existed in the institutions of New Hampshire and other northern and eastern States.

Mr. Speaker, in proceeding with the examination of the constitutional question involved in the resolution before the House, I shall enter into no discussion of what the venerable member from Massachusetts [Mr. ADAMS] tauntingly terms the sublime merits of slavery; and which, sir, permit me to say, whatever they may be, are not perhaps greatly excelled by the sublime merits of modern abolitionism. Nor will I bestow a moment's attention upon the resolution of the select committee, denying the right of Congress to interfere with slavery in the States. I have never considered these questions proper to be debated in this Hall. I voted against the reference of the last, with instructions to report upon it, because such reference seemed to imply a doubt respecting rights held by a title paramount to the authority of Congress, and too firmly settled to receive any additional strength from its concessions. Should the House determine, however, that the question shall be put upon that resolution, I may feel compelled to vote for it, rather than deny what I insist is self-evident.

The question before us, Mr. Speaker, is one that admits of little play of the fancy, and rejects even, if it were in my power to command them,

all rhetorical ornaments. It is a dry question of constitutional law, and I fear, from its nature, however all must acknowledge its intrinsic importance, little calculated to attract the attention of any but gentlemen accustomed to legal investigations.

I endeavored to show, when last addressing the House, the probability of a strong bias on the minds of northern gentlemen, produced by their own peculiar institutions and feelings. The provisions of their fundamental laws were shown to be such as to warrant, under a reasonable construction, the abolition of slavery. In this enumeration, *Connecticut* was omitted. That State, like *Rhode Island*, remained during our revolutionary struggle under the regulations of a charter granted by Charles the Second. She never formed a constitution till the year 1818. By a provision of her bill of rights adopted in 1784, section 2, it was declared that "no man's goods should be taken unless clearly warranted by law." All that was necessary to justify the taking of them was to pass a law to that effect; and the royal charter gave full authority to pass all laws not contrary to the laws of England. Now, as slavery itself was contrary to the laws of England, there was no doubt of the power to abolish it. An act accordingly for its gradual abolition was passed in 1784, and it ceased, probably, to exist before the adoption of the new constitution.

It would be tedious, and unnecessary to the purpose of my argument, to enumerate in detail the various provisions in the constitutions of those States where slavery still exists. It is enough to say, in general, that *Maryland, North Carolina, South Carolina, and Tennessee*, in reference to the security of private rights, adopted, with perhaps slight modifications, the provisions of the 29th chapter of *Magna Charta*. (9 Hen. III.)

In Kentucky, the emancipation of slaves, without the consent of their owners, was expressly prohibited by the ninth article of her constitution.

Virginia also, in her bill of rights, inserted the provisions of the twenty-ninth chapter of Magna Charta, and in regard to private property used a phraseology varying from those in the other States, already commented on.

In the sixth article, the language in respect to this subject is this: "All men having sufficient evidence of permanent common interest with, and attachment to the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses without their own consent, or that of their Representatives so elected;" and closely resembles that adopted in the Constitution of the United States, to which alone we must refer to ascertain the extent of our authority. In the fifth article of the Amendments to the Federal Constitution are these words:

"Nor shall private property be taken *for public use* without just compensation."

What is the just interpretation of this provision? Is it not obviously this? ***Private property may be taken for public use; and when so taken, must be paid for.*** This construction is, indeed, substantially maintained in the report of the select committee:

"The true meaning [says the report, p. 15] of this provision obviously is, that private property shall be taken only for public use, but shall not be taken even then without adequate remuneration."

It is impossible to deny this without perverting the forms from their ordinary signification. To found a claim for taking private property, it must be wanted for the public *use*. No learned lawyer need be consulted to give the true meaning of this simple language. You can have it expounded without difficulty by the plainest farmer or mechanic of the country. Can it be pretended that those who framed the Constitution could be ignorant of the import of the terms they employed? No attempt can be successfully made to construe these terms as conferring a right on Congress to seize upon private property, whenever they may suppose the *public good*, the *general welfare* require it. No expression can be found justly warranting so bold a proposition. The men of liberal and enlarged views who framed the provision would never have consented to such a grant of power, which would, indeed, authorize the invasion of private property at the mere will and discretion of Congress. They designed that it should be held sacred and inviolable by the Government, unless it was necessary to appropriate it to the exigencies of the public. When that was the case, and then only, could it be touched. Should land be wanted for an encampment, it may be lawfully occupied; slaves, servants, and horses, munitions of war, provisions, may be impressed when the country requires them for its own uses or necessities, but for no other purpose. You cannot take the property of one man to bestow upon another; still less can you confiscate it under a pretext of the general welfare, nor under an authority to use it, render it absolutely incapable, as property, of any future *use* whatever. Such is the necessary effect of abolition. In this view, Congress has no more right to effect it under the Constitution, than to confiscate a merchant's goods and throw them into the Potomac, or to waste and destroy his lands, or turn them out as a common.

If you can do all this in the District, it is because you interpret the words *public use* as of the import with public good, or general welfare. This doctrine of the general welfare breaks down all limitations of power. When, sir, would this construction stop? The clause in question was not designed solely for the protection of this District. If by this forced construction Congress can seize upon the slaves of the District, what is to prevent it from stretching its arm across the ten miles square, and seizing upon those in the States? If you may confiscate that property in the District upon the plea of the general welfare, constitutionally, may you not, with still greater propriety, use that power to remove the supposed evil existing in the State on so much more extensive a scale? The inference cannot be resisted. Human ingenuity cannot assign a solid reason for expounding the clause in question so as to protect the citizens of the States, and yet to leave those of the District *exposed*.

An attempt, however, has been made to found a distinction in this respect by calling in aid that provision of the Constitution which gives to Congress the right to exercise *exclusive legislation* over the District. Exclusive legislation for what? For all purposes? No, sir. For all lawful and constitutional purposes; for no others. You cannot break over the limits of the Constitution within the District more than in the States. The claims of our citizens to its protection are not forfeited within the magic circle of the ten miles square. Can Congress establish a national church in the District of Columbia? put down the press? suppress the liberty of speech? or take away the trial by jury? No man will assert this; yet these infractions of the rights of the citizens are prohibited by no higher authority than that which forbids the Government from laying its hands upon private property, unless for the use of the public. I call upon gentlemen to show, if they can, any solid reason for the distinction.

Mr. CAMBRELENG remarked that there were two bills upon the table from the Senate, which he moved be read by their titles, and referred previous to going into committee on the fortification bill.

Mr. ALLAN, of Kentucky, hoped the bill from the Senate to distribute the proceeds of the sales of the public lands would also be taken up and referred.

Mr. CAMBRELENG said that the bill to which the gentleman referred had been debated several days, and would probably elicit further discussion. He therefore could not consent to take it up to the exclusion of the special order.

The motion to refer the two bills mentioned by Mr. CAMBRELENG was objected to.

Mr. ALLAN then moved to suspend the rule, in order to take up the land bill, and asked for the yeas and nays. He gave notice that he would make a similar motion every morning for the remainder of the session, unless the bill was disposed of. Gentlemen should not dodge the question if he could prevent it.

Mr. CAMBRELENG had no desire whatever to dodge the question.

The motion to suspend the rules for the purpose stated was then negatived, as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bailey, Buchanan, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Connor, Crane, Cushing, Deberry, Denny, Everett, French, Granger, Graves, Grennell, Hiland Hall, Hard, Hardin, Harper, Samuel S. Harrison, Henderson, Heister, Howell, Ingersoll, William Jackson, Henry Johnson, Lane, Lay, Luke Lea, Lincoln, Sampson Mason, McCarty, McComas, McKay, McKennan, Mercer, Montgomery, Morris, Parker, James A. Pearce, Pettigrew, Phillips, Pickens, Potts, Reed, Rencher, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Turner, Underwood, Vinton, White, Lewis Williams, Sherrod Williams, and Wise—72.

NAYS—Messrs. Ash, Barton, Bean, Beaumont, Bockee, Boon, Borden, Bouldin, Bovee, Briggs, Brown, Cambreleng, Carr, Casey, Chaney, Chapman, John F. H. Claiborne, Cleveland, Coles, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillett, Glascock, Grantland, Haley, Hamer, Hannegan, Hawes, Haynes, Hazeltine, Hoar, Holsey, Hopkins, Howard, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Lansing, Laporte, Lawler, Lawrence, Gideon Lee, Joshua Lee, Leonard, Lewis, Logan, Loyall, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McKeon, McKim, McLene, Miller, Muhlenberg, Owens, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Sickles, Smith, Speight, Sprague, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Wagener, Wardwell, Webster, and Elisha Whittlesey—108.

FORTIFICATION BILL.

On motion of Mr. CAMBRELENG, and in further execution of the special order of the 26th of January, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. MANN, of New York, in the chair,) and resumed the consideration of the bill making appropriations for certain fortifications of the United States for the year 1836.

The question pending being on the motion of Mr. CAMBRELENG to amend the bill by inserting an item of $700,000 for the armament of the fortifications, and the amendment of Mr. MERCER thereto, "authorizing the President of the United States to expend so much of said sum as he may deem expedient for the purpose of establishing a national foundery for cannon."

Mr. UNDERWOOD resumed his remarks on the subject of the distribution of the surplus revenue and the various topics heretofore brought into the discussion. He commenced by adverting to what is called the wire-drawn distinctions between what was considered to be, or "vetoed" to be, national, and what was not. For instance, the Cumberland road, costing millions, was a national work, whereas the Maysville road, costing a few hundred thousand dollars, was not national. The same nice and wire-drawn distinctions were carried out and applied in reference to improvements in the navigation of rivers. He then entered into a review of the principles and details of the land scheme, showing that for purposes of education, seats of government, &c., the new States had already received no less than thirteen millions and a half of acres of land, which at the the minimum price would amount to about $17,000,000. Adding thereto the $5,000,000 expended on the Cumberland road, the new States had in all received, directly from the General Government, upwards of $22,000,000. Yet, not content with this, they were still asking for more, and were opposing every measure by which the old States were to have any participation in this common fund arising from the proceeds of the sales of the public lands. He then entered at large into the important advantages resulting from works of internal improvement, in facilitating communication from one point to another, and cited a letter of General Jesup on the importance of canals for the transmission of men and military stores.

Mr. U. contended that the Government had acted injudiciously in abandoning and repudiating the principle of holding stocks, both in point of efficiency and economy, and alluded to the case of the Bank of the Commonwealth of Kentucky in support of his argument. He referred to the various projects contained in the present bill for the purchase of sites for new fortifications, in other bills for the erection of custom-houses, the plan for a new Treasury building, &c., the object of all of which was to squander the public money, and augment executive patronage. He then reviewed the project to reduce and graduate the price of the public lands, which he maintained

was unconstitutional, unjust, and partial, inasmuch as it was for the benefit of the agricultural classes alone, to the exclusion of all the others; and, moreover, it was proposing a donation by giving the actual settler the difference between the sum paid and the real value of the land. It would also be holding out greater inducements to speculators and capitalists to hunt up and hire emigrants and foreigners to settle upon the public lands for the benefit of their employers. He was assured, that it would result in making the rich richer, produce a total absorption of the public domain in the hands of capitalists, and be of no benefit to the poor and industrious man; but, on the contrary, would render him the creature of his employer. That measure would produce one general system of fraud. In opposition to this measure he dwelt at length, contending that it would be unjust, if practicable, but that it was also impracticable. The time had not come when it was necessary to graduate the price of the public lands. If nothing was left but pine barrens and flints, he would have no objection to graduate their price; but so long as we had good lands to dispose of, he was convinced the best, the most judicious, and the only just plan was to dispose of them to the highest bidder. He disclaimed all desire to connect this important measure with the subject of President-making, or with any other of the little petty squabbles of the day. He hoped a matter of such grave consideration would be discussed apart from such disputes.

He repudiated the idea that the situation of the country demanded a large expenditure for the purposes of defense, by contrasting the present condition of the country with that of former periods of our history. In 1811, on the eve of a war with the most powerful nation of the globe, in a naval point of view, we had a revenue of $13,000,000; it is now more than double that amount. In 1811, our population was a little over seven millions. At present it might be safely estimated at eighteen millions. In 1811 we were burdened with a public debt of upwards of $45,000,000. In 1836 not only have we no public debt, but a large accruing surplus. In 1811 our Navy consisted of fifteen vessels in commission, viz: five frigates, eight sloops, and two schooners, with no ship of the line, and 348 guns; in ordinary we had five worn-out vessels, with 172 guns. Total, 20 vessels, and 520 guns.

In 1836, according to the information furnished by the proper Department, we had in commission one ship of 74 guns, four frigates of 44 guns, nine sloops of 18 guns; in ordinary, five ships of the line, four frigates, five sloops, and one schooner; being a total in commission of nineteen vessels of war, mounting 472 guns, and in ordinary fifteen vessels, with 648 guns; making, in 1811, twenty vessels, and 520 guns; while, in 1836, we had thirty-four vessels, and 1,120 guns, without enumerating those now on the stocks, being five ships of the line, seven frigates of 44 guns each, and one steam war vessel. He then drew a contrast of the numbers of militia between the two periods, the state and number of the fortifications, the resources and condition of the country, to show that there was no cause of alarm in case of attack by any foreign Power.

Mr. U. then reviewed many of the arguments urged by gentlemen who had preceded him in the debate, especially of one of the gentlemen from New York, [Mr. MANN,] and the gentleman from South Carolina, [Mr. PICKENS.] He expressed his regret that the latter gentleman should have broached and advocated the doctrine of nullification. Mr. U. maintained that General Jackson was a great supporter of that doctrine, except when South Carolina was not concerned, though he once wrote a complimentary letter to Governor Haynes, and franked that gentleman's speech all over the country as an exposition of his own principles. General Jackson had gone "up to the hub" in nullification, when Georgia was concerned, and he had again and again set at defiance all the treaties made there with the unfortunate Indians. Mr. U. then entered into an examination of the causes of the Indian war, and ascribed them to the conduct of their white neighbors. He had no doubt that the Seminole war was brought on only by the imprisonment and cruel treatment of Osceola.

Mr. ALLAN, of Kentucky, then obtained the floor, and expressed a wish to offer an amendment.

The CHAIR said no amendment would be in order until the amendment of the gentleman from Virginia, [Mr. MERCER,] to the amendment of the gentleman from New York, [Mr. CAMBRELENG,] was first disposed of.

Mr. MERCER then withdrew his amendment to enable the gentleman from Kentucky to submit his proposition.

Mr. ALLAN then moved, as an amendment, an additional section to the bill of great length, the substance of which was as follows: A general reduction of salaries of officers of the Government. To the Vice President of the United States, $4,000; to each of the Secretaries of State, Treasury, War, and Navy, $4,000; to the Attorney General, $3,000; to the Postmaster General, $4,000; to each of the Assistant Postmasters General, $1,800; to each of the Comptrollers of the Treasury, $2,000; to the Solicitor of the Treasury, $2,000; to the Register of the Treasury, $2,000; to the Treasurer, $2,000; to the Commissioner of Indian Affairs, $2,000; to the Commissioner of the General Land Office, $2,000; and twenty-five per cent. per annum to be deducted from the compensation of all the clerks in the different Departments, so that no reduction reduce the salary below $800 a year. From the compensation of all the officers of the customs twenty-five per cent., with sundry restrictions as to the amount of their salaries. That members of, and delegates to, Congress shall receive six dollars per day, and six dollars for every twenty miles' travel. To the Secretary of the Senate, and Clerk of the House of Representatives, $2,000; and a deduction of twenty-five per cent. from the salaries of their clerks. And that after the present term the salary of the President of the United States shall be $15,000 per annum: providing, also, that the custom-house at New York should not cost over the sum of $500,000.

Mr. ANTHONY inquired if the amendment was in order?

The CHAIR decided that it was not. The subject of the proposition was not embraced in the order of the 26th of January; and it was also out of order on another ground, because it did not appertain to the subject then under consideration.

Mr. ALLAN then proceeded to address the committee at length on the subject of his amendment, as well as on the various subjects brought out in the discussions of the present and the last session. He adverted to the conduct of the President of the United States, who, upon an undefined appropriation of $600,000 for the construction of a bridge across the Potomac, thought himself justified in entering into a contract that would have involved an expenditure of upwards of $4,700,000 at least. Fortunately for the country, the fact came to the knowledge of the gentleman from Virginia, [Mr. MERCER,] and the result of his vigilance had been the present good, substantial, and sufficient bridge, costing a trifle over $100,000. This was, or was likely to be, one of the evils produced by the operation of the previous question cutting off all amendments to bills. He adduced the original appropriation for the erection of a custom-house at New York, as another proof of the evil of cutting off amendments, provisoes, or limitations to, and making undefined appropriations. The original bill proposed $200,000 for the erection of that building, and every one thought that sum to be all that would be necessary; but the next session $300,000 more was asked for and voted, and again $300,000 more. He entered into a minute statement on this subject, and produced the correspondence between himself and the Secretary of the Treasury on the subject.

Mr. A. then proceeded to reply to the arguments of the various gentlemen who had heretofore spoken, particularly Messrs. CAMBRELENG, FRENCH, and GARLAND of Virginia. He reviewed at length the measures of the present Administration, since the election of General Jackson, with regard to internal improvements and Indian treaties. He condemned the course in relation to the latter, the effect of which was beginning to be developed in Florida, and among the Creeks. He asked his colleague, [Mr. FRENCH,] how had he been seconded by his party in that House? His colleague had moved to take up the bill providing for the old soldiers. His party refused to second him. His party had gone so far as to treat the solemn resolutions of the Legislature of the State of Kentucky with contempt, by laying them on the table. His colleague was specially charged to get an appropriation for the road from the mouth of Big Sandy; would his party aid him? Mr. A. was sure they would not. Although they had voted away twenty millions for other objects, his colleague would fail to get their votes for a great work in which his whole State was interested.

Mr. A. then went at large into the subject of his amendment. He avowed himself to be an advocate of a strong Executive, but still he would bring down all the Federal salaries, from the highest to the lowest, to a level with those in the States. What a contrast was presented by the present Federal officers and their splendid palaces, and the moderation and simplicity of the days of Washington and Franklin! The President of the United States received an annual salary amounting to as much as the salaries of the Governors of sixteen States in the Union. It was the high salaries paid to the Government officers, together with the combination of their power, that had, in a great measure, brought on the present corrupt situation of the country—in the words of the gentleman from New York, "a general national gambling-house." He adverted to the present mode of keeping the public moneys, with about one hundred millions directly and indirectly distributed over the country among a variety of small banks. The people had now no control over their money; and all inquiry into it had been again and again refused to their representatives. Take this immense power, combined with the power of the Government presses throughout the country, both of which would naturally be on the side of power, and well might it be said that the liberties of the people were in danger. He wanted to see the press and the Treasury both disconnected from the Executive. After dwelling upon these topics for some time, Mr. A. concluded.

Mr. CARTER then obtained the floor. He said it was not originally his intention to have said a word on the subject of the bill under consideration, but the recent course of the House on the subject of another bill, in which his constituents were deeply and vitally interested, warned him that this was probably the only opportunity that would be afforded him during the present session, of discussing the merits of that proposition, the "land bill." After a cursory review of the subject of the bill under debate, Mr. C. went at length into the principles of the former measure.

When Mr. C. concluded his remarks,

Mr. INGERSOLL obtained the floor, but gave way to

Mr. GRAVES, who moved that the committee rise; which was decided in the negative—ayes 30, noes 82. No quorum voting, a second court was had when there appeared—ayes 25, nces 103.

So the committee refused to rise; and a quorum being present,

Mr. INGERSOLL proceeded to address the House at length on the subject of the public revenue, and in favor of the distribution of the proceeds of the public lands among the States; a measure which, he contended, was of paramount importance and utility. Mr. I. went on to say that he was in favor of a large increase of our naval force, and of appropriating as much for the defenses of the country as could be judiciously expended within the current year.

The discussion was further continued at length by Mr. HALL of Vermont, Mr. BEAUMONT, and Mr. JENIFER.

Mr. EVERETT then moved to amend the amendmennt pending for $700,000 for the armament of the fortifications, by reducing the sum to $300,000; which, after some remarks by Messrs. CAMBRELENG, WISE, MERCER, and PHILLIPS, was lost.

Mr. GRANGER moved to reduce the sum to $500,000; which was lost.

The amendment was then agreed to.

Mr. CAMBRELENG, from the Committee of Ways and Means, then moved a variety of amend-

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. WEDNESDAY, JUNE 1, 1836. VOLUME 3....No. 32.

ments to the bill; others were also moved by other gentlemen, some of which were agreed, to and others rejected. The details of all of which will be given when the consideration of the bill and amendments comes up in the House.

At about half past twelve o'clock the committee rose and reported the bill and amendments to the House, and they were ordered to be printed.

The House then adjourned.

IN SENATE.

WEDNESDAY, May 25, 1836.

Mr. McKEAN presented the memorial of sundry citizens of Pennsylvania, remonstrating against the admission of Arkansas into the Union as a slave State; which was laid on the table.

REPORTS FROM COMMITTEES.

Mr. TALLMADGE, from the Committee on Pensions, reported without amendment the bill for the relief of Henry Flicker.

Mr. TOMLINSON, from the same committee, reported the bill for the relief of James Taylor, without amendment.

Mr. LINN, from the Committee on Private Land Claims, reported without amendment several bills that had been referred to that committee.

MARINE CORPS.

Mr. ROBBINS asked and obtained leave to introduce a joint resolution to authorize the officers of the Marine Corps, while engaged in actual service, to receive the allowances to which they are entitled by the act of June 30, 1834; which was read twice and referred to the Committee on Naval Affairs.

LOUISVILLE AND PORTLAND CANAL.

The bill to authorize the purchase, on the part of the United States, of the private stock in the Louisville and Portland Canal, was taken up as the general order.

Mr. HENDRICKS and Mr. CRITTENDEN severally addressed the Senate in support of the bill; after which

Mr. HENDRICKS moved to amend it by providing that the stock may be purchased at a price not exceeding twelve and a half per cent. above par value instead of at par.

Mr. WALKER opposed the amendment. He would gladly support any measure calculated to relieve the commerce of the West from the burdens imposed on it by the extravagant tolls of this canal; but he could not, consistently with his views of the Constitution, vote for a measure which would make the United States joint partners in a stock company, and a collector of tolls. He viewed this as a revival of the system of internal improvements in its worst form; and it was, in his opinion, equally objectionable for the United States to collect tolls at the locks of a canal as at the gates of the Cumberland road.

Mr. BENTON spoke in favor of the amendment; showing the great importance of purchasing out this stock to relieve the commerce of the western cities from the injurious burdens now imposed on it. Mr. B. spoke of the tolls on this canal as being now double as much as they were at the commencement, and said that they were so extravagant that he regarded them more as a fine, or a penalty on the boats for passing the canal, than as an ordinary toll. Boats, he said, in some instances, pay as much in a year for tolls as the whole amount of their cost, and sometimes more than the amount of profit divided among the stockholders; while the extravagant charges on flat-boats and keel-boats were such that the rough boarding put up at their sides to keep in the loose articles, were calculated as being part of their tonnage, thus charging thirty or forty dollars toll on a common flat-boat.

Messrs. EWING of Ohio, HENDRICKS, and CRITTENDEN, also addressed the Senate in favor of the amendment; after which the question on the amendment was taken, and lost by the following vote:

YEAS—Messrs. Benton, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Kent, Linn, Morris, Naudain, Nicholas, Porter, Robinson, and Webster—15.

NAYS—Messrs. Black, Brown, Calhoun, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Leigh, McKean, Mangum, Moore, Niles, Rives, Ruggles, Shepley, Swift, Tallmadge, Tomlinson, Walker, White, and Wright—22.

Mr. CRITETNDEN then moved to amend the bill by striking out the proviso in the first section, which is in the following words:

Provided, That so much of said stock can be procured at par value, within the present year, as will give the United States the control of the company.

And also the second and third sections of the bill, which read as follows:

SEC. 2. *And be it further enacted*, That if it be found impracticable to purchase the stock agreeable to the foregoing section of this act, then the Secretary of the Treasury is hereby authorized to sell the United States stock to said company at market price, not below par value.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury shall vote for the president and directors of said company, according to such number of shares as shall belong to the United States at the time of giving such vote; and to receive upon said stock the proportion of the tolls which shall from time to time be due to the United States.

And to insert, at the end of the first proviso, that the price of the stock shall not be more than twelve and a half per cent. above the par value.

After some remarks from Messrs. LINN and WALKER,

Mr. BENTON thought a majority could go for it if a little time were allowed to regulate its details. He wished, therefore, that it might lay over until to-morrow morning. This was one thing he was in favor of. He was informed that the tolls were doubled, and he was in favor of a reduction of them. They were enormous at first; and they were now no longer tolls, but a fine—a penalty—a penalty on those who went through. Owners of boats had shown him how enormous the amount was. There were boats that had, in two or three years, paid as much toll as the original amount of the cost of the boats themselves; and loose boats that were used to keep the loading in were actually charged as tonnage in weighing the boats. He wished to obviate the imposition as far as the United States was concerned.

Mr. BENTON concluded by suggesting the following as an amendment:

"And from and after the passing of this act, no toll shall be collected on any stock owned by the United States in the said canal."

After some remarks from Messrs. WEBSTER, WALKER, HENDRICKS, and CRITTENDEN,

Mr. EWING, of Ohio, suggested that it would be better to lay the bill over until the next day, that gentlemen might, in the mean time, consider what shape it would be best to give it, in order to procure its passage.

The bill was accordingly postponed.

EXECUTIVE COMMUNICATION.

The CHAIR communicated a report from the Treasury Department, in answer to a resolution of the Senate, submitted by Mr. EWING, of Ohio, containing a statement relative to the transfer of public moneys from certain Ohio banks to banks east of the Alleghanies; which was ordered to be printed.

RESOLUTIONS ADOPTED.

Mr. WALKER submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry at Vicksburg and Grand Gulf, in the State of Mississippi.

Mr. ROBINSON submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Belleville to Pinckneyville, in the State of Illinois.

Mr. WHITE submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of procuring a site and building an arsenal at or near Memphis, in the State of Tennessee.

Mr. WRIGHT submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Rochester, through the towns upon the canal, to Buffalo, in the State of New York; and also, a post road from Sand Banks, in the county of Oswego, to Mannsville, in the county of Jefferson, in the State of New York.

REPORT OF A COMMITTEE.

Mr. PRESTON, from the Committee on Military Affairs, introduced a bill providing for the increase of the medical staff of the Army; which was read, and ordered to a second reading.

FORTIFICATION BILL.

The bill making appropriations for the purchase of sites, the collection of materials, and the commencement of certain fortifications, was taken up; the question being on Mr. BENTON's motion to strike out $100,000 for fortifications for Salem, Massachusetts, and insert "for fortifications at Salem, Massachusetts, $75,000 annually for two years."

Mr. WEBSTER addressed the Senate in opposition to the system of making appropriations in advance; after which the question was taken, and the amendment was rejected by the following vote:

YEAS—Messrs. Benton, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, Linn, Nicholson, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—17.

NAYS—Messrs. Black, Calhoun, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Georgia, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Robbins, Swift, Tomlinson, Webster, and White—21.

On motion of Mr. BENTON, the bill was further amended by increasing the appropriations for fortifications at Federal Point, North Carolina, from $12,000 to $18,000, and for fortifications at Fort St. Philip, from $77,800 to $100,000.

Mr. B. then submitted amendments making the appropriations for two years, instead of one, for New Bedford, Massachusetts, New London, Connecticut, Soller's Flats, Fort Barancas, the questions on which were severally put, and rejected.

The bill was then reported to the Senate; and the question on concurring in the amendments made in Committee of the Whole was taken, as follows:

The first question was on concurring in the amendment making the appropriations for fortifications at Penobscot bay, $75,000 annually for two years, instead of $100,000, as in the bill.

This amendment was rejected—yeas 20, nays 21, as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, Linn, Morris, Nicholas, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—20.

NAYS—Messrs. Black, Calhoun, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Georgia, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Robbins, Swift, Tomlinson, Webster, and White—21.

The question was next taken on making the appropriations for fortifications at Kennebec, $—— annually for two years, instead of $100,000 as in the bill, and also rejected by the following vote:

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, Linn, Morris, Nicholas, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—19.

NAYS—Messrs. Black, Calhoun, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Georgia, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Swift, Tomlinson, Webster, and White—23.

The amendments for fortifications at Portland, $75,000 per annum for two years, instead of

$100,000, and for Portsmouth, $150,000 per annum for two years, instead of $200,000, were also rejected.

The remainder of the amendments made in committee were then concurred in.

Mr. PRESTON then moved to strike out the appropriations for fortifications at Kennebec. He had made this motion (he said) when there was not a full Senate, and it was rejected. He wished now that the Senate was full to try the principle, whether appropriations should be made where there were no plans or estimates.

After some remarks from Messrs. PRESTON and CRITTENDEN this motion was rejected—yeas 11, nays 29; as follows:

YEAS—Messrs. Calhoun, Crittenden, Ewing of Ohio, King of Georgia, Leigh, Mangum, Moore, Naudain, Preston, Swift, and White—11.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Davis, Ewing of Illinois, Goldsborough, Grundy, Hill, Hendricks, Kent, King of Alabama, Linn, McKean, Morris, Nicholas, Niles, Porter, Rives, Robbins, Robinson, Ruggles, Shepley, Tallmadge, Tomlinson, Walker, and Webster—29.

The bill was then ordered to be engrossed for a third reading.

DEPOSITS OF THE PUBLIC MONEYS.

On motion of Mr. CALHOUN, the Senate took up the bill to regulate the deposits of the public moneys, when Mr. C. was permitted, by general consent, to modify the bill by adding new sections, the purport of which is, that the unexpended balance remaining in the Treasury, on the 31st of December of each year, except —— dollars, shall be deposited with the several States of the Union, each in proportion to its population; that the Secretary of the Treasury shall notify the Executive of each State that the sum allotted to his State will be paid on the warrant of the chief magistrate of said State, or deposited in the State Treasury at his option; the sum thus deposited with the States to be retained without interest until wanted by the General Government; and that —— months' notice shall be given before it is withdrawn; that where a State is not authorized by its existing laws to receive the deposit, the sum allotted to it shall be transferred to it on the warrant of its Executive, or deposited in its Treasury, as soon as it shall have passed a law authorizing such transfer or deposit: this act to continue in force till the 30th of June, 1842.

The question then recurred on Mr. WRIGHT's amendment, providing for the investment of the surplus in the Treasury in some safe public stocks, &c., and it being late in the evening,

On motion of Mr. WRIGHT, the bill was laid on the table, with an understanding to take it up to-morrow.

THE DISTRICT BANKS.

On motion of Mr. KING, of Alabama, the bill to recharter the several banks of the District of Columbia was taken up, and considered as in Committee of the Whole, and, after sundry amendments, the bill was ordered to be printed as amended, and made the order of the day for Friday next.

ADMISSION OF ARKANSAS.

On motion of Mr. BUCHANAN, the bill supplementary to the act providing for the admission of Arkansas into the Union was taken up and considered, as in Committee of the Whole, and ordered to be engrossed for a third reading

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 25, 1836.

On motion of Mr. JOHNSON, of Louisiana, it was

Resolved, That the Committee on Claims be instructed to inquire into the expediency of providing for the payment of the claim of Theodore Lewis, for the loss of a horse, while acting as an officer of the Louisiana militia during the recent war in Florida.

On motion of Mr. OWENS, it was

Resolved, That the Judiciary Committee inquire into the expediency of revising the act of Congress confirming the act of Georgia, passed in 1804, so far as the port of St. Mary's is concerned, allowing the health officer to collect certain tonnage duties in that port.

ABOLITION OF SLAVERY.

The House resumed the consideration of the report of Mr. PINCKNEY from the committee on the subject of the abolition of slavery.

The immediate question pending was the motion of Mr. ROBERTSON, to recommit the report to the same committee, with instructions to report a resolution declaring that Congress has not the power to abolish slavery in the District of Columbia

Mr. ROBERTSON resumed, and spoke about an hour, in conclusion of the remarks which he had commenced on former days. [They will be given hereafter.]

Mr. OWENS did not rise for the purpose of discussing this subject. Every member must be satisfied that the debate was unprofitable; he therefore moved the previous question, which he hoped would be sustained by the House.

Mr. WILLIAMS, of Kentucky, called for the orders of the day, but the House refused to sustain the call—ayes 64, noes 86.

Mr. ADAMS wished to reply to the arguments of the gentleman from Virginia who had just addressed the House.

The CHAIR reminded the gentleman that the previous question had been moved.

Mr. WISE inquired whether it was competent to move the previous question, the hour having arrived for proceeding to the orders of the day?

The CHAIR stated that, under the rule, unless a motion was made and carried to proceed to the consideration of the orders of the day, the subject before the House would not have been arrested until the hour for proceeding to the special order. After the expiration of the morning hour, no motion having been made to take up the orders of the day, it was competent to move the previous question upon the subject under consideration.

Mr. ADAMS asked the gentleman from Georgia to withdraw his motion for the previous question.

Mr. TOWNS made a similar request, and remarked that, from the first day this subject was presented to the consideration of the House to the present moment, he had taken no part in the discussion. There were now reasons operating on his mind, inducing him to desire that this opportunity be afforded him to submit the views he entertained, and the reasons that would regulate his vote.

Mr. OWENS had made the motion on the most mature deliberation, and could not withdraw it.

Mr. ADAMS appealed from the decision of the Speaker, that it was competent, under the circumstances, to move the previous question.

The CHAIR requested the gentleman to reduce his appeal to writing.

After a short time, Mr. ADAMS rose and withdrew the appeal, stating that he did not believe the House would be disposed to stifle debate by sustaining the previous question.

Mr. PATTON rose to make an appeal to the gentleman from Georgia [Mr. OWENS] to withdraw his motion.

Mr. LEE, of New York, called the gentleman to order, as the subject was not debatable.

Mr. OWENS must adhere to his determination not to withdraw his motion.

The previous question was then seconded—ayes 95, noes 82.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays on the previous question; which were ordered.

Mr. STORER inquired what would be the effect of the previous question?

The CHAIR said, if the previous question was sustained, it would cut off all amendments, and the main question would be on the adoption of the resolutions reported by the select committee.

Mr. ADAMS appealed from the decision of the Chair.

The CHAIR had, in answer to the inquiry of the gentleman from Ohio, stated what would be the effect of sustaining the previous question, and had made no decision upon which an appeal would lie at that time.

Mr. ADAMS was aware that a slaveholding Speaker occupied the chair.

Here Mr. A. was called to order by various members.

Mr. WISE moved a call of the House, and asked for the yeas and nays; which were ordered, and were—yeas 87, noes 108. So the motion was negatived.

Mr. STORER moved to lay the previous question on the table, including the report and resolutions of the committee, and the amendments to the same; which was negatived without a count.

Mr. ADAMS desired to know what would be the main question, and that it might be stated on the Journals?

The SPEAKER repeated, that, if the previous question was sustained, the main question would be on the adoption of the resolutions reported by the select committee.

Mr. ADAMS appealed from the decision.

Mr. BOON rose to order. It would be time enough to raise this question when the previous question was sustained.

Mr. ADAMS. I speak to a point of order; and desire to take an appeal from the decision of the Chair.

Mr. PATTON said it seemed to him, that it should first be determined what the main question would be, as that consideration might influence the vote of gentlemen. Peradventure the House might reverse the decision of the Chair. He hoped, therefore, that the decision of the Speaker, as to the effect of the main question, would be first entertained, so that they might subsequently vote understandingly.

The CHAIR would entertain the appeal of the gentleman from Massachusetts, (although irregular,) it not being material, as to the particular point of time, when it might properly be taken. This was the first time that this question had been made; but the Chair was very clear in the opinion, that if the previous question was sustained, the question would be on the adoption of the resolutions reported by the select committee.

Mr. PHILLIPS desired the opinion of the Chair upon another point, which was, whether the committee had not transcended their powers in reporting the third resolution.

The CHAIR could not draw this question within the vortex of the point of order. If the House was of opinion that, in reporting the resolution referred to, the committee had transcended its powers, it would be a reason for negativing the resolution.

Mr. WILLIAMS, of Kentucky, moved the previous question upon Mr. ADAMS's appeal, but subsequently withdrew it.

Mr. ADAMS. Mr. Speaker, am I gagged, or not?

The CHAIR replied, that under a recent decision of the House, it was not competent, after the previous question had been moved and seconded, to debate a point of order.

Mr. ADAMS demanded that the Speaker should reduce his decision to writing.

The CHAIR said that the gentleman had no right, under the rules, to require his decision to be reduced to writing.

Mr. ADAMS. I appeal from that decision.

The CHAIR said it was not in order to pile one appeal upon another.

The decision of the Chair upon Mr. ADAMS's first appeal was then sustained without a count.

The House then decided that the main question should be put—yeas 109, nays 89; as follows:

YEAS—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Bockee, Bovee, Boyd, Brown, Buchanan, Burns, Cambreleng, Carr, Casey, Chaney, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, Gillet, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawes, Haynes, Henderson, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, William Mason, Moses Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Parker, Parks, Patterson, Dutee J. Pearce, Franklin Pierce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, John Thompson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, and Sherrod Williams—109.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bell, Bond, Borden, Bouldin, Briggs, Bunch, William B. Calhoun, Carter, George Chambers, John Chambers, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Corwin, Crane, Cushing, Deberry, Denny, Everett, Philo C. Fuller, James Garland, Glascock, Granger, Grantland, Graves, Grennell, Griffin, Hiland Hall, Hard, Harlan, Harper, Hazeltine, Heister, Hoar, Holsey, Howell, Hunt, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, John W. Jones, Lawler, Lawrence, Lay, Luke Lea, Lewis,

Lincoln, Love, Lyon, Martin, McCarty, McKay, McKennan, Mercer, Milligan, Morris, Patton, Pettigrew, Phillips, Pickens, Pinckney, Potts, Rencher, Robertson, Rogers, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Towns, Underwood, Vinton, White, Whittlesey, Lewis Williams, and Wise—89.

Mr. HEISTER called for a division of the question and asked for the yeas and nays; which were ordered.

The first resolution was then read, as follows:

Resolved, That Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this Confederacy.

Mr. ADAMS said if the House would allow him five minutes' time, he pledged himself to prove that resolution false and utterly untrue.

Mr. A. was here called to order in different parts of the House, and resumed his seat.

The question was taken on the adoption of the first resolution; which resulted—yeas 182, yeas 9; as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Anthony, Ash, Bailey, Barton, Beale, Bean, Beaumont, Bockee, Bond, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Bunch, Burns, William B. Calhoun, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Doberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Granger, Grantland, Graves, Grennell, Haley, Joseph Hall, Hiland Hall, Hamer, Hannegan, Hard, Harlan, Harper, Samuel S. Harrison, Albert G. Harrison, Hawes, Haynes, Henderson, Hiester, Hoar, Holsey, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Cave Johnson, Henry Johnson, Joseph Johnson, Richard M. Johnson, John W. Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lincoln, Logan, Love, Loyall, Lyon, Abijah Mann, Job Mann, Martin, Moses Mason, Sampson Mason, William Mason, May, McCarty, McComas, McKay, McKennan, McKeon, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Pettigrew, Phelps, Pinckney, Reed, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Speight, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, Weeks, White, Whittlesey, Lewis Williams, and Sherrod Williams—182.

NAYS—Messrs. Adams, Clark, Denny, Everett, William Jackson, Janes, Phillips, Potts, and Slade—9.

When the name of Mr. GLASCOCK was called, he declined voting, and asked to be excused. His objections to the resolution had been made known on a former occasion. He had seen no reason to alter his opinion, and would never assent to raise the question of slavery in the States in any manner or form whatever.

Messrs. PICKENS and ROBERTSON also asked to be excused.

When the name of Mr. THOMPSON of South Carolina was called, he rose and remarked that he could not, in conscience, vote upon the resolution, nor could he ask to be excused.

Mr. WISE, in answer to his name, said: I positively refuse to vote upon that question.

The roll having been called through—

The question first recurred on the motion to excuse the gentleman from Georgia [Mr. GLASCOCK] from voting.

Mr. ADAMS demanded that the gentleman's reasons be reduced to writing, and entered on the Journal; and was proceeding to address the House on the subject, when the hour of one having arrived, the House passed to the special order of the day.

SENATE BILLS REFERRED.

By consent, the following bills from the Senate were taken up and referred:

A bill to carry into effect in the States of Alabama and Mississippi the existing contracts with those States in regard to the five per cent. fund and the school reservation. To the Committee on Public Lands.

A bill to authorize the appointment of additional paymasters. To the Committee on Military Affairs.

Also, a joint resolution authorizing the President of the United States to furnish rations to certain inhabitants of Alabama.

Mr. LEWIS urged the speedy action of the House upon this resolution, in consequence of the disastrous condition of the country.

Mr. HAWES moved that it be referred to a Committee of the Whole on the state of the Union; which was agreed to.

On motion of Mr. LEWIS, and by general consent, the House then went into committee on the above resolution, (Mr. A. H. SHEPPERD in the chair.)

Mr. HAWES briefly opposed the resolution, on the ground that it was both impolitic and unconstitutional.

Mr. LEWIS addressed the committee in reply to the gentleman from Kentucky. He said the gentleman had very suddenly sprung a grave constitutional question upon a very small matter. The gentleman was mistaken, if he supposed that it was proposed that all the settlers from the Creek country who had been thrown on the frontier of Alabama and Georgia, were to be fed at the public expense. On the contrary, sir, this boon was asked only for the poor, and the *extreme* poor, who had been driven from their homes by the savages, and, in many instances, were forced to abandon, not only their homes, but their provisions, stock, and, in some instances, even their negroes. It was said, that, in the little town of Columbus, there were now twelve hundred persons from the Creek country, who were living upon the liberality and hospitality of the people of that town. Children were there whose parents had been murdered at night by the Indians; widows whose husbands had fallen under the tomahawk; some driven from their midnight slumbers, and forced, even in a state of nudity, to fly to the adjoining frontier for protection.

Sir, the Government surely owed protection to these people; they are *now* endeavoring to afford them that protection; and is not subsisting these people a part of that protection for which we are sending armies and voting appropriations for their defense? Sir, I ask nothing except for the poor and the unfortunate. Our wealthy citizens will never call on the commissary for their provisions; and even the poor, I trust, will not need it long. All that I ask is, to grant us that protection against the *consequences* of Indian hostilities which we have a right to claim from this Government. I see no difference, sir, between this case and the one under which this House has already voted rations to the sufferers in Florida.

Sir, I respect the constitutional scruples of every gentleman on this floor. I ask no gratuity, no charity, but simply demand justice of this Government. I require of this Government merely to repair the losses which have resulted for want of that protection which the people have not received; and which, if they had received, would have enabled them to have subsisted themselves at home, without calling on this Government. In making this remark, I do not intend to censure the Government, but merely to state the circumstances under which this application is made. It is a requisition of sheer justice, growing out of the *obligation* of this Government to *protect* the persons to whom they have sold land in the Creek country, against the hostility of these Indians, until they are removed west of the Mississippi.

Mr. TOWNS moved an amendment to extend the provisions of the resolution to citizens of Georgia, under the same circumstances as the citizens of Alabama, provided for in the resolution.

Mr. T. said: Mr. Chairman, in support of the amendment I have had the honor to offer, no particular argument is necessary, as it does not vary the principle of the resolution. I must confess that I heard with regret the remarks of the honorable gentleman from Kentucky [Mr. HAWES] in opposition to the resolution. I should always be pleased to have the coöperation of that gentleman on any question, and on none more than the present. The gentleman has placed his opposition on the ground that there is no power in the House to adopt the resolution; I do not intend to meet this objection by anything like argument on the constitutional question; it is not necessary. It has fallen to the lot of the gentleman, oftener than once during the present session, to make the same objection to other resolutions involving the same principle, and as often as made has uniformly been voted down by the House. Sir, I have information in my possession of a character that would excite the deepest sympathy. Yes, sir, every mail from Georgia tells me the story of death; butcheries the most revolting are perpetrated every day on the borders of Alabama, and on the frontiers of Georgia. The merciless savage has overrun almost the entire country from Columbus to Montgomery. One scene of wide-spread desolation alone is to be seen in that quarter, where but a short time since there were peace, quiet, and prosperity. And such, sir, has been the unparalleled devastation of property and life, that there is scarcely a human being to be seen in all that country, unless it be the merciless foe, or some unfortunate settler flying from the tomahawk and scalping knife. So sudden has been this war, when the Indian was ready to deal out death in all it horrors, few, if any, were prepared to give the slightest resistance; unprotected with arms or ammunition, the honest settler of the country felt it to be his first duty to yield to the intreaties of wife and children, to fly for safety; and the melancholy story but too often reaches us, when thus flying, that many of them have fallen victims to the most cruel of all deaths, the scalping knife and tomahawk. This population under such a panic could not be expected, even if they had the means, of removing their property. Delay was death, and to collect the women and children, and bid them fly, was the first and the only thing either thought of or desired. Perhaps, sir, at no former time was ever a panic more general, or danger greater. Can it then, sir—could it be expected, that a whole population, driven before a savage foe beyond the limits of their own State, could have provided themselves with the ordinary comforts of life? Could it be expected, when deprived of house, home, and property, that they can supply themselves with the necessary means of subsistence? Can it be supposed that the citizens of Georgia, however charitable and benevolent, (and I am proud to say they are entitled to that character,) can support a population of such vast numbers as must have been suddenly thrown upon them in the severest season of the year? Sir, I know too well the feeling of this House to doubt for one moment the fate of the resolution. Let it pass speedily; and let that aid, so indispensable to the very existence of the unfortunate people on the frontiers of Georgia, receive that prompt and efficient aid that a wise and humane policy would demand. Let us not consume the time of the committee by useless discussion, when, but for the aid of the relief intended by this resolution, hundreds of your valuable citizens will be reduced to the greatest distress.

Mr. EVERETT said he felt some difficulty in voting for the resolution. He felt every desire to support it, if he could do it with propriety; and as evidence of the sincerity of this declaration he would appeal to his votes on former occasions of an analogous character. He had voted supplies to the suffering inhabitants, the poor of this city; he had done this on the ground that Congress was the only power to which this District could look for relief. He had voted for a ration bill for the sufferers of Florida. He had been glad to find principles by which he could support views so consonant to his feelings. But this case had no such support. It was an application in favor of the inhabitants of a State, to whose Legislature they can apply for relief. The gentlemen from Massachusetts [Mr. CUSHING and Mr. ADAMS] had placed it on the war power; but he would submit to those gentlemen, whether the resolution was within the limits of that principle? He presumed that a commanding officer was bound to support, if he has the means, such inhabitants that *the chance of war may drive within his lines, or under his immediate protection.* For this purpose, no resolution was necessary; but if necessary, he would assuredly vote for it. But after the inhabitants had placed themselves out of the protection of the military power, and mixed with the mass of the inhabitants, they were no longer entitled to support. The resolution had no such restriction. It authorized the officer to give rations to all the sufferers who, in consequence of the war, were reduced to want. He did not mean to say that he should not eventually support the resolution. His feelings strongly

induced him in its favor; but at present he could not see his way clear to do it.

He desired to propose a question to the delegations of those States asking the relief—Georgia and Alabama. Do the laws of those States recognize the existence of any Indian nation within their limits? He did not ask the question because he doubted the fact of their existence; he fully recognized them. He did not put the question to the Government; the Government recognized them, and by the most solemn existing treaties. No; he asked these delegations whether their laws recognized them as nations?

Then, if not nations, they are, so far as the laws of those States can make them, a part of the inhabitants of the State, and, as such, can rise in insurrection, commit depredations, but not go to war. This being the claim of these States, he would ask them to distinguish the case from a similar distress arising from an insurrection of their slaves. We are equally bound to defend them against domestic violence as against the evils of war. And, he would ask if that would afford a case in which the United States would be bound to afford rations to the sufferers, when not under the immediate protection of its military force? He begged gentlemen to see to what point the principles of this resolution would lead them.

He said the gentleman from Massachusetts [Mr. ADAMS] had been rebuked for forewarning the South of impending danger. He said that the warning might produce the very evils it predicted. He thought, however, those warnings should be received in a different temper. He thought it the duty of those who foresaw, or believed they foresaw, impending danger, to give the earliest warning. For one, he thought the danger to the South, on its whole southern border, from Louisiana to Georgia, was imminent, and that it was not the part of members to shut their eyes against it.

Mr. LEWIS, in reply to the question propounded to him by the gentleman from Vermont, [Mr. EVERETT,] said that the Creek Indians were certainly not citizens of Alabama, in the full legal acceptation of that term. They wanted many of the political rights and privileges of citizenship. Nor were they an independent nation. Such independence, within the limits of a sovereign State, was incompatible with its sovereignty. The laws of the State had been extended over the entire Creek country, and such laws embraced within their jurisdiction all persons, Indians as well as white men. One of the anomalies in the situation of these Creek Indians is, that the Government has formed with them certain treaty stipulations. They are the only portion of the population of Alabama with which the Government ever has, or ever *can*, hold treaty stipulations. They are allowed by the treaty to remain within the State five years from the date of the treaty; even though they may, in the mean time, have sold their lands. The fulfillment of these treaty stipulations is now in a state of progress by this Government. During the pendency of these measures, these Indians are in a state of pupilage to this Government, and will remain so, until they are removed west of the Mississippi. All their contracts for the disposition of their lands are made only in obedience to the will of the President. In this state of things, it surely becomes the duty of the Government to *protect*, not only the *Indians* from the citizens, but the citizens from the Indians, and particularly such citizens as have purchased lands from these Indians by the consent of the Government. If, from *any cause whatever*, this protection has not been afforded, this Government is certainly responsible to the citizens for all the consequences of this want of protection. It is upon this responsibility (Mr. L. said) he rested this claim on the Government, to give rations to those who had been deprived of the means of subsisting themselves, for the want of that very protection which the Government was bound to afford.

The amendment was briefly discussed by Mr. WHITTLESEY of Ohio, and Mr. PARKER.

Mr. PARKER moved to amend the resolution by inserting a specific sum of $20,000.

This amendment was briefly discussed by Messrs. WHITE of Florida, WHITTLESEY of Ohio, HUNTSMAN, GRANTLAND, HOLSEY, LEWIS, and HOWARD; when Mr. PARKER withdrew it.

The question then recurred upon the amendment of the gentleman from Georgia, [Mr. TOWNS:] which, after a few remarks from Mr. LANE, was agreed to.

Mr. HAWES again opposed the resolution. He condemned the policy of providing for our citizens in this way, for it was holding out an inducement to them not to take measures to protect themselves.

The resolution was advocated by Messrs. LEWIS, LANE, GLASCOCK, CUSHING, HOLSEY, WISE, MAURY, LAWLER, HAYNES, and UNDERWOOD; and opposed by Messrs. THOMPSON of South Carolina, ADAMS, and EVERETT.

Mr. THOMPSON, of South Carolina, moved the following amendment, to come in at the end of the resolution. With this amendment he said he could alone vote for the resolution: "the Government having failed to extend that protection to those sufferers, which it was its bounden duty to have done."

The resolution was further discussed by Messrs. WISE and MILLER.

On motion of Mr. BOYD, the committee then rose and reported.

The SPEAKER having resumed the chair,

Mr. LANE then moved that the Committee of the Whole be discharged from the further consideration of the resolution; which was agreed to.

All amendments being cut off by the discharge of the Committee of the Whole from the resolution,

Mr. MILLER renewed the amendment moved by Mr. TOWNS in committee; which was agreed to.

Mr. WHITE, of Florida, moved to strike out the words, "who are unable to provide for themselves."

Mr. JOHNSON, of Tennessee, demanded the previous question; which was seconded—yeas 88, nays 34.

The main question was then ordered to be put, and the resolution was ordered to be engrossed for a third reading. Having been engrossed, it was read a third time, and passed.

The SPEAKER presented to the House sundry executive communications; which were appropriately referred.

The House then adjourned, at half past six, p. m.

IN SENATE.

THURSDAY, *May* 26, 1836.

On motion of Mr. EWING, of Ohio, the Committee on Public Lands was discharged from the further consideration of the petition of the inhabitants of Prairie du Chien.

Messrs. TALLMADGE and NICHOLAS reported, without amendment, several bills from the House that had been referred to the Committee on Pensions.

Mr. TALLMADGE, from the Committee on Foreign Relations, reported a bill for the relief of Thomas T. Barton, without amendment; and the bill from the House for the relief of John Randolph Clay, with an amendment.

Mr. LEIGH, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of James Megginson; which was read, and ordered to a second reading.

Mr. WEBSTER, from the Committee on Finance, to which had been referred the memorial of the president and directors of the Union Bank of Maryland, praying Congress to correct a mistake in transcribing the award of the commissioners under the French treaty of 1831, reported a joint resolution for that purpose; which was read, and ordered to a second reading.

Mr. TOMLINSON, from the Committee on Pensions, to which was referred the memorial of George W. Howard, made an unfavorable report thereon, and the committee was discharged from its further consideration.

Mr. HENDRICKS submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Mooresville, in Morgan county, via Bridgeport, Clement, Piketon, and Westfield, to Strawtown, in Hamilton county; also a post route from Martinsville to Gosport.

Mr. LINN, from the Committee on Pensions, to which was referred the bill from the House for the relief of Bernard Toplady, reported the same with amendments.

Mr. DAVIS, from the Committee on Commerce, reported a bill making appropriations for building certain light-houses, and placing buoys; which was read, and ordered to a second reading.

Also, a bill for purchase of sites, and for erection of custom-houses at Philadelphia, New Orleans, and Wilmington, Delaware; which were severally read, and ordered to a second reading.

Mr. KING, of Alabama, presented the memorial of the attorneys of Frederick Raviesces, of the firm of Cuvier Raviesces; which was referred to the Committee on the Judiciary.

Mr. WEBSTER submitted the following resolution; which lies on the table one day:

Resolved, That the Secretary of State communicate to the Senate, as soon as they may be obtained, copies of all acts of the Territorial Legislature of Florida, granting or creating banking charters, or any institution with banking powers and privileges, within the last three years.

Mr. CRITTENDEN presented, at the request of his colleague, (who is detained at home by the severe indisposition of his son,) two memorials, one from sundry citizens of Buffalo, New York, and one from sundry citizens of Lexington, Kentucky, praying for the recognition of the independence of Texas; which were referred to the Committee on Foreign Relations.

Mr. PRESTON presented the proceedings and resolutions of a meeting of the citizens of Washington on the same subject; which were ordered to be printed, and referred to the same committee.

FORTIFICATION BILL.

The bill making appropriations for the purchase of sites, the collection of materials, and the commencement of certain fortifications, was read the third time and passed.

Mr. KING, of Georgia, said, that having voted against this bill throughout, he wished to say a few words explanatory of the vote he was about to give on its final passage. His motives for voting against it were not from any hostility to its general objects, or to the fortifications which were in it; on the contrary, he was disposed to believe, from the quantity of evidence that had been adduced in the course of this debate, that the fortifications now in the bill should be ultimately added to the defenses of the country. With him, however, the question was more as to time, than as to the propriety of the measure. If the report of the Secretary of War, sent in on the 7th of April, was to be relied on, not a single dollar should be appropriated for new works, until a reëxamination was had of the whole subject, in order to adapt the system to the present condition of the country. Now his opinion (Mr. K. said) was this, that, if this appropriation should be made at the present session of Congress, it would have no effect but to confine several millions of dollars from the control of the Government, which cannot be expended in the objects for which it was appropriated. If the Secretary should examine these new works before commencing them with that care and deliberation with which he should proceed, with regard to the works intended for the permanent defenses of the country, they would not be commenced before the next session of Congress, and, therefore, there was no necessity for hurrying the appropriations at this time.

Mr. K. said that he did not wish to be understood as committing himself in favor of the plan originally presented by the Military Committee. He never could agree to vote for any plan which changed the whole system, so long practiced by the Government, and perhaps lead to a change of our institutions. The report of the Secretary of War was, to his mind, a conclusive argument against the present bill, if he had no other objections to urge against it. Mr. K. highly complimented the report of the Secretary, saying that it showed a great mind, as well as a practical talent, well calculated to give to science a practical effect.

Taking into consideration that they were nearly at the end of the session of Congress, and that if

they passed the bill it would be departing from the principles of the report, he conceived himself but in the performance of a duty in asking for a postponement till the next session of Congress.

Mr. CALHOUN observed that this system of fortifications was likely to be run down by extravagant appropriations. It added something like two millions to the usual appropriation bill, and, considering the present prices, at least a million beyond what the appropriations ought to be. As the bill now stood, he felt himself compelled to vote against it.

Mr. BENTON remarked that the reasons given by the Senator from Georgia, why he should vote against this bill, were very proper so far as they were his reasons; but when the Secretary of War was quoted as being opposed to it, he thought it proper to set gentlemen right. Just so often as the Secretary was quoted in opposition to this system of fortifications, so often would he quote his own language. He would read a few extracts from the Secretary's report, in order to show what his opinions really were. Mr. B. then read the following:

"It cannot be doubted but that fortifications at the following places enumerated in this bill will be necessary:

"At Penobscot bay for the protection of Bangor, &c.; at Kennebec river; at Portland; at Portsmouth; at Salem; at New Bedford; at New London; upon Staten Island; at Soller's Flats; at redoubt on Federal Point; for the Barancas; for Fort St. Philip. These proposed works all command the approach to places sufficiently important to justify their construction under any circumstances that will probably exist. I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them. As soon as these are made, such of these positions as may appear to require it can be examined, and the form and extent of the works adapted to existing circumstances, if any change be desirable. The construction of those not needing examination can commence immediately, and that of the others as soon as the plans are determined upon. By this proceeding, therefore, a season may be saved in the operations."

Now he did not know (Mr. B. said) that it was in the power of language to be more explicit in favor of any object than that of the Secretary of War was of the bill on the table. He must object (Mr. B. said) to any arguments founded on detached expressions in this report, when that same report contained explicit declarations in favor of the bill.

It had been urged by some gentlemen that the season was so far advanced that it was not worth while to make appropriations this year. How did this happen? It was because there had been a continued struggle to keep off appropriations for the defenses of the country; because the Senate had by yeas and nays given the distribution bill a preference over such necessary objects; because there had been a continued contest between the defenses of the country and the scheme of dividing money, and in that contest the defenses of the country had gone to the wall. Gentlemen said that it was now too late in the season to apply these appropriations this year. Well, then, if it was too late, whose fault was it? When his plan of distribution was commenced, it was supported on the ground that it was impossible to use the surplus in the Treasury for the service of the country. Every gentleman in favor of the plan took this position; and yet, when the officers of Government had sent in report after report, showing that this money can be profitably employed for the defenses of the country, their judgment was disputed, and disputed, too, on points in which they must necessarily be entitled to credit and respect. Here they were, (said Mr. B.,) while two States and one Territory were reeking with blood and resounding with cries, engaged in dividing surpluses, and dividing them, too, by creating them. Sir, (said Mr. B.,) if this plan goes on, it will put an end to the institutions of the country; it was engaged in contending against the very objects for which this Government was formed—the defense of the country. While they had but a skeleton of an army, whose companies of only fifty men each were reduced to thirty odd, and while the officers in Florida were continually calling for men to fill up their ranks, the bill for that object could not be touched; it must be set aside to make room for the banks of the District of Columbia. Yes, sir, (said Mr. B.,) the convenience of the banks of the District of Columbia must take precedence over the cries of the bleeding frontiers. He could not but regret that at the last month of the session there should be a further effort to put off appropriations for the defenses of the country; that, after having spent the two first months in crimination and recrimination for the loss of the fortification bill of the last year, they should now, at the end of six months of the session, have to struggle hard to get a bill for the same object passed. He wished to call the attention of the Senate and the country to the consequences of this odious principle of distribution. It was going to reduce us to a condition more helpless than we were under the old Confederation; for it would reduce us to a dependence not only on the voluntary contributions of States, but to the leavings of the States, after they had cut and carved all they wanted for themselves.

Mr. KING, of Georgia, said he had not voted for the distribution bill, and therefore the remarks of the Senator on that subject could not be made applicable to him.

Mr. BENTON said they were not intended for Mr. KING.

Mr. KING said, neither could the remarks of the Senator denouncing those who had delayed the bill in its progress, unless he referred to a vote for an adjournment on Saturday evening. He had voted to adjourn very late on Saturday evening, when he believed some of the friends of the bill wished to push it to a third reading. But he had done so only from the lateness of the hour and thinness of the Senate. That he was justified in that course, had been since proved by the revocation, in a fuller Senate, of every vote taken on that evening.

Mr. K. denied that he condemned the report of the Secretary of War, by voting against this bill under present circumstances. He intended ultimately, in the main, to conform to it. It was an able document. In it we saw the developments of a great mind, well stored with science, and, what was equally important, a practical talent to give that science a judicious and useful application. He again referred to the report, and insisted that the season at which this bill would be passed, if at all, and the attention required of the War Department to another part of our frontier, would reconcile his views with those of the Secretary. The Secretary sent his report the 8th of April; and as the bill was then before the Senate, he thought most likely it would be speedily acted on. From the business before the House, it could not be finally acted on before July, and he did not think any advantage could be derived from the appropriation, if the examination and surveys should be made before the money was expended. At any rate, the advantage would be too small to justify an appropriation so far in advance, and a departure from the valuable principle of having surveys and estimates before appropriations were made for any work of this description.

Mr. K. said it was true that the Secretary, in one part of his report, had recommended the appropriation under the circumstances stated; and he had stated that the Department would have the examination and surveys made, before any money should be spent. If we would take the whole report together, however, we could plainly see that the Secretary was yielding something to his friends. He was reporting against the recommendation of the engineer department, against the bill reported by the Military Committee of the Senate, and against the known wishes of many friends whose opinions he respected. This, he thought, would account for any trifling difference between the Secretary and himself.

The Secretary (he said) had been compelled to throw himself against some of the most extravagant schemes for increasing our military preparations that had ever threatened the country. The whole of them, if adopted, would require at least $100,000,000 to begin with—one bureau recommended near thirty millions for providing munitions of war alone; the fortifications proposed by another bureau, and recommended by the Military Committee, would cost near forty millions more; and he had noticed that, in debate in the House, $22,000,000 was spoken of to arm the militia. The standing army was to be expensively increased; and, as to depots, armories, and arsenals, they were almost without number, as their cost was beyond computation.

It would require some Hutton to give us the sum total. Sir, said he, to consider the past policy of the Government, and look at the documents on your table, and the views given us from various quarters, one would think he had been dreaming. The wise policy of allowing our citizens to prosper in the enjoyment of the fruits of their labor, was to be changed. Everything seemed to look to vast military establishments. Now, (said Mr. K.,) what I wish understood is, that I protest against all these schemes of heavy expenditures for permanent establishments. They would not only absorb the surplus, but heap new burdens upon us, and curse posterity with tariffs and taxes. We had been reminded of the system of fortifications recommended by Washington, and asked why they could not increase now, in proportion to our wealth and population. This was strange argument. Should we increase the nurses of the infant as he approaches the years of maturity? Should we quadruple them after he had become entirely capable of taking care of himself? We were able now to meet, on equal terms, any Power on the face of the earth; and all the Powers of Christendom united could not send a sufficient force across the Atlantic to gain a dangerous footing upon our soil. And yet, in this period of strength, we had all at once become alarmed for our safety, and wished to wall the enemy out. Except for our large commercial cities, he wanted no walls except the wooden walls that floated under the command of our gallant Navy. He wanted no ramparts behind which to defend our country, except a rampart of bayonets pointed by the steady arms of freemen. Our main arm of defense was the free and sturdy yeomen, who, whenever any daring invader should set foot upon our soil, would always be ready to drop any petty or party disputes, and rally around the standard of their common country.

He said he must confess that, as a Democrat, governed by the principles of the old school of the Democracy, he felt great jealousy and apprehension of the multiplication of these fortifications. If we went on with them, as threatened, he feared they might, at no distant day, become the grave-yard of freedom, and burying-ground of the Constitution, instead of the citadels of liberty. Other gentlemen had made predictions, and he would venture one; that was, that if these military projects went on as they seemed to have begun; if our coast of three thousand miles were to be frowning with fortifications and clouded with cannon; if our hitherto peaceful country were to become a great military camp; if every State in the Union were to be hereafter bristling with bayonets, and covered with arsenals, armories, and depots, he predicted we might, in the course of a few years, take the parchment upon which our Constitution was written, and cover a drum-head with *that*, for all the use we should have for it as an instrument to define the principles upon which our Government is to be administered. Everything would shortly be settled by the sword, the truncheon and the bayonet. A corporal and his guard would soon be more respected than the Chief Justice and his associates. And like another great nation which had lately revolutionized in the name of liberty, but in its sacred name, with a peace establishment of four hundred and ten thousand men, perpetrates every species of tyranny, the prison would, with us also, become the purifier of the press, whilst the bayonet settled our civil disputes. He therefore gave notice that he should vote against all these vast projects for changing our system into an expensive military Government, as fast as they might be brought forward. And as to the forts in question, why push them on us without estimates? Was Maine in danger? He hoped she could sustain herself another season against the Brunswickers. John Bull seemed good-natured at present, and had even kindly interfered to settle a dispute for us with a billigerent neighbor. But we were told we were refusing appropriations whilst the Indians were cutting the throats of the people. Indeed! and were fortifications in the East intended to protect us against Indians in the West? No appropriations for the West had been delayed a moment when asked

for; and the danger in the South and West was another reason why we should direct our whole attention there for the present, and not be dividing the attention of the War Department with the sea-coast, where there was no danger pressing.

Mr. BENTON replied, that his allusions to the Indian disturbances in the South had no relation to the fortification bills, but to the bill for filling up the ranks of the Army, which had been reported by the Military Committee months ago, and which was also recommended by the Secretary of War, whose fate was so peculiar that he could not make a report without its being praised on all hands, though the objects he recommended were strenuously opposed. Now, the Secretary recommended the filling up the ranks of the Army, and a bill in pursuance of that recommendation had been reported by the committee; yet it had been made to yield to this distribution bill. When he referred to the sufferings of the southern frontiers, from Indian hostilities, he did it in connection with this continually staving off the bill for filling up the ranks of the Army, though that Army had been reduced under a compact that it was to be filled up whenever the defense of the country rendered it necessary that they should do so; though the skeleton companies of that Army, of fifty men each, did not even contain that number, and though the general commanding in Florida had called upon them in the most earnest manner to fill up their ranks. They could not (said Mr. B.) get that bill considered, though in the midst of summer and near the close of the session; and though he had attempted to bring it forward by a side movement as an amendment to the volunteer bill, he was still unsuccessful. Sir, (said Mr. B.,) the States are engaged defending themselves, because neglected by the General Government. The States of Alabama and Georgia are taking care of themselves in the same manner as if the General Government was expunged; and expunged it would be, if this scheme of distribution went on. The State of Missouri would have to take care of herself against the fifty thousand Indians placed on her borders by the General Government, bountifully supplied with money, with arms, and with horses, and amply prepared for offensive operations. When this wretched scheme of distribution came to be surrendered, he supposed that the States would be reimbursed for what they should be compelled to expend for self-defense; but he much feared that, until then, they would have to take care of themselves.

Mr. WALKER said he had participated in no portion of the debate on this bill, and had designed giving a silent vote in its favor; but that the observations of his friend, the Senator from Georgia, [Mr. KING,] rendered it necessary that he should explain the grounds upon which his vote was given. Mr. W. said he was not in favor of a large standing army in time of peace, or of fortifying the whole line of sea-board. He was for such an army only as was indispensably necessary to occupy important posts on the coast or frontier, or in exposed situations in the country—an army very little exceeding our present number would be sufficient. He was only for fortifying important positions upon the principles recommended in the admirable report of the Secretary of War, and sanctioned by the President. He would not, as other Senators had done, commence by eulogizing that report, and conclude by opposing its important recommendations. Gentlemen had said that this bill would subvert the liberties of the country—that armies and military array would cover the whole Union. Mr. W. had seen none of those formidable armies, none of those bristling bayonets that seemed to alarm so many Senators. The neigh of the war-horse, or the sound of the cannon, had not reached his ears, as one of the consequences of this measure. The defense of the country was a constitutional injunction—it was one of the main objects for which the Government was formed—it is due to the States—it is due to the people. And when was this defense to be made? When war had commenced? No, (said Mr. W.,) it was the maxim of Washington, in peace to prepare for war. And how prepare, unless by fortifying those important points on the coast, through which, if undefended, an enemy's fleet might sail into our harbors, and burn our cities, and destroy our people? Mr. W. could not perceive how we were destroying the country by defending it. And now we are asked to substitute *distribution* for *defense;* to abandon the defense of the country in order to distribute money, and that money the proceeds of the sales of the lands of the West.

This fatal distribution bill was to surrender the coast undefended into the hands of a foreign enemy, and to deliver up the new States, as the colonies of the old members of the Confederacy. This distribution of the proceeds of the sales of the public lands originated in a report of a tariff committee of the House in 1829; and the same committee which first proposed this distribution distinctly stated that it was necessary to give the old States *a direct interest* in the income of the public lands, in order to prevent any further concessions to the new States, or reduction of price. [Here Mr. W. read an extract, proving this statement from this report.] Here was the effect of this distribution scheme, distinctly conceded by its authors to be a project to render it the interest of every old State to oppress and ruin the new States, and it is for this scheme we are asked to abandon the defense of the country.

Sir, (said Mr. W.,) this distribution scheme is, in another way, an enemy to the defense of the country. Reduce the price of the public lands in favor of actual settlers, and enable the poor but honest laborer to obtain at a low price, a farm and a home of his own to defend and protect, and you strengthen his arm and nerve his heart in the hour of gloom and danger. Increase the number of farmers and cultivators of the soil, and you increase the truest and surest defenders of the country. But these men are to be sacrificed by this distribution bill. Yes, (said Mr. W.,) the bill which refuses to reduce the price of your public lands is as hostile to the interests of the poor but industrious laborer of the old as of the new States. Open the lands of the West to purchase at a low price by poor settlers, and the laboring man of the North may defy the power of his wealthy employers. He may say, pay me better wages, or I will go and become a farmer in the West. This distribution bill, then, is a bill to bring down the wages of the working-man of the North, and to place the poor in the power of the wealthy. This (said Mr. W.) was one of the effects of this distribution scheme, which would be made known to the working-men of the North—a scheme to prevent their ever being enabled to become farmers and freeholders, to give them a home which would be indeed their own, instead of diminishing their wages, by forcing them to remain dependent for their daily bread upon such miserable pittance for their labor as their wealthy employers might choose to give them—a scheme to retard the settlement of the new States, and to pauperize the laboring men of the old States, for the benefit of wealthy capitalists and powerful chartered monopolies—a scheme to plunder the new States for the benefit of the old States, and to oppress the poor man in every quarter of the Union.

Gentlemen say the militia is the best defense of the country. Be it so; but are they the friends of the militia, the friends of the people, who would expose them to defend every important point without fortifications, and without cannon? who would make freemen the sole breast-work, against which hostile artillery is to be directed? and cause streams of American blood to flow solely because important points and harbors had no fortifications? Sir, (said Mr. W.,) I consider the lives of American freemen as above all price; and to save and protect them, I would, if necessary, pour out the last dollar in the Treasury. Sir, (said Mr. W.,) it is because I am opposed to large standing armies, that I am for this bill. Leave the coast undefended, and you invite foreign aggression; you increase the chances for war, and thus increase the probable necessity for standing armies. Mr. W. said he had been instructed by the Legislature of Mississippi, to endeavor to obtain a military depot at the flourishing and beautiful town of Columbus, upon the Tombigbee.

Mr. W. said he had laid these instructions before the Military Committee, which has reported a bill embracing the contemplated object, which bill will become a law, if we do not abandon defense for distribution. Mr. W. said he had also carried through the Senate a resolution requiring a survey of the coast of the State of Mississippi, and the islands in its vicinage, to ascertain if there were there any proper and judicious sites for fortifications. If such sites were found in that quarter, Mr. W. said he would ask forts to be erected there also for the defense of Missssippi and her people and commerce upon the Gulf. But he would vote for no unnecessary fortifications in any section of the Union. Whilst millions in times that are past have been expended for other States, Congress has in fact done little for nothing for Mississipi; and Mr. W. said he should, upon all proper occasions, press her claims upon the consideration of the Senate, with a deep conviction that she would yet receive justice at the hands of the General Government, by a reduction, in favor of actual settlers, of the price of the public lands.

Mr. KING, of Georgia, said the remarks of his friend from Mississippi compelled him to say a word further to reconcile his views with the general principles of the report. If he had any pride as a politician (and he had not much) it was the pride of consistency. That it might be perfectly understood, he would read a few words further from the report, which he had not read before.

Mr. KING then read from the 21st page:

"But before any expenditure is incurred for new works, I think an examination should be made in every case, in order to apply these principles to the proposed plan of operations, and thus reduce the expense of construction where this can be properly done, and also the expense of garrisons required to defend works disproportioned to the objects sought to be attained."

This was the language of the Secretary, approved by the President, and in which he entirely concurred. He believed, however, that the season would be so far spent before this bill could pass that this examination could not properly be made and acted on before the next session. We, therefore, had no inducement to tie up additional millions in the deposit banks so long before needed, and also depart from the principle of having surveys and estimates when there was no emergency that justified such haste in the appropriations. His friend was for "reasonable defenses." So was he. In the abstract they agreed exactly. He feared only that they would differ when they came to settle what was reasonable.

The Senator had very candidly acknowledged that *one* of his reasons for voting for this bill at this session was, because he looked on it as "antagonistical" to the distribution bill. He would make a further appeal to the candor of his friend, and ask him, if he were not sensible that this was the *only* reason he had for voting for the bill? [Mr. WALKER said no, he had other reasons.] He had no doubt the Senator imagined he had, or he would not say so. Mr. K. could not think that many of his Democratic friends would ever have thought of the enormous appropriations at the present session, and this among them, but for that fatal surplus. The "surplus!" "the surplus!" ay, that was at the bottom of all our troubles. It was the root of all the evils that, he feared, might grow out of the proceedings of the present session. He acknowledged its possession gave us much embarrassment, and surrounded us with perils: but he hoped we would live through them. He cared nothing for the surplus. Would to God fifty millions of the public treasure could be thrown into the crater of Vesuvius, or sunk in the ocean, unless we could devise some means to get rid of it that would not fix a permanent and growing curse upon the country. He cared but little for land bills, distribution bills, or graduation bills, which had been referred to; and as to the surplus, gentlemen might do just what they pleased with it, so they did not plant it in prodigality, that it might grow up, and branch off into future expenditures that would ultimately overshadow and impoverish the land.

A useless expenditure (he said) was not only the loss of the amount thus expended, but was the fruitful seeds of other and greater expenditures. It grew up and branched off like a polypus. Having *once* taken leave of the rules of necessary expenditure, we were soon governed by no rule at all. Waste begat corruption, and corruption begat more waste, and thus, by a reciprocating

influence, useless expenditure became both effect and cause, and ultimately led to that system which he was anxious to avoid; that was, the expenditure of money as an end, instead of a means. If no safe distribution could be made then, he implored gentlemen, after making necessary expenditures, to let the surplus alone. But it was said the banks would break, and we should lose the money unless we got rid of it. Well, let them break. He should shed no tears over their misfortunes, or mourn over the losses of the Government. Better that a thousand charters of private corporations should be forfeited, and millions lost to the Government, than our constitutional charter should be forfeited, and our liberties lost. Better submit to the acknowledged evils of the surplus than encounter greater evils by its improper expenditure. He only wished that we should adhere to the system under which we had grown and prospered beyond any example the history of the world had ever furnished. The great secret of this prosperity was the economical system heretofore pursued of having the citizen lightly taxed, to enjoy the fruits of his own labor, by which we had become a nation of producers. He wished to continue this system, and not, like other nations, by a large Government patronage sustain one third of the nation in splendid idleness and glittering vice, devouring the bread earned by the honest industry of the remainder.

Mr. CRITTENDEN said, when he remembered how formidably the Senator from Missouri announced that he and his friends constituted the majority of the Senate, and that some responsibility would thereafter devolve on them, he considered his rebuke as intended for his friends, and not for those opposed to the Administration. Mr. C. said it was but in accordance with parliamentary proceedings to interpose dilatory motions to defeat any measure before the Senate for its action. He preferred himself, however, to meet this bill directly, and wished it were in his power to take upon himself the whole responsibility of defeating it; and would then consider he had done some service. If the Senator, in saying there was no surplus, meant to say the capacity to squander, indicated by these appropriations, transcended the capacity to accumulate, then he admitted there was no surplus. In regard to Penobscot, they were told that the appropriation was not equal to, but would require treble the amount to complete it, and so it was said of other fortifications, and all under the term of national defense; and were they, (he asked,) at the tap of the political drum, to fall into this unbounded system of extravagance and wastefulness, and deprive the people to whom this money belonged of a general participation in its advantages? But a plan was proposed to invest it in a train and chain of fortifications from Maine to Florida. He agreed with the Senator from Georgia, that it was better to bury it in the ocean than to squander it in this way, and entail upon us the evils which would follow. A standing army would follow this system as certainly as the shadow followed the substance. In time of war, it was said not to be patriotic to stop for estimates, and it seemed that peace was not the time to wait for them, so that they were to be made belligerents from beginning to end; and peace itself, it seemed, was made for war. When they had constructed all these fortifications, a tax would have to be raised to garrison them, for which six thousand men would be necessary, who would require a perpetual tax of two millions of dollars to support them. They were, in fact, sowing these fortifications like dragons' teeth over the land, from which hosts of myrmidons would spring up, to eat out the substance of the citizens. Last year, in the prospect of a war, two millions were all that was necessary; and now, in time of peace, that sum bore but a small proportion to the amount proposed to be expended for defense. He admitted there were some points on the sea-coast where forts were necessary, and he would go for them; but he was opposed to this system of fortifications as a means of general defense. It was, among other reasons, too costly for a general system. It was admitted by the Senator from Mississippi that the militia was the main arm of our defense; but he was for placing them behind these fortifications, which Mr. C. thought would tend to destroy their spirit of valor and patriotism; and, when they became too good to stand out in the danger, let them stay at home, (said he,) and sustain a mercenary army to fight for them under cover of these fortifications.

But what (he asked) did our militia do at Bunker Hill? and what did they do at New Orleans? The very argument in favor of protecting our citizens behind walls required but one step further to create a standing army. It was the honor, the right, and the privilege of the citizens to defend their country; and he would as soon see them surrender their right of suffrage as to yield to this.

If this bill passes, they would appropriate not less than $6,000,000, and there would be a beating up for labor along the whole line of fortifications. Penobscot would beat up against Kennebec, and Kennebec against Penobscot, and the Government would beat up against itself from Penobscot to New Orleans. By adding to expenditures in one part of the country was taking the amount expended from another part; and he asked what right they had to take the labor of laboring men from one portion of the country to another? If this bill was antagonistical to the land bill, it followed that, as that bill had passed the Senate, this must be defeated, especially as this was a scheme to prevent it from going into effect. He went against this bill for the reasons he had given, and would prefer leaving it in the banks rather than appropriate the money in this way. While gentlemen looked upon the paltry distribution of the surplus at Kennebec, Portsmouth, &c., to use a figure of speech of the Senator from Connecticut, [Mr. NILES,] they wanted to stick their forks into the fleshpots of Egypt alone.

It seemed the people could not be trusted with an equal distribution of the surplus among them on account of their susceptibility to corruption, while the Senate alone claimed the priority of calling on the aid of engineers and a host of officers to superintend its expenditure. He should hardly suppose the Secretary of the Treasury could get his natural rest in watching these various projects for disposing of the surplus, which were sometimes overcharged, and sometimes undercharged.

The Senator from Missouri had sneeringly and contemptuously said, that while here engaged in the work of dividing the surplus, they had refused to take measures for the defense of the frontier against the Indians. He would like to know how the distribution bill had interfered with appropriations for that object?

Mr. BENTON said he would tell the gentleman. It had interfered in this way. They had reported a bill, under the recommendation of the Secretary of War, to fill up the skeletons of our regiments, and they could not get that bill considered.

Mr. CRITTENDEN continued. The general commanding there had in command ten men for one opposing him; and if he had not succeeded in his expedition it had not been for want of men. He intended to cast no reproach on the soldiers; but he thought perhaps fewer would have done better; and accordingly, he did not know that any of them were accusable for that negligence.

Mr. BENTON said the gentleman never read the report of the general commanding in Florida, or he would have known it.

Mr. CRITTENDEN continued. They had not refused any appropriations for that object, but had hurried them through without estimates. He had a deep-settled conviction that this system of fortifications was pregnant with mischievous consequences that ought to alarm the country. It was an extravagance and waste of the people's money, from which they would reap a poisonous harvest; and the time would come when we should have no surplus, and when we should be called on to raise by taxation some two or three millions of dollars per annum for the support of a standing army.

Mr. WALKER said he would detain the Senate but a few moments in reply to some of the strictures of the Senator from Kentucky [Mr. CRITTENDEN] upon his remarks. That Senator said, that to support the system of fortifications would destroy the martial spirit of the people, by placing them in forts, where there was no peril in the conflict, no hazard of life, and none of that glory and excitement arising from their exposure to danger in the open field in defense of their country. Mr. W. said that, if exposing to danger the lives of our people upon a naked and defenseless coast was the best means of infusing into our citizens a martial spirit, it was one of those means that had escaped the sagacity of all writers upon the art of war, and was against the experience of all the nations of the world. The musket and rifle were one means of defense, artillery a second, and forts a third; and upon the principle that should induce us to abandon the third, we should also abandon the second, in order to increase the loss upon our side, and augment the glory and danger of the combat, and thus infuse into our people a more martial spirit. But (said Mr. W.) will this danger and glory call back from the grave our slaughtered citizens? Will it check the widow's sigh, or dry the orphan's tear? Will it give back your cities from pillage and conflagration? Will it return to their homes and country that patriotic militia who were wantonly sacrificed, mowed down by thousands, because the Government had refused to erect the necessary fortifications to repel invasion? To me (said Mr. W.) there would be no glory in such a spectacle. Our true glory consists in saving an effusion of American blood; in sparing the lives of our citizens; in conquering with as little loss upon our side as possible. If any other man than the patriot Jackson had commanded at New Orleans, that city, and the whole commerce of the West, would have been sacrificed for the want of the necessary fortifications. The object is to defend the country with as little loss of life as practicable; and hence it was behind cotton-bale ramparts that the riflemen of the West obtained at New Orleans that great and glorious, because to us a bloodless, victory. And when the victory was gained, and many an ardent officer applied to their great commander for liberty to pursue and capture the army of the enemy—"No," said the veteran patriot, "my object is accomplished—the defense of New Orleans; and I would now rather pave with gold the way of the enemy beyond our limits, than sacrifice, in search of glory only, the life of one of my soldiery." Whilst some gentlemen (said Mr. W.) denounce the bill, because, they say, it will destroy the martial spirit, others oppose it because it will make us too belligerent. Indeed, the same Senators have used these irreconcilable and contradictory arguments. How the bill could, at the same time, destroy our martial spirit, and yet render us too belligerent, Mr. W. could not understand.

Mr. W. said he had heard not one sound, practical argument against this bill—it was all vague and general denunciation. Those opposed to the bill eulogized the report of the Secretary of War, and conceded the propriety of defending important points; and, (said Mr. W.,) is not every point, the fortifying of which is proposed by this bill an important point—a point within the express recommendation of the Secretary of War? These honorable Senators, then, upon their own principles, should support this bill. It is a bill to defend important points, and those points only; and if we do not intend to abandon the whole system of fortifications, and leave the whole coast naked and defenseless, and open to the hostile navies of the world to burn our cities, and destroy the lives and property of our people, we must support this bill. The opposition to this bill with specific appropriations is a singular commentary upon the course of those Senators who excused themselves for opposing the three million fortification bill, because its appropriations were not specific. We have just escaped (said Mr. W.) the horrors of a foreign war, with our coast and harbors entirely defenseless; and as Omniscience only can determine when the danger may recur, preparation against foreign aggression is the best means of avoiding it, and a solemn duty which we owe to the States and people of this Union. "Millions for *defense*, not a cent for tribute," is a principle, when properly applied, that should never cease to influence every American statesman, and which, he hoped, would operate upon the present occasion.

Mr. RIVES said he agreed with several of the gentlemen who had spoken against this bill, and particularly with his friend from Georgia, [Mr. KING,] in the principles advanced by them in regard to a general system of fortifications; but he differed from them as to the application of those principles to the measure under consideration. He believed that the idea of defending a sea-coast of more than three thousand miles in extent by *fortifications* was wholly visionary and impracticable; that the attempt to do so would involve the country in endless expense, and saddle the nation with burdens in one form or another which they would never be content to bear. But while this was so, there were particular positions which, from their peculiar importance, as commercial towns, or as naval stations and depots, all admitted stood in need of special defenses, and ought to be fortified. The question upon the present occasion, then, is, not whether a general system of fortifications along our extended line of seacoast is judicious and proper, but whether the particular points provided for in this bill ought to be fortified? He understood his friend from Georgia distinctly to admit that the places proposed to be fortified by the present bill are such as ought to be provided with adequate defenses; but his objection to the measure was one of time—that these places were exposed to no immediate danger, and that we should proceed with more deliberation.

But surely, sir, (said Mr. R.,) a period of peace is the only time we can suitably prepare for the exigencies of war; we ought not to wait till war has actually burst upon us, before we put ourselves in a posture to meet it. We have now an overflowing Treasury, and every day brings forth some project for the distribution or absorption of our surplus. The dangers, too, which we have recently escaped, (for all admit that, if war had unhappily been the issue of our late difficulties with a foreign Power, we would have found ourselves in a very unprepared condition for it, both as to our land and naval defenses,) admonish us impressively to repair, with as little delay as possible, the error of our past improvidence.

If, then, the fortifications provided for by this bill ought ever to be made, no time can be more appropriate or more convenient for the commencement of the work than the present. As to the propriety of these fortifications, they are justified even by the principles of the honorable Senator from Kentucky, [Mr CRITTENDEN;] for, strongly opposed as he is to a general system of fortifications, he yet admitted, that places rendered important by their commerce, or as stations or building yards for our Navy, ought to be fortified.

Now, sir, bring this bill to the test of these principles. Is not Portsmouth the seat of one of our most important naval depots to the North? Is not New York a place of sufficient commercial importance to merit the care of the Government in providing for the defense of the immense interests, private and public, collected there? Would not the honorable gentleman also, in the liberal patriotism with which I know he is animated, comprehend Baltimore, standing among the first commercial towns of the Atlantic, New Orleans, the emporium of the West, and Pensacola, our great naval station on the Gulf of Mexico, within the scope of that degree of commercial and naval importance which entitles them to the protection of fortifications? I mention these places (said Mr. R.) as a specimen of those provided for in the bill. The others, if not sustained in their claims by precisely the same considerations, have yet in their favor special military reasons which have secured to them the full sanction of the Secretary of War in that able and judicious report which has been appealed to on all sides as the standard of a sound and rational policy on this subject.

Gentlemen have indulged in general denunciations against a system of fortifications. In the zeal of their opposition, they have pictured our whole coast as frowning with ramparts, and blackened with cannon. They have told us of the mischiefs and dangerous impolicy of *extravagant* appropriations for such objects. In all this (said Mr. R.) I heartily concur. But is this bill such a measure? It does not provide for a general system of fortifications upon our sea-board. It selects a dozen points only of peculiar importance, or peculiar exposure, and proposes to furnish them with suitable defenses. It has not been alleged by any gentleman in the progress of the debate that the appropriations made by the bill for these fortifications are beyond their probable and necessary cost. What ground is there, then, for the imputation of extravagance? Gentlemen seem to have forgotten the important changes which this bill has undergone since its presentation to the Senate. Of the nineteen fortifications originally embraced in this bill, seven have been stricken out. From the aggregate of its original appropriations, more than a million of dollars have been subducted, leaving the measure, in its present shape, conformed to those maxims of necessary and practical defense, and of wise and economical expenditure, which, I trust, will ever be observed in the operations of this Government.

Mr. R. declared his utter opposition to those visionary and extravagant schemes of fortifications which had been concocted by the engineer bureau. He had great respect for the patriotism, as well as the talent of that corps; but they had been deluded by their professional enthusiasm, and an exclusive devotion to a favorite science. When they gravely talked of "*shutting out war* and all its more serious evils from our territory" by a chain of fortresses of more than three thousand miles in extent; and thus rendering our coast *impervious* to an enemy, he must look upon their plans as the offspring of theoretic enthusiasm, however patriotic, rather than the result of safe calculation and of sound practical judgment. Happily for the country, the enthusiasm of professional science had found a check in the vigorous common sense and the cool and sagacious intellect which preside over the War Department. The Secretary, in his admirable report of the 7th of April last, had established the landmarks of a sound and rational policy on this subject. That report, he trusted, would be the chart by which our legislation would be governed. It was a recurrence to the principles of Washington and Jefferson, and eminently seasonable at the present moment in arresting schemes of plausible though unprofitable expenditure, which, by an invariable law of nature, spring up in the hotbed of a redundant Treasury. It was a monument of the wisdom and patriotism of the Secretary, and entitled him to the thanks of the country.

Mr. R. said his friend from Georgia, [Mr. KING,] conscious of the weight of this high authority, had sought to bring it to his aid by reading a passage of the report, in which the Secretary speaks of the propriety of previous surveys to determine the plan and extent of the proposed fortifications, in every case, before the commencement of the work. But the Senate will remark, that the survey is spoken of there as a condition precedent to the *expenditure*, not the *appropriation* of the money. On the contrary, the Secretary expressly recommends that the *appropriations* be made now for all the fortifications embraced in this bill, as a season will thereby be saved in the prosecution of the work; but adds, that "before any *expenditure* be incurred, an examination should be made" by a board of officers, in order to adapt the plan of the work to the principles laid down in his report. Now, sir, (said Mr. R.,) this is precisely what I think ought to be done. He attached (he said) great importance to these surveys, and to precise and definite plans founded on them. They served as checks on wasteful or injudicious expenditure, and to fix responsibility. He relied on the declaration of the Secretary, that they would in every case be made; and we had by this very bill, in pursuance of the recommendation of the Secretary, appropriated $30,000 for the expense of a special board of engineers, to enable him to have these surveys satisfactorily executed. He relied, moreover, that the plans of the engineers would, in every case, be subjected to the careful revision of the Secretary; that they would be brought to the arbitrament of a stern, practical common sense, proportioning the magnitude of the works to such probable contingencies of sudden attack or surprise as they might be exposed to in the event of war, but without any reference to the extremely improbable hypothesis of a regular and protracted siege, which had already caused several fortifications (of which there was a striking example in his own State) to be projected on a scale of vastly disproportionate magnitude and expense.

It was with this understanding of the measure, that he would cheerfully give his vote for the bill under consideration. He believed it, in its present shape, entirely consistent with the maxims of a wise economy, appropriate to the abundant means now afforded by the national Treasury, demanded by a provident and patriotic regard to the public safety, and especially due, in some of its provisions, to a portion of the country, (alluding to the ports of Maine and New Hampshire,) which is peculiarly exposed by its position, and has been heretofore destitute of protection. At the same time he hoped he would not be considered by any one as relaxing in his determined adherence to those principles of Democratic policy alluded to by his friend from Georgia, which inculcate frugality and simplicity in the administration of the Government, and a paramount reliance on the body of its citizens for the defense of the country—principles, on the rational observance of which he firmly believed, with that gentleman, the success of our institutions vitally depended.

Mr. WEBSTER observed that no charge could be more unjust than that which ascribed to the Senate any delay in the fortification bills. He must say, that whatever had been recommended for the defenses of the country had received the utmost degree of the attention of the Senate. With respect to this bill, the question was not one of strict principle, but of expediency. Every man must see that the project of fortifications might be carried out to an unreasonable extent; but this bill could not be considered in that light. They came to its consideration, not as it was when first presented to them, but as the Senate had now made it; and the question was, was it liable to the strong objections that had been urged against it by the Senator from Kentucky, and the Senator from Georgia? He was inclined to think that the great objections expressed to-day had been imbibed against it in its general form. What were the provisions of the bill as it now stood? It was said that it created no fortifications at points not heretofore fortified. This was not a true state of the case. It proposed some new works it was true; but in more than one half of the instances it proposed to fortify points at which fortifications had heretofore existed.

Before considering this bill further, he wished to notice the grounds on which the policy of fortifications rested. For what purpose should fortifications be made? To keep an invading army out of the country? Certainly not. He looked for no other defenses against an invading army than those contemplated by the Senators from Georgia and Kentucky, the armed freemen of the country, and the Navy of the United States. He did not look upon fortifications as defenses against an invading army or navy. If these, then, were not the objects of fortifications, for what purpose should they be constructed? The object was to secure such fortified places against a sudden attack, even by a small force; for the greatest army or navy in the world could not give the assurance that a single ship would not enter into a harbor and destroy all the property there. He knew no other object for which fortifications should be constructed. Take, for instance, Penobscot. The object was to defend that place, not against an invading army or navy, but against any sudden attack that might be made on it. He was willing to give $100,000 for that object, and would do the same for Kennebec, which had a dense population, and contained a vast amount of property liable to sudden destruction by a small force. So also with respect to other places provided for in the bill. He did not therefore think the bill deserved the character given to it by his friends from Georgia and Kentucky, as a bill intended to defend the country against the aggressions of an invading enemy. He viewed it as providing defenses for commercial places which could not be defended by the militia, however well organized, because of their situation on the sea-board, against the sudden attacks of a naval or military force.

One word more in reply to the gentleman who had spoken with such propriety against the increase of the standing army for the purpose of

manning these fortifications. He thought that it by no means followed that the commencement of this system of fortification drew after it an increase of the army to man them, because, if the fortifications be there, and their armaments there also, they might be defended by the militia. It was but a question of expediency, after all, that they then had to consider. They had fortified New York, Boston, Charleston, and other commercial cities, and the question was, whether it was not proper, in the present financial condition of the country, to extend the system still further? He agreed that there was no immediate necessity for making the appropriations at this time; but as it was to be done some time or other, the situation of the Treasury well justified its being done now.

[The debate was further continued by Messrs. RIVES and WEBSTER, which will be given hereafter.]

The question was then taken on the final passage of the bill, and it was passed by the following vote:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Davis, Ewing of Illinois, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, Linn, Morris, Naudain, Nicholas, Niles, Porter, Prentiss, Rives, Robbins, Robinson, Ruggles, Shepley, Tallmadge, Tomlinson, Walker, Webster, and Wright—31.

NAYS—Messrs. Calhoun, Crittenden, Ewing of Ohio, King of Georgia, Leigh, Mangum, Moore, Preston, and White—9.

ADMISSION OF ARKANSAS.

The bill supplementary to the act providing for the admission of Arkansas into the Union was also read the third time and passed.

RELIEF OF ALABAMA DESTITUTE.

The amendment of the House to the joint resolution authorizing the President of the United States to cause to be issued rations from the public stores to those destitute sufferers who have been driven from their homes by the hostilities of the Creek Indians, was taken up and considered.

Mr. KING, of Alabama, moved that the Senate concur in the amendment.

Mr. EWING, of Ohio, moved to amend the amendment by adding the words, "provided that those homes were not on the unceded Indian lands." Mr. E. said he had understood, from what had been said in the other House, that there were many of the refugees who had been intruders on Indian lands, and had been partly instrumental in creating the present disturbances.

Mr. KING, of Alabama, said that there were no such class of persons in that country. He would not, however, object to the amendment, believing that it would not apply to any of those to be relieved by the resolution.

This amendment was lost without a division; and after some remarks from Messrs. PRESTON and KING of Georgia, in opposition to the resolution, and from Messrs. KING of Alabama, and PORTER, in its support,

Mr. KING, of Georgia, moved to lay the whole subject on the table; which motion was agreed to—ayes 18, noes 15.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 26, 1836.

The House resumed the consideration of the report of Mr. PINCKNEY, from the select committee on the subject of abolition.

The CHAIR stated the present condition of the subject before the House. The select committee had made a report concluding with three resolutions. The previous question had been demanded, and was ordered to be put by a vote of the House. The main question was on concurring with the committee in their resolutions. Before the question was put, a division was called, and the vote taken by yeas and nays, on agreeing to the first resolution. Pending the call of the yeas and nays on this vote, several members declined voting, and asked to be excused; other members declined to vote, but did not ask to be excused. After the list of members was called through, and before the result of the vote was announced, some other points were raised upon the question of excusing a member; and, at this stage of the proceedings on yesterday, the House passed to the special order of the day.

He stated that, in 1832, a case had occurred where a member declined voting, and asked to be excused, and the decision of the question before the House was announced without his vote, though the House had refused to excuse him, leaving the incidental questions connected with his refusal to vote for the after consideration of the House. Were a different course to be pursued, it would lead to much embarrassment, as upon the question to excuse one member from voting, taken by yeas and nays, another might decline voting on that question, and ask to be excused; and this course might be pursued still further, so as to prevent any decision upon the original question before the House. And as the result in this case could be effected by the votes of those who had declined voting, whether given to the one side or the other, the Chair was of opinion that the vote of yesterday should not be suspended, but the decision upon the resolution of the committee should be announced, leaving the incidental questions which had arisen to be subsequently settled whenever it should suit the pleasure of the House to take them up for consideration.

Mr. WHITTLESEY, of Ohio, appealed from the decision of the Chair.

Mr. ADAMS said the case cited by the Chair was one in which he was personally concerned. On that occasion he had asked to be excused from voting, and had stated his reasons in writing, which were entered on the Journal. This was precisely what he required of the gentleman from Georgia, [Mr. GLASCOCK.] He thought the case cited not in point.

Mr. WHITTLESEY, of Ohio, desired to say a word or two on the subject of his appeal.

The CHAIR said that, under the rule, this appeal could not be debated.

Mr. WHITTLESEY then asked for the yeas and nays on the appeal; which were ordered.

Mr. LEWIS did not vote yesterday. If he had been in his seat, he should not have voted. He made this statement in order that he might take his part of the responsibility.

Before the vote was announced on the appeal, Mr. ROBERTSON said he had not voted, because he might, perhaps, be personally concerned in the result.

The decision of the Chair was then sustained—yeas 138, nays 46; as follows:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bockee, Boon, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, William B. Calhoun, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushing, Cushman, Deberry, Denny, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hamer, Samuel S. Harrison, Albert G. Harrison, Hawes, Haynes, Henderson, Heister, Holsey, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, William Jackson, Cave Johnson, Henry Johnson, Joseph Johnson, Richard M. Johnson, Benjamin Jones, John W. Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Martin, Moses Mason, William Mason, May, McComas, McKay, McKim, McLene, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Patterson, Franklin Pierce, Pettigrew, Phelps, Pinckney, Potts, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, William B. Shepard, Shields, Shinn, Sickles, Spangler, Speight, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, and White—138.

NAYS—Messrs. Adams, Heman Allen, Bailey, Bell, Bond, Bunch, George Chambers, Clark, Everett, Granger, Graves, Grennell, Hiland Hall, Hard, Hardin, Harlan, Hazeltine, Hoar, Howell, Hunt, Janes, Lawler, Lawrence, Luke Lea, Lewis, Lincoln, Lyon, Sampson Mason, McKennan, Patton, James A. Pearce, Pickens, Rencher, Russell, Augustine H. Shepperd, Slade, Sprague, Standefer, Steele, Taliaferro, Underwood, Vinton, Elisha Whittlesey, Lewis Williams, Sherrod Williams, and Wise—46.

In answer to inquiries, as to what would become of the votes of those gentlemen who had asked to be excused if they should hereafter be required to vote, the Chair said, that the failure of gentlemen to vote could not arrest the decision of the House.

The first resolution was then declared to have been adopted—yeas 182, nays 9. [See list of yesterday.]

The second resolution was read, as follows:

Resolved, That Congress ought not to interfere in any way with slavery in the District of Columbia.

The House proceeded to vote by yeas and nays upon the adoption of this resolution.

When the name of Mr. ADAMS was called, he asked to be excused from voting.

The CHAIR said the gentleman's name would be passed for the present.

Mr. GRANGER also, when his name was called, rose, and commenced reading from a manuscript, to this effect:

"I decline voting on the second resolution reported by Mr. PINCKNEY from the select committee"——

Mr. G. was here called to order by various members.

Mr. GRANGER continued. "I do not ask to be excused because"——

Mr. G. was again loudly called to order in every part of the House.

The CHAIR said it was not in order for the gentleman to make an argument pending the vote by yeas and nays.

Mr. GRANGER then yielded the floor.

Mr. WISE declined voting, for reasons which he sent to the Chair, but which were not read.

Before the vote was announced,

Mr. COFFEE asked the permission of the House to record his vote. He had risen from a sick bed, contrary to the advice of his friends and physician, for the purpose of voting on these resolutions He had been in an adjoining room, and the officers of the House had neglected to comply with his request, to be notified when the vote was taken. It was under these peculiar circumstances that he had made the request.

Mr. WHITTLESEY, of Ohio, objected.

The second resolution was then declared to be adopted—yeas 132, nays 45; as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ash, Barton, Bean, Beaumont, Bell, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Cambreleng, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Graves, Haley, Joseph Hall, Hamer, Hardin, Harlan, Albert G. Harrison, Hawes, Haynes, Holsey, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Judson, Kennon, Kinnard, Klingensmith, Lansing, Laporte, Lawler, Gideon Lee, Leonard, Logan, Loyall, Abijah Mann, Martin, William Mason, Moses Mason, May, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pickens, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shinn, Sickles, Spangler, Speight, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Turner, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Webster, White, Lewis Williams, and Sherrod Williams—132.

NAYS—Messrs. Heman Allen, Bailey, Bond, Borden, Briggs, William B. Calhoun, Carr, George Chambers, Childs, Clark, Cushing, Denny, Everett, Philo C. Fuller, Grennell, Hiland Hall, Hard, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Hunt, Ingersoll, William Jackson, Janes, Benjamin Jones, Kilgore, Lane, Lawrence, Joshua Lee, Lincoln, Sampson Mason, McCarty, McKennan, Morris, Parker, Phillips, Potts, Reed, Russell, Slade, Sprague, Vinton, and Elisha Whittlesey—45.

The preamble and third resolution were then read, as follows:

And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, your committee respectfully recommend the adoption of the following additional resolution, viz:

Resolved, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.

Mr. PHILLIPS rose to make a point of order, and was proceeding to state the same, when

Mr. HAWES called him to order, on the ground that he was making an argument.

The CHAIR requested the gentleman from Massachusetts to reduce his point of order to writing.

The hour of eleven having arrived, the Chair announced the special order of the day.

Mr. PATTON moved to suspend the rule, for the purpose of disposing of the subject before the House; which was agreed to—ayes 126, noes not counted.

Mr. PHILLIPS then sent to the Chair the following point of order:

Can a committee, specially instructed to report two resolutions, the form of which was given by the House, report another resolution, changing the rules and orders of the House in regard to the management of its business, and depriving citizens of the privilege of obtaining the usual consideration of petitions on subjects other than those referred to the committee?

The CHAIR stated, that it was not within the competency of the Speaker to draw within the vortex of order the question raised by the gentleman from Massachusetts. Questions relating to the jurisdiction of the committees of the House, or whether they had or had not exceeded that jurisdiction, or transcended the authority conferred upon them by the House, were for the House, and not the Speaker, to determine. If gentlemen were of opinion that committees, in their reports, had exceeded the authority given them by the House, there were other modes of correcting what they had done; as, for example, the report may be recommitted with instructions; or the House on that, as well as other grounds, may refuse to concur in their report.

The point now raised could not, therefore, be considered as a point of order to be decided by the Chair. It was in some respects analogous to the case of inconsistent amendments proposed, in which case it was well settled, that "if an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress, as if it were against order; for, were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress, instead of subserving, the legislative will."

So in this case, if the House shall be satisfied that the committee were not clothed with authority, by the order of the House under which they were appointed, to report this resolution, "it may be a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress, as if it were against order."

Mr. PHILLIPS then moved to lay the preamble and third resolution on the table.

Mr. GRENNELL asked for the yeas and nays: which were ordered, and the motion to lay on the table was negatived—yeas 69, nays 118.

The question recurring upon the adoption of the preamble and third resolution, the Clerk proceeded to call the roll.

When the name of Mr. ADAMS was called, that gentleman rose and said: I hold the resolution to be a direct violation of the Constitution of the United States, the rules of this House, and the rights of my constituents. Mr. A. resumed his seat amid loud cries of "Order!" from all parts of the Hall.

The third resolution was then agreed to—yeas 117, nays 68; as follows:

YEAS—Messrs. Chilton Allan, Ash, Ashley, Barton, Bean, Bockee, Boon, Bovee, Boyd, Brown, Burns, Cambreleng, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlan, French, Fry, William K. Fuller, Galbraith, Gillet, Grantland, Graves, Joseph Hall, Hamer, Hardin, Harlan, Albert G. Harrison, Hawes, Haynes, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Kennon, Kilgore, Kinnard, Klingensmith, Lansing, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lyon, Abijah Mann, Martin, William Mason, Moses Mason, May, McComas, McKay, McCeon, McKim, McLene, Miller, Montgomery, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Augustine H. Shepperd, Shields, Sickles, Smith, Spangler, Speight, Standefer, Sutherland, Taliaferro, Taylor, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Wagener, Ward, White, Lewis Williams, and Sherrod Williams—117.

NAYS—Messrs. Heman Allen, Bailey, Beaumont, Bond, Borden, Briggs, Buchanan, William B. Calhoun, Carr, George Chambers, Childs, Clark, Corwin, Crane, Cushing, Denny, Everett, Philo C. Fuller, James Garland, Glascock, Granger, Grennell, Haley, Hiland Hall, Hard, Harper, Hazeltine, Henderson, Heister, Hoar, Holsey, Howell, Hunt, Joseph R. Ingersoll, William Jackson, Janes, John W. Jones, Benjamin Jones, Judson, Lane, Laporte, Lawrence, Lincoln, Love, Sampson Mason, McCarty, McKennan, Morris, Parker, Patton, Dutee J. Pearce, Phillips, Pickens, Potts, Reed, Robertson, Russell, Schenck, Shinn, Slade, Sprague, Steele, Storer, John Thomson, Vinton, Wardwell, Webster, and Elisha Whittlesey—68.

Mr. MANN, of New York, called for the special orders of the day.

The CHAIR stated that there were incidental questions which had arisen in the progress of the subject upon which the House had just been acting. Several gentlemen had declined voting, and it was for the House to make such dispositions of these questions as it might deem proper. The Chair had also received two communications from members, assigning their reasons for not voting on a portion of the resolutions.

Mr. GLASCOCK desired to have the reasons which had induced him to move to be excused from voting entered upon the Journal. He was proceeding to address the House, when he was called to order.

Numerous suggestions and points of order were made by several members, when Mr. MANN, of New York, called for the special orders of the day.

The CHAIR entertained the motion, when

Mr. ROBERTSON appealed from the decision of the Chair.

Mr. MANN, of New York, moved to lay the appeal upon the table.

Mr. ROBERTSON called for the yeas and nays; which were not ordered; and the appeal was laid on the table without a count.

The motion to proceed to the orders of the day was then agreed to.

Mr. WISE moved to take up the resolution heretofore offered by his colleague, [Mr. DROMGOOLE,] calling for information in relation to the deposit banks, together with his amendment thereto, and asked for the yeas and nays; which were not ordered; and the motion was negatived without a count.

Mr. BELL moved to suspend the special order, for the purpose of enabling him to report the bill making appropriations for Indian annuities, &c., with the amendments of the Senate, and that said bill be taken up and acted on; which was negatived.

Mr. ROBERTSON moved to suspend the rule, to enable him to state, in writing, and to have entered upon the Journal, his reasons for declining to vote on the second resolution reported by the select committee on the subject of abolition.

Mr. HOAR suggested that the motion should be so amended as to enable others who *did vote* to assign their reasons for the vote which they gave.

Mr. LINCOLN moved to amend the motion so as to suspend the rules for the additional purpose of presenting petitions in relation to the admission of Arkansas into the Union.

The amendment was negatived, as was also the original motion.

POST OFFICE DEPARTMENT.

In execution of the special order, adopted some days since, the House proceeded to the consideration of the bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof.

The bill had been reported from the Committee of the Whole with sundry amendments, and the question was on concurring with the committee on their proposed amendments.

Various amendments were then read, and concurred in without a count.

The clause, as amended, defined the duties of the Auditor for the Post Office Department, and particularly that part of it requiring him to perform such duties as might be assigned to him by the Postmaster General and the Secretary of the Treasury, or either of them. In the original bill he was made responsible to the former officer only; it was excepted to, and

The amendment was opposed by Mr. McKAY;

And advocated by Messrs. HARPER and EVERETT, when it was concurred in.

Mr. JOHNSON, of Tennessee, moved to nonconcur in the following amendment to the 23d clause: "And the contracts, in all cases, shall be awarded to the lowest bidder."

Mr. JOHNSON briefly explained what he considered would be the inevitable result if this provision should be retained.

Mr. EVERETT deemed this a very important amendment, after the knowledge they now had of the abuses in relation to this matter.

The amendment was further discussed by Messrs. BRIGGS, HARPER, and JOHNSON of Tennessee.

Mr. MANN, of New York, moved to amend the amendment by adding the following thereto:

Except in cases wherein the lowest bidder shall hereafter fail to perform the contract entered into by him for the transportation of the mail, or shall fail to comply with the requisitions of this act.

After some discussion, in which Messrs. EVERETT, HAWES, HUNTSMAN, CONNOR, and BRIGGS took part,

Mr. WHITTLESEY, of Ohio, suggested to the mover of the amendment the following:

Except in cases wherein the lowest bidder shall willfully neglect to perform his contract, if a contractor at the passage of this act, or shall willfully neglect hereafter to perform a contract entered into with the Department.

Mr. MANN accepted this as a substitute for his own amendment; and, after some discussion by Messrs. PEARCE of Rhode Island, WHITTLESEY of Ohio, McCOMAS, P. C. FULLER, MANN of New York, EVERETT, and HARPER.

Mr. MANN withdrew his amendment, and the amendment of the committee was concurred in.

Mr. HUNTSMAN moved to amend the 24th section, so as to provide that no person engaged in the printing, publishing, or distributing of newspapers, periodicals, or tracts, shall be a contractor or postmaster; and that any such person shall be forthwith dismissed from office.

After a few remarks from Messrs. HUNTSMAN, MANN of New York, ROBERTSON, EVERETT, JOHNSON, of Tennessee, and GILBERT,

Mr. MANN called for such a division as confined the operation of the amendment to postmasters; which branch of it was agreed to.

On the second branch of the amendment, Mr. EVERETT asked for the yeas and nays, when it was found that there was no quorum present.

Mr. HALL, of Maine, moved a call of the House, when the Chair counted—ayes 40, noes 45—still no quorum.

Mr. MANN made a few remarks in opposition to the amendment.

Mr. HUNTSMAN briefly supported it.

After a few remarks from Mr. BRIGGS, the amendment was rejected.

Mr. MANN moved an amendment to the following amendment of the Committee of the Whole to the thirty-fourth section of the bill:

"And no person shall be appointed or hold the office of deputy postmaster who shall not be an actual resident of the city or town wherein the office is situated," by adding the following: "or the district of country usually supplied by said office."

After some remarks by Messrs. GRAVES, PEARCE of Rhode Island, PARKER, EVERETT, REED, ADAMS, McKAY, and WARDWELL, the amendment was agreed to.

Mr. McKAY then moved to amend the original amendment by striking out the words, "*be appointed or;*" which was agreed to—ayes 92, noes not counted.

Mr. MANN moved to strike out the word "deputy;" which was agreed to.

The amendment as amended was then concurred in without a division.

The following additional clause agreed to in Committee of the Whole was then read:

SEC. 38. *And be it further enacted*, That from the thirty-first day of December, one thousand eight hundred and thirty-six, the following rates of postage shall be charged upon all letters and packets carried in the mail of the United States, excepting such as are by law exempt from postage, to wit:

For every single letter, or letter composed of one piece, carried not exceeding fifty miles, five cents.

Over fifty, and not exceeding one hundred miles, ten cents.

Over one hundred, and not exceeding two hundred miles, fifteen cents.

Over two hundred, and not exceeding four hundred miles, twenty cents.

Over four hundred, and not exceeding eight hundred miles, twenty-five cents.

Over eight hundred miles, thirty cents.

And for every letter or packet composed of two pieces, double these rates; and for every letter or packet composed of three pieces, triple these rates; and for every letter or packet composed of four or more pieces, quadruple these rates: *Provided* That all letters and packets of one ounce, avoirdupois, in weight, or more, shall be charged single for every quarter of an ounce.

Mr. JOHNSON, of Louisiana, moved to strike out "thirty cents" in the fifteenth line, and insert "twenty-five." He considered twenty-five cents quite sufficient for any distance.

Mr. MANN, of New York, drew the attention of the House to the great reduction in the minor rates of postage; in addition to which it should be borne in mind, that more than one half of the whole revenue of the Post Office was derived from the lower than from the larger rates. The effect of the reduction of the tariff was not to increase, but to reduce the income of the Department, and such was the object of the committee who had reported this bill.

After some further discussion, on motion of Mr. MANN, the bill under consideration, together with the "post route" bill, were made the special order for to-morrow, from and after eleven o'clock.

On motion, the House adjourned.

IN SENATE.

FRIDAY, *May* 27, 1836.

Mr. ROBINSON, on leave, introduced a bill to provide for the inspection, mustering, and payment of volunteers and militia when called into service; which was read twice and referred.

Mr. BENTON submitted the following resolution; which was considered and agreed to:

Resolved, That the President be requested to inform the Senate whether any increase or improvement of organization is needed in the ordnance corps.

Mr. EWING, of Ohio, from the Committee on Public Lands, reported a bill to create a north-western land district in the State of Louisiana, and the Des Moines land district in the territory west of the Mississippi, and north of the State of Missouri; which was read and ordered to a second reading.

Mr. TOMLINSON moved to take up the bill to provide for the payment of certain pensioners in the States of Virginia and Ohio; which was agreed to; and the bill, after being amended, was ordered to a third reading.

Mr. KING, of Alabama, from the Committee on the District of Columbia, reported a bill authorizing the corporate authorities of Georgetown to dispose of a portion of two streets in said town, which have been rendered useless by the construction of the Chesapeake and Ohio canal; which was read and ordered to a second reading.

Mr. PRESTON moved that the Senate take up the bill for increasing the medical staff of the Army; which motion was agreed to; and the bill was ordered to be engrossed for a third reading.

EXPUNGING RESOLUTION.

Mr. BENTON rose and said that there was a Senator who would leave the body to-morrow, in consequence of having been called to fill a high station in one of the States, and that this Senator wished to have an opportunity, before his departure, of addressing the Senate on a subject in which he took a great interest, and respecting which he had been instructed by his Legislature. The subject to which he alluded was the expunging resolution, and he asked the Senate to take it up. It would be laid down again (Mr. B. said) as soon as the Senator should finish his address.

The resolutions were accordingly taken up for consideration, when

Mr. HILL addressed the Senate in a speech of considerable length in support of the resolution; after which it was laid on the table.

DEPOSITS OF THE PUBLIC MONEYS.

Mr. CALHOUN then moved to take up the bill regulating the deposits of the public moneys; which motion was adopted.

The question before the Senate was the proposition of Mr. WRIGHT to strike out the whole of the bill, and insert a substitute as an amendment.

Mr. WRIGHT addressed the Senate in a speech of considerable length in support of the amendment, and in opposition to the plan of Mr. CALHOUN.

On motion of Mr. CALHOUN, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 27, 1836.

The Clerk commenced the reading of the Journal of yesterday, when

Mr. ADAMS requested that the names of the members should be repeated upon the several votes on Mr. PINCKNEY's resolutions; which was accordingly done.

After the yeas and nays upon the adoption of the first resolution, the Journal stated that several members (naming them) had asked to be excused from voting, and that Messrs. THOMPSON of South Carolina, and WISE had *declined* voting.

Mr. ADAMS moved to correct the Journal in reference to Mr. WISE, by stating that he *refused* to vote. The gentleman from South Carolina [Mr. THOMPSON] had declined voting.

Mr. WISE said that both the gentleman from South Carolina (not then in his seat) and himself had positively refused to vote.

The CHAIR said it was not usual, in making up the Journal, to give the precise language used by a member. It would be difficult for the Clerk to do so; and when it was stated that the gentleman from Virginia *declined* voting, the Chair supposed that the entry was substantially correct.

Mr. ADAMS simply desired that the Journal should state the facts as they occurred.

Mr. HUNTSMAN contended that it was not proper to enter upon the Journal everything that was said by a member. Were they to do so, it might lead to the most inconceivable mischief. A member might in this way introduce into the Journal a few chapters of Vattel, or a speech two hours in length. They had assembled there for a very poor purpose, if everything said by them was to be spread upon the Journals. There was a great deal said there, which, for the sake of those concerned, had better never be repeated. If the practice and rules of the House did not warrant the amendment proposed, he hoped it would not prevail.

Mr. WISE wished to see the Journals speak the truth, and the space which might be occupied in giving the facts, was a matter of no consequence. He had gone further than merely declining to vote, and had refused to vote. He desired that the Journal might be so amended as to read that he declined and refused to vote. This was all he asked.

Mr. ROBERTSON thought the Journal should simply state the facts, but not the reasons upon which they were founded.

Mr. HAMER recollected that on the day before yesterday the gentleman from Virginia had positively refused to vote upon the first resolution; but he did not recollect that he yesterday refused to answer to his name.

The CHAIR said it was in reference to the vote on the former day that the question had arisen.

Mr. WISE had refused to vote yesterday in stronger terms than those used on the day before.

Mr. PARKS objected to amending the Journals so far as regarded Mr. THOMPSON, as he was not in his seat.

Messrs. WISE and PICKENS affirmed that Mr. THOMPSON did refuse to vote.

Mr. LEWIS stated to the Chair that he had declined voting on either of the resolutions, for the reason that he did not think the House had anything to do with the subject of slavery, any more than of religion; not wishing, however, to embarrass the House or delay its proceedings, he had not made any objections at the time. He believed that no petition on the subject ought to be received, and, of course, no disposition could be made of them.

The motion to amend the Journal in reference to Messrs. WISE and THOMPSON was then agreed to.

The Clerk resumed the reading of the Journal; but in a short time

Mr. ADAMS said there was another inaccuracy in the Journal. A decision of the Speaker was given in reference to the failure of members to vote, without previously giving the reasons which the gentleman from Georgia [Mr. GLASCOCK] had reduced to writing, and sent to the Chair, and upon which the Chair had made his decision. The Journal therefore would, unless amended, not state the truth, as there would appear nothing upon which the decision was based. He therefore moved to amend the Journal, so as to embrace what he had stated, and reduced his amendment to writing.

The CHAIR had, upon the reading of the Journal yesterday, stated the question before the House, and had decided the point which arose the day before upon the failure of several gentlemen to vote. His decision was not based upon any paper presented by the gentleman from Georgia, nor had he received any such paper. After the resolutions were adopted, the gentleman from Georgia had moved to have his reasons for not voting entered on the Journal.

Mr. GLASCOCK had yesterday morning, in compliance with the request of the gentleman from Massachusetts, [Mr. ADAMS,] made the day before, reduced to writing his reasons for asking to be excused from voting; and when the question was announced yesterday, in order to avoid further difficulty, he rose and stated he was prepared to offer this paper.

Mr. ADAMS said the statement of the gentleman was substantially correct.

After some conversation between the CHAIR and Messrs. ADAMS and GLASCOCK, the latter stated that he had proposed to offer the written paper, after the Speaker had commenced giving the decision referred to; but that it was not sent to the Chair, and the latter proceeded with the decision which he was delivering at the time.

Mr. ADAMS's proposition to amend the Journal was then modified, according to the recollections of Mr. GLASCOCK, in substance, "that whilst the Speaker was delivering his opinion, Mr. G. offered to present a paper containing his reasons," &c.

Mr. SPEIGHT hoped the amendment would not be made. If every proposition which was discussed, or offered to be presented there, was to go on the Journal, it would be extended to a most unwarrantable length. He moved to lay the resolution to amend on the table.

Mr. ADAMS said the gentleman would save much time and trouble by withdrawing this motion.

Mr. LEE, of New York, called the gentleman to order, on the ground that it was not competent to debate the motion.

Mr. ADAMS. This is a motion that to speak the truth upon the Journal shall be laid upon the table.

Mr. HUNTSMAN suggested to the gentleman from North Carolina [Mr. SPEIGHT] to withdraw his motion, and let them reject the proposition to amend.

Mr. SPEIGHT then withdrew the motion to lay the amendment on the table.

After some further remarks by Messrs. SUTHERLAND, ADAMS, and REED, in reference to the precise phraseology of the amendment,

Mr. GLASCOCK remarked that the motion to correct the Journal was made without his knowledge, and he was indifferent as to the result; but he felt it his duty, in justice to the gentleman from Massachusetts, [Mr. ADAMS,] to state the facts as they occurred, and were recollected by him.

Mr. POTTS recollected that the gentleman from Georgia had proposed to offer a paper when this question was first taken up yesterday, but, upon the suggestion of the Chair, had declined pressing it upon the consideration of the House.

The question was then put upon the motion to amend; but before the decision was announced, Mr. ADAMS asked for the yeas and nays; which were ordered.

The hour of eleven having arrived, Mr. MANN, of New York, called for the orders of the day.

The CHAIR said the reading of the Journal must first be completed.

Mr. A. H. SHEPPERD desired to know distinctly whether the decision of the Chair which had been referred to was consequent upon the paper, or the offer to present the paper, drawn up by the gentleman from Georgia?

The CHAIR and Mr. GLASCOCK simultaneously replied that it was not.

Mr. HAMER said it was evident that the mere offer to present the paper whilst the Chair was delivering an opinion, was an interruption not necessary to be noticed on the Journal.

Mr. SUTHERLAND said the facts of the case were now settled by the recollections of his colleague, [Mr. POTTS.] The request to present the paper had been waived. He must, therefore, vote against the amendment.

Mr. GLASCOCK might have withdrawn his request. His recollection did not serve him as to the fact.

The motion to amend the Journal was then negatived—yeas 67, nays 111.

Mr. PHILLIPS said it was proper for him to state, that he had voted in the negative upon the appeal from the decision of the Chair, and that his vote was not recorded. He moved that the vote be entered; which was agreed to.

The reading of the Journal was then resumed. It was stated that on the second resolution, several gentlemen declined to vote, and among others Mr. GRANGER, of New York

Mr. ADAMS said that the gentleman from New York had assigned, or attempted to assign, his reasons for declining to vote. That fact did not appear on the Journal.

Mr. GRANGER moved to amend the Journal by stating that he "declined to vote upon the second resolution, and was proceeding to assign his reasons, when he was called to order by the Chair."

The CHAIR said it was a well settled rule, that while the call of the yeas and nays was progressing, it was out of order to discuss any proposition, or address any remarks to the House. The gentleman had been called to order for a violation of this rule.

Mr. GRANGER did not censure the Chair. If there was any responsibility in the case, he was willing that it should fall upon himself.

Mr. ADAMS asked for the yeas and nays on Mr. GRANGER's motion to amend the Journal; which were not ordered.

After some conversation between the CHAIR and Messrs. McKENNAN and ROBERTSON,

Mr. PARKS inquired whether it was customary to enter every interruption or attempt to violate the rules of the House on the Journal?

Mr. GRANGER contended that the 28th rule of the House, which required every member to vote unless excused for especial reasons, justified the course which he had pursued, and that he was not out of order.

Mr. ADAMS (in reply to Mr. PARKS) inquired if it was customary to move the previous question upon three resolutions of vital importance, without a single word of debate, and that, too, when the motion was made by a member of the committee who reported them, and was sustained by a majority of that committee? He repeated, was it customary to crowd down the previous question, upon subjects so deeply important, without permitting one single word of debate?

The CHAIR reminded the gentleman that he was wandering from the question before the House.

Mr. SPEIGHT had a single word to say in reply to the gentleman from Massachusetts. He would ask him whether it was customary, when a bill was reported for rechartering the Bank of the United States, to press the previous question several times the same day upon it, without permitting any debate?

The CHAIR said the gentleman was not in order.

Mr. BRIGGS said the House had decided by a large majority that the question of excusing members from voting must be postponed until after the question before the House was decided. Directly following that decision, the gentleman from New York [Mr. GRANGER] rose while the call of the yeas and nays was progressing, and attempted to assign his reasons for not voting. The gentleman could as properly have risen when his name was called, and moved to adjourn or to recommit the resolutions, as to do what he desired at the time. He thought that the amendment proposed to the Journal ought not to be made.

Mr. MANN, of New York, said he was opposed to the motion entirely. His colleague [Mr. GRANGER] yesterday undertook knowingly to commit a violation of the rules and orders of that House and his duties, for the purpose of escaping the responsibility of voting upon a delicate resolution, in the peculiar attitude he now occupied before the country; and he (Mr. M.) would therefore not agree to extend to him any favor or courtesy whatever.

Mr. WHITTLESEY, of Ohio, supported the amendment proposed by the gentleman from New York, and, in the course of his remarks, was called to order several times by the Chair, on account of the irrelevancy of the topics which he discussed.

Mr. ADAMS requested permission to state the essential difference between the case cited yesterday by the Chair, as a precedent, and the case upon which the decision was made. He was proceeding, when

The CHAIR said that what the gentleman proposed to state would have been a proper argument pending the appeal yesterday from the decision of the Chair, but that it was not now in order.

Mr. VANDERPOEL moved the previous question; which was seconded—ayes 86, noes 49; and the main question was ordered to be put.

The amendment of Mr. GRANGER was then negatived—ayes 60, noes 96.

The journal was further read, when Mr. ADAMS inquired whether there was any entry made in reference to his not voting on the third resolution?

The CHAIR said that it was stated the gentleman declined voting.

Mr. ADAMS did not decline voting. He had answered to his name, and had sent that answer to the Chair.

The CHAIR stated that one of the messengers had handed to him (for what purpose he knew not) a paper which he believed to be in the handwriting of the gentleman from Massachusetts, to this effect: "I hold the resolution to be in direct violation of the Constitution of the United States, of the rules of this House, and of the rights of my constituents."

Mr. ADAMS then moved to amend the Journal by stating, "when the name of Mr. ADAMS was called, he answered," (as above stated,) "and sent his answer to the Chair."

Mr. A. proceeded to read the case cited by the Chair, of 1832, when the decision of the main question was announced where a member asked to be excused from voting, without first determining the question of excusing; when he was interrupted by

The CHAIR, who said that this case had no relevancy to the motion which had been made to amend the Journal. It was a mere question of fact, to be decided by the House, and the debate upon it must be confined to very narrow limits.

Mr. ADAMS desired to cite the case of 1832, as a reason why his amendment should be adopted.

Mr. A. continued his remarks, and proceeded to read from the case of 1832; when

The CHAIR again interrupted him, and remarked that it was not in order to discuss, upon the present motion, what the House had done on a former occasion. He could not see what bearing the case which the gentleman was reading could possibly have on the question before the House.

Mr. ADAMS. I appeal from the decision of the Chair. I am not discussing the question. I am reading this precedent in order to show that my reason should be entered on the Journal for not voting on the third resolution. He was proceeding to characterize the document which he had before commenced reading, when

The CHAIR said it was not competent for the gentleman to do that indirectly upon the appeal, which it had been decided he could not do directly upon his motion to amend the Journal.

Mr. MANN, of New York, moved the previous question; which was seconded—ayes 95, noes not counted; and the main question was ordered to be put.

After some conversation between Messrs. PHILLIPS, WISE, ADAMS, WHITTLESEY of Ohio, WILLIAMS of North Carolina, and the CHAIR, the question was taken upon the appeal of Mr. ADAMS, and the decision of the Chair was sustained—ayes 97, noes 40.

The motion of Mr. ADAMS to amend the Journal was then negatived without a count.

Mr. ADAMS asked as a favor that the House would so amend the Journal as to state, that when his name was called on the vote upon the third resolution, he "*answered, but did not vote.*"

This proposition was discussed by Messrs. ADAMS, TALIAFERRO, ANTHONY, HAMER, WISE, and DROMGOOLE, when

Mr. VANDERPOEL remarked, that had the gentleman from Massachusetts asked to be excused at the time the vote was taken, he would not have opposed his present request. He had, however, declined voting, and had thereby violated the rules of the House. Mr. V. was of opinion that sufficient time had been consumed by gentlemen in the attempt to remedy their own disorder. He therefore moved the previous question, which was sustained by the House.

The amendment proposed by Mr. ADAMS was then negatived—yeas 55, nays 117.

The remainder of the Journal was then read, when (it being half past one o'clock) the House proceeded to the consideration of the orders of the day.

The SPEAKER laid before the House two communications from the President of the United States, transmitting reports, in part, from the Secretary of War, in answer to the resolution of the House calling for information in regard to the causes of the Seminole war; which were referred to the Committee on Indian Affairs.

Mr. HAYNES moved that the messages and accompanying documents be printed.

Mr. WISE stated that he had been informed by the Secretary of War, that the clerks of that Department were at that time busily engaged in transcribing the necessary papers and correspondence, and that the whole would be forwarded to the House by Wednesday next, when it would be better to print the whole together.

Mr. HAYNES said, for that reason, he would withdraw the motion to print.

RESOLUTIONS SUBMITTED.

Mr. WHITTLESEY, of Ohio, on leave, submitted the following resolution; which was agreed to:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing a compensation to John Murray for extra work done on Bodin's Hill, on the Cumberland road, east of Zanesville.

On motion of Mr. JOHNSON, of Tennessee, (by general consent,)

Resolved, That the Secretary of the Treasury be directed to furnish this House with copies of any opinions or arguments which may now be on file in the Treasury Department respecting the claim to lands in Missouri, embodied in the reports of the late board of commissioners at St. Louis, and which are now before Congress for their decision thereon.

POST OFFICE DEPARTMENT.

In execution of the special order of yesterday, the House resumed the consideration of the "bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof."

The question pending was on concurring with the Committee of the Whole in their proposition to amend the bill, by inserting the following clause:

SEC. 38. *And be it further enacted*, That from the thirty-first day of December, one thousand eight hundred and thirty-six, the following rates of postage shall be charged upon all letters and packets carried in the mail of the United States, excepting such as are by law exempt from postage, to wit:

For every single letter, or letter composed of one piece, carried not exceeding fifty miles, five cents.

Over fifty and not exceeding one hundred miles, ten cents.

Over one hundred and not exceeding two hundred miles fifteen cents.

Over two hundred and not exceeding four hundred miles, twenty cents.

Over four hundred miles and not exceeding eight hundred miles twenty five cents.

Over eight hundred miles, thirty cents.

And for every letter or packet composed of two pieces, double these rates; and for every letter or packet composed of three pieces, triple these rates; and for every letter or packet composed of four or more pieces, quadruple these rates: *Provided*, That all letters and packets of one ounce avoirdupois in weight, or more, shall be charged single for every quarter of an ounce.

The question immediately under consideration was the motion of Mr. JOHNSON, of Louisiana, to amend the 15th line by striking out "thirty," and inserting "twenty-five," cents.

Mr. CONNOR remarked that the tariff had been made out with great care by the committee, after much consultation with the Department, and he was well assured that no further reduction could be made, without throwing the expenses of the Post Office Department, to a certain extent, upon the Treasury.

Mr. VANDERPOEL said his objection to this item was only one of a series of objections he had to the whole section. He entered into a detailed examination of the old and present rates, and contended that loss would accrue by the proposed new tariff.

Mr. REED was well convinced, that the lower the rates of postage were, the greater would be the revenue. He was in favor of the motion to reduce the sum to twenty-five cents as the maximum, and was disposed to go still further than that, in some of the other rates.

Mr. MANN, of New York, then sent to the Clerk's table a letter from the Postmaster General to the Committee on the Post Office, on the subject of reducing the rate of postage; which was read. The section had been drafted in conformity with the views of that letter.

Mr. DENNY thought the committee had consulted more the convenience of the Department, its officers and clerks, than the convenience of the people. The effect of retaining the amount of thirty cents for all letters over eight hundred miles would be to cause a great reduction of the revenue, inasmuch as merchants would forward their letters by private conveyances. He was convinced this would be the case on the lines of the large navigable rivers, particularly between New Orleans and the cities of the West.

Mr. JOHNSON, of Louisiana, was opposed to the whole section, and as soon as his amendment was disposed of he should move still further reductions, and if they were rejected, he should move to strike out the whole section, for he preferred the old tariff to the proposition of the committee. As for the reduction from six and a fourth to five cents, and from twelve and a half to ten cents, it was no reduction at all to the people of the West, for they had neither cents nor ten cent pieces, or very few.

Mr. VINTON was totally opposed to all the section except that of reducing the postage from six and a fourth to five cents. He wished to carry the graduation of reduction still further, and at the proper time he should move an amendment accordingly, making fifteen per cent. on the old rate of postage. This would increase instead of reduce the revenue.

Mr. CAMBRELENG concurred with the gentleman, that the mere circumstance of reducing the tariff would not reduce the revenue; but he did not agree with the gentleman in his proposed reduction. Mr. C. said he should himself propose a different scale of reduction at a proper time; which he read.

Mr. CHAMBERS, of Pennsylvania, disapproved of the proposition of the committee, and should prefer that of the gentleman from New York. He urged the gentleman from Louisiana not to press his amendment.

Mr. JOHNSON, of Louisiana, then withdrew it, and

Mr. CAMBRELENG moved the following as the tariff of rates of postage:

Retain the first clause of the section, and strike out all after the seventh to the fifteenth line of the section inclusive, and insert "over fifty miles and not exceeding one hundred and fifty, ten cents; over one hundred and fifty miles and not exceeding four hundred, fifteen cents; over four hundred miles and not exceeding eight hundred, twenty cents; over eight hundred miles, twenty-five cents.

Mr. CHAMBERS, of Pennsylvania, entirely approved of these rates, and hoped they would be adopted by the House.

Mr. TOUCEY was more in favor of the proposition of the committee, with the single exception of the rate of thirty cents over eight hundred miles, than he was of that of the gentleman from New York.

Mr. HUNTSMAN advocated the reduction of the tariff to the lowest possible rates, and was opposed to the section as it stood in the bill.

Mr. PEARCE, of Rhode Island, was in favor of the reduction from thirty to twenty-five cents, but he did not think, after all the proposed additional routes were put into operation, that there would remain so great a surplus as gentlemen seemed to flatter themselves there would be. He entered into a variety of details, showing the great advantages that would devolve upon the community in consequence of the proposed reductions by the committee.

Mr. HALL, of Vermont, supported the original clause. He had no hesitation in averring that, if the proposition of the gentleman from Kentucky should be adopted, the Post Office Department would be upon the Treasury, in less than a year from this time. He had no particular objection to change the rates from thirty to twenty-five cents for single letters over eight hundred miles; but he earnestly hoped that every other portion of the clause would be retained.

Mr. HAWES should vote against the amendment—against the proposition of the committee—against every other proposition in relation to the subject of the rates of postage, because he preferred the old plan. With regard to the reduction from six and a quarter to five cents, it would be no reduction at all to the people of the West, but would benefit the postmasters only, inasmuch as five and ten-cent pieces were rarely or never seen in circulation.

The proposed amendment was further discussed by Messrs. ANTHONY and CAMBRELENG, when the latter gentleman withdrew his amendment, and

Mr. LAWRENCE renewed it;

And the amendment was further discussed by that gentleman, Messrs. ADAMS, McKEON, MANN of New York, REED, UNDERWOOD, BRIGGS, VANDERPOEL, MONTGOMERY, P. C. FULLER, CONNOR, and HAWES.

The question was then taken on the amendment originally moved by Mr. CAMBRELENG, subsequently renewed by Mr. JOHNSON, of Louisiana; and it was decided in the affirmative—yeas 90, nays 85.

The question then recurred on agreeing to the amendment as amended.

Mr. MANN, of New York, expressed the hope that the House would now non-concur with the Committee of the Whole in the whole amendment; for he was convinced the Department could not get along with the amendment just adopted. He remarked that, at the next session, it was proposed to take up the subject of postage on newspapers, periodicals, and pamphlets, when the subject of rates of postage on letters might also be acted on.

The amendment was further discussed by Messrs. WILLIAMS of North Carolina, MILLER, BRIGGS, FRENCH, LANE, WHITTLESEY of Ohio, and CONNOR.

Mr. MANN moved a suspension of the rules, to enable him to move that this bill and the post route bill, be the special order of the day for Monday next, at eleven o'clock, and each succeeding day until they be disposed of; which was agreed to.

Mr. MANN then submitted his motion.

Mr. VINTON moved twelve o'clock; which was lost.

The motion of Mr. MANN was then agreed to.

Mr. MARTIN moved to reconsider the vote by which the amendment of Mr. JOHNSON, of Louisiana, was agreed to.

The SPEAKER laid before the House a communication from the Postmaster General, transmitting a statement of the net proceeds received at the different post offices of the United States for the year 1835; which was laid on the table, and five thousand extra copies thereof ordered to be printed.

The House then adjourned.

IN SENATE.

SATURDAY, *May* 28, 1836.

Mr. EWING, of Illinois, presented a petition of sundry citizens of Illinois, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. EWING, of Ohio, on leave, introduced a bill giving the assent of the United States to the revocation of the ordinance exempting lands sold by the United States in certain States, from taxation for five years; also a bill to provide for the correction of mistakes in the entry of lands; which were severally read twice and referred.

Mr. LINN, from the Committee on Private Land Claims, to whom had been referred the memorial of Julian Dubuque, reported a bill for his relief; which was read, and ordered to a second reading.

The bill authorizing the appointment of additional surgeons, was read the third time and passed.

Mr. BENTON, from the select committee on the subject of the admission of Michigan into the Union, reported a bill supplemental to the act for the admission of Michigan into the Union; which was read, and ordered to a second reading.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of James F. Southoron;

The bill for the relief of William A. Gordon;

The bill for the relief of John M. Gamble;

The bill for the relief of Joseph Hertick;

The bill for the relief of the legal representatives of Thornton Tyler, deceased;

The bill to remit the duties on two bells imported for a church in Philadelphia; and

The bill for the relief of Josette Beaubien and her children.

RESIGNATION OF MR. HILL.

The CHAIR communicated the following letter of resignation from Hon. ISAAC HILL; which was read:

WASHINGTON, *May* 28, 1836.

SIR: Having been elected by the citizens of New Hampshire to the office of Chief Magistrate of that State, without waiting a formal official communication of the canvass, and it being expedient that I should enter on the discharge of the duties of the new office during the ensuing week, I communicate to you, and through you to the Senate, information that, on Monday next, I shall resign my seat in the Senate.

With the best wishes of happiness to yourself, and to the Senators with whom I have been associated,

I am, with great respect, your obedient servant,

ISAAC HILL.

Hon. MARTIN VAN BUREN, *Vice President of the United States.*

PUBLIC DEPOSITS.

On motion of Mr. CALHOUN, the Senate proceeded to the consideration of the bill to regulate the deposits of the public moneys.

Mr. WRIGHT made a few observations in continuation of his speech of yesterday.

Mr. CALHOUN addressed the Senate at length, in favor of the bill as amended by him.

Mr. BUCHANAN followed Mr. CALHOUN in a speech of some length, in the course of which he avowed his preference for the amendment of Mr. WRIGHT; after which,

On motion of Mr. EWING, of Ohio, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 28, 1836.

Mr. McKIM presented, by leave, the memorial of the Board of Trade of the city of Baltimore, praying that the custom-house officers of that port may be placed on an equal footing with those in other ports.

ADMISSION OF MICHIGAN.

Mr. HAMER and the Chair presented memorials of certain citizens of Ohio and Michigan, on the subject of the boundary line and the admission of the latter into the Union. The memorial presented by the former was laid on the table; and a motion having been made to lay the papers presented by the Speaker on the table,

Mr. ADAMS moved that the bills in relation to the northern boundary of the State of Ohio, and for the admission of Michigan into the Union, together with all memorials in relation to the same, be referred to a select committee.

The subject, under the rule, was ordered to lie over one day.

REPORTS FROM COMMITTEES.

Mr. WHITTLESEY, of Ohio, from the Committee of Claims, reported a resolution referring the papers, &c., in the case of Mervin P. Mix, to the Secretary of the Navy, for the purpose of carrying into effect an act of Congress passed heretofore; which was agreed to.

Mr. PHILO C. FULLER, from the Committee of Claims, reported the following bills; which were read twice and committed:

A bill for the relief of Richard Frisby; and

A bill for the relief of John P. Hustin and Edward N. Tailer.

Mr. HOWARD, from the Committee on Foreign Affairs, reported the following resolution:

Resolved, That the House will, on Saturday next, at

eleven o'clock, proceed to the consideration of bill No. 611, entitled "A bill anticipating the payment of the indemnities accruing to citizens of the United States under the convention with France of the 4th July, 1831, and that of the two Sicilies of October 14, 1832," and that it shall take precedence at such hour of all the other business of the House.

Mr. WHITTLESEY, of Ohio, moved to lay the resolution on the table.

Mr. HOWARD asked for the yeas and nays on the motion; which were not ordered, and the resolution was laid on the table.

Unfavorable reports were made by Mr. WHITTLESEY, of Ohio, from the Committee of Claims; and

By Mr. PIERCE, of New Hampshire, from the Committee on the Judiciary.

ROAD FROM DETROIT TO GRAND RIVER.

On motion of Mr. HAMER, (by consent,) it was

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing the Secretary of War so to change the location of the route of the United States road from Detroit to the mouth of Grand river of Lake Michigan, that said road may be constructed to pass through the head of steamboat navigation, and other important points, for the accommodation of the travel on said river.

REVOLUTIONARY OFFICERS AND SOLDIERS.

On motion of Mr. WARDWELL, the Committee of the Whole was discharged from the further consideration of the bill extending the provisions of the act entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution;" and the same was referred to the Committee of the Whole on the state of the Union.

COMMERCE AND NAVIGATION.

Mr. CAMBRELENG moved to take up the motion heretofore submitted by him for printing an extra number of copies of the annual report of the Secretary of the Treasury on commerce and navigation.

Objection being made, Mr. C. moved to suspend the rules; which was agreed to—ayes 100, noes not counted.

Mr. C. then modified his motion, so as that ten thousand extra copies (which he stated to be the usual number) be printed.

Mr. HEISTER moved to amend by striking out ten thousand and inserting five thousand.

After a few remarks by Messrs. CAMBRELENG, HEISTER, ROBERTSON, ADAMS, and ANTHONY,

Mr. GIDEON LEE said, that he was unwilling to consume a moment of time unnecessarily; but his information on this subject differed so very widely from the views taken by some other gentlemen, that he felt constrained to beg the attention of the House for a few minutes. This document was by far the most important paper emanating from this Government, and was more earnestly sought for, as well in Europe as in America, saving only the messages of the President. Not only was it required by every merchant and trader, as stated by the gentleman from Massachusetts, but was no less required by every farmer, planter, and manufacturer. This paper recorded truly and faithfully the commercial transactions of this great nation, detailing, item by item, the quantity and value of our annual imports and exports—the pounds of cotton, tobacco, rice, corn, flour,—the manufactures, the total produce of the fields, the forest, the ocean, the mines, the shops, amounting to two hundred and eighty millions of dollars. Every man of every trade and profession should have it. Ten thousand copies were usually printed, and he was informed by the officers of this House, who have charge of the documents, that this number had fallen far short of the pressing demands. He hoped the greatest number of copies moved would be printed. The great item of cost was in setting up the types of this tabular printing—this was already incurred. The subsequent copies would cost less than one third of those now ordered. He hoped the House would order the highest number moved.

After some remarks from Mr. PHILLIPS,

Mr. MILLER moved the previous question; which was sustained by the House; and the motion to print ten thousand extra copies of the document referred to, was agreed to without a count.

Mr. OWENS made an ineffectual attempt to call up the resolution heretofore reported by the Committee of Ways and Means, fixing on a day for the consideration of the bill in relation to the public deposits.

Mr. WHITTLESEY, of Ohio, called for the orders of the day.

Mr. CAMBRELENG said he had understood that the chairman of the Committee on Indian Affairs [Mr. BELL] had intended this morning to report the Indian bill which was sent to the Senate near two months ago, and had been returned to the House with various amendments. He rose for the purpose of inquiring whether the report would be made, and if it should be, he hoped the House would act upon the bill promptly, as it was very important to the public service that these appropriations should be finally acted upon.

Mr. BELL had not reported, because certain documents from the War Department had not been communicated, but were expected in a few days. He would, however, ask leave to report at that time, and that the bill be made the special order for to-day.

Objection being made, the rules were suspended for the purpose of enabling the gentleman from Tennessee to report the bill—ayes 144, nays 30.

INDIAN APPROPRIATION BILL.

Mr. BELL, from the Committee on Indian Affairs, then reported the bill which originated in the House, making appropriations for the current expenses of the Indian department, for Indian annuities and other similar objects, for the year 1836, with amendments to a portion of the amendments of the Senate, and recommending the House to non-concur in other amendments of that body; the bill was referred to the Committee of the Whole on the state of the Union.

Mr. B. moved to suspend the rules for the purpose of moving to go into committee on the foregoing bill; which was negatived without a count.

The bill and amendments were then ordered to be printed.

PEA PATCH ISLAND.

The House resumed the consideration of the bill to authorize a compromise, and secure to the United States the title to the Pea Patch Island, in the river Delaware.

The question being on the passage of the bill, it was opposed by Messrs. MILLIGAN and INGERSOLL, and advocated by Mr. PEARCE, of Rhode Island, when

Mr. LANE remarked that much time had been spent in investigating this subject, and it was probable that the debate would, if not arrested, be continued for some time to come. As the facts were all before the House, and as every member was doubtless prepared to vote on the bill, he moved the previous question.

Mr. VANDERPOEL moved a call of the House, and asked for the yeas and nays; which were ordered; and were—yeas 83, nays 14.

A motion was then made that the House adjourn; which was carried—ayes 51, noes 48; and

The House adjourned.

IN SENATE.

MONDAY, *May* 30, 1836.

Mr. NAUDAIN presented the petition of one hundred and twenty of the most respectable citizens of the State of Delaware, praying that the pension heretofore allowed to the late Governor, Caleb P. Bennett, for his services in the revolutionary war, may be continued to his widow.

Mr. N. said: Mr. President, in presenting this petition, I cannot refrain from saying that this presents no ordinary case for the consideration of the Senate.

The late Governor Bennett entered the army of the Revolution in the year 1776, as an ensign in the Delaware regiment. He continued in the service to the end of the war. Brandywine, Germantown, Long Island, Monmouth, Camden, and the well-fought fields of the South, attest the gallantry of the distinguished corps to which he belonged. Of that corps he was the last surviving officer; and, I believe, the last individual. Yes, sir—of nearly five thousand men furnished by the gallant little State I have the honor partly to represent on this floor, to the army of the Revolution, all have been gathered to their fathers; and not one now remains to enjoy that bounty extended to them by their grateful country, to cheer their declining years.

Among those who received this bounty, none can be found more worthy than Bennett; none received it with more gratitude; for it enabled him the better to provide for his aged wife and orphan grandchildren, and their comfort was dear to him as "the apple of his eye." He has been taken from them, and his widow, aged and infirm, and his portionless grandchildren, are thrown upon the cold charity of the world without any means of support.

Would it not, Mr. President, comport with the honor, the dignity, nay, even with *the interest* of the Government to provide for his widow, (for her who was the wife of his youth, the companion of his manhood, the nurse of his sickness and infirmities, and the solace of his latter days,) who devoted his best days to your service in the time of your greatest peril? Sir, it is the result of the services and sacrifices of such men that we are now enjoying the privileges of an independent nation. To them we owe all our political liberties. It is by the blessing of Providence upon their labors that we are this day deliberating upon the high destinies of this people. And in these "high and palmy" days of the Republic, when our Treasury is overflowing with money, the fruits of their services and privations, shall we refuse to snatch from poverty and distress the relict of one of those gallant men to whom we owe everything? Justice and gratitude forbid.

Sir, let the poor old widow of your timeworn revolutionary officer enjoy for the brief residue of her days the pension you had extended to her husband, and the blessings of those ready to perish will follow us for good, and call down the approbation of that God who delighteth in charity upon us and our children.

The petition was then referred to the Committee on Pensions.

RESOLUTIONS INTRODUCED.

Mr. PRESTON submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the propriety of making provision for the payment of the heirs of George Galpin of the claim which was stipulated to be paid in the 20th article of the treaty of New Echota, of the 29th of December, 1835, with the Cherokee Indians.

Mr. DAVIS submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads consider the expediency of establishing a post road between Landisfield and Sheffield, in Berkshire county, Massachusetts.

REPORTS FROM COMMITTEES.

Mr. PRENTISS, from the Committee on Pensions, reported, without amendment, a bill from the House for the relief of Thaddeus Tuttle.

Mr. TOMLINSON, from the Committee on Pensions, reported, without amendment, the bills from the House for the relief of John Smith and James Steele.

BILLS READ A SECOND TIME.

The following bills were severally read the second time, and considered as in Commitee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of John Almond and George Wood;

The bill for the relief of the heirs of Silence Elliott, deceased;

The bill for the relief of the heirs of James Parker, deceased;

The bill for the relief of the legal representatives of the late Patrick McGibbons;

The bill for the relief of the legal representatives of Colonel David Hopkins;

The bill to remove the land office from Clinton to Jackson, in the State of Mississippi; and

The bill for the relief of Antonio Seguira and others.

The bill for the relief of the legal representatives of Nathaniel Shaver, deceased, was rejected—yeas 16, nays 17.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill to provide for the payment of certain pensions in the States of Virginia and Ohio;

The bill for the relief of John M. Gamble;
The bill to refund the duty on two bells imported for ——— Church, Philadelphia;
The bill for the relief of William A. Gordon;
The bill for the relief of James F. Sothoron;
The bill for the relief of Joseph Hertick;
The bill for the relief of the legal representatives of Thornton Taylor, deceased;
The bill for the relief of Josette Beaubion and her children.

DEPOSITS OF THE PUBLIC MONEYS.

The bill to regulate the deposits of the public moneys was taken up as the order of the day.

Mr. EWING, who had the floor, addressed the Senate in a speech of considerable length, in support of the particular views he entertained on the subject. The bill had a bearing on two distinct matters; both of which were, to his mind, of great importance. The first related to the deposit and safe-keeping of such amount of the public moneys as was proposed, after its collection, to be retained in the Treasury; and the other related to the disposal of the surplus in the Treasury over and above that sum. For the disposition of the last, two distinct propositions had been made; one by the Senator from South Carolina, [Mr. CALHOUN,] to loan it out without interest; and for a certain period, on certain conditions, to the several States composing the Union; and the other by the Senator from New York, [Mr. WRIGHT,] to invest it in stocks on the credit of some of the States of the Union.

The first proposition in the bill providing for the safe-keeping of the public money, by adopting some arrangements that would be satisfactory to both Houses, he had great hopes would be determined on, and become a law before the close of the session; for from what he had observed of the spirit of the Senate during the last week, he thought some satisfactory measure would be adopted; and he, for one, would do all in his power to bring about the adoption of some measure satisfactory to Congress and the nation. He had not, however, the same confidence that anything would be done as to the disposition of the surplus. In looking to the two propositions relating to this object, he thought he could ingraft amendments on the one of the Senator from New York, which would render it more conformable to his views than the original bill of the Senator from South Carolina, under any modifications that could be made to it. One great objection which he had to the plan of the Senator from South Carolina was, that it legalized the present disposition of the public funds; and though the same objection applied to the plan of the Senator from New York, yet the objection was not so strong, and could be removed by striking out a particular section of the amendment. His view was, that they should not consider the public funds as rightfully placed anywhere, except under the control of law, and that they should take up the subject *de novo*, and pass a law declaring where they should be placed, in the same manner as if they had never been taken from the custody of the law.

The measure for the deposit and safe-keeping of the public money could be carried into effect immediately; but the other measure for the disposition of the surplus would require much time to be put into operation. If they adopted the proposition of the Senator from South Carolina, they would have to wait for the meetings of the State Legislatures to give their assent to it; and if they adopted the plan of the Senator from New York, much time would be required to enable the commissioners to purchase stocks.

He was satisfied, considering the amount of the public money in deposit, that the places of deposit were too few. In looking over the statement of the Secretary of the Treasury he found that the deposits in all of the banks were equal to the whole amount of their capital stock; and that where the largest masses were deposited the deposits were sometimes double and sometimes three times that amount. The effect of this was, that the banks which received large masses of deposits must make an underhand use of them, or let them remain idle, because they are not permitted by their charters to discount more than a certain amount beyond their capital. They also accumulated in their vaults the notes of neighboring banks, whose issues and accommodations to the public were by this means restrained; and, therefore, jealousies and distrusts naturally arose.

The banks whose notes are thus held up by the deposit banks, feeling themselves in their power, fear to discount, and the public therefore suffered by it. To remedy the evils growing out of this state of things, he would suggest to the Senator from New York to modify his amendment by providing that the deposits in no bank shall exceed half the amount of its capital stock actually paid in. The result of this amendment would be, that it would be necessary to select other deposit banks, who would receive from the present deposit banks the notes that are now held up *in terrorem* against them, and enable them to go on as formerly with their ordinary accommodations to the public. It would also more effectually secure the safety of the public money, for it was obvious, that, if a bank failed, it must pay all the demands against it, before the stockholders got anything; and thus by having in these banks but an amount of deposit equal to half their capital, the public never could be losers, unless in very extraordinary cases, which could be guarded against by selecting banks under the management of men of known honor and respectability. This amendment would also render the banks independent; they would not, as now, be in the power of the Secretary of the Treasury, and liable to be broke at any moment that he chose to remove the deposits from them.

Mr. E. stated his objections to the provision requiring that, as a security for the public deposits, the deposit banks shall have an amount of specie in their vaults equal to one fourth of their circulation. This provision, he thought, would have a very unequal operation, and was not calculated to effect the object in view. It was supposing that the liabilities of the banks arose from their circulation only. Mr. E. instanced some banks whose liabilities for their circulation were in a small proportion to their capital, and mentioned other banks, whose liabilities consisted almost wholly in their circulation. He himself did not look upon the specie in a bank as a test of its ability to pay its debts. There ought to be specie in a bank to some extent to meet any sudden run that might be made on it; but further than this it was not necessary. If the amendment which he proposed, limiting the amount of deposits in these banks to half the amount of their capital, should prevail, he thought they need not be so particular as to the amount of specie they had.

Mr. E., after referring to some other amendments that he intended to propose, proceeded to consider the propositions for the disposition of the surplus. He considered the plan of the Senator from New York as less objectionable than the one of the Senator from South Carolina, though he was not prepared to express a decided opinion with regard to either. Mr. E. then went into a minute examination of the nature of the stocks proposed to be purchased by the commissioners of the sinking fund, stating the advantages and disadvantages of each, with the effect that large investments in them by the Government would have, both on the stock market and the money market; after which he laid on the table, for the consideration of the Senate, the amendments that he proposed to submit at a future time.

Mr. WALKER said that the unfavorable position in which the State of Mississippi would be placed by the measure proposed by the motion of the Senator from South Carolina [Mr. CALHOUN] compelled him to trespass for a few moments upon the time of the Senate. The proposition is to loan the surplus to the States, upon their Legislatures passing laws to return the money to the General Government in certain installments upon the call of Congress. Now, (said Mr. W.,) Mississippi can pass no such law, and consequently can receive no portion of this gratuitous loan, and will not, by this bill, be placed on an equal footing with her sister States. There is a general and comprehensive clause in the new constitution of Mississippi, prohibiting the Legislature from pledging the faith of the State for the redemption of any loan whatever, except by the consent, in all cases, of two successive Legislatures, and then under certain restrictions and limitations which might prevent the passage of the law altogether. Mr. W. said, as the sessions of the Legislature in Mississippi are biennial, another obstacle would be interposed to the adoption of any law of that State on this subject within any convenient period. This bill then was a proposition to make gratuitous loans, without interest, to all the States except Mississippi. But Mr. W. said he had other objections to this bill. It was a dangerous and untried experiment. It would greatly complicate and embarrass the relations between the States and the General Government. It would make all the States the debtor of the General Government and create a new and strong pecuniary interest in favor of a dissolution of the Union, as a means of absolving themselves from the heavy debts they may incur to the General Government under this law. The relation of debtor and creditor was not generally one of long continued friendship. It was an old, but true remark, if you wish to make a friend your enemy, loan him money beyond his means of convenient payment. The remark will apply with full force to the States and the General Government. If we wish to embroil ourselves with the States, and make them the enemies of this Government, let us loan them money, as proposed by this bill, far beyond their means of convenient payment. It is admitted that the States will expend this money; and when we call upon them for payment will it be made? Suppose a minority of States refuse payment, or that a single State refuses, how will we collect the money? A suit is impracticable. Will we then collect it by force, or leave it uncollected, to the injury of all the States that make payment? But if the General Government must loan the money, and the States must make good the loan, how will they do it? Will the State Legislatures dare to impose a direct tax upon the people of each State to refund these uncounted millions? No, they will instruct their representatives in Congress to collect the money required by the General Government by increasing the tariff and the price of the public lands. If the loan be not a gift in disguise, an increase of the tariff and the price of the public lands is the inevitable result of this measure. If it be a gift in disguise, it is a distribution of the surplus revenue, which the Senator from South Carolina [Mr. CALHOUN] has denounced as a gross violation of the Constitution. And, (said Mr. W.,) if Mississippi could really receive her portion, the ratio would be most unjust. By this bill the State of Mississippi would receive no more than Rhode Island, although, taking the votes given in Mississippi at the last election as a criterion of her increase since the last census, she must now contain three times the population of Rhode Island. The measure would then be unequal and unjust—doubly so when it was considered that Mississippi, through the collections from the land office and other sources, paid into the public Treasury ten times the amount paid by Rhode Island.

Mr. W. said the amount deposited in the deposit bank was large, but from ten to sixteen millions had been repeatedly in deposit in the Bank of the United States. Then it was thought all right and proper by that institution, and she viewed a restoration of the deposits to the bank as indispensable to the salvation of the country; but now we are told that the country is to be ruined because a large amount is deposited in State banks. Mr. W. believed there was infinitely more danger to liberty from accumulating this money in a single bank than from depositing it in various State institutions. The evil was this, that we never should have collected this vast amount from the people; and we should now, and at once, reduce our collections by reducing the price of the public lands and all other taxes. Reduce your revenue and taxes, and loans or distribution are unnecessary. Mr. W. said the Senator from South Carolina [Mr. CALHOUN] had fixed the surplus revenue this year at about twenty-six millions of dollars. Mr. W. would not pretend to say whether the Senator was correct in the list of items by which he made up this amount; but, if he were, there might be other items that would greatly reduce this sum. If the Bank of the United States, as from pres-

ent symptoms seemed probable, should have the audacity to retain the stock of the Government in that bank to pay her pretended infraction of her charter by the Government, then seven millions must be stricken off the twenty-six millions, which would reduce the amount to nineteen millions; the war, another source of expenditure, yet remaining. When the Creek and Seminole war terminate this summer, it will be a solemn duty which we owe to the people of Florida and Alabama to remove these Indians at once, whatever the expense may be, beyond the limits of Alabama and Florida. Protecting the people of Alabama, Georgia, and Florida, from a renewal of these inhuman massacres would be much better than loaning money. The number of Indians in Alabama and Florida was about thirty thousand, and we must remove them beyond the reach of white settlements—peaceably if we can, forcibly if we must; and the expense of removal in this manner will be enormous. We have now in Alabama and Florida a surplus only of blood and misery; and we must guard, at any expense, against a repetition of these inhuman massacres by those "poor Indians," with whom a certain party once so deeply sympathized, and whom they would retain within the settled States and Territories of the Union, there to commit these terrible atrocities upon every age and sex, and to give over the bodies of the dead to the wolves and vultures of the wilderness. No, (said Mr. W.,) these scenes must not be repeated—no party can or does desire it. This Indian removal must be instantaneous, forcible; and the expense will still further greatly reduce our surplus revenue. To the proposition of the Senator from New York, he had some objection. If he voted for it, it would be because no other alternative was left; but he hoped that no transfers of moneys from any deposit banks would be permitted to distant banks, except for necessary disbursements in other quarters. His confidence in the wisdom and integrity of the Secretary of the Treasury was very great. He was a most honest and able functionary; but this was a power which he could not desire to retain, and justice required that the money in the deposit banks at the points where it was collected should never be drawn from those institutions to be placed in other and distant deposit banks, except when needed for the disbursements of the Government. Mr. W. was not satisfied with any of the propositions before the Senate in their present form; he hoped, however, that the bill would be referred, and some wise and judicious measure would yet be devised; it was due to ourselves and the country; and, in sustaining such a measure, he would coöperate to the full extent of his humble abilities. Let us not, however, convert the General Government into a money lender to the States, with or without interest. If we do, we will effect a radical change in the relations between the States and the General Government—a change full of complications and difficulty, and threatening the repose, if not the very existence, of the Union.

On motion of Mr. CALHOUN, the bill was then laid on the table, to be taken up at one o'clock to-morrow; and,

On motion of Mr. WHITE, the Senate proceeded to the consideration of executive business; after which it adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *May* 30, 1836.

Mr. HEISTER moved to take up the resolution from the Senate fixing a day for the adjournment of Congress.

Objection being made, Mr. H. moved to suspend the rules for that purpose.

Mr. CRAIG moved to amend the motion, so as to suspend the rules for the further purpose of taking up and disposing of the resolution reported by the Committee of Ways and Means, fixing a day for the consideration of the deposit bill. He was unwilling to fix a day for the adjournment until the bills to which he had referred were acted on.

Mr. McKIM moved a call of the House; which was lost.

Mr. HOWELL moved to lay the motion to suspend the rules, together with the amendment, on the table.

Mr. HEISTER asked for the yeas and nays; which were not ordered; and the motion of Mr. HOWELL prevailed—ayes 81, noes 56.

INDEPENDENCE OF TEXAS.

Mr. STORER asked the consent of the House to present a memorial adopted at a meeting of the citizens of his district, praying Congress to recognize the independence of Texas.

Objection being made, Mr. S. moved a suspension of the rules, and asked for the yeas and nays; which were not ordered.

Mr. HARPER moved to amend the motion so as to suspend the rules for the additional purpose of allowing him to present similar memorials from citizens of the county and city of Philadelphia.

Mr. PARKS moved to lay the motion to suspend the rules on the table.

Mr. CLAIBORNE, of Mississippi, asked for the yeas and nays on this motion; which were ordered.

Mr. PARKS then withdrew his motion; when Mr. MANN, of New York, renewed it, and asked for the yeas and nays; which were ordered.

The motion to suspend the rules for the purpose stated, was then laid on the table—yeas 116, nays 52.

Mr. JOHNSON, of Louisiana, asked the consent of the House to permit him to present several petitions.

Mr. ADAMS objected, and gave notice that he would not consent to the presentation of any petition out of the usual order, as he had various petitions which he wished to offer.

Mr. CRAIG moved to suspend the rules until one o'clock, for the purpose of considering a resolution reported by the Committee of Ways and Means, fixing a day for taking up and disposing of the bill regulating the deposits of the public moneys in certain local banks.

Mr. OWENS asked for the yeas and nays on the motion; which were ordered.

Pending the call for the yeas and nays, Mr. PATTON rose, asked to be excused from voting, and demanded that the question upon excusing him be then taken.

Mr. HAMER hoped the call would proceed, as the question raised by the gentleman was decided on a recent occasion.

After some conversation between the CHAIR and Mr. PATTON, the former directed the Clerk to proceed in the call of the yeas and nays.

When the same was concluded, and before the decision of the question was announced,

Mr. PATTON desired to know if the Speaker adhered to the decision made the other day, that the vote of the House should be announced before taking the question on excusing a member?

The CHAIR said the result of the vote just taken could not be changed by the vote of the gentlemen on either side.

Mr. PATTON desired a decision of the Chair on the question which he had made. He could not consent that it should be dodged, and that himself and others should be denounced as factious spirits, because they gave a vote on a former occasion which the House would not, and did not, discuss.

The CHAIR reiterated substantially the decision made on a former day.

Mr. PATTON appealed from the decision of the Chair. He had no difficulty in reference to voting on the question upon which the yeas and nays had been taken. He had asked to be excused for the purpose of again bringing up this point of order, and with a view of vindicating his own course and motives from the most recklessly false and slanderous imputations made upon him in the paper of the official printers to that body, who were enable to issue their daily modicum of slander and abuse by means of the public treasure poured into their laps by that House.

Mr. P. went on to discuss the point of order at length, and, in the course of his remarks, again animadverted with severity upon an editorial article in the Globe, in reference to a similar appeal on a former day.

The SPEAKER briefly addressed the House in explanation, and in support of his decision.

Mr. CALHOUN, of Massachusetts, then obtained the floor, and made a few remarks, principally in reference to the article in the Globe referred to by the gentleman from Virginia, which he condemned in decided terms.

Mr. LANE said, as the gentleman from Virginia [Mr. PATTON] had no difficulty in voting on the question to suspend the rules, and as he merely desired to bring up the same question which was decided the other day, it could not be productive of any good to continue the discussion upon the appeal; he therefore moved that it be laid on the table.

Mr. ADAMS appealed to the gentleman to withdraw his motion, as, from reasons personal to himself, he desired to make a few remarks upon the appeal.

Mr. LANE declined withdrawing his motion.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays; which were ordered, and the Clerk proceeded to call the roll.

When the name of Mr. JENIFER was called, he declined voting, and asked to be excused.

The roll being called through, the SPEAKER said that, under the decision of the House the other day, he would announce the vote upon the motion to lay the appeal on the table; and the question of excusing the gentleman from Maryland from voting might be determined whenever the House thought proper to act upon it.

Mr. WISE appealed from this decision of the Chair, and was proceeding to discuss the appeal, when

Mr. HAMER rose to a point of order, in substance "that two questions of order could not be pending at the same time."

The CHAIR said that, on taking the yeas and nays upon a motion to lay an appeal upon the table, arising on a request of one member to be excused from voting, another member had declined voting, and asked to be excused. An appeal in the latter case had also been taken from the decision of the Chair. He was not prepared to say that this was, strictly speaking, piling one question of order upon another.

Mr. WISE resumed his remarks on the appeal, and animadverted upon the article in the Globe, heretofore referred to. In regard to his refusing to vote upon the first resolution reported by Mr. PINCKNEY, Mr. W. said he would have suffered martyrdom before he would have voted on that occasion—that he could not have been compelled to do so by the power intrusted to the Sergeant-at-Arms, and that he would have defied the power of a standing army to have changed his settled determination.

Mr. WILLIAMS, of Kentucky, spoke in opposition to the decision of the Chair, and condemned the unwarrantable classification of his name in the article in the Globe. He noticed this, because the fact of the editors of the Globe being the printers of the House gave that paper an authority it was not otherwise entitled to. On the subject of the presidency, no man living knew his preference, but he indignantly repelled the charge made against him in the Globe of being an anarchist and revolutionist. He should, when the time arrived, vote for whom he pleased, and should not suffer himself to be driven from what he considered right by the abuse and slang of a newspaper. He had done nothing during the present session in the slightest degree to retard or obstruct the business of the House, nor had he raised a single point of order. On the abolition memorials he had, until the formation of the select committee, in every instance voted to lay them on the table. Nor had he once refused to vote, or dodged any question. On several occasions he had sustained the decisions of the Chair, and should continue to do so whenever he thought them right. For that gentleman he had voted, and his reasons were conscientious and satisfactory to himself for preferring him as the presiding officer of the House. The editor of the Globe had no right to denounce him as a "factious spirit or anarchist," nor to classify him with "White men and Nullifiers."

Mr. HARD called for the orders of the day.

The CHAIR decided that the question took precedence, and must first be settled.

Mr. SPEIGHT remarked that it was the misfortune of members of Congress to be visited by

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, JUNE 6, 1836. VOLUME 3....No. 33.

the "slang wang" of newspapers, and he would refer them to the columns of the Intelligencer and the United States Telegraph when the editors of those papers were respectively printers to the House, and the party to which Mr. S. belonged were in the minority. Mr. S. then proceeded to show that the decision of the Chair was right, and referred to the circumstance of the precedent cited by the Speaker in support of that position.

Mr. BELL followed in opposition to the decision of the Chair, which he contended to be in effect an amendment to the established rules of the House. He maintained that the decision of the Chair must be reversed by the House. He also adverted to the manner in which the Journal was kept, and said it contained a suppression of the truth in two remarkable instances during the present session. Mr. B. then briefly adverted to the article in the Globe, the tendency of which might be eventually to produce the very disorganization complained of. He said the minority of the House were tyrannized over, and they were naturally in a refractory, restless, and perturbed condition, and if they could not be heard orderly, they would do so disorderly.

Mr. SPANGLER then obtained the floor.

Mr. JENIFER rose and said: To obviate any further difficulty, he would withdraw the appeal from the decision of the Chair.

Mr. WISE said the appeal was made by him, and not by the gentleman from Maryland.

Mr. JENIFER said he would withdraw the original motion to be excused from voting.

The CHAIR inquired if the gentleman desired to record his vote?

Mr. JENIFER replied in the negative.

Mr. SPANGLER went on to show that the decision of the Chair was correct, and ought not to be reversed; for otherwise a debate on taking the vote on a single proposition might run through weeks or months. He said the whole difficulty and embarrassment had grown out of the fact of allowing gentlemen to get up and ask to be excused, while the yeas and nays were being called, or after they had commenced being called.

Mr. ADAMS contended that the Speaker had misconstrued the rule of the House. Mr. A. was satisfied that, by a fair construction of the rule, the time for a member to ask to be excused was when his name was called, as the roll was going through. He referred, also, with some severity, to the attacks of the Globe upon members of that House, and particularly upon himself, in which he had been charged as a common liar.

Mr. BOON said if editors of newspapers were the contemptible creatures represented by members of the House, he thought it improper, if not evincing a want of dignity, to reply to their remarks upon that floor. If they were entirely worthless, why did gentlemen condescend to reply to them there? For one, he would not do so. If he was assailed in this way, he would, if he deemed it necessary, redress the grievance elsewhere. After the learned dissertation which they had just heard from the gentleman from Massachusetts, he humbly conceived that they had had glory enough for the public service for one day, in discussing editorial paragraphs, and the subject of a member sitting in his seat and refusing or declining to vote; he therefore moved the previous question.

The previous question was seconded by the House—ayes 75, noes 46; and the main question was ordered to be put, without a count.

The main question, Shall the decision of the Chair stand as the judgment of the House? was decided in the affirmative—yeas 108, nays 61.

The CHAIR then announced the vote on the motion of Mr. LANE, to lay the appeal of Mr. PATTON on the table; which was—yeas 98, nays 91.

The CHAIR also announced the vote on the motion of Mr. CRAIG, to suspend the rules till one o'clock, in order to fix a day for the consideration of the deposit bill, (pending which motion Mr. PATTON declined voting, asked to be excused, and appealed from the decision of the Chair,) which was—yeas 123, nays 54.

The House then adjourned.

IN SENATE.

TUESDAY, *May* 31, 1836.

The CHAIR communicated a report of the Commissioner of the General Land Office, in reply to a resolution of the Senate relative to the number of the sixteenth sections of land in Missouri, reserved for school purposes.

REPORT FROM A COMMITTEE.

Mr. EWING, of Ohio, from the Committee on Public Lands, reported without amendment the bill from the House providing for the correction of mistakes in the entry of lands.

EXECUTION OF THE LAWS.

Mr. WRIGHT, on leave, introduced a bill to provide for the execution of the laws of the United States in the State of Michigan; which was twice read and referred.

NATHANIEL SHAVER.

Mr. TALLMADGE moved the reconsideration of the vote taken on the rejection of the bill for the relief of Nathaniel Shaver; which was agreed to; and

On motion of Mr. KING, of Alabama, the bill was laid on the table.

AVERY, SALTMARSH AND COMPANY.

Mr. KING, of Alabama, presented the petition of Avery, Saltmarsh & Company, contractors for carrying the mail on the great southern route between Mobile and New Orleans, stating that they have lost a great amount of property in consequence of the hostilities of the Indians, and asking Congress to take their case into consideration, and authorize the Postmaster General to extend to them such indulgence as may be necessary to enable them to fulfill their contracts; referred to the Committee on the Post Office and Post Roads.

PUBLIC DEPOSITS.

On motion of Mr. EWING, of Ohio, the amendments submitted by him to the bill to regulate the deposits of the public moneys, were ordered to be printed.

CONVENTION WITH SPAIN.

On motion of Mr. CLAY, the Senate took up the disagreement of the House of Representatives to the amendment of the Senate to the bill to provide for carrying into effect the —— article of the treaty with Spain; and, on further motion by Mr. C., that the Senate insist on its amendment, and ask for a conference, it was carried in the affirmative, and the committee was directed to be appointed by the Chair.

RESOLUTION AGREED TO.

The resolution submitted yesterday by Mr. PRESTON was considered and agreed to.

ELEAZER W. RIPLEY.

Mr. HUBBARD gave notice that he would to-morrow ask leave to introduce a bill to provide for the adjustment of the accounts of Eleazer W. Ripley.

RESOLUTIONS AGREED TO.

Mr. HUBBARD submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Woodbury village, Antrim, through East Hancock, to Greenfield, in New Hampshire.

Mr. TOMLINSON submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the improvement of Stanford harbor, in Connecticut, in conformity with the report of the officer by whom that harbor has been surveyed, under the direction of the Secretary of War.

BILLS ORDERED TO A THIRD READING.

The bill confirming the title of Joseph Sorin, alias La Rochelle, and those claiming under him, to a tract of land in Missouri, and

The bill for the relief of George Dawson, were severally taken up, and considered as in Committhe of the Whole, and ordered to be engrossed for a third reading.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill for the relief of the heirs of Silence Elliott, deceased;

The bill for the relief of Antonio Seguira and others;

The bill for the relief of the legal representatives of Colonel David Hopkins, deceased;

The bill for the relief of the legal representatives of Patrick McGibbony, deceased;

The bill for the relief of James Sutherland and Rebecca his wife, formerly Rebecca Parkhurst;

The bill providing for the removal of the land office from Clinton to Jackson, in the State of Mississippi.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of the owners of the ship Cadmus;

The bill concerning writs of error in the courts of the United States;

The bill to reward the captors of the frigate Philadelphia, in the harbor of Tripoli—yeas 26, nays 10;

The bill for the relief of the legal representatives of William Ramsey, deceased;

The bill for the relief of A. and J. Dennistown & Co., of New Orleans;

The bill for the relief of Moses Bliss; and

The bill to establish a depot of arms on the western frontier of Missouri.

The bill for the relief of Caleb Starks, and the bill to establish a surveyor general's office in the State of Illinois, were indefinitely postponed.

The bill to establish the term of the annual meetings of Congress was taken up and considered.

Mr. PORTER moved to amend the bill by striking out the first Monday of November, and inserting the third Monday of November; and,

After some remarks from Mr. BUCHANAN, the amendment was rejected, and the bill was ordered to be engrossed for a third reading.

DEPOSITS OF THE PUBLIC MONEYS.

On motion of Mr. CALHOUN, the bill to regulate the deposits of the public moneys was taken up.

Mr. WEBSTER, after some preliminary observations, expressed the hope and belief that the first branch of the subject comprehended in the bill—that for the safe-keeping of the public money—would be acted on during the present session of Congress, and that some measure satisfactory to both Houses, and to the country, would be adopted to provide for that object. From the temper and spirit manifested on all sides in the course of this debate, he should infer that the proposition either of the Senator from South Carolina, or the one of the Senator from New York, with reference to this particular branch of the subject, might be so modified as to be generally acceptable. He concurred in the propriety of many of the amendments that had been suggested in the course of the debate. He agreed, for the reasons given, that it was of considerable importance that the number of the deposit banks should be increased. The State banks were not fitted to be the depositories of such large sums of money, either by their charters or in their char-

acter. In most of the States, their discounts were so limited that they could not loan more than a certain amount beyond their capital, and they were, therefore, unable to employ such large sums in a lawful way. He supposed that it was the wish of all that the public treasures remaining in deposit should be subject to a reasonable discount; and for this reason the number of the deposit banks ought to be increased. He thought that the independence and stability of the banks, as well as the security of the public funds, would be promoted by this amendment. He agreed also with gentlemen that banks ought to pay interest on the public money in their custody, and thought that the interest should not be less than two per cent. Many of the best banks would agree to pay more. Then with respect to the amount of specie it was proposed to require these banks to retain, he thought the provision on this subject a useful one; not because the banks would thereby be rendered more competent to pay their debts, but because our paper system had expanded to a very dangerous extent, and there was some security in retaining a certain amount of specie in the country, and it would bear on the steadiness of interest and on the value of property.

It would be proper, also, that there should be some restraint on the transfers of public money from one bank to another, except when wanted for the disbursements of the Government. He thought that an intelligent and practical head of the Treasury would prefer such a restraint, as it would relieve him from a great deal of embarrassment that he would otherwise be subject to. Whether it would be better to provide that no change of banks should be made without the sanction of Congress, would be for the consideration of those who had the management of this bill. Mr. W. said he had no doubt that, if they passed the bill, modified as above mentioned, and stopped there, they would do much good, and go a great way towards relieving the country from its present embarrassments, because he believed among the greatest of evils was the uncertainty as to what Congress would do in relation to the deposits of the public moneys. Here were propositions to distribute the surplus, and to restrain the desposit banks, not yet definitively acted on by Congress; and the belief that Congress would do something, with the uncertainty of what it would be, placed these banks under great embarrassments, with an inability to use the funds in their charge, because they knew not how soon they may be called on to replace them. After having said this much, he felt bound to say that the whole system was one out of which perfectly convenient operations can never be produced. These banks never were fitted for the great operations of the Government, or to have the charge of such large masses of money, and never, by any regulations, however well devised, or by any Administration, however faithful, be made to answer the purposes intended for them.

Mr. W. then proceeded to consider the second branch of the subject comprehended in the bill—the disposition of the surplus remaining on hand at the end of the year; and first, as a necessary preliminary inquiry, went into an examination of what the surplus would probably be. After making a minute and elaborate estimate of the various sources from which to make up this amount, and deducting the appropriations for the current expenses of the Army and Navy fortifications, Indian treaties, &c., he arrived at the conclusion that the surplus at the end of the year would not be less than forty millions of dollars. Now, suppose he was wrong fifty per cent., there would be still twenty millions, and it was unquestionably their duty to provide for that. It was certainly an extraordinary occurrence in the history, not only of our own Government, but of all Governments, that there should be so large a surplus in the Treasury not wanted for its expenses; and how did it happen that so much money was allowed to get in the Treasury that was not wanted? In considering the remedy, he would go on the ground that the case was an extraordinary one, and that it never could be the system of this Government to collect more money into the Treasury than would be wanted for disbursements, and he would, therefore, provide at once for the present evil, leaving the future to the wisdom of succeeding Legislatures.

Mr. W. then entered into a lengthy examination of the causes which had produced this superabundance in the Treasury. He differed with the Senator from South Carolina in the opinion that it could be traced to the tariff of 1828; he thought that the evil should be traced rather to some of the provisions of the tariff of 1832 and 1833, than to that of 1828.

It was the abolition of the minimum principle, which he thought one of the wisest principles ever adopted by any Government, and the substitution of enormously high *ad valorem* duties, which had greatly helped to produce this accumulation. He could demonstrate that several millions of the unheeded mass in the Treasury proceeded from the substitution of these high *ad valorem* duties for minimum, bringing three or four dollars into the Treasury for nobody's protection, in order to oppose a dollar that was protected. After pursuing this part of the subject further, Mr. W. took a view of the other causes which had assisted in producing the great accumulation in the Treasury; the sales of the public lands, with the causes of their great excess for the present year; the expansion of bank paper; and the vast amount of foreign capital employed in the country, &c. From all these causes there was a superabundance of money in the Treasury, which it was necessary that they should make some disposition of; and in doing so he would go upon the ground that the case was an extraordinary one, and that a measure providing for the present occasion was more likely to succeed than one providing for the future as well as the present. He would, therefore, provide for the present evil, and leave future evils to be provided for by those who came after them. Of the two propositions for this object, Mr. W. gave the preference to the one of the Senator from South Carolina, as being more equal in its provisions. There being only seven of the large States who had stocks in which the surplus could be invested, the plan of the Senator from New York would benefit them only, while all the rest of the States would derive no benefit whatever.

The plan of the Senator from New York would as much create the relation of debtor and creditor between the General Government and the States as the plan of the Senator from South Carolina, there being this difference between them, that the plan of the latter extending to all the States, by its very universality of application, was relieved from the strong objections that applied to the other. After reviewing at considerable length the propositions of the Senators from South Carolina and New York, Mr. W. concluded, by submitting some amendments, which he asked might be laid on the table and printed. This motion was agreed to.

On motion of Mr. CALHOUN, the whole subject was referred to a select committee of nine members; which, on balloting, was made to consist of Messrs. WRIGHT, CALHOUN, WEBSTER, KING of Alabama, BUCHANAN, HENDRICKS, SHEPLEY, LEIGH, and EWING of Ohio.

Mr. BENTON moved that the previous orders be postponed for the purpose of taking up the bill to increase the military peace establishment of the United States.

Mr. SOUTHARD expressed the hope that the preference would be given to the bill to extend the charters of the banks of the District of Columbia.

Mr. BENTON called for the yeas and nays on his motion; which were ordered, and the question was decided in the affirmative by the following vote:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Ewing of Illinois, King of Georgia, Leigh, Morris, Nicholas, Niles, Porter, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, White, and Wright—19.

NAYS—Messrs. Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, King of Alabama, Naudain, Prentiss, Preston, Robbins, Southard, Tomlinson, and Webster—16.

PEACE ESTABLISHMENT.

The bill to increase the military peace establishment of the United States was accordingly taken up; and after a brief explanation from Mr. BENTON, and at a late hour of the day, it was passed over informally, and the Senate proceeded to the consideration of executive business; after which it adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 31, 1836.

The House proceeded to consider the resolution reported by Mr. OWENS, from the Committee of Ways and Means, fixing on a day for considering the deposit bill.

The resolution, having been amended, was to make the said bill, together with the bills then on the Speaker's table, the special orders of the day for the day succeeding the final disposition of the appropriation bills. The question pending was the motion of Mr. BELL, to strike out all after the word "*resolved*," and insert "that the deposit bill be made the special order for the 25th of May."

Mr. BELL modified his motion by substituting the 13th of June for the 25th of May.

Mr. MILLER moved to postpone the subject until Monday next; which was lost—ayes 49, noes 80.

Mr. KINNARD moved to amend the amendment by including the bills relative to the Cumberland road, but subsequently withdrew it.

Mr. OWENS suggested that the bill be made the special order for to-morrow week.

Mr. WHITTLESEY, of Ohio, moved to except Fridays and Saturdays; which was lost—ayes 69, noes 74.

Mr. McCOMAS moved to amend the amendment by including in the special order the bills for extending the pension act of 1832, establishing the northern boundary of Ohio, and for the admission of Michigan and Arkansas into the Union.

Mr. WILLIAMS, of North Carolina, moved to postpone the whole subject until Tuesday next; which was agreed to—ayes 86, noes not counted.

REPORTS FROM COMMITTEES.

Mr. WHITTLESEY, of Ohio, from the Committee on Claims, reported a bill for the relief of Alexander G. Morgan; which was read twice and committed.

Mr. MILLER, from the Committee on Invalid Pensions, made a report concluding with a resolution setting apart Saturday next, from half past ten o'clock, for the consideration of bills reported, and to be reported previous to that time, by said committee.

Mr. WARDWELL moved to amend the resolution by including the bills reported by the Committee on Revolutionary Pensions.

Mr. JARVIS moved to amend the amendment by including the bills reported by the Naval Committee for naval pensions; which was lost.

Mr. WHITTLESEY moved to include the bills reported by the Committee of Claims; which was lost.

Mr. PARKS moved to lay the original resolution and amendment on the table; which was agreed to—yeas 70, nays 59.

Mr. MERCER, from the Committee on Roads and Canals, reported a bill to authorize the purchase of suitable sites for the erection of marine hospitals on the western waters and lakes of the United States; which was read twice and committed.

Mr. P. C. FULLER, from the Committee of Claims, reported the following bills; which were read twice and committed:

A bill for the relief of Jonathan Eliott; and

A bill for the relief of John Wilson.

Mr. CUSHMAN, from the Committee on Commerce, reported the following bills; which were read twice and committed:

A bill for the relief of Moses Merrill; and

A bill for the relief of Nathan Levy.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill granting a pension to John March; which was read twice and committed.

Mr. LANE, from the Committee for the District of Columbia, made report on the subject of imprisonment for debt in this District, concluding with the following resolution:

Resolved, That the Secretary of State be requested to ascertain, and report to this House, the number of persons imprisoned for debt since 1820, in the District of Columbia; the times during which they were imprisoned; the amounts of their respective debts; the portions thereof paid in consequence of their imprisonment; the expenses to creditors

of maintenance, &c., with such other facts, as to allegations of fraud, age, sex, and condition of the parties, as can be conveniently procured.

The resolution, under the rule, lies over one day.

Mr. LANE, instructed by the committee, moved to print five thousand extra copies of the foregoing report; which lies over one day.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, reported without amendment a bill from the Senate for the relief of the legal representatives of Colonel John Haslett; and the same was committed.

Mr. MUHLENBERG, from the same committee, reported the following bills; which were read twice and committed:

A bill for the relief of the heirs of Major Peter Helfenston; and

A bill for the relief of the legal representatives of Captain Charles Snead.

Mr. DUNLAP, from the Committee on Public Lands, reported a bill for the relief of Thomas M. Burland; which was read twice and committed.

Mr. BEALE, from the Committee on Invalid Pensions, reported the following bills; which were read twice and committed:

A bill for the relief of Barton Hooper; and

A bill for the relief of Henry Maggart.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported, without amendment, a bill from the Senate for the relief of J. Buchanan; and the same was committed.

Unfavorable reports upon various petitions, &c., were made by Messrs. WHITTLESEY of Ohio, and P. C. FULLER, from the Committee of Claims; Messrs. MUHLENBERG, and KINNARD, from the Committee on Revolutionary Claims; Mr. DUNLAP, from the Committee on Public Lands; and by Mr. FRY, from the Committee on Revolutionary Pensions.

Mr. BOON, from the Committee on Public Lands, reported a bill to amend the act of June 30, 1834, granting lands to certain exiles from Poland; which was read twice.

Mr. BOON moved that it be ordered to be engrossed.

Mr. GRANGER, after a few remarks, expressed a wish that the bill should be permitted to lie on the table for the present, as he desired an opportunity to examine its provisions.

Mr. BOULDIN said he was not like the gentleman from New York, [Mr. GRANGER,] who had just taken his seat. He (Mr. B.) would vote for this bill in no stage. If it took from the grantees anything, he would not vote for it. He would not rob a robber, much less a beggar. If it added to their grant the breadth of a hair, he would not vote for it. Why should we grant land to the Poles? Were they meritorious? Our own citizens are equally so. Were they poor? Our own citizens, many of them, were as poor as anybody. Do we wish to encourage rebellion in foreign countries? This would hazard our safety --our name as an honest nation—our character as a wise and prudent people. These he would not hazard on any consideration. But here there was nothing to hazard, unless we did it willingly and unnecessarily. We had jewed, screwed, he was sorry to say, almost shuffled with, our old revolutionary soldiers, in relation to their claims, and had given these foreigners their thirty-six sections of land, of six hundred and forty acres each, which he understood had been selected on both sides of a river for many miles up and down, including the improvements of many who had spent their lives and risked the lives of their families to obtain from the Indians the very land now given to the Poles. He said he would contrast the conduct of the Government in relation to their own citizens with that of the Government in relation to these foreigners.

Mr. CONNOR rose and said, he was sorry to be obliged to interrupt the gentleman from Virginia, but he must call for the orders of the day.

Mr. BOULDIN was quite willing to conclude his remarks either then, or whenever the bill should again come up in its order.

Mr. JOHNSON, of Kentucky, asked the consent of the House to permit him to report from the Committee on Military Affairs a bill from the Senate providing for the appointment of three additional paymasters of the Army. His object was to act on the bill forthwith, inasmuch as the public service was suffering, and he had received a communication from the executive department urging the speedy passage of the bill.

The motion was objected to.

POST OFFICE DEPARTMENT.

In execution of the special order of Friday last, the House resumed the consideration of the bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof.

The question pending was on concurring with the Committee of the Whole in their proposition to amend the bill, by inserting the following clause:

SEC. 38. *And be it further enacted*, That from the thirty-first day of December, one thousand eight hundred and thirty-six, the following rates of postage shall be charged upon all letters and packets carried in the mail of the United States, excepting such as are by law exempt from postage, to wit:

For every single letter, or letter composed of one piece, carried not exceeding fifty miles, five cents.

Over fifty, and not exceeding one hundred miles, ten cents.

Over one hundred, and not exceeding two hundred miles, fifteen cents.

Over two hundred, and not exceeding four hundred miles, twenty cents.

Over four hundred, and not exceeding eight hundred miles, twenty-five cents.

Over eight hundred miles, thirty cents.

And for every letter or packet composed of two pieces, double these rates; and for every letter or packet composed of three pieces, triple these rates; and for every letter or packet composed of four or more pieces, quadruple these rates: *Provided*, That all letters and packets of one ounce avoirdupois in weight, or more, shall be charged single for every quarter of an ounce.

The question pending was the motion of Mr. MARTIN, to reconsider the vote by which the following amendment was adopted:

Retain the first clause of the section, and strike out all after the 7th to the 15th line of the section inclusive, and insert "Over fifty miles, and not exceeding one hundred and fifty, ten cents; over one hundred and fifty miles, and not exceeding four hundred, fifteen cents; over four hundred miles, and not exceeding eight hundred, twenty cents; over eight hundred miles, twenty-five cents."

Mr. CONNOR produced a letter from the Postmaster General on the subject of the tariff of postages, and giving a detailed statement of the revenue derivable from the various rates of postage. By the old plan, the revenue therefrom amounted to about $3,000,000. By the plan of the committee, there would be a loss on the smaller rates of $281,152, and a gain on the larger of $188,408, being a total loss of $92,744. But by the amendment, if adopted, there would accrue a loss of $549,417, which would at once suspend and put an end to all chance of increasing the facilities of mail transportation, and of opening new routes. The letter was of great length, and entered into a great variety of details in reference to the point, and earnestly recommended that either the proposition of the committee should be adopted, with the modification of reducing the rate of letters over eight hundred miles, from thirty cents to twenty-five, or otherwise to retain the old rates.

Mr. MARTIN explained the reasons that had induced him to change his opinion. He was assured that the amendment would cripple the Department, and he was in favor of the old rates.

Mr. HAWES was in favor of the old tariff, and should vote both against the amendment and the proposition of the committee.

Mr. McKENNAN was in favor of the present rates; for he had heard no complaints from his constituents, and he did not believe any change was desired.

Mr. PARKS entered into an explanation, showing that the proposition of the committee would injuriously affect his constituents. He hoped that the vote would not be reconsidered, or that the House would retain the old tariff.

After some further remarks from Messrs. HUNT, MILLER, VINTON, REED, LAWRENCE, BRIGGS, WILLIAMS of North Carolina, JOHNSON of Louisiana, DENNY, GILLET, MANN of New York, TAYLOR, EVERETT, PEARCE of Rhode Island, and SMITH,

Mr. PHILLIPS asked for the yeas and nays; which were ordered.

Mr. GRENNELL moved a call of the House; which was lost.

The question on reconsidering was then taken, and decided in the negative—yeas 66, nays 81.

So the motion to reconsider was lost.

The question then recurred on agreeing to the section as amended.

Mr. LAWRENCE moved to amend the first clause of the same section by inserting 1837, instead of 1836; which was agreed to.

After some remarks from Messrs. PHILLIPS, VANDERPOEL, and DUNLAP, the question was taken on concurring with the Committee of the Whole in the section as amended, and it was decided in the negative—yeas 65, nays 91.

So the House refused to concur, and the clause was stricken out.

Mr. ADAMS moved to reconsider the vote by which the following amendment of the Committee of the Whole was concurred in:

SEC. 5. That the Treasurer of the United States shall give receipts for all moneys *received by him to the credit of the appropriation*. Strike out the words in italics, and insert in lieu thereof the following: "duly deposited to his credit in bank."

Mr. ADAMS addressed the House for some time in support of his motion, and in opposition to the amendment.

Mr. CONNOR explained that the clause had been amended to render it consistent with the present mode of conducting the financial affairs of the Department.

Mr. PARKER did not entirely approve of the clause as it had been amended. The word "bank" was too indefinite, too ambiguous; and by whom was the selection to be made?

Mr. McKAY thought all objection might be obviated by inserting another section or proviso, that the banks in which the money might be deposited should be selected by the Treasurer, under the direction of the Postmaster General.

Mr. MANN, of New York, said he saw no objection to restoring the clause as it was originally reported, and he hoped the motion to reconsider would prevail.

Mr. ADAMS did not approve of the suggestion of the gentleman from North Carolina, [Mr McKAY.]

The motion to reconsider was then agreed to; and the amendment was non-concurred in.

Mr. FAIRFIELD moved to non-concur in the following amendment:

SEC. 40. *And be it further enacted*, That in case the Postmaster General shall deem it expedient to establish an express mail on horseback, in addition to the ordinary mail, on any of the post roads in the United States, for the purpose of conveying slips from newspapers in lieu of exchange newspapers, or letters other than such as contain money, not exceeding half an ounce in weight, marked "express mail," and public dispatches, he shall be authorized to charge all letters and packets carried by such express mail with triple the rates of postage to which letters and packets, not free, may be by law subject, when carried by the ordinary mails.

Mr. FAIRFIELD said he hoped the House would not concur with the Committee of the Whole in adopting this amendment. He viewed it as a specimen of that course of legislation which had prevailed for so many years, that it might now be regarded as a system—that of legislating for the benefit of *the few*, regardless of the rights and interests of *the many*. The proposition is, substantially, to establish an express mail for letters and newspaper slips, to be carried on horseback at triple the present rates of postage This is, substantially, the proposition; for though the Postmaster General has now the power to establish an express mail, yet he has no power to increase the present rate of postage; and without such increase it cannot be supposed that such a mail would be established. It is true that the proposed amendment will still leave the matter to the discretion of the Postmaster General; but he and everybody else will consider the adoption or rejection of this amendment as an approval or disapproval of this project; and he will undoubtedly act accordingly. Mr. F. said he therefore felt himself justified in regarding this as a direct proposition to establish an express mail.

Now, sir, if we look at the places where this mail would probably be started, or the persons who are particularly interested in it, and who would avail themselves of it, no one can view it as a measure designed for the common benefit of the people, but rather one designed for a very few, and those who, to say the least of them, are

no more deserving of favors from the Government than others. Where, sir, will this express mail be established? Undoubtedly between the great commercial cities.

It can support itself nowhere else; and, indeed, it is very doubtful whether it could support itself there. It would, therefore, be confined not only to the large maritime cities, but to a very few of them—say those between Boston and Baltimore. The class of persons who would be particularly benefited by it, would be the *speculators*. It would be lending the aid of the Government to speculators, and those who are not content to pursue business in the regular ordinary mode. It is well known that there is a class of men in all our large cities, who devote themselves (or many of them) to no regular calling, but who are constantly on the watch, to avail themselves of the fluctuations of the market, to speculate out of those who are quietly pursuing their business with habits of industry and frugality, content with their gains, which, though slowly, are honestly acquired, and which will be likely to endure. If, for instance, on an arrival from abroad bringing information of a great rise in the price of any particular article, or such information as renders it probable that there will be a scarcity of any particular article, these speculators, by means of agents, immediately buy up and monopolize all of that article there is in the country—after which, they sell back again to the people, at prices affording to the speculators enormous profits. And these are the men who are to be particularly benefited by the proposed express mail. Take, for illustration, a case similar to the one alluded to a few days since, though for another purpose, by the chairman of the committee who reported this bill. Suppose that, by an arrival at New York from Liverpool, information is obtained of a great and sudden rise in the price of cotton. Thereupon the speculators immediately dispatch instructions to their agents at the South, through the express mail, and cause the whole crops of the planters to be purchased up at prices far below what might have been obtained if the owners of the cotton had been aware of the facts, and information of the state of the market had been communicated by the regular and ordinary mail. Here, the profits on the cotton would not go into the pockets of him who had raised it by the sweat of his brow, but into the pockets of the prowling speculator, who lives upon the industry of others. It is for the benefit of this class of men that the express mail will be established. I know it may be said that this express mail will be open and free for every one who chooses to avail himself of it, and that the planter, in the case supposed, can procure information by means of it as early as the speculator or his agents. This is all plausible enough in theory; but how would it be practically? The speculator is constantly upon the alert; and, immediately upon the receipt of information affecting materially the price of any article—say cotton—he dispatches instructions to his partners or agents. But will the planter have in all the commercial cities those sufficiently interested in his affairs to be equally on the alert with the speculators to obtain information, and equally ready and early to communicate it? Such a supposition cannot be entertained. Such *friends* are not to be found every day; and to hire a host of agents for this purpose would be burdensome and oppressive in the extreme.

But, saying nothing of the speculators, I ask (said Mr. F.) if it would not in practice be giving one class of merchants an advantage over others? It was not to be supposed that *all* would adopt this mail for their correspondence, unless, indeed, in the way of self-defense, they were all compelled to resort to it; in which case it would be imposing a heavy burden upon the young merchant who had just commenced business, and perhaps with a small capital. To the wealthy merchant, him who is worth his hundreds of thousands, this triple postage would be a matter of no consequence; but it would be far otherwise to men of smaller capital, but who are quite as much deserving of aid from the Government as the more wealthy. The probability is, therefore, that all would not avail themselves of this express mail; it would be confined to a few—those who are rolling in wealth, and care nothing for the extra expense—and those "neck or nothing" men who, in all their transactions, are willing to incur extraordinary expenses in the expectation of reaping extraordinary profits; in which case it will be perceived, that in most of the sales and purchases in our commercial cities, particularly in regard to sales to country retailers, one party would be acting upon information obtained by the express mail, not possessed by the other. The wholesale dealer might know precisely when it would be for his interest to yield a little in his demands, and when to persist in his demands for an exorbitant price. The operations, therefore, of this mail would be *unequal*. In *practice*, whatever it may purport to be on the face, it would be conferring advantages on one class to the injury of another. Entertaining these views, sir, I feel bound (said Mr. F.) to oppose the concurrence of the House with the Committee of the Whole in adopting the proposed amendment.

Mr. HARPER opposed the motion, and went on to show that an express established by law would be the surest safeguard against the impositions of the speculators.

Mr. PARKER moved to strike out the words "on horseback;" which was agreed to.

The section as amended was then concurred in—ayes 85, noes 38.

Mr. HOWARD moved to non-concur in the following amendment of the Committee of the Whole:

SEC. 44. *And be it further enacted*, That the Postmaster General shall be authorized to contract for the transportation of the mail on railroads by the most expeditious means: *Provided*, He shall be enabled to do so for a price not exceeding double that which is usually paid for equal freight on the average on such railroads, on ordinary merchandise."

Mr. H. called the attention of the House to the fact that the section gave less than was offered by the Postmaster General.

Mr. HAWES hoped the House would concur, so that the Postmaster General might be so limited as to prevent the Government from being imposed upon. He hoped so, also, for the very reason assigned by the gentleman from Maryland, because the Postmaster General offered too much.

Mr. BOULDIN said he would vote for this or any other check that could be put on the monopoly of these railroads. Should a connection of these railroads and steam conveyances be made between New Orleans and New York, and the combinations be formed which the gentleman from Pennsylvania [Mr. ANTHONY] had suggested, we should be perfectly at the command, and under the thumb, of these companies. They would have the command of the commerce of the whole Union. They would not carry the mail for millions a year, because they could speculate on the market, and no private conveyance could compete with them. To make a parallel rail and steamboat route would cost immense sums, and, from the opinions of the southern politicians, could not be made. Mr. B. said he would therefore throw every obstacle in his power in their way, and give no encouragement to them, until it should be understood distinctly, in every case, upon what terms they would carry the mail. He knew he could not break up the present railroads; but he would now inform them, that by his vote they could get no encouragement, without it being first understood upon what terms the mail would be carried. It made no great odds whether intelligence be carried in one day or five, provided all get the information at the same time. But if these monopolies obtain these privileges, and by steam carry information faster than any private conveyance can carry it, we shall be perfectly at their command. Mr. B. would, therefore, not encourage them by giving exorbitant prices for carrying the mail, and would assure them of it by voting for limiting the Postmaster General according to the provision proposed in the bill.

The debate was further continued by Messrs. HOWARD, ANTHONY, CONNOR, DICKERSON, WARDWELL, MANN of New York, PARKER, BELL, MERCER, McKIM, VANDERPOEL, PEARCE of Rhode Island, JUDSON, BRIGGS, THOMAS, and MASON of Virginia, when

Mr. PARKER moved a further amendment; which was negatived.

Mr. MASON, of Virginia, moved to strike out the proviso in the section as reported from the committee; but subsequently withdrew the motion.

Mr. EVERETT moved a substitute for the section; which he withdrew.

The question was then taken on concurring with the committee in the adoption of the foregoing section, and determined in the negative—ayes 60, noes 63.

Mr. ASH moved that the House adjourn—ayes 71, noes 44.

The House then, at half past six o'clock, adjourned.

IN SENATE.

WEDNESDAY, *June* 1, 1836.

The following messages, in writing, were received from the President of the United States, by Mr. DONELSON, his Secretary:

WASHINGTON, *June* 1, 1836.

To the Senate:

I transmit herewith to the Senate a communication which has been received from Mr. B. F. Curry, in answer to a call made upon him by the President, through the War Department, in consequence of the serious charges which were preferred against him by one of the honorable members of the Senate. It seems to be due to justice that the Senate should be furnished, agreeably to the request of Mr. Curry, with the explanations contained in this communication, particularly as they are deemed so far satisfactory as would render his dismissal from the public service, or even his censure, undeserved and improper.

ANDREW JACKSON.

WASHINGTON, *May* 31, 1836.

To the Senate:

I transmit herewith the response of Samuel Gwin, Esq., to the charges affecting his official conduct and character, which were set forth in the evidence taken under the authority of the Senate, by the Committee on Public Lands, and which was referred to the President by the resolution of the Senate bearing date the 3d of March, 1835. This resolution, and the evidence it refers to, were officially communicated to Mr. Gwin by the Secretary of the Treasury, and the response of Mr. Gwin has been received through the same official channel.

ANDREW JACKSON.

The messages having been read,

Mr. BENTON observed that, with respect to the paper last referred to, the answer of Mr. Gwin to the charges made against him on that floor, he should, as an act of justice to that gentleman, move that it be printed. The Senate directed investigations to be made which involved his official character and conduct, and which he thought, from the nature of the instructions under which they were carried on, were entirely *ex parte*. The instructions to the commissioners who were to take the depositions were partly to this effect:

Here Mr. B. read from the document as follows:

"It is not expected that you are to give notice to any one of the time and place of taking depositions; nor will any one be permitted, either as principal or counsel, to interfere with you in the performance of your duty; but you may, at your option, furnish to any officer who resides at a convenient distance copies of any depositions in which he may be implicated. This, however, is left to your own discretion."

The instructions went on to say that, if the commissioner deemed it proper to have counsel, the fees paid for such purpose would be allowed him.

Mr. WALL inquired who these instructions were signed by?

Mr. BENTON answered that they were signed by George Poindexter, chairman of the Committee on Public Lands. He apprehended that these proceedings were a novelty in the history of this country, or in that of Great Britain, and he trusted that they never would occur again. Mr. Gwin having become acquainted with the manner in which these investigations had been carried on—depositions to be taken in the dark without giving him an opportunity to be heard in his defense—counsel to be feed against him, &c., had collected a mass of testimony for the purpose of defending himself, and rebutting the charges made against him; and all that was now asked was that this defense might be printed, and sent abroad in the same manner as the accusations against him had been.

Mr. WALL said he would be glad to know if these instructions were the act of a committee of the Senate, or of the man whose name was signed to them. They seemed to him to be at war with everything like justice.

Mr. BENTON, in answer, read the resolution of the Senate under which the Committee on

Public Lands were directed to make examinations in relation to alleged frauds with respect to the public lands, and the resolution authorizing the chairman of the committee to continue the examinations in the recess of the Senate. It seemed, therefore, that the instructions emanated from the Land Committee, and were sent by their chairman, George Poindexter.

Mr. CALHOUN said that he knew nothing at all relative to the charges made against Mr. Gwin; but it appeared to him that the regular course would be to refer the whole subject to the Committee on Public Lands. If Mr. Gwin had satisfactorily refuted the charges made against him, or had not succeeded in doing so, the fact would appear by the report of the committee. The best way of doing justice to all parties would be to subject the whole matter to the investigation of a committee.

Mr. EWING, of Ohio, hoped that the reference to the Committee on Public Lands would not be made. The charges against Mr. Gwin had been made two years ago. He (Mr. E.) was not a member of the Committee on Public Lands at that time, and there were very few of that committee who were now in the Senate. If the reference proposed were not perfectly idle, the effect would be to renew the investigation into the charges against Mr. Gwin, together with his defense.

Mr. BENTON was also opposed to the reference. He did not want to see any committee of that body sit as inquisitors on a citizen of the United States. It seemed to be carrying the business of extra-judicial impeachments beyond anything yet sanctioned by the people of this country, or warranted by the Constitution. They had seen enough of these inquisitorial proceedings in that body. The whole thing was wrong from its inception; it began wrong, it went on wrong, and it ended wrong. The Senate had got itself into a false position, and could not get forwards or backwards without another false step. The most becoming thing they could now do was to drop the whole affair, and print the papers, in order to allow the defense to take the same direction that had been given to the accusation. It would sound strange to the ears of the people of the United States, that the Senate of 1834, which set itself up to rectify all the abuses in the country, should issue a commission to investigate the character and conduct of an individual, and expressly forbid the commissioner to give any information to the accused of the time and place of taking depositions against him, or to permit any person to interfere with the performance of his duty, though he might, at his option, give copies of such depositions to any officer implicated who might reside within a convenient distance. Sir, (said Mr. B.,) the whole thing is wrong from beginning to end, and they had better have done with it at once. All that was asked by Mr. Gwin was, that as these charges against him had been printed, and made a part of the public documents, his answer should also be printed and put upon the record.

Mr. EWING, of Ohio, was not disposed to answer in behalf of the gentleman who was chairman of the Committee on Public Lands at the time these investigations were ordered. If that gentleman was here he could answer for himself. With respect to frauds on the public lands, it was right that each branch of Congress should enter into investigations to ascertain them, and apply the proper remedy; it was right that they should not be permitted to pass without investigation. He should not undertake to say whether these investigations were conducted properly or otherwise. The gentleman who conducted them was not here to explain that matter; but he thought the Senate ought not to exhibit any great anxiety to get out of this matter, because the investigation was a very proper one, and under the circumstances then existing, the Senate could not have done otherwise than order it. It was not his purpose now to inquire whether these investigations were conducted properly or not; all he rose for was to object to the reference to the committee of a matter long ago passed over. It could not now be referred for the correction of a present evil, but to pass judgment on what had heretofore been done.

Mr. KING, of Alabama, observed that the matter had now gone by, and he could not but express his regret that such unsuccessful efforts should have been made to resist a course of procedure calculated to do the greatest injustice to individuals who held office under this Government. He said then, what he thought now, that it was an act of great injustice and oppression, to give power to the committee to enter into investigations touching the moral and official conduct of an individual, that individual being absent, and unable to defend himself, without giving him an opportunity of knowing what was charged against him, and of refusing the testimony that might be offered. The Senate, however, passed the resolution giving this power to the committee, with power to send for persons and papers; and they went on with their examination till towards the end of the session, when they represented that they were unable to bring matters to a close, and requested that the examinations might be continued by their chairman. The chairman himself laid a resolution to this purport on the table; and, to his astonishment, as well as of others, the resolution was sustained by the Senate.

Mr. K. here read the resolution.

The resolution was laid on the table, and taken up for consideration on a subsequent day, when the Senator from New York [Mr. WRIGHT] proposed to amend it by doing that which ought always to be done — to guard the rights of individuals, and enable them to come forward and defend themselves, when testimony was offered impeaching their characters as honest men and public officers.

[Mr. K. here read Mr. WRIGHT's amendment.]

This, as he said, was the amendment proposed to the resolution giving unlimited power to the chairman of the committee to enter into examinations, without giving notice to the party whose conduct was to be inquired into, and whose morals were to be impeached; and astonishing as it was, this amendment was negatived by a vote taken by the yeas and nays.

[Mr. K. then quoted the yeas and nays from the Journal of the Senate.]

Thus, then, was this immense power given to a single individual, to go through the country to make any inquiries he thought necessary, and to incur any expense he might think proper, (and they had had evidence this session of the extent to which this expense had been carried,) refusing any limitation or restriction whatever. This having been done, it was but an act of justice, on the part of the Senate, to give to the individual thus implicated an opportunity of having his defense placed by the side of the accusation. Let the testimony in favor of Mr. Gwin circulate as widely as did that against him, and then only can anything like justice be done him. As to any action by the committee, he agreed with the Senator from Ohio, [Mr. EWING,] that it was out of the question, and therefore a reference was not necessary.

Mr. PORTER was one of those who voted for these resolutions, and the responsibility that he took, on that occasion, he was perfectly willing to justify. He averred that the Senate formed no incorrect conclusions on that occasion, and that its conduct was not oppressive and unjust, as alleged. It could have taken no other course than the one it did, without defeating the object in view. Many believed that the greatest frauds were carried on in the sales of the public lands, and an inquiry was, therefore, absolutely necessary. But what was the nature of the inquiry? It was not into the conduct of any particular officer of the Government, but the inquiry was directed to be general as to all the land offices. If representations were made now that frauds were committed in any one branch of the Government, would the Senator from Alabama refuse to institute an inquiry because a particular officer of the Government might be implicated, and the Senate be called on to impeach him? Was it not common, in the governments of all other countries as well as this, to institute inquiries into the conduct of their officers, to ascertain whether frauds had been committed? And was it ever heard of before that such investigations should not go on because frauds were alleged against individuals? It was said that the resolution was extraordinary, because no opportunity was allowed the individuals who might be implicated to defend themselves by a cross-examination of the witnesses. But was there a charge against any individual? The inquiry was to be a general one; and would it therefore be right to give notice to every individual who might be supposed to be implicated to come forward to disprove what might be alleged against him? It would be very extraordinary, indeed, if it should have been thought necessary to all who might by possibility be involved in the inquiry. Mr. P. here read the resolutions and instructions of the committee, commenting on them at some length, and justifying them as proper and necessary for the occasion. The motion of the Senator from New York to amend, that had been referred to by the Senator from Alabama, was resisted on the ground that the resolution was a mere matter of inquiry, no person believing that any judgment was to follow it—that it was purely intended as a foundation for legislative proceedings. It was to proceed like a grand jury; and he recollected that it was averred at the time, that this investigation would tend to the injury of no person whatever, because no judicial proceedings would be gone into without giving time to any person implicated to offer evidence in his defense. If any person was to be tried, it was on all hands determined to give him an opportunity to come forward and exculpate himself before any further action would be had. Mr. P. thought, therefore, that there were no grounds for finding fault with the proceedings of the Senate. The investigation was a general one, and while it was going on, it would have defeated its objects to give notice relative to the depositions that were to be taken. Mr. P. had no objection to placing these papers on the files of the Senate. If the individual had any evidence, he had rather receive it than his allegations; but he thought the whole matter ought to be referred to the examination of the committee.

Mr. CALHOUN very much regretted that the chairman of the Committee on Public Lands should object to the reference of this paper. His object was that full justice should be done to Mr. Gwin, to Mr. Poindexter, and to the Senate. He would not agree that the Senate had not the right to inquire into the conduct of public officers when serious frauds had been charged against them, as he had heard alleged on that floor. Serious frauds had been alleged against Mr. Gwin, and among other charges was that he had amassed a large fortune in a very short time. This, alone, was very suspicious, and an investigation was ordered. The session was a short one, and the committee reported they could not get through with the examination before its close—the chairman proposing, by a resolution, that he should be authorized to go on with the examinations in the recess. This was agreed to. He did not now purpose to inquire whether these examinations were conducted properly or not. One thing was now assumed here, and that was the innocence of Mr. Gwin and the guilt of Mr. Poindexter. Now, something was due to the absent, and an investigation by a committee was necessary before coming to the conclusion that Mr. Poindexter was culpable. Now, as these papers had taken an accusatory course against Mr. Poindexter, he would ask, was that gentleman called on for his evidence? Was he notified that he was to take Mr. Gwin's place, and that depositions were to be taken to implicate him? Was this an *ex parte* examination? If it was so improper on the part of the Senate to clothe Mr. Poindexter with these extraordinary powers, he would ask, were they prepared to sanction the same thing done by the Executive, who had given to Mr. Gwin, or somebody else, the power to examine into the conduct of Mr. Poindexter?

Now, they were called on to vote in the dark for the printing of these papers, of which they knew nothing, for the purpose of implicating Mr. Poindexter and the Senate itself. He took it for granted, that the inquiry into alleged frauds relative to the public lands was a proper one; and if Mr. Poindexter abused the power with which he was intrusted, it was not the fault of the Senate; and the fact, whether this was so or not, could be best ascertained by the examination of a committee. They had been told that there was

nothing for the action of a committee. Now, he thought otherwise. The character of an officer of the Government had been implicated—he had been charged with an abuse of office, and his defense was before them. Now, if Mr. Gwin was innocent, he ought to be called so. When he voted for the inquiry, his object was to do justice to Mr. Gwin and to the public; and in voting now for the reference he had the same object in view. Justice both towards Mr. Gwin and one who had formerly been a member of that body required the reference. If they condemned Mr. Poindexter, it ought to be with their eyes open. They all knew what an arduous task a Senator in high party times had to perform, and how liable the strict execution of his duty was to subject him to censure. No member of that body would be willing that his conduct should be censured after he left here, without an examination; and he called upon gentlemen, by what was due to themselves, as well as to justice, to vote for the reference.

Mr. SHEPLEY said, if the Senator from Louisiana [Mr. PORTER] understands that the investigations of the Committee on Public Lands were extended only to inquiries of a general charracter into alleged frauds in the sales of the public lands; that they were designed for legislative purposes only; and that they did not relate to individual characters, as his remarks would lead us to suppose, he is greatly in error.

The language of the resolution of the Senate, giving the chairman of the committee the power to make an *ex parte* inquiry during the recess of Congress, is, in some respects, expressed in general terms. But the resolution directs the chairman to *proceed in the investigation* which had been prosecuted during the session, and thus refers to the original resolutions by virtue of which the investigation had been commenced.

I find those resolutions in the Journal; and to enable the Senate to come to a correct understanding of the character of the investigation, I will read an extract from one or two of them. In the third resolution is found this language:

"That the committee be instructed to inquire whether the registers of the land offices and the receivers of public moneys at any of the land offices of the United States, or either of them, have, in violation of law and of their official duties, demanded or accepted a bonus or premium from any purchaser or purchasers of the public lands at public or private sale, for the benefit of such officer or officers," &c.

And the following language is found in the fourth resolution:

"And whether any register or receiver has, at any time, taken in payment the promissory note of any purchaser or purchasers, bearing an interest, to accrue to the benefit of such register or receiver."

Sir, it is very difficult for me to understand how such language can be said not to authorize investigations into the conduct and characters of individual men. If the object was only to enlighten us in regard to our legislative duties, it would not seem to be necessary to inquire whether a register or receiver had violated the law and his official duties.

What were the facts, it might be proper to inquire, to enable us to legislate; but, whether the man had been guilty of a violation of law and of official duty, was an inquiry directly involving individual character; and it does not seem to be necessary for mere purposes of legislation.

It was well understood, at the time the resolutions passed, to involve individual character; and, as the Senator from South Carolina [Mr. CALHOUN] has remarked, Mr. Gwin was openly charged by the chairman of the Committee on Public Lands with a gross violation of official duty.

Such was the language of the resolutions, and such were the circumstances in which it was proposed to enter upon the investigation.

I then thought, as I now think, that it was due to the officer implicated, due to the character of the Senate itself, and due to truth and justice, that the investigation should not proceed in secret, so that the accused could know nothing of the attempt to destroy his character—could have no opportunity even to know the persons who would appear against him, much less to cross-examine them, or to introduce any explanatory or rebutting testimony.

Feeling that the first principles of justice were to be violated in such a proceeding, I offered an amendment to the fifth resolution. It is thus stated on the Journal:

"On motion of Mr. SHEPLEY, to amend the fifth by striking out all after the word 'committee,' and inserting, 'have power to cause testimony to be taken on oath, where any misconduct is supposed to have taken place touching the matters aforesaid; and in case any person is implicated, such person to be notified, and be entitled to introduce testimony in exculpation of himself, and to cross-examine all witnesses introduced against him.'"

This proposed amendment was rejected upon a division, by yeas and nays—a party vote.

And thus did the Senate deliberately enter upon an investigation directly impeaching individual character, and at the same time refuse to the individual all opportunity of being heard.

A proceeding thus commenced in wrong could be expected to end only as it has done—in wrong.

Commencing thus before a committee of the Senate, the investigation was continued during the recess of Congress by the resolution before referred to, when another attempt was made by the then minority to obtain for the persons implicated an opportunity to be heard, and without success. It is now, after two years have elapsed, that testimony is offered, said to disprove the charges made against the officer; and we now are asked to refuse to print this testimony, that it may be placed upon our records with that which was thus secretly obtained and placed on record against him. I trust we may no longer continue to act a part so unjust. This testimony should be printed with our documents, that an opportunity may be afforded to judge of the truth of the whole matter.

Mr. MANGUM said he voted for the resolutions, and against the amendments; and in doing so, he thought that he did what was not only proper, but absolutely necessary, under the circumstances then presented to him. It must be remembered that, in 1834, the entire southern country was rife with reports that frauds had been committed with respect to the sales of the public lands in the Southwest. He recollected that, when he first came into the Senate, he brought with him such impressions. There was a general impression that such frauds had been practiced, and, under such circumstances, the investigation was ordered. What, then, did this investigation propose? It was not to inquire whether A, B, or C, was guilty, but to inquire whether abuses existed in the land offices, for the purpose of applying a legislative remedy. They were informed on that floor, that in the State of Mississippi it was worth a man's life to breathe a whisper in relation to these frauds, and that men would not give their depositions, if the parties implicated were to be present. It was under these impressions that he was willing, at this incipient stage, to give this power to the committee. How could such investigations affect an individual? The President would not remove him from office on *ex parte* testimony. But it was said that the character of an individual would be affected. Was it believed, at the time, that the Senate would adopt a report without giving every individual an opportunity of defending himself?

He did not concur in the doctrine, that the Senate had no right to enter into inquiries into the official conduct of officers of the Government. He held it to be their duty to ferret out corruption wherever it is supposed to exist. He was free to say, that he did not approve of the instructions of the chairman to the commissioners, as to the manner of their taking depositions, and he was, for that reason, willing to vote for the printing of the answer of Mr. Gwin. Although, without having seen this paper, he believed that it assailed the chairmain of the committee and the Senate with virulence, yet, as he deemed the instructions under which the depositions were taken to be wholly irregular, he was willing to give to Mr. Gwin an opportunity of being heard, by voting for the printing of his defense.

Mr. BENTON observed that it would conduce to a right view of the subject to take a brief view of the whole subject. They all recollected the charges that had been made against Mr. Gwin; and although his name was not put in the resolution, yet all knew that the inquiry was commenced against him and directed against him. He had said that the Senate had put itself in a false position with regard to this whole affair, and he would take it upon himself to prove it. He would take what Senators now said, to the right and left, and compare it with what they had done. They now stated that this movement was incipient; that it was like a grand jury proceeding. Here, then, was an inquiry instituted against an officer of the Government; and it was said that the committee being a grand jury, was not bound to give notice to the party whose conduct was to be inquired into. Every gentleman who justified the course of the Senate, must put it on this ground. The examinations being thus conducted, the commissioners who were charged with taking testimony were informed that it was not expected that they should give notice to any person of the time and place of their taking depositions, &c. And here he would observe, that the three commissioners appointed to take testimony against Mr. Gwin, were in a state of violent enmity with him, and that one of them had since fallen by his hand. Then what was the testimony that had been returned to the Senate? Why, it was impeachable matter, charging him with malversations in office, and filled with the strongest epithets. What, then, did this Senate do, when their grand jury returned to them this impeachable matter sworn against Mr. Gwin? Why, the very next step of the Senate was to admit that it was in a false position, and that they could go no further. They directed that five thousand copies of the testimony taken *ex parte* against this officer of the Government, should be published. What was the next step? Was it to take measures for an impeachment? Why did they not do this? It was the next regular step. There was nothing that they could do, following from the documents before them, bnt impeach; and he now declared, as a Senator, that upon such testimony, with nothing to counteract it, he should, on an impeachment, vote the officer guilty, and eject him from office. Why did they not proceed? They had impeachable matter enough on hand. Why did they stop? It was because they found that they could go no further without implicating themselves. What did they do? Did they frame a law? No. Did they frame an *ex parte* impeachment like the one they did against the President of the United States? No. *Imprimis*, they ordered five thousand copies to be printed, and in the next place referred the whole affair to the President, in order that he might dismiss the accused from office. Why did they send this impeachable matter to the President? What did the President do? He sent a copy of the report to every officer implicated. This, he presumed, was the President's course, for it was the just one. One of these implicated officers had returned an answer to the charges against him, and this answer was now sent to the Senate. What a strange condition the Senate was placed in. They commenced an impeachment, collected an abundance of impeachable matter, and then sent it to the President, who sends a copy of it to the officer impeached, who was not allowed a hearing while his trial was going on; and the answer of that officer was now sent back to them. Since the movement now was to refer these criminal charges that had been made two years ago, and then shuffled off, and which were now brought home to them, he had no objection to that course, because he wished to see how the committee would act on them—to see whether they would bring in a resolution to send the papers to the House of Representatives, for the purpose of having an impeachment framed. Sir, (said Mr. B.,) the Senate has got itself into a false position. It is in the same position it was in when it shoved off the affair upon the President. It could not go on with the business. Could they try the impeachment? He apprehended not. No member, he thought, would lay a resolution on the table, declaring that Samuel Gwin was guilty, and ought to be impeached.

The debate on the expunging resolution had circulated too widely for gentlemen to venture on that. The gentleman from Ohio had said that he would never refrain from inquiring into frauds for the purpose of applying the proper remedy. Why, then, did not the gentleman go on? Here was impeachable matter sworn to, and let the gentleman proceed with it. He would tell the gentleman that the Senate would be ruined if it

went on much further with these extra-judicial proceedings. The matter had gone far enough already; and if they went further without the House of Representatives, they would violate the Constitution.

Mr. EWING, of Ohio, replied to Mr. BENTON at length, and contended that the resolutions of the Senate, and the manner of conducting the inquiry, were proper—necessary to attain the object in view. He did not believe that information could have been obtained if notice had been given of the time and place of taking the depositions; and instanced the investigations that were made by the Post Office Committee, calling upon the chairman to inform the Senate how these were conducted, and whether, in his opinion, correct information could have been obtained if they had notified the parties implicated of the time and place of taking depositions.

Mr. GRUNDY, being thus called on, replied that, when the Post Office Committee were about to enter on their examinations, they came to the determination unanimously, that their best course would be to take depositions without giving the parties implicated notice of the time and place of so doing. This was done in every case; but when the testimony in each case was concluded, he, as the chairman of the committee, notified each individual implicated of the matter brought against him, and called upon him to defend himself.

He did not believe that correct information, with regard to matters before the Post Office Committee, could have been obtained by any other mode of inquiry.

Mr. SOUTHARD proceeded to take a view of the reasons which induced the Senate to institute the inquiries referred to. Early in the session of 1834, complaints in a great variety of forms were made in regard to frauds in relation to the lands ceded by the Choctaws, and in regard to the conduct of the commissioners under that cession. Subsequent charges were made as to extensive frands that had been committed, not only in Mississippi but in other States; it was not against one man, but against the general administration of the Land Offices. The question, then, before the Senate is, will it do anything to arrest these frauds and make the necessary inquiries for the purpose of ascertaining how they can be arrested? This was his inquiry. He had no reference to Samuel Gwin, or to any other single individual. His only object was to ascertain whether such frauds had been committed, and how they could be prevented by the legislation of Congress. The votes he gave were governed by these considerations, and no other. If anything improper had been done in conducting the inquiry, it did not prove that it ought not to have been instituted. Every step in that inquiry was directed by its legislative action, and every other step was accidental. Mr. S. read the different proceedings on the subject from the Journals of 1834. The inquiries were general in order to ascertain what legislation was necessary, and the Senate would find, by reference to the Journals, that an act was reported, a fact omitted in the discussion of this morning. Suppose, in the course of the investigation, they should find that an officer had received a bonus for the sale of a tract of land, would it not be proper for them to introduce a resolution providing for the introduction of a law to prevent such acts for the future? not to go back to punish the officer who was guilty, for that would be too late, but for the purpose of framing a law that would guard against such frauds in future. The Senate would find, on looking at the whole proceedings, that legislative and not judicial action was contemplated from beginning to end.

By a resolution introduced by Mr. POINDEXTER, the inquiry was pursued through the Treasury and War Departments, and the answers from these Departments did not come in until the 13th of June. On the 22d of June, Mr. POINDEXTER offered a resolution authorizing the chairman to proceed in the investigations already commenced. Now, what then was the duty of the Senate? The Secretaries of War and Treasury had made their communications, and the committee had reported that they could not conclude their investigations that session. The inquiry was, should they stop there? Everybody believed that stupendous frauds had been committed; it was too late to deny the fact now; and he for one thought that these investigations should proceed. And as it would have been impossible for the committee to go to the different States where these examinations were to be made, Mississippi, Alabama, Ohio, Michigan, &c., he had no difficulty in coming to the conclusion, that it would be proper to trust the further prosecution of the business to their chairman. They could have continued the inquiry in no other mode. He was not here the apologist of the chairman, but he thought that justice should be done to him, as well as to others. Well, then, it was proper to make these investigations by depositions. If it was not so, it was wrong for the Post Office Committee to do so. The testimony could not be justly taken in another way. If there had been error in the chairman of the committee, the Senate was not to answer for it. If blood had been shed, in consequence of the manner of conducting these inquiries, the Senate was not chargeable; they did not direct that the inquiries should be made in an improper manner. They only directed that the inquiries should be made by depositions.

He would not defend the instructions to the commissioners; but would say that, if instructions had been given to them to give notices to the parties implicated, and to take their counter testimony, such proceeding would constitute the commissioners into a criminal court for the trial of individuals, and to make the inquiry a criminal process, instead of a foundation for legislative proceedings. These were the views on which he voted. The result was, that at the succeeding session, the chairman [Mr. POINDEXTER] made a report, accompanied by a resolution, that the charges be referred to the President of the United States. Where, then, was the voice that is now raised against the judicial proceedings of the Senate? No man pretended to say then that the Senate had placed itself in a false position. Mr. S. proceeded at length to defend the propriety of this course on the part of the Senate. It was said that the whole affair was ended by printing the report, and its reference to the President; but this was a very incorrect view of the subject—the reference to the President was merely incidental; but on the very day the chairman reported a bill, with the very view of fulfilling the purpose for which this inquiry was made, being a bill of six pages, to provide against the commission of these frauds. Was it true, then, that the inquiry was fruitless, and that it ended in the reference of this subject to the President? No; the result of that investigation would be found in the bill that had been reported, and would be found in the labors of the Committee on Public Lands, who had made use of this very information, and would very soon place before them a bill which would show how useful that inquiry had been. Where, then, was the evidence that the Senate had placed itself in a false position?

Mr. CALHOUN agreed partly with his friend from North Carolina, but was clearly of opinion that the printing ought to be after the report of the committee.

Not a single Senator had read the whole of this evidence; not a Senator knew whether it exculpated the officer implicated, or whether it implicated the conduct of the chairman; and in the dark they were asked to print the testimony. Now, he thought that to do justice to all parties, to Mr. Gwin himself, as well as others, the proper course was to refer it to a committee. If the object in sending this document here was to implicate a former member of that body, who had, in the discharge of arduous duties, been implicated, every principle of honor and justice required that they should be referred and examined before sending them abroad to the world. As to the dangerous doctrine that this body is not to look into malfeasances in office, it had been avowed here for the first time. Never had it been avowed in the British Parliament, from which we took our practice, nor had it been advanced in any of the State Legislatures. Such a doctrine would surrender entirely the legislative power of the Senate.

Mr. C. continued his remarks to some considerable length; after which,

Mr. WHITE and Mr. WALKER expressed themselves briefly in favor of printing.

The debate was further continued by Messrs. PRENTISS, MANGUM, PRESTON, PORTER, WALL, NILES, and BROWN, when,

On motion of Mr. PORTER to lay the whole subject on the table, it was decided in the negative, by the following vote:

YEAS—Messrs. Black, Calhoun, Crittenden, Ewing of Ohio, Goldsborough, Kent, King, Leigh, Mangum, Porter, Prentiss, Preston, Southard, Tomlinson, and White—15.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hubbard, King of Georgia, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, and Wright—20.

On motion of Mr. BLACK, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 1, 1836.

On motion of Mr. WHITTLESEY, of Ohio, and by general consent, sundry bills from the Senate on the table were taken up, read twice, and referred.

PENSIONS.

The bill entitled "An act to provide for certain pensioners of Virginia and Ohio," returned from the Senate with a verbal amendment, was also taken up, and the amendment concurred in.

CONVENTION WITH SPAIN.

The act to carry into effect the convention between the United States and Spain, returned from the Senate with a resolution declaring that the Senate insisted on their amendment, and ask a conference, was then taken up; and,

On motion of Mr. ADAMS, the House insisted on their disagreement to the Senate's amendment, and agreed to the conference asked by the Senate. The committee on the part of the House was ordered to consist of five.

REPORTS FROM COMMITTEES.

Mr. CASEY, from the Committee on Public Lands, reported a bill for the relief of certain citizens of Madison county, Illinois; which was read twice and committed.

Mr. C., from the same committee, also reported a bill for the relief of John White; which was read twice and committed.

Mr. CHANEY, from the Committee on Indian Affairs, reported a bill for the relief of Levi Jarritt; which was read twice and committed.

Mr. TALIAFERRO, from the Committee or Claims, reported a bill for the relief of T. Savage, administrator of Elijah Law; which was read twice and committed.

Mr. SCHENCK, from the Committee on Invalid Pensions, reported a bill granting a pension to William Warden.

Also a bill for the relief of George McFadden; and

A bill for the relief of George White; which bills were severally read twice, and committed.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of Alexander Gibson; which was read twice and committed.

Mr. JOHNSON, of Kentucky, by leave, from the Committee on Military Affairs, reported a bill from the Senate, providing for the appointment of three additional paymasters of the Army; which was read twice and committed.

Mr. J. asked the consent to make the bill the special order to-morrow at half past ten o'clock; which was objected to.

Mr. HEISTER moved a suspension of the rules, for the purpose of taking up the joint resolution from the Senate, fixing the day of adjournment of the present session of Congress.

Mr. HAWES moved to lay the motion to suspend on the table.

Mr. HAYNES asked for the yeas and nays; which were ordered.

The House refused to lay the motion on the table—yeas 81, nays 99.

Mr. HEISTER then asked for the yeas and nays on the motion to suspend the rules; which were not ordered, and the motion was decided in the negative—ayes 84, noes 81—not two-thirds.

Petitions, on leave, were presented by Messrs. JOHNSON, of Louisiana, LEWIS, and KINNARD.

[Mr. KINNARD presented the petition of Samuel

Beck, claiming compensation for a number of rifles, delivered to the Miami Indians, by a commissioner of the United States; which was referred to the Committee on Indian Affairs.]

On motion of Mr. HARD, it was

Resolved, That the Committee on Claims be instructed to inquire into the expediency of allowing additional compensation to Joel Byington, of New York, for the destruction of property by the enemy during the late war, and for the use of buildings by the American army.

On motion of Mr. MERCER, it was

Resolved, That the claim of Captain Rice, a soldier of the Revolution, be referred to the Committee on Revolutionary Pensions.

On motion of Mr. JOHNSON, of Louisiana, it was

Resolved, That the claim of James P. Harrison, of Louisiana, against the United States, together with the documents in support of the same, herewith submitted, be referred to the Committee of Claims, with instructions to inquire into the expediency of providing for the payment of the same.

On motion of Mr. BAILEY, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Ebenezer Macomber, of Bristol, in the county of Lincoln, State of Maine, and that the accompanying documents relating to his revolutionary services be referred to that committee.

On motion of Mr. BAILEY, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Ebenezer Savage, of Maine, and that the accompanying documents, relating to his revolutionary services, be referred to that committee.

PERSONAL EXPLANATIONS.

Mr. HUNT asked leave of the House to make a statement in reference to himself personally.

Objection being made,

Mr. HUNT moved a suspension of the rules for the purpose.

Mr. HARD called for the yeas and nays; but subsequently withdrew it; and

Mr. MAY renewed the motion; but they were not ordered.

Mr. HARDIN asked if it would be in order to move an amendment to the motion, as he wished, also, an opportunity of making a statement in reference to himself. He had been put down as voting in favor of the power of Congress to emancipate slaves in the States, whereas he had always voted directly the reverse, on every occasion whenever that question had come up.

Mr. PATTON made an appeal to the House to grant the leave asked; and he was sure that it would not be refused if the fact were generally known, that there were at that moment hundreds and thousands of documents upon the tables of the members, containing a gross misstatement of the votes of members, and which they had been innocently circulating.

Mr. CLAIBORNE, of Mississippi, said he rose to corroborate the statement of that gentleman, and to urge the majority in the House to give to the member from New York [Mr. HUNT] an opportunity to explain. He felt that he himself had been placed in a position of peculiar delicacy, without any fault or connivance of his own. A few days since, he had put his name to a paper which was circulating in this Hall, for the printing of the report submitted by the select committee on the subject of slavery. Such papers, proposing the publication of certain documents, were seen here every day. Who put the one in circulation which Mr. C. had subscribed, he did not know. When he took his seat this morning, he found two hundred copies of the report on his desk, folded and directed by his amanuensis, and he had put his *frank* on them without being aware of the erroneous statement therein contained. The moment he was apprised of this, he sent to the post-office to recall them, and should commit them to the flames. He had most unconsciously put his frank upon a falsehood, and the only return in his power to offer, the only evidence he was able to give of his regret, he would now give by voting to allow the gentleman from New York to explain. He invoked the House to suspend the rules.

Mr. PATTON renewed the call for the yeas and nays on the motion; and they were ordered.

The motion to suspend was decided in the affirmative—yeas 140, nays 36.

Mr. HUNT returned his acknowledgments to the House for affording him this opportunity of making such an explanation as he could not have made in any other way. He would not have asked the favor on any question of less vital interest; on any question relating to himself of a merely local character, or on one connected only with the party politics of the day. But this was in reference to a question, as he had observed some time ago, which he deemed to be of permanent and abiding interest, in reference to what had been termed in common parlance the "slavery resolutions," and which had agitated this House from the commencement of the present session. He wished to avail himself of this opportunity to correct what must be either a willful misrepresentation, or a gross, palpable and blundering mistake. Unless the House had conceded to him the favor of noticing the error in this way, it would have been almost impossible for him to have disseminated the history of this transaction.

The paper he held in his hand purported to be a report by the chairman of the select committee on the subject of the abolition of slavery; and, strange as it might seem, to that report was appended, or was purported to be appended, the yeas and nays of the members of the House who had voted on the different resolutions. This was not a document ordered by the House to be printed, but it came, nevertheless, from the printer to the House. By what authority he had undertaken to append those votes was not for Mr. H. to say. The printer, however, had undertaken to do so, and had placed his (Mr. H.'s) name as voting against the resolution declaring that Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this Confederacy. He had voted in favor of that resolution.

Mr. H. then desired the Clerk to refer to the votes on the Journal, which showed that nine gentlemen only voted against this resolution; whereas the list printed in the pamphlet referred to represented forty-six members to have voted against it. He added that it might turn out that this had originated in some mistake; but, if so, it would furnish the editors with the opportunity of correcting it. If it was an error, it was a most gross and bungling one. After some further remarks, Mr. H. adverted to an editorial article in the Globe of Monday last, the statement in which he availed himself of that opportunity of pronouncing to be utterly false.

Mr. UNDERWOOD inquired whether this paper, to which lists of yeas and nays were appended, had been received as a paper printed by the public printers, in pursuance of an order of the House.

The CHAIR was informed by the Clerk that such was not the case.

Mr. UNDERWOOD explained that his object was, if it had been so, to move a resolution in relation to it. He would barely state, that he voted *for* the first resolution; whereas that paper represented him as voting *against* it.

Mr. A. H. SHEPPERD wished to know by what means the yeas and nays were furnished? and whether the Clerk furnished the list to the printer for the publication annexed to that document?

The CHAIR said he was informed by the Clerk that he had not furnished this list of yeas and nays; but that the editors of all the papers had access to the book.

Mr. MERCER inquired how far the printing of the Journal had progressed?

The CHAIR replied to the 16th of May; and remarked that the printing thereof was, of course, superintended by the clerks.

Mr. SHEPPERD asked the indulgence of the House to permit him to say one word. [Cries of "No!" "No!" "Leave!" "Leave!"]

Mr. GILLET rose and said, that if those who took exception to the pamphlet referred to by his colleague desired to know how the mistake occurred, he believed he could inform them; and from that explanation they would learn that the mistake was entirely unintentional, and no blame could attach to the printers to this House. The account of what was referred to had been correctly published by them, and with one word of explanation he thought all would be satisfied. It should be now made so as to be as public as the accusation. This was due to them, to the House, and the country.

Mr. CLAIBORNE asked leave to make a statement, which he assured the House would not occupy five minutes. [Cries of "Agreed!" "Agreed!" "No!" "No!"]

Mr. C. said he felt his own reputation involved, and he claimed it as a right. He then moved a suspension of the rules; and thereon asked for the yeas and nays.

Mr. MERCER moved to amend the motion by extending it to "others."

Mr. PATTON called the attention of the House to a recent editorial article of the Globe, containing a statement just as gross and false as the present.

Mr. MERCER's motion was then negatived—ayes 91, noes 79.

Mr. CLAIBORNE withdrew the call for the yeas and nays on his motion; and

Mr. VANDERPOEL renewing it, they were ordered; and the motion was decided in the negative—yeas 98, nays 82—not two thirds.

Mr. UNDERWOOD asked leave to offer a resolution "that the printer to this House be required to print for the use of the members of this House —— copies of the report of the select committee on the subject of slavery, and that he annex thereto the yeas and nays as given on each resolution." Mr. U. said he desired this as the best means of correcting the blunder.

Mr. VANDERPEOL said he felt himself compelled to object, because he thought it would have the effect of getting up a debate.

Mr. UNDERWOOD had no desire to produce any debate. He had no objection about the number of copies, whether five, ten, or even thirty thousand; all that he wished was, that the facts, as existed, should be extensively circulated.

Mr. MANN, of New York, and Mr. McKENNAN, appealed to the gentleman from Kentucky not to press the resolution.

Mr. CUSHMAN rose, and moved to lay it upon the table; whereupon

Mr. UNDERWOOD withdrew it.

Mr. WISE rose to make a request that those gentlemen who had received those pamphlets would prevent their further distribution. ["Certainly!" "Certainly!" was responded from all parts of the House.]

The House then, on motion of Mr. CONNOR, proceeded to the orders of the day.

POST OFFICE DEPARTMENT.

In execution of the special order of Friday last, the House resumed the consideration of the bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof.

The question pending was on concurring with the Committee of the Whole in the following amendment:

SEC. 45. *And be it further enacted*, That the following annual salaries shall be allowed to the Assistant Postmasters General, and to the clerks, messengers, and watchmen provided for the service of the Post Office Department, to be paid at the end of each calendar month, viz:

To the three Assistant Postmasters General, each $3,000.
To the chief clerk, $2,100.
To the three principal clerks, each $1,700.
To ten clerks, each $1,400.
To fifteen clerks, each $1,200.
To eight clerks, each $900.
To the messenger, $900.
To the three assistant messengers, each $600.
To the two watchmen, each $300.

SEC. 46. *Be it further enacted*, That the following annual salaries shall be allowed to the Auditor of the Post Office Department, and to the clerks and messengers herein provided for the service of his office, to be paid as aforesaid, viz:

To the Auditor, $3,000.
To the chief clerk, $2,000.
To the four principal clerks, each $1,700.
To ten clerks, each $1,400.
To twenty clerks, each $1,200.
To eight clerks, each $900.
To the messenger, $900; and to the assistant messengers, $600.

Mr. HARLAN moved to amend the amendment by striking out all after the fifth line, and reducing the salaries as follows:

To the Assistant Postmasters General, each $2,500.
To the chief clerk, $1,700.

To the three principal clerks, each $1,400.
To ten clerks, each $1,200.
To fifteen clerks, each $1,000.
To eight clerks, each $800.
To the messenger, $600.
To the three assistant messengers, each $450.
To the two watchmen, each $300.

Mr. MANN, of New York, explained that the amount of salary to the chief clerk in the amendment of the Committee of the Whole, "$2,100," was a mistake either of the transcriber or of the printer, for "$2,000."

The amendment was discussed at length by Messrs. HARLAN, HARPER, MANN of New York, JOHNSON of Tennessee, ADAMS, GIDEON LEE, WISE, THOMAS, PEARCE of Maryland, PARKER, MILLER, and HEISTER.

Mr. HARPER asked for the yeas and nays on the amendment; which were ordered.

Mr. HARLAN modified his amendment, by striking out the word "three," in the sixth line.

Mr. HARPER suggested a further modification in the last clause, by inserting "$400," instead of "$300," as the salary of each of the watchmen.

Mr. HARLAN accepted this as a modification.

Mr. HARPER called for a division of the question to the twelfth line inclusive. He explained that he had no wish to see the inferior clerks cut down to too low a rate.

The question was then taken on the first division of the amendment of Mr. HARLAN, closing with the clause for salaries to "ten clerks, each $1,200," and decided in the affimative—yeas 84, nays 60.

Mr. HALL, of Maine, then demanded the previous question.

Mr. CONNOR inquired what would be the effect of the previous question?

The CHAIR (temporarily occupied by Mr. BRIGGS) replied that, if sustained, it would cut off the whole of the section then pending—such amendments of the Committee of the Whole as had not been concurred in by the House, and would be on the engrossment of the bill.

Mr. HALL withdrew the motion for the previous question, and

Mr. LANE renewed it.

Mr. ANTHONY moved a call of the House; which was lost.

The previous question was not seconded by the House.

The question was then taken on the second branch of Mr. HARLAN's amendment as modified.

Mr. ADAMS suggestod the following modification to the second branch of the amendment, which Mr. HARLAN accepted: "To the messenger, $700; to two assistant messengers, $400 each; and to one $350; and to the two watchmen $350 each:" and so modified it was agreed to.

Mr. ADAMS moved to strike out the following words from the section: "to be paid at the end of each calendar month;" which was agreed to.

The section, as amended, was then concurred in.

The remaining section, agreed to in Committee of the Whole, was then taken up follows:

SEC. 46 *Be it further enacted*, That the following annual salaries shall be allowed to the Auditor of the Post Office Department, and to the clerks and messengers herein provided for the service of his office, to be paid as aforesaid:
To the Auditor, $3,000.
To the chief clerk, $2,000.
To the four principal clerks, each $1,700.
To ten clerks, each $1,400.
To twenty clerks, each $1,200.
To eight clerks, each $900.
To the messenger, $900; and to the assistant messengers, $600.

Mr. HARLAN moved to amend this section as follows:

To the Auditor, $3,000.
To the chief clerk, $1,700.
To the four principal clerks, each $1,400.
To ten clerks, each $1,200.
To twenty clerks, each $1,000.
To eight clerks, each $800.
To the messenger, $700; and
To the assistant messengers, each $450.

After some remarks from Messrs. CONNOR, HARLAN, JOHNSON of Tennessee, and UNDERWOOD, the amendment was agreed to.

The section as amended was then concurred in.

Mr. MANN, of New York, then moved an additional section to the bill, providing that it should be in force and take effect from and after the first day of July next; which was agreed to.

Mr. UNDERWOOD then renewed the amendment offered by him in Committee of the Whole, in relation to the charge for boxes or pigeon holes; and, after some remarks from Messrs. McKIM, HAWES, WHITTLESEY of Ohio, HOWARD, UNDERWOOD, GIDEON LEE, and PHILLIPS, it was agreed to—ayes 67, noes 60.

Mr. PARKER moved to amend the fortieth section, in relation to the express mail, by adding the following: "And all letters or packets, carried by such express mail, shall be post-paid," and made a few remarks thereon.

Mr. ANTHONY demanded the previous question.

Mr. WARD appealed to the gentleman to withdraw the motion for the previous question, in order that some provision might be made for an adequate salary for the postmasters, in compensation for the loss of the boxes, or pigeonholes.

Mr. ANTHONY could not consent to withdraw, as it was late, and there was an evident disposition of the House to act on the bill.

The motion for the previous question was then seconded by the House—ayes 82, noes 50; and the main question was ordered to be put.

The main question on the engrossment of the bill was then carried; and the bill was ordered to be engrossed and read a third time to-morrow.

On motion of Mr. CONNOR, the House then proceeded to the consideration of the "bill to establish certain post roads, and to alter and discontinue others, and for other purposes."

The amendments of the Committee of the Whole were concurred in, and sundry amendments, chiefly of a verbal nature, were, on motion of Mr. CONNOR, from the Committee on the Post Office and Post Roads, also agreed to, *nem. dis.*

Various other amendments were also moved and agreed to; and

The House adjourned at a late hour

IN SENATE.

THURSDAY, *June* 2, 1836.

Mr. BUCHANAN presented the petition of sundry citizens of Pennsylvania, similar to those already presented, on the subject of the admission of Arkansas into the Union; which was laid on the table. Also, a petition praying for the establishment of a new post route; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. PRESTON, from the Committee on Military Affairs, reported, without amendment, the bill from the House to repair and extend the United States arsenal at Charleston, South Carolina.

Mr. PRENTISS, from the Committee on Public Lands, reported, without amendment, the bill from the House for the relief of James L. Stokes.

Mr. BUCHANAN, from the Committee on the Judiciary, to which had been referred the bill to provide for the execution of the laws of the United States in Michigan, reported the same, with an amendment; which was read.

Mr. GOLDSBOROUGH, from the Committee on Military Affairs, reported the bill from the House for the relief of the Springfield Manufacturing Company, with an amendment; which was read.

Mr. TOMLINSON, from the Committee on Pensions, reported, without amendment, the bill from the House for the relief of John Bennet; and recommended that the bill be rejected.

Mr. SOUTHARD, from the Committee on Naval Affairs, reported a bill to regulate and establish the Navy ration; which was read, and ordered to a second reading.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the petition of Nathaniel Smith, reported a bill for his relief; which was read, and ordered to a second reading.

On motion of Mr. B., the same committee was discharged from the further consideration of the petition of Lieutenant Colonel Kearney.

PAINTINGS FOR THE CAPITOL.

Mr. PRESTON, on leave, introduced a joint resolution authorizing the Committee on the Library to contract with a competent artist for four historical paintings illustrative of the early settlement of America and its subsequent history—the choice of the subject to be left to the artist; which was read twice and referred.

BILLS READ A SECOND TIME.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of the heirs of William Conway, deceased; and

The bill for the relief of the legal representatives of Captain Robert White, deceased.

The bill for the relief of Colonel Daniel Newman was indefinitely postponed.

RESOLUTIONS ADOPTED.

The following resolutions were severally submitted, and, by unanimous consent, considered and agreed to:

By Mr. EWING, of Illinois:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Kaskaskia, Randolph county, by Pollock's, to Bellville, in St. Clair county, Illinois, and from Nashville to Mount Vernon, in said State.

By Mr. DAVIS:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of causing a set of standard weights and measures to be delivered to each State in the Union.

By Mr. PRENTISS:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Williston to Jericho, in Vermont.

By Mr. GOLDSBOROUGH:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Cambridge, eastern shore of Maryland, by Church creek and Tobacco Stick, to Robinson's and Griffith's store.

By Mr. SHEPLEY:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Doughty's Falls, in the State of Maine, to Great Falls, in the State of New Hampshire; and also, a post route from Lincoln, by Lee and Springfield in the same State.

LOUISVILLE AND PORTLAND CANAL.

On motion of Mr. EWING, of Ohio, the bill authorizing the purchase of the private stock in the Louisville and Portland canal was taken up; and the pending amendment having been withdrawn,

Messrs. EWING of Ohio, and PORTER, addressed the Senate in favor of the bill; after which,

Mr. HENDRICKS, with some remarks, submitted the following amendments:

1st. To insert at the end of the second line, the words, "for the purpose of improving the navigation of the Ohio river at the falls, and of rendering the same, as near as may be, free from tolls;" and

2d. To insert in the eighth line the words, "at the market price, not exceeding twelve and a half per cent. above par value." This last amendment refers to the price to be paid for the stock.

Mr. NILES made some remarks in opposition to the amendment, on the ground that he was opposed to the Government becoming joint stockholders in private stock companies, and acting under the authority of the charter derived from a State. He was in favor of the improvement of the river, but he had strong objections to the mode in which it was proposed to be done. He suggested that it would be better to obtain first from the State of Kentucky a cession of the territory on which the canal was constructed, and the United States, by this means, having entire jurisdiction over the canal, the constitutional objections to the purchase would not apply.

Mr. WALKER explained that he could now vote for the bill in its present shape, after having voted against it some days ago. Two propositions were now embodied in it; one was to cut

loose the United States from this joint stock company, and the other to render the canal toll free. With these modifications, he was prepared to vote for the bill, as it contemplated great public benefits, and the constitutional objections were removed.

The first amendment was then agreed to.

Mr. HENDRICKS, in reply to Mr. NILES, observed that the constitutional objections to the bill were now, by the amendment just adopted, removed. The canal would be made nearly toll free, with the exception only of the necessary expenses; and by the purchase of the whole, or the greater part of the stock, the Government would not be a partner in a joint stock company.

Mr. NAUDAIN then proposed a modification of the second amendment, in order, as he said, to do full justice to the holders of this stock. The stock was sold at least a year ago, for seventeen per cent. advance, and it was not reasonable to suppose that it could be purchased for less now. He therefore moved to amend the amendment by fixing the maximum to be paid for the stock at eighteen per cent. advance, instead of twelve and a half.

After some remarks from Mr. DAVIS, in opposition to the amendment, and from Messrs. CLAY, NAUDAIN, GRUNDY, and BENTON, in its favor,

Mr. BENTON submitted the following, which he said he intended to offer as an amendment, as soon as the question on the pending amendment was disposed of:

SEC. —. *And be it further enacted*, That so soon as the Secretary of the Treasury shall have completed the purchase of the stock in said canal, the same shall be offered to the State of Kentucky, upon condition that the said State will never impose higher tolls upon the said canal than shall be necessary to defray the expenses of superintending and keeping it in good order; and the President of the United States is hereby authorized to cause the said stock to be transferred to the State of Kentucky whenever he shall be satisfactorily informed that the Legislature of that State has agreed, by law, to accept it on the conditions above mentioned.

Mr. CRITTENDEN thought that the market price of the stock would be advanced by fixing the maximum; and that if it was so fixed, fifteen per cent. would be a fairer price than eighteen per cent. He was satisfied that fifteen per cent. was a fair price, and said that if they fixed the maximum at eighteen per cent. they would have to pay that sum.

Mr. EWING, of Ohio, thought that the twelve and a half per cent. proposed by the amendment, would not be giving the stockholders more than the amount of their investment. With respect to the amendment suggested by the Senator from Tennessee, and submitted by the Senator from Missouri, he hoped that it would not be passed at this time. He was for divesting the United States of all interest in this stock as soon as it could be done, without the difficulties that he apprehended at the present time. He hoped that it would be postponed till next winter, when he thought that the proposition of the Senator from Missouri, with proper guards, would meet with the concurrence of all.

The question being taken on Mr. NAUDAIN's amendment to the amendment, it was rejected.

Mr. CRITTENDEN then moved to amend the amendment, by striking out "twelve and a half," and inserting "sixteen;" which was agreed to.

The amendment as amended was then agreed to.

Mr. HENDRICKS then expressed the hope that the amendment suggested by the Senator from Missouri would not be pressed now. The question whether this canal should be ceded to the State of Kentucky, or whether the United States should ask a cession of the jurisdiction over it from that State, were questions of too much importance to be decided on without some consideration. He thought it would be most advisable to postpone the further consideration of these questions till next winter, when he had no doubt one or the other would be adopted.

On motion of Mr. HENDRICKS, the third section of the bill was stricken out. [This contains a provision authorizing the Secretary of the Treasury to vote on the stock of the United States.]

Mr. CRITTENDEN moved to strike out the second section, providing that the Secretary of the Treasury should sell out the stock of the United States, should the private stockholders refuse to sell for the price offered.

Mr. HENDRICKS opposed this amendment; after which it was adopted—ayes 15, noes 11.

Mr. BENTON then offered the amendment suggested by him.

Mr. WALKER hoped his friend from Missouri would not press his amendment. If pressed, this amendment would be adopted, or not adopted; and, in either case, it would present those who voted for the bill in the attitude of having voted for it after a measure of which they approved had been rejected. He was decidedly in favor of surrendering this stock to the State of Kentucky at the next winter; but, as others might not be so, he feared that taking the question now would seriously embarrass the bill.

Mr. BENTON observed that some good effect had already been produced by offering his amendment, for several gentlemen had declared themselves in favor of it. He hoped to see the time when the United States would own no stock in a private company. Having accomplished part of his object in turning public attention to his amendment, he would yield to the wishes of his friend, and withdraw it for the present.

Mr. HENDRICKS moved to amend the bill by adding the following words: "and that a sum sufficient to carry into effect the provisions of this act be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated."

This amendment being agreed to, the bill was reported to the Senate as amended; and the amendments being concurred in, it was ordered to be engrossed for a third reading.

On motion of Mr. CALHOUN, the Senate took up the bill to prohibit the circulation, through the mails, of incendiary publications.

Mr. GRUNDY moved to amend the bill by striking out all after the enacting clause, and inserting a substitute.

Mr. CALHOUN moved to amend the amendment by providing that, where incendiary publications are sent to the States where such publications are prohibited by law, they shall be delivered to such persons as may be appointed to receive them, and when there are no such persons appointed to receive them, they shall be burnt or otherwise disposed of, under the regulations of the Post Office Department.

On taking the question, this amendment was lost—yeas 15, nays 15; as follows:

YEAS—Messrs. Black, Brown, Calhoun, Clay, Cuthbert, Goldsborough, Grundy, Kent, King of Alabama, King of Georgia, Moore, Nicholas, Rives, Walker, and White—15.

NAYS—Messrs. Benton, Buchanan, Davis, Hendricks, Hubbard, Morris, Prentiss, Robinson, Shepley, Southard, Swift, Tallmadge, Tomlinson, Webster, and Wright—15.

After some remarks from Messrs. MORRIS, CALHOUN, KING of Georgia, and GRUNDY, the question was taken on Mr. GRUNDY's substitute, and was agreed to without a division.

The bill was then reported to the Senate; and on the question of concurring with the amendment made in committee, Mr. CALHOUN renewed his motion to amend the amendment that had been rejected in committee. The question on this motion was also rejected—yeas 15, nays 15, as follows:

YEAS—Messrs. Black, Brown, Calhoun, Clay, Cuthbert, Goldsborough, Grundy, King of Alabama, King of Georgia, Moore, Nicholas, Preston, Rives, Walker, and White—15.

NAYS—Messrs. Buchanan, Davis, Ewing of Ohio, Hendricks, Hubbard, Morris, Niles, Prentiss, Robinson, Shepley, Swift, Tomlinson, Wall, Webster, and Wright—15.

The amendment of the committee was then concurred in; and the question on ordering the bill to be engrossed for a third reading was carried—yeas 18, nays 18; as follows—the Chair voting in the affirmative:

YEAS—Messrs Black, Brown, Buchanan, Calhoun, Cuthbert, Goldsborough, Grundy, King of Alabama, King of Georgia, Moore, Nicholas, Preston, Rives, Robinson, Tallmadge, Walker, White, and Wright—18.

NAYS—Messrs. Benton, Clay, Davis, Ewing of Illinois, Ewing of Ohio, Hendricks, Hubbard, Kent, Morris, Niles, Prentiss, Ruggles, Shepley, Southard, Swift, Tomlinson, Wall, and Webster—18.

BILLS PASSED.

The following bills were severally read the third time, and passed:

The bill for the relief of Moses Bliss;

The bill concerning the writs of error in the courts of the United States;

The bill to confirm the title of Joseph Sorin, alias La Rochelle, and those claiming under him, to a tract of land in Missouri;

The bill for the relief of the legal representatives of William Ramsay, deceased;

The bill for the relief of George Dawson;

The bill to reward the captors of the Tripolitian Frigate Philadelphia;

The bill for the relief of A. and J. Dennistown & Co., of New Orleans;

The bill appointing the time for the annual meetings of Congress; and

The bill providing for the establishment of a depot of arms on the western frontier of Missouri.

The bill from the House to change the organization of the Post Office Department, and to establish certain post offices and post roads, and to discontinue others, were severally read twice and referred.

The bill to extend the charters of the banks in the District of Columbia came up as the order of the day; when

Mr. BENTON moved that it be laid on the table for the purpose of going into executive business.

This motion having been negatived,

Mr. BENTON moved to postpone the further consideration of the bill, and make it the order of the day for the day after to-morrow; which motion was also negatived.

On motion of Mr. HUBBARD, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 2, 1836.

Mr. MILLER asked the consent of the House to take up and consider the resolution on the Speaker's table, reported some time since from the Committee on Invalid Pensions, to set apart a portion of Saturday next for the consideration of bills reported from the Committees on Revolutionary and Invalid Pensions.

Objection being made, Mr. M. moved a suspension of the rules; which was lost.

Mr. PATTON asked leave to offer a resolution setting apart Friday and Saturday next, till one o'clock, for the consideration of bills on the Territories, with the exception of those providing for the admission of Michigan and Arkansas into the Union.

Objection being made, Mr. P. moved a suspension of the rules; which was lost.

REPORTS FROM COMMITTEES.

Mr. TALIAFERRO, from the Committee of Claims, reported a bill for the relief of Captain John Downs; which was read twice and committed.

Mr. JARVIS, from the Committee on Naval Affairs, reported the following resolution:

Resolved, That the Secretary of the Navy be directed to ascertain, as far as practicable, and to report to this House during the first week of the next session, the practicability of establishing a navy-yard at or near Great Barn Island, in the straits called East river, which connect Long Island sound with New York bay; the comparative advantages and disadvantages of that site and the site of the navy-yard at the Wallabout on Long Island, for the purposes of a navy yard; the expense of erecting the works recommended by Colonel Baldwin at the Wallabout, according to the plan presented by that engineer; the expense of a dry dock at each of the above positions; the expense of purchasing the necessary quantity of land, and erecting buildings of equal convenience with those now owned by the United States at the Wallabout; and the probable amount for which the lands, buildings, and other property of the United States at the Wallabout might be disposed of, if offered for sale.

The resolution, under the rule, lies over one day for consideration.

Mr. GALBRAITH, from the Committee on Private Land Claims, reported a bill for the relief of George Rowe; which was read twice and committed.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill for the relief of General Daniel Parker; which was read twice and committed.

ADDITIONAL PAYMASTERS.

Mr. JOHNSON then asked the consent of the House to move to go into Committee of the Whole, for half an hour only, on the bill to provide for the appointment of three additional paymasters of the Army.

Objection being made, Mr. J. moved a suspension of the rules; which was lost.

Mr. McKAY moved to set apart to-morrow, from eleven till twelve o'clock, for the same purpose; which was lost.

MARINE HOSPITAL.

Mr. SPEIGHT rose to ask the House to take up the bill to establish a marine hospital at Ocracoke bar, in the State of North Carolina. He would, with the indulgence of the House, state, that this was not only of importance to the State from whence he came, but to the whole country, and particularly to the northern States. Owing to the northeasterly winds which prevailed in that section, and the obstructions to our navigation, vessels were not unfrequently detained for weeks. This was in the sickly season; and for want of comfortable quarters a great many seamen died. He stated that there was not a point in the United States where a hospital was more needed than at this place.

The motion was objected to; and a motion by Mr. S. to suspend the rules for the purpose was lost.

LOUISVILLE AND PORTLAND CANAL.

On motion of Mr. GRAVES, the Committee of the Whole were discharged from the further consideration of the bill in relation to the Louisville and Portland canal; and the same was committed to the Committee of the Whole on the state of the Union.

DR. LEIBER.

On motion of Mr. LOYALL, the Joint Committee on the Library were discharged from the memorial and papers of Dr. Leiber.

REPORTS.

Unfavorable reports were made by Mr. JARVIS, from the Committee on Naval Affairs; by Mr. DROMGOOLE, from the Committee on Military Affairs; by Messrs. CRAIG, KINNARD, and MUHLENBERG, from the Committee on Revolutionary Claims; by Mr. MORGAN, from the Committee on Revolutionary Pensions; and by Mr. MILLER, from the Committee on Invalid Pensions.

PETITIONS, MEMORIALS, ETC.

Petitions and memorials were, on leave, presented by Messrs. PEARCE of Rhode Island, PIERCE of New Hampshire, SLOANE, BOND, PATTERSON, and PINCKNEY.

[Mr. PEARCE, of Rhode Island, stated that he had on hand a memorial which he had been anxious to present for the last three or four weeks—a memorial of a peculiar character, and signed by David Mellville, of Newport, Rhode Island, complaining that he had been unceremoniously reformed out of office by the collector of that port, and praying that a law may be passed restraining executive patronage. Mr. P. said a similar memorial had been presented in the other branch, and there referred to the Committee on Commerce—that he supposed this would be the appropriate committee here. Leave was granted to present the memorial, and it was referred to the Committee on Commerce.

[Mr. PINCKNEY presented the memorial of Christopher Werner, praying to be refunded a certain sum paid into the Treasury by mistake; which was referred to the Committee on Commerce.

[Mr. PATTERSON presented the petition of John Morrel, of Richland county and State of Ohio, a soldier of the late war; which was referred to the Committee on Invalid Pensions.]

RESOLUTIONS.

On motion of Mr. CRANE, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing a pension to Charles Young, a soldier in the late war.

On motion of Mr. RUSSELL, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Samuel Pettengill, of the State of New York, for services rendered in the war of the Revolution

On motion of Mr. RUSSELL, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Simeon Moss, of the State of New York, for services rendered during the war of the Revolution as an Indian spy.

On motion of Mr. CHAPMAN, it was

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of placing the name of William Wilson, of Jackson county, Alabama, on the roll of revolutionary pensions.

On motion of Mr. KILGORE, it was

Resolved, That the memorial of the President and Secretary of the Franklin College, Ohio, asking aid from Congress for said institution, be referred to the Committee on Public Lands, with instructions to inquire into the expediency of granting to said college a township of land, to be selected in Ohio from any of the public lands subject to private entry.

On motion of Mr. CONNOR, the House then proceeded to the orders of the day.

POST OFFICE DEPARTMENT.

The bill to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof, was taken up, the question being on its final passage.

Mr. JOHNSON, of Louisiana, moved to recommit the bill to the Committee of the Whole on the state of the Union, with instructions to strike out the sections, being 43 and 44, depriving the postmasters of the privilege or perquisites of the boxes or pigeon-holes.

Mr. CONNOR suggested that it would be better to let the bill pass and go to the Senate, where the clauses could either be stricken out, or some other provision made, to provide a suitable compensation therefor, or some modification of the salaries of postmasters of large cities.

After some remarks from Messrs. JOHNSON of Louisiana, CAMBRELENG, LAWRENCE, REED, MANN of New York, and BELL,

Mr. JOHNSON modified his motion by instructing the committee either to strike out the provisions referred to, or to provide for the increase of the salaries of the Postmasters of the cities and large towns of the different States.

The motion was discussed by Messrs. MASON of Virginia, PEARCE of Rhode Island, BRIGGS, EVERETT, and GRENNELL.

Mr. EVERETT called for a division of the question, first on the motion to recommit, and then on the motion to instruct.

Mr. REED moved to amend the motion by striking out all after the word "instructions," and insert a provision "that the operation of the said 43d and 44th sections shall not go into effect until the 4th day of March next."

After some further remarks from Messrs. REED, UNDERWOOD, WISE, LANE, and JENIFER,

Mr. SPEIGHT demanded the previous question; which was seconded by the House—ayes 67, noes 57.

The main question was then ordered and put, and the bill was passed.

NEW POST ROUTES.

The bill to establish certain post roads, and to alter and discontinue others, and for other purposes, was then taken up, read a third time, and passed.

INDIAN ANNUITIES, ETC.

Mr. CAMBRELENG remarked that the fortification bill was properly the first in order, but there was another bill, for Indian annuities, returned from the Senate with some important amendments, which was much more urgent than any other, and which he hoped would be taken up.

Mr. EVERETT hoped the bill would be postponed till to-morrow, inasmuch as it would bring up a debate, and the necessary documents had not all come in, in relation to the origin of the Seminole war.

Mr. CAMBRELENG would merely state that this bill was sent to the Senate two months ago, and remained there unacted upon until the War Department wrote and urged the Senate to act upon it. If, however, a discussion was to arise respecting the origin of the Seminole war, the sooner it was brought on the better. The people of Georgia, Alabama, and Florida, were suffering for want of the passage of this bill. He moved, therefore, that the House resolve itself into the Committee of the Whole on the State of the Union; which was agreed to; and

The House accordingly went into Committee of the Whole, (Mr. SMITH in the chair,) and proceeded to the consideration of the amendments of the Senate to the bill making appropriations for the current expenses of the Indian department, for Indian annuities, and for other similar objects, for the year 1836.

The following amendments of the Senate were agreed to without a division:

"1st. For the payment of a clerk in the office of the Superintendent of Indian Affairs for the Territory of Wisconsin, $800.

"2d. For the payment of interest on an annuity of $1,000 to the Cherokees by the treaty of the 24th of October, 1804, and which was not paid till the year 1825, $12,600; which sum shall be paid in the same manner, and in the same proportions, to the Cherokees east and west of the Mississippi, that the annuity itself is payable.

"3d. *Provided, however*, That no part of the appropriation for the Florida Indians shall be paid to any Indians who have been engaged in hostilities against the United States, unless in such change of circumstances as may induce the President of the United States to direct the same to be paid."

The fourth amendment of the Senate was to increase the item for locating reservations, and certifying contracts, under the treaty with the Creeks of the 24th of March, 1832, from $7,000 to $14,000.

Mr. BELL, from the Committee on Indian Affairs, moved to disagree to this amendment, and entered into a minute explanation in relation thereto.

After some remarks from Messrs. LAWLER, GLASCOCK, HAYNES, TOWNS, CAMBRELENG, OWENS, BELL, and LEWIS,

Mr. LEWIS moved an amendment to the Senate's amendment, authorizing the President of the United States to appoint additional agents for certifying and for investigating frauds, if he shall deem it necessary.

The amendment was discussed by Messrs. McKAY, ASHLEY, GLASCOCK, LEWIS, BELL, LYON, HAWES, TOWNES, and OWENS.

At the suggestion of Mr. BELL, both amendments were passed over for the present, and the committee proceeded to the consideration of the other amendments; some of which were concurred in.

On motion of Mr. BELL, the committee rose, and reported progress.

The Speaker having resumed the chair,

On motion of Mr. BELL, the bill was made the special order of the day from the hour of twelve o'clock to-morrow.

Sundry documents from the War Department, on the subject of Indian hostilities, were ordered to be printed.

The House then adjourned at a little before six o'clock, p.m.

IN SENATE.

FRIDAY, *June* 3, 1836.

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary, in answer to the resolution of the Senate of the 27th ultimo, requesting to be informed whether, in the opinion of the President, an increase or reorganization of the ordnance corps is necessary. The reply of the President is in the affirmative, and refers to a report of the Secretary of War on the subject.

On motion of Mr. GRUNDY, the message was referred to the Committee on Military Affairs.

PETITIONS, ETC.

Mr. RIVES presented two petitions from sundry citizens of Virginia, praying for the establishment of new post routes; which were referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. GOLDSBOROUGH, from the Committee on Commerce, to which had been referred the bill providing for the employment of boys in the merchant service, reported the same with an amendment, accompanied by a report in detail, five hundred copies of which were ordered to be printed.

Mr. DAVIS, from the Committee on Commerce, reported a joint resolution to cause a complete set of standard weights and measures to be delivered to the Governors of the several States, for the use of said States; which was read twice, and ordered to be engrossed for a third reading.

RESOLUTION.

Mr. MOORE submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the propriety of confirming to the heirs and legal representatives of William E. Kennedy their claim and title to six thousand four hundred acres of land, being a concession under the Spanish Government, recommended for confirmation by the board of commissioners at St. Stephen's.

PATENT LAWS.

On motion of Mr. RUGGLES, the bill to promote the progress of the useful arts, and to repeal all other acts on the same subject, was taken up, and considered as in Committee of the Whole; and several amendments having been made, it was reported to the Senate as amended, and laid on the table, and ordered to be printed.

BILLS PASSED.

The following bills were severally read the third time, and passed:

The bill for the relief of the legal representatives of Captain Robert White, deceased;

The bill for the relief of the legal representatives of ——— Conway, deceased; and

The bill authorizing the purchase of the private stock in the Louisville and Portland Canal.

INCENDIARY PUBLICATIONS.

The bill to prohibit the circulation through the post offices of incendiary publications came up on its third reading; and,

On motion of Mr. WEBSTER, it was postponed until Monday next.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of the legal representatives of Henry Fisher, deceased;

The bill making appropriations for certain internal improvements in Florida;

The bill supplementary to the act authorizing the Territory of Florida to open a canal through the lands of the United States, between the Chipola river and St. Andrew's bay, and from Matanzas to Halifax, in said Territory;

The bill authorizing the Secretary of the Treasury to compromise and finally settle the claims of the United States against certain banks;

The bill to authorize Daniel Tyler to import an iron canal boat in detached parts, with the necessary machinery, tools, &c , free of duty; and

The bill for the relief of Nathaniel Canedy.

GENERAL LAND OFFICE.

The bill to reorganize the General Land Office was taken up and considered.

Mr. EWING, after some remarks in explanation of the bill, moved to fill up the blanks, as follows: for the salary of the commissioner, $4,000 per annum; the salary of the recorder and principal clerk of surveys, $2,000 each.

This being agreed to, Mr. E. moved to fill up the blanks for two principal clerks with salaries of $2,500 each.

Mr. GRUNDY said he believed that the highest salaries given to the chief clerks of any of the public offices was $2,000 per annum. He thought, then, as a general rule, it would be better, unless they intended to increase the salaries of all the chief clerks, not to place these chief clerks at higher salaries than $2,000 each.

Mr. EWING spoke of the importance of the duties of these clerks, and the amount of labor they had to perform; but, as the chief clerks in the other offices were not paid more than $2,000, he would move to fill up the blank with this sum. This motion was also agreed to.

Mr. EWING then moved to fill up the blank for the number of clerks with—one clerk at an annual salary of $1,600; four clerks at an annual salary of $1,500 each; and sixteen clerks at an annual salary of $1,400 each; twenty clerks at an annual salary of $1,200 each; five clerks at an annual salary of $1,100 each; and thirty-five clerks at an annual salary of $1,000 each; one principal draftsman at a salary of $1,750; and one assistant draftsman at a salary of $1,200; one messenger at $700, and one assistant messenger at $350; two packers and sealers at $450 per annum each. These motions were also agreed to; and the bill was ordered to be engrossed for a third reading.

GENERAL ELEAZER W. RIPLEY.

Mr. HUBBARD, in pursuance of notice given, asked and obtained leave, and introduced a bill for the relief of General Eleazer W. Ripley.

Mr. H. said: Mr. President, a few mornings past I gave notice that I should ask leave to introduce a bill giving authority to the Secretary of War to audit and settle the accounts of Eleazer W. Ripley with the Government, and to allow him a pension for a severe wound which he received, during the last war, while in the way of his duty. I have prepared the bill, and before I resume my seat I shall ask leave to present it to the consideration of the Senate. But, before I present it, I must be permitted to make a few remarks with reference to the extraordinary services of General Ripley as a military officer, and *with reference to the severe, unjust, and unmerited treatment he has received at the hands of his Government, while engaged in the employ of his country.* And I will here state, that my movement in relation to this matter is wholly unknown to General Ripley. I have not, up to this time, exchanged a word with him upon this subject. Whatever I shall say, or whatever I may do, will be induced by the respect which I entertain for the high character and honorable services of this distinguished individual. I know well his history. The success, the fame, the prosperity of this *early friend* could not be a matter of indifference to me. I have, in common with his other New England acquaintances, felt a deep mortification at events which seemed, for a time, to attach to his character a degree of ignominy; but recent developments have wiped away every shade from his moral reputation; and with great individual pleasure and satisfaction do I avail myself of this opportunity to bring forward a measure, the object of which is to render but an act of *sheer justice* to a highly honorable, but much abused and injured fellow-citizen.

The bill which I have prepared, Mr. President, contains two very distinct provisions. The first is, that the accounts subsisting between General Ripley and his Government shall be audited and settled by the Secretary of War. The second is, that General Ripley shall be placed on the list of invalid pensioners, for the wound received while in public service, and that his pension shall commence at the time the disability was incurred. I have made myself believe, notwithstanding the known usage and the practice of the Department, that every consideration of right and justice calls upon us to carry into full effect the last provision of the bill. That we have not only precedent upon precedent, giving authority for the proceeding, but the case of General Ripley itself is so entirely distinguishable from other cases, that I cannot doubt that, *when all the facts shall be known*, the Senate will unhesitatingly adopt that provision. With reference to the first provision of the bill, my object has been merely to give authority to the Secretary of War to settle and finally adjust the accounts between General Ripley and the United States. It was a fact well known, that these accounts embraced receipts and disbursements of the public money to a great amount during the last war, and while he was also performing the high and honorable duty of a field-officer in the Army. No man *was more* unwilling, more averse, to perform the additional duties of a disbursing agent than General Ripley. He was not calculated for the office. That particular service ill comported with his habits. He was uneducated in the school of an accountant; but it was the call of his Government; it was the order of his country, and he promptly obeyed that call; he unhesitatingly submitted to that order; he never shrank from any duty; he never avoided any responsibility. He did undertake to disburse the hundreds of thousands which were committed to his charge; and, at this late day, it is matter of joy to his friends that it has finally been twice found by a jury of his country that every dollar of the public money, received by him, has been faithfully and *honestly applied*, and that there exists an indebtedness on the part of the Government to him in a large amount. I shall find it necessary, before I close my remarks, to advert to this history again. I shall find it necessary so to do in order to show the propriety of carrying into effect the second provision of the bill which I have prepared, viz: to grant him a pension for disability, and to have that pension commence at the date of that disability.

There is a rule of practice prevailing in the Department with reference to the time when pensions shall commence—and that is when the evidence upon an application shall be closed. It will be found upon an examination, that that practice originated under the act of May, 1820, which provides "that the right any person now has, or may hereafter acquire, to receive a pension, in virtue of any law of the United States, shall be considered to commence at the time of completing his testimony." That act referred exclusively to those annuitants who were or should be in the receipt of pensions for revolutionary services; it in fact referred to the pensioners under the act of March, 1818. It was not designed to have, nor in truth could it have, any application to invalid pensioners under the act of 11th January, 1812. The claim of the latter class rests upon a totally different principle—a principle which has been recognized from the foundation of our own Government—a principle which has been recognized by every civilized Government in Christendom—a principle not only connected with the *justice*, but having an intimate relation to the honor of the country; that principle is loss of physical power while in public service; that principle is personal disability; a deprivation of the means of gaining a livelihood, occasioned by wounds received in the performance of military duty; and whenever it so happens that any one who is thus engaged shall be deprived of limb, or in any way be disabled, a sense of common humanity, as well as of common justice, would prompt the Government at once to make up for that disability, *if not to heal*, to pour balm into the wounds of the faithful soldier by giving him a pension—a reward commensurate with the degree of his disability.

The act of 11th January, 1812, provides "that if any officer, non-commissioned officer, musician, or private, shall be disabled by wounds or otherwise, while in the line of his duty in public service, he *shall* be placed on the list of invalids of the United States, at such rate of pension, and under such regulations, as are or may be directed by law: *Provided always*, That the compensation to be allowed for such wounds or disabilities to a commissioned officer shall not exceed, for the highest rate of disability, half the monthly pay of such officer at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant colonel."

It does seem to me that the language of this act is too plain, too precise, to admit of cavil or doubt, and its injunctions are of the most imperative and positive character. It declares that whoever shall be disabled while in the line of his duty in public service, *shall be placed on the list of invalids of the United States, at such rate of pension as may be directed by law.*

It will not be denied that General Ripley continued in the service long after the battle at the sortie from Fort Erie, adding, year following year, to his fame as a military officer; but in that battle he was severely and dangerously wounded, and by that wound he was *disabled*. His right, then, to an immediate pension, must depend upon the meaning of the word "*disabled*," as used in the act. The late Attorney General (Mr. Taney) has given a clear and sensible exposition upon this point; not with reference to this particular case, but to one not unlike it: "Does the word 'disabled' (he remarks) mean that the officer must be disabled from the duties of his station before he can receive a pension? or does it mean any degree of personal debility which renders him less able to provide for his subsistence? The latter interpretation of the word 'disabled' is most consonant with the spirit and objects of the law, and, indeed, it is the only one consistent with that provision of the statute which directs that the pension shall be graduated, so that the compensation to be allowed to a commissioned officer shall not exceed half of the monthly pay of such officer at the time of his being disabled or wounded."

The act provides that the officer disabled shall be

placed on the list of invalids at such rate of pension, and under such regulations, as may be directed by law. And it being a provision of the law that the pension shall be graduated according to the nature and degree of his disability, all that was necessary to the grant of an immediate pension to General Ripley was to ascertain the degree of his disability, in order to fix the rate of his pension. This is also a regulation of law. In this particular case, from the very nature of the wound, although General Ripley continued to discharge the duties of his situation, he was not only exposed to great bodily suffering, but he was also subjected to great additional expense in the performance of his public duties, by rendering the assistance of others necessary to do those offices about his person which, before the injury, he could perform for himself. It was a disability which commenced in 1814, but it increased with the increase of his years. The effects of a premature old age by reason of his severe sufferings are now manifest to every observer. He is no longer that active, athletic, and vigorous man which he once was. He has become decrepid, disabled, disfigured. He is no longer full of health and of life: he is enfeebled, *worn down*. And how has all this happened? The effect will find its cause in the disability which was incurred on the battle-field in September, 1814. It was the wound he then received, the suffering he then endured, the exposure to which he was unavoidably subjected, while in the way of his duty, that has brought all this upon him; and shall it now be said that he was not then disabled, because for many years he continued to perform the accustomed duties of his station? *No, sir.* It was wise and politic in the Government to retain General Ripley in the service—his presence, his example, his precepts, nerved the arm of the soldier, and gave energy and confidence in the hour of battle.

General Ripley was, Mr. President, seriously disabled by the wound he then received, and his pension ought not to have been withheld on the ground that he continued in the employment of his country; and as it was not then extended to him, it becomes our duty at this late day to do him justice by carrying back his pension to the commencement of his disability.

"When is the disabled officer to receive his pension which the law so emphatically awards to him, if he does not receive it while in service? After he has resigned his commission and become a private citizen? Certainly not; because it must be borne in mind that, by the act of Congress just cited, pensions are contingent and graduated, and that the highest rate of pension for the greatest disability cannot exceed half the monthly pay to which the disabled person was entitled at the date of his injury."

The pension of General Ripley should, and it must, if the Government would be consistent with itself, commence on the day when the wound was received—at the time when the disability was incurred. And I am, and ever have been, unable to understand why the commencement of an invalid pension should be controlled by the circumstance of application and proof. Whenever the physical disability takes place, then should the justice of the Government be extended.

"The act of January, 1812, was a compact, and cases occurring under it were to be viewed as a compact; and they have no more right to cut off the pension than they would the pay or the lands which they had stipulated to give."

With reference to pensions for individual services in the war of the Revolution, they were specially created by the act of March, 1818, and by the subsequent acts of Congress. The Government had not been able to perform the contract, in letter or in spirit, with the soldiers of the Revolution, and these annuities were granted to the surviving officers and soldiers of that day, to make up for the deficiency. All this is the regulation by law. It was competent for Congress, in relation to this matter, to fix the amount, as well as the commencement of the annuity. It was a legislative provision to reward for service rendered more than half a century before the adoption of the provision. That was a matter addressing itself to the high sense of the justice of Congress. They were to make such an enactment, in relation to this matter, as they might think just and proper. They have done it; and the whole matter is now particularly regulated by acts of Congress. This class of pensioners ought to have their pensions commence when they shall bring themselves within the provisions of the existing acts. These pensions may be regarded now in the nature of a debt, which the Government must be presumed to be able and willing to pay, whenever the creditor shall make out his claim. But the act of January 11, 1812, declares what shall be done upon the happening of particular events. It says to the officer, *Join the service of your country*, and should you be wounded in battle you shall be compensated according to the disability incurred.

Entirely different, then, is the case of an invalid pensioner; his claim arises under previous acts of Congress, and should commence with the commencement of the disability, *for the best of all reasons—it was for that very disability* which the legislation of the Government was intended to provide. The grant, then, should go back to the origin of the disability, and should continue while the disability continues. This, I contend, should be the policy and the practice of the Government. Any thing short of this would work the most manifest wrong and injustice. If there is any title under the acts of Congress to an invalid pension, it results from the fact of having been disabled while in the actual military service of the country. And would it not be absurd to contend that the commencement of such a pension should be controlled by extraneous circumstances? It seems to me that any such practical construction would be wrong in principle, and in violation of the spirit, if not of the express letter, of the act of January, 1812.

It was under this act "to raise an additional military force" that General Ripley entered the army of the United States. Those who knew him in early life, felt a pride that so pure a patriot and so gallant an officer had joined the standard of his country, in that day of her danger, when the most unhallowed sentiments were avowed, both as to the existing causes and as to the probable effects of a war with England. It was when dismay had almost chilled the ardor and broken down the force of popular feeling, that Ripley came forward and united his fate with the fate of his native country. And from the commencement of his public service to the time when he resigned his commission, (a period of eight years,) it is a fact *worthy of all praise*, that he was never absent from the scene of his duty. A furlough, a temporary relief from the severe hardships of the camp, was a favor which he never sought, and which he never received. I know this man well. We were natives of the same State; educated at the same institution. His early and unchanging principles; his habits of industry; his known character; his high and honorable feelings, gave promise of his becoming a bold, a daring, a brave, and a humane officer; a pledge which has been most faithfully redeemed. He was first appointed a lieutenant colonel of the twenty-first regiment—a regiment which was enlisted by his untiring efforts—a regiment which was second to no other attached to the American army for the bravery of its officers and men during the period of the war. Its commander was rarely absent from the field of battle. He was by the side of Pike, when that gallant officer fell at York. He lead the advance, consisting of his own regiment at Chrystler's Fields, and repeatedly drove the enemy back with the bayonet. He was, without solicitation on his part, for this particular act of daring courage, advanced to the office of a brigadier general. He was present at the capture of Fort Erie, at the battle of Chippewa, and at Bridgewater, where his brigade stormed the heights; and with Miller, another son of the Granite State, at the head of the twenty-first, carried the enemy's artillery. At a subsequent time, (in September, 1814,) at the battle at the sortie from Fort Erie, General Ripley was severely and dangerously wounded by a musket ball passing through his neck, while making a charge upon the reinforcement of the enemy; and thus terminating a siege of fifty-three days of constant cannonading, *when every day was a battle*. The enemy immediately after raised the siege, and retired to Chippewa. But General Ripley remained in military service, not only to the close of the last war, but to the period of 1820, when he surrendered his commission of brevet major general. Congress, on the third of November, 1814, passed a resolution "that the President of the United States be requested to cause a gold medal to be struck, with suitable emblems and devices, and presented to Brigadier General Ripley, in testimony of the high sense entertained by Congress of his gallantry and good conduct in the several conflicts of Chippewa, Niagara, and Erie."

I have, Mr. President, thus very briefly adverted to the gallant services of General Ripley during the last war. I have adverted to the resolution above cited, to show the sense which Congress entertained of those services. This resolution spoke but the common—the general sentiment of the whole country. No officer was more strongly supported by the power of popular feeling for his courage and conduct, during the war, than General Ripley. He was known to be a brave and fearless man. He was known to be ardently attached to the free institutions of his country. He was believed, while in public service, to be free from public reproach. The war closed—the scene was changed; and the published history of the times exhibited General Ripley as a public defaulter—*a debtor to the Government.* It was a record which could not fail to produce among his early friends the deepest humiliation and chagrin. They were *slow to believe that he could have knowingly converted to his own use that which rightfully belonged to his Government*, but such was the declared fact; and his hard and well-earned fame was stained with the false and ignominious brand of being a *public defaulter*. General Ripley, from the beginning, most resolutely protested against the truth of this charge. His language was invariably that the Government was *indebted to him;* and whenever he should be able to obtain a fair examination and an honest adjustment of the accounts, it would be found that he owed not a dollar to the Government, but that the United States owed to him thousands. We hoped it might be so—*that such would turn out to be the facts of the case;* and I need not say that the result of the recent trials of the suits commenced by the United States against General Ripley has proved the truth of his declarations.

The bill, then, Mr. President, which I propose to offer, ought to be passed promptly—it is but an act of justice to General Ripley. I have said, sir, that no man has suffered more wrong, severer treatment, at the hands of his Government, than General Ripley. *I repeat it*, and I will attempt to make good my allegation. He was entitled to a pension under the act of 1812, for a disability incurred while in military service in September, 1814. Did he receive it? Was he placed upon the list of invalids, in accordance with the provisions of that act? *No, sir.* It was withheld without right, upon the ground that he was continued in the service, and was in the receipt of full pay as an officer. The reason is altogether unsatisfactory. The only question is not how much money he may, by some good fortune, be able annually to earn, but what was the degree of physical disability created by the wound; and the pension should have been awarded immediately according to that degree of disability, in pursuance of the act of 1812. But this was not done; and the pension of General Ripley was unjustly withheld for the reason stated. Well, then, might he complain of this act of injustice on the part of his Government; but he was silent and submissive. In relation to this point we are not without legislative authority. In July, 1832, Congress passed an act "authorizing the Secretary of War, upon the application of J. O. Preston, a colonel in the late war, and upon his making proof of his right to be placed upon the invalid pension roll as an officer of the late war, to allow the said Preston the amount which would have been due him *had he made his application at the time he received his wound.*" There never could be a case more directly in point than the one above cited. The individual was a most meritorious officer during the last war; so was General Ripley. Colonel Preston had not formally, in so many figures and words, made application to the proper Department for a pension, nor had General Ripley. In all respects the two cases are alike, and should receive like treatment at the hands of the Government.

But another case which I will bring to the

notice of the Senate, goes clearly to show that the position that an officer, while in public service, is not entitled to an invalid pension, is wholly untenable. The act for the relief of Thomas Ap C. Jones, grants him arrears of pension to which he was entitled on account of a permanent disability, occasioned by a wound received by him in battle with the enemy during the last war with Great Britain, *commencing at the time he received the wound*. This act was passed in May, 1834. Captain Jones had long been, and was then, in the service of the United States, and he still is in the service of the United States, and in the receipt of full pay for that service. This case, then, establishes, and rightfully establishes, the principle, that the invalid pension should commence with the commencement of the disability, and should be commensurate with the degree of disability. Upon principle, then, as well as in accordance with existing precedents, should General Ripley's pension, as an invalid, go back to the time when he was wounded.

I have before stated that General Ripley left the Army in 1820, and I have also stated the cause which prevented his being placed upon the pension list. But the time had come when he was to be relieved from the cares, and no longer to be entitled to the profits of office But with that event comes "*the unkindest cut of all.*" He stands recorded, and is held out to the world as a defaulter—as a debtor to the Government. A large balance was struck against him at the Treasury office, and from this consideration he was prevented from then being placed on the list of invalids, and drawing his pension. On referring to the appropriation bills from 1821 to 1836, it will be found that, in the acts of Congress making appropriations for the military service, which includes appropriations for every class of pensioners, *it is in effect provided that no money shall be paid to any person who is in arrears to the United States, until such person shall have accounted for, and paid into, the Treasury, all sums for which he may be liable.* Such was the law, and such was the practice, at the different Departments. And in January, 1828, Congress passed a general act to prevent defalcations on the part of the disbursing agents of the Government; and that act contained the precise provisions which had been for many years incorporated into the public appropriation bills.

No disbursing military officer ought to be discharged from the public service until his accounts were fully settled. This is a sound and safe principle; but in a total disregard of this principle, the resignation of General Ripley was accepted; and no sooner was it done, when one account was stated at the Treasury Department, whereby it appeared "that the sum of $13,163 10, as due by Eleazer W. Ripley, late Major General in the Army of the United States, was found against him on settlement of his accounts;" and in less than one month thereafter, another account was stated at the Treasury Department, whereby it appeared that a further sum of $4,154 95 was found against him, making in all the sum of $17,318 05 as the balance due from General Ripley to the United States. These balances, thus struck, *one* in April, *the other* in May, 1821, at the Treasury Department, presented an insurmountable obstacle to his obtaining his long-neglected but justly-merited claim for an invalid pension. There cannot be well conceived an act of more flagrant injustice, of grosser wrong, than to strike these balances against General Ripley, after he had voluntarily resigned his commission, and then bring up those very balances in judgment against him whenever he pressed his claim for a pension. It is highly creditable to the Committee on Pensions of the Senate, that they have done away this practice, by bringing forward at this very session a bill, and which has now become the law of the land:

"That the act entitled an 'An act to prevent defalcations on the part of the disbursing agents of the Government, and for other purposes,' approved the 25th of January, 1828, shall not be construed to authorize the pension of any pensioner of the United States to be withheld."

It is not my purpose, standing here as a friend of General Ripley, to allude to the embarrassments and difficulties which attended every movement he made with a view to the adjustment of these accounts at the Treasury Department. I may, however, be permitted to say that no man feels more deeply the *positive wrongs* which have been inflicted upon him—*the gross neglects* which have been practiced toward him by the Government of his country, than General Ripley. It cannot be otherwise. In November, 1814, Congress passed a highly complimentary resolution in favor of this distinguished officer; but, until it was brought to the notice of the Senate by the chairman of the Committee on Finance, at this very session, that resolution has been permitted to remain unnoticed and unobserved in the archives of the Government. But, whatever may have been the feelings of General Ripley, they were the secret workings of his own heart. The language of complaint against the justice of his country, *for which he so long served, and so freely bled*, has never escaped his lips.

But in relation to those pretended Treasury balances, the United States, in September, 1822, commenced two suits against General Ripley in the district court of Louisiana, to enforce their collection. After the suits were consolidated, they were continued from term to term, until May, 1830, when the trial took place. The verdict of the jury was returned for the defendant. They allowed to General Ripley, for his account and for his extra service.....$15,060 22
They deducted therefrom the balance due the United States..... 11,929 32

Leaving due to General Ripley..... $3,130 90

Whereupon the court ordered that the United States take nothing by these petitions. To the proceedings on trial in this case, and to the ruling of the judge, a bill of exceptions was filed by the attorney of the Government, and allowed by the court; and the defendant, in like manner, filed a bill of exceptions to a certain ruling of the court, which went to the exclusion from the consideration of the jury of so much of General Ripley's claim, *in offset*, as he made for arrearages of pension since 1814. There was one extraordinary fact, to which I refer as worthy of particular notice, and which occurred during the trial, and is now matter of record. So entirely conscious were the jury that General Ripley ought to have been allowed his pension from the commencement of his disability, that "the foreman of the jury, after handing the verdict to the court, stated, that it was the unanimous wish of the jury to allow the claim for arrearages of pension, and requested information whether it would be legal to allow it." The court charged them that they could not, and their verdict was made up accordingly.

But with the termination of this trial did not terminate the suffering of General Ripley, growing out of this prosecution, if it may not well be called *persecution*, of his Government. A writ of error was sued out, and the case brought before the Supreme Court of the United States. General Ripley could not and did not follow this case to Washington; he had nothing to fear from that quarter; nor had he any apprehension that any jury of his country could ever be empaneled by any court of trial to pass between him and his Government, which would return a verdict against him. He had entire confidence in the justice of his case, and he reposed with perfect security in that justice. The cause came before the Supreme Court; and after having been argued by Mr. Taney, the late Attorney General for the United States, (no counsel appearing for the defendant,) was finally disposed of at the January term, 1833. In the trial below, General Ripley made claim—first, for certain extra disbursements made by him; and second, for certain extra services performed by him. The Supreme Court decided,

"That if the disbursements made for which compensation is claimed were not such as were ordinarily attached to the duties of the office held by the defendant, *the fact should have been so stated*, and also that the service was performed under the sanction of the Government, or under such circumstances as rendered the extra labor and responsibility assumed by the defendant, in performing it, necessary. Should the accounting officer of the Treasury Department refuse to allow an officer the established compensation which belongs to his station, the claim, having been rejected, should unquestionably be allowed by way of set-off to a demand of the Government, by a court or jury.

"And it is equally clear that an equitable allowance should be made in the same manner for extra services performed by an officer, which did not come within the line of his official duty, and which had been performed under the sanction of the Government, or under circumstances of peculiar emergency. In such a case the compensation should be graduated by the amount paid for like services under similar circumstances. Usage may safely be relied on in such cases, as fixing a just compensation.

"The allowances claimed under the second head for services which did not come within the range of his official duties, should have been performed with the sanction of the Government, or under circumstances above stated."

The court, in conclusion, remarked that the distinguished services rendered by the defendant during the late war are advantageously known to the country; but the claims set up in the case under consideration must be brought within the established rules on the subject, before they can receive judicial sanction; and as, in the opinion of this court, the district court erred, as their instructions to the jury were given without qualification, *the judgment must be reversed, and the cause remanded, for proceeding de novo*. This interesting case is reported in detail, in seventh volume of Peters' Reports.

The abstract made of the proceedings and decisions of the Supreme Court satisfactorily establishes the positions taken by the defendant on the trial; and the only error committed by the judge below was, in giving *unqualified instructions* to the jury upon the points assumed. *That the defendant* was entitled to recover for disbursements made by him, not such as were ordinarily attached to the duties of his office, as well as for extraordinary services, *admitted of no doubt;* and notwithstanding the clear exposition of the principles, made by the Supreme Court, which were to govern the district court in the trial of this cause, and notwithstanding those principles were most favorable to the rights of General Ripley, yet this same cause was a second time pressed on for trial by the United States, and the defendant was driven to the necessity of again preparing for trial, and of submitting to all the costs and charges which were thereby imposed upon him. All this was done. In 1833 the cause was remanded for a new trial in the district court of Louisiana; and in two years after, in May, 1835—making thirteen years since the commencement of this prosecution—the cause was tried anew by another jury of his country, and upon the principles laid down by the Supreme Court for the government of the case. Mark again the result—it is detailed in an official letter from the Solicitor of the Treasury to the Second Auditor, which I will read:

OFFICE OF THE SOLICITOR OF THE TREASURY,
November 25, 1835.

SIR: From official returns received at this office, in relation to the trial of the two suits directed to be instituted against General E. W. Ripley, late of the United States Army, one as late Brevet Major General, exhibiting a balance of $9,449 70 standing against him on the books of the Second Auditor of the Treasury, the other as late Brigadier General, exhibiting a balance of $2,479 62 standing against him on the books of the Third Auditor of the Treasury, it appears that, at the late trial of these suits, they were ordered to be consolidated, and at May term, 1830, of the United States district court for the eastern district of Louisiana, a verdict was rendered in favor of the defendant.

On the 15th October, 1830, the district attorney at New Orleans was instructed to take out a writ of error, that the principle involved in the case might be settled in the Supreme Court of the United States.

At January term, 1833, the judgment of the district court was reversed, and the case remanded to the said district court by the Supreme Court of the United States, with directions to award a *venire facias de novo*.

In the clerk's report of the district court for May term, 1835, he states that a verdict was rendered in favor of the defendant. In conformity with it, it was ordered by the court, that it be certified, that the plaintiffs (the United States) are indebted to the defendant, E. W. Ripley, in the sum of $20,596 12. The account, therefore, against him should be closed.

I am, very respectfully, sir, your most obedient servant,
V. MAXCY, *Solicitor of the Treasury.*

To WILLIAM B. LEWIS, Esq., *Second Auditor.*

Thus, at a second trial, under all the delays and disadvantages I have detailed, the verdict of his peers is that, instead of General Ripley being a debtor to the Government, he is its creditor upon the claims exhibited to them, and beyond all the claims of the Government, in the sum of $20,596 12.

Such, Mr. President, is the origin, the progress, and the termination of these two suits commenced against General Ripley, *with how much credit or honor to the country* I, for one, leave others to say; but I will not hesitate to declare that they originated in error, and have been carried forward in error; that the Government, in the commencement of these suits against General

Ripley, inflicted a deep wound upon his moral character, and committed a positive injury upon his credit and standing as a man and as a citizen. Upon the ground of this alleged indebtedness and defalcation, under a cover of a balance *thus falsely arrayed against him* upon the books of the Treasury, *the pension* to which he was honorably and honestly entitled from the Government has been kept from him, and not a dollar has he realized from either the justice or bounty of his country.

Mr. President, I have now said all that I have to say, and, in conclusion, will only add that the Government ought not to take advantage of its own wrong. Such a proceeding would not be tolerated by the most ordinary judicial tribunal in our land, with reference to the common dealings between man and man. The claim set up by the Government against General Ripley had no foundation in truth or in justice. So say your own courts; and shall the Government take shelter under that false balance as stated, and deny to General Ripley *that* which would have been most readily granted to him in 1820, had it not been for this very fictitious balance? *I cannot—I will not believe it.* General Ripley must inevitably suffer from this long neglect of his Government, for having for so long a period withheld from him his just right. Had he even received in 1820 the pension to which he was entitled, he would have had less cause of complaint; but in addition to all the other wrongs which he has been obliged to suffer, I hope it may not be his fortune to experience further injustice at the hands of his Government—I hope he will not be obliged to admit that his Government made up a false balance against him, and, by reason of that pretended balance, withheld from him *his pension*, and when he had wiped away that balance, and satisfied his Government that there was not at any period since he left the Army any just balance whatever against him—any indebtedness on his part, that *his Government would not now extend to him rights which would not have been withheld if this balance had not thus been stated.*

Mr. President, the bill which I have prepared is intended to give authority to one of the highest officers of the Government to examine and scrutinize these claims, and to audit and settle the whole account. General Ripley asks no exercise of generosity towards himself by the Government. He only asks justice, and that without further delay. He has but few years to survive the wrongs to which he has been exposed in this matter, as all who know him as I know him can plainly foresee. But he asks to have the last essential correction applied to these wrongs while he is yet alive. Sure I am that what he asks, or rather what is asked by me in his behalf, unsolicited by or unknown to himself, will not be deemed unreasonable by any member of this body who is in possession of the facts. Mr. President, I ask leave to present the bill. I wish it read, and I hope that there will be no objection to its second reading at this time, nor to its engrossment for a third reading. If objection be made, I shall not oppose, but should ask for its reference to the Committee on Pensions.

After some remarks from Messrs. PRESTON, TOMLINSON, and HUBBARD,

The bill was read twice, and referred to the Committee on Pensions.

DISTRICT BANKS.

The Senate took up for consideration, as the special order, the bill to extend the charters of certain banks in the District of Columbia.

Mr. BENTON made some remarks in opposition to the bill, contending that the report of the committee, recommending the recharter of the banks, was not sustained by the evidence. With regard to two of these banks that had stopped payment—the Patriotic Bank of Washington, and the Farmers and Mechanics' Bank of Georgetown—he insisted that they did not make proper exertions to avoid a suspension of specie payments; and that their stoppage, so far from being necessary, had every appearance of having been voluntary. In commenting on the various tables and statements furnished by the committee, he contended that the stoppage of the Farmers and Mechanics' Bank for the insignificant sum of $6,000 was of itself enough to render them unworthy of a recharter. Their stoppage was either compulsory or it was voluntary. If the latter, it showed an unpardonable want of fidelity to their obligations to the public; and if, on the other hand, they were unable to avoid stopping for the insignificant sum of $6,000, it showed that their resources were too contemptible to render them worthy of credit.

Mr. B., in the course of his remarks, read and commented on the following documents:

HARPER'S FERRY, *May* 16, 1836.

DEAR SIR: Your letter of the 12th instant I received this morning. Early in April, 1834, we expected to pay off the *roll* for the month of March. Accordingly, on the 7th of April, I wrote to Colonel J. J. Stull, cashier of the Farmers and Mechanics' Bank of Georgetown, (the bank through which we were then directed to transact our business,) to send me, as soon as convenient, ten thousand dollars. The *Friday* following I expected to have commenced paying, but the money was not sent on until the 10th, and not received by me until the *Saturday* following; consequently it arrived too late to pay that week. On *Sunday* following, I received the news of the failure of the bank; and on *Monday* or *Tuesday* (I am not certain which) I set off for the District. When I reached Georgetown, I had with me *thirteen thousand five hundred and sixty-five dollars* of the Farmers and Mechanics' Bank paper. I called on the officers of the bank, and was told by them that the amount of their paper I had on hand should be exchanged for current funds, but it could not be done immediately. I deposited their paper, as they requested, in the Bank of the Metropolis in Washington city, and some time after received *the same amount from the cashier of that bank* in notes of the Bank of the Metropolis. This is a brief but correct statement of the facts you require.

I inclose you a copy of the letter I received with the ten thousand dollars.

(Signed) ——— ———.

—

April 13, 1834.

The board met, in pursuance of a *call* from the *President*, at his *dwelling*.

Present: The President, Messrs. Hughes, Bradley, Ingle, Clarke, and Thompson.

The President and Mr. Clarke were appointed a committee to meet committees of the other specie paying banks in the *District*, to-morrow, at twelve o'clock, to decide upon such course as may be necessary in the *present deranged state of the commercial affairs of the country.* Adjourned to meet at four o'clock, p. m., to-morrow.

—

MONDAY, *April* 14, 1834.

The board met pursuant to adjournment.

Present: The President, Messrs. Smith, Coyle, Blagden, Hand, Hughes, Ingle, P. Bradley, Clarke, and Thompson.

The President and Mr. Clarke reported to the board that, as a committee appointed for that purpose yesterday, they had seen and requested an interview with the *Farmers' Bank* of Alexandria, the *Bank of Potomac*, the *Union Bank of Georgetown* and *Bank of the Metropolis*, at twelve o'clock this day, for the purpose of taking measures to protect the respective institutions against the present pressure of the times; that they had reason to believe that those banks *would meet*, but they did not, and, therefore, there is no alternative left but to act for ourselves. Wherefore,

Resolved, At a special meeting of the President and Directors of the *Patriotic Bank*, held this day, for the purpose of taking into consideration the *alarming state of the commercial affairs* of the District, it was unanimously

Resolved, That in the opinion of the board, the interest of the *bank creditors* requires that the payment of specie for its obligations ought to be for the present suspended.

Resolved, That, in the opinion of the board, the report made by the committee of investigation in January last, showing that the bank had not only the *ability* to pay its obligations, but to pay the *stockholders* upwards of one hundred and ten per cent., was a true and correct statement of the affairs of the bank, and that nothing has occurred thus far to render the securities of the bank *less safe* than at that period.

Resolved, That the creditors of the bank be requested not to sacrifice their claims, as the board feel authorized to assure them their claims will all be paid.

In making known this determination, the board need hardly say, that nothing but the *extraordinary juncture of affairs* could have brought them to the painful necessity of this *accommodation*. They earnestly invite all persons to call and satisfy themselves of the condition of the bank, and the exertions of the board to sustain the institution, and that, so far as discretion and prudence would authorize, they have personally gone.

W. A. BRADLEY, *President.*
JOHN COYLE,
THOS. BLAGDEN,
J. W. HAND,
M. St. C. CLARKE,
NATHAN SMITH,
THOS. HUGHES,
EDWARD INGLE,
PHINEAS BRADLEY,
P. THOMPSON.

On motion, it was

Resolved, That in fulfillment of pledges already given, the *cash* funds of the bank be placed in charge of the president and cashier for the purpose of paying off the balances due to general depositors; *that the remainder be returned to the Bank of the Metropolis in liquidation of the loan made to the bank on the 11th instant*, and the balance secured by the transfer of *discounted* notes.

Copies of letters from Richard Smith, cashier of the branch Bank United States at Washington city, to W. A. Bradley, Esq., president of the Patriotic Bank of Washington.

APRIL 2, 1834.

MY DEAR SIR: In consequence of demands for assistance from others, and the small amount of money at our disposal, the board could not grant you more than ten thousand dollars, which sum you can have if it will benefit you. It may be, that in the coming week we shall be able to *do more*; but of this I am not certain, and would not, therefore, flatter you.

Very truly yours, R'D SMITH, *Cashier.*

W. A. BRADLEY, Esq., *President Patriotic Bank.*

—

APRIL 4, 1834.

DEAR SIR: I wish, if you take the discount of ten thousand dollars, that you would send on the note to-morrow morning, as it will be necessary to reduce the balance due from your bank. If you can spare anything else in addition, I hope you will send it to me to-morrow.

Very truly yours, R'D SMITH, *Cashier.*

W. A. BRADLEY, Esq., *President Patriotic Bank.*

—

OFFICE BANK UNITED STATES,
WASHINGTON, *April* 5, 1834.

DEAR SIR: The post note for $10,000 of your bank, received in your letter of this date, is discounted; and your account is credited $9,893 33 for the proceeds.

Our board will decide on Tuesday next whether to receive the note of the Corporation of Washington as collateral security for the post note.

I am, very truly, your obedient servant,
R'D SMITH, *Cashier.*

G. E. DYSON, Esq., *Cashier.*

—

OFFICE BANK UNITED STATES,
WASHINGTON, *April* 7, 1834.

DEAR SIR: The balances against the banks are larger than, under present circumstances, can be permitted. I will therefore thank you to reduce yours by good drafts on the North at short dates, or in notes of this office, as otherwise I must draw on you for the amount due.

I am, very respectfully, your obedient servant,
R'D SMITH, *Cashier.*

GEORGE E. DYSON, Esq., *Cashier.*

—

April 9, 1834.

DEAR SIR: I am anxious to know whether you can comply with the request for the payment of the balance *due* us, and in what way. Will you be good enough to let me know by the bearer?

Very truly yours, R'D SMITH, *Cashier.*

WM. A. BRADLEY Esq., *President.*

We have $6,773 74 against you, &c.

—

OFFICE BANK UNITED STATES,
WASHINGTON, *April* 10, 1834.

DEAR SIR: I will thank you to send me by the bearer the SECURITIES named by you yesterday.

Very truly yours, R'D SMITH, *Cashier.*

WILLIAM A. BRADLEY, Esq., *President Patriotic Bank.*

—

OFFICE BANK UNITED STATES,
WASHINGTON, *April* 11, 1834.

DEAR SIR: I send herewith the notes and checks on your bank, and shall do so *every morning*, as, in the present *state of things*, balances must not be permitted to accumulate. Whatever you can send me on the North will be acceptable. If we continue to take notes of your bank, and indeed of all banks, they must be redeemed DAILY.

I am very respectfully, your obedient servant.
R'D SMITH, *Cashier.*

WILLIAM A. BRADLEY, Esq., *President.*

The paper also stated, that on the officers bringing down this money, and demanding payment, it was deposited by agreement in the Bank of the Metropolis, where it was shortly paid. After commenting at some length on the report and statements furnished by the committee, Mr. B. said he would oppose the recharter of these banks by all the means known to parliamentary proceedings; and gave notice that he would, at a proper stage of the business, moved to recommit the bill with instructions to bring in a bill to wind up the affairs of these banks, and to charter a new bank or banks, with the necessary restrictions, and with small capital, suited to the capacity of the District.

Mr. NILES also addressed the Senate in opposition to the bill

Mr. KENT said that the Committee on the District, after the most rigid examination of the affairs of these banks, had unanimously agreed to recommend their recharter. They were perfectly satisfied that the banks had been conducted with the utmost fairness, and that they were perfectly solvent. No banks in the Union (he said) could present more favorable statements of their condition than these banks did; and he challenged the gentleman to show among those of the deposit banks, furnished by the Secretary of the Treasury, fairer statements than were presented by these banks. He did not intend by this to cast any imputation on the deposit banks, for he believed that they were generally good, and would

be able, when called on, to return the Government money in their hands. This he knew, at least, was the case with the deposit banks at Baltimore.

Mr. KING, of Alabama, defended the report of the committee, and contended that it was fully borne out by the most ample testimony. The committee (he said) had made a strict and laborious investigation, and after a most rigid scrutiny into the affairs of these banks, and collecting a great mass of evidence, they were able unanimously to agree in recommending their recharter. The committee was satisfied of the perfect solvency of these banks, and their ability to comply with their engagements, and that at the time of their stoppage there was a most unprecedented run on them. He must say that he was not altogether satisfied that the Farmers and Mechanics' Bank had made sufficient efforts to avoid stopping, though he acknowledged there was a most unexampled run on them; but with regard to the other bank there could be no doubt but the most strenuous efforts in their power were made without effect to sustain their credit; the directors even giving their private obligations for this purpose. The committee had instituted the strictest investigations for the purpose of ferreting out any abuses that might exist; and he must say that the books and papers were freely opened to their inspection by the officers of the bank, and that there was nothing but what was satisfactorily explained. With respect to the bill before them, he must say to the Senator from Connecticut, [Mr. NILES,] that it contained everything he required. The capital of these banks was to consist of specie, or what was equivalent to specie.

Mr. BENTON submitted a motion in writing to lay the bill on the table, to give the Senators an opportunity of examining the statements of the affairs of the banks whose conduct had been investigated, and which were then exhibited in the Senate for the first time.

This motion was lost.

After some further remarks from Messrs. BENTON and KENT,

Mr. WRIGHT moved to lay the bill on the table, to enable him to make a report from the select committee to which had been referred the bill to regulate the public deposits; which motion was agreed to, with the understanding that the bill was to be taken up after the report was made.

PUBLIC DEPOSITS.

Mr. WRIGHT, from the select committee to which was referred the bill to regulate the deposits of the public moneys, made a report thereon, accompanied by a new bill as a substitute for the old bill and amendments.

Mr. W. said, to correct some misapprehensions that might grow out of a paragraph in one of the morning papers, that this bill was the agreement of a majority of the committee, and not of the whole of them, some parts of the bill were agreed on unanimously, but the most important part of it was the report of a majority only.

The bill and amendments were then ordered to be printed.

PERSONAL EXPLANATION.

Mr. WEBSTER rose, and said that he had seen in the Globe of this morning a paragraph so flagitiously false respecting his conduct as chairman of the Committee on Finance, that he felt it his duty to say something with regard to it. The paragraph was in these words:

"It is a most remarkable thing, that while the Opposition in the Senate every day parade before the public the seven millions in the stock of the Bank of the United States, as a part of the surplus in the Treasury, they so contrive it that not a dollar of it can reach the Treasury. Judge White, Mr. Calhoun, Mr. Clay, and Mr. Webster, are ever and anon pointing to the seven millions of bank stock as a fund for distribution; while Mr. Webster, as chairman of the Committee on Finance, holds back for months, from the action of the Senate, the bills passed by the House of Representatives to provide against the notorious conversion by Biddle of the means of the old bank to the purposes of the new. The bill repealing the obligations on the officers of the Government under the old charter to receive the notes of the Bank of the United States, notwithstanding it is known that Biddle is reissuing the notes of the old bank for the new pretended State Bank, has been smothered for many weeks in the Senate."

Now he had no other way than this of correcting so erroneous a statement, which reflected on other members of the committee, as well as himself, a majority of whom were members of the Administration party, and who could report whenever they pleased. He felt it his duty to bear testimony to the industry and fidelity with which every member of the committee had performed his duties. Now the facts were these: the bill referred to in this paragraph was read in the Senate for the first time on the 14th of April, referred to the Committee on Finance on the same day, and reported back on the 21st. This was not the first occasion on which he had been compelled to notice the most direct and palpable falsehoods of this journal, which are even contradicted by its own columns, and contradicted by the printed journals of the Senate.

On motion of Mr. KENT, the bill to recharter the District banks was reinstated in its place as the special order.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 3, 1836.

Mr. JARVIS, from the Committee on Naval Affairs, reported the following resolution; which, under the rule, lies over one day for consideration:

Resolved, That a select committee be appointed to inquire into the expediency of purchasing for the Army and Navy of the United States the right to use the Rev. Henry Reid's improved truss.

On motion of Mr. JARVIS, the following resolution, heretofore reported by him from the same committee, was taken up:

Resolved, That the Secretary of the Navy be directed to ascertain, as far as practicable, and to report to this House during the first week of the next session, the practicability of establishing a navy-yard at or near Great Barn Island, in the straits called East river, which connects Long Island sound with New York bay; the comparative advantages and disadvantages of that site, and the site of the navy-yard at the Wallabout on Long Island, for the purpose of a navy-yard; the expense of erecting the works recommended by Colonel Baldwin at the Wallabout, according to the plan presented by that engineer; the expense of a dry dock at each of the above positions; the expense of purchasing the necessary quantity of land, and erecting buildings of equal convenience with those now owned by the United States at the Wallabout; and the probable amount for which the lands, buildings, and other property of the United States at the Wallabout might be disposed of, if offered for sale.

Mr. DICKERSON moved to amend the same by inserting after the words "New York bay," the following: "Also, at Perth Amboy and Jersey City, in the State of New Jersey." Mr. D. explained that it would be better to extend the inquiry to three points than to confine it to one.

The amendment was agreed to; and the resolution as amended was adopted.

WESTERN BOUNDARY OF MISSOURI.

On motion of Mr. EVERETT, the Committee of the Whole was discharged from the further consideration of the bill to extend the western boundary of the State of Missouri, and the same was brought into the House.

On motion of Mr. E., the bill was then taken up, read a third time, and passed.

IMPRISONMENT FOR DEBT IN THE DISTRICT OF COLUMBIA.

On motion of Mr. LANE, the following resolution, heretofore reported by him from the Committee for the District of Columbia, was taken up, considered, and agreed to:

Resolved, That the Secretary of State be requested to ascertain and report to this House the number of persons imprisoned for debt since 1820 in the District of Columbia; the times during which they were imprisoned; the amounts of their respective debts; the portions thereof paid in consequence of their imprisonment; the expenses to creditors of maintenance, &c., with such other facts as to allegations of fraud, age, sex, and condition of the parties, as can be conveniently procured.

HARBOR BILL.

Mr. HARD asked the consent of the House to offer the following resolution:

Resolved, That bill No. 523, making appropriation for the construction and improvement of certain harbors for the year 1836, be made the special order of the day for the third Monday of June instant.

Mr. WHITTLESEY, of Ohio, would submit to the gentleman whether that bill was not embraced in the special order of the 26th of January last. Perhaps the chairman of the Committee of Ways and Means would confirm Mr. W.'s opinion.

Mr. SMITH said that, as the chairman was not then in his place, he would inform the House that the subject had been under the consideration of the committee, and they came to the conclusion that the "harbor bill" was embraced in the special order referred to, and it was intended to move to take it up as soon as the "fortification bill" was disposed of.

Mr. WHITTLESEY remarked that that was his impression, whereupon

Mr. HARD withdrew the resolution.

Mr. SMITH asked leave to offer the following resolution:

Resolved, That the House will resolve itself into the Committee of the Whole on the state of the Union on Saturday next, at two o'clock in the afternoon, to consider, in the order of the Calendar, the several bills providing for the erection of marine hospitals in Baltimore, Portland, Wilmington, Newport, New Orleans, City Point, (Virginia,) near Ocracoke Inlet, North Carolina; and the bills to provide for the erection of public hospitals, and for the purchase of sites for the erection of marine hospitals, on the western rivers and lakes in the United States.

Objection being made, Mr. S. moved a suspension of the rules; which was lost.

Mr. JOHNSON, of Kentucky, asked the consent of the House to move to go into Committee of the Whole, for half an hour only, on the bill to provide for the appointment of three additional paymasters to the Army; which was objected to.

Mr. PHILLIPS, on leave, presented some memorials on the subject of patent rights.

Sundry bills from the Senate on the Speaker's table were then taken up, read a first and second time, and referred to their appropriate committees.

TIME OF MEETING OF CONGRESS.

Among the foregoing was a bill proposing to change the time of the meeting of Congress, and to fix a day for the adjournment of the long session.

[The bill proposed that Congress should assemble on the first Monday of the month of November in each year, and that the adjournment of the first session should take place on the second Monday in May, unless the two Houses should otherwise provide.]

Mr. WHITTLESEY, of Ohio, moved that the bill be referred to the Committee on the Judiciary.

Mr. WARDWELL said, unless some very good reasons were offered why the bill should be committed, he hoped it would be considered at once. For himself he could see no necessity for committing it at all.

Mr. SPEIGHT hoped it would be committed, or at least, if it did pass, he hoped it would undergo some alteration. He moved that the bill be referred to the Committee of the Whole on the state of the Union.

After some remarks from Messrs. MERCER, WHITTLESEY, of Ohio, GLASCOCK, and McKENNAN,

Mr. WHITTLESEY and Mr. SPEIGHT respectively withdrew their motions.

Mr. VANDERPOEL moved that the House then take up the bill.

Mr. PATTON moved to lay it on the table; which was lost.

Mr. MANN, of New York, moved to postpone it till Thursday next; which was lost.

Mr. GILLET said he was in favor of the principle of the bill, which anticipated an earlier meeting of Congress, and a much earlier adjournment of the long session. Our sessions were clearly extended too late in the season for the health of members, or the proper dispatch of public business. Our meeting is at a time extremely injurious to the health of those who come from a great distance. The Constitution gives us the power of fixing the time of meeting, but leaves the question of adjournment untouched. Now, though he was favorably impressed with the proposition to meet earlier, he had strong doubts whether we have, by the Constitution, the power to prescribe to our successors the time at which they shall terminate their labors. It was his impression that the Constitution contemplated that each House should judge for itself. It prescribes, in case of disagreement, that the President may adjourn Congress to such time as he shall see fit. His

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, JUNE 13, 1836. VOLUME 3....No. 34.

mind had been brought to the conclusion that each Congress must judge for itself as to its time of adjournment. But he might be wrong, and he wished the opinion of the Judiciary Committee on that point. If he was wrong, and should be convinced of that fact, he should cheerfully vote accordingly. That committee might give us an argument which should set him right. Until then, he must follow the convictions of his judgment, and vote against the bill. He could not consent to attempt to control future Congresses. They will be accountable to the people, and they ought not to be so shackled as not to be fully responsible for all their acts. If they should be adjourned by this law, without transacting the public business, they would charge the fault upon this Congress. In order to have this subject fully examined and properly understood, he therefore renewed the motion to commit the bill to the Committee on the Judiciary.

After some further remarks from Mr. JOHNSON, of Kentucky,

Mr. BRIGGS inquired of the Speaker if it would be in order to move to amend the bill by striking out that clause which prescribes the day of adjournment of the long sessions?

The SPEAKER said that the motion would not be in order pending the present motion to commit to the Committee on the Judiciary.

Mr. BRIGGS said the bill contained two propositions, one fixing the first Monday in November for the annual meeting of Congress, and the second Monday of May for the adjournment of the first session of each future Congress. As he believed the House was now prepared to act upon the subject, he hoped the motion to commit would not prevail. He was in favor of the first part of the bill, but opposed to that part of it which undertakes to fix the day of adjournment of a future Congress, because, in his opinion, it came in direct conflict with the third section of the second article of the Constitution of the United States. By that section of the Constitution, if the two Houses of Congress "shall disagree with respect to the *day of adjournment*, the President may *adjourn* them to such time as he shall think proper. The bill declares that such adjournment shall take place on the second Monday of May, unless the two Houses by joint resolution shall fix upon a different day. Should both Houses be opposed to that day, by force of this law that must be the time; though by the Constitution the President, in case of such disagreement, has the power to fix the day. This law, in such a case, takes away this clear and explicit constitutional right of the Executive. For this reason he was opposed to that part of the bill. He hoped, however, the House would proceed at once to act upon the subject, strike out the last clause, and pass that part of the bill which fixes an earlier day for the future meeting of Congress.

After some remarks from Mr. VANDERPOEL,

Mr. THOMSON, of Ohio, called for the orders of the day.

Mr. VANDERPOEL moved to suspend the rules till twelve o'clock, for the purpose of proceeding with the consideration of this bill; which was agreed to without a count.

The bill was then taken up, and, on motion of Mr. OWENS, read through by the Clerk.

Mr. PATTON briefly opposed it, and Mr. HARDIN made a few remarks in support of it; when

Mr. VANDERPOEL said that his colleague [Mr. GILLET] had moved to refer the bill to the Judiciary Committee, and he hoped that that motion would not, in any event, prevail, as every gentleman was, no doubt, now ready to vote finally on the bill; and he would ask the Chair what the main question would now be, if the previous question were ordered?

The CHAIR replied, that the main question would be, whether the bill should be ordered to be engrossed for a third reading?

Mr. VANDERPOEL demanded the previous question, which was seconded by the House; taken by tellers—ayes 90, noes 39; and the main question was ordered to be put without a count.

Mr. SPEIGHT asked for the yeas and nays on the main question; which were ordered.

The main question, on ordering the bill to a third reading, was then taken, and decided in the affirmative—yeas 119, nays 66. So the bill was ordered to a third reading.

Mr. ADAMS moved to recommit the bill to a select committee, with instructions to strike out that part of it referring to the time of the adjournment of Congress, as he deemed that provision to be unconstitutional.

Mr. BELL moved to amend the instructions, by providing that the bill be further amended, so as to limit the commencement of Congress on the first Monday of November to the second session only, or every other year.

Mr. TOUCEY contended that the provision prescribing the time of adjournment was at variance with the Constitution, and totally conflicted with the fifth clause of that instrument. It was a clear, palpable, manifest violation of the Constitution. Moreover, he was unwilling that the House of Representatives should put themselves within the control of the Senate, a smaller body, which would be the effect of the passage of this bill.

Mr. SPEIGHT also opposed the bill. He said the very time of meeting in November was, of all other seasons in the year, the most important for the southern farmer. He also took the ground of the unconstitutionality of the second provision of the bill in reference to the day of adjournment.

The hour of twelve having arrived, the special order was announced by the Chair.

Mr. JOHNSON, of Kentucky, moved a postponement of the same for one hour, for the purpose of continuing the consideration of the subject then pending; which was agreed to—ayes 123, noes not counted.

Mr. SPEIGHT concluded his remarks in support of the motion to recommit.

Mr. WILLIAMS, of Kentucky, was opposed to the bill, and had so shown by his vote. It was evident, however, that a very large majority of the House were in favor of it; and as there would, therefore, be no use in a lengthy discussion, he demanded the previous question.

The previous question was seconded by the House—ayes 80, noes 59; and the main question was ordered to be put without a count.

Mr. SPEIGHT asked for the yeas and nays on the main question; which were ordered.

The main question being on the passage of the bill, it was then taken, and decided in the affirmative—yeas 101, nays 81; so the bill was passed.

EXECUTIVE COMMUNICATION.

The SPEAKER presented to the House a message from the President of the United States, transmitting a report from the War Department in answer to a resolution of the House of Representatives of the 21st ultimo, respecting the causes of the Seminole hostilities in Florida; which message and accompanying documents were referred to the Committee on Indian Affairs, and ordered to be printed.

POTOMAC BRIDGE.

The SPEAKER laid before the House another message from the President of the United States, transmitting a report from the Secretary of the Treasury in relation to the damages sustained by the bridge across the Potomac river, in consequence of the recent floods; which was laid on the table, and ordered to be printed.

Mr. W. B. SHEPARD, by consent, introduced a joint resolution, authorizing the Secretary of the Treasury to have all the necessary repairs made in the bridge across the Potomac river, which had arisen in consequence of the flood, and that the expenses be paid out of the unexpended balance of money heretofore appropriated for the erection of said bridge; which, after some remarks from Mr. MERCER, was read twice, and ordered to be engrossed for a third reading this day.

LANDS IN MISSOURI.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House, transmitting a report from the Commissioner of the General Land Office, accompanied by certain opinions and arguments respecting certain claims to lands in the State of Missouri; which was ordered to be printed.

RESOLUTIONS ADOPTED.

On motion of Mr. BAILEY, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Andrew Reed, of Boothbay, in the State of Maine, for his services in the revolutionary war.

On motion of Mr. MERCER, it was

Resolved, That the Secretary of the Treasury be directed to cause an examination to be made of the cause of the recent injury of the Potomac bridge, and to report the result thereof to this House, along with an estimate of the cost of repairing the said injury.

On motion of Mr. JUDSON, it was

Resolved, That the Committee on Claims be instructed to inquire into the expediency of refunding to Jonathan Clark, Esq., of Hampton, Connecticut, the sum of $30, by him paid into the Treasury of the United States for a patent, which he has never taken out, and abandons the same.

INDIAN ANNUITIES, ETC.

In execution of the special order of yesterday, the House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. SMITH in the chair,) and resumed the consideration of the bill making appropriations for the current expenses of the Indian department for Indian annuities, and for other similar objects, for the year 1836.

The bill had passed the House some time since, and was returned from the Senate with sundry amendments.

The question pending was the motion of Mr. BELL, from the Committee on Indian Affairs, to disagree to the Senate's amendment increasing the item for "locating reservations, and certifying contracts, under the treaty with the Creeks of the 24th of March, 1832," from $7,000 to $14,000.

Mr. LEWIS had yesterday moved an amendment to the Senate's amendment, authorizing the President of the United States to appoint additional agents for certifying and for investigating frauds, if he should deem it necessary.

Mr. LEWIS withdrew his amendment.

Mr. BELL produced a document from the War Department, stating that $7,000 would be sufficient for the purposes of the object to be accomplished.

The amendment of the Senate was then disagreed to.

The ninth amendment of the Senate was then read as follows:

For the removal of Creek Indians, and their subsistence for one year, including subsistence of those recently removed, in addition to the balance of $155,000 of former appropriations, $348,230.

For the removal of Seminole Indians, and their subsistence for one year, in addition to a balance of $33,000 of former appropriations, $158,437 50.

Mr. BELL, under instructions from the Committee on Indian Affairs, moved that the Committee of the Whole House agree to this amendment, with the following amendments:

Before the word "Creek," in the first line, insert "twenty-one thousand."

Strike out "$348,230," and insert, in lieu thereof, "$1,023,550."

Strike out "$158,437 50," and insert, in lieu thereof, "$100,000."

Mr. EVERETT proposed a substitute for the above, to come in after the Senate's amendment, as follows: "Under the twelfth article of the Creek treaty of 1832, and for holding treaties with the hostile Indians east of the river Mississippi,

and for their removal west of that river, $675,330;" and addressed the committee at great length on the subject of his amendment, and on the general policy of the Government in reference to the Indian tribes.

As soon as Mr. E. had concluded,

Mr. WHITE, of Florida, obtained the floor, and addressed the committee at length in vindication of the Government in reference, especially, to the course pursued towards the Seminoles in Florida.

Mr. VINTON said, there were documents in relation to this subject which had been ordered to be printed, but which had not yet been laid on the tables of the House. As it was indispensable that the information contained in these documents should be in the possession of the House before acting on these appropriations, he hoped the bill would be postponed until all the evidence was sent in. He therefore moved that the committee rise.

Mr. LAWLER stated a fact that he had received a letter only yesterday from a source in which he had the utmost reliance, containing the assurance that the upper Creeks were prepared for emigration, were encamped for the purpose, but were utterly unprovided, and were begging for agents. He had also other authentic intelligence to the same effect. He therefore put it to gentlemen whether that committee were not bound to act promptly.

Mr. VINTON replied that there was a sum of one hundred and fifty odd thousand dollars already appropriated for the purpose. Let the Government then send on an agent with that; and in the mean time the House could consider of the propriety of appropriating more money. Let the gentleman from Alabama accept the amendment of the gentleman from Vermont, [Mr. EVERETT.] The amendment of the Committee on Indian Affairs contemplated the forcible removal of the Creeks. Mr. V. then withdrew the motion that the committee rise.

Mr. GLASCOCK hoped the committee would act finally on this bill without rising. He was sure no gentleman from the South desired to suppress the fullest investigation, either in relation to the national or the State governments, as regarded the conduct of either towards the Indians. For himself, he desired it. Mr. G. said he wished to address the committee at length; but as the gentleman from Ohio had the floor, he would yield it to him, and he hoped that gentleman would proceed. He had no doubt the gentleman knew the contents of those papers.

Mr. HAYNES said the gentleman from Ohio had fallen into an error. The amendment of the Committee on Indian Affairs did not contemplate the forcible removal of the Indians.

Mr. VINTON said he did know the contents of those papers, and he therefore renewed the motion that the committee rise, so that they might be put in possession of them. Mr. V. withdrew the motion at the request of

Mr. ADAMS, who said, that until that morning no information had been furnished to the House in regard to the immediate causes of the Indian war. Mr. A. then went on to reply to the gentleman from Florida, [Mr. WHITE,] and adverted to the effect of the amendment of the committee.

Mr. BELL explained, that forcible removal was not contemplated by the amendment.

Mr. HAYNES was at a loss to conceive how the amendment could be interpreted to be intended to go further than the provisions of the treaty. Nothing like forcible removal was certainly embraced in it.

Mr. ADAMS resumed. The question was, whether we were at peace or at war with these Indians? If the latter, force must be contemplated. He went on to argue this point at some length, and to reply to the gentleman from Florida. He said no information had been furnished to the House by which it could tell whether these appropriations were asked to carry on an offensive war, or to carry into effect the provisions of a treaty. In reference to the latter point, he quoted a letter of the Governor of Georgia, which said the "Indians must be removed at the point of the bayonet." If this was to be considered carrying a treaty into effect, it was a most extraordinary mode.

Mr. BELL said a few words in explanation. He understood that there was a large proportion of the Creeks who were neither hostile or inclined to be hostile, but were desirous to emigrate. It was with reference to them alone that the appropriation was recommended by the committee, and no force was intended to be applied to them. Specific appropriations for the hostile portion of the Indians had already been made.

After a few remarks from Mr. ASHLEY, the committee then rose and reported.

The Speaker having resumed the chair,

Mr. WHITE, of Florida, by leave, offered a resolution requiring certain information from the Secretary of War in relation to Seminole licenses in the winter and spring of 1825; which was considered and agreed to.

Mr. BELL, on leave, offered a resolution calling for certain information from the same Department in relation to the Creek hostilities.

Mr. CAMBRELENG hoped the gentleman from Tennessee would make this bill the order of the day for Monday, at twelve o'clock. Mr. C. said, on to-morrow, at twelve o'clock, he would call up the fortification bill. He could not help expressing his astonishment that information in relation to the origin of the Seminole war should be called for at a moment when this bill was under consideration, and when it was admitted on all hands that the Indians were starving, and were being driven into hostility.

Mr. BELL's resolution was then considered and agreed to.

On motion of Mr. BRIGGS, the House then adjourned, at six o'clock, p. m.

IN SENATE.

SATURDAY, *June* 4, 1836.

Mr. EWING, of Ohio, presented a petition of sundry citizens of Franklin county, Ohio, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

RESOLUTIONS.

Mr. ROBBINS submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Wickford, by water, to Newport, in the State of Rhode Island.

Mr. WALKER submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Columbus, Mississippi, to Westport, Lowndes county, Mississippi.

Mr. TOMLINSON submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Westport to the academy in Weston, and thence, by the Stepney post office, in Monroe, to Southbury, in Connecticut.

Mr. WRIGHT submitted the following resolutions; which lie on the table one day:

Resolved, That the Secretary of the Treasury be directed to report to the Senate the amount of money now in the Treasury subject to draft, and also the receipts from both customs and lands during the month of April now last past, as compared with the receipts from the same sources for the month of March last.

Resolved, That the Secretary of the Treasury be directed to prepare from official returns and report to the Senate the rates of domestic exchange and of drafts between the large commercial towns charged by the present deposit banks at their last returns, compared with the rates of exchange, and upon drafts charged by the late Bank of the United States between the same points at different periods.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of Nancy Lemaster, widow of James Lemaster;

The bill for the relief of Noah Brown, and the legal representatives of Adam Brown, deceased;

The bill for the relief of Ebenezer Spalding;

The bill for the relief of the legal representatives of Captain Charles C. B. Thompson, deceased;

The bill to allow a drawback of duties on imported hemp when manufactured into cordage and exported;

The bill for the relief of the legal representatives of Nathaniel Y. King;

The bill for the relief of Joseph Bogy;

The bill for the relief of Jesse Smith and others;

The bill for the relief of Joseph Gresham;

The bill for the relief of John Pierce and Daniel Van Voorhis;

The bill for the relief of William Woodward and William Mitchell;

The bill for the relief of Samuel W. Ruff;

The bill for the relief of McKean Buchanan;

The bill for the purchase of certain rights of invention of Captain William H. Bell, of North Carolina;

The bill for the relief of Henry Darling; and

The bill for the relief of the legal representatives of Thomas Haliday, deceased.

COUNT BOURTOULIN'S LIBRARY.

The resolution authorizing the Joint Library Committee to contract for the purchase of the library of the late Count Bourtoulin, of Florence, was rejected—ayes 16, noes 17.

At a subsequent period, Mr. CLAY, who voted with the majority, moved a reconsideration of the vote; which was agreed to; and the resolution was laid on the table.

MARGARET MEADE.

The bill for the relief of Margaret Meade, executrix of Richard W. Meade, deceased, was laid on the table.

BILLS PASSED.

The following bills were severally read the third time, and passed:

The bill to reorganize the General Land Office;

The bill supplementary to the act to authorize the Territory of Florida to open a canal from the Chipola river to St. Andrew's bay, and from Matanzas to Halifax, in said Territory;

The bill for the relief of the legal representatives of Nathaniel Kennedy;

The bill for the relief of the legal representatives of Henry Fisher, deceased;

The bill for the improvement of certain rivers and roads in Florida;

The bill to authorize the Secretary of the Treasury to compromise the claims of the United States against certain banks; and

The bill to authorize Daniel Tyler to import, free of duty, an iron canal boat in detached parts, with the necessary machinery, tools, &c.

CONVENTION WITH SPAIN.

Mr. CLAY, from the committee of conference appointed on the disagreeing votes of the Houses on the amendments to the bill to carry into effect the treaty with Spain, reported that the committee had agreed to recommend to the two Houses the adoption of the following modifications: to provide for the appointment of one commissioner instead of three, with the Attorney General; reducing the period for executing this commission from eighteen months to one year.

On taking the question, the amendment was concurred in.

POTOMAC BRIDGE.

The joint resolution of the House for the repair of the damage done to the bridge across the Potomac by the late freshet was read twice, and ordered to a third reading, and, by unanimous consent, read the third time and passed.

DISTRICT BANKS.

The bill to extend the charter of certain banks in the District of Columbia was taken up as the order of the day.

Mr. BENTON addressed the Senate at considerable length in opposition to the bill; after which he moved to recommit the bill with the following instructions:

To report a bill to wind up the affairs of all the banks now existing in the District of Columbia, and to allow them to use their corporate name and faculties for two years for that purpose.

To report separate bills for the incorporation of —— new banks, with small capitals, adapted to the capacity of the District to sustain specie banks, and strictly limited to the business of the place; the said incorporations to contain, among other provisions, the following principles:

1. The capital to consist of gold and silver, one half of each; stock, stock notes, notes of other banks, and every thing but gold and silver to be excluded from the capital.

2. The banks to pay no bonds, but the stock to be subject to taxation, like any other property in the District. The notes issued by the banks to be subject to taxation, by stamp duties or otherwise.

3. Every stockholder to be liable to the creditors of the bank, in his person and property, for the debts of the institution, to the amount of his stock, in the event of the failure of the bank to pay gold and silver; with summary process for the recovery; and all alienations of stock to avoid this liability to be void.

4. The banks to issue no notes of less denomination than twenty dollars; and all notes of less denomination than twenty dollars, issued by other banks, to be prohibited from circulation within the District.

5. All the notes and paper currency issued by said banks to be paid in gold and silver; one half of either at the option of the demander, the other half at the option of the bank.

6. The banks to own no real estate except for its immediate accommodation.

7. To deal in nothing but gold and silver bullion, and in foreign and domestic bills of exchange. The charters to be forfeited for buying or selling any coin made current by the laws of the United States.

8. The charters to be limited to moderate terms of years, and to expire at different periods from each other.

9. The charters to be alterable, amendable, and repealable, at the will of Congress, and not renewable under any terms whatever.

After some remarks from Messrs. SOUTHARD and WALKER in favor of the bill, and in opposition to the motion,

Mr. BENTON asked that the question be taken first on the motion to recommit the bill; which was agreed to; and the question was decided in the negative—yeas 10, nays 28; as follows:

YEAS—Messrs. Benton, Ewing of Illinois, King of Georgia, Niles, Rives, Robinson, Shepley, Wall, White, and Wright—10.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, and Webster—28.

Mr. BENTON moved to strike out the name of the Farmers and Mechanics' Bank of Georgetown; which motion was decided in the negative—yeas 9, nays 27; as follows:

YEAS—Messrs. Benton, Ewing of Illinois, King of Georgia, Niles, Robinson, Shepley, Wall, White, and Wright—9.

NAYS—Messrs. Black, Buchanan, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Moore, Naudain, Nicholas, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, and Webster—27.

Mr. BENTON moved to strike out the name of the Commercial Bank of Washington, to be formed by the union of the Bank of Washington and the Patriotic Bank of Washington; which motion was rejected—yeas 10, nays 27; as follows:

YEAS—Messrs. Benton, Ewing of Illinois, King of Georgia, Niles, Robinson, Ruggles, Shepley, Wall, White, and Wright—10.

NAYS—Messrs. Black, Buchanan, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, and Webster—27.

Mr. BENTON moved to strike out one of the two descriptions of capital provided for in the bill, included in the words, "and property equivalent to specie;" which motion was rejected—yeas 11, nays 27; as follows:

YEAS—Messrs. Benton, Black, Ewing of Illinois, King of Georgia, Niles, Robinson, Ruggles, Shepley, Wall, White, and Wright—11.

NAYS—Messrs. Buchanan, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, and Webster, —27.

Mr. BENTON moved to strike out the other description of capital described in the words, "funds equivalent to specie;" which motion was also rejected—yeas 9, nays 28; as follows:

YEAS—Messrs. Benton, Ewing of Illinois, King of Georgia, Niles, Robinson, Shepley, Wall, White, and Wright —9.

NAYS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, and Webster —28.

The bill was then ordered to be engrossed for a third reading—yeas 30, nays 9; as follows:

YEAS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Preston, Rives, Robbins, Porter, Prentiss, Swift, Tallmadge, Tomlinson, Walker, and Webster—30.

NAYS—Messrs. Benton, King of Georgia, Niles, Robinson, Ruggles, Shepley, Wall, White, and Wright—9.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 4, 1836.

Mr. HAWES asked the consent of the House to take up the joint resolution of the Senate, fixing the day of adjournment of the present session of Congress.

Objection being made, Mr. H. moved a suspension of the rules.

Mr. HEISTER asked for the yeas and nays; which were ordered.

Mr. CUSHMAN moved a call of the House.

Mr. CRAIG asked for the yeas and nays on that motion; which were ordered.

The motion for a call of the House was lost—yeas 59, nays 94.

The motion to suspend the rules was also decided in the negative—yeas 104, nays 72; not two-thirds.

REPORTS FROM COMMITTEES.

Mr. JARVIS, from the Committee on Naval Affairs, reported the bill from the Senate to reward the captors of the Tripolitan frigate Philadelphia; which was read twice and committed.

Mr. J., from the same committee, also reported from the Senate the bill to provide for the payment of the passage of General La Fayette in 1824, with the recommendation that the same do not pass, and moved that it be laid on the table; which was agreed to.

At a subsequent stage of the proceedings,

Mr. CAMBRELENG moved to reconsider the vote laying this bill on the table, so that it might take the ordinary course, and be referred to the Committee of the Whole.

Mr. STORER moved to lay that motion on the table; which was agreed to.

[Mr. CHAPIN, from the Committee on Revolutionary Claims, made an adverse report upon the petition of Blair Moran; which was ordered to lie on the table, and be printed.]

ORDER OF BUSINESS.

Mr. HARRISON, of Missouri, moved a suspension of the rules, for the purpose of offering a resolution making the bill granting the right of preëmption to actual settlers on the public lands the special order of the day for the third Wednesday in this month; which was lost.

Mr. SEVIER made a similar motion to set apart Wednesday and Thursday mornings next, from ten till one o'clock, for the consideration of the local business of the Territories, with the exception of the bills for the admission of Michigan and Arkansas into the Union; which was also lost.

On motion of Mr. THOMSON, of Ohio, the House then proceeded to the orders of the day.

PEA PATCH ISLAND.

The bill to authorize a compromise, and secure to the United States the title to the Pea Patch Island, in the river Delaware, was the first bill in order, the question being on its final passage.

Mr. MILLIGAN moved to lay it on the table.

Mr. REYNOLDS, of Illinois, asked for the yeas and nays; which were ordered; and the question was decided in the affirmative—yeas 96, nays 87.

So the bill was laid on the table.

ORDER OF BUSINESS—AGAIN.

Mr. CAMBRELENG said that the period of the session was so late, and there were so many important bills before the House, he felt compelled to move a suspension of the rules, for the purpose of proceeding with the consideration of the bill making appropriations for certain fortifications, for the year 1836; and on that motion he asked for the yeas and nays; which were ordered.

Mr. KINNARD moved to amend the motion by including the bill from the Senate in relation to the Cumberland road.

Mr. ALLEN, of Kentucky, moved to include the bill in relation to the revolutionary soldiers.

Mr. BRIGGS moved to lay the motion to suspend on the table.

Mr. CAMBRELENG called for the yeas and nays; which being ordered,

Mr. BRIGGS withdrew his motion.

Mr. WILLIAMS, of North Carolina, renewed it.

Mr. REYNOLDS, of Illinois, asked for the yeas and nays; which being ordered,

Mr. WILLIAMS withdrew the motion.

Mr. ALLEN's motion was then negatived.

Mr. ASHLEY moved to amend the motion of the gentleman from Indiana, [Mr. KINNARD,] by including the bill to continue the national road from the Mississippi to the city of Jefferson, Missouri; which was lost.

Mr. McCARTY then asked for the yeas and nays on the amendment of his colleague, [Mr. KINNARD,] which were not ordered; and the amendment was not agreed to.

Mr. SEVIER moved to include in the motion of the gentleman from New York the two bills for the admission of Arkansas and Michigan into the Union. He remarked that he hoped the House would consent to take up those bills, consider them, and stick to them till they were disposed of. The motion was lost.

The question then recurred on the original motion of Mr. CAMBRELENG, and it was decided in the negative—yeas 95, nays 89; not two thirds.

The House then proceeded to the consideration of the private orders.

PRIVATE BILLS.

The bill for the relief of Don Louis Rosamond Orillion, was, on motion of Mr. HUNTSMAN, postponed till Friday next.

The bill for the relief of Thomas McClelland and James Smith was taken up—the question being on its final passage.

Mr. MANN, of New York, opposed the bill; and after some further remarks from Messrs. LANE, BELL, HARDIN, PARKS, PIERCE of New Hampshire, TOUCEY, GARLAND of Virginia, WHITTLESEY of Ohio, and MASON of Ohio,

Mr. MANN moved to recommit the bill to the Committee of Claims; which was lost.

Mr. CRANE asked for the yeas and nays on the passage of the bill; which were not ordered; and the question being taken, the tellers reported—ayes 66, noes 51—no quorum.

Mr. MANN then renewed the call for the yeas and nays; which were ordered; and were—yeas 88, nays 62.

So the bill was passed.

CONVENTION WITH SPAIN.

Mr. ADAMS, on leave, from the committee of conference on the part of the House upon the disagreeing votes of the two Houses on the act to carry into effect the convention between the United States and Spain, made a report thereon, (which had been already concurred in by the Senate,) which was concurred in by the House.

POTOMAC BRIDGE.

On motion of Mr. BOULDIN, the House took up the joint resolution authorizing the repair of the Potomac bridge; and the same was read a third time and passed.

JOHN M'CARROLL, JR.

The bill for the relief of John McCarroll, Jr., was read a third time, the question being on its passage; and, after some remarks from Messrs. MANN of New York, HAWES, TALIAFERRO, UNDERWOOD, MERCER, BOULDIN, CHAMBERS of Pennsylvania, MASON of Virginia, VINTON, and PARKER,

Mr. PARKER moved to postpone the bill till Friday next; which was lost.

The discussion was further continued by Messrs. HUNTSMAN and McCOMAS.

Mr. JOHNSON, of Louisana, moved the previous question; when forty-two only voting in the affirmative, (there being no quorum present,) Mr. J. withdrew the motion.

After some further remarks from Messrs. HUNTSMAN and PARKER,

Mr. ANTHONY moved to adjourn; which was carried; and the House adjourned.

IN SENATE.

MONDAY, *June 6, 1836.*

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, to which was referred the resolution directing an inquiry to be made into the expediency of purchasing a number of copies of Burr's map, exhibiting the post roads of the United States, reported a joint resolution providing for the purchase of 500 copies thereof; which was read, and ordered to a second reading.

Mr. TOMLINSON, from the Committee on Pensions, to which was referred the bill for the relief of Job Wood, reported the same with amendments; and also reported unfavorably on the petition of Nathaniel Smith.

PETITIONS PRESENTED.

Mr. PRESTON presented the memorial of Christopher Werner, of Charleston, South Carolina; which was referred to the Committee on Claims.

RESOLUTIONS ADOPTED.

The resolutions lying on the table were considered and agreed to.

DEPOSIT BILL.

Mr. WRIGHT gave notice that he would call up the deposit bill at one o'clock to-morrow.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill for the relief of certain officers of the United States sloop of war Boston; and

The joint resolution to furnish the rotunda of the Capitol with historical paintings.

PREEMPTION CLAIMS.

The bill to extend the time of receiving the proof of certain preemption claims, under the act of 19th June, 1834, was taken up; when

Mr. EWING, of Ohio, moved to postpone the bill indefinitely; and, after a debate, in which the motion was supported by Messrs. EWING of Ohio, CRITTENDEN, and KING of Georgia; and opposed by Messrs. WALKER, BLACK, PORTER, MOORE, and KING of Alabama, the motion was lost—yeas 18, nays 22; as follows:

YEAS — Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, King of Georgia, Knight, Leigh, Naudain, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, and Webster—18.

NAYS—Messrs. Benton, Black, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Moore, Morris, Niles, Porter, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, White, and Wright—22.

After some further observations from Messrs. BLACK, and EWING of Ohio,

Mr. CRITTENDEN moved to amend the bill by adding a provision that the persons who obtain the benefits of this act shall be actually residents on the land claimed by them; which amendment was agreed to.

Mr. KING, of Georgia, offered an amendment providing that this act shall not extend to any lands to which the Indian title was not extinguished on the 1st of January, 1832; which was also agreed to.

On motion of Mr. EWING, of Ohio, the bill was amended by providing that all assignments be void; which was agreed to.

Mr. PORTER moved to amend the bill further by providing that no witness shall be permitted to give evidence in favor of more than one claim; and that one settler, whose claim shall be admitted, shall not be permitted to give evidence for the person who testified for him. This motion was agreed to; and the bill was ordered to a third reading—yeas 21, nays 18; as follows:

YEAS—Messrs. Benton, Black, Buchanan, Ewing of Illinois, Grundy, Hendricks, King of Alabama, Linn, Moore, Nicholas, Niles, Porter, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, and Wright—21.

NAYS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, King of Georgia, Knight, Leigh, McKean, Naudain, Southard, Swift, Tomlinson, Wall, and Webster—18.

PRIVATE BILLS.

The bill from the House for the relief of Thomas M'Clelland and James Smith was read twice and referred.

The following bills were severally read the third time, and passed:

The bill for the relief of John Pierce and Daniel Van Vorhees;

The bill for the relief of Dennis Smith and others;

The bill for the relief of Henry Darling;

The bill for the relief of Joseph Gresham;

The bill for the relief of the legal representatives of Thomas Haliday, deceased;

The bill for the relief of William Woodward and William Mitchell;

The bill for the relief of Samuel W. Ruff;

The bill for the purchase of certain rights of inventions of William H. Ball, of North Carolina;

The bill for the relief of McKean Buchanan;

The bill for the relief of Joseph Bogy;

The bill for the relief of the legal representatives of Samuel Y. Keene;

The bill for the relief of the legal representatives of Captain Charles C. B. Thompson, late a captain in the Navy of the United States;

The bill for the relief of Ebenezer Spalding;

The bill for the relief of Noah Brown, and the legal representatives of Adam Brown, deceased;

The bill to allow a drawback of duties on imported hemp when manufactured into cordage and exported; and

The bill for the relief of Nancy Lemaster, widow of James Lemaster.

EXECUTIVE SESSION.

On motion of Mr. BENTON, the Senate proceeded to the consideration of executive business; after which it adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 6, 1836.*

Mr. MANN, of New York, rose and said it should be recollected that about this period Congress was now in the seventh month of this session, and that public expectation was already awakened to the period about which they were to close their labors. Several efforts had been heretofore made to suspend the rules to introduce a resolution with a view to fix the day of adjournment of Congress, and he would now submit a motion to the Chair, which he hoped would meet the assent of the House.

Mr. THOMAS asked the gentleman from New York to suspend his motion for a few moments, to give him (Mr. T.) an opportunity of saying a few words in relation to the Maryland resolutions.

Mr. MANN replied that he would comply with the request of the gentleman from Maryland, but those resolutions would come up as soon as the motion Mr. M. intended to submit was disposed of. Mr. M. then moved to suspend the rules for the purpose of taking up the joint resolution of the Senate fixing the day of adjournment of the present session of Congress. If the House should consent to take it up, he gave notice that he would then move to postpone its further consideration till some early day next week, when there might be a general understanding on the subject.

Mr. BRIGGS remarked, that it was important there should be a full House present on this subject, and moved a call of the House; which was lost.

Mr. BRIGGS then asked for the yeas and nays on the motion to suspend the rules.

Mr. WHITTLESEY, of Ohio, expressed a wish that the gentleman from New York would withdraw his proposition, so that they might have an opportunity that morning to present petitions and memorials.

Mr. MANN replied, that his motion would not take up more time than the calling of the yeas and nays, and he could not, therefore, consent to withdraw it.

The yeas and nays were then ordered; and on taking the question the vote was—yeas 90, nays 63; as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Anthony, Boon, Boyd, Briggs, Brown, Buchanan, Burns, William B. Calhoun, Carr, Casey, George Chambers, Childs, Nathaniel H. Claiborne, Connor, Craig, Cramer, Cushman, Darlington, Deberry, Denny, Dickson, Doubleday, Fairfield, French, Fry, Philo C. Fuller, William K. Fuller, Granger, Grantland, Grennell, Griffin, Haley, Hard, Harlan, Harper, Samuel S. Harrison, Hawes, Haynes, Hazeltine, Heister, Hoar, Hopkins, Hunt, Ingersoll, Ingham, William Jackson, Janes, Jenifer, Joseph Johnson, Cave Johnson, Richard M. Johnson, Judson, Klingensmith, Lansing, Lapore, Logan, Abijah Mann, Job Mann, Sampson Mason, William Mason, McKay, Miller, Milligan, Montgomery, Morgan, Morris, Owens, Parker, Phillips, Pinckney, John Reynolds, Roane, Russell, Schenck, William B. Shepard, Shinn, Sickles, Slade, Smith, Speight, Sutherland, Taylor, Turrill, Underwood, Vanderpoel, Wagener, Wardwell, and White—90.

NAYS—Messrs. Adams, Ash, Bailey, Bond, Bovee, John Calhoun, Cambreleng, Carter, John Chambers, Chaney, Chapman, Clark, Coles, Crane, Dromgoole, Farlin, Forester, Galbraith, James Garland, Gillet, Grayson, Joseph Hall, Hamer, Hardin, Howell, Hubley, Huntsman, Jabez Jackson, Jarvis, John W. Jones, Kinnard, Lane, Lawler, Gideon Lee, Luke Lea, Leonard, Lewis, John Y. Mason, McCarty, McKeon, McLene, Muhlenberg, Parks, Patterson, Patton, Franklin Pierce, Phelps, Potts, Joseph Reynolds, Seymour, Shields, Spangler, Standefer, Steele, Storer, Taliaferro, Thomas, John Thomson, Vinton, Webster, Weeks, Whittlesey, and Wise—63.

So the House refused to suspend the rules, two thirds not voting in the affirmative.

MARYLAND RESOLUTIONS.

The joint resolutions of the Legislature of the State of Maryland, recommending the subject of the distribution of the proceeds of the sales of the public lands among the several States of the Union, presented several weeks ago, came up as the first business in order.

Mr. THOMAS, who was entitled to the floor, addressed the House at length on the subject, and in reply to the speech of his colleague [Mr. JENIFER] thereon.

Mr. JENIFER said a few words in reply; and moved that these resolutions, and also the resolutions of the same Legislature in relation to the expunging resolutions before the Senate of the United States, be laid on the table and printed; which was agreed to.

The House then took up the proceedings and memorial of a meeting of citizens of Monroe, in the Territory of Michigan, in relation to the northern boundary of Ohio.

Two motions were pending — one by Mr. THOMSON, of Ohio, to lay the same on the table; and the other by Mr. ADAMS, to refer them to a select committee. The former motion, being first in order, was taken up and agreed to.

Mr. GILLET asked the consent of the House to offer a resolution, that hereafter, until the termination of the present session of Congress, the House will take a recess at the hour of half past two o'clock for one hour and a half each day. Being objected to, Mr. G. moved a suspension of the rules; which was negatived.

PETITIONS, MEMORIALS, ETC.

Petitions and memorials were then presented by Messrs. EVANS, BAILEY, JARVIS, and SMITH, of Maine.

Messrs. PIERCE and BURNS, of New Hampshire.

Messrs. LAWRENCE, CUSHING, CALHOUN, REED, ADAMS, PHILLIPS, BORDEN, and BRIGGS, of Massachusetts.

Mr. PEARCE, of Rhode Island.

[Mr. PEARCE presented the memorial of John G. Clarke, and others, upon the subject of slavery as recognized by the constitution recently formed by the people of Arkansas. Also, certain resolutions recently adopted by the Legislature of Rhode Island, on the subject of the defense and protection by fortifications of the waters of Narragansett bay, and its adjacent coasts. These resolutions were, on his motion, laid upon the table, and ordered to be printed.]

Messrs. PHELPS, INGHAM, and JUDSON, of Connecticut.

[Mr. JUDSON presented remonstrances against the admission of Arkansas, with slavery in its constitution, from a part of the citizens of Willimantic, Windham, Plainfield, Woodstock, and Hampton, in Connecticut.]

Messrs. HALL and SLADE, of Vermont.

[Mr. SLADE presented the following memorials, remonstrating against the admission of Arkansas into the Union with a constitution sanctioning the existence and prohibiting the abolition of slavery, namely: From 296 males and 52 females of Addison county and its vicinity, in the State of Vermont; from 374 males and 362 females of Starkboro', in the same county; from 103 citizens of Hanover, 60 males and 44 females of Boscawen, 59 citizens of Somersworth, and 62 males and 70 females of Concord, in the State of New Hampshire; from 39 males and 61 females

of the State of Massachusetts; from Guy C. Samson and 7 others of Goshen, in the State of Connecticut; from 178 citizens of the State of Rhode Island; and from 37 citizens of Philadelphia, and 32 citizens of Adams county, in the State of Pennsylvania.]

Messrs. CAMBRELENG, McKEON, RUSSELL, LEONARD, LAY, GRANGER, GIDEON LEE, REYNOLDS, LOVE, WARD, and HAZELTINE, of New York.

[Mr. LEONARD presented the petition of Thomas Look, of New York, praying compensation for services in the war of the Revolution.

[Mr. McKEON presented the petition of certain merchants in the city of New York, praying that the office of measurer may not be abolished; also the petition of Amos Rooke, a soldier of the Revolution, praying for a pension.

[Mr. RUSSELL presented the petition of David B. McNiel, and others, inhabitants of the county of Clinton, asking an appropriation for the construction of a military road from Plattsburg, in the county of Clinton, to Whitehall, in the county of Washington, in the State of New York; which, on motion of Mr. R., was referred to the Committee on Roads and Canals; also, the petition of William Gilliand and others, inhabitants of the counties of Essex and Clinton, asking a like appropriation for the same object; which, on motion of Mr. R., was also referred to the same committee; also, the petition of Ezra Wheeler, a soldier of the Revolution, praying to be restored to the list of revolutionary pensioners; which, on motion of Mr. R., was referred to the Committee on Revolutionary Pensions; also, the petition of James Lake and others, citizens of White creek, in the county of Washington, and State of New York, praying the abolition of slavery and the slave trade in the District of Columbia, and within the Territories of the United States; also, the remonstrance of the New York Anti-slavery Society, signed by Gerrit Smith, Alvan Stewart, Uriah Green, Samuel Lightbody, and others, as the executive committee of said society, against the admission of the Territory of Arkansas as a State into the Union, upon an equal footing with the original States, while the constitution of the contemplated State contains a provision prohibiting the Legislature of said State from abolishing slavery therein.]

Messrs. PARKER and LEE, of New Jersey.

Messrs. MORRIS, INGERSOLL, HARPER, GALBRAITH, ASH, and SUTHERLAND, of Pennsylvania.

Mr. MILLIGAN, of Delaware.

Messrs. JENIFER and HOWARD, of Maryland.

Messrs. WISE, PATTON, LUCAS, JOHNSON, and ROBERTSON, of Virginia.

Messrs. DEBERRY and BYNUM, of North Carolina.

Mr. PINCKNEY, of South Carolina.

Messrs. GLASCOCK and OWENS, of Georgia.

[Mr. OWENS presented the memorial of certain citizens of Savannah in relation to the custom-house officers; and the same, on his motion, was referred to the Committee on Commerce.]

Messrs. HARDIN and BOYD, of Kentucky.

Messrs. The SPEAKER, SHIELDS, LEA, HUNTSMAN, and CARTER, of Tennessee.

[Mr. HUNTSMAN presented certain resolutions adopted by a meeting of the citizens of Washington City and the District of Columbia, praying that Congress would acknowledge the independence of Texas; and moved that the same be referred to the Committee on Foreign Affairs; which was agreed to.]

Messrs. WHITTLESEY, SLOANE, STORER, MASON, VINTON, KILGORE, and HAMER, of Ohio.

[Mr. HAMER presented the petition of Thomas Courtney, praying a pension for injuries received during the last war, whilst in the service of the United States.

Mr. MASON presented the petition of John Kennedy, praying compensation for a horse lost during the last war; also, the petition of George Thornburgh, praying compensation for a horse lost during the late war with Great Britain.

Mr. STORRS presented the petition of Rt. Rev. Frederick Reze, Catholic Bishop of Michigan, claiming indemnity for services rendered by him in the establishment of several Indian schools; also, for improvements made by him at several missionary stations; which was referred to the Committee on the Judiciary. Also, the proceedings of the public meetings of the citizens of Cincinnati, Ohio, praying Congress to recognize the independence of Texas; which was referred to the Committee on Foreign Relations.]

Mr. CARR, of Indiana.

[Mr. CARR presented the petition of William Thompson, of Indiana, a revolutionary soldier; which was referred to the Committee on Revolutionary Pensions.]

Mr. CLAIBORNE, of Mississippi.

[Mr. CLAIBORNE presented the petition of Joseph Royall, of Vicksburg, praying for a floating right to a quarter section of land; the petition of W. S. S. Dearing, of Tennessee, for compensation for certain services rendered the United States; the petition of the heirs of the late Jeremiah Downs, of Wilkinson county, captain of a volunteer company during the war; and the petition of many of the citizens of Yellubusha and Carroll counties, praying for the removal of the register's and receiver's office from Chocchuma to Grenada.]

Messrs. CASEY and REYNOLDS, of Illinois.

[Mr. REYNOLDS presented the memorial of the Alton, Wabash, and Erie Railroad Company; and on his motion the same was referred to the Committee on Public Lands. The memorial states, that a company was, by an act of the Legislature of the State of Illinois, passed on the 16th January, 1836, chartered and incorporated to construct a railroad from Alton, on the Mississippi river, in the State of Illinois, by Hillsboro', Shelbyville, and Danville, to the eastern line of the State of Illinois, to intersect a railroad authorized to be constructed by the State of Indiana, terminating at the Wabash and Erie canal, on the Wabash river. This railroad will, when constructed, connect the Wabash and Erie canal direct with the Mississippi river, at Alton, and will then open a direct communication from the Mississippi to Lake Erie. This improvement is, therefore, of great importance to the State of Illinois, to the adjacent States, and to the whole Union.

The memorial prays for the right of way over the public lands, and a preëmption of the alternate section of the public lands over which the railroad may pass, to aid the company in the construction of the same.]

OHIO, MICHIGAN, AND ARKANSAS.

Mr. SEVIER asked the consent of the House to offer a resolution to set apart Wednesday next, at eleven o'clock, and on each day thereafter until the same be disposed of, except Friday and Saturday, to consider and dispose of the bills to establish the northern boundary line of the State of Ohio, and to provide for the admission of Michigan and Arkansas into the Union.

Objection being made, Mr. S. moved a suspension of the rules, and asked for the yeas and nays; which were ordered.

Mr. PATTON moved a call of the House; which was lost.

The motion to suspend the rules was agreed to—yeas 137, nays 45.

Mr. ALLAN, of Kentucky, moved to amend the resolution by including the bill to extend the provisions of the pension act of 1832; and asked for the yeas and nays thereon.

Messrs. VANDERPOEL and SPEIGHT raised the point of order, whether the amendment could be moved after the rules had been suspended for a special purpose; and, after some conversation on the point by the SPEAKER, Messrs. SUTHERLAND, SEVIER, SMITH, ALLAN of Kentucky, and CAMBRELENG,

Mr. SEVIER moved the previous question; which was seconded by the House—ayes 110, noes not counted; and the main question was ordered to be put.

Mr. ALLAN then asked for the yeas and nays on the adoption of the resolution; which were ordered.

Mr. DENNY asked for a division of the question; first on that part of the resolution ending with the bill for the northern boundary of Ohio, and second, to include the two bills for the admission of Arkansas and Michigan into the Union.

The CHAIR decided that the resolution was not susceptible of such a division, under the thirty-eighth rule of the House, and cited a case analogous to the point.

Mr. McCOMAS appealed to the gentleman from Kentucky [Mr. ALLAN] to withdraw his amendment, and let the question be taken without committing the House at all on the other bill.

Mr. ALLAN did not assent.

The question was then taken on the adoption of the resolution; and decided in the affirmative—yeas 138, nays 57, being two thirds; as follows:

YEAS—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Bockee, Bond, Boon, Bouldin, Dovee, Brown, Buchanan, Bunch, Burns, Bynum, Cambreleng, Carr, Casey, John Chambers, Chaney, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Connor, Corwin, Craig, Cramer, Crane, Cushman, Dickerson, Dickson, Doubleday, Dromgoole, Fairfield, Farlin, Fry, Philo C. Fuller, William K. Fuller, James Garland, Gillet, Glascock, Graham, Haley, Joseph Hall, Hamer, Samuel S. Harrison, Hawes, Haynes, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, John W. Jones, Judson, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Jo hua Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, John Y. Mason, William Mason, Moses Mason, Sampson Mason, Maury, McComas, McKay, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Pettigrew, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Roane, Robertson, Schenck, Seymour, Agustine H. Shepperd, Shields, Sickles, Sloane, Smith, Spangler, Speight, Standefer, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, Weeks, and Elisha Whittlesey—138.

NAYS—Messrs. Adams, Chilton Allan, Hemen Allen, Bailey, Boyd, Briggs, John Calhoun, William B. Calhoun, George Chambers, Childs, Clark, Cushing, Darlington, Deberry, Denny, Evans, Everett, French, Granger, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Heister, Hoar, Ingersoll, Jenifer, Laporte, Lawrence, Lay, Lewis, Love, McKennan, Mercer, Milligan, Morris, Parker, James A. Pearce, Phillips, Pickens, Potts, Reed, Rencher, Russell, William B. Shepard, Slade, Steele, Waddy Thompson, Underwood, Washington, White, and Lewis Williams—57.

Sundry petitions were then presented by Mr. WHITE, of Florida.

ORDER OF BUSINESS.

Mr. STORER moved a suspension of the rules for the purpose of making the bill to extend the pension act of 1832 the special order of the day for to-morrow week, and asked for the yeas and nays; which were not ordered.

Mr. McCOMAS suggested to the gentleman from Ohio so to modify his motion as that the bills under the special order, already pending, should first be disposed of; and

Mr. STORER then modified his motion accordingly.

Mr. HOPKINS moved to lay the motion to suspend on the table.

Mr. STORER asked for the yeas and nays; which were not ordered; and the motion was laid on the table without a count.

RESOLUTIONS.

On motion of Mr. RUSSELL, it was

Resolved, That the papers of Jesse Baily, a revolutionary soldier, be referred to the Committee on Revolutionary Pensions, to inquire into the propriety of granting him a pension.

On motion of Mr. WARDWELL, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of allowing a pension to Leonard Earse, and that the accompanying papers be referred to said committee.

On motion of Mr. RUSSELL, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of restoring to the list of revolutionary pensions Ezra Wheeler, of the State of New York, who was a soldier of the Revolution.

On motion of Mr. P. C. FULLER, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting a pension to Charles Munger.

On motion of Mr. FORESTER, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of paying the heirs of Lieutenant Harrison half pay for life, as an officer of artillery of the State line of Virginia, instead of infantry; and also the expediency of paying interest.

On motion of Mr. WHITTLESEY, of Ohio, it was

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing to John McCarthy his claim for labor performed on the Cumberland road west of the Ohio river, and that the accompanying evidence be referred to said committee.

On motion of Mr. WHITTLESEY, of Ohio, it was

Resolved, That the Committee of Invalid Pensions be instructed to inquire into the expediency of allowing a pension to Levi Johnson, for wounds received by him while in the military service of the United States.

On motion of Mr. ASHLEY, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law for placing at the disposal of the Governor of the State of Missouri, for the use of that State, cannon, carriages, and all the necessary implements and appendages thereto, complete for the field, for two companies of light artillery, to be used as aforesaid, so long as the western border of said State shall continue to be the abode of numerous Indian tribes.

On motion of Mr. BAILEY, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Richard Larten, of New Castle, in the county of Lincoln, State of Maine, and that the accompanying documents, relating to his revolutionary services, be referred to that committee.

INDIAN ANNUITIES, ETC.

In further execution of the special order, the House, on motion of Mr. CAMBRELENG, then resolved itself into a Committee of the Whole on the state of the Union, [Mr. SMITH in the chair,] and resumed the consideration of the bill making appropriations for the current expenses of the Indian department, for Indian annuities, and for other similar objects, for the year 1836.

The question pending was the ninth amendment made to the bill by the Senate; as follows:

For the removal of Creek Indians, and their subsistence for one year, including subsistence of those recently removed, in addition to the balance of $155,000 of former appropriations, $348,230.

For the removal of Seminole Indians, and their subsistence for one year, in addition to a balance of $33,000 of former appropriations, $158,437 50.

Mr. BELL, under instructions from the Committee on Indian Affairs, moved that the Committee of the Whole House agree to this amendment, with the following amendments:

Before the word "Creek," in the first line, insert "21,000."
Strike out "348,230," and insert, "1,023,550."
Strike out "158,437 50," and insert, "100,000."

Mr. EVERETT proposed a substitute for the above, to come in after the Senate's amendment, as follows: "Under the 12th article of the Creek treaty of 1832, and for holding treaties with the hostile Indians east of the river Mississippi, and for their removal west of that river, $675,330," and addressed the committee at great length on the subject of his amendment, and on the general policy of the Government in reference to the Indian tribes.

Mr. VINTON moved to lay the bill aside and proceed to the consideration of some of the other bills embraced in the special order, on the ground of want of sufficient information from the War Department.

Mr. OWENS opposed the motion on the ground that the bill was one of great importance to the South; that the information required was not important; that by delaying the bill for the purpose of obtaining papers called for, the bill might be lost; that the discussion could still proceed in committee. When the bill came into the House, the information called for would in all probability be read, and then gentlemen could discuss the subject at large.

Mr. GRENNELL briefly supported it, and moved that the committee rise, but withdrew it at the request of Mr. GLASCOCK.

Mr. VINTON withdrew his motion to postpone; and the subject of the amendments was then discussed at length by Messrs. HAYNES, ADAMS, SPEIGHT, MANN of New York, GRENNELL, EVERETT, WISE, LEWIS, ASHLEY, BELL, and GLASCOCK.

After proceeding for some time, the latter gentleman gave way to

Mr. BELL, on whose motion the committee temporarily rose; and

The SPEAKER laid before the House a variety of executive communications, from the War Department, &c., in relation to Indian hostilities; which were ordered to be printed.

The House then again went into committee, and Mr. GLASCOCK concluded his remarks.

The amendment of Mr. EVERETT was then rejected—yeas 28, nays 98.

The amendment proposed by the Committee on Indian Affairs was then agreed to; and the Senate's amendment, as amended, was concurred in without a division.

The tenth amendment of the Senate, as follows, was then concurred in:

SEC. 4. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to invest in a manner which shall be, in his judgment, most safe and beneficial for the fund, the sum of $33,912 40, being money in the Treasury as the proceeds of lands purchased from the Seneca Indians, of Sandusky, by a treaty concluded on the 28th of February, 1831; from the Senecas and Shawnees by a treaty concluded on the 20th of June, 1831; and from the Shawnees by a treaty concluded on the 8th of August, 1831, and upon which sum the United States are, by stipulations in the said treaties, bound to pay to the said Indians an annual interest at the rate of five per cent. per annum: *Provided*, That the said Secretary shall make no investment of the said sum, or any portion of it, at a lower rate of interest than five per cent. per annum.

The following being the eleventh amendment of the Senate, was then read:

SEC. 5. *And be it further enacted*, That it shall be competent for the President to assign to the Indian agent at Michilimackinac, in addition to his proper duties, the duties of superintendent of Indian affairs for all that district of country heretofore constituting the Territory of Michigan, and lying east of the line established as the eastern boundary of the Territory of Wisconsin by the act of Congress of the 20th of April, 1836: *Provided, however*, That no additional compensation, or emolument, shall be granted on account of the said duties; and the President may require the said agent to reside at such place as he may think fit within the said district.

This amendment was also concurred in without a division.

Mr. LOVE proposed an amendment appropriating $630 for the expenses of the Seneca delegation to Washington; which was agreed to.

Mr. SEVIER submitted an amendment authorizing the appointment of a superintendent of Indian affairs south of the Missouri river, with the same salary as the similar officer at St. Louis; which, after some remarks from Mr. S. and Mr. ASHLEY, was rejected.

Mr. SEVIER submitted another amendment, to provide for the compensation to certain Indian agents of Creeks, Cherokees, Choctaws, Quapaws, &c.

Mr. CAMBRELENG suggested to the gentleman that he had better submit these amendments when the Cherokee bill came up.

On motion of Mr. CAMBRELENG, the committee then rose, and the bill and amendments were reported to the House.

Several amendments reported from the Committee of the Whole were then severally concurred in.

On the ninth amendment, (discussed at length in Committee of the Whole,)

Mr. VINTON asked for the yeas and nays; which were ordered; and Mr. V. also called for a division of the question; first on that branch of the amendment containing the appropriation for the removal and subsistence of the Creek Indians; and, secondly, on that relating to the Seminoles.

After some remarks from Mr. ASHLEY, in opposition to the amendment, the question was taken; and it was concurred in—yeas 106, nays 50; and the amendment of the Senate as amended was also concurred in.

The question was then taken on the second branch of the amendment, and concurred in without a count; and the amendment as amended was also concurred in.

The other amendments were then severally concurred in by the House.

SENATE BILLS REFERRED.

On motion of Mr. SUTHERLAND, the House, by general consent, took up sundry bills from the Senate; which were read twice, and referred to their appropriate standing committees.

SALARIES OF REVENUE OFFICERS.

On motion of Mr. SUTHERLAND, the House went into Committee of the Whole, (Mr. SPEIGHT in the chair,) on the bill to provide for the salaries of officers of revenue cutters, and the same having been amended, was reported to the House, the amendment concurred in, and the bill ordered to a third reading.

R. P. LETCHER AND T. P. MOORE.

On motion of Mr. MASON, of Virginia, the House again went into Committee of the Whole and on the bill for the relief of Robert P. Letcher and Thomas P. Moore.

[The principles involved in this bill are generally known. These two gentlemen both claimed to have been returned to Congress from the fifth congressional district of Kentucky, and both presented themselves at the bar at the first session of the last Congress. The House came to a resolution that neither gentleman should then take the seat until the Committee of Elections had investigated the merits of the case, and they accordingly both returned home to collect testimony, &c. The committee made a report that Thomas P. Moore had a majority of the votes, and was therefore entitled to the seat; but the House, after a lengthy discussion, decided some time in the month of June, that it could come to no conclusion, and finally sent it back to the people. The foregoing bill appropriated the usual pay and mileage to each of the gentlemen.]

The bill having been read,

Mr. UNDERWOOD moved to strike out that part relating to the pay to Thomas P. Moore. He did so on the same ground he had voted against the payment to Mr. Newland, viz: that, no more than one being entitled to the seat, no more than one was entitled to the pay.

Mr. JOHNSON, of Kentucky, remarked that this bill was defeated at the last session of Congress on the very ground that it provided for the payment of only one of the gentlemen; and he therefore hoped his colleague would withdraw his proposition.

Mr. BOND opposed the whole bill, on the ground that Congress having arrived at the conclusion that neither of the gentlemen was entitled to the seat, therefore, neither of them ought to be paid. He addressed the committee at some length on the subject. He adverted to the fact that one of the individuals had presented to the House a release or protest from any claim, and he saw no reason why it should be forced upon him.

Mr. MASON said he believed the case from Kentucky was the first which had occurred, in which neither of the contesting members had a complete return, and neither was permitted to take a seat until the House could decide on the right to the contested seat.

In reference to Mr. Moore's letter, referred to by Mr. BOND as a "protest," Mr. M. remarked that it ought not to affect any rights which he [Mr. Moore] might possess. It was written in a spirit of generosity, and with the hope expressed, that a desire to allow him pay might not affect or prejudice the claim of his opponent.

Mr. BRIGGS sent to the Clerk's table a letter from Mr. Moore, addressed to the Speaker of the House, on the subject; which was read.

Mr. MASON, of Virginia, made a brief explanation in relation to the contents of the letter. He said he himself had originally introduced the resolution directing the standing committee to inquire into the expediency of paying Mr. Letcher. The name of Mr. Moore was not included in his resolution, but moved by another gentleman; and so amended, the House adopted it. He would only add, that he never had a word of conversation with Mr. Moore in his life on the subject of his compensation. His motion had reference only to Mr. Letcher, with whom, though a political opponent, he was on terms of friendly personal intercourse. At the instance of another gentleman, the name of Mr. Moore was introduced. The committee made the inquiry, and this bill was the result of their investigation.

Mr. MANN, of New York, would only remark that it was upon his motion the name of Mr. Moore was introduced in the resolution; and it was due to that gentleman to state that he (Mr. M.) did it entirely of his own suggestion. From the moment he had known Mr. Moore, up to the present hour, he had never exchanged one word with him on the subject of his pay.

Mr. BOULDIN said he would detain the committee but for a moment. He would not trouble them at all upon this subject, but for the fact that

several had mentioned the subject of private friendship; and it had been charged that those who voted for this bill were probably influenced by that feeling. Mr. B. rose to deny that the vote he should give would be at all influenced by any feeling of that kind. He had no ground of friendship or aversion towards Letcher or Moore. In relation to that canvass he would say, that neither of them had done himself any great credit in going to such lengths in prosecuting the contest. Neither did he think that this House—of which he was then, as well as now, a member—had done itself any very great credit in having suffered or encouraged the candidates to protract the contest to such a length, and carry it on with such violence. Party spirit was probably the cause, and must be plead as the excuse of us all, in thus having continued a contest that ought to have been settled—as all such things should ever be—immediately on the meeting of Congress. We had, however, kept the district, as well as the candidates, waiting in suspense, and the candidates on expense for months; and finally told them and the world that such were the doubt and difficulty in determining which was elected, that we could not, with any certainty, decide which was the rightful representative; and, therefore, would send them both back to the people.

Mr. B. said he viewed the subject in a light somewhat different from that in which some gentlemen saw it. He did not look upon it as a contest between the candidates only, or even principally, but as a suit prosecuted by the people before Congress, claiming a representation in this House, and calling on Congress to determine which of two persons was elected by the district. This claim was for the people's benefit, and the costs ought to be paid out of the people's money. Without the people are permitted to pay their costs out of their own money, it would only be necessary for a rich candidate to contest an election, and put it out of the power of a poor one, however talented and patriotic, to carry on the contest, and the people, not only of the districts, but of the whole United States, be thus choused out of a representative in Congress to whom they were lawfully and constitutionally entitled. Should an unnecessary contest be raised by a candidate to obtain the pay, he ought to be made to lose it. But when it was so doubtful that the House of Representatives could not determine it, it was mocking the candidates, the district, and the nation, to tell them that it was so plain that the candidates and the district ought to have known which was elected, and made no dispute about it.

Mr. B. said he was one of that majority that could not satisfy themselves which was elected. He could not then tell them the thing was so plain that they must pay their own expenses here. He thought the point a doubtful one, and that the right to have a member from every district was a right dear to the whole nation. He would, therefore, pay both or neither. He did not wish to disparage or wound the feelings of either of the candidates, or to say by his vote that the district had caused or encouraged an unnecessary contest.

Mr. WISE said there was only one way in which he would vote a dollar to these parties, viz: that the per diem pay of eight dollars, and the allowance of mileage for one member of Congress, be divided in equal proportions between them. He was here at the time, knew the whole history of the case, and he believed it was his single vote that sent it back to the people. He decided conscientiously upon that occasion, for he was incompetent to say, from the evidence, which was entitled to the seat. If either, then, received compensation, they ought both to receive it, and he was willing to vote them both the allowance of one member; but he protested against the principle of paying men eight dollars a day for coming here to contest a seat in Congress. If a gentleman came there with a certificate of his election, and took his seat, him he would pay. They were not authorized to pay more than two hundred and forty members; but adopt this principle, and they would be paying two hundred and forty-one. The principle was wrong. So soon as the pending amendment was disposed of, he should submit one embracing his views.

The amendment of Mr. UNDERWOOD was disagreed to.

Mr. RENCHER proposed an amendment, deducting from the amount of pay to each party, eight dollars a day for the time they were absent from Washington, in completing their testimony; which was lost.

Mr. WISE then moved to reduce the sum to one half, to be divided equally between Messrs. Moore and Letcher, viz: four dollars per diem allowance, and half the customary mileage to each; which was lost.

The committee then rose, and reported the bill to the House.

The SPEAKER having resumed the chair, and propounded the question on concurring with the report of the Committee of the Whole,

Mr. GRIFFIN asked for the yeas and nays on the passage of the bill; which were not ordered.

Mr. UNDERWOOD renewed his amendment.

Mr. HOWELL moved that the House adjourn; which was lost.

Mr. UNDERWOOD asked for the yeas and nays on his amendment; but the House refused to order them, and the amendment was disagreed to.

Mr. WISE then renewed his amendment, and asked for the yeas and nays thereon; which were ordered.

Mr. SPEIGHT moved the previous question.

Mr. WISE moved an adjournment; which was lost—ayes 33, noes not counted.

Mr. WISE appealed to the gentleman from North Carolina to withdraw his motion for the previous question, and let the country know who voted the money out of the Treasury.

Mr. SPEIGHT not assenting, the motion for the previous question was then taken; and the tellers reporting ayes 71, noes 44—no quorum,

Mr. WISE moved an adjournment; which was lost.

The motion for the previous question was then seconded by the House—ayes 76, noes 47.

Mr. RENCHER asked for the yeas and nays on ordering the main question to be put, but the House refused; and the question was ordered without a count.

Mr. WISE asked for the yeas and nays on the main question—being on the engrossment of the bill; which were ordered, and were—yeas 86, nays 45.

So the bill was ordered to be engrossed for a third reading.

CANNON, ETC., FOR LOUISIANA.

Mr. JOHNSON, of Louisiana, on leave, offered the following resolution; which was adopted:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of placing at the disposal of the Governor of the State of Louisiana, for the use of the State, cannon, carriages, and all the necessary implements and appendages thereto, for three companies of light artillery, so long as hostilities may be apprehended from the Indians on the western frontier of said State.

The House then adjourned.

IN SENATE.

TUESDAY, *June* 7, 1836.

Mr. SHEPLEY presented the petition of Benjamin Wells; which was referred to the Committee on the Judiciary.

Mr. EWING, of Ohio, from the Committee on the Public Lands, reported a bill to change the mode of conducting the sales of the public lands; which was read and ordered to a second reading.

The bill proposes, for the purpose of preventing combinations, frauds, and violence at the public land sales, that on the day of the sale each individual wishing to purchase shall hand in a sealed bid for a particular tract or tracts, which bid shall be numbered immediately by the register and receiver, and the number handed back to him, designating the tract bid for; and that, after the close of the sales, the land officers shall proceed to scrutinize the bids so given; after which the bids received shall be called out by number, so that each successful bidder will know by his number the tract he has purchased, no other individual at the sale having any knowledge whatever on the subject, unless informed by him. The bill also imposes a penalty on any officer or clerk of the land offices who shall divulge the names of the successful bidders.

NEW POST ROUTES.

Mr. HUBBARD submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Kalamazoo to Kent, in Michigan.

Mr. BUCHANAN submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Danville to Cattawissa, in Columbia county, Pennsylvania.

Mr. KING, of Georgia, submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of extending a post route from Montevideo, in Elbert county, Georgia, to Anderson Court-House, South Carolina, so as to make the route commence at Elberton, in Elbert county, and pass Montevideo to Anderson Court-House, South Carolina.

CHOCTAW RESERVATIONS.

The bill to extend the time for proving and establishing certain preëmption claims, suspended by the contingent location of certain alleged Choctaw reservations, was taken up, and considered as in Committee of the Whole; and after some remarks from Messrs. EWING of Ohio, WALKER, BLACK, and KING of Georgia,

Mr. KING, of Georgia, moved to strike out the first section of the bill; which motion was agreed to—yeas 22, nays 16; as follows:

YEAS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, King of Georgia, Knight, McKean, Mangum, Morris, Naudain, Prentiss, Robbins, Ruggles, Shepley, Southard, Swift, Tomlinson, Wall, and Webster—22.

NAYS—Messrs. Benton, Black, Buchanan, Ewing of Illinois, Grundy, Hendricks, Hubbard, King of Alabama, Moore, Nicholas, Robinson, Tallmadge, Tipton, Walker, White, and Wright—16.

After a further debate the bill was laid on the table.

DISTRICT BANKS.

The bill to recharter the several banks in the District of Columbia came up on its third reading; and after some remarks in opposition to the bill from Messrs. WRIGHT, BENTON, and NILES, and in its support by Messrs. KING of Alabama, and WALKER, the question on its final passage was decided in the affirmative—yeas 26, nays 14; as follows:

YEAS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Naudain, Nicholas, Porter, Prentiss, Rives, Southard, Swift, Tallmadge, Tomlinson, Walker, and Webster—26.

NAYS—Messrs. Benton, Ewing of Illinois, King of Georgia, Linn, M'Kean, Mangum, Morris, Niles, Robinson, Ruggles, Shepley, Wall, White, and Wright—14.

RECRUITS FOR THE ARMY.

Mr. BENTON gave notice that he would to-morrow ask the Senate to take up the bill for filling up the ranks of the Army.

INDIAN APPROPRIATION BILL.

The message of the House of Representatives on the disagreement of that House to the Senate's amendments to the Indian appropriation bill, was, on motion of Mr. WRIGHT, referred to the Committee on Indian Affairs.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, *June* 7, 1836.

Mr. MANN, of New York, moved a suspension of the rules, for the purpose of taking up the joint resolution from the Senate fixing the day of adjournment of the present session of Congress, and asked for the yeas and nays; which were ordered.

Mr. WILLIAMS, of North Carolina, moved a call of the House; and, on taking the question, there appearing only—ayes 55, noes 57, no quorum,

Mr. WHITTLESEY, of Ohio, asked the gentleman from New York to withdraw the motion for the present, to enable the committees to report; to which

Mr. MANN assented.

REPORTS FROM COMMITTEES.

The resolution reported by Mr. OWENS, from the Committee of Ways and Means, to make the bill (No. 456) to regulate the deposit of the public money in certain banks, the special order of the day for the first Wednesday in May, with the amendment of Mr. WISE, being the first business in order on the Speaker's table, was,

On motion of Mr. WHITTLESEY, postponed until Friday next.

Mr. PINCKNEY, from the Committee on Commerce, reported a bill for the relief of F. Rezé, of Detroit; which was read twice and committed.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of Daniel Cobb; which was read twice and committed.

Mr. BOND, from the same committee, reported a bill for the relief of Solomon Ketchum; which was read twice and committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported Senate bill authorizing the Secretary of the Treasury to compromise the claims of the United States against certain local banks, with a report to strike out all after the enacting clause, and to insert the House bill instead; which was committed.

Mr. INGERSOLL, from the Committee of Ways and Means, reported a bill for the relief of Zachariah Tennison.

Mr. I. also reported a bill for the relief of the owners, officers, and crew of the private armed brig Warrior, or their legal representatives; both which bills were read twice and committed.

Mr. I. also reported the Senate bill entitled "An act to alter and amend the several acts imposing duties on imports" without amendment, and moved that the bill be read.

After some conversation between Messrs. INGERSOLL, DICKERSON, CAMBRELENG, and PINCKNEY, the bill was laid on the Speaker's table for the present. [Mr. DICKERSON had heretofore given notice of a proposition he intended to submit in the form of an amendment.]

Mr. MERCER, from the Committee on Roads and Canals, reported the Senate bill for the purchase of the private stock in the Louisville and Portland Canal Company, with an amendment; which was committed.

Mr. TOUCEY, from the Committee on the Judiciary, reported a bill for the relief of T. B. Browne; which was read twice and committed.

Mr. GILLET, from the Committee on Commerce, reported a bill for the reorganization of the Treasury Department; which was read twice, and the further consideration thereof postponed till this day two weeks.

Mr. LEA, from the Committee on Revolutionary Pensions, reported a bill for the relief of Jonathan Clinch; which was read twice and committed.

Mr. WARDWELL, from the Committee on Revolutionary Pensions, reported a resolution, that the several bills reported from that committee be taken up and considered on Saturday next, at eleven o'clock, for the space of one hour.

Mr. MILLER moved to include also bills reported from the Committee on Invalid Pensions; which was agreed to; and the resolution, as amended, was adopted—ayes 105, noes 48.

Mr. JANES, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Daniel Granger; also a bill for the relief of Mary Lumpkin; both of which were read twice and committed.

Mr. RENCHER, from the select committee on the subject, reported a bill to establish a more uniform rule of computing mileage and per diem compensation of members of Congress; which was read twice.

Mr. RENCHER moved that it be engrossed.

Mr. JENIFER moved that it be laid on the table and printed; which was lost.

Mr. VINTON remarked that there was a provision in the bill by which members of the House were to be paid, if absent "on leave." He moved to add the words "*on the business of the House.*" He was not willing that members who were absent on their own business should be paid. Pending this amendment,

Mr. MANN, of New York, moved to postpone the further consideration of the bill and amendment till Saturday next.

Mr. HAWES asked for the yeas and nays on that motion; which were not ordered

The motion to postpone was then agreed to without a count, and the bill was ordered to be printed.

Mr. BOON made an ineffectual attempt to obtain the consent of the House to discharge the Committee of the Whole from the Senate bill No. 14, for the establishment of a land district in Michigan, so that the same might be brought into the House.

WEIGHTS AND MEASURES.

Mr. SUTHERLAND asked the consent of the House to pass the resolution providing for the distribution of weights and measures without referring it to the Committee on Commerce. The committee, he said, had already reported a similar resolution. As this one had already been passed by the Senate, he trusted that the House would concur in it forthwith.

The resolution then received its several readings, and was passed; as follows:

A Resolution providing for the distribution of Weights and Measures.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, directed to cause a complete set of all the weights and measures adopted as standards, and now either made or in the progress of manufacture for the use of the several custom-houses and for other purposes, to be delivered to the Governor of each State in the Union, or such person as he may appoint, for the use of the States respectively, to the end that a uniform standard of weights and measures may be established throughout the United States.

ADJOURNMENT OF CONGRESS.

Mr. MANN, of New York, then renewed his motion to suspend the rules to take up the joint resolution fixing the day of adjournment.

Mr. PARKS moved to lay the motion on the table; which was lost—ayes 70, noes 85.

Mr. VANDERPOEL asked for the yeas and nays on the motion to suspend; which were ordered; and were—yeas 123, nays 71; as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bailey, Beale, Bean, Bockee, Boon, Borden, Bouldin, Dovee, Briggs, Brown, Buchanan, Burns, Bynum, William B. Calhoun, Carr, Casey, George Chambers, Chapin, Nathaniel H. Claiborne, Connor, Corwin, Craig, Cramer, Cushman, Deberry, Dickerson, Dickson, Doubleday, Evans, Fairfield, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Glascock, Grangar, Grantland, Grennell, Haley, Hiland Hall, Hard, Hardin, Harper, Samuel S. Harrison, Haynes, Hazeltine, Heister, Hopkins, Hunt, Ingersoll, Ingham, William Jackson, Janes, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Judson, Kilgore, Klingensmith, Lane, Lansing, Laporte Lawrence, Lay, Joshua Lee, Logan, Abijah Mann, Job Mann, William Mason, Moses Mason, Sampson Mason, McComas, McKay, McKennan, McKim, Miller, Milligan, Montgomery, Morris, Owens, Parker, James A. Pearce, Pettigrew, Phillips, Reed, Joseph Reynolds, Roane, Robertson, Rogers, Russell, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shinn, Sickles, Slade, Smith, Speight, Steele, Sutherland, Taliaferro, Taylor, Turner, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Weeks, White, Lewis Williams, and Sherrod Williams—123.

NAYS—Messrs. Ash, Bell, Bond, Boyd, Bunch, John Calhoun, Cambreleng, Campbell, Carter, John Chambers, Chaney, Chapman, Childs, John F. H. Claiborne, Clark, Coles, Crane, Cushing, Darlington, Dromgoole, Everett, Farlin, Forester, Grayson, Griffin, Joseph Hall, Hamer, Harlan, Hawes, Howard, Howell, Hubley, Huntington, Huntsman, Jabez Jackson, Jarvis, John W. Jones, Kinnard, Lawler, Gideon Lee, Luke Lea, Lewis, Loyall, Lucas, Lyon, John Y. Mason, Maury, May, McCarty, McKeon, McLane, Mercer, Muhlenberg, Page, Parks, Patterson, Patton, Dutee J. Pearce, Phelps, Potts, Rencher, John Reynolds, Shields, Spangler, Standefer, Storer, John Thomson, Toucey, Vinton, Webster, Whittlesey, and Wise—71.

So the House refused to suspend the rules.

Mr. WILLIAMS, of Kentucky, on leave, presented a memorial.

On motion of Mr. CAMBRELENG, the House proceeded to the orders of the day.

LAND BILL.

The first business in order was the bill from the Senate, entitled "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting lands to certain States."

The following motions were pending:

1. By Mr. WILLIAMS, of Kentucky, to commit to the Committee of the Whole on the state of the Union.

2. By Mr. CARR, to commit to the Committee on the Public Lands.

3. By Mr. GILLET, to commit to the Committee of Ways and Means.

The question was then taken on referring the bill to the Committee of the Whole on the state of the Union, and decided as follows—yeas 97, nays 96.

The CHAIR, under the 9th rule of the House, being entitled to vote, when his vote given to the majority would make it equal, voted in the negative, making yeas 97, nays 97; so the motion to refer the bill to the Committee of the Whole on the state of the Union was decided in the negative.

The question then recurred on the motion of reference to the Committee on Public Lands.

Mr. MERCER made a few remarks on the subject.

Mr. LANE said he trusted the House would reject the proposition to submit this bill to the Committee on Public Lands, in order that it may be referred to the Committee of Ways and Means. This is the appropriate committee. The bill proposes an appropriation of some thirty millions, and it is the province of that committee to examine, to guard, and to supervise that revenue.

It has been said that the chairman of that committee is hostile to the provisions of this bill, and therefore it ought not to be submitted to his charge; that the object of those who vote in favor of the reference to this committee is, to give it the go-by, to avoid the responsibility of a direct vote, with a full knowledge that the bill will be detained in the pocket of the chairman of the committee until the close of the session.

So far as it regarded himself, (said Mr. L.,) it had no application; he was ready and willing to meet, by a direct vote, at any and at all times, this or any other measure on which he might be called to vote. His object was to refer it to the appropriate committee, that it may be reported back to the House with the opinion of that able committee, acted upon, and finally disposed of. Then, sir, we shall be able to make some final, some satisfactory disposition of the surplus.

At present, he should not attempt to discuss the merits of the bill, and would not point out the good or bad provisions of the bill. But, sir, why talk of this bill? why sacrifice the time of the House? why hold out false hopes to the people? Is it to deceive—to delude them? For, sir, who does not know—who in this House that does not believe, that this bill cannot, will not become a law?

Mr. L. said, when it should be in order to discuss the merits of this bill, he would claim the indulgence of the House while he should be able, according to the extent of his feeble abilities, to give his views upon the bill and its effect upon the new States.

The debate was further continued by Messrs. VINTON, TOUCEY, and DENNY.

Mr DENNY moved instructions to either committee to which the bill should be referred, to report the same on Wednesday next.

Mr. BOULDIN then addressed the House in favor of referring the bill to the Committee of Ways and Means, and in opposition to the principles of the bill, until the hour of one o'clock, when the Chair announced the special order.

FORTIFICATION BILL.

In further execution of the special order of the 26th of January, the House, on motion of Mr. CAMBRELENG, proceeded to the consideration of the bill making appropriations for certain fortifications for the year 1836. The bill was reported from the Committee of the Whole, with sundry amendments, and the question was on concurring in these amendments. The first amendment was the following:

For fortifications, Charleston harbor, South Carolina, and preservation of the site of Fort Moultrie, $150,000, increased by the Committee of the Whole to $200,000.

Mr. THOMPSON, of South Carolina, addressed the House at length in opposition to the amendment, and in reply to the remarks of other gentlemen who had replied to Mr. T.'s former remarks. He also took occasion to advert to the recent speech of the gentleman from Massachusetts [Mr. ADAMS] on the subject of Texas. Mr T. replied, also, to Messrs. EVANS and TOWNS.

The debate was continued by Messrs. HUNT, TOWNS, CAMBRELENG, THOMPSON of South Carolina, BRIGGS, PINCKNEY, and STORER.

Mr STORER moved to reduce all the appropriations for fortifications one half the amount proposed in the bill and amendments, except that for Fort McHenry, Baltimore.

After some further remarks from Mr. HOWARD,

Mr. KINNARD moved the previous question.

Mr. PEARCE, of Rhode Island, inquired of the Chair what would be the effect of the previous question being sustained?

The SPEAKER replied that it would cut off all the amendments of the Committee of the Whole.

The House refused to second the motion for the previous question—ayes 30, noes not counted.

Mr. KINNARD said he desired to say a few words in explanation of his reason for having moved the previous question. It must be apparent that this bill has already consumed its equal share of the consideration of this House. He could not, for one, consent to postpone the other great questions about which the people of the country had more anxiety than about the appropriation of the enormous amount of money embraced in the amendments proposed to the bill. It was true, the previous question would have affected those amendments. But is the necessity to debate them for days and weeks, so urgent as to justify the defeat of much and perhaps nearly all of the other measures which have been long demanded by the interests of the country—and particularly by the western States, to whose affairs very little time had as yet been devoted? He would instance the case of the Cumberland road. It was well known that the work on that great thoroughfare had long been suspended, on account of the failure to pass the necessary appropriation. Considering the time when it was acted on in the Senate, and introduced in this House, Mr. K. thought it was entitled to an early consideration. When, some days since, the chairman of the Committee of Ways and Means proposed to make the present bill the special order of the day, Mr. K. felt it his duty to solicit the honorable chairman to include in his motion the Cumberland road bill. His wishes, and the measures to which he referred, seemed to meet with no favor from that quarter.

It would be recollected that the appropriation originally proposed for that road, in the other branch, had been greatly reduced. On what ground, sir? The ostensible reason, although Mr. K. believed it untenable, was, that there would not be time to expend the money. While this delay is to be extended, is it fair to apply such an argument against the measure in which the whole West is interested, while it falls powerless in the estimation of some gentlemen, when urged against the amendments now under consideration? Here you propose to add to the fortification bill an immense amount of the public money, exceeding by millions the original estimates. Are we satisfied that this amount will be required before the next session? Is your corps of engineers so numerous as to justify the expectation that this money can be judiciously applied to the construction of the works which they are to superintend during the present season, or within twelve or eighteen months? He apprehended that such an expectation is not generally entertained. Shall we then debate endlessly about appropriations which the public service does not now require, to the postponement and defeat of those which are absolutely necessary? This he conceived would not be extending fair treatment to the other interests of the country, and to the numerous persons who had claims against the Government outstanding and unpaid.

Mr. K. remembered full well what doctrine was held during the former Congress in relation to appropriations of this character by the Republican party. Whenever it was then proposed to amend the fortification bill in this way, the House was reminded of the importance of the estimates; that it was prodigal and extravagant to exceed them; that new works ought not to be commenced until the old were repaired and completed; and that new and extraordinary objects of expenditure should not be sought out and ingrafted upon bills of this description. Mr. K. considered this good doctrine; he had adhered to it throughout. The prospect of a French war impending over the country had induced him and the party with which he had acted to depart from it, in order to meet that particular emergency. When we have not such reasons, shall we depart from the usages and principles which have heretofore governed the Republican party? Is there no other demand upon the Treasury—upon the time and action of this House—besides these fortifications? If we dare do nothing else—if any portion of this House should dissent from the course of policy indicated by the amendments and by the arguments of some gentlemen, and should be denounced for it, it would then appear to him that one of the important landmarks of the Democratic party was about to be abandoned, and it might become a matter of doubt how the parties of the day are divided. He hoped always to have it in his power to act with those whose polar star had been economy in the public expenditures. To that original and fundamental principle in the Republican faith, he, for one, was determined to adhere. Mr. K. was for appropriating whatever was required for the public defense in the proper time and manner. But while he remembered that he was the representative of a laboring, agricultural, tax-paying and patriotic people, he would not vote to disparage their principles and his own, and would endeavor to avoid giving his approbation to any system of prodigality which might be proposed from any quarter.

The debate was further continued by Messrs. LANE, HARDIN, HAWES, BOON, PARKER, and BRIGGS.

Mr. BRIGGS asked for the yeas and nays on the amendment; which were ordered.

Mr. HARD moved an adjournment about seven o'clock; which was lost—73 to 83.

After some remarks by Mr. BELL, in opposition to the amendment,

Mr. CAMBRELENG moved that the bill be made the special order of the day for Friday next, from and after the hour of eleven, a. m.; which was agreed to.

EXECUTIVE COMMUNICATION.

The SPEAKER communicated a letter from the Secretary of the Treasury, in answer to a resolution of the House of the 30th ultimo, calling for information relating to the damage sustained by the Potomac Bridge, in consequence of the late floods, accompanied by an estimate of the amount necessary for its repair; which was referred to the Committee for the District of Columbia.

THE DISTRICT BANKS.

The bill from the Senate to extend the charters of certain banks of the District of Columbia, and for other purposes, was then taken up on its reference.

Mr. PINCKNEY moved to refer the same to the select committee on the District banks.

Mr. LANE moved its reference to the Committee for the District of Columbia.

Pending these motions, after some remarks from Messrs. LANE, BOULDIN, and THOMAS,

The House adjourned, at eight o'clock, p. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 8, 1836.

Mr. WHITTLESEY, of Ohio, from the Committee of Claims, reported the following bills from the Senate, without amendment:

For the relief of Noah Brown, and the legal representatives of Adam Brown, deceased; and

For the relief of Nancy Leamaster, widow of James Leamaster; which were committed.

Mr. WHITTLESEY, from the same committee, made unfavorable reports in the cases of James D. Harding, Robert Fulton, James P. Harrison, Hugh L. Heiskell, and Stephen Simpson.

FRENCH WINES.

On motion of Mr. LAWRENCE, the following bill on the Speaker's table, entitled "A bill to repeal so much of the act of March 2, 1799, as respects the issuing of certificates on the importation of wines," was taken up and ordered to be engrossed; and having been engrossed, was, after some conversation between Mr. LAWRENCE, Mr. HAMER, and Mr. McKIM, read the third time and passed.

OFFICERS OF REVENUE CUTTERS.

On motion of Mr. SUTHERLAND, the bill to regulate the compensation of officers of the revenue cutters, was taken up on its third reading; and after some conversation between Messrs. WILLIAMS of North Carolina, SUTHERLAND, BOND, WISE, LAWRENCE, and GIDEON LEE,

Mr. GILLET observed that the duties and compensation of the officers of the revenue cutters are prescribed in the act of March 2, 1799. When this law was passed, the coast and commerce of this country was far more limited than it is at present. All know our commerce was then small, and our sea-coast extended only to Florida. Our commerce is now expanded to an astonishing extent, and our limits have been enlarged so as to include the extensive coast of Florida, Alabama, and Louisiana. All who are acquainted with the climate of this added coast, and the course of commercial operations in that quarter, must arrive at the conclusion that this service has been rendered more arduous and hazardous. It is also incontestably true, that the expense of living in that quarter is far greater than it is in any other part of the Union. In 1799 the compensation then given these officers would procure them nearly double the necessaries and comforts of life that the same sum now gives them. Everything has risen in price, as all must know. The causes he would not now examine. It could hardly be disputed that it cost more to support a family on the sea-coast than it did in 1799. This had been conceded by acts of Congress. A portion of the revenue officers had, by a law in 1816, or about that period, their pay increased fifty per cent. Another portion, those whose compensation depended upon fees of office, had had their pay increased by the increase of business at their respective offices; so that, on the whole, the pay of nearly every officer, except those in the cutter service, has been increased. These officers, who are very limited in number, remain as they were when their pay and duties were first prescribed, and this, too, when their duties are rendered more arduous and dangerous. They now guard the coast from Passamaquoddy to Texas, and are out all seasons of the year. They must be on duty at sea amid the storms of the North and the hurricanes of the South. They must visit all vessels approaching our coast, whether there is disease on board or not. They must watch the movements of those who have designs upon the revenue, and fly to the relief of the wrecked mariner. Such services ought to be so compensated as to command men of capacity and integrity. This bill did not compensate them beyond what was given to others in the service, whose duties are not so arduous as those in the revenue service. He hoped the bill would pass

Mr. HARDIN, after a few remarks, called for the yeas and nays on the passage of the bill; which were ordered.

After some further remarks from Messrs. SPEIGHT and BOON,

Mr. PEARCE, of Rhode Island, remarked that, believing the House to be almost unanimous on this subject, he moved the previous question; which was seconded by the House—ayes 80, noes 40—and the main question was ordered; and being put, was decided by yeas and nays in the affirmative—yeas 146, nays 52.

So the bill was passed.

PRISONERS IN DISTRICT JAIL.

On motion of Mr. REED, it was

Resolved, That the Committee for the District of Columbia be instructed to examine the situation of the prisoners in the jail of the District of Columbia, and especially those imprisoned for debt.

MICHIGAN AND ARKANSAS.

In execution of the special order of Monday last, the House then proceeded to the consideration of the following bills:

An act to settle and establish the northern boundary line of the State of Ohio;

An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed; and

An act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same; and for other purposes.

The first bill having been read, Mr. THOMAS, after a brief explanation of the provisions of the bill, which he maintained had become unnecessary from their being embraced in the bill to establish the Territorial Government of Wisconsin, and the bill to provide for the admission of Michigan into the Union, moved to lay it on the table.

Mr. VINTON appealed to the gentleman to withdraw the motion, as he desired an opportunity of showing that the separate boundary bill was indispensable.

Mr. THOMAS said: Mr. Speaker, the bill before the House contains three sections. By the first section, it is proposed to establish the northern boundary line of the State of Ohio, where that State contends it ought to be fixed. The second section is designed to confirm the northern boundary line of the State of Indiana, as surveyed and designated by a former act of Congress, in conformity with the provisions of the law providing for the admission of that State into the Union. The third section of this bill was intended to fix the northern boundary line of the State of Illinois, as designated in a survey made in pursuance to the provisions of the Constitution of that State. It will be remembered by the House that we have passed an act at the present session, establishing a territorial government for Wisconsin. In that act the southern boundary of the Territory, and the northern boundary of Illinois, are fixed on the line which, by the third section of the bill before the House, is to be made the north boundary of that State.

It is manifest, then, that the third section of this bill is unnecessary; the same may be said of the other two sections. The objects designed to be accomplished by them will be attained, if the bill next on the Speaker's table becomes a law. By its provisions the northern boundary lines of Indiana and Ohio are established, as it is proposed to fix them by this bill. This surely supersedes the necessity for any action on the bill before us. It will be a work of supererogation to place on the statute-book two laws, designed to accomplish, in part, the same purposes, *in totidem verbis*. Believing this, and foreseeing that we shall gain time by such a proceeding, I move to lay the bill now before us on the table.

Mr. VINTON said he could not consent to renew the motion; and he would therefore ask for the yeas and nays; which were ordered, and were—yeas 103, nays 103. The Chair voting in the affirmative, the vote was—yeas 104, nays 103.

The next bill being the act to establish the northern boundary of the State of Ohio, and to provide for the admission of Michigan into the Union, &c., being then announced from the Chair,

Mr. WISE moved to postpone the further consideration of this bill till Monday, in order to proceed with the Arkansas bill.

Mr. THOMAS said he would call the attention of the House to the position of the two bills on the Speaker's table, and endeavor to show that this postponement is entirely unnecessary. These bills are from the Senate. By the rules of this House two, I may say three questions, will arise to be decided before they can become a law, so far as this House is concerned. We must first order each of these bills to be read a third time; the next question then will be, when shall the bill be read a third time? and the last question to be decided will be, shall the bill pass? Why, then, should southern men now make an effort to give precedence to the bill for the admission of Arkansas into the Union? If they manifest distrust, must we not expect that fears will be entertained by northern members? that unreasonable opposition will be made to the admission of Michigan? Let us proceed harmoniously, until we find that our harmony must be interrupted. We shall lose nothing by so doing. If a majority of the House be in favor of reading a third time the Michigan bill, they will order it to be done. After that vote has been taken, we can refuse to read the bill a third time, go into Committee of the Whole on the state of the Union, then consider the Arkansas bill, report it to the House, order it to be read a third time; and in this order proceed to read them each a third time, if a majority of the House be in favor of that proceeding.

Let it not be said that southern men may be taken by surprise, if the proceeding here respectfully recommended be adopted. If the friends of Arkansas are sufficiently numerous to carry now the motion to postpone, they can arrest at any time the action of the House on the Michigan bill, until clear, indubitable indications have been given that the Missouri compromise is not to be disregarded.

Mr. MASON, of Ohio, moved to lay the former bill on the table, and asked for the yeas and nays; which were ordered.

Mr. MASON then withdrew the motion.

Mr. LEWIS asked for the yeas and nays on the motion to postpone the Michigan bill till Monday; which were ordered.

Mr. WISE advocated the motion to postpone the Michigan bill; and the debate was continued by Messrs. CUSHING, PATTON, SUTHERLAND, BOULDIN, LEWIS, SPEIGHT, WILLIAMS of Kentucky, SEVIER, MANN of New York, HARDIN, and VANDERPOEL.

Mr. BOON moved the previous question, being on ordering the bill to a third reading.

Mr. VINTON raised the point of order, that the previous question could not be moved, inasmuch as it had not been read.

The House refused to second the motion for the previous question—ayes 69, noes 108.

Mr. ADAMS said a few words on the subject, and stated that, when the Arkansas bill came into the House, if no one else moved the subject of the restriction of slavery, he should.

Mr. WISE, after some remarks, modified his motion by moving to refer both bills to the Committee of the Whole on the state of the Union, with instructions to that committee to incorporate the two bills into one bill.

Mr. PATTON opposed the latter motion, and gave his reasons at length against it. If his colleague would so modify his motion as to refer both bills to the Committee of the Whole, omitting the instructions to incorporate them into the same bill, he would vote for it.

Mr. BOULDIN said he agreed with his colleague [Mr. PATTON] in a fact too plain for any to overlook, that both bills must be acted on separately, and that one must have the preference in point of time. Michigan had it at that time—he was willing she should hold it. His colleague [Mr. PATTON] seemed to think that, in the incipient steps in relation to this bill, it would be well enough to suffer Michigan to hold her present position; but that, before the final passage of the bill, it would be well to require of the House (or rather of the non-slaveholding portion of the Union) to give some unequivocal guarantee to the South that no difficulty would be raised as to the reception of Arkansas in regard to negro slavery.

Mr. B. was willing to go on with the bill for the admission of Michigan. He had the most implicit confidence in the House, particularly alluding to the non-slaveholding part of the Union, that no serious difficulty would be made as to the admission of Arkansas in regard to negro slavery.

If there were any serious difficulties to be raised in the House to the admission of Arkansas upon the ground of negro slavery, he wished immediate notice of it. If his confidence was misplaced, he wished to be corrected as soon and as certainly as possible. If there really was any intention in the House of putting the South under any difficulty, restraint, limit—any shackle or embarrassment on the South on account of negro slavery—(some gentlemen said slavery, but he said *negro* slavery,) he wished to know it.

If there were any individuals having such feeling, he wished to know them; he wished to hear their names upon the yeas and nays.

If there were a majority, he should act promptly, decisively, immediately, upon it, and had no doubt all the South would do the same. There might be some question as to the claim of non-slaveholding States to stop the progress of southern habits and southern influence northward. As to Arkansas, there could be no question; and, if seriously pressed, such claims could leave no doubt on the minds of the South as to the object of those who pressed them, or the course to be pursued by them. Such a stand being taken by the non-slaveholding States, it would make little difference whether Michigan was in or out of *this Union*.

He said he would sit down, again assuring the House, and the gentlemen particularly from the non-slaveholding States, of his entire confidence that no such thing would be seriously attempted by any considerable numbers of this House.

The debate was continued by Messrs. MERCER, LEWIS, BRIGGS, THOMAS, and VINTON.

Mr. BRIGGS said he was in favor of committing both these bills. They proposed to admit two new States into this Union. These were measures of the greatest moment. The importance of the questions involved presents the strongest reason for this commitment, where they may have free and ample discussion.

The bill for the admission of Arkansas, it is admitted by all sides of the House, must be committed, as it creates the office of judge and marshal, with salaries attached to them. There is no direct appropriation in this bill, but as it provides for the appointment of officers, who, if the law goes into effect, must be paid out of the public Treasury, it creates a charge upon the Treasury, and requires commitment. He believed, by the spirit of the rules of this House, the bill for the admission of Michigan should be committed. If it becomes a law; that State will send her Senators and Representatives to this Congress, and they must be paid out of the public Treasury. The charge upon the Treasury is as direct and inevitable in the one case as in the other. The amount to be paid to their representatives is established by a general law; and when the State is admitted, they will have the same claim for their pay for mileage and attendance as the present members of Congress have. This was a reason which he had not heard urged for the commitment of this bill; but he believed, if gentlemen would give their attention to it, they would come to the same conclusion that he was brought to. He would not raise the question of order, but desired to bring the subject to the notice of the House, in the hope that it would influence their vote. He asked for a division of the question, that the vote might first be taken on commitment, and then on the instructions.

The discussion was further continued by Messrs. BELL and ANTHONY, when

Mr. HAWES asked for the yeas and nays; which were ordered.

Mr. PATTON inquired the opinion of the Chair as to the necessity of committing these bills?

The CHAIR replied that the bill for the admission of Arkansas, as it contained an appropriation for the judges, would, under the rules, require being committed; and that the bill for the admission of Michigan, although it contained no express appropriation, created a charge upon the Treasury, and came, though not clearly, within the spirit of the rule. The Chair read a former decision on the point, made in 1832.

After some remarks on the point from Messrs. SPEIGHT, VANDERPOEL, REED, MANN of New York, BRIGGS, and BOON,

The CHAIR decided that, according to the former decision, the Arkansas bill required to be committed, and accordingly, if that bill required to be committed, so did the other.

Mr. WISE withdrew his instructions; and the motion to commit was carried in the affirmative, without a count.

On motion of Mr. WISE, the House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. SPEIGHT in the chair,) and proceeded to the consideration of the bill entitled "An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed."

Mr. TAYLOR moved to amend the bill by a provision in relation to the boundary, as follows:

Insert the word "east," after the word "drawn," in line fourth of the first section. Strike out after the word "Michigan," line fifth, all that follows to the word "bay" in line eighth, and insert, "to the center of the Maumee (Miami) river, after that line so drawn shall intersect the eastern boundary line of the State of Indiana; and from the said line in the center of the said Maumee river, down the middle of the same to its mouth and from thence"—

Mr. TAYLOR said it was neither his habit nor inclination to occupy much of the time and attention of the House; and if he was so inclined, considerations of public duty would at this late period of the session restrain him from any extended remarks. But, from the best examination and reflection which he had been able to give this subject, he had not been able to satisfy himself of either the justice or the expediency of the boundary between Michigan and Ohio, as described in this bill, and that he had felt it a duty to the people of Michigan, to the cause of justice, and to his honest and deep convictions upon this question, to offer the amendment which he had sent to the table. He said he was fully persuaded and convinced that, if the bill passed without amendment, it would be in violation of the rights and the interests of the people of Michigan, secured by the sanctions of compact and of law, and will do them great injustice. From memorials which have been presented to this House from the people of Michigan since they have been made acquainted with the report of the committee, it is evident that great dissatisfaction exists among them; and from the same documents we may infer that the compromise proposed by the amendment would be acceptable to them. He said that it appeared to him that the strongest objection which the State of Ohio had had to the boundary as claimed by Michigan will be removed, and that she will or ought to be satisfied with it. Mr. T. said, as the question has been long before this House, and the public has been so agitating to both Michigan and Ohio as to threaten the most serious consequences, and so exciting as to command the attention of all, he presumed every gentleman upon this floor had made up his mind, and was as ready to vote now as they would be after a protracted debate; he, therefore, preferred, without entering into a protracted discussion, to submit the amendment, hoping that the vote may be taken without much delay in the passage of the bill; and he had only to say at present that, if the amendment shall not pass, he should feel compelled to vote for the bill as it is, not feeling at liberty to vote against the admission of Michigan into the Union; and then, if Michigan accepts the terms of her admission in conformity to a provision of the bill, he should be content, having disharged his duty; her boundary will then be altered with her own consent. But he said he would add, as his opinion, if Michigan accepts the terms of her admission into the Union as provided by this bill, it will be found a compulsory acceptance rather than a voluntary choice.

Mr. VINTON submitted the following amendment, to come in at the end of the second section:

And provided also, and it is hereby further expressly declared, That if the convention provided for in the third section of this act shall not give the assent therein required, the boundaries of the States of Ohio and Indiana shall nevertheless be and forever remain fixed and established between them and Michigan, as the same are in this act above specified and described.

Mr. HANNEGAN hoped the gentleman would strike out the name of Indiana from his amendment, as the boundary of that State was long and permanently settled, and stood upon higher ground than the bill providing for the admission of Michigan into the Union could place it.

Mr. VINTON explained that he had inserted Indiana because it should not be said that he had taken care of the interests of his own State alone.

Mr. McCARTY saw no objection to the name of Indiana being retained in the amendment.

Mr. HANNEGAN, after a few remarks, moved to strike out the word Indiana from the amendment of the gentleman from Ohio.

The amendment was then further debated by Messrs. LANE, HANNEGAN, McCARTY, VINTON, MASON of Ohio, GALBRAITH, HARDIN, THOMAS, and EVERETT, who moved that the committee rise, but withdrew it at the request of

Mr. UNDERWOOD, who suggested an amendment which, he said, he should move at a subsequent stage.

Mr. ROBERTSON then obtained the floor, and gave notice of certain amendments he should hereafter move, having reference to securing the interests of the United States in the public lands in Michigan

Mr. THOMAS said a few words in explanation, and renewed the motion (as requested) that the committee rise; which prevailed—ayes 74, noes 54.

The committee accordingly rose and reported.

The Speaker having resumed the chair,

On motion of Mr. SEVIER, the supplementary bill from the Senate in relation to the admission of Arkansas into the Union was included in the special order on the other bills.

Mr. HANNEGAN moved that the House again go into the Committee of the Whole on the state of the Union on the Michigan and Arkansas bills, and asked for the yeas and nays on that motion.

Mr. EVANS then rose, and moved that the House adjourn.

Mr. HANNEGAN asked for the yeas and nays; which were ordered; and were—yeas 84, nays 74.

So the House adjourned at half past six o'clock, p. m.

IN SENATE.

WEDNESDAY, *June* 8, 1836.

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, to which had been referred the bill from the House to change the organization of the General Post Office Department, reported the same with amendments; which were ordered to be printed, and the bill was laid on the table, Mr. G. giving notice that he would call up the bill as soon as the amendments were printed.

Mr. KNIGHT, from the Committee on Manufactures, reported a bill explanatory of the act to release from duty iron prepared for and actually laid on railways and inclined planes; which was twice read, and ordered to be engrossed for a third reading.

ARSENAL IN NORTH CAROLINA.

Mr. BENTON, from the Committee on Military Affairs, reported the bill from the House to establish an arsenal in North Carolina, without amendment; and,

On motion of Mr. BROWN, the bill was taken up and considered as in Committee of the Whole; and after some explanations from Mr. BENTON and Mr. BROWN,

Mr. SOUTHARD moved to lay the bill on the table; which motion being lost,

The bill was ordered to a third reading.

MEDAL TO GENERAL MORGAN.

Mr. PRESTON, from the Committee on Military Affairs, reported, without amendment, the bill from the House to renew the gold medal struck and presented to General Morgan by order of Congress.

SURETIES OF NICHOLAS KERNE.

Mr. SHEPLEY, from the Committee of Claims, reported, with amendments, the bill from the House for the relief of the sureties of Nicholas Kerne.

INDIAN APPROPRIATION BILL.

Mr. WHITE, from the Committee on Indian Affairs, to which had been referred the message of the House disagreeing to the amendments of the Senate to the Indian appropriation bill, made a report thereon; and the message being taken up and considered, Mr. W. moved to recede from the fourth and fifth amendments; which was agreed to.

The amendments of the House containing an appropriation of $2,000 to purchase rifles for the Pottawatomies, and an appropriation to defray the expenses of the Cherokee delegation attending the seat of Government, were agreed to.

The amendment containing an additional appropriation for the removal of the Creek Indians, was considered; and, after some remarks from Messrs. SOUTHARD and WHITE,

On motion of Mr. CALHOUN, the bill and amendments were laid on the table.

INCENDIARY PUBLICATIONS.

On motion of Mr. CALHOUN, the Senate took up the bill to prohibit deputy postmasters from distributing incendiary publications which have been sent through the mails; and after a debate, in which the bill was supported by Messrs. BUCHANAN, CALHOUN, CUTHBERT, WALKER, and GRUNDY, and opposed by Messrs. WEBSTER, DAVIS, CLAY, MORRIS, and EWING of Ohio, it was rejected by the following vote:

YEAS—Messrs. Black, Brown, Buchanan, Calhoun, Cuthbert, Grundy, King of Alabama, King of Georgia, Mangum, Moore, Nicholas, Porter, Preston, Rives, Robinson, Tallmadge, Walker, White, and Wright—19.

NAYS—Messrs. Benton, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, Knight, Leigh, McKean, Morris, Naudain, Niles, Prentiss, Ruggles, Shepley, Southard, Swift, Tipton, Tomlinson, Wall, and Webster—25.

PUBLIC DEPOSITS.

On motion of Mr. CALHOUN, the bill to regulate the deposits of the public moneys was taken up—yeas 21, nays 14; when,

On motion of Mr. WRIGHT, it was laid on the table, with the understanding that it would be taken up to-morrow; and the Senate proceeded to the consideration of executive business; after which the Senate adjourned.

IN SENATE.

THURSDAY, *June* 9, 1836.

The CHAIR communicated a report from the Treasury Department, in answer to the resolution of the Senate of the 9th ultimo, containing a statement of the amount of money in the Treasury subject to draft, and the receipts from the customs and land sales; which was ordered to be printed.

Mr. GRUNDY presented the memorial of sundry citizens of Connecticut, praying for the establishment of a new post route; which was referred to the Committee on the Post Office and Post Roads.

BILLS INTRODUCED.

Mr. TIPTON, on leave, introduced a bill authorizing Joel E. Metcalf and others to enter certain preëmption claims to land in Indiana; which was read twice and referred.

Mr. SHEPLEY, from the Committee on Claims, reported a bill for the relief of Samuel Miller; which was read, and ordered to a second reading.

REPORT FROM COMMITTEE.

On motion of Mr. CLAY, the Committee on Foreign Relations was discharged from the further consideration of the petition of sundry citizens of Maine, complaining of the great and growing influx of foreign paupers into the country; and,

On motion of Mr. DAVIS, it was laid on the table.

NEW POST ROUTES.

Mr. WALKER submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Louisville, by Double Springs, to De Kalb, in the State of Mississippi; from Fairfield, Alabama, to Knoxville, Wahoiock, and Summerville, to Carthage, in Leake county, Mississippi.

Mr. WRIGHT submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Russia, in the county of Herkimer, to Moorehouseville, in the county of Hamilton, in the State of New York.

Mr. MANGUM submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a mail route from Germantown to Little Yadkin post office, in Stokes County, North Carolina.

Mr. KING, of Georgia, submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Rome, in Floyd county, Georgia, via Livingston Missionary station, on the western side of Coosa River, Pleasant Green, or Gamble's seminary, near the line of Walker and Floyd counties, to Islandtown, on Chatooga river.

SALARIES OF REVENUE OFFICERS.

The bills from the House to regulate the compensation of certain officers of the revenue cutters, and repealing so much of the act of 1799 as

respects the issuing of certificates on imported wines, were severally read twice and referred.

ISAAC MEANS AND OTHERS.

The bill for the relief of Isaac Means and others, late owners of the schooner Elizabeth, was read the second time, and ordered to a third reading.

ADMISSION OF MICHIGAN.

On motion of Mr. WRIGHT, the bill supplementary to the act to establish the northern boundary line of the State of Ohio, and to provide for the admission of Michigan into the Union, was taken up; and after a debate, in which Messrs. EWING of Ohio, WRIGHT, WALKER, BENTON, and CLAY, took part,

Mr. CLAY moved to amend the bill by inserting a proviso that the lands sold by the United States within said State shall not be taxed for five years after such sale.

This motion was rejected—yeas 20, nays 24; as follows:

YEAS—Messrs. Calhoun, Clay, Crittenden, Davis, Goldsborough, Grundy, Kent, Knight, Leigh, McKean, Mangum, Naudain, Prentiss, Robbins, Southard, Swift, Tipton, Tomlinson, Wall, and Webster—20.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Ewing of Ohio, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Talmadge, Walker, White, and Wright—24.

BILLS PASSED.

The following bills were severally read a third time and passed:

The bill for the relief of certain officers of the United States sloop of war Boston;

The bill to provide for the due execution of the laws of the United States in the State of Michigan;

The bill explanatory of the act to release from duty iron prepared for and actually laid on railroads and inclined planes; and

The bill to establish an arsenal in North Carolina.

INDIAN APPROPRIATION BILL.

On motion of Mr. WHITE, the Senate took up the bill making appropriations for the Indian department, and amendments; the question being on concurring with the House in the additional appropriations for the removal of the Creek Indians.

Mr. WHITE moved to amend the amendment, by providing that no private contracts shall be made under this appropriation, without giving previous public notice; which being agreed to, the amendment of the House as amended was concurred in.

PREËMPTION CLAIMS.

The bill to extend the time for receiving the proof of certain preëmption claims under the act of the 19th of June, 1834, came up on its third reading.

Mr. EWING, of Ohio, opposed the bill, on the ground that a great mass of fraud and perjury would be practiced under it, and that the United States would be deprived of a vast quantity of its best lands, to enrich those who had no claim whatever on them. The gentleman from Mississippi who introduced this bill [Mr. WALKER] could not possibly be aware of the extent of the frauds that would be perpetrated under it. Mr. E. instanced the vast tracts of valuable lands acquired from the Indians in Wisconsin, and above the rafts of Red river, worth four dollars per acre, that would be entirely swept away by persons who had gone on them, to wait for some such law of this kind. The bill (he said) held out a bribe to falsehood, fraud, and perjury. If it was a small matter, as the Senator from Mississippi supposed, he would not so earnestly oppose it—he would not object to giving each rascal who crossed the Mississippi his one thousand dollars in order to get rid of him; but the man who was disposed to defraud the Goverement under this bill must be a worthless rascal indeed, if he could not make his tens of thousands and hundreds of thousands. They had evidence enough of the frauds that had been perpetrated under these preëmption laws—some of these claimants would have no difficulty in swearing to at least a dozen cases.

Mr. WALKER rose to defend the character of the settlers on the western lands. He denied that they were a set of perjured rascals. They were as high minded and as honorable a set of men as any on the face of the earth; and as little deserved the imputations that had been cast on them as their libelers on that floor. He did not know where gentlemen got their habit of speaking of these men, who, for honest integrity, virtue, and patriotism, would compare with any people on the face of the earth, unless it was from the English and Scotch reviewers. Go back (said Mr. W.) to the period of the last war, and say who it was that filled up the ranks of your army; who was it that defended New Orleans and the valley of the Mississippi from the pollution of the footsteps of the foreign foe, but these perjured rascals that gentlemen so vehemently denounced on that floor? In reply to the objections of Mr. EWING, Mr. W. said that it was impossible that perjuries could be committed under this bill; because, as the evidence must be taken within separate land districts, and before the register and receiver, each settler would be known, and no one of them could swear to more than one case or personate more than one claim. Mr. W. also showed that the tracts of country between the Des Moines and Lake Michigan, and above the raft of Red river, referred to by the Senator from Ohio, could not be affected by this bill, as all these lands have been acquired by Indian treaties since 1834, and the bill excludes any claimant who has settled on lands to which the Indian title had not been extinguished before that time. [Mr. W. read the dates of the treaties by which these lands were acquired.] Mr. W. urged a variety of arguments in support of the bill, contending that it would by no means extend as far as was apprehended by the Senator from Ohio; that these settlers, for whose benefit the bill was intended, had a vested right in the lands they had settled, relying on the faith of the Government, and that it would be impolitic as well as unjust to deprive them of the land defended by their blood and enriched by their industry, for the paltry consideration of the additional two cents per acre they would get at the public sales from the land speculators.

Mr. MORRIS observed, that when this bill was before the Senate the other day, he was not altogether satisfied with its provisions, and therefore did not vote for its engrossment. This bill contemplated extending the time for making proof of preëmption claims under the law of 1832, extended by the law of 1834. Now, he wished to know whether the Secretary of the Treasury had decided that the claimant, under the law of 1832, was entitled, whether the land he settled had been surveyed or not?

Mr. WALKER replied in the affirmative.

Mr. MORRIS thought that the Secretary had decided wrong, and that the law of 1832 never contemplated applying to unsurveyed land. This law spoke of quarter sections; and how could the settler prove a quarter section unless the land had been surveyed? Mr. M. said he was for extending every encouragement to settlers on the public lands, by a reduction of prices, as far as any gentleman would go; but he was not in favor of preëmptions, as he thought the system had not worked well. If claimants, under the preëmption laws had been prevented by any fault of the Government from completing their proof, he would grant relief in individual cases, as they were substantiated; but he was opposed to any general law, which must necessarily lead to great difficulties and embarrassments.

Mr. EWING, of Ohio, denied that he had made any general accusation against the settlers on the public lands. What he said was, that numerous frauds and perjuries had been committed with regard to the public lands, of which their tables groaned with the fullest evidence, and that these persons, whom he begged leave still to designate as rascals, would avail themselves of the provisions of this bill, to perpetrate more fraud and perjuries. The Senator from Mississippi might say, if he chose, that there was not a rascal in the West; but he knew that innumerable frauds and perjuries had been committed there, and their files showed abundant evidence of it. He cast no general imputation on the settlers of the West; he considered himself one of them; and it was natural for him to speak of them as he did—in the most favorable terms.

Mr. E. recapitulated his objection to the bill, and enlarged on the evils that would grow out of it. He denied that the claimants under the law of 1832 and 1834 had any vested rights in the lands; his colleague having well said that the act of 1832 never contemplated applying to unsurveyed lands. He agreed that the checks and guards in this bill would, to some measure, prevent the reception of false evidence; but not to the extent desired. He had no sort of doubt but that an individual might so disguise himself as to personate ten or fifteen different claimants. This had been done before, and would be done again. Experience has sufficiently shown them what frauds could be perpetrated under these preëmption laws. In one case an individual settled on a tract of land in the neighborhood of a fort, and the court had decided that he was entitled to his preëmption because it was public land, though the tract was worth five hundred thousand dollars. Suspicions were entertained that the registor and receiver were interested with him; but this was of no avail, as it could not be proved. Mr. E. said it was not out of want of regard to the actual and honest settlers that had gone upon the public lands that he opposed the bill; but it was to guard against fraud, perjury, and speculation, that he set his face against it.

Mr. WALKER said if the term "public lands" comprehended unsurveyed lands, these settlers undoubtedly had vested rights in the lands they claimed. This question was first raised in 1833, and was referred by the Commissioner of the General Land Office to the Secretary of the Treasury, who solemnly decided that preëmptioners on the unsurveyed lands were entitled to their preëmptions, because they were as much public lands as those that had been surveyed. To be sure, they were required to make their proof in two years; but by omitting to appoint a surveyor they were deprived of the chance of doing so.

Mr. CLAY said, if there was any one thing on which he supposed the mind of Congress was made up when he first came here this winter, it was to put an end to this nefarious system of preëmptions. He had been informed by the most undoubted authority that printed affidavits were regularly sold in the market at New Orleans, containing all the requisites to establish a good preëmption claim. On one occasion the Governor of Louisiana was called on to certify an affidavit purporting to have been signed by a justice of the peace, who he knew was one hundred and fifty miles off; and on another, he was called on with the signature of a justice he had suspended from office six months before. While the system was liable to such glaring abuses, he hoped gentlemen would not agree to extend it.

Mr. KING, of Georgia, contended that it never could have been the intention of Congress to extend the privilege of preëmptions beyond the surveys, and beyond the civil organization of the country; and it was apparent on the face of the act that it was only intended to apply to surveyed lands. This act ought to be construed like all other acts, by considering the whole of it, in order to arrive at its true meaning. [Mr. K. here read the act.]

How could this act designate a quarter section as the portion for each settler, unless it was intended to apply to surveyed lands? If there was to be a general scramble for the public lands, let the poor honest man every where have a chance, as well as these preëmptioners. Let us (said he) understand the grounds on which we legislate, and not hold out advantages, as was done by this bill, to lawless depredators, and who drive out every honest man from competition with them. He considered the system under which they had acted ever since the preëmption laws commenced as disgraceful to the Government, and as a reward for the violation of the laws. He had not read the review referred to by the Senator from Mississippi; but on hearing the extract read by the gentleman, he could not but be struck with the remarkable intelligence of the people on the other side of the water with regard to their opinions of those persons he termed squatters. The gentleman was more comprehensive than he was in his application of the term squatters, for he applied it to the first settlers at Jamestown, to the

Pilgrims, and even to Columbus; and he said that it was squatters who saved New Orleans, and would have conquered at Bladensburg, had they been there. Now, he was by no means so comprehensive in his application of the term. He applied it to those persons who had gone beyond the limits of the settlements, and were wholly reckless of the laws, either of God or man. They were the non-consumers of the country; performed no duties, either civil or military; and led lives without labor. They went beyond the civil organization of the country, for the purpose of driving the Indians off their lands, and eventually securing them by preemption; and had a habitual disregard of all laws, human and divine, unless indeed it was preemption laws; and these they only cared for because they enabled them to sell the lands they had so lawlessly acquired. They took possession of the lands, and would not permit any man who went there to locate by them, unless they were well paid for the permission.

From the act of 1832, it appeared evident that Congress could never have intended it to apply to lands beyond the survey. There could have been no possible motive for encouraging a man who had gone so far beyond the settlements as to leave the surveys behind them.

After some remarks from Mr. BLACK in favor of the bill, the question was taken on its final passage; and it was rejected.

PUBLIC DEPOSITS.

The bill to regulate the deposits of the public moneys was taken up as the order of the day; the question being on striking out the original bill, and inserting as an amendment the substitute recommended by the select committee.

Mr. WRIGHT (the chairman of the committee) said that his only object now was to call the attention of the Senate to that part of the bill which particularly related to the regulation of the public deposits in the deposit banks. The other part of the bill, which related to the disposition of the surplus, he should not now refer to. He wished to call the attention of Senators particularly to those parts of the bill on which some unavoidable difficulties existed, in order that they might suggest such amendments as they deemed necessary. In the third section of the bill the deposits were restricted to banks incorporated by the States, by Congress for the District of Columbia, and by the legislative councils of the Territories. Now, there was one State in this Union, the State of Missouri, which had no bank, and the deposits of this State were made in an agency of one of the Ohio banks at St. Louis. His construction of the bill was, that it would prohibit the Secretary of the Treasury from continuing this agency; and if he construed it in the same way, he must select for the deposits of Missouri some other bank, nearest to that State, which must be some bank in Indiana. But Indiana would probably have as much money deposited in her banks as the bill would allow them to have.

Again: in the State of Illinois there was a bank incorporated by the State laws; but it was a mooted question whether this bank was incorporated in accordance with the provisions of her constitution. In Indiana, the banks were prohibited by their charters from discounting on their deposits, and therefore, being unable to use the public money committed to them, they would not consent to pay interest, in accordance with one of the provisions of the bill. With respect to the specie provisions in the bill, he thought it ought to have been more explicit on that head; but, on examining the statements of the deposit banks, he found that those of five of the States, say Virginia, Tennessee, Mississippi, Louisiana, and Alabama, would by this bill be compelled to double their amount of specie, or decline the public deposits. This provision would not affect the northern and northwestern banks, nor the banks of South Carolina, because they had more specie than was required. The bill originally provided that the power of discontinuing a deposit bank should be discretionary with the Secretary of the Treasury; but the committee had thought proper to enumerate the cases under which deposit banks might be discontinued; but in doing so they had left the matter still doubtful, and he wished this provision to be made more explicit.

In the first section of the bill it was provided, that there should not be deposited in any one bank an amount to exceed three fourths of its capital. This provision, he thought, would occasion embarrassment to the receivers of the public moneys, because they might want to deposit the public funds they had collected at a time when the bank had already received its full amount, and therefore be compelled to retain the money, or to deposit in some other bank. He thought, therefore, that the business of equalizing the deposits should be left entirely to the Secretary; and that it would be better to provide, instead of the present provision, that not more than three fourths beyond their capital should *remain* in each bank.

Mr. WRIGHT then proposed an amendment, which was agreed to; providing that the deposit banks shall render to the Government all the duties that were required of the Bank of the United States and its officers.

Mr. PORTER supposed that the moneys collected in Missouri might be managed by an agency of one of the New Orleans banks, or that Congress might create an agency at St. Louis.

Mr. ROBINSON stated that there were some doubts at the Treasury in relation to the State Bank of Illinois, whether it was constitutionally chartered; but he had no doubt but that the difficulty would be removed at the next session of the Legislature.

Mr. HENDRICKS thought that the provisions of the bill, with respect to the payment of interest, would effectually prevent the banks of Indiana from receiving the public deposits, because, being prohibited by their charters from discounting on them, they could make no profits out of which to pay interest.

Mr. WEBSTER said that, as it was undoubtedly of some importance to a State to have these deposits, Indiana might consider it worth her while to enlarge the powers of her banks. If this could not be done, an amendment might be made preventing this provision of the bill from applying to banks which were prohibited from discounting on their deposits.

Mr. HENDRICKS, in reference to Indiana enlarging the power of the banks in the particular referred to, said that the difficulty was felt last year, and an attempt was made in the Legislature for that purpose, but that it had failed. He would prefer (he said) an amendment, as suggested by the Senator from Massachusetts.

Mr. BENTON observed that the Senator from New York had very properly confined his explanations to one part of the bill without turning his attention to another subject which ought not to be in it, and which belonged to the distribution land bill. But while he applauded the Senator for bringing to the attention of the Senate but one subject at a time, he could not agree with him as to the one he had selected. He hoped the Senator would drop the first half of the bill, and take up that part which proposed to divide the public money among the States. It would be an unnecessary labor for them to go on with their arrangements for fifty or sixty deposit banks, when, by a subsequent provision in the bill, they would have no money to deposit with them, or so small an amount that no banks of any character would think it worth while to enter into arrangements for it. He, for one, would neither compromise nor temporize with this distribution principle; the country would take care of itself; and it would be found that the vaticinations with respect to ruin from having too much money would turn out just as did those of the panic session about having too little. As to Missouri, she was expunged from this bill. A State which received and distributed more money than any of the western States—a State which, from her position and her safe and rapid communication to every quarter, was the first in importance in the West to the fiscal concerns of the Government, and from whence the paymasters, quartermasters, surveyors, and Indian agents, all took their departure with their supplies of every description, was to be expunged from the bill. He did not perceive that his friend from New York had taken up the idea, suggested by the Senator from Louisiana, that the Government was to establish a bank at St. Louis, under the name of an agency, to issue five-dollar notes, and to have a capital consisting of "funds and property equivalent to specie," like the District banks. His friend from New York would make no such proposition; but those who had charge of this bill had better make it to establish a bank at St. Louis, or an agency of the Patriotic Bank of this city.

The deposit system had gone on well two for years, though it had been prophesied over and over that it would not work. Those who had made these prophecies had now the control of this bill, and they had brought it in to make their prophecies come true, for this bill was as much intended to break the deposit banks as if it was expressed so on the face of it. He was inclined to think that, if Congress would let the system remain as it was, things would go on well; but if Congress undertook to expunge the system, the greatest difficulties would ensue.

Mr. WALKER referred to the provisions in the Constitution which would prevent her from receiving any portion of the surplus to be distributed under the thirteenth section of the bill, and he hoped that that section would not be permitted to remain in the bill. He opposed, with great force and energy, the distribution principle in the bill; considering it to all intents and purposes a free gift, for, from reasons he stated, it never could be returned by the States. He also opposed the inequality of the distribution which is proposed to be made according to the census of 1830, while Mississippi, having more than doubled her population since that time, would not get more than one half of what her present population entitled her to. Mr. W. felt anxious that the vote should be first taken on the distribution part of the bill, as he considered it wholly unconnected with the principal object in view. If it should pass, he hoped that he might be permitted, as a Senator from Mississippi, to enter on the Journal a calm, dispassionate, and at the same time solemn protest against it.

Mr. WEBSTER replied to the objections of Mr. WALKER. He thought that the postponement of the benefits of this bill to the State of Mississippi, till she provided by law for their reception, was not to be weighed against the general benefits of the whole.

Mr. BLACK, after taking a view at considerable length of the surplus that would be in the Treasury, and the necessity for providing some mode of disposing of it, and referring also to the distribution land bill, which he highly commended, gave it as his opinion that the great benefits to be derived from this bill were such that, though a Representative of Mississippi, he must give it his support. He did not, however, apprehend the difficulties stated by his colleague, for he believed that the Legislature of his State would make such provisions as eventually to entitle her to the benefits of this bill; and in the mean time she would not be injured by the other States receiving their quotas, while hers remained waiting for her disposal.

Mr. CALHOUN denied that this was intended as a distribution bill—it was in good faith a deposit bill, and nothing more. Gentlemen on all sides (he said) admitted that there would be a very large surplus at the end of the year, and that it would continue to increase for two or three years to come. Now he put it to gentlemen, could they consider this vast sum safe as it was? Was there not a necessity for depositing it somewhere? and where could that be so safely done as in the treasuries of the States? If the Government was only economically administered, the money would probably never be called for; but if there should be war, or if the revenue of 1842 should fall short, the States would pay it without the slightest difficulty, rather than have a direct tax, as the events of the last war proved. Mr. C. replied to the objections of Mr. WALKER, as to the inequality of the distribution, by saying that it was proposed in the only way that it could be made; that is, on the principle on which the direct taxes would have to be levied; so that, if Mississippi lost now, she would have a corresponding gain when a direct tax came.

After some further remarks, Mr. C. moved an adjournment; but before the question was taken,

Mr. BENTON gave notice that he would on

to-morrow ask leave to bring in a bill to establish the currency of the Constitution.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 9, 1836.

Mr. WEBSTER asked the consent of the House to take up and consider, until eleven o'clock, the bill from the Senate, entitled "A bill amendatory of the act for the continuation of the Cumberland road."

The bill was engrossed, and the question was on its passage.

Mr. EVANS objecting,

Mr. WEBSTER moved a suspension of the rules.

Mr. JOHNSON, of Louisiana, moved to amend the motion by including the following:

A bill granting the right of way through the public lands to the New Orleans and Nashville Railroad Company.

The amendment was lost..

The motion of Mr. WEBSTER was then rejected—ayes 96, noes 55.

REPORTS FROM COMMITTEES.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported the following Senate bills, without amendment:

A bill for the appointment of additional surgeons in the Army;

A bill making appropriations for the collection of materials, the purchase of sites, for the construction of certain fortifications, and for other purposes; and

A bill for the establishment of a depot of arms on the western frontier of the State of Missouri; which bills were severally committed.

Mr. BEALE, from the Committee on Invalid Pensions, reported a bill for the relief of Robert McBride; which was read twice and committed.

Mr. MILLER, from the same committee, reported a bill granting pensions to certain persons therein named; which was read twice and committed.

Mr. SUTHERLAND, from the Committee on Commerce, moved that the Committee of the Whole on the state of the Union be discharged from the further consideration of the following bills:

1. A bill making appropriations for building light-houses, light-boats, beacon-lights, buoys, and making surveys for 1836.

2. A bill making appropriations for the improvement of certain harbors therein mentioned, for the year 1836, and that the said bills be recommitted to the Committee on Commerce; which was agreed to.

Mr. DARLINGTON, from the Committee of Claims, reported a bill for the relief of Christopher Wennen; and

A bill for the relief of Dr. David H. Maxey; both of which were severally read twice, and committed.

Mr. BEAUMONT, from the Committee on Revolutionary Claims, reported a bill for the relief of the administrator of Wharton Hearne; which was read twice and committed.

Mr. BELL, from the Committee on Indian Affairs, reported Senate bill for the relief of Joseph Boge, with an amendment recommending that the second section of said bill be stricken out; which was committed.

Mr. GILLET, from the Committee on Commerce, moved to discharge the Committee of the Whole from the bill No. 484, and that the same be recommitted to the standing committee; which was agreed to.

Mr. GILLET, then, from that committee, reported a bill of the same title, as follows: "A bill to fix the number and compensation of officers of the customs, and to alter certain collection districts, and for other purposes;" which was read twice and committed.

Mr. DOUBLEDAY, from the Committee on Invalid Pensions, reported a bill granting a pension to Alexander Esther; which was read twice and committed.

Mr. THOMSON, of Ohio, from the Committee on Military Affairs, reported Senate bill, without amendment, for the relief of Colonel William Eaton; which was committed.

On motion of Mr. BOON, the Committee of the Whole was discharged from the further consideration of the bill to divide the Green Bay land district, Michigan; and the same being brought into the House was, on motion of Mr. BOON, by unanimous consent, taken up; and having been read through by the Clerk,

Mr. BRIGGS said, as the bill involved an appropriation, it must be considered in Committee of the Whole.

The Chair having so decided,

Mr. BOON moved that the bill be committed accordingly; which was agreed to; and on Mr. B.'s motion, by general consent, the House went into Committee of the Whole thereon, (Mr. DICKERSON in the chair,) and the bill having been considered, was reported to the House without amendment, and then read a third time and passed.

Mr. CARR, from the Committee on Private Land Claims, reported, without amendment, a bill from the Senate for the relief of William Conway, deceased; which was committed.

Mr. JARVIS, from the select committee on public buildings, reported a joint resolution for the appointment of a joint committee to contract with one or more American artists for the execution of four historical paintings, to be placed in the vacant panels of the rotunda of the Capitol; which, under the rule, lies over one day for consideration.

Mr. J. moved that the resolution be then read; which was objected to; and a motion made by the same gentleman to suspend the rules for the purpose was disagreed to—ayes 89, noes not counted.

MICHIGAN AND ARKANSAS.

Mr. SEVIER then called for the orders of the day, (the special order being the Michigan and Arkansas bills.)

Mr. HARDIN moved to take up the bill, laid on the table yesterday, entitled "An act to settle and establish the northern boundary line of the State of Ohio."

The CHAIR said the motion was not then in order, on the ground that the special order took precedence, and could only be set aside by a vote of two thirds of the House.

Mr. STORER took an appeal from that decision, and stated the grounds of that appeal.

The appeal was also sustained by Mr. VINTON; and the CHAIR having stated the grounds of his decision,

Mr. VANDERPOEL moved to lay the appeal on the table.

Mr. STORER then withdrew the appeal, as he said he was satisfied, from the Chair's explanation, that the decision of the Chair was correct.

On motion of Mr. THOMAS, the House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. SPEIGHT in the chair,) and proceeded to the consideration of the bill, entitled "An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed."

The question pending was the following amendment, moved by Mr. VINTON, to come in at the end of the second section:

And provided also, and it is hereby further expressly declared, that if the convention provided for in the third section of this act shall not give the assent therein required, the boundaries of the States of Ohio and Indiana shall, nevertheless, be and forever remain fixed and established between them and Michigan as the same are in this act above specified and described.

And the proposition of Mr. HANNEGAN to amend the amendment by striking out the word "Indiana."

Mr. EVERETT, who was entitled to the floor, addressed the committee at length; and the debate was further continued by Messrs. HOWARD and BOND.

The latter gentleman gave way temporarily; when the committee rose, and the SPEAKER having resumed the chair,

On motion of Mr. BELL, an amendment of the Senate to an amendment of the House to the Indian annuity bill was concurred in, and the House again went into committee.

The debate was further continued by Messrs. BOND, HARPER, and LOVE.

Mr. HANNEGAN then withdrew his amendment, and stated that he should vote against the amendment of the gentleman from Ohio.

Mr. ADAMS took the floor, and spoke at length in opposition to all that part of the bill prescribing the boundary, and the amendment of the gentleman from Ohio.

Mr. CORWIN, and Mr. WHITTLESEY of Ohio, followed in reply; and the debate was further continued by Mr. PEARCE of Rhode Island, who addressed the committee at length.

The debate was further continued by Messrs. VINTON, HAMER, WEBSTER, THOMAS, SPANGLER, and STORER; when

Mr. STORER moved (about nine o'clock, p. m.) that the committee rise; which was lost—ayes 45, noes 79.

Mr. STORER concluded his remarks; and the discussion was further continued by Messrs. HUNTSMAN, McKEON, and KINNARD; when

The amendment of Mr. VINTON was rejected without a count.

Mr. ROBERTSON moved to strike out the following from the fourth section of the bill:

But that the subject of the public lands, and the interests which may be given to the said State therein, shall be regulated by future action between Congress, on the part of the United States, and the said State, or the authorities thereof.

The motion was lost.

Mr. PHILLIPS then moved that the committee rise, (half past twelve, p. m.,) and the tellers reporting—ayes 17, noes 92, no quorum—the committee rose and reported that fact to the House.

The Speaker having resumed the chair,

Mr. REED moved an adjournment.

Mr. SEVIER called for the yeas and nays; which were ordered; and were—yeas 25, nays 98.

A quorum being found in attendance, the House again went into committee, and proceeded to the consideration of the bill for the admission of Arkansas into the Union; which was read.

Mr. WILLIAMS, of South Carolina, moved an amendment to reduce the salaries of the judges to $1,500 per annum, but subsequently withdrew it.

Mr. SPANGLER moved that the committee rise; and the tellers reporting—yeas 15, nays 95, no quorum—

The committee rose and reported that fact to the House.

Mr. PARKS moved a call of the House.

Mr. PARKER moved that the House adjourn.

Mr. HANNEGAN called for the yeas and nays, but subsequently withdrew the call, and the motion to adjourn was negatived.

The call of the House was then proceeded in through all the stages, some members having been sent for by order of the House; when, at about half past four, a. m., the further proceedings of the call were dispensed with, having occupied several hours,

The House went again into committee, (Mr SPEIGHT still in the chair,) and the debate on the Arkansas bill was continued by

Messrs. ADAMS, WISE, BRIGGS, and CUSHING, who gave way at a quarter before six o'clock, a. m., to

Mr. MERCER, who moved that the committee rise; which was lost—ayes 52, noes 86.

Mr. CUSHING concluded his remarks, and the debate was continued by Messrs. HARD, HOAR, WISE, and ADAMS.

Mr. ADAMS moved that the committee rise; which was lost—ayes 44, noes 93.

Mr. ADAMS moved to insert the following words in italics, in the eighth section:

And nothing in this act shall be construed as an assent by Congress *to the article in the constitution of the said State, in relation to slavery or the emancipation of slaves*, &c.;

Which was negatived—ayes 32, noes 98.

Mr. HARLAN moved an amendment, as follows:

Amend in section fifth, line third, by striking out *two thousand*, and inserting *one thousand five hundred*. In fourth line, add after the word *his*, the words *acceptance of the*, so as to make the section read as follows:

SEC. 5. *And be it further enacted*, That there shall be allowed to the judge of the said district court the annual

compensation of one thousand five hundred dollars, to commence from the date of his acceptance of the appointment, to be paid quarter yearly, at the Treasury of the United States.

Mr. H. remarked, that in submitting this amendment for consideration, is was not his intention to detain the committee at this *early hour* in the *morning*. He asked the indulgence of the committee, however, to make a very brief explanation of his object in offering the amendment.

The bill provides for the appointment of a district judge, at an annual salary of $2,000, to commence from the *date* of his *appointment*. The amendment proposed by him reduces the salary to $1,500 per annum, to commence from the *date of the acceptance of the office*.

There are now three judges in Arkansas, who perform all the business of the Territory at a salary of $1,200 each; but when it becomes a State, nearly the whole of the business will be performed by the State courts. The present judges have very extensive circuits, and necessarily spend much of their time and money in traveling to different parts of the Territory. No complaint has been heard from them of the inadequacy of their compensation.

The compensation proposed by the bill to be given to the district judge exceeds that given to the same officer in many of the States of this Union. The district judge in each of the States of Connecticut, Rhode Island, New Jersey, Delaware, Tennessee, and Kentucky, received an annual compensation of $1,500; in Vermont and Missouri, $1,200; and in New Hampshire, Ohio, Indiana, and Illinois, $1,000. It is not pretended that the duties to be performed by the district judge of Arkansas will be more laborious or difficult than in either of the States above mentioned. Why then the disproportion in the compensation?

It seems to me (said Mr. H.) that there is a concerted movement, by many of the officers of this Government, to procure an increase of their salaries. The army of clerks in this city have moved in solid column to effect that object. The honorable gentleman from Tennessee, [Mr. JOHNSON,] who has heretofore been so generally uniform in his opposition to an increase of salaries, and the extravagant expenditure of the public money, has reported a bill from the Committee or Ways and Means, reducing the number of clerks from three hundred and sixty-six to three hundred and twenty-one; and giving to the latter about eighty thousand dollars annually, more than were paid to the former number. If this be one of the modes of distributing the surplus money in the Treasury, it will not obtain my assent. The offices of the Federal Government at the present salaries are sought after with much avidity; but whenever it is ascertained that the services of persons competent to discharge the duties cannot be obtained at the present salaries, then, and not till then, will be the proper time to increase them.

I object (said Mr. H.) to that portion of this bill which provides that the salary of the judge to be appointed shall commence from *the date* of the *appointment*. If the amendment which I have had the honor to propose prevails, the salary will commence from the time of the acceptance of the office, instead of from the *date* of the commission. The presumption is, that a citizen of Arkansas will receive the appointment. Several months will necessarily elapse from the time of signing the commission by the President, to the acceptance by the appointee. During that time the judge is to be paid—and for what? He not only will not have rendered any service, but will be wholly ignorant of his appointment. If one who is now in the pay of the Government should be appointed, he will receive his salary to the date of his resignation, and be entitled by this bill to receive the salary of the new office from the date of the commission. It seems to me, that the compensation of an officer ought to commence from the time he intimates his readiness to engage in the public service, by accepting an appointment, and not from the time the President *decides* on the appointment.

The amendment was rejected—ayes 32, noes not counted.

The Arkansas bill was then laid aside, and the committee took up the supplementary bill for the admission of Arkansas into the Union, and for other purposes.

Mr. MASON, of Virginia, moved that the committee rise, and report the two Michigan and Arkansas bills to the House.

Considerable confusion arose as to whether the Michigan bill had been ordered to be reported to the House, or merely laid aside and was still open to amendment.

Mr. MASON withdrew his motion; and

Mr. UNDERWOOD moved an amendment prescribing certain other conditions on which Michigan should be received into the Union, being five in number; which, after a few words from Mr. BOON, was negatived.

Mr. MASON, of Virginia, then renewed his motion to report the bills to the House.

Mr. SLADE offered the following amendment:

After the words in the first section, "That the State of Arkansas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects;" add: "Whenever the people of said State shall, by a convention duly elected, expunge from its present constitution so much thereof as prohibits the General Assembly from passing laws for the emancipation of slaves without the consent of the owners; and shall also provide, in and by said constitution, that no negro or mulatto born in, or brought into, said State, after its admission into the Union, shall be held, or transferred, as property, or in any way subjected to slavery or involuntary servitude, unless in punishment for crimes committed against the laws of said State, whereof the party accused shall be duly convicted."

Mr. JOHNSON, of Tennessee, raised the point of order, that the bill having been laid aside, could not be amended.

After some conversation and considerable confusion,

Mr. WHITTLESEY, of Ohio, made an earnest appeal to the gentleman from Vermont not to press the amendment, as one of the same tenor had been offered in the course of the night by the gentleman from Massachusetts, [Mr. ADAMS,] and rejected.

Mr. SLADE declined, and briefly addressed the House in support of his amendment, and in explanation of its provisions.

The amendment was discussed by Mr. JENIFER, who, in the course of his remarks, was repeatedly called to order by several gentlemen, and by the Chair, for diverging into personalities.

The amendment was then negatived.

Mr. WISE then took the floor, and addressed the committee at length in opposition to the proceedings of the House on the preceding night, when the members were sleepy, tired, and drunk. He said he should speak until ten o'clock, the hour of meeting of the House, or until the time of the special order arrived.

Mr. CARTER moved that the committee rise.

Mr. KENNAN suggested that the bills be reported to the House, and that an adjournment take place until to-morrow.

Mr. WISE replied that he now had it in his power to have his will, and, so help him God, he would avail himself of it. He refused to accede to the suggestion, and he declared he would speak till the time had expired. Mr. W. then proceeded till ten o'clock; when

Mr. CHAMBERS, of Kentucky, raised the point of order whether the gentleman could longer proceed, the hour of the meeting of the House having arrived, and the committee——

The CHAIR said there was no difficulty. If a motion was made that the committee rise, the Chair would put the motion.

Mr. CHAMBERS then made that motion.

Mr. SEVIER moved to amend the motion by adding, "and report the bills to the House;" which was lost.

Mr. WISE then called for the reading of the order to meet at ten o'clock, a. m., together with the special order, making the fortification bill the order for Friday, (this day,) at eleven o'clock, a. m., and contended that the Committee of the Whole could not supersede or violate a rule of the House.

Mr. McKENNAN raised the point of order, whether the committee ought not to rise to enable the Speaker to take the chair at ten o'clock; and he moved that the committee rise, so that the point might be decided in the House.

The point was discussed by Messrs. BELL, GLASCOCK, MASON of Virginia, and WISE, when the motion of Mr. McKENNAN was negatived.

Mr. WISE concluded his remarks.

Mr. McKENNAN remarked that they had now been in session upwards of twenty-five hours, many of them without a wink of sleep, and he now hoped, as there was an evident determination on the part of the majority to pass these bills, that the House would consent to make a final disposition of them. With that view, he moved that the committee rise and report the bills to the House; which was agreed to; and the committee rose and reported the bills to the House at eleven o'clock, a. m.

IN SENATE.

FRIDAY, *June* 10, 1836.

Mr. SHEPLEY presented a petition from sundry citizens of Maine, praying for the establishment of a new post route; which was referred to the Committee on the Post Office and Post Roads.

DANIEL STEINROD.

Mr. NAUDAIN, from the Committee on Claims, to which had been recommitted the bill for the relief of Daniel Steinrod, reported the same with an amendment; and the same having been taken up, and considered as in Committee of the Whole, the amendment was concurred in, and the bill was ordered to be engrossed for a third reading.

SEABORN JONES AND JOEL CRAWFORD.

The bill for the relief of Seaborn Jones and Joel Crawford was read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

CONSTITUTIONAL CURRENCY.

Mr. BENTON, in pursuance of notice given, asked and obtained leave, and introduced the following bill; which was read, and ordered to a second reading:

A Bill to reëstablish the currency of the Constitution for the Federal Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That bank notes and paper currency of every description shall cease to be received or offered in payment on account of the United States, or of the post office, or in fees in the courts of the United States, as follows: Of less denomination than twenty dollars, none after the 3d day of March, 1837; of less denomination than fifty dollars, none after the 3d day of March, 1838; of less denomination than one hundred dollars, none after the 3d day of March, 1839; of less denomination than five hundred dollars, none after the 3d day of March, 1840; of less denomination than one thousand dollars, none after the 3d day of March, 1841; and none of any denomination from and after the 3d day of March, 1842.

SEC. 2. *And be it further enacted*, That any person holding an appointment under the laws of the United States, and any bank employed to keep public moneys, which person or bank shall neglect, evade, or attempt to elude, the provisions of this act, shall be guilty of an offense against the laws; and the person so offending shall be liable to be dismissed from the service, and the bank so offending shall, on satisfactory information, be discontinued as a depository of public moneys.

NEW POST ROUTE.

Mr. GRUNDY submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Clarksville, in Tennessee, to Cadiz, in Kentucky; also, from Humphrey's Court-House to the seat of justice in Benton county, in Tennessee.

RECRUITS FOR THE ARMY.

On motion of Mr. BENTON, the bill to increase the military peace establishment of the United States was taken up; and after some remarks from Mr. B.,

Mr. NICHOLAS moved to recommit the bill to the Committee on Military Affairs, with instructions to report a bill to so increase the Army that it shall contain a numerical force equal to the military peace establishment of 1815.

After some remarks from Messrs. BENTON, PRESTON, and PORTER,

Mr. CALHOUN called for a division of the question, so as to take it first on the recommitment without the instructions; and the question being thus taken, the recommitment was ordered.

After some further remarks from Messrs. BUCHANAN, PRESTON, ROBINSON, CAL-

HOUN, BENTON, LINN, and CLAY, the question on instructing the committee was lost—yeas 18, nays 25, as follows:

YEAS—Messrs. Benton, Black, Buchanan, Cuthbert, Grundy, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Porter, Ruggles, Tallmadge, Tipton, Walker, Wall, White, and Wright—18.

NAYS—Messrs. Brown, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, Knight, Leigh, Mangum, Moore, Naudain, Prentiss, Preston, Rives, Robbins, Robinson, Shepley, Southard, Swift, Tomlinson, and Webster—25.

VETO MESSAGE.

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary, containing his objections to the bill establishing the days of meeting and adjournment of Congress; which was read as follows:

To the Senate of the United States:

The act of Congress "to appoint a day for the annual meeting of Congress," which originated in the Senate, has not received my signature. The power of Congress to fix, by law, a day for the regular annual meeting of Congress, is undoubted; but the concluding part of this act, which is intended to fix the adjournment of every succeeding Congress to the second Monday in May, after the commencement of the first session, does not appear to me to be in accordance with the provisions of the Constitution of the United States.

The Constitution provides—1st article, 5th section—

"That neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting."

1st article, 6th section—

"That every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on the question of adjournment,) shall be presented to the President of the United States, and before the same shall take effect, shall be approved of by him," &c.

2d article, 2d section—

"That he (the President) may, on extraordinary occasions, convene both Houses of Congress, or either of them; and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such times as he thinks proper," &c.

According to these provisions, the day of the adjournment of Congress is not the subject of legislative enactment. Except in the event of disagreement between the Senate and House of Representatives, the President has no right to meddle with the question, and in that event his power is exclusive, but confined to fixing the adjournment of the Congress whose branches have disagreed. The question of adjournment is obviously to be decided by each Congress for itself, by the separate action of each House for the time being, and is one of those subjects upon which the framers of that instrument did not intend one Congress should act, with or without the Executive aid, for its successors. As a substitute for the present rule, which requires the two Houses by consent to fix the day of adjournment, and, in the event of disagreement, the President to decide, it is proposed to fix the day by law, to be binding in all future time, unless changed by consent of both Houses of Congress, and to take away the contingent power of the Executive, which, in anticipated cases of disagreement, is vested in him. This substitute is to apply, not to the present Congress and Executive, but to our successors. Considering, therefore, that this subject exclusively belongs to the two Houses of Congress, whose day of adjournment is to be fixed, and that each has at that time the right to maintain and insist upon its own opinion, and to require the President to decide in the event of disagreement with the other, I am constrained to deny my sanction to the act herewith respectfully returned to the Senate. I do so with greater reluctance, as, apart from this constitutional difficulty, the other provisions of it do not appear to me objectionable.

ANDREW JACKSON.

WASHINGTON, *June* 9, 1836.

On motion of Mr. BUCHANAN, the further consideration of the subject was postponed to Wednesday next, and the message was ordered to be printed.

PUBLIC DEPOSITS.

On motion of Mr. CALHOUN, the bill to regulate the deposits of the public moneys was taken up; when

Mr. WRIGHT submitted the following amendments; which were agreed to:

Section one, line ten, after the word "disbursed," insert

"And in those States, Territories, or districts in which there are no banks, or in which no bank can be employed as a deposit bank, and within which the public collections or disbursements require a depository, the Secretary may make arrangements with a bank or banks, in some other State, district, or Territory, to establish an agency or agencies in the State, district, or Territory, so destitute of banks, and to receive through them the deposit of the public moneys, and to make disbursements at those points; the duties and liabilities of every bank establishing such agency to be the same as the liabilities of other deposit banks under this act:" line ten, after the word "that," strike out "there shall not be deposited in any bank at any one time," and insert "the Secretary of the Treasury shall not suffer to remain in any deposit bank:" line thirteen, after the word "in," insert "for a longer time than may be necessary to enable him to make the transfers required by the twelfth section of this act:" section eleven, line two, after the word "deposits," insert "to the credit of the Treasurer of the United States:" add to section fifteen, "And be it further enacted, That to enable the Secretary of the Treasury to carry into effect the provisions of this act, he be authorized to appoint three additional clerks for his Department; the one at a salary of $1,600, and the remaining two at a salary of $1,000 each per annum, and to pay the said clerks quarter yearly out of any money in the Treasury not otherwise appropriated."

Mr. LEIGH offered an amendment, the effect of which is, to allow to those banks which have not now a sufficient amount of specie to comply with the conditions required by the bill, time to enable them to do so.

After a desultory discussion, applying as well to the amendment as to other details of the bill, in which Messrs. LEIGH, WRIGHT, WEBSTER, EWING of Ohio, BUCHANAN, MORRIS, and CALHOUN took part,

The Senate adjourned.

IN SENATE.

SATURDAY, *June* 11, 1836.

Mr. LINN presented several petitions signed by a large number of the inhabitants residing on or around the towns of Franklin, Avon Rock, Fulton, and Rocheport, in the State of Missouri, stating that from the violence of the current, and ever-shifting sand-banks of the Missouri river, as well as from the obstructions to the navigation often presented by ice, and always by forests of snags, planters, &c., in the bed of the river, they have ceased to consider it a safe and certain road on which to transport their productions: they therefore pray that a donation of alternate sections of the public lands be granted them for the purpose of aiding them in the construction of a railroad from the city of St. Louis to the town of Independence, in Jackson county. The petitions were laid on the table.

Mr. EWING, of Ohio, presented two petitions from sundry citizens of Ohio on the subject of a change in the location of the Cumberland road; which was referred to the Committee on Roads and Canals.

Mr. McKEAN presented the petition of Jacob Peters and others, mail contractors; which was referred to the Committee on the Post Office and Post Roads.

Mr. PRENTISS presented a petition of sundry citizens of Barnett, Caledonia county, Vermont, praying for the abolition of slavery in the District of Columbia; which was laid on the table.

Mr. BLACK presented the proceedings of a meeting of sundry citizens of Claiborne county, Mississippi, containing resolutions asking Congress to recognize the independence of Texas; and

Mr. WALKER presented additional papers on the same subject; all of which were referred to the Committee on Foreign Relations.

Mr. HUBBARD presented the petition of William Hall, praying for a pension; which was referred to the Committee on Pensions.

NEW POST ROUTES.

Mr. HUBBARD submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Milwaukie, on the west side of Lake Michigan, to Cassville, on the Mississippi river, by way of the north end of the four lakes; and another from the north end of the four lakes, by way of the town of Fond du Lac, to the city of Winnebago, at the northeast end of Lake Winnebago, to intersect the route from Green Bay to Prairie du Chien: also a route from the outlet of Lake Kashkenong, by way of De Muner's, on Sugar river, to Wioata.

MEXICAN DEPREDATIONS.

Mr. LINN submitted the following resolution; which was considered and agreed to:

Resolved, That the President of the United States be requested to send to the Senate all the information in his possession respecting the depredations of the Mexicans on the property of Messrs. Chouteau and De Mun.

REPORTS FROM COMMITTEES.

On motion of Mr. EWING, of Ohio, the Committee on Public Lands was discharged from the further consideration of the resolutions directing an inquiry into the expediency of granting to the State of Louisiana five hundred thousand acres of land; and an inquiry into the expediency of surrendering to the State of Missouri certain lands in Cape Girardeau, Scott, Stoddard, and Wayne counties.

Mr. EWING, of Ohio, from the same committee, reported, without amendment, the bill giving the assent of Congress to the revocation of the ordinance prohibiting the new States from taxing the lands sold by the United States for five years.

On motion of Mr. MOORE, the Committee on Public Lands was discharged from the further consideration of the petition of Alexander Jones.

Mr. MOORE, from the Committee on Public Lands, reported a bill to establish a new land district in the country lately ceded by the Cherokees; which was read, and ordered to a second reading.

Mr. SOUTHARD, from the Committee on the District of Columbia, reported a bill to provide for a time-piece for the use of the Capitol; which was read, and ordered to a second reading.

Mr. SHEPLEY, from the Committee on Revolutionary Claims, reported unfavorably on the bill from the House for the relief of Moses Allen.

POSTPONEMENT.

On motion of Mr. EWING, of Ohio, the bill to change the mode of conducting the sales of the public lands was taken up, and made the order of the day for Tuesday next.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill to repeal the fourteenth section of the act to incorporate the subscribers to the Bank of the United States;

The bill in addition to the act to provide for sick and disabled seamen; and

The bill for the relief of Henry H. Hall.

BILLS PASSED.

The following bills were severally read the third time and passed:

A bill for the relief of Isaac Menns and others, late owners of the schooner Elizabeth;

The bill supplementary to the act to establish the northern boundary line of Ohio, and to provide for the admission of Michigan into the Union;

The bill for the relief of Seaborn Jones and Joel Crawford; and

The bill for the relief of Daniel Steenrod.

EXECUTIVE SESSION.

On motion of Mr. BENTON, the Senate proceeded to the consideration of executive business; after which it adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 11, 1836.

During the reading of the Journal this morning, the House was thrown into some confusion by a disturbance between one of the regular reporters for one of the city papers, and another who usually reports in the Senate for a distant paper. The former was taken into custody *instanter* by the order of the Speaker, and the other was also subsequently ordered into custody, on the adoption of the following order, submitted by Mr. WILLIAMS, of North Carolina:

Ordered, That both persons be taken into custody, to await the order of the House in the premises.

Mr. GILLET said he rose to state the facts in this matter as far as he saw them. Some part of what passed, which he had observed, had not been mentioned by any member who had addressed the House. He happened to be looking toward that part of the House at the time of the occurrence. When he first saw the parties, the individual now at the desk was sitting in his chair with his pen in his hand, and the person who is now out of the House was standing in front of the desk, and appeared to be holding a conversation with him. The latter individual threw his hat at the person at the desk, and it swept along on the desk, and, he thought, hit him. The absent individual then sprung up the steps leading to the desk, raised his cane, and struck two or three times at the person now in the desk. This the

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, JUNE 20, 1836. VOLUME 3....No. 35.

latter person did not resist, but raised his hands over his head to fend off the blows. This is what passed under Mr. G.'s own observation, in which the though he could not be mistaken in the material facts.

Having seen, as he believed, the whole of what passed at the time, he could not vote to take the person at the desk into custody as having committed any offense on the present occasion against the order and dignity of the House. He knew not what passed in the conversation alluded to between these individuals, and he did not know but in it the person at the desk had, in language, insulted the other; but of that we have no evidence. This House, he thought, could only act on evidence. He did not even know the names of these individuals, nor for what paper the person now at the desk reports, or whether he was a reporter at all. He knew nothing of him in any respect whatever. He might be the best or the worst man living. He could only act on what he saw. The person who had been taken into custody had occupied a chair at the desk during the whole session, he believed, and he knew nothing of him but what was gentlemanly and proper, except the striking on the present occasion. In voting, he should act solely on what he saw himself, unless he had additional evidence, and not on the merits of the controversy between these persons, nor on their merits as individuals in society. This House certainly has no right to inquire into the personal difficulties of these parties. Whether the one or the other of them is most to blame is nothing to the House, nor can they inquire into the general good or bad character of either. These matters do not particularly concern us as a legislative body. All that we have to look to and act upon is, the breach of order and decorum in the House, whereby our proceedings have been disturbed. Our jurisdiction extends only to cases which disturb the business and order of the House, and not to difficulties between individuals, or matters touching their characters and conduct on other occasions. Offenses not committed here must be left for the ordinary tribunals of the country. He could not vote for taking a person into custody, as an offender against the order of the House, until he had evidence that he had really committed an offense which should authorize it.

The reading of the Journal was then proceeded with, and a motion made by Mr. ADAMS to amend the Journal, by correcting it as to the excuse made by Mr. HAWES, at the last sitting, for his temporary absence from the House, was discussed at some length by Messrs. ADAMS, BOON, MASON of Virginia, WHITTLESEY of Ohio, WILLIAMS of North Carolina, MERCER, and SPEIGHT.

Mr. ADAMS asked for the yeas and nays; which were ordered.

Mr. MANN, of New York, moved to lay the motion on the table.

Mr. SPEIGHT suggested to the gentleman from New York to withdraw that motion.

Mr. MERCER raised the point of order, if such a motion could be made.

Mr. MANN accordingly withdrew the motion, and

Mr. SPEIGHT moved the previous question; which was seconded by the House, and the main question ordered.

Several members were excused from voting, on the ground that they were not in the House when the occurrence referred to in the entry on the Journal took place.

The question was then taken, and decided in the negative—yeas 32, nays 133.

An amendment was then made to the Journal by general consent, on motion of Mr. MERCER.

Mr. ADAMS rose and called the attention of the House to the circumstance of the two individuals then in custody of the Sergeant-at-Arms for creating a disturbance in the precincts of the Hall.

Mr. JUDSON then, on leave, offered the following resolution:

Resolved, That a select committee be appointed to consist of —— members, whose duty it shall be to inquire into an assault, committed within the Hall of the House of Representatives this morning, while the House were in session, for and on account of which two persons are now in custody of the Sergeant-at-Arms; and said committee are to make their report to this House, and said committee be instructed to administer oaths, and to cause the attendance of witnesses.

Mr. BRIGGS moved to insert the word "forthwith;" which Mr. JUDSON accepted as a modification.

After some conversation between Messrs. MANN of New York, ADAMS, and BELL,

Mr. BELL moved the following two resolutions as a substitute:

Resolved, That the two reporters, Henry G. Wheeler and Robert Codd, who are now in the custody of the Sergeant-at-Arms upon a charge of disorderly conduct in the presence of the House, be delivered over to the civil authorities to be dealt with according to law.

Resolved, That, in adopting the preceding resolution, the House are not influenced by an opinion of any deficiency of authority in the House to punish for disorderly conduct in their presence.

Mr. VANDERPOEL said he had of course had but a moment's time to reflect upon the subject now before the House, but he must confess that the proposition of the honorable gentleman from Tennessee, to turn these transgressors over to the civil authority, struck him favorably; and if now called upon to vote he would vote for it. And he would do so the more readily, because the second resolution guarded amply against any disclaimer of power on our part to punish for contempts. The amendment admitted that we had the power to punish for a breach of the privilege of this House; but because we had power to do a thing it did not follow that it was always wise to do it. He thought we would much better subserve the interests of our constituents by attending to the various public bills before us, instead of entering upon the trial of these men. We were now in the seventh month of our session, and many, if not most, of the important bills reported to the House were not finally acted upon. There was the fortification bill, the land bill, and the bill to regulate the deposits in the local banks; all of which were yet undisposed of; and he thought the interests of the nation would be better promoted by attention to these important subjects than by trying these *pugilistic gentlemen*. From the time that had already been consumed this morning upon the question, whether both men should be arrested, and from the knowledge we all had of the disposition here to talk, we could fairly conclude that this subject, if a select committee were appointed, would occupy at least a week of the precious time of this House. The committee would report the evidence; the views of gentlemen would conflict as to the culpability of the one or the other; and upon the question of *guilt* there could not fail to be a protracted debate; but when we came to the question, what punishment we would inflict, there would be still greater diversity of opinion, and much greater disposition to debate. In view of this inevitable consumption of the precious time of this House, if a select committee were appointed, he would vote for the amendment of the gentleman from Tennessee.

After some further remarks from Messrs. BELL, LANE, JUDSON, MANN of New York, MILLER, SPEIGHT, ALLAN of Kentucky, and CRAIG,

Mr. BELL withdrew his resolution; and

Mr. ADAMS inquired by what law or authority it was that these individuals were now in custody?

Mr. BOULDIN rose to ask what the gentleman from Massachusetts [Mr. ADAMS] meant? Did he suppose that the privileges of the people of this country were so great that their own servants and representatives could not go on with their business, but that their own members, or even reporters, might go on fighting in their presence, and they have no right to take the offenders into custody? Did he mean that individuals, not members, might raise quarrels out of doors, and one or more of them run into this Hall for protection, and we not have the power to take them—lay hold on them? This (he said) was imprisonment, not power to pitch them out of doors—not the right given to take them, and send them to a justice of the peace.

If these were the privileges of the people, they exercised the privilege of sending us to this House little to their credit or advantage to themselves, and less to ours.

He would have voted for the proposition of the gentleman from Tennessee, [Mr. BELL,] and was sorry it was withdrawn. He wished to get clear of these disturbers of the peace as quickly as possible.

He had no doubt the law would settle the thing very well. We had something else to do than to try such offenders. He had nothing against either of them. They had disturbed us a little, and he would be glad to have no more trouble with them, or about them.

Mr. HEISTER then moved the previous question, which was seconded—ayes 94, noes not counted; and the main question being ordered, was put and agreed to, without a count.

So the resolution was agreed to, and the committee was ordered to consist of five members.

The following gentlemen composed the select committee: Mr. JUDSON, of Connecticut; Mr. MASON, of Virginia; Mr. BELL, of Tennessee; Mr. MANN, of New York; and Mr. WILLIAMS, of North Carolina.

PENSION BILLS.

The hour from eleven to twelve of this day having been specially set apart for the consideration of pension bills, and that hour having elapsed from the length of time occupied in reading and amending the Journal,

Mr. WARDWELL moved to set apart the residue of this day for that purpose; which was agreed to.

The House then went into the Committee of the Whole, (Mr. CRAIG in the chair,) and first took up the following bill:

A bill extending the provisions of the act, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution."

Mr. ALLAN, of Kentucky, moved to amend the bill by extending its provisions to all those who were engaged in the Indian wars from 1781 to 1795.

After some remarks from Messrs. ALLAN, WARDWELL, McKENNAN, and McKAY, the amendment was agreed to.

Mr. MANN, of New York, moved to amend the bill by striking out "three," and inserting "six" months as the term of service entitling an individual to a pension under the provisions of the bill.

The amendment was discussed by Messrs. MANN of New York, PEARCE of Rhode Island, LANE, BOON, and WARDWELL, and then disagreed to.

Mr. UNDERWOOD moved so to amend the bill as to provide pensions for the widows of those engaged in the Indian wars; which, after some remarks from that gentleman, was agreed to.

Mr. WARDWELL moved to include "minute men;" which, after debate between Messrs. ANTHONY, WARDWELL, RENCHER, VANDERPOEL, and HAMER, was disagreed to.

PRIVATE BILLS.

The committee then took up and considered the following bills:

1. A bill for the relief of James Mullings;
2. A bill for the relief of Stephen Talmadge;
3. A bill for the relief of John Collins;
4. A bill for the relief of Francis F. St. Cyr;
5. A bill for the relief of Luke Voorhees;
6. A bill for the relief of Peter L. Allen;
7. A bill for the relief of Ebenezer Hickox;

8. A bill for the relief of John Logan;
9. A bill for the relief of Benjamin Price;
10. A bill for the relief of William Kellar;
11. A bill for the relief of John Conkin;
12. A bill for the relief of James J. Coffin;
13. A bill for the relief of Thaddeus Potter;
14. A bill for the relief of Margaret Reynolds;
15. A bill for the relief of Coleman A. Collier;
16. A bill for the relief of John Casey;
17. A bill for the relief of William Foxworthy;
18. A bill for the relief of Ellen Ahurn Schmuck;
19. A bill for the relief of William C. Beard;
20. A bill for the relief of Ephraim F. Gilbert;
21. A bill for the relief of Noah Miller;
22. A bill for the relief of Alpheus Hutchins;
23. A bill for the relief of Godfrey Vaught;
24. A bill for the relief of John P. Becker;
25. A bill for the relief of John Lent;
26. A bill for the relief of William Davis;
27. A bill for the relief of William Faris;
28. A bill for the relief of Patrick McEwen;
29. A bill for the relief of Peggy Able, Sally Rolls, and Elijah Green;
30. A bill for the relief of Charles Blake;
31. A bill for the relief of Robert Lucas;
32. A bill for the relief of Josiah Westlake;
33. A bill for the relief of Walter Dyer;
34. A bill for the relief of Jeremiah Goldsmith;
35. A bill for the relief of Joseph Tuttle;
36. A bill for the relief of Mathias Travers;
37. A bill for the relief of Joseph Danforth;
38. A bill for the relief of Jacob Wallace;
39. A bill for the relief of Jonathan Dow;
40. A bill for the relief of James Scott, Derick Severson, and Lot Leonard;
41. A bill for the relief of Frederick Wilhied;
42. A bill for the relief of John Boone;
43. A bill for the relief of John Herrick;
44. A bill for the relief of Ann Evans;
45. A bill for the relief of James McFarland;
46. A bill for the relief of Josiah Strong;
47. A bill for the relief of Ebenezer Dewey;
48. A bill for the relief of Benjamin Parkhurst and Daniel Havens;
49. A bill for the relief of Jonas Comins;
50. A bill for the relief of Isaac Ruland;
51. A bill for the relief of Jacob Daniels;
52. A bill for the relief of Daniel Trabue;
53. A bill for the relief of Benjamin Coit;
54. A bill for the relief of Robert Smith;
55. A bill for the relief of John Dow;
56. A bill for the relief of Andrew Gray;
57. A bill for the relief of George Fields;
58. A bill for the relief of Samuel M. Asbury;
59. A bill for the relief of William Jenkenson;
60. A bill for the relief of John Miles;
61. A bill for the relief of Hannah Hazard, widow of Ezekiel Hazard;
62. A bill for the relief of Josiah Curtis;
63. A bill for the relief of Findley Kelloch;
64. A bill for the relief of William Pattie;
65. A bill for the relief of John Scotts;
66. A bill for the relief of Travis Fritters;
67. A bill in addition to, and amendment of, an act entitled "An act to provide for certain persons engaged in the naval service of the United States, in the revolutionary war."
68. A bill for the relief of Balaam Bowers;
69. A bill for the relief of Singleton Ketcham;
70. A bill for the relief of Elizabeth Swain;
71. A bill for the relief of Gaines Hichcock;
73. A bill for the relief of Jonathan Elkins;
74. A bill for the relief of Robert Rawlins;
75. A bill for the relief of Micajah Ricketts;
76. A bill for the relief of Barton Hooper;
77. A bill for the relief of Henry Maggart;
78. A bill for the relief of Stephen Bohannan;
79. A bill for the relief of William Warden;
80. A bill for the relief of George McFadden;
81. A bill for the relief of George White;
82. A bill for the relief of Alexander Gibson;
83. A bill for the relief of Thomas Harrison;
84. A bill for the relief of Orris Gray;
85. A bill for the relief of Jacob Slough;
86. A bill for the relief of Daniel Stoddart;
87. A bill for the relief of the widow and children of Richard Anderson;
88. A bill for the relief of Samuel Gibbs;
89. A bill for the relief of Samuel White;
90. A bill for the relief of John Powell;
91. A bill for the relief of Jean Baptiste Janis;
92. A bill for the relief of George Barkley and John Weaver;
93. A bill for the relief of Daniel Cobb;
94. A bill for the relief of Solomon Ketcham;
95. A bill to revive and continue in force an act entitled "An act to provide for persons who were disabled by known wounds received in the revolutionary war;"
96. A bill for the relief of Jonathan Flint;
97. A bill for the relief of Daniel Granger;
98. A bill for the relief of Mary Lampkin;
99. A bill for the relief of Elizabeth Robinson, daughter of Lieutenant Wilde;
100. A bill for the relief of Leslie Combs;
101. A bill for the relief of Robert McBride;
102. A bill for the relief of John Clark, Jehiel Soulé, Samuel B. Hugo, and Isaac Eckright;
103. A bill for the relief of Alexander Estep;
104. A bill for the relief of Cary Clark;
105. A bill for the relief of John A. Rogers; and
106. A bill for the relief of Ransom Mix and John McCloud.

On motion of Mr. WARDWELL, the committee struck out the enacting clause from the bill for the relief of Samuel White, (No. 89 in the above list,) when, on motion of Mr. W. the committee rose and reported.

Some of the above bills were laid aside by the House for further consideration; and such as were not amended, were ordered to be engrossed for a third reading.

Mr. CUSHMAN moved that they be read the third time on Monday.

Mr. WARDWELL moved that they be read now.

The first motion was put, and agreed to.

The House then proceeded to the consideration of the Senate bill for the relief of Leslie Combs, and after some remarks from Messrs. PARKER, ALLAN of Kentucky, UNDERWOOD, and HAWES, the bill was ordered to a third reading.

The bill for the relief of Jean Baptiste Janis, was then taken up; and after some remarks from Messrs. WARDWELL, STORER, REYNOLDS of Illinois, and ASHLEY, the bill was ordered to a third reading.

The bill granting a pension to Ellen Ahur Schmuck, was then taken up; and after some debate by Messrs. PARKER, EVANS, WHITTLESEY of Ohio, TAYLOR, and HAWES, the latter gentleman asked for the yeas and nays on the engrossment of the bill, but the House refused to order them; and the bill was passed to a third reading by a vote of 75 to 47.

THE CONTEMPT OF THE HOUSE.

Mr. JUDSON, from the select committee appointed to take into consideration the subject-matter of the assault between two individuals in the House of Representatives that morning, made a report in part thereon, that Robert Codd had done no act calling for either censure or punishment, and that he be discharged; which was agreed to.

Mr. MANN, of New York, then submitted a resolution directing the Speaker to issue his warrant to the Sergeant-at-Arms to detain the other individual; which was agreed to.

MEMORIALS, RESOLUTIONS, ETC.

Mr. CARTER and Mr. WISE, on leave, presented some memorials.

On motion of Mr. CARTER, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of placing John Manning, an invalid soldier of the late war, upon the pension roll.

On motion of Mr. ROBERTSON, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the propriety of making compensation to the heirs or representatives of William B. Winston for his services during the war of the Revolution.

On motion of Mr. ROBERTSON, the House then, at six o'clock, p. m., adjourned.

IN SENATE.

MONDAY, *June* 13, 1836.

Mr. HUBBARD presented the credentials of the Hon. JOHN PAGE, appointed a Senator from the State of New Hampshire to fill the vacancy occasioned by the resignation of the Hon. ISAAC HILL. The credentials having been read, the usual oath to support the Constitution was administered to Mr. PAGE by the Vice President, and he took his seat in the Senate.

INDEPENDENCE OF TEXAS.

Mr. CLAY presented the memorial of sundry citizens of Shelby county, Kentucky, praying Congress to recognize the independence of Texas. This petition was signed (Mr. C. said) by a large number of individuals, many of whom were personally known to him to be among the most respectable citizens of that respectable county, and was entitled to the most favorable notice of the Senate. As the subject, however, was before a committee, he would make no other motion than to refer this petition in the same manner as the others had been.

The petition was accordingly referred.

Mr. NILES presented certain resolutions of the Legislature of the State of Connecticut on the same subject.

Mr. N. said he had received, and proposed to present to the Senate, certain resolutions of the Legislature of Connecticut regarding the independence of the province of Texas. In the discussions which, on several occasions, had taken place during the session, upon this interesting question, he had not participated, nor would he now submit but a few remarks on the subject. The resolutions he had to offer were of very different character, and he thought entitled to much more respect than those which had been received from other quarters, which had come from popular meetings, or memorials of individuals, and from places where there was some reason to suspect that private interests, connected with land speculations in that country, may have had some agency in the proceedings. These resolutions did not come from individuals, or any combination of citizens; they were from one of the sovereign States of this Union, and he felt bound to ask for them the respectful consideration of the Senate. It was also worthy of remark, that the first State which should raise its voice in favor of the independence of Texas should be one in a remote part of the Union, where no interested motives would be supposed to operate, from whence there had been no emigrants to that country, and where no sympathies can exist springing from that source.

It is also worthy of special observation, that the first State which has, through its Legislature, urged the recognition of the independence of Texas, is in an opposite section of the Union, and which from its position might be supposed to feel some apprehension or jealousy of an extension of the territories of the Republic on its southern border. This is a strong fact, going to prove that, notwithstanding all that is said about local interests, and the jealousy in one section of Union of the increasing power and importance of opposite sections of the Republic, there is, in reality, but little foundation for such opinions among the people or their immediate representatives.

In the statements contained in these resolutions, so far as relates to the contest now going on in Texas, he presumed there would probably be little diversity of opinion. All must execrate the barbarous and savage warfare which has been carried on by the Mexicans, disgraceful to a people making any claims to civilization; all must sympathize with the inhabitants of Texas in this war of extermination which has been waged against them; and all must admire their courage, perseverance, and daring achievements.

But the conclusion, as stated in the preamble to these resolutions, that the events which have transpired are sufficient evidence of the ability of the Texans to maintain their independence, and that it has become the duty of this Government to recognize it, may not be so readily assented to. The existing power of Mexico, which is, in a great degree, concentrated in one man, may be regarded as overthrown and prostrated, as that man is now a prisoner, and his forces broken and routed. The power of the present, perhaps he ought to say late, ruler of Mexico, is probably at an end. But is that decisive of the fate of Texas? He hoped it might prove so, but it was evident

this must depend on the course pursued by the Mexican nation. Will they give up the contest, and consent to the separation of the province of Texas, or will they continue the war and attempt to maintain their dominion over it? We must look beyond the present aspect of affairs, into the real condition and resources of the parties. If the Mexican nation determine to prolong this war, are the people of Texas capable of sustaining themselves through a protracted struggle? That they have an army sufficiently numerous and brave might be admitted; but has the country sufficient population and resources to sustain a war of any considerable duration? There were, he believed, but about sixty thousand souls in Texas proper, and only one hundred and fifty thousand in the whole territory, including the State or Province of Cohihui. He thought it premature to act on this question at this time; and some delay was necessary for the developing events and the condition of that country to become more settled. But, however small may be the population of that country, and however feeble, compared with the great Powers of the earth, yet if they should make up in valor what they want in numbers—if they become in fact free, and the dominion of Mexico is overthrown—if they shall, in fact, exist as an independent community, exercising the powers of Government, he did not see how we could refuse to recognize their existence as an independent and sovereign State. Can we withhold from a brave people upon our borders, struggling for their rights, that common justice which we have extended to others? Can we deny to the inhabitants of Texas, most of whom are emigrants from the United States, and have carried with them not only our own language, but all the elements of our free institutions, that measure of justice which we have accorded to all others?

He was not willing to sanction such injustice from any narrow views of policy. He was aware that there were, connected with the independence of Texas, ulterior questions of the most momentous character; questions which might shake this Union to its center. But he did not think they could be avoided; we had to meet them, and he should be prepared to do it whenever the proper time arrived. Some of these questions were of a very delicate nature, connected with the balance of political power as regarded a particular interest, which he would not now particularly allude to. When these questions came upon us, however they might embarrass and distract our councils, he did not doubt that the Republic would be safely carried through them. He had full confidence in the intelligence, justice, moderation, and good sense of the people, to carry the Republic safely through every difficulty. Clouds might hang over us, and thick clouds gather around us; yet, as had been the case in every former crisis, there would appear a light to guide our course, and point the way to a safe deliverance.

Whether these momentous questions, which may grow out of the independence of Texas, had been considered by the Legislature of his State, he was not able to say, as he had not seen any of the debates on the question. But it was evident that the representatives of his State had disregarded narrow and sectional considerations. These resolutions are the offspring of that sense of justice and love of liberty which belong to a free people, who always sympathize with the oppressed when struggling for their rights. It was enough that the representatives of such a people witnessed a desperate and unequal struggle for liberty on the borders of the Republic. Their sympathies were aroused; they regarded the cause of the Texans as the cause of justice, of humanity, of liberty, and of the maintenance of those principles of freedom under which the people of this country have been prospered and blessed above all other nations of the earth. They did not probably stop to inquire what might be the consequences of doing justice to the brave inhabitants of Texas; or whether, if they became independent, they would continue a distinct community; or whether they might not conquer Mexico, and erect a rival Republic in the southern part of this continent; or whether the terrritory would be annexed to the United States.

Without probably going into these questions, they desired that justice should be done to a brave people, heroically struggling for liberty and independence. He highly approved their patriotic motives, and at the proper time he should be prepared to further the object they have in view; but they have wisely left the question as to time, to Congress. He could not think the period for action on our part had yet arrived. This was a case in which this Government should act with caution. In ordinary cases of this kind the question was only one of fact, and was but little calculated to compromit the interests or honor of the United States. But the question in regard to Texas was very different, and vastly more important. That is a country on our own borders, and its inhabitants, most of them, emigrants from the United States; and most of the brave men constituting its army, who are so heroically fighting to redeem the province, are citizens of the United States, who have engaged in this bold enterprise as volunteers. Were this Government to be precipitate in acknowledging the independence of Texas, might it not be exposed to a suspicion of having encouraged these enterprises of its citizens? There is another consideration of more importance. Should the independence of Texas be followed by its annexation to the United States, the reasons for suspicions derogatory to the national faith might be still stronger. If we, by our own act, contribute to clothe the constituted authorities of the province with the power of sovereignty over it, and then accept a cession of the country from those authorities, might there not be some reasons to charge us with having recognized the independence of the country, as a means of getting possession of it? These, and other considerations, require that this Government should act with caution; yet, when the proper time arrives, it will be our duty to act, and to act promptly. But he trusted that all would feel the importance of preserving the national faith and national honor. They should not only be kept pure, but free from injurious suspicions, being more to be prized than any extension of territory, wealth, population, and other acquisitions which enters into the elements of national prosperity or power. He would move that the preamble and resolutions be read and referred to the Committee on Foreign Relations.

GENERAL ASSEMBLY, *May* 27, 1836.

Whereas, the people of Connecticut, one of the free and sovereign States of this Republic, have witnessed with feelings of sympathy the struggle of the people of Texas to secure to themselves independence and freedom: and whereas, in maintaining their just and inalienable rights, that people have been compelled to resist the power, and oppose the dominion of vastly superior numbers, who have exhibited more than savage ferocity and barbarity, devastating their country with the avowed object of either exterminating them, or reducing them to a state of absolute dependence and subjugation: and whereas, in this unequal contest, the Texans have exhibited a degree of wisdom and firmness, moderation and bravery, that commands the sympathy of every friend of liberty, and of his race, contending as they are for their rights against barbarians who have violated promises, broken faith, and murdered, in cool blood, defenseless and confiding persons: and whereas, the people of Texas, through their representatives, have declared themselves independent, organized their form of Government, and published to the world their intention to become a free, sovereign, and independent nation, distinct from and independent of Mexico: and whereas, appreciating the high resolve and unalterable determination of this gallant people to live free or die—believing, from what has already transpired, that their independence can and will be sustained, it becomes a matter of duty and justice on the part of this Government, to acknowledge their independence, and to recognize them as belonging to the family of nations: Therefore,

Resolved by the members of the Senate and House of Representatives in General Assembly convened, That the Senators from this State in the Congress of the United States, be, and they are hereby, instructed, and the Representatives requested, to use their best endeavors to procure the acknowledgment, on the part of the United States, of the independence of Texas; and that it be recognized as a free, sovereign, and independent nation as soon as may be consistent with our existing relations with foreign nations.

Resolved, That his Excellency the Governor be requested to communicate copies of this preamble and resolutions to each of our Senators and Representatives in the Congress of the United States.

CHAUNCEY F. CLEAVELAND,
Speaker of the House of Representatives.
EBENEZER STODDARD,
President of the Senate.

Mr. WALKER then stated his conviction that this movement of the Legislature of Connecticut would form one of the brightest pages of its history. As to the time of recognition, he added that, as this was merely an acknowledgment of a fact, the required act could not be premature. If we do not acknowledge the independence of Texas promptly, the Texan commissioners will be recalled, and Texas will apply to a foreign Power. England, seeking for a new source for her supplies of cotton, will be eager to acknowledge her independence, both for the purpose of obtaining from her the raw material, and finding there a market for the manufactured fabric. The difference in favor of the Texan planter over him of the United States will be twenty per cent. He had no doubt the Committee on Foreign Relations would act promptly and wisely.

The memorial was then referred.

OTHER PETITIONS.

Mr. SHEPLEY presented the petition of sundry citizens of Maine, praying for the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. PRENTISS presented the petition of Arthur Chase, praying for a pension; which was referred to the Committee on Pensions.

REPORTS FROM COMMITTEES.

Mr. BENTON, from the Committee on Military Affairs, to which was recommitted the bill to increase the military peace establishment of the United States, reported as an amendment a substitute for the original bill; which was ordered to be printed.

Mr. CLAY, from the Committee on Foreign Relations, to which had been referred the petition of Captain Charles G. Ridgely, of the Navy, made a favorable report thereon; which was read.

Mr. TOMLINSON, from the Committee on Pensions, reported a bill for the relief of the widow of Peter Smith; which was read, and ordered to a second reading.

Mr. T., from the same committee, reported, without amendment, the bill from the House for the relief of John Flicker, recommending its passage.

NEW POST ROUTES.

Mr. LINN submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from the village of Northfield, in the county of Washtenaw, by Hamburg, to the village of Howell, in the county of Livingston; and a post route from the village of Clinton, in the county of Lenawee, to the village of Jonesville, in the county of Hillsdale, on the United States turnpike road, in the State of Michigan.

Mr. BUCHANAN submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from York, by Quigby's church and Streenstown, to Newberrytown, in the county of York, Pennsylvania.

Mr. WALKER presented the petition of sundry citizens of Mississippi, praying for the establishment of a new post route; which was referred to the Committee on the Post Office and Post Roads.

GOLD AND SILVER CURRENCY.

Mr. BENTON submitted the following resolution:

Resolved, That the President be requested to cause inquiries to be made of the deposit banks, and of other banks of good credit, to ascertain whether any of said banks, in consideration of being made or continued depositories of the public moneys, will agree to enter into arrangements to discontinue the use and circulation of all paper currency of less denomination than twenty dollars: and also to promote the circulation of gold by paying all the currency issued by it in gold *and* silver, the proportion of each to be at present according to the best ability of the bank, and eventually one half of each; the demander to have the option of one half of either metal, and the bank the other.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill to repeal the fourteenth section of the act to incorporate the subscribers to the Bank of the United States;

The bill in addition to the act providing for sick and disabled seamen; and

The bill for the relief of Henry H. Hall.

GABRIEL W. DENTON AND OTHERS.

The bill for the relief of Gabriel W. Denton and others was read the second time, and consid-

ered as in Committee of the Whole, and, after a debate, ordered to be engrossed for a third reading

THE PUBLIC DEPOSITS.

The bill to regulate the deposit of the public moneys was then taken up as the order of the day.

The amendment of Mr. LEIGH, to allow time to such banks as had not sufficient amount of specie to comply with the conditions of the bill, to provide the necessary amount, was agreed to, without a division.

Mr. CALHOUN was in hopes that some Senator, coming from that portion of the Union where this specie condition would have operated oppressively, would move to strike it out. After hearing the debate he was satisfied it would operate oppressively in some States, while in others the banks would not be affected by it.

Mr. C. then moved to strike out the second clause of the section.

Mr. KING, of Alabama, had felt some hesitancy in making a proposition to strike out this clause, though he agreed with the Senators from Virginia and South Carolina that it was wholly useless, and that it would operate unequally and oppressively on some of the deposit banks that were, in all respects, essentially sound. He had felt from the beginning the greatest solicitude to pass such a law as would secure the safe-keeping of the public funds, and guard the public interests, without incorporating into it any provision calculated to embarrass or defeat it. These were his sentiments in the committee, and he was disposed to carry them out now. With the opinions that he entertained, he could not give his support to the bill if this provision remained in it. The banks of his State were as solvent as any in the country; but the nature of their business was such, that they would be compelled to abandon the custody of the public deposits, unless this provision was stricken out. He thought, at one time, to move to modify this provision; but this only could be done by giving a discretion to the Secretary, which rested with him already.

Mr. CALHOUN's motion having been agreed to, some additional amendments were made, on motion of Mr. LEIGH, to correspond with it.

Mr. WRIGHT offered an amendment, the effect of which is to require each deposit bank to keep within its vaults such an amount of specie as shall be required by the Secretary of the Treasury, and shall, in his opinion, be necessary to render said bank a safe depository of the public money.

Mr. WALKER moved to amend the amendment by adding the words, "having a due regard to the nature of the business of said bank;" which was agreed to, and the amendment as amended was adopted.

Mr. BENTON moved to amend the bill by adding a proviso that it shall be lawful for the President of the United States to direct transfers to be made, from time to time, to the branch mints of the United States, either for supplying metal for coining, or for safe-keeping.

Mr. B. explained the advantages of this amendment at full length. He was very much in favor of preventing transfers from one bank to another, for the mere purpose of preserving the credit of such bank, at the same time that he applauded some transfers that were made two years ago, for the purpose of sustaining certain banks against the hostilities of the Bank of the United States. He was opposed to these transfers, for he thought them liable to great abuses, and he would be glad to see a provision made which would cut off all hopes of any of these banks being sustained by the Treasury. But this provision that he wished to be inserted, he thought was calculated to be very useful. It might become necessary for the Government to have transfers made to the mints for other purposes than coining, should any difficulty arise as to depositing public moneys with the State banks. He believed that, with some extension of the mint system, all the public moneys might be advantageously deposited with them; but he did not look to this now. All he proposed was to facilitate the coinage of the mints, and to have them as depositories of the public money, if necessary. He looked upon this amendment as nothing more than the revival of the act of 1791, by which it was expressly ordered that all the foreign coins received by the Treasury should be sent to the Mint of the United States; and he hoped it would find favor with the Senate.

Mr. LEIGH moved for a division of the two propositions contained in the amendment, so as to take the question first as to the transfers to the Mint for the purpose of coining, which he said he was in favor of.

Mr. CALHOUN was opposed to the amendment, as it might be the means of oppressing some individual bank by transferring all the specie in its vaults for the purpose of coining.

Mr. EWING, of Ohio, could see no advantage in either of the propositions contained in the amendment. There could be no advantage to the country in requiring banks to give up the coin in their vaults for the purpose of recoining. Banks, except on the sea-board, rarely kept bullion on hand, and the effect of this amendment would be to compel them to give up their specie. There would be no sort of advantage in sending Spanish milled dollars, which were current here, and current everywhere, to the Mint to be recoined, for it would give no more specie circulation to the country.

Mr. WRIGHT did not understand the proposition as the Senator from Ohio did. He understood it to be purely an authority to the President to transfer certain amounts of money to the Mint for the purpose of furnishing it with the means for coining. In short, the proposition was in accordance with the views expressed in both Houses, when the branch mints were established to enable them to have the means for purchasing bullion for continuing the coinage. He had supposed that their purpose in establishing the Mints was to change the coinage of foreign gold coin into our own, which being less desirable for exportation, would be more likely to remain in the country.

Mr. CALHOUN supposed the object was to obtain a large circulation of the coin of the United States. That could only be done by repealing the laws making foreign coins a tender, and next by suppressing the circulation of bank notes from ten dollars down, which Congress could not do. He was opposed to the amendment, and should vote against it.

Mr. EWING, of Ohio, said, that if the effect of reducing the value of the gold coins had been to retain them in the country, the effect had also been to take so much silver out of the country. That could be the only effect, though he did not believe that either had been the case to any extent worth mentioning. Though the value of our gold coin was fixed too low, yet the merchants fixed the true value, and exported it when it was worth more abroad than at home. As to establishing new mints for the purpose of increasing the circulation of specie, he looked upon it as perfectly idle. Specie was a mercantile commodity, and would always be exported when it could be done so on more favorable terms than to get exchanges.

Mr. LEIGH here withdrew his motion to divide the two propositions in the amendment. The objections (he said) to the first proposition did not occur to him when he made his motion.

Mr. BENTON then renewed the motion just withdrawn by Mr. LEIGH. The two propositions (he said,) were distinct from each other, and the questions on them ought to be taken separately. It did not appear to him that they would ever have in this country a Secretary or President who would act so preposterously as to send current coins to the Mint only to be coined over again; and, therefore, the objection made to his amendment fell to the ground. It was obvious that those who were friendly to an increase of the coinage were met at every point by the friends of the bank, predicting the impossibility of their measures producing the intended effect. This was commenced with the efforts to recharter the bank, and was continued in opposition to the establishment of the branch mints. The proposition which met with so much opposition now, was simply to give to the President authority for supplying the mints with metal for coinage; and if it prevailed, the banks would, in all probability, readily endeavor to furnish a supply of foreign coins and of our own coins which are imperfect. This amendment was perfectly free from all the objections made to it, for the officers of the Mint would never think of recoining our own perfect coin. The effect was only to give life and activity to a law now on the statute-book.

Mr. EWING, of Ohio, was not aware of any combination to prevent the increase of the coins, nor was he aware that he or any gentleman on that floor was entitled to the appellation of friends of the Bank of the United States. He had voted for the recharter of that institution, but it was not in being now, and they had nothing further to do with it. He had opposed this and other propositions of the Senator from Missouri, because he did not think they would produce any public good. The object of the gentleman to increase the specie circulation was a good one, but the means he proposed were not calculated to obtain it.

Mr. WRIGHT suggested another consideration in favor of the amendment. It was known that our country produced a considerable amount of bullion, and it was desirable that it should receive our impress, instead of being sent abroad to be coined. The Mint, therefore, should have the means of getting a supply of this native bullion by the adoption of the proposition before them.

The question was taken on the first proposition in Mr. BENTON's motion authorizing transfers to the Mint, for the purpose of supplying metal for coining, and it was decided in the affirmative—yeas 22, nays 17; as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, King of Alabama, King of Georgia, Knight, Morris, Niles, Page, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, White, and Wright—22.

NAYS—Messrs. Calhoun, Clay, Crittenden, Ewing of Ohio, Goldsborough, Kent, Leigh, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Swift, and Webster—17.

The question then being on the second proposition of Mr. BENTON's amendment as to transfers to the Mint for the purpose of safe-keeping of the public money,

Mr. BENTON hoped the Senate would see that this was merely a temporary provision. If any of the deposit banks should refuse to continue to receive the public deposits, as some did during the panic season, the mints would be then found valuable auxiliaries to the Treasury. He thought that the mints would be anywhere as safe depositories as the banks; and as to the District of Columbia, he wished all moneys paid out by the Government here to be paid from the Treasurer's office.

On taking the question, Mr. BENTON's second proposition was rejected—yeas 13, nays 28; as follows:

YEAS—Messrs. Benton, Brown, Ewing of Illinois, Grundy, McKean, Morris, Nicholas, Niles, Page, Robinson, Ruggles, Walker, and White—13.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, King of Alabama, King of Georgia, Knight, Leigh, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Rives, Robbins, Shepley, Swift, Tallmadge, Tomlinson, Webster, and Wright—28.

Mr. BENTON offered an amendment, providing that in selecting and continuing banks for depositories of the public moneys, a preference should be given to such banks in good credit as shall agree to relinquish the circulation of all notes below twenty dollars, and promote the circulation of gold coins.

This amendment was rejected—yeas 15, nays 23; as follows:

YEAS—Messrs. Benton, Black, Brown, Grundy, King of Georgia, McKean, Morris, Niles, Page, Rives, Robinson, Ruggles, Tallmadge, Walker, and White—15.

NAYS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, King of Alabama, Knight, Leigh, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Shepley, Swift, Tomlinson, and Webster—23.

Mr. BENTON then offered an amendment to the thirteenth section, which provides for the deposit of the surplus with the States, by excepting from the operations of this section the amount received from the sales of the public lands, and subject to distribution under the bill for appropriating the proceeds of the sales of the public lands.

Mr. B. said that they had passed a bill to distribute all the money received from the land sales

for this year, and the next year, and therefore there was nothing left for this bill to operate on but the money received from customs. It was hardly to be supposed that in the nineteenth century, a grave legislative body like the Senate of the United States would pass two bills for dividing the same money; and it was to save the Senate from the censures which they would fall under for dividing the same money twice, that he offered this amendment.

Mr. CALHOUN said that, in order to effect the object of the Senator from Missouri, and remove any ambiguity that might exist, he would move to amend the amendment by adding the words, "provided said bill shall become a law." He had no doubt that, if both bills passed, the land bill, making a special appropriation, would have the preference; but if this amendment passed his addition to it would be necessary.

Mr. BENTON said that, if this amendment prevailed, he should also move that this second distribution should not take effect, provided the other became a law. He was utterly opposed to this provision, by which one bill was not to take effect, provided another became a law; but he had an object in view. The land bill, like Jonah's whale, had swallowed up the grants to the new States, and he wished to ascertain whether this bill was perfectly dead, that he might bring forward another bill to revive these grants, and carry them through before the close of the session.

Mr. EWING, of Ohio, said that the proviso moved by the Senator from South Carolina would be necessary.

Mr. BENTON said that, when his amendment was in his own power, he would move to cut off all that was said about the distribution bill, leaving his amendment to apply to the proceeds of public lands only.

Mr. MORRIS said that, at the moment his ear caught the sense of the amendment, he intended to call for a division of it. He wished to know whether the Senate was about to make a double distribution of the proceeds of the land sales. As far as respected the action of the Senate, the land bill was, to all intents and purposes, a law, because they did not, and could not know what disposition the House would make of it.

Mr. WEBSTER said that they neither saw nor heard anything to induce them to suppose that the land bill would be got through the House. On the contrary, there was every reason to believe that it had been put to rest, and would not be taken up again this session. What were they to do? Were they to wait till the last moment of the session to know what had become of the land bill? They could not shut their eyes to the facts which rendered it so improbable that this bill would pass during this session; and under such circumstances he felt it his duty to take the proposition contained in this bill. He could not see the force of the objections raised by the Senator from Ohio, [Mr. MORRIS,] that they were making a double distribution of the proceeds of the land sales. There was no incompatibility in the two bills, supposing that they both passed. He agreed that it was so improbable that there would be a considerable surplus at the end of the year, after deducting the proceeds of the land sales, that there would be no necessity for passing this bill, provided the land bill passed. There might, however, be a surplus over and above the proceeds of the land sales; and there would, therefore, be no incongruity in passing both bills.

Mr. CALHOUN did not see the slightest difficulty between this bill and the other, with or without the amendment. The one was specific, and the other was general; and, if both passed, all sound lawyers would say that the first would take the precedence. It was under these impressions that, in drawing this bill, he did not think it necessary to take any notice of the land bill; but, as the Senator from Missouri [Mr. BENTON] had thought it necessary to offer an amendment, to remove an apparent incongruity, he had no objections to it, provided his proviso was also added, to render it perfectly clear.

Mr. WALKER said that, if he was not mistaken, this bill provided for a loan to the States of certain balances remaining in the Treasury, to commence on the 1st of January next; and the land bill provided for taking a certain portion of the revenues and distributing them both prior and subsequent to that period. Now, when the time arrived, which bill would be taken as the guide for distribution? Certainly, no one taking up this bill would suppose that millions were appropriated in another bill. Was it not making experiments in legislation to pass two bills repugnant to each other, in order to carry the same measure? Was it not confessed by the friends of this measure that they were making experiments in legislation? for they acknowledged that they would not press this bill if they thought the land bill would become a law. No vote was yet taken on the land bill in the House, and they did not know what would be the fate of their first experiment. Why, then, try a second experiment before knowing what the fate of the first would be?

Mr. WEBSTER observed that the Senator from Mississippi being opposed to both measures, was of course glad to find in one a reason for not passing the other. He believed that the country would see the situation they were in, and the necessity for passing some law for the distribution of the surplus; and so convinced was he of the necessity for this measure, that he was not so anxious to wait for the official annunciation of the fact so much desired by some and so much feared by others, the defeat of the land bill. Fearing that the land bill would not pass, he felt it his duty to take the proposition before them instead of it. There was no incompatibility in the two bills; both might pass, and no harm be done.

Mr. MORRIS did not know on what gentlemen founded their predictions that the land bill would not pass. Had they now come to the conclusion that this land bill was founded in error and ought not to pass? or that the House would not do its duty by acting on the bills before it? He saw no grounds for the opinion that this bill would not pass. It was a matter of which they neither knew nor could know anything; but they did know that, as far as respected the Senate, this land bill was already a law. The Senator from Massachusetts had misunderstood him in supposing him to say that there was an incompatibility in the two bills. He did not say that there was any such incompatibility, but the argument of the gentleman had convinced him that there was an incompatibility in the legislation he supported, for he acknowledged that he would not pass this bill if he thought that the other would become a law.

After some observations from Messrs. EWING of Ohio, and BENTON, the question was taken on the adoption of Mr. CALHOUN's proviso, and it was agreed to—yeas 22, nays 16; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Porter, Preston, Robbins, Swift, Tomlinson, Webster, and White—22.

NAYS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hubbard, Morris, Naudain, Nicholas, Niles, Rives, Shepley, Tallmadge, Tipton, Walker, and Wright—16.

The question was then taken on Mr. BENTON's amendment as amended, and it was rejected—yeas 15, nays 25; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Hendricks, Hubbard, King of Georgia, Morris, Niles, Prentiss, Rives, Ruggles, Shepley, Walker, and White—15.

NAYS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Grundy, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Robbins, Swift, Tallmadge, Tipton, Tomlinson, Webster, and Wright—25.

Mr. CALHOUN moved to fill the blank in the thirteenth section with two millions.

[This is for the sum proposed to be retained in the Treasury before making the deposits of the surplus with the States, as provided for by this section.]

Mr. BENTON said he would name $9,000,000, which was the amount in the Bank of the United States at the time the transfers of the deposits were made.

Mr. WRIGHT said that, before the Senate decided on this question, he would move to fill this blank, after deducting the outstanding appropriations. If the gentleman would deduct the outstanding appropriations after the 1st of January, he would be content with the $2,000,000, or even with $1,000,000.

After some discussion of this motion by Messrs. CALHOUN, WRIGHT, and WEBSTER,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 13, 1836.

Mr. BOON made an ineffectual attempt to get up the bill amendatory of the act for the relief of certain Polish exiles.

BILLS PASSED.

On motion of Mr. WARDWELL, by general consent, the following engrossed bills were read a third time and passed:

A bill for the relief of James Mullings;
A bill for the relief of Stephen Talmadge;
A bill for the relief of John Collins;
A bill for the relief of Francis F. St. Cyr;
A bill for the relief of Luke Voorhise;
A bill for the relief of Peter L. Allen;
A bill for the relief of Ebenezer Hickox;
A bill for the relief of James Logan;
A bill for the relief of Benjamin Price;
A bill for the relief of William Kellar;
A bill for the relief of John Conkin;
A bill for the relief of James J. Coffin;
A bill for the relief of Thaddeus Potter;
A bill for the relief of Margaret Reynolds;
A bill for the relief of Coleman A. Collier;
A bill for the relief of John Casey;
A bill for the relief of William Foxworthy;
A bill for the relief of Ellen Ahurn Schmuck;
A bill for the relief of Ephraim F. Gilbert;
A bill for the relief of Noah Miller;
A bill for the relief of Alpheus Hutchins;
A bill for the relief of Godfrey Vaught;
A bill for the relief of John Lent;
A bill for the relief of William Davis;
A bill for the relief of William Faris;
A bill for the relief of Patrick McEwen;
A bill for the relief of Peggy Abel, Sally Rolls, and Elijah Green;
A bill for the relief of Charles Blake;
A bill for the relief of Robert Lucas;
A bill for the relief of Josiah Westlake;
A bill for the relief of Walter Dyer;
A bill for the relief of Jeremiah Goldsmith;
A bill for the relief of Joseph Tuttle;
A bill for the relief of Matthias Travers;
A bill for the relief of Joseph Danforth;
A bill for the relief of Jacob Wallace;
A bill for the relief of Jonathan Dow;
A bill for the relief of James Scott, Richard Severson, and Lot Leonard;
A bill for the relief of Frederick Wilhied;
A bill for the relief of John Boone;
A bill for the relief of John Herrick;
A bill for the relief of Ann Evans;
A bill for the relief of James McFarland;
A bill for the relief of Ebenezer Dewey;
A bill for the relief of Benjamin Parkhurst and Daniel Havens;
A bill for the relief of Jonas Commins;
A bill for the relief of Isaac Ruland;
A bill for the relief of Job Daniels;
A bill for the relief of Daniel Trabue;
A bill for the relief of Benjamin Coit;
A bill for the relief of Robert Smith;
A bill for the relief of Job Dow;
A bill for the relief of Andrew Gray;
A bill for the relief of George Fields;
A bill for the relief of Samuel M. Ashbury;
A bill for the relief of William Jenkenson;
A bill for the relief of John Miles;
A bill for the relief of Josiah Curtis;
A bill for the relief of William Pattie;
A bill for the relief of John Scotts;
A bill for the relief of Travis Fritters;
A bill for the relief of Balaam Bowers;
A bill for the relief of Singleton Ketcham;
A bill for the relief of Elizabeth Swain;
A bill for the relief of Gaines Hitchcock;
A bill for the relief of Jonathan Elkins;
A bill for the relief of Albert Pawlings;
A bill for the relief of Micajah Ricketts;
A bill for the relief of Barton Hooper;
A bill for the relief of Henry Maggart;
A bill for the relief of Stephen Bohannan;
A bill for the relief of William Warden;
A bill for the relief of George McFadden;

A bill for the relief of George White;
A bill for the relief of Thomas Harrison;
A bill for the relief of Orris Gray;
A bill for the relief of Jacob Slough;
A bill for the relief of Daniel Stoddart;
A bill for the relief of the widow and children of Richard Anderson:
A bill for the relief of the widow of Samuel Gibbs;
A bill for the relief of George Barkney and John Weaver;
A bill for the relief of Daniel Cobb;
A bill for the relief of Solomon Ketcham;
A bill for the relief of Jonathan Flint;
A bill for the relief of Daniel Granger;
A bill for the relief of Mary Lampkin;
A bill for the relief of Elizabeth Robinson, daughter of Lieutenant Wilde;
A bill for the relief of Leslie Combs;
A bill for the relief of Robert McBride;
A bill for the relief of John Clark, Jehiel Soule, Samuel B. Hugo, and Isaac Eckright.
A bill for the relief of Alexander Estep;
A bill for the relief of Cary Clark; and
A bill for the relief of John A. Rogers.

Mr. HAWES entered a motion to reconsider the bill for the relief of Ellen Ahurn Schmuck.

REPORTS FROM COMMITTEES.

Mr. SUTHERLAND, from the Committee on Commerce, (to which the same had been referred a few days since,) reported back the following bills:

A bill making appropriations for the improvement of certain harbors therein mentioned, for the year 1836.

A bill making appropriations for building light-houses, light-boats, beacon-lights, buoys, and making surveys for 1836; both of which were committed.

NAVAL DEPOT IN SOUTH CAROLINA.

Mr. PINCKNEY asked the consent of the House to go into Committee of the Whole for half an hour on the bill to establish a naval depot in South Carolina, which was objected to; and a motion was then made by Mr. P. to suspend the rules for the purpose.

Mr. JARVIS explained that it was the intention of the Naval Committee to ask for a special order to take up the several bills reported by that committee.

The motion was lost.

MEMORIALS, RESOLUTIONS, ETC.

Mr. MARTIN, on leave, presented sundry memorials.

On motion of Mr. WILLIAMS, of Kentucky, it was

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of passing a law for the benefit of the heirs of John Tupman, who was an officer in the Navy during the revolutionary war.

On motion of Mr. WILLIAMS, of Kentucky, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of reinstating Solomon Prewatt, of Kentucky, as a pensioner.

MICHIGAN AND ARKANSAS.

In execution of the special order of Monday last, the House then proceeded to the consideration of the following bills:

An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed; and

An act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes.

Both these bills had been reported from the Committee of the Whole without amendment.

The House proceeded first to the consideration of the Michigan bill.

Mr. VINTON renewed the following amendment, offered by him in Committee of the Whole:

And provided also, and it is hereby further expressly declared, That if the convention provided for in the third section of this act shall not give the assent therein required, the boundaries of the States of Ohio and Indiana shall nevertheless be and forever remain fixed and established between them and Michigan as the same are in this act above specified and described.

Mr. V. asked for the yeas and nays; which were ordered; and the question being taken, was decided as follows—yeas 81, nays 126.

YEAS—Messrs. Heman Allen, Ashley, Bailey, Bond, Boon, Bunch, John Calhoon, William B. Calhoun, Campbell, Carr, Carter, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Corwin, Crane, Darlington, Doberry, Denny, Evans, Everett, Philo C. Fuller, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Heister, Hoar, Howell, Hunt, Ingersoll, William Jackson, Janes, Henry Johnson, Benjamin Jones, Kinnard, Lane, Lawrence, Lay, Luke Lea, Lincoln, Love, Lucas, Sampson Mason, Maury, McCarty, McKennan, McLene, Mercer, Milligan, Morris, James A. Pearce, Pettigrew, Phillips, Pinckney, Reed, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Slade, Spangler, Standefer, Steele, Storer, Taliaferro, Underwood, Vinton, Washington, Elisha Whittlesey, and Lewis Williams—81.

NAYS—Messrs. Adams, Chilton Allan, Anthony, Ash, Barton, Bean, Beaumont, Bockee, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Cambreleng, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Coles, Connor, Craig, Cramer, Cushman, Dickerson, Dickson, Doubleday, Dromgoole, Effner, Fairfield, Farlan, Fowler, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Kilgore, Lansing, Laporte, Gideon Lee, Joshua Lee, Leonard, Lewis, Logan, Loyall, Lyon, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, May, McComas, McKay, McKeon, McKim, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Phelps, Potts, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Seymour, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, White, Thomas T. Whittlesey, and Sherrod Williams—126.

So the amendment was rejected.

Mr. ADAMS then renewed his amendment to strike out the first, second, and third sections, and insert three other sections, reserving to Michigan the boundary claimed by her under the ordinance of 1787.

Mr. A. addressed the House on the subject of his amendment, and entered at large into the merits of the whole boundary controversy, citing a great variety of documents and papers from the ordinance of 1787 down to the report of the present Judiciary Committee of the House of Representatives.

As soon as Mr. ADAMS had concluded,

Mr. CUSHMAN rose and said that, notwithstanding what had been said against the rule, relative to a call for the previous question, he considered it one of the most salutary rules of that House, and he therefore now embraced the privilege of moving it.

Mr. VANDERPOEL moved a call of the House, and asked for the yeas and nays; which were ordered, and were—yeas 109, nays 43.

After proceeding with the call for some time,

Mr. MANN, of New York, moved to dispense with all further proceedings thereof; which was lost.

After the roll had been gone through a second time, (one hundred and sixty members being present,)

Mr. HUNTSMAN renewed the motion to dispense with the further proceedings of the call; which was agreed to—ayes 98, noes not counted.

The motion for the previous question was then seconded by the House—ayes 95, noes 41; and the main question was ordered to be put.

Mr. REED asked for the yeas and nays on the main question, (on the third reading of the bill;) which were ordered, and were—yeas 153, nays 45; as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ash, Ashley, Beale, Bean, Beaumont, Bockee, Bond, Boon, Borden, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoon, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Cushman, Doberry, Denney, Dickerson, Dickson, Doubleday, Dromgoole, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Granger, Grantland, Grayson, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Heister, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Lane, Lansing, Laporte, Lawler, Lay, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lyon, Abijah Mann, Martin, William Mason, Moses Mason, Maury, May, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Ripley, Roane, Rogers, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Sloane, Spangler, Speight, Standefer, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, Elisha Whittlesey, and Thomas T. Whittlesey—153.

NAYS—Messrs. Adams, Heman Allen, Bailey, Bell, Briggs, William B. Calhoun, George Chambers, John Chambers, Childs, Clark, Everett, Graves, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harper, Hazeltine, Hoar, Ingersoll, Jenifer, Lawrence, Lincoln, Love, Sampson Mason, McCarty, McKennan, Mercer, Milligan, Morris, Parker, James A. Pearce, Phillips, Potts, Reed, Robertson, Russell, Slade, Steele, Taliaferro, Underwood, Lewis Williams, Sherrod Williams, and Wise—45.

So the bill was ordered to a third reading this day.

ADMISSION OF ARKANSAS.

The House then took up the bill providing for the admission of Arkansas into the Union.

Mr. BRIGGS asked for the yeas and nays; which were ordered.

Mr. ADAMS then renewed the amendment, submitted by him in Committee of the Whole, in relation to the restriction of slavery in the State of Arkansas.

The amendment having been read,

Mr. WILLIAMS, of Kentucky, rose, and moved the previous question.

Mr. ADAMS then claimed the floor.

Mr. WILLIAMS insisted upon his right; and

The CHAIR decided that, according to the strict rule, the latter gentleman was entitled to the floor, if he insisted upon it. That gentleman rose in his place, and was announced by the Chair. He submitted a motion; that motion was propounded from the Chair; and the gentleman from Massachusetts did not claim the floor until the Chair was about to put the question to the House.

Mr. ADAMS appealed from the decision of the Chair.

Mr. WILLIAMS, of North Carolina, inquired if the gentleman from Massachusetts had resumed his seat?

Mr. ADAMS stated explicitly he had not.

Mr. WILLIAMS said it was clear, then, that the gentleman from Massachusetts was entitled to the floor.

Mr. BOON remarked, then, that if a gentleman chose to stand in his place, he might claim the floor, to the exclusion of every other member, as long as he pleased.

Mr. PHILLIPS said that, being in the immediate neighborhood of his colleague, [Mr. ADAMS,] and having observed what passed, he felt bound to state that, according to his recollection, his colleague rose, addressed the Speaker, stated that he wished to offer an amendment to the bill, and sent his amendment to the Clerk, remaining upon his feet while the Clerk proceeded to read it, evidently with the intention of proceeding to address the House in relation to it. The Speaker was, at the time, looking towards the other quarter of the House. At the instant when the Clerk had finished reading, the gentleman from Kentucky [Mr. WILLIAMS] rose, was immediately recognized by the Speaker, and moved the previous question; which was entertained by the Chair. Mr. ADAMS immediately claimed the right of proceeding, stating that he had not relinquished the floor, and had merely awaited the reading of the amendment by the Clerk. The Speaker then looked towards him, and immediately said: "The gentleman from Massachusetts will proceed;" but upon objection being made by the gentleman from Indiana, [Mr. HANNEGAN,] and others who were standing in the center aisle, the Speaker decided that the gentleman from Kentucky was entitled to the floor. Mr. P. said that he could not have the slightest doubt that his colleague was entitled to the floor, and that he was in the act of addressing the Chair when the gentleman from Kentucky submitted his motion.

Mr. BOULDIN said he, like the gentleman from Massachusetts, [Mr. PHILLIPS,] was standing near the gentleman from Massachusetts, [Mr. ADAMS.] Mr. B. was standing in front of him, [Mr. ADAMS,] and quite near, though not quite as near as the gentleman last up, [Mr. PHILLIPS,] who was sitting very near him on his left. Mr. B. had not the least doubt of the sincerity of that gentleman in saying that his colleague [Mr.

ADAMS] had not forfeited his precedence on the floor. He (Mr. B.) had little knowledge of the rules, but standing immediately before the gentleman, [Mr. ADAMS,] he had expected him to support his motion, and was listening to hear it. He was surprised not to find him go on. A short time after, he (Mr. B.) had come to the conclusion that the gentleman from Massachusetts [Mr. ADAMS] did not intend to support, at that time, his motion to amend, the gentleman from Kentucky [Mr. WILLIAMS] addressed the Chair, as he understood it, and the Chair announced, "the gentleman from Kentucky."

Mr. ADAMS here interrupted the gentleman from Virginia, and was going on for some time, when

Mr. BOULDIN begged leave to ask the gentleman whether he was explaining, or what?

Mr. ADAMS said he was answering the gentleman from Virginia.

Mr. BOULDIN then said the gentleman from Massachusetts had cut him out in the middle of a semicolon; while the gentleman himself had made his motion, had his amendment read, and was waiting until another gentleman had obtained the floor, and addressed the Chair, and still claimed the floor. Mr. B. said he would move to lay the motion to amend on the table.

A suggestion being made that the motion was out of order,

Mr. BOULDIN moved the previous question on the appeal; which was seconded by the House—ayes 95, noes 51.

Mr. EVANS asked for the yeas and nays on ordering the main question; which were ordered, and were—yeas 109, nays 80.

Mr. REED then asked for the yeas and nays on the main question, being "Shall the decision of the Chair stand as the judgment of the House?" which were ordered, and were—yeas 97, nays 87.

So the decision of the Chair was affirmed; and the question recurring on the motion for the previous question, it was seconded by the House—ayes 101, noes not counted.

Mr. BRIGGS called for the yeas and nays on ordering the main question to be put; which were ordered, and were—yeas 127, nays 67; as follows:

YEAS—Messrs. Ash, Ashley, Barton, Beale, Bean, Bockee, Boon, Bouldin, Boyd, Brown, Buchanan, Bunch, Burns, Cambreleng, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickson, Doubleday, Dromgoole, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, Galbraith, Gillet, Grantland, Grayson, Haley, Joseph Hall, Hamer, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Kinnard, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Martin, John Y. Mason, William Mason, Moses Mason, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Shields, Sickles, Smith, Speight, Standefer, Sutherland, Taylor, Thomas, John Thomson, Waddy Thompson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, Weeks, Thomas T. Whittlesey, and Sherrod Williams—127.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bond, Borden, Briggs, John Calhoon, William B. Calhoun, George Chambers, John Chambers, Clark, Corwin, Cushing, Darlington, Denny, Evans, Everett, Fowler, Philo C. Fuller, Graves, Grennell, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Howell, Ingersoll, William Jackson, Janes, Jenifer, Laporte, Lawrence, Lay, Lincoln, Love, Job Mann, Sampson Mason, Maury, McCarty, McKennan, Mercer, Milligan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Rencher, Robertson, Russell, Slade, Spangler, Storer, Underwood, Vinton, White, Elisha Whittlesey, Lewis Williams, and Wise—67.

So the House determined that the main question on ordering the bill to a third reading should be then put.

Mr. HEISTER asked for the yeas and nays on that question; which were ordered, and were—yeas 147, nays 52; as follows:

YEAS—Messrs. Chilton Allan, Ash, Ashley, Barton, Beale, Bean, Bell, Bockee, Boon, Bouldin, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoon, Cambreleng, Campbell, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickson, Doubleday, Dromgoole, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Grantland, Graves, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Judson, Kilgore, Kinnard, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Seymour, Augustine H. Shepperd, Shields, Sickles, Spangler, Speight, Standefer, Storer, Tallaferro, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, Thomas T. Whittlesey, Sherrod Williams, and Wise—147.

NAYS—Messrs. Adams, Heman Allen, Anthony, Bailey, Bond, Borden, Briggs, William B. Calhoun, Childs, Clark, Crane, Cushing, Darlington, Denny, Evans, Everett, Philo C. Fuller, Grennell, Hiland Hall, Hard, Harper, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Ingersoll, William Jackson, Janes, Laporte, Lawrence, Lay, Lincoln, Love, Sampson Mason, McCarty, McKennan, Milligan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Shinn, Slade, Sloane, Underwood, Vinton, Elisha Whittlesey, and Lewis Williams—52.

So the bill was ordered to a third reading this day.

The Michigan bill was then read a third time.

Mr. VANDERPOEL said, that a test vote had already been taken on this bill, and the expression in its favor was so strong, that no gentleman could doubt its passage. Under a firm belief that the further consumption of time would not change a vote, or alter the result, he moved the previous question.

So the bill was passed.

The Arkansas bill was then taken up and read a third time.

Mr. HUNTSMAN moved the previous question; which was seconded—ayes 95, noes not counted; and the main question being ordered,

Mr. ALLEN, of Vermont, then asked for the yeas and nays on the passage of the bill; which were ordered, and were—yeas 143, nays 50; as follows:

YEAS—Messrs. Chilton Allan, Ash, Ashley, Barton, Beale, Bean, Bockee, Boon, Bouldin, Boyd, Brown, Buchanan, Bunch, Burns, John Calhoon, Cambreleng, Campbell, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Dickson, Doubleday, Dromgoole, Fairfield, Farlan, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Grantland, Graves, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Judson, Kilgore, Kinnard, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, McComas, McKay, McKeon, McKim, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Seymour, Augustine H. Shepperd, Shields, Sickles, Smith, Spangler, Speight, Standefer, Storer, Tallaferro, Taylor, Thomas, Toucey, Turrill, Vanderpoel, Ward, Washington, Webster, Weeks, White, Thomas T. Whittlesey, Sherrod Williams, and Wise—143.

NAYS—Messrs. Adams, Heman Allen, Anthony, Bailey, Bond, Borden, Briggs, William B. Calhoun, Childs, Clark, Crane, Cushing, Darlington, Denny, Evans, Everett, Philo C. Fuller, Grennell, Hiland Hall, Hard, Harper, Hazeltine, Henderson, Heister, Hoar, William Jackson, Janes, Benjamin Jones, Laporte, Lawrence, Lay, Lincoln, Love, Sampson Mason, McCarty, McKennan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Shinn, Slade, John Thomson, Underwood, Vinton, Elisha Whittlesey, and Lewis Williams—50.

So the bill was passed.

Mr. CONNOR said, as the House had been delivered of twins, he thought after the operation they might adjourn, and he made that motion, but subsequently withdrew it at the request of

Mr. CLAIBORNE, of Mississippi, who made an ineffectual attempt to offer a resolution; and

Mr. LOVE renewing the motion to adjourn,

The House adjourned at a quarter past six, p. m.

IN SENATE.

TUESDAY, *June* 14, 1836.

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, to which had been referred the bill from the House to establish certain post routes, and to discontinue others, reported the same with several amendments; which were ordered to be printed.

Mr. DAVIS, from the Committee on Commerce, reported without amendment the bill from the House to repeal so much of the acts of March 6, 1799, as respects the issuing of certificates on exported wines, with the opinion of the committee that the bill ought not to pass.

Mr. TOMLINSON, from the Committee on Pensions, reported a bill to increase the pension of Larned Swallow; which was read, and ordered to a second reading.

Mr. PRENTISS, from the Committee on Pensions, reported a bill for the relief of Ephraim Page; which was read, and ordered to a second reading.

Mr. LEIGH, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Richard K. Meade; which was read, and ordered to a second reading.

HOUSE BILLS REFERRED.

A number of bills which passed the House of Representatives on the 12th instant, (noticed in the House proceedings of that day,) were severally read twice, and referred to the appropriate committees.

COMPENSATION TO MICHIGAN REPRESENTATIVES.

Mr. BUCHANAN submitted a resolution directing the Committee on Finance to inquire into the expediency of providing for the compensation of the Senators and Representatives elected by Michigan.

NOTICE OF A BILL.

Mr. BENTON gave notice that he would to-morrow ask leave to bring in a bill to grant to the State of Missouri five hundred thousand acres of land for the purpose of internal improvements.

REORGANIZATION OF POST OFFICE DEPARTMENT.

On motion of Mr. GRUNDY, the bill from the House to change the organization of the Post Office Department was taken up; and sundry verbal amendments reported by the Post Office Committee having been agreed to,

Mr. G. called the attention of the Senate to the amendments proposed to the forty-third and forty-fourth sections of the bill relative to the boxes put up in the post offices, and rented to merchants and others, for the reception of their letters. From the commencement of the Government to the present time, Mr. G. said it had been the practice to put up these boxes in the post offices of the large cities, and to rent them to merchants and others, who found a great convenience in having their letters kept for them in this convenient way. The sums received for the rent of these boxes went to the private emolument of the postmasters; but the bill of the House proposed to take this away altogether, and put it in the Treasury, while the amendment of the committee proposed to fix the rent of each box at one dollar, and allow one half to the postmasters; providing that when this rent exceeded one thousand five hundred dollars the excess should go into the Treasury. Mr. G. said that this practice had been found to be so universally convenient, that not a single individual who paid this rent was ever known to complain of it. Mr. G. stated the number of boxes put up in the post offices of Boston, New York, and Philadelphia, and stated the emoluments derived from them by the postmasters. He did not know what was the number of boxes put up by the postmaster of New Orleans, or the rent he charged for them, and would be glad to be informed on that point by the Senators from Louisiana. Certain it was that the postmaster at New Orleans could not live on his salary of two thousand dollars, and this addition to his income was therefore necessary. Mr. G. said that, as no inconvenience had resulted from the present practice—on the contrary, that it was productive of great benefits, it would be better to leave the matter as it now stood, and direct the Postmaster General to report to Congress on the subject at the next session. In the mean time, as he differed with a majority of the committee, he would move to strike out everything relating to the subject in the bill.

Mr. PORTER said that in New Orleans the price of a box was five dollars a year, which was cheerfully paid, considering their great conveni-

ence to those who rented them. He did not know the number of the boxes in the New Orleans post office—probably four or five hundred; but he was confident that, if the price were reduced to a dollar, every man in the city who received a dozen letters a year would take one.

Mr. NILES spoke of the great convenience of these boxes in the large cities to those who were in the habit of receiving a great many letters. The price paid was entirely voluntary, and there was no ground of objection in regard to the general operation of this practice. He thought, too, that the taking away of this source of emolument to the postmasters would create less care in the general management of their business. Some good he supposed would be produced by the modification, but he thought that much injury would ensue from breaking up the practice altogether.

Mr, BUCHANAN observed that there were always difficulties attending the regulation of a subject of this kind, because what might be convenient in one part of the Union might be very inconvenient in another. He had at one time thought that the best way would be to fix certain salaries for the postmasters; but when he came to reflect, he feared that there would be a continual pressure on them to raise the salaries of all the $2,000 postmasters to a higher sum. With regard to these boxes they were legislating without having heard a complaint from a single individual. In the city of Philadelphia he knew that Congress could not do a more unpopular act than to reduce the rent of these boxes to one dollar, because it would occasion the post office to be covered with them, and produce inconvenience and expense, instead of reducing expenses. The postmaster of Philadelphia relinquished a lucrative profession when he took this office, and he had never received from it as much as $3,500 per annum. What would be the effect of this amendment as respected him? It would reduce his salary to $2,000, on which he could not possibly live.

Mr. B., after stating the importance of the duties of this office, the number of persons whose labors he has to superintend, and the large sum annually disbursed by him, remarked that he was the insurer of the greater part of the postage received at his office, because, by giving credit to those who rent the boxes, he has, in making his returns to the General Post Office, to pay cash for the amounts due by them.

Mr. B. said he had been informed that, if the number of these boxes was increased, it would occasion a great deal of additional labor, and that the number of clerks must be increased also. The only evil complained of was as to the city of New York, where the emoluments of the postmaster were deemed too high in consequence of the number of boxes in his office; but it appeared to him that it would be highly inexpedient to derange the whole system to correct an evil in one or two post offices. The best way would be to let everything remain as it was until the Postmaster General reported to them at the next session of Congress. He would, however, offer an amendment which accorded with his views, and he thought would be acceptable to the Senate.

Mr. B. then submitted an amendment providing that "each postmaster shall make quarterly returns to the General Post Office of the amount received for rents of boxes in his office, and that when the sum amounts to more than two thousand dollars, he shall account for the same to the General Post Office."

By this amendment (Mr. B said) no postmaster would receive more than $4,000 per annum; and in New York, Philadelphia, and New Orleans the sum would not be too much.

Mr. PORTER said that he had had occasion to remark before, that nothing could be more unequal and unjust than to attempt to regulate the salaries in different parts of the Union by one standard. Thirty-five hundred dollars might be a very good salary in some places; but in New Orleans it was a very small sum where house-rent alone would take up $1,200 of it. With regard to these boxes, the number of them would be greatly increased if the rent was reduced; and in New Orleans, instead of there being four or five hundred, as at present, their number would probably be as many thousands, and the great object of having then the speedy and convenient delivery of letters would be destroyed. He thought with the Senator from Pennsylvania, that it would be best to leave this matter where it was—between the individuals and the postmasters, and then fix the maximum of salary at these places where it was supposed to be too large. The amendment of the Senator from Pennsylvania contemplated that object; but with regard to the salary of the postmaster of New Orleans, it would be too small. He should think that $5,000 would not be too much for the salary of this officer.

Mr. WRIGHT said that he had been assured that the postmaster of New York, residing where he was compelled to reside, could not get house rent for less than $1,500 per annum. Now, it was out of the question to suppose that any competent person would take so arduous an office for a salary of $2,000, when he was compelled to pay three fourths of it for house rent. Mr. W., after speaking of the arduous and responsible duties of the New York postmaster, and the high expenses of living in that city, contended that there would be great injustice in reducing his income so considerably by the adoption of the amendment of the committee. There was another way in which it would be productive of injury. In most of the small towns there was a limited number of boxes put up in the post offices, some of which were rented at a low price, and some let out without rent. Now, he thought that they should make no provision which might have the effect to break up these boxes, and to compel individuals to dispense with the convenience they had derived from them. Mr. W. said he approved of the amendment of the Senator from Pennsylvania, but would vote for $5,000 instead of $4,000 as the maximum of a postmaster's salary.

Mr. DAVIS explained the views entertained by the Post Office Committee on this subject. In looking at the compensations of the postmasters, the committee had also considered the compensations of other officers of the United States in the same places. The judges of the United States courts, who labored assiduously the whole year, were, one half of them, at salaries of from $1,000 to $1,500. In the great States of New York and Pennsylvania, where the duties of the chief judges were highly important, and exceedingly arduous, they gave to the one $2,000, and to the other $2,500, and these, too, had to live in cities ar well as the postmasters. In the city of New York, the place of naval officer was held by a very distinguished gentleman of great merit, well known to them, and his salary was only $3,000. And by comparing the salaries paid to the officers of the Government throughout the Union, it would be found that the postmasters were as well paid, if not better, than the average of them. The Senator from New York said that they could not get a gentleman to serve in New York for less than $2,000. Now, it was well known that not a single one of these offices became vacant without its being eagerly sought after by numbers of the most talented and respectable individuals, backed with the most powerful recommendations. Even in New Orleans, notwithstanding what had been said by the Senator from Louisiana, they did not find that these offices were difficult to fill with competent persons. In fact, the salaries of the officers of the Government were exceedingly high—higher by far than the compensation of members of Congress, and far beyond the salaries paid by the State governments. Indeed, by giving such high salaries, they offered a sort of bonus to bribe men from the State service to that of the General Government—a principle which he looked upon as highly vicious. He admitted that the maximum salary of $2,000 for a postmaster might be too small, and he was willing to go beyond it; and, therefore, he thought that the amendment of the committee, which would leave the maximum to go as high as $3,500 would be amply sufficient. He was willing to give the postmasters a just and reasonable compensation—to fix a limit, and stop there; and then, if people were willing to pay more for these boxes, why let it go to the Treasury. As to the increased number of boxes that had been apprehended, it was but an experiment, and they were not certain that such would be the result; and if it should prove to be inconvenient, the time between this and the next session was but short, and they could then remedy it. He thought, also, that the privilege should be extended as far as possible, for it was their duty to afford the conveniences of the post office to all, and not to confine it to a few individuals. He was glad that the attention of the Senate had been turned to the subject: he did not think that the question would be decided to-day, and he hoped gentlemen would give their consideration to the amendments of the committee, so as to come to a decision when the subject was brought before them again.

Mr. CALHOUN here moved, as the hour of one had arrived, to lay the bill on the table, and proceed to the special order; which was agreed to; and

The Senate took up the bill to regulate the deposits of the public moneys.

THE PUBLIC DEPOSITS.

Mr. WRIGHT moved to amend the bill in the thirteenth section, by providing that the outstanding appropriations shall be deducted prior to making the distribution of the surplus to the States.

Mr. CALHOUN opposed this amendment as unnecessary, and as contrary to the objects of the bill. Considering the very heavy and unusual appropriations of this year, he estimated the amount of the outstanding balances at eight or nine millions, and he submitted to Senators whether it was wise and consistent with the objects of the bill to leave so large a sum where it now was. Was it for the convenience of the deposit banks? He could not suppose that gentlemen had that object in view. He thought that the appropriations of this year were so large that the balances to be carried over would be sufficient for the whole of the appropriations for the next year.

Mr. WRIGHT said, that he had himself anticipated, with the Senator from South Carolina, that the balances of the outstanding appropriations for this year would be unusually heavy, and his object was, that the Treasury might be able to meet the appropriations that they now made, and the appropriations for the next year. He would assuredly vote for no appropriation of the surplus that would leave the Treasury destitute of the means of meeting the appropriations they had made. Though only one fourth of the contemplated distribution was to be paid on the 1st of January, yet the amount was fixed and certain, and the other three payments would be made in April, July, and October. The sum to be disposed of was settled on the 1st of January; and it was no matter how much of it remained in bank after that day, because the fiscal officer could not touch it. If they intended that the appropriations should be used, could they pass this bill without the amendment he proposed? What was the object they had in view? If he understood the measure before them, it was to adopt some method for relieving the Treasury from its surplus, and for disposing of the amount of money not needed for the purposes of the Government. He understood this to be the sole and exclusive object of the bill. This being the case, were they ready to say that they had appropriated money which they did not design should be expended? He did not suppose that gentlemen meant this. He therefore desired to arrange this bill so that, while they were acting as if the Treasury was in danger from a surplus, they were not to bring it to want. How could he better do this than by the amendment he proposed? In confirmation of his own views on this subject, he called the attention of the Senate to the fact, that this amendment was in accordance with the uniform practice of the Government. Such was the practice of the sinking fund act of 1817, declaring that the sum of two millions should be retained in the Treasury before applying the balance to the reduction of the public debt. That was a salutary practice, preventing the Treasury from being reduced to want, and should be rigidly adhered to on this, as well as on all other occasions. It was not his purpose (Mr. W. said) to amend this bill further than to make it what it was intended to be.

Mr. WEBSTER observed that this amendment was very material. It went to diminish the sum

which should be distributed, and, so far, to defeat the object of the bill. The amount of unexpended appropriations might be twelve or fourteen millions. We all know (said Mr. W.) that a balance remains every year, and is provided for by the income of the following year; and this always happened, because the Government never expended within the year all the moneys appropriated. The only question was, whether, as the bill then stood, it endangered the means of the Treasury for the demands of the next year? This was the question. He thought there was no danger. Although he could not say what might be the income of the next year, still he did not see any probability of so great a falling off as would bring down the income of the next year so low as had been supposed. Of the unappropriated balances of this year, not more than nine or ten millions could probably be called for next year; and he thought that not more than ten or twelve millions of the appropriations of the next year could be called for within that year. In this view, the actual wants of next year would amount to twenty-two millions or thereabouts; and he thought there was no doubt of there being sufficient means in the Treasury to meet this amount. It was to be remarked, that of the $8,000,000 which would be coming from the stocks in the late Bank of the United States, it was not known that all would be received within this year. He hoped much of it would; but it was not certain that all of it would; and, if not, the residue remained to swell the general amount in the Treasury next year. He saw no plausible estimates either of the probable income or the probable expenditure of next year, which rendered it necessary for them to adopt the amendment.

Mr. WALKER said that, if the amendment of the Senator from New York did not prevail, it appeared to him that the Senate would be making a triple appropriation. First, an appropriation under the bill to distribute the proceeds of the sales of the public lands; secondly, the appropriation under this bill, by way of loans to the States, without interest, of the surplus in the Treasury; and lastly, for the purpose of swelling out that surplus, an appropriation under the same bill of the unexpended balances. He was opposed to these triple appropriations of the same money. He was opposed to the progression of these three experiments at the same time; and he thought that it would be better to ascertain the result of the first experiment before they tried another. Gentlemen defended this bill on the ground of a new juncture in our affairs having an immense surplus that it was absolutely necessary to dispose of. Now he should think that, if there was this immense surplus in the Treasury of thirty millions, as it was said, it was sufficiently large to distribute to the States without breaking in upon the appropriations for the necessary purposes of the Government. The refusal to adopt this amendment would, in his opinion, sweep away with it every apology for the passage of this bill; for the bill had been mainly advocated on the ground that there was an immense surplus that it was absolutely necessary for them to dispose of. Mr. W. continued his remarks to some considerable length in support of the amendment.

Mr. EWING, of Ohio, supported the amendment in an argument of great length, taking a view of what would probably be the amount of the unexpended balances at the end of the year, with an estimate of the probable amount of the receipts and expenditures for the three or four coming years. The ancient practice (he said) had never been to consider the unexpended balances in the Treasury as pledged money, but, in paying off the national debt, the Secretary of the Treasury always brought the balance down to $2,000,000, which was as large a sum as he ever permitted to remain in the Treasury without having any reference at all to unexpended balances. To talk of appropriating the same money twice, was a thing that he did not expect to hear from the Senator from New York, though he was not surprised at hearing it from other quarters. They never appropriated any particular money in the Treasury. It was sufficient that the money was in the Treasury at the moment that the draft called for it; and, in appropriating money, they always appropriated what would be in the Treasury when the draft should be made. He did not concur with the Senator from Massachusetts in the belief that there would be but little value in the bill if the amendment prevailed; for he thought that there would still be a considerable surplus if the receipts from the customs and the land sales did not disappoint his expectations.

Mr. BUCHANAN observed that, so far as he was concerned, he should continue this debate in the same temper in which it had commenced; and should not stop to inquire whether there had been any true or false prophets there. No subject had ever presented itself to his mind more involved in difficulty than this proposition. How far he should vote for it would be known when they came to take the question. The amendment, however, of the Senator from Massachusetts had obviated many of his objections. It was now a single division, and they would not be continuing the system until the year 1842, as was at first proposed. He did hold that the idea of distributing the surplus revenue from the Treasury, derived from taxes, must, if persisted in, lead to the destruction of this Government, because the time might come when members of Congress, opposed to the Government, might argue that by so much as they embarassed it so much would they benefit the States they represented. This would place the country in a most embarrassing situation.

Now, as to the amendment of the Senator from New York. Whatever sum was to be distributed under this bill, he looked upon the amendment as a wise proviso. It was in conformity with the act of 1817, introduced by as pure and upright a man as ever existed in this country, and who was acknowledged by all, even his political opponents, to have no other object in view than his country's good. Mr. B. then described the sinking fund act of 1817, and compared it with the amendment. Was not this (he said) a wise and just provision? Could human foresight pretend to penetrate the future; and was it not wise and just for them to avoid the being left to the mercy of contingencies? He confessed that, when this amendment was first proposed by the Senator from New York, it struck him that no reasonable objection could be made to it. Let the distribution be what it might, they must, to be consistent, except from it what had already been appropriated for the wants of the Government. He confessed that he looked at the opposition to this amendment with some degree of alarm. We have appropriated (said he) so much money, and that we ought in policy to retain, to prevent embarrassment to the Treasury. The Senator from Massachusetts estimated that, on the 1st day of January ensuing, there would be a balance in the Treasury of fourteen millions of outstanding appropriations, and the Senator from Ohio estimated them at from seventeen to eighteen millions. We deprive ourselves, then, of all this money which is to be in the Treasury on the 1st of January; and what was to be in the Treasury next year? Why, eighteen millions. Now, was there any Senator there who would say that it was safe for them to rely on the income of the next year for the payment of this unexpended balance of appropriations, and also for the payment of the current expenses of the year? Was this action with suitable caution? As to the income from the public lands, nothing could be more unsafe than to rely on them. From causes which Mr. B. assigned, there was (he said) every probability that there would be a considerable falling off in the sales, and, indeed, that a great reflux would take place; and whether this reflux would take place this year or the next was impossible for them to decide. But let that reflux take place, and what was their condition? They would be in debt seventeen or eighteen millions of dollars, and have to provide for the expenses of the Government, contingent or certain. That would be their situation. Now let the sum to be distributed under this bill be much or little, for one, he thought, they ought to follow out the salutary policy of the Congress of 1817, and he should therefore vote for the amendment.

Mr. EWING, of Ohio, rose to correct the gentleman from Pennsylvania. He did not say that the unappropriated balance would be seventeen or eighteen millions, but that he would take the largest sum stated.

The debate was further continued by Mr. CALHOUN, Mr. MORRIS, Mr. WEBSTER, and Mr. WRIGHT; after which,

Mr. TALLMADGE offered an amendment, the effect of which is that the Secretary of the Treasury shall be authorized to sell the certificates to be given by the States, in the event of there not being money in the Treasury to meet the appropriations made by Congress. This amendment being agreed to,

Mr. CALHOUN then moved to fill the blank in the third section for the sum to be retained in the Treasury with five millions.

Mr. WEBSTER proposed three millions; which, he said, was sufficiently large, after the amendment of the Senator from New York, [Mr. TALLMADGE.]

The question was first taken on five millions, being the first in order as the largest sum, and carried—ayes 22, noes 18.

Mr. WRIGHT then moved to recommit the bill to the Committee on Finance, with instructions to bring in two separate bills, one to regulate the deposits of the public moneys in the banks, and the other for the distribution of the surplus to the States.

This motion was decided in the affirmative—yeas 23, nays 20:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, and Wright—23.

NAYS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Swift, Tomlinson, and Webster—20.

ADJOURNMENT OF CONGRESS.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had passed the joint resolution of the Senate for the adjournment of the present session of Congress, with an amendment, in which they asked the concurrence of the Senate.

[The amendment assigns the 4th day of July next for the day of adjournment.]

On motion of Mr. WEBSTER, the message was laid on the table.

Mr. WHITE, who voted with the majority, moved to reconsider the vote taken on committing the deposit bill to the Committee on Finance; but before taking this question,

On motion of Mr. WRIGHT, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 14, 1836.

Mr. HAYNES moved that the House take up and consider the joint resolution from the Senate fixing the day of adjournment of the present session of Congress.

Mr. HAWES objected.

Mr. HAYNES moved a suspension of the rules for the purpose.

Mr. CHAPIN asked for the yeas and nays; which were ordered; and were—yeas 126, nays 47; as follows:

YEAS—Messrs. Heman Allen, Ashley, Bailey, Barton, Beale, Bean, Bockee, Boon, Bouldin, Bovee, Briggs, Brown, Buchanan, Burns, William B. Calhoun, Campbell, Carr, Casey, Chaney, Chapin, Nathaniel H. Claiborne, Cleveland, Corwin, Craig, Cramer, Cushing, Cushman, Darlington, Deberry, Dickerson, Dickson, Doubleday, Dromgoole, Efner, Evans, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Granger, Grennell, Haley, Hiland Hall, Hamer, Harlan, Harper, Samuel S. Harrison, Haynes, Hazeltine, Heister, Hoar, Hopkins, Howard, Howell, Hubley, Hunt, Ingersoll, William Jackson, Jabez Jackson, Janes, Richard M. Johnson, Cave Johnson, Henry Johnson, Judson, Kilgore, Lane, Lansing, Laporte, Lawrence, Joshua Lee, Lincoln, Logan, Lucas, Abijah Mann, Job Mann, Martin, John Y. Mason, Moses Mason, Sampson Mason, Maury, May, McComas, McKay, McKennan, McKim, Miller, Milligan, Morgan, Morris, Muhlenberg, Owens, Parker, Patterson, Pattou, Franklin Pierce, Phelps, Phillips, Reed, Boone, Robertson, Schenck, William B. Shepard, Augustine H. Shepperd, Shinn, Sickles, Slade, Smith, Spangler, Speight, Waddy Thompson, Toucey, Turner, Turrill, Vanderpoel, Ward, Wardwell, Washington, Webster, White, Thomas T. Whittlesey, and Sherrod Williams—126.

NAYS—Messrs. Ash, Bell, Bond, Boyd, Cambreleng, George Chambers, John Chambers, Chapman, Childs, John F. H. Claiborne, Clark, Crane, Denny, Everett, James Garland, Rice Garland, Hardin, Hawes, Huntsman, Jarvis, John W. Jones, Kinnard, Gideon Lee, Luke Lea, Lewis, Love, Loyall, Lyon, McCarty, McLene, Mercer, Parks,

Potts, Rencher, John Reynolds, Joseph Reynolds, Ripley, Seymour, Shields, Standefer, Storer, Sutherland, Tallaferro, John Thomson, Vinton, Elisha Whittlesey, and Lewis Williams—47.

So the rules were suspended; and

On motion of Mr. HAYNES, the House proceeded to the consideration of the said resolution.

The resolution was then read. It fixed the day of adjournment on the 23d day of May.

Mr. HAYNES moved to strike out that day, and insert the 27th of June.

Mr. MANN, of New York, moved to amend the motion by substituting the 4th of July. He said he did it in accordance with an understanding he had had with a number of gentlemen on that floor on a former occasion, in which those gentlemen had expressed a solicitation that the 4th of July, or as near that day as possible, should be fixed, with reference to the great interests of the western part of the Union. He knew those interests to be extremely important, and necessary to be acted upon during the present session of Congress. He hoped, therefore, the House would agree to fix on that day without debate or division.

Mr. HARDIN adverted to the time that had been occupied on the New York fire bill, and the appropriation bills, one of the most important of which was still pending. There were, also, other important measures yet to be acted upon, the subject of the surplus revenue, Texas, &c., and he could not, therefore, vote for any day nearer than the 11th of July; but the condition of the public business was such, that it was impossible at present to fix any day. He hoped the subject would be postponed till Monday next, when they might be better able to act upon it.

Mr. PARKS was opposed to adjourning on the 4th of July. He was aware that a great deal of the session had been taken up by debate, perhaps useless debate, without doing the business of the people. There had been a few of the appropriation bills passed, and the bills to admit two States into the Union, and that was pretty much all that had been done. The House had, by a large majority, determined to fix a day of adjournment; but it would become necessary for the House to reflect and consider what business is yet remaining undone. There were also other States which had business which needed action, besides the western States. There were yet to be acted on two fortification bills; the bill to organize the Treasury Department; the custom-house bill; a judiciary bill; a bill to reorganize the Patent Office; a bill to reorganize the Land Office; a bill to regulate the public deposits; an Army bill: a bill for the regulation of the Mint; a bill in relation to the Cumberland road; a bill to graduate the price of the public lands, and various other bills. All this business could not be done in eleven days. Much would have to be left undone; and whose business was to be left undone? He would not vote to fix the day of adjournment on the 4th of July, because it would be impossible to get through much of the important business of the House by that time.

Mr. WILLIAMS, of North Carolina, moved to refer the joint resolution to a select committee, with instructions to inquire into the expediency of proposing a day for the adjournment of the present session.

Mr. W. went on to contend that nothing was ever gained by fixing the day of adjournment, and he did not believe that the business before the House could be got through with in the time proposed. His object in making the motion he had was, that the committee should take up the subject, and examine into the state of the business before the House, with reference to its disposition and the time to adjourn.

Mr. MASON, of Virginia, hoped the proposition of the gentleman from North Carolina would be adopted, and especially that they would not waste time in discussing the subject.

Mr. SUTHERLAND adverted to the large mass of business before the House, bills indispensably necessary to be passed. The harbor bill, the light-house bill, the custom-house bill, and many others. The most important business of the country had been left undone, and he should vote for the most distant day.

Mr. HEISTER was opposed to the proposition of the gentleman from North Carolina, for he thought the House could dispose of and arrange its order of business as well as a select committee. He should go for the earliest day; and when a day was once fixed business would be expedited, and he should vote for the earliest day.

Mr. LEWIS thought the subject had better be postponed, and he hoped the House would pass to the orders of the day.

Mr. WHITTLESEY, of Ohio, was in favor of the proposition of the gentleman from North Carolina. It was the old practice of Congress to raise a committee to inquire into and recommend what business should be immediately transacted, and that practice fell into disuse only at the Twenty-First or Twenty-Second Congress. He could not see how any western gentleman could vote for an early day of adjournment. He referred to the fact, that the city of New York alone had more time devoted to its own individual business than the whole country west of the Alleghany mountains, whether the business be of a public or private character.

Mr. HAYNES said he would harmonize the two propositions as to fixing the day, and accept the motion of the gentleman from New York [Mr. MANN] as a modification of his own.

The question accordingly recurred on fixing on the 4th of July.

Mr. CAMBRELENG expressed his surprise that the gentleman from Ohio [Mr. WHITTLESEY] should advocate the proposition for a select committee on this subject, since it was well known that, when it was the practice to raise such a committee, their report was invariably set aside in the House. He should vote against it.

Mr. C. said he had uniformly voted against fixing any day of adjournment, and he had been governed in that vote by one consideration alone. It was this—that he would not vote for any day fixing the day of adjournment until the bill regulating the deposits of the public money was either passed, or failed. Two years ago the House sent this bill to the Senate, which body never returned it. One year ago, the bill was defeated in the House by an amendment moved by an Opposition member, which would have rendered it totally inoperative. Mr. C. also expressed his surprise at what fell from the gentleman from Ohio in reference to the bill for the relief of the city of New York. That bill related to nothing more than the collection of the public revenue, in which every portion of this Union was just as much interested as the city of New York. But he should like to know whose fault it was that that bill had occupied two months? Certainly not the fault of the delegation from New York, or of the majority of the House.

A large majority were evidently, from the vote given that morning, determined to fix some day for adjournment; and, if they did, he hoped they would fix the longest day. He did believe, however, that, when the day was once fixed, they would transact more business in ten days than in two months without it.

Mr. SPEIGHT should vote against the proposition of his colleague, because it was asking a select committee to do that which every member of the House could do for himself, by referring to the Calendar, viz: ascertain the state of their business. He was disposed to vote for a day certain.

Mr. BRIGGS inquired which motion then pending had precedence?

The CHAIR replied, the motion of the gentleman from North Carolina to commit with instructions.

Mr. BRIGGS was in favor of fixing the day on the 4th of July.

Mr. BOON rose and said that all who knew him as a member of the House of Representatives, knew full well that he had at no time evinced a disposition to delay action on the business of the House, or to produce a long session. He had sat in his seat six and a half months during the sittings of Congress, and had given his vote upon many questions in which his constituents were not particularly and immediately interested; in the mean time, he had been assured by many highly respectable gentlemen from the old States, that something should be done for the people of the new States in the West before the adjournment of Congress, and he hoped that those gentlemen would make good their promise. Mr. B. said that he would only advert to three bills in which the people of the State which he had the honor, in part, to represent, felt a deep and abiding interest. I allude (said Mr. B.) to the Cumberland road bill, the bill to graduate and reduce the price of the public lands, and the bill to reorganize the General Land Office.

Sir, I consider the bill last named one of the most important that has been presented to the consideration of Congress. The passage of this bill is not only of vast importance to the people of the new States, but, sir, it is of vast importance to all those of the old States of the Union who have purchased any portion of the public lands. Mr. B. said that he would vote for the 4th day of July as the day to be fixed for the adjournment of Congress. He would (he said) vote to adjourn on to-morrow, if those bills which he had named were acted upon, and such other bills as might be indispensably necessary for the common defense of the country.

Having said thus much, Mr. Speaker, I will now (said Mr. B.) reply to the gentleman from Massachusetts, [Mr. BRIGGS,] who has just resumed his seat. That gentleman has said that those of this House who are opposed to this Administration are in a "snug minority of some forty-five," and rather tauntingly asks how it is that the *minority* in this House can defeat the wishes and the will of the majority?

The gentleman from Massachusetts tells this House and the country, that the friends of the Administration in this House are in an overwhelming majority; and again asks the question how it is that the minority in the House are liable to the charge of defeating the will of a majority? Mr. B. said, I will tell the gentleman from Massachusetts and the country at large, how it is that the party in politics opposed to this Administration have managed to embarrass the proceedings and business in this House, and to defeat the will of the majority. Sir, it is in *Committee of the Whole House*, where the "*previous question*" cannot be applied, that the minority can detain the majority as long as a proposition to *amend* shall be undecided, and where debate is unlimited. Such has been the course of the party opposed to this Administration throughout this very protracted session. *Amendments* have been proposed and debated at great length by the minority in this House, which they well knew would be voted down by the majority so soon as the subject could be brought into the House, where the "*previous question*" could be applied.

Sir, I recollect that *one amendment* proposed by an Opposition man to one of the appropriation bills some time since, was discussed in Committee of the Whole for weeks together. Sir, (said Mr. B.,) there is another mode by which the minority in this House have wasted its time, and caused delay in the business of the House; that is, by frequent calls for the *yeas* and *nays* on immaterial questions, such as a motion to *adjourn*; for a *call of the House;* for the previous question, and on *points of order*. Each taking of the yeas and nays consumes about one half hour of the time of the House. Search the Journals of the House, and I venture to assert, that it will be found that nine times out of ten, those delays have been produced by motions and calls by the party opposed to this Administration. It is in this way, and by long speeches, that the time of the House has been taken up, and the business of the country neglected. Sir, if the majority in politics in this House will go with me for the "previous question" every two hours in the day, (as the people themselves would could they be here and witness our proceedings,) the business of the House would be proceeded in, and some beneficial results might yet grow out of our labors.

Mr. DUNLAP regretted to see such an earnestness on the part of many gentlemen to fix a day of adjournment, for he did not concur in the reasons assigned in its favor. He hoped no day of adjournment would be fixed, but that they would first act upon all the public and private business before them, and then adjourn.

Mr. MANN, of New York, replied at some length to the remarks of the gentleman from Ohio

in reference to the time the New York bill had occupied. Neither the delegation from New York, nor the majority of the House, were responsible for the very wide range the debate had taken; but the greater part of it came from the delegation from Kentucky.

Mr. GRENNELL was in favor of letting the House act as its own committee, and settle this matter at this time, for he did not think that they could come to a more satisfactory conclusion by referring this subject to a committee. They had a Calendar laid on their table every week; and he thought they could determine now as well as if the subject were referred to a committee. He was opposed to protracting the session on account of any action being had in relation to Texas; but he would vote for fixing the 4th day of July as the day of adjournment.

Mr. LANE thought the better way of determining on the day for the adjournment of the House was by looking at the business which was to be done. He was for having the deposit bill acted upon, because he considered the responsibility which was thrown upon the President was too great to be put in the hands of any individual. He said the nation looked to Congress to act upon this bill before they adjourned, and it would take some time to discuss this single bill. Then the bills chartering the banks of the District were to be acted on, to prevent bankruptcy and ruin to the people of the District. If the 4th of July was fixed as the day of adjournment, the bills for the western country must go unacted on; and he was unwilling to fix a day of adjournment, to cut off action on those bills.

Mr. HOWARD suggested a modification to the amendment of the gentleman from North Carolina, that the select committee consist of the chairmen of all the standing committees of the House; which Mr. WILLIAMS accepted, and his amendment was so modified.

Mr. PEARCE, of Rhode Island, approved of the modification, and was more in favor of the resolution now than he was before. He was aware that all the bills now before the House could not be acted upon; and he thought they might follow a precedent which had heretofore been set by referring the subjects before the House to a committee, for the purpose of determining which was the most important business. In relation to the deposit bill, he thought there ought to be but one opinion, which should be, that Congress should not adjourn until that bill was passed. He thought to refer the matter to prominent members of House was the motion which ought to prevail. He was in favor of fixing as early a day as possible; but he would take into consideration the business which was to be done.

Mr. PATTON moved to lay the whole subject on the table for the present, but subsequently withdrew it.

Mr. HAWES was in favor of the motion to commit this subject to a committee. He was in favor of having as much of the public business transacted as possible before they adjourned. He alluded to the bill to make appropriations for the West Point Academy as a measure which would occasion considerable debate, as Mr. H. himself intended speaking some hours to show the corruptions of that institution. Mr. H. concluded by moving to postpone this resolution until Monday next.

Mr. EVERETT said he had uniformly voted against the suspension of the rules to take up this resolution, and he would now state the reason why he had so voted, and why he was now ready to fix the day for adjournment. He had voted against the suspension of the rules, because he did not wish to fix the day of adjournment until the bill for the distribution of the proceeds of the public lands should be finally acted on. He foresaw, and he presumed every friend of that measure must have foreseen, that if the day was previously fixed we had no security that that bill would be taken up. The friends of that measure had it in their power (it requiring a vote of two thirds) to say that the day of adjournment should not be fixed until it was taken up; they knew that by surrendering the power in their hands they gained nothing; their opponents would not adjourn until they were prepared. By the vote now taken suspending the rule, the power was surrendered. He considered it as evidence that the friends of the bill no longer entertained a hope that it would be taken up, and if that was not to be taken up, he should vote for the earliest day of adjournment.

Mr. ASHLEY would prefer the 11th of July.

The question was taken on the motion to postpone till Monday next; which was negatived—ayes 61, noes not counted.

The proposition of Mr. WILLIAMS was rejected without a count.

The question then recurred upon the motion to insert the 4th of July.

Mr. HEISTER moved to insert the 27th of June; and

Mr. ASHLEY moved to insert the 11th of July.

These motions were ruled not then to be in order.

Mr. HEISTER asked for the yeas and nays on the first motion; which were ordered.

Some conversation took place as to the mode in which the question should be propounded, between the CHAIR, Messrs. GARLAND of Louisiana, VANDERPOEL, and GRENNELL. The point was, whether the date in the resolution, as it came from the Senate, should be considered in blank? If so, the vote would be taken on the longest time first; if not, the questions would be taken in the order in which they were made.

Mr. LEWIS said, as the bill changing the time of meeting of Congress might again come up, and be acted on, he would move to postpone the further consideration of the subject till Tuesday next; which was lost.

The question was then taken on inserting the 11th of July, (as an amendment to fixing the 4th,) and decided in the negative—yeas 73, nays 137.

The question recurring on inserting the 4th of July,

Mr. HEISTER moved to insert the 27th of June; which was lost.

Mr. ROBERTSON moved to insert the 2d of July. He gave, as a reason for the motion, the fact that the 2d was on a Saturday, and he presumed that Congress would not transact business on the 4th of July, unless there was some imperious necessity for it.

The motion was lost; when the motion to insert the 4th of July was agreed to; and the resolution, as amended, was concurred in.

Mr. JUDSON, from the select committee appointed to take into consideration the subject-matter of an assault committed within the Hall of the House of Representatives on Saturday last, by general consent made a report; which was ordered to lie on the table, and be printed.

Mr. STORER inquired of the Chair if that was the proper time to move to take up the bill in relation to the northern boundary of Ohio? but, after a few words from the Chair, he withdrew the motion.

MICHIGAN AND ARKANSAS.

The following bills from the Senate were taken up, read twice, committed to the Committee of the Whole on the state of the Union, and embraced in the special order:

The bill supplementary to the act to establish the northern boundary line of Ohio, and to provide for the admission of Michigan into the Union; and

The bill to provide for the due execution of the laws of the United States within the State of Michigan.

Mr. MANN, of New York, moved to include the following bill also in the special order:

An act to settle and establish the northern boundary line of the State of Ohio.

Objection being made, Mr. MANN withdrew the motion.

On motion of Mr. SEVIER, the House went into Committee of the Whole on the state of the Union, (Mr. PIERCE, of New Hampshire, in the chair,) and proceeded to consider the following bill:

An act supplementary to the act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes.

The bill having been read,

Mr. VINTON moved the following amendment as an additional section to the bill:

Be it further enacted, That the eighth section of an ordinance passed by the convention of delegates at Little Rock, assembled for the purpose of making a constitution for the State of Arkansas, which is in the following words, viz: "All that section of country lying west of the western boundary of the State of Arkansas, which was formerly a part of the Territory of Arkansas, under the provisions of an act of Congress, approved the 25th day of May, 1824, entitled 'An act to fix the western boundary line of the Territory of Arkansas,' and which was ceded by the United States to the Cherokee and Choctaw Indians, whenever the Indian title shall be extinguished to the same, shall be attached to, and form a part of, the State of Arkansas; and when the said Indian title shall be extinguished, the western boundary of the said State shall be in accordance with the provisions of the said act of Congress," be, and the same is hereby rejected.

Mr. VINTON addressed the committee at some length in support of the amendment; and after some remarks from Messrs. SEVIER, PARKER, LOVE, PATTON, CUSHING, CAMBRELENG, HOWARD, HUNTSMAN, EVERETT, STANDEFER, and McKAY,

Mr. VINTON withdrew his amendment, and offered the following:

Strike out the word "that" in the first section of the bill, and insert the following: "In lieu of the proposition submitted to Congress by the ordinance of the convention of delegates held at Little Rock, assembled for the purpose of making a constitution, which is hereby rejected."

Which, after a few remarks from Messrs. TOUCEY, CHAMBERS of Pennsylvania, and SEVIER, was agreed to.

The bill was then laid aside, and the committee took up the bill supplementary to the act to establish the northern boundary line of Ohio, and to provide for the admission of Michigan into the Union.

The bill having been read,

Mr. VINTON moved the same amendment to this bill he had moved to the Arkansas bill, and which had been agreed to, merely changing the words "Arkansas" and "Little Rock," to "Michigan" and "Detroit."

After some remarks from Messrs. GARLAND of Louisiana, SEVIER, ROBERTSON, VINTON, LANE, and HUNTSMAN, the amendment was agreed to.

Mr. ROBERTSON moved a further amendment, repealing that part of the third section of the act to which this bill is supplementary, relating to the member and Senators elected to Congress from Michigan. Mr. R. stated as a reason for the amendment, that it conflicted with the Constitution of the United States, which gave to each House the right to judge of the qualifications of its members.

After a few words from Mr. TOUCEY, the amendment was lost—ayes 53, noes 77; and the bill was laid aside.

The committee then took up the bill to provide for the due execution of the laws of the United States in the State of Michigan.

Mr. LANE moved to reduce the salary of the district judge from $2,000 to $1,500, and also that the same salaries be paid to each of the district judges of Ohio, Indiana, Illinois, and Missouri, [in those States they are now $1,000;] which, after a few remarks from Messrs. LANE, TOUCEY, and WHITTLESEY of Ohio, was rejected.

Mr. WILLIAMS, of North Carolina, then moved to reduce the salary of the district judge of Michigan to $1,500; which was agreed to—ayes 80, noes not counted.

On motion of Mr. CAMBRELENG, the committee then rose and reported the bills and amendments to the House.

The Speaker having resumed the chair,

The House concurred in the amendment of the Committee of the Whole to the Arkansas bill, and the same was ordered to be engrossed for a third reading to-morrow.

The second bill, in relation to Michigan, being taken up,

Mr. ROBERTSON renewed the amendment offered by him in Committee of the Whole, and asked for the yeas and nays thereon; which were ordered.

Mr. TOUCEY raised the point of order that the amendment could not be moved, inasmuch as it was wholly dissimilar from, and unconnected with, the subject of the bill.

The CHAIR overruled the objection; and the question being taken on the amendment, it was decided in the negative—yeas 59, nays 96.

Mr. TOUCEY moved an amendment, directing the manner in which the university or seminary lands should be located, viz: by the Legislature, and in quantities not less than one quarter section each.

Mr. STORER called the attention of the House to the fact, that the trustees of the Michigan seminary or university had located some of their lands within the territorial limits of the State of Ohio, and others on the most valuable and richest sections bordering on the Maumee, south of the line established in the bill providing for the admission of Michigan into the Union.

After a few remarks from Messrs. WHITTLESEY of Ohio, TOUCEY, STORER, and VINTON, the amendment was rejected.

Mr. WHITTLESEY then submitted a proviso to the same to secure the rights of persons who had purchased grants from the trustees, which was agreed to; and the bill was ordered to be engrossed for a third reading to-morrow.

The amendment to the bill to provide for the due execution of the laws of the United States in the State of Michigan, was then concurred in; and that bill was also ordered to a third reading to-morrow.

Mr. SUTHERLAND asked leave to set apart Monday next, at eleven o'clock, and each succeeding day thereafter, Fridays and Saturdays excepted, for the purpose of taking up and considering the harbor bill, the light-house bill, and the bills in relation to the Cumberland road.

Objection being made, Mr. S. moved a suspension of the rules.

Mr. GRAVES moved to amend the motion by including the bill in relation to the Louisville and Portland canal; which was lost without a count.

Mr. SPEIGHT moved an adjournment; which was agreed to—ayes 80, noes 59; so

The House adjourned at six o'clock, p. m.

IN SENATE.

WEDNESDAY, *June* 15, 1836.

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary, transmitting a report from the Secretary of State, in compliance with the resolution of the 11th instant, respecting depredations committed by the Mexicans on the property of Messrs. Choteau and De Man; which, on motion of Mr. LINN, was referred to the Committee on Foreign Relations.

REPORTS FROM COMMITTEES.

Mr. TIPTON, from the Committee on Military Affairs, to which had been referred the bill for the relief of Abraham Forbes, without amendment, moved that it be now taken up and considered; which motion was agreed to.

Mr. EWING, of Ohio, who had not attended to the motion for taking up this bill, objected to the consideration of private bills out of their order, and moved to lay it on the table; which motion was agreed to—ayes 19, noes 12.

Mr. DAVIS, from the Committee on Commerce, to which had been referred the bill from the House to regulate the compensations of certain officers of the customs, reported the same with amendments; which were read.

Mr. TOMLINSON, from the Committee on Pensions, to which had been referred the bills from the House for the relief of Stephen Talmadge and Thaddeus Potter, reported them severally without amendment.

Mr. NAUDAIN, from the Committee on Claims, made an adverse report on the petition of Phineas Meigs, and the committee was discharged from the further consideration thereof.

NORTHEASTERN BOUNDARY.

A message was received from the President of the United States, transmitting a report from the Secretary of State, inclosing a copy of the correspondence with the British Government on the subject of the northeastern boundary of the United States.

Mr. CLAY observed that he had not had time to look at this correspondence to judge whether it would be proper to publish it to the world or not. This was now submitted to the judgment of the Senate and thrown upon their responsibility, a proceeding, he would remark, rather unusual with the President, who was in the habit of taking all responsibility upon himself. The responsibility, however, being thrown upon the Senate, it appeared to him that they ought to meet it, and if there was anything proper to be published to the world, to decide upon having it printed. He would infer that there was nothing in the opinion which should prevent the publication of the correspondence, because he believed that the resolution was framed in the usual way; requesting the President to communicate such information only as the public interest did not require to be withheld. He should think, however, that the two Senators from Massachusetts and Maine ought to be consulted with regard to this matter; and, if it was referred to the Committee on Foreign Relations, they could have ready access to the papers, and the committee would with great pleasure avail themselves of the benefit of any suggestions they might make. For the present, Mr. C. said he would content himself with moving the reference of the papers to the Committee on Foreign Relations.

Mr. SHEPLEY was very willing that the reference should be made. He would observe, however, that there was nothing unusual in the sending of this correspondence to the Senate, in compliance with the resolution calling for it. If there was anything unusual, it was in the resolution calling on the President for this correspondence, when there was no evidence that the negotiation was not still pending.

Mr. CLAY did not say that it was unusual for the President to send this correspondence to the Senate. He said that it was unusual for him to throw the responsibility of the publication on the Senate, as he usually took all the responsibility on himself.

Mr. WEBSTER was quite satisfied with the reference moved by the Senator from Kentucky. It was on his motion that the resolution calling for this correspondence had been adopted, and this resolution not only left it discretionary with the President to communicate such information as might not, in his opinion, be improper for publication, but went to the length that it might be communicated confidentially, or otherwise. He thought the reference was a very proper one; and hoped it would be made.

The correspondence was then referred to the Committee on Foreign Relations, accordingly.

PRICE OF THE PUBLIC LANDS.

Mr. WALKER, from the select committee to which had been referred the subject of graduating and reducing the price of the public lands to actual settlers, made a report thereon, accompanied by a bill for that purpose; which was read and ordered to a second reading; and

On motion of Mr. LINN, five thousand copies of the report were ordered to be printed.

GABRIEL M. DENTON'S SURETIES.

The bill for the relief of the sureties of Gabriel M. Denton was read the third time and passed.

RESOLUTIONS.

Mr. PRESTON submitted the following resolution; which lies on the table one day:

Resolved, That the President of the United States be requested to communicate to the Senate any information in his possession, not incompatible with the public interest, touching the political condition of Texas, the organization of its Government, and its capacity to maintain its independence; and, also, any correspondence which may have taken place between the Executive of the United States and the Government of Texas and its agents.

Mr. WEBSTER submitted the following resolution:

Resolved, That the Secretary of the Treasury report to the Senate at the commencement of the next session of Congress such information as he may be able to obtain, together with his own opinion respecting the points or places in which it may be most expedient or necessary to establish marine hospitals for the relief of sick and disabled seamen.

Mr. W. said, on offering this amendment, that he had, for some time, entertained the opinion that it was just and expedient that one or more marine hospitals should be erected at the expense of the Treasury, on the western rivers and lakes. It was true that the marine hospitals now in existence on the Atlantic coast had been built out of the marine hospital fund. But the number of seamen, so to call them, who were employed on the western waters, had suddenly very much increased, and their case seemed to call for some immediate provision. The marine fund could not well bear the charge of making new hospitals, and yet they appeared to be necessary. He was desirous, therefore, of having all the information on this subject which they could obtain, so that Congress might take some effectual measure on the subject at the next session. It was very possible that some other hospital might be deemed necessary on the Atlantic coast; but the main demand at present was for the West. He wished for the whole subject to be brought before Congress, as he was very much inclined to think that it was their duty to make a proper provision on the subject.

The resolution was then agreed to.

PATENT OFFICE BUILDING.

Mr. RUGGLES, from the select committee, reported a bill to provide a suitable building for the accommodation of the Patent Office, and for purchasing the necessary furniture, &c.; which was read and ordered to a second reading.

PENSION BILLS.

Mr. BENTON, from the Committee on Military Affairs, reported bills for the relief of the widow of Dr. George C. Clitherell, and for the relief of the legal representatives of Captain I. Hudry; which were severally read, and ordered to a second reading.

PROTECTION OF THE NORTHWESTERN FRONTIER.

Mr. B., from the same committee, reported without amendment the bill from the House to provide for the better protection of the northwestern frontier.

BILL INTRODUCED.

Mr. B., in pursuance of notice given, asked and obtained leave and introduced a bill granting a certain quantity of land to the States of Mississippi, Alabama, Illinois, Indiana, and Missouri, for purposes of internal improvement; which was read, and ordered to a second reading.

NOTICE OF A BILL.

Mr. WRIGHT gave notice that he would, to-morrow, ask leave to bring in a bill anticipating the payment of the indemnity accruing to citizens of the United States under the treaties with France and the Two Sicilies.

COMPENSATION TO MICHIGAN REPRESENTATIVES.

The resolution submitted by Mr. BUCHANAN, relative to the payment of compensation to the Senators and Representatives from the State of Michigan, was considered and agreed to.

ADJOURNMENT OF CONGRESS.

On motion of Mr. WEBSTER, the resolution fixing the day for closing the present session of Congress was taken up, and the amendment of the House assigning the 4th of July next as the day of adjournment, was agreed to.

RECONSIDERATION.

The motion made yesterday by Mr. WHITE, to reconsider the vote on recommitting the bill to regulate the public deposits, was taken up, and, after debate, in which Messrs. WHITE, WRIGHT, WEBSTER, BENTON, CALHOUN, BLACK, and MORRIS, participated, the question was decided in the affirmative—yeas 22, nays 21; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Swift, Tomlinson, Webster, and White—22.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Shepley, Tallmadge, Tipton, Walker, and Wright—21.

The bill being thus again brought before the Senate, as in Committee of the Whole,

Mr. WRIGHT renewed his motion to recommit, so as to refer the substitute for the bill

reported by the select committee, together with the amendments made thereto by the Senate, to the Committee on Finance, with instructions to separate it into two bills; one relating to the regulating the deposit banks, and the other relating to the distribution of the surplus.

Mr. WEBSTER then moved to lay the whole subject on the table; which motion was agreed to.

SALES OF THE PUBLIC LANDS.

The bill to change the mode of conducting the sales of the public lands was taken up as the special order, and after some remarks from Mr. EWING, of Ohio, in support of the bill, and Mr. BLACK, in opposition to it,

Mr. PORTER moved to lay it on the table.

BANK OF THE UNITED STATES.

On motion of Mr. WRIGHT, the bill from the House, authorizing the Secretary of the Treasury to act as the agent of the United States, in all matters relating to the stock of the United States in the late Bank of the United States, was taken up; and, after being amended, was ordered to a third reading.

PATENT LAWS.

On motion of Mr. RUGGLES, the Senate took up the bill for the promotion of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose; and after being amended, the bill was ordered to be engrossed for a third reading.

After the consideration of Executive business, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 15, 1836.

As soon as the Journal of yesterday had been read,

Mr. ADAMS moved a correction of the Journal of the proceedings on Monday, in reference to the entry relating to his claiming the floor on that day after the motion of Mr. WILLIAMS of Kentucky, (see proceedings.)

Mr. A. having read his amendment at length,

Mr. HAMER hoped it was not intended to spread the gentleman's speech upon the Journal, because, if so, the same privilege must be accorded to other gentlemen who spoke on the question.

After some remarks from Messrs. PATTON, ADAMS, and WILLIAMS of Kentucky,

Mr. CAMBRELENG moved to lay the motion to amend the Journal on the table.

Mr. ADAMS called for the yeas and nays; which were ordered.

Mr. WISE asked if it was in order to lay such a motion on the table?

The CHAIR replied in the affirmative; for it was still in the power of the House to take it up again whenever they thought proper.

At the suggestion of Mr. HAMER, Mr. CAMBRELENG withdrew the motion to lay on the table, and moved the previous question.

Mr. ADAMS raised the point of order whether the gentleman from New York could withdraw the motion after the yeas and nays had been ordered on it, but the point was overruled by the Chair.

Mr. PHILLIPS asked for the yeas and nays on the motion for the previous question.

The CHAIR reiterated the decision frequently before made, that the call was not in order.

The House seconded the previous question, and ordered the main question; on which

Mr. PHILLIPS called for the yeas and nays; which were ordered; and were—yeas 51, nays 110.

So the motion to amend the Journal was lost.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting certain papers in relation to the claim of the heirs of Lieutenant William Cunningham; which was referred to the Committee on Revolutionary Pensions.

REPORTS FROM COMMITTEES.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill making further appropriations for carrying into effect certain Indian treaties; which was read twice and committed.

[This bill provided for certain treaties with the Cherokees, Chippewas, and a part of the Pottawatomies.]

Mr. C., from the same committee, reported a bill making further appropriations for the civil and diplomatic service for the year 1836; which was read twice and committed.

Mr. MERCER, from the Committee on Roads and Canals, reported a bill in relation to the grant of certain lands to the State of Alabama, for the purpose of improving the Coosa, Tennessee, Cahawba, and Black Warrior rivers; which was read twice and committed.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill for the relief of Benjamin Hewett;

Also, a bill to provide for the more effectual execution of the ministerial duties of the Navy Department; and

A bill to reduce to two heads of appropriations, certain appropriations for vessels of war, and for providing materials for the same; all of which bills were severally read twice and committed.

Mr. J., from the same committee, reported a resolution to set apart Monday next for the consideration of bills reported by the Committee on Naval Affairs; which was disagreed to.

Mr. ROBERTSON, from the Committee on the Judiciary, reported a bill for the relief of Daniel Ward and George Hickley; which was read twice and committed.

Mr. WHITTLESEY, of Ohio, from the Committee of Claims, reported Senate bill for the relief of John M. Gamble, with an amendment; which was committed.

Mr. W., from the same committee, made unfavorable reports in the following cases: Peter Porcher, Isaiah Frost, Catharine M. Smith, Wealthy Beckwith, Frederick Hathaway, William Flinn, Mary Hubbell, executor of James Flinn, Gates Hoit, Daniel Loomis, David Hull, William H. Morris, John Hine, William Byan, James Baker.

[In the last case the former report recommitted; present report to be printed, with a letter from James Baker to the honorable Mr. May.]

Mr. TOUCEY, from the Committee on the Judiciary, reported a bill for the relief of Benjaman Fry; which was read twice and committed.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Thomas Glascock, deceased; which was read twice and committed.

Mr. HEISTER, from the Committee for the District of Columbia, reported a resolution proposing to set apart Friday morning next, from ten to twelve o'clock, for the consideration of bills relating to the District of Columbia.

Mr. CAMBRELENG rose and gave notice that on Friday morning next he should ask the House to take up and consider the deposit bank bill.

Mr. THOMAS then moved to strike out "Friday next," and insert "next Tuesday week;" but subsequently moved another amendment "to except the bill from the Senate for the recharter of the banks of the District of Columbia;" which was lost.

The original resolution was then agreed to.

Mr. TALIAFERRO, from the Committee of Claims, reported a bill for the relief of Teakel Savage, administrator of Bolitha Lawes; which was read twice and committed.

On motion of Mr. OWENS, leave of absence was granted to Mr. HOLSEY, of Georgia, for the residue of the present session.

On motion of Mr. MARTIN, the Committee of the Whole was discharged from the further consideration of the bill for the relief of John Donaldson, Stephen Heard, and others; and the same was brought into the House; and after some conversation between Messrs. MARTIN, GARLAND of Louisiana, and HARDIN,

Mr. HARDIN moved an amendment; which was agreed to; and the bill, as amended, was ordered to a third reading; and having been engrossed, was read the third time and passed.

Mr. BOON, from the Committee on the Public Lands, reported Senate bill, without amendment, to remove the land office from Clinton to Jackson, Mississippi; which, by general consent, was read the third time and passed.

Mr. TAYLOR asked leave to offer a resolution that the House, during the residue of the present session, will take a recess from two o'clock to half past three, p. m., which being objected to,

Mr. T. moved a suspension of the rules; which was lost—ayes 83, noes 60.

Mr. CHAMBERS, of Pennsylvania, from the Committee of Private Land Claims, reported Senate bill for the relief of Butcher and others, with a recommendation that the said bill do not pass; which was committed.

BOOKS FOR NEW MEMBERS.

Mr. INGERSOLL moved a suspension of the rules, for the purpose of taking up and considering the resolution to provide books to the new members of the Twenty-Fourth Congress; which was agreed to—ayes 95, noes 37.

The resolution was then read, as follows:

Resolved, That the Clerk be directed to supply such members of the House as have not been provided under former orders, with the following books: the Diplomatic Correspondence; the Documentary History of the United States; the Land Laws; the American State Papers; the Register of Debates, including the two volumes of the First Congress, published by Gales & Seaton, and the two volumes of the last Congress; Contested Elections; Commercial Regulations; Secret Journals to 1778; Elliot's Debates. And that the Committee of Ways and Means be instructed to report a bill for the necessary appropriation to carry this resolution into effect.

Mr. SPEIGHT rose and remarked that, as he believed every gentleman was prepared to vote upon it, he moved the previous question; which was seconded—ayes 82, noes 42; and on ordering the main question,

Mr. MERCER called for the yeas and nays, but the House refused to order them; and the main question was ordered without a count.

Mr. UNDERWOOD then asked for the yeas and nays on the main question; which were ordered.

Mr. INGERSOLL asked the unanimous consent of the House to permit him to modify the resolution by excluding such books as were out of print.

Mr. UNDERWOOD objected.

Mr. ANTHONY moved to lay the resolution on the table; and

Mr. SMITH called for the yeas and nays; which were ordered.

Mr. ADAMS asked the gentleman from Pennsylvania to withdraw the motion, to enable him to move a reconsideration of the vote by which the main question was ordered; accordingly,

Mr. ANTHONY withdrew the motion; and

Mr. MANN, of New York, renewed it.

Mr. HAWES asked for the yeas and nays; which were ordered; and were taken.

Before the vote was announced,

Mr. MANN raised the question of order that, by former decisions of the House, and the rule adopted the other day on the Michigan and Arkansas bills, this resolution must be considered in the Committee of the Whole, inasmuch as it involved an appropriation of money.

The CHAIR said that was not the proper time to raise the question. The vote must be first announced, and then, if the question was raised, the Chair would have no difficulty in deciding.

The vote was announced to be—yeas 82, nays 99; so the House refused to lay the resolution on the table.

The period for which the rules had been suspended having expired,

Mr. CHAPIN moved a further suspension for one hour to proceed with the consideration of the above resolution.

Mr. MANN asked for the yeas and nays; but the House refused to order them; and the question being taken by tellers, was decided in the negative—ayes 94, noes 60, not two thirds; and the House passed to the special orders.

MICHIGAN AND ARKANSAS.

The following engrossed bills were then read a third time and passed:

The bill supplementary to the act entitled "An act to establish the northern boundary line of Ohio, and to provide for the admission of Michigan into the Union;" and

An act supplementary to the act entitled "An act for the

admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes;"

The bill to provide for the due execution of the laws of the United States within the State of Michigan.

Mr. MANN, of New York, moved that the House take up and consider the following bill, which had been laid on the table some days ago:

"An act to settle and establish the northern boundary line of the State of Ohio."

Mr. ADAMS said he thought that would be doing over again what had been already done, inasmuch as the provisions of this bill were embraced in the bill for the admission of Michigan into the Union; and would look as if the House distrusted the validity of that act.

The motion was agreed to, without a count.

Mr. MANN, referring to what had fallen from the gentleman from Massachusetts, remarked that it was to satisfy the scruples of gentlemen from Ohio as to the construction of the former bill. He himself saw no necessity for the passage of this bill, believing that Congress had expended their whole power over this subject on the other bill. In reply to the gentleman's question, what reason there was for the passage of this bill, Mr. M. would reply, according to the fashion of their own country, by asking another question, Why should it not be passed? The one question was as good as the other.

Mr. CRAIG argued that there were objections to the passage of this bill, and he proceeded to point them out.

Mr. BOULDIN said he would vote for the passage of this bill. He had voted for a degree of dispatch in passing the bills for receiving Michigan and Arkansas which was not his habit. He did it for peace sake. The United States and Ohio, as well as Michigan and Ohio, seemed, last summer, to be getting to a point which was little short of war. He had voted to give Ohio the land in dispute, and Michigan much more in the place of it, for peace sake. He did not think Ohio entitled to the land, but that the United States had the right, at least, to compromise the dispute, and give Michigan a quantity amply sufficient to make up for what was claimed by Ohio. He understood that this bill followed the lines of the bill lately passed; and why not pass it? The same motive that induced him to vote for more than ordinary dispatch and decision in passing the bill before alluded to, would induce him to vote for this bill.

Mr. HUNTSMAN made a few remarks on the same subject.

Mr. MILLER moved the previous question; which was seconded—ayes 74, noes 47; and the main question was ordered.

Mr. ADAMS asked for the yeas and nays on the main question; which were ordered; and were—yeas 122, nays 42; so the bill was ordered to a third reading.

The question being on the passage of the bill,

Mr. MILLER said he had but a very few words to say on this subject, and they were in explanation of his own vote. He had voted to lay the present bill on the table when it was first taken up for consideration, because there was a provision in another bill, (the bill for the admission of Michigan into the Union,) to settle the boundary line of Ohio. That bill has now passed, and establishes this disputed line as effectually as Congress can establish it. He therefore thought it was too late to entertain a discussion in relation to the force of the ordinance of 1787, and the right of Congress to settle the question. This body has acted, and has fixed the disputed boundary in the first section of the bill to admit Michigan. He thought this sufficient, and had voted against ordering the present bill to a third reading, because it only *reaffirms* that which we have already done. A large majority of the House, however, had thought proper to vote for it, in order to remove the doubts which some gentlemen have expressed. To this he did not object; but for himself, he believed it entirely unnecessary, and had therefore voted against it, and would do so again on its final passage.

After further debate by Messrs. ANTHONY, UNDERWOOD, BRIGGS, ADAMS, LOVE, WARDWELL, BOND, and KINNARD,

Mr. CAMBRELENG appealed to gentlemen not to continue the discussion. It was admitted on all hands that this bill was merely affirming the provisions of a bill which had passed the other day, and he hoped that discussion might not be protracted on a measure of this kind, when they had but fifteen days to act on the many important bills yet unacted on.

Mr. REYNOLDS, of Illinois, then moved the previous question; and the tellers reporting—ayes 63, noes 18—no quorum,

Mr. CHAPIN moved a call of the House; which was ordered.

After proceeding in the call for some time,

Mr. HEISTER moved that further proceedings be dispensed with; which was agreed to.

The previous question was then seconded without a count; and the main question, being ordered and put, was carried without a division.

So the bill was passed.

FORTIFICATION BILL.

In further execution of the special order of the 26th of January, the House, on motion of Mr. CAMBRELENG, proceeded to the consideration of the bill making appropriations for certain fortifications for the year 1836. The bill was reported from the Committee of the Whole, with sundry amendments; and the question was on concurring in these amendments.

The amendment pending was the following:

For fortifications, Charleston harbor, South Carolina, and preservation of the site of Fort Moultrie, $150,000; increased by the Committee of the Whole to $200,000.

Mr. HARDIN addressed the House in opposition to the large appropriations embraced in these amendments. This bill (he said) involved an amount of money of not less than $4,000,000. It could not be passed till the first of July, and from that time till the next session, it would be impossible to expend so large a sum upon one species of works, especially when we took into consideration the vast expenditures now going on in the States for their works of internal improvements. He was convinced the labor could not be found by which so much money could be expended.

Mr. H. referred to a variety of details on the subject, and cited some documents in support of his views, among which were letters from Generals Gratiot and Wool, to show that the amount proposed in this bill could not be judiciously expended, and that such an increase of fortifications would require a very great increase of military force.

Mr. PINCKNEY moved to amend the amendment by specifying the objects of appropriation, viz:

One hundred and fifty thousand dollars shall be applied to the construction of a sea wall for the preservation of the site of Fort Moultrie, and the remainder for the construction and repair of Castle Pinckney.

After a few words from Messrs. PINCKNEY, McKAY, and CAMBRELENG,

Mr. PINCKNEY withdrew his amendment.

Mr. CAMBRELENG then, in reply to the gentleman from Kentucky, [Mr. HARDIN,] went into a statement to show what were the objects of the appropriations contained in the bill and the amendments proposed by the committee. He said that there was now no surplus of former appropriations, and the appropriations now proposed would all be needed during the year.

The debate was further continued by Messrs. PARKER, GRAYSON, HALL of Vermont, CAMBRELENG, LOVE, SUTHERLAND, BRIGGS, BOON, and DENNY.

The amendment pending was still further debated, being supported by Messrs. SUTHERLAND and ADAMS, and opposed by Messrs. BRIGGS and THOMPSON of South Carolina; when

Mr. MAURY moved that the House adjourn; which was agreed to—ayes 75, noes 59.

So the House adjourned a little before eight o'clock, p. m.

IN SENATE.

THURSDAY, *June* 16, 1836.

The CHAIR communicated a report from the Secretary of War, with reports from the Commissary General and Third Auditor, relative to the enrollment and emigration of the Cherokees residing east of the Mississippi, made in compliance with a resolution of the Senate of February 6, 1836; and

On motion of Mr. WEBSTER, it was ordered to be printed.

The CHAIR also communicated a report from the Solicitor of the Treasury, in answer to a resolution of the Senate containing a statement of the accounts of Francis Cazot.

REPORTS FROM COMMITTEES.

Mr. WEBSTER, from the Committee on Finance, reported a bill in addition to the act making appropriations for the support of the Government for the year 1836; which was read twice, and ordered to a third reading.

Mr. TOMLINSON, from the Committee on Pensions, reported the bills from the House for the relief of Patrick McEwen and Jonathan Dow, without amendment, recommending the passage of said bills; and also reported, without amendment, the bills from the House granting arrearages of pensions to Moore Miller; for the relief of William Taylor; for the relief of Robert Lucas; and for granting arrears of pension to Josiah Wesley; recommending that said bills be rejected.

Mr. McKEAN and Mr. PRENTISS severally reported pension bills without amendment.

BILL INTRODUCED.

Mr. WRIGHT, on leave, introduced a bill providing for the payment, in anticipation, of the indemnities accruing to citizens of the United States under the French treaty of July, 1832, and the treaty with the King of the Two Sicilies of December, 1835; which was read, and ordered to a second reading. Mr. W. gave notice that he would call for the second reading of said bill to-morrow.

HUMPHREY MARSHALL.

On motion of Mr. LINN, the report of the Committee on Pensions, adverse to the petition of Humphrey Marshall, was taken up; and after a discussion, in which Messrs. LINN, CRITTENDEN, CLAY, and WHITE, took part,

On motion of Mr. KING, of Alabama, it was laid on the table.

SEMINARY LANDS OF FLORIDA.

The bill to authorize the Government and Legislative Council of the Territory of Florida to sell and convey the lands set apart for a seminary of learning in said Territory, the same having been considered as in Committee of the Whole, was taken up, and ordered to a third reading.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had passed the bills from the Senate, supplementary to the act to establish the northern boundary line of Ohio, and for the admission of Michigan into the Union; the bill supplementary to the act for the admission of Arkansas into the Union, and to provide for the execution of the laws of the United States in the same; and the act to provide for the execution of the laws of the United States in the State of Michigan; with amendments, in which they asked the concurrence of the Senate.

On motion of Mr. BUCHANAN, the Senate concurred in the amendments to the two first-mentioned bills; when

Mr. B. moved that the Senate disagree to the amendment to the last. This amendment reduces the salary of the district judge of Michigan from $2,000, as established by the Senate, to $1,500.

On motion of Mr. CALHOUN, the amendment was laid on the table.

BILL PASSED.

The bill authorizing the Secretary of the Treasury to act as the agent of the United States, in all matters relating to the Bank of the United States, was read the third time, and passed.

PUBLIC DEPOSITS.

On motion of Mr. WEBSTER, the Senate took up the bill to regulate the deposits of the public moneys; the question being on Mr. WRIGHT's motion to recommit the original bill,

with the substitutes reported by the select committee, and the amendments adopted by the Senate to the Committee on Finance, with instructions to divide them into two separate bills, so that one shall contain all that relates to the regulation of the deposit banks, and the other shall contain all that relates to the disposition of the surplus.

Mr. CALHOUN had no desire to embarrass this motion by any indirection or technicality; but he was exceedingly desirous that the parliamentary rule should be observed within a reasonable degree. The first question was on striking out the original bill introduced by himself, and inserting the substitute; and in that state of the question, the gentleman from New York moved to refer it, with the subtitutes and amendments, to the Committee on Finance, with instructions. He held that they could not refer amendments under any parliamentary rule, and that, in recommitting the bill, all the amendments not concurred in in the House fell to the ground. Now, these instructions referred to the amendments made to the bill in the Committee of the Whole; and therefore they referred to a matter, which, under the parliamentary rule, could not go before the Committee on Finance. He contended that when a bill was referred to a committee, all that it could do was to recommend amendments to it.

[Mr. C. here read the rule relating to the subject.]

The only parliamentary way in which the gentleman could get at his object, would be to move to strike out the thirteenth section, and bring it in as another bill.

Mr. WRIGHT said that he was perfectly unable to debate points of order, and was quite unwilling to engage in such discussions. His object was to avoid all technicalities, and to get at the sense of the Senate in the shortest possible way; and he therefore begged the presiding officer to decide the point of order. He would, however, observe that he was unable to discriminate between the committing a bill to a committee, with instructions to separate it into two parts, and the motion to strike out one part of a bill, and bring it in as a whole bill.

The CHAIR (Mr. KING of Alabama) stated that he had no doubts on the subject as to the power of the Senate. It could not only recommit the whole bill, but any portion of a bill, leaving the residue of it precisely as it stood either in committee or in the House. The parliamentary rule was precise. They could commit any portion of a bill to one committee, and the other portion to another committee, with instructions; and if they could thus commit two parts of the same bill to two different committees, it followed, of course, that they could instruct one committee to separate a bill into two parts. When it came thus separated before the Senate, it was in their power to take either proposition, or both, as the majority might decide.

The CHAIR here read the rule as follows:

"A particular clause of a bill may be committed without the whole bill, or so much of a paper to one and so much to another committee."—*Page* 148, *Jefferson's Manual.*

With respect to any amendments that had been made, it was the opinion of the Chair that they would fall when such commitment was ordered, unless they had been agreed to in the Senate; but this result can always be prevented by giving instructions.

Mr. MORRIS observed, that it would be recollected that he stated to the Senate yesterday, that, in his opinion, it would be better to keep the two principles contained in this bill together. He yesterday voted to divide them, and he did so for the accommodation of those gentlemen with whom he usually acted. Since that time he had conversed with several of his friends on the subject, and they had come to the conclusion that it would be best, under all circumstances, to keep all the parts of the bill together. He should now, therefore, reverse his vote, in order that the whole subject might be construed in all its parts at the same time.

The question was here taken on Mr. WRIGHT's motion to recommit the bill; and it was rejected —yeas 21, nays 25; as follows:

YEAS—Messrs. Benton, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, and Wright—21.

NAYS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Morris, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—25.

Mr. WALKER offered an amendment, the effect of which was, to strike out the ratio of the distribution of the surplus as provided for in the bill, and make it in proportion to the respective representation of the States in the Senate and House of Representatives.

On this subject (Mr. W. said) he desired to call the attention of the Senate to a table made out by a very accurate young gentleman, demonstrating what changes would be made in the portions of eighteen of the States, if his amendments should be adopted.

Mr. W. then read a table, showing that eighteen of the States will be the losers to a considerable amount by the distribution under the census of 1830. Now, it was admitted on all hands, that there could be no constitutional objections to the proposition embraced in this amendment. When the land bill was under discussion, he offered an amendment on this principle, and it was resisted on the ground that it was in violation of the ordinance of the State of Virginia. If there was to be any apportionment among the States, he appealed to every Senator if it ought not to be in accordance with equality and justice—that is, on the principle of population, not at the time the census of 1830 was taken, but at the time the distribution is to take place. This he considered the only just principle of distribution.

Mr. W. then read another table, showing what would be the ratio of distribution according to the representation in the Senate and House of Representatives, and went on to show that this would be more equal and more just. If the distribution was made according to the census of 1830, twenty-two States would be losers; but if they distributed according to the electoral college ratio, as he proposed, only two States would be the losers, and these two of the larger States, who would lose to a very small amount. The distribution as at present proposed, he looked upon as doing the greatest injustice to those new States whose population had increased since the last census.

Mr. WEBSTER was very willing to make any provision in this bill for the inequalities produced by the increase of population in the new States, but he was of opinion that there were insuperable difficulties in the way, and that the only plan of distribution that could be adopted was the one in the bill.

Mr. CALHOUN had been in favor of the plan of distribution proposed by the Senator from Mississippi, but had yielded his wishes in the committee, on the ground that it could not be carried through. It was in vain to contend against the opposition of six of the large States; and under these impressions he was constrained, though reluctantly, to vote against the amendment.

Mr. BENTON was glad that the Senator from Mississippi had taken the trouble to make out a table which showed the unequal working of this bill. He was glad that the Senator had made his motion, if no other good should result from it than to demonstrate the progress of this desire for dividing money. Up to the present time there had been a disposition to lean towards the weaker States, and to allow something for the rapid increase of their population. But as the disposition to get hold of the public money became stronger, this disposition to do justice to the new States decreased in proportion. And here he would remark, that there was another consequence of this disposition to get hold of the public money, which was, that finding the surplus not enough, they must take the unexpended balances. If he could be willing to derive any good out of a great evil, he would say let this bill pass—it would soon work its own cure. It had been predicted in the beginning of the session that the country would be utterly ruined—that the Government must stop if the land bill was not passed; and now that the bill had passed the Senate, every man of common sense must be convinced that an end would be put to the Government if it ever went into operation, and it now seemed to be given up by all its friends.

He would repeat it on every occasion, that it was now nearly the close of the session, and that, in the present progress of dividing the public money, they had wholly neglected the defenses of the country. Not a dollar had, as yet, been expended for fortifications—for those fortifications about which there was so much crimination and recrimination at the commencement of the session; and the bill to fill up the ranks of the Army was not yet acted on, though one portion of the country was suffering under the horrors of an Indian war. He stated these things for the purpose of marking the progress of this desire to get hold of the public money. The next thing would be the imposition of a high tariff, supported by the strong States for the purpose of supplying a new fund for distribution.

Mr. WALKER's amendment was then adopted —yeas 23, nays 22; as follows:

YEAS—Messrs. Benton, Black, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Nicholas, Page, Porter, Rives, Robinson, Ruggles, Shepley, Tipton, Walker, Wall, and White—23.

NAYS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, Knight, Leigh, McKean, Mangum, Morris, Naudain, Prentiss, Preston, Robbins, Southard, Swift, Tallmadge, Tomlinson, Webster, and Wright—22.

Mr. HENDRICKS said that he felt it his duty to offer an amendment to this bill before it was reported to the Senate, that he had occasion to refer to before. It was in reference to the interest provided for in the eleventh section. Some of the banks could not, under this section, become depositories of the public money, and pay interest on it, because they were expressly prohibited by their charters from loaning it or deriving any advantage from it. Mr. H. then moved to add the following, as an amendment to the clause providing for the payment of interest:

Except in cases where the charters of said banks prohibit them from doing business on such deposits.

Now he would state (Mr. H. said) that the Bank of Indiana was prohibited by her charter from discounting on her deposits; and, therefore, not being able to derive any profit from these deposits, they would not be willing to receive them on the condition of paying interest for them. If this amendment of his should not prevail, the interest clause ought to be entirely stricken out, for it could not be expected that banks would pay interest on deposits that they could not make any profit from.

Mr. WRIGHT said that he understood that the restriction on the Indiana banks was, that they were prohibited from having more than twice the amount of their capital due to them at any one time; and the Senator from Indiana was not sure, therefore, that his amendment would reach the object. The same restriction (Mr. W. said) applied to all the banks in New York.

Mr. HENDRICKS read the provisions in the charter of the bank of Indiana, and explained that, under it, the banks never made any use of these deposits at all.

After some remarks from Mr. EWING and Mr. PORTER,

The amendment of Mr. HENDRICKS was rejected, without a division.

Mr. CLAY, after some remarks, moved to strike out, in the eleventh section, the word "two," and insert "four," so as to make the banks pay an interest of four per cent. on the deposits, instead of two.

The motion was opposed by Messrs. WRIGHT, KNIGHT, and EWING of Ohio.

Mr. HUBBARD, after some remarks, requested Mr. CLAY to withdraw his amendment, stating that, as the bill now stood, he could vote for it, but if the amendment prevailed he should be compelled to vote against it.

Mr. CLAY then, by unanimous consent, the yeas and nays having been ordered, withdrew his motion.

On motion of Mr. WALL, the bill was further amended, by providing that the Secretary of the Treasury shall, so far as the public interest will permit, employ at least one deposit bank in each of the States and Territories.

Mr. WRIGHT then moved to strike out the

thirteenth and fourteenth sections of the bill providing for the deposit of the surplus after the 1st of January with the States, and to insert a provision authorizing the commissioners of the sinking fund to invest it in stocks of such of the States as have stocks, bearing an annual interest of —— per cent.

After some remarks from Mr. WRIGHT, this motion was rejected—yeas 4, nays 39; as follows:

YEAS—Messrs. Cuthbert, Rives, Tallmadge, and Wright—4.

NAYS—Messrs. Benton, Black, Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tipton, Tomlinson, Walker, Wall, Webster, and White—39.

Mr. BENTON moved to strike out the words "deposited with," in the thirteenth section, and to insert "loaned to," so as to read that the [surplus] shall be loaned to the respective States, &c.

Mr. B. accompanied this motion with some remarks in its favor.

Mr. MORRIS opposed the amendment. The Constitution (he said) prohibited Congress from loaning money. Now he should be glad to know from the Senator from Missouri in what provision of the Constitution he found the authority for making a loan to the States, or to anybody else. He voted for this bill expressly on the ground that it was a deposit of the public money with the States for safe-keeping and not a loan, to which he was constitutionally opposed. The change that this bill had undergone since it was first introduced, making it a deposit bill instead of a loan bill, had enabled him to give his support to it.

Mr. BENTON said it was not for him to settle the gentleman's constitutional scruples. All he wanted was to call things by their right names, and this being to all intents and purposes a loan to the States, he wished to call it so in the bill.

On taking the question, Mr. BENTON's motion was rejected—yeas 5, nays 37; as follows:

YEAS—Messrs. Benton, Grundy, Niles, Tipton, and Wright—5.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, McKean, Mangum, Morris, Naudain, Nicholas, Page, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, and White—37.

Mr. WALKER moved to amend the bill by providing that the portion intended to be deposited with the State of Mississippi shall be deposited for three years, without interest, in the Planters' Bank of Mississippi, and to allow the Legislature of said State an opportunity of passing a law to authorize its receipt.

This motion was rejected—ayes 15, noes 26.

Mr. WALL then moved to amend the bill in the first section, by inserting, after the words "conform thereto," the words—

Always having a regard as to the amount deposited, as far, in the opinion of the Secretary of the Treasury, as is consistent with the public interest, and the fiscal operations of the Government, and the relative representation of each State and Territory in both Houses of Congress.

This motion was lost without a division.

The bill was then reported to the Senate as amended; when

Mr. WEBSTER moved to strike out the amendment made on the motion of Mr. WALKER, as to the ratio of distribution, and to insert again the part stricken out; and supported his motion in an argument of some length; but

On taking the question, Mr. WEBSTER's motion was lost—yeas 22, nays 23; as follows:

YEAS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, Knight, Leigh, McKean, Mangum, Morris, Naudain, Prentiss, Preston, Robbins, Ruggles, Southard, Swift, Tallmadge, Tomlinson, Webster, and Wright—22.

NAYS—Messrs. Benton, Black, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Nicholas, Niles, Page, Porter, Rives, Robinson, Shepley, Tipton, Walker, Wall, and White—23.

Mr. TIPTON moved to strike out the eleventh section, which charges interest on the deposits in the banks.

Mr. T. said that he desired very much to vote for that part of the bill, now before the Senate, that provided for the distribution of the surplus revenue of the United States among the several States; and he regretted to find that part of the bill in such bad company as the eleventh section, compelling the deposit banks, in which the public moneys were deposited, to pay interest of two per cent. on them. It might be fair to charge interest on deposits in banks that discounted on them; but this was not the case with the State Bank of Indiana. The charter of that bank prohibited issues on their deposits; and as the business was now transacted, the deposits were of mutual benefit to the United States and the bank, as the money of the bank was receivable in the United States land offices. That bank would reject the public deposits if interest was charged on them, as they would not be willing to pay even one per cent. to retain them, and the United States would have to transport their money beyond the limits of Indiana, and deposit them in a bank perhaps not so safe as he knew the Bank of Indiana to be.

On taking the question, Mr. TIPTON's motion was rejected—yeas 7, nays 39; as follows:

YEAS—Messrs. Ewing of Illinois, Hendricks, Morris, Nicholas, Tallmadge, Tipton, and Wright—7.

NAYS—Messrs. Benton, Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Grundy, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Naudain, Niles, Page, Porter, Prentiss, Preston, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tomlinson, Walker, Wall, Webster, and White—39.

Mr. WALKER renewed his motion to deposit the portion of the State of Mississippi with the Planters' Bank of that State; which motion had before been lost in Committee of the Whole; which was rejected—yeas 21, nays 24; as follows:

YEAS—Messrs. Benton, Black, Buchanan, Calhoun, Cuthbert, Ewing of Illinois, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Nicholas, Niles, Page, Preston, Rives, Robinson, Shepley, Walker, and White—21.

NAYS—Messrs. Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Morris, Naudain, Porter, Prentiss, Robbins, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, and Webster—24.

Mr. BLACK moved to strike out the thirteenth and fourteenth sections of the bill which provide for the deposit of the surplus with the States; which was rejected—yeas 7, nays 39; as follows:

YEAS—Messrs. Benton, Black, Cuthbert, Grundy, Niles, Walker, and Wright—7.

NAYS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Ewing of Illinois, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Naudain, Nicholas, Page, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, and White—39.

The amendments were then concurred in; and the bill was ordered to be engrossed for a third reading, by the following vote:

YEAS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Naudain, Nicholas, Niles, Page, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, and White—40.

NAYS—Messrs. Benton, Black, Cuthbert, Grundy, Walker, and Wright—6.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 16, 1836.

Mr. DICKSON asked leave to present certain resolutions, &c., of a large public meeting at Fort Gibson, in the State of Mississippi, on the subject of the recognition by Congress of the independence of Texas, with a view to have them referred to the Committee on Foreign Affairs.

Objection being made, Mr. D. moved a suspension of the rules; which was lost by a vote of 83 to 51—not being two thirds.

BREACH OF PRIVILEGE.

Mr. JUDSON, from the select committee on the subject, moved to take up and consider the report and resolutions of the select committee appointed to inquire into an assault committed within the Hall of the House of Representatives on Saturday last; which was agreed to.

The report was then read; and it concluded by recommending the adoption of the following resolutions:

1. *Resolved*, That Henry G. Wheeler has been guilty of a contempt and breach of the privileges of this House, by committing the said assault in the Hall of the House of Representatives while the House was in session.

2. *Resolved*, That the said Henry G. Wheeler shall be excluded from any place on the floor, or elsewhere, in the Hall, as a stenographer to take down the debates of this House.

3. *Resolved*, That the said Henry G. Wheeler be securely imprisoned by the Sergeant-at-Arms of this House for the remainder of this session; and that the Speaker of this House do issue his warrant to carry into effect this resolution.

Mr. JUDSON moved that Mr. Wheeler be brought to the bar of the House.

Mr. HAWES said he wished to offer an amendment to the resolutions, which, if agreed to by the House, would supersede the necessity, which he could not see in any stage, of bringing the individual to the bar of the House.

Mr. JUDSON withdrew his motion, it having precedence, to enable Mr. HAWES to submit the following, as a substitute for the three resolutions:

Resolved, That Henry G. Wheeler be discharged from the custody of the officers of this House.

Mr H. made a few remarks in support of his amendment, and in reference to the subject of privilege generally, and he questioned the power of the House to inflict punishment. He adverted to the report of the committee, and the testimony upon which that report was based, which testimony came from the frank and voluntary declarations of Mr. Wheeler himself. Mr. H. had no wish to be considered as encouraging anything of this character. On the contrary, he deplored it, and regretted that it should have occurred; but they were not prepared, at that late period of the session, to go into an investigation of this character. The individual had himself offered the only testimony the House was in possession of, and he has expressed his sorrow at the occurrence, and that he had no design to offer an indignity to the House. What more, then, let him ask, could the members of that House require? The individual had been led away by his feelings, in a momentary and irrepressible impulse of passion, and under these circumstances Mr. H. was not prepared to visit him with any severity of punishment.

Mr. ADAMS hoped that the third resolution would be struck out, or that the gentleman from Kentucky [Mr. HAWES] would move his proposition as an amendment to that resolution only. The third resolution he considered went too far; and the amendment as now proposed by the gentleman from Kentucky not far enough. He thought the excluding this gentleman from the Hall as a stenographer would be sufficient punishment for the breach he had committed. He would therefore vote for the first resolution, and for the second with some modification, and for the amendment of the gentleman from Kentucky, if offered as a substitute for the third.

After several suggestions from Messrs. MASON of Virginia, EVANS, and HAMER,

Mr. HAWES accordingly moved his amendment as a substitute for the third resolution.

On motion of Mr. HEISTER, Mr. Wheeler was then placed at the bar of the House.

The question being on the adoption of the first resolution,

Mr. VANDERPOEL said he would vote for the first resolution, for he had no doubt that the accused had been guilty of a breach of the privilege of this House, but as he had met the question fairly, and had expressed his regret at the occurrence, Mr. V. was not disposed to inflict very severe punishment. He would, when the second resolution came to be considered, move to amend it, so as to limit the exclusion of the accused from this Hall *to the present session of Congress*. This, he thought, under all the circumstances, would be a punishment adequate to the offense.

Mr. CRAIG suggested that counsel should be assigned to the accused, and that he be interrogated if he wished to say anything.

Mr. CHAMBERS, of Kentucky, said he had consulted with Mr. Wheeler, who said he desired to add nothing to his statement given in to the committee, and embraced in the report.

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, JUNE 27, 1836. VOLUME 3....No. 36.

Mr. ROBERTSON then moved a substitute for all the resolutions, as follows:

Resolved, That Henry G. Wheeler be discharged from the custody of the Sergeant at Arms, and that he be excluded from the Hall for the residue of the present session.

Mr. HAMER and Mr. GRANGER suggested that the House pass on the first resolution, and that the gentleman from Virginia offer his resolution as a substitute for the second and third.

Mr. ROBERTSON then modified his resolution by inserting the words, "for an indignity offered to this House."

After some further remarks from Messrs. MASON of Virginia, and HAMER,

Mr. ROBERTSON withdrew his amendment so as to permit the question to be taken on the first resolution.

The first resolution was then agreed to.

Mr. JUDSON, chairman of the select committee, moved to amend the second resolution by inserting at the end: "during the continuance of the present session of Congress;" which was agreed to: and the resolution as amended was also agreed to.

The question being on the third resolution,

Mr. HAWES moved the following substitute:

Resolved, That Henry G. Wheeler be discharged from the custody of the officers of this House.

Mr. JUDSON said it was due to the committee to state that, under the precedent of 1798, they felt bound to report this resolution; but he would also state that, from the very frank and honorable manner in which the accused had met the question before the committee, he himself had no objection to the amendment.

After some remarks from Mr. MANN of New York, and Mr. HARDIN, the amendment was agreed to—ayes 123, noes 31; and

The SPEAKER directed Mr. Wheeler to be immediately discharged from the custody of the Sergeant-at-Arms.

By general consent, sundry petitions were presented by Mr. KINNARD, and Mr. WHITTLESEY of Connecticut.

On motion of Mr. CAMBRELENG, the House then passed to the orders of the day.

Mr. CAMBRELENG said, as he had been given to understand that there was a general desire to dispose of the fortification bill, he hoped the House would, by general consent, proceed at once to its consideration, instead of waiting till one o'clock, when it would come up as the special order.

Objection being made,

Mr. MILLER moved a suspension of the rules for the purpose, but it was lost.

LAND BILL.

The first business in order was the bill from the Senate entitled "An act to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting lands to certain States."

The following motions were pending:

By Mr. CARR, to commit to the Committee on the Public Lands;

By Mr. GILLET, to commit to the Committee of Ways and Means; and

The following amendment, moved by Mr. DENNY: "with instructions to either committee to which the bill should be referred, to report the same on Wednesday next without amendment."

Mr. SPEIGHT remarked that, in order to try the sense of the House on this bill, he would move to lay it on the table.

Mr. WILLIAMS, of North Carolina, said, as it was the object of the gentleman to try the sense of the House on this subject, he would move a call of the House for that purpose; and he made that motion accordingly.

The call was ordered, and proceeded in for some time, two hundred and two members having answered to their names; when,

On motion of Mr. WILLIAMS, of Kentucky, it was dispensed with.

Mr. GRENNELL then asked for the yeas and nays on the motion to lay the bill on the table; which were ordered.

Mr. WILLIAMS, of North Carolina, hoped the rule which compelled every member to vote in his place would be enforced in the present case; and he should move its enforcement wherever he saw it evaded.

The question was then taken; and decided in the negative—yeas 96, nays 110; as follows:

YEAS—Messrs. Ash, Ashley, Barton, Beale, Bean, Beaumont, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Cambreleng, Casey, Chaney, Chapman, Chapin, Cleveland, Craig, Cushman, Davis, Dickerson, Doubleday, Dromgoole, Dunlap, Efiner, Fairfield, Farlin, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawes, Haynes, Howard, Huntington, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Lansing, Gideon Lee, Jo hn Lee, Leonard, Lovall, Lucas, Lyon, Abijah Mann, William Mason, Moses Mason, May, McKim, McLene, Moore, Muhlenberg, Owens, Page, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Shinn, Sickles, Smith, Speight, Taylor, Thomas, John Thomson, Toucey, Vanderpoel, Ward, Wardwell, Webster, Weeks, and Thomas T. Whittlesey—96.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bailey, Bell, Bond, Borden, Briggs, Buchanan, Bunch, John Calhoon, William B. Calhoun, Campbell, Carr, Carter, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Dickson, Evans, Everett, Forester, Fowler, French, Fry, Philo C. Fuller, Rice Garland, Granger, Graves, Grennell, Hiland Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hazeltine, Henderson, Heister, Hoar, Hopkins, Howell, Hubley, Hunt, Huntsman, Ingersoll, William Jackson, Janes, Henry Johnson, Kinnard, Lane, Laporte, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Logan, Love, Job Mann, Samp on Mason, Maury, McComas, McKay, McKennan, Mercer, Miller, Milligan, Montgomery, Morris, Parker, Dutee J. Pearce, Pettigrew, Peyton, Phillips, Pickens, Potts, Reed, Rencher, Robertson, Russell, Schenck, William B. Shepard, Augustine H. Shepperd, Slade, Spangler, Standefer, Steele, Storer, Talia'erro, Waddy Thomp on, Underwood, Vinton, Wagener, Washington, White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, and Wise—110.

So the House refused to lay the bill on the table.

Mr. KINNARD moved to modify the instructions to the Committee on Public Lands, so as to provide for disposing of the public lands in limited parcels to actual settlers, at prices sufficient to reimburse the United States for the expense of acquiring, surveying, and selling said lands.

The subject was debated by Messrs. KINNARD, GARLAND of Louisiana, and BOULDIN, when the latter gentleman gave way to the special order.

Mr. McCOMAS moved a suspension of the rules, to enable his colleague to conclude his remarks; but the motion was disagreed to by the House

On motion of Mr. WHITTLESEY, of Ohio, and by general consent, various bills lying on the Speaker's table were taken up, read a first and second time, and referred to their appropriate standing committees.

FORTIFICATION BILL.

In further execution of the special order of the 26th of January, the House, on motion of Mr. CAMBRELENG, proceeded to the consideration of the bill making appropriations for certain fortifications for the year 1836. The bill was reported from the Committee of the Whole, with sundry amendments, and the question was on concurring in these amendments.

The amendment pending was the following:

"For fortifications, Charleston harbor, South Carolina, and preservation of the site of Fort Moultrie, $150,000," increased by the Committee of the Whole to "$200,000."

The question was then taken on the amendment; and it was non-concurred in—yeas 85, nays 88.

Mr. STORER then rose and moved a reconsideration of the vote; and, in reply to Mr. GRAVES, Mr. S. stated that he made the motion at the request of a gentleman behind him, [Mr. PINCKNEY,] than whom a purer-minded man did not breathe. He himself, however, should again vote against the amendment.

Mr. CUSHMAN asked for the yeas and nays; which were ordered.

Mr. EVANS moved to lay the motion to reconsider on the table; and thereon

Mr. CUSHMAN asked for the yeas and nays; but the House refused to order them.

Mr. EVANS withdrew the motion to lay on the table.

After a few remarks from Messrs. MERCER, GRAVES, STORER, and LANE, the question was taken, and decided in the negative—yeas 90, nays 103.

The following amendment of the Committee of the Whole was then taken up:

Strike out of the bill the following clause:

"For incidental expenses attending repairs of new and old fortifications, and for the purchase of new sites, and the enlargement of old ones, at such places as the public service may require on the sea-board of the United States, $200,000," and insert: "For incidental expenses attending repairs of fortifications, and for the purchase of additional land in their neighborhood, $200,000."

Mr. THOMSON, of Ohio, proposed further to amend by inserting an appropriation to compromise and secure to the United States the title to the Pea Patch Island, in the river Delaware.

The CHAIR ruled the proposed amendment to be out of order, on the ground that its provisions were the same as were embraced in a bill then on the table.

Mr. SPEIGHT said he would make a motion that he believed would meet the concurrence of a large majority of the House. He moved a suspension of the rules for the purpose of taking a recess at some hour that day and thereafter; which was agreed to by a vote of 111 yeas to 50 nays.

RECESS.

Mr. S. then moved a resolution that the House take a recess from half past two o'clock, p. m., till four o'clock on this day, and on each succeeding day during the present session of Congress.

After some suggestions and amendments proposed by Messrs. HEISTER, MANN of New York, and MASON of Virginia, the original resolution was agreed to—ayes 114, noes not counted.

FORTIFICATION BILL—AGAIN.

Mr. CAMBRELENG then sent to the Clerk's table a document from the engineer's department, explanatory of the amendment.

Mr. HARD moved to reduce the sum in the amendment to $100,000.

Mr. H. was proceeding to address the House on the subject, when his remarks were arrested by the arrival of the time for the House to take its recess.

EVENING SESSION.

When the Speaker called the House to order, there being no quorum present,

Mr. A. H. SHEPPERD moved a call of the House.

Mr. CUSHING called for the yeas and nays; which were ordered; and were—yeas 47, nays 48. So the House refused to order the call.

The CHAIR, having counted the members, announced that there was a quorum in attendance.

FORTIFICATION BILL.

Mr. HARD concluded his remarks in support of his proposition to reduce the appropriation one half; and the debate was continued by Mr. PARKER; when

Mr. HAWES said, as the Senate had passed a bill for the distribution of the public moneys by a vote of 40 to 6, all the moneys which could be saved from these extraordinary appropriations would add to the amount of the distribution. He therefore moved the previous question.

The question on the second to the previous question was taken by tellers, and negatived—only 38 voting in the affirmative.

The debate was then further continued by Messrs. HALL of Vermont, UNDERWOOD, CALHOUN of Massachusetts, BRIGGS, LAWRENCE, CAMBRELENG, McKIM, McKAY, GRAVES, and WHITTLESEY of Ohio.

Mr. HALL, of Vermont, called for the yeas and nays; which were ordered; and were—yeas 96, nays 88.

So the amendment to the amendment of the Committee of the Whole was decided in the affirmative.

The question then recurred on the motion to strike out and insert, (as stated yesterday.)

Mr. ROBERTSON moved to strike out the words, "and for the purchase of additional land in their neighborhood." He stated that he made the motion because the principle of authorizing executive officers to purchase land was a novel and highly objectionable one; and it would be easy, at any time, when land was required for such a purpose, to make an application to Congress.

Mr. CAMBRELENG briefly replied to the gentleman from Virginia, and defended the propriety of the appropriations proposed in this bill for the defense of the country. The measures embraced in it were admitted on all sides to be indispensable. These appropriations were now resisted because the surplus for distribution should not be diminished, and in two years from this time the gentlemen from the South and West would find their constituents called upon for increased taxation. All he desired was to save a comparatively small amount for the necessary defenses of the country; and he went on to show that the whole extraordinary appropriations would not amount to more than two millions of dollars during the present session, while gentlemen said there was a surplus of something like fifty millions of dollars.

Mr. HARDIN contended that, if the House had passed all the extraordinary appropriations proposed this session, they would have exceeded ten millions of dollars. The argument of the gentleman from New York, that if a certain measure were passed the people would, in two years, be called upon for an increase of taxes, was mere speculation, in which Mr. H. put no faith. The population was on the increase, and the reduction of duties would produce greater consumption, and consequently supersede the necessity of any increase of taxes. Mr. H. said he would make a motion he had, he believed, hardly ever made in his life before, though he had been twenty years in legislative bodies—he would move that the House adjourn.

Mr. CAMBRELENG called for the yeas and nays; whereupon

Mr HARDIN withdrew his motion.

Mr. MASON, of Virginia, said a few words in opposition to the amendment of his colleague.

Mr. McKAY drew the attention of the gentleman from Virginia Mr. ROBERTSON to the fact, that up to 1820 the Government invariably purchased land without any special provision, or appropriation for the purpose.

Mr. ROBERTSON replied that the gentleman from North Carolina had produced a very bad precedent, which it seemed the Committee of Ways and Means were about to reëstablish.

After a few words from Mr. WISE, the amendment was rejected.

The amendment of the Committee as amended by the House was then concurred in.

The following amendment of the Committee of the Whole was then propounded:

For the armament of fortifications, in addition to the amount included in the bill making appropriations for the support of the Army for 1836, $700,000: *Provided*, That the President of the United States be, and he is hereby, authorized to expend so much of the said sum as may be necessary therefor, in establishing a national foundery at such place as he may deem expedient.

Mr. CAMBRELENG proposed the following amendment to come in after "1836:"

Including cannon, mortars, howitzers, gun-carriages, howitzer carriages, mortar-beds, powder, cannon balls, shells, and for transportation of ordnance and ordnance stores; and in the purchase of twenty acres of land, adjoining the Kennebec arsenal, Maine; and the purchase of land, and inclosing the rear of the public ground with a brick wall and coping, at the Frankford arsenal, Pennsylvania; and constructing a forging shop one story high, seventy-five by forty feet, of brick, at the arsenal, Watertown, Massachusetts; and for the purchase of a steam engine of eight horse power, and for quarters for officers at Fort Monroe arsenal.

Mr. C. explained that the effect of the amendment, if adopted, would be to diminish the appropriation embraced in the amendment to $450,000. If the House should reject this amendment, he should then move to reduce the original amendment from $700,000 to $450,000.

After some remarks from Messrs. BRIGGS, DENNY, MERCER, CAMBRELENG, and BOND,

Mr. HUNTSMAN moved that the House adjourn.

Mr. CAMBRELENG asked for the yeas and nays. The House refused to order them;

And the motion to adjourn prevailed—ayes 76, noes 75.

So the House adjourned at eight o'clock, p. m.

IN SENATE.

FRIDAY, *June* 17, 1836.

The CHAIR communicated the following letter:

SENATE CHAMBER, *June* 16, 1836.

SIR: I beg leave to inform the Senate through you that I have resigned my seat, as a Senator from the State of Delaware, in the Senate of the United States, from and after this day.

In thus taking leave of the Senate, permit me, sir, to tender to you, and through you to the body over which you preside, the assurance of my high regard.

I am, sir, most respectfully, your obedient servant,

ARNOLD NAUDAIN.

To the HON. MARTIN VAN BUREN, *President of the Senate.*

MEMORIALS, PETITIONS, ETC.

Mr. CALHOUN presented the memorials of the city council of Charleston, South Carolina, and of certain merchants of that place, remonstrating against the passage of the bill to regulate the compensations of the custom-house officers; which were referred to the Committee on Commerce.

Mr. ROBBINS presented resolutions of the General Assembly of Rhode Island, instructing their Senators, and requesting their Representatives, to use their exertions to obtain from Congress adequate appropriations for fortifications for the protection of Narragansett bay.

Mr. ROBBINS addressed the Senate in a speech of considerable length, in favor of the objects of these resolutions; after which they were ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. LINN, from the Committee on Pensions, reported without amendment two bills from the House that had been referred to that committee.

Mr. PRENTISS, from the Committee on Pensions, reported unfavorably.

Mr. TOMLINSON, from the Committee on Pensions, reported without amendment the bills from the House for the relief of Jonas Comins and John Herrick, and recommended their passage; also reported unfavorably on the bill for the relief of James McFarland.

Mr. WEBSTER, from the Committee on Finance, to which had been referred the bill providing for payment to certain States of interest on their advances during the last war, reported the same with amendments.

Mr. BENTON presented a letter from the Commissary General on the subject of an increase of the Army; which was laid on the table, and ordered to be printed.

GRANTS OF LAND.

On motion of Mr. BENTON, the bill granting a certain quantity of land to the States of Indiana, Illinois, Alabama, Mississippi, and Missouri, for purposes of internal improvements, and the bill to reëstablish the currency of the Constitution for Federal purposes, introduced by him on leave, were taken up and postponed to, and made the order of the day for, Tuesday next.

NOTICE OF A BILL.

Mr. BLACK gave notice that he would, to-morrow, ask leave to bring in a bill to grant additional compensation to the postmaster at Jackson, Mississippi.

JOHN DONNELL, STEPHEN HEARD, ETC.

The amendments of the House of Representatives to the bill for the relief of John Donnell, Stephen Heard, and others, were considered; and

On motion of Mr. KING, of Alabama, that the Senate disagree to said amendment, it was decided in the affirmative.

RESOLUTIONS SUBMITTED.

Mr. BUCHANAN submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Pensions be instructed to inquire into the propriety of extending the pension granted to Simon Kenton by an act approved 28th of May, 1830, to his widow, Elizabeth Kenton, during her natural life.

Mr. KING, of Georgia, submitted the following resolution; which lies on the table one day:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of making compensation to Hartwell H. Tarver for losses, and for provisions taken and consumed by the military forces in the late Florida campaign.

BILLS PASSED.

The bill in addition to the act making appropriations for the support of the Government for the year 1836; and

The bill to authorize the Governor and Legislative Council of the Territory of Florida to sell and convey certain lands reserved for a seminary of learning in said Territory, were severally read the third time and passed.

DEPOSIT BILL.

The bill to regulate the deposit of the public money came up on its final passage, when a discussion arose, which occupied the Senate nearly the whole day: Messrs. WRIGHT, WALKER, and BENTON opposing the bill, and Messrs. WEBSTER, BUCHANAN, RIVES, TALLMADGE, CLAY, and NILES, speaking in its favor.

The question was taken on the final passage of the bill, and it was passed—yeas 39, nays 6; as follows:

YEAS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Ewing of Illinois, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Morris, Moore, Nicholas, Niles, Page, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, and White—39.

NAYS—Messrs. Benton, Black, Cuthbert, Grundy, Walker, and Wright—6.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 17, 1836.

Mr. HEISTER, from the Committee for the District of Columbia, reported a resolution to set apart to-morrow morning, from ten to twelve o'clock, for the consideration of bills relating to the District of Columbia; which was lost—ayes 93, noes 52, not two thirds.

Mr. FRY, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Daniel McKenney, of the State of New York.

Also, a bill granting a pension to Seth Whitney, of New York; both of which were read twice and committed.

Mr. LAWLER, from the Committee on Private Land Claims, reported a bill for the relief of Henry Riviere; which was read twice and committed.

PAINTINGS IN THE ROTUNDA.

Mr. JARVIS, from the Committee on Public Buildings, reported, without amendment, the joint resolution from the Senate to furnish the vacant panels in the rotunda of the Capitol with four historical paintings by American artists; which, by general consent, was read a third time and passed.

RECONSIDERATION.

Mr. EVANS moved to take up the motion (of Mr. HAWES) to reconsider the vote by which the bill for the relief of Ellen Ahern Schmuck was passed; which was agreed to.

Mr. E. then raised the point of order, that the gentleman from Kentucky could not make that motion, because he understood the member was not within the bar at the time the bill was passed.

Mr. HAWES stated that he was within the bar at the time, but he neither voted one way nor the other, and therefore he had a perfect right to make the motion.

The bill was then discussed by Messrs. HAWES, EVANS, BEALE, MILLER, MASON of Virginia, TAYLOR, HOWARD, and SCHENCK; when the House refused to reconsider, and the bill was passed.

FORTIFICATION BILL.

Mr. WHITTLESEY, of Ohio, moved a suspension of the rules for this day, for the purpose of proceeding with the consideration of the fortification bill, expressing a hope that it would be brought to a conclusion as soon as possible.

Mr. CAMBRELENG remarked that he had given notice of his intention to move to take up the deposit bill this day, but, under the expectation that the fortification bill would be finished to-day, he would not press the other motion, but hoped the House would concur in that made by the gentleman from Ohio.

The motion was agreed to without a count.

Mr. CAMBRELENG then withdrew, for the present, the amendment offered by him last evening, giving notice that he should move it when the amendments of the Committee of the Whole had been gone through with.

The question accordingly recurred on the amendment reported to the House appropriating $700,000 for the armament of fortifications, (given at length above.)

Mr. BOND concluded his remarks in opposition to the amendment.

Mr. DROMGOOLE moved to amend the amendment by striking out all after the word "therefor," and inserting "that there shall be set apart from the appropriation contained in the amendment, a sum not exceeding $75,000, for the establishment of a national foundery at the city of Washington; and an additional sum of $10,000 for the purchase of adjoining land and water power from the Chesapeake and Ohio Canal Company."

Mr. MERCER made some remarks in favor of the establishment of a national foundery, but he did not consider the sum proposed by this amendment sufficient. He was favorable to having all our ordnance manufactured in a foundery of the Government, as he considered the work would be much better executed by this means than by private contract.

Mr. DROMGOOLE adverted to the report of the Committee on Military Affairs. He said that committee was favorable to the purchase of the foundery already established within the District of Columbia, if such purchase could be effected By this purchase the Government would be enabled to go on with the manufacture of ordnance, as all the materials would be ready to commence operations. Mr. D. said the sum proposed by his amendment was sufficient for the purchase of this foundery, and he thought it would be the better plan to try the experiment on a small scale than to build up a great foundery for the purpose of manufacturing all the ordnance which the Government might need.

Mr. A. H. SHEPPERD made a point of order whether the gentleman from Virginia could move an amendment to this bill when the same proposition was contained in a bill now before the House.

The CHAIR decided the amendment to be in order.

Mr. BRIGGS appealed from the decision of the Chair.

After a few remarks on the point of order by Messrs. DROMGOOLE, BRIGGS, MASON of Virginia, WISE, and A. H. SHEPPERD.

Mr. SPEIGHT (the Speaker *pro tempore*) remarked, that whenever he had the honor of occupying the chair, as he now did from the indisposition of the Speaker, he would discharge the duties of the station, and particularly on points of order, with the utmost caution and deliberation. It is true, as had been stated, that no amendment can be entertained to a bill under consideration of the same nature of another bill or proposition pending before the House, yet it was nevertheless true that amendments had been, and could be, entertained, which were substantially the same as bills before the House. In this particular case, it is true, that a bill is pending of a kindred nature to the amendment offered by the gentleman from Virginia; but there is a manifest difference between them both in form and substance. The amendment is of a general nature, clothing the President with plenary powers; but the bill No. 628, to which reference had been made, was particularly directed to a specific object. Upon a view of the whole case, he felt no hesitation in saying that the amendment was perfectly in order, and, as such, he should entertain it.

Mr. BRIGGS then withdrew the appeal; and

Mr. HAWES renewed it; when the point was further discussed by Messrs. JOHNSON of Kentucky, WARD, and SMITH; when

Mr. HAMER moved the previous question on the appeal; which was seconded—ayes 90, noes not counted; and the main question being ordered, was put, and decided in the affirmative—ayes 69, noes 51.

So the decision of the Chair was affirmed.

Mr. DENNY was opposed to the amendment, and also opposed to the erection of a great national foundery. These great works might be necessary in Europe; but he conceived they were not needed in this country. If gentlemen would refer to the report of the Secretary of War, they would see that in three years a great national foundery would manufacture sufficient ordnance for all the fortifications; and when that was done, the foundery would be of no further use to the country, or but very trifling. Another inconvenience also arose from the fact, that if this amendment should prevail, it would be two years, at least, before the national foundery would be in such a state of completion as to be of any service in the casting of ordnance. On these points Mr. D. dwelt at some length, and quoted largely from the documents of the War Department.

Mr. REED believed the District was the best situation for the erection of a foundery, and he preferred leaving the selection of the site to the President. He had no distrust of him on that subject. It was true, that up to this time our cannon had been cast by private contract, but that offered no reason why the same plan should be continued. Certainly the contractors could have no reason to complain, since they had long enjoyed a very profitable monopoly.

Mr. WISE was at a loss to perceive any objection to the construction of a national foundery, for it had been earnestly recommended by the Secretary of War, whose opinion was corroborated by some of the ablest of our officers and engineers, and it was approved of by the Military Committee of that House. The next question was, where was the best site? Two committees had had the subject under consideration, and the District of Columbia was recommended as presenting the best locality, for the quality of the ore in the vicinity, for the advantages of water power, for the facilities of transportation, and as being near the seat of the General Government, over any other section of the country. Mr. W. quoted at some length from the report, which gave the reasons at length in favor of the District.

The third question was, what kind of a foundery was wanted? This was answered in the reply of Captain Thomas Ap C. Jones to the interrogatory of the committee. A cheap foundery, on a small scale, for purposes of experiment. Mr. W. adverted to the fact that the metal at Pittsburg was not equal to that in the vicinity of the District. At the former the failures were numerous, egregiously so; while in the District they varied only from one to two per cent.; that is, no more than one or two guns out of a hundred failed to stand the test.

Mr. HEISTER made an earnest appeal to the House, particularly to members of the Opposition, not to speak or make long speeches, but to vote. There were but few days remaining of the session, and he did hope that, after the long and protracted debates that had already occupied the session, they would now begin to vote.

Mr. McKAY suggested a modification of the amendment so as to leave it entirely discretionary with the President, and not to restrict the Executive to the purchase of General Mason's foundery, but limiting the sum to be expended for the purpose to $75,000. He could not vote for the amendment, because, by it, the Executive would be restricted to the purchase of General Mason's foundery, which he was satisfied was not worth the sum asked—$75,000—by $25,000. He should vote against it, and move one to the effect he had indicated.

Mr. DICKERSON referred to the report of the Secretary of War, by which it was seen that that officer was limited in his inquiries to the District of Columbia, and he neither did, nor had authority to, extend his researches further.

Mr. THOMSON, of Ohio, gave a detailed statement of what had taken place before the Military Committee in relation to the subject. Mr. T. was a member of the sub-committee, which had made an examination of the site of General Mason's foundery, and he considered it a most advantageous one. Besides this, there was every kind of machinery connected with the establishment, for the casting and manufacture of ordnance.

Mr. LANE said he had risen for the purpose of calling the attention of the House to one or two facts in relation to the bill under consideration, and the unfinished business upon the Speaker's table. The day of adjournment has been fixed. The hours of the session are numbered. Are gentlemen aware of the shortness of time allotted for the action of this House upon the immense business before it, and the importance of many of those bills to the nation, and more especially to the West? And, sir, what are we doing; and what have we done for the last two days? On yesterday morning the House commenced at the thirty-seventh line of the bill; we are now at the close of the second day, and we have arrived at the fifty-first line, having passed over fourteen lines in two days. Seventy-one lines of the bill remain to be considered, which, at the same rate of speed, will require one day beyond that of adjournment. Yet, sir, are honorable gentlemen engaged in idle and useless debate, as if it was the first week of a long session.

The people expect action, voting, not idle debate, having no reference to the subject-matter before the House. The nation demands it; our own reputations require it. And (Mr. L. said) he would apprise the friends of the bill to vote, and not talk, if they intended to pass this bill. Should they not profit by this advice, necessity and duty will call upon a majority of this House to lay this bill upon the table, that others equally important may come in for a share of the time of the House; and if no other member shall be found to make that motion, Mr. L. said he would make it himself. The interior of the far West have rights as well as the sea-board; and as one of the representatives of the West, he should be wanting in his duty should he sit silent and suffer such a wanton consumption of the time of the House and the people of the nation.

Mr. SMITH asked for the yeas and nays; which were ordered; and the question being then taken, was decided in the negative—yeas 27, nays 159.

So the amendment to the amendment was not agreed to.

The House then, according to the order adopted yesterday, took a recess from half past two to four o'clock, p. m., and the evening's proceedings will be given to-morrow.

EVENING SESSION.

The following amendment being pending,

For the armament of fortifications, in addition to the amount included in the bill making appropriations for the support of the Army for 1836, $700,000: *Provided*, That the President of the United States be, and he is hereby, authorized to expend so much of the said sum as may be necessary therefor, in establishing a national foundery at such place as he may deem expedient;

Mr. GRANGER moved to reduce the sum of $700,000 to $400,000, on the ground that this was as much as could possibly be expended for the object contemplated between this and the 4th of March. Mr. G. also moved to strike out the proviso, and called for the yeas and nays; which were ordered.

Mr. CAMBRELENG said he had himself intended to move to reduce the item to the sum embraced in his colleague's motion, if the proviso were stricken out; and he had distinctly stated that fact to the House on yesterday.

After some further remarks from Messrs. CAMBRELENG, MERCER, CHAMBERS of

Pennsylvania, GRAVES, PEARCE of Rhode Island, and CUSHING,

Mr. GRANGER modified his motion by proposing to strike out the proviso first; which motion was agreed to without a count.

Mr. G. then renewed his motion to reduce the appropriation to $400,000; and the call for the yeas and nays being withdrawn,

Mr. CAMBRELENG said he was in favor of this motion, for reasons before given, and it was substantially his own amendment.

It was agreed to without a count.

The question recurring on the amendment as amended,

Mr. CAMBRELENG renewed the following amendment offered by him on yesterday:

To come after "1836:" "including cannon, mortars, howitzers, gun carriages, howitzer-carriages, mortar beds, powder, cannon balls, shells, and for transportation of ordnance, and ordnance stores; and in the purchase of twenty acres of land adjoining the Kennebec arsenal, Maine; and the purchase of land, and inclosing the rear of the public ground with a brick wall and coping, at the Frankford arsenal, Pennsylvania; and constructing a forging shop, one story high, seventy-five by forty feet, of brick, at the arsenal, Watertown, Massachusetts; and for the purchase of a steam engine of eight horse power, and for quarters for officers at Fort Monroe arsenal."

This amendment was agreed to.

Mr. CARTER offered the following amendment to the amendment; which was disagreed to:

And that the Secretary of War is hereby required to cause an examination to be made, by some competent person, of the founderies in East Tennessee; also, the quality of the iron for cannon and small arms; and cause a report to be made to Congress at the next session, or as early as practicable, of the facts, and also his views as to the propriety and practicability of procuring cannon from that part of the country for the armament of our forts and fortifications, and naval service; the amount of the expense attending such examination to be paid out of this sum.

The amendment of the Committee of the Whole as amended was then concurred in.

The following amendment was concurred in, without a division:

For Fort McHenry, Redoubt Wood, and Covington Battery, near Baltimore, $50,000.

Mr. HAWES moved to reduce the amendment, "For Fort Monroe, $210,000," to "$15,000;" which was agreed to—ayes 65, nays 63; and the amendment as amended was agreed to.

Mr. McKAY moved to amend the clause, "For fortifications at St. Augustine, Florida, 50,000," by striking out the first two words, and inserting, "For the repair of Fort St. Mary, and the sea-wall;" which was agreed to; and the whole amendment concurred in.

The following was concurred in without a division:

For knapsacks and camp equipage authorized by the act approved 19th of March, 1836, for volunteers of militia, $52,705.

The following amendment being propounded from the Chair:

For accouterments for the Army, $102,305,

Mr. GRANGER made some inquiries in relation to the items of which this clause was made up.

Mr. CAMBRELENG sent a document in explanation to the Clerk's table; which was read.

Mr. GRANGER said he was satisfied.

Mr. DUNLAP moved to add the following:

And that $50,000 of said appropriation be appropriated to the erection of a public depot for arms at Memphis, Tennessee;

Which was lost; and the amendment of the committee was concurred in.

The following amendment being propounded:

For a depot for munitions of war in the Territory of Arkansas, $42,256,

Mr. McKay thought it had been improperly introduced in this bill, inasmuch as it was for a new work, and had not undergone the examination of the Committee on Military Affairs.

After a few remarks from Messrs. ASHLEY and MERCER,

Mr. DUNLAP moved to amend the amendment by inserting, after the word "Arkansas," "and for a depot for munitions of war in the town of Memphis, in the State of Tennessee."

After some remarks from Messrs. SPEIGHT, ASHLEY, RIPLEY, CAMBRELENG, McKAY, LINCOLN, and HARPER,

Mr. McKAY suggested a modification as follows:

For the purchase of sites and the establishment of depots and arsenals in the States of Arkansas, at Memphis, Tennessee, and Missouri;

Which was agreed to.

Mr. McKAY moved a proviso that the expense of these works should not exceed $25,000 each.

Mr. MERCER suggested $14,000; for he said he knew the fact that the arsenals in Virginia had not cost more than that.

Mr. McKAY so modified his amendment; and it was agreed to; and the amendment as amended was concurred in.

The following amendment was concurred in without a division:

For the purchase of twenty-eight fire engines, and the necessary apparatus, $22,400.

The following amendments of the Committee of the Whole were severally concurred in without a division:

For store-houses at Newport, Kentucky, $1,500.

For purchasing seven acres of land, including the site of the powder magazine attached to the arsenal at St. Louis, Missouri: *Provided*, the same shall be ascertained not to be on land of the United States, $2,100.

For erecting a piazza in front of the building occupied as barracks by the troops at Augusta arsenal, Georgia, $450.

For barracks, quarters, store-houses, hospital, stables, and materials for the same at Fort Jesup, Louisiana, $25,000.

For rebuilding the wharf, and materials for the same, at Fort Wolcott, Newport, Rhode Island, $500.

For constructing a wood yard, and a wood yard wharf, and for materials for the same, at Fort Monroe, Virginia, $1,000.

For constructing a wharf, and for materials for the same, at Fort Severn, Maryland, $1,000.

For rebuilding and repairing barracks, quarters, hospital, store-houses, and materials for the same, at Fort Brady, Michigan Territory, $5,000.

For the purchase of land adjoining Fort Sullivan, and the buildings thereon, $3,750.

For the following objects in addition to former appropriations for the same:

For national armory at Harper's Ferry, $77,897.

For national armory at Springfield, $45,000.

For the purchase or manufacture of light brass and iron field artillery, and for construction of field artillery carriages, caissons, and traveling forges, $137,190.

For the construction of furnaces for heating cannon balls, $12,000.

The following additional section to the bill was also concurred in:

SEC. 2. *And be it further enacted*, That the President of the United States is hereby authorized, under the restrictions of the act of the 1st of May, 1820, to make transfers from one head of appropriations for fortifications, to that of another for a like object, whenever, in his opinion, the public interest shall require it.

Mr. HAWES then moved to reduce the appropriation "for the preservation of Castle Island, and repairs of Fort Independence, Boston harbor," from $150,000 to $100,000.

After some remarks from Mr. LAWRENCE in favor of the original appropriation, and in opposition to the amendment,

Mr. HAWES briefly supported his motion; when

Mr. McKIM moved the previous question; but the House refused to second the motion—ayes 66, noes 72.

Mr. McKAY said a few words against the amendment, and Mr. HAWES in support of it.

Mr. H. then gave notice that he should make similar motions in relation to other clauses of the bill.

The amendment was further discussed by Messrs. BEAL, REED, and LAWRENCE, when the yeas and nays were ordered on the motion of the last gentleman.

Mr. SPEIGHT then moved the previous question; but the House again refused to second the motion, only 52 voting in the affirmative.

Mr. HAWES's amendment was then agreed to—ayes 89, noes 81.

Mr. VANDERPOEL said, that from what he had seen, and from what had already been avowed, he was convinced that the motion just carried was but the beginning of a system of razeeing, which, commencing at Boston, was to go "*down all along shore*," and if we should remain here long enough to dispose of all the new propositions that were to be made, we would be detained till morning. Sufficient time had certainly been spent upon the bill. It had been fought and debated paragraph by paragraph, and for his part he was unwilling to fight over again the protracted battles which it had already provoked, and therefore moved the previous question.

The motion for the previous question was seconded by the House—ayes 77, noes 66.

Mr. HALEY asked for the yeas and nays on ordering the main question to be put; which were ordered.

Mr. HANNEGAN moved that the House adjourn; which was lost.

The question was then taken, but before the result was announced,

Mr. BRIGGS moved a reconsideration of the vote, by which the appropriation for Castle Island and Fort Independence, Boston harbor, was reduced to $100,000.

The CHAIR decided the motion to be out of order; and therefore announced the vote to be—yeas 91, nays 71.

Mr. HALEY then moved an adjournment; which was lost.

Mr. GRIFFIN called for the yeas and nays on ordering the bill to be engrossed; which were not ordered.

The bill was then ordered to be engrossed and read a third time to-morrow.

On motion of Mr. SPEIGHT, the House adjourned at half past eight o'clock.

IN SENATE.

SATURDAY, *June* 18, 1836.

Mr. ROBBINS, on leave, introduced a joint resolution providing for a survey, with a view to fortifying Narraganset bay; which was read, and ordered to a second reading.

Mr. BUCHANAN presented the memorial of a large number of the most respectable merchants of the city of Philadelphia, expressing their entire approbation with the box system in the post offices, and requesting Congress not to make any change in it; which was laid on the table.

REPORTS FROM COMMITTEES.

Messrs. LINN, TOMLINSON, McKEAN, and HUBBARD, made reports from committees of bills from the House that had been referred to them.

Mr. LEIGH, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of Margaret Leitch and Elizabeth Goodwin; which was read, and ordered to a second reading.

Mr. WHITE, from the Committee on Indian Affairs, reported the bill for the relief of Peter Warner without amendment.

INDEPENDENCE OF TEXAS.

Mr. CLAY, from the Committee on Foreign Relations, to which had been referred the resolutions of the Legislature of Connecticut, and several memorials from different parts of the United States, recommending to Congress the recognition of the independence of Texas, made a report thereon, concluding with the following resolution:

Resolved, That the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information shall be received that it has, in successful operation, a civil Government, capable of performing the duties and fulfilling the obligations of an independent power.

The report having been read,

Mr. CLAY observed that it had been agreed upon by the unanimous consent of the committee. It was not necessary (he said) that the report should be immediately acted on unless some gentleman was disposed to object to some portion of it. This, however, he had no reason to suppose would be the case, and he would therefore move that the report be printed and made the order of the day for Tuesday next.

Mr. PRESTON expressed his acquiescence in the report of the committee, and his opinion, that in the absence of all information from Texas other than that derived from newspapers and rumor, the report could not have with propriety recommended stronger measures than it did. He hoped the report of the committee would be concurred in, and that done, he would move to take up the resolution submitted by him some days ago, calling on the President for information on this subject. He was exceedingly anxious to hear some further authentic intelligence from Texas; and he indulged the hope that the Executive was by this time in the possession of such as would enable them to adopt some stronger measure than that recommended by the committee.

Mr. CLAY hoped the resolution of the gentleman from South Carolina would be taken up and acted on. He would be extremely glad to find that the President was in possession of such information as would authorize stronger measures on the part of the Senate in favor of Texas.

The report of the committee was concurred in; and

The Senate took up the resolution submitted by Mr. PRESTON, calling on the President for such information in his possession as it may not be improper to communicate respecting the present condition of Texas. This resolution was agreed to without a division.

BILL INTRODUCED.

Mr. BLACK, on leave, introduced a bill to increase the compensation of the postmaster at Jackson, in the State of Mississippi; which was read twice and referred.

PATENT LAWS.

On motion of Mr. RUGGLES, the bill to promote the progress of the useful arts, and to repeal all other acts and parts of acts on the same subject was taken up; and after some verbal amendments, the bill was ordered to be engrossed for a third reading.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill for the relief of Daniel Smith;

The bill for the relief of Archibald Small;

The bill for the relief of Alvarez Fisk, and the legal representatives of Thomas P. Eskridge, deceased;

The bill to discontinue the land offices of the United States at Wooster and Steubenville, Ohio;

The bill for the relief of the legal representatives of Doctor Absalom Baird;

The bill for the relief of Sarah Angel, and the other heirs-at-law of Benjamin King, deceased;

The bill for the relief of the heirs of Nathaniel Tyler;

The bill authorizing the construction of a railroad in Florida;

The bill for the relief of Benjamin and Nancy Merrill;

The bill to authorize the location of a railroad from Mobile to the bay of Pascagoula;

The bill for the relief of the reserved townships in the State of Indiana;

The bill for the relief of James Forbes;

The bill for the relief of Nathaniel P. Tatum;

The bill for the relief of James Caulfield;

The bill for the relief of David Browning;

The bill for the relief of Jonathan Boone;

The bill for the relief of Daniel Shofer;

The bill to amend the act to grant certain relinquished and unappropriated lands in the State of Alabama for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers;

The bill for laying off the towns of Fort Madeira and Burlington, in the county of Des Moines and the towns of Bellevue, Dubuque, and Peru, in the county of Dubuque, Territory of Michigan, and other purposes; (as amended, confining the preemptions to one acre lots, embracing improvements;)

The bill to amend an act entitled "An act authorizing the laying off a town on Bean river, in the State of Illinois, and for other purposes," approved February 5, 1829;

The bill for the relief of the trustees of common schools, in township eight, range eleven east, in the State of Mississippi;

The bill for the relief of James Weltbank;

The bill to authorize the President of the United States to cause to be issued to Albert J. Smith and others, patents for certain reservations of land in the Michigan Territory;

The bill for the relief of Francis R. Theobald; and

The bill for the relief of Benjamin F. Stone;

The following bills, after having been considered as in Committee of the Whole, were laid on the table:

The bill for the relief of John Dement;

The bill for the relief of Tobias Crum;

The bill to amend the act entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution; and

The bill for the relief of Robert Dickey, of New York.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 18, 1836.

On motion of Mr. JARVIS, the Committee of the Whole was discharged from the further consideration of the bill making appropriations for completing vessels of war on the stocks, and for repairing and equipping those in ordinary, and the same was recommitted to the Committee on Naval Affairs.

Mr. JARVIS, from the Committee on Naval Affairs, reported a bill to provide for the peace establishment of the Navy; and a bill making appropriations for repairing and equipping vessels in ordinary, and providing for the building of two brigs and three steam vessels; which were read twice, and committed.

ORDER OF BUSINESS.

Mr. SMITH asked leave to offer the following resolution:

Resolved, That on Monday next, at twelve o'clock, and at the same hour on each successive day, the House will resolve itself into the Committee of the Whole on the state of the Union, to consider, until completed, bill No. 259, making appropriations for the Military Academy for the year 1836; bill No. 307, making additional appropriations for the Delaware breakwater, and for certain harbors, and removing obstructions in and at the mouths of certain rivers, and for other purposes, for the year 1836; and bill No. 323, making appropriations for certain military and other roads, and for examinations and surveys, for 1836.

Objection being made, Mr. S. moved a suspension of the rules.

Mr. INGERSOLL asked the Chair's opinion as to the fact whether all these bills were not embraced in the special order of the 26th of January last.

Mr. WHITTLESEY, of Ohio, had understood the Chair to have so decided some days since.

The CHAIR replied that he had given no such decision, but that there was a conversation on the subject between gentlemen on the floor.

Mr. PATTON asked for the yeas and nays on the motion to suspend the rules; but the House refused to order them.

In reply to Mr. WHITTLESEY,

The CHAIR said the resolution of the 26th of January being in such very general terms, he would not undertake to give such a construction to it himself as to embrace those bills, but leave it to the House to decide the point.

After a number of suggestions from Messrs. BOYD, HAMER, and MERCER,

Mr. SMITH inquired of the Chair if the subject of the construction of that order would not come up as soon as the fortification bill was disposed of.

The CHAIR replied that it would.

Mr. SMITH accordingly withdrew the resolution.

PUBLIC REVENUE.

Mr. McKAY moved a suspension of the rules for the purpose of offering the following resolutions; which were read:

Resolved, That the revenue receivable under the present laws is, and will be, more than is required for the fair and legitimate wants of the Government, and that provision ought to be made for its reduction.

Resolved, That the Secretary of the Treasury report to this House, at the commencement of the next session, what alteration can be made in the existing tariff of duties, consistently with the principles of the several acts imposing duties upon imports, with a view to reduction.

Resolved, That the Secretary of the Treasury also report upon the best mode of diminishing the revenue arising from the public lands, without retarding the settlement of the new States, or impairing the interests of the General Government, and, generally, his views as to the best mode of reducing the revenue to the fair and constitutional wants of the Goverument.

Mr. MANN, of New York, asked for the yeas and nays; but before the House passed upon the motion,

Mr. HOWELL moved to lay the motion to suspend on the table.

Mr. PARKS called for the yeas and nays on that motion; which being ordered,

Mr. HOWELL withdrew his motion.

The yeas and nays on the motion to suspend were ordered; and the question being then taken, was decided in the negative—yeas 121, nays 76—not two-thirds; as follows:

YEAS — Messrs. Ashe, Barton, Beal, Bean, Beaumont, Bell, Bokee, Boon, Bouldin, Bovee, Boyd, Brown, Burns, Bynum, Cambreleng, Campbell, Carter, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Cleveland, Connor, Craig, Cramer, Cushman, Deberry, Dickson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Haynes, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Judson, Kilgore, Kinnard, Lane, Lawler, Lay, Gideon Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lyon, Abijah Mann, Job Mann, John Y. Mason, William Mason, Moses Mason, Maury, May, McKay, McKeon, McKim, McLane, Miller, Morgan, Muhlenberg, Page, Parks, Patterson, Patton, Franklin Pierce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Roane, Robertson, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Speight, Standefer, Taliaferro, John Thomson, Toucey, Turrill, Wagener, Ward, Wardell, Webster, Weeks, and Thomas T. Whittlesey—121.

NAYS — Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Bond, Borden, Briggs, John Calhoun, William B. Calhoun, George Chambers, John Chambers, Childs, Clark, Crane, Cushing, Darlington, Denny, Dickerson, Evans, Everett, Fowler, Philo C. Fuller, Rice Garland, Granger, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harlan, Harper, Hazeltine, Henderson, Heister, Hoar, Howell, Hunt, Ingersoll, William Jackson, Janes, Henry Johnson, Lansing, Laporte, Lawrence, Thomas Lee, Lincoln, Love, Sampson Mason, McCarty, McComas, McKennan, Mercer, Milligan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, William B. Shepard, Slade, Spangler, Storer, Waddy Thompson, Turner, Underwood, Vanderpoel, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, and Sherrod Williams—76.

REORGANIZATION OF THE GENERAL LAND OFFICE.

Mr. BOON, from the Committee on Public Lands, reported the Senate bill to provide for the reorganization of the General Land Office, with sundry amendments; which was committed.

Mr. B., from the same committee, moved that the bill be made the special order for Wednesday next at twelve o'clock.

Mr. JOHNSON, of Tennessee, move to include also the bill regulating the salaries of clerks in the different offices; which was lost.

The motion of Mr. BOON was also lost.

BILLS INTRODUCED.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported a bill making appropriations for barracks at Key West; which was read twice, and committed.

Also, a bill to authorize the President of the United States to furnish certain ordnance to several States; which was read twice, and on motion of Mr. JOHNSON, ordered to be engrossed for a third reading on Monday next.

Mr. WHITTLESEY, of Ohio, from the Committee of Claims, reported a bill for the relief of Thomas Tyner and others; which was read twice, and committed.

Mr. W., from the same committee, made unfavorable reports in the cases of Jesse Morrison, William Morrison, Joseph W. Page, Henry T. Evans, George Thornborough, and John Kennedy.

PENSION SYSTEM.

Mr. WARDWELL moved a suspension of the rules for one hour, for the purpose of disposing of the bill to extend the provisions of the act entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution;" which was agreed to—110 to 48.

The bill was reported from the Committee of the Whole on the 11th instant, with certain proposed amendments, (the details of which have been before given in our columns.)

The amendments having all been severally concurred in,

Mr. LANE moved the previous question on the engrossment of the bill; which was seconded by the House—ayes 81, noes 41.

Mr. PATTON moved to lay the bill on the table.

Mr. JARVIS asked for the yeas and nays; which were ordered; and were—yeas 64, nays 129. So the House refused to lay the bill on the table.

The main question was then ordered, put, and carried, and the bill ordered to be engrossed for a third reading.

PUBLIC DEPOSITS.

Mr. PATTON moved a suspension of the rules for the purpose of taking up the bill from the Senate to regulate the deposits of the public moneys of the United States. Mr. P. explained that he made the motion with a view that some day next week should be set apart for its consideration.

Mr. BRIGGS asked for the yeas and nays; which were ordered; and were—yeas 130, nays 70; not being two thirds, the rules were not suspended.

CHOCTAW LANDS.

On motion of Mr. BELL, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. PEARCE, of Rhode Island, in the chair,) and took up and considered the bill to provide for the adjustment of certain claims and reservations of land under the fourteenth article of the treaty of 1830, with the Choctaw Indians.

The bill having been gone through with, the committee rose and reported the same to the House, without amendment; and it was ordered to be engrossed.

At a subsequent part of the day, the bill was read a third time, and passed.

PENSION SYSTEM.

The bill to extend the pension system, ordered to be engrossed for a third reading to-day, was then taken up.

Mr. WILLIAMS, of North Carolina, moved the following resolution:

Resolved, That the bill be recommitted to a Committee of the Whole House, with instructions to strike out the provisions which grant a pension to those persons who were engaged in the Indian hostilities of the West, subsequently to the revolutionary war, terminating in 1783.

Mr. FRENCH moved the previous question; which was seconded by the House—ayes 78, noes 50.

Mr. VINTON called for the yeas and nays on ordering the main question; which were ordered.

Mr. JARVIS moved a call of the House; which was lost.

The House determined that the main question should be put, by a vote of 89 to 86.

Mr. CAMBRELENG asked for the yeas and nays on the main question, (the passage of the bill;) which were ordered.

Mr. PARKS moved to lay the bill on the table.

Mr. REYNOLDS, of Illinois, asked for the yeas and nays on that motion; which were ordered; and were—yeas 68, nays 111. So the motion to lay on the table was decided in the negative.

Mr. JARVIS moved a call of the House. Mr. J. said, on the passage of a bill of this character, he desired to see a full House. The motion was lost—only forty-nine voting in the affirmative.

The question was then taken on the passage of the bill, and decided in the affirmative—yeas 109, nays 75.

So the bill was passed.

Mr. JARVIS moved a reconsideration of the vote. He said the bill had been forced through the House in a most extraordinary manner, and then went on to show the heavy drains it would cause upon the public Treasury, and examined its provisions at some length. He concluded by moving that the question of reconsideration be postponed until Monday next, so that every gentleman might come prepared to vote upon it understandingly.

Mr. HARDIN, after a few remarks in support of the provisions of the bill, moved the previous question on the motion to reconsider; which was seconded—ayes 69, noes 62.

Mr. RENCHER call for the yeas and nays on ordering the main question to be put; which were ordered, and were—yeas 92, nays 70.

So the House determined that the main question should be put.

The main question on reconsideration was then put, and disagreed to without a count. So the bill was finally passed.

SUSPENSION OF THE RULES.

Mr. GILLET moved a suspension of the rules for the purpose of considering the bill to establish ports of entry; but the motion was disagreed to.

A number of ineffectual motions were made to give priority to various bills.

JOHN DONALDSON, ETC.

On motion of Mr. GARLAND, of Louisiana, the House receded from its amendment to the Senate bill for the relief of John Donaldson, Stephen Heard, and others.

On motion of Mr. ASH, the House adjourned.

IN SENATE.

MONDAY, *June* 20, 1836.

The CHAIR communicated the credentials of the Hon. RICHARD BAYARD, elected by the Legislature of Delaware a Senator from that State to fill the vacancy occasioned by the resignation of the Hon. Arnold Naudain.

Mr. BAYARD was then qualified, and took his seat.

The CHAIR communicated a report from the Secretary of the Treasury, made in compliance with the seventh section of the act of 1792, relative to the transactions of the Mint for the last year.

REPORTS FROM COMMITTEES.

Mr. PRENTISS, from the Committee on Pensions, reported a bill for the relief of Parker Chase; which was read, and ordered to a second reading.

Mr. P., from the same committee, reported several bills from the House without amendment.

Mr. WEBSTER, from the Committee on Finance, to which had been referred the resolution submitted by Mr. HUBBARD, directing the committee to inquire into the increase of the banking capital in Florida, made a report thereon, recommending the disapproval and annulling, on the part of Congress, of certain bank charters, granted by the Legislature of said Territory, accompanied by a bill and joint resolution on the subject.

Mr. W. said he thought the honourable member from New Hampshire (Mr. HUBBARD) had done a service in calling the attention of the Senate to the subject. The committee collected what information they could, and had instructed him to make a report, accompanied by a bill and a joint resolution. The bill proposed to disapprove and annul all acts of the Legislature of Florida creating banks, or extending bank charters, passed in the year 1836.

It proposed also to take away in time to come, all power from any Territorial Legislature to create banks, except subject to the express confirmation of Congress. Two acts which the committee think to be of a very extraordinary and objectionable character were passed by the Florida Legislature in February, 1835, knowledge of which reached here on the last day of the last session of Congress. The committee were of opinion that these acts ought also to be annulled, unless they shall be properly reformed and amended; but under these circumstances, the committee think that the persons interested may not improperly be allowed an opportunity to obtain such amendments; although, considering the time when the acts were obtained, and the certainty, then known to everybody, that Congress could not act upon the subject last session, it would not be an injustice or hardship, if Congress were now to exercise its undoubted power of annulling the laws altogether.

It is not to be concealed that applications have been made to the Legislature for charters, with very unusual and extraordinary powers from a real or a supposed facility of obtaining charters from the Territorial Government.

Mr. W. said he would call for the consideration of these measures on Thursday next.

The bill and joint resolution were then severally read, and ordered to a second reading.

Mr. PORTER, from the Committee on Private Land Claims, reported the bill from the House for the relief of Judge Bradford, of Louisiana, without amendment.

Mr. TOMLINSON, from the Committee on Pensions, reported the bills from the House for the relief of George White and George McHatton, severally without amendment.

Mr. DAVIS, from the Committee on Commerce, made an unfavorable report on the bill for the relief of John H. Jacocks; which was ordered to be printed.

Mr. TIPTON, from the Committee on Claims, reported without amendment the bill from the House for the relief of the legal representatives of Josias Thompson, deceased.

REORGANIZATION OF THE GENERAL POST OFFICE.

On motion of Mr. GRUNDY, the bill to change the organization of the General Post Office was taken up; and the question being on the amendments of the committee relative to the private boxes in the post offices, it was not concurred in.

Mr. G. moved to strike out the 43d and 44th sections.

[These sections regulate the rent of the private boxes put up by the postmasters in the post offices, and rented out to merchants and others.]

Mr. DAVIS could not consent to the striking out these sections without inserting some provisions to destroy the great inequality which is caused in the compensation of postmasters by the existing state of things with regard to these private boxes. He thought that the amendment suggested by him the other day would answer every purpose, and obviate all the objections that had been made to the system.

The amendment is as follows:

SEC. —. *And be it further enacted*, That it shall be lawful for each deputy postmaster in the United States to erect and maintain in his office boxes for the accommodation of such persons as may apply for them, on the following conditions, and no other, to wit:

First. In each village, town, city, or place containing, by the census of 1830, less than ten thousand inhabitants, each deputy postmaster may rent such boxes at any sum not exceeding one dollar each a year.

Second. In each village, town, or city containing more than ten thousand, and less than twenty thousand inhabitants, by the said census, each deputy postmaster may rent such boxes for any sum not exceeding one dollar and fifty cents a year each.

Third. In each village, town, or city, containing, by said census, more than twenty thousand inhabitants, such deputy postmaster may rent such boxes for any sum not exceeding two dollars a year each.

Fourth. The expense of erecting such boxes shall be defrayed out of the revenue arising therefrom.

Fifth. The several deputy postmasters shall keep an account of all the proceeds arising from the rent of such boxes, and make return thereof, with the other accounts of his office.

Sixth. The several deputy postmasters, except in the cities of New York and New Orleans, may, in addition to the other allowances made to them by law for their services, detain for their own use the revenue arising from said boxes: *Provided*, Such revenue, when added to their other emoluments, shall not exceed the sum of $3,500 in a year, in which case the balance shall be paid as other revenue to the General Post Office.

Seventh. The deputy postmasters in the cities of New York and New Orleans may detain in their respective hands from the revenue of said boxes, until that, with their other emoluments, amount respectively to $4,000.

Mr. EWING objected to the striking out the provisions in these sections without making some regulation as to the compensations of the postmasters. In some cases (he said) the postmasters, in consequence of these perquisites, collected twice and sometimes three times as much as the salaries allowed them by law; a fact wholly unknown to the public. He would prefer the amendment of the Senator from Massachusetts; but rather than not have some provision of the kind, he would vote for retaining the sections as they came from the House, though some inequality might be occasioned by them.

Mr. PRESTON concurred with the chairman in the motion to strike out the two sections. He thought the subject ought to be left as it is, it not being a fit subject for legislation. Mr. P. spoke of the present system as being a matter of private arrangement between the postmasters and the merchants who principally rent the boxes, of the greatest convenience to the latter, and so universally approved of, that the greatest dissatisfaction, as well as inconvenience, would be occasioned by changing it. In referring to the post office at Charleston, he spoke of the arduous duties and responsible trust of the postmaster at that place, who he represented as a very valuable officer, and contended that any reduction of his income would be not only unjust, but highly inexpedient.

Mr. BUCHANAN said they were legislating on a subject, he was free to say, few of them understood. Not a single complaint had been made, throughout this extensive Union, against this system of boxes. No man had said aught against it; and, without being acquainted with its nature, we seek (said he) to establish a system, the extent of which we cannot know. The effect of the amendment of the Senator from Massachusetts [Mr. DAVIS] would be, that, in every village, the postmaster would exact one dollar, where nothing has been charged before—and boxes will spring up everywhere throughout the country, set up by the post, for the sake of their own profits. In Philadelphia the greatest convenience had resulted from the practice, both to those who took the boxes and to the postmaster; and it was owing to the smallness of their number, there being but four hundred and fifty of them, that the convenience was so valuable. If the amendment prevailed, the number would be increased to an almost unlimited extent, occasioning much confusion, as well as great additional expense. With respect to the compensation of the postmaster, he only received about three thousand three hundred dollars per annum, and this amendment of the Senator from Massachusetts would reduce it to two thousand two hundred dollars, a sum totally inadequate to the support of his family.

Mr. B. thought it better not to make any change in the present system before the next session of Congress. The Postmaster General was now seeking information on the subject from all parts of the country, and would digest a plan, and report it to them at the next session. Why should they make so important a change now in the absence of all complaint and of all information? The only inconvenience complained of was the salaries of the postmasters of New York and New Orleans; and if they could not wait till the next session to regulate them, the amendment he had suggested would provide the remedy. If it was proposed to reduce the salaries of the postmasters of these two cities, let it be done (he said) without affecting those whose salaries do not come up to $4,000. He thought that the postmaster at New York received too much, and that none ought to receive more than $4,000.

The following is the amendment of Mr. BUCHANAN, as suggested by him when the bill was under consideration a few days ago:

Be it enacted, That each postmaster and deputy postmaster shall make quarterly returns of the amount received by him for the rent of boxes; and if the same shall exceed the sum of $2,000 per annum, he shall account for and pay over the excess.

Mr. PORTER denied that the postmaster at New Orleans received more than a fair compensation, considering the importance of his duties and the exceedingly high expenses of living in that city. There was a strong objection (he said) to the change in the box system, that gentlemen had not adverted to. At this time it was a matter of private arrangement between the postmasters and the merchants, and consequently all the responsibility rested on the former; but make it a matter of law, and the responsibility will be greatly diminished; nothing more will be required than ordinary care and diligence.

Mr. GRUNDY observed that, if this bill went into operation, the box system would be greatly diminished. There were provisions in it with respect to the penny-posts, furnishing such increased facilities for the transmission of letters, as well to the post offices as from it, which would cause a great many who now use the private boxes to dispense with them.

Mr. DAVIS explained the operations of his amendment, and supported it in a speech of some length. He was opposed to making the postmasters a favorite class, and giving them higher salaries than other officers holding appointments of equal importance, labor, and responsibility; and instanced the salary of the Governor of the great State of New York, only $4,000; of the naval officer of New York, $3,000; and of the district judge in that State, $2,500. He would say to the Senator from South Carolina, that the present arrangement gives to the postmaster of Charleston a higher salary than his State pays to any of her officers. The amendment submitted by the Senator from Pennsylvania was equally objectionable with him to the present system, for it went to limiting the accommodation said to be of so much value to a few individuals, while it ought to be liberally extended, as far as circumstances would permit, to the whole community. He spoke of his wish to compensate the postmasters of the large cities liberally, but not to an extent beyond the compensations of other Government officers of a like grade and responsibility, and not at the expense of the convenience of the community.

Mr. BUCHANAN replied to Mr. DAVIS at length, and defended his amendment. The reduction would not affect the postmasters of New York and Boston anything like what it would the postmaster of Philadelphia, who would, if it prevailed, be compelled to resign, from the impossibility of supporting his family on the salary to which he would be reduced. The amendment of the Senator from Massachusetts would also be the levying of a tax in every town and village of the Union of one dollar on each box set up by the postmasters for their own convenience, merely for the purpose of reaching the postmasters of New York and New Orleans, who alone are said to receive too much.

After some further remarks from Messrs. DAVIS and BUCHANAN, the question was taken on Mr. DAVIS's amendment; and it was rejected—yeas 16, nays 28; as follows:

YEAS—Messrs. Bayard, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Knight, Mangum, Moore, Prentiss, Robbins, Southard, Swift, Tomlinson, and Webster—16.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Linn, McKean, Morris, Nicholas, Niles, Page, Porter, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, White, and Wright—28.

The question next came up on Mr. BUCHANAN's amendment.

Mr. WEBSTER wished that the Senator would so modify his motion as to require the postmasters to exhibit the prices of the boxes as well as the aggregate received.

Mr. GRUNDY would make one suggestion. He was in hopes that, at the next session, they would be able to make some reduction on the postage of letters. Now, he wished this matter of the rent of private boxes should be left as it is; and when they came to reduce the letter postage they might perhaps be able to make up some part of the reduction by a revenue from this source. He would vote against the amendment, considering it better to leave the whole matter at present as it is.

Mr. BUCHANAN declined making any change in his amendment, believing it the best, under the circumstances that could be adopted.

Mr. CLAY thought this matter of perquisites exceedingly inconsistent with the genius of this Government. He should have been glad if they could have met the views of the House of Representatives; but he had no idea that, in a Government of laws, such an abuse should exist one day. The next thing would be that the custom-house officers would demand perquisites, and they would be called on to sanction it. He thought also, the amendment of the Senator from Pennsylvania went to too great an increase of the salaries of the postmasters.

Mr. BUCHANAN said it was plain that the Senator from Kentucky did not understand the amendment. It prevented the salary of any postmaster from going beyond $4,000.

The question was then taken on Mr. BUCHANAN's amendment, which was rejected by the following vote:

YEAS—Messrs. Bayard, Black, Buchanan, Clayton, Cuthbert, Ewing of Ohio, Kent, Niles, Porter, Prentiss, Robinson, Shepley, Swift, Webster, and White—15.

NAYS—Messrs. Benton, Brown, Clay, Crittenden, Davis, Goldsborough, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Knight, Linn, McKean, Mangum, Moore, Morris, Nicholas, Page, Preston, Rives, Robbins, Ruggles, Southard, Tallmadge, Tomlinson, Walker, Wall, and Wright—29.

Mr. PORTER moved an amendment, requiring the Postmaster General to keep a record, on a well-bound book, of all the bids made for carrying the mails, whether accepted or rejected, with the prices at which the bids are made; all of which are to be reported to Congress at the next session, in lieu of the provisions on that subject reported by the committee.

This amendment was agreed to; and the bill having been reported to the Senate, the amendments were concurred in, and the bill was ordered to be read a third time.

The message of the President, containing his veto to the bill, fixing the adjournment of Congress, came up as the order of the day; and

On motion of Mr. CLAYTON, it was postponed to, and made the order of the day for, to-morrow.

HOUSE BILLS REFERRED.

The following bills from the House were severally read twice and referred:

The bill extending the provisions of the act supplementary to the act for the relief of sundry surviving officers and soldiers; and

The bill for the adjustment of certain claims to reservations of lands under the fourteenth article of the treaty with the Choctaws.

BILLS PASSED.

The following bills were severally read the third time, and passed:

The bill for the relief of Archibald Small;

The bill for the relief of Benjamin and Nancy Merrill;

The bill for the relief of the citizens of the reserved townships in the State of Indiana;

The bill for the relief of the legal representatives of Doctor Absalom Baird;

The bill for the relief of Daniel Smith;

The bill for the relief of James Caulfield;

The bill for the relief of the legal representatives of Nathaniel Shaver, deceased;

The bill to promote the progress of the useful arts and to repeal all other parts of acts on the same subject;

The bill for the relief of Alvarez Fisk and the legal representatives of Thomas P. Eskridge, deceased;

The bill to discontinue the land offices at Wooster and Steubenville, in the State of Ohio;

The bill for the relief of Sarah Angel and the other heirs-at-law of Benjamin King, deceased;

The bill authorizing the construction of a railroad in Florida;

The bill for the relief of Nathaniel P. Tatum;

The bill for the relief of Charles Dehault Delassus;

The bill to authorize the location of a railroad from Mobile to Pascagoula through the public lands;

The bill to amend an act to grant certain relinquished and unappropriated lands in the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers;

The bill for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Bellevieu, Dubuque, and Peru, in the county of Dubuque, Territory of Wisconsin, and for other purposes;

The bill to amend an act, entitled "An act authorizing the laying off a town on Bean river, in the State of Illinois, and for other purposes," approved February 5, 1829;

The bill for the relief of the trustees of the common schools in township eight, range eleven east, in the State of Mississippi;

The bill to authorize the President of the United States to cause to be issued to Albert J. Smith, and others, patents for certain reservations of land in Wisconsin Territory;

The bill for the relief of Francis R. Theobold; and

The bill for the relief of Benjamin Stone.

RECRUITS FOR THE ARMY.

On motion of Mr. BENTON, the Senate took up the bill to increase the military peace establishment of the United States.

[The bill proposes to increase the rank and file of the Army to ten thousand five hundred and twenty-four; and also proposes a considerable increase to the general staff, an addition of three paymasters, and a small increase of the medical staff.]

Mr. B. explained and advocated the bill.

Mr. CLAY said he had supposed that, as no augmentation of the Army could be of any service for the present Indian wars, which must terminate long before the recruiting could be completed;

and as they had passed a law already to raise ten thousand volunteers, and an additional regiment of dragoons, this bill would not be pressed. Considering the militia as the proper constitutional force for repelling all insurrections and invasions, and considering that the additional regiment of dragoons was a sufficient increase of the military peace establishment, he would, to try the sense of the Senate, move to strike out the first section of the bill.

Mr. LINN spoke against the motion at some length. He showed the urgent necessity there was for increasing the military force for the protection of our Indian frontiers, and quoted the opinions of the Secretary of War, and of General Jesup, in support of his arguments.

The present frontier population of Missouri were very different from those hardy and warlike adventurers who conquered the valley of the Mississippi. They were generally persons in easy circumstances, who had emigrated from the East for the purpose of acquiring land for their growing families, and were more fitted for the pursuits of peace and industry than the hardships and dangers of Indian warfare. It was all important to such to be able to pursue their usual avocations without the constant dread of savage aggression. There was no doubt but that they could conquer the Indians, but it would be after many fair fields had been made desolate, and many a widow would be weeping over her fatherless children. It would be a humane policy towards the Indians themselves, as well as justice to the frontier States, to have such a force as would prevent the possibility of an Indian outbreak. Mr. L. spoke of the warlike character of the Indians, the feelings of hatred and revenge they must necessarily indulge against the whites, and the facilities they have for forming combinations, in consequence of so many of them having been thrown into situations inviting the intercourse on the borders of the frontier States—all of which powerfully argued the necessity of having a sufficient force to overawe them.

Mr. BENTON also opposed the motion. The increase of the Army was not asked for (he said) in consequence of the present Indian wars going on in the South. It was a permanent increase of the Army, called for by the situation of the frontier States, on whose borders the Government had placed, without their consent, such vast numbers of well-armed and well-supplied Indians. The increase now asked for would not make the Army as full as it was in 1815, when there was far less occasion for a military force than now. Mr. B. asked for the yeas and nays on the question; which were ordered.

A discussion here followed, in which Messrs. CALHOUN, PORTER, WRIGHT, BENTON, and PRESTON took part, relative to the additional expense that would be incurred by the proposed increase of the rank and file of the Army.

Mr. CRITTENDEN supported the motion to strike out the first section. He considered the increase of the Army unnecessary to protect the frontiers against a broken, divided, and down-trodden race, so far subdued in spirit as to be removed from the homes of their childhood and the graves of their ancestors without raising a hand. He denied that there was any probability of a combination of different tribes, they being more likely to quarrel with one another than with the whites. He thought, too, that an infantry force would not be available in Indian warfare, and that the two dragoon regiments now in service were an ample protection. As to sudden outbreaks, he did not think, such was the Indian character, that all the force that could be raised would prevent them. He had all his life been well acquainted in Louisiana and Arkansas, and he had never heard of a white man being slain by an Indian there; and with the exception of the Black Hawk war, there had been no bloodshed in Illinois and Indiana.

Mr. LINN replied to Mr. CRITTENDEN; and, after a further debate between Messrs. CALHOUN, PORTER, and CRITTENDEN, the question was taken on Mr. CLAY's motion; and it was rejected—yeas 6, nays 26; as follows:

YEAS—Messrs. Clay, Ewing of Ohio, Kent, Knight, Prentiss, and Southard—6.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Cuthbert, Goldsborough, Grundy, Hubbard, King of Alabama, Linn, Mangum, Morris, Nicholas, Niles, Page, Porter, Preston, Rives, Robinson, Ruggles, Tallmadge, Walker, Wall, White, and Wright—23.

Mr. CALHOUN moved to strike out the seventh and eighth sections of the bill, providing for an increase of the medical staff, and for the appointment of three additional paymasters, on the ground that bills for this purpose had already passed the Senate, and been sent to the other House.

Mr. BENTON said he would insert a proviso that these sections should not take effect provided the bills referred to become a law.

Mr. CALHOUN then withdrew his motion.

Mr. PRESTON, after some remarks on the provisions of the bill increasing the general staff, moved to strike them out. He preferred waiting till the next session of Congress before increasing these branches of the service, when a plan would be submitted by the Secretary of War, containing all the information for them to act with a full understanding of the subject.

The motion was agreed to.

Mr. NICHOLAS moved to strike out the section giving the franking privilege to the bureaus of the War Department; and authorizing the President to equip one regiment of infantry as a regiment of riflemen; and to direct certain officers to perform the duties of superior officers who may be absent. Mr. N. believed that the President possessed these powers already.

This motion was also agreed to, and the bill was ordered to be engrossed for a third reading—yeas 26, nays 8; as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Cuthbert, Goldsborough, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Page, Porter, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, White, and Wright—26.

NAYS—Messrs. Clay, Crittenden, Davis, Kent, Knight, Southard, Swift, and Tomlinson—8.

JUDICIAL SYSTEM OF ARKANSAS.

On motion of Mr. BUCHANAN, the bill concerning the judicial system of Arkansas, which was returned from the House with amendments, was referred to the Committee on the Judiciary.

BUILDING FOR THE PATENT OFFICE.

On motion of Mr. RUGGLES, the Senate took up the bill providing for the construction of a building for the accommodation of the patent office; and the same having been read,

Mr. CLAY inquired whether there were any plans and estimates for the proposed building, or any information to show what description of a building was to be constructed at so great an expense as the bill contemplated?

A discussion then ensued between Messrs. CLAY, and RUGGLES, but, before taking any question,

On motion of Mr. CALHOUN, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 20, 1836

Mr. LANE rose and moved a suspension of the rules, for the purpose of taking up the bill from the Senate to regulate the deposits of the public money, so as to make it the special order of the day for to-morrow, and each day thereafter, until disposed of. Mr. L. asked for the yeas and nays on his motion; which were ordered.

Mr. HALL, of Maine, moved a call of the House; which was ordered, and proceeded in for some time, when, on motion of Mr HARPER, its further proceedings were dispensed with.

Mr. ANTHONY moved to amend the motion, by instructing the Committee of the Whole on the state of the Union to separate the two propositions embraced in the bill, and to report two bills.

After some conversation between the CHAIR and Messrs. A. H. SHEPPERD, BELL, ANTHONY, CAMBRELENG, PHILLIPS, VANDERPOEL, McCOMAS, DROMGOOLE, LEWIS, and DENNY,

The CHAIR decided the original motion and amendment to be out of order, on the ground that the bill must be read a first and second time before a motion could be entertained for its disposition.

By general consent the bill was then taken up, and twice read, the question being on its commitment.

Mr. DICKERSON moved the following instructions:

To separate those parts of the bill which regulate the deposits of the public money in the State banks from those parts which propose a deposit of the surplus money of the United States with the several States, and to report those propositions in separate bills.

Mr. LANE moved to amend the motion of the gentleman from New Jersey, as follows:

That the bill be referred to the Committee of the Whole on the state of the Union, and made the special order of the day for to-morrow, at twelve o'clock, and each succeeding day thereafter until disposed of.

Mr. DICKERSON then proceeded to assign his reasons at length for the motion he made, and accepted the amendment of Mr. LANE as a modification of his motion.

Mr. DENNY declared that, if the proposition of the gentleman from New Jersey should be carried, it would inevitably defeat the bill. That gentleman in his remarks had argued as though there were two separate and distinct bills before the House. This was not the case.

Mr. McKENNAN did not rise to discuss this matter, but to appeal to the friends of the bill not to debate the question, but allow the vote to be taken.

Mr. SPEIGHT said it would be readily perceived that the bill contained two separate and distinct propositions. He was in favor of the first and opposed to the latter, and he was in favor of having these propositions separated. He did not consider that it would jeopardize the bill by separating these propositions.

Mr. MERCER made a few remarks in opposition to the instructions. He considered the two propositions indissoluble.

Mr. LANE said he had submitted the resolution to have the bill taken up, read a first and second time, and referred to the Committee of the Whole on the state of the Union, in order that it might be speedily and finally acted upon.

The first part of the resolution has been adopted, and the question now is upon the motion of the gentleman from New Jersey, [Mr. DICKERSON,] to have it referred, with instructions that the committee separate the bill, and report to the House that part which regulates the deposits in the State banks, and that portion which provides for the surplus revenue remaining on hand on the 1st of January next, to be deposited, all except five millions, in the respective State treasuries, at a certain per centum.

Mr. L. said he was in favor of both branches of the bill, and more especially the latter part of it. It has been argued as a reason why the instruction moved ought to be adopted, that they are subjects disconnected with each other, and therefore ought to be disunited. So far from this being the case, each branch of the bill provides for the safe-keeping of the public money; one provides for keeping a portion in the State banks; the other in the respective State treasuries. They are similar in principle; and in fact, both regulate and provide for the safe and efficient keeping of the public money. Why, then, ought they to be separated? Will not the public money be as safe in the State treasury, with the faith of the State pledged for its safe-keeping and repayment, as in the State banks, irresponsible in their character, and often doubtful in point of credit?

Can it be said that it has been lawful and constitutional for the last two years to keep the public money in the State banks, in the absence of all law other than the necessity of the case, resting entirely upon the judgment and discretion of the Secretary, and that it will now be improper and unconstitutional to deposit a portion of it in the State treasuries, in and by authority of law?

The object of the bill is to secure the public revenue—the money of the people. It contemplates a higher security than the deposit banks for a large portion of it. The respective States—the whole people, will be bound for its repayment. And it matters not whether we order it deposited in the local incorporated banks, with private bankers, in the hands of agents, or in the State treasuries, it is but a deposit, and the only object ought to be its safe keeping, the convenience of the Treasury, of disbursement, and the interest and prosperity of the country.

While it was a source of extreme regret, to find himself bound to differ in opinion with many of those with whom it had given and always would give him pleasure to act, he had the consolation to know and believe he was acting in accordance with the opinions, wishes, and interest, of those whom he had the honor to represent. No political considerations should ever induce him to violate the one, or disregard the other.

Mr. L. said it could not have escaped the attention of honorable gentlemen, that he had introduced a resolution in the early part of the session, in substance the same as the bill now under consideration.

To conclude, (Mr. L. said,) he trusted that the bill would be adopted as a whole, after some trifling amendments, which, if no one else would offer, he should himself propose to the committee.

Mr. PARKER said an important measure like this should go to the Committee of the Whole untrammeled. He differed with his colleague, that the bill contained two distinct, separate propositions.

Mr. CALHOUN, of Massachusetts, called for a division of the question on the instructions.

Mr. SMITH was in favor of the motion to commit, but he hoped the second branch of the instructions would be rejected. He had heard no valid reason yet offered why the propositions should be separated. He entered somewhat at large into the merits of the whole bill.

Mr. MANN, of New York, considered the debate, at this stage of the question, premature, and he hoped the friends and enemies of the bill would permit the question to be taken without much further debate. He then offered the following as a substitute for the instructions of the gentleman from New Jersey:

To commit it to the Committee of the Whole on the state of the Union, with instructions, when they report the same to the House, to separate the provisions thereof, so as to make two distinct bills, as follows, to wit: by striking therefrom all after the enacting clause contained in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth sections thereof, and reporting the remainder of said bill from the Senate to the House as one bill, and the said first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth sections so stricken out, with an enacting clause prefixed thereto, in another distinct and separate bill, with such other amendments to each of said bills as the said committee may deem expedient.

Mr. ADAMS hoped gentlemen would withdraw their instructions. He considered instructions to the Committee of the Whole to be out of order. Mr. A. considered that there ought to be greater restrictions put upon the deposit banks than those contained in this bill. He did not agree that there ought to be a separation of the different propositions in the bill. Mr. A. went at some length into the merits of the bill.

Mr. PATTON concurred in the views of the gentleman from Massachusetts. He was opposed to a separation of the two propositions in this bill. If the bill of the Senate was separated in this way, he wished to know which portion of it was to be sent back to the Senate as their bill? Mr. P. was not to be governed in his vote by the opinions of the Executive, which had been alluded to in this debate.

Mr. DICKERSON explained. He agreed with the gentleman from Virginia, [Mr. PATTON,] in his views in relation to the opinions of the Executive; but he considered it important that this bill should be put in such condition as not to be subject to the veto of the Executive.

Mr. PATTON then went into an argument of some length to show that the propositions of this bill should not be separated, but that it should go to the Committee of the Whole untrammeled by any instructions.

Mr. DICKERSON then accepted the proposition of the gentleman from New York [Mr. MANN] as a substitute for the one offered by him.

Mr. VINTON contended that the proposition of the gentleman from New York, which was accepted by the gentleman from New Jersey, was not in order, because it would be separating the Senate bill, and making two original bills out of the Senate bill; he made this a point of order.

The CHAIR said, as a question of order, he could not decide; it was with the House to decide.

Mr. LEWIS called for the yeas and nays on the motion to commit to the Committee of the Whole on the state of the Union; which were not ordered.

The question on commitment was then taken, and decided in the affirmative.

Mr. MERCER then called for a division of the question, so as to take the vote on the instructions offered by Mr. MANN first.

Mr. HEISTER called for the yeas and nays; which were ordered; and were—yeas 96, nays 120; as follows:

YEAS—Messrs. Anthony, Ash, Barton, Beale, Bean, Beaumont, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Burns, Bynum, Cambreleng, Chaney, Chapman, Chapin, John F. H. Claiborne, Coles, Cramer, Cushman, Dickerson, Dickson, Dromgoole, Dunlap, Effner, Fairfield, Farlin, French, William K. Fuller, Galbraith, James Garland, Gillet, Haley, Joseph Hall, Hamer, Hannegan, Albert G. Harrison, Hawkins, Haynes, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Richard M. Johnson, Cave Johnson, John W. Jones, Judson, Lansing, Gideon Lee, Joshua Lee, Leonard, Loyall, Lucas, Abijah Mann, John Y. Mason, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Miller, Moore, Muhlenberg, Page, Parks, Franklin Pierce, Phelps, Joseph Reynolds, Roane, Rogers, Seymour, Shields, Shinn, Sickles, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Weeks, and Thomas T. Whittlesey—96.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bayley, Bell, Bond, Borden, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Connor, Corwin, Craig, Crane, Cushing, Darlington, Davis, Deberry, Denny, Evans, Everett, Forester, Fowler, Fry, Philo C. Fuller, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harper, Samuel S. Harrison, Hawes, Hazeltine, Henderson, Heister, Hoar, Hopkins, Howell, Hunt, Ingersoll, William Jackson, Janes, Jenifer, Joseph Johnson, Henry Johnson, Benjamin Jones, Kilgore, Kinnard, Lane, Laporte, Lawler, Lawrence, Lay, Thomas Lee, Luke Lea, Lewis, Lincoln, Logan, Love, Lyon, Job Mann, Sampson Mason, Maury, McCarty, McComas, McKennan, Mercer, Milligan, Montgomery, Morgan, Morris, Parker, Patterson, Patton, Dutee J. Pearce, James A. Pearce, Peyton, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Ripley, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Smith, Spangler, Standefer, Storer, Taliaferro, Underwood, Vinton, Washington, Webster, White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, and Wise—120.

So the motion was decided in the negative.

The question being next on that part of the motion making the bill the special order of the day for to-day, at twelve o'clock, and every succeeding day thereafter till disposed of,

Mr. HEISTER moved to amend the amendment by making the bill the special order for the residue of this day; which amendment Mr. DICKERSON accepted as a modification of his motion.

Mr. VANDERPOEL moved to amend the resolution, so as to make the bill the order of the day for *to-morrow*, at twelve o'clock, instead of to-day, for the purpose of finally disposing of the fortification bill, which was engrossed, and was ready for a third reading; and upon cries of "No, no, no," from some quarters of the House, Mr. V. said, if gentlemen were determined to make distribution before the necessary appropriations were made, he could not help it, but he would insist upon his motion.

Mr. McKAY was in favor of this amendment, and called for the yeas and nays; which were ordered; and were—yeas 113, nays 106; as follows:

YEAS—Messrs. Adams, Ash, Barton, Beale, Bean, Beaumont, Bockee, Boon, Borden, Bouldin, Bovee, Brown, Buchanan, Burns, Bynum, Cambreleng, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Cramer, Cushman, Dickerson, Dickson, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Fowler, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Haley, Joseph Hall, Hamer, Albert G. Harrison, Hawkins, Haynes, Hopkins, Howard, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, John Y. Mason, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Miller, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patton, Franklin Pierce, Dutee J. Pearce, Phelps, Joseph Reynolds, Ripley, Rogers, Seymour, Shields, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Weeks, Thomas T. Whittlesey, and Sherrod Williams—113.

NAYS—Messrs. Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Bell, Bond, Boyd, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Connor, Craig, Crane, Cushing, Darlington, Davis, Deberry, Denny, Evans, Everett, Forester, Philo C. Fuller, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hannegan, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hawes, Hazeltine, Henderson, Heister, Hoar, Howell, Hubley, Hunt, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, Kinnard, Laporte, Lawler, Lawrence, Lay, Luke Lea, Lewis, Lincoln, Love, Lyon, Sampson Mason, Maury, McCarty, McComas, McKennan, Mercer, Milligan, Montgomery, Morris, Parker, Patterson, James A. Pearce, Peyton, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, John Reynolds, Roane, Robertson, Russell, Schenck, Augustine H. Shepperd, Slade, Spangler, Standefer, Storer, Taliaferro, Vinton, Washington, Webster, White, Elisha Whittlesey, Lewis Williams, and Wise—106.

So the amendment was agreed to.

Mr. DUNLAP moved to amend the motion by making the House bill to regulate the deposits of the public money in the State banks the special order with the Senate bill; which amendment was negatived.

The motion of Mr. DICKERSON, as amended, was then agreed to; and said bill was committed to a Committee of the Whole on the state of the Union, and made the special order of the day for to-morrow and each succeeding day, at the hour of twelve o'clock, until disposed of.

PETITIONS PRESENTED.

Mr. ADAMS, by leave, presented the petition of William Otis, formerly a collector at Barnstable, Massachusetts, which he moved to refer to a select committee, with power to send for persons and papers.

Mr. HARDIN moved to refer it to the Committee of Claims; which was agreed to.

Messrs. EVANS, FULLER of New York, WASHINGTON, and McKIM, presented petitions by leave.

DISTRICT BANKS.

Mr. THOMAS, from the select committee on the District banks, made a report, accompanied by a bill to extend the charters of certain banks in the District of Columbia to the 4th of March, 1837; which bill was read twice and committed.

UNITED STATES COINS.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting a report from the Comptroller of the Treasury in relation to the coins of the United States; which was laid on the table, and ordered to be printed.

COLONEL RICHARD GEIDNEY.

On motion of Mr. BAILEY, by leave, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of granting commutation pay, half pay, bounty or other compensation to the legal representatives of Colonel Richard Geidney, late of Massachusetts, for his services as an engineer and commander of artillery in the revolutionary war.

BANK ACCOMMODATIONS.

Mr. HUNT, by leave, submitted the following resolution:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire whether any member or members of Congress, head or heads of Departments, or any other officer of the Government, have received any accommodation or facilities from any person or persons, bank or banks in the employment of the Government or not, in obtaining the use of the public money, for the purpose of speculating in the purchase of the public lands.

After some inquiries from Mr. LEWIS and Mr. McKAY,

Mr. BOULDIN said that he had made the first objection to this resolution being introduced; and, at the suggestion of a friend, had withdrawn it. He would take this occasion to say he had never borrowed a cent of money of a bank in his life. How the drawing of his pay here was conducted, or might appear in the bank, he did not know. He knew he had never been behind for his pay to the amount of a cent. He had heard rumors of members having had money from a certain other bank which was, or is—and having had printing and other things at its expense. To such rumors he paid no attention. He did not care how far they went with the investigation. He had no interest in it; but he thought it useless, fruitless, and rather prying into people's private affairs, than doing the public service.

After some further remarks by Messrs. HUNT, ADAMS, LEWIS, BOON, and PEARCE of Rhode Island,

Mr. SPEIGHT moved the previous question; which was seconded—ayes 87, noes not counted.

The main question was then ordered to be put without a division.

The main question, which was on agreeing to the resolution, was then put, and decided in the affirmative without a division; and the select committee was ordered to consist of five members.

THE DEPOSIT BANKS.

Mr WISE moved a suspension of the rule for the purpose of taking up the resolution offered by Mr. DROMGOOLE some time since, calling on the Secretary of the Treasury for information in relation to the deposit banks, together with his amendment thereto, and called for the yeas and nays on his motion; which were ordered; and were—yeas 101, nays 59, not two thirds.

So the motion to suspend was decided in the negative.

The hour of half past two o'clock having arrived, the House, in pursuance of a former order, took a recess.

EVENING SESSION.

Mr. ADAMS, by general consent, submitted the following resolution:

Resolved, That the Clerk of this House be directed to cause to be printed, for the use of the House, one thousand copies of the constitutions of all the States of this Union, together with the several alterations and amendments of the same adopted from the Declaration of Independence to the present time.

Mr. GRAVES moved to lay the resolution on the table.

After a few remarks from Messrs. ADAMS, GRAVES, and HUNT,

The motion to lay on the table was negatived—yeas 24, nays 64.

PETITIONS PRESENTED.

Petitions were presented, by leave, by Messrs. PARKER, WISE, WHITTLESEY of Connecticut, and TALIAFERRO.

SENATE BILLS READ.

The following bills from the Senate were then, by general consent, read twice and committed:

An act in addition to an act making appropriations for the support of Government for the year 1836;

An act to authorize the Executive Council of Florida to sell certain lands;

An act for the relief of the legal representatives of Nathaniel Shaver, deceased;

An act to discontinue the land offices at Wooster and Steubenville, in the State of Ohio;

An act to amend an act entitled "An act authorizing the laying off a town on Bean river, in the State of Illinois, and for other purposes;" approved the 5th of February, 1829;

An act to amend an act to grant certain relinquished and unappropriated lands in the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers;

An act laying off the town of Fort Madison and Burlington, in the county of Des Moines, and the towns of Belleview, Dubuque, and Peru, in the county of Dubuque, Territory of Wisconsin, and for other purposes;

An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose;

An act for the location of a railroad in Florida, through the public lands;

An act to authorize the location of a railroad from Mobile to the bay of Pascagoula, through the public lands;

An act for the relief of Don Carlos Dehault Delassus;

An act for the relief of Sarah Angel, and the other heirs-at-law of Benjamin King, deceased; and

An act for the relief of the trustees of common schools in the State of Mississippi.

AGENT OF THE UNITED STATES.

The House concurred in the amendment of the Senate to the bill authorizing the Secretary of the Treasury to act as the agent of the United States in all matters relating to the Government stock in the Bank of the United States.

STATE CONSTITUTIONS.

The House then took up the resolution of Mr. ADAMS, to print copies of the constitutions of the different States.

Mr. CHAPIN offered an amendment to include "the Constitution of the United States, and the Articles of Confederation;" which amendment Mr. A. accepted.

After a few remarks by Mr. ADAMS,

Mr. HARDIN moved to lay the resolution on the table, and called for the yeas and nays on his motion; which were not ordered.

The motion to lay on the table was then decided in the affirmative—yeas 69, nays 56.

FORTIFICATION BILL.

The bill making appropriations for certain fortifications of the United States for the year 1836 was read a third time, and passed.

After some conversation between the CHAIR, Messrs. SMITH, SUTHERLAND, VINTON, HOWARD, CAMBRELENG, MERCER, and MASON of Virginia, as to whether there were now any bills before the House which came under the special order of the 26th of January,

The CHAIR put the question to the House, and it was decided without a division that the operation of the above special order does not apply to any bills now before the House.

CUMBERLAND ROAD.

The bill amendatory of the act for the continuation of the Cumberland road was then taken up on its third reading.

After some remarks by Messrs. CRANE, KINNARD, PEARCE of Rhode Island, BOON, MASON of Ohio, VINTON, and WEBSTER,

Mr. MANN, of New York, moved the previous question; but, at the request of several members, withdrew the motion.

Mr. MASON, of Ohio, then asked for the yeas and nays on the passage of the bill; which were ordered; and were—yeas 79, nays 88.

So the bill was rejected.

On motion of Mr. BRIGGS, the House then adjourned.

IN SENATE.

TUESDAY, *June* 21, 1836.

Mr. McKEAN presented certain resolutions adopted by the General Assembly of the State of Pennsylvania, asserting principles fundamental of free Governments, and expressive of their disapprobation of the proposition to invest the surplus revenue in stocks of the States, and declaring that the only just and safe mode of disposing of it is to distribute it among the States. The resolutions were read, laid on the table, and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, to which had been referred the bill to increase the compensation of the postmaster at Jackson, Mississippi, made an unfavorable report thereon.

Mr. McKEAN, from the Committee on the Contingent Fund, which had been instructed to ascertain the documents that would be required, and the probable expense of printing the same, showing a connection between the District of Columbia and the United States; the purchase of the lands therein by the Government from the original proprictors; the adoption and execution of the plan of the city of Washington, and the erection of the public buildings thereon; the laws passed by Congress in relation to the said District; and such papers of a public character as relates to the connection of the said District with the Government of the United States, made a special report; which was ordered to be printed.

Mr. McKEAN, from the Committee on Pensions, made a favorable report on a bill from the House of Representatives, entitled "An act granting pensions to certain persons therein named;" and also an unfavorable report on the bill from the House for the relief of Robert McBride.

Mr. TOMLINSON, from the Committee on Pensions, reported on several bills from the House without amendment.

ENFORCEMENT OF THE LAWS.

Mr. CLAYTON, from the Committee on the Judiciary, to which had been referred the amendments of the House to the bill to provide for the execution of the laws of the United States in the State of Michigan, made a report thereon, recommending the Senate to amend the first amendment, and recede from the second amendment.

The first amendment of the House reduced the salary of the district judge from $2,000, as fixed by the Senate, to $1,500.

Mr. CLAYTON proposed to amend by making it $1,800.

After some remarks from Mr. EWING, of Ohio, in opposition to the report, and from Mr. CLAYTON in its favor,

On motion of Mr. CLAYTON, the bill and report were laid on the table.

RESOLUTIONS SUBMITTED.

Mr. DAVIS submitted the following resolution; which lies on the table one day:

Resolved, That the Postmaster General be instructed to report to the Senate at the next session of Congress the entire amount of emolument received by each and every postmaster, whether provided for by law or arising from boxes or any other cause connected in any way with his office, designating the amount accruing to each from boxes, and the amount charged for each box.

Mr. SOUTHARD submitted the following resolution; which was considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire whether the joint resolution of the 13th of February, 1835, respecting the presentation of a gold medal to George Croghan, and a sword to certain other officers, has been executed, and whether any further provisions on the subject be necessary.

CLAIM OF HUMPHREY MARSHALL.

Mr. CRITTENDEN moved to take up the report of the Committee on Pensions, adverse to the petition of Humphrey Marshall, of Kentucky.

Mr. C. offered the following amendment: to strike out after the word "Resolved" the words, "that the prayer of the petitioner ought not to be granted," and insert, "that the petitioner is not entitled to pensions or allowances under both the acts of Congress of 7th of June, 1832, and 5th of July, 1832, but that there was no power in the accounting officers of the Treasury to detain the sums becoming due on pensions accruing to reimburse sums erroneously paid on the other."

A discussion ensued on this amendment, in which Messrs. CRITTENDEN, TOMLINSON, WHITE, and LINN, took part; when

Mr. C. said he must ask for a division of the question, as he could not vote for the first branch of the resolution, believing that the petitioner was entitled to both pensions.

A division was accordingly ordered; and the question being taken on the first branch of the amendment, it was carried by the following vote:

YEAS—Messrs. Clay, Cuthbert, Ewing of Ohio, Goldsborough, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, Mangum, McKean, Morris, Niles, Page, Prentiss, Robbins, Robinson, Ruggles, Shepley, Swift, Tomlinson, Walker, Wall, White, and Wright—28.

NAYS—Messrs. Black, Brown, Crittenden, Nicholas, Porter, and Rives—6.

The question was then taken on the second branch of the amendment; and it was rejected—yeas 15, nays 23; as follows:

YEAS—Messrs. Bayard, Clay, Clayton, Crittenden, Goldsborough, Hendricks, Hubbard, Kent, Linn, Nicholas, Niles, Porter, Robbins, Webster, and White—15.

NAYS—Messrs. Black, Brown, Cuthbert, Davis, Ewing of Ohio, Grundy, Kent, King of Alabama, Knight, McKean, Mangum, Morris, Page, Prentiss, Rives, Robinson, Ruggles, Shepley, Swift, Tomlinson, Walker, Wall, and Wright—23.

The report of the committee was then concurred in.

REORGANIZATION OF THE POST OFFICE DEPARTMENT.

The bill to change the organization of the Post Office Department was read the third time, and passed.

RECRUITS FOR THE ARMY.

The bill to increase the present military peace establishment of the United States was also read the third time, and passed.

ORGANIZATION OF THE NAVY.

The bill for organizing the navy of the United States was taken up, and read the second time, as in Committee of the Whole.

Mr. LINN inquired what would be the additional expenditure by the proposed increase of officers and with the additional grades?

Mr. SOUTHARD replied that it would be

difficult to answer the question put by the honorable Senator from Missouri. Some grades hitherto unknown to the service were added, and consequently the compensations had not been provided for, it being the opinion of the Naval Committee that the bill for the organization of the Navy should be kept separate from the pay of its officers. The increased expense, however, would not be great; but, if this bill passed, it would then be necessary to pass a bill fixing the pay of the increased grades.

The object of the bill was for the first time to give an organization to the Navy, as there was no law fixing the number of its officers, their rank, or prescribing the mode of passing from one rank to another, although the Navy had been forty years in existence. There was, also, no other authority by which officers came into the Navy but the appointment of the President and the confirmation of the Senate. The President might to-day appoint one hundred captains, and the Senate might confirm them, and there would be no law violated. The first feature in the bill was to fix the time and description of persons to come into the Navy, which was now a matter of executive discretion. A lad, if he comes into the Navy as a midshipman, if he behaves himself, becomes, in process of time, a captain, though there is no law by which he is appointed. Children at the breast had been known to be appointed as midshipmen, as also men of twenty-four or twenty-five years of age.

The committee thought it better to regulate by law the age at which boys should enter the Navy, and had fixed it at between the ages of fourteen and eighteen; though it was proper to observe that this was the rule at present existing in the Navy on that subject. It was also provided that the midshipmen shall be taken from all the States of the Union as nearly as possible, in equal proportions, so that every State shall feel an equal interest in the Navy. Two or three additional grades were put into the bill, through which the midshipman is to pass, in order that he may be well acquainted with every branch of the service by the time he comes to command a vessel.

Mr. SOUTHARD then explained the principles on which the officers of the Navy are to be promoted. With regard to the non-combatant officers, it was difficult to fix their rank by law, and that matter was therefore very appropriately left, for the present, to the Executive.

It would be proper for him to say something with regard to the grade of admiral, created by this bill, which had not heretofore existed in the service. The bill proposed to create the additional grades of admirals, vice-admirals, and rear-admirals, with this limitation, that there shall not be appointed more than a certain number of them. He knew that there were difficulties existing about this grade. There were feelings which were always brought into operation when admirals were mentioned. They were assimilated to an order of nobility, because the same rank was held by many noblemen in the British naval service. But such ought not to be the feelings in this country; for the grade of admiral was connected with our revolutionary history. The first resolutions of the revolutionary Congress on the subject of a navy was, to create admirals. But what was there in this rank to excite so much jealousy? It was nothing more than the rank of brigadier general; and what difference was there between a brigadier general at sea, and a brigadier general on land? There was no more a title of nobility in one than in the other. It was merely the creation of additional offices, because the creation of additional services demanded it.

It was in vain to talk of managing fleets and squadrons, commanded by a captain of the same grade with those commanding the other vessels in it. Every principle of discipline forbade it. There was a necessary intercourse between our ships and those of foreign nations. We had now a Navy which was respectable, and we must give to that right arm of the defense of the country, whatever was necessary for its discipline and efficiency. This they must and ought to do. When our vessels are abroad, their commanders meet with officers commanding the vessels of foreign Powers of a higher rank than themselves, and they feel, of course, mortified at the difference. Why should this be so? Should our vessels serve in a combined squadron with those of foreign Powers, our flag must be degraded. Why should it be so? If there was ever a time when the grade of admiral should be created in the service, that time had now arrived. There were men in the Navy who had been to sea for twenty years. Mr. S. here paid a handsome compliment to the skill and gallantry of the officers of the Navy, contending that this additional rank was due to them, as well as to the best interests of the service. Under all circumstances, to do justice to our officers, and to make the Navy whose interests all had so deeply at heart, efficient as well as respectable, he hoped that the whole bill would pass.

Mr. BUCHANAN had not supposed that, within a week or ten days of the end of the session, this bill would be taken up with the purpose of seriously acting on it. It was a matter of deep importance, and required mature consideration; and, as the Senate was thin, he thought that it had better be postponed. He did not mean to be understood as saying anything in disparagement of the officers of the Navy. Their country owed them a deep debt of gratitude, and their skill and gallantry would do honor to any service. But, for considerations of this kind, ought they to be hurried into a measure of such great importance at this late period of the session, when there was no time allowed for sufficient discussion or investigation? In order to have some idea of the importance of this bill, he would compare the number of officers it provided for with the number now in the Navy. We have now (said he) thirty-nine captains, and instead of them this bill proposed fifty-five captains, nine commodores, and seven admirals. We have now forty masters commandant, and this bill proposes to increase the number to seventy-five; so that this bill will make the number of admirals, commodores, captains, and commanders, one hundred and forty-six. We have now two hundred and fifty-eight lieutenants; and, under this bill, there will be three hundred and fifty-eight first and second lieutenants—adding one hundred. The passed midshipmen were much more numerous at present than was proposed by the bill. He would say nothing more as to this part of the bill. It was sufficient to show its importance, and the impossibility of treating it properly at this late period.

At the last night of the last session they passed a bill increasing the pay of the officers of the Navy; and he never gave a vote with more reluctance than he did when he voted against that bill. Subsequent reflection, however, had confirmed his convictions of the propriety of the vote he gave on that occasion. He expressed his opinions then, and he thought now, that the pay of the highest officers, considering the expenses they were subjected to on foreign stations, was fixed too low, while that of the intermediate grades was too high. The pay of the midshipmen, if they had any inclination for dissipation, was enough to ruin them. He stated his objections then, but was overruled by the arguments of the Senator from New Jersey, who contended, as now, that it was to secure the discipline and efficiency of the Navy.

For one he was not disposed to give his vote on so important a measure as this at this late period of the session. It was obvious that it could not pass both Houses without occasioning much debate; and the session was too far advanced now to engage in it. In order to try the sense of the Senate, he would move to lay the bill on the table; and if this motion should not prevail he would then offer some amendments.

After a few additional observations from Messrs. SOUTHARD and BUCHANAN, the question was taken, and the bill was laid on the table by the following vote:

YEAS — Messrs. Brown, Buchanan, Calhoun, Clay, Cuthbert, Hendricks, Hubbard, King of Alabama, King of Georgia, Mangum, Page, Rives, Robinson, Ruggles, Shepley, Tipton, White, and Wright—18.

NAYS—Messrs. Bayard, Benton, Black, Davis, Ewing of Ohio, Goldsborough, Kent, Knight, Leigh, Linn, Nicholas, Preston, Robbins, Southard, Swift, and Webster—15.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

A bill in addition to the act for the relief of James L. Cathcart;

A bill to provide for the issuing of a land patent to Thomas B. Clark;

A bill for the relief of Charles M. Frazier;

A bill to provide for the moral and religious instruction of the Army of the United States;

A resolution referring the petition and papers of the heirs of Robert Fulton to the Secretary of the Navy, to report thereon to Congress;

A bill for the relief of Henry Stoddard;

A bill regulating the terms of the superior court of the United States in the middle district of Florida, and for other purposes;

A bill confirming claims to lands in the State of Louisiana;

A bill for the relief of William P. Rathbone;

A bill for the relief of Thomas Cooper;

A bill for the relief of George Gott and others;

A bill for the relief of Ebenezer Phillips and others;

A bill for the relief of George Bender;

A bill for the relief of John Almon and George Woolsey;

A bill for the relief of Henry Newman and others;

A bill for the relief of Abraham Forbes; and

A bill for the relief of the heirs of Nicholas Lachance and others.

After the consideration of executive business, the Senate adjourned.

HOUSE OF REPRESENTATIVES

TUESDAY, *June* 21, 1836.

The resolution reported by Mr. OWENS, from the Committee of Ways and Means, to make the bill to regulate the deposit of the public money in certain banks the special order of the day for a day certain, being the first business in order, was taken up, and, on motion of Mr. EVANS, was laid on the table.

Mr. WHITTLESY, of Ohio, from the Committee of Claims, reported a bill for the relief of Nathaniel T. Woolsey; which was read twice and committed.

Mr. W., from the same committee, reported also a joint resolution authorizing the Secretary of the Treasury to adjust the claims of O. H. Dibble, for services rendered in relation to the Potomac bridge.

Mr. W., after a few explanatory remarks, moved its engrossment.

Mr. BRIGGS moved that it be committed to a Committee of the Whole; which motion was lost.

After some remarks from Mr. PARKER, on his motion, the further consideration of the resolution was postponed until to-morrow.

Mr. W. B. SHEPARD, from the Committee for the District of Columbia, reported a resolution to set apart Saturday next, from ten to one o'clock, for the consideration of bills on the District of Columbia.

Mr. GILLET moved to except the bills for the recharter of the District banks.

After a few words from Messrs. HARDIN, LANE, and VANDERPOEL,

Mr. GILLET modified his amendment by limiting the exception to the Senate bill for the recharter of the District banks.

After a few words from Messrs. HARLAN and GILLET, the amendment was lost.

Mr. PARKER said he should vote for no more special orders.

The resolution was then agreed to—ayes 103, noes 38.

Mr. PARKS, from the select committee on patents, reported, without amendment, Senate bill entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose;" which was committed.

Mr. DAVIS asked the consent of the House to take up and consider the Senate bill making appropriations for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois.

Mr. UNDERWOOD objecting,

Mr. DAVIS moved a suspension of the rules; which was lost.

Mr. LAY, from the Committee on Revolutionary Pensions, reported a bill granting a pension to Richard Elliott; which was read twice and committed.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported three Senate bills for the relief of certain surgeons' mates in the Army of the United States, with a recommendation that they do not pass; which were committed.

Mr. U., from the same committee, also reported a bill for the relief of the legal representatives of Captain Samuel Jones, deceased; which was read twice and committed.

Mr. CHAPMAN, from the Committee on Public Lands, reported Senate bill in relation to a grant of land to the State of Alabama, for the improvement of the Tennessee, Coosa, Cahawba, and Black Warrior rivers, with an additional section, and other amendments.

The amendments were read and concurred in, and the bill ordered to a third reading this day.

Mr. C., also, from the same committee, reported, without amendment, Senate bill in relation to the five per cent. school fund in the State of Alabama; which was committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported the Senate bill, with an amendment, entitled, "An act in addition to the act making appropriations in part for the support of the Government for the year 1836;" which was committed.

Mr. CRANE, from the Committee on Revolutionary Claims, reported a bill for the relief of certain persons therein named; which was read twice and committed.

Mr. JARVIS, from the Committee on the Public Buildings, reported a resolution to set apart Friday next, at the hour of eleven, for the consideration of the bill to erect a fire-proof building for the Departments of the Treasury and State.

Mr. VINTON moved to include the bill for the erection of a patent office.

Mr. BOON moved to amend the amendment by including the bill to reorganize the General Land Office; which was agreed to.

Mr. CAMBRELENG moved to include the bill supplementary to the act entitled, "An act establishing a Mint and regulating the coins of the United States;" which was agreed to.

Mr. CLAIBORNE, of Mississippi, moved to include the bill to graduate the price of the public lands.

Mr. MERCER then moved to lay the whole subject on the table; which was agreed to.

PUBLIC REVENUE.

Mr. McKAY moved a suspension of the rules, for the purpose of offering the following resolutions; which were read:

Resolved, That the power of taking money from the people, by laying and collecting duties, imposts, and excises, is one of the most sacred of the trusts vested in the General Government; that it is enforced solely to enable it to command the necessary means to execute the objects for which it was instituted; and that to exact money from the people when not necessary for those objects, or more than may be necessary, would be, on the part of the Government, a manifest breach of trust, and to the people unjust and oppressive.

Resolved, That the revenue receivable under the present laws is, and will be, more than is required for the fair and legitimate wants of the Government, and that provision ought to be made for its reduction.

Resolved, That the Secretary of the Treasury report to this House, at the commencement of the next session, what alteration can be made in the existing tariff of duties consistently with the principles of the several acts imposing duties upon imports, with a view to reduction.

Resolved, That the Secretary of the Treasury also report upon the best mode of diminishing the revenue arising from the public lands, without retarding the settlements of the new States or impairing the interests of the General Government, and, generally, his views as to the best mode of reducing the revenue to the fair and constitutional wants of the Government.

Mr. HAWES asked for the yeas and nays; which were ordered.

Mr. DENNY moved to lay the whole subject on the table.

Mr. HAWES asked for the yeas and nays on that motion; whereupon,

Mr. DENNY withdrew his motion.

The House refused to suspend—yeas 119, nays 72, (not being two thirds;) as follows:

YEAS—Messrs. Ash, Barton, Beale, Bean, Beaumont Bell, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Cambreleng, Carr, Carter, Casey, Chaney, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Connor, Craig, Cramer, Cushman, Davis, Deberry, Dickson, Doubleday, Dromgoole, Effner, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Grayson, Griffin, Haley, Joseph Hall, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Hopkins, Howard. Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kilgore, Kinnard, Lawler, Gideon Lee, Thomas Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McKay, McKim, McLene, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Pettigrew, Peyton, Phelps, Rencher, John Reynolds, Joseph Reynolds, Roane, Robertson, Shields, Smith, Sickles, Smith, Speight, Standefer, Taliaferro, Taylor, John Thomson, Towns, Turrill, Vanderpoel, Wardwell, Webster, Weeks, and Whittlesey—119.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Bond, Borden, John Calhoon, William B. Calhoun, John Chambers, Childs, Clark, Corwin, Crane, Cushing, Darlington, Denney, Dickerson, Evans, Everett, Fowler, Philo C. Fuller, Rice Garland, Granger, Graves, Grennell, Hard, Harlan, Harper, Hazeltine, Henderson, Hoar, Howell, Hunt, Ingersoll, Janes, Joseph Johnson, Henry Johnson, Judson, Lane, Laporte, Lawrence, Lay, Lincoln, Love, Sampson Mason, McCarty, McComas, McKennan, Mercer, Milligan, Morris, Parker, Dutee J. Pearce, James A. Pearce, Phillips, Potts, Reed, Russell, William B. Shepard, Slade, Spangler, Storer, Sutherland, Underwood, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, and Sherrod Williams—72.

Mr. McKAY then gave notice that he should renew the motion to-morrow morning, and should also ask leave to introduce a joint resolution providing for the distribution of the surplus revenue now in the Treasury.

RIGHT OF WAY.

On motion of Mr. JOHNSON, of Louisiana, the House took up the following bill:

An act to grant to the New Orleans and Nashville Railroad Company the right of way through lands of the United States.

The question being on the passage of the bill,

Mr. PARKER suggested that, as Congress had the power, so far as this railroad was concerned, as it could not be constructed without their consent, they ought to introduce a provision in it so as to provide for the terms and compensation for carrying the mail on said road. Mr. P. then moved that the bill be recommitted to the Committee on the Post Office and Post Roads, with instructions to the effect he had indicated.

After some remarks from Mr. MERCER in opposition to the motion to recommit,

Mr. CONNOR moved to amend the amendment of the gentleman from New Jersey by moving that the bill be referred to the Committee of the Whole, with instructions to amend the same by adding thereto a proviso that the said railroad company be bound to convey the mail for the same compensation now paid to stage contractors for similar services.

Mr. PARKER accepted this as a modification of his motion.

The amendment was opposed by Messrs. JOHNSON, and GARLAND of Louisiana; when

Mr. LANE moved the previous question; which was seconded—81 to 40; and the main question being ordered, was put, and agreed to.

So the bill was passed.

PETITIONS, MEMORIALS, ETC.

Petitions and memorials were, on leave, presented by Mr. EVERETT and Mr. McCARTY.

PUBLIC DEPOSITS.

In execution of the special order of yesterday, the House, on motion of Mr. LANE, resolved itself into the Committee of the Whole on the state of the Union, (Mr. SUTHERLAND in the chair,) and proceeded to the consideration of the bill from the Senate to regulate the deposits of the public money.

The bill having been read through by the Clerk, was taken up by sections.

Mr. DROMGOOLE moved to strike out the following from the first section:

"And in those States, Territories, or Districts, in which there are no banks, or in which no bank can be employed as a deposit bank, and within which the public collections or disbursements require a depository, the said Secretary may make arrangements with a bank, or banks, in some other State, Territory, or District, to establish an agency, or agencies, in the States, Territories, or Districts, so destitute of banks, as banks of deposit; and to receive through such agencies such deposits of the public money as may be directed to be made at the points designated, and to make such disbursements as the public service may require at those points; the duties and liabilities of every bank thus establishing any such agency to be the same in respect to its agency as are the duties and liabilities of deposit banks generally, under the provisions of this act."

The motion was lost.

Mr. HARRISON moved to insert in the seventh line the following: "with the consent of such States;" which was lost.

Mr. McKAY moved to strike out the words, "as banks of deposit," in the following line; which was lost.

Mr. VANDERPOEL moved to substitute "ten" for "five" dollars, as the restriction of the amount of notes to be issued by deposit banks; which was lost.

Mr. CHAPIN moved to amend the eighth clause, which commences as follows:

SEC. 8. *And be it further enacted*, That no bank which shall be selected or employed as the place of deposit of the public money shall be discontinued as such depository, or the public money withdrawn therefrom, except for the causes hereinafter mentioned—

by inserting, after the word "except," the words, "by act of Congress, or."

After some remarks from Messrs. ADAMS and CAMBRELENG, the amendment was lost.

Mr. ADAMS moved to strike out from the same paragraph the words, "or the public money withdrawn therefrom;" which was lost.

Mr. OWENS moved to insert, "or shall issue or pay out notes of a less denomination than five dollars;" which was lost.

Mr. JARVIS moved to strike out the whole section; which was lost.

Mr. WILLIAMS, of Kentucky, moved to strike out the following from the eleventh section:

"That whenever the amount of public deposits to the credit of the Treasurer of the United States in any bank shall, for a whole quarter of a year, exceed the one fourth part of the amount of the capital stock of such bank actually paid in, the banks shall allow, and pay to the United States, or the use of the excess of the deposits over the one fourth part of its capital, an interest at the rate of two per centum per annum, to be calculated, for each quarter, upon the average excesses of the quarter," and insert "that the said deposit banks shall allow, and pay to the United States, for the use of the deposits, an interest at the rate of four per centum per annum, to be calculated for each quarter."

The motion was not agreed to.

Mr. GILLET moved to strike out the words, "the banks," in the fifth line, and insert "said bank."

The motion was not agreed to.

Mr. DROMGOOLE moved to strike out the whole section, the residue of which was as follows: (the first part being given above,)

And it shall be the duty of the Secretary of the Treasury, at the close of each quarter, to cause the amounts on deposit in each deposit bank for the quarter to be examined and ascertained, and to see that all sums of interest accruing under the provisions of this section are, by the banks respectively, passed to the credit of the Treasurer of the United States in his accounts with the respective banks.

The motion was disagreed to.

The thirteenth section was then read, as follows:

SEC. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States on the 1st day of January, 1837, reserving the sum of $5,000,000, shall be deposited with the several States, in proportion to their respective representation in the Senate and House of Representatives of the Congress of the United States; and the Secretary of the Treasury shall deliver the same to such persons as the several States may authorize to receive it, on receiving certificates of deposit, signed by the competent authorities of such State, each for such amount and in such form as the Secretary of the Treasury may prescribe, which shall set forth and express the obligation of the State to pay the amount thereof to the United States, or their assigns; and which said certificates it shall be competent for the Secretary of the Treasury, in the name and behalf of the United States, to sell and assign, whenever it shall be necessary, for want of other money in the Treasury, to meet appropriations made by Congress; all sales and assignments, however, to be ratable, and in just and equal proportions among all the States, according to the amounts received by them respectively; and all such certificates of deposit shall be subject to, and shall bear an interest of five per centum per annum, payable half yearly, from the time of such sale and assignment, and shall be redeemable at the pleasure of the States issuing the same.

Mr. MANN, of New York, moved to strike out from the sixth line the words, "Senate and;" so as to leave the proportion according to the representation in the House of Representatives; but withdrew it for the present (giving notice that

he should renew it, if the following was not agreed to) to enable

Mr. ANTHONY to move the following as a substitute for the thirteenth section of the bill:

SEC. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States on the first day of January, 1837, reserving the sum of $5,000,000, shall be deposited with such of the several States in proportion to their respective representation in the House of Representatives of the United States, as shall by law authorise their treasurers or the competent authorities to receive the same on the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such treasurer or other competent authorities, on receiving certificates of deposit therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid, which certificates shall express the usual and legal obligations of common depositories of the public money for the safe-keeping and repayment thereof, and shall pledge the faith of the States receiving the same to pay the said moneys and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the public Treasury beyond the amount of the $5,000,000 aforesaid: *Provided*, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same may, at the discretion of the Secretary of the Treasury, be deposited with the other States, agreeing to accept the same on deposit: *And provided further*, That when said money, or any part thereof, shall be wanted by the said Secretary to meet appropriations made by law, the same shall be called for in ratable proportions, within one year, as nearly as conveniently may be, from the different States with which the same is deposited, and shall not be called for in sums exceeding $10,000 from any one State, in any one month, without previous notice of thirty days for every additional sum of $20,000 which may at any time be required

Mr. A. proceeded to address the committee at some length in support of the principles of his amendment; and he was followed by Messrs. SPEIGHT, HARDIN, and PEARCE of Rhode Island; when

Mr. ANTHONY modified his amendment by inserting "Senate and;" so as to read, "according to their respective representation in the Senate and House of Representatives."

After some remarks by Mr. MILLER,

Mr. VINTON moved to amend the second proviso in the amendment by inserting after the word "when," the words, "for want of other money in the Treasury."

After a few words from Mr. LEWIS, the amendment of Mr. VINTON was negatived—yeas 70, nays 83.

After a few remarks by Messrs. MASON of Virginia, and GALBRAITH,

Mr. MERCER moved to strike out "the representation in Congress," and insert "their respective Federal numbers according to the last census of the United States;" which amendment was negatived—yeas 66, nays 81.

After some remarks by Messrs. MANN of New York, PATTON, and VANDERPOEL,

The House took the usual recess.

EVENING SESSION.

The question pending was the substitute proposed by Mr. ANTHONY for the thirteenth section of the bill.

After a debate, in which Messrs. ADAMS, GRANGER, SPEIGHT, and WISE took part,

Mr. JARVIS moved to amend the amendment by inserting, after the words, "United States," the word "unappropriated;" which amendment was disagreed to without a division.

Mr. ANTHONY, at the suggestion of Mr. BRIGGS, modified his amendment by striking out the words, "common depositories of the Government," and inserting "to pledge the faith of the State for the safe-keeping thereof."

After a few words by Messrs. WISE and LOVE, Mr. ANTHONY's substitute for the thirteenth section as amended was agreed to—yeas 123, nays 50.

Mr. ADAMS moved to strike out the following wodrs in the eighth section:

No bank which shall be selected or employed as the place of deposit of the public money shall be discontinued as such depository, or the public money withdrawn therefrom, except for the causes hereinafter mentioned, that is to say—

Which motion was disagreed to.

Mr. MANN, of New York, moved to strike out of the substitute adopted for the thirteenth section, the words, "the Senate and;" so as to make the substitute read, "in proportion to their representation in the House of Representatives."

After some conversation between Messrs. MANN, MERCER, MILLER, PEARCE of Rhode Island, and the CHAIR, as to whether the amendment was in order,

Mr. MANN withdrew it.

Mr. RIPLEY moved several additional sections to the bill providing that no public lands should be sold, except to actual settlers, for the term of five years.

The CHAIR decided the amendment to be out of order.

Mr. RIPLEY appealed from the decision of the Chair.

After some remarks on the appeal by Messrs. RIPLEY and BRIGGS, the question was taken; and the decision of the Chair was affirmed.

Mr. WILLIAMS, of North Carolina, moved the following additional proviso:

And provided further, That if any State shall issue State stock, bearing an interest of five per cent. per annum, the same shall be received by the Secretary of the Treasury in lieu of the ratable amount of money due from such State; and when such stock is assigned by the Secretary of the Treasury, it shall bear an interest of five per cent., and not sooner.

The amendment was not agreed to.

Mr. RENCHER then offered the following as an additional section:

And be it further enacted, That if the stock held by the Bank of the United States shall not be sold before the first of January next, the money arising from the staid stock, when sold, shall be deposited according to the provisions of this bill, to wit: one fourth part upon the sale of said stock, one fourth part in three months thereafter, one fourth part six months thereafter, and the balance at the end of nine months.

After a few words by Messrs. RENCHER and McKAY, the amendment was negatived—yeas 75, nays 86.

Mr. DOUBLEDAY said: Mr. Chairman, I wish to offer a very few remarks on that part of the bill which provides for depositing the surplus moneys in the Treasury with the several States of the Union. This is the first opportunity I have had of addressing the House during the present session; and differing as I do from many of my colleagues, I feel the more anxious to explain my views to the committee and to my constituents.

I am fully aware, Mr. Chairman, of the responsibility I incur by the vote I am about to give on this question. Never has a subject come before us more important or more embarrassing than this of disposing of the surplus revenues. Whilst the safeguards of private liberty remain, nearly all the good or ill the people can experience from our legislation will be by the imposition of burdens and the disposition of the public moneys. I am not accountable—the friends with whom I act, the friends of the Administration, are not accountable—for the great amount accumulated beyond the legitimate wants of the Government. I held a seat on this floor in 1833, when the tariff question was adjusted. I voted with the friends of the Administration to reduce the duties prospectively, but rapidly, till the revenue should be brought down to the expenditures of the country. We were overruled by the ultra friends and the ultra opponents of the protective system, who, by acting together, could control at least one branch of Congress. To preserve the Union, we were compelled to assent to a measure which now clogs our action, and which, being claimed as a compromise, prevents our adapting our legislation to existing circumstances.

It must be quite evident that no measure will be adopted by this Congress materially to diminish the amount of money already in the Treasury; and unless our appropriations are extravagant, there will probably be some accumulations till the year 1840. The question arises, what shall we do with this money? I confess I can see no plan wholly free from objections. If we determine to leave it in the deposit banks for three or four years, they will feel authorized to use it as so much capital, and its safety will depend on the honesty of bank managers, and the prudence and success of their business operations. Being men, in these money-making times some of them may be tempted to use it for their individual advantage; and even statesmen, now pure, may, in time, be drawn in to share the profits. The public money will then be subject to all the contingencies of private speculation, and what is worse, will be the means of corruption more potent than any that has heretofore existed in this country.

To avoid such results, I would certainly vote for the most extravagant expenditures, if no better plan could be suggested. But ought we thus to waste the money earned and paid by the industrious classes? I think, sir, we should hesitate before we make that our only alternative. It is said, if this measure be adopted, the people, through their representatives, will hereafter refuse the appropriations necessary for national objects. It may be so, sir; but, on the other hand, confident I am, if it be not adopted, we shall rapidly run into a system of the most wasteful extravagance.

I have examined this bill with the more attention, because I have the misfortune to differ from many of my political friends, in whose judgment and patriotism I have great confidence. I hope they, also, will reflect and discriminate. They must perceive that the bill, as amended, provides, not only in form, but in fact, not for a distribution, but simply for a deposit of the public moneys. If it ever results in gratuitous distribution, it will not be by any action of ours. It can only happen, in case it shall be so decreed by the people, through their representatives hereafter to be chosen. To suppose the people are not to be trusted, because they may decide wrong, is to deny their capacity for self-government.

As respects the constitutional question involved in this bill, it is not necessary for me to say much. That it is as constitutional to deposit our surplus funds with the States, as with corporations created by the States, admits not of a doubt or cavil. Nor can I doubt that the State governments will vest the money intrusted to their care as safely and advantageously for the people as either this Government or the moneyed corporations. And certainly if any profit is to be derived from a temporary use of it, when not wanted for national purposes, it might as well accrue to the States as to individuals or corporations.

There is one ground on which I would appeal to the friends of the Administration We have discontinued the United States Bank as a dangerous institution, and determined to use the State banks for collecting, transferring, and disbursing the public revenues. This is peculiarly an Administration measure, and one which has my hearty concurrence. Now, it must be plain that leaving money for three or four years in the banks will endanger its safe-keeping. Some of the bank managers may make large profits by using the public moneys; others may experience heavy losses, causing bank failures. If a few of the deposit banks fail, the people will lose confidence in the present system, and in those to whom it owes its adoption. If a small amount only be left in the banks, as it will be frequently called for by the public, they will loan it out only for short periods, and losses will probably not occur, or if they do, the amount will be comparatively trifling.

These are a few of my reasons for supporting this bill. I should like to say much more, but do not feel justified in longer occupying the time of the committee at this period of the session.

Mr. BEALE moved to amend the eleventh section by inserting after the word "quarter," the following:

And that no bank shall possess of the public money, at any time for more than one quarter of the year, a sum greater than one fourth of its capital stock paid in; and that it shall be the duty of the Secretary of the Treasury to make distribution or deposit of such excess in other banks, agreeable to the provisions of this act.

The amendment was not agreed to.

Mr. DROMGOOLE then moved to strike out the 13th, 14th, and 15th sections of the bill; which amendment was not agreed to.

Mr. ASH moved the following as an additional section:

And be it further enacted by the authority aforesaid, That it be recommended to the several States accepting of parts of the public money as aforesaid, to appropriate the same for the purposes of education.

The amendment was not agreed to,

Mr. McKAY moved to amend the eleventh section by inserting after the word "Treasurer" the words "and other public officers."

The motion was not agreed to.

On motion of Mr. BRIGGS, the committee then rose, and reported the bill, as amended, to the House.

The SPEAKER having resumed the chair, the bill was then taken up in the House.

Mr. MERCER then renewed the amendment which he had offered in Committee of the Whole, namely: to strike out, "in proportion to their representation in the Senate and House of Representatives," and insert, "in proportion to their respective Federal numbers, according to the last census."

On this motion Mr. MERCER called for the yeas and nays; which were ordered.

After some further remarks by Messrs. VINTON, LANE, MILLER, and MERCER,

Mr. MANN, of New York, offered the following as an amendment to the amendment of Mr. MERCER:

And the respective shares of such deposit with the States of Louisiana, Mississippi, Alabama, Missouri, Illinois, and Indiana, shall be increased, respectively ten per cent., in consideration of the increase of their respective population since the taking of said census; and in apportioning such deposits to the new States of Michigan and Arkansas, their Federal numbers shall be taken and deemed to be sixty thousand persons.

Which Mr. MERCER accepted as a modification, but subsequently withdrew it.

After some further remarks by Messrs. LEWIS, ASHLEY, and ADAMS, the question was taken on Mr. MERCER's original motion; which was decided in the negative—yeas 89, nays 120; as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ash, Barton, Beale, Beaumont, Bockee, Bond, Bouldin, Bovee, Brown, William B. Calhoun, Cambreleng, John Chambers, Chapin, Childs, Coles, Connor, Crane, Denny, Doubleday, Dromgoole, Effner, Evans, Farlin, James Garland, Gillet, Graves, Hamer, Harper, Samuel S. Harrison, Hawkins, Hazeltine, Heister, Hopkins, Howell, Huntington, Jarvis, Joseph Johnson, John W. Jones, Lansing, Lay, Gideon Lee, Joshua Lee, Leonard, Logan, Love, Loyall, Lucas, Abijah Mann, Job Mann, John Y. Mason, William Mason, McKay, McKeon, McKim, McLene, Mercer, Montgomery, Moore, Morgan, Morris, Page, Patton, Peyton, Pinckney, Potts, Joseph Reynolds, Roane, Robertson, Rogers, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Sickles, Talmferro, Taylor, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, Lewis Williams, Sherrod Williams, and Wise—89.

NAYS—Messrs. Adams, Heman Allen, Ashley, Bailey, Bell, Boon, Borden, Boyd, Briggs, Buchanan, Bunch, Burns, John Calhoon, Carr, Carter, Casey, Chaney, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Cleveland, Corwin, Craig, Cramer, Cushing, Cushman, Darlington, Deberry, Dickerson, Everett, Fairfield, Forester, French, Fry, Galbraith, Rice Garland, Grantland, Grayson, Grennell, Griffin, Haley, Joseph Hall, Hannegan, Hard, Hardin, Harlan, Albert G. Harrison, Hawes, Henderson, Hoar, Howard, Hubley, Hunt, Huntsman, Ingersoll, Ingham, Jabez Jackson, William Jackson, Janes, Jenifer, Cave Johnson, Henry Johnson, Richard M. Johnson, Benjamin Jones, Judson, Kilgore, Kinnard, Lane, Laporte, Lawler, Lawrence, Thomas Lee, Luke Lea, Lewis, Lincoln, Lyon, Martin, Moses Mason, Sampson Mason, Maury, May, McCarty, McComas, McKennan, Miller, Milligan, Muhlenberg, Owens, Parks, Parker, Patterson, Dutee J. Pearce, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Phillips, Pickens, Reed, Rencher, John Reynolds, Ripley, Seymour, Shinn, Slade, Smith, Spangler, Speight, Standefer, Storer, Thomas, John Thomson, Toucey, Towns, Washington, White, Elisha Whittlesey, and Thomas T. Whittlesey—120.

Mr. LOVE called for the yeas and nays on the amendment of the Committee of the Whole, which was the substitute for the thirteenth section; which were ordered.

At the suggestion of Messrs. MORRIS, and GARLAND of Louisiana, the House concurred in several verbal amendments to the amendment.

Mr. PARKS then spoke at some length in opposition to the distribution principles contained in the bill.

Mr. GILLET then moved to amend the amendment by inserting, after the words "five millions of dollars," the words, "over and above all unexpended balances of appropriations."

Mr. G. said he rose to offer an amendment in which he hoped to have the concurrence of the House. It was one which had not been discussed since we commenced the consideration of this bill. He well knew the impatience of the House, and its desire to close its action as speedily as possible on this interesting bill, and nothing but an imperious sense of duty induced him at this late hour even to offer an amendment. He must ask the attention of the House to a short explanation of the amendment. He proposed to insert after the words, "five millions of dollars," in the commencement of the amended section, the words, "over and above all unexpended appropriations." The object, it would be perceived, was to leave in the Treasury the unexpended appropriations, and also to keep five millions on hand to meet any sudden demand for money. If his memory served him rightly, when our sinking fund system was established, it was then esteemed good policy to keep in the Treasury a very considerable amount of money over and above the unexpended appropriations. It was then deemed important and proper to retain on hand, under the control of the executive branch of the Government, all the appropriated money which, by virtue of law, became substantially pledged to meet those appropriations. If it was good policy then, it must be so now. He thought the honor and prosperity of the country, and the public service, required us to retain in the Treasury all the moneys which public considerations required us to appropriate. If such moneys are withdrawn from the ordinary depositories, it may occur that these appropriations may be wanted when no money can be controlled by the Treasury Department to meet them. Ought we to trust to any possible contingencies on this subject, when the action of the legislative branches of the Government has set apart certain portions of our treasure for public purposes? He believed that there were now over five millions of dollars in the Treasury, being unexpended balances of the last year's appropriations. This sum is liable to be drawn for at any time, when the proper evidences are furnished at the Department to entitle those rendering service to receive it. A much larger amount remained unexpended on the 1st of January last. It probably amounted to more than twice that sum, but he could not state the sum from memory.

The amount of appropriations this year had been larger than during the preceding one. We have now actually appropriated, including former unexpended appropriations, upwards of thirty millions of dollars; and including what we are bound to pay under recent treaty stipulations, for which appropriations will doubtless be made, the appropriations will amount to upwards of thirty-seven millions of dollars. We also have before us bills making appropriations for the erection of a Treasury building; for the erection of light-houses, and improvements of harbors; for old Indian annuities; for continuing the Cumberland road; for marine hospitals; for paying to French and Neapolitan claimants what will be coming to them under treaties of indemnities, and various other bills appropriating money, in all amounting to some twelve or fifteen millions of dollars. Very many of these bills will doubtless pass. The sums contained in them, added to those he had just enumerated, amounted to between forty and fifty millions of dollars. Now, he would ask, how much of those appropriations would be actually drawn out of the Treasury by the 1st day of January next? Deduct these sums from the whole amount which would then be in the Treasury, and it had been questioned whether anything would remain to be placed in the new depositories. It was highly probable that the only money then in the Treasury would be what had been duly appropriated by law. Certainly there could not be a large sum without including this money. It was highly probable that of the appropriated money some twenty millions or more would remain in the Treasury at the end of this year; but the Treasury might, any day, be called on for the balance of these appropriations. We were about to leave in it only $5,000,000 to meet this large sum. He would ask if it was true policy to place ourselves in this situation? Was it policy to hazard anything on this point? He thought it true policy not to be without ample means to meet our engagements, and hoped that so fatal a policy as that proposed would not be entered upon. We were now actually engaged in extensive Indian wars, and he feared the torch of war would light up the whole Indian region. We should doubtless have calls for all appropriations which we had and should make. He thought the calls for money on account of these wars would be very great during the fore part of the coming year. The revenue of next year might not exceed the current expenses of that year. Was it wise to charge the revenue of that year with not only its own expenses, but also with a very considerable portion of those actually incurred in this? It appeared to him to be quite certain that the $5,000,000 proposed to be left in the deposit banks would not meet the outstanding claims arising this year. He would ask, how are these to be met?

He was told that all the money over and above the five millions would be, in the new depositories, subject to be drawn to meet any deficiency that might occur in the Treasury. Should the State treasuries become the agents of the General Government, and receive whatever should be on hand beyond the five millions, he hoped they would honor all drafts made upon them, like other faithful agents. But was the House aware that, under the provisions of this section, it was but a trifling sum that could be drawn per month? Only about one million per quarter could be drawn. This would not meet the outstanding appropriations as fast as they would be called for. It would take many years to draw from these new depositories the sum of twenty millions of dollars. The money thus deposited cannot be relied upon to meet these appropriations, or any other considerable call upon the Treasury. He then submitted to the consideration of the House the propriety of adopting his amendment, and retaining in the Treasury a sufficient sum, at all times at command of the Treasury Department, to meet all our engagements in a prompt manner. He would ask, what objection there could be to leaving these sums in the Treasury?

Under this bill there was a provision requiring the deposit banks to pay two per cent. interest when they had a certain amount of public money in their vaults. If a considerable sum were left with them, they must pay interest, which had heretofore been considered, by many, as very right and proper; but these new depositories were not required to pay interest at all. He then would ask, if the section now under consideration made the State treasuries merely depositories, in the ordinary sense of that term, what peculiar advantage was to be derived to anybody, in giving the State treasuries a preference over the other depositories? He could not imagine any, except that it might be presumed that there was greater safety in the former than in the latter. He could not imagine any other reason for this preference, unless it was true that this section was to be considered as actually making a distribution not to be returned, of all that should be found in the Treasury on the first of January beyond five millions. Was it really a distribution bill? Has this been avowed? He would ask in what part of the Constitution was the power to be found which authorized Congress to distribute? If there is any authority for this bill, it must be under the incidental power to take care of and keep the public money. Then, if both the present and the proposed depositories are to be merely depositories of the public money, why should there be any particular anxiety to give the one a preference over the other, so as to place the appropriations beyond our reach when we wish to use them? He knew the House were desirous of acting, and he would not extend his remarks further at the present time. He had said all that he deemed necessary to enable the House to understand why he wished his amendment adopted. He might hereafter, if an opportunity was allowed him, go into a discussion of the main question; but it was not perhaps proper now to go beyond the consideration of the amendment he had offered. He hoped the House would adopt it.

Mr. HAMER called for the yeas and nays on the amendment of Mr. GILLET; but the House refused to order them, and the amendment to the amendment was then negatived.

The question was then taken on the amendment of the Committee of the Whole, which was the substitute for the thirteenth section, and decided in the affirmative—yeas 142, nays 66—as follows:

YEAS—Messrs. Chilton Allan, Anthony, Barton, Beale, Bean, Bell, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Buchanan, Burns, Bynum, John Calhoon, William B. Calhoun, Carr, Casey, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Clark, Cleveland, Connor, Corwin, Craig, Cramer, Cushing, Cushman, Deberry, Denny, Dickerson, Doubleday, Fairfield, Farlin, Forester, French, Fry, Galbraith, James Garland, Gillet, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Han-

negan, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Hazeltine, Henderson, Heister, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Kinnard, Lane, Laporte, Lawrence, Joshua Lee, Thomas Lee, Leonard, Lewis, Lincoln, Logan, Lucas, Lyon, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Sampson Mason, May, McComas, McKennan, McKeon, Mercer, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Patterson, Franklin Pierce, Buttee J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, Pickens, Rencher, John Reynolds, Joseph Reynolds, Ripley, Russell, Seymour, Augustine H. Shepperd, Shields, Shinn, Slade, Smith, Spangler, Speight, Storer, Sutherland, Taylor, John Thomson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Washington, White, and Thomas T. Whittlesey—142.

NAYS—Messrs. Adams, Heman Allen, Ash, Ashley, Bailey, Beaumont, Bond, Bunch, Cambreleng, Carter Childs, John F. H. Claiborne, Coles, Crane, Darlington' Dromgoole, Evans, Everett, Philo C. Fuller, William K' Fuller, Rice Garland, Granger, Joseph Hall, Hamer, Hard' Harper, Hoar, Howell, Ingersoll, William Jackson, Janes' Jarvis, Jenifer, Henry Johnson, Lansing, Lawler, Lay, Luke Lea, Love, Loyall, Abijah Mann, Maury, McCarty, McKay, McKim, McLene, Milligan, Page, Parks, Patton, Peyton, Potts, Reed, Roane, Robertson, Rogers, Sickles, Standefer, Taliaferro, Thomas, Vinton, Webster, Elisha Whittlesey, Lewis Williams, Sherrod Williams, and Wise—66.

Mr. HAWES then moved the previous question; which was seconded by the House—yeas 87, nays 72.

Mr. RENCHER called for the yeas and nays on ordering the main question; which were not ordered.

Mr. HOPKINS moved to reconsider the vote by which the previous question was seconded; which motion was decided to the negative—yeas 88, nays 93.

The main question was then ordered to be put, without a division.

Mr. PIERCE, of New Hampshire, moved that the House adjourn; which was lost.

Mr. GRANGER called for the yeas and nays on the main question, (being on ordering the bill and amendments to be engrossed;) which were ordered, and were—yeas 163, nays 44; as follows:

YEAS—Messrs. Adams, Chilton Allen, Heman Allen, Anthony, Ashley, Bailey, Bell, Bockee, Bond, Boon, Borden, Boyd, Briggs, Buchanan, Bunch, Bynum, John Calhoun, William B. Calhoun, Carr, Carter, Casey, John Chambers, Chaney, Chapman, Chapin, Childs, Nathaniel H. Claiborne, Clark, Cleveland, Connor, Corwin, Craig, Cramer, Crane, Cushing, Darlington, Deberry, Denny, Dickerson, Doubleday, Evans, Everett, Forester, Fowler, French, Fry, Philo C. Fuller, Galbraith, James Garland, Rice Garland, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Hannegan, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Hazeltine, Henderson, Heister, Hoar, Hopkins, Howard, Howell, Hubley, Hunt, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jenifer, Joseph Johnson, Richard M. Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Kinnard, Lane, Laporte, Lawler, Lawrence, Lay, Thomas Lee, Luke Lea, Leonard, Lewis, Lincoln, Logan, Love, Lucas, Lyon, Job Mann, Martin, Moses Mason, Sampson Mason, Maury, May, McCarty, McComas, McKennan, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Parker, Patterson, Patton, Dutee J. Pearce, James A. Pearce, Pettigrew, Peyton, Phelps, Phillips, Pickens, Potts, Reed, Rencher, John Reynolds, Joseph Reynolds, Ripley, Robertson, Russell, Seymour, Augustine H. Shepperd, Shields, Shinn, Slade, Smith, Spangler, Speight, Standefer, Storer, Sutherland, Taliferro, John Thomson, Toucey, Underwood, Vinton, Wagener, Washington, Webster, White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, and Sherrod Williams—163.

NAYS—Messrs. Ash, Barton, Beale, Bean, Beaumont, Brown, Burns, Cambreleng, John F. H. Claiborne, Coles, Cushman, Dromgoole, Fairfield, William K. Fuller, Gillet, Joseph Hall, Hamer, Huntington, Jarvis, Cave Johnson, Lansing, Joshua Lee, Loyall, Abijah Mann, John Y. Mason, William Mason, McKay, McKeon, McKim, McLene, Page, Parks, Franklin Pierce, Pinckney, Roane, Rogers, Sickles, Taylor, Thomas, Vanderpoel, Ward, Wardwell, Weeks, and Wise—44.

So the bill was ordered to be engrossed and read a third time to-day.

Mr. TOUCEY moved an adjournment; which was lost.

The bill being on its passage,

Mr. LOYALL called for the yeas and nays; which were ordered, and were—yeas 155, nays 38; as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Bell, Bockee, Bond, Boon, Borden, Bovee, Boyd, Briggs, Bunch, Bynum, John Calhoun, William B. Calhoun, Carr, Carter, Casey, John Chambers, Chaney, Chapman, Chapin, Childs, Nathaniel H. Claiborne, Clark, Cleveland, Connor, Corwin, Craig, Cramer, Crane, Cushing, Darlington, Deberry, Denny, Dickerson, Doubleday, Evans, Everett, Forester, Fowler, French, Fry, Philo C. Fuller, Galbraith, James Garland, Rice Garland, Granger, Grantland, Graves, Grayson, Grennell, Griffin, Haley, Hannegan, Hard, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Hazeltine, Henderson, Heister, Hoar, Hopkins, Howard, Howell, Hubley, Hunt, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jenifer, Joseph Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Kinnard, Laporte, Lawler, Lawrence, Lay, Thomas Lee, Luke Lea, Leonard, Lewis, Lincoln, Logan, Love, Lyon, Job Man, Martin, Moses Mason, Sampson Mason, May, McCarty, McComas, McKennan, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Parker, Patterson, Patton, Dutee J. Pearce, James A. Pearce, Pettigrew, Peyton, Phelps, Phillips, Pickens, Potts, Reed, Rencher, Joseph Reynolds, Ripley, Robertson, Russell, Augustine H. Shepperd, Shields, Shinn, Slade, Smith, Spangler, Speight, Standefer, Storer, Sutherland, Taliaferro, John Thomson, Toucey, Underwood, Vinton, Wagener, Washington, Webster, White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, and Sherrod Williams—155.

NAYS—Messrs. Ash, Beale, Bean, Beaumont, Brown, Burns, John F. H. Claiborne, Coles, Cushman, Dromgoole, Fairfield, William K. Fuller, Gillet, Joseph Hall, Hamer, Jarvis, Cave Johnson, Lansing, Gideon Lee, Loyall, Abijah Mann, John Y. Mason, McKay, McKeon, McKim, Parks, Franklin Pierce, Pinckney, Roane, Rogers, Sickles, Taylor, Thomas, Turrill, Vanderpoel, Ward, Wardwell, and Wise—38.

So the bill was passed.

Mr. VANDERPOEL moved a reconsideration of the vote by which the bill amendatory of the act for the continuation of the Cumberland road was rejected; which motion was entered and lies over.

The House then adjourned, at nine o'clock, p. m.

IN SENATE.

WEDNESDAY, *June* 22, 1836.

Mr. CLAYTON, from the Committee on the Judiciary, reported a joint resolution for the relief of Ezra Thurbur; which was read, and ordered to a second reading.

Messrs. TOMLINSON, LINN, and PRENTISS, severally reported bills from the House, that had been referred to the Committee on Pensions.

Mr. TOMLINSON, from the Committee on Pensions, reported the bill from the House providing for the payment of certain pensioners of the United States at Dandridge, Tennessee, with amendments; which were read; and on motion of Mr. T., the same having been considered as in Committee of the Whole, and the amendments being agreed to, it was ordered to a third reading.

BILL INTRODUCED.

Mr. KING, of Alabama, on leave, introduced a bill for the relief of Jubal B. Hancock; which was twice read and referred.

SPECIE CIRCULATION.

The resolutions submitted by Mr. BENTON, directing the Secretary of the Treasury to inquire of the deposit banks, and other banks of good credit, whether, in the event of their continuing or becoming the depositories of the public money, they are willing to relinquish the circulation of notes less than ten dollars, and to promote the gold currency, was considered in its order.

The resolution was opposed by Messrs. EWING of Ohio, WEBSTER, and WALKER, and supported by Messrs. BENTON, NILES, and MANGUM; and

On motion of Mr. MANGUM, the resolution was, for the present, laid on the table.

The other resolutions lying on the table were agreed to.

MESSAGE FROM THE HOUSE.

A message was read from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had passed the bill from the Senate to regulate the deposits of the public money, with an amendment, in which they request the concurrence of the Senate.

The amendment is as follows:

Strike out the thirteenth section, and insert in lieu thereof the following:

SEC. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States on the first day of January, 1837, reserving the sum of $5,000,000, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall by law authorize their treasurers, or the competent authorities, to receive the same on the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such Treasurer, or other competent authorities, on receiving certificates of deposit therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid, which certificates shall express the usual and legal obligations, and shall pledge the faith of the State for the safe-keeping and repayment thereof, and shall pledge the faith of the States receiving the same to pay the said moneys and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the public Treasury beyond the amount of the five millions aforesaid: *Provided*, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States agreeing to accept the same on deposit, in the proportion aforesaid: *And provided further*, That when said money, or any part thereof, shall be wanted by the said Secretary, to meet the appropriations made by law, the same shall be called for in ratable proportions, within one year, as nearly as conveniently may be, from the different States with which the same is deposited, and shall not be called for in sums exceeding $10,000, from any one State, in any one month, without previous notice of thirty days for every additional sum of $20,000 which may at any time be required.

Mr. CALHOUN moved that the Senate concur in the amendment; and after some remarks from Messrs. WEBSTER, CLAY, MORRIS, BUCHANAN, CLAYTON, WHITE, CALHOUN, and BENTON, the amendment was concurred in.

LANDS TO ALABAMA.

The amendment of the House to the bill of the Senate, to amend the act granting certain relinquished and unappropriated lands in the State of Alabama, for the improvement of the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers, was considered; and

On motion of Mr. KING, of Alabama, that the Senate concur therein, it was decided in the affirmative.

BILLS PASSED.

The following bills were severally read the third time, and passed:

The bill for the relief of Henry Stoddard;

The bill for the relief of Jacob F. Walter;

The bill for the relief of George Gott and others;

The bill for the relief of Charles M. Frazier;

The bill for the relief of George Bender;

The bill for the relief of Abraham Forbes, a spy in the late war;

The bill for the relief of Thomas Cooper;

The bill in addition to the act for the relief of James L. Cathcart;

The bill to provide for the issuing a land patent to Thomas B. Clark;

The bill regulating the terms of the superior courts of the middle district of Florida, and for other purposes;

The bill for the relief of the heirs of James Moore;

The bill to provide for the moral and religious instructions of the Army of the United States;

The bill confirming claims to lands in the State of Louisiana;

The bill for the relief of William P. Rathbone;

The bill for the relief of Henry Newman and others;

The bill for the relief of Ebenezer Phillips and others;

The bill for the relief of John Almon and George Woolsey; and

The joint resolution referring the petition and papers of the heirs of Robert Fulton, deceased, to the Secretary of the Navy, to report thereon to Congress.

HOUSE BILLS REFERRED.

The following bills from the House were severally read twice, and referred:

The bill for the relief of John McCarroll;

The bill to grant to the New Orleans and Nashville Railroad Company the right of way through the public lands of the United States; and

The bill making appropriations for certain fortifications of the United States for the year 1836.

BUILDING FOR THE PATENT OFFICE.

On motion of Mr. RUGGLES, the Senate took up the bill providing for the construction of a suitable building for the Patent Office; and the same having been considered as in Committee of the Whole, it was ordered to a third reading.

VETO MESSAGE.

The Senate then took up the message of the

President of the United States, containing his objections to the bill providing for the future meetings and adjournments of Congress, the question being, "Shall this bill pass by a majority of two thirds, as required by the Constitution?"

A debate then ensued, consuming the greater part of the day, in which Messrs. CLAYTON, PRESTON, WEBSTER, RIVES, BAYARD, LEIGH, CLAY, CUTHBERT, CALHOUN, and WALKER, took part; after which,

On motion of Mr. CLAYTON, it was laid on the table.

FLORIDA BANKS.

On motion of Mr. WEBSTER, the Senate took up the bill to disapprove and annul certain acts of the Territorial Legislature of Florida, (granting bank charters,) and for other purposes; and after some remarks from Messrs. WEBSTER and HUBBARD, the bill was ordered to be engrossed for a third reading.

TERRITORIAL LAWS OF FLORIDA.

The joint resolution respecting certain acts of the Territorial Legislature of Florida was also, after some remarks from Messrs. WEBSTER and HUBBARD, ordered to be engrossed for a third reading.

After the consideration of executive business, The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, JUNE 22, 1836.

Mr. ADAMS, on leave, presented the protest of certain Cherokee chiefs against the treaty made with that tribe; which was committed to the Committee of the Whole on the state of the Union, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SUTHERLAND moved a suspension of the rules for the purpose of offering the following resolution:

Resolved, That this House will proceed to the consideration of the harbor bill, the light-house bill, and the bill in relation to the Cumberland road, at twelve o'clock this day, and continue in the consideration thereof till disposed of.

Mr. S. asked for the yeas and nays on the motion; which were ordered.

Mr. GRAVES moved to include the bill for the purchase of the stock in the Louisville and Portland canal; which was lost without a count.

Mr. CLAIBORNE, of Mississippi, moved to include the bill to reduce and graduate the price of the public lands; which was lost.

Mr. JARVIS moved to include all the public bills reported by the Committee on Naval Affairs; which was lost.

Mr. CAMBRELENG moved to include the bill making appropriations for carrying into effect certain Indian treaties, and asked for the yeas and nays; which were ordered.

Mr. WILLIAMS, of Kentucky, moved to lay the whole subject on the table.

Mr. LAWRENCE asked for the yeas and nays; which being ordered, Mr. WILLIAMS withdrew his amendment.

The question was taken on Mr. CAMBRELENG's amendment; and it was agreed to by a vote of 108 to 79.

Mr. FAIRFIELD moved to include the Senate bill making appropriations for the collection of materials, and the purchase of sites, to commence the construction of certain fortifications; which was lost.

Mr. HARLAN moved to lay the whole subject on the table.

Mr. VINTON suggested that the better mode would be to go into the Committee of the Whole on the state of the Union, where a majority would have the control of the business.

Mr. HARLAN withdrew his motion; and the question being taken on the resolution as amended, it was decided in the affirmative by a vote of two thirds—yeas 141, nays 49.

On motion of Mr. VINTON, the House proceeded to the

ORDERS OF THE DAY.

The bill amendatory of the act for the continuation of the Cumberland road, (rejected on a former day, but a motion by Mr. VANDERPOEL to reconsider the vote by which the bill was rejected was pending,) was postponed until to-morrow.

LAND BILL.

The bill to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting land to certain States, was then taken up; the question being on its reference, either to the Committee of Ways and Means, or to the Committee on Public Lands, with certain instructions, (which have been heretofore given at length in the columns of the Globe.)

Mr. HAWES moved to lay the bill on the table.

Mr. BOND asked for the yeas and nays; which were ordered; and were—yeas 104, nays 85; as follows:

YEAS—Messrs. Ash, Beale, Bockee, Boon, Borden, Bouldin, Boyd, Brown, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Dickerson, Doubleday, Drumgoole, Dunlap, Fairfield, Farlan, Fowler, Fry, William K. Fuller, James Garland, Gillet, Grantland, Grayson, Haley, Joseph Hall, Albert G. Harrison, Hawes, Hawkins, Haynes, Hopkins, Howard, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, Richard M. Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Lansing, Lawler, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Lyon, Martin, John Y. Mason, Moses Mason, William Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Page, Patterson, Patton, Dutee J. Pearce, Franklin Pierce, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Roane, Seymour, Shields, Shinn, Sickles, Smith, Speight, Sutherland, Taylor, John Thomson, Toucey, Towns, Ward, Wardwell, Webster, and Thomas T. Whittlesey—104.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bond, Briggs, Buchanan, Bunch, John Calhoun, William B. Calhoun, Carter, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Dickson, Everett, Forester, French, Rice Garland, Granger, Graves, Grennell, Hard, Hardin, Harlan, Harper, Hazeltine, Henderson, Heister, Hoar, Howell, Hubley, Hunt, Ingersoll, Janes, Jenifer, Henry Johnson, Kinnard, Lane, Laporte, Lawrence, Lay, Luke Lea, Lincoln, Love, Job Mann, Sampson Mason, Maury, McCarty, McKay, McKennan, Mercer, Milligan, Morris, Parker, James A. Pearce, Pettigrew, Peyton, Phillips, Potts, Reed, Rencher, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Slade, Spangler, Standefer, Storer, Taliaferro, Underwood, Vinton, White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, and Wise—85.

So the bill was laid on the table.

Mr. HANNEGAN said, as he was accidentally out of his seat at the moment his name was called, he asked the consent of the House to record his name in the affirmative, but it was objected to.

DISTRICT BANKS.

The next was a bill from the Senate entitled "An act to extend the charters of certain banks in the District of Columbia, and for other purposes." Two motions were pending, viz: by Mr. PINCKNEY, to refer to the select committee on banks; and by Mr. EVANS, to refer to the Committee for the District of Columbia, when, the latter motion prevailing, the bill was referred to the Committee for the District.

RECRUITS FOR THE ARMY.

The Senate bill entitled "An act to increase the present military establishment of the United States," was read twice, and committed to the Committee on Military Affairs.

REORGANIZATION OF THE POST OFFICE.

The House bill entitled "An act to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof," returned from the Senate with various amendments, was, on motion of Mr. CONNOR, referred to the Committee on the Post Office and Post Roads.

BILLS PASSED.

The following engrossed bills were read a third time and passed:

The act in relation to a grant of land to the State of Alabama, for the improvement of the Tennessee, Coosa, Cahawba, and Black Warrior rivers;

The bill for the relief of John McCarroll, Jr.; and

The bill to complete a store-ship in construction at the navy-yard at Philadelphia

By leave, petitions were presented by Messrs. HARLAN of Kentucky, and MASON of Virginia.

RIVERS AND HARBORS.

The House then proceeded to the execution of the special order, and went into Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair,) and took up the bill making additional appropriations for the Delaware breakwater, and for certain harbors, and removing obstructions in, and at the mouths of, certain rivers, and for other purposes, for 1836.

The bill having been read, was taken up by sections.

Mr. SMITH entered into a succinct explanation in relation to the first clause, appropriating $100,000 for continuing the Delaware breakwater, and gave some reasons why the item should be increased, though he himself did not design to make a motion to that effect.

Mr. HARPER then moved to increase the item to $120,000; which was lost.

Mr. HAWES moved to strike out the following clause:

For continuing the improvement of the navigation of the Hudson river above and below Albany, in the State of New York, $200,000, to be expended according to the plan and estimates recommended by the Secretary of War.

Mr. HAWES said, when the first appropriation was made it was distinctly asserted that the whole cost would not exceed at the most $70,000, though Mr. H. said, at the time, that it would be but an entering wedge for larger calls upon the Government. He was further convinced that the Hudson river, at this point, did not come within the principles of the rule by which the Federal Government was authorized to expend the public money for works of internal improvement.

Mr. PEARCE, of Rhode Island, supported the clause, and went on to show that the work in question was purely of a national character.

After some remarks from Messrs. HUNT, MERCER, EVANS, SMITH, and VANDERPOEL,

Mr. CARTER moved to amend the clause by appropriating the sum of $100,000 to continue the improvement commenced at the Muscle Shoals by the Government of the United States, in the State of Alabama, up the Tennessee and Holston rivers to Kingsport, in Tennessee.

After some remarks from Messrs. CARTER, PEYTON, SPEIGHT, SMITH, EVANS, SOUTHARD, DUNLAP, and WISE,

The House took the usual recess.

EVENING SESSION.

The following bills from the Senate were, by general consent, severally read twice and appropriately referred:

An act for the relief of Thomas Cooper;

An act to provide for issuing a land patent to Thomas B. Clarke;

An act additional to the act for the relief of James L. Cathcart;

An act regulating the terms of the superior courts of the middle district of Florida, and for other purposes;

An act for the relief of the heirs of James Moore;

An act to provide for the moral and religious instruction of the Army of the United States;

An act confirming the claims to land in the State of Louisiana;

An act for the relief of William B. Rathbone; and

An act for the relief of Henry Newman, and others.

RIVERS AND HARBORS—AGAIN.

The House then went into Committee of the Whole again, and resumed the consideration of the clause (as stated at the close of the morning proceedings of yesterday) appropriating $200,000 for Hudson river, and the amendment of Mr. CARTER to appropriate $100,000 for the Muscle Shoals.

Mr. WISE concluded his remarks in opposition to the principles of the bill passed yesterday in relation to the deposit of the public money.

Mr. PEYTON followed in support of the general principles of that bill.

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. WEDNESDAY, JUNE 29, 1836. VOLUME 3....No. 37.

Mr. WISE briefly rejoined to the latter gentleman.

The debate was continued by Mr. MANN of New York.

Mr. HAYNES raised the point of order on the character of the debate. He said he was compelled to be absent last night from indisposition, and he was informed that the Senate deposit bill had been passed. He wished to know if he had been misinformed; because, if not, a discussion upon a bill already passed must be out of order.

Mr. MANN said a few words more in reply to some remarks of Mr. WISE, when the debate proceeded on the pending question by that gentleman.

Mr. CARTER then modified his amendment, by inserting a provision at the end, making Kingsport, Sullivan county, Tennessee, a port of entry; and

After some remarks from Messrs. PEYTON and TURRILL, the amendment was rejected.

Mr. McKAY then moved to reduce the appropriation to $100,000, on the ground that that was as much as could be expended during the working season.

Mr. SMITH said a few words in opposition to the motion; when it was rejected.

Mr. PARKER moved to strike out the words, "above, and," so as to restrict the expenditure below Albany.

Mr. GILLET said, if he understood the amendment of his friend from New Jersey, [Mr. PARKER,] his object was to limit the improvements in the Hudson river to that portion of it which is below the city of Albany. That gentleman seemed to suppose, that public considerations did not require the improvement proposed between Troy and Albany. The fact stated as the ground of his opinion was, that the great New York canal terminated at the city of Albany. It is true that this canal is continued on the western bank of the river to the city of Albany. But he believed it also true, that there was a communication from it to the city of Troy. He would further state that the Champlain or Northern canal, which is of such great importance to the northern part of the State and to the State of Vermont, terminates nearly opposite Troy. That city carries on a large business on each of the canals. The business men of that city are extensively engaged in business which requires them to pass from Troy on the Hudson to New York. The failure to improve the river between Troy and Albany would give the latter place an advantage growing out of our legislation. He was confident this was not desired by any person. Place each on the same footing, so far as you legislate, and leave to natural causes and the enterprise of each to decide the question of superiority. The natural rivalry between these cities would be beneficial to the country. If, by any act of ours, the one receives a favor not given to the other, you destroy competition, and place business within the control of the favored city. Let them go hand in hand, and all will be satisfied.

As he observed many around him who were not in the last Congress, and who may not be acquainted with the history of former legislation on this subject, he wished to occupy the attention of the House for a moment to make a brief statement of facts. At a session of the Twenty-Second Congress, a bill passed both Houses of Congress, containing, among other appropriations, one for the improvement of the navigation of the Hudson river. He could not say from what committee that bill emanated, but it was fair to presume that it was properly considered by a standing committee and by both Houses of Congress. This bill, owing to other items in it, failed to receive the signature of the President, and consequently did not become a law.

At the first session of the last Congress, a member of the Committee on Commerce, from the city of New York, [Mr. SELDEN,] reported a separate bill on this subject, which passed both Houses, and became a law. Consequently, this cannot be considered a new work; and, under the usual course of business here, it is properly within the jurisdiction of the Committee of Ways and Means, who reported this bill. We have evidence before us that more money is needed for this work, in which several States are interested. It must be known to all, that every State and Territory touching the western lakes is deeply interested in this work. So is Vermont. It is also conceded that it is not excluded by the principles of the celebrated veto message. The question is, shall we continue the improvement or abandon it? If any work of this kind is ever to be carried on by the General Government, certainly this should be continued. In his opinion, the amendment should not be agreed to, but the section should be adopted as it now stands.

After a few words from Mr. PARKER, the amendment was rejected.

The motion to strike out the whole clause was then lost.

Mr. HAWES then moved to amend the clause, by striking out the sum of $20,000, and inserting, in lieu thereof, the sum of $151,504 10, and to add at the end, "for the completion of the improvements of the Hudson river," and proceeded to assign at length his reasons for the motion, which was the balance of the sum, after the $70,000 appropriated last year. The cost of the work was originally estimated at $221,504 10.

The amendment of Mr. HAWES was then rejected—yeas 47, nays 79.

Mr. ASHLEY then moved to amend the amendment by inserting at the end of it the following: "in such manner, and by the removal of such obstructions, as the Secretary of War shall direct;" which was agreed to.

After a few remarks by Messrs. SMITH and VINTON,

Mr. JOHNSON, of Tennessee, moved that the committee rise; which was lost.

After a few remarks by Mr. DENNY, the question was taken on Mr. VINTON's amendment as amended; which was agreed to.

Mr. MARTIN then moved an amendment appropriating $20,000 for the improvement of Tennessee river, at Muscle Shoals; which was lost.

Mr. VINTON moved to strike out the clause "for continuing the improvement of the navigation of the Ohio and Mississippi rivers, from Pittsburg, Pennsylvania, to New Orleans, Louisiana, and from the mouth of the Ohio to the mouth of the Missouri river, $110,000;" and insert, "for the improvement of the Ohio river, from Pittsburg to the falls, $50,000; for the Mississippi and Ohio, below the falls, $50,000; and for the improvement of the Mississippi and Missouri, above the mouth of the Ohio, $30,000."

After some remarks by Mr. VINTON,

Mr. ASHLEY moved to amend the amendment by increasing the appropriation for the improvement of the Mississippi and Missouri rivers, above the mouth of the Ohio, to $50,000; which was lost.

Mr. HAWES then offered an amendment to the above clause, to strike out "Pittsburg, Pennsylvania," and insert "Louisville," and strike out "$110,000," and insert "$75,000;" which was lost.

Mr. SMITH moved to amend the clause "for continuing the removal of obstructions in Red river, Louisiana, and Territory of Arkansas, $40,800," by making an additional appropriation of $15,000 for the construction of a steamboat, and $15,000 for the support of the same; which was lost.

Mr. GARLAND, of Louisiana, moved to amend the amendment, so as to increase the appropriation to $100,000 for the purpose of continuing the improvements to the navigation of Red river, constructing a steamboat to be used in keeping the river open, and continuing the work. This (he stated) was in conformity with the estimates and recommendations from the Department, now in the possession of the gentleman from Maine, [Mr. SMITH,] who, as a member of the Committee of Ways and Means, has the bill in charge; which was lost.

Mr. CLAIBORNE, of Mississippi, then offered the following; which was lost:

And be it further enacted, That the sum of $20,000 be, and is hereby, appropriated for the improvement of the navigation of the Tombigbee river, in the States of Alabama and Mississippi, and the sum of $10,000 for the improvement of that part of the Mississippi river known as the Yazoo Pass.

Mr. GRAVES moved an amendment to appropriate $750,000 for the purchase of the private stock in the Louisville and Portland canal; which was lost.

Mr. CARTER moved an amendment to appropriate $150,000 to connect the Hiwasse and Coosa rivers; which was lost.

Mr. UNDERWOOD moved an amendment to appropriate $6,000 for the construction of coffer dams on Green Barren river; which was lost.

Mr. CHAPIN offered an amendment for the improvement of Port bay, New York, $10,000; which was lost.

Mr. ASHLEY offered an amendment for the improvement of St. Francis river, $30,000; which was lost.

Mr. WILLIAMS, of Kentucky, moved to strike out the clause "for continuing the improvement of Cumberland river in Kentucky and Tennessee, $30,000," and insert, "for continuing the improvement of Cumberland river, beginning at the mouth of Laurel, which is hereby declared a port of entry;" which was rejected—yeas 17, nays 99.

Mr. BOYD moved to amend the clause "for continuing the improvement of the Cumberland river in Kentucky and Tennessee, $30,000," by inserting, after the word "Tennessee," the words, "commencing at its mouth;" which was lost.

Mr. HAWES moved to strike out the clause "for continuing the removal of obstructions in the Chipola river, in the Territory of Florida, $4,000;" which was lost.

Mr. SMITH moved an amendment "for completing improvements between the rivers St. Mary's and St. John's, $5,000;" which was agreed to.

Mr. HAWES moved to strike out the following: "For continuing the removal of obstructions in, and improving the navigation of, the Escambia river, in the Territory of Florida, $5,500;" which was lost.

Mr. CORWIN offered an amendment to appropriate $25,000 for incidental expenses attending future surveys; which was lost.

Mr. ROBERTSON offered an amendment to provide for the removal of obstructions in James river, below Richmond, $50,000; which was lost.

Mr. STORER moved to amend the clause "for the further improvements at the mouth of Huron river, $4,300," by inserting, after the word "river," the words, "in the State of Ohio;" which was lost.

The bill having been read through, on motion of Mr. SMITH, the committee rose, and

The House then adjourned.

IN SENATE.

THURSDAY, *June* 23, 1836.

The CHAIR communicated a report from the Department of State, transmitting, in compliance with the resolution of the Senate of the 26th of May last, copies of all the acts that have been passed by the Territorial Legislature of Florida, granting charters to banking and other corporations; which was laid on the table.

REPORTS FROM COMMITTEES.

Mr. CLAY, from the Committee on Foreign Relations, to which had been referred the correspondence that had taken place between the Department of State and the British Government relative to the settlement of the northeastern

boundary, made a report thereon, recommending the publication of the correspondence.

The publication was then accordingly ordered; and

On motion of Mr. SHEPLEY, three thousand additional copies were ordered to be printed.

Messrs. TALLMADGE, PRENTISS, and TOMLINSON, severally reported, without amendment, bills from the House that had been referred to the Pension Committee.

PATENT TO JOSEPH GRANT.

On motion of Mr. KNIGHT, the bill to extend the patent right of Joseph Grant, for making hat bodies, was taken up.

Mr. K. advocated the bill.

Messrs. WALL and NILES opposed it; after which it was laid on the table.

HOURS OF MEETING.

Mr. SOUTHARD submitted a resolution providing for the meetings of the Senate, for the remainder of the session, at ten o'clock, a. m., and that the Senate take a recess from two to four o'clock.

Mr. KING, of Alabama, said he had no objection to meeting at ten o'clock, but he objected to the recess, and therefore asked for a division of the question.

Mr. PRESTON also opposed the recess.

Mr. WEBSTER moved to lay the resolution on the table; which was carried.

BILLS PASSED.

The following bills were severally read the third time, and passed:

The bill for the relief of William Bowman;

The bill to provide for paying certain pensioners of the United States at Pulaski and Dandridge, in the State of Tennessee;

The bill to disapprove and annul certain acts of the Territorial Legislature of Florida, and for other purposes;

The bill for the relief of Parker Chase;

The bill for the relief of Larned Swallow;

The bill to authorize the Washington County Turnpike Company, in the State of Missouri, to construct a road through the public lands; and

The bill for the relief of the legal representatives of James Bell, or of Margaret Bell, deceased.

BUILDING FOR PATENT OFFICE.

The bill for providing a building for the accommodation of the Patent Office came up on its third reading.

Messrs. CLAY and CLAYTON opposed the bill, considering the appropriation ($108,000) too high.

Mr. RUGGLES supported the bill, showing the urgent necessity there was for having a building for the great number of models and valuable improvements which were now obliged to be kept in the garrets, cellars, and passages of the building where the Patent Office is now kept. Considering, too, the extent of the accommodations required, and the quantity of fixtures and furniture to be purchased, the appropriation was not too much.

Mr. CLAYTON moved to lay the bill on the table, and the motion was carried by the following vote:

YEAS—Messrs. Bayard, Black, Brown, Clay, Clayton, Crittenden, Cuthbert, Davis, Goldsborough, Hendricks, Kent, King of Georgia, Knight, Leigh, Mangum, Morris, Porter, Robbins, Swift, and White—20.

NAYS—Messrs. Benton, Calhoun, Ewing of Ohio, Hubbard, King of Alabama, Linn, Moore, Nicholas, Niles, Prentiss, Preston, Robinson, Ruggles, Shepley, Tipton, Walker, Wall, and Webster—18.

SALES OF THE PUBLIC LANDS.

Mr. EWING, of Ohio, moved to take up the bill to change the mode of conducting the sales of the public lands.

Mr. BLACK opposed the motion; and it was carried—yeas 23, nays 17; as follows:

YEAS—Messrs. Bayard, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hubbard, Kent, King of Georgia, Knight, Leigh, Mangum, Moore, Prentiss, Preston, Robbins, Ruggles, Shepley, Southard, Swift, Tomlinson, and Webster—23.

NAYS—Messrs. Benton, Black, Brown, Hendricks, King of Alabama, Linn, Morris, Nicholas, Niles, Page, Porter, Robinson, Tipton, Walker, Wall, White, and Wright—17.

Mr. EWING, of Ohio, explained the nature and objects of the bill which, for the purpose of preventing fraud, violence, and combinations at the public land sales, substituted secret and sealed bids for the present open and oral bids, and offered some amendments to perfect the details; which were agreed to.

Mr. WALKER then moved the indefinite postponement of the bill.

Mr. CALHOUN said that this motion was intended to defeat the bill; but, as it was a measure of considerable importance, he hoped it would not be thrown aside without some discussion. He would be glad to hear the arguments for and against it before he gave his vote.

Mr. PORTER was perfectly willing to allow gentlemen an opportunity of perfecting the details of the bill, and he therefore hoped the Senator from Mississippi would withdraw the motion. He was satisfied, however, that more frauds would be practiced under the provisions of this bill than under the present practice.

Mr. PRESTON feared that the bill could not accomplish the object intended. There was more danger of frauds being practiced in secrecy than when the bids were open and in the presence of hundreds. He had heard frequent complaints of frauds in the land offices, of which he professed to know nothing; but he thought that this bill would offer strong temptation to such frauds.

Mr. EWING said that he had bestowed much pains and labor in the consideration of the subject, and, in common with the committee, had come to the conclusion that this was the only plan that could be adopted to prevent violence, if not frauds, at the public land sales. Mr. E., in the course of his remarks, described the combinations and violence used at the public land sales to prevent honest bids, and gave a history of the manner in which frauds of great extent had been successfully perpetrated. Mr. E. also explained at full length the manner in which the provisions of this bill would operate in preventing frauds, violence, and combinations, and argued to show that it would amply guard against the evils that now existed. Sealed bids (he said) were made in relation to every public contract except for the public lands—for the post office, for supplies for the Navy and Army, for the letting of contracts for roads, and, in short, for everything but for the sales of the lands.

Mr. LINN said that, as much had been said as to frauds in the public lands, he wished to inquire particularly of the chairman, whether any frauds had been alleged to have been committed in Missouri?

Mr. EWING replied that there was no doubt but that a great number of frauds had been perpetrated at the land sales; but he could not say that there were any charges that frauds had been committed in Missouri particularly.

Mr. LINN said his object was to have the skirts of Missouri cleared of any imputations that might indirectly rest upon her in consequence of the frauds that had been alleged to have taken place in the public land sales. He had traveled much through Missouri, and he had never heard of frauds and combinations there, and he felt warranted in saying that none had ever existed. Perhaps, if gentlemen from the other new States would rise and ask the same question from the chairman, similar answers to that given in relation to Missouri might be received, and thus the frauds so much magnified might be narrowed down to a very small compass. He would suggest to the Senator from Ohio, who took so deep an interest in the public lands, that the best way to prevent frauds and combinations would be to abolish the present land system altogether, and reserve the public domain in the valley of the Mississippi for the purpose of making it an asylum for the poor man of every country in the world who may be disposed to go there and cultivate the soil for an honest support.

Mr. WALKER said that he had wished that the consideration of this subject might be postponed until the next session of Congress, when the subject might be more maturely considered, and some measure devised more calculated to effect the object in view than the one before them. Mr. W. entered at length into the various objections he had to the bill, and supported them with an argument of considerable force and ability. The abolishment of the present auction system, which had existed since the adoption of the Constitution, and even prior to that time, and the substitution of a species of freemasonry in its stead, would, in his opinion, lead to frauds of incalculably greater extent than had ever heretofore been alleged to have taken place. He had attended a few land sales in Mississippi, and he most solemnly believed that no frauds or violence had ever taken place at the sales there; he had seen none, and had heard of none. If violence would ever be perpetrated under the present system, it would only be where the speculator purchased the farm in the possession of the honest cultivator, and deprived him of a home for his wife and children, and he had never heard of but one case of that kind. Among his various objections to the bill, Mr. W. referred to the strong temptations that it offered to the public officers. If it took effect, they must (he said) place archangels in the land offices instead of men, or they would violate that precept of holy writ, "lead us not into temptation." Of the whole one hundred and fourteen registers and receivers, if only two villains should be among them, they could make such a scene of fraud and violence as never was before heard of. It would give the whole control of the land offices to the registers and receivers, and the sales must depend on their honesty. A stronger temptation to villainy could not be presented to the cupidity of man. Mr. W. took an extended view of the process of secret bids, and described the powers of the registers and receivers over them, and showed the various modes by which the laws might be evaded, violated, and set aside, and no human beings but the registers and receivers, and the few interested with them, having the slightest knowledge of their proceedings.

Mr. KING, of Alabama, was fully aware that the Committee on Public Lands had reported this bill with a sincere desire to guard against the various frauds at the public land sales which he had very little doubt had been perpetrated. He did believe that it was possible to devise some mode by which these frauds might be guarded against, and that they might dispose of the lands beneficially to the settler, and beneficially to the Government, without the corrupting influence of those speculations and frauds that had heretofore existed. He had looked into the bill with a sincere desire to find that it was calculated to accomplish the object in view; but, after a careful examination, he was constrained to believe that it would open the door to greater frauds than had ever yet been perpetrated; that, under its operation, they would get less money for the lands, and that it would give great facilities to the speculating tribe, while it would operate less favorably for the actual settler. Mr. K. described the manner in which the combinations of sagacious and wealthy capitalists prevented a fair competition from those who wished to purchase for actual settlement, and contended that they would have still greater facilities under the present bill. Among his other objections, he said that, if this system took effect, a general suspicion would necessarily be excited against the registers and receivers, no matter whether they conducted the sales fairly or otherwise. He was perfectly convinced, that to adopt this plan would work greater evils than at present existed. He would be glad, therefore, if the honorable chairman of the Committee on Public Lands would consent to let it rest until the next session, and that they would then take it up with a sincere desire of doing something—an object that they all had at heart—to cure the evils existing in the present system.

Mr. HENDRICKS rose to repudiate the allegations of frauds, so far as they relate to the State of Indiana. He was convinced, from correct information, that none have ever been practiced there. Mr. H. then stated his objections to the bill, believing that it would occasion more frauds and combinations than had yet been complained of, and concluding by moving to lay the bill on the table.

Mr. EWING then requested Mr. HENDRICKS to withdraw his motion; which was consented to; and Messrs. EWING and PORTER severally addressed the Chair in continuation of their arguments.

Mr. CLAY said he knew that the committee had been attentively considering this subject, and that they had been assisted by the coöperation of the Commissioner of the General Land Office, and that, after much pains and labor, they had agreed on a system which, though it might not be perfect, was yet calculated to do much good. What were the evils complained of under the present system? Fraud and violence. Gentlemen might get up and deny that there had been any; yet they spoke only of their own belief as to what had taken place in their respective States. But this fraud and violence had not been charged against any one State in particular; but the charge had been general; and that fraud and violence had existed to an alarming degree in relation to the public land sales, there was scarcely room to doubt. They had abundant evidence on their tables to satisfy any one on that head. His friend from Louisiana knew that the frauds with regard to preëmptions in that State had been so great that the Government had thought proper to make them the subject of a special communication to the Legislature. It was in vain to deny the existence of combinations and frauds. These might not be perpetrated by individuals in the State where the land sales were, but by combined bands of wealthy individuals coming from other quarters. Mr. C. went on at length in support of the bill, contending that it was the best measure that could be desired to cure the evils existing in the present system.

Mr. ROBINSON was not so much opposed to this bill as some gentlemen who had addressed the Senate on the subject; but still, believing it to be exceedingly imperfect and liable to strong objections, he must vote against it. He had risen, however, not to enter into an argument on the merits of the bill, but to say a word or two as to the violence that had been committed at one of the sales in his State. This violence had been confined to cases where the actual settler and cultivator was anxious to procure the land which he cultivated. Combinations for this purpose had occurred. The settlers in that district met some days previous to the sale, and selected a committee of respectable persons to investigate the subject. This committee examined into the case of each *bona fide* settler, and all such as they found embraced in that description they determined should have their lands, determining that they would cry "preëmption," whenever the settlement of such person was offered for sale, and prevent any one else from bidding for it. Where there was not an actual settlement and cultivation, nothing of this kind had taken place. So strong was the feeling on this subject in his State, that he doubted very much, if a stranger were to go into any neighborhood and purchase the land of an actual settler, whether he would be permitted to remain there. He believed that violence had never been committed at the land sales in his State to prevent fair competition, but only to prevent the speculator from getting the home of the actual settler and cultivator. Combinations of speculators were generally composed of non-residents, as those in the States where the sales took place had not the funds for such purposes.

If this bill would accomplish the object in view, and put down combinations, he would with great pleasure vote for it; but from all the examination he had given to the subject, he was convinced that it would add to, rather than diminish, the present evils. One word as to these frauds. He was satisfied that they had been much overrated, and that the principal frauds arose from the preëmption floats.

Mr. MORRIS differed with his colleague as to the principles on which the bill was based. His colleague looked upon the public lands as a source of revenue, while he thought the great subject for which the sales should be made, was the settlement of the lands, and the security of the purchaser. After stating his objections to the bill, Mr. M. suggested that the best plan to cure the evils complained of would be to stop the sales at public auction, and sell the lands to the actual settlers only in small quantities. This would, at all events, give them time to devise some system that would meet with more general concurrence than the present.

The debate was further continued by Messrs. BLACK, WALKER, and CALHOUN; after which the question was taken on Mr. WALKER's motion to postpone the bill indefinitely; and it was carried—yeas 25, nays 15; as follows:

YEAS — Messrs. Benton, Black, Brown, Buchanan, Calhoun, Cuthbert, Hendricks, Hubbard, King of Alabama, Linn, Moore, Morris, Nicholas, Niles, Page, Porter, Preston, Rives, Robinson, Shepley, Tipton, Walker, Wall, White, and Wright—25.

NAYS—Messrs. Bayard, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, Knight, Leigh, Prentiss, Robbins, Southard, Tomlinson, and Webster—15.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 23, 1836.

Mr. EVANS, from the Committee on Invalid Pensions, reported a bill for the relief of Eliza Causin and Ann Lurner; which was read twice and committed.

Mr. LAY, from the Committee on Revolutionary Pensions, reported a bill for the relief of Alexander Gillis; also a bill granting a pension to James Boylan; which were read twice and committed.

Mr. INGHAM, from the Committee on Commerce, reported a bill for the relief of Thomas Cushing; also a bill for the relief of John A. Peterson; which were read twice and committed.

Mr. STORER, from the Committee on Revolutionary Pensions, reported a bill for the relief of Simon Moss; which was read twice and committed.

Mr. GILLET, from the Committee on Commerce, reported Senate bill for the relief of the owners of the brig Dispatch, with the recommendation that it do not pass; also, Senate bill to allow a drawback on certain duties; which were committed.

Mr. ADAMS, from the Committee on Manufactures, reported Senate bill in relation to reducing the duty on railroad iron; which, by general consent, was read a third time and passed.

Mr. JOHNSON, of Kentucky, from the Committee on Military Affairs, reported Senate bill to increase the military establishment of the United States, with an amendment; also, Senate bill for the moral and religious instruction of the Army, with a recommendation that it do not pass; both of which bills were committed.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a bill for the relief of the corporation of the first Presbyterian Church, in Yorktown, West Chester county, New York; which was read twice and committed.

Mr. BEAUMONT, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of Nathaniel Peters and William Allen, deceased; which was read twice and committed.

Mr. FRY, from the Committee on Revolutionary Claims, reported a bill granting a pension to Philip Harker, of Virginia; which was read twice and committed.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, to whom had been referred the amendments of the Senate to the bill to reorganize the Post Office Department, reported the same to the House, with the recommendation that the House concur in the amendments; which were referred to the Committee of the Whole on the state of the Union.

Mr. INGERSOLL, by leave, presented a memorial from the merchants of Philadelphia, asking that the bill may be passed as amended; which was referred to the Committee of the Whole, to which the bill had been referred.

Mr. BEALE, from the Committee on Invalid Pensions, reported a bill for the relief of Samuel Brown; which was read twice and committed.

Mr. CHAPMAN, from the Committee on Public Lands, reported a bill to grant a quantity of land to the Territory of Florida, for the purpose of erecting public buildings; which was read twice and referred.

Mr. VANDERPOEL, from the select committee to whom the subject had been referred, reported a bill authorizing the erection of a monument to the memory of Major Williams, one of the captors of Major Andre; which was read twice and committed.

Mr. HAWES made an ineffectual attempt to take up his resolution in relation to the West Point Academy.

Petitions were presented by Messrs. HOPKINS and HAYNES.

Mr. GILLET moved a suspension of the rules for the purpose of taking up the bill on the subject of new gold coins, and on this motion called for the yeas and nays; which were ordered; and were—yeas 91, nays 79; not two thirds.

REORGANIZATION OF THE POST OFFICE.

On motion of Mr. CONNOR, the House went into the Committee of the Whole on the state of the Union (Mr. HOWARD in the chair) on the bill for the reorganization of the Post Office Department, and the more effectually to provide for the settlement of the accounts thereof.

Some of the amendments of the Senate were concurred in.

The amendments increasing the salaries of the clerks in the Department were disagreed to.

The question pending was the amendment of the Senate striking out the forty-third and forty-fourth sections, which prevent the postmaster from receiving any emolument from pigeon-holes or boxes.

A debate on the various amendments ensued, in which Messrs. WARDWELL, PHILLIPS, MANN of New York, JOHNSON of Louisiana, CARTER, LANE, EVERETT, PARKER, BRIGGS, HARPER, UNDERWOOD, and REED took part; when, the hour having arrived for proceeding to the special order of the day, the committee rose.

RIVER AND HARBOR BILL.

On motion of Mr. SUTHERLAND, the House went into Committee of the Whole, in pursuance of the special order of yesterday, (Mr. LINCOLN in the chair;) when

Mr. VINTON moved to reconsider the vote by which the committee adopted an amendment to the harbor bill, making an appropriation of $50,000 for the improvement of the Ohio river between Pittsburg and the falls; $50,000 from the falls to New Orleans; and $30,000 for the Mississippi and Missouri rivers, above the mouth of the Ohio; which motion was agreed to.

Mr. VINTON then modified his amendment, by inserting an additional clause appropriating $30,000 for the improvement of the Ohio river between Pittsburg and the falls of the Ohio.

After some remarks by Messrs. VINTON, SMITH, UNDERWOOD, ASHLEY, LANE, HAWES, WHITTLESEY of Ohio, DENNY, HUNTSMAN, BOON, MERCER, and CHAMBERS, the amendment of Mr. VINTON was adopted.

Mr. ASHLEY then moved the following as a modification of the above:

For the improvement of the Ohio and Mississippi, from Louisville to New Orleans, $70,000; for the improvement of the Mississippi river, above the mouth of the Ohio and the Missouri river, to Independence, $50,000, in such manner, and for the removal of such obstructions, as the Secretary of War shall direct;

which was agreed to.

The committee then took up the bill making appropriations for the improvement of certain harbors therein named for the year 1836.

The bill having been read through, Mr. BELL moved to strike out the enacting clause of the bill. He did so (he said) for the purpose of trying the sense of the committee on the principles of the bill. Mr. B. then spoke at some length, going fully into the merits of the bill.

Before Mr. BELL had concluded his remarks, the hour having arrived,

The House took the usual recess.

EVENING SESSION.

On motion of Mr. HAYNES, by leave, it was

Resolved, That the Committee of Claims be instructed to inquire into the expediency of making compensation to Colonel John McKinne, for his expenses and services in securing a debt due by G. W. Denton to the Treasury of the United States.

On motion of Mr. HOPKINS, by leave, it was

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of paying to the heirs of Lieutenant John Goggin, of the Virginia continental line, the seven years half pay, (with interest,) promised by law to the widows and children of those officers of the said line who died in the service in the revolutionary war.

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of paying to the heirs of Ensign Robert Watkins, deceased, of the Virginia continental line, the seven years' half pay (with interest) promised by law to the widows and children of those officers of the said line who died in the service in the war of the Revolution.

SENATE BILLS REFERRED.

The following bills from the Senate were, by general consent, severally read twice, and committed:

An act for the relief of the legal heirs of James Bell, or of Margaret Bell, deceased;

An act for the relief of Parker Chase;

An act for the relief of Larned Swallow;

An act to authorize the Washington county Turnpike Company, in the State of Missouri, to construct a road through the public lands;

An act to disapprove and annul certain acts of the Territorial Legislature of Florida, and for other purposes; and

A resolution respecting certain acts of the Territorial Legislature of Florida.

LOUISVILLE AND PORTLAND CANAL.

Mr. GRAVES made an ineffectual attempt to have the bill of the Senate to provide for the purchase of the private stock in the Louisville and Portland Canal made the order of the day for to-morrow, between the hours of half past ten and twelve o'clock.

ABRAHAM FORBES.

The House concurred in the amendments of the Senate to the bill for the relief of Abraham Forbes.

PAYMENT OF PENSIONS.

The bill of the House, as amended by the Senate, to provide for the payment of pensioners at Pulaski and Dandridge, Tennessee, was taken up, and referred to a committee.

RIVER AND HARBOR BILL.

The House then went into Committee of the Whole, and took up the bill making appropriations for the improvement of certain harbors therein named for the year 1836.

The question pending was the motion of Mr. BELL to strike out the enacting clause.

Mr. BELL resumed his remarks in opposition to the bill, inasmuch as it was a scheme to increase executive patronage, and exhaust the surplus revenue of the Government. The bill (he said) had grown out of a system of policy adopted for the purpose of exhausting the Treasury. He adverted with some severity to the policy of the Government towards the Indian tribes, all of which, he contended, was for the purpose of increasing executive power and influence. Mr. B. spoke at great length in reply to remarks heretofore made by various members of the House, and noticed several editorial articles of the Globe, and denied that he had been the leader in any of the disorders which had occurred in the House, or that he had interrupted the business of the House. He said he had resolutions drawn up expressive of his views in relation to executive patronage, but never had had an opportunity of offering them, as it had always, during the present session of Congress, required a vote of two thirds to get in any resolution. In consequence of this, he was compelled to take the opportunity of discussing general principles, while the appropriation bills were under consideration. He went into a review of the President's course, from the period of his first election to the present time, referring to various documents in support of his argument; and adverted with great severity to the party tactics of the State of New York. He then went generally into an examination of the subject of internal improvements; the tariff; the policy of the Administration in relation to the removal of the Indians; the subject of nullification, and the United States Bank. He next read several papers to show that the various Democratic conventions throughout the country were made up principally of officers of the Government, of postmasters, marshals, judges, &c.

Mr. B. then went into an examination of the policy of the Administration in relation to the gold currency, which he pronounced a consummate humbug. While the party (he said) were professing to uphold the scheme of a gold currency, they were incorporating banks in a much greater number than they had ever heretofore done. The *yellow boys* were held up at the hustings, by partisans of the Administration, as a proof of the patriotism of the President, and of the members of his Administration, while, at the same time, there were a greater number of banks, and a larger amount of bank paper in circulation, than had ever existed heretofore. Mr. B. adverted to the effort made to amend the constitution so as to provide for the election of a President by the people; and said he considered the members of the House of Representatives much more pure than the members of a Baltimore convention; and that they were not subject to the corruptions of a party caucus.

It was not true (he said) that the people could not err; from the days of Moses to the present time the people had erred. We were bound to believe, if we believed in history, that the people might be misled by their leaders; that people whose land flowed with milk and honey were not content, and were led into error. The Government of republican Greece fell from its high estate by the errors of the people. The people of Rome erred in following a Cæsar. The people of republican France erred when they made Napoleon First Consul for life. It was not true that the people could not err; but it was true, and all history would bear him out in the assertion, that those who had always cried out that the people could not err had been the first to take advantage of their errors. Although (Mr. B. said) the people might err, it was the glory and happiness of a republican form of government that the moment they discovered their error they would retrace their steps.

Mr. B. continued his argument at some length, quoting largely from ancient and modern history to bear him out.

Mr. SUTHERLAND remarked that it was his wish that the bill under consideration should be got through the committee to-night; and he hoped that gentlemen who might desire to reply to the gentleman from Tennessee would wait until to-morrow, when the committee would take up another bill, on which they would have an opportunity to speak. It might be possible that he should make some remarks in reply to the gentleman from Tennessee; but he would for the present forego replying, with the hope that the question would be taken, and that the bill might be gotten through with.

Mr. BELL concurred with the gentleman from Pennsylvania, and hoped the committee would not rise until they got through with the bill. Mr. B. concluded by withdrawing his motion to strike out the enacting clause.

Mr. MERCER said he had not examined the bill until within a short time, and could not consent that it should be hurried through the committee to night. Mr. M. concluded by moving that the committee rise, but withdrew the motion at the request of

Mr. SUTHERLAND, who briefly replied to the gentleman from Virginia, and the gentleman from Tennessee. He contended that the improvements contemplated by the bill were clearly constitutional, and stated that he was favorable to those improvements, and to all similar improvements, let them be in what section of country they might. The State he in part represented was but very little interested in the improvements contemplated by this bill, yet that circumstance did not make him any the less favorable to it. He would vote for them, and he would vote for similar ones, whether in the West or the East.

After a few remarks by Messrs. PEYTON, SUTHERLAND, MERCER, PHILLIPS, and JOHNSON of Louisiana,

Mr. LANE moved that the committee rise; which was agreed to.

On motion of Mr. LANE, the House then adjourned, at a quarter past nine o'clock.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 24, 1836.

On motion of Mr. MAURY, the standing committee to whom the subject had been referred, was discharged from the consideration of the bill to establish a pension agency at Pulaski and Dandridge, Tennessee; and the House concurred in the amendments of the Senate to the same.

Mr. WHITTLESEY, of Ohio, from the Committee of Claims, reported Senate bill for the relief of William B. Rathbone, with an amendment; which was referred.

Mr. W., from the same committee, made a report in the case of James and William Crooks, and concluded with the following resolution; which was considered, and adopted:

Resolved, That the petition and papers of James and William Crooks be referred to the Secretary of the Navy, to ascertain (on giving notice to the said James and William Crooks, or to their agents, of the time and place of taking testimony) the value of the vessel called the Lord Nelson, captured by Lieutenant Woolsey on Lake Ontario, on the 5th of June, 1812, at the time of said capture, and the cargo then on board of said vessel; and that he report the same at the next session of Congress.

Mr. LINCOLN, from the Committee on Public Lands, reported Senate bill to authorize the Governor and Legislative Council of Florida to sell certain lands for purposes of education; which bill was read a third time, and passed.

DISTRICT BANKS.

Mr. W. B. SHEPARD, from the Committee for the District of Columbia, reported Senate bill to extend the charters of the banks of the District, without an amendment; and moved that it be read a third time now.

After a few remarks by Mr. W. B. SHEPARD, Mr. PIERCE of New Hampshire, and Mr. THOMAS,

Mr. BOON moved to postpone the subject until to-morrow.

Mr. LANE said he trusted, as one of the members of the Committee for the District of Columbia, that the bill would not be postponed to any future period; that every member of the House must be sensible of the importance of the bill to the people of the District, to the Treasury, and to the officers of the Government, and to the members of this House; that if any action is intended during the present session, that action must be prompt—now, not hereafter. This is a bill matured by the Senate, and passed that body by a large majority. As an individual, I have more confidence in the action of the Senate than that of the select committee. Nor is this all; the Committee for the District, to whom that bill was referred, have examined and reported it to the House without amendment. Thus we have the judgment of the Committee for the District in the Senate, of the Senate themselves, and of this House.

Sir, the objection comes with an ill grace from the gentleman from Maryland, [Mr. THOMAS,] the chairman of the select committee. The House cannot have forgotten that that honorable gentleman, in the third week of the session, submitted the motion to raise the select committee, taking this subject from the District Committee; and urged as a reason, that the subject called for prompt and speedy action—that the Committee for the District would not have it in their power to give it their attention—that two weeks had transpired, and they had done nothing. Now, sir, how stands the account with the select committee? Six months have elapsed, and as yet no report has been laid upon our tables. We have seen, it is true, something in the shape of a report published in the Globe; but, as the gentleman says, not a report.

Sir, what had the House a right to expect from the high-sounding pretensions of the gentleman from Maryland? A speedy, a voluminous report; one that would have instructed, nay, astonished the House; a report that would have placed the banking and commercial interest of the District on high and elevated ground; that would have cheered every heart, and brightened the prospects of this interesting and intelligent community.

If anything is intended to be done upon this subject, the House is as well prepared now as they will be during the session. The gentleman from Maryland [Mr. THOMAS] says he has made no report, nor can he say when he will. Why, then, wait? What object is to be obtained by delay, other than a total prostration of the entire commercial interest of this District?

Mr. GARLAND, of Virginia, briefly replied to the gentleman from Indiana.

Mr. BOULDIN said he was a member of the Committee for the District of Columbia. He hoped

that the people of the District would not be made to suffer on account of any jealousy of committees in regard to preference or honor, whether any body was in fault or not. We are now near the close of a long session. If we did not pass the bill now, we could not pass it this session. The people would suffer, not only for banking capital, but for attention to their ordinary business. There were several private matters that would take no more time for justice to be done them than it would take to render judgment on a plain bond in court. There were several bills of this kind he had reported, that he knew were of this character. We had got a day or two for the District, and the whole time had been taken up by the Dutch loan, a thing that the people had very little interest in. A few *very rich people*, he supposed, held the most of it. Now, if these banks are to be laid over until to-morrow, we should have no chance for that business, which individuals had a right to expect.

Alexandria had a bill that would take but a few moments to pass. No doubt (he thought) it would pass. If gentlemen really felt an interest for the District, why would they put over for to-morrow more than could be done on that day? Did gentlemen not know that if the few hours we had obtained from the favor of the House were taken up by these banks, all the balance of the business would go undone? Did they not know that we would adjourn in a few days? Would we be justified, while we are the only power that the people of the District have to look to, should we pass over their interest and their complaints, their grievances and their needs, and take up the whole session in vain debates about things past or things that may never come to pass?

Mr. JENIFER hoped the House would take the vote on this bill at the present time, because to postpone it until to-morrow might defeat it.

Mr. VANDERPOEL said, that he had the honor of being a member of the Committee for the District of Columbia, and he had, at the commencement of the present session of Congress, voted for the resolution to appoint a select committee for the purpose of examining into the doings of the banks in this District that apply to us for a recharter; and he regretted that that committee had not yet been able to complete its labors. They had made a report to us a few days ago, which they told us was imperfect, as it embodied only the facts which they had been able to elicit before their examination was thorough and complete. A portion of that report was yesterday published in one of the daily papers of this city; and though in its imperfect form, it did not profess to give a full revelation of the past operations of the banks in question; yet, as to some of them, it made disclosures that were truly startling! It was certainly very important that we should know whether these institutions had faithfully, fully, and fairly, executed the trusts heretofore confided to them by Congress, before we gave them a renewed pledge of our confidence. Some of them had here, under our very eyes, suspended specie payments a few years ago; and from the skeleton of the select committee's report, which he had very hastily read, it would indeed seem that the suspension of specie payments, and the consequent depreciation of the stock of the banks suspending specie payments, (or at least one of them,) had been a source of profit to some who were connected with the institutions. He did not mean to inculpate any gentleman; but if it were true that notes or stock of any of these institutions had depreciated, and any of the directors of the institution, by the direct or indirect purchase of stock or the bills of the banks, had profited by such depreciation, he would no sooner vote to renew the charter of such bank than he would vote to legalize or sanctify the most nefarious frauds and most unhallowed speculations. Let us, then, (said Mr. V.,) have all the light that we can command—let the report of the select committee be printed and laid on our tables before we prolong the existence of these institutions, either for good or for evil.

Mr. V. said that the bill from the Senate came before us in a very strange, if not a very objectionable form. It proposes by one bill, *one act and deed*, to recharter a whole batch of banks. For his part, he would rather take them in broken doses. This mode was perhaps very unjust to some of the banks against whom no imputation of unfairness could justly be made. There was at least one against which he believed nothing had been discovered. It was, perhaps, confounding the innocent with the guilty. He was for letting each institution stand or fall by its own merits: and rather than sanction this practice of ushering into existence a whole brood at a time, and giving a triumph to what was evil by yoking it with what was good, when we entered upon the consideration of the Senate's bill, if no other gentleman would attempt to secure the separate action of this House upon each bank, he was not sure but he would do it. At present, he was in favor of postponing the consideration of the Senate bill till after the report of the select committee of this House was printed.

After a few remarks by Messrs. HARDIN and W. B. SHEPARD,

Mr. BOON withdrew the motion to postpone.

Mr. HAWES then moved to commit the bill to the Committee of the Whole on the state of the Union; which was disagreed to.

Mr. GILLET then moved to postpone the bill until to-morrow; and proceeded very briefly to give his reasons for making the motion.

After some further remarks by Messrs. THOMAS, GARLAND of Virginia, MERCER, JENIFER, PEARCE of Rhode Island, HOAR, and W. B. SHEPARD, the hour arrived for proceeding to the special order of the day.

LAWS OF FLORIDA.

On motion of Mr. THOMAS, by leave, the Committee on the Judiciary was discharged from the further consideration of the Senate bill to disapprove and annul certain acts of the Territorial Legislature of Florida, and for other purposes; which bill was, by general consent, read a third time, and passed.

PUBLIC REVENUE.

Mr. McKAY then moved a suspension of the rules, for the purpose of enabling him to offer the following resolutions:

Resolved, That the power of taking money from the people, by laying and collecting duties, imposts, and excises, is one of the most sacred of the trusts vested in the General Government; that it is conferred solely to enable it to command the necessary means to execute the objects for which it was instituted; and that to exact money from the people when not necessary for those objects, or more than may be necessary, would be, on the part of the Government, a manifest breach of trust, and to the people unjust and oppressive.

Resolved, That the revenue receivable under the present laws is, and will be, more than is required for the fair and legitimate wants of the Government, and that provision ought to be made for its reduction.

Resolved, That the Secretary of the Treasury report to this House, at the commencement of the next session, what alteration can be made in the existing tariff of duties consistently with the principles of the several acts imposing duties upon imports, with a view to reduction.

Resolved, That the Secretary of the Treasury also report upon the best mode of diminishing the revenue arising from the public lands, without retarding the settlement of the new States, or impairing the interests of the General Government, and, generally, his views as to the best mode of reducing the revenue to the fair and constitutional wants of the Government.

Mr. MANN, of New York, called for the yeas and nays; which were ordered.

Mr. McKAY said, as he wished a full expression of the sense of the House on the subject, and did not desire to trouble it again, he moved a call of the House, and on that motion called for the yeas and nays; which were ordered, and were—yeas 105, nays 74.

Mr. CUSHMAN moved that all further proceedings under the call be dispensed with; which motion was disagreed to.

After proceeding in the call for some time, Mr. HEISTER moved that all further proceedings under it be dispensed with; which was agreed to.

The question was then taken on suspending the rules, and decided in the negative—yeas 124, nays 66—not two thirds; as follows:

YEAS—Messrs. Anthony, Ashley, Barton, Beale, Bean, Beaumont, Bell, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Bunch, Burns, Cambreleng, Carr, Carter, Casey, Chaney, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Dickson, Doubleday, Dromgoole, Effner, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hamer, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, John W. Jones, Benjamin Jones, Lane, Lansing, Lawler, Gideon Lee, Thomas Lee, Luke Lea, Leonard, Logan, Loyall, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McKay, McKim, McLene, Miller, Montgomery, Moore, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Pettigrew, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shinn, Sickles, Smith, Speight, Standefer, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Wagener, Wardwell, Webster, and Thomas T. Whittlesey—124.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Bond, Borden, Briggs, Buchanan, John Calhoon, William B. Calhoun, John Chambers, Childs, Clark, Corwin, Crane, Cushing, Darlington, Denny, Dickerson, Evans, Everett, Fowler, Granger, Graves, Grennell, Hiland Hall, Hard, Harper, Hazeltine, Henderson, Heister, Hoar, Howell, Hunt, Ingersoll, William Jackson, Janes, Henry Johnson, Judson, Lawrence, Lay, Lincoln, Love, Sampson Mason, McKennan, Mercer, Milligan, Morris, Parker, Dutee J. Pearce, James A. Pearce, Phillips, Reed, Russell, William B. Shepard, Slade, Spangler, Storer, Sutherland, Underwood, Vinton, Washington, White, Elisha Whittlesey, Lewis Williams, and Sherrod Williams—66.

So the rules were not suspended.

Mr. McKAY then gave notice that he would, on Monday morning next, ask leave to introduce the same resolutions, and hoped there would then be a full House.

RIVER AND HARBOR BILL.

On motion of Mr. SUTHERLAND, the House then went into Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair,) on the bill making appropriations for certain harbors therein mentioned for the year 1836.

After a few remarks by Mr. LANE,

Mr. VINTON offered an amendment for the improvement of the Maumee river, $51,000. Mr. V. briefly addressed the House in support of his amendment, and stated that it was recommended by the Committee on Internal Improvements.

Mr. CRANE made a few remarks in favor of the amendment, stating that surveys had been made, and that the improvement was entirely practicable.

After a few remarks by Messrs. CHAMBERS of Kentucky, VANDERPOEL, SUTHERLAND, and MERCER,

Mr. GALBRAITH offered an amendment to the amendment for the improvement of the Alleghany river, between Pittsburg and the New York State line, $50,000, and proceeded briefly to address the House in support of his amendment.

After some remarks by Messrs. HAWES, and WHITTLESEY of Ohio,

Mr. SUTHERLAND appealed to gentlemen not to press their amendments upon this bill, but to let it be gone through with. There were many important bills yet to be acted on, and he asked gentlemen not to press on the bill more than it could carry.

Mr. PATTON then spoke at some length in opposition to the general principles of the bill, and in opposition to appropriations for rivers and harbors, and quoted from documents in support of his argument.

After Mr. P. had proceeded for a considerable time in his remarks,

Mr. CAMBRELENG requested him to give way for a moment, so that he might have an opportunity of asking the gentleman from Tennessee [Mr. BELL] to renew his motion, which had been withdrawn yesterday, to strike out the enacting clause of the bill.

Mr. PATTON replied that he would renew the motion when he concluded his remarks.

The hour having arrived, the House took the usual recess.

EVENING SESSION.

Before the House went into committee, the Chair laid before the House a communication from the Secretary of the Treasury, transmitting the third volume of the Digest of Commercial Regulations; which was laid upon the table

RIVER AND HARBOR BILL.

The committee again took up the bill making appropriations for the improvement of certain harbors therein named, for the year 1836.

The question pending was the amendment of Mr. VINTON for the improvement of the Maumee

river, $51,000, and Mr. GALBRAITH's amendment to the amendment, for the improvement of the Alleghany river from Pittsburg to the New York State line, $50,000.

Mr. PATTON moved to strike out the enacting clause of the bill.

Mr. GILLET made some remarks in support of the bill, and replied to the statements of the gentleman from Tennessee, [Mr. BELL,] and vindicated the Speaker from the charges of that gentleman, in the appointment of the Committees of Commerce and Ways and Means, and observed that these committees were made up very nearly of the same individuals who had heretofore been appointed by the gentleman from Tennessee himself. Mr. G. said that it was not the first time that an attempt had been made to make that chair totter. He thought, however, that the country would justify the occupant of the chair in the manner in which he had discharged his duties. He then replied to the gentleman's assertions in relation to the previous question, and alluded to that question when the United States Bank bill passed, and showed various instances in which that gentleman himself had voted for the previous question. He also vindicated the President from the charges of the gentleman from Tennessee, in relation to executive patronage, &c. [A full report of Mr. G.'s remarks will appear hereafter.]

Mr. SMITH observed that the question pending was one which was to decide the fate both of the bill now before the committee, and the one which the committee had passed through. The characters of the two bills were so similar that, if one could not pass, he doubted whether the other could pass. But he considered that the new works ought to have a preference over the old works, because they had not received a dollar from the public Treasury, while the old works had received large amounts. He then went briefly into the relative merits of the two classes of works, quoting from a report made by the Committee of Ways and Means, to show that many of those appropriations were too extravagant, and not made out upon proper estimates, and went into a history of the works contemplated by these bills, showing that estimates would be made out for works, and after the amount estimated was expended on them, you discovered that you were just commencing them.

Mr. SUTHERLAND briefly stated the reasons why these bills should pass. The bill under consideration was no partial bill; it commenced in Maine and went through the whole Union. He briefly replied to the remarks of the gentleman from Maine, and said that he could go through the whole bill, and give reasons for every appropriation contained in it; but time would not permit. He hoped the committee would take the question, and let the bill be disposed of.

Mr. WHITTLESEY, of Ohio, replied to the remarks of the gentleman from Maine, [Mr. SMITH,] and said that the report of the Committee of Ways and Means, alluded to by the gentleman from Maine, was, in many respects, false, and inquired of the chairman of that committee whether that report had ever received the sanction of the committee.

Mr. CAMBRELENG replied that the report alluded to had been brought before the committee, and in the main had met the approbation of the committee, and stated that the appropriations in bills under consideration was much larger than he had anticipated.

Mr. WHITTLESEY then went on to show that the improvements in the West had fully come up to the expectations of their friends; and hoped gentlemen would act consistently in their expenditures. He went on to point out the importance of the improvements to the West; showing the amount of produce that passed the western lakes in the course of the year, and concluded by stating that the expenditures in Ohio were conducted by the same regard to economy as though they were made out of the private funds of individuals.

Mr. TURRILL replied to the arguments of the gentleman from Maine, [Mr. SMITH,] stating that his report was in many instances erroneous. He proceeded to point out some of the errors of that report by a reference to documents from the Executive Departments.

Mr. SMITH explained, and went into an examination of documents to justify his report, in relation to the expenditure for the public works at Oswego.

Mr. TURRILL resumed his remarks, and went on to point out the vast importance of the improvements on the inland waters. He alluded to the contemplated canal round the falls of Niagara, and the connection of the waters of the Mississippi and the lakes, and showed the advantages to be derived from those improvements to the whole country.

Mr. CAMBRELENG briefly replied to the remarks of the gentleman from Tennessee, [Mr. BELL,] and vindicated the Speaker of the House from the charges made against him by that gentleman in relation to the organization of the committees of the House. The only change made, he said, in the Committee of Ways and Means, was the appointment of a gentleman from Massachusetts, an Opposition man, in the place of an Administration man, who was on the committee last year, and the appointment of a gentleman from Georgia in the place of another that never attended the meetings of the committee. He also vindicated himself and the committee from the charge of extravagant recommendations and extravagant expenditures. He then proceeded to reply to remarks of the gentleman from Tennessee generally, in relation to appropriations for the Indians, the Navy, fortifications, &c.

Mr. C. then went on to examine the appropriations proposed in the bill, and remarked that many of them were too extravagant. They had increased within a few years from a few thousand dollars to nearly a million. If they increased in the same ratio, he asked gentlemen where they were to stop? [A full report of Mr. C.'s remarks will appear hereafter.]

Mr. BOON said, when they were about fixing a day of adjournment, they were told, that after that should be done, speaking was to cease, and the business of the country was to be disposed of. He had voted against fixing a day of adjournment, because he was fearful that speaking would not cease, and they now had evidence that it was not to cease. Yesterday, the whole day was occupied in discussion, and the same thing had occurred to-day. We now had but seven or eight days left to transact all the business yet unacted on; and he hoped gentlemen would not continue to discuss matters foreign from the subject under consideration, but would allow the very important business of the country to be disposed of without further delay.

Mr. UNDERWOOD went into an examination of the appropriations proposed by this bill, and made a comparison between the amount of the appropriations proposed at the different harbors, and the amount of postage received at those harbors, for the purpose of showing the insignificance of many of them.

Mr. SUTHERLAND briefly replied to the arguments of the gentleman from Kentucky, [Mr. UNDERWOOD,] and the gentleman from New York, [Mr. CAMBRELENG.]

After some further remarks by Messrs. DENNY, EVERETT, MERCER, HANNEGAN, BRIGGS, REED, HARPER, ROBERTSON, PEARCE of Rhode Island, LOVE, and WISE,

The motion to strike out the enacting clause of the bill was decided in the negative—yeas 59, nays 89.

The question was then taken on the amendment to the amendment; which was disagreed to.

The question then recurred on the amendment of Mr. VINTON; which was disagreed to.

Mr. MERCER offered an amendment for improvements in the vicinity of the Dismal Swamp canal, $20,000; which was agreed to—yeas 64, nays 57.

Mr. M. then offered an amendment for continuing the improvements of Tennessee river, by the construction of a canal around Calvert shoals, $100,000; which was agreed to—yeas 73, nays 57.

Mr. HARD offered an amendment for improvements at the mouth of Eighteen Mile creek; which was lost.

Mr. CLAIBORNE, of Mississippi, offered an amendment for a survey of the coast from the Rigolets, at the mouth of Pearl river, $1,000; which was adopted.

Mr. SUTHERLAND offered an amendment for the improvement of Thames river, Connecticut, $13,000; which was lost.

Mr. SUTHERLAND offered an amendment to increase the appropriations for the Cochecho branch of the Piscataqua river to $10,000; which was agreed to.

Mr. SUTHERLAND then moved to strike out the appropriation for a pier at Delaware city; which was agreed to.

Mr. MERCER offered an amendment for the improvement of the Cumberland river, $30,000; which was lost.

Mr. CARTER offered an amendment to provide for a survey of the tract of country between Coosa and Hewassi; which was agreed to.

Mr. TURNER submitted the following amendment for the improvement of the harbor at and near Havre-de-Grace, Maryland: "For clearing out and removing a bar between the harbor of Havre-de-Grace and Spesutie Island, $5,000," and urged the same by a few very forcible remarks.

Objection was made to the amendment, on the ground that a survey had not yet been made, and that the bill contained a provision appropriating $500 for causing a survey of the same to be made.

The amendment was rejected.

Mr. SUTHERLAND offered an amendment for a survey of James river, Maine, $3,000; which was lost.

Mr. ROBERTSON offered an amendment for the improvement of James river, below Richmond, Virginia, $50,000; which was lost.

Mr. MERCER offered an amendment making an appropriation for a survey of Alleghany river, from Pittsburg to Olean, New York; which was lost.

Mr. DENNY offered an amendment for the improvement of Alleghany river, $50,000; which was lost.

Mr. ASH offered an amendment for the improvement of Frankfort creek, in the county of Philadelphia, $10,000; which was lost.

Mr. CHAPIN offered an amendment for the improvement of the harbor of Port Bay, New York, $5,000; which was lost.

Mr. HARLAN offered an amendment for the improvement of Kentucky river, $30,000; which was lost.

Mr. STORER offered an amendment to provide for the survey of a site for a bridge across the Ohio river; which was lost.

Mr. CARTER offered an amendment for continuing the improvements at Muscle Shoals, Tennessee river, $30,000; which was lost.

Mr. SUTHERLAND offered an amendment for the survey of the Rappahannock river, $350; which was lost.

Mr. DENNY offered an amendment for the improvement of the Monongahela, $10,000; which was lost.

Mr. MERCER moved an additional section to the bill providing that the several sums appropriated should remain in the Treasury until called for, to be expended on works already made; which was lost.

Mr. HAWES offered an amendment for the improvement of Green river, $50,000; which was lost.

Mr. HAWES then offered an amendment appropriating $20,000 for the improvement of Rough and Panther creeks; which was lost.

Mr. SUTHERLAND offered an amendment for the improvement of the harbor at Norfolk, $5,000; which was lost.

Mr. McCOMAS offered an amendment making an appropriation to macadamize a road from Covington, Virginia, to Big Sandy; which was lost.

Mr. PEYTON moved to amend the bill by an additional section for continuing the improvements of Cumberland river below the mouth of Laurel, which is hereby declared a port of entry, $50,000. Mr. P. spoke at some length in support of his amendment; when

Mr. McCOMAS moved to amend the amendment by making a port of entry at the falls of the Great Kanawha.

After some remarks by Messrs. McCOMAS, PEYTON, and SUTHERLAND, the amendment to the amendment was rejected.

The question recurred on the amendment of

Mr. PEYTON; and the question being taken, it appeared that there was no quorum voting.

On motion of Mr. SUTHERLAND, the committee rose; and

The House adjourned at a quarter before eleven o'clock.

IN SENATE.

FRIDAY, *June* 24, 1836.

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary, stating that he had signed the bill to regulate the deposits of the public moneys.

Mr. CLAY said that the communication just made from the Executive signified what he was extremely glad to hear; but he was sorry to say that he had seen an article in a morning's paper (the Globe) which appeared to have had the sanction of the Executive, stating the fact of the approval of this bill; and he would observe that it never had before been the practice of this Government to communicate to a newspaper the fact of the executive approval of any bill before it was communicated to Congress.

The following message was received from the President of the United States:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 18th instant, I transmit a report from the Secretary of State, with the papers therewith presented. Not having accurate and detailed information of the civil, military, and political condition of Texas, I have deemed it expedient to take the necessary measures now in progress to procure it, before deciding upon the course to be pursued in relation to the newly-declared Government.

ANDREW JACKSON.

The message and documents having been read,

Mr. CLAY observed that, as the President had informed them in the message just read that he did not deem it expedient to proceed any further with regard to the recognition of the independence of Texas until he had received a confirmation of the military and political condition of Texas, and that he had taken measures to procure that information, he would, for the present, move that the message and papers be printed and laid on the table.

Mr. PRESTON said he concurred with the gentleman as to having the papers printed. He was not prepared to say whether the Executive had delayed this matter beyond what was necessary, or whether it was expedient to wait until further information was procured. The papers submitted, with the report of the Secretary of State, showed that the war, though not entirely terminated, was yet drawing to a close. Now, he had said all along that the sole condition necessary to authorize the recognition of the independence of Texas was the fact of the war drawing to a close, so as to leave no rational doubt of that country having established her independence. If he obeyed the impulse of the moment, he would move for the reference of the message and documents to the Committee on Foreign Relations, with instructions; but as the course of the Executive had been very proper, he should content himself for the present with acquiescing in the motion to lay the papers on the table, reserving to himself the right of making any future motion that further reflection on the subject might authorize.

Mr. CLAY said, if the Senator from South Carolina, on further reflection, or any other gentleman, should deem it expedient to proceed immediately with regard to the recognition of the independence of Texas, it would be competent for them to submit a motion for that purpose, when the resolution of the Committee on Foreign Relations, made a few days ago, came up for consideration. That resolution had been made the order of the day for to-day; and as soon as the present motion should be disposed of, he would move to take it up, for the purpose of making it, with the President's message and accompanying documents, the order of the day for some day next week. He did not believe, with the Senator from South Carolina, that the sole condition necessary to authorize the recognition of the independence of Texas was the fact of the termination of the war. There was another condition indispensably necessary, and that was the fact of their having established such a Government as we could with propriety enter into relations of amity and commerce with.

On motion of Mr. CLAY, the message and documents were ordered to be printed, and, together with the report of the Committee on Foreign Relations on the subject, were made the order of the day for Tuesday next.

INDEPENDENCE OF TEXAS.

Mr. PRESTON said he felt himself honored in presenting to the Senate a memorial from a portion of the citizens of Louisiana on the subject of Texas. The honor was the more conspicuous, as he had been informed by one of the Senators representing that State, that it was signed by its most respectable and influential citizens. The memorial purported to be from the citizens of Opelousas, Louisiana, and expressed the deep sensibility with which they had looked on the struggle for freedom going on in Texas, and the peculiar interest they felt, being on the very confines of that country. They expressed the anxious hope that this Government should, at the earliest period, recognize the existence of this new republic which had so gloriously achieved its independence. He felt that they had received from all parts of this Union, and from the most respectable sources, communications of this nature, showing that public opinion was fully prepared for any proceedings of the Government on this subject.

Mr. P. then moved that the memorial be laid on the table and printed; which motion was agreed to.

INTRODUCTION OF BILLS.

Messrs. TALLMADGE, LINN, and TOMLINSON severally reported bills from the House that had been referred to the Committee on Pensions.

HOUR OF MEETING.

Mr. TOMLINSON moved that when the Senate adjourned it adjourn to meet to-morrow, at ten o'clock, a. m.

Mr. KING, of Alabama, moved to amend the motion by making the meetings, for the remainder of the session, at ten o'clock, a. m.; which amendment was agreed to; and the motion as amended was adopted.

POST ROUTE BILL, ETC.

On motion of Mr. EWING, of Ohio, the bill to establish certain post routes, and to alter and discontinue others, was taken up, and, after having undergone several amendments, it was ordered to a third reading.

Mr. WRIGHT moved to take up the bill anticipating the indemnities due under the French and Neapolitan treaties; which was lost.

CATHERINE MEADE.

The bill for the relief of Catherine Meade, executrix of Richard M. Meade, was taken up; and after some remarks from Messrs. CLAY, PORTER, WALKER, WRIGHT, EWING of Ohio, CLAYTON, HUBBARD, and WHITE, it was amended on motion of Mr. HUBBARD, and ordered to be engrossed for a third reading.

CHARLES J. CATLETT.

On motion of Mr. KING, of Alabama, the Senate took up the bill for the relief of Charles J. Catlett; and after some remarks from Messrs. WEBSTER, SHEPLEY, and GOLDSBOROUGH, the bill was ordered to a third reading.

APPROPRIATIONS.

Mr. BENTON submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to report to the Senate, on the 4th day of July next, as follows:

1st. The amount of outstanding appropriations of former years unexpended on the 1st day of January, 1836, and chargeable upon the present year.

2d. The amount of permanent appropriations chargeable on the present year.

3d. A detailed list of acts, of a general or public nature, passed at the present session of Congress, and the amount appropriated by each act.

4th. A statement of the number of private bills passed at the present session, and the aggregate amount appropriated by them.

5th. The amount drawn from the Treasury during the present year.

6th. The amount in the Treasury subject to draft.

7th. The amount of revenue expected to be received during the remainder of the year.

REORGANIZATION OF THE NAVY.

On motion of Mr. SOUTHARD, the bill for the organization of the Navy was taken up.

Mr. S. observed that the objections heretofore made to this bill were to the number of persons to be promoted to the grade of admiral. With a view to try the sense of the Senate, he would move to strike out the four rear admirals.

This motion was agreeed to, leaving in the bill one admiral and two vice admirals.

Mr. SOUTHARD then moved to insert thirteen commodores instead of nine.

Mr. CUTHBERT said that he should make no decided opposition to this part of the bill, though he believed they were in danger of passing a bill that they might hereafter have cause to regret. He would have much preferred that the chairman of the committee had acquiesced in the general sense of the Senate expressed the other day, and permitted the bill to lie for the remainder of the session. It would then have been taken up at the commencement of the next session, when they would have time to mature such a bill as would put the Navy, which was so deservedly a favorite of the country, and was looked upon as the right arm of our defense, on a permanent footing of efficiency and respectability. He confessed that he had strong objections to this portion of the bill for creating the grade of commodore. It was nowhere a substantial grade, and this might, at least, give them cause for reflection. Any hurry might produce future prejudice as well as serious injuries to this important arm of the national defense. Amongst other objections to this change, he would state one that he thought should have some weight. As long as commodore was not an established grade in the Navy, it remained with the discretion of the Department to select the most able, the most enterprising, and the most vigorous of the captains for the command of a squadron on an important emergency; but the moment this grade was established by law, that advantage would be taken away. He hoped gentlemen would proceed with great caution, as any false step with regard to the Navy could not easily be repaired, and might cause the most serious regrets.

Mr. SOUTHARD said that he would gladly have acquiesced, if he had not believed it to be a solemn and imperative duty to endeavor to get this bill through at the present time. If the Senate should differ with him in relation to any of the grades introduced in the bill, all it would have to do would be to strike them out.

As to the grade of commodore, it was a rank known in common parlance, and would be well understood. He thought the establishment of the grade would be very serviceable to the Navy, and would create no difficulties whatever. He thought, too, that the addition of this increased rank was due to those gallant officers whose long and faithful services had been so creditable to themselves and their country.

Mr. CUTHBERT observed that the chairman of the committee had undoubtedly laid down just principles; but every principle must be qualified by some other, and every principle urged, without reference to others, became exaggerated. The question, then, was one of prudence. It could not be doubted but that long and faithful service should be rewarded; but, by multiplying the rewards, their value would be greatly diminished, and they would be rendered less an incentive to laudable ambition. The question was, whether they were prepared, without more mature consideration, and in this hurried manner, to make this important change? He desired to treat this subject with the utmost delicacy, and to avoid making any false step in regard to that Navy which was their pride and glory, and on which the defense of the country, their interest, and their Union, so essentially depended.

To determine at once the question, whether the grade of commodore should be a substantial grade of the Navy, he would move to strike it out.

After some remarks from Mr. SOUTHARD in opposition to the motion,

Mr. SHEPLEY observed that he should take it for granted, if this grade of commodore were established, there being no such grade either in

the British or French naval service, that difficulties would occur in foreign ports between our commodores and the officers of those nations about matters of ceremony and questions of precedence.

Mr. SOUTHARD replied that such difficulties had occurred, and it was because we had no officers of a higher grade in the Navy than captains. By giving increased grades to our officers the chances of such difficulties occurring would be diminished.

Mr. WEBSTER would have preferred retaining the old established grade of admiral, which was well understood, instead of having this unknown grade of commodore. He was in favor of striking out the commodores, and would, when the bill was reported to the Senate, move to reinstate the grade of rear admirals. He thought this promotion was due to the gallant officers who had added so much to our naval renown.

On taking the question, the nine commodores were stricken out.

Mr. CUTHBERT suggested that, as the bill now stood, it provided for one admiral and two vice admirals. He thought it would be better to have one of each of the three grades—admiral, vice admiral, and rear admiral. He would suggest another amendment. The bill provided for two grades of lieutenants. Now, in the naval service, there was no necessity for having two grades of lieutenants, it being totally different from the land service in that particular. It had been tried either in the British or French naval service, he did not recollect which; and, being found to be attended with inconveniences, had been abandoned.

Mr. PORTER inquired if there was any difference of pay in the two grades of first and second lieutenants?

Mr. SOUTHARD replied that there undoubtedly would be, if the difference in the grades was established.

The question was then taken, and the second lieutenants were stricken out.

Mr. SOUTHARD then moved, as the one hundred second lieutenants were stricken out, to amend the bill further by increasing the number of lieutenants to three hundred and fifty, instead of two hundred and fifty.

Mr. BUCHANAN said that, in looking over the Navy List, he found that the number of lieutenants now consisted of two hundred and fifty-seven, and that at least one half of them were on furlough or leave of absence, waiting orders. He had been informed that the number of these officers was too great to allow them sufficient opportunities of going to sea to acquire skill and experience in their profession. He was aware that large appropriations had been made this year for keeping afloat a great naval force; but there was no reason to suppose that this was to be continued. He thought it better not to increase the number of lieutenants, as there were enough in the service to officer all the vessels that would be employed.

Mr. CUTHBERT said that he had made a careful examination to ascertain the number that would be required; and taking into consideration that they would now have at sea double the number of vessels ever before afloat, the number of navy-yards and receiving ships, with the casualties of sickness and other causes, he did not think they could do with a less number than was proposed.

Mr. SOUTHARD said that the gentleman, in his examination of the Naval Register, had not taken into consideration the few vessels that were afloat. They would have now double the number at sea that had ever been at sea before.

Mr. WALKER expressed the opinion that they could not do with a less number than was proposed. He had always been opposed to extravagant appropriations, yet he thought in this case the expenditure was highly necessary.

Mr. BUCHANAN said that it would be easy enough to increase the number, but it would not be so easy to diminish it. According to the chairman's own statement, it was not necessary to increase the number of lieutenants; for if one half the number of lieutenants had been heretofore ashore awaiting orders, now that they were going to send double the number of ships to sea, this half would be just enough for the purpose. He did not believe that he should succeed, and he would therefore be content if only fifty more were added, making the number of lieutenants three hundred instead of the present number of two hundred and fifty-seven.

Mr. RUGGLES observed that the amendment did not imperatively require that there should be three hundred and fifty lieutenants; but that the President might appoint that number if he should deem it necessary. Presuming that the President would not appoint more than were required for the service, he should vote for the amendment.

After some further observations from Messrs. CUTHBERT, MANGUM, and BUCHANAN, the question was taken and carried on striking out the word "two," and inserting "three," thus making three hundred and fifty instead of two hundred and fifty.

Mr. BUCHANAN moved to strike out the word "fifty," so as to leave the number of lieutenants at three hundred; which motion was adopted—ayes 22, noes not counted.

Mr. MANGUM moved to lay the bill on the table; which motion was lost—yeas 11, nays 25; as follows:

YEAS—Messrs. Brown, Buchanan, Hubbard, King of Georgia, Mangum, Morris, Niles, Robinson, Shepley, Tipton, and White—11.

NAYS—Messrs. Bayard, Black, Calhoun, Clay, Clayton, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Kent, King of Alabama, Knight, Leigh, Linn, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Ruggles, Southard, Tallmadge, Walker, and Webster—25.

Mr. BUCHANAN moved further to amend the bill by striking out fifty, and inserting forty, for the number of captains; and by striking out seventy-five, and inserting sixty, for the number of commanders; which motion was agreed to.

Mr. SOUTHARD moved further to amend the bill, by striking out seventy-five, for the number of passed midshipmen, and inserting one hundred and twenty-five; which motion was also agreed to.

After some remarks from Messrs. CUTHBERT, SOUTHARD, and WEBSTER, the bill was so amended as to provide for one admiral, one vice admiral, and three rear admirals; after which it was ordered to be engrossed for a third reading.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

The bill for the relief of the legal representatives of David Caldwell, deceased;

The bill for the relief of Thomas Dixon & Company, of New York;

The bill for the relief of Robert McJimsey, surviving partner of the firm of Jackson & McJimsey;

The bill for the relief of John Frazer & Company, of Charleston, South Carolina;

The bill for the relief of John F. Lewis; and

The bill for the relief of James Robertson, of Charleston, South Carolina.

EXECUTIVE SESSION.

On motion of Mr. CLAYTON, the Senate went into the consideration of executive business; after which it adjourned.

IN SENATE.

FRIDAY, *June* 25, 1836.

On motion of Mr. SWIFT, leave of absence was granted to Stephen Haight, Assistant Doorkeeper, for the remainder of the session.

Messrs. PRENTISS, LINN, and TALLMADGE, severally reported without amendment bills from the House that had been referred to the Committee on Pensions.

Mr. TOUCEY presented the resolutions of the General Assembly of the State of Connecticut, instructing the Senators, and requesting the Representatives of that State, to use their best endeavors to procure the acknowledgment of the independence of Texas; which were referred to the Committee on Foreign Affairs, and ordered to be printed.

The resolutions submitted by Messrs. ROBBINS, BENTON, and DAVIS, and lying on the table, were considered and agreed to; and the resolution submitted by Mr. WALKER was, on motion of Mr. DAVIS, postponed till Monday next.

EXTRA COMPENSATION.

Mr. MANGUM, by unanimous consent, submitted a resolution allowing $300 per session, for the two last sessions, to Stephen Haight, Assistant Doorkeeper, for extra services as postmaster of the Senate; which was twice read, and ordered to a third reading; and after being engrossed, was read the third time, and passed.

BILLS ORDERED TO A THIRD READING AND PASSED.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill for the relief of William Hewes;

The bill for the relief of Elijah Lucas;

The bill granting a pension to certain persons therein named;

The bill for the relief of Alpheus Hutchins,

The bill for the relief of Josiah Curtis;

The bill for the relief of Elizabeth Swayne;

The bill granting a pension to William Warner;

The bill for the relief of George White;

The bill granting pensions to certain persons therein named;

The bill for the relief of John Logan;

The bill for the relief of John Collins;

The bill for the relief of the widow of Peter Smith;

The bill granting a pension to Samuel Cole;

The bill for the relief of Peter Demick, of the State of New York;

The bill for the relief of Samuel Kincaid;

The bill for the relief of Richard Martin;

The bill for the relief of Francis Bashford;

The bill granting a pension to William Lawrence, late a colonel in the Army;

The bill for the relief of George Elliott;

The bill for the relief of James Steel;

The bill for the relief of Davis Huntt;

The bill for the relief of Henry Keefer;

The bill for the relief of James Taylor;

The bill for the relief of John Dal;

The bill for the relief of Theophilus E. Beckman, late first lieutenant in the forty-first regiment of United States infantry;

The bill for the relief of Peter Cook, a soldier of the late war;

The bill for the relief of Barnard Pompilly;

The bill for the relief of John Smith;

The bill granting a pension to John Stevens;

The bill for the relief of Thaddeus Tuttle;

The bill for the relief of John Bennett;

The bill for the relief of Samuel Huntt;

The bill for the relief of John Pickard;

The bill for the relief of Thaddeus Potter;

The bill for the relief of Godfrey Vought;

The bill for the relief of John Lent;

The bill for the relief of Patrick McEwen;

The bill for the relief of James Scott, Richard Severson, and Lot Leonard, soldiers of the late war;

The bill for the relief of Jonathan Dow;

The bill for the relief of John Boone;

The bill granting a pension to Ebenezer Dewey;

The bill granting a pension to Robert Lucas;

The bill for the relief of William Foxworthy;

The bill for the relief of John Herrick;

The bill granting a pension to Jonas Comins;

The bill for the relief of James Mullings;

The bill for the relief of Charles Blake;

The bill granting a pension to Walter Dyer;

The bill for the relief of Jeremiah Goldsmith;

The bill for the relief of Joseph Tuttle;

The bill for the relief of Matthias Traverse;

The bill for the relief of Joseph Danforth;

The bill for the relief of Jacob Wallace;

The bill granting pensions to Benjamin Parkhurst and Daniel Huvens;

The bill for the relief of Isaac Ruland;

The bill for the relief of Job Daniels;

The bill for the relief of Daniel Trabue;

The bill granting a pension to Andrew Gay;

The bill for the relief of Samuel M. Asbury;

The bill for the relief of Singleton Ketcham;

The bill for the relief of Peggy Abel, Sally Rolls, and Elijah Green;

The bill for the relief of Luke Vohrbis;

The bill granting a pension to Peter Laval;

The bill for the relief of John Conklin;
The bill for the relief of Benjamin White;
The bill for the relief of Francis Pritchard;
The bill granting a pension to Elijah Rickets;
The bill granting a pension to John Miles;
The bill granting a pension to Daniel Drane;
The bill granting a pension to John Daw;
The bill for the relief of John Scott;
The bill for the relief of Daniel Cobb;
The bill for the relief of Mary Langdon;
The bill for the relief of William Patton;
The bill for the relief of Robert Smith;
The bill for the relief of Ephraim Page;
The bill for the relief of Coleman A. Collier;
The bill for the relief of Jonathan Flint;
The bill for the relief of Abraham Gilbert; and
The bill for the relief of Jacob Wallace.

The above bills were then severally read the third time by their titles, and passed.

The following bills were severally read the third time, and passed.

The bill to establish certain post roads, and to alter and discontinue others, and for other purposes;

The bill for the relief of Thomas Dixon & Co., of New York;

The bill for the relief of Robert McJimsey, surviving partner of the firm of Jackson & McJimsey;

The bill for the relief of John F. Lewis;

The bill for the relief of Charles J. Catlett;

The bill to organize the Navy of the United States;

The bill for the relief of the legal representatives of David Caldwell, deceased; and

The bill for the relief of James Robertson, of South Carolina.

GRANTS OF LAND TO INDIANA, ETC.

Mr. BENTON moved to postpone the previous orders, for the purpose of taking up the bill to grant certain quantities of land to the States of Indiana, Illinois, Alabama, Mississippi, and Missouri; which was agreed to.

Messrs. BENTON, WALKER, and HENDRICKS, advocated the bill.

Mr. MANGUM opposed the bill, and said that he would move to lay the bill on the table; and if that motion failed he would then move to insert a grant of five hundred thousand acres of land for each of the old States.

Mr. CLAY addressed the Senate in opposition to the bill; and after some remarks from Messrs. BLACK and WALKER in its support,

Mr. MANGUM moved to lay it on the table; which was carried—yeas 22, nays 17; as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Goldsborough, Kent, Knight, King of Georgia, Leigh, Mangum, Page, Prentiss, Preston, Robbins, Ruggles, Shepley, Southard, Swift, and Webster—22.

NAYS—Messrs. Benton, Black, Buchanan, Hendricks, King of Alabama, Linn, Moore, Nicholas, Niles, Porter, Rives, Robinson, Tallmadge, Tipton, Walker, Wall, and White—17.

On motion of Mr. CLAYTON, the Senate took up the bill returned from the House of Representatives to provide for the execution of the laws of the United States in Michigan.

The question being on the amendment of the House reducing the salary of the district judge from $2,000 to $1,500,

Mr. CLAYTON moved to amend the amendment of the House by making the salary $1,800.

After some remarks from Messrs. SHEPLEY, NILES, WHITE, HENDRICKS, BUCHANAN, CLAY, and DAVIS,

The amendment of the House was concurred in.

EXECUTRIX OF RICHARD W. MEADE.

The bill for the relief of Margaret Meade, executrix of Richard W. Meade, was taken up on motion of Mr. CLAY, and, after an amendment, was read the third time and passed.

PAY OF MARINE OFFICERS.

On motion of Mr. BUCHANAN, the bill to regulate and increase the pay of the officers of the marine corps was taken up.

Mr. SOUTHARD explained that the bill proposed that the pay of the colonel should be $3,500 per annum; of the lieutenant colonel $3,000 per annum; of the majors $2,500; and thus going gradually down to the lowest officer, $500 less for each grade.

Mr. BUCHANAN moved to amend the bill by making the pay of the marine officers the same as that of officers of like grades in the infantry of the United States Army while serving on shore; and that, when serving at sea, their pay shall be the same as that of officers of equal rank in the Navy—the rank to be previously determined by the President of the United States.

This amendment was supported by Messrs. BUCHANAN and WEBSTER, and opposed by Messrs. SOUTHARD, CLAYTON, and PRESTON; after which the amendment was lost.

The bill was then reported to the Senate, when Mr. BUCHANAN renewed his motion to amend; and after a debate, in which the motion was supported by Messrs. BUCHANAN, CLAY, and WEBSTER, and opposed by Messrs. PRESTON, WRIGHT, and CLAYTON, it was adopted by the following vote:

YEAS—Messrs. Bayard, Benton, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, Mangum, Nicholas, Niles, Page, Prentiss, Rives, Robinson, Ruggles, Tipton, Tomlinson, Wall, and Webster—28.

NAYS—Messrs. Black, Clayton, Moore, Preston, Robbins, Southard, Tallmadge, Walker, White, and Wright—10.

Mr. SOUTHARD moved to amend the bill by providing that it shall take effect from and after the 18th of June, 1834; which was carried; and

The bill was then ordered to be engrossed for a third reading.

NEW LAND DISTRICT.

On motion of Mr. MOORE, the bill to create a new land district in Alabama was taken up; and the same having been considered as in Committee of the Whole, it was ordered to be engrossed and read the third time.

DISTRICT PENITENTIARY.

The amendments of the House to the bill making appropriations for the payment of charges incurred for the support of the penitentiary of the District of Columbia, were referred to the committee on said District.

LEGACY OF JAMES SMITHSON.

The amendments of the House of Representatives to the bill to authorize the President of the United States to assert and prosecute the right of the United States to the legacy of James Smithson, late of London, were concurred in.

HOUSE BILLS REFERRED.

Several bills from the House were read twice by their titles and referred.

PATENT OF JOSEPH GRANT.

On motion of Mr. KNIGHT, the bill to extend the patent right of Joseph Grant was taken up, and after some remarks from Mr. K. in its support, and from Messrs. NILES and WALL in opposition to it,

Mr. RUGGLES submitted an amendment providing that the rights of those persons who have used said invention or invested capital in it since the expiration of the patent, up to the passage of the bill, shall not be affected by it; but before taking any question,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 25, 1836.

In execution of the special order adopted some days since, on motion of Mr. W. B. SHEPARD, of North Carolina, the House went into Committee of the Whole, (Mr. LOYALL in the chair,) and proceeded to the consideration of the following bills:

1. Senate bill, entitled an act making appropriations for the payment of charges for the support of the penitentiary of the District of Columbia for the year 1832; an amendment proposed by the Committee for the District of Columbia was considered and agreed to.

2. Joint resolution to apply the unexpended balance of the appropriation for the Potomac bridge to the improvement of Maryland avenue, leading thereto, and for other purposes.

Mr. W. B. SHEPARD, from the Committee for the District of Columbia, proposed an amendment limiting the balance to such money as should remain after the bridge had been repaired from the damages caused by the late freshet.

After some remarks by Messrs. PARKER, W. B. SHEPARD, MERCER, BOULDIN, and HARPER, the amendment was agreed to.

After some further suggestions and remarks from Messrs. MERCER, and WILLIAMS of Kentucky, the resolution was laid aside to be reported to the House.

The committee then took up the "bill to extend the jurisdiction of the corporation of the city of Washington."

Mr. W. B. SHEPARD moved an amendment giving the Mayor power to make and execute deeds for lots sold under the act of 1822; which was agreed to; and the bill laid aside.

The committee then took up the "bill to organize the several fire companies in the District of Columbia;" which was considered, and laid aside.

The committee then took up and considered the "bill to incorporate the Howard Institution of the city of Washington;" and

The "bill to amend the charter of the Potomac Fire Insurance Company."

Mr. FAIRFIELD moved the following amendment:

Provided further, That said company shall not exercise any of the powers herein granted, until after the whole amount of capital, viz: $200,000, shall have been paid into the treasury of said company.

Mr. FAIRFIELD said, that having been on the committee, a majority of which reported this bill, his attention had been particularly called to what he regarded as objectionable in it, and to which a sense of duty now impelled him to direct the attention of the House.

To understand the objections, however, and and see the propriety of adopting the amendment proposed, he said it would be necessary briefly to advert to a few facts connected with the charter, organization, and past operations of this company.

By the volume which he held in his hand, it appeared that this company was incorporated in 1831, with a capital of $200,000, which was divided into eight thousand shares, at $25 each. By information derived from the officers of the company, he learned but that three thousand and twenty shares, less than one half of the whole number, had been subscribed for; that one fifth of this amount, viz: $15,100, had been paid in cash, and four fifths, or $60,400, had been paid by the indorsed notes of the stockholders; and these two sums constituted the present capital of the company, with the exception of a small portion of the profits, which had been reserved and added to the capital.

The present extent of the liabilities of the company, on contracts of insurance, was something over a million of dollars, its actual capital, as before stated, including the notes of stockholders, being only $75,500.

Semi-annual dividends had been made, with the exception of one year, and the whole net profits he found to have averaged twenty-nine *per centum* on $75,500, or $1 50 annual profits on one dollar of capital *actually paid in*.

This company now ask, (said Mr. F.,) by the bill before the House, for the additional power to take marine risks, to insure on lives, and to grant annuities; and all this without restriction as to amount, without increasing the capital, or providing even for the payment of the stock subscribed for, and without any new guards whatever being thrown around the public interest. For one, sir, (said Mr. F.,) I cannot consent to it.

He did not wish to say anything to injure this company in public estimation; he had no object to accomplish by it; its members were all strangers to him; but he could not avoid saying that in the North this capital would be regarded as all *moonshine*. It would do very well for *dividends*, but not quite so well for *losses*. While the company is prosperous, and no losses occur, or but slight ones, all works well. The capital is sufficient, because there are no drafts upon it. But let there be an extensive conflagration, one that would destroy one tenth of the property insured, and the capital, unless this should constitute an

exception to all like cases, would be nowhere to be found.

But the propriety of requiring some further security to the public, and of making this capital somewhat more substantial, will appear, if we inquire for a moment what would be the legal remedy of the assured on his policy, in case of a loss, as the act of incorporation now stands. We will suppose that the officers of the company refuse to pay; the assured then commences his action, recovers judgment, and takes out his execution. But what will he do with it? How will he procure it to be satisfied? Arrest the bodies of the corporators? No, sir; they are expressly exempted from arrest by the terms of the charter. Will he attach the private property of the members of the company? No, sir; that is also expressly exempted. Can he take the corporate property? That, sir, is legally intangible, consisting principally of notes of hand, which cannot be attached and sold on execution. In what way, then, can he procure a satisfaction of his judgment? If there be any way, without the *voluntary* payment by the officers of the company, I am unacquainted with it.

The unsubstantiality of this capital will still more forcibly appear by looking at another provision of the charter. The fourth section contains the following provision:

"That every stockholder neglecting or refusing to renew his notes, or neglecting or refusing to pay any installments, when required by the president and directors so to do, shall forfeit all his interest in this company, and be held liable for his proportion of any loss which may have occurred previous to such neglect and refusal."

Now, suppose a stockholder refused to pay or renew his notes: what is the consequence? Why, he ceases, *ipso facto*, to be a member of the corporation, and forfeits the glorious privilege of paying his stock notes! For he cannot be expelled from the company, and compelled to pay his notes too; the charter expressly providing that he shall be held liable only "for his proportion of any loss that may have occurred." So that if no loss has occurred, why, he has nothing to pay. But, it may be asked, what harm is done in this case? I answer, that, by these provisions, a stockholder may receive his share of premiums, which are usually paid in advance, and then withdraw from the company, relieving himself entirely from the burden of fulfilling the contracts which the company have entered into. This would not only be monstrously unjust toward the remaining members, but might work very great injustice to the persons assured, by leaving them no responsible persons to call upon in case of a loss. Besides, if *one* may thus withdraw from the company, why not *all*?—and thus leave the assured entirely without remedy. Now, sir, to obviate, in some measure, these defects in the act of incorporation, I have proposed this amendment. The whole amount of the capital should be paid in, which, by a provision in the original charter of the company, can be invested in bank stock. There would then be a substantial capital, something to which the assured, in case of a loss, might look with confidence for that which they had bought and paid for, viz: *indemnity*.

After some further remarks by Mr. LAWRENCE and Mr. WASHINGTON, the bill, on the motion of the latter gentleman, was laid aside for further consideration.

The committee then took up and considered the bill to authorize the corporation of Georgetown to close certain streets in said town; which was amended by adding a proviso to secure the rights of private individuals.

The bill amendatory of an act incorporating the Provident Association of Clerks, &c., was then taken up and considered.

The bill authorizing the officers and managers of the Washington Monumental Society, to erect a monument to the memory of George Washington, on the public mall, was taken up.

Mr. HAWES inquired how much land would be required for the purpose?

Mr. LANE supposed about ten acres

Mr. HAWES objected to passing bills of this indefinite character; there was no limit to the amount of land that might be taken.

Mr. LANE remarked that it was intended for a public promenade. He had no objection to four or five acres.

Mr. MASON proposed an amendment in the following words:

To be laid off under the direction of the President of the United States.

The amendment was agreed to.

After some remarks from Messrs. PEARCE of Rhode Island, BOULDIN, LANE, and HARPER, the bill was further amended by limiting the time to twenty years, otherwise the right and title to the grant of land should revert back to the United States, and that the location should be between Seventh street west and the Potomac.

Mr. JARVIS moved to limit the quantity to one acre; and after a few words from Messrs. LANE, VINTON, and BOULDIN,

Mr. LANE moved to amend the amendment as follows: "not exceeding five acres."

The amendment was briefly discussed by Messrs. CHILDS, REED, LANE, VINTON, ANTHONY, and JARVIS, when the bill was laid aside for future consideration.

The committee then took up the "bill giving the assent of Congress to an act of Virginia, to amend an act incorporating the Falmouth and Alexandria Railroad Company, passed February 2, 1836;" which was considered and laid aside, to be reported to the House.

The bill to provide for the settlement of the accounts of F. C. De Krafft, was considered and laid aside.

The joint resolution from the Senate "to authorize and enable the President to assert and prosecute with effect the claim of the United States to the legacy bequeathed to them by James Smithson, late of London, deceased, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men," was then taken up.

Mr. ADAMS explained that the resolution was substantially the same as the bill reported by him from the select committee of the House on the same subject.

On motion of Mr. A., the resolution was so amended as to assume the form of a bill.

Mr. CHILDS then moved a substitute for the bill in relation to the Washington Monument Society; which was agreed to.

The committee then rose and reported all the foregoing bills to the House, except that in relation to the Potomac Insurance Company; on which leave was asked to sit again.

The Speaker having resumed the chair,

The bills reported without amendment were then ordered to be engrossed for a third reading to-day.

The amendments to the following bills were concurred in:

The bill making appropriations for the penitentiary;

The joint resolution in relation to the unexpended balance for the erection of the Potomac bridge;

The bill to extend the jurisdiction of the corporation of the city of Washington; and

The bill in relation to the corporation of Georgetown; and they were severally ordered for a third reading to-day.

The bill in relation to the Washington Monument Society was then taken up, further amended on motion of Mr. JARVIS, and the bill, as amended, was ordered to a third reading.

The amendment to the joint resolution in relation to the Smithsonian Institution was then concurred in, and the same ordered to be engrossed.

All the foregoing bills were then read the third time and passed.

Mr. WASHINGTON moved a suspension of the rules for the purpose of considering the bills for the recharter of the District banks; which was lost.

Mr. CONNOR made a similar motion in relation to the bill for the reorganization of the Post Office Department; which was lost.

Mr. THOMAS moved a suspension of the rules for the purpose of making the bill to extend the judicial system of the United States the special order as soon as the present order was disposed of.

RIVER AND HARBOR BILL.

The House then went into Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair,) and resumed the consideration of the bill making appropriations for the improvement of certain harbors therein mentioned, for the year 1836.

The question pending was the motion of Mr. PEYTON to insert an additional section in the bill for continuing the improvements of Cumberland river below the mouth of Laurel, which is hereby declared a port of entry, $50,000.

The question being taken on the above amendment, it was negatived.

Mr. LEONARD offered an amendment for the improvement of the Susquehanna river, between the coal mines of Pennsylvania, near Wilkesbarre, in that State, to Owego, in the State of New York, with a view to the improvement of a steam navigation on that river, $5,000; which was lost.

Mr. HAWES moved to strike out the following section: "For improving the harbor at the mouth of Cattaraugus creek, on Lake Erie $40,000."

After some remarks from Messrs. HAWES, SUTHERLAND, and HAZELTINE,

Mr. SUTHERLAND moved to reduce the sum in the original clause to $20,000; which was agreed to.

After some remarks from Mr. GALBRAITH, the motion of Mr. HAWES was disagreed to—ayes 63, noes 79.

Mr. CARTER proposed an appropriation of $10,000 for the continuation of the improvement of the Muscle Shoals; which was agreed to.

Mr. SUTHERLAND submitted an amendment appropriating the sum of $300, for an examination of the survey of the passage of Cobscook bay, in the State of Maine; which was agreed to.

Mr. PARKER made some remarks in reference to the appropriation of $8,000 for improving Whitehall harbor, on Lake Champlain, which he said was only the outlet or termination of a small creek, and then moved to strike out the following: "for building an ice-breaker on Staten Island, $19,500," on the ground that New York ought herself to construct such work.

Mr. G. LEE said the pointed call of the gentleman from New Jersey compelled him to give the reason why his motion should not prevail. But first, of Whitehall; the gentleman from New Jersey says "that Whitehall is nothing more nor less than the termination of a little creek—that he has been there and understands the matter." Why, Mr. Speaker, it is most astonishing that a gentleman of threescore should have fallen into so great an error. Did the gentleman never hear of Skunsborough during the Revolution? Of the armament, the arms, and the men which fitted out at the harbor of Skunsborough? Well, sir, this is precisely the harbor of Whitehall. Had the gentleman never heard of the fleet of McDonough, the battle of Plattsburg, and that glorious victory? Has the gentleman yet to learn that this victorious fleet was built, fitted out, and sailed from this same Whitehall harbor which he deems unworthy the care of this Government? Is he yet to learn that this same Whitehall, which he calls "the termination of a little creek," is the best, if not the only good harbor on Lake Champlain? And the very appropriation which he proposes to strike out is intended to raise and clear the obstructions caused by the sunken navy taken from the enemy by McDonough, and brought into this harbor. Does not the gentleman know that there is a continuous navigation from New York, through this lake, to Quebec; and thence to China, if you please? So much for the little creek, sir.

But I rose, Mr. Speaker, to put the gentleman right as to the improvement at Staten Island, which he proposes to strike out; and I am utterly astonished to find the gentleman wrong about this matter. Sir, no man on this floor has a more critical knowledge of the bay and harbor of New York than that gentleman. He knows that the United States have a depot at Staten Island—a great commercial station—requiring not less than six custom-house officers to take charge of the revenue. He knows that during four months at least of each summer, every vessel that enters the port must stop at that station, and a large portion of them are compelled to discharge there. He knows that this station is at the narrows between

the upper and the lower harbor; that during the winter many vessels are compelled to come in here by reason of the ice above; and that the ships of the Navy, as well as those of the merchants, are frequently in danger at this point, and that the protection proposed by this appropriation is indispensable. But, sir, the gentleman asks, "Why don't the great State of New York do it herself?" Why, sir, she would have no objection to do it, if you will permit her to derive the revenue from it. Why, sir, is it asked why? It is because she has patriotically relinquished the legitimate means. In that glorious compact of confederation, when every State glowed with the fire of patriotism; when no selfish principle ruled, the State of New York relinquished the great boon which the God of nature gave her, to the confederated States; and she sacrificed and transferred to the Federal Government the great thrift of her incomparable harbor. She cannot, since that compact, levy a single dollar of revenue on exports or imports with which to improve the slight defects of her harbor which nature left unfinished; and most prophetic was the declaration of the patriot, George Clinton, that the relinquishment of the impost revenue to the Federal Government was the sacrifice of many annual millions on the part of the State of New York; "but were it fifty millions, patriotism demanded it."

Sir, examine the document laid on your table this morning. Ninety millions of imports into that port alone, yielding to the Federal Treasury probably fifteen millions of dollars! And permit me to say, sir, that nature has decreed an augmentation of this trade to that port. Does the gentleman still ask, "Why don't New York improve her own harbor?"

Sir, I do apologize for detaining the committee. I avoid speaking when I can, because speeches delay proper legislation, and because I am not an orator. I feel sorry and do regret, that while we have but six remaining legislative days, I have been compelled to delay the committee even but a few moments.

Mr. GILLET said that his friend before him [Mr. PARKER] showed a commendable zeal in protecting the interests of the country against improvident expenditures of all kinds, and he should be the last to object to his vigilance. He had a right to ask for, and ought to receive, full information in relation to all the calls for expenditures, like those to which he had objected. If those objections are obviated, as he thought they could be, of course he would sustain the appropriations. He would leave his colleague from the city of New York [Mr. LEE] to defend the proposed improvements at the quarantine near the city. He would only say that, on full examination in the Committee on Commerce, he had assented to that measure, as being highly proper. His colleague had not, however, said as much in favor of the proposed improvement near Whitehall, as he might have done consistent with the truth of the case. Although he resided some two hundred miles from Whitehill, still he was somewhat personally acquainted with the situation of the obstructions proposed to be removed. He saw them on his way to this place last fall.

It was true that the passage from the broad part of Lake Champlain to this place, was very narrow; still it was not a creek. It was a part of the lake, and without any more apparent current than in other parts of the lake. Above Ticonderoga, toward Whitehall, the lake in some parts was little wider than the canal in sight of us; still a very extensive commerce passed on these waters. It was the thoroughfare for a large number of schooners, steam and other boats, and led to the northern termination of the Champlain canal. A portion of New York, and nearly all Vermont, were deeply interested in this commerce on these waters. During the last war this place was a thoroughfare to the frontier. We had on that lake, as all must know, during that war, a fleet that covered itself with glory. At the close of that war, a portion, at least, of our national vessels were taken into Whitehall. They were there dismantled and broken up, as he had been informed, and sunk down in this narrow passage. Since then, deposits have collected around these old wrecks, which, together with the wrecks themselves, form a portion of the obstructions proposed to be removed by this appropriation. Hence it will be seen that a very considerable portion of these obstructions came there by the hand of the General Government itself. The jurisdiction, then, was in the people of the State, and the title in individuals. This Government had no right to leave any of its property there, so as to interfere with the interests of those concerned in the free and safe navigation of those waters. It even might be again wanted by the General Government for the use of another Navy.

No one could object to this Government making full restitution for all injuries of this kind. It was right and just that it should do so. He must say, if there could be an instance where this Government ought to clear out a harbor, he was confident this was one. He had seen the difficulty of getting in with steam and other boats, and with vessels; if every member here could see the place for himself, and become acquainted with the causes which occasioned the obstructions, he was confident there would be no objection to this appropriation. Certainly, no gentleman will consent that this Government shall occasion an injury to any portion of our citizens without redressing the wrong. There is now an opportunity to do an act of justice, in this respect; and he hoped all would consent that it should be speedily done.

The House then, according to order, took a recess from half past two till four o'clock, p. m.

EVENING SESSION.

A variety of pension bills, returned from the Senate with amendments, were taken up, and the amendments severally concurred in.

The bill to establish certain post routes, etc., returned from the Senate with amendments, was referred to the Committee on the Post Office and Post Roads.

The following Senate bills were severally read a first and second time, and referred to their appropriate standing committees:

An act for the relief of the legal representatives of David Caldwell, deceased;

An act organizing the Navy of the United States;

An act for the relief of Charles J. Catlett.

On motion of Mr. PHILLIPS, the Committee of the Whole was discharged from the further consideration of the bill authorizing the Winnisimmet company to lay out, and make a way, on lands of the United States, in Chelsea, Massachusetts; and the same having been brought into the House, was, by general consent, read a third time, and passed.

RIVER AND HARBOR BILL.

The House then again resolved itself into the Committee of the Whole on the state of the Union on the river and harbor bill, the question pending being the motion of Mr. PARKER, as stated above.

After a few remarks from Mr. RUSSELL, the motion was disagreed to, without a count.

Mr. VINTON moved an amendment for the improvement of the Maumee river, below the Rapids, $20,000.

Mr. HAMER hoped the amendment would be agreed to, inasmuch as it was below a port of entry, and had been favorably reported on by a committee.

The amendment was agreed to—ayes 79, noes 44.

Mr. ROBERTSON then submitted a proviso that the sums appropriated by this bill, to be expended in the different States, should be paid out of the amount of the public money deposited in such States respectively, under the bill passed regulating the deposits of the public money; which, after a few words from Messrs. WISE and HARPER, was disagreed to—ayes 48, noes 95.

Mr. LYON moved a sum of $20,000 for improving the harbor at Mobile bay; which was lost.

The bill was then laid aside, to be reported to the House.

LIGHT-HOUSE BILL.

The committee then took up the bill making appropriations for building light-houses, light-boats, beacon-lights, buoys, and making surveys, for the year 1836.

The bill having been read, was taken up by sections.

Mr. SUTHERLAND offered an amendment for the survey of the Kennebec river, Maine, $300; which was agreed to.

Mr. PHILLIPS offered an amendment to the clause for the survey of Salem harbor, Massachusetts, by adding "Linn," and increasing the appropriation $500; which was agreed to.

Mr. PEARCE, of Rhode Island, offered an amendment to increase the appropriation for the light-house on Block Island, Rhode Island, to $5,000; which was agreed to.

Mr. SUTHERLAND offered an amendment for a floating light in or near the middle ground on Long Island Sound, $10,000; which was agreed to—ayes 114, noes not counted.

Mr. PARKER moved an amendment to insert, after the "Delaware," the words, "and Schuylkill;" which was agreed to.

Mr. REYNOLDS, of Illinois, from the Committee on Roads and Canals, offered an amendment making an appropriation for the improvement of the Alleghany river between Pittsburg and Olean; which was lost.

Mr. HAWES offered an amendment making an appropriation for erecting a light-house at Henderson, in the State of Kentucky; which was lost.

Mr. SUTHERLAND offered an amendment for a light-house on James river, Virginia, $5,000; which was agreed to.

Mr. S. also offered an amendment for a survey of Manhattan harbor, on Maumee bay, $500; which was agreed to.

Mr. REYNOLDS offered an amendment for the survey of the Illinois river from its mouth, $600; which was lost.

Mr. OWENS offered the following:

For the placing a floating light on the Savannah bar, near a shoal called Martin's Industry, $20,000;

which was lost.

Mr. REYNOLDS, from the Committee on Roads and Canals, moved an item of $300 for the survey of a bridge across the Ohio at Cincinnati; which was agreed to.

Mr. JOHNSON, of Louisiana, offered an amendment for a survey of Perdido and Pearl rivers, Louisiana, $300; which was agreed to.

Mr. CHAPIN offered the following new section:

Be it further enacted, That the reports upon all the aforesaid surveys shall contain a statement of all such facts, within the knowledge of the engineers respectively making the surveys, as are or may be materially connected with the proposed improvements, and also estimates, in detail, of the sums of money necessary for such improvements respectively.

Mr. C. said a similar provision is contained in the harbor bill, which had been before the Committee of the Whole House on the state of the Union. If such a provision could be necessary in the harbor bill, it was much more important in this bill, as it contained a much larger number of appropriations for surveys. Besides, Congress looked to the reports of the engineers to establish the importance and utility of the proposed improvements. These reports came from men of science and experience employed by the Government, who were entirely disinterested, and should embody all the facts within the knowledge of the engineers materially connected with the proposed improvements to enable Congress to come to correct conclusions in regard to them.

The section was then adopted.

Mr. HAWES moved that the committee rise; which was lost.

Mr. JARVIS offered an additional section, providing that none of the light-houses should be commenced until the proper examinations be made by the Secretary of the Treasury; which was agreed to.

The bill was then laid aside, to be reported to the House.

CUMBERLAND ROAD BILL.

The committee next took up the bill from the Senate to continue the Cumberland road in the States of Ohio, Indiana, and Illinois.

The question pending was on an amendment to the bill reported by the Committee on Roads and Canals, to change the road from a macadamized road to a railroad.

After some remarks by Mr. MERCER, Mr. LANE, Mr. JACKSON of Massachusetts, Mr. VINTON, Mr. CAMBRELENG, Mr. HANNEGAN, Mr. REYNOLDS of Illinois, Mr. KINNARD, and Mr. CRANE.

Mr. OWENS moved that the committee rise; which motion was disagreed to—ayes 58, noes 65.

After some further remarks by Messrs. MERCER and McCARTY, the amendment was rejected.

Mr. CORWIN offered as an amendment to the bill the appropriations contained in the bill from the Committee of Ways and Means, for roads in the Territories of Michigan, Arkansas, and Florida.

After a few remarks by Messrs. REYNOLDS, LANE, CORWIN, and MASON of Virginia, the amendment was rejected.

The bill was then laid aside to be reported to the House.

Mr. HAWES then moved that the committee rise; which was decided in the affirmative—ayes 64, noes 57

On motion of Mr. WISE, the House adjourned, at a quarter past eight o'clock.

IN SENATE.

Monday, *June* 27, 1836.

The CHAIR communicated a letter from William Brent and other citizens of Washington, proposing to sell to the United States the building on Capitol Hill, formerly occupied by Congress, for the use of the Patent Office; which was laid on the table.

Mr. WHITE presented the proceedings and resolutions of sundry citizens of Tennessee, recommending the speedy recognition of the independence of Texas; which were laid on the table, and ordered to be printed.

REPORTS FROM COMMITTEES.

Mr. WEBSTER, from the Committee on Finance, reported the bill from the House making appropriations for certain fortifications of the United States, with amendments; which were read, and ordered to be printed.

On motion of Mr. BENTON, the Committee on Military Affairs was discharged from the further consideration of the papers relating to the claims of certain States for interest on their advances during the late war.

AGENT TO TEXAS.

Mr. PRESTON submitted the following resolution; which lies on the table one day:

Resolved, That provision ought to be made by law for defraying the expenses of an agent to Texas, whenever the President shall deem such appointment necessary.

RECONSIDERATION.

On motion of Mr. TOMLINSON, the vote on the passage of the bill granting pensions to certain persons therein named was reconsidered; and the bill was laid on the table.

BILLS PASSED.

The following bills were severally read the third time, and passed:

The bill for the relief of Ephraim Page;

The bill regulating the pay of the officers of the United States Marine Corps;

The bill for the relief of the widow of Peter Smith;

The bill to create a new land district in the State of Alabama; and

The bill to remit the duties upon certain goods destroyed by fire at the late conflagration in the city of New York.

VETO MESSAGE.

On motion of Mr. CLAYTON, the bill appointing the time for the future meetings and adjournments of Congress, that had been returned to the Senate with the veto of the President, was taken up; the question being, "Shall this bill pass with the majority of two thirds, as required by the Constitution? and, after a debate, in which Messrs. MORRIS, GOLDSBOROUGH, WALL, SOUTHARD, PORTER, and NILES, participated, the question was taken; and the bill was rejected by the following vote:

YEAS — Messrs. Bayard, Buchanan, Clay, Clayton, Davis, Goldsborough, Hendricks, Kent, Knight, Moore, Morris, Robbins, Robinson, Southard, Swift, Tipton, and Webster—16.

NAYS—Messrs. Benton, Black, Brown, Calhoun, Cuthbert, Ewing of Illinois, Grundy, Hubbard, King of Alabama, King of Georgia, Leigh, Linn, Mangum, Nicholas, Niles, Page, Porter, Rives, Tallmadge, Walker, Wall, White, and Wright—23.

MEETINGS OF CONGRESS.

Mr. CLAYTON, on leave, introduced a bill providing for the future annual meetings of Congress on the first Monday of November in every year; which was read, and ordered to a second reading.

PATENT OF JOSEPH GRANT.

The bill to renew the patent of Joseph Grant was taken up; and the pending amendment having been concurred in, it was ordered to be engrossed for a third reading.

PAYMENT OF INDEMNITY.

Mr. WRIGHT moved to lay the preceding orders upon the table, that the Senate might take up the bill to anticipate the payment of the indemnities due to the claimants under the French and Neapolitan treaties.

Mr. W. was not disposed, at this stage of the session, to occupy, unnecessarily, the time of the Senate with this or any other bill; but he must say he considered this one of the most important public bills upon the files of the Senate. There was now a pressure upon the money market in all the trading towns, and he knew of no way in which Congress could so effectually contribute to the relief of the mercantile interests, to the extent proposed, as by the passage of this bill. Every Senator would recollect that the installments were still due under the French treaty—the one to become due in one, and the other in two years from the present time. Under the Neapolitan treaty his recollection was, that seven installments were yet due, to be paid annually. It would, therefore, be seven years before the money would be paid under this last treaty. All the money due under both treaties was bearing an interest of at least four per centum per annum, which would make the advance of the money a safe and profitable operation for the Treasury, while its advance would contribute instant relief, to the amount of about four millions of dollars, to the great mercantile interests of the country, which were now suffering for the want of immediate cash capital. The present condition of the Treasury would permit the advance without any injury to any national interest, and he most earnestly hoped that the bill would be taken up, and would meet the favor and approbation of the Senate.

Mr. W. said his object in making the motion at this time was, that it might be a test of the disposition of the Senate as to the bill itself. He had made the motion a few days since, unsuccessfully, and he had not, at that time, made any explanations whatever of his views in reference to the bill and its public importance. He now hoped he might so far obtain the attention of the members of the body as to prepare every Senator to vote upon the motion he had now made with reference to the fate of the bill. There could be no questions of detail. The only provisions contained in the bill, and the only provisions required, were that the money should be advanced from the Treasury to the claimants, and that the assignments of their claims against these respective foreign Governments be taken by the United States in exchange for the money. The effect would merely be an investment of the money at an interest of four per cent. per annum, while the capital advanced would go to the immediate relief of the mercantile interests. He had made careful inquiries at the Treasury, and found that the appropriation would not vary far from four millions of dollars, and would not, very certainly, exceed that sum.

Mr. W. said he had made these remarks that the vote might be decisive of the fate of the bill for the present session. If the Senate should refuse, upon the present occasion, to take up the bill, he should not feel it to be his duty again to move it. He therefore would ask the yeas and nays upon the question, that the expression might be decisive and satisfactory, as well to the Senate as to the parties and interests concerned.

After a few words of conversation between Messrs. WEBSTER, PORTER, LINN, and WRIGHT, the vote was taken and the motion was lost. The yeas and nays upon it were as follows:

YEAS—Messrs. Benton, Cuthbert, Ewing of Illinois, Grundy, Hubbard, King of Alabama, King of Georgia, Leigh, Morris, Nicholas, Niles, Page, Rives, Ruggles, Tallmadge, Walker, Wall, and Wright—18.

NAYS—Messrs. Bayard, Black, Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Goldsborough, Hendricks, Knight, Leigh, Mangum, Porter, Robbins, Southard, Swift, Tipton, Webster, and White—21.

WESTERN ARMORY.

The bill to establish a foundery, an armory in the West and one in the South, arsenals in the States in which the same have not yet been established, and depots for arms in certain States and Territories, was taken up and considered as in Committee of the Whole.

Mr. CALHOUN thought it was too late in the session to act on a bill of such importance, involving such heavy appropriations; and he would therefore move that it be indefinitely postponed.

Mr. LINN hoped that the postponement would not be ordered. For many years Congress had acted in both of its branches favorably for an armory in the West, though not in both at the same time, and there had never been a doubt of the importance of some of the objects included in this bill.

The history of the last war showed the great importance of an armory on the western waters, and, in further confirmation of the necessity of one there, he would call the attention of gentlemen to the report of the Secretary of War on the subject. The Secretary (Mr. L. said) went into an exact estimate of the difference of the cost of arms manufactured in the West and those manufactured east of the mountains, the difference being in favor of the former. The importance of an armory in the West in the time of war was manifest; every one acquainted with the resources of Missouri would at once see the great economy there would be in having arms manufactured there. Within a compass of twenty miles square in that State, could be found every material used both in the manufacture of arms and of gunpowder; and this, too, where there were the greatest facilities for water transportation. He regretted that the armory for the West did not stand in a bill by itself; but, as it was, he should vote for the whole bill.

Mr. BENTON observed that there were now nine or ten arsenals in the United States, distributed in the different States—principally at the north—and it was thought right by the Military Committee, that there should be one in every State in the Union. It was thought right that every State should be put on the same footing with the eight or nine States who now had arsenals. With respect to the armory, it rested on different foundations. We of the West (said he) have for fifteen years been endeavoring to get an armory established on our waters. We have had reports upon reports in favor of it—all showing that the expense of the transportation of arms beyond the mountains was of itself sufficient to authorize the measure. As the arms on hand became fewer and fewer, in consequence of use and decay, it would readily be seen what a supply the West would require for her constantly growing population. History showed the impossibility of supplying a country with arms at any one period. The supply must be constantly going on. In England and France, the manufacture of arms was continued with as much regularity as if they had never manufactured arms at all. Now, in Europe, the regular armies only were armed, while the body of the people went unarmed. Our people should be well armed, and not suffered to muster in time of peace with cornstalks, and to carry arms in time of war that they are afraid of. The secret of the great success of the western people in battle, was in their being accustomed from their childhood to the handling of arms. Mr. B. referred to a report of the Secretary of War in 1818, which recommended an armory in the western waters, on account of cheapness, and the considerable expense that would be saved in transportation. We of the West (said Mr. B.) have miscarried, heretofore, by endeavoring to fix upon the place. They had now abandoned that idea, and left the location to

the discretion of the Executive. They saw that of the two armories of the United States, both were east of the mountains, and if a line were drawn from Florida point to Maine, they would be found in a quarter of the Union.

Mr. CLAYTON observed that his impressions were in favor of this bill; but he observed an appropriation of $100,000 for a foundery, and he desired to know where it was to be located.

Mr. BENTON replied that the object was to have a pattern foundery at the seat of Government to bring to the same test, not only the caliber of all the guns, but the metal used in making them.

Mr. KING, of Alabama, said that he was rather in favor of the general objects of the bill; but, on examination, it seemed to him that there were some objections to it. He thought, as the bill stood, the foundery might be located either at Louisville or St. Louis. The Southwest, too, the most important part of the Union for an armory, was entirely excluded from the bill. It had heretofore been considered that the most favorable position for an armory was at the bend of the Tennessee river, west of the Muscle Shoals, where every convenience of water power, facilities of transportation, and materials, were to be found. He thought this would be the most favorable position for an armory, as it would there be most convenient for all the western and southwestern States. With regard to arsenals of deposit, every gentleman would see the propriety of having them in every State for the purpose of supplying arms to the militia. No gentleman, he believed, would object to this. With regard to arsenals of construction, he understood it as another name for an armory. Why should they have one in the South, and one in the West, and establish another arsenal of construction at St. Louis? An arsenal of construction, he presumed, was for the manufacture of small arms, and it was, therefore, the same thing as an armory. He would vote against the indefinite postponement of the bill, with a view of having such amendments made as would relieve it from any objections.

Mr. PORTER said he agreed with the Senator from Alabama, that there was no particular reason for having an armory in the South. He believed that St. Louis was as advantageous a position for Louisiana as any other place, considering the facilities of transportation from there.

Mr. LINN, in reply to Mr. KING of Alabama, said that he really thought that the gentleman's State belonged to the West. He had always been very willing to claim Alabama as a western State. The position spoken of by the gentleman from Alabama had been recommended, when the resources of Missouri were not so well understood as they now were. When he was up before, he remarked, that within the compass of twenty miles square in Missouri, could be found all the advantages of water power, with the facilities of transportation to any part of the West, together with all the materials in the greatest abundance used in the manufacture of arms and ammunition; such as iron, copper, coal, manganese, zinc, ammonia, niter, sulphur, and lead. He was perfectly willing that Missouri should enter into competition with Alabama, and to yield to the latter, if she could show superior advantages for an armory on her waters.

Mr. CALHOUN, after some remarks, renewed his motion for the indefinite postponement of the bill.

Mr. KING, of Georgia, said, that as respected additional armories, the report of the Secretary of War was decidedly averse to them. If an armory was established in the West, we thought one of those now existing ought to be abolished. The Secretary said that the present establishments could turn out about thirty or forty thousand stand of arms a year, and that there were about eighty thousand now on hand—a number, he should suppose, sufficient for the present wants of the country. He was not disposed (Mr. K. said) to increase the number of armories, but he would be very willing to support the principles of this bill so far as to establish depots for arms in the States where there were no arsenals. But, as it was suggested by the Senator from South Carolina, they had hardly time this session to act with a sufficient understanding of the subject, and he hoped the motion to postpone would prevail.

After some remaks from Messrs. LINN and WALL, in opposition to the postponement, the question was taken on Mr. CALHOUN's motion, and it was rejected by the following vote:

YEAS—Messrs. Calhoun, Crittenden, Kent, King of Georgia, Knight, Mangum, Moore, Page, Preston, Robbins, Southard, and Swift—12.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Goldsborough, Hendricks, Hubbard, King of Alabama, Linn, Nicholas, Porter, Robinson, Ruggles, Tallmadge, Tipton, Walker, Wall, Webster, White, and Wright—22.

After some remarks from Messrs. BENTON and BUCHANAN in favor of the bill, and from Mr. KING, of Georgia, in favor of postponement, Mr. K. moved to lay the bill on the table; which motion was rejected—yeas 16, nays 17.

Mr. KING, of Alabama, moved to strike out the armory in the South; and after some remarks from Messrs. CALHOUN and PRESTON, in opposition to the motion, it was carried.

Mr. K. moved further to amend the bill by inserting the words "or Southwest." The effect of this amendment is to leave it to the discretion of the President to locate the armory either in the West or Southwest.

The motion was adopted.

On motion of Mr. WEBSTER, the arsenal of construction at St. Louis was stricken out; after which

The bill was ordered to be engrossed for a third reading.

PAINTINGS FOR THE ROTUNDA.

On motion of Mr. PRESTON, the resolution for furnishing the rotunda with paintings was taken up, and ordered to a third reading.

STATUARY FOR THE CAPITOL.

On motion of Mr. WEBSTER, the resolution providing for procuring models and plans for a group of statuary for the east front of the Capitol, was taken up, and ordered to be engrossed for a third reading.

JOHN RANDOLPH CLAY, AND OTHERS.

On motion of Mr. CLAY, the bill for the relief of John Randolph Clay and Thomas T. Barton, was taken up and considered as in Committee of the Whole, and after being amended so as to include certain allowances to Thomas L. L. Brent and George F. Brown, was ordered to be engrossed for a third reading.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

A bill for the relief of the legal representatives of Michael Fenwick, deceased;

A bill for the relief of Andrew Hoover, of Indiana;

The bill confirming to the legal representatives of Thomas F. Reddick a tract of six hundred and forty acres of land;

The bill for the relief of George F. Strother;

The bill for the relief of James Alexander and Ira Nash;

The bill for the relief of Andrew Armstrong;

The bill for the relief of William Tharp; and

The bill for the relief of John Cummins.

After the consideration of executive business, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 27, 1836.

Petitions and memorials were presented by Mr. GIDEON LEE, and Mr. HAZELTINE, of New York;

Mr. PHILLIPS, of Massachusetts;

Mr. MILLER, of Pennsylvania; and

Mr. HOWARD, of Maryland.

INDEPENDENCE OF TEXAS.

Mr. BELL presented a memorial and resolutions of a large and respectable meeting of the citizens of Nashville, Tennessee, in favor of recognizing the independence of Texas.

Mr. BELL then moved a suspension of the rules for the purpose of offering a resolution providing that an appropriation be made for the salary and outfit of a minister to Texas at as early a day as the President might deem expedient and proper.

Mr. BOYD asked for the yeas and nays; which were ordered.

Mr. MASON, of Virginia, suggested that, as numerous petitions had been presented on the same subject, and referred to the Committee on Foreign Affairs, which would report in a few days, the gentleman from Tennessee had better adopt the same course with regard to the present memorial.

Mr. BELL said he did not feel himself justified in adopting the suggestion, since he had no knowledge or intimation of the character of the report that would come from that committee.

Mr. MANN, of New York, then moved to lay the whole subject on the table; and

Mr. HAWES asked for the yeas and nays; which were ordered; and were—yeas 135, nays 56.

So the motion to lay the whole subject on the table was decided in the affirmative.

ALTERATION OF THE RULES.

Mr. VINTON moved a suspension of the rules, for the purpose of offering the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following shall be a standing joint rule of the two Houses, viz: That after six days from the commencement of a second or other subsequent session of any Congress, except the final session of such Congress, all bills and joint resolutions, which originated in, and had passed either House, and at the close of the next preceding session remained undetermined in the other House, shall be resumed, and acted on in the House where it remained undetermined, in the same manner as if an adjournment had not taken place.

The motion to suspend was agreed to—ayes 113, noes 45.

Mr. HAWES moved to postpone the further consideration of the resolution till Friday next.

After a few words from Mr. VINTON, the motion was disagreed to; and after some remarks from Messrs. MASON of Virginia, VINTON, MILLER, and SPEIGHT,

Mr. THOMAS expressed an earnest hope that the rule would be adopted. He had some experience on this subject. The rule, if adopted, would operate chiefly on bills providing for the payment of private claims. Bills of a general character, which had passed one branch of Congress, were nearly all disposed of by the other House before an adjournment, because they did not fail to create sufficient interest to insure such action. It is otherwise with private bills. Many of them are acted on in one or the other House, without being finally disposed of before an adjournment. By our rules, as they now are, bills in this condition are in effect rejected. And at the next session, the petitions which gave origin to them are to be presented anew, and the claims are to undergo a new examination. This proceeding imposes on the members of the House unnecessary labor. It often happens that the committees are changed in the mean time; and if only one new member is placed on a committee, the whole matter is to be reëxamined, that he may act understandingly. By this means members who pay attention to business in a committee-room are engaged in maturing these private bills for the action of the House, and must necessarily be deprived of a large proportion of that time needed to be prepared to take part in the proceedings of Congress on subjects of a more general character. The great mass of private business before Congress unavoidably prolongs greatly its sessions. If members could be relieved of the labor of examining and reëxamining these private claims, by a rule which would insure final action on all which have been passed by either House, they could then lend their aid to give impulse to the proceedings of Congress on business of a public character. The rule ought to be adopted, not only to relieve the members of the House from unnecessary labor, but to insure a speedy payment to all claimants of their just dues.

Mr. SUTHERLAND moved the previous question; which was seconded by the House—ayes 100, noes not counted; and the main question being ordered,

Mr. HOWARD asked for the yeas and nays,

but the House refused to order them, and the resolution was adopted without a count.

PRESENTATION OF MEMORIALS, ETC.

Petitions and memorials were presented by Messrs. STORER and JONES of Ohio;

Mr. DICKSON, of Mississippi, [a memorial from the citizens of Claiborne county, Mississippi, on the subject of the recognition of the independence of Texas.]

Mr. GARLAND, of Louisiana, moved a suspension of the rule to enable him to offer a resolution to rescind the joint resolution fixing the day of adjournment, and extending the time to Monday, the 11th of July.

Mr. ROBERTSON moved to lay the motion on the table; whereupon,

Mr. GARLAND withdrew the motion.

Mr. CASEY presented several petitions (in the absence of Mr. SEVIER) from the citizens of Arkansas on the subject of internal improvements.

REPORTS FROM COMMITTEES.

Mr. MILLER, from the Committee on Invalid Pensions, on leave, made a report in favor of Ransom Clarke, accompanied by a bill granting him an increase of pension; which was read twice and committed.

On motion of Mr. MILLER, the House went into Committee of the Whole (Mr. CASEY in the chair) on the above bill.

Mr. BRIGGS moved to increase the pension to $8 a month, instead of $4; which was lost.

The committee then rose and reported the bill to the House.

Mr. BRIGGS renewed his amendment offered in committee; which was lost.

The bill was then ordered to be engrossed for a third reading to-day.

Mr. WHITTLESEY, from the Committee of Claims, reported various Senate bills referred to that committee, without amendment.

Mr. W. also reported the following Senate bills, accompanied by reports that they be rejected:

An act for the relief of the officers of the United and States sloop of war Boston;

An act for the relief of Daniel Steenrod.

REDUCTION OF THE REVENUE.

Mr. McKAY asked leave to offer the following resolutions:

Resolved, That the power of taking money from the people, by laying and collecting duties, imposts, and excises, is one of the most sacred of the trusts vested in the General Government; that it is conferred solely to enable it to command the necessary means to execute the objects for which it was instituted, and that to exact money from the people when not necessary for those objects, or more than may be necessary, would be, on the part of the Government, a manifest breach of trust, and to the people unjust and oppressive.

Resolved, That the revenue receivable under the present laws is, and will be, more than is required for the fair and legitimate wants of the Government, and that provision ought to be made for its reduction.

Resolved, That the Secretary of the Treasury report to this House, at the commencement of the next session, what alteration can be made in the existing tariff of duties consistently with the principles of the several acts imposing duties upon imports, with a view to reduction.

Resolved, That the Secretary of the Treasury also report upon the best mode of diminishing the revenue arising from the public lands, without retarding the settlements of the new States or impairing the interests of the General Government, and, generally, his views as to the best mode of reducing the revenue to the fair and constitutional wants of the Government.

Objection being made,

Mr. MANN, of New York, moved a suspension of the rules, and asked for the yeas and nays; which were ordered.

Mr. ASHLEY wished the House to indulge him in making a few remarks explanatory of his vote on the resolution. He was delicately situated. He was in favor of one part of the resolution, and opposed to the other. He desired a reduction of the price of the public lands, but was against a reduction of the tariff.

The CHAIR decided that it was out of order to debate the proposition to suspend.

Mr. SLADE moved a call of the House.

Mr. VANDERPOEL asked for the yeas and nays, but they were refused; and the House also refused to order a call of the House.

The question on suspending the rules was then taken, and decided in the negative—yeas 127, nays 72; as follows:

YEAS—Messrs. Ashley, Barton, Beale, Bean, Beaumont, Bell, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Bunch, Burns, Bynum, Cambreleng, Campbell, Carr, Carter, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cushman, Davis, Dickson, Doubleday, Dromgoole, Dunlap, Effner, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Grayson, Joseph Hall, Hamer, Albert G. Harrison, Hawes, Hawkins, Haynes, Howard, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Kennon, Kilgore, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McKay, McKeon, McKim, McLene, Montgomery, Moore, Morgan, Owens, Page, Parks, Patterson, Patton, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Roane, Robertson, Seymour, William B. Shepard, Shields, Sickles, Smith, Speight, Standefer, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Webster, Weeks, and Wise —126.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Bond, Borden, Briggs, Buchanan, John Calhoun, William B. Calhoun, John Chambers, Childs, Clark, Corwin, Crane, Cushing, Darlington, Denny, Dickerson, Everett, Rice Garland, Granger, Graves, Grennell, Hiland Hall, Hard, Harlan, Harper, Samuel S. Harrison, Hazeltine, Heister, Hoar, Howell, Hubley, Hunt, Ingersoll, William Jackson, Janes, Jenifer, Henry Johnson, Judson, Laporte, Lawrence, Lay, Thomas Lee, Lincoln, Love, McCarty, McKennan, Mercer, Milligan, Morris, Muhlenberg, Parker, Dutee J. Pearce, James A. Pearce, Phillips, Potts, Reed, Slade, Spangler, Sprague, Storer, Sutherland, Underwood, Vinton, Wardwell, Washington, White, Elisha Whittlesey, Lewis Williams, and Sherrod Williams—72.

So there not being two thirds voting in the affirmative, the rules were not suspended.

POST ROUTE BILL.

Mr. CONNOR, from the Committee on the Post Office and Post Roads, reported the Senate's amendments, without amendment, to the post route bill; which was committed.

MEDAL OF MAJOR HENRY LEE.

On motion of Mr. TALIAFERRO, the joint resolution providing for the execution of a gold medal ordered by a resolution of the Continental Congress of 1779, to be delivered to Major Henry Lee, was taken up, read a second time, and committed to the Committee of the Whole.

ORDER OF BUSINESS.

Ineffectual attempts were made to change the order of business by

Mr. GALBRAITH, to take up and consider a memorial presented by him on the subject of banks, which had been laid on the table. Mr. G.'s object was (he said) to refer it to a select committee, with a view to its consideration at the next session of Congress;

Mr. WHITE, of Florida, to take up and consider, on to-morrow, all the bills granting rights of way to canal and railroad companies through the public lands of the United States; and

Mr. CONNOR, to proceed with the consideration of the bill to change the organization of the Post Office Department.

On motion of Mr. MAY, it was

Resolved, That the Committee of Claims inquire into the expediency of compensating William L. Campbell for a horse lost by him while in the service of the United States during the late Indian disturbances in Illinois.

The House then proceeded to the consideration of the

SPECIAL ORDER.

On motion of Mr. SUTHERLAND, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair.)

Mr. OWENS rose to make an appeal to the House which, when he stated the reasons for it, he was sure the committee would attend to. He rose to move to give priority in the committee to the bill reported by the Committee of Ways and Means making appropriations to carry into effect certain Indian treaties. Mr. O. conceived it to be the duty of the committee to take up the bill at once; and the reason he would give he was satisfied would induce them to act upon it without delay. He (Mr. O.) had received information from Georgia, from individuals of all parties, that the Cherokees were in a very distressed condition, being destitute of food—that many of them, men, women, and children, were traversing the country fifty and sixty miles from their residence in search of subsistence—those having means purchasing it—others depending upon the charity of the people. At the time of the negotiation of the treaty, the condition of the Cherokee people was well known, they having lost their crops during the last fall by the early frosts. The exigency was provided for by the eighteenth clause of the treaty, stipulating that provisions be furnished them. Mr. O. therefore urged his motion, and regarded its adoption not as a matter of policy or political expediency, but as one of humanity, and could not anticipate its rejection.

Mr. ASHLEY objected, on the ground that he wished the Cumberland road bills first disposed of, as they had precedence in the order of the House.

Mr. OWENS's motion was then negatived.

INTERNAL IMPROVEMENTS.

The committee then took up the bill making appropriations for certain military and other roads, and for examinations and surveys for the year 1836.

Mr. CORWIN moved to strike out the items in this bill for continuing the Cumberland road in the States of Ohio and Indiana, on the ground that they were embraced in another bill; which was agreed to.

Mr. C. also moved an amendment for a road from La Plaisance bay to Chicago, $7,000; which was agreed to.

Mr. ASHLEY proposed to amend the item in the bill providing for the construction of a road from the southern boundary of Missouri to Red river, by striking out the words, "southern boundary of Missouri," and inserting, as the place of beginning, "on the Mississippi, at Madrid;" which was agreed to.

Various other amendments were submitted by Messrs. REYNOLDS of Illinois, ASHLEY, HARPER, MERCER, MASON of Virginia, JACKSON of Massachusetts, and GARLAND of Virginia, some of which were agreed to, and others rejected; and after some remarks from Messrs. SUTHERLAND, ASHLEY, JACKSON of Massachusetts, KINNARD, MERCER, CORWIN, LANE, HARPER, PATTON, and GARLAND of Virginia, the bill was laid aside to be reported to the House.

BRIDGE OVER THE OHIO.

The committee next took up the bill for the erection of a bridge across the river Ohio, on the route of the Cumberland road; which was considered, and the blanks filled up.

NATIONAL ROAD TO THE MISSISSIPPI.

The bill to continue the national road from Vandalia to the Mississippi river, in the State of Illinois, and from the Mississippi river to Jefferson City, in the State of Missouri, was taken up; and after some discussion between Messrs. REYNOLDS of Illinois, HAWES, MERCER, BOON, KINNARD, and VINTON, the committee rose without taking the question; and the House took a recess till four o'clock.

EVENING SESSION.

The following bills from the Senate were severally read a first and second time, and referred to appropriate committees:

An act to regulate the pay of the officers of the United States Marine Corps;

An act for the settlement of the claim of the executrix of Richard W. Meade;

An act to remit the duties upon certain goods destroyed by fire, at the late conflagration in the city of New York;

An act to create a new land district in the State of Alabama;

An act for the relief of the widow of Peter Smith; and

An act for the relief of Ephraim Page.

The bill for the relief of Ransom Clark was read the third time, and passed.

CUMBERLAND ROAD.

The House then again went into the Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair,) and resumed the consideration of the bill to continue the national road from Vandalia to the Mississippi river, in the State of Illinois.

The question pending was the motion of Mr.

HAWES to strike out that part of the bill which provided that the road should be so graded as to permit hereafter the laying of rails thereon.

After some remarks from Messrs. HARDIN, ASHLEY, LANE, and MERCER, the amendment was agreed to—ayes 92, noes 38.

The bill was then laid aside to be reported to the House.

NATIONAL ROAD.

The committee next took up the bill to continue the national road from the Mississippi river to Jefferson City, in the State of Missouri.

Mr. HAWES moved to strike out the clause in relation to grading the road with a view to lay rails thereon; which was agreed to.

The bill was then laid aside.

INDIAN AFFAIRS.

The committee next took up the bill making further appropriations for carrying into effect certain Indian treaties.

The bill having been read, was taken up by sections.

The first clause was the following:

For the amount stipulated to be paid for the lands ceded in the first article of the treaty with the Cherokees, of the 29th of December, 1835, deducting the cost of the land to be provided for them west of the Mississippi, under the second article of said treaty, $4,500,000.

Mr. ADAMS called for the reading of a protest of a part of the Cherokee delegation against this treaty. The document, which was very lengthy, was read by the Clerk. Mr. A. then moved to strike out the section, and that the committee rise and leave the bill to be acted on hereafter.

After some discussion between Messrs. WISE, ADAMS, CAMBRELENG, and OWENS,

Mr. WISE moved that the committee rise and report all the bills except the one now under consideration; but withdrew the motion at the request of

Mr. MERCER, who moved an amendment to the harbor bill so as to provide that the money should remain in the Treasury until it was called for to be expended for work actually done; which was agreed to.

Mr. MERCER also offered an amendment to the Senate Cumberland road bill, to provide that it should be graded in such manner as to permit of laying rails thereon; which was lost.

Various other amendments were offered to the different bills by Messrs. McCARTY, CHAPMAN, and MARTIN.

On motion of Mr. SUTHERLAND, the committee then rose and reported all the bills, as amended, to the House, excepting the bill making appropriations for carrying into effect certain Indian treaties.

Mr. WISE moved a suspension of the rules for the purpose of offering the following resolution:

Resolved, That the President of the United States be, and he is hereby, requested to communicate to this House all the information which is in his possession, and which was communicated to the Senate of the United States, in relation to the Cherokee treaty lately ratified.

The rules were suspended; and the resolution having been received,

Mr. WISE moved its consideration at this time:

Objection being made,

Mr. BRIGGS moved a suspension of the rules; which motion was agreed to.

Mr. CAMBRELENG inquired if it was the intention of the gentleman from Virginia to have those documents printed after they were communicated? If so, the resolution would go to defeat the bill.

Mr. WISE said it was not his intention to throw any obstacles in the way of the passage of the bill; all he wanted was information, and he understood that that information was already printed, and that the President could communicate it to the House in a printed form.

After some remarks by Messrs. MANN of New York, WISE, MERCER, SUTHERLAND, ADAMS, HAYNES, GRANGER, and LAWLER,

Mr. MANN moved to lay the resolution on the table.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays; which were ordered, and were—yeas 27, nays 99.

So the motion to lay on the table was decided in the negative.

After a few words by Mr. HOWARD, the resolution was adopted.

On motion of Mr. BRIGGS, the House then adjourned at nine o'clock, p. m.

IN SENATE.

TUESDAY, *June* 28, 1836.

Mr. SOUTHARD, from the Committee on the District of Columbia, reported on the following bills, that had been returned from the House of Representatives with amendments:

The bill making appropriations for the support of the penitentiary in the city of Washington, for the year 1836;

The bill appropriating the unexpended balance of the appropriation for the building of the Washington bridge to the improvement of the Maryland avenue; and

The bill to authorize the closing of certain streets in Georgetown.

On motion of Mr. S., the amendments were severally concurred in.

Mr. S., from the same committee, reported the following bills from the House, without amendment:

The bill to authorize the Washington Monument Society of the city of Washington to erect their monument on the public mall;

The bill in addition to the act incorporating the Provident Association of Clerks;

The bill to organize fire companies in the District of Columbia; and

The bill giving the assent of Congress to the act incorporating the Alexandria and Fredericksburg Railroad Company.

Mr. TOMLINSON, from the Committee on Pensions, reported, with amendments, the bill granting half pay to widows and orphans whose husbands and fathers have died, or may hereafter die, in the service of the United States; and the amendments were ordered to be printed.

CENSURE OF THE PRESIDENT.

On motion of Mr. WHITE, the Senate took up the resolution submitted by him to rescind, repeal, and declare null and void, the resolution of the Senate of the 24th March, 1834, censuring the President for the removal of the public deposits from the Bank of the United States; when

Mr. WHITE addressed the Senate in a speech of considerable length in support of the resolution.

Mr. WALKER followed in reply, contending that the resolution would not reach the case, and that expunging was the only proper remedy; after which the question was taken, and the resolution was rejected by the following vote.

YEAS—Messrs. King of Georgia, and White—2.

NAYS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hubbard, Knight, Leigh, Linn, Nicholas, Page, Rives, Robbins, Robinson, Ruggles, Swift, Tomlinson, Walker, and Wright—28.

INSTRUCTIONS OF NEW YORK.

Mr. WRIGHT presented certain resolutions of the Legislature of New York instructing their Senators to support Mr. BENTON's expunging resolutions. Mr. W. said that he had had these resolutions in his possession for some time, and had only delayed presenting them till the subject was called up in the Senate.

Mr. CLAY observed, that as the resolution of the Senator from Tennessee was disposed of, he thought it would be proper to take up the other resolution on the same subject, and dispose of it also. He had not the charge of these resolutions, and would therefore make no motion.

Mr. CLAYTON said that he would move to take it up. He did not wish to make a speech on it; but, having been instructed by his Legislature to vote against these expunging resolutions, he wished to record his vote in obedience to his instructions.

Mr. WRIGHT observed that there were only thirty Senators present; and he hardly thought gentlemen would take a question of such importance when the Senate was so thinly attended.

Mr. BENTON said that he had intended to ask for the vote on his resolution after the resolution of the Senator from Tennessee was disposed of, or rather to give notice of the hour when he would call it up, in order that there might be a full attendance of Senators when they came to the vote. If twelve o'clock to-morrow was agreeable to the Senate, he would call up the resolution at that hour.

Mr. CLAYTON expressed his concurrence in Mr. BENTON's notice, and withdrew his motion.

JOINT RULES.

The joint resolution from the House to amend the joint rules of the two Houses in relation to bills not acted on at the close of a session of Congress, was read, and ordered to a second reading.

RECONSIDERATION OF A VOTE.

Mr. KNIGHT moved a reconsideration of the vote on ordering the bill to extend the patent of Joseph Grant to a third reading; which was agreed to.

Mr. KNIGHT moved a reconsideration of the amendment, exempting from the operations of the bill those who have used Mr. Grant's invention since the expiration of his patent.

A debate ensued, in which Messrs. KNIGHT, CLAY, PRESTON, NILES, WALL, PORTER, and LINN, took part.

BILLS PASSED.

The following bills were severally read the third time and passed:

The bill for the relief of John Randolph Clay and others;

The bill for the relief of the legal representatives of Michael Fenwick, deceased;

The bill for the relief of Andrew Hoover, of Indiana; and

The bill for the relief of James Alexander and Ira Nash.

JOHN BRAHAN.

Mr. MOORE moved to take up the report of the Secretary of the Treasury on the subject of the balance due from the estate of the late John Brahan to the United States; and, after some remarks, moved that it be printed.

Mr. WRIGHT moved that it be laid on the table; which motion was carried.

PATENT OFFICE BUILDING.

On motion of Mr. RUGGLES, the Senate took up the bill providing for a building for the accommodation of the Patent Office, the bill being on its third reading.

Mr. CLAY called for the reading of the communication made by William Brent and others, offering to sell the old brick Capitol to the Government for the use of the Patent Office; which being read,

Mr. RUGGLES laid before the Senate a communication from the chairman of the committee of the other House on the subject; which was read; and after some remarks from Mr. RUGGLES, in support of the bill, and from Messrs. CRITTENDEN, and CLAYTON, in opposition to it,

Mr. CLAYTON moved to recommit the bill to the Committee on the Judiciary, with instructions to report a bill providing for the purchase of the building formerly used for the temporary accommodation of Congress; and, after some remarks from Messrs. RUGGLES, CLAYTON, and CALHOUN, the motion was rejected by the following vote:

YEAS—Messrs. Bayard, Black, Clay, Clayton, Crittenden, Davis, Goldsborough, Kent, Leigh, Moore, Nicholas, Page, Porter, and White—14.

NAYS—Messrs. Benton, Buchanan, Calhoun, Ewing of Ohio, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Niles, Preston, Rives, Robinson, Ruggles, Swift, Tomlinson, Walker, and Wall—19.

Mr. RUGGLES moved to amend by adding the following proviso: "Providing a contract can be made for the erection and completion of the same in a workmanlike and faithful manner, for a sum not exceeding $108,000, to include all expenses whatever;" which amendment was agreed to; and, on the question, "Shall the bill pass as amended?" it was decided in the affirmative—yeas 20, nays 11; as follows:

YEAS—Messrs. Bayard, Benton, Buchanan, Calhoun, Ewing of Ohio, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Robinson, Ruggles, Swift, Tomlinson, Walker, and Wall—20.

NAYS—Messrs. Black, Clay, Clayton, Crittenden, Davis, Goldsborough, Leigh, Moore, Porter, Southard, and White—11.

HOUSE BILLS REFERRED.

The following bills from the House were severally read twice and referred:

The bill making additional appropriations for the Delaware breakwater, and for certain harbors, and for removing obstructions at the mouths of certain rivers, for the year 1836; and

The bill granting an increase of pension to Ranson Clark, a soldier of the Revolution.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 28, 1836.

On motion of Mr. JARVIS, a select joint committee of five, on the part of the House, to act with the committee on the part of the Senate, was appointed on the joint resolution to provide a series of historical paintings to fill the vacant panels of the rotunda of the Capitol.

BOOKS TO MEMBERS OF CONGRESS.

On motion of Mr. INGERSOLL, the House took up the resolution offered by him on a former day, to furnish such books to the new members of the present Congress as had been furnished to the old members. The rules having been suspended by a vote of 117 to 31,

Mr. INGERSOLL modified the resolution by limiting it to the following books:

Diplomatic Correspondence; Documentary History of the Revolution; The Land Laws; The American State Papers; The Register of Debates; Contested Elections; Commercial Regulations; Elliott's Debates; and providing that, if any work be out of print, it should not be reprinted.

Mr. McKENNAN moved the previous question.

Mr. HOWARD requested the gentleman to withdraw the motion, as Mr. H. was instructed by the Committee on Foreign Affairs to move an additional work, which would be accepted by the mover of the resolution as a modification.

Mr. McKENNAN could not withdraw the motion, as he believed the House was fully prepared to vote upon it.

The motion for the previous question was then seconded—86 to 39; and the main question being ordered thereon,

Mr. HARDIN asked for the yeas and nays; which were ordered, and were—yeas 107, nays 68.

So the resolution was adopted.

DIPLOMATIC CODE.

Mr. HOWARD, from the Committee on Foreign Affairs, reported a resolution directing the Clerk of the House to subscribe and pay for three hundred copies of Elliot's Diplomatic Code; one copy to be distributed to each member of Congress, and the residue to the heads of the Departments, Library of Congress, &c.

Mr. JOHNSON, of Tennessee, said he felt it his duty to make a few remarks to the House before the adoption of the present resolution; he had heretofore objected to the course of this House in book-making and book-buying for distribution among the members of this House. The resolution which had been just passed, offered by the gentleman from Pennsylvania, [Mr. INGERSOLL,] gave to the new members of the present Congress books which would cost the Government but little less than one hundred thousand dollars; and would be bestowing upon each new member books which would cost a little less than one thousand dollars; and, in his opinion, one half the sum in money would enable them to purchase books infinitely more valuable to them and their constituents. He had not yet had an opportunity of ascertaining the cost of the Diplomatic Code now proposed to be purchased by the gentleman from Maryland, [Mr. HOWARD.] He arose now, not with the expectation of arresting the passage of the resolution; he had no right to expect that, after the adoption of the resolution of the gentleman from Pennsylvania without debate, and the ayes and noes being refused to be called upon the suspension of the rules to take up the resolution. He wished, however, to state to the House some facts which had been communicated to him, and which he believed to be true. He had been informed that many copies of the books which had been ordered by the House to be distributed among the members, for the last few years, had been taken to the booksellers in the city, and sold to them for much less than half the price which had been given by Congress for them, and that the books were retained by the booksellers to supply other and further orders made by Congress. He thought the House should stop such a course by putting an end to the distribution of books among the members. He believed these facts to be true; and if the House would allow him a select committee, he had no doubt he should be able to prove these things to its satisfaction. He wished further to state to the House, that the Committee of Ways and Means now had under consideration a resolution directing an inquiry as to the propriety of setting aside the contract for the publication of the Documentary History, which would be twenty volumes in each copy, costing about thirteen dollars a volume. He hoped the committee had ascertained facts enough to justify the House in setting aside the contract. Yet, by the resolution of the gentleman from Pennsylvania, this work is ordered to be distributed, and the Clerk would of course purchase a copy for each of the new members. But he would not further occupy the time of the House by details at this late period of the session.

Mr. WHITTLESEY, of Ohio, said such a fact as that mentioned by the gentleman from Tennessee should be spread before the nation, and he hoped the House would indulge the gentleman with a select committee.

Mr. BRIGGS remarked, that if there were individual members who abused their privilege, or made what was considered an improper use of it, that should not affect the whole body.

Mr. LANE had voted on a former occasion for a resolution to furnish the new members, of which he was one, and he had now voted for a similar one; that he had received the books, and had not parted with them, nor should he feel himself at liberty to dispose of them; that he considered them as belonging to his constituents, and that he held them as their trustee, and were there a great library for the District, he should place them in it as the common property of all.

Mr. BOON said it was clear to his mind that there was business of much more importance to be acted upon than talking about subscribing for books, and therefore he moved the previous question.

Mr. HEISTER thought they had done enough for one day in buying books, and he therefore moved to lay the resolution on the table.

Mr. HARDIN called for the yeas and nays, but they were refused; and the motion prevailed—ayes 84, noes not counted.

So the resolution was laid on the table.

REPORTS FROM COMMITTEES.

Mr. THOMAS, from the Committee on the Judiciary, reported Senate bill, without amendment, for the relief of Thomas Cooper; which was committed.

Mr. T., from the same committee, also reported the Senate's joint resolution respecting certain acts of the Territorial Legislature of Florida; the consideration of which, on Mr. T.'s motion, was postponed till to-morrow.

Mr. T., on leave, offered the following resolution; which was agreed to:

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of reporting a joint resolution prohibiting the further issue of bonds guarantied by the Territory of Florida, by the Union Bank of Florida, incorporated by act of the 13th February by the Governor and Council of that Territory.

BOOKS FOR MEMBERS.

Mr. JOHNSON, of Tennssee, then rose and said that, after the suggestion of the gentleman from Ohio, [Mr. WHITTLESEY,] he felt it his duty to offer to the House a resolution proposing an inquiry into the disposition made of the books heretofore distributed by Congress among the members. He asked the suspension of the rules to enable him to offer the following resolution:

Resolved, That a select committee of five be appointed to inquire into the distribution of the several books ordered to be purchased or printed, and distributed by Congress, since the year 1830 inclusive, and report to the House whether any of them have been sold to booksellers, or what other disposition has been made of them, and the cost of the books to the Government, and that said committee have power to send for persons and papers.

Mr. HAWES asked for the yeas and nays; which were ordered; and were—yeas 117, nays 70; not being two thirds, the rules were not suspended.

REPORTS FROM COMMITTEES—AGAIN.

Mr. CHAPIN, from the Committee on Revolutionary Claims, asked to be discharged from the further consideration of the petition of the heirs of Colonel Uriah Forrest; which motion was agreed to.

On motion of Mr. MASON, of Virginia, the Committee on Foreign Affairs was discharged from the further consideration of the memorial of certain merchants of the city of New York, in relation to the destruction and loss of property at the siege of Antwerp; and the same was referred to the President of the United States.

Mr. M., from the same committee, reported a bill for the relief of Alexander Hamilton; which was read twice and committed.

Mr. M., from the same committee, also reported Senate bill, without amendment, entitled "An act for giving effect to the eighth article of the treaty of 1819 with Spain;" which was committed.

Mr. M., from the same committee, also reported a bill for the relief of George S. Brown; which was read twice and committed.

Mr. JONES, of Virginia, from the Committee on the Judiciary, reported a bill for the relief of Sarah H. B. Stiff; which was read twice and committed.

Mr. MERCER, from the Committee on Roads and Canals, reported, with an amendment, Senate bill authorizing the Washington County Turnpike Company, in the State of Missouri, to locate and construct a road through the public lands; which, on Mr. M.'s motion, was ordered to be engrossed for a third reading to-morrow.

Mr. CRAIG, from the Committee on Revolutionary Claims, reported a bill for the relief of Crawford Johnson; which was read twice and committed.

Mr. C., from the same committee, reported Senate bill for the relief of the legal representatives of Robert White, with a recommendation that it do not pass; which was committed.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill making appropriations for the suppression of Indian hostilities, and for other purposes; which was read twice and committed.

Mr. C., from the same committee, reported Senate bill, with an amendment, (to the title only,) entitled "An act to remit the duties of certain goods destroyed by fire in the late conflagration in the city of New York;" which was committed.

On motion of Mr. CAMBRELENG, the Committee of the Whole was discharged from the further consideration of the Senate bill authorizing the Secretary of the Treasury to compromise all old outstanding claims; and the same was brought into the House.

Mr. McKIM, from the Committee of Ways and Means, reported Senate bill fixing compensation for the principal clerks in the Adjutant and Inspector General's office; and on his motion, the bill was laid on the table.

Mr. CASEY, from the Committee on Public Lands, reported a bill for the relief of a certain township in Madison county, Illinois; which was read twice and committed.

Mr. C., from the same committee, reported, without amendment, Senate bill entitled "An act to amend an act entitled an act authorizing the laying off a town on Bean river, Illinois;" which was committed.

Mr. DOUBLEDAY, from the Committee on Invalid Pensions, reported a bill granting an arrearage of pension to Ephraim Taylor; which was read twice, and committed.

Mr. LINCOLN, from the Committee on Public Lands, reported several Senate bills of a private character without amendment.

Mr. L., from the same committee, also reported Senate bill confirming certain claims to lands in the State of Louisiana.

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. MONDAY, JULY 4, 1836. VOLUME 3....No. 38.

Mr. JOHNSON, of Louisiana, moved the engrossment of the bill.

Mr. JOHNSON, of Tennessee, opposed the motion, on the ground that the awards had not undergone the revision of the Commissioner of Public Lands.

Mr. REYNOLDS, of Illinois, supported the motion; pending the consideration of which the hour having arrived, the Chair announced the special order.

Mr. RENCHER moved a suspension of the rules, for the purpose of taking up and considering the bill reported from the select committee, on the subject of the mileage and pay of members of Congress, and asked for the yeas and nays; which were refused; and the motion was disagreed to.

EXECUTIVE COMMUNICATION.

The SPEAKER communicated the following message from the President of the United States:

To the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of War, conveying the information called for by the House in its resolution of yesterday, concerning the Cherokee treaty recently ratified.

ANDREW JACKSON.

WASHINGTON, *June* 28, 1836.

WAR DEPARTMENT, *June* 28, 1836.

SIR: In conformity with a resolution of the House of Representatives of yesterday, I have the honor to submit to you copies of the document in relation to the Cherokee treaty, lately ratified, which were communicated to the Senate, and which contain the information called for by the House.

It being your desire that those documents should be sent this morning, I have been compelled to transmit a copy of them printed by order of the Senate. To have transcribed from the originals would have delayed the answer, and prevented the information from reaching the House officially in time, perhaps, for its consideration.

Very respectfully, your most obedient servant,

LEW: CASS.

TO THE PRESIDENT OF THE UNITED STATES.

Mr. WISE moved to refer the message and accompanying documents to the Committee of the Whole, and that they be printed.

Mr. HAYNES called for a division of the question on reference and on printing. The latter branch of it he should object to, if the Indian bill was to be delayed till they came from the printer.

The first branch of the motion having been agreed to, and after some remarks from Mr. H. on the second branch,

Mr. ADAMS called for a further division, and the message was ordered to be printed, but the House refused to order the documents to be printed.

Mr. MASON, of Virginia, made an ineffectual attempt to get up the bill from the Senate entitled "An act to suspend the discriminating duties upon goods imported in vessels from Portugal, and to reduce the duties on wines."

Mr. JOHNSON, of Kentucky, moved to set apart Friday next, till the hour of twelve, for the consideration of the Senate bill to increase the military establishment of the United States, and for other purposes; but the motion was disagreed to.

The House then passed to the special order, and proceeded to the consideration of the additional

HARBOR BILL.

A bill making additional appropriation for the Delaware breakwater, and for certain harbors, and removing obstructions in and at the mouths of certain rivers, and for other purposes, for the year 1836.

The bill had been reported to the House from the Committee of the Whole, with sundry amendments, the details of which were given at length when the bill was under consideration in committee,

The first amendment of the committee was concurred in without amendment.

The second amendment of the Committee of the Whole was, to strike out the clause, "for continuing the improvement of the navigation of the Ohio and Mississippi rivers from Pittsburg, Pennsylvania, to New Orleans, Louisiana, and from the mouth of the Ohio to the mouth of the Missouri river, $110,000," and insert, "for the improvement of the Ohio and Mississippi, from Louisville to New Orleans, $70,000; for the improvement of the Mississippi river above the mouth of the Ohio and Missouri rivers, to Independence, $50,000, in such manner, and for the removal of such obstructions, as the Secretary of War shall direct."

Mr. SMITH moved to strike out "$50,000," and insert, "$30,000;" which was lost.

Mr. HAWES opposed the whole appropriation, on the ground that its effect would be to increase the number of officers of the Government.

Mr. BOON said that he wished to say a very few words before the question was taken. Mr. B. said that he had been honored with a seat in the House of Representatives during a period of nine years, and had uniformly voted for appropriations of money for the "common defense and general welfare of the United States," whether the money was to be expended on the Atlantic sea-board, or in the South, and he would now vote against the motion of the gentleman from Kentucky. But, (said Mr. B.,) I will take this occasion to advise gentlemen, that unless a more liberal policy should hereafter be extended towards the new States of the West, he would, if his life should be spared him, return, at the commencement of the next session of Congress, prepared to organize a western influence, that would be felt against all appropriations of money east of the mountains, until justice should be done to the people of the new States in the West. Sir, (said Mr. B.,) I will not longer consent to have the people of the new States taxed in the purchase of the public lands, for the benefit of other portions of the country.

Mr. B. said that pledges had been given him, for some two or three months past, that a direct vote should be had on the bill to reduce the price of the public lands before the adjournment of the present session of Congress. Yet this promise had not been fulfilled, nor was there any reasonable prospect that it would be. Mr. B. concluded by saying that he had become tired of living upon *promises* alone, and called upon gentlemen from the western States to prepare to go with him in future in opposing appropriations for the seaboard, until something should be done direct for the people of the West.

Mr. REYNOLDS, of Illinois, said that he was sorry to detain the House at this late period of the session; but the subject was interesting to the people he represented in Illinois, which was his excuse for addressing a single word to the House.

The gentleman from Kentucky said he was opposed to the amendment, as it created more officers to superintend the work on the western waters than were necessary. It is not possible for any one officer, no matter how efficient and competent he may be, to superintend all the works of improvement that ought to be made on the Ohio, Mississippi, and Missouri rivers. The House well know that these rivers stretch over a vast extent of country; so that, if the work is to be done at all during this season, it will require more officers than one to carry it on with that efficiency that the Government ought to observe in the improvement of these rivers.

The gentleman from Kentucky [Mr. HAWES] also states, that $50,000 for the improvement of the Mississippi, above the mouth of the Ohio and the Missouri, to Liberty, is too much, and more than the Secretary of War required.

Mr. R. said, if the Congress of the United States appropriate anything at all for these noble and useful rivers, it ought not to be less than that sum. It would be a ridiculous improvement that a less sum would effect on the Mississippi, between the mouth of the Ohio and the Falls of St. Anthony, and the Missouri, as high up as Liberty. The sum is not too much. If anything be given at all, let it be that sum or more.

Mr. HAWES then asked for the yeas and nays on concurring with the Committee of the Whole in this amendment; which were ordered; and were—yeas 104, nays 81.

So the amendment was concurred in.

Mr. WISE then moved to strike out the enacting clause of the bill. He wished to test the sense of the House on the subject of internal improvements by the General Government, and repeated what he had said in the Committee of the Whole, that, now that the deposit bill was passed, the bill under consideration was nothing more than a scramble for unequal shares of the public money before the day of distribution came.

Mr. W. asked for the yeas and nays on his motion; which were ordered; and were—yeas 52, nays 133; so the motion was disagreed to.

Mr. SMITH moved on additional item of $15,000 for building a steamboat to aid in the removal of the Red river raft; which was agreed to.

Mr. HAWES renewed his motion to strike out the appropriation of $200,000 for the improvement of the Hudson river, and spoke at some length in support of his motion.

Mr. SUTHERLAND then moved the previous question; which was seconded—ayes 84, noes 48.

Mr. HARDIN called for the yeas and nays on ordering the main question to be put; which were ordered; and were—yeas 106, nays 78.

So the House determined that the main question should be now put.

Mr. LEWIS then moved a call of the House; which was lost.

On the call of Mr. PATTON, the yeas and nays were ordered on the main question, being on the engrossment of the bill; and the question being taken, was decided in the affirmative—yeas 126, nays 64; as follows:

YEAS—Messrs. Adams, Heman Allen, Anthony, Ash, Ashley, Bailey, Barton, Bockee, Boon, Borden, Bovee, Briggs, Brown, Burns, William B. Calhoun, Cambreleng, Carr, Casey, Chaney, Chapin, Childs, Corwin, Cramer, Cushing, Cushman, Darlington, Davis, Denny, Dickerson, Doubleday, Evans, Fairfield, Farlin, French, Fry, William K. Fuller, Galbraith, Rice Garland, Gillet, Granger, Haley, Joseph Hall, Hamer, Hard, Harper, Hazeltine, Henderson, Heister, Hoar, Howard, Howell, Hubley, Hunt, Huntington, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Richard M. Johnson, Henry Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, Abijah Mann, Job Mann, William Mason, Moses Mason, Samp on Mason, May, McKennan, McKeon, McKim, Mercer, Miller, Milligan, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Patterson, Dutee J. Pearce, Phelps, Phillips, Potts, John Reynolds, Joseph Reynolds, Russell, Seymour, Shinn, Sickles, Slade, Smith, Spangler, Sprague, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Elisha Whittlesey, and Thomas T. Whittlesey—125.

NAYS—Messrs. Chilton Allan, Beale, Beaumont, Bouldin, Boyd, Buchanan, Bunch, Bynum, John Calhoun, Campbell, Carter, John Chambers, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Doherty, Dromgoole, Forester, James Garland, Graves, Grayson, Griffin, Hardin, Hawes, Hawkins, Haynes, Huntsman, Jarvis, Jenifer, Cave Johnson, John W. Jones, Lawler, Luke Lea, Lewis, Loyall, Lucas, Lyon, Martin, Maury, McComas, McKay, McLene, Montgomery, Parker, Patton, Franklin Pierce, Pinckney, Rencher, Roane, Robertson, Rogers, Speight, Standefer, Taliaferro, Towns, Underwood, White, Lewis Williams, Sherrod Williams, and Wise—64.

So the bill was ordered to be engrossed for a third reading.

Mr. HAWES said he did not wish to delay this bill, but he wanted a direct vote of the House upon the appropriation of $200,000 for the Hudson river. He moved to recommit the bill to the Committee of the Whole, with instructions to strike out that clause, and asked for the yeas and nays; which were ordered.

After some remarks from Mr. BOON, the question was taken and decided in the negative—yeas 60, nays 101.

The House then took the usual recess.

EVENING SESSION.

There being no quorum in attendance when the Speaker took the chair,

Mr. CASEY moved a call of the House.

Mr. GRANGER called for the yeas and nays, but the House refused to order them; and the motion for a call of the House was agreed to, and proceeded in for a short time, when, a quorum being found to be present, it was dispensed with.

Several ineffectual motions were made for priority of business.

RIVER AND HARBOR BILLS.

The bill making additional appropriations for the Delaware breakwater, and for certain harbors, and removing obstructions in and at the mouths of certain rivers, and for other purposes, for the 1836, was read the third time and passed.

The House then took up the bill making appropriations for the improvement of certain harbors therein mentioned, for the year 1836.

Mr. BELL renewed the motion made by him in Committee of the Whole, to strike out the enacting clause of the bill; and on that motion called for the yeas and nays; which were ordered; and were—yeas 69, nays 96.

So the motion to strike out was decided in the negative.

Mr. WILLIAMS, of Kentucky, moved the previous question; which was not seconded by the House.

The following amendments of the Committee of the Whole were concurred in:

An amendment appropriating the sum of $300 for an examination of the survey of the passage of Cobscook bay, in the State of Maine;

An amendment to increase the appropriation for the Cocheco branch of the Piscataquis river, to $10,000.

For improving the harbor at Cattaraugus creek, strike out "$40,000," and insert "$20,000."

For deepening the channel of the river Thames, Connecticut, $13,000.

To strike out the following: "For making further improvements in the harbor of Newcastle, $43,000.

For the improvement of the Maumee river below the rapids, $20,000.

Mr. SUTHERLAND then moved the previous question; which was seconded—ayes 95, noes not counted.

Mr. MARTIN called for the yeas and nays on ordering the main question; which were ordered; and were—yeas 104, nays 87.

So the main question was ordered to be put.

Mr. ROBERTSON called for the yeas and nays on the main question, (which was on ordering the bill to be engrossed;) which were ordered; and were—yeas 109, nays 92, as follows:

YEAS—Messrs. Adams, Heman Allen, Ash, Bailey, Barton, Bean, Boon, Bouldin, Bovee, Brown, Burns, William B. Calhoun, Carr, Chaney, Chapin, Childs, Cramer, Cushing, Cushman, Darlington, Denny, Dickerson, Doubleday, Effner, Evans, Farlin, William K. Fuller, Galbraith, Rice Garland, Gillet, Granger, Grennell, Haley, Hamer, Hard, Harper, Samuel S. Harrison, Albert G. Harrison, Hazeltine, Hoar, Howard, Howell, Hunt, Huntington, Ingersoll, Ingham, Jabez Jackson, Jenifer, Richard M. Johnson, Henry Johnson, Benjamin Jones, Judson, Kilgore, Kennon, Kinnard, Lane, Lansing, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, William Mason, Sampson Mason, May, McCarty, McKim, McLene, Miller, Milligan, Muhlenberg, Owens, Page, Patterson, Dutee J. Pearce, Pettigrew, Phelps, Phillips, Reed, John Reynolds, Joseph Reynolds, Russell, Schenck, William B. Shepard, Shinn, Sickles, Slade, Sloane, Smith, Sprague, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Vanderpoel, Vinton, Ward, Wardwell, Washington, Webster, Weeks, Elisha Whittlesey, and Thomas T. Whittlesey—109.

NAYS—Messrs. Chilton Allan, Beaumont, Bell, Bond, Borden, Briggs, Buchanan, Bunch, John Calhoon, Cambreleng, Campbell, Carter, Casey, George Chambers, John Chambers, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Crane, Deberry, Dunlap, Everett, Fairfield, Forester, French, Fry, James Garland, Grantland, Graves, Griffin, Joseph Hall, Hiland Hall, Hardin, Harlan, Hawes, Hawkins, Haynes, Henderson, Heister, Hopkins, Hubley, Huntsman, William Jackson, Jarvis, Cave Johnson, John W. Jones, Lawler, Luke Lea, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, Moses Mason, Maury, McComas, McKay, McKennan, Montgomery, Morgan, Morris, Parker, Parks, Franklin Pierce, James A. Pearce, Pinckney, Potts, Rencher, Roane, Robertson, Rogers, Seymour, Shields, Spangler, Speight, Standefer, Taliaferro, Towns, Underwood, Wagener, White, Lewis Williams, Sherrod Williams, and Wise—92.

So the bill was ordered to be engrossed, and read a third time to-day.

The bill being on its passage,

Mr. HAWES moved to recommit it to the Committee of the Whole, with instructions to reduce the appropriations one half, and to strike out the item of $40,000 for the improvement at the mouth of Cattaraugus creek.

Mr. H. spoke at length in opposition to the general principles of the bill. He considered this but as the beginning of a system which was to take away millions of the public treasure, and only to be a benefit to a set of land speculators. The harbor of Cattaraugus had never been heard of until it was bought up by land speculators; and from that time to this, members of Congress had been continually receiving letters, urging them to make an appropriation for this place. He believed there were members in that House who were engaged in these speculations, and he warned them to beware, as there was a committee appointed to investigate this matter. He hoped, too, this committee would be vigilant; and if there were any abuses, (which he believed there were, and believed he could put his finger on some of them,) that they would ferret them out and expose them. The appropriations in this bill were so distributed as to procure votes: whichever State had a large vote in the House got a large appropriation for improvements. Mr. H. spoke at great length, and adverted with some severity to the course of the chairman of the Committee on Commerce in relation to this bill, and pronounced it a bribery and robbery measure throughout, and only calculated to drain the Treasury, and prevent the distribution which was contemplated by the bill passed a few days since. After speaking for about three hours, Mr. H. concluded; and

Mr. SUTHERLAND made a few remarks in reply, and showed the importance of Cattaraugus harbor as a port of refuge in case of storms upon the lake, and moved the previous question.

The previous question was seconded by the House—ayes 101, noes not counted; and the main question being ordered thereon,

Mr. WILLIAMS, of Kentucky, called for the yeas and nays; which were ordered.

Mr. WISE moved that the House adjourn; which was lost without a count.

The vote was then taken on the main question, being the passage of the bill; and it was decided in the affirmative—yeas 99, nays 85; as follows:

YEAS—Messrs. Adams, Heman Allen, Ash, Ashley, Bailey, Barton, Bean, Boon, Borden, Brown, William B. Calhoun, Carr, Chaney, Chapin, Childs, Clark, Cramer, Cushing, Cushman, Darlington, Denny, Dickerson, Effner, Evans, Farlin, William K. Fuller, Galbraith, Rice Garland, Gillet, Granger, Grennell, Haley, Hamer, Hard, Harper, Albert G. Harrison, Hazeltine, Hoar, Howard, Hunt, Huntington, Ingersoll, Ingham, Jabez Jackson, Janes, Jenifer, Henry Johnson, Judson, Kennon, Kilgore, Kinnard, Lane, Lawrence, Lay, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Love, William Mason, Sampson Mason, May, McCarty, McKim, McLene, Miller, Milligan, Muhlenberg, Owens, Page, Patterson, Dutee J. Pearce, Pettigrew, Phelps, Phillips, Reed, Joseph Reynolds, Ripley, Russell, Shinn, Sickles, Sloane, Smith, Sprague, Storer, Sutherland, Taylor, John Thomson, Toucey, Turrill, Vanderpoel, Vinton, Ward, Wardwell, Washington, Webster, Elisha Whittlesey, and Thomas T. Whittlesey—99.

NAYS—Messrs. Chilton Allan, Beale, Beaumont, Bell, Bond, Bouldin, Boyd, Briggs, Bunch, Bynum, John Calhoon, Cambreleng, Campbell, Carter, Casey, John Chambers, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Coles, Connor, Corwin, Craig, Crane, Deberry, Dromgoole, Dunlap, Everett, Fairfield, Forester, French, Fry, James Garland, Grantland, Graves, Grayson, Griffin, Joseph Hall, Hiland Hall, Hardin, Harlan, Hawes, Hawkins, Haynes, Henderson, Heister, Howell, Hubley, Jarvis, John W. Jones, Lawler, Luke Lea, Lewis, Logan, Loyall, Lucas, Lyon, Job Mann, Martin, John Y. Mason, Maury, McComas, McKay, Montgomery, Morgan, Morris, Parker, Parks, Patton, James A. Pearce, Pinckney, Rencher, John Reynolds, Roane, Robertson, Rogers, Speight, Standefer, Taliaferro, Towns, Underwood, Wagener, White, Sherrod Williams, and Wise—85.

So the bill was passed.

Mr. WILLIAMS, of Kentucky, moved that the House adjourn; which was lost—ayes 55, noes 90.

The House next took up the bill making appropriations for building light-houses, light-boats, beacon-lights, buoys, and making surveys for the year 1836.

The following amendments of the Committee of the Whole were concurred in by the House:

An amendment for the survey of the Kennebec river, Maine, $500;

An amendment to the clause for a survey of Salem harbor, Massachusetts, by adding "Linn," and increasing the appropriation $500;

An amendment to increase the appropriation for the light-house on Block Island, Rhode Island, to $5,000;

An amendment for a floating light in or near the middle ground, on Long Island Sound, $10,000;

An amendment to insert after the word "Delaware," the words, "and Schuylkill," $10,000;

An amendment for a light-house on James river, Virginia, $5,000;

An amendment for a survey of Perdido and Pearl rivers, Louisiana, $450;

Be it further enacted, That the reports upon all the aforesaid surveys shall contain a statement of all such facts within the knowledge of the engineers respectively making the surveys as are, or may be, materially connected with the proposed improvements, and also estimates, in detail, of the sums of money necessary for such improvements respectively;

An additional section providing that none of the light-houses should be commenced until the proper examinations be made by the Secretary of the Treasury.

Several other amendments of the Committee of the Whole, which have been heretofore noticed, were concurred in by the House.

The bill was then ordered to be engrossed and read a third time to-day.

The bill being on its passage,

Mr. LANE moved the previous question; which was seconded without a division, and the main question was then ordered to be put.

Mr. JOHNSON, of Tennessee, called for the yeas and nays on the passage of the bill; which were not ordered.

The bill was then passed.

Mr. WILLIAMS, of Kentucky, moved that the House adjourn; which was lost—ayes 55, noes 67.

The House then took up the bill from the Senate to continue the Cumberland road in the States of Ohio, Indiana, and Illinois.

The bill being on its passage,

Mr. MANN, of New York, moved the previous question.

Mr. EVERETT moved to lay the bill on the table.

Mr. McCARTY called for the yeas and nays on this motion.

Mr. HARDIN moved a call of the House.

Mr. HAWES moved that the House adjourn; which motion was agreed to—ayes 60, noes 53.

So the House adjourned at a quarter past nine o'clock.

IN SENATE.

WEDNESDAY, *June* 29, 1836.

Mr. CLAY presented the petition of sundry highly respectable citizens of Kentucky, praying Congress to extend its aid to the Colonization Society; which was laid on the table, and ordered to be printed.

BILL INTRODUCED.

Mr. WALL, on leave, introduced a bill supplementary to the act to regulate the deposits of the public moneys; which was read twice, and referred to the Committee on Finance.

On motion of Mr. DAVIS, leave was granted to the Committee on Commerce to sit during the session.

JOHN BRAHAN.

On motion of Mr. KING, of Alabama, the report of the Secretary of the Treasury in relation to the debt due to the United States by the late John Brahan, deceased, was taken up; the question being on the motion to print; and after some remarks from Messrs. KING, of Alabama, and MOORE, the printing was ordered.

FORTIFICATION BILL.

On motion of Mr. WRIGHT, the bill from the House making appropriations for the fortifications of the United States for the year 1836, was taken up; and Mr. W. went into an explanation of the details of the bill.

Mr. CALHOUN moved to recommit the bill to the Committee on Finance, with instructions to reduce the amount of appropriations on the ground that it was impossible to expend so large

a sum as that appropriated during the remainder of the year economically or profitably. The old rate of expenditure for fortifications (he said) had never exceeded $80,000 in a year, and now it was proposed to appropriate, in time of profound peace, when there was not the slightest prospect of a war, in this bill, and the one that had been sent from the Senate to the House, at least four and a half millions of dollars. He wished to know, and he earnestly desired gentlemen to answer him, why it was sought to make this vast and unusual appropriation at this time? Was it intended that it should remain locked up in the Treasury, or remain in the hands of the disbursing agents? It was perfectly clear (he said) that this money would not be required, and ought not to be appropriated, and he therefore moved to recommit the bill with instructions to reduce the appropriations one half.

Mr. CLAYTON did not consider the appropriations too high, considering that last year the fortification bill was lost, and that they were now appropriating for two years, instead of one. In order to obviate the difficulties suggested by the Senator from South Carolina, as to the moneys remaining idle in the hands of the disbursing agents, he would submit an amendment, providing that it shall not be drawn from the Treasury until it is wanted for the expenditures authorized by the bill.

Mr. CALHOUN withdrew his motion to recommit, in order to give way to the above amendment by Mr. CLAYTON.

Mr. CLAY thought the amendment would be a very proper one, whether reduction of the appropriations was made or not. But he hoped the bill would be recommitted, in order to reduce its enormous and hitherto unheard of appropriations. Mr. C. then addressed the Senate at length on the subject of the large appropriations generally made at the present session, bringing them up, by his calculations, to the sum of $40,000,000—a sum (he said) greater than the whole civil, military, naval, and other annual expenditures of Great Britain, excluding her payments under her pensions and public debt. Mr. C. compared the expenditures under this bill, and the bill of the Senate, with the expenditures for similar objects of former years, which never (he said) exceeded seven or eight hundred thousand dollars, even when the country was unprotected as it was at the conclusion of the last war, and earnestly urged the recommitment of the bill for the objects contemplated.

Mr. WRIGHT opposed the recommitment in a speech of some length. He denied that the appropriations were unreasonable, considering that they were now passing a bill for two years, instead of one, in consequence of the loss of the fortification bill of the last year. He asked gentlemen to point out any particular item in the bill, and show that it was unnecessary and unreasonable. The appropriations (he said) were all founded on estimates from the War Department, and made with a view to economy, as far as was consistent with the public service. Even if gentlemen were correct in their predictions, there could be no inconvenience in appropriating more money than would be expended within the year; for, by the deposit bill just passed, it would all, after the 1st of January, be distributed among the States, no more being drawn from the Treasury than would be wanted for expenditure. In reply to Mr. Calhoun's argument, as to time, Mr. W. said that last year not a dollar was appropriated; and that now that they were in the middle of the year, without having appropriated a dollar, they were told that they must not appropriate this money because it could not be expended. When (he asked) would another bill for fortifications be passed? Why, not before the 3d of March next; and the works would be stopped. Mr. W. said that gentlemen, in speaking of the heavy appropriations under this bill, did not seem to consider that there was a considerable amount appropriated in it that had no connection with fortifications. Mr. W. then took a view of these items; such as arsenals, accouterments for the volunteers and for the army, fire engines, to be distributed among the public buildings, &c. As to the amendment of the Senator from Delaware, he had no objection to it.

Mr. EWING, of Ohio, expressed his strong objections to appropriating at this time so much larger a sum than had ever been before applied to such objects: and contended that the experience of former years showed that when appropriations did not run over $800,000, large balances of it remained unexpended at the end of the year. He was satisfied that it would be impossible to spend more than one third of this money from the want of engineers, and the difficulty of procuring labor and materials in sufficient quantities. If there was any one to blame for the lateness of the appropriation, it was the House of Representatives, who had kept the bill back to this time.

After some remarks from Mr. CALHOUN,

Mr. CLAYTON's amendment was agreed to.

Mr. WALL moved to amend the bill by providing, that of the appropriation in the eighteenth line for Fort Delaware, the Secretary of War shall be authorized to expend a sum not exceeding $36,000, to perfect the title of the United States to the Pea Patch, in case it shall be his opinion, and that of the Attorney General, that such perfection of title is necessary.

An elaborate and lengthy legal argument grew out of this motion, in which the original and conflicting titles of the States of Delaware and New Jersey, and the title of the United States under Delaware, and that of Dr. Gale under New Jersey, were discussed with great force and ability—Messrs. WALL and SOUTHARD contending for the validity of the title of New Jersey, to show that the title of the United States was imperfect; and Messrs. BAYARD and CLAYTON contending for the validity of the title of the State of Delaware, and the perfection of the grant to the United States; the argument being principally between Messrs. WALL and BAYARD.

On taking the question, Mr. WALL's amendment was rejected by the following vote:

YEAS—Messrs. Brown, Clay, Ewing of Illinois, Linn, Niles, Preston, Robinson, Southard, Tomlinson, and Wall—10.

NAYS—Messrs. Bayard, Benton, Black, Clayton, Crittenden, Cuthbert, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Leigh, Moore, Nicholas, Page, Porter, Rives, Robbins, Swift, Tallmadge, Walker, Webster, White, and Wright—25.

Mr. CALHOUN then moved to recommit the bill to the Committee on Finance, with instructions to reduce the appropriations to an amount not exceeding $1,600,000.

After some remarks from Messrs. CALHOUN, CRITTENDEN, and EWING of Ohio, in favor of the motion, and from Mr. CLAYTON in opposition to it, the question was taken, and lost—yeas 18, nays 20; as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Ewing of Ohio, Goldsborough, Kent, King of Alabama, Leigh, Moore, Porter, Preston, Robbins, Southard, Swift, Tomlinson, and White—18.

NAYS—Messrs. Benton, Brown, Buchanan, Clayton, Cuthbert, Ewing of Illinois, Hendricks, Hubbard, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Tallmadge, Tipton, Walker, Webster, and Wright—20.

Mr. CLAY then moved to lay the bill on the table, for the purpose of going into executive business.

Mr. BENTON asked for the yeas and nays; which were ordered; and the question was decided in the negative—yeas 16, nays 21; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Ewing of Ohio, Kent, Leigh, Moore, Porter, Preston, Robbins, Southard, Swift, Tomlinson, and Webster—16.

NAYS—Messrs. Bayard, Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Hendricks, Hubbard, King of Alabama, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Tallmadge, Tipton, Walker, White, and Wright—21.

Mr. CLAY said he would make another effort to bring down the expenditures of this bill, and this would be the last effort he would make for arresting the enormous, extravagant, and alarming appropriations of this Congress. After some remarks, Mr. C. moved to recommit the bill, with instructions to reduce the appropriations one-third.

Mr. CLAYTON asked for a division of the question. He desired to see it taken on the question of recommitment first. He felt the force of the arguments of the Senators from South Carolina and Kentucky, and he was willing that the bill should be recommitted in order that an examination might be made to see if any of the items could be reduced consistently with a due regard to the public service. But he never could give his vote to instruct the committee to bring down the appropriations to an arbitrary standard, without considering what could or could not be properly reduced. Gentlemen talked of unprecedented, enormous, and alarming appropriations, and this might all be so, but he doubted it. He wanted gentlemen to put their fingers on a single item of this bill, and show him that it could be dispensed with. He, for his part, could not see any that ought to be dispensed with. He knew that there were many items in this bill which were in the bill of last year that was lost, and no man objected to them. Now gentlemen talked of the enormous appropriations in the aggregate, without showing any particular items that could be objected to.

Mr. CUTHBERT said that it was well known in the first place that this bill had not suddenly sprung up, and that it did not come before them without sufficient estimates. It came to them with the approbation of the other House, with whom appropriations usually originate. It was, therefore, not a little extraordinary that the Senators from South Carolina and Kentucky should indulge in a strain of invective and declamation, not to show that the appropriations were not suited to the exigencies of the country, but against the strength and capacity of the country to carry on the usual and ordinary operations in providing for its defense. Never before was it doubted that a nation had the strength and capacity to use the ample means at its own disposal. A most wonderful and profound calculation, that the power of a nation to provide for the security and happiness of its members was diminished in proportion to the abundant resources! He had no objections to a full examination of the appropriations contained in this bill; but let it (he said) be made on just and correct principles, and not in accordance with the denunciations of the Senators from Kentucky and South Carolina. It was not the mere sound of pompous language and loud declamation that should weigh against the appropriations in this bill. Let gentlemen, as the Senator from Delaware had well remarked, point out the items that were extravagant or unnecessary; let gentlemen correct the estimates, and show that they were too high, instead of indulging in general denunciations. Convince him that any particular item was extravagant or unnecessary, and he would vote either to reduce or strike it out.

The debate was further continued by Messrs. WEBSTER, CALHOUN, PRESTON, and DAVIS; after which the question was taken on the recommitment without instructions, and carried—yeas 24, nays 18; as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Alabama, King of Georgia, Leigh, Mangum, Moore, Porter, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—24

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hubbard, Linn, Morris, Nicholas, Page, Rives, Robinson, Tallmadge, Tipton, Walker, and Wright—18.

After the consideration of executive business, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 29, 1836.

On motion of Mr. JOHNSON, of Virginia, the Committee of the Whole was discharged from the further consideration of the bill to change the time for holding the district courts of the United States for the western district of Virginia, at Clarksburg, and the same having been brought into the House, was ordered to be engrossed for a third reading to-day.

REORGANIZATION OF THE POST OFFICE DEPARTMENT.

On motion of Mr. CONNOR, the House went into the Committee of the Whole on the state of the Union, (Mr. CASEY in the chair,) on the bill for the reorganization of the Post Office Department, and the more effectually to provide for the settlement of the accounts thereof.

The question pending was the amendment of the Senate striking out the forty-third and forty-fourth sections, which prevent the postmasters

from receiving any emolument from pigeon-holes or boxes.

Mr. PHILLIPS had moved to amend the amendment of the Senate by adding a section providing that when the emolument of postmasters shall exceed $2,000 from said boxes, they shall account to the Post Office Department for the same, and pay over the excess to said Department; and that the postmasters should make returns of the amount received by them for the rent of said boxes.

Mr. INGERSOLL called for the reading of a memorial on the subject from a number of merchants in Philadelphia, setting forth the advantages of the present system, and praying that it might be continued.

Mr. BRIGGS appealed to his colleague to withdraw his amendment, especially after the lengthy discussion which had grown out of the subject when the bill was first under consideration in the Committee of the Whole and in the House, as well as from the difficulties of the subject itself. He hoped this point would be suffered to stand over to a future session, when Congress might act upon it with more information than they were now possessed of, and not delay or hazard the passage of so important a bill as this on so unimportant a matter.

Mr. PHILLIPS could not see any objection to the adoption of his amendment, and it was absolutely necessary that the abuse that had grown up under the box system should be removed. He had no wish to cut down the system, but rather to render it permanent upon a proper system. It was well known that by its operation an amount of perquisites had accrued to the postmasters of some of the large cities greater than the salaries of any other officer of the Government under the Chief Magistrate, being, in some cases, from six to nine and ten thousand dollars per annum. His object was to limit the salary within the sum of $4,000, which he thought quite sufficient. It was equal to the compensation paid to the collector of New York, to whose duties those of the postmaster of that city bore no proportion.

Mr. GIDEON LEE agreed that $4,000 was a fair compensation, but it would be better to leave the whole regulation of the subject of these boxes till next session. He believed some reform was necessary, but it was better not to hazard the bill, for he really believed it would be lost if the amendment of the gentleman from Massachusetts should be adopted. He himself had amendments he should like to see introduced into the bill, but he refrained from pressing them, for the reason he should vote against the pending proposition.

Mr. MASON, of Virginia, remarked that it would not affect more than two or three postmasters in the whole country; and as measures would be taken to collect information on the subject, he also thought it had better be left to the next session.

Mr. JOHNSON, of Louisiana, hoped the amendment would not be adopted; but if it was, he should move a further amendment to it.

Mr. PHILLIPS said, although he was convinced of the propriety of his amendment, yet, rather than jeopard the passage of the bill, and to meet the wishes of other gentlemen, he withdrew it.

Mr. WILLIAMS, of North Carolina, thought the proposition too reasonable to be passed over, and he therefore renewed it.

After some further remarks from Messrs. BRIGGS, REED, MASON of Virginia, CONNOR, WILLIAMS of North Carolina, GRENNELL, UNDERWOOD, ANTHONY, and LOVE,

Mr. WILLIAMS modified his amendment by inserting the word "net" in that part of it requiring the postmasters to make returns of their emoluments.

The amendment was disagreed to; and the amendment of the Senate was concured in—ayes 108, noes not counted.

The second amendment of the Senate, appropriating $3,150,000 for the service of the Post Office Department for the year 1836, commencing on the 1st of July, was also concurred in.

The other amendments of the Senate were also concurred in.

Mr. UNDERWOOD submitted an amendment authorizing the Postmaster General to allow an increase of salary of $1,000 to the Postmasters of the large cities, in lieu of the perquisites derived from the boxes.

Mr. WHITTLESEY, of Ohio, suggested that the amendment had better be withdrawn, and leave the whole subject open to investigation at an early day next session; which was lost.

POST ROUTE BILL.

The committee then took up the bill to establish certain post roads, and to alter and discontinue others, and for other porposes, returned from the Senate with various amendments.

On motion of Mr. CONNOR, they were all severally concurred in.

The committee then rose and reported the amendments to the House.

The Speaker having resumed the chair,

The first bill was taken up, all the amendments of the Senate having been concurred in, except that providing for the regulation of the number and salaries of clerks in the Department.

Mr. LANE rose, and moved the previous question; which was seconded—ayes 85, noes 39; and the main question was ordered to be put.

Mr. UNDERWOOD called for a division of the question, so as to take the question separately on the amendments regulating the salaries.

Mr. HEISTER moved to accept the amendment, striking out the forty-third and forty-fourth sections of the bill.

Mr. EVERETT moved to except the amendment relating to the contracts.

Mr. ADAMS moved to except the amendment appropriating $3,500,000 to the service of the Post Office Department.

The other amendments were then concurred in without a division.

Mr. EVERETT called for the yeas and nays on the amendment reserved by him, but the House refused to order them; and the amendment was concurred in by—ayes 94, noes not counted.

Mr. HEISTER asked for the yeas and nays on the amendment regulating the salaries; which were ordered.

Mr. WISE begged to inquire of the Chair if the effect of the amendment was to increase or decrease the salaries of the clerks?

The CHAIR was informed by the Clerk that it was to *increase* their salaries.

The question was then taken on the amendment; when it was concurred in by a vote of—yeas 107, nays 75.

The question being on the Senate's amendment to strike out the forty-third and forty-fourth sections, relating to the "boxes" in the post offices,

Mr. UNDERWOOD asked for the yeas and nays, but they were refused; and the amendment was concurred in—ayes 89, noes 41.

The question being on the amendment reserved by Mr. ADAMS, it was concurred in without a division.

The post route bill was then taken up, and the amendments all concurred in without a division.

TIME OF MEETING OF CONGRESS.

Mr. BRIGGS moved a suspension of the rules for the purpose of offering a resolution instructing the Committee on Enrolled Bills to report a bill fixing the time of the annual meeting of Congress on the first Monday in November; which was agreed to—yeas 120, noes 29.

Mr. VINTON moved an amendment, instructing the same committee to report a joint resolution fixing also the day of adjournment.

Mr. WARDWELL moved the previous question, which was seconded; and the main question being ordered and carried, the resolution was agreed to.

Mr. BRIGGS, on leave, from the Committee on Enrolled Bills, then reported a bill to alter the time of the annual meeting of Congress, (to the first Monday in November,) which was read twice; and the question being on its engrossment,

Mr. PIERCE, of New Hampshire, called for the yeas and nays; but they were not ordered.

Mr. HANNEGAN moved an additional section to reduce the pay of members of Congress to six dollars per day during their attendance in Congress.

Mr. MAY demanded the previous question.

Mr. MANN, of New York, moved to lay the bill and amendment on the table; which was lost.

The previous question was then seconded, and the main question being ordered,

Mr. HANNEGAN called for the yeas and nays thereon; which were ordered; and were—yeas 99, nays 93.

So the bill was ordered to be engrossed for a third reading to-day.

Mr. ADAMS moved to recommit the bill to the Committee on Enrolled Bills, with instructions so to amend it as to limit its operation to the next session only.

Mr. MILLER said, if the gentleman would modify his instructions, by limiting its operation to future sessions after the next, he would vote for them. He said, he thought, after remaining in session till July, it was extraordinary that they should pass a bill to come back in November. He therefore moved to postpone its further consideration till to-morrow.

Mr. PEARCE, of Rhode Island, demanded the previous question.

Mr. SPEIGHT moved a reconsideration of the vote by which the bill had been ordered to be engrossed. He said he had voted in the majority expressly that he might make this motion, in the hope that, upon mature reflection, a majority would reject the bill.

The CHAIR ruled the motion to be out of order after the previous question had been demanded.

The previous question was then seconded by a vote of 98 to 53.

Mr. SPEIGHT called for the yeas and nays on ordering the main question to be put, but they were refused; and the main question was ordered without a count.

Mr. S. then asked for the yeas and nays on the final passage of the bill; which were ordered; and were—yeas 101, nays 95.

So the bill was passed.

GEOLOGICAL REPORTS.

Mr. HARD moved a suspension of the rules, for the purpose of offering a resolution, "That the Secretary of War be requested to communicate to this House a copy of the report of the United States' geologist of his reconnoissance in the year 1835;" which was lost.

The House then passed to the special orders.

THE CUMBERLAND ROAD.

The House took up the bill from the Senate to continue the Cumberland road in the States of Ohio, Indiana, and Illinois.

Mr. MANN, of New York, had moved the previous question.

Mr. EVERETT moved to lay the bill on the table.

The second was the pending question, the House having adjourned last night before it was taken; and it was now taken and decided in the negative, without a division.

The question then recurred upon seconding the demand for the previous question; and it prevailed—ayes 70, noes 50.

Mr. WEBSTER said he voted against the motion of the gentleman from Vermont [Mr. EVERETT] to lay the bill on the table, with the belief that the previous question would not be sustained, and that the bill would be yet modified to meet his views; but, as the previous question had been now ordered, so as to cut off all of the proposed amendments, that further time might be had to deliberate, and for the friends of the bill to compromise their different views, he renewed the motion.

Mr. LANE called for the yeas and nays; which were ordered; and were—yeas 67, nays 103.

So the House refused to lay the bill on the table.

The main question was then ordered to be put; and, being put and carried, was then ordered to a third reading.

The House then, according to order, took a recess till four o'clock.

EVENING SESSION

On motion of Mr. JOHNSON, of Virginia, the bill to change the time of holding the district

courts of the United States for the western district of Virginia, holden at Clarksburg, was read the third time and passed.

SENATE BILLS REFERRED.

The following bills and resolution from the Senate were taken up, read twice, and referred to the appropriate standing committees:

An act to provide for the construction of a building for the accommodation of the Patent Office;

An act for the relief of John Cummins;

An act for the relief of Andrew Armstrong;

An act for the relief of William Sharp;

An act for the relief of George F. Strother; and

Resolution to prepare for providing statuary for the front steps of the Capitol.

JOHN RANDOLPH CLAY

The bill from the House for the relief of John Randolph Clay, returned from the Senate amended, was referred to the Committee of the Whole.

CHARLES J. CATLETT.

Mr. GRENNELL, from the Committee on Claims, reported, without amendment, Senate bill for the relief of Charles J. Catlett; which was committed.

LEAVE OF ABSENCE.

On motion of Mr. CLAIBORNE, of Mississippi, leave of absence was granted to Mr. DICKSON, of Mississippi, for the residue of the session.

THE CUMBERLAND ROAD.

The House then proceeded to the consideration of the bill to continue the Cumberland road in the States of Ohio, Indiana, and Illinois. The question being on its passage,

Mr. McCARTY entered at some length into a review of the provisions of the bill, and urged his objections against it in its present shape. He then moved to recommit it, with the following instructions:

Strike out from the provisional clause in the first section to the end of the section; and strike out the second section, and insert the following:

SEC. 2. *And be it further enacted*, That the money hereby appropriated for the continuation of said road in Indiana and Ohio shall be applied to the graduation and bridging; the same to be let out in contracts and sections, upon public notice, to the lowest bidders, by such superintendent or superintendents, engineer or engineers, as may have charge of said road, under the direction of the Secretary of War: *Provided*, the said Secretary of War may direct so much of the appropriation for the continuation of the road in Ohio as may be necessary for the completion thereof east of Springfield to be applied to that purpose: *And provided*, That not more than twenty thousand dollars of the amount thus appropriated for the continuation of the road in Indiana shall be applied in the collection of materials for the bridge over the Wabash.

After a few words from Messrs. MANN, of New York, WEBSTER, and BOON,

Mr. VANDERPOEL moved the previous question; but the House refused to second it—ayes 53, noes 69.

After some remarks from Mr. WEBSTER,

Mr. HANNEGAN moved an additional instruction to strike from the bill everything in relation to a bridge across the Wabash river.

Mr. LANE said it was not his object to detain the House by a speech, and more especially not to make a speech against the bill, or to submit a motion which, if adopted, would of necessity result in its defeat; on the contrary, to insure its passage by asking the previous question; which was seconded by the House—ayes 75, noes 46.

Mr. McCARTY called for the yeas and nays on ordering the main question; which were ordered; and were—yeas 101, nays 74; as follows:

YEAS—Messrs. Ash, Ashley, Barton, Beale, Bean, Boon, Brown, Buchanan, Burns, Cambreleng, Carr, Casey, Chaney, Chapin, Clark, Connor, Corwin, Craig, Cramer, Cushman, Darlington, Davis, Deberry, Dickerson, Doubleday, Fairfield, Farlin, William K. Fuller, Galbraith, James Garland, Gillet, Joseph Hall, Hamer, Samuel S. Harrison, Albert G. Harrison, Haynes, Henderson, Hubley, Huntington, Huntsman, Ingersoll, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lay, Gideon Lee, Thomas Lee, Leonard, Logan, Lucas, Abijah Mann, Job Mann, William Mason, Moses Mason, Sampson Mason, May, McComas, McKennan, McKeon, McKim, McLene, Miller, Morgan, Owens, Page, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Russell, Schenck, Seymour, Shinn, Smith, Speight, Sutherland, Taylor, John Thomson, Toucey, Towns, Turner, Vanderpoel, Washington, Elisha Whittlesey, and Thomas T. Whittlesey—101.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Beaumont, Bockee, Bond, Briggs, Bunch, John Calhoun, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, John F. H. Claiborne, Coles, Crane, Everett, Forester, French, Fry, Granger, Grayson, Grennell, Griffin, Hannegan, Harlan, Harper, Hawes, Hawkins, Heister, Hoar, Hopkins, Howard, Howell, Hunt, William Jackson, Janes, Jenifer, Lawler, Lawrence, Lewis, Lincoln, Love, Loyall, Martin, McCarty, Mercer, Milligan, Montgomery, Morris, Parker, Patton, James A. Pearce, Phillips, Henry L. Pinckney, Potts, Rencher, Robertson, Rogers, Augustine H. Shepperd, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, Underwood, Vinton, Webster, Lewis Williams, Sherrod Williams, and Wise—74.

So the House determined that the main question be now put.

Mr. McCARTY called for the yeas and nays on the passage of the bill; which were ordered, and were—yeas 105, nays 82; as follows:

YEAS—Messrs. Adams, Ash, Ashley, Barton, Bockee, Boon, Borden, Briggs, Brown, Buchanan, Cambreleng, Carr, Casey, Chaney, Chapin, Clark, Corwin, Cramer, Darlington, Davis, Denny, Dickerson, Doubleday, Effner, Fowler, Fry, William K. Fuller, Galbraith, Gillet, Granger, Grennell, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Huzeltine, Henderson, Heister, Hoar, Howell, Hubley, Hunt, Huntington, Ingersoll, Janes, Richard M. Johnson, Henry Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawrence, Lay, Gideon Lee, Thomas Lee, Leonard, Lincoln, Logan, Love, Lucas, Job Mann, William Mason, Sampson Mason, May, McCarty, McKennan, McKim, McLene, Miller, Milligan, Morgan, Muhlenberg, Page, Patterson, Dutee J. Pearce, Phelps, Phillips, Potts, John Reynolds, Joseph Reynolds, Ripley, Schenck, Seymour, Shinn, Sickles, Sloane, Spangler, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Vanderpoel, Ward, Wardwell, Washington, Webster, Elisha Whittlesey, and Thomas T. Whittlesey—105.

NAYS—Messrs. Chilton Allan, Beale, Bean, Beaumont, Bond, Bouldin, Bunch, John Calhoun, William B. Calhoun, Campbell, Carter, George Chambers, John Chambers, Chapman, Nathaniel H. Claiborne, John F. H. Claiborne, Coles, Connor, Craig, Cushman, Deberry, Dromgoole, Dunlap, Everett, Fairfield, Forester, French, James Garland, Grantland, Graves, Grayson, Griffin, Joseph Hall, Hardin, Harlan, Hawes, Hawkins, Haynes, Hopkins, Huntsman, William Jackson, Jarvis, Jenifer, Cave Johnson, John W. Jones, Lawler, Lewis, Loyall, Lyon, Abijah Mann, Martin, Moses Mason, McComas, McKay, Montgomery, Morris, Owens, Parker, Parks, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Peyton, Pinckney, Rencher, Roane, Robertson, Rogers, Augustine H. Shepperd, Shields, Smith, Speight, Standefer, Taliaferro, Towns, Underwood, Wagener, White, Lewis Williams, Sherrod Williams, and Wise—82.

So the bill was passed.

INTERNAL IMPROVEMENTS.

The House next took up the bill making appropriations for certain military and other roads, and for examination and surveys, for the year 1836.

The amendments of the Committee of the Whole, which have been heretofore noticed, were all concurred in.

Mr. SMITH moved to strike out the item of $30,000 for surveys, and called for the yeas and nays on his motion; which were ordered.

Mr. CAMBRELENG did not rise to debate the question, but to appeal to gentlemen to take the question without debate, as they had now but a very short time to act on some very important appropriation bills; which were yet before the House.

After a few words by Mr. DENNY, the question was taken, and decided in the affirmative—yeas 87, nays 84.

So the motion to strike out was agreed to.

Mr. PEYTON moved an additional section to the bill to establish a port of entry at the mouth of Laurel, to be called Laurel.

Mr. WILLIAMS, of Kentucky, offered an amendment to the section to appropriate $50,000 for the improvement of the Cumberland river, between the mouth of the Laurel and Nashville, Tennessee.

Mr. PEYTON accepted the amendment, and read the report of one of the engineers to show the necessity of making this place a port of entry, and of making the appropriation proposed by the amendment.

Mr. P. called for the yeas and nays on his amendment; which were ordered.

Mr. VINTON said that, with a view of testing whether it was the sense of the House that these improvements should go on, he would move to lay the bill on the table, and on that motion called for the yeas and nays; which were ordered; and were—yeas 85, nays 77.

So the bill was laid on the table.

Mr. LOVE moved to reconsider the vote by which $30,000 for surveys was stricken from the bill making appropriation for sundry roads in the Territories of Michigan, Arkansas, Florida, &c.; which motion was entered, and lies over.

The House then took up the bill for continuing the Cumberland road east of the Ohio river.

After some remarks from Mr. HARDIN, he moved to lay the bill on the table; which motion was agreed to without a division.

NATIONAL ROAD.

The House then took up the bill to continue the national road from Vandalia to the Mississippi river, in the State of Illinois.

The amendment of the Committee of the Whole was concurred in.

Mr. REYNOLDS, of Illinois, called for the yeas and nays on the engrossment of the bill; which were ordered; and were—yeas 92, nays 80.

So the bill was ordered to be engrossed for a third reading to-morrow.

The House then took up the remaining bill, to continue the national road from the Mississippi river to Jefferson City, in the State of Missouri.

The amendment of the Committee of the Whole, to strike out that part of the bill providing for the grading of the road in such a manner as will permit the laying of rails thereon, was concurred in, and the bill was ordered to be engrossed for a third reading to-morrow.

CHEROKEE TREATY.

On motion of Mr. CAMBRELENG, the House then resolved itself into the Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair,) and resumed the consideration of the bill making further appropriations for carrying into effect certain Indian treaties.

The question pending was the motion of Mr. ADAMS to strike out the first section of the bill, as follows:

For the amount stipulated to be paid for the lands ceded in the first article of the treaty with the Cherokees of the 29th of December, 1835, deducting the cost of the land to be provided for them west of the Mississippi, under the second article of said treaty, $4,500,000.

Mr. ADAMS called for the reading of certain documents, and addressed the committee at length in support of his motion. Mr. A. reviewed the whole subject of our Indian policy, contending that the treaty with the Cherokees was not binding upon the House. Among the documents, which occupied upwards of three hours in the reading, was a letter of Major Davis, of Kentucky; which having been read,

Mr. ADAMS called on the delegation from Kentucky to give their evidence as to the character of Mr. Davis.

Messrs. ALLAN, UNDERWOOD, HARDIN, and HAWES, all bore testimony to the high character of the gentleman alluded to.

Messrs. BOON and VANDERPOEL bore testimony to the character of Mr. Schermerhorn.

Mr. McKAY having called for the reading of certain letters contained in the correspondence communicated to the House,

Mr. WISE said, if gentlemen went on in this way, calling for certain extracts to be read, he should feel it his duty to call for the reading of the whole document.

Mr. GRANTLAND hoped the gentleman from Virginia would not call for the reading of a document so lengthy, at this period of the session, for the purpose of defeating the bill.

Mr. CALHOON, of Kentucky, said that Schermerhorn had stated in his letter that Major Davis had been removed from the situation he held in the Cherokee nation. Now he was prepared to show that Mr. Davis never was removed, but that he had remained in office until he finished the business assigned to him. Schermerhorn had also stated that Davis was removed in consequence of representations of Major Bateman. So far from that, Major Bateman had written a complimentary letter to Mr. Davis about the time his office expired. All this he was prepared to show to the satisfaction of the committee.

Mr. HAYNES said he had understood that Mr. Davis was now exceedingly dissatisfied at this letter being made public.

Mr. WISE inquired if he had retracted any thing he had said in that letter?

Mr. HAYNES said he had not.

Mr. WISE said that, however anxious Georgia gentlemen might be for the passage of the bill, he would not be hurried one step beyond the case's case of justice.

Mr. GRANTLAND replied that Georgia was not more anxious than some other States to have this bill passed. She would have her lands whether the bill passed or not.

After a few remarks by Messrs. WISE, LAWLER, EVERETT, and HAYNES, the Clerk proceeded to read a variety of other letters contained in the document above alluded to.

After some remarks by Mr. BOULDIN,

Mr. GRANTLAND replied to the remarks of Mr. WISE, delivered on a former day on this bill, and vindicated the State of Georgia from the charge of having treated the Indians with bad faith. He justified the conduct of Georgia, and examined it with reference to former treaties. He also contrasted the conduct of the northern States towards the Indians with that of the State of Georgia, admitting, at the same time, that he disapproved of some of the acts of her Legislature.

Mr. CHAPMAN followed in reply to Mr. ADAMS, and in defense of the validity of the treaty, which was made in good faith, and had been approved of by a majority of the Cherokee nation. He went on to show that such was the fact, that the treaty had undergone all the forms necessary, and that it had become a law binding upon both parties. The only objection was a technical one, arising out of some mere informality in the preliminaries; and in proof of this he cited the letters from John Ross and others to the Secretary of War; which chief (Mr. C. maintained) had himself acted with bad faith. This was the first instance of a treaty with these Indians where the inquiry had ever been made whether it was approved of by a majority of the nation or not, though there was no evidence to show that a majority of them, or rather of their chiefs, were not consenting to it. The protest was not a paper of that character deserving the consideration of the House; for, though he would not pronounce it a forgery, it was impossible, from the circumstances, to be authentic. The treaty was made at New Echota in December last, and it was impossible, out of a population of sixteen thousand individuals, scattered over a country of hundreds of miles in extent, that fifteen thousand of them could have examined its provisions so as to be enabled to pass their opinion upon it in so short a time. He then went on to show that the stipulations of the treaty were highly advantageous to the Indians, and gave them far more than an *ad valorem* equivalent for their lands.

Mr. HOAR moved that the committee rise, (quarter to eleven o'clock, p. m.;) which was lost—ayes 20, noes 100.

Mr. CAMBRELENG suggested that the bill be brought into the House, and there discussed to-morrow.

Mr. BRIGGS preferred going into committee to-morrow morning, at nine o'clock, and proceeding with the bill, instead of having midnight sessions. Where was the necessity of passing the bill through committee to-night?

Mr. CAMBRELENG replied that, if not brought out of committee to-night, it would require two thirds afterwards to pass the bill. If (said Mr. C.) you have had midnight sessions, it is not our fault.

Mr. BRIGGS. Whose fault has it been?

Mr. CAMBRELENG. Those who have made long speeches.

Mr. WISE said he had made long speeches on that bill, and intentionally; and he now said it, and gentlemen ought to know it; for he was always candid, and had no sinister motive, no secret motive, or secret design about this matter. He warned gentlemen that he did intend to oppose this bill, not in an unfair way, unless he was forced to do it, at the risk of his health, and he would die in the attempt to defeat it.

Mr. HOAR then proceeded to argue upon the invalidity of the Cherokee treaty—that it was not a fair compact, and was deficient of the requisites which should make it binding. He contended that no evidence had been adduced to show that the treaty was a treaty—a compact between parties competent to enter into it. On these points the honorable member dwelt at some length. Mr. H. concluded; and

Mr. LOVE then took the floor, and was proceeding to contend that the treaty was no treaty, when he gave way to

Mr. WILLIAMS, of North Carolina, who moved that the committee rise.

Mr. GRANTLAND said the friends of the bill had no disposition to harass the House; and he hoped they would consent to take up the bill to-morrow morning, at ten o'clock. In that he wished the friends of the bill to acquiesce; and if there was any opposition to it he hoped it would be made manifest.

Mr. GILLET said he rose to make a suggestion or two to the committee, and particularly to the friends of this bill. We have now but four days remaining of the present session. It is the general impression that Monday, the last day of the session, which is one of the four, will not be occupied, to any considerable extent, in the transaction of business. Many supposed we were to meet in the morning, read and correct the Journal, and then adjourn. This would leave us but three days for transaction of business. By our rules, we cannot send an original bill from this House to the Senate on either of the last three days of the session. It results from this, that we have but one day after this to send our bills to the Senate. This bill is made the special order for to-morrow, at twelve o'clock; and we should have only from that time until the adjournment of the Senate to-morrow, which, if it adjourns at the usual hour, will be five or six o'clock, in which to dispose of this bill. He would ask if it was expected this bill, with all the opposition that it had to encounter, could be got out of the committee, be engrossed, read a third time, and passed in that brief period? We may be told that if it is not passed during to-morrow, the joint rules may be suspended, and allow it to go to the Senate. This can be done; but it requires two thirds of the votes of those present to suspend the rules; and he would ask the friends of the bill if they were willing to weaken their hold, and place the measure at the mercy of one third! He, for one, as a friend of the bill, could not consent to it. Let us act now.

But we are told that we may commence two hours earlier to-morrow morning, and have that much more time to devote to the bill. Mr. G. said he could not yield his assent to that. We have only from ten to twelve to-morrow morning, in which to pass and send to the other House several important bills. He said this, on the presumption that this bill would consume the residue of the day. Are we entirely to abandon all the other important bills? He would refer to a few only, to show what were remaining which ought to be attended to before we finally adjourn. There was the bill on the subject of gold coins, the bill to fix the compensation of custom-house officers, the bill concerning ports of entry and drawback of duties, and to reorganize the Treasury Department, which were reported by himself; and there were others for the erection of custom-houses and marine hospitals, reported from the committee of which he was a member. The substantial interest of the country required these bills to be acted upon at this session. There were other bills from the committees equally important, he presumed, which ought to be considered. There were necessary appropriation bills still behind. He would ask, are we to jeopard all these, by placing them in the power of one third in each House? He thought not. It seemed to him that our duty to the country required that we should finish this bill before we adjourn this evening. If any of the bills which he had in charge should fail to be acted upon, he should consider himself blameless. It was known to all that not one of the bills he had mentioned had been in order since they were reported.

A special order was made on the 26th of January last, and it had continued until within a few days past. At the moment of its expiration another was made under which we are now acting. So it will be seen that, from the 26th of January last to this time, no public bills have been in order in this House except those included in these special orders. From that day to this, one third of the House has controlled all other public business. Thus far he had found it impossible to get up any of the public bills he had reported. He felt it to be his duty to make this explanation concerning the state of our business, which he considered a sufficient justification for desiring to finish this bill before we adjourn for to-day.

After some further remarks from Messrs. WISE, ADAMS, and LEWIS, who suggested that they meet to-morrow at nine o'clock, allow a reasonable length of time, and, meeting the bill on its merits, conclude its consideration, he asked if that was the general understanding of the committee?

Mr. CHAMBERS, of Kentucky, would answer for himself, that he would obstinately resist this bill to his utmost power of physical strength, and would sit there for hours, till after daylight, to defeat it.

After a few words from Messrs. LEWIS, HUNTSMAN, and JOHNSON of Kentucky, the committee rose and reported.

The Speaker having resumed the chair,

Mr. LEWIS said, with a view of giving the members of the House, as well the enemies as the friends of the bill, a full opportunity of discussing it, he moved that it be taken up at eleven o'clock to-morrow; which was agreed to.

On motion of Mr. REED, the House then adjourned at a few minutes after midnight.

IN SENATE,

THURSDAY, *June* 30, 1836.

A message was received from the President of the United States, by Mr. DONELSON, transmitting a copy of a treaty lately concluded between the United States and the Republic of Venezuela.

The VICE PRESIDENT informed the Senate that he would to-day vacate his chair, and that he would not again be in the Senate for the remainder of the session.

REPORTS FROM COMMITTEES.

Mr. TOMLINSON, from the Committee on Pensions, reported the bill from the House supplemental to the act for the relief of the surviving officers and soldiers of the Revolution, and stated that it was the opinion of the committee that the bill ought to be indefinitely postponed.

Mr. TALLMADGE, from the Committee on Pensions, to which had been referred the bill to provide for the adjustment of the accounts of General Eleazer W. Ripley, reported the same, with amendments; which was agreed to; and the bill was ordered to a third reading.

The amendment places General Ripley on the pension roll from the year 1820.

Mr. TALLMADGE then submitted a resolution directing the Secretary of War to report to the next Congress on the claims of General Ripley, unconnected with his pension; which was agreed to.

BILL INTRODUCED.

Mr. ROBINSON, on leave, introduced a bill to confirm claims to public lands in certain cases; which was read twice and referred.

HOUSE BILLS POSTPONED.

The bill from the House to alter the times of the meetings of Congress; and

The resolution to amend the joint rules of the two Houses in relation to bills passing one House and not acted on in the other, were severally considered, and indefinitely postponed.

HOUSE BILLS REFERRED.

The bill from the House to change the time of holding the district courts of the United States for the district of Virginia, at Clarksburg; and

The bill from the House making appropriations for the improvement of certain harbors of the United States for the year 1836, were severally read twice and referred.

WESTERN ARMORY.

On motion of Mr. BENTON, the bill to establish a foundery or armory in the West, arsenals in the States in which none have yet been established, and depots for arms in certain States and Territories, was taken up; and after a debate, in

which the bill was supported by Messrs. BENTON, WALKER, WEBSTER, and LINN, and opposed by Messrs. CRITTENDEN, CALHOUN, and KING of Georgia, the bill was passed—yeas 24, nays 15; as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hubbard, Kent, King of Alabama, Linn, Morris, Nicholas, Page, Rives, Robinson, Ruggles, Tallmadge, Tipton, Walker, Wall, White, and Wright—24.

NAYS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, King of Georgia, Leigh, Mangum, Moore, Preston, Robbins, Southard, Swift, and Tomlinson—15.

DISTRICT BANKS.

The amendment of the House to the bill of the Senate to extend the charters of certain banks of the District of Columbia were considered; and,

On motion of Mr. KING, of Alabama, they were concurred in.

FORTIFICATION BILL.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the bill making appropriations for certain fortifications of the United States for the year 1836, reported that the committee had had this bill under consideration; but it having been referred to them without instructions, and believing that no reductions could be made consistently with the public service, and in the absence of all information to show the propriety of such a reduction, they had come to the determination to report back the bill in the same state in which it had been referred to them.

Mr. W. moved to strike out the appropriations for arsenals in Missouri, Arkansas, and at Memphis, Tennessee, the same being included in the arsenal bill just passed; which was agreed to.

Mr. SOUTHARD moved to strike out the appropriation of $150,000 for Fort Delaware, Delaware river, on the ground of the defective title of the United States to the island on which it is erected; and after some remarks in opposition to the motion, it was rejected—yeas 16, nays 22; as follows:

YEAS—Messrs. Brown, Clay, Crittenden, Ewing of Illinois, Hendricks, Leigh, Mangum, Moore, Porter, Preston, Robinson, Ruggles, Southard, Swift, Tipton, and Wall—16.

NAYS—Messrs. Bayard, Benton, Buchanan, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Grundy, Hubbard, King of Alabama, Knight, Linn, Nicholas, Page, Rives, Robbins, Tallmadge, Walker, Webster, White, and Wright—22.

Mr. CRITTENDEN then moved to recommit the bill, with instructions to reduce the appropriations to such sum as can, in the opinion of the committee, be advantageously expended between this and the 4th of March next; and after a debate, in which Messrs. CRITTENDEN, CLAY, WRIGHT, CALHOUN, PRESTON, CUTHBERT, and MANGUM took part, the motion was rejected—yeas 18, nays 21; as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, Leigh, Mangum, Moore, Porter, Preston, Southard, Tomlinson, Webster, and White—18.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hubbard, King of Alabama, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Tallmadge, Tipton, Walker, and Wright—21.

The bill was then ordered to be engrossed—yeas 28, nays 9; as follows:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hubbard, Kent, King of Alabama, Linn, Morris, Nicholas, Niles, Page, Porter, Rives, Robbins, Ruggles, Tallmadge, Tipton, Tomlinson, Walker, Webster, White, and Wright—28.

NAYS—Messrs. Calhoun, Clay, Crittenden, Ewing of Ohio, Leigh, Mangum, Moore, Preston, and Southard—9.

BILLS ORDERED TO A THIRD READING.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading:

The bill for the relief of Joseph W. Green, and the owners and crew of the fishing schooner Two Brothers, of Marblehead, in the State of Massachusetts;

The bill authorizing the necessary surveys and examinations for the establishment of a naval rendezvous and depot near the southern extremity of Florida;

The bill for the relief of Nancy Haggard;

The bill to create the office of surveyor of public lands in the Territory of Wisconsin;

The bill to authorize the Winnisimmit Company to lay out a road through the lands of the United States.

DEATH OF MR. MADISON.

The following message was received from the President of the United States, by Mr. DONELSON, his Private Secretary:

WASHINGTON, *June* 30, 1836.

To the Senate and House of Representatives:

It becomes my painful duty to announce to you the melancholy intelligence of the death of JAMES MADISON, ex-President of the United States. He departed this life at half past six o'clock, on the morning of the 28th instant, full of years and full of honors.

I hasten this communication in order that Congress may adopt such measures as may be proper to testify their sense of the respect which is due to the memory of one whose life has contributed so essentially to the happiness and glory of his country, and to the good of mankind.

ANDREW JACKSON.

Mr. RIVES. Mr. President, I feel that it would be an act of sacrilegious temerity were I to attempt to add to the intrinsic pathos of the melancholy intelligence just announced to us by the President of the United States, by anything in the way of eulogy on the character of the great man whose decease he has communicated to us. The eulogy of Mr. Madison is written in every page of the history of his country—to whose service his whole life was devoted, and with every great event in whose annals his name stands conspicuously and enduringly identified. Filled, however, as his life was, from its dawn to its close, with labors of patriotism and superior wisdom, there is one great work of his which must ever recur prominently to the grateful memory of his country. He was, in an especial manner, the founder and author of that glorious Constitution which is the bond of our Union and the charter of our liberties; and it was graciously vouchsafed to him, in the order of Providence, to witness, for a longer period than any of his illustrious colleagues, the rich blessings which have resulted from its establishment. He was the last surviving signer of that sacred instrument. Amid the general grief which pervades the nation, may we not indulge one consolation at least, in the hope that his death, whilst adding the last seal to his own fame and glory, will, in some sort, canonize the work of his hands, and surround, with a new veneration, that precious relic of the wisdom of our departed patriots and sages?

But, sir, I will not speak of the public life of Mr. Madison. It is known to us all; it is appreciated by us all. It was my privilege to see and to know him in the scenes of that classic retirement in which he passed the evening of his days. It was there that the mild luster of his private virtues, which formed the crowning grace of his character, and is the indispensable complement of a true public glory, was seen and felt. But who can paint him there? Who can adequately describe that fascinating suavity of temper and manners; that spirit and grace of conversation so happily blended with the oracles of philosophy and experience; that amiable and cultivated benevolence, ever watchful of the feelings and comfort of others, even in the minutest trifles, which together formed, around the hearth of Montpelier, a group of social virtues and attractions which, however incompetent the powers of language to portray, none who have felt their influence can ever forget. In speaking of these things, Mr. President, I am but too forcibly reminded of my own personal loss in the general and national calamity which we all bewail. I was the neighbor of Mr. Madison, sir, and enjoyed his kindness and friendship; and if, in speaking of a great national bereavement, my mind recurs too fondly to the chasm his death has left in the immediate circle of his friends, something, I trust, will be pardoned to the feelings of the heart.

It is my melancholy satisfaction to have received, in all probability, the last letter ever signed by his hand. It bears date only six days before his death, and furnishes, in its contents, a striking illustration of that amiable benevolence, and sensibility to the kindness of others, which formed so prominent a trait in his character. In that letter, which is now before me, he spoke of his enfeebled health, and his trembling and unsteady signature, so much in contrast with the usual firmness and regularity of his writing, bore a graphic and melancholy intimation of his approaching end. Still I trusted that his light might hold out to the 4th of July, that he might be restored on that glorious anniversary to an immortal companionship with those great men and patriots with whom he had been intimately connected in life, and whose coincident deaths, on the birthday of the nation's freedom, had imparted to that day, if possible, an additional and mysterious illustration. But it has been ordered otherwise. His career has been closed at an epoch, which, forty-nine years ago, witnessed his most efficient labors in the illustrious assembly which laid the foundations of our present system of Government, and will thus, by the remembrance of his death, as well as by the services of his life, more closely associate him with that great work, which is at once the source and the guarantee of his country's happiness and glory.

What honors, Mr. President, are there, by which we can do justice to a character which history will hold up to future ages as a model of public and private virtue, not surpassed by the brightest examples in ancient or modern times? Sir, there are none. Still it is proper that, as representatives of the American people, we should show, by some suitable manifestations, how sincerely and deeply we participate in the universal feeling of grief on this mournful occasion; and I move you, therefore, the following resolution:

Resolved, That a committee be appointed on the part of the Senate, to join such committee as may be appointed on the part of the House, to consider and report by what token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the nation to the event of the decease of Mr. Madison, just announced by the President of the United States.

The resolution was unanimously adopted; and

On motion of Mr. RIVES, the committee was appointed by the Chair, consisting of the following gentlemen: Messrs. RIVES, CLAY, CALHOUN, GRUNDY, BUCHANAN, LEIGH, and TALLMADGE.

The Senate then, at four o'clock, took a recess until seven.

EVENING SESSION.

The following bills having been reported correctly engrossed, were read the third time and passed:

The bill making appropriations for certain fortifications of the United States for the year 1836;

The bill authorizing the necessary examinations and surveys for the establishment of a naval rendezvous and depot near the southern extremity of Florida;

The bill supplemental to the act to regulate the public deposits, by yeas and nays, as follows:

YEAS—Messrs. Bayard, Buchanan, Clayton, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Porter, Preston, Robbins, Robinson, Southard, Swift, Tomlinson, Wall, and Wright—24.

NAYS—Messrs. Benton, Brown, Mangum, Moore, Walker, and White—6.

The bill for the relief of Joseph W. Green and the owners and crew of the fishing schooner Two Brothers, of Marblehead, Massachusetts;

The bill for the relief of Nancy Haggard, and for other purposes;

The bill to extend the patent of Joseph Grant—yeas 19, nays 16;

The bill to authorize the Winnisimmit Company to lay out a road through the lands of the United States.

SURVEYOR OF LANDS IN WISCONSIN.

The bill to create the office of surveyor of public lands, in the Territory of Wisconsin, was taken up for consideration.

Mr. TIPTON moved to lay this bill on the table, considering the office unnecessary.

Mr. EWING, of Ohio, opposed the motion; and, on taking the question, it was rejected.

Mr. TIPTON then moved to amend the bill by striking out the whole, and inserting a substitute, providing that the office of surveyor general of the public lands for Ohio, Indiana, Illinois, and Wisconsin, shall be held at ——, Indiana.

Mr. T. accompanied this motion with some remarks in its favor.

Mr. EWING said that there were, no doubt, many advantages in the proposition of the gen-

tleman from Indiana, but he thought it too late in the session now to obtain information from the General Land Office, which was necessary before making so important a change.

Mr. TIPTON's motion was rejected, and the bill was ordered to be engrossed for a third reading. It was, in a subsequent part of the evening, read the third time and passed.

BILLS DISPOSED OF.

The bill for the relief of Joseph Nerbert was taken up for consideration, and rejected; and

The bill for the relief of William Walker, Abraham Woodall, and the heirs of Samuel Brown, was indefinitely postponed.

The following bills were severally read the second time, and considered as in Committee of the Whole, and ordered to a third reading, and after being engrossed, read the third time and passed;

The bill authorizing the Commissioner of the General Land Office to issue a patent to David Talbot, for a quarter section of land in Missouri;

The bill for the relief of John Cowper;

The bill for the relief of Scioto Evans;

The bill for the relief of James Herron;

The bill for the relief of John H. Holland;

The bill for the relief of Joshua Pitcher;

The bill providing for a pension to Mary J. Babbitt;

The bill for the relief of John S. Devlin;

The bill for the relief of Dr. J. E. B. Findly and A. E. Deas;

The bill for the relief of William H. Robertson and Samuel H. Garron;

The bill to amend the act for quieting possessions, enrolling conveyances, and securing the estates of purchasers within the District of Columbia, passed the 1st day of May, 1832;

The bill to authorize the Shenandoah Bridge Company at Harper's Ferry to erect a bridge on the lands of the United States at or near the town of Harper's Ferry;

The bill for the relief of the heirs of William Forbes, deceased;

The bill for the relief of James Tucker and John Judge;

The bill to explain an act entitled "An act to alter and amend the several acts imposing duties on imports;"

The bill for the relief of Patrick Green; and

The bill for the relief of William East.

The bill from the House making appropriations for carrying into effect certain Indian treaties was read twice, and referred to the Committee on Indian Affairs.

The bill from the House making an appropriation for the continuation of the national road from Vandalia to the Mississippi river; and

The bill from the House to continue the national road from the Mississippi river to Jefferson city, in Missouri, were also read twice and referred.

On motion of Mr. ROBINSON, the bill to confirm claims to public lands in certain cases was taken up, and, after being carried through the usual stages, was passed.

On motion of Mr. LEIGH, the bill to change the times of holding the district courts of the United States for the western district of Virginia, holden at Clarksburg, was taken up and ordered to a third reading, and afterwards read the third time and passed.

On motion of Mr. BUCHANAN, the bill for the relief of James Bradford, of Louisiana, was taken up, and ordered to a third reading.

The bill for the relief of Nathaniel Platt;

The bill for the relief of the children and heirs of William Fisher, deceased; and

The bill to reward the captors of the privateer Lydia, were also considered, and ordered to a third reading.

HONORS TO THE LATE JAMES MADISON.

Mr. RIVES, from the select committee appointed to meet such committee as might be appointed by the other House to consider and report by what token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the nation in the event of the decease of Mr. Madison, reported the following resolutions; which were unanimously adopted:

The President of the United States having communicated to the two Houses of Congress the melancholy intelligence of the death of their illustrious fellow citizen, James Madison, of Virginia, late President of the United States, and the two Houses sharing in the general grief which this distressing event must produce—

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the chairs of the President of the Senate and of the Speaker of the House of Representatives be shrouded in black during the residue of the session, and that the President of the Senate, the Speaker of the House of Representatives, and the members and officers of both Houses, wear the usual badge of mourning for thirty days.

Resolved, That it be recommended to the people of the United States to wear crape on the left arm, as mourning, for thirty days.

Resolved, That the President of the United States be requested to transmit a copy of these resolutions to Mrs. Madison, and to assure her of the profound respect of the two Houses of Congress for her person and character, and of their sincere condolence on the late afflicting dispensation of Providence.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had passed bills making appropriations for the suppression of Indian hostilities, and for the support of the Military Academy for the year 1836; in which they asked the concurrence of the Senate.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 30, 1836.

Mr. McCARTY moved a suspension of the rules, for the purpose of offering the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the construction of the Cumberland road in the State of Indiana, the Secretary of War shall cause the appropriation of $250,000, passed at the present session of Congress for the continuation of the Cumberland road in the State of Indiana, to be applied to the bridging and graduation of said road through the said State, until the said graduation and bridging is finished, except so much as may be necessary for the collection of materials for a bridge on the Wabash, not exceeding twenty thousand dollars.

And be it further resolved, That it shall hereafter be the duty of the Secretary of War, in the further construction of said road, to cause the same to be let out by contracts to the lowest bidder, upon notice, under such regulations as the War Department may direct.

Mr. McC. asked for the yeas and nays on his motion; which were ordered; and were—yeas 78, nays 75; not two thirds.

So the House refused to suspend the rules.

DISTRICT BANKS.

On motion of Mr. THOMAS, the House proceeded to the consideration of the bill from the Senate to extend the charter of the banks of the District of Columbia, and for other purposes.

On motion of Mr. W. B. SHEPARD, the bill was so amended as to strike out the words, "and funds equivalent to specie," wherever they occurred in the bill.

Mr. THOMAS called for the yeas and nays on ordering the bill to a third reading; which were ordered.

Mr. GILLET said he intended to offer several amendments to this bill, which, in his opinion, were important to be adopted, to protect the interests of the community generally. It had also been his intention to address the House at considerable length on the bill and amendments; but, as he clearly perceived that a majority of the House preferred to act on the original bill, and as some of those who acted with him on this subject deemed it best to vote directly on the bill, he would yield his opinion to theirs, and not offer the amendments. He would content himself with making some remarks generally against the bill, and in less length than he had intended. Mr. G. then proceeded in his remarks, a sketch of which will hereafter be given.

Mr. GARLAND, of Virginia, moved to strike out all after the enacting clause, and insert a substitute renewing the charters of the several banks therein enumerated till the 4th of July, 1838; when, after a few words from that gentleman and Mr. THOMAS,

Mr. THOMAS moved to strike out from the amendment the Farmers and Mechanics' Bank of Georgetown; which was lost, only 62 voting in the affirmative.

Mr. THOMAS asked for the yeas and nays on the amendment of Mr. GARLAND; which were ordered.

Mr. FAIRFIELD moved to strike out the "4th of July, 1838," and insert "4th of March, 1837."

Mr. MAY asked for the yeas and nays; but they were not ordered.

The amendment to the amendment was disagreed to, and the substitute of Mr. GARLAND was adopted—yeas 128, nays 50.

Mr. LANE demanded the previous question on the engrossment of the bill; which was seconded without a division; and the main question being ordered,

Mr. MILLER asked for the yeas and nays thereon; which were ordered; and were—yeas 126, nays 55.

So the bill was ordered to be engrossed for a third reading; and having been engrossed, was read the third time.

Mr. LANE demanded the previous question on the passage of the bill; but the House refused to second the motion.

Mr. MANN, of New York, moved to lay the bill on the table; which was lost.

The bill was then passed.

TIME OF ADJOURNMENT.

Mr. GARLAND, of Louisiana, moved a suspension of the rules, for the purpose of offering a joint resolution to rescind the resolution fixing the day of adjournment on the 4th of July, and extending the time to the 11th of the same month; which was lost.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, on motion of Mr. MASON, of Virginia, was referred to the Committee on Foreign Affairs:

WASHINGTON, *June* 30, 1836.

To the Senate and House of Representatives:

I transmit to Congress copies of a treaty of peace, friendship, navigation, and commerce, between the United States and the Republic of Venezuela, concluded on the 20th of January, and the ratifications of which were exchanged at Caraccas on the 31st of May last.

ANDREW JACKSON.

The SPEAKER also communicated the following message from the President of the United States; which, on motion of Mr. WHITTLESEY, of Ohio, was referred to the Committee of Claims:

WASHINGTON, *June* 30, 1836.

To the House of Representatives:

I return to the House of Representatives the papers which accompanied their resolution of the 6th of May last, relative to the claim of Don Juan Madrazo, together with a report of the Secretary of State, and copies of a correspondence between him and the Attorney General, showing the grounds upon which that officer declines giving the opinion requested by the resolution.

ANDREW JACKSON.

CHEROKEE TREATY.

In execution of the order of last night, on motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair,) and resumed the consideration of the bill making appropriations for carrying into effect certain Indian treaties, &c.

The question pending being the motion of Mr. ADAMS to strike out the appropriation of $4,500,000 for carrying into effect the treaty with the Cherokees, [as stated in the proceedings of last evening,]

Mr. LANE concluded his remarks in opposition to the validity of the treaty. In the course of his remarks, Mr. L. referred the gentleman to the letter of Major Davis, of Kentucky, and called upon the gentleman from Kentucky near him to state what he knew of that gentleman.

Mr. JOHNSON, of Kentucky, then rose and said: Called upon as to my knowledge of the standing of Major William M. Davis, I state, with very great pleasure, that I have known him for many years, and intimately; and no man stands higher for honor, honesty, integrity, patriotism, and firmness. But to prevent any wrong impressions as to the feelings and opinions of Major Davis, from my correspondence with him, and various conversations, I am justified in my belief that, taking

all the facts together, up to this day, Major Davis, placed in my situation, would now vote for the appropriation, as I shall vote to carry into effect this treaty with the Cherokees.

Mr. LANE said it was not his object to discuss the provisions of the treaty, or the bill under consideration—satisfied as he was, that it would be sustained by a large majority of this House. He should not pause to defend the Executive or his Cabinet—they require no such defense from any one.

His object was to respond to the inquiry made by the honorable gentleman from New York, [Mr. LOVE,] "*who is Schermerhorn?*" Sir, I have been acquainted with this much-abused individual some twenty-five years, and will inform the gentleman from New York that he is a highly respectable and intelligent American citizen, venerable for years and appearance; a gentleman in manners, whose life and conversation at all times, and on all occasions, correspond with his professions; a high-minded and an honorable man; and, more than all, an honest man, the noblest work of God. And though he has rendered much service to his country, he has never sought office, but has been sought after; and as evidence of this fact, I speak knowingly, when I say that Mr. Schermerhorn has refused to accept a high and honorable office provided for by the very treaty now the subject of debate.

Sir, I have said all I intended to say, when I rose. If I had said less, I should have been reckless to my duty towards a friend and acquaintance. Others on this floor can bear equal and honorable evidence of the integrity and worth of this amiable and interesting man.

After some debate by Messrs. HARDIN and ROBERTSON, the House took the usual recess.

EVENING SESSION.

The bill granting the Winnisimmet Company the power to lay out a road across the public lands was read the third time and passed.

The following bills from the Senate were severally read twice and referred:

An act to renew the patent of Joseph Grant;

An act granting a pension to General Eleazer W. Ripley; and

An act to establish a foundery in the West or South; armories in the States in which there are none; and depots of arms in certain States and Territories.

EX-PRESIDENT MADISON.

The SPEAKER then laid before the House the following message:

WASHINGTON, *June* 30, 1836.

To the Senate and House of Representatives:

It becomes my painful duty to announce to you the melancholy intelligence of the death of James Madison, ex-President of the United States. He departed this life at half past six o'clock, on the morning of the 28th instant, full of years and full of honors.

I hasten this communication, in order that Congress may adopt such measures as may be proper to testify their sense of the respect which is due to the memory of one whose life has contributed so essentially to the happiness and glory of his country, and to the good of mankind.

ANDREW JACKSON.

The message having been read,

Mr. PATTON said that the particular relation in which he stood, as his immediate representative and personal friend, towards the great public benefactor whose decease, "full of years and full of honors," had just been announced by the message of the President of the United States, had induced the Virginia delegation to devolve upon him the mournful duty of proposing for the adoption of the House, the resolution he was about to offer, for the purpose of determining upon the course to be pursued for giving expression to the national sensibility to the great bereavement we had suffered.

I do not, however, Mr. Speaker, feel it to be a suitable occasion in which to employ or indulge in any studied phrase or panegyric upon the public or private virtues of the venerable man whose loss we deplore.

It is true, sir, that, early imbued with the sincerest veneration for the character of Mr. Madison, with the profoundest admiration of his talents, and the warmest gratitude for his eminent and varied public services, there is no language that I could employ which would exaggerate the deep emotion with which I have been impressed by the melancholy intelligence of his death; and I am sure that it would be equally impossible for me to speak of him in any terms that would depict an individual preeminent in all the virtues of social and private life, or one that combined the merits of a patriot, statesman, and sage, that would not find a ready and full response in the minds and hearts of all who hear me. But it is not a feeble effort of this kind, such as I could make, nor even by the highest effort of human eloquence, the lofty inspiration of poetry, "the storied urn or animated bust," that can rear an appropriate monument to the memory of Mr. Madison, or erect a suitable monument to his fame.

His appropriate and enduring eulogium is to be found inscribed in those pages of his country's history which are identified with her honor and glory. It is engraved upon every pillar of that splendid fabric of constitutional liberty under which we live. It is identified with the existence of that glorious union of confederated States which he contributed so essentially to form, and the maintenance and preservation of which, with all its numerous blessings, were the constant objects of his care during his long, laborious, and useful public life, and of his most earnest and anxious solicitude in the shades of retirement.

And, Mr. Speaker, another and not less decisive and more affecting evidence of his merit and title to public gratitude will be found in the deep grief with which his loss will be deplored by every man in the nation as a great national calamity. I offer the resolution which I now send to the Chair:

Resolved, That a committee be appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, to consider and report by what token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the nation in the event of the decease of Mr. Madison, just announced by the President of the United States to this House.

The resolution having been read,

Mr. ADAMS rose, and addressed the Speaker. By the general sense of the House (said he) it is with perfect propriety that the delegation from the Commonwealth of Virginia have taken the lead in the melancholy duty of proposing the measures suitable to be adopted as testimonials of the veneration due from the Legislature of the Union to the memory of the departed patriot and sage, the native of their soil, and the citizen of their community.

It is not without some hesitation, and some diffidence, that I have risen to offer in my own behalf, and in that of my colleagues upon this floor, and of our common constituents, to join our voice, at once of mourning and of exultation, at the event announced to both Houses of Congress by the message from the President of the United States—of mourning at the bereavement which has befallen our common country by the decease of one of her most illustrious sons—of exultation at the spectacle afforded to the observation of the civilized world, and for the emulation of aftertimes, by the close of a life of usefulness and of glory, after forty years of service in trusts of the highest dignity and splendor that a confiding country could bestow, succeeded by twenty years of retirement and private life, not inferior, in the estimation of the virtuous and the wise, to the honors of the highest station that ambition can ever attain.

Of the public life of James Madison what could I say that is not deeply impressed upon the memory, and upon the heart of every one within the sound of my voice? Of his private life, what but must meet an echoing shout of applause from every voice within this Hall? Is it not in a preeminent degree by emanations from his mind that we are assembled here as the representatives of the people and the States of this Union? Is it not transcendently by his exertions that we all address each other here by the endearing appellation of countrymen and fellow-citizens? Of that band of benefactors of the human race, the founders of the Constitution of the United States, James Madison is the last who has gone to his reward. Their glorious work has survived them all. They have transmitted the precious bond of union to us, now entirely a succeeding generation to them. May it never cease to be a voice of admonition to us of our duty to transmit the inheritance unimpaired to our children of the rising age!

Of the personal relations with this great man, which gave rise to the long career of public service, in which twenty years of my own life has been engaged, it becomes me not to speak. The fullness of the heart must be silent, even to the suppression of the overflowings of gratitude and affection.

The resolution was agreed to; and the committee ordered to consist of one member from each State.

A message was received from the Senate, announcing the adoption of the following resolution by that body:

IN SENATE OF THE UNITED STATES,
June 30, 1836.

Resolved, That a committee be appointed on the part of the Senate, to join such committee as may be appointed on the part of the House, to consider and report by what tokens of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the nation to the event of the decease of Mr. Madison, just announced by the President of the United States.

Ordered, That Mr. RIVES, Mr. CLAY, Mr. CALHOUN, Mr. GRUNDY, Mr. BUCHANAN, Mr. LEIGH, and Mr. TALLMADGE, be the committee.

Attest: WALTER LOWRIE,
Secretary.

On motion of Mr. PATTON, the House concurred in the resolution of the Senate; and, according to a previous order of the House, the committee was ordered to consist of one from each State in the Union; and the following gentlemen were appointed:

Mr. PATTON, of Virginia; Mr. MASON, of Maine; Mr. GUSHMAN, of New Hampshire; Mr. ADAMS, of Massachusetts; Mr. TOUCEY, of Connecticut; Mr. PEARCE, of Rhode Island; Mr. ALLEN, of Vermont; Mr. WARD, of New York; Mr. PARKER, of New Jersey; Mr. ANTHONY, of Pennsylvania; Mr. MILLIGAN, of Delaware; Mr. WASHINGTON, of Maryland; Mr. DEBERRY, of North Carolina; Mr. GRIFFIN, of South Carolina; Mr. COFFEE, of Georgia; Mr. JOHNSON, of Kentucky; Mr. DUNLAP, of Tennessee; Mr. MCLENE, of Ohio; Mr. RIPLEY, of Louisiana; Mr. CARR, of Indiana; Mr. CLAIBORNE, of Mississippi; Mr. REYNOLDS, of Illinois; Mr. LYON, of Alabama; and Mr. HARRISON, of Missouri.

CHEROKEE TREATY.

The House then went into Committee of the Whole (Mr. LINCOLN in the chair) on the bill making further appropriations for carrying into effect certain Indian treaties, and for other purposes.

The question pending was the motion of Mr. ADAMS to strike out the following clause:

For the amount stipulated to be paid for the lands ceded in the first article of the treaty with the Cherokees of the 29th of December, 1835, deducting the cost of the land to be provided for them west of the Mississippi, under the second article of the treaty, $4,500,000.

Mr. CALHOUN, of Kentucky, addressed the committee at some length in opposition to making the appropriation. He did not regard this a treaty at all, and would not vote this appropriation under any consideration. Should it be said that the Government, because it had the power, should force this fraud upon the Cherokee nation? for no man could say that it was a treaty. He would take occasion to ask the chairman of the Committee of Ways and Means to state the items on which the $35,000 for bearing the expenses of making this treaty were based.

Mr. CAMBRELENG stated that $29,000 were for bearing the expenses of the delegation from the western to the eastern Cherokees, and from that to Washington; and $6,000 for the expenses of the commissioners in the negotiation of the treaty.

Mr. CALHOUN resumed, and said he was satisfied with the explanation; but he would like to see the vouchers from which this appropriation was made out, or to know whether there were any. He then went on to show, by reference to letters, that the statements of Mr. Schermerhorn in relation to Major Davis were unfounded in fact.

The question was taken on the motion to strike out; which was decided in the negative, without a division.

Mr. WISE then offered an amendment to strike out the clause above alluded to, and insert an appropriation of $4,500,000, for the purchase of a

tract of country west of the Mississippi, for the use of the Cherokee nation, omitting all reference to the treaty. Mr. W. denied that there was a treaty, and called upon gentlemen to say whether there was one.

Mr. DUNLAP replied that there had been a treaty made under the authority of the President, and confirmed by the Senate; and this treaty was made under the Constitution of our country.

Mr. WISE resumed, and denied that there was any *bona fide* treaty, because the Cherokee nation had never agreed to this treaty, and now almost unanimously protested against it. He contended that the whole proceeding in relation to the negotiation was a fraud upon the Indians. This Mr. Schermerhorn was a complete "raw-head and bloody bones" to these ignorant Indians while their chiefs were at Washington; and he had made with them what he called a treaty with a very small portion of the Cherokees. Mr. W. quoted from various documents, and addressed the committee for about three hours.

Mr. PEYTON followed in reply to Mr. WISE, and in support of the appropriation. He denounced Messrs. Schermerhorn and Currie as the two worst agents that could have been selected in all God's creation, and entered into an examination of the character of all Indian treaties, which could not be weighed by the rigid rules of Puffendorff, Grotius, and Vattel. So far from their having been made, or avowedly made, between equal contracting parties, they had always been made by force. Mr. P. then moved that the committee rise and report the bill to the House.

Mr. WISE remarked, that his amendment was pending, and he trusted it met the views of his friend from Tennessee. Let us (said Mr. W.) vote the money, but strike out all about a treaty, which was a thing not *in esse*.

Mr. BOON said he had heard the letters of Messrs. Davis and Schermerhorn read, but neither of them weighed anything with him, coming, as they did, from persons who were interested. It was enough for him to know that the treaty had been approved by the Executive, and ratified by two thirds of the Senate; and he would vote for it, in that case, if its stipulations took every dollar of the surplus revenue out of the Treasury. Let the contracting parties—the President of the United States, and the commissioners making the treaty, and the Senate of the United States confirming it—be responsible for the act; he would vote for the appropriation.

The amendment of Mr. WISE was then disagreed to without a division.

Mr. BELL proposed an additional item of $30,000 to defray the expenses of removing the Choctaw Indians, residing within the State of Mississippi, to their location west of the Mississippi river; which was agreed to.

Mr. BELL moved an amendment fixing the time of the payment of the pension to Colonel Gideon Morgan, from 22d of March, 1814, agreeably to the fourteenth article of the Cherokee treaty; [Colonel M. was wounded at the battle of the Horse Shoe;] which was agreed to.

Mr. CAMBRELENG moved to increase the item of $35,000 for the negotiatory and other expenses attending the Cherokee treaty to $37,212; which was agreed to.

Mr. CAMBRELENG also moved an additional clause appropriating $7,000 for surveying the lands set apart for the Cherokees under the stipulations of the treaty; which was agreed to.

Mr. CAMBRELENG moved an additional section, providing that no part of the appropriation heretofore made under the treaty with the Eastern Creeks should be paid to any Indians engaged in hostilities against the United States, except in such a change of circumstances as to induce the President of the United States to direct otherwise; which was agreed to.

Mr. C. also moved a further section, extending the provisions of a bill relating to the Winnebago Indians; which was agreed to.

Mr. WISE called for a statement, item by item, of the appropriation of $35,000, for expenses attending the negotiation of the said treaty, and of the delegation.

Mr. CAMBRELENG said the gentleman from Kentucky had put the same question, which Mr. C. had then answered. Mr. C. then stated the items composing the aggregate, part of which were provided for under the fifth article of the treaty.

Mr. WISE was not satisfied with the explanation, and he moved to strike out the clause, as follows:

For expenses attending the negotiation of the said treaty, and of the delegation, according to the fifth article of said supplementary treaty, $35,000;

which was lost without a count.

On motion of Mr. CAMBRELENG, the committee then rose, (at a quarter to nine, p. m.,) and reported the bill and amendments to the House.

The Speaker having resumed the Chair, the amendments of the Committee of the Whole were severally concurred in without a division; and the question being on the engrossment of the bill,

Mr. ADAMS asked for the yeas and nays; which were ordered; and were—yeas 125, nays 45, as follows:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bell, Bockee, Boon, Bouldin, Bunch, Burns, Cambreleng, Campbell, Carter, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Farlin, Forester, Fowler, French, Fry, William K. Fuller, James Garland, Rice Garland, Gillet, Grantland, Griffin, Haley, Joseph Hall, Hamer, Hardin, Harper, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hopkins, Huntsman, Ingham, Jabez Jackson, Jarvis, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Judson, Kilgore, Lane, Lansing, Lawler, Gideon Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Owens, Parker, Parks, Patterson, Dutee J. Pearce, James A. Pearce, Franklin Pierce, Pettigrew, Peyton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, William B. Shepard, Shinn, Sickles, Smith, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, White, Thomas T. Whittlesey, and Sherrod Williams—125.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Beale, Beaumont, Briggs, John Calhoon, William B. Calhoun, Nathaniel H. Claiborne, Clark, Cushing, Deberry, Denny, Evans, Everett, Graves, Grennell, Hard, Hazeltine, Henderson, Heister, Hoar, Hunt, Ingersoll, Jenifer, Lawrence, Lincoln, Love, McCarty, Milligan, Morris, Phillips, Potts, Reed, Robertson, Russell, Slade, Taliaferro, Vinton, Elisha Whittlesey, Lewis Williams, and Wise—45.

So the bill was ordered to be engrossed for a third reading; and having been engrossed, was read a third time.

Mr. VINTON asked for the yeas and nays on the final passage; which were ordered; and were—yeas 127, nays 54; as follows:

YEAS—Messrs. Anthony, Ash, Barton, Bean, Bell, Bockee, Bouldin, Boyd, Bunch, Burns, Cambreleng, Campbell, Casey, Chaney, Chapman, Chapin, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Doubleday, Dromgoole, Dunlap, Farlin, Forester, Fowler, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Grantland, Griffin, Haley, Joseph Hall, Hamer, Hardin, Harper, Albert G. Harrison, Hawes, Hawkins, Haynes, Hopkins, Hubley, Huntsman, Ingham, Jabez Jackson, Jarvis; Cave Johnson, Henry Johnson, Richard M. Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawler, Gideon Lee, Thomas Lee, Luke Lea, Leonard, Lewis, Logan, Loyall, Lucas, Lyon, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McKay, McKim, Miller, Montgomery, Morgan, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Pettigrew, Peyton, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Roane, Rogers, Schenck, William B. Shepard, Shields, Shinn, Sickles, Smith, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Wagener, Ward, Wardwell, Washington, Webster, White, Thomas T. Whittlesey, and Sherrod Williams—127.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Beale, Beaumont, Bond, Briggs, John Calhoon, William B. Calhoun, George Chambers, Nathaniel H. Claiborne, Clark, Crane, Cushing, Darlington, Deberry, Denny, Evans, Everett, Graves, Grennell, Hard, Harlan, Hazeltine, Henderson, Heister, Hoar, Howell, Hunt, Ingersoll, Jenifer, Lawrence, Lay, Lincoln, Love, Sampson Mason, McCarty, McKennan, Mercer, Milligan, Morris, Phillips, Potts, Reed, Robertson, Russell, Slade, Taliaferro, Vinton, Elisha Whittlesey, Lewis Williams, and Wise—54.

So the bill was passed.

CUMBERLAND ROAD.

The following engrossed bills were read a third time and passed:

The act to continue the national road from Vandalia, in the State of Illinois, to the Mississippi river;

The act to continue the national road from the Mississippi river to Jefferson City, in the State of Missouri.

On motion of Mr. CAMBRELENG, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. MASON, of Virginia, in the chair.)

INDIAN HOSTILITIES.

On motion of Mr. CAMBRELENG, the committee took up the bill making appropriations for the suppression of Indian hostilities, and for other purposes.

[The bill made applicable a balance of a former appropriation of $1,000,000, and further appropriated the sum of $2,400,000 for the objects stated in the title.]

Mr. STORER said he had voted this evening upwards of five millions of dollars to remove these Indians peaceably, and he did so on proper grounds, but the document from the War Department did not, in his opinion, justify this additional call of two millions and a half. Moreover, he had heard it stated that the Creek war was at an end. He could conceive, then, of no other object for this large appropriation than this: that the magnificent scheme of fortifications having been voted down by the House and the Senate, the object now was to exhaust as much as possible of the surplus to be distributed in January next. He was not disposed to stint these appropriations, and, if satisfied they were necessary, he would go to the verge of liberality. Mr. S. moved to reduce the second section to $1,000,000.

Mr. WHITE, of Florida, entered into an explanation of the necessity of the appropriation. There were now between six and seven thousand men employed in the Creek campaign. A portion of the appropriation was already expended, and drafts were coming in every day. No one knew for certain that the Creek war was ended: but it would be better to appropriate as much as might be necessary in case of exigency, since no more would be expended than was required.

Mr. STORER was satisfied with the explanation, and withdrew the amendment.

Mr. PEYTON moved an additional section, providing that the horses of the mounted volunteers received into the service under the act passed at the present session of Congress, should be sold as the property of the Government, when the said volunteers were discharged from the service, and each volunteer should receive the sum at which each horse was valued at the time he entered the service.

The amendment was disagreed to.

The bill was then laid aside.

WEST POINT ACADEMY.

On motion of Mr. CAMBRELENG, the committee then took up the bill making appropriations for the Military Academy of the United States for the year 1836.

An amendment, inserting some small additional item, was moved by Mr. INGERSOLL, and agreed to.

Mr. PIERCE, of New Hampshire, rose and addressed the committee at some length, in opposition to the principles of the institution, and adverted to the continued and successful opposition, on the part of its friends, to permit the report of the investigating committee of the last Congress to be published. [At an early period of the present session, the 14th of January, we believe; Mr. P. had addressed the House for about half an hour on the resolution of Mr. HAWES, proposing to print that report. His remarks were cut off by the expiration of the hour devoted to morning business, and from that time the resolution has never been reached. Mr. P. availed himself of this occasion to conclude his remarks, and the whole will be published in a consecutive form as soon as it can be prepared.] Mr. P. gave way to

Mr. CAMBRELENG, who moved that the committee rise, and report the bill for the suppression of Indian hostilities, and lay the one under consideration aside.

Mr. BRIGGS objected to the motion.

Mr. BELL said gentlemen were mistaken in thinking that no bills could be sent to the Senate to-morrow. There was nothing in the rules to prevent it.

Mr. WARD suggested that the present bill be also reported to the House, and if there was any intention to oppose it, let that opposition be made

in the House; and he pledged himself to exert whatever influence he might have to prevent the application of the previous question. We have (said Mr. W.) now been here upwards of six months, without any appropriation having been made for the Military Academy, and now we have not exceeding one hour left upon which a bill can be sent to the Senate for concurrence; and unless this bill is now disposed of favorably it will be lost. There is no reason that can be urged against the appropriation, for the institution has not been abolished by law; and until that is done, which I trust will not happen soon, the appropriation must be made. He hoped gentlemen would not, at this period of the session, interpose any further objections against this bill. Such was the situation of the finances of this institution, that many of the young gentlemen had been obliged to call upon their friends for money to reach their homes; and the gentlemen who had been appointed visitors of the institution had not received the usual compensation for their services. Mr. W. said, in conclusion, that he would not consent that the committee should rise on the one bill without at the same time reporting the other. Moreover, there were several other bills that ought to be acted upon at the present time.

The motion was then disagreed to without a division; and Mr. PIERCE concluded his remarks.

Mr. CAMBRELENG again expressed a wish that the bill should be brought into the House at once. He stated that he had, in every instance, voted to take up the resolution of the gentleman from Kentucky, [Mr. HAWES,] to print the report of the select committee on this institution, and he was confident the friends of the institution had nothing to fear from investigation, or the publication of that report.

Mr. BRIGGS made some remarks in defense of the institution.

Mr. WHITE, of Florida, then renewed the motion that the committee rise;

Mr. VANDERPOEL moved a modification that the two bills be reported to the House.

Mr. BOON then addressed the committee in opposition to the principles of the institution, which he described to be of an aristocratic and exclusive character.

Mr. HAWES then proceeded to address the committee, and, after proceeding for some time, gave way to

Mr. LEWIS, who moved that the committee rise.

Mr. VANDERPOEL moved to amend the motion by adding, "and report the bills to the House."

Mr. PINCKNEY called for a division of the question; and on taking it on the bill making appropriations for the West Point Academy, the tellers reporting—ayes 74, nays 30, not a quorum, the committee rose and reported that fact to the House.

Mr. INGERSOLL moved a suspension of the rules, for the purpose of considering the following resolution:

Resolved, That a select committee, consisting of nine, be appointed to inquire what, if any, alterations are expedient to be made in the constitution and government of the Military Academy at West Point; and what, if additional, legislation is expedient upon the subject of such academy, with power to visit said academy, prior to the next session of the present Congress, to send for persons and papers, and to report their proceedings and views upon the whole matter thus submitted to them as early as may be done after the commencement of the next session of Congress.

The motion to suspend was lost without a division.

Mr. CAMBRELENG moved that ten thousand copies of the report of the select committee on the West Point Academy be printed, remarking that it ought to have been printed twelve months ago.

Mr. BRIGGS said it ought not to be printed at all.

Mr. EVANS contended that, as the committee had risen for want of a quorum, no business could be transacted until it was ascertained whether a quorum were present.

The SPEAKER caused the House to be counted, and a quorum being found present, the House again went into committee on the West Point Academy bill.

Mr. HAWES moved to strike out the enacting clause; and, after speaking for some time, the question was taken, and the motion disagreed to.

The committee then rose and reported both the above bills to the House, when the amendments to both were severally concurred in, and they were ordered to a third reading, read a third time, and passed.

The House again went into Committee of the Whole, (Mr. BRIGGS in the chair.)

STATE AND TREASURY DEPARTMENTS.

On motion of Mr. JARVIS, the committee took up the bill to provide for erecting a fire-proof building for the accommodation of the Departments of the Treasury and of State.

Mr. JARVIS moved some amendments; which were agreed to; and after a few remarks from Messrs. JARVIS, TALIAFERRO, and PATTON,

Mr. GRAVES moved a proviso that the cost of the building should not exceed the amount appropriated in the bill, (being $200,000.)

On taking the question, the tellers reported—ayes 27, noes 46. The committee rose for want of a quorum, and reported that fact to the House.

EX-PRESIDENT MADISON.

Mr. PATTON, from the select committee, made the following report:

The President of the United States having communicated to the two Houses of Congress the melancholy intelligence of the death of their illustrious and beloved fellow-citizen, JAMES MADISON, of Virginia, late President of the United States, and the two Houses sharing in the general grief which this distressing event must produce:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the chairs of the President of the Senate, and of the Speaker of the House of Representatives, be shrouded in black during the present session; and that the President of the Senate, the Speaker of the House of Representatives, and the members and officers of both Houses, wear the usual badge of mourning for thirty days.

Resolved, That it be recommended to the people of the United States to wear crape on the left arm, as mourning, for thirty days.

Resolved, That the President of the United States be requested to transmit a copy of these resolutions to Mrs. Madison, and to assure her of the profound respect of the two Houses of Congress for her person and character, and of their sincere condolence on the late afflicting dispensation of Providence.

The report and resolutions were concurred in unanimously.

On motion of Mr. BRIGGS, the House adjourned at one o'clock in the morning.

IN SENATE.

FRIDAY, *July* 1, 1836.

At ten o'clock, the Vice President not being present, the Senate was called to order by the Secretary, who announced that a quorum was present; and,

On motion of Mr. WEBSTER, the Senate proceeded to ballot for a President *pro tempore;* and on counting the ballots they resulted as follows:

For Mr. KING, of Alabama	22
" SOUTHARD	14
" WEBSTER	1
" CLAY	1
" KING, of Georgia	1
Blank	1

There having been given forty ballots, of which twenty-one were necessary to a choice, Mr. KING, of Alabama, having received twenty-two votes, was declared to be duly elected, and was conducted to the chair by Mr. WHITE.

Mr. KING then rose and addressed the Senate as follows:

Gentlemen of the Senate: This flattering manifestation of the confidence and respect of my brother Senators fills my heart with the liveliest sensibility. To be called to preside over the deliberations of the Senate of the United States, distinguished, as it is, for intelligence, moral worth, and a patriotic devotion to the principles of liberty, is an honor of which the first in this land might be justly proud. I shall enter upon the discharge of the duties which your kindness has devolved upon me, with the determination to discharge them faithfully, zealously, and impartially. I am, however, fully aware that, unless I am sustained by the Senate, all my efforts, correctly and usefully to discharge them must prove vain and fruitless; but the order, the decorum, which has heretofore so eminently distinguished the Senate of the United States, the courtesy and good feeling which has uniformly marked the official and social intercourse of its members, give me the strongest assurance that I may confidently rely on their kindness and support. I earnestly request honorable Senators to make proper allowances for the errors into which I may occasionally fall, and to aid me in correcting them.

REPORTS FROM COMMITTEES.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which had been referred the bills from the House to continue the Cumberland road from Vandalia to the Mississippi river, and to continue the national road to Jefferson city, Missouri, reported the same without amendment.

Mr. TOMLINSON submitted a resolution making additional allowances to the messengers of the Senate; which was agreed to.

Mr. MANGUM submitted a resolution allowing an additional allowance of $300 per session, for the present and two previous sessions, to the Sergeant-at-Arms; which was read the third time and passed.

Mr. WEBSTER submitted a resolution to allow Lewis H. Machen, clerk in the office of the Secretary of the Senate, $300 in addition to his pay for acting as principal clerk during the session; which was passed.

On motion of Mr. HENDRICKS, the Committee on Roads and Canals was discharged from the further consideration of all subjects referred to them and not acted on.

On motion of Mr. EWING, of Ohio, the Committee on Public Lands was discharged from the further consideration of the various subjects referred to them and not acted on.

On motion of Mr. TIPTON, the Committee on Claims was discharged from the further consideration of the various subjects referred to them and not acted on.

On motion of Mr. GRUNDY, the Committee on the Post Office and Post Roads was discharged from the further consideration of the various subjects referred to them and not acted on.

Mr. MOORE made a similar motion with respect to the Committee on Revolutionary Claims.

Mr. BLACK made a similar motion with respect to the Committee on Private Land Claims.

Mr. TOMLINSON made a similar motion with respect to the Committee on Pensions; and

Mr. KENT made a similar motion with respect to the Committee on the District of Columbia; all of which motions were agreed to.

HOUSE BILLS PASSED.

The following bills from the House were severally carried through their different stages and passed:

The bill making appropriations for the suppression of Indian hostilities; and

The bill for the support of the Military Academy for the year 1836.

The bill from the House making appropriations for the building of light-houses, light-boats, beacon-lights, buoys, and surveys; and

The bill from the House making appropriations for the improvement of certain harbors therein mentioned, were severally read the second time and referred.

INDEPENDENCE OF TEXAS.

On motion of Mr. PRESTON, the report of the Committee on Foreign Relations on the subject of Texas, was taken up.

The report of the Committee on Foreign Relations concludes with a resolution declaring that the independence of Texas ought to be acknowledged as soon as the President shall have received satisfactory information that she has established an independent Government, capable of entering into relations of amity and commerce with foreign Powers.

Mr. PRESTON, after addressing the Senate in a speech of considerable length in favor of the cause of Texas, and sustaining the views of the committee, and the message of the President on the subject, moved to amend the resolution, with which their report concludes, by adding a clause expressing the satisfaction of the Senate at the President's having adopted measures for obtaining

accurate information as to the civil, military, and political condition of Texas.

Messrs. CLAY, WEBSTER, WALKER, BUCHANAN, NILES, SOUTHARD, and BENTON, severally followed Mr. PRESTON, taking generally the same views, and expressing their acquiescence in the resolution and amendment; after which the amendment was agreed to; and the resolution, as amended, was unanimously adopted—yeas 39; as follows:

YEAS—Messrs. Bayard, Benton, Black, Buchanan, Calhoun, Clay, Clayton, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, Kent, King of Alabama, King of Georgia, Leigh, Linn, Maagum, Moore, Nicholas, Niles, Page, Porter, Preston, Rives, Robbins, Robinson, Ruggles, Southard, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, White, and Wright—39.

FRANKING PRIVILEGE TO MRS. MADISON.

Mr. LEIGH, by unanimous consent, introduced a bill to extend the franking privilege to Mrs. Madison; which was unanimously carried through the different stages, and sent to the other House for concurrence.

Mr. L. then moved a suspension of the joint rules, so far as concerns the above bill, which prohibits bills from being sent from one House to the other during the last three days of the session; which was agreed to; and the Secretary was directed to ask the concurrence of the House in the suspension.

BILLS PASSED.

The following bills were severally read the third time, and passed:

The bill for the relief of Nathaniel Platt;

The bill for the relief of John Powell; and

The bill for the relief of James Bradford, of Louisiana.

The following bills from the House were severally carried through their different stages, and passed:

The bill for the relief of James Baldridge;

The bill for the relief of the Lexington and Ohio Railroad Company;

The bill for the relief of the representatives of Jacob Shoemaker, deceased;

The bill to repair and extend the United States arsenal at Charleston, South Carolina;

The bill to renew the gold medal, struck and presented to General Morgan by order of Congress, in honor of the battle of the Cowpens; and

The bill for the relief of the sureties of Nicholas Curn.

The Senate here took a recess from three to five o'clock.

EVENING SESSION.

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary, transmitting a report from the Secretary of War, in compliance with a resolution of the Senate in relation to frauds in Indian reservations; which was laid on the table.

The CHAIR communicated a report from the War Department on the subject of ordnance, made in compliance with a resolution of the Senate.

INDIAN APPROPRIATION BILL.

Mr. WHITE, from the Committee on Indian Affairs, to which had been referred the bill making appropriations for carrying into effect certain Indian treaties, reported the same with amendments; which were read.

The bill was then considered as in Committee of the Whole, and the amendments of the committee were concurred in, and the bill was ordered to a third reading; and after being engrossed, was read the third time and passed.

PAY OF REVENUE OFFICERS.

On motion of Mr. DAVIS, the bill to regulate the pay of the officers of the revenue cutters was taken up; and after being amended, was ordered to a third reading; and afterwards read the third time and passed.

DELAWARE BREAKWATER.

On motion of Mr. DAVIS, the bill making additional appropriations for the Delaware breakwater, and for the improvement of certain harbors, was taken up.

Mr. MANGUM addressed the Senate at length in opposition to the bill.

Mr. BUCHANAN replied in support of it.

The debate was further continued by Messrs. LINN, DAVIS, WEBSTER, and SOUTHARD, in its favor, and Messrs. WALKER, PRESTON, MOORE, and CALHOUN, in opposition to it. The amendments were ordered to be engrossed, and the bill read a third time.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July* 1, 1836.

Mr. WHITTLESEY, of Ohio, from the Committee of Claims, reported Senate bill for the relief of George F. Strother, with a recommendation that it do not pass; which was committed.

INVESTIGATING COMMITTEE.

Mr. BELL, from the Committee on Indian Affairs, reported the following resolution:

Resolved, That the Committee on Indian Affairs have power to sit in the recess of Congress, for the purpose of completing the investigation directed by the resolution of this House of the 15th of January last; and that any two or more of them, under the direction of the committee, be authorized to take testimony in relation to the same.

Mr. B. said the resolution was the unanimous recommendation of the committee.

Mr. MANN, of New York, hoped the resolution would not be adopted. Experience had shown the inutility of these investigations by committees during the recess of Congress; besides, they subjected the country to considerable expense. He was utterly opposed to the adoption of the resolution; and therefore called for the yeas and nays on its adoption; which were ordered.

Mr. McCARTY said a few words in support of the resolution, and of the expediency and propriety of the proposed investigation.

Mr. HEISTER moved to lay the resolution on the table.

Mr. WHITTLESEY, of Ohio, asked for the yeas and nays; which were ordered; and the House refused to lay the resolution on the table—yeas 69, nays 84.

Mr. BELL remarked that the object of the resolution was to authorize two or three members of the committee to take the testimony during the recess, and not that the whole committee should regularly hold their sittings.

Mr. MANN, of New York, moved a modification to that effect.

Mr. EVERETT preferred the resolution as orginally introduced.

Mr. HAWES demanded the previous question; which was seconded—65 to 55; and the main question being ordered, was put; and the vote was—yeas 87, nays 87.

The CHAIR voting in the negative, made 87 to 88; so the resolution was not agreed to.

BOOKS FOR MEMBERS.

Mr. LOYAL, from the Joint Committee on the Library, reported the following resolution; which was considered and agreed to:

Resolved, That the Clerk of the House cause to be distributed to each member of the Senate and House of Representatives of the present Congress, three volumes of the Digest of Commercial Regulations of Foreign Countries, arranged by the Secretary of the Treasury under a resolution of the House of the 3d March, 1831.

REPORTS FROM COMMITTEES.

Mr. EVANS, from the Committee on Invalid Pensions, reported a bill granting a pension to Richard Hall; which was read twice and committed.

Mr. CHAPMAN, from the Committee on Public Lands, reported, without amendment, Senate bill to create a new land district in the State of Alabama; which was committed.

Mr. CRANE, from the Committee on Revolutionary Claims, reported a bill for the relief of the children and heirs of Lieutenant Colonel Henry Irwin, deceased; which was read twice and committed.

Mr. VINTON, from the select committee on patents, reported a bill to renew the patent right of William Perkins; which was read twice and committed.

Mr. BOON, from the Committee on Public Lands, reported a bill to authorize the Maumee Branch Railroad Company to construct a railroad through the public lands in the Territory of Michigan; which was read twice and committed.

Mr. HOWELL, from the Committee on Invalid Pensions, reported a bill granting a pension to Bradby True Gibson; which was read twice and committed.

Mr. JARVIS, from the Committee on Public Buildings, reported Senate bill, without amendment, providing for the construction of a building for the Patent Office; which was committed.

Mr. J., from the same committee, also reported a joint resolution from the Senate, without amendment, providing statues for the front steps of the Capitol; which was read twice and committed.

Mr. DOUBLEDAY, from the Committee on Invalid Pensions, reported a bill granting a pension to Robert Frazer; which was read twice and committed.

Mr. PINCKNEY asked the consent of the House to introduce the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay to the child or children of James Kennedy, who was killed in the service of the United States on the 10th of March last, the half monthly pay to which they would have been entitled, under the provisions of the act of 19th March, 1836, entitled "An act to provide for the payment of volunteer and militia corps in the service of the United States," if the said James Kennedy had been killed subsequently to the passage of the aforesaid act.

The motion was objected to.

Mr. McKAY asked the consent of the House to take up the bill providing for the appointment of three additional paymasters; which was objected to.

Mr. MASON, of Virginia, suggested that there would be a great saving of time if the House would go on regularly.

Mr. LINCOLN, from the Committee on Public Lands, reported, without amendment, Senate bill for the relief of H. Newman and others; which was read the third time and passed.

Mr. CUSHING, from the Committee on Foreign Affairs, reported a bill for the relief of John Allen Smith; which was read twice and committed.

CREEK FRAUDS.

Mr. LEWIS said he held in his hand a most novel and interesting document from the scene of the Creek war. He said it was of an interesting and important character, and he must ask the reading of the document, as it was but short. It was his intention to introduce a resolution predicated on the memorial, on which no debate could arise, and which could be disposed of in a few minutes.

The memorial having been read by the Clerk,

Mr. LEWIS said he had given to the contents of this paper the best consideration the little time allowed would permit, and he proposed the following resolution:

Resolved, That the memorial of certain citizens of Alabama and Georgia, respecting alleged frauds in the purchase of the reservations of the Creek Indians, and the causes of their present hostilities, be referred to the President of the United States, and that he be requested to cause such measures to be taken for investigating these transactions, and for the prosecution of the persons engaged in them, who may have been guilty of any breaches of the laws, as may appear to be proper, and within the power of the Executive.

Mr. GRANTLAND was of opinion that there ought to be a most thorough and efficient investigation into this subject. He believed there had been frauds, and that those frauds had been the cause of the Creek war.

Mr. WISE objected to the resolution because it referred the matter to the President of the United States, and he could put no confidence in any agents he might send out there, who might be the minions themselves engaged in the frauds. He suggested a modification, that a committee be raised for the purpose, and subsequently moved to amend it by referring the memorial to a select committee of this House, consisting of —— members, with power to send for persons and papers, and that they have leave to sit during the recess.

Mr. BELL stated that this was one of the objects of the Committee on Indian Affairs that morning, when their proposition was voted down.

Mr. WISE modified his amendment by referring it to the Committee on Indian Affairs.

Mr. LEWIS wished the examination to be as broad as possible. He would suggest that the district attorneys of Georgia and Alabama be employed for the purpose, and make it assume a judicial character.

Mr. McKAY suggested that a board of commissioners be raised to carry on the investigation. He should move to refer it to a select committee, with instructions to report some mode by which the inquiry should be made.

Mr. JARVIS moved the orders of the day.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays; which were ordered; and Mr. JARVIS withdrew his motion.

After some remarks from Mr. HAWES in favor of the amendment,

Mr. CUSHMAN moved the previous question; but the House refused to second the motion—yeas 73, nays 88.

Mr. LEWIS modified his resolution by authorizing the President of the United States to institute a commission of three persons appointed by and with the advice and consent of the Senate. He said he had no objection to vote also for the resolution of the gentleman from Virginia, [Mr. WISE,] and let the two inquiries go on together, for they were not incompatible.

Mr. McKAY said the gentleman's modification would render it necessary to send the resolution to the Senate.

Mr. LEWIS withdrew it for that reason.

Mr. PEYTON contended that a double investigation going on at the same time would be entirely incompatible, and would embarrass the question at every step of the investigation. He was in favor of the appointment of a committee, and not leave it to the uncertain mode of executive inquiry. If left to the President, he would leave the selection to his friends, and some of the very individuals implicated might be selected for the purpose.

Mr. HOAR contended that the proposed resolution gave no power to the President, for he could now direct precisely the same investigation without it. The resolution was nothing more than a request to the President to do his duty, but conferred upon him no additional power, nor imposed any additional duty, more than he was now in possession of. To Mr. H., therefore, it appeared that the resolution was nugatory and improper.

After some further remarks from Messrs. ROBERTSON and KENNON,

Mr. WISE modified his motion to amend, so as to refer the subject to the Committee on Indian Affairs, with power to depute any five of their own number to investigate the matter.

Mr. VANDERPOEL called for the orders of the day.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays; which were ordered; and were—yeas 71, nays 109.

So the House refused to proceed to the orders of the day.

After some further remarks by Mr. WISE,

Mr. LEWIS accepted of the modification of the gentleman from Virginia.

Mr. BOULDIN said he would ask the gentleman from Alabama, [Mr. LEWIS,] who was far better acquainted with the facts in relation to this subject than he (Mr. B.) was, a question, and by the answer his vote would be governed. The question he would ask was this: Are we in a state of hostility with these Indians, or not?

Mr. LEWIS replied, we are certainly in a state of hostility, and in actual war with them at this time.

Mr. BOULDIN said he would then vote against any resolution on the subject. He viewed such ground as that as being far more likely to increase and continue those hostilities, than to bring them to a close. If these Indians would lay down their arms, he would immediately proceed to an investigation.

Mr. B. would not be misunderstood. He thought that he who would cheat an Indian would rob a church, would rob the dead, and could receive no sympathy from him, or be countenanced by him in any such dishonest practices. He did not think we could judge impartially, and fight at the same time. While this fight continued he thought it impossible that any citizen of the United States could be impartial between his own countrymen and their enemies. He would take side one way or the other, and either course would be equally fatal to justice.

After some remarks by Messrs. BELL and RIPLEY,

Mr. RIPLEY moved to strike out the modification just accepted by the mover of the resolution, so as to leave the resolution as it was originally presented.

After some remarks by Messrs. LYON, and GARLAND of Louisiana,

Mr. GARLAND offered, as a substitute for the resolution, a resolution to appoint a select committee, to be composed of three members of the Committee on Indian Affairs, and the remainder of other members of the House.

Mr. MARTIN moved the previous question; but it was not seconded by the House.

After a few remarks by Messrs. GRANTLAND, MANN of New York, PEYTON, BYNUM, and ADAMS,

The House took the usual recess.

EVENING SESSION.

The following bills from the Senate were severally read a first and second time, and referred to appropriate committees:

An act authorizing the necessary examinations and surveys for the establishment of a naval rendezvous and depot near the southern extremity of Florida;

An act to explain an act entitled "An act to alter and amend the several acts imposing duties on imports," approved July 14, 1832;

An act to create the office of surveyor of public lands in Wisconsin Territory;

An act providing for the further payment of a pension to Mary J. Babbit;

An act for the relief of William H. Robertson and Samuel H. Garrow;

An act to amend the act for quieting possessions, enrolling conveyances, and securing the estates of purchasers within the District of Columbia, passed May 31, 1832;

An act for the relief of William East;

An act to remunerate the captors of the privateer Lydia; and

An act to confirm the sales of public lands in certain cases.

On motion of Mr. ADAMS, the Committee on Manufactures was discharged from the further consideration of the bill to explain an act entitled "An act to alter and amend the several acts imposing duties on imports;" which bill was committed to the Committee of the Whole on the state of the Union.

On motion of Mr. MAY, the bill to confirm the sales of public lands in certain cases, was read the third time and passed.

FORTIFICATION BILL.

The House took up the amendments of the Senate to the bill making appropriations for certain fortifications for the year 1836.

The first amendment, to strike from the bill the clause in relation to establishing depots for arms in Arkansas, Missouri, &c., was non-concurred in.

The second amendment, adding a new section, was concurred in.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. LOWRIE, their Secretary, transmitting a resolution suspending the rules in relation to the franking privilege, so far as related to Dolly P. Madison, widow of the late James Madison.

On motion of Mr. PATTON, the resolution of the Senate was concurred in.

The bill of the Senate to extend the franking privilege to Dolly P. Madison, widow of the late James Madison, was then read a third time and passed.

CREEK INDIANS.

The House resumed the consideration of the resolution (given above) in relation to the frauds in Creek lands.

Mr. RIPLEY had moved to strike out the modification submitted by Mr. WISE, and accepted by the mover of the resolution, so as to leave the resolution as it was originally submitted. Mr. GARLAND, of Louisiana, had moved a substitute, proposing to raise a select committee of — members, to have three members of the Committee on Indian Affairs on said committee; subsequently modified by striking out the part relative to there being three members of the Committee on Indian Affairs.

Mr. MANN, of New York, briefly replied to the gentleman from Massachusetts, [Mr. ADAMS.]

Mr. BELL believed that millions had been expended by these abuses in relation to frauds, and he believed that the Creek war had grown out of these abuses. He did not impute any improper motives to officers of the Government, yet such was the fact. He believed the investigations heretofore instituted had proved abortive, although he doubted not they were instituted with the purest motives. He did not believe we should ever know the truth in relation to those frauds, until a committee was sent to investigate the matter, with more power than the agents which had heretofore been sent there. He thought much might be done by instituting an inquiry, and he thought the country called for it. He was of opinion that the Committee on Indian Affairs was the mos proper committee to refer this subject to, although he did not think that he himself would be able to attend to the duties which would be required of that committee.

Mr. VANDERPOEL said he would, with great pleasure, have voted for the resolution originally introduced by the honorable gentleman from Alabama, [Mr. LEWIS,] but he could not, and would not, vote for it now, after the gentleman had accepted of the modification proposed by the honorable gentleman from Virginia, [Mr. WISE.] The gentleman from Alabama, who was most particularly interested in the subject-matter to which the resolution referred, in having the alleged frauds ferreted out, had, no doubt, introduced his proposition after most mature deliberation. He was not in the habit of taking any step here without looking well to its effects and consequences, both immediate and ulterior; and it gave him great pleasure here to be able to add, in relation to that honorable gentleman, that the efficient, able, and, so far as regarded the Administration, he might add, the *candid manner* in which he treated the interests of that portion of our southern country which is threatened or scourged with an Indian war, constituted an ample guarantee that everything that he proposed or moved in relation to that interesting subject was the result of all becoming care and reflection. Though an Opposition member, he had proved himself above making the Indian wars that had so suddenly visited some of the fairest portions of the South, pretexts for attacking and imputing blame to the Administration; on the contrary, he had evinced a disposition, which he (Mr. V.) could wish that many gentlemen would reciprocate and emulate, to do the Administration full justice; and after the candid and magnanimous course which the gentleman from Alabama had pursued touching our Indian troubles, it was not surprising that there had been a strong predisposition here with even the friends of the Administration, to gratify that gentleman in relation to appropriations for the relief of those whose position exposed them to the losses and dangers of those desolating wars, and to think rather favorably of propositions that he might originate or offer in relation to that interesting subject. The gentleman's original proposition of this morning would most assuredly have commanded a most triumphant majority, if not an almost unanimous vote; and he (Mr. V.) very much regretted that he had yielded to the importunities of the honorable gentleman from Virginia, [Mr. WISE,] and had accepted of his resolution as a modification of his own. He now very much feared that he had, by this act of acceptance, jeopardied the success of the measure, *in any form*; nay, that he had secured the entire frustration of the object he had in view, when he offered the memorial and introduced his resolution this morning.

The gentleman from Tennessee [Mr. PEYTON] was responsible for introducing "party" into the consideration of this subject. He had, as usual, treated us with the old hackneyed catchword of "the party." Were there any of the friends of

the Administration here—any who could not be intimidated or driven from their principles by satirical sneers and sarcastic appellations? If there were any such, he would earnestly and respectfully beg them to look well into the import of the resolution of the gentleman from Alabama, as it now was, after the incorporation of the modification of the gentleman from Virginia, before they voted for it. He would ask the friends of the Administration—he hoped he might still say he WOULD ASK A MAJORITY OF THIS HOUSE, whether they could vote for the resolution in its present form, when it involved such a direct imputation of gross delinquency on the part of the executive branch of this Government? What did the resolution now propose? Why, it proposed to appoint a select committee, not only to inquire into the alleged frauds upon the Indians, but also *to inquire into the causes of the Indian wars;* and this, too, after the repeated invectives of the gentleman from Virginia [Mr. WISE] against the executive branch of the Government for not reporting or disclosing to us the true causes of the Seminole war. Have the friends of the Administration lost their recollection? If not, will they not bear me witness that the gentleman from Virginia has again and again charged the Executive with a most culpable omission to communicate to us the true causes of the Seminole hostilities?—has again and again denounced what he seemed to suppose was contumacy in the Executive, for not answering calls, and not favoring us with the necessary light on this subject? And are those who claim to belong—who are, like myself, proud to belong to "*the party*"—are they ready to vote for a resolution which involves an admission that these oft-repeated complaints are well founded?—which does even more than this, which involves an appeal from this alleged delinquency and contumacy of the Executive to an *itinerant and most powerless committee of this House?* Let gentlemen show, by their votes on this occasion, how credulous and confiding an ear they lend here to accusations against that good old man, who has given such noble, such repeated, such ample pledges of devotion to the best interests of his beloved country. Are they willing to say, by their votes, without evidence, that he has been grossly remiss—that he has been guilty of a sin of omission that should expose him to the severest reprehension of all honest men? Let them answer by their votes.

He (Mr. V.) could not but admire the tactics of the honorable gentleman from Virginia; and he hoped that upon this occasion he would not by success exemplify a remark which he made a few days ago in a speech on the deposit bill after its passage. He then pronounced a high eulogium upon a distinguished member of the other branch of the Legislature, and told us that the skill and tact with which that gentleman had secured the success of his favorite measure were enough to gain him immortal fame; that he knew when and where to strike; that upon that occasion he had made a dash at the covey, and the birds had scattered and divided. It would seem that the honorable gentleman now means to imitate the example of that distinguished man. He has thrown in among the flock, and he hopes to scatter and divide them; but they have not yet mounted on the wing, and all time for reflection has not yet passed. The gentleman well knew that a bald and naked proposition of his own to raise a committee to inquire into the causes of the Seminole war, on the alleged ground that the President had refused to communicate them, would not for a moment be sustained by this House.

The gentleman from Alabama introduces a resolution, that the President cause inquiry to be made into frauds upon the Indians; and then the gentleman from Virginia very opportunely, as he no doubt supposed, offers his amendment, by which he not only proposes to transfer the subject of the resolution to one of the traveling committees of this House, but incorporates another matter which involves a direct imputation of delinquency upon the Executive—which proposes an inquiry into matters which the gentleman has so often told us that the Executive has so culpably neglected to disclose to us. He doubtless supposes that the overweening, the very laudable anxiety of the friends of the Administration to eviscerate the numerous frauds upon the Indians, would tempt and control enough of them to secure success to his amendment—to swallow it, though it was made both bitter and acid by the implication of gross neglect on the part of their venerated President. It remains to be seen, sir, whether his tactics will frighten and scatter enough of our friends here to secure the triumph of the honorable gentleman's favorite measure. He (Mr. V.) trusted not, when they now saw *what it was.* The pill was not sufficiently gilded to deceive and delude enough for *the purposes of success.*

Mr. V. said he was far, very far, from being desirous that any of the frauds in question should be concealed; on the contrary, he was for adopting the most efficient measures to bring them to the light and to the execration of the world. He was in favor of instituting a commission by law to inquire into them. He was for three commissioners, nominated by the President, and concurred in by the Senate, who should be invested with the most plenary powers to ferret out the dark doings that we had heard so much talked about. How much more efficient would be such a commission, than a committee appointed by this House! The one would be the creature of the entire legislative power of this Government, with powers adequate to the full execution of its duties; the other would be the miserable, rickety, and impotent creature of one branch of the Legislature, with powers uncertain, undefined, and for all efficient purposes very doubtful. He, of course, meant nothing personally disrespectful to any of the committees of this House; he used this language only to express their impotency, and entire insufficiency for the occasion. He was astonished, very much astonished, now, to see these interregnum traveling committees such peculiar and strong favorites of the honorable gentleman from Massachusetts, [Mr. ADAMS.] He heard a very different language from that gentleman on a former occasion. Only two short years ago we appointed a select committee, with all the powers that it was competent for this House to confer, to inquire into the transactions of the Bank of the United States. It was an able committee, and one composed of as able men as graced this floor. Well, they repaired to Philadelphia, with their power of attorney to send for persons and papers; summoned Nicholas Biddle, esquire, to appear before them, to make certain discoveries, which they sought. Mr. Biddle appeared, but very politely refused to gratify the curiosity of the gentlemen of the committee, and they returned to us, just as wise in relation to the doings of Mr. Biddle and his bank, as when they left us. They reported to us the contumacy of Mr. Biddle, his virtual defiance of their powers, and the powers of this House; and where was the member here, who, amid the doubt and uncertainty as to the powers of the committee, which all felt, deemed it prudent to propose or originate any order against the president or cashier of the bank? Who has forgotten a speech which the gentleman from Massachusetts [Mr. ADAMS] delivered on that occasion, to demonstrate the impotency of a committee of this House, and to give us an idea of the farce that would be played off here in any effort that might be made to enforce its imaginary powers. Never was anybody more triumphantly satirized than was on that occasion one of these fishing "*person and paper*" committees of this House. The ridicule which he then lavished upon such a committee and its fancied powers was indeed overwhelming. He gave us, as many gentlemen here will recollect, a most graphic fancy sketch of the forms through which we would go to vindicate our own dignity and the powers of this House. He imagined that we would send our Sergeant-at-Arms to take Mr. Biddle and all his directors, and the valiant and puissant sergeant returning with his troop of prisoners, and, being asked how he took and secured them all, (answering in the triumphant tone and language of a certain other single valiant sergeant,) would respond, "*Why, sir, I surrounded all of them!*" This memorable and able speech many here would recollect, for it had made an indelible impression on his (Mr. V.'s) mind, and now we had just heard the same gentleman make just as able a speech on the other side of the question! The opinions of men, Mr. Speaker! what sudden, what miraculous changes they oftimes undergo!

The argument of the gentleman from Massachusetts struck him as, in many respects, a very strange one. He had told us that his (Mr. V.'s) colleague, in opposing the appointment of such a committee in cases of this kind, had surrendered nearly the whole of the impeaching power of this House. If he had not the utmost respect for the character and the opinions of the venerable and distinguished gentleman from Massachusetts, he would say that, to talk of such a committee as auxiliary to the impeaching power, was absurd in the extreme. Was there a proposition here to impeach any officer of this Government for official malconduct; and were the powers of such a committee invoked to inquire preliminarily into facts in order to ascertain whether there was sufficient ground for impeachment? He had heard nothing of the kind. How, then, could the gentleman tell us that this committee was required as auxiliary to the impeaching power, when no officer was charged with any offense requiring or justifying impeachment, and when all that was proposed to be done by the committee was to go on an inquisitorial expedition against a horde of speculators upon the rights and property of the Indians? If any gentleman would rise here in his place, and tell us, on the responsibility of his high station, that he had reason to believe that a public officer had committed an impeachable offense, he could well, in that event, imagine the propriety of appointing a committee to inquire into the grounds of accusation. This would be a committee auxiliary to the impeaching power; but the one which you now proposed to create had none of the characteristics, and would go in pursuit of none of the objects of such a committee.

There was another reason why he would vote against the appointment of the committee contemplated by the amendment of the gentleman from Virginia. The President had already appointed competent agents to inquire into these frauds, and he was credibly informed that those agents had executed their duties most vigorously and efficiently. The President could clothe them with all the powers with which we could invest a committee of this House. Why, while one tribunal was investigating these matters, should we supersede its authority by appointing another vastly more expensive, and not one particle more efficient? Why adopt a proceeding that was based upon a distrust of the Executive, since every one who knows the President, knows full well that if fraud has an implacable and uncompromising enemy on earth, it is *Andrew Jackson;* and more especially since he has so promptly caused inquiry to be made in these frauds? Let the friends of the President *answer by their votes.*

Mr. BOON called the attention of the House, and of the people of the whole country, to the many important subjects yet unacted on, in consequence of this untimely proposition and the discussion thereon. The bill to reorganize the General Land Office was of the most abiding and deepest interest to the whole people of the West; and if a discussion of this kind was to go on, that bill would remain unacted on. He therefore moved to lay the whole subject on the table.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays; which were ordered; and were—yeas 80, nays 99.

So the House refused to lay the resolution on the table.

Mr. LEWIS briefly replied to the gentleman from New York, [Mr. VANDERPOEL.] Although a party man, he never brought party considerations to bear in relation to our Indian affairs. He went for the broadest inquiry, and he still had hopes that the President would probe this matter to the bottom. The Secretary of War had done all in his power to prevent these frauds, and he doubted not that the President would institute an investigation; but, at the same time, he would vote for the appointment of a committee of the House to make an investigation of the matter.

Mr. GRANTLAND said that the Georgia delegation concurred fully in all that had been said by the gentleman from Alabama, as to the disposition evinced by the President and Secretary of War to have a strict investigation of the frauds alleged to have been committed in certify-

ing contracts for Creek Indian lands. At the suggestion and on the recommendation of the Georgia delegation, two additional commissioners, gentlemen of high character, were appointed several months ago, to aid Colonel Hogan in bringing that investigation to a speedy close. While that investigation was in progress, it was arrested by the commencement of Indian hostility.

Mr. SUTHERLAND moved the previous question; but the House refused to second it—ayes 70, noes 73.

After some remarks by Messrs. SUTHERLAND and LEWIS,

The amendment of Mr. GARLAND was disagreed to.

The question recurred on the motion of Mr. RIPLEY to strike out that part of the resolution which was moved as an amendment by Mr. WISE, and accepted by the mover as a modification, which left it as originally offered.

On this question Mr. GARLAND, of Louisiana, called for the yeas and nays; which were ordered; and were—yeas 93, nays 89.

So the motion to strike out was decided in the affirmative.

The question recurring on the adoption of the resolution,

Mr. WISE addressed the House at some length on the subject, and renewed his amendment as an addition.

Mr. PEYTON followed at some length.

Mr. EVERETT appealed to the gentleman from Virginia to withdraw his amendment.

Mr. BOON said that the charges made against this Administration, of supposed frauds and corruption, had been so often repeated, that they had lost all their influence with the people of the country, and passed by the public ear like the sound of the idle winds. Sir, (said Mr. B.,) I recollect that, two years ago, the hue and cry of *fraud* and corruption was sung against the Post Office Department, and its then talented and distinguished head. And, Mr. Speaker, one would have supposed, from the clamor of the Opposition, that the Post Office Department was the very fountain of all kinds of fraud and corruption. Committees of both Houses of Congress were appointed to examine into the alleged frauds, in the recess of Congress; and what was the result? Why, sir, *reports* were made, and printed for circulation among the people, containing several hundred pages of testimony and comment by the committees; but, after all their labors, they were not able to produce *proof* of a solitary case of *fraud* or *corruption* in any *one* of the officers of the Government. The consequence was, that the public mind became satisfied that all the charges of fraud and corruption were wholly unfounded in point of fact; and now we hear no more about the frauds that were charged upon the Post Office Department. The venue is now changed, and it is now *supposed*, and verily believed, that enormous frauds have been committed by some of the officers of the Government upon the "poor Indians;" and we are now called upon to appoint a committee to travel over the country during the recess of Congress, with power to send for persons and papers, with a view to ascertain whether or not those vague charges that have been trumpeted forth to the country are well founded.

Those who are opposed to sending out this mission are charged with a disposition to cover up those supposed or alleged frauds complained of, and *party* tactics have been charged upon those who are opposed to the appointment of a committee of this House to inquire into this matter during the recess of Congress.

Now, Mr. Speaker, I will not charge the honorable mover of this project, or any of its advocates, with *party* purposes in this matter; but, sir, as many *surmises* have been made in reference to the alleged *frauds* upon the poor Indians, would it not be fair to suppose a *supposable* case; and to *suppose* that great *electioneering* facilities would be afforded to the political missionaries thus sent into the different sections of the country? Might it not be *surmised* or *supposed* by some, that this mission, if sent out through the country, would have an opportunity of operating upon the next presidential election? How is this committee to be raised, Mr. Speaker? Why, sir, it is proposed that the Committee on Indian Affairs shall depute three or more of their own members; and we are told that a majority of the members of that committee are friends of this Administration. Admit this to be true, does that argue that the *friends* of the Administration on the Committee on Indian Affairs will be appointed a sub-committee for the purposes that are had in view in this matter? I think not. The Committee on Indian Affairs is composed of nine members; and I predict that, if the proposition as first proposed shall be adopted by the House, the *sub*-committee will not be made up of the *friends* of the Administration. On the contrary, its most bitter *enemies* would be sent out, and an opportunity to electioneer for President would be afforded to some, and the newspapers would be filled with political squibs, stating that no doubt existed as to the alleged frauds, and that all that was wanting to support the charges was a lack of one or more credible and disinterested witnesses to testify, and the truth declare, on oath. Thus would matters progress until after the presidential election in November next; and to wind up the affair at the next meeting of Congress, this House, and the country, would be favored with another report similar to the one made on the subject of frauds which were charged upon the Post Office Department.

Mr. B. said that he had entire confidence in the President, and that he had no doubt but that every exertion would be made by the President to have this matter probed to the bottom; and, if fraud shall be found to exist, have the guilty punished. Sir, (said Mr. B.,) I am one of those who never feared responsibility on my part; and as one of the representatives of the people, I am willing to bear my share of responsibility in voting against the appointment of a committee on the part of this House, to travel through the country to electioneer from now until the next annual meeting of Congress, at eight dollars per day, and eight dollars for every twenty miles travel. Mr. Speaker, I will not detain the House at this late period of the session, but I felt myself called upon to say thus much by way of offset to some of the many charges that have been made against this Administration and its friends.

Mr. BYNUM demanded the previous question, but withdrew it at the suggestion of

Mr. HAWES, who said a few words in reply to the gentleman from Indiana, and then renewed (as promised) the demand for the previous question.

Mr. CALHOUN, of Massachusetts, moved to lay the whole subject on the table.

Mr. WISE called for the yeas and nays; which were not ordered; and the motion to lay on the table was lost without a count.

The previous question was then seconded by the House—69 to 56.

Mr. WISE asked for the yeas and nays on ordering the main question; which were ordered; and were—yeas 90, nays 66. So the House determined that the main question should be now put.

Mr. WISE asked for the yeas and nays, but the House refused to order them; and the main question being on the adoption of the original resolution, was put and agreed to—ayes 91, noes not counted.

SENATE BILL REFERRED.

The following bill from the Senate was read twice, and, on motion of Mr. CAMBRELENG, referred to the Committee of Ways and Means: An act supplementary to the act regulating the deposit of the public money, passed the 23d of June, 1836.

PAY OF REVENUE OFFICERS.

The bill regulating the compensation of officers of revenue cutters, returned from the Senate with sundry amendments, was taken up, and the amendments severally concurred in.

PAY OF MARINE OFFICERS.

Mr. JARVIS, from the Committee on Naval Affairs, reported, without amendment, the bill from the Senate regulating the pay of the officers of the United States marine corps; which was committed.

PRIVATE BILLS.

The House then proceeded to the consideration of the private orders, (at half past nine, p. m.,) being Senate bills.

The act for the relief of Jean Baptiste Janis was read the third time and passed.

The House then went into Committee of the Whole (Mr. BRIGGS in the chair) on a large number of private bills from the Senate; and when the committee rose the following were reported to the House:

An act for the relief of Irvine Shubrick;

An act for the relief of Hiram A. Hunter;

An act for the relief of Walter Loomis and Abel Gay;

An act to provide for the settlement of the claim of Mary O'Sullivan;

An act for the purchase of certain rights or inventions of William H. Bell, of North Carolina;

An act for the relief of John La Tourette;

An act for the relief of the executors of James O'Hara;

An act to confirm the title of the heirs of M. de la Carera to a tract of land;

An act for the relief of the administrators of Michael Hogan;

An act for the completion of certain internal improvements in Florida;

An act for the relief of Martin Prindle;

An act for the relief of the representatives of Theodore W. Maurice;

An act for the relief of John McCartney;

An act for the relief of James Thomas;

An act to purchase the use of Boyd Reilly's patent for applying gas or vapor to the human body;

An act for the relief of Peter H. Green and William Emerson;

An act for the relief of Henry Wainwright;

An act for the relief of Robert Abbott, *et al.*;

An act for the relief of Samuel Smith, Lynn McGhee, and Semoice, Creek Indians;

An act for the relief of Elijah Simmons;

An act in addition to the act for the relief of the representatives of George Hurlbut, deceased;

An act in addition to the act for the relief of the representatives of Lucy Bond and Hannah Douglass;

An act to extend two patents to James Barron;

An act for the relief of Susan Barlow;

An act for the payment of the militia of Missouri and Indiana for services against the Indians in 1832;

An act for the relief of Samuel Warner;

An act for the further payment of a pension to Mary Babbit;

An act for the relief of David McCord;

An act for the relief of the owners, officers, &c., of the private armed vessels, Neptune and Fox;

An act for the relief of Joseph Hertrick;

An act for the relief of James F. Sothoron;

An act for the relief of George Dawson;

An act to refund the duties paid on certain bells;

An act for the relief of the executors of James Sutherland;

An act for the relief of A. and J. Dennis & Co.;

An act for the relief of Joshua Hatch;

An act for the relief of Nathaniel Canada;

An act for the relief of Ebenezer Spalding;

An act for the relief of Nancy Leamster;

An act for the relief of Noah Brown and others;

An act for the relief of Joseph Bogy;

An act for the relief of the heirs of General William Eaton;

An act for the relief of Antonio Segura and others;

An act for the relief of Duncan L. Clinch;

An act for the relief of the representatives of Thornton Taylor;

An act for the relief of Gabriel W. Denton and others;

An act for the relief of Stokes, Stockton, & Moore;

An act for the relief of Josette Beaubien;

An act confirming the title of Joseph Sorin, alias Larochelle, to a tract of land in Missouri;

An act for the relief of Henry H. Hall;

An act for the relief of the representatives of David Caldwell;

An act laying off certain towns in Wisconsin, and for other purposes;

An act for the relief of Charles J. Catlett;

An act for the relief of the representatives of James Moore;

An act to amend an act laying off town, Bean river, &c.;

An act for the relief of the legal representatives of Joseph Hazlett and Jemima Monro, surviving children of the late Colonel John Hazlett;

An act for the relief of Isaac Means and others, owners of the schooner Elizabeth;

An act for the relief of Don Carlos Dehault Delassus;

An act for the relief of John Cummins;

An act for the relief of the trustees of common schools in the State of Mississippi;

An act for the relief of the widow of Peter Smith;

An act for the relief of Larned Swallow;

An act for the relief of Ephaine Page;

An act for the relief of Parker Chase;

An act for the relief of the legal representatives of N. Shaver, deceased;

An act to provide for issuing a land patent to Thomas B. Clark;

An act in addition to the act for the relief of James L. Cathcart;

An act for the relief of Seaborn Jones and Joel Crawford.

All the above bills were read a third time, and passed, except the following:

An act for the purchase of certain rights of inventors;

An act to purchase the use of Boyd Reilley's patent, &c.;

An act for the relief of John McCartney;

An act for the relief of Peter H. Green and William Emerson;

An act in addition to an act for the relief of the legal representatives of Lucy Bond and Hannah Douglass;

An act for the relief of the heirs of General William Eaton;

An act for the relief of Stockton and Stokes and William Moore; and

An act for the relief of Samuel Warner.

Mr. BRIGGS, from the same Committee of the Whole, also reported, with amendments, bills from the Senate, and a resolution from the Senate, of the following titles:

An act for the relief of the legal representatives of James Brobson;

An act for the relief of Elizabeth Flicker, widow of Henry Richardson, deceased;

An act for the relief of the legal representatives of Colonel D. Hopkins;

An act for the relief of the legal representatives of William Conway, deceased;

An act for the relief of John M. Gamble;

An act for the relief of William Rathbone; and a Resolution providing for the settlement of the claim of John S. Stiles, under a contract for a supply of bread.

The above bills and resolution were then read the third time, and passed.

SUPREME COURT OF FLORIDA.

The bill regulating the terms of the supreme court of the middle district of Florida was read the third time, and passed.

The House then adjourned, at two o'clock, a. m.

IN SENATE.

SATURDAY, *July* 2, 1836.

On motion of Mr. ROBBINS, the Committe on the Library were discharged from the further consideration of all subjects that had been referred to that committee during the session, and not reported on.

ABOLITION PETITIONS.

Mr. MORRIS remarked that it was well known that he had had in his possession during the session several abolition petitions, which, for reasons heretofore given by him, he had failed to present. He now asked leave to present them, and moved that they be referred to the Committee on the District of Columbia.

Mr. WALKER demanded the question as to the reception of the memorials; and on motion of Mr. W. this question was laid on the table.

PRIVATE BILLS.

The bill for the relief of William Pollard's heirs was ordered to be read a third time; and afterwards read the third time and passed.

The bill for the relief of the legal representatives of Lathrop Allen was indefinitely postponed.

PROTECTION TO WESTERN FRONTIERS.

The bill to provide for the better protection of the western frontier was taken up.

Mr. CALHOUN said a few words in opposition to the bill, and proposed laying it on the table, that the subject might be taken up next winter, when they would be in possesion of the estimates and surveys for the military road contemplated.

Mr. LINN and Mr. BENTON severally addressed the Senate in support of the bill; after which it was ordered to a third reading, and subsequently read the third time and passed.

PRIVATE BILLS.

The bill for the relief of Jonathan Boone was indefinitely postponed.

The bill for the relief of Tobias Crum was considered, and ordered to be read a third time; which was afterwards passed.

The bill for the relief of the legal representatives of Josias Thompson was laid on the table.

The amendment of the House to the bill for the relief of John M. Gamble was concurred in.

The amendment of the House to the bill for the relief of the sureties of James Bronson; to the bill for the relief of Elizabeth Flicker, widow of Henry Richardson, deceased; to the bill for the relief of the legal representatives of William Conway, deceased; to the bill for the relief of William P. Rathbone; to the resolution providing for the settlement of the claim of John S. Stiles; to the bill for the relief of the legal representatives of Captain David Hopkins, were severally concurred in.

DISTRICT OF COLUMBIA.

The resolution submitted by Mr. SOUTHARD, directing the Secretary of the Senate to cause to be collected, arranged, and printed, certain documents connected with the cession of the District of Columbia, was ordered to a third reading; which was afterwards passed.

The bill to grant to the New Orleans and Nashville Railroad Company the right of way through the lands of the United States was considered; when, on motion of Mr. BLACK, to amend the bill so as to include certain railroads in Mississippi, the amendment was rejected, and the bill was ordered to a third reading. It was afterwards read the third time, and passed.

PENSIONS.

Mr. TOMLINSON moved to take up the bill to grant half-pay to the widows and orphans of those who have died, or may hereafter die, in the service of the United States.

Mr. PRESTON opposed the motion.

Mr. TOMLINSON called for the yeas and nays on the question; which were ordered; and it was decided in the affirmative—yeas 18, nays 15; as follows:

YEAS—Messrs. Bayard, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, King of Alabama, Linn, Nicholas, Robinson, Southard, Tipton, Tomlinson, Wall, Webster, and White—18.

NAYS—Messrs. Black, Calhoun, Ewing of Ohio, Goldsborough, Kent, Leigh, Mangum, Moore, Porter, Preston, Robbins, Ruggles, Swift, Walker, and Wright—15.

Mr. TOMLINSON explained and advocated the bill.

Mr. PRESTON opposed it, as extending the pension system to an enormous and alarming degree.

The debate was continued by Messrs. CALHOUN, and KING of Georgia, who moved to amend the bill by confining its benefits to the widows and orphans of those who have died, or may die, of wounds actually received in service, or who have been killed, or may be killed, in action.

After a debate the amendment was adopted.

Mr. TOMLINSON submitted a further amendment embracing the widows and children of certain revolutionary pensioners who have died since March, 1831; and an amendment, at the suggestion of Mr. BUCHANAN, to provide for widows of revolutionary officers and soldiers who were married during the war, and who have remained widows since; which amendments were agreed to; and the bill was ordered to a third reading.

HARBORS AND RIVERS.

The bill making additional appropriations for completing the Delaware breakwater, and for the improvement of certain harbors, and for removing obstructions in certain rivers, was read the third time and passed—yeas 25, nays 12; as follows:

YEAS—Messrs. Bayard, Benton, Buchanan, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, King of Alabama, Linn, Niles, Page, Robbins, Robinson, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, and Wright—25.

NAYS — Messrs. Black, Calhoun, Clay, King of Georgia, Leigh, Mangum, Nicholas, Porter, Preston, Rives, Walker, and White—12.

DISTRICT FIRE COMPANIES.

The bill to organize the several fire companies of the District of Columbia was laid on the table.

PROVIDENT ASSOCIATION OF CLERKS.

The bill to amend the act to incorporate the Provident Association of Clerks in the civil departments of the Government at Washington, in the District of Columbia, was read the second time, and ordered to a third reading.

HARBORS AND RIVERS—AGAIN.

Mr. DAVIS, from the Committee on Commerce, reported, with sundry amendments, the bill from the House making appropriations for the improvement of certain harbors, &c.; and the bill was taken up for consideration, and the amendments reported by the committee were agreed to.

A debate then ensued, in which the bill was advocated by Messrs. WEBSTER and DAVIS, and opposed by Messrs. CALHOUN and NILES; but before its termination the Senate took a recess (at three o'clock) for two hours.

EVENING SESSION.

The CHAIR announced a communication from the Treasury Department, transmitting a report showing the revenue up to the 31st of December last; which was ordered to be printed.

STOCKTON AND STOKES.

The amendments of the House to the bill for the relief of Stockton & Stokes were agreed to.

BILLS PASSED.

The following bills were severally read the third time, and passed:

The bill granting half-pay to widows and orphans where their husbands and fathers have died, or shall hereafter die, from wounds received in the military service of the United States, and for other purposes; and

The bill to amend the act to incorporate the Provident Association of Clerks in the civil departments of the Government of the United States at Washington, in the District of Columbia.

HARBORS AND RIVERS.

The Senate resumed the consideration of the bill making appropriations for the improvement of certain harbors, and for removing obstructions at the mouths of certain rivers, &c.

Mr. PRESTON moved to strike out the appropriation of $20,000 for deepening the harbor of Baltimore.

Mr. PRESTON explained his reasons for offering this amendment.

Messrs. KENT and GOLDSBOROUGH opposed it.

Mr. KING, of Georgia, spoke in favor of the amendment, and generally in opposition to the bill; and concluded with a motion to postpone it until the commencement of the next session of Congress.

Messrs. WALKER and MANGUM addressed the Senate in favor of Mr. KING's motion.

Mr. KING, of Georgia, after Mr. MANGUM

THE CONGRESSIONAL GLOBE.

BY BLAIR & RIVES. WEEKLY. PRICE $1 FOR A SESSION.

FIRST SESSION, 24TH CONGRESS. WEDNESDAY, JULY 6, 1836. VOLUME 3....No. 39.

had concluded, withdrew his motion, and moved to strike out all the bill except those parts making appropriations to improve the mouth of the Mississippi.

After some remarks from Mr. EWING, of Ohio, this motion was rejected—yeas 17, nays 21; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Cuthbert, Ewing of Ohio, Grundy, King of Alabama, King of Georgia, Leigh, Mangum, Moore, Nicholas, Porter, Preston, Rives, Walker, and White—17.

NAYS — Messrs. Bayard, Benton, Buchanan, Davis, Ewing of Illinois, Goldsborough, Hendricks, Kent, Linn, Page, Robbins, Robinson, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, and Wright—21.

Mr. KING, of Georgia, then renewed his motion to postpone the bill to the first Monday in December next; and on taking the question the motion was lost—yeas 17, nays 22; as follows:

YEAS—Messrs. Black, Calhoun, Clay, Cuthbert, Ewing of Ohio, Grundy, King of Alabama, King of Georgia, Leigh, Mangum, Moore, Nicholas, Porter, Preston, Rives, Walker, and White—17.

NAYS—Messrs. Bayard, Benton, Buchanan, Davis, Ewing of Illinois, Goldsborough, Hendricks, Kent, Linn, Niles, Page, Robbins, Robinson, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, and Wright—22.

The question then recurred on Mr. PRESTON's motion to strike out the appropriation of $20,000 for deepening the harbor of Baltimore; and the question was lost without a division.

The bill was then reported to the Senate, and the amendments, made as in Committee of the Whole, were concurred in.

After some remarks from Messrs. CLAY, PRESTON, WALKER, and KING of Georgia, in opposition to the bill, and from Messrs. BUCHANAN and KENT in its favor,

Mr. KING, of Georgia, moved to strike out the appropriation of $500 for a survey of the head waters of the Chesapeake bay; which motion was rejected—yeas 14, nays 24; as follows:

YEAS—Messrs. Black, Calhoun, Grundy, King of Alabama, King of Georgia, Leigh, Mangum, Moore, Morris, Preston, Rives, Walker, Wall, and White—14.

NAYS—Messrs. Bayard, Benton, Buchanan, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Kent, Linn, Nicholas, Niles, Page, Robbins, Robinson, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Webster, and Wright—24.

Mr. PRESTON, unwilling that the name of the State of South Carolina should be connected in any way with a bill so objectionable, moved to strike out the appropriation of $1,000 for a survey of Georgetown, South Carolina. He was satisfied that he spoke the feelings and wishes of his constituents in moving to disconnect them from a measure containing provisions so abhorrent to every principle of justice.

Mr. CALHOUN seconded the motion, and called for the yeas and nays; which were ordered; and the question was taken and decided in the affirmative—yeas 21, nays 15; as follows:

YEAS—Messrs. Benton, Black, Calhoun, Cuthbert, Grundy, Hendricks, Kent, King of Alabama, King of Georgia, Leigh, Mangum, Moore, Morris, Porter, Preston, Robinson, Ruggles, Tipton, Walker, Wall, and White—21.

NAYS—Messrs. Bayard, Buchanan, Davis, Ewing of Illinois, Goldsborough, Linn, Nicholas, Niles, Page, Robbins, Swift, Tallmadge, Tomlinson, Webster, and Wright—15.

Mr. KING, of Georgia, then moved to strike out the appropriation of $10,000 for removing the obstructions to the harbor of Brunswell bar, State of Georgia.

This amendment was rejected; and the amendments were ordered to be engrossed, and the bill to be read a third time—yeas 21, nays 17; as follows:

YEAS—Messrs, Bayard, Benton, Buchanan, Davis, Ewing of Illinois, Goldsborough, Hendricks, Kent, Linn, Nicholas, Page, Robbins, Robinson, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Webster, and Wright—21.

NAYS—Messrs. Black, Calhoun, Cuthbert, Ewing of Ohio, Grundy, King of Alabama, King of Georgia, Leigh, Mangum, Moore, Morris, Nicholas, Preston, Rives, Walker, Wall, and White—17.

The bill was then read the third time and passed.

The amendments of the House to the bill of the Senate for the reorganization of the General Land Office were considered; and,

On motion of Mr. EWING, of Ohio, the amendments were concurred in.

GENERAL APPROPRIATION BILL.

The amendments of the House to the bill in addition to the act making appropriations for the support of the Government for the year 1836, were referred to the Committee on Finance.

CHOCTAW FRAUDS.

Mr. MOORE moved to take up the report of the Secretary of the Treasury on the subject of frauds in the Choctaw reservations; which was agreed to; and, on motion of Mr. M., the same was ordered to be printed.

CORPORATION OF WASHINGTON.

On motion of Mr. KENT, the bill to extend the jurisdiction of the corporation of the city of Washington for making deeds for lots sold by said corporation, was taken up, and passed.

EXTRA COMPENSATION.

Mr. BENTON submitted a resolution to pay an addition of fifty cents per day to each of the messengers of the Senate during the session.

Mr. PRESTON moved to amend the resolution by adding an additional compensation of $100 to Mr. Hepburn, the lamp-lighter.

Mr. MANGUM moved further to amend it by adding an additional compensation for Thomas Clark, the wood-carrier; which amendments were agreed to; and the resolution was passed as amended.

THE NATIONAL ROAD IN ILLINOIS.

The bill to continue the national road from Vandalia to the Mississippi river was considered; and, after being amended, was ordered to a third reading.

ADDITIONAL PAYMASTERS.

The amendments of the House to the bill providing for the appointment of additional paymasters was considered; and,

On motion of Mr. BENTON, the amendments were concurred in.

GENERAL APPROPRIATION BILL—AGAIN.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the amendments of the House to the bill in addition to the act making appropriations in part for the support of the Government for the year 1836, made a report thereon, recommending that the Senate concur in the amendments of the House, with the exception of the amendments "for removing the naval monument to the Botanic Garden, $2,000," and "for extending the inclosures of the Capitol square, $25,000," which they recommended to be stricken out.

On taking the question of concurring with the committee as to striking out the provision for extending the grounds, the Senate refused to strike it out.

The appropriation of $2,000 for removing the naval monument was stricken out.

Mr. KING, of Georgia, moved that the Senate do not concur in the amendment of the House appropriating $——— for the purchase of books and documents for the new members; which motion was agreed to—yeas 15, nays 10.

The other amendments were concurred in.

CHOCTAW CLAIMS.

Mr. MOORE moved to take up the bill for the adjustment of certain claims to reservations of lands, under the 14th article of the treaty of Dancing Rabbit creek, with the Choctaw Indians; which motion was agreed to.

Mr. WALKER moved to amend the bill by striking out the whole of it, and inserting, in lieu thereof, a provision appropriating $30,000 in addition to the sum already appropriated for the removal of the Choctaw Indians, now in the State of Mississippi, to the west of the Mississippi river.

Mr. PRESTON submitted whether it was in order to move to strike out the subject of the bill, and to insert an entirely different subject?

The CHAIR decided that it was always proper to move to strike out and insert.

After a debate, in which Messrs. WALKER and MOORE took part,

Mr. EWING, of Ohio, moved to lay the bill on the table; which motion was agreed to.

BILLS PASSED.

The bill to continue the national road from the Mississippi river, to Jefferson city, in the State of Missouri;

The bill to repeal so much of the act of 1799 as respects the issuing of certificates on imported wines;

The bill for the relief of Frederick C. DeKrafft;

The bill to authorize the corporation of Georgetown to close certain streets in said town; and

The bill giving the assent of Congress to the act of the Legislature of Virginia incorporating the Fredericksburg and Falmouth Railroad Company, were severally read the third time and passed.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 2, 1836.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting a report from the colonel of ordnance; which was laid on the table, and ordered to be printed.

PUBLIC LANDS.

Mr. BOON moved a suspension of the rules for the purpose of offering the following resolution:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing, by law, that the future sales of the public lands of the United States shall be confined exclusively to *actual settlers* in tracts, at limited parcels, at reduced prices.

The motion was disagreed to.

REPORTS FROM COMMITTEES.

Mr. GRENNELL, from the Committee on Claims, reported a bill for the relief of Joseph Nourse; which was read twice and committed.

Mr. BELL, from the Committee on Indian Affairs, made a report, in part, in relation to that subject; which, with the accompanying documents, was laid on the table, and the report only ordered to be printed.

Mr. LAWLER, from the Committee on Private Land Claims, reported a bill for the relief of John Coss & Co.

Mr. DARLINGTON, from the Committee on Claims, reported a resolution authorizing the Secretary of War to adjust the claim of John Jones; which was considered and agreed to.

Mr. THOMAS, from the select committee on the banks of the District of Columbia, reported a resolution to pay Thomas Shankland a per diem allowance for his services as clerk to that committee.

In reply to an inquiry by Mr. WILLIAMS, of North Carolina, Mr. THOMAS stated the compensation intended was eight dollars per day.

Mr. HIESTER moved to lay the resolution on the table; which was agreed to.

LOANS BY DEPOSIT BANKS.

Mr. HUNT, from the select committee appointed to inquire whether members of Congress, or others, had procured public moneys of the deposit banks for the purpose of speculating in the public lands, made a report, accompanied by the following resolutions:

Resolved, That the select committee appointed by this House on the 20th June, 1836, be increased to nine, and that said committee have power to sit during the recess of this House.

Resolved, That said committee embrace in their inquiries any connection between deposit banks, or others, and the land offices, for the purposes of speculation.

Resolved, That said committee inquire how far, and to whom, for speculation in public lands, the deposit banks have issued certificates of deposit without an actual deposit in cash, and to what extent they have been received in payment for purchases of public lands at the several land offices.

Resolved, That said committee inquire how far, and to what extent, combinations in the purchase of the public lands have been formed, or are forming, sufficiently strong, from interested motives, to control to any extent the legislative action of Congress.

Mr. HUNT addressed the House at some length in support of the resolutions.

Mr. LANE said the House cannot have forgotten the painful sufferings of yesterday, the unnecessary and wanton sacrifice of the time of the House and of the public business, occasioned by a similar resolution reported by the chairman of the Committee on Indian Affairs, [Mr. BELL,] which, and the motion akin to it, occupied the House from ten o'clock in the morning until after nine o'clock in the evening, in idle, angry, and useless debate; after which those *honorable* and *patriotic* gentlemen, who have sacrificed so large a portion of the time of the session, by crying fraud and corruption, until those terms have become as familiar to the ears of others as they appear to have been to themselves, *retired* as *usual*, leaving the few, very few, to sit until after one o'clock in the morning, in order to accomplish that which ought to have been done within the usual hours of legislation.

Mr. L. said, before he submitted the motion he had risen to make, he owed it to himself to say, that he was not engaged in any land speculations, either as an individual, or as the agent or member of any company; that he was not indebted to any bank in or out of the District of Columbia; on the contrary, the indebtedness was on the other side.

Mr. L. concluded by moving to lay the report and resolutions on the table, and that they be printed.

Mr. HUNT asked for the yeas and nays; which were ordered.

Mr. ADAMS called for a division of the question.

The question was first taken on laying on the table; and decided in the affirmative—99 to 70; and the motion to print was agreed to without a division.

OTHER REPORTS.

Mr. UNDERWOOD, from the Committee on Revolutionary Claims, reported a bill for the relief of the children of Horace Cooper; which was read twice and committed.

Mr. WISE, from the select committee on the subject, reported a bill for the relief of the heirs of General Thomas Nelson; which was read twice and committed.

Various standing committees were discharged from the further consideration of the unfinished business before them.

Mr. CAMBRELENG called for the orders of the day; and, on motion of Mr. McKENNAN, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. MASON, of Virginia, in the chair.)

LOUISVILLE AND PORTLAND CANAL.

Mr. GRAVES moved that the committee take up the bill to authorize the purchase of private stock, on the part of the United States, in the Louisville and Portland canal; which was lost—ayes 53, noes 73.

Mr. G. made several other attempts to get up this bill, but the vote was always against its consideration.

REORGANIZATION OF THE GENERAL LAND OFFICE.

On motion of Mr. KENNON, the committee took up (*nem. con.*) the bill to reorganize the General Land Office.

The bill having been read, the committee took up the amendments proposed by the Committee on Public Lands.

Mr. K. hoped the committee would not concur in any of the amendments, but agree to the bill as it came from the Senate.

On this considerable discussion arose, in which Messrs. LINCOLN, WILLIAMS of North Carolina, VINTON, JOHNSON of Tennessee, CHAPMAN, JOHNSON of Louisiana, LYON, GRENNELL, JARVIS, WHITTLESEY of Ohio, PARKER, BOON, and KENNON, took part, when all the amendments of the committee were concurred in.

Mr. KENNON offered an amendment to the bill, adding twenty additional clerks at a salary of $1,200 each. Mr. K. explained that this amendment was contained in the Senate's bill, but was left out in the engrossment by mistake.

The amendment was then agreed to.

Mr. LINCOLN moved to strike out the proviso in the fourth section; which was agreed to.

Mr. JOHNSON, of Tennessee, offered an amendment as a substitute for section nine, a section providing that the commissioner should have a stated number of clerks, to be appointed only for two years. He stated his object to be to have all the work of the office now lying behind brought up; and then leave it for Congress to fix the number necessary to be employed hereafter.

After some remarks by Messrs. WHITTLESEY of Ohio, BOON, JARVIS, VINTON, WILLIAMS of North Carolina, and PARKER,

The amendment of Mr. JOHNSON was rejected.

Mr. GARLAND, of Louisiana, offered as an additional section that the offices should be kept open ten hours a day in the summer season, and eight hours in the winter; which was agreed to.

Mr. UNDERWOOD offered an amendment placing restrictions upon registers of land offices; which was agreed to.

Mr. HAWES submitted an amendment prohibiting officers of the General Land Office from purchasing public lands; which was agreed to.

Mr. JOHNSON, of Tennessee, moved an amendment providing that the thirty-five clerks provided for by the bill at a salary of $1,000, should not be appointed for a longer term than two years; which was lost.

Mr. J. then offered an amendment for the purpose of increasing the pay of the clerks in the War Department.

After a few remarks by Messrs. VINTON, CAMBRELENG, and JOHNSON, the amendment was rejected.

The bill was then laid aside to be reported to the House.

GENERAL APPROPRIATION BILL.

The committee then took up the bill in addition to the act making appropriations for the support of Government for the year 1836.

Some of the amendments submitted by Mr. CAMBRELENG, from the Committee of Ways and Means, were concurred in; when

The House took the usual recess, from half past two to four o'clock.

EVENING SESSION.

The House, by general consent, took up the bill for the relief of Stockton & Stokes and Daniel Moore.

The amendment of the Committee of the Whole to the said bill was concurred in; and the bill was read a third time, and passed.

HARBOR AND RIVER BILL.

The House then took up the bill making appropriations for certain harbors.

The several amendments of the Senate, proposing reductions, were concurred in.

The question then recurred on the amendment proposing to insert the clause struck out by the House, making an appropriation of $30,000 for surveys.

Mr. SMITH called for the yeas and nays on concurring in the amendment; which were ordered; and were—yeas 71, nays 64.

So the amendment of the Senate was concurred in.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, showing the amount of duties on merchandise during the year 1834, and a communication from the same, transmitting a statement from the Register of the Treasury, showing the amount of duties paid, and drawbacks payable, on several articles imported into, and reëxported from, the United States in 1832, 1833, and 1834; and both of which were laid on the table, and ordered to be printed.

PUBLIC DEPOSITS.

Mr. SMITH, from the Committee of Ways and Means, reported, without amendment, the Senate supplementary bill regulating the deposits of the public money; which was ordered to lie over.

GENERAL APPROPRIATION BILL.

The House went into the Committee of the Whole on the state of the Union, (Mr. MASON in the chair,) and resumed the consideration of the bill in addition to an act making appropriations for the support of Government for the year 1836.

Various amendments submitted by Mr. CAMBRELENG were agreed to.

Mr. JARVIS moved an additional clause, extending the Capitol square westward to the first street, including the botanic garden, (so called.)

Mr. PARKS briefly advocated the motion.

Mr. WARD said he concurred in opinion with the gentleman from Maine, [Mr. PARKS,] as to the propriety of extending the public grounds on the west of the Capitol as far as First street, and he hoped the proposed amendment would prevail. The public square will be much improved in appearance, and will be more in keeping with the splendid Capitol; for the public grounds on the west are too limited for a building covering nearly two acres of ground. In point of economy, (he said,) it was desirable, because it is now proposed to erect an iron fence around the botanic garden, which will cost, at least, thirty or forty thousand dollars; and next year there will doubtless be an application for making an iron fence on the triangular lots which lie to the north of Pennsylvania avenue, and south of Maryland avenue. If the grounds are extended to First street, as proposed, they will be handsomely laid out in walks, and planted with trees and shrubbery, and will, moreover, allow sufficient space for the fountain, or a *jet d'eau*, to be erected, five thousand dollars being appropriated in this bill for that object.

The amendment was then agreed to.

Mr. MANN offered an amendment authorizing the President of the United States to contract for the construction of a building for the Treasury Department of the United States.

Mr. TALIAFERRO offered an amendment to the amendment to provide for the erection of a fire-proof building for the Patent Office.

After some remarks by Messrs. VINTON, A. H. SHEPPERD, TALIAFERRO, and JARVIS, the amendment was agreed to, and the amendment, as amended, was also agreed to.

Mr. GRAVES offered an amendment to provide for the purchase of the stock of the Louisville and Portland canal; which was lost—ayes 50, noes 72.

Mr. DUNLAP offered an amendment appropriating $5,000 for the erection of a marine hospital at Memphis, Tennessee.

Mr. D. said that the amendment he offered was one of necessity; that every State west of the mountains was more interested than the State he had the honor in part to represent; but his immediate constituents in the town where the hospital was intended to be erected were directly interested as individuals. They had to pay annually more than two thousand dollars in private contributions for the support of such persons as were put on shore at this town sick, and unable to pay anything for their support and protection. This burden I ask the House to relieve my constituents from. They have less interest in the hospital than any other portion of the community, except the town of Memphis. When the citizens of my district get so near home as Memphis, their friends will come and take care of them.

Mr. Chairman, (said Mr. D.,) I now hold in my hand the list of the steamboats engaged in the navigation of the Mississippi river. The number of the boats will give the House some idea of the number of persons engaged in the navigation of said river. But, sir, there is another meritorious class of our citizens engaged in the navigation of the Mississippi river; they are persons who take their surplus produce to the southern market in

flat-boats, and return home on the steamboats. Sir, the persons who are engaged in the navigation of the Mississippi river are compelled to go to market in that season of the year that they are subject to all the diseases incident to the southern climate.

Mr. Chairman, (said Mr. D.,) Memphis is situated between three and four days' travel above New Orleans, and those who contract the disease of cholera, yellow fever, or small-pox, by the time they arrive at Memphis, the disease makes its appearance, and the captains of the boats leave the persons thus diseased lying on the banks of the river, without any place to go to. No public house will take them in; and the private families do not wish to take persons among their families with contagious diseases, and the persons are left to lie on the wharf and die, or are placed at the charity of the citizens. Sir, if there is one man on this floor who will rise in his place and say an hospital is not necessary at Memphis, I will not press my amendment. I cannot believe that any representative of the American people will refuse to appropriate money sufficient to build a house for the reception of the sick and disabled American citizens who are engaged in the navigation of the western rivers.

Mr. STORER offered a substitute for the amendment appropriating $5,000 for the purpose of making examinations and purchase of suitable sites for hospitals on the western waters.

Mr. PEARCE, of Rhode Island, opposed the adoption of the amendment, on the ground that the House was not in possession of the information necessary to justify the appropriation at this time.

Mr. REYNOLDS, of Illinois, said that he knew it was unpopular to rise and speak at this late hour of the session. His excuse for it was the situation of the working class of men on the western waters. It was for them, and not for himself, that he exposed himself on this occasion to the censure of the committee. The gentleman from Rhode Island [Mr. PEARCE] said, we must wait. Mr. R. said he would have no objection to wait if sickness and death to the sailors on the western waters would also wait. He said he had brought the subject before the House and Committee on Commerce the session before the last, but nothing was done. The gentleman from Rhode Island does not know the situation of the working men on our rivers, or he would not urge a continuance of this subject. They are not like the gentlemen, living at their ease, with physicians and all the comforts and luxuries attending them. They walked not on carpets in navigating their vessels. They needed legislation, and he hoped they would receive it.

Mr. R. concluded by observing, that nothing was demanded but a preparatory step to purchase sites and report to the next Congress.

The substitute and the amendment were both rejected.

Mr. HAWES offered an amendment appropriating $300 for the printing of the report in relation to the West Point Academy; which was lost.

Mr. LOVE offered an amendment for the erection of an hospital on some point on Lake Erie; which was lost.

Various other amendments were offered to the bill and acted on by the committee.

The bill was then laid aside to be reported to the House.

PATENT LAWS.

The committee then took up the bill to promote the progress of the useful arts, and to repeal all acts or parts of acts heretofore made for that purpose.

Mr. HAWES offered an amendment reducing the salary of the Commissioner of the Patent Office to $2,000.

After a few remarks by Messrs. WILLIAMS of North Carolina, VINTON, REED, JOHNSON of Tennessee, PARKS, and HARPER the question was taken; and the vote was—yeas 25, nays 55; no quorum.

The committee then rose and reported that fact to the House.

The SPEAKER having resumed the chair,

Mr. DROMGOOLE moved a call of the House; which was ordered and proceeded in for some time, when its further proceedings were dispensed with, and the House again went into committee.

The question being taken on the amendment, no quorum again voted, the tellers reporting first 23 to 76, and then 32 to 77.

Mr. CAMBRELENG said he hoped the committee would rise, and that there be a call of the House, so that it might be seen who were absent on so important an occasion as the present.

The committee then rose again for want of a quorum.

Mr. McKAY moved a call of the House.

Mr. GARLAND, of Louisiana, asked for the yeas and nays, by the taking of which, he said, it could be ascertained if a quorum were present or not.

The yeas and nays were ordered, and were—119 to 35. So a call of the House was ordered.

TEXAS.

Mr. MASON gave notice, that as soon as the business before the Committee of the Whole could be disposed of, he would ask the consent of the House to make a report from the Committee on Foreign Affairs in relation to Texas. He moved that the further proceedings of the call be dispensed with; which was agreed to.

The House then went again into committee, and Mr. CAMBRELENG moved that the committee rise and report some of the bills to the House; which was agreed to; and the committee rose and reported.

Mr. ADAMS raised the point of order, that the chairman of the committee ought not to have reported any of these bills, notwithstanding the vote of the committee, on the ground that any one bill was open to amendment until they were all gone through. He addressed the House at some length on the point. Mr. A. then moved to recommit the bills; which was lost.

REORGANIZATION OF THE GENERAL LAND OFFICE.

The House took up the bill to reorganize the General Land Office.

The amendments of the Committee of the Whole were all severally concurred in; and the bill having been engrossed, was read the third time, and passed.

GENERAL APPROPRIATION BILL.

The House then took up the bill in addition to the act making appropriations for the support of Government for the year 1836.

The amendments of the Committee of the Whole were severally concurred in.

Mr. DUNLAP then renewed his amendment to appropriate $5,000 for the erection of a marine hospital at Memphis, Tennessee.

After a few remarks by Mr. DUNLAP, Mr. HOWARD moved the previous question, which was seconded by the House, and the main question was ordered.

The bill having been ordered to be engrossed, was read the third time; and the question being on its passage,

Mr. PATTON moved to recommit it to the Committee of the Whole, with instructions to strike out the clause appropriating the compensation to the Senators and Representatives from Michigan.

Mr. MANN, of New York, moved the previous question; which was seconded by the House—ayes 77, noes 52.

Mr. CALHOUN, of Massachusetts, called for the yeas and nays on ordering the main question; which were ordered; and were—yeas 94, nays 73.

The bill was then passed.

PATENT LAWS—AGAIN.

The House again went into Committee of the Whole on the bill to promote the progress of useful arts, &c.

The amendment pending was the motion of Mr. HAWES to reduce the salary of the Commissioner of the Patent Office to $2,000.

The question being taken, it was decided in the negative—ayes 28, noes 93.

Mr. HAWES moved to reduce the salary of the chief clerk to $1,500; which was lost.

Various other amendments were submitted by Messrs. HAWES, ADAMS, GRAVES, and HOWARD; all of which were rejected.

The bill was then laid aside, to be reported to the House.

ADDITIONAL PAYMASTERS.

Mr. JOHNSON, of Kentucky, moved that the committee take up the bill providing for the appointment of three additional paymasters in the army; which was agreed to—ayes 88, noes not counted.

The committee then took up said bill.

Various amendments were submitted by Messrs. McKAY and KINNARD; which were acted on.

Mr. WILLIAMS, of Kentucky, moved to strike out the enacting clause of the bill; which was lost.

The bill was then laid aside, to be reported to the House.

JUDICIARY SYSTEM.

On motion of Mr. THOMAS, the committee then took up the bill entitled "An act supplementary to the act entitled an act to amend the judicial system of the United States."

There were several amendments proposed to this bill by the Committee on the Judiciary.

After a few remarks by Mr. THOMAS,

Mr. EVERETT moved to lay the bill aside.

After some further remarks by Messrs. GARLAND of Louisiana, GARLAND of Virgina, UNDERWOOD, MARTIN, BELL, ROBERTSON, JOHNSON of Louisiana, SUTHERLAND, JOHNSON of Kentucky, EVERETT, and RIPLEY, the motion to lay the bill aside prevailed.

DUTY ON WINES.

The committee then took up Senate bill entitled "An act to suspend the discriminating duties upon goods imported in vessels of Portugal, and to reduce the duties on wines."

Mr. HOWARD, from the Committee on Foreign Affairs, submitted sundry amendments; which were agreed to.

Mr. CAMBRELENG moved a proviso, that the benefits of this act should not extend to any wines entitled to debenture; which was agreed to.

The bill was then laid aside to be reported to the House.

GENERAL RIPLEY.

The committee unanimously took up the bill granting a pension to General Eleazer W. Ripley.

The bill was read and considered, and ordered to be reported to the House, *nem. dis.*

On motion of Mr. VINTON, the committee rose and reported the foregoing bills and amendments to the House.

PATENT LAWS—AGAIN.

The SPEAKER having resumed the chair, the House took up the bill entitled "An act to promote the progress of the useful arts;" and to repeal all acts and part of acts heretofore made for that purpose.

Mr. GARLAND, of Louisiana, moved to lay the bill on the table; which was lost.

Mr. TALIAFERRO moved to reconsider the vote by which this bill was ordered to a third reading; which was lost.

The bill was then read a third time and passed.

ADDITIONAL PAYMASTERS—AGAIN.

The House then took up the bill to appoint three additional paymasters in the Army of the United States.

Mr. WILLIAMS, of Kentucky, moved to lay the bill on the table; which was lost.

The amendments of the Committee of the Whole were concurred in; and the amendments having been ordered to be engrossed, the bill was read a third time and passed.

DUTY ON WINES—AGAIN.

The House then took up the bill to suspend the discriminating duties on goods imported in vessels of Portugal, and to reduce the duties on wines.

The amendments were all concurred in; and having been ordered to be engrossed, the bill was read a third time and passed.

GENERAL RIPLEY—AGAIN.

The House then took up the bill granting a

pension to General Eleazer W. Ripley; which was read a third time and passed.

HARBOR AND RIVER BILL.

The House took up the amendments of the Senate to the bill making appropriations for certain harbors for the year 1836.

Mr. PATTON moved to lay the bill and amendments on the table.

Mr. WILLIAMS, of Kentucky, called for the yeas and nays; which were ordered; and were—yeas 54, nays 91; as follows:

YEAS—Messrs. Beale, Beaumont, Bell, Bond, Boulding, John Calhoon, Cambreleng, Casey, Chapman, John F. H. Claiborne, Cleveland, Coles, Craig, Crane, Forester, Fry, James Garland, Graves, Haley, Joseph Hall, Hiland Hall, Howes, Hawkins, Haynes, Henderson, Hopkins, Hubley, Jarvis, John W. Jones, Luke Lea, Lewis, Logan, Loyall, Lucas, Abijah Mann, Job Mann, Martin, John Y. Mason, McKay, McLene, Montgomery, Morris, Patton, Pinckney, Rencher, Robertson, Rogers, Augustine H. Shepperd, Standefer, Underwood, Wagener, Webster, White, Sherrod Williams, and Wise—54.

NAYS—Messrs. Adams, Heman Allen, Ash, Ashley, Bailey, Barton, Bockee, Borden, Boyd, Briggs, Burns, William B. Calhoun, John Chambers, Chapin, Corwin, Cramer, Cushing, Cushman, Darlington, Denny, Dickerson, Doubleday, Evans, Farlin, William K. Fuller, Galbraith, Rice Garland, Gillet, Granger, Grennell, Hamer, Hard, Harper, Albert G. Harrison, Hazeltine, Heister, Hoar, Howard, Huntington, Ingersoll, Ingham, Jabez Jackson, James, Richard M. Johnson, Henry Johnson, Judson, Kilgore, Kinnard, Lane, Lansing, Lawrence, Lay, Thomas Lee, Lincoln, Love, William Mason, Sampson Mason, McCarty, McKennan, McKeon, McKim, Miller, Milligan, Moore, Muhlenberg, Patterson, Dutee J. Pearce, James A. Pearce, Pettigrew, Phillips, Reed, Ripley, Russell, Schenck, Shinn, Sickles, Smith, Spangler, Sprague, Storer, Sutherland, Thomas, John Thomson, Toucey, Turrill, Vinton, Wardwell, Washington, Elisha Whittlesey, and Thomas T. Whittlesey—91.

So the motion to lay on the table was negatived.

Mr. SUTHERLAND moved the previous question; which was seconded by the House—ayes 88, noes 38.

The main question was ordered; and the amendments were concurred in.

DEPOSIT BILL.

The House then took up the supplemental deposit bill from the Senate.

Mr. RENCHER submitted an amendment providing for the disposition of the United States bank stock owned by the United States, in case it should be received before the distribution bill came into operation, (viz: that its proceeds should be added to the amount to be distributed,) and asked for the yeas and nays; which were ordered.

Mr. McKIM moved the previous question; but the House refused to second the motion, only 54 voting in the affirmative.

Mr. WISE then addressed the House on the principles of the originalbill; and, after a few words in explanation from Mr. PATTON,

Mr. MANN moved to lay the bill on the table; which was lost.

The question was then taken on the amendment; which was decided in the negative—yeas 60, nays 76.

So the amendment was disagreed to.

The bill having been ordered to a third reading, was read the third time and passed.

PENSION BILL.

On motion of Mr. WHITTLESEY, the House took up the amendments of the Senate to the bill entitled "An act granting half-pay to widows and orphans where their husbands and fathers have died, or shall hereafter die, of wounds received in the military service of the United States, in certain cases."

After a few remarks by Messrs. WHITTLESEY and UNDERWOOD, the amendments of the Senate were concurred in.

LAND CLAIMS IN LOUISIANA.

On motion of Mr. JOHNSON, of Louisiana, the House took up the bill from the Senate confirming claims to lands in Louisiana.

The bill lies on its third reading.

Mr. PINCKNEY moved to lay it on the table; which was lost—ayes 38, noes 87.

The bill was then read the third time and passed.

CHICKASAW SCHOOL LANDS, ETC.

Mr. CLAIBORNE, of Mississippi, said that it was now near daylight, and he had been patiently waiting from ten o'clock on the previous morning for an opportunity of moving to go into the Committee of the Whole on the state of the Union on the bill from the Senate to carry into effect the compact with the States of Alabama and Mississippi, in regard to the sixteenth sections and five per cent. fund.

He was wearied with these repeated prolonged sittings, these midnight vigils, but could not neglect a bill which, though local in its character, was of absorbing interest to his constituents. He was aware of the competition for the floor—of the deep anxiety of almost every gentleman to call up some favorite measure; he knew that there were bills upon the Calendar of more national importance; but still he would throw himself upon the indulgence of his friends around him, on all sides and in all parties of the House, and ask for the immediate commitment and consideration of *this* bill. He would move to give it precedence over all others. He had not heretofore been troublesome, importunate, or officious: he had proposed no partisan measures—made no superfluous requests. The youngest member in the House of Representatives, he felt, from the day on which he took his seat, that he had much to learn from the wisdom of the distinguished men around him—much to ask and expect from their liberality and kindness. He had experienced frequent instances of this from the committee, which had already voted him, without opposition, handsome appropriations for the benefit of his State. And he now asked, as a personal favor to himself, and to his respected colleague, [Mr. DICKSON,] absent from indisposition—he asked it as due to the people of Mississippi, and more particularly to his enterprising and intelligent constituents residing in the Chickasaw cession—he asked it in behalf of the great cause of letters and internal improvement, which will be essentially advanced, that the House do agree, in these expiring moments of its protracted session, to go into committee on *this* bill. It would occupy but a short time; it had passed the severe ordeal of the Senate unscathed; and if opposed here—if any gentleman desired explanations or arguments, he was prepared to plant his feet upon the compact, and upon the celebrated ordinance of 1785, and defend the bill, in all its features, as long as his almost exhausted physical powers would endure.

On motion of Mr. C., the House went into Committee of the Whole on the state of the Union, and took up the bill indicated by him, the title of which was as follows:

An act to carry into effect, in the States of Alabama and Mississippi, the existing compact within those States in regard to the five per cent. fund and the school reservations.

[This bill is peculiarly interesting to the people of Mississippi. It makes an appropriation out of the Treasury of an amount equal to five per cent. on the net proceeds of the sales of the Chickasaw lands, probably $30,000, and authorizes the State to locate other lands in half or quarter sections, or eighths, in lieu of the sixteenth sections neglected to be secured by the provisions of the treaty; and the land thus located is for the use of schools in the twelve counties recently organized in the Chickasaw cession. Alabama is alike interested, but in a smaller degree.]

The bill was read, considered, and ordered to be reported without amendment.

LAND CLAIMS IN MISSOURI.

The committee then took up the bill confirming claims to lands in the State of Missouri, and for other purposes.

After some explanations by Messrs. HARRISON of Missouri, and UNDERWOOD, the amendment of the standing committee was concurred in.

The bill was then laid aside to be reported.

CONVENTION WITH SPAIN.

The committee then took up the bill giving effect to the eighth article of the treaty of 1819 with Spain.

Mr. HOWARD moved to lay the bill aside; which was agreed to.

THE JUDICIAL SYSTEM.

Mr. RIPLEY moved that the committee take up the bill entitled "An act supplementary to the act entitled an act to amend the judicial system of the United States."

On taking the question twice, the tellers first reported—ayes 71, noes 44; second—ayes 72, noes 36; no quorum.

Mr. EVERETT moved that the committee rise, and report that fact to the House.

The CHAIR then rose, and was proceeding to count the House, when

Mr. WILLIAMS, of Kentucky, rose and called the Chair to order.

The CHAIR desired the gentleman from Kentucky to take his seat.

Mr. WILLIAMS. I shall not take my seat—you take yours. [Loud cries of "Order!" "Order!" from every part of the Hall.]

The CHAIR. The gentleman from Kentucky is called to order!

Mr. WILLIAMS. I call you to order.

The CHAIR. The gentleman from Kentucky will be pleased to take his seat.

Mr. WILLIAMS. I shall not take my seat! You take yours; I call you to order!

The Speaker here appeared, and resumed the chair; when

Mr. SUTHERLAND reported that, while in Committee of the Whole House, Mr. WILLIAMS, of Kentucky, a member of the Committee of the Whole House, addressed the Chairman whilst he was counting the members for the purpose of ascertaining whether a quorum was present, and was called to order by the Chairman and requested to take his seat; this he positively and repeatedly refused to do, and called the Chairman to order, and demanded of him to take his seat. And Mr. WILLIAMS persisting in his refusal to submit to the authority of the Chair, the Chairman left the chair, and now reports the facts which had induced the committee to rise, to the Speaker, and, through him, to the House.

The SPEAKER decided the gentleman from Kentucky to be out of order.

Mr. ADAMS moved that the House adjourn; which was lost without a count.

Mr. VINTON then, by consent, moved that when the House adjourns, it adjourn to meet on Monday morning at eight o'clock; which was agreed to.

Mr. WILLIAMS then rose and said that, like all other men, he was somewhat impulsive when he found his rights trampled upon, but he wished the House distinctly to understand that what he had done was not out of contempt or disrespect to the House. The fact was that, but a few moments before, he had called for a division of the question, and the individual occupying the chair had refused to listen to his motion. He himself had passed it over then, though one of his colleagues had come to him and endeavored to dissuade him from doing so. On what he considered a repetition of the insult, he called the Chair to order. He would now state distinctly, that he intended no disrespect to the House, but he did intend to offer an indignity to the man who occupied the chair.

Mr. SUTHERLAND. Then I will not take the chair again.

The SPEAKER. The chairman will resume the chair.

Mr. SUTHERLAND. After what has fallen from the member, I will not take the chair.

Mr. EVERETT moved that the House adjourn; which was lost without a division.

The SPEAKER said the Chair had hoped that, on the temporary rising of the committee, this question would have been settled without any difficulty, and he still hoped so. It was a novel case, and it was for the House, under the circumstances, to take its own course. He again requested the chairman to resume the chair.

Mr. SUTHERLAND said he must decline.

Mr. LEWIS remarked that a great deal was due to temperance on this occasion. The fact was, that the House had had, for several days past, most protracted sessions, and the great interest felt by particular members for particular measures might have prompted the chairman to have done more for the dispatch of business than was perhaps strictly regular, though without intending it. He, himself, had no doubt that the gentleman from Kentucky labored under the impression that an indignity was offered to him, though he was quite confident that none was intended. It was, perhaps, an innocent misunder-

standing on both sides, and as the gentleman from Kentucky had made an apology to the House, and one that Mr. L. considered ample and satisfactory, he hoped the chairman would resume the chair.

Mr. JARVIS said it appeared to him that the case was a very simple one. It was whether the House would suffer itself to be insulted through its chairman when in Committee of the Whole. If they would not sustain their chairman—if they would not resent an indignity offered to him in the chair—there was an end to all order.

Mr. LEWIS replied, that if the chairman was willing to push forward the business of the House in a manner violative of the rules of order, he could not but expect that the House would insist upon the observance of its rules. He did not impute any blame to the gentleman from Pennsylvania, then occupying the chair. On the contrary, Mr. L. believed he was acting in accordance with what he believed to be the wishes of the House. He trusted, however, they would not be disturbed by a formal discussion on the subject. As to the indignity to the House, he considered an ample atonement had been offered, for something was owing to the circumstances and to the course pursued by the chairman.

Mr. PATTON thought the first suggestion of the gentleman from Alabama entitled to very great consideration, and they should strive to pass over this thing. It was not Mr. P.'s intention to express any opinion on the subject, or to recommend any step for the purpose of asserting the dignity of the House, or of inquiring who was wrong, or who most wrong, in this matter, for he did not deem such a course to be necessary. There is the gentleman who occupied the chair refusing to resume it, and they must consequently either stand where they were, or get on in some way. If the gentleman from Pennsylvania still refused to resume the chair, Mr. P. hoped the Speaker would request some one else to take it. [Cries of "No! no!" from all parts of the Hall.]

Mr. CAMBRELENG hoped no one else would take the chair till the insult offered to the Chairman had been satisfactorily disposed of.

By unanimous consent, the Speaker signed a number of enrolled bills at this stage.

Mr. CRAIG moved an adjournment; which was lost.

Mr. PATTON wished to add to what he said before. It was perfectly manifest that the presiding officer of the House could not do anything more than he had done; and it was for the House to take what measures it thought best. No proposition of that sort having been made, he now submitted to the Chair whether it was not the rule that he should vacate the chair, and, if the former Chairman refused to take the chair, appoint some one else in his place.

Mr. PARKS had particularly marked the course of the chairman that night, which, in his opinion, was strictly parliamentary; and, after what had taken place, he should deem it highly improper in the Speaker to call any other person to the chair, until some apology had been made to the gentleman for the insult offered him by the member from Kentucky. For one, he should object to any other chairman being appointed until that be done.

Mr. INGERSOLL objected to this course, as it might render the session interminable. He would take the liberty of adding that it was not at all necessary that the House should instantly vindicate its own dignity, if it had been insulted. Any time during the session would do, either by the appointment of a committee or some other mode. He hoped, therefore, that some other gentleman would be called to the chair, and leave the question open for future direction.

The SPEAKER would respectfully state that as the case was altogether of a novel character, he would be entirely under the control and government of the House in this matter.

Mr. INGERSOLL then moved that the Speaker request some other gentleman to take the chair. [Cries of "No! no!" from all parts of the Hall.]

Mr. CALHOON, of Kentucky, said if the House would accede to this proposition, he was well assured that his colleague would on Monday make such an apology as would be right and proper. If he did not, then Mr. C. himself would move such resolutions and such proceedings as should vindicate the order and dignity of the House. To this he pledged himself, and he hoped the House would assent to it.

Mr. WILLIAMS, of Kentucky, knew his colleague to be actuated by the best feelings, both towards him and towards the House. During the present session Mr. W. had done all in his power to keep order, nor had he done anything to obstruct the business of legislation; but, on the contrary, everything to expedite it. What apology might be necessary was unknown to him, but he could only repeat what he had said before; that, under the excitement of the moment, believing, as could be testified to by a host of members, that an indignity had been offered to him by the Chairman, he had acted as he had done, and as he believed he had a perfect right to do. He had called for a division of the question; the Chairman said "never mind—go on, go on;" and then one of Mr. W.'s colleagues came to him, and told him that he had received more than any man ought to receive, and that he ought to insist upon his rights. Still he thought the Chairman intended nothing till after two successive counts. By passing through the tellers, it was evident that a quorum was not present; and it was the duty of the Chairman immediately to have vacated the chair, and made known the fact to the House. Still the Chairman was not satisfied, and he himself commenced counting, when the member from Vermont [Mr. EVERETT] moved that the committee rise and report that there was no quorum. Well, what did the Chairman then do? Instead of putting the question, (said Mr. W.,) as he should have done, he ordered the members to take their seats, commenced counting, and I got up to a point of order. The Chairman directed me to take my seat, and I refused, when there were cries of "Order! order!" from every part of the Hall, intimating that I was out of order. I then said that I called the Chairman to order, and that he had failed to discharge the duty imposed upon him. I was again called to order from every quarter, and every man knows how to appreciate a thing of this kind. I have said that I was the last man upon this floor who would offer an indignity to the House, but that all that I did do was intended to reach the Chairman, and I will not recall what I have said. Towards none do I entertain any unkind feelings, except one, but I will never submit to be dictated to by any man. I do not know (added Mr. W.) whether you can separate the personal and official character of the Chairman, but I intended to insult him without intending to insult the House, for I knew he had no right to govern the House.

Mr. UNDERWOOD made a few suggestions. He was satisfied, he said, that his colleague made the remarks he did, under the supposition that he was insulted by the gentleman from Pennsylvania. But Mr. U. was perfectly satisfied that that gentleman designed no insult to his colleague from Kentucky. His colleague, perhaps, was not much acquainted with the gentleman's rapidity of manner, and therefore ascribed it to insult towards himself. Mr. U. was satisfied the Chairman was acting his best to progress in the business of the House, whether in order or out of order, in counting the House after the report of the tellers that no quorum had voted. Mr. U. did not know whether the Chairman had the right to do this or not. If he had, his colleague [Mr. WILLIAMS] was wrong in calling him to order. It seemed to him, however, that the difficulty could be settled in this way; that his colleague might acknowledge, without compromitting his honor in the least, that what he did, proceeded from a belief that he was personally insulted; and Mr. U. felt satisfied, as his friend and colleague, that no insult was intended. [Mr. U. paused for some time.]

Mr. FRY said he had listened to the explanation of the gentleman from Kentucky, [Mr. WILLIAMS,] and it certainly was unsatisfactory, and he suggested a resolution to that effect.

Mr. UNDERWOOD begged leave to add a word or two. He was sure he could not be mistaken in supposing the Chairman intended no insult to his colleague, and he thought the correct course would be for his colleague to state to the House that what he had done proceeded from a belief that he was insulted, and his rights trampled upon; that in that belief only, and laboring under that impression, if it should be the sense of the House that he was not insulted, or intended to be insulted, he retracts everything he has said. This Mr. U. thought the best way, without compromising the honor of anybody.

A considerable pause took place, apparently to give Mr. WILLIAMS a further opportunity of explaining; but that gentleman not rising,

The SPEAKER said the course of the Chairman, in counting the House when a quorum had not voted, was strictly parliamentary.

Mr. WHITTLESEY, of Ohio, said he had no doubt all the difficulty had grown out of the fact of the gentleman from Kentucky not knowing the rules. It had been the invariable rule for the Speaker and the Chairman of the Committee of the Whole, whenever the question was raised, whether a quorum was present or not, to proceed to count the members, or to ascertain in any other way he thought best to accomplish that object. Now, it was well known that a division of the House did not always ascertain the fact, for it was frequently the case that all the members did not vote. In the present instance, he knew that many members did not vote, and he held it to be the duty of the Chair to ascertain whether a quorum was present or not, by his own personal examination, if he could. He thought at the time that the gentleman from Kentucky supposed the chairman had no such right or power, but Mr. W. maintained it to be his duty. Now, if the gentleman from Kentucky was laboring under that impression, it seemed to him (Mr. W.) that, without compromitting his honor, it was due to him to make such a statement to the House. An explanation like this would settle the difficulty, and the House might then proceed in its business.

Mr. PATTON had thought the plan he recommended would have been satisfactory to the House; but gentlemen said, "No! no! no!" and yet no one had offered any proposition. He now moved the following resolution:

Resolved, That a committee be appointed to take into consideration whether any, and if any, what, measures ought to be taken in vindication of the authority of the House alleged to be contemned by the violation of order reported by the Chairman of the Committee of the Whole on the state of the Union.

Mr. P. thought this would be the best mode to be adopted, and then the business of the House might proceed. [Cries of "No! no!"]

Mr. JOHNSON, of Kentucky, adverted to the fact that this was, perhaps, the first instance of its kind that had occurred since the organization of the Government. The fact was, that if the ground was maintained, that the Chairman could be officially or personally insulted in the chair, no one would ever consent to occupy it. He would say to the House, however, that, such was his knowledge of his colleague's character as an honorable and feeling man, he was sure he intended no insult to the House, and that he was excited towards the Chairman only under the belief that that gentleman had exhibited a want of attention towards him. Now, Mr. J. was well convinced that every member of the House would acquit the gentleman from Pennsylvania of any intention of a personal insult; but his (Mr. J.'s) colleague being under that impression, as is very evident from what he has said, has made an attack upon the Chairman of the House which is totally unjustifiable. He had no doubt that his friend would take the advice of his colleagues, either then, or when under less excitement. If he did not, he had a different character from what Mr. J. had always known him to be possessed of.

Mr. HARPER, in a few remarks, also urged the gentleman from Kentucky to make the explanation suggested by his colleagues.

Mr. EVERETT said he had made the motion that the committee rise and report there was no quorum, holding that to be the proper course, though he knew that many gentlemen contended it to be the duty of the Chairman to ascertain himself whether there was a quorum or not. It was possible that his motion had produced the difficulty, and it was with extreme regret now that he had made it.

Mr. WILLIAMS again repeated his former

statement, saying that his "indignation and contempt had been aroused" by the insult offered to him by the Chair. Mr. W. did not, and would not, retract anything he had said.

Mr. PEARCE, of Maryland, then rose and said that, however painful it might be, he felt himself under the necessity of moving such a resolution as should vindicate the dignity and order of the House. That House had nothing whatever to do with any personal quarrel between the gentleman occupying the chair and the member from Kentucky; but he was very much mistaken if it had not a great deal to do with the violation of its orders, and the total sacrifice of all the public business at a moment like the present. While he deeply regretted the painful necessity which urged him to do it, he most respectfully submitted the following resolution;

Resolved, That the member from Kentucky, Mr. WILLIAMS, having refused to take his seat when ordered so to do by the Chairman of the Committee of the Whole House, having ordered the Chairman to take *his seat*, and having defied the power of the Chair and the House, has committed a contempt of this House, and is justly liable to its censure.

Mr. LEWIS contended that the House should be governed by the *quo animo* towards itself. He held that the gentleman from Kentucky was right in retorting what he considered to be an insult towards himself by the Chairman; for supposing the Chairman threw an inkstand at his head, would he not be justified in sending the missile back? Mr. L. also maintained that the distinction should be drawn between the personal and official character of the Chairman. He had no doubt the gentleman from Kentucky would say that he had no intention to insult the member from Pennsylvania as Chairman of the House, but as an individual, and he would put that question to the gentleman.

Mr. PHILLIPS sincerely hoped that no such question would be propounded to the member from Kentucky, nor that any course would be taken that would have the effect of converting this into a personal altercation. He differed with the gentleman from Alabama, whatever might have been the personal feelings of the member from Kentucky towards the Chairman of the Committee of the Whole, or whatever ground he might have supposed he had. Mr. P. thought he had none. He should not be justified in his course, whatever his personal feelings may have been. While in the House they were all bound to conform to its rules; and the proper time and place for an expression of personal feelings was elsewhere, and at a different time than on that floor. This act can only be regarded here as an act of the member from Kentucky, in violation of the order of the House of which he was a member. Mr. P. held that no personal feelings could justify such conduct. The language, too, used since by the gentleman from Kentucky, in his explanation, must be considered by all the members of the House as an act of disrespect to that body and to its presiding officer, and Mr. P. could conceive of no proper result, until that language was withdrawn; or, if that was not done, of the adoption of a proposition similar to that indicated by the gentleman from Maryland, in which Mr. P. felt it his duty to say he entirely concurred.

Mr. THOMAS would suggest whether the House could not, without compromitting its own dignity, postpone the consideration of his colleague's resolution till Monday. [General cries of "No! no!"]

Mr. EVANS did not see what could be gained by postponing this matter till Monday, when it would probably consume the whole day. If any more business was intended to be done, this matter must first be settled; and he regretted, extremely regretted, that the member from Kentucky did not seem inclined to accede to the request, advice, and solicitation of his friends and colleagues, and what seemed also to be a very generous sentiment on the part of the House, and thereby put an end to this exceedingly unpleasant matter. Mr. E. regretted that the gentleman did not take the view of it his colleagues did. The gentleman himself had left the matter beyond all doubt; for, since the Speaker resumed the chair, he declared his object explicitly was to offer an indignity to the Chairman.

The reason given by the gentleman from Kentucky offered no justification, even if the Chairman had heard his call. Perhaps the gentleman did not know that those calls for "question," "divide," "tellers," from members in their seats, were entirely out of order; and neither the Speaker nor the Chairman of the Committee of the Whole were bound to regard them, unless a member rose and addressed the call to the Chair in the same manner as if he was about to address the House. That the Chairman had been treated with great indignity there was no doubt; and he hoped that gentleman would not resume the chair, nor that any other would be put in his place, until this matter was settled; for the House was under a deep obligation to protect its presiding officers.

Mr. CALHOON, of Kentucky, did not intend to offer any justification of his colleague, but he was convinced that, when he had had time to reflect, he would make such an explanation as would be satisfactory. Mr. C. asked that this matter be postponed till Monday. He asked it not so much as a favor to his colleague as to the other members from Kentucky. He again assured the House of his conviction that on Monday his colleague would come forward with a full and frank disavowal.

Mr. PATTON then modified his resolution, as follows:

Resolved, That a committee be appointed to take into consideration what measures ought to be taken in vindication of the authority of the House, contemned by the violation of order reported by the Chairman of the Committee of the Whole House on the state of the Union.

Mr. PEARCE, of Maryland, then moved his as a substitute.

Mr. ROBERTSON remarked that there was no difference of opinion in the House as to the violation of order on the part of the member from Kentucky; but Mr. R. appealed to the House whether it ought to be visited by its censure and punishment at this late period. He asked what member would have escaped censure if censure had fallen upon every breach of order during the present session? It was too late in the session to commence this vindictive course towards the member from Kentucky.

Mr. BOULDIN asked to be excused, as he was not present when the occurrence took place.

Mr. PARKER moved to amend the resolution by inserting the subsequent declaration of Mr. WILLIAMS, that his intention was to insult the Chairman; but the House evincing an indisposition, Mr. P. withdrew it.

The substitute of Mr. PEARCE was then agreed to as an amendment, with only one dissentient voice; and the resolution, so amended, was concurred in [only two voices cried "No!" at first, and after a short time a third was heard] with only three dissentient voices. It was then half past four, a. m.

The House then went again into committee, (Mr. SUTHERLAND resuming the chair,) and, on motion of Mr. PATTON, immediately rose, and reported the various bills acted on to the House.

The bill in relation to the five per cent. school fund in Alabama and Mississippi;

The bill confirming certain land claims in Missouri, and for other purposes; and

The bill to purchase a patent right of William H. Bell, of North Carolina, were severally read a third time and passed.

On motion of Mr. WHITE, of Florida, the House took up the bill authorizing the East Florida Railroad Company to construct a railroad through the public lands in Florida.

The bill was on its third reading.

Mr. ROBERTSON briefly opposed it; and before any question was taken,

The House adjourned at five o'clock, a. m., to meet on Monday morning at eight o'clock,

Mr. JARVIS giving notice that, if a quorum were not then present, he should move a call of the House, so that it might be seen who were absent.

IN SENATE.

MONDAY, *July* 4, 1836.

Mr. DAVIS submitted the following resolution; which was considered, and agreed to:

Resolved, That the Secretary of the Treasury be directed to cause to be collected, and laid before the Senate at its next session, all such facts and information as can be obtained through the custom house, or from other sources, respecting the deportation of paupers from Great Britain, "and other places," ascertaining as nearly as possible to what countries such persons are sent, where landed, and what provision, if any, is made for their future support.

Mr. GRUNDY submitted a resolution for the appointment of a joint committee to wait on the President of the United States, and inform him that the two Houses were ready to adjourn, and desired to know whether he had any further communication to make to them.

On the suggestion of Mr. WHITE, the resolution was suffered to lie on the table for the present.

The bill to confirm certain land claims in Missouri was returned from the House of Representatives with amendments; which was agreed to.

After acting on some bills from the other House that had passed on Saturday, the Senate went into the consideration of executive business; and, after spending a short time therein, the doors were opened, when

Mr. DAVIS submitted the following resolutions; which were considered, and agreed to:

Resolved, That the Secretary of War cause to be prepared, and laid before the Senate at its next session, a statement showing what improvements of harbors, rivers, and other objects have been commenced by the United States; what was the original estimated cost of each of such improvements; what sums of money have been from time to time appropriated in aid of each object; what balances of such appropriations remain unexpended, and what is the present condition of each work.

Resolved, That the said Secretary cause to be collected and arranged in chronological order all reports of surveys made for such objects which have been printed, and also all such as have not been printed, together with the maps and drawings, with an index or indexes of reference, that they may be laid before the Senate at the next session.

The Senate then went into the consideration of executive business; after which,

On motion of Mr. PRESTON, the report of the Committee on Revolutionary Claims, unfavorable to the petition of Mrs. Ann Royall, was taken up.

Mr. PRESTON moved to reverse the report, so as to read that the prayer of the petitioner ought to be granted.

Mr. WHITE explained the nature of the claim, [interest on the commutation for half-pay of the petitioner's husband, a captain in the revolutionary war.]

Messrs. PRESTON and WALKER briefly advocated the claim; and after some remarks from Messrs. WHITE and MANGUM, the report was laid on the table.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had suspended the 17th joint rule of the two Houses, which declares that no bill shall be sent to the President for his signature on the last day of the session until two o'clock, so far as relates to the bill for the repair of the Potomac bridge; the bill to amend the judicial system of the United States; the bill repealing the provisions in the 10th section of the tariff act of 1832; the bill to confirm certain land claims in Missouri; the bill to repeal the provisions of the act of 1792, which requires issuing the certificates on imported wines; and the bills that were passed by both Houses on Saturday, and not submitted to the President.

The question on taking up this resolution requiring the unanimous consent of the Senators present,

Mr. MANGUM objected to the consideration of the resolution.

The CHAIR declaring that the resolution could not be considered,

Mr. WALKER said he felt strongly inclined to appeal from the decision of the Chair.

The Chair then read the 48th rule of the Senate.

Messrs. LINN and WALKER expressed their wishes that the Senator from North Carolina would withdraw his objections, so far as related to the bill to confirm land claims in Missouri, and the bill to carry into effect the compact between the United States and the States of Mississippi and Alabama.

Mr. MANGUM said he felt constrained to avail himself of the privilege conferred on him by the rule, and object to the resolution. His long experience in the Senate had convinced him of the great advantages resulting from the rule

which the House proposed to suspend, and the great mischiefs that would result from dispensing with it. It had been adopted after a full knowledge of the inconveniences of the old practice, and had been found to have the most beneficial effects. They all knew the experience of Congress was such, that some of the most important bills had been passed on the last night of the session, without debate, whipt through the other House, and they (the Senate) were called on to assent to them without knowing whether they were passed by a quorum or not.

Although he felt the strongest disposition to yield to the wishes of gentlemen whose constituents were interested in particular measures, yet, on this occasion, he felt it his duty to persist in his objections. He felt that making any exceptions would be equivalent to a departure from the rule altogether; and, if they excepted in favor of any particular measures in the Senate, why might not the House do the same thing, and carry it further? He appealed to gentlemen whether his course in that body had not always been conciliatory and ready to yield to the wishes of a majority; and he assured gentlemen that, in this instance, he was actuated by no unkind or unaccommodating feelings, but solely by a sense of duty.

Mr. CALHOUN said they all knew that this rule was adopted after many years of experience, and that, on the last day of the session, the Executive had no opportunity to examine a number of bills. He felt obliged to the Senator from North Carolina for making his objections, as he thought it highly important that the rule should not be relaxed.

Mr. LINN did not suppose, for a moment, that his friend from North Carolina was actuated by any unkind feelings, but that his objections were prompted by a sense of duty; but he begged him to reflect a moment whether there were not occasions on which the most rigid rule should be dispensed with, and whether this was not one of them. It appeared (Mr. L. said) that this rule had been relaxed on more than one occasion, and he trusted that the gentleman would see that there were some reasons for not so rigidly adhering to it now. If there was one single bill that ought to pass, why, let it be excepted; but if it should be found that all ought not to pass, or that there were objections to them tending to create discussion, why, let them fall. In this particular case, he wished to except from the rule the bill for the confirmation of land claims in Missouri; a measure to which there was not the slighest objection, and one of the greatest interest to his constituents, who had been long anxiously looking for its passage. He should regret exceedingly to see that measure, which had passed both Houses, and only waited the President's signature to become a law, cut off by the rigid adherence to a rule which could not have been intended to apply to such a case. He could not conceive that it was the duty of the Senate of the United States to make its rules as irreversible as the laws of the Medes and Persians, or that it ever intended to make rules that should by no possibility be relaxed. He admitted the general propriety of the rule, but he repeated the hope that the Senator from North Carolina would see that there were occasions on which it might be departed from

Mr. WALKER felt conscious that the objections of the Senator from North Carolina, and sustained by the Senator from South Carolina, resulted from a strict sense of duty; but he appealed to those gentlemen whether their objections to bills that had been passed in a hurry, rightfully applied to bills that passed after full consideration, and to which there were no objections. He begged gentlemen to consider whether such bills ought not to be excepted from the general rule. The bill he particularly referred to, and which he felt so anxious to become a law, was the bill to carry into effect the compact between the United States and the States of Alabama and Mississippi, relative to the sixteenth sections of school lands, which passed the Senate two months ago, was reported favorably on by the Committee on Public Lands unanimously, having the sanction of its chairman, [Mr. EWING, of Ohio,] who was so rigid in his examination of every bill relating to the public lands. Now he appealed to gentlemen whether the rule ought to apply to such a bill as this? He did not wish the rule to be suspended with regard to any bill to which there was the slightest objections; and he hoped the Senator from North Carolina would yield to the general wish of the Senate, and withdraw his opposition.

Mr. BLACK read a list of the bills which would be sent to the President under the resolution, if adopted by the Senate, and said that he would offer an amendment to prevent its being carried further.

After some remarks from Mr. PORTER,

The CHAIR stated that the rule was imperative. The rule was, that no bill or resolution should be sent to the President on the last day of the session. The Chair, however, felt bound to sign the bills, and, in the mean time, any gentleman who thought proper might appeal from the decision.

Mr. MANGUM said, that the measure he regarded as the most pernicious not being included in the resolution, he would yield to the wishes of his friends, and withdraw his objections.

Mr. LINN said that his friend from North Carolina, in withdrawing his objections, had acted with that kindness and good feeling which had always characterized his course in that body. If he could mention one act which would confer a greater degree of happiness on a particular portion of the people, he would refer to the bill he had already mentioned; and in behalf of those who would be so essentially benefited by this most just and necessary measure, he returned his thanks to the Senator from North Carolina for withdrawing his objections to the suspension of the rule.

After some remarks from Messrs. WALKER and BENTON,

Mr. BLACK offered an amendment to the rule of the House, specifying particularly all the acts which should be embraced in it, and confining its operation to them solely; but at the suggestion of the Chair, modified his amendment so as to make the resolution of the House read as follows:

Resolved, That the 17th joint rule of the two Houses of Congress, which declares that no bill or resolution shall be submitted to the President for his signature on the last day of the session, be suspended so far as respects such acts and resolutions as have already passed both Houses, and received the signatures of their presiding officers.

The resolution, thus amended, was agreed to, and sent to the other House for concurrence; after which,

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that they had concurred in the amendment.

After the consideration of executive business,

A message was received from the President of the United States, by Mr. DONELSON, his Private Secretary, stating that he had signed the several bills (specifying them by their titles) submitted to him on that day.

The motion submitted by Mr. GRUNDY, for the appointment of a joint committee to wait on the President of the United States to inform him that the two Houses of Congress were ready to adjourn, and desiring to know whether he had any further communications to make to them, was taken up and agreed to.

After waiting some time, Mr. GRUNDY, from the joint committee appointed to wait on the President, reported that they had performed the duty assigned them, and that the President had answered that he had no further communications to make to Congress.

On motion of Mr. BUCHANAN,

The Senate adjourned *sine die*.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 4, 1836.

Mr. MASON, of Virginia, asked the consent of the House to offer the following resolution:

Resolved, That the 16th and 17th joint rules of the two Houses which provides that no bill that shall have passed one House shall be sent for concurrence to the other on either of the three last days of the session; and which also prohibits any bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States for his approbation on the last day of the session, is hereby suspended until half past two o'clock, p. m., of this day, so far as respects bills of the Senate now in the House of Representatives, and bills of the House of Representatives now in the Senate.

Objection being made, Mr. M. moved a suspension of the rules, and briefly explained his object to be to embrace some bills that had passed the two Houses, but had not received the signatures of the presiding officers.

Mr. RIPLEY asked for the yeas and nays; which were ordered.

Several suggestions were made to Mr. MASON to specify the bills by their titles; and

Mr. WHITTLESEY stated that there had not been an unconditional rescinding of the joint rules for fourteen years.

The question was then taken; and the House refused to suspend—84 to 77; not two thirds.

Mr. MASON then moved a suspension of the rules, for the purpose of offering the following:

Resolved, That the 17th joint rule of the two Houses, which declares that "no bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States for his approbation on the last day of the session," be suspended until the hour of twelve o'clock this day, so far as to embrace those bills which have passed the two Houses.

Mr. WILLIAMS, of North Carolina, asked for the yeas and nays, for he said he did not wish to be detained there all night; which were ordered.

After various suggestions by Messrs. VINTON, PATTON, WHITTLESEY of Ohio, and THOMAS, as to certain bills being embraced within the resolution, and the mode of doing so,

Mr. WHITTLESEY, of Ohio, moved to except the bill to transfer certain appropriations from the Potomac bridge to other uses.

Mr. MASON, of Virginia, accepted the above as a modification

Mr. THOMAS moved to include in the resolution a joint resolution annulling certain laws of the Legislative Council of Florida; and called for the yeas and nays on his motion; but they were not ordered.

The amendment of Mr. T. was then agreed to.

Mr. T. moved further to amend the resolution by embracing the bill to amend the judicial system of the United States.

Mr. LYON called for the yeas and nays; which were ordered; and were—yeas 94, nays 61.

So the amendment was agreed to.

Mr. CAMBRELENG moved to include the bill to alter and amend the act imposing duties on imports; which was lost.

Mr. C. then moved to include the bill supplementary to the act for the relief of the sufferers by the late fire in New York.

Mr. WILLIAMS, of North Carolina, called for the yeas and nays.

Mr. MASON, of Ohio, demanded the previous question.

Mr. VINTON moved to lay the whole subject on the table, and called for the yeas and nays; which were not ordered.

The motion to lay on the table was then decided in the negative—ayes 43, noes not counted.

The previous question was then seconded—ayes 95, noes not counted; and the main question was ordered to be put.

Mr. ADAMS called for a division of the question.

The CHAIR decided that the motion to suspend was not divisible, inasmuch as the object for which a suspension of the rules is asked must necessarily form a part of the motion.

Mr. ADAMS appealed from the decision of the Chair, and called for the yeas and nays on the appeal; which were not ordered.

The decision of the Chair was then affirmed without a division.

The question was then taken on the motion to suspend the rules; which was decided in the affirmative—yeas 111, nays 53.

Mr. JARVIS moved to amend the resolution by including the bill for the enlistment of boys in the Navy, and the bill in relation to the marine corps; which was lost.

Mr. GARLAND, of Louisiana, moved to include the bill allowing the Apalachicola Railroad Company to locate on the public lands.

Mr. PINCKNEY moved to amend the amendment by including the bill for the relief of Thomas Cooper; which was lost.

Mr. DUNLAP moved to amend the amendment by including the bill to extend the time of issuing certain scrip certificates.

Mr. GARLAND accepted this as a modification.

Mr. FRENCH moved to amend the amendment by including the bill for the purchase of the Portland and Louisville canal stock; which was lost.

Mr. HARDIN moved to lay the whole subject on the table; which was lost without a division.

Mr. SPANGLER moved the previous question; which was seconded—ayes 87, noes not counted.

Mr. BOND called for the yeas and nays on ordering the main question; which were not ordered; and the House ordered the main question to be put.

Mr. ADAMS called for a division upon the original resolution, and upon the amendment.

The CHAIR decided that the resolution was not susceptible of division.

Mr. ADAMS appealed from the decision of the Chair.

After a few words by Messrs. ADAMS, PARKER, and HARRISON of Missouri,

Mr. GARLAND, of Louisiana, moved the previous question on the appeal.

Mr. ROBERTSON moved to lay the whole subject on the table.

Mr. HARLAN called for the yeas and nays, but the House refused to order them.

The motion to lay on the table was decided in the negative without a division.

Mr. ADAMS then withdrew the appeal.

Mr. RENCHER called for the yeas and nays on agreeing to the resolution; which were ordered.

Mr. EVANS renewed the appeal taken by Mr. ADAMS.

Mr. ADAMS called for the yeas and nays on the appeal, which were not ordered; and the decision of the Chair was affirmed without a division.

The question was then taken on agreeing to the resolution; and decided in the affirmative—yeas 111, nays 50.

The SPEAKER laid before the House the resignation of the Hon. ANDREW T. JUDSON, of Connecticut, as a member of the Twenty-Fourth Congress.

INDEPENDENCE OF TEXAS.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, made a report in relation to the affairs of Texas, accompanied by the following resolutions:

1. *Resolved*, That the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information has been received that it has in successful operation a civil government, capable of performing the duties and fulfilling the obligations of an independent Power.

2. *Resolved*, That the House of Representatives perceive, with satisfaction, that the President of the United States has adopted measures to ascertain the political, military, and civil condition of Texas.

Mr. ADAMS moved to lay the report and resolutions on the table.

Mr. PINCKNEY called for the yeas and nays on this motion; which were ordered; and were—yeas 40, nays 108.

So the motion to lay on the table was decided in the negative.

Mr. PEYTON said this was a subject upon which he had a great desire to give his views, but they all knew that it would be impossible to discuss it at this late period of the session. For the first, and probably for the last time in his life, if it was not out of order for him to do such a thing, and if it would not be considered as interfering with the prerogative of any other gentleman, he demanded the previous question upon the adoption of the resolutions.

Mr. WILLIAMS, of North Carolina, thought it not necessary, and he therefore begged the gentleman from Tennessee to withdraw it.

Mr. PEYTON refused on the ground that there was no time to discuss the subject.

The previous question was seconded—ayes 80, noes not counted.

Mr. REED called for the yeas and nays on ordering the main question, which were not ordered; and the main question was ordered to be put.

Mr. HARDIN called for the yeas and nays on the main question; which were ordered.

Mr. ADAMS called for a division of the question.

The question was taken on the first resolution, and was—yeas 128, nays 20; as follows:

YEAS—Messrs. Ash, Bell, Bockee, Bond, Bouldin, Boyd, Bunch, Bynum, John Calhoon, William B. Calhoun, Cambreleng, Carr, Carter, Casey, George Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, Cleveland, Coffee, Coles, Connor, Cushing, Cushman, Darlington, Denny, Dickerson, Doubleday, Dunlap, Forester, French, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Granger, Griffin, Haley, Joseph Hall, Hamer, Hardin, Harlan, Albert G. Harrison, Haynes, Henderson, Heister, Hopkins, Howard, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Kinnard, Lane, Lawler, Lay, Gideon Lee, Thomas Lee, Luke Lea, Lewis, Loyall, Lucas, Lyon, Job Mann, Martin, John Y. Mason, William Mason, Maury, May, McCarty, McKay, McKennan, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Patterson, Patton, Franklin Pierce, Pettigrew, Peyton, Phelps, Pinckney, Rencher, Joseph Reynolds, Ripley, Robertson, Rogers, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickles, Sloan, Smith, Spangler, Standefer, Storer, Sutherland, Taliaferro, Thomas, John Thomson, Toucey, Towns, Underwood, Ward, Washington, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, and Sherrod Williams—128.

NAYS—Messrs. Adams, Heman Allen, Bailey, Beale, Clark, Crane, Grennell, Hiland Hall, Hazeltine, Jarvis, Lawrence, Lincoln, Love, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Slade, and Vinton—20.

So the first resolution was adopted.

The question was then taken on the second resolution; and was—yeas 113, nays 22; as follows.

YEAS—Messrs. Ash, Beale, Bockee, Bond, Boyd, Bunch, Bynum, John Calhoon, William B. Calhoun, Cambreleng, Carr, Carter, Casey, George Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Coffee, Connor, Cushing, Cushman, Denny, Dickerson, Dunlap, Farlin, Forester, French, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Grayson, Haley, Hamer, Hardin, Harlan, Haynes, Henderson, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingersoll, Jabez Jackson, Jarvis, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Kinnard, Lane, Lawler, Lay, Gideon Lee, Thomas Lee, Luke Lea, Lewis, Lucas, Lyon, Job Mann, Martin, William Mason, Maury, May, McCarty, McKay, McKennan, McKim, McLene, Mercer, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Patterson, Franklin Pierce, Peyton, Phelps, John Reynolds, Ripley, Robertson, Rodgers, Seymour, Augustine H. Shepperd, Shields, Shinn, Sickles, Sloane, Smith, Spangler, Standefer, Storer, Taliaferro, Thomas, John Thomson, Toucey, Towns, Underwood, Ward, Washington, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, and Sherrod Williams—113.

NAYS—Messrs. Adams, Heman Allen, Bailey, Beaumont, Bouldin, Clark, Coles, Darlington, Grennell, Hiland Hall, Hazeltine, Heister, Lawrence, Lincoln, Love, Milligan, Dutee J. Pearce, Phillips, Potts, Reed, Russell, and Slade—22.

So the second resolution was adopted.

The joint resolution adopted this morning having been returned from the Senate with the following amendment—

Strike out all after the word "suspended," and insert "so far as relates to such acts as have already passed both Houses, and have been signed by the presiding officers thereof,"

Mr. THOMAS moved that the House concur.

Mr. JARVIS moved to except from the operation of this resolution the bill passed on Saturday night last confirming the titles to certain land claims in the State of Missouri.

Mr. GARLAND, of Louisiana, demanded the previous question; which was seconded by the House—yeas 87, nays 39.

Mr. JARVIS called for the yeas and nays upon ordering the main question; but they were refused; and the main question was ordered.

Mr. BOND asked for the yeas and nays on the main question; but they were refused; and the amendment of the Senate was concurred in without a count.

Mr. HARDIN moved to take up the resolution to pay $250 extra to each of the little boys attending in the House, (in addition to their pay of $1 50 per day;) which was agreed to.

Mr. TALIAFERRO offered an amendment to give the post office messengers $750 per annum.

Mr. HARDIN moved the previous question; which was seconded—ayes 79, noes 59; and the main question was ordered; put, and agreed to.

Mr. EVANS asked the consent of the House to offer a resolution directing the Clerk of the House to pay, out of the contingent fund, the amount of the expenses in providing books for the new members. [The Senate had stricken out the item from the supplementary appropriation bill on Saturday last.]

Mr. JOHNSON, of Tennessee, objected.

Mr. EVANS moved a suspension of the rules; which was agreed to—ayes 91, noes 35.

Mr. JOHNSON hoped the House would consent to the yeas and nays, so that the country might see who it was that voted in the affirmative. He wished, also, an opportunity of recording his own vote in the negative. The yeas and nays were accordingly ordered.

After some remarks by Messrs. PATTON and EVANS,

Mr. CAMBRELENG said the resolution was a blank, for there was not a dollar remaining of the contingent fund, out of which the Clerk could pay this money. He said it was extraordinary that the resolution should be introduced and advocated now, when, on Saturday night, there was not a single dissentient voice heard to concurring in the amendment of the Senate striking out this very appropriation from the bill.

The question was then taken, and decided in the negative—yeas 56, nays 79.

So the resolution was not agreed to.

On motion of Mr. JOHNSON, of Kentucky, the House took up the joint resolution from the Senate, proposing the appointment of a joint committee to wait on the President of the United States with the usual message; and the committee on the part of the House was ordered to consist of two.

Mr. LEWIS moved a suspension of the rules for the purpose of offering a resolution to pay to the Sergeant-at-Arms, Doorkeeper, Assistant Doorkeeper, and postmaster, $300 each, for extra services during the present session; which was lost—only 65 voting in the affirmative.

Mr. VINTON asked the consent of the House to submit a proposition to repeal the rule requiring a vote of two thirds to suspend rules in relation to the order of business; which was lost.

Mr. CAMBRELENG moved a suspension of the rules, for the purpose of offering a resolution to pay extra to the lamplighters, &c.

Mr. LEWIS moved to amend the resolution, by adding the one he had just offered.

Mr. HARDIN briefly opposed the amendment, and it was negatived.

The House agreed to suspend the rules for the original proposition of Mr. CAMBRELENG—83 to 37.

Mr. HOWARD moved a suspension of the rules, for the purpose of offering the following resolution:

Resolved, That the report of the Committee on Roads and Canals on sundry memorials, praying Congress to complete the Cumberland road east of the river Ohio, by constructing a bridge between the town of Wheeling and the island in Virginia opposite thereto, together with the bill accompanying the report, be referred to the Secretary of War, with instructions to cause the plan and estimates therein to be revised, and to report thereupon to this House as early as convenient at the ensuing session of Congress.

The motion was lost—only 43 voting in the affirmative.

Mr. CHAPIN, from the Committee on Revolutionary Claims, asked that the committee be discharged from the further consideration of the petitions submitted to them, and that the papers lie on the table; which motion was agreed to.

On motion of Mr. HARDIN, all the committees of the House were discharged from the further consideration of such subjects as had been referred to them and had not been acted on.

Mr. JOHNSON, of Kentucky, from the select joint committee appointed to wait on the President of the United States, made the usual report.

Mr. CALHOON, of Kentucky, after some explanation, moved a reconsideration of the vote by which the House had adopted the resolution of censure upon his colleague, Mr. WILLIAMS, which, after some discussion by that gentleman, Messrs. SUTHERLAND, JARVIS, PARKS, PEYTON, MERCER, JOHNSON, PARKER, and LUCAS, was agreed to.

On motion of Mr. WARD,

The House then adjourned at half-past two o'clock, p. m., till the first Monday in December next.

APPENDIX

TO

THE CONGRESSIONAL GLOBE,

FOR THE

FIRST SESSION, TWENTY-FOURTH CONGRESS:

CONTAINING

SPEECHES AND IMPORTANT STATE PAPERS.

BLAIR & RIVES, EDITORS.

CITY OF WASHINGTON:
PRINTED AT THE GLOBE OFFICE FOR THE EDITORS
1836.

APPENDIX

TO THE CONGRESSIONAL GLOBE.

Report of the Secretary of War.

WAR DEPARTMENT, *November* 30, 1835.

To the PRESIDENT OF THE UNITED STATES:

SIR: In conformity with your instructions, and with the usage of this Department, I have the honor to lay before you a statement of its operations during the past season, and reports from the various bureaus, exhibiting in detail their respective proceedings, as far as these appear to be sufficiently important for communication in the usual annual statements.

The general positions of the Army remain the same as at the time of my last report. Some movements, however, have taken place, which it is proper should be specially brought before you.

Fourteen companies have been placed under the command of General Clinch, in Florida, with a view to impose a proper restraint upon the Seminole Indians, who have occasionally evinced an unquiet spirit, and to insure the execution of the treaty stipulations, providing for the removal of these Indians. As soon as this takes place, these troops will resume their proper positions.

The regiment of dragoons has been usefully employed in penetrating into the Indian country; in exhibiting to the Indians a force well calculated to check or to punish any hostilities they may commit, and in adding to our geographical knowledge of those remote regions. Colonel Kearny, with one detachment, marched through the country between the Des Moines and the Mississippi rivers; Colonel Dodge, with another, made an excursion south of Missouri, towards the Rocky Mountains; and Major Mason, with a third, joined by a detachment of infantry, was employed in duties connected with the assemblage of a body of Indians at the Cross Timbers, near the Great Western Prairie, for the purpose of establishing permanent specific relations between the remote wandering bands and the United States and the more agricultural Indians, who have migrated, under the public faith, to that region, or who seemed disposed to improve their condition by more settled habits. The duties committed to these troops have been well performed.

The information concerning the discipline and *morale* of the army is satisfactory. The officers are engaged in a great diversity of duties, growing out of various acts of Congress, many of which have no direct connection with their professional avocations. These duties are satisfactorily executed; and the expenditures to which they lead are generally made with fidelity, and accounted for with promptitude.

I beg leave to ask your attention to the report of the Chief Engineer, in relation to the state of the corps under his command. The number of officers in that corps is not sufficient for the performance of the various duties committed to it. The consequence is, that in some instances the public works have been neglected or delayed, and in others they have been prosecuted by those who had not the necessary professional skill and experience. Persons in civil life, possessed of competent scientific knowledge, will not often enter into the temporary service of the Government for such compensation as is provided by law for the engineer officers. The progress of improvement through the country creates a demand for those qualifications which are required in the military and topographical engineer service; and a higher rate of compensation is allowed than it has been the usage of this Department to grant. A gradual and moderate addition to the corps offers the only remedy for this state of things; and I am satisfied that considerations of economy, as well as a due regard to the proper execution of a most important class of public works, call for this arrangement.

The same considerations apply in a considerable degree to the Topographical Corps, and I ask your favorable consideration for the measure recommended by the officer at the head of it. One of the plans suggested will accomplish the object without any addition to the public expenditures; and will make adequate provisions for a branch of service connected with the defense of the country, and which has also the advantage of furnishing information that may prove highly valuable to every portion of the community.

Agreeably to a provision in an act of the last session of Congress, that part of the Cumberland road between the town of Cumberland and the Ohio river, has been surrendered to and accepted by the States through which it passes; and arrangements have been made by the authority of these States for the collection of such tolls as will keep it in proper repair. The funds appropriated for the completion of this road have been applied to the object, and will be fully adequate to its attainment. The work, with the exception of some of the bridges, and of a few necessary repairs, is nearly finished, and is passable in its whole extent. All accounts concur in representing it as constructed in the most faithful manner. Captain Delafield, who has superintended the operations, and the officers engaged with him, are entitled to commendation for the zeal and professional ability they have displayed.

The United States are exonerated from all future claims on account of this road, while competent provision has been made for its preservation.

The progress in the other works of internal improvement is shown in the report of the Chief Engineer. Among these, one of the most remarkable, as well from its importance as from the unexpected facility with which it has so far been executed, is the removal of the raft over the Red river. An immense body of timber extending one hundred and eleven miles along that stream, had covered a large portion of its surface, and interrupted all communication. This has probably been collecting for ages, and not only was this great natural highway thus shut up by it, but a fertile and extensive region along the river was inundated, and the whole country in its vicinity subject to local diseases having their origin in this submersion. This work has been in progress, upon the present system, little more than two years, and the whole expenditure, including a sum of $23,000, which was applied in previous experiments that failed, has been about one hundred and thirty-five thousand dollars. It is estimated that an additional appropriation of $40,713 will be required to complete it; and which, with the sum of $10,000 now in the Treasury, will make for the whole cost $185,713. The river has been cleared for a distance of eighty-eight miles, and there yet remain twenty-three miles of obstructions to remove. This portion it is expected will be finished early in the next season, if the necessary appropriations are made in time.

Before the present plan of effecting this work was adopted, there were various projects suggested for its accomplishment; but the most sanguine projector could not have anticipated such a great physical change, as is already taking place, within the time and the means that have been devoted to the work. A loose estimate of the land which will be reclaimed and rendered valuable by this improvement, which has been made by Colonel Brookes, formerly Indian agent in Louisiana, and intimately acquainted with the region upon Red river, places it at upwards of a million of acres; and it will form one of the most productive districts in the Union. This operation, as a mere matter of pecuniary value, will return many times the amount expended upon it.

I have brought the subject to your view at this time, not only on account of its intrinsic importance, but from the encouragement it affords to the introduction and prosecution of a system of improvement, by which the public lands upon the lower Mississippi and some of its tributaries may be reclaimed from their present condition, and rendered fit for agricultural purposes. Whether the object be attainable within the limits of a reasonable expense, there are not satisfactory data for determining. But its great results to the country, in health, in power, and in wealth, are obvious.

No appropriations having been made at the last session of Congress for the prosecution of the works upon the fortifications, it has been deemed proper to submit additional estimates of these objects. And as some of the forts first commenced have been completed, estimates have also been approved by you for the commencement of others, which have been recommended by the Board of Engineers in the continuation of the system of defense devised by them and submitted to Congress. A number of our most important harbors and inlets are yet either wholly undefended, or so partially protected, as to render their situation altogether insecure in the event of exposure to hostile attempts. An adherence to the general plan of defense, and a gradual prosecution of the work, as the national finances and other considerations may justify, seem to be demanded by a just regard to the circumstances of the country, as well as by the experience which the events of the last war forced upon us.

In addition, however, to these permanent fortifications, there are some of our most extensive roadsteads in which floating steam batteries ought to be employed. Among these are the Chesapeake and Delaware bays, and the harbor of New York. The peculiar situation of these estuaries, as well with relation to their exposure, as to the best measures for their defense, and the immense value of the navigation and commerce of which they are the outlets and inlets, render their security a matter of deep interest to the

whole country. When the present system of defense was projected, I understand, the Board of Engineers contemplated the eventual construction of these moving batteries as a part of their plan. The great improvements which have since taken place in all that relates to the application of the power of steam, furnish additional motives for providing these cooperative defenses. Alternately protecting and protected by the fixed batteries, these movable ones will be found to be of the highest importance. In fact, with an adequate force of this description stationed in the vicinity of our permanent military works, and enabled to take refuge under their cover whenever necessary, a hostile fleet would scarcely venture to pass the position, and thereby expose itself to the hazard of annoyance in detail, and of being captured and destroyed, whenever a calm, a change of wind, or any other of the many accidents to which a maritime force is liable, might furnish a favorable opportunity for the action of the steam batteries. Our Atlantic frontier will not be properly secured till this means of efficient cooperation in its defense is introduced.

In my last annual report I communicated the facts which appeared to render it proper that the operations upon two of the most important works, Fort Calhoun and the Delaware Breakwater, should be temporarily suspended. Experiments have been made to test the effects and probable extent of the causes which were in operation, and which threatened to injure, if not destroy, the utility of these works. It is believed that the depression of the foundation of Fort Calhoun is so nearly checked, that further danger is not to be apprehended; but, as will be seen by the report of the Quartermaster General, the experiments at the Breakwater have not been so decisive as to settle the question connected with that work, and it has been thought best to ask of Congress an appropriation only for $100,000, which, under any probable circumstances, can be judiciously expended. It is to be hoped that the experiments which will be continued, and the scientific examination it is proposed to make next season, will furnish data for a just conclusion on the subject of this important structure, and indicate either that the causes which have threatened to injure its utility have produced their full effect, or that they may be counteracted by some change in the original plan. This artificial harbor is too valuable to an extensive commerce peculiarly exposed not to engage every effort in completing it and preserving it from destruction.

The report of the Visitors appointed to inspect the Military Academy, and the documents transmitted by them, are submitted for your consideration, together with the suggestions they have made, and which are calculated in their opinion to promote the efficiency of that institution. These annual examinations by a body of highly respectable citizens, called from various parts of the country, are not only useful as checks upon any improper tendency to which all public establishments are more or less liable, but they are satisfactory when they bear testimony to the value of the system, and to the correctness of its administration, and practically advantageous by the suggestions they offer. That improvements may be made in the several departments of the Military Academy cannot be doubted; nor can it be doubted that a thorough examination by Congress of its various concerns, whether administrative, financial, or instructive, would be highly useful, and would tend to its permanent amelioration. Its results, so far as these can be judged by the character, conduct, and qualifications of the officers of the Army, about two thirds of whom have been educated at this institution, have been decidedly beneficial. The standard of acquirement for the military profession has been raised; habits of discipline and subordination, necessary first to learn, before the duty of command can be properly executed, have been acquired; elementary knowledge peculiarly adapted to a military life has been more extensively and accurately taught, and we have been better enabled to keep pace with those improvements which the nations of Europe have made and are making in this important branch of modern science.

Agreeably to your permission, I have introduced into the estimates an additional sum for the armament of the fortifications. Without going into any unnecessary detail upon this subject at the present time, I will barely remark that this measure is called for by the actual state of our preparations, and by a provident regard to the duty of self-defense. If no increase takes place in this branch of the service, many years must elapse before our fortifications and arsenals are sufficiently provided.

A resolution passed the House of Representatives at the last session, requiring the Secretary of War to procure certain information having relation to the establishment of a national foundery in the District of Columbia. The information which has been collected will be communicated, in obedience to the resolution; but I am so impressed with the importance of the measure, that I am induced to bring it to your notice in this report.

The United States have no establishment for the manufacture of cannon. The supplies wanted, as well for the field artillery of the army and militia as for the armament of the fortifications, are now procured from four private founderies: one near Richmond, one at Georgetown, one opposite West Point, and one at Pittsburg; which appear to have been established, at several periods, in the expectation that their products would be received by the Government as the public necessities might require, and at such prices as might from time to time be judged reasonable. As there is no private demand for this manufacture in our country, it is obvious that no person would make the requisite preparations, which are understood to demand considerable investments, and the employment of skillful workmen practically acquainted with this branch of business, unless expectations of a just reimbursement were held out. Contracts for limited periods have from time to time been made, providing for the delivery of stipulated quantities; but, as I had the honor to communicate to you in my annual report of November 21, 1831, the act of Congress of March 3, 1809, seems to present serious difficulties in the way of such an arrangement, and since that time no formal contract has been made for the supply of cannon. The proprietors of these founderies have been annually informed, that if the appropriations would permit, and if cannon of designated quality and size were fabricated, these would be purchased. In this manner the subject has lingered, without any action on the part of Congress, and without any authority on the part of this Department, to make more efficient arrangements. During the present year the appropriation for the armament of the fortifications has been principally expended in procuring iron gun-carriages; and the founderies have not been employed in the fabrication of cannon for the military branch of the service. It is believed that this circumstance, by deranging their operations, has been seriously injurious; and if it again occur, it may induce some of them to discharge the workmen specially employed upon this business, and who may hereafter be collected with great difficulty. The Government now depends upon this temporary and uncertain arrangement for the supply of this indispensable element of national defense. The circumstances which required a change, I had the honor to submit four years since. They have lost none of their force during the period which has intervened; and independently of the considerations presented having relation to the uncertain condition of these establishments, there are others, bearing upon the quality of the material and the workmanship, which render it important that the Government should be its own manufacturer of this article. The cost of cannon, while this is kept within a reasonable limit, is not an object, compared with the two qualities of strength and lightness. With the exertions of the present manufacturers of cannon, so far as the necessary facts are known to me, I have reason to be satisfied. But it is sufficiently obvious, that in a branch of business where a slight difference in the material, and slight neglect in the process, may produce irremediable mischief, and where, from causes not easily ascertained, these defects may disclose themselves in the midst of the most active service, and after the guns have resisted all the usual proofs, the manufacture of the article should be carried on where these neglects are least likely to happen; where, in fact, there can be no interest to use any other than the best materials, nor to employ any other than the most skillful artisans. Time and experience are necessary to found and perfect an establishment for this purpose upon a scale suited to our wants.

It does not seem necessary to exhibit in detail the number of cannon now in the possession of the Government, and distributed in its forts, arsenals, and temporary posts, and the number that will be required to complete the armament of the fortifications already constructed, of those in the process of construction, and of those projected, and the number necessary for the proper demands of field service. It is sufficient to observe here, that the quantity is far more than enough to justify extensive and vigorous arrangements; and this without reference to the accidents of time and service which must always operate to reduce the stock on hand.

Such an establishment as the one contemplated could be employed as well for the Navy as for the Army; but, while I allude to its general usefulness, it is proper I should avoid all details peculiarly appropriate to another department.

The defective organization of the militia is universally acknowledged. But little practical utility results from the administration of the present system; and if this great element of national defense is worth preservation and improvement, it is time the whole subject should be examined, and that a plan suited to the exigencies of the country should be adopted. I am unwilling to believe that there are such inherent difficulties in this subject as to render it impracticable, or even very difficult, to organize this great force, so peculiarly adapted to our institutions, and in such a manner as to render it active and efficient in those junctures when the country may be called on to exert its power. I presume few would be found to advocate the maintenance of a standing military force, adequate to all the purposes of peace and war. When, therefore, these exigencies arise, from which no nation can expect exemption, and which call for an extension of our physical means, we must resort to an increase of the Army, or to the embodying of the militia. It is obvious, from the extent of the country, that we can never keep, at all the exposed points, such a permanent force as circumstances may occasionally require. The natural, and, in fact, the necessary dependence must be upon the militia; and if it be unorganized, we shall be found without the means to repel a foreign enemy, or to repress internal disturbances, should these evils occur. To depend upon organizing a system when the exigency arises, is to reject all the lessons of experience, and to procrastinate, for examination, what should then be the subject of action. Besides, a permanent plan of organization should be devised in a time of leisure and peace, so that it may be introduced and thoroughly known before the force provided by it is required to be exerted. It should, as much as possible, be ingrafted upon the habits of the country, and become a part of our institutions. The basis of an efficient organization of the militia must be a selection for instruction and service of that part of the population best qualified for these duties. Age and physical capacity present the proper considerations for such a selection. The principle is stated, with his usual force, by Mr. Jefferson, in his message to Congress of December, 1805, wherein he said:

"Whether it will be necessary to augment 'our land forces will be decided by occurrences 'probably in the course of your session. In the 'mean time, you will consider whether it would 'not be expedient for a state of peace, as well as 'of war, so to organize and class the militia as 'would enable us on a sudden emergency to call 'for the service of the younger portions, unencumbered with the old, and those having families. Upwards of three hundred thousand able-bodied men, between the ages of eighteen and 'twenty-six years, which the last census shows 'we may now count within our limits, will furnish a competent number for offense or defense 'in any point where they may be wanted, and will 'give time for raising regular forces after the necessity of them shall become certain; and the 'reducing to the early period of life all its active

'services cannot but be desirable to our younger 'citizens of the present as well as future times, 'inasmuch as it engages to them in more advanced 'age a quiet and undisturbed repose in the bosom 'of their families. I cannot, then, but earnestly 'recommend to your early consideration the ex-'pediency of so modifying our militia system as, 'by a separation of the more active part from 'that which is less so, we may draw from it when 'necessary an efficient corps, fit for real and active 'service, and to be called in the regular rotation."

Had the general principles here recommended been practically adopted, and a corresponding system established, with the necessary details, first for instruction, and then for active service, it cannot be doubted that the course of events which marked the commencement of the late war would have been avoided, and an immense expenditure of blood and treasure saved to the nation. The warning voice, which was not heeded then, may perhaps be heard now; and if it is, it may produce incalculable benefits.

A board of officers of the Army and militia was organized some years since, under the instructions of this Department, and by virtue of a resolution of Congress, for the purpose of examining this subject, and of devising a practicable plan for the organization, improvement, and efficient action of the militia. Their report contains the outline of a *projet*, which, with some modifications, appears to me to combine as many advantages as any other that can probably be adopted. The basis was a classification of the adult male population of the United States, and a selection of so many persons from it above the age of twenty-one years as should be necessary to complete the number required to be enrolled and organized at all times for actual service, beginning in all cases with the youngest above the prescribed age. Their report stopped at the number they deemed necessary for constant equipment. As regards instruction and preparation, this limitation is no doubt proper; but still it would probably be deemed advisable so far to organize the whole body within certain ages as to produce a classification, and to afford the requisite facilities towards calling them into service in succession, should any contingency demand a larger force than the first division could supply. This arrangement would render available for the defense of the country its whole physical force; not that any event could require it all to be embodied at the same time, but because a particular section might sometimes be peculiarly exposed, and call for the services of a large proportion of its population; and the continuance of the pressure might render it necessary to discharge in succession those who had performed their prescribed terms, and to require the services of others.

A mere organization would avail but little, unless inducements were held out for proper instructions and equipment. And I consider, therefore, some provision for elementary instruction, and for such equipment as may be necessary to excite a proper emulation, indispensable to any improvement of our militia system—indispensable, I may add, to its very existence. An arrangement for these objects would embrace the first class only. It would, to be sure, involve expense, for an adequate compensation must be allowed to the persons required to be embodied at these schools of instruction, for a few days in the year. And it would probably be found expedient to continue the present plan of voluntary corps, with some changes, and to require them also to meet for improvement. It is in vain to expect that the whole adult male population of the country can or will furnish themselves with the articles required by law, or that their collection for any number of days they can afford to devote to this object, and under the usual circumstances of such assemblages, can produce any beneficial effect to themselves or their country. Already, in a number of the States, the system has sunk under the weight of public opinion; and the practical question now is, whether we shall remain in fact defenseless, or resort to a large standing military force in time of peace, that just dread of all free Governments, or adopt an efficient plan, which will prepare for the public defense the greatest force at the least cost, and without danger. The blessings we have inherited cannot be preserved without exertion, nor without expense. It were idle to sit still and flatter ourselves with the hope that war is never to overtake us; and it would be worse to delay all efficient organization of our physical means, till the time for its active employment arrives. Nearly fifty years have elapsed since the adoption of the present Constitution. During all that time, no essential change has been made in our militia system; and it has gradually declined in utility and efficiency, and in public confidence; and there is reason to fear its entire abandonment, unless it undergoes important modifications. In this long interval, the value of the system seems to have been appreciated by all the Presidents of the United States, as well those who, from the habit of their lives, could best estimate its value by their personal observation, as by those whose opinions may have been well formed from the course of events having relation to this matter; and in their annual communications, commencing with the inaugural address of General Washington, this subject has been almost constantly pressed upon the attention of Congress. For the purpose of showing its importance in the opinion of these eminent citizens, I have caused their communications to be examined, and find that the subject has been presented to the Legislature and the nation no less than thirty-one times in their official recommendations. I indulge the hope that the present state of public affairs may lead to a reëxamination of the system, and to such changes as may render it permanently useful.

I am gratified in being able to announce to you that the Indians residing east of the Mississippi river, appear to be yielding to the conviction that their removal to the territory assigned for their residence in the West, offers the only rational prospect of any permanent improvement in their condition, and that this measure is essential to their prosperity. Both in the North and South the reports of the officers having charge of this matter are encouraging, and we may anticipate the full establishment of our present policy, and with the fairest prospects of success, if the pre-existing prejudices, which have so long operated to retard our efforts, can be removed.

The considerations which render this change of residence necessary are sufficiently obvious, and are founded upon the results that have heretofore attended our intercourse with the Indians. The causes which have so long continued to reduce and depress them in their present situation within our borders, are yet in active operation. Their food, derived from the chase, is disappearing. Their habits are inveterate; and they cannot or will not accommodate themselves to the new circumstances which press upon them in time to save themselves from extinction. And, above all, their contact with a white population has entailed and is entailing upon them evils which, if not checked, must lead to their ruin. They appear to acquire with much greater facility the vices than the virtues of civilized life; and during the whole period they have been known to us, they have abandoned themselves, with strange improvidence, to the use of ardent spirits. From my own observation of the Indian character, I consider the indulgence of this habit as the great barrier against any improvement of that portion of this race which, from their position, are enabled at pleasure to gratify this propensity. The difficulty of putting a stop to this traffic, while the Indians are intermingled with our citizens, is sufficiently obvious. And if they are to be rescued from its effects, they must be removed beyond the sphere of the traffic. This is certainly one of the most prominent reasons for the faithful prosecution of the system; and Congress, apparently impressed with its force, has provided by law that all ardent spirits found in the Indian country may be destroyed. The agents of the Government will not now be compelled, as formerly, to resort to legal process for the interdiction of this traffic, at the hazard of the trouble, expense, and uncertainty attending such prosecutions upon a remote frontier.

I consider the experiments which have recently been made to provide for the maintenance of the Indians, by reservations for their use, and with the power of alienation, however guarded, to have wholly failed. These tracts are too often sold for a very inadequate consideration, and the amount received is dissipated in expenditures either positively injurious or altogether useless.

As soon as the remaining tribes shall have been established in the West, we may look forward to a happier destiny for the Indians. And if this expectation be disappointed, the failure must be attributed to the inveterate habits of this people, and not to the policy of the Government. The arrangements for the comfortable establishment of the Indians have been projected upon a scale suited to their wants and condition, and to the duties of the United States. With a view to appreciate the advantages which have been secured to them, I deem it proper briefly to recapitulate provisions that have been made. These are not applicable in all their details to each tribe, as some receive more and some less in amount, while certain articles are given to some and not to others. But the general principles of distribution apply to all. An extensive country has been reserved for them, and has been divided into districts for the several tribes. To this they are removed at the expense of the United States.

They are provided with the necessary subsistence for one year after they reach their new residence.

Annuities in specie, to a greater or less amount, are payable to each tribe.

Agricultural instruments, domestic animals, seed corn, salt, looms, cards, spinning wheels, iron, steel, cloths, blankets, rifles, ammunition, and other articles, are distributed among them.

Mills are erected and kept in operation. Council-houses, churches, and dwelling-houses for chiefs, are built.

Mechanics are engaged and supported; schools are established and maintained; and the missionary institutions among them are aided from the Treasury of the United States.

These are the principal arrangements made for the benefit of this unfortunate people, who will soon have been removed, at great expense, when this new system will be in full operation, and where their peculiar institutions can be preserved with such modifications as a progressive state of improvement may require. They will be separated, too, from the settled portions of the country, by a fixed boundary, beyond which our population cannot pass.

The operations of the Department of Indian Affairs are shown in detail by the report of the Commissioner and by that of the Commissary General of Subsistence. It was anticipated that a considerable body of the Creeks of Alabama would, ere this, have been on their way to the West; but recent information induces the belief that their journey has been postponed, but under circumstances which will probably insure their early removal in the spring. The treaty with the Seminoles of Florida, for their removal, is in the process of execution. A portion of the tribe were not prepared to go at the time arrangements were first proposed to be made for their removal, and when by the treaty they might have been required to depart. At their earnest solicitations, the measure was postponed until the coming winter, and assurances were given by them that they would then be prepared to remove. A majority avow their readiness to comply with their engagements, and will no doubt quietly go as soon as the arrangements for their departure shall have been completed. But some of them exhibit a refractory spirit, and evince a disposition to remain. As they now hold no land in Florida, and would become a lawless banditti if suffered to remain, their pretensions cannot be submitted to. They will, probably, when the time for operations arrives, quietly follow their countrymen. Should they not, measures will be adopted to insure this course, equally dictated by a just regard to their own welfare, as well as to that of our citizens in the vicinity of their residence.

Governor Stokes, General Arbuckle, and Major Armstrong, were appointed Commissioners to make a treaty with the roving tribes of Indians who inhabit the great western prairie, with the view of establishing permanent pacific relations between these predatory tribes and the United States, and also between the same tribes and the other Indians of that region. The lamented death of Major Armstrong deprived the

Government of the services of that valuable officer; but the other Commissioners succeeded in effecting a pacification, which I hope will lead to a friendly intercourse among all the tribes in that quarter.

Under the authority of an act of the last session of Congress, an arrangement has been made by Colonel Brookes with the Caddo Indians, for the cession of their claims to land in the State of Louisiana and Territory of Arkansas. This will be submitted to you at the proper time, for the consideration of the Senate.

I have the honor to be, with great respect, your obedient servant, LEW: CASS.

TO THE PRESIDENT OF THE UNITED STATES.

Report of the Secretary of the Navy.

NAVY DEPARTMENT, *December* 5, 1835.

SIR: In presenting to your consideration the condition of our Navy for the past year, it affords me great satisfaction to state, that all the available means for its improvement have been successfully applied, and that its operations in protecting our commerce, although inadequate to the exigencies of that great and growing interest, have been highly honorable to the officers serving upon our naval stations, at home and abroad.

Since my report of the 29th of November, 1834, the ship of the line North Carolina has been thoroughly repaired in her hull, has been lately taken out of dock, and may be fitted for sea in eighty days.

The repairs of the ship of the line Independence, now in dock at Boston, have been commenced, and are progressing with great dispatch. The frigates Constitution and Constellation have been equipped and sent to sea. The frigate United States has been prepared, and is ready for the reception of a crew. The hull of the frigate Columbia, at Washington, has been so nearly completed, under the law for the gradual improvement of the Navy, that she may be launched in the course of this month.

The sloops of war Peacock and Vandalia have been equipped and sent to sea. The sloop of war Warren is taking in her crew, and will sail in a few days. The sloops of war Concord and Boston have been prepared, and are ready for the reception of their crews, and the Lexington will be equally prepared in a few weeks.

The repairs of the sloops of war Falmouth and Natchez, and of the schooner Grampus, have been recently commenced, and it is believed that in a few weeks they may be ready for the reception of their crews.

The building of a store-ship, authorized by a law of the 30th of June, 1834, has been commenced at Philadelphia; and a steam-vessel has been commenced at New York, but will not be ready for service until some time in the summer of 1836.

The ships of the line Alabama, Vermont, Virginia, Pennsylvania, and New York, and the frigates Santee, Cumberland, Sabine, Savannah, Raritan, and St. Lawrence, are on the stocks, well protected from the weather, and as nearly completed as it is proper they should be, until it is determined to launch them.

For a more detailed statement of the condition of those vessels, as well as that of the ships of the line Franklin, Washington, Columbus, and Ohio, and their means of repair, I beg leave to refer to a report of the Commissioners of the Navy Board herewith submitted, marked K. And for the amount of timber, iron, and other materials procured for the gradual improvement of the Navy, I refer to their report marked L.

The ship of the line Delaware, the frigate Potomac, the sloop John Adams, and the schooner Shark, have been employed in the Mediterranean during the last year. The frigate Constitution sailed for that station on the 19th of August last, from New York. The frigate United States returned from the Mediterranean on the 10th of December last. The Delaware is ordered to the United States, and is daily expected.

On the West India station the sloops of war Vandalia, St. Louis, and Falmouth, and the schooners Grampus and Experiment, have been employed. The Vandalia, after undergoing considerable repairs, sailed from Norfolk on the 14th of January last, to resume her station in the West Indies. The Falmouth returned from that station on the 1st of August last, and is now at Norfolk. The schooner Experiment also returned from that station in April last, and has been employed on the survey of the coast. The Grampus returned to Norfolk on the 23d of September last, is undergoing repairs, and will soon resume her station in the West India squadron. The frigate Constellation sailed for the West Indies on the 8th of October last, from Norfolk.

The sloops of war Natchez, Erie, and Ontario, and the schooner Enterprise, composed the squadron on the Brazilian station. The Natchez has lately returned to the United States, having arrived at New York on the 3d of October. The schooner Enterprise has been detached from that station, and ordered on a cruise to the East Indies. She sailed in company with the sloop Peacock from Rio on the 12th of July last; the Peacock having sailed from New York for that station on the 23d of April. In June last the Ontario was ordered to the coast of Africa, with instructions to visit the Island of St. Thomas, Bassa Cove, Cape Palmas, and Mesurado.

The vessels which have been employed in the Pacific are the frigate Brandywine and sloops Fairfield and Vincennes and the schooners Dolphin and Grampus. The Vincennes has been ordered home by the way of the East Indies, and the Fairfield has lately arrived at Norfolk.

The events of the last year furnish much additional evidence that our naval force in commission is not adequate to the protection of our rapidly-increasing commerce. The frequent insurrections and revolutions in the governments of South America and of Mexico, endanger our merchant vessels upon the Atlantic as well as Pacific ocean, and in the Gulf of Mexico, and even upon our own coast. Influenced by a knowledge of these circumstances, and in accordance with your suggestions, I have asked and obtained from the Board of Navy Commissioners, an estimate of the increased annual expense of adding two frigates, three sloops of war, and four steam-vessels, to our force now in commission, to be employed upon foreign stations, as well as upon our own coast. By their report it appears that such an addition to our vessels in commission would require annually an appropriation of $478,000; but as not more than one steam-vessel can be finished in the next year, the appropriation wanted for 1836 for this purpose need not exceed $434,000. This sum is small compared with the benefits that may be fairly calculated to result from its expenditure, in affording protection to our commerce, independently of the advantage to the efficiency and discipline of our Navy, by calling into active service a large number of officers now unemployed. A large portion of the entire expenditure for the additional force proposed must be incurred, even if it should not be called into service. The vessels necessary for such increase of force, (except the steam-vessels,) will, if not so employed, remain at our wharves, affording no benefit to the country, and suffering more from decay than they would do if at sea; and a large portion of the officers necessary for their command, although earnestly asking for service, will remain on shore, receiving pay, but performing no duty; adding nothing to their professional skill, but losing their habits of discipline, which can only be preserved by constant exercise. Should the proposed increase of force be sanctioned by Congress, we shall have in commission in the year 1836 one ship of the line, six frigates, fourteen sloops of war, five schooners, and one steam-vessel, with an addition of three steam-vessels in succeeding years as soon as the same can be prepared, the estimated expense of which appears by the report of the Commissioners, marked D 1.

Appropriations for the gradual improvement of our navy-yards are next in importance to like appropriations for the gradual improvement of our Navy. The necessity of more ample means for protecting our shipping, as well as the immense amount of public property in the different yards, must be apparent to every one who is acquainted with the subject; and the expediency of increasing the facilities for constructing and repairing our ships, is not less apparent. Moderate appropriations, in addition to those that are usual, for three or four years, would accomplish these important objects. In accordance with this view of the subject, I submit a letter of the Board of Navy Commissioners, marked E, No. 1, together with an estimate of the probable cost of the proposed improvements, which amount to $3,500,000, including that of the dry-dock at New York, amounting to $900,000.

A national foundery for the purpose of casting cannon, shot, and shells, as well for the Army as the Navy, was a subject of discussion before the two Houses of Congress at their late session, but was postponed in consequence of the shortness of the session, and the pressure of more urgent business. No doubt can be entertained of the importance of such an establishment, when we consider the great improvements made in the fabrication of small-arms at the different armories of the United States. In our future wars, especially on the ocean, we must rely much upon the excellence of our cannon. The bursting of a single gun may cause, as it often has done, the loss of a battle. The disasters from this cause that occurred during the revolutionary as well as the late war, admonish us to guard against like disasters in future, which, it is believed, may be avoided by the means proposed.

It is only by a long series of experiments, and these attended with great expense, that we can hope to discover the best material for making cannon which our country affords, and the art of fabricating them with the most perfect accuracy and efficieney. Believing that such discoveries and improvements are attainable, and that they would be highly important in the Army, and still more so in the Navy, I must be permitted to express a hope that the subject will he reviewed at the approaching session of Congress, and that the plan of a national foundery will be adopted.

The importance of rearing a body of seamen, by enlisting into the service of our Navy boys over the age of thirteen and under the age of eighteen, until they should arrive at the age of twenty-one years, has already attracted the attention of Congress. At the last session, a bill for this purpose was introduced into the Senate. Every year the importance of this measure becomes more apparent. Able seamen are much wanted; while there are boys enough in our cities, leading lives of idleness and vice for want of employment, who, if thus enlisted, under judicious regulations, would in a few years afford us a sufficient corps of able seamen to man our navy, and in the meantime render services to their country worth their pay.

The compensation to be given by the late pay bill to professors of mathematics is such as to command the services of those who are every way competent to perform the duties of this station. A regulation is adopted to appoint none to this station who shall not receive a certificate of competency, after submitting to a rigid examination by scientific gentlemen who shall be appointed for that purpose. This will be of great advantage to the young officers of the Navy; and if a large portion of them should be called into active service by employing an additional naval force for the protection of our commerce, they will be enabled to perfect themselves in seamanship—the most important part of their education, and which can be acquired only at sea. But to make them accomplished officers, something more is required than what can probably be derived from those sources: a knowledge of military tactics, of engineering, and drawing, is deemed indispensable in the education of an officer of the Army, and which ought to be deemed equally so in the education of a naval officer. So much of chemistry, mineralogy, geology, and natural history, as is taught at the Military Academy, although not absolutely essential to the military or naval officer, yet is decidedly more important to the latter than to the former. If provision should be made for the admission of a class of one hundred midshipmen at a time at the Academy at West Point, to pursue such studies as should be prescribed by the Navy Department, and to be succeeded at the end of one or two years by another class, all in their turn might receive the advantage of this course of studies, highly necessary to their education as accomplished officers

of the Navy, and at a small expense, as the midshipmen, while at the Academy, would receive no more pay than if attending the schools at the navy-yards, or if waiting orders.

A national observatory, although not immediately necessary to the defense of our country, is remotely so; and, considered with reference to the bearing it would have upon our Navy, our commerce, and scientific pursuits, it assumes an importance worthy of the consideration of Congress. It is hardly to be doubted, that we shall at some future period make such an establishment; and I will venture to express an opinion, that no time can be more propitious for such an undertaking than the present. It would not be attended with any great expense. It is necessary now to employ an officer of science to keep our maps and charts, to regulate our chronometers, and to preserve all mathematical and philosophical instruments required for the naval service; and buildings are necessary for these purposes. These duties would properly devolve upon the superintendent of an observatory; and the buildings necessary to such an establishment would be amply sufficient for the preservation of our maps, charts, and instruments.

Under the act concerning naval pensions and the navy pension fund, eighteen invalid pensions have been granted since my last report, making the number on the roll three hundred and five, and the annual amount required to pay them $24,944; and forty-one widows' pensions have been granted, making the number on the roll one hundred and fifty, and the annual amount necessary to pay them $32,594. The annual charge, therefore, according to the present roll, will amount to $57,538. It is not probable that all on the list will claim; but as the death of a pensioner is not officially known, except when the account is settled by his or her representative, the number is made out from the rolls in this Department. Some have not claimed for two, three, four, and five years; but as they are not known to be dead, their names are still continued on the rolls. The receipts and expenditures on account of the fund, to 30th September last, will be seen in the statement marked M, and the amount and description of stocks belonging to the fund, in the statement M 1.

Under the act of the 19th of June, 1824, respecting pensions chargeable to the private pension Fund, since my last report six widows have received five years' pension each, amounting to $2,400; more than five years having elapsed since the date to which they were last paid. Two invalid pensions have also been granted; making the number on the roll thirty-six, and the annual amount required to pay them $3,184. The account of stock, and of receipts and expenditures, will be seen in statement N.

The condition of the Navy hospital fund, including receipts and expenditures, will appear in statement O. The annual receipts are much greater than the disbursements; and as they will probably continue to be greater for several years, I respectfully repeat the suggestion in my last report, that authority be given to vest the surplus in some well-secured stock, for the benefit of the fund.

Under the act of the 30th of June, 1834, the widows of all officers, seamen, and marines, who have died in the naval service since the 1st day of January, 1824, or who may die in said service, by reason of disease contracted, or of casualties by drowning or otherwise, or of injuries received while in the line of duty, are entitled to pensions equal to half the amount of the pay to which their husbands respectively were entitled at the time of their deaths. The act of the 3d of March last, "to regulate the pay of the Navy of the United States," and which increased the pay of many officers, is silent as to pensions. A difficulty arises in ascertaining the proper amount of pension to be allowed to widows of naval officers whose pay has been increased by this act. The pay of a captain, in command of a squadron, was increased to $4,000 a year; when on other duty, to $3,500; and when off duty, to $2,500. A corresponding increase of pay is made to other officers. In the case of a captain dying when in command of a squadron on a foreign station, a question arises whether his widow should receive a pension to the amount of $600 a year, to which she would have been entitled if this act had not passed, or whether she shall receive the half of the amount of pay to which her husband was entitled at the time of his death as a captain commanding a squadron, as a captain on other duty, or as a captain off duty. After much deliberation it has been decided to allow a pension in such case of $1,135 62 a year, being the half-pay of a captain commanding a squadron, reduced by the amount of $1,728 75, equal to his allowance before this act. The salary of $4,000 a year to a captain in command of a squadron, is in lieu of former pay and emoluments. Those emoluments, excepting one ration a day, amounted to $1,728 75; which sum, deducted from $4,000, leaves $2,271 25, the half of which, $1,135 62, is considered as the proper amount of the widow's annual pension. Questions on pensions, more complicated than this, may arise under this act; especially in the case of the death of surgeons and assistant surgeons, whose grades of pay are more numerous than those of captains.

The necessity of an explanatory act to obviate these difficulties is respectfully suggested.

By the act of Congress of the 10th of July, 1832, it is required that any surplus money belonging to the navy pension fund, shall be vested in the stock of the Bank of the United States. The amount so vested, is $619,000; and this Department has no authority to make a different investment of this money without the further action of Congress.

Previously to the passing of the act of the 30th of June, 1834, for the better organization of the United States Marine Corps, double rations had been allowed to the commandant of that corps, and to the officers of the same commanding at the navy-yards at Portsmouth, Boston, New York, Philadelphia, Washington, Norfolk, and Pensacola; and the senior marine officers in the squadrons in the Mediterranean, the West Indies, the Brazilian coast, and the Pacific ocean; all receiving the sanction of Congress by their appropriation. By this act of the officers of the marine corps are to receive the same pay, emoluments, and allowances, as are given to officers of similar grades in the infantry of the Army. The act of the 16th of March, 1802, fixing the military peace establishment of the United States, authorizes allowances to the commanding officers of each separate post of such additional number of rations as the President of the United States shall, from time to time, direct.

These provisions of this last act were continued by an act of the 3d of March, 1815, fixing the military peace establishment.

The paymaster of the marine corps made payments for double rations to officers heretofore receiving the same, from the 1st of July to the 30th of September, 1834. But the accounting officers of the Treasury did not think proper to allow the same, inasmuch as the commands of these officers had never been designated as separate stations, agreeably to the rule prescribed for the Army. This is a case of difficulty which, it is respectfully suggested, requires the interposition of Congress.

Being still of the opinion expressed in my last report, that the public interest would be promoted by having the marine barracks placed without the navy-yards to which they are attached as early as may be practicable, estimates are submitted for purchasing sites and erecting barracks at places where they are deemed most necessary.

In performance of my duty under the act of the 3d of March last, authorizing the construction of a dry-dock for the naval service in the harbor of New York, or its adjacent waters, I proceeded, in May last, to the city of New York, where I was met by an able engineer, Loami Baldwin, Esq., whom I had previously engaged to make the soundings and other examinations necessary to a proper selection of a suitable site. After a long and laborious examination, Mr. Baldwin made his report, which has been submitted to your consideration; by which it appears that the proposed dry-dock may be advantageously constructed in the navy-yard at Brooklyn. A selection of this place for this purpose is recommended by the consideration that the land occupied as the navy-yard belongs to the United States, and that the public buildings upon it, which are of great value, cannot be abandoned without serious loss.

One difficulty presented itself, which created some delay in making this selection. A building for the purpose of distilling turpentine had been erected so near to the navy-yard as greatly to endanger the public property. Other buildings for similar purposes, or for purposes equally dangerous, might be erected near the yard, if not prevented by some act of legislation. I am happy to state that the Common Council of Brooklyn, when the case was laid before them, promptly passed an ordinance which it is believed will effectually secure the property in the navy-yard from the danger of this nuisance and all similar ones; and it cannot be doubted that the Common Council of Brooklyn will grant all reasonable protection and accommodation to this navy-yard; and that the State of New York will protect and promote the interests of the same by any legislative acts that may be found to be necessary and proper. I shall therefore proceed, under your direction, with as much dispatch as present and future appropriations will permit, to cause the dry-dock thus authorized by law to be constructed in the navy-yard at Brooklyn.

Under the act of the 30th of June, 1834, "authorizing the Secretary of the Navy to make experiments for the safety of the steam-engine," and appropriating five thousand dollars for that purpose, many proposed improvements have been submitted for the purpose of being tested by experiments. Some of these were so easily tested by those having steam-engines in operation, that the aid of Government was not needed; others were attended with greater difficulty, and could not be tested without the expense of constructing boilers and other machinery for the purpose. These proposed improvements have not been such as, in my opinion, to warrant a large expenditure of money; and no experiments have been made upon them. Such experiments, however, would have been made, if they could have been so made without the expense of constructing engines.

The act seemed particularly to require that the steam-engine devised by Benjamin Phillips, of Philadelphia, should be examined and tested, and that Mr. Phillips should be employed in making the experiments. Mr. Phillips was therefore employed to construct a model engine, with boilers and other machinery which he deemed necessary for the purpose of testing his improvements, which he brought to this District, where he remained several weeks making his experiments before many members of the two Houses of Congress, before the officers of the different Departments, and others.

I attended very carefully to these experiments, but have not been able to perceive in them any improvements increasing the safety of the steam-engine.

The money paid for Mr. Phillips's machinery, preparations, and experiments, amounts to five hundred and nineteen dollars and seventy-five cents; the residue of the appropriation remains unexpended.

The fourth report of Mr. Hassler, Superintendent of the Coast Survey, upon the operations performed in that work between the months of May and December, 1835, together with his detailed estimate of the appropriations required for the same for the next year, are herewith submitted, marked T.

Much work appears to have been done on the secondary triangulations, on the topographical operations, and by the sounding parties. That more has not been done in the primary triangulations is explained in the report.

Of the appropriations heretofore made for this survey, there remained, on the first day of this month an unexpended balance of eight thousand eight hundred and twenty-three dollars.

The duties of the sounding parties are performed by the officers and seamen of the Navy, and the chief part of the expense is charged to the Navy appropriations. As, however, there are some expenses which cannot be charged to those appropriations, they must necessarily be charged to the appropriations for the coast survey. In September, 1834, the schooner Jersey, not wanted for any purposes of the Navy, was purchased for the

sounding party under the command of Lieutenant Gedney. The price of this vessel, ($3,350,) therefore, could not be charged to the naval appropriations—it was properly charged to the appropriations for the coast survey. For the same reason the boats, equipments, and other expenses for the schooner, amounting to $1,888 60, were charged to the same appropriation, as was also the charge for extra pay to the officers, amounting to $650; in all, for the year 1834, to $5,888 60.

During the present season, the expense of this schooner chargeable to the coast survey has amounted to $1,398, making the whole expense of this schooner for years 1834 and 1835 chargeable to the coast survey, amount to $7,287 60.

It is not probable that the expense of this schooner, chargeable to the coast survey appropriation, will, for the next year, exceed $1,500.

The schooner Experiment, employed by the sounding party under Lieutenant Blake, belongs to the Navy. The coast survey appropriation has therefore been charged only for equipments which were not necessary for the purposes of the Navy. These, with other expenses attending the operations of the sounding party on board this schooner, from the first of July last, when she was sent upon the survey, to the 30th of September last, amounted to $2,517 73.

As most of the equipments of these schooners will last for several years, with but little expense for repairs and supply of articles which may be lost by accident, it is believed that the expense of both schooners and the sounding parties on board of them for the next year, chargeable to the coast survey, will not exceed $4,000.

It will be seen that this differs widely from the statement of Mr. Hassler, which may be explained by the circumstance that he did not derive his information from the books of the Treasury Department.

By a statement hereunto annexed, marked P, it appears that of the appropriations heretofore made for the suppression of the slave trade, there remains in the Treasury a balance of thirteen thousand four hundred and eighty-nine dollars and fifty-five cents.

In my last report, I took the liberty of stating that some of the clerks in my Department did not receive salaries proportioned to their services, or adequate to the decent support of themselves and families; and I respectfully solicited that the salaries, particularly of the chief clerk of the Navy Board, the warrant clerk, and the clerk keeping the register of correspondence of this Department, whose duties are arduous, requiring both talent and experience, should be increased, so that the first might receive $1,700 per annum, and the others $1,400 each. I repeat the solicitation, from a thorough conviction that their faithful services fully merit this increase of compensation.

The superintendent of the southwest Executive building receives but $250 per annum for his services, which it is believed is a compensation too small to command the services of one competent to perform the duties of the station.

The sergeants acting as clerks to the commandant and staff officers of the marine corps, are paid at the rate of less than $700 a year for all their services, which it is respectfully suggested is not an adequate compensation.

The necessary references to papers and documents connected with this report, will be found in a schedule hereunto annexed.

All of which is respectfully submitted.

MAHLON DICKERSON.

Report of the Postmaster General.

Post Office Department, 1st *December*, 1835.

To the President of the United States:

Sir: During the year ending 30th June, 1835, the post routes of the United States covered about one hundred and twelve thousand seven hundred and seventy-four miles.

In daily and less frequent trips, the mails were carried on these routes about 25,869,486 miles, viz:

16,874,050	miles in four-horse post-coaches and two-horse stages;
7,817,973	miles on horses and in sulkeys;
906,959	" in steamboats;
270,504	" in railroad cars.

The number of post offices on the 30th June last, was ten thousand seven hundred and seventy, being an increase of fifty-four within the preceding year.

The system upon which the books of the Department have always been kept, precludes an exact statement of the revenue and expenditure which have accrued within any given period. The following is believed to approximate nearly to the actual income and accruing responsibilities for the last two fiscal years, viz:

Gross revenue for the year ending 30th June, 1834		$2,823,749 34
Compensation to postmasters	$897,317 29	
Incidental expenses	87,744 27	
Transportation of the mails	1,925,543 52	
Total expenditure		2,910,605 08
Balance against the Department		$86,855 74
Gross revenue for the year ending 30th June, 1835		$2,993,556 66
Compensation to postmasters	$945,417 84	
Incidental expenses	92,924 92	
Transportation of the mails	1,719,007 32	
Total expenditure		2,757,350 08
Balance in favor of the Department		$235,206 58

In the first part of the year 1835, additional allowances were authorized, as is alleged, amounting on the 1st of May last to about $157,000, which have since been suspended, and do not enter into the foregoing statement. If finally admitted, they will reduce the balance in the favor of the Department that year to about $79,000.

The old books will be closed when all the pecuniary transactions of the Department, prior to the first of July last, are brought up on them. Statements made out from these books, and other data, show the condition of the Department on that day, to have been about as follows, viz:

Due to contractors and others	$792,381 92	
Due to banks	272,000 00	
Whole debt of the Department		$1,064,381 92
Amount due to the Department	$1,128,319 29	
Deduct for bad and doubtful debts	131,327 36	
Debt esteemed to be good	$996,991 93	
Cash on hand	43,689 40	
Whole available means		$1,040,681 33
Balance of debt over available means on 1st July last		$23,700 59
If the suspended allowances be added		157,000 00
It will make the debt exceed the available means on 1st July last		$180,700 59

The accounts of the Postmasters for the quarter ending the 30th of September last, have been so far examined as to show, satisfactorily, that the increase of gross revenue over that of the corresponding quarter of last year, is about twelve per cent. The annual saving in the recent letting of contracts was about $30,000. Predicated on an average increase of revenue throughout the current fiscal year of *ten* per cent., and on a saving of $25,000 when the contracts recently let shall be executed with necessary alterations, an estimate of the gross revenue and accruing responsibilities for the year ending 30th June, 1836, indicates the following results, viz:

Gross revenue for the year ending 30th June, 1836		$3,292,692 00
Compensation to postmasters	$1,039,958 00	
Incidental expenses	70,000 00	
Transportation of the mails	1,706,507 00	
Total expenditures		2,816,465 00
Balance in favor of the Department		$476,227 00

Although the whole of this sum may not be available, on account of the usual losses and defalcations, it is not doubted that, aided by collections of outstanding balances, it will be sufficient to pay off the debts of the Department, and leave a considerable amount applicable to an extension of mail accommodations.

When the undersigned took charge of this Department, his attention was immediately called to the condition of its finances; but it was soon found that no satisfactory account of its debts or its means could, within any short period, be obtained from its books. It was only perceived, from current incidents and detached accounts, that the unsatisfied demands of contractors from every quarter of the country, were daily accumulating; that there was a debt of near $300,000 due to banks; that the outstanding acceptances of the Treasurer exceeded $900,000; that a considerable portion of the revenue of some of the large offices, for the present calendar year, had been anticipated by drafts discounted in banks, which they had been instructed to pay at maturity; that additional allowances had been recently authorized to a considerable amount; that to provide means to meet the demands on the Department at Washington, created by the system of acceptances, upwards of two thousand of the most considerable post offices had been directed to deposit their income in banks; and that these means proving insufficient, the Department was subjected to continual embarrassments in devising ways and means to meet its engagements. At the same time, it was believed on all hands that the current revenue of the Department considerably exceeded its current expenditure, and that the aggregate of debt was in progress of diminution. In this state of things, it was deemed expedient to make an effort to extricate the Department from its embarrassments. The measures resorted to for that purpose were as follows, viz:

1. A suspension of all recent allowances from the credit of the contractors.

2. A refusal to accept or pay any drafts drawn on the Department, except by special arrangement.

3. The application of the income of the current quarter to the payment of that quarter's expenses, the surplus only to be applied to the payment of preëxisting claims.

4. The introduction of a system which should effect a more prompt collection and application of the current income of the Department.

The allowances suspended amounted to about $157,000. Without reference to their merits, it was believed that a preference ought to be given to other claims in making payments.

The discontinuance of acceptances was essential to enable the Department to command its means. A revenue arises wherever the mails are carried; and it would seem obviously appropriate, as well as convenient, that the services of contractors should be paid for in the sections of country where they are rendered, and, as far as practicable, out of the income which they produce. But the practice of suffering the contractors to draw for their pay subjected the Department to the inconvenience of collecting its funds from the post offices throughout the Union, and transferring them to Washington, to meet the drafts. The slowness and uncertainty of this operation made it an insufficient reliance to meet its acceptances, produced the necessity of looking elsewhere for the means, and rendered it difficult to manage its finances with any convenience or regularity.

By paying the expenses of the current quarter at its close, and announcing a determination to pay in like manner at the close of each succeeding one, applying only the surplus to the discharge of former debts, it was believed that the credit of the Department would immediately be elevated and thenceforward sustained.

Orders to deposit in banks and drafts on postmasters in favor of contractors, constituted the system of collection found in operation. Upwards of two thousand post offices had orders to deposit, and upwards of eight thousand were instructed to retain their postages until drawn upon. Many of the deposit offices were dilatory, and defalcation among them was not uncommon. Many

of the other offices were not drawn upon for several quarters, on account of the smallness of their income, or other circumstances. The necessities of the Department compelled it to draw on the more productive offices at the end of each quarter before their accounts could be adjusted; and its drafts being predicated on estimates, could not be for the exact sum in hand. To avoid the danger of a protest in consequence of drawing for too much, the Treasury generally drew for too little, thereby leaving small balances in all the draft offices also. There were, consequently, balances remaining in the hands of more than eight thousand postmasters, which, though generally small, amounted in the aggregate to a large sum.

For the purpose of promptly bringing into action the means of the Department at the end of each quarter, the undersigned divided the offices into three classes. The first class, called "*Collection Offices*," are upwards of nine thousand in number. The postmasters of this class have been instructed to pay on demand, at the close of each quarter, the whole amount due to the Department on account of the postages of that quarter, to the contractors who carry the mails along their respective routes, and forward their receipts to the Department. The contractors are instructed to forward acknowledgments, setting forth the whole amount received from each and all the postmasters, and to report forthwith every postmaster who fails to pay, and his reasons therefor, if known to them. To secure promptness and fidelity on the part of the contractors, they are permitted to collect only from so many postmasters as may pay them about seventy-five per cent. of their quarterly compensation; and they are informed that the balance will not be paid them until they shall have collected from every office on their list, or shown, by reporting the delinquent postmasters, that they have used due diligence to do so, and are not in fault for the failure.

The second class, called "*Depositing Offices*," about five hundred and fifty in number, are instructed to deposit their income in banks quarterly, monthly, or weekly, according to its amount. This class embraces all the large offices and most others which can as conveniently deposit as pay to contractors, together with the most considerable offices on interior routes, which yield a surplus revenue, and whose proceeds cannot be used in paying the contractors who supply them.

The third class, called "*Draft Offices*," about two hundred and fifty in number, embrace those not convenient to banks, whose proceeds cannot be paid over to contractors at the close of the quarter without danger of their being overpaid, but may generally be drawn for, in whole or in part, to pay the balances due, after giving the contractors credit for all their collections.

The interest of the contractors induces them promptly, after the quarter ends, to push their collections, and report all delinquents. During the same time, the depositing offices are placing their funds in the banks. When the contractor's acknowledgment for moneys collected comes in, his account is examined. If the balance due, or any part of it, can be paid by draft on one or more of the draft offices, it is done; and that which cannot be so discharged is paid by check on some convenient bank.

The results anticipated from these measures have been fully realized. On the 1st of July last, payments on claims, accruing prior to the preceding quarter, were suspended; and all the energies of the pay clerks were devoted to paying the debts of that quarter. These payments were completed on the 19th day of August, leaving a considerable amount of funds in bank. The payment of the old debts was then resumed. From that moment the Department was disembarrassed. In no instance since, has the payment of any claim been refused for the want of funds.

On the 1st of October last, the new system of collecting came into action. Encouraged by its favorable operation, and finding the funds of the Department in bank to exceed $140,000, the undersigned, on the 18th of the last month, directed the payment of the bank debts in Baltimore and Boston, amounting to $67,304 38.

The entire debt on the 1st July, as above stated, was		$1,064,381 92
Of this debt there has been paid out of postages accruing before the 1st of July, about the sum of	409,991 34	
Out of postages accruing since the 1st July, the sum of	187,086 14	
		$597,077 48
Old debt remaining unpaid on this day, about		$467,304 44

Of this debt, about $205,000 is due to the banks, and the balance to contractors and others.

The statements of the amount of debt, and the amount paid out of postages accruing prior to the 1st of July, are not supposed to be exact, but they do not vary materially from the actual amounts.

The result of these operations is:

That the claims of contractors and others against the Department, arising within the quarter ending 30th June last, have been paid, with the exception of a few suspensions;

That the claims arising within the quarter ending 30th September last, have been paid as far as they were ready for adjustment;

That $187,086 of the preëxisting debt, have been paid out of postages accruing since 30th June last;

That the funds in bank on this day, are $73,737.

The payment of an amount of the old debt so far beyond the available surplus of the last quarter, leaving a large sum on hand, will create no surprise, when it is recollected, that, in addition to that surplus, the Department has been able to avail itself of a considerable amount stopped from contractors, on account of over-payments, and a still larger sum arising from the deposits of the weekly and monthly depositing offices, on account of the current quarter.

The debt of the Department, except that portion of it which is due to banks, and the suspended allowances, is now perfectly manageable, and cannot hereafter embarrass its operations. The bank debt is reduced to about $205,000.

The following statement of the quarterly income and expenditure of the Department for the last two years, which, though not accurate, may be relied upon for all practical purposes, will more fully show the progress of its financial concerns, and its prospect of speedy redemption from debt:

Date.	Gross revenue.	Expenditure.	Excess of revenue.	Excess of expend'e.
1833.				
Sept. 30	$655,242 88	$746,098 15	-	$90,855 27
Dec. 31	720,209 27	747,415 52	-	27,206 25
1834.				
Mar. 31	729,600 51	699,205 86	$30,394 65	
June 30	718,696 00	717,885 00	811 00	
Sept. 30	725,213 03	703,434 75	21,778 28	
Dec. 31	724,542 34	701,497 08	23,045 26	
1835.				
Mar. 31	783,494 47	689,652 66	93,841 81	
June 30	780,046 82	671,703 99	106,341 23	

As it has already been ascertained from examinations of the returns, that the revenue of the last quarter exceeds that of the corresponding quarter of the last year about twelve per centum, it may be safely stated that the surplus of revenue over expenditure for that quarter will be about $120,000; and that there was, on the 30th September last, a surplus of available means over the whole debt of the Department, amounting to about $100,000. It is confidently expected that this surplus will be increased, at the end of the current quarter, to about $220,000; and at the end of the next quarter, to about $340,000. The old debts due to contractors and others are now paid as fast as they are presented and can be adjusted; and the accumulation of funds, notwithstanding these payments, is so considerable as to justify a belief that $100,000 of the remaining bank debt may be paid in January next, and the balance in April.

The undersigned takes pleasure in presenting you with the data which justify this anticipation. He is happy to say that, so far from needing any pecuniary aid from the Treasury, the Department may be presented to Congress before the termination of their approaching session, substantially free from debt, with a clear annual surplus exceeding $400,000, applicable to the establishment of new mail routes and the improvement of old ones. Even should the suspended allowances be finally paid, the anticipated result cannot be delayed beyond the month of July, 1836.

A balance of the books of this Department has not been effected for about twenty years. After a full consideration of the subject, it was deemed expedient to close them, and open a new set from the 1st of July, 1835. The balances of accounts are not carried forward from the old books to the new, but all collections made of moneys due before that day, are credited to an account headed "Arrearages," on the new books, and all payments made on debts contracted prior to that day, are charged to the same account. That account, when closed, will show the exact amount of debt and of available means at the commencement of the present fiscal year; facts which cannot be sooner ascertained with exactitude.

In keeping the new books an attempt is making, through the agency of general accounts, to show specifically from what sources the revenue of the Department is derived, and to what purposes it is applied. The accruing revenue is credited to General Accounts, headed "Letter Postages," "Newspapers and Pamphlets," and "Fines." The expenditures are charged to General Accounts, headed "Compensation of Postmasters," "Transportation of the Mails," "Ship, Steamboat, and Way Letters," "Wrapping Paper," "Office Furniture," "Advertising," "Mail Bags," "Blanks," "Mail Locks and Keys, and Stamps," "Mail Depredations, and Special Agents," "Clerks, &c., for Offices," and "Miscellaneous." When the entire business of a quarter is brought upon the books, the credit General Accounts will be balanced by transfer to the credit of a general account, headed "Post Office Department," which will thus exhibit, at a glance, the entire income of the Post Office Department for the quarter, and the sources whence it is derived. In like manner, the debit General Accounts will be closed by transfer to debit of "Post Office Department," which will thus show, on a single page, the whole expenditures of the quarter, with the objects of expenditure. The balance of this account, thus made up, will exhibit the condition of the Department at the end of each quarter.

It has long appeared to the undersigned, that, by a system of this kind, the application of the public moneys may be shown more specifically than by any other system of specific appropriation.

The efficiency of a department with so many thousand agents in its employment, essentially depends on the vigilance and energy of the directing and supervising power. Impressed with this conviction, it is the policy and the effort of the Department to make the supervision so complete, that every individual in its service shall feel that he acts directly under the eye of some of its officers or clerks.

To secure promptitude in the rendition of accounts, the postmasters, with the exception of a few at the large offices, have been required to forward their accounts within two days, or by the first mail, after the close of each quarter. As a means of enforcing this requisition, the post offices are divided into four classes, in reference to their distance from Washington, and other circumstances. For the arrival of the accounts of the first class, ten days are allowed; for the second, twenty; for the third, thirty; and for the fourth, forty. It is made the special duty of a clerk to note the day on which each quarterly return arrives, and promptly call all delinquents to account when the allotted time shall have expired. This plan of supervision was put in operation at the commencement of the present quarter.

To produce an ever-active supervision over contractors, it is made the duty of postmasters at the ends of all post routes, to keep, and return to the Department, weekly or monthly, according to the importance of the route, registers, showing the exact time of arrival and departure of every mail, with such remarks as the occasion may require. It is made the duty of a clerk, in each

division, to see that the postmasters keep and return these registers, to examine them when returned, and note all delinquencies of contractors. This plan is not yet in full operation.

It is intended to apply the same principle of strict supervision to the return of receipts by postmasters; to the making of deposits by the depositing offices, and the forwarding of certificates of deposit; to the printing and furnishing of blanks; and, as far as practicable, to all services required by law and the regulations of the Department.

Sufficient attention has been given by the undersigned to the manner in which newspapers and other printed matter are conveyed by mail, to satisfy him that it is radically defective. No supervision or power of punishment, exercised or possessed by the Postmaster General, is adequate to prevent, on some occasions, the canvas bags in which printed papers are stowed, from being left behind, so long as they are carried separately from the letter mails, or on the outside of coaches and stages. To prevent the evil in some degree, it has been provided, in the contracts lately awarded on the main routes to the West, that, on the outward trip, no passengers shall be carried in the inside of the mail coach, but that it shall be devoted exclusively to the mails; and on similar routes along the sea-board, the same restriction will be applied in both directions. It is believed that the enforcement of the contracts in this respect, will insure the safe conveyance of the newspapers as far as they travel on these routes.

A further improvement in this respect is anticipated from arrangements now in progress, to run steamboat mails on the western rivers during the season of steamboat navigation, and on a portion of the Mississippi during the whole year.

It is well known that an immense correspondence is carried on during the business season, in steamboats, upon these waters. So long as the Department has no mails upon the rivers, it is difficult, if not impracticable, to enforce the Post Office laws, and bring the letters so transmitted into the post offices. Regular lines of boats are now formed, and forming, on the Ohio and Mississippi rivers. A contract has been made with the owners of one of these lines to carry a mail three times a week between Pittsburg and Cincinnati, during the season of navigation, for $1,800 a year. A proposition has been received, and accepted, to convey a mail, except when prevented by ice, on the Ohio and Mississippi rivers, between Louisville and St. Louis, three times a week, and between Louisville and New Orleans, three times a week during the business season, and twice a week during the rest of the year, touching at all the considerable intermediate points, for $30,000 a year for the whole service. It is in contemplation to put this mail into operation early in the coming year. From giving regular river mails to the business of the West, it is expected that they will convey almost the entire correspondence upon those waters, and increase the revenues of the Department in a sum at least equal to their cost. This facility being furnished to the community, the Post Office laws can, with more propriety, be enforced in relation to letters conveyed in other boats. Nor is it one of the least advantages anticipated from these mails, that they will relieve the land mails, in the West and southwest, of an immense mass of mail-matter, and render its conveyance more safe, at the seasons when the roads are most difficult, and, in the Mississippi country, during the whole year.

The multiplication of railroads will form a new era in the mail establishment. They must soon become the means by which the mails will be transported on most of the great lines of intercommunication, and the undersigned has devoted some attention to the devising of a system which shall render the change most useful to the country.

The cities and large towns on the great lines constitute centers from which the mails diverge to pervade and supply the surrounding country. At these points generally are the distributing post offices. The great whole will evidently be most speedily and effectually served, by causing the mails to pass with all possible expedition, by night and by day, along the main lines, through these numerous centers, stopping for no local object, and passing at the distributing offices only long enough to exchange mails. The distribution through the country around must be made after the great mail has passed on, by means of coaches, stages, or other vehicles, and horses, as the interest of the Department and the country may mutually require. Or, if any intermediate offices be supplied by the railroads, it should be those only where the cars stop, unless a mode of exchanging mail-bags, without stopping, can be introduced for the accommodation of others.

The means of transportation between Washington and Boston, are now so complete, that this system might be advantageously introduced, at least during the season of steamboat navigation. The time occupied in passing from Washington to Baltimore, by the railroad, is but two and a half hours. To pass from Baltimore to Philadelphia by steamboats and the Newcastle and Frenchtown railroad, requires about nine hours; from Philadelphia to New York, by the Camden and Amboy railroad and steamboats, occupies about eight hours; and from New York to Providence, about fifteen hours; and from Providence to Boston, two and a half hours. The traveling hours from Washington to Boston are but about thirty-seven. Allowing half an hour at Baltimore, Philadelphia, New York, and Providence, each, for exchange of mails, the time occupied in transmitting a mail from Washington to Boston would be thirty-nine hours.

This is the speed of present conveyances In the course of next year it is expected that Baltimore and Philadelphia will be connected by railroad, when the time occupied in passing from city to city will not exceed six hours. New York will soon be connected with Boston by similar roads, when the time occupied between them will not exceed fifteen hours. So that, when a railroad line from Washington to Boston shall be completed, a mail may pass, from the one to the other, in thirty-four hours at most, and probably in a few years, from the progressive improvements of locomotives, in less than thirty hours.

Within the quarter of the Union embraced in the recent letting of contracts, there are several railroads. Some of them made no offers, and the rest demanded prices far beyond the usual cost of transporting the mails on the same routes heretofore, and beyond what was asked by individual citizens. Anxious to give the mails the greatest possible expedition between Washington and New York, the undersigned made an effort to bring the companies, in whose hands are the means of conveyance on that great line, to act in concert with each other, and with the Department, by which means two daily mails might be run through that line, performing the trip each way, and conveying passengers from city to city, in about twenty-three hours. The effort failed in consequence of the very heavy compensation asked by them.

Not despairing of being able to induce the companies to take a more enlarged view of their own and the public interest, and to abate materially in the amount of their demands, the undersigned sent his chief clerk to confer with the managers of all the railroads on the line, whether finished or not, with a view to ascertain whether any reasonable arrangements could be made with them, present or prospective, for the conveyance of this important mail. Although the agent performed the service with distinguished zeal and ability, his efforts were almost wholly fruitless.

The company owning the railroad between Washington and Baltimore, demanded $10,000, or about $250 per mile, merely to haul one daily mail from depot to depot, without other responsibility, and $14,000 for two daily mails.

The companies owning the several railroads now constructing from Baltimore to Philadelphia, demanded $30,000, or upwards of $320 per mile, to haul one daily mail from city to city.

The company owning the Camden and Amboy road, demanded $26,000, or near $300 per mile, for one daily mail, and $3,000 for a second.

The companies composing the upper line through New Jersey, demanded $23,000, or about $250 per mile, for the conveyance of one daily mail, and $8,000 for a second.

Aware that the Committee on the Post Office and Post Roads of the House of Representatives had had the subject of the transportation of the mails on railroads under consideration at the last session, and had unanimously proposed to restrict the Department to seventy-five dollars per mile for the service; and moreover, considering the sums demanded disproportionate to the service, and wholly unreasonable, the undersigned determined not to accept any of the propositions. To leave no means unessayed, however, to form a satisfactory arrangement, he offered a contract for merely hauling a box containing the mail from depot to depot, daily, to the Baltimore and Washington Railroad Company, at $100 per mile, which they promptly declined.

The undersigned does not intend to pay the prices demanded by these companies, unless directed to do so by those who have a right to control him. He will sooner put post-coaches or mail-wagons on the old roads, and run them there until public opinion, or the voice of superior authority, induces the associations which have been permitted to monopolize the means of speedy conveyance of these routes to abate in their terms. To enable you to present the whole subject to the legislative body, a copy of the instructions to the agent, and his correspondence with the companies, and the subsequent correspondence of the Department with them, is herewith submitted.

The undersigned is happy to state, that indications of a spirit more in accordance with the great object of public accommodation, which has induced the Legislatures of the States to sanction the construction of these improvements by private companies, have manifested themselves in other quarters. The Boston and Providence Railroad Company have intimated a willingness to carry two daily mails between those cities, embracing the New York steamboat mail, for $2,000 a year, being at the rate of about twenty-five dollars per mile for a single mail, and a contract has been authorized.

The New Jersey Railroad Company, whose road, when completed, will extend from Jersey City to New Brunswick, have offered to carry the great mail from New York along their road, one year, at $100 per mile, or four years at $150, and to carry two mails for $200.

The company owning the Portsmouth and Roanoke road, have contracted to carry the mail three times a week, from Norfolk to Halifax, North Carolina, a distance of ninety miles, for the compensation paid the former contractor, which is equal to about twenty-six dollars per mile, the mail to be conveyed on their railroad as far as completed.

The Tuscumbia, Courtlandt, and Decatur Railroad Company have offered to carry the mail three times a week, on their road, at the lowest rate of post-coach transportation, in the southern States, which amounts to about twenty-six dollars per mile.

It is conceded that the mails carried on all these roads, except the New Jersey road, are much less than the great mail between Washington and New York; but they probably bear a greater proportion to that mail than the compensation asked for the former service does to that offered by the Department for the latter.

Referring to the instructions given to his agent, for his further views in relation to the railroad companies, the undersigned submits the question to your disposition, and will await the instructions of Congress as to the course hereafter to be pursued with these companies, and other monopolies of like character, in contracting with which the Department is unable to avail itself of the spirit of moderation superinduced by an active competition. Indeed, the Post Office law, so far as it relates to the advertising and making of contracts, is predicated upon the expectation that there would be a general competition for them, and does not provide for cases where the Department has to deal with monopolies, no such state of things having been anticipated.

A new question has arisen in the administration of this Department. A number of individuals have established an association in the northern and eastern States, and raised a large sum of money, for the purpose of effecting the immediate abolition of Slavery in the southern States. One of the means resorted to has been the print-

ing of a large number of newspapers, pamphlets, tracts, and almanacs, containing exaggerated, and in some instances, false accounts of the treatment of slaves, illustrated with cuts calculated to operate on the passions of the colored men, and produce discontent, assassination, and servile war. These they attempted to disseminate throughout the slave-holding States, by the agency of the public mails.

As soon as it was ascertained that the mails contained these productions, great excitement arose, particularly in Charleston, South Carolina; and to insure the safety of the mail in its progress southward, the postmaster at that place agreed to retain them in his office until he could obtain instructions from the Postmaster General. In reply to his appeal, he was informed that it was a subject upon which the Postmaster General had no legal authority to instruct him. The question again came up from the postmaster at New York, who had refused to send the papers by the steamboat mail to Charleston, South Carolina. He was also answered, that the Postmaster General possessed no legal authority to give instructions on the subject; but as the undersigned had no doubt that the circumstances of the case justified the detention of the papers, he did not hesitate to say so. Important principles are involved in this question, and it merits the grave consideration of all departments of the Government.

It is universally conceded that our States are united only for certain purposes. There are interests in relation to which they are believed to be as independent of each other as they were before the Constitution was formed. The interest which the people in some of the States have in slaves is one of them. No State obtained by the union any right whatsoever over slavery in any other State; nor did any State lose any of its power over it within its own borders. On this subject, therefore, if this view be correct, the States are still independent, and may fence round and protect their interest in slaves, by such laws and regulations as, in their sovereign will, they may deem expedient.

Nor have the people of one State any more right to interfere with this subject in another State, than they have to interfere with the internal regulations, rights of property, or domestic police of a foreign nation. If they were to combine and send papers among the laboring population of another nation, calculated to produce discontent and rebellion, their conduct would be good ground of complaint on the part of that nation; and, in case it were not repressed by the United States, might be, if perseveringly persisted in, just cause of war. The mutual obligations of our several States to suppress attacks by their citizens on each other's reserved rights and interests, would seem to be greater, because by entering into the Union they have lost the right of redress which belongs to nations wholly independent. Whatever claim may be set up or maintained to a right of free discussion, within their own borders, of the institutions and laws of other communities over which they have no rightful control, few will maintain that they have a right, unless it be obtained by compact or treaty, to carry on such discussions within those communities, either orally or by the distribution of printed papers, particularly if it be in violation of their peculiar laws, and at the hazard of their peace and existence. The Constitution of the United States provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States;" but this clause cannot confer on the citizens of one State higher privileges and immunities in another than the citizens of the latter themselves possess. It is not easy, therefore, to perceive how the citizens of the northern States can possess or claim the privilege of carrying on discussions within the southern States, by the distribution of printed papers which the citizens of the latter are forbidden to circulate by their own laws.

Neither does it appear that the United States acquired, by the Constitution, any power whatsoever over this subject, except a right to prohibit the importation of slaves after a certain date. On the contrary, that instrument contains evidences that one object of the southern States in adopting it was to secure to themselves a more perfect control over this interest, and cause it to be respected by the sister States. In the exercise of their reserved rights and for the purpose of protecting this interest and insuring the safety of their people, some of the States have passed laws prohibiting, under heavy penalties, the printing or circulation of papers like those in question within their respective territories. It has never been alleged that these laws are incompatible with the Constitution and laws of the United States. Nor does it seem possible that they can be so, because they relate to a subject over which the United States cannot rightfully assume any control under that Constitution, either by law or otherwise. If these principles be sound, it will follow that the State laws on this subject are, within the scope of their jurisdiction, the supreme laws of the land, obligatory alike on all persons, whether private citizens, officers of the State, or functionaries of the General Government.

The Constitution makes it the duty of the United States "to protect each of the States against invasion; and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence." There is no quarter whence domestic violence is so much to be apprehended, in some of the States, as from the servile population, operated upon by mistaken or designing men. It is to obviate danger from this quarter, that many of the State laws, in relation to the circulation of incendiary papers, have been enacted. Without claiming for the General Government the power to pass laws prohibiting discussions of any sort, as a means of protecting States from domestic violence, it may safely be assumed, that the United States have no right, through their officers or departments, knowingly to be instrumental in producing, within the several States, the very mischief which the Constitution commands them to repress. It would be an extraordinary construction of the powers of the General Government, to maintain that they are bound to afford the agency of their mails and post offices, to counteract the laws of the States, in the circulation of papers calculated to produce domestic violence; when it would, at the same time, be one of their most important constitutional duties to protect the States against the natural, if not necessary consequences produced by that very agency.

The position assumed by this Department is believed to have produced the effect of withholding its agency, generally, in giving circulation to the obnoxious papers in the southern States. Whether it be necessary more effectually to prevent, by legislative enactments, the use of the mails, as a means of evading or violating the constitutional laws of the States in reference to this portion of their reserved rights, is a question which, it appears to the undersigned, may be submitted to Congress, upon a statement of the facts, and their own knowledge of the public necessities.

The experience of the undersigned has confirmed his prior impressions, that the Post Office Department requires reorganization. The arrangement of the administrative branch of the Department is not particularly objectionable; but the organization of its financial branch is neither convenient nor safe; and it may be doubted whether it be constitutional.

It is not convenient, because it imposes on the Postmaster General, whose administrative duties are sufficient for any one man, the responsibility of settling nearly fifty thousand accounts annually, and disbursing upwards of two millions of dollars.

It is not safe, because the entire net revenue of the Department, which now exceeds $2,000,000 annually, is by law put at the disposition of the Postmaster General, subject to be paid over to his check, draft, or order, without other safeguards than those he chooses to impose on himself.

It is of doubtful constitutionality, because the Constitution requires that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law;" thereby presupposing that the revenues of the Government are first paid into the Treasury; whereas, no part of the tax collected from the people in postages, amounting now to more than $3,000,000 annually, ever appears upon the Treasury books, and it is all expended without appropriation. If so large a revenue may be properly raised and expended, without going into the Treasury, by one Department of the Government, it is not perceived why the other Departments may not be authorized to sustain themselves in a similar way; thus evading entirely the constitutional provision. The more safe construction would seem to be, that all moneys collected by the Government, whatever may be the mode, shall, in the legal acceptation of the phrase, be paid into the Treasury, to be expended in conformity with appropriations made by Congress.

There would be nothing impracticable or seriously inconvenient in the application of this principle to the revenues of the Post Office Department. To effect this object, it is not necessary that the moneys be collected and deposited in banks, or any other designated place, or that the existing system of collection should be deranged. Almost a third of the gross revenue is absorbed in commissions to postmasters, and the expenses of their offices. Upon settlement of the postmasters' accounts, the sums thus expended may be carried to the debit and credit of the Post Office appropriation at the same time. The amounts received by contractors from postmasters may be disposed of in a similar way. The result would be, that, although the Treasurer would have open accounts only with the deposit banks of the Post Office, his books would exhibit the whole amount received from the people, and expended by the Government, on account of the mail establishment.

There is another feature in which the present organization of the Post-Office Department is defective and unsafe. It is believed to be a sound principle, that public officers who have an agency in originating accounts, should have none in their settlement. The War and Navy Departments are in general organized upon this principle. In the orders, contracts, and regulations of the heads of those Departments, or their ministerial subordinates, issued and made in conformity with law, accounts originate. The moneys are generally paid by another set of agents, but partially dependent on the heads of the Departments; and the accounts are finally settled by a third set, who are wholly independent of them. If, from any cause, an illegal expenditure be directed by the head of a Department, it is the duty of the disbursing agent not to pay the money; and if he does pay it, it is the duty of the Auditors and Comptrollers to reject the item in the settlement of his account. But the Postmaster General practically unites these three functions in his own person. He issues orders, makes contracts and regulations, producing the expenditure of money, settles the accounts, and pays the money. Although he is required to render a quarterly account to the Treasury, to be settled as other public accounts are, this requisition has long ceased to constitute any practical check upon him, nor can it ever be otherwise under the existing system.

Herewith is submitted a printed pamphlet, exhibiting the interior organization of the Post Office Department, as it now exists. The most important improvement required is to separate the settlement of accounts entirely from the Post Office Department, and vest it in an Auditor appointed by the President with the advice and consent of the Senate, whose duties shall in general correspond with those assigned to the accountant under the present organization.

The Postmaster General would then be placed on a similar footing with the other heads of Departments. His power over the funds of the Department should extend only to a superintendence over the rendition of accounts, to prescribing the manner in which postmasters shall pay over their balances, to making drafts for the collection and transfer of Post Office funds, to issuing warrants on the Treasury for the purpose of paying balances reported to be due by the Auditor, and making advances in special cases. The remaining portion of his duties would be those of a ministerial character, now performed upon his responsibility,

modified by salutary restrictions upon his discretion.

To enable him to exercise an effectual supervision over postmasters and contractors, a third Assistant should be given to the Department. These services have almost doubled since a second Assistant was added, and have been recently extended, making them too onerous to be performed by two Assistants, however distinguished for their industry and devotion to the service. Moreover, these duties are constantly increasing, and will be greatly enlarged by the extension of mail service which is anticipated within the coming year. If the United States were, for this purpose, divided into three divisions, and an Assistant assigned to each, the stations would still be among the most laborious and responsible in the Government.

Three Assistants, on the footing of Auditors as to salaries, with eight clerks each; a chief clerk on the footing of chief clerks in the other Departments; twelve clerks for other miscellaneous duties, including the dead-letter service; an agent to superintend the Post Office building and property, and attend to purchases of stationery, furniture, &c.; a messenger, an assistant messenger, a laborer, and two watchmen, would constitute a force with which the ministerial duties of the Department could be performed with comfort, promptitude, and efficiency.

The Auditor's office would be the most extensive and laborious accounting office in the Government, meriting corresponding provision in clerks and salaries. Like other auditors, he should have a chief clerk for general duties. The examination of postmasters' accounts, amounting to about $42,000 annually, scenting out errors, and other attendant services, constitute a severe duty, and requires eighteen clerks. The registration of postmasters' accounts, after examination, and keeping the ledgers of the Department, requires eight clerks. To keep the pay books, see that postmasters pay over their balances and return the receipts, and prepare contractors' accounts for settlement, requires nine clerks. To collect balances from former postmasters and others, make out statements of the accounts, and superintend suits and prosecutions, requires at present seven clerks. Over each of these considerable branches of duty there must be, as at present, a principal clerk, for whom liberal provision should be made. It is but just to the gentlemen employed in this arduous portion of the public service, to say, that their compensation, in general, compared with that given in other Departments of the Government, has hitherto been disproportioned to the labor required of them, and, as to married men, inadequate to the support of their families, and the education of their children. To complete the organization of that office, there must be also a messenger and one assistant messenger.

The proposed reorganization would somewhat reduce the number of persons employed in the business of the Post Office, by rendering useless the clerks now occupied in making out the Postmaster General's accounts for the Treasury, as also the clerks employed in examining them in the Fifth Auditor's office, if not also those in the Comptroller's office, assigned to the same duty.

The utility of requiring all the Post Office accounts to be reported to the Comptroller, is not perceived. It would perhaps promote the ends of justice and operate as a salutary check upon the Auditor, if an appeal were allowed to the Comptroller, at the instance of the claimant or Postmaster General, should either, in any case, be dissatisfied with his decision.

If the business of the Post Office Department were thus organized, it might be required of the Postmaster General to furnish to Congress, annually, specific estimates, setting forth the sums expected to be required under each head of general account now appearing on the books, and any others that Congress might require to be opened; and after obtaining an appropriation of the aggregate for the support of the Post Office establishment, not to exceed the current revenue, to render an account at the next session, of the amount expended for each purpose specified in his estimates. It would be a further improvement, if all allowances were prohibited, other than for services rendered in pursuance of some pre-existing law, contract, or lawful regulation, and a small contingent appropriation were assigned to the Postmaster General, like those made to the service of the other Departments, to meet necessary expenditures, which cannot be foreseen or provided for by contract or regulation.

Essential improvements might be made, as is believed, in some portions of the law regulating the details of duty assigned to the Postmaster General, particularly as to the making of contracts. Additional precautions are necessary against irresponsible bidding, and to prevent combinations injurious to the Department. If bidders were required in all cases, to furnish the names of responsible securities with their bids, who should be bound from the date of acceptance, it would prevent the bids of worthless men and mere speculators, which now produce great inconvenience to the Department, and sometimes serious loss. And if, on the other hand, combinations to prevent competition were punishable by perpetual exclusion from the service of the Department, it would, it is believed, have an excellent effect on its interests, as well as on the characters of its contractors.

It is worthy of consideration, whether it would not be expedient to change the rates of the letter postage, making them conform to the national currency, in gradations of five, ten, fifteen, twenty, twenty-five and thirty cents. Such a provision would save almost half the labor now required in the examination of accounts in the Department and prevent numberless errors. It would also much simplify the system, if the number of miles to which these rates should apply, were doubled at each increase of rate from the lowest to the highest.

There have been so many changes in mail routes since their original establishment, that it is now difficult, if not impracticable, to trace them from their origin in the law, through all mutations, down to their present condition. It would contribute greatly to the convenience of the Department if they were all reëstablished in one act, with such alterations and additions, as the accommodation of the public may require, and the interest of the Department admit. A portion of the surplus revenue will be required to make improvements on existing routes; but, it is believed, the Department can, without inconvenience, put into operation new routes, not exceeding in cost $300,000 a year, as soon as they can be established, and the necessary arrangements made.

The aid of legislation is required to close, equitably, some of the old claims against the Department. Various demands exist for services rendered by authority of the Department, in a measure sanctioned by usage, which, though to some extent just, cannot, in the opinion of the undersigned, be adjusted and paid without the sanction of Congress. It is hoped that power may be vested in the Auditor, if one be created, with the sanction of the Comptroller, to settle these claims upon principles of justice and equity; or, if this course be not deemed expedient, that Congress will provide some other means for their speedy adjustment.

The undersigned cannot close this communication without paying an humble tribute to the worth of a patriot and friend—the late Postmaster General. It may be said of him, as the head of this Department, that the reason he had not a better fortune was, that he was too good a man. In other positions, and under other circumstances, he would have been one of the greatest and most useful, as he was one of the best and most highly endowed, of our public men. Having for more than twenty years been acquainted with Mr. Barry, and been honored with his friendship; knowing his private worth, his love of country, and his disinterestedness; and having always had an abiding confidence in his integrity and honor, it would be to the undersigned a source of lasting regret, if anything said or done by him, in the administration of this Department, should be understood as intended or calculated to depreciate his virtues, or cast a stain upon his memory.

I have the honor to be, your obedient servant,

AMOS KENDALL.

Postmaster General's Instructions to the Agent to negotiate with the Railroad Companies.

POST OFFICE DEPARTMENT,
October 31, 1835.

SIR: It is important for the business of the country, and essential to the interests of the Post Office Department, that the public mails should be transported by the most speedy means of conveyance which modern improvements afford. To give them the utmost practicable degree of usefulness, they should travel on all the main routes by night and by day, stopping only at the most important offices, and there only long enough to be exchanged, leaving it to the ordinary mails to supply other offices on the main as well as the diverging and less important routes.

By liberal arrangements with the railroad companies these objects may, within a short period, be accomplished on the great line running from Washington through Baltimore and Philadelphia to New York, and probably to Boston.

That the railroad companies have an interest in carrying travelers through with all possible expedition, is abundantly evident to every man who has witnessed the increase of travel within the last few years, and contemplated its causes.

No people appreciate more highly economy in time than the people of the United States.

In general, when they start on a journey, they hurry to its end in the shortest possible time, without regard to the dangers and discomforts which may await them in traveling. By existing arrangements between Washington and the North, travelers are obliged to stop in the large cities, where their tavern bills bear a large proportion to the entire expense of transportation. If they had the means of passing onward and saving these heavy bills, as well as the time lost while incurring them, multitudes would travel who now are not able to afford it, and the receipts of the railroad companies would probably be doubled.

The time now occupied in traveling from Washington to Baltimore is about two hours and a half. We are informed that by the 1st of November, 1836, a railroad will be completed from Philadelphia to Baltimore, upon which the mails may run through in five hours. Allowing one hour for change of mails, &c., in Baltimore, the mail may then go through to Philadelphia from Washington in less than nine hours. When the continuous railroad communication through New Jersey shall be completed, it may run through to New York in six hours, which, allowing an hour's delay in Philadelphia, will give a mail from Washington to New York in eighteen hours. If the means of conveyance through New Jersey shall remain as at present, it may be carried through in nineteen, or at most twenty hours. Through Long Island Sound, from New York to Providence, it may now be carried with much regularity in sixteen hours, and two hours and a half more will bring it to Boston by the Boston and Providence railroad. Allowing one hour's delay in New York, and a half an hour in Providence, and we have a mail carried from Washington to Boston, a distance of five hundred and thirty-six miles, in about forty hours.

By a liberal arrangement with the several companies in possession of the means of communication upon that line, this object might now be accomplished in forty-two hours; and as soon as we have an uninterrupted chain of railroad between the principal cities, the time may be greatly reduced.

It is unquestionably the interest of the Department to prefer contracting with those companies which can furnish uninterrupted railroad land transportation; for in that case the inconvenience, irregularity, and expense, of shifting from one line to another, upon the change of weather and seasons, would be avoided. You are, therefore, requested to wait upon the president and other managers of the Baltimore and Ohio Railroad Company, and apprise them of the earnest desire of the Department to make an arrangement with them for the transportation of the principal mail between Washington and Baltimore on terms which shall be satisfactory to all parties, and promises to be permanent. You will press upon them the idea, which is undoubtedly justified by all reasoning and experience, that their own

interest is deeply involved in giving to the mails and to travelers the promptest possible conveyance between the two cities, and promise them that the stage lines run by contractors of the Department, and terminating in the two cities, shall be made to connect with their lines of cars at the most convenient hours of departure.

The specific propositions to be made by you must be left very much to your discretion. The following suggestions, however, may be found useful:

If the railroad company will agree to run a train of cars at such hours as may accommodate and expedite the mail, it is the desire of the Department to impose as little responsibility upon them as possible. If they will inclose, in a strong and substantial manner, a portion of their baggage car, or some other car, to be devoted exclusively to the mails, the Department will cause them to be placed in it at one depot, and taken out at the other, without requiring anything from the company in the way of service or responsibility, but to haul it from the one to the other. In that event, it would be proposed that a strong lock should be placed on the apartment, to which only the postmasters at Washington and Baltimore should have keys, so that the mail should not be accessible to any one between the two depots.

Or, the Department will furnish a strong fire-proof box or chest, so constructed that it may be readily transferred from a wagon to a car prepared for the purpose, into which the entire mails shall be put and locked up at one post office, not to be molested or opened between the two cities, which shall be delivered and received at the depots of the road, without any service or responsibility on the part of the company, beyond the transportation from one depot to the other. Or, if wheels can be constructed which can be used alike upon the railroad and the streets of the cities respectively, then the Department will furnish an entire car, containing the mails to be delivered at one depot and received at the other, asking nothing of the company but to haul it from the one to the other.

You will ascertain for what additional charge they will undertake themselves to transport this box or car between the post offices and their depots—pressing this arrangement as the one which would be most acceptable to the Department.

You will earnestly press upon them the immense importance to the entire business of the country, of having the mails on the main routes of which their road constitutes a part, travel by night as well as by day, as already suggested; and if they cannot be induced, without a compensation which the Department cannot afford to pay, to run a night line, then you are instructed to solicit from them for the Department, the privilege of putting on the road a locomotive, for the sole purpose of carrying the mail, with a suitable guard. It is believed that the importance of the object will induce the public-spirited men who manage this concern to permit the Government, for a suitable consideration, to use their road for a purpose so useful to their fellow-citizens, at hours when they may not think proper to use it themselves.

It is not deemed necessary to press upon them any supposed rights which the Government may have to use railroads owned by private companies for public purposes, allowing such compensation as may be fixed, in a way to be pointed out by Congress. Yet it may be useful to call their attention to that point. The Constitution confers on Congress the power "to establish post offices and post roads." So far as it respects roads, this delegation of power has been construed to mean that Congress may designate the roads on which the mails shall be carried. To this construction, the practice of the Government has hitherto conformed. Congress have designated the roads on which mails shall be carried, embracing State roads, county roads, township roads, streets of cities, and turnpike roads belonging to private companies. Penalties are prescribed by law for obstructing the mails upon these roads; and a preference is given to the horses and vehicles by which they are conveyed.

None of those horses or vehicles can be stopped, not even by the law process of the States for the debts of their owners, while actually employed in the conveyance of the mails.

These laws are based upon the unquestionably sound principle, that when a power is clearly delegated by the Constitution to the General Government, it is not within the constitutional rights of any State, or company, or individual, to prevent or obstruct its execution.

Railroads differ from turnpikes owned by private companies only in the fact that in the former case the companies own the means of conveyance as well as the road; but if established under the authority of Congress as post-roads, is it possible for those companies to prevent the carrying of the mail upon them? If they attempt to do so, either directly or by running their cars at inconvenient hours, or by asking an unreasonable price, may not the Department fulfill the law and accomplish its object by placing locomotives upon the road for the purpose of conveying the mail, to which everything else must give place? If it be not so, and if these railroad companies may refuse to carry the mails at the hours required in the execution of the laws, or may, by any means, direct or indirect, prevent their transportation, then may they obstruct, if not defeat, one of the powers unquestionably delegated to Congress. For it must be apparent to the most casual observer, that if the mails are driven from the railroads and obliged to depend on stage or horse transportation on the main routes, they will soon cease to be of any considerable value, and this important and useful branch of the Government will sink into contempt.

You are not desired to assume the position indicated by this argument; but you may find it useful to present it for consideration, with all the grounds which occur to you in its support, taking care to assure the company that the Department is anxiously desirous to avoid all such questions now and forever, by a permanent arrangement for the transportation of the mails which shall not be liable to any just exceptions, either on the part of the Government or the company. In discussing the amount which ought to be allowed for the transportation of the mail, you will not forget to avail yourself of the fact, that the great object of chartering the railroad by the State was to cheapen transportation of every kind, and that nothing has higher claims to that advantage than the mails of the United States, in which are involved the interest of millions. You will know how to amplify this argument, and all others which have been suggested. Nor will you forget to press the fact, that at the last session of Congress the Committee on the Post Office and Post Roads in the House of Representatives, by a unanimous vote, inserted a clause in the bill for reorganizing the Post Office establishment, restricting the Department to $75 per mile for railroad transportation of the mails; and represent that we cannot venture to exceed that limit to any great extent. You are requested to use the utmost frankness in your communications and discussions with the company; to make them sensible that the Department desires nothing which is unreasonable; that it seeks only that which will promote the interest of the public, and enhance the prosperity of our common country; and that, in seeking after these results, it is ready to contribute liberally, but not extravagantly, to the profit of a company which has done so much in facilitating the means of intercourse and trade between our associated communities.

You will by no means consider yourself as restricted to the propositions or arguments herein suggested; but you will propose any other arrangement which intercourse with the company may suggest to you, subject to the ratification of the Department; and you will use such arguments as may occur, consistent with reason and truth, to effect the object of your mission. Having completed your business with the Baltimore and Ohio Railroad Company, you will visit the president and other managers of the railroad from Philadelphia, through Wilmington, to Baltimore, and by urging similar propositions and views, endeavor to form a prospective contract with them, subject to the approval of the Department, for the conveyance of the great mail on their road, when it shall be completed. No change occurs to me as necessary in the proposition suggested, other than that the postmaster at Wilmington should have a key to the box or car in which the mail shall be transported, that he may there open it and exchange mails.

If no satisfactory arrangement can be made with the managers of this road, then you will inquire into the practicability of making an arrangement with the managers of the railroad said to be in progress to connect the road from Philadelphia to Columbia, with the city of Baltimore, when that road shall be completed.

Having finished your inquiries and discussions on those routes, you will proceed to New Jersey, and open similar negotiations with the managers of the road from Philadelphia to Trenton, and through, by New Brunswick, to New York. It is thought a preference should be given to that over the Amboy route, because, in avoiding all steamboat or water transportation, it is likely to afford a more regular and certain means of conveyance. For the sake of uniformity, as well as safety, it is desirable that the same plan of sending the mails in a separate box or car, should be here also adopted. If a portion of the transportation be upon the turnpike from Trenton to New Brunswick, the mail box may be readily transferred from the railroad car to a carriage constructed to receive it, and at the end of the turnpike again transferred to the railroad car, so that the mail shall not be exposed or disturbed. At Trenton and New Brunswick the postmasters may have keys and exchange mails.

If no satisfactory arrangement can be made on this route, then you will confer with the managers of the Amboy road, and if practicable make an arrangement with them. If these companies cannot be induced to run a night-line, then you will ascertain for what compensation they will transport the great mail by day, and also for what compensation they will carry a second mail between the two cities. But in all your negotiations with these companies, as well as those already adverted to, you are particularly instructed to ascertain whether they will carry a mail by night, and on what terms, and what difference they will make between carrying the great mail by night and by day, and also what difference they will make for carrying a second or small mail in the same manner.

Having finished your negotiations in New Jersey, you will proceed to New York, and confer freely with the president and managers of the Boston and Providence Railroad Company, with a view to a contract with that company during steamboat navigation to carry from New York the entire eastern mail distributed at Providence and Boston. Here, also, let the same secure mode of conveyance be suggested.

You are further instructed to inquire of each of the railroad companies with which you may confer, for what sum of money, paid in hand, they will undertake to convey the mails once per day, and for what sum twice per day, at such hours as may from time to time be prescribed by the Department during the continuance of their respective charters. You will apprise them that this inquiry is made with a view, if their terms be reasonable, to ask Congress for an appropriation to purchase the freedom of their roads for the United States mails. If it be found impracticable or inconvenient for you to finish your negotiations with any company on your outward trip, then you can put them in train, and complete them on your return.

It is desirable that this service be concluded with all practicable expedition. You will from time to time report progress.

Very respectfully, AMOS KENDALL.

P. S. LOUGHBOROUGH, Esq.

Report from the Commissioner of the General Land Office.

Communicated to Congress December 8, 1835.

GENERAL LAND OFFICE, *December 5, 1835.*

SIR: I have the honor herewith to transmit statements exhibiting the operations of the several land offices during the year 1834, and the first, second, and third quarters of the year 1835, indicating the quantity of land sold—the amount of cash and script received in payment therefor—the amount of incidental expenses—and the

amount of moneys paid into the Treasury by the receivers of public money, during the said periods. (Tables marked A and B.)

There are also herewith transmitted copies of the estimates of appropriations required by this branch of the public service during the ensuing year, viz:

For the General Land Office,—(paper marked C.)

For the offices of the surveyors general,—(paper marked D.)

For surveying the public lands,—(paper marked E.)

In estimating the expenses of the General Land Office proper, upon the present establishment, the Commissioner must be ruled by the organization contemplated and provided for by the act of the 25th April, 1812, and of the 2d March, 1827;—a scheme devised in inexperience, and obviously incompetent to the dispatch of the increasing business, apart from the accumulated load of arrears, and incapable of discharging all the obligations which good faith and good policy impose upon the Government, in the operation of its land system.

For some years past, Congress has partially complied with the urgent requests of the office for more clerical aid, and by temporary appropriations for extra clerk hire for writing of patents, &c., has afforded sensible relief; but considering, as I do, that the continuation of such temporary appropriations for the ensuing year, even to a much greater amount, would form but an imperfect and exceptionable substitute for the organic system upon which this branch of the public service ought to be established, in order to secure the correctness, economy, and expedition in the administration of its concerns, demanded by exigencies derived from the past, and becoming more pressing with the augmenting sales, and the increasing perplexity in which time involves the private land claims of thirty years' standing, from which the attention of the Commissioner has, unavoidably, been too much diverted, I respectfully invite your attention to the expediency of a reform.

The estimate for additional clerks, now offered, is indispensable, so long as the Legislature may choose to adhere to the measure of regular force prescribed by the eighth section of the act of 2d of March, 1827; but I cannot refrain from indulging a strong hope that Congress, perceiving the insufficiency of such temporary expedients, will substitute in the course of the coming session, a scheme better suited to the weight of the circumstances that press upon and overburden the office; and I very respectfully suggest, that the attention of Congress be requested to measures that may place this institution in the condition of efficiency required by the public interests, as well as by justice to a great portion of the population of our country, whose interests are intimately connected with the prompt and correct execution of the duties imposed by law upon the General Land Office. I beg leave, moreover, to observe, that the impolicy of extra appropriations for specific services in the office, is found in the fact that it has been impracticable, from the nature of the duties, to restrict the labors of the clerks employed under such appropriations to the specific heads of service for which such appropriations were made. The circumstances attending the business have been such as always to demand the application of the auxiliary force, according to the pressure of duties, and in view of their comparative importance.

In the representations made by my predecessor in 1833–'34, to the Secretary of the Treasury and to Congress, I have not discovered the least exaggeration of the difficulties under which the General Land Office had labored, and continued to struggle, for want of timely adaptation of plan and means to the current business, and to the arrears postponed by the causes he described, which remain in abeyance, while the progress of time adds to the difficulty of disentangling the most complicated from their embarrassment. This posture of affairs appears to call urgently upon the Legislature to revise the laws fixing the organic principles by which the General Land Office has now to be governed; and enact provisions whereby a more perfect supervision of labor and duty can be practiced; responsibility made more sensible in the various branches of this service; and the Commissioner in a measure relieved of details that divert his attention from more important affairs, but which cannot be neglected, as they occur, without occasioning delays, and perhaps confusion, in the several bureaus, where justice and expediency would recommend that the relative compensation of the principals should bear a proportion to the responsibility incurred, and the abilities, attention, and industry required.

The annual cost of an improved system equal to the new business constantly occurring, and to bringing up what remains behind in a reasonable time, would probably be greater during a few years than the sum now estimated for the next; yet in the ultimate result of the experiment, there would be a saving in this respect, it is thought, of several times the difference—a difference of small comparative moment in calculating the value of reform.

In reference to the estimates for additional clerk hire in the offices of the surveyors general, I have to make the following remarks: The embarrassments which have existed in those offices have heretofore been fully communicated to Congress in a report, dated 21st January, 1833, under a resolution of the Senate, (printed as Senate Document No. 50, of the second session of the Twenty-Second Congress;) in consequence whereof partial appropriations have heretofore been made to enable those officers to bring up the arrears of work in their respective offices. One principal object of these appropriations (as submitted in former estimates) is the *transcribing of the field notes* of surveys, with the view of having copies of them filed, and preserved at the seat of Government. Lest this object should not be fully understood, I would briefly remark that the "*field notes*," so called, are, technically, the *surveys*.

The laws in relation to surveying the public lands, by a singular oversight, do not require that copies of the field notes should be multiplied. On the contrary, the existing provisions of law require the surveyors general to furnish with the township plats, instead of copies of the field notes of survey, a document which is called a "*description*" of the township, indicating the quality of the lands on the sectional lines and between the corner posts, and referring to the character of the corner posts or bearing trees. Such descriptions, however, answer not the same purpose as the field notes, and no protractions can be made from them. The original field notes are filed in the offices of the surveyors general; no copies of them are extant by law; and if such originals should be lost or destroyed by the burning down of the surveyors' offices, or otherwise, there would be no record of them in existence, and the loss would be irremediable, unless by resurveys of the lands, requiring the expenditure of immense sums of money.

The fact that the office of the surveyor general for Alabama was destroyed by fire many years ago, and with it all the original field books of surveys, of which no transcripts were ordered to be preserved by law, is one of the strongest inducements that could present itself in favor of the additional appropriation for clerk hire in the surveyors' offices, now submitted, with a view to effect that object.

This office was enabled to supply, to a considerable extent, the loss occasioned by the destruction of the surveyor's office in Alabama, because the surveyor general, in departing from the custom, had returned the field notes.

The labors in the surveyors' offices have been greatly increased by the operation of the act of 5th April, 1832, entitled, "An act supplementary to the several laws for the sale of public lands," by reason of the new and minute subdivisions of fractional sections, necessary to be exhibited on the township plats. Previous thereto, the smallest legal subdivision was the eighty-acre tract, (half quarter section,) made such by a line running north and south. The act referred to confers the additional privilege of locating *quarter-quarters* of sections, the divisional line running east and west restricting the privilege of making those small entries to two quarter-quarter sections by any one purchaser, and to those purchasers only who enter them for cultivation, or for the use of their improvements. To make this law available, it was found necessary to require the surveyor general not only to exhibit on all future township surveys protracted by them respectively, the minute subdivisions of fractional sections into forty-acre lots, as nearly as practicable, (under regulations prescribed by the Department, in pursuance of the law,) but also to make new protractions and calculations of the vast number of fractional sections in market, and remaining unsold, at the passage of the act, and to make returns to this office, as well as to the district land offices. The maps and diagrams so required have to be prepared in *triplicate*. The magnitude of this work, and the pressing demands made by purchasers for the receipt of those returns of subdivisions at the several land offices, have, as may be inferred, (in the midst of the increasing demand for new lands to be brought into market,) greatly encroached on the time which otherwise would have been devoted to the bringing up of the old arrears, and transcribing the field notes. Hence it has been frequently found necessary to apply the whole force in the surveyors' offices to the current business, as the exigencies of the public service have from time to time imperatively demanded, to the delay of those special objects for which the additional appropriations were required.

The propriety of making an allowance to the surveyors general for *office rent and fuel* is respectfully submitted. The want of ample accommodations for the clerks allowed them by law, of necessity tends to retard the progress of those important objects for which the appropriations of clerk hire have been made. The officer is now personally charged with all expenses of house rent and fuel for his clerks in the public service, and his emoluments not increasing by commissions and fees, (as those of the registers and receivers) in a given proportion to the amount of their business, it is certainly an evil that the appropriation of increased force in aid of the public service has the direct effect to diminish his own emoluments, by the expenses attending the accommodations he has to provide for his clerks. In view of all these circumstances I beg leave to present the estimate of appropriation for $2,100 for office rent and fuel of the surveyors' offices.

To show the progress of the public surveys, and the fields of operation that may be expected to be occupied by the surveyors during the ensuing year, I have deemed it proper to submit herewith such reports of the surveyors general, together with their respective estimates, as this office is at present enabled to furnish. (Document marked F.)

In Ohio.

The whole of the lands in this State which have been ceded to the United States have been surveyed, and, with the exception of some small former Indian reservations, have been offered at public sale.

In Indiana.

In this State all the lands which have been ceded have been surveyed; but about ninety townships and fractional townships have not been proclaimed for sale. They will, however, be brought into market early next season.

In the Peninsula of Michigan.

In this part of the Territory nearly all the ceded lands have been surveyed and brought into market. The unsurveyed portion is principally situated in the neighborhood of Saginaw bay; and should the interests of the public and of the settlers render it expedient, a portion thereof will be surveyed, and placed in market, before the close of 1836.

In Michigan, west of Lake Michigan.

In this section of the Territory the whole of the lands within the Wisconsin land district have been surveyed; and in addition to the surveys within the Green bay district which have been proclaimed for sale, the office is advised of the survey of about sixty-five townships and fractional townships in that district, which have not yet been proclaimed, but which can be brought into market early in the next year if required.

The united nation of the Chippewa, Ottawa, and Pottawatomi Indians having, by the treaty of 1833 and 1834, ceded to the United States the lands in Illinois and Michigan, west of and between the lake and the lands previously ceded by the Winnebago and other Indians, the surveyor general was instructed, in August last, to have that portion of the cession situate in Michigan run off into townships; and since that time he has been instructed to have those townships subdivided. The survey of this cession, and of some of the adjoining townships, in the previous cessions, will not only complete the surveys in this district, but of all the lands between Lake Michigan and the Mississippi, which have been ceded to the Government.

In Illinois.

In this State the office is advised of the survey of ninety-eight townships and fractional townships, embracing the whole of the Pottawatomi cession of 20th October, 1832, and such portions of the adjacent cessions as had not been surveyed, thus completing the surveys in the Danville district and in the southern part of the Chicago district. The whole of these surveys can be brought into market during the next spring.

In the northwestern land district, the surveyor general has contracted for the survey of all the lands north of the old Indian boundary, and west of the extension of the third principal meridian, into townships, and for the subdivision of a portion of those townships into sections; and although the office is not advised of the number of townships which will be prepared for market in that part of the district during the next year, yet it may be safely calculated that sufficient progress will have been made to admit of one or more public sales. Instructions were given to the surveyor general in August last to have that portion of the lands ceded by the treaty of 1833 and 1834, with the Chippewa, Ottawa, and Pottawatomi Indians, which is situated in Illinois, run off into townships, and he has been since directed to subdivide those townships into sections, preparatory to their being brought into market.

An appropriation of $500 having been made at the last session of Congress for surveying the confirmed lots of Peoria, the necessary instructions were given to the surveyor general to carry the act into effect.

In Missouri.

In the northern part of the State, the office is advised that the surveyor general has contracted for the survey of the exterior lines of about one hundred and thirty-eight townships, and for the subdivision of thirty of those townships. The surveyor general has also informed the office of his having contracted for running the exterior lines of about one hundred and eighty-nine townships, principally upon the waters of the Osage and Grand rivers, and adjoining the surveys already made.

An appropriation of $20,000 having been made in 1834, for surveys in the southwest part of the State, the surveyor general has been engaged in executing surveys in that section of the State, and the whole of the amount appropriated for that object has been remitted to him for their payment; but as yet it is not in the power of this office to say what number of townships have been surveyed, or state the precise time when they can be brought into market, although it is confidently expected that the wishes of the settlers will be complied with, by proclaiming some of those lands during the next season.

In the State of Louisiana.

The information derived from the surveyor general enables me to say that by the middle of March next there will be about two hundred and forty-eight townships and fractional townships surveyed and returned, which have not been proclaimed for sale. Some of these townships would have been offered during the present year, if the land offices had not been again opened, by the act of the 6th February last, for the investigation and decision of the private claims to land in that State, and the consequent apprehension that difficulties might arise from offering those lands for sale during the period in which individuals are allowed to bring forward their claims. If, however, the office can satisfactorily ascertain that any portion of those lands can be offered, without the risk of interfering with such alloged claims, such lands will be brought into market during the next year.

In Mississippi.

The office of the surveyor for the public lands in this State having necessarily been closed since the termination of the last session of Congress, no surveys are known to have been made during the present season. It is estimated, however, that only about forty townships are now required to be surveyed, to complete the survey of the lands ceded by the Choctaw treaty of 1830.

From the representations which have been made to this office, it is greatly to be apprehended that such numerous errors have been committed, many years ago, in locating and surveying the confirmed private claims in that part of the Augusta district south of the thirty-first degree of latitude, as to render it indispensably necessary that the subject should be examined by the land officers and the surveyor general, in order that the nature and extent of those errors might be correctly ascertained, and instructions had been given to them in relation thereto, when the closing of the surveyor's office prevented any progress being made in such examination. Whenever the office is filled, the surveyor general will be required to go on with the examination.

In that part of the State included in the limits of the Chickasaw cession of 1832, and where the operations are carried on under the directions of a surveyor general specially provided for by the treaty, it is believed that almost the whole of the operations in the field will be completed during the present season, with the exception of some townships in the Mississippi swamp, and of such of the lands bordering on the line between that cession and the Choctaw cession of 1830, as could not be surveyed in consequence of that line not being run and marked; but as the surveyor general has been advised of the course of the line, and has directed to have it surveyed, it may be expected that the whole surveys will be completed during the next year.

In Alabama.

In this State all the ceded lands, with the exception of some townships south of the thirty-first degree, and of some bordering upon the undecided boundary between this State and the State of Georgia, have been surveyed.

Owing to the complaints which had been made respecting the surveys of the lots in the city of Mobile, and of the claims adjacent thereto, and in consequence of the great value of the property in question, it was thought advisable that the surveyor general should personally examine the subject, and have the surveys corrected under his own immediate superintendence, and he therefore devoted a part of the last winter and spring to the accomplishment of that duty, which it is hoped has now been correctly and satisfactorily performed.

In Florida.

The surveys of the public lands in West Florida having been almost entirely completed, the attention of the surveyor general for the last year has been principally directed to the extension of those in the peninsula, and along the Atlantic border of East Florida; but in consequence of the nature of the country on each side of the tract formerly reserved for the Seminole Indians, but which was ceded to the United States by the treaty of the 9th May, 1832, it has been thought advisable to extend the extension of the surveys in that section of the country, until the Indians shall be removed under the provisions of the treaty. This suspension will not, however, cause any inconvenience to the public, as it will enable the surveyor general to prepare for market those surveys which have already been made, and which the reported sickness of his clerks and want of aid in his office, has heretofore prevented him from doing.

During the last season a survey of the confirmed claims and of the public property in the city of St. Augustine, was made under the provisions of the act of the 28th June, 1832.

In Arkansas.

By information received from the surveyor general, it appears that about eighty-five townships and fractional townships have been surveyed, of which the plats have not been received at this office, and that about sixty-four townships and fractional townships were under contract for subdivision into sections. Some of these lands will be offered for sale during the next year.

Not only as showing the nature of the work contemplated to be performed during the next season in the different districts, and for which appropriations are now asked, but also the manner in which it has been found absolutely necessary to apply the appropriations heretofore made for extra aid, in the offices of the surveyors general, I beg leave to refer to the accompanying reports from those officers.

The paper G, herewith transmitted, is a statement showing the amount of forfeited land stock, issued and surrendered at the United States land offices, to the 30th of September, 1835; also the amount of military land scrip surrendered to the same period.

The paper H is an exhibit of the periods to which the monthly accounts of the registers and receivers of the public land offices have been rendered, and showing the balance of cash in the receivers' hands, at the date of the last monthly accounts current, and the period to which the receivers' quarterly accounts have been rendered.

The act of Congress of 3d March last, second section, appropriates an additional quantity of land for the satisfaction of warrants granted by the State of Virginia to the officers, soldiers, sailors, and marines of her State and continental establishments, during the revolutionary war, to the amount of six hundred and fifty thousand acres; and provided that, if, on the 1st September, 1835, the amount of warrants filed should exceed the amount of land so appropriated, the commissioner should apportion the said six hundred and fifty thousand acres of land among the warrants "which may be then on file, in full satisfaction thereof."

The amount of warrants filed on 1st September last so far exceeded the quantity of land appropriated by the law, as to require the reduction of ten per cent. from the nominal amount of each warrant. The scrip has been ordered to be prepared accordingly, and considerable progress has been made in the issue.

I have the honor to be, sir, with great respect, your obedient servant,

ETHAN A. BROWN.

Hon. LEVI WOODBURY,
Secretary of the Treasury.

Report from the Commissioner of Indian Affairs.

WAR DEPARTMENT,
OFFICE INDIAN AFFAIRS, *Nov.* 24, 1835.

SIR: In compliance with your order of the 4th September last, I have had the honor to present an estimate of the amount required by the Commissioner of Indian Affairs for the ensuing year; also the estimated amount of current expenses of the Indian Department for the same period, exclusive of the expenses of emigration; and also an estimate of the sums required for the payment of annuities due to individual Indians, and Indian tribes, and for the fulfillment of treaty stipulations for the coming year. Those estimates were referred to in several papers then submitted, and marked A, B, and C.

Such other statements as might seem to comport with the spirit of your requisition, are herewith added, for the purpose of communicating specific details of our Indian concerns, under the superintendence of this Department.

In the paper marked D, will be found the amount drawn from the Treasury, and remitted for disbursement, under the different heads of appropriation for the first three quarters of the present year; also the amount of the accounts rendered for the corresponding period, under their respective heads, together with the balances remaining to be accounted for, according to the books of this office. The remittances for disbursement form a sum total, as there appears, of $1,075,693 66; accounts have been rendered for the amount of $817,238 35, and the sum of $258,455 31 is still out. It lies in the hands of

officers having the charge of paying Indian annuities, or clothed with other specific pecuniary trusts. It not unfrequently happens that unavoidable causes prevent regular and timely transmission or reception of documents required by the regulations of the Department for the rendering of accounts, without culpability attaching to the agent in the smallest degree. Among such causes are extreme distance, disbursements not completed, mischance of conveyance, and other incidental circumstances, precluding complaint and admitting apology.

All material information in relation to the Indian schools participating in the benefits of the annual appropriation of $10,000 for the civilization of the Indians, is communicated in the paper marked E, together with the particular disposition of the education funds, set apart for that object, in treaties with the Indian tribes. With a wish to bring this interesting subject more under general notice, there is incorporated in this statement, whatever has come to the knowledge of the Department, from societies and institutions coöperating in the same beneficent purpose. The cause of humanity finds an advocate in every feeling bosom, and the sentiment is as universal as grateful, that education and civilization march hand-in-hand in the progress of improvement, civil and religious. The number of Indian children taught at the schools included in this report cannot be given with accuracy, inasmuch as returns have not yet been received from all the teachers. It is supposed to be about seventeen hundred.

There are, besides, one hundred and sixty-three Indian scholars at the Choctaw academy, in Kentucky, the education expenses of whom are defrayed from funds provided for this special object, under treaty with several of the tribes. This academy has heretofore steadily increased in reputation, in propertion to its extensive usefulness, and is now progressing successfully in the adoption of mechanical education, superadded to the common elementary branches of tuition.

In a former report this topic was adverted to, and arguments, that spontaneously presented themselves, were then introduced in support of the views there taken, in relation to the subject of Indian instruction in the mechanical arts, as a material part of the system of education. These, in fact, must become, if not the first, the principal step in the ladder that leads from the aboriginal to the civilized state. However agricultural may be the prevailing disposition or pursuit of any mixed community, nothing is more clear than the position that all cannot be agriculturists. Diversity of inclination, physical adaptation, and especially the positive requirements in society for the productions of mechanical skill and labor, set at naught so illusive an opinion. Employments must be found, in a wholesome condition of society, suited to different tastes and capacities. But fitness for employment presupposes instruction and acquaintance with the several branches in which it is exercised, by us denominated trades. Apprenticeship only can produce able workmen; and it is believed that the mechanic arts can be the more readily grafted on the Indian stock, through the means of mechanical instruction, as a part of the system of education patronized by the Government.

These suggestions are offered under a firm persuasion of the capability of the Indian to take his station, through the ameliorating process of letters and the arts, by the side of the civilized man. And surely all will admit that there is a well-founded claim on our sympathies in behalf of the Indian race, when it is considered that our territories were once the hunting-grounds of their forefathers, and that our cities occupy the former sites of their wigwams and villages. Humble instruments in the hands of Providence, let us lend our aid to the red man's helplessness, and assist him to ascend, where civilization spreads its wide expanse, creative of new impulses, and affording a more genial home to his affections, a richer harvest for his exertions, and a brighter atmosphere for his intellectual vision.

Suitable measures have been adopted for the execution of the treaty concluded at Chicago with the united nation of Chippewa, Ottowa, and Pottawatomi Indians, and a considerable portion of them are now on the way to their destined home in the West; the residue may be expected to follow speedily, so that the entire number may probably be congregated in their new domains in the course of the ensuing season. Meanwhile, the commissioner appointed to investigate some of the individual claims under the treaty, has presented his report, which has given general satisfaction, and they have been paid, with the exception of those disallowed by him, and of which, by his appointment, he was constituted sole arbiter.

Major J. Brooks has succeeded in concluding a treaty with the Caddo Indians, by which they cede their land in Louisiana to the United States, and agree to remove, at their own expense, beyond our territorial limits, never to return. This alteration may possibly save the small remains of the tribe from total extinction—a fate that seemed to be impending on a continued residence in their present location, surrounded by a population that operates on the children of the forest like miasma on constitutions unused to its baleful influence. The treaty and journal of proceedings are herewith communicated.

A treaty has also been concluded by Governor Stokes and General Arbuckle with the Camanches and Witchetas, two of the three nations of Indians of the Great Western Prairie. It is confidently expected that the Kioways, the third nation, will also become parties to the treaty; and there are good grounds for believing that it will have a salutary tendency in repressing a long-indulged spirit for depredation, and in preserving peace among all the Indian tribes west of the Mississippi. The treaty and journal of proceedings are herewith transmitted.

Major Francis W. Armstrong was associated in the commission with the above-named gentlemen. He had left home to attend the council, but was suddenly arrested by disease, which ended in death before he could reach his destination. By this unhappy event, the Government lost a meritorious and efficient officer, and the Choctaws were deprived of a faithful, able, and devoted agent. It affords me a melancholy opportunity of stating a matter highly creditable to the deceased, in which the good done will live after him, and consecrate his memory. In one of his communications to the Department he informed that the Choctaws had then recently condemned to death, and actually executed, two of their tribe on a charge of witchcraft. Such, it seems, had been the practice among them in preceding times, showing the unhallowed influence of the superstition and its concomitant horrors. Immediately on being apprised of the shocking transaction, he convened the chiefs in council, and prevailed upon them to abolish the custom, under penalty of death for being instrumental in such execution, and of the lash on whoever should prefer a charge of witchcraft against any of their tribe. To his decision and firmness may be ascribed the termination of a superstitious custom that triumphs in the weakness of human nature, gives a sort of legalized sanction to the most barbarous acts, and calls for the immolation of innocent victims as an acknowledgment of its paramount authority.

There has been no intermission of exertion to induce the removal of the Cherokees to the west of the Mississippi, in conformity with the policy adopted by the Government in favor of the Indians, and to which they form almost the sole exception. There can be little doubt that bad advisement and the intolerant control of chiefs adverse to the measure, have conduced to the disinclination of a large portion of the nation to emigrate and avail themselves of the obvious benefit in the contemplated change. Another portion has viewed the measure in a more favorable light, and enlisted in its advocacy with much warmth. Such a diversity of sentiment could not fail to create collisions and animosity; and the effect has been, so far, a prevention of the requisite unanimity to bring the question to a favorable issue. In this state of things, a provisional treaty has been made with John Ridge, and other influential members of the nation, favorable to the cause of removal, and by them submitted to their brethren, in May last. No accounts of their final decision have yet been received. The provisions of the treaty are so liberal, and the disadvantages of continuing among the white population which has intrenched itself on their borders, and even interspersed itself among them, are so glaring, that its cordial and speedy adoption might reasonably be anticipated. All proper efforts have been made by the Government to insure this result, under the conviction that its acceptance would lead to their tranquillity, prosperity, and happiness.

Indications of a contumacious and hostile spirit on the part of the Seminoles, excited apprehension that they meditated resistance to the fulfillment of their late treaty, and that their removal could not be effected without compulsion. To intimidate the disaffected, and quell a spirit of turbulence, a military detachment was ordered to repair to their country, and they were expressly assured, that a compliance with their treaty, made by them with much caution and deliberation, and after an exploring party of their chiefs had examined the land allotted for their residence in the West, and passed upon it their unqualified approbation, would be enforced by the Government. It is gratifying to add, that they have subsequently seen their interest and obligation in a clear light, and that they are busily engaged in preparations to remove during the ensuing spring.

The Creek Indians are beginning to wake from their long-indulged lethargy, and a general spirit of emigration is manifesting itself among them. From recent communications, much confidence is entertained that a considerable portion will be in readiness to proceed to their western home in the course of a few weeks, and that they will be followed by the residue of the nation within the coming year.

It is respectfully suggested, as a matter of extreme importance, that early appropriation should be made for the annuity money due to the different tribes, that the publication of proposals, in those cases where goods are to be furnished, may be issued in sufficient time to insure competition in the most eligible markets, and that thereby the most suitable articles may be procured on the most reasonable terms. In addition to this obvious advantage, much benefit would accrue to the Indians, and their convenience be materially promoted by the early transmission of their goods and money, so that distribution and payment might be made in the months of June and July, before the commencement of their sickly season, and avoiding the interference of a later period with their hunting campaign. Complaints have been repeatedly made by the different tribes, of injury sustained by them, through the long-delayed payment of their annuities, owing to protracted appropriation.

The year has passed without any marked event of a general character to communicate. The period has been a pacific one, with little of violence or bloodshed to record, and the Indian condition is decidedly on the improvement, so far as relates to their previous characteristic traits. The exclusion of ardent spirits, where it could be effected, has done much good; and on this exclusion, and the substitution of other pursuits for war and the chase, must depend their gradual growth and eventual proficiency in civilization, a consummation earnestly desired by every philanthropic mind.

All which is respectfully submitted.

ELBERT HERRING.

To the Hon. LEWIS CASS,
Secretary of War.

ABOLITION OF SLAVERY IN THE DISTRICT OF COLUMBIA.

DEBATE IN THE HOUSE,

MONDAY, *December* 21, 1835.

The question being upon the reconsideration of the vote referring a Memorial to the Committee for the District of Columbia, and Mr. ADAMS having last addresed the Chair—

Mr. THOMPSON, of South Carolina, said, the gentleman from Georgia [Mr. GLASSCOCK] had congratulated the House and the country upon the tone and language of the gentlemen from the non-slaveholding States who had taken part in this debate. I (said Mr. T.) very heart-

fly concurred in that congratulation. I am not disposed to look for sinister and bad motives, where those which are direct and honorable are avowed. I must, for the present at least, take it for granted that gentlemen mean what they say. I will not drive off those who may be our friends, by prematurely suspecting or denouncing them. But I must say, that the course of some gentlemen to-day has been well calculated to impair that confidence, and to justify suspicions then expressed by some of my friends. Of one thing I assure gentlemen, that, with all the manœuvring of parliamentary, let me add of party tactics, they shall not elude a direct issue upon this question—an issue that will have to be met with masks off. And then, sir, either my confidence in gentlemen, or the suspicions of my friends, will be justified.

But, sir, if I was satisfied with the language of the non-slaveholding gentlemen, I was rejoiced, in my heart was I glad, to listen to the manly and decided language of the gentleman from Georgia. It gave me assurance, that on this question, if no other, there will be a thorough union of the whole South in council, and in action, if need be, on this great and absorbing question; yes, sir, this absorbing question, by whose salutary warmth, ay, heat, if you please, the pestilent vapors of party strife and personal faction will be taken up. The question before the House is, will it reconsider a vote heretofore inadvertently given (as is admitted on all hands) on the reference of a petition? A vote on a kindred petition has just been taken, and gentlemen all around me exclaim they were tricked, they were entrapped. Yes, sir, such is the language of a distinguished gentleman from Virginia with whom I find myself acting on this question, but with whom, in all human probability, I shall find myself acting on no other. And, sir, let me ask, do the majority desire to avail themselves of a vote thus obtained? I know not the feelings of this body, but, regarding it as a body of gentlemen, I am almost afraid of giving offense by asking the question. Those with whom I act here, sir, and with whom I have acted in times which are past, and in a crisis everything of which I am willing should be forgotten, but the great principles which were asserted—a band of patriots whose party name is the only epitaph I desire upon my tomb—have been charged with getting up this discussion for party purposes. It is untrue. No, sir, we not only will not ourselves, nor will we allow others to touch this vital and delicate question for any such purpose. On this subject, "hands off" is the word. Thus far may you go, but no further. Let gentlemen, here and elsewhere, go on in their petty intrigues, their degrading scramble for the offices, the honors of this Government; but there is one interest which must not be involved, and it is this.

As to discussing this subject before any human tribunal, I will not. I will not condescend to vindicate to this House or elsewhere this or any other of our domestic institutions. It is no affair of yours; you have no right to touch it, still less to demand a reason of us for its continuance. The gentleman from New Hampshire [Mr. PIERCE]—and I must say that his voice sounded in my ear as the voice of a friend—said that we of the South could not know the state of things at the North; that in his district there was not one abolitionist in five hundred. If I did not know it before, I do now, sir, because he has said so. Let me say, in my turn, that he does not know the state of feeling at the South; and I do, with a full knowledge of all my responsibilities, declare, that in my opinion nothing will satisfy the excited, the almost frenzied South, but an indignant rejection of these petitions; such a rejection as will, at the same time that it respects the right of petitioning, express the predetermination, the foregone conclusion of the House on the subject—a rejection, sir, that will satisfy the South, and serve as an indignant rebuke to the fanatics of the North. But we are told that such a course, whilst it would satisfy the South, would offend the people of the North. How so, sir? I had thought that it was the South that was interfered with, the South that was injured, that it was the South that was to be satisfied. What is it at the North that we are to conciliate? The fanatics? Fanatics, did I say, sir? Never before was so vile a band dignified with that name. They are murderers, foul murderers, accessaries before the fact, and they know it, of murder, robbery, rape, infanticide. Sir, this question must be settled; if I may so speak it must be killed; a just regard to the rights and feelings of the South, to the peace and harmony of this great Republic, the permanency of our institutions, demand it; in short, sir, every consideration which can address itself to a patriot demands it. Yes, sir, in the presence of the armed monarchies of Europe, with all the powerful elements both on this and the other side of the Atlantic, already in incipient commotion, already rumbling in their deep crater, he is willfully blind who does not see that the time is not distant when union, concert, all the patriotism, all the virtue, and all the wisdom of our whole country will be demanded. Shall we, sir, continue to stir this most prolific source of discord, ay, of hatred, or shall we settle it, and forever?

Mr. Speaker, there are very few things which my constituents could ask of me that I would not do. But, sir, if these insulting petitions—insulting alike to them and to me—are continually to be read here; if I am to be told that my constituents are land pirates, cruel, inhuman, avaricious—yes, sir, avaricious, (some of these adjectives, considering the geography of these petitions, are badly chosen;) if, I repeat, my constituents are to be here calumniated and insulted, they must get some other proxy than myself to receive these insults. Sir, the people of the universal South have for years regarded this question of emancipation in this District as identical with a proposition to emancipate the slaves of the whole South, and no human power can change that opinion; and, sir, let me ask if that is not the view of these petitioners themselves? What is their language? "That slavery" causes our nation to be regarded by the world as cruel, avaricious, inhuman. Will abolition in this District remove that impression whilst slavery exists in the whole South? Why no, sir; and they well know it. They mean more. Would a direct proposition to emancipate the slaves of the South be entertained here one moment? Dare this House do it? Dare it do it? I say; for I am sure it would not dare to do an act which might produce calamities so terrible to us all. And yet, sir, this proposition, which both sides regard as identical, is to be treated with all due courtesy, lest you offend that very worthy band of gentlemen, the fanatics of the North—a most notable set of philanthropists, who seek to place the black race in a worse condition than they now are; and that such would be the result, they have the daily evidence before their eyes, by the massacre of the whites of the whole South. I tell gentlemen that they are walking in a magazine with a lighted torch in their hands. Gentlemen may not be aware that, whilst they are indulging in very poor sarcasms "on the sublime beauties" of slavery, they are not, I am sure they are not, aware of the true situation of the country as to this most delicate and dangerous subject. Yes, sir; whilst gentlemen are indulging here or elsewhere a sickly philanthropy, and shedding, or causing to be shed, crocodile tears over the condition of the poor African, they may cause tears to flow of a very different kind, such tears as were shed at Southampton. This, sir, is all that they can do. As to any effort now, or ever, to accomplish their purposes, no one man at the South has any fears. No, sir; thank God, on this subject we are united, and our position is one of security, of impregnable safety.

Mr. Speaker, I should be an unworthy Representative of the people who have honored me with their confidence, if I could so far forget what was due to myself and to this House, as to indulge in the language of menace, but still more unworthy if I were to palter with this great subject. I cannot, sir, mollify with a phrase. I have not obtained my seat here by prating about this glorious Union. I will only now say, that I have a profound, I hope a wise, but by no means a fanatical, attachment to it. There are things which I value more; and I tell gentlemen, in all candor and good feeling, that if the people of any portion of this country regard slavery as a national disgrace, they must make up their minds whether the advantages of a union with us are worth the disgrace, if any thing be the price to honorable men of dishonor; or, sir, they must cut the cord that unites, and be off, and God speed them, however much I shall deplore the event under any other circumstances.

The very distinguished gentleman from Massachusetts [Mr. ADAMS] has stated some appalling facts in a speech, sir, to which I must apply, with some change of the order, a very pointed remark, as his remarks always are pointed, made by that gentleman on the message of the President at the last session, that whatever the world may think of its spirit, there can be but one opinion of its prudence. He says, sir, that if this matter is forced upon the House, the speeches of every member north of Mason and Dixon's line will be an incendiary pamphlet. I trust not, sir. I can but hope that gentleman is mistaken. That venerable gentleman has been so long, and, in some instances, so fortunately for his country, in the public service, that much of the history of his life is known to us all; and, sir, we certainly have a very striking instance about the period of 1808 of a very acute and very accurate perception of the state of public opinion, and to what point it was tending; but, sir, (and I would not for the world recall to that distinguished gentleman an unpleasant reminiscence,) we had about this time last year an equally signal instance of a mistake as to the sentiments of his own constituents upon the subject of the French war; I will not say a mistake which he may have had occasion to regret, but it was certainly one which forced upon him the extremity of having to demonstrate that a spade was not a spade.

I hope that the gentleman is again, as last year, mistaken as to the public sentiment of the North. But, sir, be he right or wrong, the South demands to know the truth, and if I had not been so resolved before that speech was made, to bring gentlemen to the *experimentum crucis*—the test of a vote, I am now.

One word in conclusion, and, sir, it is from one who, however obscure, was not the least ardent in the late happily ended struggle of the State of South Carolina. I assure this House, and proclaim from my place here to the country, that there is not now one remnant of unkind feeling on the part of the people of that State to any other section. "The winter of our discontent" is gone, and I bear the most willing testimony to the balmy influence of the popular meetings at the North upon our irritated community. It may be in God's good providence—a providence always good, often inscrutable, that, however vile may have been the instruments used in causing this excitement, it may end, in the cordial, the affectionate union of all sections. Improve the opportunity. The action of this House may go forth in the South with "healing in its wings;" or, sir, it may, to use the eloquent language of the gentleman from Virginia, [Mr. WISE,] be the signal to rally the clan. The ties that bind us together, and I thank God for it, are many and powerful: the silver bond of interest—but that interest must be mutual; the silken cord of affection, the most powerful of all; or the iron chain of despotism. But let me tell you, sir, that every link of that chain will be bloodstained.

ABOLITION OF SLAVERY.

REMARKS OF HON. JAMES GARLAND,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

December 23, 1835,

In reply to Mr. SLADE, of Vermont, on the petition praying for the abolition of slavery in the District of Columbia.

Mr. GARLAND addressed the House as follows:

Mr. SPEAKER: I rise under deep and painful feelings. I had hoped, sir, that the violent and pernicious designs of a few disaffected fanatics of the North would have been long since silenced, and the recent votes of this House had inspired me with the fond hope, that, upon this floor at least, I never should have been called upon to

vindicate my fellow-citizens of the South against the false and foul charges of piracy and man-stealing, so repeatedly and lavishly made against them. But, sir, this question has assumed an aspect that forbids me to be silent; and I should be recreant to the feelings and interests of those people who have confided to me the duty of representing their feelings and interests upon this floor, if I could stand by patiently, quietly, and submissively, and not repel the strong insinuations, unfounded aspersions, and foul calumnies cast upon them, and roll back the waves upon those who have attempted to roll them upon us.

Sir, the honorable gentleman who last addressed the House [Mr. SLADE] has, in effect, by giving a direct contradiction to the representations of other gentlemen in relation to the number and feelings of the Abolitionists of the North, done much to unhinge and loosen every feeling of confidence which I before felt on this subject, in consequence of the action of the northern people during the last summer and fall, and the declaration of other of their representatives on this floor, in relation to this agitating, this dangerous subject. Honorable gentlemen from that section of the Union tell us there is a strong feeling of sympathy in the North for the people of the South. Ay, while some of them tell us, and assure us too, that not one in five hundred among the people there favor the Abolitionists or their schemes, another gentleman (the honorable member from Vermont) from that section of the country tells us, that those gentlemen have grossly mistaken the feelings of their own people. This gentleman [Mr. SLADE] tells us, he speaks not only the sentiments and feelings of the people of his own district, but of the whole people of the North; and that they are strongly in favor of the schemes of these memorialists. Is it so, Mr. Speaker? Is it true, then, sir, that those honorable gentlemen have disguised and misrepresented the true sense and feelings of the people of the North; and that the gentleman from Vermont is better acquainted with their true character and true feelings upon this question than they are, and has fairly developed them? If he is, sir, and if he does speak truly, and if the people of the North do maintain these opinions, I, sir, thank the gentleman, in the name of the southern people, that he has frankly disclosed to us the fact, and disclosed it in seasonable time. I thank him that he has prepared us for the assault that awaits us, by warning us of its approach. I thank him that he has undeceived our confidence, and aroused our jealousy. But, Mr. Speaker, I do venture to hope, however, and believe, that the gentleman has deceived himself, (although I do not doubt his sincerity,) and has mistaken the true feelings of the northern people. And here, sir, I cannot but express my admiration of the peculiar adroitness and skill with which that gentleman approached this subject; and while I give the gentleman full credit for the skill and adroitness he used in contriving to bring this whole question before us, at the same time I must confess—and I mean it in no offensive sense—I dislike the disingenuous avowal of sympathy under which he commenced his attack, and the attempted concealment of the real views of these petitioners. The honorable gentleman professes great kindness for us; his benevolence for us is very expanded! He means no offense! He does not mean to call us land-pirates and man-stealers! Oh, no! But then, says a gentleman, that system among you is a system of land-piracy! a merchandise in human flesh! The gentleman does not mean to hurt us; oh, no, but he means to assail our rights, and destroy our property, out of mere benevolence—mere kindness to us. While he smiles in our faces, he drives the dagger to our hearts! You, he says, are not pirates and man-stealers, but your system of slavery is, in every mien and in every form, a system of piracy and man-stealing; accompanying the charge with every opprobrious epithet which the honorable member could string together. This, sir, is kindness with a vengeance, for which we have no thanks to return to the honorable member from Vermont.

I beg leave, Mr. Speaker, before entering further upon the subject before me, to make a single remark in relation to what fell from the venerable member from Massachusetts, [Mr. ADAMS.] That gentleman said, he had no wish to be forced into a discussion on the "sublime merits of slavery." Let me ask the gentleman, when he speaks of the "*sublime merits* of slavery" in the ironical sense he intended the remark, to cast his eyes upon that picture (pointing to the portrait of General Washington) of the Father of his Country, and stand rebuked by the recollection of his virtues and his deeds. When the people of the North were weak and assailed by a cruel and unrelenting enemy, and struggling for their rights, that man, at the head of a determined and resolute band of slaveholders, rushed to their rescue. He and his companions-in-arms left their wives, their children, their domestic firesides, their farms, their all, risked all they possessed, hazarded all they held dear, and periled their lives and fortunes, to espouse the cause of the northern people, and in defense of northern liberty. Sir, that man was a slaveholder, and his southern companions were slaveholders. I ask the gentleman to cast his retrospection back to the eventful period of '76, when that man, with some seventeen hundred or two thousand patriots, was retreating before a large and victorious army through New Jersey, their very footsteps imprinted in the snow with their blood, and to look back again at the conduct of that little band at Trenton and Princeton immediately after. Sir, not a few of these slaveholders were there; many of these slaveholders were the compatriots and companions of the honorable gentleman's patriotic sire, in the Cabinet and in the field, and were not deemed unworthy. I ask that gentleman to take back the irony. I ask him to recall it. It was wrong, it was unjust, it was unkind, it was illiberal. I do venture to express a sincere hope that the venerable gentleman's feelings upon this occasion have been treacherous to the true feelings of his heart. I hope he has not meant the full import which this term of reproach expresses.

With these few remarks in relation to the imputation of the honorable gentleman, I will approach the subject before us; in doing so, I will assure the House that it is not my intention to follow the honorable gentleman from Vermont through all his mazes, and turnings, and windings; nor shall I attempt to repel all his calumnies and insinuations; nor endeavor to satisfy his religious scruples; nor criticise his moral lecturing; nor to notice everything he has said on this occasion in a vein and a manner better suited to the pulpit than to the floor of a legislative assembly. The merits of slavery, and the constitutional power of Congress to interfere with it in the States, are questions which I will not and cannot condescend to discuss here. I deny your right to interfere with them in any form.

Mr. Speaker, the question before the House has assumed a variety of aspects. But, until I heard the remarks of the gentleman from Vermont this morning, I had thought, as doubtless many others did, that the only difference of opinion that existed in the House was as to the form and manner in which its sense should be expressed, or in which a very large majority of its members should indicate their sentiments, which I understand to be almost unanimously opposed to any legislation whatever upon the subject of these memorials. Some are for rejecting all petitions and memorials of this character; some are for laying them on the table; some propose one form and some another; but until we were favored with the views of the member from Vermont, who has, to his credit, marched boldly up to the battery's jaw, and made an open attack, none, no, not one, gave an unqualified approbation to these petitions. Permit me, sir, to make one further remark on this subject, before I approach the question itself; and that is, Who are these petitioners? The honorable member from New York who addressed the House this morning, [Mr. GRANGER,] of whose acquaintance I have not the honor or the pleasure, but hope to have before we part from the discharge of our duties here, has indorsed (and he is a very good indorser) the character of one portion of these petitioners—the females: I beg pardon—the ladies. Now, sir, there is no man on this floor who has a higher admiration of the female character than I have; but I must confess I do not like to see them madly shooting out of their proper sphere, and undertaking to control national politics. I do not like to see them become politicians. Sir, I was very much interested and amused at the sublime and beautiful description of the character and virtue of these ladies, with which the gentleman entertained the House. They are all gentleness, all kindness, all benevolence. Oh, yes, sir, and their objects are all designed for good; and so absorbed are they in their benevolent designs, that they have not brought themselves to contemplate the awful consequences of their rash proceedings. Now, sir, I have one single recommendation for the gentleman. It would seem from his remarks, that one of the peculiar virtues of these females is, to disturb his slumbers; and as I understand the gentleman is a bachelor, and these female petitioners are, I do not doubt, old maids, not exceeding *twenty-five*—for they never get beyond that age—I would recommend him to take one of these interesting, charming ladies for his wife; and, in doing so, I have no doubt he would lessen the ranks of the Abolitionists one, at least, and secure himself against any further disturbance of midnight slumbers; for, be assured Mr. Speaker, it is a most *powerful soporific*, and a very pleasant one into the bargain, as you and I can testify.

Mr. Speaker, as a representative from a portion of the people of the South, I would, sir, have been perfectly satisfied with the disposition made of the memorials of this character, when they were first presented in the beginning of the present session, of laying them on the table; but the result of that vote has not had the desired effect of putting to rest this question. By an overwhelming vote, this House determined to lay these memorials on the table, there to sleep, in the language of the gentleman from Massachusetts, [Mr. ADAMS,] "the sleep of death." More than this, the House, by a decided vote, refused even to honor these memorials with the customary respect of ordering them to be printed. And what has been the result? Why, sir, the very next moment comes another memorial, and then another; till at length they come so thick that the attention of the House could not keep pace with them; and the very memorial now before us was presented and got a reference to one of the standing committees without attracting the attention of the House, which, I am quite sure, the House never designed. Nor was this all. Why, sir, the gentleman from Vermont [Mr. SLADE] tells us he is charged with numerous petitions of the same character. Sir, when are we to have an end of them? This House has decided they will not print them; it has decided they will not consider them further than to lay them on the table; and yet they come, and are to come, in shoals upon us. Sir, it is time now that this House should take a more decisive stand; should adopt a more definitive course, should decisively rebuke these intermeddlers with the property of others. What now will be the utility of laying these papers on the table, when we may be met by a motion to-morrow or the next week, to take them up and consider them? Sir, the laying a paper on the table is not a final disposition of it, although a majority of the House may again and again make this disposition; for on the very question to take up and consider, or on a question to reconsider, as well as on the original presentation, we may have debates that will be interminable, and all the mischiefs desired by the fanatics effected.

Sir, there is another reason why the action of Congress should be more decisive now than at any former period; and why the people of the South should call for a more direct expression of the sentiments of this House than heretofore. On former occasions there was no extraordinary feeling of alarm, no excitement, no apprehension of danger, spread through that section of the country. The spirit of insurrection and insubordination was not then abroad. It was reserved for the last summer's campaign of a few fanatics—my colleague called them blood-hounds, but the term is too mild; I call them *fiends of hell*—associating themselves into societies, receiving subscriptions of more than $20,000 or $30,000 for the purpose of printing and circulating among us incendiary pamphlets, and such beautiful hieroglyphical caricatures as the one I now hold in my

hand—pictures and cuts representing southern men and southern women in the most odious and disgusting form which it is possible for human ingenuity and devilish purpose to invent. [The paper Mr. G. held in his hand was a large sheet, printed on one side, and illustrated with cuts representing the pretended cruelties inflicted on the negroes of the South.] The authors of such papers are cold-hearted, base, and malignant libelers and calumniators, and deserve the bitterest execrations of every good and patriotic heart—they should be scouted from society.

But, Mr. Speaker, we are called upon to distinguish between these petitioners for the abolition of slavery within the District of Columbia, and the Abolitionists who are members of the societies. Sir, I cannot distinguish between them. I wish I could honestly. I know not one of these Abolitionists. I know nothing about them, and cannot therefore say anything against their personal character. But in relation to the schemes of the Abolitionists, and the designs of these petitioners, I have this remark to make, that I cannot distinguish *between the devil and those who do his works.* They are all equally seeking abolition. They have the same common object; and, mark me, if these petitioners should receive countenance by this House, we shall find many of them—ay, sir, I fear all of them—soon ranking in the same association, and pursuing the same reckless schemes together. They have a common object, a common purpose, to effect. Did not the gentleman from Vermont himself preach to us about the evils of slavery, and the universal rights of man, and our duties to the African race? Did he not openly avow himself an Abolitionist to a greater extent than asked for in this memorial? Did he not declare slavery a sin against Heaven, the effect of which would be, although not avowed, to send every slaveholder to perdition, your Washington among the rest? I listened to the gentleman, and I cannot think I mistook the purport of his language. Sir, these Abolitionists (I class them altogether) have excited a feeling of alarm in the South which cannot easily be quieted. The safety of our wives and our children is endangered by their mischievous and incendiary attempts to produce a servile insurrection among our slaves. But, oh, says the gentleman from Vermont, you are in no danger; all will be effected peaceably and quietly! Sir, will the gentleman permit us to judge for ourselves? We are in the very midst of the slave population, while he is securely sheltered behind the ramparts of the Green Mountains of the north. He can neither see nor hear nor feel the danger with which we are beset, because he knows and feels he is secure from the effects of it, come how and when it may. The gentleman, therefore, will excuse us when we express our own apprehensions and feelings on this subject, because we best know our own situation.

But, sir, these beautiful prints and these devilish pamphlets are not the only firebrands attempted to be circulated among us. These very memorials themselves, coming here in the midst of all this excitement and alarm, hypocritically canting about the piracy and tyranny of slave-owners, have the very same tendency. Gentlemen may conceal it from themselves, but I tell them the tendency is the same—ay, and the design is the same. Why, sir, the Abolitionists, from whom gentlemen seem so anxious to separate these petitioners, are now laughing in their sleeves, and openly too, that they have allies who, by a different route, are indirectly laboring to achieve the same object with themselves, and who give respectability to their designs. Yes, the aid they receive in this way stimulates them to exertion, and animates them to hasten the approach of the final catastrophe they are themselves seeking to bring about. Every movement made in this House for the abolition of slavery within the District is a stepping-stone to the Abolitionists to mount up to their work, and encourages them to seek the accomplishment of their purposes. They who tell us that these memorials only look to the District of Columbia, tell us what cannot be credited. If their object was to be limited to the District alone, to free the slaves here, the success would not be worth the exertion, and we should hear nothing about it.

There is another reason, Mr. Speaker, why the House should adopt a more direct and decisive course now than heretofore, growing out of the reasons I have just offered, and it is this: the continuance of debate on this subject is calculated to encourage, if not to excite, the slaves themselves to insubordination and insurrection. Do what you will to prevent it, these things find their way, through some channel or another, into the midst of the slave population. They know everything that transpires here. They are aware of everything going on in the North, and there is a spirit of insubordination in some places almost amounting to insurrection among them already. They believe the whole North to be favorable to their emancipation, and they are thus encouraged to exertion; they but little doubt, if they can once organize and commence the attack, the northern people will fly to their succor, and second their efforts. Then I say, sir, these memorials and their presentation are improperly timed; and however much I might be disposed at other times to discuss the merits of these petitions, I will not do it now. I appeal, then, to our friends *in* the North, and to the people of the North, to rescue us, by decisive action upon their part, from these influences, which are thus mischievously operating upon our slave population, and our own safety. We do not ask our friends of the North to come personally to our aid in the conflict with which we are threatened. No, sir; come when it may, victory is ours; but we appeal to our brethren of the North in behalf of our wives and of our children, and for their protection and security against the instigators of midnight murder and assassination. Our northern friends cannot truly sympathize with our feelings; they cannot realize our true situation; they are distantly removed from our slave population, and know but little of their character and disposition; we are in its midst, and can therefore know and feel the extent and true character of the danger which the efforts of the fanatics are bringing upon us; hence, knowing our danger, and feeling it, too, we appeal (we do not supplicate—supplication is a plant which does not flourish in the South) to the North to do their duty to the South, and to the Union, by discharging their obligations to the Constitution, and that speedily.

Mr. Speaker, how ought this question, as it is now presented to us, to be settled? One mode has been attempted, and it failed. Then the only way is, to withdraw from these deluded and misguided fanatics all inducements, all hope of aid from the North. Let the northern people themselves tell them, your scheme shall not be carried out. Why is it necessary for us to appeal to the gentlemen of the North? These fanatics are in the northern States, which are sovereign and independent as to their domestic relations, beyond the reach of our laws, and we cannot reach them by any legislation of ours; but the northern people can, and ought to do it. However, we have had some specimen of the sincerity with which this scheme has been put down in one part of the North, which I will mention for the credit of the parties concerned. I understand there has been a celebrated Anglo-Scotch vagabond traveling through a certain section of the North, by the name of Thompson, preaching abolition; and I hope I shall not be regarded as uncourteous or ungallant in again referring to the females of the North. Well, this felon—for he deserves no better name, and would disgrace that if it were possible—has been holding forth in the churches and public meeting-houses of the North, lecturing and propagating his incendiarism, to the great horror and indignation of the people. But what is most singular, the charming influence of the females, those blessed pious old maids, has protected him from the rage of the indignant citizens! Ay, sir, even at the very moment when the people surrounded him, breathing threatenings and denunciations, determined to suppress his doings and chastise his insolence, his *charming female followers* and *admirers* exercised so powerful a charm over him, that they carried him away unseen, as in the midst of a cloud; whether in their pockets or how, no one can tell; but so it is, he was carried out unseen, and escaped untouched, entirely through female intervention. How potent the charm thus to paralyze indignant patriotism and fraternal affection!

Mr. SLADE said Thompson had never been in Vermont.

Mr. GARLAND. Well, I am very glad to hear that Vermont has not been cursed with his presence, and I wish I could say that his principles had never been there; but somehow or other, all his doctrines have reached there, have apparently taken pretty deep root in some of its soil, and are broached here in their every odious and detestable form and shape. I will, therefore, say to the people of the North, give us your aid in this thing. We love you as brethren, we love the Union; we ask you, as citizens having the power by force of law, which we have not, to put down these abolition schemes, and their aiders and abettors in your midst, and to protect us against these incendiary attempts to bring war and desolation into our very domiciles. This, sir, is a national consideration—a consideration deeply affecting the southern country and the Union itself; and I should despise myself if I could allow any other feelings to enter into my consideration, where the property, the lives, or the liberties of my fellow-citizens are at stake.

Mr. Speaker, I hope I need scarcely remark that I do not include all the people of the North with the Abolitionists. God forbid! I believe better of them. Sir, I know them to be incapable of the designs of these midnight murderers, for so I call the Abolitionists. They are not open and manly murderers, for they do not dare to show their faces in the South, and propagate their schemes, but stand at a distance, safely moored behind the ramparts of the laws and institutions of independent States, artfully exciting, insinuating, and stimulating our slaves to the work of destruction. Sir, they are murderers in the most obnoxious sense of the term. I could have some respect for the man who boldly marches up and assaults me openly; but I abhor and detest the dastardly fiend who approaches me by stealth, or fires at me from behind the bush. I repeat, sir, their object is murderous, and I can prove it out of their own mouth. Is it not notorious, that but a short time ago one of them boldly avowed that every southern slaveholder ought to be executed? And yet, that very fellow walks in broad day, unmolested by the men, and caressed by ladies, in the streets of a northern city of this Union. Have they not declared in print that they would pull down and destroy the very arch of the Union, rather than they would fail to effect their purposes? Sir, is this language, in the midst of our northern friends, to be tolerated? Are these the pious actions of these benevolent servants of God? Sir, they are actions, but they are not those of the holy and peaceful religion of the Savior of the world, whom they hypocritically profess to follow, and whose religion they profess to propagate. He did not effect, nor seek to effect, the grand object of his mission by violence. No, sir, the religion of the Savior is of a different order; its object is peace, its works are peace, and its ends are peace. Not so, these fanatics. Theirs is the religion which seeks the attainment of its designs by fire and sword, and would drag heretics to the stake, burn them with fagots, or torture them with the rack and the inquisition. The real Christian is never stimulated to, and never incites to murder and midnight assassination; and I regret the name of Christian should ever have been connected with this unhallowed, detestable association. It is a desecration to the name! Sir, these people must be put down, and that speedily, or dire consequences, which I dread to contemplate, will ensue. The time has arrived when the people of the South must insist upon it. Security, liberty, life, all are involved in this question; and they will never surrender their rights. They may be driven from them, but abandon or surrender them they never will. It may be matter of no serious concern to these meddlers with our domestic rights, with those instigators to the murder of our wives and children, to contemplate our plains drenched with blood, in a servile war; they are absent and secure; but to us, who are husbands and fathers, who must be in the midst of it, it is with no slight concern, no ordinary emotion, that we can contemplate, or could see the blood reeking from the bosoms of our wives and children, pouring from wounds inflicted through the instigation of these disturbers of our peace, and enemies of our lives

and liberties. We are not brutes. We should feel, and that acutely too—we should revenge to the utmost their blood, upon the heads of those who shed it. Mr. Speaker, we may suffer much in the conflict with which we are threatened; but be assured, that unless God, in his providence, has determined our fate otherwise, we shall drive back the storm—we will maintain our rights—keep our slaves in subjection, and drive back, with a signal overthrow, these intruders upon our rights.

Mr. Speaker, I shall not upon this occasion enter the lists with the gentleman from Massachusetts to discuss the "sublime merits of slavery," nor with the gentleman of Vermont into a religious controversy to prove that slavery is in conformity with Holy Writ. The latter gentleman may find, if he search his Bible, that the Patriarchs of old held their bondmen as well as their free servants; and both sacred and profane history will teach him that slavery has existed in one form or another from the foundation of the world; and by not a few pious and learned divines it is supposed to be a curse pronounced upon the descendants of one of the sons of Noah. But into the philosophy or discussion of these matters I design not to enter. If it be a stain in our escutcheon, I wish to distribute the honor to whom the honor is due, and let our former mother, England, who bequeathed it to us, take her full share. But, sir, who for a long time carried on the African slave trade? The merchants of the North. Who navigated the slave ships? The seamen of the North. Yet they reproach us!

The able and patriotic gentleman from Pennsylvania, [Mr. INGERSOLL,] has told us that slavery had been abolished in the North because the nature of the soil and its productions did not longer justify their employment. A very good and sufficient reason, and withal true; and when we are in that situation that we cannot benefit ourselves by holding slaves, why we will endeavor to imitate the noble example of our northern brethren, and emancipate too. *Interest* will certainly induce us to believe that slavery is an evil, as it did our northern brethren; when it is not our interest to hold slaves, then we will emancipate them too.

Mr. Speaker, this question has not been brought upon us by ourselves. We have not interfered with the institutions of the North, and why should we be meddled with in ours? I will here ask the honorable member from Vermont one question: Will he inform us what we are to do with our slaves if we abolish slavery in Virginia? But I will make one proposition to him, and to the Abolitionists, and it is this: Open your purse-strings, give the best test of your benevolence; come among us and buy our slaves, and you may emancipate them at your will, so you remove them from among us. That will be a better test of your sincerity and purity of motive than all your speeches and writings. Till you do this, I emphatically say, let us alone.

Sir, there is another reason why we should not meddle with this subject. What was the condition of things at the formation of the Confederacy? During the arduous struggle of the Revolution you were willing, gentlemen, to fight the battles of freedom side by side with the slaveholder—together the blood of our fathers washed, and together their bones bleached the battle-field. You were willing to erect this Union in conjunction with the slaveholder, and with him to cement it together. To bring about so desirable an event, you agreed by constitutional compact to restrict the powers of Congress, and prohibit their interference with slavery, and even for a time with the African slave trade. But now it is all wrong. New-fangled doctrines have thrown new lights upon this subject, and you now reproach us with that very thing you have sworn to protect. Generous-minded people of the North! I again appeal to northern members, and emphatically ask, Will you violate your plighted faith? Will you reproach those who confided in you, and in their confidence entered into a solemn league with you? I hope, I believe not.

Mr. Speaker, I had not intended, in the outset of my remarks, to have said so much in relation to these fanatics, but I trust the House will pardon my feeling on this occasion. I will now, sir, as briefly as possible, recur to the constitutional power of this House to legislate on the subject of slavery within the District of Columbia. I shall pass over the Presbyterian Synod of Kentucky, merely remarking that, judging from this resolution, they seem to be fit companions for the abolition priests of the North, who have led some *pious females* so unwarily into their schemes. As to the article quoted from the Richmond Enquirer, I have only to say, that the benevolence of its editor betrayed him into an error, of which I do not doubt he has long since repented. As to the quotation from the Richmond Whig, I have only the same thing to say. In either case, however, I will remark, that they were urging the State government, which had the constitutional right to interpose. As to the article signed "A South Carolinian," I do not believe it was written by a South Carolinian, but by some individual who assumed that name for the purpose of giving more force to his remarks, South Carolina being an extensive slaveholding State.

I will now, Mr. Speaker, approach the constitutional question, and would solemnly ask if it is to be seriously argued that the sages of the Revolution, understanding liberty as they understood it, would have manifested so much caution in the framing of the Constitution, by salutary restrictions upon this subject, and yet have been so incautious as to leave Congress in possession of this power anywhere? Where is it found? It is not expressed, directly or indirectly, in any one of the provisions of the Constitution. Again, sir, is it to be believed for one moment that the States of Virginia and Maryland, the foremost in the ranks of those who restricted the power of the Federal Government, would have given up a portion of their citizens, in order that there might be inflicted upon them an unlimited, unmitigated, and unrestricted despotism, reserving not even the right of representation? for if the argument of the gentleman from Vermont be true, this Government, within these ten miles square, is as despotic as that of Russia or the Grand Turk. Would the people of Virginia and Maryland have consented to pass off a portion of their citizens like herds of swine, without one solitary action of restriction and restraint upon the power of the Federal Government over them? Would they have been willing to have erected despotism in the midst of the Union? Sir, I cannot believe it. The very idea is preposterous. Fortunately for us, however, there is proof positive on this subject. The language of the act of the Virginia cession is clear, unequivocal, and decisive upon the point, and it will be found to answer every argument urged by the gentleman from Vermont.

The proviso to the act of cession by the State of Virginia, is in these words: "*Provided*, That 'nothing herein contained shall be construed to 'VEST in the United States any RIGHT of property 'in the SOIL, or to affect the rights of individuals 'therein, otherwise than as the same shall or may 'be transferred by such individuals to the United 'States." By this clause no right of soil passes; Congress cannot affect the right of individuals to the soil only so far as individuals may convey to the United States. The reversion of the soil is in the State of Virginia. Is it not therefore most manifest, that, with these reservations and restrictions, Virginia regarded the rights of the citizens of the District as effectually secured and guarantied as they were under her own constitution and laws previous to the cession? Congress cannot declare anything designated and held as property not to be property, without express grant. In relation to slaves, the Constitution regards them as property, and guaranties its security. If the power to abolish slavery in the District of Columbia exists, then the people of the District, though American citizens, stand on a footing of gross inequality; for Congress is restricted as to all other citizens? I then emphatically ask if Virginia and Maryland did so disfranchise this portion of their former citizens. The language of the act of cession by Maryland is rather more equivocal; yet the spirit and design were the same. When the objects of the cession expressed in the preamble to the act, the reference to the Constitution, and the restricted character of the cession as to property in the said District, are seen, it seems to me there can be no doubt upon this question.

Sir, there is another reason why the States of Virginia and Maryland would not have been guilty of the excess of folly of making the cession unrestricted, and which proves the character of the proviso referred to; and it is this: Maryland was a large slaveholding State, and Virginia the largest in the Union; and they both provided that their citizens should return to their respective governments whenever the ceded territory should cease to be used as the seat of the Federal Government. Now, sir, extinguish slavery here, and what do you do? You make a rallying point for free negroes in the very center of slavery itself. Here might be gathered all the disaffected and insubordinate spirits among the slave population of the surrounding States, who might resort here in such hordes that the citizens of the District would be unable to control or check them. I say, sir, the Legislatures of those two States would not, and could not, have been guilty of the folly of making such an unrestricted cession.

With these very few remarks, therefore, I leave this branch of the subject, not deeming it necessary to repeat the able and perspicuous views of my colleague, [Mr. WISE,] so forcibly expressed.

But, Mr. Speaker, the question now seems to be, how is this matter to be decided? It has come up before us, and, in the language of gentlemen, it must be met. We all admit this property is guarantied to us by the Constitution, and that Congress has no power to legislate in relation to it in any of the States. The constitutional power to do so is denied by every member upon this floor. Why, then, was the constitutional power of the Congress of the United States restricted in relation to this subject? Because it is property over which we individually have control was interwoven into our system, and the Constitution has determined that jurisdiction over it shall not be transferred from the domestic control of the State Governments to that of the Federal. How, then, is this question to be decided? I do not wish to avoid a vote upon it in the most direct manner. I am prepared, sir, to meet it, come when it will, whence it will, and in whatever shape it may. But, while I am thus prepared to give my own vote, I am willing to make every concession that gentlemen can ask, reasonably, in the form in which the decision of the House shall be expressed, so that it be decisive and effectual. But I cannot go so far as to record my vote to affirm that slavery is an evil. This is a subject with which we have nothing to do, and my individual opinion need not be expressed. I say, sir, I am willing to make the most liberal concession that the nature of the case will admit.

Now, let us investigate the true character of the question under consideration. Our brethren of the North have no direct interest in this question, but our interest is directly at stake; our lives, liberty, property, all are in danger. It has not originated in the South; nothing was heard of it until this abolition society awakened our fears, and alarmed us for our safety. The question, then, is, will you quiet the people of the South? Will you decide this question in such a form as to tranquillize their fears? We are all brethren of the great American family, and have been associated together for upwards of fifty years; let us, then, continue in the same bonds of fraternal love. The southern people tell you, we wish to continue in fraternization and union with you; but their march is impeded, and their prospects blighted by these harassing interferences with their rights. We ask, then, our brethren of the North to quiet us in the most decisive form they can, consistent with their duties. If they cannot sustain all the propositions that have been presented, they can either submit or vote for some one that shall be considered decisive. I have disposed of the question of laying these petitions on the table; that course is not decisive, and not adequate to the emergencies of the occasion. Many gentlemen are unwilling to reject any petitions, on the ground that it is the constitutional right of the citizen to petition. I, myself, Mr. Speaker, have no objection to that course; but am prepared to vote not only that

such petitions be not received, but, if I could do so, I would vote that they should be all thrown together into the middle of the Potomac.

Mr. Speaker, let us examine the proposition to reject, which will likely follow a reconsideration of the reference. In the course of this debate, reference was had to the example of the Senate during the first session of the last Congress, to show that the rejection of this memorial would be disrespectful. Sir, the cases are not analogous. If my recollection be right, the vote of the Senate in that case was not upon a proposition to reject, but upon a proposition not to receive the paper. That was more disrespectful than to reject, because the motion to reject is necessarily made after the paper has been presented—after it has been in the hands of the Speaker, and read to the House; but the motion not to receive, is in priority of all these formalities, and is therefore a more decisive expression of the disrespect of the body to whom it is offered. The motion to reject means simply to reject the application, that is, the prayer of the petitioners or memorialists, and nothing more. But it is contended that even this, as well as the motion not to receive, is at war with the right of petition. Now, sir, what is this right of petition? Gentlemen bring petitions here, present them, and ask their reference to some committee of the House. Committees are not organized by law or by the Constitution, but by a rule of the House for its own convenience, and for the convenience of having that brought to its consideration which could not be conveniently done by the whole House. A committee sometimes reports, or passes over *sub silentio*, or asks leave of the House to be discharged from the further consideration of the subject; and cannot the whole House do at once what it may do on the recommendation of one of its own committees? Suppose the committee to whom a petition may be referred, report that it should be rejected, where is the want of power or the disrespect on the part of the House to do the same thing without the reference? If the House confirm the report of the committee, it all amounts to the same thing—to rejection; and the only question is, whether the same thing shall be done directly without reference, or indirectly by reference and report, the House having determined its course before a reference is asked? Now these petitioners know nothing about the formula of proceeding here, and it is the same thing to them whether their petition be rejected by a direct vote of the House, without going to a committee, or whether it go to a committee, who may report that it be rejected, and the House confirm that report.

But, say gentlemen, it conflicts with the right of petition, a sacred right guarantied by the Constitution. Sir, there is no man on this floor who respects the right of petition more than I do; but yet, with all this regard for the right of petition, there is some respect due to ourselves, and it must always be understood with some restrictions. The right of petition is the right to petition for a redress of grievances affecting the petitioners themselves; but when pious and godly-given ladies in some few portions of the North are petitioning to redress my grievances, when I feel no grievance, when I know of no grievance at all, I humbly conceive it to be an improper and impertinent interference with my rights. Now, sir, pray how are these good, and godly, and pious, and christian-like ladies, affected by slavery in the District of Columbia? They are not living in the District of Columbia, but in Vermont or Massachusetts. They are not affected by slavery in the District of Columbia. They are not stained by its guilt. They are not affected by its sins. Its blood is not upon their skirts. Why, then, should they ask a redress of the grievances of the people of the District of Columbia? Are not the people of the District themselves the best judges of their own grievances? Are they not adequate to judge for themselves, and to apply for redress of their grievances if they have any; and do they come here, or to their own Legislature, to ask redress? Sir, I must say, I respect no petition coming from people who are not interested, directly or indirectly, on the subject about which they petition; and less so, when its object is to interfere with the rights of others. When petitions come from those who feel and suffer grievance, couched in respectful language, I will then respect and hear them in the most respectful manner. Then, sir, why not come up directly to the question, and reject this petition, and all petitions of a similar character, instanter? I have referred to what has taken place heretofore in relation to petitions of this character, which I then thought sufficiently decisive—laying them on the table; but that was when the country was quiet, and had not been disturbed by the circulation of pamphlets and vile wood-cuts among the people of the South. Then we were satisfied, because there was nothing serious to apprehend; the demon of discord had not then been stalking through the land; but now, sir, we see the danger, and yet all we ask is an express declaration, on the part of our brethren of the North, of their determination not to legislate upon this subject. This we have a right to ask and to expect. If we had the power, as they have, we would not ask even this of them. No, sir, we could manage these fanatics exceedingly well if we had them among us; but we cannot reach them as long as they confine themselves within the limits of other sovereign and independent States; we cannot, we will not, violate the jurisdiction of other States.

But, say gentlemen, why press the constitutional question now? I reply, we press it from the most urgent and imperious necessity. It is due to our safety, to our quiet, that we press it. Every other form in which this question has been presented has failed to secure us against the repetition of these memorials and petitions. Nothing, it seems to me, short of a declaration on the part of Congress of their want of constitutional power, will restrain these fanatical crusaders from seeking the intervention of Congress in aid of their diabolical schemes, and perpetually harassing the country. I do not ask gentlemen to vote contrary to their sense of right. If they believe Congress has not the power, then this agitating subject will be put to rest, so far as Congress is concerned. If gentlemen think Congress has the constitutional power, let them say so—we shall not, if they decisively refuse all legislation upon this subject, upon grounds of expediency, complain of their opinions upon the mere question of power—a power which they do not intend to exercise—and sever the Union on that account. No, sir, we value it too highly, and love it too dearly. But if the power exists, this House cannot pledge its successors—the South has no security for the future. The Constitution provides for the amendment of the Constitution, by reference to the source of all power—the people. It will be our duty to seek through the people an amendment to the Constitution, restricting the power of Congress upon this subject. Such an amendment must and will prevail, if the northern people are sincere, which I do not doubt, in their professions of attachment to the Union, and respect for our rights—seeing, as they must do, the infinite danger to our rights and our safety which would result from the abolition of slavery in the District of Columbia. This would test the true feelings of the North, and quiet the apprehensions of the South, and secure the Union against the most formidable enemy by which its integrity could be assailed.

Sir, I am anxious to see this distracting question put to rest, and that we may be able to say, with true feelings of national pride, in the language of the poet:

> "Where'er beneath the sun, by sea-winds fanned,
> There floats the banner of my native land."

Not, sir, the banner of a northern empire—not the banner of a southern empire, but the banner of the Union; that banner which conducted the heroes of the Revolution to victory in the cause of freedom, and which has now waved in triumph for upwards of half a century, untarnished and unscathed. Sir, I do hope this question will now end; that our northern brethren will meet it in the most decisive form, and give such an explicit expression of their sentiments as will tranquilize the South on the one hand, and silence the fanatics on the other.

As to the proposition of the gentleman from Pennsylvania, [Mr. INGERSOLL,] for whose patriotic feelings exhibited upon this occasion I cannot withhold the expression of my highest admiration, I can only say that it is true; but it does not meet the present case. The question before the House relates to the District of Columbia alone. The proposition of the honorable gentleman refers to slavery in the States. The proposition that Congress has no constitutional power to abolish slavery in either of the States of the Union need not be decided, because none assert it; and a decision of that question would in no wise decide the question arising upon this petition.

The only way in which the question can be presented so as to procure the definitive and speedy action of the House, will be by reconsidering the vote of reference now sought to be reconsidered, which I earnestly hope will be done.

NOTE.—The "*rejection*" of a petition of this character, and for which I intended to vote, is not without precedent in the House of Representatives. In March, 1790, the Quakers of Pennsylvania presented a petition for the abolition of the African slave trade, and to provide means for the ultimate abolition of slavery in the United States. The House refused to refer the memorial to a committee, but *rejected* it. This was not then deemed a denial of the right of petition, but a *rejection* of the *prayer* of the petitioners.—*See Journal of the House, and Elliott's Debates*, vol. 4, p. 211.

SUFFERERS BY NEW YORK FIRE.

REMARKS OF HON. GIDEON LEE,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

January 14, 1836,

On the bill for the Relief of the Sufferers by Fire in the city of New York.

Mr. GIDEON LEE said:

It was not my purpose, Mr. Chairman, to participate in the debates of Congress the present session; but the extraordinary occurrence which has induced the report of the bill before us, the very singular amendments proposed by the gentleman from Kentucky, the deep interest I feel in the speedy resuscitation of that devastated city, compel me to depart from the silent course I have prescribed for myself.

The gentleman's amendment proposes, first, to strike out the proviso in the first section, the whole of the second section, and finally, the gentleman promises, when so amended, to vote against the whole bill. My arguments will therefore have reference to the whole bill, and I promise the utmost brevity. But first I must disclaim the honor of the biblical title of *Babylon*, which the gentleman has given to New York. I must also disclaim the honor he ascribes to us of governing the four-and-twenty States. We feel no such honor; we exercise no such power; and if the gentleman means the State, which is not precisely the basis of the present discussion, he is still mistaken.

That ill-fated city, sir, in a single day, by an act of God which no human foresight could avert, which no human arm could stay, has lost more than one fourth part of its entire *assessable personal estate*. That desolated city stands a debtor to the nation in the sum of three millions six hundred and sixty-eight thousand dollars. The bill before us proposes—not to forgive the debt, not to diminish the principal sum of the debt, not to jeopardize it—it proposes merely to postpone the payment from the dates of maturity to the several dates named.

Mr. Chairman, permit me to view this case as it really is. The nation a rich and prosperous creditor; the devastated city not an insolvent but a debtor oppressed by a calamity unparalleled in the two hundred years' history of this country, and rarely equaled in any age of any country.

It has ever been the common sense of mankind that the relations of debtor and creditor imposed mutual obligation as well as mutual interests. It has ever been the practice of mankind, in this relation, under great calamity and privation of means on the part of the debtor, to claim and receive from his full-handed creditor not only the kind of relief provided in this bill, postponement of payment, but advance, moreover, of money or other necessaries. Shall we depart from a principle of ethics, and a rule of practice sanctioned by all ages and by all grades of men? No, sir;

motives of self-interest forbid it; motives of humanity forbid it.

There is in the case under discussion, sir, something more than the mere simple relation of debtor and creditor between the parties. There is in this case, and most strongly marked, the nearer and closer relation, and the stronger obligations of employer and agent, of principal and factor; and this debt, sir, has accrued, not partly, but wholly in the performance of the duties of such agency.

It has been the policy of this nation—a policy so discreet, so wise and sound, that I trust it may never be discontinued—to collect the necessary funds for the support of Government from masses of property prior to those minuter subdivisions for the consumption of the community, avoiding thereby the more tedious, the tenfold more costly, and more offensive mode of thrusting the unwelcome tax-gatherer into the domiciles of our people, for the ancient mode of capitation, tithe, or small property tax.

It has been found the mutual interest and the mutual necessity of the parties, that the nation should collect very nearly two thirds of its impost revenue through the agency of the city of New York. More than two hundred and sixty millions have been thus collected and paid into the Treasury. How skillfully or how unskillfully this duty has been performed, I will not pretend to define; the Treasury records will give the answer. I would not be understood to intimate that New York has paid a single dollar from her own coffers more than her just quota. Everybody knows that the consumer of the merchandise, wherever may be his location, is the ultimate payer of the import tax. Nor do I claim that such agency has been profitless or onerous. I have already said that the interests of the parties were mutual. My object is merely to exhibit the existing fact, and to deduce from it the very cogent argument for the postponement of payment, that the debt we owe the nation has arisen, and unavoidably arisen, in our relation of agent to the Government in the collection of its revenue, which, by an act of God, we are at present unable to pay.

Everybody knows, sir, that the process of such collection, and I will add the process of creation, too, of the imposts, is by and through the importation of foreign merchandise; and it is equally well known that the means, and the only instrument of the whole performance is capital. This capital is annihilated, or so greatly diminished, that gentlemen may be assured a fearful derangement must ensue, unless we derive large temporary assistance somewhere.

There is, sir, a third relation between this ill-fated city and the nation, which claims strongly her protection. I mean, sir, that common relation which every great political or social community owes to all its parts, and all its parts owe to the whole.

We ask this relief, then, sir, first on the principle of our relation to the nation, as a debtor of impaired means, with a creditor whose coffers are over full. Again, sir, we ask it on the principle of our relation as agent, suddenly bereft of the very implements of our agency, while our principal is possessed of a superabundant supply.

And again, sir, we ask it in conformity with the common social, equitable obligation which a great and prosperous community owes to each and all its parts, which from sudden and unavoidable calamity require such aid.

May I say, sir, we do not ask it in the spirit of supplication, humiliation, and alms-giving? The city, sir, though devastated, has yet remaining means. She is rich in the insuppressible spirit of enterprise, and in the unmitigating industry of her citizens. She merely wants temporary aid. She asks you in this bill the indulgence of deferring payment, until she can render her remaining means available. Will the nation look calmly on and close its door on us, while all around us else have opened their hearts, hands, and coffers to us?

Will the frugal but equitable East, will the hardy but generous West, will the mounting chivalry of the South, will the most prosperous nation that the sun of heaven ever shone on, refuse the credit which so many reciprocal interests and mutual obligations enforce? She will not; I know she will not. Is there any legal or constitutional bar to such postponement? None, sir; your records are full of precedents precisely in point; the only dissimilitude is in the magnitude of the loss in this and former cases—the devastation in this being some twenty-fold greater than in those.

Will that unfortunate city be the only beneficiary of the measure? By no means, sir. In its commercial intercommunications with every part of the nation it has become largely a creditor. And this mass of commercial credit has been most frightfully swollen by the sale and hypothecation of the public stocks of nearly every State of the Union. But now without this aid from Congress, the sudden abstraction of so large a portion of our movable capital by the conflagration must compel us to force our commercial debtors, and to press the return of the tremendous amount of stocks to the several States of their creation. It is charged by the gentleman from Kentucky, as against the bill, the relief reaches no other sufferers than the merchants. He is mistaken; for although the provision is intended chiefly for that class, as the chief sufferers, and other aids are preparing for other classes of sufferers, yet such is the diffusive nature of capital, and such the laws ruling the existence, the formation, and the blended intercourse of the people which make up the great whole of a dense commercial city, that it is quite impossible to place capital in any class or in any position which will not extend itself beneficially to all. The laborer, cartman, mechanic, all, all will feel the assistance. I may myself be benefited, who have been a mechanic these forty years, and have neither ships, nor bonds, nor imports. But were it otherwise, should we withhold it? Are the merchants not men? Are not their families women and children? Are they not subject to the same wants—hunger, thirst, griefs, dismay, ruin, as other folks? And because a merchant has lived well, and is now devastated, will he feel want and ruin the less poignantly, on that account?

Mr. Chairman, I have detained you too long, I have endeavored to confine myself strictly to the argument; I have meant to suppress all unnecessary detail; the peculiar relation I stand in towards the sufferers, would not permit me to say less. Had I not prohibited myself, it were easy, sir, to give you volumes of detailed individual loss, distress, dismay, more affecting to the mind, more appalling to the heart, than the great view of the desolation. I think the bill ought to pass; I trust it will pass.

SUFFERERS BY NEW YORK FIRE.

REMARKS OF HON. JOHN McKEON,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

January 14, 1836,

In Committee of the Whole on the state of the Union, on the bill from the Senate "for the relief of the sufferers by the fire in the city of New York."

Mr. McKEON said, that in presenting himself to the committee with a view of offering some remarks in relation to the subject then under consideration, he trusted the committee would find in the catastrophe which excited the consternation of the whole country, and called forth the bill on the table, sufficient apology for his rising. He should be wanting in the duty he owed to the city which he had the honor in part to represent, and in gratitude to a constituency which had for years honored him with their confidence, if, on an occasion like the present, he did not endeavor to make known to the committee the claims of his fellow-citizens. He confessed that he was surprised to witness the observations made in opposition to the measure then under consideration. The relief asked for in the bill was so partial that he had hoped no objection would have been raised; but since it had been, it was his purpose, if the committee would favor him with their attention, to point out the propriety of the passage of the bill.

An awful calamity had fallen upon the city of New York. It was not his intention, even if he had the power, to attempt to arouse their sympathies, by depicting the scenes of destruction which now might be visible in the commercial emporium of the Union. It was not his intention to describe the effects of a conflagration which had never been equaled in its devastating and sweeping fury on this continent. Our public journals had been filled with appalling statements of the misfortunes of our merchants; with descriptions setting forth that the section of the city most devoted to mercantile operations, with its hundreds of stores and warehouses, and its millions of property, was now a pile of smoking ruins. The misfortune of New York was a national misfortune. This blow struck at the commercial mart of the country—this wound, given to the very heart of the western world, was sufficient to paralyze, for a time, the industry of the nation. It must alarm the capitalist—it must dishearten the manufacturer—it must harass the agriculturist—in a word, it must penetrate into the most distant spot, diffusing dismay throughout every portion of this vast confederacy, wherever human industry was active. To follow the ramifications of such an event was impossible. Those ramifications were, as had been well expressed in another branch of this Legislature, so "complicated and implicated," that pursuit was impracticable; but so intimately were all the great interests of the country united, that the vibration must be felt in every point with greater or less influence. If the smallest pebble thrown into the stream of commerce was sufficient to disturb the smoothness of its current, what must be the effects of a convulsion like this, which had, as it were, upturned the entire bed of the mighty river itself! It was a national calamity, and in that point he wished it to be viewed.

So far as relief could be granted to the city, he was confident that when it was taken into consideration that thousands actively engaged in business, consisting of merchants and all connected with them in their transactions, had, in the very midst of an inclement season of the year, been thrown out of employment, their business disturbed, that confusion reigned where but a few hours before all was order, and that in the hour of affliction, while with unsubdued spirits these very citizens were rallying their scattered force—while they were calling upon the Hercules of the General Government for assistance, yet they were exerting every means to rise abov the troubles with which they were oppressed, h felt confident, he said, they would not refuse the sanction of that committee to the bill. We do not, (continued Mr. McK.,) in this bill, ask for a remission of duties—a question hereafter to be presented, and he hoped to see adopted. There is nothing in this bill with regard to the surplus moneys of the Government. He wished gentlemen to understand these points. He wished to remove impressions which he was aware existed in the minds of many in relation to the provisions of the bill.

The first section provided for an extension of the time of the bonds of all persons who had suffered loss by the fire of the 16th of December last, for periods not exceeding three, four, and five years, in equal installments from the day of payment specified in bonds. It also provided for the canceling of the bonds upon others being given with proper sureties, payable in the like space of three, four, and five years. To the first section were annexed two provisions. The first, that those who were within the provisions of the act, and who may have paid their bonds subsequent to the fire, should be entitled to the benefit of the first section; that their bonds should be renewed, and the payments made on them refunded. The second provision denied the benefit of the section to any person whose loss did not exceed $1,000. This section was not only founded upon every principle of justice, was dictated by every maxim of sound policy, but was in accordance with the settled practice of the country. Nothing novel was presented in that part which provided for the extension of the bonds. They would find in their statute-book law after law, from the year 1803 to 1820, sanctioning the principle of this section. They would discover the cases already referred to of the sufferers by the

fire which occurred at Portsmouth, at Norfolk, and at Savannah, and in which the extent of the calamity giving rise to the legislation was not to be compared with that of the city of New York. The section was fortified by precedents, to which he solicited their serious consideration.

The gentlemen from Kentucky and Pennsylvania, [Messrs. HARDIN and CHAMBERS,] objected to refunding the money already advanced by the debtors of the Government. We had no right to pay back the amount. There can be no doubt, sir, as to our right. The whole question is in our hands. We are here to adjust the differences between the Government and its debtors. We are here to do justice towards all those debtors; so far as those who have paid their bonds are concerned, would it not be refusing to them the kindness which we intend to give to all debtors of the Government, if we do not provide for a future period of payment? It would be cruelty to take advantage of their situation, and hold the money they were compelled to pay, in order to fulfill the law, and that they might enter their goods. If we intend to extend the time, let us extend it for the benefit of all those who have suffered. Standing in the relation of a debtor overtaken by a sudden misfortune, the merchant has a strong claim upon the Government, with an overflowing Treasury, for forbearance—for time to meet the payments of his bonds. Is it prudent to harass your debtor? Is it not wise to sustain him in his efforts to obtain the means of satisfying your demands.

To the second section of the bill which provided for an extension of all other bonds given prior to the late fire for a period of six, nine, and twelve months, he had anticipated objection. To many it might appear strange that the bill should extend in its provisions beyond the actual sufferers by the fire. Many would object (as had the member from Kentucky) to an extension of time without the exaction of interest; and many might imagine a preference would be given to the port of New York over other sections of the country.

He (Mr. McK.) was prepared to show that analogous cases could be found for the legislation which was now asked for. Congress had from time to time extended to the debtors of the Government, owing large sums on the purchase of public lands, the period of payments, and had at length not only released the interest, but also deducted a large percentage of the principal. Against such measures no objection ought to have been raised—it was part of a just, liberal, and sound policy, calculated to foster the enterprise and give an impulse to the industry of a large section of country. He therefore desired that the same principle which had been adopted in regard to the branch of the public revenue derived from lands should be extended to that received from the customs. If there had been extension and forbearance in one case, he hoped the same policy would be pursued in this instance. No deduction was solicited—merely further time for payment. The fire (Mr. McK. said) had not only affected those whose goods were destroyed, but every man in business of any nature in the city of New York, and particularly merchants. Their operations must be crippled by the destruction of a large amount of capital—millions upon millions—the result of the labors of years. The accumulations of enterprise had been entirely annihilated, totally abstracted, and the commercial community must suffer thereby to a considerable extent.

The gentleman from Pennsylvania [Mr. CHAMBERS] remarked there was no evidence of the true state of losses. The committee had no estimate before them. He (Mr. McK.) was in possession of a statement from which some calculation might be made of the immense amount of property destroyed. It was the result of the labors of a committee which reported to a meeting held in the city of New York, the Mayor presiding, and from which it appeared that—

The whole number of buildings destroyed is ascertained to be 527, exclusive of the Exchange and the South Dutch Church, and may be fairly valued at $4,000,000, which is a fraction over $7,000 each, and is generally considered a correct estimate. As far as the committee could ascertain, less than one half only of the mercantile houses have reported their loss in goods by the late fire. By duplicating this amount ($6,557,846) we have.....$13,111,692

As the probable total sum destroyed in merchandise of all descriptions.

Add to this the estimated value in buildings..... 4,000,000

And the whole loss may be calculated at.....$17,115,692

This amount was far below the actual loss; upwards of twenty millions of capital had been sunk; and to relieve the community from the effects of the withdrawal of this amount, measures must be adopted, and without delay, if the country did not desire to see a prostration of a large portion of our mercantile population. The gentleman from Pennsylvania referred to the fact of the most of our merchants being insured, and the probability of their being indemnified by these insurance companies. He (Mr. McK.) had been furnished with a statement by a member of the committee of the merchants from the city, in whose intelligence he had every confidence, setting forth that there were eighteen insolvent companies, representing a capital of $6,850,000, and six solvent institutions amounting to $1,900,000. These millions, which performed many functions in the financial operations of the city, were now lost to the merchants Under the present bankruptcy of the insurance offices, the merchants must be suffering. The payment of even the small amount which may be paid by the solvent companies, could not be calculated upon under many months, and during that period the insured must be embarrassed to a great extent. So far as indemnity was concerned, there was no prospect. The remark had been made in the course of the discussion, that New York was able to sustain herself; that we heard of no failures; therefore we were not called upon to act. He did not understand that because extraordinary, he might say superhuman, efforts had been made to sustain the credit of the city, why we ought to refuse assistance. These efforts, while they redound to the honor of the merchant, ought to arouse us to assist men capable of making such powerful struggles against misfortunes.

Why do they here present their memorials? Because they cherish their commercial character; because they value their credit as their very life-blood; because they wish to protect it from the slighest breath of suspicion. They well know its mighty efficacy in giving wings to the enterprise of our citizens. They are well aware how it has carried onward our commerce, and that with the loss of that credit must sink the high character which the American merchant now sustains throughout the commercial world. For these reasons they appear here; and let it not be said that you permitted the honor of your merchants to be jeoparded in the hour of an unexampled calamity; that you refused to extend to them the generosity of the nation. Why was the credit system originally adopted? To aid with your capital the rising commerce of the United States. Your merchants had industry and enterprise, but they wanted capital. It was granted to them, and the magnificent results show the sound policy of your movements. The reason which operated then applies with great force to the present case. Your merchants are now operating with a capital diminished twenty millions and upwards, and to that extent have a strong claim upon your sympathies.

And now let me turn to my honorable friend from Kentucky, and with his permission to lay before him the history of the transactions of New York in reference to the General Government. I wish to point out to him the conduct of that city in the collection of the public revenue. I speak not of the faithful discharge of duties as the agents for the collection of our imposts. I refer not to the immense revenue of that port in the spirit of exultation, or with the view of holding up to this House the gigantic means derived from the industry of our citizens. I regret that my honorable friend has attempted to arouse the feeling of this House, by representing our strength—our solicitations for the use of the public treasure. I will not conceal the pride I feel in the city of New York, and how that feeling has been increased by the recent display of energy on behalf of her inhabitants. But, sir, the Union has a right to be proud of her also. She belongs to you all, and any injury inflicted upon her must react upon the whole country. She is the storehouse of the industry of the nation, and to the representatives of the nation belongs the protection of her interests. The gentleman from Kentucky ought not to blame us if, with natural advantages unequaled upon the face of the globe, with a location commanding an immense foreign commerce, and hundreds of miles of inland communication, our merchants have exerted themselves to advance the prosperity of not only that city, but also of the entire country. By an examination of the Treasury accounts, the honorable member would find that upwards of two hundred and sixty millions had been paid by the port of New York into the Treasury of the Union. A vast portion of revenue had been collected by some of the very men now applying for relief. New York paid annually two thirds of your revenue—she has been a faithful and indefatigable agent in the collection of your imposts—and to deny her the request now made, would be an unkind requital for her conduct towards the Government.

The bill ought not to be delayed. Every day it was postponed added to the difficulties the merchants were now suffering under; goods were daily arriving which must be entered, and he entreated the committee no longer to delay the adoption of the measure now before it, and to destroy at once the fears which otherwise might be entertained of an unparalleled commercial distress. Prudence dictated an immediate decision on the question.

My colleague [Mr. CAMBRELENG] has given you to understand that a pressure must come, and you ought to put these merchants over it. The storm was gathering, and you ought to protect them from its fury. It would be well for the members to consider that the connection between New York and the whole country is so great that distress cannot fall upon her alone. Credit has been given, on the faith of these bonds, to every part of the Union, and must be redeemed. If you insist on payment from the merchants, they must call upon the different sections of the country. On the representatives of the whole nation rests an awful responsibility. They ought not to add to the natural difficulties with which the commercial community might be compelled to contend. True it was, we had their bonds, but did it become us to insist on the penalty at this moment? When the great master of the human heart was desirous of presenting to us the character of an opulent and unmerciful creditor, he gave us a Shylock. How had we all burned with indignation at the recital of the unfortunate victim who had given the bond! But, sir, he had, like our debtors, calculated on his future success to meet his engagements; he rested on the return of his rich argosies, wherewith he might discharge his debts. But misfortune came upon him; and when his unmerciful creditor insisted on the penalty; when the cruelty to be inflicted was defended on the very same principle which we have put forward on this floor, that its non-fulfillment might establish a dangerous precedent, whose heart has not revolted from even the sketch of imagination? Would it be believed that we should present to the civilized world the reality, that with our coffers overflowing with funds accumulated by our own agents, we should insist on payment, because it is so nominated in the bond? You may insert the knife; you may have your pound of flesh "nearest the heart," but you may be satisfied that the most delicate nerve in this immense body politic will grieve under the operation. You will affect the whole country, which must inevitably suffer from such a policy.

To the city of New York you have been indebted for a large portion of the surplus revenue which you now have in your Treasury. Is it not sound policy to give those facilities which will permit the stream of wealth to pour on in its natural course (now, I trust, but temporarily checked) into the great reservoir of the nation? Is it not sound policy in you to inspire the recuperative energies, and to infuse into the great body of merchants that confidence which is the foundation of credit and the companion of pros-

perity of a commercial people? Believe me, the aid of your Treasury will be returned fourfold hereafter. The money is not required; the security of the Government is not diminished, and you afford the means of renovating the commercial system. Give New York the means to sustain her commercial credit, and she will soon add to the riches of the public coffers by her extended importations.

We may be told that, in a question of this nature, we are in danger of surrendering our judgments to our feelings. I do not admit, by the adoption of this bill, we should be committing such an act, and, even if we did, to what nobler conqueror could we yield submission than to the best feelings of our nature—to the sympathy for the sufferings of our fellow-men? The destruction does not confine itself to those for whose relief the bill on your table is intended. Would that our action, within constitutional limits, would permit us to encircle all those who suffer by this calamity; to relieve the thousands thrown out of employment; to succor the infirm, the aged, and the helpless; to save from misery those who now must bide the pelting of the pitiless storm. Much do I regret that, to borrow the figure of eloquence, our kindness must resemble the sun, which in its rising only illumines the loftiest eminences, and not that sun in its meridian effulgence which diffuses its light and warmth not only over the loftiest palace, but into the deepest valley. We ask not for charity—for that charity which has already afforded precedents for noble acts in the thousands given to the people of Caraccas, and to the people of New Madrid. I will not refer to cases to show how former legislation has not been remiss in the execution of the duties of philanthropy; but while I point to these cases, and ask you to not even advance so far, but to afford us cold, unfeeling justice, to relieve the distresses of our community, I do hope this will not be denied to us.

Let it not be supposed that this is a mere local question. I feel confidence in appealing to the various interests which are here represented: to the manufacturer and mechanic, the profitable result of whose labor depends much on the capacity and integrity of the merchant; to the agriculturist, who, although his main dependence is upon the soil, is aware that the value of that soil and the products of that soil must be increased by his sustaining the prosperity of our commercial interests. The various industries of the country are so interwoven and depend so much upon each other, that it is the duty of all to uphold such as may be in danger. The influence of commerce is not only felt in particular points. To its invisible power not only the magnificent cities with which our sea-coast is studded, but the most remote hamlet in the Union, may attribute their prosperity and advancement. The gentleman from Kentucky asks, who are these merchants? Will he permit me to answer him by remarking that they are his brethren, protected by the Constitution of our country, which extends its blessings to every citizen: that Constitution which provides that into your hands shall be given the care of the interests of commerce. And for whom do I ask the sympathy of this committee? For men whose industry is ever active; whose talent is unsurpassed; men who are strongly identified with the interests of the country; who have ever been foremost in works of kindness, and whose philanthropy has been extended to the unfortunate of every clime. I claim it for those whose spirits are unbroken, and energies uncrushed amid the ruins of their desolate Rialto; I ask it for those who have carried the glory of the American name and the fruits of American labor into the most distant portions of the earth. For such men I claim it.

But a few days since, and but one feeling was in this House. The glow of sympathy was visible in every quarter. I was indulging the hope that relief would be instantaneously afforded. The whole country seemed to be alive to the consequences of the catastrophe. I cannot forego this opportunity which is here afforded me of offering my thanks to those communities which have expressed their kind feelings in behalf of New York. To their Representatives on this floor, I cannot but say, that however my constituents may want in me one who can give competent expression to the deep feeling of gratitude which they entertain for the generous sentiments sent forth from every quarter in their behalf, they may rest assured that their kindness has not been extended to those who are cold, or insensible of its value, or by whom it will soon be forgotten.

I trust, sir, that the warm feelings of sympathy expressed on every side are not dying away with the sounds which carry to the furthermost bounds of our country the report of this awful calamity. The tumultuous noise is still breaking over the land; but it is echoed back into these Halls in the shape of the resolutions calling upon the Representatives of a generous people to sustain the commercial metropolis of the Union. Confident I am it will be heard before long from beyond the Alleghany, calling upon my friends from Kentucky. Let us obey that voice, which speaks to us in tones of comfort for the distressed; which tells us to aid in the cause of our afflicted merchants, and to allow commerce once more to pursue her course. It does not become us to refuse assistance to that gallant vessel which in the hour of misfortune has been overtaken by this sudden tempest. She still appears above the wave with shattered spars, and riven by lightning, yet bearing upon her deck a noble crew, whose energies are unchecked, and hopes unbroken, amid the darkness of the storm, and struggling to preserve their bark from the yawning gulf. Must they be deserted in such an hour? Must they perish? Will you extinguish the light which has been shining here, cheering them in their struggle, towards which they have turned their anxious eyes? Let it not be said that you hesitated to extend the indulgence of the nation to the unfortunate; that Commerce had made her appeal in these Halls to the Representatives of a generous people—to those intrusted with the guardianship of her interests, and that her appeal was denied. Let it not be said that an American Congress refused to American merchants forbearance.

RELATIONS WITH FRANCE.

DOCUMENTS

ACCOMPANYING THE SPECIAL MESSAGE OF THE PRESIDENT OF THE UNITED STATES TO THE TWO HOUSES OF CONGRESS ON THE 18TH JANUARY, 1836.

[No. 1.]

Mr. Forsyth to Mr. Barton.

DEPARTMENT OF STATE,
WASHINGTON, *June* 28, 1835.

SIR: Mr. Livingston arrived here the day before yesterday. By the mail of yesterday, your letter of the 7th of May, with a copy of Mr. Livingston's last note to the Duke de Broglie, was received.

After an attentive examination of Mr. Livingston's correspondence with this Department and the Government of France, elucidated by his verbal explanations, the President has directed me to say to you that the Messrs. de Rothschild have been authorized by the Treasury Department to receive the money due under the treaty with France. Of this authority they will be directed to give notice to the French Government, without demanding payment. For yourself, you will, if the bill of indemnity is rejected, follow Mr. Livingston to the United States. If the money is placed at the disposal of the King, conditionally, by the Legislature of France, you will await further orders from the United States, but maintain a guarded silence on the subject of the indemnity. If approached by the Government of France, directly or indirectly, you will hear what is said without reply—state what has occurred in full to the Department, and await its instructions. It is the desire of the President that you will make not even a reference to the subject of the treaty in your intercourse with the French Government, until the course intended to be pursued is definitely explained to the United States. Whatever may be said to the Messrs. de Rothschild, it will be their duty to report to you, as well as to the Treasury Department, and whenever they converse with you they must be reminded, that it is expected that they will wait for express notice from the Government of France, that it is ready to pay, before an application for payment is made.

The course adopted by Mr. Livingston has been fully approved, and the hope is indulged that his representations have had their just influence on the councils of the King of France. However that may be, the President's determination is, that the terms upon which the two Governments are to stand towards each other, shall be regulated, so far as his constitutional power extends, by France.

A packet from the Treasury, addressed to the Messrs. de Rothschild, and containing the instructions of the Secretary, accompanied by a special power, appointing them the agents of the United States to receive the payments due under the treaty of 1831, is forwarded herewith. The copy of a letter from this Department to M. Pageot is also inclosed for perusal.

I am, sir, your obedient servant,

JOHN FORSYTH.

THOMAS P. BARTON, Esq., &c.

[No. 2.]

Mr. Forsyth to Mr. Barton.

DEPARTMENT OF STATE,
WASHINGTON, *September* 14, 1835.

SIR: So much time will have elapsed before this dispatch can reach you, since the passage of the law by the French Chambers placing at the disposition of the king the funds to fulfill the treaty with the United States, that it is presumed that the intention of the French Government will have been by that period disclosed. It is proper, therefore, in the opinion of the President, that you should receive your last instructions in relation to it. It has always been his intention that the Legation of the United States should leave France if the treaty were not fullfilled. You have been suffered to remain after the departure of Mr. Livingston, under the expectation that the Government of France would find in all that has occurred its obligation to proceed forthwith to the fulfillment of it as soon as funds were placed in its hands. If this expectation is disappointed, you must ask for your passports and return to the United States. If no movement has been made on the part of France, and no intimation given to you or to the banker of the United States, who is the authorized agent of the Treasury to receive the installments due, of the time that payment will be made, you are instructed to call upon the Duke de Broglie, and request to be informed what are the intentions of the Government in relation to it, stating that you do so by orders of your Government, and with a view to regulate your conduct by the information you may receive from him. In the present agitated state of France it is the particular desire of the President that your application should be made in the most conciliatory tone, and your interview with the Duke marked by expressions, as coming from your Government, of great personal respect for that Minister, and of an anxious desire for the safety of the King of France. If the Duke should inform you that the money is to be paid on any fixed day, you will remain in France; otherwise you will apply for your passports, and state the reason to be that the treaty of indemnity has not been executed by France.

The President especially directs that you should comply with these instructions so early that the result may be known here before the meeting of Congress, which takes place on the 7th of December next.

I am, sir, your obedient servant,

JOHN FORSYTH.

THOMAS P. BARTON, Esq., &c., &c., &c.

[No. 3.]

Mr. Barton to the Duke de Broglie.

D.

LEGATION OF THE UNITED STATES OF
AMERICA, PARIS, *October* 24, 1835.

MONSIEUR LE DUC: Having executed, to the letter, the last instructions of my Government, in the interview which I had the honor to have with your Excellency, on the 20th of this month, in order further to comply with those instructions,

I am about to return to the United States. Before leaving France, however, I have thought that it might not be altogether useless to address your Excellency, and submit to you the conversation which then took place between us, word for word, as I understood it. In pursuing this course, I am prompted by a double motive: first, by a sincere desire to avoid even the slightest misunderstanding as to the precise meaning of any expressions used on either part; and also with a view, in presenting myself to my Government, to furnish indisputable proof of my fidelity in executing the instructions with which I had the honor to be charged. This last motive, Monsieur le Duc, does not interest you personally, but the first, I am sure, will not appear without importance in your eyes.

Having said that I was instructed to employ both language and manner the most conciliatory, I begged you to believe, should anything appear to you not to partake of that character, that the fault must be attributed *to me alone*, and not to my Government; as in that case I should be certain that I neither represented its dispositions, nor faithfully obeyed its orders.

I began the conversation by informing you that I had requested an interview, by order of my Government, and that on the result of that interview would depend my future movements. I said that I was ordered to convey to the French Government assurances of the very lively satisfaction felt by the President, on receiving the news and confirmation of the King's safety; and that I was further instructed by the Secretary of State to assure you, personally, of his high consideration. After an obliging answer of your Excellency, I had the honor to submit the following question:

"I am instructed by my Government to inquire of your Excellency, what are the intentions of his Majesty's Government in relation to the funds voted by the Chambers?"

And I understood you to make the following answer:

"Having written a dispatch to his Majesty's Chargé d'Affaires at Washington, with instructions to communicate it to Mr. Forsyth, and M. Pageot having read it to Mr. Forsyth, I have nothing to say in addition to that dispatch."

I said, "I am also instructed to inquire of your Excellency, whether his Majesty's Government is ready to pay those funds?"

And you returned this answer: "Yes, in the terms of the dispatch."

I added, "I am instructed to ask another question. Will his Majesty's Government name any fixed determined period, when they will be disposed to pay those funds?"

To this question the following was your Excellency's answer, as I understood it:

"To-morrow, if necessary. When the Government of the United States shall, by a written official communication, have expressed its regret at the misunderstanding which has taken place between the two Governments, assuring us that this misunderstanding was founded on an error—that it did not intend to call in question the good faith of his Majesty's Government—the funds are there; we are ready to pay. In the dispatch to M. Pageot we gave the views of our Government on this question. Mr. Forsyth not having thought proper to accept a copy of that dispatch, and having said that the Government of the United States could not receive a communication in such a form, I have nothing to add—I am forced to retrench myself behind that dispatch. If the Government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error, and the business will stop there."

To your Excellency's offer to communicate to me the dispatch to M. Pageot, I replied, that as my instructions had no reference to that question, I did not think myself authorized to discuss it.

After some minutes I rose and said: "In a short time I shall have the honor of writing to your Excellency."

You answered, "I shall at all times receive with pleasure any communication addressed to me on the part of the Government of the United States;" and our conversation ended.

Such, Monsieur le Duc, as far as my memory serves me, are the literal expressions employed by both of us. Should you discover any inaccuracies in the relation which I have the honor to submit to you, it will give me pleasure, as it will be my duty, to correct them. If, on the contrary, this relation should appear to you in every respect conformable to the truth, I take the liberty of claiming from your kindness a confirmation of it, for the reasons which I have already, I believe, sufficiently explained.

I eagerly avail myself of this occasion, Monsieur le Duc, to renew the assurances of the very high consideration with which I have the honor to be your Excellency's most obedient humble servant,

THOMAS P. BARTON.

His Excellency the DUC DE BROGLIE,
Minister of Foreign Affairs, &c.

[No. 4.]

The Duke de Broglie to Mr. Barton.

[E.] PARIS, *October* 26, 1835.

SIR: I have received the letter which you did me the honor to address to me on the 24th of this month.

You are desirous to give your Government a faithful account of the conversation which you had with me on the 20th. While communicating to me a statement of that conversation, you request me to indicate the involuntary errors which I may remark in it. I appreciate the motives which influence you, and the importance which you attach to the exactness of this statement; and I therefore hasten to point out three errors which have found their way into your report, acknowledging, at the same time, its perfect conformity, on all other points, with the explanations interchanged between us.

In reply to your question, *whether the King's Government would name any fixed and determinate period at which it would be disposed to pay the twenty-five millions*, you make me say: "To-morrow, if necessary; when the Government of the United States shall, by a written official communication, have expressed its regret at the misunderstanding which has taken place between the two Governments, assuring us that the misunderstanding is founded on an error—that it did not intend to call in question the good faith of his Majesty's Government," &c.

Now, this is what I really said: "To-morrow, to-day, immediately, if the Government of the United States is ready on its part to declare to us, by addressing its claim (*réclamation*) to us officially, in writing, that it regrets the misunderstanding which has arisen between the two countries; that this misunderstanding is founded upon a mistake, and that it never entered into its intention (*pensée*) to call into question the good faith of the French Government, nor to take a menacing attitude towards France."

By the terms of your report I am made to have continued thus: "In the dispatch to M. Pageot we gave the views of our Government on this question. Mr. Forsyth not having thought proper to accept a copy of that dispatch, and having said that the Government of the United States could not receive the communication in that form," &c. That was not what I said, because such was not the language of Mr. Forsyth to M. Pageot. On refusing the copy offered to him by that Chargé d'Affaires, Mr. Forsyth gave, as the only reason, *that it was a document of which he could make no use;* and that was the phrase repeated by me.

Mr. Forsyth made no objection to the form which I had adopted to communicate to the Federal Government the views of the King's Government; in fact, not only is there nothing unusual in that form; not only is it employed in the intercourse between one Government and another, whenever there is a desire to avoid the irritation which might involuntarily arise from an exchange of contradictory notes in a direct controversy, but reflection on the circumstances and the respective positions of the two countries will clearly show that it was chosen precisely in a spirit of conciliation and regard for the Federal Government.

Finally, sir, after having said, "If the Government of the United States does not give this assurance, we shall be obliged to think that this misunderstanding is not the result of an error," I did not add, "and the business will stop there." This last error is, however, of so little importance, that I hesitated to notice it.

Receive, sir, the assurances of my high consideration. V. BROGLIE.

To T. P. BARTON,
Chargé d'Affaires of the United States.

[No. 5.]

Mr. Barton to the Duke De Broglie.

F.

LEGATION OF THE UNITED STATES OF AMERICA,
PARIS, *November* 6, 1835.

MONSIEUR LE DUC: Having been recalled by my Government, I have the honor to request that your Excellency will be pleased to cause passports to be prepared to enable me to proceed to Havre, thence to embark for the United States, and for my protection during the time I may find it necessary to remain in Paris. I am instructed to give, as a reason for my departure, the non-execution, on the part of his Majesty's Government, of the convention of July 4, 1831.

I avail myself of this opportunity, Monsieur le Duc, to renew the assurances of very high consideration with which I have the honor to be your Excellency's most obedient, humble servant,

THOMAS P. BARTON.

His Excellency the DUKE DE BROGLIE,
Minister of Foreign Affairs, &c.

[No. 6.]

The Duke de Broglie to Mr. Barton.

PARIS, *November* 8, 1835.

SIR: Having taken his Majesty's orders with regard to your communication of the 6th instant, I have the honor to send you herewith the passports which you requested of me. As to the reasons which you have been charged to advance, in explanation of your departure, I have nothing to say, (*Je n'ai point a m'y arrêter.*) The Government of the United States, sir, knows, that upon itself depends henceforward the execution of the treaty of July 4, 1831.

Accept, sir, the assurance of my high consideration. V. BROGLIE.

To Mr. BARTON,
Chargé d'Affaires of the United States of America.

[No. 7.]

Mr. Forsyth to Mr. Pageot.

DEPARTMENT OF STATE,
WASHINGTON, *June* 29, 1835.

SIR: I have the honor to acquaint you, for the information of your Government, that the Secretary of the Treasury has, in conformity with the provisions of the act of Congress of the 13th of July, 1832, designated the Messrs. Rothschild Brothers, of Paris, as agents to receive the payments from time to time due to this Government, under the stipulations of the convention of the 4th of July, 1831, between the United States and his Majesty, the King of the French; and that the President has granted a special power to the said Messrs. de Rothschild Brothers, authorizing and empowering them, upon the due receipt of the same, to give the necessary acquittances to the French Government, according to the provisions of the convention referred to.

The power given to the Messrs. de Rothschild will be presented by them whenever the French Government is ready to make the payments.

I have the honor to be, sir, your obedient servant, JOHN FORSYTH.

M. PAGEOT, *Chargé d'Affaires, &c.*

[No. 8.]

Mr. Pageot to Mr. Forsyth.

WASHINGTON, *June* 29, 1835.

SIR: I have received the letter which you did me the honor to address to me this day, and by which you communicate to me, for the information of my Government, that the Secretary of the Treasury, in virtue of the act of Congress of July 13, 1832, has appointed Messrs. de Rothschild

Brothers, at Paris, agents for receiving, as they become due, the several payments of the sum stipulated as indemnification by the convention concluded on the 4th of July, 1831, between his Majesty the King of the French and the United States of America.

I lost no time, sir, in transmitting this communication to my Government, and I embrace this opportunity to offer you the assurance of the high consideration with which I have the honor to be, your most humble and obedient servant,

A. PAGEOT.

To the Hon. Mr. FORSYTH,
Secretary of State.

[No. 9.]

Mr. Pageot to Mr. Forsyth.

WASHINGTON, *December* 1, 1835.

SIR: On the 11th of September last, I had the honor, as I was authorized, to read to you a dispatch, which his Excellency the Minister of Foreign Affairs had addressed to me on the 17th of June previous, respecting the state of the relations between France and the United States. The object of this communication was to make known to the Cabinet at Washington, in a form often employed, the point of view from which the King's Government regarded the difficulties between the two countries, and to indicate the means by which, in its opinion, they might be terminated in a manner honorable to both Governments. I was also authorized to allow you, in case you should desire it, to take a copy of this dispatch; but, contrary to the expectation which diplomatic usage in such cases permitted me to entertain, you thought proper to refuse to request it.

I regretted this resolution of yours, sir, at the time, because, in the first place, it appeared to be at variance with (*s'écarter de*) that conciliatory spirit which so particularly characterized the communication just made to you; and next, as it seemed in a manner to deprive the Cabinet of Washington of the means of knowing, in their full extent, the views of the King's Government, of which an attentive examination of the Duke de Broglie's letter could alone have enabled it to form a just estimate. These regrets, sir, have not been diminished; and at the moment when the President is about to communicate to Congress the state of the relations between France and the United States, I consider it useful and necessary for the interests of all, to endeavor to place him in possession of all the facts which may afford him the means of giving an exact account of the real dispositions and views of the King's Government on the subject of the existing difficulties.

With this intention, and from a desire to neglect nothing which, by offering to the American Government another opportunity of making itself acquainted minutely with the highly conciliatory sentiments of his Majesty's Government, may contribute to restore good understanding between the Cabinets of Paris and Washington, I have the honor to transmit to you a copy of the Duke de Broglie's dispatch, and to request you to place it under the eye of the President.

I embrace this opportunity, sir, to renew you the assurance of the high consideration with which I have the honor to be your most humble and most obedient servant, A. PAGEOT.

To the Hon. JOHN FORSYTH,
Secretary of State of the United States.

[No. 10.]

Mr. Forsyth to Mr. Pageot.

DEPARTMENT OF STATE,
WASHINGTON, *December* 3, 1835.

SIR: I had yesterday the honor to receive your note of the 1st instant, with the accompanying paper, purporting to be a copy of a letter addressed, under date of the 17th of June last, by his Excellency the Duke de Broglie, Minister of Foreign Affairs of France, to yourself. After referring to what occurred in our interview of the 11th of September, in regard to the original letter, and expressing your regrets at the course I then felt it my duty to take, you request me to place the copy inclosed in your letter, under the eye of the President.

In allowing you, during that interview, to read to me the Duke de Broglie's dispatch, which I cheerfully did, you were enabled to avail yourself of that informal mode of apprising this Department of the views of your Government, in the full extent authorized by diplomatic usage. The question, whether or not I should ask a copy of that dispatch, was, of course, left, as it should have been, by your Government, exclusively to my discretion. My reasons for not making that request were frankly stated to you, founded on a conviction that, in the existing state of the relations between the two countries, the President would think it most proper, that every communication upon the subject in difference between them, designed to influence his conduct, should, before it was submitted to his consideration, be made to assume the official form belonging to a direct communication from one Government to another, by which alone he could be enabled to cause a suitable reply to be given to it, and to submit it, should such a step become necessary, to his associates in the Government. I also had the honor, at the same time, to assure you, that any direct communication from yourself, as the representative of the King's Government, to me, embracing the contents of this despatch, or any other matter you might be authorized to communicate, in the accustomed mode, would be laid without delay before the President, and would, undoubtedly, receive from him an early and just consideration.

It cannot have escaped your reflections, that my duty required that the circumstances of the interview between us should be reported to the President, and that the discovery of any error, on my part, in representing his views of the course proper to be pursued on that occasion, would, without fail, have been promptly communicated to you. That duty was performed: the substance of our interview, and the reasons by which my course in it has been guided, were immediately communicated to, and entirely approved by him. I could not, therefore, have anticipated, that after so long a period had elapsed, and without any change in the condition of affairs, you should have regarded it as useful or proper to revive the subject, at the time and in the form you have seen fit to adopt. Cordially reciprocating, however, the conciliatory sentiments expressed in your note, and in deference to your request, I have again consulted the President on the subject, and am instructed to inform you, that the opinion expressed by me, in the interview between us, and subsequently confirmed by him, remains unchanged; and I therefore respectfully restore to you the Duke de Broglie's letter, as I cannot make the use of it you desired.

I am also instructed to say, that the President entertains a decided conviction, that a departure, in the present case, from the ordinary and accustomed method of international communication, is calculated to increase, rather than to diminish, the difficulties unhappily existing between France and the United States; and that its observance, in their future intercourse, will be most likely to bring about the amicable adjustment of these difficulties, on terms honorable to both parties. Such a result is sincerely desired by him, and he will omit nothing, consistent with the faithful discharge of his duties to the United States, by which it may be promoted. In this spirit I am directed by him to repeat to you the assurance made in our interview, in September last, that any official communication you may think proper to address to this Government, will promptly receive such consideration as may be due to its contents, and the interests involved in the subject to which it may refer.

As the inclosed paper is not considered the subject of reply, you will allow me to add, for the purpose of preventing any misconception in this respect, that my silence in regard to its contents is not to be construed as admitting the accuracy of any of the statements or reasonings contained in it.

I have the honor to renew, &c. &c.,

JOHN FORSYTH.

[No. 11.]

Mr. Pageot to Mr. Forsyth.

WASHINGTON, *December* 5, 1835.

SIR: I yesterday evening received the letter which you did me the honor to write to me on the 3d of this month; with it, you return to me the copy of a dispatch which I had transmitted to you two days before, and the original of which was addressed to me on the 17th of June last, by his Excellency the Minister of Foreign Affairs. I will not seek, sir, to disguise from you the astonishment produced in me, by the return of a document so very important in the present state of the relations between the two countries; neither will I undertake to reply to the reasons on which this determination of yours is based. My intention in communicating this document to you in a form not only sanctioned by the diplomatic usages of all nations and all ages, but also the most direct which I could possibly have chosen, was to make known the real dispositions of my Government to the President of the United States, and through him to Congress and the American people; conceiving that, in the existing situation of the two countries, it was essential that each Government should fully comprehend the intentions of the other; this consideration appeared to me paramount to all others. You have judged otherwise, sir; and you have thought, that whatever might be the importance of a communication, it was proper, before receiving it, to examine whether the form in which it came to you, were strictly accordant with the usages necessary, in your opinion, to be observed in diplomatic transactions with the Government of the Republic. I will not insist further: I have fulfilled all the duties which appeared to be prescribed for me, by the spirit of reconciliation, in conjunction with the respect due by me to all communications from my Government; and nothing more remains for me, than to express my deep regret that the misunderstanding between the two Governments, already so serious, should be kept up, not by weighty difficulties, which involve the interests and the dignity of the two countries, but by questions of form, as uncertain in theri principles as doubtful in their application.

I have the honor to renew to you, sir, the assurances of my high consideration.

A. PAGEOT.

To the Hon. JOHN FORSYTH,
Secretary of State.

[No. 12.]

Mr. Pageot to Mr. Forsyth.

WASHINGTON, *January* 2, 1836.

SIR: I have the honor to announce to you that, in consequence of the recall of Mr. Barton, the King's Government has given me orders to lay down the character of chargé d'affaires of his Majesty near the Government of the United States. I shall, therefore, immediately begin the preparations for my return to France; but, in the mean time, I think proper to claim the protection of the Federal Government during the period which I may consider it necessary to remain in the United States.

I have the honor to be, with the most distinguished consideration, sir, your most humble and obedient servant, A. PAGEOT.

To the Hon. JOHN FORSYTH,
Secretary of State of the United States.

Mr. Forsyth to Mr. Pageot.

DEPARTMENT OF STATE,
WASHINGTON, *January* 2, 1836.

SIR: I have the honor to acknowledge your note of this day's date, in which you announce that you have the orders of your Government, given in consequence of the recall of Mr. Barton, to lay aside the character of the chargé d'affairs of the King of France near the Government of the United States. The protection of the Federal Government is due, and will, of course, be extended to you, during the time necessary for your preparations to return to France.

I am, sir, with great consideration, your obedient servant, JOHN FORSYTH.

M. ALPHONSE PAGEOT.

The following letter was referred to in my message of the 7th of December last, and ought to have been then transmitted with that of the 25th of April, but by some oversight it was omitted

A. J.

LEGATION OF THE UNITED STATES,
PARIS, *January* 29, 1835.

SIR: Having already had occasion to acknowledge the receipt of your Excellency's letter of the 13th instant, and to answer that part of it which most urgently required my attention, I proceed to a consideration of the other matters which it contains. I shall do this with a sincere desire to avoid everything that may excite irritation, or increase difficulties which already unfortunately exist. Guided by this disposition, I shall confine myself to an examination of your note, considered only as an exposition of the causes which his Majesty's Government thinks it has to complain of in the message sent by the President of the United States to Congress, at the opening of its present session.

Your Excellency begins by observing, that nothing could have prepared his Majesty's Government for the impressions made upon it by the President's Message, and that if the complaints he makes were as just, as you think them unfounded, still you would have reason to be astonished at receiving *the first communication of them in such a form*. If his Majesty s Government was not prepared to receive complaints on the part of the United States for non-execution of the treaty, everything I have said and written, since I have had the honor of communicating with your Excellency, and your predecessors in office, must have been misunderstood or forgotten. I can scarcely suppose the first; for if my whole correspondence is referred to, and my verbal representations recollected, they will be found, in the most unequivocal language, to express an extreme solicitude for the execution of the treaty, a deep disappointment at the several delays which have intervened, and, emphatically, the necessity which the President would be under of laying the matter before Congress at the time, when, in fact, he has done so, if before that period he did not receive notice that the law had passed for giving effect to the treaty. To urge the obligation of the treaty, to prepare his Majesty's Government for the serious consequences that must result from its breach, or an unnecessary delay in executing it, was my duty, and it has been faithfully and unremittingly executed. To my own official representation on the 26th, I added, on the 29th July last, the precise instructions I had received, to inform his Majesty's Government that "the President 'could not avoid laying before Congress, on the '1st of December, a full statement of the posi-'tion of affairs on this interesting subject; or 'permit the session to end, as it must do on the '3d of March, without recommending such meas-'ures as the justice and the honor of the country 'may require."

In this alone, then, there was sufficient (independently of my numerous applications and remonstrances) to prepare his Majesty's Government for the just complaints of the United States, and for the "impression" they ought to produce, as well as for the "*mode*" in which they were communicated—a mode clearly pointed out in the passage I have quoted from my note of the 29th of July; that is to say, by the annual message from the President to Congress; which, as I have already had occasion to observe, his Majesty's Ministers have erroneously considered as addressed directly to them, and, viewing it in that light, have arraigned this document as containing groundless complaints, couched in language not called for by the occasion, and offering for consideration means of redress offensive to the dignity of France. I shall endeavor, by a plain exposition of facts, to repel those charges. I shall examine them with the freedom the occasion requires; but, suppressing the feelings which some parts of your Excellency's letter naturally excite, will, as far as possible, avoid all those topics for recrimination which press upon my mind. The observation I am about to make will not be deemed a departure from this rule, because it is intended to convey information which seems to have been wanted by his Majesty's Minister, when, on a late occasion, he presented a law to the Chamber of Deputies. It is proper, therefore, to state that, although the military title of General was gloriously acquired by the present head of the American Government, he is not, in official language, designated as *General Jackson*, but as "the President of the United States," and that his communication was made in that character.

I proceed now to the examination of that portion of your Excellency's letter which attempts to show that the complaints set forth in the President's message are groundless.

It begins, by assuming, as a principle of argument, that, after the Chamber of Deputies had rejected the law, and his Majesty's Government had promised to present it anew, the United States had, by receiving that promise, given up all right to complain of any anterior delays. I have vainly endeavored, sir, to find any rule of reasoning by which this argument can be supported. It would undoubtedly be much easier to strike off from the case the delays of two years in proposing the law, than to justify them.

It is true that the United States, with a moderation and forbearance for which they receive no credit, waited two years, almost without complaint, for the performance of a treaty which engaged the faith of the French nation to pay a just indemnity, for which they had already waited more than twenty years. It is true that his Majesty's Government offered solemn assurances, that, as soon as the constitution of the country would permit, a new attempt would be made to redeem the national pledge given by the treaty. It is true, also, that the President of the United States gave credit to those assurances; but it is also true—and your Excellency seems to lose sight of that important uncontested fact—that formal notice was given that the performance of those promises would be expected, according to their letter; and that he could delay no longer than the 1st of December the execution of a duty which those assurances had induced him to postpone. Whatever reasons his Majesty's Government had for not complying with Mr. Serurier's engagement, or however they may have interpreted it, the President could not be precluded from considering the whole case as open, and adding to his statement the wrongs occasioned by the delays anterior to the vote of rejection. Those delays are still unaccounted for, and are rendered more questionable by the preference given to another treaty, although subsequently made, for the guarantee of the Greek loan.

Confining your observations to this second period, you say that the reproaches which the President thinks himself authorized in making to France, may be comprised in the following words: "The Government of the King had promised to present the treaty of July anew to the 'Chambers as soon as they could be assembled. 'But they have been assembled on the 31st of July, 'of the last year, and the treaty has not yet been 'presented." Stating this, as the whole of the complaint, you proceed, sir, in your endeavor to refute it.

I am obliged, reluctantly, here to make use of arguments, which, in the course of this discussion, have been often repeated, but which seem to have made no impression on his Majesty's Government. I am obliged, in repelling the reproaches addressed to the President, to bring to your recollection the terms of the promise on which he relied, the circumstances attending it, and the object for which it was given. These must be fully understood, and fully weighed, before the question between us can be resolved.

The circumstances under which Mr. Serurier's note was written, are material in considering its true import. The payment stipulated by a treaty duly ratified on both sides, had just been formally refused by a vote of the Chamber of Deputies. More than two years had passed since it had been proclaimed as the law of the land, in the United States; and ever since, the articles favorable to France had been in constant operation. Notice of this refusal had some before been received by the President. It would have been his duty, had nothing else occurred, to communicate to Congress this event, so unexpected and so injurious to the interest of the country. One circumstance prevented the performance of this duty, and justified the omission; the notice of the rejection was accompanied by information, that the Minister of France was instructed to make explanations and engagements on the subject; and that a ship of war would be dispatched with his instructions. The President has waited a month for the arrival of this ship. An unusually long session of Congress still afforded an opportunity for making the communication, even after her arrival. If made, it would undoubtedly have produced consequences, the nature of which may be imagined by considering the events that have since occurred. It was necessary, then, to prevent an interruption of the friendly relations between the two countries, that this communication should be postponed until the subsequent session of Congress; longer than that, it was well known that it could not be deferred. This was clearly and explicitly stated in a conference between Mr. Serurier and the Secretary of State of the United States, in which the former gave the promise in question. But the President desired to have the engagement in a written and official form, (and as Mr. Serurier expresses it in his letter,) "*pour des causes prises dans les necessités de votre Gouvernement.*" What governmental necessity does he allude to? Clearly that which obliged the President to communicate these engagements to Congress at the next session.

Here, then, we have a stipulation made under special orders sent out by a ship dispatched for that express purpose, communicated first verbally, in an official conference, afterwards reduced to writing, and delivered to the proper officers, for the double purpose of justifying the President for not making an immediate communication at their then session, and also to serve as a pledge which he might exhibit, if unredeemed, at their next. These objects are well stated by Mr. Serurier to be, "that the Government of the Repub-'lic may avoid, with a providential solicitude, *in 'this unsettled state of things*, all that may become 'a cause of new irritation between the two coun-'tries, endanger the treaty, and raise obstacles 'that may become insurmountable to the views 'of conciliation and harmony which animated the 'councils of the King." It was, then, to avoid a communication to Congress, which Mr. Serurier saw would endanger the peace of the two countries, that this engagement was made. Surely, then, every word of a stipulation made under such circumstances, and for such important purposes, must have been duly considered, and its import properly weighed, first by the Cabinet who directed, afterwards by the Minister who delivered, and the Government which received it.

What, then, was this engagement? First, that the Government of the King will use every legal and constitutional effort which its persevering persuasion of the justice and advantages of the treaty authorize the United States to expect from it.

"Son intention est, [I quote literally] *en outre*, '[that is, besides using those endeavors above 'mentioned,] de faire tout ce que *notre constitution 'permet* pour rapproacher autant que possible, 'l'epoque de la presentation nouvelle de la loi 'rejettée."

Your Excellency cannot fail to have observed two distinct parts in this engagement; one relating to the endeavors the Ministry promise to make in order to induce the Chambers to pass the law, for the success of which they could not answer; another relating to the time of presentation of the law, a matter which depended on them alone, restricted only by constitutional forms. The promise on this point, then, was precise, and could not be misunderstood. Whatever the *constitution of France permitted*, the Government of France promised to do, in order to hasten the presentation of the law. What was the cause of this desire to bring the business before the Chambers at an early day? No one can doubt it who knows the situation of the two countries, still less any one who has read the correspondence. It was to enable the President to make those statements to the next Congress, which, relying on the engagements of the French Minister, he had omitted to make to this.

It was clear, therefore, that more was required than the expression of a desire on the part of his Majesty's Ministers to execute the treaty—a desire, the sincerity of which was not doubted, but which might be unavailing, as its accomplishment depended on the vote of the Chambers. For the President's satisfaction, and for his justification,

too, an engagement was offered and accepted for the performance of an act which depended on his Majesty's Government alone. This engagement was couched in the unequivocal terms I have literally quoted.

This, sir, is not all: that there might be no misunderstanding on the subject, this promise, with the sense in which it was understood, the important object for which it was given, and the serious consequences that might attend a failure to comply with it, were urged in conversation, and repeated in my official letters, particularly those of the 26th and 29th of July, and the 3d and 9th of August last, in which its performance was strongly pressed.

The answers to these letters left no hope that the question would be submitted to the Chambers in time to have the result known before the adjournment of Congress, and by the refusal to hasten the convocation of the Chambers before the last of December, showed, unequivocally, that so far from taking all measures permitted by the constitution, to *hasten* the period of presenting the law, it was to be left to the most remote period of the ordinary course of legislation.

This decision of his Majesty's Government, contained in your Excellency's note to me of the 7th August, was duly transmitted to the President; and it naturally produced upon his mind the impressions which I anticipated in my letters to your Excellency that it would produce.

He saw, with the deepest regret, that a positive assurance for convening the Chambers as soon as the constitution would permit, was construed to mean only a disposition to do so, and that this disposition had yielded to objections which he could not think of sufficient force to justify a delay, even if there had intervened no promise; especially as the serious consequences of that delay had been earnestly and repeatedly brought to the consideration of his Majesty's Government. In fact, sir, what were those objections? I do not speak of those which were made to presenting the law in the session of July last: for, although no constitutional impediment offered itself, yet it was not strongly insisted on, because an early session in the autumn would have the same effect, and the President, for the same reason, says that it might have been overlooked if an early call of the Chambers had been made. They are the objections to this call, then, which immediately demand our attention. What, in fact, were they? None derived from the constitutional charter have been, or could have been, asserted. What, then, were they? Your Excellency's letter of the 3d of August, to me, contains none but this: "his Majesty's Government 'finds it impossible to make any positive engage-'ment on that point." In that of the 7th of August, there are two reasons assigned; First, the general inconvenience to the members. This the President could surely not think of alleging to Congress as a sufficient reason for omitting to lay the matter before them. The next, I confess, has a little more weight, and might have excused a delay, if the assurance given by Mr. Serurier had been, as your Excellency construes it, merely of a *disposition* to hasten the presentation of the law. If the engagement had amounted to no more than this, and his Majesty's Ministers thought that an early call would endanger the passage of the law, it might possibly justify *them* in not making it. But the President, who relied on the promise he had received; who, in consequence of it, had deferred the performance of an important duty—the President, who had given timely and official notice that this duty must be performed at the opening of the next Congress—the President, who could see no greater prospect of the passage of the law in a winter than in an autumnal session, how was *he* to justify himself, and redeem the pledge *he* had made to his country? He did it in the way he always does—by a strict performance.

From this detail, your Excellency will, I hope, see that the President's causes of complaint cannot, as you suppose, be confined within the narrow limit you have assigned to them.

The failure to present the law in the session of July, was not the only, nor even the principal point, in which he thought the engagement of Mr. Serurier uncomplied with; for although he saw no reason for the omission that could be called a constitutional one, yet he expressly says that might have been overlooked. He always (it cannot be too often repeated) looked to the promise of Mr. Serurier, as it was given at Washington, not as it was interpreted at Paris; and he had a right to believe that, as on previous occasions, the Legislature had in the years 1819, 1822, 1825, and 1830, held their sessions for the transaction of the ordinary business in the months of July and August; he had a right, I say, to believe that there was no insurmountable objection to the consideration of this extraordinary case, enforced by a positive promise. Yet, as I have remarked, he did not make this his principal cause of complaint: it was the omission to call the Chambers at an earlier period than the very end of the year.

On this head your Excellency is pleased to observe that the same reasons drawn from the usual course of administration, which rendered the presentation of the law in the session of July impossible, applied with nearly the same force to a call before the end of the year; and you appeal to the President's knowledge of the "fixed principles of a constitutional system," to prove that the administration, under such a Government, is subject to regular and permanent forms, "from which no special interest, however important, should induce it to deviate." For this branch of the argument, it unfortunately happens that no regular form of administration, no fixed principle, no usage whatever, would have opposed a call of the Chambers at an early day; and the rule which your Excellency states would not be broken "in favor of any interest, however important," has actually been made to yield to one of domestic occurrence. *The Chambers have just been convened before the period which was declared to be the soonest at which they could possibly meet.* Your Excellency will also excuse me for remarking, that since the first institution of the Chambers in 1814, there have been convocations for every month of the year, without exception, which I will take the liberty of bringing to your recollection, by enumerating the different dates. The Chambers were summoned for the month of January in the years 1823, 1826, 1829; for February, in the years 1827 and 1829; for March, in 1815, 1824, and 1830; for April, in 1833; for May, in 1814; for June, in 1815, 1822, and 1825; for July, in 1834; for August, in 1830 and 1831; for September, in 1815; for October, in 1816; for November, in 1817, 1818, 1819, 1821, and 1832; and for December, in 1820, 1824, 1826, and 1833. It is then clear, to demonstration, that neither constitutional impediment, nor stern, inflexible usage, prevented such a call of the Chambers as would have complied with the letter of Mr. Serurier's engagement. Since I have alluded to the actual meeting of the Chambers on the first of December, it is but candid to allow, that even this period would not have enabled the President to have attained one of his objects, the presenting of the result of their deliberations to Congress in his opening message; but even that slight concession, if it had been made to my unceasing applications, might have given an opportunity of conveying their decisions to Congress before the 4th of March, when they must adjourn; because, had that day been then determined on, every thing would have been ready to lay before the Chambers on the opening of the session, but a meeting a month or six weeks earlier would have given ample time for deliberation and decision in season to have it known at Washington on the first of December.

The necessity of giving time to the new members to inform themselves of the nature of the questions, and the old ones to recover from the impression which erroneous statements had made upon their minds, I understand to be the remaining motive of his Majesty's Ministers for delaying the meeting. But this was a precaution which, relying on the plain obligation of the treaty, the President could not appreciate; and he must, moreover, have thought that if a long discussion was necessary to understand the merits of the question, it was an additional reason for hastening the meeting where those merits were to be discussed. The delay that occurred between the meeting of the Chambers and the first of January, need not have entered into the discussion, because, not long known at Washington, it could not have had any influence on the message. It is referred to, I presume, in order to show that it was produced by a desire on the part of his Majesty's Ministers, the better to assure the passage of the law. Of this, sir, I never had a doubt, and immediately so advised my Government, and informed it, as was the fact, that I perfectly acquiesced in the delay, first, because of the circumstance to which you allude; secondly, because the statements, originally intended to be ready by the first of January, were not yet prepared. There is a slight error in this part of your Excellency's letter; the delay was not made at my request, but was fully approved of, for the reasons which I have stated.

I have entered into this detail, sir, not for the purpose of recrimination, which, in most cases useless, would in this be worse, but with the object, as was my duty, of showing that, although the ministers of the King, under the interpretation they seem to have given to Mr. Serurier's promise, may have considered themselves at liberty to defer the presentation of the law until the period which they thought would best secure its success, yet the President, interpreting that promise differently, feeling that in consequence of it he had forborne to do what might be strictly called a duty, and seeing that its performance had not taken place, could not avoid stating the whole case clearly and distinctly to Congress, and detailing to them all the remedies which the law of nations would allow to be applied to the case, leaving to them the choice, leaving to their wisdom and prudence the option of the alternative of further delay or conditional action. Could he have said less in this branch of his message? If he had alluded to the subject at all, he was obliged to detail the circumstances of the case: it is not pretended that this is not done with fidelity as to facts. The ratification of the treaty, its effect in pledging the faith of the nation, the fidelity with which the United States have executed it, the delay that intervened before it was brought before the Chambers, their rejection of the law, the assurances made by Mr. Serurier, the forbearance of the President to make a communication to Congress in consequence of those assurances, and the adjournment of the question by his Majesty's Government to the end of the year—none of these have ever been denied, and all this the President was obliged to bring before Congress, if, as I have said, he spoke on the subject. But he was obliged by a solemn duty to speak it, and he had given timely and repeated notice of this obligation. The propositions which he submitted to Congress, in consequence of those facts, were a part of his duty: they were, as I have stated, exclusively addressed to that body, and in offering them, he felt and expressed a proper regret, and doing justice to the character and high feeling of the French nation, he explicitly disavowed any intention of influencing it by a menace.

I have no mission, sir, to offer any modification of the President's communication to Congress, and I beg that what I have said may be considered with the reserve, that I do not acknowledge any right to demand, or any obligation to give, explanations of a document of that nature. But the relations which previously existed between the two countries, a desire that no unnecessary misunderstanding should interrupt them, and the tenor of your Excellency's letter, (evidently written under excited feelings,) all convinced me that it was not incompatible with self-respect and the dignity of my country, to enter into the detail I have done. The same reasons induced me to add, that the idea, erroneously entertained, that an injurious menace is contained in the message, has prevented your Excellency from giving a proper attention to its language. A cooler examination will show that, although the President was obliged, as I have demonstrated, to state to Congress the engagements which had been made, and that, in his opinion, they had not been complied with, yet, in a communication not addressed to his Majesty's Government, not a disrespectful term is employed, nor a phrase, that his own sense of propriety, as well as the regard which one nation owes to another, would induce him to disavow. On the

contrary, expressions of sincere regret that circumstances obliged him to complain of acts that disturbed the harmony he wished to preserve with a nation and Government, to the high characters of which he did ample justice.

An honorable susceptibility to everything that may in the remotest degree affect the honor of the country, is a national sentiment in France; but you will allow, sir, that it is carried too far when it becomes impatient of just complaint; when it will allow none of its acts to be arraigned, and considers, as an offense, a simple and correct examination of injuries received, and as an insult, a deliberation on the means of redress. If it is forbidden, under the penalties of giving just cause of offense, for the different branches of a foreign Government to consult together on the nature of wrongs it has received, and review the several remedies which the law of nations present and circumstances justify, then no such consultation can take place in a Government like that of the United States, where all the proceedings are public, without at once incurring the risk of war, which it would be the very object of that consultation to avoid.

The measures announced in the close of your letter, as well as the correspondence that it has occasioned between us, have been transmitted to my Government, and I wait the instructions which that communication will produce.

I pray your Excellency to receive the renewed assurance of the high consideration with which I have the honor to be, your most obedient humble servant, EDWARD LIVINGSTON.

His Excellency COUNT DE RIGNY,
Minister, Secretary of State of Foreign Affairs.

DISTRICT BANKS.

REMARKS OF MR. HUNTSMAN,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

On the bill to extend the Charters of the Banks in the District of Columbia, until the 1st of October next.

Mr. HUNTSMAN said:

Mr. SPEAKER: As one of the committee appointed to investigate the situation and condition of these Banks, I feel it to be my duty to submit a few remarks for the consideration of the House, in reply to the gentlemen from Indiana, New Jersey, and Rhode Island. It seems to be insisted by the two former, that the House committed a great error in referring this subject to a special committee, and that if it had been submitted to the Committee for the District of Columbia, the investigations necessary would have been at least half through by this time. There is a great deal of sensibility manifested by the Committee for the District of Columbia upon the subject. It would seem, from their continued complaints, that they suppose the House has robbed them of a portion of their rights.

I am willing, sir, to admit, that the Committee for the District of Columbia possesses more ability, and can transact this business in a style exquisitely genteel, systematic, nice and scientific, more so than any committee in the House, or than ever was in it. But, notwithstanding all this, upon a full, thorough, and ample discussion, it has not been the pleasure of this House to assign this duty to them. It has thought, for reasons satisfactory to the House, that a select committee should be charged with this investigation. If those gentlemen are dissatisfied with the decision of the House, I know of no way to reverse it, unless they will take an appeal or writ of error, and then I know of no revising power, which can take jurisdiction of it, unless the appeal, or writ of error, is taken to the *gallery*.

The gentleman from Rhode Island, [Mr. PEARCE,] says that he had a conversation with the president, or perhaps some of the directory of one of these banks, and that he has the books, papers, and documents all ready, and that an examination can be made at their houses.

I entertain no doubt, Mr. Speaker, that it is by these three hours' examination of banks that has enabled many of them to commit the deepest frauds, and to fatten upon the substance of the laboring classes of society, and then, in a proper time and prudent manner, break very genteelly. There are two characters of breaking in this country—one is to break very poor, and the other very rich; and a three hours' examination of any bank will enable it to choose between the two modes.

In fact, sir, I consider it no examination at all. It is not within the compass of human possibility, it is not within man's power, (the Committee for the District of Columbia always excepted,) to make any examination into the situation and condition of a bank, and the manner and correctness with which it has been conducted, where has been transacted a large business for the last fifteen or twenty years, and digest the information in an intelligent form such as should be laid before this House, in three hours or three days. It may take weeks. If an examination is gone into, it should be a thorough and satisfactory one. If there has been any foul practices by it, or rotten places now in it, under it, or about it, this should be fully eviscerated and brought before the public; it is an important item to take into consideration, upon the present application to renew their charters. If the affairs of these institutions have been fairly and honestly conducted, it is alike due to the public and the banks that the facts shall be known and set down to their credit. Is it possible that the gentleman from New Hampshire can suppose all this can be done in three hours? It is true, sir, they may bring up the prettiest set of bank books, more neatly bound, and more handsomely gilt, with the finest writing; the t's all crossed and the i's all dotted, which will exhibit a most splendid appearance, and which will answer all the purposes intended by a three hours' examination. But, sir, all things may not be so smooth, honest, and fair, when we get a peep behind the curtain; there may be something rotten in Denmark.

I will now, sir, turn to that part of the subject which operated upon the minds of the committee in relation to the extension of their charters until the 1st of October next. There are seven or eight banks in the District; some of those, it is understood, have, through all the fluctuations of the times, whether produced by those shocks and revulsions which will occasionally happen in the moneyed concerns of any Government, or by the celebrated *panic*, sustained their credit and reputation by paying at all times the gold or silver for their notes whenever they were presented, while others (which may, in the examination of the select committee, be considered of the second class,) did not honor their notes, but suspended specie payments, much to the injury of the citizens of the community who were in possession of those notes at the time of this suspension. The first inquiry of the committee, in regard to these banks, will be to ascertain the causes which produced this suspension; was it by causes over which the directors of these banks had no control, or produced by circumstances that could not be foreseen, and fairly calculated upon by exercising a reasonable degree of prudence and precaution. Some reports have gone abroad quite unfavorable to a portion of those banks in the District, which had suspended specie payments. It is unquestionably due to the public and the trading community, to ascertain the truth of these statements and establish the facts if they be. It is equally important to the banks so implicated that a strict examination should be made. If the reports are not true, let them be honorably acquitted. I consider it due to them as an act of justice. It will require much time to do all this. These charters expire on the 3d or 4th of March, and although the committee could accomplish the task by that time, if leave was obtained for it to sit during the session of the House, yet it is an alternative to be avoided if possible. The members of the committee have important business committed to them by their own constituents, which requires their attention, while the House is in session; which they cannot dispense with without great delay, and perhaps danger of its being lost for want of attention.

But separate and apart from the beforementioned reasons for continuing the charter of these banks until the first of October next, the interest of the banks and the policy of Congress both require it. It is impossible for the banks to wind up their business in six weeks without great injury to themselves and the commercial community of the District. If Congress, after a full examination of their concerns, shall not think proper to recharter them, the time specified (the first of October) is as early as they can wind up their affairs, without creating a shock to the moneyed concerns of the District. It is right that a sufficient time be given for that purpose; therefore, I am opposed to the motion of the gentleman from Kentucky [Mr. HAWES] to restrict the time to the 1st of June. I am equally opposed to the motion of the gentleman from Rhode Island [Mr. PEARCE] which proposes an extension of the charter to the 4th of March, 1837. It is the duty as well as the policy of Congress to dispose of the whole subject, and finally, at this session. If we fail to act upon it now, and postpone it to the next session of Congress, which is a short one, it cannot receive the consideration to which it is entitled.

And, again, Congress will be harassed with the question some three or four weeks, much to the detriment of other business. If it shall be the pleasure of Congress, upon a full examination, to recharter those banks, then it will require time to introduce those modifications into the charters which time and experience has afforded, in order to make them as perfect as possible; so that their usefulness may be felt with as little inconvenience to society as their practical operations will allow, and, at the same time, to guard against the abuses and frauds of the banking system. I have no doubt this can be done to a considerable extent. This is an enlightened era of the world; the march of improvements, and inventions, and of mind has no former example; it has outstripped the wildest conceit that existed even fifty years ago. There is no science which has received more improvement and accessions of knowledge than that of banking.

Take the same men, such of them as are yet living, who framed the bank charter for the United States Bank, and let them now sit down to the work, with the additional information and experience they have since acquired, and they can construct one infinitely preferable, that not one sixteenth part of the frauds which have been charged upon that bank, could have been committed without an easy mode of detection. But to form such a charter it requires time.

For myself I have not much favor for the banking system, much less for its abuses. I have never voted for but one. I had opportunities to vote many. In some instances it may be a necessary evil. When it is so, the charters should be so framed as to make that evil as light as possible. As to those in the District of Columbia, I have neither partiality for, nor prejudice against them. I think I can do justice; but in order to ascertain what is just, I hope the House will pass the bill as it stands, which will afford both time and opportunity to arrive at that end.

ADMISSION OF MICHIGAN.

REMARKS OF HON. E. A. HANNEGAN,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

On his motion to reject a Memorial purporting to come from the Senate and House of Representatives of the State of Michigan.

Mr. HANNEGAN, in reply to Mr. Thompson, of Ohio, who proposed to him to withdraw his motion to reject the memorial from "the Senate and House of Representatives of the State of Michigan," said, that he felt obliged to that gentleman for the suggestion, as he entertained no doubt it was made in kindness, and so he received it; but, under existing circumstances, he must decline being governed by it. Whatever might be the opinions of the gentleman from Ohio on this question, he himself could not avoid seeing that important results to the States of Indiana and Illinois were involved. They might not be equally important to the State of Ohio; that, however, was a question to be settled by the delegation from Ohio. For himself and his colleagues, and the delegation from the State of Illinois, they were unanimous in the belief, that the acceptance of the memorial by the House

would be an indirect, if not a direct admission of the State of Michigan into the Union, and an acknowledgment of her territorial limits as claimed by her constitution. That constitution has set up a claim to a large portion of the State of Indiana, some twelve or fifteen hundred square miles, embracing one of the fairest portions of the State, or indeed of the Union. Their right to the jurisdiction is asserted positively and arbitrarily. In so doing, they have nullified the various laws of Congress admitting Indiana into the Union, confirming her sovereignty, and defining her boundaries: all which Congress had done with a full knowledge of the facts and circumstances upon which Michigan now relied for the support of the claim she had so strongly asserted, and so unwarrantably attempted to enforce. Michigan, however, had not been content with nullifying the laws of Congress alone; she had also by these acts in Convention violated the Federal Constitution, as would be palpable to every gentleman who would examine the third section of the fourth article, which says in substance, that new States may be formed, but that no new State shall be formed, out of any existing States or parts thereof, without the consent of the Legislatures of such States and of Congress having been previously obtained.

Sir, (said Mr. H.,) how is it possible for the House to receive a memorial, couched in language which gives it character, as in this instance, without conceding the right of the memorialists to the corporate and sovereign capacity they assume? If you accept one act of the *State of Michigan*, acknowledge her existence as such, at one point, how can you refuse to receive her in any attitude she may subsequently assume? If, without qualification, this memorial should be received and referred, as desired by the gentleman from New York, [Mr. BEARDSLEY,] with what consistency could the House to-morrow deny a seat on the floor, with full privileges, to the Representative elected by the same power that gave existence to the body which presumes to address Congress in the capacity of an independent sovereignty? Certainly this House would wish to preserve itself before the world—would desire to avoid any act seemingly inconsistent.

But there was another point of view, in which it seemed to him that the House should regard the matter before acting. He alluded to the high-handed and revolutionary measures which had marked the whole course of Michigan in asserting her right to enter the Union on equal terms with its members. Instead of pursuing the example of her sisters, similarly situated, on former occasions, she had rushed violently forward, and her conduct showed a determination to seize by force upon the privileges and immunities which they had desired in peace, and received under the guarantee of law. Her whole course, from the commencement, had been marked by acts of lawlessness and arrogance, disrespectful alike to the States and the Federal Government, and he hoped the House would not lend its sanction to such measures—measures more decidedly revolutionary in tone and character than had hitherto marked the history of the Union.

It had been suggested to him by gentlemen, that the rejection of this memorial would be a violation of the great constitutional right of petition. This was not the case, as would appear after a moment's examination of the ground upon which he relied. That privilege was intended for individuals, citizens of the country, or for the established authorities, recognized by the laws. In this instance, a memorial was before us, from a pretended sovereignty, whose existence had never been acknowledged, but, on the contrary, was utterly unknown. Congress had no right to receive petitions or communications from a foreign Power; they should come to us, if made at all, through the Executive. Would any gentleman pretend that this House should receive a memorial from the Government of Great Britain, or the provincial Parliament of Canada? Certainly not. And yet to our constitutions and laws, up to this time, they are no more alien than the State of Michigan. He wished gentlemen therefore distinctly to understand, that no one could be further from wishing to impair, in the slightest degree, the sacred right of petition; a right, holy to every friend of liberty, and only dreaded by the minions of despotism.

The pretensions now set up by Michigan would, if they were sustained by Congress, go to deprive Indiana of the very benefits reserved to her from the date of the ordinance itself. The whole object of her extending her limits on the north to the southerly bend of Lake Michigan, was to afford her an outlet and a harbor within her own jurisdiction. The intention of Michigan now appeared clearly to deprive her of these benefits. What else would it amount to, if the line should be run pursuant to the claim of Michigan? Restrict her to the southern point of Lake Michigan, where, from the very nature of things, it is impossible to construct a harbor, and you make her northern territory at once tributary to Michigan. It is this state of things that Indiana would avoid, and it is to this to which she will never willingly consent.

If the States of Indiana and Illinois admit no more, by sitting quietly in this stage of the proceeding, we, as their Representatives, feel aware that, at the least, it may be leaving ground upon which hereafter a point may be made before the judicial tribunals of the country. We can neither be flattered by false suggestions, nor terrified by insidious threats, out of a conviction so palpable to every eye. Sir, this alone is sufficient to warn us that a precipice is before us.

These States have not, they cannot, they never will, admit the jurisdiction of any tribunal over this question other than that of arbitrary force. They acknowledge no right of interference here or elsewhere; and such interference, whenever attempted in contravention of rights solemnly and deliberately guarantied, will be met, upon the part of the people of the State of Indiana, just as the same attempt against their rights would be met by the people of Virginia, Carolina, or Massachusetts. They will be met, as the oppressed, when roused by manifold wrongs, meets the invader and the oppressor.

There is no man living who cherishes a more deep and abiding devotion to the harmony and integrity of the Union than I do; but there is a point to which, if a State once permits herself to be driven, she sinks forever a miserable and degraded object in the moral and political world. To that point, the ultimate success of Michigan in relation to this boundary would drive us.

He hoped that the House would never, directly or indirectly, open a door to controversy involving the most serious results, and that about a matter which the repeated action of various branches of the Government had long since sanctioned as an absolute right in the States already formed.

NATIONAL DEFENSE.

SPEECH OF HON. A. CUTHBERT,

OF GEORGIA,

IN SENATE, *January* 20, 1836.

The resolution submitted by Mr. BENTON for appropriating the Surplus Revenue to purposes of National Defense, was taken up as the order of the day; when

Mr. CUTHBERT observed, that the remarks he should make on the question then pending would be very few in number, and very circumscribed in their extent. The message which had just been received from the Executive, containing such important matters for the consideration of that body, rendered it the less necessary for him to enlarge on the subject, even had it been his intention to do so. He should, therefore, occupy but little of the time of the Senate on the present occasion. As all discussion of this subject must, from its peculiar character, be of a delicate nature, it was proper for him to wish to avoid giving offense by any expressions which he might use in the heat of debate. He would, therefore, express it as his opinion, that there breathed not one American who was desirous of a war with the French nation; that there breathed not one American who would not avert it if in his power; that there was not one who would not consider it an unnatural conflict between two nations bound to each other by the powerful ties of interest and feeling; and that there breathed not an American who would, even for the sake of peace and all its blessings, be willing to sacrifice the honor of his country. With these qualifications, he begged that no construction of an offensive nature might be put on any phrases or expressions he might inconsiderately use in the hurry of debate. Let me then (said Mr. C.) urge to those gentlemen who may be considered in opposition to the Government, but who, in reference to that body solely, [the Senate,] were the Government itself, and regulated all its movements, that the part they had to act was an important one, and deeply concerned the honor and interests of their country. It was their duty to prevent any foreign nation from falling into the delusion that this might be a divided people—it was doubly their duty to do so, for they had taken it upon themselves to act as moderators in the controversy between their own Government and that of another country. If (said Mr. C.) they have thus taken it upon themselves to act as moderators, they ought to show to the foreign nation that they will preserve a proper portion of firmness with their mildness, and that although they are anxious to conciliate, they will maintain, at all hazards, the honor and interests of their country. Was this observation a just one? It was. Did it carry its force to every American bosom? It did; and it was with this view of the subject that he should briefly occupy the attention of the Senate.

The Senator from Massachusetts, as chairman of the Committee on Finance, on the last day of the last session, reported a bill, which had been returned with amendments to the other House, which had come back with an additional amendment to the Senate, and which amendment having been rejected, and the rejection adhered to, the bill was lost. It had been made a question on this very principle, that foreign Governments were not to be deluded with the idea of any division here, whether the course of the gentleman was a correct one. He thought it was not. He had always thought that in the defeat of the bill, commonly called the "fortification bill," the course of the gentleman on the last evening of the last session, was, to say the least of it, indiscreet. The gentleman declared to the Senate, and to all the world, that it was not by his means that a bill, so important to the nation, and in such a doubtful posture of our foreign relations, suffered a failure. He (Mr. C.) thought otherwise. The Senator had appealed to the lateness of the hour at which the bill was brought into the Senate. Was he not as much aware, then, that the session was approaching its close, as he was now? If so, was the tone of his remarks such as were calculated to preserve the bill, and further its passage through both Houses at that late hour? Was his course the happiest that could have been taken to facilitate the legislation of Congress on matters of such various extent and interest as were embraced in the bill? If it was his object to have saved the bill, peculiarly important to the country at that crisis, what should have been his course with regard to a measure with which his committee was peculiarly concerned?

[Here Mr. WEBSTER explained. The gentleman (he said) was mistaken in every fact he had stated since he got up. He (Mr. W.) never reported the bill. He had no more to do with it than any other member of the Senate till he moved to reject the amendment, and the Committee on Finance had no concern with the amendments, or the disagreement between the two Houses.]

Mr. C. continued. He accepted the correction of the gentleman. Voluntarily, then, the gentleman stepped forward; voluntarily did he make those forcible remarks which accompanied his motion to reject the amendment of the other House; and voluntarily did he cause the failure of this important bill, if he did so cause it. How do I (asked Mr. C.) establish these facts? If the gentleman had been desirous of saving this bill, or preventing the loss of so many and important necessary appropriations, and of avoiding the embarrassments which that loss has occasioned, what should have been his course? He would have admonished the Senate that the session was

approaching its close; and he would have advised them to avoid all angry discussions and irritating topics as calculated to cause the defeat of the bill. Was this true, or was it not? It was. This would have been the kind of admonition to the Senate, calculated to save the bill, and to promote objects so vitally important to the interests of the country. If there were vices in the form and manner of the bill which had been created in the representative branch of the National Legislature, which affected the gentleman's mind, what might have been expected of him, if he was so desirous of facilitating the progress of the national business? That he would calmly and distinctly have pointed them out; have suggested the remedy, and aided by his influence and example in applying it, so that the bill might pass both Houses in time to become a law. Was this the course of the gentleman from Massachusetts? He thought not. He believed that there was not a member of the Senate who was not forcibly struck by the manner of the gentleman on that occasion; a manner so different from the grave and authoritative tone which usually distinguished him in that House. Abandoning the grave and authoritative manner in which he had been accustomed to address the Senate, he assumed a violence and ardor of expression new to him and to the Senate. Suddenly he gave way to an excited feeling, and seemed to be seized with suspicions of the deepest and darkest character. Nay, more. He seemed to speak as if he had taken his political opponents at an advantage, and was determined to use that advantage to the utmost. He relapsed into the habits in which his party had often indulged of representing this people as suffering under the dominion of a terrible tyranny, which aimed at the destruction of their liberties. Then what must have been the necessary consequence of the language accompanying such a motion, as the gentleman had made? Why, to provoke debate; to make that debate an angry one; to render the contest doubtful, and endanger the passage of the bill. Such was, and such ever must be, the consequence of a course of conduct like that pursued by the gentleman from Massachusetts. But it did not end here. The amendment made in the representative branch of our Legislature was rejected on the motion made by the gentleman—a motion made with a tone of indignant scorn, which could hardly have a happy influence on the feelings of the members of the House, including some of the gentleman's own political friends. The bill so returned to the other House, what followed? That body insisted on their amendment, and returned it to the Senate. Then was the time for the gentleman to have signalized his anxiety for the appropriation, by suggesting a mode of dispelling the difficulties which stood in the way, and of bringing the two Houses to an easy accommodation. The gentleman could have pointed out some conciliatory course of procedure, for saving a bill acknowledged by all to be so important and so necessary. What was his course? Did he recommend any mode, either formal or informal, to attain that desirable end? Did he ask the other House to go into a conference with a view to accommodate the difference between it and the Senate? No, he made that motion so harsh, so abrupt, and so uncompromising, that the Senate should adhere to its disagreement; and when he made that motion to adhere, he preserved the same tone of indignant scorn that had characterized his first motion to disagree to the amendment. Was he right there? Then what was there in this appropriation of the House of Representatives which so deeply stirred up the ire of the gentleman? Those who heard him on that occasion, and who were not so well read in the Constitution as he was, must believe that some express clause of that instrument had been deeply violated by the House. Was this the case? He had looked into the Constitution for the purpose of finding some clause with which this appropriation might conflict, and which had been so deeply wounded; but he had looked in vain. He then supposed that the circumstance which has so deeply excited the gentleman's ire, was, that the appropriation covered two distinct items of expenditure; one for the Navy, and the other for the fortifications. Was it this, then, which had so greatly agitated the gentleman's love of liberty? Was it this which had created such an alarm in his breast as to induce him to believe that the Constitution was, endangered, and to move him from his balance and dignity? Ah, but the Constitution must be saved, and the gentleman divides the appropriation, three hundred thousand for one, and five for the other, and the difficulty is surmounted. Here we have the archmagician, who holds up the magic lamp, by whose light all darkness is dispelled, and we see the dangers that encompass us. Luckily, the magician has the talisman before whose touch all these dangers vanish.

The sagacity of the Senator had left him in no doubt as to where the battle on this question was to be fought. He alluded to his own warm expressions and his violent opposition to the appropriation, and declared that, although the foot of the foreign soldier was on our soil, though the cannon of the enemy was pointed at the Capitol, he would not make the appropriation while the danger to the Constitution, that he apprehended, was in existence. What! Because he cannot make a verbal amendment, he is willing, through the shrieks of dismay of affrighted virgins—through the burnings of our dwellings—through blood and devastation—that the enemy shall make his way to this Capitol! It appeared that, because the appropriation was not specific, because a long-established practice of the Government (and a very proper one it was) had not been followed on that occasion, the gentleman could suggest no mild and conciliatory way to restore the ancient practice and save the bill from a failure. Now, if, anything coming from him could have any weight, he would venture to give some wholesome admonition to those who were such ardent lovers of liberty as to reject an important appropriation because it was not to their view sufficiently specific. Did the gentleman believe that he would preserve liberty against the hard grasp of the Executive by refusing to that Executive the means of defending his country? He would tell the gentleman to refer to that history with which he was so well acquainted, and he would find that whenever a Government was so embarrassed by opposing checks that it wanted the power of defending its country from foreign aggression, that the people would rally to its aid, and vest the Chief Magistrate with unbounded power. Was this proposition admitted by the gentleman? He presumed it was. Thus, then, the gentleman in seeking to defend liberty, sacrifices liberty; thus, then, in indulging those fastidious scruples, he gives a blow to that liberty where it was the most dangerously to be assailed. This was so perfect a truism that he would not dwell on it for a moment.

The institution of governments had generally been traced to the desire of preserving such domestic order in the conduct of individual citizens to each other as would best preserve the rights of the whole; but truly speaking, governments had more frequently arisen from the necessity of protecting the State against foreign aggression; for where would be the wisdom in providing for the individual liberty of the citizen until he was guarded againt subjugation by a foreign enemy? The foreign enemy invading the country, his march traced by violation, murder, plunder, and conflagration, of what value was individual liberty, when it had not been protected against calamities like these? Thus the scruples of gentlemen might draw down upon their country a desolating and wide-spread calamity, in seeking to guard against dangers existing only in their own imaginations. Was he right, or was he wrong? So firmly right, that he seemed to be trifling with the Senate in urging truths so obvious.

The Senator from South Carolina [Mr. PRESTON] whom he did not see in his seat, but who was probably in the Chamber, pronounced the other day in relation to this resolution, one of those speeches which always created a powerful effect. But never was there a more forcible example of how an imposing manner and fluency of language might cover the greatest absurdities; how the graces of elocution and the ornaments of style might accompany the weakest arguments, than in this instance. Had the gentleman, too, discovered a clause in the Constitution, which forbids the two Houses of Congress from making an appropriation without the recommendation of the President? Did he suppose that, there in that Hall, where existed the censorship of the Government, (if he might use an expression of the gentleman's,) the safety of the country could not be provided for without Executive recommendation? Here (said Mr. C.) is that censorship which is to stand between what is adverse, and all that is valuable in our institutions, and guard them from danger; here was the part of the Government that, with reflection and contemplation, provided the best means of securing all that was good, and guarding against all that was evil; and yet the Senator from South Carolina has discovered that those who constituted this censorship were not to be trusted. All at once, we are (said Mr. C.) to be sunk into a state of apathy and stupor; to have eyes and not to see, to have ears and not to hear, and to have hearts and not to understand. Oh! happy condition of passive obedience to which they have arrived; and wonderful by whose means they had been brought to it! The gentleman reminded him (if he might indulge in a pleasantry in a grave debate) of a termagant wife, who, finding out a new way of provoking her husband, replied to him on all occasions, saying, "whatever is your will is my pleasure."

Then there was no clause in the Constitution, as he had read it, declaring that the two Houses of Congress should have no opinions as to the foreign relations of the country; none declaring that when the enemy's fleet was on our coasts, and his army on our soil, or, in the language of the gentleman from Massachusetts, when the Gaul was at the Capitol; there was no language in the Constitution prohibiting Congress from providing the means of defense. Yet the gentleman from Massachusetts, if he understood him right, was for waiting for executive recommendation; that is, when his house was in flames, and his wife and children shrieking with dismay, he would not go to their rescue till his neighbor advised him to do so. The gentleman must go to the President and get his sanction, before he can provide against approaching danger.

There was but one point more that he wished to refer to. Being already exhausted with the slight effort he had made, affected peculiarly by disease, and lately disused to public speaking, he might not have made the most appropriate arrangement of the subjects he had touched on, and this might not therefore be brought out in its proper place. The Senator from South Carolina seemed to have a strong confidence, proceeding with him to certainty, that there was no possible danger of a war with France, unless it arose from our own conduct. What sort of evidence warranted the gentleman in making these predictions with such presumption? Has the course of the French (said Mr. C.) proceeded on such sure calculations, that you cannot doubt from what has passed what will follow? Did any man suppose that the treaty of 1831 would not be carried into execution? There happened what had not been anticipated by any one. Was there any member of that body—was there any individual in the nation who could have anticipated the strange condition that was attached to the fulfillment of the treaty by a member of the opposition in the French Chambers, and the sudden acceptance of that condition by the French Ministers? What, then, warranted the prediction of the gentleman from South Carolina, that there would be no war with France unless caused by our Government? He denied that there was any certainty in calculating on the future course of France towards this country—he denied that the movements there depended on any course of conduct that might have been pursued at a former period. There was a mass of feeling, a chaos of discordant elements in the French Chambers, which must produce results that no human foresight could calculate on. There was the Republican party, ardently desiring for their country the enjoyment of those equal rights and free institutions which they saw producing such blessings on this side of the Atlantic; there were the Imperialists, burning under a sense of defeat, and looking back to the glories and triumphs of the reign of the great Emperor; there were the Carl-

ists, anxiously longing to exalt the white flag over the tri-color; and all these embarrassed, in a more or less degree, the operations of the party in power. There was another feature in the composition of the French Chambers worth attending to. They (the Chambers) refused to appropriate the money required to fulfill the stipulations of a solemn treaty entered into by their Government without the compliance with an extraordinary condition, thereby manifesting a want of experience in the principles of government, that they may yet attain, but which they must attain, as all other Governments have, after long and laborious application. The gentleman from South Carolina referred to the friendly disposition of the King of France (Louis Philippe) towards this country. He tells us (said Mr. C.) of the perfect good faith and sincerity with which the King and his Ministers have entered into this treaty, of their anxiety to have its stipulations carried into effect, and of their exertions to get the necessary appropriation through the legislative Chambers. But of what avail is the friendship of the King, without a corresponding disposition on the part of the legislative branch of his Government? We cannot rely on the good disposition of the French King, because he cannot control the various conflicting elements of which his own Government is composed.

In the entire want of the habit of public speaking, (Mr. C. said,) he had passed over one or two topics which could have been profitably referred to. He would, however, but briefly call the attention of the Senate to one fact, and then close his remarks. Was there a man there, who did not understand one important principle in European politics, and one that had more than once been acted on by this very French nation? It was, that in commencing a war it was their policy to strike the first and most decisive blow, unexpected to their enemy, and without giving him time for preparation. While consuming time here (said Mr. C.) with unnecessary scruples, and combating dangers that exist only in imagination, your commerce may be swept from the ocean; your gallant seamen may be dispersed; and your Navy, which has added so much to the nation's glory, be left unmanned when called on for action. If it occurs to France (said Mr. C.) that there is to be some signal advantage in striking us some decisive blow, what was to prevent her seizing this advantage, if the arguments of gentlemen prevail? Come what might, he (Mr. C.) did not fear the result, though he was of opinion that both honor and policy demanded that every necessary preparation should be made. There was a zeal, an energy, and promptitude in this young and growing nation, equal to any emergency, and capable of encountering and overcoming the greatest of dangers. He relied with the utmost confidence on the spirit and gallantry of the American youth, who, without experience, but stimulated by love of country, and their country's honor, could rush unprepared into the greatest dangers, and by their chivalrous daring, add new renown to their country's flag. It was with the deepest interest he had read the romantic story of the gallant and youthful Blakely, who, with a crew of youthful and inexperienced seamen, proceeded to the British Channel, there cut up the British commerce, and by his victorious conflicts with the enemy, furnished the brightest pages of our naval history, and shed an imperishable lustre over his early grave.

NATIONAL DEFENSE.

SPEECH OF HON. H. HUBBARD,

OF NEW HAMPSHIRE,

IN SENATE, *January* 19, 1836.

The Senate having under consideration the resolutions moved by Mr. BENTON, for setting apart the Surplus Revenue for the defense and permanent security of the country, and for other purposes, and the amendment to those resolutions moved by Mr. GOLDSBOROUGH—after Mr. CUTHBERT, of Georgia, had finished his remarks—

Mr. HUBBARD, of New Hampshire, rose and addressed the Senate as follows:

Mr. PRESIDENT: The Senator from Georgia, who has just resumed his seat, has undertaken to narrate the events of the last evening of the last session of Congress as they transpired in this Hall with reference to the progress and fate of the "fortification bill." He has also undertaken to inform us of the temper and spirit which characterized the debate in this Hall upon that bill. I was not then a member of the Senate, and from my own knowledge, can neither affirm or disaffirm the correctness of the statements made by the Senator from Georgia. I have no recollection that I visited this Hall in the course of that evening. As to what took place upon the subject of the appropriation bills, from the time they were introdeced here until the final action of the Senate upon them, I shall be guided by the Journals of the Senate and of the House of Representatives, and I hope to be able, from the records, to show that neither the House of Representatives, nor any committee of that body, deserve the *rebuke*—the *censure*—the *blame* which has been imputed to them in the course of this debate. This is all I have to offer now—all that I have to state, before I proceed to present the precise question now submitted to the consideration of the Senate. What is that question? What are the resolutions offered by the Senator from Missouri? And what is the amendment proposed to those resolutions by the Senator from Maryland? They are as follows:

"*Resolved*, That the surplus revenue of the United States, and the dividends of stock receivable from the Bank of the United States, ought to be set apart and applied to the general defense and permanent security of the country.

"*Resolved*, That the President be requested to cause the Senate to be informed of—

"1st. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require permanent fortification.

"2d. The probable amount that would be necessary to construct an adequate number of armories and arsenals in the United States, and to supply the States with field artillery (especially brass field-pieces) for their militia, and with side-arms and pistols for their cavalry.

"3d. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, which a proper regard to self-defense would require to be always on hand.

"4th. The probable amount that would be necessary to place the naval defenses of the United States (including the increase of the Navy, navy-yards, dock-yards, and steam floating batteries) upon the footing of strength and respectability which is due to the security and to the welfare of the Union."

To the foregoing resolutions, proposed by the Senator from Missouri, the following amendment was offered by the Senator from Maryland:

To strike out all after the word "resolved," in the first line, and to insert:

"That the general defense and permanent security of the country are principal objects of the national care, and therefore adequate and liberal specific appropriations from the public revenues ought regularly to be set apart and applied to these purposes."

I feel no particular solicitude whether the resolutions offered by the Senator from Missouri, or the substitute offered by the Senator from Maryland, be adopted. They both look to the same object. They both contemplate the same purpose—"*The general defense—the permanent security of our whole country.*" In the event of this Senate agreeing to these resolutions or to the amendment, it can have no other effect than to pledge this body to give their support to such legislative measures consequent upon the adoption of the resolutions, or of the amendment, as shall have for their object the accomplishment of the great purpose in view, viz: *the general defense and the permanent security of the country.* Regarding the subject in this light, it is a matter of entire indifference to me whether the resolutions or the amendment be adopted. I should wish, in case the resolutions offered by the Senator from Missouri should be preferred, so to alter the terms of the first resolution as to require such a part only of the surplus revenue of the United States to be set apart for the objects in contemplation as may be necessary, proper, and expedient. With such an alteration in the terms of the first resolution, I should not hesitate to give to them my hearty support—I should feel myself bound by every consideration of public policy and of public duty, not only to vote for them, but to vote and to support any legislative measure necessary upon their adoption.

The resolutions following the first call merely for information—information which would be in any event desirable, if not indispensable, for the action of Congress upon this all-important subject of *general defense and permanent security.*

It was not my main purpose, in addressing the Senate at this time, to discuss at length the resolutions offered by the Senator from Missouri, or the amendment proposed to those resolutions by the Senator from Maryland. I had another object in view; but before I proceed to state *that other object*, I must ask the indulgence of the Senate in submitting some few *general remarks* upon the propriety, the policy, the *urgent necessity* of adopting *in extenso*, the resolutions of the Senator from Missouri, or the substitute offered by the Senator from Maryland. What, sir, is intended to be accomplished by the adoption *literally* of those resolutions? It is proposed, in substance, that as much of the surplus revenue of the United States as may be necessary, shall be set apart and applied to the general defense and permanent security of the country. The amendment proposes to appropriate *adequate* and liberal sums for the accomplishment of the same objects. The first question which must present itself to the mind is, are appropriations at this time necessary for the general defense and permanent security of the country? On this point, I presume there can be no difference of opinion, here or elsewhere. The state and condition of our maritime and inland frontiers, call upon us, as the representatives of the nation, loudly and imperatively, to provide efficiently, promptly, and without delay, for the general defense, and the permanent security of the country. I well remember the untiring efforts of a distinguished gentleman from South Carolina, no longer a member of Congress, but who was then a member of the House of Representatives, and at the head of the Committee on Military Affairs, in the furtherance of these objects. He labored hard, he accomplished but little, and from that time to this, the work has progressed slowly; it remains undone. Whether, Mr. President, we are to have war, or whether we are to enjoy a continuation of peace and prosperity, I would engage, forthwith, in putting our country, *our whole country*, in perfect defense; to place it in permanent security—every consideration of public policy demands it. It is the voice of wisdom, of experience; it is the lesson of history—that we should, even in peace, prepare for war. Who can bring to mind the disastrous, the disgraceful events of August, 1814, without feeling his pride as an American citizen humbled to the dust? Who can bring to mind that the very heart of our country was made accessible to the enemy; that unobstructed and unopposed he crossed our Hampton roads, passed up the Chesapeake and the Potomac, visited the city of Washington, laid waste our Capitol, and dined at our palace. Even at this late day, the rehearsal of that occurrence cannot fail to fill our hearts with chagrin and sorrow. It is past. But should we not take counsel from our experience? Ought we not to consider whether the "long sword of France" may not, in the same way, reach through the same city, in the event of a war with that nation? God forbid that we should ever be disgraced by the repetition of such a scene!—that the fair page of American history should ever again be stained by such a record! I would, then, Mr. President, with all *possible dispatch*, make our maritime frontier impregnable to any and to every foreign enemy. I would, *with all possible dispatch*, complete every fortification, man and arm every fortress connected with the public defense, for the permanent security of the country. I would, with all possible dispatch, increase our Navy, so that we could float into every sea and into every ocean, a sufficient force for the protection of American commerce, and for the maintenance of American honor. I would do all this, sir, at every hazard, and under any circumstances. I would do it from the highest consideration of public policy. I would do all this from a solemn sense of public duty; a duty which we owe to ourselves, as well as to posterity. I should not, therefore, be embarrassed as to the course which I should pursue even if we had less available means than we have; but, fortunately, we shall not be called upon in the execution of the great work of general defense, to resort to

direct or indirect taxation. We have an overflowing Treasury; we possess an abundance of available means for the accomplishment of all the objects contemplated for the permanent security of the country. Then, sir, I would adopt the resolutions which have been offered; I would follow up those resolutions with such direct legislation as should effectuate, without delay, the subjects contemplated.

I have said, Mr. President, that I would do this under any circumstances—so I would. But after the message of the President upon the subject of our relations with France, which was communicated to this Senate very recently, (Monday,) I should consider further delay as fraught with imminent danger. I heard that communication with every feeling of pride and of patriotism. It was well worthy of its author, and of the occasion; and I was surprised to hear that any Senator could have heard it with "profound regret."

In pursuance, then, of the recommendation contained in that message, I would promptly put our whole country in a state of defense—the exigency of the times demands it—our relations with France demand it—a proper respect to ourselves demands it. I was utterly astonished to hear it asserted on this floor, that, under existing circumstances, to arm would be equivalent to a declaration of war. Can it be, that, to prepare for the controversy, if controversy must come between us and our ancient ally, to put our beloved country in a state of safety, to arm our fortifications, to equip our public ships, would be regarded by her as the commencement of hostilities on our part?

Such may be the sentiments of some of the members of this Senate. They are not the sentiments of my mind, and I cannot yield my assent to them.

Whether war or peace is to be the fate of this land, my voice is *be ready*—be prepared—*be well prepared for any and for every possible exigency.* What! shall we, the freest nation on the globe, unembarrassed with debt—rich in resources—powerful in means—shall we, for fear of giving offense to his Majesty, fold our arms, and submit to every exaction which he may see fit to impose? Shall we hesitate to prepare to assert our rights—to maintain our honor? Shall we stand still, let patience have her perfect work, and whenever it shall be the gracious pleasure of His Most Christian Majesty "Louis Philippe" to pay us the debt France so justly owes us, to receive it with a submissive thankfulness, to bring it home, and to distribute it among the claimants? God save us from such a scene of humiliation! I say, then, Mr. President, let us, regardless of consequences, fearlessly do our duty, and all will be well.

My main purpose in addressing the Senate at this time, was to answer some remarks which fell from the Senator from Massachusetts, in relation to the proceeding of the two Houses of Congress at the last session upon the appropriation bills. In the commencement of his remarks, the Senator passed a high encomium, well merited, I presume, upon the industry and punctuality of the Senate at the last session; and I cannot suppose that the gentleman intended, in doing this, to make any insinuations or cast any reproach upon the industry and punctuality of the last House of Representatives; if he does, he certainly does that House great injustice. I was a member of that House, and by its Presiding Officer was placed on the Committee of Ways and Means, as well as upon the committee of conference which has attracted so much notice, and called forth so much severity of remark during the present discussion; and all I have to say in defense of the industry and punctuality of that body is, that the Journals will show the mass of public and of private business which was originated in that body during the last session—the disposition which was made of it—the number of bills which passed that body, and were sent to the Senate, in addition to their proceedings upon the bills which came from the Senate. A reference to the Journals of the House will satisfy the public mind on this point. I will only add, that for habits of industry, for punctuality and promptness, sure I am that it cannot suffer when put in comparison with the Senate itself.

The Senator proceeds, and notices what he regards as a somewhat unparliamentary proceeding, an unusual course, at least, on the part of the House, in failing to give the Senate any information in reference to certain bills which had originated in the Senate, and which had passed that body, and been sent to the House for their concurrence. It so happened that I remained in this city nearly a week after the last session of Congress, and I then felt a deep mortification in reading from one of the newspapers of this city the following editorial article, under the date of the 5th of March. It contains the same sentiments which the Senator from Massachusetts has seen fit to present to the Senate in reference to this matter. I subjoin the extract:

"*Last Day of the Session—Unfinished Business—West Point Academy—Loss of the Fortification Bill.*—The two Houses of Congress adjourned the night before last, their functions then ceasing; and what a wreck of public business ensued!

"In our two or three last papers we expressed our opinion respecting the state of the public business in the House of Representatives. It would have been as just, had our intimation respected the state of the House.

"With a great deal of talent, and, we have no doubt, too, a great deal of patriotism, the late House of Representatives had been brought into a condition, by various causes, in which it seemed incapable of getting on with the business of the country. Attentive observers had noticed a tendency of this kind, from the early part of the session; but its last days forced the truth on the minds of all. Long debates; the endless perplexity of the rules; contests every moment about priority of business; and an eagerness of discussion which seemed entirely to disregard the comparative importance of subjects, were among these causes. There were others, of which we could speak—of which, indeed, we shall feel it our duty to speak, and to speak freely, hereafter—but which we at present forbear to mention.

"The melancholy result of the whole is, that Congress has broken up, leaving almost every great measure of the session unfinished, and, therefore, totally null and void. The following bills, originating in the Senate, most of them passing that body by large majorities, and some of them quite unanimously, have shared the great wreck and ruin:

"*The Post Office reform bill;* (passed unanimously in the Senate.)

"*The custom-house regulations bill;* (passed nearly unanimously in the Senate.)

"The important *judiciary bill;* (passed by a vote of thirty-one to five in the Senate.)

"*The bill regulating the deposit of the public moneys in the deposit banks.*

"*The bill respecting the tenure of office, and removals from office;* (a most important bill, supported in the Senate by men of all parties.)

"*The bill indemnifying claimants for French spoliations before* 1800.

"These half dozen (not to speak of the bill for the relief of the cities of the District of Columbia; the bill providing for the increase of the corps of engineers; the bill to carry into effect the convention between the United States and Spain; and the bill to improve the navigation of the Mississippi in the vicinity of St. Louis) are among the bills which were sent from the Senate to the House of Representatives, 'and never heard of more.'"

The fate of two of the appropriation bills, however, originating, as such bills always do, in the House of Representatives, is still more remarkable.

Hitherto it has been usual to make the appropriations for the Military Academy at West Point in the same bill which contains the general appropriations for the Army. This year, an innovation was indulged. The Army appropriation bill was sent to the Senate with no appropriation whatever for West Point. This circumstance was noticed, at the time, in the Senate, and its attention called to it as an extraordinary omission:

"A separate bill, however, containing the usual appropriations for the Academy, was brought forward in the House, but suffered to sleep. Up to the last day for sending bills from one House to the other, it had not passed. The House took no step whatever to pass the bill, by suspending the operation of the rule as to sending bills from House to House, or in any other way. In this predicament, individuals of the House brought the committee of the Senate to interfere, and, in some *extraordinary* way, help to pass the *ordinary* appropriation through Congress. The Senate, accordingly, attached the whole Military Academy appropriation bill to the bill making provision for the civil and diplomatic expenditures of the year, and in this form it passed into a law; and but for the adoption of this mode, there could have been no appropriation at all, and the school would have been broken up. We may add, that when this bill for covering civil and diplomatic expenses went back to the House, with amendments, the occasion was eagerly seized to add to the Senate's amendment other amendments *respecting totally different matters*—thus giving the bill a tail as long as that of a comet.

"Thus the bill pending in the House making provision for the repairs of the Capitol and President's House, improving the public grounds, paying the President's gardener, &c., &c., was tacked on the bill, as being among the civil and diplomatic expenses of the Government. This bill, however, (and we rejoice at it,) had the goodness to pass with all its length of tail; and (thanks to the Senate, and no thanks to the House of Representatives) the West Point Academy, therefore, was kept alive."

The gentleman expressed surprise that the House should not have given to the Senate information about the bills enumerated in the preceding extract. The reason is that there had been no final action of the House upon these bills; they had been received from the Senate, it is true, but such was the mass of public as well as private business, upon its own Calendar, that it was next to an impossibility for the House to have acted upon these particular bills; they had come to the House at too late a period of the session for that branch to have definitively acted upon them. Most, if not all of them, were not reported to the House until after the 10th of February; and the only bill of the number which was ever taken up, and considered to any great extent, was the one in relation to the General Post Office—certain the fact is that there was no final action upon them; they were neither rejected, laid upon the table, or indefinitely postponed; and hence no information became necessary to be communicated to the Senate in relation to them. What possible benefit could result for the House to inform the Senate, by message, that they had received various bills, but had come to no decision upon them? Such a communication would seem to me to be in itself, not only unparliamentary, but altogether unprofitable and unnecessary. Certain the fact is, that such has not been the usual practice of the two branches of the Government. I therefore say, sir, that the House is not obnoxious to any charge of neglect, to any omission of duty on this account.

The Senator from Massachusetts has rebuked the House for its course of proceeding with reference to the general appropriation bill, and particularly with reference to its course upon the bill making appropriations for the support of the West Point Academy. The article which I have just presented to the Senate, contains similar charges against the House, for the same pretended omissions of duty. How is this matter? Is it true, that the last House of Representatives stands properly charged for any omissions of duty? What are the facts in relation to the appropriation bill for the civil and diplomatic expenses of the Government? It was a leading object with the Committee of Ways and Means, in reporting that bill, to introduce into it no appropriation, except it had the warrant of some existing law. It was distinctly remembered *how* and *for what reasons* the general appropriation bill of the first session of the last Congress was opposed. It was kept in the Committee of the Whole on the state of the Union for more than a month; it was most violently attacked, and most resolutely and perseveringly opposed. The Committee of Ways and Means of the last session intended to prevent, if possible, the recurrence of any such scene. The bill was reported, speedily acted on in the House, and on the second day of February, it was sent to the Senate for their concurrence, and on the second day of March, it passed the Senate with a little less than half a hundred amendments. In this form that bill for the support of the Government came from the Senate to the House of Representatives. Among the amendments agreed to by the Senate, was a Senate bill, "confirming claims to lands in the State of Missouri, and for other purposes;" a Senate bill "for completing the road from Line creek to the Chattahoochee, and for the erection of bridges on the same;" a Senate bill "for granting six hundred and fifty thousand acres of land, in addition to former appropriations, for the satisfaction of revolutionary bounty land warrants;" together with various other amendments of less importance, but containing entirely new appropriations, as foreign from the title as well as the intent and purport of the bill. When it passed the House, its title was, "An act making appropriations for the civil and diplomatic expenses of the Government for the year 1835." And after it had been amended in the way and in the manner it was—after the Senate had attached to it bills entirely incongruous, originating in their body—after incorporating in

the bill appropriations having not the remotest connection with the civil and diplomatic expenses of the Government—it did indeed become necessary to change its title, but the alteration of the title, be it remembered, was the act of the Senate, and when it reappeared in the House of Representatives, its title was, "An act making appropriations for the civil and diplomatic expenses of the Government for 1835, *and for other purposes.*"

I will not undertake to say what could have induced the Senate, twenty-four hours before the close of the session, to send to the House the general appropriation bill, amended by adding to it bills which had originated in the Senate, and which had not received the consideration of the House. How it happened, I know not; it certainly must be regarded as a proceeding somewhat extraordinary. But, sir, the Senator from Massachusetts has further rebuked the House of Representatives for not having incorporated in the Army bill the appropriations necessary for the support of the West Point Military Academy. And, sir, it would occur to any man who should read this part of the speech of the Senator—or should read the article which I have read to the Senate, that there had been a most palpable omission of duty on the part of the House with reference to the appropriations for the West Point Academy. This imputation, cast upon the House of Representatives, is unmerited. What are the facts connected with that matter? The West Point Academy bill was reported with the other appropriation bills; it was confided to the care of one of its warmest friends on the Committee of Ways and Means, without objection, and without opposition on the part of the committee. Whatever may have been the opinions of individual members of that committee upon the propriety of continuing that institution, certain the fact is, that a bill for its support was seasonably reported and committed to the charge of MR. BINNEY. I have no doubt that gentleman managed the bill with his usual ability and foresight. He saw, beyond doubt, that there would be no opposition to it if it was attached by way of amendment to some one of the appropriation bills then pending in the Senate. He undoubtedly supposed that such a course was the safest and the most advisable course for him to take. He took it. But the House is charged with suffering this bill to sleep; and that the West Point Academy was saved by act of the Senate, and that no thanks are due to the House, but to the Senate, for keeping this institution alive. This is most unjust, and most unmerited. There is not to be found a vote upon the Journals of the House going to show any decided opposition to the measure. This amendment of the Senate to the general appropriation bill was readily agreed to by the Committee of Ways and Means, and as readily adopted by the House of Representatives. So much for this matter.

The Senator from Massachusetts has concluded his remarks upon this bill by adverting to an amendment which the House made to one of the numerous amendments of the Senate. He has amused us by giving an account of the incongruity of that amendment with the title and design of the bill. The House, it is true, did amend the amendments of the Senate by adding "a bill making appropriations for the public buildings and grounds, and for other purposes;" and it was upon some of the items of this bill that the Senator saw fit to display his pleasantry and wit. I would ask, sir, if there were anything more out of the way, more strange in providing "for the salary of the gardener employed in superintending the Capitol square and other public grounds," than in providing for the balance of the salary of Valentine Giesy, late superintendent of the Cumberland road; anything more extraordinary for improving Lafayette square, than for compensating Lemuel Slater for his services? None, unless it be in the quarter from whence those amendments proceeded. The first and third were included in the amendment proposed by the House. The second and last were amendments proposed by the Senate.

The Senator from Massachusetts next proceeds to give us what he calls a narrative of the proceedings of the two Houses upon the fortification bill; and it was the fate of that bill which has elicited this debate. The recollection of the Senator and my own do not in all particulars agree. After having read the Senator's speech, I felt myself called upon, from the circumstances to which I have already referred, that of being a member of the last House of Representatives, of the Committee of Ways and Means, and also of the committee of conference, to give my account of the rise, progress, and final loss of that bill.

The fortification bill was reported to the House, from the Committee of Ways and Means, on the 2d of January, 1835; it passed that body on the 20th of January; it was on the same day received by the Senate; and on the 24th day of February—thirty-five days after it was first received by the Senate—it passed that body with amendments. The Senator says, and says truly, that it was sent back to the House on Tuesday, the 24th day of February, a week before the adjournment of Congress, and asks how it happened that this bill remained from the 24th of February, until the evening of the last day of the session? Sir, I can only answer this inquiry by referring to the Journals. Within this period of time, the House was called on to consider the amendments which the Senate had made to the general appropriation bill; the amendments which they had made to the bill making appropriation for building light-boats, beacons, &c.; the amendments which the Senate had made to the bill making appropriations for Indian annuities, &c., with a mass of other public as well as private business, together with the absorbing questions connected with the resolutions which had been reported by the Committee on Foreign Relations, upon the subject of our affairs with France. There was no delay which could be avoided; and if, by unavoidable occurrences, the action of the House on this bill was delayed until the very last day of the session, the greater the necessity for a conciliatory and an accommodating spirit—the greater the necessity for not being over nice and scrupulous touching the forms of proceeding. It is true, that not until the last day of the session did the House come to any agreement upon the amendments proposed by the Senate to the fortification bill.

Since I came into the Senate this morning, I have procured from the files of the Senate the original bill, with the amendments reported from the Committee on Finance. The first amendment recommended was to increase the appropriation for rebuilding Fort Delaware, from seventy-five to one hundred and fifty thousand dollars. The second amendment proposed was for the armament of fortifications, one hundred thousand dollars. The third amendment made, was upon the motion of the Senator from Missouri, for an appropriation for the repair of Fort Mifflin. The fourth, fifth, and sixth amendments were reported from the Committee on Finance, and were as follows:

"That the sum of seventy-five thousand dollars be, and the same is hereby, appropriated toward the repair of the fortifications on Castle Island, in the harbor of Boston, according to the plan submitted by the Board of Engineers on the thirteenth day of March, eighteen hundred and thirty-four, the same to be paid out of any money in the Treasury not otherwise appropriated."

"That the sum of one hundred thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be applied or expended under the direction of the Secretary of War, in improving the defenses within the State of Maryland."

"That the Secretary of War be, and he is hereby, authorized to purchase six acres of land adjoining Fort McHenry, near Baltimore, being the same rented from the heirs of the late Philip Swartzauce."

When the House of Representatives first acted on these amendments proposed by the Senate, they agreed to the second, third, and sixth amendments, and ultimately agreed to the first and to the fifth, with an amendment, leaving only the fourth amendment, which had also been agreed to in the first instance by the House, with an amendment embraced in the following section, which the House proposed to add:

"That the sum of three millions of dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance and increase of the Navy: *Provided*, Such expenditures shall be rendered necessary for the defense of the country prior to the next meeting of Congress."

It follows, then, from all this, that the House felt an anxious solicitude for the passage of this bill; that, so far from opposing its passage, they assented to the various amendments of the Senate; and it is matter of history, in relation to the proceedings of the two Houses upon this very bill, that the House had yielded the objections which it at first entertained as to the propriety of the very appropriations embraced in the amendments, and ultimately agreed to pass each of those with one amendment.

It will appear, distinctly appear, by a reference to the House Journals, that while the fortification bill was under consideration, Mr. EVERETT, of Massachusetts, moved the following amendment:

"For the preservation of Castle Island, and for repairing the fortifications on Castle Island, in Boston harbor, &c., $75,000."

That Mr. MCKIM moved to amend the bill by adding—

"For repairing Fort McHenry, at Baltimore, and for putting the same in a proper state of defense, $50,000."

Both of the propositions were rejected on a vote by yeas and nays in the House—the first by a majority thirty-three—yeas 87, nays 120; the second by a majority of sixty-three—yeas 66, nays 129; and yet, after the Committe on Finance had kept in their possession this very bill thirty-five days, they reported it the Senate with amendments; and two of the amendments proposed were, in truth, the amendments which had been rejected by the House. Yet, sir, the House gave up their objections to these very items, so anxious were they to secure the passage of the fortification bill. They not only agreed to the other amendments, but they reversed their former decision, and agreed to one and all the amendments proposed by the Senate, with an additional section, proposing an appropriation of $3,000,000 for the defense and permanent security of the country. Is there a man within our Republic who does not regret, most deeply regret, the loss of the fortification bill of the last session? Is there a man, in office or out of office, on the sea-board or in the interior, who does not now regret, most deeply regret, that the appropriation proposed by the House at the last session, "for fortifications, for ordnance, and for the increase of the Navy," did not become a law! I will not believe, I cannot believe, that there is an individual between Maine and Florida, between the lakes and the ocean, who does not, in truth and in soberness regret it.

The House, in perfect good faith, and under a deep conviction that the state of the country required that a large amount should be appropriated for the purpose of general defense, proposed this appropriation as an amendment to the Senate's amendment. At that late period of the session it could not have accomplished this object in any other way. It was not for the reason that the House objected to the fourth amendment of the Senate, but it was *merely and solely* for the purpose of obtaining a large appropriation for the objects specified in the amendment, which induced the action of the House—an appropriation which not only the defenseless state of our whole maritime and inland frontiers demanded, but which the peculiar exigency of the times—the state and posture of our affairs with France, called loudly and pressingly on Congress to make.

How was this feeling met? How was this proposition treated by the Senate? There could be no misapprehension—no mistake about the object; and yet no sooner was the communication made—no sooner was the amendment read at the table of the Secretary, than the Senator from Massachusetts moved to disagree to the amendment. The motion was carried. The House were informed of this proceeding of the Senate. A motion was then made for the House to recede from their amendment. That motion was negatived by a decided majority. Information was at once communicated to the Senate; and, without any intervening motion, the Senator from Massachusetts moved that the Senete *adhere* to their vote of disagreement. This proceeding on the part of the Senate has been justly commented upon by the Senator from Georgia.

It is unnecessary for me to add to his remarks. Certainly it was, considering the lateness of the hour, a most embarrassing, a truly unfortunate

motion. On this information being communicated to the House, a motion was again made that the House do recede; it was attended with the same result. Anxious to save the bill, if possible, a motion was made that the House do insist on their amendment. A conference was asked; it was voted; and conferees were appointed. The Senator from Virginia has stated that, when the conferees on the part of the Senate left the Hall of the Senate, it lacked fifteen minutes or twenty minutes of eleven o'clock; and when the conferees returned, it was about the same number of minutes after the hour of eleven. If, sir, the Senator from Virginia be correct in point of time, there must have been a great difference between the time of the House and the time of the Senate. It is utterly impossible for me to account for this difference. If the gentleman had, in the course of the evening, regulated his own watch by the uncertain dial over his head, there would be no difficulty in accounting for the great difference between the time as indicated by the watch of the Senator from Virginia, and the time as indicated by the watches of other gentlemen. The Senator from Massachusetts, who was the chairman of the committee of conference on the part of the Senate, remarked that he had no particular recollection of the exact time. Having taken no note of it, sir, am I entirely mistaken as to the occurrences which took place in the committee after the committees of conference had assembled? I must be, or else the Senator is entirely mistaken. While the committee were together and trying to agree upon a report, the Senator from Massachusetts drew from his pocket his own watch, if I do not altogether misrecollect, and reminded us that it lacked but a few minutes of twelve, and that we had but a few minutes to spare. He did this, as I then supposed, and as I now believe, to induce a speedy action of the committee upon the subject which had been referred to them. The committees did agree upon a report. Mr. CAMBRELENG dissented. Mr. LEWIS and myself, constituting a majority of the committee on the part of the House, did agree to the report. I have no doubt but that the Senator from Virginia is correct in the statement that the committee of conference must have been absent at least one half hour; this fact is inferable from *his* account of the time. But, sir, it cannot be correct, in my opinion, that the committee could have reappeared in the Senate until past the hour of twelve o'clock. I am not without some record to confirm me in this statement, a record made by one of the reporters of the House, and published in one of the journals of this city, after the adjournment. I subjoin the following extract from the National Intelligencer.

The amendment made to the fortification bill was then under discussion. The House had been informed of the vote of the Senate to adhere, and after some debate, according to the Intelligencer, and in perfect accordance with my own recollection, the following is the order of the subsequent proceedings:

"Mr. HUBBARD said, if the House *adhered*, the bill would be lost. He moved that the House appoint a committee of conference.

"Mr. LEWIS said it was not the amount of the appropriation, but the principle, which was objected to by the Senate. A committee of conference might, therefore, adjust the disagreement. The manner of the appropriation was too loose. It was not specific. It put everything into the hands of the Executive. He asked what would be the effect of the previous question?

"The CHAIR replied, only to preclude debate.

"The motion for the previous question was withdrawn. The motion to ask a conference was agreed to; and Messrs. CAMBRELENG and LEWIS were appointed the committee of conference on the part of the House.

"Mr. HARDIN asked if the House was not virtually dissolved by the expiration of the term for which this Congress was elected?

"The CHAIR said it was not a question of order, and the Chair could not decide it.

"The Cumberland road bill was taken up and read a third time.

"Mr. MCKAY moved that a message be sent to the other House, informing them that this House having completed its business, is ready to adjourn.

"The CHAIR said the motion was not in order, the question being on the passage of the bill.

"The Clerk proceeded to take the yeas and nays on the passage of the bill to continue and repair the Cumberland road; and

"Mr. GILMER, when his name was called, rose and said he considered that he had no right to vote, the term for which he was elected having expired at twelve o'clock this night; and he, therefore, declined voting."

It will appear that Mr. CAMBRELENG and myself both voted against the passage of the Cumberland Road bill, and both voted even before the committee of conference was organized.

There can be no mistake in this matter. The order of proceeding published in the Intelligencer, as noted by the reporter, is, beyond all question, correct; and it distinctly appears, from the Journals of the House, that the committee of conference was appointed immediately before the vote of the House upon the "Cumberland Road bill;" and there can be no doubt, that while the yeas and nays were taking on the motion to pass that bill, Mr. GILMER, of Georgia, objected, when his name was called, to voting, for the avowed reason that the hour of twelve had arrived, and that the functions of the House had terminated. He did not vote, and one, if not more, of his colleagues, entertaining the same views, did not vote on the passage of that bill. It even appears, from the publication in the Intelligencer—an authority which neither the Senator from Virginia nor the Senator from Massachusetts will, I presume, question—that before the consideration of that bill was moved, Mr. HARDIN, of Kentucky, made a question whether the House could constitutionally proceed in the transaction of business, as the hour of twelve o'clock had arrived. From all this, I submit whether the Senator from Virginia could be correct as to the precise time when the committees entered upon the discharge of their respective duties, and when they returned to their respective Houses.

It is important, in my view, and will be regarded as important by others, to fix, with as great a degree of certainty as possible, the time when the report of the conferees was agreed on, and when it could have been presented to the two Houses; for, if it was past twelve o'clock, the House could not, consistently with their duty, have received it. After that hour, they no longer existed as a legislative body.

This was an opinion conscientiously entertained by many members of that House. If the time of the House was necessarily consumed, if a delay was occasioned by any extraordinary vote or proceeding on the part of the Senate in relation to this bill, ought its ultimate loss to be imputed to the House of Representatives? Ought they to be made answerable for its failure? *I think not.* When Mr. CAMBRELENG appeared in the House with his report, the yeas and nays were then calling on a motion, I believe, of Mr. MASON, of Virginia, to allow Robert P. Letcher his pay, as a member of the House at the last session. He was in time to answer to the call of his name; but, from the result of that vote, it appeared that no quorum was in attendance; and from that time until the last moment of the session, no quorum of the House could be procured, for the reason that it was believed that the House had no authority to act. Hence the bill, with all its amendments, was lost. And having faithfully given a narrative of the occurrences as they took place, I leave to the nation—*to the American people*—to decide whether the loss can, with justice or with propriety, be imputed to the chairman of the committee of conference on the part of the House, or to the members of that committee, or to the House itself. It will be recollected that this last amendment to the fortification bill, and which was attended with such fatal consequences to that bill, was proposed by the chairman of the Committee on Foreign Relations. It was supported on the ground that the peculiar state of our affairs with France rendered it proper and expedient.

The amendment was not regarded by its friends in the House as unreasonable, on the ground of the amount of the appropriation. It was believed to be no more than would be necessary, in a certain event, for the objects specified in the amendment. Nor was it regarded as objectionable in its terms, or extraordinary in its character, nor was the proposition regarded as invading any principle of the Constitution.

And why was this amendment opposed in the Senate?—for had it not been for the opposition from that quarter, the amendment would have been incorporated in the bill—and the *bill* would have been passed; and, at this period of time, our fortifications would at least have been well supplied with ordnance; our ships would have been put in readiness for actual and active service; and we should have been prepared for action—if action should have become necessary.

I again ask, on what ground was this amendment resisted in the Senate?

The Senator from Massachusetts, in his argument, stated two grounds of objection to the amendment of the House appropriating $3,000,000 for the objects stated in the amendment. The first ground was, "that no such appropriation had been recommended by the President or by any of the Departments." And it could not have been known that this appropriation was in accordance with the views of the Executive. The duty devolving on the President in relation to this subject, the Senator states, is plainly and explicitly set forth in the following clause of the Constitution: "He shall from time to time give to the 'Congress information of the state of the Union, 'and recommend to their consideration such 'measures as he shall judge necessary and expe-'dient." And this appropriation was opposed—this amendment was objected to in the absence of such a recommendation.

It was said by the Senator from Tennessee, "It is not asked for by those who best knew what the public service required; how, then, are we to presume that it is needed?" Let us examine this matter, and see whether the objection be well taken. At the commencement of the last session of Congress, it is to be presumed that the President of the United States communicated all the information, touching the state of the Union, which it was in his power to communicate. That message not only contained a full account of our foreign relations, but also of our domestic concerns. Every piece of information connected with, or having relation to, the state of the Union, was communicated to both Houses of Congress; at the same time, and in the same communication, he recommended for adoption such measures as he deemed necessary and expedient. In that message he very fully and explicitly made known to Congress the precise and exact state of our relations with France. Among other things, he communicated, as his "conviction, that the United States ought to insist on a prompt execution of the treaty;" and after having expressed his own views fully and explicitly upon the subject of our relations with France, he remarked, that "having submitted these con-'siderations, it belongs to Congress to decide 'whether, after what has taken place, it will still 'await the further action of the French Cham-'bers, or now adopt such provisional measures 'as it may deem necessary, and best adapted to 'protect the rights, and maintain the honor of 'the country. Whatever that decision may be, 'it will be faithfully enforced by the Executive, 'as far as he is authorized so to do." And it further appears, that on the 26th of February, 1835, within less than one week before the necessary termination of the session, the President communicated to both Houses of Congress the following message:

"I transmit to Congress a report from the Sec-'retary of State, with copies of all the letters re-'ceived from Mr. Livingston since the message 'to the House of Representatives of the 6th 'instant, of the instructions given to that Min-'ister, and of all the late correspondence with 'the French Government, in Paris or in Wash-'ington, except a note of Mr. Serurier, which for 'the reasons stated in the report, is not now com-'municated.

"It will be seen that I have deemed it my duty 'to instruct Mr. Livingston to quit France with 'his legation, and to return to the United States, 'if an appropriation for the fulfillment of the con-'vention shall be refused by the Chambers.

"The subject being now, in all its present as-'pects, before Congress, whose right it is to de-'cide what measures are to be pursued on that 'event, I deem it unnecessary to make further 'recommendation, being confident that on their 'part everything will be done to maintain the 'rights and honor of the country which the oc-'casion requires.

"ANDREW JACKSON.

"WASHINGTON, *February* 25, 1835."

The object of this communication cannot be misunderstood—there can be no mistake about the matter. It was to put the two Houses of Congress in possession of all the information in possession of the Executive upon the subject of our relations with France, which had come to his knowledge after his message at the opening of the session; and this information was communicated at the latest possible period, to enable Congress to act upon the subject, if they deemed any action expedient and necessary; expressing, in the conclusion of his message, his entire confidence in Congress, and that on their part everything would be done to maintain the rights and honor of the country which the occasion required. There was a peculiar propriety in making the communication at the time it was made; it had become necessary—it was near the close of the session; it was, in all probability, the last communication which the President would be able to make to that body upon that absorbing subject The Senate had, also, more than one month before this communication was made, upon the report of their Committee on Foreign Relations, unanimously come to the resolution, "That 'it is inexpedient at present to adopt any legisla-'tive measure in regard to the state of affairs 'between the United States and France."

The House of Representatives had the subject before them at the time this last message was communicated; and on the very day next following the receipt of this message, the Committee of the House on Foreign Relations reported the following resolutions:

"1. *Resolved*, That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France on the 4th of July, 1831, and that this House will insist upon its execution, as ratified by both Governments.

"2. *Resolved*, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions, or to reprisals on the commerce of France.

"3. *Resolved*, That contingent preparations ought to be made to meet any emergency growing out of our relations with France."

At a subsequent day, as late as the 2d of March, the House finally came unanimously to the resolution, "That the treaty with France on the 4th of July, 1831, ought to be maintained, and its execution insisted on"—yielding the last resolution which the committee had reported on the 27th day of February, for the reason, as expressly stated by the chairman of that committee, to produce a unanimity on the vote of the House upon the adoption of the first resolution; at the same time communicating that he should offer an amendment to the fortification bill then pending in the House, appropriating, conditionally, three millions for the purpose of national defense. These proceedings on the part of the House had become matter of history; they were published in the papers of this city; and they must have been known to the members of the Senate. The amendment then proposed by Mr. CAMBRELENG, as the chairman of the Committee on Foreign Relations, to the fortification bill, which is now the subject of debate, was what that committee deemed, and the House considered, expedient and necessary to do upon the subject of our affairs with France. The question was then pending in the Chamber of Deputies; whether they would or would not pass the bill of indemnity was unknown; whether they would pass it untrammeled with conditions was alike unknown. This amendment then proposed, comprehended all that the House regarded as necessary to be done under all existing circumstances. It was the action of that body. It was agreed to by a very decided majority of that body. Among the yeas are included the names of some of the most distinguished members of that House, who were opposed to the Administration. That this amendment was offered, not to defeat the fortification bill, but to carry out the message of the President of the 26th of February—that it was offered as a precautionary measure, considering the attitude and the position of our affairs with France, no person conversant with the facts, can for one moment doubt.

The gentleman from Massachusetts remarked "that the proposed grant was defended, so far as it was defended at all, upon an alleged necessity growing out of our foreign relations." The terms of the grant—of the amendment itself, leave not a shadow of doubt upon the mind how it happened to be offered; and the history of the proceedings shows clearly and explicitly why it was proposed at the time as an amendment to the fortification bill. If, then, I am correct, the President had communicated, not to one House, but to both Houses, the very information which he was required to communicate under the clause of the Constitution to which the gentleman has referred.

He not only had, at the opening of the session, sent in his message giving full information of the state of the Union, but, as late as the 26th of February, he communicated, by special message, the then state and condition of our relations with France—that the Chambers had not then passed the indemnity bill, and the instructions which he had given to our Minister at that Court. He had done all that could by any possibility be required of him to do. By the message, he left it for Congress to decide upon the measures to be adopted. All that the Constitution required of the President—all that a patriotic regard to the state of the country required of him, had been done—all that the peculiar and embarrassing attitude of our affairs with France had suggested, was faithfully communicated to both Houses of Congress; and it was this message—it was the exposed and defenseless state of our country—it was the necessity growing out of our relations with France, that induced the House to propose and adopt the amendment. It was all this which made the amendment necessary, expedient, and proper.

How, then, could the honorable Senator from Massachusetts urge as an objection, that Congress were in the dark, that no information had been communicated from the Executive, that we had no Executive recommendation whether the measure was or was not required, whether it was or was not necessary and proper? Sir, can the gentleman show to this Senate that it has ever been the practice of the Executive to do more than what was done by him in relation to this subject? Would the gentleman have had the Executive call in direct terms for an appropriation of $3,000,000, the expenditure of which was to be committed to his discretion? I presume not. Would he have had the Executive, after having communicated, through his Departments, the precise condition of our Navy, the state of our fortifications, the amount of our ordnance, and every information necessary for the action of Congress, gone further, and in this message, have stated that the further sum of $3,000,000 is now required to arm our fortifications, and to have in readiness such a naval force as the exigency of the times demanded? I trust not. The President had properly submitted the whole matter to Congress, leaving it with them to do whatever they should deem it necessary, expedient, and proper to do. He had stated in his message at the opening of Congress what particular measures he considered advisable. In his last message he left, where it should have been left, the whole matter with the Congress of the United States; and yet we are told that we have had no Executive communication upon this subject, and on this ground the appropriation was opposed—on this ground it was successfully resisted by the Senate. The position of the gentleman, that this appropriation was opposed on the ground that it did not come recommended by executive authority, strikes me to be wholly untenable—it proves too much. The appropriation was $3,000,000 for fortifications, ordnance, and increase of the Navy—opposed, and successfully opposed, says the gentleman, for the reason that it was without executive recommendation. Well, sir, was there any executive recommendation for the substitute reported by the committee of conference? The gentleman certainly assented to that report; he was himself the chairman of that committee. I am unable to see any real difference between the amendment of the House to the fortification bill and the report of the committee of conference, except in the amount, and except also, that the expenditure of the $3,000,000, in whole or in part, was left to the discretion of the President. The sum recommended by the committee of conference was an absolute and unconditional appropriation.

But it is proper here to remark, that the expenditure of the three millions, in whole or in part; left to the discretion of the President, was not particularly excepted to by the gentleman from Massachusetts. If, then, the great objection really was, that the appropriation of three millions had not the sanction of the Executive authority, that it was not recommended by the President or by either of the Departments, does not the same objection apply with equal force to the report of the committee of conference? Where was the authority for reporting as an additional appropriation for arming the fortifications of the United States $300,000? We had passed the fortification bill, we had introduced into that bill all the appropriations which were recommended to us, and which we considered necessary and expedient. And how, then, did it happen that a further sum of $300,000 was proposed? Not in pursuance of any executive recommendation, says the Senator, but solely in pursuance of the recommendation of the committee of conference. The same committee proposed, as an additional appropriation for the repair and equipment of the ships of the United States, $500,000. We had passed the usual bill for the naval service, and no such appropriation was then believed necessary or proper. How did it happen that this large appropriation was recommended at that particular time? Not in pursuance of any executive recommendation, the gentleman from Massachusetts contends. How then? Something must have occurred within the short period which had elapsed between the passage of the bill for the naval service, and the time when this large additional appropriation was recommended and proposed.

I say, then, sir, there is no more, but just as much authority for the amendment to the fortification bill, as proposed by the House, as there was for the $800,000 proposed as a substitute by the committee of conference. There was an influence—there was a reason—there was a consideration for the action of the House; the same influence—the same reason—the same consideration must have operated upon the committee; and what was it, sir? What induced the House to propose an appropriation of $3,000,000 at the time it did? What induced the committee of conference to strike out the $3,000, 000, and to substitute $800,000? *for this is all the real essential difference* between the action of the House and the action of the committee. I ask what had occurred to induce this action of the House, and this action of the committee? The answer is at hand: it was the message of the President of the 26th of February, 1835, giving information of the posture of our affairs with France; of the determination of the executive, in the event that the Chamber of Deputies should neglect to pass the bill of indemnity. Disguise it as you may, it was the then existing relations between the United States and France which called for this large appropriation. It was our defenseless maritime frontier; it was the unarmed state of our fortifications; it was our unpreparedness to meet a possible contingency, which induced the House of Representatives, upon the communication of that message, in the exercise of its proper discretion, to propose an appropriation of $3,000,000, to be expended in a certain way, if the expenditure should, in the discretion of the President, become necessary. It was the same consideration which induced the committee of conference to substitute the sum of $800,000 in lieu of the $3,000,000. Then, Mr. President, I cannot fail to come to the conclusion, that the first ground of objection made by the Senator from Massachusetts was not well taken. That the facts showed clearly, that we were not only *not without executive recommendation in this matter, but that it was the executive's communication* which produced the action of the House, and I presume also the action of the committee of conference.

The appropriation embraced in the amendment of the House of Representatives to the fortification bill, which was rejected by the Senate, was a contingent appropriation—its expenditure confided to executive discretion; and I am unable to conceive what more could have been done by the executive, with reference to this subject, than was done. From my examination, I have not been able to find a precedent where the executive has

done more than was done on this occasion. He brought the subject-matter to the consideration of Congress. He confided in their discretion. He left it for Congress to do whatever they might think proper to do. He called for no definite—no precise appropriation. He asked for no distinct action on the part of Congress. Such a course would, in my view, have been wrong. He committed *wisely, judiciously—properly* committed—the whole matter to Congress, relying that every measure would be adopted which the honor, the safety, the interest of the country demanded.

[Mr. HUBBARD here gave way to a motion for an adjournment.]

WEDNESDAY, *January* 20, 1836.

Mr. HUBBARD. When the Senate adjourned last evening, I had submitted all the remarks which I had intended to have submitted in relation to the proceedings of the two Houses of Congress at the last session upon the appropriation bills, and particularly upon the fortification bill, as it has been familiarly called in the course of this debate. I had endeavored to answer the first ground of objection taken by the Senator from Massachusetts in his opposition to the amendment of the House to that bill. I can assure the Senate that in doing what I have done, in doing what I have to do, I have felt impelled by a sense of duty which I owed to my constituents, to myself, as well as to the last House of Representatives, of which I was a member. Whether I have been able to set history right touching the proceedings of the two Houses of the late Congress on the last evening of their session, I leave for others to decide. It has been my purpose faithfully to state the facts in the order in which they transpired. It cannot be denied that the fortification bill was lost; it had passed the House of Representatives. It had passed the Senate with amendments; those amendments were principally concurred in, one was agreed to with an amendment, and the consequent action of the two Houses upon the subject of this last amendment, proposed by the House of Representatives, terminated in the sacrifice of the bill itself.

It is but an act of justice to the chairman of the committee of conference on the part of the House, to say, that so late was the hour of the night, so determined was a portion of the House, that the constitutional power of that body had ceased long before the chairman came in with his report, that it was in my opinion utterly out of his power, and out of the power of any other person, to have induced any action of the House upon the subject of that report; for this plain reason that a large and respectable number of that House conscientiously believed (if their declarations be credited) that they had no right, under the Constitution, to act upon any subject of legislation—they believed that their functions had ceased. This was, sir, the sentiment, as I remarked yesterday, of Mr. GILMER, of Georgia, and also of one or more of his colleagues. This opinion, whether right or wrong, influenced the course of many members of that House. The gentleman from Georgia, to whom I have referred, stated in his place, before even the committee of conference was organized, that the hour of twelve had arrived. Before the committee could have even agreed upon any report, Mr. JARVIS, of Maine, offered a resolution "that the hour having arrived when the *term* for which this House was elected has expired, we do now adjourn." I say, then, sir, in justice to the chairman of the committee, that there was no quorum of the House in attendance; which fact was ascertained by taking the yeas and nays, as well as by tellers, after he came into the House with the report of the committee of conference. And, Mr. President, after the message of the Senate was communicated to the House—

"Mr. CAMBRELENG, the chairman of the conferees on the part of this House, then rose, and stated that he declined to make a report of the proceedings of the committee of conference aforesaid, on the ground that, from the vote on the resolution granting compensation to Robert P. Letcher, which vote was decided at the time the committee returned into the House from the conference, it was ascertained that a quorum was not present, and further, that he declined to make the said report, on the ground that the constitutional term for which this House had been chosen had expired."

Mr. LEWIS, from the conferees, then made a report, as follows:

"The conferees had agreed to recommend to the respective Houses, that the House of Representatives recede from its amendment containing an appropriation of three millions of dollars, to be expended in whole or in part, under the direction of the President, for the military and naval service, including fortifications and ordnance, and increase of the navy, and that, in lieu thereof, the bill be amended by inserting therein the following, viz:

"As an additional appropriation, the sum of three hundred thousand dollars shall be appropriated for arming the fortifications of the United States, over and above the sums provided in this act; and that the sum of five hundred thousand dollars shall be, and hereby is, appropriated for the repairs and equipment of the vessels of war of the United States, in addition to previous appropriations; the said sums to be paid out of any money in the Treasury not otherwise appropriated.

"The item proposed by the conferees in lieu of the amendment of the House was then read, and the question was stated, that the House do adopt the same; when it was objected that a quorum was not present; and, thereupon, Mr. CAMBRELENG and Mr. LEWIS were appointed tellers to return the House; and the House being counted, the tellers reported that a quorum was not present:"

The Senator from Virginia, in the conclusion of his speech, remarked, "Why or how it happened that the result of the compromise was not reported to the House of Representatives; why or how that House was induced to suffer a bill of that importance to be lost by its own inaction, he did not pretend to know; he had heard something, and he had his suspicions or conjectures, but it was not proper or decent, it would be disorderly to say what he suspected." For one, Mr. President, I know not, I cannot conceive, to what the Senator refers, unless it be to an allegation made about the time through the public journals. What reliance could be placed upon that statement, may be gathered from a publication inserted in one of the newspapers in the city of Philadelphia, made as late as the 1st of May last. I have subjoined the following extract from the *National Gazette*. The charge made, and the answer to the charge, are inferable, from a persual of the extract:

[From the National Gazette.]

"Last week we gave, in an editorial article, a statement of the causes of the failure of the fortification bill at the last session of Congress. That statement was derived from several highly respectable sources; we believed it to be correct, and we are sure that the particulars were deemed certain by the informants. In substance, it had appeared in other newspapers; and as the loss of the fortification bill was a serious wrong and evil, we endeavored to ascertain the real history of the case. Yesterday we received from Mr. Forsyth, the Secretary of State, a letter, in which the statement is contradicted in the part that relates to him and Mr. Van Buren. We subjoin the text of his contradiction:

"'The course pursued by Mr. Cambreleng is imputed, 'in that article, to advice given to him by Mr. Van Buren 'and myself, to prevent the responsibility of the failure of 'the bill from falling upon the President of the United 'States. I am sorry to be obliged to inform you that your 'paper has been made the instrument of an imposition upon 'the public. The statement, as regards Mr. Van Buren 'and myself, is in every respect untrue.'"

With reference to this groundless charge, Mr. CAMBRELENG himself addressed a letter, which I also subjoin:

"MANSION HOUSE, *March* 31, 1835.

"*To the Editor of the National Gazette:*

"SIR: On my arrival in this city, I find, in the National Gazette of the 27th instant, an editorial article which appears to be founded upon information derived from some of 'the most respectable members of the House,' and 'Senators, too, of the highest character,' concerning the proposed appropriation of three millions, and the fortification bill.

"In regard to the notice I gave the House of my intention to move to lay the third resolution on the table, as I proposed to offer an amendment to the fortification bill, authorizing a conditional appropriation of three millions for the defense of the country, it is stated in the article referred to that 'it is denied by some of the most respectable members of the House, who were in positions to know what 'passed, that any such notice was heard, or heard of, in 'the House. Senators, too, of the highest character, aver 'that they were not apprised of it.' I regret, sir, that you should have been imposed upon, no doubt unintentionally, by authority so respectable. By referring to the files of the Globe, and also of the Intelligencer, you will find the notice reported in both papers in language which could not have been misunderstood, and in ample time to have given the information to every member of both Houses.

"The other statement, that 'Mr. VAN BUREN and Mr. FORSYTH advised Mr. CAMBRELENG to abstain from reporting the compromise, and to let the bill die in the House,' is unequivocally false, whether founded or not on the same 'most respectable' authority, or on the statements of gentlemen of 'the highest character.'

"I am, very respectfully, &c.,

"C. C. CAMBRELENG."

All that I have to say with reference to this matter is, that I had no knowledge of any such occurrence, and if any such transaction ever did take place, let the authors and the abettors be exposed, that the public indignation may rest where it should rest. If it be scandal, pitiful, contemptible, miserable scandal, then let the odium rest on its malignant author, be he whom he may.

The Senator from Massachusetts, speaking of the course of the President in relation to a vote of the Senate indefinitely postponing the nomination of a Judge of the Supreme Court, remarked "that this vote of the Senate was carried to the President's room by the Secretary of the Senate," and the "President told the Secretary that it was 'more than an hour past twelve o'clock, and 'that he could receive no further communications 'from the Senate, and immediately after, as I have 'understood, left the Capitol. The Secretary 'brought back the paper containing the certified 'copy of the vote of the Senate, and indorsed 'thereon the substance of the President's answer, 'and also added that, according to his own watch, 'it was a quarter past one o'clock.

"There are two views, sir, in which this occurrence may well deserve to be noticed. One 'is a connection which it may perhaps have with 'the loss of the fortification bill; the other is its 'general importance, as introducing a new rule, 'or a new practice, respecting the intercourse 'between the President and the Houses of Congress on the last day of the session.

"On the first point I shall only observe that 'the fact of the President having declined to 'receive this communication from the Senate, 'and of his having left the Capitol, was immediately known in the House of Representatives; 'that it was quite obvious that he could not receive a communication from the Senate, neither 'could he receive a bill from the House of Representatives for his signature. It was equally 'obvious that if, under these circumstances, the 'House of Representatives should agree to the 'report of the committee of conference, so that 'the bill should pass, it must, nevertheless, fail to 'become a law for want of the President's signature; and that, in that case, the blame of losing 'the bill, on whomsoever else it might fall, could 'not be laid upon the Senate."

What does this statement of the gentleman show? One fact most distinctly, that this communication from the Senate was made as late as a quarter past one of the clock in the morning of the 4th of March. Another fact, also, is drawn from this statement, that the circumstance was immediately known in the House of Representatives, and that it produced an influence upon that body, in relation to their proceedings on the report of the committee of conference. The fact that the President had refused to receive a communication from the Senate at a quarter past one o'clock, says the gentleman, was known in the House of Representatives, and influenced the action of that body, with reference to the report of the committee of conference; and for what purpose? *To save the President from the blame which would necessarily attach to him, in the event that* the report should be agreed to—the bill should pass, and his signature should be withheld. This is certainly an assumption somewhat extravagant and extraordinary. The gentleman does not tell us how the President became acquainted with the then condition of the fortification bill, or how the House became informed of the decision of the President, in refusing to receive the communication from the Senate. I had supposed, from the remarks of the gentleman from Virginia, as well as from the remarks of other gentlemen, that it was contended that this report of the committee of conference was made to the two Houses before the hour of twelve o'clock, and therefore should have been acted on. I now learn from the statement of the gentleman, that as late as a quarter past one o'clock the determination of the President was known; and that sealed the fate of the bill. Sir, this is far-fetched. The decision of a majority of the House, with reference to the fortification bill, and with reference to every other public measure, was fixed and determined long before the hour of one o'clock in the morning. The last public business which was done in the

House of Representatives that night, was the passage of the Cumberland Road bill; and upon the passage of that bill many gentlemen believed that it was then twelve o'clock, and refused to give their votes accordingly; other gentlemen entertained a different opinion, and did vote on that bill. I did not, for one, believe that it then was twelve o'clock; my watch did not so say; I did not believe that twelve o'clock had arrived when the committee of conference assembled in the committee room; but I must believe that before the committee reappeared in their respective places, that it was past the hour of twelve o'clock. And, sir, when the gentleman speaks of the decision of the President, and of the effect of that decision, he reverses the order of things; he sets forth a cause for an effect, when the effect had been produced before the cause could have operated. He assigns a reason for an event, when the event had transpired before ever the reason existed. Sir, I cannot believe that one Congress can, with any propriety or countenance, continue to transact the public business of the country, after the commencement of the term of another Congress. I cannot believe that one executive can, with propriety, with a strict regard to the Constitution and the law, continue to do business after the election of another executive. I cannot believe that my predecessor could have continued to discharge the duties of his office after the commencement of my term of office. The gentleman from Massachusetts says:

"There is no clause in the Constitution, nor is 'there any law which declares that the term of 'office of members of the House of Representa-'tives shall expire at twelve o'clock at night, on 'the 3d of March. They are to hold two years, 'but the precise hour for the commencement of 'that term of two years, is nowhere fixed by con-'stitutional or legal provision. It has been estab-'lished by usage and by inference, and very prop-'erly established, that, since the first Congress 'commenced its existence on the first Wednesday 'in March, 1789, which happened to be the 4th 'day of that month, therefore, the 4th day of 'March is the day of the commencement of each 'successive term; but no hour is fixed by law 'or practice. The true rule is, as I think, most 'undoubtedly, that the session holden on the last 'day constitutes the last day, for all legislative 'and legal purposes. While the session com-'menced on that day continues, the day itself 'continues, according to the established practice 'both of legislative and judicial bodies. This 'could not well be otherwise. If the precise mo-'ment of actual time were to settle such a matter, 'it would be material to ask, who shall settle the 'time? Shall it be done by public authority, or 'shall every man observe the tick of his own 'watch? If absolute time is to furnish a precise 'rule, the excess of a minute, it is obvious, would 'be as fatal as the excess of an hour."

Now, sir, the very statement of the gentleman is, although the Constitution is silent upon this subject, although there is no law fixing the precise hour for the commencement of a Congressional term, yet it has been established by usage and by inference that the 4th day of March is the day fixed on for the commencement of the term. Whether it be by positive enactment—whether it be by common law—by common usage, it makes no manner of difference in principle; one term ends when the other begins. The Senator admits that the commencement of the term is on the 4th of March. And when does the 4th day of March begin? Clearly when the 3d day of March ends. It is strictly true, that commencing with 1789, on the 4th of March of every second year thereafter a new Congress, a new House of Representatives is elected—a new Senate is organized for the public service. It follows, then, that the public functions of the preceding Congress must have ended with the end of the 3d of March—must have closed with the close of that day. Sir, suppose the President of the United States had called the new Senate together, to meet at the Capitol, at one o'clock in the morning—suppose some extreme case had occurred to have made such a call necessary and proper, who would have been entitled to have occupied these seats at that hour—the members of the old Senate, whose term of office had expired, or the new members, who were to constitute the new Senate? Certainly the latter; their term of office commences with the commencement of the fourth—the term of the old Senate ceases with the close of the third. Sir, the gentleman says it has not been unusual for both Houses to continue in session after the hour of twelve o'clock at night on the third. This may have been so, and it may again occur, no one objecting; but does that fact settle the right? By no means. Do the Journals of Congress, do the acts upon the statute-book show that any business was ever transacted after the close of any congressional term? Never, never, sir. The acts passed all purport to be approved on the third—the Journals of both Houses show that all the business was done on the third. The official proceedings of an expiring executive never bear date after the 3d of March. The true rule is, the Senator says, that the session holden on the last day constitutes the last day for all legislative and legal purposes, while the session commenced on that day continues, the day itself continues. Then, sir, if the two Houses shall assemble on the 3d of March, and shall continue in session without adjournment, until the fourth at mid-day, it is to be regarded as a session on the third, and therefore constitutional.

Well, sir, by the same rule, may not the old Congress continue in perpetual session? If they can continue in session one day beyond the period fixed for the close of the term, may they not two, upon the same principle? May they not weeks and months, upon the same principle? All that they would be required to do to legalize the transaction, would be to prevent any adjournment; to suffer no such proceeding; to see that the session, commenced on the third day, continues. While the session commenced on that day continues, according to the Senator's doctrine, the day itself continues. A session, then, commenced on the 3d of March, 1836, may be continued to the 3d day of March, 1837, without intermission; and according to the doctrine of the gentleman, it would be a session of the 3d of March, 1836, and therefore constitutional and obligatory. Sir, I cannot yield my assent to any such doctrine; there is a fixed, a known, a well-established time, for the termination of one Congress, and for the commencement of another; and there is no conceivable time between the two periods. Whenever the third of March ends, the fourth of March begins. It is the natural division of time; there should be no fractional part of a day. Whenever the term of one Congress ends, the term of the next begins. This is common sense; this has been the usage, the common law of the land since the meeting of the first Congress in 1789. The authority of this regulation cannot be impaired at this late day of our history by any construction which ingenuity can devise. Sir, we are not without book upon this subject; the subjoined extract from the Journals of the first Congress shows what was then done; the history of the legislative proceedings of the several States show that they have strictly conformed to the resolution of the first Congress in relation to this matter:

"30th of April, 1790.—Mr. Benson, Mr. Clymer, Mr. Huntington, Mr. Moore, and Mr. Carroll, were appointed a committee, on the part of the House, to report 'when, 'according to the Constitution, the terms for which the 'President, Vice President, Senators, and Representatives 'have been respectively chosen, shall be deemed to have 'commenced.'

"12th May.—Mr. Benson made a report.

"14th May.—The Senate informed the House they had agreed to the report.

"18th May.—The House agreed to the resolution reported, which is in these words:

"'That the terms for which the President, Vice Presi-'dent, Senate, and House of Representatives of the United 'States were respectively chosen, did, according to the 'Constitution, commence on the 4th of March, 1789; and 'so the Senators of the first class, and the Representatives, 'will not, according to the Constitution, be entitled to seats 'in the next Congress, which will be assembled after the '3d of March, 1791.'

"August 9.—The Speaker was directed to transmit to the executive authority of each State an authentic copy of the resolution of the 18th of May."

This is all, sir, that I wish to say upon the subject of the functions of the last Congress, with a view to justify that body for the course they pursued in relation to the fortification bill.

The Senate will pardon me for this digression. I felt disposed to state with more particularity than I did yesterday, the last scene of the fortification bill. I was desirous to put the Senate in possession of all the facts connected with the loss of that measure. It would be of no avail for me to say how its defeat might have been prevented, or to whose agency its final loss should be attributed. I will not do it. My own opinion would be worth no more than that of any other person. I hope it would be worth no less. The American people will judge for themselves. With that judgment I shall be content.

But, sir, while we mourn the demise of this bill, let us profit from this untoward occurrence—let us remedy the evil—let us now make full amends—let us in truth, one and all, be resolved, that we will now do our duty, and that the nation shall no longer suffer by our neglect. I do, as sincerely, I trust, as any other man, lament the fate of the bill. It cannot but be regretted in every point of view. But, Mr. President, the grounds on which the amendment was opposed in the Senate ought to be examined and well considered. The grounds of objection as taken, must be regarded as matters of no little consequence to those who were its friends in the House of Representatives. It was objected to—it was opposed and successfully opposed mainly on constitutional grounds. If, then, the grounds of objection were well taken, it follows that those of us who supported the amendment infringed, by that act, the Federal Constitution. Now, sir, I wish to satisfy my own people, if I can be so fortunate, that I am not obnoxious to this charge—that I have not advocated—that I have not supported this amendment in disregard of the provisions and injunctions of the Constitution. I must, therefore, still further examine the grounds of objection taken to this amendment.

The Senator from Maryland remarked, that "by reference to the proceedings of the Senate 'of last session, we shall find that, upon due 'consideration, the Senate unanimously resolved 'that it was 'inexpedient to adopt any legisla-'tive measure in regard to the state of affairs 'with France.' By looking at the history of 'the proceedings of the other branch of Con-'gress, as now upon record, we find that the 'House, so late as the 2d of March, after a full 'view of all the dispatches sent by the Execu-'tive, unanimously decided that the 'treaty 'with France should be maintained, and its 'execution insisted on,' and said no more; and 'we see also that a resolution, 'That a contin-'gent preparation ought to be made to meet any 'emergency growing out of our relations with 'France,' introduced by the chairman of the 'Committee on Foreign Relations in that House, 'was by that chairman, on the same day, 2d of 'March, laid upon the table, where it quietly re-'posed during the short remnant of the session."

I have already stated how it happened that there was no action of the House on this contingent resolution proposed by the Committee on Foreign Relations; and if the Journals of Congress could contain a faithful record of the speeches, as well as of the votes of the members, there would be now no difficulty—there would be now no misapprehension in relation to this whole matter. But, sir, in confirmation of what I said yesterday, I would quote the declarations of Mr. CAMBRELENG, published in one of the papers of this city, by the agency of the gentlemen who act as reporters in Congress:

"Mr. CAMBRELENG said that it was his object to avoid debate on this question. If we were to have peace with France, which he sincerely hoped and expected, the less that was said the better; if war, the next Congress would have enough to say upon the great question. As to the first resolution, he cared not for the form, provided the substance could be preserved, and the rights and honor of the country be maintained. He would concur in any modification which the House might deem expedient. He should also, to secure unanimity, disembarrass the question of our relations with France, by relieving gentlemen from the miserable question concerning the Bank of the United States. His sole motive in introducing that subject was to show not only to this country, but to France, that if driven into a war, we had the means of carrying it on without recourse to taxes or loans. He proposed that the third resolution, declaring that preparation ought to be made, should be laid upon the table, as he designed to take a more effective course. He should offer an amendment to the fortification bill when returned from the Senate, *appropriating one million for the Army, and two millions for the Navy, in case it should become necessary before the next meeting of Congress.*

This he understood would be all that was required by the executive branch of the Government. With these modifications he hoped the resolution would meet the approbation of the House."

This proceeding, I stated, must, in all probability have come to the knowledge of the members of this branch of the Government. Certain the fact is, that it was that very proceeding—the vote to lay the contingent resolution upon the table—which induced the chairman of the same Committee on Foreign Relations to propose as an amendment to the fortification bill, the appropriation of the $3,000,000.

The honorable Senator from Virginia has very distinctly stated his grounds of objection,—he regarded the amendment as an infraction of the Constitution.

It was not the amount which alarmed either the Senator from Maryland or the Senator from Virginia. The Senator from Virginia has very distinctly stated that his objections to the amendment were on constitutional grounds—that he regarded, of course, the proposed amendment as an infraction of the Constitution. The following extract from his speech, shows his views:

"The opposition to it was founded principally on constitutional grounds. It was objected that it was in fact a general vote of money to the Executive for the defense of the nation, to be used at his absolute, unlimited discretion; that the proposed appropriation was not sufficiently specific; that the amendment would place this large sum of money in the President's hands, with power to apply every dollar of it to whatever arm of the national defense he thought proper, and judge when defense would be proper; in other words, to determine the question of war or peace. The objection was not so much to the amount, though no estimate had been laid before us, and we had no data on which we could judge of the reasonableness of the appropriation. Nor was the objection rested on any distrust of the executive in the exercise of such a discretion."

The objection, then, of the Senator from Virginia was, in substance, that the appropriation was too general—too indefinite—not sufficiently specific. He did not distrust the executive in the exercise of the discretion confided to him. He made no objection to the amount of the appropriation; but it granted the executive a power too unlimited. The terms of the grant were too unqualified. This is also the second ground of objection assumed by the Senator from Massachusetts; and it is my object, before resuming my seat, to undertake to answer this objection. Before proceeding, however, to consider this objection, I would, with reference to another ground of objection, and on which I have already submitted some remarks, ask what, sir, has been the history of the legislation of Congress upon the subject of appropriations? What has been the course of both Houses ever since the adoption of the Constitution? I appeal to the Journals; I appeal to the recollection of those within the reach of my voice, for the correctness of what I now state, that three fourths of the bills appropriating money from the Treasury originate in one or the other of the two Houses of Congress, not only without executive recommendation, but without executive knowledge. Such bills have never been opposed on the ground that they have not been recommended, that they have not been urged by executive influence. A proceeding of such a character on the part of any executive would, I trust, furnish good ground of objection. Such an interference would not, and should not, be tolerated by the representatives of the people. I would ask whether the Senator himself, when he recommended the large appropriation, when he procured the passage of a bill making that large appropriation for the adjustment and final satisfaction of the claims of our citizens for French spoliations prior to the year 1800, had the authority of Executive recommendation? *No, sir.* In the nature of things it cannot so be. The Senator from Massachusetts has well and truly remarked, "that the two Houses, and especially the House of Representatives, are the natural guardians of the people's money;" "they are to keep it sacred, and to use it discreetly." And it is, sir, on this very ground that an appropriation coming *voluntarily, unasked, and uninfluenced*, from the Representatives of the people, carries with it a stronger claim for support than any appropriation would when proposed by executive recommendation.

When the Representatives of the people; when the popular branch of our Government, the natural guardians of the people's money, in the exercise of their sound discretion, on their responsibility, ask for an appropriation, it strikes me as novel, as extraordinary, as passing strange, that the Senate, the other branch of Congress, the coguardians, with the House of Representatives, of the people's money, should oppose it, because the appropriation is not called for by *executive recommendation.*

This appropriation, sir, was asked, was constitutionally asked by the *highest authority* under our Government. It was asked by the House of Representatives; and if proper, if expedient, if necessary, it ought to have been granted.

The view, then, which I have taken of this subject, has rendered that part of the message communicated to Congress at the commencement of the present session, unexceptionable. The appropriation was made in accordance with the views of the executive; not that the executive had in express terms asked for this appropriation.

He had communicated by his message information upon the subject of our affairs with France; he had left it to the discretion of Congress to devise such measures as they might deem expedient. The House of Representatives had proposed to appropriate conditionally $3,000,000, to be expended upon certain objects, if the President should consider the expenditure of the whole or a part called for. Such a disposition, then, of this subject, such a proposition was undoubtedly in accordance with the views of the executive, and was clearly, in my judgment, made necessary by the then existing circumstances.

There is no mystification—there is nothing extraordinary in that clause of the President's message.

What was the particular paragraph in the message of the President at the opening of the present session, which has provoked such severe animadversion? It is subjoined:

"Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the National Legislature at the last session, but was lost in the other. This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defense, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation inserted in accordance with the views of the executive in aid of this important object, and other branches of the national defense, some portions of which might have been most usefully applied during the past season. I invite your early attention to that part of the report of the Secretary of War which relates to this subject, and recommend an appropriation sufficiently liberal to accelerate the armament of the fortifications, agreeably to the proposition submitted by him, and to place our whole Atlantic sea-board in a complete state of defense. A just regard to the permanent interests of the country evidently requires this measure, but there are also other reasons which, at the present juncture, give it peculiar force, and make it my duty to call to the subject your special consideration."

I shall not notice any other part of this extract from the message, except that which speaks of the regret entertained for the loss of the fortification bill, because "it contained a contingent appropriation, inserted in accordance with the views of the Executive." And what is the plain, straight-forward English of this clause? That the Executive made an official communication to one branch of Congress, which he withheld from the other? By no manner of means. He might, or he might not, have said, that to make such an appropriation, under existing circumstances, would be all that Congress could do. He might, or he might not, have said, that such a contingent appropriation would, in all probability, meet the exigency of the times. But it cannot be said that it is inferable that he exerted his official influence to procure the passage of that appropriation. He had laid the subject before both Houses of Congress upon which the amendment was predicated, and this was all that he had done. And when his message, at the opening of this session, speaks this, that the appropriation was in accordance with his views, he says no more and no less than that the action of the House, upon this subject, met his approbation. The Senate had the same lights upon this subject with which the House were favored. It was the message of the 26th of February. It was the state and condition of the country which induced the appropriation; that message was alike communicated to the Senate; the state and condition of the country were alike known to them.

I will now, Mr. President, proceed to notice the principal objection stated by the Senator from Virginia, and the last objection stated by the Senator from Massachusetts to the amendment.

The gentleman from Massachusetts states his second objection to the amendment of the House to be, that "the Constitution declares that no money shall be drawn from the Treasury but in consequence of *appropriations* made by law." What is meant by "*appropriations?*" Does this language not mean that particular sums shall be assigned by law to particular objects?—that the proposed appropriation was too general in its character? It was as general as language could make it. It embraced every expenditure that could be called either military or naval. It was to include "fortifications, ordnance, and increase of the Navy," but it was not confined to these. It embraced the whole general subject of military service. Under the authority of such a law, the President might repair ships, build ships, buy ships, enlist seamen, and do anything and everything else touching the naval service, without restraint or control.

"He might repair such fortifications as he saw fit, and neglect the rest; arm such as he saw fit, and neglect the arming of others; or build new fortifications whenever he chose. But these unlimited powers over the fortifications and the Navy constitute, by no means, the most dangerous part of the proposed authority; because, under that authority, his power to raise and employ land forces was equally absolute and uncontrolled. He might levy troops, embody a new army, call out the militia in numbers to suit his own discretion, and employ them as he saw fit."

The first answer to this objection is, that if it was too general in its character—if it was not sufficiently specific, it would have been clearly within the power of the Senate to have made its phraseology entirely unexceptionable.

Not that the Senate could have offered any amendment to the amendment of the House, because that was but an amendment to the amendment proposed by the Senate to the fortification bill. But if the Senator from Massachusetts had excepted to the terms of the resolution, he could have effected his object most readily by asking a conference at the time he made his motion to adhere; there would then have been a sufficient time to have accomplished any such purpose. The friends of this amendment in the House were not so very tenacious of the style and phraseology that they would not have made any alteration whatever, if they could have secured the object, the appropriation for fortifications, for ordnance, and for the increase of the Navy. Therefore, there could have been no difficulty in making the terms of the amendment perfectly unexceptionable, entirely conformable to the taste and to the judgment of the Senator himself.

The gentleman has favored us with his construction of that clause of the Constitution which provides that no money shall be drawn from the Treasury but in consequence of appropriations made by law. Clearly so, sir; but would it not have been an appropriation by law, if the public money had been set apart for any purpose, with the approbation of the representatives of the people and of the States in Congress assembled? Is not Congress to decide for what purposes the public money shall be appropriated? I have yet to learn that, if the amendment as adopted by the House had passed into a law, that the law could have been regarded as unconstitutional, for the reason that the appropriation in the terms of the amendment was not sufficiently specific.

The amendment states, with perfect distinctness, the amount to be appropriated. It defines the objects upon which the appropriation shall be expended, if expended at all, and it clearly sets forth on whose responsibility, and at whose accountability, the expenditure should be made. What more could be required? The amount—the object—the accountability, well defined. The Senator says, "it was as general as language could make it." Is it so, sir? I ask, what would be the fair, straightforward construction which would be given to the amendment of the House? It proposes an appropriation of $3,000,000 for the military and naval service, including "fortifications, ordnance, and increase of the Navy;" in other words, it proposes for those objects, and for those objects alone. No one charged with

the execution of a law containing, in precise terms, such an appropriation—no one, to whom such an expenditure should be confided, would presume to lay out a single dollar of the appropriation except upon the very objects specially enumerated in the amendment—"*fortifications, ordnance, and increase of the Navy.*" If the amendment had not contained the word "including," there would be no room for doubt. If the amendment, instead of the word "including," had used the word *meaning*, there could be no doubt.

In my apprehension, then, without committing any violence upon language, such a construction, plain, common-sense construction, could be fairly made as to the amendment, which would, in effect, entirely exempt it from the objection stated by the Senator. But take it as it is—in its broadest sense—and accept the description of the Senator from Massachusetts, "that it is as general as language could make it," yet it is no departure from the authority of precedents. Our statute-books are replete with appropriations as general, as undefined, as unlimited, as the appropriation proposed by the amendment of the House to the fortification bill. I will here give to the Senate precedents, to show what has been the legislation of Congress upon this subject ever since the adoption of the Constitution. At the very first session of Congress, immediately after the adoption of the Constitution, when its provisions must have been familiar to every man who composed that assembly, an appropriation bill was passed, and approved by Washington himself, for the service of the year 1789, from which I make the following extract:

"That there be appropriated for the service of the present year, a sum not exceeding $216,000, for defraying the expenses of the civil list under the late and present Government; a sum not exceeding $137,000, for defraying the expenses of the Department of War."

And on the 2d of March, 1801, an appropriation bill was passed, and approved by the then President, from which I make the following extract:

"For the fortification of ports and harbors within the United States, the sum of $200,000. For the fabrication of cannon and small-arms, and the purchase of ammunition, being the balance of appropriations unexpended, which have been carried to the surplus fund, $400,000."

It would seem that no language could be used more general, less specific, than the language used in the two preceding extracts, and the appropriations proposed by them as unlimited as the appropriation proposed by the amendment in question.

The Senator has referred to the doctrines of Mr. Jefferson upon this subject, and asks, "what 'have the friends and admirers of Mr. Jefferson 'to say to this appropriation? Have they for-'gotten, all forgotten, and wholly abandoned 'even all pretense for specific appropriation? If 'not, how could they sanction such a vote as 'this?" There is nothing in the writings of the individual to whom the Senator has referred, conveying a sentiment that an appropriation like the one proposed by the House in their amendment, is an infringement of the Constitution. In his first message to Congress, he holds that—"In our 'care, too, of the public contributions intrusted 'to our direction, it would be prudent to multiply 'barriers against their dissipation, by appropri-'ating specific sums to every specific purpose 'susceptible of definition; by disallowing all ap-'plications of money varying from the appropri-'ation in object, or transcending it in amount; by 'reducing the undefined field of contingencies, 'and thereby circumscribing discretionary powers 'over money, and by bringing back to a single 'department all accountabilities for money where 'the examination may be prompt, efficacious, 'and uniform."

The whole amount of the doctrine of Mr. Jefferson was, as deducible from the preceding extract, that specific appropriations should be encouraged with a view to a corresponding accountability. Examine the proposed amendment of the House, and there is no doubt that there is not only "designation of object," but a clear accountability created. The purpose of Mr. Jefferson is well secured by the appropriation contained in the amendment of the House. But we are not without authority, even in the days, and under the administration of Mr. Jefferson, for this proceeding of the House. In 1802 an appropriation was made "for erecting and completing fortifications and barracks, $70,500;" without defining what portion of this sum should be expended upon fortifications, and what portion should be expended upon barracks—without defining in what State fortifications should be erected, and in what they should not—confiding the whole expenditure to the executive. In 1803 a bill passed, appropriating "for fortifications, arsenals, magazines, and armories, $109,696 68;" and in 1807, Congress passed an act, which was approved by Mr. Jefferson, as general and as undefined as the amendment in question. It gave to the President authority to expend the whole appropriation upon what port or upon what harbor he might please. He had power to expend it in fortifying the harbors upon the lakes, or in protecting the ports upon the sea-board. There was one all-important and essential ingredient in every appropriation, clearly preserved; and that was accountability to Congress—responsibility to the nation. Precisely so in the amendment to the fortification bill, as proposed by the House. It not only fixed the sum, and, with sufficient degree of certainty the objects, but a clear responsibility—a direct accountability upon the person charged with the expenditure. I would ask any candid person to show the difference between the following appropriations, made by Congress in 1807: "That a sum of money, not exceeding one hundred and fifty thousand dollars, 'in addition to the sums heretofore appropriated, 'be, and the same is hereby appropriated, to enable the President of the United States to cause 'the ports and harbors of the United States to be 'better fortified and protected;" and that contained in the amendment of the House.

As late as 1812, when the honorable Senator before me (Mr. CALHOUN) was in Congress, aiding with all the powers of his mind to advance the interest, by maintaining the honor of his country—an appropriation bill was passed, providing, "that 'the sum of $500,000 be, and the same is hereby 'appropriated, in addition to the sums already 'appropriated, for the purposes of fortifying and 'defending the maritime frontier of the United 'States; and that the same be paid out of any 'moneys in the Treasury not otherwise appro-'priated."

No proposition could be more general in its terms, no one could be more comprehensive in its objects. It embraced the whole subject of fortifying and defending the maritime frontier of the United States, in just the way and manner the Executive should determine. The bill was strenuously opposed in the House of Representatives, but was finally passed by a large majority, and among those voting for this appropriation will be found the name of the Senator before me; and also the name of Mr. Randolph, of Virginia, whose views upon constitutional power are well known. If possible a still more undefined and unlimited appropriation was made under the same Administration, providing "That the sum of $500,000 be, 'and the same is hereby appriated, in addition to 'the sums already appropriated, for the purposes 'of fortifying and defending the ports, harbors, 'and maritime frontier of the United States."

From the cases cited, from the precedents which have been referred to, there seems to be no lack of authority for the proceeding of the last House of Representatives upon this subject. There is an indispensable necessity growing out of the complicated and multifarious business of Congress to make general appropriations, confiding the expenditure to persons of responsibility. It is not *the sum* of an undefined appropriation which makes it unconstitutional. If you appropriate $10,000 for contingencies without specifying any object, it is just as, *and no more*, unconstitutional than it would be if you appropriate $10,000,000 for like purposes.

We are in the habit, year following year, of granting money for contingent expenses to every Department; and to every subordinate bureau under the Government, and to both Houses of Congress such appropriations are made. They are not specific—they could not be so, but are they less constitutional?

The very amendment proposed by the Senator himself to the fortification bill has not the character of a specific appropriation—"$100,000 for improving the defenses within the State of Maryland."

In all these appropriations the great principle to be preserved is *accountability*. No matter what may be the terms of an appropriation bill, keep alive a due responsibility in the expenditure of the people's money, and you will not fail to preserve *inviolate the letter and spirit of the Constitution.*

The Senator from Massachusetts, in conclusion, remarked, that he dare not prophecy how long the Senate could bear this partisan warfare; that unless there be an adherence to the constitutional principles which the Senate have sustained—unless "we can give to true principle its superiority over party," then there are among the living those in the land who will record the last days of the Republic. Where does the Senator perceive ground of apprehension? Where exists the cause of alarm? Not in the spirit of enterprise which is abroad in the land. Not in the unexampled prosperity of our common country. Not in the extraordinary success which crowns the efforts of every class of our citizens. Not in the elevated character and condition of the moral, religious, and literary institutions of the Union. These realities are within the range of every man's observation. It would indeed be difficult to imagine where are concealed the fires which are to consume the free institutions of the Republic.

It would, indeed, be difficult to imagine where exist the imminent dangers which are besetting us and threatening to involve in one common ruin the labors, the intelligence, the experience of half a century. Where is the destroying wave, the overwhelming cataract? Mr. President, there is more fancy than fact, more poetry than prose in the description of surrounding dangers. We are constantly reminded of the great contest now waging between power and liberty; we are told, *day following day*, of violations of the constitutional compact. But, thanks be to Heaven, the country is safe, the people prosperous and happy. When the Senator adverts to the untiring efforts of the Senate to maintain sacred and inviolate "the stern and sturdy principles of the Constitution," does he intend to say that the other branches of the Government are less faithful in the way of duty? Will he assert that the Representatives of the people disregard the provisions of that instrument? Sir, I cannot believe it. The frequency of elections is the political thermometer in the hands of the people by which the character and fidelity of every public servant is determined. If the Representative fails to execute the trust confided to him, there will be no failure on the part of the constituent in the discharge of his duty.

I am free to say, Mr. President, that I, for one, have no fears, no apprehensions, for the permanency of our institutions, for the peace and security of this Republic, and for the preservation and perpetuity of the Federal Constitution. Sir, I do not believe that there are among the living those who will record its last days. There is too much intelligence, too much virtue, too much patriotism abroad in the land to warrant any such declaration, or to justify any such conclusion. I will not believe that there exists any party, in any section of our happy country, who would, if they could, sow the seeds of disunion; who could, if they would, produce a dismemberment of this Confederacy. The bond of union is too strong to be severed by light causes. It is a union of interests, established by the services, and sealed with the common blood of our revolutionary fathers. Such an union will continue unbroken, undissolved, unimpaired, as long as virtue and intelligence shall find a resting-place in our land.

What remains to be done? What is the voice of wisdom and experience? What are the lessons derived from history? *All* combine to teach us, in time of peace, of general tranquillity, to prepare for the greatest of all calamities—a national war. What then remains for the Congress of the United States, the representatives of more than fourteen millions of people, to do now, promptly and efficiently? Sir, nothing less than

to put our whole country in a state of perfect defense—of entire security. It is not yet, Mr. President, half a century since the nation commenced an existence under our Constitution; and although we have incurred the expenses and charges of two protracted wars, yet we now present to the world the imposing, the great moral spectacle of a nation free from debt, rich in resources, with a population zealous in the cause of popular rights; determined to maintain public liberty at every hazard; resolved that the Constitution of their choice shall never be surrendered, except with the surrender of honor—of life—of everything sacred. Yet, sir, it is a lamentable, a melancholy fact, that in our full tide of successful experiment, that in our day of unexampled prosperity, we have, year following year, been deaf to the voice of wisdom and experience. We have not, in these days of our glory, prepared for that exigency, for that dreadful scourge, for that dire calamity, which has occasionally happened between sovereign nations since the commencement of time. We have not prepared for war. Sir, at this very moment our whole maritime frontier is defenseless. We have here and there a fortification, dilapidated and ruinous, without men and without guns. It is not yet, sir, sixty years since we declared ourselves a free and independent people; and yet, one fifth part of that period we have actually been engaged in war with our mother country.

It cannot be supposed that another sixty years will come without the occurrence of some of those conflicting and embarrassing causes between nations which tend to war. I would then, Mr. President, be prepared, be well prepared, for such an event. I would be prepared as a *precautionary measure*, as a preventive of that worst of all evils. I would fortify every weak and vulnerable point. I would strengthen the arms of national defense. I would increase our naval power. In a war with any transatlantic power, it would be our reliance—our security. Our ships of war should be increased as our wealth, our commerce, and our population increase. We should be ready in any possible emergency, on the shortest possible notice, to float a naval force sufficient to protect our commerce, and to maintain our honor, in every sea, and in every ocean. I would put our whole maritime frontier, by an unbroken chain of fortresses, well armed and well manned, in perfect security. I would render the country, from Maine to Florida; I would render our frontiers, from the lakes to the ocean, impregnable to any foreign enemy. And now, Mr. President, is the fit, the accepted time to carry on these great works for national security and defense. We are supplied with an abundance of available means; we have given encouragement to one of the great interests of our country that we will not disturb a measure appertaining to that interest for half a dozen years yet to come. We are every day and every hour adding to our resources. There cannot, then, be a more opportune period for completing the great works for national defense and for national security. Such expenditures would cement more strongly the bond of national union, would fasten together the ties and the cords of this great confederacy. The Senator from Massachusetts remarked, "that if the proposition were now be-'fore us, and the guns of the enemy were batter-'ing against the walls of the Capitol, he would 'not agree to it." Such a sentiment—such a feeling, I could not, if I would, entertain. France has her sixty sail hovering upon our coast—a fleet come hither to observe our course—to watch our movements, to see that we offend not her honor; and with such realities, could an American Senate long debate about an appropriation which necessity, imperious *necessity*, demands? *Should we stand here* to inquire of each other, whether the appropriation came to us upon the authority of executive recommendation; should we stand here to criticise the terms of the grant—whether they be general, or whether they be specific? No, sir. We should do our duty—our whole duty—regardless of form, untrammeled by ceremony. We should look to the state of our beloved country; ascertain her wants, acquaint ourselves with her condition, and promptly and energetically apply all the means within our power for her defense—*for her security*. There should be, sir, no two ways about it. Shall we speculate here about the checks, the provisions, the injunctions of the Constitution, with an enemy at our door? We should lay aside our speculations, and with one heart, *with one mind*, go forth to do our duty, *to defend and to save the Republic*. This, sir, should be the feeling, and this should be the course in the day of danger. And I will do no Senator so great injustice as to suppose that he would be backward in the way of his public duty. For one, I should be most unfaithful to the patriotism of my own State, should I fail to do all *I can do* for the defense and the permanent security of our country. The sacrifices of the *fathers* of the Revolution, the founders of this great Confederacy, remind me of my bounden duty to do all that I can do to preserve the inheritance purchased by their valor, and preserved by their virtue. My own native State, which boasts of "her light infantry Poor, and of her Yorktown Scammel," would rebuke me, should I hesitate to do all *that I can do* for the defense and permanent security of their beloved country. My own sense of duty would condemn *me*, should I suffer myself to be embarrassed by ingenious, hypercritical exceptions to constitutional power. I will do my duty, when occasion requires, as the exigency of the times and the circumstances of the country may demand. I will do my duty, regardless of consequences, not doubting that I shall always find ample authority, *sufficient warrant* in the Constitution for any and for every public act having for its object the preservation of the Confederacy, *the defense, the permanent security of the country*.

Mr. President, we have nothing to fear from external or from internal enemies; from foreign collisions, or from domestic excitement, if we, the representatives of the States and of the people, are faithful to the country, faithful to ourselves, faithful to the Constitution. The fidelity of the North will never tire; the patriotism of the South will never keep back. They will go together; they will on all occasions present an unbroken force in resisting every enemy, and in putting down every excitement. Our southern friends may be assured that there is no disposition existing in the free States to break in upon the compromise of the constitutional compact to invade their rights of property. That slavery is regarded as a great evil by the philanthropist in every section, cannot be doubted; but that the good men of the North, that nineteen twentieths of her moral and of her physical power will, on all occasions, and at all times, be put in requisition, to defeat the mad and visionary schemes of fanaticism, is alike free from doubt.

Let us, then, with a common feeling of patriotism, unite in the prosecution of this work of national defense. Let us lay aside party considerations, and go forth in our might to do our whole duty for our country. Let us rally around the Government of our choice, and sustain and support our institutions by the exertion of every moral and intellectual power.

Let us bear constantly in mind the injunction of one of the great political Fathers of the Republic, "That the preservation of the Federal Govern-'ment in its whole constitutional vigor, is the 'sheet-anchor of our peace at home and our safety 'abroad."

NATIONAL DEFENSE.

DEFERRED HOUSE DEBATE.

TUESDAY, *January* 26, 1836.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, reported the following resolution:

"*Resolved*, That from and after Tuesday, the 2d day of February, the several bills making appropriations for the support of Government, the naval and military service, fortifications, and the Indian department, at the hour of one o'clock each day, except on Fridays and Saturdays, shall take precedence in the order of business, and shall be considered until the same shall have passed the House."

Mr. HARDIN rose to a point of order. He said it had been the habit of standing committees to report resolutions in violation of what he conceived to be the spirit and intention of the rules. The present proposition could, with as much propriety, have been submitted by the Committee of Claims, upon which his honorable friend from Ohio [Mr. WHITTLESEY] presided with so much ability and renown; and with equal propriety could the Committee for the District of Columbia report a bill settling the boundary between Ohio and Michigan. The Committee on Foreign Affairs had undertaken to regulate the business of the House, and he hoped the question would be decided, whether this innovation upon the rules and usages of the body was to be tolerated. He had been looking for such a resolution for a week past, and he was not surprised when it was presented.

Mr. MASON said that the resolution reported from the Committee on Foreign Affairs did propose to change, in some respects, the order of business in the House. He should have preferred that it should be decided without debate. It was an important proposition, and its purpose and object was to put it in the power of the House to act promptly upon the bills providing supplies for the support of Government, and for the military and naval service. While he did not desire to avoid debate, it must be obvious that on this proposition beneficial discussion could hardly be anticipated.

He did not understand the precise form of objection which the gentleman from Kentucky made to the resolution. Does he intend to dispute the authority of the Committee on Foreign Affairs to report such a proposition? Mr. M. would remind the House, that the President of the United States, in his message of the 18th of January, had used the following language:

"The return of our Chargé d'Affaires is attended with public notices of naval preparations on the part of France, destined for our seas. Of the cause and intent of these armaments, I have no authentic information, nor any other means of judging except such as are common to yourselves and to the public; but, whatever may be their object, we are not at liberty to regard them as unconnected with the measures which hostile movements on the part of France may compel us to pursue. They at least deserve to be met by adequate preparation on our part. I therefore *strongly urge large and speedy appropriations* for the increase of our Navy and completion of our coast defenses."

This message was referred by the House to the Committee on Foreign Affairs. Its recommendation, thus referred for examination, rendered it the imperious duty of the committee to report the resolution that the House should, day after day, consider the bills of appropriation, ordinary and extraordinary, and make the provision for public defense called for by the exigencies of the country. The committee, acting under the most solemn sanction, had executed the instructions of the House; and he could not believe that the objection taken would be sustained. The usage of the House justified the resolution, and, if ever there was a time when such a standing order was required by the public interests, Mr. M. thought all would agree that it was called for now.

Mr. HARDIN reduced his point of order to writing, which was, in substance, that the resolution was not within the line of duty or jurisdiction of the Committee on Foreign Affairs, but belonged to the Select Committee on the Rules.

The CHAIR decided the resolution to be in order; but that it must receive the vote of two thirds to pass it, inasmuch as it proposed to give precedence to certain business.

Mr. BELL said that the Chair having decided that it was for the House to determine whether the resolution was in order or not, he supposed no member would appeal from the decision, and he would therefore proceed to discuss the expediency of adopting it. As to the question of order, (said Mr. B.,) it is clear that the Committee on Foreign Relations has no more right to report or offer such a resolution at this time than any individual member of the House, or any other standing, or any select committee of the House. If any committee had such a right under the rules and practice of the House, it would be the Committee of Ways and Means. Such an order as that embraced in the present resolution had been resorted to heretofore, in relation to particular and separate bills on subjects before the House, but it had always, so far as his knowledge extended, been done under such circumstances, as to command the general assent of the House, and then it might be more properly said to be conceded from courtesy and a general sense of the propriety

of such a cause, than from any idea of authority or power in the committee. The deposit question had been given precedence in this manner over all other business. But the proposition before the House is not only to set apart the whole time of that House to the consideration of a particular bill or measure, nor to bills of the same nature in all respects, but to all the appropriation bills, including the bill for the support of the Indian department. This is a bill which the Committee on Indian Affairs may and will claim the right of examining before it shall pass this House; at least, so much of it as shall propose the appropriation of money not specifically authorized by existing laws. As to the Army and Navy bills, there may be some semblance of right in the Committee on Foreign Affairs to urge their consideration, since that committee may be presumed to have some more knowledge of the state of our foreign relations than the other committees of the House, and may thus see more clearly than others the propriety of proceeding without delay to their consideration. But why include all the appropriation bills? Why ask the House to come to a determination to take up not the Army, not the Navy bill, nor both together, but *all*? What must be the consequence of this course of proceeding, if it shall be adopted by the House? It proposes the exclusive attention of the House to dry and not very interesting detail—to figures and calculations for months and months together. No measure of a local or other nature, however interesting to large sections of the Union it may be, will be suffered to be taken up. It is known that there are many measures of this nature before the House, and that a large proportion of the members feel a deep interest in taking them up, but it will not be in their power to do so, until all the appropriation bills are voted. The consequence will be, to create a feeling of restlessness in the House—to wear out its patience, to cut off and suppress discussion and investigation into the various items in the appropriation bills, and finally to force them down, without a proper examination into their correctness. The previous question will be the instrument by which those bills are to be forced through *en masse*. It is an unusual and unparliamentary mode of proceeding. The substance of the proposition is to take up *all* the appropriation bills on Tuesday next, and to admit no other business to interfere until we agree to *all* of them. This is what is asked.

The gentleman from Virginia [Mr. MASON] has read, rather artfully, a passage from the late special message of the President, in which large and immediate appropriations are recommended, in order to show this House, not what the President requires it to do; oh no, but what the country expects from it. We all know, and feel, that the recommendation of the President is a powerful argument in this House at this time; but, sir, is it fair to be always holding up such argument to influence the action of this House? I will not say that it is unfair, but why have we such things eternally pressed upon us? If there is a real necessity for immediate action upon those bills, from what cause have proceeded the delays which have already taken place? Why bring forward this measure to-day? Where has slept the recommendation of the special message until now? What has called the attention of the Committee on Foreign Relations to this subject, particularly at this time? The chairman of the Committee of Ways and Means had got it into his head some two weeks ago that it was important to take up the appropriation bills. He was at that time so anxious and impatient to get at them, that he could not spare a few hours or a day for the discussion and amendment of the rules of the House; though, for want of such amendment, we have already lost a full month of the time of this House during the present session; but before we had prepared the rules and orders of our proceedings—before we had got ready the machinery—the tools by which we were to work, he called upon the House to proceed to the appropriation bills. Well, sir, what happened then? Some discussion arising upon the first bill which was taken up, it was laid aside, and the Navy bill was brought up for consideration. That was considered one day, and the next it was slipped away from us—no, sir, I will not say slipped away, for I mean nothing disrespectful—but, sir, the Navy bill was in turn laid down unfinished; and on the motion of the chairman of the Committee of Ways and Means, the bill for the relief of the New York sufferers by fire was taken up, and after speaking some days upon this bill, it was laid aside, according to the *practice* of the House; for this, sir, is now our practice. There is no remedy under the present rules and order of our proceedings. Every one must now see and feel that every decision that is made by the Chair, or by the House, upon the rules, only makes "confusion worse confounded." I know, sir, the embarrassment produced by this state of things. I know, sir, that an honest man in that chair must feel greatly embarrassed by the present state of the rules of the House. If he is partial, or prejudiced, or desires to favor one side or the other in the House, he has it completely in his power to do so; he has the command of the business of this House. Sir, I do not doubt that you feel this embarrassment.

But to return to the subject. After the New York relief bill had taken its turn and been discussed a day or two, what did we next see in this House? What did we see on Friday morning last? Why, sir, on that morning, without waiting to receive reports from the standing committees of the House, a most necessary course of proceeding, the House, by an overwhelming vote, set aside *all* the rules of the House—put aside not only the private bills for that day and the next, but for each succeeding day; and all this for the purpose of taking up the consideration and discussion of the resolution of the gentleman from Massachusetts, [Mr. ADAMS,] the strongest party movement I have ever seen in the course of eight years, during which I have had the honor of a seat in this House, made by any member of the House. Where, then, sir, was the special message, and the recommendation of immediate and large appropriations by the President? This resolution, from its nature and necessary connections, must call for the discussion of every party question or topic which agitated the country during the last summer and fall. Every gentleman who voted to consider that resolution must have seen that the gentleman from Massachusetts [Mr. ADAMS] would not be allowed to make a speech upon the subject of it without a reply. We all know that great political consequences are expected to grow out of the subject of this resolution, by those who manage the interests of party out of this House. We know what use has already been made of this question in the country and before the people. We know where and upon whom it has been attempted to fix responsibility for the failure of the three million appropriation, for political effect. Sir, could less than a month's discussion be expected to arise upon this resolution? Now that the subject is up, and has been partially discussed, can gentlemen mean by this movement to suppress further discussion? Would such a design be consistent with a reasonable liberty of speech in this House? Well, sir, who are they who have brought this measure into the House? It required a vote of two thirds of the House to get the subject before it, and that vote was given. Look at the yeas and nays, and you will discover who are responsible for this movement.

Sir, the resolution of the gentleman from Massachusetts, is now the business properly in order. It was also the business in order on Monday. Even petitions could not be regularly admitted until this resolution was disposed of. Sir, under such circumstances, the resolution of the gentleman from Virginia, [Mr. MASON,] and his movements in favor of immediate and large appropriations, strike me with some surprise. If there is nothing new—if there is no very recent news from abroad, how is it this proposition is made now and urged upon the House? It will soon be three years since the French Chamber of Deputies rejected the treaty or refused to make the appropriation necessary to carry it into effect. It is said that the country is in a defenseless condition now; so it has been for the last three years, and no steps have been taken to put it into better condition. No steps were taken or recommended at the commencement of the session. The Navy bill, when once taken up, was laid aside. How happens it that there is so great an alarm just at this moment? Has a war panic come upon us so suddenly? Must we vote all the appropriation bills without further delay? Are gentlemen afraid, that if these bills are suspended until the 15th of February, some information may be received from the other side of the Atlantic which may satisfy us that extensive preparations for war are not necessary? Do gentlemen mean to get up all the appropriations, and force them through the House, under a war panic, and to throw them before the Senate, that that body may, in turn, be found to vote every dollar in the Treasury before it is certainly known that any extraordinary preparations for defense will be necessary, or to incur the odium with the country of rejecting necessary appropriations? Is the Treasury to be depleted at all events, war or no war? Must the whole revenue be expended? Is there a plan to distribute the surplus revenue, under the pretext of preparation for war, without waiting to know that the special message, if not the first message of the President, may not produce a more conciliatory feeling on the part of France? I do not charge the gentleman from Virginia, [Mr. MASON,] or the Committee on Foreign Relations, with any of these designs. I have no right to do so; but, sir, will the gentleman explain why it is that he proposes that all the appropriation bills shall pass immediately? I must confess, sir, that under the circumstances, although I do not charge such purposes as I have alluded to as the motive which has influenced the committee, yet, sir, unless such designs are at the bottom of the movement, it is to me wholly inexplicable.

I have said that it appeared extraordinary that the Committee on Foreign Relations should report such a resolution. It is entirely contrary to all the rules and orders of proceeding heretofore known in the practice of this House. But as I find myself again upon the subject of the rules of the House, I will venture to allude to another abuse which exists in the practice of the House. I am aware, sir, to what misconstruction everything I say upon the subject of the rules and order of proceeding in the House is liable. I know that I am represented by some to be actuated by very improper feeling; but this shall not restrain me from speaking whenever I think the public interest requires that some one should speak. The abuse to which I allude, and which has obtained to some extent during the present session, is this: Honorable chairmen of committees often submit a resolution or other proposition to the members of the committee separately in this House, sometimes in these Chambers, and get their consent to report it to this House. This is unparliamentary, and a great abuse. It prevents all investigation and consultation in committee, and leads to great inconvenience and error in the action of the House itself. Reports so made are not the reports of a committee, and ought not to be received by the House.

That I may not be misunderstood in the remarks I have made, before I sit down I wish to state that I stand here ready to vote all necessary supplies for putting the defenses of the country upon a proper footing, whenever the appropriation bills shall be brought forward, and moved in this House according to the regular ordinary forms of proceeding. I will vote, sir, all the money in the Treasury, if it be necessary, to prepare for war, and to resist the attacks not only of France, but of all Europe; but I wish to see upon what grounds extraordinary appropriations are required. Sir, so far as appropriations are necessary for the immediate service of the Army or the Navy, so far as the finishing and repairing of our vessels of war, and for our fortifications already in a course of construction, I will vote them even without estimates, and upon my own judgment, if gentlemen, upon any punctilio, are averse to furnishing estimates for those objects. And, in a question of this kind, I am not disposed to weigh the money I would appropriate in golden scales, as a gentleman from Pennsylvania [Mr. SUTHERLAND] insinuated, in reply to my remarks upon the Navy bill the other day. Nor, sir, would I be anxious to bring down the sums total to the accurate limit of a few dollars, or a few cents. I would take

care that the amount should be liberal, and over the mark, rather than under it. Whenever it becomes necessary to pass any particular bill for this purpose, I undertake to say that there will be found patriotism enough in this House, in all parts, in every party in this House, to take it up and vote it through. Sir, there will always be found patriotism enough in the House to do this; without the resolution of the gentleman from Virginia, [Mr. MASON.] I stand pledged to do it, whenever gentlemen shall call upon us to act in the usual mode of making or voting appropriations. But when I am asked to vote *all* the appropriation bills *en masse;* when I shall be called upon to make an appropriation for new forts, which cannot possibly be made effective in defending the country in any war in which we can be soon engaged, as is proposed; when we are called upon to lay the foundation for the expenditure of at least fifty millions in the commencement of new fortifications, and an increased military peace establishment, the necessary consequence of these new works, there I shall meet the gentleman, panic or no panic, war or no war. I will contest every inch of ground with them upon these questions. But why have not gentlemen pressed these bills sooner? Why did they not finish those bills which they had once before the House? And, when they were laid aside at one time, why did they not move to take them up again, upon the first opportunity which presented itself? The course taken by gentlemen certainly requires an explanation. A satisfactory explanation is due to this House and to the country upon this point.

As to the war, if we have one, I shall be ready to support it. I shall not stop to inquire into the causes which may have produced it, if it be necessary to the honor and dignity of the country that we should wage it. I can readily imagine that nations, as well as individuals, may, by their own blunders and follies, and for want of diplomatic skill, or proper forbearance, find themselves engaged in a quarrel, no matter how frivolous the cause or ground of it, and become so far committed, that they cannot apologize, but must fight, no matter at what hazard. Sir, in such a case, I will not shrink from the support of a war. I will remember that it is our country that is concerned; but at the same time I will continue to hold the political agents who may have brought on the war responsible to the country. They shall not escape their due responsibility.

Mr. B. concluded by expressing the hope that the resolution would not be agreed to by the House.

Mr. SUTHERLAND said, if we did not fall in with the suggestion of the Committee on Foreign Affairs, it would be uncertain when we would be able to get through the appropriation bills.

The abolition question was outstanding, and would elicit a very warm discussion. The proposition of the gentleman from Massachusetts was also in a suspended state, and how were we to progress in the business before us, unless something of this kind should be adopted?

We must rid the House of the many pending propositions before it. Pass the resolution of the Committee on Foreign Affairs, and we cut the Gordian knot at once. The gentleman from Tennessee [Mr. BELL] had said that the present condition of the business of the House was very onerous to the Speaker. It must be so. Next week we will commence with petitions; on Monday and Tuesday the abolition resolution of the gentleman from Maine will be up; and that abolishes everything like business for the day. On Wednesday the greater part will be devoted to the committees making reports. Thursday will go for public business, and Friday and Saturday for private. We must there take a stand for the appropriation bills, if we seriously intend passing them. The proposition before the House merely requires that the appropriation bills may have precedence of other business. Some gentlemen say that we must not pass the appropriation bills until we hear from France. We have heard enough from France already. Those gentlemen think it wrong to agree to the bills now, because we might pass them with too lavish a hand. Congress had already tarried long enough. Mr. S. said we ought to wait no longer. We should put our forts in order to meet any emergency that might occur.

A charge has been made from another quarter, that we were the cause of the loss of the fortification bill of last year. He considered it an absurd question, to be inquiring where the bill was lost, and yet refuse permission to take up the fortification bill now before us. He cared nothing for the dead bills. He was for providing for the living ones, and then, at our leisure, if it was deemed expedient, the House might search after the miscarried bills of last year.

What was asked by the Committee on Foreign Relations? Merely to have those bills taken up by the House; and if gentlemen think the appropriations too large, meet them and vote them down; but do not stop them from being taken up. It was the height of folly to be disputing and quibbling about technicalities, instead of going to the great question of appropriation. Local matters should give way to national ones; and we should come to the determination to carry the appropriations which would put the country in a proper state of defense. Gentlemen had complained that the House had before it a political question, which was discussed to the exclusion of other business, and might be closed by the previous question. Now he must say, so far as related to the number of speeches made on that topic, that both parties had an equal chance. The debate had been opened by the gentleman from Massachusetts, [Mr. ADAMS,] and had been replied to by the honorable gentleman from Virginia, [Mr. WISE.] Another complaint urged is, that the previous question is sometimes resorted to to stop debate. That is, however, unavoidable. It must be apparent that, since the increase of members in the House, and so many voices were to be heard, there were no other means of getting many of the measures through the House than by administering the previous question. All parties occasionally vote for it. He trusted that the resolution might pass, to take effect on Tuesday next; and before it went into operation, we might dispose of what small matters we had on hand. We must take up the appropriation bills for the purpose of sustaining the country; and particularly such bills as will put the country in a position to maintain its honor and dignity against any and every nation that might assail them.

Mr. PATTON said he did not intend to occupy any time in considering whether there was any irregularity in such a proposition being made from the Committee on Foreign Relations—whether it was apposite to their functions, and embraced by the reference made to them of the President's special message. He would, however, as that objection was urged as a reason against adopting the resolution, remark, that no practical evil can result from this irregularity supposing it to be one—no such indirect violation or evasion of the rules of the House as seem to be apprehended from it. It is certainly competent for any individual member to have offered precisely the same resolution as the one presented by the Committee on Foreign Relations. If objected to, he could move a suspension of the rules to offer and take it up, and a vote of two thirds would remove all difficulty. Now, the Chair has decided (and, no doubt, correctly) that it requires a vote of two thirds to adopt the resolution reported by the chairman of the Committee on Foreign Relations. If there be a majority in favor of adopting that resolution, of two thirds, doubtless the same majority would vote in favor of suspending the rules, if such a vote were requisite to accomplish the object.

No matter how the question is presented, then, we may consider its merits without any embarrassment from the source from which it comes.

Mr. Speaker, we have now been in session some seven or eight weeks, and we have passed none of the appropriation bills.

It is unnecessary, it would be, perhaps, out of order, and certainly premature, to enter into minute details of the circumstances in which we are placed in regard to our relations with another country, showing the propriety and necessity of our proceeding promptly to provide the means of placing the country in a state of preparation to meet all the contingencies which might arise. Let us take up with all convenient speed, and consider with all due deliberation, the various propositions for ordinary and extraordinary appropriations. After so large a period of the session had passed, and especially when, to say the least, our relations with France are not in the most satisfactory state; when it is known that, in the opinion of many, and in the apprehensions of all, a war is impending with a foreign country, is it not time that we should act on the subject in that way, which, while it can give no new cause of aggravating the irritation, and increasing the difficulties, will yet place us in a condition to maintain the rights of our citizens, and the interest and honor of the country; if, unfortunately, these difficulties should be inflamed into armed collision, and prepare us to maintain the conflict, whether in defense or assault, creditably and successfully? It is hardly possible that any man can doubt that it is peculiarly important that our appropriations, either ordinary or extraordinary, ought to be speedily made; and is there any sufficient objection made to proceeding to do so at the period proposed by the Committee on Foreign Relations? Shall we refuse to do this for the purpose of continuing and indulging *ad libitum* what the gentleman from Tennessee calls a mere partisan debate; and for the continuance of which, he seems anxious, for the purpose of enabling those who take interest in this party contest to defend or attack? I agree with him that it is a mere partisan discussion, the introduction of which I most deeply regret. Now, when a foreign country, between whom and our own, angry controversies are depending; when she has refused to do that which this House unanimously declared ought to be insisted on, except upon terms which will certainly never be granted; when we have information that this foreign country is increasing her armaments, fitting out a fleet, and sending it on our coast; under such circumstances, I appeal to the patriotism of the House to say whether we ought to postpone acting on the appropriations until this contest between the two Houses about the fortification and the three million bill shall be fought out? Instead of proceeding at once to consider the possibility of averting so deplorable a calamity as war, or if not to be averted, the means of conducting it with honor and credit, a subject requiring harmony, good feeling, and united patriotism; instead of this, we are to employ ourselves in an angry, irritating, party debate, about whether something was not done last session which ought to have been done; and who is or is not to be blamed for the loss of the three million appropriation, and the fortification bill, a discussion calculated to lead—which had already occasioned personal reflections, to exasperate the party passions, and inflame the party prejudices of Congress and of the country—to crimination and recrimination between the two Houses of Congress, destructive of harmonious action and respectful feeling.

Let me not be supposed to deprecate the thrusting forward this debate, and the continuance of it, from any indisposition to meet and to bear my full share of the responsibility of voting against that three millions appropriation. I gave that vote at the time with some doubt and hesitation The circumstances under which it was presented precluded all deliberation—gave no time for reflection, and might well excuse any person from very strict accountability; and especially from any harsh imputation or bad motive, for voting either one way or the other. I do not believe that there was one single member of either House of the last Congress, nor one in this House or in the Senate of the present Congress, who would hesitate to empty the Treasury and exhaust the resources of the nation, in defense of the country, and in maintaining its rights whenever they see that it is to be assailed, or that it is necessary to adopt such means for such purpose. We may differ about the best mode of attaining these objects; we may conscientiously differ as to the expediency, constitutionality and necessity of it; party feelings and party prejudices may warp our opinions and bias our decisions upon the subjects we are called on to act about; but at heart, I believe no party is entitled to claim for itself the merit of exclusive patriotism.

As to the loss of the fortification bill, it is much to be regretted, and such is the universal sentiment. Who is to blame for this miscarriage I know not. Whether the Senate or the House, or some member of this or the other House, is to be censured, I know not. I shall engage in no discussion about it. But as to this three million appropriation, which has been so strangely disturbed in the grave to which it was consigned last session, and whose ghost is made to walk amongst us now, I beg leave to say the phantom "frights not me." I am ready at all times, and in all places, without fear or apprehension, and without any "compunctious visitings of conscience," to vindicate myself for contributing to its surcease. I am better satisfied now, after full opportunity of deliberation and reflection upon this extraordinary and, I believe, unprecedented appropriation, of the propriety of the vote I gave on that occasion; and while I wish to cast reproach upon nobody else, I will maintain and defend that vote whenever I may be arraigned—at any proper time, and before any competent tribunal. I shall make no apology, offer no excuse. I stand upon my justification before my constituents and the country. But I will not be provoked now to encourage and keep up this untimely and misplaced debate here, about what was not done, or ought to have been done, or not done, by the last Congress, to the delay, and probably almost indefinite postponement of action upon matters involving deeply the rights and interests and character of the country.

I believe it impossible to ascertain the precise facts necessary to be ascertained for determining who is to blame, if any person be particularly to blame, for the failure of the fortification bill. We must rely upon the vague impressions—the contradictory recollections of members about the time of the happening of particular events—upon which little reliance is to be placed—not from any want of confidence in the veracity of any members, but because of the existence of circumstances which you and I, Mr. Speaker, and every man who was here, know were well calculated to prevent any very accurate observation or remembrance of the occurrences which took place on the last night of the last session. Nearly one half of the present House have no interest in this question. They know nothing about the facts, but it is proposed that this discussion shall supersede the consideration of the appropriation bills in which we are all interested—in which the country is greatly interested—and for the action upon which the eyes of the whole people are anxiously looking. Let us take them up—let them be soberly, deliberately, examined—with full discussion, with full examination, with the recommendations and the estimates of the proper departments, and with proper and constitutional restrictions, of executive discretion, limitations of purpose, and specifications of object. Let us approve what is worthy of approbation, and demanded by a wise policy, and reject what we may not be satisfied is proper or necessary. I feel much solicitude that we should do so. There is one subject now depending before the House, in relation to which I feel a deep and most painful anxiety, in which the rights, interests, and property of the whole southern country are most seriously implicated. I have (said Mr. P.) most strenuously exerted myself to bring this subject to decisive action, to a direct vote. I hope, though not with confidence, that we may get that vote without much more delay. But while I will postpone that subject to no other business, I should feel myself impelled, by the obligations of duty to the whole country, to put off even that decision, for the purpose of taking up, and acting upon, the appropriations essential for the support of the Government, for remedying the evil of the failure of the fortification bill, and for preparation for possible, if not probable, contingencies that may arise.

I should be sorry, Mr. Speaker, to be understood as intending to express the opinion that war is impending. I know the importance which is given to such opinions in some quarter or another, uttered on this floor, even from so humble a member as myself. I do most sincerely hope, Mr. Speaker, that this deplorable calamity may, in the providence of God, be averted consistently with the rights and honor of the country. But I cannot shut my ears and eyes to what is passing around us, calculated to weaken the confidence I might otherwise have in these hopes. If they should be falsified, let us endeavor to be prepared to meet it when war comes.

Mr. REED said he felt the force of the remarks of the gentleman when he said the country needed defense; he perfectly agreed with him; but he thought it would be the best course for the Committee on Foreign Affairs to present its own measures to the House, and let the House proceed to the appropriation bills in their usual mode.

Mr. MASON, of Virginia, said that it had not occurred to the Committee on Foreign Affairs, that they would have rendered themselves obnoxious to the charges which had been brought against them. The resolution proposed interfered with the duties and jurisdiction of no committee of the House. It related to the business in the House, or in Committee of the Whole House on the state of the Union. It would be remembered, that when, some days since, the chairman of the Committee of Ways and Means proposed an extraordinary appropriation to the naval bill, in reference to the peculiar posture of public affairs, the honorable gentleman from South Carolina, [Mr. THOMPSON,] in a strain of fervid eloquence, objected to the proposition, as resulting from subjects peculiarly within the jurisdiction of the Committee on Foreign Affairs. That gentleman had also declared that, if the occasion required, he was ready to exhaust the Treasury in a patriotic defense of the rights and honor of the nation. Mr. Mason believed that these were the sentiments not only of that gentleman, but of the whole of the gallant and chivalrous people represented on this floor.

He was sensible of the delicacy and responsibility of his situation. Humble and comparatively unknown to the country as he was, he was yet aware that, in the state of anxiety at present existing, whatever proceeded from the committee of which he was the organ, would be regarded with some degree of interest. The committee had not intended to agitate the public mind by declaring any belief that the differences between this country and France were to terminate in war. But they felt that they would be equally criminal to encourage a fatal apathy, a false security; by crying, Peace, peace, when there might be no peace. Entertaining these opinions, all that they meant to say was, that the relations of our country, not only with France, but with another nation, independently of our Indian affairs, were so equivocal and critical as to make it the duty of Congress to use its constitutional power in preparing to resist aggression and to protect our rights. To what extent appropriations for these objects should be made, were left by the Committee on Foreign Affairs to the decision of the House.

It has been said, more than once, that this country is unprepared for war. This is true. But it is strange that such an argument should be used against measures of preparation. In time of peace the country will hardly ever be prepared for war. The genius of our institutions is opposed to large military establishments, and it is not to be expected that they can be collected at a moment's warning. The panoply of war is not suited to the full exercise of our energies in pursuit of individual happiness in the season of peace. But when our country is surrounded by circumstances of danger, when our relations with foreign Governments render it possible, not to say probable, that we cannot preserve the honor, without disturbing the peace, of the country, it seemed to him to be the highest, the most solemn, duty of republican statesmen to put in requisition the vast resources of the country, and to assume an attitude of preparation, which would enable us to protect our rights, and to resist the aggression of others. These were the feelings and motives of the Committee on Foreign Affairs. They did not say that there would be war. He prayed God to arrest such a calamity; but great as the evils of war were, there were greater still which might befall the country—the loss of its honor, and with it the loss of national security.

It was not for him to say that there had been no errors in our negotiations with France. In the arduous, protracted, and delicate diplomatic intercourse which had occurred between the two Governments, the President of the United States might congratulate himself on singular good fortune, if no step had been taken which it would be desirable to retrace. Mr. M. said that he believed this congratulation might be offered, but this was not the occasion to discuss that subject. He certainly would not, with the gentleman from Tennessee, [Mr. BELL,] admit that our Government had fallen into errors in common with France. He believed the present occasion required all the energies of this vigorous Republic to be put into requisition, and he should, by his vote, endeavor promptly to effect that object.

Mr. M. said that the objections urged by the gentleman from Tennessee [Mr. BELL] were of a character which he had not expected from that quarter. That gentleman says, no doubt with perfect sincerity, that he is prepared to vote supplies for defense, when the honor and interests of the country require them. I may ask, (said Mr. M.,) does the proposition of the Committee on Foreign Affairs require him to give such vote unless called for by those high considerations? The adoption of the resolution only puts it in the power of the House to act promptly and speedily on these important measures, and the necessity of each must be considered as it is proposed.

The honorable gentleman from Tennessee has animadverted on what he has been pleased to call abuses, which have grown up in the House, to one of which he has especially referred—the practice of chairmen of committees going to members of their committees in their seats in the House separately, and obtaining their consent to report certain measures.

Mr. BELL said he had not made a charge against any one. He had said the practice was unparliamentary, and had led to error.

Mr. MASON said that he had understood the gentleman to disclaim the application of his remark to the Committee on Foreign Affairs. Mr. M. said, though he was sure such was not the gentleman's purpose, others might suppose that such application was appropriate; and he therefore took occasion to say that he had, on his own sense of duty, more than a week since, presented the resolution to the Committee on Foreign Affairs, when all the members were present, and that it had been considered and discussed from day to day, until its adoption, in a spirit of harmony and patriotism which gave him the highest satisfaction.

The gentleman from Tennessee considers the circumstances under which this resolution is offered, inexplicable, unless to be explained in some one of the modes suggested by him. These suggestions did not appear to imply very worthy motives on the part of the committee, but the imputation of such motives was not intended by the gentleman, because they were disclaimed. They seemed to be all connected with an approaching election by the people to the highest office of the Republic. Mr. M. said, that for himself he could safely say that he would never, in the discharge of the responsible duty which he owed his constituents on that floor, introduce propositions, or give his vote, or conduct debate, with the purpose of operating on elections by the people. This morbid illusion disturbed the fancy of some gentlemen, but with him it had not so paramount and absorbing an influence. He did not consider it compatible with his duty, and he believed such to be the sentiment of the committee.

The gentleman from Tennessee asks if the purpose be to stifle discussion on the great subjects before the House. Mr. M. said that, in regard to the resolution of the gentleman from Massachusetts, such was not and could not be the object, because he had submitted this proposition to the committee some days before he knew that such a proposition would be presented to the House.

On the other great question, the abolition subject, (Mr. M. said,) he was happy that the allusion had been made. He considered it one of the highest duties of the House to *decide* the questions involved in that subject. He had uniformly acted with that view, and still earnestly hoped to see a *decision* calculated to allay excitement, and meeting the just expectation of the

public. He must be excused if, with entire deference to others, he did not perceive the advantages which were supposed to result from an elaborate *discussion* of that subject here. He wished to see it decided; and to accomplish this desirable object, the Committee on Foreign Affairs had postponed the consideration of the order proposed for a week. For himself he could safely answer, and he believed he could for the committee, that this late day was fixed to give to the House an opportunity to dispose of that subject especially, and to adapt its business generally to the operations of the new rule.

Nor was it the purpose of the committee to deplete the Treasury, and thus forestall the consideration of the proposition to divide the surplus revenues of the Government. The measure and extent of preparation and expenditures would be for the House to determine when the subject was presented for consideration. The gentleman asks, why this resolution is suddenly brought forward under the influence of the panic of a French war? That committee was as little under the influence of pusillanimous fear as any other; and is this the term by which the desire to provide for the necessary defense of our beloved country, in the hour of her danger, is to be designated? Does the gentleman see in our foreign relations anything showing so great a certainty of a pacific result, that the introduction of this resolution is only to be explained by groundless panic, gotten up for sinister purposes?

Mr. BELL said he had made no charge against the committee, in relation to a war. He had said that the tendency of the resolution would be to push all the appropriation bills through at once, before we could find out that they were needed.

Mr. MASON said that he would not misunderstand the gentleman, much less misrepresent him. The gentleman supposes that one effect, if not an object of this resolution, will be to "*push through*" the appropriation bills. I submit it to the honorable member, whether, if an inquiry were addressed to him, if such an intention was entertained by him, he would consider it very decorous, especially when the committee introducing the proposition had not charge of the bills? But no reflection on the committee, I am sure, was intended. But to show that this apprehension was wholly unfounded, Mr. M. had only to advert to the fact, that the appropriation bills, mainly embraced by this resolution, were in the Committee of the Whole on the state of the Union, where they must be freely discussed, uncontrolled by the will of a majority, however large, or the application of the previous question.

It is objected to this resolution, that it embraces bills making appropriations for departments of the Government not connected with our foreign affairs, and therefore ought not to be adopted. This might seem to be a good reason for amendment, but not rejection. The committee, however, entertain the opinion, that in making appropriations for the support of Government, and to meet its diversified wants, it is convenient, if not essential, that the House should have the whole subject before it; thus contemplating, at one view, the resources, the exigencies, the necessary expenditures of the Government, the means of the Treasury, and the drafts to be made on them; and thus the appropriations for the Indian department had an important connection with those for the naval and military service. But we are told that we must wait until we hear from France. It appeared to him wise to wait, before we took any decisive step on the subjects in controversy between the two nations; but it indicated fatuity, rather than a wise forecast, to postpone all measures of preparation in our unprepared state until the arrival of intelligence which might disappoint our hopes and our expectations, and require the vigorous use of all of our resources.

The gentleman had said, that the reference to the President's message was an artful appeal to the influence of a name, which was dragged in on many occasions not very appropriate. The honorable member disclaimed any offensive meaning in the term employed, and (Mr. M. said) he was sure, that if the gentleman did not, the House would perceive, that the reference was rendered necessary by the objection of the gentleman from Kentucky, as giving the jurisdiction of the committee.

Mr. M. concluded by saying, that if, under the ingenious and accumulated objections which had been urged, the resolution should not find favor with the House, he, and his honorable colleagues on the committee, would have done their duty. And if future events, which none can foresee, shall show that its adoption might have saved our country from shame and disaster and outrage, they will deserve no portion of the deep and loud condemnation of the country.

Mr CAMBRELENG said he was happy that the gentleman from Virginia [Mr. MASON] had introduced the resolution to call up the appropriation bills; he had only anticipated the wish of the Committee of Ways and Means. As to the question of jurisdiction, at a crisis like the present, it was mutual with the Committees on Military, Naval, and Foreign Affairs, and Ways and Means. When he had first proposed to take up the appropriation bills, some time since, the gentleman from Tennessee [Mr. BELL] wished to interpose, doubtless from proper motives, a discussion on rules and orders. Subsequently the abolition question came up. In that state of the case, Mr. C. said he did, feeling the extraordinary and urgent necessity of the measure, ask the consideration of the bill for the relief of the sufferers by fire in the city of New York, never dreaming that it would be opposed day by day, and inch by inch, as it had been. He had supposed that the House would meet it and pass it promptly, as the Senate had done.

We had, however, been disappointed; but he still believed that, but for the debate on the bill, it would have been ordered to a third reading on the very day it came from the Senate. He felt too anxious for the passage of that bill, to detain the House, by debating the question whenever it should come up again. With regard to the question introduced by the gentleman from Massachusetts, [Mr. ADAMS,] duty to himself compelled him to speak upon it. He should not shrink from the discussion, but should meet it fearlessly and honestly, let the responsibility fall where it might.

The gentleman from Tennessee [Mr. BELL] had also inquired what course the Committee of Ways and Means would pursue? As one of that committee, he would say, that it was his design to separate the bills for ordinary appropriations from those for extraordinary purposes, understanding that these appropriations were first required. The gentleman from Tennessee would, next in order, have full opportunity to oppose or to discuss the extraordinary appropriations which would be required to put the country in a proper state of defense. It was not proposed to resort to the previous question. The very object of fixing an early day was to afford gentlemen every opportunity to discuss the appropriations as they ought to be, and not driven through, from necessity, and without debate, at the close of the session. One word as to the objection to the manner of introducing the resolution. The interest of the country had suffered last year from too nice an attention to forms; and the country was left defenseless. He trusted that the time had arrived when the great interests of the country would no longer be sacrificed to the miserable consideration of forms, forms, forms.

Mr. W. THOMSON said he would vote for the resolution, because he had just learned from the gentleman from Florida [Mr. WHITE] that he had an amendment to add to one of the bills authorizng the President to enlist a regiment of one thousand mounted men for the protection of Florida from the inroads of the Seminoles. He was fearful that that war was not speedily to be put down; and he felt that every consideration ought to give way to prompt and efficient measures to put an end to that bloody strife. He was opposed to appropriating money, unless for specific objects, and he could not do so unless the Departments sent in statements showing what money was actually needed. He had not the remotest idea that France would commence hostilities, but, if she did, he would not treat with her until the whole nation should be clad in armor, and, so far as he was concerned, he would not only empty the Treasury, but he would empty every American vein, in defense of the just rights of the country.

Mr. HOWARD said, that, being under the impression that this resolution ought to pass, and moreover ought to pass to-day, he would give the House an opportunity of terminating the debate, if such should also be its opinion; but being a member of the committee from which this resolution emanated, and therefore conversant with the views which induced that committee to propose it, he felt it to be his duty to say a few words in explanation. That that committee had been actuated by a view of producing any result upon the presidential election, or that the idea had ever occurred to them that any person could draw such an inference, he utterly denied, and could not have been more astonished, if the earth had suddenly yawned at his feet, than he was when the gentleman from Tennessee [Mr. BELL] had supposed that it would affect that delicate subject. The committee had been guided alone by their sense of duty to the House and to the nation; and he took leave to say, that, in his opinion, Congress was far behind the public feeling of the nation, in permitting our fortifications and other means of defense to continue in their present condition. We had a thousand miles of seacoast more unprotected than it ought to be, exposing hundreds of thousands of lives and hundreds of millions of property to a danger which, however slight, could not be totally overlooked. Having the state of our foreign relations committed to their charge, the committee had anxiously devoted their attention to the existing attitude of the country; and although he believed that the committee did not expect war, nor were they desirous to take any step which ought to bring it on, yet it was impossible to contemplate the posture of affairs without feeling the propriety of employing some of the surplus money of the Treasury towards objects of public safety. Without entering at all into the examination of our relations with France, he might be permitted to say, that the present unequal condition of the two nations—one in the full enjoyment of the benefits of the treaty, and the other not—ought not to continue; and, should the Committee on Foreign Affairs even propose to disturb this one-sided condition of our commercial relations, who can say that it would be looked upon with complacency, and not resented, by France? Her sensitiveness on the subject of her produce and manufactures was well known; and no member of this House could undertake to predict her future course with such certainty, as to postpone the passage of even the ordinary, much more any extraordinary, appropriations. The whole of the special message of the President, with all its recommendations, had been sent to the Committee on Foreign Affairs: and that committee could be enabled to take a wider view of the condition of the country, after the House should have passed upon the appropriation bills, than they could now. The eyes of the whole nation were earnestly fixed upon Congress; and the committee were fully sensible of the extreme delicacy of the task committed to their charge. Having nothing in view but a sincere zeal to promote the honor, dignity, and interest of the nation, they had submitted to the House the proposition before them; upon which, he hoped, they were now prepared to vote.

Mr. H. then demanded the previous question; but, at the request of several members about him, waived it for the present.

Mr. HARDIN said he had hoped, with his friend from Tennessee, [Mr. BELL,] that we might have taken up, discussed, and adopted rules for the government of the House. Rules were intended as a protection to the minority, the weaker party. The strong and powerful needed no protection, but the weak and powerless did. So far as the protection of Florida was concerned from the inroads of a savage foe, he would to God that five thousand of the best bloods in America were in the midst of them; and he had looked for a proclamation from the President, calling on Tennessee and Kentucky for volunteers. We would then see that those States would furnish ample force to put down the Indians, and put them down in a way that would be a guarantee for the peace of that country. And, so far as our foreign relations were concerned, he would say, that if the country was brought into collision with France, he would never stop to inquire how

we got into it, or to argue about constitutional rights, but would go for the United States, right or wrong. He was opposed to appropriating money for fortifications, and was opposed to the fortification system. We needed no bulwarks along our steeps. We had already appropriated forty or fifty millions for fortifications; and we are now told that we had not one hundred guns mounted. If that money had been appropriated for our Navy, we might have had one that would have been able to protect our coast from invasion. He felt that our foreign affairs were standing on a slender foundation, upon a mere nothing, and when it came to be either a war or an apology, he would rather spend $100,000,000 than that the President should make any apology; and he was aware, from the well-known character of the President, that there would be no apology from him. But he was opposed to our arming at present, because it might be considered just cause of war. France might, according to her former practice, strike the blow the moment we commenced arming. He would go a reasonable length, but it was difficult to say how far we should go. He would at present vote against any appropriation bill that looked like a war measure, but he did not say that in two weeks he might not vote for as large appropriations as other gentlemen.

Mr. VANDERPOEL said he would not expose the motion he was now about to make to the objection that had been urged to the motion a short time ago, submitted by the honorable gentleman from Maryland, [Mr. HOWARD.] About two speeches *against* the resolution had been made to one *in* its *favor*, and without making an argument, he moved the previous question.

The motion was seconded—113 to 86.

The question, "Shall the main question be now put?" was decided in the affirmative.

Mr. CRAIG asked for the yeas and nays on the adoption of the resolution; which were ordered, and were:

YEAS—Messrs. John Q. Adams, Anthony, Ash, Ashley, Banks, Barton, Bean, Beaumont, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Bynum, William B. Calhoun, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Childs, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushing, Cushman, Darlington, Denny, Dickerson, Dickson, Dromgoole, Effner, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillett, Glascock, Grantland, Haley, Hamer, Hannegan, Hard, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Heister, Hoar, Holsey, Hopkins, Howard, Hubley, Hunt, Huntingdon, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, May, McKay. McKeon, McKim, McLene, Miller, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Augustine H. Shepperd. Shinn, Smith, Spangler, Sprague, Steele, Storer, Sutherland. Taliaferro, Taylor, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, and Weeks—159.

NAYS—Messrs. Chilton Allen, Heman Allen, Bell, Bond, Bunch, John Calhoun, Carter, George Chambers, John Chambers, Nathaniel H. Claiborne, Clark, Corwin, Crane, Deberry, Dunlap, Evans, Everett, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hammond, Hardin, Harlin, Harper, Hazeltine, Howell, Ingersoll, Jennifer, Henry Johnson, Luke Lea, Lincoln, Love, Samson Mason, Maury, McKennan, Mercer, Milligan, Peyton, Pickens, Pinckney, Potts, Reed, Rencher, Robinson, Russell, Shields, Slade, Sloane, Standefer, Waddy Thompson, Underwood, Vinton, White, Whittlesey, Lewis Williams, and Sherrod Williams—59.

So the resolution was agreed to.

SLAVERY IN THE DISTRICT.

REMARKS OF HON. T. GLASCOCK,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

January 25, 1836,

On the presentation of a Petition by Mr. ADAMS, of Massachusetts, from certain citizens of Pennsylvania, praying for the abolition of Slavery and the Slave Trade in the District of Columbia.

Mr. GLASCOCK said, he had hoped that gentlemen would have paused before they proceeded to introduce other petitions of the same character, particularly after the vote which had just been taken, and when it was known that a similar petition had been made the order of the day for Saturday next, and that the resolutions embracing the whole subject were in the possession of the House, and would soon be finally acted on. To press these petitions now, under circumstances like these, seemed to him to be intended to produce excitement, and wound the feelings of the southern members.

But as the gentleman from Massachusetts has thought proper again to speak of the sacred right of petition, and to urge that not to receive a petition was an encroachment upon that right, and a violation of the first amendment of the Constitution, the latter part of which declares "that Con-'gress shall pass no law to prevent the right of 'the people peaceably to assemble and petition 'the Government for a redress of grievances," he felt it his duty, situated as he was, having made a motion to that effect some days since, to offer a few remarks in reply. Mr. G. said he hoped he would be pardoned for again repeating and saying, once for all, that he had as high a regard for the right of petition as any member on that floor; but in admitting this, he must observe he had an equal regard for the rights and privileges secured to every member under the rules and regulations adopted for our government. Sir, (said Mr. G.,) I feel a perfect conviction, from the slight investigation which I have been enabled to give this subject, that we have a clear constitutional right not to receive a petition; and in doing so, we violate no part of that instrument to which gentlemen have so frequently referred; nor do we encroach upon any of those rights intended to be secured under it. I hold (said Mr. G.) that whenever any portion of our fellow-citizens peaceably assemble, and petition to Congress for a redress of grievances, and those petitions are presented, and their contents briefly stated, as required by one of our own rules, that moment, if not before, all the rights intended to be secured to the citizens were secured and fully complied with; and it then devolves on this House to dispose of them as may seem just and proper, in conformity to its rules; which would be, not to receive, to reject after receiving, or to refer it to some select or standing committee, or lay it on the table, dependent entirely upon the will of a majority.

Mr. G. emphatically asked, what is the question now presented for consideration? It is this: "Shall the petition be received?" It cannot now be denied—nay, it is admitted on all hands—that the question is a proper one. Yes, sir, it grows out of the very motion made by the gentleman himself, on presenting his last petition, which was that "the petition be received." This brings me, sir, to an important feature, necessarily involved in the discussion, and I shall proceed to show that Mr. Jefferson, the great and illustrious statesman, whose knowledge and experience of all parliamentary rules and regulations have never been questioned, and whose Manual is at this day looked upon and recognized as a text-book, and adopted by all legislative bodies and deliberative assemblies throughout the Union, for their government, and particularly by the Congress of the United States, holds, and so lays it down in his remarks which follow the 45th rule: "That regularly a motion for receiving a petition must be made and seconded, and a question put whether it shall be received;" and it is in accordance with his views thus expressed, that the question is now presented, and must always be presented, on the presentation of a petition, if there be any objections to its reception. This (Mr. G. said) he understood to be the uniform practice of this House, and was strictly adhered to in the Senate. If this principle be established, away with all constitutional scruples and objections. They can avail no one, for all who knew the justly-styled Sage of Monticello must know, that in expounding constitutional questions, if he had an equal, he had no superior. Sir, (said Mr. G.,) Mr. Jefferson was a strict constructionist, and would have been amongst the last to have incorporated into the rules of this House any question, a decision of which would violate that Constitution which he held so dear and sacred; and with great deference to the opinions of others, he looked upon it as a reflection upon his memory even to suppose it. Had he considered that not to receive a petition was to deprive the citizens of this country of the right of petition, a right intended to be secured to them under the clause of the Constition to which he had referred, would he not have ingrafted into the rules, or in commenting upon them, have declared that all petitions must be received emanating from the people peaceably assembling and petitioning for a redress of grievances? The inference (said Mr. G.) to his mind, was irresistible, and he honestly believed all would come to the same conclusion upon mature reflection. That Mr. Jefferson had an eye single to the Constitution at the time he prepared his Manual, he had never doubted; and even if he had, he should have been satisfied of the fact upon reading a sentence from the preface to his work, in which he states: "That he considered the law of the proceedings of the Senator as composed of the precepts of the Constitution," &c. Let it not be forgotten that Mr. Jefferson, as Vice President of the United States, presided over that body for years, from which time to the present period, the question, "Shall the petition be received?" has been recognised and considered as a proper one, and not conflicting with any feature of our Constitution, or why should it be retained? Why, permit me to ask, has it not been erased from the rules; or why are we permitted, by recording our votes in the negative, on the present question, to violate it, as gentlemen say it will be?

Sir, (said Mr. G.,) if it be unconstitutional not to receive a petition, we should not for a moment permit by a rule, or by the practice of this House, any question to be propounded, the result of which would lead to its violation. For himself, he had no scruples on the subject. This question being adopted and considered by Mr. Jefferson as a proper one, left him no ground on which even to doubt, and he felt no disposition to look for higher authority to sustain him in the views he had taken, or to justify him in the course which he had pursued in relation to these petitions. But he could not conclude his remarks on this branch of the subject, without referring with pride and pleasure to a vote given by two distinguished Senators from his own State, as late as the year 1805, against the reception of a petition from sundry citizens of the State of Pennsylvania, (from whence this petition now comes,) "pleading the cause of their degraded and oppressed fellow-men of the African race," as they were pleased to term them; and on the question to receive the petition, I find the names of those great and good men, James Jackson and Abraham Baldwin, recorded in the negative, and in whose veins purer streams of honor, patriotism, and virtue, never flowed; and who are men as devotedly attached to the principles of the Constitution as ever lived, and as watchful of the rights of their fellow-citizens, and on whom, it may be truly said, the affections of their people were concentrated. This vote was given, too, at a time when there was but little excitement compared with the excitement of the present day; there was at that period but few abolition societies in the country; no presses established for the printing and circulating of incendiary pamphlets; no one was then in the employ of those societies freely to circulate them throughout the land, as they are now, to effect their objects, and to produce consequences most awful in their character. Who (said Mr. G.) does not behold the contrast; and who from the South will not exclaim, if it were right then to reject those petitions, it was imperiously their duty to reject them now? God forbid that any of us should falter in the present contest!

A few remarks (said Mr. G.) relative to those petitions, and he would conclude the argument, which he regretted he was forced to enter into in consequence of their introduction. He had taken some pains to look into these petitions, with a view to judge of their characters, and of the language used by the applicants, and he felt bound to state that, of the great number which had been crowded upon us, he scarcely read one which was not highly disrespectful and libelous upon the whole South, and especially those who are owners of slaves. How can it be expected, under such

a state of things, that we can pursue a different course than to vote against a reception of each and all of them as they are presented? For himself, he felt bound to do it; and in doing so it was in perfect accordance with his own feelings, and he confidently believed it would be in accordance with the feelings of those whom he had the honor in part to represent. Be this, however, as it may, he should continue to discharge fearlessly what he conceived to be his duty, which was, to stamp these petitions (coming from whatever quarter they may) with the seal of reprobation, and treat them with the just indignation they merit; and he should continue to do this, regardless of all consequences, and of all political considerations.

Mr. G. said he had long since determined not to go into a general discussion of the merits of slavery, for no new lights could be shed upon it; but whenever it became necessary to act upon the resolutions of the gentleman from Maine, he might again feel it his duty to address the House on the constitutional question as to the right of Congress interfering with the subject in this District. Until then he should endeavor to remain silent, and, for the present, would no longer trespass on the patience of the House.

NATIONAL DEFENSE.

SPEECH OF HON. ISAAC HILL,

OF NEW HAMPSHIRE,

IN SENATE, *January* 28, 1836,

On Mr. BENTON's resolution for setting apart the Surplus Revenue for the defense and permanent security of the country.

Mr. HILL, of New Hampshire, addressed the Senate as follows:

Mr. PRESIDENT: Much has been said to mystify the question before the Senate, and to make it appear that a majority of the last Senate is not solely responsible for the rejection of the bill conditionally appropriating $3,000,000 for the defense of the country. Mystification will not answer the purpose; the responsibility will rest, as it now rests, where it truly belongs. It was with a high interest that I have watched the progress of appropriations in past sessions of the Senate. I have seen those appropriations delayed in the Senate for weeks on frivolous pretexts: this delay had no other real object than the forcing of the House of Representatives to come up to some favorite doctrine of the Senate, or for some other political maneuver. Has not the Senate repeatedly held up the appropriation bills for the purpose of forcing the Executive into the appointment or non-appointment of certain officers? Has it not been threatened to defeat the general appropriation bill if the House of Representatives would not yield to the wishes of the Senate?

Why was it, that the principal appropriation bills of the last session, which passed the House at an earlier period than usual—why was it, that these bills were held up to the very last week of the session? Why was this very fortification bill kept thirty-four days in the Senate?—no, not in the Senate, but the greater part of the time in the hands of the chairman of the Committee on Finance? Was it not done avowedly for the purpose of compelling the House to pass such subjects as a majority of the Senate should choose to force on them? Look at the general appropriation bill: that bill was held up for weeks in this body, and did not pass until the last moment of the session—it did not pass leaving time for the President of the United States to read the bill before the Twenty-Third Congress was actually defunct; and so long was it in the possession of the chairman of the Committee on Finance, that I never had an opportunity to read the perfected bill before I was called upon to vote on the question of its passage. These bills were all furnished by the House, leaving the Senate ample time to discuss and understand them; but so exclusively did the then Committee on Finance of the Senate take the control, that even the Senate itself could not consider and pass upon them, without a violation of the joint rules.

The loss of the fortification bill was clearly owing to the neglect of the Senate to bring that bill to an ultimate decision. In the first place, the Senate insisted on adding to that bill appropriations which had been voted down by yeas and nays in the House; it insisted on adding appropriations, suiting the motives of particular members, and local in their character, which had not been recommended by the proper Department. The House, being thus forced to take the bill against its own expressed will, again proposed to the Senate a more general appropriation, which might be applied by the executive at points where expenditures would be most useful. Instead of making appropriations that had not been called for by the proper Department, either in Boston harbor or in the Delaware river, the House proposed $3,000,000 to be expended at the discretion of the executive in the manner that might best meet the state of things existing. The House proposed this at that point of the session when information had just been received that the relations with a foreign Government were in a critical state; when it was too late for particular legislation; and when the obvious effect of neglecting such appropriation would be to invite foreign aggression.

The first question is, was the appropriation proposed by the House a reasonable proposition? Those who thought the public good required that appropriation in either House of Congress, ought not to be reproached with having defeated the fortification bill. At no time did they interpose an objection to it in any shape. It was those who opposed that bill; it was that majority in the Senate which held up this bill to the last moment—which even refused, at that moment, to carry into effect the strong decision of that branch of the Legislature, whose peculiar right and province it is to make appropriations of this sort—it was that majority which is responsible for the loss of this bill.

It has been contended that the session of the Legislature should have continued until the 4th of March at noon, and that the President of the United States ought to have remained here to sign bills until that time. The President gave one full hour for the variation of the clock. He remained, as I have occasion to know, in the Capitol until after one o'clock. The Senator from New Jersey [Mr. SOUTHARD] says, President Jackson did not, on this occasion, follow the example of an illustrious predecessor. The great Washington, he informs us, (on what authority he does not tell us,) was called up from his bed, and in his flannel, on one occasion, signed some twenty bills; and that these bills became important laws that have ever since been in force. This statement of the Senator, if it prove anything, proves too much. If Washington did not consider the time of Congress as having expired at twelve o'clock, why was he in bed at two o'clock? Or, if the time of Congress did not expire till twelve o'clock noon of the subsequent day, why did he get out of bed at all, when he had ample time to examine the bills at his leisure, before the time expired? It is said to have been the practice of both branches to set back the clocks at the expiration of the 3d of March. I was witness to the clock in the Senate Chamber having been set back more than an hour, on the last night of the last session; the hand of the clock pointed at twelve, after the hour of one had arrived. Now, if it had been the practice to continue the session until daylight, or noon of the 4th of March, where was the necessity for setting the clock back?

The Senator from Tennessee [Mr. WHITE] thinks he sat here on one occasion at the close of a Congress until daylight. I well recollect probably the same time. It was in 1833, three years ago. The 3d of March was Sunday; and, on that occasion, the President of the United States continued in the Capitol until daylight, not of the morning of Monday the 4th, but of Sunday the 3d. Other sittings after midnight, will refer themselves to the expiration of the first session, when the power of each member extending to the second session to act was undoubted. If any members know that Congress and the President acted after twelve on the night of the 3d of March, of the second session, or what purported to be twelve o'clock, let them put the finger on that time, and show, by circumstances, that the Congress did hold on its session into the time for which the next Congress was elected. If they can show us an instance of this kind, they will show what, in my opinion, was a violent dereliction of duty. That it was generally believed any act done after the time is illegal, is proved by the practice of setting back the clock an hour, and making one o'clock in the morning the nominal time of twelve at night.

The assumption that the power of Congress to act beyond the term for which it is elected is a legitimate power, is urged with a pertinacity that will not admit of denial. It is insisted on by almost every person who has spoken on one side; and it is insisted on because, if the assumption is not conceded, neither the House of Representatives nor the President can be responsible for the failure of the fortification bill. Deny the right of Congress to sit after midnight—deny the right of the President to retire, and sign no more bills after midnight, and the last Senate must take the responsibility, not only of defeating the $3,000,000 appropriation, but of defeating every item in the fortification bill.

The 16th and 17th standing rules of the two Houses of Congress provide that "no bill that 'shall have passed one House shall be sent for 'concurrence to the other on either of the three 'last days of the session;" and that "no bill or 'resolution that shall have passed the House of 'Representatives and the Senate shall be pre-'sented to the President of the United States for 'his approbation on the last day of the session." These standing rules were made with the express view of preventing confusion at the close of the session, and to give the President an opportunity to inform himself of the nature and contents of the several bills placed before him for his approval. If the two Houses of Congress have ever held on to their session after twelve o'clock at night, at the close of the session, it has probably been on the last day on which, by the rules, either House of Congress could act on bills. It will be perceived in this case, that Congress would not act after its constitutional time expired, and that the holding over would violate the rules only. These rules have, of late, become in effect a dead letter, as have many other rules of the Senate, which, requiring for their suspension the unanimous consent of the Senate, have been set aside by the simple vote of a majority of the Senate.

The confusion attending the last hours of a sitting of either House is disagreeable to all friends of fair legislation; it is a most propitious moment for those who press claims and measures that will not admit of discussion. I stood in my place, at the close of the last session, for more than one hour after the time of the Congress expired. After the House of Representatives had finished their business, and after the hour of one o'clock had arrived, different propositions were made and brought before the Senate, involving large expenditures, to be defrayed out of the contingent fund of the Senate. These propositions were intended to give a defunct printer of the Senate additional jobs of printing. I will read one extract from the Senate Journal, presenting the extraordinary spectacle of a Senate, *dead in law;* acting for the resuscitation of a partisan printer, whose term had been superseded by the election of a new printer to the Senate. After twelve o'clock at night, Mr. POINDEXTER submitted the following resolution:

"*Resolved*, That the reports of the commissioners for adjusting land titles, made to the Secretary of the Treasury since the adjournment of the last session of Congress, be printed with the documents in relation to the public lands ordered to be printed at the last session of Congress."

The Senator from Missouri, [Mr. BENTON,] despairing of being able otherwise to defeat the project of expending, *by the action of the Senate alone*, some one or two hundred thousand dollars, in addition to the enormous jobs that had already been voted, then told me he was determined to talk down this project; and he did talk and read extracts from the Journals after twelve o'clock at night, until he compelled the defunct Senate to lay the project on the table.

[At this point Col. BENTON rose, and Mr. HILL giving way, Col. B. reminded him that he defeated these printing jobs after midnight, and by

speaking against time. He had avowed his determination to speak out the session, and after speaking, as he said, a long time against time, he found that time stood still, that our clock obstinately refused to pass the hour of twelve; and thereupon addressed the presiding officer, Mr. TYLER, the President *pro tem.*, to call to his attention the refractory disposition of the clock, which in fact had been set back by the officers of the House, according to common usage on the last night, to hide from ourselves the fact that *our time* was at an end. The presiding officer (Mr. B. said) directed an officer of the House to put forward the clock to the right time, which was done, and not another vote was taken that night, except the vote to adjourn.]

Mr. H. thanked Col. B. for reminding him of these facts, and said, to the perseverance of that Senator in speaking against time, in having the clock set forward to the true time, and in avowing his determination to speak until the Senate adjourned, and finally compelling the defunct Senators to yield up their places on the floor; to that perseverance of the honorable Senator which never tires on any becoming occasion, it is due, that from one to two hundred thousand dollars of the public money was prevented from going into the all-grasping jaws of that cormorant, who had not fattened, but grown lean and haggard with the continued feeding of a majority of the late Senate of the United States, Duff Green.

[Mr. Bibb's proposition was to reprint the usual number of the Legislative and Executive Journals from the foundation of the Government in 1789, with a copious index to each volume, and also an analytical index to the whole; the usual number was one thousand and ten copies; there are fifty volumes of Legislative Journals, and three volumes of Executive Journals. The expense of this printing at the Congress prices, which are much higher than printing anywhere else, (being pay as for *manuscript*, when this and other reprints were from *printed* copy,) would have been at least $100,000. Mr. Webster's project was to reprint the Blue Book from the commencement, beginning in 1816, and published every two years, ten volumes of rule and figure work, last volume four hundred and fifty pages, at an expense of between four and five dollars per page, at the lowest estimate $16,000. Mr. Poindexter's project was a continuation of printing of reports of commissioners for adjusting land titles, which had already cost $60,000 or $70,000, and which had been previously printed under an order of the Senate, and not worth one straw to anybody; the continuation of no more value than the main work, would have made several volumes, and would have cost some $20,000 or $30,000. The above project of printing reports went through the Senate at the same session as did the project of Mr. MOORE, of Alabama, to print certain Indian reports, which now amount to three large octavo volumes, delivered at this session, and which are really of no value, even to a grocer or trunk maker. Mr. PRESTON's project, which passed at the last hour of the session, forced through by a vote of the majority, was to print a list of pensioners on the rolls of the Treasury office. He had before got through a resolution for printing the rolls in the War Department, which had been two years in printing, and are now just completed, making three large octavo volumes of rule and figure work of about one thousand pages each. The whole expense of printing these lists will not be less than $30,000; and for all practical uses these volumes are of less value than any old almanac. This motion of Mr. PRESTON was the last question taken; it was taken after twelve o'clock, and was carried by surprise. Mr. POINDEXTER's motion next came up, when Colonel BENTON commenced speaking.]

Mr. President, we have very lately had a specimen of the facility with which bills may pass the Senate. On yesterday a bill appropriating half a million of dollars for defraying the expense of defending the country against the murderous warfare of the Seminole Indians in Florida, was received from the House of Representatives, committed to the Committee on Finance, reported on, and passed three several readings, all on the same day. There was no opposition to the bill, only the very significant inquiry made by the Senator from Kentucky [Mr. CLAY,] how it happens that these Indians should have attacked our men, and the War Department furnish us with no evidence of that intended hostility? If that Senator had not studied enough of Indian character to know that a blow, and generally a fatal blow, is the first indication of Indian hostility, he might have sought for the cause of that hostility in the known fact, that a political party in the United States had taught these sons of the forest to believe themselves to be sovereign and independent nations, whose rights as such had been invaded, and that even the benevolent acts of our own Government were injustice and oppression in disguise, deserving no better than the punishment of death and extermination of our citizens at their hand. If the Committee on Finance had it in their power to act as promptly as they did on the bill I have named, why did the same committee of the last session hold up the appropriation bills for more than a month after they had passed the House, and not suffer the Senate to have them until it was too late to advocate on this floor what was expedient, and oppose what was inexpedient?

Mr. President, for the four sessions I have had a seat in this body, I have voted steadily against extravagant appropriations. I have voted against all appropriations for local internal improvements; against all increased allowances; against claims which, in my opinion, had no foundation in justice. My opposition, at times, has here scarcely had the weight of a feather. If there have been extravagant expenditures—if offices have been multiplied, and the compensation of officers increased—all has been sanctioned by a majority of the Senate. What would have been the condition of the Treasury at this moment, had there been no restraint upon the will of the Senate? Has not the Senate, by passing bills which have been vetoed by the President, sanctioned principles of allowance which would have made the Treasury at this moment a hundred millions in debt? The Maysville road veto stopped appropriation, much of which would have been money virtually thrown away, as has been a large share of the expenditures on the Cumberland road, which would probably have amounted, at this time, to at least sixty millions of dollars—ten millions a year; the veto on the bill allowing the States interest on their war claims, which war claims had been liberally and largely allowed by the Government, stopped an immediate abstraction of many millions more. The principle of this last bill, followed out, would have left no end to the claims that would have been kept up on the Treasury. The first and largest sum would have gone to Massachusetts, as the *interest* on that claim, which, by dint of perseverance, she succeeded in procuring, since the commencement of the present Administration, for State expenditures, made in defiance of the constituted authorities of the General Government in time of war!

Mr. President, illiberal and ungenerous as I have been to those who wanted large sums from the Treasury, I did vote, with the gentlemen then acting in the minority in the Senate, for the appropriation of $3,000,000, to be expended as the public exigencies might require, in preparing the nation to defend itself against a foreign enemy. Liberal and generous as have been the gentlemen who composed a majority of the Senate, every one of that majority voted against the appropriation of $3,000,000. On whom, then, rests the odium of leaving the sea-board in its present defenseless state? The Senators, whose habit it was to vote for the most extensive appropriations, voted against this appropriation; and, taken in connection with the attitude of the majority on the subject of the differences with France, is it not clear that the refusal to give the executive the means of defense on the part of this body operated as a new inducement to the French Government to deny us justice? Was this not a strong indication that, even should France forever deny the execution of her solemn contract, she might at least rely on one branch of the American Legislature to palliate her offense? I have been told by a gentleman who has just returned from France, and who well knows the dispositions of her Government and of her people, that he has not a doubt that, if the Senate had voted the appropriation of $3,000,000, showing thereby united councils at home, the money would have been paid, and the whole matter satisfactorily settled before the commencement of this session of Congress.

This refusal on the part of the Senate would not have placed itself in so strong a light to the French Government, had it not have come from that majority in the Senate which had been most liberal in voting away the public money. It should be understood by the people of the United States, that although there was a change in this Administration in 1829, there has been no substantial change in the men who have lived on the public expenditures. The public deposits have been removed from the United States Bank—thanks to the people, under the lead of that man who conquered another but not less potent enemy at New Orleans; the public deposits have been removed, but the drawers of the public money are the same men, four out of five, that they ever have been. The cormorants which feed on the bowels of the Treasury have not flown away. They have looked to the Senate as the citadel of their protection—the Senate would deny the right of that Chief Magistrate, elected by the people for the purpose, to annoy them. To this class of men the majority of the Senate has always been generous; nay, it will be found, that a majority of the Senate, in its six last sessions, has sanctioned, without scruple, the increase of officers and of official emoluments. Standing in this relation, it may truly be said, that the Senate has exercised a greater power and influence in this Government to convert the public patronage, and the public money, into an electioneering engine, than any other department of the Government.

Decidedly as I had disapproved of the opinions of the Senators from Massachusetts [Mr. WEBSTER] and South Carolina, [Mr. CALHOUN,] I was surprised and astonished at their avowals in this debate. These avowals, Mr. President, and not the petty disputes about who was accountable for the fate of the fortification bill at the last moment of the session—those avowals are what the nation will regard. Those avowals fix the true character of the rejection of the fortification bill. One Senator [Mr. WEBSTER] says he would not have voted the appropriation, if the enemy had been thundering at the walls of this Capitol. I regret that the Senator, in making this declaration, should discover that he had not repented of his course during the war of 1812:* and if I had expected no better things of him at this period,

* *Extract from a Speech of* Mr. HILL, *of New Hampshire. In Senate, March* 20, 1832.

"The efforts of the factious opposition at that portentous period, were directed to a deprivation of the means of carrying on the war, and to the ruin of the Government. To carry on the Government at all—to enable it to raise any means on its own credit, a direct tax and internal duties were indispensable. The records of the House of Representatives show the gentleman from Massachusetts, [Mr. WEBSTER,] then fresh in his seat, on the 1st of July, 1813, voting against a bill for the assessment and collection of direct taxes and internal duties. On the 9th of the same month, he voted against a bill laying duties on refined sugars, and on the same day against a bill laying duties on sales at auction; on the 10th against a bill laying duties on carriages. On the 7th of January, 1814, one of the darkest periods of the war, and after our gallant little Navy had covered itself with glory, he voted against an appropriation for defraying the expenses of the Navy. On the 10th he voted against a proposition more effectually to detect and punish traitors and spies. On the 14th of January, he voted against a bill making provision to fill the ranks of the Army. On the 22d, he voted in a minority of seven against a bill authorizing the enlistment of troops for five years, or during the war. On the 25th, against a bill enforcing the non-importation laws. On the 8th of February, he voted against a bill to raise five regiments of riflemen. On the 29th of March, same year, he voted against the bill to call forth the militia to execute the laws of the Union and repel invasion. On the 1st of December, same year, only a few days before the sitting of the Hartford Convention, he voted against a bill to provide additional revenue for defraying the expenses of the Government, and maintaining the public credit. On the 10th of the same month, he voted to postpone indefinitely a bill authorizing the President of the United States to call upon the several States and Territories for their respective quotas of militia to defend the frontiers against invasion; and on the 13th against the same bill. On the 19th of the same month, he voted against a bill to provide additional revenue for Government, and maintain the public credit; also, he voted against an appropriation to rebuild this Capitol and the public offices, after they had been destroyed by the ruthless hand of the enemy."—*From the Globe of Tuesday, July* 17, 1832.

I do most sincerely lament, that the course of the other Senator, [Mr. CALHOUN,] who utters the craven sentiments that we ought not to arm lest we shall provoke a more powerful antagonist to hostilities, should have been downward. "How art thou fallen from Heaven, O Lucifer, son of the morning!" I can but feebly express how much my then youthful heart was elated at the repeated perusal of the report on foreign relations, drawn by that gentleman, and made to the House of Representatives, June 3, 1812. I cannot better exhibit the spirit of that report, than by reading one or two extracts:

"But the period has now arrived when the 'United States must support their character and 'station among the nations of the earth, or submit 'to the most shameful degradation. Forbearance 'has ceased to be a virtue. War on the one side, 'and peace on the other, is a situation as ruinous 'as it is disgraceful. The mad ambition, the lust 'of power, and commercial avarice of Great Brit-'ain, arrogating to herself the complete dominion 'of the ocean, and exercising over it an unbounded 'and lawless tyranny, have left to neutral na-'tions an alternative only between the base sur-'render of their rights, and a manly vindication 'of them. Happily for the United States, their 'destiny, under the aid of Heaven, is in their own 'hands. The crisis is formidable only by their 'love of peace. As soon as it becomes a duty to 'relinquish that situation, danger disappears. 'They have suffered no wrongs, they have re-'ceived no insults however great, for which they 'cannot obtain redress."

* * * * * * * *

"The British Government might, for a while, 'be satisfied with the ascendency thus gained 'over us, (by submission,) but its pretensions 'would soon increase. The proof, of which so 'complete and disgraceful a submission to its 'authority would afford of our degeneracy, would 'not fail to inspire confidence that there was no 'limit to which its usurpations and our degrada-'tions might not be carried. Your committee, 'believing that the free-born sons of America are 'worthy to enjoy the liberty which their fathers 'purchased at the price of so much blood and 'treasure, and seeing in the measures adopted by 'Great Britain a course persisted in which must 'lead to a loss of national character and inde-'pendence, feel no hesitation in advising resist-'ance by force, in which the Americans of the 'present day will prove to the enemy, and to the 'world, that we have not only inherited that lib-'erty which our fathers gave us, but also the 'will and power to maintain it. Relying on the 'patriotism of the nation, and confidently trusting 'that the Lord of Hosts will go with us to battle 'in a righteous cause, and crown our efforts with 'success, your committee recommend an imme-'diate appeal to arms."

Here was an exhibition worthy the spirit of a free people—worthy any age and any country. My first admiration of the gentleman was for the doctrines he then advanced. His voice was then for war rather than disgrace. His maxim was then—millions for defense, but no submission. My disapprobation of the gentleman now is, that he has "left his own, to stand on foreign ground"—that he has deserted the principles he at first inculcated. Both the Senators will excuse me when I declare that I am not of their communion. I go now, as I ever have gone, for appropriations to the utmost amount that can be efficiently and properly expended to put the country into a complete state of defense, and, if need be, to prosecute, to a successful termination, any war waged either for our honor or our rights.

Mr. LINN, after Mr. HILL had concluded, said:

I rise, Mr. President, merely for the purpose of preventing a misconstruction or misunderstanding of my course on the last night of the last session, in relation to the printing a document connected with the subject of private land claims in Missouri, and which was deemed necessary to a right understanding of the matter. I made two motions to print that document, both of which were lost in consequence of there being no quorum of the Senate present. It was a small affair, and would have cost the Government but a trifle for the work. But from the manner it is now brought into notice by the honorable member from New Hampshire, it would, without explanation, appear as if I had made a proposition to print public documents, the cost of which would amount to one or two hundred thousand dollars. I made no such proposition, nor did I vote for any such. They came from another quarter.

SLAVERY IN THE DISTRICT.

REMARKS OF HON. MR. BOULDIN,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

January 19 *and* 20, 1836.

The special order of the day was taken up, being the following resolution heretofore offered by Mr. JARVIS, of Maine:

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress. *And be it further resolved*, That in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table, without being referred or printed.

To which Mr. WISE submitted the following amendment:

Strike out all after the word "*Resolved*," and insert, That there is no power of legislation granted by the Constitution to the Congress of the United States, to abolish slavery in the District of Columbia, and that any attempt by Congress to legislate upon the subject of slavery will be not only unauthorized, but dangerous to the union of the States.

Mr. JARVIS subsequently modified the original resolution as follows:

Whereas any attempt in this House to agitate the question of slavery is calculated to disturb the compromises of the Constitution, to endanger the Union, and, if persisted in, destroy the peace and prosperity of the country: therefore,

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress: *and it is further resolved*, That in case any petition praying for the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table without being referred or printed.

The question before the House being the amendment of Mr. WISE—

Mr. BOULDIN rose and addressed the House as follows:

Mr. SPEAKER: Before entering upon the discussion of the several resolutions now under consideration, let me protest against a certain election, now so much talked of, having anything whatever to do in this matter. Several allusions have been made to some supposed participation of that election with the resolutions now under debate. I cannot believe that any man would bring into hazard the life or safety of the infant that sits upon his knee, and smiling looks up to him for protection—the companion of his joys and his sorrows—his friends, his country, and everything that is dear to him on earth, to forward any party views, or to elevate or disappoint the hopes of any individuals. But should I be mistaken in this, I am sure I shall not be in another view of it. If attempted to be used on either side, it will soon be found to be a dangerous weapon, one that cuts both ways, and will soon be laid aside.

To say you will never have a President from a non-slaveholding State, will provoke and give excuse to those of the non-slaveholding States to say they will never have one from a slaveholding State. This, if acted on, is a practical dissolution of the Union, and would soon produce it, in every sense of the term.

Sir, when I go to the polls, I shall vote for whom I please at the time. Should the election come to this House, (it being then the vote of my district, and not my vote,) I shall vote as they please. As to how I am to find out what they wish, they can inform me in any way they may think proper. I hold myself bound to find out somehow. Nor have I any doubt but that I can. This is all I wish to have to do with that election. Let me, then, turn my back upon it, while this matter is under consideration.

I will vote for no man, from whatever quarter of the Union he may come, who wishes to be meddling with right of property, and especially that in slaves, because it involves other perils besides the loss of property.

I will consider the constitutional question first. Although there is difference of opinion on this question, and, no doubt, honest difference of opinion, still I cannot see where the difficulty is. All admit a man's land or his horse cannot be taken from him in this District any more than elsewhere, and that it cannot be done anywhere, except for the public use, nor even then without just compensation.

Can, then, the constitutionality of the proposed abolition be sustained without showing a distinction between the property a man holds in a slave, and that which he holds in lands or horses? It surely cannot. If, then, there be any distinction, where does it lie? Is it to be found in the Constitution of the United States? Certainly not. That instrument makes no distinction.

While the Federal Constitution was under debate, with a view to its adoption, by the Virginia convention, Henry urged that his property was not secured; and gave his reason why he thought so. He was answered that it was; and that clause cited to prove that it was, which provides for the retaking of a runaway slave or servant, in any State to which he might abscond.

It was insisted by Henry that slaves might be taxed, until the tax would compel emancipation. Amendments were proposed, and most, if not all of them, afterwards adopted, which now form a part of the Constitution, and stand as amendments.

Further, to secure this, and all other property, we find this amendment: "Nor shall private property be taken, for public use, without just compensation." (See amendment Constitution, sec. 5.) This was then the most valuable species of property held by the southern States, as well as now. This property was then almost entirely peculiar to the South, and they were unwilling to trust it to any one but themselves. This was the greatest stumbling-block in the way of the adoption of the Constitution.

The determination to hold it wholly within their own power, and trust it to no one, makes the South feel and know, that State rights and State governments are more dear to them than to any section of the Union.

Sir, they did not mean to intrust it to those who they knew believed, or professed to believe, that property could not be held in a slave. With the clauses before quoted, and the other clauses in the Constitution and amendments, all recognizing and securing, or seeking to secure, this property; with many doubts and fears, and contrary to the advice of many of the wisest and best men we ever had, we adopted the Constitution—went into the copartnership.

Shall we have gone into this Confederacy, with the principal part of our property thus recognized and secured; and shall the same instrument be construed to secure the property of one section of the Union, and not that of another section? Surely this cannot be. Some, seeing the palpable absurdity of this, fly to this idea: say they, You cannot liberate the slaves now in being; but you may forbid the increase to be held as slaves. Compel us to maintain the mother, while she raises the children; the master is thus made slave to his negro. Take all the rents and profits, but hold the property in the land sacred. Be careful not to interfere with the right of property in the mare, but take away all the colts. Such ideas, however, though they may weigh upon the minds of others, weigh nothing upon mine. It is property, or not. The Constitution is binding upon all or none; none can claim, under a deed or will, and against it, or deny its validity; none can hold on upon that part of the Constitution which is to their advantage and discard all the balance. What distinction can be drawn between property and property in this respect? What, sir! shall you not be able, with the whole power of the Confederacy, to take away a man's horse worth forty dollars, unless it be for the public use, and not then, without just compensation, and still be able to take his slave, his property worth one thousand dollars?—not for the public use—not with just compensation. Some have said, this property might be taken away, if it became dangerous to the public. This cannot be for the public use. If set free, they will not be property at all, and cannot be property for the public use. This is a

strange idea—to make property useful to the public, by making it no property at all!

In the first place, a man cannot be placed in much greater danger, or a much worse condition, than by taking away from him the proceeds of his whole life's labor—his bread for his children. In the next place, it is wholly inconsistent with the profession, that those who contend for those powers in this District, do not claim them over the States. If this argument, drawn from danger only, will authorize emancipation here, where there are but few slaves, and from the smallness of the District there never can be many, what will it not do, if transferred to Louisiana and Mississippi? In the third place, the danger is not less on account of the interference of strangers. And in the fourth place, we never meant nor do we mean ever to put ourselves or property in negro slaves, under the care or keeping of those who have no slaves.

No, sir; no distinction can be drawn between the right to interfere with this property and any other, on the part of the Federal Government.

When the States of Maryland and Virginia conveyed away this District to the Federal Government, they had procured a bond to be given by the Federal Government, that private property should not be taken for public use, without just compensation. How, then, comes it, that this Government shall assume the power to take away the most valuable property they had, when it fell into its hands? that too, (twist as you will, at last it comes to this,) because other people do not like this kind of property—have scruples of conscience. Yet it seems many have no scruples of conscience that will prevent them from taking away the property of others; ay, sir, and after entering into the most solemn obligations not to violate an instrument which says you shall not, except for the public use, and then not without just compensation.

It is not pretended to be disguised that there is a plan afloat for general emancipation; and these petitioners generally say, they conceive this to be a part of the means to be used, in order to consummate their general object.

It appears to me, that view the memorials and arguments in every light, resting, as they do, upon some supposed distinction between this and any other species of property, they all must come at last to this point—that the property in a negro slave is no property at all. We have no thoughts of trusting half the whole wealth of all the South to abstractions of this kind. We claim negro slaves as property—we hold them as such—and the property in them was recognized, guarantied, secured, or sought to be secured, to us against all interference. The Constitution either secures it to us, or it does not. If it does, we have all we want upon that point. If it does not, we are deceived, and must secure it in some other way. But not by putting it under the control of those who have no slaves.

Many are of opinion that large manufactories are dangerous to the liberty, safety, and morals of a nation. Shall we burn them down, sir, by act of Congress? Such ideas appear to me to be subversive of every security for property, dangerous to the community, and hostile to the peace and order of civilized life. I cannot see the least ground for asserting this power.

But, on the point of constitutionality, I can differ with any gentleman, from any part of the Union, and do it in perfect good will and good humor. With equal good humor and complacency, can I hear abstractions on the subject of negroes and negro slavery. As long as they are kept north of Mason and Dixon's line, they can never hurt us of the South. Nor can they hurt there much; for, as my Lord Bacon says, "though such things work mightily on men's wits, yet do they produce no very great effects." The mischief never begins until an attempt is made to reduce them to practice.

I promised you, and through you, my constituents, that whenever the abolition question came up, not entangled with any question of order, or with any extraneous matter, I would express my opinions and feelings upon it. Yet who can be ignorant of what are the feelings and opinions of a representative of any portion of the slave-holding districts upon this subject? There is no difference of opinion or of feeling, either in regard to the right to interfere, or the disposition to do so, by the Federal Government. Nearly all these memorials declare, in terms, that they mean this measure to operate, in some form or other, to produce, or to induce, the emancipation of the slaves of all the South. The fact is not attempted to be covered, that there are untiring efforts constantly in action, the object of which is to emancipate our slaves. Some petitions propose to do it immediately. Others propose to do it gradually. I am entirely satisfied, that to do it, or use the means to do it, either way, is a violation of the Constitution, subversive of private and public safety, and, if persevered in, fatal to the Union.

I have, however, no great solicitude on the the constitutional question. When the mind gets its own consent to take from me my property, and endanger my life, upon speculative notions of this character, it is obvious it will find it easy enough to get clear of constitutional difficulty. And it is not material whether it come to this determination through infatuation, perversion of intellect, or perversion of moral sense, or from corruption known and felt; it will, in neither case, stand long upon constitutional construction.

Sir, I have been compelled to come to the conclusion, that when our lives and our property depend upon construction, and construction only, no great reliance can be placed in the safety of either.

The opinions of the greatest and best of men differ and change with time and change of circumstances. Look to the opinions of the great, wise, and good men who framed and adopted this Constitution, with its guarded, careful amendments. Mark the opinions delivered in debate on its adoption. I know they stand in the form of argument, but not the arguments of counsel, feed to maintain one side only. They are the arguments of a judge delivering the sentence of life or death; pronouncing sentence of life or death to a nation's independence. When Patrick Henry urged before the Virginia Convention that, under the constitution proposed, a sovereign State might be dragged before a court, what did the late Chief Justice say in reply? Mr. Speaker, when I allude to the late Chief Justice of the United States, let me do it with all humility and homage to his great name and virtues. Would that I could pay tribute as just and ample as it is sincere to the splendor of his talents, the magnitude of his acquirements, and to what is more than all, the purity and simplicity of his heart, and the unbending firmness of his justice.

In answer to Henry, and in support of the Constitution, or rather its adoption, he said, among other things, "It is not rational to suppose, that sovereign power should be dragged before a court." Does he then say, or even intimate that, in the adoption of that Constitution, a State would cease to be a sovereign power? Far from it. Such a hint I do not recollect to have seen; at that day it might have been fatal to the adoption. He says further: "I hope no gentleman will think that a State will be called at the bar of the Federal court." What he thought of it afterwards, after decisions and after opinions will show. We find that the most illustrious men have stood out for a time upon a constitutional difficulty, and yielded at last. Witness the history of the Bank of the United States. I may not be right—I hope I am not—but it appears to me that positions have been taken, which, in their nature, are impossible to be executed, and contrary to the spirit and letter of the Constitution, and that by construction of the Constitution.

Has no such position as this been substantially taken? An independent savage nation in the heart of a sovereign civilized State, under the protection of the Federal court? I hope I am not right; but it appears to me that good men have convinced themselves that this is practicable, constitutional, and just; and that the savages are to remain, in all time, not subject to the laws of the State, scalping and tomahawking men, women and helpless children, if they please, under the protection of the Federal court. If all those whose ancestors took land from the Indians would return to them all the lands thus held, there would be room enough for the "poor Indians." "Can a man be pardoned, and retain the offense?" When, then, I see that great men can thus construe and thus act—great and good men, many of them as great and as good as any men in any age or country—I do not like to place my principal reliance on constitutional construction in this affair. I know we must rely mainly upon ourselves. But as far as depends upon our fellow-citizens and friends, not situated as we are in regard to this property, especially members of this House, I am anxious to have an answer to this question: Do you (professing to be friendly to us of the South) mean to take any steps, directly or indirectly, to produce their effect now or hereafter, which steps are intended to take from us this property, and in doing so, put us and the property both in danger? No man can answer to this for those that are to follow him. Each man must answer this question for himself. If the answer is yes, I care not a fig for his constitutional notions. I cannot feel that that person, whoever he may be, or whatever he may think of the purity of his own intentions, is a friend to me or mine, or to the southern people.

We of the South are notoriously assailed upon this subject, in church and out of church, (I mean no reflection on the Church,) by societies and combinations of all descriptions in the Union, and of many foreign countries. Are we now to be assailed by this House? The votes which have been taken indicate decidedly that we are not—the friendly countenances I meet every day tell me it can hardly be. But if we are to be assailed by this House in legislative form, inevitable necessity has taken our course for us. Philosophers may dream, and fanatics may rave in their wild imaginations, but we know that our course is taken for us by dire necessity. We know that three millions of men are not to be managed by philosophic dreams, or the wild imaginations of fanatics.

Many are the schemes devised for our benefit by men and women, many of whom are as ignorant of the matter as they are officious in meddling with that which does not concern them. Some advise emancipation immediately, openly, violently; others propose to proceed more cautiously, carefully. The purposes being the same, (the emancipation of other men's property,) differing only in the means proposed to be used, the more temperate tells the more rash that he will defeat the object.

So far, then, his rashness will benefit us. With such an object before him, the more guarded and circumspect he is, the more dangerous he is to us. There is only one point upon which all their schemes and plans ever agree—that we of the South sleep on a magazine of gunpowder. Some propose to set fire to this magazine openly in broad day, and immediately; others say it would be best to burn it off gradually by a slow match, and hurt nobody.

Sir, such speculations are amusing as long as they are not attempted to be put into practice. This is the very scheme that was proposed and tried in St. Domingo. It was some time before the match caught the magazine of powder; but when it did take, it blew up the whole island at a blast. Instead of millions on millions of pounds of sugar and coffee, and numerous other articles of value, reared by the hand of care and industry for exportation, what have they now but the spontaneous growth of the island—mahogany and the like? Their population reduced to less than half—many of the full-blood negroes now to be found in herds, naked and wild as the beasts of the forest—flying from the sight of man, even of their own country and color! This is the fruit of this scheme of gradual emancipation. In that experiment, as soon as the white people began to perceive the effect of this gradual scheme, almost all who could, left the magazine—left the island. Those that remained were, with the help of certain societies in France, massacred in the most treacherous and brutal manner. Those who innocently think that this powder can be burnt off gradually, have my thanks for intending me no other mischief than to burn my powder without my leave. Yet they must excuse me; I cannot agree to the project in any way. I wish not to add to any excitement that may exist, or fan the flame of discord. Yet, two years since,

nearly, when I first had the honor of a seat here, I expressed a wish to print one of these memorials. It contained two propositions—one that it was a shame and disgrace, as well as pain, to northern and eastern gentlemen, and foreigners, to come to this capital and find slaves and slaveholders here. Every word applied as thoroughly to Virginia, and the whole South, as to this place. The other proposition was this—that if abolition took place here, in the heart of Virginia and Maryland, it would compel or influence them to do the like. Here was a direct proposition to use means to emancipate our slaves in these States. I wished to print this, and let the South know what was proposed and what feelings these people entertained towards us, and how many they might be, many or few, and who they were. It was thought to be a firebrand by my honorable colleague, [Mr. WISE,] and I abandoned the idea, as that seemed to be the opinion of the whole South. Yet I thought and said, and still think, that if a friend detect a man attempting to burn my house or do me serious injury, and arrest it, he has only half done his work. His next duty is to tell me, that I may be on my guard.

It is not, then, a new thought with me, that the South ought to know and understand that there is danger abroad; and I am happy to find my honorable colleague agreeing with me now.

I have considered this emancipating notion for a long time, and think I understand the quarter from which it is pressed upon us. This thing is found in the South as well as the North, though not to the same extent; in Europe as well as in America. It is found mainly among the aristocracy—I mean the money, that is the only aristocracy in this country—and among the gossiping classes—rich idlers, and their dependants, who, not being obliged to work, are speculating upon that which will involve the life and property of thousands and millions of honest, industrious citizens. I know all rich people do not do this, but it surely comes from that quarter. I never knew an industrious man, whose habit and business was to make bread with his own hands for his wife and children; nor any industrious woman, (his wife,) whose duty, and habit, and pleasure it was to honor her husband, and feed and clothe his children, that ever pressed this thing much upon any one, or meddled a great deal with other people's business in anything. This class have *not time* for such things. Do not understand me to assail the wealthy part of the community rudely. Far from it. As they have the means and leisure to acquire, so have they much intelligence and many accomplishments not to be found among the poorer classes. As they are freed from the temptation incident to want, so are they free, in a measure, from many of the vices to which those who are more pressed by want and necessity are more subject. I only speak of the fact, as I conceive it to be, without disparagement to either class.

I wish not to provoke the ire of those who are friendly to us, though not living in a slaveholding district. To go crusading against people about their abstract notions, could only be equaled in absurdity by the crusade of the fanatics against us for that which we cannot help, if we were ever so anxious. I know that fanaticism is abroad in the land—north and south, east and west, in Europe and America. With that it is useless, worse than idle, to attempt an argument. It is in vain to appeal to its bowels of compassion.

> "Arouse the tiger in the Hyrcanian desert,
> Strive with the half-starv'd lion for his prey;
> Lesser the risk, than to rouse
> The slumbering fire of wild fanaticism."

It seems to palsy every valuable faculty of the mind and the soul. Look but at the Crusaders; see how they went on like raving maniacs for more than two hundred years. Many of the most prudent and worthy men whose every action was weighed in the balance before their course was taken; every effort for their family, their friends, and their country—many thousands of such men, suddenly influenced by the hermit Peter, or some such fanatic, abandoned all they had been toiling for all their days, or sold it to purchase an outfit for the expedition to the Holy Land. How many seas between—how many hostile lands, they never thought to inquire; how many armies they should have to subdue, they disdained to estimate. They pressed forward, regardless of the fields whitened with the bones of others cut off in the same mad career. Men of wisdom, as well as men of folly, were eagerly and equally engaged in this enterprise. Now, men of all kinds, wise or foolish, look back upon them and their mad career with utter astonishment, and stand amazed at their madness. The excitement upon the subject of negro slavery appears to me to be exactly similar, and nothing but God has power to arrest it.

To desire the prosperity and happiness of the whole human family, and endeavor to promote it, is genuine benevolence, which is the queen of all the virtues. Free from all fanaticism, many of the wisest and best are deeply concerned for the negro race. To such feelings and such notions my heart yields its most profound and warm devotion.

I cannot, however, participate in their hopes or their efforts. When I look back into the records of past ages, and am unable to find this race at any period, in all time, in any place, equal to their own protection against any other race of men, I cannot but feel that man's efforts to alter a destiny so abiding, must prove unavailing. I mean the negro race. The Moor, the Carthaginian, the Egyptian, were all black, or nearly so, but not negroes. The negro has several marks that distinguish him from any other race. The most remarkable is his woolly hair. I do not mean to reproach him with this peculiarity, nor can I see any necessary connection between this peculiarity or any other that he has, and his inferiority. I mean merely to say, that I can find no satisfactory proof that, in any time past, this race has been found equal to his own protection against any other race. While a son is an infant, under father or guardian, he can be provided for and taken care of; but when of full age, if he cannot take care of himself, he will hardly be taken care of; much more certainly is this the case with a nation or race that is not equal to its own care and protection. Who will take care of a nation that is not able to take care of itself? I cannot find any proof that this race has ever been in any other condition. What was their condition in the days of Solomon? "Negro slaves 'were, in those days, extraordinary marks of luxury, pomp, or show; and were sometimes exhibited as objects of curiosity. Josephus, speaking 'of the trade carried on by Solomon at Ophir, 'which he places in Africa, mentions that, besides 'gold and silver, he obtained thence much ivory, 'blacks, and monkeys; and these formed the greatest part of the African trade, even till late years. 'Solomon bought the negroes for the service of the 'temple, the high priests, and the seraglios, whence 'some few found their way, as presents to the 'courts and cities of foreign Powers. But in 'the subsequent ages, the decline of the kingdoms 'of the East extinguished the demand for such articles of luxury; the speculation of foreign commerce ceased; the avenues to distant objects became blocked up or forgotten; and the negro 'provinces of Africa, retaining only a very precarious communication with the Moors and 'Arabs, remained unnoticed and unknown, until 'the Portuguese adventurers again opened a route 'to their shores two thousand four hundred and 'forty years afterwards." Such was their condition then—such it is now. The best protection they seem ever to have had, is the African climate, in which no abiding European settlement ever could be made, though tried in all ages; and Asiatics can with difficulty.

After the lapse of two thousand four hundred and forty years, what was their condition still? While other races have been rising into eminence and falling into barbarism, they remain the same—ay, sir, and are still the same. Efforts have been made for three hundred years to civilize them, and advance them on their own shores, but all in vain. Some of the old historians use expressions as if the Egyptians were negroes; but the proof is now ample that they were not negroes, but had negro captives among them. All the Egyptian mummies, with scarcely an exception, have straight hair and Asiatic faces; all the sculptures, statues, and paintings, show that they were not negroes. Sir, can you believe that the famous Queen of Sheba was a negress, and it not mentioned? Had she gone up, with her woolly hair, and lips higher than her nose, in all the splendor of Asiatic magnificence, would not such a novelty have been mentioned?

The only doubt that can be raised is in regard to Ethiopians. Philosophy took its rise first in that country. It seems easily shown that it was a nation formed of people of different races. As I can find nothing certain to show that the philosophers of that day were not negroes, I cannot say they were not; yet upon the weight of testimony, what probability is there that they were? None that I can see. They have never taken the lead since. Some individual might, but exceptions prove the rule; yet I have no recollection of ever having seen an individual instance of a first-rate man in anything (except perhaps music) of that race.

There are hordes and nations of them in that neighborhood (Ethiopia) exactly such as they were thousands of years ago.

There is a race spoken of in the Old Testament, of whom it is said—"Cursed be Canaan; a servant of servants shall he be unto his brethren." I have much confidence in the truth of the Old Testament, as well as the New. There are many things in each beyond my reach, upon the common rules of evidence, to know whether they be true or not, but there is nothing that I ever could find to be false. If, in this, the negro race is not alluded to, I do not know what race is alluded to. If I did not find a race of men, as I think, exactly agreeing with it, I might have passed over it as a thing, the application or truth of which I could not exactly see. From age to age they have filled this saying. Shall we say it is wrong, and we will alter it? Or shall we say we do not believe it? And why not believe it? See the prophecies of the Jews. There are the prophecies, and here are the people; proving, by their condition, the truth of the prophecy. Their condition could not have been inferred from what had been the condition of that, or any other people, before or since the prophecies. It may seem hard, and does seem hard, as far as we are able to look into it, and nothing but positive submission to overruling destiny in the eyes of the unbeliever, or submission to overruling Providence in the eyes of the believer, confiding in his wisdom and goodness as well as submission to Omnipotence, can reconcile the heart of a kind man to it. And, sir, should either rebel, what effect would rebellion have?

Some say the negro would be equal, with an equal chance. If so, he must prove it by his own actions. It cannot be proved by supposition or hypothesis. Why has the negro not had a chance? Why has he not caught the European, the Asiatic, the American, in his turn? Other races have been up, and have been down; but *they* have been down always.

I know many wise and great men have hopes that the negro race may yet be brought up to an average with other races. I am obliged to feel respect for the opinions, or even the serious hopes, of men of great talent and virtue. Yet, having been raised in a slaveholding section, and being so well acquainted with their character there, and having taken some pains to inform myself of their previous condition, I cannot feel any serious hope of their ever being brought up to that condition by man's agency.

Judging from individual cases, a man might hope; but exceptions prove a rule, though they may exist. It is contrary to all logic to argue from particulars to generals; but I am not informed of one exception in which it appears that the negro has risen to anything like an equality in any one great pursuit of learning, or anything else, compared to the first-rate in that same pursuit in other races. God forbid that I should disparage them. Oftentimes it happens that they are better and more intelligent than many who are lamenting over their ignorance and depravity. We have Scripture authority to show that we are brothers; and the authorities I have quoted from, and alluded to, are not intended to upset the Scripture, but to prove by other evidence the truth mentioned in the Scriptures, that we are all from one stock. They prove it to my satisfaction; and I believe would have proved it if I had never heard of the Scripture.

I do not rest our course to be pursued upon the truth or falsehood of my opinion on this matter; our course is marked by necessity. Whether negroes be equal or inferior—whether it was right or wrong in the origin to have brought them here—whether slavery in the abstract be right or wrong—they are here in such numbers, and so interwoven with our institutions, we cannot get clear of them without doing a great deal worse by them, and ourselves, than by holding them. To get clear of them we should be obliged to exterminate them in self-defense.

The only use I wish to make of this view of the matter is this: If the success be so doubtful, and even hopeless, of placing the race in a safe condition, and raising them upon a level with other nations, there is less propriety in pressing upon us, when evils are great and incalculable, and benefits just within the range of possibility. A question is asked, what is to be done? I know but one answer. Leave it to God. In the ripeness of time, and in His own way, He will do right about it. The spheres keep their place and the heavenly bodies move in their orbits without regard to any agency or resolutions of men. Surely then, when subjects grow so large, and the consequences of interference so perilous, men can never be held responsible for leaving them in the hands of an overruling Providence, where at last, let man resolve what he will, they must remain.

Their weakness can never give us the right to abuse them: but necessity and legal right compel and entitle us to hold them. I have no idea that, under the circumstances, it is a crime to hold them, and shall not trouble you or myself with nice questions of what would be my opinion under other circumstances; yet I will say, sir, that I see nothing more monstrous in this thing in any way than in many other things elsewhere. I see nothing to induce me to believe that if the pious rage of the fanatics had carried them before Christ, when on earth, under the same circumstance as some of their brethren and predecessors did in regard to the woman who was taken in adultery—I say, I can see nothing in it to prevent his giving the same answer: "Let him that is without fault cast the first stone." If they will obey this rule, I am willing they may throw as many as they please. But they have not the shame or self-condemnation that the other had.

> "They've nought to do but mark and tell
> Their neighbor's faults and folly."

One thing is observable. Adultery is forbidden, and put with murder, and the list of blackest, deepest crime. Slavery is nowhere forbid, at least in terms, if at all; we are driven to long inferences, and that against fact. It existed all the while, and still not expressly forbidden, or by any reasonable implication. Yet, sir, do not understand me as branching out in defense of slavery, or against it in the abstract—I speak only as to our present condition; the most inconvenient feature of which is, that it lays us liable to fanatics and unauthorized interference from others. If we indulge the noble feeling of hospitality, the delight of the southern man, and take into our bosom the foreigner, seeking fortune or seeking pleasure, we put it into his power to touch us in this tender place. Pity enough it is that human depravity and human ingratitude should be found great enough to abuse it; and still greater would be the pity, if, entering into the closest alliances of friendship and interest with others, they should be found willing to touch us on this tender chord. I will pass from this gloomy view of the subject. It is an old story and an old truth, that the heart of man is deceitful above all things, and desperately wicked.

It might seem that Providence intended something for the benefit of the negro race, in suffering a portion of them to be brought among civilized men, where they could be governed and protected under and by their laws, until they were prepared to receive his further blessing. If this be his design, I have no idea that man can defeat it. To carry them back to Africa would seem well calculated to stay all advance in their career. But the idea of carrying all the negroes back to Africa was never entertained seriously, I imagine, by any one. There are about three millions. To carry them and find a home for them in a distant country is an easy job for fanaticism; but all time is unable to show anything like it. We are talking of war with France, and France talking of war with us. Think of the cost of the few regiments that either would think of sending across the Atlantic. The fanatics think, and think rightly, that the cost would be worthy the consideration of both nations. This is not the point upon which their brains are diseased. But to send three millions across the Atlantic, and find a home for them, and defend them until negroes are able to defend themselves, is a light matter in the estimation of fanaticism. Viewing, on the whole, this project as utterly impracticable as well as unconstitutional, I am opposed to any interference of any kind calculated to irritate. We are told that slavery among us is a sore evil. Sir, if a man be afflicted with a cancer on a vital part, what would he think of a surgeon who would propose to cut it out? What would you think of a surgeon who would insist upon amputation, when you knew the consequences would be death? What would you think of the charity or kindness of him, who would persevere in chafing and irritating an incurable wound? To let us alone to our destiny is the kindest favor that can be bestowed upon us.

I will now proceed to answer some of the charges that have been made against the South as a pretext for interference with our matters. Sir, they draw their conclusions from premises, not one of which is true in point of fact.

It is not true that the Africans in their native country are made worse. They were, very many of them, cannibals when the slave trade commenced. Instead of catching, killing, and eating their enemies, they now catch and sell; careful not to kill.

It is not true that the slaves are worse off here than in their country. Lander's Travels show that four fifths of them are slaves. As Mr. Randolph said, "It is the happiest occurrence that 'ever could have befallen them. They are taken 'from a country where they are little better than 'baboons, and transplanted into one where they 'are made intelligent beings and Christians. As 'to the whites," said he, "it is another matter." They are freer, happier, and more intelligent, and more pious than they were in their own country.

It is not true that the whites are worse than white men in other countries. Any judgment formed here would be charged with partiality. Go to any country abroad, and see if a southern man stands questioned by his locality. Who stands higher than a southern gentleman for honor, truth, justice, piety, or virtue, in any sense? Has he the name of a hard-hearted, hard-handed tyrant? Sir, his character is known in the world. And does it suffer by comparison with that of gentlemen of any non-slaveholding State? Who, for pure, feminine modesty, and unsuspected chastity, as well as every other quality that can recommend her to the love and admiration of stranger or acquaintance, stands better in the eyes of the world than the southern female? Is it supposed she will suffer by comparison with females in any non-slaveholding State?

It is not true that the southern people are less safe in any sense, unless from the meddling of others. Where is the country that has had less violence in its bosom within two hundred years, than the South? The affair at Southampton is the only one of any size. How much fanaticism had to do with that may be doubtful. What has been the case with non-slaveholding States? Have they had no mobs, no riots, in that time? Have the United States troops never been obliged to lend their aid?

There is no country where there is less personal violence—fewer robberies, especially by the negroes. Personal security is as great as anywhere in the world. Often a lady, with thousands of dollars in her custody, with no other white protection than her beautiful daughters or granddaughters, some miles from any other white person's dwelling, surrounded by fifty or one hundred and fifty slaves, her only protection—all who know anything about it, know what would be the peril at which an attempt would be made upon her. There rest treasure and beauty secure together. Think you they would be more secure thus guarded by hirelings in a non-slaveholding country?

It is not true that the free negro here is better than the slave. Judge him by the communion table, the jail, the whipping-post, or the gallows, and they will all give it in favor of the slave. Put them to any test, it will turn out the same.

It is not true that slaves are dishonest, as is said and supposed by those not acquainted. Captain Smith, who first made a permanent settlement in Virginia, says, "As in all countries, where there are many people, there are some thieves; so in all seas much frequented, there are some pirates." There is stealing, then, by land and by sea. The jails and gibbets prove this all over the world. But I will state a fact by which comparison may be drawn with other places. Having practiced law in the country, in the courts of the interior, the nature of that profession has, for twenty years and more, carried me into houses, public and private, from the residence of the most affluent to the most humble dwelling of the poor. I carried saddle-bags without a lock, and never lost the value of a cravat in my life from them. In all that country, negroes are the domestic servants, and in almost all instances, such things are committed to their care. There are many places where there are no slaves, at which, if your hat, or cloak, or trunk gets out of sight, or is not delivered to some one who has given bond and security to return it to you again or place it where you direct him, you will never see it again; and then unless you have the number or description of the porter, it is infallibly gone. I do not mean to say slaves do not steal; they do steal, but not more than people do in many places where there are no slaves.

It is not true, that they are worse provided for than laborers in other places—the increase in that population will prove this without anything more. In many places where there are no slaves, the increase in population is nothing, being limited by the means of subsistence. I sat, sir, and my heart bled for the sufferings of the poor in New York, as painted with such feeling and eloquence by a gentleman from that State, [Mr. FERRIS,] at the last session. I wondered that while so much sympathy is felt for our slaves, there were no bowels of compassion left for these poor sufferers; groups of them, in that extreme cold weather last winter, hovering for days and nights over smoking sawdust. This, too, because protecting duty was laid on foreign coal, that the rich collier might realize a few cents more to the bushel, to add to his thousands, perhaps millions; and this appeal was made to induce us to take off that duty. I have never seen slaves in any situation comparable in suffering to this. It is not true, that the whole of life between master and slave is that of tyranny on the one hand, and hatred on the other. I have never seen stronger or more lasting friendships than are found between the children raised up in the same family. I have never seen more bitter tears shed, than I have seen dropped by the domestic slaves over a deceased master or mistress, or other member of the family. Often have I known the mistress to rise at midnight, and travel through the most inclement weather to the sick bed of her servant and friend—yes, sir, friend—and watch over her, and sympathize with her in all her affliction, until the rising sun.

I have seen this done often by the slave, though wearied by toil—willingly, voluntarily. I have seen him go to the sick or otherwise afflicted master or mistress, and nurse and watch all night. This is no rare or uncommon thing Why, then, should it be said of us, that the relationship between master and slave destroys all the finer feelings of the heart. Happy is that man in his friendships who has as many friends, who will risk their lives for him, as a large slaveholder generally has slaves who will peril *their lives for him.* This is said to be induced by interest only. It is not. But grant it. Neither interest nor any other motive can induce many to do so to the suffering poor. It is not true that the relationship will produce the effect to destroy noble feeling. Where do we get our ideas of honor and chivalry but from the days of chivalry? and who were in more positive bondage than was the page or the squire to his superior?

It is not true that slaves are more idle, or their labor less profitable. The exports from this country will show this. Three articles of export,

the proceeds of slave labor exclusively, cotton, tobacco, and rice, amounted a few years since to sixty millions out of eighty millions of dollars, the whole export; and that exclusive of what is used in this country. There cannot be more than two millions of thirteen (the whole population) employed in it.

I have denied some charges against the South merely because they have been so often repeated, that if not contradicted they might be taken for admitted. But I deny all right in any to challenge, question, or meddle with us in our affairs in that which does not concern them.

Neither do I mean to be construed as an advocate for negro slavery, or any other kind of slavery in the abstract; only such as we have and cannot get clear of. As to the negroes, I should be willing to get rid of them in any way that is consistent with humanity and the rights of the owners. I am not willing to violate private right, public right, or common sense and justice, about it; neither am I willing to see them sacrificed for my whim or benefit. Self-defense might, and will, if there be much more interference, instigate them to acts that will compel us to sacrifice them.

One word more before I resume my seat. I have much confidence in the good feeling of this House towards us in this thing; much more than I had before it was openly agitated here. Yet, let me appeal to gentlemen by every tender endearment of peaceful life and security, under the freest and happiest Government on earth, not to suffer this thing to be pushed on us by legislative action or encouragement. When once we are sure that you deliberately design to push this on us, we are friends—we are brothers no longer. Let none flatter themselves that, when the elements of civil war and discord are matured for action in this nation, they will be secure in some safe and peaceful retreat far removed from slavery and its consequences. When once these elements are put in motion, (at whatever end of the continent,) their desolating flame will rage from one end of the Confederacy to the other, until we die the death of all former republics, and are buried in their family vault, within the arms of despotism. This has been the fate of all, and will, I fear, be ours.

Note.—The references and allusions in the foregoing remarks, in relation to the ancient history of the negro race, are made principally from *Bridge's Jamaica, McKenzie's Hayti*, and *Pritchard's Researches.*

ABOLITION OF SLAVERY.

REMARKS OF HON. JAS. GARLAND,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

January 25, 1836,

In reply to the remarks of Mr. CUSHING, of Massachusetts, on presenting a Memorial from sundry inhabitants of Massachusetts, for the Abolition of Slavery and the Slave Trade in the District of Columbia.

After Mr. CUSHING concluded his remarks—

Mr. GARLAND rose and said, that he did not rise to inflict a long speech upon the House, particularly at this hour of the day—that he would not discuss the subject of slavery here or elsewhere—but he could not permit the ingenious and *specious* remarks of the honorable member from Massachusetts, [Mr. CUSHING,] who has just taken his seat, to go to the public, without an humble effort, on his part, to parry their effects by exposing their fallacy. Mr. G. said, that whenever gentlemen presented these petitions for interference with the local rights of the people of the District of Columbia, against their wishes, their reception was to be secured, by being wrapped in the extensive folds of the *sacred*—the *constitutional* right of petition.

Mr. G. proposed very briefly to examine this subject, with a view to distinguish between the constitutional right of *petition*, and the *constitutional obligation* of this House to receive petitions when presented, and to prove that this House was under no constitutional obligation to receive petitions, founded in abuse of this sacred right, and having in view the *subversion of the rights of others.* When gentlemen from the North accused members of the South of disregarding the constitutional right of petition, in voting against the reception of these abolition memorials, they done them great injustice. No people regarded with more scrupulous jealousy the right of petition, legitimately exercised, than the southern people; but that it was against its abuse they protested; and it was the invasion of the rights of others, under color of this sacred principle, they resisted.

Mr. G. said, with due deference to the opinions of other gentlemen, he had always understood that the object of the Constitution, in guarantying the right of petition, was to enable the people, or any portion of them, to assemble without interruption or hindrance, and petition for the redress of *any grievance* under which they might labor, and which was within the reach of the body petitioned. This was the object of the celebrated *magna charta* of England; it was the object of every guarantee of the right of petition in every age of the world, wherever it has existed. It was emphatically a right guarantied by the Constitution to petition for *redress of grievances*—grievances either *public* or *private*, but nothing more. Mr. G. said, to sustain this position he needed no other argument than the article of the Constitution cited by the honorable gentleman himself. It reads thus: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people PEACEABLY to ASSEMBLE, and to petition the Government for a redress of GRIEVANCES." Can the mind of any man be so far *obscured*, as not at once to perceive that the object of this article was to secure to the people the right of *assembling* and *petitioning* without hindrance or molestation, founded upon the right of all, or any portion of the people to have *their* grievances, (*not the grievances of others,*) redressed? Mr. G. thought not; he thought the article too clear to need the aid of argument for elucidation. Mr. G. said, every people knew their own grievances best, and he thought it a most extravagant claim under this article, to assert that it gave the right to one set of people to interfere with the rights of another, and that Congress was bound to receive such petitions, and gravely act upon them; the Constitution meant no such absurdity.

Mr. G. would, by offering a few hypothetical examples, illustrate the absurdity of this extravagant claim under the constitutional right of petition, broad as it is, and broad as it should be. The Constitution of our Government was strictly Federal; that to its action and control were confided particular, specified, defined powers, in which there was a general and a community of interest between all the States; but that the domestic rights of the States were under their own exclusive jurisdiction; and that the Federal Government could, constitutionally, no more interfere with them than could the Government of France or England. In the domestic relations of the States, they are not only independent of the Federal Government, but of the several State governments. Among the several domestic concerns of the States, over which the Federal Government has no jurisdiction whatever, is the institution of slavery in the slaveholding States. It is an admitted principle, (said Mr. G.) It is a constitutional guarantee, that the jurisdiction of the States in which slavery exists *is exclusive over the subject*, and that neither the Federal nor any State government has the right to interfere with it. This principle being true, as it undoubtedly is, he would ask whether the people of any portion of the State of Massachusetts had the right to petition Congress to abolish slavery in the State of Virginia, because the right of petition is guarantied by the Constitution, and that Congress is bound to receive their petitions, and gravely consider the subject-matter of them—a subject-matter over which there is not only not delegated any power, *but over which their power is expressly restricted?* To what end are they to receive it? Merely to get a report from a committee, and a grave decision of this House, that it has no right to legislate upon this subject? Surely this is an absurdity, for which no member of this House will contend. It would be an idle waste of time.

Sir, (for the principle would be precisely the same,) suppose these people were to petition Congress to interfere with the domestic relations of France or England: ought their petitions, or in other words, would Congress be bound to receive, and gravely consider the subject-matter of such petition? Certainly not. Again, suppose they were to petition Congress to alter the law of descents in Virginia—and they have the same constitutional right to do this, as they have to petition Congress to abolish slavery in Virginia—will gentlemen say, that Congress would be bound, under the Constitution, to receive, and gravely consider, the subject-matter of such a petition? I humbly think not. According to the latitudinous views of the gentleman from Massachusetts, [Mr. CUSHING,] the good people of Massachusetts have the constitutional right to petition about everything and anything, either in Europe, Asia, Africa, or America; even, Mr. Speaker, that this House should hang you, for some of what they might please to call your religious, or political, or moral *sins;* and that the Constitution imposes upon Congress the obligation to receive, and gravely to consider, such petition. When it is seen, that the right of petition, and the obligation of receiving and considering such petitions, on the part of Congress, as contended for by the gentleman from Massachusetts, drives, in practice, to such absurdities, (Mr. G. said,) he regarded the position he had taken proven to be true, that the Constitution intended to give protection to the people, in petitioning for a redress of *their own actual grievances*, and to impose upon Congress the duty of receiving only such petitions as come within the sphere of their constitutional power of redress. Mr. G. hazarded but little in saying, that if this case could be reversed, and the people of Virginia were petitioning Congress to compel the State of Massachusetts, or any other non-slaveholding State, to establish slavery, that every northern member would rise in his place, and protest against the *reception* of such a petition, as impertinent, obtrusive, and without the legislative jurisdiction of Congress. The principle is precisely the same.

Mr. G. said, if he had succeeded in proving, as he humbly thought he had, that the Constitution did not secure to the people of Massachusetts, or any other State, the right to petition for the abolition of slavery in Virginia, or for any interference with any of its acknowledged domestic rights, or impose on Congress the duty of receiving and considering such petitions, it only remained for him to prove that, in relation to the *domestic rights* of the people of the District of Columbia, they were as independent and as foreign to the people of Massachusetts as were those of Virginia, and that they had no more right of interference with the one than the other. That the cession of the District of Columbia made it incompatible with the successful operations of the Federal Government, and the just protection of the rights, of the life, liberty, and property of its citizens, that the States of Maryland and Virginia should retain the legislative jurisdiction over the ceded territory; hence it was committed to the legislative care of Congress. But it never entered into the heads of those who ceded, nor of those who accepted the cession, that the people of the ceded territory, by the cession, lost the protection of life, liberty, and property, guarantied to the people of the several States, and which they enjoyed prior to the cession, and that each was to be subject to the uncertainty which would necessarily arise out of the conflicting religious and political notions, and discordant interests of the people of this extended empire. On the contrary, all supposed, and none can doubt, that they were left by the cession in the same state of security which they enjoyed previous to the cession, and that they had exchanged simply the legislative jurisdiction of Virginia and Maryland for that of Congress. He said that the article of the Constitution giving to Congress "exclusive *legislative jurisdiction,*" was adopted before the cession was made, and hence could have had no particular reference to the condition of the District afterwards ceded, and could not, therefore, abridge any of the domestic rights of the people of the District, as they existed at the time of the cession. But the cession having been accepted with the guarantee of the right of property to the people

of the District contained in the Constitution and acts of concession, these guarantees afford ample protection, and are restrictions upon the jurisdiction of Congress as the local Legislature of the District. The people of Massachusetts had no more connection or concern with the domestic rights of the people of the District than they had with those of the people of Virginia or Maryland; and that any attempt at interference with them was as impertinent and obtrusive as interference would be with those of Virginia and Maryland, or any other independent State. He contended that the people of the District, in relation to their *domestic rights*, occupied the position of a State, and were entitled to have their rights respected as such, and protected from interference from other States as such.

Mr. G., having thus examined the principle growing out of what has been termed the constitutional right of petition, the extent of the obligation of Congress to receive, and established, as he thought, beyond reasonable doubt, that Congress was not bound to receive petitions from people who did not seek the redress of some public or private grievance affecting themselves, would very briefly canvass the claim of the petition now under consideration, to that character. He said he would emphatically ask, what was the grievance affecting the petitioners, for which they sought redress, and in aid of which they so clamorously invoked the sacred right of petition, and the spirit of liberty? Why, Mr. Speaker, the grievance is, that the people of this District, some hundred miles removed from the petitioners, *hold slaves*, (a property guarantied by the Constitution,) and they modestly ask that the people of the District may be deprived of their property without their consent. Surely this is no grievance, either public or private, to the petitioners. But what is the grievance complained of in the petition, and for which a remedy is sought? It is, sir, that the existence of slavery is incompatible with the *religious notions* of the petitioners, and they simply ask (*a very small matter certainly*) that the Congress of the United States should forcibly wrest from a portion of the people their property, for the very *important object* of gratifying the *religious scruples* of these very *devoutly religious* people.

Mr. Speaker, this is as bold and daring an attempt as was ever made among a free people, to compel, *by force of law*, one set of people to conform their *practices* and their *consciences* to the religious notions of another set,—and this, sir, is the whole grievance. Sir, once commence this work, and by the time you have legislated conformably to the peculiar notions of all our religious sects, there will be little of liberty left to the people. You will have established a complete clerical despotism. Mr. Speaker, (said Mr. G.,) the very clause of the Constitution quoted by the honorable member from Massachusetts, contains this valuable provision: "*Congress shall make no law respecting an establishment of religion.*" If this provision is of any value at all, it secures to every man the right of maintaining his own religious opinions, and conforming his practices to them. I emphatically ask every member here, ay, every *American freeman*, if Congress should carry out the prayer of these petitioners, whether, in practice, it is not directly at war with the right of religious freedom guarantied by the Constitution, as above quoted? Some men think, and *pious men*, too, that slavery is not incompatible with the strictest notions of religion. I then ask if they are to be forced by law, to surrender their own opinions, and be compelled to conform to those of the petitioners? I answer, no. You cannot so far violate the principles of the Constitution, securing religious freedom. No man, or body of men, had the right, nor should they force him to take their peculiar notions of religion. He was responsible to none but his Creator for his religious opinions or moral practices. The Creator himself had given a guide by which all were to be directed; it was a wise and unerring guide. But he disclaimed for himself and his constituents the right of a bigoted and despotic teacher of religion to gull down their throats their notions of religion or anything else. They are as *frail* and as *fallible* as himself, and he did not choose to be compelled to follow their guidance, when he deemed them in error.

It was unreasonable to act upon such petitions as this, because the petitioners were not affected with the evils or reproaches of slavery. They lived under laws and institutions in which it was not tolerated. Hence they have no practical grievance to redress. I protest, Mr. Speaker, that the people of this District, who complain of no grievance, who have none to redress, should be violently deprived of their rights to satisfy the religious scruples of their *kind friends*, these petitioners.

Mr. G. said, that having said thus much upon the constitutional right of petition, and the grievance sought to be redressed in the petition now under consideration, he would say a few words as to an exception of the general obligation of Congress to receive and consider petitions, if in every other respect unexceptionable. Mr. G. said this was an exception due to the body itself; he alluded to the right of this body to require that every petition presented to it should be couched *in decent and respectful language*. This is an acknowledged right, and it would be a useless consumption of time to detain the House with any arguments as to its necessity and propriety. Mr. G. asked if the petition now under consideration was couched in such *decent* and *respectful* language, as to address itself to the favorable consideration of the House? Sir, in this, as in most of the petitions which have been presented, the people of the South are characterized as *pirates, man-stealers, merchants in human flesh, and gross violators of the laws of God and man*. The honorable gentleman who had just taken his seat, and who professed to be opposed to the Abolitionists, (no doubt sincerely,) who had made a most excellent abolition speech, complained of the terms of opprobrium which had been used in this debate towards the northern people, insomuch that he acknowledged his zeal against abolitionism much abated. He asked that gentleman how it was that he could feel so sensibly the epithets employed against the Abolitionists, and not feel the severe reflections upon the whole southern people contained in these petitions? Sir, are these terms of reproach, such as *piracy, man-stealing, &c., so mild*, and *so gentle*, as to be totally innocent, totally inoffensive? Surely the gentleman cannot so think.

Mr. G. said that the institution of slavery existed at the time of the formation of the Constitution. The free States, so called, entered into the constitutional compact with a full knowledge of this state of things, and solemnly engaged not to interfere with it. The South has faithfully and devotedly performed its constitutional obligations for upwards of fifty years. The southern representation have the same claim to protection from insult and reproach, when they come here to legislate, as the northern representation. Is it to be patiently borne, then, Mr. Speaker, that the representation of the South are to sit here, day after day, and hear themselves and their constituents reproached as *pirates*? No, sir; it is more then southern feeling and southern blood can bear. It cannot, it will not be submitted to. It had been said by an honorable member from Massachusetts, [Mr. ADAMS,] that it was almost impossible to speak of the subject of slavery without using terms which may be deemed insulting and reproachful. Then, Mr. Speaker, why speak of it here at all? It is no reason why the South should submit to insult, because gentlemen say they cannot present the subject to the consideration of Congress without using terms of an insulting character. Sir, these petitioners have no right to interfere, nor has Congress the right to interfere with this subject; and these petitioners have only to abstain from an unwarrantable interference with the rights of others, to avoid insulting and reproaching the whole southern people. Mr. G. said he could readily perceive why gentlemen did not feel the force of these terms of reproach applied to the South, and appreciate their insulting character. It was because they themselves were not the subjects of these epithets. They were not addressed to them, and their resentment was not therefore excited. But Mr. G. was well satisfied that, if any portion of the southern people were to present petitions designating the whole people of the north as *Tories*, or applying to them some other harsh and libelous epithet, the northern members would readily feel the insult, and refuse to receive such petitions. The terms of reproach employed in these petitions were no less insulting, and deserved at the hands of the South the utmost indignation.

But Mr. G. was much astonished to hear from two gentlemen of such intelligence as the gentlemen from Massachusets [Messrs. ADAMS and CUSHING] any argument drawn in favor of the reception of this and other like petitions; because they prayed for the abolition not only of slavery, but of the *slave trade*, as they are pleased to call it, in the District of Columbia. Upon what principle it is, (said Mr. G.,) that the African slave can be assimilated to individual sales and purchases of slaves in the same State, where slavery exists, he said he was utterly at a loss to conceive. Surely the gentlemen were too learned not to know that the right to hold a slave as property involved necessarily the right to alien. It was a necessary and inseparable consequence. Mr. G. said the sales called *the slave trade* by these *holy* petitioners, were oftener the result of necessity than of choice. They were sometimes made to satisfy debts, sometimes to divide dead men's estates, sometimes from one cause and sometimes another; in no case, however, changing the condition of the slave, except so far as in the character of their masters; and if sometimes mother and children are separated, it is only that which frequently happens with the master and his family. Every day events are transpiring and scenes taking place which are deeply afflicting to our feelings, but they are the results of human frailty and human imperfection, and cannot be avoided.

Mr. G. said, another strong, and, to his mind, conclusive argument, that the mere fact of presenting a petition did not impose the obligation of receiving it, was the very propounding of the question—"*Shall the petition be received?*" It implies in itself the power *not to receive*, and the reason of the rule seems clearly to be, that the power not to receive had reference as well to the subject-matter of the petition as to the language in which it is couched. But it is asked, how is the House to get in possession of the subject-matter of a petition, unless it be received and read? The answer to this inquiry was quite easy. By a rule of the House, every member who presents a petition is required briefly to state the subject-matter of it. In this way the House becomes possessed of its object, and may, upon ample information, determine upon the question of reception. If the petition asks Congress to do what it is palpably forbidden by the Constitution to do, is there any reason why it should be received? Certainly none.

Mr. G. said, that the precedent relied upon by the gentleman from Massachusetts, [Mr. CUSHING,] of the reception and rejection of the petition of the Society of Friends in 1791, did not apply. Mr. G. said, that the material object of that petition was the regulation and ultimate abolition of the African slave trade. This was a subject, *in part*, at least, which belonged to the constitutional authority of Congress. The right to regulate the African slave trade was in effect the right to regulate commerce, which properly belonged to the exclusive jurisdiction of Congress. Hence the propriety of the reception of that memorial, although it was subsequently and properly *rejected*. But that case does not apply to this petition. This petition asks Congress to do what it has no power to do.

Mr. G. said, he begged the indulgence of the House for a few moments, while he briefly recurred to the question of constitutional power of Congress to abolish slavery in the District of Columbia. He said there was only one article of the Constitution upon that subject, and that is as follows:

"To exercise exclusive legislation in all cases 'whatsoever over such District (not exceeding ten 'miles square) *as may*, by cession of particular 'States, and the acceptance of Congress, become 'the seat of the Government of the United States,'" &c.

It will be perceived that this clause is a part of the original draft of the Constitution, and that it was adopted before the cession of the District of Columbia, but expressly in anticipation of such an event. Of course, as I before remarked, this

constitutional provision could not have been intended to apply to the question of slavery, or to grant any power over it, for it was not certainly known that the anticipated cession would be made by Virginia and Maryland, or any other slaveholding State. Nor could this clause secure the cession from such restrictions as the State or States might think proper to impose for the protection, in relation to their persons or property, of the citizens inhabiting the territory which should be ceded. By the Constitution, all power over slavery is taken from the Federal Government; and they cannot abolish it without an express delegation of power to do so. That has not been given even as regards the District of Columbia.

But it has been contended, and with much plausibility too, that the article of the Constitution conferring on Congress the power of "*exclusive legislation*," embraces this subject; because, by conferring *exclusive legislation*, gentlemen contend *that unlimited* and *unrestricted* legislation was meant.

Mr. G. denied the legitimacy of this conclusion entirely. He said, the article itself contemplated a cession from a *State* or *States*, and the word *exclusive* here used, meant the power of legislation *exclusive* of the legislative power of the State or States making the cession, or of any other State. Exclusive jurisdiction simply means a jurisdiction exclusive of every other jurisdiction; that it shall not be concurrent with any other jurisdiction. But the article in question was never intended to convey the idea of a restricted and unlimited power of legislation. This view Mr. G. regarded as conclusive, independent of the restrictive clauses of the cession acts of Maryland and Virginia. The power, then, of Congress over this subject having been, *without exception*, restricted as to the whole subject of slavery, the people of the District of Columbia are as clearly within the reason of the restriction as they are entitled to its benefit in common with all the people of the slaveholding States. Take from the people of the District the protection of the constitutions and laws of the States which ceded it—take from them the restrictions imposed by the Constitution of the United States on Federal legislation, and you at once determine that the government of the District is an absolute despotism. The people have *no* representation, and will have no security against tyranny and oppression, save in the discretion of Congress, a state of things opposed to the genius of our institutions, and an inequality which ought not to be tolerated.

If, then, this power cannot be derived from the Constitution, is it derivable from the cession acts of Virginia and Maryland? Certainly not *in terms*. Nor could he perceive a single word or sentence in these acts from which such a power is fairly inferable; on the contrary, the acts are restrictive, and the circumstances in which Virginia and Maryland were placed, being large slaveholding States, conclusively prove that they did not intend, by these acts, to confer this power; they could not have so much disregarded their own security as to have done so. From whence, then, is this power to be derived? Nowhere, sir, nowhere. But this is not all. These cessions were made by the ordinary Legislatures of Virginia and Maryland, and they could not grant any further powers over the people of the District than they possessed themselves; they could not disfranchise this portion of their citizens, and transfer them, bound hand and foot with unmitigated chains of despotism, to any power whatever. It will be admitted that they could not. I then ask, had the ordinary Legislature of Virginia, which made this cession, the power to abolish slavery in Virginia? I say, no, it had not. I may be asked, where is the restriction? I answer, in the bill of rights of the people of Virginia, which restricts and controls the powers of the Legislature, and in her constitution.

Can it be for a moment seriously contended that, though the government of Virginia cannot take from its citizens any portion of their property except for public use, and not then without adequate compensation, yet they have the *right to confiscate or abolish property?* The idea, to me, (said Mr. G.,) is preposterous. Slaves were held as property in Virginia when the bill of rights and the constitution were both adopted; and were the subjects, in part, to which the protective principles of these instruments had reference. But now it is gravely contended that, instead of protection and security to property, these instruments admit the unqualified power of its destruction. This, sir, cannot be so; it is too absurd for serious refutation. I do not deny that the people, by a primary act of sovereignty, may confer on their ordinary Legislature the power of abolishing slavery in the State; I only deny that the Legislature is now clothed with that power. With these remarks, referring to what I said on a former occasion, and to the able and unanswerable arguments of one of the Senators of my State in the other House, I forbear any further remark upon this branch of the subject.

The honorable gentleman from Massachusetts has intimated, not intimated, sir, but directly declared, that he and these petitioners will regard the refusal of this House to receive this petition, and others of like character, as a violation of their *rights* and destructive of their *liberties*—as antirepublican. Sir, if the rights and liberties of the people of Massachusetts depend upon their right to have petitions received and considered by this House, officiously seeking to subvert the rights and liberties of the South by destroying their property, and exciting, by their incendiary petitions, southern slaves to insurrection and rebellion, then, indeed, sir, ought their liberties to be endangered. The *liberty* of *violent interference* with the rights of others secured by the Constitution and laws, if they be so, ought not only to be abridged, but entirely eradicated, as dangerous in the extreme. But, sir, the gentleman must excuse us when we refuse to recognize in them a right which is actually subversive (not in theory, but in practice) of our own liberties, destructive of our property and our lives.

Mr. G. would ask, however, what liberty has been invaded; what right of these petitioners has been violated? The right of petition? They have assembled and petitioned without interruption. The freedom of the press? They have presses in full operation. The freedom of debate? God knows they have debated here and elsewhere with perfect freedom. The next thing will be, we must abolish slavery, or the liberties of the northern people will be endangered. Mr. Speaker, (said Mr. G.,) I indulge the hope that the gentleman himself and his constituents will think better upon this subject, and come to more rational conclusions about liberty.

It has been said by the honorable gentleman from Massachusetts, [Mr. CUSHING,] that the refusal of this House to receive these petitions would give *force* and *efficiency* to the efforts of the Abolitionists, and greatly increase their strength. I hope not. But if it were so, he had only one thing to say, and that was, that he who for such insufficient cause would become an Abolitionist, *is an Abolitionist already at heart*, and only waits a plausible pretext to throw off *his guise*, and enter upon his work.

Mr. G. said that there were many remarks of the gentleman which he forebore to reply to, although susceptible of a very ready answer, but would bring his remarks to a close. He said that he himself had been the object of some *peculiar attentions* from some of this gentle and *benevolent tribe of Abolitionists*. They had transmitted him many papers, pamphlets, and a little poetry, no doubt with a view to insult him; but he said he regarded them, or whatever they might say or do, with as little concern as he did the dust under his feet.

Mr. G. said, that the gentleman from Massachusetts had truly said, that the agitation of this subject had created a degree of excitement which endangered the Union itself. Why, then, do gentlemen, holding this opinion, if they value the Union as they ought to do, and would cherish free institutions, agitate this subject? Why do they not throw themselves into the breach, and save this holy ark—this ark of safety and of freedom—this last hope of liberty in the world, from the destroyer's hand? I leave them to make the answer to their *consciences* and *their country*. One thing I will say—not to the northern people, for in them I have an abiding confidence; I yet believe that by legal means, and the force of public opinion, they will frown these disturbers of our peace into the insignificance and contempt which they merit, but to the Abolitionists. I do not believe their leaders have any concern about emancipation; but that their main object is to get up and keep up this excitement, for selfish purposes. Many of them are *clergymen*, and want *agencies* and *missions*, at *forty* or *fifty* dollars a month: some are editors, and wish to secure *profitable patronage* for *magazines*, *newspapers*, and *pamphlets*. The others are the deluded victims of the treachery of these leaders. But they may rest assured, that, without force, they can never effect their object. Whenever they shall resort to force, they may be assured that every field over which they march will bleach with their bones, and every rivulet be crimsoned with their blood.

LOSS OF APPROPRIATION BILL.

SPEECH OF HON. C. C. CAMBRELENG,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

January 27, 1836,

On the following resolution, offered by Mr. ADAMS, of Massachusetts:

Resolved, That so much of the message of the President of the United States to Congress, at the commencement of the present session, as relates to the failure, at the last session of Congress, of the bill containing the ordinary appropriations for fortifications, be referred to a select committee, with instructions to inquire into, and report to the House the cause and circumstances of the failure of this bill.

Mr. CAMBRELENG said, it was not his design to detain the House long in discussing this very grave question of the loss of the appropriation of $3,000,000 for the defense of the country—the true issue between the two Houses. Concerning the bill making ordinary provision for new fortifications, there was no contest. The controversy between the Senate and the House was not about fortifications to be finished, perhaps in 1840, but about the $3,000,000 appropriation in 1835, for arming forts already completed, and for increasing our navy afloat. The inquiry was, who left the country defenseless, after the message of the President communicating the correspondence with France, and after the unanimous resolution of the House, that the execution of the treaty should be insisted on; and at a crisis, too, when the question of peace or war depended on the caprice of a Government denying us justice, and regardless of its faith? That was the appropriation to which the attention of the nation was directed, and in the fate of which our national interest and honor were directly involved: that was the only issue now pending between the two Houses, and on which the country had already and very justly decided.

He regretted that he was obliged to engage in an inquiry after lost appropriations, when the time of the House could be so much more profitably employed in devising measures for the national defense, war or no war; but (said Mr. C.) I am not at liberty to be silent in this debate: the combined attacks on me in both Houses oblige me to defend myself. In doing so, I shall be compelled to notice some of the statements of the gentleman from Virginia, [Mr. WISE.] I shall not, Mr. Speaker, in discussing this question, introduce names; they are of little moment in any debate: not even the illustrious name of the gentleman from Virginia could add the weight of a feather to my argument. You would never tolerate it, sir, and I am sure the House would be astonished at my indecorum, were I to designate the gentleman as "Mr. WISE"—and courtesy would certainly not permit me to call the gentleman otherwise. No, sir, I hope I shall never be tempted on any occasion, even by the wild rant of disappointed ambition, to forget my own self-respect, or my regard for the dignity of this House, so far as to treat any gentleman with disrespect. In the present instance, Mr. Speaker, I shall not only treat the gentleman with the utmost respect, but even with tenderness. It would be unkind, indeed, to treat otherwise the innocent, the unsus-

pecting, the penitent victim of that stupendous fraud which the gentleman from Virginia has so recently discovered—that stupendous conspiracy which the President, you, and I, were plotting last year, to betray the gentleman, undermine our Constitution, and destroy our Government. No, sir; it is far, very far, from my purpose, to engage in any parliamentary tournament with the gentleman from Virginia; but, should I ever be forced into any such contest with any gentleman, I hope it will be my fortune to encounter some more formidable antagonist than "Buckingham with his rash levied strength."

Before I proceed, Mr. Speaker, to discuss this question, I must do an act of justice to an honorable Senator from Massachusetts. A day or two since, I announced my intention to notice an attack made upon me in the National Gazette of Philadelphia, in March last, founded upon information derived, among other sources, "from Senators of the highest character." In that journal, it was stated that the Vice President and Secretary of State had advised me to let the fortification bill die in the House, to prevent the responsibility of its failure from falling on the President—a statement which was immediately pronounced both by the Secretary of State and myself to be false, upon whatever authority founded. And now, sir, for the origin of this poor slander. The Vice President and Secretary of State were in this House, and about leaving it, when the committee of conference returned to it. The Secretary of State, from whom the estimate for the $3,000,000 appropriation had been received, inquired the result of our conference; and on learning it, expressed the opinion, in which I entirely concurred, that $800,000 was a pitiful appropriation for the defense of a nation. Not one syllable passed between the Vice President and myself. Sir, there was no secret—no mystery about the matter; it was in the presence of the whole House, and every syllable uttered might have been heard by every gentleman near. As chairman of the committee of conferees on the part of the House, whatever may have been my opinion as to the inadequacy of the appropriation, I should have immediately reported the compromise, but for the obstacles which I shall state in their proper order. Every gentleman near me, without reference to party, knew that such was my intention.

Such was all the foundation for the statement in the National Gazette. That statement I ascribed to the Senator from Massachusetts, the authority referred to being a Senator of "the highest character." I am happy to say, sir, that, since the last day's debate, I have received the most satisfactory assurance that that honorable Senator was not the authority relied on by the editor; and I take far more pleasure in doing justice to that gentleman than I should have done in defending myself from the attack. I make the acknowledgment with the greater pleasure, because, throughout the remarks of the honorable Senator, he has not condescended—he has not stooped to notice this miserable scandal—he has resigned all the honor of nourishing and cherishing this poor and contemptible slander to some unknown Senator, and to others who have no loftier ambition.

Gentlemen who feel themselves accountable to the nation for leaving our country unprepared to meet any emergency which might have grown out of our relations with France, have plead their utter ignorance of the necessity for any such preparation, and of any proposition for defense till the last night of the session. What, sir, is the notorious history of this appropriation? Our affairs with France remained in an uncertain attitude till the last days of the session, and this House suspended its action upon the question, in the hope that some intelligence would arrive. None reached us of a pacific character. The Minister of France had been recalled, passports had been tendered to our Minister, and he had been also recalled. Everything wore a belligerent character. At that crisis, the President, in his message of the 25th February, communicates, as soon as it was received, the correspondence with the French Government, and in conclusion says:

"The subject being now, in all its present aspects, before Congress, whose right it is to decide what measures are to be pursued on that event, (Mr. Livingston's return,) I deem it unnecessary to make further recommendation, being confident that on their part everything will be done to maintain the rights and honor of the country which the occasion requires."

Thus the Chief Magistrate of the nation submits this question, at a critical period, to Congress, "confident that on their part *everything will be done to maintain the rights and honor of the country* which the occasion requires." When that message came to the House on the 26th of February, I submitted three resolutions, which had been previously considered by the Committee on Foreign Affairs.

The third resolution recommended contingent preparation for any emergency which might grow out of our relations with France. These resolutions and the President's message were referred to the committee. The next day the committee made a report, which contained the following extract:

"The bill now before the House authorizing the sale of our stock in the Bank of the United States, would, if adopted, afford all the revenue necessary. The committee is of opinion that the whole, or a part of the fund to be derived from that source, should be appropriated for the purpose of arming our fortifications, and for making the military and naval preparations for the defense of the country, in case such expenditures should become necessary before the next meeting of Congress."

The third resolution appended to that report was, "that contingent preparation ought to be made to meet any emergency growing out of our relations with France." That report, and the resolutions, were adopted by a majority of the Committee on Foreign Affairs, and proposed not merely an appropriation of three millions, but of the whole proceeds of our stock in the Bank of the United States, if necessary for the public defense.

When these resolutions came up the day after, I stated, that to secure unanimity, I should withdraw the third resolution, as I intended, when the Senate's amendments to the fortification bill should be under consideration, to offer an amendment, appropriating three millions, which I had learned would be all that was deemed necessary by the Executive; thus substituting for a mere declaratory resolution, an actual appropriation for the defense of the country. Such, sir, is the published history of this preparation for defense, about which gentlemen seem to have been so utterly ignorant. The President's message, the report and resolutions of the committee, and the unanimous resolution of the House to insist on the execution of the treaty, were before the world; still, gentlemen were ignorant of the whole affair, and waited for estimates from the Departments, and an executive order. Journals on all sides were calling on Congress to place the country in a state of defense—the fire of patriotism was kindled throughout the land, and lighting every spot in the Union, save one dark Chamber, into which that light could never penetrate—there all was midnight.

Other apologies are made to the country, sir—estimates were not submitted by the Department, and the form of the amendment was unprecedented, unconstitutional, and monstrous. I shall presently show on what foundation, legislative or historical, this latter objection rests. As to the estimate, you will recollect that you, as chairman of the Committee of Ways and Means, united with me in a note to the Secretary of State, inquiring what amount would be required; and that his answer was, $1,000,000 for the Army and $2,000,000 for the Navy, including fortifications, ordnance, and increase of Navy. It was upon that estimate the proposed amendment was founded. And now, sir, for this formidable amendment—here it is, sir: "*And be it further 'enacted*, That the sum of $3,000,000 be, and the 'same is hereby, appropriated out of any money 'in the Treasury not otherwise appropriated, to 'be expended in whole or in part, under the direc-'tion of the President of the United States, for 'the military and naval service, including fortifi-'cations and ordnance and increase of the Navy; 'provided such expenditures *shall be rendered* 'necessary for the defense of the country prior 'to the next meeting of Congress." This infernal machine, which was to blow the gentleman from Virginia, the Constitution, and the Government to atoms, was contrived here, sir, in concert with a former Representative from Virginia, and a member of the Opposition, a gentleman of the highest standing for ability, honor, and integrity, and universally esteemed in this House. I mean a gentleman who was formerly chairman of the Committee on Foreign Affairs. I drew the section and submitted it to him; he proposed an amendment, and here are the words: "shall be rendered" in his own handwriting. As originally drawn if read, "provided *he shall deem* such expenditures necessary." As amended by the gentleman from Virginia, it was "provided such expenditures *shall be rendered necessary*." Such, sir, was the origin of the celebrated section which startled the Senate and shook the Government to its foundation.

And what, sir, was the history of this appropriation? I proposed it in the House; it was adopted by a large majority, including some fifteen Opposition votes. It was sent to the Senate; and how did they receive a mere proposition to put the country in a state of defense, should it become necessary? Was it treated with ordinary respect and referred to a committee? No. Was it examined in form or substance? Was the slightest disposition evinced to make any contingent provision for defending the country in case of war? No, sir; no effort was made to modify the section in form or amount—none whatever to defend the country. The Senate seemed outraged at the American spirit of the House—they appeared to receive it as a rebuke of their resolution to oppose the recommendation of the President, and to reject every measure designed "to maintain the rights and honor of the country." It was not the form, nor the objects, nor the amount of the appropriations; it was the predetermined resolution of the Senate, upon a question between this country and a foreign Power, to resist the House, the President, and the country. That was the origin of the motion to reject the appropriation, and of the violent and extraordinary movement of that body. It was rejected. The House insisted on its amendment, and sent the appropriation to the Senate a second time. Had the Senate even at that hour treated the House with ordinary courtesy, had it insisted and asked a conference, the bill and the appropriation, or a part of it, might have been saved. Contrary, however, to all parliamentary usage, and animated by a determined spirit of resistance, that body would not condescend to ask a conference, but, in the second stage, adhered to its disagreement, and left the bill, appropriation and all, to their fate. When the message was announced, I immediately moved to adhere; and if this House had done itself justice, the motion would have prevailed. But the motion was superseded by one to insist and ask a conference. The House yielded and solicited a conference, notwithstanding the repeated indignities of the Senate, and the committee was appointed on the part of the House.

The committee of conference waited only till the message was sent to the Senate, and to learn whether that body had on its part agreed to the conference, and even of that no official notice was ever received. In the mean time, the Cumberland road bill was on its passage, and two of the members of the committee voted on it immediately, before leaving the House.

The hour when this committee was appointed has been much discussed, and gentlemen are appealing to their recollections. Whatever confidence I may have, sir, in their integrity, they must pardon me for rejecting their testimony; resting as it does on their memory of the transactions of that night. I rely on the Journal of this House, recorded as it is by the Clerk, and corrected by the Speaker, and on the reports of our proceedings in the public journals. These prove unanswerably that the first business of moment after the appointment of the committee, was the Cumberland road bill, and although that bill was taken up some minutes before twelve o'clock, the yeas and nays occupied some thirty minutes or more, and it did not finally pass till after that hour.

But the gentleman from Virginia has made a new discovery. The committee, it now seems,

had time to wait till our Clerk could carry the measure to the Senate, to learn the Senate's agreement to the conference, to meet the conferees in the other wing of the Capitol, debate and adjust this most difficult compromise, and return to this House in time to vote on the Cumberland road bill. To support this new and extraordinary position, we are gravely referred to our Journal, containing two pages of proceedings, and what is this mass of business recorded? Two reports from the Committee on Enrolled Bills! occupying probably two or three minutes, and made undoubtedly (for such reports are usually made in that way, during the last night of the session) while the Cumberland road bill was under consideration. The only other item upon the Journal, and only business intervening between the appointment of the committee and proceeding to the consideration of the Cumberland road bill, was the concurrence of the House to a Senate's amendment to a military bill. The gentleman from New Hampshire [Mr. HUBBARD] and myself left the House as soon as we had recorded our votes against the Cumberland road. But, sir, this question is settled by the journals of the day, and even by the Journal of this House. However it may suit the purposes of gentlemen to take new ground, they cannot destroy the record of the proceedings of that night. I then stated, in the presence of all the members of the committee of conference, and of the members present, what appears upon the face of our own Journal, "that from the vote on the resolution 'granting compensation to Robert P. Letcher, *which was decided at the time the committee returned into the House, from the conference,*" &c. The arguments of gentlemen can never destroy the record.

I will now ask the Clerk to read the proceedings of the House from the time of the appointment of the committee, till its return, as reported for the National Intelligencer. The name of Mr. HUBBARD is accidentally omitted as a member of the committee.

The Clerk then read from the Intelligencer a long account of the proceedings, from which the following are extracts:

"The motion to ask a conference was agreed to; and Messrs. CAMBRELENG and LEWIS were appointed the committee of conference on the part of the House.

"Mr. HARDIN asked if the House was not virtually dissolved by the expiration of the term for which this Congress was elected?

"The CHAIR said it was not a question in order, and the Chair could not decide it.

"The Cumberland road bill was taken up and read a third time.

"Mr. MCKAY moved that a message be sent to the other House, informing them that this House, having completed its business, is now ready to adjourn.

"The CHAIR said the motion was not in order, the question being on the passage of the bill.

"The Clerk proceeded to take the yeas and nays on the passage of the bill to continue and repair the Cumberland road; and

"Mr. GILMER, when his name was called, rose and said, he considered that he had no right to vote, the term for which he was elected having expired at twelve o'clock this night, and he therefore declined voting."

After the passage of the Cumberland road bill, the report gives an account of a desultory conversation between the Chair and various members, on the constitutional dissolution of the house, motions to adjourn, &c., &c.

The following are further extracts from the report:

"Several members addressed the Chair."

"Mr. CLAY said the motion to extend the judiciary system was the business next in order."

"Twenty members addressed the Chair at the same time, the Chair in vain attempting to preserve order."

"The confusion in the House increasing,

"The CHAIR called upon members to assist him in preserving order and decorum."

"At length,

"Mr. J. Y. MASON said, as the House was about to separate, he hoped they would render an act of simple justice to one of its members by passing the resolution to pay the Hon. ROBERT P. LETCHER his compensation for the last session. He moved a suspension of the rule in order to take up the resolution.

"The motion was agreed to, and the resolution proposing to direct payment to Mr. LETCHER, for attendance at the last session, was read.

"Mr. VANDERPOEL moved to strike out the preamble; which was agreed to.

"The question being on the motion of Mr. R. M. JOHNSON to amend the resolution by embracing the name of THOMAS P. MOORE.

"Mr. WILDE moved the previous question; which was seconded—69 to 65.

"The main question was ordered, (on agreeing to pay Mr. LETCHER,) and was taken by yeas and nays; when there appeared—yeas 113, nays 3; several members refusing to vote, though present, on the ground that it was past twelve o'clock.

"No quorum voting, the resolution was lost."

Gentlemen certainly cannot object to their own witness, particularly as the evidence here extracted from the Intelligencer was published after the first attack appeared in that journal, charging the House with the loss of the fortification bill, and almost in the very language of a recent attack made in the Senate.

Such, Mr. Speaker, is the record of our proceedings as reported for the Intelligencer. The very first question noticed in that report, after the committee was appointed, is the Cumberland road bill. And on the return of the committee, what was the condition of the House? The Chair calling upon members to assist him in preserving order and decorum—the gentleman from Virginia rising and making an appeal to a House "which *was about to separate,*" even before the return of the committee. And yet, sir, we hear gentlemen who would sacrifice the interest of our country because the words "army" and "navy" are inserted in an amendment—who are alarmed at the slightest deviation from the most rigid constitutional forms, denouncing a chairman of a committee for not reporting and submitting an appropriation of $800,000 at one in the morning (for it was near that before the vote was announced on the LETCHER resolution) to the fragment of a quorum of a dissolved body, in which the Speaker was not able to preserve order and decorum! Sir, it was at no time practicable to make the report after the committee returned from the conference. I returned to the House just in time to record my vote in favor of the resolution to pay Mr. LETCHER. It was five-and-twenty minutes after that before the result was announced, and it was known that no quorum had voted. The question actually before the House then was: Whether a quorum could be obtained for the purpose of passing the resolution to pay Mr. LETCHER. Had a quorum been obtained, the question would have been on that resolution; and, sir, had ten fortification bills been ready to be reported, the friends of Mr. LETCHER never would have given way at that hour of the night. But no quorum was ever obtained from that time till the adjournment of the House, and the only motion in order was a motion to adjourn. The motion was made by the gentleman from Maine, [Mr. JARVIS,] and the yeas and nays were again ordered. I voted against adjournment, still anxious to obtain a quorum, but no quorum voted. Thus, sir, was another five-and-twenty minutes exhausted. Another struggle commenced for a quorum to pass the resolution to pay Mr. LETCHER. Tellers were appointed to count the House; the Speaker was requested to ascertain whether there was a quorum present. Sir, it is impossible to describe the scene. At length, abandoning all hopes of obtaining a quorum, the House prepared a second time to adjourn. A gentleman from Maryland [Mr. JOHNSON] was permitted to report a mere resolution of inquiry of the War Department; the gentleman from Florida [Mr. WHITE] to lay on the table a copy of an act of that Territory; and the Speaker asked leave to dispose of the communications upon his table. On a motion to print the last of these, which was "A letter from the Postmaster General, vindicating himself from aspersions," &c., there was no quorum voting, and as the Journal states, the letter "was not further acted on." Sir, this business preparatory to adjournment was all that was done after the passage of the Cumberland road bill till the adjournment of the House at about three o'clock in the morning. Not one dollar was voted, no amendment of the Senate was agreed to, and no act of any description was passed after the passage of the Cumberland road bill. Nothing was done but to hear reports from the Committee on Enrolled Bills, and to send and receive messages to and from the Senate and the President.

I have been charged, Mr. Speaker, with another unpardonable offense. Although I objected to measures to compel others to vote after twelve o'clock, yet I voted myself on every question after that hour, and even against the motion to adjourn. Sir, the gentleman from Virginia might have gone back for fifteen years and found my name recorded on every question till the hour of adjournment. I believe that our constitutional term does expire at twelve o'clock; but I have had no scruples about remaining and attending to the closing forms of this body, and even of voting for laws, in cases of indispensable necessity. If there is any offense in this, sir, I have no apology but in the universal usage of all legislative bodies; and I believe that my opinion and my practice has been the opinion and practice of a majority of every Congress elected since the adoption of our Constitution. Whether after the hour of twelve we have a quorum or not, depends entirely upon the number of members who choose voluntarily to remain in session.

The gentleman makes another grave charge—that we had the power to command a quorum, and that the bill was lost by an intrigue of the friends of the Administration on this floor, who declined voting. Sir, I deny, utterly deny, that the refusal to vote was a party measure, or that the want of a quorum had any reference whatever to the fortification bill or the three million appropriation. Was the gentleman from Kentucky, [Mr. HARDIN,] who first inquired "if the House was not virtually dissolved," a friend of the Administration? Was the gentleman from Georgia, [Mr. GILMER,] who declined voting on the Cumberland road bill, a friend of the Administration? Was another gentleman from Georgia, [Mr. JONES,] who moved an adjournment while the conferees were still in session, a friend of the Administration? Did these gentlemen intrigue to destroy a quorum on the fortification bill to prevent it from reaching the President, to shield him from responsibility? Sir, the question of a quorum had nothing whatever to do with the fortification bill. The struggle commenced on the Cumberland road bill; it was continued by members of both parties on the judiciary bill. Forty members had retired after the passage of the Cumberland road bill, and before the resolution to pay Mr. LETCHER was called up, the number was reduced from 174 to 134. It was the struggle between the friends of Mr. LETCHER and Mr. MOORE which destroyed the quorum. Subsequent to that, no quorum could be obtained even on a motion to print the Postmaster General's letter vindicating himself. As well might it be said that the want of a quorum on that proposition was owing to an intrigue among the friends of the Administration!

Mr. Speaker, it was after that vote had been taken on printing the Postmaster General's letter—after the Speaker had disposed of the business on his table, preparatory to adjournment, and with a perfect knowledge on the part of he Senate, that the House had been more than one hour in vain struggling for a quorum, and that they were making final preparations for adjournment—it was, sir, under such circumstances, and at two in the morning, the following extraordinary resolution was received from the Senate of the United States:

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses, on the amendment of the House to the amendment of the Senate to the bill respecting the fortifications of the United States."

When that message was read, sir, I stated what I now repeat, that when I came into the House from the conference, the Clerk was calling the yeas and nays on the resolution to pay Mr. LETCHER, on which there was no quorum; that on a subsequent proposition to adjourn, the yeas and nays were called, and again there was no quorum. Under such circumstances, I did not feel authorized to present to the House an appropriation of $800,000. That the House had discharged its duty to the country by twice voting an appropriation of $3,000,000 for its defense, which the Senate had twice rejected; that the bill was evidently lost, and the Senate must take the responsibility of leaving the country defenseless; that it was no longer in the power of the House to compel members to vote, to call them here, or to command a quorum; that I did not feel authorized to report the bill, situ-

ated as the House was; but that if any other member of the committee of conference proposed to do it, I should make no objection, though I believed such a proposition utterly ineffectual at that time. Mr. LEWIS took the report, and, as the Journal states, made it. But, sir, in what manner did he make it? When the gentleman from Virginia read from the Journal the paragraph about the report, I was astonished. When I came, however, to examine that Journal myself, when I observed a paragraph which had escaped the vigilant eye of that gentleman, my astonishment ceased. Here it is, sir:

"The item proposed by the conferees in lieu 'of the amendment of the House, was then read, 'and the question was stated, that the House do 'adopt the same; when it was objected that a 'quorum was not present." We shall see, sir, who it was that objected—"and, *thereupon, Mr. 'Cambreleng and Mr. Lewis were appointed tellers 'to return the House; and the House being counted, 'the tellers reported that a quorum was not present.*" Yes, Mr. Speaker, the tellers appointed to return the House, reported that a quorum *was not present*. This, sir, is Mr. LEWIS's report. Was not every member present counted, whether refusing to vote or not? If any member had "skulked," would not Mr. LEWIS have reported that fact? But, sir, the Journal does not state the case precisely as it occurred, though I presume the officers of the House felt obliged to place the report upon the Journal in some form. There appears, sir, to have been some doubt about the fact, for the gentleman from Massachusetts [Mr. PHILLIPS] inquired of the Chair about it, and the report states that "the Chair stated in reply, that, as he understood, the report was made." [Mr. PHILLIPS here rose, and stated that the report was not correct—that he understood the Chair to reply that the report had not been made.] The gentleman's recollection corresponds with my own as to the fact that the report was not, strictly speaking, made. In saying this, I by no means design any imputation against the officers of the House. It could not be overlooked in the account of our proceedings. But, sir, the Intelligencer's report of what actually occurred, accords precisely with my recollection of it, viz:

"Mr. LEWIS (another member of the committee of conference) took the report from Mr. 'CAMBRELENG, with the apparent intention of 'offering it to the House, but *he first asked the 'Chair*"—for no man better understands his parliamentary duty—"*he first asked the Chair whether there was a quorum present or not.*" There was not, sir, and Mr. LEWIS laid the bill upon the Clerk's table, and there it remained.

Mr. Speaker, I confess that when that extraordinary message was received from the Senate—when we witnessed the solemn farce of hearing announced a grave message from that dignified body, rebuking the few members remaining, and who, it was well known all over this Capitol, were taking steps preparatory to adjournment, I felt, sir, some of the indignation so warmly expressed by the gentleman from Massachusetts, [Mr. ADAMS.] But, sir, had we then known, as we have been since informed—as we are now, indeed, told by honorable Senators themselves—that before that message was sent to this House, they had received a message from the President of the United States, announcing to them that as the functions of Congress had ceased, he could receive no further communications from them—had we been aware of that fact, sir, by what name should we have designated this extraordinary proceeding? Might it not have been denounced as a miserable artifice, to attempt to shift the responsibility of leaving the country defenseless, from the Senate to the Executive? All such expedients, sir, were in vain, as well as all these speeches upon the subject. The country well know where this responsibility rests. The story of the $3,000,000 appropriation is briefly told. It was the proposition of the House, in pursuance of the President's message, and for our country's defense; it was sent to the Senate, where it was rudely rejected; it was sent there again and again; it was uncourteously returned to the House. It then received its death-blow in the Senate; it lingered for a time between the two Houses; it perished in the committee of conference, and its poor miserable remains were brought and deposited here; the gentlemen from Alabama and New Hampshire and myself acting as pall-bearers.

But, sir, I dismiss all these details, which I have been compelled to go into in self-defense. I come now, sir, to those great constitutional objections which honorable Senators have urged against the $3,000,000 appropriation, proposed for our defense, in the contingency of war. We have been told, sir, that the amendment specified no objects—that everything was left to the discretion of the President—that he could do everything touching the naval service, without control, and that he would have an absolute power to raise and employ land forces; and we are asked whether our legislation, under our Constitution, furnishes any precedent for all this?

Mr. Speaker, these objections are made, and these questions are asked, by Senators distinguished as statesmen—gentlemen of great experience, having been in the public councils some twenty or thirty years, in peace and in war. Such bold declarations of gentlemen of experience and reputation, though entirely unsupported by the history of our country, may sometimes mislead, especially when put forth with an air of confidence and authority.

The history of our legislation, sir, is replete with precedents, notwithstanding the bold declarations of gentlemen to the contrary. I have in my hand a list of some forty or fifty, a few of which I will only notice. In the early history of our legislation, in Washington's administration, all our expenditures for the civil list were in one line, and for the Army another, without any specification whatever. I know that we have long since departed from that rule, but I doubt a little whether we have consulted true economy by such a course, for every branch we have lopped off has become a tree, till finally one, two, and three hundred thousand dollars have mounted up to two or three times as many millions. Such, sir, are some of the results of too much specification. On the 20th of March, 1794, $1,000,000 was placed at the discretion of President Washington, without specification of any kind whatever, to defray "*any expense* which may be incurred in relation to the *intercourse between the United States and foreign nations.*"

In the next Administration, sir, on the 3d of May, 1798—(and lest gentlemen should be alarmed at the period referred to, I shall, before I sit down, give them more republican authorities)—in 1798, sir, $250,000 was placed at the discretion of President Adams, for certain fortifications, "and to erect fortifications in any other 'place or places *as the public safety shall require, in 'the opinion of the President of the United States, 'to be erected under his discretion, from time to time, 'as he shall judge necessary.*"

1798. May 4. Eight hundred thousand dollars for cannon, small-arms, ammunition, and military stores, "for *the public safety and defense, at the discretion of the President;*" who was, by the same act, authorized to establish armories and founderies, &c.

1798. May 28. The President authorized to raise ten thousand troops "*in the event of a declar-'ation of war against the United States, or of actual 'invasion of their territory by a foreign power;* or of 'IMMINENT DANGER OF SUCH INVASION DISCOVERED, 'IN HIS OPINION, TO EXIST BEFORE THE NEXT SES-'SION OF CONGRESS;" and authorized to organize them into corps of artillery, cavalry, and infantry, with a suitable number of major generals, &c.

1798. July 16. Nine hundred thousand dollars for the increased Army.

1799. March 2. The President authorized to raise "twenty-four regiments of infantry, a regi-'ment and a battalion of riflemen, a battalion of 'artillerists and engineers, and three regiments of 'cavalry, or such part thereof as he shall judge 'necessary, *in case war shall break out between the 'United States and a foreign European Power, or in* 'CASE OF IMMINENT DANGER *of invasion of their 'territory by any such Power, shall,* IN HIS OPINION, 'BE DISCOVERED TO EXIST." Two millions appropriated, and the President authorized to borrow the money.

We come now to the administration of Mr. Jefferson, when, sir, I believe there was no disposition to violate the Constitution, or destroy the Government with the battery of an appropriation.

1803. February 26. Two millions of dollars in addition to former appropriations, without any specification whatever, "for *the purpose of de-'fraying any extraordinary expenses which may be 'incurred in the intercourse between the United States 'and foreign nations,*" "to be applied under the 'direction of the President of the United States." Authorized to borrow the money.

1803. March 3. President authorized, "WHENEVER HE SHALL JUDGE IT EXPEDIENT," to require of the Executives of certain States to organize, arm, equip, and "hold in readiness *to march at a moment's warning, a detachment of militia not exceeding eighty thousand.*"

One million five hundred thousand dollars for pay and subsistence of such as may be wanted, for ordnance and other military stores, "and for 'defraying SUCH OTHER EXPENSES AS, DURING THE 'RECESS OF CONGRESS, THE PRESIDENT MAY DEEM 'NECESSARY FOR THE SECURITY OF THE TERRITORY 'OF THE UNITED STATES; to be applied under the 'direction of the President."

1804. March 26. For equipping such armed vessels "as may be deemed requisite by the 'President;" and for "defraying any other ex-'penses incidental to the intercourse with the Bar-'bary powers," against Tripoli, "or any other 'of the Barbary Powers, which may commit hos-'tilities," &c. Mediterranean fund established by this act: $1,500,000 appropriated. President authorized to borrow it.

The following act is so important, comprehensive, and indefinite, and applies so directly to the case of secret service money, (never contemplated in the appropriation last year,) that I give the whole section. The President was also authorized to borrow the money.

1806. February 13. "That the sum of $2,000,000 'be, and the same is hereby, appropriated towards '*defraying any extraordinary expenses which may be 'incurred in the intercourse* between the United 'States and foreign nations, to be paid out of any 'money in the Treasury not otherwise appropri-'ated, and to be applied under the direction of the 'President of the United States, who shall cause 'an account thereof to be laid before Congress *as 'soon as may be.*"

1806. April 18. The President authorized, "AT SUCH TIME AS HE SHALL DEEM NECESSARY, to require of the Executives of the several States," to organize, and "*to hold in readiness to march at a moment's warning,*" ONE HUNDRED THOUSAND MILITIA. Two millions of dollars appropriated.

1807. February 24. Thirty thousand volunteers—"*to be called upon to do military duty at any time the President of the United United shall judge proper.*" Fifty thousand dollars appropriated.

1808. January 8. One million dollars for such fortifications "as he may deem necessary" to repair, and for "such other fortifications, &c., as will afford more effectual protection to our ports and harbors," &c.

We now come down, sir, to Mr. Madison's administration, and approach a period with which some of the distinguished gentlemen of the Senate must be familiar, even if they had no hand in framing or voting for these laws.

1809. January 14. Seven hundred and fifty thousand dollars "for certain purposes, and 'erecting such fortifications *as may, in the opinion 'of the President of the United States, be deemed 'necessary for the protection of the northern and west-'ern frontiers,*" &c., &c.

1811. March 3. One million three hundred and ten thousand and forty-six dollars and thirty cents generally for completing fortifications.

1812. January 14. One million five hundred thousand dollars, to purchase, under the direction of the President of the *United States, ordnance stores, camp equipages, and other quartermasters' stores, for the Army.*

1812. January 8. President authorized "*whenever he shall have satisfactory evidence of the actual or threatened invasion of any State,*" &c., to raise six companies of rangers.

1812. March 20. Fifty thousand dollars additional, "for the *purposes of fortifying and defending the maritime frontier of the United States.*"

July 5. Five hundred thousand dollars more.

The following were appropriations simply:

1813. January 20. One million dollars for the military establishment; one million dollars for the naval.

1814. March 9. Five hundred thousand dollars for floating batteries.

November 15. Six hundred thousand dollars for any number of vessels, not exceeding twenty, *which, in the President's opinion, the public service may require.*

The act of 20th April, 1816, appropriates $1,000,000 annually, for eight years, for the Navy; and the President is authorized to build ships, or to cause them to be framed, &c.; and never, sir, till 1821, was there an appropriation made for fortifications, except generally, and without specification.

Such, Mr. Speaker, are some few of the precedents for appropriations in sudden emergencies, and to prepare our country for the contingency of war. Instead, sir, of making all these objections to forms; instead of resorting to all these expedients to avert responsibility, and making unfounded appeals to the history of our legislation, would it not be more candid, more manly, nay, more honorable, sir, to take the honest ground which some gentlemen have occupied, and say they would not make the appropriation through fear of a war with France? Sir, these timid councils never have succeeded, and never will. It was the unfortunate decision of the Senate, that it was inexpedient to do anything, that produced the prompt rejection of the $3,000,000 appropriation for our national defense; it was their unfortunate and unchangeable resolution to oppose the House, the President, and the country. France exulted at this division in our national councils; the result is, the treaty is not executed, and we are now preparing for any emergency. Mr. Speaker, the Senate in former days was not found, in any question between our country and a foreign Power, uncourteously and rudely resisting measures of this House designed for our national defense, in case war should come upon us in the recess of Congress. They did not reject propositions without examination, and adhere without previous conference. They did not scruple about forms, specifications, and estimates of Departments, when called upon by the President to adopt measures "to maintain the rights and honor of the country."

But, sir, it is time to dismiss this inquiry. It is a matter of little moment now to the nation which House destroyed the $3,000,000 appropriation, or who the fortification bill. I am glad to learn from almost all sides that we are now determined, in both Houses, to unite with the Executive in putting our country in that strong attitude which she ought to assume, whether we have peace or war. This is no time, sir, for continuing a war between the House and the Senate. The crisis demands that there should be no differences between the different branches of our Government. We are in the midst of an Indian war; we are threatened with a border war on our Mexican frontier, we are engaged in a controversy with one of the most powerful nations, and the scales are so equally balanced that a feather would decide the question of peace or war. France has told us the conditions on which only the treaty will be executed; she now stands pledged to exact conditions which this country never will submit to, though it should be desolated from Maine to Louisiana. I am still not without hope of peace, but when a French fleet is abroad upon the Atlantic, it is not a time to inquire about lost appropriations. We should be looking promptly to measures of defense; we should be developing the vast resources of our country, and erecting upon the ruins of our fortification bill a fabric of defense which will do honor to this Congress. Let us arm our fortifications, multiply our steam batteries, and in less than twelve months put upon the ocean, as our great maritime resources will enable us to do, a fleet capable of successfully contending with the naval power of France or of any other nation.

NATIONAL DEFENSE.

SPEECH OF HON. FELIX GRUNDY,

OF TENNESSEE,

IN SENATE, *January* 28, 1836,

In support of Mr. BENTON's resolutions, respecting the fortifications and defenses of the country, after they had been modified at the suggestion of Mr. GRUNDY.

Mr. GRUNDY said;

Mr. PRESIDENT: Notwithstanding the indisposition under which I labor, I hope to be able to make myself understood, although I am aware that the manner in which I shall discharge the duty before me will be less acceptable than that of others, or than it could be performed even by myself, under more favorable circumstances. When I moved the modification of the resolution which my friend from Missouri was kind enough to accept, accompanied by the brief explanation I then made, I did suppose that I could scarcely be misunderstood by any one; but I find I was mistaken, as the resolution is now deemed by some Senators more exceptionable than it was in its original form; it therefore becomes necessary and proper that I should explain more fully, and at large, my views and objects.

That the United States are exposed, and in too great a degree defenseless, is admitted by every intelligent man. On this account the country suffered much in the late war with Great Britain. Our large cities on the sea-board were constantly exposed to the approaches of the enemy, and this city became the theater of their actions. Even this Capitol, containing the sacred halls of the legislation of freemen, was burnt and destroyed. Since that time, our means of defense have not been so improved as to prevent similar occurrences and sufferings in the event of another war with any powerful nation. This condition of things has been heretofore the result of necessity, not of choice. The remainder of the public debt incurred in the revolutionary war, and the whole of the debt occasioned by the last war, had to be paid; and the payments to be made in discharge of them, and the ordinary current expenses of the Government, required all the money accruing from every source of revenue.

I therefore cast no blame upon those who have preceded us. There has been no period in the history of the Government, when the proper defenses for the country could have been provided, without resorting to a system of taxation which would have been oppressive. An unwillingness, very properly felt, to increase the public burdens, combined with a desire to discharge our public engagements with punctuality, accounts for the present defenseless condition of the country. But what is the state of things now? You have, or will shortly have, about thirty millions in the Treasury, a large portion of which is not, nor can be needed for the ordinary purposes of the Government; and you cannot, if you act in good faith, and in fulfillment of the pledge given at the time, and by the passage of the compromise tariff act, so reduce or diminish the revenue as to prevent an accumulation of the surplus.

Gentlemen are constantly engaged in devising ways and means to dispose of this surplus money; for none of us are willing that it shall remain in the public treasury unexpended. The Senator from South Carolina [Mr. CALHOUN] proposes an amendment of the Constitution, to enable Congress to make a disposition of it, while the Senator from Kentucky [Mr. CLAY] makes a proposition to divide, by an act of Congress, a considerable portion of it, which has, or may arise from the sale of the public lands among the several States. My opinion is, that we should first discharge our own duties, by fulfilling all the trusts committed to us, with the means which the Constitution and laws have placed in our hands, before we go abroad in search of objects of munificence or bounty. To protect and defend the States was one of the great objects which led to the formation of the Constitution. Not to provide for their proper defense, when the means are within our hands, is to fail in the performance of one of the highest trusts confided to the Federal Government; and we are left without excuse if we squander or give away the money for purposes, respecting which there is no constitutional obligation upon us, and thereby disable ourselves from defending the country against its enemies. What, then, is our duty? My answer is, prepare the country, whether there is to be peace or war; so if war shall come, the pride of our citizens may not again be humbled by witnessing the scenes of the late war.

My object in offering the proposition to amend or modify the original resolution was, and now is, to set apart from all other uses so much of the surplus revenue which has or may accrue, as will be sufficient to provide the proper defenses of the country; and, to enable Congress to form a proper estimate of how much should be set apart for this purpose, the other resolutions ask information of the proper Departments, what sums of money will be necessary for the different objects specified. When an answer shall be received from the Executive, then Congress can decide whether it will adopt the scheme proposed by that Department, or whether it will increase or diminish the means of defense recommended. In this way we shall act understandingly. We can, after the information is obtained, determine what we ought to do. We shall then know the probable amount of the cost, and set apart a sum of money out of the present and accruing surplus, sufficient to accomplish the objects contemplated, whatever they may be. It certainly was not, and is not, my intention, that this great work of fortifying and defending the country should progress in the tardy manner heretofore pursued, but as rapidly as labor and materials can be procured.

I have stated that the want of money was the reason why this subject had not heretofore been effectually attended to. We now have the money; it has accumulated, and is still accumulating upon our hands, and we cannot prevent it. We are driven by a kind of necessity or destiny to the discharge of the high duty of preparing to protect and defend our country against every enemy who may approach our shores. I am solicitous that these defenses should be made or provided out of that surplus revenue which you cannot materially reduce or diminish, and before the period arrives when your revenue, under the operation of the tariff compromise act, may not be more than sufficient to defray the ordinary expenditures of the Government. If the surplus of which I have spoken be applied to other objects, for which Congress is under no constitutional obligation to provide, the consequence will be that the people must be taxed in order to raise the money necessary to protect the country.

Having made this explanation of my views in reference to the resolutions on your table, I will now proceed to the investigation of other topics which have been introduced into this debate. I have no accusations to make against any one. I am too imperfect myself, and I know it, to assume the station of a censor of the conduct of others; but gentlemen should recollect, while they are denouncing, in no measured terms, the proposed appropriation of $3,000,000 at the last session, that some of us voted for it; and we have the same motives and the same influences which operate on them to vindicate ourselves from the charge, indirectly made, to be sure, of being infractors or violators of the Constitution, and of having voted for a measure for which they would not have voted even to save the Capitol from the enemies of the country. These are hard sayings; and when their application falls on us, merits a serious examination. In making this examination, I shall exhibit facts and arguments in support of the course adopted by the minority of this body; and this will fill up the whole circle of my duties here. I shall not assume upon myself the right of judging and condemning others: that belongs to another forum, the great tribunal of public opinion, by whose decision I am willing in this case, as in all other cases, to abide. I ask, what part of the Constitution of the United States would have been violated by this appropriation of $3,000,000? None, according to my reading and understanding of that instrument. It provides that "no money shall be drawn from

the Treasury but in consequence of appropriations made by law." The manner of making the appropriations is left to Congress. How far they shall be general or specific is to be determined by the House of Representatives and Senate, at the time they are passing acts making the appropriations. The right to appropriate money for constitutional purposes or objects being given to Congress, and that instrument (I mean the Constitution) being silent as to the mode or manner of making the appropriation, it follows that the department of the Government to which is confided the right to appropriate, must exercise its discretion and judgment as to the mode or manner of making them; and whether the mode be as general as that practiced under the two first administrations, or as specific as the practice recommended and introduced by Mr. Jefferson, in neither case is the Constitution violated. To secure a rightful application of the public money, and a strict accountability in the officers disbursing it, were the motives which induced Mr. Jefferson to recommend that specific appropriations should be made. This was wise and salutary, and gave rise to the practice that now generally prevails.

I now proceed to show that a greater latitude of discretion was vested in General Washington by the act of the 20th of March, 1794, than was proposed by this $3,000,000 appropriation. That act provides, "that the sum of $1,000,000, 'in addition to the provision heretofore made, be 'appropriated to defray any expenses which may 'be incurred in relation to the intercourse between 'the United States and foreign nations, to be paid 'out of any moneys which may be in the Treasury 'not otherwise appropriated, and to be applied 'under the direction of the President of the United 'States, who is hereby authorized to borrow the 'whole, or any part of the said sum of $1,000,000, 'an account of the expenditures whereof, as soon 'as may be, shall be laid before Congress."

Here, $1,000,000 was placed entirely at the discretion and "under the direction of the President of the United States;" and I would ask gentlemen, for what specific object or purpose was this appropriation made? The act declares that it is "to defray any expenses which may be incurred in relation to the intercourse between the United States 'and foreign nations." All the nations of the earth, civilized and savage, are laid open to the President as a theater for his operations. There is no limitation or restriction imposed upon his discretion. He was to select the nations with whom the intercourse was to take place, and the purposes and mode of expenditure. All this discretionary power was vested in the President by the Congress of 1794, and sanctioned by General Washington himself, by his approval of the act. I am aware that it may be said, that more discretion must be confided to the Chief Magistrate in his intercourse with foreign nations than is proper in our domestic concerns. This is true in most cases in point of policy and expediency; but the Constitution makes no difference. I therefore feel authorized in saying, that the proposed $3,000,000 appropriation would not have been unconstitutional, unless the Congress of 1794 and General Washington violated the Constitution in the passage of the act containing the appropriation I have read.

In 1806, during the administration of Mr. Jefferson, who has been justly styled the great apostle of civil liberty, an act passed, and received his sanction, conferring on him greater and broader discretionary powers than were contained in the proposition for the $3,000,000 appropriation. The act of 1806 provides: "That a 'sum of $2,000,000 be, and the same is hereby, 'appropriated towards defraying any extraordinary expenses which may be incurred in the 'intercourse between the United States and foreign nations, to be paid out of any money in the 'Treasury not otherwise appropriated, and to be 'applied under the direction of the President of 'the United States, who shall cause an account 'to be laid before Congress as soon as may be."

It should be recollected that our intercourse with foreign nations is carried on by the Executive branch of the Government, and, by this act, $2,000,000 are placed in the hands of Mr. Jefferson, then President of the United States, to cover any extraordinary expenses which he might, in the exercise of his discretion, create in our intercourse, not with any particular nation or nations, designated by Congress, but with the whole world; and this sum of $2,000,000 is placed in the hands of the Executive, over and above the sum required for the ordinary and established intercourse then existing between the United States and foreign nations. Let us compare the proposed appropriation of $3,000,000 with the act I have just read.

The proposed appropriation reads as follows: "That the sum of $3,000,000 be, and the same 'is hereby, appropriated out of any money in 'the Treasury not otherwise appropriated, to be 'expended, in whole or in part, under the direction of the President of the United States, for 'the military and naval service, including fortifications, ordnance, and increase of the Navy: '*Provided*, Such expenditures shall be rendered 'necessary for the defense of the country prior 'to the next meeting of Congress."

The appropriation made by the act of 1806 was absolute and unconditional. The proposed appropriation of $3,000,000 was conditional, and to depend upon the happening of the contingency, that "the expenditures shall be rendered necessary for the defense of the country prior to the next meeting of Congress." In that event, and in no other, could the President of the United States use one dollar of the money. The necessity contemplated by the proviso could only have arisen upon France committing acts of hostility, or assuming such an attitude as must, in the opinion of the President, have inevitably led to war. By the act of 1806, there is nothing definite or specific. By the proposed appropriation, the objects upon which the money was to be expended are enumerated and specified. By an act of April, 1806, Mr. Jefferson was authorized to exercise, without specification of object, an unlimited control over one hundred thousand militia of the United States and $2,000,000. The first section of that act declares, "That the President of the United States be, and he is hereby, 'authorized, at such time as he may deem necessary, to require of the Executive of the several 'States to take effectual measures to organize, 'arm, and equip, according to law, and hold in 'readiness to march at a moment's warning, their 'respective proportions of one hundred thousand 'militia, officers to be included; to be apportioned 'by the President of the United States, by the 'militia returns of last year, in cases where such 'returns were made; and in cases where such returns were not made the last year, by such other 'data as he shall judge equitable." The fifth section provides, "That the President of the United 'States be, and he is hereby, authorized to call 'into active service any part or the whole of said 'detachment when he shall judge the exigencies 'of the United States require it; if a part of the 'said detachment only shall be called into active 'service, they shall be taken from such part 'thereof as the President, in his discretion, shall 'deem most proper."

The sixth section is, "That $2,000,000 be, and 'are hereby, appropriated out of any money in 'the Treasury, not otherwise appropriated, for 'the pay and subsistence of such part of said 'detachment as may be called into service." By this act a hundred thousand militia are to be raised at the discretion of the President, and $2,000,000 are appropriated for their pay and subsistence; and this is all to be done when he shall judge the exigencies of the United States require it. This act expired by its own limitation, at the end of two years, and was reënacted on the 30th of March, 1808.

Having shown satisfactorily, as I trust, that no violation of the Constitution was involved in the proposed appropriation, nor any departure from the legislative usages of the country, and that more discretion has been vested in former Presidents of the United States, the next inquiry is, did such a state of things exist as to justify the appropriation?

The French Government owed a debt of $5,000,000 to citizens of the United States, which by solemn treaty it had stipulated to pay. It had paid no part of it. This Government had promptly and in good faith performed every stipulation on its part, and still delay and procrastination were practiced by the French Government. A majority in the Chamber of Deputies had at a preceding session actually rejected an appropriation of the money. The Senate of the United States had resolved that no legislative measure should be adopted at the last session; but the Committee on Foreign Relations, who recommended the adoption of the resolution, in their report fully concur with the President of the United States when he remarks in his message, that "the idea of acquiescing in the refusal of 'the execution of the treaty will not for a moment be entertained by any branch of the American Government. The United States can never 'abandon the pursuit of claims founded on the 'most aggravated wrongs."

The House of Representatives had adopted a resolution declaring that the fulfillment of the treaty would be insisted on. The French Government had recalled its Minister; and the President of the United States had directed our Minister to return to this country, in case the appropriation was not made by the Chamber of Deputies at its then session.

By his message to Congress of the 26th of February, he communicated all the facts within his knowledge, and submitted to them what measures were proper to be adopted, in the following language:

"It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France with his legation, and return to the United States, if an appropriation for the fulfillment of the convention shall be refused by the Chambers. The subject being now in all its present aspects before Congress, whose right it is to decide what measures ought to be pursued on that event, I deem it unnecessary to make further recommendation, being confident that, on their part, everything will be done to maintain the rights and honor of the country which the occasion requires."

From the message, it is evident that the President wished and expected Congress would adopt such measures as it might deem proper, to meet any contingency which might occur. To place the country in a position to defend itself, would have been a measure of prudence, and at the same time could have given no cause of umbrage whatever to France. Had the President, by his message, recommended these preparations, and assigned to Congress as a reason for so doing the probability of a rupture or hostilities, the sensibilities of that Government would have been more excited than they were by his annual communication. In this posture of affairs, was it not reasonable to entertain apprehensions that France might adopt measures which would require this country to defend itself? In that view of the subject, the $3,000,000 appropriation should have been made; and the supposition is not unreasonable that the repeated denunciations which we had heard against executive power and patronage, combined with that distrust which some gentlemen entertained in the present Chief Magistrate, contributed mainly to its defeat; although gentlemen might not have been conscious of the influences operating upon them. It is true, that in general, appropriations for the defense of the country should be specific, and founded on estimates previously made by the executive Departments of the Government. It is impossible that members of Congress can so well understand the various provisions that should be made for the defense of the country, as that branch of the Government which has the subject of our national defense under its particular care and management; but in this case there was no opportunity, after our relations with France were fully understood, to make the necessary estimates, and submit them to the consideration of Congress. And therefore it was, that the appropriation of $3,000,000 was proposed, and the President was left to exercise his judgment how much of the $3,000,000 was to be applied to each of the different objects specified. There was no other practicable way by which additional means could be provided to defend the country in the event of the approach of danger. When it is recollected that Congress was about to adjourn by the termination of its constitutional existence, and that it could not be convened at an early day, by reason of the election

of members for the new Congress, in many of the States, not having taken place, it seems to me quite reasonable that some means of defense should have been placed in the hands of the executive, to be used in case it became necessary.

It should still be remembered, that the President had no right to use one dollar of these $3,000,000, unless "the expenditures should be rendered necessary for the defense of the country, prior to the next meeting of Congress."

I will now say a few words upon the loss of the ordinary appropriation bill at the last session. I will take it for granted, until conclusive evidence shall fasten upon my mind a contrary conviction, that no committee, no member of either House acted unworthy of his station, or used any unfair or disreputable means to defeat the passage of that bill. The remark of the gentleman from Massachusetts [Mr. WEBSTER] that its bones are to be searched for in the other House, is true to the letter, but that is not the material inquiry; where was the fatal blow—where was the mortal wound inflicted? If it were inflicted in this body, it is of no consequence that the bill was carried to the other House, and there lingered for a short time and died in the place of its nativity and origin. But even if the mortal wound were received in this body, and it was inflicted in defense of the Constitution, all men, both here and elsewhere, would pronounce the act justifiable. Let us now examine how this bill was lost. I insist its loss is wholly attributable to the disagreement which grew up between the two Houses upon the subject of the $3,000,000 appropriation. But for the disagreement between the two Houses upon that subject, the bill would have passed both Houses of Congress, and have become the law of the land. If the Senate had not rejected the $3,000,000, no difficulty would have occurred. The House had passed the appropriation bill, and it came to this body. The Senate concurred in all the House had done, and inserted, by way of amendments, additional appropriations. The bill was then returned to the House, and it agreed to all the amendments of the Senate, and engrafted upon them the appropriation of $3,000,000. Each House had agreed to every appropriation contained in the bill, except the amendment made by the House proposing the appropriation for the $3,000,000. To this the Senate disagreed, and the loss of the bill cannot rightfully be imputed to any other cause than the difference of opinion which existed between the two Houses upon the subject. Gentlemen may argue as long as they please; they may give lengthy historical accounts of the progress of the bill through committees and the two Houses; they may labor to fix the blame where they may, and it at least resolves itself into this: That the House of Representatives wanted the appropriation of $3,000,000; the Senate would not agree to it; and on that account, and that only, the fortification bill failed. It has been objected that the President had not asked, by a message, for this appropriation. Can Congress do nothing for the defense of the country, when all the facts are before them, without being stimulated by a message from the Chief Magistrate? If he had sent a message recommending the appropriation, would he not have been charged with dictating to Congress the measures they should adopt? Now, when he has placed all the facts in relation to our intercourse with France before Congress, and leaves the whole matter to them, with a confident reliance that "on their part everything will be done to maintain the rights and honor of the country which the occasion requires," it is said he has been guilty of an omission of duty.

A serious question seems now to be made as to what time Congress constitutionally terminates. Until lately, I have not heard it seriously urged that twelve o'clock, on the 3d of March, at night, was not the true period. It is now insisted, however, that twelve o'clock, on the 4th of March, is the true time; and the argument in support of this is, that the first Congress met at twelve o'clock on the 4th of March. This is not placing the question on the true ground; it is not when the Congress did meet, or when the President was qualified by taking the oaths of office; but when did they have the constitutional right to meet? This certainly was, and is, in all future cases, on the 4th of March; and if the day commences, according to the universal acceptation and understanding of the country, at the first moment after twelve o'clock at night on the 3d of March, the constitutional right or power of the new Congress commences at that time. And if called by the Chief Magistrate to meet at that time, they might then qualify and open their session. There would be no use in arguing away the common understanding of the country; and it would seem as reasonable to maintain that the 4th of March ended when the first Congress adjourned, as it is to say that it began when they met. From twelve o'clock at night, until twelve o'clock at night, is the mode of computing a day by the people of the United States, and I do not feel authorized to establish a different mode of computation for Congress. At what hour does Christmas commence? When does the first day of the year, or the first of January, commence? Is it at midnight or at noon? If the first day of a year or month begins and ends at midnight, does not every other day? Congress has always acted upon the impression that the 3d of March ended at midnight; hence that setting back of clocks which we have witnessed on the 3d of March at the termination of the short session.

In using this argument, I do not wish to be understood as censuring those who have transacted the public business here, after twelve o'clock on the 3d of March. From this error, if it be one, I claim no exemption. With a single exception, I believe I have always remained until the final adjournment of both Houses. As to the President of the United States, he remained until after one o'clock on the 4th of March. This was making a full and fair allowance for the difference that might exist in different instruments for keeping time; and he then retired from his chamber in the Capitol. The fortification bill never passed Congress; it never was offered to him for his signature; he, therefore, can be in no fault. It is argued that many acts of Congress passed on the 4th of March, at the short session, are in our statute-books, and that these acts are valid and binding. It should be remembered that they all bear date on the 3d of March; and so high is the authenticity of our records, that according to the rules of evidence, no testimony can be received to contradict anything which appears upon the face of our acts.

Mr. President, I now propose to say something of our present condition, in reference to our relations with France, and what are the prospects before us. For the last three years, France has enjoyed the reduction of duties stipulated for in the treaty of the 4th of July, 1831. By this reduction, she has gained or saved for her citizens upwards of $3,000,000 prior to the end of the year 1834, which, but for the treaty, would now be in the Treasury of the United States. By this time, she will have saved altogether $5,000,000. She has obtained and enjoyed all these benefits, and still fails and refuses to pay one cent of the $5,000,000 stipulated to be paid on her part; and what is the plea or argument she employs in justification of her conduct? She pleads a supposed insult as a set-off to a just debt, a debt acknowledged to be just in a treaty made by the executive branch of that Government, and signed by the King's own hand; a debt acknowledged to be just by the Chamber of Deputies, after a full examination made by that body into the claims of our citizens.

If further evidence of the justice of the claims of our citizens upon the French nation were needed, it is furnished by the records of the American board of commissioners, who are appointed by this Government, in pursuance of the treaty, to ascertain them. By the adjudications of that board it appears, that claims to the amount of upwards of $9,000,000 have been established; so that but little more than one half of the principal, without interest, would have been received by these claimants, had the French nation complied strictly with its engagements. Add to this that many of the claimants must have failed to establish their claims, from the unavoidable loss of testimony in the course of thirty years. I cannot perceive how any difficulty could ever have arisen, or any serious question have been made among those who had a full opportunity of examining the subject as to the justice of the claims of our citizens to the extent of $5,000,000.

But the French Government is not content with having heretofore withheld the payment of less than one half of our just claims; they refuse to pay any portion of it hereafter, unless our Government shall comply with a new and degrading condition prescribed by themselves; in the language of the Duke de Broglie, they will pay the money only "when the Government of the United 'States is ready to declare to us, (the French 'Government,) by addressing its claims to us 'officially and in writing, that it regrets the mis-'understanding which has arisen between the 'two countries, that this misunderstanding is 'founded on mistake, and that it never entered 'its intention to call in question the good faith 'of the French Government, nor to take a men-'acing attitude towards France."

Upon this branch of the subject, I hope there can be no diversity of opinion amongst us; I hope there is no heart beating in an American bosom that is willing that this country shall be thus degraded. The French Minister of Foreign Affairs here prescribes to the Government of the United States, not only the mode and manner, but the very language which is to be employed by this Government. He says, in the first place, that the apology required is to be addressed to the French Government officially, and it must be in writing, and of course signed by the President of the United States, or Secretary of State; and then follows the very terms and language which are to used by the Government of the United States in this act of humiliation. And why is this to be done? To procure the payment of about one half of the amount justly due to our citizens. Sir, the French nation, in the most brilliant days of her late Emperor, could neither purchase, nor by the dread of its arms terrify, either the people or Government of the United States into so disgraceful an act. What is the pretext for this arrogant demand on the part of the French Government? It is that the Chief Magistrate of the United States, in his annual communication to Congress in 1834, gave a history, and a true one, too, of the transactions between France and this Government, which wounded the sensibilities of the French Government. It is not alleged that any misstatement was made in that message, that any expression or word was used which was not in strict accordance with the facts of the case as they really existed. Did not France seize unlawfully the property of our citizens? Had she not confessed it and acknowledged she owed us a debt of $5,000,000 on that account? Had she not promised to pay this debt at certain periods on the faith and word of her King? Had not some of those periods actually expired, not only without any provision for payment, but with the positive refusal by her legislative Chambers to make provision? And what did the President say in his message? He stated these facts to the representatives of the people of the United States. Had he done less, he would not have fully discharged his duty. France might feel mortified at the idea of being held so strictly to account by our young Republic, but she had no right to complain, and much less to ask for an apology or explanation. It was the proper consequence of her neglect to pay her just debt.

But, sir, I forbear to press this view of the subject further. There is another stronger light in which it ought to be considered. The French Government claim the right to interpose and interfere in our domestic consultations. This cannot be permitted so long as we are a sovereign and independent nation and the present Constitution endures. It is the duty of the President to communicate to Congress freely and fully upon all subjects, and more especially in relation to our foreign affairs, which are managed particularly under his guidance and direction. And, should any foreign nation be allowed to interpose between the President and Congress, and control the Chief Magistrate by the apprehension that it might take offense in his making a full and com-

plete declaration of the facts, and his views as connected with them, in reference to such nation?

If ever it should take place, I shall consider the independence of this nation as at an end, and the Government itself of no value. We all know that the present Chief Magistrate is the last man living who will ever dishonor his country by an act of this kind; and I hope if there be one Senator here who would be willing to see the President of the United States commit so degrading an act, that he will come forward and avow it. I will go further; no man will ever be elected President of these United States, who will so far forget the honor of his country and the high duties of his station, as to think, for a moment, of doing an act which will not only disgrace him, but a whole nation of freemen. The French Government seem to have forgotten, or not well to have understood, the principles of our Government, or this unreasonable requirement on their part would never have been made, unless, indeed, they intend it as a mode of refusing to execute the treaty. Carry the principle out, and where will it lead us? We have not, by our Constitution or frame of Government, given our President the power to declare war or issue letters of marque and reprisal, like the monarchs of Europe. He can only propose and discuss these measures in the first instance. He is not the Government for these purposes, but only a part of it. The Government has never made a declaration, or done an act on these subjects; and until some resolution or act has passed the Senate and House of Representatives, and been approved by the President, the interests of no foreign nation can be affected. Each member of Congress is as much a member of the Government in declaring war, and issuing letters of marque and reprisal, as the President, and his single declaration is just as effective. If the principle asserted by France be sound, then may she demand explanations of anything wounding to her pride which may be said here in debate, and the nation may be held responsible, not for the acts and declarations of its Government, but for the assertions of each individual of which it constituted. Such a proposition would be monstrous, and can never be permitted in the practice of our Government; and if France persists in her demands, I am unable to say when or how this controversy may end.

In this state of things what course does wisdom point out? To prepare for the worst that may come is certainly the true course. But it is said by the gentleman from South Carolina, [Mr. CALHOUN,] that if we arm, we instantly make war; it is war. If this be so, we are placed in a most humiliating situation. Since this controversy commenced, the French nation has armed; they have increased their vessels of war; they have equipped them; they have enlisted or pressed additional seamen into the public service; they have appointed to the command of this large naval force one of their most experienced and renowned naval officers; and this squadron thus prepared—and for what particular purpose we know not—is now actually in the neighborhood of the American coast. I admit this proceeding on the part of the French Government is neither war nor just cause of war on our part; but seeing this, shall we be told, if we do similar acts, designed to defend our own country, we are making war? As I understand the public law, every nation has the right to judge for itself of the extent of its own military and naval armaments, and no other nation has a right to complain or call it in question. It appears to me, that although the preparations and armaments of the French Government are matters not to be excepted to, still they should admonish us to place our country in a condition in which it could be defended in the event the present difficulties between the two nations should lead to hostilities.

I listened with great attention to the Senator from New Jersey, [Mr. SOUTHARD,] while he was pointing out to the Senate the extreme weakness of our naval force, and showing the superiority of the French in this respect. The conclusion to which his argument led me was, that the disparity was too great, and that this unequality, which might operate so prejudicially to us, ought not to be permitted longer to remain.

Gentlemen tell us that there is no danger of war between the two nations. This may be true—I hope it is so; but what that Government may do which owes a just debt, has the money in her coffers, and refuses to pay it until the creditor Government shall come forward and ask pardon for having insisted on the payment in the language of truth and justice, I will not undertake to determine; and further, when this refusal to pay a just debt is attempted to be justified by an assertion of the right on the part of the French Government to interfere in our domestic consultations and deliberations, the best security we have against war, in my humble opinion, is, that the French Government is too far in the wrong. There cannot be a civilized nation on earth, that has an accurate knowledge of the history of this misunderstanding between the two countries, but will pronounce at once that the honor and justice of the French nation both require that she should comply with her honest engagements by the payment of the money, and that it cannot stand justified in withholding it, or attempting to substitute a supposed affront or insult for actual payment. When error and passion prevail, it is impossible to say to what extremes they may hurry nations as well as men. Certain it is, that if French honor requires the explanation which has been demanded, it will not be satisfied with retaining the $5,000,000 which that nation owes us. I will not think so meanly of them as to suppose that they will take the money as an equivalent for their honor, and intend to put up with what they may consider an insult, because they can withhold the payment. On the contrary, if they have any right to demand an explanation at all, it will not be satisfied by keeping the money, and would be strengthened by its payment. Indeed it is surprising that the Ministry of France, on the admission that they were right as to the message, did not perceive that it was incumbent on them, as honorable men, first to pay their debt, and then to ask an explanation. This is what men of honor and honesty in private life would think necessary; and unless they abandon the ground assumed by them, they must continue to insist on an explanation, even should the money be paid, and may, with the same reason that they make the demand, make war on us if it should be refused.

If it be asked whether I would now, under existing circumstances, be willing to declare war against France, I answer emphatically, I would not. I am desirous that France should reconsider the principle that she has assumed, and some of the steps she has taken, and see whether the explanations given by our Minister, Mr. Livingston, whether the disavowal which he made of any intention on the part of the Executive of this country to insult or menace that Government, all which has received the sanction of the Chief Magistrate of the United States, may not be deemed satisfactory. Nay, further, I am willing to wait until the last annual communication of the President of the United States shall be seen by the French Government. It contains a fair and just exposition of the views entertained by the Executive at the time of making the communication complained of. If the French Government shall choose to consider that satisfactory, I shall be gratified; for no man would deplore a war between the two countries more than I should. The French Government had no right to take exception to the communication made to Congress by the President in December, 1834. The recommendation contained in the message was not carried out by any action of Congress; and until all the Departments of a Government, whose consent is necessary for the consummation of an act of an offensive character towards another nation, concur in the act or declaration, it is not the act of the nation, and cannot form a topic of discussion between the two Powers. Until the consent of all the Departments of this Government, that is, the President and Congress, shall have been given as to what shall be proposed by either, it is a consultative proceeding, domestic in its nature and character; and no foreign nation can be permitted to interpose between them, and check the freedom of their communications to each other When their consultations shall eventuate in acts or declarations affecting the interests of other nations, then, and not until then, has any foreign nation, who may be affected by it, a right to call for or demand explanations, or make it, in any wise, a subject of diplomatic discussions. I would now ask gentlemen, if the French Government shall remain in its present erroneous position, and continue to insist on a demand which is inadmissible, and which is wholly inconsistent with our political institutions and form of Government, whether that nation shall enjoy all the beneficial effects guarantied to it by the treaty of 1831, while not one of the stipulations on its part has been complied with? I can only answer for myself, I will not consent thus to degrade my country. After every reasonable expectation shall have failed of the fulfillment of the treaty on their part, I shall be in favor of such measures as shall be best calculated to preserve the honor, dignity, and independence of the United States. What those measures should be may, in the mean time, depend upon the course of conduct which may be adopted by the French Government.

I have now presented to the Senate my views upon all the prominent subjects which have been introduced into this discussion, and conclude by expressing a most sincere hope that our nation may not again be visited by the evils consequent upon war; but war, with all its direful consequences, is preferable to peace, if it can be maintained only by national degradation, or by a surrender of liberty and independence.

NATIONAL DEFENSE.

SPEECH OF HON. JAS. BUCHANAN,

OF PENNSYLVANIA,

IN SENATE, *February* 1 *and* 2, 1836,

On Mr. BENTON's resolutions, as modified by the mover on the suggestion of Mr. GRUNDY, for setting apart so much of the Surplus Revenue as may be necessary for the defense and permanent security of the country.

Mr. BUCHANAN said:

Mr. PRESIDENT: I am much better pleased with the first resolution offered by the Senator from Missouri, [Mr. BENTON,] since he has modified it upon the suggestion of the Senator from Tennessee, [Mr. GRUNDY.] When individuals have more money than they know how to expend, they often squander it foolishly. The remark applies, perhaps, with still greater force to nations. When our Treasury is overflowing, Congress, who are but mere trustees for the people, ought to be especially on their guard against wasteful expenditures of the public money. The surplus can be applied to some good and useful purpose. I am willing to grant all that may be necessary for the public defense, but no more. I am, therefore, pleased that the resolution has assumed its present form.

The true question involved in this discussion is, on whom ought the responsibility to rest for having adjourned on the 3d of March last without providing for the defense of the country? There can be no doubt a fearful responsibility rests somewhere. For my own part, I should have been willing to leave the decision of the question to our constituents. I am a man of peace, and dislike the crimination and recrimination which this discussion must necessarily produce. But it is vain to regret what cannot now be avoided. The friends of the Administration have been attacked; and we must now defend ourselves. I deem it necessary, therefore, to state the reasons why I voted, on the 3d of March last, in favor of the appropriation of $3,000,000 for the defense of the country, and why I glory in that vote.

The language used by Senators in reference to this appropriation has been very strong. It has been denounced as a violation of the Constitution. It has been declared to be such a measure as would not have received the support of the minority, had they believed it could prevail, and that they would be held responsible for it. It has been stigmatized as most unusual—most astonishing—most surprising. And finally, to cap the

climax, it has been proclaimed, that the passage of such an appropriation would be virtually to create a dictator, and to surrender the power of the purse and the sword into the hands of the President.

I voted for that appropriation under the highest convictions of public duty; and I now intend to defend that vote against all these charges.

In examining the circumstances which not only justified this appropriation, but rendered it absolutely necessary, I am forced into the discussion of the French question. We have been told that, if we should go to war with France, we are the authors of that war. The Senator from New Jersey has declared that it will be produced by the boastful vanity of one man, the petulance of another, and the fitful violence of a third. It would not be difficult to conjecture who are the individuals to whom the Senator alludes.

He has also informed us that, in the event of such a war, the guilt which must rest somewhere will be tremendous.

Now, sir, I shall undertake to prove, that scarcely an example exists in history of a powerful and independent nation having suffered such wrongs and indignities as we have done from France, with so much patience and forbearance. If France should now resort to arms—if our defenseless sea-coast should be plundered—if the blood of our citizens should be shed—the responsibility of the Senate, to use the language of the gentleman, will be tremendous. I shall not follow the example of the Senator, and say, their guilt; because that would be to attribute to them an evil intention, which I believe did not exist.

In discussing this subject, I shall first present to the view of the Senate the precise attitude of the two nations towards each other when the appropriation of $3,000,000 was refused, and then examine the reasons which have been urged to justify this refusal. After having done so, I shall exhibit our relations with France as they exist at the present moment, for the purpose of proving that we ought now to adopt the resolutions of the gentleman from Missouri, and grant all necessary appropriations for the defense of the country.

In discussing this subject, it is not my intention to follow the fortification bill either into the chamber of the committee of conference, or into the Hall of the House of Representatives. It is not my purpose to explain the confusion which then existed, and which always must exist after midnight, on the last evening of the session. I shall contend that the Senate ought to have voted the $3,000,000; that the fortification bill ought to have passed the Senate with this amendment; and that, therefore, the Senate is responsible not only for the loss of this appropriation, but for that of the entire bill.

What, then, was the attitude in which we stood towards France at the moment when the Senate rejected this appropriation for the defense of the country? What, at that moment, was known, or ought to have been known, in regard to this question by every Senator on this floor?

The justice of our claims upon France are now admitted by all mankind. Our generosity was equal to their justice. When she was crushed in the dust by Europe in arms—when her cities were garrisoned by a foreign foe—when her independence was trampled under foot, we refused to urge our claim. This was due to our ancient ally. It was due to our grateful remembrance of the days of other years. The testimony of La Fayette conclusively establishes this fact. In the Chamber of Deputies, on the 13th of June, 1833, he declared that we had refused to unite with the enemies of France in urging our claims in 1814 and 1815; and that, if we had done so, these claims would then have been settled. This circumstance will constitute one of the brightest pages of our history.

Was the sum secured to our injured fellow-citizens by the treaty of the 4th of July, 1831, more than they had a right to demand? Let the report of our Committee on Foreign Relations, at the last session, answer this question. They concur entirely with the President in the statement he had made in his message, that it was absolutely certain the indemnity fell far short of the actual amount of our just claims, independently of damages and interest for the detention; and that it was well known at the time that, in this respect, the settlement involved a sacrifice. But there is now no longer room for any conjecture or doubt upon this subject. The commissioners under the treaty have closed their labors. From the very nature of their constitution, it became the interest of every claimant to reduce the other claims as much as possible, so that his own dividend might thus be increased. After a laborious and patient investigation, the claims which have been allowed by the commissioners, amount to $9,352,193 47. Each claimant will receive but little more than half his principal at the end of a quarter of a century, after losing all the interest.

Why, then, has this treaty remained without execution on the part of France, until this day? Our Committee on Foreign Relations, at the last session, declared their conviction that the King of France "had invariably, on all suitable occasions, manifested an anxious desire, faithfully and honestly, to fulfill the engagements contracted under his authority and his name." They say, that "the opposition to the execution of the treaty, and the payment of our just claims, does not proceed from the King's Government, but from a majority in the Chamber of Deputies."

Now, sir, it is my purpose to contest this opinion, and to show, as I think I can conclusively, that it is not a just inference from the facts.

And here, to prevent all possible misconstruction, either on this side, or on the other side of the Atlantic, if by any accident my humble remarks should ever travel to such a distance, permit me to say that I am solely responsible for them myself. These opinions were in a great degree formed whilst I was in a foreign land, and were there freely expressed upon all suitable occasions. I was then beyond the sphere of party influence, and felt only as an American citizen.

Is it not then manifest, to use the language of Mr. Livingston in his note to the Count de Rigny of the 3d of August, 1834, that the French Government have never appreciated the importance of the subject at its just value? There are two modes in which the King could have manifested this anxious desire faithfully to fulfill the treaty. These are—by words and by actions. When a man's words and his actions correspond, you have the highest evidence of his sincerity. Even then he may be a hypocrite in the eyes of that Being before whom the fountains of human action are unveiled. But, when a man's words and his actions are at variance—when he promises and does not perform or even attempt to perform—when "he speaks the word of promise to the ear and breaks it to the hope"—the whole world will at once pronounce him insincere. If this be true in the transactions of common life, with how much more force does it apply to the intercourse between diplomatists? The deceitfulness of diplomacy has become almost a proverb. In Europe, the talent of overreaching gives a Minister the glory of diplomatic skill. The French school has been distinguished in this art. To prove it, I need only mention the name of Talleyrand. The American school teaches far different lessons. On this our success has, in a great degree, depended. The skillful diplomatists of Europe are foiled by the downright honesty and directness of purpose which have characterized all our negotiations.

Even the established forms of diplomacy contain much unmeaning language, which is perfectly understood by everybody, and deceives nobody. If ministers have avowed their sincerity, and their ardent desire to execute the treaty, to deny them on our part would be insulting, and might lead to the most unpleasant consequences. In forming an estimate of their intentions, therefore, every wise man will regard their actions, rather than their words. By their deeds shall they be known. Let us, then, test the French Government by this touchstone of truth.

The ratifications of the treaty of the 4th of July, 1831, were exchanged at Washington on the 2d of February, 1832. When this treaty arrived at Paris, the French Chambers were in session, and they continued in session for several weeks. They did not adjourn until the 19th of April. No time more propitious for presenting this treaty to the Chambers could have been selected than that very moment. Europe then was, as I believe it still is, one vast magazine of gunpowder. It was generally believed that the Polish revolution was the spark which would produce the explosion. There was imminent danger of a continental war, in which France, to preserve her existence, would have to put forth all her energies. Russia, Prussia, and Austria were armed and ready for the battle. It was, then, the clear policy of France to be at a good understanding with the United States. If it had been the ardent desire of the King's Government to carry into effect the stipulations of the treaty, they would have presented it to the Chambers before their adjournment. This would undoubtedly have been the course pursued by any President of the United States, under similar circumstances. But the treaty was not presented.

I freely admit that this omission, standing by itself, might be explained by the near approach of the adjournment at the time the treaty arrived from Washington. It is one important link, however, in the chain of circumstances, which cannot be omitted.

The Government of the United States proceeded immediately to execute their part of the treaty. By the act of the 13th of July, 1832, the duties on French wines were reduced according to its terms, to take effect from the day of the exchange of ratifications. At the same session, the Congress of the United States, impelled, no doubt, by their kindly feelings towards France, which had been roused into action by what they believed to be a final and equitable settlement of all our disputes, voluntarily reduced the duty upon silks coming from this side of the Cape of Good Hope to five per cent., whilst those from beyond were fixed at ten per cent. And at the next session, on the 2d of March, 1833, this duty of five per cent. was taken off altogether, and ever since French silks have been admitted into our country free of duty. There is now, in fact, a discrimination duty of ten per cent. in their favor, over silks from beyond the Cape of Good Hope.

What has France gained by these measures in duties on her wines and her silks, which she would otherwise have been bound to pay? I have called upon the Secretary of the Treasury, for the purpose of ascertaining the amount. I now hold in my hand a tabular statement, prepared at my request, which shows, that had the duties remained what they were at the date of the ratification of the treaty, these articles, since that time, would have paid into the Treasury on the 30th of September, 1834, the sum of $3,061,525. Judging from the large importations which have since been made, I feel no hesitation in declaring it as my opinion, that, at the present moment, these duties would amount to more than the whole indemnity which France has engaged to our fellow-citizens. Before the conclusion of the ten years mentioned in the treaty, she will have been freed from the payment of duties to an amount considerably above twelve million dollars.

By the same act of the 13th of July, 1832, a Board of Commissioners was established to receive, examine, and decide the claims of our citizens under the treaty, who were to meet on the first day of the following August. This act also directed the Secretary of the Treasury to cause the several installments, with the interest thereon, payable to the United States in virtue of the convention, to be received from the French Government and transferred to the United States in such manner as he may deem best. In this respect the provisions of the act correspond with the terms of the treaty, which prescribe that the money shall be paid into the hands of such person or persons as shall be authorized to receive it by the Government of the United States.

Were the French Government immediately informed of all these proceedings? Who can doubt it? Certainly no one at all acquainted with the vigilance and zeal of their diplomatic agents.

The 19th of November, 1832, the day for the meeting of the Chambers, at length arrived. Every American was anxious to know what the King would say in his speech concerning the treaty. No one could doubt but that he would

strongly recommend to the Chambers to make the appropriation of twenty-five millions of francs, the first installment of which would become due on the 2d of February following. All, however, which the speech contained in relation to the treaty is comprised in the following sentences: "I have also ordered my Ministers to communi-'cate to you the treaty concluded on the 4th of 'July, 1831, between my Government and that 'of the United States of America. This arrange-'ment puts an end to the reciprocal claims of the 'two countries." Now, sir, I am well aware of the brevity and non-committal character of King's speeches in Europe; I know the necessity which exists there for circumspection and caution; but making every fair allowance for these considerations, I may at least say, that the speech does not manifest an anxious desire to carry the treaty into effect. What might the King have said, what ought he to have said, what would he have said had he felt this anxious desire? It might all have been embraced in a single additional sentence, such as the following: "The Congress of the United States have already provided for the admission of French wines into their ports upon the terms of this treaty, and have voluntarily reduced their duties upon French silks; I must, therefore, request you to grant me the means of discharging the first installment which will become due, under this treaty, on the 2d day of February next." The King did not even ask the Chambers for the money necessary to redeem the faith of France. In this respect, the debt due to the United States is placed in striking contrast to the Greek loan. Immediately after the two sentences of the speech which I have already quoted, the King proceeds: "You will likewise 'be called to examine the treaty by which Prince 'Otho of Bavaria is called to the throne of Greece. *'I shall have to request from you the means of guarantying, in union with my allies, a loan which is indispensable for the establishment of the new State founded by our cares and concurrence.*"

The establishment of the new State founded by our cares and concurrence! Russia, sir, has made greater advances by her skill in diplomacy than by her vast physical power. Unless I am much mistaken, the creation of this new State, with Prince Otho as its King, will accomplish the very object which it was the interest and purpose of France to defeat. It will, in the end, virtually convert Greece into a Russian province. I could say much more on the subject, but I forbear. My present purpose is merely to present, in a striking view, the difference between the King's language in relation to our treaty, and that treaty which placed the son of the King of Bavaria on the throne of Greece.

Time passed away, and the 2d of February, 1833, the day when the first installment under the treaty became due, arrived. It was to be paid "into the hands of such person or persons as shall be authorized by the Government of the United States to receive it." The money on that day ought to have been ready at Paris. But strange, but most wonderful as it may appear, although the Chambers had been in session from the 19th of November until the 2d of February, the King's Government had never even presented the treaty to the Chambers—had never even asked them for a grant of the money necessary to fulfill its engagements. Well might Mr. Livingston say, that they had never properly appreciated the importance of the subject.

The Government of the United States, knowing that the King in his speech had promised to present the treaty to the Chambers, and knowing that they had been in session since November, might have taken means to demand the first installment at Paris on the 2d day of February. Strictly speaking, it was their duty to do so, acting as trustees for the claimants; but they did not draw a bill of exchange at Washington for the first installment until five days after it had become due at Paris. This bill was not presented to the French Government for payment until the 23d of March, 1833. Even at that day, the French Ministry had not presented either the treaty or a bill to carry it into effect to the Chambers. The faith of France was thus violated by the neglect of the King's Government, long before any bill was presented. They, and not the Chambers, are responsible for this violation. It was even impossible for the Chambers to prevent it. Had this treaty and bill been laid before them in time to have enabled them to redeem the faith of France, the loyalty of the French character would never have permitted them to be guilty of a positive violation of national honor. The faith of the nation was forfeited before they were called upon to act. The responsibility was voluntarily assumed by the King's Ministers. The Chambers are clear of it. Besides, the Ministry were all powerful with the Chambers during that session. They carried everything they urged. Even the bill providing the means of guarantying the Greek loan, became a law. Can it, then, for a single moment, be believed, that, if a bill to carry into effect our treaty—a treaty securing such important advantages to France—had been presented at an early period of the session and had been pressed by the Ministry, they would have failed in the attempt? At all events, it was their imperative duty to pursue this course. The aspect of the political horizon in Europe was still lowering. There was still imminent danger of a general war. France was still in a position to make her dread any serious misunderstanding with the United States.

After all this, on the 26th of March, the Duke de Broglie, in a note to Mr. Niles, our Chargé d'Affaires at Paris, stated, that it was "a source 'of regret, and, indeed, of astonishment, that the 'Government of the United States did not think 'proper to have an understanding with that of 'France, before taking this step." What step? The demand of an honest debt, almost two months after it had been due, under a solemn treaty. Indeed, the Duke, judging from the tone of his note, appears almost to have considered the demand an insult. To make a positive engagement to pay a fixed sum on a particular day, and when that sum is demanded nearly two months after, to express astonishment to the creditor, would, in private life, be considered trifling and evasive.

The excuse made by the French Ministry for their conduct is altogether vain. Had they dreaded the vote of the Chambers—had they been afraid to appear before them with their treaty and their bill, they would, and they ought to have communicated their apprehensions to this Government, and ask it to suspend the demand of the money; but they had never whispered such a suspicion, after the exchange of the ratifications of the treaty; and the first intimation of it on this side of the Atlantic was accompanied by the astounding fact that the French Government had dishonored our bill. It is true that, before the treaty was signed, they had expressed some apprehensions to Mr. Rives on this subject. These, it would seem, from their subsequent conduct, were merely diplomatic, and intended to produce delay; because, from the date of the treaty, on the 4th of July, 1831, until after our bill of exchange was dishonored in March, 1833, no intimation of danger from that quarter was ever suggested. These circumstances made a great noise throughout Europe, and soon became the subject of general remark.

On the 6th of April, 1833, a year and more than two months after the exchange of the ratifications at Washington, the treaty and bill were first presented to the French Chambers. The session closed on the 25th of April, without any further action upon the subject. No attempt was made by the Ministry to press it; and as the session would terminate so soon, perhaps no attempt ought to have been made. But, as the new session was to commence the day after the termination of the old, and to continue two months, a favorable opportunity was thus presented to urge the passage of the law upon the Chambers. Was this done? No, sir. The Ministry still continued to pursue the same course. They suffered the remainder of the month of April to pass, the month of May to pass, and not until the 11th of June, only fifteen days before the close of the session, did they again present the bill to carry into effect the treaty. It was referred to a committee, of which Mr. Benjamin Delessert was the chairman. On the 18th of June he made a report. This report contains a severe reprimand of the French Government for not having presented the bill at an earlier period of the session; and expresses the hope that the treaty may be communicated at the opening of the next session. If we are to judge of the opinion of the Chamber from the tone and character of this report, instead of being hostile to the execution of the treaty, had it been presented to them in proper time, they felt every disposition to regard it in a favorable light. I shall read the whole report: it is very short, and is as follows:

"Gentlemen: The committee charged by you 'to examine the bill relative to the treaty con-'cluded on the 4th of July, 1831, between France 'and the United States, has demanded a number 'of documents and reports, which must be ex-'amined in order to obtain a complete knowledge 'of so important a transaction.

"The committee was soon convinced that a 'conscientious examination of these papers would 'require much time; and that, at so advanced a 'period of the session, its labors would have no 'definitive result. It regrets that, from motives 'which the Government only can explain, the 'bill was not presented earlier to the Chamber 'for discussion. It regrets this so much the more 'as it is convinced of the importance of the treaty, 'which essentially interests our maritime com-'merce, our agriculture, and our manufactures.

"Several chambers of commerce, particularly 'those of Paris and Lyons, have manifested an 'ardent desire that the business should be speed-'ily terminated.

"The committee would be satisfied if, after a 'deeper study of the question, it could enlighten 'the Chamber with regard to the justice of the 'claims alleged by each of the parties to the 'treaty, and which form the basis of it; but as 'time does not allow a definitive report to be made 'on the subject, it considers itself as the organ 'of the Chamber, in expressing the wish that 'this treaty be communicated at the opening of 'the next session; and that its result may be 'such as to strengthen the bonds of friendship 'which must ever exist between two nations so 'long united by common interest and sympathy."

After a careful review of this whole transaction, I am convinced that the Government of France never would have pursued such a course towards us, had they entertained a just sense of our power, and our willingness to exert it in behalf of our injured fellow-citizens. Had Russia or Austria been her creditors, instead of ourselves, the debt would have been paid when it became due; or at the least, the Ministers of the King would have exerted themselves in a far different manner, to obtain the necessary appropriation from the Chambers. I am again constrained, however reluctantly, to adopt the opinion which I had formed at the moment. Our fierce political strife in this country is not understood in Europe, and least of all, perhaps, in France. During the autumn of 1832, and the session of 1832-'3, it was believed abroad that we were on the very eve of a revolution; that our glorious Union was at the point of dissolution. I speak, sir, from actual knowledge. Whilst the advocates of despotism were looking forward, with eager hope, to see the last free Republic blotted from the face of nations, the friends of freedom throughout the world were disheartened, and dreaded the result of our experiment. The storm did rage in this country with the utmost violence. It is no wonder that those friends of liberty, on the other side of the Atlantic, who did not know how to appreciate the recuperative energies of a free and enlightened people, governed by Federal and State institutions of their own choice, should have been alarmed for the safety of the Republic. For myself I can say that I never felt any serious apprehension; yet the thrill of delight with which I received the news of the passage of the famous compromise law of March, 1833, can never be effaced from my memory. I did not then stop to inquire into the nature of its provisions. It was enough for me to know that the Republic was safe, not only in my own opinion, but in the opinion of the world.

Suppose, sir, that the President of the United States, under similar circumstances, had withheld

a treaty from Congress, requiring an appropriation, for fourteen months after it had been duly ratified, and had thus forfeited the national faith to a foreign Government, what would have been the consequence? Sir, he ought to have been, he would have been impeached. No circumstances could ever have justified such conduct in the eyes of the American Congress or the American people.

After all the provocation which the President had received, as the representative of his country, what was his conduct? It might have been supposed that this violent man, as the Senator from New Jersey [Mr. SOUTHARD] has designated him, would at once have recommended decisive measures. Judging from his energy,—from his well-known devotion to the interests of his country,—and above all, from his famous declaration to ask nothing from foreign nations but what was right, and to submit to nothing wrong, I should have expected from him an indignant message at the commencement of the next session of Congress. Instead of that, the message of December, 1833, in relation to French affairs, is of the mildest character. It breathes a spirit of confident hope that our ancient ally would do us justice during the next session of the Chambers. His exposition of this subject is concluded by the following declaration:

"As this subject involves important interests, and has attracted a considerable share of the public attention, I have deemed it proper to make this explicit statement of its actual condition: and should I be disappointed in the hope now entertained, the subject will be again brought to the notice of Congress in such a manner as the occasion may require."

And thus ends the first act of this astonishing historical drama. Throughout the whole of it, beginning, middle, and end, the French Government, and not the French Chambers, were exclusively to blame.

We have now arrived at the mission of Mr. Livingston. He reached Paris in September, 1833. The Duke de Broglie assured him "that 'the King's Government would willingly, and 'without hesitation, promise to direct the deliberations of the Chambers to the *projet de roi* relative to the execution of the convention of July '4, 1831, on the day after the Chamber is constituted, and to employ every means to secure the 'happy conclusion of an affair, the final determination of which the United States cannot desire 'more ardently than ourselves." After this assurance, and after all that had passed, it was confidently expected that the King would, in strong terms, have recommended the adoption of the appropriation by the Chambers. In this we were again doomed to disappointment. In his opening speech, he made no direct allusion to the subject. He simply says, that "the financial laws, and those required for the execution of treaties, will be presented to you."

The bill was presented, and debated, and finally rejected by the Chamber of Deputies on the 1st day of April, 1834, by a vote of 176 to 168. It is not my present purpose to dwell upon the cause of this rejection. No doubt the principal one was, that the French Ministers were surprised near the conclusion of the debate, and were unable at the moment to show that the captures at St. Sebastian were not included in our treaty with Spain. I am sorry they were not better prepared upon this point; but I attribute to them no blame on that account.

It has been urged over and over again, both on this floor and elsewhere, that the rejection of the treaty was occasioned by the publication in this country of Mr. Rives's letter to Mr. Livingston, of the 8th July, 1831. Is this the fact? If it be so, it ought to be known to the world. If it be not, both the character of this Government and of Mr. Rives should be rescued from the imputation. What is the opinion expressed in this letter? Is it that the American claimants would obtain, under the treaty, more than the amount of their just claims? No such thing. Is it that they would obtain the amount of their just claims with interest? Not even this. The negotiator merely expresses the opinion that they would receive every cent of the principal. He does not allege that they would receive one cent of interest for a delay of nearly a quarter of a century. This opinion is evidently founded upon that expressed by Mr. Gallatin, in a dispatch dated on the 14th of January, 1822, cited by Mr. Rives, in which the former expresses his belief that $5,000,000 would satisfy all our just claims. It ought to be observed that the sum stipulated to be paid by the treaty is only twenty-five millions of francs, or about $4,700,000; and that more than nine years had elapsed between the date of Mr. Gallatin's dispatch and the signing of the treaty. These facts all appear on the face of the letter, with the additional fact, that the statements of the claimants, which have from time to time been presented to Congress, carry the amount of the claims much higher. The statements, however, Mr. Rives did not believe were a safe guide.

This is the amount of the letter, when fairly analyzed, which, it is alleged, destroyed the treaty before the French Chambers. If a copy of it had been placed in the hands of every Deputy, it could not possibly have produced any such effect.

That it did not occasion the rejection of the treaty is absolutely certain. I have examined the whole debate for the purpose of discovering any allusion to this letter, but I have examined it in vain. Not the slightest trace of the letter can be detected in any of the numerous speeches delivered on that occasion. The topics of opposition were various, and several of them of a strange character, but the letter is not even once alluded to throughout the whole debate. If its existence were known at the time in the French Chambers, the letter, written by a Minister to his own Government, expressing a favorable opinion of the result of his own negotiations, was a document of a character so natural, so much to be expected, that not one Deputy in opposition to the treaty believed it to be of sufficient importance even to merit a passing notice. Still, I have often thought it strange it had never been mentioned in the debate. The mystery is now revealed. The truth is, this letter, which is alleged to have produced such fatal effects, was entirely unknown to the members of the French Chamber when they rejected the treaty. This fact is well established by a letter from Mr. Jay, the chairman of the committee appointed by the Chamber of Deputies to investigate our claims, addressed to Mr. Gibbes, and dated at Paris on the 24th of January, 1835. I shall read it:

Extract of a letter from Mr. Jay to Mr. Gibbes, dated 24th of January, 1835.

"It is asserted in the American prints that the rejection of the American treaty by the Chamber of Deputies, at their last session, was chiefly owing to the publication of a letter from Mr. Rives to his own Government. This is an error which justice to that distinguished statesman, and a sense of his unremitting exertions to promote the interests of his Government while here, induced me formally to contradict. No such evidence appears in the debates; and in none of my conversations with the members, have I ever heard his letter alleged as the motive for disputing the amount due. I much question, indeed, if any other Deputy than myself ever read the letter alluded to."

We have now arrived at that point of time when a majority of the French Chamber arrayed themselves against the treaty. This decision was made on the 1st of April, 1834. Some apprehensions then prevailed among the King and his Ministers. The business was now becoming serious. New assurances had now become necessary to prevent the President from presenting the whole transaction to Congress, which they knew would still be in session, when the information of the rejection would reach the United States. In his annual message at the commencement of the session, it will be recollected, he had declared that, should he be disappointed in the hope then entertained, he would again bring the subject before Congress in such a manner as the occasion might require. They knew that he was a man who performed his promises, and a great effort was to be made to induce him to change his purpose.

Accordingly, a French brig of war, the Cuirassier, is fitted out with dispatches to Mr. Serrurier. They reached him on the 3d of June. On the 4th he has an interview with Mr. McLane, and makes explanations which the latter very properly requests may be reduced to writing. In compliance with this request the French Minister, on the 5th, addresses a note to Mr. McLane. After expressing the regrets of the French Government at the rejections of the bill, he uses the following language: "The King's Government, sir, after this rejection, the object of so 'much painful disappointment to both Governments, has deliberated, and its unanimous determination has been to make an appeal from 'the first vote of the present Chamber to the 'next Chamber, and to appear before the new 'Legislature with its treaty and its bill in hand.

"It flatters itself that the light already thrown 'upon this serious question, during these first 'debates, and the expression of the public wishes 'becoming each day more clear and distinct, and 'finally, a more mature examination, will have, 'in the mean time, modified the minds of persons, 'and that its own conviction will become the 'conviction of the Chambers. The King's Government, sir, will make every loyal and constitutional effort to that effect, and will do all that 'its persevering persuasion of the justice and of 'the mutual advantages of the treaty authorize 'you to expect from it. Its intention, moreover, 'is to do all that our constitution allows; to 'hasten, as much as possible, the period of the 'new presentation of the rejected law.

"Such, sir, are the sentiments, such the intentions of his Majesty's Government. I think 'I may rely that, on its part, the Government of 'the Republic will avoid, with foreseeing solicitude, in this transitory state of things, all that 'might become a cause of fresh irritation between 'the two countries, compromit the treaty, and 'raise up an obstacle, perhaps insurmountable, 'to the views of reconciliation and harmony 'which animate the King's council."

Now, sir, examine this letter, even without any reference to the answer of Mr. McLane, and can there be a doubt as to its true construction? It was not merely the disposition, but "it was the *intention* of the King's Government 'to do all that their Constitution allows; to hasten, 'as much as possible, the period of the new presentation of the rejected law." The President knew that under the Constitution of France the King could at any time convoke the Chambers upon three weeks' notice. It was in his power, therefore, to present this law to the Chambers whenever he thought proper. The promise was to hasten this presentation as much as possible. Without anything further, the President had a right confidently to expect that the Chambers would be convoked in season to enable him to present their decision to the Congress of the United States in his next annual message. The assurance was made on the 5th of June, and Congress did not assemble until the beginning of December. But the letter of Mr. McLane, of the 27th of June, removes all possible doubt from this subject. He informs Mr. Serrurier that, "the President is still unable to understand 'the causes which led to the result of the proceeding in the Chamber, especially when he 'recollected the assurances which had so often 'been made by the King and his Ministers, of 'their earnest desire to carry the convention into 'effect, and the support which the Chamber had 'afforded in all the other measures proposed by 'the King." And again:

"The assurances which M. Serrurier's letter 'contains of the adherence of the King's Government to the treaty; of its unanimous determination to appeal from the decision of the 'present to the new Chamber, and its conviction 'that the public wish and a mature examination 'of the subject will lead to a favorable result, and 'its intention to make every constitutional effort 'to that effect; and, finally, its intention to do all 'that the Constitution allows to hasten the presentation of the new law, have all been fully 'considered by the President.

"Though fully sensible of the high responsibility which he owes to the American people in 'a matter touching so nearly the national honor, 'the President, still trusting to the good faith and 'justice of France, willing to manifest a spirit of 'forbearance so long as it may be consistent with 'the rights and dignity of his country, and truly 'desiring to preserve those relations of friendship 'which, commencing in our struggle for independence, form the true policy of both nations, 'and sincerely respecting the King's wishes, will

'rely upon the assurances which M. Serrurier 'has been instructed to offer, and will therefore 'await with confidence the promised appeal to 'the new Chamber.

"The President, in desiring the undersigned to 'request that his sentiments on this subject may 'be made known to His Majesty's Government, 'has instructed him also to state his expectation 'that the King, seeing the great interests now in-'volved in the subject, and the deep solicitude felt 'by the people of the United States respecting it, 'will enable him, when presenting the subject to 'Congress, as his duty will require him to do at 'the opening of their next session, to announce 'at that time the result of that appeal, and of His 'Majesty's efforts for its success."

Had this letter of Mr. McLane placed a differ-ent construction upon the engagement of the French Government from that which Mr. Ser-rurier intended to communicate, it was his duty to make the necessary explanations without delay. He, in that case, would have done so instantly. It was a subject of too much importance to suffer any misapprehension to exist concerning it for a single moment.

Notwithstanding all which had passed, the President, on the faith of these assurances of the French Government, suffered Congress to adjourn without presenting the subject to their view. This rash, this violent man, instigated by his own good feelings towards our ancient ally, and by his love of peace, determines that he would try them once more, that he would once more extend the olive branch before presenting to Congress and the na-tion a history of our wrongs. I confess I do not approve of this policy. I think the time had then arrived to manifest to France some sensibility on our part on account of her delay in executing the treaty. I believe that such a course would have been dictated by sound policy.

What were the consequences of this new mani-festation of the kindly feelings of the President towards France? Was it properly appreciated by the French Government? Was it received in the same liberal and friendly spirit from which it had proceeded? Let the sequel answer these questions. I shall read you Mr. Livingston's opinion on the subject. In a letter to Mr. For-syth, under date of the 22d of November, 1834, he thus expresses himself:

"I do not hope for any decision on our affairs 'before the middle of January. One motive for 'delay is an expectation that the message of the 'President may arrive before the discussion, and 'that it may contain something to show a strong 'national feeling on the subject. *This is not mere 'conjecture; I know the fact;* and I repeat now, from a full knowledge of the case, what I have 'more than once stated in my former dispatches 'as my firm persuasion, that the moderate tone 'taken by our Government when the rejection 'was first known, was attributed by some to in-'difference, or to a conviction on the part of the 'President that he would not be supported in 'any strong measure by the people, and by 'others to a consciousness that the convention 'had given us more than we were entitled to 'ask."

I shall now proceed to show in what manner the French Government performed the engage-ment which had been made by their representa-tive in Washington, to hasten the presentation of the rejected law as much as possible.

The Chambers met on the 31st of July, and the King made them a speech. This speech contains no allusion to the subject of the treaty except the following: "The laws necessary for 'carrying treaties into effect, and those still re-'quired for the accomplishment of the promises 'of the Chamber, will be again presented to you 'in the course of this session." The rejected bill was not presented. After a session of two weeks, the Chambers were prorogued on the 16th of August until the 29th of December—a day almost a month after the next meeting of Congress.

I admit that strong reasons existed for dispens-ing with that part of the obligation which required the French Government to present the bill at this short session. No good reason has ever been alleged or can be alleged to excuse them for pro-roguing the Chambers until so late a day as the 29th of December. They might have met, and they ought to have met, at an early period of the autumn. They have heretofore met, on different occasions, for the dispatch of business, in every month of the year. It was in vain that Mr. Liv-ingston urged the necessity of an earlier meeting on the Count de Rigny. It was in vain that he appealed to the positive engagement of the French Government made by Mr. Serrurier. It was in vain that he declared to him, "that the President 'could not, at the opening of the next session of 'Congress, avoid laying before that body a state-'ment of the then position of affairs on this inter-'esting subject, nor, under any circumstances, 'permit that session to end, as it must, on the 3d 'of March, without recommending such meas-'ures as he may deem that justice and the honor 'of the country may require." All his remon-strances were disregarded. Instead of hastening the presentation of the rejected law as much as possible, they refused to assemble the Chambers in time even to present the bill before the meeting of Congress. Their meeting was so long delayed, as to render it almost impossible that their determ-ination should be known in this country before the close of the session, notwithstanding the President had agreed not to present the subject to Congress at the previous session, under a firm conviction that he would receive this determina-tion in time to lay it before them at the commence-ment of their next session. Is there a Senator in this Hall who can believe for a moment that if the President had been informed the rejected bill would not be laid before the Chambers until the 29th of December, he would have refrained from communicating to Congress, at their pre-vious session, the state of the controversy between the two countries? Upon this construction, the engagement of the French Government was mere words, without the slightest meaning; and the national vessel which brought it in such solemn form, might much better have remained at home.

What was the apology—what the pretext under which the King's Government refused to assem-ble the Chambers at an earlier period? It was, that Mr. Serrurier had made no engagement to that effect, and that the intention which he had expressed in behalf of his Government to do all that the Constitution allows, to hasten, as much as possible, the period of the new presentation of the rejected law, meant no more than that this was their disposition. The word "intention" is thus changed into "disposition" by the Count de Rigny; and the whole engagement which was presented to the President in such an imposing form, was thus converted into a mere unmeaning profession of their desire to hasten this presenta-tion as much as possible.

Sir, at the commencement of the session of Congress, it became the duty of the President to speak; and what could any American expect that he would say? The treaty had been violated in the first instance by the Ministers of the French King, in neglecting to lay it before the Chambers until after the first installment was due. It was then twice submitted at so late a period of the session, that it was impossible for the Chambers to examine and decide the question before their adjournment. On the last of these occasions, the chairman of the committee to which the subject was referred had reported a severe reprimand against the Government for not having sooner presented the bill, and expressed a hope that it might be presented at an early period of the next session. It was then rejected by the Chamber of Deputies; and when the French Government had solemnly engaged to hasten the presentation of the rejected law as soon as their constitution would permit, they prorogue the Chambers to the latest period which custom sanctions, in the very face of the remonstrances of the Minister of the United States. I ask again, sir, before such an array of circumstances, what could any man, what could any American expect the Pres-ident would say in his message? The cup of forbearance had been drained by him to the very dregs. It was then his duty to speak so as to be heard and to be regarded on the other side of the Atlantic. If the same spirit which dictated the message, or anything like it, had been mani-fested by Congress, the money, in my opinion, would, ere this, have been paid.

The question was then reduced to a single point. We demanded the execution of a solemn treaty; it had been refused. France had prom-ised again to bring the question before the Cham-bers as soon as possible. The Chambers were prorogued until the latest day. The President had every reason to believe that France was tri-fling with us, and that the treaty would again be rejected. Is there a Senator within the sound of my voice, who, if France had finally determ-ined not to pay the money, would have tamely submitted to this violation of national faith? Not one!

The late war with Great Britain elevated us in the estimation of the whole world. In every portion of Europe we have reason to be proud that we are American citizens. We have paid dearly for the exalted character we now enjoy among the nations, and we ought to preserve it, and transmit it unimpaired to future generations. To them it will be a most precious inheritance.

If, after having compelled the weaker nations of the world to pay us indemnities for captures made from our citizens, we should cower before the power of France, and abandon our rights against her when they had been secured by a solemn treaty, we should be regarded as a mere Hector among the nations. The same course which you have pursued towards the weak, you must pursue towards the powerful. If you do not, your name will become a by-word and a proverb.

But under all the provocations which the coun-try had received, what is the character of that message? Let it be scanned with eagle eyes, and there is nothing in its language at which the most fastidious critic can take offense. It contains an enumeration of our wrongs in mild and dignified language, and a contingent recommendation of reprisals, in case the indemnity should again be rejected by the Chambers. But in this, and in all other respects, it defers entirely to the judg-ment of Congress. Every idea of an intended menace is excluded by the President's express declaration. He says: "Such a measure ought 'not to be considered by France as a menace. 'Her pride and power are too well known to 'expect anything from her fears, and preclude 'the necessity of the declaration, that nothing 'partaking of the character of intimidation is in-'tended by us."

I ask again, is it not forbearing in its language? Is there a single statement in it not founded upon truth? Does it even state the whole truth against France? Are there not strong points omitted? All these questions must be answered in the affirmative. On this subject, we have strong evidence from the Duke de Broglie himself. In his famous letter to Mr. Pageot of June 17, 1835—the arrow of the Parthian as he flew—this fact is admitted. He says:

"If we examine in detail the message of the 'President of the United States, (I mean that part 'of it which concerns the relations between the 'United States and France,) it will possibly be 'found, that passing successively from phrase to 'phrase, none will be met that cannot bear an in-'terpretation more or less plausible, nor of which, 'strictly speaking, it cannot be said that it is a sim-'ple *exposé* of such a fact, true in itself, or the 'assertion of such or such a right which no one 'contests, or the performance of such or such an 'obligation imposed on the President by the very 'nature of his functions. There will certainly be 'found several in which the idea of impeaching 'the good faith of the French Government, or of 'acting upon it through menace or intimidation, 'is more or less disavowed."

It was the whole message, and not any of the detached parts, at which the French Government chose to take offense.

It is not my present purpose to discuss the propriety of the recommendation of reprisals, or whether that was the best mode of redress which could have been suggested. Some decided recom-mendation, however, was required from the Ex-ecutive, both by public opinion and by the wrongs which we had so long patiently endured.

Who can suppose that the Executive intended

to menace France, or to obtain from her fears what would be denied by her sense of justice? The President, in this very message, expressly disclaims such an idea. Her history places her far above any such imputation. The wonder is, how she could have ever supposed the President, against his own solemn declaration, intended to do her any such injustice. She ought to have considered it as it was, a mere executive recommendation to Congress, not intended for her at all—not to operate upon their fears, but upon their deliberations in deciding whether any and what measures had been adopted to secure the execution of the treaty. But on this object I shall say more hereafter.

We have now arrived at the special message of the President to Congress of the 26th of February last; a document which has a most important bearing on the appropriation of the $3,000,000 which was rejected by the Senate. I have given this historical sketch of our controversy with France for the purpose of bringing Senators to the very point of time, and to the precise condition of this question, when the Senate negatived that appropriation.

What had Congress done in relation to the French question when this message was presented to us? Nothing, sir, nothing. The Senate had unanimously passed a resolution on the 15th of January, that it was inexpedient, at present, to adopt any legislative measure in regard to the state of affairs between the United States and France. This unanimity was obtained by two considerations. The one was, that the French Chambers had convened, though not for the purpose of acting upon our treaty, on the 1st, instead of the 29th of December, a fact unknown to the President at the date of his message. The other, that this circumstance afforded a reasonable ground of hope that we might learn their final determination before the close of our session on the 3d of March. But whatever may have been the causes, the Senate had determined that, for the present, nothing should be done.

In the House of Representatives, at the date of the special message on the 26th of February, no measure whatever had been adopted. The President had just cause to believe that the sentiments contained in his message to Congress, at the commencement of their session, were not in unison with the feelings of either branch of the Legislature. He, therefore, determined to lay all the information in his possession before Congress, and leave it for them to decide whether any or what measures should be adopted for the defense of the country. I shall read this passage. t is as follows:

"I transmit to Congress a report from the Secretary of State, with copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given to that Minister, and of all the late correspondence with the French Government in Paris, or in Washington, except a note of Mr. Serrurier, which, for reasons stated in the report, is not now communicated.

"It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France with his legation, and return to the United States, if an appropriation for the fulfillment of the convention shall be refused by the Chambers.

"The subject being now, in all its present aspects, before Congress, whose right it is to decide what measures are to be pursued on that event, I deem it unnecessary to make further recommendation, being confident that, on their part, everything will be done to maintain the rights and honor of the country which the occasion requires."

The President leaves the whole question to Congress. What was the information then communicated? That a very high state of excitement existed against us in France. That the French Minister had been recalled from this country; an act which is generally the immediate precursor of hostilities between nations. Besides, Mr. Livingston, who was a competent judge and on the spot, with the best means of knowledge, informed his Government, that he would not be surprised, should the law be rejected, if they anticipated our reprisals by the seizure of our vessels in port, or the attack of our ships in the Mediterranean by a superior force. Such were his apprehensions upon this subject that he felt it to be his duty, without delay, to inform Commodore Patterson of the state of things, so that he might be upon his guard.

Ought these apprehensions of Mr. Livingston to have been discouraged? Let the history of that gallant people answer this question. How often has the injustice of their cause been concealed from their own view, by the dazzling brilliancy of some grand and striking exploit? Glory is their passion, and their great Emperor, who knew them best, often acted upon this principle. To anticipate their enemy, and commence the war with some bold stroke, would be in perfect accordance with their character.

Every Senator, when he voted upon the appropriation, must have known, or at least might have known, all the information which was contained in the documents accompanying the President's message.

It has been objected, that if the President desired this appropriation of $3,000,000, he ought to have recommended it in his message. I protest against this principle. He acted wisely, discreetly, and with a becoming respect for Congress, to leave the whole question to their decision. This was especially proper, as he had not thought proper to adopt any measure in relation to the subject.

Suppose the President had, in his special message, recommended this appropriation, what would have been said, and justly said, upon the subject? Denunciations the most eloquent would have resounded against him throughout the whole country from Georgia to Maine. It would have everywhere been proclaimed as an act of Executive dictation. In our then existing relations with France, it would have been said, and said with much force, that such a recommendation from the Executive might have had a tendency to exasperate her people, and produce war. Besides, I shall never consent to adopt the principle, that we ought to take no measures to defend the country without the recommendation of the Executive. This would be to submit to that very dictation, against which, on other occasions, gentlemen themselves have so loudly protested. No, sir, I shall always assert the perfect right of Congress to act upon such subjects, independently of any Executive recommendation.

This special message was referred to the Committee on Foreign Relations, in the House of Representatives, on the 26th of February. On the next day they reported three resolutions, one of which was, "that contingent preparations ought to be made to meet any emergency growing out of our relations with France." The session was rapidly drawing to a close. But a few days of it then remained. It would have been vain to act upon this resolution. It was a mere abstraction. Had it been adopted, it could have produced no effect; the money was wanted to place the country in a state of defense, and not a mere opinion that it ought to be granted. The chairman of the Committee on Foreign Relations, therefore, on the 28th of February, had this resolution laid upon the table, and gave notice that he would move an amendment to the fortification bill, appropriating $3,000,000, $1,000,000 to the Army, and $2,000,000 to the Navy, to provide for the contingent defense of the country.

It has been urged that, because the President, in his last annual message, has said that this contingent appropriation was inserted according to his views, some blame attaches to him from the mode of its introduction. Without pretending to know the fact, I will venture the assertion, that he never requested any member, either of this or the other branch of the Legislature, to make such a motion. He had taken his stand—he had left the whole subject to Congress. From this he never departed. If the chairman of any committee, or any other member of the Senate or the House, called upon him to know his views upon the subject, he no doubt communicated them freely and frankly. This is his nature. Surely no blame can attach to him for having expressed his opinion upon this subject to any member who might ask it. It has been the uniform course pursued on such occasions.

On the 2d of March, the House of Representatives, by a unanimous vote, resolved that, in their opinion, the treaty with France, of the 4th July, 1834, should be maintained, and its execution insisted on. This was no party vote. It was dictated by a common American feeling, which rose superior to party. After this solemn declaration of the House, made in the face of the world, how could it be supposed they would adjourn without endeavoring to place the country in an attitude of defense? What, sir! the Representatives of the people, with an overflowing Treasury, to leave the country naked and exposed to hostile invasion, and to make no provision for our Navy, after having declared unanimously that the treaty should be maintained! Who could have supposed it?

On the 3d of March, upon the motion of the chairman of the Committee on Foreign Relations, [Mr. CAMBRELENG,] and in pursuance of the notice which he had given on the 28th of February, this appropriation of $3,000,000 was annexed as an amendment to the fortification bill. The vote upon the question was 109 in the affirmative and 77 in the negative. This vote, although not unanimous, like the former, was no party vote. The bill, thus amended, was brought to the Senate. Now, sir, let me ask, if this appropriation had proceeded from the House alone, without any message or any suggestion from the Executive, would not this have been a legitimate source? Ought such an appropriation to be opposed in the Senate, because it had not received Executive sanction? Have the Representatives of the people no right to originate a bill for the defense and security of their constituents, and their country, without first consulting the will of the President? For one, I shall never submit to any such slavish principle. It would make the Executive everything, and Congress nothing.

Had the indemnity been absolutely rejected by the Chambers, the two nations would have been placed in a state of defiance towards each other. In such a condition it was the right, nay more, it was the imperative duty, of the House of Representatives to make contingent preparation for the worst. The urgency of the case was still more striking, because, in ten or eleven of the States, Representatives could not be elected until months after the adjournment, and therefore Congress could not have been assembled to meet any emergency which might occur.

But, sir, does it require a recommendation of the Executive, or a vote of the House of Representatives, to originate such an appropriation? Any individual Senator, or member of the House, may do it with the strictest propriety. Did the Senator from Delaware [Mr. CLAYTON] ask the approbation of the President, before he made the motion at the last session, which does him so much honor, to increase the appropriation for fortifications, $500,000? How did the amendments proposed by the Senator from Massachusetts [Mr. WEBSTER] to the fortification bill of the last session originate? I presume from the Committee on Finance, of which he was the chairman. No doubt he conferred with the head of the proper executive Department, according to the custom in such cases; but still these appropriations of more than $400,000 had their origin in that committee. It was a proper legitimate source. Is, then, the ancient practice to be changed, and must it become a standing rule that we are to appropriate no money without the orders or the expressed wish of the Executive? I trust not.

The form of this appropriation has been objected to. I shall read it:

"*And be it further enacted*, That the sum of $3,000,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the Navy: *Provided*, Such expenditures shall be rendered necessary for the defense of the country, prior to the next meeting of Congress."

It has been urged that to grant the money in such general terms would have been a violation of the Constitution. I do not understand that the Senator from Massachusetts, [Mr. WEBSTER,]

at the present session, has distinctly placed it upon this ground. Other Senators have done so in the strongest terms. Is there anything in the Constitution which touches the question? It simply declares that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." Whether these appropriations shall be general or specific is left entirely, as it ought to have been, to the discretion of Congress. I admit that, *ex vi termini*, an appropriation of money must have a reference to some object. But whether you refer to a class, or to an individual, to the genus or to the species, your appropriation is equally constitutional. The degree of specification necessary to make the law valid never can become a constitutional question. The terms of the instrument are as broad and as general as the English language can make them. In this particular, as in almost every other, the framers of the Constitution have manifested their wisdom and their foresight. Cases may occur and have occurred in the history of this Government, demanding the strictest secrecy—cases in which to specify would be to defeat the very object of the appropriation. A remarkable example of this kind occurs in the administration of Mr. Jefferson, to which I shall presently advert.

There are other cases in which from the very nature of things you cannot specify the objects of an appropriation without the gift of prophecy. I take the present to be a clear case of this description. The appropriation was contingent; it was to be for the defense of the country. How then could it have been specific? How could you foresee when, or where, or how the attack of France would be made? Without this foreknowledge, you could not designate when, or where, it would become necessary to use the money. This must depend upon France, not upon ourselves. She might be disposed to confine the contest merely to a naval war. In that event it would become necessary to apply the whole sum to secure us against naval attacks. She might threaten to invade Louisiana or any other portion of the Union. The money would then be required to call out the militia, and to march them and the regular Army to that point. Everything must depend upon the movements of the enemy. It might become necessary, in order most effectually to resist the contemplated attack, to construct steam frigates or steam batteries, or it might be deemed more proper to increase your ordinary Navy and complete and arm your fortifications. In a country where Congress cannot be always in session, you must in times of danger, grant some discretionary powers to the Executive. This should always be avoided when it is possible consistently with the safety of the country. But it was wise, it was prudent in the framers of the Constitution, in order to meet such cases, to declare in general terms that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." Not specific appropriations. The terms are general and unrestricted. If the amendment had appropriated $1,000,000 to fortifications, the second million to the increase of the Navy, and the third to the purchase of ordnance and arms, it might have been found that a great deal too much had been appropriated to one object, and a great deal too little to another.

As a matter of expediency, as a means of limiting the discretion of executive officers, I am decidedly friendly to specific appropriations, whenever they can be made. I so declared in the debate at the last session. I then expressed a wish that this appropriation had been more specific; but upon reflection, I do not see how it could have been made much more so, unless we had possessed the gift of prophecy. But the Constitution has nothing to do with the question.

After all, I attached more value to specific appropriations before I had examined this subject, than I do at the present moment. Still I admit their importance. The clause which immediately follows in the Constitution is the true touchstone of responsibility. Although the appropriation may be general, yet "a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." No matter in what language public money may be granted to the Executive, in its expenditure he is but the mere trustee of the American people, and he must produce to them his vouchers for every cent intrusted to his care. This constitutional provision holds him to a strict responsibility—to a responsibility much more severe than if Congress had been required in all cases to make specific appropriations.

How Senators can create a dictator, and give him unlimited power over the purse and the sword out of such an appropriation, I am at a loss to conceive. It is a flight of imagination beyond my reach. What, sir, to appropriate $3,000,000 for the military and naval defense of the country, in case it should become necessary during the recess of Congress, and at its next meeting to compel the President to account for the whole sum he may have expended, is this to create a dictator? Is this to surrender our liberties into the hands of one man? And yet gentlemen have contended for this proposition.

What has been the practice of the Government in regard to this subject? During the period of our two first Presidents appropriations were made in the most general terms. No one then imagined that this was a violation of the Constitution. When Mr. Jefferson came into power, this practice was changed. In his message to Congress of December 8, 1801, he says: "In our care, 'too, of the public contributions intrusted to our 'discretion, it would be prudent to multiply bar-'riers against their dissipation, by appropriating 'specific sums to every specific purpose *suscept-'ible of definition.*" *Susceptible of definition.* Here is the rule, and here is the exception. He treats the subject not as a constitutional question, but as one of mere expediency. In little more than two short years after this recommendation, Mr. Jefferson found it was necessary to obtain an appropriation from Congress in the most general terms. To have made it specific would necessarily have defeated its very object. Secrecy was necessary to success. Accordingly on the 26th February, 1803, Congress made the most extraordinary appropriation in our annals. They granted to the President the sum of $2,000,000 "for the purpose of defraying any extraordinary 'expenses which may be incurred in the inter-'course between the United States and foreign 'nations." Here, sir, was a grant almost without any limit. It was coextensive with the whole world. Every nation on the face of the earth was within the sphere of its operation. The President might have used this money to subsidize foreign nations to destroy our liberties. That he was utterly incapable of such conduct it is scarcely necessary to observe. I do not know that I should have voted for such an unlimited grant. Still, however, there was a responsibility to be found in his obligation under the Constitution to account for its expenditure. Mr. Jefferson never used any part of this appropriation. It had been intended for the purchase of the sovereignty of New Orleans and of other possessions in that quarter; but our treaty with France of the 30th April, 1803, by which Louisiana was ceded to us, rendered it unnecessary for him to draw any part of this money from the Treasury, under the act of Congress by which it had been granted.

Before the close of Mr. Jefferson's second term, it was found that specific appropriations in the extent to which they had been carried, had become inconvenient. Congress often granted too much for one object, and too little for another. This must necessarily be the case, because we cannot say beforehand precisely how much shall be required for any one purpose. On the 3d of March, 1809, an act was passed, which was approved by Mr. Jefferson, containing the following provision:

"*Provided, nevertheless*, That, during the recess of Congress, the President of the United States may, and he is hereby authorized, on the application of the Secretary of the proper Department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated for a particular branch of expenditure in that Department, be applied to another of expenditure in the same Department; in which case, a special account of the moneys thus transferred, and of their application, shall be laid before Congress during the first week of their next ensuing session."

Is this act constitutional? If it be so, there is an end of the question. Has its constitutionality ever been doubted? It authorizes the President to take the money appropriated by Congress for one specific object and apply it to another. The money destined for any one purpose by an appropriation bill may be diverted from that purpose by the President, and be applied to any other purpose entirely different, with no limitation whatever upon his discretion, except that money to be expended by one of the Departments, either of War, or of the Navy, or of the Treasury, could not be transferred to another Department.

It is not my intention to cite all the precedents bearing upon this question. I shall merely advert to one other. On the 10th of March, 1812, Congress appropriated $500,000 "for the purpose of fortifying and defending the maritime frontier of the United States." This was in anticipation of the late war with Great Britain, and is as general in its terms, and leaves as much to Executive discretion, as the proposed appropriation of $3,000,000.

I trust, then, that I have established the position that this appropriation originated from a legitimate source—was necessary for the defense and honor of the country, and violated no provision of the Constitution. If so, it ought to have received the approbation of the Senate.

When the fortification bill came back to the Senate, with this appropriation attached to it by the House, the Senator from Massachusetts [Mr. WEBSTER] instantly moved that it should be rejected. I feel no disposition to make any harsh observations in relation to that gentleman. I think, however, that his remark, that if the enemy had been thundering at the gates of the Capitol, he would have moved to reject the appropriation, was a most unfortunate one for himself. I consider it nothing more than a bold figure of speech. I feel the most perfect confidence that the gentleman is now willing to vote all the money which may be necessary for the defense of the country. Of the gentleman's sincerity in opposing this appropriation, I did not then, nor do I now, entertain a doubt. He was ardent and impassioned in his manner, and was evidently in a state of highly excited feeling. Probably strong political prejudices may have influenced his judgment, without his knowledge. He thought that a high constitutional question was involved in the amendment, and acted accordingly.

When the bill returned again to the Senate, after we had rejected, and the House had insisted upon their amendment, the Senator immediately moved that we should adhere to our rejection. I well recollect, sir, that you [Mr. KING, of Alabama, was in the chair] remarked at the time, that this was a harsh motion, and should it prevail, would be well calculated to exasperate the feelings of the House and to defeat the bill. You then observed that the proper motion would be to insist upon our rejection, and ask a conference; and that the motion to adhere ought not to be resorted to until all gentler measures had failed.

The Senator now claims the merit, and is anxious to sustain the responsibility, of having moved to reject this appropriation. He also asks in mercy, that when the expunging process shall commence, his vote, upon this occasion, may be spared from its operation.

For the sake of my country, and in undisguised sincerity of purpose, I declare, for the sake of the gentleman, I am rejoiced that the responsibility which he covets will, probably not be so dreadful as we had just reason to apprehend. Had France attacked us, or should she yet attack us, in our present defenseless condition; should our cities be exposed to pillage, or the blood of our citizens be shed, either upon the land or the ocean; should our national character be dishonored, tremendous, indeed, would be the responsibility of the gentleman. In the event, he need not beseech us to spare his vote from the process of expunging. You might as well attempt to expunge a sunbeam. That vote will live forever in the memory of the American people.

It was the vote of the Senate which gave the mortal blow to the fortification bill. Had they

passed this appropriation of $3,000,000, that bill would not have been a law. Where it died, it is scarcely necessary to inquire. It was in mortal agony when the consultation of six political doctors was held upon it at midnight in our conference chamber, and it probably breathed its last on its way from that chamber to the House of Representatives for want of a quorum in that body.

Its fate, in one respect, I hope may yet be of service to the country. It ought to admonish us, if possible, to do all our legislative business before midnight on the last day of the session. I never shall forget the night I sat side by side in the House of Representatives with the Senator from Massachusetts, [Mr. WEBSTER,] until the morning had nearly dawned. The most important bills were continually returning from the Senate with amendments. It would have been in the power of any one member remaining in the House to have defeated any measure by merely asking for a division. This would have showed that no quorum was present. The members who still remained were worn down and exhausted, and were thus rendered incapable of attending to their duties. It was legislation without deliberation. I trust that this evil may be now corrected. Should it not, I do not know that, at the conclusion of a Congress, my conscience would be so tender as to prevent me from voting, as I have done heretofore, after midnight on 3d of March.

I have one other point to discuss. I shall now proceed to present to the Senate the state of our relations with France, at the present moment, for the purpose of proving that we ought to adopt the resolutions of the Senator from Missouri, [Mr. BENTON,] and grant all appropriations necessary for the defense of the country. For this purpose we must again return to Paris. The President's annual message, of December, 1834, arrived in that city on the 8th of January—a day propitious in our annals. The attack upon the British troops on the night of the 23d December did not surprise them more than this message did the French Ministers. After the most patient endurance of wrongs for so many years, they seemed to be astounded that the President should have asserted our rights in such a bold and manly manner. That measure, sir, will eventually produce the payment of the indemnity. What effect had it upon the character of our country abroad? Let Mr. Livingston answer this question? In writing to the Secretary of State, on the 11th of January, 1835, he says: "It has 'certainly raised us in the estimation of other 'Powers, if I may judge from the demeanor of 'their representatives here; and my opinion is, 'that as soon as the first excitement subsides, it 'will operate favorably on the councils of 'France." There was not an American in Paris on that day, who, upon the perusal of this message, did not feel the flush of honest pride of country mantling in his countenance.

On the 22d of November previous, Mr. Livingston was convinced that the King was sincere in his intention of urging the execution of the treaty, and then had no doubt of the sincerity of his Cabinet. The Chamber assembled on the 1st of December; and, after an arduous struggle of two days against the opposition, victory perched upon the banner of the Ministers. They were thus securely seated in their places. On the 6th of December, Mr. Livingston again writes, that "the conversations I have had with 'the King and all the Ministers, convince me that 'now they are perfectly in earnest, and united on 'the question of the treaty, and that it will be 'urged with zeal and ability." In a few short days, however, a change came over their spirit. On the 22d of December, Mr. Livingston uses the following language, in writing to the Department of State: "My last dispatch (6th of December) was 'written immediately after the vote of the Chamber of Deputies had, as it was thought, secured 'a majority to the administration; and it naturally excited hopes which that supposition was 'calculated to inspire. I soon found, however, 'both from the tone of the Administration press 'and from the language of the King, and all the 'Ministers with whom I conferred on the subject, that they were not willing to put their popularity to the test on our question; it will not be 'made one on the determination of which the 'Ministers are willing to risk their portfolios. The 'very next day after the debate, the Ministerial 'gazette (*Des Debats*) declared that, satisfied with 'the approbation the Chamber had given to their 'system, it was at perfect liberty to exercise its 'discretion as to particular measures, which do 'not form *an essential part of that system;* and the 'communications I subsequently had with the 'King and the Ministers confirmed me in the 'opinion that the law for executing our convention was to be considered as one of those free 'questions. I combated this opinion, and asked 'whether the faithful observance of treaties was 'not *an essential part of their system;* and, if so, 'whether it did not come within their rule?"

The observance of treaties was not an essential part of their system! Victorious and securely fixed, the Ministers would not risk their place, in attempting to obtain from the Chambers the appropriation required to carry our treaty into execution. It would not be made a Cabinet question. It is evident they had determined to pursue the same course of delay and procrastination which they had previously pursued. But the message arrived, and it roused them from their apathy. All doubts which had existed upon the subject of making the payment of our indemnity a Cabinet question, at once vanished. We have never heard of any such since; and it was not until some months after, that the French Ministers thought of annexing any condition to this payment.

On the 13th of January, Mr. Livingston had a conference with the Count de Rigny. He then explained to him the nature of a message from our President to Congress. He compared it to a family council under the French law, and showed that it was a mere communication from one branch of our Government to another, with which a foreign nation had no right to interfere, and at which they ought not to take offense. They parted on friendly terms, and again met, on the same terms, in the evening, at the Austrian embassador's. Mr. Livingston was, therefore, much astonished when, about ten o'clock at night of the same day, he received a note from the Count, informing him that Mr. Serrurier, the French Minister at Washington, had been recalled, and that his passports were at his service. This seems to have been a sudden determination of the French Cabinet.

Now, sir, upon the presumption that France had been insulted by the message, this was the proper mode of resenting the insult. Promptly to suspend all diplomatic intercourse with the nation who had menaced her or questioned her honor, was a mode of redress worthy of her high and chivalrous character. The next impulse of wounded pride would be promptly to pay the debt which she owed, and release herself from every pecuniary obligation to the nation which had done her this wrong. These were the first determinations of the King's Ministers.

France has since been placed before the world by her rulers in the most false position ever occupied by a brave and gallant nation. She believes herself to be insulted, and what is the consequence? She refuses to pay a debt now admitted to be just by all the branches of her Government. Her wounded feelings are estimated by dollars and cents; and she withholds 25,000,000f., due to a foreign nation, to soothe her injured pride. How are the mighty fallen! Truly it may be said, the days of chivalry are gone. Have the pride and the genius of Napoleon left no traces of themselves under the constitutional monarchy? In private life, if you are insulted by an individual to whom you are indebted, what is the first impulse of a man of honor? To owe no pecuniary obligation to the man who has wounded your feelings—to pay him the debt instantly, and to demand reparation for the insult, or, at the least, to hold no friendly communication with him afterwards.

This course the King's Ministers had, at first, determined to pursue. The reason why they abandoned it, I shall endeavor to explain hereafter.

Mr. Livingston, in his letter to Mr. Forsyth of the 14th January, 1835, says: "The law, it 'is said, will be presented to-day, and I have 'very little doubt that it will pass. The ministerial phalanx, reinforced by those of the opposition, (and they are not a few,) who will not 'take the responsibility of involving the country '*in the difficulties which they now see must ensue*, 'will be sufficient to carry the vote."

Did Mr. Livingston intend to say that France would be terrified into this measure? By no means. But, in the intercourse between independent States, there is a point at which diplomacy must end, and when a nation must either abandon her rights, or determine to assert them by the sword, or by such strong and decided measures as may eventually lead to hostilities. When this point is reached, it becomes a serious and alarming crisis for those to whom, on earth, the destiny of nations is intrusted. When the one alternative is war, either immediate or prospective, with all the miseries which follow in its train, and the other the payment of a just debt to an ancient ally and firm friend, who could doubt what must be the decision? Such was the position in which France stood towards the United States. Not only justice, but policy required the payment of the debt. In the event of war, or of a non-intercourse between the two nations, her wine-growers, her producers and manufacturers of silk, and all her other manufacturing interests, especially those of her southern provinces, would be vitally injured. The payment of $5,000,000 would be but a drop in the ocean, compared with the extent of their sufferings. In France, they then believed that the time for diplomacy—the time for procrastination had ended. The President's message had opened their eyes to the importance of the subject. It was under this impression that Mr. Livingston predicted that the bill would pass the Chambers. That it would have done so, without any condition, had Congress responded to the President's message, I do not say by authorizing reprisals, but by manifesting a decided resolution to insist upon the execution of the treaty, will, I think, appear abundantly evident hereafter.

The French Ministry having manifested their sensibility to the supposed insult, by recalling Mr. Serrurier, proceeded immediately to present the bill for the execution of the treaty to the Chambers. In presenting it on the 15th January, Mr. Humann, the Minister of Finance, addressed the Chamber. His speech contains the views then entertained by the French Cabinet. I shall read an extract from it. He says:

"General Jackson has been in error respecting 'the extent of the faculties conferred upon us by 'the Constitution of the State; but if he has been 'mistaken as to the laws of our country, we will 'not fall into the same error with regard to the 'institutions of the United States. Now, the 'spirit and letter of those institutions authorize 'us to regard the document abovenamed, [the 'message,] as the expression of an opinion merely 'personal, so long as that opinion has not received 'the sanction of the other two branches of the 'American Government. The message is a Government act, which is still incomplete, and 'should not lead to any of those determinations 'which France is in the habit of taking in reply 'to a threat or an insult."

The French Ministry, at that time, considered the President's message merely his personal act, until it should receive the sanction of Congress. They, then, had not dreamt of requiring an explanation of it, as the only condition on which they would pay the money. This was an afterthought. The bill presented by Mr. Humann merely prescribed that the payment should not be made "until it shall have been ascertained that the Government of the United States has done nothing to injure the interests of France." This bill was immediately referred to a committee, of which Mr. Dumon was the chairman. On the 28th of March, he reported it to the Chamber, with a provision, that the money should not be paid, if the Government of the United States shall have done anything "contrary to the dignity and interests of France." Still we hear nothing of an explanation of the message being made a condition of the payment of the money. The clauses in the bill to which I have adverted, were evidently inserted to meet

the contingency of reprisals having been sanctioned by Congress.

The debate upon the bill in the Chamber of Deputies commenced on the 9th of April, and terminated on the 18th. On that day, General Valazé proposed his amendment, declaring that "the payments in execution of the present law 'cannot be made until after the French Government shall have received satisfactory explanations with regard to the message of the President of the United States, dated the 2d December, '1834."

The Duke de Broglie, the Minister of Foreign Affairs, accepted this amendment I shall read his remarks on this occasion. He says: "The 'intention of the Government has always been 'conformable with the desire expressed by the 'author of the amendment which is now before 'the Chamber, (*great agitation;*) the Government 'has always meant that diplomatic relations should 'not be renewed with the Government of the 'United States until it had received satisfactory 'explanations. The Government, therefore, does 'not repulse the amendment itself." After this, on the same day, the bill passed the Chamber by a vote of 289 to 137.

Well might the Chamber be agitated at such an annunciation from the Minister of Foreign Affairs. Why this sudden change in the policy of the French Government? The answer is plain. Congress had adjourned on the 4th of March, without manifesting by their actions any disposition to make the fulfillment of the treaty a serious question. Whilst our Treasury was overflowing, they had refused to make any provision for the defense of the country. They had left the whole coast of the United States, from Maine to Georgia, in a defenseless condition. The effect upon the French Chamber and the French people was such as might have been anticipated. To prove this, I shall read an extract from a speech delivered by Mr. Bignon, one of the Deputies, on the 10th April. I select this from many others, because it contains nothing which can be offensive to any Senator. It will be recollected that Mr. Bignon is the gentleman who had been more instrumental in defeating the bill at the previous session than any other member:

"President Jackson's message has astonished 'them (the Americans) as well as us; they have 'seen themselves thrown by it into a very hazardous situation. What have they done? They are 'too circumspect and clear-headed to express, by 'an official determination, their disapproval of an 'act which, in reality, has not received their assent. Some of them, for instance Mr. Adams, 'in the House of Representatives, may indeed, 'from a politic patriotism, have even eulogized 'the President's energy, and obtained from the 'Chamber the expression that the treaty of 1831 'must be complied with; but at a preceding sitting the same member took pains to declare that 'he was not the defender of a system of war; he 'proclaimed aloud that the resolution adopted by 'the Senate was an expedient suggested by prudence, and he thought the House of Representatives should pursue the same course. Gentlemen, the American Legislature had to resort to 'expedients to get out of the embarrassing dilemma in which the President's message had placed 'them; and they acted wisely."

From the conduct of Congress, the French Chambers were under the impression that the people of the United States would not adopt any energetic measures to compel the fulfillment of the treaty. They had no idea that the nation would sustain the President in his efforts. They had reason to believe that he was left almost alone. They appear ever since to have acted under this delusion. According to the impression of Mr. Bignon, the nation was astounded at President Jackson's message. This is the true reason why the Ministry accepted the amendment requiring President Jackson to make an explanation.

The best mode of obtaining justice from the powerful as well as from the weak—the best mode of elevating this nation to the lofty position she is destined to occupy among the nations of the earth—the best mode of preventing war and preserving peace, is to stand up firmly for our rights. The assertion of these rights, not by threats, but boldly, manfully, and frankly, is the surest method of obtaining justice and respect from other nations.

At so early a day as the 29th of January, Mr. Livingston had addressed a note to the Duke de Broglie, distinctly disavowing an intention, on the part of the President, by his message, to intimidate France, or to charge the French Government with bad faith. On the 25th of April, in another letter to the Duke, he communicated to him the President's official approbation of his former note. In this last letter, he reiterates his explanations, and assures the Duke, that whilst the President intended to use no menace, nor to charge any breach of faith against the King's Government, he never could and never would make an explanation of his message, on the demand of a foreign Government. This letter would, of itself, be sufficient to give its author a high rank, not only among the diplomatists, but the statesmen of his country. The sentiments it contains were unanimously approved by the American people. Although it was received by the Duke before the bill had been acted upon by the Chamber of Peers, it produced no effect upon the French Ministry. The bill was finally passed, and obtained the sanction of the King, in a form requiring the President to explain his message before the money could be paid.

This state of facts distinctly raises the important question, whether a President of the United States can be questioned by a foreign Government for anything contained in a message to Congress? The principle that he cannot has already been firmly established by the practice of our Government. Even in our intercourse with France, in former times, the question has been settled. This principle results from the very nature of our institutions. It must ever be maintained inviolate. Reverse it, and you destroy the independent existence of this Republic, so far as its intercourse with foreign nations is concerned.

The Constitution requires that the President of the United States "shall, from time to time, 'give to the Congress information of the state of 'the Union, and recommend to their consideration 'such measures as he shall judge necessary and 'expedient." This information is intended not only for the use of Congress, but of the people. They are the source of all power, and from their impulse all legitimate legislation must proceed. Both Congress and the people must be informed of the state of our foreign relations by the Executive. If the President cannot speak freely to them upon this subject; if he cannot give them all the information which may be necessary to enable them to act, except under the penalty of offending a foreign Government, the Constitution of the United States, to this extent, becomes a dead letter. The maintenance of this principle is an indispensable condition of our existence, under the present form of Government.

If we are engaged in any controversy with a foreign nation, it is not only the right, but it is the imperative duty of the President to communicate the facts to Congress, however much they may operate against that nation. Can we, then, for a single moment, permit a foreign Government to demand an apology from the President for performing one of his highest duties to the people of the United States?

Let us put an extreme case. Suppose the President, after giving a history of our wrongs to Congress, recommends not merely a resort to reprisals, but to war against another nation. Shall this nation, which has inflicted upon us injury after injury, be permitted to change her position, to cancel all our claims for justice, and to insist that we have become the aggressors, because a resort to arms has been recommended? I feel the most perfect confidence that not a single Senator will ever consent to yield this position to France or to any other nation. I need not labor this question. The subject has been placed in the clearest and strongest light by Mr. Livingston, in his letter to the Duke de Broglie of the 25th of April.

If any possible exception to the rule could be tolerated, surely this would not present the case. The Duke de Broglie himself, in his letter to Mr. Pageot, is constrained to admit that there is not a single offensive sentence respecting France in the message; but yet he complains of the general effect of the whole.

With a full knowledge, then, that the President could not, would not, dare not explain his message, on the demand of any foreign Government, the Duke de Broglie addresses his famous letter to the Chargé d'Affaires of France, at Washington. It bears date at Paris, on the 17th June, 1835. Before I proceed to make any remarks upon this letter, I wish to bring its character distinctly into the view of the Senate. It commences by declaring, in opposition to the principle that the President of the United States cannot be called upon by a foreign Government to make explanations of a message to Congress; that, "by virtue of a 'clause inserted in the article first, by the Chamber of Deputies, the French Government must 'defer making the payments agreed upon, *until 'that of the United States shall have explained the 'true meaning and real purport of diverse passages 'inserted by the President of the Union in his message at the opening of the last session of Congress, 'and at which all France, at the first aspect, was 'justly offended.*"

It proceeds still further, and announces that, "the Government having discovered nothing in 'that clause at variance with its own sentiments, 'or the course it had intended to pursue, the project of law thus amended on the 18th of April, 'by the Chamber of Deputies, was carried, on the '27th, to the Chamber of Peers."

The Duke, after having thus distinctly stated that an explanation of the message was required as a condition of the payment of the money, and after presenting a historical sketch of the controversy, then controverts, at considerable length, the position which has been maintained by Mr. Livingston, that the President could not be questioned by a foreign Government for anything contained in a message to Congress. He afterwards asserts, in the broadest terms, that the explanations which had been voluntarily made by Mr. Livingston, and sanctioned by the President, were not sufficient.

In suggesting what would satisfy France, he says, "we do not here contend about this or that 'phrase, this or that allegation, this or that expression; we contend about the intention itself, 'which has dictated that part of the message." And, again, speaking of Mr. Livingston's letters of the 29th January, and 25th April, he adds:

"You will easily conceive, sir, and the Cabi'net of Washington will, we think, understand 'it also, that such phrases incidentally inserted 'in documents, the purport and tenor of which 'are purely polemical, surrounded, in some measure, by details of a controversy which is besides not always free from bitterness, cannot 'dispel sufficiently the impression produced by 'the perusal of the message, nor strike the mind '*as would the same idea expressed in the term single, 'positive, direct, and unaccompanied by any recrimination concerning facts or incidents no longer of 'any importance.* Such is the motive which, among 'many others, has placed the French Government 'in the impossibility of acceding to the wish expressed by Mr. Livingston towards the conclusion of his note of the 29th of April by declaring '(to the Chamber of Peers, probably) that previous explanations given by the Minister of the 'United States, and subsequently approved by 'the President, had satisfied it."

After having thus announced the kind of explanation which would be expected, he states, that the French Government, "in pausing then for the 'present, and waiting for the fulfillment of those 'engagements to be claimed, (the engagement of 'the treaty,) and expecting those to be claimed *in 'terms consistent with the regard due to it*, it is not 'afraid of being accused—nor France, which it 'represents—of being accused of appreciating 'national honor by any number of millions which 'it could withhold as a compensation for any 'injury offered to it." The letter concludes by authorizing Mr. Pageot to read it to Mr. Forsyth, *and if he be desirous, to let him take a copy of it.*

It is impossible to peruse this letter, able and ingenious as it is, without at once perceiving that

it asks what the President can never grant without violating the principle, that France has no right to demand an explanation of his message.

On the 11th of September, Mr. Pageot, the French Chargé d'Affaires, called at the Department of State, and read this dispatch to Mr. Forsyth. The latter did not think proper to ask a copy of it; and for this he has been loudly condemned. In my judgment, his conduct was perfectly correct.

No objection can be made to this indirect mode of communication with the Government of the United States adopted by the Duke. It is sanctioned by diplomatic usage. The rules, however, which govern it, are clearly deducible from its very nature. It is a mere diplomatic feeler thrown out to ascertain the views of another Government. The Duke himself justly observes, that its object is "to avoid the irritation which might involuntarily arise from an exchange of contradictory notes in a direct controversy."

Had Mr. Forsyth asked and received a copy of this dispatch, he must have given it an answer. Respect for the source from which it proceeded would have demanded this at his hand. If this answer could have been nothing but a direct refusal to comply with the suggestion of the French Government, then he was correct in not requesting leave to take a copy of it. Why was this the case? Because it would have added to the difficulties of the question already sufficiently numerous, and would have involved him in a direct controversy, which it is the very object of this mode of communication to prevent. This is the reason why it was left, by the dispatch itself, within his own option whether to request a copy or not, and his refusal to make this request ought to have given no offense to the French Government.

Now, sir, what answer could he have given to this communication, but a direct refusal? Had not the Duke been fully apprised before he wrote this dispatch, that it could receive no other answer? It required explanations as a condition of the payment of the money, which he had been informed the President could never make. On this ground, then, and for the very purpose of avoiding controversy, the conduct of Mr. Forsyth was correct.

But there is another reason to justify his conduct, which, I think, must carry conviction to every mind. The President proposed, in his annual message, voluntarily to declare, that he had never intended to menace France, or to impeach the faith of the French Government. This he has since done in the strongest terms. As offense was taken by the French Government at the language of a former message, it was believed that such a declaration in a subsequent message would be, as it ought to be, entirely satisfactory to France. Had Mr. Forsyth taken a copy of this dispatch, and placed it among the archives of the Government, how could the President have made, consistently with his principles, the disclaimer which he has done? A demand for an explanation would thus have been interposed by a foreign Government, which would have compelled him to remain silent. The refusal of Mr. Forsyth to ask a copy of the dispatch, left the controversy in its old condition; and, so far as our Government was concerned, left this letter from the Duke de Broglie to Mr. Pageot as if it never had been written. The President, therefore, remained at perfect liberty to say what he thought proper in his message.

If this letter had proposed any reasonable terms of reconciling our difficulties with France—if it had laid any foundation on which a rational hope might have rested that it would become the means of producing a result so desirable, it would have been the duty of Mr. Forsyth to request a copy. Upon much reflection, however, I must declare that I cannot imagine what good could have resulted from it in any contingency; and it might have done much evil. Had it prevented the President from speaking as he has done in his last message concerning France, it might have involved the country in a much more serious misunderstanding with that Power than existed at the present moment.

I should be glad to say no more of this dispatch, if I could do so consistently with a sense of duty. Mr. Pageot did not rest satisfied with Mr. Forsyth's omission to request a copy of it, as he ought to have done. He deemed it proper to attempt to force that upon him which the dispatch itself had left entirely to his own discretion. Accordingly, on the 1st of December last, he inclosed to him a copy. On the 3d, Mr. Forsyth returned it with a polite refusal. On the 5th, Mr. Pageot again addressed Mr. Forsyth, and avowed that his intention in communicating the document, "was to make known the real disposition 'of my Government to the President of the Uni-'ted States, *and through him to Congress and the 'American people.*" Thus it is manifest, that his purpose was to make the President the instrument by which he might appeal to the American people against the American Government. After he had failed in this effort, what is his next resort? He publishes this dispatch to the people of the United States through the medium of our public journals. I now hold in my hand the number of the Courrier des Etats Unis, of the 20th of January, a journal published in New York, which contains the original dispatch in the French language. In a subsequent number of the same journal, of the 24th January, there is an editorial article on the subject of the President's special message to Congress, and of this dispatch, of a part of which I shall give my own translation. It is as follows:

"Our last number contained the dispatch of M. 'the Duke de Broglie to the Chargé d'Affaires 'of France at Washington, concerning which the 'Senate had demanded such explanations as were 'in the power of the Executive. On the same 'day, the late message of the President of the 'United States, which had been expected with so 'much impatience and anxiety, arrived at New 'York. To this document are annexed many 'letters of the Duke de Broglie, of Mr. Forsyth, 'and of Mr. Pageot, which will be read with great 'interest. We give a simple analysis of the least 'important, *and an exact copy of those which have 'been written originally in French.*

"The public attention was first occupied with 'this letter of the Minister of Foreign Affairs, 'which was known here some hours before the 'message of the President of the United States; 'and if some journals of the Government have 'found this publication unseasonable, *made by the 'Legation of France according to the orders which it 'had received*, nobody, at least, has been able to 'deny the talent, the moderation, and the force 'of reasoning which have presided at its prepa-'ration."

By whom was the Legation of France ordered to publish this dispatch? Who alone had the power of issuing such an order? The French Government. Against this positive language, I can still scarcely believe that the Duke de Broglie has given an order so highly reprehensible.

The publication of this dispatch was an outrage upon all diplomatic usage. It ought to have been intended as the harbinger of peace, and not of renewed controversy. From its very nature it was secret and confidential. If not received, it ought to have been as if it never had existed. Upon any other principle, it would aggravate the controversy which such communications are always intended to prevent. It has now been diverted from its natural purpose by the French Legation, and has been made the subject of an appeal by France to the American people against their own Government. It has thus greatly increased the difficulties between the two countries. It has proclaimed to the world that France requires, from the President of the United States, an apology of his message, as an indispensable condition of the execution of our treaty. It has, therefore, rendered it much more difficult for her to retract.

The true meaning of this dispatch is now rendered manifest to the most sceptical. The Duke de Broglie, in his interview with Mr. Barton, on the 12th October last, has placed his own construction upon it. The apology which he then required from the President contains his own commentary upon this dispatch. I need not read the history of that interview to the Senate, to prove that I am correct in this assertion. It must be fresh in the recollection of every Senator.

Considered as an appeal to the American people against their own Government, the publication of this dispatch deserves still more serious consideration. Foreign influence, in all ages, has been the bane of republics. It has destroyed nearly all of them which have ever existed. We ought to resist its approaches on every occasion. In the very infancy of our existence as a nation, a similar attempt was made by France. It was then repulsed as became a nation of freemen. The present attempt will have the same effect on the American people. It will render them still more firm and still more united in the cause of their country.

Of Mr. Barton's recall, I need say but little. It was the direct consequence of the refusal of France to execute the treaty, without an apology from the President of his message.

Diplomatic relations between the two countries had been first interrupted by France. On the subject hear what the Count de Rigny said in his *exposé* read to the Chamber of Peers, on the 27th April last, on presenting the bill for the execution of our treaty. I give my own translation:

"You know the measure which the Govern-'ment of the King adopted at the very instant 'when the message, presented by the President 'of the Union at the opening of the last Con-'gress, arrived in Europe. You know that, since 'that time, a similar measure has been adopted 'by President Jackson himself. The two Min-'isters, accredited near the two Governments, 'are reciprocally recalled; the effect of this double 'recall is at this moment, if not to interrupt, in 'all respects, the diplomatic communications be-'tween the two States, at least to interrupt them 'in what regards the treaty of the 4th July. If 'these relations ought to be renewed—and we 'doubt not that they ought—it is not for us 'hereafter to take the initiative."

On the 5th of June, the President had officially sanctioned the explanations which had been made to the French Government by Mr. Livingston, in his letter of the 25th of April, as he had previously sanctioned those which had been made by the same gentleman, in his note of the 29th of January. These were considered, by the President, amply sufficient to satisfy the susceptible feelings of France. In order to give them full time to produce their effect, and to afford the French Ministry an ample opportunity for reflection, he delayed sending any orders to demand the money secured by the treaty, until the middle of September. On the 14th of that month, Mr. Barton was instructed to call upon the Duke de Broglie, and request to be informed, what were the intentions of the French Government in relation to the payment of the money secured by the treaty. He executed these instructions on the 20th of October. The special message has communicated to us the result. "We will pay the money," says the Duke de Broglie, "when *the Government of 'the United States is ready, on its part, to declare to 'us, by addressing its claim to us officially in writing, 'that it regrets the misunderstanding which has 'arisen between the two countries; that this misun-'derstanding is founded on a mistake; that it never 'entered into its intention to call in question the 'good faith of the French Government, nor to take 'a menacing attitude towards France;*" and he adds, "*if the Government of the United States 'does not give this assurance, we shall be obliged to 'think that this misunderstanding is not the result 'of an error.*"

Is there any American so utterly lost to those generous feelings, which love of country should inspire, as to purchase five millions with the loss of national honor? Who, for these or any number of millions, would see the venerable man, now at the head of our Government, bowing at the footstool of the throne of Louis Philippe, and, like a child prepared to say its lesson, repeating this degrading apology? First, perish the five millions!—perish a thousand times the amount! The man whose bosom has been so often bared in the defense of his country will never submit to such degrading terms. His motto has always been, death before dishonor.

Why then, it may be asked, have I expressed a hope, a belief, that this unfortunate controversy will be amicably terminated, when the two nations

are now directly at issue? I will tell you why. This has been called a mere question of etiquette; and such it is, so far as France is concerned. She has already received every explanation which the most jealous susceptibility ought to demand. These have been voluntarily tendered to her.

Since the date of the Duke de Broglie's letter to Mr. Pageot, of the 17th June, we have received from the President of the United States his general message at the commencement of the session, and his special message on French affairs. Both these documents disclaim, in the strongest terms, any intention to menace France, or to impute bad faith to the French Government, by the message of December, 1834. Viewing the subject in this light; considering that, at the interview with Mr. Barton, the Duke could not have anticipated what would be the tone of these documents, I now entertain a strong hope that the French Government have already reconsidered their determination. If a mediation has been proposed and accepted, I cannot entertain a doubt as to what will be the opinion of the mediator. He ought to say to France, you have already received all the explanations, and these have been voluntarily accorded, which the United States can make, without national degradation. With these you ought to be satisfied. With you, it is a mere question of etiquette. All the disclaimers which you ought to desire, have already been made by the President of the United States. The only question with you now is not one of substance, but merely whether these explanations are in proper form; but in regard to the United States the question is far different. What is with you mere etiquette, is a question of life and death to them. Let the President of the United States make the apology which you have dictated; let him once admit the right of a foreign Government to question his messages to Congress, and to demand explanations of any language at which they may choose to take offense, and their independent existence as a Government, to that extent, is virtually destroyed.

We must remember that France may yield with honor; *we* never can without disgrace. Will she yield? That is the question. I confess I should have entertained a stronger belief that she would, had she not published the Duke's letter to M. Pageot as an appeal to the American people. She must still believe that the people of this country are divided in opinion in regard to the firm maintenance of their rights. In this she will find herself entirely mistaken. But should Congress, at the present session, refuse to sustain the President by adopting measures of defense, should the precedent of the last session be followed for the present year, then I shall entertain the most gloomy forebodings. The Father of his Country has informed us that the best mode of preserving peace is to be prepared for war. I firmly believe, therefore, that a unanimous vote of the Senate in favor of the resolutions now before them, to follow to Europe the acceptance of the mediation, would, almost to a certainty, render it successful. It would be an act of the soundest policy as well as of the highest patriotism. It would prove, not that we intend to menace France, because such an attempt would be ridiculous, but that the American people are unanimous in the assertion of their rights, and have resolved to prepare for the worst A French fleet is now hovering upon our coasts; and shall we sit still, with an overflowing Treasury, and leave our country defenseless? This will never be said with truth of the American Congress.

If war should come, which God forbid; if France should still persist in her effort to degrade the American people in the person of their Chief Magistrate, we may appeal to Heaven for the justice of our cause, and look forward with confidence to victory from that Being in whose hands is the destiny of nations.

WEDNESDAY, *February* 3, 1836.

Mr. MANGUM said, the debate on this resolution had taken a wide range. The impress of its paternity was strongly marked upon it. The proposition, as now modified, bore no very distinct characteristic on its face. It had lead to a discussion of all our relations with France, and to an assault upon the Senate. He would not be put to his trial by any one of that body—the President of the United States—or by any other legislative body, except by one of his own State. He would say, *coram non judice*. He would not look to the House at this, or to the White House at the other, end of the avenue for motives to govern him. He was satisfied with the vote he had given on the rejection of the $3,000,000 appropriation, and he believed those whom he in part represented were satisfied. He took his ground that that appropriation was wholly unnecessary in the action of the country. There was no executive recommendation for it. At the opening of the last session it was true that a fire-ball had been thrown into the Chamber and rolled about among them. In that proposition where was an echo found? In the Senate there was no division, and the action of the House corresponded. What new things had arisen? True, Mr. Barton had been recalled before the rising of the last Congress. France had reciprocated the language of the President under a proper sense of honor, and had annexed a condition to the terms of payment. As an humble American citizen he (Mr. M.) was opposed to any apology beyond what had already been given. After the close of the session there was not the slightest indication of war on the part of France, and where was the necessity of an appropriation in the absence of it? He was not willing to charge the President with a dereliction of duty in not recommending the appropriation. He would not have shrunk from the performance of it if the country had needed it. He was remarkable for taking responsibility.

He came from a portion of country where they pay a large proportion of the revenues, and he would call upon any one to put his finger on the act of his indicating a disposition to oppose the action of the Government. But they were called upon in the dark by one who was in the confidence of the Administration to act. As far as that gentleman was connected with another body, he had his respect, but in such an important matter he could not take him for authority. In this body, said he, we had no knowledge of its being desired by the President; and one of the most honest and deserving of this body among the friends of the Administration had voted against it, and in doing so declared he had no knowledge of its being desired by the President.

I charge, (said Mr. M.,) and if denied I believe I shall be able to prove it, that it was known to some in this body, when votes were put; however, there was not a whisper that the Executive wished it. A portion of the policy was not only to embarrass an individual in this body, but to throw odium on him. They saw a torch was lighting up from the Potomac to the Balize, and it was policy to suppress it. Not a man in this city entertained the opinion that the Senate would vote for it. Three millions, when the fall elections were coming on, would have been of great service. Suppose it had been granted, we would have heard the clangor of arms before this time. They had seen with what furious haste a messenger was dispatched to reach that humble representative of ours in France. The discretion given in that appropriation was calculated to create a dictatorial power; it gave the power to create collision. The Senator from Missouri [Mr. BENTON] had inspired a feeling calculated to arouse fearful forebodings; yet he [Mr. B.] had not the slightest apprehensions of war, but with great candor had told them, that the proposition was put forward to try its merits with another proposition. The arguments of gentlemen in debate had become more and more belligerent. They were not equaled since 1812. The speech of the gentleman from Pennsylvania, [Mr. BUCHANAN,] was wrought up to the highest pitch. The speech of Mark Antony over the dead body of Cæsar was nothing compared to it. The cares of the Government were distributed; one gentleman said, he takes care of the Navy—another of the money, rag-money and all—another of the public lands, and the gentleman from Pennsylvania, [Mr. BUCHANAN,] who had some acquaintance with foreign relations, had charge of that subject. These were but echoes of those higher in power. The gentleman from Pennsylvania, surpassing the eloquence of Mark Antony in his eloquence, by putting tongues in the dumb mouths, had started the very stones.

When rumor represents a mediation, (for we, said he, are not permitted to know, except from rumor,) and that mediation accepted, did the honorable gentleman think the light in which he presented the subject was calculated to hasten its consummation? Perhaps his speech was intended for the Chief Magistrate to peruse for his amusement, and frank copies of it, to be sent abroad—a privilege which rides (said he) with unbridled domination. The lion was a noble animal; the tiger one of fearful ferocity; and when war was sounded, it was the tiger. The fox was a sly, cunning little animal, remarkable for seeking a protection in the crevices of the rocks It was scheming mercenaries, who wished that immense amount of money to be thrown into the community, among an immense tribe of office-holders, steamers, &c.

In the Army and Navy, war was their vocation; the pride, pomp, and circumstance of war was their favorite element.

This Senate had to be battled down. How unequal the war! It was not endowed with any appointing or veto power except the check upon executive nominations. The Executive must be supposed, from the nature of his station, to be supported by the people of this Republic. We (said he) have nothing to rely upon but the principles of virtue and patriotism. In addition to the President's original popularity, was his power of nomination, besides specific appropriations, which incited to a high activity the most mercenary politicians. When that artillery was brought to bear upon the Hall of the Senate of the United States, it was more than it could bear. We must (said he) fight in line, or else be demolished. There was a redeeming spirit in this body (the Senate) which made it a sort of political breakwater, which must be made to tumble. The war must be kept up, to enable gentlemen to seize upon this $30,000,000 of revenue. But, sir, (said Mr. M.,) let this body be put down, and the Government becomes a centralized power. Liberty had never been preserved in any country where the central power was not resisted. A show of the war with France (said he) must be kept up until gentlemen can seize upon the $30,000,000. Say they, it will require an unusual degree of nerve to refuse the American people appropriations for defense. The $30,000,000 must be pocketed; it will have a prodigious means of accelerating all our plans of policy. When this power had put down the Senate, it would be a day of tribulation. Thirty millions would not only be convenient for present purposes, but to carry out the future schemes of that august body, the convention at Baltimore. With the money and the domain (said he) what may not be done? Certain plans of policy had already been indicated for the disposition of the surplus revenue. Mr. M. referred to the resolutions upon that subject offered by Mr. CLAY and by Mr. CALHOUN, and gave his preference to the mode pointed out in them of disposing of the surplus funds. By giving this direction to them, it would curtail the power of the Executive. He spoke of the Legislature of his own State, and of the internal improvements and patriotism of the Keystone State. He thanked the gentleman from Missouri [Mr. BENTON] for putting this matter upon the true grounds—the competing propositions for the disposition of this fund. In regard to this controversy, it was the people on the one hand, and the Government and its retainers on the other. It was an evil that must be got rid of somehow. The States (said he) that have in progress those lines of communication that will bind us together stronger than the bands of steel, know the struggle is to be a fearful and powerful one. Nothing could resist the march of the Government, unless it was a counteracting principle of interest. Organized, disciplined as it was, with its unity of purpose, the contest would be as long as the Punic war. He knew the veto power, and would not touch a pebble on which it stood. Armed with that power, it is not to be expected (said Mr. M.) that we can succeed in the immediate

struggle; but in the long run the people would do right. He wanted to see the question in relation to the public lands brought before the people. The gentleman had taken ground—I plant myself (said he) on the side of the States and of the people. This (said he) is a natural division. We have had (said he) a new party, with new attributes, and with new energies. I do not (said he) call it the spoils party. We must, in the long run, prevail, (said Mr. M.,) unless the patriotism and intelligence of the people cannot resist the fearful power which rides and rules over us. The ballot-boxes would determine. If we can (said he) have this great interest met with these domestic interests, it may be counteracted. It was not confined to the manufacturing or any other peculiar interests; it was spread over the whole Union; felt in and exerted from every post office in the country. How was it with an individual brought forward in opposition to this great force? He might have great local popularity, but it must yield to this general influence; and, at the present time, who did not witness the exercise of this fearful influence? He hoped they should be able to break this tremendous august influence and power from the people.

If the French war comes, (said Mr. M.,) we will not be found behind any in contributing to the means of defense. If it did come, it would be the result of the most unfortunate diplomacy that ever characterized any country.

The patriotism of the Senate had been inculpated in relation to the vote rejecting the $3,000,000 appropriation. That glorious and gallant little Navy of ours, which covered itself with glory in 1812, was to be reinforced. By the showing of the Administration, at the opening of this session, the appropriation was needed. If desired, why did not some member of the Administration move an appropriation, instead of waging war upon the Senate? Where had the annual appropriation of $100,000 for gun carriages been expended? The gentleman on the military committee [Mr. BENTON] had said there was none fit for service. Wherefore, then, the misapplication of this money?

In one department everything was full of life, energy, and action. I mean, said he, the electioneering department—the one endowed with the power of ubiquity; like the proboscis of an elephant, it is now seen pulling up a tree by the roots, and now picking up a pin. The powers of a government might be compared to the physical powers of a man. The brawny arm of the man who hammers on the anvil increased in muscle and strength, while the other in the same ratio decreased. The Post Office Department had been particularly energetic, and there were hopes of late that it was better regulated. The War Department, said he, we know is sound. He hoped it would be able to satisfy the people of this country that the blood spilled in the Florida war had not been from any remissness of duty on its part. If that Department had been as prompt in attending to the South, where the war was raging, as the other Department was keen in keeping in the ascendant a certain body in other parts, the disasters of that war might have been averted.

With a popularity felt throughout the Union, this power had been able to throttle, break down, and strangle all resistance. But, said he, what is a two years' domination in the life of a nation, to fatten and to batten on its spoils? The loss was nothing. A spirit would yet live and burn and brightly blaze for thousands and thousands of centuries to come; the successor would be too weary to be driven from the precipice.

Here Mr. MANGUM gave way for a motion to adjourn.

THURSDAY, *February* 4, 1836.

Mr. CLAYTON did not object to the resolution in its present shape, as modified by the gentleman from Tennessee, [Mr. GRUNDY.] He did not concur in opinion with his friend from New Jersey, [Mr. SOUTHARD,] that it presented an absurdity. But, taking the suggestion of the gentleman from Massachusetts, [Mr. WEBSTER,] that the word "surplus" be stricken out, he thought would remove all the objections that had been made to it. The main object of the gentleman from Missouri, [Mr. BENTON,] and the gentleman from Massachusetts, [Mr. WEBSTER,] was undoubtedly the same. The only difference was, that the resolution, as offered by the gentleman from Missouri, proposed to appropriate from the surplus, and the gentleman from Massachusetts from the whole revenue. If the gentleman from Missouri did not consent to the modification suggested, he would himself move to strike out the word "surplus." He was anxious that the American Senate should, on so important a question, present one unbroken front. He did not believe that, in a contest between this country and any other country, there were partisans here on the side of a foreign Power, and he wished the world to know that there were none.

As to the proposition of the gentleman from South Carolina [Mr. CALHOUN] to amend the Constitution, so as to enable him to reach the object of his resolution in relation to the public revenue, he did not believe a majority of the people could be prevailed upon to sanction it. Many of them thought the amendment unnecessary—that they had the right to distribute the surplus without it, and that his proposition involved an admission of the want of a power already conceded to Congress. The proposition of the gentleman from South Carolina would therefore not probably be attended with any practical results. It had been said that they should not make appropriations for general defense, because internal improvements required the care and support of the Government. He was favorable to that object; but he would say of it, as he said in relation to the land bill, so long as money was really necessary for the national defense, he was not willing to distribute money for internal improvements.

It was made an objection, too, that there was no danger of a war. If there was no danger, he still thought it his duty, in time of peace, to provide for any future exigency which might arise. He spoke of the morbid excitement in past years, before the national debt was paid, when claims were in vain made upon the Government, the justice of which was now admitted by all, and when no appropriation for defense could be obtained; and in one case, after a fort had been burned down, the necessity of first paying the national debt was urged as an objection to rebuilding it.

It was true, as the gentleman from Missouri [Mr. BENTON] had stated, that our country was in a miserable state of defense. The gentleman who was chairman of the Committee on Naval Affairs [Mr. SOUTHARD] had also said that our Navy was too feeble to repel any formidable attack from a foreign Power. He would not stop to inquire who was to blame for it. In the Delaware bay, (said he,) you have built up a breakwater, which has answered a most important and valuable purpose in time of peace. The value of the vessels and cargoes saved from destruction by the ice since its construction, amounted, he was informed, to more than the whole cost of the breakwater itself. But there was not a single gun to defend it—no real effective defense against an enemy, from Cape Henlopen to Philadelphia. When the island on which Fort Delaware formerly stood was ceded to the United States, it was understood to be a part of the agreement on the side of the United States, to maintain a fortification there—but although that fort had been burnt more than five years, there was no fortification there now.

It was said confidently, that there was no danger of a war. He hoped so, too; but he did not see this matter in the same light with some others. He thought there was possible danger, and should not stop now to inquire how it had arisen. He cared not what party or what cause had produced this danger. If we do get into a war, (said he,) we must defend ourselves to the utmost.

He then proceeded to review the facts connected with our controversy with France; and in the course of his remarks, he observed, that it was never considered that the $5,000,000 was a real indemnity for all the loss actually sustained. The commissioners appointed to examine the subject had reported that it was but about one half the amount due us. But we had agreed to consider it as an indemnity. He believed the amount, considering all the circumstances connected with our claims, was actually four times as much as was conceded by the treaty. Congress, in order to have done with a long controversy with a nation which had been our friend, and to whom we were much attached, agreed to overlook what was not allowed. Their object was not merely money, but peace and harmony with an ancient ally. It was said by the gentleman from Pennsylvania, [Mr. BUCHANAN,] that France had pocketed more than the whole amount secured in the treaty by our reduction of duties on her wines and silks. He did not agree exactly with him, or with the gentleman from Kentucky, [Mr. CRITTENDEN,] who said the benefit of the reduction of duties was given to the consumer only. The importer received some benefit in consequence of the reduction of duties, as well as the consumer, and the reduction was an unquestionable advantage to France. The President had, at the last session, sent a message to Congress on the subject, which he (Mr. C.) then and now regretted. After this, the French Chamber of Deputies did at last consent to vote the money, with a condition annexed, requiring of the President what some called an apology for, and others an explanation of, his message. He could not shut his eyes to the fact that we were in a critical condition in consequence of this demand, for if France insisted that the President should make an apology directly to her, we know (said Mr. C.) he will never consent to do it. He was not, and never should be, the partisan of the President; but considering the inevitable consequences of such a concession, he would be opposed to his (the President's) making any such apology or explanation. The Constitution declares, the President *shall* give from time to time such information of the state of our affairs as he shall think fit to Congress. Admit that he had introduced topics that were offensive to foreign nations, in language that was indiscreet and improper in our own opinions, yet he had as clear a right to do so as he or any Senator here had to speak his sentiments freely on that floor; nay, it was his duty to do so. If the right of objection to the payment of the indemnity on that ground was recognized, a foreign nation hereafter may carry their doctrine (said Mr. C.) to every department of the Government, and demand an explanation of its conduct, even though sanctioned by the others. This, he believed, was the view taken by the President; and he (Mr. C.) believed it was correct; and we know, for we have been so informed by his friend here, the President will never abandon it. Sir, in the assertion of his right to communicate to Congress his opinion unquestioned by foreign nations, I shall sustain him.

It was said that a mediation was offered. He hoped it was true, and that it might be the means of settling the difficulty. But looking to the state of things as they now existed, it was impossible to say there was *no danger* from abroad, and although he should exert his humble efforts to the utmost to prevent a rupture with a foreign country, so long as the honor of his country would permit that course, yet he wished to be prepared to meet any and every emergency.

On our western frontier an increase of our military force was very desirable. He had been told by a gentleman, in whom he had confidence, that not less than thirty thousand warriors could be brought into the field against us by the Indians, who were ready to take arms if a probable chance of success should be offered them. He should not stop to inquire whose fault it was that this frontier was left in a defenseless situation. It was objected that this resolution offered no specific proposition for decision, but all they could say in advance of the Executive, was that they would give all for defense that was necessary. When the amount required should be specified, every Senator would form opinions as to the necessity of each item, and vote accordingly. But he had no hesitation in saying, that he would vote for appropriations for defense fully commensurate with the wants and means of the country.

The great object of the gentleman on the other side of the House seemed to be to inculpate those who voted on the appropriation bill for fortifications at the last session. He was willing to be tried on that charge. He would not, as the gentleman from North Carolina had done, say, *coram non judice*, when arraigned on it even here. He would not plead to the jurisdiction.

By looking into the public prints, the gentlemen on the other side of the House would find that they, too, had been arraigned at the last session. The whole Senate had been charged with having dodged the question. The gentleman from Missouri [Mr. BENTON] and the gentleman from Kentucky, [Mr. CLAY,] though seldom arraigned on the same charge, had been accused together, and so have all others who voted on our resolutions of the 14th January last. These gentlemen, he supposed, had not been accustomed to the charge of *dodging*, whatever other faults had been imputed to them. He referred to the resolution of the 14th of January, 1835, that "no legislative provision was then necessary in relation to our affairs with France." A member of the other House from Massachusetts had then said that the Senate had dodged the question, but soon after had also declared that if he had been a member of this body he would have dodged it himself.

Mr. C. then read an extract from a newspaper, in which the Senate were charged with a want of due and patriotic sensibility to the wrongs inflicted on the country by France because of their resolutions. (It was an extract from a late speech.) He was satisfied that on the 14th of January no legislative provision was necessary, and it was then not pretended by any member of this body that the $3,000,000 appropriation was necessary for any exigence then existing and arising out of the state of our relations with any foreign country. The gentleman from Pennsylvania [Mr. BUCHANAN] misconceived the opinion of the gentleman from Massachusetts, [Mr. WEBSTER,] in regard to the constitutionality of that appropriation. He (Mr. C.) was prepared to prove that it was unconstitutional. In doing so, however, he did not intend to impugn the motives of those gentlemen who had voted for it. He would undertake to show that the gentleman himself was in fault; and, in retaliation for his charges against himself and his friends, felt justified in accusing him and his political associates with giving an unconstitutional vote. He begged leave to know of the gentleman from Pennsylvania, [Mr. BUCHANAN,] if the proposition had been to vote the $3,000,000 to *civil*, naval, and military purposes, whether it would have been unconstitutional? He would pause for a reply.

Mr. BUCHANAN said, he did not consider himself bound to declare any opinion beyond the one before expressed; he would therefore decline answering the question put to him by the gentleman from Delaware.

Mr. CLAYTON resumed. The gentleman, then, declines to answer the question. He knows well it is the part of prudence to do so. He (Mr. C.) would be willing to give him till another day to answer it. He (Mr. C.) contended that an appropriation of $3,000,000 for civil, naval, and military purposes, was manifestly unconstitutional. By such an appropriation (said he) you surrender all power over the Treasury to the Executive, to designate the objects upon which it shall be expended at pleasure. The most sacred trust confided to Congress, for the most sacred purpose, would thus be surrendered to the Executive. The gentleman from Pennsylvania had a right to decline giving an opinion, and he (Mr. C.) claimed no right to catechise, but he would like to see which horn of the dilemma, presented by the question, he would not choose to take. Establish a precedent (said Mr. C.) by voting such an appropriation, and there is an end to all that is valuable in the Constitution to the nation. In demonstrating the unconstitutionality of the $3,000,000 amendment, he relied on the provisions in the Constitution, that Congress alone shall raise an army, and provide and maintain a navy. But give the power conferred by the amendment against which he had voted, to the President, (said he,) and he could bestow every dollar of it upon the navy, or use it for raising an army, a principle hostile to that sacred instrument, and destructive of the first principle of *representative* Government. The friends of the Administration in this body, he supposed, had as little reason to believe that this proposition was coming here on the last night of the last session as we, and had, therefore, voted hastily and without much time for reflection; and in the House they had voted under a hasty excitement. If a bomb-shell had been thrown on the floor of the Senate, and exploded among them, it could scarcely have been more unexpected, or produced greater consternation in this body. It was in vain to attempt to sustain that vote by looking into precedents. Mr. C. here recurred to the precedent that had been cited by the Senator from Tennessee [Mr. GRUNDY] and others, to show that they were all, to a certain degree, of a specific character. He would now ask the gentlemen if they had not, by voting an appropriation without specification of object, abandoned one of the great principles laid down by that statesman, of whose principles they profess to be the exclusive followers, Thomas Jefferson? That appropriation, for which they had voted, was for the $3,000,000 for naval and military defense, *including* fortifications and ordnance. If but one dollar was applied to fortifications and ordnance, the whole of the rest of the appropriation could be, under that phraseology, applied to any purpose whatsoever relating either to the Navy or Army.

What would the gentleman say, if the Senate had withdrawn, and the President had been admitted into this Hall to exercise the functions of that body, in their place, so far as regards $3,000,000? That (said Mr. C.) would have been said to be yielding up our rights. But it was much worse to give this discretionary power, in this way, to the President, to designate objects of expenditure to that amount, for no one would know the intentions of the President until months after the time of passing the law. Laws thus passed would be worse than the laws of Caligula, which were placed on the pillars so high that no man could read them. Viewing this appropriation as grossly unconstitutional, the gentleman from Massachusetts [Mr. WEBSTER] had said he would not vote that appropriation, if the guns of the enemy had been battering at the walls of the Capitol; and the allegation had been seen in the public prints, that for one who had uttered such a sentiment it would have been a natural and easy step to have joined the enemy. He inquired what was the meaning of that expression of the gentleman from Massachusetts, [Mr. WEBSTER?] It was, that that gentleman preferred the Constitution of his country to the Capitol; and where is the traitor—where is the coward, (said Mr. C.,) who would give up the charter of our liberties because the enemy were battering at the walls of the Capitol? In the days when Themistocles led the Athenians to victory at Salamis, he advised them to surrender their Capitol for the preservation of the constitution of their country. That gallant people adopted his proposition to yield up their Capitol and their noble city, rich with the productions of every art, and glittering all over with the proudest trophies in the world; and when Chrysilas alone dared to advise the surrender of their constitution to the delegate of a Persian despot, for a state of prosperous slavery, they stoned him to death; not satisfied with that, their wives stoned to death his wife. Grant that the Senator from Massachusetts [Mr. WEBSTER] believed what he declared, that he viewed the principle involved in the appropriation as a surrender of the most valuable trust reposed in us by the Constitution to a single man, and as one which, while it delegated the legislative power to the Executive, established a precedent to prostrate the Constitution forever, (and no gentleman here will question his purity of purpose and integrity in debate,) and then tell me what should be the fate of that man, if such a man could be found, who, having owed his elevation to the highest office in the world, to that gentleman and his friends, and having been sustained in the administration of it by the exertion of all the powers of *his* giant intellect, could, without other provocation, have declared that such a man, for giving utterance to such a sentiment as he did, in debate here, would find it a very natural and easy step to turn traitor, and join the enemies of his country in war? Such a man should never be suffered by honorable men to stand in any party again; for such a declaration, if coming from such a man, proves that he who uttered it will be false to *all* parties, and true to *no* friend. And, sir, (said Mr. C.,) I will do those in power the justice to say, that I do not believe they had ever proffered him office, however that may be the object for which he has thus shamefully denounced his friend and abandoned his party—no, sir, if he be a political traitor, they,

> "Gave him no instance why he should do treason,
> Unless to dub him with the name of traitor."

Mr. C. was called to order by the Chair, on the ground that it was out of order to allude to what had been said in the other House at this session.

Mr. C. said he had *named* no man in the other House, and had only, in commenting on what had appeared in a newspaper, followed an example set him by a member of that House.

Mr. C. was proceeding, when he gave way for a motion to adjourn.

MONDAY, *February* 8, 1836.

Mr. CLAYTON said he regretted that it had been impossible for him to conclude his remarks on Thursday, the day on which he had commenced them. He was always anxious to avoid political debates, and never resorted to them, unless necessarily forced into them.

It would be remembered that the gentleman from Tennessee [Mr. GRUNDY] had asked them—those who voted against the appropriation—to come out and declare their sentiments as to what course they intended to take now. For one, he (Mr. C.) was, in the existing state of affairs, satisfied with things as they are. He [Mr. GRUNDY] (said Mr. C.) is not satisfied with things remaining exactly as they are. He hoped the gentleman [Mr. GRUNDY] would not commit himself in advance, by declaring himself against things as they are.

In regard to the loss of the fortification bill, the honorable gentleman from Pennsylvania [Mr. BUCHANAN] had asked who were to blame for leaving our whole sea-board defenseless, and went at great length into the state of our affairs with France, and calling their attention to the proceedings of the last night of the session, to show that the Senate was to blame for the loss of it. He (Mr. C.) concurred in the expression of the gentleman that our sea-board was in a defenseless condition. But the question was, who was to blame for it? Was it that the Senate of the last Congress was to blame? This Administration came into power seven years ago, and there being a majority in Congress more than a year before in favor of it, he might say it had been in power nearly nine years. Whose fault, then, was it?

The message sent there to-day said, to neglect to make provisions for defense of the country involved a criminal neglect. If the $3,000,000 appropriation had passed, what could it possibly have accomplished in putting the Navy and fortifications in a state of defense?

Could he (the President) possibly have expended the whole $3,000,000 advantageously, so as to prevent the calamities mentioned by the gentleman from Pennsylvania? There was not time allowed to do it in. You cannot (he said) build up a Navy and erect fortifications in nine months. Was it never before discovered that the country was in a defenseless condition? When a fort was burnt down, and an appropriation asked for rebuilding it, the cry was, pay the national debt.

There was $13,000,000 yielding three per cent., which would have brought six per cent.; and if it was worth six per cent. in the Government transactions, it was worth a great deal more for the purpose of defense. What financiering there was! He and his friends were attacked, but he would turn round and attack them, (the friends of the Administration.) He would ask them why it was, when they had it in their power, that

they did not provide for the general defense? All they had to say on this charge was, that they had voted for this $3,000,000. If there was blame, it rested on the very party who had made the attack. If an offer of so much for one purpose, and so much for another, had been made to them, backed by the recommendation of the President, they would have voted for it. Not that they apprehended any danger from a war with France. They would have voted for it upon the ground of increasing the peace establishment. But it came in a broad and sweeping clause, as they had thought, manifestly unconstitutional.

Am I asked (said Mr. C.) to vote for money to maintain the Army and Navy, and am I not entitled to know the character of the ship to be built—whether the money is to be expended in building gun-boats or ships of war? The constitutional injunction required they should know. It was not specified how much was to be applied to any one object, and was as exceptionable as a delegation of the whole power of both Houses of Congress to the President. The Senator from Pennsylvania [Mr. BUCHANAN] had said he believed the President never had asked any man to bring this measure forward, which was to relieve the President from a dilemma he had been thrown into by the gentleman from Massachusetts, [Mr. WEBSTER,] who had urged that it was the duty of the President to show to Congress that the exigencies of the country required it.

Letters of marque and reprisal had been recommended. But the gentleman from Pennsylvania, in order to rescue the President, takes up the message of the President, which brought it to view, that he expected everything would be done by Congress to maintain the honor and interest of the country. The President had said it was unnecessary to say anything more than he had said in his former message, in which he had asked for authority to grant letters of marque and reprisals.

To return to the important date—the point of time at which this appropriation failed—that point of time which was relied on to convict them; what was the fact? What new impulse had been received from any foreign Power at this point of time? He referred to the dispatches of Mr. Livingston of 15th January, 1835, communicated in the Senate 26th February, 1835, in which he had said he should not be surprised if the French anticipated our preparations, and seized on our shipping, &c. Here was the ground on which danger was apprehended. Mr. Livingston had said if the law should be rejected, he should not be surprised if the French anticipated us, and seized upon our shipping, &c. Mr. Livingston had said, however, there was no doubt the law would pass the Chamber of Deputies, and consequently there was no danger of a war. After those letters came here, our affairs were less alarming than before their arrival. The warlike message before that had threatened a *quasi* war. There was, therefore, more reason to believe a war would ensue before, than after the receipt of those dispatches. On the 26th February, they were assured there was no danger. He referred to a portion of the Deputies that they were not willing to take the responsibility of a rupture with this country.

During all the previous sessions of Congress, the patriotic sensibility of the gentleman from Pennsylvania, [Mr. BUCHANAN,] and his associates, had slept, and even snored so loudly as to be heard on the other side of the Atlantic, where it had been heard and believed to have had an excellent influence on the Chamber of Deputies. On the 14th January, the resolution that there was no further legislation necessary in regard to our affairs with France, was passed unanimously in the Senate. If Mr. Livingston had himself been sitting in the Chamber of the Senate, he would have come to the conclusion to which the Senate did on the very same day on which he wrote that letter, (the 14th January.) The gentleman from Pennsylvania had spoken of an excitement. He (Mr. C.) thought the excitement was felt more strongly before than after the message of the 26th February.

He (Mr. C.) had no remembrance of an excitement; when he said excitement, he meant the excitement of alarm. There was a fictitious excitement got up in another body, which prevented the passage of some of the most important bills that had originated in the Senate, and among others the bill establishing the boundary lines of Ohio, which had twice passed the Senate. What was the result of the excitement in the other House? It was that the treaty of July, 1831, should be adhered to; a sentiment common to us all, (said Mr. C.,) and in which we had all concurred once before. If it was proper to vote the $3,000,000, then it was much more so to vote it before that period of the session. If the consequences followed that our cities were to be sacked, and our people butchered, how much more would the responsibility rest upon the gentleman from Pennsylvania, and those in power, for neglecting for years before to provide for the defense of the country, than upon those who are charged with neglecting this appropriation for months. The issue would be clear in the minds of the American people. For the sake of the argument, he would admit that the failure of the $3,000,000 appropriation is to be attended with all the consequences depicted by the gentleman from Pennsylvania, [Mr. BUCHANAN;] and then inquire who was to blame for the loss of the fortification bill?

He denied that the loss of the $3,000,000 necessarily involved the loss of the fortification bill. After the Senate had refused the $3,000,000 appropriation, the committee of conference met, and agreed to confer in an amicable manner, so that the views the Senate had of this matter might be adjusted. He knew not (said he) what would have been the fate of it, if the gentlemen from the other House had put it to them so as to say it was a *sine qua non*, and had offered it in such a shape as that the Senator could have voted for it. But there was no difference; the committee of conference had shaken hands, and parted in friendship. The committee of the House of Representatives had pocketed the bill—our committee said we were not entitled to it. They offered no action upon it until after twelve o'clock. Admit (said he) that their functions ceased at twelve o'clock; and how was it? The sum of $800,000 in the fortification bill was lost. He had heard that some gentlemen entertained scruples on that point, but they were not general. Every Congress assembled at twelve o'clock at noon, and as its official existence did not commence till twelve o'clock at noon, it did not expire until a year from that hour. As the common day was computed from twelve o'clock at midnight to twelve o'clock at the next midnight, so the parliamentary or congressional day commenced at twelve o'clock at noon, and ended at twelve o'clock at noon of the next day. He would ask the gentleman from Tennessee and others, if they, in receiving their pay for the first day of the session, had any scruples about taking pay for the whole day, when only half a day's work was done? It was not until this second crowing of the cock, that some were reminded of the close of their official existence, and had left their seats at twelve o'clock. There were some who, from constitutional scruples, had left the Hall at midnight; but he never knew of any who had refused full pay for a half day's work.

The first session he was a member, they were kept up the last night till broad daylight, and the gentleman from Tennessee [Mr. GRUNDY] was then a member with him, and was not prevented by the tenderness of his conscience from sitting after midnight.

Gentlemen were usually anxious to make arrangements to leave the city at the close of the session, which accounted for the absence of so many members the last night of the session. I well recollect, Mr. President, on one occasion, when you and I [Mr. KING, of Alabama, was in the chair] were here, and met after daylight in the morning to receive a message from the President. The gentleman from Tennessee [Mr. GRUNDY] and his colleague differed on this point. His colleague [Mr. WHITE] was for adhering to the good old republican doctrine. Those two gentlemen from Tennessee, when he (Mr. C.) first came there, were jocosely pointed out to him as the rifles of the President. One of them, on Mr. FOOT's resolution, had missed fire, and had like to have bursted. He had also missed fire in his defense of the Post Office Department. In regard to these rifles, he did not remember that the other one [Mr. WHITE] ever had missed fire, until his vote on this $3,000,000 appropriation.

The people of Tennessee were good judges of rifles. A shot had been aimed at their State, but the rifle on that occasion was not loaded by the President, nor did he pull the trigger.

The appropriation bill came before the Senate at a very late hour, when the Senate was thin. The chairman of the Committee of Finance and himself carried the vote for an increase of the appropriation for Fort Delaware; and his (Mr. C.'s) constituents felt indebted to that gentleman for the interest he had taken in their behalf. Mr. C., after detailing some further transactions of the Senate, closed with some remarks complimentary of the high standing and political rectitude of the gentleman from Massachusetts, [Mr. WEBSTER,] and with renewing the motion to strike out the word "surplus."

[The foregoing hasty sketch of his remarks is necessarily condensed.]

Mr. WHITE referred to the precedents cited by two of the gentlemen who had preceded him in the debate, and which he said had been erroneously relied on to support the $3,000,000 amendment of the last session. The circumstances under which these appropriations were made had not, in his opinion, received that attention necessary to enable them to form a correct opinion of the motives influencing the votes then given. In order to show to the Senate what little reliance could be placed on these appropriations as precedents for the attempted appropriation of $3,000,000, and what little similarity there was in the cases, he would briefly refer to them, as well as to the Journals of Congress of the period, explaining the circumstances under which they were made.

The first precedent relied on was found in the administration of President Washington. It was an act passed in 1794, providing "that a sum of '$1,000,000, in addition to the provision hereto-'fore made, be appropriated to defray any ex-'penses which may be incurred in relation to the 'intercourse between the United States and foreign 'nations, to be paid out of any moneys which may 'be in the Treasury not otherwise appropriated, 'and to be applied under the direction of the Pres-'ident of the United States, who is hereby au-'thorized to borrow the whole or any part of said 'sum of $1,000,000; an account of expenditures 'whereof, as soon as may be, shall be laid before 'Congress."

Now, he apprehended if there was nothing more than what appeared from this law, it would not warrant the inferences that had been drawn from it, for the appropriation was for but one object, (foreign intercourse,) which must necessarily have been left to the discretion of the Executive, and an account for every dollar expended was to be rendered to Congress. The money was to be applied to foreign intercourse, and to no other purpose; and when they came to settle the accounts of expenditures, under this appropriation, they were not obliged to look under a great many different heads of expenditures to find all the items. They had to look only at foreign intercourse to see if the money was applied to foreign intercouse, and to no other purpose. But how was it with regard to this $3,000,000 appropriation? To ascertain how this money was expended, they would have had to look under a great many different heads of expenditure in order to see what had been expended for this fortification and for that; how much for arms, how much munition for war, &c.; and the the same examination must be made for expenditures for the Navy. It was obvious that Mr. Jefferson had it in view to avoid difficulties such as these when he recommended specific appropriations. This $3,000,000 appropriation was brought forward under circumstances wholly dissimilar to those in which the $1,000,000 appropriation was made under General Washington's administration. Was it recommended by any committee of Congress, after having passed

through an examination by it? Had it been called for by any communication from the President, or had any estimates been made by any Department of the Government on which it was based? No. It was applied for simply as an amendment to an amendment of the Senate on the mere motion of a member of the House of Representatives, without any recommendation whatever, at his own will and pleasure, and on his responsibility. But was it possible that Congress did not know what was to be done with this $1,000,000 appropriated in General Washington's time? The Journals of Congress of the period would show the purpose for which it was to be applied, and were so full and so plain as to leave no doubt on the subject. General Washington applied for this money, and told Congress what he wanted to do with it. He made a confidential communication to Congress in secret session, although it was to become the subject of legislative action. The object was to redeem from captivity American citizens, who were prisoners in Algiers; and the law making the appropriation for it was not more specific, because it was deemed necessary to keep that object secret, not from the American people, but to prevent foreigners from speculating on us, and perhaps defeating it altogether. The reason why this appropriation was not more specific, was not for the purpose of giving a broader discretion to the Executive, but for the purpose of concealing the object from foreign nations. There would be no difficulty in finding out what this appropriation was wanted for, if gentlemen would only take the trouble to look over the Journals of Congress of the period.

[Here Mr. WHITE read from the Journal of Congress of 1794, page 96, the passages referred to by him.]

By tracing the Journals, it would be found that this matter went through all the stages of the most formal legislation, before the bill finally passed into a law. In addition to this, the President made another communication to Congress in confidence, and on March 3d, of the same year, an act was passed authorizing a loan of $1,000,000 to raise the money before appropriated. Now, he would ask, what similarity there was in this case and the $3,000,000 appropriation of the last year? In the one case there was a communication from the President, saying that in his opinion the appropriation was necessary, and defining the object for which it was to be applied. Then the appropriation went through all the forms of legislation before it became a law. But this $3,000,000 appropriation was introduced on a mere motion of a single member of the House, as an amendment to an amendment, without any executive recommendation or any estimate from any Department of the Government. And yet the first was relied on as a precedent to sanction the latter. Now, if they were to be governed by precedents, instead of the Constitution, as some gentlemen argued, and precedents were to be stretched some ten years hence as much as they had been in this instance, they would find the President nothing to do but to spend the money they appropriated, at his own discretion, and at his own will and pleasure.

How was it as to the other precedent that had been relied on, made in the time of Mr. Jefferson, the great apostle of liberty and head of the Republican party? In the 4th volume of the Laws of the United States, page 3, would be found an act as follows: "That the sum of $2,000,000 be, 'and the same is hereby appropriated, towards 'defraying any extraordinary expenses which 'may be incurred in the intercourse between the 'United States and foreign nations, to be paid out 'of any money in the Treasury not otherwise 'appropriated, and to be applied under the direc-'tion of the President of the United States, who 'shall cause an account to be laid before Con-'gress as soon as may be." The next act was found at page 41, authorizing the raising of one hundred thousand militia or volunteers, at the discretion of the President, who was to call such a portion of them into actual service as he might deem necessary; and the 6th section of the act provided an appropriation for the pay and subsistence of these men. Now, the gentleman thought that they had another precedent in this act for the $3,000,000 appropriation. But what were the circumstances under which it was passed? The act grew out of a communication made by Mr. Jefferson to Congress, which was of such a delicate nature that he did not choose to make it public, and therefore sent it to Congress in secret session. This was in 1806. In 1802, as it was well-known, we made a treaty with Spain, who, so far from carrying it into effect, was suspected of exciting the savages on our frontiers to acts of aggression on our border inhabitants. In this state of things President Jefferson came forward, and disclosed to Congress the whole state of our relations with Spain, and recommended the raising this force of one hundred thousand men, and the appropriation of these $2,000,000 for their support. The object was to defend the frontiers from the attacks of savages, whether instigated by Spain or any other nation. Congress examined all the matters connected with this executive communication rigidly, and after the act had passed through all the forms of legislation in the House of Representatives, with a perfect understanding of what the appropriation was wanted for, it passed that body, who sent it by a committee of their own to the Senate for concurrence. Whoever would take the trouble of looking into the Journals of Congress would find that he was correct in everything he had stated. The first $2,000,000 was to be applied by the President for the purchase of that very country (Florida) we always desired to purchase, and which we could never purchase until the administration of Mr. Monroe. They passed an act to raise a hundred thousand men, and then appropriated funds to support them; and they appropriated money to be at the disposal of the President, for foreign intercourse, which they supposed would induce Spain to enter into the contract for the sale of Florida. The bill went through all the necessary forms of legislation, and so important was it considered that its object should be kept secret, that it was not sent to the Senate for concurrence in the ordinary manner, but was sent by a committee of three members of the House. What was the reason for making the object of this appropriation secret? If the object of the appropriation had been expressed in the law itself, it would have been telling Spain that we suspected her of exciting the Indians on our borders to acts of hostility against us, and she would also have obtained information enabling her to take an undue advantage of our desire to purchase Florida. Take the Journals, (said Mr. W.,) read everything throughout in regard to this appropriation in Mr. Jefferson's time, and so far from its being found to be a precedent sanctioning this $3,000,000 appropriation, it will be considered one of the strongest precedents for those who voted on the other side of this question. This $3,000,000 appropriation was not founded upon any executive recommendation or estimate whatever, but was introduced on the mere guess and conjecture of an honorable member of the House. Sir, (said Mr. W.,) it was an entire departure from all precedents. If this was a proper mode of disposing of the public money, he must confess he had been taught in a school where the principles of our Government were not rightly understood. He had been taught to believe that the President should from time to time give information to Congress of the state of the country; to give them not only facts, but to recommend measures for them to adopt. This done, he had performed his duty, and it was for Congress then, on its responsibility, to mold into shape and fashion the measures he recommended. He confessed he should justly be deemed the tool of the Administration, if he voted to give money to the Executive to be expended at his will and discretion, without defining the object for which it was appropriated. The principle for which I go (said Mr. W.) is to give money for specific objects, and to say it shall be applied to them and to no other. When he voted against this appropriation at the last session, he had no doubts, as he had none now, that the President would apply the money faithfully, according to the best of his judgment; but if he said this much of those subordinate to him, through whose hands the money must have gone, he would have been telling a great untruth. If we set precedents, (said Mr. W.,) what is to become of us when we have a President in whom we have no confidence? Had they passed this $3,000,000 appropriation, it would be cited, perhaps, as a precedent some fifty years hence, when it shall be attempted to raise money to be expended at the executive discretion; and then they will be able to say that they had precedent set by General Washington, by the great apostle of liberty, Mr. Jefferson, and lastly, by the republican administration of General Jackson. The greatest danger was in setting precedents during a popular administration. It was too easy a matter in such a case to set them; while, on the other hand, under an unpopular administration, it would be exceedingly difficult, if not impossible, to induce Congress to grant any improper discretionary powers. There is (said Mr. W.) but one plain course for us to pursue. Let us (said he) take the Constitution for our guide, and let us establish no precedents which, in time to come, may be used to our danger. I will vote against such (said he) so long as I can have the power to say no. And although the President now said that this $3,000,000 appropriation was in accordance with his views, yet, as he did not say so at the time it was before Congress, he thought it was his duty to vote as he then did.

He had merely risen to set gentlemen right with regard to the precedents they had cited with so much confidence; and he would, therefore, no longer take up the time of the Senate.

Mr. GRUNDY remarked, that he had but a very few words to say; for he did not intend again to go into a discussion of the questions involved in the debate. As he had, however, introduced the precedents in the times of Washington and Jefferson, which had been commented upon by his colleague this morning, it was proper that he should say something in reply. In the early part of the debate, and before he (Mr. G.) had addressed the Senate, it had been urged by several Senators who had voted against the $3,000,000 appropriation at the last session, that it would have been a violation of the Constitution. He (Mr. G.) had introduced the precedents referred to, for the purpose of showing that appropriations conferring more ample discretionary powers on the Chief Magistrate had been made while they (General Washington and Mr. Jefferson) filled the chief executive office, than was proposed by the $3,000,000 appropriation; and (Mr. G. said) he had argued, that unless the acts passed in 1794 and 1806 were unconstitutional, neither was the appropriation proposed at the last session any violation of that instrument. The force of this argument is now met by showing that each of the acts referred to were passed in pursuance of executive recommendations. This is, in his humble opinion, no sufficient answer to the precedents cited, or the argument founded upon them. An executive recommendation cannot change the Constitution, or make the measure or act constitutional which, without it, would be unconstitutional. An exposition or argument contained in a President's message may show the policy or expediency of a measure, but it never can render that constitutional which, without it, would be unconstitutional.

Mr. G. therefore insisted that the argument he had used had not been weakened by anything that had been said in reference to the acts he had cited, having been founded on executive recommendations. Mr. G. said he wished to say one word to the gentleman from Delaware, [Mr. CLAYTON,] before he resumed his seat. That Senator has been pleased to say that there have been two occasions since his [Mr. C.'s] appearance in the Senate, in which it was thought by some, that he (Mr. G.) had flinched or flashed. The first was a speech made by Mr. G., which partook too much of nullification. Upon this point he would only remark, that upon a former occasion he had given in his experience to the Senate, and his conduct met with no censure; and what was of more importance, he had been tried before his constituents, and persecuted with great

zeal, and they had pronounced that he stood justified, or at least excused. The second instance named by the gentleman from Delaware, was in relation to the Post Office Department. About five years since, the Senator from Delaware had made an assault upon that Department; it fell to the lot of the individual now addressing the Senate to defend that Department; that defense he (Mr. G.) made as well as he could, in all cases where he considered it defensible.

The Senator from Delaware denounced it, and renewed his assault from time to time; and he (Mr. G.) was always ready to give the Senator from Delaware, according to his (Mr. G.'s) feeble abilities, as sociable a reception as he could.

And how far the Senator from Delaware obtained a triumph, had as well be left to others to decide. Had the Senator from Ohio [Mr. EWING] boasted a little on this subject, instead of the Senator from Delaware, there might have been more appearance in his favor. He (the Senator from Ohio) had commenced the war upon the Post Office Department at the same time with the Senator from Delaware; and he had continued in the service down to the present day. And still Mr. G. could not see that achievements worth boasting of had been performed by any one. As to the Senator from Delaware, after he had commenced the war upon that Department, and had prosecuted it for three years, he became tired, threw up his commission, and retired from the service. Mr. G. admitted that to him the contest was very severe and unequal; that with the assistance alone of his able and efficient friend from Illinois, [Mr. ROBINSON,] he had contended against the Senator from Delaware, [Mr. CLAYTON,] Mr. Ewing, of Ohio, and [Mr. KNIGHT, of Rhode Island;] that after the Senator from Delaware [Mr. CLAYTON] had quit the service, the Senator from New Jersey [Mr. SOUTHARD] was put in his place; and he, although not in the habit of yielding to the pressure of circumstances, had his place now supplied by the gentleman from Massachusetts, [Mr. DAVIS.] Now he (Mr. G.) would say that, although he was willing to admit the great superiority of those with whom he had contended for the last five years, yet he could not see or feel that they had much to boast of in this long and protracted controversy in relation to the Post Office Department.

Mr. BENTON, after some conciliatory remarks on Mr. Clayton's proposed amendment, said that a good consequence had resulted from an unpleasant debate. All parties had disclaimed the merit of sinking the fortification bill of the last session, and a majority had evinced a determination to repair the evil by voting adequate appropriations now. This was good. It bespoke better results in time to come, and would dispel that illusion of divided counsels on which the French Government had so largely calculated. The rejection of the $3,000,000, and the loss of the fortification bill, had deceived France; it had led her into the mistake of supposing that we viewed every question in a mercantile point of view; that the question of profit and loss was the only rule we had to go by; that national honor was no object, and that, to obtain these miserable twenty-five millions of francs, we should be ready to submit to any quantity of indignity, and to wade through any depth of national humiliation. The debate which has taken place will dispel that illusion; and the first dispatch which the young Admiral Mackau will have to send to his Government, will be to inform them there has been a mistake in this business—that these Americans wrangle among themselves, but unite against foreigners, and that many opposition Senators are ready to vote double the amount of the twenty-five million francs to put the country in a condition to sustain that noble sentiment of President Jackson: *That the honor of his country shall never be stained by his making an apology for speaking truth in the performance of duty!*

It was in March last that the $3,000,000 and the fortification bill were lost; since then the whole aspect of the French question is changed. The money is withheld, an explanation is demanded, an apology is prescribed, and a French fleet approaches. Our Government, charged with insulting France, when no insult was intended by us, and none can be detected in our words by her, is itself openly and vehemently insulted. The apology is to degrade us, the fleet to intimidate us, and the two together constitute an insult of the gravest character. There is no parallel to it, except in the history of France herself; but not France of the nineteenth century, nor even of the eighteenth, but in the remote and ill-regulated times of the seventeenth century, and in the days of the proudest of the French Kings, and towards one of the smallest Italian Republics. I allude, sir, to what happened between Louis XIV and the Doge of Genoa, and will read the account of it from the pen of Voltaire, in his age of Louis XIV:

"The Genoese had built four galleys for the service of Spain; the King (of France) forbade them, by his envoy, St. Olon, one of his gentlemen in ordinary, to launch those galleys. The Genoese, incensed at this violation of their liberties, and depending too much on the support of Spain, refused to obey the order. Immediately fourteen men of war, twenty galleys, ten bomb-ketches, with several frigates, set sail from the port of Toulon. They arrived before Genoa, and the ten bomb-ketches discharged fourteen thousand shells into the town, which reduced to ashes a principal part of those marble edifices which had entitled this city to the name of Genoa the Proud. Four thousand men were then landed, who marched up to the gates, and burned the suburb of St. Peter d'Arena. It was now thought prudent to submit, in order to prevent the total destruction of the city.

"The King exacted that the Doge of Genoa, with four of the principal Senators, should come and implore his clemency in the palace of Versailles; and, lest the Genoese should elude the making this satisfaction, and lessen in any manner the pomp of it, he insisted, further, that the Doge who was to perform this embassy should be continued in his magistracy, notwithstanding the perpetual law of Genoa, which deprived the Doge of his dignity who is absent but a moment from the city.

"Imperalo Lecaro, Doge of Genoa, attended by the Senators Lomellino, Garibaldi, Durazzo, and Salvago, repaired to Versailles, to submit to what was required of him. The Doge, appareled in his robes of State, his head covered with a bonnet of red velvet, which he often took off during his speech, made his apology, *the very words and demeanor of which were dictated and prescribed to him by Seignelai,*" *(the French Secretary of State for Foreign Affairs.)**

Thus (said Mr. B.) was the city of Genoa and its Doge treated by Louis XIV. But it was not the Doge who was degraded by this indignity, but the Republic of which he was Chief Magistrate, and all the Republics of Italy besides, which felt themselves all humbled by the outrage which a king had inflicted upon one of their number. So of the apology demanded and of the fleet sent upon us, and in presence of which President Jackson, according to the Constitutionnel, is to make his decision, and to remit it to the Tuileries. It is not President Jackson that is outraged, but the Republic of which he is the President, and all existing republics, wheresoever situated. Our whole country is insulted, and that is the sense of the whole country; and this feeling pours in upon us every day, in every manner in which public sentiment can be manifested, and especially in the noble resolve of the States, whose Legislatures are in session, and who hasten to declare their adherence to the policy of the special message. True, President Jackson is not required to repair to the Tuileries, with four of his most obnoxious Senators, and there recite, in person, to the King of the French, the apology which he had first rehearsed to the Duke de Broglie; true, the bomb-ketches of Admiral Mackau have not yet fired fourteen thousand shells on one of our cities; but the mere demand for an apology, the mere dictation of its terms, and the mere advance of a fleet, in the present state of the world, and in the difference of parties, is a greater outrage to us than the actual perpetration of the enormities were to the Genoese. This is not the seventeenth century. President Jackson is not the Doge of a trading city. We are not Italians, to be trampled upon by European Kings; but Americans, the descendants of the Anglo-Saxon race, which for a thousand years has known how to command respect, and to preserve its place at the head of nations. We are young, but old enough to prove that the theory of the Frenchman, the Abbé Raynal, is as false in its application to the people of this hemisphere, as it is to the other productions of nature, and that the belittling tendencies of the New World are no more exemplified in the human race than it is in the exhibition of her rivers and her mountains, and in the indigenous race of the Mammoth and the Mastodon. The Duke de Broglie has made a mistake, the less excusable, because he might find in his own country, and perhaps in his own family, examples of the extreme criticalness of attempting to overawe a community of freemen. There was a *Marshal Broglio*, who was Minister at War at the commencement of the French Revolution, and who advised the formation of a camp of twenty thousand men to overawe Paris. The camp was formed; Paris revolted, captured the Bastile, marched to Versailles, stormed the Tuileries, overset the monarch, and established the Revolution. So much for attempting to intimidate a city; and yet here is a nation of freemen to be intimidated, a Republic of fourteen millions of people, and descendants of that Anglo-Saxon race, which, from the days of Agincourt and Cressy, of Blenheim, and Ramillies, down to the days of Salamanca and Waterloo, have always known perfectly well how to deal with the impetuous and fiery courage of the French.

In the course of the remarks (continued Mr. B.) which I had the honor to submit, when I first introduced my resolution, I took occasion to refer to what I thought was matter of history, namely: that the opposition of the Senate to the $3,000,000 contingent appropriation had lost that appropriation, and also, had lost the fortification annual appropriation bill to which it was attached; and that these two losses had left us defenseless; and, what was more serious, had left us with the appearance of not being willing to defend ourselves, and that this sad exhibition of divided councils and naked frontiers had drawn upon us the impending visit of that imposing fleet, which seems to be the only negotiator which French susceptibility now condescends to employ in the existing controversy with her ancient ally. I thought, Mr. President, that, in speaking of these things, I was doing nothing more nor less than making reference to historical facts, and had no expectation of exciting a feeling, or eliciting a warm remark, much less of provoking a discussion which has continued so many days and enlisted so many orators. Many speakers have, indeed, taken the field against me, but with an effect the reverse of what usually results from numbers. The more the stronger, is the law of numbers; but the more the weaker has been the effect here. For every speaker has a different reason to account for the same thing; while truth, which is single, admits of but one reason; and thus each confutes the other. One gentleman lays the blame upon the House of Representatives; another absolves the House and censures the President; a third throws it upon the Representative branch of the committee of conference; others again lavish the whole blame upon individuals of that committee; and, to complete the circle of inconsistent solutions, and to attack one that is never spared, there are others who charge it upon the Presiding Officer of this body,—upon him who had no concern in the affair in any shape whatsoever. So many inconsistent answers are each and every a refutation of the other, and might absolve me from further trouble than to confront this series of contradictions, and to leave the whole to die of each other's condemnation; but I will not limit myself entirely to this brief task. I will expand a little; and, touching at a few points, this circle of inconsistencies, I will show what I first said to be strictly true, namely, that the Senate is the responsible party, *first*, for the loss of the $3,000,000; *secondly*, for the loss of the fortification bill; and, *thirdly*, for the impending visit of the French fleet, and for the demand for explanation and apology.

In presenting the Senate as the responsible party for these losses, and their consequence, as I had the honor to do in my introductory remarks, gentlemen have assumed that I had indicted the Senate; and thereupon, incontinently, great indignation has been prepared and exploded. Certainly, I never intended to indict the Senate for this matter, but simply to state a historical fact; but since gentlemen will have me

* It was this Doge who gave that lively answer which French vivacity still loves to repeat. Being asked by a courtier what he found most strange and wonderful at Versailles, he replied, "*To see myself here.*"

to prefer an indictment, there is something, at least, they must allow me: they must allow me an elementary conception of the constitutional mode of trying people in our country! For I have not proceeded *ex parte:* I have not indicted the Senate behind their backs; nor tried them when absent; nor condemned them unheard; nor denied them the privilege of self-defense; nor considered their defense as a breach of my privileges, or an insult to my dignity! All this they must allow me; and then there is something else which must be allowed me; and that is, that I have shown myself so far capable to conduct an indictment, as not to be turned out of court for an error in the venue. For, as at common law, when a mortal wound is given in one county, and the wounded man dies in another, the slayer may be tried and hanged in either county; so in this case, where the fortification bill received its death wound in this Chamber, and died of that wound in the House of Representatives, the killers of the bill may lawfully be brought to justice here.

The question before the Senate has two branches, each very distinct from the other, and not to be confounded in debate, nor involved in one confused decision. The first branch of the question is as to the loss of the $3,000,000 appropriation: the second branch of it refers to the loss of the bill, to which it was attached. It was my purpose to treat these branches separately, and to show that the $3,000,000 appropriation was the main loss, and the bill the subordinate and incidental loss; and that the Senate was the cause of both losses, avowedly in the principal case, and provably in the incidental one.

I say the $3,000,000 was the main loss, and establish that assertion, first, from its amount, for it was three times the amount of the other; and next, from its character, for it was an avowed preparation against contingent danger. It was in these words: "*The sum of* $3,000,000, *to be expended in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the Navy provided* SUCH EXPENDITURES SHALL BE RENDERED NECESSARY FOR THE DEFENSE OF THE COUNTRY PRIOR TO THE NEXT MEETING OF CONGRESS." These were the words. The Senate rejected the appropriation so worded; and the rejection stood in France as the solemn declaration of the Senate that they would not provide for the defense of the country, although necessary, before they met again. It is in vain that Senators search their own bosoms, and find reasons for their vote of rejection; the record bears the fact, as I have stated it, as a contingent appropriation for the necessary defense of the country, and its rejection! And to the French it could appear as nothing more nor less than as a refusal to sustain the policy of the President, and as the final act which put the seal upon all those speeches which had justified France and condemned the chief of our own Government.

In this light it appeared to the French, and the effect was instantaneous and decisive with them. It induced them to change their tone, and emboldened them to take higher ground; and the Senator from Pennsylvania [Mr. BUCHANAN] has well shown, by a clear narration of facts, and by a close collation of circumstances, that to this most lamentable vote of the Senate we are indebted for all the French measures so offensive to our feelings—the legislative demand for explanations—the dictated apology—and the fleet that is sent to observe us. Thus, the loss of the $3,000,000 was the main loss, both for its amount and its character, and for the moral effect which a refusal to vote money for the defense of the country, even though necessary for that defense before Congress met again, and for this loss the Senate is incontestably and avowedly responsible. There is no dispute on this point. The House of Representatives passed it—the Senate rejected it—and there was an end of it. Whatever room there may be for contesting the responsibility of losing the fortification bill, there is none for contesting the loss of this $3,000,000, which has done all the mischief. Conscious of this, the gentlemen of the Opposition lay out all their strength in laborious arguments and minute details, in vindicating themselves from the loss of the fortification bill, while the infinitely more important loss of the $3,000,000 is slightly run over with an admission and a justification. The Senate admits it made that loss, and justifies it; but what a justification! *First*, because it was not recommended by the President; *next*, because it was not specific, and was, therefore, unconstitutional; and *thirdly*, because it put dangerous power in the hands of the President. These are the three points of defense, and let us briefly examine them.

1. As to the want of the President's recommendation. That is true in fact, but futile in import. The President did not recommend the $3,000,000 to the Senate, but the House of Representatives did; and it was a case in which their recommendation should be more potential than his. It was a money bill, and the House of Representatives, as the immediate representatives of the people, are the especial guardians of the purse—all tax bills *must* originate there; and, by consequence, all large appropriations—the expenditure of revenue being so nearly akin to the imposition of a tax, and often involving it—come with peculiar propriety from that branch of Congress. It is vain to say that this appropriation was suddenly adopted in the House of Representatives upon the motion of a member. Granted. But when it was adopted, it was no longer the proposition of the member, but the act of the House, and came to the Senate with all the claims to respectful consideration which is due to the act of the whole body. But it is supposed that the President gave private information of his wishes to some of his friends, and withheld it from others, and that effect was to entrap the uninformed. He (Mr. B.) presumed that this was all a mistake. It was not in unison with the President's character, which was that of extreme frankness, and it was not consonant with the fact in his own case, or he had never heard a word of the President's wishes—he, who as chairman of the Senate's Committee on Military Affairs, and as a friend to the Administration, would have had a right to the very first information where there was a designed discrimination between friends, had never heard of the matter one way or another. His first knowledge of the $3,000,000 was from the reading at the Secretary's table. He had never heard of the President's wishes, never heard of Mr. Cambreleng's notice in the House of Representatives, never heard of his motion, never saw the passage in the Globe, never heard that the $3,000,000 were coming until announced in the Senate; and if he had known of the President's wishes, he should not have communicated them to the Senate, it being unparliamentary and a breach of the privilege of the body to do so. The President communicates to the Senate responsibly through a message, and not irresponsibly through a member; and to report his opinion upon bills, to influence the action of the Congress, is irregular and unparliamentary, and a reprehensible breach of the privileges of the body; and such is the law of Parliament. He should suppose, then, that whatever might have happened in communicating his wishes to some, and not to others, was purely accidental. Certainly, if any one had a right to think himself slighted, he had, for in his double character of chairman of the Committee on Military Affairs and friend to the Administration, he should have stood first on the Senatorial list for the insidious communication.

2. As to the unconstitutionality of the appropriation, because not specific, Mr. B. would not travel over ground which had been so well occupied and so fully explored by others. He would not repeat what had been so often and so well said, that the Constitution had but two provisions on the subject of appropriations; first, that the money should be drawn from the Treasury by law, and next, that it should be accounted for. He would not repeat what had been already so fully established that the doctrine of specific appropriations, so desirable in itself, is matter of practice only, a reform of Jefferson's time slowly introduced, often departed from, and in some branches of the expenditure, only established within a few years past. He would leave all this where his political friends had placed it, and take up the question in another way, in a mere practical point of view, like a plain man engaged in an affair of business; and would demand how it happened—if want of specification was the real objection—how it happened that no attempt was made to cure so slight a defect by the natural and easy process of amendment? Why did not some one move to amend by dividing the gross sum into parcels, and assigning so much to each object? This is no figure of speech, no rhetorical interrogation to enforce an argument, but a real question, which he should be glad to hear some gentleman answer, and for which purpose he would cheerfully give the floor.

Mr. WEBSTER rose, and stated that, by the rule of the House, no motion could be made to amend the amendment under the circumstances of the case; and Mr. LEIGH also rose and said, that it was his opinion at the time, that no motion to amend the amendment could be made.

Mr. BENTON was free to admit that there was a difficulty in the rule; that a direct motion to amend might have been unsustainable, and therefore excusably omitted. But he returned to his question, and changed its form, from direct to indirect amendment, from a motion to amend on the floor, to a motion to disagree, to confer, and to make the amendment in conference, and bring it back to the Senate, all of which might have been done in a few minutes, and was actually done at last, but too late to save the bill. Upon this point (said Mr. B.) I take a position. I stand upon it. I intrench myself behind it. I ask again, again and again, if want of specification was the real objection, why not obviate that objection by the easy, natural, and parliamentary mode of disagreeing, conferring, and amending? This is a plain and direct inquiry to develop facts and to elucidate truth. We all know how the $3,000,000 appropriation was received in this Chamber; was received in one burst of indignation—in one tempest of wrath—in one cataract of denunciation. The whole Opposition rose up, one after the other, to declaim against it, to reject it, and to adhere to the rejection, which, on the part of the Senate, was an end of the whole question. Instead of all this, if want of specification was the real objection, why did not some one of the majority, like a man friendly to the object, but dissatisfied with the form, get up like a man of business, in a quiet and placid state of mind, and move to disagree, to ask a conference, and to settle the form of the appropriation by conferees? All this could have been done in a moiety of the time in which any one of those ten or a dozen violent speeches were made against it. This was the real question for gentlemen to answer, and until they answered it, all other answers and excuses for the loss of this essential and important appropriation must stand for nothing.

3 The danger of such a large and indefinite appropriation. This head (Mr. B. said) was much dwelt upon. It was said the President might lay out the whole $3,000,000 in ships alone, or the whole in raising troops, and what kind of troops he pleased. This is all fanciful and far-fetched. It is imagination, and not argument. Five objects of appropriation were specifically named, to wit: 1, the military service; 2, the naval service; 3, fortifications; 4, ordnance; 5, increase of the Navy, with a proviso *that it was not to be expended unless necessary for the defense of the country before the next meeting of Congress.* Here the objects of expenditure are specified, and nothing was wanting to come up to the most rigorous definition of a perfect specification but a division of the money, and setting apart so much to one object, and so much to another. And where is the danger in the omission of that apportionment? None! Even if the whole had been expended on the Army, or the whole on the Navy, or the whole on fortifications, still there was no danger in it to the country. It might have been unwise and improvident, but not dangerous. And here he would conclude this head with insisting that the reasons assigned are not sufficient. The appropriation was not unconstitutional; it was not unprecedented; it was not dangerous. On the contrary, it was clearly sanctioned by the Constitution, more than justified by numerous pre-

cedents called for by the exigency of our affairs, and came to the Senate with the highest possible recommendation—that of the vote of the House of Representatives, the exclusive organ of the people in the imposition of taxes, and therefore the appropriate organ to originate the heavy expenditures which are so nearly akin to the imposition of taxes. The Senate rejected, violently and contumeliously rejected the appropriation under these circumstances; and in doing so, they put the seal of confirmation upon all the speeches they had made against the President, and in favor of the French, and announced to the world, by a solemn vote, that they would not appropriate money to defend the country, even if necessary, before the next meeting of Congress.

The second branch of this inquiry (Mr. B. said) related to the loss of the fortification bill. It was the inferior branch of the inquiry, both because the amount contained in it was comparatively small, something less than $1,000,000, and because it was a general appropriation for permanent objects, and had no view to particular defense against France. The opposition Senators had laid out all their strength in defending themselves on this incidental, subordinate, and inferior point, the loss of which, occuring as it did in the shades of a midnight session, afforded room for contrariety of statement; while the main loss, which was avowedly the work of the Senate, and the moral effect of which, on the minds of the French, was so electric, was skipped over with rhetorical flourishes upon the Constitution, dictators, despotism, and the dangers of blind confidence in popular chiefs. The main loss being given up as the act of the Senate, the subordinate one was scarcely worth the trouble of investigation; but he would show that that loss also was the work of the Senate.

The bill died under lapse of time. It died because not acted upon before midnight of the last day of the session. Right or wrong, the session was over before the report of the conferees could be acted on. The House of Representatives was without a quorum, and the Senate was about in the same condition. Two attempts in the Senate to get a vote on some printing moved by his colleague, [Mr. LINN,] were both lost for want of a quorum. The session then was at an end, for want of quorums, whether the legal right to sit had ceased or not. The bill was not rejected either in the House of Representatives, or in the Senate, but it died for want of action upon it, and that action was prevented by want of time. Now, whose fault was it that there was no time left for acting on the report of the conferees? That was the true question, and the answer to it would show where the fault lay. This answer is as clear as midday, though the transaction took place in the darkness of midnight. It was the Senate! The bill came to the Senate in full time to have been acted upon, if it had been treated as all bills must be treated that are intended to be passed in the last hours of the session. It is no time for speaking. All speaking is then fatal to bills, and equally fatal whether for or against them. Yet what was the conduct of the Senate with respect to this bill? Members commenced speaking upon it with vehemence and perseverance, and continued at it, one after another. The speeches were fatal to the bill. They were numerous, and consumed much time to deliver them. They were criminative, and provoked replies. They denounced the President without measure, and, by implication, the House of Representatives which sustained him. They were intemperate, and destroyed the temper of others. In this way the precious time was consumed in which the bill might have been acted upon, and for want of which time it was lost. Every one that made a speech helped to destroy it, and nearly the whole body of the Opposition spoke, and most of them at much length and with unusual warmth and animation. So certain was he of the ruinous effect of this speaking, that he himself never opened his mouth or uttered one word upon it. Then came the fatal motion to *adhere*, the effect of which was to make bad worse, and to destroy the last chance, unless the House of Representatives had humbled itself to ask a conference from the Senate. The fatal effect of this motion to *adhere*, Mr. B. would show from Jefferson's Manual, and reads as follows:

"The regular progression in this case is, that the Commons disagree to the amendment; the Lords insist on it; the Commons insist on their disagreement; the Lords adhere to their amendment; the Commons adhere to their disagreement; the terms of insisting may be repeated as often as they choose to keep the question open; but the first adherence by either renders it necessary for the other to recede or to adhere also, when the matter is usually sufferred to fall.—10 *Grey*, 148. Latterly, however, there are instances of their having gone to a second adherence. There must be an absolute conclusion of the subject somewhere, or otherwise transactions between the Houses would become endless.—3 *Hatsell*, 268, 270. The term of insisting, we are told by Sir John Trevor, was then (1678) newly introduced into parliamentary usage by the Lords.—7 *Grey*, 94. It was certainly a happy innovation, as it multiplies the opportunities of trying modifications, which may bring the Houses to a concurrence. Either House, however, is free to pass over the term of insisting, and to adhere in the first instance.—10 *Grey*, 146. But it is not respectful to the other. In the ordinary parliamentary course, there are two free conferences at least before an adherence.—10 *Grey*, 147."

This is the regular progression in the case of amendments, and there are five steps in it: 1. To agree; 2. To disagree; 3. To recede; 4. To insist; 5. To adhere. Of these five steps adherence is the last, and yet it was the first adopted by the Senate. The effect of its adoption was, in parliamentary usage, to put an end to the matter. It was, by the law of Parliament, a disrespect to the House. No conference was even asked by the Senate after the adherence, although by the parliamentary law there ought to have been two free conferences at least before the adherence was voted. All this was fully stated to the Senate that night, and before the question to adhere was put. It was fully stated by you, sir, (said Mr. B., addressing himself to Mr. KING, of Alabama, who was then in the Vice President's chair.) This vote to adhere, coupled with the violent speeches denouncing the President, and by implication censuring the House of Representatives, and coupled with the total omission of the Senate to ask for a conference, seemed to indicate a fatal purpose to destroy the bill; and lost it would have been upon the spot if the House of Representatives, forgetting the disrespect with which it had been treated, and passing over the censure impliedly cast upon it, had not humbled itself to come and ask for a conference. The House humbled itself, but it was a patriotic and noble humiliation; it was to serve their country! The conference was granted, and an amendment was agreed upon by the conferees, by which the amount was reduced, and the sum divided, and $300,000 allowed to the military, and $500,000 to the naval service. This was done at last, and after all the irritating speeches and irritating conduct of the Senate; but the precious time was gone. The hour of midnight was not only come, but members were dispersed—quorums were unattainable, and the bill died for want of action. And now (said Mr. B.) I return to my question. I resume, and maintain my position upon it. I ask how it came to pass, if want of specification was really the objection,—how it came to pass that the Senate did not do at first what it did at last? Why it did not amend by the easy, natural, obvious, and parliamentary process of disagreeing, insisting, and asking for a committee of conference?

Mr. B. would say but a word on the new calendar which would make the day begin in the middle. It was sufficient to state such a conception to expose it to ridicule. A farmer would be sadly put out if his laborers should refuse to come until midday! The thing was rather too fanciful for grave deliberation. Suffice it to say, there are no fractions of days in any calendar. There is no 3¼, 3½, and 3¾ of March, or of any other month. When one day ends another begins, and midnight is the turning point both in law and in practice. All our laws of the last day are dated the 3d of March; and in point of fact, Congress, for every beneficial purpose, is dissolved at midnight. Many members will not act, and go away; and such was the practice of the venerable Mr. Macon, of North Carolina, who always acted precisely as President Jackson did. He put on his hat and went away at midnight; he went away when his own watch told him it was midnight; after which, he believed, he had no authority to act as a legislator, nor the Senate to make him act as such. This was President Jackson's course. He stayed in the Capitol until a quarter after one to sign all the bills which Congress should pass before midnight. He stayed until a majority of Congress was gone, and quorums unattainable. He stayed in the Capitol, in a room convenient to the Senate, to act upon everything that was sent to him, and did not have to be waked up, as Washington was, to sign after midnight; a most unfortunate reference to Washington, who, by going to bed at midnight, showed that he considered the business of the DAY ended; and getting up and putting on his night-gown, and signing a bill at two o'clock in the morning of the 4th, showed that he would sign at that hour what had passed before midnight; and does not that act bear date the 3d of March?

Mr. B. said, that when he first spoke on the subject, he had adverted to some collateral proceedings of the Senate, as subsidiary arguments in favor of his main proposition. He had shown other proceedings adverse to the defense of the country, and hence drew an inference in support of his proposition, that the Senate was the responsible party for the loss of the $3,000,000 and of the fortification bill. These collateral proceedings were—1. The rejection of the $500,000 recommended by the Military Committee; 2. The refusal to adopt the motion which he had made for information on the subject of national defense; 3. The impending motion to divide the surplus revenue among the States. He would briefly touch these points again, which seemed to have been misunderstood by some gentlemen, and showed that they were entitled to the deepest attention, as showing the indisposition of the Senate to take measures for the defense of the country.

1. The $500,000. This had been agreed upon in the Military Committee of the Senate, with three other items, and direction given to him as chairman of the committee to move them as amendments to the fortification bill, then in the hands of the Finance Committee. The Senator from Delaware [Mr. CLAYTON] had moved the item of $500,000, and the committee was unanimous in it. It was on the 23d of February, that he (Mr. B.) moved these items in the Senate. The minutes in the Senate show the proceedings more fully than the Journal, and from those minutes the proceedings are shown to be these: First, the chairman of the Committee on Finance, [Mr. WEBSTER,] who had the custody of the bill under a reference to his committee, moved the three additional appropriations, which were adopted by the Senate. These amendments were made in *quasi* Committee of the Whole. Mr. B. rose to offer his amendments, but it was suggested that he should wait until the amendments made in *quasi* Committee of the Whole should be reported to the Senate, and concurred in. He (Mr. B.) then withdrew his amendments for that purpose, and the instant the amendments of the Finance Committee were concurred in, he offered, *seriatim*, the four amendments reported from the Military Committee. Upon these amendments the minutes show the following proceedings:

"Mr. BENTON, for Fort Mifflin, $79,000, (*agreed.*)
"Increase Pea Patch fortification, $150,000, (*agreed.*)
"For armament of fortifications, additional, $400,000, (*agreed.*)
"For $500,000, (*rejected.*")

Thus, the motion for the $500,000 for increase and armament of fortification was made and rejected. It was not withdrawn, but rejected; and the Senator from Delaware [Mr. CLAYTON] had correctly stated the circumstances of rejection. It was pressed upon the Senate; and why not pressed? For the two precise reasons mentioned by that gentleman. Because the debate on the $150,000 appropriation for the Pea Patch, (Fort Delaware,) which was carried with difficulty, and after protracted discussion, brought out the sense of the Senate against the $500,000 item, which it was then seen would stand no chance at all. Secondly, because the chairman of the Committee on Finance informed the Senate that the Finance Committee would produce a substitute

for it, which substitute never came, unless, as the Senator from Delaware [Mr. CLAYTON] suggests, the amendment from the conference committee, on the last night of the session, could be considered as that substitute! The Senator does not intimate that it can be so considered; and certainly nobody can so consider it! The $500,000 was then rejected by the Senate; and this rejection is a pregnant illustration of the conduct of the Senate in the proceedings on the $3,000,000 and the fortification bill; for here is a rejection of a sum, on the 23d of February, which was moderate in amount, specific in its application, reported by the Senate's own committee, and expressly sanctioned by the Secretary of War; an appropriation free from every objection taken to the $3,000,000, and rejected the very week before the $3,000,000.

Mr. B.'s second collateral argument was the refusal of the Senate to adopt his resolution for information preparatory to the defense of the country, and which was laid upon the table, on the motion of an opposition Senator. A Senator from Ohio [Mr. EWING] seems to be at a loss to find and to understand this proceeding; but it is easily found. The resolution will be found at pages 167 and 168 of the Senate Journal, of the last session, and under the proceedings of February 16th, and with this brief history of its fact: "*On motion of Mr.* POINDEXTER, *ordered, that it be laid on the table.*" So that the Senate, fifteen days before the rejection of the $3,000,000 contingent appropriation for the defense of the country, refused to adopt a resolution, calling upon the President to cause information, relative to defense, to be laid before the Senate!

The third collateral argument on which Mr. B. relied, to show the indisposition of the Senate to vote money for the national defense, was the existence of the propositions to take the public money for distribution among the States. This was matter of history, he said, and he would not further remark upon it, than to remind the Senate that so strong has become this disposition to hoard money for distribution, that not only the defense of the country, but the adequate prosecution, even of the oldest and most meritorious work of internal improvement, the accelerated continuation of the Cumberland road itself, is likely to be endangered by it! The bill for continuing the road through the States of Ohio, Indiana, and Illinois was actually arrested on its passage through the Senate last Friday, and now hangs suspended on an objection to the amounts to be expended, and because these amounts will diminish the fund for distribution.

Having disposed of these points, and shown the Senate, as Mr. B. believed, to be the responsible party for the loss of the $3,000,000 and of the fortification bill, he would proceed to notice some matters which had grown up in the course of the debate, and which went to charge the Administration, and its friends in Congress, with gross neglect, and great dereliction of duty, in asking for appropriations for the defense of the country, or applying them beneficially after they were granted. The stress of the charge was, that the President, occupied with pursuing the Bank of the United States, had neglected the country; that every appropriation asked by the Administration for national defense had been granted—that there was little to show for the appropriations actually made—and that the opponents of the Administration were the true originators of the defensive measures adopted. Mr. B. believed that four Senators at least, had made these charges—one from Ohio, [Mr. EWING;] one from New Jersey, [Mr. SOUTHARD;] another from Kentucky, [Mr. CRITTENDEN;] and the fourth from Delaware, [Mr. CLAYTON.] Not content with making these charges, the Senators had exulted in their truth; had proclaimed them unanswerable, and had called for answers with a confidence and pertinacity which seemed to announce the perfect reliance of absolute knowledge, but which he would show to be the blind reliance of absolute ignorance. He would take up the charges in their order, one after the other, and dispatch each in its turn with that logic of facts which economizes phrases and dispenses with declamation. The first fact that he would have recourse to, would be the first report of the Secretary of War, at the first session of the first Congress that sat in the first year of *President Jackson's* administration. It was from Mr. Eaton, and would be found in the extract which he should read:

"A reference to the report of the Chief of the Ordnance will show the particular details of operation in that branch of the service; it merits attention. It has been frequently observed that the best way to avoid war is to be prepared for it. To this point of view it is desirable that the appropriations to be made for clothing our fortifications should correspond with the probable period of their completion. It would, indeed, be a mortifying result if, after the labor and cost which has been encountered for their completion, it should rest in the power of an enemy, at the onset of a war, to seize or destroy them, because the means had not been placed in readiness for their defense. From the report it will be seen that, at the present annual rate of appropriation, to wit, $100,000, *sixteen* or *twenty* years will have passed, before a proper supply of arms for those fortifications now in progress can be obtained for their defense. If, in the slow and gradual preparation for a necessary and adequate armament at present pursued, sixteen or twenty years should be found requisite, and war within that period took place, a consequence would be that some of our forts, built up at great expense, would be destroyed, because incapable of self-defense, or be retained and armed by the enemy and used against ourselves."—(*November*, 1829.)

The second fact that I shall show will be a memorandum, in answer to a note of my own from the Colonel of Ordnance, Colonel Bomford, stating that the additional sum of $150,000 was asked for the armament of fortifications for the year 1830, which, added to the standing appropriation of $100,000, would have made $250,000 for that year, and which was *not* granted by Congress.

The third fact which he would show, was a memorandum from the same officer, made at his (Mr. B.'s) request, and headed, "Memorandum of items of the estimate of the Secretary of War, which were *rejected* from the bills of appropriation from 1830 to 1835, inclusive," which showed a list of twelve items, one of them an additional appropriation of $100,000 for arming forts, and which would have been asked for annually, if granted; the twelve items amounting to $902,000.

The fourth fact that he would show would be a memorandum from the Engineer Department, showing that, from the year 1830 to 1835, inclusively, the sum of $4,911,479 94 had been asked for fortifications, six of them new ones, and that the sum of $3,957,515 94 *only* had been granted by Congress, making a deficiency of $943,984 on that head.

The fifth fact that he should offer was a memorandum from the Navy Department, headed "A 'statement of estimates submitted by the Secre-'tary of the Navy, from the commencement of 'the present Administration to the close of the 'last session of Congress, which have *not* been 'acted on, or for which *no* appropriations have 'been made," and which contains four items, one of them for deepening the bar at Pensacola harbor, for $106,690, and contained in the Secretary of the Navy's (Mr. Woodbury) report in November, 1833, and another from the present Secretary, (Mr. Dickerson,) for $200,000, for steam batteries, to be expended during 1835—the whole near $500,000.

The sixth fact that Mr. B. would mention was the bill of General Smith, of Maryland, for one million of dollars, for arming fortifications, a quarter of a million annually, and which was indefinitely postponed by the Senate. *

The seventh fact that he would mention was that he himself [Mr. BENTON] had moved the resolution at the last session, under which the Senate's Committee on Military Affairs had inquired into the expediency of increasing the military defenses. He made his motion to that effect on the 29th day of January; and the committee, upon communication with the Secretary of War, Mr. Cass, reported near a million of dollars, to wit: $75,000 for Fort Mifflin; $150,000 for Fort Delaware; $100,000 additional for armament of fortifications; and $500,000 for repair, increase, and arming forts. It was under this very resolution, submitted by himself, under which the committee acted when they made these important recommendations, and the unfortunate fate of which is so well known to the Senate, the first three items having been lost in the fortification bill after being agreed to by both Houses; the fourth large item being rejected by the Senate under the circumstances which had been so fully stated both by himself and by the Senator from Delaware, [Mr. CLAYTON.]

Here Mr. B. would pause, and ask gentlemen if they were satisfied? So far from neglecting the defense of the country in persecuting that innocent bank which, though cut down, has grown up, like Jonah's gourd, in one night, far higher than ever it was before; instead of this neglect, four or five millions are counted up in a few minutes of sums applied for by the Administration or its friends, and *not* granted. The amounts would have been greater, if repeated refusal had not checked applications; but it is enough, as it is enough to vindicate the Administration, enough to show gentlemen their profound error, and enough to show the truth of Mr. Eaton's remark in 1829, that, unless we accelerated the arming of forts, we might be building them to be blown up by the enemy, or to be occupied by them and turned against ourselves.

But a specific demand is made upon the friends of the Administration to tell why it was that no application for extraordinary appropriations were made for forts and armaments in 1835. To this demand, especially as far as relates to armaments, the following memorandum from the Ordnance Department must be accepted as the answer: "*They had been so often repeated without success, that it was thought useless to renew them.*"

Another attack upon the Administration is upon the mismanagement or waste of the moneys voted for the public defense, and for which, it is said, no adequate returns are forthcoming. It is said, that $40,000,000 have been voted since the last war for the increase of the naval and coast defenses; and it is triumphantly demanded, what is to be shown for all this money? I will answer and tell what is to be shown for it. In the naval arm, there are twelve ships of the line, either built or building; there are ten frigates of the first class, either built or building; and there are twenty-one sloops and schooners, either built or building; then there are a number of old vessels repaired, with dock and navy-yards constructed, ship-timber prepared, and munitions collected. But only a few of these ships are ready for sea! Granted; and for what reason? Because the appropriations required to fit them out, and especially of the $3,000,000 of the last session, have been refused. Next, as to the coast defenses. We have eighteen new forts built, many old ones repaired, and some munitions of war collected. But gentlemen say, these forts are not defensible. They have no guns, no carriages, no shot, no shells. Granted again, not to the letter, but granted. And why are the forts not defensible? Because the recommendation of *Mr. Secretary Eaton*, in 1829, had not been followed; because the repeated applications for accelerated armaments had not been listened to; because the $500,000 asked for by the Military Committee had been rejected, the $3,000,000 lost, and the whole fortification bill lost, which contained items to the amount of eight or nine hundred thousand dollars. This is the reason why the ships and forts, built or building, are not ready for service.

Another attack upon the Administration is, as to the condition of the Navy, its paucity, the small number of ships in commission, and their dispersed situation. This attack comes from the Senator from New Jersey, [Mr. SOUTHARD,] and certainly comes with authority from him. He has been six years Secretary of the Navy, and four years chairman of the Committee on Naval Affairs in the Senate, and certainly should know, better than any other member of the Senate, the actual condition of that arm of defense which he has had so long in his own care. If found to be in a very miserable condition, he will certainly come in for a share of that kind of merit which attaches to this condition. But it may be best for the French not to rely too implicitly upon the helpless, impotent, miserable picture which he has drawn. We have fifty ships of war, old and new, either built or building. Our naval arm is

* On Mr. B.'s own motion, his object being to apply the surpluses first on the extinction of the public debt, and next on the defenses of the Union.

many times stronger than it was when it encountered the thousand ships of war of Great Britain, and augmented itself with captures from her noble flag. The Macedonian and Java are still in our hands to do service, if necessary, upon the French. More than that, we have French names upon our list, *La Guerriere* and *La Cyane*, which we took from those who took them from the French. It was a saying in England, that France builds ships for the British; that saying may be transplanted to our America, if war fall out between America and France. Those who can take the prize from the conqueror, with more ease could take it from the loser.

And now, after defending the Administration from the attacks of the opposition, Mr. B. would be glad to know what they themselves have done for their country? What has the Senate done? It is very ready to arraign and condemn others, and surely can have no objection to a little arraignment itself. The Opposition have the majority here, and all the committees strongly organized—some of them four to one—in their favor, and could carry any measure for the public good which they pleased. Now, what has this majority done? What has it been about? Has it passed the appropriations for defense which have been asked by the heads of Departments? The memorandums which I have read answer that question. Has it passed the sums recommended by its own Military Committee? The fate of the $500,000 answers that. Has it passed the sums which had passed the House of Representatives? The history of the $3,000,000 will reply to that. Has it originated anything itself? No. Then, what has the Senate done? The barren condition of the defenses will answer that. What has it been about? What are the fruits of the four years' majority which the Opposition have held here? The fruits are nothing; and the works, if I should give the answer which the whole country gives, would be comprised in four words: PRESIDENT MAKING, and PRESIDENT UNMAKING! That, and that alone, has been the work of the Opposition.

Mr. B. said that he had followed the lead of a former chairman of the Naval Committee of the Senate, in attempting to establish the rank of admiral in the Navy. He spoke of one of South Carolina's most distinguished sons—General Hayne; and he should be glad now to follow the lead of another naval chairman in the same attempt. The honors of the rank were due to the brave old officers who had carried our naval renown to the highest pitch of glory; it was an incentive to be placed before the eyes of the younger officers to fire their emulation and to reward their exploits.

The resolution, which I have had the honor to submit, (continued Mr. B.,) proposes a very intelligible, and, I flatter myself, patriotic object. It is antagonistical to all the plans presented here for the distribution of the surplus revenues. It is not altered, in my view of it, by the amendment of the Senator from Tennessee, [Mr. GRUNDY.] The qualification of the amount to be applied is a qualification in words, not in effect. It will take all the surplus to accomplish the object. Fortifications alone will require $28,000,000 for construction, and $2,000,000 or $3,000,000 for armament. Gentlemen deceive themselves about this surplus. They all speak of $30,000,000, when the amount reported by the Secretary of the Treasury is only $10,500,000, and that before the Florida war and the New York fire. These two events will abstract some millions. The surplus will be barely sufficient for the necessary appropriations this year, and cannot be counted on for many years. We should not forget our own history. When Mr. Jefferson retired from office, he taxed the ingenuity of Congress to devise means of applying the surpluses; in a few years the Treasury was empty. In 1816, the revenue was $36,000,000 and the surplus $11,000,000; in 1820, the Navy appropriations had to be diminished one half, the Army reduced from ten thousand to six thousand men, and entrenchments made at all points to avoid borrowing money for current expenses. So of this surplus; it will go soon, and nobody can tell where. Let us fix it, then, while in our power. Let us consecrate it to a sacred object. Some gentlemen say they will lay taxes, if necessary to defend the country; that, sir, is precisely what I wish to avoid. I wish to apply the surpluses in the Treasury for that object, and to avoid the odious resort to taxes, which will not be necessary if we act right now. This is my object; and by moving an express resolution here, it has been my intention to carry the question to the people, and let every citizen decide for himself, whether he will defend his country, or leave it at the mercy of the enemy? Whether we should put it in a state of defense while we can, or defer it till we cannot? Whether we will use the money in hand, or divide that money, and then raise more by taxes to defend our coast? This is my object. Peace or war makes no difference with me. England, with an exalted magnanimity, worthy of the high place which she holds among the liberal Powers, has offered her mediation; President Jackson accepts it, and the prospect of peace brightens. But all that is nothing to delay our defenses. If I held the bond of fate for peace, I should still say, prepare for war.

Mr. LEIGH spoke to a question of order that had arisen in the discussion, in relation to the $3,000,000 appropriation. The question occurred to him that they (the Senate) could not make an amendment to the amendment of the House of Representatives. A gentleman had told him it could not be opened, and he understood at the time that it could not be done. But on looking at the rules, he now found that he had entertained a wrong impression. He did not profess to be very intimately acquainted with the rules.

Mr. KING, of Alabama, requested Mr. LEIGH to yield him the floor for a few moments. On his doing so, Mr. K. said he felt himself called on, by the observations of the gentleman from Virginia, to make a short explanation of the course pursued by him at the last session. When the fortification bill was returned to the Senate with the amendment, appropriating $3,000,000 for the defenses of the country, he was not, as might be supposed from the gentleman's observations, occupying the chair; the honorable Senator from Virginia [Mr. TYLER] was then presiding as President *pro tempore*. He (Mr. K.) was not in the Chamber when the discussion commenced on the motion to disagree to the amendment. He took no part in that discussion; and not until the bill came back to the House, insisting on its amendment, on a motion made to adhere, did he say one word on the subject; and then merely to warn the Senate against the consequences of adopting such a proceeding, as harsh, unusual, and well calculated to defeat the bill altogether. He gave no opinion as to the power of amendment; no such question was made. He would, however, frankly state—and this was his principal object in asking the floor—that had his opinion been asked, he should, without hesitation, have said, that an amendment in that stage of the business could not be made. He had so stated to several of his friends at this session. He was now, however, convinced that he was in error, and that the amendment of the House could have been amended. Yet, in fairness, he must state that he had no doubt that many, perhaps all those who opposed the appropriation, were equally in error with himself as to the power of amendment.

Mr. LEIGH continued, that the gentleman from Alabama had not understood him, if he supposed he referred to him, either at the last session or at this. He well remembered that he was under a strong impression at the time, that the amendment of the House was not susceptible of amendment in the Senate. He did not know how he got his opinions; but he supposed he might possibly have got them from the gentleman himself. He was going to say, when he rose, that he desired very much to say a few words on the general question; but he was reluctant to do so, after the remarks made by the gentleman from Missouri, at the commencement of his speech. He would not say anything further on the general question, if it would be considered discourteous in him to do so. He wished at all times to act with perfect courtesy to every gentleman.

Mr. BENTON said, that there would be no discourtesy to him in the gentleman's making any additional remarks he thought proper. He would hear the gentleman with pleasure; and if he pleased would move that the Senate adjourn.

On motion by Mr. BENTON,

The Senate then adjourned.

TUESDAY, *February* 9, 1836.

Mr. LEIGH observed that he had not intended, by any further remarks of his, to protract this debate, and should not have again arisen, but for the exposition which the Senator from Missouri had given of his principal policy in offering his resolution to the Senate, and the assumption on his part, which assumption, so far as he (Mr. L.) was concerned, was erroneous. He knew that frequent occasions might hereafter occur, on which he would have an opportunity of explaining fully his opinions on the subject of our relations with France, but he was unwilling that for a single moment his opinions should not be known. The gentleman told the Senate that his purpose in offering his resolution was to present an antagonist proposition to those already before the Senate for the distribution of the surplus revenue, introduced by the Senators from South Carolina and Kentucky; and, as he understood the gentleman, he intended to use this possible result of a war with France as an argument in support of his principal policy. Though he was as much disposed (Mr. L. said) as any gentleman to vote for every necessary, liberal, and reasonable appropriation of money suited to a state of war, if war is to come, and suited to a state of peace, or to exactly the state in which we were, a state of peace with war expected to come, he desired to be distinctly understood, that he was not willing to give one single dollar for any object introduced to defeat these two propositions of the gentlemen from Kentucky and South Carolina. What he might think of these two propositions he declined then to state; but this he would say, that in selecting objects for the distribution of this surplus revenue, now become so burdensome, he was not willing to look at any other than that for which the appropriation was to be made. Let them (said he) stand upon their own merits, and be determined by them alone; and let the proposition to appropriate the surplus revenue for national defense be determined by the necessity of national defense alone. If we are to have war with France, (said Mr. L.,) or if there is danger of that war, it becomes us seriously to consider what is the nature of that danger, and to determine how far we ought now to provide against the possible occurrence of it. It did so happen that he found himself less sanguine, as to the happy termination of the mediation offered by Great Britain and accepted by our Government, than any gentleman with whom he had conversed, or who had entered into this debate; at the same time he was as much convinced as he ever was, that there was no just or reasonable cause of a war with France.

The surplus revenue burned in our pockets—it was like money in the pockets of a school-boy, who was never satisfied till he got rid of it. The loss to the United States, in the event of a war, would extend to the benefit of our trade with France, and the loss of the carrying trade, which would go to England. It was not money alone: it was the blood of both nations that would be expended. The people of the United States ought not to shape matters entirely with a view to peace. He could not, situated as he was, be indifferent to a war. He was less sanguine that there would be no war than some gentlemen, and more convinced than others that there was just cause for the apprehension of it, and his vote would be predicated upon the supposition of a war.

Mr. L. adverted to the Berlin and Milan decrees, to show that the President must have been under a mistaken impression when he supposed that all spoliations committed by the French upon American vessels were not allowed. He nevertheless thought the acceptance of the $5,000,000 by our Government a judicious act under the circumstances, and that it was wise in the Government to negotiate this treaty. There were some doubts at the time whether the treaty would be

ratified. What had been the condition of France at that time? She had been paying indemnities to the conqueror of her Government to a great amount, and was laboring under other embarrassments.

The French Executive had notified to ours, that it was doubtful whether the Chamber of Deputies would vote this money. The American Government knew, or ought to have known, that the French Government could not constitutionally have paid it at the time our draft was dishonored. But our Government looked upon this claim as of long standing, and a just claim, and could not see the reason of its detention. It did not, however, properly estimate the probable result of the vote of the Chamber of Deputies.

The Duc de Broglie and the gentleman from Pennsylvania [Mr. BUCHANAN] differed as to the fact of the claim having been presented by the King to the Chamber of Deputies. The Duc de Broglie had said it was repeatedly presented to the Chambers; nothing was done, or, as he believed, could be done.

Mr. BUCHANAN said that he had asserted, and he did so again with the most perfect confidence, that the French Ministry had never presented a bill to the Chambers to carry into effect the treaty, until more than two months after the first installment under it had become due; and there was nothing in the letter of the Duc de Broglie to Mr. Pageot which, in the slightest degree, contradicted this assertion. Such was undoubtedly the truth.

Mr. LEIGH continued: All he knew was, that the Duc de Broglie said it had been presented to the Chamber of Deputies at as early a date as possible; but that to urge it hastily might endanger the safety of its passage through that body.

The constitutional duty of the King was to present these claims to the Chamber of Deputies, and he was charged with an omission of that duty.

Did the King of France think it detracted from the honor and dignity of the French nation to offer an apology to the American Government for the delay? No, sir. The Secretary of State of this Government was extremely importunate, and an apology was expected from France for this omission, and it was given. He referred to the letter of Mr. Serrurier which set forth the difficulty in obtaining an appropriation in the French Chambers, and the regret the failure had occasioned the King's Government.

At the next succeeding session the bill was long before the Chamber of Deputies, and was defeated by a majority of eight votes. Mr. L. referred to the letter of the Duc de Broglie as an evidence of the sense of justice of that great statesman, and of his anxiety for the fulfillment of the treaty.

A neglect of duty by omission, or a neglect of it by commission, was virtually the same. An apology for the omission of the French Government in regard to this claim had been here given by the Minister of that Government—he was going to say—in its terms more humble than that required by the King's Government from the President.

It had been charged that the King had not brought the matter before his Government at as early a period as he ought to have done.

Mr. L. adverted to the time of meeting of the Chambers—the prorogung of them—the proposition of the King to call them together again at an early day—and of the dispatch by a vessel to communicate his intentions to our Government.

He then read a letter from Count de Rigny to our Government, in which was stated the impossibility of convening the Chambers before the winter; that the claim had to be treated of by the public as well as before the Chambers; and of the necessary procrastination in paving the way for its favorable reception by the Deputies.

Here is another instance (said Mr. L.) in which the French Government explains—yes, apologizes to our Government.

Mr. L. adverted to the opinion entertained by France in regard to the message of the President, which contained, as he supposed, a menace, and to the succeeding message disavowing it. Said he, upon the honor of a man, I never could believe the President was serious in his intention of making reprisals. Was there ever an instance in which notice was given to the adverse party of such intention, as had been done in this case? In the administration of the elder Adams, letters of reprisal were ordered against the armed vessels of France, but exempted her merchant vessels; no spoliation was to be committed upon her commerce. When notice of reprisals was given, it put the party against whom the reprisals were to be made upon their guard, and enabled them to defeat the object.

Mr. Livingston had written a very able letter, of his own accord, and without the authority of this Government, stating that there was no intention of menace on the part of the President towards the Government of France. What effect that letter might have had it was difficult to determine, for the action of our Government had done away the force of it. The Ministry of France was still in favor of fulfilling the treaty. Mr. Livingston's letter comes, and, as it were, dispels the gloom. He read from Mr. Livingston's letters, in which he had said they (the French Ministry) would not take the responsibility of a rupture between the two nations.

Also, that he, Mr. Livingston, did not hope for an adjustment before the — of January.

Here are two letters (said Mr. L.) of Mr. Livingston, received, from their dates, after the message of the President was sent to the House of Representatives, on the 6th of February, and must have reached France in March, 1835.

He did not condemn Mr. Livingston for communicating to his Government his honest opinions. But for what purpose, he asked, was the letter published? Was it for any other conceivable purpose, than to justify the language used in the President's message? He would ask if the French Ministry would not look into those letters and documents, and compare them together? France was at the time, if it was not now, torn with party dissensions at home. Mr. L. mentioned the Bonapartists and other divisions of parties that existed in France, and the embarrassing situation of the Ministry. A simple law, proposing the payment of our claim, (said he,) is before the Chamber of Deputies. A member rises in his place, and proposed as an amendment to it, that an explanation shall be required of the President; and what could they do? If they opposed it, the Ministry would be charged with a want of a due sense of patriotism and national honor. The King knows that the decision of our Government sought for the payment of it, and yet he cannot make the payment without the consent of the Deputies.

Mr. Livingston expects there was a motive for delay, while he himself desired a message of the kind. He (Mr. Livingston) advised that the President of the United States should, by a strong message, aid them (the Ministry) in obtaining the necessary vote of the Deputies. What would be the effect upon the Chamber of Deputies of such a traitorous effort to force them into a compliance? The course pursued by France in this matter was to preserve her own standing at home, and not with a view to embarrass the relation between that Government and ours.

Mr. L. alluded to another letter of Mr. Livingston, and also to the letter of the Duc de Broglie to Mr. Pageot, treating of the temper of the French people, and of the necessity of prudence and caution on the part of the Government. The first notice of the requirement of an explanation on the part of the French Government, he (Mr. L.) saw in a New York newspaper. The next was in the Government paper of this city. This paper had published it as asking an apology. He (Mr. L.) had some little distrust as to the translations given us, and pointed out the variety of significations of French words, to show that translations of the French language required great skill. He, for one, was at once satisfied, if the views taken of the explanation which he saw in the Government organ (the Globe) was relied on as characterizing the proviso as an apology to be given, there were little hopes of an amicable adjustment—he knew there would be none. The Count de Rigny had said that the President would have to take the initiative. When he (Mr. L.) saw the letter, he gave up all hopes of an adjustment.

The French Government, however, had thought better of the matter, and had in fact taken it upon itself to make the initiative step in a letter from the French Prime Minister to Mr. Pageot, and had given an opportunity to our Government, through our Chargé d'Affaires in France, or to their Chargé d'Affaires here, to make the necessary explanation. This letter had shown a pacific disposition on the part of France, and no one would doubt that it sought to eschew war.

He (Mr. L.) had had several conversations with several gentlemen of both parties; and, although he differed in political questions with those who were friendly to this Administration, yet he believed he enjoyed their personal friendship. He had heard the views of a number of them as to the terms of an explanation—as to how far the President should go. In reply, he (Mr. L.) had said to them, that he could not see how it could impair the honor or dignity of any Goverment to ask the precise thing wanted. We now, in a letter of the Duc de Broglie to Mr. Barton, had what was wanted—an official written communication, unaccompanied with the polemical matter with which it was associated in Mr. Livingston's letter.

The construction the President had put upon that letter was, that France demanded an apology, and had dictated the terms in which it should be made. No, sir, (said Mr. L.,) it does not dictate the terms. No precise terms were prescribed. This construction had embroiled us in further difficulties. He believed the French Ministry designed by it (the explanation) to promote peace. Does not the President now, said he, come forward and virtually say he is willing to make the explanation? It was, therefore, a question as to a mere matter of form in which the explanation was to be made.

Mr. L. spoke of the frivolous pretexts upon which war had been waged by different nations; and that Charles XII had waged a war because there was said to be a picture of an offensive character hung up in a particular place in Germany. The President was willing to make the communication in a particular way—in a message to Congress; but he (Mr. L.) thought it better, so far as dignity was concerned, to let the Secretary of State of this Government make the explanation in a communication directly to the French Minister, than that it should enter a solemn message of the President to Congress. He looked upon the whole controversy as being a mere matter of form. He remembered no instance in which the truth of the expression was more clearly evinced which he had met with in some author, whose name he did not now recollect, that "words were things."

Mr. L. controverted Mr. Livingston's position, that the communications between the President and Congress were like the family councils of the official authorities in France. Their family councils were secret; the President's communications with Congress were public. He said it was admitted that, if the President had come out in a proclamation affecting France, we would be responsible to that Power. In his opinion we were not less so on a message to Congress. There was no reason, founded in good sense or in good manners, to prohibit the explanation, except the manner of putting a few words in form. We were quarreling about matters of form with France, our national ally, whose commerce was worth to us, and ours to her, more than the commerce of all the world beside, with the exception of one nation. If Solomon lived at this day, he would surely say there is something new under the sun.

The gentleman from Pennsylvania had read from French papers extracts from speeches in the Chamber of Deputies of an exciting character, and had taken a course calculated to reflect censure upon the conduct of the French King and Ministry. These petty jars being kept up, were illy calculated to accomplish the object of peace. It was said that wars did not originate so much from intercourse between the belligerent nations themselves as from the domestic belligerent parties in those nations at home. He did not believe

we ought to persist in this measure of hostilities merely for the sake of having the particular direction of the surplus revenue. If we had no such surplus revenue, which had unfortunately accumulated on our hands to a large amount, there would be no such strife or indications of war.

He alluded to publications in the Globe in regard to the acceptance of the mediation of England. The President had stated with precision the terms on which it was accepted. He (Mr. L.) believed, that when that acceptance, with its reservations, is seen in France, it would be considered as an additional cause of offense. If there was any freedom in the French press, though the gentleman from Missouri [Mr. BENTON] thought there was not, we might expect to see the publication of this message of yesterday, on its arrival in France, accompanied with a paragraph, stating that it was an additional insult. He thought it increased the difficulties, and that the prospect of a war was greater than was imagined. The issue now made up between the two Governments seemed to be leading directly to a war! In this view of the matter, he was prepared to vote for appropriations for the national defense. But he was, nevertheless, not going to vote in the dark, nor was he going to make out a statement for himself of the amount necessary for each object—that was a matter for the proper Department to do. Mr. L. went into a statement to show the limits of the amount that could be judiciously expended for certain objects in one season.

Mr. L. went into an argument at some length in support of the vote he gave against the $3,000,000 appropriation of last session, which he said he had given under a belief entertained then, and now, that it was unconstitutional, and not from any distrust in the President, and concluded by wishing to God that He (the Supreme Being) would put it into the hearts of them all to avoid these unpleasant controversies. He (Mr. L.) aimed only at a faithful discharge of his duty, and only wished to have an acknowledgment of it.

PORTSMOUTH NAVY-YARD.

REMARKS OF HON. F. O. J. SMITH,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1836,

In the Committee of the Whole on the state of the Union, the Naval Appropriation Bill being under consideration, with the motion of Mr. BELL, of Tennessee, to reduce the item of $76,000 to $33,500, for the construction of timber-shed, mast-house, dock, and necessary repairs at the Navy-Yard at Portsmouth, New Hampshire.

Mr. SMITH said, there were two features in the remarks of the honorable member from Vermont [Mr. EVERETT] which excited his special admiration. I allude now, sir, to his profound love of economy in the expenditure of the public money, and to his frankness in avowing the ultimate purpose which he had in view in opposing the particular appropriation now before the committee, for the navy-yard at Portsmouth.

But, sir, it has often fallen under the observation of most men, that those who set up for great economists in the abstract, are not always the most economical in fact, when they come to the application or practice of what they call *economy*. And I believe (said Mr. S.) that this remark will be found particularly true in relation to that class of expenditures of the public money to which the honorable member from Vermont has ever been foremost in giving his most liberal support. But of this by and by.

The gentleman from Vermont avows his object in opposing this item in the bill for the Portsmouth navy-yard to be, not simply to defeat this appropriation, but to discontinue and abolish the yard at Portsmouth entirely. And what, sir, are his reasons for opposing the appropriation itself? Why, the first reason with which he sets out cannot but illustrate to every member of this committee, most satisfactorily, that the gentleman has taken but a one-sided view of the subject—that he looks but one way in relation to it. He says there is no necessity for building up and keeping in repair the yard at Portsmouth, because within sixty miles westwardly—that is, at Charlestown, Massachusetts—the Government has an extensive navy-yard and depot. Why, sir, if the gentleman had but looked *in the other direction* he would have at once seen a distance of three hundred miles of sea-coast, upon the east of Portsmouth, where not a single dollar of naval preparation has been made by the Government for the defense of the country against any enemy. If it be an argument against the continued existence of the navy-yard at Portsmouth that another yard is supported within sixty miles on the west of it, as it is not a *much stronger* argument in favor of its continuance at Portsmouth, that no other navy-yard or depot has been provided by Government for the wide distance of *three hundred miles* on the east of it? If it be true, sir, that the absence of all naval preparation by the Government through the whole extent east of Portsmouth is the result of necessity, and from the want of suitable waters for the purpose on that sea-coast, or that it is the result of other sufficient causes, it is equally obvious that the nearest point that you can approach to that unprotected coast, is the most suitable point for such a provision of Government as is in question. With this understanding of localities, no gentleman, as it seems to me, should think of discontinuing the navy-yard at Portsmouth, under any circumstances.

But the gentleman from Vermont urges other reasons in opposition to this appropriation, and perhaps they are equally cogent with that to which I have just adverted. He says the appropriation ought not to be made, because the Government has appropriated, or is about appropriating, some million or more of dollars to erect a custom-house in the city of New York; and because, forsooth, the Government appropriated some considerable amount, I know not how much, but probably an extravagant sum, to construct a bridge across the Potomac river. Sir, there is no doubt a very striking connection between these subjects and the navy-yard at Portsmouth in the mind of the gentleman from Vermont, although I confess I am totally unable to perceive it.

Mr. EVERETT asked leave to explain. He said, the gentleman from Maine had misunderstood his remarks; that he alluded to the expenditures relative to the custom-house at New York, and the Potomac bridge, as cases of proceeding in large expenditure without sufficient information and data in the outset. The same objections, said he, applies to the appropriation now proposed at Portsmouth. We want evidence of its necessity.

Mr. SMITH proceeded. I am happy to take the explanation of the gentleman. But how is his argument relieved by it? Have we not evidence before us of the necessity and propriety of this appropriation? The honorable member from Massachusetts [Mr. LINCOLN] has already adverted to the recommendation of the Secretary of the Navy upon the subject, and also to that of the Board of Navy Commissioners. Yet another document from the Board of Navy Commissioners pronounces, *in so many words*, this class of works, at the navy-yards mentioned in the document, including the one at Portsmouth, as among *the "most important"* of the Government's works. Besides these recommendations from the Board of Navy Commissioners, backed by the recommendation of the Secretary of the Navy, you have also the report of a committee of this House, reiterating the same recommendation. And yet the gentleman says we have no information—we have not sufficient information to show the propriety of this appropriation! Why, sir, what other information would the gentleman have, than this accumulation of it in the printed documents upon his table, and from the appropriate sources? He says it is impossible for all the members of the House to understand the necessity of the work. But, sir, it is not impossible, if he will but make the effort. If he be not negligent of the opportunity given him to understand it, or blinded by prejudice against every recommendation that emanates from the heads of Departments, he can fully understand the propriety of every recommendation made. If he suspects their propriety or expediency, and the recommendations of the appropriate officers, he can, at very little trouble, possess himself of their whole merits; and unless he chooses to do this, with all due respect to the gentleman from Vermont be it said, he cannot, with propriety, complain or object that he has not sufficient authority for the appropriation.

I maintain, Mr. Chairman, that we have all the necessary information to not only justify, but to require, this appropriation. We have all that is usual, and all that ought to be desired, unless we are also actuated by the ulterior purpose avowed by the gentleman from Vermont, of destroying and abolishing entirely the navy-yard at Portsmouth—a purpose which I apprehend very few members of this committee are disposed to entertain. Look at the question in point of economy, and how will the case stand? Is it not good economy to construct sheds and docks at our navy-yards, to preserve the property of the Government that necessarily accumulates there? The gentleman from Vermont is himself, I believe, an agriculturist, or, if not, the region he represents upon this floor is made up of agriculturists. I would ask him, what would be—what *must* be his opinion of the individual, who is in the management of an extensive farm, requiring an extensive body of implements and materials, and who totally neglects to make preparation of suitable sheds and buildings for the protection and preservation of them from the elements that destroy them—from rain, snow, dampness, and decay? Would you, sir—would that gentleman pronounce such a man a good husbandman, a prudent agriculturist? Would he say such a man was practicing upon principles of *economy*? It cannot be. Well, sir, apply the same reasoning to your Government. It necessarily engages an extensive navy; it must maintain naval depots at different points. Vast amounts of property, in a wrought and in an unwrought condition, are necessarily accumulated there. And is it not economy in the Government to construct, at such points, the sheds and docks by which alone we can hope to preserve the property thus accumulated from the action of the elements that destroy it, that it may be ready for the service of the Government on any emergency? It would be neglect and waste not to make such preparation.

The question that alone remains is, are the appropriations proposed—$18,000 for timber-sheds, $25,000 for mast and boat-house, $20,000 for a timber-dock, and $4,000 for repairs—proportioned to the character of the works needed? The gentleman from Massachusetts [Mr. LINCOLN] has well said, that before objection be made to these propositions, regard ought to be had to the nature of the works designed. They are proposed to be permanent and durable works, and not to be constructed of materials and after the fashion of many of that class of works for which the honorable member from Vermont has invariably voted most liberally to support—works of internal improvement, in harbors and navies, of which first parts constructed have actually, in numerous instances, *fallen into decay and ruin* before the other parts were completed. It is not such a kind of economy as the gentleman's favorite works have been conducted upon, that is designed to be applied in the construction of the navy building at Portsmouth. The works are to be permanent and durable—of lasting materials; and if they should cost more in the outset, they are designed to be cheapest in the result.

But, sir, we hear the cry of *war* sounded upon this subject, and with what view I can scarcely conceive. *War*, and *war* measures, and *war* appropriations, appear to have, in the estimation of some gentlemen, an intimate connection with almost every proposition that comes before the House at the present session. No proposition, however trivial—no appropriation, however small—comes up, which does not seem to partake of WAR in some way. This panic appears to be very much of the character with that which pervaded the British nation subsequent to the French revolution. Nothing could occur there; nothing could be proposed at all out of common course,

either in public or private circles, though it were that a letter was discovered to have two seals instead of one, which did not excite alarm at once, as partaking in some way of *French influence*, or having some connection with the *French revolution!* Sir, I see no war measure in the proposed appropriations for the navy-yard at Portsmouth. It is a work of economy, of expediency, and of necessity. The idea of rejecting it with a view of discontinuing the navy-yard at that place cannot, I trust, influence any considerable portion of this committee. It would be, in my estimation, the extreme of folly in the Government to forego the privileges which that yard combines: the facilities which that harbor furnishes for ship-building. In no place of the Union is ship-building carried on with higher reputation than at Portsmouth. The best, or among the best, vessels that float upon the ocean were constructed at Portsmouth. And the facilities of the Government for the purposes of a navy-yard of certain magnitude at Portsmouth are unsurpassed at any point of our sea-coast, from one end to the other of the Union. And I trust that the item of the bill now before the committee will not be stricken out with a view to delay the construction of the necessary buildings, and, much less, with a view to discontinue the navy-yard at Portsmouth. It would not only be bad economy to do so, but a direct and serious injury to the public service.

SLAVERY IN THE DISTRICT.

SPEECH OF HON. WILLIAM SLADE,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

December 23, 1835.

The question being that depending from yesterday on the motion of Mr. PATTON, for reconsideration of the vote referring a Petition to abolish slavery and the slave trade within the District of Columbia, to the Committee for the District—

Mr. SLADE said, he had been charged by a large and respectable portion of his constituents with the duty of presenting memorials of similar import to that under discussion; and for that reason, if for no other, he felt bound to ask the indulgence of the House to a few remarks.

He approached the subject, he said, with an oppressive sense of its magnitude, and, knowing its exciting character, of the great danger of being betrayed, in the progress of its discussion, into a state of feeling unsuited to the place and the occasion. It was a subject on which he, as well as his constituents, felt most deeply; and he could neither represent their feelings, nor express his own, without a plainness and directness which *might* give offense. He begged gentlemen to believe, however, that he should say nothing intended to give the slightest personal offense to any, though he should, without fear of any, vindicate the petitioners, and assert the claims of those in whose behalf they plead. He regretted to hear the memorialists spoken of in debate as intruders, and their respectful petitions upon a subject of great national importance treated as a vexatious intermeddling with concerns in which they have no interest. Gentlemen must have patience. These petitioners, as far as he was acquainted with them, were among the most intelligent and respectable of the community in which they reside; while the subject of the petitions was one of which it will become them to speak, and the Congress of the United States to hear.

The great purpose (said Mr. S.) of most of those who have hitherto spoken upon this subject, seems to be to get rid of the petitions. The gentleman from New York [Mr. BEARDSLEY,] wishes to have them all laid on the table, as fast as presented, and "nailed" there; and yet he is exceedingly regardful of the "sacred right of petitioning," which must on no account, whatever, be impaired! The gentlemen from South Carolina [Messrs. HAMMOND, PICKENS, and THOMPSON] are most consistent. They profess to regard the petitions as disrespectful, and the petitioners as officious meddlers with that which does not concern them. They, therefore, would have the petitions rejected. There is, in this, the merit, at least, of consistency, and the gentlemen have my thanks for evincing a disposition to meet the question fairly. Another gentleman, my honorable friend from Massachusetts, [Mr. ADAMS,] would have the petitions committed to the Committee for the District of Columbia; in other words, to use his own significant, and in this case, appropriate language—to have them consigned to the "family vault of all the Capulets;" and yet he, too, is jealous of the "sacred right" of petition! The sacred right of petition—that is to say, the "sacred right" of being "nailed to the table," by the gentleman from New York, or the "sacred right" of being gathered by the gentleman from Massachusetts into the "family vault of all the Capulets!"

Sir, the petitioners well understand the nature of both these rights. The last they have long enjoyed, and desire to enjoy it no longer. They want the *action* of Congress on the subject, which, judging from the past, they are sure now to have, if it is to depend upon the decisive action of the Committee for the District of Columbia. I intend no disrespect to that committee. To continue to do what has been done—that is, to do *nothing*—would follow, of course, a commitment to them, with an express understanding that the petitions were consigned to the tomb, without the hope of a resurrection.

I, sir, (said Mr. S.,) am in favor of the prayer of the petitioners. I believe that Congress has a right to legislate on this subject, and that the time has come when it ought to legislate. Something has been suggested with regard to *political* objects connected with the presenting of these petitions. Sir, I have no such object, nor do I believe that any such purpose exists in the minds of the petitioners. They are moved by a spirit of philanthropy, and deprecate the mingling of any consideration with this question which may tend to divert attention from its real merits.

Gentlemen, I regret to say, seem willing to overlook the real object of the petitioners, and to go off into denunciations of "Abolitionists," to the end that the odium which has been attached to their measures for effecting the abolition of slavery in the States may be transferred to the exercise of an acknowledged right of asking Congress to abolish it in this District. But what do the petitioners ask at our hands? Why, sir, simply that measures may be taken to put an end to slavery here, and especially that here, where the flag of freedom floats over the Capitol of this great Republic, and where the authority of that Republic is supreme, the trade in human flesh may be abolished. These are the questions which gentlemen are called on to meet, but which they do not meet, either by calling the petitioners "ignorant fanatics," or denouncing them as "murderers and incendiaries." If, in the fervor of their philanthropy, any have adopted measures of more than doubtful expediency, for the purpose of acting on the public sentiment in the slave States in favor of immediate emancipation, it surely furnishes no reason why we should obstinately shut our eyes to the evils which are within our control, and which call loudly for our interposition.

I have said, sir, that I am in favor of the prayer of the petitioners. Let me not be misunderstood. The abolition of slavery which I would advocate is a gradual abolition. I believe the immediate and unqualified abolition of slavery to be inconsistent with a just regard, both to the best interests of the community, and the highest welfare of the slave. The philanthropy which aims at such an abolition, whatever I may think of its purity, I cannot commend for its intelligence or discretion. But though I would have abolition advance by a gradual progress towards its final consummation, I would have the work begin immediately. Sir, I cannot stand here as a freeman, without declaring, in the face of this House, and of the world, that the right to hold men as goods and chattels, subject to sale and transfer, at the will of a master, should cease, and be discontinued instantly and forever.

But while I say this, I would not render worse the condition of the slave, by conferring upon him rights which he is not fitted to enjoy, and which would become to him a curse, rather than a blessing. I would not, at once, entirely emancipate him from the control of his master. But it should not be, as now, an arbitrary, unqualified control. For that control I would substitute the authority of LAW, which should be SUPREME. In saying this, sir, I do but carry out a principle which has long been dear to me as an anti-mason. I have maintained, and still maintain, and shall continue to maintain as a *cardinal principle* in my political creed, that in opposition to all individual and all associated, self-constituted authority, THE LAWS should be maintained in full and uncontrolled supremacy. There is no being entitled to the appellation of *man*, who should not find shelter under the ægis of their broad and ample protection. In applying this principle to the case of the slave, however, I would not confer upon him the same rights which are possessed by his master; and for the obvious reason that he is not fitted to enjoy them. But I would place him under the supervision of *laws* made for his special benefit, and adapted to his new condition—laws which should essentially qualify the control of the master over him—laws which should protect him in all the rights which he is fitted to enjoy, and prepare him for the enjoyment of those to which it would be but a suicidal philanthropy immediately to admit him. Sir, we owe it to this degraded race of men to prepare them for freedom; to communicate to them moral, and religious, and literary instruction; to restore and protect the *domestic relations* among them; to teach them the duties which they owe to God, and to us, and to one another; and to build upon the foundation of a conscious responsibility to the government of Heaven, and the authority of righteous human laws, a social structure which it shall be our glory to rear, and their highest earthly happiness to enjoy.

But, Mr. Speaker, while I thus repudiate the doctrine of the immediate and unqualified abolition of *slavery*, I maintain the duty of *immediately* and *absolutely* abolishing the *slave trade* within the limits of this District. And here I come to a part of the subject which gentlemen do not choose to approach, but manifestly desire to avoid. In this I commend their prudence. The slave trade is an evil for which they well know there is no defense and no palliation. I regret, sir, that I have not the means of ascertaining its extent and character within this District. But the fact that I have no such means furnishes a strong argument for referring the petitions to a select committee, raised for the purpose of going into a full investigation, and making a full report of the facts connected with this traffic. I can, at present, only say, I am well assured that the trade is actively carried on in the cities of Washington and Alexandria,* especially in the latter, where is a large receptacle for the securing of slaves purchased in this District and the surrounding country; from which they are, from time to time, shipped to supply the markets in the southern and southwestern ports of the United States. I need not say that what is usually connected with the slave trade elsewhere is connected with it here—the forced and final separation of parents and children, of brothers and sisters, of husbands and wives—the utter annihilation of all the endearing relations of human life, and substitution

---

* The following advertisements appear daily in the principal newspapers in this city:

"CASH FOR TWO HUNDRED NEGROES,

Including both sexes, from twelve to twenty-five years of age. Persons having servants to dispose of will find it to their interest to give me a call, as I will give higher prices, in cash, than any other purchaser who is now in this market. I can at all times be found at the Mechanics' Hall, now kept by B. O. Sheckle, and formerly kept by Isaac Beers, on Seventh street, a few doors below Lloyd's tavern, opposite the Center market. All communications promptly attended to.

"JAMES BIRCH,
"dec 4—dtf Washington city."

"CASH FOR FIVE HUNDRED NEGROES,

Including both sexes, from twelve to twenty-five years of age. Persons having likely servants to dispose of will find it to their interest to give us a call, as we will give higher prices, in cash, than any other purchaser who is now or may hereafter come into market.

"FRANKLIN & ARMFIELD.
"Alexandria, April 6—d&tw."

of the single relation which *property* bears to its *absolute proprietor*.

Sir, shall this trade in human flesh be permitted to continue in the very heart of this Republic? Shall the law remain upon our statute-book, which solemnly pronounces the citizen of the United States who is found engaged in the slave trade upon the high seas "a pirate," and dooms him to "suffer death," while here, in sight of this very Capitol, the same trade is carried on with impunity? Shall our citizens who make merchandise of men upon the ocean be hunted as outlaws, while here the same offenders against the human race are suffered to pursue the guilty traffic unmolested? Sir, this subject demands a searching investigation. Will gentlemen deny such investigation? Shall the petitions which ask for it be "nailed to the table," or "buried in the tomb of all the Capulets?" I trust they will not be thus disposed of, and that no fear of "excitement" will deter us from probing the subject to the bottom and administering a prompt and effectual remedy.

I have, Mr. Speaker, spoken plainly and decidedly, because it is due to the people whom I have the honor to represent that I should thus speak. It seems to me, sir, that the sentiments of the people of the North are not fairly understood here on this subject.

An honorable gentleman from New Hampshire [Mr. PIERCE] has said that not one in five hundred of his constituents were in favor of the object of these petitions; and other gentlemen have been understood to assert that the great mass of the northern people are opposed to any action of Congress upon the subject. To sustain this view of the matter, the resolutions of public measures at the North, disapproving certain measures of the Abolitionists, have been adverted to. I am well aware, sir, of the import of these resolutions, and think I understand something of the nature of that public sentiment which they indicate. And I must be permitted to say that I believe gentlemen are much mistaken in supposing that they furnish evidence that the general sentiment at the North is opposed to the favorable action of Congress upon the memorials which are now on your table. No, sir; the meetings which adopted the resolutions in question were got up with no reference to this subject. What are the facts? The southern country had been suddenly flooded from the North with anti-slavery publications; and northern meetings were, thereupon, convened to disavow a participation in the obnoxious measure, and to express their disapprobation of it. This they did, indeed, in strong, decided language. But let not gentlemen mistake the import of all this. It was the measure to which I have alluded which brought into existence these meetings, and it was this against which their proceedings were mainly directed. The question of the abolition of slavery and the slave trade in this District was not agitated. It is not so much as alluded to in the resolutions of the Philadelphia, New York, or Boston meetings; but the doctrine of immediate abolition, and the "extravagant proceedings" (to use the language of the New York resolutions) of the Abolitionists, constitute the burden of them all.

Sir, there are very many of those who are disposed to press upon Congress the duty of granting the prayer of these petitions, who did not and do not approve the views and measures to which I have adverted; and it is due to frankness to say, sir, that I am among that number. I have never been able to perceive the expediency or propriety of attempting to inundate the South with even unexceptionable publications on this subject, much less those having a direct tendency to excite the passions of the slave, and tempt him to force the bondage which it is not for him to break, but for others to unloose. I admire, indeed the purity of the philanthropy which seeks to abolish the institution of slavery, and elevate the degraded children of Africa from the condition of property to the privileges of men; but I deplore its often misdirected zeal, and deprecate the reaction which it is calculated to produce. The abolition of slavery in the States must be their own work. To convince them that the whole system is ruinous and wrong is not the labor of a day or year. All the questions connected with this subject are eminently practical questions, and nothing can be more obvious than the danger of failing to accomplish anything by a premature effort to accomplish at once all that an ardent philanthropy may desire.

I have said that the public sentiment at the North is not understood on this subject. I believe, sir, it is greatly misunderstood. A large majority of the people are opposed to certain views and measures connected with the proposed abolition of slavery in the States; but they entertain, at the same time, an irreconcilable aversion to the institution of slavery in all its forms. The most conclusive evidence of this is furnished in all the proceedings at the North which have been adverted to in this debate; as an index of public sentiment there. Thus, the preamble to the Boston resolutions declares—"We hold the truth to 'be indisputable, that the condition of slavery 'finds no advocates among our citizens. Our laws 'do not authorize it; our principles revolt against 'it; our citizens will not tolerate its existence 'among them."

This, sir, expresses, I believe, the universal sentiment at the North on the subject. It is a sentiment which is not the production of a momentary excitement, but is deeply seated in the sober and settled convictions of the public mind. And, sir, let me assure gentlemen that no expressions of disapprobation in regard to the *measures* of "Abolitionists," or doubts as to the practicability of *immediate* emancipation, are to be taken as evidence that the "principles" of the northern people have ceased to "revolt against" slavery; or that they will not avail themselves of every suitable occasion to discuss it as well as of all reasonable and constitutional means of remedying the evil. The slavery of the States they know they cannot reach but by moral influence, and that influence they think can be made most effectual through kind and respectful, though earnest and urgent appeals to the southern interest and the southern conscience. But slavery *here*, they regard as within the competency of national legislation, and hold themselves, in common with the whole country, directly responsible for its continuance. And I need hardly say that there is a very general desire that measures may be immediately taken, looking to its final abolition; and especially that what has, by almost the whole civilized world, come to be accounted *piracy* upon the high seas, shall no longer be suffered to go unpunished and unmolested in the capital of this Republic.

The venerable member from Massachusetts [Mr. ADAMS] has said, and said truly, that opposition to slavery is, with the people of the North, a religious principle. An honorable gentleman from Virginia [Mr. JONES] replies by asking, with emphasis, whether it is the religion of the Savior of men? Sir, I did not expect to hear such a question seriously prepounded here. I was not prepared for an intimation that that religion justified the holding of human beings as *property*. Why, sir, what is the great leading moral precept put forth by that Savior, whose name is thus invoked to sanction the practice of slavery?

"All things whatsoever ye would that men should do unto you, do ye even so to them."

Sir, I will attempt no commentary on this precept. It needs none. I will only say that it contains the seminal principle of the pure and elevated morality of the Christian system—a morality so congenial with the spirit, and so constantly enforced by the example of its Divine Author while upon earth.

Now, sir, let gentlemen show me that Africans are not "men," and I will give up the argument. But, until this is done—until the declaration is blotted from the Book of Revelations, that "God hath made of one blood all nations of men, to dwell on all the face of the earth;" and until this great truth ceases to find a response in every human bosom, shall slavery stand rebuked by this all comprehensive and sublime precept of the Savior of man.

But, sir, the religion which contains this precept also enjoins submission to the "powers that be." The same mouth which uttered it said, "render under Cæsar the things which are Cæsar's"—a precept coincident with that which exhorts—"servants, be obedient to your own masters; not answering again; not purloining, but showing all good fidelity." The Savior made it no part of his business, while upon earth, to subvert the existing order of things, or to prescribe specific regulations for the administration of civil government. But he came to redeem men from sin—*to write the law of* LOVE *upon their hearts*—to establish principles and proclaim precepts, before whose searching and all-pervading influence the time-honored systems of injustice and oppression shall melt away.

Permit me now, Mr. Speaker, to examine, for a few moments, some of the objections which are urged against the legislation of Congress on this subject.

We are told, in the first place, that this is a question which concerns exclusively the people of this District; that the petitioners have no interest in it, and have no more right to ask Congress to abolish slavery here, than they have to petition the Legislature of Virginia to abolish it within her limits.

Sir, the people who have signed these petitions regard themselves as citizens, not only of the particular States in which they reside, *but of the Republic*. Every interest within the scope of the legislation of Congress is their interest. Every thing which concerns this territory concerns them; its police; the value and security of the public property within its limits; and the safety of the representative bodies annually assembled here. This is the growing capital of a great Republic. What may be the absolute or relative increase of its slave population, or how much it may effect the future condition of this District, cannot easily be foreseen. That population amounted, in 1830, to more than 6,000. The time may come when it will amount to ten times that number. And is it of no importance to our country whether its capital shall be surrounded by a mass of hardy, independent *freemen*, ready to peril their lives in defending it, as well as themselves, from the invasion of a foreign Power, or whether it shall be guarded by 60,000 *slaves*, who, instead of rallying in its defense, may hail the invader as an angel of deliverance from their bondage? And is not this subject invested with additional interest when it is considered that the *Congress of the United States* will be surrounded by such an amount of *such* a population? Have the petitioners, then, as a part of the American people, no interest in this question?

And then, too, there is the *character of the country*, as it may be affected by the institutions within the territory, where the legislative power of that country is supreme. Is slavery tolerated in this District? The petitioners feel themselves, in some sense, responsible for it. Is *merchandise* made of MEN, within sight of the Capitol in which their Representatives are assembled, and on whose summit wave the stripes and stars of freedom? As Americans, they keenly feel the reproach, and instinctively reach forth their hands to wipe out the stain from the escutcheon of their country.

But, in the second place, it is asserted *that Congress has no right to legislate on this subject;* that however great may be the evil of slavery or the slave trade within this District, it is an evil which must be borne, since authority to remedy it is not to be found among the powers granted in the Constitution.

And what are the powers of Congress touching this subject? Is it true that Congress is authorized to extend its legislation to the high seas, even to the very coast of Africa, and to prohibit the traffic in slaves, under the penalty of *death*, while it is powerless to reach the same evil in the very heart of the Republic? If the grant of powers *must* be so construed—if there is *clearly* no authority by which the Government can act in this matter, then must we submit to the evil, and wait an amendment of the Constitution which shall make it consistent with itself, and save the country from reproach.

But, sir, fortunately for the country, the Constitution, through which we derive our powers, is not thus defective. The power to legislate

upon this subject *is* granted; and that, not by remote implication, but in terms of obvious and familiar import. The eighth section of the first article gives to Congress authority "to exercise 'exclusive legislation, in *all cases whatsoever*, over 'such District (not exceeding ten miles square) 'as may, by cession of particular States, and the 'acceptance of Congress, become the seat of 'Government of the United States."

In the first place, let it be observed, the power of Congress to legislate in this District is *exclusive*. There is no other jurisdiction, either concurrent or conflicting. The jurisdiction of Virginia and Maryland, from which this territory was acquired by cession, is as perfectly excluded as is the authority and jurisdiction of the Emperor of all the Russias.

The *exclusive* character of the jurisdiction being apparent, the next question is, what is its *extent?* The answer is, in the language of the grant, that it extends to "all cases whatsoever." The framers of the Constitution could have employed no language of more comprehensive import than this—"*all* cases *whatsoever*." But are there no limitations to this? Certainly. The grant is subject to the limitations which are incident to *all* legislative power. There are many things which *no* Legislature can rightfully do. It cannot pass an *ex post facto* law. It cannot, by a mere act of legislation, transfer the property of one individual to another. It cannot authorize the commission of crime. These, and such like limitations, exist in the *present* case, not because of anything in the language of the grant, but because they are inherent, in the very nature of *all* legislative power.

Now, will it be seriously contended that the abolition of slavery and the slave trade is embraced within these implied limitations of legislative power? Is it not within the competency of ordinary legislation? Have not slavery and the slave trade been abolished by many States of this Union; and that, not upon the ground, as has been suggested in debate, of *interest* merely, but because, when thoroughly examined, the pretended right to hold and transfer *men* as property has been found to rest on no substantial foundation? Indeed, the opposers of these petitions themselves, by laboring as they do to derive a prohibition to legislate on this subject from the Constitution, and from the reservations in the cessions of this territory, manifestly betray an unwillingness to trust the claim to exemption from congressional legislation to the *natural* limitation of legislative power.

It is said, indeed, by the gentleman from Virginia, [Mr. WISE,] that the States which have abolished slavery "have not violated the great 'principle of vested rights by taking slave prop-'erty against the consent of the owners and 'without compensation;" but that they have merely "adopted the *post nati* principle, and declared that rights which did exist at the time should never exist;" that is, that the issue of slaves, born after a certain future time, should be free. Without stopping to inquire into the correctness of this, in point of fact, but for the purposes of this argument admitting it, let me ask, what is the difference in principle between depriving an individual of his slave by act of legislation, and of the right of the issue of that slave by the same act? Upon common principles an absolute right to the one as properly and necessarily carries with it a right to the other; and a farmer would resist as equal infringements of his rights an attempt to take away his cattle, and a claim to deprive him of their future progeny.

It would be appropriate here to go into an examination of the right which is claimed to hold men as property, and of the rightful extent of legislation on this subject; but it opens too broad a field for the present discussion, and I will not enter it.

It thus appears that the right to legislate on the subjects of these petitions, which is manifestly included within the terms of the grant of power to Congress, is not excluded by operation of the principles which form the basis of ordinary exceptions to the power of legislation. What is there, then, to exclude from the sweeping grant of power to legislate "in all cases whatsoever," the power in question?

An honorable gentleman from Virginia [Mr. WISE] finds various grounds of implied exclusion in the Constitution. He says there are certain admitted exceptions to the legislative power of Congress in regard to this District, which he enumerates, and thereupon proceeds to infer, from the fact of these exceptions, that the power in question is also excepted.

Thus he says that Congress is prohibited by the Constitution from suspending the writ of *habeas corpus*, from passing a law respecting the establishment of religion, and from abridging the freedom of speech and of the press, or the right of the people to be secure in their persons, houses, papers, and effects, &c., and asks if these prohibitions do not extend to the power of Congress to legislate for this District? Most certainly they do; but it is for the obvious reason that they are unlimited in their terms, and of course necessarily extend to the whole legislation of Congress. Is there any such limitation of the power in question? Why, when the convention was in the act of providing limitations to the powers which had been granted to Congress, in the eighth section of the first article of the Constitution, did they omit to limit specifically the power of legislation "in all cases whatsoever," which had been granted to Congress in reference to this District?

Again: the gentleman from Virginia says, if I rightly understand his argument, that the provision of the Constitution, that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States," necessarily extends to the District of Columbia, and that Congress must be understood to be prohibited from disfranchising here the citizens of the several States; that is, that it cannot deprive them of the privileges of citizens of the District whenever they come into it. It is true it cannot, because there would be a gross and glaring absurdity in securing, as the Constitution does, the right of citizenship in each State, to citizens of every other State, and, at the same time, denying the rights of citizenship in this District—the common property of all the States—to the citizens of those States. And, besides, the very act of constituting this ten miles square a district of the United States, necessarily gives to the citizens of each and all the States common rights in it; not the rights which they enjoy in their respective States—as the terms in which the gentleman states his argument would seem to imply—because that would constitute twenty-four different rules of action, but the right of each resident and sojourner here, of being protected by the laws made for the District, and the whole District.

The exception, then, of a right to disfranchise a citizen of Virginia who may come here, rests upon a principle having no possible relation to the case in question.

But further: The gentleman from Virginia says, that no person held to service or labor in a State, under the laws thereof, escaping into this District, can be discharged from such service or labor, but must be delivered up to the party to whom such service or labor may be due, and that this constitutes an exception from the general power to legislate "in all cases whatsoever," for this District. I admit it does, and why? Plainly because the Constitution having expressly secured the right to the slave owner to reclaim his slave in any and every State of this Union, it would be a clear evasion of it, as well as a manifest absurdity, to deny him that right in a District which is the common property of the very States within which his right of reclamation is secured by the Constitution. The exception in this case rests, therefore, substantially upon an express provision of the Constitution which, by no possibility of construction, can sustain the exception in question.

Again: The Constitution provides that "no 'tax or duty shall be laid on articles exported 'from any State. No preference shall be given 'by any regulation of commerce or revenue to 'the ports of one State over those of another; 'nor shall vessels bound to or from one State be 'obliged to enter, clear, or pay duties in another." And the gentleman from Virginia contends that this prohibition must be regarded as extending to the commerce and the ports of the District of Columbia, and if so, his inference is, that an implied prohibition of the abolition by Congress of slavery and the slave trade in the States must also be taken to extend to this District.

The first clause of the provision of the Constitution just referred to, was designed to exempt the exports of the country from taxation, and must of necessity be taken to extend to all the ports within it; otherwise, the entire object of the clause might be directly defeated. The remaining clauses of the provision, it will be observed, have exclusive reference to the equality of privileges of the several States, which they aim to preserve, by prohibiting Congress from favoring the commerce, or the ports, or the navigation of one at the expense of another. This it might do, in effect, if the ports, and commerce, and navigation of this District might be exempted from the operation of the clauses in question. Thus, a preference of the port of Alexandria over that of Baltimore would disturb the equality of privilege which the Constitution intended to preserve between Virginia and Maryland.

But what has all this to do with the subject under discussion? The provisions with regard to commerce, &c., do not specifically reach it; and it is only, therefore, from the supposed analogy between the implied limitation of the power of Congress in the cases cited, and the limitation sought to be established in the present case, that an argument can be drawn in favor of the latter. But where is the analogy between an implied prohibition to abolish slavery in the States, and an express prohibition of a preference of the ports of one State over those of another State? There is, indeed, a prohibition in both cases, but here the analogy ceases. If this is sufficient to establish the position of gentlemen, let us see what other positions it may establish. Upon the same ground that Congress is prohibited from abolishing slavery in the State of Virginia, for example, it is also prohibited from forbidding in that State the sale of lottery tickets, and the practice of gambling, and the crime of kidnapping. But could it not have enacted a prohibition of these practices in the city of Alexandria, the moment it was ceded to the United States? Could it not, in fact, have rendered valueless establishments for gaming, and receptacles for the kidnapped, which had been erected under the sanction of the laws of Virginia, if those laws had permitted such practices? Would the gentleman from Virginia have exclaimed against the invasion of vested rights, the taking of private property for public use without compensation?

Again: The gentleman from Virginia says, the "local legislature of this District cannot enter into any treaty, alliance, or confederation, grant letters of marque and reprisal, coin money," &c., and infers, if I understand him, that, because this disability results, as he supposes, by implication, from the inhibition to the States of the exercise of these powers, therefore the assumed disability of Congress to abolish slavery and the slave trade in this District may, in like manner, result from its want of power to put an end to these evils in the States.

The whole of this argument rests on a false supposition with regard to the source of the inability of Congress, as a Legislature for this District, to make treaties, grant letters of marque, and coin money; and falls to the ground when it is perceived that that inability results not from the inhibition to the States of the exercise of such powers, but from their utter inconsistency with both the purposes for which the power to legislate over this District was granted, and the relation which the District evidently bears to the Union.

The gentleman from Virginia next proceeds to lay down the following general rules to restrain legislation over this District:

1. "That nothing which Congress is expressly 'prohibited by the Constitution from doing as a 'National Legislature, can it do as a local legis-'lature for the District of Columbia.

2. "That all the duties and obligations which 'the States are bound by the Constitution to dis-'charge and observe, from one to the other, the 'District of Columbia, or its legislature, is bound

'to discharge and observe towards the States 'respectively.

3. "That the local legislature of the District 'of Columbia can do no act, or pass no law, 'which the States are prohibited from doing or 'passing by the Constitution."

And how, let it be asked, do these rules affect the present question? No express prohibition to legislate on the subject of State slavery is found in the Constitution, unless it be in the amendment which provides that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." But if Congress cannot legislate on the subject of slavery in this District, because the right to legislate upon it in the States is "reserved to the States," how is it to legislate for the District at all? The subjects of every-day legislation for the District are subjects upon which Congress has no power to legislate for the States, and are, therefore, according to the gentleman's argument, subjects on which it has no right to legislate here.

And how does the gentleman's second rule touch this subject? Are the States bound by their "duties and obligations" towards each other, to refrain from abolishing slavery and the slave trade within their respective limits? Nobody pretends this.

Many States have done it, and many more may yet do it, for anything that can be found to the contrary in the Constitution. And can any greater evil result to any of the slave States from the exercise of a power by Congress to abolish slavery and the slave trade within the limits of this District, than would result from the exercise, by the States, of their admitted power of doing the same thing within their limits? May not Maryland, for example, if she chooses, put an end to these evils within her limits? And would not the exercise of the power be as dangerous to the peace of the South, as would be the exercise of the same power by Congress in regard to this District?

And has the gentleman's third rule a more appropriate application to the present question than either of the others? To what purpose, in reference to this argument, is it to say that Congress can pass no law in reference to this District which the States are prohibited from passing? Are the States prohibited from passing laws abolishing slavery and the slave trade within their respective limits?

The gentleman from Virginia says the Constitution declares that "private property shall not be taken for public use without just compensation." Supposing this to have any application to the present case, it only involves the inquiry, whether slaves can be rightfully emancipated by legislative authority without providing a just compensation to their masters. This touches a question which I will not now discuss, namely: what is the foundation of the right to the slave, which is said to be vested in the master? Congress, however, are not asked to take private property for public use; but to free the African from the unnatural condition of being the property of another, to the end, not that he may become the property of the public, but the proprietor of himself. But this is not all that we are called on to do. We are asked to prohibit men from making merchandise of their fellow-men; from buying and selling them "to get gain." Do gentlemen talk of a compensation to the slave merchant for the loss of such a privilege? Do they even touch the subject of the slave trade within this District? Dare they do it? Are there any "vested rights" in the way of legislation on this subject? Is there any question about "compensation" involved?—any limitation growing out of "the nature of society, and of government," to which the gentleman from Virginia refers?—any express or implied infringement of the rights of the States?—any kind of obstacle, in short, but the want of a will in those who have the power to put down this abominable traffic?

Having thus attempted to show that the power of Congress to legislate on the subjects of these petitions, obviously included in the power to "exercise exclusive legislation in all cases whatsoever," is not restrained by any natural limitations of legislative power, nor by any express or implied limitations to be found in the Constitution, the question arises, Where is the limitation to be found for which gentlemen so earnestly contend? I am answered, in the acts of cession, by which the States of Virginia and Maryland ceded the territory which forms this District to the United States. These acts, say gentlemen, are conclusive upon the subject. Let us see, then, if these States did, in making the cessions, actually impose restrictions at variance with the plain language of the Constitution, and whether Congress accepted grants thus restricted.

The cession from Virginia was made by act of the Legislature of that State, on the 3d of December, 1789, in the following words:*

"*Be it enacted by the General Assembly*, That a tract of country, not exceeding ten miles square, or any lesser quantity, to be located within the limits of the State, and in any part thereof, as Congress may, by law, direct, shall be, and the same is hereby, forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the Government of the United States."

This grant, it will be perceived, transfers to the United States "exclusive jurisdiction of soil and persons residing or to reside thereon," and adds, "pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the Government of the United States;" that is, pursuant to that part of the Constitution which, as we have seen, expressly grants to Congress the power "to exercise exclusive legislation in all cases whatsoever." Here, then, instead of a restriction of the jurisdiction contemplated in the Constitution, there is, both in direct terms and by reference to that instrument, an express and clear confirmation of it.

But, say gentlemen, there is a proviso which follows this grant, that contains the limitation contended for. Let us see. The proviso is as follows:

"*Provided*, That nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States."

Now, sir, is it not apparent, upon the slightest inspection of this proviso, that it limited the grant only so far as it extended to the soil, and was designed merely to protect the rights of individuals therein—(that is, in the soil)—from the operation of that part of the cession which grants "the tract of country" to the United States "in full and absolute right?" It seems to me, indeed, that, so far from limiting the grant in reference to the subject-matter now under consideration, this very proviso does, in effect, confirm it; since an express exception of one species of right from the operation of the grant, and one only, would seem to imply an exclusion of all other exceptions. It is, indeed, altogether incredible, that the Legislature of Virginia and Maryland should have intended to restrict the United States States in their power over the subject of slavery, without using language which would directly, or by clear implication, reach the case.

The gentleman from Virginia [Mr. WISE] gives additional force to this argument by asking—"Why was the cession required? Why was 'their [the ceding States] consent to the purchase 'of places required by the Constitution, if it was 'not to give the States the power of imposing 'condition and restraint upon your legislation 'over the ceded territory?"

"The power of imposing condition and restraint!" Very well. If this was the purpose, the States of Virginia and Maryland of course understood it, and would take care to impose in their grants all the conditions and restraints upon the legislation of Congress which they thought proper; and to do it so plainly, that even the wayfaring man need not err in regard to them. Now, where are the conditions and restraints on which gentlemen rely? I have recited the whole; and who will say that they embrace any restraint upon the power of Congress touching the subject under consideration? Is not the omission, upon the gentleman's own view of the subject, decisive of the question?

But the gentleman, having looked into the grant, and seeing that no such "condition and restraint" was imposed there, seeks to find it in "the nature of society and government in Maryland and Virginia;" which he says is "of itself, independent of conditions expressed in the acts of cession, sufficient to restrain your power of legislation over this subject." Thus, at one moment, a cession was provided for in the Constitution, to the end that the ceding States might impose condition and restraint upon the legislation of Congress; and at the next, "the nature of society and government in Maryland and Virginia, is of itself a sufficient restraint," without anything expressed in the grant.

But, Mr. Speaker, what is the condition of the people of this District in regard to this important subject, if the power contended for it is not granted to Congress? Maryland and Virginia, possessing the power to abolish slavery and the slave trade within their respective limits, had the power of doing it within the territory which now composes this District. But they possess it no longer. This jurisdiction here is extinguished. The inhabitants of the territory are transferred to the United States, entirely divested of all civil jurisdiction; with no power to legislate on this or any other subject, but subjected to "the exclusive legislation" of Congress in "all cases whatsoever." However much they may, at any time, desire to free the territory from the curse of slavery and the slave trade, they are powerless. For anything that they can do, by the force of law, they and their children, and their children's children, to the latest time, must be doomed to see among them a traffic which makes merchandise of the bodies and the souls of their fellow-men; which marches through their streets, chained together, companies of human beings destined to the slave-prison and the slave-ship; and which agonizes their moral sensibilities by a severance of all the ties which bind man to his fellow-man in the most valued and endeared relation of human life.

I have thus shown that the power given to Congress over this subject, by the general grant in the Constitution, is affected, neither by the natural limitations to the exercise of legislative power, nor by any limitation, express or implied, in the Constitution itself, nor by any contained in the cessions of this territory by the States of Maryland and Virginia.

But the petitioners are here met with another objection to granting the prayer of these petitions. It is made a question of public safety. To begin the work of abolishing slavery, and to banish the detestable traffic in human flesh from this District, will, we are told, tend to excite a spirit of insurrection in the southern States; and gentlemen give full rein to their imagination in depicting the horrors of rape, rapine, and murder which will follow. I do not permit myself to doubt the perfect sincerity of gentlemen in these gloomy forebodings. I know they are in a position to see what I cannot see and feel. I will not allow myself to trifle with their views or feelings on this subject, though I must be permitted to doubt the correctness of the one and the justness of the other.

And may I not well doubt? It is true I do not profess a very familiar acquaintance with the disposition of the slave population, or the probable influence upon them of a discussion of, and action upon, this subject. And while I would hesitate to oppose my own individual opinion to the assertions of honorable gentlemen so confidently made, they must permit me to confront them, not altogether with my own opinions, but with the authority of intelligent and respectable slaveholders themselves.

I hold in my hand a petition presented to this House in the year 1828, signed by more than eleven hundred citizens of this District, praying for the abolition of slavery and the slave trade within its limits. It was referred to the Committee for the District of Columbia, and remained unacted on until the last session, when it was called

* The grant from Maryland was made on the 19th of December, 1791. It is in the same language as the grant from Virginia, and is limited by the same proviso.

up, on motion of an honorable member from New Hampshire, [MR. HUBBARD,] and ordered to be printed, with the names of the signers. I send it to the Chair, and ask that it may be read by the Clerk.

Here Mr. GARLAND, of Virginia, interposed, and said he should object to the reading of that and all other petitions on the subject, unless the gentleman used it as a part of his argument.

Mr. SLADE replied that he intended so to use it, and should read it himself, but, being exhausted, he wished it read by the Clerk.

Mr. GARLAND withdrew his objection, and consented to the reading, as an act of courtesy to Mr. S.

The petition was then read by the Clerk, as follows:

"*To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled:*

"We, the undersigned, citizens of the counties of Washington and Alexandria, in the District of Columbia, beg leave to call the attention of your honorable body to an evil of serious magnitude, which greatly impairs the prosperity and happiness of this District, and casts the reproach of inconsistency upon the free institutions established among us.

"While the laws of the United States denounce the foreign slave trade as piracy, and punish with death those who are found engaged in its perpetration, there exists in this District, the seat of the National Government, a domestic slave trade scarcely less disgraceful in its character, and even more demoralizing in its influence. For this is not, like the former, carried on against a barbarous nation; its victims are reared up among the people of this country, educated in the precepts of the same religion, and imbued with similar domestic attachments.

"These people are, without their consent, torn from their homes; husband and wife are frequently separated and sold into distant parts; children are taken from their parents without regard to the ties of nature; and the most endearing bonds of affection are broken forever.

"Nor is this traffic confined to those who are legally slaves for life. Some who are entitled to freedom, and many who have a limited time to serve, are sold into unconditional slavery; and, owing to the defectiveness of our laws, they are generally carried out of the District before the necessary steps can be taken for their release.

"We behold these scenes continually taking place among us, and lament our inability to prevent them. The people of this District have, within themselves, no means of legislative redress, and we, therefore, appeal to your honorable body, as the only one invested by the American Constitution with the power, to relieve us.

"Nor is it only from the rapacity of slave traders that the colored race in this District are doomed to suffer. Even the laws which govern us sanction and direct, in certain cases, a procedure that we believe is unparalleled in glaring injustice by anything at present known among the Governments of Christendom. An instance of the operation of these laws, which occurred during the last summer, we will briefly relate:

"A colored man, who stated that he was entitled to freedom, was taken up as a runaway slave and lodged in the jail of Washington city. He was advertised, but no one appearing to claim him, he was, according to law, put up at public auction for the payment of his jail fees, and sold as a slave for life! He was purchased by a slave trader, who was not required to give security for his remaining in the District, and he was soon after shipped to Alexandria for one of the southern States. An attempt was made by some benevolent individuals to have the sale postponed until his claim to freedom could be investigated, but their efforts were unavailing; and thus was a human being sold into perpetual bondage at the capital of the freest Government on earth, without even a pretense of trial, or an allegation of crime.

"We blush for our country while we relate this disgraceful transaction, and we would fain conceal it from the world, did not its very enormity inspire us with the hope that it will rouse the philanthropist and patriot to exertion. We have no hesitation in believing your honorable body never intended that this odious law should be enforced; it was adopted with the old code of Maryland, from which, we believe, it has been expunged since the District was ceded to the General Government.

"The fact of it having been so recently executed, shows the necessity of this subject being investigated by a power which we confidently hope will be ready to correct it.

"We are aware of the difficulties that would attend any attempts to relieve us from these grievances by a *sudden* emancipation of the slaves in this District, and we would, therefore, be far from recommending so rash a measure. But the course pursued by many of the States of this Confedacy, that have happily succeeded in relieving themselves from a similar burden, together with the bright example which has been set us by the South American Republics, proves most conclusively that a course of gradual emancipation, to commence at some fixed period, and to take effect only upon those who may thereafter be born or removed into the District, might be pursued without detriment to the present proprietors, and would greatly redound to the prosperity and honor of our country.

"The existence among us of a distinct class of people who, by their condition as slaves, are deprived of almost every incentive to virtue and industry, and shut out from many of the sources of light and knowledge, has an evident tendency to corrupt the morals of the people, and to damp the spirit of enterprise, by accustoming the rising generation to look with contempt upon honest labor, and to depend for support too much upon the labor of others. It prevents a useful and industrious class of people from settling among us, by rendering the means of subsistence more precarious to the laboring class of whites.

"It diminishes the resources of the community by throwing the earnings of the poor into the coffers of the rich; thus rendering the former dependent, servile, and improvident, while the latter are tempted to become, in the same proportion, luxurious and prodigal.

"That these disastrous results flow from the existence of slavery among us, is sufficiently conspicuous when we contrast the languishing condition of this District, and the surrounding country, with the prosperity of those parts of the Union which are less favored in point of climate and location, but blessed with a free and industrious population.

"We would, therefore, respectfully pray that these grievances may claim the attention of your honorable body, and that a law of Congress may be enacted, declaring that all children of slaves, born in the District of Columbia after the 4th day of July, 1828, shall be free at the age of twenty-five years, and that those laws which authorize the selling of supposed runaways for their prison fees or maintenance may be repealed.

"And, also, that laws may be enacted to prevent slaves from being removed into this District, or brought in for sale here or transportation; without, however, preventing members of Congress, resident strangers, or travelers, from bringing and taking away with them their domestic servants."

Mr. PATTON inquired whether the gentleman from Vermont could inform him how many of the signers were slaveholders?

Mr. GARLAND made a further inquiry, whether the gentleman from Vermont knew if they were all inhabitants of the District?

Mr. SLADE replied, he could not inform the gentleman how many of the signers were slaveholders. He personally knew some of them, and knew them to be owners of slaves. The list of names, some of which he read, embraced men of all the professions and employments in the District—judges, lawyers, physicians, merchants, mechanics, and laborers.

As to the question (said Mr. S.) whether all the signers were inhabitants of the District, I cannot, of course, answer it. I can only say that the petition was presented to this House seven years ago, and has remained on file in the clerk's office ever since, open to inspection; and that it has been, during the past year, among the published documents of this House; and, moreover, that it purports on its face to be a petition of inhabitants of this District. Under these circumstances, I submit whether there is not a sufficient presumption that it is what it purports to be, to put gentlemen upon proof of the contrary.

And now, Mr. Speaker, let me entreat gentlemen to look into this petition. I do this the more earnestly, because they will find the names of many there whom, I am persuaded, they will not be inclined to charge either with ignorance or fanaticism, but on whose truth and intelligence and judgment they may place the most confident reliance. They state facts which they are in a condition to know, and advance opinions the soundness of which is not liable to be affected by "northern prejudices" on the subject. They are in the midst of slavery, and understand what it is. They have witnessed the slave trade, and know something of its horrors; and without any of the doubts of gentlemen in regard to the power of Congress on this subject, and without any of the apprehensions with regard to the effect of its discussion upon the public peace and safety, which has been made the subject of such glowing descriptions and gloomy anticipations here and elsewhere, they fearlessly announce the truth in regard both to slavery and the slave trade, and urgently appeal to Congress "as the only body invested by the American Constitution with power to relieve them."

I submit, Mr. Speaker, whether it is not time that these petitioners, sustained as they are by the concurrent supplications of their northern brethren, should be heard and regarded; and whether the fact that eleven hundred citizens of this District have signed the petition which had just been read, is not a sufficient reply to the argument which has been drawn from considerations connected with a regard to the public safety.

But further: the subject of the abolition of slavery, it is well known, was fully debated in the Legislature of Virginia, in the year 1832, when the "injustice, tyranny, and oppression" of the slave system were openly and boldly maintained;* and an effort was seriously made to commence a system of abolition which should look to the final, and not distant, extinction of slavery in that State. And did that discussion produce any symptoms of insurrection among the slaves? No, sir. And why, indeed, should it? If you, sir, were the owner of one hundred slaves, and should seriously set about measures to give them the boon of freedom, do you think that the first intimation of it would beget in them a spirit of rebellion, and that it would rise in proportion as you should advance your benevolent plans towards their consummation? To suppose this, is to suppose what I want evidence to believe of the African race—that they are so lost to gratitude as to find no inducement to its exercise in such a manifestation of benevolent regard for them as this.

Suffer me, sir, to dwell a few moments longer on the indications of opinion in Virginia on this subject, pending the agitation of the question in the Legislature of that State. While the subject was before a committee of the Legislature, the editor of the Richmond Enquirer, a well-known leading public journal at the seat of government of Virginia, said:

"It is probable, from what we hear, that the committee on the colored population will report some plan for getting rid of the free people of color. But is this all that can be done? Are we forever to suffer the greatest evil which can scourge our land not only to remain, but to increase in its dimensions? 'We may shut our eyes and avert our faces if you please,' (writes an eloquent South Carolinian, on his return from the North a few weeks ago,) 'but there it is, 'the dark and growing evil, at our doors; and meet the 'question we must at no distant day. God only knows 'what it is the part of wise men to do on that momentous 'and appalling subject. Of *this* I am very sure, that the 'difference—nothing short of frightful—between all that 'exists on one side of the Potomac, and all on the other, is 'owing to *that cause alone*. The disease is deep-seated; it 'is at the heart's core; it is consuming, and has all along 'been consuming our vitals, and I could laugh, if I *could* 'laugh on such a subject, at the ignorance and folly of the 'politician who ascribes that to an act of the Government, 'which is the inevitable effect of the eternal laws of nature. 'What is to be done? Oh! my God, I don't know; but 'something must be done.'

"Yes, something must be done; and it is the part of no honest man to deny it; of no free press to affect to conceal it. When this dark population is growing upon us; when every new census is but gathering its appalling numbers upon us; when, within a period equal to that in which this Federal Constitution has been in existence, those numbers will increase to more than two millions within Virginia; when our sister States are closing their doors upon our blacks for sale; *and when our whites are moving westwardly in greater numbers than we like to hear of*; when this, the fairest land on all this continent, for soil and climate and situation combined, might become a sort of garden spot if it were worked by the hands of white men alone, *can we, ought we*, to sit quietly down, fold our arms, and say to each other, 'Well, well, this thing will not come to the worst in our day. We will leave it to our children and our grandchildren and great grandchildren to take care of themselves, and to brave the storm.' Is this to act like wise men? Heaven knows we are no fanatics. We detest the madness which actuated the *Amis des Noirs*. But something ought to be done. Means sure but gradual, systematic but discreet, ought to be adopted for reducing the mass of evil which is pressing upon the South, and will still more press upon her the longer it is put off. We ought not to shut our eyes nor avert our faces. And though we speak almost without a hope that the committee or the Legislature will do anything, at the present session, to meet this question, yet we say now, in the utmost sincerity of our hearts, that our wisest men cannot give too much of their attention to this subject, nor can they give it too soon."

The honorable gentleman from Virginia will suffer me to commend this expression of sentiment to the deliberate attention which the high standing and responsible position of its author, and the peculiar circumstances under which he wrote, eminently entitle it. Especially would I commend to the honorable gentleman from South Carolina the declaration of the "eloquent South Carolinian," embodied in the article I have just read. The able editor of the Richmond Enquirer and his eloquent correspondent both had a near view of the evils of slavery, and describe them

---

*The gentleman who opened the debate on the side of abolition said: It was a truth held sacred by every American and by every republican throughout the world, and he presumed it could not be denied in that Hall, as a general principle, that it is an act of injustice, tyranny, and oppression, to hold any part of the human race in bondage against their consent. That circumstances may exist which may put it out of the power of the owners for a time to grant their slaves liberty, he admitted to be possible; and if they do exist in any case, it may excuse, but not justify, the owner in holding them. The right to the enjoyment of liberty is one of the most precious, inherent, inalienable rights which pertain to the whole human race, and of which they can never be divested except by an act of gross injustice.

in a language which at once attests their sincerity, and commands assent to the correctness of their views upon this "momentous and appalling subject."

I will add, that the other leading paper at the capital of Virginia, the Richmond Whig, made about the same time the following declaration:

"We affirm, that the great mass of Virginia herself triumphs that the slavery question has been agitated, and reckons it glorious that the spirit of her sons did not shrink from grappling with the monster. We affirm that, in the heaviest slave districts of the State, thousands have hailed the discussion with delight, and contemplate the distant but ardently desired result as the supreme good which a benevolent Providence could vouchsafe to their country."

Mr. Speaker, if it was "glorious" and safe for Virginia to "grapple with the monster" in 1832, is it inglorious and unsafe for the Congress of the United States to grapple with the same monster now?

Suffer me, Mr. Speaker, to present one more expression of opinion on this subject. I leave Virginia, and go over the mountains into the valley of the Mississippi; and I there find the following recent resolution of the synod of Kentucky upon the subject of emancipation:

"*Resolved*, That a committee of ten be appointed, to consist of an equal number of ministers and elders, whose business it shall be to digest and prepare a plan for the morai and religious instruction of our slaves, and for their future emancipation, and to report such plan to the several presbyteries within our bounds, for their consideration and approval."

The committee appointed under this resolution, of whom John Brown, Esq., was chairman, and the Rev. John C. Young, president of Danville College, secretary, made a report, in which, among other things, they say:

"1. A part of our system of slavery consists in depriving human beings of the right to acquire property. 2. The deprivation of personal liberty forms another part of our system of slavery. 3. The deprivation of personal security is the remaining constituent of our system of slavery." Its effects are said to be: "1. To deprave and degrade its subjects, by removing from them the strongest natural checks to human corruption. 2. It dooms thousands of human beings to hopeless ignorance. 3. It deprives its subjects, in a great measure, of the privileges of the Gospel. 4. This system licenses and produces great cruelty. 5. It produces general licentiousness among the slaves. 6. This system demoralizes the whites as well as the blacks. 7. This system draws down upon us the vengeance of Heaven."

These several points, in their order, are illustrated and enforced at length Then follow confutations of the various arguments of the defenders of the system. Then—

"As the conclusion of all that has been advanced, we assert it to be the unquestionable duty of every Christian to use vigorous and immediate measures for the destruction of this whole system, and for the removal of all its unhappy effects. Both these objects should be contemplated in his efforts."

Mr. Speaker, is it regarded by good and intelligent men in Kentucky as safe openly to recommend a "destruction of the whole system of slavery;" and shall we be quailing before the dangers of doing it in the District of Columbia?

But, sir, I have another authority on this subject. I return from the valley of the Mississippi to this District, and, looking into the United States Telegraph of the 4th of September last, I find the following. Speaking in the name of the southern people, the editor says:

"We hold that our sole reliance is on ourselves; that we have most to fear from the gradual operation on public opinion among ourselves; and that those are the most insidious and dangerous invaders of our rights and interests, who, coming to us in the guise of friendship, endeavor to persuade us that slavery is a sin, a curse, an evil. It is not true that the South sleeps on a volcano—that we are afraid to go to bed at night—that we are fearful of murder and pillage. Our greatest cause of apprehension is from the operation of the morbid sensibility which appeals to the conscience of our own people, and would make them the voluntary instruments of their own ruin."

So, then, the fears are not of insurrection, but of *conscience*—not of the physical force of the slaves, but of the power of "*public opinion.*"

Need I, Mr. Speaker, repeat the expression of my sincere conviction, that the fears expressed by gentlemen on this floor are groundless? And is it not apparent that the true ground of fear on this subject is to be found in a continuance of the "dark and growing evil," so well described by the "eloquent South Carolinian," to which our attention has been directed? Permit me to add, in the language of the Richmond Enquirer, in the article I have read, that "our wisest men cannot give too much attention to this subject, nor can they give it too soon."

But there is another objection sometimes urged against legislating on the subject of slavery, which must not be overlooked in this discussion. Every attempt to disturb the existing relation of master and slave, it is said, tends to disturb the balance of the Constitution, inasmuch as it was among the compromises which entered into the formation of that instrument, that three fifths of the slaves should be represented in this body.

Now, sir, in the first place, let it be observed that we are not asked to legislate on the abolition of slavery in Virginia or South Carolina, but in the District of Columbia; and that our legislation disturbs the balance of the Constitution only by the influence of its example upon the slaveholding States.

In the second place, I contend that a just exercise of all the powers granted in the Constitution can never disturb its true balance, but is itself the preservation of that balance.

If the Constitution authorizes Congress to abolish slavery in the District of Columbia, and the tendency of the exercise of that power should be to abolish slavery in the Slave states, and thus reduce their representation in this body, it is a constitutional result of which no State has a right to complain. As well might we complain of the abolition of slavery in the West India Islands by Great Britain, because its tendency is to produce the same result in the United States. Neither Congress in the one case, nor Great Britain in the other, is under any responsibility for the consequences of a rightful exercise of power—I mean a responsibility to the Constitution in the one case, and the law of nations in the other.

But, sir, the balance of the Constitution is already disturbed in the other direction. When the Constitution was adopted, the Mississippi on the west, and Florida on the south, formed the limits of the Confederated Republic. For anything contemplated in the Constitution, these boundaries formed impassable limits, beyond which a slave population could not bring into Congress a representation upon that basis. The purchases of Louisiana and Florida have added two additional slave States, and will probably, ere long, add two more. And do gentlemen reflect how much this has disturbed the balance of the Constitution?

But this is not all. The balance, in point of fact, has been disturbed, and must be more so, by the great relative increase of the slave population of the South, and the diminution, almost the extinction of it at the North. And although this is not, of course, an unconstitutional increase, yet it is obvious that the enormous and alarming relative increase of the slave population compared with that of the whites, was not within the contemplation of the men who formed the Constitution.

Thus, in the four Atlantic States south of the Potomac, the increase of the whites from 1790 to 1830 was eighty-four per cent., while that of the slaves was, during the same period, one hundred and thirty-six per cent. In South Carolina the disproportion was still greater; the increase of the whites during the same period having been ninety-four per cent., while that of the slaves was one hundred and ninety-four per cent.

To what results, Mr. Speaker, are the principles which produce such a disproportionate increase of population to lead us? What will, in the progress of fifty years, become of the balance of the Constitution? These are questions which deeply concern the free States.

But there is another question which comes home to the slave States with tremendous and appalling interest. What will be their condition half a century hence, in reference to this subject? That period will roll away, and the principles which govern the advance of the slave population will continue to operate! And yet gentlemen say, "Hands off—let us alone. We will leave it 'to our children, and our grandchildren, and our 'great grandchildren, to take care of themselves, 'and to brave the storm."

But, sir, I will pursue this train of thought no further. I leave it, and with it the subject which the House has so kindly indulged me in discussing.

Deeply convinced, sir, that the petitioners have a right to ask us to abolish slavery and the slave trade within this District, and that we have not only the right, but that it is our bounden duty forthwith to commence the one, and to begin and finish the other, I must ask, when the proper time shall come, that the petitions shall be referred to a select committee, to the end that they may have the speedy and decisive action of this body. It seems to me to be due to the great importance of the subject that they should be thus disposed of. Sir, we must not bury these petitions. And let me say to gentlemen, that such a policy will certainly defeat itself. You cannot smother investigation of this subject. Sir, the spirit of free inquiry is the master spirit of the age. It bows to the authority of truth and reason and revelation, but it bows to nothing else. It must have free course, and it will have it; giving life and soul and energy to the march of liberal principles, and destined to shake every institution on earth which does not recognize the "inalienable rights" of man, and bow to the supremacy of just and equal laws. And, sir, it shall move onward and onward and onward, until every kindred and tongue and people under heaven shall acknowledge and glory in the great truth that "ALL MEN ARE CREATED EQUAL."

SLAVERY IN THE DISTRICT.

DEBATE IN THE SENATE.

February 12, 1836.

Mr. MOORE moved to proceed to the consideration of the motion of Mr. BUCHANAN to reject the prayer of the Society of Friends, in the petition to abolish Slavery in the District of Columbia; which being agreed to,

Mr. MOORE said he would be very brief in the remarks he was about to offer, and would not even now trespass at all on the patience of the Senate, except from the peculiar remarks from some of the Senators, and the high state of excitement in the section of country he came from.

The Society of Friends had as much of his respect as any other class of individuals. That part of the Constitution authorizing the people peaceably to meet and consult upon their grievances, had been construed as authority to petition for the abolition of slavery in the District of Columbia. But there was no proposition or petition before the Senate complaining of grievances of their own. It therefore did not apply.

They denounced the existence of slavery; nay, further, they denounced all those who participated in it. He conceived that the property in slaves was not only guarantied in the District of Columbia, but in all the slaveholding States, and any intermeddling in it was a violation of the commandment which required them to attend to their own concerns, and not meddle with the concerns of their neighbors.

Suppose (said Mr. M.) they should petition for a restriction of the liberty of the press, the licentiousness of which he admitted. No one would consent to grant the prayer of such a petition.

While the charges contained in these petitions were more particularly against the people of the District of Columbia, they also embraced a part of his constituents; and so far as his constituents were concerned, he entered the plea of not guilty, and that they were slandered. He entered the plea of not guilty for himself and his colleague, both of whom had bought slaves in the District of Columbia. Mr. M. spoke of the entire ignorance of these petitioners from the North in regard to the treatment of the slaves in the South. The common principles of humanity would dictate humanity in the South as well as in the North. The slaves were well treated, fed, and clothed, and well contented, if these disturbers of their peace and instigators of insurrection would let them alone.

He would refer to a little book, which by accident had fallen into his hand. There were plates in it representing slaveholders in the most odious point of view. He would not say it was a main

object in publishing this book to excite a rebellion and insurrection; but he would not hesitate to say that any man of sensibility, whether from the East, West, North, or South, would, on reading a paragraph in it, be excited to indignant feelings. Mr. M. here read several of the offensive extracts.

In getting out instructions from a certain quarter, in order to send to the Senate and House of Representatives, in opposing the admission of ———— into the Union, he would like to know whether that opposition was founded on political motives? If he were to trace that point to its origin, he would arouse the sensibilities of some who were very sensitive. He would not, therefore, say many things now he had intended to say. For one, he contended they had no right to entertain a petition praying for what he conceived to be in violation of the Constitution.

Mr. M. spoke of the restraints necessarily put upon the slaves in consequence of this interference. At some of their meetings, they were required to keep a patrol; and in some instances the slaves were necessarily restrained in assembling for public worship.

The Legislature of Alabama had been called upon to act, and had acted, and made a most solemn appeal to the Legislatures of different States to punish these evil-doers.

The Executive of Alabama had made a positive demand of the Executive of New York to deliver up a certain leader of the Abolitionists. But the Executive of New York had very politely declined. He had made liberal expressions against the conduct of this man and those engaged with him; but he regretted he (the Governor of New York) had declined recommending to the Legislature of that State the passage of a law to authorize him to deliver up that individual, or to punish him and others in that State, for exciting insurrections in the South, &c. If he had done so, the people of the South would have been better satisfied. The excitement in his (Mr. M.'s) part of the country had no parallel. He was constrained to believe there was more in these memorials than met the public eye.

They were told there were many more abolition memorials in the desks of Senators to be presented. They (the Abolitionists) concentrated their whole force first against the District of Columbia, and we may consider this (said Mr. M.) as nothing more than an entering wedge to a great scheme.

In order that they might put a stop to this movement in its incipient stage, they should put the seal of disapprobation on it at once. It could not be done by referring it to a committee, or by laying it on the table, but by a rejection of the petitions.

When the proposition from the gentleman from South Carolina came up, they should see who would come up to the sticking point. There could then be no non-committal on the constitutional question.

Mr. KING, of Georgia, said, he would like to say a few words, if not encroaching on the business set apart for the day. As the remarks he wished to make were principally called for by the remarks of the Senator who had just taken his seat, he preferred making them then, but would yield to the wishes of the Senate. No objection being made, Mr. K. proceeded to remark, that he thought he had made up his mind to say not one word on these memorials. He disliked to participate in that which he had condemned in others. For the reasons just given, however, and for those given by other southern Senators who had previously offered their views briefly, it was perhaps right that he, as a southern man, should briefly explain the views which would induce him to vote against a motion, made by a southern man as a southern measure.

Upon the general subject, his views had been already very well expressed by others. In fact, it had been well expressed in the course of the debate, that upon the object of the memorialists, their feelings, sentiments, and opinions, and also upon the pernicious tendency of their measures, there was not, nor could be, any material difference among the members representing the southern section of the Confederacy upon that floor. Their feelings and interests were the same; and if they differed, it was only a difference *as to the mode* in which the question should be disposed of; a difference simply as to the most expedient mode of stamping with disapprobation the pernicious labors of these disorganizing agitators. Perhaps, he said, like the Senator from Alabama, he should make some exception in favor of the *intentions* of the particular memorialists whose petition was now under consideration.

Here Mr. K. asked, if it was not the petition alone of the Friends that was under consideration, all others having been withdrawn? and, being answered in the affirmative, he proceeded.

He hoped even these good people would come to understand that their labors, however well intended, would be attended with the same mischievous consequences that followed the efforts of those who could not, in all cases, have the same charity extended to them.

But (said Mr. K.) this being among the southern members a mere difference of form in the manner of disposing of the subject, I regret exceedingly that the Senator from Carolina has thought it his duty (as he doubtless has) to pass the subject upon the consideration of the Senate in such form, as not only to permit, but, in some measure, to create, a necessity for the continued agitation of the subject. For he believed, with others, that nothing was better calculated to increase agitation and excitement than such motions as that of the Senator from South Carolina. What was the object of the motion? Senators said, and no doubt sincerely, that their object was to quiet the agitation of the subject. Well, (said Mr. K.,) my object is precisely the same. We differ, then, only in the means of securing a common end, and he could tell the Senators that the value of the motion as a means would likely be estimated by its tendency to secure the end desired. Would even an affirmative vote on the motion quiet the agitation of the subject! He thought, on the contrary, it would much increase it. How would it stop the agitation? What would be decided? Nothing, except it be that the Senate would not receive the particular memorial before it. Would that prevent the presentation of others? Not at all; it would only increase the number by making a new issue for debate, which was all the Abolitionists wanted; or, at any rate, the most they now expected.

These petitions had been coming here without intermission ever since the foundation of the Government, and he could tell the Senator that if they were each to be honored by a lengthy discussion on presentment—an honor not heretofore granted to them—they would not only continue to come here, but they would thicken upon us so long as the Government remained in existence. We may seek occasion (said Mr. K.) to rave about our rights. We may appeal to the guaranties of the Constitution which are not denied. We may speak of the strength of the South, and pour out unmeasured denunciations against the North. We may threaten vengeance against the Abolitionists, and menace a dissolution of the Union, and all that. And thus exhausting ourselves mentally and physically, and setting down to applaud the spirit of our own efforts, Arthur Tappan and his pious fraternity would very coolly remark, "Well, that is precisely what I wanted; I wanted agitation in the South. I wished to provoke the 'aristocratic slaveholder' to make extravagant demands on the North, which the North could not consistently surrender to them. I wished them, under the pretext of securing their own rights, to encroach upon the rights of all the American people. In short, I wish to change the issue; upon the present issue we are dead. Every movement, every demonstration of feeling among our own people, shows that upon the present issue the great body of the people is against us. The issue must be changed, or the prospects of abolition are at an end." This language (Mr. K. said) was not conjectured, but there was much evidence of its truth.

Sir, (said Mr. K.,) if southern Senators were actually in the pay of the Directory on Nassau street, they could not more effectually coöperate in the views, and administer to the wishes, of these enemies to the peace and quiet of our country. And yet (said Mr. K.) we have just been charged with sacrificing southern interests to attain a political end. (Here Mr. MOORE said the Senator from Georgia had misunderstood him, and made some explanations.) Mr. K. said he had expressly understood the Senator to say that the object of the course of the Administration party was to favor the pretensions of a certain northern candidate for the Presidency, but accepted the explanation.

It was a good maxim in politics, as well as private life, (Mr. K. said,) never to demand too much. By making unreasonable demands, we often lost that to which we were plainly entitled If the non-slaveholding States were willing to allow us all our rights, we should be satisfied. We should never leave an impregnable position for the doubtful prospects of a dangerous ally.

Notwithstanding what he had said, he was not prepared to say that the motion of the Senator from South Carolina might not be entertained without any dangerous invasion of a constitutional right. It has been insisted that the memorialists bear no interest in the subject, and are therefore not entitled to the right of petition. We should recollect, however, that the right of petition is esteemed a very sacred one in this country. And we should make up no unnecessary issues about it. The people, on these matters, usually measured in the lump; they did not understand these nice constitutional distinctions and parliamentary rules, and a refusal to receive petitions on such grounds would be looked upon as an arrogant attack on a popular right, and would be so used by the enemies of the South.

But why were we bound to refuse to receive these petitions? If he understood Senators, it was on two grounds; the first was, that the language reflected on a portion of the members. Now, (said Mr. K.,) every southern Senator feels an equal indignation at having these memorials brought before them. But he did not know how the memorialists, in this particular case, could have presented the subject at all in more respectful language than they have employed. But (he said) he was already strongly committed on this point, by votes given on other occasions, since he had been in the Senate. He could not change his action until he had changed his opinion. He considered the pretensions of the Senate on this subject the most dangerous and extraordinary ever tolerated in any representative Government. The doctrine, as acted on in a few cases in the Senate, was, that we would not receive any memorial that might, in the opinion of the Senators, "reflect on the body, or any member of it." On this principle, how are the people ever to obtain reform of abuses, originating in the two Houses or either House? Where would the principle lead to? He would not dwell upon the subject, but he would put a few plain cases, that would be well understood by Senators. We have (said Mr. K.) been in the habit of voting ourselves privileges. All exclusive privileges are justly odious to our people. They are inconsistent with the American character, and opposed to the genius of our institutions. We have voted ourselves the franking privilege, not during the session, as formerly, but in perpetuity. This privilege it was known, was sometimes grossly abused, which would be a strong argument for its total repeal.

He also spoke of the purchase of books for the members, and referred to the practice of the members in paying for their newspapers out of the public money, in support of which practice he had never been able to elicit any argument, except the *unanswerable* one of the yeas and nays. The contingent expenses of the two Houses had been also swelled in a few years to an enormous extent. There were other cases of more magnitude which might be made the subject of complaint by the people, but he referred to these as obvious cases that had been spoken of during the present session. Suppose, then, the people were to petition Congress to abolish the franking privilege, and state as a reason the enormous abuses to which it is subject. Suppose they look at the sum total of your contingent account, and believing it impossible it could be honestly expended for any contingencies that the Constitution will

allow, pray Congress to look into the subject and reform the abuse. According to this novel doctrine, any Senator might rise and move that "the memorial be not received," because it "*reflected* on the Senate or some of its members." Sir, (said Mr. K.,) I deny the whole doctrine. I deny it in the general, and I deny it in the particular; I deny it in the gross, and I deny it in the detail. It has not one single inch of ground in the Constitution to stand upon. We were sent here to do the business of the public, and not to set up arbitrary codes for the protection of our dignity, and then be left to determine what dignity means. I consider true senatorial dignity to consist in a straightforward, independent discharge of our constitutional duties, and not in searching into the language employed by our constituents, when they ask us for a redress of grievances, to see if we cannot find some pretext to commit a fraud upon the Constitution. If the people thought we had done wrong they had a right plainly to tell us so, and if we found the charge true, we should set about a reformation; if untrue, we should reject their petitions on that account.

Mr. K. said he had spoken of this doctrine in a general point of view, and could not honor the Abolitionists so far as to suffer them to provoke him to a violation of the Constitution as he understood it.

In the second place, it was contended that we should not receive the petition, because to grant it would be unconstitutional. Was it not apparent that this was assuming prematurely that which we should arrive at by an examination of the subject? It had been asked, why receive the petition, if it were afterwards to be rejected? Senators had asked, what was the difference between the two modes of proceeding? He would ask in turn, if there were no difference, why did gentlemen insist on their motion? There was a difference, however, which he thought was well understood.

To refuse to receive denied the right of *being heard*. To receive, and reject the prayer of the petitioner, gave the privilege of a hearing, and the judgment of the Senate upon the subject. This petition, he said, had been read, and its object considered; but not necessarily so. The motion was perfectly in order, before reading, on a statement of the nature of the memorial by the Senator offering it, and the theory of the motion was to deny the right to a consideration. This consideration might change an opinion previously formed without it; and should not be denied because our first impressions may be against the rights of the petitioners.

Mr. K. said, that he believed also, after some reflection upon the subject, that Congress had no constitutional power to emancipate the slaves in the District of Columbia, in the manner contemplated by the memorialists. He believed that Congress had precisely the same power over the subject in the District of Columbia that the States had in their respective limits, and he agreed perfectly with the Senator from Virginia [Mr. LEIGH] that the States themselves had no power to take the slave from the owner, except for public use, and for a just compensation. He did not agree, however, with the Senator from Virginia, in his construction of the proviso in the Virginia cession, as the plain import and intention of the proviso was only to negative the idea that the soil was transferred with the jurisdiction. But the aid of this proviso was not necessary to the constitutional argument, and he did not believe the Senator placed much stress upon it.

The *argumentum ab inconvenienti* also of the Senator from Virginia, although powerful—even irresistible to prove the inexpediency of exercising the power, if the power were admitted, was still not sufficient, perhaps, to disprove the existence of the power itself.

It was the intention of the framers of the Constitution that Congress should have a very extensive legislative power over the District. It was necessary it should have it, and it was reasonably supposed that Congress could have no dangerous temptation to abuse it. What inducement could Congress have to oppress the helpless inhabitants of the ten miles square; or, on the other hand, what dangerous inducement to heap expensive benefits on the District at the cost of their own immediate constituents? None in the world. And hence the alarming pictures drawn of the effects of emancipation in this District, and in all the forts and arsenals in the slaveholding States, whilst slavery exists in the surrounding States, had not the slightest influence upon his deliberations upon the subject. The former might be admitted, and he had not the slightest apprehension that Congress would exercise it so long as there was virtue and patriotism enough in the country to hold the Government together.

But, he said, without any particular distrust of Congress as the legislature of the District of Columbia, there was a restriction upon the whole legislative power of the Union, State and Federal, which denied the right to Congress to do that which was wished by the memorialists. This was a national restriction, and extended to the District of Columbia as well as to the States. This restriction was to be found in the fifth amendment, which had been referred to by others. This amendment says that no person "shall be deprived 'of life, liberty, or property, without due process 'of law, nor shall private property be taken for 'public use without just compensation."

Mr. K. said he thought it might be found as a historical fact, that this amendment owed its origin to the apprehensions of the slaveholding States on this very subject. It was well known that the Constitution met with great opposition in the convention of Virginia. There, some of the greatest men, and greatest patriots of the age, used every means to defeat it. Among other things, it was objected to by Patrick Henry and others, that Congress would have power under the Constitution to emancipate the slaves in the slaveholding States. In vain did the advocates of the Constitution appeal to its obvious guaranties on this subject; they still believed, or affected to believe, that Congress had the power under the general welfare doctrine so long exploded. Finding that the Constitution would be adopted against their efforts, they then showed themselves consistent by proposing and appending to the ratification of Virginia a bill of rights and sundry amendments, containing their principal objections, and this among the rest. Some of the principles contained in the bill of rights and amendments were adopted by Congress, and others rejected. And this principle was adopted in the fifth amendment as before read. The great object was the certain security of private rights against the arbitrary power of legislation; and it was evident, that the private rights of the slaveholder in the District of Columbia were inconsistent with the object of the memorialists. He could, to be sure, imagine a state of things in which Congress, as the only legislative power for the District as a community, might interfere with the slaveholder at the expense of the District. But the case was so remote that it scarcely deserved our consideration. If slavery were abolished everywhere else in the Union, and the people of the District should find it a check to their prosperity and a curse to their community, Congress might, perhaps, in reference to the good, and supposed wishes of this District, tax it for the emancipation of its own slaves. The only question in such a case would be, whether emancipation was such a public use as that contemplated in the Constitution. He had given no special consideration to this branch of the subject, and would detain the Senate no longer upon it.

He should vote against the motion of the Senator from South Carolina, because he thought it useless and impolitic to be making up useless and unusual issues with these people, only calculated to give them importance and strength. And he should vote to reject the prayer of the petitioners, because he thought it inexpedient; and further, that Congress had no constitutional power to grant it.

Mr. CALHOUN did not rise to prolong the debate. He had no idea that more than ten or fifteen minutes would have been occupied in consenting, as he did, to the motion of the gentleman from Alabama, [Mr. MOORE.] He had heard the Senator from Georgia [Mr. KING] with deep regret. It was not that he feared the pernicious effects at home, but on account of showing a division here. We are (said he) but a small minority here, and had hoped they would be united. He was sorry to hear that very harsh expression made by that gentleman.

Mr. KING, of Georgia, wished the gentleman [Mr. CALHOUN] to designate any harsh expression he had made.

Mr. CALHOUN did not know that he could repeat the very words of the gentleman,]Mr. KING,] but repeated one expression he had understood him to use, which Mr. KING denied having used. Mr. C. was happy to learn that he had misunderstood him.

Mr. C. proceeded. The petition was couched in calumnious language towards that gentleman's [Mr. KING's] constituents, as well as his (Mr. C.'s.) Man stealing, &c., was charged to them in the petition.

Did he (Mr. C.) seek the introduction of petitions here? No, sir. He merely went for the refusal of the petition. And I (said Mr. C.) have been accused of aiding the views of Arthur Tappan! He would not decide this question now; he would leave it to the people of the South. Had any one prepared a law prohibiting the assembling of these petitioners? No, sir. And yet they were accused of a violation of refusing the right of petition! He was glad the gentleman from Georgia [Mr. KING] had accorded in his opinion. But he would ask the gentleman from Georgia, [Mr. KING,] if he would receive such a petition in the Legislature of Georgia?

Mr. KING answered, "Yes."

Mr. CALHOUN continued. I would rather (said he) lay my head on the block, than do it in my State. He would return the charge of agitator. He would repeat that, if he had known the motion of the gentleman from Alabama [Mr. MOORE] would have given rise to such a discussion, he would not have consented to it.

He had a great deal to say on this question, and would at the proper time.

He was determined, for one, if deserted by every other Senator, to stand firm on the position he had taken. The presidential question, in his opinion, was of no consequence compared to the importance of this.

Mr. HILL. I do not (said he) object to many of the positions taken by Senators on the abstract question of northern interference with slavery in the South. But I do protest against the excitement that is attempted on the floor of Congress to be kept up against the North. I do protest against the array that is made here of the acts of a few misguided fanatics as the acts of the whole or of a large portion of the people of the North. I do protest against the countenance that is here given to the idea that the people of the North generally are interfering with the rights and property of the people of the South.

Mr. President, the authors and movers of the abolition excitement at the North, so far as I have been able to identify them, are the same people who have so often attempted to move on other subjects of political agitation. The older ones might be traced through most of the excitements, from the Missouri excitement of 1816, down to the present time. Almost the same means have been pursued in this matter that for several years were pursued in relation to the stopping of the mails on the Sabbath during and subsequent to the late war, and to enlist the sympathies of the religious community in behalf of the "poor Indians," within the last few years. It is but the attempt of speculating, gambling politicians, to operate on the prejudices of the fanatical and the credulous; and it is done through organized societies, having the furtherance of religion for their ostensible object.

It fortunately happens, that never were the people of the North so entirely united in opinion on any exciting subject as they are on this question. The good sense of the community has utterly prostrated the fanatical party, so far as relates to any evils they can effect at home. Nine tenths of those who had for the moment been honestly deluded by the artful and the designing, have already disclaimed the connection.

The policy of the friends to the Union in the

State which I have the honor here, in part, to represent, had been not to contest the ground with the zealots who had embarked in a crusade against slavery in a country where slavery did not exist. They believe that the zeal of the few fanatics would sooner tire, if left the entire field to themselves, than if a collision was kept up. With all their efforts, with thousands of dollars poured in upon us to aid them, the malcontents made but few converts. There was no danger from their operations at home. It was not until the concentrated movements of the leaders of the Abolitionists at the North began to produce alarm in the South, that the people took the business of putting down the agitators seriously in hand. Opposition has made them of more consideration than they were before: the artful leaders even now invite opposition, that they may cry out against persecution, and enlist more or less of public sympathy; just as the missionaries to the Indians in Georgia sought to be imprisoned, and even refused to be released, till they found there was no longer sympathy left for them.

There is no course that will better suit the few northern fanatics, than the agitation of the question of slavery in the halls of Congress—nothing will please them better than the discussions which are taking place, and a solemn vote of either branch denying them the right to prefer petitions here, praying that slavery may be abolished in the District of Columbia. A denial of that right at once enables them, and not without color of truth, to cry out that the contest going on is "a struggle between power and liberty."

Believing the intentions of those who have moved simultaneously to get these petitions up at this time to be mischief, I was glad to see the first petition that came in here laid on the table without discussion, and without reference to any committee. The motion to lay on the table precludes all debate; and if decided affirmatively, prevents agitation. It was with the view of preventing agitation of this subject, that I moved to lay the second set of petitions on the table. A Senator from the South [Mr. CALHOUN] has chosen a different course; he has interposed a motion which opens a debate that may be continued for months. He has chosen to agitate this question; and he has presented that question, the decision of which, let Senatorsvote as they may, will best please the agitators who are urging the fanatics forward.

I have said the people of the North were more united in their opposition to the plans of the advocates of anti-slavery, than on any other subject. This opposition is confined to no political party; it pervades every class of the community. They deprecate all interference with the subject of slavery, because they believe such interference may involve the existence and welfare of the Union itself, and because they understand the obligations which the non-slaveholding States owe to the slaveholding States by the compact of confederation. It is the strong desire to perpetuate the Union, it is the determination which every patriotic and virtuous citizen has made, in no event to abandon the "ark of our safety," that now impels the united North to take its stand against the agitators of the anti-slavery project. So effectually has the strong public sentiment put down that agitation in New England, that it is now kept alive only by the power of money, which the agitators have collected, and apply in the hiring of agents, and in issues from presses that are kept in their employ.

To an interior town (Canaan) in the State of New Hampshire, funds were sent to establish a school to be devoted principally to the instruction of colored persons that might be sent there from abroad; and an attempt was made to mingle these colored persons as equals in a community of persons exclusively white. This little community rejected with disdain a bribe of $20,000 offered them. They expostulated, and entreated those who would force a favorite scheme of the Abolition Society to desist: finding they could rid themselves of the nuisance in no other way, the inhabitants of the town and vicinity collected *en masse;* they brought with them some hundred yokes of oxen, and proceeded quietly to remove the edifice, in which the colored youth were to be instructed, to a place where it could not be used for that purpose. The removal of the building was justified on the ground that a large majority of those who had erected it originally for a different purpose had a right thus to dispose of their own property; and the nuisance has since been abated.

It was in the place of my residence, at the center of the State, that the incendiary Thompson, who had been expelled from England for his crimes, first met such a reception as compelled him in a few weeks after to flee the country. He and other agitators were known to be in the vicinity; and a numerous meeting of citizens had just passed resolutions deprecating all interference on the subject of slavery in the South and in the District of Columbia. Thompson made his appearance, and notified the citizens that he would address them on the subject of slavery the next night. In the space of three hours such a spirit was aroused as could not be repressed by those who desired to see the public peace preserved. The few friends of Thompson were notified that violence would be done to his person if he made his appearance. A large collection of people went to the place where he was supposed to be; he had fled, disguised, as was said, in female attire, and under the darkness of night. The people being unable to find him, had his effigy burnt in the public square, and carried out their triumph by some hundred discharges of artillery.

These two cases are but samples of the deep feeling that pervades New Hampshire, indeed I believe I may say the whole of New England, on the subject of the slave agitation. There are no laws that can be passed by our Legislatures which will do so much to repress the agitators as will the strong public sentiment that pervades the country. That sentiment even goes further than has been known on any other subject; it would in all cases be sufficiently scathing to the authors of the mischief, if it discovered itself in that withering scorn which few men have the brass to withstand, without proceeding to tokens of disapprobation, such as the law will not warrant.

Certain it is, that the South ought to be fully satisfied with the present disposition of the North. The Senators from Virginia and South Carolina [Messrs. LEIGH and CALHOUN] have mentioned a clergyman of Massachusetts—"the first scholar and writer of the age"—as being the author of a disgusting and reprehensible pamphlet in favor of abolition. Are the Senators not aware that this clergyman (Mr. Channing) is the same person who wrote and delivered an address laudatory of the crowned despots of Europe at the moment they had broken down Napoleon and France, when the latter Power was the only barrier between Great Britain (then at war with us) and the United States? This production of a Massachusetts clergyman is not an indication of the sentiment even of the city of Boston on the slave question. Probably half of the efficient Abolitionists in New England are to be found among a certain description of the clergy, and those clergymen much of the character of those who considered it a high offense to Heaven to pray for the success of the American arms during the war with Great Britain.

The anti-slavery movement, which brings in petitions from various parts of the country, asking Congress to abolish slavery in the District of Columbia, originates with a few persons who have been in the habit of making charitable religious institutions subservient to political purposes, and who have even controlled some of those charitable associations. The petitions are set on foot by men who have had, and who continue to have, influence with ministers and religious teachers of different denominations. They have issued and sent out their circulars calling for a united effort to press on Congress the abolition of slavery in this District. Many of the clergymen who have been instruments of the agitators, have done so from no bad motive. Some of them, discovering the purpose of the agitators—discovering that their labors were calculated to make the condition of the slave worse, and to create animosity between the people of the North and the South, have paused in their course, and desisted from the further application of a mistaken philanthropy. Others, having inlisted deeply their feelings, still pursue the unprofitable labor. They present here the names of inconsiderate men and women, many of whom do not know, when they subscribe their papers, what they are asking; and others of whom, placing implicit faith in their religious teacher, are taught to believe they are thereby doing a work of disinterested benevolence, which will be requited by rewards in a future life.

It is to the *esprit de corps* that has been moved of late years in whole religious bodies, directing benevolence away from home to distant objects—it is to the concentration of religious effort, sometimes to useful and salutary objects, but often to objects altogether impracticable, that we may attribute the present abolition movements. These movements, I do not doubt, are spurred on, if not secretly instigated, by those who have political objects to be effected by them. Never were men more mistaken than are that portion of the clergy in the northern States who have embarked in this undertaking. At first these clergymen were countenanced by a portion of the people who had been accustomed to be guided by their teaching; but within the last six months, nine tenths of even these have left them; and, as in other cases of unwise and improvident projects, the leaders are left nearly destitute of followers.

Within a few days I have received through the mail an abolition pamphlet purporting to be the "First Annual Report of the Maine Anti-Slavery Society, held in Brunswick, October 28, 1835." Of eighteen resolutions passed by this society, I find that fifteen were made by gentlemen wearing the title of *Reverend*, and only three made by *laymen*. A resolution made by one clergyman declares that "all Christian churches and ministers have something to do with it," (the abolition of slavery,) as a "great moral question." A second, by another clergyman, declares that "slavery is alike inconsistent with both natural and revealed religion," and "can never be defended or excused." A third resolution, moved by another clergyman, tauntingly declares that "we have *liberated* as many slaves as our opponents have *educated*." The last resolution, passed on motion of a *deacon* of a church, declares the society will attempt to raise $2,000 for the laudable purpose of keeping up the excitement another year in that State where slavery does not exist. The last act is a prayer offered by one of the *Reverends* for the "blessing of God on the efforts" of the society; which then adjourned without day!

Now, sir, as much as I abhor the doings of weak or wicked men who are moving this abolition question at the North, I yet have not as bad opinion of them as I have of some others who are attempting to make of these puerile proceedings an object of alarm to the whole South.

Of all the vehicles, tracts, pamphlets, and newspapers, printed and circulated by the Abolitionists, there is no ten or twenty of them that have contributed so much to the excitement, as a single newspaper printed in this city. I need not name this paper when I inform you that for the last five years it has been laboring to produce a northern and a southern party—to fan the flame of sectional prejudice—to open wider the breach, to drive harder the wedge, which shall divide the North from the South. It is the newspaper which, in 1831-32, strove to create that state of things in relation to the tariff which would produce inevitable collision between the two sections of the country, and which urged to that crisis in South Carolina, terminating in her deep disgrace——

[Mr. CALHOUN here interrupted Mr. HILL, and called him to order. Mr. H. took his seat, and Mr. HUBBARD (being in the chair) decided that the remarks of Mr. H. did not impugn the motives of any man—they were only descriptive of the effects of certain proceedings upon the State of South Carolina, *and that he was not out of order.*]

Mr. H. resumed. It is the newspaper which condemns or ridicules the well-meant efforts of an officer of the Government to stop the circulation of incendiary publications in the slaveholding States, and which designedly magnifies the number and the efforts of the northern Abolitionists. It is the newspaper which libels the whole North by representing the almost united people of that region to be insincere in their efforts to prevent

the mischief of a few fanatical and misguided persons who are engaged in the abolition cause.

I have before me a copy of this newspaper (the United States Telegraph) filled to the brim with the exciting subject. It contains, among other things, a speech of an honorable Senator, [Mr. LEIGH, of Virginia,] which I shall not be surprised soon to learn has been issued by thousands and tens of thousands from the abolition mint in New York, for circulation in the South. Surely the honorable Senator's speech containing that part of the Channing pamphlet, is most likely to move the southern slaves to a servile war, at the same time the Channing extracts and the speech itself are most admirably calculated to awaken the fears or arouse the indignation of their masters. The circulation of such a speech will effect the object of the Abolitionists without trenching upon their funds. Let the agitation be kept up in Congress, and let this newspaper be extensively circulated in the South, filled with such speeches and such extracts as this exhibits, and little will be left for the northern Abolitionists to do. They need do no more than send in their petitions; the late printer of the Senate, and his friends in Congress, will create enough of excitement to effect every object of those who direct the movements of the Abolitionists.

Within a few days there has been introduced into this body a *lusus naturæ*, an animal with two heads, in the shape of a report, laboring to prove that Congress has no right to pass laws which shall prevent the circulation, through the mail, of incendiary publications, and, at the same time, presenting a bill for the sanction of the Senate, which makes it a crime for the officers of the post office to suffer these publications to pass through their offices. This report, this monster, whose paternity is disavowed by a majority of the committee which creates it, comes to us in such a "questionable shape," that I will speak of it. Had it not become a habit of this body to yield much to courtesy, to certain Senators of the majority, I would say, that the monster comes here entirely *out of order*. It is, however, so great a favorite, that while the Senate can order no more than *three* thousand extra copies of a message of the President of the United States, highly interesting to the people of the country at the moment, *five* thousand extra copies are instantly ordered of this document, disavowed and disclaimed by a majority of the committee reporting it! The printing of these five thousand copies, if Senators will circulate and frank them, will save the Abolition Society at New York the expense of furnishing, and those who receive them, the expense of postage. A better document for the agitators could not go forth than this same two-headed monster. If the bill should become a law before the report is circulated, the poor postmasters through whose hands it shall pass, may consider it of little advantage to them that they are of the forty thousand "parasites of executive power" whose names are printed in the Blue Book. The chairman of the committee [Mr. CALHOUN] will find his last bill much more effectual in driving postmasters out of office, than any bill he can devise to protect men in office from responsibility to the Chief Magistrate of the United States. It will look well for this body to pass a law punishing postmasters for suffering that to go through the mail, which Senators themselves introduce to be read in this body, and circulated through the country in their speeches!

The honorable Senator from South Carolina [Mr. CALHOUN] has introduced a certain newspaper, published at Utica, in the State of New York, favoring the abolition cause. The newspaper he states as recommending certain candidates (Martin Van Buren and Richard M. Johnson) for President and Vice President. He did not inform us whether the newspaper was printed last month or last year; nor did he inform us that the array of presidential candidates was intended to be a most gross imposition upon the people of the South. The authors of that newspaper, I do not doubt, sent it here to be used for the precise purpose it has been used. They placed the names of Van Buren and Johnson at the head of their columns, knowing that they might injure them more effectually by seeming to be their friends than by openly opposing them. The authors and abettors of that newspaper are known, and they are known to be not less decided enemies to the candidates named, than the Senator from South Carolina himself. Since the Senator has chosen to cast the reproach on the friends of the nominations of Van Buren and Johnson of being favorable to the Abolition cause—a reproach that is not less unjust than indicative of the true cause of the determination to discuss this abolition question in Congress—I will inform that Senator and the whole South, that in the State of New Hampshire, there is not, within the compass of my knowledge, a solitary individual in favor of the nominations alluded to, who is not decidedly opposed to the present abettors of the anti-slavery cause in New England. The primary meetings preparatory to the annual elections are now being held in that State. Ever since 1829, the opposition of every name has been beaten at each election; and it so happens that for the coming election they have not as yet chosen to offer us battle—they show no symptoms, either of organization or concentration.

The Hillsborough council district, being about a fifth of the State, held its convention on the 7th day of January. This district has steadily adhered to the principles of the Democratic party, through evil report and through good report, from the commencement of Jefferson's administration to the present moment. Eighty delegates, coming from nearly every township of the district, and elected by the citizens of the several towns, attended this convention. These delegates unanimously passed resolutions approving the nominations of Van Buren and Johnson, and they unanimously passed the three following resolutions:

"*Resolved*, That the relation of master and slave is a matter exclusively within the regulation of the States in which it exists, and that any interference by the inhabitants of other States in regard to it is not only unauthorized and intrusive, but faithless and dishonorable, as being against the letter and spirit of the sacred compact which binds us together.

"*Resolved*, That those who promote inflammatory discussions, and are guilty of disseminating among the slaves of the South publications the tendency of which is to excite insurrection, are regarded by us as persons prompted by the most reckless wickedness, or by an insane fanaticism fully as mischievous in its consequences.

"*Resolved*, That we advert with the deepest regret to the fact that some individuals of the clerical order in this State have made their pulpits the source of exciting appeals and virulent denunciations on the subject of slavery; that we consider all interference from the sacred desk in political questions, as aside from the sphere of the duties of clergymen; and that we view those clergymen who countenance the proceedings of the Abolitionists, and indulge in such appeals and denunciations, as pursuing a course hostile to our Union, and to the cause of civil liberty, and contrary to the true spirit of the Gospel of peace."

Stafford county convention, of more than sixty delegates, from about thirty townships, on the 18th of January, unanimously passed a resolution in favor of the same candidates for President and Vice President, and the following:

"*Resolved*, That we have no fellowship whatever with northern Abolitionists—a set of deluded individuals, deserving rather of pity than contempt."

Grafton and Coos convention, on the 27th of January, with about the same number of delegates, approved the same nominations, and unanimously

"*Resolved*. That anti-slavery, as acted out by its present supporters, is fit employment only for such as have no business of their own, and wish to interfere with the affairs of their neighbors. Should its advocates expect to ride into office by practicing such wild delusion, they will ere long discover their mistake."

Sullivan county, (a part of the old Cheshire council district,) on the 20th of January, by delegates from nearly every township, unanimously declares for the same presidential candidates, and passes the following preamble and resolutions:

"Whereas, much excitement has prevailed in this State, in relation to the existence of slavery in the southern portion of the Union: and, whereas, in the opinion of this convention, the Constitution of the United States reserves to the slaveholding States the original right to the exclusive control of the servile portion of their population: and whereas, the present excitement in the northern States, got up by fanaticism and morbid philanthropy, and based upon an ignorance of the true condition of the slave, the character of the master, and of the relative rights and duties of the several members of the Confederacy, has been seized upon by wicked and corrupt men, with a view to divide the Democracy of the North and South, and sever the union of the States: and whereas, in our belief, the course of the Abolitionists, if persisted in, will lead to a dissolution of the Confederacy and its attendant calamities, a servile and civil war: Therefore—

"*Resolved*, That we view every Abolitionist as an enemy to his country, to the union of the States, and the integrity of the Democratic party.

"*Resolved*, That it is the duty of the Democracy to discountenance and check, by all proper means, the prosecution of the plans and schemes of the Abolitionists.

"*Resolved*, That if Congress possess the constitutional power, it is inexpedient to abolish slavery in the District of Columbia."

Rockingham district, by delegates from its several towns, on the 28th January, passed the following resolution, in addition to resolutions in favor of Martin Van Buren and Richard M. Johnson:

"*Resolved*, That we view with deep concern and regret the recent exertions of a few fanatics to disturb the harmony and peace of the Union, by their unconstitutional and illegal attack upon the rights and independence of the other States, by an unjustifiable interference with their domestic institutions of '*slavery*.'"

At another collection of Democratic citizens, friends of the Administration, from fourteen different towns in another part of the State, met for the purpose of celebrating the glorious 8th of January, besides other strong indications in toasts in disapprobation of a certain abolition teacher under foreign pay, who had accompanied the renegade Thompson, in his future attempts to hold meetings, the following resolution was unanimously passed:

"*Resolved*, That we view with the highest disapprobation the avowed principles of certain individuals of the *Abolition* and *Nullification* parties; that the violent doctrines of the first serve only to irritate the feelings, but not convince the conscience of the master, and consequently to increase the severity, but not to ameliorate the condition of the slave; that the latter party is now only sustained and held together by the fanatical proceedings of the former, both openly avowing their readiness for the dissolution of the Union, thus proving themselves to be twin sisters, and closely allied to their unholy progenitor, the infamous Hartford Convention."

Still further, Mr. President, there is a town of New Hampshire (Barnstead) which has given, at both of the last elections, a majority of more than three hundred for electors friendly to Andrew Jackson, out of less than four hundred votes cast. That town, at a meeting of its Democratic citizens, on the 9th of January, passed resolutions unanimously approving the nominations before named, and also the following:

"*Resolved*, That those foreign emissaries and domestic fanatics who profess so much sympathy for the poor blacks, by their pathetic appeals to our brethren of the South, on the subject of slavery, are sapping the foundation of our liberty, and would gladly sever our happy Union.

"*Resolved*, That all legal measures for the suppression of unconstitutional interference by agents or incendiary publications among southern slaves, will meet our entire approbation.

"*Resolved*, That what we most abhor among Abolitionists is their attempts to introduce the blacks into the society of whites, having even dared admit them as fit associates and companions of our youth in schools, and domestic intercourse. May all such meet the fate of the Canaan Academy!

"*Resolved*, That we despise no human being for the form of his features, or the color of his skin; but, in our opinion of the African race, their intellect is too feeble, their passions too strong, and their dispositions too irritable, to encourage their immediate emancipation in this country.

"*Resolved*, That we deplore the existence of slavery and the slave trade, yet we do not claim all the morals nor all the religion in the country; but, though the evil does not exist in our own State, we set so high a value upon our Union as to concede to the several States their CONSTITUTIONAL RIGHTS, leaving them to manage their own internal affairs and regulate their own morals."

These resolutions are from a community of respectable and intelligent farmers, as hardy as the face of the granite hills they inhabit; as ready to take up arms in their country's defense as they are to vote down the men of any party who take ground against that country; from a community who have not sufficient contention among themselves to give support and business to a single village lawyer.

The intelligent yeomanry who passed those plain, common-sense resolutions understand what duties the people owe to each other, and to the States of this Union, quite as well as those who

split hairs and carry on a labored argument, at either end of the Capitol, to prove that Congress has not a right to interfere with slavery in the District of Columbia. On the one hand, a gentleman [Mr. LEIGH, of Virginia] is applauded for his most conclusive speech, proving beyond a doubt that Congress cannot legislate on the subject of slavery; and in a trice, another learned and able gentleman, [Mr. HOAR, of Massachusetts,] in another Hall, is complimented, perhaps by the same persons, who equally admire the talents and the principles of both speakers, with having demonstrated, beyond all question, that Congress has a right to abolish slavery in this District. Both the gentlemen belong to a party that can agree to disagree whenever and wherever it may be necessary. The object now is to keep the ball of contention moving between the North and the South; and no other course the two gentlemen can take will so effectually encourage the Abolitionists on the one side, and arouse the slaveholder on the other. The people are aroused; the seeds of disunion are strewed in new ground; an inveterate sectional distrust takes deeper root; and our congressional orators obtain a higher reputation with all such as would make our Constitution mean anything or nothing. They are little less than "god-like" in their masterly expositions of the Constitution; an instrument so plain to common sense before they had touched it, that he who runs may read, and rightly understand!

Besides the strong and unanimous expressions by public meetings of friends of the Administration, I have numerous letters from New Hampshire declaring the public sentiment. One letter says:

"Abolition here is at its lowest possible ebb. Not a dog attempts to move his tongue. I can recollect no political question that has ever been before the people that has been so completely put down. All parties, classes, ages, and sexes hold the Abolitionists in the most utter contempt. I observe that it is insinuated by certain politicians in Congress, that these professions of the people of the non-slaveholding States are not sincere—that they dare not toe the mark. Now, let those gentlemen come here, and they will find a people as hostile to disturbing the slave question as the people of the slaveholding States can possibly be. Our people consider this a question about which they have nothing to do, other than as a member of the Confederacy, to contend that the just rights of each and every State shall be guarantied to them; and I am of opinion that Congress have no more right to interfere with slavery in the District of Columbia than they have in any of the States."

Another letter says:

"The leading feature on which the times hinge, (to use one of Lord Castlereagh's metaphors,) seems to be a design of the Nullifiers and Opposition men of all sorts to agitate the slavery question in order to produce a sectional division on the presidential election, and, it would appear, with a design, in some of them, eventually to produce a dissolution of the Union. There is nothing that could so effectually conduce to that end, as a disregard in the South of all the efforts of the friends of the country at the North to preserve in their integrity southern rights. The attempt to excite the feelings of the South, in order to induce them to contend against and put down the Democracy of the North, is so base that it cannot be spoken of except with feelings of indignation." * * * * * * * *

"The Democracy of the North are strenuously contending for the rights of the South. What can so effectually discourage them in their exertions as for the South to disregard all their efforts, and not only so, but to repay them with injury and contumely? To say that a man belongs to the Democratic party, and is an Abolitionist, is in New Hampshire a contradiction in terms. If a person should avow himself an Abolitionist, we should read him out of our political church, and turn him over to Arthur Tappan and the Nullifiers. But there would be no necessity for this; for if, perchance, a person becomes tainted with Abolitionism, he at once leaves the Democratic party. There is no one sentiment in which our party in this State are so thoroughly united, as in detestation of abolition and of the proceedings of the Abolitionists. There is no exception within my knowledge."

The session of Congress two years ago will be long remembered as the panic session. We have had repeated attempts to create panics, and I consider the present efforts to create an excitement on the subject of the slave question as one of them. I do not believe the agitators of the North would here present themselves with numerous petitions for abolishing slavery in the District of Columbia, if they did not feel assured that southern men in Congress would lend their efforts to agitate the question. On the 4th of March, two years ago, while certain famed resolutions, afterwards passed by the Senate, were under debate, I called the attention of the Senate to the various excitements which had been moved for political effect, and I then made use of the following language:

"Another subject more recently moved by the agitators is the slave question. Accordingly, *we find the agitators at the public meetings in South Carolina declaring to their followers, on public occasions, that there is a deliberate design on the part of the people of the North, to drive the whole white population out of that country; to annihilate their property and destroy their prosperity.** The agitators of the North being, in nine cases out of ten, the same persons who have labored so zealously in the Indian agitation; these persons reduced to almost nothing in point of numbers and influence, by the unmasking of their hypocricy, act in perfect concert with the agitators of the South. They attempt to give color to their complaints, by calling meetings and delivering inflammatory addresses in various places, and they are attempting to operate on Congress by *fac simile* petitions in various parts, asking that slavery may be abolished in the District of Columbia. Of these agitators it suffices to say, that in the whole North not one intelligent man in twenty will join their standard. The South has nothing to fear from their efforts, but in the effect they may have at a distance. These efforts are made to produce that distant effect, and they are everywhere formed against a general expression of scorn from the real friends of the Union."

Without intimating in the Senate that I had in view any particular individuals when these words were spoken two years ago, I claim the merit of having then predicted precisely the course that has been taken on this Abolition question. I now see in both branches of Congress an apparent desire to magnify this subject—to keep the ball of contention in motion. From what quarter this intention comes, let the records of Congress speak.

The book of Doctor Channing has been introduced into the Senate. If the Doctor had written his book for gain, he could desire nothing better than this—he will now sell ten books where he would not otherwise have sold one. In my mind it is a doubtful question whether it be more reprehensible to write such a book or to read it in the Senate of the United States. The Doctor's motive might have been good in the one case, and the Senator's motive might have been praiseworthy in the other. I confess I was shocked at the infatuation or the folly which would prompt any man to deliberately write what was here read; and if the direct effect of reading those extracts was to spread before the people of the South doctrines the most odious and disgusting—if the effect of spreading the nauseous paragraphs in that region be to excite the colored population to mutiny and murder—if the effect be to fan higher the flame of disunion, let those only be responsible on whom the blame lies. Doctor Channing's book is condemned by nineteen in every twenty intelligent citizens of the North, as is the agitation of the slavery question in Congress.

The present agitation in the North is kept up by the application of money—it is a state of things altogether forced. AGENTS ARE HIRED, disguised in the characters of ministers of the Gospel, to preach abolition of slavery where slavery does not exist; and presses are kept in constant employment to scatter abolition publications through the country. Deny the right of petition to the misguided men and women who are induced from no bad motive to petition for the abolition of slavery in the District of Columbia, and you do more to increase their numbers, than will thousands of dollars paid to their emissaries, who traverse the country to distribute abolition tracts and to spread abolition doctrines. Continue to debate abolition in either branch of Congress, and you more effectually subserve the incendiary views of the movers of abolition than anything they can do for themselves. It may suit those who have been disappointed in all their political projects, to try what this subject of abolition will now avail them. Such men will be likely to find, in the end, that the people have too strong attachment for that happy Union to which we owe all our prosperity and happiness, to be thrown from their propriety at every agitating blast which may be blown across the land.

Mr. CALHOUN said, the Senator from New Hampshire could not expect him to reply to him. That Senator had availed himself of the position he occupied on that floor to indulge very freely in assailing the motives of others. He was persuaded that no Senator who had any respect for himself would stoop to notice anything of this character which had fallen from him. For himself, he would as soon condescend to notice the mendacious and filthy columns of the Globe as to notice the general remarks of the Senator from New Hampshire. That Senator had, however, stated what purported to be a fact—that the Abolition excitement in New Hampshire was entirely extinct. But here was a statement of facts in relation to what that gentleman said of the Abolition question in New Hampshire; it was found in a publication coming from one of the incendiary publications in that State, and he would lay it before the Senate, in order that it might judge for itself. He would not institute a comparison between the relative degree of veracity in the statement contained in this paper and the one made by the Senator from New Hampshire. He would lay the paper before the Senate, in order that it might judge of the truth as to the Abolition spirit in New Hampshire. It was a paper that had been sent to him through the mail, but he did not know from what quarter it came.

Mr. C. here handed to the Secretary a newspaper containing an article impugning a statement made by Mr. PIERCE, of New Hampshire, in the House of Representatives, as to the number of Abolitionists in his State, with severe strictures on the state of slavery in the South, said articles stating that a great number of petitions in favor of the abolition of slavery in the District of Columbia would be forwarded to Congress from New Hampshire.

The paper having been read,

Mr. HILL inquired the title of it.

The Secretary answered: The Herald of Freedom, published at Concord, New Hampshire.

Mr. HILL said he was aware such a paper was there printed, and it was upon the sufferance of an enlightened community who adopted and practiced the doctrine of Mr. Jefferson, that "error of opinion may be tolerated where reason is left to combat it." This paper was there printed, but it could not be said to be there circulated; those engaged in it were ashamed to circulate it in its own neighborhood. It was especially intended for a foreign market, and was supported from foreign funds and from distant contributions; whether derived from South Carolina, or from some other quarter, others knew better than he did. A friend who had been grossly abused in the same paper, (said Mr. H.,) had sent him a single number, not that which had just been read by the Secretary, as requested by the Senator from South Carolina; and this was the only number of the Herald he had seen at Washington; this number contained a speech of the same honorable Senator on the subject of abolition, which was published without comment, and was evidence that such speeches were the best matter for Abolitionists. He thought the Senate was well employed listening to the reading of disgusting extracts here, for the purpose of impugning the statements of a member of the House of Representatives, who could not be present to defend himself. That Representative [Mr. PIERCE, of New Hampshire] was capable of defending himself in this or any other theater, even against the Senator from South Carolina, who has caused the disgusting exhibition of reading the extract.

The petitions spoken of in that paper do not correctly represent the state of public feeling in New Hampshire. They were, so far as he had information, signed in most instances by women and children, many of whom were utterly ignorant of the intent of sending them here. No petition from that State had been yet presented; when they are presented, it may be in better time to magnify their importance. The Senator from South Carolina seems anxious to make the number large; in this anxiety he but verifies what he (Mr. H.) had stated to be the object of keeping up the excitement on the floor of Congress.

Mr. H. said he had nothing to say as to the

* The allusion here was to a speech reported by the newspapers to have been made by Mr. CALHOUN, in South Carolina.

standing of the Senator from South Carolina on this floor; he believed each and every Senator stood here on the ground of perfect equality. The taunting remark of the Senator relative to himself applied not to him, but to his constituents, to the freemen who sent him here, and who were not to be disparaged for intelligence and patriotism by any invidious comparison with the constituents of the Senator from South Carolina. One thing he would say, and that was, that great as were the disgust and contempt felt by the Senator from South Carolina for him, they could not exceed the contempt and disgust felt for that Senator in the State of New Hampshire, and in all the North.

Mr. HUBBARD (who was in the chair) asked the indulgence of the Senate to submit a few remarks. He felt as if an apology was due from him to the Senate for not having checked the reading of the paragraphs from the newspaper which had just been read by the Secretary. He was wholly ignorant of the contents of the paper, and could not have anticipated the purport of the article which the Senator from South Carolina had requested the Secretary to read. He understood the Senator to say that he wished the paper to be read, to show that *the statement* made by the Senator from New Hampshire as to the feelings and sentiments of the people of that State, upon the subject of the abolition of slavery, *were not correct*. It certainly would have been out of order for any Senator to have alluded to the remarks made by a member of the House of Representatives in debate; and, in his judgment, it was equally out of order to permit paragraphs from a newspaper to be read in the Senate, which went to impugn the course of any member of the other House; and he should not have permitted the paper to have been read without the direction of the Senate, if he had been aware of the character of the article.

Mr. CALHOUN said he was entitled to the floor, and objected to being interrupted by the Chair.

Mr. HUBBARD replied; he had said all he wished to say. The Senator was entitled to the floor, and could proceed if he wished.

Mr. CALHOUN continued. He knew nothing of the paper just presented. He had seen it for the first time that morning, and had presented it to the Senate for no other purpose than to show from another quarter the state of the Abolition spirit in New Hampshire. He knew the gentleman [Mr. PIERCE] who was assailed in that paper, and was ready to bear testimony to his worth and high standing. He meant no disrespect to him. He had presented the paper because it was important that the real state of things should be known. It was due from gentlemen of the North to those of the South to give correct information. He did not call those friends of the South who would disguise the state of things at the North. He believed, as yet, that the real number of Abolitionists was small; but he also believed that the number of those who contemplated ultimate abolition was very great; and that those ardent addresses in favor of liberty, so constantly made at the North, must have a deep effect on the young and rising generation. The spirit of abolition was not to be trifled with. It had had its bad effect on one of the most powerful Governments of Europe, and ended disastrously to its colonial possessions. It was commencing in the same manner here, and must be met at once with the most decided resistance. He repeated, that he had the greatest respect for the member from New Hampshire mentioned in the paper just read; and he took pleasure in bearing testimony to his high standing and moral worth. He had only presented the paper to show the state of things in New Hampshire, and that the Senate might judge whether the abolition spirit was subsiding there.

Mr. BUCHANAN said he did not rise to enter into the debate at present. He wished merely to advert to a mistake, which seemed to be almost universal, in regard to the motion which he had made. He had not moved to reject this petition. His motion was to reject the prayer of the memorialists, and thus to decide promptly that slavery ought not to be abolished within the District of Columbia. He had made the strongest motion he could make consistently with the right of petition and the respect due to these petitioners. He might have moved a reference of the memorial to a committee; but he was prepared at once, and without any report from a committee, to vote for rejecting the prayer of the petitioners.

He believed that the Senate had not the power to refuse to receive the petition. He would, sometime in the course of this debate, express his opinion at some length on this subject.

Mr. BENTON rose to say a word on the subject of Mr. PIERCE, the member of the House of Representatives from New Hampshire, whose statements in the House of Representatives had been contradicted in the newspaper article read at the Secretary's table. He had the pleasure of an intimate acquaintance with that gentleman, and the highest respect for him, both on his account, and that of his venerable and patriotic father, who was lately Governor of New Hampshire. It had so happened (Mr. B. said) that at the very moment of the reading of this article, the member of the House of Representatives whose statement it did contradict, was coming into the Senate Chamber, and his whitening countenance showed the deep emotion excited in his bosom. The statement which that gentleman had made in the House was in the highest degree consolatory and agreeable to the people of the slaveholding States. He had said that not one in five hundred in his State was in favor of the Abolitionists; an expression understood by everybody, not as an arithmetical proposition worked out by figures, but as a strong mode of declaring that these Abolitionists were few in number. In that sense it was understood, and was a most welcome and agreeable piece of information to the people of the slaveholding States. The newspaper article contradicts him, and vaunts the number of the Abolitionists, and the numerous signers to their petition. Now, (said Mr. B.,) the member from the House of Representatives [Mr. PIERCE] has this moment informed me that he knows nothing of these petitions, and knows nothing to change his opinion as to the small number of Abolitionists in his State. Mr. B. thought, therefore, that his statement ought not to be considered as discredited by the newspaper publication, and he, for one, should still give faith to his opinion.

Mr. B. then took up the bill reported by the select committee on incendiary publications, and read the section which forbids their transmission by mail, and subjected the postmasters to fine and loss of office who would put them up for transmission; and wished to know whether this incendiary publication, which had been read at the Secretary's table, would be included in the prohibition, after being so read, and thus become a part of our debates? As a publication in New Hampshire, it was clearly forbid; as a part of our congressional proceedings, would it still be forbid? There was a difficulty in this, (he said,) take it either way. If it could still be inculcated from this floor, then the prohibition in the bill was mere child's play; if it could not, and all the city papers which contained it were to be stopped, then the other congressional proceedings, in the same paper, would be stopped also, and thus the people would be prevented from knowing what their representatives were doing. It seemed to him to be but lame work to stop incendiary publications in the villages where they were printed, and then to circulate them from this Chamber among the proceedings of Congress; and that, issuing from this center, and spreading to all the points of the circumference of this extended Union, one reading here would give it ten thousand times more notoriety and diffusion than the printing of it in the village could do. He concluded with expressing his wish that the reporters would not copy into their account of the debate the paper that was read. It was too offensive to the member of the House, [Mr. PIERCE,] and would be too disagreeable to the people of the slaveholding States, to be entitled to a place in our debates, and to become a part of our congressional history, to be diffused over the country in the gazettes, and transmitted to posterity in the volumes of debates. He hoped they would all omit it.

REMOVAL OF A POSTMASTER.

REMARKS OF HON. F. THOMAS,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

June 1, 1836,

Concerning the removal of the Postmaster at Clearspring, Maryland.

Mr. THOMAS appeared in the House when Mr. WISE had concluded his remarks on the amendment of Mr. HARLAN to strike out a clause in the post office bill, and inquired how his name had been connected with the discussion?

Mr. WISE said he had read a letter of Mr. THOMAS to Mr. Ridenour, who had been removed from the post office at Clearspring, not for the purpose of impeaching the motives of Mr. THOMAS in the matter to which the letter referred, but simply to show that Mr. Kendall had not stated the whole truth in his letter to Mr. Ridenour.

Mr. THOMAS said he would not recognize the right of the House, and certainly must not be understood to admit, in what he should say, that any member of the House had either the right or the power to call on him to justify his conduct towards Mr. Ridenour. For that conduct he was responsible to his own sense of propriety and justice, and to his constituents alone. Nevertheless, as his letter had been read, he would take the occasion to say, that there was no part of it which he desired to qualify in the least degree. He had acted deliberately on the principles contained in that letter; he would, under like circumstances, do what he had done again; and moreover, he had no respect for any man who would, circumstanced as he had been in this case have acted otherwise than he had done. Those who had taken the trouble to send this letter to the gentleman from Virginia, being probably the same persons who had impertinently forwarded to him certain proceedings concerning it, would be undeceived, if they had supposed that he was not prepared to vindicate the principles upon which he had acted, whenever and by whomsoever assailed. He never had cherished, and never would privately cherish, any motive of political conduct which he was ashamed, nay, was not willing, to proclaim publicly to be his, in any assembly in christendom. The facts in this case are these: About two years since, while Major Barry was Postmaster General, I received from him a letter, requesting me to name an individual to be appointed postmaster at Clearspring, in place of the then incumbent. This request being unexpected, I was not prepared to comply with it. My acquaintance in the town where the post office is situated was not such as to enable me to decide who would be best qualified and most acceptable to the people of the district. To procure the necessary information, I wrote to a gentleman in that neighborhood, (Dr. Wharton,) whose name appears in the proceedings referred to by the gentleman from Virginia, and asked him to recommend a suitable person. I desired to have selected a political friend, and expected that one of that class would be recommended by the gentleman whom I had consulted. He and myself had been then but recently elected by nearly a party vote in the Clearspring district, where our friends constituted a majority, one of us to take a seat here, and the other in the House of Delegates of the State. And I supposed that he would coincide with me in the opinion that, to an office about to be made vacant by the removal of a political friend, an individual of the same class ought to be appointed, if well qualified to perform its duties. Whatever may be thought of the liberality or justice of this sentiment in the abstract, I feel certain that no honorable man will contend that the National Administration ought not to give a preference to its friends in Maryland, *in all new appointments* to be made there, provided the public interests are well protected and preserved. In no part of this Union has political power, party dominion, been felt more sensibly than in Maryland.

Knowing, as I do, the inexorable character of the proscription which has been practiced by the Whigs of that State, I have been filled with dis-

gust when the presses there, and their representatives in this and in the other branch of Congress, have countenanced and encouraged that coarse and bitter denunciation to which the National Administration has been subjected because it has removed public officers on account of their political opinions, or has given a preference, in original appointments, to its friends. The Postmaster General has declared:

"Appointments to the more honorable and lucrative stations in this Government have been heretofore, and will be hereafter made, chiefly from political considerations."

And this doctrine is said to be "abominable" and "odious." If this be true, the Whigs of Maryland have covered themselves with obloquy, and ought not to hold up their heads proudly as equals when associated with the national politicians, so called.

In 1826 a gentleman, now a Senator from Maryland, was called from this House to become the Governor of that State. In that capacity he acted for three years, and had the power, by and with the consent of the Executive Council, (wherein there was a majority of his political friends,) to appoint a host of civil and military officers annually. During the first year of his service a few public officers were proscribed. In the two succeeding years the number was largely increased.

At the elections of 1829 there was a political revolution, and the party with which I am identified became predominant. All, or nearly all, the friends of General Jackson, who had been proscribed, were restored to office, and many of those who had most clamorously justified, and had profited by the proscription that had been practiced, were made to feel the effects of the doctrines which they had inculcated. In 1830, the anti-Jackson party again triumphed, and a scene of indiscriminate, unsparing, inexorable, wide-spread proscription ensued. In the county in which I reside, more than two hundred public officers were turned out; or, to adopt the mild language of the Whigs of Maryland, by whom the act was justified, were "*left out*" of office on account of their opinions, or to make way for those who were willing to fill the stations assigned them. No means have ever been adopted to ascertain, with entire accuracy, the number of persons proscribed on that occasion, but I have seen an estimate, in the accuracy of which I had entire confidence, from which it appeared that not less than two thousand friends of Jackson in Maryland, in 1830-31, were proscribed by the State executive. It may be, indeed it is probable, that the highly respectable gentlemen who discharged these executive duties at the period referred to, took no delight in the work, but the effects were the same as they would have been if the actors in these scenes had scalped their political enemies with peculiar pleasure. The friends of the present Chief Magistrate were everywhere driven from office, and proscribed, (generally, not universally.) They have endured for years a hail-storm of persecution for opinion's sake. They have been hunted by the terriers of party, like wild beasts of the mountains, from brake to bramble. But, sir, it is with pride and pleasure I proclaim that *they* have not filled the land with weeping and wailing. *They* have uttered no complaints to excite public sympathy. *They* have not begged for quarter. No, sir; year after year, election after election, they have repaired to the polls; have contended boldly, cheerfully, with their adversaries for mastery, with a full knowledge that the odious, hateful, aristocratic constitution of Maryland gave to the party in power every advantage. Yes, sir; and the Republicans of Maryland will "stand up to the work," will carry on the contest from generation to generation, until my own native State is "redeemed, regenerated, and disenthralled."

Amidst the exacerbation and excitement which the state of things thus rapidly reviewed was well calculated to produce, I came into Congress. From this high position I could have commenced a courtship with my political opponents, and possibly by so doing might have so far conciliated them as to have secured for myself a seat in this House without contest. Of this I am proudly incapable. I desire to share the fate of my political friends. Their foes shall be my political foes. Their wrongs will excite in my bosom a resentment as warm as could be engendered by an injury to myself in person. And whilever and wherever I have political power, it shall be fearlessly exerted to insure for them equal and exact justice—a fair participation in the privileges and advantages due to the whole people. I repeat, I envy neither the heart nor the head of any man who will not concede that my course in the case under review, and my avowed purpose to prefer a political friend to a political opponent in like instances, is correct. But to return to the statement I was making.

In reply to my letter, Doctor Wharton recommended the appointment of the individual who has been removed; and, in the full expectation that his appointment would be acceptable to those whose wishes I desired especially to consult, he was recommended to Major Barry, and was appointed. Soon after the appointment was made, several highly respectable citizens, immediately interested, applied to me to have Mr. Ridenour removed, alleging that he was particularly obnoxious to all the friends of the Administration of his neighborhood, and to many of its opponents. This I refused to do, not because if *strict* justice had been done, Mr. Ridenour had a right to be exempted from that proscription for opinion's sake which he assists his friends to practice in Maryland; but I forbore to act in a spirit of magnanimity, in the hope that he would, by his courteous deportment, conciliate the good will of all concerned. This expectation was not gratified. Repeated complaints were made to me on account of his rude and insulting deportment towards those with whom he differed in politics, when they, on business, called at the post office. It is not pretended that deputy postmasters, or a subordinate in any other department, should servilely copy and adopt the opinions of those who administer the Government; neither is it maintained that official incumbents shall basely cringe, or fawn upon those from whom they receive appointments, or become supercilious to the people with whom they are to hold intercourse.

But it is insisted, decidedly, that no subordinate officer has a right when holding official intercourse with any portion of the people, to insult, wantonly, their feelings, by coarse, personal, denunciations of the public men for whose patriotism and public services the whole country owes a heavy debt of gratitude. If deputy postmasters entertain such personal contempt for their superiors in office that they cannot avoid giving vent to it long enough to hand a letter or a newspaper to a customer, let them show that they have more self-respect than love for office, and resign. No spirited overseer, no negro-driver of the South, will hold employment for mere love of power or emolument if he entertains no respect whatever for his employer. Liberal and enlightened men love to tolerate freedom of speech and freedom of opinion; but no one ought to sympathize with or countenance that intolerance and bigotry which make men denounce as knaves or fools all who differ with them as to the means best calculated to promote the public welfare. Contrary to my hopes and expectations, the removed postmaster became more and more obnoxious, until a public meeting was held at Clearspring in the summer of 1835, at which resolutions were adopted recommending his removal. The proceedings of the meeting, signed by a large number of persons, whom I know to be highly respectable and influential citizens, were forwarded to me, to be transmitted to the Postmaster General. This I declined doing. The proceedings were returned through the post office to the committee from whom I had received them; and the hope was still cherished that the proposed removal would become unnecessary; but the conduct of Mr. Ridenour, or his friends, frustrated these expectations. Soon after the proceedings were returned, I have been informed that several persons who had attended the meeting were subjected to taunts and gibes of a provoking character. Persons who called at the store of Mr. Ridenour for their letters and newspapers were directed to go to the store of the gentleman who had been recommended by the meeting to be placed in the office which Mr. Ridenour held; and others who sent to the post office for papers, received therefrom, instead of the papers they had a right to expect, newspapers of an old date, that had been laid by as useless lumber.

At that time the infatuation which led to these foolish jests was unaccountable. Since the proceedings have been published, to which the gentleman from Virginia has referred, I think a clue to them may be found. It is there stated that I had refused to recommend the removal of Mr. Ridenour unless Dr. Wharton would approve the measure. This is not so. I gave no such pledge. It is probable that an inference of that kind was drawn from what I did do, and that inference may have induced that infatuated and ridiculous conduct which increased greatly Mr. Ridenour's continuance in office. In a letter which accompanied the proceedings of the meeting returned by me, I had requested a gentleman to call on Dr. Wharton, and ask him to do me the justice to explain how and why Ridenour had been appointed; for until then I had not made known to the public the agency of that gentleman in the matter. He had been named by his friends as my competitor for a seat in Congress, and I was not willing to throw upon him any part of the responsibility of making an unpopular appointment, before the congressional convention at Hagerstown had nominated me for reelection, lest it should be said that I dreaded his competition, and desired to lessen his influence to secure my own nomination. After my nomination had been made, and he had declined being a candidate, I felt no such restraint, and referred a gentleman to him for information. The same gentleman requested the Doctor to sign a memorial recommending Ridenour's removal, which he refused to do; and from this circumstance, I presume, originated the belief that without Dr. Wharton's signature, no memorial to the Postmaster General would be effectual. Whether this erroneous impression was thus derived or not, it is very probable that it was one of the sources, if not the chief source of that unbecoming conduct of Mr. Ridenour, or his friends, that has been mentioned.

The opinion seems to have prevailed that he would not and could not be removed unless Dr. Wharton gave his assent to the measure; and he and his friends, instead of a magnanimous forbearance towards those whose attempts had been defeated, practiced those insulting jests and taunts which alone would have fully justified the proceedings of the Postmaster General. Another memorial to Mr. Kendall, accompanied by letters furnishing the facts that have been here given, was forwarded to me, to be sent to the Post Office Department. It was forwarded, and has been treated as mentioned in my letter that was read to the House by the gentleman from Virginia.

This is the second time that I have been compelled to trouble the House with explanations concerning matters of which it has no cognizance. Reluctant as I am to engage in these unprofitable and idle discussions, they could not be avoided unless I was willing to be misunderstood by honorable men here, and have my motives misrepresented before my constituents.

The following is the letter read by Mr. WISE:

WASHINGTON, *April* 25, 1836.

SIR: If your removal from the office of postmaster at Clearspring was unexpected, your surprise cannot possibly exceed that of mine on reading your letter of the 20th of April. In it you declare your belief that you gave, while in office, general satisfaction, and that you cannot imagine for a moment for what cause you have been removed. These assertions, thus solemnly made, coming as they do from one whose veracity I have never heard impeached, ought to be confided in; and yet it is strange that you have been kept in entire ignorance as to matters which I know are well understood by many of your friends with whom you have constant intercourse. This concealment on their part may have been practiced for good cause, but I shall not imitate it. I shall reply to your letter with that frankness which becomes me.

You were originally appointed postmaster at my instance. Major Barry, in 1834, notified me that it was his purpose to remove the then incumbent from the office which you subsequently filled, and requested me to name a person to fill the proposed vacancy. My acquaintance in Clearspring was not such that I could, readily, comply with this request of the Postmaster General. I wished to recommend some person who would accept the appointment—who would be well qualified to perform its duties—who would be acceptable at the same time to those who had placed me in the

position which had invited Major Barry's application, and not obnoxious on any account to a majority of those with whom he would necessarily hold intercourse officially. To enable me thus to act, I addressed a letter to a gentleman in your neighborhood, in whose judgment and discretion I had entire confidence, and requested him to furnish me with the required information. In consequence of his reply, the office was given to you at my instance, by Major Barry.

Immediately after the appointment became known to the citizens of Clearspring, I received letters from several of them; amongst others, one from your brother-in-law, remonstrating very strongly against your appointment, and urging your removal. This I refused to recommend, and expressed the hope and expectation to them that your conduct in office would be such that all opposition would subside, and those immediately interested become satisfied. Subsequently, repeated complaints were made to me, which I thought proper to disregard, still hoping that you would become acceptable to the people of the district generally. But in this I was disappointed. During the last summer, I received a letter from several highly respectable citizens of Clearspring, accompanied by the proceedings of a meeting of a large portion of the people of that place, recommending your removal, and soliciting my aid to accomplish it. Although I was then a candidate for Congress, and needed the suffrages of those from whom this application came, and expected, too, that you and your immediate friends would all oppose my election, I returned the memorial which was addressed to the Postmaster General, and had been forwarded to me to be transmitted, declining to send it on account of the manner in which your appointment was referred to, and in the hope that this opposition to you would subside. In this expectation I was disappointed.

Another memorial, praying for the appointment of the individual who has been made your successor, was sent to me in a letter from three highly respectable citizens of your neighborhood, who had been appointed a committee for that purpose, at a meeting of a portion of the citizens of Clearspring. (In this letter it was alleged that your language and deportment towards those with whom you differed in politics was such that it was unpleasant to hold intercourse with you as a public officer.) This memorial was forwarded by me to the Postmaster General in a short note asking for it a favorable consideration. Mr. Kendall declined acting, in the absence of proof of particular instances in which your deportment had been offensive. His letter to me to that effect was sent to a gentleman at Clearspring, and the Postmaster General was requested not to act finally on the subject, until he heard again from the memorialists. Several certificates, the precise import of which I do not at this moment remember, were forwarded to me; to be handed to the Postmaster General, which was done, and I made no further inquiry on the subject until after I had received several letters earnestly insisting on the appointment of Mr. Kneffer, and soliciting my interference. I then called on the Assistant Postmaster General for the papers in your case, and they were submitted to my examination. I found that very few persons in your neighborhood had remonstrated against your removal. They alleged that you were acceptable to the people; but, in the absence of other evidence of that fact than their letters afforded, I was compelled to confide in the statements made in the proceedings of the meeting referred to, and concluded that it was the *settled*, calm, and fixed desire of a decided majority of the people interested in the discharge of the duties of the post office at Clearspring, that they should be imposed on your successor. This opinion was formed under the supposition that you had not been kept in entire ignorance by your friends of that which I had supposed was known to every intelligent individual in your district. And I must be permitted to repeat, that I am surprised at the allegations in your letters, particularly as I was told that you had here in the Post Office Department a friend who was fully apprised of all the proceedings I have referred to.

Under an impression, therefore, that you knew that your appointment had not given, as stated in your letter, "general satisfaction;" that you were well aware that your removal had been recommended by a large number of persons interested, assembled at a public meeting, and seeing on file in the Post Office Department no remonstrance against that measure except the letters I have already alluded to, I concluded that the opinion I had formed upon the subject was well founded, and determined to impress it on the Postmaster General. With that purpose I called on him about a month since, after having failed repeatedly to find him at his office, in consequence of his indisposition, and recommended verbally your removal, telling the Postmaster General that you had been originally appointed at my instance, and that it would not have been done if I had been aware that your appointment was justly calculated to displease decidedly those who have remonstrated against it, and to whom, as a public man, I am under many obligations. My correspondent at Clearspring had led me to commit an error which I desired to correct.

These are all the facts and circumstances which occur to me as being necessary to communicate in reply to your letter. From them you may learn by what I have been influenced in the matter to which your letter relates. By what considerations the Postmaster General has been influenced I know not, as I have not conversed or corresponded with him since the time of the last interview above referred to. If you have any desire to know anything as to his motives and reasons, he alone can gratify you. I presume, however, he could say nothing which would be more satisfactory than that which this letter contains.

In conclusion, I regret that the appointment was originally given to you, as it has been to me a source of much annoyance; and as your removal appears to have wounded your feelings, and will probably mortify some of your friends, for whom I entertain a high respect.

Respectfully, your obedient servant,

FRANCIS THOMAS.

Mr. DAVID RIDENOUR.

NATIONAL DEFENSE.

SPEECH ON HON. B. BROWN,

OF NORTH CAROLINA,

IN SENATE, *February* 9 *and* 10, 1836,

On Mr. BENTON's resolutions, as modified by the mover, on the suggestion of Mr. GRUNDY, for setting apart so much of the Surplus Revenue as may be necessary for the defense and permanent security of the country.

Mr. BROWN observed, that he had not intended to take any part in the debate which had grown out of the resolution submitted by the honorable gentleman from Missouri [Mr. BENTON] until a few days since; when some remarks had been made in the course of the debate which he considered it his duty to notice. Strong and imperative, however, as he felt this duty to be, he had been willing, on yesterday, to forego the discharge of it, in the hope that the discussion had approximated to its close, and that the question would then have been taken. Disappointed as they had been in that hope, and renewed as the debate was to-day by the gentleman from Virginia, [Mr. LEIGH,] the considerations which had then induced him to abstain from asking the indulgence of the Senate no longer operated; and he would proceed briefly to fulfill what had then been his intention, which, under the hope that a vote would have been taken on yesterday, had been temporarily abandoned.

From the observations of the Senator from Virginia, [Mr. LEIGH,] and the gloomy forebodings he had expressed, (which he trusted were not well grounded,) that, in the progress of the difficulties between the Government of the United States and France, we might be finally involved in a war, we are (said he) admonished, by every consideration of prudence, of interest, and of national pride, to make the most effectual preparations for any contingency that may happen. That gentleman had deprecated a war with France more than with any of the other nations of the Old World. He confessed that he entertained something like the same feelings. He confessed that he had been taught from his youth to cherish the most lively sympathies for the gallant people who aided us in our glorious struggle for freedom; that France was endeared to us by every remembrance of that contest. He confessed, too, that war greatly to be deprecated between two nations bound to each other like France and the United States by such a reciprocity of powerful interests; but when France forgot what was due alike to justice and to our national honor, he, for one, was prepared to consider her people, if the crisis should demand it, as "enemies in war, and in peace friends." The gentleman from Virginia deprecated war, because of the baneful influence it would have upon free Governments, and its tendency to arrest their progress. Had it not suggested itself to the mind of the gentleman that the same effect would be produced in a much higher degree if we should succumb to the dictates of a foreign Power? Would it not have the effect to destroy the moral power which our free institutions possess at this period, if we were to suffer our national honor to be tarnished and our rights to be violated? Most assuredly it would; and he who was most anxious to benefit the world by the example of our free institutions, should be the most careful to show their influence in preserving us both from injury and indignity.

The gentleman, in referring to the President's recommendation, at a former session, for the issuing of letters of marque and reprisals against France, said that he never did believe that the President was serious in the recommendation of such a measure, and, until that time, no Government, in ancient or modern times, had ever given previous warning to its antagonist when it thought proper to resort to it. He would ask the gentleman if the distinction between the Constitution of this Government and those to whom he referred had not occurred to him? How was it possible for the President of the United States to act in a measure of the kind without the coöperation of Congress; and how was it possible for him to have obtained that coöperation without addressing himself to them in a message? The gentleman could see no impropriety in the President's giving to France explanations as to the message sent by him in the performance of his constitutional duty to a coördinate branch of this Government. Now, almost every gentleman who had addressed the Senate on this question, had repudiated the idea that the Chief Magistrate of this country should make explanations to a foreign Government touching the communications made by him to Congress; and he confessed he was astonished at hearing such sentiments uttered by the gentleman from Virginia. He could not believe that such concessions could be made without an utter sacrifice of every principle of honor—without a violation of that independence which we, of all others, should hold the most precious.

In his opinion, the ground on this point, so ably and successfully maintained by Mr. Livingston in addressing the French Minister, was the only true and tenable one. When anything calculated to impeach the honor of a nation is used in the diplomatic communications of another, it then had a right to demand an explanation; but where the matter taken exception to is found in a communication from the Chief Magistrate of a nation to a coördinate branch of his own Government, expressly intended to give information of its own affairs, the Chief Magistrate cannot enter into any explanations with a foreign Government without a surrender of every principle of honor and independence. No Chief Magistrate of this country had ever done so.

Mr. B. would now proceed to notice some remarks made by gentlemen at an early stage of this debate. The gentleman from Kentucky, [Mr. CRITTENDEN,] a few days ago, remarked that we had not entered into extensive warlike preparations previous to our late contest with Great Britain; and he argued from it that as we came out of that contest with honor, we were now able to meet a less powerful enemy with our increased population and resources, without placing the nation in a strong defensive attitude. If ever a nation had been taught by severe experience the fallacy of that doctrine, he thought this nation had. To what cause were we to attribute the disasters that marked the commencement of that contest, but the want of adequate preparation; but to the fact that we had not made the preparations which wisdom, prudence, and a sense of honor and interest demanded? Did not the gentleman recollect how the patriotic citizens of his own State were called on to defend our northwestern frontier from the incursions of the enemy; and did he not recollect the disasters of the river Raisin, and other places on the frontiers, occasioned mainly by the want of necessary preparations? It did appear to him that if ever a nation had been admonished by experience—the best of all instructors—that in peace they should prepare for war, it was the people of the United States. The Senator from Delaware had endeavored to justify his vote, as well as that of his friends, on the rejection of the $3,000,000 appropriation, on the ground of the unconstitutionality of the amendment of the House, and challenged the friends of the measure to produce any warrant for it in the Constitution; but the gentleman, unfortunately for his cause, had failed to prove the truth of his position. Unconstitutional, did the gentleman say? By what authority (said Mr. B.) do we appropriate money for the public service? Under the Constitution, which provides that no money shall be drawn from the Treasury but in consequence of appropriations made by law. Then, if the Senate of the United States had passed this amendment of the House, would the money not have been drawn from the Treasury in virtue of an appropriation made by law? Undoubtedly it would have been drawn in pursuance of the very words of the Constitution. The Constitution had not pointed out whether general or specific appropriations should be made, but very properly left that matter to the wisdom of Congress, to be judged of by the peculiar circumstances of the case.

While the gentleman was endeavoring to extricate himself and those who voted with him from the difficulties in which they had involved themselves, it appeared to him that he was plunging himself and them still deeper than they were into insurmountable difficulties. By a comparison of the report agreed on by the committee of conference of the last session in reference to this amend-

ment of the House with the amendment itself, it would be found that the constitutional objections of the gentleman applied much stronger to that than to the amendment proposed by the House. Permit me (said Mr. B.) to call the attention of the Senate to the striking difference between the amendment of the House of Representatives and the report of the committee of conference, the latter of which met the concurrence of the gentleman and his friends. The amendment made the appropriation contingent in the first instance, and did not call for the expenditure of the money unless such expenditure became necessary to place the country in a posture of defense. It was limited to the next session of Congress; and permit me (said Mr. B.) to observe, that it was actually more specific in its language than the substitute proposed by the committee of conference. In defining the objects of the expenditure, it went on to say that it was for fortifications, for ordnance, and for the naval service; while the substitute proposed to appropriate the money for the fortifications and for the naval service only, leaving out the word "ordnance." The one was limited and the other was unlimited, possessing no qualification whatever by which the Executive was to be bound. Therefore, whilst honorable gentlemen were endeavoring to shield themselves from the consequences of having rejected the amendment of the House of Representatives under the wide panoply of the Constitution, it appeared to him that they themselves had been inflicting a severer blow on that instrument than that which they had professed so much anxiety to avert.

Gentlemen had very suddenly discovered that appropriations, to be properly made by Congress, should first be recommended by the Executive. Many had said that the $3,000,000 appropriation was unconstitutional, because the Executive did not step forward, and say to Congress that this sum of money was wanted for the exigencies of the country. He should like to know in what part of the Constitution gentlemen found the clause denying to Congress the power to appropriate money without that recommendation? The practice of making specific appropriations had often been departed from; if there was one right clearly belonging to Congress, it was the right to appropriate money of their own free will and discretion, and to tell the Executive how he should apply it for the public service, without waiting for his application or recommendation. The Executive could control this discretion in no way but by withholding his signature to bills making such appropriations. It appeared that honorable gentlemen had fallen into this error by looking at the monarchical institutions of the Old World. In the British Parliament, the King's Minister produces the annual budget, and asks the appropriations it calls for; and when these are granted, the King returns thanks to his faithful Commons for their liberal supply. There was a wide difference between this practice and that of our republican Government. The Congress of the United States appropriates money for the public service, to be expended under the direction of the President; but they did not grant it to him, as the British Commons did to their King. Suppose, however, that the President at the last session of Congress had complied with the wishes of gentlemen, as now expressed, and had stated that the public service required additional appropriations, and had asked Congress to make them. Is it not probable (said Mr. B.) if the President had made such a recommendation to Congress, that we should have heard rung in our ears the cry of dictation; that he wanted this money, not for the public service, but for electioneering purposes; or that the appropriation would result in war, into which the Executive was anxious to plunge the country? If those in opposition had not done so, they would have departed from their usual course in reference to the measures of this Administration. Gentlemen would probably have escaped from such Executive dictation, and refused to vote the money, by resorting to the dextrous logic of a celebrated knight, who, when pressed for reasons, refused to give them "on compulsion."

The gentleman from Delaware had said that the friends of Mr. Jefferson here had abandoned all the lessons inculcated by that statesman with regard to the expenditure of the public money. He thanked him for "that word," and rejoiced that he had identified the friends of the Administration with that great man. But in what respect (said Mr. B.) have we departed from the policy of Mr. Jefferson? It was a favorite principle of his, which had been followed up by his party ever since, that specific appropriations should be made in all cases where it was possible to do so; but it was a practice of his administration to relax that republican rule when the public service required it. In the case adverted to by the Senators from Tennessee and Pennsylvania, in the administration of Mr. Jefferson, when an appropriation of $2,000,000 was made, having in view the purchase of Louisiana, that appropriation was made in terms as general as it was possible to imagine; and the discretion granted to the Executive was far beyond that contemplated in the amendment of the House of Representatives of the last session. In the latter case, the money was appropriated in a season of great emergency for the defenses of the country, under the most reasonable apprehensions of great difficulties with France, and the expenditure was limited to the next session of Congress, when an account was to be exhibited for every dollar expended.

He would not (said Mr. B.) pursue the remarks of the gentleman from Delaware further. With the controversy between an honorable member of the other House and another gentleman of this body, to whose assistance the Senator from Delaware had so gallantly come, neither him nor his political friends had anything to do. One of the heroes renowned in Grecian story was esteemed fortunate in having the devoted and faithful Patroclus as his friend; equally so was the gentleman whose cause had been so well defended here; but he trusted that the gentleman from Delaware would not, like the friend of the Grecian hero, become the victim of his own generous fidelity.

Here Mr. BROWN yielded the floor at the instance of Mr. GRUNDY, who moved an adjournment; but before the question was taken, at the request of Mr. CRITTENDEN, of Kentucky, it was for a moment withdrawn, when he entered into an explanation of some of his views which had been remarked on by Mr. B.; after which, on motion of Mr. GRUNDY, the Senate adjourned.

THURSDAY, *February* 10, 1836.

The Senate having resumed the consideration of the subject on the following day—

Mr. BROWN (in continuation) said, he had to express the obligations he felt under to the Senate for the indulgence that had been granted him by an adjournment on the last evening. He would endeavor to requite it by disposing of the remaining topics yet to be noticed as speedily as he could with justice to himself. The charge had been repeatedly made on that floor, and echoed elsewhere, that a great effort was making to prostrate that branch of the Government, (the Senate,) that a war was waging against it, and that that war was made by the President of the United States and the party who supported him. If war had been made against the Senate, it had not been made by the Chief Magistrate, or by the party who supported him; but, in his opinion, it had been made upon the Senate by itself. The course of measures pursued by that body had produced more injurious consequences, so far as itself is concerned, than could possibly result from any action of the Executive, however hostile to it. Who commenced that course of hostility said to be existing between the President and his constitutional advisers? Let the Journals of that body answer; let the ever to be remembered session of 1834 explain who were the first aggressors.

The Chief Magistrate had been arraigned, tried, and condemned without a hearing, for having done that which he believed to be his duty, by a resolution passed by a decided majority; and this, in his opinion, and in the opinion of a vast majority of the people of the United States, was done directly in violation of the Constitution, which gives to the House of Representatives only the power of impeachment. This was a manifest usurpation of power, and a war waged by the Senate against the President. If the Senate had lost moral power in the nation—if it had lost that salutary influence in the councils of the country it ought rightfully to possess—such loss had resulted from another circumstance than the one supposed by gentlemen who had adverted to it. It had resulted from the fact that it had arrayed itself against public opinion, and had not yielded to it that respect which it was entitled to under our form of Government. He admitted that this body was constituted to check those ebullitions of popular feeling which must at times rise in all Governments; but it never was constituted to stand up against settled public opinion, when it had been repeatedly spoken.

We all remember, (said Mr. B.,) in 1834, the great effort to break down the popularity of the present Administration, and to achieve success for the bank and its partisans by making unceasing appeals to the fears of a free, a high-minded, and enlightened people. I contend (said Mr. B.) if the Senate has lost power, it is from its own actions, and not from any other branch of the Government. It had been said, if the Senate was not popular now, a brighter day was coming, and that the virtue and intelligence of the people would yet preserve it from destruction. Yes, sir, (said Mr. B.,) the people will preserve it, but it will be by infusing into it gradually a strong portion of popular feeling, and one more congenial to their own.

His honorable colleague had inquired, a few days ago, in what manner the appropriation bill, containing the amendment of $3,000,000 by the House of Representatives at the last session, came here indorsed; and had said it came to this body indorsed by the chairman of the Committee of Ways and Means of the House of Representatives, and a prominent member of the "spoils party." Sir, (said Mr. B.,) that bill came here indorsed in a manner which ought to have entitled it to the highest respect; it was sanctioned by the popular branch of our national Legislature—that branch whose province it is to originate appropriations for the public service, through the hands of one of its most important committees, which, he thought, was an indorsement sufficient to secure for it a proper degree of respect in this branch of the Legislature. His colleague had also adverted to the great influence possessed by the Executive, which, brought to bear, in the shape of patronage, on the Legislatures of the different States, was producing the most dangerous effects. He was well aware that those who constituted the dominant party in this country were often taunted by those in opposition with the appellation of the "spoils party." The charge had been so often made, that, although it had as often been successfully refuted, yet he could not pass over it without giving it some notice. As far as his own State was concerned, it was his duty to meet it. He would be faithless to them, as a portion of the Democratic party, if he did not vindicate them, at least, from an imputation which, so far as it might be intended to apply to them, did great injustice. He did not hesitate to say, that he had no doubt, from information in which he placed the most implicit confidence, derived from gentlemen of the highest respectability, and whose opportunities of acquiring a correct knowledge of the subject were the greatest, that a vast majority of the Federal offices in North Carolina were filled by men in opposition to the Administration.

He had been informed, and believed it to be the fact, that *all* the officers connected with the judiciary of the United States in North Carolina, were known as belonging to the Opposition. As regarded those who held offices in the revenue service of the United States, an equal number, if not a majority, are said to be of the same class as to their politics. He had obtained sufficient information as regarded the political sentiments of those who are in office as postmasters in North Carolina, to warrant the belief that a very large majority are of the Opposition party. From statements which he then had in his possession, vouched for as they were by the signatures of those who had furnished them, with the liberty of inspection to any gentleman there who might desire to examine them—made, too, by those who had the best opportunities of correct personal knowledge, it appeared that, in three of the con-

gressional districts, represented by gentlemen friendly to the Administration, there was a majority of the postmasters in each opposed to the Administration. In two others, friendly to the Administration, they were nearly equally divided, and from one other of the same political complexion, he had received no information. With respect to the political opinions of postmasters in districts in his State, represented by members who differ in their politics from the friends of the Administration, he had no authentic information, except that which is usually in North Carolina denominated the "Mountain district;" and that information, vouched for, as it was, by the respectable gentleman who had furnished it, represented the number of postmasters in opposition to the Administration as being more than two to one in the number *greater* than those who were in favor of it. Mr. B. said that these statements exhibited a result which he himself had scarcely expected—it was, that in five of the congressional districts represented by friends of the Administration, a decided *aggregate majority* of the postmasters holding office under the present *proscriptive* Administration, were in opposition to it. To which of the political divisions the term "spoils party" properly applied, he thought there could be but little difficulty in determining. It was by no means a pleasant task for him to perform, to go into an inquiry as to who were the *real office holders* under the present Administration in his own State; but it was a duty which he had delayed longer than he should have done, in justice to the political party whose generous support, at a crisis of great public importance, had given him renewed evidence of its confidence. He claimed for the Democratic party of his State the distinguished honor of having achieved their successes in the last two years, not only in opposition to the combination of parties which had been arrayed against them there, but to a great extent in opposition to the patronage of the Federal and State Governments, with which had been united a majority of the newspaper presses. The patronage of the Federal Government was against them, because it had so happened that the greater number of those holding official stations under it in that State were in opposition to the present Administration. The patronage of the State government had been against them, because a majority of the officers who had been elected to State offices for the last two years, were, as he had been informed on the best authority, likewise in opposition.

Notwithstanding these facts, (said Mr. B.,) the political party friendly to the present Administration had been unceasingly denounced as office-holders and office-seekers, influenced by no patriotic motives, and governed only by the most mercenary considerations. Which of the parties in his own State had sought office with most avidity, let facts speak; which had succeeded most in obtaining the "spoils" of office, was a question not difficult of solution. Mr. B. said, that although the friends of the present Administration were decidedly in the ascendency at the last two sessions of the Legislature of North Carolina, yet they had, with a liberality not often imitated by the Opposition elsewhere when in power, elected to office a majority who were averse to them in politics. He believed this was an instance of disinterestedness and magnanimity which had been rarely, if at all, practiced in those States where political power had been in the hands of those in opposition.

Mr. CLAYTON, having asked permission to explain, stated that the Opposition party in Delaware, though in power, had not turned any persons out of office for a difference of political opinions.

Mr. PORTER, having also requested permission to explain, made a similar statement with respect to the State of Louisiana.

Mr. BROWN continued. When he gave way for an explanation from one gentleman, he did not expect that gentlemen would consider themselves called on severally to make their disclaimers. They certainly would have other opportunities of explaining the course of parties in the States they represented. He believed the Democratic party had seldom met with the kindness and forbearance mentioned by the gentlemen who had just taken their seats, in those States where they had unfortunately been in a minority. On the contrary, in some of the States they had been proscribed and swept from office, almost without a solitary exception.

Much has been said by gentlemen against the dangerous encroachments of Executive power, and the alarming consequences threatened by it; but permit me (said Mr. B.) to say to them that they have greatly magnified the extent of the danger. From what cause did the Executive branch of our Government possess power? Was it because of the great authority inherent in it? He believed that the Executive office of this Government had heretofore possessed power that it would never possess again. The Chief Magistracy under this Government had hitherto been filled by men, with but one exception, whose revolutionary services gave them a weight and consideration which their successors would never hereafter obtain. The eminent services of these great men had brought with them into office what, in truth, is the great source of power in popular Government—the public confidence. When the race of revolutionary patriots is run out—when we have no longer the remembrance of the thrilling incidents of that eventful period of our national history to associate with the office of our Chief Magistrate, it will be one of weakness, rather than of exorbitant power, compared with the other branches of the Government. The number of candidates for the office would create great divisions in public sentiment, and all the disappointed would probably unite and array themselves against the successful candidate, which would weaken and embarrass his Administration. Gentlemen, therefore, were greatly mistaken in supposing that the Executive branch of the Government was that which threatened the greatest danger to our Constitution. His colleague had referred to the land bill introduced by the Senator from Kentucky. He would say, in a few words, that he had always believed this measure to be impolitic, and on that ground had voted against it. If, however, he should be instructed to support it, by the Legislature of his State, he would readily obey such instructions; but in their absence he should, in the exercise of his best judgment, vote against the bill.

With respect to the principal object of the resolution before the Senate, he was not for making appropriations to the extent of the surplus revenue. He was (said Mr. B.) in favor of such judicious, liberal, and necessary appropriations as would be sufficient to place the defenses of the nation, both naval and military, on a respectable footing. He believed that that Government was cruel as well as unjust to its people, if it failed to adopt such measures as were necessary to protect them against foreign aggression. Failing to do so, it betrayed one of the highest trusts confided to Government by its constituency. He was anxious that that body should concur in some measure which would show the foreign Governments that the American people were united to a man when a question concerning the national honor, or the national safety, was involved. The Senate having unfortunately failed at the last session to exhibit, on its part, that unanimity of feeling on so important a subject, it was calculated to have an injurious effect on our foreign relations. He did not mean to impeach the patriotism of the Senate; but it could not be concealed that the vote of the last session had, in some measure, produced the belief that there would not be that cooperation of the legislative with the executive branch of our Government necessary to secure for us the respect of foreign Powers. It was (said Mr. B.) to aid the moral power of our Government, as well in Europe as elsewhere, that he was particularly anxious that the greatest unanimity should prevail in our councils on the present occasion. But, above all, it was to take such a ground before the American people as would redeem the Senate from every suspicion of apathy in defending the country—a failure, he would again say, he did not impute to improper motives—that he so earnestly desired to see the resolution adopted. Those who believed that passive obedience and an imploring tone to foreign Governments were calculated to conciliate them and protect our national character, deeply erred.

All history showed that the nation which had endeavored to purchase peace by such a course, had failed to do so. What was our history preceding the last war? One submission only led to another, and one injury unresisted only served to provoke other wrongs. But when the American people sternly and resolutely determined to take a manly stand in defense of their honor and interests, what was the consequence? Our flag is respected in every sea; our country occupies a high stand among the nations of the earth; and we have acquired a national character in consequence of our energy and decision, stronger even than that which could be maintained by the largest naval and military force. Let me, then, (said Mr. B.,) entreat gentlemen by all the remembrances associated with the deeds of imperishable renown achieved in the last war, to maintain on this occasion, that high national character, which the valor of our Navy and Army had so honorably won.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF HON. C. CUSHING,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

January 25, 1836,

On the right of Petition, as connected with petitions for the Abolition of Slavery and the Slave Trade in the District of Columbia.

Mr. CUSHING said: I hold in my hand several petitions on the subject of the slave interest in the District of Columbia. One of them I now present to the House. Upon it I make the preliminary motion, understood to be necessary in such cases, that it be received; and, in reference to this question, I have some few remarks to submit to the consideration of the House.

This petition prays for the abolition of slavery, and the slave trade, in this District. It is respectful in its terms, being free from the offensive expressions and reflections contained in some of the petitions on the same subject, heretofore presented. It is signed by inhabitants of Haverhill, in the State of Massachusetts; and among the subscribers are the names of citizens of that State whom I personally know, whom I vouch to be highly respectable, and who, whether mistaken or not in their views, are assuredly actuated by conscientious motives of civil and religious principle. They are constituents of mine; they have transmitted to me the petition, desiring me, as their Representative, to present it; and, under these circumstances, much as I have deprecated such a commission, and reluctant as I am to be instrumental in the introduction of any matter of excitement upon this floor, I cannot permit myself to hesitate in the discharge of this painful duty, believing, as I do, that it is the constitutional right of every American, be he high or be he low, be he fanatic or be he philosopher, to come here with his grievances, and to be heard upon his petition by this House.

These petitioners look to me to obtain them a hearing in this place; they have a right to require this office of me; they have, in my judgment, a right to be heard; and so long as I have the honor to hold a seat in this House, no constituent of mine, however humble his condition or unwelcome his prayer, shall see his petition thrust back in his face unheard, while the gift of reason or speech remains to me; for if it cannot be received and considered in the usual forms of legislation, it shall be heard through the lips of his Representative. Nor will I undertake to scan, over-captiously, either the object of his petition, or the language in which it is couched; nor will I stop to inquire how far the petitioners and myself entertain the same opinions of the general subject-matter. And there are particular inducements which impel me to make a stand at the present moment upon this petition.

I declare and protest in advance, that I do not intend, at this time at least, to be drawn or driven into the question of slavery, in either of its subdivisions or forms. At home, I am known to be of those who long ago foresaw, and early with-

stood, the coming of this anti-slavery agitation. Of the many occasions when I have actively interposed in this behalf, I hope to be pardoned for distinctly citing one as vesting in me some title to be candidly heard by the House. I allude to a published address upon the slave question, in which I deliberately asserted the constitutional rights of the South in this matter. It shall be my aim, on this occasion, to do and say nothing inconsistent with myself, with the letter of the Constitution, or with the spirit of the various compromises of interest and opinion incorporated into the Union of these States.

The members of this House have been frequently called, during the present session, to vote upon divisions connected with petitions of this nature. On those occasions I have been content to pronounce my vote simply, and without explanation, leaving my reasons and motives to be construed or misconstrued by others, as chance might order. To have continued so to do until the subject of the present controversy were finally disposed of, is the part I should altogether have chosen, had circumstances permitted to me such a course. But, if I have been silent, I have not been incurious, nor, I trust, an uninstructed, spectator of events. It is rendered apparent that those great matters which occupy the public mind abroad do now occupy also this House. If other gentlemen, differing with me in part or in whole, had voted without discussion, according to the dictates of their individual judgment, each of us could fairly have stood upon his personal convictions, and his personal estimation elsewhere, for his justification in the eyes of his countrymen. But that, much as it were in my view to be desired, is no longer possible. What has happened here is enrolled already in the unchangeable records of time and of eternity. It is become history. It cannot be recalled; it cannot be blotted from the memory; it cannot be expunged from the annals of the country. The winged words uttered in this House have gone forth to the world, on their mission of good or evil. Debate we have; debate we must have; we are goaded into debate; it is forced upon us; and from a quarter of the Union whence, I am frank to say, I did not look for it to come; and forced upon us in terms of dictation which I cannot brook; since they leave to me no alternative of escape from debate, but in the passive surrender of some of the dearest of our birthrights, those of free petition, free speech, and free conscience. I say of free speech and free conscience, both which are involved in the resolutions moved some time since by a gentleman from Maine, [Mr. JARVIS.] When these resolutions shall be distinctly before the House, it will become its members to reflect whether they have the constitutional right to attempt, or attempting, have the power to enforce, what those resolutions seem to contemplate — a perpetual prohibition of debate, and even of motions, upon a large and comprehensive class of subjects. These rights, neither my constituents nor myself feel disposed to surrender; and upon one of these great liberties of the land, and for the sake of incidentally vindicating the others, I shall, in due time, address the House at length.

My only object, at this time, is to come to a fair understanding with the House as to the course to be pursued in the debate, and the disposition it will make of these petitions.

At a very early period of the session, a gentleman from South Carolina [Mr. HAMMOND] met such petitions with the motion that they be not received. All the debates which ensued thereon terminated in evasive and unsatisfactory votes for laying on the table, which left every question of principle unsettled.

Afterwards, on a similar objection to reception being made by a gentleman from Georgia, [Mr. GLASCOCK,] my colleague [Mr. ADAMS] appealed from a ruling of the Speaker on an incidental point of order; which appeal, and the matters connected with it, have been put off, day after day, and week after week, and still remain suspended for some future time of consideration.

Then came a set of resolutions applicable to a part of the prayer of these petitions, moved by a gentleman from Maine, [Mr. JARVIS,] under which there is a debate in progress, on an amendment moved by a gentleman from Virginia, [Mr. WISE,] to the effect that Congress have no power granted by the Constitution to legislate on the subject of slavery in this District.

Finally, on the last occasion when petitions of this kind were presented, the question of reception being raised, that question was, by a vote of the House, laid on the table; as happened this morning in the case of those petitions presented by my colleague, [Mr. ADAMS,] the operation of which is practically to refuse to receive the petitions.

Now, I am wholly dissatisfied with this course of proceeding, and I cannot submit to it in regard to the petitions which I am charged to present. I hold that the question of reception, as it is in fact and of necessity the first in order of time, so is it the first in order of principle. It must not be pushed aside to make place for the discussion of speculative resolutions, or for debate on the merits of the question raised by the prayer of these petitions. I maintain that the House is bound by the Constitution to receive the petitions; after which it will take such method of deciding upon them as reason and principle shall dictate. It should first lend an attentive and respectful ear to the prayer of the people. Whether it can or will grant that prayer is an after consideration. I have already kept back for several weeks the petitions committed to me, in order to shape my course according to the deliberate decision of the House; but that decision does not come; it is continually procrastinated for the sake of considering questions which, in my view, are secondary in time and in principle to the question of reception; and I can no longer consent that these my constituents shall be held waiting, as it were, at the doors of the Capitol for admission, when, as I read the Constitution, they have a right to demand immediate entrance, and to be respectfully received by their assembled representatives.

I tender to the House, therefore, an alternative. I place this petition at their disposal. If they choose to fix absolutely on a time certain for considering and deciding the question of reception, so that this shall take precedence of the other debate, they will then have this day, as usual, for its appropriate business of the general presentation of petitions. But if they decide, as heretofore, to lay the question of reception on the table, then I shall feel myself constrained to take the floor upon another of these petitions, and to keep it, as under a late decision of the House I have a right to do, until I have fully debated the whole subject-matter. If the effect of this shall be to exclude all other petitions for the day, I cannot help it. Be the responsibility on their heads who raised this novel and extraordinary question of reception, going to the unconstitutional abridgment, as I conceive, of the great right of petition inherent in the people of the United States.

[The question, "Shall this petition be received?" was then, on the motion of a gentleman from South Carolina, [Mr. HAMMOND,] laid on the table, when Mr. CUSHING resumed the floor, and said:]

I now present to the House a petition signed by inhabitants of Amesbury, in the State of Massachusetts, among the subscribers to which are persons whom I know and vouch to be citizens of the United States. They pray for the abolition of slavery and the slave trade in the District of Columbia, and in the Territories under the jurisdiction of the United States. I make the preliminary motion that it be received; and upon that motion I proceed to express my views to the House.

Steering clear of all the inflammable matter intruded into these debates, gauging myself to the standard of the most absolute moderation, and resolutely tying down my thoughts to the real point at issue, what I propose to examine is the single naked question of the constitutional right of petition, as involved in the disposition of these petitions.

Looking into the Constitution, I find, among the amendments proposed by the Congress of 1789, and in the very first of the number, the following article:

"Congress shall make no law respecting an 'establishment of religion, or prohibiting the free 'exercise thereof, or abridging the freedom of 'speech or of the press; or *the right of the people* 'peaceably *to assemble and to petition the Govern-* '*ment for a redress of grievances.*"

Long before I had imagined that such a right would ever be called in question, I remember to have read the remark of a distinguished jurist and magistrate of the State of Virginia, (Tucker's Notes on Blackstone,) complaining that the concluding words of the clause I have cited from the Constitution did not strongly guard the great right of petition, as the liberties of the people demanded. On the other hand, a still more distinguished jurist and magistrate, of my own State, (Story's Commentaries,) in remarking upon the same article, expresses the opinion that it is ample in terms. "Because," he adds, "it [the right of 'petition] results from the very nature of the 'structure and institutions of a republican gov- 'ernment; it is impossible that it should be prac- 'tically denied until the spirit of liberty had 'wholly disappeared, and the people had become 'so servile and debased as to be unfit to exercise 'any of the privileges of freemen." These eminent constitutional lawyers agreed in opinion of the importance of the provision; they differed only in thinking—the one, that the right of petition could not be too clearly defined; the other, that whether defectively defined or not in the letter, the people would take care that it should in spirit be faithfully observed. While the first entertained a wise jealousy of the encroachments of the people's Representatives, the other looked for the protection of the public rights to the people themselves, the masters of the people's Representatives. And as the fears of the former have been verified too speedily, I trust that the hopes of the latter will not be less truly realized.

There are some things in the context and phraseology of this article of the Constitution which may deserve attention. It speaks of "*grievances*" in the general, not "*their* grievances"—the *personal* grievances of the individuals petitioning—but anything, public or personal, which they deem to be a grievance. It is the same article which allows to us the free exercise of our religion, and the liberty of speech and of the press. With these primary and fundamental rights of a free people, it associates the right of petition. But there is this peculiarity in the language of this clause of the Constitution. The words applicable to our subject are: "Congress shall make no law abridging the right of the people to petition the Government for a redress of grievances." The right of petition, therefore, is not a privilege conferred by the Constitution. It is recognized as a preëxisting right already possessed by the people, which they still reserve to themselves, and which Congress shall not so much as touch with the weight of a finger. The people, in their Constitution, say to Congress, we place in your hands our right and power of collecting a revenue to provide for the common defense and general welfare of the Union; our right and power to regulate commerce, to coin money, to declare war, and to raise and support armies and navies for its prosecution. Upon these and other subjects you may exercise the discretion which we repose in you by virtue of our Constitution. But this you shall not do: you shall not, until after the expiration of twenty years, prohibit the migration or importation of such persons as we think proper to admit; you shall not pass any bill of attainder; you shall not lay any tax or duty on exports; and you shall make no law prohibiting the free exercise of religion, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for a redress of grievances. These, our great natural rights, we keep to ourselves; we will not have them tampered with; respecting them we give to you no commission whatsoever; and rights which Congress itself—the entire Legislature, consisting of the President, the Senate, and the House, acting in their combined functions in the enactment of a law—is forbidden to abridge, can this House alone undertake, by a mere resolution or vote, practically to deny, abolish, and destroy? Sir, if we can successfully do it, I have greatly misconceived the democratic ancestry, the democratic principles, and the democratic energy of the people whom we are appointed to serve in this House.

The right of petition, I have said, was not conferred on the people by the Constitution, but was a preëxisting right, reserved by the people out of the grants of power made to Congress. To understand its nature and extent, we must, therefore, look beyond and behind the Constitution, into the anterior political history of the country.

And, in the first place, I beg of the House, and especially of the gentlemen who so ably represent Virginia on this floor, to remember how this article found its way into the Constitution.

You well know, sir, that when the Constitution was submitted to the people of the respective States for their adoption or rejection, it awakened the warmest debates of the several State conventions. Some of them, in accepting the proposed plan of government, coupled their acceptance with a recommendation of various additions to the Constitution, which they deemed essential to the preservation of the rights of the States, or of the people. The Commonwealth of Massachusetts insisted, among other things, on the adoption of that memorable amendment, to the effect, "that it be explicitly declared that all powers not 'expressly delegated by the aforesaid Constitu-'tion, are reserved to the several States, to be by 'them exercised." Having attained this object, and thus clearly ascertained what powers it was that she parted with to the Federal Government, she felt less anxious in regard to some things which in other States were deemed important. Especially, she did not, for herself, demand the insertion of those general clauses of political doctrines, popularly called, at that time, after the celebrated English Bill of Rights, and known in some modern European constitutions by the name of *guarantees*. She was less tenacious on this point, inasmuch as her own constitution was very full in this respect. It contained two clauses material to the present question, in the following words:

"All power residing originally in the people, 'and being derived from them, the several magis-'trates and officers of Government vested with 'authority, whether legislative, executive, or ju-'dicial, are their substitutes and agents."

"The people have a right, in an orderly and 'peaceable manner, to assemble to consult upon 'the common good, give instructions to their rep-'resentatives, and to request of the legislative 'body, by the way of address, petition, or remon-'strance, redress of the wrongs done them, and 'of the grievances they suffer."

These clauses being in her own constitution, I say—and it being understood by her that all powers not granted to the United States were reserved to the States—she felt that she was safe in agreeing to the fundamental compact of the Union.

The people and the Commonwealth of Virginia reasoned differently from this; and I will not stop to argue whether they did or did not reason more wisely than Massachusetts. They said, 'We choose to leave nothing doubtful which language can render certain in a matter of so much moment.' We are laying the foundations of a Government which we hope may outlast the Pyramids. We know, from old experience, that the depositaries of the popular power are ingenious in the finding of glosses and interpretations to abstract from the popular rights. Let us see to it that this Constitution contain such express recognitions of the rights of the people as it shall be impossible to misunderstand. We will write upon its very front the great doctrines of liberty in characters of light, which, like the burning letters in the banqueting-hall of Belshazzar, may blast the eyeballs of whoever shall meditate treason to the democratic rights we have conquered with our blood and our fortunes. Accordingly, the convention of Virginia proposed to amend the Constitution by inserting therein the following, among other clauses:

"That all power is naturally vested in, and 'consequently derived from, the people; that 'magistrates, therefore, are their trustees and 'agents, and at all times amenable to them."

"That the people have a right peaceably to 'assemble together to consult for the common 'good, or to instruct their Representatives; and 'that every freeman has a right to petition the 'Legislature for redress of grievances."

New York, North Carolina, and Rhode Island proposed, either literally or in substance, the same provision; and the consequence was, the addition to the Constitution of the article which I am now discussing, on the right of conscience, speech, and petition. And such being the history of this clause, I look to the gentlemen from Virginia especially, constant and honorable as they are in their attachment to constitutional principles at whatever hazard, to go with me in maintaining inviolate this great original right of the people.

But we shall not fully appreciate the force and value of this provision, if we stop at this point of the investigation. The right of petition is an old undoubted household right of the blood of England, which runs in our veins. When we fled from the oppressions of kings and parliaments in Europe, to found this great Republic in America, we brought with us the laws and the liberties which formed a part of our heritage as Britons. We brought with us the idea and the form of our legislative assemblies, composed of elected representatives of the people; we brought with us the right of petition, as the necessary incident of such institutions. For when, in the whole history of our fatherland, has the right of petition ever undergone debate and question? Go back to the old parliamentary rolls, coeval with Magna Charta; peruse the black-letter volumes in which the early laws and practices of the English monarchy are seen to be recorded; and, so far as you find a Government to exist you find the right to petition, that Government existing also as an undeniable franchise and birthright of the humblest in the land. The Normans came over, lance in hand, burning and trampling down everything before them, and cutting off the Saxon dynasty and the Saxon nobles at the edge of the sword; but the right of petition remained untouched. In all succeeding times, from the day when the barons at Runnymede pledged themselves to deny to no man redress of his grievances, through every vicissitude of revolution and of war, down to the day when our forefathers abandoned their native country, the same right of petition continued without challenge. In the next reign, it is true—that of the misguided Charles I.—the King invaded the public liberties, and he expiated the wrong, as he merited, by a felon's death. After the Commonwealth had passed away, came the petition of right, and with it the statute of 13 Charles II., distinctly recognizing the old right of petition, and regulating the mode of its exercise; and again, after the dethronement and exile of James II., the Bill of Rights, and the statute of 1 William and Mary, again recognizing and regulating the right of petition, as it has been exercised at all times throughout Great Britain.

Now, I ask gentlemen to point me, in all or any of the periods under review, to the precedents of a refusal by Parliament to receive petitions. I invite them to turn over the histories of parliamentary proceeding, and cite me the examples of petitions being thrust out of the House of Commons or of Lords, at the instant of presentation, on the ground that the prayer of the petition ought not to be granted. Will they do it? Can they do it? Is it not perfectly notorious, on the contrary, that every subject is freely admitted to be heard in his petition, provided it be respectful in terms, even although he pray expressly for a downright revolution in the Government, as did the thousands of petitioners who thus carried through, in our own time, the great measure of parliamentary reform? And shall the people in republican America, with its written Constitution for the protection of the public rights, and by a body of strictly limited powers—shall the people here be forbidden to do that which they may freely do in the monarchy of England, having no guarantees for the public liberty except laws and prescriptive usages, all of them confessedly at the will of an omnipotent Parliament? Forbid it, reason! Forbid it, justice! Forbid it, liberty! Forbid it the beatified spirits of the revolutionary sages, who watch in heaven over the destinies of the Republic!

Ay, but say gentlemen, if such things are not done by the representatives of the people in monarchical England, they have been done by their representatives in democratic America. We are told of precedents at home. What are those precedents?

To begin, I throw aside, as wholly inapplicable to the question, or at least as evasive of it, the case of petitions refused on account of disrespectful language towards the persons or the body petitioned. Those constitute a standing exception, independent of the merits of the subject.

The proceedings of the House in 1790, in reference to petitions on the matter of the slave trade and of slavery in the States, have been cited. It is said, in a note appended in print to the very respectable speech of the gentleman from Virginia, [Mr. GARLAND,] that those petitions were not received. That is a mistake, as every gentleman may satisfy himself by recurrence to the Journals of the House.

Mr. GARLAND rose to explain. He said that the note appended to his former remarks was wrong. He was led into the error by Mr. Elliot, in his fourth volume of Debates, page two hundred and eleven. Mr. E. had copied the debate, heading it "SLAVE TRADE; *on committing the memorial of the Quakers on the slave trade, House of Representatives, March*, 1790;" and closing it with "*memorial rejected.*" From the statement of the question, the debate being upon the commitment, and the addition, *memorial rejected*, Mr. G. said he took it for granted, without further examination, that the memorial was rejected without commitment. Upon examination, however, he found that this statement was inaccurate, and that the memorial was referred to a committee. Mr. G. said he was indebted to the courtesy of the gentleman from Massachusetts for the opportunity of making this explanation, and correcting the error.

Mr. CUSHING. I felt sure that the gentleman from Virginia would, when occasion offered, afford an honorable explanation of this error; for I myself noticed the statement in Elliot's Debates, and might have been misled thereby if I had not followed up the subject to the original sources of information regarding it. The petitions were in fact received, committed, and debated on report, as I shall have occasion hereafter to state at length.

One other case is cited, that of the petition of Vicente Pazos, agent of New Granada, which, in the year 1818, the House refused to receive. But the printed debates of that day show clearly the ground of rejection. Mr. Forsyth moved that it be not received. "He stated that, as the 'petitioner was the agent of a foreign Power, 'and applied to Congress as an appellate power 'over the Executive, he thought it improper that 'he should be thus heard." And the question was decided upon this single point. I heartily approve the remarks then made by a distinguished statesman, now no more, who at that time represented Massachusetts on this floor.

Mr. Mills, of Massachusetts, said that, "the 'right of petition was a sacred one, and belonged 'equally to the meanest and the greatest citizen 'in the nation; and if such a petition as this, im-'plicating the conduct of the Executive, had been 'presented from the meanest citizen, he would 'receive it, and if it complained of grievances 'without pointing out redress, it would be the 'duty of the House to give the proper redress; 'but it was to our own citizens only he would 'turn this listening ear. What right had a for-'eign subject to petition this House?"

Sir, I have incidentally touched upon the argument of precedents, and shown how untenable it is; but I care not if there were a thousand precedents of refusal to receive petitions. Such a fact, if it existed, would not abate my zeal on this point, or shift, in the minutest degree, my position. Upon the Constitution—upon the preëxisting legal rights of the people, as understood in this country and in England—I have argued that this House is bound to receive the petition under debate. It is impossible, in my mind, to distinguish between the refusal to receive a petition, or its summary rejection by some general order, and the denial of the right of petition. I have no such microscopic eye as to enable me to discern the point of difference between the two things. This procedure may be keeping the word to the ear, but it is breaking it to the sense; and I go upon general, abstract, original, fundamental prin-

ciple—the great principle of democratic liberty, which is the foundation stone of this Republic. It is for the sacred and inalienable rights of the people that I here contend. I should regard the exclusion of petitions from the consideration of the House as a high-handed invasion of the imprescriptible rights of the constituency of the country, of whom we are the representatives, not the dictators; and it is for that reason I take my stand against it on the very threshold.

Sir, I am a republican; and I desire to see this House observe the principles of that democracy which is ever on the lips of its members, and which I hope is in their hearts, as I know and feel it is in mine, and mean it shall be in my conduct. This Republic was called into being, organized, and is upheld, by a great political doctrine. That doctine is, that the people alone are supreme; that they are the fountains of power; that all magistrates are the delegated agents of the people, for the purposes limited and prescribed in their letters of appointment and the general laws of the land; that the constituents of a member of this House have the right to give instructions to him individually; and that every individual one of the people has a right to be heard by petition on the floor of this House. These are among the things which I understand to constitute the principles of democracy; those general principles, which I learned in my boyhood with my catechism, in the bill of rights prefixed to the constitution of my own State; which, on maturer study, I have seen to be avowed more or less distinctly in all the constitutions of this Republic, and of each of its constituent republics; which I perceive to be defended and applauded in the writings of the great text authors of political science in modern times; and which, after being for the first time practically exemplified in our own institutions, have gone forth over the universe, toppling down thrones, and raising up freemen, through all the nations of Christendom.

And whilst I feel impelled by such convictions to resist the summary rejection of this petition upon principle, I am irresistibly led to the same conclusion by considerations of policy and expediency. I deny that such considerations should decide the question; but seeing they have been urged into it, I shall concede to them all due respect.

We have been told that the prayer of the petition is for a thing which the Constitution does not permit to Congress, and so the petition itself should not be received. I ask of the House how it appears that we have no right by the Constitution to legislate upon the subject-matter of the petition? It may be so; and it may not. One member of the House has earnestly averred that it is; another that it is not. Which of them is right? I confess, for myself, that I cannot think it becomes the House to decide either way, upon the mere *ipse dixit* of individual members. Besides, the petition calls in question not only slavery, but also the *commerce in slaves*. And will any gentleman affirm that the slave trade of the District is among those holy things which Congress may not constitutionally handle? Is this District set apart by the Constitution, under whatever changes of opinion or fact the progress of civilization may introduce, to be unchangeably and forever a general slave market for the rest of the Union? I confess that I, again, am disappointed in that, among all the confident things said in denial of the constitutional powers of Congress in this matter; there has not been, so far as I remember, any systematic argument on the perfectly distinct branches of the double constitutional question involved in it, namely: the slave property, and the slave traffic of this District. And what shall be said of our constitutional power in the purchased Territories, under the jurisdiction of the United States, to which some of those petitions apply? And what clause of the Constitution restricts the right of petition to constitutional things? This House cannot grant beyond its powers; these are limited by the Constitution; but the people may petition for anything; for the right of petition is, by the Constitution, secured forever against any and every limitation or restriction.

But then it is said that the subject-matter of the petition does not admit of debate; that the deliberate consideration of it, and the decision of it in the ordinary course of business, would be fraught with disastrous consequences to the peace of the South and the general tranquillity of the Union. Deeming this argument of more weight than the other, I will give to it more careful attention, especially as on this point gentlemen have appealed with great force of language to the patriotic consideration of the North.

In the first place, I aver that I, and those with whom I have acted or voted, did not seek debate on this subject. We felt anxious, almost universally, to avoid it. The members from Massachusetts at least have not invited, and until it had been under discussion among other gentlemen for a whole month, they scarcely participated in the agitation of the subject in this House. We sat here week after week, submitting, for the sake of public peace, to hear in silence the harshest reflections upon our constituents, and listening, with surprised curiosity, to the strangest legal and political heresies, uttered as confidently as if they were gospel truths communicated by Divine inspiration. One of my colleagues [Mr. ADAMS] did, indeed, beseech gentlemen not to provoke him to a discussion of the subject; and thus it went on, untouched by us, until another of my colleagues [Mr. HOAR] could no longer abstain from the temperate defense of the Constitution and of his fellow-citizens.

In the second place, I do devoutly believe that gentlemen misjudge, if they suppose that agitation out of doors is to be arrested by the quashing of these petitions on their very introduction to this House. With my whole heart I accord in the view of the subject taken some time since by an honorable gentleman from New York, [Mr. HUNT,] and which I know is taken by one of the wisest and most trusted of the statesmen of Virginia, now a member of the other branch of Congress. If there be any plausible reason for supposing that we have the right to legislate on the slave interests of the District, you cannot put down the investigation of the subject out of doors, by refusing to receive petitions. On the contrary, you give the petitioners new force and efficiency, by giving them a new cause of complaint and of excitement. Nor do you attain anything, so far as this House is concerned; for, by shutting out petitions, you do not shut out debate; any member of the House can bring on debate any day, by moving some general resolution applicable to the subject. On the other hand, if it be so certain that Congress have no power in this matter, or having power, ought not to exercise it, then let the House establish those points in the usual way, by a deliberate report, elaborated in the closet, by a committee of the ablest men upon this floor, and considerately adopted by the House. The argument by which this course is withstood, goes upon a false assumption. It assumes for granted that the people of the United States are not to be reasoned with; that their opinions can be put down by bold and broad assertions at this or the other end of the Capitol; and that they are not to be trusted with the facts and law of the case. Here, again, as I conceive, gentlemen forget that this Government is a republican one, resting exclusively in the intelligence and virtue of the people. I, for one, am willing they should look into any of the clauses of the Constitution, and be fully informed of the merits of every question arising under it, never doubting that, in the end, their decision upon it will be just, true, and patriotic. Or is it that gentlemen are afraid to meet a proper scrutiny of the subject? Do they shrink from a fair and full examination of its merits or demerits?

Sir, allusion has been made, in an early stage of this debate, to the history of the excitement which once pervaded a considerable part of the country in reference to the transportation of the mails on the Lord's day. It is undoubtedly a pregnant case, directly in point. But I have another case, yet more cogent and pertinent.

Within less than one year after the adoption of the Constitution, there came to Congress petitions, chiefly from New York, Pennsylvania, Maryland, and Virginia, and especially from the Society of Friends, praying Congress to suppress the slave trade, and to interpose, in various ways, within the limits of the several States, in the melioration of the condition of the colored population of the South. I have examined the journals giving the records of the proceedings in this House; I have looked into the history of the times, to understand the grounds of the disposition then made of those petitions. In the outset, I will observe, that the debates on the subject present a remarkable parallel with what has taken place under my own eyes in this House. Messrs. Jackson, Baldwin, Tucker, Smith, and some other gentlemen from the South, insisted, as we now hear it insisted, that the petitions should be summarily rejected, without commitment. They alleged the same reasons; such as unconstitutional object, and pernicious effects of the discussion upon the interests of the slaveholding States. One gentleman did, I believe, what I suppose would hardly be done at this day, enter into an elaborate vindication of the transatlantic slave trade. But there was one most eminent and most patriotic member of that House, a man as calm in judging as he was deliberate in acting, who had himself been instrumental among the first in laying the foundation of this Union; who since then has successively filled the highest stations which the laws of his country acknowledge; and who yet lives, in a venerable old age, to receive the admiration of his countrymen, and to enjoy the rare felicity of surviving, as it were, a witness of the honors bestowed upon him by posterity. *Sero redeat in cælum.* Long may it be ere he depart from among us, to take his place among the great and glorious of other times. Sir, the House well anticipate that I have in my eye James Madison the younger, who stood forth to pour upon the troubled waves of that day the oil of peace and gladness. God grant there may yet be found among his patriotic countrymen some good and great man—a better and a greater there cannot be—now to perform the self-same office for the Republic.

At that crisis, in the very greenness of the immature youth of the Constitution, when it was least able to bear the shock of sectional collision, Mr. Madison, southerner as he was, steadily opposed his friends from the South, and successfully advocated the commitment of the petitions. I submit to the House his speech, as I find it very briefly reported in the newspapers of that day:

"Mr. Madison observed, that it was his opin-
'ion yesterday that the best way to proceed in
'this business was to commit the memorial with-
'out any debate on the subject. From what has
'taken place, he was more convinced of the pro-
'priety of the idea. But as the business has en-
'gaged the attention of many members, he would
'offer a few observations for the consideration of
'the House. He then entered into a critical re-
'view of the circumstances respecting the adop-
'tion of the Constitution, the ideas upon the
'limitation of the power of Congress to interfere
'in the regulation of the commerce in slaves, and
'showing that they undoubtedly were not pre-
'cluded from interposing in their importation, and
'generally to regulate the mode in which every
'species of business shall be transacted. He
'adverted to the western country and the cession
'of Georgia, in which Congress have certainly
'the power to regulate the subject of slavery,
'which shows that gentlemen are mistaken in
'supposing that Congress cannot constitutionally
'interfere in the business in any degree whatever.
'He was in favor of committing the petition, and
'justified the measure by repeated precedents in
'the proceedings of the House."

I produce this speech, not for the purpose of adopting all its views, for some of them I confess are new to me, and such as I have not had time or means to investigate; but in order to show conclusively what Mr. Madison deemed wise and proper to be done in a contingency so precisely like the present. Accordingly, all the petitions were committed to a select committee; that committee made a report; that report was referred to a Committee of the Whole House, and discussed on four successive days; it was then reported to the House with amendments, and by the House ordered to be inscribed on its Journals, and then laid on the table.

That report, as amended in committee, is in the following words:

"The committee to whom were referred sundry 'memorials from the people called Quakers, and 'also a memorial from the Pennsylvania Society 'for promoting the abolition of slavery, submit 'the following report, (as amended in Committee 'of the Whole:)

"First. That the migration or importation of 'such persons as any of the States now existing 'shall think proper to admit, cannot be prohibited by Congress prior to the year 1808.

"Secondly. That Congress have no power to 'interfere in the emancipation of slaves, or in the 'treatment of them, within any of the States; it 'remaining with the several States alone to pro-'vide any regulation therein which humanity and 'true policy may require.

"Thirdly. That Congress have authority to 'restrain the citizens of the United States from 'carrying on the African slave trade for the pur-'pose of supplying foreigners with slaves, and 'of providing, by proper regulations, for the 'humane treatment during their passage of slaves 'imported by the said citizens into the States ad-'mitting such importations."

"Fourthly. That Congress have also authority 'to prohibit foreigners from fitting out vessels in 'any part of the United States for transporting 'persons from Africa to any foreign port."

Now, I entreat the House to call to mind the effect of these proceedings. There was no insurrection, no servile war, no agitation in the South. Congress calmly and considerately examined the whole broad question, not of the slave trade only, but also of the slave interest. It decided how far it could go, and how far it would go. Its decision went forth to the world and settled the questions involved in it, as it were, forever. Nearly fifty years have since elapsed, and I am not aware that the points then adjudged have at any time since been drawn into debate or controversy. And I do declare my solemn conviction that if the House would now pursue the same course, and dispassionately determine what it can or cannot do, and make that determination known to the country in a respectful way, the result would be precisely the same in this vexed question of the District of Columbia.

Entertaining these opinions of the course to be pursued, I beg of gentlemen to look at the question, as I have done, in a calm review of facts and of principles. They deprecate all agitation unfriendly to the peace and reciprocal good will of the different sections of the country. So do I, most heartily; and in my own humble sphere I have earnestly exerted myself to this end. And I do, unwillingly but decidedly, avow my conviction, derived from abundant personal observation, that it is not by the summary suppression of petitions, it is not by *Lynching* this or any other petition, that tranquillity is to be restored and harmony assured, either in the South or the North. And whilst I entreat of individual members of the House to regard this question in calmness, and conclude it in judgment, as they would any lesser question, I warn and adjure the House itself, as a constituent branch of this Government, to beware lest, in deciding this general question of the right of petition, it overleap the bounds prescribed to it by the Constitution.

Men of Virginia—countrymen of Washington, of Patrick Henry, of Jefferson, and of Madison—will ye be true to your constitutional faith? Men of New York, will ye ride over the principles of the democracy ye profess? Men of the West, can ye prove recreant to the spirit of sturdy independence which carried you beyond the mountains? Men of New England, I hold you to the doctrines of liberty which ye inherit from your Puritan forefathers. And if this House is to be scared, by whatever influences, from its duty to receive and hear the petitions of the people, then I shall send my voice beyond the walls of this Capitol for redress. To the people I say, your liberties are in danger; they whom you have chosen to be your representatives are untrue to their trust; come ye to the rescue; for the vindication of your right of petition, to you I appeal—to you, the people who sent us here, whose agents we are, to whom we shall return to render a reckoning of our stewardship, and who are the true and only sovereigns in this Republic.

SUFFERERS BY NEW YORK FIRE.

DEFERRED DEBATE.

IN THE HOUSE OF REPRESENTATIVES,

February 17, 1836.

The Committee of the Whole on the state of the Union having under consideration the bill from the Senate "for the relief of the Sufferers by the Fire in the city of New York"—

Mr. CUSHMAN said: Mr. Chairman, whether I should agree with gentlemen who have preceded me upon the subject of the warehouse system or not, is a question which need not now be decided; and, although much has been said in regard to the payment of duties, whether it be the importer or the consumer, can have no influence with me, in the formation of my opinion upon the subject now under consideration. It will be the best time to discuss those subjects when they shall come before the House with more relevancy.

The design of the bill upon which we are now called upon to act, is to grant relief to those who have suffered by the recent calamitous fire at the city of New York; and, excepting the proviso in the first section, presents two questions; and, in my opinion, only two questions, which require an answer. The first is, whether Congress has the power to grant the relief which is solicited; and the other is, whether it be expedient so to do.

I, sir, entertain no doubt as to the constitutional power of Congress to grant all relief which this bill proposes to give, excepting what is contained in the proviso to which I have alluded.

All that is contemplated by the bill, excepting the proviso, is to grant to those who have suffered by the late distressing fire at the city of New York an extension of credit upon all bonds which have been given to secure the payment of duties, and which they now owe to the Government. In this particular, Congress ought to exercise a sound discretion. It is not improbable, that should the Government press this unfortunate class of debtors to make immediate payment, that much might be lost which otherwise would ultimately be saved for the benefit of the country. Every man who is acquainted with business, knows that lenity oftentimes is productive of great good, both to the creditor as well as the debtor. Such, I doubt not, would be the case in the present instance. So far, therefore, I think we may safely follow the examples which have been set before us by the action of Congress in previous years. The gentleman from New York, who made some very appropriate remarks upon this subject the other day, called the attention of the committee to similar relief which had been granted to the inhabitants of the town in which I have the honor to reside. It is true, sir, that in the years of 1802, 1807, and 1813, the town of Portsmouth, New Hampshire, was visited by very calamitous, destructive, and distressing fires; on two of which occasions Congress readily granted relief to the sufferers by extending the time of payment of all bonds then due at the custom-house for one year, and for one year only. This bill proposes to extend the time of payment of similar bonds from three to five years. The principles involved, however, are the same, whether it be for one or for five years. And if Congress have the right to extend the time of payment to those who owe the Government for one year, it may do it for five. And believing, as I do, that we have the power to grant relief thus far, and that it is also expedient that this power should be exercised on the present occasion, I shall cheerfully give the bill my support, provided the same shall be amended agreeable to the motion made by the honorable gentleman from Kentucky.

But the principles involved in the proviso above mentioned do not meet my approbation, and are such as I shall not consent to sanction. It is my desire, therefore, to procure the amendment which has been proposed; for without which, I shall be compelled to give my vote against the passage of the bill. And, sir, as precedents have been quoted as a reason why we should grant an extension of credit to the above-named sufferers, I ask the indulgence of the committee, while I call its attention to one precedent, at least, which was established at a very important crisis in the history of this country; a period when the souls of men were tried; a period when our forefathers pledged their 'lives, their property, and their sacred honor, for the achievement of the American independence. While, sir, this tremendous struggle was going on at the expense of so much suffering, of blood, and of treasure, the town of Falmouth, now the city of Portland, Maine, was consumed to ashes by that vindictive foe with which this Spartan band was contending; in consequence of which the inhabitants of that place were reduced to a suffering condition not easily described. And, sir, in this hour of unspeakable distress, when the inhabitants of that town were without food, without clothing, and without a shelter from the storm, they petitioned the Continental Congress, then in session at Philadelphia, for relief. And if there was ever a case which would authorize that Congress, or any other, to grant relief, that was one. But, sir, how was the fact in this case? Was the prayer of this petition granted? Were the inhabitants of the town of Falmouth, thus reduced to wretchedness, relieved by the patriot band who composed that Congress? No, sir, they were not; but the prayer of that petition was rejected. Rejected, however, not because they had no sympathy to bestow upon suffering humanity—for I presume there never were men more alive to the sufferings of their fellow-creatures than those who were then assembled in that Continental Congress—but because it established a dangerous precedent—a principle which would not be carried out without jeopardizing the best interests of the country.

Mr. Chairman, according to the information which I have received, the prayer of that petition was opposed upon the ground which I have stated—that it was then asked who would raise the vail of futurity? Who could tell how long it might be before the same unrelenting foe might lay in ashes the city of Boston, of New York, and every town and city upon the whole Atlantic coast? Grant relief in one case of this sort—it must be done in all others of a like character, which, for aught any mortal man could tell, might, in a very short time, involve the country in a dilemma from which there would be no escape. It would be establishing a principle which would make the Government the underwriters for all the property in the country—establishing a principle which ought not for a moment to be tolerated. And, sir, there is, in my opinion, no difference between that case and the one now under consideration, excepting that was a request for a donation, and this is a request for the loan of money for three, four, and five years. But the effect upon the operations of the Treasury, for the time being, would be the same in one case as in the other. Let Congress to-day loan to the sufferers by fire in the city of New York one million of money, who among us can divine that, upon the same principle, we may not to-morrow be called upon to bestow a similar benefit upon others equally deserving? If this were to be the only calamity of this character, then adopt the proviso contained in this bill, for no great injury would thereby accrue to the country; but so long as the inhabitants of New York, as well as of every other town or city, shall be subject to similar calamities, we cannot grant the relief proposed in the proviso of this bill without becoming the underwriters or insurers of all the property in the country.

But, sir, I am opposed to retaining this proviso in the bill, not only because it would establish a dangerous precedent, but I am opposed to it because I believe it would violate both the letter and spirit of the Constitution. From the phraseology used in this proviso, we should not, perhaps, come at once to such a conclusion. But, sir, in plain English, it amounts to nothing more nor less than a request for the loan of money. The words used are as follows, namely: "*That 'those who may have paid their bonds subsequent to 'the fire, shall also be entitled to the benefits of this 'section, and that the said bonds shall be renewed*

'from the day when the same were paid.' That is, all those who paid their bonds after the fire, shall have the amount thereof refunded, upon giving new bonds to the collector, payable in three, four, and five years. Clothe the principles involved in this proviso as you please; wrap them in as much mystery as may be, still I again say, sir, the plain English of the whole proviso is to authorize the collector of the district of New York to loan out, upon bond, all the money which he has received thereon since the fire. I am willing that the collector of that city may continue to be the receiver of public moneys; but he shall not, with my consent, be appointed to loan out the money belonging to the people. Where is the money which has been paid to the collector since the fire, in payment of bonds due the Government? If it be still in the hands of the collector, then Congress has no power over it. The only way in which he can be reached for that amount of funds, is upon his bond; but if they have gone, as they ought, into the Treasury, then that money cannot be drawn therefrom, except by special appropriation.

The patrons of the bill have asserted that should the proviso be retained in the bill, that of itself will make an appropriation, to be disbursed by the collector, as therein contemplated. Well, sir, for the sake of the argument, I admit that such would be the effect. But the patrons of the bill may grasp either horn of the dilemma which they choose. If it has not gone into the Treasury, then Congress is called upon to loan out money over which it has not any control; and if it be in the Treasury, then Congress have no right, no power, to make the contemplated appropriation. In neither point of view, therefore, can I vote in favor of retaining this provision of the bill. I ask the committee, if a proposition was now before Congress to appropriate five millions of money, to be loaned out on bond by the collector of the city of New York, whether this committee would consent to grant such an appropriation? This, sir, is the true test. All those who would make such an appropriation, and appoint the collector of the city of New York to be the agent of the Government to *loan* out the money, will vote against the proposed amendment. But, sir, all those who believe that Congress has no constitutional right to establish a broker's office, for the purpose of letting out the money of the Government, will vote with me in favor of striking out the provision of the bill which has been mentioned. If this is done, the bill shall have my support—otherwise not.

Mr. BROWN said he had obtained the floor not so much with a view to enter into an elaborate examination of the principles of the bill, as to recommend it earnestly and urgently, but respectfully, to the immediate action and final judgment of the House. A proposition similar in its character had been introduced by the Committee of Ways and Means near two months since, and it was upon the 20th of January that the bill under discussion came from the Senate with nearly the unanimous approbation of that body. Honorable gentlemen could not but be aware of the consequences of this inactivity on the part of the House of Representatives. Bonds for a large amount were lying over-due and unpaid at the custom-house; the public creditor had encountered difficulties in making his usual entries; the importers of foreign goods found their business in a state of doubt and uncertainty; commercial interests and operations of the greatest variety and magnitude were suspended upon the issue of the question; and he earnestly hoped—he entreated, that whatever was done, whether it should be the adoption or rejection of the bill, or the substitution of some other measure of relief in its place, should be done quickly and without further delay.

He confessed he had been unable to see the force and efficacy of some of the arguments offered in the progress of the debate. It had been said, (with great truth he was willing to believe,) that the New York merchants had discharged all their obligations to the Government, with promptness and fidelity, and in the aggregate had paid more than three hundred millions into the Treasury. This fact, so creditable to their enterprise and honorable to their character, could have no influence upon his mind. It could form no foundation for legislative aid or interposition in a case like the present. It did, indeed, afford the best assurance to the nation that the bonds would be faithfully paid when they came to maturity, but beyond that it could not have the weight of a feather upon the judgment of the committee. He might as well be told that the receipt of eleven millions within the past year from the sale of the public lands would justify and support the multiplied claims upon the national domain, which were so repeatedly and perseveringly pressed upon the consideration of Congress. Arguments in the form of appeals to the passions, to the sympathies, and sensibilities of members, were alike feeble and ineffectual, and must be rejected as inapplicable to the business of national legislation. He was not insensible to the multiplied and innumerable instances of individual and personal suffering, to the wreck of private fortune, the destruction of private property, the unmitigated ruin and desolation which had followed in the train of the late fire in New York. Wherever like calamities visited the abodes and habitations of men, whether they fell upon the great cities of the sea-board, or the more humble hamlets of the interior, such were the terrible and inevitable consequences; yet he doubted very much whether it was upon such considerations as individual distress or personal suffering, that the principles of the bill could be maintained, or its provisions recommended to the favorable opinion of the committee. There were a large and numerous portion of the sufferers—and by far the most helpless and indigent, and on that account the most meritorious portion—who were, unfortunately, beyond the reach of any aid or assistance which Congress could give; and they found themselves in this position, not because they were without equal and paramount claims upon the public sympathy, and equally and especially the objects of the public bounty—could that bounty be legally and constitutionally exercised — but solely because they maintained no connections or relations with the Government which could authorize or justify its interference in their behalf.

Honorable gentlemen had objected to the bill because the relief it proposed to grant was partial in principle, and would be unequal in its application: that it did not embrace within its provisions the poorer and more humble class of sufferers as well as the importers of foreign goods. He was willing to admit there was force in the objection, and he as willingly believed that no bill could be framed adapted to all the exigencies of the case. But if the event out of which the measure originated was such as justified and demanded the interposition of Government, upon considerations which he would name hereafter, it should not fail and be defeated, because it was impossible to make it equal and universal in its operation. Limited and restrained as the power of Congress necessarily was, upon no question could it be more circumscribed than upon a proposition to mitigate the consequences of calamities, such as formed the subject of the present debate. Governments do not undertake to repair the losses of their citizens occasioned by fire, by flood, or by tempest, nor to insure against the multiplied accidents to which property and the acquisitions of industry are perpetually exposed. However deeply (said Mr. B.) our sympathies may be awakened, and our feelings excited by the eloquent and touching appeals which honorable members have felt it their duty to make; however grateful it might be to us individually, to extend relief to the suffering citizens of New York, without qualification or distinction; we cannot forget that we are here to represent others, not to act for ourselves. We are here in the exercise of a specific and limited authority—that the public treasure is not at our disposal for the purposes of benevolence or charity. And if we interfere at all, it must be upon some known and positive principle of policy and expediency, having immediate connection with the public interest.

He thought he had been able to find the existence of that principle in the relations maintained between a portion of the sufferers and the Government, in regard to the collection and security of the revenue, and in the obligation imposed upon Congress to sustain the financial and commercial operations of the country, under the pressure and derangement consequent upon the destruction of so large an amount of its active capital. The importing merchants were the debtors of the Government upon custom-house bonds for something like four millions of dollars. They were the agents of the Treasury in the collection of its revenue. A sudden, unforeseen, and appalling calamity, without a parallel in human history, had consumed their resources, and crippled their energies. The duties secured upon the bonds would, most probably, all be realized, if the time of payment was postponed; but if immediate payment was pressed, no one could undertake to say what the result might be. Congress was not asked to give away the money, nor to release the debts, but only to prolong the credit to a more propitious period of time. Was there anything unconstitutional or unreasonable in so plain a proposition? Could it be an unjustifiable or an improper exercise of authority, for the Government to do that for the suffering public debtor which no gentleman could refuse to his private debtor, while laboring under similar misfortunes? It was manifest to his mind that the passage of the bill under consideration would not only increase the security of the Government, and afford the public debtor time and opportunity to meet his engagements, but would also supply the business transactions of the country with a portion of that element so essential to their vigor and vitality.

The city of New York, from her superior position, her facilities for commercial intercourse, and the vast extent and variety of her foreign and domestic transactions, exercised a powerful and controlling influence over all the business pursuits and occupations of men. Her enterprising and adventurous capitalists have pushed their investments into every region of trade, and every department of human industry. Their ships were seen upon the bosom of every sea, and their canvas was swept onward with the force of every gale. It was substantially their means which enabled the Government recently to realize eleven millions from the sales of the public lands. The Bank and Trust Company stocks, the stocks created for works of internal improvement, in every section of the Union, are, in a great measure, based upon their credit and resources. The western States had been liberal, if not prodigal in the creation of such property within the past year. The State of Indiana alone had authorized a credit of ten millions for purposes of internal improvement, and it was not more certain that the waters of the Wabash and the Mississippi would continue to flow onwards, and mingle with the ocean, than that all these stocks would ultimately seek a market in the city of New York. No portion of the country could be indifferent to the annihilation of twenty-five millions of capital in a single night, and he could not believe it possible that the Government would withhold the aid contemplated by the bill from those who had encountered the first fury of the storm.

The bill embraced within its provisions two classes of public debtors having bonds at the custom-house in New York: those who had lost property by the fire exceeding in value the sum of one thousand dollars, and those who had not suffered such loss. It proposed to extend the time for payment of the bonds of the first class, amounting to something like one million, to periods not exceeding three, four, and five years, and the time for payment of those of the second class, amounting to nearly three millions, for six, nine, and twelve months, to be computed from the time the same shall severally fall due. These four millions was the money of the people, a part of the common treasure of the nation; for while the importer was the agent or instrument to collect, it was in fact the consumer who ultimately paid the duties upon foreign goods. He saw no good reason why the importing merchant should have the use and enjoyment of the public money without some equivalent paid to the Government; and he therefore thought that interest at the rate of four per cent. should be imposed as a condition of extending the time of payment. He would cheerfully

vote for the bill in its present form, although he would prefer that the prolonged credit should carry interest as a partial indemnity for the additional hazard, if for no other reason. In conclusion, he would avail himself of the present opportunity to say, that inasmuch as the prospects of the future were bright with the promises of tranquillity and peace, there was every assurance that large appropriations for public defense would not be demanded. If Congress, therefore, should reject the bill, and insist upon the payment of the bonds, its only effect would be to swell the unappropriated surplus of more than ten millions already in the Treasury. And he put it to the judgment of the committee to say whether the four millions proposed to be postponed would not be more beneficially employed in the business of the country, than it would be lying comparatively idle and inactive in the vaults of the deposit banks.

NATIONAL DEFENCE—THE ADMINISTRATION.

SPEECH OF HON. SILAS WRIGHT,

OF NEW YORK,

IN THE SENATE, *February* 17, 1836.

The special order—Colonel BENTON's resolutions—were announced from the Chair.

Mr. WRIGHT, being entitled to the floor, said:

Mr. PRESIDENT: I took the floor on Friday last to detain the Senate with any remarks of mine, in the course of this debate, with extreme reluctance; a reluctance arising from the manifest desire of this body to terminate the discussion, and come to the question. The reluctance thus felt was greatly increased by the knowledge that many members upon both sides of the House understood that the debate was to close with the closing speech of the mover of the resolutions, [Colonel BENTON,] and that the question was to be taken when he should resume his seat. My own desire that the resolutions should receive, if possible, the unanimous vote of the Senate, still further increased my unwillingness to protract the discussion, as, in the then state of things, I considered it very desirable to have the vote of the Senate upon the resolutions, and the resolutions themselves go to the country with the message of the President, announcing the mediation of England in our difficulties with France, that the sense of this body, as well as the message, might exert a beneficial influence, not only throughout our own country, but upon the other side of the Atlantic.

So strong, Mr. President, was my anxiety upon this point that, even after the remarks made by the Senator from Virginia, [Mr. LEIGH,] who followed the Senator from Missouri, [Mr. BENTON,] I had consented, exceptionable in principle and practice as I considered those remarks to be, not to reply to them, but to let the question follow the speech of the Senator from North Carolina, [Mr. BROWN,] he having succeeded the Senator from Virginia [Mr. LEIGH] in the debate. When, however, the Senator from Ohio [Mr. EWING] felt it to be his duty again to take part in the discussion, and not only to continue the debate, but, as to most of the essential points, to take the same ground which had been occupied by the Senator from Virginia, [Mr. LEIGH,] my reluctance to obtrude myself upon the attention of the Senate yielded to a sense of the imperious obligation resting upon me as a member of the body, and as a representative, in part, of one of the States of this Union, not to permit positions so erroneous, and so dangerous in their tendencies, to be assumed and repeated without reply. My principal object in asking the floor had this extent: to reply somewhat at large to the remarks of these two Senators, touching our relations with France; the difficulties which had grown out of them, and the duties of our Government, as heretofore discharged, or hereafter to be discharged, in reference to the settlement of those difficulties.

I had intended particularly to reply to the position assumed by the honorable Senator from Virginia, [Mr. LEIGH,] that it was permissible for any cause, or under any circumstances, that a foreign Government should interpose itself between the President and Congress; that any foreign Government should have the right to ask, and that it should be the duty of any department of our Government to make either explanation or apology, (by whichever term the gentleman may choose to characterize the demand,) touching any matter contained in any communication from the President of the United States to the Congress of the United States, or from the Congress of the United States to the President of the United States.

Mr. LEIGH asked leave to explain, and said the question discussed by him was not whether explanation or apology ought to be made; because it had been conceded on all hands that the requisite explanation had been made in the last annual message from the President to Congress, but in what manner that explanation should reach the French Government; whether by direct communication in the ordinary course of diplomatic correspondence, or indirectly, by being contained in a message to Congress; and that he had contended that the former mode of direct diplomatic communication was preferable.

Mr. WRIGHT resumed. The question is understood alike by the gentleman and myself. He will not pretend that the annual message from the President to Congress, or any other message from that officer to this body, is a communication in any sense, directly or indirectly, to a foreign Government; that such messages are ever transmitted, upon the demand or requisition of a foreign Government; or that any foreign Government can, in any proper view of the subject, be considered, directly or indirectly, as a party to these communications. They cannot, then, be termed either explanations or apologies to a foreign Power; and the question returns, are we to permit any foreign Government to interpose itself between these two branches of our Government, and demand either explanation or apology in reference to the communications passing between them? No, never, Mr. President, while we remain an independent nation.

I had also intended (said Mr. W.) to have replied particularly to the position assumed by the honorable Senator from Ohio, [Mr. EWING,] that things had better remain precisely as they then were, or as we supposed they then were, than to have a war with France; in other words, to give what I understood to be the purport of the Senator's position, we had better yield the execution of the treaty on the part of France, than to insist upon its fulfillment at the expense of a war.

I am prevented, Mr. President, by the news which has reached the country since this subject was last under the consideration of the Senate, from replying to either of the gentlemen, or to any other gentleman who has addressed the Senate in the course of this debate, touching our French relations; and, consequently, I am prevented from making a reply to the two positions I have just stated, and which I have considered more exceptionable and dangerous than any other assumed by the gentleman. The information I have received through the public press and otherwise, has entirely satisfied my mind that our difficulties with France are definitively and amicably settled; that the money due under the treaty has been, many days since, actually paid; that the French Government have considered the last annual message of the President entirely satisfactory as to the offense they assumed was contained in the preceding one; and that diplomatic relations between the two countries will be speedily resumed upon a friendly footing. I announce these convictions with the highest feelings of gratification; and entertaining them, as I do, without the shadow of a doubt, it would be in the extreme improper, in my estimation, for me here to discuss any topic connected with, or involving in any manner, our relations with France, or to reply to any remarks which have fallen from Senators in that portion of the debate which has transpired touching those relations.

I have, Mr. President, entered my distinct dissent from the two positions to which I have referred—the one assumed by the Senator from Virginia, [Mr. LEIGH,] and the other by the Senator from Ohio, [Mr. EWING,]—and beyond that, for the reasons I have given, I must content myself, as to this portion of the debate, with simply saying to those who, since the transmission of the last annual message of the President to Congress, have pronounced our Government in the wrong in this controversy with France, *France* has not thought so: to those who have considered it the right of France to interpose between the President and Congress, and to demand explanations or apologies to anything contained in his messages to this body, that *France* has withdrawn her claim to any such right: to those who have contended that it was better for us to yield the execution of the treaty on the part of France—to give up our protection of our commerce upon the high seas—to surrender the rights of their citizens to indemnity for depredations upon that commerce, after those rights have been acknowledged and liquidated by the most solemn of all obligations between nations, the execution of a treaty for the payment of the claims—to surrender, in short, our national honor, by the concession that we cannot defend that honor, and its consequence, the safety of our commerce and the interests of our citizens—I must also content myself with saying, that such have not been the views of the present Administration of our Government. That Administration has considered it to be its highest duty to insist upon the execution of solemn treaty stipulations, to protect the rights and interests of our citizens and the safety of our commerce, and, above and beyond all, to preserve the honor of the country against every assault or imputation, from whatever quarter that assault may be made, and at whatever hazard, even the hazard of an appeal to the *ultima ratio* of nations.

Beyond these remarks, Mr. President, I must confine myself to the resolutions before the Senate, with such very brief replies to a few remarks made in the course of the debate as I may find it my duty to make, excluding any reference to our foreign relations.

And here (said Mr. W.) I must be permitted to say, if I understand the resolutions in their present shape correctly, that the information of the settlement of our difficulties with France does not in the slightest degree affect their object, or the action of the Senate upon them. They propose a *permanent* system of defense, external and internal, for the whole country, a system of defense which does not contemplate war, but the preservation of peace and security. I cannot better illustrate my understanding of the object of the resolutions than by detaining the Senate to read them. They are as follows:

"*Resolved*, That so much of the *surplus* revenue 'of the United States, and the dividends of stock 'receivable from the Bank of the United States, as 'may be necessary for the purpose, ought to be 'set apart and applied to the general defense and '*permanent* security of the country.

"*Resolved*, That the President be requested to 'cause the Senate to be informed—

"1. The probable amount that would be necessary for fortifying the lake, maritime, and gulf 'frontier of the United States, and such points 'of the land frontier as may require *permanent* 'fortifications.

"2. The probable amount that would be necessary to construct an adequate number of *armories* and *arsenals* in the United States, and to 'supply the States with field artillery (especially 'brass field-pieces) for their militia, and with 'side arms and pistols for their cavalry.

"3. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, which a 'proper regard to self-defense would require to 'be *always* on hand.

"4. The probable amount that would be necessary to place the naval defenses of the United 'States (including the increase of the Navy, navy-'yards, navy-docks, and steam or floating batteries upon the footing of strength and respectability which is due to the *security* and to the '*welfare* of the Union."

Thus it will be seen, at a single glance, that the object is not to prepare, temporarily, for an impending or contemplated war, but for the per-

manent and durable defenses of the whole country against all dangers which may assail its peace and disturb its quiet, whether foreign or domestic—whether having their rise from without or from within. The pledge is general for the "permanent security" of the country; and the inquiries are as broad as the whole Union, and cover all its great interests in reference to defense of coast, lake, gulf, and land frontier, and every internal means of "general defense and permanent security" of armories, arsenals, and arms. They also cover the naval defenses of the country; and constitute, in contemplation, a permanent and durable system in every sense in which I am able to comprehend that such a system could be adopted, with proper regard to the respective interests and perfect security of the whole country, and of all its great interests, external and internal. They do not, either in their language or design, contemplate immediate war; but they look to a state of defense and security against any and every war which may come upon the country in all future time.

For the accomplishment of this great and paramount national object, the resolutions rely upon the *surplus* moneys in the Treasury, after the ordinary and necessary appropriations for the support of the Government, in its various departments, shall have been paid, including the ordinary appropriations for the gradual improvement of the Navy, and for the gradual progress in the construction and completion of the fortifications already commenced, and not any interference with those appropriations. Their object is to hasten the completion of perfect and secure defenses by the application of moneys in the Treasury not required for any other national object, but not to interrupt the course of the Government in any of the other great interests for which the ordinary annual appropriations are made. They propose to pledge not the revenue, but so much of the *surplus* revenue as may be necessary to this great object.

The resolutions, then, Mr. President, or rather the first resolution, is, I apprehend, in the precise shape in which it should remain to meet the object the mover of the resolutions had in view, and which I have in view in supporting them. This resolution is designed to act upon the *surplus* revenue only, upon that portion of the public moneys which shall remain in the Treasury after all the ordinary calls upon that Treasury have been fully answered; and it proposes to pledge so much of that *surplus* "as may be necessary for the purpose" to the great object of permanent national defense and security. Am I right in my construction of this resolution in its present shape? If so, the amendment of the Senator from Delaware [Mr. CLAYTON] to strike out the word "surplus" ought not to prevail. That amendment will, to my understanding, change the whole character of the resolution and destroy entirely the pledge designed to be made. The object is to set apart and apply to the general defense and permanent security of the country, so much of the *surplus* of the revenues of the nation as may be necessary for that object, and if the form of the resolution be so changed as to apply its action to the revenues generally, and not to the *surplus*, it may be so construed as only to contain an expression that we will appropriate, for the present year, so much of the public money to the various purposes of defense as we may think proper and necessary, and nothing will be "set apart" for defenses which is not actually appropriated by the appropriation bills of the year. Any surplus which may then remain in the Treasury will be open to any other disposition which Congress may choose to make of it, without any infringement upon the pledge given by the resolution. This I do not understand to be in accordance with the object of the resolution. That object is to set apart a fund such as may be necessary to be exclusively applied to the defenses of the country, naval and military, and to constitute that fund of the surplus which shall remain in the Treasury after the ordinary appropriations of the present and of each succeeding year shall have been paid. In other words, I understand the object to be to carry on the business of putting the country in a complete state of defense, internal and external, as rapidly as the means in the Treasury will allow, without interference with the usual and necessary annual appropriations, in case the moneys which may be applied to this object can be economically and usefully expended as fast as they accumulate; but, if they cannot, that a permanent fund be "set apart" from these accumulations sufficient to accomplish the end in view at the earliest practicable period. Surely, then, the word "surplus" should be retained in the first resolution, that the pledge may be made effectual and operative, and that the means to accomplish this vital object of national defense may be secured from the surplus moneys in the Treasury before any other disposition shall be made by Congress of the present, or any future accumulation of means beyond the ordinary annual wants of the country.

I have said, Mr. President, that I would vote for the resolution, whether this amendment should or should not prevail. I still retain the same opinion; but I am bound in candor to say, that when the amendment was first proposed I did not think it at all important, and rather derived the impression, that, if it could be considered as changing the character of the resolution at all, it must be held to go beyond the object of the mover, and more rapidly than he proposed to go. Upon reflection, I am satisfied that I did not correctly appreciate the force and bearing of the word "surplus," proposed to be stricken out, and that, without that word, we shall merely resolve that we will appropriate for this single year so much of the money in the Treasury as a majority of this body shall believe "may be necessary, and can be usefully expended towards the general and permanent defenses of the country," while the surplus, if any, in the Treasury will not be "set apart," or pledged to this great object, but will remain subject to any disposition which Congress may choose to make of it, without an infraction of our resolution. Our purpose to defend the country will be declared, but the means to do it will not be "set apart" by our expression. For these reasons, I hope the proposed amendment may not prevail, and that the first resolution may retain its present form.

There is, Mr. President, another amendment proposed to this resolution, upon which I must trouble you with a single remark. I refer to the proposition of the Senator from South Carolina, [Mr. PRESTON,] to strike out the whole resolution after the word "*Resolved*," and to insert the following:

"*That such appropriations as may be necessary for 'the purpose ought to be made, to carry on the system 'of general defense and permanent protection of the 'country.*"

This amendment, if adopted, will make the resolution much more vague and unmeaning than to adopt the amendment of the Senator from Delaware, to strike out the word "surplus." Indeed, if I rightly comprehend this proposition, it merely declares that we will, for the present year, make the same appropriations for the defenses of the country which have been regularly and uniformly made from about the close of our late war with Great Britain to the present time, the appropriations of the last year being alone excepted. Is it, then, Mr. President, necessary for us to declare by a resolution that we will not now stop the ordinary appropriations for defense which have been regularly made for nearly twenty years last past? Does any member of this body contemplate for a moment that those very limited appropriations will be either suspended or diminished? Surely, then, we cannot be asked to adopt this amendment. The resolutions under debate propose to accelerate our progress in the work of defense by the application of the surplus revenues of the country to that work. This amendment proposes to "carry on the system" as it now exists, and has been carried on for the period I have mentioned. The resolutions propose to extend our system of defense, and make it universal and applicable to all dangers, external or internal. The amendment proposes to carry on "the system" now in progress without extension. I need not say more to satisfy the Senate that the adoption of this amendment would be an entire defeat of the resolutions offered by the Senator from Missouri.

Mr. President, if the resolutions retain their present shape, they are, as has been said by the mover of them, antagonistic to the proposition of the Senator from South Carolina, [Mr. CALHOUN,] to divide the surplus revenue among the States. Both propositions act upon the same money, and propose very different dispositions of it. The former proposes to expend it, or so much of it as may be necessary, for the great object of national defense. The latter proposes to give it to the States, to be expended at their pleasure, not for national, but for State objects. They are, therefore, directly antagonistic. I think the resolutions, also, equally antagonistic to the measure introduced by the Senator from Kentucky, [Mr CLAY,] and known here by the designation of "the land bill." It is not now my purpose to inquire how far the principle of this measure, and of that proposed by the Senator from South Carolina, are the same, and wherein they may differ. They both propose a distribution to the States of a sum equal to the whole surplus in the Treasury. They both act upon the same money; and the resolutions before us, proposing to set apart so much of that surplus as may be necessary to be expended upon the national defenses of the country, must be equally antagonistic to both, because it proposes to apply, in a very different manner, and for a very different purpose, a part, or the whole, of the fund upon which both the other propositions act.

Much has been said by several gentlemen in the course of the debate as to the amount of this surplus. I have, Mr. President, used my best efforts to inform myself truly upon this point, and I will now give to the Senate the result of my inquiries. I sought the information at the Treasury Department, because I knew of no other place where correct and certain information could be obtained upon the point; and the statement I am about to make is one prepared from information communicated from the head of that Department, and rests upon the authority of the accounts of receipts and expenditures kept in that office, with very trifling exceptions, which will be seen to be matters of estimate. I have found it necessary to give this result in the dry form of figures and arithmetical deductions; but I have compressed it into as small a compass as was possible, and in that form I will give it to the Senate.

The money in the Treasury on the 1st January, 1835, was		$8,892,858
The collections of the first three quarters of the year 1835, as ascertained before the Secretary's annual report was made, were		23,460,881
The collections of the fourth quarter of 1835, as far as those collections have been yet ascertained, are		10,919,852
In addition to these sums, the Secretary now estimates that there will remain to be added to the receipts of the year 1835, as part of the collections of the fourth quarter, not yet ascertained		230,000
This will show an aggregate of means for the year 1835 of		43,523,591
Deduct from this aggregate the expenditures of the first three quarters of the year 1835, as ascertained before the annual report of the Secretary was made	$13,376,141	
Deduct also the actual expenditures of the fourth quarter of 1835, as now ascertained with sufficient accuracy for this calculation	4,050,000	
		17,426,141
And there will remain an *apparent* surplus of		26,097,450

From this apparent surplus the following deductions must be made to ascertain the *real* surplus, viz:

1. The unavailable funds in the Treasury, which constitute a part of the balance remaining in the Treasury on the first day of every year, as shown by the accounts.. $1,100,000
2. The amount of outstanding appropriations, being sums appropriated by law, but which have not been called for at the Treasury at the close of the year. This amount is an estimate, but it is arrived at by making a deduction from the whole amount of outstanding appropriations of all such portions as are supposed likely not to be called for, and consequently to pass to the sinking fund. It is, therefore, in all probability, sufficiently small. 7,595,574
3. The estimate of expenditures for the fourth quarter of the year 1835 was $4,800,000. The actual expenditures of the quarter, as ascertained and above given, have only been $4,050,000, leaving a balance of the estimate over the expenditure of $750,000. As the estimate is made from claims known to exist against the Treasury, the reason for this difference between the estimated and actual expenditures for this quarter has grown out of the fact, that an amount of these claims, equal to the difference of $750,000, have not been presented for payment within the quarter which it was anticipated would be presented and paid. The claims, however, remain, and must be paid in 1836; and therefore this amount of outstanding appropriations, not having been included in the general estimate of outstanding appropriations last above given, because it was not expected they would be outstanding at the close of the year, should also be deducted, 750,000

9,445,574

These sums deducted, leave the *true* surplus of money in the Treasury on the 1st day of January, 1836, that being..... $16,651,876

It is due to the Secretary of the Treasury that I should, in this place, give to the Senate his explanation of the very great difference between the revenue anticipated, and the actual revenue received for the fourth quarter of the last year.

The actual receipts into the Treasury, as already ascertained, during that quarter, are..... $10,919,852

The Secretary estimates that there has probably been collected, and not yet ascertained at the Department, a further amount, during the same quarter, of..... 230,000

Showing the whole probable receipts of the quarter to be..... $11,149,852

In his annual report on the state of the finances, the Secretary estimated the revenue of this quarter at..... 4,950,000

Which sum, taken from the now ascertained and estimated receipts of the quarter, will leave an excess beyond his anticipation of..... $6,199,852

The receipts from the sales of public lands during the fourth quarter of 1835, beyond any reasonable anticipation formed upon past experience, account for a very large share of this excess. There was paid into the various land offices during the last two months of that quarter, the following amounts:

In the month of November, 1835.... $1,776,000
" " " December, do 2,340,000

Making a total of receipts from the sales of land alone, during those two months, of..... $4,116,000

These immense sales, too, were made when no important public sales were advertised to take place, or did take place. The payments which constitute this great total were almost exclusively made upon lands purchased at the Government minimum price; in other words, taken, as I believe the phrase is, at private entry. The proceeds from lands for these two months, thus obtained, have more than equaled many former years, and have by far exceeded the receipts of any two former months, and anything which could have been anticipated in the absence of important public sales.

Another cause of the excess of receipts over the estimate for the fourth quarter of 1835, given by the Secretary is, that the apprehension of a war with France, and of consequent commercial interruptions and disturbances generally, produced an increase of importations within that quarter far beyond any anticipation entertained by him, and far beyond any former example. The actual collections of duties at the port of New York alone, not including the bonds taken, and not falling due within the quarter, I think the Secretary assured me amounted to full five millions of dollars, a sum almost equal to an ordinary half year's collection of revenue at that port. These two sources of revenue, so immensely and so unexpectedly swelled beyond any former precedent, have principally produced the excess of $6,000,000 in the revenues of the last quarter of the last year.

To return now, Mr. President, to the resolutions; having seen what are the means in our hands to give them force and application; what, let me ask, are the considerations which call upon the Senate for their adoption? The first and most prominent, and one which appears to my mind entirely controlling, is the defenseless state of the country. That the country is defenseless seems now to be conceded by every Senator who has addressed the Senate upon this subject. We have the fact before this body from sources entitled to our peculiar confidence. The chairman of the Committee on Naval Affairs [Mr. SOUTHARD] gave us, in the course of his remarks, a detailed account of the condition of the Navy, and of our force afloat and in service. Sir, it does not amount to a Navy at all, compared to the extent of coast we have to defend and the immense and widespread commerce we have to protect; a single ship-of-the-line, I believe, two or three frigates, and a few schooners and sloops-of-war. I will not pretend to be accurate in the enumeration the honorable chairman gave us, but I must say it was almost equivalent to no force at all upon the ocean in comparison with what will always be required for defense and commercial protection. We have received also from the honorable chairman of the Committee on Military Affairs [Mr. BENTON] repeated accounts of the condition of our fortifications and land defenses; but one commercial town in the whole country, at the most, in any condition to be defended against an attack by sea: with one or two exceptions, not a gun in any of your forts, and no preparations for mounting them if they were there. Nearly all the public works which have been commenced for the purpose of defense remain in an unfinished state, and cannot be made useful and secure without further large expenditures: the militia of the country badly armed, or entirely without arms; and all those portions of the Union most exposed to savage incursion, or domestic insurrection, without armories and arsenals, from which arms may be obtained in cases of emergency and danger. Such, sir, is my recollection, very briefly sketched, of the picture we have often had presented from the chairman of the committee of this body more especially charged with the subject of our land defenses. Surely, then, if an entirely defenseless condition, both by sea and land, can urge us onward in the great work to which the resolutions invite us, we have a consideration here for their passage, stronger than any friend to them could wish.

Mr. President, so clear and so palpable to the mind of every statesman, and to the feelings of every patriot, was the truism conveyed by the words of the Father of his Country, "in peace prepare for war," that those words have grown into a maxim, which has remained undisputed for half a century. If the principle conveyed in this maxim be sound, and was ever practically applicable to any Government upon the earth of which history gives us any account, with how much more force does it apply to the Government of the United States at this moment? Sir, what is our pecuniary condition? Without a dollar of debt; in the midst of prosperity in every department of business, so abundant as almost to endanger plethora; at peace with all the nations of the earth, and only momentarily disturbed by an Indian insurrection of limited extent, the danger from which has undoubtedly subsided before this hour; with $16,500,000 in the national Treasury, upon which the ordinary wants of the Government make no call. This is our condition; and shall we resist this call for the nation's defense, made under circumstances such as I have described? We cannot—we shall not.

Applicable to some portion of this body, Mr. President, is another consideration which I feel bound to notice, and which appeals strongly to those to whom it is applicable for the passage of the resolutions, and the carrying out, to their full extent, the principles expressed by them. The present Administration has been extensively complained of in the course of the debate, for not having, during the six or seven years of its existence, put the country in a state of defense. The honorable Senator from Delaware [Mr. CLAYTON] met the question fairly, and placed his complaint upon the ground that the Administration had adopted the principle that the national debt must be paid in preference to the conversion of the surplus moneys of the Treasury to an increase of the Navy, and other works of defense. This is so, sir. I am aware that there is a wide difference of opinion between the political parties of this country in relation to the policy of paying off, and finally extinguishing the national debt. The Administration has adopted the democratic policy; that plain policy which governs every prudent citizen in the management of his private affairs; and has considered itself bound in honesty and honor, so far as the laws of Congress left the money of the Government to its disposition, to apply every dollar of that money, not required for the necessities of the country, to the payment of the public creditors. To discharge the country from debt has been its first and highest pecuniary object; to put it in a state of defense and security against external and internal danger, stands next in the course of its policy. It is not my object, Mr. President, at this time, to discuss the question whether the payment of a national debt be, or be not, a wise and sound policy. It is the policy which meets my most earnest and lively approbation. It is the policy of the Constitution; for the language of that instrument is: "The Congress shall have power to lay and collect taxes, duties, imposts, and excises." For what, Mr. President? First, "to pay the debts;" and second, "to provide for the common defense." These are the constitutional uses to which the money of the people, in the national Treasury, may be applied; and this is the order in which those purposes are mentioned in that sacred instrument.

The honorable Senator from Virginia [Mr.

LEIGH] inquired, why did not the friends of the Administration, when they had the power of the Senate, and the power of the formation of the committees of the Senate, make these provisions for the defense of the country, if they were considered so necessary? My answer to the Senator has just been given. The Administration and its friends considered their first duty to be to pay the national debt. In that duty they proceeded as rapidly as the funds of the Government and the legislation of Congress would permit them to go; but before it was accomplished, and the debt paid, the power of this body passed from their hands, and with it the power of forming its committees.

Mr. President, among the objections to the passage of these resolutions which the debate has drawn forth, none has been heard by me with so much surprise as that made by the Senator from South Carolina, [Mr. CALHOUN,] "that to arm is to declare war." I believe, sir, this principle was laid down by that honorable Senator in reference to a rupture with France, which at the time he spoke we all had some cause to apprehend; but is it sound, as applicable to the condition of our country then as now? Is it a principle which should govern the statesman, as applicable to any country at any time, and under any circumstances? I contend it is not, but precisely the reverse is the truth: that to arm and fortify, and be prepared for defense, is to preserve peace. What country is most liable to attack in the conflicts and collisions which will arise between rival nations—that one whose defenses are strong and adequate, or that one which is exposed and defenseless? It surely requires no great skill as a statesman or a diplomatist to answer so plain a question; and the answer must establish my position, and overturn that of the Senator.

I will next proceed, Mr. President, to reply to some remarks which have fallen from honorable Senators, touching the extent to which appropriations for defense ought to be carried.

The Senator from Kentucky, [Mr. CRITTENDEN,] whom I do not now see in his place, treated these appropriations as local, and calculated merely to benefit the portions of country where the moneys are to be expended. Pursuing this train of argument, he said he was not willing to devote the whole surplus to defenses—to the construction of fortifications—to the building of ships—to the supply of ordnance—to the purchase of swords and pistols; that he could not consent to yield all to the coast and frontier, while the interior, and the State he had the honor, in part, to represent here, was to receive nothing; that he could not grant all for war; but a portion must be reserved for purposes of peace. Was the gentleman correct in considering appropriations of money for the defense of the nation as local appropriations?—as appropriations partial in their character, and calculated only to benefit the small districts of country wherein the moneys are to be expended? Will he, upon reflection, persist in governing his action by this rule? Is not our whole country one country? Are we not one people? Is not the blow of an enemy, strike where he may, a blow at us all? And is not the defense of any point, equally to that extent, a defense for the whole country? Are appropriations for building ships local appropriations, because those ships are to traverse the ocean, and not the interior of the country?—because they are to meet and beat off an enemy before he reaches our soil, and not to meet him in the heart of the country. Has the gentleman considered the two acts we have passed during our present session, making appropriations towards the expenses of the Indian war at this moment waging in Florida, as local appropriations for the benefit of Florida? The assault of the enemy has been local, as the assault of any enemy must ever be; but is not the offense national, and the work of defense national and general? I am sure, Mr. President, the Senator will see the impropriety of this objection, and abandon it.

The Senator further spoke of a demand for the plow-shares of his constituents to be converted into swords, and said they could not surrender them for that purpose. He mistakes the calls of the resolutions. Their object is not to convert the plow-shares of Kentucky into swords, but so to defend the country that the worthy husbandman of that and all the other States may hold their plows and till their grounds in peace and security, without danger from a foreign or domestic enemy. That is their object, and the money is now in the Treasury of the nation to accomplish this great national and constitutional object; and the true question is, shall it be appropriated for that purpose, or shall it be expended for the gentleman's purposes of peace? He did not specify what purposes of peace he had in view; but I inferred from his remark that roads, canals, and other works of internal improvements were what he intended. Is it wiser to neglect our national defenses for these objects, or first to use the money of the nation to put the whole country in a state which will enable it to defend these works against an invader when they shall be made? I consider the most effectual appropriations for purposes of peace appropriations for defense, and I again repeat what I have already attempted to show, that the surest way to preserve peace to an extensive, rich, and prosperous country like ours, is to be prepared to defend ourselves promptly and effectually against war, come from what quarter it may.

Again: the Senator says, the country has not been hitherto defended by fortifications and a navy; and he asks, with much emphasis, "Were not the people of former days as patriotic as we are?" Let me ask the Senator, does he suppose that our fathers of the Revolution—that the old Congress, if they had had sixteen and a half millions of dollars at their command, would have proposed to divide it out among the Colonies "for purposes of peace," instead of applying it to the national defenses? Does he suppose that the brave men of the late war, who interposed their persons and their lives against the march of an enemy upon our soil, would have neglected the business of permanent defense, if the country had been in possession of the means to prosecute that work? Does he believe that his brave and gallant constituents—and I most cheerfully concede to them bravery and gallantry and patriotism not surpassed by the citizens of any State in the Union—will call upon him to divide to them the small portion of this surplus revenue which may fall to their share, and will agree, in return for that bounty, to make breastworks of their persons when the hour of need shall come? They have done this upon a former occasion, when the country had not the means to prepare defenses. Now the debt of the Revolution and the debt of the late war are paid and discharged, the national Treasury full to overflowing; and who will advise to postpone provision for the general defense, to the hazard of the lives of our citizen soldiery, if not of our national independence, that we may distribute the money to our respective constituents?

Mr. President, the honorable Senator from Ohio [Mr. EWING] told us he would vote liberal appropriations for the defense of the country; but, most unfortunately for our condition, he assumed to prove to us that the appropriations for that object which had been made in years past were greater than we have the ability to expend. To establish his position, he read to us from a report of the head of the engineer department, made to Congress at some former session, stating that there were not in the service of the Government a sufficient number of engineers of skill and experience to superintend the public works already in progress, in a manner to secure the economical expenditure of the moneys appropriated, or to insure the proper construction of the works. I have not taken the trouble to look at the report to which the Senator referred, nor is it my object to impeach in any way the statements of the officer who made it. The report was necessarily confined to the engineers belonging to the corps of the Government; and does the Senator suppose that all the science, all the skill, and all the experience in engineering which exists in the country is confined to that corps? Has he made himself believe that, if money be appropriated for the construction of forts, the arming of our fortifications, the building and equipment of vessels of war, the manufacture of arms, and the erection of armories and arsenals, the Government cannot expend it for the want of engineers of proper skill and experience? Give the money, sir, and call for their services, and you will have competent engineers, which will constitute an army of themselves. If you do not, you will be much less fortunate than any State has been which is expending large sums upon public works, requiring the most skillful and experienced engineers; and still no State has an organized engineer corps constantly in its service. Mr. President, the apprehension of the Senator is unfounded, for if money appropriated cannot be expended in case the law making the appropriation be not too much restricted to reach the object designed, that fact will, I venture to say, be new in the history of government.

But as the gentleman relies upon the authority of the head of the engineer corps for this objection to an increase of appropriations for defense, and goes to a report made to a former Congress, upon what subject I know not, if he had been fortunate enough to have examined, with equal attention, the communications from that same officer made during our present session, and to be found upon our files, confined to the subject of defenses, he would have discovered what his opinions really are as to the appropriations for fortifications alone, which the state of the country requires and demands from Congress. He would have found that officer telling us, that in addition to all the appropriations recommended in the general annual estimate, which is much larger than the estimates of former years, there is required for the year 1836, for the single object of commencing new fortifications for the defense of the sea-coast alone, $2,503,800. And are we to believe that an officer of the standing of this one would recommend to us this large increase of our annual appropriations for a single object, when he knew the moneys ordinarily appropriated for fortifications could not be profitably expended? Surely, sir, we cannot be asked so to consider the recommendations from that quarter.

The Senator supposes he has also discovered that the ordinary annual appropriations for the Navy cannot be expended, and have been unnecessarily large in past years. In proof of his position, he refers to a single item in a report made by the Secretary of the Navy to the House of Representatives on the 4th instant, stating that the balance on hand of the moneys heretofore appropriated for "the gradual improvement of the Navy," on the 31st day of December last, amounted to $1,415,000, and adds, as it were in triumph, "here is almost a million and a half of dollars of the appropriations of the last year yet unexpended." Now, Mr. President, neither the Congress of the last year nor the last Congress, by any act of theirs, appropriated one dollar of this money or of any money for "the gradual improvement of the Navy." All these appropriations are made by a law, approved March 3, 1827, appropriating annually for a term of years $500,000 for this object, which law was continued and extended by another law, approved 2d March, 1833. The expenditure of this money is confined, by the acts appropriating it, to the purchase of materials for ships, to the preservation of live-oak timber, and to the improvement of the navy-yards, and can be expended for no other purposes whatsoever. Neither the Secretary of the Navy, nor the Navy Commissioners, can put two sticks of timber together, or do any other act towards the building, arming, or preparing a ship for service out of this money.

I know I shall be asked here, admit this appropriation to be thus limited, and are all the materials purchased which are now, or may hereafter be, required, that this large balance is suffered to remain unexpended? I will show presently that it is not unexpended, though it yet remains unpaid; but, to cause the subject to be fully understood, it is necessary to precede any explanation upon this point with the statement of the fact that the Navy Commissioners, who are the officers having charge of the expenditure of the money appro-

priated for "the gradual improvement of the Navy," are prohibited, by the positive provision of a law of Congress, from anticipating in any way these appropriations. They cannot make a contract or a purchase in anticipation of the coming appropriation under this permanent law, and much less may they contract any debts or incur any liabilities, in anticipation of any future action of Congress. They must therefore wait until the appropriation is in fact made, and the money placed to their credit at the Treasury, before they can even issue proposals for contracts, That is done, as I assume, from looking at the two acts, on the 3d of March in each year. After that date, then, they must call for proposals by public notices published in the newspapers for the period required by law. When that period has expired, they must examine their propositions, give notice to the bidders scattered over the whole country, that their bids are accepted, and obtain, as soon as they may, the execution of the proper contracts. Then, and not till then, the work of fulfillment on the part of the contractors can commence, and who does not see that a large portion of the current year must have passed, in every instance, before this point can possibly be reached? Is it strange, therefore, that large amounts of contracts should remain unclosed at so late a period as the few first days in the second month of the year succeeding that in which they are made?

With these explanations of the laws of Congress and the powers of the commissioners under them, I proceed to show, from the report of the commissioners themselves, the actual condition of this unexpended balance of $1,415,000. I refer to document L, appended to the annual report of the Secretary of the Navy to the President, and by him communicated to Congress with his annual message at the commencement of the present session; and I cannot but observe that, had the Senator been fortunate enough to have had his attention turned to this document before he made his remarks, he would have saved me this tedious exposition of his error. The commissioners, in the document referred to, give a summary of all their doings under the acts referred to, making this permanent appropriation, for "the gradual improvement of the Navy," from the time of the passage of the act of the 3d March, 1827, up to the close of the third quarter of the last year. They conclude this statement by giving the whole amount of the appropriations under these acts up to the 1st October, 1835, at.....$4,500,000 00
And the payments actually made out of this sum at..... 3,002,755 20

Leaving a balance of.....$1,497,244 80

And then proceed to say:

Of which there remained in the Treasury, on the 1st October, 1835, the sum of...$1,454,316 46
The balance supposed to be in the hands of Navy agents is..... 42,928 34

Making a total, as above, of....$1,497,244 80
Of this sum, there will be required to meet existing engagements under contract about..... 616,000 00

Leaving, for other purposes, about, $881,244 80

"Advertisements have been issued, inviting 'offers for furnishing the live-oak frames for five 'ships-of-the-line, six frigates, five sloops-of-war, 'five schooners, and three steamers; which, if 'contracted for, will probably require about six 'hundred thousand dollars of the balance remaining after meeting existing engagements."

Such, Mr. President, was the condition on the 1st of October last of this unexpended balance of money appropriated for the improvement of the Navy; between six and seven thousand dollars of it due upon outstanding contracts, in reality expended, but not in fact paid. Of the balance, $600,000 more was then set apart to make payments upon contracts, propositions for which had been called for, and were coming in; which propositions might come in so much higher than the anticipations of the commissioners as to consume the whole sum. It is perfectly evident, that while the commissioners are forbidden by law to anticipate future appropriations, they must, in all cases, when inviting proposals, keep themselves somewhat below the full amount of moneys in hand, so that if their estimates of prices shall prove to be under those at which they can obtain offers, they may still be able to contract without a violation of the law, or without the inconvenience and delay consequent upon a rejection of all propositions, and an offer for new proposals based upon a new estimate. This is surely but a reasonable precaution which would suggest itself to all faithful disbursing officers, scrupulous in their observance of the law, and anxious to promote the public service. So much for the facts; and now, Mr. President, for the argument drawn from them.

By the laws of Congress as they are, and in consequence of the restrictions imposed by those laws upon the Navy Board, moneys appropriated, at the usual period of each year, for the gradual improvement of the Navy, cannot be expended and the accounts closed within the same year, so as to prevent the appearance, in the accounts with the Treasury, of an apparent unexpended balance on the first day of the following year. Therefore, the Senator infers the appropriations for this object to have been excessive, and greater than could be economically expended. Does this conclusion follow the premises? The delay in the expenditure has no connection with the amount to be expended, but arises solely from the advanced period of the year when the appropriations are made; the restrictions imposed, and, in my judgment, most properly imposed, upon the disbursing agents, against anticipating funds not actually appropriated; the forms required to be observed in making contracts; and the nature of the expenditure, and the extent of the country in which it is to be made. Is it not, then, most palpable that the same time must be required, whether the expenditure be large or small? Does anybody doubt that the amount of contracts for timber, and any other materials for ships, might be extended to almost any limit in this country, if the means of payment were placed at the disposition of the commissioners? Might they not as safely invite proposals, under this head of expenditure, for $5,000,000 as for $500,000 annually? And will any one believe they would fail to receive propositions covering all the money they should propose to expend? Most certainly not. The question, then, is not one of amount, but simply of time, and, thus resolved, I am sure I shall not be contradicted when I say that offers may be invited, propositions received, examined, accepted, or rejected, and contracts executed, for an amount of $500,000, or of $5,000,000, without any material variation in the time required to go through either process. Thus far as to expenditures for "the gradual improvement of the Navy," confined, as those expenditures are, simply to the purchase of materials for ships, to the preservation of our live-oak timber, and to the condition of our navy-yards.

But this is, by no means, the extent of the question presented. Ships are to be built, armed, manned, and fitted for service, a branch of expenditure not included in the appropriation I have been discussing—a branch of expenditure now altogether unprovided for by any appropriation. May not such appropriations be expended simultaneously with the appropriations for the purchase of materials, without causing additional delay in time? Most certainly they may.

Am I not, then, authorized to conclude, Mr. President, that we are not in the condition supposed by the Senator from Ohio, [Mr. EWING;] and that the country is not, from necessity, to remain exposed and defenseless for half a century to come, not because we have not the means to put it in a state of defense, but because we cannot expend the money if Congress appropriate it? May I not hope that the resolutions will no longer be opposed, or appropriations withheld, on account of such an apprehension?

I here take my leave of the resolutions; and a very few additional remarks shall conclude what I propose to say further.

The subject of the loss of the fortification bill of the last session, and of the $3,000,000 appropriation for immediate defense, added by way of amendment in the House, and rejected in this body, have constituted prominent topics in this debate. Notwithstanding my particular relation to those subjects, as a member of the Committee of Finance, and of the committee of conference, I do not feel called upon to enter into that portion of the debate at the present time at all. The action of both the Senate and House upon that bill, and the proposed amendment, has long been matter of history before the country. The vote of every member of both Houses is shown by their respective Journals, and the divisions have been given to the public through the whole press. The public judgment, as I think, was perfectly formed upon the propriety or impropriety of the votes given, and the course pursued by each individual, before we commenced a debate here upon the subject. Remaining perfectly satisfied, as I do, with my course and my votes, I have no disposition to attempt now to defend them. Were it otherwise, I should have no hope, at this day, to change, by anything I could say here, the deliberate and settled opinion of the public mind in the matter. I must, whether willing or not, (and I hope and believe I am willing to do so,) abide the judgment, and, so far as my action upon that subject is concerned, stand or fall by it. I voted for the three million amendment in all the shapes in which it was presented to me, for my support here, and I most deeply regretted that it did not meet the approbation of this body. Of any action, out of this Chamber, upon either the bill or amendment, it is not now my purpose to speak.

It now becomes my duty to reply to one or two remarks which fell from the Senator from North Carolina, [Mr. MANGUM,] in the course of his impassioned address to the Senate upon these resolutions. That honorable Senator, from what authority I know not, constituted me the representative of the Albany Regency here. I know well, Mr. President, the individuals who are understood to be included in that designation, and I know them to be citizens of the highest standing, honest, talented, and patriotic; men who serve the public faithfully and capably. The trust thus conferred upon me is an important and responsible one, and I will only tell the Senator, that while I continue to discharge it worthily, I shall stand firmly by the country and the *whole* country, and by its interests and honor; and that I shall vote the appropriations necessary for its entire defenses, before I vote to give away its funds to be expended upon doubtful schemes of internal improvement.

The gentleman seems further to be occasionally deeply troubled in his mind by some imaginary body or association of men, which he terms the "spoils party." He is not alone in this. Other honorable Senators have manifested equal apprehension from the dreaded influence of this party; and none of them have left me in doubt as to the political party in this country upon which this term of opprobrium is attempted to be fastened. It is applied to the great Democratic party of the Union. I will use my best efforts, Mr. President, to calm their apprehensions, by telling them that this party has been hitherto, with very few exceptions, enabled to keep the public opinion of the country upon its side; that it has done so by following, and not attempting to govern, the popular will; and that I have the fullest confidence it will be honest enough, and wise enough, to pursue the same course, and fortunate enough to meet with the same success in future. In any event, I think I may safely assure these gentlemen that, however greedy this party may be for the honors and emoluments of office, as it never has, so it never will find it necessary to make a change in the organic law of the States where it has control, to enable it to retain office or power.

I am now impelled, Mr. President, most reluctantly, to notice a topic introduced into this debate by the Senator from Ohio, [Mr. EWING]—with how much relevancy I leave him to determine.

That gentleman felt it to be his duty, in the course of his second address to the Senate upon these resolutions, to refer to the instructions given to Mr. McLane, when our Minister at the Court of St. James, and to animadvert upon these instructions with great severity. Notwithstanding this, had he chosen to confine himself to the mere expression of his own opinions in relation to the instructions, he would have called forth no reply from me; but when he felt himself at liberty to call to his aid the majority of the American people, and to declare that they had sanctioned the views he expressed, that the instructions contained matter degrading to the character of our country, I was no longer at liberty to remain silent.

Mr. EWING asked leave to explain, and said the gentleman had misunderstood him; that he had not used the expression imputed to him, that a majority of the American people had agreed with him in opinion in relation to the instructions. He had said nothing about the majority of the people, but had confined himself to the expression of his own individual opinions.

Mr. WRIGHT said, I have then done with the subject. Mr. President, I understood the gentleman to make the remark, or to advance the opinion I have imputed to him. If he did not, I have no desire to reply at all to this part of his argument. It was by no means my purpose to open a debate upon the propriety of these instructions, as I consider that a question settled beyond the propriety of debate here; nor did I intend to make a single remark which could irritate the feelings of any member of this body, but merely to set the Senator right in reference to the decision of the people upon the question. As, however, I misunderstood him, and he did not lay down the position I supposed, I have not a remark further to make upon this part of the subject.

In the course of this very protracted debate, Mr. President, one other position has been assumed by several Senators, upon which I must ask your indulgence to a very brief reply. The position is: that the great and extended popularity of the President of the United States is a matter of danger to our institutions, and to the permanency of our Republic. But for the gravity which has characterized all the remarks upon this point, I should have been compelled to doubt the sincerity of the gentlemen who have urged them upon us. The popularity of the President a matter of danger to the Republic, sir! The popularity of the present Chief Magistrate dangerous! How has that popularity been acquired and maintained? Has it been by some instantaneous and violent impulse given to the public mind, which may, and sometimes does, sweep away the judgment, and make it subject to the government of passion? We are now far advanced in the seventh year of the Administration of this same Chief Magistrate. Has any man ever administered the affairs of this Government against the efforts of a more talented, vigilant, and untiring Opposition? Has any Administration, since the commencement of our national existence, presented to the people so great a number of immensely important and vitally interesting questions, connected with the principles and policy of our Government? Have questions of this character, at any former period of our history, been so distinctly, emphatically, and ably argued before the electors of the Union? Has any Opposition to any former Administration commanded more popular men, more high talent and character in the estimation of the country, more favorable opportunities to act upon the public mind and the public passions and prejudices, or more powerful aids of every character and description, than have favored the Opposition to the President of the United States from the first year of his Administration to the present hour? I think, Mr. President, our opponents can give but one answer to these interrogatories.

I then ask, further, has ever an Administration, since the days of Washington, been more uniformly, more strongly, more generally, and more triumphantly sustained by the people? Has not its popularity, and the popularity of the President, regularly increased with every new assault, and upon every new trial? The answer to these questions must be in the affirmative. Is then a popularity thus acquired, and thus sustained, to be considered dangerous to the country, and an omen of the speedy dissolution of our happy and prosperous Confederacy? Is the approbation of an overwhelming majority of the American people, obtained after more full and able and long-continued discussions before them than have hitherto been known to the politics of the country, to be set down as a popularity dangerous to liberty, and threatening its speedy overthrow? Sir, I cannot subscribe to opinions so injurious to the integrity and intelligence of the free people of these States.

How, Mr. President, was it in the days of General Washington? He was twice elected President of the United States, and passed through both of his official terms without even the form of an opposition. Has any man, from his day to this, ventured to pronounce his popularity dangerous to our existence as a nation? Was danger apprehended at the time by the patriots of the Revolution who surrounded him? They did apprehend danger from desperate and disappointed ambition, and from the madness of party excitements, but none from too much harmony in the public mind. I have heard of no fears growing out of the too great popularity of the President then: I feel none now.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF N. P. TALLMADGE,

OF NEW YORK,

IN THE SENATE, *February* 15, 1836,

On the motion of Mr. CALHOUN not to receive the Petition of the Society of Friends to abolish Slavery in the District of Columbia.

Mr. TALLMADGE said he was one of those who believed that all discussion on this exciting subject was ill-judged, as well as ill-timed. Under other circumstances he would be the last to take part in it. But (said he) from the shape in which the question is now presented, and from the manner in which it is pressed upon our consideration, I am unwilling to record my vote without a brief explanation of the views which govern me.

I regret, Mr. President, the necessity of the discussion, because its natural tendency is to increase the agitation. The interests of the whole country require that it should cease. Excitement is the food on which abolition feeds: take this away, and it will die for want of sustenance. No one can view with more sincere regret, nor with greater repugnance than I do, the attempts of the Abolitionists to disturb the peace and quiet of the country. Their efforts, however well intended on the part of some, are fraught with mischief; and on the part of others are characterized by a spirit of fanaticism which, if persisted in, may lead to consequences the most fatal to the peace and harmony of the Union. This spirit seems to be a part of the *ultraism* of the age. It is the same spirit that has shown itself in various excitements which have, more or less, agitated the country within a few years past. I would by no means deny to many engaged in this *ultraism* of the day, honesty of purpose in the prosecution of their designs.

There are others to whom I would not extend even this charity. But be their purposes what they may, they are equally productive of the most mischievous and injurious consequences. Their efforts, instead of alleviating the condition of the slave, tend to make it worse. The owners, feeling that their rights are invaded by these nefarious attempts to incite the slave to bloodshed and to murder, throw around them greater securities, and limit their indulgences within narrower bounds than they were before accustomed to do. I do not say that it is the design of the great body of the Abolitionists to excite the slaves to rebellion, and thereby produce all the horrors of a civil and servile war. But the tendency of their measures is to such results. And I have known instances where these awful consequences have been depicted; and the Abolitionist has been asked if he could look upon them with composure, and without emotion, when he has answered, that he was pursuing what he believed his duty, and he left the consequences to God! Who can listen, without horror, to such foregone conclusions? What philanthropist can wish to see the blood of the master and the slave commingled in these desperate feuds? What patriot can wish to see the peace of the Union disturbed by the invasion of rights secured by the Constitution, and which should be held inviolate as long as that sacred instrument stands?

In the hasty view which I have taken of this matter, I believe I speak the almost unanimous opinions of the North: I feel very sure that I do not mistake the public sentiment of the State of New York on this subject. And it is for the interests of the North, as well as the South, that these agitations should cease. It is to me a matter of deep regret that these petitions should be sent here. They have been sent, more or less for years past. Congress has received them, but always refused any action upon them. They have either been laid on the table, or referred to a committee, and there been suffered to sleep, never again to be disturbed. There has been, heretofore, an almost entire unanimity in Congress in relation to them. Scarcely an individual in either House could be found who was willing, by agitating this question, to disturb the compromises of the Constitution. After this course had been pursued for a series of years, it was to have been hoped that Congress would no longer be troubled with such unprofitable applications. In this, those who entertained this hope have been disappointed. The attack has been renewed—the petitions are again presented; and the question recurs, what shall be done with them? This brings us to the immediate subject of debate. The petition under consideration is from the Society of Friends. I take great pleasure in saying that this peaceable and quiet people are not Abolitionists, in the modern acceptation of the term. An opposition to slavery is one of the principles of their society; and they have, from almost time immemorial, been in the habit of bearing their annual testimony against it. I am persuaded, from an intimate acquaintance with many of them, that they would deprecate any results, such as every man conversant with the subject believes would follow from the interference of Congress with it. They seem content to bear their testimony against slavery by presenting their petition here. They seem to look upon it as a religious duty. Having, in this way, discharged that duty, they leave to Congress to discharge its duty, in such manner as in its wisdom shall seem meet and proper. The language of this petition, it is conceded on all hands, is unexceptionable. There can be no objection, therefore, to receiving it on that account.

What, then, is the question which we are called upon to decide? It is, *shall the petition be received?* I regret that the Senator from South Carolina [Mr. CALHOUN] has felt it his duty to make this motion. It were much better, in my judgment, that the petition should take the ordinary course—the course which has heretofore been pursued with them. The petition, however, has been presented—the motion has been made, and it becomes our duty to consider it. Although I regret the motion of the Senator from South Carolina, and think it unwise and ill judged, still I most cheerfully accord to him what I claim for myself in all my action here, purity of motive and honesty of purpose. At the same time, I cannot persuade myself that he has given to this subject that careful examination and reflection which its importance demands. It shall be my task, then, to examine the principle of the question before us. It involves two important considerations; namely, the right of the citizen to petition, and the obligation on Congress to receive his petition. To my mind the right and the obligation are correlative.

As to the right of petition.—This has been deemed the inalienable right of every American citizen. Before the adoption of the Constitution, he held it as a birth-right from his English ancestors.

Like the right of personal liberty, the right of personal security, and the right of private property, he has been in the habit of looking on the right of petition as an inherent and inalienable right. Centuries have elapsed since this right was first asserted, as one of the privileges of English freemen. The contest was long and bloody between the prerogatives of the Crown, and the immunities of the subject. These rights, which were deemed natural, inherent, and inalienable, were asserted and reasserted, affirmed and reaffirmed, by various statutes, in different reigns, and were finally embodied with the right of petition, in the far-famed "DECLARATION OF RIGHTS," which ended the dynasty of the Stuarts, and consummated the glorious Revolution of 1688. By this it was established that every person had the right to petition the King, or the Parliament, for a redress of grievances—a right, not conferred, but affirmed, at that eventful period, and which has continued, to the present day, unquestioned and unquestionable.

The Americans, as colonists of Great Britain, were entitled to these rights and privileges, and exercised them with that fearless independence that became the descendants of Englishmen. Many of the colonies, at a very early day, asserted them, by the most solemn legislative declarations; subsequently, but as early as 1765, "a 'convention of delegates from nine of the colo-'nies, assembled at New York, and made and 'published *a declaration of rights*, in which they 'insisted, that the people of the colonies were 'entitled to all the inherent rights and liberties 'of English subjects."

But these rights and privileges were more solemnly established by the first Continental Congress, in 1774. This Congress adopted a *declaration of rights*, as their English ancestors had done before them, for the purpose of "asserting and vindicating their rights and liberties." They DECLARED amongst other things:

"That the inhabitants of the English colonies 'in North America, by the immutable laws of 'nature, the principles of the English constitu-'tion, and the several charters or compacts, have 'the following RIGHTS:

"That they are entitled to life, liberty, and 'property; and they have never ceded to any 'sovereign power whatever a right to dispose of 'either without their consent.

"That our ancestors, who first settled these 'colonies, were, at the time of their emigration 'from the mother country, entitled to all the rights, 'liberties, and immunities of free and natural born 'subjects within the realm of England.

"That by such emigration they by no means 'forfeited, surrendered, or lost any of those rights, 'but that they were, and their descendants now 'are, entitled to the exercise and enjoyment of 'all such of them as their local and other circum-'stances enable them to exercise and enjoy.

"*That they have a right peaceably to assemble, consider of their grievances, and petition the King; and 'that all prosecutions, prohibitory proclamations, and 'commitments for the same, are illegal.*

"All and each of which the aforesaid deputies, 'in behalf of themselves and their constituents, 'do claim, demand, and insist on as their indu-'bitable rights and liberties, which cannot be 'legally taken from them, altered, or abridged by 'any power whatever, without their own consent, 'by their representatives in their several Legis-'latures."

I have selected from this DECLARATION some of the "great and fundamental principles of American liberty," so far as they are applicable to the question under consideration. It will be perceived that the *right of petition* is ranked with the right of *life*, *liberty*, and *property*—neither of which can be taken away, altered, or abridged, without consent, by any power whatever. The Declaration of Rights in the reign of James II., which led to the Revolution of 1688, was but the prototype of the Declaration of Rights by the Continental Congress, which resulted in the Revolution of 1776.

After the Declaration of Independence, and when the people of the several States began to adopt constitutions for their own separate government, this *declaration* of the old Congress formed the basis of the *bills of rights*, which were adopted by most of the States. In this way, the people of the respective States became entitled to all the rights, privileges, and immunities which they enjoyed at the time of the Continental Congress in 1774, when they were thus solemnly promulgated to the world, and continued to enjoy them to the time of the adoption of the Constitution of the United States, and the organization of the Government under it in 1789. One of these rights and privileges, as we have seen, was the *right of petition*. Has it been taken away, altered, or abridged by the adoption of the Constitution? No, sir; so far from it, that it would be deemed one of the fundamental principles of a republican Government, and to result from the very nature of our institutions. This would seem to follow, even if we could find no traces of this right during our revolutionary struggle. But, when it is seen in every step of our progress, from colonial infancy to revolutionary manhood, and until the final establishment of our independence as a nation, who can doubt its existence at this time, and who can doubt the propriety of its exercise by every citizen of this Republic?

So well was the right of petition understood by the people of the several States, and that it was a right which no power under Heaven could take from them, that it never entered into the thoughts of those wise and pure patriots who formed the Constitution, to provide for it in that sacred instrument. These men were familiar with our colonial history. Many of them, probably most of them, had assisted, in some mode or other, either in the old Congress or in their respective States, to declare in a solemn manner, those rights and privileges as belonging to every citizen, and which could not be taken from him. Well might they suppose, then, that there was no necessity for protecting such a right in the Constitution. No one dreamed that it could ever be infringed upon, and no provision was made in relation to it. But the people were jealous of their rights. The union of independent sovereignties, for certain purposes, in one general Government, was, at best, an experiment; and the wisest could not foresee the extent of power which might be attempted to be exercised. Many objections were made by different States to the ratification of the Constitution of the United States; and so scrupulous were many of them, that they would not simply ratify, but they accompanied their ratification by a declaration, or bill of rights, with which the Constitution could not interfere; and also, with certain proposed amendments, expressing the hope that the necessary measures would be forthwith taken, under the Constitution, to have them adopted.

The convention of the State of New York set forth the rights of the citizens at large, and with great particularity. Amongst others was the right *to life, liberty, and property;* "that the people 'have a right peaceably to assemble together 'to consult for their common good, or to instruct 'their representatives; and that *every person has 'the right to petition or apply to the Legislature for 'redress of grievances.*" The convention of New York also proposed many amendments to the Constitution; and "declaring that the rights 'aforesaid (*the right to petition*, &c.) cannot be 'abridged or violated, and that the explanations 'aforesaid are consistent with the Constitution, 'and in confidence that the amendments which 'shall have been proposed to the said Constitution 'will receive an early and mature consideration," did assent to, and ratify the said Constitution. This convention sat at Poughkeepsie, the place of my present residence, and was composed of some of the most distinguished men of that or any other age—men who, in the Cabinet or the field, would not suffer in comparison with the sages and heroes of ancient or modern times; and I should feel that I was doing injustice, both to the place and to their memories, were I to pass over in silence so much assembled talent and wisdom, and if I did not attempt to maintain, at this time and on this occasion, a principle which they deemed of such vital importance to every American citizen. The Constitution was thus ratified by the people of the several States, with these declarations of rights as a kind of condition, or as part of the ratification.

What was the next step in putting into operation the new Government, and guarding the rights of a people jealous of their liberties? At the *first* session of the *First* Congress, in conformity to the wishes of the people, as expressed by their several conventions, Mr. Madison introduced certain propositions by way of amendments to the Constitution. No one understood better than he what the Constitution meant; what powers were granted by it to the General Government, and what rights were reserved to the people. He was aware of the jealousy that existed against it; and, on introducing his amendments, he said: "There 'is a great number of our constituents who are 'dissatisfied with it; among whom are many re-'spectable for their talents and patriotism, and 'respectable for the jealousy they have for their 'liberty, which, though mistaken in its object, is 'laudable in its motive." He did not deem these amendments as essential in themselves; most of them being merely declaratory of the rights of the people, as they existed without them. "But," said he, "it would be highly politic, for the tran-'quility of the public mind, and the stability of 'the Government, that we should offer something 'in the form I have proposed, to be incorporated 'in the system of Government, *as a declaration of 'the rights of the people.*" Let it be remembered that Mr. Madison's propositions, as introduced, were the same in substance, and almost the same in language, with the amendments which were adopted, and which now form part of the Constitution. Neither Mr. Madison, nor the convention of New York, supposed that an amendment, in regard to the right of petition, was necessary to grant to the people any new right, but merely to remove the jealousies against the new Government, by declaring, in that shape, a right which equally existed without such declaration. It is a remarkable fact, that so entirely were most of these amendments deemed mere *declarations of rights*, and not as granting any rights to the people which they did not already possess, but rather affirming and guarantying those with which they had never parted, that Mr. Madison incorporated the most of them from the *declaration of rights* by the New York convention, which accompanied the ratification of the Constitution, and said, at the time of introducing them, that he offered them "*as a declaration of the rights of the people.*"

What, then, is the amendment of the Constitution in relation to the right of petition? It is this: "Congress shall make no law respecting an estab-'lishment of religion, or prohibiting the free exer-'cise thereof; or abridging the freedom of speech 'or the press; or the right of the people peaceably 'to assemble, and to petition the Government for 'a redress of grievances:" or, divested of other matter, "Congress shall make no law abridging 'the right of the people peaceably to assemble, 'and to petition the Government for a redress of 'grievances." Such is the amendment, and such its history; from all which it most clearly appears that the *right of petition* belonged to the people at the time of the adoption of the Constitution, and which could not be "abridged or violated;" that the amendment gave no new right, but was a mere declaration of recognition of a right which existed equally without it.

As to the obligation on Congress to receive the petition.—What is that obligation? If it has been shown that the citizen has the right to petition—and which, I apprehend, cannot be doubted—then it follows that an obligation rests on Congress to receive such petition; for it is in vain to grant the right on the one hand without incurring the obligation on the other: it being always understood that the petition be couched in respectful language towards the body to which it is presented, otherwise it would be rejected on the principle of self-preservation and self-protection, which belongs to every legislative body.

It is objected, however, that not to receive the petition does not contravene that provision of the Constitution which says: "Congress shall make 'no law abridging the right of the people peace-'ably to assemble, and to petition the Govern-'ment for a redress of grievances." To reject the petition, says the Senator from South Carolina, [Mr. CALHOUN,] is not to make a law abridging the right, &c. But let me ask, let me put it

to the candor and the common sense of every man who hears me, to say, wherein consists the difference between refusing to *receive* the petition or making a law by which the citizen is prohibited from presenting it? Let any one point out the distinction—show me its practical operation. In both cases the right of petition is equally denied; and it matters little to the citizens by what means you have arrived at such a result. It is in vain to tell them you have made no law prohibiting the people from assembling and petitioning the Government for a redress of grievances, if, when their petition is presented, you refuse to receive it. I have already shown that the right of petition existed prior to the Constitution; that it was not parted with on its adoption; that it was perfect without any amendment of the Constitution, and that such amendment was merely for greater caution and to satisfy the jealousy of the people, and was considered as a mere declaration of an existing right. The language of the amendment is the language of prohibition to Congress, and not the granting of a right; because Congress had no power to grant it. The people had never parted with it, but merely, in this way, prohibited Congress from interfering with a right which already existed. There was no necessity for such a prohibition. If this amendment had never been adopted, there is no doubt of the perfect right of the citizen to petition, and the duty of Congress to receive his petition. How, then, can the amendment, which was intended not to make the right more perfect, but more secure, be interposed to defeat, if not to destroy it? How can we say to the citizen, true, you have a right to petition, and Congress cannot abridge that right; but inasmuch as we *have made no law* prohibiting its exercise, we have the right to refuse to receive your petition? The result is the same in either case. It is a denial of the right. And however much such reasoning may accord with the metaphysics of those who advance it, the practical common sense of the whole nation will reject it.

If Congress should pass a law that petitions on the subject of *slavery* should not be received, it is manifest that under such a law such a petition as the one now under consideration would be rejected. But all will agree that such a law would be unconstitutional, because Congress is prohibited from making it—and Congress was so prohibited because it was the right of the citizen, with which no power could interfere but with his consent. Would it not, then, be equally unconstitutional to reject the petition, when there is no law on the subject? In short, if it be the constitutional right of the citizen to petition, it is equally the duty of Congress to receive his petition.

But it is said by the Senator from South Carolina, [Mr. CALHOUN,] they must petition for a *redress of grievances*—and that they are not aggrieved by the existence of slavery in the District of Columbia—and therefore have no right to petition. I will not stop to inquire how far a citizen of one of the States of this Union may be interested in what he deems the prosperity of this District; nor how that prosperity may be best promoted; nor how far the condition of the inhabitants of this District may have a moral influence on the whole Union; but I will test the matter of grievances in another way—grievances, so far as the right of petition is concerned, are to be judged of by the petitioner himself. No power can prescribe rules by which he is to judge of them; and to which his petition must conform. You cannot lay him on the bed of Procrustes, and stretch out or lop off his views, in order to conform them to your standard. He must have his own standard, and with which no one must interfere, else his petition is not for the redress of those grievances which he feels. His grievances may be imaginary, or they may be real. In either case the right of petition is the same; though they may seem to others to be imaginary, still to the petitioner they appear real. Of this he must be the sole judge, so far as the right to *ask redress* is concerned; but, so far as *redress* ought to be *granted*, that is to be judged of by those to whom the petition is addressed. They have the sole power of determining whether his grievances are real, and such as ought to be redressed. As they cannot lay down to him the rules by which he is to be governed in asking, so neither can he prescribe to them regulations by which the redress is to be granted. If the right of citizens be not such as I have described them, where is the propriety of permitting them peaceably to assemble and consult of their grievances, if on such consultation they are not to be the judges of them, so far as the right of petition for redress is concerned? The right to petition is a right which exists at the time of making the petition, and before it is presented. If the right exists *before* it is presented, then Congress cannot refuse to receive it *when* it is presented. After it is received, then the petitioner can no longer determine as to his grievances, which may have been imaginary, but Congress is left to judge whether they are real. If not, they will reject his *prayer*, but not his *petition*.

Let us illustrate this right by some examples. Let us suppose that the citizens of South Carolina should petition Congress to pay off the debt of the District. Would this be a grievance, whether real or imaginary, for a redress of which they would have a right to petition? On the other hand, suppose the citizens of any State should petition Congress on this subject, by way of remonstrance against the appropriation of the funds of the Government to any such purpose. In either case, would Congress refuse to receive the petition? Certainly not. And, at the same time, it will be perceived that the grievances for which redress is asked are of a diametrically opposite character, and if the prayer of the petition be granted in the one case, it must be denied in the other.

Again, suppose some of the numerous and respectable citizens of the North, who are opposed to the Abolitionists, should petition Congress *not* to interfere with the question of slavery in the District of Columbia; would not their petition be received? There can be no doubt of it. A petition of that character was presented a few days since, by the Senator from Pennsylvania, [Mr. BUCHANAN,] and received without objection and ordered to be printed. But, when one is presented on the other side, we are gravely told that it is out of order, and cannot be received. Wherein consists the difference, in principle, so far as the reception of the petitions is concerned? I can see none. And this illustration also shows that the petitioners must be the sole judges of their grievances; for they are the antipodes of each other; and if their grievances are redressed in one case, they must go unredressed in the other.

It is objected by the same Senator that Congress has no constitutional power to abolish slavery in the District of Columbia, and, therefore, the petition ought not to be received. This conclusion is drawn from assumed premises. I do not intend, on this occasion, to enter into the constitutional argument; I have sufficient grounds for the vote I shall give, without reference to that question. I will simply remark, in passing, that if it be seriously contended, as it seems to be, that Congress has not the power, then there are at least, two sides to the question. It is, to say the least of it, a matter on which public opinion is divided. Shall we, then, undertake to reject petitions on this or any other subject where there is such a diversity of opinion as to the constitutional power of Congress to entertain them? Shall we undertake to settle, on the very threshold, on the question of receiving a petition, some of the most important powers of this Government? To what would it lead? How many cases are there, where there exists a diversity of opinion as to the constitutional power of Congress over the subject-matter? On all such subjects, would you refuse to receive petitions, because, forsooth, we are unable to think alike on constitutional questions? Would not the Senator from South Carolina receive a petition for the establishment of a national bank?

I trust he would, appreciating, as he does, the importance of such an institution; and still the constitutionality of such a bank has been contested from the very organization of the Government down to the present time. Would the Senator refuse to receive a petition for a protective tariff? I take it for granted he would, on the same principle that he objects to this, namely, its unconstitutionality in his judgment; and yet the constitutionality of such a measure is deemed by many better settled than the Senator himself can possibly believe to be settled the constitutionality of a national bank. Examples might be multiplied, to any desired extent, to show the utter absurdity of the position that a petition shall not be received when any man or set of men believe that Congress have no constitutional power to grant its prayer. The petitioner is presumed not always to be the best judge of such powers of Government. He should be *presumed* to pray for none other than a *constitutional* redress of grievances. He judges, in the first instance, as to his own grievances. Congress receives his petition, and determines, first, whether they require redress; and second, whether it has the constitutional power to redress them; and whether it has or has not, the petitioner is to be presumed to have asked for nothing else. If he mistakes the constitutional power of Congress, it were better that his petition should be respectfully and kindly received, and the prayer rejected, because Congress has not the power to grant it. Such was the case with the petition of the Society of Quakers in Pennsylvania and other States, and also with that of Benjamin Franklin, as President of the Pennsylvania Abolition Society, presented to the first Congress. They were received and duly considered, and Congress adopted the following resolution in relation to them:

"That Congress have no authority to interfere 'in the emancipation of slaves, or in the treat-'ment of them within any of the States, it re-'maining with the several States alone to provide 'any regulations therein which humanity and 'true policy may require."

These two petitions were to abolish slavery in the States; they were presented in 1790. No question was raised about this District, because the seat of Government had not yet been removed here; but in regard to the States, there could not be a more palpable case of the want of constitutional power than those petitions presented; and yet neither Mr. Madison, nor other distinguished men of that Congress, thought of not receiving them, although they were, each of them, from a source well capable of judging in such matters.

But I do not deem it necessary to discuss on this occasion the constitutional power of Congress to abolish slavery in the District of Columbia. I regret that the Constitution is not so explicit as to put at rest all doubt on this subject. I wish the power had been expressly reserved by the States of Virginia and Maryland in their cession, so that Congress could not interfere, any further than to keep pace with those States in their legislation in relation to this matter. On the ground of expediency, aside from any constitutional power, I have no hesitation in saying, that Congress ought not to interfere in any other way. If the proposition were now, for the first time, to introduce slavery into the country, I trust there would scarcely be a difference of opinion on the subject; but no such proposition is or can be presented. If slavery be an evil—as it is deemed one by a large portion of this Union—it is an evil entailed upon us; we did not bring it upon ourselves. When we assumed the rank of independent States, we found it here. It was intimately interwoven and incorporated with our institutions. When we adopted the Constitution, which forms the basis of our happy Union, we recognized slavery as an existing institution in the country, and it formed one of those compromises, without which we could have never presented ourselves to the world as one independent nation. Those compromises are sacred. They must not, they cannot be interfered with, without a violation, not only of public faith, but of private rights. Those States where slavery exists must judge of the time and manner of abolishing it, if it be abolished. They are best capable of judging of it, and until Virginia and Maryland, which ceded this District, move in this matter, I am unwilling to take the responsibility of meddling with it contrary to their wishes, and in opposition to the people of the District itself. The efforts which are now made in reference to this District are deemed by the slaveholding

States as mere precursors of the assaults which are intended for themselves. No sincere lover of his country can look upon them without serious apprehension of danger to the peace and quiet of those States, and to the Union itself.

Entertaining these views, I am ready to receive this petition, and equally ready to reject its prayer. By receiving it, we shall discharge our duty to the very respectable persons who have sent it here, and by rejecting its prayer, we shall discharge our duty to ourselves and to the country. In the former case, we deny no right belonging to the citizen; in the latter, we do but exercise a right belonging to ourselves. When we have received the petition, we have granted to the citizen his constitutional right. He can ask no more of us as a matter of right. Then I think it is our duty—a duty to consider the grievances complained of. If it be one, when our minds from previous reflection and mature deliberation are made up adverse to the views of the petitioners, then forthwith to reject the prayer is giving to it due consideration, and all that can be required at our hands. The object of referring petitions to a committee, is that they may be duly considered; but if we are ready to pronounce upon them the moment they are received, it is no disrespect to the petitioner that the prayer of his petition be forthwith rejected; and the promptness with which it is done may satisfy him that it is an unnecessary burden to himself to send it here again.

Mr. President, I take leave to say, that the right for which I have been contending is one not peculiar to the North nor to the South. It is one in which every citizen of this Republic is equally interested. It belongs exclusively to no State or section of the Union. It is one, in the preservation of which our southern brethren are as deeply interested as we can possibly be. It is a right, for the establishment of which, amongst others, our fathers made common cause, and poured out their blood together. Are the gentlemen from the South willing to sacrifice so great a principle, merely because a few fanatics seem disposed to abuse it? I beseech them to preserve the right inviolate, and let the public sentiment of the North correct the evil of which they so justly complain. That public sentiment, I undertake to say, is sound. This has been manifested by the movements of our citizens. No sooner were these crusades against the rights of the South commenced, than there was a spontaneous burst of indignation throughout the North. I speak from personal information and observation in relation to the State of New York. Public meetings of its citizens were held in every principal city and village, denouncing, in unmeasured terms, these incendiary attempts to disturb the peace of the Union, and to violate the rights of the States. These meetings were held without distinction of party. Political dissensions were hushed, in the universal wish to put down this ill-judged and ill-timed agitation. This was the sentiment of all parties; and afterwards, when political meetings were held by the great political parties of the State, in reference to the fall elections, they did not fail to echo in their proceedings the sentiments which had been expressed at the general meetings which were held at an early day. The opinions of candidates for the Legislature, and other elective offices, were publicly and distinctly known on this subject, and received the approbation of the people, as manifested by the result of their suffrages.

There is, also, an almost entire unanimity of the public press on this subject. New York, on this occasion, has presented a spectacle scarcely known in her past history. The violence of her party politics has been somewhat proverbial. The bitterness of her press has not unfrequently been regretted; but its course on this exciting topic exhibited a kind of moral sublimity which has not been equaled nor surpassed. It has shown that when the great interests of the Union are involved, and the constitutional rights of the States attempted to be violated, it can rise superior to all local or political considerations, and sustain the principles on which the compromises of the Constitution were founded. Yes, sir, the public press of New York was loud in its denunciations of these Abolition movements. Friends and opponents of the Administration vied with each other in reprobating these incendiary efforts. I know of no presses there, except those owned by, or in the immediate interests of, the Abolitionists, but what speak the same language. When you see the presses that express the views of the great political parties into which the people of the State are divided uniting on this subject, and representing the feelings of the great mass of the people throughout the State, can it be doubted that the public sentiment of that people is sound? If more evidence were wanted, I might refer to the recent message of the Governor to the Legislature of the State. Knowing his sentiments as I do, and supposing they were familiarly known to every one who has taken an interest in this question, I was not a little surprised to hear his conduct arraigned before this Senate by the Senator from Alabama, in reference to his correspondence with the late Governor of that State. Perhaps I misapprehend the remarks of that Senator. I shall be glad to hear that I did, and will cheerfully give way for any explanation he may wish to make.

Mr. MOORE. In reference to the correspondence alluded to, I did not intend to commend the Governor of Alabama, nor to censure the Governor of New York.

Mr. TALLMADGE. Will the Senator inform me whether he *approves* of the demand made by the Governor of Alabama on the Governor of New York, and of the reasons for such demand?

Mr. MOORE. I approve of his sentiments in relation to the Abolitionists. But, in regard to the particular inquiry put to me, I can only say, that the late Governor of Alabama is a lawyer, and I am not. I will not undertake to give a legal opinion. The fault I find with the Governor of New York is, that whilst he was expressing such strong disapprobation of the movements of the Abolitionists, he did not recommend legislative enactments to put them down.

Mr. TALLMADGE. I understand the Senator, then, to approve of that which we all approve of; and as to the residue of Governor Gale's doctrines, his answer is *non mi ricordo*. The case alluded to, (said Mr. T.,) is simply this: Governor Gale made a demand of Governor Marcy, to deliver up to the authorities of Alabama the editor of an Abolition paper in New York, as a *fugitive* from justice—a man, who was then, and long had been, a citizen and *resident* of New York, but who had *fled* from justice from a State within whose limits he had never been! To state the case is to show its absurdity, and I will not weaken the force of the able and eloquent answer of the Governor of New York by any further remark of mine. But let us look to his recent message to the Legislature, and see if he is so obnoxious to the remark of the Senator from Alabama. This message has been universally read and approved. Honorable gentlemen from the South have frankly said it contained all that southern men could reasonably ask or desire. After adverting at great length to the movements of the Abolitionists, and the consequences which must follow from them, he adds:

"'Relying on the influence of a sound and enlightened public opinion to restrain and control the misconduct of the citizens of a free Government, especially when directed, as it has been in this case, with unexampled energy and unanimity to the particular evils under consideration, and perceiving that its operations have been thus far salutary, I entertain the best hopes that this remedy of itself will entirely remove these evils, or render them comparatively harmless. But if these reasonable expectations should, unhappily, be disappointed—if, in the face of numerous and striking exhibitions of public reprobation, elicited from our constituents by a just fear of the fatal issues in which the uncurbed efforts of the Abolitionists may ultimately end, any considerable portion of these misguided men shall persist in pushing them forward to disastrous consequences, then a question new to our Confederacy will necessarily arise, and must be met. It must then be determined how far the several States can provide, within the proper exercise of their constitutional powers, and how far, in fulfillment of the obligations resulting from their Federal relations, they ought to provide by their own laws for the trial and punishment, by their own judicatories, of residents within their limits guilty of acts therein which are calculated and intended to excite insurrection and rebellion in a sister State. Without the power to pass such laws, the States would not possess all the necessary means for preserving their external relations of peace among themselves, and would be without the ability to fulfill in all instances the sacred obligations which they owe to each other as members of the Federal Union. Such a power is the acknowledged attribute of sovereignty, and the exercise of it is often necessary to prevent the embroiling of neighboring nations. The General Government is at this time exercising that power to suppress such acts of the citizens of the United States, done within its jurisdiction, in relation to the belligerent authorities of Mexico and Texas, as are inconsistent with the relations of peace and amity we sustained towards those States. Such a power, therefore, belonged to the sovereignty of each of the States before the formation of the Union, and as far as regards their relation to each other, it was not delegated to the General Government. It still remains unimpaired, and the obligations to exercise it have acquired additional force from the nature and objects of the Federal compact. I cannot doubt that the Legislature possesses the power to pass such penal laws as will have the effect of preventing the citizens of this State, and residents within it, from availing themselves with impunity of the protection of its sovereignty and laws, while they are actually employed in exciting insurrection and sedition in a sister State, or engaged in treasonable enterprises intended to be executed therein."

These sentiments will, without doubt, be responded to by the Legislature. They are worthy of a Chief Magistrate who is worthy to preside over more than two millions of people. If public sentiment at the North be sound—if it be such as I have described it, is it desirable that it be kept so? One would suppose that to this interrogatory there would be a universal response from the South. How is it to be kept thus sound? I will tell you, sir. Let gentlemen cease to agitate the question; suffer the excitement to go down, which is only kept up by the ill-directed efforts of those here who profess the greatest horror of the Abolitionists, and the cause in which they are engaged; and, above all, do not deny to them, or to any citizens, the right of petition. As they have no ground of principle to stand on, do not give them such a ground by denying to them that which every citizen has the right to claim. We can adopt no surer mode to create Abolitionists. We can do no act that would please them so well. They are anxiously looking for this indiscretion; nay, this infatuation, on our part; and let me say to southern gentlemen, that their friends at the North are watching, with equal anxiety, our decision on this question. They know its effect—they foresee its consequences, and would most willingly avert them. Let me say to them, that we are the best judges on this subject. We know the feelings of our own people best; and if they are sincere in their desire, as I doubt not they are, to put down this agitation, let them not refuse to receive these petitions whenever they are presented. Let them not invade so great a principle. There are those whom such an invasion will arouse, when nothing else can reach them. Let them be assured that the great body of the people is with them; but a violation of so great a principle as that involved in the right of petition may turn their thoughts into a different channel. It was not the paltry tax on tea which gave the impulse to the ball of the Revolution; but it was the *principle* involved which first rocked the cradle of American liberty. Give the Abolitionists no such advantage, and you may safely rely on the public sentiment of the North—that sentiment which pervades the breast of every man who loves his country and reveres her institutions—that sentiment which restrains him from interfering in this delicate matter, even though he may suppose he has the constitutional power to do so.

—that sentiment which imposes voluntarily upon its possessor restraints far more to be relied on than all the restraints which parchment ever imposed.

Mr. President, I have felt it my duty to say this much on this subject; and I cannot but express the hope that the decision of the Senate will be such as to preserve inviolate the great right of petition, the inalienable right of every American citizen; the inheritance from his English ancestors; one of the privileges of the people, extorted from King John by the barons at Runnymede, reasserted by the famous *Petition of Rights* in the reign of Charles I., and permanently established by the celebrated *Declaration of Rights*, which was the signal of the overthrow of James II., and with him the downfall of the house of Stuart. From that memorable period to the present time, this right has never been questioned either by the King or the Parliament of Great Britain. And scarcely three score years have elapsed since the same principle was established by the great charter of our liberties; and shall the American Senate be the first to deny to the citizens of this Republic that which is granted by the monarchy of England to all its subjects? I trust not; and I hope I may never see the day when the altar of American freedom shall not burn with as pure a flame as that of any land under heaven.

WABASH IMPROVEMENT BILL.

REMARKS OF MR. HENDRICKS,

OF INDIANA,

IN THE SENATE, *February* 18, 1836.

The Wabash Improvement Bill being under consideration—

Mr. HENDRICKS said that, the bill being read at the Secretary's table, he had risen in his place to say a few words in explanation of it; but the apparent unanimity of the Senate in its favor, had induced him to resume his seat, in the belief that a recollection of this bill, and former discussions upon it at previous sessions, and that the report of the committee in its favor, which had been printed and laid on the tables of the Senators, had rendered all explanations unnecessary. The call of the Senator from New Hampshire he would, however, cheerfully answer, and the few words which he might deem it necessary to say in reference to this bill would be chiefly confined to the necessity at the present time of passing it; a necessity stronger than ever heretofore.

This bill (Mr. H. said) was the same which had passed the Senate at the last session, and which had passed the Senate at three previous sessions. Except in amount, it was precisely the same. Its history would, no doubt, be recollected by many Senators, and the difficulties it had to encounter, and what he had chiefly now to say in relation to it, was, that time and circumstances had removed those difficulties, as he believed, both here and elsewhere, and he hoped that, on the present occasion, there would be no hesitation in passing the bill.

The navigation of the Wabash river (said Mr. H.) is intimately and inseparably connected with the Wabash and Erie canal. It is through the navigation of this river, which empties into the Ohio river, that the Wabash and Erie canal unites the navigation of the Mississippi with the lakes, and opens a channel of inland navigation between the two great commercial emporiums of the country, New York and New Orleans. This line of navigation is on the most direct route; is the shortest line of navigation which can ever be opened between these cities. The river itself is the largest and most important tributary of the Ohio. It flows through a larger and more fertile region of country than any other river of the Ohio. It floats to the markets of New Orleans and the South a larger quantity of agricultural productions than any of those rivers. Indeed, it is questionable whether any river of the West, of the second class, not even excepting the Cumberland, the Arkansas, or the Red river, is justly entitled to be ranked with it in importance. It is a river navigable for steamboats to a great distance—to the mouth of the Tippecanoe, perhaps five hundred miles from its own mouth. But this navigation is safe and certain only in times of high water, or when the river is somewhat swollen. In low water it has obstructions which wholly prevent its navigation, and these obstructions are near its mouth. They entirely destroy the usefulness of its navigation in stages of low water, and in some dry seasons boats with the produce of the country have been unable to get out of the river during the whole year. Such was the case during the spring and summer of 1834, when hundreds of thousands of dollars worth of produce, prepared for the markets of the South, literally rotted on hand.

These obstructions (said Mr. H.) are below Vincennes, and pretty much confined to a region of river about fifteen or twenty miles in extent. They consist of ripples, eight or nine in number, which are filled with rocks, islands, bars, and crooked and shallow channels. At the Grand Rapids, the most difficult of these passes, the depth at low water is but two and a half feet. This river, for a great distance, is the boundary between the States of Indiana and Illinois, and the improvement of its navigation has long been an object of much interest with both these States. In 1822, laws were passed by these States authorizing a joint examination of the obstructions by engineers of each State. This examination was had, and a report made on the subject, but the estimates were considered beyond the means of the States at that time, and no appropriation was made. At subsequent sessions of the Legislatures of those States, about one year ago, appropriations were made; but during the last summer and fall, the water of the river was too high for operations upon the work, and nothing of any consequence has yet been done. At the recent sessions of those Legislatures, other appropriations to this object have been made, and the ensuing season will be, as it ought to be, of great exertion on this subject. The work, however, is too important and heavy for the States, and one which, in their opinion, ought to be accomplished by this Government. The aid of this Government is wanted, and skillful engineers are needed.

These obstructions ought to be removed by a canal that would pass steamboats; and the work, in whatever manner undertaken, is too important to be any longer neglected. Heretofore, this has not been considered by the Federal Government an object of much magnitude. This river, unconnected with any other channel of commerce, has been thought to belong to a class of local objects, not specially entitled to the consideration and means of the Federal Government. Now, the Wabash and Erie canal is opened. The navigation of the summit-level section was commenced on the 4th of July last, and other large sections will be opened during the ensuing spring. That portion of the canal, as originally located, which lies within the State of Indiana, is, with the exception of thirty-five or forty miles, all under contract, and by act of the last Legislature of that State, the canal is to be continued down the Wabash to Terre Haute, a further distance of eighty or ninety miles. The valley of the Maumee, from the Indiana line to Lake Erie, will, after the Michigan boundary question shall be settled, be speedily made by the State of Ohio; and then this Wabash river, instead of being a local object, not entitled to be considered of national importance, will be an important link in the chain of one of the most splendid and useful inland navigations in the world; certainly the most important that is, or can be made in the United States; an inland navigation, the shortest and the best that can ever exist between New York and New Orleans.

Now, sir, when this bill was under consideration of the Senate one year ago, not one mile of this canal had been opened to navigation. No highway of commerce then could be said to connect the custom-houses and ports of entry on the lakes, with those on the Mississippi. All this change has since taken place. The condition of this work, and of the whole country, has since essentially changed. The navigation of this river is closely and inseparably connected with the canal. Without its improvement, the canal must be, a greater portion of the year, comparatively useless. The canal is now ahead of the river; and, begin this work when you may, the canal will continue ahead. I repeat, Mr. President, the navigation across the summit level of the country is already perfect. A splendid work is going on in the valleys of the Maumee and the Wabash. It has changed the condition of the whole country. It has sold for you millions of acres of lands. It has brought you millions of dollars into the Treasury, and you are already doubly paid for your canal grant of 1827. The ordinance of 1787 had designated this summit level as a carrying place between the navigable waters of the Mississippi and the St. Lawrence, and had guarantied its free navigation forever. The Government of the United States ought to have made this canal. The guarantee has not been kept inviolate; but the work has been performed, and is in a state of rapid completion by the State of Indiana. Things have rapidly changed upon the Upper Wabash within the last year. There is now no question about local and national objects in reference to the Wabash and Erie canal and the navigation of the Wabash. These works can no longer be viewed as separate or of doubtful importance in a commercial point of view. A great highway of commerce is established there, and the union of the waters of the Mississippi and the northern lakes is effected. All objections of this sort to the passage of this bill will, I have no doubt, henceforth and forever cease. It will obtain the sanction of the Executive, as I believe, and I hope the unanimous vote of the Senate.

NATIONAL DEFENCE.

DEBATE IN THE SENATE.

February 17, 1836.

The special order, Mr. BENTON's Resolution, being under consideration—

Mr. CALHOUN rose, and after a few inaudible remarks, said he rejoiced most heartily that this country had been saved from the calamities of a French war—a war that must have been interminable and ruinous. The amicable relations between the two countries must be restored unless one unfortunate circumstance shall prevent it. He alluded to the last message of the President on the subject of our French relations, and an unfortunate speech which had been delivered on that floor since that message. If that message should unfortunately arrive in France before the differences between the two countries are settled, or if that speech of the gentleman from Pennsylvania, [Mr. BUCHANAN,] directly impeaching the integrity of the French King and his Ministers, contrary even to the admissions of the President himself, no man could tell the consequences. The Senate would bear in mind, that when he addressed them some time since on the subject, he expressed his deep regret that the President had not waited to hear what effect his annual message had in France before he sent in that one of so reprehensible a character. He then expressed his apprehensions that the second message would arrive in France before the first one had time to produce its effect. But thanks to a merciful Providence this unwise, ill-timed quarrel had terminated. He rejoiced that such had been the result. When he heard the Senator from Pennsylvania, holding the relations that he did to the Administration, and acquainted as he was with the state of our foreign relations, rise in his place, and use such language in reference to the French King and his Ministers, and that too after the mediation was accepted, he felt the deepest apprehensions that war was determined on; but, thanks to an all-wise Providence, that calamity had been averted.

The Senator from New York had given a statement of what would be in the Treasury on the 1st of January next; and he presumed that that statement might be relied on. The amount would be $26,000,000; but deducting the unavailable funds, as the Senator from New York very properly had done, the amount would be brought down to about twenty-five millions. The Senator also went on to deduct, as the Secretaries of the Treasury had been in the habit of doing for some

years, the outstanding balances. But these balances ought never to be taken into the account. They were running accounts, and before they can be demanded, more of them will accumulate. The true amount, then, of the surplus in the Treasury on the 1st of January next, would be $25,000,000. Now, sir, (said Mr. C.,) it is delightful to see how time will confirm truth. Did not every Senator remember that, when he at the last session said they would have a balance of $20,000,000 in the Treasury in two years, that he was charged with making extravagant assertions—that his calculations were laughed at? Well, then, time had come round, and he was more than justified in all that he had said. So far from there not being $20,000,000 in the Treasury, there would be more than he had calculated on. The Secretary had admitted an error in his estimates, and that happening, too, in a space of twenty days. Was it ever heard of before that a chief financial officer of any Government committed an error in his estimates of $6,000,000, within twenty days of the termination of the quarter? This was the way in which our affairs were conducted. So help him Heaven, he had not, for six years past, looked into the estimates of the Departments without seeing errors that astonished him.

Sir, (said Mr. C.,) we are constantly hearing of the defenseless state of the country. This song has been sung from beginning to end; and yet no man had undertaken to point out what particular fortifications were deficient, and what ordnance, what muskets, swords, pistols, and munitions were wanted. He could not himself undertake to say; but if the appropriations which had been made for such objects had been properly expended, as they no doubt had been, under the excellent arrangement of the War Department, we were in twenty times a better state of defense than we were in the last war, which was carried on with so much credit to the country. Gentlemen spoke of the defenseless state of our fortifications, without naming one of them, and spoke with the confidence of a General Bernard or a General McCrea. Sir, (said Mr. C.,) we are in an admirable state of defense. Our fortifications are equal to our means. He had no wish, however, to stop the appropriations for fortifications. He wished these works to go on to a reasonable extent; but our principal reliance for defense must be on the Navy. He had one great consolation for the difficulties he had encountered for fifteen years, in returning truth. Gentlemen who had warred against him on this very subject of fortifications were now loud in asserting their necessity. He had to use every exertion, and to contend with the most strenuous opposition in favor of the system he had proposed. What would have become of these fortifications if he had given way to that opposition? He now had the proud satisfaction to see those gentlemen who then opposed him coming forward, and strenuously pressing appropriations for these objects, without sufficient magnanimity to do him justice. I again ask of gentlemen, (said Mr. C.,) if you hold this language now, what ought to have been your language and your policy seventeen years ago? But time (he said) would go on, and those who opposed him recently would in a few years hence change their note. There was a storm brewing, and he advised them to be prepared for it. The spoils party, without principle and without policy, held together by nothing but the hopes of plunder, contained within themselves the elements of strife. Yes, there was a storm ahead; and he advised them to look out. That unfortunate measure of the Administration against the Bank of the United States was now producing its consequences. They already saw the evils of an inordinate increase of the banking system, and the competition in the States for its extension, producing a state of things that must end in a violent revulsion. This surplus revenue, too, while it remained in the deposit banks they were safe; but let it be withdrawn, and there will be a shock that will be felt throughout the country.

He had heard a great deal of the President's popularity. Any man possessing a moderate degree of intellect, and a moderate degree of firmness, with the means of the Treasury in his power, and under the circumstances in which the President was placed, could easily maintain that popularity. The Opposition was exceedingly feeble. Did they not know that the Opposition differed in its principles, and that at the very moment they approached to victory they separated? Gentlemen laughed at this, but he would give them something they would not laugh at. The President was elected as a judicious tariff man; "and although" (said Mr. C.) "we of the South doubted him, we 'were compelled to take him rather than take a 'tariff man; we elected him, believing that he 'would oppose the tariff; but he deceived us 'grossly. We were compelled, however, to take 'him rather than take a tariff man; and the other 'party preferred him to a Nullifier." The President, on his election, took the middle ground, and used the power and influence of the Government to buy up friends from both parties. He arrogated to himself almost kingly power, which was kept up on the principles of the spoils party—a most contaminating, base, and low-minded system of policy. There were scarcely any acts of this Administration but would, under other circumstances, have united the South; but he had divided it, and kept it divided. With the South divided, there could be but little opposition to any Administration. The North never could make an efficient opposition. He would not go into the causes of this, nor did he intend any disparagement to the North by the assertion; he put it simply on the ground of the philosophy of the system. There could be no effectual opposition, then, but in the South; and (said Mr. C.) they never gave us the chance of turning out an Administration but twice, and we then did the business in high style and in short order. General Jackson was going out of power, and the Administration that succeeds him could not keep the South divided. I tell the coming Administration to look out. The President certainly had high qualities, which (said he) we do not look upon as existing in his nominee. He had courage and firmness; was warlike, bold, and audacious; but he was not true to his word, and violated the most solemn pledges without scruple. He had done the State, too, some service, which was remembered greatly to his advantage. But his nominee had none of these recommendations; he had not, as his friend from North Carolina [Mr. MANGUM] had remarked, any of the lion or tiger breed about him; he belonged more to the fox and the weasel, and had not the firmness to keep the South divided.

He had not intended to say so much when he arose. He consoled himself that his past policy, which he had maintained with so much difficulty for so many years, had been so highly applauded; and he rejoiced that the gentleman from New York had ascertained the amount of the surplus to be so much greater than was anticipated.

Mr. EWING would say a very few words in reference to the remarks of the gentleman from New York, [Mr. WRIGHT.] He differed from that gentleman in the estimate he had made of the amount of surplus funds, and he thought he could show him to be in error. Mr. E. then went into a detailed statement of the receipts of the Treasury in support of his position. As an additional item in the calculation, he said there was no doubt as to the receipt of the seven millions from the United States Bank. It had received a charter from the State of Pennsylvania. An act to recharter it had passed the Legislature of that State, and it only wanted the signature of the Governor to become a law. The stock owned by the United States in that bank would sell at least for twenty per cent. advance, which would make eight million five hundred thousand dollars.

He would say one word in regard to national defenses. He would vote liberally for the national defense; but that that vote must be founded on a conviction that it could be well expended. These expenditures required time, talent, and physical force. He would again refer the gentleman, as he had before, to the reports of the Secretary of War, to show that it was not in his power to expend the money during the same year for which it was appropriated. Inexperienced engineers did not answer the purpose. It took time and experience to enable them to direct the expenditure of money to advantage. He spoke of the difficulty of getting an increase of experienced military engineers. The gentleman from New York had said, if the money appropriated could not be expended, it would be something new. He could inform the gentleman that at Fort Schuyler, on Throg's Neck, there was an unexpended balance, from a total inability to procure hands to do the work. They had tried in the city of New York, State of Connecticut, &c., and failed to get enough. These large expenditures could not be well expended. He referred to a report made heretofore on the subject, that would give the Senate more full information. He had always voted in favor of these appropriations. At present he was not disposed to make lumping appropriations to carry year after year, to unexpended balances, for the interest and profit of particular individuals, and not for the benefit of the country. The expressions given by the Navy Commissioners relative to contracts for timber, referred to by the gentleman from New York, [Mr. WRIGHT,] amounted to this—that they could expend in 1836 the appropriations of 1835, and that at some time it could be expended.

Whence (said Mr. E.) comes that large unexpended balance of upwards of three millions, in the hands of these Navy Commissioners?

If it was in order, he would propose an amendment, the import of which was calling upon the President for information as to what amount of money could be judiciously expended within one year, &c.

The CHAIR decided it was not in order, and Mr. E. withdrew it.

Mr. WALL. Unused and unaccustomed to the course of procedure in this House, when he heard the gentleman from South Carolina on a former occasion proclaim that it was on this floor that the great battle of liberty against power was to be fought, he was disposed to enlist under his banner, as he avowed himself the champion of liberty. Indeed, if he had not entered into such contest on the side of liberty, he felt that he would have been unfaithful to his constituents, thousands of whom would, at the first battle-cry, rush to the aid of liberty. He cordially united with the honorable gentleman also in the wish that the doors of this Chamber should be opened, and, if possible, that the whole American people should witness the contest. But he could not repress the expression of his astonishment at the kind of battle that he found was to be fought; and if this was to be the character of it, he should regret the presence of even the small audience whom the limits of the gallery could accommodate. He should have felt mortified and humbled if the eye of the whole American people should have witnessed the manner of the onslaught this day made. What was it? It was an onslaught against the constituted authorities of the country; against the first and second officers chosen by the people; against the sacred principles on which our Government was founded; an onslaught against the officer whose constitutional duty it was to preside over our deliberations, and not in a situation to defend himself. And how was this onslaught made? Was it made in the courteous and chivalrous bearing of the gallant soldiers of liberty warring against power? Was it made in language consistent with the decorum and dignity of a legislative body? In his humble judgment it was not, and it was time that this manner of debate should cease in this Chamber.

Sir, I have witnessed this day what I never expected to have witnessed, in this or any other deliberative body. The President of the United States has been charged with falsehood and deception on this floor; and the President of this body, the chosen officer of the people, had been assailed—he would not say in what language; but he would say in language which, in his opinion, one gentleman ought not to use in reference to another, and unsuitable to the decorum of this body.

Mr. CALHOUN here requested the gentleman from New Jersey, to say what language it was that he had used, inconsistent with decorum.

Mr. WALL resumed. No, sir, I shall not undertake to do it. The gentleman could not induce him to repeat that language, for he deemed it highly improper, and unsuited to the dignity

of this body. I refer the gentleman to his whole speech.

Sir, I have witnessed another thing in this body which I never expected to have witnessed in an American Senate. While the Senator from South Carolina hesitated not to make such grave charges and denunciations against the chosen officers of the people of this country, he had arraigned an American Senator for daring, in his place, to challenge the sincerity and good faith of a foreign monarch in his negotiation with this country—for investigating and examining the conduct of that monarch, and drawing such conclusions as his judgment sanctioned, and expressing it in courteous language. Yes, sir, while the honorable Senator hesitates not to charge the Chief Magistrate of this people with falsehood, he expresses his apprehension that the language of the Senator from Pennsylvania, used in his place, in the strict discharge of his duty, will give offense to a foreign monarch. Sir, if this is the way in which the battle of liberty against power is to be fought, that gentleman need not search for metaphysical causes to account for the division of the South. Sir, I shall enlist under no such banner. It is a war against the *power* of the people.

Mr. CALHOUN said, if the Senator from New Jersey had afforded him the usual courtesy, by giving way for an explanation, and stated what it was he objected to, he would have made the necessary explanation; as it was, he could only say, that he uttered no such thing as that imputed to him.

Mr. PRESTON said that the Senator from New Jersey had held a language in reference to phrases used by his honorable colleague, to which he begged leave to say one word in reply. Any proposition made by his colleague he knew very well that he was able to defend—he should but incumber him in offering his aid; but when he is denounced for using language which I (said Mr. P.) in my heart approve, I cannot permit the denunciation to go abroad without sharing in it. The gentleman from New Jersey referred to the contest to be fought between liberty and power, and I say that if the contest did not originate here, it is made when we are not permitted to speak of the Administration in terms that we believe to be true, without being denounced for it. It was a contest between liberty and power and adverse to liberty. He would not agree that they were not to open their mouths against those who stood in high places without being charged with a want of decorum. He would not deny that a proper degree of courtesy in that body was both becoming and necessary; but, on the other hand, he was more remote from that spirit, whether it be the spirit of the molten calf, or that prostration and debasement of spirit that would seal the lips against questioning the conduct of those in power.

The President of the United States certainly demanded a degree of forbearance from his political opponents; but am I to be told that we can only allude to him in the humble language of a degraded Roman Senate, speaking of their Emperor with his pretorian guards surrounding the Capitol? Am I to be told, when he came into power on principles of reform, after "keeping the word of promise to our ear, and breaking it to our hope"—am I to be told that I must close my lips, or be denounced for want of decorum? Am I to be told, when he promised to prevent official influence from interfering with the freedom of elections, that I must not speak of the broken promise under pain of the displeasure of his friends? Am I to be told, when he came into power as a judicious tariff man, after my advocating his principles, and aiding in his election—believing at the time in his integrity, though I did not believe him possessed of intellectual qualities—am I to be told, after pledges that have been violated, promises that have been broken, and principles set at naught, that I must not speak of these things as they are, for fear of being denounced for want of courtesy to the constituted authorities? Why, to what pass are we come? Are we to be gagged—reduced to silence? If nothing else is left us, the liberty of speech is left; and it is our duty to cry aloud and spare not, when the undenied, admitted, and declared fact is before us that these pledges have been made, and have been violated. This Administration is about to end; and if gentlemen can succeed in preventing us from complaining of being deceived—if they can reduce us to abject slavery—they will also have to expunge the history of the country, the President's written and recorded communications to Congress, and the most ardent professions of his friends when fighting his battles, before they can conceal the recorded fact that he has made pledges which he has violated, and promises that he has repeatedly broken. If they succeed in reducing us to slavery, and closing our lips against speaking of the abuses of this Administration, thank God the voice of history, trumpet-tongued, will proclaim these pledges, and the manner in which they have been violated, to future generations.

Neither here nor elsewhere, (said Mr. P.,) will I use language with regard to any gentleman that may be considered indecorous; and the question not easily solved was, how far we shall restrain ourselves in expressing a just and necessary indignation; whether the expression of such indignation might not be considered a departure from courtesy. That indignation—that reprobation, he would express on all occasions; but those who took upon themselves the guardianship of the Grand Lama, who was surrounded by a light which no one was to approach—about whom no one was permitted to speak without censure, extended that guardianship to the Presiding Officer of that House. Gentlemen were not permitted to speak of the qualifications of that officer for the highest office in the Government, lest they may show a want of decorum to the constituted authorities of the country. Shall we, sir, (said Mr. P.,) because he is here as Presiding Officer of this body, keep silent when he is urged upon the people, who are goaded and driven to his support, lest we be guilty of *læsæ majestatis* against those who are the constituted authorities of the country? Thank God (said he) it is not my practice to "crook the pregnant hinges of the knee, where thrift may follow fawning." The practice he alluded to foreboded much of evil. Coming events cast their shadows before them, deepening and darkening, and as the sun sets, the shadows lengthen; and it may be the going down of the great luminary of the Republic, and that we all shall be enveloped in one universal political darkness. A spirit had got up which, unless it was successfully resisted, indicated a most diseased state of the body politic. He trusted that an all-wise Providence would, out of this confusion, yet produce some good for our common country; but if the principles which the gentleman from New Jersey had pressed so far prevailed, we are done—we are gone. If I cannot (said he) be permitted to speak of the President or his successor, or the constituted authorities of the country, in terms that I think they deserve, we are done, and it is useless to continue the debate longer. He rose in his place to protest against such principles.

Mr. WALL, in answer to Mr. PRESTON, said, that he could not consent that gentlemen should take a false position themselves, or place him in a false position. He was not disposed to be tried on a false issue, or that the honorable gentleman should bring on the trial of a false issue. The gentleman seems to think that I and those with whom I act, wish to abridge the freedom of debate. The gentleman is mistaken. Did I, or any one else, attempt to interrupt the debate, to stop the first gentleman from South Carolina, in the course of debate? Did he not say what he chose, how he chose, and of whom he chose? And how have I attempted to abridge the liberty of debate? I have dared to express an opinion of the manner in which the gentleman exercised his right. Had I not a right so to do—to judge whether it was consistent with the knightly bearing of a gallant soldier of liberty fighting against power? Does the gentleman mean to monopolize liberty? I shall not consent to it without a struggle. I repeat, were the gentlemen ever stopped in the freest course of debate? Yet when I express my sentiments of that course, I am to be reproached as bowing my suppliant knee to power, as the minion of power. Sir, I tell the gentlemen, that they shall not monopolize the liberty of debate. I shall maintain my rights, without abridging theirs. Sir, thank fortune, the people of this country do not weigh or judge of our devotion or attachment to liberty by our professions. They judge by our acts. By such I am willing to be judged. But I hope the gentlemen will permit me to profess to be as devoted to liberty as they are. I can assure the gentlemen that they do me great injustice; they make a great mistake, if they really suppose that I or my friends wish to abridge the liberty of speech. Let them enjoy it in all its length and breadth, ay, even to its utmost verge; let them speak of the constituted authorities of the people in whatever language suits them; let them make any distinct issue, any specific charge, and they will be met without shrinking; let them put their finger upon any act of the constituted authorities of the country, and they will be met, and, I venture to assert, overthrown. But it is against general denunciation and sweeping abuse, and the manner of it, that I object. Sir, it may be owing to my ignorance; it may be owing to my incapacity to distinguish; it may be owing to my inexperience in parliamentary usages; but I must claim the privilege of persisting in that objection.

Sir, I do not rise to enter into this debate, but being up, I must object to the position and attitude which the honorable gentlemen from South Carolina seem disposed to assume for themselves and their friends, as the only exclusive friends of liberty on this floor. Sir, they are mistaken; gentlemen here, who do not follow their lead, and perhaps never will follow it, are as much devoted to the great principles of liberty as they can be, and will go as far in their support and defense.

I beg leave to make another remark. The gentleman has alluded to the contest for the next Presidency, and said that "coming events cast their shadows before." Be it so. My constituents did not send me here to make Presidents for them. That is a business that they like to do in another manner. I am sent here for other purposes, and shall endeavor to confine myself to my appropriate duties. If, sir, the opposition thus announced to an Administration not yet formed, and as yet unknown, is to come, it may be that we may gather from the past the issue of the future. Sir, we are taunted about expunging the acts of the President. No, sir, no friend of Andrew Jackson, and, if I may venture to predict, no friend of his country, when the acts of Andrew Jackson, as President of the United States, come to be recorded by the impartial pen of history, would wish to see one act of his Administration expunged. They will add to the proud monuments of his country's glory.

Mr. NILES. I feel impelled to submit a few observations in reply to what has fallen from the honorable Senators from South Carolina. I am not opposed to the freedom of debate, either here or elsewhere. I am an advocate for it, within reasonable limits; but, sir, I have heard language which I have not been accustomed to hear, not having been long a member of this body. When I hear the foulest imputations—the charge of falsehood, and the violation of pledges, cast upon the highest officer of this Government, and a venerable patriot, I am unable to be silent. Sir, that venerable man and high functionary who is the subject of these uncalled-for and unprovoked assaults, stands in no need of a defense from me, one of the humblest members of this body. He has no need of a defense from any one; yet I have felt it a duty, occupying a seat here, to say a few words to repel the unfounded charges which I have just heard with surprise and astonishment. Sir, if there is any occasion for a voice to be raised here in vindication of that illustrious man, this is the only place where it can be necessary. Everywhere else, sir, his fair fame, his great reputation, are well protected; they are safe in the hands and hearts of the people of this whole country. Yes, sir, Andrew Jackson is safe in the hands of the people—the whole people, in every section of this extended Union. In the South, in the West, in the middle, and in the North, he is safe—he is strong in their confidence, their affections, and their unshaken reliance on his integrity, his firmness, and his patriotism. They have watched

his public career; they have examined his acts; they have scrutinized his motives; they admire his firmness, his patriotism, his moral courage, and his devotion to his country. This venerable patriot, who is here charged with violating his pledges, has a stronger hold on the confidence and affections of the people than any other man now living. He has been tried, sir, in various ways: three times he has been before the people, and has received a stronger testimony of their unshaken and increasing confidence and approval than any other man has or can receive.

Sir, I repeat, that Andrew Jackson and his well earned reputation are safe in every place but one, and I shall name where that place is before I sit down. Yes, sir, he would be safe even within the marble walls of that corrupt institution, which, in the discharge of a high official duty, his giant arm humbled in the dust.

Where, then, is the place in which he is not safe? Sir, I will tell you where that place is—it is in this Hall. Here it is that he has been arraigned, tried, and condemned unheard, without any opportunity to confront his accusers or make his defense; arraigned and condemned in violation of that Constitution which we have all sworn to support, in disregard of those forms which the laws of the land have provided, and denied the privilege of entering his protest against your illegal proceedings. Here it is, sir, in this Hall, that the reputation and fair fame of this illustrious patriot has from time to time been maligned, assailed, and traduced. Sir, there has, since the year 1824, been a great political problem before this country, the solution of which has puzzled and troubled many of our great men. This problem is, to discover the cause of Andrew Jackson's *popularity*. This great question, so deeply interesting, and so marvelous to some, has brought into requisition the highest talents and great erudition. Statesmen, orators, and writers of all descriptions, have tried their hands and pens in attempting to unfold this great secret; but the explanations they have given have been in direct conflict with each other, and all wide of the truth.

For several years it was insisted that the popularity of General Jackson rested entirely on his military reputation, and that enthusiasm which prevailed among the people towards a military chieftain. Sir, on the very day that this venerable patriot was sworn to the faithful discharge of the duties of his station, a distinguished statesman, now a member of this Senate, publicly declared in this city, that, in this free Republic, a military chieftain was elevated to the highest station of power against the intelligence and enlightened judgment of the nation, as a short time before another military chieftain had raised himself to power in another Republic, in this western hemisphere. From that time, for several years, the election of Andrew Jackson—which astonished some gentlemen so much—was attributed to the folly and enthusiasm of the people, to their being swayed and carried away by the military services and fame of a military hero. This statement rung a thousand changes, and was presented in a thousand forms. Even in public orations it was declared, by distinguished statesmen, that the intelligent and well-informed portion of the people had no agency in the elevation of the President; that his election had been brought about by the "*hurrah boys*," and those who knew just enough to shout "hurrah for Jackson." This explanation of the President's popularity, however satisfactory for a time, did not continue to satisfy all of those who felt so deeply interested in this question. Other explanations were put forth.

The honorable Senator from Tennessee, coming from the same State as the President, has, in a recent speech, assigned a different cause for his election. He tells us it was the result of the strong feeling which prevailed against the abuse of executive influence, and that it was to prevent this influence being brought into conflict with the freedom of elections that the people raised Andrew Jackson to the Presidency. Whether this circumstance had any influence on that election, it is not my purpose to examine; I am only pointing out the different causes which have been assigned as the solution of this great political problem.

But the honorable Senators from South Carolina have given an entire different explanation of the President's popularity at the South. They inform us that it was wholly owing to his being regarded as a moderate tariff man, and that, despairing of the success of any candidate opposed to the tariff, they had united on him as a choice of evils. We are then told that the President deceived and betrayed his southern friends, and violated his pledges; that he gave his sanction to a high tariff, even the odious act of 1828. Sir, I do not understand how the President has sanctioned the tariff of 1828; he had, I think, sir, resigned his seat in the Senate previous to that time.

Mr. PRESTON asked to explain, and said the President *approved and signed that law*.

Mr. NILES continued: Sir, I had supposed that the President entered upon the duties of his office on the 4th of March, in the year 1829, and believe the Senator is mistaken on this point, as well as some others. If it were true, as has been claimed, that the President was supported by the South on the ground of his being a moderate tariff man, has not his course in relation to that subject been such as should have satisfied all reasonable expectations? Is he to be charged with having disappointed such expectations—of having falsified his promises—of violating his pledges? Such charges are totally unfounded and unjust. Has not the President pursued a moderate course in relation to the tariff. Have not the gentlemen read his messages, which, year after year, urged on Congress a reduction of the tariff, and the adjustment of the exciting question upon equitable principles, which might give reasonable satisfaction to all sections of the Union? These are notorious facts; and are we now to be told that the defection of a portion of his supporters at the South, was owing to his violating his pledges regarding the tariff? It is to the persevering efforts of the President, that this distracting question was settled, and the tariff satisfactorily adjusted, although others have claimed the credit of it. Sir, is not that gentleman [Mr. CALHOUN] aware that there is another version of this matter? that the public have heard of another and very different reason for the support the President received from a certain party at the South, and for the withdrawal of that support? Does the gentleman understand me, or is it necessary to be more specific? Sir, there was a southern candidate, and when it was found that there was no chance for that candidate at the then coming election, he was withdrawn; and he and his friends united in the support of Andrew Jackson. How far they were sincere in this I will not undertake to decide. They continued their support during the early part of the first term of the President, when it was suddenly withdrawn, and for reasons of which the public, at the time, formed an opinion. Is it necessary to say more on this point? Does the gentleman understand me?

Having alluded to some of the attempts at a solution of the great problem of Andrew Jackson's popularity, which has occasioned so much astonishment, and given so much uneasiness to some gentlemen, I will now, sir, inform those gentlemen what I believe is the true explanation of this question. Sir, I will not do this in my own language, but in the language of the greatest and best man this country ever produced, if we except one; and I am not sure, sir, there should be any exception. In the language, then, of that great and good man, I declare that the secret of Andrew Jackson's popularity is, that the people believe him to be "capable, *honest*, and faithful to the Constitution." These, and particularly the second, are the attributes which have secured to him so strong, so invincible a hold on the public confidence. We here have the great secret of his popular power—the charm, the talisman, by which this man has carried away the hearts of the people. This is the true explanation of that great and dangerous popularity which seems to have been so much dreaded by some—so much coveted by others. It is not his military fame, great as that is; it is not his opinions on the tariff, nor any other particular subject. No. The people rally around him, and support him, because they know him to be honest, capable, bold, and fearless; because they confide in his integrity—his firmness—his readiness to assume any responsibility, regardless of all consequences to himself, when the great interests of his country require it.

Sir, was the secret of the popularity of this illustrious man a salable commodity, and thrown into market, there would, my word for it, be many eager purchasers; there would be one in the West, one in the South, and one in the East, and how many more I will not take upon me to say.

Sir, what a consistent and honest opposition is that which on this floor has waged incessant war upon the man the people have elevated to the highest station on earth; according to the acknowledgments of the Senator from South Carolina, [Mr. CALHOUN.] He has just assigned as a reason why they had not succeeded in overthrowing this Administration, that the Opposition was composed of three distinct parties—he should have said factions—professing *antagonist* principles. Yes, sir, they can unite in a warfare to overthrow the Administration; they can unite to arraign, try, and condemn the President; but when they have reached that point, and it becomes necessary to develop their own plans, measures, and candidates, they fall to pieces; they can go together no further.

Sir, in the State which I have the honor, in part, to represent, Andrew Jackson, when first brought forward for his present high office, was not known to the people; they knew him only as a general, as a successful military leader. They appreciated the important services he had rendered his country; they gloried in his military fame; but when he was proposed for the highest civil trust, not knowing his personal character, or his qualifications for civil office, they hesitated, and withheld their support. And the gross misrepresentations and falsehoods which had been circulated, had poisoned the minds of many, and spread far and wide the most inveterate prejudices. At the election of 1828, out of more than forty thousand voters, he received but four thousand suffrages. But when his Administration commenced, they began to judge of him by his acts, his measures, his messages, and his official conduct. They gradually discovered that they had been deceived, and began to admire his decision, energy, his independence, and the honesty of his purposes. And now, sir, instead of four thousand, there are more than twenty-four thousand, good men and true, ready to sustain him and his Administration. It is not from enthusiasm or his military fame, that he has thus gradually gained upon the confidence of that people.

The great secret of his popularity I have already pointed out—that popularity which his enemies profess not to understand, which they seem so much to fear, and which some of them appear so much to covet—so anxious to filch from him. Sir, there is but one way this popularity can be acquired; I have told them what that way is; and if they expect ever to acquire it, they must seek it where it is alone to be found. They must imitate the example of this venerable patriot; like him they must devote their great talents to the service of their country, in civil or military stations, whenever the people see fit to employ them, honestly, faithfully, perseveringly, regardless of consequences to themselves, and with a single eye to the public good. When they shall have done this—when, like Andrew Jackson, they shall have spent their whole lives in advancing their country's interests instead of their own, they, too, may acquire that popularity they so much covet. They then may convince the people of that all-important truth, without which no man need expect to rise to the highest station in this country—they then may satisfy the people that they are HONEST.

NATIONAL DEFENSE—THE ADMINISTRATION.

DEBATE IN THE SENATE,

February 18, 1836.

On the Resolution to set apart the Surplus Revenue for the defense of the country—

Mr. SHEPLEY said it was not his intention to enter into the debate upon the resolution; but

he wished to make a few remarks in relation to some of the topics which had been introduced in the course of the debate. And he desired first to call the attention of the Senate most distinctly to one of the statements made by the Senator from Ohio, [Mr. EWING.] In his estimate of the surplus in the Treasury he includes the seven millions of the stock of the Bank of the United States. It is, therefore, in his judgment, not only the duty of the Bank to pay over that sum at the expiration of the charter, but it was to be remembered that it had been so stated here by the friends of the bank.

Mr. EWING explained, in substance, that he had not asserted that the money would be then paid over, but that the amount might be realized by a sale of the stock; that the stock now sold so high as to enable us to raise from that stock, he thought, $8,500,000.

Mr. SHEPLEY said he was willing to receive the explanation, and desired only to present the case as the Senator wished to have it; but it was certainly presented to us to show that we were to legislate, and ought to legislate, as if it were certain that the amount of that stock would be in the Treasury in season to meet the demands thus to be made upon it. Although this allegation had been made, and although he admitted that it has been correctly made, and believed that it ought to be placed in the Treasury, he had no confidence that it would be so.

He understood the Senator also to assert that there was a surplus, over the seven millions, of about one million and a half in the vaults of the bank, making in the whole to be applied to our use, eight and a half millions.

Mr. EWING explained, that he did not assert that there was such a surplus in the bank, but only expressed his belief that there was; it was his opinion merely.

Mr. SHEPLEY said he did not understand the Senator as speaking from actual knowledge, but as giving his opinion, as collected from the returns made by the bank, and from documents open to all. He believed that we might be justly entitled to the whole amount stated, and if the bank would pay us what was our due he would be glad; but he feared we should never get anything in season for us to legislate upon it this session as available, and that nothing would be received until after the termination of an equitable process to settle the affairs of the corporation. He did not expect, looking at the history of the past, that anything would be paid without litigation. He would vote with the gentleman for a bill to sell the stock at any price not under par, as soon as he pleased.

That there was a surplus in the Treasury, after satisfying the amount chargeable upon it for the last year, he supposed did not admit of doubt. But he did not think it was proper to legislate as if the amount of the stock of the bank was to come into the Treasury the present year. Nor did he think it proper to regard the sum *already appropriated by law* as existing in the Treasury for any purpose of legislation. It could not be appropriated a second time. This sum, therefore, of about seven millions and a half of dollars, being already legally disposed of, must be deducted from the amount estimated to be in the Treasury.

He could not be expected to place great confidence in the statements as to the condition of the Treasury, when he recollected that two sessions since we were informed from that side of the House that the Treasury was bankrupt; that the demands upon it could not be met; and when a report established the contrary, we were then told that the causes then operating would soon produce the result predicted. The Senator from South Carolina [Mr. CALHOUN] takes to himself credit for having last session stated that there would be an excess of $9,000,000; but even he was silent, if my memory is right, when ruin and bankruptcy were so often predicted.

Another subject to which he wished to allude was the alarm exhibited by the Senator from South Carolina, [Mr. CALHOUN,] lest the Government should obtain the control of public sentiment, and so influence public opinion as to maintain its power by the elections. This, it was supposed, was to be done first by the means of the office holders.

One of the Senators informed us that the Army and Navy were "sound to the core," so that no aid can be expected or feared from them. Another class of officers by which the elections were to be controlled were the officers of the customs. No one as well acquainted as he was with their duties would expect much aid in the elections from them.

Look at the character of their duties. Their business is to enforce the laws, to collect the taxes, to seize upon property and cause its forfeiture for violation of law. They are compelled, as it were, to pry into men's business, and to come in contact with their private interests and affairs. Such duties as these are not calculated to give them an influence over popular elections.

Another class was the land officers; and with their duties he was not familiar, but could readily perceive that they were to collect money from the citizens, to make entries for lands, and to decide upon conflicting pretensions; and it did not seem to him that these were duties calculated to make them very popular.

But the most formidable class, and the one most alarming to the gentleman, is that of the postmasters.

By these public opinion was to be corrupted and controlled. A large portion of them—a very large majority, if they were bribed or influenced by money, were influenced by very small sums; and from his knowledge of men, he thought that those who could be influenced for so small a sum of money to betray their principles, were of that character that he would prefer that their influence should be on the opposite side.

The money in the deposit banks, and the influence of those banks, were another source from which were to flow corrupting streams. If those whose fears were excited would examine, they would find, if he was not deceived, that a majority of the stock in those banks was held by those opposed to this Administration. So far, then, as these was a source of power, if used at all, it would be used against the Administration. The moneyed power in the country had been, and still was, against the people and against the Administration. The people always must expect it to be opposed to them.

But even if the moneyed power were in favor of this Administration, and there were a disposition to use it in purchasing and establishing presses, and in circulating newspapers; he then assured the Senator from South Carolina [Mr. CALHOUN] there was little cause of alarm for the liberties of the country. It is true, that along the political highway we do find the political slain; they remain as memorials of the past, and as warnings for the future; but these were never slain by the slanders and abuse of a corrupt press. Nor is it in the power of the press, whether corrupt or pure, to destroy any man by general abuse or general denunciation. All our past history teaches us, that among all the numbers who have been politically destroyed, not one has been so destroyed by general denunciations of the press, or by like denunciations delivered either in legislative halls or in public assemblies of the people. They have been destroyed by their own acknowledged sayings and doings. The people judge men by what they say and do; and it is only when the newspapers give a correct account of these sayings and doings that they become formidable. Nor am I alarmed that the Senator has denounced the Administration as corrupt, and the President as deceiving them, and as falsifying his promises. General denunciation and newspaper abuse, while it never destroyed one man, has elevated, and may still elevate, others to stations to which, without it, they might never attain.

The freedom of debate seems to be the subject of much anxiety in a particular quarter; and from a quarter, too, where the freedom has been pretty freely used, and he hoped it would continue to be so used. He would not place the least restriction upon it; hoped it would continue to be used in all boldness and in all freedom. He hoped so, because, as he had already said, it was from these free sayings that the people learnt men's opinions; and a direction was given by them to public sentiment; if agreeable to the people, the man gained in the public favor; if otherwise, he declined.

Hence, when he heard the Senator on this floor, as it seemed to him, with bitterness and scorn denounce the Democracy of the country, it occasioned no other feeling within him than sorrow, that such a sentiment and feeling should have found a place in the breast of the Senator—sorrow that it dwelt there; but joy, that, dwelling there, it came out, that the Democracy might know it, and remember it too, in all long time to come.

Some occurrences here, he had noticed, seemed to amaze and excite the Senator from New Jersey, [Mr. WALL;] and if it would not be unacceptable to him, [Mr. W. assented,] he would endeavor to explain them. He supposed the Senator might have read the Constitution, and have there learnt the duties of the Senate; there he might have learned that the Senate was a grave, deliberative assembly, a legislative body; that it also partook of the power of the Executive, and appeared as a great council in important matters, concerning the nation; that it also partook of the judicial power, and might be a high and dignified tribunal, bringing before it for trial the highest officers in the country; so viewing it, he would regard it as sober, grave, deliberate, dignified.

But there was one portion of its practical duties, that he might have overlooked; it was the part in which we were engaged five days out of six, or, it may be, four days out of five. It was only for about one, out of four or five days, that we were engaged in our constitutional duties; and on the other days we were employed as a grand electioneering central committee; and it was this part of our duties which the Senator from New Jersey seemed to have overlooked; not finding it in the Constitution, it might not have occurred to him, and might have occasioned some surprise upon his first appearance in the Senate.

And if that Senator would further indulge him, he would proceed to inform him, when in that grand committee of the whole on political affairs, how particular parts were apportioned out.

To the Senators from South Carolina seemed to be assigned the part of general denunciation, except that occasionally they assigned a very peculiar part of it to the Senator from North Carolina, [Mr. MANGUM.]

To the Senator from Massachusetts [Mr. WEBSTER] the part of guardian, protector, and expositor of the Constitution; and it must be admitted that it was most ably and splendidly performed; but he fancied he could always perceive a weakness, even in his reasoning, when it was proposed to take power by construction from any other branch of the Government, and appropriate to this body.

To the Senator from Kentucky [Mr. CLAY] seems to belong the part of originating all important political measures—a part performed with great ability, tact, and eloquence; and we quite well understand, if a resolution is to be introduced to try the President unheard, or a bill to influence the people of the country through the distribution of their own money, from what quarter it comes.

To your colleague the part of influence by the way of an increase of salaries, and the supply of extra compensations. Very well performed.

To the Senator from Rhode Island [Mr. ROBBINS] the part of introducing resolutions to give good jobs to the printers, that they may have the means of circulating freely all our political matter. And if, perchance, the Senator from Georgia [Mr. KING] asks a reason for it, (a thing he is apt to do,) the Senator has the wisdom never to give him one.

In this grand central electioneering committee some of us are silent partners, and some of us do not like political work; and being of this last number himself, has taken very little part in it before this time, and now proposes to leave it.

Mr. MANGUM said he ought to make an apology to the honorable Senate for the remarks which had drawn on him the rebuke of the Senator from Maine. The other day he merely selected some of the most distinguished Senators, and assigned to them the line of duties which he supposed properly belonged to them, or rather

be referred to the particular duties which seemed to be assigned to them by their friends. To the Senator from Missouri, for instance, he assigned the charge of the bank rags; and, at the same time, inquired of him—supposing him to have the best information on the subject—the cause of their great increase. He also assigned to the Senator from New York—a most able and distinguished Senator—the management of the affairs of the Albany Regency. Also to the Senator from Pennsylvania, whose diplomatic education well qualified him for the charge, he assigned the superintendency of our foreign relations, &c. He had only referred, however, to the duties of the most distinguished Senators. Had he descended to the subordinate ranks, he certainly should not have passed by the Senator from Maine; and in assigning him his duties, he should have designated him as defender of the Kitchen Cabinet. It would be remembered, that in a speech made by the Senator at the last session, he distinctly said that "many good things came from the kitchen."

Mr. SHEPLEY said he thought so still; he had found many good things come from the kitchen, and hoped to find many more good things coming from the same place. But he would inform the Senator from North Carolina that the member of the Kitchen Cabinet whom he eulogized had since then been found to be so good, that he had ascended from the kitchen; and the Senator could now ascend and meet him without going there.

Mr. LEIGH said, as he originally understood these resolutions, he had no objection to vote for them more than any other abstract proposition. But the question was, whether, in voting for them, the effect would not be to pledge them to appropriate the revenue for these particular objects, for no matter how long, and to any extent.

Several gentlemen said that there would only be a pledge to vote so much as was necessary.

Mr. PORTER observed, that he did not know what other gentlemen thought of these resolutions. They appeared to him to be no more than the expression of an abstract opinion. If any gentlemen understood them otherwise, he wished them to explain them. In voting for these resolutions, he was not about to surrender his judgment as to what was necessary to be appropriated for the objects embraced in them; and he supposed that other gentlemen, in voting for them, agreed only for what appropriations they themselves might think necessary. He was not for having his hands tied and his mouth stopped, should appropriations be brought up that he could not approve of; and he had, therefore, thought proper to make this explanation before taking the question.

Mr. BUCHANAN made some remarks upon the nature and character of the resolutions, and how far their adoption would pledge Senators to vote for appropriations in future. These remarks gave rise to an explanation from Mr. CALHOUN, in which he stated that Mr. BUCHANAN had always given his support to the fortifications necessary for the defense of the country.

Mr. DAVIS observed, that he had voted for laying these resolutions on the table, and he did it for this reason. The discussion had gone on for a great while, and he was content, for one, that it should be debated by others, and so long as there was a prospect, though a remote one, of hostilities with a foreign Power, while there was any prospect of an interruption to the pacific relations of the country, he was willing that the discussion should continue, and that it should be ended by an expression of opinion on the part of the Senate in the form contemplated in the resolutions. But within a few days past, our foreign relations had undergone a favorable change; there seemed now no prospect of our being in a hostile state with any Power, and no change of our condition in that respect was expected for at least twenty years to come. These resolutions contemplated no action of the Government which would make a disposition of the funds of the country. They did not propose any appropriations. It, therefore, appeared that they had no other object but to get an opinion of that body as to the propriety of placing the country in a state of defense. For one, he was disposed to give a silent vote on this subject. The causes for the introduction of these resolutions having passed away, he voted for laying them on the table. So far as they contemplated regulating the votes of members in regard to future appropriations, he had heard that they trammeled no one—that he should be wholly unpledged. This he wished to be distinctly understood.

With regard to the defenses of the country, he would go as far as circumstances would justify; but every man could see that there was reason in all things; that neither for the good of the country, nor for any other purpose, was it necessary or expedient that extravagant appropriations should be made. Such a course would derange all things, and be productive of great and unnecessary expense. Hence the policy of making appropriations from year to year of the amount that could conveniently be expended, had been adopted twenty years ago—not because the country had not the means of making larger appropriations, but because more could not be advantageously expended, and would create derangement and confusion. What was the difference? It was labor, brick, and mortar, after all. If (said he) you expend so many millions at once, you will derange the business of the country, interfering with the labor and materials employed on railroads, canals, and other useful works. He rose to express these general views, and to explain that, in the vote he was about to give, he did not commit himself to vote for any further appropriations for fortifications than he himself might deem just and expedient, and suited to the condition and wants of the country.

Mr. BENTON said the Senator from Massachusetts [Mr. DAVIS] understood the effect of this resolution precisely as he did. It was the same in character as the sinking fund act of 1790, and which was reënacted in 1816. It was a declaration of policy, to let the public know what system was to be pursued.

During the forty years the sinking fund continued in force, every member voted upon it without being restricted. So upon the passing of this resolution, every gentleman could vote as to what amount he thought the state of the country required.

In the course of his travels last summer, he was frequently asked what should be done with the surplus revenue. He had uniformly answered: "set it apart for the great object of fortifying the country." He had met a hearty concurrence in the object thus expressed.

With respect to the occurrences indicating a war, which had passed away, he would state that the occasion was merely referred to by him, by way of giving emphasis to his argument.

In those remarks, he had several times declared that if he held the bond of fate in his hand for peace, he would still go on and prepare for war.

Something had been said about making an extraordinary demand for materials and labor. That consequence could not escape the notice of those who had charge of the large appropriation bills.

I speak (said Mr. B.) of the fortification bill. When that bill comes up, I will go into the consideration of this objection, and show it to be unfounded.

In brief, we occupy (said he) a widely extended country, the outlines of which are four thousand miles in extent. One part a serrated, another cut into indentations and deep bogs, one of them a thousand miles in circumference.

Upon this vast extensive coast, it was entirely practicable to carry on a great amount of work without any one part interfering with another, or injuriously affecting the price of labor and materials.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF HON. JOHN M. NILES,

OF CONNECTICUT,

IN THE SENATE, *February* 15, 1836,

On the Petition of a Society of Friends in Pennsylvania, praying for the Abolition of Slavery in the District of Columbia.

The motion of Mr. CALHOUN, that the petition be not received, being under consideration,

Mr. NILES said: Mr. President, I did not intend, at an earlier day, to have taken any part in this debate; I was opposed to agitating this question here, and was prepared to have given these petitions almost any direction which would have prevented discussion and the agitation of the question here. I would have voted to lay these petitions on the table, or to have referred them to a committee, with or without instructions to report upon them, as I had no fears but what any judicious committee of the Senate would have made a report calculated to quiet the existing excitement, and to exert a salutary influence on the public mind.

But a different course has been pursued, and a debate has been commenced, and is evidently, on this or some other question, to be continued; I have therefore felt it a duty which I owe to my constituents and the country, to offer some few remarks on this exciting and delicate subject. This discussion, sir, has hitherto come mainly from one quarter, and appears to have proceeded on a great misapprehension of the real state of public sentiment in that section of the Union from whence danger seems to be apprehended. To correct this misapprehension, and disabuse public sentiment, so far as it may be influenced by anything said or done here, is my principal object

Before entering on this task, however, I wish to make one suggestion. What is the object of discussing this subject here, or the various questions connected with it? What beneficial results are expected from it? I make these inquiries, because I perceive that, on the part of some gentlemen, there seems a determination to discuss the subject of slavery generally, or at least so far as relates to this District. Resolutions have been introduced, presenting for the consideration of the Senate sundry abstract questions in relation to this subject, and the constitutional powers of Congress. These resolutions are not now under consideration, and I have alluded to them only as evidence of a disposition to press on the Senate a general and, I apprehend, unprofitable debate. What is the object of such debate? Is it to settle constitutional or other general principles, and thus put this question at rest? If this is the purpose, I think it will fail. Sir, I have no belief in the utility of the discussion of abstract propositions, totally disconnected with legislation or any practical results. I have no faith, sir, in settling constitutional questions by resolutions, or the discussion of them, which for years past have consumed so much of the time of the Senate. Nor do I believe, sir, that any other abstract principles, to regulate the action of Congress or the people, can be established by resolutions, however extensively or ably they may be debated.

I well remember, and I presume it is not forgotten by the honorable Senator from South Carolina, a resolution introduced by a Senator from the State I have the honor in part to represent, some years since. It was a resolution, I believe, in relation to the public lands, which in the ordinary course of business, would not have occupied the attention of the Senate one hour, perhaps not fifteen minutes. From some magic power, of which I have no knowledge, that simple resolution in relation to the public lands, not a very abstract subject in itself, was transformed into a text for a most voluminous commentary on the theory and principles of this Government. If I mistake not, this debate, which called forth the most profound talent and great erudition, occupied a large portion of one session of Congress. Of the evils of that debate I forbear to speak; but what benefit the country ever derived from it I have never been able to learn, on the most diligent inquiry, unless it be, that it conferred on the name of the honorable Senator, who was the unintentional cause of that debate, a most unenviable notoriety. Sir, I believe at that time, not only every man, but every woman and child in the country, were familiar with the name of Mr. Foot and his resolution; yet, notwithstanding this, I believe that gentleman had very little to do with his resolution; and although he always appears to have regarded it as a very dear child, yet the care and protection of it, seems to have fallen into other and abler hands. After the failure of this great experiment, I am surprised that any one should think of settling constitu-

tional questions by resolutions. Surely, sir, we ought to draw some lessons of wisdom from the past; and when we are about to make a similar attempt, it may be well to remember the issue of the first great experiment.

But if the object of this discussion is not to settle abstract principles, I would ask what it is? Is it to quiet the public mind, and to put a stop to agitation? If I understood the honorable gentleman from South Carolina, he declared this to be his purpose. If so, sir, I am happy to say that I can go with the gentleman heart and soul. I believe that the peace and best interests of the country, both at the North and the South, require that this agitation should cease, the public mind be tranquillized, and confidence restored. But how do gentlemen propose to obtain this desirable end? Why, it would seem, sir, that they propose to stop the agitation of this exciting question among the people by *agitating it here*.

Mr. CALHOUN rose to explain. He said he had not urged on a debate; he had done nothing to cause a debate; he had only made the question that the petition be not received; and if a debate had ensued, he was not responsible for it, but those who had opposed his motion.

Mr. NILES. I did not allude particularly to that gentleman; my remarks had a more general application. The Senator from South Carolina made a motion, which he certainly had a right to make, and although a debatable one, he is not particularly chargeable for the discussion which has taken place; nor can I say that he has himself partaken largely in this discussion. But the debate has come principally from one quarter; and until the speech the other day from the Senator from New Hampshire, [Mr. HILL,] almost entirely. I alluded to the fact of this debate having been continued mainly by those who profess to feel great alarm at the agitation of this question.

Sir, I believe that the agitation of this subject here will promote agitation elsewhere, and tend to keep the public mind in an excited and feverish state.

And here I must be permitted to express some astonishment that gentlemen urge a discussion, whilst they avow that their object is to prevent agitation. When I hear that this is their object, asserted in the most solemn manner, I am bound to believe it. I trust the gentlemen are sincere; at the same time I must be permitted to say that the means by which they seek to attain their end appear to me very extraordinary. Was it not for descending from the gravity of the subject, I would say, that it reminded me of a person I have heard of in my section of the country. A man who was very pugnacious and quarrelsome, who was constantly wrangling with his neighbors, yet always insisted that he loved peace; and so great was his anxiety for it, that he declared he would have *peace* with his neighbors if he had to *fight for it*. If I understand the views of some honorable gentlemen, they seem disposed to agitate this question for the very purpose of preventing agitation.

Mr. CALHOUN wished to ask the gentleman whether he doubted the sincerity of his declaration, when he asserted that he was opposed to agitating the question?

Mr. NILES. I do not doubt the gentleman's sincerity, when he so solemnly declares that he is opposed to agitating the abolition question here; yet I must claim the right to make such inferences from the course and the *acts* of that gentleman and his friends as I think they authorize.

Sir, I hope, most sincerely hope, there is no disposition anywhere, in the North or in the South, to connect this exciting subject with the party politics of the day. That there is no such intention here we are fully assured. But is there no such intention elsewhere? Sir, I am sorry to say that I fear there is. I cannot shut my eyes to occurrences of general notoriety; I cannot resist the evidence of my senses. I fear there is a spirit of mischief at work in a certain quarter, at the South as well as the North; it is, I hope, in both sections, confined to a small number of individuals.

It is a fact of general notoriety that there is a press in this city—the one to which the Senator from New Hampshire referred—professedly devoted to the interests of a certain party at the South, which has long labored with a zeal and perseverance worthy of a better cause to agitate the public mind on the slave question, whilst it has sought to alarm the South by the grossest misrepresentations of public sentiment at the North, by magnifying the numbers and influence of the Abolitionists—by representing them as connected with a political party, in the face of the most notorious facts, it has endeavored to encourage the Abolitionists to persevere in their mischievous designs. There are also presses at the South devoted to the same party, which have pursued a similar course. Whilst these mischievous vehicles have professed the utmost abhorrence of the designs of the northern Abolitionists, and to feel the greatest alarm at the tendency of their incendiary publications, they have at the same time given a circulation through their own papers to the very worst of these publications, under a pretense of exhibiting their enormities. These papers have been circulated in the slave States, and are supported by a certain party in that section of the Union. It has been asserted by the honorable Senator from South Carolina, that he has no fears from the circulation of the tracts and other publications of the abolition societies at the South; that such is the state of things there, it is impossible they should be circulated. In this I presume the Senator is correct, and it is therefore fair to conclude that the principal circulation which these mischievous publications have received in the slave States has been through the columns of political papers, professing to apprehend the greatest danger from the movements of the northern Abolitionists, and to feel the greatest abhorrence of their publications. How is this inconsistent and absurd conduct to be accounted for, except by supposing that there are *agitators* at the South, who are attempting to create an excitement on the question of slavery for political purposes? These same vehicles have been urging on the South the most dangerous and preposterous measures, as being necessary for the security of the slaveholding States—measures which, if not revolutionary in their character, have an obvious tendency to such results.

Sir, if there are such mischievous agents at the South, who are seeking to build up a sectional party by appealing to the fears of the people in the slave Seates, and misrepresenting public sentiment at the North, they are more execrable and more dangerous than the northern Abolitionists. Sir, a southern convention has been advocated by these men; and what can be the design of such a convention but to increase the existing excitement, to irritate the public sensibility, and to blow the enkindling flame into a consuming fire? Can such a measure spring from sober and discreet counsels? Can it be called for to devise measures for the protection of their interests, exposed by the mad schemes of the Abolitionists? I think no intelligent and candid man will maintain this.

There is another measure proposed at the South by a very different set of men, and whose motives I would be the last to impugn. It is, that the Legislatures of the slaveholding States have a right to *demand* of the non-slaveholding States the punishment of acts committed by citizens of the latter within their own jurisdiction. In a report adopted by the Legislature of South Carolina, this principle is asserted and maintained; and in another State, sustaining an elevated rank in the Confederacy, there is a discussion now going on in relation to the same principle.

"Your committee would be inclined to recommend to this Legislature to make an explicit *demand* on the non-slaveholding States for the passage of penal laws by their Legislatures, providing for the punishment of the incendiaries within their limits who are engaged in an atrocious conspiracy against our right of property and life.

"We concur entirely in the view which our own Executive takes of the grounds on which our right to demand the enactment of such conservative legislation rests. Apart from those obligations, resulting from the constitutional compact which unites these States, and which makes it the imperious duty of one member of this Confederacy not to allow its citizens to plot against the peace, prosperity, and happiness of another member, there is no principle of international law better established than that, even among foreign nations: such atrocious abuses are not to be tolerated, except at the peril of that high and ultimate penalty, by which a brave and free people vindicate their rights."

As rights and duties must be reciprocal, the right to make such *demand* presupposes the obligation to obey it. But supposing it is not obeyed, as it most assuredly would not be; what is then to be done? When one independent State makes demands of another, of the redress of some wrong done to it, which is refused, it then must seek redress in its own way. And the right to make the demand, supposes the concomitant right to seek the redress.

We have heard something in a recent report—I hardly know what—about a sort of international law, which is applicable to the States. This is to me a new and strange doctrine; and, as I have no faith in it, I shall not undertake to examine it. Can a State, acting in its sovereign capacity, commit an aggressive act against the rights of another State, which will render it necessary for the latter, acting in its sovereign capacity, to seek redress? To state such a proposition is to refute it. If any State should so far forget its obligations to the Union, and to its co-States, as by law or otherwise, to commit any aggressive act against another State, such law would be unconstitutional and void, and could afford no justification to the persons executing it, who would be amenable in their individual capacity in the Federal courts, or the courts of the State injured, if they committed any illegal act within its jurisdiction.

Can the citizens of one State, whilst residing within its jurisdiction, commit any aggressive or illegal act against another State, or the citizens thereof? It is clear to my mind that they cannot. What relations, then, can ever exist between the States to which the gentleman's [Mr. CALHOUN] principles of international law can apply?

I admit, however, that the citizens of one State may be guilty of an improper and unjustifiable interference in the local concerns and interests of another, and I will not deny but that there might be a case in which it would be proper for such State to restrain and punish such conduct by legal enactments. But this never can be demanded as a *right;* it must emanate from a spirit of comity and that sense of justice which the councils of every State must be supposed to entertain, relative to what is due to its associate States in the Confederacy. If such evils exist, it must be conceded that the State where they exist is the rightful and best judge of the most suitable and efficacious means to repress them, and it is to be presumed that she will not want the disposition to apply those means. This mutual confidence the States must repose in each other; it is the cement of the Union, and should the time ever arrive when it becomes generally impaired and destroyed, I shall despair of long preserving that political system which ought to be the pride and boast of every American, as it is the admiration of every enlightened lover of liberty on the face of the earth.

Having briefly alluded to what I believe to be errors in one quarter, I will now proceed to notice those in another, and to bear my humble testimony to what I consider to be the true state of public sentiment on this interesting subject at the North. In speaking of the North, as I may do for brevity's sake, I wish to be understood as intending my remarks primarily for the State which I have the honor in part to represent; yet I think I may say, in the language of the almanac makers, that with little or no variation, they will be equally applicable to the neighboring States.

On this point I feel more confidence, and shall boldly speak the things which I know, and bear testimony to the things which I believe.

Sir, I apprehend that public opinion on the slave question at the North, both here and in the slave States, is greatly misunderstood, and that by some, as I have already stated, it is grossly misrepresented. From these two causes, I fear great

evils may follow, unless the truth is made to appear. This I shall endeavor to do so far as respects the State whence I came. I shall fearlessly give the whole truth as I understand it, let it cut where it may or whom it may.

Why is it that at this time there is so much excitement and so much alarm in the slave States regarding public opinion at the North in relation to their peculiar institutions and interests? It is owing to the conduct of a small class of men who call themselves Abolitionists, and who have formed themselves into societies the better to prosecute their designs. That the conduct of these fanatics—for I think I shall show they deserve to be so considered—should have occasioned some excitement, is not at all surprising. It was perfectly natural, and probably unavoidable. At the same time, I do not hesitate to declare, as my solemn conviction, that the general state of public sentiment at the North in relation to the subject of slavery, in all its aspects and bearings, was never sounder since the establishment of this Government than it is at this moment. If I am correct in this position, as I shall endeavor to show that I am, the danger to the South, if any, can be nothing more than what is to be apprehended from the immediate acts of the Abolitionists in attempting to circulate their inflammatory publications within those States.

But we have been told by the Senator from South Carolina that this is not the evil which is apprehended, because, he says, it is impossible to circulate the publications of the Abolitionists in those States. In what, then, does the danger consist? Why, the gentleman says in *agitation*. It is the spreading of the sentiments of abolitionism in the non-slaveholding States, and the prevalence, among the people of those States, of opinions unfriendly, hostile, and injurious to the institutions, to the rights, and the character of the people of the slave States. To prove that this is regarded as the source of the danger, I will again refer to the report from which I have once read.

"Let it be admitted that, by reason, of an efficient police and judicious internal legislation, 'we may render abortive the designs of the fanatic 'and incendiary within our own limits, and that 'the torrents of pamphlets and tracts, which the 'Abolition presses of the North are pouring forth, 'with an inexhaustible copiousness, is arrested 'the moment it reaches our frontier. Are we to 'wait until our enemies have built up, by the 'grossest misrepresentations and falsehoods, a 'body of public opinion against us which it would 'be almost impossible to resist, without separating ourselves from the rest of the social system of the civilized world? Or are we to sit 'down content, because, from our own vigilance 'and courage, the torch of the incendiary and the 'dagger of the midnight assassin may never be 'applied?"

We are here informed, that the danger which is apprehended, is from the building up of a body of public opinion at the North, injurious to the South, and which cannot be resisted without separating the southern States from the rest of the civilized world. But have the proceedings of the Abolitionists done this? Have they tended to such a result? I think not—but their tendency has been directly to a contrary result. How have they been received? Have they not everywhere met with opposition? Have they not everywhere called forth the honest indignation of the people, the strongest expressions of their reprobation? That this has been the case, in the State whence I came, I shall endeavor to prove.

But gentlemen seem to look to erroneous sources to discover the public sentiment at the North. At one time we are told that the women at the North are all turning Abolitionists; that they are signing petitions to Congress praying for the abolition of slavery in this District. If this was true there might be cause of alarm, for they are very apt to carry the men with them. I hope, however, it will not be supposed that the females in the cold climate at the North are opposed to *union* or the Union, for I verily believe they are ardently attached to both. In respect to those who send their names here as petitioners, they belong to that small class who are always meddling with matters which they do not understand, and which do not properly belong to their province. They are of those who are more busy and more anxious about the morals and religion of their neighbors than they are about their own. They are of that class who, a few years since, were petitioning in behalf of the poor Indians; and if applied to by the same agents, would as readily sign a petition praying Congress to appropriate the whole surplus revenue to send missionaries to Asia. I really hope, sir, no such petition will be sent here this session, as we have now at least three projects before us for disposing of this surplus, and thus saving the virtue of the people, which, in the opinion of some, seems disposed to sink beneath the corrupting influence of this alarming surplus.

The honorable gentleman from Virginia has discovered public opinion at the North, from another source, more elevated, but scarcely entitled to more reliance, as an evidence of the general state of popular sentiment on the slave question. He has had sent to him a pamphlet, written by a distinguished divine in one of the northern States, which favors the cause of abolitionism. I have not seen that publication, and was not in my seat when the gentleman read certain extracts from it, and know not how far the writer carries his abolition *notions*. But I was surprised at the comments of the gentleman on this pamphlet. He stated that, from conversing with many intelligent gentlemen from the non-slaveholding States, from the proceedings of public meetings, and other sources of information, he had come to the conclusion that the general sentiment was sound at the North until he received the pamphlet referred to, which led him to believe that something was rotten in Denmark.

Mr. LEIGH said he had used no such language, nor conveyed any such sentiment.

Mr. NILES. I do not profess to quote the gentleman's language. I have only stated what I believe to be the substance of what the Senator said as to the influence this pamphlet had on his mind. I claim the right to use my own language to state the substance of the gentleman's remarks, and to comment upon them. I think I am not mistaken as to the import of what the gentleman said.*

Why, sir, did the gentleman mean to be understood that he regarded the sentiments of one individual, however distinguished for learning or intelligence, as outweighing, in his mind, all the evidence he had received from all other sources? And why does the Senator attach so much importance to the opinions of one individual? Is it because he is a clergyman, and one eminent for talents and learning? If so, he has but little knowledge of the character of the people. Was the gentleman aware that, in looking to such a source, he was going into the very camp of the Abolitionists? So far as I am informed, a large portion of the Abolitionists are clergymen. He might, with nearly the same propriety, have read a tract of the abolition society, as most of those are probably written by clergymen, as evidence of northern sentiment. However much the opinions of the clergy may be respected on subjects connected with their profession, on political questions, and all others relating to the interests of the country, there is no class of men whose opinions are more at variance with the general current of popular sentiment. The reason is obvious: they do not mix or take part with the people in secular concerns; their ideas are drawn from different sources, and their opinions are abstract and speculative. Those who seek for public opinion at the North must neither look above nor below the people, but they must look for it among the people themselves; they must direct their attention to the great mass—the men who toil, and the men who think; the yeomanry, mechanics, and laborers; the men of hard hands, sound heads, and honest hearts. These classes constitute the great body of our citizens, and are nearly all sufficiently intelligent to form their own opinions on all questions regarding their own rights or duties, either as individuals or as electors interested in the concerns of the great Republic.* I will now proceed to consider what I believe to be the general state of public sentiment among my constituents in relation to the matter under consideration. The subject of slavery is a comprehensive one, and I cannot speak of public sentiment without analyzing it, as it embraces several distinct questions.

The first is that of slavery, as it exists in several of the States of this Union, and the power of the Government over it. On this question it is necessary to say but a few words, as I am not aware that northern sentiment differs at all from southern sentiment. No one supposes that Congress can directly or indirectly interfere; and with the exception of the small number of modern Abolitionists, the opinion is scarcely less universal, that the people of the non-slaveholding States have no right to interfere in any way with the local concerns, and the relations of master and slave, in other States. Domestic slavery is generally regarded as a political and social evil, but one with which the people where it does not prevail have no concern, any more than they have with political evils in Canada or Ireland. But it is not considered that the present generation at the South are responsible for the evils of slavery; nor is it believed that in general the condition of the slave population, in point of comfort, is worse than

---

* Mr. LEIGH the next day read an account of this conversation or incident in a newspaper, and said that, according to that account of the occurrence, it would appear that he had been insulted, and had tamely submitted to it; although he did not then, nor did he now believe, the gentleman intended any insult. He repeated his disclaimer of using the language and sentiments imputed to him.

Mr. NILES said he had no intention to misrepresent the gentleman, or do him any injustice, or treat him with discourtesy. He had no experience here, and did not know what was the parliamentary rule; but supposed he had a right to put his own construction on the gentleman's speech, and comment upon it, leaving him to make such explanations or disclaimer as he saw fit.

Mr. LEIGH then asked the gentleman to state explicitly whether he intended to doubt the sincerity of his disclaimer of the language and sentiments ascribed to him?

Mr. NILES said he had already denied having any such intention; that he had never pretended to give the precise language made use of by the gentleman, but only the construction of which he thought it was susceptible.

Mr. LEIGH replied that he had no further remarks to make, except that he was wonder-struck that any human being could put such a construction upon the portion of his remarks in question.

The following is an extract from Mr. LEIGH's speech, published in the National Intelligencer, understood to have been made out by Mr. LEIGH himself. It is believed fully to justify the construction put upon it:

Extract from the Intelligencer.

"I have since read the book itself; its title is, 'Slavery, 'by William E. Channing;' printed at Boston, 1835. And 'I must say, that I have never risen from the perusal of any 'book with a feeling of deeper sorrow. It has had the effect 'of weakening the chief remaining ground of hope in my 'mind, that the incendiary schemes of the Abolitionists in 'the northern States; the system of agitation they have or-'ganized; the war they are kindling against the peace and 'happiness of the South, and the harmony of the Union; 'would be effectually counteracted and suppressed by the 'efforts of our fellow-citizens of the non-slaveholding 'States."

Extract from the Globe.

"Since that debate, he had read a book entitled 'Slavery,' by a Mr. E. Channing, of Boston. He had never 'read any paper that filled his mind with a deeper sor-'row."

* * * * * "This book, said Mr. L., has im-'paired in my breast the strong hope founded on the belief 'deduced from conversations with intelligent gentlemen 'from non-slaveholding States, that that intelligence and 'good sense would be exerted to suppress this cause of mis-'chief and agitation throughout the Union."

* These sentiments may not accord with those of Mr. LEIGH, who once stated in a speech, if my recollection is correct, (as I have not the speech before me,) that those classes who were compelled to obtain a livelihood by labor, occupied a position similar to that of the slave population; that they had not, and could not have, sufficient intelligence to be safely intrusted with the elective franchise, or any participation in the concerns of Government.

that of the free blacks of the North. Slavery is regretted as a social and political evil, in relation to its influence on society.

2. The second form of this question is slavery in this District. The prevailing opinion is, that Congress have constitutional power to legislate in relation to slavery in this District. This opinion is not generally the result of examination, as the question has not been discussed. It has never been found necessary to discuss it, because very few have ever supposed that it would be proper or right for Congress to act on this subject, whilst slavery exists in the surrounding States. What I have stated to be the common opinion, I must add is my own opinion; but I do not intend to go into a discussion of this constitutional question. I will only say that the ingenious and able argument of the honorable gentleman from Virginia did carry conviction to my mind. That argument was based on two assumptions, neither of which I think is true. The first is, that the power of Congress is derived from the cessions of the States of Virginia and Maryland, and is coextensive with the power possessed by those States. This, I apprehend, is incorrect. The cessions conferred no power on Congress; they were nothing more than a *relinquishment* of the jurisdictions of those States; but such relinquishment did not transfer to, and invest in Congress the precise measure of power which they possessed, nor, indeed, any power at all. If any State was to cede to the United States a part of its territory, would such cession vest in Congress the same jurisdiction and power over it previously possessed by the State? It is evident it would not. The power of Congress is not derived from the cession, but from the Constitution. A State can confer no power on Congress. The other assumption regards slaves in the light of property only. This, I apprehend, is incorrect; because their owners have not an absolute, unqualified, indefeasible right of property; they have only an interest in their services. They are also regarded by the laws of all the States as human beings; so that there is something on which laws can operate, besides the right of property. I do not like the language which speaks of slaves only as property; it sounds harsh to my ears. I much prefer the language of the Constitution, which speaks of them as persons held to labor. I admit that, so far as regards the existing rights of property in slaves, it cannot be destroyed by legislation; and I can go no further.

But I leave this question; I do not deem it of as much importance as many seem to regard it. There are other, and, to my mind, equally insuperable objections, to the abolition of slavery in this District, whilst it exists in the neighboring States. Are there no general principles which ought to control the action of Congress, except those of a constitutional nature? I think there are principles of higher authority and higher obligation: the great principles of *justice* and *moral right*. These principles existed before the Constitution, and will survive it, unless that shall endure forever. For Congress to abolish slavery in this District, against the will of the inhabitants, and whilst it exists in the adjoining States, I should regard as a *palpable abuse of power*, more censurable than a violation of the Constitution in a case not entirely free from doubt. This would be an abuse of power, involving a disregard of the great principles of justice and moral right. Such, I believe, are the prevailing sentiments of my constituents, who, for that reason, do not trouble themselves about the constitutional powers of Congress over slavery in this District.

I proceed now to speak of the third form in which the question of slavery presents itself—that of *abolitionism*. This consists of two kinds: abolitionism of the old school, and abolitionism of the new school. The former amounts to nothing more than a rational wish and desire for the emancipation of all persons held in bondage, and a disposition to advance that object by the diffusion of knowledge and the progress of society. Of this kind of Abolitionists were Franklin and Jefferson; and there are many such at the North, and I presume at the South; and was it not for the difference in the two races—a difference existing in nature, which seems to interpose an insuperable barrier to that object—I should hope that the whole free population of the Union would be Abolitionists in this sense.

Very different from these are the Abolitionists of the new school. What are their principles? I judge of them from their own publications, which I have examined. They propose an *immediate* abolition of slavery, and against the will of those interested in it. They, therefore, propose to abolish slavery by *violence*. And this they design to effect in communities where they do not reside, and have no interests or sympathies with the inhabitants. Whatever may be their intentions, no rational person can doubt that their scheme has a tendency to insurrection, massacre, and a servile war.

They regard slavery as a theological question. They say it is a sin and a moral evil in the sight of God and man, and ought to be eradicated from the earth; and that it cannot be wrong to remove an evil. They aver that they have nothing to do with the consequences.

Can men be sane who avow principles like these, who are pursuing an object having the most important bearing on the vital interests of society, which exposes it to all the horrors of insurrection, massacre, and servile war, and yet declare that they have nothing to do with the consequences of their own acts? To call such men fanatics is too mild a term. I have no concern with their motives, but like all other moral agents, they must be held responsible for the natural and obvious consequences of their own *acts*. This principle, true in morals, is not less so in politics. Is it to be wondered at that a scheme, based on a total recklessness of consequences, should have excited the almost universal indignation of an intelligent and moral people? Does any one suppose that this scheme of Abolitionism has, or can, under any circumstances, prevail to any extent among the people in any of the free States? It is impossible. That it has been discountenanced and reprobated by the people of the State I in part represent, I shall endeavor to show.

But there is reason to believe that there is one part of this scheme of abolitionism which has been kept more out of sight—that is, amalgamation. Their first movements appear to have been directed to this object, and were made in Connecticut. In 1832 some of these men, residing in another State, established a school in one of our towns for the education, in the higher branches, of colored females. It occasioned great excitement in the town, and some in the State. In 1833 a law was enacted by the Legislature making it unlawful to set up any school in the State for the education of persons of color without the consent of the selectmen of the town. In violation of this law, the school was continued, and a prosecution was commenced against the instructress, which was resisted on the ground that the law was a violation of the Constitution of the United States, and the question was never brought to a final decision; but such was the honest indignation of the inhabitants of the town and vicinity, that the school was finally broken up.

The proceedings of the Abolition Society, in the city of New York, called forth an immediate and strong expression of indignant feeling in Connecticut, which was nearly universal.

The first public meeting was called in New Haven. It was large, and comprised the most distinguished and influential citizens of all parties. The Governor of the State presided. The resolutions adopted are strong and decided, and reprobate the principles and proceedings of the Abolitionists in the strongest terms. I will read some of the resolutions, sufficient to show the views and sentiments of the meeting:

"*Resolved*, That we have witnessed, with mingled feelings of alarm and reprobation, the reckless course of some professed friends of the cause of freedom, whose efforts, under the mask of philanthropy, have infused gall and bitterness into our social system.

"*Resolved*, In the language of a report of a committee of the whole House of Representatives, made in the second session of the first Congress which assembled under this Constitution, and by that body ordered to be recorded in its Journal, '*that Congress have no authority to interfere in the emancipation of slaves*, or the treatment of them in any of the States; it remaining with the several States alone to provide any regulations therein which humanity and true policy may require.'

"*Resolved*, That no man or combination of men, in one State, has the right to interfere with the constitutional rights, or to violate the criminal laws of any other State in the Union, either by sending publications leading to insurrection in such States or in any other manner; and that we hold it to be the duty of good citizens, by all lawful measures in their power, *promptly to arrest such proceedings*.

"*Resolved*, That the concurrent testimony of all parties in the southern States, as well as that of the ministers of the Gospel of all denominations among them, whose proceedings have been published, cannot fail to convince every reflecting man that the late proceedings of what are called the abolition and anti-slavery societies, have a direct tendency to excite insurrection and dissolve the Union.

"*Resolved*, That as the mail of the United States was intended for common good, and is supported from the common Treasury of the Union, any citizens who make use of it as the means of distributing publications hostile to the public tranquillity, and under the presumption of secrecy and security, transmit thereby, privately, incendiary documents *that they would not dare to follow to their destination*, are deserving of the reprobation of all good and patriotic men.

"*Resolved*, That in responding to our fellow-citizens of Carolina, we are not insensible to the devoted zeal which she exhibited in the achievement of our national independence, and that the land of the Pinckneys, of Laurens, of Moultrie, of Marion, of Sumpter, and a host of other gallant men who periled, with *our* fathers, 'their lives, their fortunes, and their sacred honor,' in a common cause, deserve, as a *right*, not as a *favor*, the protecting influence and support of every northern patriot."

A public meeting of the citizens of Hartford was soon after called. For reasons not necessary to mention here, it was not so generally attended as the meeting at New Haven; but the resolutions adopted did not the less speak the true sentiments of our citizens. I had the honor to be the organ of the committee which reported the resolutions that were adopted. There is one which expressly touches on the question of slavery in this District, to which I would particularly call attention. I will read some of the resolutions:

"*Resolved*, That the States, in confederating, retained all their rights as independent sovereignties, except such as were expressly delegated to the Union, and among the rights reserved were those relating to all matters of a local and social nature, to private property and the security and relations of persons, including those of master and slave—for at that period slavery existed in nearly all the States, and was sanctioned by their laws.

"*Resolved*, That in view of these obvious principles, it is a violation of the spirit of the Constitution for citizens of one State to enter into combinations (to give more energy to their efforts) for the avowed object of effecting a change in the institutions, laws, or social relations of the people of other States, who, as regards all such matters, are as entirely independent communities as they would have been had they not entered into the Confederacy.

"*Resolved*, That the conduct of the Abolitionist societies, in publishing and distributing in the slaveholding States, in violation of their laws, newspapers and pamphlets, the natural and obvious tendency of which is to excite insubordination and insurrection among the slaves, and expose the country to all the horrors of a servile war, is highly censurable, and cannot fail of meeting the reprobation of every friend of his country. Such proceedings being a violation of the spirit of the constitutional compact, are not

'more hostile to the peace of those States more 'immediately affected by them than dangerous 'to the general harmony and the preservation of 'the Union.

"*Resolved*, That it is the duty of all good citi- 'zens who love *liberty* and venerate our happy 'institutions, to discountenance all interference, 'by the citizens of any State, in the local inter- 'ests and concerns of other States; that such in- 'terference in the relations of master and slave, 'and the interests connected therewith, is in an 'eminent degree reprehensible and dangerous. 'That we will use all legal and proper means not 'incompatible with our rights, and those great 'principles of liberty, freedom of speech and the 'press, to repress and prevent any such interfer- 'ence, so unwarrantable in principle, and so dan- 'gerous in its consequences.

"*Resolved*, That we can see no good, but much 'evil, from agitating the question in any form, in 'the States not immediately interested, and that 'we should deprecate any action or proceeding 'by Congress regarding slavery in the District of 'Columbia; and therefore disapprove of the *pe- 'tition* which we understand is in circulation 'among the people of this State, to be presented 'to the next Congress, praying for the abolition 'of slavery in the District of Columbia.

"*Resolved*, That we regard the subject of sla- 'very in the United States as solely a civil and 'political question, and therefore cannot see the 'propriety of its being taken up by religious com- 'munities, and treated as a moral or a theological 'question; and for the same reason have viewed 'with regret and decided disapprobation, the in- 'terference of some of the clergy, and especially 'those of a foreign country, in a matter involving 'such momentous political principles, and such 'important social rights."

Other public meetings were held in different towns in the State, at which similar sentiments were expressed. But it is unnecessary to refer to them. The sentiments expressed by the citizens in the two largest towns in the State were responded to by the great body of our citizens, with a unanimity seldom if ever witnessed. The public presses of all descriptions proclaimed the same opinions. I know of but one Abolition meeting in the State, and that occurred since I left home. It was, I understand, disturbed and broken up by violence. These proceedings led to a call of a general meeting of the citizens of the town, which passed sundry resolutions, of which I will read two, that may serve to show their sentiments:

"*Resolved*, That as by the Constitution of the 'United States, domestic slavery is left entirely 'and exclusively under the control of the indi- 'vidual States where the same exists; any inter- 'ference of the other States or the citizens thereof, 'with a view of dictating to the slaveholding 'States, on this difficult and delicate subject, and 'particularly by insisting on an immediate aboli- 'tion of domestic slavery, is a violation of the 'spirit of that Constitution.

"*Resolved*, That this meeting, while it depre- 'cates and will discountenance all tumultuous and 'disorderly proceedings on the great question of 'slavery which now agitates the public mind, can- 'not but deem anti-slavery associations, formed 'for the purpose of disseminating, either by them- 'selves or their special agents, the principles of 'immediate abolition of domestic slavery in all 'the States of the Union where it exists, highly 'inexpedient, and injurious to the slaves them- 'selves; and this meeting cannot also but consider 'the circulation of pamphlets and other publica- 'tions in the slaveholding States and elsewhere, 'denouncing all those holding slaves under the 'sanction of the laws of those States as 'man- 'stealers,' and representing, either in words or 'by pictures, all slaveholders indiscriminately as 'guilty of cruel and barbarous treatment of their 'slaves, to be highly reprehensible, calculated not 'merely to disturb the harmony of the States, 'but to promote a servile war, and to destroy the 'Union itself."

Is it supposed that the reckless principles, and violent measures of modern Abolitionists, are calculated to build up a body of public sentiment at the North, unfriendly, injurious, and hostile to the South? Far from it. Those who believe this, know little of our population. Their tendency has been directly the contrary. They have aroused attention, and excited a spirit of inquiry, which, have produced, not only a reprobation of the violent measures of the Abolitionists, but a decided and settled conviction that it is morally wrong for the people of one State to interfere, in any manner, in the local concerns of others, and especially in the delicate question of domestic slavery —that such interference has a direct tendency to destroy the confidence which should exist between the different sections of the Confederacy, and thus to jeopardize the Union, which can be sustained only by public opinion.

That such has been the influence of the rash proceedings of these fanatics, in the State whence I came, I am fully assured. Previous to these events, there were some Abolitionists among us. I know of some who are Abolitionists no longer, or at least, deem it prudent to keep their opinions to themselves.

Sir, I can state a fact that shows the force of public opinion developed by the measures of the fanatics. A short time previous to their proceedings becoming known, petitions were sent into different parts of the State, to be circulated for signatures, and intended to be presented to Congress, praying for the abolition of slavery in this District. These were generally sent to clergymen—from my situation, in connection with the mails, I was enabled to ascertain these facts. But, sir, not one of these numerous petitions has been sent here; there is not a single petition from Connecticut on the subject of slavery in this District. Sir, public opinion must be respected; the indignant voice of the people, aroused by the conduct of the Abolitionists, put a stop to this movement. Does this look like building up a body of public sentiment, favorable to the cause of Abolitionism?

And here permit me to correct an error which the gentleman from South Carolina and others seem to have fallen into. They speak of the tracts and publications, issuing from the Abolition mint, as being extensively circulated and read by the people of the North. This is an entire mistake. I do not believe that one person in a hundred has ever seen one of these publications; no one desires to read them; and there is not, so far as I have been able to discover, even a curiosity to see them. I have no doubt that a large portion of those sent through the mails are not taken out of the post offices. This I know was the fact at the office of which I had the charge: even persons, supposed to be Abolitionists, declined to receive them. Were I to seek for these publications, or copious extracts from them, I would look into the columns of the newspapers I have referred to; and I might also find them, or parts of them, by looking into the speeches of members of Congress who profess to be most alarmed at their circulation.

This Abolitionism of the new school is an *excitement*, and like all other excitements, it will soon pass away, unless kept alive by persecution, or some other unjustifiable and unwise measures of resistance to it, and not leave a trace behind. This, sir, is an age of excitements; almost every year is characterized by some excitement. A few years since, we had in my section of the Union an excitement in relation to the mails being conveyed on the Sabbath; numerous petitions were sent to Congress to interpose and check this national sin, as it was called. This was followed by the Indian excitement, and petitions were again circulated and sent to Congress in behalf of the poor Indians. These petitions, in both of these cases, were also signed by females; and I will state one fact concerning them. Those circulated in Connecticut, in behalf of the Indians, were printed at Andover, Massachusetts; and the petitions in relation to slavery in this District, to which I have referred, it is altogether probable come from the Abolition mint in New York.

What has become of the Indian excitement? It would be difficult now to find a man who would admit that he had any agency in it. In 1834 we were visited with an excitement which surpassed all others; it was commonly called the *panic* excitement. For a time it threatened universal desolation—the stoutest hearts quailed before it. It was like the pestilence that walketh in darkness and wasteth at noon-day. The ordinary barriers of law, Constitution, and even the sacred institution of the Sabbath, seemed to yield before its desolating sway, which, in the opinion of some, brought us to the very verge of a revolution. Whether anything was heard or known of this panic here, I cannot say, as I had not the honor of a seat in the Senate. All that I know is, that the mails, during the whole session, groaned under the weight of panic speeches, all calculated to convince the people that they *really were distressed*, whether they were sensible of it or not; and to persuade them that the only way to remove the evil was to *increase its severity*, as quacks inform their patients that the only sure means of a cure are to aggravate the disease. This excitement, terrible as it was, soon passed away; and far be it from me to wish to revive it. Peace to its ashes!—may they long repose undisturbed, unless scattered by the winds of heaven over the vast "solitudes" of the West, whether lakes or prairies!

Such, sir, will be the issue of the Abolition excitement of 1835. It will not be in the power of agitators and evil disposed persons, either at the North or the South, to keep it alive for any length of time; much less will it have the effect of producing settled convictions and opinions in one section of the Union hostile to another.

Sir, was this to be apprehended, I will admit it would be an evil of the most alarming character. This has once been tried at the North, under circumstances more favorable for success than will probably ever again occur. Sir, when disaffection —I will not say to the Union, although that has been charged by others—when disaffection to the Administration and the principles of it prevailed extensively at the North, and had sunk deep into the hearts of the people, the leaders of a great party attempted to build up and consolidate their power by exciting unworthy prejudices against the people of the South. The slave population, and the fact of its forming in part the basis of Federal representation, was the principal ground on which the structure of sectional prejudices was attempted to be erected. This scheme was commenced early. I think it was in the year 1736 that a series of essays, written with unusual ability, were published in a newspaper in Connecticut, standing high in the confidence of the dominant party, agitating the slave question, and designed and calculated to excite prejudices on that subject.

This first effort was followed up from time to time, and especially at periods when the disaffection to the Government here was most extensive and violent, as during the embargo restrictive measures and the war of 1812. These measures the people were told, and calculations made to prove the statement, were carried through and sustained by a representation in Congress based on the slave population. These unworthy efforts to infuse into the minds of the people prejudices against the South, were not confined to the complaint on account of slave representation, but in many instances extended to the institutions in the slave States, and the condition of the slave population. The first essays to which I have alluded declared that the slaves of the South were as much the property, absolute and indefeasible, of their masters, as in Connecticut cattle were of their owners. They were declared to be the cattle of the South, and it was said they were treated no better than brutes. This scheme of sustaining party domination, by sectional prejudice, was persevered in for a series of years, and until December, 1814, when it was finally abandoned and received its quietus by what has been called by a distinguished gentleman now in the other end of this Capitol, a "catastrophe." Among the complaints published to the world by those connected with this "catastrophe," were those of slavery and the Federal principle of representation as regards the slave population.*

* "A most elaborate set of papers was then published in 'the city of Hartford, in Connecticut, the joint production 'of an association of men of the first talents and influence 'in the State. They appeared in the Connecticut Courant,

But this great experiment, sustained by a powerful combination of talent and immense wealth, and favored by strong party feelings, did not succeed. These great and persevering efforts, aided as they were by the circumstances of the times and deep party animosities, failed in building up a body of public opinion at the North unfriendly, hostile, and injurious to the interests and character of the southern States. The feelings and prejudices which were engendered were evanescent, and passed away with the exciting causes which produced them. The good sense and honest purposes of the people defeated this political scheme, and proved the safeguard of the Union, as they will at the present time.

Sir, if the Democracy and the people of the North have been found capable of withstanding such combined efforts as these, is it to be supposed that they will be seduced from their fidelity to the Union, and the duty which they owe to their fellow-citizens in other States, by the visionary and reckless schemes of modern Abolitionists? No, sir! public opinion among the great body of the inhabitants at the North is *sound;* it was never sounder. I think I may say that those I in part represent are an intelligent people, and sure I am that they are a calculating and practical people, who will engage in no scheme or measure, however plausible or correct in theory, without looking to its consequences and practical results. They know their rights, springing from their Federal relations, and are not less sensible of their duties both to the Union and the people of the other States.

But it seems to be thought by some that the slave States ought to have some better safeguard against the designs and schemes of the Abolitionists than public opinion. What better can they have, so far as respects the non-slaveholding States? Is it supposed that laws would be more efficacious? Sir, public opinion is the element of all power in this country: it is stronger than all laws; and without which, laws are as the spider's web. Sir, I assert a principle, which is confirmed by the history of the world. It is this: that evils existing *in popular* opinion, can only be corrected *by popular* opinion. This is the rightful and proper remedy. This noble sentiment was beautifully expressed by Mr. Jefferson, when he said, "that error of opinion can never be dangerous, as long as reason is left free to combat it."

All attempts to correct errors, on the subject of abolitionism by legislation, would be like the attempts of a former age to put down heresy by penal laws. I do not speak of acts, but of opinions. The right of discussion, or the entire freedom of the press and of speech, as applicable to the subject of slavery, as it exists in this country, must not be invaded or curtailed, to obviate any temporary evil, or to meet any particular emergency. This, sir, the people I in part represent will never submit to. Vigilant and jealous of their rights, they hold these privileges as too sacred, to suffer them to be impaired in the slightest degree, as a means of correcting any temporary disorder. The entire freedom of discussion on this subject, is, I verily believe, the only effectual means by which abolitionism can be checked and put down. Sir, truth and reason are the natural antagonists of error and delusion. If there are periods of excitement when their efficacy is impaired, they must be short, and the time soon comes when the voice of reason and the force of truth will sink deep into the heart of man.

Sir, I will make one more observation. The organization of a geographical party in any section of the Confederacy, based on the supposed peculiarity of local rights and interests, or on sectional prejudices and animosities against the people of another section of the Union, must ever be regarded as an evil of the most alarming character. The sagacious mind of that great and good man who, whether in the field or in council, was first among Americans, foresaw this danger, and in his last solemn testament warned his countrymen against it. He told us that artful and designing men would attempt to organize local parties, and acquire popularity and power by misrepresenting the feelings and sentiments of the people of one section of the Union towards those of another. This is the true secret of all such operations, and of the success, be it much or little, which attends them.

Sir, if there are at this time, either at the North or the South, any factious and restive spirits, men who are not above that last infirmity of noble minds, ambition, who have been disappointed in their attempts at acquiring power in the Union, or who are not satisfied with their prospects—if there are any such who are now seeking to organize a sectional party by agitating the question of Abolitionism, let me conjure them, as they value their own reputations, as they regard the sacred union of these States, as they cherish the peace and happiness of their fellow-citizens, *to pause* before they proceed in a career which, if it fail, will cover them with disgrace; if it succeed, will overwhelm their country with calamities, and confer on them the unenviable reputation of being the *authors of them!*

I have done, sir, with this branch of the subject. I have candidly, impartially, and fearlessly declared what I believe to be the prevailing sentiments of the great body of the people, of all parties, in at least one of the States of this Union.

If what I have said shall have any effect, however small, to quiet the excitement, to allay unfounded alarms, or to inspire confidence in that quarter where danger is most apprehended, I shall be amply compensated for my labor.

I have not stated, nor given, any opinion as to the number of Abolitionists there may be in Connecticut, nor will I say whether I think there is one person in ten, twenty, or one in a hundred, or one in a thousand of the population. I can, however, say, sir, that I do not *know* of a single individual who avows himself an Abolitionist of the new school, and approves of the violent measures of the active agents of that cause. There may, however, be more than I suppose, but I am confident their number must be small.

Sir, it now only remains for me to submit a few remarks on the particular question before the Senate; and as I have been anticipated on this point in some measure by the gentleman from New York, [Mr. TALLMADGE,] whose observations have been so full and satisfactory, I shall say less on this question than I might otherwise have done.

I will briefly state my objections to the motion. I am opposed to it for two reasons: the first is, that I consider it wrong in principle, and a violation of the spirit of the Constitution; the second is, I believe it inexpedient, and calculated to aid the cause of Abolitionism. Sir, I have heard with surprise the very low estimate which some gentlemen seem disposed to put on the constitutional right of the people to petition Congress for the redress of grievances. Some Senators appear to limit and contract this privilege to the smallest possible point; to regard it as nothing more than a private right, or the privilege secured to individuals of applying to Congress for the redress of some private injury, as the payment of a just debt, or the obtaining compensation for private property, taken or destroyed under the authority of the Government of the United States. As a nation cannot be sued, the right of petitioning in this limited sense must exist in all countries, whatever may be the form of government, and however despotic. I have a very different view of this question, and regard the right of petitioning as an important political right, and one which should be held sacred. This, like many other of our political principles, was derived from that country from whence our ancestors came; it is an English principle, and has been ingrafted into our institutions, as have many other principles of liberty which owe their origin to that country. The right of petitioning was at an early period asserted by the people of England, and at different epochs has been recognized and established as a fundamental principle of liberty; and the ideas of our ancestors in regard to it were derived from this source.

I do not consider the right of petitioning as depending entirely on the first article of the amendments to the Constitution. I believe it exists independent of that article, and is incorporated into the texture of the Government. It springs from the form and principles of our institutions. Sir, this is a popular Government; the sovereign power resides in the people; and the depositories of it were established by them, and rest on no other foundation than their will. Public functionaries of every description are the agents of the people, authorized to perform certain duties for their benefit. Does it not result from the very nature of a Government so entirely popular as this, that the people have a right to present their complaints or desires to Congress in relation to every subject?

Within some years past, as well as at former periods, we have heard much concerning the doctrine of instruction; and if that principle is a sound one, and can be sustained as incidental to our popular institutions, surely the right of petitioning cannot be questioned. The people, who appoint public agents, must possess the right to lay their complaints and wishes before them. I think, however, this great privilege is sufficiently secured by the first article of the amendments of the Constitution. This guaranties the right of the people to assemble and petition Congress for redress of grievances.

It has been contended that this provision goes no further than to secure the privilege of petitioning for redress of personal grievances; and when it does not appear that petitioners complain of grievances to themselves, they have no right to come before Congress. This would be a very illiberal and unreasonable construction of this article in the Constitution. It would be limiting it to cases of private redress only. It ought to receive a liberal and reasonable construction, favorable to liberty and the rights of the people. The intention, no doubt, was to secure an important political right: it is embraced in the same article which guaranties the liberty of speech and the press, and the free exercise of religion. It is also said that this amendment only provides that Congress shall make no law prohibiting the right of the people to assemble and petition; and that it does not prevent either House from refusing to receive a petition. This is a technical construction. The true import of the language is, that Congress shall do no act to take away or limit the right of petitioning. Whether Congress obstruct this right, by law or in any other way, the consequence is the same. It was remarked

---

' published by Hudson and Goodwin, two eminent printers ' of, I believe, considerable revolutionary standing.

"These essays, under the signature of Pelham, were ' republished in Philadelphia, in a paper called the New ' World, edited by Mr. S. H. Smith. For eighteen years, ' the most unceasing endeavors have been used to poison ' the minds of the people of the eastern States towards, and ' to alienate them from, their fellow-citizens of the south- ' ern. The people of the latter have been portrayed as ' demons incarnate, and destitute of all the good qualities ' which dignify or adorn human nature. Nothing can ex- ' ceed the violence of these caricatures, some of which ' would have suited the ferocious inhabitants of New Zea- ' land rather than a civilized or polished nation."—*Olive Branch*, 1815.

Extract from Pelham's Essays.

"Negroes are, in all respects, except in regard to life and ' death, *the cattle of the citizens of the southern States.* If ' they *were good for food, the probability is that even the* ' *power of destroying their lives would be enjoyed by their* ' *owners as fully as it is over the lives of their cattle.* It can- ' not be that their laws prohibit the owners from killing ' their slaves because those slaves are human beings, or be- ' cause it is a moral evil to destroy them. If that were the ' case, how can they justify their being treated in all other ' respects like brutes, for it is in this point of view alone ' that negroes in the southern States *are considered in fact* ' *as different from cattle.* They are bought and sold—they ' are fed or kept hungry—they are clothed or reduced to ' nakedness—they are beaten, turned out to the fury of ' the elements, and torn from their dearest connections, ' with as little remorse as if they were beast of the ' field."

"The northern States can subsist as a nation, a Republic, ' *without any connection with the southern.* It cannot be ' contested, that if the southern States *were possessed of the* ' *same political ideas, a union would still be more desirable* ' *than a separation.* But when it becomes a serious ques- ' tion, whether we shall give up our Government *or part* ' *with the States south of the Potomac*, no man north of that ' river, *whose heart is not thoroughly Democratic*, can hesi- ' tate what decision to make."

by the gentleman from Louisiana that the people had a right to petition, and we had a right to refuse to receive their petitions. This is setting one right in opposition to another. If I held that Senator's note for one thousand dollars, this would give me the right to demand of him that sum of money; but if he possessed the right to refuse to pay it, my right would be of very little value.

Rights and duties are reciprocal; if the people have a *right* to petition Congress, it is our *duty* to receive them. I cannot consent to limit or restrain this right in any degree whatever: I would receive a petition, let the subject or prayer of it be what it might, even if it was to abolish this Government. The people have a right to present their wishes here, and I would receive them, let them be ever so extravagant or absurd. Are any evils to be apprehended from this? If the object of a petition is unconstitutional or absurd, we need not be afraid of it; and can dispose of such a petition with very little trouble. I cannot vote against receiving a petition for any other reason than its containing language insulting towards the Senate, or some member of it; and such a petition I would refuse to receive solely on the ground that I should not regard it as *bona fide* a petition. I should consider the petitioners as having made use of the forms of petitioning Congress, when their real purpose was to offer an insult to the Senate, or some member of it. Like other bodies, we must protect ourselves from contempt or insolence.

The Senator from Vermont [Mr. SWIFT] seems to consider that there is no difference between a motion that a petition be not received and a motion to reject the prayer of it. I think the difference is very great and material. The result, it is true, is the same in the latter as in the former case. The object of the petitioners, in coming here, is not attained; neither is it, if the petition is referred to a committee, or disposed of in any other way, unless Congress should come to a conclusion favorable to the views and wishes of the petitioners. In ordinary cases, it is true, it is usual and proper that there should be an inquiry, in some form, into the truth and merits of a petition; but when, from the face of the petition, it is manifest that the prayer cannot be granted, there is no occasion for an investigation, and no sort of impropriety in a motion to reject the prayer of the petition. It was, I presume, on this view of the matter, that the honorable Senator from Pennsylvania [Mr. BUCHANAN] made the motion to reject the prayer of the petition now before the Senate. He regarded it as one of those cases which did not require an examination into the merits of the petition, and therefore moved that the prayer be rejected. This motion is very different from that under consideration—to refuse to receive the petition. In point of principle the distinction is important; and we should be careful not to weaken or undermine any of the essential principles of liberty—of which the right of petitioning is one, and associated with those great political rights—the freedom of speech and the press, and the free exercise of religion.

But did not this motion involve any sacrifice of principle, did it not conflict either with the letter or spirit of the Constitution, I could not vote for it. It is inexpedient, and calculated to keep alive rather than to repress the spirit of Abolitionism. To refuse to receive their petitions, is probably the very course the Abolitionists would wish Congress to pursue. This would, at least, have the appearance of injustice, if not of persecution. Will you shut your doors in the face of American citizens who wish to present any subject, no matter what, before Congress? This will be furnishing them with a ground of complaint; it will excite sympathy, and tend to form a collateral issue, intimately connected with Abolitionism; it would be putting a weapon into their hands which they can use to advantage. I would not give this class of persons any advantages by treating them unjustly, or denying to them any rights to which they are entitled in common with any American citizen.

They are now in the wrong; public opinion is against them, and I would be careful to give them no advantages—to do no act calculated to check the strong current which is setting against their proceedings. I should be sorry to see, either here or elsewhere, any course pursued towards these misguided and mistaken men calculated to keep up an excitement which the peace and best interests of the country require should be allayed. Nothing but injustice or injudicious measures in opposition to their proceedings, can prevent a speedy extinction of the spirit of abolitionism among an intelligent people, who, jealous of their own rights, will be careful not to invade the rights of others—a people with whom truth and reason bear a controlling sway; and public opinion is the supreme law, from which there is no appeal. Sir, I have done; my principal object was to state freely and fully what I believed to be public sentiment on this subject, in its various aspects and bearings, in at least one of the northern States, where early and persevering efforts have been made to introduce the principles and spirit of modern Abolitionism, but I am happy to say with very little success.

ABOLITION PETITIONS.

REMARKS OF HON. A. VANDERPOEL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1836,

On an Appeal from the Decision of the Speaker in relation to Abolition Petitions.

Mr. VANDERPOEL said that his mind had not at first been altogether free from doubt or difficulty on this question; but his reflections had brought him to the conclusion that the Speaker was wrong; and he would now briefly submit the reasons that had brought him to such result.

On the 8th of February last, an honorable gentleman from South Carolina, [Mr. PINCKNEY,] for the very desirable and laudable purpose of establishing some mode by which these agitating abolition petitions could be disposed of, without a most useless—nay, a most exciting and mischievous debate, introduced a series of resolutions, which, after some debate, were adopted by a most overwhelming majority of this House; the first of which is the only one which is material to the consideration of the question now under discussion, and is in the words following:

"*Resolved*, That all the memorials which have 'been offered, or may hereafter be presented to 'this House, praying for the abolition of slavery 'in the District of Columbia, and also the reso-'lutions offered by an honorable member from 'Maine, [Mr. JARVIS,] with the amendment there-'to, proposed by an honorable member from Vir-'ginia, [Mr. WISE,] together with every other 'paper or proposition that may be submitted in 'relation to this subject, be referred to a select 'committee, with instructions to report adversely 'to the prayer of the petitioner, and according 'to certain requisitions contained in the resolu-'tions."

Subsequently to the adoption of these resolutions, an honorable gentleman from Massachusetts [Mr. BIGGS] presented a petition for the abolition of slavery in the District of Columbia. The question which had so often been agitated was again made by an honorable gentleman from Virginia, [Mr. WISE,] whether this petition should be received, and was about to be discussed at length, when it was urged by an honorable gentleman from Ohio [Mr. VINTON] that the question of reception could not now be contested or debated, because the House, by the adoption of the resolutions of the gentleman from South Carolina, had established a general uniform rule as to the manner in which these petitions should be disposed of. The Speaker decided that the question of reception was still open to objection and debate, and from that decision an appeal has been taken, which is now the subject under consideration.

Mr. V. said that in order to determine the import, scope, and effect of the resolutions introduced by the honorable gentleman from South Carolina, it was pertinent to inquire what *object*, what *purpose* induced the presentation of those resolutions, and what circumstances attended their introduction into and passage through this House? It was well to inquire what was the old rule—what was the mischief; and then we could determine what sort of remedy was intended to be provided. Need he ask any gentleman what was the avowed object of the honorable mover of the resolutions in bringing them to our consideration? It was, as all would readily answer, to avoid those interminable, unprofitable, and most "*incendiary*" debates which had previously attended the introduction of every one of these petitions. The public mind at the South was said to be in a high state of agitation; it was highly important that it should be quieted, and all reflecting men could not but perceive that the constant and excited discussions here, on the introduction of these petitions, were calculated to accomplish anything but to quiet the troubled waters. They could only serve to impress the Abolitionists of the North with the idea that they *had* become, or *were becoming*, wonderfully formidable, and increase the apprehensions which the slaveholders of the South so naturally cherished. The animated and ofttimes bitter discussions, provoked so constantly here by the offer of these petitions, could only serve them to do mischief at both ends, to stimulate the Abolitionist to greater exertions, and increase the alarm of those upon whom their mischievous doings were designed so prejudicially and disastrously to operate. It was highly important, then, that some movement should here be made, that some plan should here be adopted by which the mischievous consequences of constant discussion and agitation here might be avoided; and that very large and decided majority which voted for the resolutions of the gentleman from South Carolina hailed *his* proposition as the sure, the acceptable means by which the evils which we had so long encountered might be thereafter avoided. The source, too, from which they emanated (a gentleman from a slaveholding State) was well calculated to make the remedy which he intended to work more complete.

It is not assuming too much, sir, to suppose and affirm that all who voted for his resolutions did so under a conviction that this whole subject had received its quietus, at least, till after the report of this instructed committee should come in; but now, sir, if we sustain the decision of the Chair, and adopt the course contended for by the gentleman from Virginia, [Mr. WISE,] then we will, indeed, have labored in vain to dispose, even *for a season*, of this troublesome subject. All the fond hopes of those who supported the resolutions of the gentleman from South Carolina will be blasted, and a conflict, unprofitable as it is mischievous and painful, will again be commenced on this floor. He begged gentlemen to look to consequences before they voted upon this question.

Mr. V. contended that the resolutions of the honorable gentleman from South Carolina, [Mr. PINCKNEY,] now that they were adopted, had all the force and efficacy of a standing rule of this House; and when we recurred to the manner in which they were introduced here, we would be more ready to admit that they had all the essential characteristics, and should, therefore, have all the force of a standing rule. Were they introduced in reference to, or provoked by, any particular petition? No. The honorable gentleman from South Carolina had offered them as *independent propositions*, not applying to any particular isolated petition or document, but as general rules to dispose not only of the Abolition petitions that had been presented, but to direct the disposition of those which might afterwards be presented. It was competent for a majority of this House to establish a general rule, and then it could be rescinded, in reference to a particular case, only by a vote of two thirds of the House. If it was competent for the House to establish standing rules in relation to any subject of great interest to the nation, (which no gentleman would deny,) then this was, to all intents and purposes, *one of the standing rules of the House*, which directed that "all petitions which might thereafter 'be presented, should be referred to a select com-'mittee, with instructions to make such a report

'as should guard against the future influx of these 'agitating documents into this Hall."

How can gentlemen, then, in the face of this standing order, or rule of the House, object to the reception of the petitions? Sir, (said Mr. V.,) I voted for the resolutions—and so, according to the most obvious rules of common sense, must every gentleman who voted for them, have voted for them—on the assumption that the petitions, if presented, would be *received;* for, sir, the *reference* of the petitions, which the resolutions so emphatically order, presupposes the *reception* of them. You cannot *refer* a thing to a select or a general committee before it is *received;* and he was sorry to hear his honorable friend from North Carolina, [Mr. BYNUM,] a few days ago, contend that he did not consider the resolutions as imposing any obligation to receive these petitions. He did not consider the reception of them as so very respectful to the petitioners, when they were referred for the very purpose of not only procuring the rejection of their prayer, but of calling forth such arguments and expostulations as should guard against our being troubled with them hereafter. To receive a thing for the purpose of killing it, was not, in his humble estimation, such a reception of it as was objectionable on the score of *respect to those who sent it here.*

But gentlemen tell us they want discussion. They do not like to be muzzled when these petitions come here. Sir, (said Mr. V.,) how completely has the policy of a certain section of this country changed within a few short years. He well recollected that, less than two years ago, upon the introduction of one of these petitions praying for the abolition of slavery in the District of Columbia, a discussion was commenced in relation to it, in which some gentlemen from the South evinced a disposition to participate, when an honorable and distinguished gentleman from Virginia, whose great experience gave him a well merited influence here, [Mr. Archer, now not a member,] rose in his place, and admonished southern gentlemen, by every consideration of regard to their great interest, not to discuss this matter.

The SPEAKER interrupted Mr. V., and said he was traveling out of the legitimate range of debate.

Mr. VANDERPOEL said he had many things more to say, but he was apprehensive that he would be obliged very soon to choose the alternative which his friend from Virginia [Mr. GARLAND] had just submitted to with so much grace—namely, *take his seat,* and forego the residue of his speech. He would, however, before he closed, remind the House on what grounds the reception of these petitions was objected to before the adoption of the resolutions of the honorable gentleman from South Carolina.

Mr. GARLAND called Mr. V. to order, and the Speaker decided that he was out of order.

Mr. VANDERPOEL then concluded by remarking that, for the reasons which he had already urged, and for ninety-nine other reasons that he could have urged if he had not been arrested by calls of order, he would vote to reverse the decision of the Speaker.

HEIRS OF JAMES LATHAM.

REMARKS OF JOHN REYNOLDS,

OF ILLINOS,

IN THE HOUSE OF REPRESENTATIVES,

February 27, 1836.

A bill for the relief of the heirs of James Latham, deceased, provides that the heirs be permitted to enter a quarter section of land, by virtue of a preëmption, in the State of Illinois. Mr. VINTON, of Ohio, moved an amendment in the committee, which was adopted, that restricted the location to lands that are now in market.

Mr. REYNOLDS, in opposition to the amendment, remarked that he was satisfied the Committee of the Whole House, who had acted on this subject on yesterday, did not fully comprehend it, or else a different decision would be given.

It is no disparagement or insult to the judgment of this honorable body that they did not understand a subject that was not interesting to them, and of but small import to any one except the parties concerned in it. He coincided with the opinion of his friend from Louisiana, [Mr. GARLAND,] that the House had not sufficiently considered the subject, and had not examined it in all its bearings, or the opinion of the committee, which was pronounced, would have been different.

He said his object was simply to present the case of the heirs of Latham to the House for their consideration, and ask that justice be done their claim. He did not wish or expect to place the heirs in a situation better than the act of Congress found them; but should the amendment of the gentleman from Ohio [Mr. VINTON] prevail, they would no doubt have a very honorable notice taken of them, but, in point of fact and truth, a very unprofitable one.

On the subject of the public lands and preëmption rights there are arrayed two distinct classes of men. The primary object of one class is the accumulation of money by the sales of the public lands; while the great and leading policy of the other is the speedy and permanent settlement of the country. This great and leading difference of opinion arises, for the most part, in the minds of gentlemen, not from any selfish or interested motives, but from the very great and essential difference in the education of certain individuals, and the country in which they are raised. There is, in this vast Republic, which is extended over a great continent, such variety in the local situations, and in the different sections of the country, that there will be, from necessity, a great diversity of opinion among the inhabitants thereof. This we see verified every day; and it will continue to be the case so long as the causes exist as they now do.

Then it is not strange that the gentleman [Mr. VINTON] and he (Mr. R.) should not agree on this subject. They were raised and educated in very different sections of the Union. He [Mr. VINTON] was raised in the old and respectable State of Massachusetts, while Mr. R. said he was raised in the West, amongst the pioneers and *preemptioners* of that country. Mr. R. said he was proud, and considered it an honor to him, to be raised in the "far West," amongst a class of men that sometimes were traduced and called *squatters* and land pirates. It is this class of men, these brave and hardy pioneers, that first penetrated the wilderness and brought the country into notice and character; and it is to this class of men, that the Government is indebted for so many millions of dollars for the sale of the public lands. They converted the wilderness into a country highly improved, and productive of all the conveniences and comforts of man. These same pioneers did, and are always willing to defend their country in the hour of danger. On all occasions, knowing the merit and worth of these men, Mr. R. said he would advance their interests. It is on this consideration that the claimants, the heirs of Latham, who are honest and respectable citizens, are the subject of these remarks.

In order to understand the claim of the heirs, it will be necessary to refer to the act of Congress of the 5th February, 1813, which gave the right of preëmption in the following words, to wit:

"That every person, or legal representative of 'every person, who has actually inhabited and 'cultivated a tract of land lying in either of the 'districts established for the sale of the public 'lands, in the Illinois Territory, which tract is 'not rightfully claimed by any other person, and 'who shall not have removed from said Terri-'tory every such person and his legal represent-'ative, shall be entitled to a preference, in be-'coming the purchaser from the United States, 'of such tract of land, at private sale, at the same 'price, and on the same terms and conditions as 'are, or may be, provided by law for the sale of 'other lands sold at private sale in said Terri-'tory."

It will be necessary to state to the House that part of the Vincennes land district extended into the *then* Territory of Illinois; and, by some improper construction of the act of Congress, the settlers in the Territory of Illinois residing in the Vincennes land district were excluded from the benefits and privileges of the preëmption laws.

It may not be improper to remark that on many occasions these acts of Congress are construed to *death* by the officers who act on them. We have a memorable instance of it in the State of Illinois, in the case of the act of Congress, which contemplated relief to those individuals that lost horses in the Indian disturbance of 1832.

In order to relieve those citizens in the Territory of Illinois, an act of Congress passed on the 11th of May, 1820, which provided:

"That every person who would have been en-'titled to a right of preëmption in the said Vin-'cennes district, according to the provisions of 'the said recited act, passed the 5th February, '1813, had it been so construed to embrace them, 'shall be allowed to prove to the register and re-'ceiver, at Vincennes, that they would have been 'so entitled.

"And every such person, or his legal repre-'sentatives, shall, upon producing such certificate 'to the register of any land office in the State of 'Illinois, be allowed to enter one quarter section 'each, at the *minimum* price fixed by the United 'States, of any land which may be surveyed 'previous to the first day of September next, 'whether the same shall have been offered at 'public sale or not."

The ancestor of the claimants became the proprietor of a preëmption right, which is founded on these acts of Congress, and with it, on the 26th November, 1826, entered and located one quarter section of land, which included the ancient town of Peoria.

Mr. R. said he was informed, as he did not personally know the fact, that no person, except probably one individual, resided on the premises at the time of the location of the preëmption right. Mr. Latham paid into the receiver's office at Springfield, in the State of Illinois, the price required by law for this tract of land, and received the proper vouchers for the same.

The constituted authorities of Peoria county, under the act of Congress of 26th May, 1824, allowing a preëmption to the county for the use of the county, made some objection to the issuing of a patent to the heirs of Latham; and thereupon the patent never did issue.

The case between the heirs of Latham and the county remained thus unacted on until the last session of Congress, at which session an act was passed permitting the county to purchase the same premises which had been before that time located and entered by the preëmption right of Mr. Latham, reserving the right of the heirs to bring suit for the land in question.

This is a plain and simple narration of the facts as far as he knew them; and he believed them to be true, in relation to the case now before the House.

The gentleman from Ohio [Mr. VINTON] objects to this bill, as the claimants may select a very valuable tract of land, and even may locate it on a site for a town. This (Mr. R. said) may be true. Every one is justified to do the best they can with the means in their hands, so long as they act upright and honest in the transaction. Mr. R. said he would do so; and he had no doubt the gentleman from Ohio would do the same.

The heirs of Latham cannot locate their preemption right on a more valuable town site than Peoria was at the time of location. This town occupies one of the most beautiful sites in the State of Illinois, or in all the West. It is situated on the Illinois river, at the lower end of Peoria Lake, and in the center of the most fertile and desirable region of country in the State.

This site attracted the attention of La Salle and Father Hennepin in their first exploring expeditions to the West from Canada, in the year 1680. Their successors, of all nations and colors, who have visited this place, approve of their taste and judgment in selecting this position for a fort and town. It will at once be seen that the heirs of Latham cannot locate their claim on any place in the State of Illinois that will now be more valuable than the site of Peoria was.

The gentleman from Ohio says they may resort

to a lawsuit and recover their rights. This remedy to recover the rights of the heirs is slow and expensive. It is attended with difficulty to prosecute the claim through the various courts before a final hearing and decision could be had. And, in the mean time, the town, which is now in such flourishing condition, would wither and die. It need not be named to this House that a town in dispute will not improve and prosper. This consideration will weigh powerfully with this honorable body in the decision of this case. The Congress of the United States have the power of doing justice to these heirs, and at the same time continuing the flourishing prosperity of one of the most promising towns in the State of Illinois.

This case does not present a new and dangerous principle in the policy of our land system. It falls within the principles and policy which have been adopted and acted on from the commencement of the present system.

In the year 1800, the first right of preemption which he discovered in the law books was given in the country where the gentleman from Ohio [Mr. VINTON] resides, to persons who had erected mills, or who had commenced them. This policy has never been abandoned from that time to the present; and Mr. R. hoped in God it never would be while the Government owned one acre of land in the United States.

From the year 1800, down to the present time, there have been passed thirty or forty, or perhaps more, acts of Congress allowing the right of preemption. It is the settled and acknowledged policy of the Government. There is, at the present time, a preemption law in existence, which will not expire until next June. This has been the course pursued by the Government for almost forty years. This policy is founded on equitable and just principles, which constitute a part and parcel of our land system. He hoped its propriety and justice would not now be either questioned or disturbed in this or any other case. A single moment's reflection will rivet it strongly in the breast of every patriot and friend to justice and humanity. The preemption system comports with the views of those individuals who think the public lands ought alone and singly to be considered and used for the benefit of the Treasury of the United States. And it is also strongly and warmly recognized by those persons who think the primary object of the public lands is to have on them actual and *bona fide* settlers and farmers.

If we desire the accumulation of money in the Treasury, to grant the right of preemption to farmers will accomplish this object. The lands adjacent to these preemptioners will sell higher and more rapidly, and be enhanced in value by being in the vicinity of improved lands. This will be recognized by all who have witnessed the operation of the preemption system. In this view of the case the Government is greatly benefited in the Treasury by the policy.

The other class of people is pleased with the preemption system because the country is settled and improved. The lands are in the hands of the citizens; and the States in which the public domain is situated can exercise complete and sovereign jurisdiction over the lands by taxing them, and performing other acts of sovereignty, which they now *forbear* to do. And what is still more, and better, it secures to the actual settler a home and fireside of his own. He is then, what every farmer should be, the lord of his own soil. It inspires him with confidence in his Government, and demonstrates to him, what is the proudest appellation on earth, that he is a "free and independent American citizen."

Another great consideration is to the farmer, that he is secured in his possessions from the devouring rapacity of speculators. His little farm and possessions, for which he has toiled and labored to make, will be saved from the grasp of the cold and heartless miser. The poor, but honest man, may have spent all his means, and much of his time and labor, to improve a tract of the public lands; then to lose it is too much to bear. The preemption system will preserve it, and the Government not be injured in any manner whatever.

The case of the heirs of Latham is founded on these principles, which have been so long recognized by the acts of the Government and the people that they are as immutable almost as the Constitution of the country.

Mr. R. said he desired no more nor less than these principles and policy be applied to the case now before the House. Although it is an isolated case, yet if it does not fall within the general principle which is recognized by the laws of Congress, he did not expect or wish it to pass.

The gentleman from Ohio suggests the consideration that there may be *fraud* in this matter. In relation to this charge, Mr. R. said he would vouch for the character of the claimants—that they sustained the reputation of honest and correct men; so was their father. Fraud is a kind of charge that may be made, with some plausibility, against any transaction whatever. The Scriptures themselves have not been entirely clear of the charge, yet the great mass of mankind give the allegation no credence whatever.

In fact, there can be no fraud gathered from the transaction; and we *cannot* presume fraud when there is no foundation for it.

It appears, from the report of the committee, that the assignment or transfer of the preemption right to Latham was acknowledged by the public officers at the land office in Springfield, and the preemption located. Latham, being the assignee, no doubt, for a valuable consideration, has the same right as the original preemptioner had, under the laws of Congress; and so the register at Springfield has decided, by permitting him to locate it on the lands of the United States.

It appears that the heirs of Latham, having legally located the preemption, had a good right to the premises, except by the act of Congress of the last session; and as the act of Congress deprived them of their right, and left them only the privilege and lean blessing of a law suit, it is just and proper that Congress should relieve them, and place them, as near as practicable, in the situation they found them.

In answer to the gentleman from Ohio, Mr. R. said he would present the views of the great and talented statesman, Alexander Hamilton, to repel the argument that the accumulation of money in the Treasury ought to be the sole object of Government in the disposition of the public lands. This great and wise man, on the 20th of July, 1790, while in the office of the Secretary of the Treasury, reported, "in obedience to an order of the House of Representatives," that there appeared "two leading objects" of consideration; one to raise money, and the other to settle and improve the country, in the disposition of the public lands.

The *first* "leading object," which was to raise a revenue, has been fully accomplished. The only misfortune and trouble with the Government now is to know what to do with the surplus revenue in the Treasury. The tariff laws, which established what is sometimes called "the compromise system," will provide for more revenue, without the income on the public lands, than will be necessary for the ordinary operations of the Government.

This being the case, there is now remaining in the Secretary's report but "one leading object," and that is to settle and improve the country, in which he hoped the gentleman from Ohio would aid and assist.

If it be necessary, (Mr. R. said,) he might present to this House the repeated and urgent recommendations of the Executive of the United States, "that the public lands shall cease, as soon 'as practicable, to be a source of revenue, except 'for the payment of those general charges which 'grew out of the acquisition of the lands, their 'survey, and sale." These continued recommendations, coming from the Executive of a great nation, and from a President than whom no President in the Government ever stood higher, or more esteemed by the people, must have weight on this subject with all classes of mankind, and even with the gentleman from Ohio himself.

The President has, in all his messages, taken high and elevated views of policy throughout the whole Union. He has recommended strongly such measures to be effected on the seaboard as will be greatly beneficial to the Atlantic States: so has he, in various messages, for many years, urged to Congress the propriety to reduce and graduate the price of the public lands. These measures will be alike, and Mr. R. hoped together, considered by Congress. Let the western farmers have the public lands at reduced prices, while the citizens of the Atlantic States receive *all* the public money for fortifications, light-houses, and other improvements.

The gentleman from Ohio has dragged before the House an isolated case from Chicago, in the State of Illinois, to show that Mr. Baubien had acquired a great fortune by his preemption right, and that the heirs of Latham might do the same. He said the preemptioner, Mr. Baubien, was "a sutler," &c. Mr. R. said he was at Chicago a few days after the sale was made to Mr. Baubien by virtue of his preemption right, and thereby became acquainted with the transaction. He had, since his arrival *here*, received documentary evidence on the subject, and presumed he could speak knowingly as to the *whole* transaction.

Mr. Baubien was not a sutler, nor sold whisky. If he did, in our State there is no law or public opinion established to exclude sutlers and sellers of liquors from the privilege of the preemption laws. With us, we act on the principle of equality; we know no orders of nobility. Sutlers and liquor sellers are, like other citizens, permitted to come into the pale of our political church.

Mr. Baubien was once, but not at the time he made the purchase, the clerk or agent of the "Fur Company," so called in our country. Mr. R. said he was informed that Mr. Baubien was in the possession of the premises he purchased by virtue of his preemption right, for many years before the sale. He had long before the sale purchased the houses and improvements on the land in question, and had made other and further improvements on the land to a considerable amount of money.

Under the provisions of the preemption laws he presented himself before the proper officers, the agents of the Government, in the land office at Chicago, with satisfactory and conclusive evidence to entitle him, like other preemptioners, to the privileges of the preemption laws, and demanded his right. The officers of the Government had no choice left them. The land was not marked on the plat, "reserved from sale;" and they had no official evidence, verbal or documentary, to prevent Baubien from becoming the purchaser, by virtue of his preemption. The officers had no authority to prevent the sale.

Since Mr. R. came to this city, he has received copies of official letters, establishing the fact that the land purchased by Mr. Baubien was not reserved from sale, to the knowledge of the register or receiver at Chicago.

It is true, as the gentleman from Ohio says, the land purchased by Mr. Baubien was very valuable. But (Mr. R. said) there are many more fortunes in Illinois for enterprising and talented individuals. The gentleman from Ohio himself, if he has not a fortune already, can make one in Illinois; and so can any other person of enterprise and temperate habits. Making fortunes in our State is the order of the day; and if Mr. Baubien has been fortunate, hundreds and hundreds more have been, and will be equally fortunate in the State of Illinois.

Mr. R. hoped the fortunate case of Mr. Baubien would not defeat the heirs of Latham in their rights. He would propose an amendment to this bill at the proper time, which would go to prevent the claimants from entering with their preemption right any mineral land, or the improvement of any actual settler.

This last provision is almost useless, as no one *dare* to enter the improvement of a laboring man, although it may be on the public lands. There would be raised the *storms and tornadoes* of an insulted people, that would destroy the prospects of gain which might be attempted to be acquired in this manner.

Mr. R. remarked, in conclusion, that all he wished was to place the heirs of Latham in the same situation as the act of Congress of the last session found them.

SUFFERERS BY NEW YORK FIRE.

REMARKS OF HON. W. HUNT,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 18, 1836,

Upon the bill for the relief of the Sufferers by the great Fire in the city of New York.

Mr. HUNT said: Mr. Chairman, I am fully aware that *favors* may be delayed until all grace in conferring them must be lost; and I am equally aware that even a simple act of *justice* may come too late to effect its object. I am admonished of the truth of this sentiment by a letter now before me, from the city of New York, under date of the 15th instant—a letter from a source entitled to all credence, and not written with any view to this debate. In that letter, *action*, prompt and speedy action is called for; and I am told that, in case we do nothing, distress beyond description must be felt, and many failures *inevitably* take place.

Thus admonished, sir, and feeling, as I do, a deep solicitude in the *speedy* passage of the bill now before the committee, I shall not delay action by protracting the discussion beyond a few brief moments. Discussion on the part of the *friends* of this bill may well be spared, after the lucid, eloquent, and able appeals made by the gentleman from Massachusetts, [Mr. PHILLIPS,] and the gentleman from Ohio, [Mr. STORER.] The argument I could not *strengthen*, and most assuredly I should regret by any attempt of mine to *weaken* it.

My task is a very humble one. It is, in the first place, on behalf of my native State, to render my sincere thanks to those gentlemen for the *spirit* and *manner* in which they have rescued this bill from the reproach sought to be cast upon it; and, in the second place, to endeavor to obviate some of the objections (not particularly noticed by those gentlemen) urged by the gentleman from South Carolina, [Mr. PICKENS,] the gentleman from Kentucky, [Mr. HARDIN,] and the gentleman from Rhode Island, [Mr. PEARCE.]

Sir, it has afforded me unfeigned pleasure to listen to the manly defense here submitted of the characters of those more immediately interested in the provisions of this bill—the characters of your merchants—*coming*, as that defense has, from those connected with New York only by that silver cord of a common nature which in the social state binds man to his fellow, but which cannot be loosed without breaking the golden bowl, the pitcher at the fountain, the wheel at the cistern, and resolving society back into its original elements.

Sir, to the *character* of the merchant I wish to add but one further witness—a witness ranking amongst the greatest men of this or any other age; and I adopt the testimony of Dr. Chalmers, given in *immediate* reference to the English merchant, as applicable in all its freshness, force, and truth, to my own countrymen. He says:

"It might tempt one to be proud of his species 'when he looks at the faith that is put in him by 'a distant correspondent, who, without one other 'hold of him than his honor, consigns to him the 'wealth of a whole flotilla, and sleeps in the con-'fidence that it is safe. It is, indeed, an anima-'ting thought, amid the gloom of this world's 'depravity, when we behold the credit which one 'man puts in another, though separated by oceans 'and by continents; when he fixes the anchor of 'a sure and steady dependence on the reported 'honesty of one whom he never saw; when, with 'all his fears for the treachery of the varied ele-'ments through which his property has to pass, 'he knows that, should it only arrive at the door 'of its destined agent, all his fears and all his 'suspicions may be at an end. We know noth-'ing finer than such an act of homage from one 'human being to another, when perhaps the 'diameter of the globe is between them; nor do we think that either the renown of her victories, 'or the wisdom of her councils, so signalizes the 'country in which we live, as does the honor-'able dealing of her merchants; that all the glo-'ries of British policy and British valor are far 'eclipsed by the moral splendor which British 'faith has thrown over the name and the character 'of our nation; nor has she gathered so proud a 'distinction from all the tributaries of her power 'as she has done from the awarded confidence of 'those men, of all tribes, and colors, and lan-'guages, who look to our agency for the most 'faithful of all management, and to our keeping 'for the most inviolable of all custody."

Such, Mr. Chairman, is the character of the class of men who are now asking you for legislation.

The gentleman from South Carolina [Mr. PICKENS] supposes there are constitutional objections to this bill, arising under those sections of the Constitution which provide that "all duties, imposts, and excises shall be uniform throughout the United States;" and again, that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

The answer to this objection has, in my apprehension, been abundantly furnished by the gentlemen who have preceded me. If the objection be well taken, every fortification and every light-house you have erected have been in violation of the Constitution; and the practical construction given your Constitution has, from the commencement of your Government, been wrong. But, sir, again, whatever may be considered as the true construction of the sections of the Constitution above quoted, I submit that the bill under consideration is not obnoxious to the objection taken. The purport of its provisions is simply to regulate the *debts due the Government*. And strange indeed is the proposition denying to the Government, as a *creditor*, the power beneficially exercised (*for the creditor*) in dealing with the *embarrassed debtor*.

The gentleman from South Carolina also stated that the *English Government* had uniformly refused to interfere in cases of this description; that no relief had there been granted since the great fire in London. Sir, it may well be that the honorable gentleman has met with no *special* act of English legislation on this subject since the period referred to by him; but sure I am that upon reflection he will perceive that in England, for many years past, no particular legislation has been needed; for since her commercial law received its illustrations, its form, and symmetry, from the adjudications of her Mansfield, this subject has been amply provided for by general acts. The systems of the two Governments are different. The English is the warehousing system—ours is the system of cash duties and bonds. Should the time ever arrive in this country when our political men can turn their attention from the evanescent party politics of the day to the great and abiding interests of the nation, it will not, I apprehend, be difficult to satisfy them that much may be learned and advantageously copied from the English system. As early as the 43d of George III. an act was passed providing that the Government and its officers should not be liable to the owners of goods destroyed by accident in the warehouse, and also providing for the *remission* of duties. The provisions of that act were somewhat extended by acts of 3d and 4th William IV. The doctrine of remission of duties was not a new one, introduced by the act of George III. That doctrine was familiar to the people; but the act had become necessary, for the purpose of settling a vexed question in the English courts of justice—a question whether in case of loss of goods by any accident other than that termed the act of God, or the public enemies, the Government or its officers were not liable to the owner for their value, upon the legal principles of bailment.

Thus, sir, it will be seen that in England there is ample provision for cases like the one before the committee. Nay, the English acts cover vastly more ground than the bill before you. *They* provide for *remission;* this bill only provides for an *extension of credit*. It has been objected by the gentleman from Rhode Island [Mr. PEARCE] that the proposed bill makes the collector the *judge* of the sufficiency of the sureties offered. Is this, sir, any new provision? Will it clothe the collector with any *new power* which may be abused? He is *now* the judge in this matter. But, sir, pass this bill, and the Government will gain one important advantage—the right to claim new and undoubted sureties, in case the old sureties are not satisfactory to the collector. I will not enlarge upon this argument, but will submit that, in view of this wide-spread and desolating calamity, affecting materially all the relations of business, this feature of the bill is worthy of all commendation.

The honorable gentleman from Rhode Island [Mr. PEARCE] has, also, with great industry and ability, collected and presented to us a variety of cases in which Congress has refused to interfere. Many of them, sir, may have been cases of great individual hardship. They certainly were presented by the gentleman, as were all his views and appeals, in a manner well calculated for *effect*. In reference to those cases, I will only remark, that we know not their peculiar and attendant circumstances, nor the reasons influencing former Legislatures to refuse relief. But, on this subject of *precedent*, permit me to add to the list of cases presented by the gentleman from Ohio, [Mr. STORER.] On the 14th of June, 1790, duties were *remitted* on goods of T. S. Jenkins & Co., of Hudson, New York, destroyed on their passage from New York to Hudson.

August 4, 1790.—Duties were remitted on salt of Stewart & Davidson, of Annapolis, destroyed by flood the night after it was landed.

May 9, 1794.—Duties were remitted on coffee destroyed by fire at Baltimore.

June 7, 1794.—Duties were remitted on distilled spirits, of Rogers, of Middlebury, Vermont, destroyed by fire.

January 15, 1798.—Similar relief granted to West and Usey, of Charleston, South Carolina, on sugars destroyed by fire.

March 3, 1801.—Similar relief granted to Halsy and others on teas burnt at Providence.

February 19, 1803.—Extension of one year granted on the bonds of those who suffered by fire at Portsmouth, New Hampshire.

March 19, 1804.—Similar relief granted on bonds at Norfolk, Virginia.

February 10, 1807.—Similar relief granted on bonds at Portsmouth.

April 11, 1820.—Extension of four years granted on the bonds of those suffering by fire at Savannah, and who were *not insured*.

May 5, 1824.—An extension of four years on the bond of E. Van Syckle, of Philadelphia, having suffered by fire, and *not insured*.

This list of precedents might be almost indefinitely extended. But, sir, I trust they are sufficient to answer the argument of the gentleman drawn from precedents, and will at least prove that, *if at times* Government has refused to interfere, yet at other times, and in numerous cases, it *has interfered* to afford relief. And it is merely in this light I have cited the above cases; for, so far as concerns my own vote, I shall never be troubled for a precedent in a case where my conscience, directed by my best judgment, impels me to act.

It has been objected again that there may be a class of sufferers in New York equally meritorious with those included in this bill, and who are not provided for in it.

This objection *may* be true to a certain extent; I say *may be*, for as yet the objection rests mainly upon *conjecture*. But, sir, if true in its whole extent, does it follow that because we cannot in this bill relieve *all*, we shall relieve *none?* If there be *another class* of sufferers, entitled upon well-known principles of legislation, to relief, I shall most cheerfully go with the gentleman in affording that relief.

It has also been objected that, by passing this bill, you will establish a precedent authorizing Savannah and other cities to claim relief. To this objection I would say, that whenever Savannah, or any other place, shall present a case similar in *principle* to the present one, we shall be bound to act upon it; and I can never consent to withhold an act of justice through fear of its *pecuniary consequences*.

A further objection has been drawn from the supposition that, at the expiration of the extended

credit, the bonds may not be collectable, and the *importer* (who does not always give the bond) be made liable to the Government; basing this objection upon the decision of our courts, which hold the importer liable, even when a bond has been given by the factor. Were this objection well taken, I should feel the necessity of inserting in the bill a new provision. But, sir, a moment's consideration must, I think, satisfy every legal gentleman that no provision of the kind is necessary. Sir, the legal effect of this act must, beyond all doubt, be to *adopt* the bondsmen as the *true* and *only* debtors of the Government; thus releasing the importer from all liability.

The gentleman from Kentucky [Mr. HARDIN] avows himself in favor of the provision in the revenue laws allowing the drawback on goods *exported*. That provision he considers a legitimate *regulation* of commerce. If the gentleman will but carry out his principle, he will find himself constrained, I apprehend, to support the present bill. Why, sir, is a drawback allowed? Simply because the goods have not gone into the hands of the *consumer* for *home consumption*. Then, in *principle*, how does this case differ? Have these goods gone into the hands of the consumer? Sir, this calamity presents the strange anomaly of a *Government* actually *profiting* by an event which has brought *distress*, if not *ruin*, upon thousands. In this way, enable your merchants to continue business, and your present bonds will be met, and new importations be made to supply the place made vacant by the fire, and upon which new importations Government will again receive its duties; thus receiving duties *twice* upon what has entered but once into the consumption of the country. But *press* the immediate payment of the outstanding bonds, and I ask the committee to reflect, with the evidence before gentlemen from *private sources*, and from the *Treasury Department*, whether there be not great danger of driving men to extremities, of tasking them beyond their strength, and thus producing great individual suffering as well as national loss.

From the remarks I have made, the committee will have perceived that I place this bill before them not as appealing to the *charity* of the nation. No, sir, it comes to me, and so I wish to present it to the committee, commended by every consideration which should influence a wise and provident *creditor* in his dealings with the suffering, unfortunate *debtor*.

NATIONAL DEFENSE—FORTIFICATIONS.

SPEECH OF HON. T. H. BENTON,

OF MISSOURI,

IN THE SENATE, *February* 23, 1836.

On motion of Mr. BENTON, as chairman of the Committee on Military Affairs, the Senate proceeded to the consideration of the bill making appropriations for the collection of materials, the purchase of sites, and the commencement of the construction of the new fortifications. The bill having been read,

Mr. BENTON rose and commenced his speech with saying that when the bill was reported from the committee some weeks ago, the French question wore a lowering aspect, and a majority of the Senate seemed ready to vote the large appropriations which the crisis required. Since then, the fear of danger from that quarter had vanished, and he must now appeal to the enlightened forecast of the Senate for the same vote which a patriotic impulsion would then have given. I took occasion (said Mr. B.) then to say that my own support of the bill, and of the whole line of policy which it indicated, had no dependence upon the French question; that I was in favor of providing for the general defense, without regard to extrinsic circumstances; and that, so far as my own course was concerned, I should go on to clothe the country with the mantle of defense, and to put her in a condition to meet the contingency of war, although I might hold in my hand the bond of fate for peace.

The President of the United States has sent us two messages on this subject; one while the French question wore a threatening aspect, recommending us to provide for the public defense; the other, since the happy termination of that question, announcing its auspicious conclusion, but still adhering to the recommendation in the first one, and reinforcing his own sentiments with the voice of Washington. This recommendation, thus supported, must coincide with the enlightened sense and patriotic feeling of the Senate. We must all feel the necessity of providing for the national defense now, in this most favorable conjuncture, when the possession of ample means and the enjoyment of full leisure gives us full opportunity of doing so with the greatest economy and the greatest effect. The disappearance of danger will not affect our wise and systematic policy. We are not an assembly of frivolous Athenians, to inquire for the news before we vote, and then to give our votes not according to the exigencies of the public service, but according to the reported state of Philip's health.

In taking up this bill, (continued Mr. B.,) which proposes appropriations for the commencement of a large number of new works, I think it proper in itself, and pertinent to the occasion, to make some general exposition of the state of our fortifications; to show the number of forts constructed; the number in progress; the number proposed to complete the whole system, with the cost of the whole, and the number of men it will require to garrison them in peace and in war. This exposition I will endeavor to make with brevity, if not with perspicuity.

First, as to the number of forts. Of those finished, we have thirteen; of those under construction, fourteen; proposed in the present bill, nineteen; and remaining to be proposed hereafter, sixty-one; making in the whole one hundred and seven.

Next, as to the cost. For all built, or building, under the present system, we have expended $12,379,672; for all expected to be built, leaving out a few for which data has not yet been collected to estimate the cost, and for finishing those now under construction, the sum of $28,000,000 is estimated to be necessary; making in the whole about forty millions of dollars. But to have a view of the whole cost of fortifications since the adoption of the Federal Constitution, we must add the sum of $7,607,000 for expenditures on this object before the end of the late war; but which sum, for reasons hereafter to be shown, becomes almost a dead loss, few of the forts then built being of any service now.

Thirdly, as to the garrisons. The lowest number of troops, in time of peace, for all the forts now finished, all now under construction, and all proposed in the present bill, being forty-six in number, is 1,820 men. The lowest number for all the remainder, leaving out a few, the plans of which are not yet formed, is 1,538, making a totality of 3,358 men; but this is to be understood of the lowest number necessary to keep the forts in order. To form proper garrisons in ordinary, as they are called, and with a view to keep up the discipline, police, and military spirit of the troops, the division of companies should be avoided, and the number of men in garrison should be almost double the number above stated; say seven thousand men for the one hundred and seven forts. In war, the garrisons for the whole number of forts would require to be about sixty-two thousand men, of which the main part would consist of the volunteers and militia of the adjacent country.

Mr. B. presumed it might be agreeable to the Senate to understand the distribution of all these forts among the different States and Territories, and of the money expended, or to be expended, upon them. To give them this information, he had caused two tables to be drawn up, which he would read, premising that the information which they contained was intended for the satisfaction of the Senate, and not to influence votes, as the distribution of the forts and the consequent expenditure of money in their construction, was governed by the wants of the country, its accessible and vulnerable points, and not upon any rule founded upon population or territory. Mr. B. then read two detailed tables, the totals of which are as follows:

States.	No. of forts.	Total cost.
Maine	7	$1,365,000
New Hampshire	1	500,000
Massachusetts	16	2,769,000
Rhode Island	6	2,469,000
Connecticut	5	460,000
New York	10	6,407,000
Pennsylvania and Delaware	4	*1,007,136
Maryland	10	†3,006,687
Virginia	3	3,869,025
North Carolina	3	952,869
South Carolina	9	1,424,420
Georgia	10	1,832,367
Louisiana	7	1,756,858
Alabama	3	1,630,000
Florida Territory	12	5,014,000

* Estimates for Forts Mifflin and Delaware, not complete, and not included.

† Estimate for Fort McHenry, not complete, and not included.

This table does not include fourteen smaller forts, the cost of which is not estimated.

Mr. B. wished to repeat, and to be distinctly understood, as exhibiting these tables for the information and satisfaction of the Senate, not for the purpose of showing that more or less was expended in one quarter than in another. It was a subject on which equality of expenditure would be absurd; besides, it was a subject on which tables could not speak explicitly; for often the fort counted in one State belonged just as much, for all the purposes of protection and expenditure, to another State in which it was not counted. This was the case with all forts situated upon bays or rivers which divide States; and was strongly exemplified in Connecticut and New York, in Pennsylvania and Delaware, and in Maryland and Virginia.

After the general view of the whole number of forts, Mr. B. presented a general view of the particular bill before the Senate. It was a bill to provide for the collection of materials, the purchase of sites, and the commencement of construction of new forts. The number proposed was nineteen; their ultimate cost was estimated at $5,170,448; and the amount to begin with in the present bill was $1,783,800. Besides these nineteen forts, the bill proposed $660,000 for steam batteries, to be stationed, in aid of the forts, in the different ports and harbors of the United States. This was the general view of the bill. The particular view of it, in showing the distribution of the forts, their separate ultimate cost, and present appropriation for each one, he would also show; and for that purpose read the following table:

States.	No. of forts.	Ultimate cost.	Present approp'n.
Maine	3	$504,000	$304,000
New Hampshire	1	300,000	150,000
Massachusetts	4	1,098,412	300,000
Connecticut	1	132,231	100,000
New York	1	435,989	200,000
Delaware and Penn'a.	2	900,000	250,000
Maryland	3	1,010,206	360,000
North Carolina	1	12,000	12,000
Georgia	1	300,000	50,000
Florida	1	100,000	50,000
Louisiana	1	77,800	77,800
	19	$5,170,448	$1,783,800

Mr. B. said it might be objected by some, whose position might not enable them to view the whole ground, that the bill was unequal in its operation, and that fifteen out of nineteen of the forts which he proposed would be north of the Potomac. This disproportion might strike the minds of some persons, and therefore he would account for it at once; and show that it arose, first from the nature of the respective coasts of the northern and southern sections of the Union. North of the mouth of the Chesapeake bay, the coast was indented by deep bays, and opened by the wide estuaries of large rivers. One of these bays alone, the Chesapeake, gave a double line of coast of a thousand miles in circuit, requiring defense. Further north, and especially in New England, the coast was cut in by a continued succession of deep inlets. It was a serrated coast—it was a saw-edged coast—in which the incessant openings presented a continual succession of accessible and vulnerable points. Not so to the south of the Chesapeake. There the bays and indentations were scarce, the estuaries of the rivers

comparatively shallow, the coast itself shoal, the accessible points few in number, far between, and the bars in the mouths of the harbors a total obstruction to the entrance of large vessels. He believed that Charleston, South Carolina, presented the deepest water to be found on the southern Atlantic coast, and there vessels-of-war above the size of the largest sloops did not enter. Pensacola presented the deepest water on the Gulf coast, and there, until the bar shall be cut, the entrance is only practicable to frigates of the second class. Thus, from the nature of the two coasts, the largest proportion of the defenses must go to the North. That of itself might be sufficient reason for the disproportion in the bill; but there was another reason for it, and that was, that of the forts built, or building, much the largest proportion was to the South. Thus of the thirteen forts built, five were in Louisiana, one in Alabama, one in Florida, one in South Carolina, and one in North Carolina.

Mr. B. would repeat that he entered into this comparison, not that any effect on the votes of the Senate could be produced by it, but to satisfy those who did not occupy positions to take a view of the whole field, and to show them that the disproportion in question was not founded on partiality, but in reason; that it resulted from the obligation of duty to give defense where defense was needed; and that this depended upon the nature of the coast, and not upon any rule resulting from territorial extent or weight of population. With this general exposition of the bill, Mr. B. would now lay it down, reserving details upon each particular fort for the inquiries which Senators might put to him, or for answers to the motions which might be made to amend or to strike out. Postponing these details for the present, and believing that we had reached a point in the state of our public affairs when the great policy of NATIONAL DEFENSE is to be *established or abandoned*, Mr. B. believed it to be both pertinent to the occasion and profitable in its effect to pause for a moment, to look back upon the past before we proceeded with the present or the future, and to take a rapid historical view, from the foundation of the Federal Government, of that branch of the national defense now under consideration.

The business of fortifying our coasts dates from the very commencement of the Federal Government, and results from the constitutional obligation of the Government to provide for the "*common defense*," and from the surrender of their custom-house revenues by the States to the General Government for several important national objects, of which one of the most important, the most prominent, and most essentially national, was that of providing for the common defense. For the accomplishment of these objects, the Constitution invested the President with the right, or rather imposed upon him the duty, of recommending to Congress the adoption of the measures which he deemed necessary; to Congress itself it confided the sacred task of acting on all the measures either of its own suggestion or of the President's recommendation, and of doing what was right and proper to be done. Such were the duties of the Executive, and of the legislative departments, under the new Government; and in execution of them—I now limit myself to the point under consideration—in execution of them, we see the Father of his Country immediately coming forward, and pressing upon Congress the great duty of national defense, in a series of recommendations, repeated from year to year, until his paternal advice produced its effect.

The first of these recommendations was in the annual message of 1790, and this is an extract from it:

"Among the most interesting objects which will engage your attention, that of providing for the common defense will merit particular regard. To be prepared for war is one of the most effectual means of preserving peace."

The next was in the message of 1791, and was in these words:

"In connection with this, (arming the militia,) the establishment of competent magazines and arsenals, and the fortification of such places as are peculiarly important and vulnerable, naturally present themselves for consideration. The safety of the United States, under Divine protection, ought to rest on the basis of systematic and solid arrangement, exposed as little as possible to the hazards of fortuitous circumstances."

In the message of 1793, President Washington again adverts to this primary duty of Congress, and presses the necessity of "*complete defense*," in a renewed recommendation, couched in the most impressive terms, and enforced with earnest appeals, to the lofty considerations connected with the duty of Congress, the interest of the Union, and the honor, dignity, and independence of the country. The following is the passage in his message:

"I cannot recommend to your notice measures for the fulfillment of *our* duties to the rest of the world, without again pressing upon you the necessity of placing ourselves in a condition of *complete defense*, and of exacting from *them* the fulfillment of *their* duties towards us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States, among nations which will be withheld, if not entirely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, it must be known that we are at all times ready for war."

This (said Mr. B.) is the recommendation of President Washington, adopted by President Jackson in his interesting message of Monday, the 22d instant; that message which presents the three great liberal Powers—Great Britain, France, and our America—under the harmonious aspect which they should forever wear; and in which the sacred duty of providing for the national defense is again pressed upon us under circumstances, at a time, and so reinforced, that it cannot fail to make a deep impression upon the country, as well as upon the Senate.

We will now turn (said Mr. B.) to the legislative department of the Government, and see what effect these repeated recommendations of President Washington produced upon Congress. The last message was communicated in December, 1793. On the 28th of February following, Mr. Fitzsimmons, from the Military Committee of the House of Representatives, reported in favor of putting the whole maritime coast, from Maine to Georgia, in a state of defense, with a statement from the Secretary of War, General Knox, of the number and kind of works the different ports and harbors would require, and an estimate of the expense of construction, and of the garrisons necessary in peace and in war. The number of works recommended exceeded a hundred; but for want of means they were small in size, and to be constructed of perishable materials in the parts which required solid masonry, wood being substituted for stone. The largest number of cannon to be mounted for the defense of any city, was eighty-two at New York, and seventy-two at Charleston, South Carolina. Such were the recommendations, and an act of Congress in conformity with them was promptly passed. Mr. B. would read that act; for, with the single exception of the ports and harbors acquired by extension of territorial limits, or of points covered by extension of population, it embraces nearly every port and harbor which at this time demands our protection.

The Act.

"That the following ports and harbors be fortified under the direction of the President of the United States, and at such time or times as he shall judge necessary, to wit: Portland, in the district of Maine; Portsmouth, in the State of New Hampshire; Gloucester, Salem, Marblehead, and Boston, in the State of Massachusetts; Newport, in the State of Rhode Island; New London, in the State of Connecticut; New York; Philadelphia; Wilmington, in the State of Delaware; Baltimore, in the State of Maryland; (Annapolis by supplementary act;) Norfolk and Alexandria, in the State of Virginia; Cape Fear river and Ocracoke Inlet, in the State of North Carolina; Charleston and Georgetown, in the State of South Carolina; and Savannah and St. Mary's, in the State of Georgia."

Such was the act—such the first act for fortifying the ports and harbors of the United States. It is not general in its provisions, and coextensive with the whole maritime frontier, but vested President Washington with discretionary powers over the whole subject. The execution of this act was the next point to which Mr. B. would call the attention of the Senate. It is already seen that it conferred plenary and discretionary powers on President Washington over the whole subject, and particularly over the time when the works should be commenced. With that great man, the *present* time was usually the *proper* time for doing what had to be done; and such was his conduct in the great trust now confided to him. The act putting into his hands the power of fortifying his country, passed on the 20th day of March; on the 28th day of that same month the first instructions issued from the War Office to the engineers to repair to their respective stations and commence operations; and by the 11th of April the last of these instructions had issued. In other words, the first instructions issued within eight days after the passage of the act, and the whole within twenty-two days! Seven engineers were employed, all French officers. The whole coast, from Maine to Georgia, was parceled among them, and the whole line of coast was under operation at once, and within a few weeks after the passing of the act.

The engineers employed were Rochefontaine, Vincent, L'Enfant, Rivardi, Vermonnet, Martinon, and Perrault; and the instructions to them, as well as their reports to the Government, will still reward the research and curiosity of any citizen who will take the trouble to hunt them out and to read them. They may still be read with profit by the military man; and the friend of State rights may dwell upon them with pride and exultation for the respect and deference which they evince for State authorities. Mr. B. would read an extract from the instructions, and another from some of the reports, as a specimen of the whole, and was certain that the Senate would hear them with pleasure as showing the state of the intercourse between the Federal and the State Governments in that early age of the Republic.

Mr. B. then read from the instructions to Rochefontaine, charged with fortifying the coast from Portland, in Maine, to New London, in Connecticut:

"In pursuance of the directions of the President of the United States, you are hereby appointed an engineer for the purpose of fortifying the ports and harbors hereinafter mentioned, to wit: New London, in the State of Connecticut; Newport, in the State of Rhode Island; Boston, Marblehead, Salem, Gloucester, and Portland, in the State of Massachusetts; and Portsmouth, in the State of New Hampshire.

"You are therefore immediately to repair to the ports to be fortified in the said States respectively, and in case the Governors should be near any of the said ports, you are to wait upon them and exhibit these instructions. But if the Governors should be at any considerable distance from your route, you are respectfully to notify them of your appointment, inclose them a copy of these instructions, and inform them that you have repaired to the ports aforesaid, in order to make the necessary surveys and investigations relative to your mission, which you will submit to their consideration, and take their orders thereon.

"As soon as you shall receive their approbation of your plans, you are to construct the works, and to execute them with all possible vigor and dispatch."

Having read this extract from the instructions, Mr. B. would next read an extract from the first report of the same engineer, and show the manner in which he executed them. He writes from Boston, and says:

"On the 25th of May, his honor the Lieutenant Governor, elected since that time Governor of the State of Massachusetts, declared to the engineer that he did not find himself empowered to approve of the execution of the law of the United States respecting the fortification of the sea-port towns in the State, without the advice of the Legislature, meeting a few days afterwards. His Excellency, however, gave orders to the officers of the Executive of the State, to the State garrison of the Castle Island, and to the gentlemen the selectmen of every sea-port town directed to be fortified, to assist, every one in his capacity, the engineer in his reconnoitering and surveys. On the 1st of June, his Excellency was furnished with a general plan of defense for the harbor of Boston. On the 4th of June, a committee of the Legislature, appointed for the purpose, called on the engineer to be present at one of their conferences respecting the fortification of the harbor, and that of Castle Island particularly. On the 8th, the said committee visited Castle Island with the engineer, that being the only port in the State that the Legislature would have anything to do with as to fortifying. On the 11th, his Excellency permitted the engineer to visit the sea-port towns of Salem, Marblehead, and Cape Ann, until the Legislature should come to a determination on the questions proposed in the address of the Governor respecting the fortification of the harbors of the State. On the 20th, his Excellency authorized the engineer to proceed to the State of New Hampshire, the Legislature of the State of Massachusetts having not yet come to any vote on the subject of fortifications. On the 29th of July, the engineer waited on his Excellency the Governor of Massachusetts, at Boston; the Legislature not having decided anything respecting the fortifications of the State, his Excellency could not give any approbation to the erecting of any throughout the State, even at Portland, where the selectmen and town meeting had irregularly acted in purchasing land for the United States without being authorized to do it by the Legislature. On the 16th of August, the Secretary of War authorized the engineer to erect fortifications, according to the law of the United States, at Salem, Marblehead, and Cape Ann. The inhabitants of Salem, in a legal town meeting, unanimously voted a cession to the United States of the ground which should be thought necessary for the defense of their harbor; immediately thereupon the works were begun."

Mr. B. had read these extracts for the purpose of showing the respect and deference which was

shown by the Federal Government, in that early age of the Republic, to the State authorities, when even a duty of constitutional obligation would not be exercised within a State without first endeavoring to obtain the approbation of its authorities, both for the thing to be done, and the manner of doing it. He had read them also for the purpose of showing the zeal of President Washington in carrying into effect the act of Congress, exemplified in the order to all the engineers, "*to execute their work with all possible vigor and dispatch.*" This (said Mr. B.) was in the year 1794, when the Federal Government was almost without revenues, when it was encumbered with debts of which it could with difficulty discharge the annual interest, and when the means of the Treasury were so low that the engineers were directed to apply to the State authorities for voluntary contributions to eke out the scanty appropriations of Congress! an appeal which was nowhere met with such generosity of feeling as at Charleston, South Carolina, where the contributions were characterized by the wonted liberality of that State: eight thousand days' work of labor; between £700 and £800, in money; four thousand feet of ranging timber, given gratuitously; and all the mechanical work done *gratis* by the mechanics of the city.

Mr. B. would remark, in closing his brief notice of the reports of the engineers of 1794, that they selected, in almost every instance, when not cramped by the smallness of appropriations, the same points for defending the ports and harbors which have been subsequently indicated by other engineers, and that, at most of the harbors, they recommended floating batteries and galleys to be combined with the fortification defense; a species of floating defense which the late engineers adopt in the idea and supersede in the form by recommending the adoption of the great improvement of the age, steam power.

At the meeting of Congress in November, 1794, President Washington caused to be communicated to that body the steps which he had taken, and the progress which had been made, in carrying into effect the act of the 20th of March preceding, with an urgent recommendation to increase the fortifications, and make them commensurate with the exigencies of the country. The Military Committee of the House of Representatives responded to this appeal, and as early as the 4th day of December ensuing made a report by Mr. Fitzsimmons, their chairman, fully sustaining and carrying out the President's policy. Mr. B. would read it, and would propose it as a model now to be followed, both for the brevity of its style and the efficiency of its recommendations:

THE REPORT.

"Mr. FITZSIMMONS, from the committee to whom was referred that part of the message of the President which respects the fortifying of the ports and harbors of the United States, made the following report:

"That by the report of the Secretary at War, it appears, that in pursuance of the act of the last session, the fortification of the different ports and harbors are in considerable forwardness, excepting only the port of Boston, and Wilmington, in the State of Delaware, suspended for reasons assigned by the Secretary in his report.

"That contracts have been entered into for the ordnance necessary, and measures taken for progressing in the fortifications as soon as the season will permit.

"That from the necessity of enlarging the plan of defense in some instances, and the enhanced price of labor and materials since the first estimate was made, a sum not less than $225,500 will be necessary to complete the plan of defense contemplated, admitting the fortifications to be constructed of timber and earth; and if executed with stone, to a much larger sum.

"The committee, taking into view the circumstances connected with this subject, and having received the necessary information from the Secretary of War, submit the following resolutions:

"*Resolved*, That the necessary works for fortifying the ports and harbors of the United States ought to be continued, and constructed of the most durable materials, so as best to answer the purposes of defense and permanency.

"*Resolved*, That a sum not exceeding $50,000 (over and above the sums already appropriated) be appropriated for the purpose aforesaid; and that a sum not exceeding $100,000 per annum, be provided for the service aforesaid.

"*Resolved*, That the President of the United States be authorized to give preference, in point of time, to the completion of such of said fortifications as he may think advisable."

Mr. B. would here drop details and economize his remarks. He had arrived at a point at which he would stop and take a position. It was the commencement of the second term of Washington's Presidency, and the successful establishment of his great policy recommended in the messages of 1790, 1791, 1793, and 1795, for clothing his country with the armor of defense,—fortifying all her ports and harbors,—and putting her in a condition to maintain, among nations, the rank to which she was entitled. This policy was now completely established; and the historical view which he had attempted to sketch, no longer encumbered with documentary evidences and minute details, would proceed with ease and rapidity. The system of fortifying thus established under Washington's administration, went on with an accelerated pace under that of his successor, the first Mr. Adams, stimulated as it was by the impending difficulties with France. But a frost, a killing frost, fell upon that policy on the accession of Mr. Jefferson. The difficulties with France had vanished, and besides, he was not favorable to the policy in itself; and his first message was sufficiently indicative of his views to decide the fate of the fortifications. To do justice to him, an extract from that message will be read:

"The fortifications of our harbors, more or less advanced, present considerations of great difficulty. While some of them are on a scale sufficiently proportioned to the advantages of their position, to the efficacy of their protection, and the importance of the points within it, others are so extensive, will cost so much in their erection, so much in their maintenance, and require such a force to garrison them, as to make it questionable what is best now to be done. A statement of those commenced or projected, of the expenses already incurred, and estimates of their future cost, as far as can be foreseen, shall be laid before you, that you may be enabled to judge whether any alteration is necessary in the laws respecting this subject."

Under this message, resumed Mr. B., the fortifications languished and declined. Appropriations became less and less; the old works decayed; garrisons were reduced, and new ones were not begun; but difficulties with England arose; some outrages were committed within our waters, and the States possessing sea-port towns began to remonstrate, and to demand defenses for their ports and harbors. The legislative resolves of the State of New York, as coming from a State friendly to the Administration, as containing an argument within themselves, as being a sample of what came from other States, and as being strictly pertinent to the present debate, Mr. B. would read:

"NEW YORK LEGISLATURE, *March* 20, 1807.

"*Resolved*, As the sense of this Legislature, that every consideration of policy and duty requires that adequate measures should be adopted by the National Government for the protection of the port of New York.

"That the agricultural as well as commercial interests of the State are deeply interested in this most desirable object.

"That in surrendering to the United States the revenue arising from imposts, this State anticipated, and has now a right to expect, that a competent portion of that revenue would be appropriated for its defense, and that the Congress of the United States, are bound by their constitutional duties, as guardians of the common defense and general welfare, to satisfy this proper and reasonable expectation.

"*Resolved*, That an application be made to the President of the United States, in behalf of this State, to fix upon a plan of durable and permanent defense for the port of New York, fully adequate to the importance of the object, and that he be also respectfully requested to appropriate, out of the moneys placed at his disposal, as large a sum as can be usefully expended for that purpose, until Congress shall have it in their power to make further provision in the premises.

"*Resolved*, That the Legislature of this State fully approve of the conduct of our Senators and Representatives in Congress, in advocating and inforcing the claims of this State in this respect, and that they be requested to support and inforce such further measures as may be necessary for the permanent defense of this State, and to obtain, either by annual appropriation or by general provision, a sum competent for that important object."

Under this appeal from New York, (continued Mr. B.,) backed by others from other States, and stimulated by the increasing aggressions, contempt of the proclamation of inhibition, and multiplied violations of jurisdiction within our waters, by British ships of war, the administration of Mr. Jefferson found it necessary to do something, and the experiment of gun-boats was resorted to. The gun-boats were tried. They had their day, and a brief day it was, for the end of Mr. Jefferson's administration saw the end of their glory. Mr. Madison came into office in March, 1809—convoked Congress for May of the same year—informed them that the gun-boats were put in a situation to require no further expense, and that large appropriations for fortifications demanded their early consideration. This was the farewell to gun-boats and the revival of the great system of defense planned and established by Washington. The Congress of 1809 concurred with Mr. Madison, and at that very session the largest appropriation was made for fortifications which has ever been made in any year from the foundation of the Federal Government to this day. It was $1,419,000, being $250,000 more than was appropriated in the first year of the war, and within $300,000 of the sum contained in this bill, the amount of which seems to astonish some gentlemen so much. The Secretary of War (Mr. Eustis) made a report upon fortifications, in which may be found nearly every port and harbor now proposed to be fortified, from Passamaquoddy bay to the mouth of the Mississippi; and the appropriations continued to be large and annual, no less than $3,405,000 in the first four years of Mr. Madison's administration, which were years of peace, but menaced with war. The next four years, which covered the war, saw a further sum of $2,200,000 appropriated to this object. At the return of peace, everybody took warning from the past, and all the Departments of Government entered cordially upon the business of repairing past errors by providing for the future, and covering the coast with permanent and durable works. Mr. Crawford, who was in Paris, sent us an engineer from the school of the great Napoleon; Congress took him into service; a board was formed to plan and direct the works, and appropriations of $800,000 or $900,000 were annually made to carry them on. The messages of President Monroe, and the reports of the Secretary of War at that period, in favor of the system, are too well known to be repeated here. The result of this spirit was the formation of the board alluded to—Bernard; Totten of the Army, and Elliott of the Navy; and their laborious examinations and various reports, especially of 1821, revised in 1826, by which one hundred and seven forts, besides field works, and floating batteries, were resolved upon for the defense of the maritime and gulf frontier. The system of Washington, thus revived at the end of the war, has been pursued ever since, with some relaxation in 1820, '21, '22, when the Treasury, from a surplus of $16,000,000 run out in about four years, had to overdraw in the Bank of the United States; and the Government, to avoid the disgrace of a public loan for current expenses, had to reduce the annual appropriations for the increase of the Navy, from $1,000,000 to $500,000, disbanded four thousand men out of its little army, diminished the fortification appropriations one half, and enforced a rigid economy and minute curtailment at all points. With the return of a prosperous Treasury, the usual appropriations for fortifications were resumed, and the sum of $2,740,000 under the second Mr. Adams's administration, and about $5,000,000 under President Jackson's, have been applied to that object, with the great consolation that all that has been applied since the war, amounting to $12,500,000, is saved, the works being constructed of durable and permanent materials, while the $7,500,000 previously laid out, may be considered as lost, the works being done in perishable materials for want of means in the time of Washington and Adams, and for want of time, and under the pressure of danger, in the time of Mr. Madison.

Here (Mr. B. said) there was room for precious and valuable retrospection. Seven and a half millions of dollars applied to fortifications had been lost, partly by pernicious economy in using perishable materials, but more by improvident neglect of time and means when we possessed both, and consequent waste and hurry when danger was pressing. There was a time, anterior to the late war, when the United States possessed both the means and the leisure to have entered upon a system of permanent fortifications; it was in the second term of Mr. Jefferson's administration; and if the surpluses of revenue had been then so applied, the large appropriations afterwards made during Mr. Madison's administration would have been saved from a hurried and wasteful expenditure on temporary works; and many of the disasters and disgraces of the late war would have been prevented. Unhappily, Mr. Jefferson, even in his

last message, in 1808, could not bring himself to Washington's policy; and while taxing the inventive genius of Congress to find out constitutional modes of expending the accumulating surpluses and in default of finding such objects, recommending alterations in the Constitution to enable them to be turned to roads and canals, totally overlooked the fortifications; without which it is now certain that an extended seaboard, with its rich and populous cities, must lie at the mercy not merely of the bombs and crews of an enemy's fleet in time of war, but even of the daring enterprise of pirates and buccaneers! A similar period has come round again; we have surplus revenue, and we have peace. We can now lay it out in our defense with the skill and care which durability and true economy require; and if it is not so laid out, there is one Department of the Government at least which will not be to blame—the Executive Department, whose multiplied messages to this effect, and especially the one on the anniversary of the birth-day of Washington, and reinforced by the sentiments of the Father of his Country, cannot be lost either upon the Senate or the country.

Having finished his historical view, and deduced the history of our fortifications from 1794 to the present day, Mr. B. came to the great question which must now engage the attention of the Senate, and of the country: *Shall the system of fortification go on*, OR SHALL IT HALT? *Shall the surplus revenues be applied to fortifications and other defenses*, OR SHALL THEY BE DIVIDED AMONG THE STATES? These are the questions, or rather this is the question; for the two make but one, and are convertible in their essence, though distinct in their terms; this is the question, and the time has arrived for deciding it. If the money is divided among the States, then the great public defenses, of which fortifications are only one branch, must halt where they are, beginning no new works, and merely completing old ones; or they must creep and crawl, and languish, under inadequate appropriations, for some ten or twenty years, until some new danger arouses the country from its supineness to repeat the folly of hasty works and perishable materials. This must be the result; for the surplus cannot go to both objects, and will be insufficient for the objects of defense alone. A systematic exaggeration seems now to prevail in filling the Treasury with inexhaustible surpluses, as a systematic exaggeration prevailed two years ago in demonstrating its emptiness. Then, we were to be bankrupt at this day! Now, we are to have such masses of surpluses that no extravagance, nor even profligacy of expenditure, can get rid of them! And, what is curious, these opposite exaggerations are maintained by the same persons, to the same auditors, and for the same objects. The Opposition are the exaggerators; the people are the listeners; and the overthrow of the Administration is the object. Two years ago, the overthrow was to be effected by terrifying the people with the apparition of a bankrupt Government; now, it is to be accomplished by the seductive dividends of an inexhaustible Treasury! In both instances the exaggerations are the same—unfounded in 1834—unfounded in 1836. The Treasury is in no more danger of bursting from distension now, than it was of collapsing from depletion then. It is true we have a large surplus at present, but no larger than it was in 1817, and resulting from the same cause, and to be followed by the same catastrophe. Bank expansions filled all coffers, public and private, at that time; bank contractions, in three years afterwards, emptied all; and none more completely than the Treasury of the United States! that treasury, which was held to be inexhaustible in 1817; which, in the second quarter of that year held in deposit in the Bank of the United States $15,935,050 36; and which ran out so rapidly that, at the end of 1820, its vast deposit was reduced to $388,210 94; and in the first quarter of 1821 it was all gone, a deficit incurred, and an overdraw of $1,044,539 91 actually made upon the funds of the bank; and this after the great reductions made in the public expenditure! The Bank of the United States itself was on the eve of stopping; half of the local banks stopped payment; individual bankruptcies, sacrifices of property, and enrichment of money dealers, was the universal scene. The same catastrophe is now in full prospect, and blind is he who does not see it! Bank expansions have pushed everything above its level; in a little while everything will be as much below its just level, as they are now above it. The large surplus now in our treasury will vanish, like that in Mr. Jefferson's time, and that of 1817. Let us, then, apply it to useful and constitutional objects while we have it. The question is imperative; shall we apply it to the public defense, or divide it out in parcels among the States and the people? It cannot go to both purposes, and we must decide, and decide on this very bill, to which purpose the money shall go. This is a bill for new fortifications; it commences new works, nineteen in number, requiring an expenditure of $1,750,000 this year, and a total expenditure of about $5,000,000. If the bill passes, it is a pledge for the completion of the whole system, and the speedy commencement of the remaining works; if it is rejected or curtailed, it is a halt in the system, and may terminate in its present abandonment and long postponement, until some new danger rouses us again from our supine improvidence. Besides these general considerations, Mr. B. had recourse to others of more limited and particular application, showing the injustice of halting now in the system of defense, and rejecting or postponing the works in the bill. He deemed such a course utterly unjust to the States, which as yet had had nothing done for them. Of the fourteen forts finished, Louisiana and Alabama have seven; Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, and Pennsylvania, not one. Of the forts under construction, Virginia, the two Carolinas, Georgia, and Florida have eight; on which about $3,824,000 have been expended, and a further expenditure of $1,700,000 is to take place; while Maine, New Hampshire, Connecticut, Pennsylvania, have nothing under construction, and will have nothing for a long time, unless the bill becomes a law. It is the peculiar province of this bill to provide for the States whose claims have been postponed. It provides chiefly for those States which have had least or nothing: three for Maine; one for New Hampshire; three for Massachusetts; one for Rhode Island; one for Connecticut; one for New York; two for Pennsylvania and Delaware; and three for Maryland. Shall these States be disappointed? Shall their commercial capitals remain exposed? Shall Boston, New York, Philadelphia, and Baltimore, remain without defense, while New Orleans has been completely covered and protected? Shall that of New York still remain without defense, which so strongly demanded it as a right in 1807—in 1807, near thirty years ago, and before New Orleans was acquired?

Mr. B. said the view which he had taken of this subject would be incomplete, if he did not pursue it still further, and look into some of the objections urged against fortifications, and some of the advantages resulting from them.

First, as to the objections.

It was objected to fortifications that they were expensive, costing a great deal to erect them, and a great deal afterwards to garrison and maintain them. This, he said, was an error of such perverse character, that the very reverse of it was true. The cheapness of this species of defense was one of its absolute recommendations, and he should reserve the head for enumeration under the advantages of forts. When he came to speak of those advantages he would show that fortifications, instead of being the dearest, were the cheapest of defenses, not only in money, but in the more important consideration of men and lives; as it was a mode of defense which abstracted fewer men from the other pursuits of life to accomplish the same object, and was attended with less loss of life, either from the casualties of battle or the diseases of the camp.

Another objection was to the garrisons which fortifications required, amounting, as it was supposed, to a standing army in time of peace. This objection, (Mr. B. said,) if true, would be serious; but it was untrue and unfounded, and the answer which he should give to it, founded upon the reply of the Chief of the Engineer Department, General Gratiot, to the precise questions which he had put to him, would astonish gentlemen in exposing to them the magnitude of their mistake. His answer would be two-fold; first, positive, showing the number that would be required to garrison the forts in peace and in war; secondly, comparative, showing that this number, the relative state of the country considered, would not be equal to the reduced military peace establishment prescribed by Mr. Jefferson in 1802; a rule of proportion and a standard to which he presumed no Senator, not even the most fastidious opponent to standing armies in time of peace, would object. As to the numbers, General Gratiot shows that 1,820 men will be sufficient, in time of peace, to take care of all the forts now built and now building, and all now proposed in the bill before the Senate, and that 34,140 will be sufficient to garrison them in time of war. These numbers will be sufficient for forty-six of the forts; the remaining sixty-one will require a less number; because the forts, though more numerous, will be much smaller, and will mount fewer guns; these sixty-one will then require, to keep them in order in time of peace, 1,538 men; and to garrison them in time of war, 22,092 men. Here will be a totality, when all the forts are finished, of about 3,500 men in time of peace, and of about 60,000 in time of war; the whole of which, except about 5,600 artillerists, may be the militia and volunteers of the adjacent country, called into service when a siege is apprehended, and discharged when it is over. Such were the numbers that would be sufficient both in peace and war; but for peace, the garrisons, if regulated with a military eye, with a view to discipline, police, and martial spirit, would be about double, say 7,000 in the whole, as these objects would require that companies should not be divided. Taking, then, 3,500 men as sufficient to take care of the whole one hundred and seven forts, when completed, and that 7,000 men would constitute the proper garrisons in ordinary, Mr. B. would proceed to his comparative view, and show that the largest of these numbers would not require an addition to our present peace establishment, which would make it equal, the relative state of the country considered, to the peace establishment of Mr. Jefferson.

To verify this comparative view, Mr. B. took, first, the number of the troops and of the population then and now; and secondly, the extent of territory then and now. Under the first aspect, he showed that the peace establishment of 1802 was 3,080 men; that of the present period was 6,000; the population in 1802 was five and a half millions; at present about sixteen million. Here was a difference of about three to one in the population, so that a peace establishment upon the mere *data* of relative population of 9,240 now, would be no greater in 1836 than 3,080 was in 1802. But the comparison was not to be limited to this data; extent of territorial limit, and by consequence of frontier outline to be guarded, must be combined with it; and this of itself would double the numbers of 1802. The territorial limit on the map in 1802 was the parallel of thirty-one degrees to the south, and the Mississippi to the west; the actual frontier to be guarded at that time was through Georgia, North Carolina, Tennessee, Kentucky, and Ohio. The limits on the map now, are the gulf coast to the south, and the Pacific ocean to the west; the actual frontier to be guarded now, to the south approaches the Tropic of Cancer, at Key West; to the west lies along the Sabine, crosses the Red river, the Arkansas, and the Missouri, extends to the Falls of St. Anthony, and to the outlet of Lake Superior; with occasional expeditions to the confines of Mexico and to the foot of the Rocky mountains. Thus both the territorial limits and the actual frontier are doubled since 1802; and allowing for this increase, the peace establishment of 1836 might be raised to 12,320 men without exceeding the ratio of that of 1802. Thus, if the whole number of one hundred and seven forts were now completed, and full garrisons in ordinary were allowed them, there would still remain about 6,000 men for the western or land frontier, and the whole would be within the limits of Mr. Jefferson's reduced peace establishment. But the whole of the forts are not now finished,

and cannot, with all the men and means that can be employed upon them, be finished under ten years from this time. By that time our population will have increased five millions more, and would furnish another three thousand and eighty men to keep in the ratio of Mr. Jefferson's peace establishment; fifteen thousand men might then be kept up on the basis of 1802; but that number will not be wanted; about twelve thousand will even then be enough; and for the present, ten thousand men, allowing six thousand for the western and northwestern frontier, and four thousand to the forts, will be sufficient; and this number, in the present state of the country, would be nearly three thousand under the ratio of 1802. Upon these data about which there could be no dispute, Mr. B. considered the objection of the standing army in time of peace to garrison the forts to be completely exploded, and would dismiss it without taking in another element naturally belonging to the comparison, to wit, the increase of revenue which would render an establishment of ten thousand men now less burdensome than three thousand and eighty was in the time of Mr. Jefferson. Mr. B. took for his basis the military establishment of 1802, presented by Mr. Jefferson, who came into power upon the full cry against standing armies in time of peace; and he presumed that no person would ever object to a military establishment which kept within the ratio of the one he presented.

He would, therefore, dismiss this head with informing the Senate that since the United States had precipitated all the Indians upon the western frontier, an increase of the regular force would be demanded by the voice of the West. Forts, or no forts, ten thousand men were required in the present state of the country, of which six thousand should be on the western and northwestern frontier; and upon this number the Congress would be called to vote at the present session.

A third objection to the fortifications was as to the locality of the expenditure which they would involve. It was said the money would be expended on the coast, to the prejudice of the interior. Mr. B. demurred to this objection. It was anti-national and anti-social. It was against the letter of the Constitution, and against the nature and the principles of the social compact. Protection and allegiance went together; every part of the country owed allegiance to the Government, and the Government owed protection to every part. Happy, most happy, those who needed no protection; after all that can be expended on the exposed coasts, the inhabitants of the coasts will still be less secure than those of the interior, on which nothing is expended for defense. The objection is not only anti-national and anti-social, but it is fallacious! It is a fallacy in itself, and must deceive those who rest their faith upon it. An expenditure upon the sea-coast for the defense of a seaport, a harbor, or the mouth of a river, is not a local expenditure! It is not an expenditure, the benefit of which is confined to the town, to the harbor, or the mouth of the river; but it is an expenditure national in its nature, constitutional in its obligation, redounding to the benefit of all, and beneficial to the farmer at the head of the river and in the gorge of the mountains, as well as to the merchant on the sea-board; for unless the sea-port is protected, and the mouth of the river is kept open, the crop raised at the head of the river, and the stock driven from the gorge of the mountain will return valueless upon the hands of the owner. It was, therefore, an unfounded objection, and although the expenditure might be unequal, yet that inequality was neither unjust nor injurious. It afforded no argument for the distribution bills, in whose aid it was certainly invoked! Those bills were repudiated by most of the interior States, and by nearly all the new States; and as for the old ones which had asked for the distribution of surpluses, they had also asked for forts and navies; and they could not have the same money for both objects. The true aid to the new States would be in reducing the price of public lands, as they have often requested; and all the interior States will have the benefit of the national defenses, both in the use and in the expenditure for them, by the armories and arsenals established within them, the increased troops on the frontier, and the annual expenditure for supporting the whole. The forts, the navies, the troops will be supplied and supported from the interior; the armories and arsenals will be in the interior.

A fourth objection which had caught Mr. B.'s attention was the supposed effect which the building of so many fortifications would have on the price of labor. It was supposed that it would create so large a demand for labor that the price would be greatly enhanced, to the prejudice of railroad, turnpike, and canal companies and makers. Mr. B. had two answers to this objection: first, that it was not valid, if true; secondly, that it was not true, if valid. To him it seemed no great harm that the fact should be as supposed, and that the railroad, turnpike, and canal companies should have to pay the laborer a few cents more per diem. It was written in the holy Scriptures that the laborer was worthy of his hire; and, for his own part he knew no one better entitled to all that he could get than the man who works with his two hands from SUN to SUN. Certain he was, the freight and the toll on the road and the canal would not be a penny the less because the laborer had been hired at a reduced price. But Mr. B. denied the fact. The fortifications were so remote from each other, they had to be built upon such an extended line, stretching from Passamaquoddy Bay to the delta of the Mississippi, that the building of one would have no effect upon the cost of building another, and the cost of the whole would have no influence upon the rate of labor in the country. Even if all the defense bills passed, and their appropriations of ten or eleven millions took effect, it would be but no more than what is annually spent for labor and materials in single cities, while this would be diffused over a line of four thousand miles.

A fifth objection was somewhat akin to the last, and imported that the amount proposed to be appropriated was too large to be usefully and beneficially expended within the year. The validity of this objection (Mr. B. said) depended upon the time when the appropriation bills should pass. If delayed till the spring was advanced, and the working season partly lost, the objection would acquire more weight. Time was already lost, especially in the South; and if these important bills were to be pushed aside to make room for abolition debates and land bills for distributing the public moneys, so much more time might be lost as to make it impossible to use the money after it was voted. But, still it was an objection of which the objectors could not take advantage; no man may take advantage of his own wrong; and if it is wrong to appropriate money that cannot be expended, it is certainly wrong to stave off the appropriation till the time for expending it is lost! And here Mr. B. would invoke attention to the debate just closed on the loss of the fortification bill, and of the $3,000,000, at the last session. All parties have just been washing their hands of the merits of those losses; and shall any of us, in the same instant, go on to frustrate the present appropriations, or to make them inoperative for want of time? Besides, the money appropriated for this year is not obliged to be expended within the year; it may be expended in the commencement of the next year, and thus enable the year's operations to commence, and especially in the South, before the appropriations can be got through Congress.

The sixth objection which Mr. B. would mention, and the one perhaps which was progenitor to all the rest, was the very palpable assumption that the application of so much money to the defense of the country, would be fatal to the schemes of distributing the surplus revenues and the proceeds of the public lands among the States and the people. This objection, he acknowledged, was well founded. The defense of the country, and the distribution of the public money, were antagonistical objects, and the success of either was fatal to the other. It would take more surpluses than ever would be found in the Treasury to defend the country. The military arm alone would require above forty millions; the naval arm, would require more than as much more. The two objects, then, being antagonistical and incompatible with each other, must come before the Senate, and go before the country, upon the respective merits and demerits of each; the defensive scheme resting upon a duty of constitutional obligation, upon a consideration of national independence, upon the sense of national interest, and upon the sanctioned system of forty years decision; the distributive scheme resting upon the seductions of proffered pelf, without warrant in the Constitution, unknown to our history, oppressive to the new States, demoralizing to the old ones, corrupting in its tendencies, and bringing the element of the public property to enter into the canvass for the presidential office. Upon these intrinsic and overruling considerations, Mr. B. would rely for the decision of the Senate and of the country, between the two objects.

He would not descend to the low comparison of sordid and pecuniary inducements. He could not insult his countrymen by referring to them the seduction of a sordid money scheme on one hand, and the enlightened obligations of duty and patriotism on the other. If he could do so, and could present the two schemes in a mere trafficking, trading, profit-and-loss point of view, the one divested of its patriotic attractions, the other stripped of its moral deformities, it would be easy to show that there would be more money diffused among the people by defending their country, than by pillaging it themselves, and leaving it to be pillaged by foreign enemies afterwards. For such is the extent and variety of the means and objects to be combined in a great and durable system of national defense, that every part of the Union would receive its share in the first disbursements, and in the annual expenditures thereafter. Forts, navies, navy-yards, and dock-yards, on the coasts; armories, arsenals, founderies, depots of arms and munitions in the interior; troops on the western frontier; and annual supplies from the interior for all the establishments on the vast circumference of the Union; such would be the sources of expenditure. The first outlay and the perennial expenditure for all these objects would be great; and if the system of defense required for the country be now adopted, many great objects heretofore planned must go into effect; a grand naval and national arsenal at Burwell's bay, in Virginia* as recommended by the military and naval board of 1821; a navy-yard at Charleston, South Carolina, and another at Pensacola; with a fort and naval station at Key West to command the Gulf of Mexico, to make that gulf what the Mediteranean sea was to the Romans, *mare nostram*, our sea—belonging as it ought, to the masters of the Mississippi, and considered and treated as the outlet and estuary of the King of Floods. In such great establishments, and the numerous others indicated by the hand of defense, the people would find moneyed reasons for preferring the defense of their country to its pillage: but I do not present such reasons; I resume my position; I defer to their intelligence, and to their patriotism, and rest the choice between the defensive and the distributive schemes, upon all the lofty and holy con-

* "The navy-yards (excepting that of Charlestown, near Boston) have all been improperly placed; the conveniences for the erection of the necessary establishments having alone been taken into consideration, while all the other requisites for points so important, such as security against attack by sea and land, facility for receiving all kinds of building materials in time of war as well as in time of peace, vicinity to a place of rendezvous, have been overlooked.

"A defensive system for the frontiers of the United States is, therefore, yet to be created. Its bases are—1, a navy; 2, fortifications; 3, regular troops and well-organized militia; 4, interior communication by land and water. These means must all be combined, so as to form a complete system.

"The navy must, in the first place, be provided with proper establishments for construction and repair, harbors of rendezvous, stations, and ports of refuge. It is only by taking into view the general character as well as the details of the whole frontier, that we can fix on the most advantageous points for relieving these naval depots, harbors of rendezvous, stations, and ports of refuge.

"On these considerations, Burwell's bay, in James river, and Charlestown, near Boston, have been especially recommended by the commission as the most proper sites for the great naval arsenals of the South and of the North; Hampton roads and Boston roads as the chief rendezvous, and Narraganset bay as an indispensable accessary to Boston roads."—(*Reports of* 1819, 1820, 1821, *by the Military and Naval Board, General Bernard, Colonel Totten, and Commodore Elliott.*)

siderations which recommend one and condemn the other.

Finally, and by way of concluding his notice of the objections to fortifications, he would bring forward one which he had not heard mentioned by any speaker, but which he had found in the reports of one of the French engineers employed by President Washington, in 1794. It was *Monsieur Rivardi*, and might be interesting as a reminiscence now, as the novelists call it, and to show what kind of objectors there were to fortifications forty years ago, although the race may be now extinct, and the reference may remain without application:

"I thought (said this ingenious soldier) that, in a small community, where public welfare ought to be the chief aim of every individual, no jealousy, no parties, could be found. I do not think, however, that there exists, anywhere else, such ridiculous divisions as here. There is a large number of dissatisfied men who object altogether to fortifications, from the same principle for which they object to every measure of Government. Some would rather *bush fight*, as they call it, in case of a war; and the fact is, I fancy they had rather not fight at all. I drop this disagreeable subject; the only thing is to be deaf, and do what the safety of the country requires."—*(Letter of Rivardi to General Knox, Secretary at War, July* 28, 1794.)

Next, as to the advantages of fortifications.

On this head Mr. B. would be brief, referring the Senate for a full understanding of the subject to the masterly reports of the Board of Engineers for 1821 and 1826, and confining what he should say chiefly to statements and reflections resulting from those reports.

1. Fortifications close up all important inlets to ports and harbors against enemies; they give security, confidence, and tranquillity in time of war to the cities and coasts covered by them; the truth of which is exemplified in the opposite coasts of France and Great Britain, where the coast inhabitants and cities, covered by fortifications, are as tranquil in the pursuit of their business in time of war between these countries as in time of peace.

2. They give security and protection to the commercial and naval marine, as ships, either of war or of commerce, pursued by an enemy, fly to them for refuge, and lie in safety under the guns of a fort, or within a harbor defended by it. We have a vast commercial marine to which we owe protection; we have determined on the creation of a navy; and, for the preservation of both, we must have fortified harbors for their refuge and protection.

3. Forts are often necessary at points where there are not cities to defend, as at positions which an enemy might occupy in time of war, and from which he could assail, annoy, devastate, or alarm the neighboring country. Our extended coast presents many positions of this kind, and which we must occupy to prevent an enemy from establishing himself upon them.

4. Forts are necessary on the lines of interior navigation, to keep open the communications in time of war. The *debouches* of canals, the passages through sounds, bays, straits, and between islands and the main land, are examples of this necessity, and of which many instances may be found on the maritime and gulf frontier of the United States.

5. Forts are indispensable to the protection of navy-yards, dock-yards, and naval arsenals. The nature of these establishments require them to be accessible from sea; and unless protected by forts, they may be invaded, plundered, and burnt by an enemy. This happened once in England, when the Dutch penetrated the Thames, and destroyed the naval establishments at Chatham.

6. Forts are the cheapest mode of defense; cheapest in money, cheapest in the number of men to defend them, and cheapest in the number of lives lost. They are cheapest in money, because when once built of the proper and durable material, earth and stone, they are built forever, and in the course of centuries require but little for repair or reconstruction. They are cheapest in men, because a few can defend a fortified position against a great number, and thus abstract a smaller proportion of the population from peaceful pursuits. They are cheapest in blood spilt, or in lives lost, either of men killed in battle, or dying of diseases from camp and field exposure. Behind the defenses of a fort, sheltered from the weather, amply provided with every essential to health, the troops in a fort suffer far less, in proportion to their numbers, than those in the field or the camp. In exemplification of these ideas, Mr. B. would refer to the calculations made by the Board of Engineers, to show the difference of expense in men and money in defending a given number of our cities, for a given time, with and without the cover of fortifications. They took Boston, New York, Philadelphia, Baltimore, and New Orleans, and based their calculations of a campaign of six months against a menaced attack from an enemy's squadron. Without forts, the number of men required for the protection of these cities, not knowing which was to be attacked, and bound to be provided at each city, the aggregate number would be seventy-seven thousand to meet a descent of a fourth or fifth of that number at any one point; the expense of which, for six months, would be $19,000,000. To defend the same cities with forts would require an aggregate of no more than twenty-seven thousand men, and an expense of $6,500,000; making a difference of fifty thousand men and of $12,500,000. Thus, in a brief war of two or three years, the whole cost of the fortifications for the whole coast of the United States, on the largest scale projected, would be completely saved.

7. The efficiency of the defense is another of the advantages of fortifications on the sea-board. That efficiency on a land frontier has been a problem among military men, and opinions have divided upon it; but no such problem has ever existed in relation to the coast defenses; on that point opinions have never divided; and throughout the world, in all ages, and in all countries, the defense of the coast, by fortifications, is the only safe reliance against approaches by sea; approaches which may be made without warning, which may threaten dozens of cities and thousands of miles of coast at the same time; which may stand off and on, hover round, distract and scatter the troops collected at any one point, wear out an army by marches and counter marches, and eventually strike where least expected, or least prepared to resist.

8. But the great and crowning advantage of fortifications is their peculiar adaptation to defense by militia, by volunteers, and by the yeomanry of the country, and their consequent dispensation of large bodies of regular troops, both in war and in peace. Forts are the peculiar defense of the militia. A few artillerists, and the militia of the adjacent country, are the proper defenders of forts. To these points, on the first signal of danger, the yeomanry of a free country will forever flock. They will fly to the forts with alacrity and confidence, and will make brilliant and glorious defenses. Placed in positions, and sheltered by works, even indifferent, the yeomanry of the United States have always performed prodigies of valor. Even in temporary field works, and the merest apologies for forts, they have rivaled and transcended the exploits of veterans. Our history is too full of examples of this character to admit of naming any without seeming to neglect others; but I must refer to a few—to the green-log pen at Charleston, called Fort Moultrie, and the post-and-rail fences piled upon each other at Bunker's Hill, in the war of the Revolution; and the mud wall at New Orleans, and the stakes stuck in the ground for a fort at Sandusky, during the late war—to remind the Senate of what a yeomanry and a few regulars can do, placed in position and covered by defenses.

Mr. B. concluded his speech with expatiating on the extent and variety of the defenses required for the United States, and the wisdom, propriety, and necessity of dedicating our present surplus money and our present leisure time to the creation of these defenses. Ships, navy-yards, dock-yards; two great national naval arsenals of construction and repair; forts, armories, arsenals, depots of arms and munitions of war; arms and field artillery for the militia; swords and pistols for the cavalry of the States; an increase of the army for the western and northwestern, and, he might add, for the southern and southwestern frontier also; such was the vastness of the system, and the multitude of its objects, which the defense of the country required. The expense of all these works he had not calculated; but the Senate had adopted a resolution to ascertain that expense, and the answer would come in as soon as the Navy and War Departments could prepare it. Of the military branch alone he would venture to give an opinion, and would say the estimates for that branch alone must exceed $40,000,000. Of all the branches of this system of national defense, he had discussed but one, and not the whole of that. He had spoken of forts alone, but of the forts on the maritime and gulf frontier, without mentioning, though certainly not without remembering, that we had an extended line of lake frontier, washed by inland seas, and bordered by a foreign Power. He had spoken of fortifications alone; but it was not to be dissembled or denied, that the whole system of defense, naval and military, was now upon trial. The bill for the nineteen new forts is the touch-stone of the whole question. If that passes, then the whole system moves forward; if it is rejected, the whole system halts; for forts are the indispensable part of the whole system; they are its back-bone, without which all the rest becomes vain and inefficient, and ships themselves are idle preparation. For what are ships without ports of refuge? What are harbors and breakwaters without defense? What are dock and navy-yards without forts to cover them? Nothing but prizes, spoil, and prey for the public enemies. But (Mr. B. repeated) the fate of this bill is the fate of the whole system of defense, and of antagonistic schemes for the distribution of the public money. If the bill becomes a law, the defenses go on, and all the surpluses of revenue will go to that object; if the bill fails, the defenses will halt and linger, and the distribution bills will spring upon the stage, and will labor to scatter and squander that money which a defenseless country calls for in vain.

I conclude (said Mr. B.) with remarking that the present period is to be an era in the history of our country. It is a period from which there must be a new movement forward, or a sad retrogression. It is a point upon which posterity will look back for ages and for centuries, to applaud the wisdom, or deplore the weakness of the national councils. The Navy and the War Departments will report soon, and will develop all the points of national and permanent defense which the extent of our country demands, and the destiny of the Republic requires. President Jackson has given us his earnest, his zealous, his reiterated recommendations; all depends now upon the legislative department, and upon the decision of the question, whether the public money shall go for the public defense, or shall be lavished and squandered in unconstitutional and demoralizing distributions among the States?

SLAVERY IN THE DISTRICT.

DEBATE IN THE SENATE.

February 29, 1836.

The Memorial of the Society of Friends of Lancaster County, Pennsylvania, praying for the abolition of Slavery and the Slave Trade in the District of Columbia, was taken up as the order of the day.

The question being on the reception of the petition,

Mr. WALL rose and said:

Mr. PRESIDENT: I had hoped that the community of object so strongly and decidedly professed by all who have mingled in this debate, would have resulted in some measure acceptable to all to disarm this question of its *excitability*, and to relieve the business of the public from its paralyzing effects. I had hoped that some measure, conceived in that noble and fearless spirit of patriotism which, in another place that I am not permitted to mention, has added new honors to a name so illustrious for all that can adorn the chivalry of the soldier and the patriotism of the citizen; a name connected with the most trying and the most glorious periods of our common history, and of the State which gave him birth, would have conducted the dangerous electricity with which the dark and threatening cloud of abolition *incendiarism* is supposed to be charged, harmless to the earth.

I have been disappointed. The honorable Senator who made the motion to reject the petition

presented by the honorable Senator from Pennsylvania, has avowed that he feels it his duty not only to persist in that motion, but should feel it to be his high and imperious duty to demand the question of reception on the presentation of every other petition of a similar character; and I feel that my duty will not permit me longer to remain silent.

Sir, the question raised by that motion is a constitutional question of deep and abiding interest, which comes home to the sensibilities of the whole American people, and, like all constitutional questions, ought to be approached free from all adventitious excitement.

Let me premise, Mr. President, that the petition which you are now called upon to reject does not come from the great laboratory of abolition *incendiarism*. It does not spring from the *heated* atmosphere produced by the contention of men struggling for political power; nor does it come from men, who, under pretense of conscience, cloak worldly, selfish, or unholy designs.

But, sir, it comes from a source which, on this floor, and everywhere else where the doctrines of the civil and religious liberties of man are maintained, cherished, and supported, is entitled to be heard with respect. It comes from the Caln quarterly meeting of the Society of Friends.

Although not my immediate constituents, I have the pleasure of knowing some of the very respectable citizens who compose that quarter, and I feel bound, from that knowledge, to say that they are neither fanatics in religion nor politics; and that they seek not to destroy the Constitution or endanger the peace and permanency of the Union.

They are what they profess—members of the religious Society of Friends. A society adopting the pure and simple doctrines of the Gospel proclaimed by the angel herald of the advent of our Savior, "peace on earth and good will to man," have emphatically taken as their rule of conduct the doctrines which he taught—"Do unto others as you would they should do unto you," and "love your neighbor as yourself." These, as well as the other *fundamental* principles which characterize them, they maintain, not by contention or force, but by bearing what they call their testimony against such acts as they, in their conscience, believe subversive of their golden rules of action.

Theirs is no pharasaical faith which impiously invokes the judgment of Heaven upon the sins of others, while vaunting their own superior goodness and virtue. They address not the passions or the feelings of interest or avarice, but the common sense, the wisdom, and justice of man. Their only weapon is the calm, mild, and dispassionate voice of *reason*, and they conquer, if they conquer at all, by submission and endurance.

Mr. President, these petitioners are not only attached to the Union, but to the principles of our Constitution. And well they may be, for their own system of discipline, which dates back long anterior to that Constitution, not only contains the same general principles of civil and religious liberty, but in a most remarkable degree shadows forth the same system of government, afterwards so admirably developed and expanded in the State and Federal relations of that instrument.

And what is it that these petitioners have done, which should bring down upon them the fiery indignation of the honorable gentleman from South Carolina, and exclude them from the right of being heard in this Hall? They have prayed Congress to exercise what they conceive to be their constitutional right over the territory of the District of Columbia, in respect to the abolition of slavery and the selling of slaves in that District. Admit that they are mistaken—admit that Congress have no constitutional right over slavery or the exercise of the right of slavery in this District—admit that they understand the Constitution differently from the honorable Senator from South Carolina, or even from this Senate; yet I believe it is not a crime in any *but one man* to construe the Constitution as he understands it. If they are mistaken in their views, it belongs to us so to determine, and our *rights* and our *duties* begin where those of the petitioners end. Speak to them in the language of courtesy and of reason, and they will submit, although they might still think themselves bound in conscience to bear testimony against the evils of slavery, as they do against the evils of war, and many other things which the laws of society recognize. Speak to them as citizens of a common country—satisfy them that it is inexpedient to grant their petition—that it would endanger the integrity of the Union, the peace, the lives, and the liberties of our fellow-citizens—that it would scatter rapine, murder, and desolation over the fairest portion of the Union; and they would forbear. They are for the peace and happiness of man, not for blood and rapine. They would leave it to the Providence of God in his own good time to work out the remedy for evils which would be aggravated by the rash and inconsiderate and officious movements of human action. Tell them, sir, that one of the pillars of the most glorious temple of liberty which human wisdom has ever erected is based upon slavery; that you cannot remove that foundation without destroying the whole edifice, and they will be satisfied. Their humanity is not of that reckless character that it will wade to its object through rivers of blood and amid the fallen fragments of an empire.

Mr. President, I must be allowed to say that I was surprised when I heard the honorable Senator from South Carolina make his motion to reject this petition. I had heard this body called the last refuge of liberty—the defenders of the Constitution—the champions of the liberties of the people against the attacks and assaults of executive power. Is it wise, then, if they are engaged in such a holy struggle against power, in defense of the Constitution, to separate themselves from the sympathies of the people? Or is the liberty, for which they are contending, the mere liberty of letting the people hear *their voices?*

Mr. President, there are other liberties belonging to the people, which they at least value as dearly as the liberty of hearing our voices. Among these, not the least, is the liberty of making themselves heard in these walls—of making us hear their voices. There are but two modes of doing this: one is, by *petition*, which comes to us in the mild and gentle *voice* of supplication. The other by *instruction*, which grates upon our ears in the harsh and imperative accents of command. Sir, whether obedience to the latter is to be *expunged* from the list of Senatorial duties may hereafter be determined; but if we reject the right of supplication—if we abridge the *right* of the people to petition—it is hazarding nothing to predict, that we shall spurn and scorn the *commands* of the people; the step from one to the other is not only easy but natural.

Mr. President, I have examined this question with all the care and deliberation that I am capable of exercising; and I feel bound to declare my deliberate judgment that you cannot reject this petition without violating the Constitution which we are all sworn to support.

I beg you, Mr. President, to look at the petition; it is couched in respectful language to this body, and to everybody else. It does not assert the existence of slavery, or the selling of slaves, anywhere, or invoke the action of Congress anywhere but in the District of Columbia; and that action is to be regulated by the Constitution. I beg the honorable Senator from South Carolina to review this petition, and to withdraw his charge that it traduces and villifies the conduct of the institutions of the State which he so ably represents. I ask where, how, and in what part, letter, or sentence, of the petition does he find the evidence to support this charge?

Sir, it is not the habit of the society to which these petitioners belong thus to act. They speak of the evils of slavery, and of the selling of slaves, in the abstract and impersonally. I trust, sir, that we have not yet reached the excited susceptibility of the followers of the Montagues and the Capulets, when the simple interrogatory, "Do you bite your thumb at us?" could provoke riot, blood, murder, and suicide.

Mr. President, you have no right, no constitutional right, to reject a petition, but for disrespectful *language;* and even then the language must be understood in its mildest sense. The disrespectful language must be so gross as to show that it is not the exercise of the right of petition. In that case, sir, the power of rejection flows not from the Constitution, but the inherent, primary right which belongs to all representative, deliberative bodies to protect themselves from insult and contempt. If, sir, the language of this petition is disrespectful, it must be because it speaks of slavery and the slave trade in the abstract *as evils*. So decide, and this Senate will cut out for itself new matter for the *expunging* process. It will not be their own acts over which they have a control, but it will be the acts and labors of the wise and the good of all ages—of the patriots and statesmen of our whole country. You must begin with the Declaration of Independence, the labors of the sages of the Revolution, the works of Mr. Jefferson, the library which you bought of him, and the whole library of Congress, and finish with the proceedings of Congress itself.

Mr. President, the right of petition is not derived from the Constitution. It existed anterior to it. It is a primary, inherent, absolute, and essential right, which belongs to *representative Government*. Its origin, its progress, and its history, is the history of the struggles, the overthrow, and the triumphs of the people. It is the political barometer which *marks* the state of the atmosphere of liberty in every age.

Sir, in the deduction of our title to that rich inheritance of Anglo-Saxon liberty called the Folk law, an inheritance which our ancestors brought with them on the first settlement of this country, we find that, whenever the real *bona fide* issue of liberty against power was tried, the right of petition stands forth as one of the most important and essential *muniments* of liberty—from the first trial at *Runemede* to the final decision by the revolution of 1688, when the right of the people to self-government was finally established. Sir, on this side of the Atlantic it has been consecrated by the blood of our revolutionary sires, and is written in the history of our struggle for *freedom*.

When the Constitution was formed, the right of petition was held by the people, in fee simple, without render of service to any superior lord in absolute sovereignty. It was then, and is now, one of the great prerogatives of the people, an attribute of the sovereignty of the people, and, like all prerogatives which spring from sovereignty, unalienable and indestructible. Sir, it is a great trust held by the people themselves, for the preservation and maintenance of the liberties of mankind. It could not be granted; and on the adoption of the Constitution it was not granted, but remained among the vast mass of the reserved rights of the people.

But, Mr. President, so important and essential to the preservation of liberty did the people consider the right of petition, that they were not content to let it remain as a mere reserved right of the people. The statesmen of those days were deeply imbued with the great principles of popular liberty, and thoroughly acquainted with its history in all ages. Especially they were acquainted with the principles of the English law. *Extra parliamentum, nulla petitio, est grata, licet necessaria: in Parliamento nulla petitio, est ingrata, si necessaria*, is the maxim of Lord Coke. They know that, in the third year of the reign of the first Charles, when the arbitrary conduct of the Tudor and Stuart dynasties had made it necessary for the people to recur to the first principles, as if to render the right of petition and the primary rights of man one and indivisible, and to consecrate it as the great *muniment of civil liberty*. The petition which recited the principles of Magna Charta, with the acknowledgment of the King of their truth, was solemnly enrolled among the rolls of Parliament; and afterwards, in the thirteenth year of the same reign, was enacted into a statute.

They knew that, notwithstanding that solemn confirmation, in the thirty-second year of Charles II., the right of petition was abridged, by excluding matters of State and religion from the subject-matter of petition, unless sanctioned by the magistracy, and even then, if it was signed by more than twenty persons, or presented by more than ten. They knew that by the glorious revolution of 1688—glorious because it was the first where

the right of the sovereignty of the people to confer power was made the foundation of Government—the right of petition was restored to its pristine freedom by the bill of rights.

They knew that, notwithstanding all this, Lord Mansfield had then recently, on the celebrated trial of Lord George Gordon, by judicial legislation done what no Parliament of Great Britain would have dared to have done—abrogated the clause of the bill of rights, which repealed the statute of 1632, Charles II., and reënacted that statute abridging the right of petition. They knew, sir, that in the English law the right of peaceably assembling, and the right of petitioning for the redress of grievances, were held only subordinate to the primary rights of life, liberty, and property, but the necessary and indispensable auxiliaries to them.

Hence, sir, the first amendment to the Constitution declares: "That Congress shall make no 'law respecting an establishment of religion, or 'prohibiting the free exercise thereof, or abridging the freedom of speech, or of the right of 'the people peaceably to assemble, and to petition 'the Government for a redress of grievances." By this amendment, the people did not grant to Congress any right to intermeddle with the right of petition. They did not grant any of their reserved rights; but they meant "to make assurance doubly sure, and take a bond of fate," to take away from Congress all power whatever over the right of *petition*. Mark the language: Congress shall make no law prohibiting or abridging, &c. It seems to have been drawn with express reference to the decision of Lord Mansfield, in Lord George Gordon's case, and to the statute of 1632, Charles II, which abridged the right of petition, and which was resuscitated by that decision. It therefore withdraws from Congress all right of interference with the right of petition in any form, or in any shape whatever. And if it be true, as is stated by the honorable Senator from South Carolina, in a recent report submitted to this House, that the celebrated report of Mr. Madison to the Virginia Legislature, in 1799, conclusively settled that Congress has no right, in any form, or in any manner, to interfere with the freedom of the press—and the violation of that principle, in the enactment of the sedition act, was the leading cause of the civil revolution of 1801—I say, if this be so, sir, how can a distinction be drawn between the right of Congress to abridge the freedom of the press, and the freedom of petition? They are alike protected by the same clause of the Constitution, and by the same language placed beyond congressional action. If this be so, sir, the people themselves have settled the construction of this clause irreversibly.

How, Mr. President, then, can we deny the right of petition without violating the Constitution; without a gross usurpation of a power not only not granted to us, but withheld from us in clear, plain, and unequivocal language?

We cannot make any law; we cannot *legislate* at all as to the right of petition; we cannot—calling to our aid all the powers of the House of Representatives and the Executive also, the whole powers of legislation—*abridge*, in any form or shape, the *right* of petition. Can we, then, do it by rule? No, sir; surely not. We cannot do indirectly what we cannot do directly. But, sir, the Senate have done no such thing. Their rules have been drawn by sound constitutional lawyers. Page 48, section 24, Rules of the Senate, declares:

"Before any petition or memorial addressed to the Senate shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer."

The rules, then, simply regulate the mode of the introduction of a petition. They go no further; they could not go further by the Constitution, or without violating it. They make no question of the reception of petitions. The rejection of a petition for disrespectful language is an anomaly, and must furnish its own rule.

Sir, how is the rejection of this petition attempted to be justified? It is by the *lex parliamentaria*, the law of Parliament. Now it is clear that this rule respecting the reception of a petition founded on the law of Parliament, has never been adopted, and could not be adopted by the Senate. It is hostile to the principles of that Constitution under which they hold their seats. It is adapted to another meridian—a meridian where the right of petition has been abridged by act of Parliament, by judicial decisions—usurping legislative powers—where it has been pared down to the size of parliamentary discretion. Here, sir, it is too mighty, too large, for senatorial power, much less for senatorial discretion, to grasp; and can it be seriously contended that it can be *abridged* by the parliamentary law of England—borrowed or not borrowed—adopted or not adopted—naturalized or not naturalized? No, sir, no. The position cannot be maintained. Such a doctrine assumes for its basis that the Senate may violate the Constitution with impunity, under the shield of a rule of the British Parliament, wholly inconsistent with, and subversive of, the principles of that Constitution.

But, sir, it has been said that the right of petition is limited to grievances which personally affect the petitioners. Sir, this doctrine sounds strangely to my ears. It is not the doctrine of the Revolution; and it is there that the people of the United States have learned their lessons of that right. It is not the doctrine of our ancestors. It is not the doctrine of liberty. It is not the doctrine of our Constitution. Sir, as respects the Union, the Government is a unit. That great mass of human liberty which reposes in safety under the protection of our Constitution is composed of the rights and liberties, the prosperity and adversity, the weal and the woe, of each citizen and each section of our wide extended empire. Sir, the sympathy between the members of the natural body is not more direct and immediate than that between all the members of this great Republic. Touch the right, the interest, or the liberties of the humblest citizen of this great Republic, no matter where his lot may be cast, and the pulsation is felt in every part. Raise but the cry of oppression in the remotest prairie of Missouri, or the rudest dell of the Alleghanies, and the cry is echoed and reëchoed—ay, sir, and felt, too—in every street, and in every alley of every city and town; in every valley, and upon every hill top and mountain of the extended limits of the Union. We are bonded together for common weal and common woe. It is this which breathes the Promethean fire of liberty into the cold and chiseled forms of republican government. Sir, the grievance of one is the grievance of all. So thought, so felt, so acted, the gallant sires of the constituents of the honorable Senator, in the darkest and most fearful period of the Revolution, before compact had added new obligations to the sacred ties of a common *ancestry*, kindred, and institutions. The cry of oppression raised in Faneuil Hall pealed over the whole South; and petitions for redress of grievances—grievances which fell first upon the cradle of liberty only—besieged the English Parliament from all quarters of the good old thirteen States. The true doctrine upon this subject is written in the history of the Revolution in characters of blood—of the blood of our sires in the East and in the West, the North and the South. The right of petition for the redress of grievances, is as broad and expansive as the rights of the citizen, and circumscribed only by the limits of the Union. It can be *abridged* only by those limits. The people must be and are the judges of what is or is not a grievance.

Another objection has been made to the reception of this petition, that it prays what the Congress cannot constitutionally grant. Admit it. What then? Is that a cause for rejecting a petition? Does the gentleman forget the principles which lay at the foundation of our institutions, of our Revolution, that government was instituted by the people and for their benefit, and that they may remodel it when they see proper? Does he forget the doctrines of the Declaration of Independence? Does he forget the provision of the Constitution which expressly provides for amendments? But, sir, has the question as to the constitutional power of Congress over slavery and the treatment of slaves in the District of Columbia, been settled? When? where? how? Is it not a question at least so open, that a difference of opinion may be entertained; and if so, sir, (and I do not mean myself now to express any opinion on the subject,) is it a ground for rejecting a petition? It may be good ground for rejecting the prayer of a petition, that it asks what we have no power to grant; but we must receive it to understand it, to examine it, to judge. We must receive it in order to enable us to discharge our duties. We must not forget that it is our duty to sustain the rights of the people—that in this Hall the relation between us and the people is, on the side of the people, *rights;* and on our side, *duties*.

Sir, where will this doctrine carry the honorable Senator? The Legislatures of some States have instructed their Senators to vote in favor of what are called the *expunging* resolutions. I believe, sir, that some people have imagined that the resolutions are unconstitutional. Are they to be rejected? Is a sovereign State to be rejected at the threshold on this ground? I warn gentlemen that this is a subject upon which the people know their rights, and, knowing, dare maintain them; that they will not be paltered with in a double sense. I warn gentlemen that this is a subject upon which no metaphysical ingenuity can perplex them.

Sir, the people will never consent to wait at your door as suppliants, or as masters, until they have been taught the mode of making a graceful bow, or the precise language which will suit our courtly ears.

Mr. President, it is said, and said truly, that we ought to beware how we suffer our feelings to be our counselors, where the judgment ought only to act. It will not do for us to turn from the propriety of our own course, by either real or imaginary danger. Great principles are always immutable, and cannot be made to bend to circumstances.

Sir, we all, North and South, abhor abolition incendiarism. But what is it? It is the attempt to deceive honest men into the belief that their duties as freemen, as Christians, as human beings, compel them to violate the sacred compact of their ancestors; to destroy that Constitution which binds us in the golden chain of the Union; to array brother against brother, and to put the dagger and the torch in the hands of *infuriated madmen*, to destroy the lives and property of our brethren. It is a *negro* and *slave* philanthropy, which rejects and spurns all humanity and consideration for the whites and the masters. It is crimsoning the religion of peace with the blood of our fellow-men. It is setting fire to the whole edifice, in order to purify it from the stain of a single spot. This, sir, is monomaniaism; it is fanaticism. How, sir, can this be put down? By persecution? No, sir. It is its life-blood, its aliment. Sir, the only way of putting down fanaticism is by infamy or ridicule. The history of fanaticism in all ages and in all countries teaches us this lesson.

Sir, why is *abolition incendiarism* to be put down by infamy? Because it seeks directly or indirectly to violate the solemn compact of our ancestors—to dissolve our happy Union, and under a false and frensied notion of humanity, to involve our fellow-citizens in the horrors of rapine, murder, and a servile war. This is what renders abolition incendiarism infamous in the non-slaveholding States. There, sir, it has looked into the pure and clear reflection of public opinion, seen its own Gorgon features, and been turned into stone. That public opinion is not the light wich coruscates from the heat of excitement, dazzling but to blind, but the steady and glorious light of the common sense of the wise and good; of that common sense which God in his infinite mercy has imparted to all his creatures in his own image, as the etherial element of man, and like the natural elements, common to all. It is that voice of the people which justifies the maxim, *vox populi vox Dei*, which has spoken in the North, and abolition incendiarism has been annihilated.

I can assure the honorable Senator from South Carolina, that in the State which I have the honor in part to represent, I know no one abolition incendiary—I have never known one, however desirous many citizens may be to see the abolition of slavery. No one there would dare to avow,

that to accomplish it, he would dissolve or even put at hazard the Union, and the peace and security of our southern brethren.

The danger, Mr. President, at present, is not from the Abolitionists; but from agitation and excitement We have heard the voice of the great agitator of Europe pealing across the Atlantic, and proclaiming at once the watch word and the rule of action for his co-laborers—*agitation, agitation*. Will we not aid in this, if we teach the people to believe that the religion of our Constitution requires the sacrifice of any of the children of liberty upon its altars?—that the right of petition, of the liberty of speech, and of the press, is inconsistent with, and must be made to yield to preserve other constitutional rights? Sir, the bones of abolition incendiarism now lie bleaching upon the desolate heaths where they have been driven by public infamy. They are harmless; but if you collect those bones and fire them either for sport or warmth, a spirit may arise with the powers of vitality and of procreation.

Mr. President, in advocating the right of petition, I wish not to be misunderstood. When the petition is received, and the right of the people has been vindicated, I shall be prepared to discharge my duty. That duty under all the obligations which surround me will compel me to adopt only such measures as will insure domestic tranquillity, promote the general welfare, and secure the blessings of liberty to ourselves and our *posterity*, not according to new and untried experiments, but the plain dictates of the Constitution I say this duty, as I understand it, will lead me to reject the *prayer* of the petition.

Mr. BLACK said that, as so much had been said on this subject by Senators coming from States immediately interested, he did not deem it necessary to enlarge upon it. With regard to the action upon the petitions, he believed it would be with a view to the same general result by all the Senators, except it might be the gentleman from Ohio, [Mr. MORRIS.] He must take this occasion to say, that he felt greatly indebted to the gentleman from Pennsylvania [Mr. BUCHANAN] for the liberal course pursued by him on this subject. The question was, how they should dispose of the petition presented by the gentleman, [Mr. BUCHANAN.]

The gentleman from South Carolina [Mr. CALHOUN] had moved to reject the petition, and the gentleman from Pennsylvania [Mr. BUCHANAN) had moved to reject the prayer of the petition. The former, in his opinion, was the strongest motion that could be made, and he should vote for it. If the South had no right to reject the reception of the petition, the matter was then at an end. He went into an argument, and cited the rules to show the powers of Congress to reject petitions that asked for an unconstitutional act, or contained improper language towards either branch of Congress or any member thereof, and drew a distinction between the use of the right of petitioning and the abuse of it. The freedom of speech and of the press were rights analogous to the right of petitioning, and laws had been passed by the State Legislatures stating in what they consisted. He spoke of libels as an abuse of the freedom of the press. They had a right to define what was a peaceable assembly for the redress of grievances. Provisions in the Federal Constitution were broader than in State governments, which were always in some degree jealous of each other. The gentleman from New Jersey [Mr. WAEL] had said the right of petition should be as broad as the Constitution. Suppose (said Mr. B.) a petition should be sent here praying for an alteration of the Constitution to elect the President for life. Should they not reject it? He should do it instanter. If the right to petition was as broad as the Constitution itself, it could not be broader.

The gentleman from New Jersey [Mr. WALL] had said the grievance of one citizen was the grievance of another. The grievance complained of in this petition did not back any grievance of the District of Columbia. The doctrine was as vain and ideal, as to say that the missionary was essential to the establishment of religion.

If the powers alluded to by the gentleman from Connecticut [Mr. NILES] were not transferred by the cession of Virginia and Maryland to the General Government, then they were not transferred at all. The petitioners had asked Congress to do what they had no right to do, and could not do, without a breach of trust. Were the petition on this subject not unconstitutional in its power, and presented at a time of extraordinary deep and pervading excitement, he might be disposed to give it the usual direction. But it was brought up at a time when it would not do to tamper with this subject. He spoke in reference to that section of the country where he was immediately interested. The people there looked to this movement as the entering wedge to the interference in the slaveholding States. He believed the most direct way in which it could be met was the most proper. As long as the matter was confined to a few straggling mercenaries, or confined to Arthur Tappan, he treated it with sovereign contempt. But when they assumed the formidable character of societies, to stir up and incite to cutting throats, the people of the South would exert all the power they had on earth to repel them. While exciting to such purposes, they could not expect mercy from the South. He understood there were many petitions, numerously signed, in the possession of Senators, not yet presented, and that the Abolitionists had organized societies throughout the North,

If he should say that these societies would be put down by the people of the North, he would not speak the truth. In regard to the commercial community, they had nothing to say concerning them, as they were not supposed to be concerned in it; but there was a body of clergy in the country aiming at the assumption of power, who were connected with them, and were the mere index of them. While they said they had not the right to interfere with the rights of the South, why did they claim the right to discuss the subject, circulate petitions, newspapers, pamphlets, and pictures for? It was for the purpose of raising a political party at the North; and if not for that object, it was for no object at all. He had received a paper from a gentleman in New York, from which he read an extract, finding fault with the sentiments of Governor Marcy, in opposition to the Abolitionists, contained in his message to the Legislature of that State, and threatening to bring their influence to bear against him. Whether that was their object or not, it must necessarily lead to politics. There was no excitement that did not run into politics. That excitement would be brought to bear upon the elections, and they would send members of Congress here; and no doubt their object was to do so. If there were any citizens of the North who did not desire to plunge the country into direful consequences, he would call upon them to review the manner and scope of their operations. The opinion of the South was made up; and Congress never could act on it. As soon as Congress took the first step in a legislative point of view, it would be the last; it never could be touched, except at the point of the sword. He did not say these things for the purpose of excitement, but he said it in the sincerity of his heart. It was a notorious fact, that some three or five years ago there was a party in the South in favor of the gradual abolition of slavery, whose efforts were now cut short by the conduct of the Abolitionists. They dare not now even speak of their laudable views. He alluded to the charges of the Abolitionists against slaveholders. He was willing, for his part, to bear the share of the odium. He was astonished at some of the remarks of the Senator from Georgia, [Mr. KING.] The people of the South were not willing to have this matter connected with the presidential election, as was charged to them. They had nothing to gain by it. There was no such feeling in the public mind in the State he came from. All they desired was, that a man should be elected who would administer the affairs of the Government purely with a view to the public good. The feelings, then, were not got up with reference to any such question. With regard to the merits of slavery itself, it was a question the merits of which he would never consent to discuss. He alluded to some remarks from the Senator from Pennsylvania [Mr. BUCHANAN] he was sorry to hear. If any suffered, it was the whites. The condition of the blacks in the southern States was better than in any place in the Union. The morality of the South, which had been reflected upon, would not suffer in comparison with any other section of the country. If he were to indulge in epithets——

Mr. BUCHANAN rose to explain. He had said in the abstract, as regards slavery, he coincided with the opinions of the people of his native State; and that was all he did say.

Mr. BLACK continued. He had supposed the gentleman coincided in the sentiments expressed in the petitions. He should vote for the very strongest motion in which he should consider the petition itself rejected. Entertaining, as he did, no doubt that Congress had a right, on account of improper language and the unconstitutionality of its object, to reject the petition itself, he should vote first for its rejection, on the motion of the Senator from South Carolina, [Mr. CALHOUN.] He considered the proposition of the gentleman from Pennsylvania [Mr. BUCHANAN] as coming second to it; and, if the first proposition failed, he would join the gentleman from Pennsylvania [Mr. BUCHANAN] in voting for his proposition. He was the more reconciled to vote for it, as a part of the gentlemen from the South were of opinion that it was the better mode of disposing of it.

Mr PORTER said it was not his intention to have spoken on any subject to-day, and especially on the subject spoken upon by the gentleman from Georgia, [Mr. KING.] Subsequent reflection had not struck him with any error advanced on that day. What he had seen had struck him with the necessity of observing silence. He felt as if the liberties of the country were involved in this discussion. Unless the people of the North used stronger measures than had yet been used, he despaired of suppressing the growth of abolitionism. He was proud to call the gentleman from Georgia [Mr. KING] his friend He believed him honest. He believed if he [Mr. KING] thought he was pursuing a course which would weaken the cause of the South, he would instantly retrace it. The course pursued by that gentleman this day, was in his (Mr. P.'s) opinion well calculated to thwart them, (the southern delegation.) They were presented here with a divided front—the maxim of "divide and conquer" was bearing upon them. When everything dear to them was involved, when the gentleman had seen they were bowed down, he hoped he would unite with them, so that they might show that they were not divided at home. For his part, he should persist in the course he was going to pursue, and to which he had expressed his preference, even at the risk of a division. The South ought to unite on the very strongest measures. No matter what was done; whether they rejected the prayer of the petition, or refused to touch it as contaminating, the Abolitionists would continue their schemes; they were animated by a religious enthusiasm—they had their movers, and they would continue their avocations to the end of their lives. He feared the good sense of the North would not be able to put them down.

He had said before, that he would move to reject this petition at once. Was there not a motion for that purpose now? Could not the honorable gentleman from Georgia [Mr. KING] see the object of it was to teach them that this was a subject about which they of the South could not be talked to? Sacred as that instrument, the Constitution, was, when he saw their rights, their property, and their lives in jeopardy, the sacredness of its character was lost. He admitted the right of petition was sacred, and did not wish to abridge it. He saw no difference between rejecting the petition and rejecting the prayer of it. The right of petitioning did not imply the right of assenting to the petition. He felt a higher obligation than any other on earth to resist this attempt to interfere with southern rights. He warned those in the North, whose affections were kind and whose judgments were sound on this subject, that this temple was destined for purposes which those who built it never contemplated. If these societies were growing, as he believed they were, he could not shut his eyes to the threatened dangers. Gentlemen were mistaken if they thought he wished to discredit or weaken the exertions of his northern friends. He did not believe that those gentlemen from the

South who acted with him were mistaken in their statements in relation to the feelings at the North. He had information from other sources than pamphlets or newspapers. He would ask the gentleman from Vermont, [Mr. SWIFT,] whether the number of these societies had not increased in his State of late?

Mr. SWIFT could only speak of a part of the State of Vermont, in which he had understood some five or six societies had been formed since he came here.

Mr. PORTER continued: The statement of the gentleman from Vermont corroborated what he had heard from other sources. He had no doubt that the accounts in those abolition papers were exaggerated. But he nevertheless believed that where there was so much smoke, there must be some fire. He believed a large majority of the people of the North were virtuous, and it was to their virtue he looked for aid. He could, however, assure them that the only way to put down the Abolitionists was by prompt and decisive measures. As to that wretch Thomson, he did not regard anything he said. The Senator from Connecticut [Mr. NILES] had said all the mischief had been done by the clergy.

Without coming to a conclusion, the Senate adjourned.

NEW YORK FIRE.

REMARKS OF HON. C. JOHNSON,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

February 17, 1836,

On the amendment to the bill for the Relief of the citizens of New York, in the Committee of the Whole.

Mr. JOHNSON said, that he was desirous of saying a few words on the amendment to the bill now under consideration, before the final action of the committee upon it; that his opinions upon such a subject as this could not be influenced in the least by any consideration of a political or party character, and he could not believe that those of any member of the committee would be, notwithstanding the allusions to such subjects so often made in the debate; that he would extend to the citizens of New York *the same relief*, and *no more*, than he would be willing to allow to any other city in the Union visited by such a calamity.

The questions which presented themselves to the consideration of the committee upon this bill were similar, in all respects, to others which had been often before Congress; he might indeed say, almost every Congress from the origin of the Government; that the action of Congress upon this class of cases was as well settled and more closely adhered to, than upon any other he had examined; and if the determinations of Congress were in any case to form a rule for its future action, the relief to which the present applicants were entitled under the usages of the Government, and which they ought to expect, should be considered as such: for more than thirty years, similar relief had been extended to all such applicants, and he believed that there was not a single case in which it had been refused; that his object in addressing the committee at this late hour, was to give a concise view of the course heretofore adopted upon such applications: he believed it was liberal and just, and should be allowed to the present applicants; and that the amendment which he had the honor of submitting to their consideration was intended to bestow the same relief that had been heretofore given under similar circumstances, and he trusted would be adopted by the committee in lieu of the first section of the bill.

Merchandise imported into the United States, upon which the duties to the Government had been paid or secured to be paid, was often destroyed by fire, floods, or some unavoidable accident, whilst in the original packages, and of course before it entered into the consumption of the country, and had often heretofore, and would hereafter, produce applications to Congress for relief of some sort. Prior to the year 1802, it was the constant practice of Congress to *remit the duties*. He had found in the course of his examination but a solitary case in which that relief had been refused; he alluded to the case of Devereux and others, which had been rejected by a committee on the 11th of January, 1796. There was a number of case from the year 1790 to 1802 in which the duties had been remitted, but which he need not delay the time of the committee in reciting. The last of the cases had been often brought to the notice of the committee, as a precedent affording even more relief than provided in this bill. The custom-house in Providence was burnt in the latter part of the year 1800, and a large quantity of teas destroyed: the act of the 23d of February, 1801, remitted the duties—a very strong case for the interposition of Congress; and the committee who reported the bill, as if conscious that Congress had gone too far upon such subjects, was careful in placing the relief upon the ground that the goods were destroyed whilst under "*the care of the custom-house officers.*" Relief had been often given before that time to applicants whose goods had been removed from the custom-house, and in some cases after a reshipment of the goods for other ports.

In the latter part of the same year, a number of applications, similar in character, were made to Congress, which produced the adoption of a resolution of inquiry as to the propriety of making some general law upon the subject, whereby such cases might be settled at the Treasury Department without any application to Congress. Mr. Randolph was then at the head of the Committee of Ways and Means, to which that subject was referred; and on the 2d of April, 1802, made a report against the adoption of the resolution, denying the propriety of remitting duties in any such cases. Congress had, prior to that time, acted upon the principles so forcibly and eloquently urged by the gentleman from Massachusetts, [Mr. PHILLIPS,] who addressed the committee the other day. The report of the committee, which he then had before him, and which he would not trouble the committee by reading, did not enter at large upon an enumeration of those principles, or the causes which induced the committee to change the course upon which Congress had before that time acted. It appeared from the report, however, as it would appear to the committee upon a slight examination, that the safety of the public moneys in the Treasury required that more restrictions as well as a more rigid examination of such claims should be made before their allowance, than had been practiced by the Government. To permit a *return* of the duties to be made, or a *remission* to take place upon every *casualty* and at *any time*, whilst the goods remained in the *original packages*, or whilst the owners had the right of debenture, seemed to him to open the door for the commission of innumerable frauds upon the Treasury; to prevent which, he did not see any means that the Government could adopt.

If the *importing merchant* was entitled to a remission of duties upon goods accidentally destroyed whilst *in the original packages*, upon the same principle and upon the same reasons, the *merchant in the interior*, whose goods should be lost *in the original packages* by any accident, would have a right to call upon the Government to pay to him the amount of duties which he had paid the importer, and which had been paid by the importer to the Government. And the same principle might, with equal propriety, be applied to the consumer who purchases *the goods* which is destroyed before *used by him*. In our system of indirect taxation, it is no doubt the intention and expectation of the Government that the consumer of the goods imported shall pay the duties, and not the merchant; and it is therefore argued, with great force, that any accident which destroys the goods before they enter into the consumption of the country should induce Congress to remit the duties to the merchant; otherwise the merchant not only *loses* the *goods* destroyed, but pays *the whole tax;* but, however forcible this may appear, it is necessary for Congress to fix upon some time when duties shall be considered as due, or when the goods shall be considered as to have entered into the consumption of the country. We cannot delay the collection of the duties until the good *actually enter* into the consumption of the country. We cannot delay until the importing merchant sells or goes into such examinations. Since 1802, the rule seems to have been to exact the duties in all cases after the entry at the custom-house, and bonds given according to law, after *that time* there is *no remission;* the duties become a part of the value of the goods, and it is the duty of the merchant to insure; the omission to do so on his part is to be esteemed an act of negligence, for which the Government ought not and cannot be made responsible.

This seems to have been the principle upon which the committee acted in 1802. At the next session of Congress, another application was made to Congress, well calculated to test the sense of that body upon the correctness of the principle, and the propriety of the report. The custom-house at Portsmouth, New Hampshire, was burnt, and a large quantity of merchandise consumed in it. Application was made to Congress for relief; he presumed for a remission of duties. Mr. RANDOLPH continued at the head of the Committee of Ways and Means; and, instead of remitting the duties, as had been the practice of the Government, and as had been done twenty years before, in behalf of the merchants of Providence, in a precisely parallel case, he introduced, and passed, the act of the 14th of February, 1803, allowing to the sufferers by fire one year's indulgence upon their bonds. No other relief was given, although the goods had been burnt in the custom-house, "*under the care of the custom-house officers.*" Similar relief was extended to the sufferers by fire at Norfolk, by the act of 19th of March, 1804, and by the act of 10th of February, 1807, a second time to the merchants of Portsmouth. The provisions of the preceding acts extended relief to the *debtors* of the Government, whose "*property*" had been destroyed by fire, without any other limitation or restriction.

By the act of the 11th of April, 1820, similar relief was extended to the sufferers by the fire at Savannah; and by the act of 5th May, 1824, to Elijah Vansykel, of Philadelphia, extending the time in each case, for the payment of the bonds, to four years. Upon comparing these acts with the former, it will be perceived that two restrictions are added to the latter, which, in his opinion, were necessary for the equal and just operation of the act among the sufferers; first, that the relief should be limited to those whose *merchandise* had been destroyed by fire; and in the second place, to that class of them who had *not obtained insurance*. It was at that time apparent, and, in his opinion, not the less so now, that the importing merchant, who had his goods insured, upon their destruction, would receive from the insurance offices the value of the goods, which of course included the duty, and that he was not the sufferer. In such cases, there was not the slightest grounds whatever for an application to Congress, either to remit the duties or extend the time of payment on the bonds. If relief in such a case was to be given, it should be to the *insurance company*, not the *importing merchant;* and he presumed we should never have the insurance companies asking us for relief.

The other restriction in the act of 1820 was also proper, and should be introduced in this bill, that the time of payment should be extended on the *bonds only* which had been given for *merchandise destroyed by fire:* the only ground of relief, either for prolonging the time of payment, or remitting the duties, was that the *merchandise* upon which the duties *had accrued* had been *destroyed*. He did not believe that misfortunes overtaking the debtors of Government, of whatever character they might be, ever constituted, or *ought to be made in themselves*, a ground of relief; such as the burning of the house of a debtor, or the destruction of his house by flood or earthquakes, or the loss of his annual crop by drought or any other causes. If any kind of relief was to be allowed in such cases, there would be no end to the applications to this House, nor could any calculations be made of the ability of the Treasury to meet any exigency whatever. This constituted in his mind a serious objection to the first section of the bill, that gave relief to all persons "who had suffered a loss of *property*" by "*burning of their buildings or merchandise,*" em-

bracing the class of sufferers whose "buildings and merchandise" have been insured against fire, and who may have received the full value of their property from the insurance offices. This class ought not to be ranked among the sufferers by fire and given the relief provided in the first section of this bill. Again, that portion of the importing merchants whose merchandise had been sold and entered into the consumption of the country, and who had of course actually received the amount of duties from the consumer, would be entitled to relief under the first section of this bill, if they had only a *house burnt*, however large the debt might be to the United States.

Mr. J. said that he could not see the propriety of any legislation whatever for persons thus situated. Congress had, upon more occasions than one, refused relief to public officers, whose houses had been burnt, and the public money collected by them lost in the conflagration. It also refused relief to officers robbed of the public money in their possession, because of the danger that would arise to the Treasury if such a precedent was established. Such a principle incorporated in our laws might operate more to the prejudice of the public Treasury, than extending relief to claimants of the latter character. Giving time for the payment of bonds due to the United States, was originally allowed, because of the great hardship imposed upon the merchant of having the duties to pay upon *the merchandise destroyed by fire*, upon which they had accrued. They had not entered into the consumption of the country, and of course the merchant paid the whole tax, in addition to the loss of his property; whilst, in most cases, other merchandise would be imported into the country to supply the place of the quantity consumed, and the Government would thus, a second time, receive the duties. He was for limiting the operation of the first section of the bill *to the debtors whose merchandise*, upon which the duties *accrued*, had been burnt, and who were without *indemnity*—leaving those whose "*houses*" or other "*property*" had been burnt to seek relief with the other debtors of the Government, under the provisions of the second section of the bill. He was for substituting the credit of three, four, and five years' indulgence in the place of a remission of duties.

It had been said that the insurance offices in New York had been involved in the common ruin; and that those who had insurance would be but partially relieved if the same restriction was inserted in this bill as had been done in the bill for the relief of the sufferers by fire in Savannah. This might be the case to a considerable extent. He understood, however, that it was not uncommon for the merchants of the city of New York to have insurance effected in other cities; and such of them as had been indemnified by their insurances ought to be excluded from the relief given in the first section of this bill. They had, in fact, received the duties due the Government from the insurance companies, and should be compelled to pay it over. He had, however, in consequence of the suggestion, somewhat changed the phraseology of the act of 1820, in the amendment which he had submitted to the committee, so as to extend the relief to those "not indemnified by insurance," and to those *whose merchandise* had been consumed, upon which the duties had accrued, intending, as far as practicable, to proportion the relief to the loss sustained by the merchant.

The remission of duties seems to have been wholly given up; he did not believe there was a solitary case since 1802. But those most interested on such subjects seemed very reluctant to yield to the decisions of Congress. In 1825, a fire occurred in Boston: Bangs and others, Seawall, Jones & Co., asked a remission of duties on the merchandises destroyed in the original packages. A bill was reported by the Committee of Ways and Means giving the relief asked, and was finally acted upon by the House in the spring of 1830. When he had for the first time the honor of a seat upon this floor, he recollected the debate: it was ably and eloquently resisted by the chairman of the Committee of Ways and Means at that time, (Mr. McDuffie,) as well as by the present chairman of that committee, and he did not believe that the bill had received forty votes in this House.

Mr. J. said, it was unnecessary at this time further to examine the correctness of the principles upon which Congress had heretofore acted in refusing to remit duties; that question would be more properly the subject of discussion when some of the bills reported by the Committee of Ways and Means during the present session should be before the House. He trusted that the committee was satisfied from the remarks he had made, that prolonging the time of payment had been substituted by Congress, in lieu of the remission of duties, and that, if the House adopted the present bill or his amendment, it would be so considered. He acknowledged (he said) that he did not see the principle or the reasons upon which some members of the committee acted, who avowed themselves willing to remit the duties, but were unwilling to allow the extension of the time of payment. It was a case, in their estimation, so hard upon the applicants, that they would forgive the debt, but could not allow a credit of three, four, and five years. He thought, if the debts ought to be forgiven, that would be of itself the strongest reason for protracting the payment, so as to enable the debtors to present their case to Congress, and get the final action of that body before the payment of the money. The Government needs not the money—the surplus on hand cannot be disposed of. If we collected the money, it would remain in the deposit banks without interest, and would not probably be touched by the Government until after the proposed time of payment; it seemed probable, indeed, that it would increase rather than diminish until after the period; and, for his part, he would as soon have the money in the hands of the debtor, well secured, as in the banks; and if by that means the dreadful calamity which has befallen the city could be mitigated, he for one would cheerfully allow it.

Mr. J. said that he had another objection to the first section of the bill; it authorized *the time to be extended*, with the assent of the securities on the old bonds, or *new bonds to be taken*, and the old ones to be canceled; that he apprehended it would not be safe to impose upon the collector at New York the responsibilty of taking new obnds and new security for so large a sum of money; that it would be difficult, if not impossible, for the collector to ascertain what influence this great calamity would have upon the fortunes of the various individuals who would be presented to him as principals or sureties in the obligations to the Government. With the utmost care and caution on the part of the collector, good bonds might be surrendered for new ones, with doubtful or insufficient security taken. He thought, if such an indulgence was extended to the debtors of the Government, Congress should retain all the security they now have, and in every doubtful case make it the duty of the collector to require other and further security before the indulgence should be allowed.

Mr. J. said that he had proposed the amendment, to avoid what seemed to him exceptions to the first section of this bill. By it the same relief would be given to New York that had been extended to Savannah by the act of 1820, and in very nearly the same language; he thought it more appropriate and more just than the relief given by the preceding acts. He would have preferred the bill without the second section, which allowed six, nine, and twelve months to all the debtors at New York. It was a dangerous precedent to set: there would be no end to applications for postponement, if allowed for any cause, and it could only be excused on account of the unparalleled calamity which had befallen the city. If the Government coerced the payment of the bonds at New York, amounting to near $4,000,000, upon the heels of such a calamity, a pressure might be produced in the money market that might lose us half the money; by allowing to our debtors whose merchandise was destroyed in the fire, which he understood was near $1,000,000, three, four, and five years to pay it, and to our other debtors at the city, six, nine, and twelve months, every opportunity would be afforded to them to recover from the effects of that distressing calamity, and prepare themselves to meet the payments due the United States, at the respective periods allowed them.

Mr. J. thought it was the duty of Congress, as well as the interest of the Treasury, to give relief to the present applicants in some shape. He thought the relief in the amendment which he had submitted to the committee, preferable to that given by the bill; but if the amendment did not meet the approbation of the committee, he should probably feel it his duty to sustain the bill in its present shape.

It was a relief which every liberal, generous creditor would allow his debtor under such an afflicting calamity. It was a relief which they had a right to expect at our hands, having before given such relief upon every application for more than thirty years. It was a relief which our interest as creditor required us to give, to avoid any losses which might result from a pressure. The United States had been liberal, generous to the sufferers at Carracas, and by his vote should not be less liberal to our own citizens at New York, who had suffered by the late dreadful conflagration.

DISTRICT OF COLUMBIA.

DEBATE IN THE SENATE,

February 15, 1836.

The Resolution submitted by Mr. SOUTHARD, for compiling and printing the Laws and Documents relating to the District of Columbia, being under consideration—

Mr. SOUTHARD spoke of the great importance of having those laws and documents comprised in one book as matter of convenient reference, and for the information of the Senate, and of the great difficulty and inconvenience in finding them when they were wanted. He could not tell the amount of the expense the printing and compilation of the book would incur.

Mr. KING of Georgia opposed the resolution on the ground that it would impose upon the Secretary of the Senate a very great burden, which was not strictly within the line of his duty. He knew of no obligation resting on that officer to compile and superintend the printing of such a work. They had no reasonable idea or data of the expense of the publication. He did not like this legislating in the lump. It was an unusual mode of legislation. There was a provision of the Constitution that no money should be drawn from the Treasury except by law. If this mode of taking money from the Treasury was adopted, they might as well blot out that part of the Constitution—or if it would be more likely to arouse the attention of his honorable friend from Missouri, (turning to Mr. BENTON,) he would use the term "expunged." He adverted to the facility of obtaining the imformation embraced in these documents, by applying at the different offices in the Capitol.

He moved that the bill be referred to a committee, who could report whether such a publication was necessary, and if so, the probable expense.

Mr. SOUTHARD believed that committee did not know what documents were wanted. He presumed there were not three Senators in that body who knew what documents were wanted.

It was to him most unaccountable that Congress should be the sole Legislature of the District of Columbia, without having a compilation of the laws relating to it. These acts were small in number, but were scattered over the acts of Congress for many years. At the last session, some of the acts could only be found among the secret files of the Government. They were solemnly bound to know the relation in which these acts placed them towards the District. He spoke of a book containing a code of laws which the Senator from Missouri thought worthy of a place among the laws of the District. He (Mr. S.) wanted these laws for his own information, as well as for the information of the people. They ought not to pass laws as despots and tyrants. Three, four, or five thousand dollars, with an overflowing Treasury, was no objection, compared with the importance of the object. If it were some favorite document from the Executive, there would be no difficulty in getting it printed. The object he had in view was what he had

stated, and no other. He had no objection to the alteration of the resolution in point of form. He did not stand on matters of form.

It was not his intention, in offering the resolution, to compel the Secretary of the Senate to attend to it in person. The words in the resolution were, that he should cause it to be done. A duty had been imposed on him in another case, which would measurably qualify him for this. He had designated the Secretary of the Senate, because he believed that gentleman had the intelligence and the economy, with his knowledge of the subject, to secure them the publication of the work in a style that would make it useful and valuable. Any calculation as to the expense must be uncertain. The country ought to have that document in its hands. This was the residence of the Government, and many of these documents were the acts of General Washington, and could not now be found in print.

Mr. WRIGHT enumerated various documents that would be embraced by the resolution, and among others, the reports from committees in relation to the District of Columbia, many of which would be useless at this time, and it was the same way with many of the laws. He thought the resolution ought to go to the committee to report only such as were useful to Congress.

Mr. BLACK would cheerfully vote for the resolution, if he could see the benefit of it. He would ask if the resolution did not embrace reports made and bills reported, that had never been passed into laws, and if so, whether any estimate had been made of the number of volumes it would make? He remembered they got into a difficulty a year or two ago in ordering printing in a case similar to this, which had been swelled to some one hundred and fifty volumes. Under this resolution he should consider laws merely drawn up and never passed were to form a part of the work, and there was no estimating what it would cost. That would rest entirely on whoever superintended it. He knew of no such projects in the several States. He was entirely opposed to this whole project. He thought the lesson they had received about two years since in printing documents was enough to put them on their guard.

Mr. KING, of Georgia, then moved to refer the resolution to the Committee on the Contingent Expenses of the Senate, with instructions to ascertain and report the documents that would be required under the resolution to be printed, and the probable expense of executing the resolution. He was himself inclined to believe that the printing required to be done by the resolution would exceed twenty volumes as it was.

Mr. BENTON spoke against these resolutions for printing, by which tens and hundreds of thousands went out of the Treasury, without any appropriation made by law, but by mere resolutions read once and passed, and then charged upon the contingent fund. He specified many instances, and objected to these resolutions as being against the positive rules of the Senate, which he read, and which required the resolutions which took money out of the contingent fund to undergo all the forms of a bill; to be introduced on notice and leave; to be read three times, &c.; and clearly discriminated them from the mere motions to do the current business of the Senate.

These responsibilities (said Mr. B.) have heretofore been attached to our opponents, but we are so near a majority now, that some responsibility begins to attach to us.

Mr. SOUTHARD meant to pursue this subject till the Senate would say, by a direct vote, that they either would or would not sanction the publication. He was disposed to adopt the course suggested by the Senator from Georgia.

He had had no idea he was offering a resolution of such magnitude in which was involved hundreds of thousands of dollars, capitulations at midnight, and the labor of the Secretary of the Senate. He hoped the Secretary would survive it. His sympathies were aroused for their poor Secretary. But seriously. If he (the Secretary) had to cause this printing to be done, very little labor would devolve on him. The expense of printing the documents, comprising the history of all the old States of the Confederacy had been referred to. He thought the printing of the documents relating to this little ten miles square would hardly be confounded with that work.

Did not the imagination of Senators carry them beyond the true state of the case? He had no idea, when he offered this simple resolution, that it would have engendered a discussion about squandering millions of the money of the country. If the committee had made an inquiry on the subject, and embraced these documents in their report, and asked the printing of them as a part of their report, it would then have become perfectly legal, and the objections to its legality would be entirely removed. The responsibility did not rest on the one side or the other of the Senate—it rested on all. He hoped the motion of the Senator from Georgia [Mr. KING] would prevail.

Mr. KING's amendment was agreed to.

SLAVERY IN THE DISTRICT.

SPEECH OF HON. R. J. WALKER,

OF MISSISSIPPI,

IN SENATE, *March* 2, 1836.

The question being on the reception of a Memorial praying the abolition of Slavery in the District of Columbia—

Mr. WALKER said: It is with no ordinary emotion that I feel constrained to participate in the debate upon this question. Having served but a few days in my present situation, never heretofore having occupied a seat in any legislative assembly, State or national—borne down by a severe domestic bereavement, with which it has pleased Providence to afflict me since the commencement of this session—gladly, most gladly would I give a silent vote upon this occasion. But there are considerations connected with this question, involving so deeply the vital interests of my constituents—the repose of my country, the perpetuity of that Union which is dearer to me than life, for I have no desire to survive its dissolution—that I am impelled, by a solemn sense of duty, to express my opinions on this subject.

A petition has been presented to the Senate, requesting Congress to abolish slavery in the District of Columbia. Two motions have been made in relation to this petition; one to refuse to receive it, and the other to reject the prayer of the petitioners. The former has the precedence in the order of decision here, and is regarded by me as expressing more strongly our disapprobation of this petition, than the rejection of the prayer of the petitioners.

But we are met in the threshold of this discussion, by a preliminary question, which is honestly believed by many of all parties, from the South as well as the North, to interpose a constitutional barrier against the rejection of this petition. We are told, that to reject the petition is to abridge the right of petition, and to violate the Constitution. With my oath to support that sacred instrument yet fresh upon my lips and green in my memory, did I suppose that a constitutional obligation was imposed upon us to receive all petitions addressed and presented to us, whatever their language, character, or tendency might be, my vote should be given against the rejection of this memorial. The rights of my constituents are infinitely dear to me, but they do not desire to secure those rights by trampling down the Constitution of the Union.

The first article of the amendments to the Constitution is relied upon as denying to us all power to reject this petition. That article is as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." What is it on this subject that Congress cannot do? It can "*make no law*" "abridging" "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Do we propose to abridge this right? Do we attempt to say to the people, either by a law or otherwise, that they shall not peaceably assemble and petition the Government for a redress of grievances? Do we say they shall not assemble, or that when assembled they shall not petition? Or even that when the petition is subscribed, that they shall not present it for the action of this body? We say none of these things. Notwithstanding our refusal to receive this petition, the people may again assemble, again subscribe, and present here another and another petition, precisely similar to that now before us; and this right we do not undertake to abridge or question. But when the people have fully exercised and exhausted the right of petition, as secured by the Constitution, and presented that petition here, then our rights begin, and we may, in determining the order of our own proceedings, reject the whole petition; or, what is nearly the same thing, reject the prayer, which is the vital part of it, or refer the petition, or postpone indefinitely the consideration of it, or lay it upon the table to sleep the sleep of death, and the constitutional rights of the people are not infringed by adopting any of these modes.

I am not willing to be accused of violating the sacred right of petition; my veneration of that right is as great as that of any Senator upon this floor; but this right is not assailed or invaded by refusing to receive the petition, but remains in its full force, unimpaired and undiminished, subject to be exercised in all its extent, whenever the people resolve to petition for a redress of grievances. I repeat it, we do not say that the people shall not assemble—that they shall not petition—that they shall not present their petitions here: we do not, in any manner, limit *the action of the petitioners*, either by the adoption of any law or rule on this subject; we do not even say that this petition shall not be read or discussed; but when all this has taken place, we may refuse to receive the petition, either because its language is offensive, or because it asks us to violate our oaths and the Constitution, or because it requests us to disturb the harmony of the Union, or for any other cause the Senate may deem sufficient, for the Constitution is silent upon this topic, leaving it where it ought to be left, to the sound, well-regulated discretion of the Senate on this subject; and as we cannot, and do not undertake to limit or prescribe the manner in which the people shall exercise the right of petition, so neither can we permit these or any other petitioners to usurp the power of this body, and dictate the manner in which we shall act upon their petition. Nor is there anything clearer to my mind, than that to compel the Senate to receive all petitions, however wild or visionary they may be, or destructive of the Union, or of the Constitution, would be to interpolate in that instrument a most dangerous provision. Suppose the Senate refuse to grant the prayer of these petitioners, and that another and another petition for the same purpose is presented from day to day, and week to week, must we forever continue to receive these petitions, and render the Senate a registering tribunal for abolition memorials, denouncing the institutions and people of the South? My constituents have rights on this floor, as well as these petitioners; and I shall not, to gratify the blind fanaticism or gangrened malice of these or any other Abolitionists, put in jeopardy all that is dear to the people of Mississippi, by consenting to receive these or any other petitions of a similar character.

My honorable friend, the distinguished Senator from Pennsylvania, [Mr. BUCHANAN,] has referred us to various enactments of the British Parliament, limiting the number of petitioners, or providing for their dispersion by an armed force, or annexing various precedent conditions and limitations restricting the right of petition, and imposing penalties upon the exercise of that right. Now, the illustration afforded by a reference to these laws, appears to me to weaken the position assumed by that Senator. It was with a knowledge of all these laws, and others of a congenial character, that the declaratory amendment was introduced into the Constitution, with a view to protect the American people against the enactment of similar laws by the Congress of the United States. But we undertake to pass no such laws, or any laws whatever on this subject; we propose to exercise

no such power, nor do we impose any limitations or restrictions upon the exercise of the right of petition.

It is said, however, that what we cannot do by the passage of a law, we will accomplish by adopting the present motion. What we cannot do by a law has been already stated: the Constitution states it, by declaring that we cannot abridge "the right of the people peaceably to assemble, and petition the Government for a redress of grievances." Now, this right remains untouched; it cannot be touched by any order this House may now make upon this petition. It is positive legislative action, limiting the exercise of the right of petition, that is forbidden by the Constitution, and not the mere order this House may make, after the presentation of the petition here, when the right secured by the Constitution has been fully exercised and exhausted.

It is said that to reject the petition is to render the right of petition an empty form. As well might it be contended that to reject the prayer, which is the vital part of the petition, would render nugatory the right of petition, as to say that this right is invaded by rejecting the petition itself. To reject the prayer, is to deprive the memorial of all vitality—to make it a dead letter, an empty sound, a mere preambulary—nothing. A petition without a prayer is an absurdity; it is not a petition; and if we may reject a part of the petition, the only part which makes it a petition, why may we not reject the whole petition? A petition is a written prayer for us to do or not to do a certain act, and if we reject the prayer, we do substantially reject the petition itself. If the rejection of these petitions could induce the Abolitionists to refrain from sending here any further similar memorials, it should constitute a strong reason in favor of adopting this motion. It is because I wish, not by the enactment of any law, or the adoption of any rule abridging the right of petition, but by the moral influence of our votes and opinions, to arrest the transmission of abolition memorials to this House, that I vote against receiving the petition. The friends of both motions are equally opposed to the Abolitionists; both desire to put out these balls of flame, which are kindled at the North in the fires of fanaticism, and blown into tenfold fury here, in the very act of endeavoring to extinguish them.

We are told, that to reject these petitions is to increase their number. And have these petitions been diminished in number, by receiving them in times that are past? Has this course been heretofore successful, or, rather, have not these petitions multiplied from year to year? Are they not now increasing? and can we expect, by yielding anything from courtesy to fanatical incendiaries, to diminish their number, or arrest the surges of that mighty flood which threatens to overwhelm the institutions of the country? No! It is only by indomitable firmness and resolution, by a spirit of resistance unsubdued, unconquerable, by a resort to the very strongest measures, that we can hope to arrest the mad career of the incendiary, or strike down that Moloch banner which waved in blood-stained triumph over the desolate fields of St. Domingo, and beneath whose gloomy folds so many thousands are now summoned to the crusade against the lives and property of the people of the South. Will persuasive measures, will courtesy, will mildness and moderation, check this fearful spirit? Have they checked it? or will they, or can they rescue us from the dangers and difficulties by which we are environed? It is by meeting these incendiaries at the onset of their attack, and sternly rebuking them, by the rejection of all their petitions, that we may indulge the hope that here, at least, they will cease to disturb the repose of the country.

To reject the petition, it is said, is to condemn the petitioners unheard. I am not for introducing here the principles of Rhadamanthus, to punish first, and hear afterwards; although it is true, that the "dura regna," the gloomiest caverns of Rhadamanthus, are the appropriate abodes of abolition incendiaries. But have not these petitioners been heard? have not their petitions been read here, and fully discussed? They cannot say, "strike, but hear me," for we have heard them, and the question is, shall we receive their petition? Why is this motion on the reception of the petition propounded, if we may not answer no, as well as ay? Is the propounding of this question an empty form, or is the question already answered in the affirmative by the Constitution itself? The very question propounded is itself a violation of the Constitution, if we may not give a negative as well as an affirmative answer. Under the power delegated by the Constitution to each House to "determine the rules of its proceedings," the call for this preliminary question may be demanded, *as a matter of right;* and the right to propound the question involves the right to vote in the negative or affirmative, without any violation of the Constiution!

There is another reason influencing me to oppose the reception of this petition. Why receive the petition, when the Government has no constitutional power to grant the redress requested? Would not the reception of the petition, under such circumstances, be an idle ceremony? Congress has no constitutional power to abolish slavery in the District of Columbia. It is said, Congress has a grant of "exclusive legislation" over this District. So has Congress, under the same clause of the Constitution, "like authority" over "all places" purchased from any of the States; and, upon the same principle, Congress might therefore abolish slavery in all those places purchased in the slaveholding States, or, what is still stronger, introduce and establish slavery in all these places purchased from the non-slaveholding States. But this is a grant of "exclusive," not of *unlimited*, power of legislation; a grant only of legislative power over the District to the exclusion, in "all cases whatsoever," of any *concurrent* jurisdiction. There are, however, other clauses in the Constitution, which limit and restrict this power as regards this District, especially the provision which forbids Congress to deprive any citizen of his "property" "without due process of law," and further declares, "nor shall private property be taken for public use without just compensation." But this petition proposes to take from the people of this District their slaves, which are their "private property," "without due process of law," "without compensation," and for no "public use," the only case in which private property can be taken, even with compensation, and that compensation, the Supreme Court of the Union has decided, must first be paid or tendered under the finding of a jury of the country. To liberate the slaves of this District, even with compensation, would be equally a violation of the Constitution; for to liberate them is not to take them for the *use of the public*, by a transfer of property to the Government, or its agents. Unless, then, this Government has the power, which none pretend, to purchase and hold slaves, to gratify the morbid sensibility of a few miserable fanatics, it can never, in any manner, constitutionally affect the institution of slavery in this District. Do not the people of this District live under the guaranties of the Constitution; or could Congress, by the mere passage of a law, take from the people of this District, their lands, their lots, their houses, as well as their slaves? If Congress have such a power, the government of this District is the very climax of despotism. The States of Virginia and Maryland had no such power; they could not, therefore, impart it in the cession of this District; they never intended to impart any such authority; they never would have ceded this District upon such conditions. Fully persuaded, then, that we have no authority over the case embraced in the petition, I shall vote against receiving it. Gentlemen tell us, that they look at slavery in the States as the Constitution looks at it, as a question beyond their control. And why not look at slavery in the District as the Constitution looks at it, and leave it also where the Constitution found and left it? The institution of slavery, as it exists in the States, I will not discuss here, either as an abstract or practical question, because we have no control over it; but this I will say, that the people of the South, so much abused by Abolition petitioners, will be declared by faithful history as unsurpassed in any age or country in all that adorns the character of man. Her heroes, her patriots, her statesmen, will live among the brightest models of human excellence, when the blind spirit of fanaticism, which now assails her institutions, shall be remembered only to be condemned and execrated.

The constitutional provision, so much relied on by the opponents of this motion, guaranties the right of petition for but one purpose—"a redress of grievances." Whose grievances? Certainly those of the petitioners. Now, is it any grievance of these petitioners, all far distant from this District, that the people within its limits own lands, or lots, or slaves; and why should they ask us to receive their petition for a redress of grievances, which those who are alone concerned neither know nor acknowledge? And what is this proposition which we are asked to receive and consider? It is a proposition to violate the Constitution and endanger the Union It is a proposition for rapine, plunder, and spoliation. It is a proposition, not merely to attempt to render the slaves of this District freemen, but, in its inevitable results and consequences, to render the freemen of this District slaves; to chain them to the car of a despotic central power, whilst the wild spirit of fanaticism lashes her fiery steeds over the broken columns and shattered fragments of the Constitution, and driving onward in exulting triumph to the very Capitol of the nation, waves her black and blood-stained banner from the very dome, where now float the glorious kindred emblems of our country's Union. The mighty revolution proposed by these petitioners would make this District a den of thieves and assassins, of liberated slaves and blacks already free. It is threatened with a sale to the Dutch, but the District would not be worth selling after you had delivered it up to the negroes. This proposition would make the District an asylum for fugitive slaves from the States, the grand citadel of abolitionism, whence it would light the torch of the incendiary, and whet the knife of the assassin, upon the very borders of Virginia and Maryland. It would fill the whole District tc overflowing with a free negro population, drunk with the wild spirit of fanaticism, and render it utterly impossible for any southern man to legislate here, except at the peril of his life. And can we, ought we, will we submit to this? No, never. Oh, my country! are we American Senators, and is this the Senate Chamber of the American Union, in which we are constrained to debate such a proposition as this?

Mr. President, let us all awake to the momentous consequences of the perpetual agitation of this fearful question; let us shake off all somnambulism, and contemplate for a few moments the true character and inevitable consequences of abolition agitation. It is a question, not of abolition or anti-abolition, but of Union or disunion. The vital current freezes around my heart when I contemplate the bare possibility of a dismemberment of this Union; but with a view to prevent this dread catastrophe, it is time to address the people of the North in the language of truth; to tell them that Abolitionists are disunionists; that their success would be the success of disunion; that if they love this Union, let them all now rise in the majesty of their strength and put down forever those fanatical incendiaries who are threatening to place in jeopardy all that is dear to the people of the South. We ask them to teach the Abolitionists, that to persist in their mad career unchecked, is to endanger the Union, and that their object, the abolition of slavery in the South, would not, and never can be accomplished; that they may fill every pulpit, every college, every State of the North, with Abolition incendiaries; and yet they will not, cannot accomplish their object. They may check the amelioration of the condition of slaves in the South, heretofore so rapidly progressing; they may deprive them of many privileges which they before enjoyed; they may substitute distrust for confidence, and subject the slave, from dire necessity, to much severer discipline; they may change the now truly happy and pastoral condition of the slaves into real chains and bondage; they may almost extirpate the negro race, for they are unfit for freedom; but this is all they can accomplish. No, this is not quite the full extent of their victory. They may occasionally incite a few negroes to insurrection. Here and there, for

a short time, a few of our generous and chivalrous people may fall beneath the knife of the black insurgent, urged on by northern Abolitionists. Now and then a few of our dwellings may be consumed by the torch of the incendiary; a few, a very few of the mothers, sisters, wives, and children, of the people of the South may fall in one indiscriminate and unsparing massacre; but the grand object of the Abolitionists can never, never be accomplished. They may publish document after document, and print after print, and it will all be vain and nugatory. They will not have made the slightest approach towards the grand object of all their efforts. No, our peculiar institutions we will yield only at the point of the bayonet, and in a struggle for their defense we would be found invincible.

This is not the language of a Nullifier or Secessionist. No; it is the opinion of one who ever has opposed, and will continue to oppose, those doctrines, as fatal to the perpetuity of the American Union. It is the language of a man whose love of this Union is as warm as the vital blood that gushes from his vital heart; who values his own destiny here as less than a bubble bursting on the ocean surge, compared with the duration of this Government, and life itself as utterly worthless, were this Union dismembered. It is because he thus loves and values the Union, that he would warn the people of the North that the unchecked efforts of the Abolitionists do endanger this Union—that we ask for the strongest and most decisive measures against them, and that they may be made to know and feel that they can in no contingency effect their object. Let us all, then, rouse ourselves to the contemplation of the mighty stake which is at hazard, and see what we can do to maintain and perpetuate the blessings of this great confederacy. Let us also never forget, that now is the time for exertion; for if the sun of this Union should once set, it will go down forever, that there will be no morning to the midnight of that universal despotism which would ensue upon the setting of the sun of the American Union.

A distinguished Senator from Massachusetts, [Mr. WEBSTER,] in a celebrated debate here, declared that, whenever the Union was in danger, he should be found in the midst of the combat, crying "To the rescue! to the rescue!" Sir, the Union is in danger; the battle is now going on; it is progressing in this Senate Chamber; here, here, we are endeavoring to resist the efforts of abolition incendiaries, and will he not now come to the rescue? Now is the accepted time; now is the day for the salvation of his country's Union.

May I also be permitted to call upon the eminent Senator from South Carolina [Mr. CALHOUN] to come forward, as he did in the days of his early glory, as the champion of the honor and perpetuity of this Union. Whilst the Senator from Massachusetts [Mr. WEBSTER] shall sternly rebuke the fanatical Abolitionists of the North, let the voice of the Senator from South Carolina [Mr. CALHOUN] be heard in endeavoring to prevent the formation of a southern sectional and geographical party, which must prove fatal to the permanency of this Confederacy. Not many years past these two Senators were engaged upon opposite sides of a great controversy, when the scales of intellectual superiority were left in equipoise. Now let them go forward together, the one with the good broadsword of Richard, the other with the keen saber of Saladin, not to engage in another political tournament with each other, but to go forward together as champions of the Union against the abolitionism of the North—as champions of the Union against sectional or geographical parties in the South; and they will wreathe their brows with unfading laurels—laurels that can never be gathered upon the grave of their country's Union—laurels that can flourish only in that holy American atmosphere which embraces the whole country and all its parts.

To my honorable and distinguished friend, the Senator from Pennsylvania, [Mr. BUCHANAN] most happy am I to say, it is unnecessary to appeal. He has avowed sentiments on this floor on this subject worthy of the best days of the Republic, worthy of Pennsylvania, the keystone of the arch of the Union, worthy of the spirit in which the Constitution was formed, and which can alone perpetuate its blessings. And, Mr. President, let us all have the same proud consciousness of endeavoring to discharge our duty. Let us send forth the dove from this Senate Chamber, to return with the olive branch of peace. Let us endeavor to find some political Ararat, where the ark of our Union, now tossing upon the dark surges of tumultuous passions, may yet repose; and when we may truly declare, that the deluge of bitter waters has subsided.

Mr. President, whilst I cannot say there is no danger to the Union from abolition incendiarism, yet neither can I agree with the very eloquent Senator from South Carolina [Mr. PRESTON] in believing that the case is desperate; that Europe is against us, the North against us, and that abolitionism must triumph or dismember the Union. Whilst the thrilling but lugubrious tones, the melancholy bodings of that Senator, were echoing through these walls, could we not almost fancy that the sun of the Union was now sinking beneath the horizon? that darker and yet darker clouds were gathering round us? that the elemental strife had already commenced, and that fanaticism had already drawn the line which marked the boundaries of a dismembered empire? This was a picture of fancy; but what are the facts? That Senator seems to have no confidence in the people of the North; he seems to regard them as Abolitionists by some imperious, irresistible necessity. My confidence in the American people, in the people of the North, as well as the South, is firm and unshaken. It is the people who established and maintained, and will perpetuate, this Union. It is they who will come to the rescue when the Union is in danger—it is they who will sacrifice abolitionism, as a burnt offering, upon the altar of our country's welfare. From the humblest cottage they will come forward, with American hearts and American feelings, and triumphantly sustain those honorable Senators from the North who are so nobly maintaining here the cause of our common country. They will be hailed, upon their return to their constituents, as the preservers of the Union which the people value above all price, and which they are resolved to transmit to their children, all whole and inviolate, in undiminished glory. Shall we then despair of this Union, when our brethren of the North are rising to crush out the fangs of those vipers that are hissing among them? Look at Boston, at Utica, at Albany, at New York, at Philadelphia, and say, are not the people of the North preparing to put their feet upon the fanatical disturbers of our country's repose? And are they not doing it in a spirit of manly, American patriotism, worthy of the best days of our Republic, and with a vigor beyond the law? Say not then that the people of the North and the South have no common sympathies or affection. Our whole history is one of a common origin, of common wrongs, and sympathies, and resistance, and triumphs, and it will be the history of a common destiny. The descendants of New England, of New York, of Pennsylvania, will be with us, as their fathers were, in the hour of gloom and danger, when they baptized with their blood the sunny plains of Carolina, and mingled their ashes with those of our forefathers upon the battle-fields of the South. More especially do we regard with heartfelt gratitude the noble efforts of the people of the great State of New York against abolition incendiarism.

They are fighting our battles against a powerful foe—they are fighting our battles beneath the banner of the Constitution and the Union; and shall we, can we withhold from them the tribute of our heartfelt gratitude? And if public opinion should be found insufficient to check this fanatical spirit of abolitionism, Governor Marcy, of New York, in his executive message, proposes to suppress it by legislative enactments. Go on, then, noble and enlightened Chief Magistrate of New York—go on, virtuous and patriotic people, and put down abolition incendiarism, and you will erect to yourselves a monument upon which the American people will engrave, in letters never to be effaced—*New York—her patriots, her statesmen, and her people—they have preserved the Union.* And if there are any of any party on this floor, who come forth as witnesses or champions in the cause of abolition, let them stand alone in their glory—the glory of aiding in the dismemberment of this Union. And should they succeed in destroying this Government, let them not suppose that the present age or that posterity will rank them with the wise, the virtuous, the good, or the truly pious. No; on this side the tomb, amid the tears that patriots shed over the ruins of our departed glory, they would be pointed out with loathing and disgust, as guilty traitors and criminals; and when they have escaped in the grave the horrors of this living death, posterity will inscribe upon their tomb-stones that damning epitaph of everlasting infamy, *Here lies a destroyer of the American Union!*

SLAVERY IN THE DISTRICT.

SPEECH OF HON. W. R. KING,

OF ALABAMA,

IN SENATE, *March* 3, 1836.

The petition of the Society of Friends of Lancaster county, Pennsylvania, for the abolishment of slavery in the District of Columbia, being under consideration—

Mr. KING said, that he could not consent that the question should be taken on the reception of the memorial then under consideration, without saying one or two words explanatory of the vote he should feel it his duty to give, and the grounds on which he should give it. He was too unwell to consume much of the time of the Senate by a lengthened argument; and as the constitutional part of the question had been sufficiently and ably discussed, he should be exceedingly brief in the address he was about to make.

He was one of those who, when this unfortunate subject was first attempted to be introduced in that body, was anxious to escape all excitement on it. He felt then, and still thought—and the conviction had been more firmly impressed on his mind the more he had reflected on it—that all discussions on this subject had a strong tendency to aid the excitement not only here, but throughout the country; and by that very excitement they but added to the mischiefs which these incendiaries, or these fanatics, or whatever they might be called, were most anxious to produce. He was disposed to take such a course that, without affording any pretext for the charge that they were infringing on the right of petition as secured by the Constitution, or on the other hand giving the slightest countenance to the wild and extravagant views of the petitioners, would quietly get rid of them without discussion and without excitement, and lead them to the conclusion that it was a hopeless task to endeavor to get any action from Congress on the subject.

This had invariably been the course in both Houses of Congress, from the formation of the Government to the present time. Two or three hundred petitions on this subject of abolition had been presented a few sessions past, received without a moment's hesitation, referred to the appropriate committee, and then were heard of no more. At other periods, memorials of this description were received and laid on the table. There they slept; there was no excitement; the number of the Abolitionists was not increased; they saw a silent determination on the part of Congress not to interfere with the subject on which they petitioned; that it was vain to persevere in their attempts, and they in a great degree abandoned them. He was not, however, disposed to find fault with those gentlemen who differed with him with regard to the course that should be taken with these memorials. He knew that they stood, as he did, pledged by every consideration, both of feeling and interest, to support what they believed to be the strongest measure in opposition to these memorials; but he could not agree with them in the propriety or expediency of the course they had determined on; he could not agree that any other question should be mixed up with the one so vitally important to the section of the country he came from, and particularly a question which might draw with it the sympathies of well-disposed persons, for those whom it was their imperative duty to put down by the best means in their power. The question before them was that raised by the Senator from South Carolina, [Mr. CALHOUN.] "Shall the memorial be

received?" He should but consume the time of that body, if he attempted to add anything to the able argument of his friend from Georgia, [Mr. KING,] so strongly and clearly enforced by his friend from Pennsylvania, [Mr. BUCHANAN,] on the constitutional principle involved. He should therefore leave the question, as it seemed to him, perfectly settled.

The right of petition was admitted on all hands to be one of the most sacred rights inherited from our ancestors. It was secured to us by the Constitution—not granted, for it was inherent in the very nature of our Government, and was not to be set aside under any circumstances. Should they, therefore, to answer the purpose of putting an end to these abolition petitions—and certainly in the opinion of many it would not have that effect—should they give occasion to many well-meaning citizens to array themselves on the side of those in whose persons the right of petition might be violated, and to unite with them in the prosecution of an enterprise they would not otherwise have thought of? We should be cautious (said Mr. K.) how we give occasion to these Abolitionists to shift the odium from themselves to a decision of the Senate. Even if he admitted the constitutionality of refusing to receive the memorial, he would hesitate long before he pursued a course calculated to produce unfavorable impressions in the minds of our fellow-citizens, simply on the ground of expediency. Since the commencement of the present Congress, those individuals associated together for the purpose of agitating the public mind and disturbing the peace of the South had increased beyond all calculation. They had their agents out everywhere distributing their tracts and pamphlets, and were pouring out their treasure with a lavish hand to subsidize presses and circulate papers for the purpose of operating on these very deliberations that were then going on; thus endeavoring to bring to bear on Congress the power of the abolition societies, and the influence of the presses which they had set up, with the acknowledged design of producing action here. Now he would not undertake to say, that the discussion which had taken place had had the effect of stimulating the exertions of these misguided men, but he felt that there was too much reason to fear that it had done so. If this was not the case, he would ask, why had the zealous efforts of these Abolitionists heretofore failed in producing the effect they had intended? For it was undeniable that they had hitherto failed in producing such an effect; and it must have been because Congress did not give consequence to their memorials by protracted discussion, but passed them by with silent contempt.

The reception of these memorials was so strongly impressed on his mind, to be the only true policy, that he could not resist the obligations of duty which impelled him to urge the Senate to pursue that course. They had been told by the Senator from Mississippi, [Mr. BLACK,] that many of the State Legislatures had acted on such memorials, and had refused to receive them. But (said Mr. K.) we have our own rule of action prescribed by the Constitution, and are not to be governed by what has been done in the State Legislatures.

The reception of petitions had been compared to the introduction of bills on leave; and they had been told by the gentleman from Mississippi that even here, in this body, they had refused permission to introduce bills in extraordinary cases. That was very true as regarded the introduction of bills; but the principle on which they had been refused did not apply to petitions. He recollected a case where a resolution which the honorable Senator from Missouri sought to introduce was thrown out, because a majority of the Senate did not approve of its principles. This was a resolution in opposition to the Bank of the United States, and was offered at a time of high party excitement, and when a majority in both Houses of Congress were known to be favorable to the bank. Did this preserve the bank? The result is known to all. In one word, then, he could not vote against receiving this memorial. He could not, because he did not believe that they could constitutionally refuse it; and he did not believe it would be good policy to create a sensation against them among those who valued, and correctly valued, the right of petition as one of their dearest privileges. He had listened with great attention, as well as with great pleasure, to the Senator from Mississippi, [Mr. WALKER,] and was struck with the earnestness and zeal with which he had pressed the Senate to adopt some measure that would put an end to the prevailing excitement. He knew that that gentleman came from a country where this excitement prevailed to an alarming, to a fearful extent; he came from a hot-bed, where this all-absorbing and all-powerful excitement was so strong, that no man, no matter what was his firmness, his coolness, and self-possession, could possibly resist it; he could not fail to be borne along wherever the feelings and passions of the multitude carried them. But that (said Mr. K.) is not the case with us; it having been a longer time since we left the places where that excitement was raging, it is not for us to be hurried along with it into the adoption of measures that our cooler judgment condemns; we should take up the subject as wise, discreet, and reflecting men, anxious to preserve the peace and tranquillity of the community, and should be very careful to do nothing that would defeat the end we have in view. He would go with the Senator from Mississippi in voting for the strongest measure against these Abolitionists. But was the refusal to receive the memorial the strongest measure? No. It would place us (said Mr. K.) in a false position, in which we could not maintain ourselves; we should create an excitement against us, and by enlisting the sympathies of the people in favor of these Abolitionists, we should relieve them from the odium which now properly attaches to them, and thus defeat the principal object we have in view. The strongest vote, in his opinion, the one best calculated to quiet the agitation in the public mind, to put down the agitators, and to prevent the frequent recurrence of their misguided and fanatical attempts to disturb the peace of the South, was that proposed by the motion of the Senator from Pennsylvania, [Mr. BUCHANAN,] to reject the prayer of the petitioners at once, and show to these men that any hope of producing an effect on Congress was entirely delusive. By this course (said Mr. K.) we steer clear of those constitutional objections which apply to the refusing the right of petition. We receive from the citizens of the United States who present themselves here, be they fanatics, incendiaries, or mistaken zealots, the expression of their wishes; but we go not one step further; we tell them that the prayer of their memorial is unreasonable and cannot be granted; that to grant it would be contrary to the obligations of our duty; that it would be a violation of the Constitution, and against every principle of justice and humanity; and we, therefore, stamped it with our unqualified reprobation. He took occasion some days since to express the grateful sense he entertained of the manly, frank, and disinterested manner in which his friend from Pennsylvania had come forward with his motion, as well as for the enlarged, liberal, and clear-sighted views taken by him in the remarks with which he accompanied it. Sir, (said Mr. K.,) he has my thanks, and deserves, for the disinterested stand he has taken, the warmest encomiums of every southern man, as well as every lover of the Union, be he from the North or from the South. If anything (Mr. K. continued) could put an end to the unfortunate state of excitement produced by this agitating subject—if anything could tranquilize the feelings of the South, and put a stop to these petitions which were pouring in upon Congress, it would be that gentleman's motion to reject the prayer of the petition then before them; and he could not avoid here expressing his sincere regret that the question had not been taken at first on this motion, without going into any discussion whatever.

This excitement, however, which had so inauspiciously commenced, would probably go on for some time longer; but he looked to public sentiment, particularly to the public sentiment of that portion of the country whence these agitating memorials came; he looked with confidence to the wisdom, and virtue, and patriotism of the people, to put that evil spirit down. If that could not be done, he confessed that he must almost despair of a much longer duration of the Union. He could not, however, admit that the prospect was so deplorable as that represented by the eloquent Senator from South Carolina, [Mr. PRESTON.] We see, (said Mr. K.,) as he does, the storm brewing, but we feel assured that we are not to be overwhelmed by it; that, though it may howl above our heads, it will pass harmlessly by, leaving a purer and fresher atmosphere. I care but little (said he) for the sympathies of those abroad. So long as we have public sentiment with us at home—so long as we have the Christian world in America with us—so long as we have so strong a party of wise, zealous, and disinterested friends at the North, making every exertion to put down the fanatical spirit of abolition, we care little about what is said or thought in France or England. Let us cherish, then, (said he,) those kindly sympathies felt by each section of the Union for the other; and though the fairest fabrics of Government in the old world may be broken down, though the liberties of their people may be put in jeopardy, we shall stand secure; our Union will be preserved, upheld by a community of feeling, of interest, and of origin, as well as the ennobling recollections of the history of our common country.

It was not to be doubted, however, (said Mr. K.,) that if ever public sentiment at the North is against us—that if it acquire such strength as to induce Congress to take up the subject of abolition, and legislate on it, to the destruction of our rights, of our peace, and of our safety, great as must be the sacrifice—whenever that day arrives, we shall consider that the cords which bind this Union together are severed. He begged his northern friends to bear this in mind—to believe that such would be the inevitable effect of an interference by Congress with the subject, and to use every exertion in their power to put an end to this excitement before it produced further mischief.

It was disavowed by these Abolitionists on all hands, that they had any intention of interfering with slavery as it existed in the States. Here, in this District, was the battle-ground, and here the plan of all their operations was laid. It was admitted that there was a difference of opinion entertained among gentlemen of sound and discriminating judgment on both sides of the question, with regard to the power of Congress to legislate on the subject of slavery within the ten miles square ceded to the General Government by the States of Virginia and Maryland. The Senator from Vermont [Mr. PRENTISS] had entered into a long and carefully prepared argument to show that Congress possessed this power, but the gentleman had failed in convincing him that his views were correct. He recollected that, some years ago, a report was made in the other House, on a bill before that body claiming remuneration for a slave killed at New Orleans, in the public service, in which the doctrine was advanced that slaves were not property. We thought (said Mr. K.) at the time, that the author of the report was very little removed from a madman, in endeavoring to get around the Constitution in so strange a way; but the gentleman from Vermont had leaped over all the barriers of the Constitution, and lighted at once on the principle, that if Congress emancipated the slaves in the District of Columbia, it would be "*for the public use*," and therefore in accordance with one of the provisions of that instrument. Now, he wished to know, if there was one single man, when this Constitution was adopted, who believed that, if ever his property was got away from him in the manner contemplated by the gentleman from Vermont, that it could be for the public use.

Mr. PRENTISS explained. He did not argue on the expediency or propriety of Congress emancipating the slaves in the District "for the public use." He only referred to what might hereafter be done under color of that particular clause in the Constitution, and at the instance of a majority of the people of the District.

Mr. KING. Do you make compensation (said he) when you emancipate a slave? Where is your fund? Is it for the public use? What public use? Do you put him to any use whatever? None, sir, none.

Sir, (said Mr. K.,) the framers of our Consti-

tution well understood that cases would frequently occur, when it would become necessary for the Government to use the property of individuals to advance the public interest, and to guard against the injury which might result from the obstinate refusal of the owners to yield up such property, it was well provided that it might be *taken*. Yet so careful were they to guard the rights of property from any improper interference on the part of the Government itself, that it is expressly required that it shall only be *taken for public use, paying therefor a just compensation.*

Now he would ask how this clause in the Constitution could possibly apply to the emancipation of slaves? You cannot (said he) take private property, without the consent of the owner, unless you make him just compensation, and then only for public use. But the gentleman went still further. He said that Congress could get rid of slavery in the District of Columbia, by taxation. That is, (said Mr. K.,) if you can render property valueless by taxation, you may as well take it away at once. He should like to know what others from the North thought on this subject. If that is the prevailing sentiment, (said Mr. K.,) it is time that we should know it. Taxation may be carried to the States; but he did not believe that the gentleman from Vermont himself entertained the opinion that such a course of legislation would ever be either just or expedient. Such, he felt assured, was not the sentiment in the State of Vermont. At the last session of the Legislature of that State, if he was correctly informed, resolutions were introduced declarative of the power of Congress to emancipate slaves in this District, and they were rejected by a small majority; but at this session resolutions of the same tenor were again introduced, and they were rejected by an overwhelming majority. Yet this was the State where the abolition spirit was said to be so much increasing, and was so much to be feared.

Mr. PRENTISS explained. He had made no statement that the Abolitionists had increased in Vermont, or were increasing

Mr. KING said he had not stated that the Senator had gone into an examination of the number of societies for the abolition of slavery in the State of Vermont; this he believed had been done by the gentleman's colleague. But to pursue the subject further. It was to him as clear as daylight, that if it had been believed for a moment, when this Government required the cession of this territory of ten miles square for the use of the National Legislature, it would ever assert the right to emancipate, or so to tax slave property as to drive it from the possession of the owners—that if, at that time, it had been even suspected that Congress would ever claim such a power, the States of Virginia and Maryland never would have made the cession. The Senator from Maryland [Mr. GOLDSBOROUGH] had put that matter on a proper footing. The cession was made with a clear understanding, implied or otherwise, that no such power would ever be claimed. This was apparent from the fact, that at the time of the cession the States of Virginia and Maryland had, as they still have, a large slave population; and they never would have been so blind to their own safety as to make this cession, could they have believed that Congress thereby acquired the power to produce a state of things in this District that would operate on their slaves in so dangerous a manner. If such, then, was the understanding with which this cession was made, would it not be a violation of the faith pledged to these two States, if Government was now to attempt any interference with this prohibited subject? He did not believe that there were any gentlemen on that floor, disposed to attempt any legislative action by Congress with regard to slavery in this District; but there was too much reason to apprehend that there were many men in the northern States who anxiously kept that object in view. He would not dwell longer on that part of the subject, but would say, that whether the Constitution did or did not apply to this case, and precluded all interference with it, good faith, as well as sound policy, demanded that such interference should never be attempted. With this remark he would add the expression of the hope, that the argument of the Senator from Virginia, [Mr. LEIGH,] explanatory of the extent of the powers conferred on Congress by the acts of cession of the States of Virginia and Maryland, would be read and attentively considered by every man in the country who had any doubts on the subject, and carry with it, as it should, the conviction it was so well calculated to produce, that that subject should never be touched by Congress.

He should ever remember with feelings of delight, in the proceedings of a town meeting held in the city of Boston the last summer, in which strong and decisive resolutions were passed, expressive of their sentiments on the subject of abolition; and he was highly gratified to witness their laudable efforts to put down these deluded Abolitionists, with a foreign miscreant at their head. He was gratified at the liberal views taken there by men of high standing for moral and intellectual worth, who, with thrilling eloquence, had portrayed the direful consequences to this Union, if the mad schemes of these misguided zealots were persevered in; vindicated the rights and feelings of their brethren of the South, and called upon their fellow-citizens to aid them in restoring peace and tranquillity to their common country. He did hope, that the efforts of such men, aided by the good sense and virtue of their fellow-citizens, would be finally successful. He looked to the course of the great State of New York, and particularly to the able and patriotic message of her Governor, as one of the most powerful engines employed in the destruction of this dangerous spirit of abolition. He looked to the messages of the Governors of the States where these societies existed, and which could not be too highly commended, as an evidence, that they of the South had with them the intelligence, the moral worth, and the influential eminence, of their northern brethren. But he would say to those of the North who, notwithstanding the opposition of these influences, still contemplated the emancipation of the slaves now in the District of Columbia, that they never could, by any possibility, accomplish the object they had in view. If there was no constitutional obstacle in the way; if there was no breach of good faith towards the States who ceded this District to the Federal Government, to be broken down, what would be the consequences if Congress attempted to legislate on the subject? Why, the very moment that either House of Congress carried out such legislation, there would not be a slave left in the District. They would immediately be sold to the South; they would be driven from the homes that were endeared to them—from the masters who had reared them up, and the sports of whose children they had shared, to toil in a distant land, controlled by a stranger master. Was it worthy of discreet, wise men at the North to lavish their money, and send abroad their agents to effect an object that could end in accomplishing no earthly good? Was the slave to be benefited? No, the interest of the master would forbid it. He could not be emancipated even by an act of Congress; but his condition might be rendered worse by sending him to a distant land. When the day arrives (said Mr. K.) that slavery is abolished here, then the pious ladies of Ohio, who are so feelingly alive to the evils of slavery, may come to listen to the debates in Congress without having their feelings shocked by witnessing the bondage of their colored brethren; they will see no slaves here, for they will all have been transferred to the South; but they will see a miserable, depraved, and degraded colored population, called free, instead of the well fed, well clothed, happy and contented slaves whom their misguided zeal had aided in driving from the homes of their childhood.

These would be the inevitable consequences of the abolition societies, if they succeeded in their designs with respect to the District of Columbia. It was not designed by them, he believed, to extend their object beyond this District; but if it was so, it was time that the people of the South knew it. Few, he presumed, were so entirely deluded by their mistaken philanthropy, and so wholly ignorant of the condition of the southern States, with regard to their slave population, as to contemplate producing such a horrid state of things as must result from any interference with the subject there; but the course of operations on this District had created a state of agitation and alarm at the South which could be caused by hardly any other subject. It was the duty of their friends from the North to adopt some measure which would put down these dangerous associations whose memorials had caused so alarming an excitement. By doing so, they would quiet the apprehensions of the South, and prove to the people of that section of the country how little cause they had to fear that this Union, so free, so happy, so essential to the well being both of the North and the South, could be jeopardized by wild attempts at emancipation, that can produce no good effect on the happiness of the slave, but must, from the very nature of things, result in the deterioration of his condition. He could not conclude without saying one word to his brethren of the South. He wished them to believe that, as cordially and as promptly as any man, he would go with them in adopting the most energetic measures for the purpose of putting an end to these continued attempts in Congress, which disturbed and disquieted the southern States; and that if ever the time arrived, that Congress should interfere with this prohibited subject, he would be found among the foremost, resisting, by all the means in his power, any and every encroachment on the rights secured to them by their fathers. He wished them to know that if he could bring himself to the belief that the reception of the memorial would have the effect of producing an impression that Congress could legislate on the subject of which it treated, he would hesitate long before he would consent to receive it. But he could not entertain such a belief; he felt assured that the reception of the memorial would have no such effect, while it would avoid the dangerous implication of having abridged the right of petition as secured by the Constitution. The course proposed by the Senator from Pennsylvania, on the other hand, would, if adopted, be the most decisive that could be pursued. It would allow the petitioners in their quality of citizens of the United States to present themselves before the Senate to have a hearing, and it would at the same time show them how vain and futile was the hope of their ever producing any action in Congress. Sir, I have done. I felt bound in justice to myself, differing as I do with many of my friends, briefly to state the grounds upon which my action rests.

SLAVERY IN THE DISTRICT.

SPEECH OF HON. A. CUTHBERT,

OF GEORGIA,

IN SENATE, *March* 7, 1836.

The Petition of the Society of Friends, of Lancaster county, Pennsylvania, for the Abolishment of Slavery in the District of Columbia, being under consideration—

Mr. CUTHBERT observed, that the indisposition under which he labored, as well as the extreme length to which this discussion had been carried, would make him prefer, if he could think it proper to do so, to avoid addressing the Senate on this occasion. At best, he should be able to speak but briefly, and with his usual difficulty, and he should incur no risk, therefore, of being charged with having unnecessarily protracted the debate. This certainly was a subject on which, as an individual, he could not feel indifferent; and if he could be so, he should only be criminal to the deepest interests and feelings of the people he represented. He should, therefore, on a few points which appeared to be the most important, express the opinions he had formed; and here let him be understood in making a clear and uniform distinction, in all that he might say, between those who lead and those who follow, between those who, under the influence of vanity and a criminal ambition, had meditated and attempted the wildest and most dangerous projects, and those well-disposed persons who, misled by a mistaken philanthropy, may yet recover their sober and steady judgment. He hoped, nay, he felt confident that they would recover from their delusions.

Do I (said Mr. C.) feel any apprehensions of a dangerous increase and wide-spread prevalence of the spirit of abolition? I do not, (said he,) I would belie my own judgment, if I felt any serious

disturbance on this subject. Why am I, (said he,) insensible to these terrors? For this plain and obvious reason, that the spirit of abolition was not an American spirit; it was transplanted from a foreign soil; it belonged not here, and was a base mockery of what had passed in another country, whose relations to their slave population were not only not similar to ours, but stood in absolute contrast with them. Has this spirit (said Mr. C.) grown among ourselves? Has it originated on this side of the Atlantic, or has it been caught by contagion from England? It was caught by contagion certainly, for it had nothing proper to American growth, nothing congenial with American feelings, and was wholly foreign and unsuited to the genius of our people. Then if it came across the Atlantic, if it had no kindred feeling here, was there any feeling to apprehend that it would ever take a firm root in our soil? He felt assured not. The colonies of England where abolition took place were all governed with as absolute a sway by the mother country as the slaves in this country are ruled by their masters. They had no privilege of self-government; they had not even the privilege of interposing their advice when the mother country was about to take from them their property; their fate was absolutely determined by the will of the mother country, and they could not even raise a voice of their own to delay the evils which that Government was about to inflict upon them. And what then was the character of the white population of the West India Islands? Had these people ever any fixed character? The owners of property in the West Indies were not even, a majority of them, residents there. A few luxurious, feeble slaveholders resided in the mother country; these were represented in the islands by their agents; also a small number sent from Europe to manage the business of these non-residents; and there being no inspection of society there, led depraved and licentious lives, destined to a short period. The whole desire of the owners residing in the mother country was to exact as much as possible from their estates in the colonies for the maintenance of their luxuries at home, and their vast possessions in the islands were managed by the agents solely with a view to their selfish interests. Was this the relative condition of the white and black population in the southern States? And was such a state of society as he had described to be found in them? Why, every gentleman's good sense revolted at the comparison. Our States were actual sovereignties, combined together into one great Republic. Here, then, was the difference between this country and the British colonies. The question as to emancipation was not the same with us as with them; it was not only not similar, but in direct contradiction to it.

These several State governments not only administered all their own internal concerns by their own laws, but all the other State governments were in no manner permitted to interfere with them. They watched over the peculiar safety and interests of their own citizens, and were not to be regarded, not even to be looked at, by the governments of their sister States. Here, then, was a strong reason why we ought not to feel any apprehensions of the progress of the spirit of abolition. A state of society such as he had described in England and her colonies existed not here. We had a numerous, active, and spirited population, advancing every moment in all that belonged to morals and intelligence—a population in which general education was an actual passion—in which to enlighten the people was a principal care. All that could dignify, all that could strengthen, all that could adorn human nature, was here found; it was native, and not of to-day, but came to us through a series of generations. And second to that state of society, the relations subsisting between masters and slaves had for a series of years been approaching to that state of perfection which had never before been exhibited in any slaveholding country. Could any one suppose that a population such as this could be disturbed by the ill-directed efforts of a parcel of miserable, deluded fanatics? No change in their situation could be made without actual ruin, without actual extermination. Hence the gloomy and alarming picture drawn by his friend from South Carolina, [Mr. PRESTON,] a picture which owed the darkness of its colors to the strength of his own imagination; a picture which was designed from the regions of romance, and not from sober reality, had no terrors for them; one glance at a brighter prospect, and, truth owning its sway, they were freed from the melancholy presentiments but momentarily indulged.

Then what was to be thought of the folly of those Abolitionists, who, with such a Government as ours, with such a population, and with such relations of society, could hope to propagate their miserable delusions? What must be thought of their wickedness, as well as their total destitution of all the common feelings of humanity? Did they not show the weakness of their understandings, as well as the depravity of their hearts; and who and what were they? Boys from the cloisters of a college, ignorant of the form and spirit of our free institutions, and unacquainted with the state of society their blinded and ill-directed philanthropy would intermeddle with; bigoted priests, forgetting their sacred calling and the service of their God, regardless of that holy religion whose leading principle was peace and good will among men, would introduce discontent, discord, and even rebellion, where there was contentment, happiness, and peace; others, of the vain, ambitious, and restless, who, conscious of the want of those moral and intellectual powers which alone are truly calculated to elevate the individual, seek to rise into consequence by the aid of a popular delusion. What was the leader of all these? Who, and what was he? Had he been marked out by the Almighty, and gifted with those great and powerful intellectual qualities with which Providence endows those who are to accomplish great revolutions? He had never heard that this individual ever possessed any such attributes. He was not a Wilberforce, to draw with him the feelings and opinions of a nation in favor of universal emancipation. Here (Mr. C. said) he would observe that if Wilberforce had been an American, he would have been an anti-Abolitionist; he would never have sought to alter such a state of society as exists in the slaveholding States, and never would have incurred the risk of producing such fearful evils in a population where there was so little that required amelioration. Was there any one who supposed that an enlightened statesman, possessing the talents, the general intelligence, the enlarged and liberal views of society and of the principles of government that Wilberforce did, would cherish for a moment the wild and visionary schemes of these Abolitionists? Was there any man on that floor, whether from the North or from the South, who avowed himself an Abolitionist? If there was, let him speak. There was none, then—not one. Here was an answer to the Abolitionists. There was not one man on that floor who avowed himself a follower of this pitiful mockery of English philanthropy.

If our Government, and the connections of our society and Government were such as he had described them, and as every gentleman believed them to be; if their influence was felt as he had supposed throughout the country, (and to doubt that they were so felt would be to doubt that ours was a thinking and sagacious people)—if such was the character of the American people who had uniformly expressed their detestation of the plans of the Abolitionists, then let him say that, so far from being influenced by any terrors arising from the events of the last year, his confidence in the stability of the Union, and in the permanency of our free institutions, had been strengthened. No man who had attentively observed the progress for years of certain doctrines, but must have come to the conclusion that strenuous and persevering attempts would be made for the emancipation of the African race in this country. He believed every gentleman knew this, and the only question was, would or would not the American people encourage such attempts? Did they encourage them? No. Was saying that they discouraged them, using sufficiently strong a term? Everywhere these attempts had been met by the most decided opposition; everywhere it had encountered the universal scorn and detestation of the community, and the feeling with which this spirit of abolition had been met, had of itself been sufficient to kindle and strengthen the spirit of American patriotism. And was patriotism a mere word to flatter the people, or to adorn a speech with rhetorical flourishes? No. It was a holy feeling, springing from the purest and noblest principles of our nature, and where government was well understood gave double force to every social virtue.

Our people had evinced that patriotism in resisting with energy and success that wide-spread and wild spirit of fanaticism which threatened to produce jealousies and heart-burnings in a united and happy country; and so far from the events of the past year having tended to weaken the bonds of this Union, they were only calculated to show its durability and its strength. As the lofty pine on the mountains becomes more firmly rooted as it is shaken by the tempest, so had the love for this Union taken deeper roots in our hearts. As we watch over the infant sleeping in our arms, it comes nearer and dearer to our hearts; so was this Union more deeply rooted in our affections the more it was cherished. Yes, he felt with his friend from Alabama (Mr. KING) how kindly they were treated by their northern fellow-citizens. They did not (said Mr. C.) coldly do their duty to us as signified by the terms of the Constitution. With a warm affection for their southern brethren they rushed to their aid; with a strong and willing indignation they rebuked the spirit of discord and mischief; and with a generous zeal put themselves in hostile array against those we have a right to term our enemies. They had (said Mr. C.) done us full justice, and that justice was given with a promptitude and warmth of feeling truly consistent with the American character.

There was one principle which had not been recognized in the course of this discussion, and gave him greater confidence in the strength of our institutions. It was this: although this debate had been protracted to an unusual degree, and accompanied with all that energy which belonged to the American character; yet, with a spirit of conciliation and harmony not to be found in any other legislative body in the world, they all concurred in the desire to accomplish one object, differing only as to the manner of accomplishing it; and the result was, that, throughout the country, there was a strong party formed in favor of all that was good against that which was evil, and a powerful influence was now operating against these miserable fanatics for the safety of our institutions. There is another additional point of strength (said Mr. C.) in our position which would soon become well known to the mass of the people of the United States. It was, that these liberated blacks (should the Abolitionists succeed in their projects) would find no spot on which to rest a foot in this widely-expanded Union. Would they find it in New York? Let the events of the last season speak. Would they find it in friendly Philadelphia? No. The tumultuous assemblages in that city, the well-known state of popular feelings there, as evinced not long ago, sufficiently showed that the black portion of its population would never be suffered to increase.

I pronounce (said Mr. C.) that there is a stronger natural horror and aversion for the black race in the North than in the South. What, then, would be the consequences of emancipation? If the northern people could not tolerate the small number of blacks now among them, how would they admit the vast number that will be set at large by the plan of emancipation? And if they would not admit them, were they to be caged up with the people of the South for mutual massacre and destruction? No; the inevitable consequences of emancipation so readily presented to the view showed the absurdity and impossibility of the scheme, and that it never could gain strength or durability among a reflecting and reasoning people.

He would say one word as to the two propositions before the Senate for the disposal of the memorial; the one not to receive the memorial at all, and the other to receive it, and then reject its prayer. He should separate himself, in the vote he should give with regard to the first, from friends with whom he had acted; friends they were, and when he spoke of the sincerity and

purity of their course in that body, he did not speak vain words. He knew that they were influenced by a sincere and honest conviction that the pressing of the first motion was not for the public good; but his judgment differed from theirs, and he believed it to be his duty to support the first motion, though he held that belief with great diffidence, because he saw the whole force of the reasons which gentlemen urged against it.

Of the two propositions before the Senate, he felt himself compelled to vote for that which was the strongest in opposition to the memorial. He had found no constitutional reasons for opposing this measure, no well founded objections, under a proper construction of the Constitution, to giving this vote, such as his friends believed; it did not appear to him to be violating that part of the Constitution which secured the right of the people peaceably to assemble, and petition for a redress of grievances. The first step, with regard to the right of petition, it was not pretended had been prevented. The people had assembled without let or hindrance, and had petitioned. The question then was, how this vote would affect the second part of the right of petition, and how far the petition was for a redress of grievances. With respect to the latter, it was not pretended by any one that slavery in the District of Columbia was a grievance of which the petitioners had a right to complain; and as to the first, the petitioners had a hearing, and their petition had been fully discussed. The member who introduces a petition states the substance of it, and any member may demand that it shall be read. Then what was denied to the petitioner? Was he indignantly refused a hearing? By no means. The motion applied not to the petitioners themselves, but to the substance of their petition.

You make (said Mr. C.) the most prompt and decided objection to the prayer of the petition which the rules of the body permit, and you do it with a due regard to the feelings of those who presented it. You say to them no more than a kind and indulgent parent has a right to say to his own child, that their request is so unreasonable that the granting of it would be productive of so much mischief to themselves, as well as to others, that it could not for a moment be listened to. Was this unkind, or language unbecoming a parent addresing his child? Your purpose (said Mr. C.) is to warn them in the most decided terms, that to persevere would bring ruin on themselves, as well as produce the most fearful evils, and you entreat them to abandon a course destructive of the best interests of the political family, without producing the least good to themselves or to those for whom their sympathies were excited.

The rule (said Mr. C.) under which this motion was made was founded on the Constitution itself; and so far from determining that you shall receive a petition, it made the first question to determine whether it shall or shall not be received. What, then, was their duty? It is a duty (said Mr. C.) which we owe to ourselves, to those whom we represent, and to the petitioners, to express what we know to be the determination of the whole southern people on the subject, in the most decided and most intelligible form. Should the petitioners not know this, they might be led into a course of perseverance productive of great and continued excitement; and what might now be resisted by quick and decided action, might hereafter be more difficult to quell, and not to be put down but by a heated and protracted debate, shaking the very foundations of this Republic. We tell these petitioners (said he) that the subject is one of such delicacy, that its agitation was so dangerous, that they shall not even touch it. Was not this the feeling of the whole Senate; and if so, was it not their right and their duty to tell the petitioners so, that they might at once be induced to abandon their designs?

The whole Senate felt confiddent that the people of this country would not give countenance to the projects of these Abolitionists, and therefore in refusing to receive the petition they would be acting in accordance with the sentiments of the majority. There was one delicate point in this question which they must meet face to face. There was a project entertained by many good men to touch this subject as it regarded the District of Columbia, and some gentlemen were obliged to acknowledge it; and he told them, and told them in good time, that to touch this subject here was to touch it in the southern States. The people of the South would regard such legislation as the breach through which their invaders would march to spread ruin, devastation, and blood over their country. He called on gentlemen, then, to check the spirit which would lead to woe and disaster. I tell them (said he) to warn their people not to approach this subject. In the singular structure of the human mind, the firmest convictions might rest on erroneous foundations; and it became not one situated as he was to predict with certainty that it was impossible that the spirit of abolition should ever be prevalent in this country. He now believed that it never could; but as there seemed, in the estimation of many, to be some danger of it, he warned gentlemen of the necessity of adopting such measures as would effectually put down this spirit while there was yet time.

HEIRS OF JAMES LATHAM.

REMARKS OF HON. WM. L. MAY,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

February 26, 1836,

In Committee of the Whole House, on the bill for the relief of the heirs of James Latham, deceased.

Mr. MAY said:

Mr. CHAIRMAN: The opposition of the gentleman from Ohio [Mr. VINTON] to the bill now under consideration, is by no means unexpected, for I have yet to see the first instance in which that gentleman has failed to exert his influence to defeat every measure connected with a liberal disposition of any portion of the public lands, especially if such disposition were likely to confer upon the people of the West the slightest benefit. Sir, had the gentleman been only a few moments since as solicitous to guard the Treasury, as he now is to preserve the public lands, he would have voted with me against the allowance of a claim of $30,000 which has just passed the House in the shape of a bill. But, whilst claims for large amounts against the Government are received and favorably considered by this House, the just claims of the people of the West to land, however limited in quantity and trifling in amount, are resisted with an opposition of the most determined character. Sir, I shall not trespass longer upon the time and attention of this House than may be necessary briefly to explain the nature and origin of the claim upon which this bill is predicated, and the reasons that influenced the Committee on Private Land Claims to report it to the House. This claim has been twice acted upon by the committee, and on each occasion there was no difference of opinion among them as to the propriety of granting relief. Last year a bill similar to the one now under consideration was reported and passed the House, but, for the want of time alone, failed in the Senate.

By reference to an act of Congress, passed on the 5th day of February, 1813, it will be seen that the right of preëmption to one hundred and sixty acres of land was, upon certain conditions, granted to every settler upon the public lands residing within the limits of the two land districts established at Vincennes and Kaskaskia for the Territory of Illinois. The register and receiver at Vincennes, when called upon to act under this law, refused to allow the right of preemption to certain persons, as not being within the boundaries of the land district at Vincennes. This decision was afterwards found to be erroneous, and Congress, to remedy the hardships endured by the settlers, thus improperly denied the right of preëmption by the decision of the land officers, passed a law on the 11th of May, 1820, allowing all such persons as had been thus deprived of the benefits intended to be conferred by act of Congress of— -, 1813, to appear before the register at Vincennes, and upon their making proof that they would have been entitled to the right of preëmption under the former law, had that law been correctly construed, and that they had not purchased the land claimed by them, either at public sale or private entry, the register was authorized to issue a certificate in favor of such persons, setting forth the fact of such proof having been made; and upon the production of such certificate at any land office in the State of Illinois, the original preëmptor, or his legal representative, was entitled to enter one hundred and sixty acres of any of the lands of the United States lying within the limits of the State of Illinois, which had been surveyed prior to the 1st of September, 1820, whether the same had been offered at public sale or not. Such, sir, is the origin of what is called the Vincennes preëmption floating claims, and it was in virtue of one of these claims that the present town of Peoria was located by James Latham in his lifetime. For the period of almost seven years after this tract of land was purchased by Latham, although the Commissioner of the General Land Office was often urged to issue a patent in favor of the purchaser, he refused to do so. This refusal on the part of the Government to recognize the validity of the sale of the land, was produced by the county commissioners of Peoria county, who made application to purchase the same land for county purposes, under the general preëmption law of 26th of May, 1824. The land officers at Springfield rejected the application of the commissioners of Peoria county to purchase the land, and it remained in this situation till Congress, on the 2d March, 1833, passed an act by which the county commissioners were authorized to enter the land subject to the claim of Latham's heirs. Had the Commissioner of the General Land Office decided within a reasonable time the entry made by Latham to have been legal or illegal, which he was urged to do, Latham would have acquiesced, for he then could have selected other lands equal, or at least but little inferior, in value to the tract of which he has been deprived. But by reason of the great delay on the part of the Commissioner to make any decision in the case, Latham lost all opportunity of locating other lands, as almost all of the public lands which were surveyed prior to the 1st of September, 1820, were offered at public sale and subject to private entry before the heirs of Latham ascertained that they would not be permitted to hold the land acquired by them, without a lawsuit. Sir, would the passage of this bill confer upon the heirs of Latham any greater or higher privilege than they enjoyed at the time of the location of the tract embracing Peoria? I undertake to say that it would not. The bill proposes only to give them the right to select from any of the public lands in Illinois, which may now be surveyed a quantity of land not exceeding one hundred and sixty acres, by paying to the Government the minimum price of said lands.

It is well known that there are but few townships of surveyed lands now in Illinois, which have not been offered at public sale; and in those few most of the valuable lands have already been taken by floats under the preëmption law of 1834. The gentleman from Ohio [Mr. VINTON] expresses his apprehensions that the present bill, if it become a law, will enable the heirs of Latham to locate mineral lands, salt springs, or situations embracing water privileges. Sir, I am greatly surprised that the gentleman, coming, as he does, from a State in which the public lands are situated, should possess so little knowledge of the subject upon which he has spoken. Does not the gentleman know that all mineral lands, as well as salt springs, are expressly reserved for sale, and are not subject to location? But if such were not the fact, still the passage of this bill would not enable the heirs of Latham to obtain, by their location, either mineral lands or salt springs, for the mineral lands lying within the State of Illinois, are yet unsurveyed; nor is it believed that salt water is anywhere to be found upon any lands of the United States in Illinois, not heretofore offered at public sale.

The gentleman has alluded to the claim of an individual to the tract of land embracing Fort Dearborn. Sir, the gentleman's object cannot be mistaken. By referring to this claim, and the value of the land, a prejudice is sought to be created against the heirs of Latham. It is not my purpose now to enter into any discussion on

the merits of the claim to the tract of land, embracing Fort Dearborn. The decision of that question belongs to another tribunal; but I feel constrained to repel the slanderous insinuation made against the claimant of that tract, which has been represented by the gentleman from Ohio to be a poor dealer in whisky. This, sir, is not the fact; Mr. Beaubien, although not rich enough, perhaps, to command the respect of the gentleman from Ohio, is not a dealer in whisky. Had this property fallen into the hands of some rich speculator, perhaps the gentleman from Ohio would have regarded it with greater complacency. Sir, it is painful to witness the narrow-minded, contracted policy, on the part of some members of this House, in relation to any liberal disposition of the public domain. The people of the West have been again and again stigmatized on this floor as land pirates and robbers. Sir, if the application of these opprobrious epithets are to be indulged in, it is not difficult to foresee the result. It must, in the nature of things, tend to alienate the feelings and affections of the people of the new States from those of the older members of the Confederacy. The people of the West rejoice in the prosperity of their Atlantic brethren; they murmur not at the vast expenditures of public money annually made for the protection of their commerce, the improvement of their harbors, and the fortification of their sea-board; but, while such enormous sums of the revenue of the nation are thus expended, they confidently expect that their own wants will enlist the sympathies and good feelings of their northern as well as southern friends; and least of all do they expect to have hurled at them, when modestly urging those wants upon the consideration of this House, epithets which belong quite as much to those who use them, as to those to whom they are applied.

Sir, the only land pirates known in Illinois are found among the avaricious speculators who come among us, and who, in the absence of pre-emption laws, are enabled to purchase the improvements of the honest settler, without rendering him therefor any equivalent whatever.

Sir, the gentleman from Ohio tells us that if Latham's heirs have acquired any right to the land embracing the present town of Peoria, their claim has not been impaired by the action of Congress, in passing a law authorizing the entry of the same land by the county commissioners of Peoria county. The heirs themselves thought differently; at least they saw no prospect of maintaining their rights without a long, tedious, and vexatious law-suit, the great expense of which they were not well qualified to support; and as Congress, by its legislation, has left them no other alternative than a law-suit or an abandonment of their just rights, it would be strange, indeed, if they would add to their injustice by refusing to pass the present bill. The wild lands in Illinois are estimated far beyond their real value. It is only when these lands are cultivated and improved by what some term the squatters, that they command more than the minimum price of the Government. There is not an instance, within my knowledge, where any of the public lands in Illinois have sold for more than $1 25 per acre, except at the sales of the public lands at Chicago in June last, when some of those lands near that place sold, perhaps, as high as ten dollars per acre; and some lands which were lying along the line of the Illinois and Michigan canal sold, in a few instances, for from three to four dollars per acre. It cannot, then, be imagined that the heirs of Latham are likely to realize any great advantage from the passage of this bill.

Sir, let us now consider for a moment the character of the amendment offered by the gentleman from Ohio, to this bill. In that amendment he proposes to allow the heirs of Latham to locate their float upon any lands, which are now subject to private entry. Would such an amendment confer any privilege upon Latham's heirs, which they do not already enjoy, and which is not possessed by every man in the Union? Does not the gentleman know that it requires no additional legislation to enable the heirs of Latham or any other person, to purchase as much land as they have money to pay for at private entry? Whence then the necessity or propriety of passing a law authorizing persons to do that which they may do already? Sir, I hope the House will at least save themselves from the imputation of folly so gross, as that of authorizing, by the enactment of a special law, persons to do that which they now have the right to do without additional legislation. But, sir, the amendment offered to the bill proposes, instead of conferring a privilege, to deprive the heirs of Latham of a right they already possess—a right secured to them under the act of 11th May, 1820, to which I have already alluded—and in virtue of which they can now locate their claim upon any of the lands of the United States in Illinois, which may have been surveyed prior to the 1st of September, 1820. But, Mr. Chairman, I have already detained the House longer than I had intended, and I shall conclude by expressing the hope that the amendment proposed by the gentleman from Ohio may not be adopted.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF HON. R. J. MANNING,

OF SOUTH CAROLINA.

The following resolution of Mr. PINCKNEY, of South Carolina, was adopted by an overwhelming vote in the House of Representatives of the Congress of the United States, on the 8th of February, and is as follows:

"*Resolved*, That all the memorials which have been offered, or may hereafter be presented to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, [Mr. JARVIS,] with the amendment thereto, proposed by an honorable member from Virginia, [Mr. WISE,] and every other paper or proposition that may be submitted in relation to that subject, be referred to a select committee, with instructions to report that Congress possesses no constitutional authority to interfere in any way with the institutions of slavery in any of the States of this Confederacy; and that, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union; assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to repress agitation, to allay excitement, to sustain and preserve the just rights of the slaveholding States, and of the people of this District, and to reëstablish harmony and tranquillity amongst the various sections of the Union."

At a subsequent day, abolition memorials or petitions were presented to the House. Members contended that, under the adopted resolution above referred to, all petitions subsequently offered were necessarily and properly referable to this select committee raised under the resolution. Other gentlemen contended against this consequential reference, and insisted that petitions not under the action of the House, or not presented when the resolution was adopted, might receive a different direction than a direct reference to the select committee. The honorable Speaker decided that such petitions as were afterwards presented might properly take any other direction, or might be opened for discussion. On Tuesday, the 23d February, on the presentment of abolition memorials or petitions, much indirect discussion or debate was entertained by the House. At length a motion was made to reverse the previous decision of the Speaker, so that necessarily, under the resolution, all abolition memorials or petitions introduced into the House should go to the select committee raised under Mr. PINCKNEY's resolution. On the vote of the House, the Speaker's decision was reversed by a vote of 147 to 56.

As considerable latitude had been given to gentlemen in the course of the debate which incidentally arose,

Mr. MANNING, of South Carolina, made the following remarks:

Mr. SPEAKER: Should the decision of the Chair, which has been made, remain unreversed, then this strange anomaly will be forced to result from it, that the resolution, offered by my colleague from South Carolina, [Mr. PINCKNEY,] and adopted by an overwhelming majority of this House, intended to answer a definite and special object, will be wholly defeated; because it will be essentially changed, so as to fail in answering the most important purposes for which it was originated, and on account of which it was supported by its friends. The objects, highly important as we believe them to be, intended to be accomplished by its adoption, will, after the mature and deliberate action of this branch of Congress, be wholly lost sight of, or be completely changed. I trust that no skill, however adroitly or powerfully used, will ever so far succeed as to prevent the full action of this resolution from effectuating those important final results, which the originator and friends of it do most ardently anticipate, and which we did, and do still hope in the God of our country, will result from the course of action and feeling directed by this House under it, and that the exponent of each of these will be such as to gladden the hearts of patriots and soothe arising irritation, by restoring harmony and renewing confidence in every portion of our common country. I regard this resolution now as a guide or settled rule of action for this House, as much so as any other which Congress is competent to establish, or as any which can be made binding upon it under its legitimate functional action; as binding as any parliamentary laws can be, sanctioned as they may be by the wisdom and consecrated by the usages of the Congress of the United States. If the Speaker can by his decision reverse this resolution, which expresses and means "that all the memorials which have been 'offered, or may hereafter be presented to this 'House, praying for the abolition of slavery in 'the District of Columbia, be referred to a select 'committee," &c., so as to mean no more than that all petitions or memorials which had been received at the time of the adoption of the resolution, shall be referred to the select committee raised under them, and that, therefore, all of a like character subsequently introduced could be allowed to take any other direction; then the whole character, scope, and extent of it will be so limited or modified as to countervail the full, specified, and declared objects of it. If this be true, then he has power to suspend, alter, or change, any deliberate act of this House, intended as a rule for its governance.

I know full well the responsibility and delicacy of the Speaker's situation. I feel and acknowledge how important it is to the orderly management and proper deliberation of this body, that he should be sustained by all parties in his general efforts to preserve proper decorum. I would do all in my power, generally, to sustain the Speaker; but, in this instance, I feel a paramount duty to myself and to my country, to urge upon this House a reversal of his decision. I trust that it will be reversed; that the legitimate and salutary results contemplated by the supporters of the resolution may be reached. I wish that this course had been instantly pursued at the very first moment when indications were given that the long established usages of Congress, in disposing of these memorials and petitions, the usage of both branches of Congress, from the first commencement of the Government, was to be departed from. The practice heretofore has been, to lay all these classes of papers on the table. This has been the practice not only of this House, but of the Senate also. There they were laid—there they have remained—to sleep that sleep of oblivion which they so justly merit. On some occasions, such petitions were referred to the Committee on the District of Columbia, from whose safe-keeping they never escaped to see the light of day, or to accomplish that magnitude of evil which they were calculated to produce through the agency of wicked or thoughtless citizens who originated them, or sent them here. It has been painful to many, and indeed to most of this House, that we have been carried away from that practice of both Houses of Congress in the disposition of anti-slavery memorials and petitions, which, heretofore, has been found so safe and politic. We were driven reluctantly to pursue some mode by which we hoped to arrest that tendency of things here, which we deeply feared might lead to incalculable evils, and to dangerous results. We hoped by this resolution to stay debate, to prevent discussion, to keep down irritating, heartburning invectives, and to unite Congress by a strong expression of its feelings and opinions, both as regards the States, as well as the District of Columbia; so as to remove doubts, give renewed security, and unite us once more in

the bonds of common interest and of united affections; and that we might meet and unite upon a broad and common ground from which distracting and agitating questions might be avoided, all debatable grounds might be shunned, and where varying and practically unimportant abstract notions and opinions might have no influence in preventing useful and practical results. Our aim has been to reach practical objects, to prevent discussion, to keep down the excitement of one portion of the Union against the other, to restore harmony, confidence, and that feeling of security to life, liberty, and property, without which Governments cannot long exist in this age of the world, and without which they would, if they could exist, be a curse.

Sir, I have been filled with anxiety and care at the course which things are taking in this country. My bed is not refreshing to me, as it used to be. Unhappy visions flit across my mind; thorns are planted under my pillow; the air does not refresh me as in other days; the sunbeams do not bring those gladdening and animating sensations to my frame as was the case when our southern country was happier and more united; when the South, the land of generous feeling and of noble sentiment, the land of hospitality and of elegant and polished life, of warm, impassioned, and sweeping eloquence, and of moral and intellectual power, was one and united. These are the bright features by which our southern States have ever been characterized; these are the fine traits which adorn the lovely character of the South. This interesting country, in earlier and happier days, was united and happy, was full of hope—rioted in the grand prospectives of the distant future; and, as the series of events unfolded the rising prosperity of our State and common country, all was joy, and hope, and gladness. The times are changing; slowly operating causes are producing discontents; undefined apprehensions are succeeding to full and unlimited confidence; a thrilling sensibility has been awakened, under clouded apprehensions that attempts may be made to unsettle the existing order of things by an interference directly, in the District of Columbia, at no distant day, with the rights of the slave owners, and by making this a mere first move in progression to a more extended and general system of operation in the slaveholding States at some still more distant day. Our object is to disabuse the public, to substitute for improper, correct statements, and to present just views of northern sentiment and feeling in relation to our institutions, and to give the other portions of our common country an opportunity of putting down those wild and erratic movements at the North, by which those who aim at pressing their memorials and petitions upon Congress, that they may produce discussion, excite feelings, and thus to force themselves and their objects into the notice, and under the consideration of a thinking, speaking, and writing age, may fall short of their aim. Their success will best be secured, and their ends best answered, if they can but so far press themselves and their objects upon the notice of the country as to produce excitement, awaken resentment, or elicit abuse. Under the silence of contempt, or under the indignant rebukes of the lovers of order and stable governments, they will dwindle down to their proper and safe dimensions. If let alone, they will sink into that insignificance which they merit; they will sink under those rebukes from the moral and intellectual forces of our northern brethren which seem to await them. If they progress, the battle must be, will be, fought at the North. The good of society, the safety and happiness of every portion of this country, will bring about this result; for, if these crusaders against the rights and interests of the slaveholding States are permitted by northern portions of this country to move on upon their erratic and frantic course, they will produce such throes and convulsions not only in the South, but in the North, that the established order of things will become unsettled; the reign of law and of liberty will be endangered.

The South, sir, ought never to debate this question — it ought never to discuss it, for discussion will produce excitement; one degree of excitement will beget another. A warm and animated southern excitement will—nay, must, produce a corresponding northern excitement. Each will grow in character and in degree, until a grand northern interest may stand opposed to a grand southern interest. The North then becomes arrayed against the South, and the South against the North. I will not allow myself to inquire, under a conjuncture like this, what will become of this our beloved and happy country? Under such circumstances, truly will the hearts of patriots tremble for the ark of our political safety. The ground assumed in the resolution is not only a broad and common ground, upon which all may safely unite, but is one broad and ample enough to sustain all the rights and interests of the South. Under the compromises of the States which led to the formation of this Government, and to the adoption of the Constitution of the United States, we believe, however other gentlemen may differ from us, that Congress, under it, has no power whatever to interfere, directly or indirectly, with the slave property of the citizens within the District of Columbia, no more than it has to interfere with houses or land, or any other description of property. It cannot do this otherwise than in such way, and for such high and necessary purposes, as has been clearly and definitely expressed in the Constitution itself. Property cannot be taken by the Government from its citizens without full and adequate compensation, and then only for such important purposes, and for such absolute wants, as the safety of the country may require. Under these compromises, in reference to the property of the slaveholding States, the Constitution of the United States was adopted; under these understandings the Government was formed; upon these, as their proper basis, rest the Constitution and Government. These, then, under legitimate deductions of reason, are the spirit and life of the Constitution and Government; and under their broad banner we the people will protect and defend our property and lives, should this sad alternative ever be forced upon us.

When Virginia and Maryland made a cession of the ten miles square within the limits of this District, they never for a moment believed that the original and inherent right of those States would be or could be transferred to Congress, so that it could interfere with the rights of property of their citizens who lived upon the soil. Neither could Maryland or Virginia do any such act, or make any such transference. The constitution of neither State gave any such power to their respective Legislatures. If no such power resided in the constitution, then any such attempt to exercise it on the part of the Legislatures, would have been a gross usurpation of power, never yielded by the people. Nothing but an act of the people in convention could have yielded that power, which certainly was never granted under those State constitutions. Then, it is as clear as light that the Congress of the United States never can interfere so as to emancipate the slaves in the District of Columbia, until the people of Virginia and Maryland, in conventions of the people of those States, shall see proper to confer the power. I believe that an unfortunate issue was made up when a fundamental principle of our Government was connected with the question of slavery. What would, if this course should be pursued, be the result? By a forced and unnatural action of this House, you would drive—not the Abolitionists, for they under any circumstances are and will be against us—but you drive, on a most important vote, those who differ with us on a mere abstract legal opinion, but who are among our very best friends—the abiding friends of southern rights—and who are firm and unwavering supporters of those compromises under which the States united to form the Government of the United States. This denial of the right to petition gentlemen never could have yielded. They would have been rebuked by public sentiment for yielding one of those great principles upon which rests fundamentally not only our Government, but without which no free government can exist.

Besides, sir, where was the necessity of taking this ground? It is one which is impracticable; one which cannot be maintained by republicans. It would, if persevered in, drive from us those very friends who, to protect and defend the existing order of things, to preserve the Government, protect and defend the Union of these States, and the rights and interests of the southern, or of any other portion of this Confederacy, in the manly and patriotic language of the present Governor of Massachusetts, used some years ago, buckle on their knapsacks, and, with arms in hand, rally to the support of the laws and Constitution of this country. Yes, sir, to the defense of those very compromises under which our fathers, with their fathers, cleaved down British power in this country, and under which they, together, built up that form of government which is the admiration of the civilized world at this day.

I believe that without a resort to this mode, or to some other like it, by which the broad field of discussion opened on this vitally important subject should be closed, the heat created here and thrown off in every direction, like as from a great central fire, would not, like common radiant heat, lose its intensity as it departed further and further from its great source, but would gain intensity and violence as it progressed from the elements upon which it would feed. There is nothing in this country which has connected with it so many dangers to this Union as this very question of slavery. The unhappy relations which lately existed between this country and France, and which, I thank God, are so happily settled to the honor of my country, to that of France, and of England, was, to the lovers of order and security, a matter of secondary importance; nay, a war with France, and with the combined world, and a fortunate and happy issue out of it, could not be of half so momentous a consideration to this country as a proper and safe settlement of this vexing and harassing question.

This settlement could not be accomplished, and never will be accomplished, by motions to reject "*in limine*" petitions or memorials. Good results can never be safely produced by illegitimate and unwarrantable means. If petitions or memorials are presented, licentiously abusing the sacred and fundamental right of petition, on the receipt Congress will instantly reject, or will pursue such mode as either to treat them with the silence of contempt, or will take such measures, give such rebukes, or inflict such punishments, as the propriety of the case may require. The abuse of a principle must be separated from the principle itself. Fundamental principles ought not—cannot be impaired, or be trenched upon, because abuses grow out of practices upon them. Licentiousness but too often springs up from the wickedness of mankind under the purest forms which free Governments can be made to assume. This is incident to all human institutions; but for this the great foundation upon which they are built cannot—ought not to be disturbed. Those who administer this Government, or those who legislate under it, must have such virtue and wisdom as will check and control, so as to give a safe direction to whatever may come under their legitimate action. If this should be otherwise, the Government itself will fall to pieces.

In 1805 a memorial was offered in the Senate of the United States, praying for the emancipation of slaves in the States. On the question to receive, the vote of the Senate was nineteen in favor of receiving, and nine against it. Among the nineteen was the venerable and distinguished name of General Sumter, of South Carolina. It is impossibe that the denial of the right of petition can be sustained under a republican Government.

This distinguished patriot, soldier, and statesman, the immediate and intimate friend of Mr. Jefferson, in whose firmness, correctness of opinion, and strong republican virtue, Mr. Jefferson is said to have had more confidence than in any man in Congress at that time, could not, as a Republican, with all his strong southern feeling, and his perfect devotion to the true interest of the South, could not, as a supporter of the true theory of the Government, do otherwise than vote, that this principle of the Government should not be violated, and that the memorial "should be committed."

In 1790, on the presentment of a memorial praying for the abolition of slavery in the States,

debate arose, and began to take a warm and inflammatory character, and to assume such an aspect as to make it proper at once to dispose of this irritating subject. Mr. Madison, then a member of Congress, moved to refer it to a select committee. This was done. The report was made; this satisfied Congress and the country. Within a few years, petitions or memorials of a similar kind, were referred to the Committee on the District of Columbia. A strong report was made by Mr. Doddrige, of Virginia, which was acceptable to Congress, and which satisfied the country.

Sir, excited gentlemen at the South are surely not aware of the extent and character of the injury they are doing to our interests by discussions on the memorials and petitions which are sent here by unreflecting or wicked Abolitionists. Is it not bad policy to bring either their newspapers, their books, or their false pictures, into public notoriety? Is this not accomplishing one of the objects which they most ardently desire?

The tendency of this course of action on the one side, and of the counteraction on the other, is, I contend, to throw the elements of civilized society into dangerous commotion. The truth of this is deeply impressed upon my convictions; and I feel that something ought, and must be done, to arrest the tendencies which are rapidly developing themselves.

How different was everything in relation to this subject during the last session of Congress to what it has been during the present session. I was gratified then, as a southern man, and as an American citizen, to observe the direction given to such anti-slavery memorials as were presented. As they were offered then, they were successively laid on the table, and were never again called up. This was in conformity with the common usage, and, with the few exceptions stated, has been the invariable practice of Congress from the origin of this Government to this time. Not a word during the whole session was spoken, to the best of my recollection, on abolition, either on the floor of Congress or elsewhere.

I deplore it as a deep misfortune, that the common practice of the Congress of the United States has been abandoned; that the course of southern presses and southern policy has been abandoned; that the order of the business and the time of this House have been, to a considerable extent, occupied with the discussion of these miserably-disturbing petitions and memorials.

From my earliest recollections, from my childhood up to this time, it has ever been the settled and fixed policy of the southern people, never to write, to speak, or to print anything on this all-absorbing question. Consult the old men of this day—look over your public legislative journals—look over the columns of the newspapers in the southern States, and you will find nothing to disprove what I have here asserted. Sir, I am not mistaken; this has been the settled policy of the South, and wherefore depart from it?

The slave property of the slaveholding States has been, and is so surrounded and guarded by the sanctions of prescriptive right, by long lines of inheritances, by the approbation of civilized men at that period, and since its first institution by the joint purchase with the united capital of northern and southern men of this kind of property; by the sanctions of laws, compacts, and Constitution; by the approval of a purely virtuous and enlightened clergy; and, more than all, by the arrangements under the plans of Divine Providence, that no question or doubt could ever be entertained by us. Our policy has been, and still is, never to discuss, never to entertain discussions. And if the countless guards, which we believe are sufficiently strong to protect and to secure our rights, should fail us, we should then be compelled to employ all those means of self-defense and protection, which the providence of God has placed amply within our reach.

What I have said is not the opinion of yesterday. It is one which was publicly expressed, and which was, I presume, publicly recorded, in 1826.

One objection urged against the resolution under consideration is, that it is improper to reaffirm that Congress has no power to interfere with slavery in the States. How can a reiteration of a self-evident proposition impair or weaken its force? Can the repetition, for ten millions of times, that two and two make four, impair this self-evident truth? Or the reiteration of the truth, that the whole is greater than a part, weaken one jot or tittle the certainty of this postulate? Or can the fundamental truth, that Congress has no power to interfere with slavery in the States, add or take from the certainty of this truth? It cannot. The mover of this resolution believes, with many who have voted for and supported it, that Congress has no competent power to interfere with the existence of slavery in the District of Columbia. I have already declared that this is my own belief; but, sir, all the friends of southern rights do not believe as we do, but entertain a difference of opinion on an abstract legal question, with regard to the powers of Congress over the District of Columbia. Those gentlemen who differ from us on this point are as staunch and abiding—nay, as devoted friends of our institutions as the purest and loftiest patriots to be found on earth. Was it politic or expedient, under these circumstances, to assume a ground on which, for practical results, the advocates and friends of southern rights and southern security under the compromises of the Constitution were unavoidably to be separated? Was it right to bring on a forced and unnatural action of Congress on the constitutional question, when it was to result in an impolitic division and separation of our friends? Was it politic that a weak vote should go forth, making it appear to the world that the great majority of Congress were against the rights and interests of the South? This would have given a false and unnatural presentation of the true feeling of Congress to the people of the United States. It would have produced distrust, created unkind feelings, and would ultimately have had an evil bearing on the safety and happiness of this country.

I approve the resolution offered by my colleague [Mr. PINCKNEY] most cordially. I say to him, to this House, and to my country, that I believe his motives are pure, and honest, and disinterested; and that his conduct on this occasion is worthy of that name which he bears, and which, connected as it is with the history of this country, is dear, and ever will be so, to the American people.

Sir, if this resolution fails to effectuate its legitimate and laudable objects, it will be because the opportunity afforded for quieting the country, and for obtaining for all useful results a strong and decided declaration from Congress, shall be unwisely defeated. It will be defeated by creating, under unjust excitement, and from bitter invectives against our northern friends, counteractions to the efforts which they have been, and are still making, to rebuke and prostrate the wild and unhallowed efforts of those wicked men, who are acting without a just regard to the rights and interests of the South, or without foreseeing the throes and convulsions which must inevitably result from their course of action, should it not be arrested.

If these reckless agitators continue their course, and northern integrity and northern patriotism should not put them down, these melancholy realities will be the result. They will convulse this Republic to its center, and lay bare its massy foundations. Instead of conferring benefits upon the black race, whose exclusive champions they profess to be, they will stay, and perhaps forever, those meliorating causes which have been gradually exercising their influences for the last thirty years upon the condition of the slave population of this country, and will consign it to a necessary and inevitable condition of greater severity. Yes, sir, they may produce that deplorable condition by which their utter destruction may be necessary to secure the safety of this country. Was it ever yet known in the history of mankind that two distinct colors could coexist on terms of equal, civil, and political liberty? Sooner than this shall ever be realized, the one or the other will be exterminated.

When the Abolitionists, in their Quixotic notions of general emancipation, press forward to their objects against the arrangements and the established order of things, under the plans of Divine Providence, they censure the wisdom and virtue of our common ancestors, condemn the usages of the patriarchal ages, disregard the sanctions of the Bible, and arraign the justice and wisdom of God.

I feel assured that the virtuous, the considerate, the lovers of order, the supporters of the Union, and of life, liberty, and property, have made up a cool and deliberate judgment; that northern people have nothing to do with the institution of slavery in the South; that to attempt to interfere will eventuate in remediless injury to the black and to the white population, and that the end may be to destroy that beautiful fabric of government which has, for fifty years, given unrivaled happiness and prosperity to this country, and which has produced by successive actions the happiest changes on every Government in Christendom. I have predicated my opinions and declarations with regard to northern faith and northern patriotism in reference to slavery in the slaveholding States upon my earliest convictions with regard to that enlightened and admirable portion of our common country; upon those historical recollections, which made us one people; upon the declarations of gentlemen from every portion of the country, possessed of all the means necessary to enable them to give just views of feeling and of public sentiment; upon the declarations of the people in their primary meetings, contained in their deliberate resolves; upon the addresses and avowals of many of the best and wisest men of the North; upon executive messages to different State Legislatures in the northern sections of the Union; and upon the unequivocal declarations and assurances of the great body of both branches of Congress. These are the grounds upon which I predicate my belief, that with the exception of the mere Abolitionists, northern feeling and sentiment are perfectly safe, and that the moral and intellectual forces of the country will prevail—if southern folly and excitement do not prevent it—in prostrating northern folly and fanaticism.

Under these circumstances, and with these convictions, I call on the Congress of the United States, under deep and solemn feelings, to regard this question, which is most injuriously affecting the people of this country, and to unite, by some decisive act, to quiet and arrest the course which things are taking; for, if this agitating subject is not settled, and excitement and agitation shall be allowed here, then you will meet in this Capitol, sir, some one or two years hence, under such circumstances of feeling and of deep dissatisfaction as will endanger the safety and duration of this Union. I call upon members from every section of this great and powerful Confederation, under a just and proper sense of duty to the Republic, to compromise differing opinions, and to give confidence and security to every section of this blessed and happy country. This Government was born under a lofty and enlightened spirit of compromise; and it cannot exist one year without it. Moderation, justice, and forbearance, are necessary and cardinal virtues in carrying on the great plans of self-government, first conceived and executed by the conscript fathers of this country. All will be elemental war, unless wisdom, rather than passion, shall preside over the councils of the nation, in the management of the multifarious interests and endless concerns of this extensive and mighty country.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF HON. JOHN P. KING,

OF GEORGIA,

IN THE SENATE, *February* 29, 1836,

On the Memorial of the Society of Friends, of Lancaster County, Pennsylvania, praying for the Abolition of Slavery in the District of Columbia.

Mr. KING said, as the Senator who had just taken his seat seemed, with others, to have somewhat misunderstood the import of what he had said on a former day, he would like, before the question was finally taken, to correct that misunderstanding, and add a few remarks in answer to the Senator from Mississippi. He was very anxious that the difference between himself and his southern friends should be well understood;

that too much should not be made of it either at the North or at the South.

He thought he had been very explicit, when he before briefly addressed the Senate, in stating that on the subject and object of the memorialists there was no difference of opinion among southern members. They only differed upon the questions raised on the preliminary motion made by the Senator from Carolina. In other words, they agreed on the subject of abolition of slavery in the District of Columbia, which was the object of the memorial, but differed on the constitutional right of petition raised under the motion; and also upon the expediency of contesting that right on the present occasion.

He did not believe that they could differ on this branch of the subject, if his friends had not suffered their reasoning faculties to be obscured by the excitement of their passions, and the influence of their prejudices. Under this belief, he could not do better than to remind the Senator from Carolina, [Mr. CALHOUN,] and those who acted with him, of the wise admonition of the Senator himself, at an early stage of the session.

On another branch of this same subject, the Senator had cautioned the Senate against the establishment of precedents on subjects of high excitement. He very properly stated that on such occasions we might hastily establish principles dangerous to the Constitution, and embarrassing in future times to our legislation under it. His friend was then justifying himself to the southern people in advance, for an opposition report which *he intended* to make against the recommendation of the President in his annual message. The President recommended to Congress so to regulate the action of the Government under a power expressly granted to it, as to effect only the *national objects* for which it was granted, and avoid any encroachments upon the rights of the States on the subject of domestic slavery, for which it *was not* granted. Whether the admonition of the Senator was called for on that occasion might better appear on a discussion of that branch of the subject; but the admonition was certainly a wise one, and he was sorry the Senator had lost sight of it in the motion he had made. He would not rebuke his southern friends; he believed they acted under excitement; and if they erred they erred honestly, and believed, no doubt, they were doing the best for the South. He thought their error so palpable, however, that he hoped he would be excused for the remark, as a general one, that he thought it ill became gentlemen of the South—*ay, gentlemen of the South*, who professed to be struggling and straining every nerve, upon all occasions, to preserve the Constitution in its purity, incautiously to put their foot upon it in a moment of irritation at the conduct of a few deluded and mistaken philanthropists. The South wished the Constitution as it is, *intact* as it has been written, so long as it answered the purposes for which it was framed. It would be needed by us, he hoped, after the abolition excitement had passed off, and been forgotten. A sentiment had (he said) fallen from a Senator from Massachusetts that had been much censured from various quarters. He had voted against the Senator on the occasion out of which the remark had grown, because he did not believe with him in the danger to the Constitution. But when a Senator believed that he was called on to violate the Constitution, the sentiment was one in which he fully concurred. Sir, (said he,) if the walls of this Capitol should be "battered down," they may be built up again; but in the selfish, sectional feelings of the present day, if our glorious fabric of Government should perish in the conflict of sectional passion, where are the political journeymen with the wisdom or the patriotism to reconstruct the noble edifice, with all its present symmetry, usefulness, and beauty?

He thought it remarkable that his southern friends, who were opposed to him, seemed, by their arguments, to have lost sight of the very nature of our institutions; and especially of the essential distinction between republican and despotic Governments.

One of the most difficult subjects (he said) in the whole science of Government, was that of reconciling the peace of the community, and the safety of established institutions, with the rights and liberties of individuals. Practically and theoretically, it had divided the world more or less in all ages, but he had thought that it was not now a debatable question with the people of the United States.

He considered it settled by the very form of our Government and institutions; for it was in the establishment of the form of Government that this question was usually considered and settled. The Government of our choice (Mr. K. said) was purely republican. It was based on popular opinion, which was known to be mutable; the freedom of that opinion was secured, as was also a free and unobstructed intercourse between Government, the agent, and the people, the constituent power.

The opposite form of Government (said Mr. K.) assumes that Government, when once established, is always right; that it is based on principles unchangeable; its acts infallible; and the Government is to be guarded, if necessary, by its own organized force; denying any voice to the citizen for whose good it was established. It was strange (Mr. K. said) to see gentlemen, by their arguments, actually sustaining the latter in opposition to the former system of Government.

Sir, (said Mr. K.,) there is no good without alloy. The privileges allowed to the citizen under a free Constitution, may be, and are, as in this case, very often grossly abused, the community troubled, and established institutions endangered. But the people of the United States have determined that these abuses are rather to be combated by reason and patriotic discretion, than that the freedom out of which they grow should be denied. In other words, they prefer the enjoyment of a rational liberty at the price of vigilance, and at the risk of occasional trouble, by the errors of misguided or bad citizens, to that repose which is enjoyed in the sleep of despotism.

However unpatriotic, then, (said Mr. K.,) these petitioners may be; however deluded, however mischievous in every sense, and however we may reprobate their conduct, they are still citizens of the United States. It was acknowledged that these memorialists were highly reputable and peaceful citizens, as those belonging to the Society of Friends usually are. However this might be, they were certainly citizens, submitting to the operation of the Government, and contributing to its support, and must, under its theory, be allowed the same rights of other citizens. They must be allowed, like other citizens, to petition the Government — the Government having a perfect right to reject their prayers, after receiving their petitions. The simple right of petition was the most harmless and inoffensive of all possible rights, if it be properly treated. It enforced nothing and effected nothing but what Government thought proper to yield to it. The peaceable exercise of the right, however idly employed, could rarely be productive of mischief, though it might sometimes be evidence of mischievous intentions. The greatest danger was in imprudently and unnecessarily resisting it. All history was full of the most warning instances in which the most worthless men and the most worthless principles had been elevated to unmerited consequence, by opportunities incautiously given them of throwing themselves into the breaches of a violated constitution.

He had been asked if he would receive a petition to abolish slavery in Georgia? This was a strong and improbable case; but he had answered, and would still answer, that he should feel bound to do so, and would then treat it with that contempt which so extravagant a proposition would deserve. Mr. K. thought we had no right to refuse to receive a petition, if made by a citizen of the United States, and touching a matter that concerned him as such. These he thought the only essential requisites to entitle the petition to a reception. It must be signed by citizens, and touching their interests as citizens. We could not be embarrassed by petitions to relieve the riots of the East Indies from the oppressions of the Zemindars, or from the heavy exactions of the East India Company. Petitions for such a purpose might be refused; and gentlemen had said that this memorial might be refused on the same principles. He thought himself, that they were meddling with a matter that should not concern them; and would strongly recommend to them to attend to their own business, and allow the people of the District to attend to theirs. But still it was insisted that the District of Columbia was a *national territory, and under national jurisdiction;* that the representatives of the people of the District were the representatives of the people of the United States; that the public buildings, and a vast amount of public property, in which they have a common interest, is located here; that the District is governed, to some extent, at the cost of the nation; in short, that there is that kind of relation between the people of the District and the people of the United States, as citizens of the same nation, which gives them an interest in the subject of their memorials. However light this reasoning, it was difficult, on principle, to get round it; and he thought, at any rate, we should not settle this question on nice distinctions, perhaps convincing to ourselves, but to nobody else.

But, (said Mr. K.,) waiving this objection, as seems to have been generally done, and how do gentlemen get round the constitutional objection to their motion? Why, they say they do not propose "to pass a law" to abridge the right of petition, and *therefore* do not propose to do anything which the terms of the Constitution forbid. He begged that his southern friends would reason on this as they would reason on other subjects; that they would shake off momentary influences, and employ their reasoning faculties for the discovery of truth. If they would only do this, they could not disagree with him for a moment, for they must instantly discover that their answer was a palpable evasion of the Constitution itself. Mr. K. called for and read the first amendment, as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for a redress of grievances."

Congress, under this article, can pass no law to "abridge" the right of the people to petition Government. A modern commentator on the Constitution, of some note and much ability, in noticing this part of the article, dismissed it with the remark that it was totally unnecessary. This is obvious to every one who will consider for a moment the relation between a free people and the Government of their own choice. The privilege belonged (Mr. K. said) to the form of Government; was united with it, and inseparable from it. It as clearly belonged to the people on the formation of the Government, as did the right to use the English language without any constitutional provision for that purpose; and (said Mr. K.) if gentlemen will only look at the Constitution and not evade it, they will see that the right was not ACQUIRED *by the Constitution, but only* SECURED *by it. The right as a preëxisting one, was expressly recognized by the language* of the Constitution itself. What was the language applicable to the question before the Senate? It prevented Congress from passing any law "*abridging the right of the people to petition the Government,*" &c.

Was not here a plain and express recognition of the preëxisting right? "Abridge" what? His friend from Carolina was a logician as well as a statesman, and he would ask him how the Constitution could provide against the "abridgement" of a right which it did not acknowledge to exist? Could we abridge a nonentity? Could we take anything from nothing? Could we add securities where there was nothing to secure? Certainly not. As a thousand noughts added will make nothing, so a cipher cannot be reduced. *The right, then, belonged to the people, as inseparably incident to their form of government—was acknowledged to exist by the language of the Constitution; and was guardedly secured by the provisions of that instrument.* Yes, (said Mr. K.,) secured against the united legislative power of the whole Government, and yet gentlemen propose unceremoniously to defeat it by a simple motion in one branch of the Legislature. He would not dwell longer upon this branch of the subject. He had already said more than was necessary. A prop-

osition so extraordinary could only claim attention from its respectable paternity; certainly not as a fair subject of argument or discussion.

Mr. K. said it was perfectly clear that the people of the United States intended to secure a free intercourse between the people and their Government, and especially to place beyond doubt the right of petition.

That Congress would be troubled with many petitions it could not grant, and would occasionally have submitted to it propositions foolish and extravagant, was a foreseen incident of the right, and one that could not be avoided without assuming the power to deny the right altogether. The fact of sending a petition here for any purpose, proved that the petitioner believed that he had a right to ask it, and that Congress had a right to grant it. We had only to receive the petition, look into it, decide on the right to relief, and act accordingly. No man ever was convinced of his error by refusing to hear him.

But, in the second place, (said Mr. K.,) if we, by the aid of our prejudices, should be able to convince ourselves that this motion may be sustained without a violation of the Constitution, is it expedient to press it, when it is apparent that we would never be able to convince anybody else? It gave no promise of good, in the most favorable view of it, and in all other views threatened a great deal of mischief. All these extra and unnecessary issues, attacking popular and general rights, to secure particular rights, threw new and additional weight upon our friends, the reasoning and patriotic citizens of the North, who were using their influence in the way they thought most efficient to put down the misguided enthusiasm of the Abolitionists; the evidences of every day, as well as our general reflections, should satisfy us of this. An unpopular cause, was always strengthened by union with a popular one. The abolition of slavery, as prayed by the memorialists, was unpopular, and we wished it to be more so. It had not, he believed, a single advocate in the Senate. There might be an exception or two, but he did not believe it. On the other hand, the right of petition we know to be a very popular right. It always had been so, and no considerable portion of the people in any part of the Union would allow it to be questioned, and if, in the red heat of excitement, we weld these two propositions together, the unpopularity of the one will be lost in the popularity of the other, and men will thus be brought into a union of action, who are at present as widely separated in thought and purpose as the poles are asunder.

Man (he said) was a social and a sympathetic being. He was always pleased and flattered by a coincidence of opinion; and agreeing in one measure of primary importance, men are more readily prepared for agreement in everything else. On the other hand, if they believe others extravagantly wrong upon one fundamental principle, they easily believe them wrong in their opinions upon every other; and not agreeing in that, they will agree in nothing. Without referring with any disrespect to a doctrine in which he did not agree, he could cite his southern friends to the reorganization of parties at the South on the doctrine of nullification, as a practical illustration of the truth of this position. Thousands of intelligent men, who in politics formerly agreed in everything, now agreed in nothing, because they did not agree upon the doctrine of nullification; and on the other hand, thousands who formerly agreed in nothing, now agree in everything, because they do agree in that doctrine. The history of parties would prove the same results in similar cases in all time past, and the same results would follow similar causes in all time to come, until the nature and constitution of man should be essentially changed.

What, then, (inquired Mr. K.,) could be gained by uniting these questions? Nothing; but a great deal lost in elevating abolition by its union with the popular right of petition. Being entirely prostrate in many parts of the North, and he hoped weak everywhere upon the true question they have been pressing, they wish new ground to stand on; they wish something that they may carry upon their election grounds, and use to the prejudice of the southern people. We already saw (he said) the use they were making of our pretensions, and *the manner* in which we had pressed them. By such motions, we gave them the advantage of insisting that whilst we demanded our own rights, we had no respect for the rights of others; that claiming rights under the Constitution, we show no regard whatever to the Constitution ourselves. He had been among the people of the North during the past summer, and met with not a single man with whose sentiments he was dissatisfied. The great mass of the intelligent and patriotic were, so far as his observation extended, perfectly sound on the subject. All they seemed to dread was the imprudence and violence of the South, in the extravagance of their demands and the multiplication of false issues. They seemed to have full confidence that they would be able to put down the agitators, if they could only be permitted to do it in their own way, and be relieved from demands which could not be legally gratified, and angry denunciations not deserved. He was also gratified to notice that great allowances were made for the natural excitement of their southern brethren upon this delicate and irritating subject. He hoped this indulgence would continue; but he really feared that, unless his southern friends were more prudent and more just towards those who had been using every means in their power to put down agitation—those who had espoused the cause of the South in every form—the apparent injustice would ultimately prove beyond all human endurance; and those (said Mr. K.) of all political parties at the North who are now and have been our open, avowed, and active friends, if they do not become enemies, must become indifferent to our rights and to us. We could not complain of those as enemies whom we rejected as friends.

An error of this kind had just been repeated by the Senator from Mississippi. But for this repetition he should not, perhaps, have noticed a mistake of a similar nature made a few days since by his friend from Carolina. What were these mistakes, and what were the consequences they would naturally lead to? He said it was known that there was a talented, patriotic, and highly influential member of the other House from New Hampshire [Mr. PIERCE] to whose diligence and determined efforts he had heard attributed, in a great degree, the present prostrate condition of the Abolitionists in that State. He had been the open and active friend of the South from the beginning, and had encountered the hostility of the Abolitionists in every form. He had made a statement of the strength and prospects of the Abolitionists in his State, near the commencement of the session, that was very gratifying to the people of the South. These statements were corroborated by one of the Senators from that State a few days after; and the Senator from Carolina rose, and without due reflection, he was very sure, drew from his pocket a dirty sheet—*an abolition paper*—containing a scurrillous article against the member from New Hampshire, which pronounced him an imposter and a liar. The same thing, in effect, had just been repeated by the Senator from Mississippi against one of the best friends of the South—Governor Marcy, of New York. [Here Mr. CALHOUN rose to explain, and said he had intended, by the introduction of the paper, no disrespect to the member from New Hampshire. Mr. BLACK also rose to say he only wished to show the course the Abolitionists were pursuing, and their future views.] Mr. K. said he had been interrupted by the Senators, but corrected by neither of them. He was not attacking their motives, but only exposing their mistakes. The article read by his friend from Carolina was abusive of the member from New Hampshire, and contradicted his statements. The article read by his friend from Mississippi against Governor Marcy was of a similar character. It abused, menaced, and contradicted him. These abusive productions would seem to be credited and adopted by those who used them as evidence, and incorporated them in their speeches. Here, then, was a contest in the North between the most open and avowed friends of the South and the Abolitionists; and we had the strange exhibition of southern gentlemen apparently espousing the cause of the latter, who were continually furnishing them evidence with which to aid them in the contest. Did gentlemen call this backing their friends? What encouragement did such treatment afford to our friends at the North to step forth in our behalf?

[Here Mr. K. good-humoredly remarked to his friends from Carolina and Mississippi, that they seemed greatly in favor with the Abolitionists here lately—that they did not honor him with any of their papers.]

He objected to the papers as any evidence to any fact, and especially objected that they should be used *by southern men* against the friends of the South. He would not even carry one of the vile vehicles of falsehood in his pocket. The whole system upon which these publications were conducted seems to be one of pure fiction, falsehood, and fraud. They could not be relied on for the establishment of any fact whatever; and this was one of the strongest evidences, to his mind, against the good intentions of the intelligent leaders of the abolition societies. There were doubtless good men among them, who, without a sufficient knowledge of the subject, had been too easily imposed upon, but that the master spirits of the mischief, who well understood the system upon which they acted, could be actuated by benevolent motives, was very improbable.

As these abolition papers were introduced as evidence, he would ask his friend from Carolina one single question, and that was, whether among the bushels of this trash with which the Abolitionists seemed to furnish him, he had ever seen one single narrative of facts in relation to slavery at the South, that he did not, as a southern man, and acquainted with the subject, *either know to be false, or believe to be so?* He did not know what would be the Senator's answer to this; but, for himself, he would say, under the sanction of an oath if required, that in all the abolition publications that he had ever read he had never seen a single statement of importance in relation to the subject, that he did not, either of his own knowledge as a southern man, know to be destitute of truth, or from the incredible nature of the story believe to be so. One of these stories occurred to him which might be selected as a fair specimen of the whole, and he selected it only because the alleged facts were confined to this city; and gentlemen who were anxious to sustain the credit of these papers could, if they chose, investigate the facts stated. He referred to the history of Miss Mary Brown, (he believed that was the name,) whose history was given in one of the anti-slavery periodicals during the last summer. Miss Mary, it seemed, was a very pious young lady, born of free parents in the city of Washington, and raised in the same place to years of maturity. She was walking in the public streets, about noonday, a few years since, (as she certainly had a right to do if she were free,) and was met by a kidnapper of no less responsibility than the Marshal of the District, who seized her, and carried her to an auction then going on upon Pennsylvania avenue, where she was sold to a Mississippi trader, to the highest bidder, for perhaps $350. Now, sir, you perhaps suppose that, being kidnapped and sold in the city where she was born and raised, she was immediately sent off to prevent some process in her behalf; but not at all, sir. She was lodged in the jail of the District, and there remained for thirty or forty days before she was marched, under frightful suffering, to the State of Mississippi. After much affliction, and some adventures there which I will not detail, she makes her way to Cincinnati, where she furnishes the materials for her biography, of which, no doubt, tens of thousands of copies have been published and circulated by these pious societies *to enlighten* the Christian world on the subject of slavery in the District of Columbia and the slaveholding States. Their system seemed to be one of unmixed invention. They drew on the imagination exclusively for facts. Did gentlemen ever see a truth in one of these papers in relation to themselves? If not, why use them as evidence against their northern friends?

A great deal has been stated in one form or other, and in one quarter or other, as to the numbers and increase of these disturbers of the peace; and he did not undertake to say what was the fact. He learned, and thought it probable that

they had increased since the commencement of the session, and had heard also the increase attributed to the manner in which the subject had been treated here. However this might be, what he insisted on was, that those base productions were no evidence of the fact, or of any fact, and especially should not be used by southern men in opposition to the statements of high-minded, honorable men at the North, who were the active and efficient friends of the South.

If gentlemen wanted further evidence of the reckless system of fabrication and falsehood, pursued by the abolition fraternity, he would give them another proof of it, which he thought would settle their opinions on that point. As introductory to this further proof, however, and in fact, as a necessary part of it, he must remind them of the glowing accounts to be seen in all the abolition prints of the great success and triumphant march of the missionary George Thompson, from the time of his arrival in this country, until compelled to embark rather unceremoniously on a return voyage to make his final report to the Glasgow maids who sent him. Every number of almost every paper which fell under his eye during this alleged prosperous mission, was filled with flattering and cordial receptions, crowded and attentive meetings, brilliant triumphs, and increasing resources. All statements of formidable opposition to him were flatly contradicted. These statements were generally corroborated by Thompson, until the dying declarations of his mission, when the truth could no longer be concealed or falsehood be made profitable. At any rate, we found him contradicting the whole preceding history of his mission, in letters written from this country to England just before he embarked. Mr. K. read the following article from the Leeds Mercury, an English paper:

"MR. GEORGE THOMPSON.—Letters of a most distressing nature have been received from Mr. George Thompson, the zealous and devoted missionary of slave emancipation, who has gone from this country to the United States, and who writes from Boston. He says that 'the North' (that is New England, where slavery does not exist) 'has universally sympathized with the South' in opposition to the Abolitionists; that 'the North has let fall the mask;' that 'merchants and mechanics, priests and politicians, have alike stood forth the defenders of southern despots, and the furious denouncers of northern philanthropy;' that all parties of politics, especially the supporters of the two rivals for the presidential office, Van Buren and Webster, vie with each other in denouncing the Abolitionists; and that even religious men shun them, except when the Abolitionists can fairly gain a hearing from them. With regard to himself, he speaks as follows: 'Rewards are offered for my abduction and assassination, and in every direction I meet with those who believe they would be doing God and their country service by depriving me of life. I have appeared in public, and some of my escapes from the hands of my foes have been truly providential. On Friday last I narrowly escaped losing my life in Concord, New Hampshire.' "Boston, September 11.—This morning a short gallows was found standing opposite the door of my house, 23 Bry street, in this city, now occupied by Garrison. Two halters hung from the beam, with the words above them, 'by order of Judge Lynch!'"

The contradiction between this and the previous accounts referred to, he hoped would satisfy gentlemen that the statements of Abolitionists were not worthy of the use they had made of them to disprove the statements of honorable men.

Other errors, he thought, had been committed, and sentiments expressed, doubtless under the influence of excited feelings, and in the hurry of debate, which he deeply regretted. The most friendly advances by those whose friendship had been manifested in the most undoubted manner, had been rudely repulsed. The kindest feelings had been met by unmeasured denunciation. To assurances of devoted friendship to the South and its institutions, it had been angrily answered that the South did not want the sympathies of the North; that it had no occasion for assistance, and set opposition at defiance. This was proper language to an enemy, but was uncalled for to friends, and was calculated to have an unhappy effect in weakening the national sympathies of the people. These were hasty sentiments, however, and he hoped would be so considered. As for his part, he did wish the sympathies of the northern people where they were freely given, either on this or any other occasion necessary to preserve and prosper our great and glorious Confederacy; and if it should ever become necessary, he wished their assistance also. He did not ask it in a humiliating tone or a humiliating sense. He demanded it as a social duty; nay, more, as the performance of a paramount constitutional obligation.

If we did not want the sympathies of our own countrymen, who owed them to us, whose sympathies did we expect? Those of England and France? Were there still any advocates of the wild project of preserving the South by a separation, and forming alliances with those two Powers? He presumed not. England had seized upon the property of her own West India planters, and ruined the planters and ruined the country; at the same time imposing new burdens upon an already overtaxed people at home. Whig and Tory, however they disagreed on other matters, seemed (he said) to agree tolerably well on this; and the great master spirit of the movement party, O'Connell, (of whom it had been said that he sought mischief from the pure love of mischief,) was endeavoring to move heaven and earth against the southern planters.

France, too, it seemed, overlooking the squalid poverty of her own starving millions, had, all at once, become wonderfully sensitive on this subject. And partly from her journals, and partly through channels of a more private nature, but more to be relied on, we learned that many of the most influential and leading men of that kingdom were striving to combine the moral power of the press of Europe in the cause of abolition. From this intermeddling fanaticism abroad, was it not likely we might have enemies enough without these spirited efforts to make enemies at home? We could expect nothing, and we asked nothing, from other countries. We could protect ourselves; and, with the patriotism and fraternal feeling of our own countrymen—on which he hoped and believed we might always safely rely—we might set all christendom at defiance, if disposed to intermeddle with us on this or any other subject. Our *enemies* he would defy everywhere; but would not, by such unprovoked defiances, insult and drive from us our countrymen and friends.

The Senator from Carolina had remarked that the southern members were in a minority on that floor, and therefore ought not to divide. He felt that this was true; but the remark might be addressed to his friend with the same justice that it could be addressed to him. They happened to differ in the course best calculated to protect and secure the interests of the South; but he was happy to say that they differed only on collateral and comparatively unessential points. Upon the main subject they were united, and would stand together, and sustain each other to a man. We might as well expect the right hand to be warring against the left, instead of warding a blow aimed by an enemy at the heart, as to expect the South to divide on any essential point connected with this subject, so vital to that section of the country. He was a native of a slaveholding State; and was a southern man in feelings, affections, and interests. His interests were there; his affections were there. What local prejudices he had were there; and if he had any ambition beyond the grave, it was, that his bones might be buried in that section of the country, where he had been nurtured, raised, cherished, and honored.

SUFFERERS BY NEW YORK FIRE.

REMARKS OF HON. H. EVERETT,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

March 8, 1836.

Mr. EVERETT moved to recommit the bill to the Committee of the Whole, with instructions to report the following amendment:

Strike out all after the enacting clause, and insert the following:

That on account of the late destructive fire in the city of New York, on the 16th day of December last, the collector of the port of New York is hereby authorized to extend to all persons the time of payment of all duties secured at that port by bonds given before, and falling due on and after that day, and to cancel such bonds; and in case such bonds have been paid, to refund the money so paid out of any money in his hands, upon their giving to said collector new bonds, with one or more sureties, to the satisfaction of said collector, for the sums of the former bonds, payable with interest, (after the time of payment specified in such former bonds,) at the rate of three per cent. per annum, in equal installments, in one, two, and three years from the said time of payment, or in one year from such time of payment without interest, at their election; which new bonds shall be proceeded with, in all respects, like other bonds taken by collectors for duties due to the United States, and shall have the same force and validity.

Mr. EVERETT said, though in favor of granting relief to the sufferers, he could not bring himself to vote for the bill in its present shape. He thought it could not be sustained on principle, and that the relief granted was too partial in its objects, and too limited in its effects. He was aware, from the large majority by which it was ordered to be engrossed, that it would pass, unless a substitute should be brought forward, which should be acceptable to that majority. With him it was no longer an original question—it was no longer a question of choice, but of preference. The substitute offered was not what he would have presented, but had been made under the necessity of the case. He had gone as far as he could go to render it acceptable to the friends of the bill, and offered it as an alternative. To them he appealed, to say whether it would not be more beneficial and more generally acceptable to the commercial interest of New York, than the bill—and of those opposed to any relief, he would ask whether it was not less exceptionable in principle?

Mr. E. said, I regret that I was not able to obtain the floor before the gentleman from Rhode Island. Sir, the tendency and effect of his remarks, I fear, have been to confirm the friends of the bill in its support, and to prejudice the House against the favorable reception of any proposition whatever for an amendment. They had been fatigued into an impatience for the question. I have, however, some hope that the amendment, as coming from one who is in favor of granting substantial relief, offered in good faith, and for no collateral purpose, may still be deliberately considered. If the proposition should be acceptable to the friends of the bill, they had the majority—the power to pass it. I desire no delay—if the motion prevails, the House can immediately go into committee, report the amendment, and take the final vote to-day. For one, I hope they will sit out the question. Whatever may be its fate, I hope the proposition will be received in the spirit in which it is made.

An apology is perhaps due to the House for not offering the amendment in committee or in the House before the bill was engrossed. After offering one unsuccessful amendment I concluded to leave the bill to be shaped by its immediate friends, trusting that amendments from distant friends would be more heeded in a time of need than at that time. Indeed, I did not suppose it possible that the bill would pass in its present shape. I have found myself mistaken; it has passed by a majority so large, that I even derive some hope from the absolute security it gives of their passing any bill that may give substantial relief, that the substitute may be at least examined. It is now offered as a substitute, to be adopted entire; under the motion no amendment could be proposed in committee, and when reported to the House, good faith requires that I should not support any amendment that would render it less beneficial to the commercial interests.

By the bill it is left to the discretion of the collector to extend the time of payment on the old bonds, or to require new bonds; and to all, who have sustained loss by the fire to the amount of $1,000, an extension of credit is given of three, four, and five years, without interest; and on the bonds of all other debtors of six, nine, and twelve months, with interest at five per cent.

The substitute proposes that new bonds, with sufficient sureties, shall be taken in all cases. It adopts the principle of the second section of the bill, extending relief to all the debtors of the Government on duty bonds; it considers the calamity as affecting severely, directly or indirectly, the entire class of importers who are debtors for duties, and extends equally to all the alternative of a credit of one, two, and three years, with interest at three per cent., or of one year without interest.

The pecuniary benefit, in addition to the convenience of the delay, which both bills confer no

the debtors, is the amount of interest that is saved to them by the terms of the credit. The amount of bonds of debtors who have had property destroyed to the value of $1,000, may be assumed at.....$1,000,000
And of all others, at..... 2,700,000

Making, in the whole.....$3,700,000

A comparison of the effects of the bill and substitute will give the following result of the benefit of a pecuniary character to the debtors.

By the bill, the debtors of the first class save the interest at 6 per cent. on $1,000,000, equated at four years.....$240,000
While all the rest save the interest at 1 per cent. on $2,700,000, equated at nine months..... 20,250

And this amount is a loss to the Treasury..... 260,250
By the substitute, the debtors save the interest at 6 per cent. on $3,700,000 for one year..... 222,000

Difference..... $38,250

This difference did not enter into the motive of offering the amendment, yet it will not render it the less acceptable to those who are opposed to the bill. One feature is common to both the bill and the substitute; both place those who have paid their bonds since the fire on the same footing.

One objection to the principle of the bill is, that it is in part founded on mere charitable considerations. The relief granted cannot to its full extent be sustained on any other principle than that of gratuity. The bill provides that those who have lost property by the fire to the amount of $1,000, shall be entitled to an extension of payment of three, four, or five years, without interest on all their bonds, whatever may be the amount. The interest saved is equal to twenty-four per cent., (compared with New York interest of twenty-eight per cent.) The amount of the benefit received bears no relation to the amount of property destroyed. I regret that we are not furnished with a statement of the bonds and of the losses. We should then have been relieved from the necessity of reasoning from hypothetical cases. But it is obvious from this want of analogy between the losses sustained and the relief granted, what must be the effect of this provision. In many cases the sufferers are not only indemnified for their actual losses, but will receive large gratuities over and above the indemnity. I will illustrate the principle in a case when the loss is $1,000 and the bonds $50,000.

The twenty-four per cent. gained on this sum is.....$12,000
Deduct for the actual loss..... 1,000

Gratuity.....$11,000

And the moment the bill passes, you will have put into the pockets of individuals gratuities of five, ten, fifteen, and perhaps $20,000 each. Instead of sufferers, they become gainers by the fire.

The only principle on which I can sustain the bill in any shape is that of strict public interest. I lay out of the principle every motive of charity. It, however, is no objection that the course which interest dictates should produce benevolent results. We stand in the relation of a creditor, and if you please, of a hard-hearted creditor, seeking solely our own interests. We have revenue due, and revenue accruing; and both are put at hazard by the calamity that has befallen the city of New York. Our object is to secure both with the least loss possible.

One object is to secure the payment of the duties that have already accrued. The bill leaves it to the discretion of the collector to demand further security, or to extend the payment on the old bonds. The substitute requires new bonds in all cases, and thus guards against the loss that may arise from the inadvertence or neglect of the collector. The consideration of additional security does not apply to all the provisions of either the bill or the substitute. The extension of credit to debtors, and a new credit to those who have paid their bonds, are directed to be given: the real character of both is a loan. The principle of obtaining better security applies only to doubtful debts. I do not consider the substitute as deriving much aid from this principle, or from a reference to the situation of particular debtors, but that it can only be supported by considerations of a more general character.

The calamity of the 16th December affected all the debtors of the Government. Such are the varied intimate relations of debtor and creditor in a commercial city, no great calamity can fall on a large class of men that does not severely affect the whole. The sudden destruction of a large amount of active capital would create a general pressure on the entire commerce, particularly distressing to those who are debtors, and also on those who stand in the double relation of debtor and creditor. All merchants in active business must feel the pressure, and none more than the importers who are debtors to the Government. No line of distinction can be drawn. The fire may make the immediate sufferer a bankrupt. His bankruptcy may draw after it that of his creditor. Trace out the connection, and then attempt to draw the line between those debtors of the Government who have suffered, and those who have not. An immense capital has been suddenly withdrawn; all the debtors of the Government feel the pressure; and the relief, to be effectual, should be as general as the effect of the calamity, so far as it may affect the future revenue of the Government, through the embarrassment of its debtors; and that the substitute proposes to do, by extending to all the same measure of delay; and this for the sole purpose to enable all to continue their usual extent of importations. In order to insure a future supply of revenue, in the character of an extension of credit and of loans, the capital destroyed is temporarily replaced.

On what terms this capital should be replaced, is a mere question of public interest. In view of the future revenue, we may be considered as standing in the relation of a landlord to his tenants, who have been visited by a calamity, which directly or indirectly causes general embarrassment, by which the rent due and accruing is put at hazard. We are then called upon by the motive of interest, and by interest alone, to give such relief as will enable them not only to pay what is due, but to carry on their farms and pay the rent for the year to come. We have the means—we are under no necessity of calling the money immediately out of the hands of our debtors. On what terms, then, shall the relief be granted. What will best secure the great objects in view, the future revenue of the Government. This is the issue between the bill and the substitute.

The bill divides the debtors of the Government into two classes; those who have suffered a loss of property by the fire, whether insured or not, to the amount of $1,000, and those who have not lost anything, or not to that amount. To the first class, constituting, in amount, only one fourth of the debtors, a pecuniary benefit of $240,000; while to the other class, constituting three fourths in amount, it only gives $19,500. The accommodation to the first as a convenience of time, three, four, and five years is given; to the others only six, nine, and twelve months. The bill establishes a criterion, by which it determines who shall be deemed sufferers; but preserves no analogy between that criterion and the relief it grants. The substitute distributes among all the debtors a pecuniary benefit of $222,000. The accommodation of time given by the bill to the first class, is three, four, and five years, where only six, nine, and twelve months is given to the second.

The bill establishes an arbitrary criterion, by which it determines who shall be deemed sufferers, and with equal absurdity preserves no analogy between that criterion, and the relief granted. It determines that all who have lost property by the fire, whether insured or not to the amount of $1,000, shall be entitled, as sufferers—to what? To a credit of three, four, and five years, without interest. For the loss of $1,000 a gift is made equal to twenty-four per cent. on the whole amount of bonds, whatever may be their amount; while on all cases of loss under that sum only three fourths of one per cent. is allowed. The substitute proposes no criterion, for the obvious reason that no satisfactory criterion can be established. It proposes to give a general and equal measure of relief to all, more moderate in extent, but more generally beneficial. To the relief as proposed, and on the principle of loans, I think no constitutional objection can be made; and I repeat, the terms must depend on our views of public interest.

The substitute is not what I should have originally proposed, but such as I prefer to the bill as engrossed, and which I foresee will pass, unless that or some other substitute shall be acceptable to the majority. They have the power to pass either. The friends of the bill are certain of their majority. The opponents of the bill generally would not vote for the substitute as an original proposition; but I would ask them to consider which of the two is to be preferred, and how they can, without inconsistency, vote to adopt the substitute, and yet vote against the ultimate passage of the bill. They may select between two propositions, and yet vote against either.

There is one other view in which I wish to present this subject to the friends of the bill—to the friends of the sufferers by the fire. I will submit to them the consideration, whether the passage of the bill, in its present shape, will not prejudice—whether it may not defeat the passage of a future bill for the remission of the duties, secured on goods that were destroyed by the fire. In my judgment such will be the effect; and here I ought, perhaps, to set myself right before the House. I find that on the bill for the relief of the Messrs. Bangs for relinquishing duties on goods in the original package destroyed by fire, I voted in the negative. Since this discussion came on, I have reëxamined the principles of that case. I am satisfied that my vote was wrong. The reasons which induced that vote had passed my mind; but the principal one has been recalled by an argument on this bill. It was then, as now, admitted that duties on imports were intended as a tax on the consumer; that if destroyed at sea, at the wharf, or while in the custody of the officers of the Government, in conformity with the general principle, no duties could be claimed. They did not go into the consumption of the country; other goods must be imported to supply their place, on which duties would accrue; and the Government lost nothing. Yet it was said, when the owner took the goods into his own custody, they were at his own risk, and the Government ought not to be placed in the light of an insurer. It was said that the owner might insure, and that to him the loss was the consequence of his own neglect; and it was asked, by way of illustration, whether, if indemnified by insurance, he should pocket the duties. The argument denies the principle that duties are a tax on the consumer; the illustration takes it for granted that the insurer has no rights—that the remission could, in no event, inure to his benefit. But as to this question, the insurer stands in the place of the insured. Take the case of an insurance of $4,000 on the value of the goods, and $1,000 to cover the duties; or, what is the same thing, of $5,000 on the value of the goods, including the duties. The goods are destroyed; and before the insurer is called on, the duties are remitted. The insurance is a mere contract of indemnity; and the value insured, less the amount of duties, only could be recovered.

Nor is the case changed in principle by the point of time when the duties are remitted; if the whole amount of the insurance were paid before the duties were remitted, the money, when remitted, would belong to the insurer. This principle is familiar in the case of indemnity for foreign spoliations. The Government is not, then, called on to stand as an insurer; the only question is, whether the goods have gone into consumption. The principle is general; but the danger of fraud requires it to be restricted to goods destroyed in the original package. Being thus in favor of the remission of the duties, I am unwilling to vote for a bill which, in my opinion, would and ought to defeat that claim; and why? This bill is solicited by those who may hereafter claim the remission; it grants to them a pecuniary benefit of twenty-four per cent. on all their bonds.

When they shall hereafter ask that a part of those bonds shall be canceled, the inquiry will be necessary, whether they have not already received sufficient, over and above all losses, to meet their claim, and this will involve an account of their actual losses; an account which I cannot think the Government at any time, and especially at a future time, will undertake to take. Suppose the amount of the bonds to be $50,000; on this the twenty-four per centum granted by this bill, is.....$12,000

And the amount of actual loss by fire, and that too of goods in the original package, to be..... 2,000

The net gain conferred by this bill is.... $10,000

The importer asks to have this bond of $1,000 canceled, on the ground that it was given for the duties on the goods destroyed. If this be done, you add the amount to his former gain, $1,000. If this bill passes, I think it will be the only relief the sufferers will ever obtain. If they, however, are content, I have no reason to complain. The friends of the bill, with all those consequences before them, must take the responsibility of passing the bill or the substitute.

ADDITIONAL PAYMASTERS.

REMARKS OF HON. R. FRENCH,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

March 10, 1836.

The House being in Committee of the Whole on the bill, with the amendments of the Senate, entitled "An act for the payment of volunteers and militia corps in the service of the United States"—

Mr. FRENCH did not profess to know much about the Army regulations, or the various duties required of the different officers of the Army. He had, however, attended to the discussion upon the amendment from the Senate now under consideration, with the view of collecting the facts upon which the three additional paymasters to the Army are proposed to be added to the number now existing, and of making the facts disclosed his guide in voting.

He found several important facts, satisfactorily established, strongly recommending to his mind the proposed amendment. We have the judgment of the Senate in its favor, and that is entitled to respect. In 1821 Congress reduced the number of paymasters to fourteen, and when that reduction was made it was contemplated that the duties of the paymasters would extend to the regular Army alone; and it is fair to presume those duties required the number then retained. Since that reduction was made, Congress has by law made it the duty of paymasters, whenever and wherever the militia shall be called into the public service, to pay them as well as the regulars. This increase of duties requires of the paymasters more than was contemplated when their number was reduced. Your Military Committee made a report about two years ago, recommending an increase of paymasters to Congress. In that report we are informed that the Army has been increased seven hundred; the number of military posts greatly multiplied and extended; that half a million of dollars had accumulated upon the paymasters to be distributed and paid to the Army of the United States; that the Army has to be paid quarterly; and that the fourteen paymasters could not, owing to the increased burden of duties laid upon them, and the dispersed condition of the military posts, pay off the Army at the times and in the manner required by law. Such, also, is the opinion of the Secretary of War, as disclosed in that report.

Your Military Committee, of which my honorable colleague [Mr. R. M. JOHNSON] is chairman, had this bill, with the amendments of the Senate, under advisement, and recommended to the House a concurrence in those amendments. Yet, notwithstanding these facts, honorable members say there is no necessity to increase the number of paymasters. For one, he (Mr. F.) must be allowed to differ with those gentlemen. Our sea-coast, and our borders, northwestern and southwestern borders, are almost interminable. The duties of the paymasters extend now to the militia in service, as well as to the regular army. A bloody war is raging in Florida. The citizens of that Territory are threatened with Indian massacre. Many of them have already fallen victims to savage barbarity. Many of our gallant men have repaired to the scene of action, to avenge the blood that has been shed, and to put an end to the war, by punishing the savage for his cruelty and lawless devastations. These soldiers must be fed, clothed, and paid, and this very war had greatly added to the duties of your paymaster.

Mr. F. asked the House how it was with themselves. Members of Congress had a law by which they could, if they chose, draw their eight dollars every day. With that per diem pay, honorable members can enjoy themselves in this city, according to their own good will and pleasure. But the soldier, who is separated from home, compelled to undergo the fatigues and hardships of the tented field, dependant upon his Government for subsistence and pay, can only draw his pay quarterly; and could anything be more just than that he should receive it whenever, by the laws of his country, it fell due?

Mr. F. maintained that the character of the Government required punctuality of payment, even to the soldiers. The justice of the Government required it; the public service required it; the laws required it; and the soldier required it; the subsistence of the Army required it; and a just responsibility upon the disbursing officers required it.

He considered the increase proposed necessary to the efficiency of that protection which all our military posts were intended to give to our coast, and our exposed and widely dispersed frontiers. He maintained that no part of the nation was more interested in that protection than our northwestern and southwestern frontiers. He therefore should vote for the amendment of the Senate, and believed, if no Indian war existed, that the increase proposed was necessary for our permanent peace establishment.

NORTHERN BOUNDARY OF OHIO.

REMARKS OF HON. T. MORRIS,

OF OHIO,

IN THE SENATE, *March* 10, 1836.

The bill to establish the Northern Boundary of Ohio being under consideration, as in Committee of the Whole, Mr. MORRIS moved to amend the bill so as to conform to the views he had embodied in his joint resolution on the subject.

Mr. MORRIS said: In offering the amendment to the bill under consideration, I fear that, at the first view, it may seem to some Senators that I am seeking to make a distinction where no real difference exists, and that the amendment is uncalled for, and unnecessary to a correct decision of the question before us. I trust, however, that the Senate will carefully examine this amendment, and that they will cheerfully adopt it, if it is believed to contain matter essentially right, or if they shall be of opinion that by so doing more general satisfaction will result from their decision, be that decision what it may. It is, I believe, a maxim that will hold universally good, that even justice, to be well received, must be well understood. And I believe that it is essentially necessary in this case, and that the people of Ohio would be much better satisfied to understand the principles upon which their claim to the northern boundary of the State is determined, whether that determination be for or against them. I must, therefore, ask the indulgence of the Senate for a few moments, in which I shall endeavor to show the nature of the claim as advanced by Ohio, and the right and justice of that claim, and the necessity there is that we should understand distinctly the principles on which that claim is determined.

I feel that we appear before Congress on this subject in rather an embarrassed situation. We came to ask here what no State, I presume, has heretofore asked; we came as suitors to Congress, after our full admission into the Union as a sovereign State, for a recognition or assent of Congress to the provisions of our own constitution. And we came here as if Congress had the power to render that valid, or alter its provisions, which can receive no validity or alteration but from the hands of the citizens of the State. On this question, however, let it be understood that I speak for myself; and I should not probably have spoken at all, did I not believe that there existed amongst us here—I mean the Ohio delegation in Congress—a difference of opinion as to the nature of our claim, and the manner in which the power of Congress should be exercised over it. Let it be constantly borne in mind that Ohio, on this question, comes before Congress as a sovereign State; that she is not soliciting a favor, but demanding a right; that she claims to have the clear grant of the territory in dispute between her and Michigan, and appeals to Congress to withdraw the incumbrance they have cast over her title.

It will not be necessary for me, in the investigation of this subject, as I understand it, to look beyond the ordinance of the 13th of July, 1787. Congress, by virtue of that ordinance, acquired jurisdiction over the northwestern territory. The nature of that jurisdiction, where it arose, or how it came into existence, have been so often repeated here, that it has become a beaten path, and well understood. It is sufficient for us to know that it existed, how it has been exercised, and if it has in any of its parts ceased to exist; and if the power of Congress under it has been spent, and can no longer be exercised, in what manner, and in what particulars, that has taken place.

It will be recollected in that ordinance there are a number of articles which are to be considered articles of compact between the original States and the people and States in the aforesaid Territory, and are to remain forever unalterable, unless by common consent. It would be well that, in the first place, we determine for ourselves what construction we ought to give to the words *common consent*, as contained and used in the ordinance, and to whom those words apply, and by whom this common consent can be given; for, it seems to me that, on a correct understanding of this part of the ordinance, and a proper application of these words as used, depends, in a great degree, if not altogether, a proper construction of the articles which follow. These articles of compact are declared to be between the original States of the one part, and the people and States in the Northwestern Territory of the other part. I am of opinion that the words, "the people and States," as used in the ordinance, are used as terms of equal import; the people, before the formation of the States, possessing the same power to give this common consent as the States could possibly have in their sovereign capacity. This common consent, then, I contend, is the consent of the people within the territory, before the formation of any State therein, or the consent of any State when formed, together with that of Congress; each State acting independently for itself, is the only consent required for the alteration of any of these six fundamental articles contained in the ordinance of 1787. Such, I believe, has been, and still is, the opinion of all parties and conditions of men inhabiting any part of the Northwestern Territory; and in support of this opinion I beg leave to call the attention of the Senate to an act of the Territorial Legislature, before the formation of any State northwest of the river Ohio, passed with a view of changing the boundaries of the three southern States as described in the ordinance, and declaring the assent of the people there inhabiting said territory, and asking the consent of Congress to the provisions of that act. No one at that time or since, to my knowledge, has, for a moment, doubted that, if the consent of Congress had been thus obtained, the change would have taken place accordingly.

In illustration of this position, which I assume as correct, permit me to state a case in which it will appear in a more striking light. Suppose that Ohio, in the formation of her constitution, had provided that slavery, absolute and unconditional, should be allowed within the State, and had organized her government under constitution; had sent her members to Congress, and they had

been permitted to take seats in that body without objection; I ask, could any man doubt that Ohio, in such case, would have been a slaveholding State? But such a provision would not have extended slavery a single step beyond her own limits. To my mind, then, it is clear that the common consent required by the ordinance necessary to a change of any of the six articles appended thereto, is confined exclusively to any portion of people who are entitled to State government, or the consent of any State, when formed, together with that of Congress; and when consent is thus given, the change rightfully takes place, and needs not the approbation of any other State or sovereignty whatever.

I am warranted and sustained in this opinion by the act of Congress in the admission of both Indiana and Illinois into the Union. The act to enable the people of Indiana Territory to form a constitution and State government, comes in direct contact with the preceding act of Congress, establishing the Michigan Territory; and takes from that Territory a large tract of country lying north of a due east and west line drawn through the southerly extreme of Lake Michigan. And the act proposed to the people of Indiana that, if they assented thereto, the line as described in the ordinance of 1787 should be thus changed. The convention of Indiana alone, without the consent or concurrence of the people of Michigan, or any other people or State, accepted of this territory as a part of her jurisdiction; and thus, by this common consent of Indiana and Congress, has the ordinance of 1787 been changed in one of its fundamental articles, and the law establishing the Territory of Michigan been, in part at least, repealed or abrogated; and the same proceeding has been had in the case of Illinois, when the people of that State were admitted into the Union. It must clearly appear that the ordinance of 1787 has been changed; that it is competent for Congress, with the assent of that portion of the Territory northwest of the Ohio river, over which the power or act of Congress in effecting such change is to operate, so to change it, without the approbation or consent of any other portion of the country. This ought now to be considered a settled question. The only remaining one is, has not such change been made with regard to the northern boundary of the State of Ohio? We contend that such is the fact.

It will not be forgotten that the proposition to change the northern boundary by extending north of an east and west line drawn through the southerly extreme of Lake Michigan, both the States of Indiana and Illinois, first came from Congress, and was accepted by the convention of both these States; and thus, by this acceptance of each State for itself of the proposed alteration offered by Congress, the boundaries thereof became fixed and determined, and beyond the power of Congress to alter or change; for when this common consent is once given, the whole power is spent, and cannot be again exercised. A different mode was pursued with regard to Ohio, but in no way differing in principle from that afterwards pursued with regard to Indiana and Illinois. The proposition to change the northern boundary of the State of Ohio from that described in the ordinance, and the law of 1802, authorizing the people of Ohio to form a constitution and State government, was first made by the convention of Ohio to Congress, and was one of the principal features in the constitution, which Ohio presented, as evidence of her right to admission into the Union. The proposition did not contain any alternative, as was the case with regard to Indiana and Illinois; that if Congress did not assent to the line proposed by Ohio, then the State should be bounded by the line as described in the act of Congress, for the purpose of enabling the people to form a constitution, passed in 1802. No. Ohio offered no such conditions; her only proposition to Congress was, when fairly and justly considered—and as she then intended, and now insists it to be—to come into the Union with a boundary, at all events, extending to the most northerly cape of the Miami bay; and the constitution of the State was presented to Congress as an entire instrument, to be understood and construed as intended by Ohio; in other words, Ohio, in presenting her constitution, said to Congress: This is the form of our government, and the charter of our rights, with which no power on earth but that of our citizens has a right to interfere. We cannot, however, come into the Union without you admit us, nor can you compel us to change, alter, or modify this constitution. If you cannot consent to the alteration we propose as to our northern boundary, differing from that contained in your law of 1802, we retire.

But on the terms of this constitution we believe we ought to be admitted, and we ask your consent to the same, and to each and every part thereof; and on these terms it will be our highest ambition to become a faithful and deserving member of this Union. And without a single objection on the part of Congress, was the State of Ohio admitted into the Union as one of the sovereign States of this Confederacy. Congress may admit new States into the Union, and in the constitutional exercise of this power may refuse such admission; but when a State is once admitted into the Union, the power of Congress to look into her constitution has ceased; and all the rights, as well territorial as politic, granted by it are thus made permanent, or guarantied by Congress to the citizens of the State. This, I presume, will not be controverted, nor can it, I maintain, be denied that the admission of members of Congress from a State to seats in this body is, to all intents and purposes, the admission of such States into the Union. And it is to my mind equally clear that a State cannot be admitted into the Union by piecemeal; that one part of the constitution of a State can be assented to by Congress at one period, and that a further assent to another part will extend the jurisdiction or power of the State; and thus, until the whole instrument is agreed to by Congress, such an idea, it seems to me, is an absurdity in itself. Yet such would be the case with Ohio, if we are now under obligation to ask and obtain of Congress as new matter, assent to any provision of our constitution, to render it valid. We contend that assent has been given to our boundary, as well as every other part of our constitution; and the right of our claim I beg leave to illustrate by an individual case, and one which I presume would be sustained in a court of justice. Application is made by an individual for leasing a farm. The owner makes out his terms in writing, defining its boundary by lines to the cardinal points, and presents them to the applicant, who, after examination, accepts them with the following addition: But it is fully understood and declared, that if the boundaries you offer do not include the pasture field on the north side of the farm, then, and in that case, with your assent, the said field shall be included in this lease. The owner of the farm looks over the addition to the lease, and, without a single comment or objection, says to the applicant, "Go upon the farm. Reason, law, justice, and every honorable consideration, would bind the landlord to the terms offered by the tenant."

Is not this, in principle, analogous to the case of Ohio? The terms of her admission into the Union, as to boundary, was matter of agreement between the people of that State and Congress, neither party, within themselves, having power to fix the boundaries of the State in the first instance; but the same was to be agreed by common consent, as declared in the ordinance of 1787. The proposition as to the boundaries of Ohio was first made by Congress to the people of Ohio, by the act of 1802. The answer of the convention was, "We agree to the boundaries you propose, if the northern line will include the most northerly cape of the Miami bay; but it is understood, and declared by us, that our northern boundary must be to that point." Our Senators and Representatives presented themselves to Congress with this condition in their hands, and were admitted to seats in Congress without a single objection. Is not this sufficient to satisfy every disinterested and impartial mind of the constitutional right of Ohio to the boundary she claims, as well as the right and justice of that claim?

In this opinion of the nature and validity of the claim of Ohio, as asserted by the State, I feel that I am fully supported by the constant, uniform, and undivided opinion of all the public functionaries and transactions of the State, since the formation of the State government. It is true, that soon after the admission of Ohio into the Union, a bill was reported to the Senate for the purpose of dividing the Indiana Territory into two separate governments, containing a section declaring the assent of Congress to the sixth section, seventh article, of the constitution of Ohio, and was no doubt added to the bill at the instance of one of our Senators, [Mr. Worthington,] who was chairman of the committee who reported the same. And this section was stricken out before the bill passed the Senate. This circumstance has been urged as a denial, on the part of Congress, of their assent to the sixth section, seventh article, of the constitution of the State, and of the validity of our claim to the line we contend for.

Before we admit the argument thus urged, it would be well for us to examine. Is not the reverse most probably the true state of the case? The constitution of Ohio had been presented to Congress. Is it not fairly and legitimately to be inferred that Congress believed that assent had been given to this provision of the constitution, so far as the State was concerned; and as no objection was made from any quarter whatever, it was unnecessary to retain this section in the bill, and more especially that Congress had no power over the constitution of Ohio, or any one of the States—and for these reasons the section was stricken out? The constitution of a State is the highest and most solemn act that can be performed by the people, and cannot be altered, abridged, revoked, or in any manner rendered void or inoperative, even in its most unimportant clauses, by any other power than that which created it. It is true the admission of new States into the Union depends upon Congress. This Congress may do, or may refuse. And when a new State presents herself for admission, Congress may look into her constitution; and if any part thereof is exceptionable, as being incompatible with republican principles, or the nature and frame of our civil institutions, or for any other cause deemed just, such admission may be refused. There can be no doubt of the power of Congress in this instance; and the power must, in a good degree, be a discretionary power, depending on the judgment of Congress. But if delegates from a new State are admitted to seats in Congress, the power of that body to look into, or object to, any of the provisions of the constitution of such State no longer exists; but it becomes obligatory upon the United States to protect and defend such State in every provision of its constitution, as it respects its boundaries and jurisdiction, as well as its civil policy.

I believe the declaration in the constitution of Ohio, asking, apparently, the consent of Congress to one of its provisions, to be an anomaly not contained in the constitution of any other State; but it will be remembered that Ohio was the first State of this Union formed exclusively of the territory of the United States; that there was no precedent in point to look to as a guide; that her citizens were few in number; and that close and critical examination of words and phrases was not then had, that would have taken place if the country had been more fully settled Yet, under all those circumstances, when they presented their constitution to Congress, and applied to be and was admitted into the Union, Congress rightfully judged that the instrument was of too sacred a character to be touched by that body in any of its parts; that the rights secured under it could not be garbled, and that it would be a mere act of supererogation for Congress to give any other or further consent to any of the provisions of the constitution, than was given by the admission of the State into the Union. It is true the assent asked for would only be necessary to be given on the ascertainment of a fact then not known; but the power to give assent could as well be exercised before the fact was ascertained as afterwards. In this light has the question been viewed by the people of Ohio. They made no further application to Congress on this subject, but felt secure that the boundaries of the State would continue undisturbed, as described in the proviso of the constitution; and even the act of Congress of the 11th

January, 1805, did not shake or alter their belief in the permanency of their boundaries. Yet, as the provision of that act, in describing the boundaries of the Michigan Territory, was believed to be within their chartered rights, they soon after called the attention of Congress to the subject.

In the year 1806, I first had the honor of a seat in the Ohio Legislature. No one then doubted the constitutional boundary of the State; no one thought of a provisional boundary, subject to the after control of Congress; or that any consent of Congress, then given or withheld, without the consent of the State could possibly make any alteration of the actual existing boundary. But, as the country in the northwest part of the State was then unsettled, and its geographical situation not well understood, and as political movements of much importance were then taking place in the United States, the attention of the General Assembly was not turned to this subject during this session. But the next session the General Assembly took up the subject, and after expressing a belief that the due east and west line drawn through the southerly extreme of Lake Michigan would not intersect Lake Erie, or would intersect that lake east of the Miami river of the lake —they, therefore, instructed their Senators and Representatives in Congress to obtain the passage of a law to ascertain and define the northern boundary of the State, *and fix the same agreeably to the proviso contained in the sixth section, and seventh article of the constitution.* The succeeding session renewed the request, and also in the session of 1811. Congress, in 1812, passed an act to authorize the President to ascertain and designate certain boundaries. This act was passed in pursuance of the repeated applications of the General Assembly of Ohio; but — the war intervening — was not carried into effect until 1816. In that year the President directed the Commissioner of the Land Office to authorize the Surveyor General *to run and mark the northern boundary of Ohio.* In pursuance of this authority the Surveyor General directed Mr. William Harris to run and mark the line to which Ohio asserted jurisdiction, and contends is her true northern boundary.

It may not be improper or useless to notice, but is worthy of remark, that this officer—the Surveyor General—had been president of the convention that formed the constitution of Ohio; he had been the first Governor of the State, and afterwards Senator in Congress. As a faithful public officer of the United States—and that he was no one will doubt—he was bound to carry into effect the instruction of the President; and being fully acquainted with all the circumstances and public acts that had taken place with regard to the northern boundary of the State, he must have believed, and rightfully, that the act of Congress of the 11th of January, 1815, creating the Michigan Territory, was inoperative, so far as the same should be found in contact with the constitution of Ohio; and that Congress had given the proper assent to a change in the northern boundary of the State from that described in the ordinance of 1787, as well as in the act of 1802; and he directed Mr. Harris to run the line accordingly; and the line thus run was from the most northerly cape of the Miami bay, on a direct course to the most southerly extreme of Lake Michigan. Governor Cass, of the Michigan Territory, soon after objected to the correctness of this line; and a correspondence took place between him and the Surveyor General on the subject. In a letter from the latter to the former, in 1817, he concludes with the following remarks: "By attending to the words, 'with the assent of 'the Congress of the United States,' and calling 'to mind *that Congress did assent by receiving the* 'State into the Union upon the terms and condi- 'tions above expressed, I should suppose *no* 'doubt can arise relative to the true boundary."

In December following Governor Worthington, (the same gentleman who had formerly been a member of the United States Senate from Ohio,) in his message to the General Assembly, declared that the northern boundary of the State had been lately ascertained, *under the authority of the United States;* and believing it important that the question should be settled with the least possible delay, and that the action of the General Assembly might be necessary to ascertain whether the line had been correctly run, he called their attention to the subject. The message was referred to a select committee, who reported a preamble and resolutions, which passed both Houses, without a division, in the following January. In the preamble the committee declare, "that the Congress 'of the United States fully assented to the pro- 'viso in the constitution of Ohio by their accept- 'ance of the State into the Union;" they therefore reported a resolution "That this General As- 'sembly consider the line running from the most 'northerly cape of the Miami bay to the southerly 'extreme of Lake Michigan, until it shall inter- 'sect a line drawn due north from the mouth of 'the Great Miami river to the north boundary of 'the State, in that part which adjoins the Mich- 'igan Territory."

Sir, permit me here to pause and ask the solemn question, how public compacts are to receive construction, action, and validity? We have seen what the compact was, the circumstances under which it was made—the parties to it; and I know of no better source to look for the manner in which it ought to be fulfilled than public opinion. It was that which laid the foundation of our Government, erected the superstructure, and constantly supports the whole edifice. Let us test, then, this compact by public opinion in Ohio in the first place. The constitution of the State was formed when her territory contained less than fifty thousand inhabitants; and up to the present moment, when the same territory is teeming with nearly, if not fully, one and a half millions— during all this time, and under every change of circumstances and men, there has been but one undivided, unbroken opinion in the State on the question of her northern boundary, and that is, that the northern boundary of the State is established by the constitution, and is where the line has been lately remarked by the authority of the Legislature. To this fact all the public functionaries of the State have borne ample testimony, as well as the united voice of her citizens. Can it be possible that any portion of the enlightened citizens of this country, acting in the sovereign character of a State, can in a question of constitutional right be mistaken, and that mistake persisted in for more than thirty years; or that more than a million of our citizens are so unjust that they ask an alteration in the boundaries of the State, and are willing it should be resolved into a question of mere political expediency? Sir, I cannot thus libel the people of Ohio; I cannot believe it.

In looking into the opinion of the Attorney General of the United States on this boundary question, I am not able to view it in any other light than as sustaining the views I have taken on the subject. He says, "It does not appear 'to me that the convention of Ohio did transcend 'their powers in proposing for the consideration 'of Congres the ultimate extension of the north- 'ern limits of the State in the manner suggested 'in the proviso."

And as no EXPRESS objection was made to any part of the constitution, I think it the sounder opinion, that by the admission of the State into the Union, the Congress of the United States assented to the proviso, as well as every part of that instrument. If the assent of Congress was necessary to the admission of Ohio into the Union, as it surely was, and if Congress assented to the proviso in the same manner as to every other part of the constitution, I think the sounder opinion, and the more safe one, to be, that every part of the constitution is of equal validity. But the Attorney General thinks there is a difference between the assent of Congress. thus virtually given to the proviso, and its assent to the actual and present extension of the line as described in the proviso. I confess I am not well able to understand this distinction, nor can I very well see how Congress could give an implied assent, without that assent becoming obligatory on the United States. The convention of Ohio never intended a provisional line, but a line in part, and that line at all events to be north of the mouth of the Miami river of the lake.

The Attorney General further remarks, "That 'the unanimity with which the Executive and 'Legislature of Ohio have recently taken the 'contrary opinion, may well admonish him who 'questions it to do so with great deference to 'their opinions, and with some distrust of his 'own." The Attorney General ought, however, to have remembered that this opinion, unanimously entertained by the Executive and Legislature of Ohio, is not of recent date, but has been entertained by every executive as well as legislative body in Ohio, since the formation of the State government; and if unanimity of opinion in one instance ought to create distrust of the correctness of a contrary opinion, this constant unanimity for more than thirty years, by different individuals who have filled the executive and legislative departments of Ohio, ought to be received as conclusive evidence of the correctness of that opinion.

If it be possible to settle a question by force of public opinion—and that is the foundation on which this Government, her Constitution and laws, must forever rest—it seems to me that the third part of a century, the age allotted to man, is sufficiently long for that purpose. The Attorney General, however, endeavors to sustain his argument by a reference to the acts and proceedings of Congress subsequent to the admission of Ohio into the Union. I can only say, that he seems to have mistaken the views of Ohio; so far as she was concerned or had any agency in the passage of those acts, in no instance has the State admitted, even impliedly, that her constitutional boundary did not extend to the line she now claims; but as doubts existed at what point that line would strike Lake Erie, when accurately run, application was made to Congress for the purpose of ascertaining that fact; and she has been as solicitous to obtain a settlement of the question as she was confident that the line that has been called the provisional line in her constitution, was the true and proper boundary of the State. Thus it appears that we have not only had the unanimous opinion of the citizens and public functionaries of our own State, but the acts and proceedings of the public functionaries and officers of the General Government, constantly in favor of the constitutional boundary of Ohio, as that State now asserts it. And last, though not least, is the opinion of the first law officer of the Government, who admits that Congress did impliedly assent to this proviso in our constitution; and surely, if any act or proceeding of Congress was of such character that the State and people of Ohio could impliedly infer that such assent was given, then surely Congress is bound by every principle of justice and good faith to sustain the just belief and expectation of Ohio in reaffirming that assent, if there exists any doubt or dissatisfaction on the subject, and such, most unfortunately and strangely, is the case. We will now examine into the cause why it is so.

In January, 1805, Congress passed the act establishing the Michigan Territory, and by the provisions of that act imprudently, if not unwittingly, extended the southern boundary of that Territory over the constitutional limits of Ohio; but I am strongly inclined to the opinion, though I cannot assert it as a fact, that the actual exercise of the authority of Michigan was not attempted within those limits until 1818, and after the authorities of Ohio had assessed a tax on the people living within that part of the State included in the Michigan Territory by the act of Congress before mentioned. After this took place, some of the inhabitants applied to the Governor of Michigan for commissioners or justices of the peace, and other officers under the authority of that government, which were readily granted; and thus commenced the jurisdiction of Michigan within the borders of Ohio. After the possession of the disputed territory was thus acquired by Michigan, under color at least of an act of Congress, the application of the military of Ohio would have been unjustifiable in regaining the possession at that time, and would be so still. Congress having cast over our boundary another title, and possession under that title being obtained whilst we slept, the President of the United States, who is bound to take care that the laws of Congress are faithfully executed, would have been required, by a faithful discharge of his duty, to have sustained the jurisdiction of Michigan against a military force, until Congress should have withdrawn the jurisdiction of that

Territory beyond the boundaries of Ohio; and this is all that Ohio now wishes to be done.

The people of Ohio will not, I know they will not, endanger the peace and safety of the country by an attempt to prevent the operation of an act of Congress by force. They have already had too many evidences of the justice as well as the liberality of Congress, to believe that this will ever be necessary. But this disposition on the part of Ohio, the forbearance of her citizens, will not, I hope, be construed into an abandonment of their rights, or a dullness in comprehending them. Let it be remembered that Ohio has claimed jurisdiction of the country in contest between the State and Michigan as her undoubted right, being included in her constitutional limits; nothing short of a recognition of this principle will satisfy her people; and it would be an act of humiliation to the State, to give to her territory to which she has not a constitutional right, as an act of law, of equity, or political expediency. Sir, there are situations and circumstances under which an honorable mind would recoil in accepting what is unquestionably his own. So with States and nations. The money due us from the French nation could be obtained from that Government by making acknowledgments for an act done, which was clearly proper; and does not every American heart spurn its reception on such terms? And that, too, for the plain and simple reason that it is our just due by compact, and justice and good faith require its payment.

Suppose, sir, you give Ohio the boundary claimed by the State, on the score of political expediency, will it not be expected that Ohio, under this obligation, will, on the score of political expediency, be also bound to favor the political views at least of the donors, for this favor, thus gratuitously bestowed? It may be thought that the smallest return she could make would be to act with or for you in future elections, if it should be at the expense of her honor, as well as constitutional rights. It will be an entire mistake if you expect to conciliate the favor of the people of Ohio by letting them know that their constitution gave them no such right, but that the same has been granted out of your abundant favor and goodwill, and as an act of grace. Sir, is not this the language you hold to Ohio when you talk of political justice and expediency? Ohio, I am fully persuaded, will never so far humble herself as to acknowledge such a principle. It will probably not be insisted on that this bestowment is a mere act of political justice and expediency alone, but that you will give her the territory contained in her constitutional limits as a matter of law. Pray, sir, what laws are to be yet enacted, or are already in force? I doubt the power of Congress, and I doubt the capability of my State, to receive any extension of her constitutional boundary by the mere operation of any act of this Government. If the territory of a State can be enlarged by act of Congress, why, by virtue of the same power, cannot it be diminished? If such power is vested in Congress by virtue of the Constitution of the United States, then indeed is State sovereignty a solemn mockery. The most that could be done in a case of this kind would be by an act of Congress, approved and ratified by a convention of the people of a State, elected for that purpose, with power to amend the constitution in this particular.

If Ohio is to rest upon existing law for the maintenance of her rights, we should be glad to know what particular law is relied on. If the constitution of Ohio is intended, we thank you for your justice, and would be gratified to have it so expressed: if you mean an act of Congress has given it us without our consent to such act, properly obtained, we are still at a misunderstanding.

But suppose Ohio obtains her claim as an act of sheer justice, we would be happy to know upon what principle this act is founded, or from what fountain it springs. Is it drawn from the power of Congress, or does it naturally flow from our rights? It is true we ask for nothing but justice—naked, simple justice; but we ask that not as an abstract principle, but as our undeniable right. It seems strange, at least to me, that we should feel so much disposed to assail the constitution of the State, and constantly looking after some principle by which we can, with some degree of plausibility, claim the honor of adding to Ohio a strip of territory, which we would make her citizens believe the constitution of the State had not secured to them; when, if we would look directly to that instrument, and make it the man of our choice, we would find it sufficient for our purpose, and there written all that we ask for. Ohio expects this of her own representatives here, at least. But suppose that, after all we have said and done on this subject, Ohio, with more than her million of inhabitants, has been, and is still, mistaken in this matter, that mistake has grown with her growth, and strengthened with her strength; for the last General Assembly, with but one dissenting vote, resolved that the northern boundary of the State is, by a direct line running from the southern extreme of Lake Michigan to the most northerly cape of the Miami bay, thence northeast to the territorial line. If it can for a moment be supposed that a mistake thus exists, it must, in the first instance, be imputed to a want of correct understanding in the people of Ohio as it respects their own constitution as to the extent and boundaries of the State; and that the legislative body is equally uninformed. I hope we are not prepared to offer this biting compliment to the intelligent citizens of that State, by giving them, as an act of political justice and expediency, that which they uniformly, and from the first, claimed as their constitutional right, but with which the acts of Congress have improvidently interfered.

But if it was the intention of Congress, as well as the people of Ohio, that the northern boundary of the State should be where it is claimed on the part of Ohio, and if a mistake as to the actual fact existed in the passage of the act of Congress to enable the people to form a State government, that mistake ought, at once, to be rectified, and Congress do that now which was originally intended to be done; and a declaratory act is all that is necessary on the subject; and there can be no question of expediency involved that ought to induce a different action. The east and west line, drawn through the southern extreme of Lake Michigan, never was, in fact, the northern boundary of Ohio, nor could it ever have been intended by Congress that the State should be cut off from Lake Erie at any point, after her northern line had touched the border of that water, or that the jurisdiction of the State should not extend to the territorial line in the center of that lake. Yet such would be the case; and a considerable portion of her territory, in the northeast part of the State, would be without its jurisdiction; and, in fact, without government or law of any kind, if the line contended for, on the part of Michigan, be, in truth, the northern boundary of Ohio.

It is a well settled principle that compacts in part exist, as the parties understood and intended at the time of making such contract, and are to be so carried into effect. This principle, I presume, will not be denied in any case. If we apply it to the Ohio boundary question, I can say with much confidence—though young at that time—that not a single individual then in the boundary of the new State, about to be formed by virtue of the act of Congress of 1802, would have accepted the provisions of that act or formed a convention under it, had they not fully believed that the line contemplated by that act would not have intersected the territorial line at or near the mouth of the Detroit river; much less would they have been willing to accept the provisions of the act I have mentioned with a knowledge that the line would be found where it actually is. Nor would a single citizen of Ohio be now found of a different opinion, were the question at this moment an original one. And I am equally clear in opinion that Congress would never have passed the act with the line as therein contained, and with a full knowledge that the new State about to be formed would, by the letter of that act, be excluded from the margin of the lake at any point after the intersection of that line with its waters, because such an act would be contrary to all former proceedings of Congress in their views with regard to new States.

Suppose you pass the act in its present form, which imports on its face to be a mere gratuity on the part of Congress, and you place it on the ground of political justice and expediency, I should be glad to know what will prevent a future Congress from again reviewing this question, and at a time when it may be thought political justice and expediency requires its repeal? Are the boundaries of a sovereign State to depend on the fluctuating legislation of Congress? This doctrine of depending exclusively on an act of Congress for their boundary will not satisfy the people of Ohio. They will require something more permanent; and they will not cease in their endeavors until Congress withdraws all jurisdiction, foreign to their constitution and laws, north of a direct line drawn from the most southerly extreme of Lake Michigan to the most northerly cape of the Miami bay; and thus recognizing the jurisdiction of the State under the provisions of their own constitution, and which they are fully satisfied no power on earth but themselves has any right to alter, abridge, or restrain in a single jot or tittle.

ADDITIONAL PAYMASTERS.

REMARKS OF HON. A. MANN, JR.,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

March 10, 1836,

In the Committee of the Whole on the state of the Union, upon the amendments of the Senate to the bill to provide for paying the Militia and Volunteers called into the service of the United States.

[One of these amendments provides for the appointment of three additional permanent paymasters in the Army.]

Mr. MANN said: That the honorable chairman of the Committee on Military Affairs [Mr. JOHNSON] had well remarked that this was not a new proposition in the House. True, sir, (said Mr. M.,) to many of us it is an old acquaintance here. The honorable member, who had so long served the country, had not neglected to report a bill upon the subject for the time he (Mr. M.) had served here. The head of the bureau of the pay department had not, Mr. M. believed, neglected his duty in soliciting its passage; and we are now informed that he is a high and honorable man. Be it so, Mr. Chairman. Does this furnish a good reason for the passage of this bill to create these three new offices in addition to the present list of Army—I will not say sinecures? The heads of the military bureau stationed at Washington, were not backward in recommending additional force to their respective corps; and the kindness of heart for which the honorable chairman of the committee is so distinguished, leads him to yield to their solicitations sometimes, Mr. M. feared, without that full consideration and investigation which the questions demand.

The honorable gentleman had reported bills to increase the corps of military and civil engineers, the corps of topographical engineers, and perhaps, as is usual in such bills, "to regulate" (which, in nautical and military language, I find, means to increase) their pay, and to provide clerks and servants to do the business. These bills are also introduced with the pressing recommendation of those distinguished military heads of the respective bureaus over which they preside, appendant to the Department of War; and we shall be told that they are also "honorable men," and therefore we should pass their bills; that the topography and internal improvements of the country cannot move onward, unless *places* are provided for those supernumerary "promising youths" who are annually ingrafted upon the stock of the military aristocracy of the country by the aid of the Military Academy at West Point. These young gentlemen, "more favored of Heaven than the rest of their kind," must be provided for at the "public crib," through the instrumentality of these overshadowing bureaus, and sent beyond the mountains to teach the farmers and the hardy yeomanry there how to make roads scientifically. Yes, sir, and how to vote wisely and properly. It is said, by some gentlemen, that they have not neglected this latter branch of their business so much as to subject them to the censures of their superiors; but that the road-makers have sometimes manifested such a disposition to mutiny that those "booted and spurred" teachers of scientific road-making have

(to use a western phrase) "been found missing." Now, sir, (said Mr. M.,) are we under the auspicious influence of the honorable chairman and the honorable generals stationed in the military bureaus appurtenant to the Department of War, instead of the posts on the frontier, to go on increasing the officers of the Army, and regulating (increasing) their pay and allowances? Is it not time we should hesitate and investigate more thoroughly the real and actual necessities of these demands? For one, Mr. Chairman, I must decline going any further until I have more data to show me that the interests of the country require our compliance.

Moreover, sir, I am opposed, upon principle, to uniting the administration of mere ministerial and civil duties with military duties in the same hands; yet who can shut his eyes to the fact, that the officers of the Army, since the reduction in 1821, have gradually become possessed (perhaps without fault of theirs) of the administration of a large share of the civil and ministerial duties of the country? Who disburses the vast annual appropriations of the public revenues? Who has the direction and application of the revenues annually applied to the improvement of the country? Is it not mainly in the hands of the military power, divided and subdivided "into detail," as they express it? Are these officers accountable to the people, or identified with them in feeling, to the extent necessary to a harmonious action? Many of them, sir, I believe, are of great worth, and deserve the confidence they enjoy, and the approbation they receive. These must, perhaps, be considered honorable exceptions, rather than as the basis of a general rule. The union of the military and civil powers should, however, always be regarded with jealousy, and resisted in its incipient progress. Some of the military bureaus, as they now exist, therefore, should, in my opinion, be placed upon a civil footing, and the "brevets," with which they are now filled, should be lopped off as a useless appendage, not in accordance with the spirit of our civil institutions. I know, sir, that there is not much "in a name," and I have learned here that "names are not things," yet the propriety and faith of history would always induce me to endeavor to have names indicate what things were meant by them.

Sir, the gathering of these bureaus, so near the public crib, serves, at least, to remind common people of the tendencies of our nature; and some, who have been inclined to tolerate them as incidents to the Government, begin to apprehend that the incidents may become the principals. I entertain, sir, (said Mr. M.,) a high and habitual respect for military service in its proper sphere, defending the country in the field, protecting our hardy and enterprising inhabitants upon the frontier, and would reward it liberally by pecuniary provisions, and the meed of public approbation; but that respect is much impaired when I see those military and chivalrous men withdrawing from their proper sphere into the cloisters of the Government, seeking civil employments under military garments, and receiving sinecure and patriotism money in exchange for the higher and nobler rewards of military service. But, Mr. Chairman, (said Mr. M.,) I find myself digressing too far from the immediate question. The honorable gentleman from Kentucky had informed us that there was no immediate necessity for passing this amendment in order to pay the troops now in service in Florida, and that he himself would not vote for the provision for this purpose; and therefore he opposes the amendment moved by the honorable gentleman from Tennessee [Mr. CAVE JOHNSON] to limit this provision to one year. I cannot (said Mr. M.) see the necessity of these three additional paymasters from any data now before me. It is perceptible, by this time, that I do not put such unqualified confidence in these brevet heads of bureaus as the honorable chairman on Military Affairs. This may be my misfortune—perhaps my fault.

There are continual calls for an increase of these officers. Bear in mind, however, that there are now, sir, six hundred and seventy-one commissioned officers belonging to the Army of about six thousand men, or one commissioned officer for about nine men, forming what is called a "nucleus," around which an army could be gathered, if occasion should ever require. Now, sir, (said Mr. M.,) I am not, for one, disposed to enlarge this "nucleus" of officers, as now organized, without commands or men, or much active service, lest it should become an "incubus" upon the body-politic, which, in medical phrase, might require "excision." There are now fourteen paymasters belonging to the peace establishment, besides one stationed permanently at West Point, who must be burdened with an onerous and responsible duty, judging from the amount of disbursements there. The Paymaster General wishes three more, and believes they are necessary, and would be useful by making more prompt payments to the troops.

Now, sir, I am informed by a military officer, who has belonged to the service more than twenty-five years, that a less number of paymasters could perform the duty with more punctuality and dispatch, if they were properly stationed. The evil existing, therefore, is not in a want of sufficient number of officers, but in a disposition (a very natural one, I admit) of those we have to desire the advantages and pleasures of civil and domestic life while enjoying the rewards and honors of military office. The remedies for this evil, I believe, therefore, (said Mr. M.,) are in the hands of the worthy head of the pay department, and he has nothing to do but apply them. A paymaster should, I believe, be stationed at the general headquarters of each regiment of infantry, and of the regiment of dragoons, and at some central post of each regiment of artillery, instead of the cities and towns, where I am informed that most of them are now quartered, and sometimes more than one in the same time.

Sir, (said Mr. M.,) in every point of view which I am enabled to take of this question, so unexpectedly presented to me at this time, I cannot discover any actual necessity for the adoption of the amendment of the Senate, and I therefore hope it will be rejected.

Lest it may be supposed (said Mr. M.) that I am unfriendly to the Army generally, from the tenor of my remarks upon this question, I take leave to disclaim all such feelings; but I admit freely that I fear that great abuses have crept into its administration. Such, I am confident, is the belief of some of its best and most experienced officers. I would, sir, if it were in my power, correct these; and I am confident it must be done, or the sense of the American people will ere long overwhelm the establishment. The very fact that this provision comes by way of amendment and rider from the Senate shows that those who propose it are fearful of its fate when separated from its yokefellow.

[Mr. R. M. JOHNSON, the chairman of the Committee on Military Affairs, replied at length.]

Mr. MANN rejoined, that he felt constrained, in justice both to the honorable gentleman and himself, to say a word by way of rejoinder. He had been greatly misunderstood, or he had misrepresented the honorable member. Mr. M. did understand the honorable chairman to say that he did not urge the adoption of this provision as necessary to the service in Florida, and he believed he understood him correctly; but the honorable gentleman now appeals to me in behalf of our bleeding countrymen; our defenseless frontier; our women and children exposed to the relentless tomahawk of savage war. This appeal, sir, would be effectual and well in the proper place, but not after the admissions made by my honorable friend. The honorable gentleman complains that I attack all the recommendations of the Committee on Military Affairs. In this, sir, he does me injustice. I do not condemn indiscriminately. Some—yes, many of the recommendations of that committee have received and will receive my warmest support; others I cannot approbate. I am obliged, sir, to scrutinize the recommendations of the honorable gentleman with some care, because I know that he possesses so much of the milk of human kindness in his "gentle nature," that it is hardly possible for him to resist the personal importunities of his friends, to which he is constantly exposed, and which impels him onward, unconsciously forgetting for the moment, under the impulses of his generous feeling, the rights and interests of those masses of our fellow men scattered over the surface of our wide country, alternately submitting to and contending with the curse of Heaven, which dooms them to till the ground for their daily food. I wish only to remind my honorable friend that all the revenues which Governments receive are obtained either directly or indirectly from the labors of this class, and that this consideration should never be lost sight of while we are acting as their Representatives.

Again, my honorable friend supposes that I am ungenerous with high and honorable officers stationed here. I have not intended to be so, sir, but I must tell the honorable member that I do believe that these officers prefer to make campaigns to Washington, in preference to our exposed and defenseless frontier, which he brings to our view in such eloquent and feeling language. At all events, they find it, in the course of duty, to be here, either in station or in the proper discharge of duty. Their wants are not limited by the scale of civil life; but I shall have another and more appropriate occasion to comment upon the items of their allowances. Many of them now have both hands in your Treasury at once, while one at a time, in my opinion, would suffice, in these "piping times of peace," for any ordinary cupidity. I am confident that if my honorable friend had investigated this question upon both sides, he would have come to a different result. There are, sir, I perceive, fifty-three military posts, besides thirteen arsenals, belonging to the United States—less than five for each paymaster. With the facilities now afforded for traveling, I am a little surprised that the worthy officer at the head of the pay department should have made himself believe that this provision was in any manner necessary.

ADDITIONAL PAYMASTERS.

REMARKS OF HON. W. C. DUNLAP,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

March 10, 1836,

On the bill for paying the Troops and Volunteers received into the service of the United States; the question pending being the amendment of the Senate providing for the appointment of two additional Paymasters.

Mr. DUNLAP said: The House must now see the situation in which it was placed by the amendment of the Senate to this appropriation bill. He would venture to assert that there was not half a dozen members who knew what they were voting for when they voted to suspend the rules of the House, and postpone the special orders of the day, to take up this bill. He was warranted in this assertion from the vote just taken on the motion made by himself to take up the Tennessee land bill. He had not complained at the House for that vote; he knew well the reasons that induced the gentlemen to give the votes they did. The special orders contain two bills that the necessity of the Government required the action of this House upon immediately. As to the other bills included in the special order, there was not that necessity for immediate action. Although the House refused to suspend the rules to take up the bill in which his State and constituents were so much interested, we find ourselves voting for a suspension of the rules to take up a bill to increase the number of paymasters. Sir, would any member on this floor have given such a vote if he had known for what he was voting? How inconsistent must he have been to vote to postpone the Navy and fortification bills, since we have so often been told the public service is suffering for the want of money to be appropriated by those bills, and to take up a bill to increase the number of paymasters! Mr. D. said the House had voted for the caption of the bill without any knowledge of what amendments had been offered by the other branch of the Legislature. The House believed they were voting to take up a bill "for the payment of volunteer and militia corps in the service of the United States." The bill had passed this House without any opposition. There was not a member that would for one moment withhold from that gallant band

of soldiers now engaged in the service of the United States in Florida, in putting an end to the cruel and savage war of the Seminole Indians.

Mr. D. said, in what situation are we who are opposed to the increase of paymasters? We are liable to be charged with opposing the bill appropriating money to pay the gallant sons of the South, who did not wait, when their country needed their services, to be drafted; but, sir, the only draft was, who should stay at home. All, yes, all were ready, willing, and anxious to go and fight the battles of their country. He, for one, was unwilling to be placed in such a situation. If this manner of legislation is adopted, of putting measures of a different character in the same bill, what will be our situation? Sir, take, for example, the case now before the House. Suppose a majority of this House shall be opposed to increase the number of paymasters, and non-concur in the Senate's amendment, and the Senate should refuse to recede from their amendment: the House will be compelled either to lose the bill, as the fortification bill was lost last session, or agree to increase the number of paymasters. Mr. D. said he was utterly opposed to such a practice of legislation. It was unparliamentary, and the House should unanimously refuse to adopt such a principle. Mr. D. said, as to the amendment, he desired that its merits might be considered when the bill of this House on that subject came up, and also the bills to increase the engineer and topographical corps. It would seem strange to his constituents that fourteen men were not sufficient to pay quarterly six thousand men what the Government owed them. It was certainly strange to him, if they could not each pay less than five hundred men, although they were stationed over a large tract of country. The facilities of traveling were now very great; much more so than in 1821, when fourteen paymasters were considered sufficient.

ADDITIONAL PAYMASTERS.

REMARKS OF HON. R. M. JOHNSON,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

March 10, 1836,

In the Committee of the Whole, on the question of agreement to the amendment of the Senate to the bill from the House, providing for the payment of Volunteers and Militia in the service of the United States.

Mr. JOHNSON observed that, as chairman of the Military Committee, it became his duty to explain the matter in question by a simple statement of the facts connected with the bill and the amendments. He was reluctant to intrude upon the time of the committee by any remarks of his; but the views of the War Department, of the chief of the pay department, and of the Military Committee, which were in perfect coincidence, ought to be known to every member before giving his vote.

The bill (said he) provides that the militia, when called into actual service, shall receive the same pay as the regular Army, and that the widows of such as may die in the service shall receive five years' half pay, and that the widows of such as shall perish in the regular service shall also receive five years' half pay. This bill passed the House, and was sent to the Senate.

Another bill has been reported by the Military Committee, providing for the appointment of three additional paymasters to the Army, but it has not yet been acted upon by the House.

The bill which passed the House has been taken up by the Senate, and amended by adding to it the other bill for the appointment of three additional paymasters, and in that form returned to the House for its concurrence. The bill, then, as returned from the Senate, presents to us the two bills amalgamated, one of which has already been passed by the House, the other matured by the committee, but not yet acted upon by the House. Though the committee of the House reported two bills to effect the object of the one bill as amended, the Senate did not discover such a want of relation between the two as to render it improper to embrace the whole subject in one bill. The whole is strictly military. It specifies the allowance to be made for military services, and it provides for a sufficient increase of the number of disbursing officers to carry this, together with the preëxisting laws, into effect. There is in it nothing of that complexity calculated to produce confusion; nothing novel or anomalous. The object of a law is lost without the means of carrying it into effect; and the Paymaster General, knowing, from practical demonstration, the immediate necessity of the measure, requested the amendment to be made by the Senate. The committee of the Senate gave to the subject the same investigation which the committee of the House had done, and arrived at the same conclusion. They incorporated, as an amendment, the same bill, verbatim, which had been reported by the Military Committee to the House. The Senate adopted the amendment, and asked the concurrence of the House. Their object appears to have been, not to counteract the views of the House, but to further them, by so accelerating the business as to give efficacy to the measure at the moment when our bleeding country feels its necessity.

It is objected by gentlemen that we have already fourteen paymasters—a number quite sufficient for the payment of an army of but six or seven thousand men. The argument seems specious, and it is admitted that half the number would be amply sufficient for a much larger army, if they were consolidated at one, two, or three stations. But the labor imposed on the paymaster is not proportioned to the number of troops, as the gentleman would seem to intimate. It is proportioned to the scattered situation, and the remoteness from each other of the stations occupied by the troops. It requires as much time and labor for a paymaster to perform a journey of five hundred miles to pay three companies at three different stations, as it would to pay three regiments of a thousand men each, at one station. The present number of paymasters was fixed in 1821, when the number of military stations was much less than what they are at this time; and, even then, some of our troops, occupying distant posts, were kept out of their pay for more than six months together, and in some instances reduced to a state of actual suffering, in time of peace, for want of proper facilities to give them their pay according to law. Our military stations are now greatly extended in their distance, and multiplied in their number. They are spread along our maritime frontier from Eastport, in Maine, to Florida and New Orleans, in the South; and upon our western frontier, from the Red river, along the western border of Arkansas, Missouri, and on the Upper Mississippi, to Green Bay and Mackinac, in the North, embracing the whole circumference of the United States, and forming a circuit of ten thousand miles. The whole of this circuit must be traversed once every three months by paymasters, or the troops cannot receive their compensation according to the terms of the law under which they enter the service. It is required of each paymaster to prepare pay-rolls, visit every station within his district, pay each person his due, and make his return, properly authenticated, to the paymaster general for adjudication once in every three months. The labor has been found to be physically impracticable. Officers and privates in Florida, the seat of recent slaughter, have been deprived of their pay for more than six months together; and it has been stated that the volunteers who acted so gallant a part in the Black Hawk war, did not, in many instances, receive their pay for more than a year after their services terminated. In these cases the fault is not ascribable to the disbursing officers, nor to the Department, but to the want of a sufficient number of paymasters to perform the service. Is this the treatment which our heroic Army merits from the nation which it defends?

Gentlemen now call for proof of the correctness of the statement. They desire such evidence as shall satisfy them that the present number is inadequate to the service. It is not possible, sir, to subject this to the rules of mathematical demonstration, because it is not a proposition of that nature. But we have sufficient evidence to satisfy the most incredulous mind, if credit is due to the asseveration of disinterested men of the highest honor and trust. The measure is recommended by the President, who is not utterly ignorant of what is necessary to perfect our military establishment. It is recommended by the Secretary of War, who is not unacquainted with the wants of his Department. It is earnestly recommended by General Towson, the Paymaster General, who alleges the impossibility of punctuality in paying the Army promptly with the present number of paymasters; and it is long experience which has demonstrated to him the truth of the proposition. His veracity is unimpeached and unimpeachable. His character, both as a man and as an officer, will stand every scrutiny. He has no end to answer, in this request, but his country's good; and if any other temptation could present itself, no person would suspect him capable of yielding to it. With these authorities, I ask no further evidence of the necessity of the measure proposed in the amendment. Without it the Government cannot fulfill its stipulations to the Army. The money is provided; the appropriation is made; the service is performed; but for want of a sufficient number of paymasters, the heroic band is defrauded of its timely dues; the officers and soldiers are reduced to suffering, and the Treasury is not benefited one cent by the delay. And is this true economy? No, sir, it is prodigality. Economy gives sufficient aid to effect the entire object of appropriations. The want of these means is alike destructive to public and private credit, and must end in disasters, which years of true economy cannot repair.

The tendency of any measure which has an unjust bearing upon any class of citizens, whatever may be its present prospect, will always end in misfortune. But if any one class merits promptness in meting to them their stipend, it is the Army. Their whole allowance is but a scanty competence. They serve not their country for money. They form a bulwark of defense around us, and glory is their reward. Of this they have surrounded themselves with a radiance as lasting as the sunbeams, which the eye of envy can never penetrate; and we cannot deprive them of it. The complaints of officers occasionally visiting the seat of Government, whether on duty or on furlough, cannot eclipse their glory, nor pluck one laurel from their brows. Their deeds of chivalry during the late war have covered them with immortal honors; and the character of those who compose this little army for intelligence and honor is unsurpassed by any equal number in creation. Why, then, withhold from them their stipulated dues after they become payable by contract, for the trifling consideration of furnishing a sufficient number of disbursing officers to perform this service?

This measure is but a branch of the system of defense which the safety of our whole interior frontier imperiously demands. The States bordering upon the savages are warranted in the expectation of protection from the tomahawk and scalping knife. The wars of this system has already stained the waters of the Upper Mississippi, and deluged the Illinois with the blood of innocence; and Florida is now bleeding under the hand of savage barbarity; when a small proportion of the moneys which these two wars will have cost, expended in perfecting the system of which this measure is an important branch, would have prevented the catastrophe. The same scenes will be reacted in Arkansas, in Missouri, in our Northwestern Territory, unless the whole system of protection shall be adopted. The destruction of many valuable lives, and the waste of many millions of dollars, will be the certain result, though the annual appropriation of a few hundred thousand dollars, applied in proper time, may prevent the disasters.

NORTH CAROLINA CONTESTED ELECTION.

REMARKS OF HON. A. P. MAURY,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

March 12, 1836,

On the question of granting further time in the case of the contested election of Mr. GRAHAM, one of the sitting members from North Carolina.

Mr. MAURY said he hoped the House would not make this subject the order of the day for any particular and proximate day; but that it would

reject every motion of that nature, for the purpose of entertaining the resolution proposed by the gentleman from New York [Mr. HARD] to recommit the reports and documents to the Committee of Elections, with instructions to grant further time to the sitting member to take depositions. He respectfully asked the attention of the House for a few moments, while he proceeded to state, as succinctly as he might, the reasons in favor of such a disposition.

The Committee of Elections met for the first time on the second Monday of the present session. The chairman was instructed to inform the sitting member and the petitioner that on the following day their presence was desired for the purpose of ascertaining if they were ready, and of entertaining any propositions which they might think proper to make. They appeared accordingly—the sitting member in person, and the petitioner in person and by counsel. In the course of the session the sitting member submitted a protest, in which he objected to the reception, as evidence, of all the depositions referred to the committee, on account of the vagueness and generality of the notices for taking them which had been served on him by the petitioner. The counsel for the petitioner combated, with much earnestness, and at great length, the objections contained in the protest; and the committee adjourned without coming to any decision on the subject. This protest, if sustained, would decide the question *in limine*, and render any further proceedings, at least till other testimony not liable to its exception should be produced, unnecessary.

In consequence, however, of the absence, from indisposition, or other sufficient cause, of several members of the committee, a decision on the protest was deferred from day to day, until a full session of all the members could be had. This did not take place till the 15th of January, when the objections of the protest were overruled by a majority of the committee. The sitting member, on being apprised of this decision, promptly applied for further time to take depositions. He stated the persons whose testimony he desired to procure, the voters whose qualifications he impeached, and the particular disqualifications under which they labored. That this application was not earlier made, is ascribable to causes over which the sitting member had no control. At the earliest possible period he had offered a protest, in the nature of a plea in abatement, to all the testimony before the committee. If a decision had been made promptly and adversely to the views of the sitting member, there is every reason to believe that the application for further time would have been as promptly made. But the committee did not so decide. The investigation dragged its slow length along till the middle of January. If, then, this application would have been deemed reasonable at the commencement of the session, it is contended that the sitting member did not lose any right, ought not to be deprived of any privilege, in consequence of a delay which he not only did not occasion, but of which he deprecated the continuance. By every consideration of justice and fair dealing he stood, on the 15th of January, when the preliminary objections raised by him to the receivability of the testimony were overruled, precisely where he would have stood if those objections had not been made, or, when made, been promptly acted on—at the threshold of the investigation.

Placing, then, the sitting member on this ground—a ground from which he cannot rightfully be removed—let us examine whether the merits of the application are such as, if made at the outset, would have entitled him to the delay asked for.

The election was held early in August last. The sitting member was not apprised by the petitioner of his intention to contest the seat till the 2d of October following, a period of nearly two months. The first notice to take depositions was served on the sitting member on the 19th of October, and the 29th of that month designated as the time when the actual taking of them was to commence. In all this long interval, from early in August till the 19th of October, the petitioner, it is fair to presume, was ransacking the district for the purpose of ferreting out testimony to sustain his pretensions; while the sitting member, perhaps unapprised of these searching investigations, or resting secure in the returns of sworn officers and in his certificate of election, did not make corresponding exertions.

When, therefore, the notices were served on him, he had difficulties to encounter which were peculiar to his position. He had a district of great extent to traverse, two hundred miles in length, by about ninety in breadth, comprising within its limits six sparsely populated counties, and presenting, in its broken and mountainous surface, physical obstacles to traveling of the most formidable nature. He had to encounter an opponent forearmed, who had already surveyed the ground, selected his positions, and marshaled his array of witnesses. He had to act upon the inadequate information of vague and general notices to appear, in rapid succession, at points remote from each other, alike uninformed of the witnesses to be examined, the voters alleged to be unqualified, and the particular disqualifications charged against them. It resulted, then, from the very necessities of his position, that he was taken by surprise.

It was utterly impossible that he should prepare himself beforehand with explanatory or rebutting testimony. Everything was withheld from him but the single privilege of cross-examination, and of that he could not avail himself, in one instance at least, even by attorney.

The depositions, as before stated, were commenced to be taken on the 29th of October. In thirty days from that time the sitting member was called to this place to enter upon the discharge of his public duties. Of these thirty days the greater portion were monopolized by the petitioner, leaving him inadequate time *to travel intermediate distances*, much less to take depositions in his own behalf.

Such being the facts of the case, can it be pretended, with any approach to plausibility, that the sitting member was placed on a level of equality with his competitor?—that he had an equal opportunity afforded him of procuring and marshaling *his* testimony?

At an early stage of this debate, the case of Letcher and Moore was cited as a precedent in point against the pending application. But so far as it was analogous to the present, he (Mr. M.) drew from it a directly contrary conclusion. That election, like the one in question, took place early in August; the district was much smaller, the country more level and traversable, and not only the names of the voters, *but the person for whom they voted*, placed on record. The latter advantage, resulting from the *viva voce* mode of voting, must have greatly abridged the labor of the parties to that controversy. Yet, on reaching this place, they both applied for further time, and further time, till the 1st of January was granted them. In point of fact, they did not return till the middle of that month, and they were allowed till some time in March to prepare briefs, and arrange the testimony. If time was granted to both in that case, why not to one in this?

On the 31st of November and 1st of December depositions were taken on behalf of the petitioner at Morganton, in Burke county, about six hundred miles from this place. The sitting member was notified of the fact, but alleges that, inasmuch as it was physically impossible for him to attend there, and reach the seat of Government, where paramount public duties called him, by the 7th of December, he wrote to one friend, and, on the suggestion afterwards of his absence, to another friend, to attend and act in his behalf. Neither of them did attend; and the sitting member was, in fact, unrepresented. The depositions taken under these circumstances are, therefore, *ex parte*, and ought not to be received as evidence.

He (Mr. M.) was no lawyer; but he had always understood that the object of notice was to give the adverse party an opportunity to attend *either* in person, *or* by attorney, for the purpose of cross-examining witnesses. If he cannot attend *in person*, the *option*, which can alone give validity to the notice, is taken from him. The obstacles to personal attendance may be either physical or moral. Physical, as if, for example, sufficient time be not allowed him to reach the place designated in the notice on the day appointed. Moral, if paramount public duties, of which the party serving the notice was cognizant, called him in another direction. Either of these causes would alike vitiate a notice. If the sitting member had been represented at Morganton, on the occasion alluded to, this objection might not be insisted on. But as he was not, the argument addresses itself forcibly to the equitable consideration of this House. On the necessity of cross-examination to the full and correct evolution of facts, Mr. M. said he would not enlarge; it need only be suggested to produce a proper impression on every mind at all conversant with judicial investigations. A state of things might possibly arise, resulting from the decision of the House on other points involved in this controversy, which would make the admissibility of this testimony the hinge on which the election would turn; and the question is propounded, whether gentlemen could reconcile it to their sense of justice to oust the sitting member upon evidence which may justly be characterized as *ex parte*, and under circumstances which would render them obnoxious, whether deservedly or not, to the imputation of partiality, or at least precipitance?

There is another view of this case, (Mr. M. said,) which he wished to present. This is not so much a contest between the sitting member and the petitioner, as between the majority and minority of the people of the twelfth congressional district of North Carolina. The point of difficulty is to ascertain which is the rightful majority of legal voters. By all the sanctions of our free institutions, the voice of that majority, from whichever side it may issue, has a right to be heard on this floor. Every avenue should be opened which may let in additional light upon the subject. Let the facts on each side be fully and fairly presented, and then we may arrive at a decision which will abide the test of public scrutiny. Even if the imputation of *laches*, of negligence in procuring testimony, could justly attach, as it cannot, to the sitting member, this should not affect, injuriously, the interests of those whom he claims to represent. The petitioner, if indeed he be the rightful Representative, cannot be injured by delay, but, on the contrary, benefited. *Time* has ever proved itself, not the enemy, but the friend of *truth*.

Another argument in favor of delay, is deducible from the fact that there is no law of Congress regulating the mode of proceeding in cases of contested election. The sitting member was suddenly launched into this ocean of investigation, without chart or compass to direct his course. It cannot be said that he has not conformed to law, when there is no law. He knew not what evidence was admissible, and what inadmissible. The statute-book did, indeed, once speak upon the subject; but its voice has long since ceased. The law expired by its own limitation, and Congress applied no Promethean fire to prolong its existence. If precedents be appealed to, they are vague, loose, and contradictory; sometimes adapted to subserve the ends of temporary political interests, sometimes conforming to the laws of the particular State in which the contest arose, just as the caprice or wisdom, the policy or passion, of majorities in this body or its committees might suggest. Under these circumstances, to adopt a rigorous rule, and give it a retrospective operation, would be virtually to enact an *ex post facto law*—a mode of proceeding which is the resort of despotism, and therefore not to be tolerated in a free country.

It may be said that the sitting member should have looked to the laws of North Carolina regulating the mode of proceeding in contested elections for the State Legislature. The proper reply to this is, in the first place, that those laws have no binding force either upon him or upon Congress; and in the second place, that regulations which may be very appropriate to cases of which the theater of operations is circumscribed within the limits of one county, may be very unjust and oppressive in their practical bearings, when extended over a congressional district of six times the extent. The laws of North Carolina, for example, provide that notice of an intention to contest the seat of a member returned for the Legislature shall be given within thirty days of the meeting of that body. This time may be amply sufficient where the sphere of investigation is confined to one county. But where, as in the

present case, six counties are embraced, the number of days, by the rule of proportion, would be multiplied six-fold.

Allusions have been made in the course of this debate to the political preferences and connections of the parties to this controversy. The gentleman from North Carolina, [Mr. BYNUM,] in reference to the motion, dictated by a sense of justice, of the gentleman from New York, [Mr. HARD,] to allow the petitioner a seat within the bar of this House, and the privilege of speaking in his own behalf, remarked the other day that he would hesitate to receive favors from political or personal enemies. The gentleman from New York [Mr. MANN] threw out this morning an intimation or threat, unless a certain course indicated by himself were pursued by those whom he was pleased to denominate the political friends of the sitting member, this would be made a *party question*. Political or personal enemies? Party questions! Sir, *how* came those gentlemen to know that the political connections of the sitting member and the petitioner were different and adverse? Rumor has informed us that, in their canvass before the people, both those gentlemen avowed the same political preferences in regard to men. If the rumor be unfounded, they both have seats on this floor, and can disabuse our minds of the false impression. But if it be true, what propriety is there in giving utterance to such sarcasms and minatory admonitions? Granting, however, that those gentlemen have held, or do hold, antagonistic sentiments and preferences in regard to the great questions, whether relating to men or measures, which divide and agitate the country, is the principle to be acted on, and not only acted on, but openly avowed, in this Hall, that on questions of a judicial resort—of questions which affect the purity of the elective franchise, the discipline of party is to prevail over the dictates of justice, and right to be trampled under foot at the nod of power? Sir, this is a judicial question. Our functions are those of judges, not of legislators; of jurors, to try *facts*, and not of political partisans to stifle or distort them. Let us examine and decide upon the question in the spirit of candor and impartiality. Let us place it where alone it should stand, on its naked, abstract merits, separated from every extraneous attribute of party, and purified from the discolorations of passion or of prejudice. Let us grant the application for further time.

THE CUMBERLAND ROAD.

DEBATE IN THE SENATE,

February 26, 1836,

On the bill making an appropriation for the completion of the Cumberland Road in the States of Ohio, Indiana, Illinois, and Missouri.

Mr. CLAY, after a few preliminary remarks, said he felt then, as he always did, a great solicitude for this road; but he owned he felt also some difficulties on the subject. The great system of internal improvements which he had advocated for so many years had been suspended, and by the coöperation, too, of the very States most interested in the system, and for whose benefit this road was to be made. The States of Tennessee and Kentucky had received less money from the Government than any other two States in the Union. In the project to extend a great leading road from Nashville to the Gulf of Mexico, an appropriation to a most important link from Maysville to Lexington, in forming a connection between that road and the Cumberland road, had been vetoed; and Kentucky had, by her own enterprise, to make the road herself. If he were to listen to a spirit of resentment, he might say he would withhold his support until all the States received equal benefits; but he was willing to go on to the Mississippi, and also to aid in those improvements east of the Wabash, to a reasonable extent. He hoped the gentlemen from Indiana [Mr. HENDRICKS and Mr. TIPTON] would let them circumscribe the appropriation, until bridges were built over the Wabash and Ohio rivers. The country embraced in this part of the road was poor and thinly settled, and, he thought, did not require so much expenditure now.

Mr. C. then moved to amend the bill by striking out $320,000, the appropriation for the road in the State of Ohio, and inserting $200,000; and by striking out $350,000, appropriated for the road in the State of Indiana, and inserting $100,000.

Mr. TIPTON observed that he would not have troubled the Senate with a single remark on the subject now under consideration, had he not found opposition to this measure from a quarter quite unexpected and new to him; and he had no doubt that it will be news to his constituents that they were not prepared to expect.

The Senator from Kentucky, [Mr. CLAY,] who moved to reduce the appropriation to the amount applied on the road last year, was surely not seriously hostile to the continuation of it, after having supported this work, with great ability, for thirty years; and he could not believe that he wanted it abandoned, but rather wished to reduce the sum required, that the road might be longer in progress. The gentleman wanted to be six years doing what he (Mr. T.) proposed to do in three. Something had been said with regard to the number of hands that could be employed economically. On this subject doubts had been expressed as to whether a sufficient number of hands could be found to perform the work. We are now (said Mr. T.) in progress of constructing but two public works in the State, the Wabash canal and the Cumberland road. Contractors have gone from public works already completed in New York, Pennsylvania, and Ohio, and they have taken with them hands, generally Irish laborers, and tools sufficient to go on with these works. They were now, and would remain, on those works until they were finished, if the money to continue them was appropriated; but if you cut down and limit the appropriation, (said Mr. T.,) you put off the time of finishing the road, and you double the expenses.

The State of Indiana has appropriated ten millions of dollars for internal improvements, had organized a board of public works to conduct them. Two canals, two railroads, and one turnpike road, were to be made, and the board would meet in a few days to determine on their plan of operations for this year. If you make a large appropriation (said Mr. T.) for the national road, it is probable that the State will not commence any of her new works this year; for the Wabash canal and national road may employ all the hands now there; but if you reduce the appropriation as proposed by the motion of the honorable Senator, there will not be sufficient funds to pay for the labor of all the hands now there, and they must seek employment elsewhere. Thus you will procrastinate the time, and double the expense of finishing the road. No good reason had been assigned for reducing the sum proposed in the bill. It was admitted on all hands that there was abundant money in the Treasury; and the Senator from Ohio had shown clearly, to his mind, that they might pass this bill, the fortification bill, and the favorite land bill of the Senator from Kentucky, and still they would have a large surplus at the beginning of the year 1837.

When this bill was before the Senate, some days ago, an honorable Senator from South Carolina [Mr. CALHOUN] moved to lay it on the table; and he understood him to say that he made the motion to prevent heavy drafts being made on the Treasury, until he was informed whether we were to have peace or war. The gentleman was kind enough to withdraw his motion—for which I thank him—to give the friends of the bill an opportunity to explain and defend it. I am happy now, sir, (said Mr. T.,) to say that a favorable change in our foreign relations justifies me in assuring the Senator that there is no reason to apprehend war from any quarter, unless it be those skirmishes that happen now and then with the Indians on our frontier; but should it ever become necessary for us, as a nation, to choose between war and a dishonorable peace, he had no doubt the Senator from South Carolina and himself, whether at that time citizens or Senators, would be found contending, side by side, for the honor of the country. He could not suppose that the Senator from South Carolina was actuated by other motives in making that motion than a strong sense of public duty. He had too long known him as a friend to internal improvement, to believe that any other motive could influence him to vote against an appropriation for the national road.

He confessed that he was surprised to see a newspaper friendly to the Senator, in noticing his motion to lay the bill on the table, attempt to give it a party coloring, the paper remarking that his motion caused a fluttering among the friends of the Administration. He would regret to see the question on the passage of this bill made a party question; indeed he did not see how it could be made so. It never had been considered a party measure; and of the political parties that had existed in this country for the last thirty years, some members have supported, and others have opposed appropriations for the national road, without regard to political bearing. If proof were wanting at this late day to establish the national character of this road, he could refer to an able report, made by the honorable Senator himself, while he was at the head of an important Department of the Government, to be found at page 61 of the Senate's Documents, second session of the Nineteenth Congress. It was there shown that the continuation of the Cumberland road to St. Louis was of national importance. This had never been questioned.

The Cumberland road was commenced under a law of Congress of 29th March, 1806, while Mr. Jefferson was President of the United States; it was favored by him, and by every Administration since his day; by none less than by the present Administration. It was true that this road had many friends among the present party in power, and it was equally true that it had able and efficient supporters among those who did not support the present Administration. Others opposed this road on grounds satisfactory to themselves and their constituents; and we have no right (said Mr. T.) to object to their opposition; but I protest against a bill of so much importance to those whom I have the honor in part to represent, being condemned to die on your table, without giving to its friends a hearing.

Mr. T. begged honorable Senators to come up to a vote on this bill, not as a party question, but as a measure in which both national faith and national honor were pledged to the young States of the West, for the completion of this road to Missouri. The act of Congress of 1806, to which he alluded, and to which he begged leave to refer gentlemen who had doubts on the subject, authorized a survey of a road from Cumberland, in Maryland, or from a point on the Potomac river, near Cumberland, over the mountains, to the State of Ohio; and provides that the money—$30,000—appropriated for that object was to be refunded to the Treasury out of the fund set apart by the compact between the United States and the State of Ohio, for making roads leading to that State. By compacts between the United States and the new States, a portion of the proceeds of the sales of the public lands was set apart for the purpose of making roads leading to them; and the continuation of this road was in compliance with these compacts entered into, he might say, with the whole West, which would ere long be more than one half the Union. Under this compact, these States, on their admission into the Union, relinquished the right to tax lands owned by the United States, or lands sold by them within their limits, for five years from their sale; and the United States agreed to give to these new States lands for education, salines, and this road fund as an equivalent for relinquishing their right of taxation.

Mr. T. put the vote on the bill on the ground of complying with the compact between the United Sates and the new States of the Northwest. We have a right (said Mr. T.) to expect appropriations to continue this road to the far West, not as a gift or a grant to the new States, but in compliance with an agreement between the General Government and their people at the time of their admission into the Union. Were there no compact, the United States, being the great landholder in the new States, would find it both their interest and their duty to contribute money for constructing a road leading to their own lands.

Those who opposed this road surely had not a hope of arresting its progress westward; for as population increased in the older States, the young and the enterprising naturally looked to the West for a residence and future home, and they emigrated to the Mississippi valley. He was forcibly

struck with a remark made by an honorable Senator from South Carolina, [Mr. PRESTON.] He told us yesterday (said Mr. T.) that the western people were not the purchasers of the public lands; that it was the people of the East and South who purchased them. This was true to a certain extent. As population increased, the young and the enterprising, quitting the land of their nativity and the homes of their fathers, emigrated to the West, and became the purchasers of the public lands. We are always (said Mr. T.) glad to receive them. They make valuable citizens; they contribute to fill your Treasury, and unite with us in adding to the wealth and power of the nation. Hence, the construction of the road was equally beneficial to the old and the new States; and its extension must keep pace with the extension of our settlements towards the far West.

A settlement had already commenced on the west fork of the Mississippi, above the State of Missouri; and it would not be ten years before these people would form a State government, and apply for admission into the Union. This country would make a fine State; extending up the Missouri river, far above the State of Missouri, toward the Rocky mountains; the inhabitants would be our neighbors, our friends; they would become purchasers of the public lands, and would they not have a right to expect the mail sent to them? and is it to be expected that they would not demand an extension of the national road? They surely would. And he could not doubt that this road would go on to the foot of the Rocky mountains, perhaps cross them, to the Pacific ocean. The sales of the public domain will afford the means, and we will apply it; and I cannot doubt that Congress will, as they have heretofore, apply them to that object.

In 1829 Congress made an appropriation to remove the timber from the road through the State of Indiana, and to grade the banks, preparatory to making it a turnpike road. The timber had been removed, and near half the road was graded, half the bridges were constructed, and stone prepared to cover a small portion of the good graveled road. Putting the stone in the road, is the most expensive part of road making. This is the reason why a heavy appropriation is now asked for. If the graded road was not covered with stone, the travel on the road would destroy the grade, and the work would have to be done over again next year.

The Senator from Kentucky [Mr. CLAY] told them that he rather thought that the country through which this road passed in Indiana and Illinois was thinly settled, and that it was a long distance between houses on some parts of the road. He would not undertake to say how the fact was as regards the road in Illinois; the Senators from that State would no doubt inform the Senate; but he assured the Senator from Kentucky that every acre of public lands along the road in Indiana had been purchased from the United States; that the country was densely populated; and farms, though not quite as extensive as they were in Kentucky, were much more numerous, and villages were growing up at short intervals along the road.

That Senator had also been pleased to allude to the support given to the present Administration by friends of the bill now before them; and he said that the States southwest of the Ohio wanted a branch of this road, which was denied them; and called upon the friends of the national road to do even-handed justice to the States south, as well as to those north, of the Ohio river.

Sir, (said Mr. T.,) if that gentleman will look at our Journals, I think he will find that several friends of this national road voted for the bill to which he alludes—the Maysville and Lexington road bill. If it did not become a law, it was no fault of theirs.

With regard to his feeble support (said Mr. T.) of this or any other Administration, he could only be influenced by the Executive as by other public men. He would go with them just so far, and no further than they pursued that course which he thought sustained the honor and interest of his country. He looked to the wishes of a majority of his constituents, and to his own judgment of what was right and wrong, for his rule of conduct here; not to the will of a Chief Magistrate, or of any other public or private individual. He cared not who was President of the United States, if he administered the Government agreeably to the Constitution and the laws. If he does this, (said Mr. T.,) he has a right to expect my support, and upon no other terms.

We have been told (said Mr. T.) during the discussion of this bill, that the great system of internal improvement by the General Government had been suspended. Why, sir, this was no fault of the friends of the national road. It was owing, as he believed, to a change in public opinion; public sentiment on the subject of internal improvement by this Government was not now what it was in 1825. In that year an appropriation was made to prosecute surveys, with a view of constructing roads and canals in different parts of the Union. The United States engineer went to work; civil engineers were employed to assist them; and surveys were extensively made for the purpose of ascertaining the probability of making a number of roads and canals. In 1828, a great political conflict terminated, that brought a new party into power. The veto by the Chief Magistrate of the Maysville and Lexington road bill, and the message that accompanied the return of that bill, set the people to reflecting on the subject of internal improvement on their own resources by the States, or by chartered companies; before that time, but three States—New York, (stimulated and led on by her Clinton,) Pennsylvania, and Ohio—had embarked extensively in internal improvement. What, he now asked, was the fact in 1836? Why, sir, many States were making large appropriations for constructing roads, railroads, and canals. The people looked this way now no longer for aid, unless for the improving of our rivers, though the improving of some rivers—the Wabash, for instance—had been denied them; to his utter astonishment, and to the serious injury of a large portion of the West.

The Senator objected to a new proposition, as he called it, in this bill for a bridge over the Wabash at Terre Haute, and said that the Ohio river was not bridged where this road crossed it, nor was the United States called on to bridge the Muskingum at Zanesville. Now, sir, (said Mr. T.,) I do not remember that a proposition for a bridge across the Ohio at Wheeling was ever submitted to Congress; and I am confident that I have not opposed it, though I will not now give a pledge to support it, if the proposition is made hereafter. A bridge had been constructed over the Muskingum at Zanesville before the Cumberland road reached that place; and the Sciota and White rivers had bridges over them at the expense of the United States. This proposition to bridge the Wabash was not new to the Senate; a bill passed that body three years ago containing an appropriation for that object in an amendment made by the Senate to a bill from the House, and the House of Representatives, for reasons that he would not trouble the Senate with relating at this time, refused to concur in the amendment. This was near the close of the session; and fearing that the bill would be lost between the two Houses, in the hurry and bustle on the last day of the session, the Senate receded from its amendment, that the bill might become a law.

An opinion was entertained by some that a bridge could not be constructed over the Wabash at Terra Haute without interrupting the navigation of the river. This, if true, would have been a sufficient reason why a bridge should not be constructed, as one fourth of the people of Indiana and a large portion of Illinois are interested in the navigation of the river above that place, and to remove all doubt upon the subject, the Secretary of War was instructed by a resolution of this Senate to cause an examination to be made of the site for a bridge, and to report the facts, with a plan and estimate of the probable cost of the work, to be laid before Congress. This report had been received, printed, and laid on our tables, and gave satisfactory evidence that the bridge could be constructed on a plan that would not obstruct the navigation of the river; and one item of appropriation in the bill now on your table is for procuring materials, and for the commencement of the bridge over the Wabash at Terre Haute.

It was of much more importance to the States west of Indiana than to her, that a bridge should be constructed at the point where the national road crossed the Wabash, which was within nine miles of the western boundary of Indiana; and every western Senator surely knew that the United States mail could not pass that river without a bridge, when the ice was floating, and that the mail, at such periods, would be arrested in its progress to the States and Territories west of that river; all travel and communication would be cut off for a part of the winter, and this would produce a state of things exceedingly embarrassing to a very large portion of the western country.

The Senator objected to the amount intended to be appropriated by this bill, and said that it was too large, and that we were satisfied in by-gone days with far less appropriations. He said further, that although he did it with great reluctance, yet he felt compelled by his sense of public duty to move to reduce the appropriation to what it was last year. It was true, (said Mr. T.,) that when the Treasury was drained to the last dollar, with the war debt unpaid, and a limited commerce, we were satisfied to take less from the Treasury; but it should be remembered that, at the time the honorable gentleman referred to, our population was far less than now. Our settlements were then confined to a region of country bordering on the Ohio and Mississippi rivers; but the last seven years had wrought a wonderful change in our population, condition, and business. The heaviest population at this time was in counties back from the Ohio river, in the center and north part of the State, through which this road was being constructed. He had reason to regret the loss of that able and efficient support that that honorable Senator had given this measure in by-gone days. Separating from him on a vote for internal improvement was like parting with an old friend; but the best friend, it was said, must part; and we must continue the National road without his aid if he will not stick to us; though I can scarcely bring myself to believe that he will abandon his old favorite, the Cumberland road. I am (said Mr. T.) an advocate for an energetic prosecution of this work. In two or three years I hope to see this road finished through Indiana, when the States west of her will have an equal claim to be heard; and I cannot doubt that this national work will go on to the Rocky Mountains. The Senator had always been distinguished for marching boldly up to his object, and he was not prepared to find him advocating the propriety or the expediency of tardy operations. We now possess most ample means; and in my judgment we should prosecute the work vigorously to Missouri before we pause.

Something was said by the gentleman in reference to the population of the States southwest, and those northwest of the Ohio river. By the census of 1830, it appeared that there was a small fraction in favor of the southwestern States; but it would hardly be contended at this time that there was not a greater population in four States northwest of the Ohio river, than in five southwest States, including Kentucky and Tennessee. Should the southwestern States desire to apply their road fund to construct a branch of the Cumberland road through Kentucky and Tennessee, to the new States bordering on the Gulf of Mexico, he should raise no objection; but if they declined applying their road fund in that way, it could be pleaded in bar of our right to apply our fund to the national road leading to, and through, the northwestern States; this being the legitimate object for which their fund was provided by the agreement between the General Government and the new States.

Mr. CLAY did not think there was much in the arguments based upon the compact in relation to the two per cent. on lands. It was well known that the whole amount of it had been a thousand times exhausted. The only justification for the appropriation, was to be found in the right of the General Government to make these roads. There might be something in the argument of its enhancing the value of these lands. There had been several thousand acres of land in Ohio, Indiana, and Illinois, appropriated for roads. It could not be expected, that they should yearly expect to see these roads continued in these new States, while no appropriations were made to internal im-

provements in the old States; that they would not have some feeling on the subject, while lavishing money on one side of the river, they could not expect indifference on the other side. We have before us (said Mr. C.) a great project for the equitable disposition of the whole of the proceeds of the public domain by which all would be equally benefited by its provisions, but an attempt was being made to defeat it, which, if successful, he should much regret. He had not come to the conclusion to vote against these improvements. He would vote a moderate sum for this road. When the House of Representatives balanced upon these improvements, it was not for him to say who had stood by them. This was not a commercial road, except in the immediate neighborhood of some of the rivers, and was more for the benefit of neighborhood intercourse; the accommodation of persons traveling from the seat of justice of one county or State to another. The rivers were the great seats of commerce. There were no bridges erected over the Muskingum or Ohio rivers, where this road crossed them. Had a southwestern branch of it been made by the Government through Tennessee, Alabama, &c., to the gulf, it would have accommodated the trading and traveling population ten to one over the present route; the prevention of which, he imputed to the policy of the present Administration; and on account of which, he indulged in some tart remarks upon the course of the Administration, which, he said, were painful to make, but were wrung from him by this policy, which made them feel on one side of the river as though they were outlawed and aliens to the liberality of the Government, while it was lavish of its munificence on the other side. The gentlemen should ask in moderation, so as not to endanger the general proposition to distribute the surplus funds among all the States. You cannot, said he, get the labor to consume this large appropriation, without disturbing agricultural pursuits.

It was natural that gentlemen should feel anxious and even zealous in behalf of their immediate constituents. It was said that stone was hauled to the bed of the road, and ready to be put on. Stone, of all other materials, was the most imperishable, and ought not to be put on the road immediately. The ground ought to have time to settle before they were placed on it. The road from the Wabash to the Mississippi would cost from ten to fifteen thousand dollars per mile. The stone, in some instances, would have to be hauled ten or twelve miles to the bed of the road. Things in this world did not always go on as they wished, and they must bear with it as well as they could. He did hope the gentlemen from Indiana [Mr. HENDRICKS and Mr. TIPTON] would moderate the amount asked for.

Mr. ROBINSON said, as a member of the committee which had reported this bill, he felt it his duty to state some facts in relation to it, of which other Senators were, perhaps, not fully in possession. The system, so far as respects the mode of performing the work, had been wholly changed about a year since. Previously, the work was done by letting it out by the job to the lowest responsible bidder; now hands and citizens are employed by the day, by the superintendent, an officer of the engineer corps. This last and present mode admitted of large expenditures advantageously. The amounts, as now in the bill, are based upon estimates from the War Department. The committee have had two sets of estimates; one showing the smallest amount which ought to be appropriated for anything like a successful prosecution of the work; the other, the maximum amount which could be advantageously expended.

Passing over the admitted importance and usefulness of this road, *it is a national work*—one which it was agreed upon on all hands ought to be and would be completed. It is now only to be determined, shall the work progress as speedily as circumstances fairly authorize? or shall it be a slower rate? and, if the latter, how slow? The fact is indisputable, that a certain number of officers are necessarily to be kept employed, whether the appropriation be the full or half the amount as now in the bill. To his mind—and so he thought it must strike every one—there could be no hesitancy as to the proper course. If an individual was compelled to keep in his employ a certain number of overseers, until a given piece of work was completed, and by hiring as many hands as his overseers could advantageously find employment for, the work could be finished in one year, would he not be a very bad economist (having, too, the means at hand to hire laborers so sparingly) to keep the overseers ten years doing what could have been done in one? The same course which would be adopted by an individual in the case just put, should, by the Government, be observed in the present case.

The minimum estimates have been taken, not the maximum; and unless these amounts be appropriated, the work, instead of going on prosperiously, will languish, and in many instances, in its unfinished state, suffer much injury. It has been said, the road passes through a sparsely-populated country, particularly that part of it which is in Illinois, and where the road is not much called for. True, the population is not as dense as the country would admit and invites. [Here Mr. R. gave a statement of the average size of the several counties through which the road passed, from where it first entered Illinois, to Vandalia, the seat of government, and the respective population of each, which, he trusted, showed a population not so very sparse, and, as he thought, not very far short of the average population of a large portion of the western country, and, it is said, *never* would be one of very great commerce.] Admit it never will be one upon which wagons will pass a great distance upon it at a time, for the purpose of taking produce to market, yet for that purpose it would be much used in the neighborhoods of towns and navigable rivers. The States of Missouri, Illinois, and Indiana must ever be agricultural and stock-raising States. East, they will find a market for a very large portion of their surplus stock. Already that trade had commenced; and upon this road much of it would be driven. As to traveling upon it, he had only to say it would be used as all other roads generally are by the people of the country in passing from one neighborhood to another, from one county to another, and from one State to another. It was certainly true, as has been stated, that any one wishing to come here or east of the mountains from where this road will cross the Mississippi, would most probably make the trip by water, if steamboats were running; which, by-the-by, was not by any means always the case.

Mr. R. hoped the motion to reduce the sums now in the bill to the amounts appropriated last year would not be sustained by the Senate. If it was, that ninety miles of the road in Illinois, which is in a very *handsome* state of progress, would be left without a single dollar for the prosecution of the work, because for that part there was no appropriation whatever last year; and the reason was this: there was an excess of previous appropriations upon hand, supposed to be enough, and was enough, for the year 1835. This excess was owing to the derangement of labor by the Indian war in 1832, and the cholera and other sickness the two succeeding years. From these causes, it was wholly impossible to employ the necessary number of hands. These balances he believed were now exhausted, and perhaps more than exhausted. Should the latter be the case, and such was the case in Ohio, the amendments, if adopted, would leave your officers in a very awkward position. Be it as it may as to any arrears yet due hands under this amendment, all further labor upon the ninety miles in Illinois is absolutely stayed, which certainly could not be designed by any one, much less the mover of the amendment, [Mr. CLAY,] who tells us he is friendly to the road and its completion; a completion more slowly, to be sure, than I think is advisable and in keeping with good policy.

Something has been said about the cost of this road per mile, and that stone has to be hauled ten miles. I have seen (said Mr. R.) no estimate of cost per mile for the *entire completion* of that part in Illinois, nor am I advised any has been made. This, though, I will venture to assert: that it can be made as cheap as any ninety miles of the same kind of road in any part of the known world. The country is level, and abundant in material of every kind necessary for its construction. Stone, it is true, has at some places to be hauled considerable distances, and in one instance as far as thirteen miles. The bottom at Vandalia, it is admitted, will be costly; there the road has to be raised several feet for the distance of about two miles, and this is the only place of extraordinary cost. Many bridges will have to be constructed, but not more, if so many, as are found necessary in every country; and none of them are of a very costly character, for the streams are narrow.

Mr. EWING, of Ohio, said, although the grants of the two per cent. fund were properly chargeable to the section of country west of the Ohio, this road accommodated the people east of the Ohio, as well as those west of it. It was just as important to the people on the sea-coast passing westward, as to the people west traveling eastward. Their interests met at Wheeling. The greatest amount had been expended on the road east of the Ohio river, in which the constituents of the gentleman from Kentucky [Mr. CLAY] had participated, because from the Ohio eastward, it facilitated their intercourse with the east, as much as it did that of the western States. He would not oppose this law, for fear it was going to interfere with the proposition of the gentleman from Kentucky, [Mr. CLAY,] to distribute the surplus funds among the States. That bill contained a provision of ten per cent. to be applied to the improvement of all the States. It was the duty of the United States, as a great land holder in those States, to make appropriations to improvements, which enhanced the value of those lands. The property of the people there was in lands; they had not yet, as in the older States, accumulated wealth in personal property, stocks, &c. He alluded to a grant of lands to the State of Ohio, with certain conditions connected with it, in relation to the canal to connect with the lakes, and to the benefits the United States would derive from it, in the transportation of its arms and munitions of war. He mentioned the amount of appropriations to objects in the State of Ohio, and the amount brought into the Treasury from public lands in that State. She had received at utmost $1,000,000, and the revenue derived from her lands amounted to about $19,000,000. Ohio received from her internal improvements less by $1,000,000 than the other States. Indiana received an appropriation of four hundred thousand acres of land for her canal, and had paid into the public Treasury nearly $10,000,000. At the minimum price, the lands she had received amounted to $500,000; and putting the quota she would be entitled to at $1,000,000, the Government would be indebted to her in the sum of $500,000. He also adverted to the sales of the public lands in Illinois, and the amount she would be entitled to from the ten per cent. The sales of all these lands were greatly increased by these works of internal improvements. In the old districts, where these improvements were, the land sold much faster than in the new districts, except in cases of public sales.

The sales last year were greater than was anticipated. In the month of January last, which was considered as poor a month for sales as any month in the year, the sales in Ohio amounted to $118,000; in Illinois to $223,000; and in Indiana to $540,000. And allowing January to be an average month, the sales this year would amount to $27,000,000. The sum asked here for a road leading through that section of country yielding so much to the public Treasury, was $800,000, an appropriation which could not be considered as improperly made. He had said he would not support this if it interfered with the land bill. But all the appropriations to the fortifications, in the language of the gentleman from South Carolina, [Mr. PRESTON,] cannot touch the surplus. He did not consider the land bill an antagonistical measure to the fortification bill; they could both travel along together without touching or jostling each other.

Mr. PRESTON said he had heard that the Legislature of Illinois had passed resolutions declaring that the road should not pass through their State, unless it was carried to a point

designated by them. He should be glad to learn from the Senators from Illinois if such was the fact.

Mr. ROBINSON replied that there was a contest between the States of Illinois and Missouri as to where this road should terminate. Missouri wished it to terminate at St. Louis, while Illinois wished it carried twenty miles above that place to the mouth of the Missouri river. The Legislature of Illinois had also passed a resolution that the road should not pass through their State, if it took the other route.

Mr. LINN said that at an early stage of this bill, his attention was directed to its provisions, from the circumstance that the Legislature of Illinois had passed a joint resolution, requiring imperatively that this national road *should* strike the Mississippi river at Alton, or permission would be refused to allow the road to be carried through that State; in a word, to nullify an act of Congress, unless that act conformed to her wishes. But on examining the bill, no appropriation was found in it to make the road from Vandalia to the Mississippi. If such a provision had been in the bill, he would have felt himself bound, in justice to his constituents, to have opposed its passage, unless all pretension to *dictation* in this matter had been abandoned. He was well aware that powerful attempts were making to puff Alton into consequence at the expense of St. Louis, and that she was represented as very great, and growing; in a word, the "Tadmor" of the West for commercial advantage of situation. Now, a small matter of fact illustrated the relative importance of the two places at this time. Expecting this bill to come up, he (Mr. L.) walked to the Post Office Department, and inquired the amount of revenue from the post office at St. Louis, and found it to come to eight or nine thousand dollars; whilst at Alton it amounts to two or three hundred dollars. The truth was, St. Louis was, and must ever be, the great emporium of the Upper Mississippi. She had advantage of position, of capital, population, enterprise, and trade, and bid defiance to all rivals. He had not now, nor ever had, a doubt where this great national work would terminate on the Mississippi. It must terminate at St. Louis, the center of commerce, and near to the arsenal and military post at Jefferson Barracks.

Mr. CLAY wished he could get a little aid in this work of economy he had undertaken. He would like to know of any estimate of the probable expense of the road from the Wabash to the Mississippi. He had been told since his former remarks, that in some places stone would have to be hauled twenty-five miles to cover this road, and would cost at least $7,000 per mile. The State he belonged to had resolved, notwithstanding all vetoes, to progress with her roads. The honorable gentleman from Illinois [Mr. ROBINSON] had said this was a road leading from one neighborhood to another, in the same county, same State, or adjoining States, which was very true, and coincided with what he had said, that it was not a great commercial road. He had touched on the subject of stock. He (Mr. C.) was at home on that subject. He could tell the gentleman that, in driving stock, he ought to avoid roads made of stone. He had some experience in this matter, and on a certain occasion he had to transport his bull, Orazimbo, in a wagon, in order to get him along on one of these stone turnpikes.

The Fourth Auditor, and all the Auditors together, could not equal the calculations of the gentleman from Ohio [Mr. EWING] respecting this ten per cent. on lands. He said the transportation of munitions of war for the Government would amount to as much as the whole cost of the construction of the canal. Among a number of contingencies upon which this calculation depended, was first that of having a war, and next the manner of prosecuting it. He knew the powers of that gentleman. Give him that *if*, (said Mr. C.,) and he would accomplish what Archimedes did. He would advise the gentleman from Illinois, [Mr. ROBINSON,] that he had better drive his cattle and hogs over the prairies than over these stone roads.

The gentleman had said that it was economy to appropriate large sums, as the same number of officers could superintend the work as would be required if the appropriation was less. He would ask whether it was intended to adapt the workmen to the officers, or the officers to the workmen?

His motion was to reduce the appropriation in Ohio and Indiana to the amount passed at the last session.

In consequence of the conformation of the road from Columbus to the Mississippi, stone was difficult to be got, and in some places almost impracticable. He would vote for a moderate sum to grade from the Wabash to the Mississippi, and if the gentleman were not content with that, he would himself, or hoped some one else would, move to postpone the bill until they had estimates.

Mr. ROBINSON would be very happy to get the gentleman's vote for grading the road, as it was not contemplated to put the metal on it this year. The present appropriation was asked only for grading. Many bridges, not of a very expensive character, were already in progress; and these were wanted that their stock might not be drowned, though they escaped injury from the road. As to the distance that the stone must be carried, he thought the gentleman from Kentucky was mistaken, at least as to its being transported as many as twenty-five miles. He had heard of stone being carried as far as thirteen miles, but this was to only one part of the road. There was no serious contest yet with the State of Missouri, as to the termination of the road, whatever; there might be after the surveys shall have been made.

Mr. HENDRICKS remarked, that it had so often been his duty, from the position he occupied in relation to the business of the Senate, to present the claims of this road, and the claims of the northwestern States in connection with it, that it had become irksome and unpleasant to him to make any further remarks on the subject; but that duty, as well as the expectations of the Senate, seemed to require him to make a statement on the present occasion, which should be as brief as possible. He would endeavor to answer some of the objections of the Senator from Kentucky; and, in the first place, that to the Wabash bridge contemplated by the bill. The Senator from Kentucky supposes that it has never been the intention of the Government to construct bridges over rivers of this magnitude, and mentions the fact that the Monongahela river, at Brownsville, in Pennsylvania, and the Ohio river, at Wheeling, had not been bridged, although the necessity for bridging these streams was much greater than that of bridging the Wabash. But a simple fact seemed to have escaped his recollection, which would no doubt explain to him the reason why those rivers, and especially the Monongahela, had not been bridged, and convince him of the fact that it had always been the intention of the Government to bridge all other streams between Cumberland and the Mississippi. The propriety of bridging the Ohio river at Wheeling has always been questioned. In relation to the Monongahela and Ohio rivers, no law ever existed authorizing them to be bridged. In all other cases on the road, bridging has been authorized by law. He referred to the appropriation bills, which at one time directed the Cumberland road to be constructed to the Monongahela river at Brownsville. The appropriation afterwards made for the road from that river to Wheeling directed the construction to commence on the western bank of the river; and its width, the bed of the river, was left unprovided for; so was it in Ohio. When Congress authorized the construction of the road westwardly of Wheeling, the law directed the work to commence on the western bank of the Ohio river, leaving out the width and bed of the river. For bridging these rivers there was no provision made by law—no estimates of engineers. Further west this was not the case. For bridging all the streams between the Ohio and the Mississippi, on that road, there are estimates, and the streams are included in the admeasurement of distances. It is no doubt true, as has been stated, that no bridge was built over the Muskingum at Zanesville. Here the Government found a bridge in the hands of a company. It was adopted for the road, and, for aught he knew, this might be the case elsewhere, though he recollected no other such case. At Indianapolis a bridge had been built over the White river. This (although the engineer had, in the location of the road, made estimates for) the Department preferred an expression in the appropriation law respecting it, similar to the expression contained in this bill for the bridge over the Wabash. The law passed containing this direction, and the bridge has been built. This proposition for a bridge across the Wabash had been called a new proposition; but this was not the fact. It would be recollected that, on a previous occasion, this same proposition had been inserted by the Committee on Roads and Canals of the Senate, in a Cumberland road appropriation bill. Objections were then made elsewhere, not here, on the suggestion that this bridge would, or might, injure the navigation of the river. This fear prevailed, and the clause was stricken out of the bill. Since then the Senate have directed, by resolution, that the United States engineer superintending the road should examine and report on that subject; and the report is, that a bridge, such as is recommended, will not, in any degree, injure the navigation. The fact of previous objection having existed to this bridge makes it the more necessary now that the bill should direct the construction.

Other objections have been made to this bill. It is said that, while large sums of money have been, for the last ten years, expending on this road through the northwestern States, the other side of the river is left destitute. It is said that the southern side of the valley of the Ohio, Kentucky, Tennessee, Alabama, and other portions of the great southwest, are in point of commerce and importance as ten to one, in comparison with the States north of the Ohio river, and that no appropriations for a similar work can be obtained from the Federal Government, on the south side of that noble river. Mr H. said, that he was unable to perceive by what premises the conclusion of ten to one in favor of the south side of the river had been arrived at. He had arrived at a conclusion very different. He undertook to say that, from the eastern line of the State of Ohio, to the Mississippi river, the States on the other side of the river would compare with the southern side, of equal geographical extent, much more favorably than ten to one. He believed that the population was at the present moment very nearly, if not quite equal, on the north side, to that on the south; and it was hazarding little to say, that in a short time it would be double. But is there (said Mr. H.) no consideration on the north side, inducing appropriations, which does not exist on the south? Are the $6,500,000 which, during the year 1835, have been paid into the Treasury of the United States, through the medium of the land officers in the four northwestern States, nothing? Is the consideration, that not one dollar has been paid into the Treasury by the southern section of the country referred to, nothing? The Sates south of the river to the western boundary of Tennessee, own the lands within their limits. North of the river the whole of the public domain is owned by the United States, unshackled by taxation. Is this nothing? Is there not equitable obligation on the owners of the soil to aid in the construction of the public roads in every country? And is there any other country in which this obligation is not enforced by law? None (said Mr. H.) that I know of, or ever heard of. The lands of this Government in the hands of the new States are not taxed for roads or any other purpose; and whilst these States are expending millions in roads and canals, and increasing the value of adjacent public lands as five to one, or ten to one, we, the representatives of those States, are continually hearing murmurs and regrets, that the fostering hand of this Government is, in the dispensing of its boons and favors, leading the new States in the paths of unparalleled prosperity, lavishing millions upon them, whilst many of the old States are wholly destitute of its benefits and favors. Is the prosperity of the new States so mysterious

that it can be accounted for in no other way than in the gifts, and grants, and two per cents. of the Federal Government? They are blind, or poorly informed, who cannot see other causes for the prosperity of the new States of the northwest, than the benefits derived from this Government. Sir, (said Mr. H.,) the great prosperity of the northwest may be traced to various causes. The population that has emigrated to these States are the bone and sinew of the old States. They possess more energy, enterprise, and industry than the men left behind them. They are generally men early in life, who go to the new States for the purpose of bettering their condition, and who, being well aware that in entering upon an untried scene, great exertions will be necessary, are prepared to make those exertions. For the prosperity of the West we are also indebted to the great fertility of our soil; the navigation of our majestic rivers; the salubrity of our climate; the susceptibility of our country for works of internal improvement, as well as the enterprise of our people in making them; the productiveness of the country in all the necessaries of life, being perhaps as fine a grain growing country as is on the face of the globe. These, sir, are the causes of the great prosperity of our country. Is it said that this Government has raised that country up? Rather might it be said that this Government could not have kept it down. It would have grown and prospered, to a much lesser extent indeed, under the most grinding despotism that ever a people endured. Is it said that the campaigns of Harmon, St. Clair, and Wayne repressed the savages and opened the country for settlement? This is true, in a certain degree; but it might, with almost equal certainty, be affirmed, that the armies of Harmon, St. Clair, and Wayne, had they been combined with the savages for that purpose, could not wholly have prevented the settlement of that country. Such a country, on our borders, could not have been withheld from such a people as that of the United States, inured to war as they were, and just having emerged from the conflicts of a glorious revolution.

The importance of this road, Mr. President, it seems to me has been greatly undervalued. It is said not to be a commercial road, because it runs parallel with the river Ohio, which floats the whole commerce of the country. This not a commercial road! And what, Mr. President, is a commercial road? It is true that it is not a highway of foreign commerce; but for all the purposes of domestic commerce, it is certainly more emphatically a commercial road than any other, of like extent, west of the mountains. It is the principal thoroughfare of emigration from the eastern States to the central parts of the three northwestern States. Formerly the Ohio river was almost the only line of approach for the stream of population continually pouring in upon that country from the Atlantic States. The country bordering on the Ohio river was in this way first brought into market, sold and settled; but for the central region of those States, for a wide belt of country, extending from the eastern boundary of the State of Ohio to the Mississippi river, it is almost exclusively the channel of emigration and of commerce. It is the great stem, as the Senator from South Carolina has denominated the Charleston and Cincinnati railroad, with which almost every important road of the northwest is united. It has been the means of settling a country of greater extent and fertility than perhaps any other road of the United States. The emigration to the northern portion of those States has had facilities of water transportation, as well as that to the southern portion of them; but this central and by far the most fertile region of these States has been chiefly indebted to this road for its first settlement, as well as for its subsequent prosperity and improvement. And, sir, if an account had been, or could be opened between this road and the Federal Government, giving it credit, as it is fairly entitled, for a large share of the present prosperous condition of the country, as well as for the millions rolled into your Treasury by it, how far on the back-ground would be placed the small and inconsiderable sums which you have appropriated for its construction? But the sums which were at first injudiciously expended on this road upon the mountains, and east of Wheeling, as well as the sums which have more recently been expended on the same eastern road for repairs, made necessary by your refusal until lately to put toll gates upon it, or to transfer it to the States, have also been mentioned as fairly chargeable against this road, and the fund set apart for making it. Well, sir, take this all into the service against this road, and still the amount will be a pitiful sum, compared with its great advantages to the northwestern States, and to the Treasury of the Union.

But is it fair to charge all the sums expended upon this road east of Ohio against the fund and against the States which ask that this road be made to the Mississippi? Surely not; for this road east of Wheeling has been more valuable to Kentucky, Tennessee, and western Virginia, than it has been to the States of Ohio, Indiana, and Illinois, because more people have been profited by it from the south side of the Ohio river than from the north side of it. And it is hazarding very little to say, that, but for the accommodation of Kentucky, which has used the road, agreeably to the language of the Senator from that State, as ten is to one in comparison of the people of the other side of the river, the road would not have been commenced or finished to Wheeling as soon as it was. Is it fair, then, to charge all this upon the two per cent. fund, undertaken as it was chiefly for the benefit of others, who have to this day enjoyed most of its benefits? By the compact, however, you were only authorized to expend the fund of Ohio east of the river, and if you expended more, you cannot fairly charge it upon the road funds of the States further west. You are bound, with the fund accruing from the land sales in Indiana, to make a road or roads to that State; and you are bound in like manner, with the Illinois road fund, to make a road to that State. The Indiana fund is to be expended in Ohio, and the Illinois fund in Indiana.

Frequently has it been remarked, that the two per cent. fund is wholly expended. I admit, sir, (said Mr. H.,) that the sum accrued is more than exhausted; but the fund accruing is not. I have not entered into any minute calculation in this matter, but a paper has been put into my hands, based on a calculation of the whole two per cent. fund to arise from all the public lands, including a territory west of Missouri, about as large as it is proposed to make the Territory of Wisconsin, and the aggregate is about seven millions and a half. This, it will be admitted, would go far towards making a good road to the base of the Rocky mountains, should that ever be the pleasure of Congress.

Mr. H. continued to remark, that the Senator from Kentucky had complained of the largeness of the appropriation asked for, and proposed its reduction to the sums appropriated last year; but he would mention a fact, that the amounts appropriated last year were added to large balances of appropriations for the previous year remaining unexpended. This was occasioned by the late period of the session at which the appropriation of that year was made, and by the late commencement of the work in the summer of 1834. This unexpended balance in Indiana was upwards of $80,000, which, with the $100,000 granted last year, was expended before the working season had ended; and the stone which had been prepared for the bed of the road, and which would have, whenever put on, preserved it from dilapidation, could not be spread over it for want of funds. Should the motion prevail, it will go far to signify the intention of Congress not to finish the road. The largeness of the appropriation, Mr. President! If the Senate would permit him the time, he would turn to the appropriation of 1819 for this road east of Wheeling. Then, on a road of one hundred and thirty miles in extent, and much of it finished, $535,000 was appropriated, when we had a war debt upon us of about $150,000,000, and some of this bearing interest of seven per cent. Now, the line of this road under actual construction exceeds three hundred and fifty miles. We have a surplus of about $30,000,000 in the Treasury, and yet it is proposed to diminish the appropriation contained in this bill. He hoped it would not be done, and that the Senator from Kentucky would yet withdraw his opposition, and lend us, as heretofore, an efficient helping hand.

Mr. H. said that he placed this bill distinctly and emphatically on the ground of solemn compact with the Federal Government, and on the ground of its having long been recognized as a settled public work, began and to be finished by this Government. He said that this road was based on compacts of this Government with all the new States northwest of the Ohio, and west of the Mississippi rivers. These compacts had their origin in the policy of settling the western country, and of uniting that country in interest and affection with the eastern States. They were based on the consideration that the new States with whom they were made, should forever abandon their right of taxing, in the hands of purchasers, the lands sold by Congress, for five years next ensuing the date of sale; a right clear and indisputable, and acknowledged by Congress in asking for the compact, that it should be abandoned. These compacts appropriated a portion of the moneys received from the sales of the public lands, to be expended, under the direction of Congress, in making roads leading to the new States; and this road was commenced in 1806, during the administration of Mr. Jefferson, in the fulfillment of the then existing compact with Ohio. Appropriations from year to year have been made to this object ever since. They have been sanctioned by every Administration, and it has long been considered a settled work of the country, for which estimates are continually made as for other public works. The present bill is based on one of these estimates, and he had supposed that no member of the Senate, not even those whose constitutional scruples prevented them from voting for it, wished the work now to be wholly abandoned.

This work has been finished (said Mr. H.) as far as Hebron, in the State of Ohio, and given up to the States through which it passes, for the purposes of preservation and repair, and much work is done on it beyond that point. It had been retarded in the western part of Ohio by continued efforts to change the route by Dayton; but the road is graded and bridged through the greater portion of Indiana, and is in a condition to be very much injured by neglect and delay in its completion. The continual and almost unparalleled travel on this graded road subjects it to much injury, and makes continual repairs necessary. To some extent, stone is prepared for covering the bed of the road, which, for want of funds, has not yet been put upon it.

Sir, (said Mr. H.,) this road is the favorite measure of the States northwest of the river Ohio. If no appropriations are to be made to this road, and no distribution of the surplus revenue among the States, the interests of these States in the present session will be small and trifling indeed. The beneficent hand of the Federal Government will not there be felt. Yes, sir, the great West—the new States that have borne the burden and heat of the day, that have paid you millions into the Treasury, ($14,000,000 last year,) and will probably pay twenty or thirty millions during the present year from the public lands, will be entirely unprovided for. I make these statements (said Mr. H.) on good and sufficient data. The sales in Indiana, during the month of January last, amounted to three hundred thousand dollars, or thereabouts; and in the State of Indiana alone it is a reasonable calculation that you will receive more than three millions of dollars the present year. And are these millions all to be withdrawn from the interior, and expended on the sea-board? I, too, am for the military and naval defenses of the country; but I shall give no vote here that will lose sight of my own section of the Union.

This road, Mr. President, was intended originally to subserve the interests of the Treasury of the United States, as well as those of the West. And has it disappointed the expectations of its friends in either respect? Compare the amounts expended on it with the millions it has aided in bringing into the Treasury, and it will be extremely difficult to strike the balance against the road.

Mr. President, it would be wrong to ascribe the prosperity of the northwestern States to any single cause, but it would be equally erroneous to deny that this road had largely contributed to that prosperity. The truth is, that every dollar heretofore appropriated to the improvement of the country northwest of the Ohio river, has returned into your Treasury, in amounts more than double. The grant of land to the Wabash and Erie canal looks large on paper, and is so in reality, and often do we hear of it on this floor. In every proposition for grants to the new States, this road, and that grant, with the grant to Illinois, and some others, are continually brought in review before us. And has not the Wabash and Erie canal grant been the means of selling millions of acres, which but for that grant would, to this day, have remained unsold? And has it not sold lands in its vicinity for ten dollars per acre, which would otherwise have remained unsold to this day; or, if sold at all, would have sold at $1 25 per acre? Sir, (said Mr. H.,) I well remember telling the Senate, when that proposition was before this body in 1827, that every acre granted to the State for the construction of the Wabash and Erie canal would be an acre well sold, and would swell the amounts thereafter received into the Treasury. I was then thought to be sanguine and visionary. The bill struggled along, as this bill is now struggling along. It got through, as I hope this bill will get through. My most sanguine expectations have been doubly realized; and I verily believe that every acre contained in that grant has brought into the Treasury five times as much as it would otherwise have sold for. Without that grant the canal would have been ten or fifteen years later in being commenced and completed. The Upper Wabash lands would have sold at minimum price, and millions of acres, now in the hands of purchasers, would still have belonged to the Government.

A proposition is now before the Committee on Commerce to appropriate $25,000 for a harbor at Michigan city. You have about one hundred townships of new lands in that portion of the State, not yet brought into market. Now it is a calculation perfectly safe, that the making of this appropriation of $25,000 for a harbor at Michigan city—the only place, as is believed, where a harbor can be made within the State of Indiana—will make a difference of $100,000 at the land sales in that vicinity, within the present year.

The bill before the Senate is based on estimates of the Department; and if it be intended to complete this road, as it no doubt will be completed, then it is unquestionably economy to appropriate the largest sum; for all the contingencies of the disbursements will be the same for the lesser sums as for the larger sums; and the road, if rapidly completed, will cost much less in repairs. As soon as completed, it will pass into the hands of the States, as other portions of it further east have done, and it will be a most valuable public work, of lasting duration, without further expense to the Government.

Mr. CRITTENDEN expressed the wish that the subject might be postponed for the present. He remembered that sixteen or seventeen years ago, when he was a member of the other House, the subject was before them. It was urged that this two per centum fund would be prolific enough to repay any advances made for the young members of the Confederacy. The advances were made to them; and after a lapse of sixteen or seventeen years he saw that this two per centum fund was as prolific as ever. Why were these large appropriations asked? Why were claims made on a bounty that had already been exhausted? He wished to see a feeling of gratitude for the bounties of Government cherished; and the way to cherish that feeling was to acknowledge the bounties conferred. Gentlemen seemed to think that this two per centum fund was not exhausted, and as respected Ohio and Indiana, if they were not satisfied, they never would be. If gentlemen wanted this appropriation, let them take it as the bounty of the Government, and strike out from the bill the delusive clause which promises repayment out of the fund long ago exhausted. They talk, too, of the compact between the Government and the new States. Let them stand by that bargain. How would it be violated by stopping the road at the Ohio? Mr. C. entered into a lengthy argument to show that the Government was not bound by the compact to carry the road beyond the Ohio, and that the two per cent. fund being long ago exhausted, every appropriation for the road in the new States proceeded from the bounty, and not from the obligations, of the Government. He denied that these appropriations were given as an equivalent to the new States for not taxing the public lands; contending that they had no right to tax them, and that Congress had the power, when it admitted those States into the Union, to impose, as a condition, that they should not tax the public lands within their limits. Mr. C. contended that the States southwest of Ohio, which were not permitted to participate in the bounties of the Government, were, on every principle of justice, of good policy, and national interest, as much entitled to appropriations for their public roads as the States favored by the bill.

Mr. TIPTON said he was aware, that some gentlemen opposed appropriations for this road because they considered it a gratuity to the people of the new States. This was a mistaken idea of the facts of the case. The sums appropriated for the construction of this road would be replaced in your Treasury from sales of the public lands within the new States. Again; it should be borne in mind, that the Cumberland road was the great leading mail route to the far West, through the center of the States northwest of the Ohio river. On this road the United States mail to six States and Territories must be transmitted during the winter season, for the western rivers were locked up with ice, and communication between the East and the far West must be suspended for one fourth of the year, unless the National road was completed. Our ability to construct this road would keep pace with the increase of population, and the sales of the public lands extending westward. Money expended to improve the navigation of rivers, or to construct roads in that portion of the country where the United States were the owners of the soil, he trusted, would not be set down in account against the people who purchase and improve the public lands, when such works are executed, for he could demonstrate to the satisfaction of any one who would set down with him to make the calculation, that grants of lands and money to these objects have been beneficial to the Treasury of the United States.

Take, for example, a grant of land made eight years ago, of near half a million acres of land to aid the State of Indiana in constructing a canal, to connect at navigable points the waters of the Wabash with those of Lake Erie. This grant consisted of the one half of five sections on each side of the line of canal; the State accepted the grant with doubt and hesitation, and by a close vote, (I believe a majority of one,) after a lengthy discussion in her Legislature. Many leading members of the General Assembly doubted the propriety of accepting the grant, and obligating the State to commence in five, and finish within twenty years, a navigable canal two hundred miles long, apprehensive that the land would not sell, and that the State would incur a heavy debt to complete the canal. But, sir, the grant was accepted, and the State authorized a loan to begin the canal, and soon after we commenced in good earnest on this great work. The State's land sold at from one dollar and a half to three dollars and a half, and some at fifty dollars, and as high as seventy dollars per acre. The United States lands that have been offered within several miles of the canal have been sold, and even lands of an inferior quality, that would have remained the property of the Government for a generation to come, were sold; and more money had been brought into the United States Treasury in a shorter period of time, than if the General Government had offered the whole of these lands without the commencement of a canal by the State.

The construction of the canal and Cumberland road in that State, with the industry and enterprise of the people, had enhanced the value of every acre of public land a hundred per cent. Ten millions of dollars have been realized to the Government from the sales of public lands within the State of Indiana. The United States are still the owners of about eleven millions of acres within the limits of Indiana, and a large proportion of these were fresh lands, never in market. The recent sales of public lands at Fort Wayne and Laporte demonstrated, beyond contradiction, that fresh lands would here often sell at from two to twenty dollars per acre. The land office at Laporte took in $200,000 for lands sold at private sale during the last two months. As he was informed by a letter from the receiver of public money in that office, these sales have not been equaled by sales in any other State or Territory since the existence of the Government.

Indiana was about to embark in a general system of internal improvement. She has appropriated $10,000,000 for the construction of roads, railroads, and canals, and this had given a fresh spring to the sales of the United States lands in that State. He had no doubt that all the lands fit for cultivation, that now were, or hereafter might be brought into market, would sell within two years. We are anxious (said Mr. T.) to complete the Cumberland road through our State within three years, and for this purpose ask a large appropriation to continue the road, and for bridges. The next year, one half the balance would be asked, and the remainder would be wanted in 1838. We consider (said Mr. T.) that we are entitled to heavy drafts on your Treasury, while the country enjoys unexampled prosperity, and our constituents contribute so largely to fill your coffers.

The Senator from Kentucky, [Mr. CRITTENDEN,] (said Mr. T.,) since we have long since exhausted our two per cent., and he denies the existence of a compact; we are at issue. I claim the money on a compact; and further, if he will examine the quantity of public land sold and to be sold in the States and Territories, from the eastern boundary of the State of Ohio to the Rocky mountains, he will find that the two per cent. is over $7,000,000, and we have not yet had half that sum appropriated to the Cumberland road. The gentleman wished to lay the bill on the table, that he might try if he could get his own consent to vote for it. He expressed a kind feeling for this work, and would, if he could with propriety, vote with us. We would be gratified with his vote, (said Mr. T.,) but prefer taking the question at this time, even if we are so unfortunate as not to be favored with his support; and we expect a favorable decision of the Senate on this most important measure for the northwestern States and Territories. Much had been said about different plans of making roads, and of the science of road-making; he did not profess to be a competent judge; but the national road to Indiana was placed under the direction of an able and efficient officer of the corps of United States engineers, who was capable of judging of the best method of constructing this road, and was responsible for its faithful execution. The road was progressing well, under this valuable officer; he has his assistants, with hands and tools enough on the road to finish it through our State within three years, and a very large portion of the road was now ready to receive the stone. Every one acquainted with road-making, knew that this was the most expensive item of this work, and it would be economy of both money and time to give the full amount of his estimates for the present year's appropriations on the work.

Mr. T. hoped that the final action of the Senate would not be postponed. Should you, said he, make the appropriation at an early day, the officer in charge of the work will make his arrangements to prosecute it vigorously; but if we are put off until the close of a long session of Congress, before he is advised what amount will be at his disposal, the spring season for work, which will commence in three or four weeks, will have passed away, and the laborers now on the road must seek employ elsewhere. The engineer would not be as well prepared to prosecute the work at the beginning of the fall as he would be on the first of April, if the appropriation bill passed in March. Gentlemen would see that it was vastly important to decide this matter speedily. If the road was to drag on slowly, under limited appropriation, let the Senate say so; if it

was to be abandoned, let us, said he, know it; we are now as well prepared as we expect to be at any future time to abide the disastrous consequences to our new and rising States.

The estimate to continue the work in Ohio, this year, was $320,000. His colleague [Mr. HENDRICKS] had withdrawn his proposition to increase it. The estimate to continue the road, and for bridges in Indiana, was $350,000, and for Illinois $191,000; making the round sum of $861,000—a little more than was paid into the Treasury for lands sold by the United States in the State of Indiana in last month—January. This small item he hoped would not frighten his friends: they could as easily appropriate thousands as hundreds, when they had money enough to spare.

East of the Ohio river the road is completed, and given up to the States within which it was located, who had placed toll-gates upon it, and collected tolls sufficient to keep it in good repair. Gentlemen from the southwest, who had business at the seat of the National Government, all ascended the river to Wheeling, and took the national road to the eastern cities. There was not a man in the nation, no matter how hostile he might have been, or now is, to internal improvement by the General Government, while comfortably seated in the stage, and viewing the fine bridges and magnificent scenery as he glided swiftly and smoothly over the majestic Alleghanies, that could feel otherwise than proud when he reflected that he was a citizen of our Union, and that this work would forever stand forth as an unfading monument of the liberality, enterprise, and munificence of his country.

Mr. BUCHANAN said he had often traveled upon the Cumberland road before. It had been a standing subject before Congress ever since he had been first a member of the other House. He was, therefore, always ready to act upon it. He would vote for the appropriation proposed by this bill. He did not think the friends of the bill should consent to lay it upon the table at the request of the Senator from Kentucky, [Mr. CRITTENDEN,] in the hope that further reflection might induce him to change his opinion. His remarks had induced Mr. B. to believe that the prospect of such a change was but faint.

In one respect (said Mr. B.) I am happy to concur in opinion with that gentleman. I admit that we are not bound by the compacts with the States of Ohio, Indiana, and Illinois to appropriate this money. It cannot be demanded from us as a matter of contract. The two per cent. fund arising out of the sales of the public lands in these States has long since been expended. It is now millions in the arrear, more than it will ever pay. The Senator from Indiana [Mr. HENDRICKS] estimates that this fund will eventually yield upwards of $7,000,000. This may possibly be so, though I very much doubt it. At all events, it is a prospective, contingent calculation; and the money to make the road is required immediately. I am disposed to grant it; but not because the compact imposes any such obligation upon me. I wish to be distinctly understood upon this point.

Why, then, shall I vote for this appropriation? Simply because it has long been the established policy of Congress to construct this road as far west as the Mississippi. We have acted upon this principle steadily for many years. Shall we now arrest the progress of this road, and abandon the policy which we have so often sanctioned? Is there a single Senator within the sound of my voice who believes seriously that this will be done? No, sir. The road must be completed; it will be completed; and the only question which can arise is, as to the amount which we ought to appropriate for the present year. On this branch of the subject I shall say a few words. We have been informed by the chairman of the Committee on Roads and Canals, [Mr. HENDRICKS,] that the sums appropriated by the bill have been asked for by our engineers in their estimates, and that they believe this amount of money can be judiciously expended upon the road during the present year.

Mr. HENDRICKS observed that the sums in the bill were the minimum of what the engineers required.

Mr. BUCHANAN. Then, what can be the objection to this appropriation? If the road must be made, will be made, why not pass this bill? Is not the Treasury overflowing? Is there any necessity for limiting the expenditure, during the present year, below the sum which can be judiciously applied? Besides, if you grant the engineers what they required, and hold them to a strict responsibility for its expenditure, they can never excuse themselves hereafter by alleging that the expense has been increased by your refusal; to give them the sum necessary to prosecute the work is the best and most economical manner. You do not interfere with their plan of operations. For my own part, I do not profess to be a judge of the sum which can be properly expended; and as there is no want of money in the Treasury, I am disposed to complete the work as rapidly as it can be done consistently with the permanent and proper construction of the road.

The Senators from Kentucky complain that, whilst the new northwestern States have received large sums from the public Treasury for the construction of their roads, their State has been entirely neglected. Does it stand alone in this particular? Might I not, with equal justice, complain of the same neglect towards Pennsylvania? I am proud to say that she has almost completed her vast system of internal improvements without having received one dollar from the National Treasury. It is true she is in debt more than $20,000,000; but the income which she will derive from these very improvements will ere long prevent this debt from being a burden upon her people. I would advise Kentucky to do likewise. We can now afford her important aid in such a great undertaking, if she will accept it. She can have the benefit of all our experience. The agents who have been employed upon our public works—men faithful, competent, and experienced—have been or will be swept away with the besom of reform. Not one will be left. Of this, however, I do not complain. I should be glad if Kentucky would be benefited by it. We can afford her men who will conduct the public improvements which she is about to undertake with integrity, economy, and skill.

In reference to the veto upon the Maysville road, which has been introduced into this debate, I shall make a few remarks. I voted for that bill, and whatever I may have thought, at the time, of the veto on that particular road, I am convinced that the principles which were asserted in it have been of great service to the country.

If we had pursued the system of appropriating money for the construction of roads and canals all over the Union, the attention of Congress would thus have been diverted from the great objects intrusted to our care by the Constitution. Our time would have been almost exclusively occupied in this business. Besides, although each member might have prescribed it as a rule for himself to grant no appropriations except to national objects, yet when a road or canal was proposed affecting nearly the interest of his own constituents, he would have been ingenious in satisfying himself that it was of general importance. Such is the nature of man. Each member would have had to decide this question for himself, and each decision would have been a precedent, upon the strength of which we might go a little further. The natural tendency of the system was to proceed to such an extent that, instead of legislating for the great interests of the Union, the chief objects of our pursuit would have been to obtain money from the Treasury to be expended on roads and canals for the benefit of our constituents.

Notwithstanding all the knowledge and all the ability which are centered in Congress, in my humble opinion, we would constitute a very inefficient and injudicious board of internal improvements. I am glad this system has been checked. I think it the very worst mode which we could adopt of expending the surplus in the Treasury. I should greatly prefer any other which has been proposed.

Mr. B. said he had been in Kentucky when he was very young; and he yet retained and ever should retain a lively and grateful impression of that visit. He had then formed a most favorable opinion of the State and of its population. But he must also say that he never should forget their roads. He was glad to learn that the road between Lexington and Maysville had been turnpiked. It needed it much. He would venture to say, that, before this turnpike was made, all the horses which could have been attached to any vehicle of sufficient dimensions to accommodate Orozimbo, would not have drawn him, in the spring season of the year, from Maysville to Ashland.

Mr. NILES said he had made several unsuccessful attempts to get the floor, but did not intend to detain the Senate, as it was not his purpose to enter into a general discussion of this bill, or of the particular motion before the Senate. This was a western interest, and, in his opinion, especially a local one; yet it was called a great national work, and perhaps in one view of the subject, it might be so considered. Coming from a different quarter, it could not be supposed that he felt any special interest in the bill; yet having never before had the honor of a seat in Congress, this was the first time he had been called on to act in relation to the Cumberland road; and, considering that it had been an old and constant claimant, having been for more than thirty years before Congress, he was perhaps called on to pay his respects to it. This road appears to have been a particular favorite of this Government, and like other favorites, to have been a large sharer in the public bounty. His object was to notice some of the suggestions of the honorable Senators from Kentucky, [Mr. CLAY and Mr. CRITTENDEN,] rather than either to oppose or advocate the bill, in the fate of which he felt no particular solicitude. He could not subscribe to the correctness of the positions which the Senator from Kentucky, who first spoke, [Mr. CLAY,] had assumed, and in which he seemed disposed to place others.

He did not understand the position which the gentlemen from Kentucky have assumed in relation to this bill. In saying this, he had no intention of charging them with the want of clearness or force in their remarks—far from it; but there appeared to be something in reserve; some object which lay beyond this bill, and which they seemed disposed to advance indirectly, by their course in relation to this subject. Are the gentlemen opposed to the bill, or in favor of it? In either case, he thought, he should understand them.

He understood perfectly well the position of the two honorable Senators from Indiana, [Mr. HENDRICKS and Mr. TIPTON;] their object is to get through this road, to have it made at the expense of the Government, and as soon as possible; and, consequently, they wish to obtain as large appropriations as they can. He did not complain of this; it was a course perfectly natural, and consistent with the relation in which they stood to the subject. But the Senators from Kentucky appear to occupy a more uncertain and equivocal relation to this bill. At one time, it would seem as if the only question was, whether this road was to be constructed on one side or the other side of the Ohio river? If this is the main question, it is one in which the members of this body generally will probably feel but little interest.

The Senator from Kentucky, who first spoke, [Mr. CLAY,] informed us of his early friendship for this great work—of the constant support he has afforded it. He might have said, powerful support; but he seems now to intimate a reluctance to sustain it, because the *system* of internal improvement, of which he says this road was a part, is suspended. Mark that word, sir: the gentleman says this system is *suspended;* but I will take the liberty to use a more definite term, and inform the gentleman that I think this favorite system of his is *ended;* that it is overthrown, not only by the act of the Executive, but by public opinion, and that it is ended now, henceforth and forever. He says the veto of the bill for the Maysville and Louisville road had destroyed the system, and that those who sustained the Administration which had put down the system, could hardly expect the support of those who are friendly to it. But whilst he still professes

to be friendly to the object of this bill, he insists on placing it on a ground which, he must know, would be fatal to it, not only in another quarter, but in Congress. He says the Cumberland road cannot be distinguished from any other work of internal improvement, and that it can rest on no other foundation than the existence of a power in this Government to construct roads. Sir, if this bill can stand on no other foundation than this, it cannot stand at all—it cannot be sustained—it must fall to the ground.

I had supposed that the compacts with the new States, by which five per cent. on the amount of lands sold in such States was reserved, two per cent. for roads leading to those States, and three per cent. for making roads in such States, amounted to something—that it was entitled to some consideration, as distinguishing this from other roads, notwithstanding this fund and much more have already been expended. But this road owes its origin to those compacts—it was undertaken in pursuance of them; and having been begun, has been continued, and a sum expended greatly exceeding the five per cent. on the sales of the public lands. I do not say that these compacts were wise, but I regard them as unwise and unfortunate, by involving this Government in a business which did not belong to it, and in regard to which its constitutional power is very doubtful. I regard these compacts as still in force, because the five per cent. on all the lands to be sold within those States is to go into our Treasury. I regret that these compacts were entered into, but having been made, and the Government having undertaken this work—having persevered in it for more than thirty years—it having received the sanction of every Administration, from that of Mr. Jefferson to the present, and of every department of the Government—it becomes a grave question, whether we can stop short and now abandon it; whether, after all that has been done, after the long course of action on this subject for more than thirty years, the nation is not in some sense committed—is not in some way pledged to complete this road? If it is, if this Government has yet to build this road to the Mississippi, as the gentleman from Kentucky seems to admit, it is not perhaps very material whether the appropriations are made in one year or in many years, if we have the money to spare. This becomes only a question as to time and convenience, and a wise economy in the expenditure of the money. If we have yet to make this road, having now a large surplus, (which is so alarming to some gentlemen,) we may perhaps as well appropriate what can be profitably and advantageously expended. The sooner we are done with this road the better; it is time this Government was clear of it.

But the honorable Senator from Kentucky appears to have another object in view—to revive his favorite system in another form, by the distribution of the proceeds of the public lands. Sir, it is not surprising that that gentleman should feel sensibly and deeply the loss of that system—a system of which, and I presume correctly, he has been called the patron: no doubt it was a fond child of his; one which he cherished with parental solicitude during its brief and troubled existence; one on which he relied, and from which he expected much. And since it has been taken from him, it doubtless appears more interesting. It is a principle of our nature, that when objects dear to us are lost, they appear more lovely than when we possessed them; and our affections are revived with more vividness and force. I have myself had the melancholy experience of the truth of this principle.

The regrets of the honorable Senator over his fallen system are perfectly natural. I am not surprised at them; but I think they will be unavailing; I trust that system is something more than suspended; it is, I hope, ended, and never to be revived, either in its original shape or in any new form or disguise. I hope never to see the day when there will be such an enlargement and extension of the powers and patronage of this Government as that system is calculated to bring with it. Sir, the accumulation of power here, in this central, this engrossing, engulfing Government, is sufficiently rapid and alarming, without giving any new impetus to its natural tendencies.

The honorable Senator has informed us that he wishes to see the blessings of this Government reach the whole Union, and spread over the whole and every part with an even hand. But what does he regard as the blessings of this Government? Is it the extension of its agency in the construction of roads and canals within the States? Is it the distribution among them of large sums of money for these objects? Sir, I hope never to see the day when the States of this Union shall be encouraged and induced to look up to this central power for *money*, whether to make their roads and canals, or any other object. I hope the day will never arrive, when the sovereign States shall be reduced to a dependence on this Government—when they shall become its pensioners, as are now the surviving remnants of the glorious army of the revolution. If these are the blessings the gentleman alludes to, I hope we may be long saved from them. Sooner than vote for such a system, I would see this arm fall from its socket. Would the gentleman have this Government like that of France, where $40,000,000 are expended annually by the Executive on the public roads, and an immense patronage attending it? If the States are taught to look to this Government for means to construct roads, and to carry on their works of internal improvement, they will soon look here for means for other objects—for the erection of their public buildings, for education, and even for their ordinary current expenses.

Should such a system be established—a system of degradation and dependence on the part of the States; of a vast accumulation of power, patronage, and influence on the part of this Government—it would work a revolution in that system. I should despair of long preserving our liberties; they would at once lose their freshness; a blight would come over them, and decay, rapid decay, would follow. Sir, the disbursement of the public treasure is the essential element of Government patronage; and the extent of the one depends on the amount of the other; neither is it very material how this money is paid out, whether to public officers, to agents or contractors, or distributed among the States.

The swelling flood which is now flowing into your Treasury, according to the gentleman from South Carolina, [Mr. PRESTON,] and which he so eloquently described the other day, would all be wanted to keep up a system like this, and would all go to extend the patronage of this Government.

Sir, the real blessings of this Government are diffused over the whole Union; they are diffused equally in every State, and among the whole people. All participate in them, and all share alike. These blessings are the moral power and influence of this Government; the protection and security which it affords to all; the consciousness of this security, and the peace and happiness which flow from it. This is the great and primary end of all civil institutions. It is the great moral agency of this Government, and its influence on public sentiment at home and abroad, which preserves peace among the States and security against foreign Powers. We have recently experienced the importance of this security, whilst the danger of a rupture with a great nation impended over us. Had it not been for this system, what would have been the situation of the States? Would they have been able to have afforded protection, and would the people have felt that security and composure which they did? These blessings are not the less to be prized because the power from whence they flow is in a great measure unseen and unfelt. If the action of this Government was confined to its proper limits, it would be scarcely seen or felt by the people. Your tax-gatherers do not go among them; they seldom see your marshals or executive officers. This Government acts on the great body of the people only by its moral power and influence, and the blessings which it confers may almost be compared to those dispensed by Divine Providence; we enjoy, we realize them; we feel their influence, but hardly know the source of the power whence they flow; it is far removed, invisible, and felt only in the blessings it diffuses over the Union.

Mr. BENTON said the Government had been about thirty years—the life of a generation—engaged in this road, and still it had not reached the Mississippi. Some of the superintendents, by the smallness of the sums which they had applied for, had seemed to consider their occupation as a life estate, which it would be a pity to abridge. He had often, and years ago, spoken to the chairman of the Committee on Roads and Canals [Mr. HENDRICKS] to have these appropriations increased, and the work carried forward more rapidly, as the same superintendent could overlook large portions of the work; and now that large appropriations were actually asked for, a motion was made to reduce them—a motion which Mr. B. hoped would not prevail. He wished all the public works, which were overlooked by superintendents at salaries, to go forward more rapidly; the public interest would be benefited by it, though the private interests of some of the superintendents might not. Long and slow jobs might suit them, as a long and moderate war is supposed to have been the toast, and to have suited the interests of a certain army chaplain during the Revolution; a long war, that he might have his salary continued; and moderate, that too many men should not be killed for his remaining in office. But quick work does best for the country, and now that a good appropriation was asked for, he trusted it would be granted.

Mr. B. said, this road rested on compact, and had received the sanction of every President, from Mr. Jefferson to General Jackson; it had also been supported by every majority that had ever prevailed in either House of Congress; and, therefore, should not be opposed now. It needed bridges, especially over the Wabash, and he hoped they would not be denied. The same road, on this side of the Ohio, had many noble bridges erected on it, of which he would mention the one on the Youghisgheny, in the State of Pennsylvania; and he should be in favor of treating both ends of the road alike.

It had been objected that the country between the Great Wabash and the Mississippi was destitute of stone, and would not furnish material for covering the road. On this point he had some information, as well as some personal knowledge. The general character of the country was that of scarcity of stone quarries; but he had been informed by Colonel McRee, one of the commissioners for reconnoitering the country for its location, that gravel pits abounded, which would furnish a flint gravel, well adapted to the cover of the road; and he had seen these pits near Vincennes, in the famous swamp called Purgatory, through which General Clark's men marched to surprise the British post Vincennes, and the character of which was indicated by its name. The ground for many miles was a trembling morass, in which men and horses often sunk, and required help to get them out. Now a good road is there; boughs from the trees being cut and laid on the morass to form a bed for the gravel, which was got from pits in the same prairie which contained the swamp.

It was also objected to the continuation of the road, that the point of striking the Mississippi was not fixed, and that Missouri and Illinois were contending about it. That question (Mr. B. said) could not become material until the road passed Vandalia, and the present appropriations were to carry it to Vandalia. The Senators from those States, now on this floor, were not disposed to balk the bill by a premature difficulty, and he hoped nobody else would raise difficulties for them, while they were in harmony, and disposed to proceed amicably. Sufficient for the day is the evil thereof. At present, they would work together to get the road to Vandalia, and after that would settle the difficulty as commodiously as possible. All they asked, at present, were good appropriations for the road and the bridges, and a speedy passage to the bill, that the season for doing the work might not be passing by before the work could begin.

Mr. DAVIS said, that as the motion was put, he would vote for it; but he did not intend by that vote to express any hostile purpose towards the bill. No estimate was before them of the cost of this road; but he had been informed an estimate was made in a former year. A great deal had been said in this discussion that reflected

much light on the subject; but he would like to see the estimate.

SLAVERY IN THE DISTRICT.

SPEECH OF HON. H. HUBBARD,

OF NEW HAMPSHIRE,

IN SENATE, *March* 7, 1836.

The Memorial of the Society of Friends upon the subject of the Abolition of Slavery in the District of Columbia, and *the question as to the proper mode* of disposing of it being before the Senate—

Mr. HUBBARD said:

Mr. PRESIDENT: The Senator from Vermont [Mr. SWIFT] who has just resumed his seat, has informed the Senate that anti-slavery societies within his own State—particularly within his own immediate district—have greatly multiplied since he left his home in November last. It may be so. I presume the fact to be as stated by the Senator; but whether these societies be few or many, does not disturb my convictions; *it is matter of little concern to me. I cannot, for one,* believe that they can contain such a portion of the good, the wise, the prudent men of *any non-slaveholding State*, as to endanger the order and repose of the community. There will be no occasion, Mr. President, for the gentleman from North Carolina, [Mr. BROWN,] as he stated, to leave this Capitol with any apprehensions that the moral and intellectual power of New England is not sufficient to correct, and to maintain correct, public sentiment there upon this all-absorbing subject.

It is, sir, upon the moral principle, upon the general intelligence of the North, that I place my confiding reliance. It will prove abundantly sufficient, unless I greatly mistake the signs of the times, to put down excitement, *to restore tranquillity.*

Yet, sir, I cannot, I will not say, that these things are not calculated to give alarm to southern men—the owners of slave property—those who live in the midst of a slave community. The very statement of the Senator from Vermont does not tend to calm their fears—to bring peace to their troubled minds. The daily occurrences—the information coming to them from various sections—the events which have transpired since we have assembled in this city—the very agitation of this subject here, growing out of the proceedings of our constituents, one and all, are calculated more or less to disturb the confidence of the South in the security of their rights. This very morning, Mr. President, I have received information that the Presbyterian synod of Ohio has, by a majority of the presbytery, determined to shut their pulpits and to close their churches against preachers and professors who are not the avowed friends of abolition. These passing events cannot fail to produce a most unfavorable effect upon the owners of slave property in slaveholding States.

In those sections everything is involved in the issue and final determination of this question. Their peace, their prosperity, their safety are put in jeopardy by the movements of the Abolitionists. I am not, then, Mr. President, at all surprised at the feeling, the alarm which some of our southern friends have manifested upon this subject. Yet, sir, I can assure them that all will end well—that their rights cannot in reality be endangered through *all the influence* which can be exerted *by all the force* which the Abolitionists can command in *all the free States.* There is an abiding virtue among the people which will come to the rescue. The sentiment of the North is sound upon this subject; and whenever occasion shall demand—whenever duty shall call for action, our southern friends may rely upon the force of that sentiment to put down all opposition.

Mr. President, the remarks of my honorable colleague in relation to this matter, and which met with my entire approbation, seemed to render it unnecessary for me to add anything more; and it was my intention to have given a silent vote; but since this subject has been under the consideration of the Senate—since the question as to the fit mode of disposing of this memorial has been under discussion, I have received a petition purporting to be signed by sundry persons residing in one of the interior towns in New Hampshire, asking for the abolition of slavery in this District; and, from this circumstance, I have been induced, with all the attention, *with all the consideration which it was in my power to bestow*, to examine this whole subject. I have endeavored to examine it with candor and with fairness, certainly with a mind free from any prejudice against the petitioners. Although I have no acquaintance with a single individual whose name is affixed to this petition, yet I know they are a portion of my constituents, and as such are entitled to my respectful consideration. Certainly as such they have a right to demand at my hands a deliberate examination of, and attention to, their requests when communicated.

And, Mr. President, with a knowledge of the relation which subsists between the representative and the constituent, and of all the obligations of duty growing out of that relation, I have fully examined this subject, and have satisfied my own mind what course I ought to pursue; how I ought to treat this petition, and how I shall feel myself bound to act with reference to the petition which I hold in my hand, and which has been forwarded to me from a portion of my constituents, and to all others of a similar character. I cannot agree to lend my aid in any way, *directly* or *indirectly*, in furtherance of the object contemplated by the petitioners. To abolish slavery in this District, in my opinion, would be unjust, impolitic, inexpedient, even if the measure itself were practicable. But, in my opinion, the object contemplated would be found altogether impracticable. What I mean to say is this, that if you should be able to abolish slavery in the District of Columbia by a positive enactment, you would not thereby emancipate those who are now held in bondage in this District. My position is, that we never can by our *legislation* make the slave a free man, without the consent of the owner, within the limits of this ten miles square. I shall endeavor to illustrate this position before I conclude my remarks. As I have brought my mind to the conclusion that I ought not upon any principle to grant the prayer of the petition of my constituents, I must state at length the considerations which have induced that conclusion. It is due to them, it is due to myself, that the grounds of my objection should be fully and explicitly stated.

What is the prayer of the petition now before us? What do these memorialists ask at our hands? The following extract from the paper itself clearly shows:

"That, having long felt deep sympathy with that portion of the inhabitants of these United States which is held in bondage, and having no doubt that the happiness and interests, moral and pecuniary, of both master and slave, and our whole community would be greatly promoted if the inestimable right to liberty was extended equally to all:

"We therefore earnestly desire that you will enact such laws as will secure the right of freedom to every human being residing within the constitutional jurisdiction of Congress, and prohibit every species of traffic in the persons of men, which is as inconsistent in principle and inhuman in practice as the foreign slave trade."

In the petition committed to my charge, the same leading ideas are advanced:

"They consider the toleration of slavery in the District of Columbia as inconsistent with justice, humanity, and Christianity."

And the petitioners ask,

"That Congress will, without delay, pass a statute to abolish, immediately, slavery in the District of Columbia: to declare every person coming into the District free."

The manifest object, the direct purpose, of all these petitioners is to emancipate the slaves—to liberate those who are held in bondage within this District. The first inquiry is, can this purpose be accomplished? Can this object be effected by the legislative power of Congress? In other words, will the abolition of slavery in this District—will the destruction of the slave trade by an act of Congress, make one slave less in the country? My answer is—no; you cannot, by destroying that traffic in this District, destroy the relation of master and slave; you will not, by abolishing slavery in this District, thereby diminish the number of slaves, although you may possibly lessen the number of masters. Admitting for argument, that the toleration of slavery in this District is inconsistent with justice; admitting that it is the bounden duty of Congress to pass, without delay, a statute to abolish slavery within its limits; admitting that the slave trade is opposed to every feeling of humanity; yet, by doing all that the petitioners ask, they will not thereby "secure the right of freedom to every human being residing within the constitutional jurisdiction of Congress." They will still have occasion to "feel deep sympathy for that portion of the inhabitants of the United States which is held in bondage." The petitioners have not asked for any interference of Congress with slavery, as it exists in the States. They disclaim every intention of any such interference. They do not hesitate to deny to Congress the constitutional power over this subject within the States.

If, then, the grounds which are assumed by the petitioners for the abolition of slavery and of the slave trade within the District of Columbia *be true*—if every consideration which they have suggested *be matter of fact*—yet the object which they have in view cannot be obtained, if all is done which they require.

It would seem, from the zeal which characterizes the proceedings of the Abolitionists, that slavery in our country is confined to the District of Columbia; that it exists in no other parts of this Confederacy; that if slavery can be abolished here, the slaves of our country become at once freemen; that their involuntary servitude is at once changed for the blessings of constitutional liberty.

According to the official enumeration, the slaves of our whole country amounted in the year 1790, to 697,697; in 1800 to 896,849; in 1810 to 1,191,364; in 1820 to 1,538,064, in 1830 to 2,010,436. Between 1790 and 1830, this description of our population has more than trebled.

The whole population of the country in 1790, was 3,927,827; in 1830 it was 12,856,407; having a little more than trebled within those periods. And it appears that the increase of the slave population of our country has been nearly equal to the increase of the free population within the same periods.

In 1830 the slave population of the District of Columbia was 6,050. The whole population of the District was at that time 39,858, leaving a free population of 33,808.

In 1810 the slave population of this District was 5,395. The whole population of the District was at that time 19,783, leaving a free population of 14,388 at that time. It follows from this statement that, while the free population of this District has more than doubled, the slave population has been only increased a few hundreds.

How has this been produced? The general increase through the country of the slave population has been equal to the increase of the free population within the same periods of time.

This effect has been in some degree produced by the frequent agitation of this subject in other sections of the Union—in the free States of this Confederacy. The reiterated applications to Congress for the abolition of slavery in the District of Columbia has given to slave property here a character of insecurity—a degree of uncertainty, both as it respects its tenure, continuance, and durability, which must prevent its increase to any great extent. Is it not most apparent that by abolishing slavery you will not emancipate the slaves of this District? Is it not also clear that by the destruction of the slave trade you can produce no such effect? We may compel, by our legislation, masters to sell their slaves; we may drive from this District those who are held in bondage to less desirable sections of this Republic; we may change the place of traffic from Alexandria to Richmond; but we shall not set free one solitary individual now bound to servitude; we shall not better the condition of the slave. No; we shall make his condition worse; we shall rivet still stronger his chains; we shall, as it respects the present slave population of this District, do an essential injury to them. By the abolition of slavery here, we shall unavoidably, but inevitably, coerce the slaves from their friends—from all those early associations which

are near and dear to them. Can any one suppose that, if we should abolish slavery in this District, without the consent and against the will of the owners of slaves, they will acquiesce and submit to such a proceeding? No, Mr. President, the action of Congress upon this subject would induce every slaveholder to sell that description of his property to the planters of Mississippi or of Louisiana. I am no advocate of slavery; for nearly forty years it has entirely ceased to exist in New Hampshire; but it does exist, and constitutionally exists, in other States of this Confederacy: it also exists within the limits of this District; and it is here that the memorialists seek to effect the abolition of slavery. Under the clause of the Constitution giving power to Congress "to exercise exclusive legislation in all cases whatsoever over this District," it is contended that we ought, against the consent and without the will of the owner, to deprive him of his property. Slaves are held here as individual, personal property.

It is far from my purpose to go into any consideration of the extent of the legislative power of Congress over this District. It is upon the ground of expediency that I oppose this proceeding. It is because the people of this District, whose interests are to be affected by this movement, ask no legislation of us upon this subject, that I oppose it. It is because I regard it as an officious interference on the part of the Abolitionists with the rights of others, with which they have no concern, that I oppose it. It would be regarded as the worst species of tyranny for Congress to annihilate in any one of the States any one description of property without the consent of the owner. And is it not equally so for Congress to interfere with *slave property* in this District, against the will of its proprietor? It was this principle which produced the American Revolution. It was the enactment of laws—the imposition of parliamentary edicts, without the consent of the colonies—it was taxation without representation that first put the ball of the Revolution in motion.

I cannot entertain any doubt that the measures proposed by the petitioners are fraught not only with the most imminent danger to public peace and to public order, tending, in my judgment, not only to undermine the foundations of this Confederacy, to rend asunder the bonds of this Union, *but also tending* to destroy the rights of individual property—to jeopardize the safety, the security, the happiness of the slave population within this District.

I would say to the petitioners—to the people of the North—to my own constituents who seek the abolition of slavery in this District, that every consideration of public policy, every sentiment of common justice, every feeling of just humanity, calls upon them to consider well their ways; to stay their dangerous course; to abandon that which cannot be obtained, but the agitation of which, at a time like this, is productive of the most deadly and destructive consequences.

"The evil that men do lives after them: the good is oft interred with their bones."

By abolishing slavery in this District, which is all the petitioners ask; by providing that slavery shall no longer exist within its limits, we shall not, we cannot, effect the emancipation of the slaves within the District; but the effect which would be produced upon slave property, in the States of Virginia and Maryland, could not fail to be of the most injurious character.

The States of Virginia and Maryland granted to the United States the territory now constituting the District of Columbia. They are both slaveholding States. At the time of the cession, the slave population of Maryland exceeded one hundred thousand, while that of Virginia was nearly three hundred and fifty thousand. And can it be supposed that those States would set apart a portion of their domain for the seat of Government, if they had supposed that, under the clause of the Constitution to which I have referred, Congress would ever undertake to abolish slavery in this District, so long as slavery should continue to exist within their limits? Never, sir; no, never.

Such an interference on the part of Congress would be in bad faith—against the spirit of the compact—a violation of that understanding which must have subsisted in those States which ceded to us this territory. On that ground I will oppose this proceeding, so long as I shall have the ability to understand, and physical power to enable me to act. Abolish slavery in this District, and you make it the asylum for every runaway negro in the country. You change the character of the black population from better to worse; you make this also the resort of free blacks, the abiding place of that colored population, who readily could be excited to do every mischievous work to the safe enjoyment of slave property in the adjoining States. They would be employed as fit instruments by the designing and mad fanatic, to carry distress, dismay, desolation, among the people of Virginia and Maryland. While the owners of slave property in the adjoining States would be greatly annoyed and essentially injured by the abolition of slavery in this District, yet, if it has ever entered into the calculations of the Abolitionists that this would become a safe and secure retreat for the fugitive slave, such a calculation would prove vain and delusive. The framers of the Constitution have been more just to the rights of individuals, than to leave this description of property at the mercy of such fanatics. This District can never become the den of fugitive slaves from any of the States. The Constitution provides that "Persons held to service or labor, who shall flee into another State, shall be given up on claim of the party to whom such service or labor may be due." If the Constitution has watched so cautiously to prevent the protection of runaway slaves, it could not have intended to vest Congress with power to establish an asylum for such persons in the District of Columbia.

Will any man assert, be he Abolitionist or anti-Abolitionist, that, in a comparison between the free blacks and slaves in a slaveholding country, the advantage in condition is in favor of the former? Can any man say with truth, that the present state of the free negro population of the North is more desirable, unless it be in the enjoyment of personal liberty, than the slave population of the South? Mr. President, it will not be pretended by any man acquainted with the subject, that the character, the condition, the comfort of the free blacks are superior to that of the slave. It cannot be pretended that, in the adjoining States, they are as well fed and as well clothed as the slaves themselves. The race of free blacks in a slaveholding country is more debased, more degraded, less controlled by the sympathies of our nature, more desperate and more abandoned, than the slaves themselves. I well remember of once being told that you could not use language, in a slaveholding country, conveying in terms a more severe and humiliating reproach to a slave himself, than to call him "as bad as a free negro." And as far as my own observations have extended, I would not blame the slave for resenting the insult.

To excite our engagedness in this matter—to stimulate our zeal—to induce our speedy action, we have had sent to us the most gross and shameful pictorial representations of slavery, as it is said to exist in this District. Sir, I will not stop to inquire, whether individual cases exist, or have existed, meriting the character given to them by these prints; but if they are designed to give a true representation of the relation which subsists between the master and the slave; if they are intended to exhibit the general conduct of the one, and the sufferings of the other; if they are intended to paint the weal of the master and the woe of the slave, they are most deceptive and most libelous. It has been my fortune to have formed some acquaintances with slaveholders, both in Maryland and in Virginia. I have visited their plantations. I have seen with my own eyes, and heard with my own ears, sufficient to enable me to say, that these prints are most deceptive. Sir, it would be but an act of justice to add, that more warmth of feeling, more ardency of attachment, I have seldom seen exhibited in my own section, than I have seen upon these plantations between the master and slave. It has been my privilege, since I have been in Congress, occasionally to have visited a plantation not ten miles from this District, upon which lived two bachelors, the only white persons I believe upon the plantation, surrounded by forty or fifty slaves of different ages and sexes; and from the oldest to the youngest, I never discovered the slightest discontent; all was confidence—all was peace. I asked how this general appearance of happiness and contentment could be accounted for? The reply was, all their wants are supplied; they are all well fed, well clothed, well taken care of in sickness and in health; that no instance of cruel and barbarous treatment would be tolerated; that public feeling, common sentiment, would put down, render execrable and odious, that master who should attempt to exercise any undue severity over his slave. There is, then, a false philanthropy, an unwarrantable feeling governing this whole matter.

There is more poetry than truth, more fancy than fact, in the tales and pictorial representations of the Abolitionists.

> "Oh! judgment, thou art fled to brutish beasts,
> "And men have lost their reason."

Abolish slavery and the slave trade in the District of Columbia—we shall not thereby diminish the number of slaves in the country; we shall not in the slightest degree check the traffic in that description of property; but we shall not only bring evils upon the slave population, but we shall bring evils upon the free white population of the country.

Mr. President, one of the great evils to be apprehended from the agitation of this subject, certainly from any action of Congress upon it, is, that the slaveholding States will find it necessary, for their own security, to drive, by positive enactment, or by the force of public opinion, every free black from their own dominions. They will find that population dangerous to the peaceable and secure enjoyment of their slave property. Another effect to be produced by the wished-for action of Congress in relation to this matter is, to fill the rich valleys of New England with the free black population of the South, and there to compete with her free labor. This, sir, is an unavoidable consequence, if this course is pursued, if this project be not abandoned—a consequence, sir, which would be most deeply lamented—a consequence which every son and daughter of New England would regret.

Such a state of things would lead to great political evils—would put to hazard our dearest and our freest institutions. I hope never—never to see the time when the hardy yeomanry of New England will find themselves surrounded by a black population in no respect congenial in *habit*, in *disposition*, in *principle*. Can it be possible that we can contemplate such an event with any other emotion but that of deep sorrow?

> "Breathes there a man with soul so dead,
> Who never to himself hath said,
> This is my own—my native land?"

Mr. President, I would conjure the Abolitionists to let this subject alone—to be at peace—to give up their policy, fraught as it is with mischiefs, dangers, consequences, of the most alarming character. They can gain nothing; they may lose much that is dear and most precious to them and to us all.

In the course of this debate, we have been often reminded of the importance of this subject. Important, I admit it to be, in every point of view; important in its character, important in its consequences, important to the tranquillity of the South, no less important to the honor of the North, important to the slaveholder, equally important to the holder of any and of every other description of property. In my opinion, it is a subject of the highest and deepest importance to the perpetuity of our free institutions, to the preservation of the Union itself.

It has been said that this question must, and would mingle itself with the politics of the day. It has been said by a distinguished Senator that it would be mixed with the approaching public elections. Sir, I was sorry to hear that declaration. It too plainly asserted that those who happened to live north of a given line would be regarded as unworthy of political trust, from the

mere fact that they resided in a non-slaveholding country? Such a sentiment illy comports with the magnanimity, the love of justice which has uniformly characterized the South. What would have been said, Mr. President, by our southern friends, *if we of the North* had objected to those who have filled the highest office in the Republic for *forty* out of *forty-eight years* of our constitutional existence, that they were not entitled to our support, to our confidence, because, forsooth, they were slaveholders, and lived in a slaveholding country? I leave it for them to give the answer.

The question then put to the American people was, "Was the candidate qualified for the high trust?" And, notwithstanding the evil forebodings of some, the same question will be repeated to the American people so long as the Confederacy shall exist. Is the candidate honest, capable, worthy of confidence? Upon the answer to be given will depend his success, be his residence where it may—north or south of the Potomac.

Mr. President, the sentiments of my own State, the sentiments of all New England upon the subject of slavery, in the abstract, are well known. I do not, on this occasion, deem it necessary to advert to them. I cannot regard it as a matter of importance to make them the subject of discussion at this time. My purpose is to allay an excitement which has already become fearfully dangerous. It is no object of mine to add fuel to the flame. *It is* the leading desire of my heart to bring back repose, to restore peace to the troubled mind of the public. I would not then, unnecessarily, bring before the Senate matters which are foreign from the subject immediately claiming its consideration.

Mr. President, I have said all that I have to say upon the character of these petitions; the object of the Abolitionists; the entire inability on the part of Congress to accomplish that object, even if all is granted that they demand at our hands. I have offered all I have to offer upon the consequences which would result from the adoption of the measure demanded. I have stated the effects it would produce upon the slave population, upon the slaveholding States, and upon ourselves, the inhabitants of the free States of the Union. One question remains: How shall the Senate dispose of this and of all similar memorials? The honorable Senator from South Carolina has moved, in effect, "that this memorial be not received." This he regards as the best course; as the one more calculated than any other to check the course of the Abolitionists; to do away—effectually to destroy, this spirit of fanaticism. His general object and my own are the same, and that is, to silence this restless, meddlesome, interfering disposition; to induce the Abolitionists to be content; to mind their own business, and let the business of others alone. But is the mode suggested by the Senator from South Carolina the best mode for accomplishing these objects? I think not. What are the grounds upon which the Senator rests his motion? First, that the Senate has no jurisdiction of the subject matter.

I will not undertake to discuss the question as to the right of Congress to legislate upon this subject within the District of Columbia. That is not my purpose. It is foreign from my object. No such discussion could have any profitable tendency; no such discussion would tend to produce, here or elsewhere—in the South or in the North—harmony, confidence, submission. A directly contrary effect would be the inevitable result of debate and of action upon this proposition. Is not the honorable Senator perfectly aware that this is debatable ground? The petitioners themselves think differently. They believe this subject is clearly within the jurisdiction of Congress; and among the members of this Senate a difference of opinion prevails upon this subject. It is perfectly manifest that there does not exist among the people of the country a union of sentiment on this point. But even if the memorial contemplated an object which, in the opinion of this body, infringed the Constitution, it would be a want of policy to refuse to receive it. On this ground, then, the petition ought not to be kept out.

A second ground taken by the Senator why this memorial should not be received was, that its language is not respectful to a portion of this Union. I admit most freely, that whenever petitioners undertake to attack the integrity of this body—whenever they presume to reproach the Senate, it becomes our duty—the common principle of self-preservation demands—that we should at once refuse to receive such a memorial, whether its object be constitutional or unconstitutional, reasonable or unreasonable. But this is not that case. The memorial speaks not of persons or portions of the Union, only as connected with the subject-matter; it uses no language reproachful to this body; and I would not, on that ground, refuse to receive it. A third ground taken by the Senator is, that the memorial speaks of a grievance with which the memorialists have no concern; that they are not residents within the District of Columbia, and are in no way injured by the existence of slavery in the District. The memorialists think otherwise; they believe that this District is peculiarly under the jurisdiction of Congress; that it is the seat of our national Government; that the citizens from every portion of the Confederacy resort here for the transaction of their business; they know that slavery exists here; they believe it to be their duty to ask for its abolition within this ten miles square. I would not, then, on this ground, refuse to receive the petition.

What reasons should induce the Senate to *receive* this memorial?

First, a refusal would impair and abridge the right of petition—an inherent, an inalienable right; a right existing before the Confederation, guarded and protected by our Constitution. It is not my purpose to discuss at length the right of the people to petition Congress for a redress of what they regard as grievances. That right has been fully considered and most ably sustained by those who have preceded me in this debate. It has been regarded, and justly regarded, as the foundation of popular governments—governments depending for their support on the virtue and intelligence of the people. This inherent, this independent right of the legitimate sovereigns of our country, has been viewed as essentially necessary to preserve in purity the true relation between the representative and the constituent. I can add nothing to what has been offered upon this subject. I fully concur in the views which have been expressed upon this point by the Senator from New York, [Mr. TALLMADGE.] But, sir, it is contended that this right of petitioning would not be impaired—would not, in effect, be abridged—by the adoption of the motion of the honorable Senator from South Carolina.

The Senator from Georgia [Mr. CUTHBERT] says that it is not proposed or contemplated to pass any law inhibiting the right of the people to petition Congress; and hence he argues that a vote not to receive the petition cannot affect that right. Can this be so? Is it not an infringement of the right of the people to refuse to take their petition? The people may assemble peaceably—may discuss their grievances—may talk over the grounds of their complaints. They may come to the door of this Hall with their petition asking relief. They may have it placed upon the table of the Secretary. They may have it read in the hearing of this body; and although its language is unexceptionable, yet the Senate by the exercise of its power, will refuse to receive it, to place it on our files. It may direct its officer to carry back to the people their petition, and to say to them, *we cannot receive it.* But would it be possible to convince the American people that such a course would be no abridgment of their right to petition? Would it be possible to satisfy the plain, common-sense yeomanry of the country that it would be no violation of their right for us to refuse to receive from their hands their petition? We cannot do it.

Say not to the people, if we would have peace within our borders, that they shall not come up here with their complaints—that they shall not ask their public servants to receive the expression of their will—that we, their representatives, will turn a deaf ear to their addresses. No one thing could be done more fraught with danger. Such a step would be more fatal to public order, more destructive to public peace, than any other step which we could take. Such a decision would be most disastrous in its effects—would add fuel to the flame—would multiply these visionary fanatics—would enkindle a spirit which all the prudence and power of the Government could not control. I would not, Mr. President, refuse to receive this memorial. I would never say to petitioners, we will turn a deaf ear to your complaints—no matter whether well or ill-founded—real or imaginary—feelingly or unfeelingly described. It will never do to drive from the doors of our legislative halls the sovereigns of this land; it would be unjust, impolitic, and contrary to the spirit of our institutions.

The Senator from Louisiana says that there is no essential difference between the motion of the Senator from Carolina and the motion of the Senator from Pennsylvania. Sir, there is a very great difference, in principle and in practice. The one motion seeks to keep out of the Senate this memorial, while the other puts it into the possession and under the control of this body. Both of the Senators from Mississippi will vote, as they say, for the motion of the Senator from South Carolina, because it is the strongest measure. The strongest measure! Sir, what is the strongest measure? Is it not that measure which produces the strongest effect? Is it not that measure which makes the greatest possible impression upon the public mind? Is it not that measure which tends more than any other to influence the human conduct?

Mr. President, I wish to vote for the strongest measure. I wish to give such a direction to this subject as will produce an abiding effect upon the public mind—as will check this spirit of fanaticism; and willingly would I vote with the honorable Senator from South Carolina, did not his motion, in my judgment, infringe that inherent, that independent right of the people to petition Congress for redress of grievances—could I regard it as the strongest measure. But, sir, it is not so. The vote of the Senate last year declaring that, in the then posture of our affairs with France, "no legislation was necessary," the vote of the House of Representatives, declaring "that the terms of the treaty ought to be insisted on," were strong measures. They produced a strong effect from the unanimity which prevailed in both branches; and the influence, the effect, the impression upon the public mind in relation to the matter now before us would be greatly increased by the united, combined, and undivided vote of the Senate.

The motion of the Senator from Pennsylvania is, "That the prayer of the petition ought to be rejected." And is not this the strongest possible measure? What do we say by agreeing to this vote? Your petitions we have received; we have well considered your requests; we have weighed the reasons for and the reasons against your object; and we have come to the conclusion that we cannot grant the prayer of your memorial; that you ask what we cannot give; that considerations of public policy, of justice, and of right have convinced us that we ought not to lend our aid in the accomplishment of your purpose. Would not this be a strong measure? and if it could be sustained by the unanimous vote of this body, would it not be the strongest possible measure? Clearly so, sir.

Mr. President, the time has arrived when there must be something done, and done *by us*, the representatives of the States and of the people, upon this all-absorbing and difficult subject of slavery. We are called upon by every consideration of public policy and of public duty; we are called upon as the constitutional guardians of the *rights of the people*, to act—to act promptly—to act efficiently. It will no longer do to remain passive. Memorials, addresses, petitions, come from too many sources for us any longer to refuse action upon them. I am free to admit that there is imminent danger involved in the principles and in the practice of the Abolitionists; I am free to admit that their course and their conduct merit the severest reprehension; yet, sir, if we receive their petitions; if we consider their subject-matter; if we vote to reject their prayer, I cannot doubt that they will be deterred from prosecuting

further their purpose. There are moments when delusion itself will lose its control over the mind; when morbid philanthropy will fail to stifle the voice of judgment; when argument will produce effect; when right reason will govern human conduct.

A portion of the Abolitionists are governed by religious fanaticism, or pushed on by a love for distinction. A much larger portion of them are honest in their views, but ignorant of the tendency and effect of their movements. The latter class are desirous of doing their duty, but by an undue influence, and from a want of information, are prevented. By adopting the motion of the Senator from Pennsylvania, we cannot fail to satisfy this class that they are engaged, if not in an unholy, in a most unjust crusade against the rights of others.

Mr. President, I will close my remarks by giving to the Senate an extract from the proceedings of a respectable meeting of my fellow-citizens in my own immediate neighborhood. I offer it as the best evidence of public sentiment and of public feeling in my native State:

"Much excitement has prevailed in this State 'in relation to the existence of slavery in the 'southern portion of the Union. And, in the 'opinion of this convention, the Constitution of 'the United States reserves to the slaveholding 'States the original right to the exclusive control 'of the servile portion of their population. And 'the present excitement in the northern States, 'got up by fanaticism and morbid philanthropy, 'and based upon an ignorance of the true condition 'of the slave, the character of the master, and 'of the relative rights and duties of the original 'members of the Confederacy, has been seized 'upon by wicked and corrupt men with a view to 'divide the Democracy of the North and South, 'and sever the union of the States: and, in our 'belief, the course of the Abolitionists, if per-'sisted in, will lead to a dissolution of the Con-'federacy."

NORTH CAROLINA CONTESTED ELECTION.

REMARKS OF HON. J. E. BYNUM,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

March 11, 1836,

On the motion of Mr. SPANGLER to reconsider the vote whereby the motion to allow the petitioner, Daniel Newland, to be heard by counsel was rejected.

Mr. BYNUM said, before he proceeded to submit any further remarks on the subject then before the House, he would move that the orders of the day be suspended, for the purpose of proceeding with action on the North Carolina contested election.

The SPEAKER said, that the time for its discussion had not yet expired, and that the gentleman might proceed to discuss it until the expiration of the hour allotted to that subject.

Mr. BYNUM said, he would then beg the indulgence of the House to submit a few remarks to its consideration, in addition to what he had before said, and in reply to what had fallen from several honorable gentlemen who had opposed the amendment which he had the honor to propose to the resolution of the gentleman from New York.

He was truly sorry that that amendment had given birth to such a latitudinous and protracted discussion as had grown out of it. He had not expected, when he first submitted the amendment, that it would have met with any serious objection from any quarter of the House, and he regretted to see it coming from the quarters that it did.

The worthy and honorable member from Kentucky, [Mr. HARDIN,] he believed was the first to make war on the amendment that he had offered, and had, he thought, by his opposition, been instrumental in misleading the House in a degree.

That gentleman had said that the resolution offered by the gentleman from New York was the customary and ordinary motion that was made on such occasions. In that, however, he would show that the gentleman was totally mistaken. The ordinary motion or resolution on such occasions was exactly the reverse of what the gentleman had stated. Mr. B. said he had not moved his amendment without the consultation of authority or precedent. He had referred to the whole history of contested elections in that House, and there had not been a single case in which counsel had been refused the petitioner when applied for. The whole number of contested elections that had taken place in it were forty-two, but for the twelve last contested elections counsel had not been asked; but, when applied for heretofore, (said Mr. B.,) they had been granted in the following form, and not in that as stated by the honorable gentleman from Kentucky. He would read from the Journals of the House, in the case of the contested election from New Jersey, in 1789:

"Mr. SONEY moved that Wednesday next be assigned for the parties to appear and be heard by their *counsel* before the House, of which notice should be given, and that the committee be discharged."

The next case took place in 1792. It was the case from Georgia of Jackson *vs.* Wayne, which he found in the following words:

"The 6th of February was assigned by the House for the trial of the cause, but by the agreement of the parties, and on the application of the petitioner, it was postponed to the 27th of February, 1792. On that day, it was further continued by the sitting member to the 10th of March, and on which day leave was granted to the *sitting member* to be heard by his *counsel* at the bar of the House."

The other case to which he had before referred was from Virginia—the case of Moore *vs.* Lewis. This was in 1804 "On the 1st of March, 1804," (says the Journal,) "the committee was dis-'charged, and resolved that the memorialist and 'the sitting member, if they desired it, be heard 'by counsel before the bar of the House. Mr. 'Jones, the counsel of Major Lewis, then spoke 'in favor of his right to his seat." Since that time (Mr. B. said) a practice had grown up, and had been generally acquiesced in, that had measurably done away with the appearance of counsel *viva voce*, but that the petitioners and sitting members had been in the practice of submitting their defense in writing, in the shape of memorials, and had had them printed, and laid on the desk of every member of the House. The petitioner could have done so now; but he had been informed by his friends, it might be best for him to be heard by counsel, in conformity with the earlier practices of the House. Mr. B. said, in the Senate of the United States there had been but five contested elections since the organization of the Government.

In 1793, there was a case from Pennsylvania of Albert Gallatin, who was then the elected Senator. He found, in the Journal of that date, February 20, the following account: "Mr. Livermore 'was of opinion that the sitting member should 'begin the debate, as the *onus probandi* lay with 'him. The counsel for the petitioner, Mr. Lewis, 'rose. He hoped that he would be permitted to 'say a few words, in this early stage of the busi-'ness, in regard to the manner of conducting it," &c. Of the four other cases that had occurred no counsel had been in the Senate.

In the case of Lanman from Connecticut, leave had been granted that he be heard at the bar of the Senate. He appeared, and spoke an hour or more in his own behalf, who, he imagined, had been a lawyer of some eminence. In the other cases no motions had been made of the kind, and there had been little contests about them. Mr. B. said such had been the invariable usage of the two branches of the American Congress. But, sir, (said he,) do not let us confine ourselves to our own body; let us not believe that we possess all the wisdom and all the parliamentary learning in the nation; let us not be too much intoxicated with our own importance and self-sufficiency; let us not shut our eyes to the motives and reasons and practices that operate on and influence other parliamentary bodies. Yes, sir, let us not feel our power, and forget right, as the Senate of the United States did in 1834.

[Here the SPEAKER shook his head, as though he was on the eve of calling Mr. B. to order.]

Mr. B. said he would make no allusions to the present Senate: it was to the Senate of 1824. (Mr. BOON said in 1834.) Mr. B. corrected himself, and said in 1834. That Senate, forgetful of all that was right and just, and becoming them as Senators, had presumed to try and condemn the President of the United States by a foul and ignominious charge, and which remained as yet a *blot* of ineffable hue on the Journals of that then frenzied and deluded body; and he would intreat the House to take warning from the example set by that unfortunate body, and not to stain its Journal with a resolution or orders that would bring down on the House the denunciations of every unprejudiced freeman in the country. But, sir, (said Mr. B.,) what are the feelings and motives and reasons and actions that govern the conduct of other legislative bodies? He would here refer to what was at that very time going on in an adjoining State.

"On the 7th of March,"—he read from a paper that he held in his hand, purporting to contain a report of the proceedings of the Legislature of Maryland, then in session,—"Mr. MCLEAN pre-'sented a communication from Samuel Harker, 'chairman of the committee of one of the branches 'of the City Council of Baltimore, requesting 'the Legislature to postpone further action upon 'the report of the joint committee on the memo-'rials of the sufferers by the late Baltimore riots, 'to afford an opportunity to the corporate author-'ities of said city to produce and have examined 'before the committee testimony on their part, '*and also to be heard by counsel.*"

Again: "Mr. PRATT submitted an order, which 'was adopted, directing the Clerk of the House 'to inform the corporate authorities of Baltimore 'that Thursday next has been assigned for hear-'ing the *counsel* for the petitioners praying indem-'nity; and also to inform them, that the joint 'committee on that subject will be instructed to 'hear any testimony which may be furnished 'antecedent to that day, or on the same day ex-'amined; and on the same day the *counsel on their 'part will be heard, if they desire it.*"

Such is the existing feelings, and sentiments, and practice of an adjoining State, upon the subject of hearing counsel at the bar of their legislative bodies. He believed that the same practice existed, and had prevailed to a certain extent in almost every other State in the Union, at different times; and he religiously believed that but one feeling and one sentiment existed amongst the people on that subject; there were none who did not think that they had a right to avail themselves of counsel, before any tribunal whatever, whenever their rights or interests were assailed; a right which they had not, nor ever would, relinquish while they retained the spirit of freemen.

But (said Mr. B.) why should we confine ourselves to this country, when others, less devoted to those sacred rights of freemen, and less regardful of the liberty and freedom of their institutions, have evinced the most unconquerable attachment to this right of being heard, either in person or by counsel. He had taken some pains to recur to the practice of the British House of Commons in contested elections, and had ascertained, by an examination of the Journals of that body, and had found there, that it had been the almost invariable practice, since the first days of "*Magna Charta*," that counsel had never been denied even to a British subject. He had found, as far back as 1816, two reports of contested elections, one of a Mr. Man, and another of a Mr. Whitelock, in both of which a motion was made for them to be heard by counsel, and there was no report of its having been objected to; the right seemed to have been acquiesced in by universal consent. In fact, he had not found scarcely an instance where an application for counsel had been denied in even the Parliament of Great Britain. There had been but one which he had found, and which he would exhibit to the House. It was a case in relation to the election of Sir Robert Walpole, that took place in 1711; the journals of the House of Commons are as follows:

"On the 23d of February, 1711, a petition of the freemen and free burghers of the borough of King's Lynn, in the county of Norfolk, was presented to the House and read, setting forth that Monday, the 11th of February last, being

appointed for choosing a member to serve in Parliament for this borough, in the room of Robert Walpole, Esq., expelled the House. Samuel Taylor, Esq., was elected their burgess, but John Bagg, present mayor of the said borough, refused to return the said Samuel Taylor, though required so to do, and returned the said Robert Walpole, though expelled this House, and then a prisoner in the Tower, and praying the consideration of the House.

"March 6th. The order of the day being read of taking into consideration the merits of the petition of the freemen and free burghers of *King's Lynn*, in the county of Norfolk, and *motion being made that counsel* be called in, upon a division, it was resolved in the '*negative*.'"

Such was the report of the contested election referred to, and perhaps the proceedings of no body had ever proved more fatal and disastrous to its authors, than did these proceedings prove to the authors of that Parliament. What, sir, had been its consequences? Sir Robert Walpole had been reëlected in the very teeth of the party that had refused him *counsel*, and expelled him from Parliament; and the contest finally terminated in the revolution of the criminal Parliament, and an entire overthrow of the party that were sustaining measures so flagrant and incompatible with every principle of justice and liberty; and the object of their vengeance was soon placed at the very head of his persecutors. By such a system of persecution and injustice was it that Sir Robert Walpole had been made the Prime Minister of Great Britain, to the total overthrow and discomfiture of his enemies. That House should be aware, he thought, how it left an order on its Journals, at that time, that should require and justify a process of expunging and purifying its records. There was a striking case of that kind that was held up as a *beacon* to all posterity. It was the case of the celebrated John Wilkes, that occurred in the British Parliament on the 17th of February, 1769. In that year it was that the House of Commons of Great Britain had undertaken, after passing many orders and resolutions negative of the freedom and incontestible rights of the subjects of Great Britain, did pass a resolution, not only of expulsion of the victim of their resentment, but declaring him incapable of being elected to serve as a member in that Parliament. Here the Parliament had taken upon itself to investigate the qualifications and character of one of its members, which had been acquired before his election. And his honorable friend from Massachusetts [Mr. GRENNELL] had made a strong intimation that this House should also take into consideration the qualification or competence of the petitioner. For (said the gentleman, if he understood him rightly) this House was interested in the decision of this question; it was not alone the people of the district of the contesting member that were interested. He was to become a member of Congress of the whole nation, and the whole people of the country were to be affected by his acceptance or rejection from the floor of Congress. Sir, (said Mr. B.,) do not such declarations involve the right of this House to pass on the qualifications and competence of the contesting member and petitioner? He thought the inference irresistible, and which would place the House precisely in the condition of that Parliament to which he had referred, which had presumed to decide on the qualification and incompetence of one of its members to take a seat in its body. That was a question with which this House had nothing to do. Sir, (he said,) I will read you the opinion of one of the ablest and most distinguished men that England has ever produced on that subject, and in relation to the character and body of that Parliament. He hoped the House would pardon him while he dwelt for some moments on this subject, as he conceived it had a striking analogy to the case then before them, as well as a strong resemblance to the proceedings of a certain other body, which it might not be deemed proper for him there to mention.

Sir, (said Mr. B.,) in a speech made in support of the following motion submitted to the House of Lords, in 1771, by the Duke of Richmond, "that an humble address be presented to his 'Majesty, most dutifully and earnestly beseeching his Majesty, that, under the late violations of the rights of electors of Great Britain, 'in the election for Middlesex, still unredressed, 'and, in the present conflict, which has so unhappily arisen between the claims of privilege 'of the House of Commons on one side, and 'those of magistracy on the other, his Majesty 'will, in his paternal wisdom, deign to open the 'way to compose this alarming warfare; and that 'in order to prevent the said House and nation 'from being involved in intemperate discussions 'of undefined powers, which, in the extreme, 'may endanger the Constitution, and tend to 'shake the tranquillity of the kingdom, his Majesty will be graciously pleased to recur to the 'recent sense of his people by dissolving, after 'the end of this session, the present Parliament, 'and calling, with convenient dispatch, a new 'Parliament." Chatham, in denouncing the arbitrary conduct of that most slavishing and unprincipled Parliament, in relation to their unwarrantable act in refusing to *hear by counsel*, or otherwise, the individuals whose claims they had passed on, in his clear, forcible, and drastic style, is represented as having used towards them the following bold, elegant, and cutting language. The extract from his speech was in these words:

"The depraved system of government, which had in a few years reduced it from a most flourishing to a most miserable condition. He warmly defended the magistrates in the conscientious discharge of their duty; that the House in committing them to prison, without *hearing their defense* upon the points of privilege, had been guilty of a *gross* and *palpable* act of tyranny; that they had heard the prostituted electors of *Shoreham* in defense of an agreement to sell a borough by auction, and had refused to *hear the Lord Mayor* of London in defense of the laws of England; that their *expunging* by mere force the entry of the recognizance, was the act of a *mob*, not of a Parliament; that it was solely to the measures of the Government, equally violent and absurd, that Mr. Wilkes owed all his importance; that the King's Ministers, supported by the slavish concurrence of the House of Commons, had at once made him a person of the greatest consequence in the kingdom; that they, in effect, had made him an alderman of London, and representative of the county of Middlesex, and now, it seems, they intend to make him sheriff, and in due course Lord Mayor of London; the proceeding of the House of Commons in regard to that gentleman made the very name of Parliament ridiculous; that to save the name and institution of Parliaments from contempt, this House of Commons must be dissolved."

Sir, such is the description given of that parliamentary body by the first man of his age, in imitation to the proceedings of which is the refusal of hearing the petitioner by counsel, at the bar of this House; and such is the language of a noble and patriotic Englishman denunciative of the course of that body, who undertook to decide on the qualification and competence of a member of the English Parliament, as the gentleman from Massachusetts has intimated that we should do on this occasion. Such was the opinion of that great and illustrious man of that Parliament that had refused to hear counsel in the defense of even a subject of Great Britain; but to show that House in what light the whole nation of Great Britain viewed this conduct of their Parliament towards one of its subjects, the people again returned the member that the Parliament had expelled; and in the year 1782, Mr. Wilkes, after several unsuccessful attempts, again brought forward his motion to *expunge* from their journals the disgraceful proceeding that had been enacted by the former Parliament.

Mr. Wilkes, after having been interrupted by the usher of the *Black Rod*, in bringing forward his motion, is represented again to have addressed the House as follows:

"I return my thanks to the *Black Rod* for so luckily interposing in favor of this House when I might possibly have again tired them with the important, however stale, case of the Middlesex election, which their patient ear has for several years, with much good nature, suffered. I will now make some return to their indulgence in profiting by the circumstance of this happy interruption, and not saying a word about, &c. I will not detain the House longer than by observing the parliamentary form of desiring the Clerk to read the resolution of the 17th February, 1769; which having been complied with, he then moved that the entry of the resolution of the 17th of February, 1769, 'that John 'Wilkes, Esq., having been in this session of Parliament 'expelled this House, was, and is, incapable of being elected 'a member to serve in the present Parliament, might be 'expunged from their Journals, it being subversive of the 'rights of the whole body of the electors of this kingdom.' This motion was, after some opposition from the late Mr. Fox, then Secretary of State, and from the late Lord Melville, then Lord Advocate for Scotland, the former of whom had strenuously supported the whole of the resolutions passed by the House of Commons in respect to the Middlesex election, carried on a division—185 to 47. Mr. Wilkes, as soon as the question was disposed of, moved 'that the 'declarations, orders, and resolutions of the House, respecting his election for the county of Middlesex as a void election, the due and legal election of Mr. Luttrell into Parliament, for the said county, and his own incapacity to be 'elected a member to serve in the said Parliament, be *expunged*;' which motion was, for the reason above given, 'carried without a division.'"

Thus terminated (said Mr. B.) one of the most extraordinary transactions of modern date. Not only the condemnatory resolutions of Mr. Wilkes, but every "*declaration, order, and resolution*" respecting it were effaced from the Journals of the House of Commons by a vote without a division. Yes, sir, this is the true history of the proceedings of a legislative body that had refused to hear a subject of Great Britain in defense of their their rights, at which the spirit of Englishmen revolted; and how can we expect it to be tolerated in free America? It was against such arbitrary acts that the whole nation of Great Britain was aroused as one man, and never slept nor abated until the foul stain upon the records of her history was wiped clean.

For the act which we are now about to commit, then, in derogation of the rights of one of our citizens, we have no precedent, either in Great Britain or in America; and let no man who, by his vote, sanctioned this act, speak in future in disapprobation of that *high-handed measure* that has so recently taken place in another body to the disgrace of this nation, and in derogation of the most sacred rights of this House. He most sincerely believed the act that the House was about to commit was equally repugnant to the rights of the citizen, and incompatible with the spirit and genius of the Constitution of our country, as that recently committed by another body. He could not perceive how any man could reconcile it to himself to advocate the one and oppose the other.

The precedents that he had referred to, both in England and America, were in favor of the greatest latitude being given to the hearing of the prayers of petitioners, without objections to hearing counsel, with but two exceptions, which occurred in the British Parliament, and which afterwards met, as he had shown, with the signal disapprobation of the English nation. As to the practice, then, of this body, the Senate, the English Parliament, and the different Legislatures of the States, the whole weight of precedents was in favor of granting counsel to the petitioner, as he had asked.

Mr. B. said, having gotten through with the references to the long-standing practices of almost every legislative body on the subject, he would then call the attention of the House to some of the grounds taken, and arguments assumed, by different gentlemen, who had stepped forward to oppose the right which the petitioner had to be heard at the bar of the House by counsel, and could but confess that he had not been a little astonished at the opposition that had been made to what he conceived to be so reasonable an application, coming, as part of it had, from a quarter that it did. He was not at all surprised at the opposition that had been made to it by the two honorable members from Massachusetts; the one on his left [Mr. REED] and the other on his right, [Mr. GRENNELL.] From what he had seen, and heard of elsewhere, the freedom of speech and the rights of the citizen had but little to expect from that quarter; it was not a source from which he had been taught to expect much in favor of the rights and privileges of the commonalty of the freemen of this country. He had not, therefore, been at all surprised, he repeated it, at the opposition from that quarter, to the extension or security of the rights and privileges of the hardy yeomanry of this country.

The first gentleman from Massachusetts who had addressed the House in opposition to the amendment, [Mr. REED,] had stated that it would be an unnecessary consumption of the time of the House to hear counsel. Mr. B. doubted very much if the time of the House would not be greatly saved by the hearing of the counsel of the parties, and then act on it without the House mingling in the debate itself. The members, by becoming advocates of the different parties, might imbibe, imperceptibly, he thought, feelings and interests that arose by the excitement of the discussion, which rendered them often, in his judgment, incompetent judges of the matters and facts submitted to their consideration. The same gentleman had said that there were lawyers enough in the House to do the parties justice. So he thought; but did that gentleman think, amidst the multiplicity of business in that House, that each lawyer was going to take the pains to *con* over the various statute laws of the State from which the election was contested, to prepare himself, not only to decide for himself, according to the requisitions of the several statutes, but to enable himself to to convince others, and to bring the House to a just decision on the same subject? Such a presumption he thought fallacious in the extreme; the fact, however possible, to him appeared most improbable, that each member should so inform himself.

Another gentleman from Massachusetts [Mr. GRENNELL] had said, that if it had been a case in which the interest of a private individual alone was concerned, it might, under certain circumstances, be proper to grant counsel. In this the honorable member from Pennsylvania had also concurred; and much, too, to his astonishment, as that gentleman came from a quarter of the country where the highest regard was professed for the sacred rights of an American citizen. The sternness of the Democracy of that State was proverbial, and their devotion to the untrammeled rights of freemen. Sir, upon that position I take issue with both the honorable gentleman from Massachusetts [Mr. GRENNELL] and the gentleman from Pennsylvania, [Mr. ANTHONY.] I contend that where the applicant has charge, not only of his own interest, but of the interest of many thousands, the increased magnitude of the subject justifies the granting the privilege to be heard by counsel by reasons far more cogent than it would in a case of a private claim, as contended for by the two honorable gentlemen. It, he said, arose out of the very nature of things.

The petitioner might feel perfectly disposed to hazard his own claims on his own private efforts, but he should certainly be more diffident in periling the claims and interests of forty-seven thousand four hundred souls, upon efforts in which he was himself conscious of his own deficiency. It did appear to him, therefore, that the reasons were infinitely more forcible in favor of granting the privilege to be heard by counsel in the latter than in the former case, and that it was due from the House to grant it; he could, by no process of reason that he was master of, bring himself otherwise to believe. He had listened with some patience to hear what could possibly be advanced in opposition to a practice that had existed so long, and that had never before been denied to any free citizen of the Republic, but he had listened in vain; for not an argument had been advanced that could possibly have the least weight with the most superficial understanding. The difference that gentlemen had attempted to make between a private grievance and a public one was only the difference between "*tweedle dee* and *tweedle dum;*" and was only calculated to quiet their own mind for the commission of an act of injustice, hitherto unprecedented in the annals of this body.

But what, to him, appeared still more extraordinary, if anything could possibly be so, was the *unofficious*, disinterested declaration, no doubt, of the honorable gentleman from New York, who represented the minority of the committee, who were opposed to the petitioner, and who had, on every occasion, shown an uncompromising hostility to his claims. That gentleman had been kind enough to offer the petitioner his aid on that floor, and with the honorable member from Kentucky, [Mr. HARDIN,] thought the petitioner would be safe in committing his interest in their hands. He believed the two gentlemen from Massachusetts [Messrs. REED and GRENNELL] had, in substance, said the same; all of whom most violently opposed the claims of the petitioner; but they would see that his rights should be protected; that he should not want for the aid of counsel. Sir, (said Mr. B.,) is not this monstrous? Would it not be such care as the *lion* would extend to the *lamb?* They take into their hands the protection of the rights of a political adversary; they are to see that justice is to be done the petitioner. Do they believe that the petitioner is so much of a *child* as to place his reliance on such support and protection? Surely these gentlemen underrate much the good sense, not only of the petitioner, but of others, when they thus speak.

Mr. B. said that he most cordially agreed with the sentiments expressed the other day by his honorable colleague, [Mr. A. H. SHEPHERD,] that he felt deeply mortified that it was a citizen of North Carolina that was to be made the first victim of the arbitrary act of this House; he could say, that he was not only mortified to witness the illiberality and injustice done to one of the citizens of a State which he had the honor to represent in part on that floor, but that he felt indignant at it, and thought every member from that State should resent it in the most prompt and determined manner. He viewed it as an insult to the State, and as a violation of one of the most sacred rights of her citizens, against which every man of spirit and resentment should protest in the most solemn manner.

Mr. B. said it was not the violation of the right of the petitioner alone, so much against which he had contended, and of which he thought of such magnitude to the country at large, but it was against the principle, and the adoption of such a precedent in that House, that might be quoted in future time to justify the most crying injustice towards an American citizen; but for that, he would not turn on his heels for the adoption of the amendment that he had had the honor to propose; but he did believe that it involved a great principle directly at war with the spirit and genius of constitutional liberty. The right of being heard freely was coeval with the right of trial under the law and the Constitution, and this House should be the last place to abridge that right. The freedom of speech was a right that he believed was secured and held sacred under our constitutional government, and the denial to hear by *counsel* was, to him, an unquestionable abridgment of that freedom, as a case might occur where one could not speak for himself.

He was sorry that so much time had been consumed in the discussion of a mere preliminary question. Had it not involved considerations, which, to his mind, appeared of the greatest importance, he would have contented himself by giving a mere silent vote. He was in hopes, however, that the House would see the injustice to be inflicted on the petitioner, not only by the refusal of counsel to him, but by the procrastination of a decision of this subject. The citizens of that district were anxiously looking to the termination of this contest, and he thought it due to them, from the House, to put as speedy an end to it as praticable.

NOTE.—The act of George III, that regulates the mode of settling elections in the British House of Commons, to which allusions had been made in the discussion of this question, and which guaranties the right of the British subject to be heard by counsel, is in the following words, as contained in the 13th section, cap. 52:

"*And be it also enacted*, That if within one hour after the time fixed in pursuance of the above-recited acts, and of this act, for calling in the respective parties, their *counsel* or *agents*, for the purpose of proceeding to the appointment of a select committee, the petitioner or petitioners, or some one or more of them, who shall have signed any such petition, shall not appear by himself or themselves, or by his or their *counsel* or agent, the order for taking such petition into such consideration shall thereupon be discharged, and such petition shall not be any further proceeded upon, in the manner directed in the above-recited act, and in this act."

As late as the year 1818, January 28, may be found the entry on the Journals of the House of Commons of Great Britain, John Luthill, Esq., of the county and city of *Limerick*, *vs.* John Prendergrass:

"Memorandum in pursuance of the several acts made for the regulating the trials of controverted elections, or return of members to serve in Parliament. The like notices, as in former cases, were sent to the parties, with orders for their attendance, by *themselves*, their *counsel*, or *agents*, at the time on which the said petition was ordered to be taken into consideration."

The same practice has prevailed uniformly in relation to other petitions of a private nature. In the House of Commons, on the 19th of February, 1818, in the same Parliament, is to be found the following entry:

"A petition of several persons, *owners* and *occupiers* of and in the parish or Moltram Longdindale, in the county of Chester—

"*Ordered*, That the said petition be referred to the committee on the bill, and that the petitioners be heard by themselves, their *counsel*, or *agents*, upon their petition, if they think fit."

On the 28th of February, 1818, "two petitions 'of the Right Honorable Nathaniel Curzon, Lord 'Searsdale, and of several persons, whose names 'are thereunto subscribed, were presented and 'read, and said petitions were ordered to be 'referred to the committee on the bill, and the 'petitioners are to be heard by their *counsel* or '*agents*, upon their petitions, if they think fit."

THE LAND BILL—SURPLUS REVENUE.

SPEECH OF HON. ISAAC HILL,

OF NEW HAMPSHIRE,

IN SENATE, *March* 17, 1836,

On Mr. CLAY's bill for distributing the Surplus Fund among the several States, called the Land Bill.

Mr. HILL said: Congress has now been in session more than three months; the bill for the distribution of the proceeds of the sales of the public lands was introduced during the first month. A most fascinating argument was first presented by the Senator from Kentucky [Mr. CLAY] in favor of the bill, and the circulation of this argument has been coextensive with the limits of the Union. It was followed by an elaborate report of the Committee on Public Lands, embracing another elaborate report of a former committee, five thousand copies of which have been printed by order of the Senate. In addition to this, the subject has been moved in the Legislature of nearly every State which has been in session during the past winter, in which direct appeals to the interests of the several States have been made. The sum to be divided has been enormously magnified, embracing in a single dividend the ordinary nominal receipts from the lands of half a dozen years for the purpose of making the appeal more forcible and more effectual; for nearly three months the people of the United States have had only an *ex parte* view of this question; the argument in Congress has been altogether one-sided. Whether it be intended to pass the bill, or only to hold it out to the people as a gilded bait to tempt them away from the support of those men who oppose it, it is high time an examination of both sides of this question should be had before the public; and as the reasons in favor of the bill are spread over much ground, this must be my apology for occupying a larger portion of time in discussing this subject than I could otherwise have wished.

When the bill appropriating the proceeds of the sales of the public lands was before the Senate in January, 1833, I then stated my objections to it to be the following, viz:

That the distribution would have a demoralizing effect on the States and people who are the recipients:

That the tendency of such distribution would be to reduce the State governments to abject dependence on the Treasury of the nation:

That it created a necessity for raising, by taxation on the consumption of the country, an equal and even a greater amount than the sum distributed:

That it was bad policy to raise money for the purpose simply of distributing it among those who have originally contributed it; the expense of collection and the use of the money collected during the process being a dead loss:

That the true policy was a reduction of taxes on imports, rather than to gather money from the people to be distributed and expended on objects of internal improvements and education from the national Treasury:

That the distribution could not be equally applied in the several States, and would engender local strife and scrambling in the several legislative bodies which should direct its application:

That projects for internal improvements would be started in the several States involving expenditures greater than the land fund would discharge, creating a necessity for further taxation to supply the deficiency:

That, applied either to purposes of education, or to colonization in Africa of the black population of this country, the money could not be equally or equitably appropriated:

That a most decisive objection to the bill was its inequality, giving to seven of the new States nearly one third of the whole amount, while an equal distribution would entitle the same States to one sixth; and this, besides presenting to some of the same States half a million of acres each, together with other previous donations of lands to all of the new States:

That the proportion which the distribution gives to the old States would not amount to the proportion paid into the Treasury by the same States, and expended in purchasing titles to the same lands, in annuities and other Indian expenses, and in expenses for managing the public domain:

That up to the time the bill was introduced the proceeds of the sales of the public lands fell short of the expense of purchase and management to the amount of more than eleven millions of dollars:

That the debt for which the public lands were pledged—the debt of the Revolution—had not by those lands been discharged; that they ought first to supply the place of money collected from impost duties which had been applied to the discharge of the national debt; and that they ought further to be applied to pay millions of dollars which the law had made necessary to be paid in years to come:

That the cessions by Virginia and Georgia to the Union never contemplated that the lands reserved to the Union as a "common fund" should be sold to fill the coffers of Massachusetts, Maine, and Connecticut; which latter States were already enjoying the proceeds of lands each of them had retained to itself:

Finally, that the framers of the Constitution never contemplated the distribution of the funds of the nation, however raised, among the several State governments.

It has become exceedingly fashionable of late years for politicians of a certain cast to ride some favorite hobby. The internal improvement hobby has been ridden in either branch of Congress until the animal had been absolutely broken down! Appeals have been made to the avarice of citizens in every section of the country where votes were most wanted, by proffered appropriations from the Treasury, until the gilded bait would no longer be swallowed; and now the distribution of proceeds of the sales of the public lands for a series of years—a retrospective distribution of the money which had already been expended and paid out—comes up to take the place of other projects which have failed either to benefit the people, or to raise their authors to the stations and consideration they have sought.

Thus far the projects of gentlemen have notoriously failed. The taxes on various imported articles had been reduced; and so far from ruining the manufactures, as had been predicted, the manufactures had flourished. The people had been saved millions in taxation, in the cheapening of articles of consumption; and yet more money was collected for the Treasury than was wanted for the public expenditure. How sadly had been the predictions of the enemies of this Administration verified! If those enemies have not succeeded in their predictions of distress and ruin, may they not now obtain some credit by surmounting the barriers of the Constitution, and distributing to the four winds the treasure which a prosperous and provident Administration has amassed?

I will present a summary statement which I have procured at the Treasury, going to show, not how much has been distributed to the States, but how much has been saved in the pockets of the consumers by the reduction of duties, which the friends of this Administration have been able to make in the tariff since the year 1829. I know there are gentlemen, who are not the friends of the Administration, who claim to themselves the compromise bill of 1833. But the blow against a high tariff was struck, first by a reduction of duties on coffee, cocoa, and molasses, made by Congress in 1830, and a still further reduction on coffee, on teas, and on salt, in 1831, followed up by a more effectual blow in 1832, by which still further reductions were made on some of the same articles, and great reductions made on wool and woolens, on the various manufactures of ttons, silks, and linens, on sugars, on iron and its manufactures, on crockery and glass ware, on indigo; and by which teas, coffee, almonds, currants, figs and raisins, pepper, pimento, &c., were made duty free. These several reductions were hard fought in both Houses of Congress; the opposition generally was all on one side of the House, and the several bills struggled through a long contest, on the point of being defeated at many stages by the interposition of propositions furthering some sectional interest, by offering to sacrifice some other sectional interest.

Well, sir, all these reductions, with the anticipation of more, did not satisfy South Carolina. She had made up her mind to nullify the laws, and to break up the customs altogether; she arrayed herself against the Government of the Union. Some of her principal men lashed her population into a whirlwind of passion, which could not be controlled. They found affairs approaching a crisis which must involve their State in bloodshed and civil war; they became alarmed; they retraced their steps; they were glad to find any pretext for escape. The compromise—a compromise between two extremes—between those who had contended up to that moment that southern agriculturists and northern manufacturers had diametrically opposite interests, which never could and never should be reconciled; a compromise was effected, not so much to benefit any particular interest as to relieve South Carolina from her unpleasant dilemma. This compromise effected no immediate important reduction of duties from the act of the previous year; it reduced the duties on some articles and raised them on others, while it contemplated a still further prospective reduction of duties at a future time.

I voted for this compromise bill as I have voted for every other bill for reducing duties that has come before Congress during the last four sessions; but I voted for it with the disclaimer that I did not consider myself, nor the people of my State, bound by the compromise. In my place I then declared of this bill, "that the reduction of duties was not as rapid as the public sentiment of my State called for"—that "the people of New Hampshire, for their own sakes, wanted a large reduction of the taxes on all articles which they consume, when those taxes are no longer needed for the support of the public expenses;" and that "they would not allow their Senators or Representatives to pledge the public faith that the reduction shall not be more rapid."*

A reduction has been made, and events have shown that even a greater reduction might have been made without detriment to the public interest. This reduction has been effected in spite of prejudice and of passion in favor of what was called the "American system." The reduction has had the effect on the revenue of the last six years exhibited in the following table:

Statement exhibiting the amount of Duties which actually accrued on Merchandise imported during the years 1829, 1830, 1831, 1832, 1833, *and* 1834, *compared with an estimated amount of Duties which would have accrued had the tariff of* 1828 *been continued.*

Years.	Which actually accrued.	Which would have accrued under the tariff of 1828.	Amount of annual reduction.
1829.....	$27,662,461 65	$27,662,461 65	
1830.....	28,282,964 95	28,468,441 64	$185,476 69
1831.....	36,559,383 41	49,288,108 72	3,728,725 31
1832.....	29,310,894 78	36,615,401 06	7,304,506 28
1833.....	24,132,674 66	43,942,264 69	19,789,590 03
1834.....	19,648,062 00	43,517,757 60	23,869,695 60
			$54,817,993 91

By the change of duties about fifty-five millions of dollars, eleven months a year, had been saved to the people up to the expiration of the year 1834. Thirty millions, at least, might be added for the year 1835, making eighty millions of dollars for the last six years, or an average of more than thirteen millions of dollars in a year, and twenty-five millions for each of the three last years, saved in the pockets of the people by the reduction of the tariff. The sum saved already is nearly four times as much as the bill proposes to distribute among the States; and the proportions will be two millions of dollars to the State of New Hampshire, three millions of dollars to Maine; four millions and a half to Massachusetts; eight hundred thousand to Rhode Island; two millions two hundred thousand to Connecticut; and two millions one hundred thousand to Vermont.

That a great degree of the prosperity which pervades the whole country is due to the reduction of the tariff, is a proposition susceptible of demonstration. Suppose, for instance, that the single State of New Hampshire had imposed a direct tax upon its citizens to the amount of $400,000 a year—the amount that has been saved by the reduction of duties, and much less than the amount that will be hereafter saved—would not the abstraction of that amount from the pockets of her citizens, even though it should go into her State Treasury, have been quite sufficient to produce a general scarcity of money among her farmers?

As the case is, the money has been left in the possession of the people. And it is not simply the amount of the reduction of dutes that has been saved; it is the profits on the amount of duties of factor, merchant, and retailer, that should be added to the amount of reduction of duties. On teas, from 25 to 50 cents per pound; on coffee, 5 cents; on raisins, 4 cents; on mace, $1; on nutmegs, 60 cents; on pepper, 8 cents; on salt, 10 cents per bushel; on worsted stuffs, 27½ cents per yard; on linens, 27½ cents; on silks, 22 to 36⅔ cents per yard; on blankets, 13 to 33⅓ per cent.; on India piece goods, 26; on cottons, 2½; on iron wood screws, 14 cents per pound; on lead, 12½; on indigo, 35; on Leghorn hats, 25 per cent.; on manufactures of steel and iron, 8 to 14 cents per pound.

These are some of the items coming into the use of every family in the country for its sustenance and comfort, on which there has been a saving; and those savings, to every prudent and temperate man in the community, have contributed to make him better off; they have made the hitherto extremely poor and the stinted to have a sufficiency; and they have made the coffers of the moderate in pecuniary means to overflow. About $2,000,000 have been saved in five years, to the people of the State of New Hampshire, by a reduced tariff. This saying, together with the change that has taken place in the consumption of ardent spirits, and the consequent increased industry of its producing population, has placed the independent yeomanry of that State in a condition that might be envied, even by those who have been habituated to circumstances of more ease in the higher walks of life.

Another material fact has been demonstrated by the reduction of the tariff, and *this is, that*

* Gales & Seaton's Debates, vol. 9, part I, page 103.

never have the great manufacturing interests been more prosperous than since this reduction. The compromise, as it is called, is calculated to affect the manufacturing interests less favorably than almost any change that could be devised. Thus, the duty was taken off entirely from silks manufactured this side of the Cape of Good Hope, from silk and worsted, and from linens; while the duty on manufactured cottons was reduced a mere trifle, and that on woolens not much more. The result has been that the free articles have extensively taken the place of the highly taxed articles, so that in effect the protection on cottons especially is little better than that on free articles themselves. Yet, although silk goods came in duty free, this does not prevent the enterprising citizens of the country from planting mulberry orchards, and preparing for the extensive production of silk in this country. Now, if the imposition of duty furnishes any protection, would it not be prudent to impose a small tax on silks which are free of duty, and bring down the duty on cottons to the same medium?

The idea of protection of manufactures by imposition of a high duty, while the expectation of the manufacturer is to dispose of his articles in a foreign market, is preposterous and absurd. Protection at home cannot reach the market abroad. If the price of wool be raised by a protective duty, the raised price of the article increases the expense of the manufacturer, and lessens his ability to go into a market abroad, or to compete with foreigners at home; if the duty be taken off of wool, while the high duty is kept up on the manufactures of wool, this will increase the gains of the manufacturer at the expense of the wool producer. In either event, the increased duty acts against the interests of the other, so that what is the manufacturer's gain is the wool-grower's loss, and what is the wool-grower's gain is the manufacturer's loss.

From the operation of the reduced tariff thus far, it is clear to my mind that Congress may, without hesitation, bring it still further down to the lowest point of expenditure for an economical Government. This Government ought to be, may be, and must be made the cheapest, as it will be the most effective, Government on earth. If the public lands are destined to yield a large revenue to the country—(and they yet owe the country a great amount for the repayment of their original cost and protection)—let this revenue go to the support of the ordinary expenses of the Government—let the pledge made by a resolution of Congress, which is older than the Constitution itself, that "the unappropriated lands shall be disposed of *for the common benefit* of the United States," be rigidly enforced.

We have just seen the salutary effects on the people of the reduced tariff. A still further reduction—a reduction to that point which will make a bare Treasury, and drive away from it the vultures who hover around, and grow poor in waiting to feed upon it—would be beneficial. If our land will yield a revenue of $10,000,000 a year, and $10,000,000 more can be reduced from the tax upon the imports, why not leave that $10,000,000 in the pockets of an industrious people, rather than take it from them, not to be returned to them, but to go into the several State treasuries, there to be scrambled for by men who have done little towards earning it—to be wasted, as millions have been wasted from the National Treasury, on objects of internal improvements, such as the Cumberland road, the Chesapeake and Ohio, the Dismal Swamp, and the Chesapeake and Delaware canals? There is no danger in further reducing the tariff; there is no particular danger in keeping on hand the surplus we already have in the Treasury. Better protection Congress cannot give to manufacturing industry of every kind, than to reduce the tax on every article of consumption to the lowest possible point. Does Congress consider it good policy to take off entirely, for the encouragement of corporations engaged in building railroads, the duty on imported iron rails? and will they not afford the same encouragement to the mechanic who manufactures the utensils of the common farmer? If the West India islands afford a market for all those articles which are easily raised or manufactured in the United States, why should we not be permitted to bring sugars from the same West Indies without duty, as we do from New Orleans? Sugar is a necessary of life—its nutritious qualities not only sustain life, but contribute to health; and it ought to be furnished to the poor at the lowest possible price. There is no reason why the consumers should pay two and a half cents a pound on sugar, adding at least, in duty and profits on the duty, one-third to the price of the article, for the benefit of the rich planters in Louisiana. Those planters can pay enormous prices for slaves, and make overgrown fortunes in a few years. They are the last men in the country who should ask for aid from a protective duty for a product of agriculture; and yet they are almost the only class of agriculturists in the country who receive such protection. If policy require that protection shall be given, humanity would seem to demand that this protection shall confine itself to limits that shall bar the temptation to an unnecessary traffic in human flesh. Raising the price of slaves in Louisiana and Florida, this sugar duty is indirectly a tax on the culture of the cotton region, operating to raise there the price of slaves and slave labor, and to encourage the rearing of slaves in the Middle States, to be disposed of in the South.

As long as it shall be necessary to have duties on importations, the lowest duties required for supplies to the public Treasury will be a sufficient protection to manufactures and agriculture against foreign competition. If twelve and a half, or even ten per centum, as a permanent policy, will not protect any kind of production, that production ought to be yielded for some other which will support itself; and every kind of political economy should be repudiated which does not teach that labor should be turned away from that production which requires artificial heat in a cold climate to sustain it, when the same may be transported, for a trifling expense, from a climate in which it grows spontaneously. The manufactures of this country do not require a hot-bed protection. If the price of labor be higher here than it is in Great Britain, our Government may, by reducing its taxes, and economizing its expenses, be in that condition which will free the laborer and producer of every name almost entirely from taxation; while in the foreign country the taxes and burdens imposed to pay the interest on a public debt, enormously great, and to discharge Government expenses that knew no parallel here, will more than counterbalance the difference between them and us in the article of labor.

I have taken this view of the subject to show there is not even a necessity at this time to adopt any new plans to get rid of the surplus that may be in the Treasury. We are, I believe, the first nation of the world that has honestly discharged, principal and interest, a debt of the magnitude that ours has been; and as we are singular in this respect, may it not be possible that we shall, in the hey-day of our prosperity, keep on hand, until an evil day shall come upon us, a portion of that surplus? If the country continue in its present palmy state of good fortune, we may reduce the tariff of duties. If a revulsion shall take place, the surplus will then be much more effectually applied to useful or necessary objects, than it can be now. The present high price and demand for labor makes this the very worst time to apply a surplus, either by the State or nation, to internal improvements. Private capital and private enterprise are most effectually conducting all useful improvements in the northern section of the Union. If it could be possible to distribute this money among the States, its application, I fear, would mar those enterprises, and produce results scarcely less disastrous to capital than has been the application of $1,000,000 by this Government, and the $1,500,000 Dutch loan, which has bankrupted this District, to that unfortunate undertaking, the Chesapeake and Ohio canal.

The Senator from Kentucky, [Mr. CLAY,] who introduced it, says: "This bill is not founded 'upon any notion of a power in Congress to tax 'and collect taxes, and distribute the amount 'among the several States. *I think* (he says) '*Congress possesses no such power*, and has no right 'to exercise it, until some such amendment as 'that proposed by the Senator from South Caro-'lina [Mr. CALHOUN] shall be adopted."

I thank the Senator for making this admission; because, if it shall not induce his friends in Congress to vote against this bill, it will at least justify the opponents of the bill, and the President of the United States, should it pass both Houses of Congress, and again receive his veto, for the course they shall take in relation to it.

The proposition I lay down is, that every dollar of the surplus in the public Treasury, which is now proposed to be divided among the States, was derived from taxes laid upon and collected from the people; that no part of it was in fact derived from the net proceeds of the sales of public lands.

A document, under date of January 11, 1836, from the Register of the Treasury, shows that the whole receipts into the Treasury on account of the sales of the public lands, from the earliest period, to the 30th September, 1835, is..... $58,619,523 00

And that the cost of management is..... 57,652,207 89

Leaving in favor of the land fund.. $967,316 11

This cost of management includes the several items of expenditures under the head of Indian Department; the payment for the purchase of Louisiana and interest on the same; the payment for the purchase of Florida and interest; the payments to the State of Georgia on account of lands relinquished to the United States; the amount of Mississippi stock issued under the act of the 3d of March, 1815; salaries and contingent expenses of the General Land Office; salaries and incidental expenses of land offices; salaries of surveyors general and their clerks, and of commissioners for settling land claims; and payments from the Treasury on account of the survey of the public lands.

This view of the case presents, up to the 13th of September last, little short of a million of dollars on the credit side of the public lands.

But the statement from the Treasury is not the moiety of what has been charged on the Treasury on account of the public lands. I will name several items which are tangible.

It is well known that the Cumberland road has been considered as standing on different ground from all other objects of internal improvement which have been moved in Congress. Members of Congress have voted for appropriations for this road who would vote appropriations for no other road. The reason was that two per cent. of the amount of sales of the public lands in several States was set apart for the erection of this road, and thereby it was not considered a direct appropriation of money from the Treasury. I have ascertained, by a written communication from the Treasury Department, that the two per cent. fund, as far as yet ascertained, was but $524,511 18; while there has been expended on one hundred and thirty miles of the Cumberland road, this side of the Ohio, the enormous sum of $2,827,506 88, or $21,650 per mile; and on the same road west of the Ohio, $2,341,900 88. Total amount expended on the Cumberland road up to the 30th of September, 1835, $5,169,407 76. This expenditure is most clearly a charge on the receipts for the public lands.

In like manner, all the appropriations for money for roads, or other improvements, in the new States and Territories, made expressly with the view to raise the price and help the sale of the public lands, are chargeable to the same receipts. For seventeen years, commencing January 1, 1817, and ending December 31, 1834, the expenditures for roads in the new States and Territories, (see House document No. 39, of the present session,) were as follow:

In Ohio.....	$214,129 97
Illinois.....	39,637 81
Indiana.....	207,519 20
Alabama.....	138,922 43
Mississippi.....	37,024 00
Missouri.....	94,531 61
Louisiana.....	36,736 19

Indian Territory	7,920 00	
Other Territories.....	81,706 20	
	$858,127 31	

This, it will be observed, is only a part of the expenditures for roads in the Territories named. To it, we may add the $1,000,000 paid by the Government as a subscription to the Chesapeake and Ohio canal, opening an avenue for the benefit of the public lands at the West.

The three per cent. fund paid to States, exhibited in the following table, is also to be added to the expenses of the public lands:

	Three per cent.	Two per cent.
Ohio	$404,741 09	$269,827 40
Indiana	238,848 72	159,232 48
Illinois	73,441 73	49,061 16
Missouri	69,585 21	46,390 14
	$786,616 75	$524,511 18

We may add the expenses of the civil government of Territories, (which, exclusive of the judiciary and customs, amounted for seventeen years, ending December 31, 1834, to $676,269 99,) at least a million and a half of dollars. These expenses are not less legitimately chargeable to the land fund than the expenses of the land offices themselves.

In addition to this, all the frontier and Indian wars, since the revolution, are justly chargeable to the public lands. If, for ten years to come, these lands were to yield a clear revenue of $10,000,000 a year, they would scarcely repay the expenses which the United States have incurred in defending them. A contest of only a few months with Black Hawk cost the nation some two or three millions of dollars; and the present Indian war in Florida may cost five or ten millions. The regiment of mounted dragoons raised to guard the frontiers, and protect the new settlements, supported at an expense of not less than a hundred thousand dollars a year, belong, also, to the expenses of managing the public lands.

The public lands cause annually a large share of the time and expenses of Congress, and much of the litigation at the expense of the public Treasury, in the United States courts, is on account of the public lands.

The Senator from Ohio [Mr. EWING] has contended that the public lands are not chargeable with many of these expenses; and the bill assumes that they are not even chargeable with the expense of surveys and of the land offices, for it divides the whole receipts without making any provision for those expenses. But the Senator justifies the large grants of land and money for internal improvements to the new States on the express ground that they were chargeable to the public lands. The two positions taken by the gentleman show that, when his object is to make partial grants, all may be charged to the account of the public lands; but when the object is to divide the surplus funds among the States, nothing is to be charged to the expenses of the public lands!

Considering the many millions expended on account, and for the benefit of the public lands not taken into account in the statement of the Register of the Treasury, can it be pretended that there is now, that there ever has been, a dollar of money in the Treasury, which has not been derived from taxes laid upon the people? If it be admitted that Congress has no power "to lay and collect taxes, and distribute the amount among the several States," it must as freely be admitted that the bill distributing among the States a greater amount than the present surplus in the public Treasury, is not warranted by the Constitution of the United States.

Further, Mr. President, this bill is condemned for the inequality of distribution upon its face. The Senator from Kentucky has framed a table, which may operate as a bait to the several States, to show how much money they will *gain* by the bill. I have made an addition to his table to show the people of eighteen of the oldest States how much they will *lose* in the distribution of the bill before the Senate. I have added to the seven new States, in addition to the money they are to receive by the bill, the minimum price of the land granted to them in the same bill; that is, to each of the States of Mississippi, Louisiana, and Missouri, 500,000 acres; to Indiana, 115,272 acres; to Alabama, 100,000; and to Illinois, 20,000 acres; not taking into acccunt the extensive donations that had previously been made to some of those States.

The following is the table referred to by Mr. CLAY:

Statement showing the dividend of each State (according to its Federal population) of the proceeds of the Public Lands, during the years 1833, 1834, *and* 1835, *after deducting from the amount fifteen per cent. previously allowed to the seven new States.*

States.	Federal population.	Share for each State under the proposed bill.	Total to new States.	Equal share to which each State is entitled.	Loss to States having less than their share.	Gain to States having more than their share.
Maine	399,437	617,369		777,318	160,099	
New Hampshire	269,326	416,302		524,117	107,915	
Massachusetts	610,408	943,393		1,187,875	244,589	
Rhode Island	97,194	150,198		189,926	39,038	
Connecticut	297,665	459,996		579,266	119,270	
Vermont	280,657	433,713		546,168	112,455	
New York	1,918,553	2,964,834		3,732,574	768,740	
New Jersey	319,929	494,391		622,495	128,104	
Pennsylvania	1,348,079	2,083,333		2,623,395	540,162	
Delaware	75,432	116,508		155,176	38,668	
Maryland	405,843	627,169		789,784	160,615	
Virginia	1,023,503	1,581,669		1,991,773	410,104	
North Carolina	638,747	988,632		1,244,970	256,338	
South Carolina	455,025	701,495		886,495	184,000	
Georgia	429,811	664,308		836,419	172,211	
Kentucky	691,832	960,947		1,210,123	249,176	
Tennessee	625,263	966,949		1,216,876	250,627	
Ohio	935,884	1,446,366	1,677,110	1,821,263	144,153	
Louisiana	171,894	265,827	837,689	331,123		424,766
Indiana	343,031	530,102	999,677	667,550		332,127
Illinois	157,147	242,846	751,606	305,813		445,793
Missouri	130,419	201,542	1,000,896	252,816		748,080
Mississippi	110,358	170,541	1,583,944	214,760		1,369,184
Alabama	262,508	405,666	1,072,666	535,999		536,667

NOTE.—The three right hand columns of figures are added by Mr. HILL to the table of Mr. CLAY.

The loss to the six New England States will be $753,349; that is, this amount, which has been paid by the people of New England directly into the Treasury from taxes on articles which they have consumed, will be taken from them by this bill, and given to seven new States, whose soil, more luxuriant than that of the old States, is tempting, and drawing to them, without such invidious distinction, the best of the enterprise and capital of the States from whom this advantage is taken. The loss which the State of New Hampshire will sustain in this unequal distribution is $107,915—more than twice the amount of money which that State annually pays for all her State expenses, including the salaries and pay of her executive, legislative, and judicial departments. The State of New York loses in the distribution $768,740, and Virginia, $410,104.

The injustice and inequality of this bill are not its only bad features. Take the two States of Louisiana and Missouri, besides the direct gift of five hundred thousand acres, each receives her share as one of the seven new States of fifteen per cent. on the whole amount first, and afterwards an equal proportion with all the rest. Now, by what right, either in law or equity, can either of these States, as States, be entitled, not to simple equality, but to manifest favoritism in making the division? Those two States with their inhabitants were a foreign country until after the great mass of public lands this side of the Mississippi had been acquired through the blood and toil of the old States of this Union, which have always been of the disfavored States when any benefits were to be derived from the public lands. The most of those old States have had no expenditures made within their borders of the public money for internal improvements. It is plain to common sense that neither Louisiana nor Missouri can be entitled to receive into its State coffers the avails of that property which belonged exclusively to the old States before they were admitted into the Union. As a *joint* interest, Louisiana and Missouri might enjoy their portion of benefits to be derived from the public lands. As a *separate* interest, those States can have no claim whatever to that part of the public domain which was acquired while the States owed allegiance to a foreign Government.

Again: the States of Maine and Massachusetts have a domain which they retained under the jurisdiction of Massachusetts after the war of the Revolution. From this land the two States during the year past have received some one hundred and fifty thousand dollars each; and if the boundary line shall be established where it is claimed to be, an extended territory rising in price will furnish each of those States annually still larger sums from the sales of land. Is it just that these two States should derive a large revenue from the lands which fell to them on the termination of the contest for independence, at the same time they come in for an equal portion with the other original States, of the proceeds of sales of lands which other States, holding them under a like tenure, ceded for the common benefit of the whole United States? Massachusetts and Maine may enjoy the benefits of the public lands while preserved as a common fund for the use of all the States; but when this bill, becoming a law, shall vest in them a separate interest in the proceeds of the sales of public lands, making in their favor the invidious distinction of two separate interests, violence will be done the Constitution, which must seek in vain for any true ground of justification.

Further: the State of Connecticut retained a tract of land without her limits, called the Connecticut reserve, within the limits of the present State of Ohio, from the sale of which she has created a fund for common schools, whose increase is now more than $1,000,000, and in a few years will go far towards supporting those schools in each and every school district of the State. She retained this tract, when she had really no better claim to it than others of the original States which claimed nothing and had received nothing, had to an equal quantity. Would it not be just, before the "common fund" shall be dispersed to the four winds, first to grant the old States, which, as yet, have had nothing, at least an equal amount with others which have received?

Again: Virginia, at the close of the war of the Revolution, besides the whole country within the present limits of Kentucky, claimed what was then called the Northwestern Territory, comprising the present States of Ohio, Indiana, and Illinois, the new State of Michigan, the Territory of Wisconsin, and all the country west. She claimed this, although it is manifest that beyond the limits of Kentucky, which had then just been commenced as a settlement, she had really no more pretension to it than any other State which had contributed an equal share with her in the blood and toils of the Revolution. Nor did she yield up this immense tract of country without an equivalent. The officers and soldiers of the Revolution of the Virginia line had grants of land, which were given to the officers and soldiers of no other State. And when she gave up her pretension for the common benefit of the whole United States, she made ample provision for her own. In the first instance, she covered all that remained of Kentucky as grants for her own benefit; she traveled afterwards into Ohio, and took to herself district after district there for the benefit of her officers and soldiers.

She claimed these immense grants, extending beyond what she had herself conceived, because it was "notified in the bond" that she might take some of the land for such a purpose. But a single taste never satisfies. Although, perhaps, four times the amount of land that had been first expected was taken up, and although it was not dreamed there could be a possible pretext for taking more, some antiquated resolution or order of the revolutionary government of Virginia was discovered, on which certain claimants founded a suit for more land against the State of Virginia. As might be expected, after making a decision against these claimants, the judiciary of Virginia deemed it expedient, inasmuch as the United States, and not Virginia, would ultimately be obliged to foot the bill, to reverse that decision, and the claimants, and children, and heirs of claimants come in fifty years after the service was performed, and obtain scrip for incredible quantities of public lands; from four to six, and I believe as high as ten thousand acres to each person. This scrip locates the land in no particular place, there being no land left of the reservation first made, but it is a certificate to enter for land anywhere, either at the public sales at the price of the bid, or after the public sales at the minimum price. The appropriations already made by Congress to cover these claims, I believe, amount to about two millions of acres. I am told that land scrip has issued for the benefit of officers who were merely nominally such, and who never did a particle of service; and it is said there have been grants made where the officer and the service were wholly fictitious. If the whole business be not a gross fraud, it looks very much like it. Three millions of dollars, at least, of the avails of the public lands will have been abstracted from the Treasury by this *after-claim* of Virginia. And when it is considered that this comes upon the top of other previous grants made for the benefit of that State, is it not claiming too much for her, that, in the process of dissipating the "common fund" which remains from the public lands, she receives an equal share with other States which have had none of the benefits that she has derived?

Still further: by the compact with the State of Georgia, yielding, for the benefit of the "common fund," what now constitutes the State of Mississippi and a part of Alabama, and which she claimed as within her own prescribed limits, the United States guarantied to that State the title to the soil possessed by the Indians within the present limits of that State. To give Georgia a free title to the lands within these limits, the United States have already encountered immense difficulties and large expenses. Nor is the Indian title yet purchased. Five millions of dollars have been offered to purchase the small tract remaining. If the whole proceeds of the sale of lands be divided as the bill proposes, whenever this purchase shall be made, the five or ten millions which the lands may cost, and the further sum which a war on account of the removal of the Indians may cost the Government, will be raised from taxes directly imposed on the people. The State of Georgia, having no more right to the public domain than the other States which participated in the war of the Revolution, is favored beyond them by her compact. Is it right that, in the division of the proceeds, she should be forced to violate her compact, which declared that the proceeds of the lands which she ceded to the Union should be used "as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever?" Is it just that, *as a State*, she should receive two shares of a dividend in the proceeds of the public domain, while other States, as such, can receive but one share?

The facts I have shown in relation to some of the States prove that, even if the division were an equal one now to all the States, great injustice would be done to New Hampshire, to Vermont, to Rhode Island, to the great States of New York and Pennsylvania, to New Jersey, Delaware, and Maryland, and to North and South Carolina, and perhaps to Kentucky and Tennessee. The ten first, if not the two last States, would not receive their respective shares, equal to the other old States whose cases have been stated. But when it is considered that the seven new States of Ohio, Louisiana, Indiana, Illinois, Missouri, Mississippi, and Alabama, besides large grants of the public domain itself, are to be entitled in the first instance to fifteen per cent. of the whole amount, leaving the remnant only to be divided, it must be yielded that the most gross injustice is done to the ten States first named. Can it be believed that these States will quietly submit to be taxed by a high tariff of duties on the necessaries of life to contribute towards a dividend among the States, in which they are to receive at the rate of fifty cents to their neighbors receiving one dollar?

The last report of the Committee on the Public Lands, which recommends the bill under consideration, has this striking sentence: "The several 'States which form parties to the national compact 'have all an equal right to, and an equal interest 'in, the national domain, and such an application 'of it to the use of some of the States, which is 'not just to all, cannot be expected to meet with 'general favor." Can it be possible that the writer of this paragraph has duly considered the bill which the report recommends? Can he gainsay the fact that out of their own mouth does their intended law of distribution stand condemned?

A Senator from Kentucky, [Mr. CRITTENDEN,] whose deportment and whose talents deserve high commendation, remarked some time ago, while debating on another subject, in substance, that millions have come from the West to the Treasury in the East, in payment for the public lands; and that the nation was constantly deriving large amounts of money from that portion of the Union, while little or nothing was there expended. The report of the committee also gives countenance to the idea that the nation is much indebted to the West, and especially to the State of Ohio, for a great portion of its revenues. I will presume that both the Senator and the committee believe they are correct in their opinions. But they cannot have well considered all the facts. In the first place, much of the money that is paid for public lands comes originally from the East. Since the sales have so much increased, there has been an almost constant stream of money flowing from all the States East into the land offices of the West; the drain of money, within the last three or four years, is felt in almost every neighborhood of both town and country throughout New England. And, sir, no part of this money ever has, or probably ever will, come back again. An investigation of this subject will show that ever since the establishment of Government, up to the year ending on the 30th September last, the local expenditures of the western States have always exceeded the amount of revenue derived from those States. I cannot now go into an investigation and analysis of the whole expenditures since the adoption of the Constitution.

In executive document No. 27 of the House of Representatives, for the second session of the last Congress, the Secretary of the Treasury has furnished an analysis of the receipts and expenditures for the year 1834, of which I avail myself. It will be remembered that the receipts from the sale of the public lands in that year were $5,000,000—$1,000,000 larger than the previous year, and nearly $2,500,000 more than in 1832. Up to that time, the average receipts would not much exceed $1,000,000 per annum. The year 1834 will, therefore, present a more favorable result to the West than any preceding year; and what was that result? The document I have named informs us that the whole expenditures of appropriations for 1834 were $21,293,200; that the whole collections in 1834 were $20,624,717; that the expenditures in the six eastern States were less than the collections, $28,908; that the expenditures in the middle States, including the District of Columbia, were less than the collections, $1,127,297; leaving a balance *in favor* of the eastern and middle States of $1,156,205; that the expenditures in the South and southwestern States were more than the collections $957,218; that the expenditures in the western States were more than the collections, $867,470; leaving a balance *against* the South, southwestern, and western States of $1,824,688.

The report of the Committee on Public Lands states "that the public lands in the State of Ohio have brought into the Treasury about $17,000,000, besides satisfying to a large amount the debts of the Government." In 1834, the local expenditures in Ohio, without taking into view her portion of the expenditures at the seat of Government, were $569,600, and the receipts from the sale of lands and from customs in that State were $433,433; leaving a balance of $136,167 against her.

The Atlantic States have no reason to complain of the generous West, even though the money of the former for the purchase of public lands, and for paying on the rise of property, flows into the latter, and contributes to their prosperity. Every new country encounters disadvantages and hardships: the profits of labor, converted in large proportion to permanent capital, will not allow, in any new settled country, of present pecuniary ease and enjoyment. The West, from its highly fruitful soil, and from the facilities of transport which Nature has afforded her, enjoys advantages which the Atlantic States, and especially the States of New England, never possessed. Compare, if you will, the condition of the present western settler with the first hundred and fifty years of the New England settler. When attacked by the ferocious tribes of the forest, the latter could look only to the strength of his own arm for protection and defense. In the West, if a single Indian murder is committed, a thousand men are ready to march and avenge the outrage. In New England, the first settlers were liable to starvation whenever their crops were cut off or destroyed. In the West, although the crops fail and money fails, plenty comes in a few days on credit alone, and on the "wings of the wind." The New England settlers had to encounter not only the ruthless tomahawk and scalping-knife of the savage, but for many years the hostility of a more powerful and scarcely less savage foe in successive wars with France, terminating only in the conquest of Canada by the English. The first western settlers have had sanguinary contests with the Indians, which have been of short duration, and the frontier settlements encountered great perils during the three years' war with Great Britain; but at any point to the eastward of the Mississippi, and north of Florida, there is now scarcely more to be apprehended from any anticipated hostility of the Indians, than there is in the heart of New England. The first settler in the East had no improvements in roads, bridges, or canals, until he was able to make them with his own hands; and to this day, for these objects, there has been in that region, no help from the Government. The first settler of the West has had liberal appropriations for roads and bridges, opening the avenues of communication to his very doors; and even the more modern improvements of railroads and steam navigation keep pace with the falling of the forest trees by the settler, as he recedes to the far West. The people of the Atlantic States spilt much blood, and endured many privations, to conquer independence, and did gain that independence, and the great national domain, which is now the subject of discussion; and the young West, no less than the East, enjoys her full portion of blessings resulting from that arduous struggle. These are considerations which should bind closer to each other the West and the East, instead of dividing them. The East and the West must be mutually beneficial each to the other; and whatever shall conduce to the growth and prosperity of the one, will conduce to the growth and prosperity of the other. The great bulk of those who now inhabit the West, either emigrated or descended from the States of the East: will they not reverence the birthplaces, and the tombs of their fathers? Will they not rejoice when we rejoice, and weep with us when we have cause to weep? Will they not, in the day of their greatest strength, consider whence they derived those elements of knowledge and enterprise which have made them all they are? We say to the West, "let there be no strife between me and thee; for we be brethren;" least of all, let there be no unprofitable contest in a struggle between us, of who can make most out of a property which can bestow no real benefits to either, until the hand

of diligence and industry shall "cause the waste places to become fruitful fields, and the deserts to blossom as the rose."

Even if, contrary to the opinion of the author of this measure, it were no violation of the Constitution to divide among the States the money in the Treasury, true policy would dictate the rejection of this bill. How can it be possible that gentlemen who have condemned so freely the magnitude of numbers in the public offices, as exhibited in the Blue Book, should advocate this bill, which, under its present provisions, will go to the creation of another army of officers dependant on the State treasuries, and these last dependant on the Treasury of the nation, and the good graces of members of either House of Congress? How can they who have so clamorously complained of the alarming extent of executive patronage, vote for a law which shall at once double the patronage of whoever administers the national Government?

The mischiefs that will attend the distribution of the whole amount of money received from the sales of the public land cannot be duly appreciated until they shall be realized. It should be borne in mind that the people of the States must be taxed to pay the expense of managing these lands—to pay the Indian annuities, and for the support of the Indians—to pay for the purchase of the Indian title to the lands, which, in some cases, will be equal to the amount for which the lands will sell—to pay the expense of defending the lands against depredations, and also to pay for the expense of all the Indian wars that may arise on account of the lands. The people of the United States must be heavily taxed; articles of necessary consumption, brought into the United States, must be heavily taxed to pay expenses incident to the lands; but the proceeds of the public lands are to be distributed, not to the people themselves, who pay these expenses, but to the several State treasuries. I cannot better illustrate the mischiefs and the miseries of such a distribution, than by contrasting the present condition of the three cities which compose the District of Columbia with the condition of the rest of the United States.

The bankruptcy of these three cities is too well known to be denied; it was admitted on all hands, in a debate which took place in the Senate during the present session. Now, what has caused this bankruptcy? What has brought upon these three cities a load of debt, the annual interest of which burdens every inch of the real estate within her limits with a tax equal, at least, to the price of rents in other parts of the country? Do not these corporations, in so many words, charge the evils on the former action of Congress, making them pet children in a system of internal improvements? The Congress granted, directly from the Treasury of the nation, $1,000,000 to build a canal, which was to waft prosperity into their lap; and by this grant they were induced to ask liberty of Congress to borrow, on their own account, $1,500,000 more, mortgaging themselves for the payment of principal and interest to the Dutch. The cities now charge their miserable condition, not on themselves, but on Congress; and they boldly say, and their friends in this body say, that Congress has seduced them into this wretched condition, as well by giving the $1,000,000 for the canal as by authorizing the cities, at their own request, to run in debt for a further sum, which has been expended on the canal; and they boldly insist that Congress is bound in honor to pay their debts.

If we search for the causes of the present misery of this devoted District, much of them may be traced to the fact that they (and especially the city of Washington) are thrown directly on the public Treasury. The people here look so anxiously for the *distribution of the public funds*—they rely so exclusively on the Treasury, and so little on themselves, that there is no room left for prosperity in any kind of useful business. More than three millions of the public money are annually disbursed here; and yet there is no part of the country where there is actually so much pecuniary suffering, according to the number of inhabitants, as there is here. For the internal improvement of the District, Congress has given outright, not the million to the canal alone; it has paid the interest which this city owes on the Dutch debt; it has paid large sums for improvements; among other things, $130,000 for McAdamizing Pennsylvania avenue, $150,000 and upwards for building a bridge over the Potomac river, and large sums for various other items. Yet with all this feeding, the pecuniary condition of the District is daily growing worse. Gladly would they retrace their steps in the internal improvement mania; but they have gone too far to recede, and they have not the power to go forward. Their last resort is to induce Congress to purchase their *valuable* stock, to pay their Dutch debt, to relieve the Corporation of Washington of another debt of great magnitude; and, as our comfort, we are told that Congress is bound in honor, as the sole and exclusive legislators for this District, to take the money of the people of the United States and contribute at once so much as may be necessary for these purposes!

The miseries of a generous distribution of the public money in the District of Columbia are but a foretaste of the evils that will follow a distribution of an amount equal to all the sales of the public lands among the States. There is, however, this difference between the distribution in the District and the corrupting distribution proposed by the bill; for the money expended in the District, the people of the District were never taxed; for the money distributed among the States, the people themselves are to be heavily taxed; and in some of them the amount of one dollar is taken from the people's pockets for every fifty cents that shall be brought into the State coffers.

I cannot, Mr. President, speak of such a corrupting system as the bill proposes with any feelings of complacency. The title of the bill—"to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting land to certain States," is scarcely less a misnomer than is the title of the bill which has been forced by the vilest corruption through the Legislature of Pennsylvania, entitled "An act to repeal the State tax on real and personal property, and to continue and extend the improvements of the State by railroads and canals, and *for other purposes*." This bill bribes the people of Pennsylvania with a bonus much larger than the bank was to give Congress in the bill vetoed by the President, to be expended on internal improvements. The land bill is a bribe offered to the States from money paid into the Treasury by severe taxation on the people, under the idea of being the proceeds of the sales of the public lands; when, in truth, the public lands have not yet paid, and cannot for twenty years to come, pay back the expense which the people have incurred on their account.

The Senator from Kentucky [Mr. CLAY] yields to the opinion that it is unconstitutional to tax the people of the United States, by Congress, for the purpose of distributing the money among the several States. How easy to evade the Constitution will it be, any time when Congress shall choose, if the fact be not conceded that all money coming to the Treasury is derived either directly or indirectly from taxation upon the people. Millions of dollars have come to or passed through the Treasury on account of restitution for spoliations of the property of individuals, and although every dollar of it has been paid back for the benefit of those individuals, whenever there is a surplus in the Treasury, we have only to suppose the amount and to say this money was paid, not by the people of the United States but by foreign Governments, and that Congress has the power to appropriate it to be divided among the several States. The fallacy in this case would be no more striking than is the fallacy of appropriating for the same purpose money in the Treasury, as proceeds of the sales of public lands, when not a dollar of it can properly be considered as money derived from such sales.

It is hardly possible to conceive a condition more degrading than that into which the high-minded States of the Union will be thrown by the passage of this bill.

The government of the State which I have the honor here in part to represent is supported by a direct tax upon the people. Every citizen there knows what is his annual proportion of tax for the support of the government of the State, of the county, and of the town in which he resides. Paying the money directly from his own pocket, a vigilant eye is kept upon those who expend it. If it be not made to produce its equivalent, the agent is called to account, and is at once dismissed. The consequence is, that the money is generally well expended for the most salutary and useful purposes of government. The burdens of the people are comparatively light. If they were obliged to pay as much in proportion for these as they do for the few objects for which the General Government is instituted, they would groan under an oppression which would be scarcely tolerable. It is my belief that if the national funds were derived from direct instead of indirect taxes, the public agents would be held to a more strict accountability; that one dollar would not be wasted where ten dollars now are; and that every kind of service performed for the Government would be better done than it now is. How degrading to the people of a State must it be that numerous salaried agents shall be added to her without her consent, which salaried agents are dependent on the breath of Congress for their existence! How degrading that, so long as the State shall retain the good graces of Congress, she shall have thrown upon her an annual stipend, to be scrambled for and seized by that portion of her citizens who shall have received the highest instruction in the arts of chicanery, and made themselves most adroit in the business of log-rolling! How degrading that she is to be annually called up, like a beast to the stall, to feed out the proportion which shall be dealt out to her; that, like the noble ox who works for his master, it is to be considered as a favor that the *one half* of what she has earned is to be dealt out for a daily allowance!

The gentlemen of the Senate composing the usual political majority, and the party with which they act, consider this bill as a measure which is to do them great credit; and the senior Senator from Kentucky, [Mr. CLAY,] from the top of Pisgah, views the fair Canaan on the other side of Jordan, the "land flowing with milk and honey," as dating its prosperity, its blooming verdure, its rapid growth in wealth, its fairy enchantment of cities and towns, and splendid edifices, and beautiful cottages; its canals and its railroads—from the consummation of this, his favorite project of dividing the proceeds of the sales of the public lands! "If," said he, "I can 'be instrumental, in any degree, in the adoption 'of it, I shall enjoy, in that retirement into which 'I hope shortly to enter, a heart-feeling satisfac-'tion, and a lasting consolation." There may be great merit in devising a measure to take money *from* the Treasury; one would, however, think there was more merit in putting money *into* it without enfeebling or oppressing the people. The Senator will recollect that he has been the father and patron of other measures, which, had they not been interrupted in their progress by another estate in this Government that has constantly stood in his way, would have left no surplus in the Treasury to be divided. The bills that have been vetoed, and those that would have passed had not the veto power been interposed—the bills that have passed the Senate and failed to obtain the sanction of the House, appropriating money, which of right belongs to that House and not to this—the favorite measures of the party of which the Senator has been the conspicuous leader—had they been carried into effect, would not, at this time, have left a dollar of surplus money in the Treasury. We might have had the satisfaction to see $100,000,000 as uselessly expended as has been the $1,000,000 subscribed to the Chesapeake and Ohio canal; we might have had a road from Buffalo to New Orleans without travel or use; we might have purchased up the Louisville canal; we might have tunneled the Alleghany mountains; we might have paid $80,000,000 more than we have paid in taxes under the high tariff of 1828; and we might, in consequence, have had a civil commotion convulsing the Government to its very center. Quite certain it is that, had other counsels prevailed, we should now have no surplus in the Treasury with which to "buy golden opinions from all sorts of men."

Napoleon Bonaparte was a great man; his

glory consisted in the ability to concentrate means, to surmount obstacles natural and artificial, and, before his enemy was aware of the fact, to be in his presence ready to give him battle, and finally to meet and beat that enemy with one half his own nominal force. His glory, after conquering emperors and kings in a six weeks' campaign, which other emperors and kings had essayed in vain to conquer in the campaigns of as many successive years—his glory was to bring to the capital of France, as the trophies of his victories, the most celebrated works of art, and to fill the coffers of the public treasury. Another great man, not a "military chieftain," may find his greatest notoriety, not in bringing anything either to the capital or the public coffers, but in attempting to seize on the public Treasury as "spoils" for distribution in the several States, to be applied to the creation of a horde of agents who shall minister to power, and become its most subservient instruments from that sheer necessity which throws them on power as the most effectual help to obtain their daily bread.

The Senators from Kentucky and Ohio, [Mr. CLAY and Mr. EWING,] the first of whom nurtures this bill as his own, and the other feeds it as the child of his adoption, are doubtless impelled to urge its passage from the circumstance that it will carry into the treasuries of these two States as the first dividend nearly two millions and a half of dollars. If they do not conclude that the people of their States ought to consider themselves indebted especially to them for that amount, the natural inference is that the boon to the States will have been gained by them; or at least the obvious effect of the bill, being defeated by the votes of those who consider it unconstitutional or impolitic, will be to induce all such as regard possession of the money to be of more value than either constitutional scruples or questions of expediency to become warm supporters of its friends, and to repudiate and cast off all who oppose it.

I would suggest a measure which, if the Senators, with the powerful influence they have had over this body, would adopt and pursue to its consummation, would entitle them to, if it did not actually secure to them, a higher commendation from the people of their States than this measure of dividing the money in the Treasury among the States. We will suppose the present Federal population of the two States of Kentucky and Ohio, increasing as it is rapidly, to be two millions of souls. By the price current of Nashville, Tennessee, I observe the wholesale price of common brown sugar is twelve dollars the hundred pounds. If, by the repeal of the entire duty on this article, its price could be reduced to eight dollars the hundred pounds, supplying the place of, because as little expensive as, other common articles of sustenance, it would not be extravagant to suppose that the consumption of brown sugar would reach to an average of twenty pounds per head each year. One third of the price reduced on twenty pounds of sugar would gain to every man, woman, and child, eighty cents, and would save to the two States in a single year the sum of $1,600,000. Let the Senators introduce a bill repealing the duty on the single article of sugar, and they will give cause to every citizen of their States and of the United States to thank them. A repeal of this duty would annually save to the people a much greater amount than the States—not the people—will receive by the present bill.

The rich planters of Louisiana might possibly feel for a year or two the effect of an entire repeal of the duty; but so long as sugar bears two thirds of its present price, the sugar business is probably more lucrative to its owners than any other agricultural business pursued in this country. Besides the reduction of price, increasing the demand will enable the growers of sugar to make equal profits from the greater quantity. It is a fact that the manufacturers of cotton cloths, although the price of the raw article be not reduced, make more money at the present price of ten cents the yard than they did when the same article of the same quality sold for twenty cents the yard.

The first effect of the grand canal in New York was to reduce, on the Atlantic sea-board, the price of flour one dollar, and the price of pork two dollars per barrel. If the producers of these articles, who were affected by the reduction, had complained to Congress, would there not have been as good reason why the nation should have made up their loss as there is that Congress should continue a severe duty on sugar, not because the money is wanted in the Treasury for national purposes, but because a few hundred gentlemen of wealth want a bounty of two and a half cents on every pound of sugar they produce, to be paid from the hard earnings of men and women who labor with their own hands?

I mention the single article of sugar because it is more tangible and convenient than any other. But the Senators need not confine themselves to that article: if the money shall not be wanted for the public service, this reduction is not the half, nor even the fourth, that may be made without essential injury to any manufacturing or producing interest whatever. Every article cheapened by a reduction of duty encourages, as well as cheapens, production of that or some other article. Every day's experience proves that never did American interests encounter a greater enemy than in the affected friendship of the authors of what was called the "American system." Every dollar saved to an individual by reduction of his taxation will be of more benefit to that individual than every five dollars voted into the treasury of his particular State.

The "pictorial representation" drawn by the Senator from Ohio presents the country in quite a different state from the gentleman's haggard picture two years ago. The patient, the "skin and bones" of March, 1834, is now so full and plethoric that Dr. Sangrado prescribes depletion from profuse bleeding, and is anxious to draw blood from every vain from the top of the head to the end of the toes. He says it is physically impossible to make any impression upon the Treasury by any appropriation you can make on the works of fortifications and defense. You may appropriate money, but it will not, cannot be expended! This is truly a new state of things. When was it ever before known that a nation had so much money that it was a greater curse than a nation's utmost poverty? There are many hundred gentlemen, political friends of the Senator from Ohio, (political as well as civil engineers,) who are looking with wistful eyes and anxious heart to the surplus in the Treasury. The head of the engineer corps, (Gratiot,) who is a man of all administrations, and the best friend of him who will vote most money for objects of internal improvement; the head of this corps, whom the Senator has quoted as last year demonstrating that there was not a sufficient number of his subalterns to spend the little amount that has been heretofore appropriated, this year proves it out and out that, even without an addition to his corps, he can take care of at least five millions of your surplus! It was only a few days since we were told that a large appropriation must be made for the Cumberland road, (and the Senator from Ohio voted for the highest amount proposed,) because if that amount was not appropriated, the engineers must stand still while their expense was going on! I will confess that I have not so much confidence in this engineering bureau as some gentlemen have. It appears to me that the calculations of the bureau are generally based on the wishes of the officer who wants employment, rather than on the public interest. If the object be to increase the corps, we are told that the public interest suffers for want of them, while there is a little army of West Point gentlemen dancing attendance in this city. If it be to induce Congress to commence some new work, the cost of that work is underestimated; and after twice as much has been expended as was first called for, still larger appropriations are called for, lest the engineers should stand still for want of employment!* On the whole, I should consider the public expenditures on works of any kind more safe in the hands of practical men than in those of young men just merging from West Point, who have had no practice in the useful affairs of life beyond what they have been there taught.

* See report of the Committee of Ways and Means in the House of Representatives, No. 297, Twenty-Fourth Congress, first session.

All I wish to say in relation to the enormous amount of ten or fifteen millions to be received for a series of years every year from the sales of the public lands, which the Senator anticipates, would be, that such anticipation furnishes the best argument in the world for the immediate reduction of the taxes on imports to the scale of 1792. Seven per cent. duty will give a better protection to all interests than thirty, fifty, or one hundred per cent. The article of silk, paying no duty, was imported into the country in the year 1835, to the amount of $14,984,584; while only $267,035 of free silks was exported during that year. The India and sewing silks, paying duty, imported during the same time were valued at $1,513,399; and of these $470,474 were exported. Now, if any branch of the cotton manufacture had been made duty free, so that $15,000,000 in that same manufacture had been imported, it is my opinion that such reduction would not have more injuriously affected the cotton manufacturing interest, than would the introduction of $15,000,000 worth of silks free of duty. The cotton grower must consider the extensive substitution of silks for cotton, resulting from one being free of duty and the other subject to high duty, as peculiarly injurious to his interests. The present flourishing state of cotton growing and cotton manufacturing, under the great discouragement which the introduction of silks free of duty presents, must convince every manufacturing and producing man in the country, that his interest has more to fear from a high than from a moderate duty. Of consequence, there can be no objection to the immediate reduction of taxation on imports to any amount that shall not leave the Treasury bare.

The Senator says the money should be divided because it will not be possible to procure laborers to work upon the fortifications to the extent that may be needed. If the money shall go to the several State treasuries, the bill provides that it shall by the States be expended on internal improvements. Can the States find laborers where the United States cannot find them? If neither can find them, will the money waste faster in the United States than in the State treasuries?

It seems, Mr. President, that we have arrived at another crisis. We have had a "crisis" of some sort, as often as once in every two years, for the last quarter of a century. The Senator from Massachusetts [Mr. WEBSTER] is alarmed on account of the enormous amount of deposits in the selected State banks, and the amount of issues by those banks. I could wish that we might have had a similar alarm sounded by that gentleman years ago, when another single institution (the United States Bank) was making greater issues than all the pet banks are together at this time. If the money be not safe where it is, I will go as far as he who goes furthest in taking all proper measures not only to secure the public money, but to prevent extraordinary issues of paper by those banks. The Senator from Missouri [Mr. BENTON] has said, truly, that when a great bank issues paper to a large amount, all the little banks follow suit; and when the great bank hauls up and contracts, all the little banks are obliged to do the same thing. The only way to correct the business of panic-making by the banks is for the Legislatures, both State and National, to take steps for the introduction of a specie foundation in the place of the paper circulation, which is as unstable and uncertain as the wind. The great "paper crisis" anticipated by the Senators who have spoken this day must be met as every other crisis has been met, until the mania for banking and paper currency generated by the gambling propensity of the Bank of the United States shall be repressed by the prudence of our Legislatures. Certain it is that the present distribution of the surplus money cannot lessen the chances of panic and pressure, or the explosions of a paper currency.

If it should be asked, what would I do with the surplus in the Treasury, I would answer, that it should not be expended in erecting roads, bridges, or canals under the superintendence of incompetent engineers and overseers; it should not be expended to pay the raised compensation of officers of the Army or Navy, when in a time of almost profound peace many of those officers are doing

no service; it should not be expended in erecting fortifications like those of the Rip Raps and the Pea Patch under former Administrations, where millions of money were thrown away, because incompetent or dishonest agents were employed to conduct the work; it should not be expended on an increased civil list, where the officers receive more pay than their services are worth; it should not be expended in manufacturing pieces of ordnance which would burst at the first trial of their strength; it should not be expended in finishing works that ought to be permanent with such perishable materials as will scarcely last a single year; it should not be expended to create an army of officers, who shall remain idle because they have no rank and file of soldiers to follow them.

I would, of the present surplus, always keep on hand some eight or ten millions of dollars, to be used in any exigency; that sum, even though it lie still in the Treasury, will better subserve the public interest than to be expended on projects which have neither true science nor experience to recommend them. I would, of the remainder, expend every dollar that is necessary to make permanent the works of defense at important points on the sea-board—to arm those works, so that in case of a sudden emergency their defense may be entered on at once. I would take measures for the security of our naval stations; build more ships of war, if necessary; build at least one steam vessel, carrying guns of the heaviest caliber, as the most effectual means of defense, in each of our important harbors; and purchase and keep on hand all the material necessary for ship building. I would erect an arsenal in each considerable State that has none, and continue to furnish rifles, guns, and bayonets for the use of that "surest arm of our defense," the militia. I would manufacture a sufficient quantity of heavy artillery to supply every fort of the country, so soon as competent science and skill could be brought to the aid of such manufacture.

Having taken measures to complete the defenses of the country, and to enable the Government to cause the American flag to be respected in every clime, if a surplus still remained in the Treasury I would bestow something on the purchasers of the public domain, as a premium for a given number of acres, brought into profitable cultivation, within a given date from the day of purchase. I would give a bounty to the agriculturist who should furnish evidence of having raised for exportation, either to a sister State or to a foreign nation, a given quantity of sugar, of cotton, of tobacco, of wheat and flour, of beef and pork, or other material profitable to the country as articles for exportation; I would pay bounties on the production of iron, or other minerals, including salt and coal, which shall be exported; in like manner I would protect the various manufactures that would be made for exportation. Further reducing the duties on importation, such bounty on exportation would have a most salutary effect on all the great interests of the country. With a Treasury by no means redundant, the pockets of the people would be full of money. Other occupations than those to be sought for under the patronage of the Treasury, would be universally preferred, because they would present more decided advantages. Instead of passing through the public coffers of either of the States or the nation, where money can be of no more advantage to the people at large, than in the hands of any wealthy individual, who makes use of it. The people, being almost entirely relieved from taxation, will flourish under that state of things, presenting no wants that cannot be immediately gratified. Make such use of the surplus in the Treasury as I have described, or even keep it locked up where it now is; but I beseech Senators never to send any surplus money to the treasuries of the several States, to whom it must prove in fact, what the wise man has called it—"*The root of all evil.*"

The Secretary of the Treasury, an officer whose ability is everywhere acknowledged—whose application and perseverance in whatever he undertakes is proverbial to all who know him—whose answers to inquiries are as prompt as the calls made upon him—whose knowledge of details was never exceeded by any public officer of this Government; the Secretary of the Treasury has been reproached, on the floor of the Senate, for having anticipated, somewhat wide from the fact, the receipts into the Treasury during the last quarter of the year ending December 31, 1835. Those receipts were by him estimated at $4,950,000, when, in fact, they have turned out to be $11,149,000. The report of the Committee on the Public Lands also raps that officer over the knuckles for the same alleged fault. The anticipation of the Secretary was mere conjecture, and that conjecture made at a time when he could avail himself of no official information indicating the truth. It is well known that the speculations in land during the past year have exceeded all precedent. As those speculations had been kept up to a great extent during the first three quarters of the year, and as there was a supposed change in the money market, it was natural that the Secretary should base his calculations on a lower estimate than the ascertained amounts of the three first quarters. He judged as every man of sense would judge; but he did not judge correctly; instead of falling off, the spirit of speculation in lands increased, and the receipts of the last quarter, for lands, much exceeded any former quarter. So an anticipated rupture with France forced into the country, during that quarter, an unprecedented amount of goods paying duties. From both sources the amount received was double what the most astute calculator would have fixed on. Slight changes in events transpiring, or even in public opinion, would have altered the state of things entirely. No greater change in the spirit of speculation than frequently takes place in a single week might have reduced the land receipts seventy-five in the hundred dollars; and a knowledge of the facts which have since been developed—a certainty that no war with France will take place—would probably have lessened the receipts of the customs at least one half. Who can calculate, with any certainty, within one half of what will be the receipts of the public lands for the year to come? Take the last year for a standard, and we may conjecture either that the amount will be doubled, or that it will not be so great by one half; and events of a seemingly trivial character may tend to one or the other result.

Not more in error was the Secretary in his anticipation of the revenue of the last quarter of 1835, than were gentlemen of this Senate two years ago, in their anticipation of what was to follow from the withdrawal of the deposits from the Bank of the United States. Then, according to some gentlemen, the whole people were to be overwhelmed in ruin, and the Treasury was to be bankrupt. "The canals were to become a solitude, and the lakes a desert waste of waters." The anticipations were not verified. I am heartily glad that in both instances our fortune has been turned to the brighter side. This may not always be so—indeed, in the majority of cases, the tables are turned a different way. This fact should teach us to husband our present abundant resources, that we may be duly and truly prepared, when "the evil day shall come upon us." I think, however, the Senator from Ohio [Mr. EWING] was not more in error in predicting ruin two years ago than he is now in the confident anticipation that there will be a surplus of $40,000,000 in the Treasury during the present year.

But, Mr. President, the more recent attack upon the Secretary of the Treasury on this floor by the Senator from South Carolina [Mr. CALHOUN] demands a passing notice. That attack, from its violence and its asperity of terms, preceded as it was by assaults made at former sessions from the same quarter, evinces that there might have rankled some personality in the bosom of the assailant. "What secret griefs he has, alas! I know not." Might it be that the Secretary would not embark in the same ship with the honorable Senator in a controversy which terminated in the dismissal of the first Cabinet of President Jackson? Might it be that the Secretary, then a Senator on this floor, refused to take his stand with others who consummated their political ruin by serving the interests of a *future aspirant to the Presidency*, rather than by assisting the Chief Magistrate to discharge his duty to the country? Whatever the fact be, if common report be not a liar, there has been no personal intercourse indicating even a former acquaintance between the honorable Senator and the Secretary since a certain correspondence between the President and the Senator was first broached by the latter to the Secretary.

But what is the crime with which the Secretary of the Treasury is charged withal? What is the "head and front of his offending?" Is it that he has deceived the people by his calculations, so that the Treasury had become bankrupt, when he informed them there might be a surplus? Is it that the public service has suffered by a want of funds whenever and at whatever distant points of the Union they might be wanted? No, sir, the Secretary has made a mistake last year, in estimating, or rather guessing a year before hand, the revenue from the customs to be the sum of sixteen million of dollars, when in consequence of accelerated imports from an anticipated rupture with France, the revenue may have exceeded that amount by the sum of two or three millions during the year 1835; and in making the further estimate of the receipts of public lands one year beforehand, he guessed those receipts would be three millions and a half of dollars, when they have turned out to be more than three times that amount. If the Secretary of the Treasury be indeed verily guilty, either for making that estimate short of the fact, or for estimating on the 1st of December, that the receipts for the last quarter of the year 1835 would probably average the amount of the three first quarters of the same year, then let him that has made better and more accurate calculations, cast the first stone.

The Senator from South Carolina says he predicted what would take place: I know not where to find that prediction. I do find in a celebrated report, purporting to be drawn up by the honorable Senator, (Senate document No. 108 of the last session,) that he estimates or guesses the "average annual receipts from the customs during a series of years (including the year 1835) will be equal to the sum of $16,370,000;" and that "it is believed to be a safe estimate that the average annual increase" from the public lands will be $3,500,000! By this it would seem that the Senator himself, when he had all the benefits of the official returns for one quarter's income more than the Secretary, was equally wide of the mark with that officer in his calculations. The Senator would yield probably to no man in America the palm of financial sagacity; and if he was deceived as to the receipts of the year 1835, how can he blame the Secretary of the Treasury for not anticipating aright? The sober truth is, no human being, on the first day of December, 1834, could have anticipated the speculations of that year in real estate, and the anxiety to grasp at the public lands. None would have guessed on the 1st of December, 1835, before an official return had been made for any portion of the quarter at the Treasury, when none or few lands were offered at private sale, that more money would be taken in that quarter than in any two prior quarters of the same year. Of consequence, it is not surprising that both the Senator from South Carolina and the Secretary of the Treasury should have been mistaken in their anticipations of the amount of revenue for the year 1835. If neither of them had committed a worse political sin than this, neither of them would deserve reprobation.

Turning back to that report of last year, the famous report on executive patronage—turning back to the charges therein made upon the present Executive of the United States of "great and extravagant expenditures," of the "growing and excessive patronage," which has "tended to sap the foundation of our institutions—to throw a cloud of uncertainty over the future, and to degrade and corrupt the public morals," I am forced into reflections that otherwise would have been avoided.

In the first place, it strikes me from a recent cursory perusal of that report, that a false estimate was held out to the people, of the future receipts of the Treasury, and the future surplus to be divided, by omitting entirely in the calculation the reduction of more than FIVE MILLIONS OF DOLLARS in that revenue which would take

place under the compromise act of 1833.* That reduction, admitting all the calculations and anticipations of the report to be correct, would, after the year 1842, leave but a small sum to be divided; and when it is considered that, while the whole amount of imports has for some years been increasing, that portion of imports paying duties has been diminishing; and that the actual consumption in the United States of such foreign merchandise as pays duties, is little more than one third of the whole value of our imports, no impartial and prudent statesman, on a calculation of the ordinary risk of depression in trade, or of the casualties incident to relations between different Governments, would have found it in his heart to recommend that ways and means should be found for the division of a surplus revenue. May it not be safe to calculate, as the Secretary of the Treasury has calculated, that the biennial reduction of $1,000,000, in the rates under the last tariff, will not be made up by the increased quantity, when it is officially ascertained that the annual increase of consumption of foreign merchandise has not equaled the annual increase of population?

The Senator has said, in substance, the estimates since the commencement of the present Administration have been a series of blunders; that the present Secretary has been so incorrect, that he places no reliance upon them. A recurrence to all the estimates from the year 1802 up to the present time, will show that the recent calculations have been much more accurate than they were formerly. At the same time it must be admitted that the credit system extending from ten months to two years after the duties were secured, furnished data for more accurate calculations than the present system of cash payments.

*The following tables were made and communicated to Mr. Calhoun before the production of that report by the Treasury Department; but for some cause were not published with the other documents.

Statement, exhibiting the value of Imports and Exports of foreign Merchandise during the years 1833 *and* 1834.

VALUE OF IMPORTS.

Year ending	Free of duty.	Paying duties ad valorem.	Paying specific duties.	Total.
Sept. 30, 1833	32,447,950	49,354,349	26,316,012	108,118,311
" 1834	68,018,034	35,148,669	22,602,251	125,768,954

VALUE OF FOREIGN MERCHANDISE EXPORTED.

Sept. 30, 1833	7,410,766	8,260,381	4,151,588	19,122,734
" 1834	12,371,765	8,194,629	2,411,890	22,978,285

VALUE CONSUMED AND ON HAND.

Sept. 30, 1833	25,037,184	41,093,968	22,164,424	88,295,756
" 1834	55,646,269	26,954,040	20,190,361	102,790,670

Duties on Merchandise—1834.

Duties which accrued during the first, second, and third quarters of 1834		$15,157,448 60
Fourth quarter estimated at		3,500,000 00
		18,657,448 60
Deduct estimated drawback	$2,835,000 00	
Deduct estimated bounties and allowances	250,000 00	
		3,085,000 00
		15,572,448 60
Deduct estimated expenses of collection		1,350,000 00
Estimated net revenue		$14,222,448 60

Biennial reduction of duties under the first section of the act of 2d March, 1833.

Upon importations similar to those of 1834, producing duties to the amount of $18,657,448 60, the biennial reduction would be—

From 1st January, 1834, excess of one tenth over twenty per cent	$852,000 00
From 1st January, 1836, excess of two tenths over twenty per cent	1,704,000 00
From 1st January, 1838, excess of three tenths over twenty per cent	2,556,000 00
From 1st January, 1840, excess of four tenths over twenty per cent	3,408,000 00
From 1st January, 1842, excess of one half residue, or three tenths	2,556,000 00
From 1st June, 1842, excess of one half residue, or three tenths	2,556,000 00

NOTE.—The duties as above stated, in 1834, are exclusive of the reduction of $852,000 00.

Whatever may be the faults of the present heads of Departments, it will not be urged that they present themselves as rival and conflicting aspirants for a still higher place than they now occupy. Or if perchance any one of them looks for advancement, it is through an honest and faithful discharge of his public duty, and not in virtue of the "line of safe precedents." The eight years subsequent to the last war with Great Britain was marked, I believe, by John Randolph, as the Administration which, at its second term, "came in unanimously, and went out unanimously." The President of that day might mean well; but the Administration was not his own. The State Department was grubbing its way to the Presidency on a sectional contest in favor of northern principles and northern predilections. The War attempted to force itself into the public favor by its "growing and excessive patronage"—by "great and extravagant expenditures"—by patting on the back every man who would do its work, and by butchering in cold blood every other man who discovered a scintilla of independence. The Treasury was also of the candidates: it had all the real democracy which the amalgamating policy of an Administration without any definite political character had left in most of the States; but it was weakened much in the North from the circumstance that many of the old Federalists pretended (as they have since pretended to General Jackson) to support that, rather than the northern pretender by whom they have been betrayed. This was the state of things: three candidates for the Presidency in the Cabinet, and another contending for the palm as premier of the House of Representatives. The battle was fought as if the politicians here, and not the people at home, were to make the President. The principal candidates had each his newspaper in this city to advocate his claims. The War Department, for several years, as if determined to carry the question by a *coup de main*, went on the high-pressure principle, till at length a demonstration on Pennsylvania discovered it could neither carry that nor probably any other State of the Union; when, making a virtue of necessity, at the eleventh hour, it yields its pretensions in favor of General Jackson, whom it sees carrying everything by the people which it had the presumption to claim for itself. I have been thus particular in stating this controversy, because it involved a scene in the Cabinet of those times which we may hope never to see acted again—a scene in which the patronage of office, and of emoluments, and of contracts, in one Department at least, were directed to promote the election of a man to the first office in the Government who had no hold upon the people, and who could not, with all that patronage, command a single vote—a scene in which every public man was assailed and sacrificed who would not minister to the most greedy pretender—a scene in which the "public morals were corrupted and degraded to the lowest ebb."

During the last session of Congress, a Senator charged on the Post Office Department "rottenness" and "corruption," and "abominable violations of trust;" and then said we "must have reform, or we must have revolution." During the present session, the same Senator has charged on the friends of the Administration that they are the "parasites of power," of the "spoils party;" and made use of other epithets equally odious. Now, sir, it is a common and a true saying—that "evil thinketh he who evil doeth." If corruption and rottenness exist in any department of this Government, the diseased part cannot be too soon taken away, whether it be necessary to apply the cautery or the knife. I will refer to, or recapitulate a few of the abuses, the "unwarranted exercises of executive power," under a former Administration, and leave it with the people to judge whether, if reform has not thoroughly done its work, finding it impossible to do all things at once, the evils that are left will not, many of them, be referred back to a time when the Senator himself was a part of the existing Administration.

At the commencement of the year 1817, the Army of the United States, in the aggregate, amounted to ten thousand and twenty-four men. There were recruited in that year three thousand nine hundred and thirty-nine; in 1818, four thousand two hundred and thirty-eight; in 1819, four thousand three hundred and four; in the three years, twelve thousand four hundred and eighty-one. But at the close of the year 1819, the Army amounted to eight thousand six hundred and eighty-eight; less than the aggregate at the commencement of the year 1817, one thousand three hundred and thirty-six, this number added to twelve thousand four hundred and eighty-one, the number recruited, amounts to thirteen thousand eight hundred and seventeen men lost to the Army, mostly by desertion, in the space of three years.

In this state of things, the Secretary of War (Calhoun) called on Congress for an appropriation of $183,925, for the recruiting service of 1820. The House of Representatives paid so little attention to the Secretary's estimates as to appropriate no more than $34,125 for the whole recruiting service of that year. The House of Representatives particularly specified the number to be raised by the words, "for bounties and premiums *for fifteen hundred recruits.*" Yet, in violation of this law, and, as was said, "to keep in pay near seven hundred commissioned officers," the Secretary recruited three thousand two hundred and eleven instead of fifteen hundred men, and expended for the recruiting service $66,398 22, instead of $34,125. And when called on to account for the expenditure beyond the law, the Adjutant General reported that the money had been made up from the balance of old appropriations, which balances were not in the Treasury. One of these balances was for "amount due Robert Brent, late 'Paymaster General, being part of the advance 'made him on account of bounties and premiums 'out of the appropriation of 1816, refunded in '1820, on settlement of his account, $35,364 56," respecting which it was expressly stated by the Second Auditor that it "ought not to be understood that he refunded that sum in money; *he refunded it in settlement of account only.*"

I would also refer to Document No. 99, of the first session of the Twenty-First Congress, for examples of executive legislation by the Secretary of War, by which the pay and emoluments of sundry officers of the Army were enormously increased at several times by a simple order, sometimes subscribed in pencil by the initials of that officer. The pay and emoluments were increased in a manner which the law never contemplated. The legislation of the Secretary was always quite laconic; it ran in this manner:

"Until otherwise ordered, the chief engineer, 'while resident in Washington, will be allowed 'at the rate of nine hundred dollars a year, in 'lieu of fuel and quarters. He will also receive 'double rations. J. C. CALHOUN.

"*May* 12, 1818."

"You will instruct the paymaster of the corps 'of engineers at West Point, to pay the super-'intendent of the Military Academy at that post '*triple* rations from the 1st of September last, 'until further orders. J. C. CALHOUN.

"*October* 16, 1820."

"Does the command of the corps of engineers 'entitle Major Worth to brevet pay and emolu-'ments? A battalion of infantry consists of three 'hundred and forty men.

"*Answer.* The command of Major Worth is 'equal to his brevet rank, and his pay as such is 'allowed. J. C. CALHOUN.

"*January* 6, 1821."

"The quartermaster general, commissary gen-'eral of subsistence, the colonel of engineers, 'and the chief of the ordnance department, while 'stationed at the seat of Government, will be 'allowed double rations from this date.

"J. C. CALHOUN.

"*July* 27, 1821."

"In the absence of the chief of staff bureaus, 'the allowance of double rations will devolve on 'the officer having charge in their absence.

"J. C. CALHOUN.

"*June* 4, 1822."

The special decisions of the Secretary of War, allowing officers of the Army extra pay and emoluments, nowhere to be found authorized in any law of Congress, are numerous in the document I have referred to. A decision in one case has been held to be a rule in all similar cases; and by

these special decisions the pay and emoluments of officers in the Army, at Washington, from a major general to a lieutenant of topographical engineers, have been raised to a point much beyond the salaries of our civil officers. And it is a fact worthy of remark, that in proportion as the pay of these officers has been raised, so have their numbers increased, while the Army itself has really all the time been growing more and more inefficient. To the executive legislation of the Secretary of War, from 1817 to 1829, are we indebted for that state of things which, creating in the officers of the Army a desire for ease and increased emoluments, has made of that institution an increased burden of millions to the Treasury, and rendered the service and the Army itself more and more unpopular.

A cotemporary historian, in 1823, says: "The 'contests between the Secretary of War and the 'two Houses of Congress have been frequent 'and arduous; he struggling to draw money, 'money, more money, from the Treasury for the 'use of his Department, and they to retain it for 'other purposes. If, in all this, the Secretary 'has been right and Congress wrong, then must 'it be considered as unfortunate that they did 'not, in the year 1820, borrow six millions 'instead of three, and, in the year 1821, ten 'millions instead of five. Then our peace estab-'lishment might have been kept up at ten thou-'sand men; our Army removed a thousand 'miles further into the wilderness, from Council 'Bluffs to Yellow Stone river. Then we might 'have recruited five thousand men every year, 'and every year have expended two or three 'hundred thousand dollars upon Rip Rap con-'tracts."

These were the "glorious times" of which the Senator boasts. Glorious times, indeed, when the Government, in a time of profound peace, was obliged to borrow money to support extravagant expenses in the War Department!

By the law of the United States it is made the duty of the Comptrollers of the Treasury to "take all such measures as may be authorized by the law to enforce the payment of all debts due the United States." The general regulations of the Army also required that the pay of all officers in arrears should be stopped. To make himself more popular with those officers who loved their ease and emoluments better than they loved justice, we have the following further sample of executive legislation by the Secretary of War:

"DEPARTMENT OF WAR,
December 3, 1821.

"SIR: The practice of instructing paymasters 'to withhold *from officers* of THE ARMY all such 'sums as may be reported by the Second and 'Third Auditors to be due from them to the 'United States, is *superseded*.

"I have the honor, &c.,
"J. C. CALHOUN.

"The PAYMASTER GENERAL."

Congress, however, continued to be refractory and disobedient; they introduced into the appropriation bill, at the very next session, a clause requiring "that no money appropriated by that 'act shall be advanced or paid to any person on 'any contract, or to any officer who is in arrears 'to the United States, until he shall have accounted 'for and paid into the Treasury all sums for which 'he may be liable."

We are now reproached with having taken up the system of the Senator, for which he suffered much persecution from our friends—a splendid system of fortifications. Where is the fortification on Rouse's Point, on which the Secretary then made a large expenditure? Abandoned, *because it fell within the British territory*, and scarcely a stone remains to tell where it once was. How many other forts projected by Mr. Monroe's Secretary of War were abandoned as untenable? Where is the value of the millions expended at the Pea Patch? Burnt—but good for nothing before it was burnt, as the foundation, laid up in the most improvident manner, had given way; and the wood-work erected over it seemed to be there placed for the particular purpose of burning down the whole, that its imperfections and its uselessness might not remain as a monument to the folly of its projectors. The fortifications at the Rip Raps I have never seen; I am told they are little better than those of the Pea Patch. I have, however, heard much of Rip Rap contracts; and thereby hangs a tale respecting some of the favorites of, if not the Secretary of War, that may not much redound to the "glory" of either. If there be a single fort or other work erected in these "glorious" days that stands as a perfect and useful work, evincing military science applied practically to it, that work remains yet to come to my knowledge. Those I have seen were not to be compared with the French works erected at Ticonderoga, at the head of St. George, at Oswego, and the mouth of the Niagara, more than one hundred years ago, some of which were blown up in the war of the Revolution; that is, it would seem to me that the blown-up works might be repaired and rebuilt with even less expense than those erected in the "glorious" reign of that Cabinet, three of whose members were fighting on their own hook, and all pulling different ways, for the Presidency.

Mr. H. concluded by expressing his obligations to those Senators who had patiently kept their seats to a late hour to hear all he had to say. He did not now wish, he never had intended in any speech that he should make, to interfere with the time that could be more usefully employed than in hearing him. He said, the first session he had a seat in this body, four years ago, of the twenty-four Senators representing twelve States north of the Chesapeake and Ohio, and east of the Wabash, he alone took his peculiar stand on the subject of the tariff; and the stand he then took in favor of a large reduction of taxes upon imports was, in this body, made a subject of derision. The Senator from Kentucky, [Mr. CLAY,] in the proud character of father of the "American System," said the whole North was, in this body, unanimous in favor of a high protecting tariff. He said he begged pardon—it was not quite unanimous—he believed he had heard a "still small voice" in this Senate against that system! It is true (said Mr. H.) the still small voice in this body was but a speck of the size of a man's hand in the North at that time; it is true that I then took my stand against fearful odds; but the speck in the horizon has since become a cloud filling the whole atmosphere. The whole people have become convinced that a high tariff is not needed for the protection of any interest, or for the prosperity of the country. Inefficient and weak as I then was, (continued Mr. H.,) my ground on the subject of the tariff was taken on my own responsibility. I consulted and advised with no men high in office or friends of the Administration at that time. I have consulted on this subject with none. An ardent friend of this Administration, I would do nothing to injure it or its friends; for the opinions I have now offered the Administration is not responsible. If my suggestions are worthy of attention, they will doubtless have their due weight; if they are unworthy, they can injure no one but myself.

NORTHEASTERN BOUNDARY OF MAINE.

REMARKS OF HON. E. SHEPLEY,

OF MAINE,

IN THE SENATE, *March* 23, 1836,

Upon the occasion of the presentation of the Resolutions of the Legislature of Massachusetts, respecting the Northeastern Boundary of Maine.

Mr. SHEPLEY said: I do not intend to enter upon the discussion of the subject of these resolutions at present. I have two reasons for declining to do so. I am troubled by an infirmity of voice, which will prevent it; and I should decline doing so out of respect to my State, for I perceive that the resolutions are to be transmitted to the Governor of Maine, and I do not wish to attempt to commit her to any course respecting this matter. I prefer that she should act upon it before I indicate any course respecting it. The remarks of the Senator from Massachusetts, [Mr. DAVIS,] call for a few words from me. I shall not enter upon a history of the northeastern boundary; but it will be fresh in the recollection of the members of this body, that the Senate advised the Executive to negotiate anew respecting it, after the award, so called, of the King of the Netherlands had been communicated to the Senate. In accordance with such advice, a new negotiation had been opened, and it seemed to be well understood that the award had been entirely set aside; and thereby the right of the parties had been placed upon precisely the same foundation upon which they rested before the treaty of Ghent. Before that treaty, it appeared from the correspondence of the Ministers, that Great Britain sought to obtain by cession the disputed territory, or a part of it. Having been informed that our Ministers were not clothed with power to cede it, the commission was instituted under that treaty. I agree with the Senator from Massachusetts, that the evidence to prove our right ought to have been entirely satisfactory, and the claim of Great Britain I regard as most unjust, and as set up under the most extraordinary circumstances. I do not understand that Great Britain, or the Province of New Brunswick, is in the actual possession of the disputed territory in the manner that seems to be supposed. There has been no surrender on the part of Maine of any actual possession which she had before the treaty of Ghent. As I have before observed, the rights of the parties are now, both as to jurisdiction and possession, precisely what they were before that treaty; and so are the actual possessions, so far as I am informed. Maine has surrendered nothing; nor has she agreed that this Government should surrender anything belonging to her.

In regard to the resolutions, the first proposes a speedy settlement of the controversy. Maine certainly would not be likely to object to that; it could not but be most desirable to her to have the question settled as early as possible, in a manner that would give to her all her just rights. The delay has been great in bringing the negotiation to a favorable termination; and the course pursued in regard to it has not been, in all respects, precisely as I could have desired; but I am not informed of any just cause for imputing blame to the Executive, that it has not been brought to a close before this time.

The second resolution, if I understand it, proposes an agency from this Government, to have the guardianship and control of the disputed territory, pending the negotiation for the preservation of the property upon it. It is certainly desirable to prevent trespasses upon that territory. And it may be that the State of Maine may consent to such an agency as is proposed, if it can be arranged with her consent, and can be under her direction. But I cannot believe that she ever will consent that this Government, or any other, shall, without her consent, attempt to exercise a jurisdiction or control where she rightfully exercises it. It is for my own State, and not for me, to decide upon her proper course in relation to this matter. I will only repeat, that no one can be more sensible of the injustice of the claim set up against my own State than I am.

SLAVERY IN THE DISTRICT OF COLUMBIA.

REMARKS OF HON. J. BUCHANAN,

OF PENNSYLVANIA,

IN THE SENATE, *March* 2, 1836,

In opposition to the motion of Mr. CALHOUN not to receive the Petition of the Caln Quarterly Meeting of the Religious Society of Friends for the Abolition of Slavery in the District of Columbia, and in support of his own motion to reject the prayer of the Petitioners.

Mr. BUCHANAN said it was not now his intention to repeat anything he had said on a former occasion in regard to the abolition of slavery in this District. The remarks which he had then made, after much reflection, still met his entire approbation. He would not now have alluded to them were it not for the misapprehension which still appeared to prevail upon this floor in regard to the state of northern feeling on this subject.

Those remarks had, he believed, been more extensively circulated throughout Pennsylvania than any which he had ever made upon any occasion. If they had been censured anywhere in

that State by any party, the fact was unknown to him. On the contrary, he had strong reasons to believe they had been received with general approbation.

He was not in the habit of using private letters to sustain any position which he might take upon his floor or elsewhere. He would say, however, that since he had presented the memorial now the subject of consideration before the Senate, he had received another memorial of a similar character from the city of Philadelphia. This memorial had been transmitted to him by two gentlemen whose names and character would be the strongest guarantee for the truth of their assertions, did he feel himself at liberty to make them known to the Senate. He would not even have alluded to their letter, but it related to a public subject in which the country was deeply interested, and accompanied the memorial which they had requested him to present to the Senate. The following is an extract from this letter:

"Although we have not the pleasure of thy 'acquaintance, permit us, on this occasion, to 'express our satisfaction with thy remarks in 'the Senate some weeks since, in which the opin-'ion was forcibly sustained that no sensible man 'at the North would advocate the right of Con-'gress to interfere with the subject of slavery in 'the slave States themselves. We are fully per-'suaded this is the fact in our neighborhood.

"In a pretty extensive acquaintance with the 'friends of abolition in this city, we unhesita-'tingly declare that we have never heard such an 'opinion advocated, *and we defy our opponents to 'point out a man who has ever circulated any publica-'tion calculated to produce discord in the southern 'States.*

"But whilst we fully recognize this view, we 'are aware that the Constitution guaranties to us 'the right of memorializing Congress on any sub-'ject connected with the welfare of the District 'of Columbia, and we intend ever to exercise it 'in the spirit of charity and good feeling."

Mr. B. believed this statement to be true. Although all the people of Pennsylvania were opposed to slavery in the abstract, yet they would not sanction any attempts to excite the slaves of the southern States to insurrection and bloodshed. Whilst they knew their own rights, and would maintain them, they never would invade the rights of others which had been secured by the Federal Constitution. He was proud to say this had always been the character and the conduct of the State which he had, in part, the honor to represent, in her relations with her sister States.

He felt himself justified in declaring that Pennsylvania was perfectly sound upon this question. Abolitionists there may be in Pennsylvania, but it had never been his fate to meet a single one. If we have a man amongst us who desires, by the circulation of incendiary publications and pictures throughout the slaveholding States, to produce a servile insurrection, and thus to abolish slavery, he knew him not. In the language of the letter he had just read, whatever might be the case further north, he might defy any gentleman to point out a man in Pennsylvania who has ever circulated any publication calculated to produce discord in the southern States.

He had heard, within the last few days, that emissaries were now traveling throughout Pennsylvania for the purpose of propagating the doctrine of immediate abolition. He thought he might venture to predict that they would fail in their attempts.

Although he did not mean at present to discuss the general question, yet the Senator from South Carolina [Mr. PRESTON] must permit him to say that, in his remarks of yesterday, he had done much to dignify the cause of abolition, and to give its supporters a character which they did not deserve.

Mr. B. was not so well able to judge what effect those remarks might produce on the South; but he protested against the accuracy of the statements which that gentleman had made in regard to the condition of northern feeling on this subject. His information had been incorrect. If the gloomy coloring of the picture which he had presented could be considered anything but a fancy sketch, the South might believe that the time had arrived when it would be their duty to decide whether it was not necessary to dissolve this Union for the protection of their rights. Mr. B. thought far otherwise. The crisis had not arrived, and, he trusted, never would arrive. The force of public opinion will prostrate this fanatical and dangerous spirit. He must say, however, that the enemies of the cause of abolition at the North had a right to expect that gentlemen from the South would not adopt a course which might tend to increase our difficulties. They ought to permit us to judge for ourselves in this matter, and to throw no obstacle in our way which the nature of the subject does not necessarily prevent.

Let it once be understood that the sacred right of petition and the cause of the Abolitionists must rise or must fall together, and the consequences may be fatal. I would, therefore, warn southern gentlemen to reflect seriously in what situation they place their friends in the North by insisting that this petition shall not be received.

We have just as little right to interfere with slavery in the South, as we have to touch the right of petition. Whence is this right derived? Can a republican government exist without it? Man might as well attempt to exist without breathing the vital air. No Government possessing any of the elements of liberty has ever existed, or can ever exist, unless its citizens or subjects enjoy this right. From the very structure of your Government; from the very establishment of a Senate and House of Representatives, the right of petition naturally and necessarily resulted. A representative Republic, established by the people, without the people having a right to make their wants and their wishes known to their servants, would be the most palpable absurdity. This right, even if it were not expressly sanctioned by the Constitution, would result from its very nature. It could not be controlled by any action of Congress, or either branch of it. If the Constitution had been silent upon the subject, the only consequence would be that it would stand in the very front rank of those rights of the people which are expressly guarantied to them by the ninth article of the amendments to that instrument, inserted from abundant but necessary caution. I shall read this article. It declares that "the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." It would, without any express provision, have stood in the same rank with the liberty of speech and of the press, and have been entirely beyond the control of the Government. It is a right which could not have been infringed without extinguishing the vital spirit of our institutions. If any had been so bold as to attempt to violate it, it would have been a conclusive argument to say to them that the Constitution has given you no power over the right of petition, and you dare not touch it.

The Senator from South Carolina [Mr. CALHOUN] has justly denominated the amendments to the Constitution as our bill of rights. The jealousy which the States entertained of Federal power brought these amendments into existence. They supposed that, in future times, Congress might desire to extend the powers of this Government, and usurp rights which were not granted them by the people of the States. From a provident caution, they have, in express terms, denied to Congress every sort of control over religion, over the freedom of speech and of the press, and over the right of petition. The first article of the amendments declares that "Congress shall make 'no law respecting an establishment of religion, 'or prohibiting the free exercise thereof; or 'abridging the freedom of speech or of the press; 'or the right of the people peaceably to assemble, 'and to petition the Government for a redress of 'grievances."

Now, sir, what is the first position taken by the Senator from South Carolina against receiving this memorial? I desire to quote him with perfect accuracy. He says that the Constitution prohibits Congress from passing any law to abridge the right of petition; that to refuse to receive this petition would not be to pass any such law; and that, therefore, the Constitution would not be violated by such a refusal. Does not the Senator perceive that, if this doctrine can be maintained, the right of petition is gone forever? It is a mere empty name. The Senate would possess the power of controlling it at their will and pleasure. No matter what may be the prayer of any petition; no matter how just may be the grievances of the people demanding redress, we may refuse to hear their complaints, and inform them that this is one of our prerogatives, because, to refuse to receive their petition is not the passage of a law abridging their right to petition. How can the gentleman escape from this consequence? Is the Senate to be the arbiter? Are we to decide what the people may petition for, and what they shall not bring before us? Is the servant to dictate to the master? Such a construction can never be the true one.

The most striking feature of this argument is, that the very article of the Constitution which was intended to guard the right of petition with the most jealous care, is thus perverted from its original intention, and made the instrument of destroying this very right. What we cannot do by law—what is beyond the power of both Houses of Congress and the President, according to the gentleman's argument, the Senate can of itself accomplish. The Senate alone, if his argument be correct, may abridge the right of petition, acting in its separate capacity, though it could not, as one branch of the Legislature, consent to any law which would confer upon itself this power.

What is the true history and character of this article of the Constitution? In the thirteenth year of the reign of that "royal scoundrel," Charles the Second, as the Senator from Virginia [Mr. LEIGH] has justly denominated him, an act of Parliament was passed abridging the right of petition. It declared that "no petition to the 'King or either House of Parliament for any alter-'ation in Church or State shall be signed by above 'twenty persons, unless the matter thereof be ap-'proved by three justices of the peace, or the major 'part of the grand jury in the county; and in Lon-'don by the Lord Mayor, Aldermen, and Com-'mon Council; nor shall any petition be presented 'by more than ten persons at a time." Each Senator will readily perceive that the right of petition was thus laid almost entirely prostrate at the feet of the Sovereign. The justices of the peace, and the sheriffs who selected the grand juries, were his creatures, appointed and removed at his pleasure. Out of the city of London, without their consent, no petition for an alteration in Church or State could be signed by more than twenty individuals. At the Revolution of 1688, the Bill of Rights guarantied to English subjects the right of petitioning the King; but the courts of justice decided that it did not repeal the statute of the second Charles. This statute still remained in force at the adoption of the Federal Constitution. Such was the state of the law in that country from which we have derived most of our institutions, when this amendment to the Constitution was adopted.

Although the Constitution, as it came from the hands of its framers, gave to Congress no power to touch the right of petition, yet some of the States to whom it was submitted for ratification, apprehending that the time might arrive when Congress would be disposed to act like the British Parliament, expressly withdrew the subject from our control. Not satisfied with the fact that no power over it had been granted by the Constitution, they determined to prohibit us, in express terms, from ever exercising such a power. This is the true history of the first article of our Bill of Rights.

Let me put another case to the Senator from South Carolina. Some years since, as a manager on the part of the House of Representatives, I had the honor to appear before this body, then sitting as a high court of impeachment. In that case the accused, when sitting as a district judge of the United States, had brought an attorney of his court before him by an attachment for contempt, and, without any trial by jury, had convicted him of a libel, and sentenced him to imprisonment. The judge was acquitted; and, at the moment, I thought this decision had placed the freedom of the press in danger. If the sedition law were clearly unconstitutional, and nobody now doubts it; if Congress could not confer upon

the courts of the United States, by express enactment, any power over the question of libel, I thought it monstrous that a judge, without the intervention of a jury, under highly excited feelings, should be permitted to try and to punish libels committed against himself, according to his will and pleasure. My apprehensions were of but short duration. A few days after the acquittal of this judge, the Senate, without one dissenting voice, passed a bill, not to create a new law, but declaratory of what the old law, or rather what the Constitution was, under which no Federal judge will ever again dare to punish a libel as a contempt. The constitutional provision in favor of the liberty of the press was thus redeemed from judicial construction.

Now, sir, we must all admit that libels of the grossest character are daily published against the Senate and its individual members. Suppose an attempt should be made to bring one of these libelers before us, and to punish him for a contempt, would the gentleman from South Carolina contend that we might do so without violating the Constitution, and that we might convict him and sentence him to imprisonment because such a conviction and sentence would not be the passage of a law abridging the freedom of the press? The gentleman's excited feelings upon the subject of abolition have led his judgment astray. No construction can be correct which would lead to such palpable absurdities.

The very language of this amendment itself contains the strongest recognition of the right of petition. In the clearest terms, it presupposes its existence. How can you abridge a right which has no previous existence? On this question, I deem the argument of my friend from Georgia [Mr. KING] conclusive. The amendment assumes that the people have the right to petition for the redress of grievances, and places it beyond the power of Congress to touch this sacred right. The truth is, that the authors of the amendment believed this to be a Government of such tremendous power, that it was necessary, in express terms, to withdraw from its grasp their most essential rights. The right of every citizen to worship his God according to the dictates of his own conscience; his right freely to speak and freely to print and publish his thoughts to the world; and his right to petition the Government for a redress of grievances, are placed entirely beyond the control of the Congress of the United States, or either of its branches. There may they ever remain! These fundamental principles of liberty are companions. They rest upon the same foundation. They must stand or must fall together. They will be maintained so long as American liberty shall endure.

The next argument advanced by the gentleman is, that we are not bound to receive this petition, because to grant its prayer would be unconstitutional. In this argument I shall not touch the question whether Congress possess the power to abolish slavery in the District of Columbia or not. Suppose they do not, can the gentleman maintain the position that we are authorized by the Constitution to refuse to receive a petition from the people, because we may deem the object of it unconstitutional? Whence is any such restriction of the right of petition derived? Who gave it to us? Is it to be found in the Constitution? The people are not constitutional lawyers; but they feel oppression, and know when they are aggrieved. They present their complaints to us in the form of a petition. I ask, by what authority can we refuse to receive it? They have a right to spread their wishes and their wants before us, and to ask for redress. We are bound respectfully to consider their request; and the best answer which we can give them is, that they have not conferred upon us the power, under the Constitution of the United States, to grant them the relief which they desire. On any other principle we may first decide that we have no power over a particular subject, and then refuse to hear the petitions of the people in relation to it. We would thus place the constitutional right of our constituents to petition at the mercy of our own discretion.

Again, sir, we possess the power of originating amendments to the Constitution. Although, therefore, we may not be able to grant the petitioners relief, such a petition may induce us to exercise this power, and to ask for a new grant of authority from the States.

The gentleman's third proposition was, that we are not bound to receive this petition, because it is no grievance to the citizens of any of the States, that slavery exists in this District. But who are to be the judges, in the first instance, whether the people are aggrieved or not? Is it those who suffer, or fancy they suffer, or the Senate? If we are to decide when they ought to feel aggrieved and when they ought to be satisfied, if the tribunal to whom their petitions are addressed may refuse to receive them, because, in their opinion, there was no just cause of complaint, the right of petition is destroyed. It would be but a poor answer to their petitions to tell them they ought not to have felt aggrieved, that they are mistaken, and that, therefore, their complaints would not be received by their servants.

I may be asked, is there no case in which I would be willing to refuse to receive a petition? I answer that it must be a very strong one indeed to justify such a refusal. There is one exception, however, which results from the very nature of the right itself. Neither the body addressed nor any of its members must be insulted, under the pretext of exercising this right. It must not be perverted from its purpose, and be made the instrument of degrading the body to which the petition is addressed. Such a petition would be in fraud of the right itself, and the necessary power of self-protection and self-preservation inherent in every legislative body confers upon it the authority of defending itself against direct insults presented in this or any other form. Beyond this exception I would not go; and it is solely for the purpose of self-protection, in my opinion, that the rules of the Senate enable any of its members to raise the question, whether a petition shall be received or not. If the rule has any other object in view, it is a violation of the Constitution.

I would confine this exception within the narrowest limits. The acts of the body addressed may be freely canvassed by the people, and they may be shown to be unjust or unconstitutional. These may be the very reasons why the petition is presented. "To speak his mind is every freeman's right." They may, and they ought, to express themselves with that manly independence which belongs to American citizens. To exclude their petition, it must appear palpable that an insult to the body was intended, and not a redress of grievances.

Extreme cases have been put by the Senator from South Carolina. Ridiculous or extravagant petitions may be presented; though I should think that scarcely a sane man could be found in this country who would ask Congress to abolish slavery in the State of Georgia. In such a case I would receive the petition, and consign it at once to that merited contempt which it would deserve. The Constitution secures the right of being heard by petition to every citizen; and I would not abridge it because he happened to be a fool.

The proposition is almost too plain for argument, that if the people have a constitutional right to petition, a corresponding duty is imposed upon us to receive their petitions. From the very nature of things, rights and duties are reciprocal. The human mind cannot conceive of the one without the other. They are relative terms. If the people have a right to command, it is the duty of their servants to obey. If I have a right to a sum of money, it is the duty of my debtor to pay it to me. If the people have a right to petition their representatives, it is our duty to receive their petition.

This question was solemnly determined by the Senate more than thirty years ago. Neither before nor since that time, so far as I can learn, has the general right of petition ever been called in question, until the motion now under consideration was made by the Senator from South Carolina. Of course I do not speak of cases embraced within the exception which I have just stated. No Senator has ever contended that this is one of them. To prove my position, I shall read an extract from our Journal. On Monday, the 21st of January, 1805, "Mr. Logan presented 'a petition, signed Thomas Morris, clerk, in 'behalf of the meeting of the representatives of 'the people called Quakers, in Pennsylvania, 'New Jersey, &c., stating that the petitioners, 'from a sense of religious duty, had again come 'forward to plead the cause of their oppressed 'and degraded fellow men of the African race; 'and, on the question, 'Shall this petition be 'received?' it passed in the affirmative—yeas 19, 'nays 9.

"The yeas and nays being required by one 'fifth of the Senators present—those who voted 'in the affirmative are:

"Messrs. Adams, (Massachusetts,) Bayard, '(Delaware,) Brown, (Kentucky,) Condict, (New 'Jersey,) Franklin, (North Carolina,) Hilhouse, '(Connecticut,) Howland, (Rhode Island,) Logan, (Pennsylvania,) Maclay, (Pennsylvania,) 'Mitchell, (New York,) Alcott, (New Hampshire,) Pickering, (Massachusetts,) Plummer, '(New Hampshire,) Smith, (Ohio,) Smith, (Vermont,) Stone, (North Carolina,) Sumpter, '(South Carolina,) White, (Delaware,) Worthington, (Ohio.)

"And those who voted in the negative are:

"Messrs. Anderson, (Tennessee,) Baldwin, '(Georgia,) Bradley, (Vermont,) Cocke, (Tennessee,) Jackson, (Georgia,) Moore, (Virginia,) 'Smith, (Maryland,) Smith, (New York,) and 'Wright, (Maryland.)

"So the petition was read."

The Senate will perceive that I have added to the names of the members of the Senate that of the States which they each represented. The Senator from South Carolina will see that among those who, upon this occasion, sustained the right of petition, there is found the name of General Sumpter, his distinguished predecessor. I wish him, also, to observe that but seven Senators from the slaveholding States voted against receiving the petition; although it was of a character well calculated to excite their hostile and jealous feelings.

The present, sir, is a real controversy between liberty and power. In my humble judgment, it is far the most important question which has been before the Senate since I have had the honor of occupying a seat in this body. It is a contest between those, however unintentionally, who desire to abridge the right of the people in asking their servants for a redress of grievances, and those who desire to leave it as the Constitution left it free as the air. Petitions ought ever to find their way into the Senate without impediment; and I trust that the decision upon this question will result in the establishment of one of the dearest rights which a free people can enjoy.

Now, sir, why should the Senator from South Carolina urge the motion which he has made? I wish I could persuade him to withdraw it. We of the North honestly believe, and I feel confident he will not doubt our sincerity, that we cannot vote for his motion without violating our duty to God and to the country—without disregarding the oath which we have sworn to support the Constitution.

This is not the condition of those who advocate his motion. It is not pretended that the Constitution imposes any obligation upon them to vote for this motion. With them it is a question of mere expediency; with us, one of constitutional duty. I ask gentlemen of the South, for their own sake, as well as for that of their friends in the North, to vote against this motion. It will place us all in a false position, where neither their sentiments nor ours will be properly understood.

The people of the North are justly jealous of their rights and liberties. Among these, they hold the right of petition to be one of the most sacred character. I would say to the gentlemen of the South, why, then, will you array yourselves, without any necessity, against this right? You believe that we are much divided on the question of abolition; why, then, will you introduce another element of discord among us, which may do your cause much harm, and which cannot possibly do it any good? When you possess an impregnable fortress, if you will defend it, why take shelter in an outwork, where defeat is certain? Why select the very weakest position,

one on which you yourselves will present a divided front to the enemy, when it is in your power to choose one on which you and us can all unite? You will thus afford an opportunity to the Abolitionists at the North to form a false issue with your friends. You place us in such a condition that we cannot defend you without infringing the sacred right of petition. Do you not perceive that the question of abolition may thus be indissolubly connected, in public estimation, with a cause which we can never abandon? If the Abolitionists themselves had been consulted, I will venture to assert they ought to have advised the very course which has been adopted by their greatest enemies.

The vote upon this unfortunate motion may do almost equal harm in the South. It may produce an impression there that we who will vote against the motion are not friendly to the protection of their constitutional rights. It may arouse jealousy and suspicion where none ought to exist; and may thus magnify a danger which has already been greatly exaggerated. In defending any great cause it is always disastrous to take a position which cannot be maintained. Your forces thus become scattered and inefficient; and the enemy may obtain possession of the citadel whilst you are vainly attempting to defend an outpost. I am sorry, indeed, that this motion has been made.

I shall now proceed to defend my own motion from the attacks which have been made upon it. It has been equally opposed by both extremes. I have not found, upon the present occasion, the maxim to be true, that "*in medio tutissimus ibis.*" The Senator from Louisiana, [Mr. PORTER,] and the Senator from Massachusetts, [Mr. WEBSTER,] seem both to believe that little, if any difference exists between the refusal to receive a petition, and the rejection of its prayer after it has been received. Indeed, the gentleman from Louisiana, who I am happy to call my friend, says he can see no difference at all between these motions. At the moment I heard this remark, I was inclined to believe that it proceeded from that confusion of ideas which sometimes exist in the clearest heads of that country from which he derives his origin, and from which I am myself proud to be descended. What, sir, no difference between refusing to receive a request at all, and actually receiving it and considering it respectfully, and afterwards deciding, without delay, that it is not in your power to grant it! There is no man in the country acquainted with the meaning of the plainest words in the English language, who will not recognize the distinction in a moment. If a constituent of that gentleman should present to him a written request, and he should tell him to go about his business, and take his paper with him, that he would not have anything to do with him or it: this would be to refuse to receive the petition. On the other hand, if the gentleman should receive this written request of his constituent, read it over carefully and respectfully, and file it away among his papers, but, finding it was of an unreasonable or dangerous character, he should inform him, without taking further time to reflect upon it, that the case was a plain one, and that he could not, consistently with what he believed to be his duty, grant the request: this would be to reject the prayer of the petition. There is as much difference between the two cases, as there would be between kicking a man down stairs who attempted to enter your house, and receiving him politely, examining his request, and then refusing to comply with it.

It has been suggested that the most proper course would be to refer this petition to a committee. What possible good can result from referring it? Is there a Senator on this floor who has not long since determined whether he will vote to abolish slavery in this District or not? Does any gentleman require the report of a committee, in order to enable him to decide this question? Not one.

By granting the prayer of this memorial, as I observed on a former occasion, you would establish a magazine of gunpowder here, from which trains might be laid into the surrounding States, which would produce fearful explosions. In the very heart of the slaveholding States themselves you would erect an impregnable citadel from whence the Abolitionists might securely spread throughout these States—by circulating their incendiary pamphlets and pictures—the seeds of disunion, insurrection, and servile war. You would thus take advantage of the generous confidence of Virginia and Maryland in ceding to you this District, without expressly forbidding Congress to abolish slavery here whilst it exists within their limits. No man can for one moment suppose that they would have made this cession upon any other terms, had they imagined that a necessity could ever exist for such a restriction. Whatever may be my opinion of the power of Congress, under the Constitution, to interfere with this question, about which at present, I say nothing, I shall as steadily and as sternly oppose its exercise as if I believed no such power to exist.

In making the motion now before the Senate, I intended to adopt as strong a measure as I could consistently with the right of petition and a proper respect for the petitioners. I am the last man in the world who would intentionally treat these respectable constituents of my own with disrespect. I know them well, and prize them highly. On a former occasion I did ample justice to their character. I deny that they are Abolitionists. I cannot, however, conceive how any person could have supposed that it was disrespectful to them to refuse to grant their prayer in the first instance, and not disrespectful to refuse to grant it after their memorial had been referred to a committee. In the first case their memorial will be received by the Senate, and will be filed among the records of the country. That it has already been the subject of sufficient deliberation and debate; that it has already occupied a due portion of the time of the Senate, cannot be doubted or denied. Every one acquainted with the proceedings of courts of justice must know that often, very often, when petitions are presented to them, the request is refused without any delay. This is always done in a plain case by a competent judge. And yet who ever heard that this was treating the petitioner with disrespect? In order to be respectful to these memorialists, must we go through the unmeaning form, in this case, of referring the memorial to a committee, and pretending to deliberate when we are now all fully prepared to decide?

I repeat, too, that I intended to make as strong a motion in this case as the circumstances would justify. It is necessary that we should use every constitutional effort to suppress the agitation which now disturbs the land. This is necessary, as much for the happiness and future prospects of the slave as for the security of the master. Before this storm began to rage, the laws in regard to slaves had been greatly ameliorated by the slaveholding States; they enjoyed many privileges which were unknown in former times. In some of the slave States prospective and gradual emancipation was publicly and seriously discussed. But now, thanks to the efforts of the Abolitionists, the slaves have been deprived of these privileges; and whilst the integrity of the Union is endangered, their prospect of final emancipation is delayed to an indefinite period. To leave this question where the Constitution has left it, to the slaveholding States themselves, is equally dictated by a humane regard for the slaves as well as for their masters.

There are other objections to the reference of this memorial to a committee which must, I think, be conclusive. I ask the Senate, after witnessing the debate upon the present question, to what conclusion could this committee arrive? If they attempted to assert any principle beyond the naked proposition before us, that the prayer of the memorialists ought not to be granted, we would be cast into a labyrinth of difficulties. It would be confusion worse confounded. If we wish to obtain a strong vote, and thus at the same time tranquilize the South and the North upon this exciting topic, the reference of it to a committee would be the most unfortunate course which we could adopt. Senators are divided into four classes upon this question. The first believe that to abolish slavery in this District would be a violation of the Constitution of the United States. Should the committee recommend any proposition of a less decided character, these Senators would feel it to be their duty to attempt to amend it by asserting this principle; and thus we should excite another dangerous and unprofitable debate. The second class, although they may not believe that the subject is constitutionally beyond the control of Congress, yet they think that the acts of cession from Maryland and Virginia to the United States forbid us to act upon the subject. These gentlemen would insist upon the affirmance of this proposition. The third class would not go as far as either of the former. They do not believe that the subject is placed beyond the power of Congress either by the Constitution or by the compacts of cession, yet they are as firmly opposed to granting the prayer of the petition, whilst slavery continues to exist in Maryland and Virginia, as if they held both these opinions. They know that these States never would have ceded this territory of ten miles square to the United States upon any other condition, if it had entered into their conception that Congress would make an attempt sooner to convert it into a free district. Besides, they are convinced that to exercise this power, at an earlier period, would seriously endanger not only the peace and harmony of the Union, but its very existence. This class of Senators, whilst they entertain these opinions, which ought to be entirely satisfactory to the South, could never consent to vote for a resolution declaring that to act upon the subject would be a violation of the Constitution or of the compacts. The fourth class, and probably not the least numerous, are opposed to the agitation of the question, under existing circumstances, and will vote against the abolition of slavery in this District at the present moment, but would be unwilling to give any vote which might pledge them for the future. Here are the elements of discord. Although we can all, or nearly all, agree in the general result, yet we should differ essentially in the means of arriving at it. The politic and the wise course, then, is to adopt my motion that the prayer of the memorialists ought to be rejected. Each gentleman will arrive at this conclusion in his own way. Although we may thus travel different roads, we will all reach the same point. Should the committee go one step further than report this very proposition, we should at once be separated into four divisions; and the result must be that the whole subject would finally be laid upon the table, and thus the Abolitionists would obtain a victory over the friends of the Union both to the North and to the South.

Before I made the motion now before the Senate, I deliberately and anxiously considered all these embarrassing difficulties. At the first I was under the impression that the reference of this subject to a committee would be the wisest course. In view of all the difficulties, however, I changed my opinion; and I am now willing, most cheerfully, to assume all the responsibility which may rest upon me for having made this motion.

I might have moved to lay the memorial upon the table; but I did not believe that this would be doing that justice to the South which she has a right to demand at our hands. She is entitled to the strongest vote, upon the strongest proposition, which gentlemen can give, without violating their principles.

I have but a few words more to say. As events have deprived me of the occupation assigned to me by the Senator from North Carolina, [Mr. MANGUM,] I feel myself at liberty to invade the province allotted by the same gentleman to the Senator from New York, [Mr. WRIGHT,] and to defend a distinguished member of the Albany Regency. In this I am a mere volunteer. I chose thus to act because Governor Marcy has expressed my opinions better than I could do myself.

And here, permit me to say that, in my judgment, southern gentlemen who are not satisfied with his last message, so far as it relates to the Abolitionists, are very unreasonable. With the general tone and spirit of that message no one has found any fault; no one can justly find any fault. In point of fact, it is not even liable to the solitary objection which has been urged against it, that he did not recommend to the Legislature the passage of a law for the purpose of punishing those Abolitionists who, in that State, should attempt to excite insurrection and sedition in the

slaveholding States, by the circulation of inflammatory publications and pictures. It is true that he does not advise the immediate passage of such a law, but this was because he thought public opinion would be sufficient to put them down. He, however, looks to it as eventually proper, in case, contrary to his opinion, such a measure should become necessary to arrest the evil. He expressly asserts, and clearly proves, that the Legislature possesses the power to pass such a law. This is the scope and spirit of his message.

Ought he to have recommended the immediate passage of such a law? I think not. The history of mankind, in all ages, demonstrates that the surest mode of giving importance to any sect, whether in politics or religion, is to subject its members to persecution. It has become a proverb, that "the blood of the martyrs is the seed of the Church." By persecution religious sects, maintaining doctrines the most absurd and the most extravagant—doctrines directly at war with the pure faith and principles announced to the world by the Divine Author of our religion, have been magnified into importance. I do not believe there is any State in this Union—unless the information which we have received from the Senators from Vermont might make that State an exception—where penal laws of the character proposed would not advance instead of destroying the cause of the Abolitionists. I feel confident such would be the event in Pennsylvania. Severe legislation, unless there is a manifest necessity for it, is always prejudicial. This question may be safely left to public opinion, which, in our age, and in our country, like a mighty torrent, sweeps away error. The people, although they may sometimes be misled in the beginning, always judge correctly in the end. Let severe penal laws on this subject be enacted in any State—let a few honest but misguided enthusiasts be prosecuted under them—let them be tried and punished in the face of the country, and you will thus excite the sympathies of the people, and create a hundred Abolitionists where one only now exists. Southern gentlemen have no right to doubt our sincerity upon this subject; and they ought to permit us to judge for ourselves as to the best mode of allaying the excitement which they believe exists among ourselves.

If the spirit of abolition had become so extensive and so formidable as some gentlemen suppose, we might justly be alarmed for the existence of this Union. Comparatively speaking, I believe it to be weak and powerless, though it is noisy. Without excitement got up here or elsewhere, which may continue its existence for some time longer, it will pass away in a short period, like the other excitements which have disturbed the public mind, and are now almost forgotten.

SUFFERERS BY THE NEW YORK FIRE.

SPEECH OF HON. W. J. GRAVES,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

February 17, 1836,

On the bill for the relief of the Sufferers by the Fire at New York.

Mr. GRAVES addressed the Chair to the following effect:

From the latitude allowed those who have preceded me in this debate, I hope it will not be considered out of order in me to speak to the merits of the whole bill. I have entertained the opinion, since the first introduction of this bill, that we could not, in accordance with sound policy and correct principles of legislation, grant the relief proposed by it to the unfortunate victims of this most unprecedented calamity; much less extend the operations of the bill, as proposed in the second section, to all such merchants as are not included in the first, and who, though they had suffered no loss by the late fire, were indebted to the Government for duties at the port of New York by bonds that fell due prior thereto.

Laboring under the influence of that almost universal sympathy which was pervading the community for the objects of this affliction, I have felt a strong and sincere desire, if I could consistently with my convictions of duty, to give my support to this bill; yet, although I have given a most patient and impartial hearing to all that has been said in support of it, my opinions remain unchanged. The honorable member from Massachusetts, [Mr. PHILLIPS,] who last addressed the committee, in a very elaborate, able, and truly eloquent speech, has occupied all the grounds, in my humble conception, that can be urged in support of this measure, and that too, in a manner most peculiarly felicitous.

The first section of the bill provides, "That 'the collector of the port of New York be, and 'he is hereby, authorized, as he may deem best 'calculated to secure the interests of the United 'States, to cause to be extended (with the assent 'of the sureties thereon) to all persons who have 'suffered loss of property by the late conflagra-'tion at that place, the time of payment of all 'bonds heretofore given by them for duties, to 'periods not exceeding three, four, or five years, 'in equal installments, from and after the day of 'payment specified in the bonds; or to allow the 'said bonds to be canceled, upon giving to the 'said collector new bonds, with one or more 'sureties, to the satisfaction of the said collector, 'for the sums of the former bonds, respectively, 'payable in equal installments, in three, four, 'and five years from and after the day of pay-'ment specified in the bonds to be taken up or 'canceled, as aforesaid; and the said collector is 'hereby authorized and directed to give up or 'cancel all such bonds upon the receipt of others 'described in this act; which last mentioned 'bonds shall be proceeded with in all respects 'like other bonds which are taken by collectors 'for duties due to the United States: *Provided*, 'That those who are designed to be relieved by 'this section, and who may have paid their bonds 'subsequent to the late fire, shall also be entitled 'to the benefit of this section, and that the said 'bonds shall be renewed from the day when the 'same were paid."

The second section provides "that the collector 'of the port of New York is hereby authorized 'and directed to extend the payment in the man-'ner prescribed in the first section of this act, of 'all other bonds given for duties at the port of 'New York prior to the late fire, and not provided 'for in the first section as aforesaid for six, nine, 'and twelve months, from and after the day of 'payment specified in the bonds: *Provided, how-'ever*, That nothing contained in this act shall 'extend to bonds which had fallen due before the 'seventeenth of December last."

I, Mr. Chairman, gave my undivided and most special attention to each and every position taken by that honorable gentleman in the progress of his argument, and propose, as briefly as the nature of the case will admit, to review such of them as bear upon the real merits of this question.

Before, however, I proceed to a consideration of the arguments of that gentleman, allow me to remark that we have been required to act upon this subject rather in the dark; that we have had no official information as to the extent of the relief asked. We have to rely on the verbal information of the friends of this measure, who, I suppose, have it from those who are asking relief, and who, it is to be presumed, would feel no interest in magnifying the amount upon which they ask indulgence, without interest, and who, because of their interest, would be held in all legal tribunals as incompetent witnesses. Taking, then, the account of the friends of the bill as correct, the first section of it embraces bonds for about seven hundred thousand dollars, and the second section about three million dollars. Predicating my calculation upon this information, I find interest on those bonds, at the rate of six per cent. per annum, renewable annually from the time they respectively fall due up to the period to which it is proposed to extend the credits, amounts to something upwards of three hundred and eighteen thousand seven hundred and forty dollars; an amount greater than is required to pay the two hundred and forty-three members of this House for one hundred and sixty days, and sufficiently large, especially when taken into consideration in connection with the importance of the principle involved, to induce this House to examine well into the subject, and weigh well the probable effect and consequence of such a precedent upon the future legislation of this House.

We, Mr. Chairman, I am fully apprised, are most delicately and peculiarly situated in reference to this as well as all other claims that come before us; we occupy the attitudes both of party and judge; and whilst we should be careful not to let self-interest bias us on the one side, we should not be less careful to see that we are not driven into error on the other hand from too great an apprehension of doing injustice to the applicants. But, sir, let us now proceed to consider, in detail, the arguments of the friends of this measure. The honorable member from Massachusetts, as has been remarked, having covered all the grounds taken in support of this bill, I will confine myself particularly to his remarks.

The first ground taken by him is, that the Government has such an amount of surplus revenue now in its Treasury, that it would have no use for the money if the bonds were collected, and that it would be suffered to lie in the deposit banks without interest. Is it true, Mr. Chairman, that this Government has no use for money at this time? Is it true that the different States in this Union have already done for themselves all that can be done in the way of promoting the interest and happiness of their citizens, and that they are now reclining at their ease in consequence of having nothing to do calculated to advance the public good? I humbly conceive not. Look abroad in the land, and what do we see? Within the last year or two, the public spirit of our fellow citizens seems to have received a new impulse in almost every quarter of this vast Republic. A new era seems to be bursting on us. The people are aroused to their own best interest. We see the different States, situated on the different extremes of this vast Union, contemplating and moving in the work of connecting themselves with each other by inland communication that literally conquers space. We see the Legislatures of the different States providing for works of internal improvement upon a scale that is truly worthy of a free people. They are not contracting loans of thousands and tens of thousands for the accomplishment of this, that, or the other little local improvement, but of tens of millions, for objects embracing the improvement of the whole extent of their territory. Never, in the history of this Government, was there such a spirit of enterprise abroad. Never was there a time when there was such a demand for money on the part of the different States for their respective improvements as the present; and are we to be told we have no use for the money in the public Treasury?

I readily agree that it is better that these importing merchants who are engaged actively in enterprising commerce that adds to the wealth of the nation, should hold this money, which belongs in common to them and the rest of their fellow-citizens, without interest, than that the deposit banks, in whose vaults it is to be placed, should be allowed to fatten and grow rich off of interest paid them by the people, for the most gracious privilege of using their own money. But I am not willing to stake the fate of this bill on this issue. It is not the true issue. I, for one, sir, intended to legislate upon this and every other subject calculated to affect our finances, with just as strict an eye to economy as though I knew this Congress intended to obey the voice of the people, in their demand for an equal distribution of the surplus revenue among the States. I am not yet prepared to anticipate a failure of this most important measure.

Government is a moral person, possessing in reference to its property all the natural, moral, and legal rights of a private individual; every citizen constitutes a component part thereof, and his right in everything that belongs to the Government—whether it be in the public lands, or bonds upon importers, or in whatever the right of property can exist—though small in point of size, yet bears the same proportion to the entire thing which one bears to the number of citizens in this Government; and is just as perfect and unquestionable as though the right to the entire thing was vested in him, and the same policy, which

is observed in the fiscal concerns of a wise, prudent, humane, and just private individual, should control and regulate the financial operations of every Government, where the interest and happiness of the great mass of the people are the paramount considerations. Hence, we should adopt the same process of analysis, the same rules of investigation, in arriving at the relative rights of the Government, and such of its citizens as are embraced by the provisions of this bill, as though it were a matter between two individuals.

His second ground is, that it is the interest of the Government, acting as a prudent creditor, to extend the proposed credit, in order the better to secure the collection of her debts. The Government holds the bonds on its citizens for duties; and when they fall due, it has a right to expect payment, without some sufficient cause against it. The merchant, in the present instance, says to his Government: You hold my bond due on such a day, for such an amount, for duties; from an unexpected misfortune I am, in some degree, crippled in my commercial operations; and it will be your interest to indulge me for four years after my bonds become due, without interest, in order that your debt may be the better secured. Ought not the Government to act as any other prudent creditor, and say to its debtor: You must give me some evidence, in addition to your own suggestion, that it is my interest thus to act? Would not any prudent private creditor require other proof than the statement of his debtor before he would thus prolong, for four years, the time of the payment of his debt, and that, too, without interest? Being, then, altogether without proof that it is its interest to extend this credit, I think the Government on this account alone ought not to do it.

I will conclude my remarks upon this branch of the subject by asking whether it is supposed by any friend of this bill that one of those importers would agree to extend a credit of four years without interest for the price of a quantity of goods purchased of him in New York by a merchant from Louisville or Cincinnati, and lost by the purchaser in descending the river, or by fire after they had reached their destination? Unless he had satisfactory reasons to believe it was his interest, he would be just as far from doing this as a high-minded merchant from a western city would be from asking it, or receiving it if offered.

All who have assumed to represent the feelings of the merchants of New York, embraced by this bill, have expressly disavowed, on behalf of those merchants, a desire, or even willingness, to accept of the proposed measure, as a favor, boon, or charity from the Government. They say they rest this claim upon its intrinsic justice; that it is founded in correct principle, and demand of us, as a matter of right, the passage of this bill; to prove which, they assume that the importer is a mere agent of the Government; that the bond he executes for duties is executed under a sort of legal restraint; that his contract is not voluntary. Both of these positions I consider altogether untenable. The importer cannot, in my conception, be understood to sustain to the Government the relation of an agent to his principal. It certainly cannot be, as the supporters of this measure have contended, that the importer sustains to the Federal Government the relation that the collector of the revenues in the States does to the State governments. The collectors of the ports, as I understand it, answer to the place of the collectors of the revenues in the States, and the importer, to every intent and purpose, answers to the place of tax-payer.

The collectors of the revenues in the State governments have no right of property in the taxes they collect, and are in strictness agents, just as much as the auctioneer is the agent of the owner of the goods which he sells. An agent has no right of property in the article the owner has placed in his hands; the owner has the entire right; and thus the one is easily distinguished from the other. Is not the importer, then, to every possible intent, the owner of his imported goods? Can he not keep and use them himself, or retail or wholesale them out, or refuse to do either at his own option? None can deny this; and if so, how can it be contended that the importer sustains the relation to this Government of a mere agent? It really seems to me the position is too self-evidently fallacious to be susceptible of elucidation. The gentleman from Massachusetts contends that it is the spirit and intention of the law that the consumer, and not the importer, should pay the duty; and hence, before the goods are sold to the consumer, if they are destroyed by fire, or other accident, the importer should be released from the duty. Now, whilst I readily admit the practical effect of imposing duties upon importations in this as in every other country is, that the consumer pays it, I do deny that there is anything in the spirit and meaning or policy of the laws imposing duties on importations that requires a sale by the importer, or a consumption of the article imported, before the Government has a right, in justice and in law, to exact its duties.

When an importer introduces a foreign article into this Government, he acts with a view of making a profit by it. If it be in great demand, he perhaps makes a heavy profit: if in less demand, his profit diminishes in the same proportion. If it be in no demand, he perhaps fails in his sale, and loses upon the article. He makes his importation with a full knowledge of all his risks, and only does it because of his conviction that the prospect of a good profit is greater than the probability of a loss. His is a chancing bargain; and if he lose by it, nothing but just one of those contingencies which in the nature of things must occasionally occur, has transpired, and he has no just ground of complaint. Suppose an importer introduce a quantity of some article subject to become worthless, and after he enters it, and gives his bond for the duty, it actually becomes worthless, will it be contended the importer shall be released from the duty because the article had not gotten off his hands before it spoiled? Surely none will so contend. As well might it be contended, that if such article had enhanced in value the Government should be entitled to the increased value. Such risks are incident to the nature of the business; and every rational man who engages in it so calculates, and lays his profits accordingly.

I do not consider that the profit or per cent. which the importer makes upon his importation is the consideration that supports and renders valid the bonds given by him for duties, but it is the privilege of importing, and taking the chance of making a profit, that constitutes their real consideration. The Government does not undertake to guaranty to the importer a sale of his imported goods, or a profit upon that sale. None, it is to be presumed, will contend that the importer who has failed to realize more than cost and carriage for his cargo shall claim to be released from the duties he owes his Government, because he was unable to make a sale covering cost, carriage, and duty.

The consideration of a bond for duties is exactly analogous to that of one executed for lottery tickets, the purchaser only buys a chance for a prize, and not the prize itself. And the purchaser of a ticket could with just as much propriety go to the agent of those who have made a lottery and ask for his money back after he had drawn a blank, as the importer can come to us, sir, as the agents of the people, to whom all duties belong, and ask us to forgive him his bond, or to extend him a credit averaging four years; for it will be borne in mind that those who have advocated this bill have avowed an intention of sustaining another bill to release the duties on all goods that were destroyed in the hands of the importer, and no small proportion of their arguments have borne on this question. But, further to elucidate my understanding of the practical operations of the chancing bargain of the importer, suppose those sufferers by the fire in New York had, since the fire, imported French goods to the value of $20,000,000, and a war with France, or a total exclusion of all French goods from our ports, had been determined upon by Congress—would not those importers have felt themselves entitled to all the advantages accruing to them in such a contingency? Would they not, as sensible men, have improved their fortuitous position to make a much greater profit on these importations than they anticipated when they engaged in the enterprise? And who would ever think of their dividing their profits, thus greatly increased, with the Government, by whose immediate action those profits were enlarged?

The gentleman from Massachusetts says, although it is the intention of the law that the consumer should pay the duty, and not the importer, yet the situation of the importer is altogether different from the merchant in Cincinnati, who may have purchased from the importer; the importer, being a kind of agent of the Government, has a right to demand his duties back of the Government, if the goods imported be consumed before sale; but if the Cincinnati merchant buy the whole cargo, and it is consumed by fire, whilst his, though perhaps unremoved, the Government ought not to interfere, because one is a sort of agent of the Government, and pays the duty, and the other does not. Is this not rather a distinction without a difference? In neither case has the article reached the hands of the consumer. And if the gentleman's argument be good, that it is the intention of the law that the consumer should pay the duty, would it not as much defeat that intention in the case of the Cincinnati merchant as in that of the New York importer, and as much in the case of the village merchant, who is, perhaps, the third owner, as in either instance?

But it is contended again by the gentleman from Massachusetts, that the laws imposing duties operate as a legal restraint on the natural right of the importer; that he is compelled to execute his bond before he can land or enter his cargo, and therefore the bond is not altogether voluntary, and that in this, it essentially differs from an ordinary bond given to a private creditor by his debtor. There may, at first blush, be an apparent difference in the two cases, but, on examination, I think it will be found that there is no essential or material difference. I hold that a merchant enters upon the pursuit of his chosen avocation with a knowledge of the laws by which the wisdom of the nation has regulated it. He knows that when his ship arrives in port he has to execute his bond, with approved security, for the duties on his cargo, before he can land or enter it in the custom-house. With a full knowledge of all this, he, as a free agent, laboring under no legal compulsion or restraint, voluntarily enters upon the business of an importer, it is to be presumed with a knowledge of, and a willingness to comply with, the laws regulating the imposition and collection of duties. Hence, with great deference to the opinion of the honorable gentleman, I cannot admit the validity of his position, that the contract between the importer and his Government is not entirely voluntary, and that it differs essentially from one between a private creditor and debtor.

Every pursuit has its peculiar advantages and disadvantages. We find the rewards of labor in the thousand various pursuits of life, from the humble day laborer up to the most enterprising and hazardous merchant, are generally small in proportion to their certainty, and enlarge as they grow more uncertain. Hence, he who is content with the meager supply of the absolute necessities of an humble life, will adopt the pursuit of a day laborer, because the reward of his labor is immediate and certain; he draws each night the wages of the past day, and retires to his humble dwelling to rest from his labor, free from all the cares and perplexities to which others of large possessions and multifarious engagements are subject. He, however, who is not content with his condition, will, perhaps, adopt the business of a tiller of the earth, the rewards of whose labor, though more uncertain and not so immediate, are yet larger in proportion to their greater uncertainty. An early frost or an unusual storm may occasionally sweep from him the fruits of months of labor; yet, as such occurrences are rare, and the inducements in the way of profit are great, we see the great mass of our fellow citizens engaged in agriculture. But when the early frosts come, and cut short the crops of the farmer, he is conscious that it is nothing but what, from the nature of his business, he had reason occasionally to anticipate, and never thinks of asking the Government to supply his loss. So

again, he who is ambitious of great wealth, who has no relish for mediocrity, and who, from the peculiarity of his organization, is happiest when most excited—which is when his prospects of gain and hope of profits are greatest—adopts the pursuit of an importer, who, whilst he shares undividedly the immense profits attending prosperity in his pursuit, should not, as a just man, when adversity comes, desire his fellow-citizens—which is but another name for his Government—to reinstate him in his losses. I cannot perceive that his claim for relief has any more foundation in principle and justice than that of the farmer whose crop has been cut short by the frosts, or an unfavorable season.

Upon the subject of the warehousing system of England, about which the honorable gentleman has exhibited much learning, I will barely remark, that the only material practical difference between it and our system is, that there the risk of the importer is less than in this country, and he lays a less profit to cover that less risk. Our merchants, enlightened and intelligent, as the gentleman has just said they are, lay a profit upon their business that bears a proper proportion to their risk; as evidence of which take the importers of goods to this country for the last twenty years. Look at the amount of capital invested by them in their business, and then see whether, under all the supposed hardships of our system, the same amount of capital has been employed by the same number of men, with anything approaching the same profit. It cannot be the policy of this Government, by partial and individual legislation, to contribute to the amassment of ovegrown wealth in the hands of any particular class of its citizens. The people in every community are most happy when there is least inequality in their wealth; and as the happiness of the people is the prime object of this Government, we should be slow to indulge in a course of partial legislation calculated to defeat that great object. Our Government has a just and natural right to demand of its importers duties upon their importations, in return for the millions of dollars it annually expends in protecting and affording facilities to their commerce, among the most conspicuous items of which stand the expenses of our Navy and our diplomatic corps. It is unjust that the Government, which is but another name for the whole people, should lay out and expend millions annually for the protection of a portion of its citizens in a particular pursuit, and get nothing in turn for it to the common Treasury.

The honorable gentleman further insists on the propriety of this measure, because of the immense amount which the port of New York has yielded to the Treasury, exceeding, as we are informed, two hundred and sixty millions of dollars, and now annually equaling one half of all the duties of the Government. And it is urged with great zeal and earnestness for the Government, that merchants who have done this much have a right to claim its special protection. Now, mark, Mr. Chairman, that the friends of this bill have contended that the spirit and meaning of the laws imposing duties on imports are, that the consumer shall pay them; and all admit that in general the practical operation of these laws is, that the consumer pays the first costs, the carriage, the profits of all the intermediate owners, and the duty of the Government, on everything that is imported. If, then, this be correct, can it be said that New York is entitled to the credit of paying the taxes and supporting the Government? It is the products of the tillers of the earth, sir, that go abroad and return in the shape of foreign commodities through the port of New York, that fill your coffers; and New York collects and pays over to the Government the duties, and then turns round and says she is the supporter of the Government. Does she, sir, do this service without compensation, that she should claim so much merit for it? Let us look into this matter. She keeps for her trouble ten per cent. on the amount collected, and this is the lowest estimate that is placed on the expense of collection; so that, in truth, we perceive that she has charged us at least twenty-six millions of dollars for the services rendered us in collecting and paying our own money! And yet we are asked to pass this measure for her benefit, which is, in effect, a donation of upwards of three hundred and eighteen thousand dollars. I, for one, am opposed to this extension of the credit on these bonds, upon principle, and because I think the precedent will involve the country in immense troubles and difficulties; but if it be extended, I insist, in justice to the balance of the citizens of this Government, that the obligers be required to pay interest upon their bonds.

We have heard much said, Mr. Chairman, in commendation of the city of New York. She has been justly called the London of America. We are truly told that she belongs alike to all the citizens of our wide-spread Republic, and that every one has cause to be proud of her. Her representatives tell us that she is so completely the heart of these United States, that the derangement of any of her functions, like a derangement of the healthful operations of the functions of the human heart, will be severely felt by all the different members. We are told that every city, village, and hamlet in the land will feel the effects of this calamity, unless we extend the relief contemplated by this bill. We have been told that a large proportion of the banking capital upon which the enterprise and the business of the West and the Southwest are predicated, belongs in New York; and unless she is relieved by our timely interposition, that this portion of the Union is to feel the shock with peculiar force. We, the Representatives from Kentucky, have been admonished to look before we leap, and see that our opposition to this bill does not conflict with the best interests of our constituents, and, as a natural consequence, amount to a misrepresentation of them. We, sir, are advised, in a most special and significant manner, by gentlemen from New York, that very much of our banking capital belongs to that city, and that the vacuum occasioned by the late destruction of capital there, unless this measure should be successful, must and will be supplied by funds withdrawn (by the New York capitalists) from the West.

I, Mr. Chairman, am not unapprised that a heavy pressure in New York would be sensibly felt by the people of Kentucky, and by no portion of them so sensibly as my immediate constituents, the citizens of the city of Louisville and the circumjacent counties; that city presents a grand and magnificent specimen of the incalculable resources of the West, and most particularly of Kentucky, which (I hope I may be permitted to say without incurring the imputation of egotism, what all impartial writers have said) is the garden of the world. The history of the world, under similar circumstances, sir, presents no parallel to the rapidly increasing population and commerce of this city; which, sir, though for months in the dry season of every year is inaccessible, except for boats of a smaller size, has more than doubled her population of ten thousand since the census of 1830, and now possesses more commerce by one fourth than her very flourishing and enterprising sister, Cincinnati, which in 1830 possessed a population near three times as great as her's. I am proud of a station upon this floor as the Representative of such a city; and as long as I am honored with its confidence, its best interests shall find in me, though a feeble, yet a devoted and assiduous advocate. But, sir, I should feel myself an unworthy representative of my constituents, who consider of, and act upon, every subject connected with the public interest with expanded and enlarged views, were I not to act upon this subject with views which I consider to be correspondingly liberal and enlarged. I, sir, however, do not consider that we act upon this subject with views sufficiently enlarged, when we confine the operation of this measure to the present effects to be produced upon New York and such other sections as may feel the consequences of the late fire; but we should look forward to the effects that this act is to have as a precedent to future legislation in this hall. I believe the laws regulating the collection of our duties are not unwise. I believe they reflect the image of enlightened public opinion, upon which all the laws of this Government rest; but if they are wrong and oppressive, let us change the system, and let it be uniform in its operation, so that the citizens of every State, whether represented on this floor by the influence and votes of one or forty members, shall experience equal benefits from it.

Then, sir, I do admit that this fire will produce a pressure in New York, and that its effects will in some degree reach my constituents, and that the proposed measure would to some extent alleviate that pressure. But, sir, it does not hence follow that I can support it; it does not follow that my constituents, if standing in person here, would support it. I know them well enough to assert, and I do assert with pride, as their Representative, that self-interest is no unerring test of their support of a particular measure, and that they would not hesitate to oppose this bill even though they were the immediate sufferers, and were intended to be the recipients of the favor, if they thought it wrong in principle, and bad in policy. Therefore I oppose the bill, believing, as I conscientiously do, that I could not vote for it, except in violation of important principles and sound policy.

But, sir, let us consider of what appears to me to be another very weighty objection to this bill. It will be seen by the first section that every merchant who has suffered a loss to the amount of one thousand dollars shall have credits, equal to an average of four years, on the whole amount of his bonds from and after they fall due. Now, suppose an importer is indebted $50,000 for duties to the Government, and has lost $1,000 by the fire, calculating the use of his money, worth to him six per cent. per annum, he makes a net profit, over and above his loss, of $11,000. And off of whom? The people—the rightful owners of it, to whom it is always worth at least six per cent. per annum, and who have as much right to the interest as the principal.

I hold, as it respects the second section of this bill, unless the credit asked is extended with the sole view of better securing the collection of bonds embraced by it, that there is no more propriety in extending the proposed credit than in taking the amount of $3,000,000 out of the Treasury, and loaning it to the merchants of Philadelphia, Cincinnati, or Louisville; to do which we are prohibited by considerations of policy not less than those of a constitutional character.

I am not one of the number who believe that a check on the growth and power of the city of New York will be attended with those blasting and ruinous effects on all the parts of this Government which some seem to anticipate. Whilst I am the last to desire a calamity to befall New York; whilst I am entirely content that she may enjoy and improve those benefits which nature has given her, I should be happy to witness, in Boston, Philadelphia, and Baltimore, rival cities, commanding an equal commerce and an equal power. I must confess, occurrences have transpired, and ideas have been suggested, in connection with the power and importance of that city, which have rather aroused my apprehensions.

We are told she is the heart of this nation, and to allow her commercial operations to become deranged is to derange every member of this whole Union, in all its ramifications; that already she has extended to the West and South loans and accommodations to the amount of twenty-nine millions of dollars, and already do we hear the representatives of the people admonished, that if they do not attend to the present demand of the city of New York, their constituents will feel the effects of a refusal. How long will it be, if she continues to increase in her commerce, and population, and power, and money, as in years past, before she can come into this hall, and say, through her representatives, that the interest of this city of ours requires this, that, or the other, legislative assistance, perhaps the use of twenty or fifty millions of dollars, as a loan from the Government, without interest, for four or forty years, in order to sustain herself under her "much-abused spirit of enterprise," and to admonish a majority of the members that, if they refuse the demand, their constituents, who have the use of millions of New York money, will be made to feel the effects of the refusal?

I, for one, Mr. Chairman, do protest in my place against New York, or any other city, advancing to such an eminence of power. I hope

never to see any city in these United States sustain to them the relation Paris sustains to France. God forbid that New York should ever become what the advocates of this measure have denominated it—the same to our political system which the heart is to the corporeal system!

We have heard much, Mr. Chairman, from a certain quarter, though not from Massachusetts, about a moneyed corporation wielding dangerous powers that were likely to overshadow the liberties of the people. I should be pleased to know whether gentlemen who were, in gone-by days, so sensitive about moneyed influences, are now to be found among the number who are admonishing the West to mark well their course on this subject, and see that they do not run counter to the interests of their constituents. We have been told that New York has acted the part of a kind, fond, indulgent, and confiding mother to the cities and villages of the West. I do not wish, sir, to create any sectional jealousies upon this or any other subject that comes before this House; for I consider it an improper mode of legislation: but I will barely remark that, whilst I have learned there is much of enterprise, industry, and prudent financiering in the New York character, I had not read so far into their history as to ascertain that they were in the habit of extending their kindness and indulgence much further than the dictates of interest might chance to suggest. I suppose the merchants of New York occasionally extend time to their western customers after their obligations fall due; but I have not within my recollection heard them charged with refusing a little interest by way of indemnity for the forbearance. And we in the West say to the merchants of New York: If it be inconvenient to pay your bonds when they fall due, it is but just you should pay interest for the indulgence.

The gentleman from Massachusetts, as an additional reason why this bill should pass, brings to the view of the House the immense loss which the fire has caused to New York; he has told us to set down the destruction of goods and buildings at $25,000,000, (which I think exceeds by $8,000,000 any previous estimate I have heard,) and to that add the amount of credit that such a sum would give merchants of good character, and also the amount of profit that such a capital would reasonably have yielded merchants well established in business, and the additional loss consequent on the destruction of their account-books and papers, and the amount would be astounding. I agree that the loss to New York has been immense; but it would very much puzzle the gentleman from Massachusetts, learned and able as all admit him to be, to demonstrate to the satisfaction of an impartial judge, that New York can sustain herself under such a loss, amounting, if his calculations be not magnified, to at least $100,000,000, and yet be unable to meet the demands of the Government to the amount of between three and four millions. If they can maintain their credit unimpaired under all these losses; if, as it seems to be admitted on all hands, not a failure has occurred so far among all the Government debtors, it seems to me that gentlemen who have warned us to pass this bill, or great losses must be incurred by the Government from the failure of these merchants, are rather disposed to deal in fancy, more than in reasonable calculations, predicated upon probabilities.

The gentleman from Massachusetts has felt himself called on to give the gentleman from Rhode Island [Mr. PEARCE] a gentle rebuke for the course he has seen proper to adopt upon this subject. He seems to think the effort of that gentleman, in proposing an amendment to the bill, was intended to excite in other classes a prejudice against that class of the community for whose relief it was intended. Now, sir, whilst I trust I shall ever be the last man on this floor or elsewhere to say or do anything with a view of exciting the mechanic or farmer against the merchant, or any one portion of the community against other portions engaged in different pursuits, (for I consider they are all necessary to make up a prosperous community, and are dependent on each other for their prosperity,) I do most honestly accord in opinion with that gentleman that, instead of bestowing our charity on importing merchants who are untouched by the fire, we could, with much more propriety, if we had the constitutional power to dispense charity to any, extend it in the present instance to the helpless widows and starving orphans, whose whole means of subsistence, vested in the insurance offices, as the only stocks in which their limited resources would yield them a support, were in one night swept from existence, and they thrown fatherless, friendless, and penniless upon the cold charities of the world.

EXPURGATION OF THE JOURNAL.

SPEECH OF HON. T. H. BENTON,

OF MISSOURI,

IN THE SENATE, *March* 18, 1836.

The following preamble and resolution, submitted by himself on the 17th, having been read:

Whereas, on the 26th day of December, in the year 1833, the following resolve was moved in the Senate:

"*Resolved*, That, by dismissing the late Secretary of the Treasury because he would not, contrary to his own sense of duty, remove the money of the United States in deposit with the Bank of the United States and its branches, in conformity with the President's opinion, and by appointing his successor to effect such removal, which has been done, the President has assumed the exercise of a power over the Treasury of the United States not granted him by the Constitution and laws, and dangerous to the liberties of the people;"

Which proposed resolve was altered and changed by the mover thereof on the 28th day of March, in the year 1834, so as to read as follows:

"*Resolved*, That in taking upon himself the responsibility of removing the deposit of the public money from the Bank of the United States, the President of the United States has assumed the exercise of a power over the Treasury of the United States not granted to him by the Constitution and laws, and dangerous to the liberties of the people;"

Which resolve, so changed and modified by the mover thereof, on the same day and year last mentioned, was further altered so as to read in these words:

"*Resolved*, That the President in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both;"

In which last mentioned form the said resolve, on the same day and year last mentioned, was adopted by the Senate, and became the act and judgment of that body; and, as such, now remains upon the Journal thereof:

And whereas, the said resolve was irregularly, illegally, and unconstitutionally adopted by the Senate, in violation of the rights of defense which belong to every citizen, and in subversion of the fundamental principles of law and justice; *because* President Jackson was thereby adjudged and pronounced to be guilty of an impeachable offense, and a stigma placed upon him as a violator of his oath of office, and of the laws and Constitution which he was sworn to preserve, protect, and defend, *without* going through the forms of an impeachment, and without allowing to him the benefits of a trial, or the means of defense:

And whereas, the said resolve, in all its various shapes and forms, was unfounded and erroneous in point of fact, and, therefore, unjust and unrighteous, as well as irregular and unconstitutional; *because* the said President Jackson, neither in the act of dismissing Mr. Duane, nor in the appointment of Mr. Taney, as specified in the first form of the resolve, nor in taking upon himself the responsibility of removing the deposits, as specified in the second form of the same resolve, nor in any act which was then, or can now, be specified under the vague and ambiguous terms of the general denunciation contained in the third and last form of the resolve, did do or commit any act in violation or in derogation of the laws and Constitution, or dangerous to the liberties of the people:

And whereas the said resolve, as adopted, was uncertain and ambiguous, containing nothing but a loose and floating charge for derogating from the laws and Constitution, and assuming ungranted power and authority in the late executive proceedings in relation to the public revenue, *without* specifying what part of the executive proceedings, or what part of the public revenue, was intended to be referred to, or what parts of the laws and Constitution were supposed to have been infringed, or in what part of the Union, or at what period of his Administration, these late proceedings were supposed to have taken place: *Thereby* putting each Senator at liberty to vote in favor of the resolve upon a separate and secret reason of his own, and leaving the ground of the Senate's judgment to be guessed at by the public, and to be differently and diversely interpreted by individual Senators according to the private and particular understanding of each: *Contrary* to all the ends of justice, and to all the forms of legal and judicial proceeding—to the great prejudice of the accused, who could not know against what to defend himself, and to the loss of senatorial responsibility, by shielding Senators from public accountability for making up a judgment upon grounds which the public cannot know, and which, if known, might prove to be insufficient in law, or unfounded in fact:

And whereas the specifications contained in the first and second forms of the resolve having been objected to in debate, and shown to be insufficient to sustain the charges they were adduced to support, and it being well believed that no majority could be obtained to vote for the said specifications, and the same having been actually withdrawn by the mover in the face of the whole Senate, in consequence of such objection and belief, and before any vote taken thereupon, the said specifications could not afterwards be admitted by any rule of parliamentary practice, or by any principle of legal implication, secret intendment, or mental reservation, to remain and continue a part of the written and public resolve from which they were thus withdrawn; and if they could be so admitted they would not be sufficient to sustain the charges therein contained:

And whereas the Senate being the constitutional tribunal for the trial of the President when charged by the House of Representatives with offenses against the laws and the Constitution, the adoption of the said resolve before any impeachment was preferred by the House, was a breach of the privileges of the House, a violation of the Constitution, a subversion of justice, a prejudication of a question which might legally come before the Senate, and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should thereafter be regularly impeached by the House of Representatives for the same offense:

And whereas the temperate, respectful, and argumentative defense and protest of the President against the aforesaid proceedings of the Senate, was rejected and repulsed by that body, and was voted to be a breach of its privileges, and was not permitted to be entered on its Journal, or printed among its documents, while all memorials, petitions, resolves, and remonstrances against the President, however violent or unfounded, and calculated to inflame the people against him, were duly and honorably received, encomiastically commented upon in speeches, read at the table, ordered to be printed with the long list of names attached, referred to the Finance Committee for consideration, filed away among the public archives, and now constitute a part of the public documents of the Senate, to be handed down to the latest posterity:

And whereas the said resolve was introduced, debated, and adopted, at a time, and under circumstances which had the effect of cooperating with the Bank of the United States in the parricidal attempt which that institution was then making to produce a panic and pressure in the country, to destroy the confidence of the people in President Jackson, to paralyze his administration, to govern the elections, to bankrupt the State banks, ruin their currency, fill the whole Union with terror and distress, and thereby to extort from the sufferings and alarms of the people the restoration of the deposits and the renewal of its charter:

And whereas the said resolve is of evil example and dangerous precedent, and should never have been received, debated, or adopted by the Senate, or admitted to entry upon its Journal: Wherefore,

Resolved, That the said resolve be expunged from the Journal; and for that purpose, that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript journal of the session 1833-34, into the Senate, and in presence of the Senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the following words: "EXPUNGED BY ORDER OF THE SENATE, THIS —— DAY OF ——, IN THE YEAR OF OUR LORD 1836."

Mr. BENTON rose and said: Mr. President, I comply with my promise, and I presume with the general expectation of the Senate and of the people, in bringing forward, at the first day that the Senate is full, and every State completely represented, my long intended motion to expunge from the Journal of the Senate, the sentence of condemnation, which was pronounced against President Jackson at the session of 1833-34. I have given to my motion a more extended basis, and a more detailed and comprehensive form, than it wore at its first introduction; and I have done so for two reasons—*first*, that all the proceedings against President Jackson might be set out together, and exhibited to the public at one view; *secondly*, that our own reasons for impugning that act of the Senate should also be set out, and fully submitted to the examination and scrutiny of the people. The first is due to the Senate, that all its proceedings in this novel and momentous case should be fully known; the second is due to the impugners of their conduct, that it may be seen now, and in all time to come, that law and justice, and not the factious impulsions of party spirit, have governed our conduct:

It has been seen by the reading of my resolution that I have reinstated and adhere to the word "expunge." At the last session of the Senate, I gave way to the entreaties of friends, and surrendered that word, but I had no sooner made the surrender than I had reason to repent of my complaisance, and to revoke my concession. I repented and revoked in the face of the Senate. I have since examined and considered the objection with all the care which was due to the gravity of the subject, and with all the deference which was due to the dissent of friends; and upon this full and renewed consideration, I remain firmly convinced of the propriety of the phrase, and of the justice of the remedy which it implies; and being so convinced, it becomes my duty to present it over again to the Senate, and to submit the decision to their judgment.

It is also seen that the resolution prescribes a mode of expunging which avoids a total oblitera-

tion of the Journal. I have agreed to this mode of executing the resolution, not from the least doubt of the Senate's right to blot out the whole obnoxious entry—for it is a part of my present purpose to maintain and to vindicate that right! nor from complaisance merely to my friends—for some of those who objected to the expunging process at the last session are ready now to sustain it in its whole extent; but I have agreed to it because, while it relieves the scruples of some, it pronounces, in the opinion of others, a more emphatic condemnation than mere obliteration would imply; and because it will enable gentlemen in the opposition to emerge from their preliminary defenses behind the screen of the Constitution, and come into action in the open field, upon the merits of the whole question; and thus meet my motion upon the broad grounds of the injustice, the illegality, the irregularity, the unconstitutionality, the error of fact, and the whole gross wrong, of that proceeding against the President which it is my purpose to expose and to correct.

The objection to this word expunge is founded upon that clause in the Constitution which directs each House of Congress "*to keep a Journal of its proceedings.*" The word *keep* is the pregnant point of the objection. Gentlemen take a position in the rear of that word; and out of the numerous and diverse meanings attributed to it by lexicographers, and exemplified by daily usage, they select one; and shutting their eyes upon all other meanings, they rest the whole strength of the objection upon the propriety of that single selection. They take the word in the sense of *preserve;* and adhering to that sense, they assume that the Senate is constitutionally commanded to preserve its Journals, and that no part of them can be defaced or altered without disregarding the authority of that injunction. I am free to admit that, *to preserve*, is one of the meanings of the verb to *keep;* but I must be permitted to affirm that it is one meaning only out of three or four dozen meanings which belong to that phrase, and which every Senator's recollection will readily recall to his mind. It is needless to thread the labyrinth of all these meanings, and to show, by multiplied dictionary quotations, in how many instances the verb *to keep* displays a signification entirely foreign, and even contradictory to the idea of preserving. A few examples will suffice to illustrate the position, and to bring many other instances to the recollection of Senators. Thus: to keep up, is to maintain; to keep under, is to oppress; to keep house, is to eat and sleep at home; to keep the door, is to let people in and out; to keep company, is to frequent one; to keep a mill, is to grind grain; to keep store, is to sell goods; to keep a public house, is to sell entertainment; to keep bar, is to sell liquors; to keep a diary, is to write a daily history of what you do; and to keep a journal is the same thing. It is to make a journal; and the phrase has the same meaning in the Constitution that it has in common parlance. When we direct a person in our employment to keep a journal, we direct him to make one; our intention is that he shall make one, and not that he shall preserve an old one already made by somebody else; and this is the precise meaning of the phrase in the Constitution. That it is so is clear, not only from the sense and reason of the injunction, but from the words which follow next after: "*and from time to time publish the same, except such parts as, in their judgment, require secrecy.*" This injunction to publish follows immediately after the injunction to keep; it is part of the same sentence, and can only apply to the makers of the Journal. They are to keep a Journal, and to publish the same. Which same? the new one made by themselves, or the old one made by their predecessors? Certainly they are to publish their own, which they are daily making, and not the one which was both made and published by a former Congress; and in this sense has the injunction been understood and acted upon by the two Houses from the date of their existence.

Again: if this injunction is to be interpreted to signify preserve, and we are to be sunk to the condition of mere keepers of the old Journals, where is the injunction for making new ones? Where is the injunction under which our Secretary is now acting in writing down a history of your proceedings on this my present motion? There is nothing else in the Constitution upon the subject. There is no other clause directing a journal to be made; and if this interpretation is to prevail, then the absurdity prevails of having an injunction to save what there is no injunction to create!—the absurdity of having each successive Congress bound to preserve the journals of its predecessors, while neither its predecessors nor itself is required to make any journal whatever.

Again: if the Houses are to be the preservers, and not the makers of Journals, then a most inadequate keeper is provided; for during one half the time the two Houses are not in session, the keepers are not in existence, for the Secretary is not the House, and during all that moiety of time there can be no keeper of this thing which is to be kept all the time.

Again: if to keep the Journal is to save old ones, and not to make new ones, then the constitutional injunction could have had no application to the first session of the First Congress, for the two Houses during that session had no pre-existing Journal in their possession whereof to become the constitutional keepers.

There are but two injunctions in the Constitution on the subject of the Journal: one to make it, the other to publish it; and both are found in the same clause. There is no specific command to preserve it; there is no keeper provided to stand guard over it. The House is not the keeper, and never has been, and never can be. The Secretary and the Clerk are the keepers, and they are not the Houses. The only preservation provided for is their custody and the publication; and that is the most effectual, and in fact the only safe preserver. What is published is preserved, though no one is appointed to keep it. What is not published is often lost, though committed to the custody of special guardians.

I have examined this word upon its literal meanings, as a verbal critic would do it; but I am bound to examine it practically, as a statesman should see it, and as the framers of the Constitution used it. Those wise men did not invent phrases, but adopted them, and used them in the sense known and accepted by the community: law terms, as understood in the courts; technical, as known in science; parliamentary, as known in legislation; and familiar phrases, as used by the people. Strong examples of this occur twice more in the very clause which we have been examining. There is the word *house:* "*each house shall keep,*" &c. Here the word house is used in the parliamentary sense, and means, not stone and mortar, but people, and not people generally, but the Representatives of the people, and these Representatives organized for action. Yet, with a dictionary in hand, this word House might be shown to be the habitation, and not the inhabitants; and the walls and roof of this Capitol might be proved to have received the injunction of the Constitution to keep a Journal. Again: the House is directed to *publish* the Journal, and under that injunction the Journal is printed; because the popular sense of publishing is printing, while the legal sense is a mere discovery of its contents in any manner whatever. The reading of the Journal at the Secretary's table every morning, the leaving it open in his office for the inspection of the public, is a publication in law; and this legal publication would comply with the letter of the Constitution. But the common sense men who framed the Constitution used the word in its popular sense, as synonymous with printing; and in that sense it has been understood and executed by Congress. So of this phrase to keep a Journal: the framers of the Constitution found it in English legislation, in English history, and in English life, and they used it as they found it. The traveler keeps a journal of his voyage; the natural philosopher of his experiments; the Parliament of its proceedings; and in every case the meaning of the phrase is the same. Our Constitution adopts the phrase, without defining it, and of course adopts it in the sense in which it was known in the language from which it was borrowed. So of the word "proceedings"—it is technical, and no person who has not studied parliamentary law can tell what it includes. Both in England and America rules have been adopted to define these proceedings, and great mistakes have been made by Senators in acting under the orders of the Senate in relation to proceedings in executive session. Grave debates have taken place among ourselves to know what fell under the definition of proceedings, and how far Senators may have mistaken the import of an order for removing the injunction of secrecy from the Senate's proceedings. Every word in this short clause has a parliamentary sense in which it must be understood; "House," "keep," "publish," "proceedings," all are parliamentary terms as here used; and must be construed by statesmen with the book of parliamentary history spread before them, and not by verbal critics with Entick's pocket dictionary in their hand.

Mr. President, we have borrowed largely from our English ancestors, and because we have so borrowed results the precious and proud gratification that our America now ranks among the great and liberal Powers of the world. We have borrowed largely from them; but, not to enter upon a field which presents inexhaustible topics, I limit myself to the precise question before the Senate. Then, sir, I say, we have borrowed from England the idea of this Congress, its two Houses, their organization, their forms of proceeding, the laws for their government, and the general scope of their powers and of their duties, with the very words and phrases which define everything; and so clear and absolute is all this, that, whenever not altered or modified by our own Constitution, our own laws, and our own rules, the British parliamentary law is the law to our Congress, and as such is read, quoted, and enforced every day. The English Constitution requires a Parliament; a Parliament of two Houses; and it requires each House to keep a Journal of its proceedings; and that duty has been performed with a fidelity, a jealousy, a care, and a courage which shows them to have been as vigilant and as faithful in the preservation of their Journals as we can ever be. The pages of their Journals are traced back in a continuous line to the reign of Edward the Sixth. The Clerk of the English House of Commons was the keeper of the Journal, and he took an oath "*to make true entries, remembrances, and* JOURNALS *of the things done and passed in the House of Commons.*" As far back as 1641, the clerk was moved against for suffering his Journals, or papers committed to his trust, to be taken by members of the House from the table, and it was declared, "*that it was a fundamental order of the House that 'the Clerk, who is the sworn officer, and intrusted 'with the entries and the custody of the records of the 'House, ought not to suffer any Journal or record to 'be taken from the table, or out of his custody; and 'that if he shall hereafter do it, after this warning, 'that at his peril he shall do it.*"

Many instances occur in the parliamentary history of England of severe reprimands upon members for slight and innocent alterations in the Journal, and merely to make them conformable to the fact—the House of Commons permitting none but the House itself to meddle with the Journal; and when King James the First sent for the Journal, and tore out of it the celebrated declaration of their privileges, which the Commons had made, the House took effectual care that that declaration should be the better known, and should be held the more sacred, for that very attempt to annihilate it. And, to comprise the whole in one word, and to show the reverence which the English Parliament had for their Journals, the two Houses, as far back as the reign of Henry the Sixth, by act of Parliament, affirmed them to be records, and compelled the judges to recognize them as such. (*Sir Edward Coke*, in 4 *Inst.*, 23, 24.) This suffices to show the high and sacred character of their Journals in the eyes of the English Parliament; but this high and sacred character did not prevent the two Houses, each in its sphere, from rectifying any mistake in the Journal, or expunging from it, by total obliteration, any entry that was unconstitutional, or untrue in law or in fact, or unfit to be drawn into future precedent. The business of rectifying mistaken or erroneous entries in the Journals is

as old as the Journals themselves. The rectification is made by a committee appointed to inquire into the facts, and to report them to the House; and there is no limitation of time upon these inquiries. Instances occur in which the erroneous entry has been corrected four years after the mistake had occurred. The expunction or expurgation of the Journal, and that by total obliteration of any improper matter put into it, is as early at least, in England, as Lord Strafford's case in the reign of Charles the First, and as late as the Middlesex election case in the reign of George the Third. I have found no instance in which the right or the power of the House to expunge has been questioned. I have seen no instance in which the duty to keep a Journal of its proceedings has been set up in opposition to any motion to expunge unfit matter from the Journal; and therefore I hold it to be the settled law of Parliament that each House has power over its own Journal, both to correct it, and to efface objectionable matter from it.

And this, Mr. President, brings me to the law of Congress, and the power of the two Houses over their Journals. What is the law of Congress in regard to its powers and duties? It is the *Lex Parliamentaria*—it is the law of Parliament, except where changed, or modified, by ourselves. This is so entirely the case, that every book that we have on parliamentary law is English. We have not a book on the subject, nor even a treatise; nothing but the Manual of Mr. Jefferson, which is in itself an abstract from the English books, with the changes and modifications made by our rules and Constitution. Our whole code of parliamentary law is English; and whoever wishes to understand it, goes to the four quarto volumes of Hatsell, and the less voluminous compilations of Grey, Elsynge, and Dewes. Mr. Jefferson's Manual is little more than an index to these books, and is so declared by himself, and intended to supply, in a slight degree, the want of those books in this country. His own words in his preface, and the authority of English parliamentary practice, where not controlled by our own rules and Constitution, will be too instructive on this occasion to be omitted, and I shall accordingly read a passage from the preface to his Manual:

"Considering, therefore, the law of proceed-
'ings in the Senate as composed of the precepts
'of the Constitution, the regulations of the Sen-
'ate, and, *where these are silent*, of the rules of
'Parliament, I have endeavored to collect and
'digest so much of these as is called for in ordi-
'nary practice, collating the parliamentary with
'the senatorial rules, both where they agree and
'where they vary. I have done this as well to
'have them at hand for my own Government,
'as to deposit with the Senate the standard by
'which I judge, and am willing to be judged. I
'could not doubt the necessity of quoting the
'sources of my information; among which Mr.
'Hatsell's most valuable book is preëminent; but
'as he has only treated some general heads, I
'have been obliged to recur to other authorities
'in support of a number of common rules of prac-
'tice, to which his plan did not descend."

The authority of the English parliamentary law is here recognized, and brought into action over the Senate in every case in which the precepts of the Constitution and the rules of the Senate are silent; and on the head of expunging both are silent. The English parliamentary law, therefore, takes effect. It is to no purpose that gentlemen may recur to that poor little word, "keep." It is in the English constitution, and in the English parliamentary law as much as it is in ours; but no one in England ever thought of that word except as an injunction to make a Journal. No one ever thought of it as constituting the House of Commons or the House of Lords the *custos*, keeper, or preserver of the Journals, an office which cannot be performed by a collective body; but there, as here, and in law as well as in fact, the Secretary and the Clerk are the keepers of the history of their proceedings which the two Houses cause to be daily written. And thus I hold that the right of expunging, even to entire obliteration, is completely made out. Of course there can be no objection to the mode of expunging now proposed, a mode that saves the remedy, and avoids the objection, and effectually expunges without the least obliteration.

Thus far, Mr. President, I have examined this objection in a mere verbal point of view, and shown that there is nothing in it, even in that contracted aspect, to prevent the Senate from executing justice upon this Journal. But gentlemen who brought it forward did not limit themselves to that narrow view; they took a wider range, and argued earnestly that mischievous consequences would result, and actual injury would be inflicted on themselves and the country, if my motion should prevail. They maintained that a part of our legislative history would be destroyed; that a part of the Journal would be annihilated; that the proceedings contained in the annihilated part would be lost to the public and to posterity; that their own proceedings would become illegible; that they would be deprived of the means of showing what they did, and how they acted. All these disastrous consequences, and all these actual wrongs and serious injuries to themselves and to the public, they stoutly maintained, would fall upon them if the proposed obliteration of the Journal took place. And they affirmed that it was no answer to all these real injuries to say that the expunged part would be transferred to the new Journal, and there preserved in full; for, they declared, this transfer would mislead and embarrass them; because they could not read the obliterated words in the place where they were first put, but would be disappointed in looking for them there, and might not be able to find them in their new place, under a different date on another page, and in a different volume. This is the substantive part of the objection to my motion; and if there happened to be any reality in the supposed existence of all these wrongs and injuries, there might be some apology for the resistance they set up; but this is not the case; not one of these disastrous consequences will ever occur. All is mistake and delusion—the creation of fancy, the cheat of imagination, and the figment of the brain. There will be nothing lost, nothing destroyed, nothing displaced. All will exist just as clearly, and just as usefully, for every practical and every legal purpose, as it now does; and this I will establish by proof in less time than it has taken me to state the proposition.

I request the Secretary to show me the Senate Journals for 1833–34; to tell me what the Journals are; and how they are kept or disposed of.

The Secretary stood up, and said: There is a manuscript copy of the Journal, and a printed copy. The manuscript Journal is but a single copy, and is the same that is read in the Senate every morning in sheets, and which is afterwards bound in a volume. From this manuscript one thousand and ten copies are printed, and distributed as follows:

[The Secretary here showed the list of distribution, from which it appeared that twenty-five copies were to be placed in the Library of Congress, two hundred and twenty-five were to be furnished to the Governors, Legislatures, universities, colleges, and incorporated historical societies, in each State; two copies each to each member of the Senate and of the House of Representatives; five copies each to the Vice President of the United States, to the Speaker of the House of Representatives, the Heads of Departments, Attorney General, judges of the United States courts; two each to all bureau officers; twenty-five to the Secretary of State; thirty-five copies for the offices of the Secretary of the Senate and the Clerk of the House of Representatives; and two copies each to the Ministers from Great Britain, France, Spain, Russia, Prussia, Sweden, the Netherlands, Denmark, Portugal, the Hanseatic Republics, Mexico, Colombia, Chile, Peru, Buenos Ayres, Brazil, and Central America, and to the Consul General of the two Sicilies.]

Mr. BENTON resumed. We now arrive upon firm ground, and have solid matter to go upon. We can see and feel the question, and can handle both the objection and the answer to it. The Secretary's answer is the platform of my battery, and has already expunged the objection to my motion, whether the motion shall succeed in expunging the Journal or not. He says there are two sets of Journals: the manuscript, which consists of one copy, and the printed, which is multiplied to one thousand and ten copies. Hitherto the discussion has proceeded upon the assumption that there was but one copy of the Journal, and that any erasure of that copy would be a total loss of the erased part. But now one thousand and ten other copies start up to our view, stand in array before us, and offer their multiplied pages to our free perusal; and the question now is, what are all these copies for What use is made of them in fact and in law? And the answer comes as quickly as the question can be put: *first*, in point of fact, that these printed Journals are the only ones read, used, or referred to either in this Senate, in the other House, before the public, or by the members themselves. *Secondly*, that in point of law they are on an equal footing with the original manuscript volume, and received as legal evidence in every court of justice. Such are the decisions; and not to impede the march of my argument by the voluminous citation of cases, I refer you for a summary of them to Peake's Law of Evidence, American edition, by Norris, in the notes at the bottom of pages 84 and 85. He says: "*The printed Journals of Congress have been allowed to be read without proof of their authenticity*," and refers to cases. This puts an end to all objections. It settles all questions. Take the Constitution as you please, to make or to preserve Journals, and it is complied with; for both is done. One copy is directed to be made; a thousand and ten are made. Parts are directed to be published; all is published. Suppose preservation is intended; the most ample precautions are taken to preserve them, and so to multiply them that every State in the Union, and every kingdom, republic, and empire in Europe and the two Americas shall possess copies, in addition to all the Departments of the Federal Government, the Library of Congress, and the offices of the Secretary of the Senate, and of the Clerk of the House. Besides all this, each Senator has two copies for himself. All these are equal in law, and many ten thousand times superior in use, to the manuscript Journal.

Suppose that one be blacked up and blotted out according to the import of the word expunge; is the expunged matter lost? is any fact suppressed? are gentlemen prevented from justifying themselves by showing what they had done? is the knowledge of anything extinguished? So far from it, that if the manuscript Journal should be secretly withdrawn and burnt, not a Senator here would find it out to the end of his life, unless gratuitously told of it! so little does it enter into the head of any one to *think* of that Journal, much less to look at it or to use it! Suppression of facts! Suppression of the knowledge or the fact, that the Senate of the United States, in March, 1834, adjudged President Jackson to be guilty of having violated the laws and Constitution of his country! the preposterous conception never entered our imaginations. We know that this act of the Senate is to live, and to live while American history lasts. We know that it is to gain new notoriety and multiplied existences, from the very motion which I now make. To say nothing of our own action, my resolution, our speeches, the newspaper publications, and the universal attraction of the public mind to the subject, our own Journals are again to become the recipient of its existence, and the instruments of its diffusion over the Union, the two Americas, and all Europe. The new manuscript Journal, read this morning at our table, will contain every word of this judgment; the one thousand and ten copies to be printed will, every one, be honored with its impression.

Nothing is suppressed; nothing so insane is intended. The whole effect, and the whole design of the motion, is to declare the solemn sense of the Senate that such proceedings ought never to have taken place; that they were wrong from the beginning, and require a remedy which extirpates to the root. The order to expunge does this; and there is no other remedy which can amount to its equivalent, or stand for its substi-

tute. It is the parliamentary phrase, and the only one in the whole vocabulary of parliamentary language, which implies that original, wrongful proceeding, which infers misconduct as well as error, and requires rebuke as well as reversal. Take any other phrase—go into circumlocution—string epithets together—write an essay; and all united will not express the meaning, and come up to the import of this single word. Reverse,—repeal,—rescind,—annul,—make void,—none of them will do. They all admit either a legal or an innocent beginning, and fail in that flagrant conception of wrong which the word expunge alone imports. Try them by their accepted meanings; we reverse an attainder, repeal a law, and rescind an order; and none of these terms imply either misconduct or defect of power in the Parliament which passed the attainder, enacted the law, or directed the order. A superior tribunal annuls and makes void the judgment of the inferior; the legal error is corrected, but judicial misconduct is not rebuked. These terms are all inadequate, and not only inadequate, but inapplicable; for they imply remedies which have no application to the state of the case against President Jackson. They all apply to future proceedings. They are all intended to arrest the progress of some measure still in a course of execution. Thus, we reverse an attainder, to stop the corruption of blood, and to prevent the forfeiture of estates; we repeal a law, to prevent its further operation; we rescind an order, to arrest its fulfillment; we annul and make void a judgment, to prevent execution from being taken out upon it. In all these cases there is something to be stopped or restored; but in President Jackson's case there is nothing, no corrupted blood to be purified, or forfeited estates to be restored; no law in operation whose progress requires to be arrested; no order which ought to be revoked; no judgment on which execution of person or property can be taken out. The judgment against him attacks his character, not his person or property. It is a proceeding to disgrace his name, and to dishonor his memory; to cover him with odium now, and execration hereafter. It is a denunciation, a stigma, a brand!—and if he is willing to wear it, his judges are content. No further proceeding is meditated. The Senate does not mean to chastise the guilt which it has denounced. They propose no fine, no imprisonment, no corruption of blood, no forfeiture of estate, no removal from office, and no disqualification to hold office. Their mercy stops short of all this. By a sort of gratuitous exercise of the pardoning power, they intermit the punishment which their judgment implies. They are content to let the culprit run, unwhipt of justice, but bearing to his grave the stigma they have put upon him, and delivering down to posterity the memory which they have attainted. This is what the Senate proposes; and it is absurd and nugatory, it is irrelevant, inapt, and supererogatory in us to apply a remedy which implies the arrestation of what is not impending. No, sir! our true remedy lies in the knife, with which we are to cut out; in the fire, with which we are to burn out; in the potential cautery, with which we are to extirpate the brand which has been stamped upon the first patriot of the age, for the most glorious action of his life. Expunge is the word, and expunge is the remedy. None of your reversals, repeals, rescisions, annullings, or vacatings; but let our Secretary bring the manuscript Journal to his desk; open it in the presence of an assembled Senate and of attending multitudes, and encircling the odious sentence with lines as black as its own injustice, let him inscribe upon its face the indelible decree: "EXPUNGED BY ORDER OF THE SENATE." Yes, sir; expunge is the word. It is the only one that befits the occasion. It is the only one that can render adequate justice to that man who has done more for the human race than any other mortal who has ever lived in the tide of times. It is true, the word bears hard upon the Senate; it implies great misconduct in them; it amounts to a reproach. But let us hear nothing of that. Let us have no posthumous appeals to the comity and dignity of the Senate. Comity and dignity! Where were they during that prolonged denunciation of one hundred days, when this fell sentence of condemnation, like poison in the sick air, hung suspended over the pale face of the country, and over the devoted head of the President? when history was ransacked and language was tortured, to find examples and epithets infamous enough and odious enough to paint his crimes? when every furious passion, bursting from its long confinement in the bosom came ranging through this Hall, crying vengeance upon the wicked destroyer of his country, and shame upon every collared slave that took his part? Where were comity and dignity then? Trampled under foot in the hot pursuit after the devoted victim! Banished from this floor, and not from this floor only, but from those galleries, where the satellites of the bank assembled every day to applaud the assailants, and to hiss the defenders of the President, and to triumph in the impunity which the benevolence of the majority accorded to their insolence. Expunge is a severe remedy, but it is a just one. It reflects reproach, but the fault is not ours, but of those who compel us to use it. Let us go on, then, and neither compromise for difficulties, nor despair for failures. If we fail now, let us try again. If we continue to fail, and have to retire before the good work is accomplished, let us transmit and bequeath it to the Democracy of America. Let us give it to the aged sire, that he may hand it down to his heir—to the matron, that she may deliver it to her manly son—to the young mother, that she may teach her infant babe to suck in the avenging word EXPUNGE, with the life-sustaining milk which it draws from her bosom.

Mr. B. said that he had chosen to make out his case upon reason and argument, with as little reference as possible to precedent and authority. I am (said he) in favor of the arguments which convince the understanding, in contradistinction to the authorities and precedents which subdue the will. I wish always to receive reasons myself, and therefore feel bound to render them. Addressing an enlightened Senate, and an intelligent community, I look to their understandings, and feel safe when I speak to their judgment. I have, therefore, postponed to the last an authority drawn from our own history—an authority drawn from the history of the American Senate—covering the whole ground of the present case, and going far beyond what I now propose to do. It is a precedent of thirty years' standing, occurring in the good days of Mr. Jefferson, when the Democracy were in the ascendant in both Houses of Congress, and when the fathers of the Republic—the framers of the Constitution—were in full life and full power to protect their work, and to see that nothing was done to impair the Constitution which they had established.

Mr. B. then read:

"*Senate Journal, Monday, April* 21, 1806.

"On motion that everything in the Journal relative to the memorials of S. G. Ogden and William S. Smith be expunged therefrom, it passed in the affirmative. YEAS—Messrs. Adair, Condit, Gilman, Kitchel, Logan, Mitchell, Smith of Maryland, Smith of New York, Stone, Thruston, Worthington, and Wright—13. NAYS—Messrs. Adams, Baldwin, Hillhouse, Pickering, Plumer, Smith of Ohio, Tracy, and White—8."

Mr. PORTER, of Louisiana, rose to inquire of the Senator from Missouri at what time it was that this order for expunging had been made in the Senate, and especially whether it was at the same session?

Mr. BENTON replied that he was too well practiced in these contests to suffer his fire to be drawn until he was ready to deliver it. He would answer the Senator from Louisiana, but not until he had arrived at the point at which the answer and the reasons for showing the immateriality of time in this case could be given together. In the mean time he would caution the gentleman against taking a position upon so small a point—upon a distinction without a difference; and to warn him, if he did, that he might find himself suddenly blown up.

This (said Mr. B.) is an entry which we find upon our printed Journal; and searching the same Journal over to see what these memorials were, and what had been the proceedings of the Senate upon them, and wherefore they were ordered to be expunged, nothing, no, not anything, no trace of these proceedings could anywhere be found. Recourse was then had to the manuscript Journal of that year; and, searching it carefully over, not a speck of the expunged proceedings could be found, nor even the place at which the expurgation had been made. [And here Mr. B. exhibited the manuscript Journal to verify his statement.] Unwilling to be foiled in the search, with the aid of a clerk, one of his friends had ascended to the garret rooms of the Capitol; and there, at the top of the building, they had got to the bottom of this affair, and found the original minutes of the session of 1806, drew them out from their thirty years' sleep, and reconducted them into the Senate Chamber. [Here Mr. B. exhibited a large unbound volume of manuscript sheets bearing strong marks of age. They were the minutes of 1806, from which the fair copy of the bound Journal had been made.] On these original minutes everything appeared—the presentation of the memorials—the statement of their contents—the Senate's leave to withdraw them—and, finally, the order to expunge everything. Mr. B. then read the following extracts from these minutes:

"Mr. ADAMS communicated two memorials, one from Samuel G. Ogden, and the other from William S. Smith, stating that they are under a criminal prosecution for certain proceedings, into which they were led by the circumstance that their purpose was fully known to, and approved by, the Executive Government of the United States; that on this prosecution they have been treated by the judge of the district court of the United States at New York, Mathias B. Talmadge, Esq., in such a manner that the same grand jury which found the bills against them made a presentment against the judge himself, for his conduct in taking the examination and deposition of the said Samuel G. Ogden. And the memorialists, considering Congress as the only power competent to relieve them, submit their case to the wisdom of Congress, and pray such relief as the laws and Constitution of this country, and the wisdom and goodness of Congress may afford them; and the memorials were read, and,

"On motion,

"*Ordered*, That the memorialists have leave to withdraw their memorials respectively."

Mr. B. said that these entries showed a part of what was wanted, but not the whole; they were deficient in showing the reasons upon which the Senate acted in ordering the expurgation, although these reasons might be well guessed at from the statement of the contents of the petition. Other searches were then instituted into the newspapers of the day, and the Journal of the House of Representatives. He was told, for he had not looked himself, that the copy of the National Intelligencer in the Library of Congress was either silent on the point, or *minus* a page at that part; but the Journal of the House supplied the defect, and showed that the same memorials were presented in that body, on the same day, and that they had been ordered to be returned to the petitioners for reasons set forth in a resolve of the House. These proceedings of the House he would then read:

Journal of House of Representatives—Monday, April 21, 1806.

"Mr. QUINCY presented to the House two several memorials of Samuel G. Ogden and of William S. Smith, of the city of New York, which were received and read, respectively, stating that they are under a criminal prosecution, now depending in the Circuit Court of the United States for the district of New York, for an alleged offense against the laws of the United States, in which, if guilty, they have been led into error by the conduct of officers of the Executive Government, who now intend to bring upon the memorialists the penalties of the laws, and to sacrifice their characters, fortunes, and liberty, in expiation of their own errors, or to deprecate the vengeance of foreign Governments by offering the memorialists as a victim to their resentment: that they have also experienced great oppression and injustice in the manner of conducting the said prosecution: and praying such relief therein as the wisdom of Congress may think proper to grant."

"The House then proceeded to consider the said memorials: whereupon, on motion of Mr. EARLY, and seconded, that the House do come to the following resolution:

"*Resolved*, That the charges contained in the memorials of Samuel G. Ogden and William S. Smith are, in the opinion of this House, unsupported by any evidence which, in the least degree, criminates the Executive Government of this country: that the said memorials appear to have been presented at a time, and under circumstances, insidiously calculated to excite unjust suspicion in the minds of the good people of this nation, against the existing administration of the General Government, and that it would be highly improper in this House to take any step which might influence or prejudice a cause now depending in a legal tribunal of the United States: Therefore,

"*Resolved*, That said memorials be, by the Clerk of this House, returned to those from whom they came."

Having read these entries from the Journal, (Mr. B. said,) the Senate would doubtless wish

to see how the resolution of Mr. Early was disposed of, and whether the memorial of *Messrs.* Ogden and Smith were actually returned to them. He said that such was the fact. The resolution of Mr. Early was adopted, not in one resolve, but piece by piece. Divisions were called, and separate votes taken upon every separate member of the resolution, making five sets of votes, and all carried in the affirmative by *yeas* varying from seventy to seventy-five; *nays* varying from fifteen to eight. The first list of *nays* were—*Messrs.* Silas Betton, Christopher Clark, Samuel W. Dana, Caleb Ellis, William Ely, Joseph Lewis, Jun., Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, Jun., Josiah Quincy, Benjamin Talmadge, Samuel Tenney, Thomas W. Thompson, William K. Van Ransellaer, and Peleg Wadsworth.

Mr. B. then remarked upon the passages which he had read from the Senate and House Journals. He said that they established every point which was material to be made out in support of his motion; they establish both the *right* to expunge, and the *duty* to expunge, in such a case as is now presented in the proceedings against President Jackson. The memorials which were presented in the Senate and in the House of Representatives contained criminal charges against President Jefferson. They went to criminate him as a conniver at a violation of the laws, and to stigmatize him for bad faith to those who had been his dupes. The petitions were in duplicate, and were presented simultaneously in the two Houses. In the House of Representatives they were instantly met by a resolve denying their truth, declaring them to be unfit matter to be presented to the House, and ordering them to be returned to the petitioners. In the Senate they were first ordered to be returned, but no reason assigned; they were then ordered to be expunged from the Journal, and were expunged in the most effectual and irrecoverable manner. They were dropped from the volume. The very pages that contained them were dropped and omitted; for the Journal being still in loose sheets, the sheets which contained the obnoxious proceedings were left out of the bound volume, and thus all trace of their existence disappeared. It is only by looking to the minutes and the Journal of the House of Representatives, that we can find out what these petitions were. Such is the case of 1806. It is a complete and perfect precedent for the case of 1836. The memorials were attacks upon Mr. Jefferson. They contained impeachable matter against him. They charged him with connivance and secret participation in the unlawful, disastrous, and tragical expedition of Miranda. The charges which they contained had filled all the opposition newspapers of the day, and had been used for every purpose of party warfare against him. To get these criminal charges on the Journals, was the next object. In the Senate, and in the House of Representatives, they were presented by the political enemies of Mr. Jefferson, and so far as they received support or countenance, it was from the ranks of the Opposition. So of the proceeding against President Jackson. They are attacks upon him. They charge the President with violating the laws and the Constitution. They go to criminate and to stigmatize him. The charges which they exhibit were universally circulated in the opposition newspapers before they were presented in the Senate. The Bank of the United States had formally accused the President, and all the publications of the day, periodical, diurnal, and what not, that espoused the cause of the bank, were filled with the charges. Party warfare had used them to the uttermost in the fall elections of 1833; but that was not sufficient; the same party spirit, and the same party—the bank federal party which, in 1806, wished to have its charges against President Jefferson transferred from the newspapers to the Journals of Congress, thence to be transmitted to posterity as a part of the legislative history of the country—that same spirit, and that same party, has wished to do the same thing with the accusations against President Jackson. The Congress of 1806, both House and Senate, met this unconstitutional attempt as it deserved. The House refused the memorial, and voted it to be unsustained by evidence, and reprehensible in its character; the Senate ordered the whole proceeding, and every trace and letter of it, to be expunged from the Journal. It is to no purpose, Mr. President, that any one may attempt to draw a distinction where there is no difference. It is to no purpose that any one may attempt to draw a distinction between expunging at the same session, and at a subsequent one. There is no difference between the cases. The right to expunge rests upon the right to keep the Journal clear of what ought never to be upon it. It rests upon the right to purify it from anything improper, which inadvertence, mistake, or the injustice, virulence, and fury of party spirit may have put upon it. To this purification there is no limit of time, either in law or in morals. It is not a case for the statute of limitations. Thus, from its very nature, the purification of the Journal is to be effected when it can be; and that always implies a time posterior to the wrong; and in the case of faction, it implies a time posterior to the downfall of the faction. The precedent of 1806 meets the objection of 1836. It meets it full and fair in the face. The objection is, that the Senate is bound to preserve its proceedings; that it must write down all its proceedings in the Journal; and then preserve them forever; never altering, changing, or effacing one word, one letter, one iota, one tittle, of the sacred work, from the moment it is done to the end of time. This is the objection; and it has been repeated rather too often to be itself changed or altered to avoid the overpowering authority of the precedent of 1806. And this, sir, is my answer to the Senator from Louisiana, [Mr. PORTER.] I tell him the expunging was not only at the same session, but on the same day that the proceeding took place.

I would here drop this head of my argument, but it seems that something has occurred in our own history on which gentlemen rely either to justify themselves or to criminate their opponents. I allude to the case of Mr. Barry, who was condemned for a violation of the laws by the unanimous vote of the Senate. This was done at the same session, and a few months later than the President was condemned. Both parties voted for that condemnation of Mr. Barry; and it is argued this must sanction the proceeding against the President, or involve in an inconsistency those who voted for that condemnation without objection, and now object to the proceeding in the case of the President. Not so the fact or the consequence. The proceeding against Mr. Barry was objected to, and that in the very first stages of it, upon the same grounds on which we now stand in the case of the President; and the vote which was given by me and my friends was a vote forced upon us by the majority of the Senate; and being so forced upon us was given, as we believed, according to the truth and the fact. I well recollect that vote, and the conversation among ourselves to which it gave rise. Some thought we should vote against it on the ground that the proceeding was unconstitutional, and that a vote in its favor would commit us on that point; others, of whom I was one, objected to the negative vote, because it would be against evidence, and would subject us to the imputation of voting as partisans, and not as Senators, and because a negative vote admitted the jurisdiction just as much as an affirmative one. Upon these grounds, and because the majority had the power, and enforced it to compel a vote, we took the alternative, which truth seemed to require, and acted upon the same principle in both cases—that of Mr. Barry and that of President Jackson—voting according to what we believed to be the fact in each case. But let no one delude himself with the notion that the proceeding against Mr. Barry was not objected to. Let no one suppose that the difference in rank has made a difference in the opinions held in the two cases. The proceeding against Mr. Barry was objected to, and fully and unequivocally in open debate, and upon all the grounds assumed afterwards in the case of President Jackson. Here is the proof, taken from the debate of February 10, 1831, and preserved in the congressional history of that period. The debate was on the adoption of a resolution, of criminative aspect, concerning the examination of witnesses as to the causes of their removal by the Postmaster General from office, and the speaker the same that now addresses you.

"Mr. BENTON then rose and said that he did 'not appear on the floor for the purpose of joining 'in the debate, nor to express any opinion on the 'truth of the allegations so violently urged against 'the Postmaster General. He had no opinion on 'the matter, and did not wish to have one, except 'it was that presumptive opinion of innocence 'which the laws awarded to all that were accused, 'and which the pure and elevated character of 'Mr. Barry so eminently claims. If impeached, 'it might be his duty to sit in judgment upon him, 'or, if he had an opinion in the case, to retire 'from the judgment seat; as he could neither 'reconcile it to the dictates of his conscience, nor 'the rights of the accused, to take the oath of a 'judge, with a preconceived opinion in his bosom, 'to be dropped out as soon as the forms would 'permit. He rose, he repeated, not to accuse or 'to absolve Mr. Barry, but to express his opinion 'of the character of the proceeding which was 'carrying on against him, and to intimate an idea 'of what might be proper to be done hereafter in 'regard to it. He then affirmed that he looked 'upon the whole proceeding, from its first inception to that moment, as one of eminent impropriety, compromising the judicial purity of the 'Senate on one hand, and invading the privileges 'of the House of Representatives on the other. 'The Senate, under the Constitution, tries impeachments—the House of Representatives prefers them. Each has its assigned part to act, 'and it is an invasion of privilege for either to 'assume the part of the other. If the tenth part 'of the matter so furiously urged against Mr. 'Barry was true, or even founded in probability, 'he might come before the Senate for trial; and it 'would be a horrid mockery of judicial forms for 'his future judges to take the lead now in the 'case of accusation, and to excite, promote, foment, and instigate charges against him. To 'the House of Representatives belonged that painful part of the business; and present proceedings 'in the Senate must appear to them as an invasion 'of their privilege, and an implied censure upon 'their negligence. It did seem to him that the 'House of Representatives might take notice of 'the proceeding, and feel itself bound to vindicate 'its rights; and the two Houses thus be brought 'into serious collision. To avoid these consequences, as well as to escape a compromise of 'the judicial character of the Senate, he was decidedly of opinion that the debate and the proceeding should terminate immediately. This 'would save the further evils to the Senate itself, 'which might ensue. As to the past—the proceedings already had—he declared that he thought 'them a fit subject for that operation which had 'been performed upon the record of Wilkes's expulsion from the British House of Commons—'upon the record of the Yazoo fraud—and upon 'the record of the Massachusetts General Assembly, which declared it to be unbecoming the character of a moral and religious people to rejoice in 'the victories of their country. He declared it to 'be his deliberate opinion that the history of the 'whole proceeding against Mr. Barry ought to 'be expunged from the Journals of the Senate! 'Total expurgation from the Journals was the 'most appropriate means in the power of the 'Senate to restore its own injured character—to 'make atonement to the invaded privileges and 'insulted feelings of the House of Representatives; and what, perhaps, was still more important, to prevent this evil example—this horrid 'combination of the accusing and trying functions—from being drawn into precedent in future 'times, when the party in power, and predominant in the Senate, might want the spoils of a 'victim. If the American Cato, the venerable '*Macon*, was here, it would be his part to become 'the guardian of the honor and dignity of the 'Senate; in his absence, that high duty might devolve, at an appropriate time, upon some aged 'Senator. If none such undertook it, it might 'become his part to consider how far their places 'ought to be supplied by a less worthy and a less 'efficient member."

This, sir, is what I said in the case of Mr. Barry in the month of February, 1831, just five

years ago, and full three years before the proceeding against President Jackson. I took ground for him as promptly, as unequivocally as I took it for President Jackson. I took the same ground for him that I took for the President. Gentlemen will, therefore, see how far they have been correct in supposing that we have been inconsistent, or inattentive, or unjust, and how far we have been detected in keeping two measures for meting out justice to different ranks. They may see also how far my voice has been prophetic in warning the Senate against the dangers of an evil example, which might be drawn into precedent at a future time, when the party in power, and predominant in the Senate, might pant for the spoils of an illustrious victim!

After this preliminary view of the rights and power of the Senate over its Journal, and in vindication of its authority to expunge by total obliteration, and consequently to expunge by an order instead of an erasure, Mr. B. came to the merits of the question, and said the view which he proposed to take of the proceedings against President Jackson required him to proceed to the fountain head and original source of this extraordinary process. It did not originate in the Senate of the United States, but in the Bank of the United States!—and all that the Senate has done has been to copy the proceeding of which that institution was the author. A statement so material as this, (continued Mr. B.,) and which goes to exhibit the Senate of the United States as following the lead of the Bank of the United States in the condemnation of the President, cannot be made without evidence at hand to support it. No assertion of such a thing should be made, except as an introduction to the proof. Fully aware of this, it is my intention to economize words—to dispense with assertion—and to proceed directly to the evidence. With this object, and without adverting at present to a mass of secondary evidence in the bank gazettes of the autumn of 1833, I have recourse at once to a publication issuing directly from the bank—a pamphlet of fifty pages, issued by the Board of Directors on Tuesday, the 3d day of December, 1833. This was the same day on which the President of the United States delivered his annual message to Congress, and the day on which it was known everywhere that he would deliver it. On that day the President of the Bank of the United States sat at the head of his Board of Directors; and, taking cognizance of the imputed delinquencies of President Jackson, they proceeded to try and condemn him for a violation of the laws and Constitution of his country—to denounce him for a despot, tyrant, and usurper—to assimilate him to counterfeiters—to load him with every odious and every infamous epithet—to indicate his impeachment to Congress—to argue at great length to prove him guilty—to order five thousand copies of the argument and proceedings to be printed, and a copy to be furnished to each member of the Senate and House of Representatives. As a member of the Senate, I had the honor to receive one of these pamphlets, the only favor I ever received from that institution, and for which I hope to show myself mindful by the use which I make of it. It is from that pamphlet that I now quote; and I shall first read the order from its adoption and publication to show the authenticity of its origin, the gravity of its character, and the formality with which the Board of Directors, sitting as a high court of justice, took cognizance of the imputed offenses of the President, pronounced him guilty, and promulgated their sentence to the world.

BANK OF THE UNITED STATES,
Tuesday, December 3, 1833.

At an adjourned meeting of the Board of Directors held this evening, present—Nicholas Biddle, President, Messrs. Willing, Eyre, Bevan, White, Sergeant, Fisher, Lippincott, Chauncey, Newkirk, Macalester, Lewis, Holmes, Gilpin, Sullivan, and Wager.

Mr. Chauncey, from the special committee appointed on the 24th September, presented the following report, which was read.

Whereupon Mr. Chauncey moved the following resolution:

Resolved, That the said report, with the accompanying resolution, be adopted.

Upon this motion the yeas and nays were called for, when it was carried by a vote of twelve to three, as follows:

YEAS—Messrs. Willing, Eyre, Bevan, White, Sergeant, Fisher, Lippincott, Chauncey, Newkirk, Lewis, Holmes, and Biddle—12.

NAYS—Messrs. Gilpin, Sullivan, and Wager—3.

On motion it was resolved that five thousand copies of the said report be printed for the use of the stockholders of the Bank.

Extract from the minutes.

S. JAUDON, *Cashier.*

Mr. B. then read the following extracts from the report thus adopted by the board:

"The committee to whom was referred, on the 24th of September, a paper signed 'Andrew Jackson,' purporting to have been read to a Cabinet on the 18th; and also another paper signed 'H. D. Gilpin, John T. Sullivan, Peter Wager, and Hugh McElderry,' bearing date August 19, 1833, with instructions to consider the same, and report to the board whether any, and what steps may be necessary on the part of the board, in consequence of the publication of the said letter and report, beg leave to state, that they have carefully examined these papers, and will now proceed to state the result of their reflections in regard to them." * * * * "Of the paper itself, and of the individual who has signed it, the committee find it difficult to speak with the plainness by which alone such a document, from such a source, should be described, without wounding their own self-respect, and violating the consideration which all American citizens must feel for the Chief Magistracy of their country. Subduing, however, their feelings and their language down to that respectful tone which is due to the *office*, they will proceed to examine the history of this measure, (removal of the deposits,) its character, and the pretexts offered in palliation of it." * * * "It would appear from its contents, and from other sources of information, that the President had a meeting of what is called the Cabinet, on Wednesday the 18th of September, and there read this paper. Finding that it made no impression on the majority of persons assembled, the subject was postponed, and in the mean time the document was put into the newspapers. It was obviously published for two reasons. The first was to influence the members of the Cabinet, by bringing to bear upon their immediate decision the first public impression excited by misrepresentations, which the object of them could not refute in time; the second was, by the same excitement, to affect the approaching elections in Pennsylvania, Maryland, and New Jersey." * * * * * "The indelicacy of the form of these proceedings corresponds well with the substance of them, which is equally in violation of the rights of the bank and the laws of the country." * * "That the Secretary of the Treasury, and the Secretary of the Treasury alone, has the power to remove them, (the deposits,) that officer being specially designated to perform that specific duty, and the President of the United States being, by the clearest implication, forbidden to interfere." * * * * "The whole structure of the Treasury shows, that the design of Congress was to make the Secretary as independent as possible of the President. The other Secretaries are merely executive officers; but the Secretary of the Treasury, the guardian of the public revenue, comes into more immediate sympathy with the Representatives of the people, who pay that revenue; and although, according to the general scheme of appointment, he is nominated by the President to the Senate, yet he is in fact the officer of Congress, and not the officer of the President." * * * * * * * * *

"It is manifest that this removal of the deposits is not made by the order of the Secretary of the Treasury. It is a perversion of language so to describe it. On the contrary the reverse is openly avowed. The Secretary of the Treasury refused to remove them, believing, as his published letter declares, that the removal was 'unnecessary, unwise, vindictive, arbitrary, and unjust.' He was then dismissed because he would not remove them, and another was appointed because he would remove them. Now this is a palpable violation of the charter. The Bank and Congress agree upon certain terms, which no one can change but a particular officer, who, although necessarily nominated to the Senate by the President, was designated by the Bank and Congress as the umpire between them. Both Congress and the Bank have a right to the free and honest and impartial judgment of that officer, whoever he may be—the Bank, because the removal may injure its interests; the Congress, because the removal may greatly incommode and distress their constituents. In this case they are deprived of it by the unlawful interference of the President, who 'assumes the responsibility,' which, being interpreted, means, usurps the power of the Secretary. To make this usurpation more evident, his own language contradicts the very power which he asserts." * * * "But a judicial investigation of his charges is precisely what he dreaded. The more summary and illegal invasion of the powers of others seems to have more attraction than the legitimate exercise of his own." * * * * * "But the wrong done to the pecuniary interests of the Bank sinks into insignificance when compared with the deeper injury inflicted on the country by this usurpation of all the powers of the Government." * * * * * "Certainly, since the foundation of this Government, nothing has ever been done which more deeply wounds the spirit of our free institutions. It in fact resolves itself into this: that whenever the laws prescribe certain duties to an officer, if that officer, acting under the sanctions of his official oath and private character, refuses to violate that law, the President of the United States may dismiss him, and appoint another; and if he, too, should prove to be a 'refractory subordinate,' to continue his removals until he at last discovers, in the descending scale of degradation, some irresponsible individual fit to be the tool of his designs. Unhappily, there are never wanting men who will think as their superiors wish them to think—men who regard more the compensation than the duties of their office—men to whom daily bread is a sufficient consolation for daily shame." * * * * * * * * *

"At this moment the whole revenue of this country is at the disposal, the absolute uncontrolled disposal of the President of the United States. The laws declare that the public funds shall be placed in the Bank of the United States, unless the Secretary of the Treasury forbids it. The Secretary of the Treasury will not forbid it. The President dismisses him, and appoints somebody that will. So the laws declare that no money shall be drawn from the Treasury, except on warrants for appropriations made by law. If the Treasurer refuses to draw his warrant for any disbursement, the President may dismiss him, and appoint some more flexible agent, who will not hesitate to gratify his patron." * * * * * "The power is asserted in a tone fitter for the East, than for any country claiming to be governed by laws." * * * * * "At this moment the process of evading the law is in full practice. By the Constitution of the United States, no money shall be drawn from the Treasury but in consequence of an appropriation made by law. But there has been a usage of transferring funds from one branch of the Bank of the United States to another, or one State bank to another, when the public service required disbursements at remote places. This transfer draft has been abused," &c. * * * * * "The committee (of the bank) willingly *leave* to the Congress of the United States the *assertion* of their own constitutional power, and the *vindication* of the *principles* of our *Government*, against the most *violent assault* they have ever yet encountered, and will now confine themselves to the more limited purpose of showing that the *reasons* assigned for the measure are as *unfounded* as the object itself is illegal."

When Mr. B. had read thus far, he stopped, closed the pamphlet, and said that he had arrived at the point where the bank divided the criminal from the civil proceedings against the President, and consigning him to Congress for the notice which was due to the violation of the laws and Constitution, it proceeded to make out its own case for damages for the loss of the deposits, and to adopt a resolve to claim redress for that injury. The argument in the whole pamphlet is pertinent to the motion now before the Senate, as showing the relation between the proceedings of the bank and the proceedings of the Senate against the President, and how closely the latter, arguments and all, were copied from the former. The whole pamphlet was pertinent to his motion, and it ought to be printed and preserved among the public documents, as a part of the history of the case; but time forbade him to read any more; and having arrived at the point where the bank turned over the President to Congress for criminal prosecution, and where the Senate took it up, he went on to say: The three resolves which I have read, though varied in their form, are all intended to accomplish what the bank indicated when it vouchsafed "*to leave to the Congress of the United States 'the assertion of their own constitutional power, and 'the vindication of the principles of our Government 'against the most violent assault they had ever encountered;*" and the first of these three was accompanied by another resolve, which pursued the civil branch of the subject which the bank had reserved to itself; namely, to show that the reasons assigned for the removal of the deposits were "*unsatisfactory and insufficient*," or, as the bank pamphlet expresses it, "*unfounded as the object itself is illegal.*" Thus the proceedings in the Senate and in the bank were identical; and, what is too obvious and striking to escape observation, the very form of commencing the work against the President, and the precise material upon which the work was commenced, was the same in both bodies. The bank commenced its process, and took, for the foundation of its proceedings, "a certain *paper* signed 'Andrew Jackson,' 'and *purporting* to have been *read* to what was 'called a *Cabinet*, on the 18th day of *September*, 'in the year 1833." So of the proceeding in the Senate. It takes for its commencement, and for its foundation, the same identical paper, and, in every essential phrase, describes and calls for it in the same words. Our Journal of that period, at page 40, and for Wednesday, the 11th of December, 1833—just nine days after the promulgation of the bank proceedings—exhibits an entry in these words:

"The following motion, submitted by Mr. CLAY, was considered:

"*Resolved*, That the President of the United States be requested to communicate to the Senate a copy of the *paper* which has been published, and which *purports* to have been *read* by him to the Heads of the *Executive* Departments, *dated* the 18th day of *September* last, relating to the removal of the deposits of the public money from the Bank of the United States and its offices."

This call was adopted by the Senate. The President was requested to furnish the paper described; and upon his declining to do so, the Senate of the United States proceeded, as the Bank of the United States had previously done, to use the copy of the paper as found in the columns of the Globe.

Upon the contents of this paper two distinct resolutions were submitted by a Senator from Kentucky, [Mr. CLAY,] one criminal, the other civil. The criminal resolution has been read. It stands at the head of the three resolves quoted in the preamble to the resolution which I have offered, and follows not only the charges and the specifications which the bank had preferred against the President, but uses the very words which that institution had used. The civil resolution, offered at the same time, is not inserted in the preamble, because the expunging process is not proposed to reach it; but it is necessary to read it by way of identifying the proceedings of the bank and of the Senate, and to show how faithfully the Senate took up the cause of the bank. This is it:

"*Resolved*, That the *reasons assigned* by the Secretary of the Treasury for the *removal* of the money of the United States deposited in the Bank of the United States and its branches, communicated to Congress on the 3d day of December, 1833, *are unsatisfactory and insufficient.*"

The reasons assigned for the removal were voted by the bank to be unfounded; by the Senate they were voted to be unsatisfactory and insufficient, showing the exact division of the subject in the Senate to be what it was in the bank, and expressed in the same phrases.

The bank refers the paper which was read to what was called a Cabinet to one of its committees, to report "what steps are necessary to be taken on the part of the board." They report two steps: first, to vindicate the Constitution and laws from the most violent assault they had ever encountered, which, being interpreted, signified to impeach him; and such was the language of the bank gazettes; and a member actually named who was to move the impeachment; secondly, to assert its own right to redress for the injury of removing the deposits. Both these steps were pursued in the Senate; only for want of a regular impeachment, preferred by the House of Representatives, the Senate took it up irregularly, as indicated by the bank.

I do not detain the Senate, Mr. President, to make any remark upon the unparalleled and almost incredible audacity of this moneyed institution, which, erecting itself into a coördinate branch of the Federal Government, and assuming a political, judicial, and moral supremacy over the President of the United States, takes cognizance of his imputed offenses, refers his conduct to one of its committees as to a grand jury, receives a report arraigning him for a public crime as well as for a private injury, adopts it in both aspects, and adjudges him guilty of the crime, while it demands redress for the injury with the unceremonious indifference and perfect self-complacency which belongs to the conduct of an established constitutional tribunal. Nor do I comment upon the significant intimation for an impeachment which their high mightinesses, the serene directors of this moneyed corporation, so distinctly holds out to Congress. Nor shall I dwell upon the coincidence that the bank proceeding against the President should have made its appearance in Philadelphia cotemporaneously with the assembling of Congress in this city. All these circumstances, and many others, will naturally attract the attention and excite the reflections of the people. My purpose at present is quite different. It is to show that the Bank of the United States is the original author of all the proceedings against the President, and that what has been done in this Chamber is nothing but a copy of what had first been done at the Board of Directors in the city of Philadelphia. The extracts which I have read are sufficient for the present; and I shall only refer, at this time, in confirmation of them, to the columns of the bank gazettes at that period—the meetings got up by the bank to condemn the President—the committees and memorials sent here—the purchase by the bank of eight hundred thousand copies of the speeches made against the President—its efforts to distress and alarm the country—and the palpable line which is still drawn in all the Legislatures of all the States between the friends of the bank and the friends of the President wherever expunging resolutions are brought forward.

These are sufficient to prove that the bank, from first to last, took charge of this proceeding against the President; that she originated it, followed it here, nursed and cherished it, adopted all that was done; and now opposes the expunging resolutions in the different States, with such fidelity that the list of votes, except in Tennessee, and some individual exceptions in the other States, shows the question of expunging to be a mere bank question, to be lost or carried as the bank party predominate or not in the Legislature.

Mr. B. then took up his expurgatory resolution, and said that he had digested his motion for the sake of a more convenient and intelligible presentation of his subject, into a series of distinct propositions, covering the whole ground of the case, yet separating the parts so that a distinct consideration, and a distinct vote may be taken on each distinct point.

I. The first proposition which I submit assumes the cardinal position that the proceeding against President Jackson was for an impeachable offense; and that, being conducted without the forms of an impeachment, it was, by consequence, irregular, illegal, unconstitutional, and subversive of the fundamental principles of law and justice.

The stress of this proposition lies in the position that the offense charged upon the President was impeachable; and to maintain this position, I shall show, first, what it is that constitutes an impeachable offense under our Constitution; and next, what the offense is that the President was charged with.

By section four, article two, of the Constitution, the President may be impeached:

1. For treason;
2. For bribery;
3. For other high crimes;
4. For misdemeanors.

Here are four classes of offenses for which impeachment lies; two of them well defined by common and constitutional law; and two of them resting, not upon strict legal definitions, but rather upon the general acceptation of terms, and the moral sense of the community. Treason and bribery have their precise definitions; other high crimes and misdemeanors have their import, but have not been legally defined, so as to include all cases which may fall under their heads. They were evidently adopted by the framers of the Constitution, on purpose to include all the unknown and all the possible cases of malfeasance in office which should amount either to a high offense or to a petty offense, and for which the officer might deserve actual punishment at common law, or a mere removal from that particular office, or a general disqualification to hold any office whatever. A crime is a great offense; a misdemeanor is a petty offense. A high crime is always understood to be some great offense against the State or the public; a misdemeanor is some petty offense in office, consisting of any kind of misbehavior or ill behavior. So say the books. It would be sufficient for my argument to show that the offense charged upon President Jackson by the Senate of 1833-34 was one of those petty offenses growing out of misbehavior or ill behavior in office, which constitutes a misdemeanor; for even that would be impeachable, and would sustain my position, that the President was adjudged guilty of an impeachable offense. But I will not wrong the Senators who passed that judgment upon him, so far as to lower their charge to the petty offense, which constitutes a mere misdemeaner. I will not undertake to deprive them of their excuse or justification for alarming and agitating the country as they then did, and denouncing President Jackson with the violence then exhibited, by reducing the offense with which they charged him to the mere misbehavior which amounts to misdemeanor. But I will take the charge in its natural import, and according to the understanding of it then manifested by gentlemen in all their speeches; and, according to these, I say that President Jackson was charged with a great, heinous, and daring offense; and being so charged, was impeachably charged, not with a petty misdemeanor, but with a high crime.

How was he charged? The record answers that he was charged, *first*, with assuming the exercise of a power over the Treasury of the United States not granted to him by the Constitution and laws, and dangerous to the liberties of the people; *because he dismissed Mr. Duane from the Treasury Department, and appointed Mr. Taney to it. Secondly*, with assuming the exercise of a power over the Treasury of the United States not granted to him by the Constitution and laws, and dangerous to the liberties of the people; *because he took upon himself the responsibility of removing the deposits from the Bank of the United States;* and *thirdly*, with *assuming* upon himself authority and power not *conferred* by the Constitution and laws, but in *derogation* of both; *because of the late Executive proceedings in relation to the revenue.* These were the charges; and how much soever the specifications were again and again changed, and finally all dropped, yet the charge itself remained the same, and wears its meaning plainly on its face, that of *usurping* power and authority, and *violating* the laws and Constitution of the land. This is the plain meaning of the charge, in every instance of its threefold repetition, and so was understood and expressed by every speaker, who constantly applied the terms of usurper and violater of the laws and Constitution, and rummaged history to find, in the lives of the most odious of tyrants, acts of usurpation and of lawless violence sufficiently infamous, wicked, and dangerous to exemplify the conduct which they charged upon the President.

The precise words, in the resolve adopted, fully charges the violation, and that twice over. To assume power not conferred by the laws and Constitution is to violate the laws and the Constitution; to do an act in derogation of both is, in the President, a violation of both. The legislative power may derogate from a law, that is to say, can repeal and take away a part of it; but it cannot derogate from the Constitution, that is to say, repeal or take away a part of it; and the attempt to do it is to violate it. The President can neither derogate from the common law nor from statute law, nor from the Constitution. He has no repealing power over them; by consequence, to derogate from them is to violate them.

Mr. B. well recollected that some of the gentlemen in opposition called the President's conduct *a gross abuse of a power.* Be it so. The smallest abuse of power is a misbehavior in office, and a misdemeanor, for which the officer may be impeached; a gross abuse of power is a high crime, for which impeachment also lies. The charge, then, still continues impeachable, whether qualified as a gross abuse of power, or charged as a direct violation of law.

The charge, then, stripped of its thin disguise, taken in its obvious sense, and put into the words proclaimed by every speaker, is a charge of usurpation of power and authority, and of violation of the laws and Constitution. I do not make a separate head of the usurpation here charged, because it is merely subsidiary in its reference, and explanatory in its import, of the main charge more distinctly expressed. To usurp power and authority is to seize upon power and authority without right or law—to violate the laws and Constitution, is to do the same thing; so that all the charges substantially end in one, that of violating the laws and the Constitution. Is this a petty offense, or a great crime? It is sufficient for my argument that it should be a petty offense; but truth and justice will qualify it as a great crime. In a country of law the violation of law is always a crime. In the mere citizen it is criminal: in the common magistrate it is heinous: in the chief officer of a Republic it is atrocious and parricidal. In a President of the United States, bound by his oath not only to preserve, protect, and defend the Constitution, but to cause all others faithfully to execute the laws, the violation of the laws and Constitution, involving as it does perjury to his conscience, treachery to his trust, danger to the country, and evil example to all, becomes an offense of the greatest magnitude, inferior only in turpitude and mischief to high treason itself. In republics the greatest jealousy is felt at assumptions of power beyond the law; and the more exalted the magistrate, the more eminent the citizen who commits that offense, no matter how strong the necessity, or how slight the consequence, the voice of offended justice is sure to be heard. Why was Cicero banished from Rome? Not for putting Lentulus and Cethegus to death—for these parricides deserved to

die a thousand deaths!—but because, in ordering Roman citizens to be strangled, the Consul had assumed the exercise of a power not granted to him by the constitution and the laws of Rome. What was the cause of that immortal contest in Athens—that contest for the crown, not of royalty, but of honor and patriotism? Not that Demosthenes did not deserve to wear it, but that Ctesiphon had transcended the law in causing it to be conferred upon him. These were excusable or venial violations of law; yet their commission agitated the great republics of antiquity, and their memory, at the end of two thousand years, and in a new hemisphere, is fresh in the recollection of every reader. But why quote examples? Why go to foreign countries? Why quit our own soil—this Chamber—and this very case, to prove that the violation of law is the commission of a great crime? Did not every gentleman, in arguing this very case, treat it as a crime of the greatest enormity? Did they not denounce the President's conduct, not merely as a violation of the laws and the Constitution, but an actual overthrow of all Government?—as the establishment of one man's will in place of all law and government? as being in itself a revolution? as an act pregnant with every calamity, filling the country with distress and alarm, ruining the currency, sinking the price of property, paralyzing industry, stopping factories, bankrupting merchants and traders, destroying all confidence between man and man, and striking the whole country down from a state of unparalleled prosperity to a state of unparalleled misery? Did not every speaker against the President assert all this, and infinitely more and worse? And did not one hundred and twenty thousand petitioners back their assertions, reiterate their denunciation, send it here for our information, and call upon us to undo what the President had done, as the only means of saving the country from utter ruin? And were not these petitions received with all honor, and their contents made every speaker's own by the manner in which he adopted and commented upon them? Certainly all these things were so; and during the six months that they were going on, the act of President Jackson, in removing the deposits, was expressly treated as a crime of the direst import, and of the most calamitous consequences. Having personally witnessed all these things, and too well remembering them, it is incomprehensible to me, and my mind will remain incredulous to the apparition until I shall behold it, that any one of the supporters of the proceedings against President Jackson, will now take a position in the rear of President Jackson's innocency, and rest the success of their defense now, upon the overthrow of their attack then. I say upon his innocency! for every denial of the criminality of his conduct is an allegation of his innocence; and every attempt to sink the charge against him below the degree of a high crime, is an admission of the injustice of those who then denounced and condemned him; for nothing can excuse them for the course they then pursued, and for the alarm and agitation in which they involved the country but the reality of their belief in the high crimes which they then imputed to the President. Here, then, lies a dilemma. To justify themselves for their conduct then, gentlemen must now stick to the charge as then made, and maintain the President to have been guilty of a high crime. To defend themselves from the censure of having violated the Constitution, subverted justice, and set a dreadful example, it is necessary for them to maintain that he committed no crime at all; not even the petty offense and venial misconduct which will constitute a misdemeanor in office. In this dilemma, it is not for me to anticipate what course gentlemen will take; whether they will retrace their steps, or advance further. It is not for me to decide whether it is a case in which the actors, far steeped in blood, may think it safer to go through than to turn back; but solely occupied with my own course, I proceed to establish my position, that the President was adjudged guilty of an impeachable offense; and that the Senate was unjustifiable for proceeding against him without the forms of an impeachment.

The sentence against the President is for violating the laws and the Constitution. I have said that this offense was great in a private citizen, still greater in a common magistrate, and greatest of all in the Chief Magistrate of the country. Our own Chief Magistrate is laid under the most sacred and solemn responsibilities to God and his country to abstain from this crime. He takes an oath to do so; and here is the copy of that oath which President Jackson actually took, administered by the late Chief Justice Marshall in the presence of assembled thousands, and on the steps of that Capitol, and at the base of that column at which he came so near to pay the dreadful forfeit of a supposed violation of his oath:

"I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Preserve, protect, and defend the Constitution. Such is the oath! The sentence is, that he violated that Constitution, and by consequence, that he violated that oath. Here, then, is the aggravated charge of perjury upon his conscience, treachery to his trust, mischief to the people, and destruction to that which he was bound to preserve, protect, and defend. Can such things be, and not imply crime? that high crime, for which not only impeachment lies under our Constitution, but indictment and punishment also at common law? Surely the point is too plain for argument; and I must be permitted to repeat, that I cannot figure to my imagination anything so strange and wonderful as that gentlemen who pushed the condemnation of President Jackson with such fury in 1834, should now deprive themselves of all justification for what they then did by special pleading upon the verbality of the accusation which they themselves drew up, and, pointing to the careful omission of imputed bad motive, declare that his intentions were not impugned! and defend themselves from the consequences of pronouncing him criminal *then* by intrenching themselves behind his innocency *now!* Far from it. The justification of gentlemen for what they did to agitate the country rests upon the conscientiousness of their belief that the President was in reality the lawless and dangerous criminal which they described him to be; and the moment they give up that—the moment they admit that innocency of motive, without which crime cannot exist—that moment they condemn themselves, and admit that they were factious agitators, unjust judges, and relentless persecutors of an innocent man. Instead of this, they and I should now act together, both maintaining that a high crime was charged upon the President; but as I have not conferred with gentlemen, and do not know upon which horn of this dilemma they prefer to hang themselves, I must proceed in my own way, and make out my case upon its own strength, without reference to their weakness.

The great position which I take is, that an impeachable offense has been charged upon the President, and that he has been adjudged guilty of that offense, without the forms of an impeachment, and without the benefits of a trial.

Suppose gentlemen undertake to arrest me at the threshold and say, we did not impugn his motives; we did not attribute bad intentions; we merely charged the fact.

To this I answer:

1. If there was no allegation, there was no denial of bad motive; and the charge of the crime implies the wicked intent.

2. That the speeches of gentlemen supplied what the form of their charge omitted; and that the imputation withheld from the record, was proclaimed from the mouth, and incorporated into every speech.

3. That the criminal averment, "*dangerous to the liberties of the people*," was inserted in the first, and retained in the second form of the charge, and only dropped from the third and last form after having been repeatedly pointed out, and fully relied on as showing the criminal and impeachable character of the accusation.

4. That no legislative use was made of the condemnatory resolve after it was passed, and that no such use could then, or can now, be made of it; because, in its nature, it is a criminal accusation, and presents a case, not for legislation, but for punishment.

5. That gentlemen in the opposition drew the charge themselves, and altered it themselves; and may have had a reason, not yet explained, for omitting those imputations of criminality in the record which were so profusely and conspicuously used in their speeches.

6. That even a regular and formal impeachment requires no allegation of corrupt motive.

7. That the offense being stated in the article of impeachment, the conviction will be valid; and the only sentence known under our Constitution will be pronounced without reference to the *quo animo*.

8. That this is not a case of regular impeachment, but of irregular condemnation without impeachment, and a charge on which the House of Representatives might frame an impeachment in form, and send it to us for trial. It is precisely the preliminary resolution, the general charge, without specification and technical averments, which is the incipient step and opening process to the preferment of an impeachment in form. It is the initiative to impeachment. So say the books. Listen to Jefferson in his Manual of Parliamentary Practice, drawn up by him for our especial guidance, and printed by ourselves for our convenient and constant reference. He says: "*The general course is to pass a resolution containing a criminal charge against the supposed delinquent, and then to direct some member to impeach him by oral accusation at the bar of the House of Lords.*" This is the way to begin an impeachment in the House of Representatives, and this is the precise manner in which we began it in the Senate. We passed the resolution as the book directs, and we passed it with the criminal charge in it. We began the impeachment regularly; but we began it in the wrong place, and our proceedings ended where those of the House of Representatives begin; we ended with the adoption of a general resolution containing a criminal charge against the supposed delinquent.

These brief answers I hold to be sufficient, Mr. President, to set aside any defense which could be bottomed on the omission, accidental or designed, of formal averments of bad motives in the sentence pronounced against the President. They show that the impeachable nature of the charge is not affected by that omission. On the contrary, the very circumstance of the omission may aggravate the conduct of the Senate by showing an extension of the non-committal policy to the high and sacred functions of Senators and judges, and exhibiting a subtile contrivance for condemning the victim without committing the judges. They show that this is not a case for common-law averments—not a case for setting out with legal verbosity that the aforesaid Andrew Jackson, yeoman, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, he first dismissed Mr. Duane from the Treasury; and after that appointed Mr. Taney to the Treasury; and after that he took upon himself the responsibility of removing the deposits; and finally he performed a certain late proceeding in relation to the public revenue. All this, though eminently picturesque, and even quite dramatic in a common-law indictment, happens to have no place in an impeachment; and I might safely rest my case where it now stands; but I choose to go further, to rise higher, and to place my cause upon loftier and nobler ground. I take the true position, that the impeachment of a magistrate differs from the indictment of a citizen; and that a magistrate may be impeached under our Constitution, tried, convicted, and subjected to every penalty known to an impeachment, not only without the allegation of bad motives, but without the fact of such intentions, or even the possibility of possessing intentions of any kind, either good or bad. And, first, I show what the judgment on impeachment is, and for that purpose refer to article one, section three, of the Constitution:

"Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable to indictment, trial, judgment, and punishment according to law."

Upon this provision in the Constitution, I have to remark that impeachment lies against nobody but an officer, and, in its judgment, is official and not personal. It affects the officer, not the man. The object of the judgment is preventive, not

penal justice. It is not punishment for past offenses, but prevention of future misconduct, that is intended. Removal from office, and disqualification to hold office, is the ultimate penalty which can be inflicted under it. If the offense for which the impeachment was made should amount to a crime at common law, or by statute, then a criminal trial might ensue, and the punishment provided by law for that offense might be inflicted. The difference between indictment and impeachment lies in the difference between preventive and penal justice. The impeachment is to prevent the officer from doing further mischief; the indictment is to punish the man for the mischief he has done. A man can only be punished for crime, and wicked intention is necessary to constitute crime; but the officer may be deprived of his office for acts not amounting to crime for want of the corrupt intention; for these acts may be detrimental to the community, and the welfare of the community may require that these acts should cease, whether they proceed from a wicked heart, or a weak head, or even a mistaken principle of action. Hence, impeachment lies for the act, without regard to the criminal intention; and indictment lies for the crime of which criminal intention is the essence and the touchstone. From this fair analysis of the impeachment process and judgment, in contradistinction to indictment, results the inference that criminality of intention is no way essential to the validity of impeachments under the Constitution. So distinct is the trial by impeachment from that upon indictment for the same offense, that one cannot be plead in bar of the other under the clause of the Constitution which protects the citizen from two prosecutions for the same offense.

In England, on the contrary, the sentence on conviction under impeachment, extends to legal and actual punishment; to punishment in person and in property; for the party may be both fined and imprisoned. On indictments both in England and our America, as everybody knows, the direct object of the prosecution is punishment—punishment in life, limb, person, or property; and preventive justice is only an incident. Whenever, then, punishment would follow conviction, whether on indictment or impeachment; whenever the life or limb of the party was to be touched; whenever his body might be cast into prison, or his property taken by fine or forfeiture; in every such case the *quo animo*, the state of mind, the criminal intent, was of the essence of the offense, and must be duly averred and fully proved, or clearly inferable from the nature of the act done; but in the case of impeachment under the Constitution of the United States, where the sentence could extend no further than merely to prevent the party from using his power to do further mischief, leaving him subject to a future indictment; then the intent of the party, whether good or bad, innocent or wicked, became wholly immaterial, not necessary to be alleged, nor requiring to be proved or inferred, if the allegation should chance to be made. Every averment relative to the intention would be surplusage; for the mischief to the public was the same, whether a public functionary should violate the law from weakness or wickedness, from folly or from design.

Mr. B. said that the cases of the Judges Chase and Pickering were evidences of the truth of his argument; for in one of these there could be no corrupt or wicked intention; for the party was insane, and therefore incapable, both in law and in fact, of being either corrupt or wicked; and in the other, of which the mere naked violation of law was charged, without the slightest reference to the intentions or *quo animo* of the party. Mr. B. then went into a detailed statement of the impeachment of these two judges to sustain the view he had been taking, and to apply historical facts and judicial decisions to the legal doctrines which he had laid down. Judge Pickering, a district judge of the United States for the State of New Hampshire, was impeached for acts of flagrant illegality, and which, in truth, implied great wickedness; the articles of impeachment charged wicked and corrupt intentions; yet it was proved that he was incapable in law and in fact of wickedness or corruption; for he was utterly insane, both at the time of committing the acts, and at the time he was tried for them; and could not, and did not, appear before the Senate to make any defense. His unfortunate condition was both proved and admitted; and the Senate was moved by counsel to stop the proceedings against him, and to remit or postpone the trial; but the Senate took the clear distinction between a proceeding which could only go to removal from office, and a disqualification for holding office, and a prosecution which might involve a criminal punishment; and they proceeded with the trial, heard the evidence, found the illegal acts to have been committed, and pronounced the sentence which the good of the community required, and which the unfortunate judge was a proper subject to receive—that of removal from office. They did not add a sentence of disqualification for holding future offices; for he might recover his understanding, and again become a useful citizen. The Senate limited itself to a sentence which the good of the community demanded, and which was applicable to misfortune, and not to criminality, which was suited to the acts of the judge, without regard to the absence of intentions.

The case of Judge Chase was a case of a different kind to prove the same point. It was a case of various articles; some with, some without the averment of criminal intentions. Judge Chase was impeached upon eight articles; five of them charged corrupt and wicked intentions; three charged no intentions at all, being wholly silent on the question of motives, and merely alleging the commission of the acts and the violation of the law. The three articles thus silent on the question of motives were distinct and substantive charges in themselves; not variations of the same charge in other articles; but containing new and distinct charges, and therefore to stand or fall upon their own merits, without being helped out by a reference to the same charges in another form, in another part of the proceedings. They were the articles first, fourth, and fifth. Mr. B. would state them particularly; for if the least doubt remained on the mind of any one, after seeing the case of Judge Pickering, the tenor of these three articles in the impeachment of Judge Chase would entirely remove and dispel that doubt. The first of these articles, which is number one in the impeachment, relates to the trial of Fries, at Philadelphia, and charges the judge with three specific instances of misconduct in conducting that trial; and concluded them with the allegation "*that they were dangerous to our liberties,*" and "*in violation of law and justice;*" but without the slightest reference to the *quo animo* of the judge, or the state of mind in which the acts were done. The article is wholly silent with respect to his intentions. The fourth article contains four specifications of misconduct, all charged to have occurred on the trial of Callender, in Richmond, Virginia, and alleged them to be "*subversive of justice,*" and "*disgraceful to the character of a judge;*" but they were wholly silent as to the intentions of the judge, and left the *quo animo* with which he did the acts entirely out of the record. The fifth article charged a specific and single violation of law, in ordering the arrest of Callender upon a *capias*, instead of directing him to be called in upon a *summons*, but without imputing any motive or intention whatever, good or bad, to the judge, for preferring the capias to the summons. The only averment is, "*that Callender was arrested and committed to close custody contrary to law, in that case made and provided.*"

Such were the three articles which charged violations of law upon Judge Chase without imputing criminal intentions or corrupt motives to him; and upon which the judge was as fully tried, and made as ample a defense both upon the law and the facts, as he did upon the five other articles which contained the ordinary averments of wicked and corrupt intentions. Neither the learned judge himself, nor any one of his numerous and eminent counsel, made the least distinction between the articles which charged, and the articles which did not charge, corrupt intentions. They went to trial upon the whole alike, put in no demurrers, made no motions to quash, reserved no points, but defended the whole upon the law and the facts of each separate charge. This, sir, should exterminate doubt and silence cavil. It should put an end to all idea of getting out of the dilemma in which the Senate is placed by intrenching themselves now behind the innocency of President Jackson's intentions.

Thus far, Mr. President, I have argued this point upon principles of law and reason, supported by precedents drawn from our own history, and I trust have fully established my first proposition, namely, that the offense charged upon President Jackson was an impeachable offense, and that as a high crime, though it would be sufficient for my argument, that it charged conduct amounting to misdemeanor only; and, consequently, that the conduct of the Senate, in proceeding against him without the forms of an impeachment, was illegal, irregular, and unconstitutional, and subversive of the fundamental principles of law and justice. But although my case may be made out, and my proposition established, yet my magazine of argument is not exhausted, and I still have in reserve a most potential argument to be used in this case. It is the argument of authority, and is drawn from the legislative history of one of the States of this Union—the State of Kentucky; and a brief introductory narrative may be necessary to develop its origin, and to elucidate its application.

It is a matter of history, Mr. President, that some forty years ago, a judge of the court of appeals in Kentucky, had the misfortune to be a pensioner on the Spanish Crown, and held a secret correspondence with the Governors General of Louisiana for the separation of the western from the Atlantic States. A legislative inquiry established these facts, and the unhappy judge avoided the stroke of justice by retiring from the judgment seat. The same inquiry implicated another judge in Kentucky, not of the State courts, but of the Federal judiciary; and at a succeeding session of the General Assembly, a member of that body, Humphrey Marshall, Esq., introduced a resolution condemning the conduct of that Federal judge, and recommending an inquiry to be instituted into it by the House of Representatives of the Congress of the United States. This proceeding was resisted by distinguished members of the Kentucky Legislature; and another resolution was brought in utterly reprobating the motion of Mr. Marshall, and severely condemning the attempt to procure from a legislative body the expression of an opinion upon the guilt or innocence of an officer who was subject to impeachment before the Senate of the United States. After several days' discussion, says the historian, the following resolutions were offered by Mr. CLAY:

"Whereas, the General Assembly did, at their last session, order transcripts of the evidence taken before the committee appointed to examine into the conduct of Benjamin Sebastian, to be transmitted to the President of the United States, and to the Senators and Representatives from the State in Congress; and as the present Assembly has entire confidence in the General Administration, and in the Congress of the United States, among whose duties is that of arraigning the public officer or private citizen who may have violated the Constitution or the laws of the Union; and whereas, the legitimate objects which call for the attention of the Legislature are themselves sufficiently important to require the exercise of all their wisdom and time, without engaging in pursuit of others, thereby consuming the public treasure, and the time of the representatives of the people, in investigating subjects not strictly within the sphere of their duty; and inasmuch as the expression of an opinion by the General Assembly upon the guilt or innocence of Harry Innis, Esq., in relation to certain charges made against him would be a prejudication of his case—if in one way, would fix an indelible stigma upon the character of the judge, without the forms of trial or judicial proceeding; and if in the other, might embarrass and prevent a free and full investigation into those charges: Wherefore,

"*Resolved by the General Assembly*, That it is improper in them to prescribe to Congress any course to be taken by that body in relation to the said charges, or to indicate any opinion upon their truth or falsehood.

"*Resolved*, That the Constitution and laws of the land, securing to each citizen, whether in or out of office, a fair and impartial trial, whether by impeachment or at common law, the example of a legislative body, before the commencement of any prosecution, expressing an opinion upon the guilt or innocence of an implicated individual, would tend to subvert the fundamental principles of justice."

Mr. President, I seize with confidence, and appropriate without abatement to the present occasion, every word that is contained in this resolution, with the remark, that the severe reprobation which it expresses is many ten thousand times more applicable to the Senate of the United States for its conduct towards President Jackson, than to the Kentucky Legislature for its proposed conduct towards Judge Innis. In that case

the Kentucky General Assembly was not the tribunal for the trial of the Federal judge in the event of his impeachment; and their prejudication of his case did not affect the bosom of his constitutional triers. In President Jackson's case his prejudgers were his constitutional judges, and judges who would have a legal right to sit in judgment upon him, notwithstanding their moral disqualification for that duty by their prejudication of his case. In Judge Innis's case there was no great national event connected with his fate; no change in the ascendency of political parties to be effected; no political prophecies to be accomplished by the prophets themselves; no great moneyed power to be gratified; no barrier to be struck down from between the people and their eternal foe; no obstacle to be removed from before the onward march of a political and moneyed confederacy which was advancing to the conquest of the Government, and only stopped in its course by the invincible courage and incorruptible integrity of one man. Judge Innis's case was different from all this. It affected no one but himself. It was individual and personal; his prejudgers were not his triers; and whatever wrong might be done him, his country at least was safe, and her free institutions might survive and flourish; yet even in this case of unmitigated wrong and contingent injustice, how keen was the scent that snuffed the approach of danger in the tainted breeze! How sharp was the eye that detected the lurking mischief in the remote contingency of a bare possibility! How pointed, how cutting, how strong, and how just the rebuke that was lavished upon a legislative body for setting the example of pronouncing an opinion upon the guilt or innocence of an officer, subject to impeachment before the Senate of the United States! Every word of it is a two-edged sword, cutting into the vitals of the Senate, and leaving that deadly wound for which there is no healing in the art of surgery. To comment upon such a case is impossible; to amplify, is to weaken it; to repeat, is to destroy; yet at how many points must the minds of Senators instinctively halt, catch up the cutting phrase, apply it to their own case, while the small, still voice of conscience whispers—ten thousand times more applicable to us than to them! Mark a few of these phrases: "The constitutional right of Congress to arraign the public officer who may have violated the Constitution;" "the waste of time and public money in pursuing subjects not within the sphere of their duty;" "the injustice of prejudging an impeachable officer;" "the stigma upon an innocent man, if unjustly condemned;" "the impediment to justice if the guilty should be absolved;" "the flagrant enormity of pronouncing an opinion upon impeachable charges without the forms of trial, or judicial proceeding;" "the total impropriety of even indicating an opinion upon the truth or falsehood of the accusation;" "the constitutional and legal security of each citizen to have a fair and impartial trial, both by impeachment and at common law;" "the subversion of the fundamental principles of justice, and the dangerous example of a legislative body, before the commencement of any prosecution, expressing an opinion upon the guilt or innocence of an implicated individual." All these expressions apply directly, and with infinitely more force to the case of President Jackson, than to that of Judge Innis. The Bank of the United States, through all its organs, had appeared as the accuser of President Jackson. It had sat in judgment upon him for a violation of the laws and the Constitution, in dismissing Mr. Duane and appointing Mr. Taney; for taking upon himself the responsibility of removing the deposits, and for his proceedings in relation to the revenue. It had demanded his impeachment, foretold it, and named the member of the House of Representatives whom it presumed to say would bring it forward. The public press in the service of the bank had been for many months preparing the public mind for the event, and just at the commencement of the session, the bank itself, in its own person, and in the most imposing form, stepped from behind the curtain and appeared upon the stage as the responsible accuser. It caused a manifesto of some fifty pages to be drawn up by a committee of its directors, adopted by a vote of the board, ordered five thousand copies to be printed, a copy to be laid upon the table of every member of Congress, and the rest distributed all over the Union. It was that famous manifesto from which I have read some passages, in which the President of the United States was compared to counterfeiters, and the first place in the comparison assigned to him. The Senate and the country would remember that manifesto. It was the authentic act of the bank, and contained the identical charge against the President which was immediately afterwards brought into the Senate, and what is more, it contained every argument which was used in the Senate in support of the condemnatory resolution. The President, then, was an implicated and accused individual, at the commencement of the session of 1833–34. He was accused by the bank; and being thus accused, the Senate took cognizance of the charge, without the intervention of the House of Representatives, debated it for a hundred days, and adopted it. The resolutions brought into the General Assembly of Kentucky, in the case of Mr. Innis, strong as they are, are yet described by the historian,* from whom I have read them, as being "*temperate and just, and respectful to the sacred "rights of every private citizen to enjoy an impartial 'trial, without the denunciation of influential men in 'office.*" I concur in this sentiment, Mr. President, and so did the General Assembly of Kentucky concur with the mover of the resolutions which I have read; for although those resolutions were not adopted, yet they had the effect of changing the resolutions of Mr. Marshall, and to deprive them entirely of their criminating character.

Such were the sentiments entertained in Kentucky, such the jealous and sensitive delicacy of the feeling against the prejudication of an impeachable officer; and all this generous feeling, watchful jealousy, and cutting rebuke, was called forth in a case of most remote and contingent mischief, where the prejudgers were not the triers, and where the prejudication could have but a most indirect operation upon the minds of the actual judges. If just there and then, how much more so now and here! When the Senate of the United States, upon charges put forth by the Bank of the United States, sits in judgment upon the President of the United States, condemns him unheard, fixes a stigma upon his name, rouses one hundred and twenty thousand people to petition against him—more than ever appeared at the bar of the national convention against Louis the XVI—gives an audacious institution a triumph over him, and subjects his life to imminent deadly peril. Yes, sir, puts life itself in danger; for it is incontestable that the denunciations of the Senate had the effect of putting the pistol in the hands of the assassin. Yes, sir, these denunciations! for while rational, intelligent, and informed people saw the injustice of the charge against the President, and the folly of believing that the removal of the deposits had made the distress, yet with the ignorant, the uninformed, and the insane, it was quite different. They believed it all, and acted according to their belief. The ignorant went to the polls to put an end, by their votes, to the administration of the "*tyrant*" that was destroying their country; the "*insane*" went to the portico of the Capitol to put an end, with his pistol, to the life of the same "*tyrant.*" But thanks to God, and to the people! *His providence* held back the bullets; *their confidence* sustained him at the polls, and *their justice* will find the means of expunging from our Journals that unjustifiable sentence which should never have been put upon it! Sooner or later, expunged it will be. At this session, if the voice of the people is obeyed; after the next general election, if it is not done now. There was no room for mistake. Two years past history, and the issue of the elections, had developed the will of the people. Far from believing in the truth and justice of the sentence pronounced by the Senate, and returning a House of Representatives to impeach the President in form, they have gone on increasing in their confidence and affection, returning larger and larger majorities in his favor; and, in primary meetings, legislative resolves, and a thousand different modes, have testified their will that this unjust sentence should be expunged from the Journal. The will of the great majority of the people of these States is known; it is in favor of expurgation. The famous Mr. Fox voted in favor of expunging the record of Wilkes's expulsion from the Journals of the House of Commons, against his own opinion, and against his previous votes, and in professed obedience to the will of the people. His example is worthy of imitation; and I trust (said Mr. B.) that the expressed will of the people will be obeyed in this case. For, or against, the expunging, I trust it will be obeyed; and that the voices of the State Legislatures will be equally respected, work which way they may.

Mr. B. concluded what he had to say upon this part of the case with expressing his deep regret that the General Assembly of Kentucky, in 1834, should have so sadly and lamentably forgotten their own example of 1807. In 1807, as has been shown, they deprived the resolutions of Mr. Marshall of their criminating character before they would adopt them. In 1834, and in the month of February of that year, while the proceeding against President Jackson was in full blast, it adopted resolutions against him of the most violent character, upon the very points in discussion, and ordered them to be transmitted to their whole delegation in Congress. The following is the copy of these resolutions:

"*Resolved*, That the President of the United States, by causing to be withdrawn the public money from the place of safe deposit, where it had been made by law, and placing it in local banks under his control, of the solvency of which the people at large know nothing, and into whose affairs their representatives have no right to examine, has violated the laws and Constitution of the United States—that he has '*assumed a responsibility*' dangerous to liberty, and which tends to the concentration of all power in the hands of the Chief Magistrate of the United States.

"*Resolved*, That by the frequent exercise of the veto power, and that still more arbitrary and dangerous one of withholding bills passed by both Houses of Congress, thereby preventing the opportunity of a reconsideration by that body in the mode prescribed in the Constitution, the President has, to a great extent, crippled and paralyzed the legislative department of our Government, and in some instances has prevented the exercise by Congress of their essential constitutional rights.

"*Resolved*, That the Clerk of this House transmit to each of our Senators and Representatives in Congress copies of the foregoing resolutions."

II. Having shown, Mr. President, that the proceeding against President Jackson was illegal and unconstitutional, I take up my second proposition, which affirms the injustice of that proceeding, and makes an issue of fact upon the truth of the sentence pronounced upon him. The proposition is in these words:

"And whereas the said resolve, in all its various shapes and forms, was unfounded and erroneous in point of fact, and, therefore, unjust and unrighteous, as well as irregular and unconstitutional; *because* the said President Jackson, neither in the act of dismissing Mr. Duane, nor in the appointment of Mr. Taney, as specified in the first form of the resolve, nor in taking upon himself the responsibility of removing the deposits, as specified in the second form of the same resolve, nor in any act which was then, or can now, be specified under the vague and ambiguous terms of the general denunciation contained in the third and last form of the resolve, did do or commit any act in violation or in derogation of the laws and Constitution, or dangerous to the liberties of the people."

The condemnatory resolution, as first drawn up, contained two specifications of supposed violation of law and Constitution: First, the dismission of Mr. Duane from the Treasury Department because he would not remove the public moneys from the Bank of the United States; and, second, the appointment of Mr. Taney to make that removal. The second form of the resolution contained a single specification, namely, taking upon himself the responsibility of removing the deposits; and the third and ultimate form of the same resolution was utterly destitute of any specification whatever. Having remarked that these specifications were copied from the proceedings of the Bank of the United States, and in the very words used by that institution, such as he had read them at the opening of this debate, Mr. B. said, we join issue upon each of these specifications, as far as they are made under the first and second forms which they bear, and are ready to join issue upon any specification which can be assigned under the vague terms of the third form.

We deny, out and out, that there was any violation of the laws or Constitution in the dismissal of Mr. Duane, or in the appointment of Mr. Taney, or in taking upon himself responsibility

* William Butler, Esq.

of removing the deposits, or in any proceeding whatever, either late or early, in relation to the public revenue.

All these denials we made at the time; and every specification ventured upon by the mover of the resolution, was promptly met, and fully overthrown by us. Shall I repeat the arguments we then used? or shall I limit myself to a recapitulation of points which mark our reasoning, and to an enumeration of proofs which attest our victory? I prefer the latter, and shall proceed accordingly.

First, then, the dismissal of Mr. Duane, because he would not remove the deposits.

In answer to this specification we showed, first, that the right of the President to dismiss this Secretary, resulted from his constitutional obligation to see the laws faithfully executed; secondly, from the recognition of the right in the first act of Congress establishing the Treasury Department.

Here is the law: "*Whenever the Secretary (of 'the Treasury) shall be removed from office by the 'President of the United States, or in any other case 'of vacancy in the office of Secretary, the Assistant 'shall, during the vacancy, have the charge and cus-'tody of the records, books, and papers, appertaining 'to the said office.*" This is the seventh section of the act entitled, "An act to establish the Treasury Department," passed September 2, 1789. It is an express, and as the debates of the time will show, a purposely *expressed* recognition of the right of the President to dismiss this officer. And here I might dismiss this specification; but it is right to recall the recollection of the fact, that the mover of the resolution gave it up, and was compelled to give it up, or lose the whole resolution; for it was well known throughout the Senate, that not even a *party* majority, at the end of a hundred days' debate, could be got to vote for it; that several members of the Opposition openly admitted the right of the President to make the dismission, and could not vote for the resolution with that specification in it.

The second specification was for appointing Mr. Taney to make the removal of the deposits, which Mr. Duane would not. This requires no consideration, and admits of no notice. It was scarcely noticed in debate; and being wholly dependant on the first specification, it was withdrawn with it, and never mentioned since. It was given up by the mover without a vote, because even a *party* majority could not be got to vote for it; and it cannot be resuscitated now for the sake of a posthumous discussion.

The third specification was, for taking on himself the responsibility of removing the deposits. This specification, like the two former, was found to be too weak to stand a vote. It was withdrawn by the mover without a vote; because it was known that not even a *party* majority could be induced to vote for it. Being thus given up and abandoned, it can no longer claim the honor of a notice.

An allegation, twice repeated by way of aggravation, also graced the first and second forms of the resolution, which disappeared from the third: it was, that the President's conduct was dangerous to the liberties of the people. This allegation also shared the fate of the three specifications. It was given up and withdrawn without a vote, because not even a *party* majority could vote for it; and thus it was clearly admitted that the President's conduct was not dangerous to the liberties of the people.

The resolve, as adopted, was void of specification, and contains no allegation whatever on which an issue of fact or of law could be taken. It was a vague, indefinite denunciation, without a reference to any act, at any time, in any place, or to any law, or any clause in the Constitution supposed to be violated. Against such a condemnation, argument is impossible, for issues are impracticable. I limit myself to the broad, emphatic denial of the truth and validity of anything that can be specified under this vague denunciation. I pronounce myself and my friends to be now standing ready, challenging and defying any specification under this resolution, and waiting to impale and transfix it the moment it is produced. And here I conclude this head, and hold my second proposition to be completely established, *namely*, that the charge of violating the laws and Constitution was unfounded and erroneous in point of fact, and that the condemnation of the President was, therefore, as unjust and unrighteous as it was illegal, irregular, and unconstitutional.

III. I pass on to the third proposition which affirms the vagueness and ambiguity of the resolve as adopted, and presents some of the evils resulting from such an indefinite mode of condemnation. It is in these words:

"And whereas the said resolve, as adopted, was uncertain, and ambiguous, containing nothing but a loose and floating charge for derogating from the laws and Constitution, and assuming ungranted power and authority in the late Executive proceedings in relation to the public revenue, *without* specifying in what part of the executive proceedings, or what part of the public revenue, was intended to be referred to, or what parts of the laws and Constitution were supposed to have been infringed, or in what part of the Union, or at what period of his Administration, these *late* proceedings were supposed to have taken place, *thereby* putting each Senator at liberty to vote in favor of the resolve upon a separate and secret reason of his own, and leaving the ground of the Senate's judgment to be guessed at by the public, and to be differently and diversely interpreted by individual Senators according to the private and particular understanding of each, *contrary* to all the ends of justice, and to all the forms of legal and judicial proceeding—to the great prejudice of the accused, who could not know against what to defend himself; and to the loss of senatorial responsibility, by shielding Senators from public accountability, for making up a judgment upon grounds which the public cannot know, and which, if known, might prove to be insufficient in law, or unfounded in fact."

When he had read this proposition, Mr. B. said, is this a true description of the Senate's judgment? Can it be possible that this elevated body, intended by the Constitution to be the gravest assembly on earth, could have so far sported with its own responsibility, and with the rights of an accused person, as to deliver a sentence of condemnation so void of form as this description announces? The question is a grave one, and the answer should be the best which the nature of the case can possibly admit of. Inspection is the best answer which the case admits of. It is a case for the inspection of the record—for trying the record by itself. Here it is; read, listen, and judge:

"*Resolved*, That the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

Vague! vague! vague! uncertain, ambiguous, deceptive! amphibological; and the highest illustration of that Cynic's sarcasm who defined language to be an art conferred upon man to enable his tongue to conceal his thoughts. Surely the very thing is concealed here which is the only thing that ought to be known, namely, the specific act which constitutes the violation of law and Constitution intended to be fastened on the President.

I do not dilate upon the use and necessity of precise allegation in criminal accusation. The time, the place, and the act are the essence of the charge, and can never be dispensed with. The instinct of justice in every human bosom recognizes this; the forms of criminal proceeding in all countries of law and order prescribe it; and the mover of this condemnation admitted it by his repeated attempts to give specifications, and by his tardy abandonment of that attempt at the last moment, at the end of one hundred days' debate, when the sentence of condemnation could no longer be delayed without losing the benefit of it at the impending elections, and when it was indisputably known that no majority, not even the *party* majority which then prevailed in this Chamber, could be brought to unite in any act of illegal conduct which the genius of the mover could impute to the President. I will not dilate upon this plain point, but I will produce an example from our own history to show with what precise allegation of time, place, and act, violations of law were charged upon executive officers in the earlier age of our Republic.

I read from the Journals of the House of Representatives in 1793. They are the resolutions submitted by Mr. Giles, of Virginia, for the purpose of impeaching the Secretary of the Treasury, General Hamilton, and are in these words:

"*Resolved*, That the Secretary of the Treasury has violated the law passed the 4th of August, 1790, making appropriation of certain moneys authorized to be borrowed by the same law, in the following particulars, to wit:

"1. By applying a certain portion of the principal borrowed to the payment of interest falling due upon the principal, which was not authorized by that or any other law.

"2. By drawing a part of the same moneys into the United States without the instructions of the President of the United States."

Here all is open, manly, and intelligible. Mr. Giles tells what he means, and commits himself upon the issue. General Hamilton knows what he is charged with; the House knows what to proceed upon; and the public knows for what to hold the accused to his defense, the accuser to his proofs, the House to its justice, and all the parties to their official accountability to their constituents. Compare this resolve against President Jackson, with the resolve of Mr. Giles, and see how different in the essential particulars of criminal accusation. The general charge is the same in both cases, that of violating law, and acting without authority; yet the resolves are totally different—one, all precision; the other, all ambiguity. In one, every word a declaration of fact or law, on which precise issues might be taken; in the other, every word a problem, and susceptible of as many meanings as there were tongues to debate it. Like the oracular responses of the Pythian Apollo, they seemed to be selected for their amphibology, and because any meaning and every meaning which might be required or forbid, might be affirmed or denied under them. Try them by their sense and import. "Late executive proceedings." Here are three words and three ambiguities. 1. "Late." How late? one year, two years, five or ten years ago? 2. "Executive." What part of the executive? the Chief Magistrate, or one of the heads of Departments? 3. "The public revenue." What part of it? That in the Bank of the United States, or in the deposit banks, or in a state of collection in South Carolina? I defy any man to affix any definite idea to either of these terms, or to take any issue upon them. All is uncertain, ambiguous, problematical; nothing is clear but the abandonment of all that related to Mr. Duane, Mr. Taney, the removal of the deposits, the responsibility of removing them, the danger to the liberties of the people, and the complete cutting loose from all connection with the Bank of the United States, whose wrongs had solely occupied the two previous forms of the resolution, and had figured so incontinently in the speeches of all its friends. All this is abandoned: all mention of the bank is dropped. Instead of it, the vague charge is substituted, which has been so often pointed out to the notice of the Senate; and under this general denunciation, a general verdict was procured by a new species of individual contribution, something like a subscription list, or poney purse of accusation, in which each one put in according to his will and his means.

Mr. B. said he had adduced this instance of criminal allegation, this charge against General Hamilton, for the purpose of showing that precise allegations were indispensable in such cases; but it was also available and eminently applicable for another purpose; for the purpose of showing that corrupt, wicked, or improper motives were not necessary to be alleged in proceeding against an officer for an impeachable offense. The design of Mr. Giles was to impeach General Hamilton; and for that purpose he charges him with a naked violation of law, without the slightest imputation of an improper motive, and without the smallest allegation of injury to the public. It is a case in point; and added to the cases of the Judges Chase and Pickering, is conclusive to show that even where a regular and formal impeachment is intended, no averment, under our Constitution, of criminal motives, or public detriment, need be alleged.

Mr. President, the public, and even the Senate, have heard much of late years of a certain doctrine in politics called non-committal, and it has generally been presented in a very unenviable and undesirable point of view. Some have even gone so far as to say that they scorned the character of an uncommitted man; and a certain gentleman that you and I wot of, has been conspicuously paraded in speeches and gazettes as the founder of the non-committal school, and the original of the portrait which has been drawn of an uncommitted man. Of the justice, the propriety, the truth, and the decency of what has been said and published

of that gentleman, on that point, it is not my purpose, in this place, to make a question, nor would it, I presume, be your pleasure to decide. I pretermit that labor; and, proceeding upon the assumption of his opponents that the aforesaid gentleman was actually the founder of the aforesaid school, I have to remark that it seems to me that, like other great inventors, he is in danger of being robbed of the glory of his discovery by the improvements which are made by others upon his invention. So far as I understand the institutes of the original school, the right of non-committal extended no further than to problems in politics; it did not embrace cases of law and morality, nor extend to the conduct of judges and Senators! But who can stop the march of improvement? Who can limit the genius of the scholar? Who can baffle the art of the cunning imitator? Already the doctrine of non-committal has made its way to the judgment seat—to this Chamber—and to this very case. The Senate refuses to commit itself upon the question of *what it is* that they have condemned President Jackson for! They not only refuse to commit themselves for the grounds of their judgment, but they revoke the committal which they had partly made. They withdraw everything upon which they could be held to their accountability. They haul in, back out, cut loose, and run away, from their own attempt to specify the guilt of President Jackson; and then condemn him in a general verdict, made up by compromise, and unable to bear the test of any one specification whatever. Yes, sir, made up by compromise! for whom of us, that were then in this Chamber, that does not remember the extraordinary circumstances of the closing scene? the peripatetic movements which took place among members? the crossing to and fro on this floor? the consultations and the whisperings? the fixing and altering, the writing and rubbing out, the offering and withdrawing, the tearing up and beginning anew, which went on in this Chamber, to the delay of the call for the yeas and nays, until a set of phrases were collected, by contributions from different parts of this floor, sufficiently non-committal to embrace all who were willing to condemn the President, without being able to tell for what? I speak as an eye-witness, when I describe the closing scene in these terms; and I appeal to forty Senators, then and now present, to affirm my statement. And what say the laws of the land to the verdicts obtained by compromise? Utterly reprobated; the jury reprimanded who gives them; their verdict set aside, and a new trial ordered.

Sir, (said Mr. B.,) examine this sentence of condemnation as it stands. Examine it word by word, and see if it is located to any one place, limited to any time, or confined to any one act? Will it not cover the "*late*" executive proceedings relative to the revenue in South Carolina, as well as the "*late*" executive proceedings relative to the deposits in Philadelphia? Will it not cover the orders to Commodore Elliott to proceed to Charleston, just as well as it will cover the order to Mr. Duane to quit the Cabinet? Would it not cover the removal of troops to the South, to insure the collection of the revenue, just as well as it would cover the removal of the deposits from the bank to prevent the mischiefs of their remaining there? Were not the two measures equally complained of at Charleston and in Philadelphia? and is it not notorious, that when distinguished sons of South Carolina, immediately after the condemnation of the President, denounced the lawless tyranny of his conduct in public speeches in Philadelphia, meaning all the while his conduct in relation to the revenue in South Carolina, that the friends of the bank, who had previously applauded the President for that conduct, clapped and shouted, and flung their caps into the air, in a delirium of exultation, under the delusion that all this denunciation, found its *innuendo* in the wrongs of the bank, and not in the wrongs of South Carolina? Certain it is, that the criminating resolve which, in its first and second form was all bank, in its third form, cut loose from the bank entirely! that Mr. Duane, Mr. Taney, the responsibility, the deposits, the mother bank and its branches, which figured exclusively in the first and second forms, were all expunged in the third form! and not one word retained, which could *commit* the supporters of the resolve to the name, to the cause, or to the complaints of the bank!

I have described the scene, faintly described it, as it took place in this Senate, in the face of all then present, and while the call for the yeas and nays was delayed to give time for making up the phraseology of the resolution. It now becomes my duty to explain the reason why it came to pass that this business of fixing the non-committal phrases of the resolve was postponed to the last moment, and then had to be transacted by consultations and whisperings in the Senate. The reason, sir, was this: at the commencement of the session of 1833–34, the Bank of the United States and the Senate of the United States appear to have commenced an attack upon the people, the property, and the Government of the United States. The bank created a pressure; the Senate excited a panic; and the spring elections in New York and Virginia were the first and principal objects of both. The bank sent out her orders to call in debts and break up exchanges; the Senate brought in its resolution to condemn President Jackson for a violation of the laws and Constitution; and under the combined action of this double process, the price of all property was sunk, and the public mind agitated and alarmed, until a fictitious panic was produced. The operation was kept up, the bank screwing tighter and tighter, and the alarm guns firing, and the tocsin ringing faster and louder in the Senate, until the pressure had reached its highest point of culmination, and the important elections of New York and Virginia were just at hand, and everything was ripe for the final blow. The condemnation of the President before those elections, and at the moment of their commencement, was this final blow, and the exact moment for striking it had arrived on Friday, the 28th day of March. That was the day, for it was the last day that it could be done in time to have its effect. Monday was the first day of April, and the great elections were to begin; it was therefore indispensable that the news of the condemnation of the President should leave Washington a few days before the 1st of April, in order to reach in time the more remote election grounds in the great States of New York and Virginia, and to have its effect upon those elections. This is the reason why the debate on the condemnatory resolution was delayed, protracted, prolonged, and spun out from the 26th of December to the 28th of March, and then passed in the hurry and precipitation which produced that scene of consultation and of whispering, of running to and fro, of putting in and striking out, of offering and withdrawing, which was then witnessed in the Senate, and which ended in the engendering of that unrivaled specimen, that *ne plus ultra* production, that *chef d'œuvre*, and everlasting masterpiece of the non-committal policy which now stands upon your Journal as a judgment of condemnation against President Jackson!

Mr. B. said he was an enemy to monopolies, and must express his dissatisfaction to them in whatsoever shape they were presented to his view. Here was a monopoly—a new and strange monopoly; it was a monopoly of non-committal and of irresponsibility, and that by friends present to the prejudice of their friends absent. The Kentucky legislative resolve, all the State legislative resolves, all the resolves of all the public meetings, and all the petitions of the one hundred and twenty thousand petitioners sent into the Senate, were direct and specific in their charges against the President. They all charged, in direct terms, the violation of the laws and Constitution; and all grounded their charges upon the dismissal of Mr. Duane, the appointment of Mr. Taney, the assumption of the responsibility, the removal of the deposits, and the danger to the liberties of the people. They all specified these acts, and therefore fully committed themselves, and now stand committed upon them. So did their friends and leaders on this floor. All were even at the start. All were in the same predicament up to the memorable 28th day of March, 1834. Up to that day all were together in the *Caudine Forks;* but now the leaders and the followers are divided. The leaders extricated themselves; they uncommitted themselves; they cut loose from the bank and all its griefs and complaints. They dropped everything which could connect them, *upon the record*, with the bank and its cause; ensconced themselves in the mystification of amphibological phrases; and now stand untrammeled, unpledged, untied, uncommitted, and non-committed upon one single allegation of law or fact on which responsibility can be incurred, or an issue can be taken. This is wrong. The leaders should never desert their followers; they should never leave their deluded associates in the lurch. The military man shares the fate of his soldiers; he saves them or dies with them! The politician should do the same. No monopoly of escape is allowed to one any more than to the other. Here is a case for sympathy and relief—for interposition and help. The followers should be allowed to escape with the leaders; they should be allowed to cut loose from the bank; they should be permitted to uncommit themselves; and for that purpose should have leave to withdraw and amend; to amend by striking out everything that relates to the deposits, the Secretaries, the liberties of the people, the responsibility, &c., and float at large upon the undefinable and intangible denunciation of "THE LATE EXECUTIVE PROCEEDINGS IN RELATION TO THE REVENUE!"

IV. My fourth proposition applies to the doctrine of legal implications, and affirms that what has been withdrawn upon objection, cannot afterwards be understood, by implication, to remain a part of the record. The proposition, for its better understanding, will be read. It is in these words:

"And whereas the specifications contained in the first and second forms of the resolve, having been objected to in debate, and shown to be insufficient to sustain the charges they were adduced to support, and it being well believed that no majority could be obtained to vote for the said specifications, and the same having been actually withdrawn by the mover in the face of the whole Senate, in consequence of such objection and belief, and before any vote taken thereupon, the said specifications could not afterwards be admitted by any rule of parliamentary practice, or by any principle of legal implication, secret intendment, or mental reservation, to remain and continue a part of the written and public resolve from which they were thus withdrawn; and, if they could be so admitted, they would not be sufficient to sustain the charges therein contained."

The proposition contains three points: 1. An affirmation; 2. A rule of law; 3. An issue offered. The affirmation, in part, is proved by the record; namely, that the specifications of President Jackson's supposed illegal and unconstitutional conduct, were all withdrawn; and the remainder of it, namely, that they were withdrawn because no majority, not even a party one, could be got to vote for them, can be proved by the Senators then and now present. The rule of law is too clear for argument. It is known to every apprentice to the law, that what is given up upon the face of the record, cannot be retained as a part of the case by any fiction of pleading, legal intendment, constructive implication, mental reservation, or suppositious reintegration whatsoever. The issue is open and bold, that if the specifications can be saved by implication, they are insufficient to justify the condemnation; and to the trial of this issue, we challenge and defy the whole power of the Opposition.

V. My fifth proposition affirms the total impropriety, and the particular unconstitutionality of the Senate's proceeding against President Jackson. It is in these words:

"And whereas the Senate being the constitutional tribunal for the trial of the President when charged by the House of Representatives with offenses against the law and the Constitution, the adoption of the said resolve before any impeachment was preferred by the House, was a breach of the privileges of the House, a violation of the Constitution, a subversion of justice, a prejudication of a question which might legally come before the Senate, and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should thereafter be regularly impeached by the House of Representatives for the same offense."

In this proposition (said Mr. B.) I take my stand upon the same ground which I took in the case of Mr. Barry in February, 1831, and in the case of President Jackson in January, 1834. What I said in the case of Mr. Barry, five years ago, has been read; what I said in the case of President Jackson, two years ago, will be read now. It is done for two purposes; *first*, to show that we stand upon the same ground now which we occupied then; and *next*, to let it be seen that the expunging process is no afterthought with us;

and that gentlemen are not allowed to take a distinction between expunging now and expunging then; their power alone having prevented the expurgation at the same session, the same day, and the same instant, at which the unjust and unrighteous sentence was passed.

Mr. B. here read from the debate of February, 1834:

"Mr. BENTON said that the first of these resolutions contained impeachable matter, and was, in fact, though not in form, a direct impeachment of the President. He recited the constitutional provision that the President might be impeached, 1. for treason; 2. for bribery; 3. for other high crimes; 4. for misdemeanors; and said that the first resolution charged both a high crime and a misdemeanor; the crime in violating the laws and Constitution in seizing upon illegal and ungranted power over the public Treasury, to the danger of the liberties of the people; the misdemeanor in dismissing the late Secretary of the Treasury from office. Mr. B. said that the terms of the resolution were sufficiently explicit to define a high crime within the meaning of the Constitution, without having recourse to the arguments and declarations used by the mover of the resolution in illustration of his meaning; but if any doubt remained on that head, it would be removed by the whole tenor of the argument, and especially that part of it which compared the President's conduct to that of Cæsar in seizing the public treasure in Rome to aid him in putting an end to the liberties of his country; and every Senator, in voting upon it, would vote as directly upon the guilt or innocence of the President as if he was responding to the question of guilty or not guilty in the concluding scene of a formal impeachment. We are, then, (said Mr. B.,) trying an impeachment! But how? The Constitution gives to the House of Representatives the sole power to originate impeachments; yet we originate this impeachment ourselves. The Constitution gives the accused a right to be present; but he is not here. It requires the Senate to be sworn as judges; but we are not so sworn. It requires the Chief Justice of the United States to preside when the President is tried; but the Chief Justice is not here presiding. It gives the House of Representatives a right to be present, and to manage the prosecution; but neither the House nor its managers attend this proceeding. It requires the forms of criminal justice to be strictly observed; yet all these forms are neglected or violated. It is a proceeding without law, without justice, without precedent! in which the Chief Magistrate of the Republic is to be tried without being heard, and in which his accusers are to act as his judges."

This is what I said two years ago. I choose to refer to it as then said, and to repeat it now, first, to show that my present opinions of the conduct of the Senate were formed two years ago, and fully expressed then, and are not the creation of subsequent events and afterthoughts; and secondly, that the specifications then made were laid hold of, and expressly objected to, as showing the impeachment character of the resolution; so that the proof is clear that they were withdrawn to avoid objections which could not be answered, and on which votes could not be taken. I thus show that the opinions expressed in this fifth proposition are as old as the commencement of the Senate's proceeding against the President; and what is, perhaps, more material, I have shown, from the resolutions proposed in the Kentucky Legislature, in the case of Judge Innis, that they were expressed by others long before I had any occasion to form opinions upon such subjects. I will place my proposition by the side of that resolution, and leave it to any one to show a difference, except in the circumstance that makes the conduct of the Senate many ten thousand times more censurable than the conduct of the Kentucky General Assembly.

It was thus, Mr. President, that I challenged the unconstitutionality of the Senate's proceeding on the moment of the first introduction of this fatal resolution. I did so from a thorough conviction of its total infringement of the Constitution. I knew then, and I know now, what was due to the Senate, and what was implicated of myself in the expression of such an opinion. I knew that I spoke under a just and mighty responsibility to that enlightened discernment and high moral sense of the community which no man may be permitted to disregard, and which is so prompt to perceive, and so able to avenge, the outrage of unjust accusation. I knew that the charge must be made good or recoil upon its author; and I went on at that time to justify the challenge which I had made. Will the Senate indulge me in the reading of a few words of what I then said, and which will stand for a part of my speech now? This is the part which I beg leave to repeat.

Mr. B. then read from the same debate:

"Mr. BENTON called upon the Senate to consider well what they did before they proceeded further in the consideration of this resolution. He called upon them to consider what was due to the House of Representatives, whose privilege was invaded, and who had a right, and which had a right, to send a message to the Senate complaining of the proceeding, and demanding its abandonment. He conjured them to consider what was due to the President, who was thus to be tried in his absence for a most enormous crime—what was due to the Senate itself in thus combining the incompatible characters of accusers and judges, and which would itself be judged by Europe and America. He dwelt particularly on the figure which the Senate would make in going on with the consideration of this resolution. It accused the President of violating the Constitution, and itself committed twenty violations of the same Constitution in making the accusation. It accused him of violating a single law, and itself violated all the laws of criminal justice in prosecuting him for it! It charged him with conduct dangerous to the liberties of the people; and immediately trampled upon the rights of all citizens in the gratuitous assumption to protect them from that illusory danger."

Mr. B. would close this head. It was a painful one. It was a pointed and severe condemnation of the Senate's conduct; but not more so than had been pronounced in Kentucky in a case many thousand degrees below the culpability of the present one. Mr. B. would confront his proposition with the concluding resolve in the Kentucky case, and appeal to all candid men to say if the censure then pronounced is not many ten thousand times more applicable to the Senate, who are the constitutional triers of President Jackson, than to the Kentucky General Assembly, who were not the triers of Judge Innis.

The fifth proposition.	*The Kentucky resolution.*
"The Senate being the constitutional tribunal for the trial of the President when charged by the House of Representatives with offenses against the laws and Constitution, the adoption of the said resolution before any impeachment was preferred by the House, was a breach of the privileges of the House, a violation of the Constitution, a subversion of justice, a prejudication of a question which might come before the Senate, and a disqualification of that body to perform its constitutional duty with fairness and impartiality, if the President should be afterwards regularly impeached by the House of Representatives for the same offense."	"That the Constitution and laws of the land securing to each citizen, whether in or out of office, a fair and impartial trial, whether by impeachment or at common law, the example of a legislative body, before the commencement of any prosecution, expressing an opinion upon the guilt or innocence of an implicated individual, would tend to subvert the fundamental principles of justice."

VI. Mr. B. took up his sixth proposition, and read it:

"And whereas, the temperate, respectful, and argumentative defense and protest of the President against the aforesaid proceedings of the Senate was rejected and repulsed by that body, and was voted to be a breach of its privileges, and was not permitted to be entered on its Journal, or printed among its documents, while all memorials, petitions, resolves, and remonstrances against the President, however violent or unfounded, and calculated to inflame the people against him, were duly and honorably received, encomiastically commented upon in speeches, read at the table, ordered to be printed with the long list of names attached, referred to the Finance Committee for consideration, filed away among the public archives, and now constitute a part of the public documents of the Senate, to be handed down to the latest posterity."

Resuming his speech, Mr. B. went on to say that the statements in this proposition were merely historical, and intended to preserve the memory of the manner in which the defense of the President was repulsed, and the attacks of his assailants were received. The proof of the main allegations will be found in the Journals of the session of 1833-34; but what that Journal does not show, and what no history can ever adequately tell, is the violence and fury with which the President was denounced, and his protest stigmatized during all that period. It was a period which covered the progress of the Virginia elections, which, protracted through the month of April in that State, are extended in some instances into the month of May. The debate in the Senate on the protest was calculated for the meridian of that State, and spread over the three weeks that the remaining elections had to continue; and during all that time a daily torrent of invective was poured upon his head, and language the most furious and contumelious was lavished upon him, exhibiting, perhaps, a degree of virulence in the breasts of those who had just been acting as judges never before witnessed in our America, never seen in England since the time that Jeffries rode the western circuit, and never seen in France before or since the time when the revolutionary tribunal sat in judgment upon the noblest spirits of the country, and called up, to be insulted at the bar, those whom it dismissed to be detruncated on the scaffold. This scene ended in the adoption of the resolution which will be found at page 253 of the Senate Journal for the session of 1833-34: "THAT THE AFORESAID PROTEST IS A BREACH OF THE PRIVILEGES OF THE SENATE, AND THAT IT BE NOT ENTERED ON THE JOURNALS."

A breach of their privileges! The attempt of the President, after sentence pronounced upon him, to show that it ought not to have been pronounced, to be solemnly voted to be a breach of the privileges of this Senate! What are, then, our privileges? Is it the privilege of the Senate to condemn without hearing, and to insult whom it condemns? In the language of the Kentucky resolutions, is it their privilege to arraign the public officer who may have committed a violation of the laws and Constitution of the Union, and to fix an indelible stigma upon him, without the forms of trial or judicial proceedings? Is it their privilege to consume the public treasure, and the public time in investigating subjects not within their sphere? Is it their privilege to violate the right to that fair and impartial trial which the Constitution and the laws of the land have secured to every citizen in or out of office, whether triable by impeachment or at common law? Is it their privilege to exhibit the example of a legislative body, before the commencement of any prosecution, expressing an opinion upon the guilt or innocence of an implicated individual, and thus subverting the fundamental principles of justice? More than all, is it the privilege of the Senate to try the President of the United States upon charges put forth by the Bank of the United States, and to use against him the fifty pages of accusation furnished by the bank, and not receive one word of defense offered by himself? Is it the privilege of the Senate to act as witnesses, prosecutors, and judges in the same case? Is it their privilege to withdraw specifications from the record, and retain them in the mind? to make a verdict upon compromise, and to condemn the President without being able to tell for what? Is it their privilege to receive petitions from one hundred and twenty thousand people, demanding the condemnation of the President, and not hear one word from himself in vindication of his innocence? If these are the privileges of the Senate, then has the President violated those privileges by protesting against them. If not, then has the Senate placed another entry upon its Journal, which truth and justice would require to be taken off.

Mr. President, this condemnation of President Jackson for violating the privileges of the Senate is a much more serious affair than would seem to persons not familiar with parliamentary law. It is a conviction for a crime!—for a crime which may affect the independence, the existence, and the purity of the body. It is a crime for which the Senate has a right to punish the offender—to take him into custody by their Sergeant-at-Arms, and have him brought to the bar of the Senate, reprimanded, imprisoned, or required to apolo-

gize. In cases of imprisonment the party is not bailable, nor can he be released upon habeas corpus; so that here is a condemnation of the President, by virtue of which the Senate could make the President their prisoner, and keep him in confinement without the right to legal release. In England there is but one instance of the House of Commons having declared the King to have violated the privileges of Parliament, and that declaration was followed by civil war, and the eventual death of the King. It was the case of Charles the First going in person to demand the arrest of the five members, Hampden, Pym, Holles, Strowd, and Haslerig. The House of Commons voted the demand to be a violation of their privileges, and that the violation of privilege was the overthrow of Parliament. Here are the words of the resolve: *That the violating the privileges of Parliament is the overthrow of Parliament*, and acted accordingly, for the civil war immediately began, and ended, as everybody knows, in the death of the King. After voting that President Jackson had violated their privileges, why not follow up the vote to do something in vindication of those privileges? Why not follow out the judgment? If true, it ought to be enforced: if not true, it ought not to have been pronounced. Was it sufficient that the Virginia elections were impending, and that *effect* there would satisfy justice here? This was twice in the same session that the President was pronounced guilty of criminal offenses, and twice permitted to go unpunished by the gratuitous clemency of his judges. Yes, sir, gratuitous clemency! pardon, without petition for mercy; for the man who does not "stain the honor of his country by making an apology for speaking truth in the performance of duty" does not compromise the dignity of his species by impetrating pardons from judges who condemn without hearing, and reject, as insult, a protestation of innocence!

Mr. B. took up his seventh and last proposition, and read it. It was in these words:

"And whereas the said resolve was introduced, debated, and adopted at a time, and under circumstances which had the effect of cooperating with the Bank of the United States in the parricidal attempt which that institution was then making to produce a panic and pressure in the country—to destroy the confidence of the people in President Jackson—to paralyze his administration—to govern the elections—to bankrupt the State banks—ruin their currency—fill the whole Union with terror and distress—and thereby to extort from the sufferings and alarms of the people the restoration of the deposits and the renewal of its charter."

In support of this proposition, (said Mr. B.,) I propose to read, before I produce the direct proofs, the prediction which Mr. Jefferson made thirty years ago, and in which he described to the life, and foretold to the letter, the exact conduct of which the present Bank of the United States has just been guilty:

"This institution is one of the most deadly hostility existing against the principles and the form of our Constitution. The nation is, at this time, so strong and united in its sentiments, that it cannot be shaken at this moment; but suppose a series of untoward events to occur, sufficient to bring into doubt the competency of a republican Government to meet a crisis of great danger, or to unhinge the confidence of the people in the public functionaries; an institution like this, penetrating by its branches every part of the Union, acting by command and in phalanx, may, in a critical moment, upset the Government. I deem no Government safe which is under the vassalage of self-constituted authorities, or any other authority than that of the nation, or its regular functionaries. What an obstruction could not this Bank of the United States, with all its branches, be in time of war! It might dictate to us the peace we should accept, or withdraw its aids. Ought we then to give further growth to an institution so powerful, so hostile? That it is so hostile we know; first, from a knowledge of the principles of the persons composing the body of directors in every bank, principal or branch, and those of most of the stockholders; secondly, from their opposition to the measures and principles of the Government, and to the election of those friendly to them; thirdly, from the sentiments of the newspapers they support. Now, while we are strong, it is the greatest duty we owe to the safety of our Constitution to bring this powerful enemy to a perfect subordination under its authorities; and the first measure would be to reduce them to an equal footing only with other banks as to the favors of the Government."

Such was the prediction! The fulfillment took place in the winter of 1833-34, and we all beheld it. That the Bank of the United States plotted and machinated the panic and pressure then produced is a fact that nobody doubts at present, and few deny. It was a plot against the Government, and against the property of the country. If proof was necessary to establish the fact, it could be had in a thousand ways, a few of which I will now briefly enumerate.

1. There was no necessity for the pressure. This is proved by the fact that the bank had made two curtailments before the pressure, and had curtailed upwards of three millions more than she had lost by the removal of the deposits. The amount of deposits on the 1st of October was $9,868,435, of which $3,066,561 remained unremoved at the commencement of the pressure, and until it was over. The whole removal then was $6,798,874. To meet and cover this loss, the bank had curtailed, by orders sent out in August, as soon as it knew the removal was to be made, the sum of $4,066,000; and in October the further sum of $5,825,000, making $9,868,436, and being the full amount of all the deposits, and $22,500 over; so that to repair a loss of about *six* millions and three quarters, the bank had already called in about *nine* millions and three quarters. So well did the bank know that it had no excuse for making a further curtailment on account of the removal of the deposits, that it did not dare to state that falsehood to its own branches, which knew the truth, but placed the third curtailment, which was ordered in January, and produced the pressure, wholly upon different grounds, namely, "upon the new measures of hostility understood 'to be in contemplation." But what places this point beyond the power of guilt itself to deny, is that the whole amount collected from the people during the pressure, and about one hundred thousand dollars over, amounting in the whole to about three millions five hundred thousand dollars, was remitted to Europe to lie idle in the hands of agents there, until long after the pressure was over.

2. The parricidal nature of the bank attacks upon the business, the prosperity, the confidence, and the commerce of the country, was proved by the universality of its operations, and the system of its efforts in all parts of the country at the same time. From Passamaquoddy Bay to Attakapas Creek, from the Dismal Swamp in Virginia to Boonslick in Missouri, everywhere that the bank had power to excite and disturb the country, the scene was the same. Shops and factories shut; wages reduced; workmen and day laborers dismissed; loans refused to business men, and granted to brokers; the exchanges doubled at some points, and stopped at others; public meetings held; the President denounced for all the mischief which the bank itself was perpetrating; committees sent on to petition Congress; itinerant orators addressing the people in the streets and on tavern steps, even on Sundays, to excite and exasperate the people; the most alarming reports constantly put in circulation; the whole crowned by the great distress jubilee in the cow-yard at Powelton, in the purlieus of Philadelphia; by the insulting repulse of the select committee of the House of Representatives; and by the fraternal reception of the four members of the Finance Committee of the Senate.

3. The attacks upon the credit and currency of the State banks, the predictions of their insolvency, and the efforts to make them so, were clear proof of the designs of the Bank of the United States to bankrupt these institutions, and to produce a scene of general insolvency throughout the Union. This attack was general against the whole six hundred banks in the country, but hottest, heaviest, and longest continued against the banks, and especially the safety-fund banks, of New York. The heaviest artillery of the United States Bank press was directed against them, and at the same time the Bank of the United States was lauded, in its own publications, as the only check to the corruption and political predominance of the safety-fund system, and the Albany regency which founded and directed it. The Quarterly Review, a periodical published under the eyes of the bank, and devoted to its interests, had publicly opened the batteries upon these points, and carefully indicated every separate point to the subaltern assailants. Here are extracts from that journal which attest this assertion, and show the true origin of all the assaults upon the name, character, institutions, and citizens of New York which pervaded the Union, and particularly displayed themselves in this Chamber during the whole panic session:

From the March number for 1831.

"Let us, for example, suppose that a system of banking was adopted for a State, by which, under the color of guarding the public against their insolvency, those institutions were subjected to a surveillance and control, which were calculated to make them feel their dependence on the State governments, and, when this plan was matured, to make them obsequious to its will. Would not every friend of the political purity of the State, and the independent spirit of its citizens, wish to see a scheme of this character frustrated? And what means so conducive as the Bank of the United States?"

From the March number for 1832.

"Besides these contrivances to consolidate the banking system of that State into one great machine, a further concentration of power is obtained and vested in a few individuals around the seat of Government,* by means of that portion of the public revenue appropriated to the redemption of the canal loans. This institution is in the hands of a few leading men of the prevailing party in that State;† and in the incorporating of the new banks, for several years past, efforts have been made to provide in the distribution of stock for such as fraternize with them in political sentiment in the places where the new banks are located, so as, in general to give to them a control over them. The consequence has been, that an undue share of banking influence has been concentrated in the hands of the dominant party, and they now stand ready to control the banking system of the State, or in case the United States Bank be not rechartered, to take upon themselves the transaction of the exchange business."

Mr. B. referred to the secret orders sent to the branches in January, 1834, for the third curtailment, for corroboration of what he had said. They all set out with a mysterious annunciation of danger, without telling what it was; but in two of those orders, the one to the branch at Charleston, and the other at New Orleans, this danger was distinctly shown to be political, and to have reference to the overthrow of the Administration, and that the pressure ordered at those points was to cease the instant the catastrophe was effected. Here is an extract from these two orders:

"The state of things here is very gloomy, and unless Congress takes some decided step to prevent the progress of the *troubles*, they may soon outgrow *our* control. Thus circumstanced, our first duty is to the institution, to preserve it from danger; and we are therefore anxious, for a short time at least, to keep our business within manageable limits, and to make some sacrifice of profit to entire security. *It is a moment of great interest, and exposed to sudden changes in public affairs, which may induce the bank to conform its policy to them.* Of these dangers, should any occur, you will have early advice." [Letter of Mr. Biddle to Mr. Montgomery, President of the New Orleans branch, dated January 24th, 1834.]

The next is to Mr. Johnson, President of the branch at Charleston, South Carolina, dated the 30th January. The passage is this:

"*On the defeat of these attempts to destroy the bank depends, in our judgment*, not merely the pecuniary interests, *but the whole free institutions of our country;* and our determination is, *by even a temporary sacrifice of profit*, to place the bank entirely beyond the reach of those who meditate its destruction."

Mr. B. said that these letters were as plain as such communications could be expected to be, in letting these confidential and distant branches, for none others received the same intimations, know that the bank was at war with the Government; that great changes in public affairs were suddenly expected; that the bank was contending for the free institutions of the country, and meant to incur temporary sacrifices of property to incur them; and that as soon as the changes took place; that is to say, as soon as the Administration was overthrown, these distant branches should be informed of it, and the bank would conform its policy to the change; that is to say, would stop the pressure, and pour out its money in loans and accommodations, in support of the party that overthrew the tyrant. This is the literal and fair interpretation of the letters; and if anybody wishes for more evidence to convince them of the wantonness and wickedness of the curtailment at New Orleans, where it was so heavy, and where so much mischief was done to merchants and traders, and to the produce of the upper country, it can be found in the fact, that the bank shipped off to Europe, immediately, the whole amount it curtailed, to lie in Europe undrawn for, until long after the panic was over.

That the design of this bank was to unhinge the confidence of the people in their public functionaries, and to upset the Government, was proved not only by the ferocity of the warfare carried on against the President, and the House

* The Albany Regency. † The aforesaid regency.

of Representatives which stood by him, and by the plaudits showered upon the Senate which was attacking him, but by the express declarations and ostentatious proclamations of the bank itself; for to such a pitch of unparalleled audacity was the impudence of that institution carried by its confidence in its own moneyed power, and the coöperative effect of the Senate's conduct, that far from denying, it boasted and gloried in its determination to drive the usurper, interloper, and profligate adventurer, as the President was called, from the high place which he dishonored. Here is one of these declarations, issued by the President of the bank himself, and published in the organ of the bank, the Philadelphia National Gazette.

"The great contest now waging in this country is between its free institutions and the violence of the vulgar despotism. The Government is turned into a baneful faction, and the spirit of liberty contends against it throughout the country. On the one hand is this miserable cabal, with all the patronage of the Executive; on the other the yet unbroken mind and heart of the country, with the SENATE and the BANK. The House of Representatives, hitherto the instinctive champion of freedom, shaken by the intrigues of the kitchen, hesitates for a time, but cannot fail before long to break its own fetters first, and then those of the country. In that quarrel we predict they who administer the bank will shrink from no proper share which the country may assign to them. Personally they must be as indifferent as any of their fellow citizens to the recharter of the bank; but they will not suffer themselves, nor the institution intrusted to them, to be the instrument of private wrong and public outrage; nor will they omit any effort to rescue the institutions of the country from being trodden under foot by a faction of interlopers. To these profligate adventurers, whether their power is displayed in the executive or legislative department, the directors of the bank will, we are satisfied, never yield the thousandth part of an inch of their own personal rights, or their own official duties: and will continue this resistance until the country, roused to a proper sense of its dangers and its wrongs, shall drive these usurpers out of the high places they dishonor."

This public avowal of the design of the bank to upset the Administration has been confirmed by subsequent developments, and since the Princeton address may be considered as the fixed and permanent policy of the institution. In that address the President of the bank thus holds forth:

"Never desert the country—never despond over its misfortunes. Confront its betrayers, as madmen are made to quail beneath the stern gaze of fearless reason. They will denounce you. Disregard their outcries—it is only the scream of the vultures whom they scare from their prey. They will seek to destroy you. Rejoice that your country's enemies are yours. You can never fall more worthily than in defending her from her degenerate children. If overborne by this tumult, and the cause seems hopeless, continue self-sustained and self-possessed. Retire to your fields, but look beyond them. Nourish your spirits with meditation on the mighty dead who have saved their country. From your own quiet elevation, watch calmly this servile route, as its triumph sweeps before you. The avenging hour will at last come. It cannot be that our free nation can long endure the vulgar dominion of ignorance and profligacy. *You will live to see the laws reëstablished—these banditti will be scourged back to their caverns—the penitentiary will reclaim its fugitives in office, and the only remembrance which history will preserve of them is the energy with which you resisted and defeated them.*"

The levity and flippancy with which the pressure was abandoned by the bank in Philadelphia, without giving notice to its friends in the Senate, was a circumstance on which Mr. B. dwelt at large, not only to show the wantonness of the pressure, but the insolence of the bank towards its friends and champions. He wished to recall to the recollection of the Senate the scene of Friday the 27th day of June, in the year of the panic session. It was a day of heavy presentation of distress memorials, and great delivery of distress speeches. It was one of the most alarming days which the panic had produced. It seemed to be a rally for the last final effort. Never did the alarm guns fire quicker—the tocsin ring louder—or the distress flag float higher, than on that day. The speeches which ushered in the distress memorials might be lost, or imperfectly reported; but a statement of the memorials is preserved upon the Journal, and from that source I will read them to the Senate:

Mr. B. then read from the Journal of Friday, the 27th of June, 1834:

"Mr. HENDRICKS presented the petition of upwards of five hundred citizens of Marion county, Indiana, disapproving the removal of the public deposits, and praying a recharter of the Bank of the United States.

"Mr. EWING presented the memorial of one hundred and three citizens of Harrison township, Piqua county, Ohio, disapproving the removal of the public money from the Bank of the United States, and in favor of a national bank.

"Mr. TOMLINSON presented the memorial of the citizens of Newtown, Fairfield county, Connecticut, praying, as the only remedy for existing evils, that the public money may be restored to the Bank of the United States, and that the Bank may be rechartered with suitable modifications.

"Mr. CLAY presented the memorial of one thousand seven hundred citizens of York county, Pennsylvania, praying, as the only means of restoring public and private credit, the public money may be restored to the Bank of the United States, and that that bank may be rechartered with suitable modifications.

"He presented the proceedings and resolutions adopted at a meeting of the citizens of Butler county, Pennsylvania, opposed to all the acts of the Executive in relation to the public money and the Bank of the United States, and in favor of rechartering that bank.

"He presented the memorial of seven hundred citizens of Mason county, Kentucky, remonstrating against the acts of the Executive in relation to the public money and the Bank of the United States, as an usurpation of power, and dangerous to the liberties and happiness of the people, and praying for its restoration, and a recharter of the bank."

Such were the memorials presented on Friday, the 27th day of June, accompanied by the usual lamentations over the ruin of the country, and the usual commiseration for the hard fate of the bank, and the usual reiteration of the impossibility of relieving the distress until the deposits were restored, or the recharter renewed. Such was the scene going on in this Chamber; while on the same identical day, and, peradventure, in the same hour, the bank, calm as a summer's morning, was quietly adopting a resolve to put an end to the game—to cease curtailing—to restore exchanges—to loan five or ten millions of dollars—to make money plenty, and to expand its currency with more rapidity than it had ever contracted it. The resolve was adopted at the board, and the result communicated to the New York merchants with that flippant levity which discriminates one branch of the bank school from the ponderous verbosity of the other. The communication, in the lightest style of an unimportant note, stated that Congress was about to rise without doing anything for the relief of the country; so the bank would relieve the country itself, and immediately commenced loaning and expanding with all possible rapidity. And so ended the agony of six months; the light and flippant conclusion of the panic being in exact proportion to the audacity of its conception, and the ferocity of its execution. So true were the words of President Jackson, who constantly told the distress committees to go back to Mr. Biddle, that he could relieve them at any hour that he pleased! But what are we to think of the insolence of this institution, its contemptuous indifference to its friends in the Senate, to let them continue to go on in the old strain, singing to the old tune, and repeating that eternal ditty: "*That the removal of the deposits made the distress, and nothing could relieve that distress but the restoration of the deposits or the renewal of the charter;*" and thus exposing themselves to ridicule in the Senate at the very moment that the bank, throwing off all disguise, and appearing in her true condition, bids adieu to the panic, makes a laugh at the whole affair, and goes on to run up its loans and circulation to the highest amount that the country would take.

I know, Mr. President, that the four members of our Finance Committee made a report in favor of the bank, and which will be relied upon to prove its innocence of everything laid to its charge; but I know also, that the report was incorrect in its views, mistaken in facts and in law, partial to the bank, unjust to the President and to the House of Representatives and to Mr. Taney, injurious to the people, and dangerous to their rights and liberties. I know this to be the character of that report, for I studied it well, and made a motion at the last session to recommit it, that I might have an opportunity of showing what it was. That motion was laid upon the table by the friends of the bank, and I was precluded from making my exposition of its errors and infirmities; but what I was able to do then I am able to do now; and if any one member of that committee shall dissent from the judgment I have now pronounced upon their work I hold myself bound and ready to make it good, and even to show that I have spoken in terms of limited censure and subdued moderation in respect to it. The gentleman who was the organ of the report [Mr. Tyler] is no longer here; but three members of the committee remain to defend their work; and we all remember that it was announced at the time that the committee were unanimous in that report.

That it was the misfortune of the Senate so to act during all this frightful scene, as to have the effect of coöperating with the Bank of the United States, it is now my duty to show. With motives or intentions, I have nothing to do; I deal with acts alone! and limiting myself to the most subdued style of historical narrative, I proceed to enumerate the leading points which give to the Senate's conduct the fatal aspect of a coöperation with the bank.

1. The nature and specifications of the charges preferred by the Senate against the President; being the same which the Bank had previously set forth in all the newspapers engaged in its interest, and in that famous manifesto of which I have given the origin and read some parts.

2. The arguments used by Senators in support of these charges; being the same which had been previously used by the bank in all its publications, and especially in that authentic manifesto.

3. The adoption of all these speeches and reports by the bank; about eight hundred thousand copies of which are ascertained to have been paid for out of the corporate funds of the institution, (costing about $26,250,) and distributed under the frank of members of Congress friendly to the bank, into every quarter and corner of the Union.

4. In the identity of action on the fears and passions of the community, by alarm meetings got up by the bank, and alarm speeches delivered in the Senate.

5. In the manner of treating the petitions against the President, which were got up by the bank and sent to the Senate, the whole of which were received with emphatic distinction, read at the table, applauded, referred, printed, laid away among the archives, and transmitted to distant posterity in the numerous volumes of our public documents.

6. In the concurrence of time in the periods of commencing operations in the Senate and in the bank; the resolution for condemning the President having been brought in on the last days of December, and the two-and-twenty orders for making the curtailment and pressure having issued from the bank in the January following.

7. In the concurrence of time in the periods of terminating the operations in each case, and the conformity of these terminations to the occurrence of elections in New York and Virginia; the Senate having reached the end of its process on the 28th of March, the bank curtailment having attained its maximum on the first days of April, and the elections occurring at the same period.

8. In the long neglect to act upon the nominations of Government directors for the Bank of the United States, and the eventual rejection of all those denounced by the bank, whereby the people of the United States were deprived of the lawful share of representation at the board of the bank during the period of the panic and pressure.

9. In the rejection of Mr. Taney for the office of the Secretary of the Treasury, after the specification of the illegality of his appointment had been withdrawn, and after Senators had thus deprived themselves of their own argument for rejecting him.

10. In the manner of receiving the plaudits of the friends of the bank in the galleries of the Senate for whatever was most offensive to the President and most honorable to the bank.

11. In the peregrinations and harangues of Senators, who visited cities and traversed States, making speeches to multitudes, declaiming against the President, and lauding the bank.

12. In the unity, energy, and perseverance of the attack in the Senate and at the bank upon the credit and currency of the State banks, and especially of the State of New York, and above all, of the safety-fund banks.

13. In the illegal and unparliamentary appointment of the standing Finance Committee of the Senate to visit and examine the Bank of the United States after the legal and parliamentary committee of the House of Representatives had been repulsed; the said committee consisting of the exclusive friends of the bank in its controversy with the President, and its public advocates on the identical points most requiring examination.

14. In laying on the table my resolution for recommitting the report of that committee, whereby I was prevented from showing the illegal and unparliamentary constitution of that committee, the partiality of its conduct to the bank, the

injustice of its report to the President, to Mr. Taney, and to the country, and its manifold mistakes and errors of law and of fact, to the prejudice of the country and to the advantage of the bank.

The condemnation of the President, combining as it did all that illegality and injustice could inflict, had the further misfortune to be coöperative in its effect with the conspiracy of the Bank of the United States to effect the most wicked and universal scheme of mischief which the annals of modern times exhibit. It was a plot against the Government, and against the property of the country. The Government was to be upset and property revolutionized. Six hundred banks were to be broken, the general currency ruined, myriads bankrupted, all business stopped, all property sunk in value, all confidence destroyed! that, out of this wide-spread ruin and pervading distress, the vengeful institution might glut its avarice and ambition, trample upon the President, take possession of the Government, reclaim its lost deposits, and perpetuate its charter. These crimes, revolting and frightful in themselves, were to be accomplished by the perpetration of a whole system of subordinate and subsidiary crime! the people to be deceived and excited; the President to be calumniated; the effects of the bank's own conduct to be charged upon him; meetings got up; business suspended; distress deputations organized; and the Senate Chamber converted into a theater for the dramatic exhibition of all this fictitious woe. That it was the deep and sad misfortune of the Senate, so to act as to be cooperative in all this scene of mischief, is too fully proved by the facts known to admit of denial. I speak of acts, not of motives. The effect of the Senate's conduct in trying the President, and uttering alarm speeches, was to coöperate with the bank, and that secondarily, and as a subordinate performer; for it is incontestable that the bank began the whole affair; the little book of fifty pages proves that. The bank began it; the bank followed it up; the bank attends to it now. It is a case which might well be entered on our Journal, as a State is entered against a criminal in the docket of a court: THE BANK OF THE UNITED STATES *versus* PRESIDENT JACKSON: *on impeachment for removing the deposits.* The entry would be justified by the facts, for these are the indubitable facts. The bank started the accusation; the Senate took it up. The bank furnished arguments; the Senate used them. The bank excited meetings; the Senate extolled them. The bank sent deputations; Senators received them with honor. The deputations reported answers for the President which he never gave; the Senate repeated and enforced these answers. Hand in hand, throughout the whole process, the bank and the Senate acted together, and succeeded in getting up the most serious and afflicting panic ever known in this country. The whole country was agitated. Cities, towns, and villages, the entire country, and the whole earth, seemed to be in commotion against one man. A revolution was proclaimed! the overthrow of all law was announced! the substitution of one man's will for the voice of the whole Government was daily asserted! the public sense was astounded and bewildered with dire and portentous annunciations! In the midst of all this machinery of alarm and distress many good citizens lost their reckoning; sensible heads went wrong; stout hearts quailed; old friends gave way; temporizing counsels came in, and the solitary defender of his country was urged to yield! Oh, how much depended upon that one man at that dread and awful point of time! If he had given way, then all was gone! An insolent, rapacious, and revengeful institution would have been installed in sovereign power. The Federal and State Governments, the Congress, the Presidency, the State Legislatures, all would have fallen under the dominion of the bank; and all departments of the Government would have been filled and administered by the debtors, pensioners, and attorneys of that institution. He did not yield, and the country was saved. The heroic patriotism of one man prevented all this calamity, and saved the Republic from becoming the appendage and fief of a moneyed corporation. And what has been his reward? So far as the people are concerned—honor, gratitude, blessings, everlasting benedictions; so far as the Senate is concerned—dishonor, denunciation, stigma, infamy. And shall these two verdicts stand? Shall our Journal bear the verdict of infamy, while the hearts of the people glow and palpitate with the verdict of honor?

President Jackson has done more for the human race than the whole tribe of hack politicians put together, and shall he remain stigmatized and condemned for the most glorious action of his life? The bare attempt to stigmatize Mr. Jefferson was not merely expunged, but cut out from the Journal; so that no trace of it remains upon the Senate records. The designs are the same in both cases; but the aggravations are inexpressibly greater in the case of President Jackson. Referring to the Journals of the House of Representatives for the character of the attempt against President Jefferson, and the reasons for repulsing it, and it is seen that the attempt was to CRIMINATE MR. JEFFERSON, AND TO CHARGE HIM UPON THE JOURNALS WITH A VIOLATION OF THE LAWS; AND THAT THIS ATTEMPT WAS MADE AT A TIME, AND UNDER CIRCUMSTANCES INSIDIOUSLY CALCULATED TO EXCITE UNJUST SUSPICION IN THE MINDS OF THE PEOPLE AGAINST THE CHIEF MAGISTRATE. Such was precisely the character of the charge; and the effect of the charge against President Jackson, with the difference only that the proceeding against President Jackson was many ten thousand times more revolting and aggravated; commencing as it did in the bank, carried on by a violent political party, prosecuted to sentence and condemnation, and calculated, if believed, to destroy the President, to change the Administration, and to put an end to popular representative Government. Yes, sir, to put an end to elective and representative Government! For what are all the attacks upon President Jackson's Administration but attacks upon the people who elect and reëlect him, who approve his Administration, and by approving, make it their own? To condemn such a President, thus supported, is to condemn the people, to condemn the elective principle, to condemn the fundamental principle of our Government, and to establish the favorite dogma of the monarchists, that the people are incapable of self-government, and will surrender themselves as collared slaves into the hands of military chieftains.

Great are the services which President Jackson has rendered his country. As a general he has extended her frontiers, saved a city, and carried her renown to the highest pitch of glory. His civil administration has rivaled and transcended his warlike exploits. Indemnities procured from the great Powers of Europe for spoliations committed on our citizens under former Administrations, and which by former Administrations were reclaimed in vain; peace and friendship with the whole world, and, what is more, the respect of the whole world; the character of our America exalted in Europe—so exalted, that the American citizen treading the continent of Europe, and contemplating the sudden and great elevation of the national character, might feel as if he himself was a hundred feet high. Such is the picture abroad! At home we behold a brilliant and grateful scene: the public debt paid—taxes reduced—the gold currency restored—the southern States released from a useless and dangerous population—all disturbing questions settled—a gigantic moneyed institution repulsed in its march to the conquest of the Government—the highest prosperity attained; and the hero patriot now crowning the list of his glorious services by covering his country with the panoply of defense, and consummating his measures for the restoration and preservation of the currency of the Constitution. We have had brilliant and prosperous Administrations; but that of President Jackson eclipses, surpasses, and casts into the shade all that have preceded it. And is he to be branded, stigmatized, condemned, unjustly and untruly condemned, and the records of the Senate to bear the evidence of this outrage to the latest posterity? Shall this President, so glorious in peace and in war, so successful at home and abroad—whose administration, now hailed with applause and gratitude by the people, and destined to shine for unnumbered ages in the political firmament of our history—shall this President, whose name is to live forever, whose retirement from life and services will be through the gate that leads to the temple of everlasting fame—shall *he* go down to posterity with this condemnation upon him, and that for the most glorious action of his life?

Mr. President, I have some knowledge of history, and some acquaintance with the dangers which nations have encountered, and from which heroes and statesmen have saved them. I have read much of ancient and modern history, and nowhere have I found a parallel to the services rendered by President Jackson in crushing the conspiracy of the bank, but in the labors of the Roman Consul in crushing the conspiracy of Catiline. The two conspiracies were identical in their objects; both directed against the Government and the property of the country. Cicero extinguished the Catilinean conspiracy, and saved Rome;—President Jackson defeated the conspiracy of the bank, and saved our America. Their heroic service was the same, and their fates have been strangely alike. Cicero was condemned for violating the laws and the constitution; so has been President Jackson. The Consul was refused a hearing in his own defense; so has been President Jackson. The life of Cicero was attempted by two assassins; twice was the murderous pistol leveled at our President. All Italy, the whole Roman world, tore the sentence of the Consul's condemnation from the *fasti* of the Republic; a million of Americans, fathers and heads of families, now demand the expurgation of the sentence against the President in the Capitol. Cicero, followed by all that was virtuous in Rome, repaired to the temple of the tutelary gods, and swore upon the altar that he had saved his country; President Jackson, in the temple of the living God, might take the same oath, and find its response in the hearts of millions. Nor shall the parallel stop here; but after times and remote posterities shall render the same honors to each. Two thousand years have passed, and the great actions of the Consul are fresh and green in history. The school-boy learns them; the patriot studies them; the statesman applies them; so shall it be with our patriot President. Two thousand years hence—ten thousand—nay, while time itself shall last—for who can contemplate the time when the memory of this Republic shall be lost?—while time itself shall last, the name and fame of Jackson shall remain and flourish; and this last great act by which he saved the Government from subversion, and property from revolution, shall stand forth as the seal and crown of his heroic services. And if anything that I myself may do or say, shall survive the brief hour in which I live, it will be the part which I have taken, and the efforts which I have made to sustain and defend the great defender of his country.

Mr. President, I have now finished the view which an imperious sense of duty has required me to take of this subject. I trust that I have proceeded upon proofs and facts, and have left nothing unsustained which I feel it to be my duty to advance. It is not my design to repeat or to recapitulate; but there is one further and vital consideration which demands the notice of a remark, and which I should be faithless to the genius of our Government if I should pretermit. It is known, sir, that ambition for office is the bane of free States, and the contentions of rivals the destruction of their country. These contentions lead to every species of injustice, and to every variety of violence, and all cloaked with the pretext of the public good. Civil wars and banishment at Rome; civil wars and the ostracism at Athens; bills of attainder, Star Chamber prosecutions, and impeachments in England; all to get rid of some envied or hated rival, and all pretexted with the public good; such has been the history of free States for two thousand years. The wise men who framed our Constitution were well aware of all this danger and all this mischief, and took effectual care, as they thought, to guard against it. Banishment, the ostracism, the Star Chamber prosecutions, bills of attainder, all those summary and violent modes of hunting down a rival which deprive a victim of defense by depriving him of the intervention of an accusing body to stand between the accuser and the trying body; all these are proscribed by the genius of our Constitution. Impeachments alone are permitted; and these would most usually occur

for political offenses, and be of a character to enlist the passions of many, and to agitate the country. An effectual guard, it was supposed, was provided against the abuse of the impeachment power; first, by requiring a charge to be preferred by the House of Representatives, as the grand inquest of the nation; and *next*, in confining the trial to the Senate, and requiring a majority of two thirds to convict. The gravity, the dignity, the age of the Senators, and the great and various powers with which they were invested—greater and more various than are united in the same persons under any other constitutional Government upon earth—these were supposed to make the Senate a safe depository for the impeachment power; and if the plan of the Constitution is followed out it must be admitted to be so.

But if a public officer can be arraigned by his rivals before the Senate for impeachable offenses without the intervention of the House of Representatives, and if he can be pronounced guilty by a simple majority, instead of a majority of two thirds, then has the whole frame of our Government miscarried, and the door left wide open to the greatest mischief which has ever afflicted the people of free States. Then can rivals and competitors go on to do what it was intended they should never do; accuse, denounce, condemn, and hunt down each other! Great has been the weight of the American Senate. Time *was* when its rejections for office were fatal to character; time *is* when its rejections are rather passports to public favor. Why this sad and ominous decline? Let no one deceive himself. Public opinion is the arbiter of character in our enlightened day; it is the Areopagus from which there is no appeal! That arbiter has pronounced against the Senate. It has sustained the President, and condemned the Senate. If it had sustained the Senate, the President must have been ruined! as it has not, the Senate must be ruined, if it perseveres in its course, and goes on to brave public opinion!—as an institution, it must be ruined.

Sir, I finish. I have endeavored to discharge a painful duty with firmness; but without violence. I have endeavored to keep within the pale of recorded facts. I wish nothing to stand upon my assertion, but every assertion to be referred back to the evidence and to be measured by it. If any one thinks that I have been harsh or severe, let him only carry back his memory to the scenes of the panic session, and recollect in what terms President Jackson and his friends were spoken of at that time. Above all, let him remember that he is now present to speak, and to vote, for himself; that he has two advantages of which the President had neither; and, of one of which, it behooves him to use wisely as well as justly; I speak of the voting power; and am free to admit that so far as a Senator is backed by his State in voting for himself, he votes efficiently and justifiably; so far as he votes for himself against the sense of his State, he votes without the ingredient which gives efficacy to his voice, and leaves his case more deplorable than it was before.

ABOLITION IN THE DISTRICT OF COLUMBIA.

REMARKS OF HON. SAMUEL HOAR,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

January 21, 1836.

The House having under consideration the following resolution offered by Mr. JARVIS, of Maine:

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress. *And be it further resolved*, That in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid on the table, without being referred or printed:

And the following resolution, submitted by Mr. WISE as an amendment thereto:

Resolved, That there is no power of legislation granted by the Constitution to the Congress of the United States to abolish slavery in the District of Columbia; and that any attempt by Congress to legislate upon the subject of slavery will be not only unauthorized, but dangerous to the Union of the States;

Mr. HOAR addressed the House as follows:

Mr. SPEAKER: The resolutions on your table present for the consideration of the House a dry constitutional question. Not only has this question been discussed by several gentlemen who have addressed the House, but the subject of slavery as it exists in the States, its bearing on the Union of the States, the relation which the several States and the General Government bear to each other, as far as this subject is concerned, have been freely and warmly debated. I propose to offer some remarks on the constitutional question, and to answer some of the observations respecting the conduct of the governments of the northern States which have been made in the course of the discussion of these resolutions.

Before I enter on the consideration of the question whether Congress can constitutionally abolish slavery in the District of Columbia, I wish to express my views on the subject which seems to have caused the principal alarm and apprehension in the minds of gentlemen from the southern portion of the Union. It has been observed by a number of the members from that part of the country, that the abolition of slavery in this District is an "entering wedge" to the abolition of slavery in the States in which it exists. This seems to be a very favorite expression with many of the gentlemen who have addressed the House against these petitions. Notwithstanding the very high authority in its favor, the figure does not seem to me in the least degree appropriate. By an "entering wedge," gentlemen are understood to mean, in this case, a method of passing the boundary between right and wrong, in a manner almost imperceptible at first, and advancing gradually to the completion of the wrongful purpose. It is difficult to imagine a more clearly defined limitation of power than is afforded by the Constitution on this subject. The "hitherto shalt thou come, and no further," is as clearly marked here as in any other part of that instrument. If the wedge shall ever be used, it will be introduced head foremost.

There is no section, clause, nor expression in the Constitution which would seem to suggest or countenance the idea that it was intended by its framers to give to Congress the power to abolish slavery in the States. If the existence of slavery is recognized, the control of it is left, by the framers of the General Government, where they found it—with the States—where it exists. Among the numerous political heresies started in different parts of the country, I *may* have heard the doctrine that the General Government does possess the power to abolish slavery in the States, alluded to as one entertained by "some people," and "somewhere;" but as far as I can recollect, *I have never heard* any person, from any part of the country, assert or pretend that Congress possesses this power. Whether slavery be right or wrong in itself, the subject is exclusively for the consideration of the State governments within the limits of the States where it exists. The southern States cannot, therefore, for a moment admit the power in the General Government to interfere with this subject in the States, without yielding their claim to independence. No northern State can wish them to make this admission; because, by parity of reasoning, their own State powers would be merged in the power of the General Government.

Far different are the provisions of the Constitution in regard to this District. To Congress is given the power "to exercise exclusive legislation, in all cases whatsoever, over" this District.

This language is as comprehensive, as plain, as unambiguous as any which could have been used to confer the power in question. If gentlemen, denying the existence of this power, were called on for proof of the existence of any other power in Congress, they would find it difficult, as far as the mere form of expression is concerned, to name one more indisputably conferred. It then is incumbent on those who deny the existence of this power to show that, notwithstanding the universality of this expression, it was the intention of the framers of the Constitution to except from the grant the power in question. This seems to be conceded. It is not pretended, and indeed cannot be pretended rationally, that the language used is not sufficient to convey the power. It is said, however, that though the language used would, by its usual import, convey *all* power of legislation, or rather *exclusive* power of legislation, yet it cannot be supposed that it was intended to confer on Congress unlimited power over the inhabitants and property within the District. It is said that this is not "an unlimited, absolute, despotic power of legislation over this District."—(*Mr. Leigh.*) "That private property cannot be taken for public use, and much less for private use, without compensation."—(*Mr. Pickens.*) That "the local Legislature of this District can pass no law which the States are, by the Constitution, prohibited from passing; that there are great leading principles in the nature of society, and of government, which prescribe limits to our legislation; and that, fortunately, here the Constitution speaks too plainly to be misunderstood, declaring that private property shall not be taken for public use, without just compensation."—(*Mr. Wise.*)

Comprehensive and strong as is the language of the Constitution above cited, I do not contend, Mr. Speaker, that it was its design to confer unlimited and despotic power on Congress over this District. I have not very critically examined all the exceptions which have been mentioned in the course of this debate, because most of them are irrelevant to the present question. Those which have been urged as having a bearing on the present question will be carefully examined.

If slavery cannot be abolished in this District without violating the principle which prohibits Government from taking private property for public use without compensation, slavery here must remain undisturbed. In determining the question, however, whether this great rule of legislation would be violated by granting the prayer of these petitions, it will be well to advert to a rule which seems almost a mere truism, viz: "That the intention of the parties to a contract, or of the Legislature in passing a law, is to govern the construction." The intention, then, of the framers of the Constitution is here the object of inquiry. The authors of this instrument knew well the force of the language they employed. They were exceedingly cautious in guarding all points where danger was apprehended. It will not be said that there is any more direct expression used in any part of the Constitution declaring the sense of the parties to this instrument, and indicating an intended exception to the general grant, than has been above mentioned.

I shall not much insist on the proposition that, though slaves be *property*, they are also *persons*, and, as persons, their rights may be abridged or enlarged, as justice and the good of the whole may seem to require. It might be urged that the government of any State, consistently with all the rights of individuals, might extend the property of a free parent, in the labor of his child, one year or five years beyond the common law age of freedom; or abridge, to the same extent, that property in the parent, and give it to the child.

It is to be observed that these resolutions equally embrace all other modes of abolishing slavery, as well as the immediate and universal emancipation of the slaves. Some of the arguments also are founded on the supposed embarrassment to southern members of the Government, coming to this District with their families, while resident here for the discharge of public duties. It is very apparent that all these difficulties may be easily avoided.

In order to solve the question, then, "how did the parties to this instrument regard the point now in issue when the Constitution was made?" inquiry should be made, "What was the practice of the several Governments with which the parties recently had been, or then were, connected!

That the Government of Great Britain possessed this power probably will not be doubted. That Government has recently exercised the power in relation to her West India possessions. But I do not rely on this, except to show that the stretch of power which Parliament had exercised towards the colonies induced the framers of the Constitution to guard vigilantly against conferring dangerous powers on Congress. A more important inquiry is, "What was, in fact, the understanding and the practice of the parties themselves on this subject at this time?" The answer to this inquiry, it is believed, must settle this question.

Several years before the United States Constitution was made, (as early as 1780,) one State in

the Confederacy had wholly *abolished slavery* within its limits. Several others had passed laws by which the same end has since that time been gradually attained. Each of these States adopted such means as, to its own Legislature, seemed advisable. No special power was granted to any one of the State Legislatures by the people, nor was such power ever asked. The language used in the State constitutions, or charters, neither was, nor could be, more clear or explicit in conferring the power under which they acted, than that above quoted from the Constitution of the United States.

It is said that the constitutions of the present slaveholding States give no power to their respective Legislatures to abolish slavery in those States, and that new power must be given to enable those Legislatures to accomplish that purpose.

Conceding that the gentlemen who have made this remark are better qualified to give a true construction of the constitutions of their respective States than I am, and that these constitutions, in fact give to the Legislatures of those States no such power, I still contend that the fact (if it be such) has but little effect on the present question. It is perfectly undeniable that the southern members of the United States Convention, who framed the Constitution, knew as well when that instrument was formed, as any one now knows, what the views and what the practice in the northern States of the Confederacy were on this subject. They then knew that, in the northern part of the country, it was clearly and fully believed; and, indeed, was doubted by no one, that language no more plain and explicit than the clause now under consideration did confer the power on the several Legislatures to abolish slavery, without any other consent of the owners of the slaves than that which they gave as members of the community, when they formed their respective constitutions, or when they entered into their respective societies. Having this knowledge of the views and the practice of the northern States, the southern members at that time did not disagree with the northern in opinion on this subject; or if they in fact entertained a different opinion, they gave no notice of this difference, which as far as the present question is affected, would be the same thing.

It probably will not be denied by any one that the result of this inquiry will be the same, whether it is supposed that the same opinion was entertained by the members from the North and the South on the construction then given to the State constitutions at the North, or that there was a difference of opinion on this point at that time, and the difference was concealed, or not expressly notified by the southern members of the Confederacy.

Suppose, for the sake of stating clearly the argument, (what no person would seriously impute to the sages who represented the southern portion of the country in the Convention, on account of its disingenuousness,) that having assembled for conference apart from their northern associates, they should have held this language: "It is understood at the North that the power to abolish slavery is vested in their State Legislatures, and given them by language no more comprehensive or strong than that by which this Constitution gives the power intended to be conferred on Congress over the future seat of Government. At the South this is understood differently. We believe that the people of the respective States must give the power of abolishing slavery in so many words, or by other and more precise language; or we believe that the liberation of the slaves would be a violation of the great rule, that private property cannot be taken for public use without compensation. It is not necessary for us to state our opinion on this subject to them. It is not necessary for us to state to the people of the North that we think their ideas of justice and propriety on this subject too much resemble the principles and the practice of the British Government, which we unitedly condemn. When they shall attempt to act in the Government of the district to be ceded, on the same principles on which they now act in their respective State governments, we may then urge our objections to their principles and their measures."

This is as favorable a statement of the case as the history of the transactions in question will warrant. On this statement, considering the North and the South as two parties to the constitutional compact, the South are bound to adopt the Northern exposition by every system of law which men hold sacred, whether moral, honorary, municipal, or international.

It is believed that no part of this statement of facts is questionable. The views of the northern States on the subject of slavery, and the power to control it by the State Legislature, were as well known at the South then as now, as well known as that there were northern States in existence. If the difference of opinion on this subject then existed, as no limitation to this comprehensive language was introduced into the Constitution, certainly the limitation cannot now be introduced by implication. But it is not easy to perceive any good reason for believing that such a difference of opinion did then exist. The idea of this implied limitation of power comes nearly half a century too late.

An objection to the existence of the power in Congress to legislate on this subject has been mentioned by several gentlemen in the course of this debate in this House, founded on the construction of the constitutions of the States of Virginia and Maryland.

It is thus stated by a gentleman from South Carolina, [Mr. PICKENS.] That gentleman observes: "I take higher ground, and contend that, 'according to the bill of rights of Maryland, and 'the constitution of Virginia, these States themselves could not have ceded absolute and unrestrained power over private property of any kind 'in this District.'" "If Virginia and Maryland 'had attempted to cede absolute power over this 'subject, they would have violated the rights of 'their own citizens."

A gentleman [Mr. LEIGH] whose high intellectual and moral worth tends strongly to give a currency to his opinions, even on questions of doubt and difficulty, in an argument published in the newspapers, observes: "The argument for the power of Congress I understand to be this: that the grant to Congress of the power of exclusive legislation in all cases whatsoever over the District vests in Congress all powers which the Legislatures of Virginia and Maryland may rightly exercise within their respective jurisdictions." Undoubtedly, sir, Virginia and Maryland neither *did* cede, nor could cede, absolute power, nor any power, over persons of any description, nor private property of any description, in this District. If they could do this, the absurdity stated by the gentleman from South Carolina would follow. A State government might cut up its territory, and sell that and its citizens to any Government, savage or civilized, on earth. This proposition rests on a principle no less clear and certain than that government is a trust not transferable—an agency without power or substitution. Precisely so far as either of these States should attempt to convey any power of legislation of any kind to the General Government, so far would that State government attempt to alienate its trust or agency. So, sir, with great deference, I contend that the power which Virginia and Maryland might have exercised over this District is not the measure of the power which Congress may exercise here. All that Virginia and Maryland could do, and all they professed to do, as to power over the District, was to relinquish each its own power. Most manifest it is that no State in the Union could transfer any portion of its power to the United States, or to any other Government. Unless it be true that a releasor of property, after a release, made without condition or reservation in the instrument of release, still retains dominion over the property released, no more reference is to be made to the constitutions or laws or usages of Virginia or Maryland, than to the constitutions, laws, and usages of any other State in the Union. All the power which Congress possesses is derived through the Constitution of the United States from the people of the United States, equally, and no more than equally, with the rest, from the people of Virginia and Maryland. It is a contradiction to say that Congress shall exercise exclusive legislation, and yet that the laws or constitutions of either of those States limit that power of legislation, or are in any way binding on Congress. The above cited provision of the Constitution of the United States, it is contended, is the "only source," if not "the only measure," of the power of Congress.

The act of cession of Virginia contains this proviso:

"*Provided*, That nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein."

The author of the argument above cited [Mr. LEIGH] contends that the word "therein" refers to both members of the sentence, and that the sense is the same as if it had been written "any right of property in the soil *therein*, or to affect the rights of individuals therein."

If this be the true construction, the citizens of Alexandria have still the right to be represented in the Legislature of Virginia, and have still all the rights which they ever enjoyed as citizens of that State. If nothing in the act of cession affects the rights of any individual in the ceded territory, those rights remain wholly unchanged by the act, and Congress for many years has been exercising an unwarranted power in every act of legislation over this District.

The resolutions under consideration deny all power in Congress to interfere with slavery in this District.

It has been said, "If we are deprived of the free use of our property, we are, in effect, deprived of our property."

The South claims to hold its slaves as property, with all the incidents and rights pertaining to other property. Be it so: what is the power of Congress over the trade of the country in all sections of the Union? Not a bale of broadcloth, not a hogshead of sugar, not a cask of wine, no article of necessity nor of luxury, can be introduced into the country, but by observance of the rules prescribed by Congress. An excise is imposed and collected on the sale of such articles of domestic growth, and at such times and places as Congress chooses to prescribe. Acts of Congress have long since been passed to facilitate the sale and transfer of slaves within this District; and yet it is contended that Congress has not the constitutional power to prohibit the making this ten miles square the factory of slave dealers from the southern and western sections of the Union. Heretofore Congress has legislated on the subject of the transportation of slaves from one State to another, prohibiting, with much particularity, certain proceedings with them, considered injurious to the community. [Act 1807, chapter 77, (or 67,) sections 8, 9, 10, act of 1820.]

Mr. Speaker, the northern States are required to interpose, by legislative enactments, to suppress the efforts of the Abolitionists, and to deliver up to the officers and governments of the South, for trial and punishment at the South, northern citizens, who have never left the limits of their respective States, for a violation of a law enacted by a southern Legislature. Charges of a grave character are made against the whole northern section of the Union, collectively, imputing to that portion of the country insincerity in their professions of regard for the peace and the welfare of the South, because they have not complied with these requests.

A case is brought into notice by a gentleman from Tennessee, [Mr. PEYTON,] which he considers and urges as a case supporting this heavy accusation against the North, and as a violation of the law of comity, which every independent State or nation is bound to observe towards a neighboring State. The case stated is this: A grand jury of Alabama prefers an indictment against a citizen of New York, who has never entered the limits of the territory of Alabama, for the commission of an alleged crime in violating a law of the last mentioned State. The Governor of Alabama demands of the Governor of New York the surrender of the supposed culprit to the government of Alabama, to be tried by the courts of the last named State, by the laws of the same State, and for a violation of a law enacted by a State into whose territory the offender never entered until transported there for trial and punishment.

The bare statement of such a claim would seem to be sufficient to place it in its true light, but for the character and standing of those who thus come forward in its support. It is because

the Chief Magistrate of one of the States in the Union, and an honorable member of this House urge this claim on the North, and especially because a refusal by one northern Governor to comply with this request is made a ground of criminating the whole northern section of the country, that gives it a claim to notice.

What is the great fundamental principle of our governments? Is it not that the people shall govern themselves? In the case above stated, the law is enacted by a Legislature wholly foreign to him who is claimed as its subject. The legislator is in no way nor degree amenable to him, or to those who are said to be subject to the law; nor have the latter, in any way or degree, given to the former any authority or power to control their conduct.

To allow this principle would indeed introduce a strange state of things. The highest judicial tribunals of the State of New York cannot officially understand the laws of another State, until they are proved as facts in the particular case in which they are to be applied; and yet the most uneducated adult person in the State of New York would be exposed to be seized, transported a thousand miles from his home, tried for a breach of one of those laws, which the judges of his own State cannot know, and, it may be, condemned to fine, imprisonment, or death, for doing an act which, if judged by the laws of his own State, is perfectly innocent. Mr. Speaker, if this be not slavery, I will acknowledge the obligation to any one who will inform me what slavery is.

There are many provisions of the Constitution manifestly repugnant to the claim set up in this case, but it cannot be necessary further to examine the subject.

It is said that the Abolitionists wish to abolish slavery in this District, in order that they may have a proximate and convenient position in which to carry on their future operations against the South. The petitioners are represented as saying, "Give us whereon to stand, and we will move the (southern) world." Any person casting his eye on a map of the country, and noticing the length of line by which Virginia and Maryland are now bounded by non-slaveholding States, will probably think they must be miserable engineers to suppose this little spot of ten miles square can afford much aid to the accomplishment of their plans. The abolition of slavery in this District would probably have very little effect on the slaves or on slavery in any of the States.

Another ground of complaint, urged by several gentlemen in the course of the debate, is this: It is said that the essays of the Abolitionists have for their object the excitement of uneasiness and discontent among the slaves, and that their tendency is to produce insurrection and servile war. They further allege that the writing and printing of the essays, being carried on within the limits of independent States, and being injurious to the slaveholding communities, the latter communities have a right to complain of the proceeding, and to demand the suppression of those publications, as libelous and seditious in their nature, by the punishment of their authors.

This complaint deserves serious attention. It presents for consideration questions of great and acknowledged difficulty. That a person standing on one side of the line between two States may, in various ways, inflict an injury on a person on the other side of the line, and that the guilty party is justly punishable; that, in many cases which may be imagined, he ought not to be protected, and would not be protected, in any well-ordered State, would seem not to be questionable. Although this case has been stated, in the course of the debate, to prove the propriety of the complaint and demand above stated, it does not seem to accomplish the purpose. It remains still necessary to inquire how far the publications above alluded to are wrong in their nature and tendency, and how far, if wrong, it is practicable to correct the wrong. I trust, sir, that the northern Legislatures and people generally, desire faithfully to observe the federal compact, and as faithfully to perform all the duties of good neighborhood. Gentlemen from the South, I suppose, will admit the impropriety of asking from northern Legislatures the enactment of laws such as, under like circumstances, the southern Legislatures would refuse to sanction. Obligations of the kind in question, if they exist, are reciprocal. It is said that the principles of international law require this interposition on the part of the northern States. There doubtless are precedents in great abundance for indictments and punishments of real or supposed seditious, fanatical, and treasonable publications. The eminent scholar and philanthropist, Dr. Channing, the pride and the boast of his countrymen, one of the great lights of the age, who has been so peculiarly noticed by the gentleman from South Carolina, [Mr. PICKENS,] has heretofore written several essays, any one of which would, under the reign of Henry VIII, or of either of his daughters, have carried him to the stake. The pioneer of truth, he who, in advance of his cotemporaries, discovers and fearlessly advocates the cause of truth, will often find that, like the soldier in an enemy's country in advance of his corps, he is concentrating on himself the missiles of the foe.

It is not enough, however, to cite precedents in distant ages, or in countries where principles of government essentially different from our own, are in operation. Authorities, to avail as authorities, must be generally approved in our own age and country. One case, and one case only, has been cited to prove this law and practice. It is the case of the indictment, in England, of Peltier, on the complaint of Bonaparte's minister. The gentleman who cites this case [Mr. HAMMOND] says, "If England, where more battles have been fought for the liberty of speech and the press than in any portion of the world, felt bound to indict a journalist for libeling her greatest enemy—*the enemy of the whole human race*—is it unreasonable to ask you to extend the same justice to the grossly slandered and deeply injured people of the South?" It would be very easy to adduce almost any number of precedents of indictments and punishments, found and inflicted for libels on Governments, or for seditious writings. That such precedents exist, by no means proves what must be proved to lay a just foundation for the complaint in question, which is, that at the present day the southern States would themselves prescribe to their own citizens such laws as they require to be enacted at the North. In the above cited case of Peltier it ought to appear that his punishment (if sentence had been awarded and punishment inflicted) was approved by the public voice of the citizens of free States. The gentleman did not state whether, after a deliberate consideration of the argument of Peltier's counsel, he thinks his punishment would have been approved by the gentleman who cited the case himself.

Suppose the language above cited from the gentleman's speech had been used, not in public debate, but had been printed by him in the reign of Bonaparte, and application had been made by Bonaparte's minister to the Government of the United States, or of South Carolina, to institute a prosecution against him for the words as libelous, who can believe that the application would have been successful? Yet what could have been said of that tyrant worse than that "he was the enemy of the whole human race?" I do not mean to say or to intimate that this language is unjust. Far from it. Language of like import was used concerning him by persons, and in instances innumerable, in every State of the Union, and probably in every month, from his accession to the throne to the day of his departure for St. Helena. A similar statement might be made concerning each of the successive Governments of France for many years subsequent to 1789. What remarks have we heard in this debate concerning the treatment of Ireland by the English Government? Charges of tyranny, of oppression, of unrelenting cruelty, have been uttered, repeated, and reiterated in the public prints of our country, with all the force and in all the forms which the English language can supply. While this language has here been used, numerous insurrections and rebellions have broken out, and been suppressed, with more or less bloodshed in Ireland. Yet who has heard of an indictment in this country for a libel of the British Government? Would southern juries consent to indict and convict their fellow-citizens for this liberty of speech or of the press, as an offense at common law, or by the law of nations? Would southern legislators prohibit the utterance, with perfect freedom, of any opinion concerning any Government on earth? The members of the Holy Alliance have not always been spoken of as perfectly "holy" by Americans. Probably no one here has been very apprehensive of punishment on this account.

The present Chief Magistrate of South Carolina, a gentleman who has often instructed and delighted not only his auditors in this Hall, but the people of this nation, has recently, in an official communication to the Legislature of his State, given utterance to sentiments which, carried to their legitimate practical consequences, would produce great and radical changes in the government of every northern State, and, if received as true, would produce as much discontent among the inhabitants of the North as anything which has been uttered by any northern Abolitionist could produce at the South. Now, should a northern man ask for an indictment against any citizen of South Carolina, for uttering similar sentiments, either orally or in print, he would be thought insane. Yet, the difference between the two cases is this: In one case, those on whom the unfavorable influence is to be exerted cannot generally read anything which is written, whether good or bad. In the other case, those who are to be affected *can* read, and *do* habitually read, whatever is written on public affairs. In the one case, liberty and its institutions are brought in question; in the other, slavery and its concomitants are the subjects of discussion.

An instance of legislation on the subject of seditious writings has occurred in the Government of the United States. What was the opinion of that law generally at the South need not be stated. It certainly was not such as to render it probable that any statute regulation of the press, as far as expression of opinions on subjects of public interest should be concerned, would soon be attempted.

Could any Legislature of the State of Virginia, for instance, be induced to prohibit, by statute, the most full and free expression of opinion on any subject, either of morals, politics, or religion? Could the Legislature of that State, by any act of legislation, succeed in preventing the citizens of that State from a full and free expression of opinion, or deter them from a fearless discussion of any subject pertaining to the public welfare, or hinder their advocating any plan for the advancement of the greatest good of the greatest number, however wild or heretical? It may be presumptuous in an inhabitant of another State to express an opinion on the subject; but it is believed they could as easily, by legislation, exclude the tide waters from their own Chesapeake.

I have thus far, Mr. Speaker, proceeded on the supposition that the Abolitionists are wholly in error in their theory; and I do not intend, at present, to discuss the question, whether slavery is a blessing or a curse, nor whether the Abolitionists be fanatical or rational. Suppose, then, that there is an opaque body at the North, "radiating darkness" on the regions of the South, and producing unreasonable discontent in a portion of the inhabitants: what ought to be done? A band of furies in Paris, in the reign of Robespierre, were hurrying a victim to their common gallows—the lantern post—and were about to execute on him what—in some sections of the country—is called Lynch law, on account of some real or supposed heretical opinion on the subject of Government, when the object of their rage saved his life by proposing the pertinent question to those who held him in custody, whether they expected to see any better, after they should have suspended him at the lantern post, than before? What, Mr. Speaker, is the antagonist principle, or the appropriate corrective for speculative error? Is it physical force? Will you enact a bill of pains and penalties for absurd reasoning or hypocritical cant? Will you punish, as criminal, false inferences in regard to facts in newspapers or pamphlets? The practice would be new in this country. A late King of France tried an experiment there, within a few years, on the freedom of the press. The result need not be stated. It is universally admitted that, in this country, there are newspapers in great numbers so conducted, that their statements scarcely afford the slightest

presumption in favor of their truth; yet, for the sake of the incalculable benefit to be derived on the whole from a free press, the immense evil is tolerated. The slander of individuals depends on different principles, and will be punished by grand juries and traverse juries. Seldom, however, I believe, will an attempt be successfully made to punish, by indictment, any one for any writing professing to have in view the advancement of the public good on account of its seditious nature or tendency. I do not mean to assert that a case never has occurred in which this has been judiciously done, nor that it can never be done hereafter; but it does seem that a careful examination of the cases in which this has been attempted will not lead to a conclusion very favorable to them.

What, then, is to be done? It is asked, when was fanaticism put down by reasoning? I answer, that it has, probably, been put down by reasoning as often as by force. If honest, but mistaken men are to be opposed, let the sword lie still in the scabbard, and take up the pen. Southern gentlemen will not distrust their own power to meet argument with argument, when truth is on their side. I am quite sure that some of the southern gentlemen will admit the inexpediency and injustice of sending a man to become cool within the walls of a prison, merely because he has been a little too much heated in debate. If mere fanaticism is in question, the most effectual antidote is neglect. If, in two centuries, there has been but one insurrection among the slaves of the South, it is difficult to believe that gentlemen have not overestimated the danger to be apprehended from that source in consequence of any essays to be sent from the North. The southern States can make such provision as to them shall seem expedient for the punishment of any person, from whatever quarter of the world he may come, who shall be found attempting to instigate their slaves to insurrection and rebellion. If any such person shall suffer, having been fairly tried for his offense, he will probably suffer with little more sympathy than others excite who suffer for their crimes.

I have no more of an inclination than I have of a right to dogmatize on this threadbare spot. Perhaps my views are wholly wrong. It may appear, within some few months, that northern legislators will find no difficulty in accomplishing what is required of them; or, if they should meet difficulties, some southern statesman may suggest a method of obtaining their object which, upon examination, will be approved by the public voice. If so, all freemen will rejoice that, at length, that great desideratum in legislation is supplied—a method of effectually suppressing the licentiousness of the press without infringing its liberty.

It is readily granted that it is scarcely possible for man to inflict a greater evil on his fellow-man than is inflicted by the malicious or thoughtless dissemination of falsehood; but can human tribunals so distinguish between the different classes of writers as to send one class to the penitentiary, and give due rewards to the other? That this can in no instance be done is not affirmed. The experience of the world thus far, however, would seem to apply to this case generally the mandate: "Let both grow together until the harvest."

NATIONAL DEFENSE.

REMARKS OF HON. J. J. CRITTENDEN,

OF KENTUCKY,

IN THE SENATE, *February* 2, 1836.

The resolutions introduced by Mr. BENTON, for appropriating the Surplus Revenue to the National Defenses, being before the Senate,

Mr. CRITTENDEN said he was very sensible of the small claims he had upon the attention of the Senate, and felt that he should stand in need of all its indulgence.

The debate had been of a very discursive character, and had led to some discussion of the conduct of the Senate. In the course of it, the Senate had, with great solemnity, been accused of neglecting proper measures for the defense of the country, and of having defeated the passage of the fortification bill of the last session. As he (Mr. C.) was not then a member, and having no personal knowledge of the circumstances and proceedings on which the accusation was founded, he did not intend to engage in the controversy on that part of the subject. He would say, however, that the confidence he had long entertained in the wisdom and patriotism of the Senate, had induced him to anticipate that their conduct would be found to be free from any merited reproach or imputation.

He had been confirmed in that opinion by all the disclosures that had been made in the course of this discussion. But, sir, (said Mr. C.,) the Senate of the United States needs not my poor vindication. It needs no man's vindication. It is the same Senate that for years past has maintained here the noblest struggle for our laws, our liberty, and our Constitution. Its conduct is before the world. It belongs to history, and its brightest pages will be illuminated with the names of those illustrious Senators who were foremost in that great struggle. To the accusations and reproaches with which they had been assailed throughout the long period of their trial and their glory, they may safely turn their backs, and look proudly forward for the grateful judgment of their country and posterity. In the great reckoning on which that judgment will be pronounced, the "fortification bill" of the last session will be but an insignificant item, and the secrets of its fate will be considered too worthless for any inquiry or researeh.

But, sir, (said Mr. C.,) I am called upon to consider the resolutions offered by the Senator from Missouri, [Mr. BENTON,] and to vote in favor of them seems to be exacted by some gentlemen as the only admissible evidence of patriotism and proper American feeling. Modified as these resolutions have been by the amendment of the gentleman from Tennessee, [Mr. GRUNDY,] they embrace, in the generality of their terms, room enough for almost every variety of opinion, and no Senator can probably feel any difficulty in voting for them. In the original form in which they were offered, they contained the distinct and simple proposition that the *entire* "surplus revenue of the United States, and the dividends of stock receivable from the Bank of the United States," should be appropriated and applied *exclusively* to warlike preparations for defense of the country, by the construction of fortifications, the procurement of cannon and arms, and the increase of our naval means. As amended, the resolutions require only that *so much* of those funds shall be appropriated to those objects as may be *necessary*. How much is necessary, is a question left entirely open. But it is evident, from the remarks of the Senator from Missouri, and from his ready acceptance of the amendment of the Senator from Tennessee, [Mr. GRUNDY,] that he considers that amendment as changing the phraseology, without altering the effect of his original resolutions; and that, according to his view, the *whole* will be *necessary*, and ought to be applied to the *warlike* preparations recommended by him. This course of *expenditure* and warlike preparation, it must be recollected, is advocated by that Senator as a settled system of policy proper to be pursued in times of profoundest peace; for he tells us that he should equally urge and recommend it, if our difficulties with France (the only cause that threatens our peace) did not exist.

To this system, Mr. President, I am opposed, as unnecessary, unwise, and improper.

For the *necessary defense* of our country I am ready to vote all the millions in your Treasury, and ten times as much—ready to give everything, and do everything; and, if I were not, I should be a faithless representative of my constituents. But is the vast appropriation proposed by the Senator from Missouri *necessary* and proper for the defense of the country? That is the subject of inquiry?

The present surplus revenue, and the dividends of stock receivable from the Bank of the United States, cannot amount to much less than thirty millions of dollars, if it does not exceed that amount; and this, with all the surplus revenue that may accrue in future, ought, according to the Senator from Missouri, to be set apart and appropriated exclusively to the warlike preparations before stated.

I object to this appropriation as an unparalleled extravagance. If the real object is to get rid of all this treasure as of a troublesome thing, a more objectionable scheme could scarcely have been devised. The proposition to apply to military purposes ALL the surplus public revenue of the people, seems to me to be only less extravagant than to call upon them for their plowshares to be molded into swords. There is no necessity nor reason for such a sacrifice. The plowshare is much better employed, and so, in my judgment, may also be the money.

It is to be remembered that all this money has been the produce of *peace*. Has peace no claims upon it? Is she to be considered as a mere slave, toiling to prepare for war? and are all her accumulations to be expended in warlike preparations? Are these to be made the paramount objects of Government? I trust not, sir. Our country everywhere presents us with objects claiming the parental care and bounty of the Government. Let these have a share out of your abundant treasure, and let portions of it be, in some mode or other, returned to the people, to increase the sources of national wealth from which it came. I am willing, sir, to go on in the policy which the Government has heretofore pursued on this subject, and to vote for suitable and even liberal appropriations for the general defense and security of the country. Such appropriations have been constantly made from the very origin of our Government; and from official documents it appears that from the 1st of January, 1817, to the 1st of January, 1835, there has been expended on our military and naval establishments $40,655,458 37. Of this sum $11,171,712 70, was expended on the Navy, and the balance of $29,483,745 67 upon the military establishment; of which last sum, $15,025,812 04 was expended on fortifications. But, not content with the customary and usual appropriations for these objects, the honorable Senator [Mr. BENTON] now asks us to appropriate the *whole* of the surplus revenue. Besides other objections that I have to this scheme of policy, one of no small consequence with me is, that it, in effect, confines the whole expenditure of the revenue to the line of our sea-coast, and cuts off the western and interior States from the hopes they have indulged of a more equal distribution and expenditure of the public revenue. The financial operations of this Government have always been such that the money drawn from the West has been expended on other sections of the country. This has heretofore been a matter of necessity, resulting from the condition of the Union. But the national debt is now paid, and the time has arrived when we might justly expect a more equal participation in the disbursement of the public money. This just expectation seems to be fortified by every consideration that belongs to the subject. We have contributed our full portion of the public revenue, whether resulting from direct or indirect taxation; and, in addition to this, vast sums of money have been paid into the Treasury from the West for the purchase of public lands. Heretofore we have been thus constantly paying, and receiving back nothing. This course of things has operated as a perpetual drain upon the West, and nothing but its extraordinary natural resources could have enabled us so long to bear up prosperously against it. We cannot always do so.

Of the surplus now in the Treasury more than twenty millions are the proceeds of the sales of public lands within the last three years. I do not, sir, cherish sectional feelings or jealousies; I look upon the whole United States as my country; but still, while ready to serve the general cause, I must not entirely forget the special interest of my own particular section of country and of my own constituents. And it does not seem to me that the time has come when, upon every principle of policy and justice, I may claim for it and them some share in the accumulated riches of your Treasury. But to the undoing of these expectations, and to cut us off from future hope, the Senator from Missouri [Mr. BENTON] proposes to seize upon and expend the entire surplus revenue on fortifications, the Navy, &c.; thus continuing the old system, so exhausting to the West, of expending all the money received from it upon distant sea-coasts. The unequal and, as I think, unjust operation of such a course must constitute a strong objection in the minds of western men.

I am willing to make the usual appropriations —to make liberal appropriations to the objects suggested by the gentleman from Missouri, and particularly for the Navy: of that I am proud; I believe in its usefulness and in its efficiency as a great arm of national power and defense.

But, sir, I must confess that the fortifications suggested by the Senator [Mr. BENTON] are much less favorite objects with me, and that I shall vote cautiously and with jealousy anything beyond the ordinary appropriations for them. Mr. C. said he had no great confidence in *fortifications* as means of *national defense*. In a few peculiar situations, and at a few points, they might, he supposed, be useful, and to that extent he was willing to go. But from the magnitude of the appropriation now contended for, it was evident that the views of other gentlemen were not limited as his own were, and that it was designed to line our sea-coast with a chain of fortresses that was to render us impregnable to an enemy. On such an extent of coast as ours, the scheme is impracticable, if it were expedient. But he did not consider it expedient. The best and only sure defense of nations was the courage, the intelligence, and patriotism of their people. Upon these must be our reliance in the hour of danger The people is our bulwark; and the Government, by every act of wisdom and beneficence, that increases their attachment to it and their prosperity, provides more effectually for national defense, than by the erection of all the fortifications that could be built of brick or stone. His objection, as before stated, did not go to the comparatively few fortifications that might be necessary at particular points and situations, but to the extensive and costly *system* of fortifications that seemed to be designed for every assailable point of our coast. We did not (he said) stand in need of such defenses. What enemy would dare to land on our shores? It may be necessary for the weak and timid to labor and toil, and expend their substance in erecting walls around them for their defense. Such a course would be altogether inconsistent with the spirit, the power, and the policy of this great Republic. But suppose this scheme of fortifications completed, and our coasts girded with frowning battlements; what follows? You must have troops to garrison these fortresses. How many will this service require? Certainly a great augmentation of your present military force—a considerable army. And thus it will in the end turn out that the expenditure of millions in the erection of fortifications will fasten upon us the canker of a standing army, and entail upon the people a tax for the support of that army.

The policy of the honorable Senator, [Mr. BENTON,] by giving such paramount importance to all the preparations for war, seems to me calculated to give to our Republic a military aspect, and dangerous tendency to war. The spirit of free Governments has always been sufficiently warlike. The pride and haughtiness of the republican character have ever been but too ready to kindle into war, and to seek for conquest. We need not stimulate that spirit. We have enough of it, and it will grow upon us, or there is no truth in history or philosophy. To moderate and restrain that warlike temper will be among the difficult tasks of this Government.

These views and considerations of the subject compel me to dissent from the policy recommended by the honorable Senator, [Mr. BENTON.] I am content to pursue the course that has been marked out to us on this subject by the former practice of the Government. We have had wars, and rumors of wars, and we shall have them again. But is it necessary, because if the possibility of occasional war, that we should be constantly clad in steel, and oppress ourselves with the weight of our own armor?

Sir, the Senator from Missouri [Mr. BENTON] has alluded to our present difficulties with France in terms calculated to excite our pride, if not our apprehensions, and has told us that our country is in a "naked," "miserable," and "defenseless" condition.

It is with deep surprise that I heard such a declaration. How has it happened, how can it be, that our country is in so "naked, miserable, and defenseless a condition?" From the very origin of the Government such preparations as it deemed necessary and proper have been making for the security and defense of the country. And, from first to last, about two hundred millions of dollars have been expended upon our naval and military establishments. About twenty years ago we had a war with Great Britain—an enemy much more powerful and formidable, as it respects us, than France can be. We were then capable of resisting this more formidable enemy, and of successfully defending our country, its honor, and its rights. Since that war about forty million dollars have been expended upon our naval and military establishments. And let it also be remembered that, for the last seven years, the administration of this Government has been in the hands of a President renowned in war, and that the Senator from Missouri [Mr. BENTON] has been one of the leading supporters of that Administration. Is it not then matter of surprise to hear that Senator, under all these circumstances, and near the close of such an Administration, declaring the country to be in a "naked, miserable, and defenseless condition?"

Sir, I must, in this particular, be the vindicator of the Administration.. I cannot agree in the opinion of the honorable Senator from Missouri, though sanctioned by the Senator from New Jersey, [Mr. SOUTHARD,] and some other Senators, that our country is in a "naked, miserable, and defenseless condition."

Compare its condition now with what it was at the period of our last and glorious war with Great Britain. The issues of that war will prove that we were not even then in a naked, miserable, and defenseless state. Since that war we have expended forty millions of dollars upon our naval and military establishments. Our largest public vessels at that time were frigates. We have since increased their number, and have added to them some of the most formidable line-of-battle ships that the world ever saw. Since that war we have doubled our population, and now number about fifteen millions. Since that war we have paid off our national debt, and now have an overflowing Treasury, an abundant revenue, and unbounded credit. Add to all this, that our country, throughout its wide expanse, is full of energy, and teeming with prosperity, and then, sir, let me proudly ask of any one if it can be said of such a country that its condition is "naked, miserable, and defenseless?" No, Mr. President, we are not defenseless. Give us a just cause of war, and we have nothing to fear. In a just quarrel we can meet any and all enemies without danger of overthrow or disaster. My confidence in this is such, that, except for the protection of our great cities, and the great channels of our commerce, it does not seem to me that fortifications are necessary. I utterly object to them as a *system of national defense*—a system for which, together with other warlike preparations, its advocates at once, and now, call upon us for all the surplus in our Treasury, estimated at thirty millions, and *all* the surplus that may accrue hereafter till the object be completed—a *system* that must lead to a standing army, and perpetual taxes for its support, and which, to a great extent, must permanently limit the expenditure of the revenue to the maritime frontier, to the prejudice of all the interior country from which it shall be collected.

But, Mr. President, if I thought less unfavorably of the proposed system of fortifications and defense, I should still think it very impolitic to apply to it all our surplus revenue. Some of it at least should be given or applied to the peaceful pursuits of society, to invigorate and replenish the sources from which it came. We are not probably doomed to have more, upon an average, than one year of war to twenty of peace, and it would seem to me, therefore, to be most unequal and unwise to neglect entirely the objects connected with the peaceful prosperity of the country, and to expend all the surplus revenue the peace has furnished on objects connected with war. Better uses, I think, may be made of it, than the multiplication of forts, and the purchase of superfluous arms to be hung up to rust.

Mr. C. then proceeded to state that a variety of subjects had been introduced into this debate, upon some of which he wished to make a few remarks. The alleged defenseless condition of the country had been broadly imputed to the Senate. This imputation, however, had resolved itself into the comparatively petty charge of having, at the last winter's session, defeated the passage of the "fortification bill," as it is called. This charge has been denied, and an animated discussion has ensued as to the causes of its failure. Having no personal knowledge of the circumstances attending that bill, I can enter into no controversy concerning them; but, sir, I have been a curious and interested listener to the debate, and have made up my verdict on the case. That opinion is founded on none of the disputed questions or details of the controversy, but upon this admitted state of facts: that the bill was in progress after night of the 3d of March last; that the two Houses of Congress differed about some of the appropriations contained in it; that the bill was likely to be lost in consequence of that disagreement; that to avoid such a result, the Senate proposed a conference between the two Houses; that the conference was agreed to, and held by committees mutually appointed; that all the matters of disagreement between the two Houses were settled and agreed upon by these committees, and that each, as was its duty, should report to its respective House, that the bill might accordingly pass; that the committee of the Senate did, without delay, make the proper report to that body; that the Senate was then ready and willing to act, and to pass the bill upon the terms agreed upon, and so anxious, indeed, to do so, that, after waiting some time to hear from the other House, in whose possession the bill was, they sent a respectful message to that House to remind them of the subject; that there was some delay on the part of the committee of the House of Representatives, or its chairman, in making its report to that House; that the report was not made till about, or after, the hour of twelve o'clock at night, and that the House did not at all act upon it owing to *scruples* of *conscience* on the part of some of its members in doing anything after that hour of the night at which they supposed their congressional power ceased. As I have learned, and understand it, such is the plain and authentic history of the *overt acts* connected with the fate of this bill.

According to these facts, the Senate stands clearly acquitted, and the loss of the bill is imputable alone to the House of Representatives. It is not necessary to this conclusion to inquire or search for *secret* causes that may have prompted these *scruples* of *conscience* that destroyed that bill. It must be consolatory, I should think to its patriotic friends here, who mourn *so eloquently* over its fate, to know, sir, that it died for *conscience sake*. All will, no doubt, admit that, to some extent these scruples were very honest and sincere; but I grant, sir, that such a sudden and extensive ebullition of conscience may seem a litde surprising, especially when it is recollected that it is against all former experience; that neither Washington, nor Adams, nor Jefferson, nor Madison, nor any of our former Presidents, nor any former Congress ever indulged such scruples, or hesitated to act after twelve o'clock at night of the 3d of March, whenever it was necessary to the completion of the public business. But, sir, conscience does not go by precedents. Its ways are often mysterious and inscrutable; and, after all, and notwithstanding all reasonings and precedents to the contrary, there is nothing, perhaps, unnatural or strange in those conscientious emotions which it seems interrupted the public business in the House of Representatives at the close of the last session. Remember, sir, that it was just about the hour of twelve, that witching time of night, when conscience, long pent up, and clogged with the politics of a whole session of Congress, would be most apt to break out, and make her "compunctious visitings."

Thus it is, Mr. President, as it seems to me, that the loss of the fortification bill is clearly accounted for, the Senate acquitted of its destruction, and the House of Representatives of the last Congress shown to have been the most *conscientious* and *scrupulous* with which the people of these United States have ever been favored.

I must say, Mr. President, that I have been not a little surprised at the great importance that has been ascribed to that bill, and at the sensibility

that some gentlemen here have manifested at the bare recollection of its fate. I had supposed that this sensibility had been more confined to the sea-coast, where the money was to have been expended, and to sorrowful contractors and undertakers, who were disappointed, perhaps, in their anticipations of good contracts and fat jobs. I am bound to state that, unpatriotic as such a want of sensibility may seem to be, there was not, in all the section of country from which I come, the least exhibition of popular distress, or even regret, upon the occasion. And if any of the Senators who are charged with having defeated that bill should be prosecuted for the offense, and can obtain a change of *venue* to Kentucky, they may be assured of a very impartial trial; for if there is any man there that made the fate of this bill a matter of any care, concern, or importance, I do not now recollect him. Yet Senators tell us here that a "tremendous responsibility" must rest somewhere for the loss of that bill. The process by which this "tremendous responsibility" is got up is curious enough. It is by *supposing* that in consequence of the loss of the bill the French had invaded our country, captured our cities, and destroyed our people. Can anything, sir, be more idle or extravagant than such *suppositions*—suppositions gravely made the basis of argument here long after they have all been contradicted by *facts*? The French had no cause to invade us; we had no ground to apprehend such an invasion; and in point of fact they did not invade us, or capture our cities, or destroy our people. What, then, becomes of this imagined "tremendous responsibility" that has resounded so much and so fearfully in this debate?

Our present relations and our pending controversy with France have also been discussed at large on this occasion. That subject had, for some time passed, created much concern and agitation in the public mind, and war was, by many, anticipated as the most probable result. For his part, he had not believed that war could be made out of such slender materials, but still he could not avoid all apprehension on the subject. The parties were in that state of irritation easily to be inflamed, and in which trival circumstances might produce important consequences. In this critical situation of affairs, he was curious and anxious to know what measures were designed, and to be recommended by the Executive. It was (he said) in this anxious and listening mood that, on a former day of this debate, he observed, with pleasure, the honorable Senator from Tennessee [Mr. GRUNDY] rise to address the Senate on the subject. Whatever should fall from so distinguished a friend and supporter of the Administration, might, he supposed, be regarded as high evidence of the course intended to be pursued by that Administration. He was, therefore, an attentive listener. That Senator, [Mr. GRUNDY,] after discussing the grounds of controversy with France, and concluding that our Government had been in the right throughout, that France was in the wrong, and persisted in the wrong, then demanded "what was to be done?" and called upon Senators "to come up to the mark, and to say openly what they were for." This (said Mr. C.) was just the point on which I wanted to hear the gentleman himself; and when that Senator proceeded immediately to say "that for his part he had no objection to declare *frankly* what he was for," my attention was quickened to the utmost. The gentleman paused for an instant, as if to collect himself for the occasion, and then made his promised frank avowal by stating "that he was not willing things should remain *exactly* as they were." You must judge, Mr. President, how I was enlightened and affected by this most *frank and explicit disclosure*. That Senator, sir, is an old and valued acquaintance, and I claim some sort of affinity with him as an old Kentuckian. Willing to reciprocate all good offices with him, I am determined that his extreme *frankness* on this occasion shall be fully reciprocated; and happy I am, sir, to be able to repay the obligation literally, by here declaring, as I now most conscientiously do, to that gentleman, (bowing to Mr. GRUNDY,) "that I am not willing that things should remain exactly as they are."

Mr. President, the belligerency of this debate seems to have increased as the prospect of war has decreased. Since our last adjournment on Thursday or Friday, we have all heard of the offered mediation of Great Britain for the amicable settlement of our controversy with France, and of the acceptance of that mediation by our Government. This intelligence has diffused a general satisfaction, and an almost perfect assurance of the continuance of peace, and the restoration of all our former friendly relations with France. The honorable Senator from Pennsylvania [Mr. BUCHANAN] expresses his confidence that war will be averted; and yet, sir, at this very moment of returning peace and good will, that Senator has indulged in a hostile and reproachful strain of discussion. With rueful industry he has gone over the whole ground of our controversy, and all the diplomacy connected with it, collecting together every little circumstance, and odd end of speech, message, or correspondence, that could be made the subject of reproach or animadversion against France; and finally concludes with a charge of willful *bad faith* against her King and Government. Why is all this, Mr. President? We have had an unfortunate dispute with an old friend. We are on the eve of an honorable reconciliation; and are about to shake again, in friendship, the only hand, among all the nations of the earth, that fought with us, and for us, in the battles of our Revolution. Why, at such a time, and on such an occasion, does the Senator [Mr. BUCHANAN] assume such a tone and language of insult and exasperation? Why insult the people of France by accusing their Government of *bad faith*? In the midst and heat of the controversy, our President has often and solemnly disclaimed the making of any such accusation. There was certainly much less reason for the Senator's making it, now that the contest is virtually ended.

But I remember, Mr. President, that the Senator differs very much with the President of the United States in relation to these French affairs. He thinks that the President has been altogether too *forbearing* and *too moderate* in his conduct towards France, and he openly expresses his *disapprobation* of that forbearance, and rebukes that *moderation*. Yes, sir, we have seen and heard the Senator from Pennsylvania—that land of honest peace and honest industry—the land of the *peaceful Penn*—gravely rebuking General Jackson for his gentleness and too *great moderation*. Nothing can be added, sir, to that picture.

The same Senator, further to aggravate the *bad faith* which he charges against the French Government for their failure to perform on their part the treaty of July, 1831, has represented that treaty as most favorable and beneficial to France, and states that, in consequence of the reduction of duties or taxes stipulated for by that treaty, upon the importation of French wines and silks into our country, France had already *pocketed* three millions of dollars of our money, and was still reaping this golden harvest. If this be really so, what becomes of the much boasted diplomacy to which we are indebted for that treaty—a treaty by which France has been enabled to *pocket*, and will continue to pocket, about one million of dollars per annum of our money?

But I think it must be very clear that the gentleman is entirely mistaken, and that his statement, though sanctioned as he supposes it to be, by official authority from our Treasury Department, is altogether erroneous. It may be true that, if the importations of French wines and silks had been the same under the undiminished duties that they have been under the duties as diminished in conformity to that treaty, the difference in point of revenue to this Government might have been the same (three millions) stated by the gentleman. But it by no means follows that, because that sum has been prevented from going into our Treasury, it has gone into the *pocket* of France. The gentleman has only mistaken the pocket into which it has gone, as will be evident to him on a moment's reflection. The chief effect of the reduction of duties on the articles of wines and silks has not been to put the amount of the reduction into the pockets of the importers of these articles, but to cheapen them to the consumer. And thus, sir, instead of transferring three millions of our money to French pockets, the principal effect of the diminished duties is to enable some poor girl to buy a silk dress, or some poor fellow to buy a draught of wine, which they could not otherwise do. Such an effect, I hope, would not be at all obnoxious to the Senator.

The same honorable Senator seems to think that it is, somehow or other, indispensable to our dignity and independence that we should, at all hazards, compel France to pay the sum of money which by treaty she owes us, and that her failure and refusal to make that payment reflect dishonor and disgrace upon us. Whenever it shall become necessary, Mr. President, I hope that I shall be ready—I know that my constituents will be ready—to go to the very extremity of honorable warfare for the vindication of our country's dignity and honor; but I confess that I have not sensibility enough to discover how the honor and dignity of our country are much concerned on this occasion. I cannot perceive how our honor and dignity are to be affected by the failure or refusal of France to pay us the debt she owes. If the debtor fails or refuses to pay the debt he owes, the reproach, whatever it may be, falls upon him. Who ever heard that, in such a case, the honor of the creditor was supposed to be affected by the misconduct of the debtor?

The non-payment by France of the debt she owes us seems to me to be a matter that affects our *interest* rather than our *honor*; and, therefore, that all questions as to measures of redress, by war or otherwise, are merely questions of expediency for our own discretion to determine.

I agree with the honorable Senator [Mr. BUCHANAN] that France owes us twenty-five millions of francs, being something less than five millions of dollars, and that she assigns an insufficient reason for withholding payment. But this is the whole head and front of her offending. We have no other complaint against her. Would it be expedient and proper for us to make war for such a cause? There is no other cause of complaint on our part. France has in no way offended against us on this occasion except only by her failure to pay the money in question. Shall we go to war to enforce its payment?

It is needless to discuss the question. Thank God, the danger of this war has passed by; and we have, as I believe, an almost certain assurance of reconciliation and peace with France. Such an issue of this controversy cannot be regarded otherwise than as a matter of public congratulation. If war had been its result, I should have contributed all that was in my humble power to render my country successful in that war. War of itself would have been a sufficient reason with me to take my country's side, without reference to its cause. But, sir, I must confess that I should have been most loth to witness any such a war as that with which we have been threatened. A war with whom, and for what! A war with France, our first, our ancient ally—whose blood flowed for us, and with our own, in the great struggle that gave us freedom, and made us a nation! A war for money! a petty, paltry sum of money! I know of no instance—certainly none among the civilized nations of modern times—of a war waged for such an object; and, if it be among the legitimate causes of war, it is surely the most inglorious of them all. It can afford but little of that generous inspiration which, in a noble cause, gives to war its magnanimity and its glory. War *for money* must ever be an ignoble strife. On its barren fields the laurel cannot flourish. In the sordid contest but little honor can be won, and *victory* herself is almost despoiled of her triumph.

If we should attempt, by war, to compel France to pay the money in question, none who know the two nations can doubt but the contest would be fierce, bloody, and obstinate. Suppose, however, that our success is such as finally to enable us to dictate terms to France, and to oblige her to pay the money. Imagine, Mr. President, that the little purse, the prize of war and carnage, is at last obtained. There it is, sir, stained with the blood of Americans, and of Frenchmen, their ancient friends. Could you, sir, behold or pocket that blood-stained purse, without some emotions

of pain and remorse? I will follow the subject no further.

Permit me, Mr. President, in conclusion, to express my thankfulness for the hope and confidence I now entertain, that we are to be saved from the calamity of such a war. And I will, sir, indulge the further hope, that the amicable settlement of all our difficulties with foreign nations, may contribute to restore more harmony to our councils here, and enable us, in a more fraternal spirit, to act together upon the great subjects of domestic policy, in which the permanent interest and prosperity of our common country are more immediately concerned.

SUFFERERS BY NEW YORK FIRE.

SPEECH OF HON. S. C. PHILLIPS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

February 16, 1836.

The House being in Committee of the Whole on the New York Relief bill and the motion of Mr. HARDIN, to strike out the proviso of the first section, still pending,

Mr. PHILLIPS said:

Mr. CHAIRMAN: I have felt it my duty to examine with care the provisions of this bill, and to weigh the objections which have been urged against it. From an acquaintance with the state of business, and the general situation of merchants in the city of New York, from personal observation of the immediate effects of the recent calamity, and from inquiry into the probable extent of its wide-spread consequences, I have been convinced of the importance, nay, of the absolute necessity of some early provision on the part of this Government for the relief of its debtors in that city; and, upon reflection, I am satisfied that it is not more the impulse of liberality, than the obvious dictate of sound policy, to do at least all that is proposed in this bill.

The bill provides for two objects: First, the relief of such debtors of the Government as were immediate sufferers by the fire; and secondly, the relief of all who were indebted to the Government in the city of New York at the time when the fire occurred. The proposed relief is confined, in both cases, to debtors of the Government, and consists simply of an extension, without interest, of the time of payment of bonds given, to secure the duties upon goods recently imported. This relief it is proposed to afford in the largest measure to the immediate sufferers, and in a less degree to the others, who are supposed to be liable to temporary embarrassment, if not direct loss, from the necessary consequences of such a calamity.

The extension of payments thus provided for, is an indulgence which the Government can grant, in the present state of its finances, without inconvenience, and, under the existing arrangements of the Treasury Department, without any sacrifice. Such is the amount of surplus revenue already collected, that, if these bonds were paid at maturity, the Government would have no use for the money, and it would be suffered to lie in the deposit banks without interest. The effect of the bill will therefore be to allow to the debtors of the Government, rather than to the banks, the gratuitous use of the amount of the bonds during the time of extension. So far as the privilege which the banks would otherwise enjoy may be thus curtailed, they can have no right to complain, since the use of the Government balances that will still remain in their hands must be more than an ample remuneration for the services they perform.

All that is proposed, then, is nothing more than an ordinary arrangement, to which, under various circumstances, creditors are often obliged to accede, from considerations of prudence and liberality. In this case, while there may be reason to suppose that, by refusing such temporary accommodation, the Government might fail of securing its debts, it is clear that, by granting it, it will afford direct and effectual relief to its debtors, and, in relieving so many of them, do much to restore confidence and hope to a distressed community.

The relation between the Government as a creditor, and the citizens whom it requires to become its debtors, by giving bonds for duties upon imports, is, under our revenue system, in several respects, peculiar; and the course of the discussion upon this bill has shown that it is not sufficiently understood. It differs essentially from the usual relation between creditor and debtor, inasmuch as it results not from an ordinary and voluntary contract, as between buyer and seller, but from a legislative action which creates the debt without furnishing to the debtor an immediate, but only a contingent equivalent. Let me endeavor to illustrate my meaning upon this point, confining the illustration to the case of duties secured by bonds. Immediately upon the arrival of a ship in port, before the cargo can be landed, the importer is required to execute his bond, with sureties, for the amount of duties on the goods consigned to him; and from that moment, except that he is entitled to an allowance for damage ascertained to have been incurred during the voyage of importation, he is responsible to the Government for the amount of his bond, whatever losses he may incur in landing and storing the goods, or while they remain in store, before he has had an opportunity of disposing of them for consumption or export. Should the goods be exported, he is entitled to a drawback of the duty; if they are sold for consumption, the duty becomes an increment of value, and is received back by the importer in the price which the consumer pays; but while they remain in the warehouse of the importer, even, as in many cases, under the lock and key of the custom-house, the Government holds him responsible for the duties against all risks, and, should the goods be destroyed or lost, will still exact the payment of his bond. Now it is obviously of no advantage to the importer that a duty is thus levied upon his goods, and it is as obviously not the design of the revenue laws that he shall be a loser by reason of his being held subject to the payment of the duty; but the design is, that the payment of the duty shall devolve ultimately upon the consumer, and the Government employs the importer as its agent for collecting the duty from the consumer. When the importer has sold the goods to the consumer, (though he is obliged to take upon himself the risk of bad debts, without any guarantee from the Government,) he has realized a consideration for his bond, and acquired the means of paying it; but, until that contingency has occurred, he remains in the situation of an agent who, upon the receipt of goods on consignment, has made an advance in cash, or given an acceptance to his principal, without being able to avail himself of the legal privilege of the agent in such cases, of recovering from the principal the amount of the advance or acceptance, if the goods should be lost or destroyed, in landing or in store, before they can be sold.

The disadvantage and injury to which the importer is thus exposed, may be attributed to a prominent defect in our revenue laws—the want of a WAREHOUSING SYSTEM. In England, where that system, after many gradual efforts to establish it, has been in full operation since 1826, the evil does not exist. It is there provided that the importer, upon landing his goods, may deposit them, under the inspection of officers of the customs, in a "warehouse of special security," as it is termed, which may be a private store or quay, duly licensed for the purpose, under prescribed regulations; and the goods are allowed to remain in such warehouse for a term of three years, subject only to the standing bond of the proprietor or occupier of the warehouse, or the special bond of the importer "for the payment of the full duties of importation, or for the due exportation of the goods." If within three years the goods are exported, the bond is discharged; if they are taken "for home use," the duties are payable in cash upon delivery from the warehouse. While the goods are warehoused, the duty does not accrue; if they are lost or destroyed by unavoidable accident in the warehouse, the duty is not held to be payable; or, if they are lost or destroyed "in landing or shipping," or "in the receiving into, or delivery from, the warehouse," the duty, "payable or paid," is remitted or returned. While the goods remain in the warehouse, sales may be made by one party to another, (the law prescribing a mode of transfer,) and the purchaser succeeds to all the privileges of the importer; or, rather, the privileges attach to the goods, so long as they remain in the warehouse, whatever may be the changes of ownership in the meanwhile. It is not until they are about to pass into immediate consumption that the duty is payable; and thus the importer has the opportunity of collecting the duty from the consumer before he is required to pay it to the Government; and it is only after the goods have passed into the consumer's hands that the Government is released from the risk of losing the duty in consequence of any unavoidable accident (by fire, or otherwise) that may befall the goods.

Such, Mr. Chairman, is the design of the English warehousing system; and the gentleman from South Carolina [Mr. PICKENS] will perceive that, in a case like the present, it would save harmless (in respect to liability for duties) most of the importers, for whose partial and temporary relief this bill makes provision. Had the English system been in operation at New York, a large proportion of the imported goods destroyed by the fire would have been warehoused, the duty would not have accrued, and would not have been payable, and the Government could not have been a gainer by the calamity, as it now may be, since it has secured the duty upon all goods which, if not burnt, would have been exported, and will derive an increase of revenue from the importation of goods required to supply the place of those (also burnt) which were intended for consumption.

I regret, sir, that the warehousing system could not long since have been introduced here. As perfected in England, it affords innumerable advantages to the commerce of the country, and has not proved liable to abuse. I perceive no sufficient obstacle to its introduction here. The principle was partially recognized in the sixtieth section of the act of Congress of 2d March, 1799, providing for the landing, storing, and reloading of the cargoes of ships arriving from foreign ports in distress, without requiring the consignee, in such cases, to enter the goods and secure the duty. The allowance of drawback upon goods exported is also a partial recognition of the principle; but it is only by adopting the system in its entire extent, that we can secure to our citizens the same advantages of foreign trade that are now enjoyed in England, as well also as at most of the principal ports of the continent of Europe. The fire at New York furnishes striking proofs of the injury and injustice to which merchants are exposed from the want of the system; and I shall consider it as the strongest indication of friendly regard for the mercantile interest, whenever Congress shall see fit to entertain a suitable proposition in reference to this object. I shall cheerfully vote for this bill, because I consider it founded in the most equitable principles, and because it provides for a case of suffering of appalling magnitude; and yet I am not unaware that it furnishes some foundation for the charge of partial legislation, inasmuch as there have been other cases, similar in all important respects to this, in which importers, from unavoidable accident, have been subjected to the loss of goods upon which they had secured the duties, and have received no relief from the Government. It is impossible to refer to any single case which exhibits an amount of loss at all approaching to what has been sustained at New York; but I am safe in saying that the aggregate of losses in such cases as the Government has failed to provide for, if it could be ascertained, would prove that importers have been hitherto great sufferers from the unjust operation of laws which are still in force, and from the want of a system which might easily be established.

The gentleman from South Carolina, [Mr. PICKENS,] misapprehending, as I conceive, the relation between the Government and the importer, upon which the provisions of this bill are founded, has illustrated his view by the assertion that the claim upon the Government is the same,

or that there is equally no ground for a claim, whether the sufferer by fire is an importer at New York or a purchaser of imported goods at Cincinnati. The Government is clearly under no obligations to the dealer at Cincinnati. It has subjected him to no legislative exactions; it holds him under no peculiar responsibilities; it sustains towards him no other than the ordinary relation of the Government to a citizen. It is, more especially, in no sense his creditor; it has no demand against him as a debtor; and, most of all, it cannot regard him as a debtor, of whom it is requiring the payment of a debt for which it has given him no equivalent, and in regard to whom the contingency, upon which alone depended the opportunity of his realizing an equivalent, through unavoidable accident, cannot occur. This, then, is the distinction between the two cases, resulting from the widely different relations which the supposed sufferers sustain towards the Government. When the foreign goods pass from the importer to the consumer, or to the consumer's agent—the purchaser for consumption—I agree that the duty becomes an increment of value; that the importer then realizes the equivalent for what he has paid or owes the Government; that from that time the importer can have no claim upon the Government, growing out of the peculiar relation which he has assumed; and that, of course, he cannot transfer to the consumer, or his agent, an equitable right, which was peculiar to himself as an importer, and has ceased to exist. The purchaser for consumption buys the foreign goods of the importer as he would buy any other goods—for a fair consideration—and afterwards holds them as he would hold any other goods—at his own risk. His contract with the importer does not involve any assumption of responsibility to the Government; he cannot, therefore, prefer a claim against the Government as resulting from that contract; and there is no other ground upon which he can rest a claim. Whenever the Government shall return to a system of which its experience has been too unfortunate again to recommend the adoption, and shall levy an excise upon whisky before it has been removed from the vats, or, at least, from the warehouse of the distiller at Cincinnati; and when that distiller can state the fact to Congress, that, as one of the sufferers by an awful conflagration, which has reduced to ashes an extensive section of the thriving emporium of the West, he has been deprived, by the destruction of his property, of the means of recovering from the consumer the amount of the excise which he has paid or owes the Government, there may be a case at Cincinnati resembling, in some of its features and in its equitable claims to the consideration of Congress, the present case at New York.

I have thus far confined myself to a statement of some of the reasons which induce me to regard it as an act of justice to make provision for those debtors of the Government who have been immediate sufferers by the fire—the first class designated in this bill. My convictions lead me to the conclusion that the most reasonable objection to the first section of the bill is, that it falls short of its proper object; and that it should have provided, not simply for an extension of the time of payment, but, under suitable regulations to prevent fraud, for the absolute remission of the duties upon all goods subject to duty which were destroyed by the fire. And, sir, if any argument applicable to this case is to be drawn from that clause of the Constitution which requires duties to be "uniform," I submit to the gentleman who has quoted it, [Mr. PICKENS,] whether it is not virtually a palpable disregard of uniformity to require of the importer whose goods perished in the fire on the day of their landing, or on the day preceding that on which (the outward entry, perhaps, having been lodged at the custom-house) they were to have been exported, or on any intermediate day, so long as they remained in his hands undisposed of for consumption or export, the same duty which has been paid by another importer who has received the duty from the consumer, and has thereby been enabled to act as the law intended he should act, merely as the agent of the Government in collecting the duty which is thus actually paid by the consumer? Upon a proper construction of the clause, however, I do not consider it as furnishing any argument applicable to this case; and I suppose it only designed to prescribe that the general revenue laws shall operate equally and alike throughout the country, without restraining the power of Congress to make suitable provision for extraordinary cases arising under those laws, as necessity, justice, or the public interests may require. I will barely submit, in this connection, that to insure the most salutary effect to this and every part of the Constitution relating to the collection of revenue from imports and to the regulation of commerce incident thereto, there is no legal provision so practicable, so simple, and certain in its operation, and so well adapted to exclude cases of special legislation, as a warehousing system.

It is my deliberate opinion, for the reasons which I have stated, that the importers of "dutiable" goods destroyed by fire, and upon which the bonds are in the course of collection, may justly claim a remission of duties. If the bonds have been collected, or if the duties were paid in cash, I hold, for the same reasons, that the amount of duty in such cases should be refunded. But, at this point, the gentleman from Pennsylvania [Mr. CHAMBERS] encounters a difficulty which, it appears to me, may be easily removed. Confining himself to the case of bonds which have been paid, he says that, as soon as they are paid, the relation of creditor and debtor ceases; and that thereupon the claim of the importer upon the Government expires. Allow me to suggest to him that, though the bond has been paid, if good cause shall subsequently appear why it should not have been paid, or if it can be shown that the consideration for which the bond was given has not been and could not be realized, or if, where the duty was paid in cash at the time of entry, the exportation of the goods has entitled the importer to drawback—in all these cases, the fact of payment has not settled the account; and that it may be the relation of creditor and debtor, instead of having ceased, has, in effect, been reversed; the Government having become the debtor for the amount paid, and the importer, as a creditor, being entitled to reclaim it. The English law, in the cases to which I have referred, authorizes the commissioners of customs to "remit or return" the duties "payable or paid;" and the gentleman in justice must acknowledge that, when he can agree that the duty cannot equitably be claimed by the Government, he should be equally ready to refund the money if it has been paid, or to give up the bond if it has been secured. He surely will not attempt to screen the Government from the obligation to do equal justice to two claimants, similarly situated in respect to the merit of their claims, merely because one claimant had been obliged, or had chosen to advance the amount which he claims in cash, and the other had been suffered to substitute his bond; or between two claimants similarly situated in all respects, except that both having given their bonds, the bond of one should happen to fall due the day before, and that of the other the day after the occurrence of an event which, it is admitted, annuls the consideration for which both bonds were given.

Instead of providing for the remission of duties on goods destroyed by fire, and for refunding the money in such cases when the duties have been paid, the bill simply provides (with the single exception of the first proviso in the first section) for an extension of credit to the importers, to allow them time to recover from the necessary embarrassment of their present situation, and to afford them some advantage in the saving of interest upon the amount of their bonds. The gentleman from Vermont, [Mr. EVERETT,] regarding this extension in the nature of a loan, would charge them with the full rate of interest. Had these debtors actually received the principal of their debts from the Government, the charge of interest might not be deemed unreasonable, were it not that their unprecedented misfortunes entitle them to the most liberal indulgence usually, or ever, granted under extreme circumstances; but I submit to the gentleman that the principal of the debts, that is to say, the amount of the bonds, has not been received by the debtors when the goods, upon which the duties accrued, have been destroyed in their hands before they have been enabled to dispose of them. With this understanding of the case, I am sure he will agree with me, that if the Government is not bound in equity to release the debtors altogether, it will have been sufficiently rigorous in prosecuting its legal claims against them if it should allow a short season of delay before insisting upon payment. I have already suggested that, by the existing Treasury arrangements, if the bonds were promptly paid the Government would suffer the money to lie, without interest, in the deposit banks; and that, therefore, the Government cannot be a loser by allowing the proposed extension. The gentleman says that the arrangements with the deposit banks have not been made, and will not be continued, with his consent; and that he would not permit the use of the Government funds either to importers or banks without requiring interest. I agree with the gentleman in all his general views in respect to the management of the public money; but I presume he has as little faith as myself in the practicability of changing the present system; and that he cannot be disposed (yet such would be the virtual operation of his amendment) to restrict the demand of interest to such sufferers as this bill provides for.

It is undeniable, as has been suggested by the gentleman from Vermont and others, that the proposed extension of payments to the immediate sufferers will afford relief unequally, and in some instances in striking disproportion to the losses actually incurred. Any provision which comes short of remitting the duties upon all dutiable goods destroyed by the fire must operate unequally; and if this consideration should lead the committee to determine that it is more equal, as well as more strict justice—in other words, that it is the only mode of doing justice—to authorize such remission, I shall be entirely prepared to acquiesce in the decision. Still I cannot abandon the bill in its present shape from an apprehension that its beneficial effects will not precisely correspond to its design in all the cases to which it may be applied. We can pass but few laws not liable to this objection; and, in respect to this bill, I content myself with the conviction that it will produce much general benefit, and can furnish but few causes of complaint. I would prefer as a substitute for the first section, the provision in favor of which I have argued; but the bill comes to us from the Senate; the committee who have it particularly in their charge do not propose to amend it; and I am willing, under such circumstances, to take it as I find it. I do so the less reluctantly, as we have had an intimation that the provision I desire may yet be proposed in a separate bill.

The second section of the bill proposes to relieve all the debtors of the Government in the city of New York by allowing an extension of the time of payment of "all bonds given prior to the fire." The section, in my view, is imperfect in not providing for a similar indulgence in regard to the payment of cash duties; but still, so far as it goes, I am disposed to advocate it upon the ground of public policy, and to regard the measure it proposes as at least an act or wise liberality. To judge of the expediency of this measure, all the peculiar circumstances of the case deserve to be considered.

The fire at New York has been justly represented as a most desolating calamity, unprecedented upon this continent, and with only one or two parallels in the history of the world. This is a just, but, for our purpose, too general a description. It becomes us to consider it in its necessary consequences as a commercial embarrassment, and by inquiring into the nature and extent of these consequences, to satisfy ourselves how far it has affected the debtors of the Government, who constitute a large portion of the merchants of the city of New York.

What is the city of New York, and who are its merchants? The city of New York is, far more distinctively than any other city, the commercial emporium of the United States. The advantages which it derives from its central position,

and from its unrivaled facilities of communication with every section of the country and every quarter of the globe, have made it the grand depot of imports and exports, the principal resort of merchants and traders, and a scene of unparalleled enterprise, industry, and improvement. To use an expression which can hardly be considered as far-fetched here, it is the seat of the commercial congress of the western hemisphere, in which every State of the Union and all foreign nations are more or less numerously represented by resident agents, and where negotiations are yearly effected of sufficient magnitude to constitute a leading item of the business of the world. I speak of the city of New York as a commercial emporium; and regarding it as such, who can behold its situation, or trace its rise, or contemplate its destiny, without emotions of admiration, astonishment, and pride? It is already called the London of America; and it has ceased to be extravagant to suppose that the time may come when this appellation will insufficiently represent, if not the number of its inhabitants, at least the extent of its commerce and the magnitude of its resources.

And who are the merchants of New York? They are, as I have said, resident agents from every foreign nation, and each State of the Union can number among them the choicest specimens of one of the best classes of its population. So intimately are they connected with every State, that perhaps there is scarcely a gentleman upon this floor who would not recognize among them some of his personal acquaintances, and constant or occasional correspondents, or, at least, many of whose constituents could not fail thus to recognize them. Known, therefore, as they are, personally, or by their general reputation, I must presume that the gentleman from Kentucky [Mr. HARDIN] does them unintentional injustice, when he alludes to them in terms which, if not conveying a direct reproach, are adapted to excite an unfounded prejudice. But, whatever may be his object, he cannot succeed in combating the public sentiment of the country. The merchants of New York have an established character for intelligence, enterprise, and probity which, while it has been the brightest ornament of their prosperity, will prove to them the guarantee of universal sympathy and confidence in the season of their adversity. They occupy the front rank of the merchants of the country; and throughout the country, they are respected, honored, and will be sustained as eminent contributors to the national welfare, as indispensable agents in the accumulation and diffusion of the national wealth, and as worthy representatives of the national character, in the wide extent of their commercial relations.

The merchants of New York are and always have been the principal debtors of the Government, or its principal agents in the collection of its revenue. At the custom-house in that city, and from the hands of its merchants, there have already been collected between two and three hundred millions of dollars for the use of the country; more than one half of the imposts regularly accrues there; and upon the ability and integrity of the merchants of New York, therefore, the Government must mainly depend for its available resources. The facts which are upon the records of the Treasury Department attest that, while the Government has been always a strict, and sometimes an inexorable creditor, it has sustained only the most inconsiderable loss from the insolvency or fraud of its debtors in New York. Hitherto, they have rarely as individuals, and never collectively, urged claims to its indulgence, but have promptly and scrupulously fulfilled their engagements; occasionally, too, during periods of serious embarrassment. Even now, when overwhelmed with distress, they adhere strictly to their obligations, and not a bond, except by the voluntary permission of the collector, remains unpaid. Since the fire, the collector, in the use of a sound discretion, although in the exercise of an authority not strictly conferred by law, has permitted bonds to lie over, conformably to a suggestion of the Secretary of the Treasury, that some seasonable measure of relief might be expected from Congress. The present bill is designed to satisfy that expectation.

Having said thus much in justice to the city of New York, to the character of its merchants, and to their relations to the Government, I will ask the attention of the committee to some of the circumstances of the case which have determined my own judgment in regard to the expediency of the provision contained in the second section.

The fire laid waste a section of the city occupied by the merchants as a place of business. When I visited the scene a few days after the sad event, I beheld an area of fifty acres covered with smoking ruins, and strewed with fragments of damaged goods partially rescued from the flames. I perceived at once that the immense mass of buildings which had been thus laid prostrate consisted almost entirely of warehouses, the occupants of which I recollected to have been chiefly importing merchants, commission houses, or grocers, such as were always the holders of heavy stocks of goods, the aggregate value of which must have usually exceeded the largest estimate of the loss which is supposed to have been sustained. I was told that the work of destruction had been so rapid, that, in addition to the loss of buildings and goods, many of the merchants had not been able to save their books, notes, and papers. Now, Mr. Chairman, viewing this fire as a commercial embarrassment, I wish to remark that no ordinary estimate of the value of buildings and goods destroyed can convey a sufficient idea of the actual suffering which has been produced, nor even of the positive pecuniary loss which has been, and is yet to be, sustained. These sufferers are almost exclusively merchants, who were holding a large amount of property, enjoying an extensive credit, and engaged in profitable business. In consequence of this fire, not only is their property destroyed, but, to a greater or less extent, their credit must be impaired; and their business, for a time at least, is stopped. All their previous engagements, nevertheless, remained to be fulfilled. The fire, while it has destroyed their property, has left the debts which they owe untouched. While it has burnt their books, it has not finally balanced them. Their notes and bonds will still be produced against them, although they have lost the record of their amount. They had used every precaution to guard against such a calamity. Their buildings were properly secured: some supposed to be fire proof. Whatever was the origin of the fire, none of them, at most with but one exception, are chargeable with carelessness; and they had insured their property for its full value. But the insurers were not insured! It is an incident of this case, which distinguishes it above all others in the aggravation of misfortune, that the first names inscribed upon the list of bankruptcies, attributable to the fire, were those of one half of the fire insurance companies, who, perhaps, will not be able to pay, upon an average, fifty per cent. of the demands against them; and may be compelled, by the state of their affairs, to postpone the payment of this meager dividend to a period too late to afford seasonable relief.

Without going into further details, Mr. Chairman, I leave you to judge, from this strictly accurate description, of the actual condition of the merchants who were immediate sufferers by the fire. Estimate, if you can, the necessary effect of these combined causes of suffering, destruction of property, diminution of credit, suspension of business, overhanging debts, failure of insurance —follow them out in their remote consequences and contingent results, and tell me what sum of money will sufficiently denote the real extent of the deplorable calamity? Set down the loss of buildings and goods at $25,000,000, and consider this as only the first item in the account. Estimate the value of the credit which such a capital in the hands of merchants in active business would usually command, and make that the second item. Calculate the accruing profits of the business in which all these merchants were engaged, and also determine what the privilege is worth to so many merchants of being well established in business: let this be the third item. Conjecture (for it can only be conjectural) the amount of the sacrifices of property which the pressure of debts, under such circumstances, and the suspension of demands against insurers, must occasion; and stop here: what is the aggregate? Could the figures be cast and the sum stated, I think it would be sufficient to convince the most incredulous that the immediate sufferers are entitled, at least, to the scanty indulgence which the first section of the bill provides for them. I think it would also be a convincing and an alarming proof that such an overwhelming calamity cannot be confined to the immediate sufferers, but must, in its consequences, extend far beyond them. I think it would satisfy the gentleman from Kentucky that such an amount of loss *may* have given "a shock" to the business and credit of the whole city; and I am sure it must compel him, if he will undertake to estimate it, to carry his conceptions far beyond his ordinary standard of magnitude in money matters, and quite as much beyond the range of his previous acquaintance with the nature and extent of commercial transactions.

When the ravages of the fire had ceased, and the inhabitants began to recover from the bewildering sensations of terror and alarm, which at the instant overcame them, how did they regard their general situation? They saw, as they were collected on the spot, that, though only a section of the city had been destroyed, the whole community was doomed to suffer by the calamity; that though the wound was local, the stroke of the destroyer had been aimed at the heart; that though it was an easy matter to complete the list of immediate sufferers, it was difficult to know where to begin or where to end in enumerating the many and many others who could not escape uninjured. The merchants, more especially, instantly perceived that not one of their number was a disinterested spectator of such a scene of ruin; but that, connected as they were by mutual interests, and bound together by reciprocal obligations, the consequences which would result from such a destruction of property, and a corresponding prostration of credit, and consequent suspension of business, must affect them all. The dense cloud of smoke ascending from the spot to which the fire was confined, had overshadowed the whole city, intercepting for a time the bright beams of the returning sun; and these merchants felt that a heavier cloud of distrust and embarrassment, produced by the misfortunes of the immediate sufferers, was fast gathering over them all, threatening to blast the gilded prospect of the near future, and the precursor of events which might involve them all in temporary distress. They felt at once that it was their common duty to prepare for the worst. The impulse of sympathy with their neighbors was blended with the instinct of self-preservation. In the manifestation of mutual confidence, in the readiness of each to sustain every other, in that spirit of accommodation to circumstances which belongs to the mercantile character, they proceeded to provide for the emergency. To guard against the unavoidable scarcity of money, and the consequent difficulty of meeting such of their debts as were approaching maturity, they appealed to the banks to coöperate in all practicable measures of relief, and they imparted the force of public opinion to the obligation of creditors to grant indulgence to their debtors by the extension of payments. They called upon the Bank of the United States to apply all the means within its disposal for their accommodation; they called upon the city government to create stock which might be made available capital; they invoked the State government for its prompt and liberal interposition in various acts of legislation, and they appealed to the General Government to assume its just share of loss, to postpone the collection of its superfluous revenue, and to give such a direction to its finances, that they might be rendered more contributory to their immediate benefit.

I am convinced, Mr. Chairman, that none who have made due inquiry into all the circumstances of their situation can suppose that the merchants of New York have acted with a greater degree of foresight or vigor than the occasion required. Fortunately for them, the fire occurred at the season of the year which affords almost their only

respite from the pressure of business, and they were enabled to avail themselves of a brief leisure to concert and attempt to execute their plans. The efforts which they have made are memorable proofs of manly fortitude and dauntless perseverance, which deserve, if they should not achieve, success. They illustrate a public character which is entitled to universal admiration. They indicate a determined purpose which, if anything can, will sustain them, in their most unequal struggle with adversity, and enable them to start forward with redoubled energy upon a prosperous career.

The crisis of their fate is still impending. The extent of the calamity is not yet developed in its results, and a period is approaching which must put to the severest test their ability to support themselves. Independently of their own faultful sources of embarrassment, the signs of the times indicate a fearful tendency of events to aggravate and multiply the dangers of their situation. What is the state of things in the country at large?—Greatly brightened, I delight to acknowledge, by the cheering intelligence which we have this day received, but still sufficiently perplexed to deserve anxious consideration. A year of unexampled prosperity has closed, and another year has commenced, of which they who survive its termination may be obliged to render a different account. A year has commenced fraught with results which must leave a durable impression upon the political and financial condition of the country. Never were men of business more unprepared for sudden reverses and severe pressure, and yet never, perhaps, has there been more signal occasion to apprehend both. The over-trading of the past year, the rage for wild speculation, the abused spirit of enterprise, have led, as it would seem, to almost every conceivable misapplication of capital, in whatever form it exists, and to an extension of the system of credit to so dangerous an extreme that it is difficult to imagine any mode of rescue from the evils which it must produce.

The present state of the money market affords some indication of what may yet be expected; and let any member who has the means of forming a correct judgment, turn his attention to the general situation, at the present moment, of men of business, and of the many who, in the use of the most unheard of expedients, and under the impulse of the maddest passion for adventure, have forced their projects and extended their transactions so vastly beyond the views and purposes of men of business, properly so called; let him endeavor to form some idea of the unprecedented financial demands of the coming year, of the engagements to be met, the contracts to be fulfilled, the notes and bonds to be paid; let him consider the strained condition of the State banks, and the necessary effects of the approaching dissolution of the Bank of the United States, unless, indeed, they are to be obviated by a modified resuscitation of that important institution; let him anticipate the various vicissitudes which usually precede and follow a diminution of the value of the leading staples of the country, and a general depreciation of real and personal property; let him notice the consequences already experienced at New Orleans, of a suspension of the trade with Mexico; let him bear in mind the contingencies to which all branches of our foreign trade are constantly liable; and then let him judge of the influence—the combined influence as it may prove—of all these causes of commercial embarrassment upon the straightened condition of the merchants of New York. Let him then decide whether the circumstances are not, or may not be, such as to justify this Government in extending to its debtors, and all its debtors, in that distressed city, the same measure of indulgence which, amongst themselves no creditor is sufficiently regardless of his honor or his interest deliberately to refuse. Let him decide whether, when all other applications for assistance have been freely granted, their resort to the General Government shall be coldly, and sternly, and harshly repulsed. Let him consider whether, when the stroke which has fallen so heavily upon that city is universally regarded as a national calamity, and when all that can be done for her relief must be alike regarded as a national benefit, we will assume the responsibility of deciding that this Government may safely, and wisely, and honorably, postpone the claims of its debtors, and refuse to listen to the united and urgent appeals of so many of its citizens.

I have already noticed some of the objections that have been urged against this bill; there are others which may be supposed to deserve consideration. The gentleman from Kentucky, [Mr. HARDIN,] with his characteristic promptness, commenced an attack upon the bill before, as it proved, he had become acquainted with its provisions; and in the use of his accustomed weapons of sarcasm and invective, endeavored to array against it the untimely influence of sectional and political prejudice. In glancing at his objections, let me respectfully suggest to him that, if it be the misfortune of these debtors, it surely is not their fault that the city in which they reside has become the principal depository of the public revenue, and that the Government does not make the most profitable use of its funds which are there collected. If it be their misfortune, it surely is not their fault that the State of which they are citizens possesses, under the Constitution, a vast share of political influence, and that this influence, here and elsewhere, has been, and is likely to be, applied to purposes which that gentleman does not approve. Upon this occasion he ought to remember that the claim presented for his consideration is one totally disconnected with political or sectional considerations—the simple, naked, and, as I had hoped all would regard it, indisputable, irresistible claim of the sufferers, by an unprecedented calamity, who claim no other service at his hands but such as is due to the circumstances to which this calamity has reduced them. He ought to remember that, if so large a proportion of the revenue is, and must continue to be, collected and deposited in the city of New York, it is of great importance to the interests of the Government to prevent the occurrence of general embarrassment and distress, one consequence of which will be to endanger the security of the present deposits, and greatly to enhance the risk of bad debts in respect to the bonds which remain unpaid. He ought to remember that upon the prosperity of New York the accruing resources of the Government are immediately dependent; and that whatever the Government may now do for the temporary accommodation of the merchants of that city will be more than repaid to the national Treasury by the future results of their persevering and successful enterprise.

The gentleman also owes it to himself, to his constituents, and to the country, not to forget that all sectional interests are merged in the welfare of the great commercial metropolis of the Union. He should not forget that such are the indissoluble relations of New York to all parts of the country, that they must share in its prosperity and misfortune. He should not forget that, directly or indirectly, the planters, manufacturers, and traders, of Kentucky have always something at stake in New York; and that he fails to consult their interest, and must be presumed to oppose their wishes, when, in a time of the greatest need, he refuses to extend the helping hand of the Government for the relief of those with whom, by all the ties of mutual dependence, his constituents, and the people of the whole country, are thus intimately connected. I am sure, sir, that I do not give to this consideration an undue importance. I am sure that neither the gentleman from Kentucky, nor any other gentleman who will allow himself to exercise the practical judgment upon this view of the subject, will disagree to the conclusion that the business of New York is in effect the business of the whole country; and that a sudden interruption and extensive derangement of the business of that city will prove a check to the prosperity of the whole country.

The gentleman from Rhode Island [Mr. PEARCE] has tasked his ingenuity to produce popular objections to the object of this bill, and has, perhaps, been more successful than the gentleman from Kentucky in exciting the prejudices of some members against it. He has proved, I think, that the title of the bill is not sufficiently definite, but has erred in supposing that the object which he considers to be implied in the title is, or ought to be, recognized in our legislation. The provisions of the bill are designed to extend the indulgence of the Government to those who are its debtors in the city of New York, and exclusively to such as are its debtors. It proposes to afford them the same indulgence which other creditors, under similar circumstances, which other creditors in New York at this moment, have extended to their debtors. If it were proposed, if it were expedient, to attempt to relieve all sufferers by the fire, without reference to the peculiar relation which some of them sustain to the Government, the gentleman would do right to vindicate the claims of such as are not now provided for; and if the bill were designed to be merely an act of charity, he might properly argue that the merchants of New York are the last who should receive, as he must well know they are the last who would accept, the bounty of the Government. But when the gentleman perceives that the single object of the bill (which I agree ought to be expressed in its title) is to make an equitable provision for the debtors of the Government *as such*, he can hardly consider it a justifiable mode of defeating this object, to attempt to asperse not their character, but their occupation, and to inveigh not at all against the equity of their claims in reference to the grounds upon which alone the claims are urged, but in a strain—I will not say of vulgar abuse—but of unmerited censure, against the necessary incidents of the rank in society to which the circumstances of these debtors have entitled them. I have no doubt that the recent fire has furnished many cases of such as are not debtors of the Government, whose claims to sympathy and relief are quite as strong as the gentleman represents them; and I hope and believe that those claims will be cheerfully recognized by all to whom they can be properly addressed. It may be fortunate for such sufferers that the Government is not one of the creditors to whom they must now appeal for indulgence, but that they have only to resort to their neighbors, the merchants, for the ready acquisition of the facilities they need. Yes, sir, to the abused and denounced merchants, upon whom the tradesmen and mechanics, so warmly and deservedly eulogized by the gentleman, are immediately dependent for credit and employment, and in whose stability (to which the proposed relief may prove essential) the only hopes of these tradesmen and mechanics are directly and deeply involved.

Let me advise the gentleman, then, to consider whether he can do a greater injury to the very class of whose interests he aspires to be regarded as the especial advocate, than by acting himself, and endeavoring to persuade the committee to act, upon the supposition that their interests can be otherwise than injuriously affected by whatever is calculated to excite distrust, and to produce ill-will, and to direct the force of the most illiberal prejudice against their only patrons and their best friends. Let him consider, further, whether, at this critical moment, when the working classes of New York have their all at stake upon the ability of the merchants to recover from the disaster which threatens to overwhelm them, he will not prove himself the true friend of the working classes by advocating, upon this occasion, in reference to their proper object, the claims of the merchants.

The gentleman from Rhode Island makes it another cause of complaint against the bill, that it not only provides for the relief of those who are almost exclusively merchants, but that some of them also do not happen to be American citizens. My answer to this objection is, very briefly, that they are, nevertheless, debtors of the Government, and, as such, entitled to share, without discrimination, in whatever policy the Government may see fit to adopt towards its debtors. It is the honorable characteristic of our commercial system, that it offers every facility for the introduction of foreign capital; that it invites to our ports the ships and the merchants of all nations—who do not refuse to reciprocate the privilege—and that in the distribution of burdens and benefits it makes no distinction whatever between citizens and foreigners. New York has

been built up by the aid of foreign capital and enterprise; the revenue which has been there collected has been always contributed, in a considerable measure, by foreigners or their agents; and since, as the gentleman represents, the recent calamity has fallen so heavily upon the French and other foreign houses established in the city, the statement of that fact affords a sufficient reason for extending to them whatever benefit they may gain, as debtors of the Government, from the general operation of the bill.

The gentleman from Rhode Island has made an elaborate investigation of precedents, and has shown very conclusively that they do not exhibit a uniform practice of the Government; but that, deciding every case upon its own merits, and with more or less consideration, Congress has sometimes granted, and sometimes refused, applications somewhat similar to this. From the number of such precedents, and from the fact that previous decisions have been thus contradictory, I can readily infer that there is an inherent defect in the existing laws, which, as I believe, and have stated, can only be remedied by the introduction of the warehousing system, under which such cases could not occur; but as the precedents do not establish a general rule, and as the present case is marked by circumstances in many respects unprecedented, I do not see anything that should deter us from the exercise of an independent judgment in deciding it.

The gentleman from Rhode Island grounds another objection upon the fact that the relief afforded by this bill is so inconsiderable that it cannot be desirable. It is, indeed, fortunate for the merchants and for the Government, that the fire did not occur a few years sooner, when almost all imported goods were subject to duty, and, in many instances, a very heavy duty, and when, of course, the average amount of bonds remaining unpaid must have vastly exceeded the sum which is now payable. If the amount of duties upon goods destroyed by the fire, instead of being, as it is, less than a million of dollars, had not been less than five millions, and if the amount of duties upon other goods, payable at the moment, instead of being between three and four millions, had not been less than fifteen or twenty millions, I agree that the magnitude of the claims of the public debtors would heve been such that the Government must have yielded to the necessity, the uncontrollable necessity, of the most liberal and extraordinary measures of relief. Still the duty of the Government is not to be strictly measured by the magnitude of the claims; and if it were, I can deduce no other conclusion from the gentleman's premises than that, under the existing circumstances of this case, we ought to do far more than the bill proposes—a conclusion, to say the least, manifestly incompatible with the gentleman's avowed determination to do nothing.

The relief afforded by the bill, I am free to admit, does not correspond to the exigency of the case. I hope that still more may be done, especially that another bill for the remission of duties upon goods burnt may be reported and passed, and that the Secretary of the Treasury may give such a direction to the public funds, already collected and constantly accruing at New York, as to make them available for the greater accommodation of the mercantile community, from whom these funds have been derived. An enlightened policy seems to me to justify and require such an administration of the finances at the present moment, and its results, I am well persuaded, must be extensively and permanently beneficial. I say, then, let all this be done; and let this bill be passed, in the first instance, as a measure of simple justice and manifest expediency, and as an earnest of the disposition of Congress to sanction the other measures which should succeed it. Let this bill, at least, be judged and decided upon its own merit; and, if there remains no other objection to it than that it does not afford sufficient relief, let that objection be removed, as has been just suggested, by further legislation, and by the arrangements of the Treasury Department.

The gentleman from Rhode Island does not exaggerate the influence and importance of the city of New York. That city sustains a relation to the Government and the country which gives her a right at all times to claim from both the most favorable consideration. At the present moment her call upon the Government, specially warranted by the circumstances of her situation, is enforced by numerous and simultaneous demonstrations of the approbation of the country.

It is not the call of New York alone. PHILADELPHIA has seconded the call with a spirit worthy of the name she bears. BALTIMORE has instructed her Representatives to sustain her honor by supporting any practicable measures of relief. BOSTON, speaking for Massachusetts, has invoked the members from that State to a like generous coöperation. The memorial of NEW ORLEANS is the spontaneous and emphatic utterance of the voice of the West. It is not the call of New York alone, but everywhere, along the coast and throughout the interior, wherever there has been an expression of public sympathy, it is coupled with an earnest appeal to Congress. Let us answer the appeal by an act that shall be worthy of the constituted guardians of the national interests and the national honor.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF HON. R. H. GOLDSBOROUGH, OF MARYLAND,

IN THE SENATE, *March* 3, 1836.

The question of the Abolition of Slavery in the District of Columbia being before the Senate,

Mr. GOLDSBOROUGH said:

Mr. PRESIDENT: It was my wish to have declined saying anything upon the petitions on your table, but the deep interest involved in them forbids that course. The people of Maryland and the people of ten other States in this Union have a great common stake at risk—not of property alone, but of tranquillity, of peace, and of security. Under such circumstances I should have been remiss in being silent, and I should have felt self-reproach in not adding my efforts to those of others to arrest the general misfortune.

It has been charged upon some Senators here from the South, that they have exhibited a most excited feeling on this occasion, and that they have yielded to it. Sir, I am not surprised at this feeling—it is no dissembled excitement. If they who make the criticism could only translate themselves into the position which those gentlemen hold, and feel, with them, and all around them, the stake and risk which they have depending on the issue, they would not, they could not, feel less; and if they could extend their views to the various and vast communities from which those gentlemen come, they would witness a thrilling state of anxiety that no tongue can describe. At this moment, and from the early part of this session, the whole slaveholding country is and has been moved by a most intense anxiety—it is an anxiety that looks to a destiny to be produced by your decision; and whether that decision is to leave them in the peaceful enjoyment of domestic security and comfort, or to involve them wrongfully in all the horrors of an awful calamity, is the suspense which gives rise to that solicitude. Sir, there is not a mail or a messenger arriving at this day within their borders—not a door opened in their domiciles, but the ready interrogatories are propounded, what is the news from Washington? Is the question of abolition settled—and how? A country, and the representatives of a country, agitated by such causes, cannot be expected to present an appearance or tone of much calmness or apathetic contentedness. Abolition in the District of Columbia would be a greater evil—far greater—than any protracted foreign war that could be waged with any nation or country. In the latter case we could trust, and well trust, to the united resources of the whole country—mind, sinew, wealth; but in the former there would be no peace, no hope, but a recourse to a state of things at which the mind revolts, and which would rob both peace and hope of every charm.

The proposition immediately before the Senate regards the mode of disposal that you are to adopt as to this and other petitions of a like nature, which pray for the abolition of slavery in the District of Columbia. The source from which this proposition springs [Mr. CALHOUN] always commands my respect; and if I differ with him on this occasion, my dissent is founded upon the opinion that the course suggested, under all circumstances, is not the best course. My object is to keep the question of abolition insulated and unmixed with every other subject. I desire to place it in no situation that it can gain any extraneous aid; my wish is, that it should neither impart nor receive force or strength to or from anything else. When we see Senators on this floor entertaining and animatedly defending their opinions, that "*not to receive these petitions*" would not only be unconstitutional, but would be a violation of the birthright privilege of every freeman—the right of petition—how many may we justly suppose there are out of the doors of this Capitol who entertain like opinions? And if an impression gets abroad, right or wrong, that this Senate has disposed of these petitions in a way or by means in which they have disregarded the guarantees of the Constitution, and robbed the people of a privilege that has been the characteristic of freemen in all ages, can we conceive of anything more calculated to produce a state of mind and feeling abroad that would add sympathy and numbers to the abolition cause? Could anything be done here that would enable the friends of abolition to impress a belief generally that the right of petition had been contumaciously denied the people? It matters not whether that impression is attempted to be made either from misapprehension or misconstruction—the effect would be the same. New efforts would be made with redoubled ardor by quadrupled numbers, when the petitioners would give strength to their cause by uniting it with a vindication of their supposed violated rights. Yes, sir; and the same presses that are now teeming with every species of publication so deleterious to our peace, to aid the cause of abolition, would, in that case, spread as far and as widely abroad, through their thousands of agents, denunciations against Congress for trampling down the great safeguard of popular freedom—the right of petition.

In the few remarks which I made some weeks ago, when this subject was before us in a more transient form, I then indicated the course that I should prefer; and that was a calm and more silent one. My judgment directed me to think that the better course would have been to have received the petitions, and to have laid them upon the table, until some proposition could have been either formally or informally suggested and prepared, in form of resolution or otherwise, under which we could have disposed of them, assigning a reason for so doing; or, if preferred by others, that the petitions should have gone to a committee, and that they should have made a brief report of the grounds of rejecting the prayer of the petitioners; for I am happy in the belief that there is not a Senator on this floor who is not opposed to the object of the petitioners. And I would have done this, sir, under a hope, and with the design of rationally influencing a large portion of the signers to these petitions, however enthusiastic the other portion of them may be, as I am persuaded they are rational, though mistaken and misguided men; and such men I would wish to propitiate by truth and reason. My design would have gone further, too; I wished to have waylaid the ear and the understanding of the rest of the world, who were not influenced by the spirit of propagating this destroying system into the midst of the slaveholding country, and I would have appealed to their unpledged judgments, to their sense of philanthropy for us, to have erected them as a mound to prevent the further rise of the troubled waters that threaten to overwhelm us. On this, and on all trying occasions, we must appeal to public opinion; it is the great arbiter at last; it is the only sovereign acknowledged in our land; we cannot resist its power, if we would. It is true that this monarch is sometimes maddened with the fervor of the moment, and it becomes our duty to compose it; if it is subject to delusion, we hope, as we believe, that it is capable of being recalled to reason.

One of the most productive sources of the evil against which we are contending, and the chief impediment to successful resistance, is, I am persuaded, to be found in the misapprehensions which are entertained both by the slaveholding and non-slaveholding States in relation to the real state of things existing in each. Under the exciting circumstances in which the people in the slaveholding States are placed, it is not to be wondered at that they should regard every man who signs one of these petitions as an enthusiast, or a foe to their peace. Yet surely, in life, many of these men are considered and known to be of good intelligence and inoffensive habits. So, on the other hand, there are very many in the non-slaveholding States who, untaught by any practical views of their own as to the real state and condition of things generally existing in the slaveholding States, have indulged themselves, abstractly in reflections on slavery, and have thrown around it all the glooms and horrors that heated imaginations could depict, or the fancies of others could furnish; and thus they find themselves led on to a crusade to do that to which a wounded sensibility prompts, without the power or the thought to calculate the greater miseries that must result from their interference. In no instance—and I have known many—where an intelligent man from the North has come to the South, without any other impressions of negro slavery than those formed in his own fancy at a distance, have I ever known him to be otherwise than completely astonished and gratified at the real condition of things. Instead of meeting with his supposed squalid, trembling, ill-treated set of beings, he finds a cheerful, well-conditioned, laboring people, with a body of lively and kindly-treated domestic servants; in fact, instead of abject and tyrannically-abused slaves, he finds a happy, well-trained peasantry, who divide with their masters a good portion of the products of their labor, and who, unlike other peasantry, are not left to chances and accident for their support, but, through all accident and chance, are sustained and protected by the means, the care, and the favor of their masters. In this state of things I desire to address myself particularly to the honorable Senators upon this floor from the non-slaveholding States, and, through them, to the people themselves, if what I say here shall be deemed worthy to reach their ear on this all-absorbing question; and I need not declare how much I crave their pardon and their favor for this direct appeal.

Upon the constitutional question involved in this subject it is not my purpose particularly to dwell; but I may occasionally advert to it in my progress; since the views I entertain on that point have been so ably enforced and finely illustrated by others, as to render anything more unnecessary and superfluous; besides, that part of the question does not, at this time, enter into my views; I mean to appeal to another powerful director in matters of this sort—the social tie as cemented between us by mutual interests, sound common sense, and love of justice; and with this intent I will refer to the origin and character of the government over this little District of Columbia, whose agency is invoked by the petitioners to establish a system that would, if adopted, inevitably spread disquiet and destruction in the proximate neighborhoods, and through them into the whole South.

It is a part of the history of this Federal Government of ours, that is familiar to all who hear me, that the clause in the Constitution which establishes the seat of the General Government in this District of Columbia, ten miles square, was not contained in the original draft of that instrument, but was inserted afterwards upon the suggestion of the expediency of the matter, founded upon a fact which had taken place in Philadelphia towards the latter end of the revolutionary war, when the old Congress was insulted, and their deliberations threatened to be overawed by a turbulent mob; and the police of Philadelphia at that time being either too weak or too timid to afford them the necessary protection, Congress found it necessary to remove to Trenton, in New Jersey, and afterwards to Annapolis, in Maryland, for security from disturbance. This goes to show that the exclusive object of extending this Government over the District of Columbia was for the single purpose of enabling Congress to protect its members from insult, and to guard their deliberations upon the national concerns from interruption and all overawing influence, and for no other purpose.

The site for this District was selected by the great founder of the Republic, embracing a portion of country on either bank of the Potomac, within those portions of the States of Virginia and Maryland that were then among the most slaveholding parts of those two slaveholding States, and which have since undergone no material change. The cession was made by those States, and agreed to by the persons holding the territory ceded, no doubt from motives of patriotism and pride, as well as from the hopes of various future advantages. Bringing with them their own laws as a part of the compact of cession, subject to such future changes as they might find useful for their local and other circumstances, and stipulating for the security of property, they looked to nothing else, they never had a thought of anything else, than that all changes that might be made by Congress would affect their domestic relations, their property, their habits, would alone proceed from their own suggestion, dictated by their own wants and their own judgment, in relation to their own exclusive concerns; they never dreamed that they were to be subject to a legislation dictated by others on whom the effect of that legislation was not to fall. Could it be presumed that the independent citizens of independent States would ever have consented to have exchanged a legislation over their personal rights and property, by representatives chosen by and responsible to themselves, for the exclusive legislation of a Congress, irresponsible to them, if subject to be directed by the petitions and wishes of others, who had neither a common residence nor a common interest with them? It could not have been expected. They never, never had an idea about external interference to introduce laws and systems to bind them and their property, foreign to their habits, conflicting with their established interests, and inconsistent with the happiness and comfort of which they felt themselves secure in the enjoyment; nor did the probability of such a thing ever occur to others.

Upon this plain view of the state of things, I turn to the intelligence of the North and of the West, and of the whole non-slaveholding country, and I put it to their generous social feeling, and I ask them, is it right, is it just, is it friendly in them, merely for the indulgence of a feeling upon the abstract question of slavery, to try to influence Congress, who have the exclusive legislation over this District, to force upon their fellow-citizens in this District a system of things uncongenial with their habits, inconsistent with their wishes and interests, and adverse to their views; which, at the same time, spreads alarm, excites dissatisfaction and hostile feeling through all the neighboring and similarly situated States? When they see that the people of the District, whom they desire immediately to affect, are averse to it; and when they see hundreds of thousands of their intelligent fellow-citizens, who must be inevitably mediately affected by it, thrown into consternation, and agitated to desperation at the very demonstration of their designs; what motive can they find in charity, in benevolence, or in any of all the Christian virtues, to justify a perseverance in a cause that is to be a hateful source of strife fed by blood? Let me entreat them to pause and to forbear. They have nothing to risk or to pledge on the result, whilst we risk everything. They desire to gratify a sentiment, whilst we have all at risk that is dear to the heart of man—our country, our wives, our children, friends and home, and, what would be insupportable in the loss of these, our lives; weigh these stakes and risks in the balance, and then let their calmed Christian spirit speak. I cannot doubt their intelligence; I will not distrust their generous moral sentiment, nor their pious benevolence.

Allow me to propound a case to their consideration, as we sometimes are enabled to bring things home to our understandings and our hearts more strongly by the illustration of a converse proposition. Suppose the site for the District in which the seat of Government was to have been placed, had been selected in Pennsylvania, or in some other neighboring non-slaveholding State; and, after Congress had been long established there, and the inhabitants of the District had become fixed in their habits, with everything adjusted to their own taste and wishes, and to those of the proximate and neighboring States, that the people of the South should have taken up the opinion that it would be much more agreeable to them, much more suitable to their habits and mode of life, if slavery could be introduced into that District, and that they were, in consequence of this sentiment, to send in petitions to Congress, year after year, from all quarters of the South, to establish slavery in that District, would the Senators and Representatives from the non-slaveholding States, or the people themselves in those States, give ear for a moment to such petitions? Certainly not. And why? Because their object would be to interfere with the established system of things already existing, with which those immediately to be affected, and those around them, were content, and which they preferred, and because it would produce a change that they deprecated, as unsuited to their views as it would be contrary to their wishes. Yet this is but the converse of the state of things that the petitioners desire to bring about, when, to gratify a sentiment that they have imbibed, in contemplating slavery at a distance, as it is supposed to exist among us, they endeavor to prevail upon Congress to force us against our will, and against our best judgment as to our own security and peace, to derange our whole social system by a revolution that we are morally certain will be pregnant with calamities that make the heart sicken to contemplate.

Peculiar opinions may be found to exist in various parts of our extended country, arising from education, habits, local position, or other causes, for which we may entertain a predilection founded in early impressions, and strengthened by association; and perhaps it might be quite natural that, under the influence of this devotion, we might feel a strong disposition to transplant such opinions elsewhere, where we might suppose they would become as useful and satisfactory to others as they are to ourselves. This design may be innocent in its conception, and perhaps benevolent; yet, before we attempt to press it upon others, we ought at least to consult their wishes, and to consider all the circumstances with which they are surrounded. Sentiments like these may probably have worked up a zealous sort of sense of duty to eradicate a system in the District of Columbia, and, through its influence there, in the adjoining southern States, that is regarded at a distance by those who have but little practical acquaintance with it, as an evil and a wrong; and looking upon Congress as the Legislature of the Union, to which all have access, for the purpose of making known their wishes, they think they may claim a right to give effect to their wishes through the course of proceeding in that body. But if the exercise of this supposed right, thus claimed, is destined, in the belief of all who are to be affected by it, to disturb the rights of property as sanctioned by law and long-established usage, to break up most inconveniently and injuriously an established state of things, and to spread abroad just causes for alarm and danger to personal peace and safety, can it be consistent with sound discretion, or with a benevolent fellow-feeling, or is it legal, to attempt a revolution that is calculated to produce such effects? Why is it that I am prohibited by law from exercising my full right of ownership and of absolute right over my property in a house which adjoins my neighbor's, by putting it out of the way, by burning it down, with a view to my improvements? The house is my own absolutely, but it is not suited to my taste, and is an impediment to the indulgence of what I think would greatly add to the embellishment and value of all around. Is not the answer ready and obvious? Because I must exercise my own rights

consistently with the rights of others. Thus we say to our fellow-citizens in the non-slvaveholding States, "Exercise your absolute and indefeasible right of petition so as not to impair or endanger our absolute rights and personal security."

I wish, sir, to continue my appeal to the people of the non-slaveholding States, by calling their attention to another historical record of high authority, to show what the sound intelligence of those States did in the early period of our political history through their representatives in Congress, at a time when they who petitioned were as earnest and as honest as any making similar petitions at this day can possibly be, and when there was more sedateness of purpose, and less of that active zeal and enthusiasm which mark the procedures of the present time. I refer, sir, to the proceedings of Congress in the year 1790, upon the various petitions from abolition societies in Pennsylvania, where they first originated, praying Congress to interfere, to produce a system of gradual emancipation of slaves. These petitions were received by Congress, and referred to a committee, in usual course, consisting of seven members, six of whom represented non-slaveholding States, and one represented a slaveholding State. Mr. Foster of New Hampshire, Mr. Gerry of Massachusetts, Mr. Huntington of Connecticut, Mr. Lawrence of New York, Mr. Sinnickson of New Jersey, Mr. Hartley of Pennsylvania, and Mr. Parker of Virginia. The report of this committee was discussed and deliberated on in a Committee of the Whole House, and after it had passed through the various forms of proceeding, it resulted in three distinct propositions expressing the power and want of power in Congress over the question of slavery, as declared by the Constitution of the Union. First, "that Congress could not, prior to the year 1808, prohibit the migration or importation of such persons as any of the States then existing should think proper to admit;" which was no more than an affirmation of what the Constitution itself declares. Secondly, that Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the States—it remaining with the several States alone to provide any regulations therein which humanity and true policy may require. Thirdly, that Congress have authority to restrain the citizens of the United States from carrying on the African trade, for the purpose of supplying foreigners with slaves, and of providing, by proper regulations, for the humane treatment, during the passage of slaves imported by the said citizens into the States admitting such importation.

This part of the recorded journal of congressional proceedings has been cited heretofore on this floor for somewhat different purposes; but I recall it to view for the express design of showing the true line of demarkation of the constitutional power of Congress over the question of slavery in this country, as declared and laid down by the non-slaveholding States themselves—a decision founded upon a full view of all the powers in the Constitution in relation to slavery, strengthened by the lapse of more than forty years, and fortified up to this time by tranquil acquiescence and unprecedented prosperity. It is true that Congress held its session at that time in the city of Philadelphia, and the question was more particularly applicable to the States; yet as this was the deliberate result of the view of the *whole powers of Congress over the question of slavery*, as vested in them by the Constitution, and as the appropriation of a district, not exceeding ten miles square, for the seat of the General Government is contained in that Constitution, with the powers of Congress over it, and the selection of the site had then been made in parts of two slaveholding States, it does not seem to be quite fair to contend that, after a decision upon so dispassionate and thorough a view of the whole ground, there was any particle of power omitted to be considered that had any existence under the Constitution. It is then with increased confidence that I appeal to the intelligence and love of justice in the non-slaveholding States, when I point out to them the metes and bounds, set by themselves, as to the interference of Congress with our institutions of slavery. Here are your own boundaries set by yourselves—here are your own lines of power run by yourselves. Do not disturb these ancient, these established holdings; but leave us, as we leave you, to regulate all those internal concerns which so deeply affect all that is desirable in life.

Whatever may be the views of the petitioners in this case, be they born of benevolence or what, I am persuaded they are little aware of the real practical effect that must ensue from the pursuit of this object—abolition. Instead of promoting the happiness of the bond and the welfare of their masters, they will insure the misery of both. If they would but be contented to forbear to intermeddle in this subject, and leave it to work its own way, the progress to that state of things which they profess to desire to bring about would become more accelerated and more sure. The sentiment which they want abruptly to force upon us has already a cherished existence amongst us all, and it has been gradually growing more and more effective as circumstances arise to permit it. Nothing so certainly checks its growth as this ill-judged interference. Yielding in sentiments of philanthropy to none, and desiring to extend its influence when we may, we must hush its voice upon the approach of danger, and bend all our thoughts and might to protection.* The propagation of the doctrines of abolition among the slaves of the South produces discontent, restlessness, and insubordination, that has been and must be put down by any restrictions or punishment necessary to the end. To prey upon and poison the minds of these people is but to cause their fetters to be riveted more closely, and hands them over to suffering or to death. If the danger is imminent, summary justice takes the place of established law, and an excited state of feeling pronounces the judgment that an excited state of feeling executes. Could the design be, which it cannot be, to light the torch of servile discord, and to drench the land in blood, these mistaken and misguided benevolent efforts would lead, if persisted in, unerringly to that result. How mistaken is this zeal; how ill-adapted to its professed end! If they who are leading on to such things could only witness the return of these southern gentlemen with their families to their homes, and see their meeting with their slaves, as they call them, and as they really are, they would not only be astonished, after all they have heard or thought, but I believe sincerely they would desist. Instead of the "crouching creatures in the forms of men," coming with doubting fear into the presence of a tyrant, as the scene is ever falsely represented, they would see the gladdened countenances of *a well-taken-care-of people*, hastening with joy to greet their friends' return; and the rustic laborers from the field, when they come in from their employments, are no less anxious to bid the hearty welcome; then ensue the inquiries for health and cares, and all is satisfaction and joy around. Sir, I present no fancied picture. I give the scenes that are prevalent and usual.

My object is to place things in the true point of view, to prevent these scenes from being changed into scenes of sadness and horror.

It ought to be known, but it is not known, that there is no portion of the inhabitants of this country who has been more benefited—whose condition has been more ameliorated by the independence of this country, established by the war of the Revolution, than the slave population. Anterior to that time, and for a short period after, the system of negro slavery in the Colonies and in the new States was pretty much the same as in the British West Indies—not a great deal better. But no sooner had our dependence upon, and close connection with, the mother country become severed, and the new system of things had time to diffuse abroad its beneficent influences, than we saw their effects in the happy amelioration of every class in life. It is a law in social life, that the condition of dependents will always keep pace with the liberalized views and sentiments of their superiors, produced by mental culture and refined association; and in no instance has it been more happily illustrated than in our negro population. In no part of the whole slaveholding country can we find any exception, unless, possibly, in Louisiana.

Mr. PORTER asked the Senator from Maryland to yield the floor for a moment; which request being complied with, Mr. P. said he had interrupted the Senator for the purpose of correcting an error into which he had fallen in regard to the treatment of the slave population in Louisiana. He assured the honorable Senator that the treatment of the slaves there would compare advantageously with any portion of the Union. If the honorable Senator would only visit that section, he would be as convinced of his mistake as he is satisfied that the people of the North would be of their misconceptions, if they would go into Maryland.

Mr. GOLDSBOROUGH proceeded: I should not, probably, have made the disparagement so great as the honorable Senator [Mr. PORTER] might have been led to believe. I only designed to say, that as Louisiana had much more recently emerged from the colonial state than most of the other parts of our slaveholding country, it was to be expected that she retained more of the old colonial usages than the elder sister States, who had been longer freed from the thraldom of colonial subserviency. However, sir, I rejoice to be corrected by the honorable Senator, and thank him for the correction; and I shall endeavor to use it to good account by offering it as another evidence to show how easily men are led into error who trust to their theories in relation to the state and condition of things at a distance from them.

Yes, sir, the American Revolution has produced no happier change in the state of any of our people than in the negro population; the general sentiment and treatment in regard to them, has undergone a great revolution, and they have been progressively advancing to an improved condition. That spirit, engendered by the character of our Government, which has liberalized and elevated the minds of the white race of men, has been the cause of extending to the slave a full portion of its ameliorating influence. To check this improving state of things will be no voluntary act of our own; it must be forced upon us by those at a distance, who interfere in our concerns, or it will not be arrested. It is not that we fear the influence of individuals so much, who may come amongst us with the views of inculcating doctrines adverse to our institutions, that delude our slaves, and render them dissatisfied—men are tangible and responsible, and we can therefore guard against them—but it is the silent circulation of poisonous principles that are diffused, by means of every channel that presents itself, throughout our country; and whilst we are unsuspicious of their operation, they are corrupting all around us, and spreading turbulence and blind vengeance in our very households. Inflammatory and insubordinate doctrines, that tend directly to sever all the ties between master and dependent servants, that pervert all their feelings, and stimulate them to restlessness and rebellion, are the secret sources of whatever calam-

* See Bishop Bowen's Pastoral Letter by order of the Convention of the Protestant Episcopal Church in South Carolina, 1835, pages 21 and 22:

"The subject of our slaves is one which *circumstances have made of so much delicacy; it is in consequence of an ill-informed, unwise, and even a reckless philanthropy affecting it in other parts of our Union, surrounded by so much sensibility of alarm and offense;* and, where the moral interest of it is concerned, is, under the supposition of even the best dispositions entertained among us to promote it, incumbered, confessedly, with so much difficulty that the ministers of religion cannot approach it with too great caution and circumspection.

"*There are schemes respecting them* [the slaves] *now, and for some years past, on foot among the pious, and on every account respectable, of our fellow-citizens, in which I own myself unable to see it to be the duty or wisdom of the Christian to bear the part which is so loudly urged on him, as in a peculiar manner to be his.* Both the duty and the wisdom of the Christian seem to me, in a manner greatly paramount, to consist in giving them [the slaves] in the condition in which they are, the knowledge of God, according to the Gospel of Jesus Christ, and cheerfully committing the event of this course—*prudently, intelligently, observingly,* and *conscientiously* pursued—to the disposal of an all-wise and benignant Providence."

ities may befall ourselves or our slaves. These are what we dread. It is against their intrusion upon us that we complain; and to guard against their introduction into our communities, our utmost vigilance must always be directed. In such a state of things there can be no peace within our borders; all is agitation and anxiety. When men are bent on schemes of disorder, they first infect the minds of those on whom they design to operate, with doctrines adapted to lead on to it; and then, by the means of that contamination, the way is opened, and the impulse is given to tumult and revolt. The effect of corrupting principles is more to be dreaded than arms, as they secretly discipline those that are to be turned loose, at an ungarded moment, to spread abroad the horrors of devastation and carnage.

We ought not to be regardless of the lessons of experience. When regicide France, in the early period of her revolution, zealous in the cause of republicanizing the world, had proclaimed war against all crowned heads, and against all Governments of law and order, and had particularly marked out the neighboring empire of Great Britain as the chief object of her emancipating designs, unable to reach her object through fleets and armies, she resolved to accomplish it by the agency of her destroying revolutionary principles. Against these Great Britain kept up the war for years. The cannon and the bayonets of France she could meet on the ocean or in the field without fear and with equal chances; but the corroding principles of her revolutionizing schemes fought always in ambuscade; their force it was difficult, if possible, to elude when once they had gained admittance. Yet the leaders in France, in these glowing schemes for the deliverance of nations from the bondage of monarchy, of aristocracy, of established law, and of usages that were denounced as corroded by the rust of time, were then held by multitudes to be the apostles of liberty and equality, who professed themselves as aiming at equal rights, to aid the mind in its progress to perfectibility, and to establish universal happiness by universal liberty.

Fortunately, the profound and patriotic intelligence that directed the councils of the British empire did not become enlisted among the proselytes of this fatal imposture. That intelligence knew its origin, and saw its inevitable tendency; and, in the undaunted spirit of resistance forced up to defiance, established the maxim as the rule of action, "that with revolutionary France and her principles there was no safety but in war." France in arms could be met, and she could be resisted; but the all-subverting influence of her false philosophy, her atheism, her Jacobinism, and her dissolute course of anarchy, spread terror and dismay throughout the world.

Similar to this is the condition of our slaveholding country in respect to the doctrines of emancipation that are now attempted to be introduced among us. Capable of resisting men, even with arms, we only dread the secret influence of principles, which is most active when we are asleep, and which may awaken us to become the victims of its maddened proselytes.

Mr. President, the happy Government under which we live, in its very nature, dissuades from and interdicts all this sort of interference. Formed to regulate our foreign concerns, to defend us from without, and to preserve peace and security within our borders, it leaves the States themselves to manage their own concerns within their own limits, without interference and without hindrance. Our Government is national in its character, and cannot be made an engine to transplant the feelings and opinions of one section into another more distant, to work revolution and change. We look to it for the general protection, and we demand that it be not made to intrude upon or intermeddle with our domestic interests, our comforts, or our possessions. It cannot be the province of the Federal Government to regulate our property or our internal social relations, or, at the bidding of one part of our great community of States, to break down the system of another part. The Government of this Union was designed to be universal and equal in all its influence and action; and it is our business here to direct all its operations to national purposes alone, to preserve the security of all, and to establish national happiness, prosperity, and power.

THE PUBLIC LANDS.

DEBATE IN THE SENATE,

THURSDAY, *March* 31, 1836.

Mr. WALKER introduced the following bill, in pursuance of previous notice:

A bill to reduce and graduate the price of public lands in favor of actual settlers only, to provide a standing preemption law, to authorize the sale and entry of all the public lands in forty-acre lots, and to equalize the grants of certain portions of the public domain among the new States in which the public lands are situated.

Mr. CLAY said, that were it not an unusual course, he should move to reject the bill immediately; that it was, in fact, a bill to give everything to the new States, and leave nothing for distribution among the older States of the Confederacy. That with its graduation clause, and donation clause, and preëmption clauses, it might as well be called by its true name—a bill to give the whole of the public lands to the new States or to the settlers that would roam over them.

Mr. CALHOUN opposed the provisions of the bill, particularly the clause reducing the price of the public lands and granting preëmption to settlers, and closed by moving a reference of the bill to the Committee on the Public Lands.

Mr. WALKER said that, having introduced this bill only this morning, he could not have anticipated any debate, much less could he have expected the severe denunciations which this bill had received from the gentleman from Kentucky, [Mr. CLAY.] What, (said Mr. W.,) reject, without consideration, a bill, the principal features of which have received the sanction of at least six States of this Union! Mr. W. proceeded to contest Mr. CLAY's position, that this bill gave everything to the new States, and left nothing for distribution among the old States. He compared the provisions of this bill with that of Mr. CLAY; and to show that a larger sum would be left for the use of the people of the whole Union under his bill, than under that of Mr. CLAY; that the objection heretofore made to the reduction of the price of the public lands by the gentleman from Kentucky, [Mr. CLAY,] and renewed at this session by the gentleman from Ohio, [Mr. EWING,] was, that it would operate against the settlers, and in favor of speculating monopolists, who would enter all the lands at the reduced price. Mr. W. said his bill was not liable to this objection; that it reduced the price *only in favor of the actual settlers*, and would arrest monopolies of the public lands. If the gentlemen from Ohio and Kentucky were against monopolies, and in favor of the actual settlers, they ought to support this bill; but from their opposition to it, and to preëmptions, it was obvious that they were opposed to the actual settlers.

Mr. W. said he had heard with regret the actual settlers denounced in the Senate as squatters, as if that were a term of reproach. Sir, (said he,) our glorious Anglo-Saxon ancestry, the pilgrims who landed on Plymouth Rock, the early settlers at Jamestown, were squatters; they settled this continent with less pretension to title than the settlers upon the public lands. Mr. W. said that Daniel Boone was a squatter; that Christopher Columbus was a squatter; that many of the most enlightened of his constituents, many members of the Legislature which sent him here were squatters; that so was the Speaker of that body, [Colonel Irwin,] a man of great intelligence and worth, and of gentlemanly deportment equal to that of any Senator on this floor. So also was one of the Representatives of Mississippi in Congress [Mr. CLAIBORNE] at one time a squatter upon public lands; yet he is a citizen who, for unblemished purity of character, for intelligence and worth, and for talents also, might fairly challenge a comparison with that of any man of his age in the country. And, sir, (said Mr. W.,) these much-abused squatters constitute many, very many, of the people who sent me here; and I will defend both their rights and character so long as I have a seat on this floor. They are the very men who cultivate the soil in peace, and defend your country in war, when those who denounce them are reposing upon beds of down. These are the men who, in the trackless wilderness, and upon the plains of Orleans, carried forward to victory the bannered eagle of our great and glorious Union. Sir, these are the men with whom the patriot Jackson achieved his great and glorious victories; and, sir, if but one thousand of these much-abused squatters, these western riflemen, had been at Bladensburg beneath their great commander, never would a British army have polluted the soil where stands the Capitol of the Union. No, sir, they would have driven back the invader ere the torch of the incendiary had reached the Capitol, or they would have left their bones bleaching here (as did the Spartan at Thermopylæ) alike in death or victory, the patriot defenders of their country's soil and fame and honor. [Here Mr. W. was interrupted by warm applause from the crowded galleries, which ceased, however, upon a call to order by the Vice President.] And it is proposed to send this bill to the Committee on Public Lands, a committee that has already reported against reducing the price of the public lands; against granting preemptions to settlers; against every other material feature of this bill—to send this bill there, to have another report against us. No, we have had one report against the new States, and the settlers in them; and now let them be heard through the report of a select committee, and let argument encounter argument, and the question be decided upon its real merits. Mr. W. concluded by illustrating and defending that portion of his bill which granted remuneration to Alabama and Mississippi for the loss of the five per cent. fund and sixteenth section.

Mr. CLAY rose and stated, that his opposition to this bill had produced at least one good effect, to elicit the burst of eloquence from the gentleman from Mississippi [Mr. WALKER] which had just now so much delighted the Senate and auditors. He disclaimed any intentional disrespect to squatters, but hardly thought that they would have saved the Capitol, unless they had given up their habit of squatting. He hoped the motion to refer the bill to the Committee on the Public Lands would prevail.

Mr. KING, of Alabama, said, this debate has taken a most extraordinary range, upon a bill introduced on leave, by a Senator in his place, who proposes to give it the usual direction of reference to a committee to examine and report upon its merits, and correct its details. Gentlemen have pressed forward to the discussion, as if, by committal, they were about to establish the provisions of the bill by solemn enactment. The impropriety of such a course was made manifest by the fact that, throughout this protracted debate, gentlemen had altogether mistaken the provisions and objects of the bill. One Senator [Mr. CLAY] had attacked it as interfering injuriously with his favorite system for the distribution of the proceeds of the sales of the public lands; yet such, he will find on examination, is not the fact. Another Senator [Mr. CALHOUN] sees in it a most extravagant claim on the part of the new States; the sacrifice of the interests of the old States to enrich the new; and the opening of a door for frauds innumerable. Well, sir, is this so? Let us examine a little into the actual provisions of the bill, and we shall then be able to determine how far they justify the declarations of the honorable Senator. Sir, one of the provisions is, that the General Government shall pay to the States of Mississippi and Alabama a sum equal to five per cent. of the proceeds of the sales of the lands lying within their respective limits, acquired by treaty with the Chickasaw nation of Indians. Is this an unreasonable or extravagant demand? By a solemn agreement entered into by those States, with the General Government, it is expressly stipulated that five per cent. of the proceeds of the sales of the public lands within their jurisdictional limits shall be set apart for their benefit, three to be expended under the direction of those States, and two under the direction of the General Government, in making roads without their limits,

but leading to them. Here, then, is a vested right, for which the States paid more than an equivalent. But it pleased the Government to enter into a treaty with the Chickasaws for the cession of their lands, in which they stipulate to give to the Indians the whole of the proceeds of the sales, reserving no part to satisfy the claims of the States in which the lands are situate. Can you, by your own act, annul your contract, and justly, legally, deprive them of this sum? Every lawyer will answer no; the obligation is perfect; the money must be paid. So much for this extravagant claim of the new States, which has so strongly aroused the Senator's apprehensions.

Let us examine another of these extravagant claims set up by this bill. Why, sir, when our admirable system for the survey and disposal of the public domain was devised, it was determined, from the wisest and most praiseworthy of motives, to set apart the one thirty-sixth part of each township for the purposes of education. The section as near the center as practicable was designated; this was the sixteenth; here the schoolhouse was to be built, that the children of both rich and poor might have convenient access to it; and from the proceeds of the rent or sale of a part or the whole of this section the poorer children of the township were to be educated. When those States formed their constitutions this grant of the sixteenth section constituted a part of their compact with the General Government. It has always heretofore been held sacred, as much from the laudable objects to be accomplished by it as from the legal obligations of the Government. By the provisions of the Chickasaw treaty these lands have been, or are, liable to be sold for the benefit of the Indians. With what semblance of justice, then, does the Senator from South Carolina pronounce this claim for remuneration to be an effort, on the part of those States, to appropriate to themselves the public domain? Sir, they but contend for their rights; strictly legal rights. Can you withhold them? You cannot. Your sense of justice and of the sanctity of your obligations forbid it.

The bill also contains another provision which rests, it is true, upon a different footing, involving the liberality of Congress. He would not now enter into an examination of the propriety of granting preëmptions to actual settlers in the mode proposed; he would reserve himself for a future occasion. He would only say that, guarded as it seemed to be in the bill, none of the frauds apprehended by the Senator from South Carolina could take place; but if those guards were not found to be sufficient, it would be the duty of the committee to throw around the public domain other and stronger guards. He would merely say that nine tenths of the frauds which had been perpetrated under previous preëmption laws grew out of the floating provision contained in them; none such is to be found in this bill; the settler will be confined to the lands actually cultivated, and under no circumstances will be permitted to take any other.

One word as to the proper committee to which it should be referred. It embraces, as has been shown, various objects; part involving legal questions, which might very properly have been referred to the Committee on the Judiciary; and had he been consulted by the honorable gentleman who drew the bill, he should have advised the introduction of two, rather than include the whole in one. He has preferred that they should all constitute one bill, and I am not disposed to disturb his arrangement. I mention it merely to show that the bill does not, strictly speaking, appertain to the duties of the Committee on Public Lands; and will you violate in this case a well-established parliamentary rule, which requires that subjects shall not be committed to committees known to be hostile to the objects they contemplate to establish? On all hands we are told that the Committee on the Public Lands have already prejudged this matter; that they are known to be decidedly hostile. I ask gentlemen whether, under these circumstances, they will refuse a select committee to the honorable member from Mississippi, and send his bill to be smothered by the Committee on the Public Lands? Such a course would be discourteous to the honorable Senator, violatory of parliamentary usage, and unjust to the States interested.

After some further debate, in which Mr. CLAY, Mr. CALHOUN, Mr. EWING of Ohio, Mr. BLACK, Mr. PORTER, Mr. BUCHANAN, Mr. MOORE, and Mr. WALKER participated, Mr. CALHOUN's motion to refer the bill to the Committee on the Public Lands was lost by the following vote—yeas 19, nays 25.

Mr. WALKER's motion to refer the bill to a select committee then prevailed; as also the motion that the committee be appointed by the Chair.

The committee consists of the following Senators: Mr. WALKER, (chairman,) Mr. EWING of Ohio, Mr. LINN, Mr. PRENTISS, and Mr. EWING of Illinois.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF HON. JOSEPH KENT,

OF MARYLAND,

IN THE SENATE, *March* 8, 1836,

On the Memorial of the Society of Friends of Lancaster county, Pennsylvania, on the subject of the Abolition of Slavery in the District of Columbia.

Mr. KENT said:

Mr. PRESIDENT: I participate so little in debate, that the Senate will credit me when I state that it is always painful to me to trespass upon their patience. On the present occasion I will promise to detain them but a few moments.

Interesting as these memorials before you are to the country generally, they are doubly so to the State of Maryland, which, in part, I represent here, from her proximity to this District. Hence it becomes my duty to make a few remarks in addition to what has been so well said by my colleague on this occasion.

That the prayer of the petitioners is an improper one, and ought not to be granted by Congress, I have not the smallest doubt; indeed, I have not understood that a single individual on this floor is disposed to yield it; notwithstanding, when memorials are presented here, couched in respectful language, I ever have been, and ever shall be, unwilling to refuse to receive them. The right of petitioning is considered a sacred one; is guarantied by the Constitution, and carries with it the obligation to be received; and if it was not secured by the Constitution to the people of the United States, one of our ablest commentators has said it was a right that resulted so obviously from the nature and structure of our Government, that he considers it unnecessary that it should have been inserted in the great charter of their rights.

The second session of the First Congress under our present form of Government had not commenced its duties six weeks before a memorial was presented to the House of Representatives, praying the abolition of slavery throughout the United States. This memorial embraced a much wider and broader scope than those before you, and its object was notoriously unconstitutional. Notwithstanding, it was received and reported on, the House of Representatives denying that Congress had any power over the subject, and thus were those people quieted for many years. Mr. Madison, at the time a Representative from the State of Virginia, voted for the reception of this memorial; and we all know that he was not only among the most prominent members of the Convention, but one of the ablest and most efficient advocates of it when it was before the people for their adoption.

Mr. Jefferson wisely remarked "that error of opinion might be tolerated whilst reason was left free to combat it." I have the utmost reliance upon the good sense of the people of the United States. They are too well-informed to press this or any other subject too far that is fraught with the same dangerous consequences to the peace, happiness, and prosperity of the country. That their conduct is calculated to accomplish mischief only I shall endeavor to prove in the few remarks I intend to make. They must and will desist from their course if we adopt the proper action on the subject.

After much reflection, and the most careful deliberation I have been able to devote to this matter, I have come to the conclusion that Congress has not the power to liberate the slaves in this District, were they disposed to do so, under the Constitution and the deeds of cession made by the States of Virginia and Maryland. Those States use the same terms, and are very guarded in their language. They make the conveyance agreeably to the eighth article of the first section of the Constitution of the United States, which embraces all the positive grants of power made to Congress, none of which touches the subject of slavery, and moreover reserve all rights of property to individuals, except such individuals shall transfer the same to the United States. Under these reservations the transfer was made and accepted, and we are bound to respect the rights of property thus reserved.

I am aware gentlemen rely on that portion of the Constitution which gives exclusive legislation to Congress over this District—which means no more than that Congress shall legislate free from the interference of any State legislation; that all other legislation shall be excluded from this District, save that of Congress. It does not mean a despotic, unbounded, unrestricted, unlimited legislation; but a legislation guarded by all the restraints of the Constitution. That such was the intention of the framers of the Constitution, may be inferred from the practice of President Madison; such have been the decisions of the Supreme Court, and such the recorded opinions of Congress. We never act as a local Legislature; we cannot be converted into one. We act invariably as a Congress of the United States. It is in that capacity only that we have exclusive legislation, as I hope to show hereafter; and in all our proceedings we are bound by the mandates of the Constitution.

The great difficulty with me is to determine what is best to be done with these memorials. There is no motion before you, in my estimation, that will give a salutary direction to them. Adopt the motion of the Senator from South Carolina, and refuse to receive them, and similar memorials will be presented the next day, and this painful and exciting debate will be resumed in all its odious forms. Adopt the proposition of the Senator from Pennsylvania, [Mr. BUCHANAN,] which is a strong measure in relation to this subject, and he deserves great credit for making it, and the same difficulty occurs. The memorials will be presented the next day, the discussion renewed we ought to wish to avoid.

This subject, Mr. President, has been very fully discussed, it has elicited a large portion of the best talent in the Senate, and we ought to come to some conclusion how we can dispose of it to the best advantage. It occurs to me, Mr. President, that the most effectual way in which we could put it to rest would be for us to express our opinion with some degree of unanimity that the prayer of the petitioners could not be constitutionally granted, or, if unwilling to go that far, to say that, in a matter entirely local, it was improper for them to interfere, and that private property could not be taken without due process of law, and full compensation. This would put a stop to the improper interference of these petitioners, and relieve us from the presentation of these memorials hereafter.

Those of us, Mr. President, residing in slaveholding States, however indulgent we might be disposed to be in interpreting the motives of those memorialists, cannot avoid the apprehension that they have a much more extensive object in view than what is expressed upon the face of the petitions, in sending them here. We cannot repress the belief that they have been prompted by the Abolitionists, or that they are members of those boasted abolition societies, and that their real object is to have a bearing on the adjoining States of Maryland and Virginia. It is impossible to resist altogether this impression, or to avoid connecting the presentation of those memorials in such large numbers with the events of the last year, and the open and official declarations of the

Abolitionists themselves. Then, if my opinion is correctly formed, their object is directed ultimately to the States, although they must know that the States alone can regulate slavery within their limits. Let, then, those Abolitionists turn their attention to their own condition. Every State north of Maryland, with the exception of Vermont, holds slaves, agreeably to the census of 1830, some of them thousands, and thereby recognize slavery. If they have found so much difficulty in disposing satisfactorily of the few they have had, how insurmountable would have been the obstacles thrown in their way in accomplishing even what they have done had the slaves in any of those States exceeded the whites in number, or even approached an equality.

Let us look, Mr. President, at what is ou condition in relation to this subject, and inquire what it is those Abolitionists would have us do. In the adjoining county east of the Capitol, in which I reside, there were, agreeably to the census of 1830, seven thousand six hundred and eighty-seven whites, eleven thousand five hundred and eighty-five slaves, and twelve hundred free negroes; making nearly two blacks to one white. Can it be possible that those Abolitionists, reckless as they appear to be, can be serious when they call upon us suddenly to yield up this large amount of property, worth not less than four or five millions of dollars, to carry their fanatical schemes into effect? And that is not all; that is but a small part of the sacrifice. We are required to degrade our own caste, by placing the whites at the disposal of the blacks, as far as numbers can achieve it; and we all know the power of numbers. I have referred to the adjoining county, because, whatever takes place in this District—between which and the county there is only an imaginary line—must materially affect its interests. In this District there are about six thousand slaves, valuable to their owers, whose condition, as slaves, could not be made better, and, if liberated to-morrow, would be in a worse condition; and it is proposed by the memorialists whose petitions are before you, that the inhabitants of this District should forthwith yield up this property, in order to gratify their mistaken views of philanthropy, without having "property in, or common interest with, or any attachment to, this community;" and that, too, without paying any respect to that part of the Constitution which declares that "no person shall be deprived of property without due process of law, nor shall private property be taken without just compensation."

I have called the attention of the Senate to the adjoining State of Maryland, from which I have been deputed to a seat on this floor, because I was an eye-witness to the excitement, the uneasiness, and the painful apprehension, which but too generally prevailed throughout that section of the country during the last summer and autumn, growing out of the events in one of the southern States. If such occurrences would cause uneasiness now, what distress would they not produce were this District filled with forty or fifty thousand freed negroes, and they stimulated to madness by the Abolitionists? Even at this time we experience much annoyance from the agents of the Abolitionists. They are prepared to furnish any amount of forged papers to any number of slaves that may apply for them; those I have seen, with all the forms of office attached to them. The conduct of the Abolitionists may be sport to them, but it is death to us; and, moreover, they may rely on it, this course is well calculated to defeat the very object they pretend to have in view—the amelioration of the condition of the slaves in this District.

I agree with those, Mr. President, who have preceded me, in expressing the belief that, if the Abolitionists are determined to persevere in their attempts upon the slaveholding States, it is high time those States should be aroused to a sense of their condition, and be prepared to resist firmly, but calmly and legally, the dangers with which they are beset, and that Congress should decide at once how far they will go to secure to them their just rights, and to check the Abolitionists in their mad career.

Those dangers may be readily ascertained when we look at the means placed at the disposal of the Abolitionists to accomplish their object and annoy us. They officially inform us they have a press exclusively employed to propagate their views, to destroy our peace, disturb our repose, and keep us in eternal apprehension; to take our property from us without our consent, or render it useless to us. Able and heartless writers, they inform us, are to be constantly employed against us. Every odious epithet is to be applied to us, and our conduct is to be characterized by all the disgusting coloring that a heated, a deluded, and distempered imagination can invent.

Suitable matter is always to be in readiness for the press. The press is never to be idle, which operates like the irresistible screw, retains what power it has acquired to-day, and contends strenuously for more to-morrow. These Abolitionists have also, we are informed by a recent publication of theirs, an abundance of funds. Their office is in the great city of New York, the center of communication from every part of our extensive country; and they boast that they have upwards of three hundred and fifty anti-slavery societies, (the Senator from South Carolina, [Mr. PRESTON,] who is better informed upon the subject than I am, puts them at five hundred,) and they tell us that they bid defiance to any Post Office regulations we can make—that they can evade them all; and they have able and influential emissaries constantly employed. This is a formidable array of power to be brought to bear upon the slaveholding States, and directed, too, at a vulnerable point.

The press, itself, to be directed constantly against us, unless timely rebutted, is truly formidable. The annual *exposé* to Congress by the Executive Department of our Government, exhibiting the unprecedented growth of the wealth, happiness, and prosperity of this country, is rapidly uprooting the long-established prejudices of Europe, guarded as they have been by the respective Governments of that country; and if an annual publication can achieve so much, what may not be apprehended from a press exclusively employed to accomplish a particular object, however reprehensible or ill-judged it may be?

If the hasty view I have taken of this subject is at all correct, it behooves us, Mr. President, to follow the example of the pure and patriotic men who constituted the First Congress, and who declared they had no power over this subject, and to give such a direction to it as will satisfy the Abolitionists of their mistaken views, and secure the slaveholding States in their just rights, and restore to them their former repose. Since 1790, when the then Congress decided they had no control over the subject of slavery, no alteration had taken place in our condition, except that the foreign slave trade had been abolished, in which the South had little or no participation, and this District has been ceded to the General Government, agreeably to the requisitions of the Constitution, as the seat of the Federal Government, under the reservations I have mentioned, and which never would have been ceded by the States of Virginia and Maryland, if it could have been believed at the time, that it ever would have proved the means of annoyance to them it is now threatened to become. The same Constitution which justified the First Congress in expressly stating they had no control over the subject of slavery, is in full force, in every word and syllable, in this District, and would, in my humble opinion, justify our adopting the decision then made, as applicable on the present occasion.

Far be it from me, Mr. President, to wish to implicate our northern fellow-citizens generally, in the proceedings of the Abolitionists. I appreciate too highly their good sense, their patriotism, and their devotion to the Union, to entertain such an opinion of them. Moreover, it has been denied on this floor, as well as elsewhere, and I give full credit to their declarations.

I know the number of the Abolitionists is small compared to those opposed to their financial conduct. Yet we are bound, in self-defense, not to underrate their strength, not to underestimate their influence, when we take into view the formidable weapons of annoyance at their command. The Abolitionists should leave the subject of slavery to the people of the States, where the Constitution has placed it. No one living without the limits of any State, can justifiably interfere with this subject within the State, nor will they be permitted to do so.

It is from the enactments of each State that the slave living within its limits must look for any amelioration of his condition; and allow me to assure you, Mr. President, that much has been done in that way during the last twenty-five years. In this District, the reliance of the slave must be upon the force of public opinion, which is strongly in his favor; and whenever slavery shall cease in Maryland and Virginia, it will, as a matter of course, cease to exist here, under the influence of that public feeling I have alluded to, and will be accomplished by the inhabitants of this place, free from the interference of persons living five hundred or a thousand miles off.

An honorable Senator from Vermont, [Mr. PRENTISS,] whilst delivering his sentiments the other day upon this subject, expressed the opinion, that, when legislating for this District, we acted as a local Legislature, and that Congress possessed the power, in consequence of acting thus, to levy a tax of such a character upon the slaves of this District as would, from its amount, oblige their owners to liberate them in preference to paying the tax. I have a high respect for the intelligence and legal attainments of the Senator from Vermont, but presume he has not investigated this part of his argument with his usual diligence, otherwise he would have found that neither of those questions was yet to be settled. They have been heretofore fully discussed and solemnly decided on by the Supreme Court in the cases of Cohens *vs.* Virginia, and Luf borough *vs.* Blake.

The power of Congress to exercise exclusive jurisdiction over this District and other ceded places, is conferred on that body as the Legislature of the Union, and cannot be exercised in any other character. The reasoning of the court, affirming that every act of Congress was a law of the United States, and that Congress, in passing it, acted as the Legislature of the Union, can best be conveyed in its own language:

"In enumerating the powers of Congress, 'which is made in the eighth section of the first 'article, we find that of exercising exclusive legis- 'lation over such district as shall become the seat 'of Government. This power, like all others 'which are specified, is conferred on Congress as 'the Legislature of the Union; for, strip them of 'that character, and they would not possess it. 'In no other character can it be exercised. In 'legislating for the District, they necessarily pre- 'serve the character of the Legislature of the 'Union; for it is in that character alone that the 'Constitution confers on them this power of 'exclusive legislation. This proposition need 'not be enforced. The second clause of the sixth 'article declares that 'this Constitution, and the 'laws of the United States which shall be made 'in pursuance thereof, shall be the supreme law 'of the land.' The clause which gives exclusive 'jurisdiction is unquestionably a part of the 'Constitution, and as such binds all the United 'States."

Since Congress legislates in the same form and in the same character, in virtue of powers of equal obligation conferred in the same instrument, when exercising its exclusive powers of legislation as well as when exercising those which are limited, we must inquire whether there be anything in the nature of this exclusive legislation which necessarily confines the operation of the laws made in virtue of this power to the place with a view to which they are made. Connected with the power to legislate within this District is a similar power in forts, arsenals, dock-yards, &c. Congress has a right to punish murder in a fort or other place within its exclusive jurisdiction, but no general right to punish murder committed within any of the States. In the act for the punishment of crimes against the United States, murder committed within a fort, or any other place under the sole and exclusive jurisdiction of the United States, is punished with death; thus Congress legislates in the same act under its exclusive and its limited powers. The act proceeds to direct that the body of the

criminal, after execution, may be delivered to a surgeon for dissection; and punishes any person who shall rescue such body during its conveyance from the place of execution to the surgeon to whom it is to be delivered.

Let those actual provisions of the law, or any other provisions which can be made on the subject, be considered with a view to the character in which Congress acts when exercising its powers of exclusive legislation. If Congress is to be considered merely as a local Legislature, invested, as to this object, with powers limited to the fort or other place in which murder may be committed, if its general powers cannot come in aid of these local powers, how can the offense be tried in any other court than that of the place in which it has been committed? How can the offender be conveyed to, or tried in, any other place? How can his body be conveyed through a country under the jurisdiction of another sovereign, and the individual punished who, within that jurisdiction, shall rescue the body? The decision of the court is illustrated by other examples which I consider it unnecessary to refer to, and, in conclusion, remark that Congress exercises all its powers in its high character as the Legislature of the Union, and not as a local Legislature.

As regards the tax upon slaves in this District, heretofore referred to, I presume the honorable Senator is equally mistaken. The question was raised in 1815, whether Congress had, under the Constitution, the right to tax this District at all, so long as it was unrepresented; but I never heard it insinuated before that Congress could levy upon the inhabitants of it a separate capitation, or direct tax. The principle of apportionment established in the Constitution, secures them against the oppressive exercise of the power to levy and collect direct taxes as effectually as the principle of uniformity established in the Constitution secures the District from oppression in the imposition of indirect taxes. The decision of the Supreme Court in the case of Lufborough *vs.* Blake fully sustains the opinion; and at the same time that it confirms the right of Congress, should they think proper, to levy a direct tax upon this District, whenever such a tax shall be levied upon the property of the States, it denied the power of Congress, if I comprehend the opinion of the court, to levy a separate tax upon this District, at any time or for any purpose, except such as may be entirely municipal, with which Congress, I take it for granted, will never interfere.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF HON. THOMAS EWING,

OF OHIO,

IN THE SENATE, *March* 8, 1836,

On the Memorial of the Society of Friends, of Lancaster county, Pennsylvania, on the subject of the Abolition of Slavery in the District of Columbia.

Mr. EWING said he was reluctant to prolong the debate even for a moment; and yet he felt it his duty to say a few words in explanation of the vote he was about to give. I am (said Mr. E.) opposed to slavery, and think it a great evil in any community; and I believe such is the opinion of most of the reflecting men in the South, viewing the question in the abstract, without reference to any fixed and settled condition of society. Such, I am very sure, is the almost universal opinion in the State of Ohio. The people of that State entertain that opinion, fixed and immovable; it was imbibed by them from their earliest infancy, and it has grown up with them as a part of the morals of the society in which they are reared; and yet public opinion on the subject of abolition is, in that State, such as our southern brethren themselves would consider sound. There are a few in favor of the interference of Congress to abolish slavery in this District; and yet I can safely say that I know of none who would push that measure beyond what they suppose to be the constitutional powers of Congress; none who would disturb the people of the States in the enjoyment of all that the Constitution secures to them. It is a very small minority of the whole people who are in favor of the interference of Congress to abolish slavery in the District of Columbia. It is true many petitions have been forwarded to that effect; but out of a population of more than a million of souls, a few thousand petitioners of both sexes make up but a very small proportion of the aggregate mass; something more, perhaps, than one out of a hundred. But these few, Mr. President, are not incendiaries, or persons who are disposed to march to their object through violence and bloodshed, burning and massacre; not at all. They are humane, orderly, and peaceful citizens, whose object is to do good, but who have, in my opinion, mistaken the way to do it. They are certainly impelled by no motives of interest, nor by hopes of gaining popular influence, for the public feeling is, as I have said, all the other way. Gentlemen here have, in their speeches on this subject, said that violence was done to the Abolitionists at their meetings in their respective States. There have been a few similar instances in mine, but they are, I am happy to say, rare; and they are almost the only instances that I have known in which popular feeling triumphed over law; for the people of Ohio are a law-abiding people, essentially so; and it must be a strong case of public excitement, indeed, which could for a moment, and to any extent, defy the law.

I have said that I thought the Abolitionists, even those moderate and rational ones whom we have among us, are doing evil instead of good; and I think further, if they could be convinced of this, they would cease to meet and petition on the subject. They do evil, in the first place, because their views and wishes cannot, in the estimation of the great body of the southern people, be separated from those mad and reckless fanatics who attempt, by various devices, to excite insurrection among the slaves, and bring on all the horrors of a servile war. Those who are threatened by the machinations of the last-named associations, few in numbers as they are, and confined to a small space, cannot, and do not, draw the distinction between them and these petitioners, who make the law their guide, and who wish to do nothing but what law and humanity sanction. The distinction between these two classes of men, strong as it is, cannot be fully kept in view, even in debate here on the floor of the Senate; much less can we expect that it will be in the opinions and feelings of the mass of the people of the South, especially in a movement of excitement and alarm. These petitions tend to keep up that alarm, to sow distrust in the people of the South against those of the North and West. It makes whole communities in the slaveholding States distrustful of their colored population, and causes them to pass rigorous laws against them, denying them reasonable indulgence, and making it penal to instruct them. We are assured that most of this legislation, which seems to us so harsh, has been caused by the abolition movements. Those same movements, it seems, have another effect equally injurious to both master and slave. They cause jealousy and distrust between them, where otherwise there might exist confidence and affection. Such, I believe, are the general consequences of these petitions throughout the Union; certainly the very reverse of what is intended by those who frame them; and they produce no good effects to counterbalance those evils. If the petitioners should succeed, (of which there is not the least probability)—if by common consent all should agree to abolish slavery in the District, not a single slave would be thereby emancipated; all would be hurried off in anticipation of such a law, if it were likely to pass, and sold to the cotton and sugar planters in the South.

Again: the measure would be arbitrary in the extreme. The people of this District, whose condition would be changed so materially and so violently, are not consulted. They have no voice in the proposed measure. Their situation is, indeed, peculiar. Our government over them is among the most arbitrary on earth; they have none of the blessings of self-government whatever, and have no participation in selecting their rulers. We who are here, know something of their situation, their wants, and their wishes. But those of our constituents at home, who petition for this change in the condition of these people, do evidently know very little about them. I have already stated what I believed would be the effect of a law to abolish slavery in this District on the slaves themselves; that it would sell them into a much more cheerless and more bitter bondage than they now endure. Its effects upon the whites would be equivalent to an edict of banishment; nearly the whole population would be changed; for families would rather change their place than change so materially their domestic habits and relations.

All other objections apart, I would not vote for such a measure unless I could be satisfied that the people of the District, if they could speak as a free people, would pronounce in its favor. For these, and various other reasons which have been often repeated in this debate, I am opposed to granting the prayer of this petition. But I cannot vote with the Senator from South Carolina, to refuse *to receive* it. This brings up another question—the right of petition as guarantied by the Constitution, and as inherent in the very nature of all free institutions. This right would, it seems to me, be invaded by such a refusal; at least, it would be questionable whether we had not invaded it; and, if we err in this matter, it is better that our error should be on the side of the Constitution. But even if we have the right, it is not sound policy to reject it. Opinion is not to be controlled by harsh or even violent measures; and it is better that an investigation should be had, and a reason given in all our communications with a reasoning people. For like cause, I hold the motion of the Senator from Pennsylvania objectionable, though, if nothing better is proposed, I shall incline to vote for it. I would much prefer a reference to a committee, and a report, explaining in a calm and temperate manner the reasons which govern the Senate in refusing to interfere in the manner proposed. Or I would be satisfied if some of the leading reasons on which we act were appended to his resolution to reject the prayer; and reasons I have no doubt could be set forth, which would be satisfactory to the calm and reflecting people who sent us this memorial.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF HON. W. C. PRESTON,

OF SOUTH CAROLINA,

IN THE SENATE, *March* 1, 1836,

On the Memorial of the Society of Friends of Lancaster County, Pennsylvania, asking for the Abolition of Slavery in the District of Columbia.

Mr. PRESTON said:

Mr. PRESIDENT: I deeply regret the course which this discussion has taken. I have remarked its progress with much pain, with a feeling of anxiety and depression which I find great difficulty in expressing. It has been mixed up with all those small topics of party and personal bitterness which, whether properly or not, enter so largely into the ordinary debates of the Senate, but which are altogether misplaced, and dangerous, when connected with the consideration of those deep and vital interests involved in any discussion of the institution of slavery. It is very desirable, as has been well suggested by the Senator from Massachusetts, [Mr. WEBSTER,] that, if we must deliberate on this subject, we do so with all the calmness possible, and with a deliberate and combined effort to do what is best, under the perilous circumstances which surround us, uninfluenced by the paltry purposes of party. In whatever temper you may come to it, the discussion is full of danger. The fact that you are deliberating on the subject of slavery inspires my mind with the most solemn thoughts. No matter how it comes before you, no matter whether the questions be preliminary or collateral, you have no jurisdiction of it in any of its aspects. These doors should be closed against it, for you have no right to draw into question here an institution guarantied by the Constitution, and on which, in fact, the right of twenty-two Senators to a seat in this body is founded—and, emphat-

ically, you have no right to assail, or to permit to be assailed, the domestic relations of a particular section of the country, which you are incapable of appreciating—of which you are necessarily ignorant—which the Constitution puts beyond your reach, and which a fair courtesy, it would seem, should exempt from your discussion. It exacts some patience in a southern man to sit here and listen, day after day, to enumerations of the demoralizing effects of his household arrangements *considered in the abstract*—to hear his condition of life lamented over, and to see the coolness with which it is proposed to admit petitioners who assail, and vilify, and pity him, on the ground that it would hurt their feelings if *we* do not listen to them. We sit here and hear all this, and more than this. We hear ourselves accused of being agitators because we ask the question, is it the pleasure of the Senate to hear those who thus assail us? As yet, Mr. President, the incendiaries are but at your door, demanding admittance, and it is yet within your power to say to them that they shall not throw their burning brands upon this floor, or propagate the conflagration through this Government. Before you lend yourself to their unhallowed purposes, I wish to say a word or two upon the actual condition of the abolition question; for I greatly fear, from what has transpired here, that it is very insufficiently understood; and that the danger of the emergency is by no means estimated as it ought to be. God forbid that I should permit any matter of temporary interest or passion to enter into what I am about to tell you of the real dangers which environ us. My State has been assailed. Be it so. My peculiar principles have been denounced. I submit to it. Sarcasms, intended to be bitter, have been uttered against us. Let them pass. I will not permit myself to be disturbed by these things, or, by retorting them, throw any suspicion on the temper in which I solemnly warn both sections of this Union of the impending dangers, and exhort this Senate to do whatever becomes its wisdom and patriotism under the circumstances. Let us not shut our eyes, sir, on our condition. Some gentlemen have intimated that there is a purpose to get up a panic. No; no, sir, I have no such purpose. A panic on this subject is a disaster. The stake is too great to play for under a panic. In the presence of so much danger as I solemnly believe exists, I would rather steady every mind to the coldest contemplation of it, than endeavor to excite my own, or the feelings of others, by adventitious stimulants. If I over-estimate the magnitude of the dangers which threaten us, it is in spite of myself, against my wishes, and after the most deliberate consideration.

Look round, sir, on the circumstances under which these numerous and daily-increasing petitions are sent to us. They do not come as heretofore, singly and far apart, from the quiet routine of the Society of Friends, or the obscure vanity of some philanthropic club, but they are sent to us in vast numbers from soured and agitated communities, poured in upon us from the overflowing of public sentiment, which everywhere, in all western Europe and eastern America has been lashed into excitement on this subject. Whoever has looked at the actual condition of society must have perceived that the public mind is not in its accustomed state of repose, but active and stirred up and agitated beyond all former example. The bosom of society heaves with new and violent emotions. The general pulse beats stronger and quicker than at any period since the access of the French Revolution. Public opinion labors, like the priestess on her tripod, with the prophecy of great events. In Germany, in France, and in England, there is a great movement party organized upon the spirit of the times, whose tendency is to overturn established institutions, and remodel the organic forms of society; for whose purposes the process of experiment is too slow, and the action of reason too cold; whose infuriated philanthropy goeth about seeking whom it may devour. To these ethical or political enthusiasts the remote and unsustained institution of slavery offers at once a cheap and fruitful subject. Accordingly, it is known that the *doctrinaire* and *juste milieu* party of France, and its leading paper, the *Journal des Debats*, conducted with much ability, is devoted to the purposes of abolitionism. The Duc de Broglie, Prime Minister of France, with St. Domingo before his eyes, is president of an abolition society having in view the manumission of the slaves in the French West Indies.

But the state of feeling in England has a much more direct influence upon us; and is, therefore, of more important investigation. She exercises a vast power over the public mind of this country, and especially of the northeastern portion of it. An intense and immediate sympathy binds them together. The same literature, laws, and language—to a certain extent the same political institutions—are so bound up together, or rather interwoven, by a vast and infinitely ramified intercourse, that the inhabitants of the northern and middle States are more familiar with the daily press of England than with that of their own country south of the Potomac.

What, sir, is the condition of this slave question in England? The English Parliament, not only with the approbation, but at the instance of the English people, has liberated the slaves of the West Indies. The rights of individuals—the public interest—the existence of the colonies—could not arrest the torrent of public opinion: all are swept away. A Government, laboring under a load of public debt, and a people oppressed by enormous taxation, have given $100,000,000 for the abolition of slavery; have destroyed the most cherished colonies, and trampled upon the rights of private property. This is a lesson of terrible admonition to us; and let not the history of the progress of events in England be thrown away. It is but forty or fifty years since that the abolition of slavery was conceived in England by a weak enthusiast in Parliament, and a cloistered scholar of Oxford, whose heated imagination was directed to this subject by accident, or by that unseen but potent spirit of the times which, pervading the general mass of intellect, is at first known only by its effects upon individual minds peculiarly adapted to its influences. Wilberforce and Clarkson were not attended to—neglected, despised: the planters lulled themselves into a fatal security. The politicians addressed *them* then as they do *us* now. The member of Parliament gradually brought to his assistance a small neutral party in politics—the scholar poured his declamation from the press. The great parties in Parliament courted the neutrals; the public ear became familiarized to the denunciations of Clarkson. Still the planters reposed in security, and the politicians said: "There is no danger."

The Edinburgh Review, in 1817, held this language:

"It is scarcely necessary to premise, that the advocates for the abolition of the slave trade *most cordially reprobate all idea* of emancipating the slaves already in our plantations. Such a scheme, indeed, is sufficiently answered by the story of the galley slaves in Don Quixote, and we are persuaded never had any place in the minds of those enlightened and judicious persons who have contended in this cause."

Quoting this passage in 1819, Mr. Walsh, in his Appeal, says:

"The most zealous of the English philanthropists have not carried their views so far, with respect to West India slavery, as its immediate or speedy abolition."

And he adds:

"So late as 1817, Lord Holland, one of the most devoted amongst the associates of Mr. Wilberforce, moved in the House of Peers, a petition to the Prince Regent, praying that the idea of emancipating the slaves in the West Indies might be disowned by royal proclamation throughout the islands; *which was done accordingly.*"

And now, look to Jamaica for the result. Look too, sir, to the sway and dominion which the principles and feelings of Wilberforce and Clarkson have obtained over the whole public mind. The daily press, the periodicals, works of political economy and of fiction, the whole mass of literature, is filled and reeking with abolitionism. Every channel which feeds the public intelligence is choked with it. Every topic which can arouse attention or inflame the imagination, is perverted into its service. Christendom is invoked to join in the crusade. Abolition societies are multiplied, and nobles and commoners press into them with equal zeal. Meetings are held, in which are found together the proudest titles and the starving operatives. The condition of the Africans has ceased to be matter of discussion, and is given up to declamation. Cant has been stimulated into passion, and passion inflamed into fury. A morbid sensibility has been roused for the African, and has outrun the general excitement. A sort of *crevasse* has broken from the main stream of public excitement, and pours itself upon Africa. With a strong perception of this feeling, O'Connell exclaimed in the British Parliament, while claiming its attention to the infinitely worse condition of the Irish Catholics, "Would to God we were black."

The smartness of debate might reply to me, that all this is the *march of mind*, the progress of reason, before which the institutions of the South must eventually give way. It rarely happens, sir, that a fixed public opinion, properly so called, manifests itself by such violence and fury as characterize the proceedings of abolitionism, or that the progress of reason is attended by such contortions. Those who assail us know nothing of the institution which they denounce—nothing of its complex and various character. They have not seen it in its actual existence, are ignorant of the facts about which they pretend to reason, and cannot comprehend the consequences of their proceedings.

But what is it to me or you, sir, sitting here under the Constitution, whether it be the *march of mind* or of madness that is treading under foot that instrument to get at those institutions? Whether it be opinion or frenzy—whether it be destiny or fashion, you have no right to decide upon it, or to consider of it. We are neither a college nor a club, but a constitutional assembly, whose business it is to maintain the Constitution and defend the rights it guaranties; and it is equally our duty to do so whether public opinion or madness rules the hour. I protest against your jurisdiction of any abstract proposition on this or any other subject. My object is to rouse this Senate, and, as far as I can be heard, these States, to a just sense of the impending dangers; and let me ask, sir, if this danger would be diminished by attributing these petitions to the dictates of reason rather than to the ravings of fanaticism?

Clarkson and Wilberforce have done their work! How many such men are now in the field, now in this country, at our doors, Mr. President, pressing on to this work of devastation and massacre! Let us look at the state of things in our own country, and at the moment of our deliberations.

It is of the utmost consequence to both sections of the Union that we make an accurate review of our position. We should not resign our minds to a stolid stoicism, which awaits danger without resorting to the means of avoiding it, or to that counterfeit courage which sustains itself by underrating the power of its assailant. Let us not diminish the difficulties, that we may excuse our impotence or indolence in overcoming them. The best way to avoid danger is to meet it plump.

Mr. President, I thank gentlemen of the Senate from non-slaveholding States for the very strong assurances they have given us of their decided opposition to the purposes and practices of the Abolitionists. I receive their declarations with unhesitating confidence in their candor and unfeigned gratitude; and I am firmly persuaded that they, as well as many members from my own section, suppose that the agitation is made by a few infatuated men, whose frothy philanthropy, if not whipped up by our discussions, will, in a short time, subside.

But I beg to call the attention of such, in the first place, to the avowals which have been made by the Senators from Vermont. The honorable Senator, [Mr. PRENTISS,] with his characteristic earnestness, and with the weight communicated to everything he says, by the high estimate of his worth and ability, and the known gravity of his mode of thinking, has informed us that amongst these petitioners are men of as much worth and patriotism as are to be found anywhere; and the honorable gentleman himself vindicates the petitioners by the authority of his cooperation, when he declares here in his place that Congress is constitutionally endowed with the power of manumitting the slaves in this District, and that it is expedient to exercise this power. But a short time since the Legislature of the State which the

gentleman represents passed resolutions that the matter of slavery ought not to be agitated. Now the Senator thinks it expedient to act. His colleague, too, assures us that the progress of the agitation in Vermont is greatly accelerated; that seven societies have been recently organized in one county; and that he hears of societies springing up in quarters, remote neighborhoods, where he had supposed that abolition had scarcely been heard of. Is there nothing in these facts?

Five hundred societies are now organized, and in active operation, and daily increasing in numbers. Is there nothing in this? In these wide-spread associations, are there none but the weak and base, a noisy and impotent rabble, which will fret itself into exhaustion? Or are they composed, as all such popular movements are, of a mixed multitude of all those whom wild enthusiasm, mistaken piety, perverted benevolence, and blind zeal, hurry and crowd together, to swell the torrent of public enthusiasm, when it sets strongly towards a favorite object? However humbly I may think of the wisdom of these people, I do place a high estimate upon their zeal and enterprise. We have seen what these qualities effected in England on this subject, and they are not less efficacious here. There is at this moment in New York an association of twenty-five men of wealth and high standing, who, with a spirit worthy of a better cause, have bound themselves to contribute forty thousand dollars a year to the propagation of abolition doctrines through the press. Five of these pay twenty thousand dollars a year, and one one thousand dollars a month. Such is the spirit, and such the means to sustain it.

Again, I demand, sir, do these things indicate nothing? The press is subsidized—societies for mutual inflammation are formed—men, women, and children join in the petitions—rostrums are erected—itinerant lecturers pervade the land, preaching up to nightly crowds a crusade against slavery. The pulpit resounds with denunciations of the sin of slavery, and infuriate zealots unfurl the banner of the cross to the standard to which the Abolitionist is to rally. The cause of anti-slavery is made identical with religion, and men and women are exhorted by all that they esteem holy, by all the high and exciting obligations of duty to man and to God, by all that can warm the heart or inflame the imagination, to join in the pious work of purging the sin of slavery from the land. Gentlemen have told us of the array of the reverend clergy on these petitions. Infatuated and deluded men! In the name of charity, they lay a scene of blood and massacre; in the blasphemed name of the religion of peace they promote a civil and servile war; they invoke *liberty* to prostrate the only Government established for its preservation. But what voice can penetrate the deafness of fanaticism? It neither hears nor sees nor reasons, but feels and burns and acts with a maniac force.

Nor are the all-exciting topics of religion the only sources from which this turbid and impetuous stream is swollen. All the sympathies of the American heart for liberty—the word itself has a magic in it—achieved through war and revolution, are perverted into it. When the war-cry is God and Liberty—when it is thundered from the pulpit, and reëchoed from the press, and caught up and shouted forth by hundreds of societies, until the whole land rings with it, shall we alone not hear it, or hearing it, lay the flattering unction to our souls that it portends nothing? Be not deceived, I entreat gentlemen, in regard to the power of the causes which are operating upon the population of the non-slaveholding States. The public mind in those States has long been prepared for the most favorable reception of the influences now brought to bear upon it. It has been lying fallow for the seed, which is now sown broadcast. A deep anti-slavery feeling has always existed in the northern and middle States; it is inscribed upon their statute-books. Each, in succession, impelled by this feeling, has abolished slavery within its own jurisdiction; and what has been effected there without, as yet, any fatal consequences, unreflecting ignorance will readily suppose may be effected everywhere under all circumstances. The spirit of propagandism is in proportion to the distance of the object, and the ignorance of the propagandist. Of the whole population of those States, ninety-nine hundredths regard the institution with decided disapprobation; and scarcely a less proportion entertain some vague desire that it should be abolished, in some way, at some time, and believe that the time will come, and the mode be devised. They believe that slavery is bad in the abstract, and not incurable as it exists. The remoteness of it from themselves makes them at once more ignorant of its actual condition, and bolder in suggesting remedies. It is to such a temper of mind that the inflammatory appeals I have spoken of are addressed.

But there is still another element of power scarcely less than either of those I have adverted to, which the incendiaries will not be slow to avail themselves of. Cast your eyes, sir, over the States where they have already gained foothold, and mark the eagerness and equality with which two great political parties are struggling for ascendency. Animated by the utmost intenseness of party spirit, and in the very height of a contest of life and death, they will be willing to snatch such arms as fury may supply, and avail themselves of such auxiliaries as chance may offer. A third party, even were it less numerous than the Abolitionists, occupying for a time a neutral position, will of course be able to decide the controversy. Each party will dread its accession to the other; and each may, perhaps in turn, court its influence. Thus its consequence is enhanced, and deriving strength from position, it acquires a new principle of augmentation, until it becomes sufficiently powerful to absorb one or the other of the contending parties, and become itself the principal in the controversy. Then are added party spirit, political ambition, local interests; and with all this aggregation of strength and power, think you, sir, that abolitionism, at your next session, will pause at your door, waiting to see if it be your pleasure to ask it in? Even now, sir, candidates for popular favor begin to feel the influence of this new power. The very fact of the reluctance which we all feel to agitate this matter here bespeaks our fears of exasperating the strength which we instinctively know resides in the Abolitionists. Gentlemen say we must tread softly lest we wake the giant; we must not breathe upon the spark lest it burst into a blaze; we must bow down before the coming storm until it blows over, for fear that it will prostrate us if we stand up; and while the policy of such a course is urged we are told there is no danger.

No gentleman will suppose that I take pleasure in indicating the causes of growth, or the present strength of the Abolitionists, or would willingly exaggerate them. It is not, I confess, without the deepest apprehensions that I contemplate them; but my chief fears arise from the supineness with which they are regarded here, on both sides of the House. We repose in a false and fatal security. I am amazed and dismayed at the view which my friends have taken of these matters. I know well that their interest is identical with mine. I know their honor and candor, and most willingly would I indulge in their soothing hopes, if the deepest sense of the most imperious duty did not exact of me to call upon them to awake to a sense of the danger, and be prepared to meet it with a thorough comprehension of its import; and as a member of the Senate of the United States, I warn and exhort gentlemen to take early and decided counsel as to what is fit to be done. The occasion concerns us all, not perhaps in an equal degree, but it deeply concerns all who feel, as I do, a profound veneration for the Constitution, and an ardent love for the Union. I conjure the Senators from the non-slaveholding States to approach this subject with a steady regard and unfaltering step; to come to the task at once, before it is too late; to interpose all the authority of this Government between the incendiaries and their fatal purposes; and to pledge the moral weight of their individual characters against it.

I heartily approve the sentiments which have been generally avowed in the Senate, and appreciate the patriotic feelings which gentlemen have expressed in regard to the Abolitionists. I have read, with unfeigned pleasure, the wise communication of the Governor of New York to his Legislature, and am gratified to believe that there is a mass of intelligence and worth in that great State, as well as in others of the northern and middle States, which deeply disapproves these proceedings. But what I fear is, that neither here nor elsewhere is there a sufficient perception of the imminence of the danger, or the potency and permanency of those causes which create it. Even honorable gentlemen from the South, who have all at stake, around whose hearths, and in whose bed-chambers, the cry of thousands is invoking murder, in the name of God and liberty—with the example of Jamaica and St. Domingo before them, even they are not sufficiently aroused to the emergency. I entreat them to awake; I invoke gentlemen from all quarters, of all parties, to unite at once, to combine here, in the adoption of the strongest measures of which this Government is capable, and thus to enter into mutual pledges to oppose, by all possible means, and to the last extremity, the destructive and exterminating doctrines of these terrible incendiaries. Signalize your opposition by the most decided action. Stamp their nefarious propositions with unqualified reprobation. Throw the whole authority of this Government against them. Pledge the authority of each Senator in his own State. Say to the Abolitionists that this Government will in no event be made an instrument in your hands. Say to the South that this pestilential stream shall not be poured upon you through these Halls. Give us the strongest measures. If you cannot adopt the proposition of my colleague, let us know what you can do. The matters before us are of the deepest consequence, and it may, perhaps, not be within the competence of this Government to effect an entire remedy of the evil. Something, however, can be done; you may, at least, save yourselves from becoming either passively or actively accessory to the result. Erect yourselves into a barrier between the opposing sections. Save the Union if you can.

If things go much further, you may find this no easy matter. Recent experience has, thank God, demonstrated that this Government is not strong enough to produce disunion. Will it be strong enough to prevent it if proceedings go on which inevitably make two people of us, warring on a question which on the one side involves existence, and on the other arrays all the fury of fanaticism? Think you, sir, that if you have not the spirit or power to trample out the brand that is thrown amongst us, you can yet bring help when the whole land is wrapped in conflagration? If, however, in your judgment it is not competent or expedient to act decisively, tell us so. Let us know what you can or will do, and we will consider it, and bring to the consideration of it a candid and conciliatory temper, anxious to find safety for the Constitution in your measures. Our own safety is in our own keeping. I will not more than allude to it, for fear of misconstruction; but while with the most painful emotions I have adverted to the dangers of our situation, while with the most profound solicitude I entreat the Senate to guard against them, I know that the South has the power and the will to vindicate its rights and protect itself. Even if it were destitute of the high spirit which characterizes it; if it were without the resources which abound there, it would be forced into a position of self-defense by the inexorable necessities of self-preservation. The South has drawn deep lessons of instruction from the colonial history of France and England. St. Domingo and Jamaica were colonies subject to the dominion of a foreign Power, and perished because they were colonies. Their disastrous history is not recorded in vain. I will not pursue this topic. I am here a member of the Senate of the United States, impressed with a sense of my federal duties, and, in discharge of them, have felt myself compelled to state my conception of the perilous circumstances in which we are; because I fear there is a fatal misconception in regard to them. It is possible, sir, that I may have conceived them too strongly. I wish it may turn out so. It is erring on the safe side to magnify the strength of the enemy, if you intend to encounter him with fortitude and just preparation. Many friends near me see nothing on the horizon but a floating cloud,

which the summer breeze will drive away. I see, or think I see, the gathering of a tempest surcharged with all the elements of devastation. If they be right, it is happy for us all; but if they be wrong, and I right, and the blessed moments of preparation are thrown away until the storm bursts, they incur an awful responsibility.

Mr. President, I have troubled you with great reluctance. It is very painful to me to hear these matters debated here. The presentation of these petitions forces the subject upon us; but it is every way disagreeable. I trust the Senate will bring the unprofitable debate to a speedy termination by a prompt and efficient discharge of its high duties; and for one I shall be silent until it acts.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF HON. J. C. CALHOUN,

OF SOUTH CAROLINA,

IN THE SENATE, *March* 9, 1836.

The question of receiving the Petitions from Pennsylvania for the Abolition of Slavery in the District of Columbia being under consideration—

Mr. CALHOUN said: If we may judge from what has been said, the mind of the Senate is fully made up on the subject of these petitions. With the exception of the two Senators from Vermont, [Messrs. PRENTISS and SWIFT,] all who have spoken have avowed their conviction, not only that they contain nothing requiring the action of the Senate, but that the petitions are highly mischievous, as tending to agitate and distract the country and to endanger the Union itself. With these concessions I may fairly ask, why should these petitions be received? Why receive, when we have made up our mind not to act? Why idly waste our time and lower our dignity in the useless ceremony of receiving to reject, as is proposed, should the petitions be received? Why finally receive what all acknowledge to be highly dangerous and mischievous? But one reason has been, or can be, assigned—that not to receive would be a violation of the right of petition, and, of course, that we are bound to receive, however objectionable and dangerous the petitions may be. If such be the fact, there is an end to the question. As great as would be the advantage to the Abolitionists, if we are bound to receive—if it would be a violation of the right of petition not to receive, we must acquiesce. On the other hand, if it shall be shown, not only that we are not bound to receive, but that to receive on the ground on which it has been placed would sacrifice the constitutional rights of this body would yield to the Abolitionists all they could hope at this time, and would surrender all the outworks by which the slaveholding States can defend their rights and property HERE, then a unanimous rejection of these petitions ought of right to follow.

The decision, then, of the question now before the Senate is reduced to the single point: "Are we bound to receive these petitions?" or, to vary the form of the question, "Would it be a violation of the right of petition not to receive them?"

When the ground was first taken, that it would be a violation, I could scarcely persuade myself that those who took it were in earnest, so contrary was it to all my conceptions of the rights of this body, and the provisions of the Constitution; but finding it so earnestly maintained, I have since carefully investigated the subject, and the result has been a confirmation of my first impression, and a conviction that the claim of right is without shadow of foundation. The question, I must say, has not been fairly met. Those opposed to the side which we support have discussed the question as if we denied the right of petition, when they could not but know that the true issue is not as to the *existence* of the right, which is acknowledged by all, but its *extent* and *limits*, which not one of our opponents has so much as attempted to ascertain. What they have declined doing I undertake to perform.

There must be some point, all will agree, where the right of petition ends, and that of this body begins. Where is that point? I have examined this question carefully, and I assert boldly, without the least fear of refutation, that, stretched to the utmost, the right cannot be extended beyond the presentation of a petition, at which point the rights of this body commence. When a petition is presented, it is before the Senate. It must then be acted on. Some disposition must be made of it before the Senate can proceed to the consideration of any other subject. This no one will deny. With the action of the Senate its rights commence—rights secured by an express provision of the Constitution, which vests each House with the right of regulating its own proceedings; that is, to determine, by fixed rules, the order and form of its action. To extend the right of petition beyond presentation is clearly to extend it beyond that point, where the action of the Senate commences; and, as such, is a manifest violation of its constitutional rights. Here, then, we have the limits between the right of petition and the right of the Senate to regulate its proceedings clearly fixed; and so perfectly defined, as not to admit of mistake; and I would add, of controversy, had it not been questioned in this discussion.

If what I have asserted required confirmation, ample might be found in our rules, which embody the deliberate sense of the Senate on this point, from the commencement of the Government to this day. Among them the Senate has prescribed that of its proceedings on the presentation of petitions. It is contained in the 24th rule, which I ask the Secretary to read, with Mr. Jefferson's remarks in reference to it:

"Before any petition or memorial addressed to the Senate shall be *received*, and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer."—*Rule* 24.

Mr. Jefferson's remarks:

"Regularly a motion for receiving it must be made and seconded; and a question put whether it shall be received; but a cry from the House of 'receive,' or even a silence, dispenses with the formality of the question."

Here we have a confirmation of all I have asserted. It clearly proves that, when a petition is presented, the action of the Senate commences. The first act is to receive the petition. Received by whom? Not the Secretary, but the Senate. And how can it be received by the Senate, but on a motion to receive, and a vote of a majority of the body? And Mr. Jefferson accordingly tells us that regularly such a motion must be made and seconded. On this question, then, the right of the Senate begins, and its right is as perfect and full to receive or reject, as it is to adopt or reject any other question, in any subsequent stage of its proceedings. When I add, that this rule was adopted as far back as the 19th of April, 1789, at the first session of the Senate, and that it has been retained, without alteration, in all the subsequent changes and modifications of the rules, we have the strongest evidence of the deliberate sense of this body, in reference to the point under consideration.

I feel that I might here terminate the discussion. I have shown conclusively that the right of petition cannot possibly be extended beyond presentation. At that point it is met by the rights of the Senate; and it follows, as a necessary consequence, that, so far from being bound to receive these petitions, so far would a rejection be from violating the right of petition, were it left perfectly free to reject or receive at pleasure; to deprive us of which would violate the rights of this body secured by the Constitution.

But, on a question of such magnitude, I feel it to be a duty to remove every difficulty; and that not a shadow of a doubt may remain, I shall not proceed to reply to the objections our opponents have made to the grounds I have taken. At the head of these, it has been urged, again and again, that petitioners have a right to be heard, and that not to receive petitions is to refuse a hearing. It is to be regretted that throughout this discussion, those opposed to us have dealt in such vague generalities, and ventured assertions with so little attention to facts. Why have they not informed us, in the present instance, what is meant by the right to be heard, and how that right is violated by a refusal to receive? Had they thought proper to give us this information, it would at least have greatly facilitated my reply; but, as it is, I am constrained to inquire into the different senses in which the assertion may be taken, and then to show that in not one of them is the right of petition in the slightest degree infringed by a refusal to receive.

What, then, is meant by the assertion that these petitioners have a right to be heard? Is it meant that they have a right to appear in the Senate Chamber in person to present their petition, and to be heard in its defense? If this be the meaning, the dullest apprehension must see that the question on receiving has not the slightest bearing on such right. If they have the right to be heard personally at our bar, it is not the 24th rule of our proceedings, but the 19th, which violates that right. That rule expressly provides that a motion to admit any person whatever within the doors of the Senate to present a petition, shall be out of order, and of course excludes the petitioners from being heard in person. But it may be meant that petitioners have a right to have their petitions presented to the Senate, and read in their hearing. If this be the meaning, the right has been enjoyed in the present instance to the fullest extent. The petition was presented by the Senator from Pennsylvania, [Mr. BUCHANAN,] in the usual mode, by giving a statement of its contents, and, on my call, was read by the Secretary at his table.

But one more sense can be attached to the assertion. It may be meant that the petitioners have a right to have their petitions discussed by the Senate. If this be intended, I will venture to say that there never was an assertion more directly in the teeth of facts than that which has been so frequently made in the course of this discussion—that to refuse to receive the petition is to refuse a hearing to the petitioners. Has not this question been before us for months? Has not the petition been discussed day after day, fully and freely, in all its bearings? And how, with these facts before us—with the debates still ringing in our ears, any Senator can rise in his place, and gravely pronounce that to refuse to receive this petition is to refuse a hearing to the petitioners—to refuse discussion, in the broadest sense, is past my comprehension. Our opponents, as if in their eagerness to circumscribe the rights of the Senate, and to enlarge those of the Abolitionists—for such must be the effect of their course—have closed their senses against facts passing before their eyes; and have entirely overlooked the nature of the question now before the Senate, and which they have been so long discussing.

The question on receiving the petition not only admits discussion, but admits it in the most ample manner; more so, in fact, than any other, except the final question on the rejection of the prayer of the petition, or some tantamount question. Whatever may go to show that the petition is or is not deserving the action of this body may be freely urged for or against it, as has been done on the present occasion. In this respect there is a striking difference between it and many of the subsequent questions which may be raised after reception, and particularly the one made by the Senator from Tennessee, [Mr. GRUNDY,] who now is so strenuous an advocate in favor of the right of the petitioners to be heard. He spoke with great apparent complacency of his course, as it respects another of these petitions. And what was that course? He who is now so eager for discussion—to give a hearing, moved to lay the petition on the table—a motion which cuts off all discussion.

But, it may be asked, if the question on receiving petitions admits of so wide a scope for discussion, why not receive this petition, and discuss it at some subsequent stage? Why not receive, in order to reject its prayer, as proposed by the Senator from Pennsylvania, [Mr. BUCHANAN,] instead of rejecting the petition itself on the question of receiving, as we propose? What is the difference between the two?

I do not intend, at this stage, to compare or rather to contrast the two courses, for they admit of no comparison. My object, at present, is to establish, beyond the possibility of doubt, that we are not bound to receive these petitions; and when that is accomplished, I will then show the

disastrous consequences which must follow the reception of the petition, be the after disposition what it may. In the mean time, it is sufficient to remark, that it is only on the question of receiving, that opposition can be made to the *petition itself.* On all others, the opposition is to its *prayer.* On the decision, then, of the question of receiving, depends the important question of jurisdiction. To receive is to take jurisdiction—to give an implied pledge to investigate and decide on the prayer, and to give the petition a place in our archives, and become responsible for its safe-keeping; and who votes for receiving of this petition on the ground on which its reception is placed, votes that Congress is bound to take jurisdiction of the question of abolishing slavery both here and in the States; gives an implied pledge to take the subject under consideration; and orders the petition to be placed among the public records for safe-keeping.

But, to proceed, in reply to the objections of our opponents. It is next urged that precedents are against the side we support. I meet this objection with a direct denial. From the beginning of the Government to the commencement of this session, there is not a single precedent that justifies the receiving of these petitions, on the ground on which their reception is urged. The real state of the case is, that we are not following, but making, precedents. For the first time has the principle been assumed that we are bound to receive petitions; that we have no discretion, but must take jurisdiction over them, however absurd, frivolous, mischievous, or foreign from the purpose for which the Government was created. Receive these petitions, and you will create a precedent which will hereafter establish this monstrous principle. As yet there are none. The case relied on by the Senator from Tennessee [Mr. GRUNDY] is in no respect analogous. No question in that case was made on the reception of the petition. The petition slipped in without taking a vote, as is daily done, when the attention of the Senate is not particularly called to the subject. The question on which the discussion took place was on the reference, and not on the reception, as in this case; but what is decisive against the precedent, and which I regret the Senator [Mr. GRUNDY] did not state, so that it might accompany his remarks, is the fact, that the petition was not for abolishing slavery. The subject was the African slave trade; and the petition simply prayed that Congress would *inquire* whether they might not adopt some measure of interdiction, prior to 1808, when, by the Constitution, they would be authorized to suppress that trade. I ask the Secretary to read the prayer of the petition:

"But we find it indispensably incumbent on us, as a religious body, assuredly believing that both the true temporal interests of nations and eternal well-being of individuals depend on doing justly, loving mercy, and walking humbly before God, the creator, preserver, and benefactor of men, thus to attempt to excite your attention to the affecting subject, [slave trade,] earnestly desiring that the infinite Father of spirits may so enrich our minds with His love and truth, and so influence your understandings by that pure wisdom which is full of mercy and good fruits, as that a sincere and an impartial inquiry may take place, whether it be not an essential part of the duty of your exalted station to exert upright endeavors, to the full extent of your power, to remove every obstruction to public righteousness which the influence and artifice of particular persons, governed by the narrow, mistaken views of self-interest has occasioned; and whether, notwithstanding such seeming impediments, it be not really within your power to exercise justice and mercy, which, if adhered to, we cannot doubt abolition must produce the abolition of the slave trade."

Now, I ask the Senator where is the analogy between this and the present petition, the reception of which he so strenuously urges? He is a lawyer of long experience and of distinguished reputation; and I put the question to him, on what possible principle can a case so perfectly dissimilar justify the vote he intends to give on the present occasion? On what possible ground can the vote of Mr. Madison to refer that petition, on which he has so much relied, justify him in receiving this? Does he not perceive, in his own example, the danger of forming precedents? If he may call to his aid the authority of Mr. Madison in a case so dissimilar, to justify the reception of this petition, and thereby extend the jurisdiction of Congress over the question of emancipation, to what purpose hereafter may not the example of his course on the present occasion be hereafter perverted?

It is not my design to censure Mr. Madison's course, but I cannot refrain from expressing my regret that his name is not found associated, on that occasion, with the sagacious and firm representatives from the South—Smith, Tucker, and Barber, of South Carolina, James Jackson of Georgia, and many others, who at that early period foresaw the danger, and met it, as it ought ever to be met by those who regard the peace and security of the slaveholding States. Had he added the weight of his talents and authority to theirs, a more healthy tone of sentiment than that which now unfortunately exists would this day have been the consequence.

Another case has been cited, to justify the vote for reception. I refer to the petition from the Quakers, in 1805, which the Senator from Pennsylvania [Mr. BUCHANAN] relies on to sustain him in receiving the present petition. What I have said in reply to the precedent cited by the Senator from Tennessee, applies equally to this. Like that, the petition prayed legislation, not on abolition of slavery, but the African slave trade, over which subject Congress then in a few years would have full jurisdiction by the Constitution, and might well have their attention called to it in advance. But, though their objects were the same, the manner in which the petitions were met was very dissimilar. Instead of being permitted to be received silently, like the former, this petition was met at the threshold. The question of receiving was made, as on the present occasion, and its rejection sustained by a strong southern vote, as the Journals will show. The Secretary will read the Journal.

"Mr. Logan presented a petition signed Thomas Morris, clerk, on behalf of the meeting of the representatives of the people called Quakers, in Pennsylvania, New Jersey, &c., stating that the petitioners, from a sense of religious duty, had again come forward to plead the cause of their oppressed and degraded fellow-men of the African race. On the question, 'Shall this petition be received?' it passed in the affirmative—yeas 19, nays 9."

Among those to receive the petition, there were but four from the slaveholding States, and this on a single petition praying for legislation on a subject over which Congress in so short a time would have full authority. What an example to us on the present occasion! Can any man doubt, from the vote, if the southern Senators, on that occasion, had been placed in our present situation—that, had it been their lot, as it is ours, to meet that torrent of petitions which is now poured in on Congress, not from peaceable Quakers, but ferocious incendiaries, not to suppress the African slave trade, but to abolish slavery, they would, with united voice, have rejected the petition with scorn and indignation? Can any one who knew him doubt that one of the Senators from the South—the gallant Sumpter—who, on that occasion, voted for receiving the petition, would have been among the first to vindicate the interests of those whom he represented, had the question at that day been what it is on the present occasion?

We are next told that, instead of looking to the Constitution, in order to ascertain what are the limits to the right of petition, we must push that instrument aside, and go back to Magna Charta and the declaration of rights for its origin and limitation. We live in strange times. It seems there are Christians now more orthodox than the Bible, and politicians whose standard is higher than the Constitution; but I object not to tracing the right to these ancient and venerated sources; I hold in high estimation the institutions of our English ancestors. They grew up gradually through many generations, by the incessant and untiring efforts of an intelligent and brave people struggling for centuries against the power of the Crown. To them we are indebted for nearly all that has been gained for liberty in modern times, excepting what we have added. But may I not ask how it has happened that our opponents, in going back to these sacred instruments, have not thought proper to cite their provisions, or to show in what manner our refusal to receive these petitions can violate the right of petition as secured by them. I feel under no obligation to supply the omission—to cite what they have omitted to cite, to prove, from the instruments themselves, that to be no violation of them which they have not proved to be a violation. It is unnecessary. The practice of Parliament is sufficient for my purpose. It proves conclusively that it is no violation of the right, as secured by those instruments, to refuse to receive petitions. To establish what this practice is, I ask the Secretary to read from Hatsel, a work of the highest authority, the several paragraphs which are marked with a pencil, commencing at page 760, under the head of Petitions on Matter of Supply:

"On the 9th of April, 1694, a petition was tendered to the House relating to the bill for granting to their Majesties several duties upon the tonnage of ships; and the question being put, that the petition be received, it passed in the negative.

"On the 28th of April, 1698, a petition was offered to the House against the bill for laying a duty upon inland pitcoal; and the question being put that the petition be received, it passed in the negative. See also the 29th and 30th of June, 1698, petitions relating to the duties upon Scotch linens, and upon whale fins imported.—Vid. 20th of April, 1698.

"On the 5th of January, 1703, a petition of the masters of Nottingham being offered against the bill for continuing the duties on malt, and the question being put that the petition be brought up, it passed in the negative.

"On the 21st of December, 1706, *Resolved*, That this House will receive no petition for any sum of money relating to public service but what is recommended from the Crown. Upon the 11th of June, 1713, this is declared to be a standing order of the House.

"On the 29th of March, 1707, *Resolved*, That the House will not proceed on any petition, motion, or bill for granting any money, or for releasing or compounding any money owing to the Crown, but in a Committee of the Whole House; and this is declared to be a standing order. See also the 29th of November, 1710..

"On the 23d of April, 1713, *Resolved*, That the House will receive no petition for compounding debts to the Crown upon any branch of the revenue, without a certificate from the proper officer annexed, stating the debt, what prosecutions have been made for the recovery thereof, and what the petitioner and his security are able to pay.

"On the 25th of March, 1715, this is declared to be a standing order. See the 2d of March, 1735, and the 9th of January, 1752, the proceedings upon petitions of this sort.

"On the 8th of March, 1732, a petition being offered against a bill depending for securing the trade of the sugar colonies, it was refused to be brought up. A motion was then made that a committee be appointed to search precedents in relation to the receiving or not receiving petitions against the imposing of duties; and the question being put it passed in the negative."

Nothing can be more conclusive. Not only are petitions rejected, but resolutions are passed refusing to receive entire classes of petitions, and that, too, on the subject of imposing taxes—a subject above all others in relation to which we would suppose the right ought to be held most sacred, and this within a few years after the declaration of rights. With these facts before us, what are we to think of the assertion of the Senator from Tennessee, [Mr. GRUNDY,] who pronounced in his place, in the boldest and most unqualified manner, that there was no deliberative body which did not act on the principle that it was bound to receive petitions? That a member of his long experience and caution should venture to make an assertion so unfounded is one among the many proofs of the carelessness, both as to facts and arguments, with which this important subject has been examined and discussed on that side.

But it is not necessary to cross the Atlantic, or to go back to remote periods, to find precedents for the rejection of petitions. This body, on a memorable occasion, and after full deliberation, a short time since, rejected a petition; and among those who voted for the rejection will be found the names (of course I exclude my own) of the most able and experienced members of the Senate. I refer to the case of resolutions in the nature of a remonstrance from the citizens of York, Pennsylvania, approving the act of the President in removing the deposits. I ask the Secretary to read the Journals on the occasion:

"The Vice President communicated a preamble and a series of resolutions adopted at a meeting of the citizens of York county, Pennsylvania, approving the act of the Executive removing the public money from the Bank of the United States, and opposed to the renewal of the charter of said bank, which having been read, Mr. CLAY objected to the reception. And on the question, 'Shall they be received?' it was determined in the negative—yeas 20, nays 24.

"On motion of Mr. PRESTON, the yeas and nays being desired by one fifth of the Senators present, those who voted in the affirmative are—

"Messrs. Benton, Brown, Forsyth, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Linn, McKean, Mangum, Morris, Robinson, Shepley, Tallmadge, Tipton, White, Wilkins, and Wright.

"Those who voted in the negative are—

"Messrs. Bibb, Black, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, Leigh, Moore, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Waggaman, and Webster."

In citing this case, it is not my intention to call in question the consistency of any member on this floor; it would be unworthy of the occasion. I doubt not the vote then given was given from a full conviction of its correctness, as it will doubtless be in the present case, on whatever side it may be found. My object is to show that the principle for which I contend, so far from being opposed, is sustained by precedents, here and elsewhere, ancient and modern.

In following, as I have, those opposed to me, to Magna Charta and the Declaration of Rights, for the origin and the limits of the right of petition, I am not disposed, with them, to set aside the Constitution. I assent to the position they assume, that the right of petition existed before the Constitution, and that it is not derived from it; but while I look beyond that instrument for the right, I hold the Constitution, on a question as to its extent and limits, to be the highest authority. The first amended article of the Constitution, which provides that Congress shall pass no law to prevent the people from peaceably assembling and petitioning for a redress of grievances, was clearly intended to prescribe the limits within which the right might be exercised. It is not pretended that to refuse to receive petitions, touches, in the slightest degree, on these limits. To suppose that the framers of the Constitution —no, not the framers, but those jealous patriots who were not satisfied with that instrument as it came from the hands of the framers, and who proposed this very provision to guard what they considered a sacred right—performed their task so bunglingly as to omit any essential guard, would be to do great injustice to the memory of those stern and sagacious men; and yet this is what the Senator from Tennessee [Mr. GRUNDY] has ventured to assert. He said that no provision was added to guard against the rejection of petitions, because the obligation to receive was considered so clear that it was deemed unnecessary; when he ought to have known that, according to the standing practice at that time, Parliament was in the constant habit, as has been shown, of refusing to receive petitions—a practice which could not have been unknown to the authors of the amendment; and from which it may be fairly inferred that, in omitting to provide that petitions should be received, it was not intented to comprehend their reception in the right of petition.

I have now, I trust, established beyond all controversy that we are not bound to receive these petitions; and that if we should reject them, we would not in the slightest degree infringe the right of petition. It is now time to look to the rights of this body, and to see whether, if we should receive them—when it is acknowledged that the only reason for receiving is that we are bound to do so—we would not establish a principle which would trench deeply on the rights of the Senate. I have already shown that where the action of the Senate commences, there also its right to determine how and when it shall act, also commences. I have also shown that the action of the Senate necessarily begins on the presentation of a petition; that the petition is then before the body; that the Senate cannot proceed to other business without making some disposition of it; and that, by the 24th rule, the first action after presentation is on a question to receive the petition. To extend the right of petition to the question on receiving, is to expunge this rule — to abolish this unquestionable constitutional right of the Senate, and that for the benefit, in this case, of the Abolitionists. Their gain would be at the loss of this body. I have not expressed myself too strongly. Give the right of petition the extent contended for; decide that we are bound, under the Constitution, to receive these incendiary petitions, and the very motion before the Senate would be out of order. If the Constitution makes it our duty to receive, we would have no discretion left to reject, as the motion presupposes. Our rules of proceeding must be in accordance with the Constitution. Thus, in the case of received bills, which by the Constitution must originate in the other House, it would be out of order to introduce them here, and it has accordingly been so decided. For like reason, if we are bound to receive petitions, the present motion would be out of order; and if such be your opinion, it is your duty, as the presiding officer, to call me to order, and to arrest all further discussion on the question of reception. Let us now turn our eyes for a moment to the nature of the right which, I fear, we are about to abandon, with the view to ascertain what must be the consequence if we should surrender it.

Of all the rights belonging to a deliberative body I know of none more universal, or more indispensable to a proper performance of its functions, than the right to determine at its discretion what it shall receive, over what it shall extend its jurisdiction, and to what it shall direct its deliberation and action. It is the first and universal law of all such bodies, and extends not only to petitions, but to reports, to bills, and resolutions, varied only in the two latter in the form of the question. It may be compared to the function in the animal economy, with which all living creatures are endowed, of selecting, through the instinct of taste, what to receive or reject, on which the preservation of their existence depends. Deprive them of this function, and the poisonous, as well as the wholesome, would be indifferently received into their system. So with deliberative bodies; deprive them of the essential and primary right to determine at their pleasure what to receive or reject, and they would become the passive receptacle, indifferently, of all that is frivolous, absurd, unconstitutional, immoral, and impious, as well as what may properly demand their deliberation and action. Establish this monstrous—this impious principle, (as it would prove to be in practice,) and what must be the consequence? To what would we commit ourselves! If a petition should be presented praying the abolition of the Constitution, (which we are all bound by our oaths to protect,) according to this abominable doctrine it must be received: so, if it was prayed, the abolition of the Decalogue or of the Bible itself. I go further. If the abolition societies should be converted into a body of atheists, and should ask the passage of a law denying the existence of the Almighty Being above, the Creator of all, according to this blasphemous doctrine we would be bound to receive the petition—to take jurisdiction of it. I ask the Senators from Tennessee and Pennsylvania, [Messrs. GRUNDY and BUCHANAN,] would they vote to receive such a petition? I await not an answer. They would instantly reject it with loathing. What, then, becomes of the unlimited, unqualified, and universal obligation to receive petitions which they so strenuously maintained, and to which they are prepared to sacrifice the constitutional rights of this body?

I shall now descend from these hypothetical cases to the particular question before the Senate. What, then, must be the consequences of receiving this petition, on the principle that we are bound to receive it, and all similar petitions, whenever presented? I have considered this question calmly, in all its bearings, and do not hesitate to pronounce that to receive would be to yield to the Abolitionists all that the most sanguine could for the present hope, and to abandon all the outworks upon which we of the South rely for our defense against their attacks here.

No one can believe that the fanatics who have flooded this and the other House with their petitions entertain the slightest hope that Congress would pass a law *at this time* to abolish slavery in this District. Infatuated as they are, they must see that public opinion at the North is not yet prepared for so decisive a step, and that seriously to attempt it now would be fatal to their cause. What, then, do they hope? What but that Congress should take jurisdiction of the subject of abolishing slavery — should throw open to the Abolitionists the halls of legislation, and enable them to establish a permanent position within their walls, from which hereafter to carry on their operations against the institutions of the slaveholding States. If we receive this petition, all these advantages will be realized to them to the fullest extent. Permanent jurisdiction would be assumed over the subject of slavery, not only in this District, but in the States themselves, whenever the Abolitionists might choose to ask Congress, by sending their petitions here, for the abolition of slavery in the States. We would be bound to receive such petitions, and, by receiving, would be fairly pledged to deliberate and decide on them. Having succeeded in this point, a most favorable position would be gained. The center of operations would be transferred from Nassau Hall to the Halls of Congress. To this common center the incendiary publications of the Abolitionists would flow, in the form of petitions, to be received and preserved among the public records. Here the subject of abolition would be agitated, session after session, and from hence the assaults on the property and institutions of the people of the slaveholding States would be disseminated, in the guise of speeches, over the whole Union.

Such would be the advantages yielded to the Abolitionists. In proportion to their gain would be our loss. What would be yielded to them would be taken from us. Our true position, that which is indispensable to our defense *here*, is that Congress has no legitimate jurisdiction over the subject of slavery, either here or elsewhere. The reception of this petition surrenders this commanding position; yields the question of jurisdiction, so important to the cause of abolition, and so injurious to us; compels us to sit in silence to witness the assaults on our character and institutions, or to engage in an endless contest in their defense. Such a contest is beyond mortal endurance. We must, in the end, be humbled, degraded, broken down, and worn out.

The Senators from the slaveholding States, who most unfortunately have committed themselves to vote for receiving these incendiary petitions, tell us that whenever the attempt shall be made to abolish slavery, they will join with us to repel it. I doubt not the sincerity of their declaration. We all have a common interest, and they cannot betray ours, without betraying, at the same time, their own. But I announce to them that they are *now* called on to redeem their pledge. *The attempt is* NOW *making*. The work is going on daily and hourly. The war is waged, not only in the most dangerous manner, but in the only manner it can be waged. Do they expect that the Abolitionists will resort to arms, and commence a crusade to liberate our slaves by force? Is this what they mean when they speak of the attempt to abolish slavery? If so, let me tell our friends of the South who differ from us, that the war which the Abolitionists wage against us is of a very different character, and far more effective. It is a war of religious and political fanaticism, mingled on the part of the leaders with ambition and the love of notoriety, and waged not against our lives, but our character. The object is to humble and debase us in our own estimation, and that of the world in general; to blast our reputation, while they overthrow our domestic institutions. This is the mode in which they are attempting abolition, with such ample means and untiring industry; and *now is the time* for all who are opposed to them to meet the attack. How can it be successfully met? This is the important question. There is but one way; we must meet the enemy on the frontier; on the question of receiving; we must secure that important pass—it is our Thermopylæ. The power of resistance, by a universal law of nature, is on the exterior. Break through the shell, penetrate the crust, and there is no resistance within. In the present contest, the question on receiving constitutes our frontier. It is the first, the exterior, question, that covers and protects all the others. Let it be penetrated by receiving this petition, and not a point of resistance can be found within, as far as this Government is concerned. If we cannot maintain ourselves there, we cannot on any interior position. Of all the questions that can be raised, there is not one on which we can rally on ground more tenable for ourselves, or more untenable for our opponents, not excepting the ultimate question of abolition in the States; for our right to reject this petition is a truth as clear and unquestionable as

that Congress has no right to abolish slavery in the States.

Such is the importance of taking our stand immovably on the question now before us. Such are the advantages that we of the South would sacrifice, and the Abolitionists would gain, were we to surrender that important position by receiving this petition. What motives have we for making so great a sacrifice? What advantages can we hope to gain that would justify us?

We are told of the great advantages of a strong majority. I acknowledge it in a good cause, and on sound principles. I feel in the present instance how much our cause would be strengthened by a strong and decided majority for the rejection of these incendiary petitions. If anything we could do here could arrest the progress of the Abolitionists, it would be such a rejection. But as advantageous as would be a strong majority on sound principles, it is in the same degree dangerous when on the opposite—when it rests on improper concessions, and the surrender of principles, which would be the case at present. Such a majority must in this instance be purchased by concessions to the Abolitionists, and a surrender on our part that would demolish all our outworks, give up all our strong positions, and open all the passes to the free admission of our enemies. It is only on this condition that we can hope to obtain such a majority—a majority which must be gathered together from all sides, and entertaining every variety of opinion. To rally such a majority the Senator from Pennsylvania has fallen on the device to receive this petition, and immediately reject it without consideration or reflection. To my mind the movement looks like a trick—a mere piece of artifice to juggle and deceive. I intend no disrespect to the Senator. I doubt not his intention is good, and believe his feelings are with us; but I must say that the course he has intimated is, in my opinion, the worst possible for the slaveholding States. It surrenders all to the Abolitionists, and gives nothing, in turn, that would be of the least advantage to us. Let the majority for the course he indicates be ever so strong, can the Senator hope that it will make any impression on the Abolitionists? Can he even hope to maintain his position of rejecting their petitions without consideration against them? Does he not see that, in assuming jurisdiction by receiving their petitions, he gives an implied pledge to inquire, to deliberate, and decide on them? Experience will teach him that we must either refuse to receive, or go through. I entirely concur with the Senator from Vermont [Mr. PRENTISS] on that point. There is no middle ground that is tenable, and least of all that proposed to be occupied by the Senator from Pennsylvania and those who act with him. In the mean time, the course he proposes is calculated to lull the people of the slaveholding States into a false security, under the delusive impression which it is calculated to make, that there is more universal strength here against the Abolitionists than really does exist.

But we are told that the right of petition is popular in the North, and that to make an issue, however true, which might bring it in question, would weaken our friends and strengthen the Abolitionists. I have no doubt of the kind feelings of our brethren from the North on this floor; but I clearly see that, while we have their feelings in our favor, their constituents, right or wrong, will have their votes, however we may be affected. But I assure our friends that we would not do anything willingly which would weaken them at home; and if we could be assured that by yielding to their wishes the right of receiving petitions, they would be able to arrest, permanently, the progress of the Abolitionists, we then might be induced to yield; but nothing short of the certainty of permanent security can induce us to yield an inch. If to maintain our rights must increase the Abolitionists, be it so. I would at no period make the least sacrifice of principle for any temporary advantage, and much less at the present. If there must be an issue, now is our time. We never can be more united or better prepared for the struggle; and I, for one, would much rather meet the danger now than to turn it over to those who are to come after us.

But putting these views aside, it does seem to me, taking a general view of the subject, that the course intimated by the Senator from Pennsylvania is radically wrong, and must end in disappointment. The attempt to unite all must, as it usually does, terminate in division and distraction. It will divide the South on the question of receiving, and the North on that of rejection, with a mutual weakening of both. I already see indications of division among the northern gentlemen on this floor, even in this stage of the question. A division among them would give a great impulse to the cause of abolition. Whatever position the parties may take, in the event of such division, one or the other would be considered more or less favorable to the abolition cause, which could not fail to run it into the political struggles of the two great parties of the North. With these views, I hold that the only possible hope of arresting the progress of the Abolitionists in that quarter is to keep the two great parties there united against them, which would be impossible if they divide here. The course intimated by the Senator from Pennsylvania will effect a division here; and, instead of uniting the North, and thereby arresting the progress of the Abolitionists, as he anticipates, will end in division and distraction, and in giving thereby a more powerful impulse to their cause. I must say, before I close my remarks in this connection, that the members from the North, it seems to me, are not duly sensible of the deep interest which they have in this question, not only as affecting the Union, but as it relates immediately and directly to their particular section. As great as may be our interests, theirs is not less. If the tide continues to roll on its turbid waves of folly and fanaticism, it must, in the end, prostrate in the North all the institutions that uphold their peace and prosperity, and ultimately overwhelm all that is eminent, morally and intellectually.

I have now concluded what I intended to say on the question immediately before the Senate. If I have spoken earnestly, it is because I feel the subject to be one of the deepest interest. We are about to take the first step; that must control all our subsequent movements. If it should be such, as I fear it will, if we receive this petition, and establish the principle that we are obliged to receive all such petitions; if we shall determine to take permanent jurisdiction over the subject of abolition, whenever and in whatever manner the Abolitionists may ask, either here or in the States, I fear that the consequences will be ultimately disastrous. Such a course would destroy the confidence of the people of the slaveholding States in this Government. We love and cherish the Union; we remember with the kindest feelings our common origin, with pride our common achievements, and fondly anticipate the common greatness and glory that seems to await us; but origin, achievements, and anticipation of coming greatness, are to us as nothing, compared to this question. It is to us a vital question. It involves not only our liberty, but, what is greater, (if to freemen anything can be,) existence itself. The relation which now exists between the two races in the slaveholding States has existed for two centuries. It has grown with our growth, and strengthened with our strength. It has entered into and modified all our institutions, civil and political. None other can be substituted. We will not, cannot permit it to be destroyed. If we were base enough to do so, we would be traitors to our section, to ourselves, our families, and to posterity. It is our anxious desire to protect and preserve this relation by a joint action of the Government and the confederated States of the Union; but if, instead of closing the door; if, instead of denying all jurisdiction and all interference in this question, the doors of Congress are to be thrown open; and if we are to be exposed here, in the heart of the Union, to an endless attack on our rights, our character, and our institutions; if the other States are to stand and look on, without attempting to suppress these attacks, originating within their borders; and, finally, if this is to be our fixed and permanent condition as members of this Confederacy, we will then be compelled to turn our eyes on ourselves. Come what will, should it cost every drop of blood, and every cent of property, we must defend ourselves; and, if compelled, we would stand justified by all laws, human and divine.

If I feel alarm, it is not for ourselves, but the Union and the institutions of the country, to which I have ever been devotedly attached, however calumniated and slandered. Few have made greater sacrifices to maintain them, and none is more anxious to perpetuate them to the latest generation, but they can, and ought to, be perpetuated only on the condition that they fulfill the great objects for which they were created—the liberty and protection of those States.

As for ourselves, I feel no apprehension. I know, to the fullest extent, the magnitude of the danger that surrounds us. I am not disposed to under-estimate it. My colleague has painted it truly. But, as great as is the danger, we have nothing to fear, if true to ourselves. We have many and great resources; a numerous, intelligent, and brave population; great and valuable staples; ample fiscal means; unity of feeling and interest, and an entire exemption from those dangers originating in a conflict between labor and capital, which, at this time, threatens so much danger to constitutional Governments. To these may be added, that we would act under an imperious necessity. There would be to us but one alternative—to triumph or perish as a people. We would stand alone, compelled to defend life, character, and institutions. A necessity so stern and imperious would develop to the full all the great qualities of our nature, mental and moral, requisite for defense—intelligence, fortitude, courage, and patriotism; and these, with our ample means, and our admirable materials for the construction of durable free States, would insure security, liberty, and renown.

With these impressions I ask neither sympathy nor compassion for the slaveholding States. We can take care of ourselves. It is not we, but the Union which is in danger. It is that which demands our care—demands that the agitation of this question shall cease *here*—that you shall refuse to receive these petitions, and decline all jurisdiction over the subject of abolition in every form and shape. It is only on these terms that the Union can be safe. We cannot remain here in an endless struggle in defense of our character, our property, and institutions.

I shall now, in conclusion, make a few remarks as to the course I shall feel myself compelled to pursue, should the Senate, by receiving this petition, determine to entertain jurisdiction over the question of abolition. Thinking as I do, I can perform no act that would countenance so dangerous an assumption; and as a participation in the subsequent proceedings on this petition, should it unfortunately be received, might be so construed, in that event I shall feel myself constrained to decline such participation, and to leave the responsibility wholly on those who may assume it.

MARITIME DEFENSES.

SPEECH OF HON. W. THOMPSON,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

March 2 and 3, 1836.

The House having under consideration, as in Committee of the Whole, the bill making appropriations for the support of the Navy, for the year 1837—

Mr. THOMPSON, of South Carolina, said:

Mr. CHAIRMAN: I regret, sir, that these appropriations are presented under circumstances which make it impossible for me to vote for them. They may be, to a certain extent, necessary and proper. I cannot say that even the inclination of my mind is against them; but coming before us as they do, not in the usual routine, after an investigation of the subject and a report from the Naval Committee, but in a bill reported by the Committee of Ways and Means, I cannot vote for them. Instead of a bill providing for the general maritime defense of the country, the whole country, based upon evidence, reports, and estimates from the proper sources, presenting one general system, equal and just, we are called upon to act in

detail, upon detached, minute, and separate members. I cannot doubt that all the materials are at hand, and that there are officers capable of digesting such a plan. Why is it not done? What is the pressing exigency by which we are required in such haste to act on these particular navy-yards? Why is it that the appropriations for these yards are thus pressed upon us, and brought up in this unusual mode, when the application for a yard at Pensacola, more important than any of them, and in my judgment of as much importance as all of them put together, is condemned to the usual, but dilatory course of a reference to the Naval Committee? Whenever, sir, such a plan as I have suggested is presented, I am willing to appropriate as much money as can be wisely and economically expended; and if something like justice is done to the South and West, I shall not be over captious as to the greater magnitude of the appropriations to the North. Until that is done, I will not vote one farthing; I will not vote these appropriations, and then take the chances for our own. No, sir, it is a common board, at which all must sit down, or none. I will not wait for the second table, and take the fragments which may be left by the appetites which I will not call voracious, but which I shall show are not very easily satisfied.

The items of appropriation now under consideration are taken without the change of a letter or figure from the report of the Secretary of the Navy I therefore take it for granted, that the other recommendations of the Secretary, in immediate connection with this subject, will in due season also be presented to us. I have only to regret that they are not all under consideration at once. It may, however, have been prudent to give them to us in broken doses. I shall, however, take leave to advert to all of them in this discussion; I will also endeavor to collect these scattered sweets, and I am utterly mistaken in the force of truth, if the result does not astonish this House and this nation.

Expecting, as I do, sir, the aid and coöperation of very many honorable members who are attached to the Adminstration party, I shall endeavor, as far as practicable, to avoid even the imputation of making this unnecessarily a party question. Its importance rises infinitely higher than any such considerations. I have no motive to do so. The President of the United States is rapidly passing from the stage of public action, and is about to assume his station in history. I will not anticipate what that station will be; I feel that I am not an impartial judge. I cannot forbear to express the happiness which I feel that we are called upon to act upon this important subject free from the extraneous and exciting influence of the prospect of a collision with France. I can now vote money for permanent and progressive works, which, under such an apprehension, I would have husbanded for men and ships; and, sir, I will not disguise that the adjustment of our differences with France affords me a personal—a selfish satisfaction, as justifying remarks heretofore made, that I saw in the course of France nothing of threat or intimidation, but everything of conciliation, even of kindness. Through the magnanimous interference of England, that controversy is now settled—magnanimous (if disinterested) beyond anything in history. Our maritime frontier may properly be divided into three sections. 1. From Maine to the Capes of Virginia, denominated the North Atlantic. 2. From the Capes of Virginia to Florida point, the South Atlantic. 3. From Florida point to the Sabine, or the Gulf frontier. From the Capes of Virginia to Maine is less than one third of the whole frontier, and the country dependent upon it less than one fifth of the territory of the United States. I will endeavor to show, from the report of the Secretary of the Navy and other measures before the House, how much it is proposed to appropriate to these sections respectively. I am aware, sir, that I am entering upon an invidious duty. I hope that it is not my nature to be over querulous or jealous. I know that I should not properly represent those who send me here if I were to scrutinize too nicely the measures of disbursement to the different sections of our common country—a disbursement necessarily unequal to a certain extent. I trust, sir, for my apology to the facts which I will develop.

Sums specifically estimated for the navy-yards on the North Atlantic.

Pay of Officers and others.

Portsmouth	$23,739 75
Boston	53,537 75
New York	53,537 75
Philadelphia	29,437 75
Washington	29,783 75
Norfolk	53,687 75
Baltimore station	7,362 50
Sackett's Harbor	1,000 00
Washington, on general duty	5,000 00
Total of North Atlantic	$256,362 00
Charleston	$7,689 75
Pensacola	29,489 75
Total of South Atlantic and Gulf	$37,179 50

Improvement and Repair of Navy-Yards.

Portsmouth	$67,000 00
Boston	199,575 00
New York	84,300 00
Philadelphia	11,750 00
Washington	37,500 00
Norfolk	167,000 00
North Atlantic	$567,125 00
South Atlantic, nothing.	
Gulf of Mexico	64,000 00

Additional Improvement of Navy-Yards.

Portsmouth	$100,000 00
Boston	550,000 00
New York	1,450,000 00
Philadelphia	60,000 00
Washington	65,000 00
Norfolk	1,000,000 00
Total of North Atlantic	$3,225,000 00

South Atlantic. How much do you suppose, sir? You would never guess. I will tell you—nothing, sir, nothing: Whole Gulf frontier, $275,000.

I would forbear to remark upon these separate points until I had presented the whole, but I cannot. Is there any one man whose sense of justice does not revolt at this. One third of the frontier and one fifth of the territory is to receive, for one item of expenditure, $3,225,000; another section, more than equal in extent of coast and territory, to receive nothing; and against this enormous sum appropriated to this small section, you have $275,000 to the other four fifths. Can any people bear this—ought any people to bear it—from a Government, too, under the most sacred obligations to distribute, as equally as practicable, its burdens and its benefits?

I will now give you the estimates, the expenditures of which must principally be made on the North Atlantic:

Provisions	$560,000 00
Repairs of vessels in ordinary	950,000 00
Medicines	40,000 00
Ordnance stores	50,000 00
Miscellaneous items	295,000 00
Contingencies	3,000 00
Pay of officers of receiving vessels at Boston, New York, Philadelphia, Baltimore, and Norfolk	63,683 50
Pay of officers at five recruiting stations, the same abovenamed	37,750 00
Annual increase of Navy, expended, of course, at the northern navy-yards	500,000 00
Completing steam vessels at New York	150,000 00
Building three steam vessels, of course at some northern yard	675,000 00
Hospitals at New York and Boston	45,410 00
Coast survey, confined to North Atlantic	80,000 00
Powder magazines, New York and Boston	19,200 00
Total	$3,599,043 50

Recapitulation.

Pay of officers and soldiers	$256,362 00
Improvement and repair of yards	567,125 00
Additional improvement of yards	3,225,000 00
General estimates	3,599,043 50
Total North Atlantic	$7,547,530 50
Pay of officers at Charleston and Pensacola	$37,199 50
Improvement of the navy-yard at Pensacola	64,000 00
Additional improvement of navy-yard at Pensacola	275,000 00
Powder magazine at Pensacola	17,000 00
Total for South Atlantic and Gulf of Mexico	$393,199 50
Gross specific appropriations for North Atlantic	$7,547,530 50
To which may be added the amount of the bill on the table for finishing ships, &c., of course at northern yards	2,000,000 00
	$9,547,530 50
To which may be added the following, which must be incidentally applied to North Atlantic, pay of officers and men	$1,974,338 91
Pay of superintendents, naval contingencies, and civil establishments at yards	68,540 00
	$2,042,878 91
From which deduct amount expended on Gulf of Mexico, say	150,000 00
	1,892,878 91
Total for North Atlantic	$11,440,409 41
South Atlantic and Gulf	$393,179 00
Amount incidentally expended on Gulf	150,000 00
	$543,179 00

To which, sir, allow me to add the proposed appropriations for fortifications, which give to this same favored section $2,326,000, and $170,800 to the remaining four fifths. It stands thus:

Naval appropriations on North Atlantic	$11,440,409 41
Fortifications	2,326,000 00
Total	$13,766,409 41
Whole South Atlantic and Gulf—	
Naval appropriations	$543,179 00
Fortifications	170,800 00
Total	$713,979 00

One fifth of the country receives appropriations at about the rate of two millions to every hundred thousand given to the remaining four fifths. These, Mr. Chairman, are facts depending on figures, about which I think there can be and is no mistake. If there be any error, I am happy to know that I shall be corrected, and no one be misled by me. Are they not appalling facts? Do they not demand the solemn consideration of the people of the South and West? Is this terrible inequality unavoidable? Is there anything in the circumstances of the two sections, natural, social, or political, which causes it, and for which there is no remedy? I sincerely hope—I believe not. If I were to say otherwise I should feel that I had entitled myself, for the first time, to a name often unjustly applied to me—that of disunionist. Sir, if this be true, it never was designed; it cannot come to good, that two People with interests so incompatible should remain together. If, sir, there is no remedy for all this; if you announce, by a perseverance in this course of legislation, that this state of things must continue, one section almost exclusively to pay taxes, and another

to receive them; that the relation of the South and West to the North is to be forever that of tribute-payers—of tribute-receivers—of colonies to a mother country—ay, sir, to a step-mother country, and that this is our irreversible destiny, the result of causes, inherent, permanent, you have not only started the strands of the Union, you have dissolved it. Sir, a union of States such as ours, like the relation of private friendship, to be honorable or lasting must be one of the most perfect, the proudest equality. The moment you announce that we of the South and West must pay in dollars and cents for the honor and advantages which we derive from this Union, the honor of being day after day denounced in the Hall appropriated to our common legislation as robbers and land-pirates, and the advantage of paying one fourth of our income as tribute to another section, you announce that this Government is one which no man from the South or West could desire to perpetuate, but one who was born to be a slave, and deserves his destiny.

Mr. Chairman, I am aware that these are unwelcome truths. I know, sir, that any allusion to these topics is not very graciously received, coming from one of that calumniated party to which it is my pride to belong; but, sir, they are truths which every consideration of duty compels me to utter. The attachment, sir, of the whole South to this Union is a wise, deep, and abiding attachment. It is one of the first articles of our political faith, not the very first; no, sir, we prize liberty more. It is a matter of political religion, *almost* superstition. It is an affair of combined principle and sentiment; one of those subjects in which all the colder calculations of the head are quickened and invigorated by all the impulses of the heart.

In the general, it is true, that when money is once brought into the Treasury, it belongs to the whole country, and too strict an inquiry should not be instituted whence it comes; but when such a monstrous inequality of disbursement is discovered, the inquiry is natural, where is this money levied? A plain, honest man would naturally suppose that, of course, it came chiefly from the region upon which it is so lavishly, so profusely disbursed. Let us make this inquiry, and according to the result will this seeming and most revolting enormity be mitigated or aggravated. Is it, can it be true that this favored region, which receives at the rate of at least forty to one in comparison with the rest of the country, does not pay more, does not pay as much, does not even pay one third as much, as its fair proportion of the public revenues? How, sir, is our revenue raised? First, by duties on imports. How is it that the foreign merchandise is brought to us upon which these duties are paid? Because we can pay for it. Let our ability to pay cease, and it will cease to come. Credit between nations, which is only an aggregate of the credit of individuals, cannot outlast the ability to pay. In what is this foreign merchandise paid for? In the rice, cotton, and tobacco of the South and West. Abstract these, and can the commerce continue? The northern section of our country has nothing, in comparison, which will serve the purposes of foreign exchanges. The people of that region have often declared that they cannot contend, even in our own markets, without discriminating duties. How could they meet, on even disadvantageous terms, foreign competition? I may be told that much of this money is collected at the North. New York, for instance. It is collected there, but it does not follow that the tax is levied there. People are generally very willing to relinquish the privilege of being taxed. Would New York give up the privilege of this collection, and all its incidents? No, sir. It is the profits which that city has received from the transit of southern staples and European goods which has mainly contributed to building up that modern Tyre—that city of commercial noblemen.

I may be told that the consumer pays the duty; and therefore that the people of the North pay as much as we do. Admit that argument to be true, is it not manifest that, whilst that section (as a section, I speak not of individuals) pays with one hand as a consumer, it receives back with the other, under the protection of the tariff, more than it pays; whilst to us it is uncompensated taxation? No wise statesman ever considered this question but as involving the compound consideration of taxation and disbursement. It is not very material, in a general point of view, how high the taxes of a country are, if they are disbursed in the same region where they are levied. They will diffuse themselves through the whole system. It is the blood of the social system, which, if in the foot at one moment, is in the head the next; but take it from the arm, and feebleness follows. Sir, the heart of this system is at the South, whence the blood gushes out at those great ventricles—Charleston, Savannah, Mobile, and New Orleans. It flows out through the arteries, but returns through the veins. The South, sir, is the well-spring, deep, abundant; the North the reservoir; this Government the machinery by which the water is raised in one section, and deposited in another. We only know our Government as a tax-gatherer; the North by its bounties and beneficence. It comes to us in exaction; it visits the North, as it did Jupiter Danæ, in a shower of gold. It comes to us in absorption; to the North in fertilizing showers. If we have it even in dew, it is not in its refreshing quality, but only in the *gentleness* of its fall.

The other great source of revenue, and destined to be equal, at least, to the first, is the public lands—a revenue derived exclusively from the South and West. Can the West—the youthful and comparatively poor, but gallant and patriotic West—which pays a large portion of the taxes on imports, both as consumers and producers, bear this eternal depletion—this tide that knows no reflux? It is estimated that there will next year be abstracted from that section twenty-five millions; with the Cumberland road, and every other appropriation, you will not return two. Can any country long endure this? Will any people, who deserve to be free, long endure it? I feel the responsibility of developing and commenting on these facts. We are told that, in the third or fourth century, a bishop was expelled from his diocese for revealing to others than the priests and catechumens, certain mysteries of his religion; but as I do not like mysteries or secrets, either in religion or politics, I do not hesitate in the discharge of what I regard my duty. For a different course I might, perhaps, receive a compliment to my liberality, which I should regard as purchased by the sacrifice of the sacred obligations of duty and fidelity to those who sent me here.

Is this state of things beyond the reach of remedy? He is the worst enemy of this Union who shall say so—he its best friend who shall prove the opposite. It is to a certain extent true that the southern and gulf coast does not afford as many harbors fit for navy-yards, and requiring to be fortified as the northern coast; but it does afford some three or four, and they, I apprehend, are infinitely strengthened in their claims by the smallness of their number. The charge will be so much the less, whilst their importance in time of war, both to ourselves or to an enemy, will be increased. Charleston, Port Royal, and Brunswick present admirable positions for navy-yards, with every possible advantage, and bars already deep enough for sloops and frigates, and capable of being deepened to any required extent—a process which it has been demonstrated at Ocracoke and Nantucket is not only practicable but easy. But, sir, there is another point—Pensacola, whose importance I do not think I magnify when I say that it is greater than that of New York itself, and as great as all the other points put together! It is the only point on the gulf where the ship of any enemy can lie in safety, and literally commands the whole of the commerce of the vast valley of the Mississippi—a country equal to eight tenths of the United States. What are the objects in selecting sites for navy-yards and maritime fortifications? To secure a place of refuge, supplies, and repairs; to protect the avenues of interior commerce. To keep out of the hands of an enemy a strong position. As to the first, it is a roadstead in which half the navy of England can ride with perfect safety. As to the two last, what point so important? Suppose an enemy in possession of New York, the great city of New York, how small is the country absolutely dependent, and which could not find some other outlet? Let an enemy have possession of the debouche of the Mississippi, and you block up the trade of eight tenths of the Union, the whole of that vast valley, in comparison with which Egypt is but a garden spot—a commerce, going and returning, of more than one hundred and twenty millions annually, and involving the interests of such a vast extent of our country, from the trapper of the frozen forests of the Rocky Mountains, to the owner of the princely sugar estate on the banks of the Mississippi, almost within the tropics. A safe harbor for an enemy—a place of refuge for repairs and for supplies unsurpassed by any in the world—and as a point from which to harass an enemy, when engaged in war, "that unprofitable contest which should do the other most harm," it is more important than all the other naval places put together. Near what other point on our coast has any foreign nation islands or harbors? Here the West Indies are almost within a stone's throw. In the lately apprehended contest with France, at what point was it expected that the blow would be struck? At the North, where millions have been expended? No, sir, but upon this tempting, vulnerable, and neglected point. One would naturally suppose that this place not only possessed no advantages, but was absolutely incapable of being made a naval station. Is this so? Who knows? The coast survey, as reported by the Secretary of the Navy, has not extended to our coast; it has been confined to this consecrated section. Why has not the southern and gulf frontier been explored? The very first triangulation has yet to be made there. But, sir, the evidence, notwithstanding, as to the advantages of Pensacola as a naval station, is strong, conclusive, accumulated beyond any other place on our whole coast. I will give you some of the names embracing every officer who has served in the gulf, who not only concur in their opinions, but use language as to the local advantages and importance of Pensacola, which would seem extravagant if used by only one. I will read you the list: Bainbridge, Warrington, Biddle, Rodgers, Ridgely, Dallas, Wolsey, Clarkson, Bolton, Slidell, Kearny, Gratiot, and the whole board of Engineers—and one other which I will not name. No, sir, I will not introduce the renowned hero of Charleston harbor into such company. To which I will only add the name of Southard, of whom I believe I only express the sentiment of our whole Navy, when I say that the Navy Department was never better administered before, nor as well since, as when he was at its head.

The Board of Engineers say:

"Situated as Pensacola bay is, with respect to the country on either hand and the immense regions behind, its rare properties as a harbor become of inappreciable value. 1. It is accessible to the largest class of sloops and frigates, and, as the bar is narrow, may be deepened so as to admit still larger vessels. 2. Its bar is near the coast. 3. It is perfectly landlocked. 4. It has excellent facilities for building, repairing, and launching, and for docks and dockyards. 5. Abundance of good water. 6. Is perfectly defensible."

Mr. Southard says the whole country, from the Alleghany mountains to the Gulf, and from the Rocky Mountains to New Orleans, is interested in the maintenance of a sufficient naval establishment at that place.

Again:

"With whatever nation we may be at war, the principal theater of contest will probably be in the Gulf of Mexico, and the object of attack the commerce of the Mississippi. Every principle of prudence demands that preparations be made to meet such an attack."

Have any such preparations been made? And why have they not?

Captain Dallas says the bar is already twenty-three feet at low water, and only twenty-seven feet are required for the largest vessels. He further says:

"I see no difficulty in deepening the bar to almost any extent that may be desired; but to the depth of seven feet nothing can be more practicable."

Captain Chase, an officer of whom I will not say the half I know he deserves, lest it should be attributed to a too partial friendship, says:

"The impediment to the bar at Pensacola may be removed, and, in proportion to its importance, at a comparatively small expense."

He adds:

"It is the only harbor on the Gulf at which a great naval

arsenal can be established, and is too intimately connected with the great western and southwestern interests to fear opposition."

Commodore Ridgely says:

"The incalculable advantage to an enemy of taking Pensacola, and making it a rendezvous for a blockading squadron, will make obvious at the first glance the necessity of fortifying it."

I will not add to this evidence. I could multiply it to an almost indefinite extent. Has the Government been ignorant of all these facts? No, sir, but in full possession of them for years. By an act of Congress approved 3d March, 1825, the President is directed to purchase a site on the coast of Florida for a navy-yard and place of depot, and to erect the necessary buildings; and make the necessary improvements. How has this order been executed? After the lapse of eleven years, a shipwrecked or dismantled vessel on that dangerous coast cannot be repaired without being brought round to one of these northern navy-yards. I am told that a long-boat cannot be repaired there.

Again, sir, by an act of 1827, two dry-docks are ordered to be constructed; one north, the other south of the Potomac. This requirement, I am told, is satisfied by the construction of the dry-dock at Norfolk. Why was it not fixed at Pensacola? Why was it established amongst the thick cluster of northern yards, at the very nearest point south of the Potomac at which it could be done in conformity with the law? In addition to all the advantages which I have enumerated, there are others not to be calculated. It is in the very heart of the live-oak region, within the reach of all the materials necessary for that magnificent fabric, a ship of war, so beautifully described by the gentleman from Massachusetts. Sail-cloth, cordage, iron, copper, lead, all supplied by the valley of the Mississippi. Why has this point, of such vast importance, been so long neglected? I will mention a fact, sir, and let others draw their own inferences. For once in the history of our Government, all the heads of Departments charged with our internal affairs are exclusively from this favored section; and, allow me to add, without any irreverence to that gallant and good man who is at the head of the navy board, or any disrespect to its members, that all of that board are from the same section. Others more given to philosophizing may discover the relation of cause and effect in this. And, sir, what have we now recommended for this important point? Sixty-four thousand dollars, and two hundred and seventy-five hereafter. Sixty-four thousand dollars to build a smithery, cook-shops, and the like, when I have the very highest authority for saying that to put that station on a footing with the least respectable northern yards and dry-docks, more than two millions will be necessary. Gentlemen are mistaken if they expect with this sop to Cerberus, honey and drugs in poppy juices steeped, to silence the South and West.

Mr. Chairman, it is not in the matter of naval appropriations alone, that this gross, this monstrous inequality exists. It is in the whole scheme and practice of this Government.* I beg, in this connection, to call the attention of the committee to another subject. I allude to the distribution of national armories, military schools, forts, and garrisons. As to them, it will not be pretended that there is anything in the localities of the South and West which should prevent these sections from enjoying a fair participation.

	North Atlantic.	*South Atlantic.*	*Gulf.*
National armories	2	-	-
Arsenals	12	1	3
Military schools	1	-	-
Navy-yards	6	-	nominally 1
Forts	16	7	10
Garrisons	25	7	8

Sixteen forts and twenty-five garrisons, in less than one fourth of our territory, and only four (at Augusta, St. Stephen's, Baton Rouge, and St. Louis) embracing the whole country between the South Atlantic and our extreme western border, and between the Gulf of Mexico and the Rocky Mountains. Of the arsenals, twelve are situated in this same small section, and one on the South Atlantic, and three more in the whole South and West. It will scarcely be said that there are no localities in this vast region which will not answer as fit places for garrisons or arsenals; and, sir, is not the enormity of this thing inexpressibly aggravated, when it is remembered that these garrisons and arsenals are situate where there is no sort of necessity for them, and not in that immense region of country where no man can say for a week to come that the fury and ferocity of an Indian war may not burst upon our defenseless frontier? Look at the scenes now exhibited in Florida; scenes in every way disgraceful to the country—disgraceful that cause should have been given for that war; still more disgraceful to the military character of the country, that such a war had not been instantly terminated. But, sir, if a handful of Seminoles, the miserable remnant of a once powerful tribe, have been able to effect so much mischief, what have we not a right to dread from the powerful tribes of the Northwest, the Blackfoot, Osage, Camanche, Sioux, and others, able to bring into the field forty thousand warriors, and to assemble in a month fifteen thousand of the most warlike Indians which this country has ever known, all well armed and mounted, with inexhaustible supplies of provision, and strongholds and fastnesses altogether inaccessible? It is not, sir, an over-excited imagination, which alone may anticipate scenes on the frontiers of Missouri and Arkansas; which, in every circumstance of atrocity and horror, have no precedent, unless in the desolation of the Carnatic by Hyder Ali. Ask my gallant friend from Missouri, [Mr. ASHLEY,] as little given to conjuring up imaginary dangers as to the shrinking from those which are real and present. He, sir, will tell you that the picture is not a fancy sketch. Why, sir, why is it, when men and arms, that may be had at a moment's warning, are so loudly called for by every consideration of the safety and protection of the West, that they are located far from the point of real danger in places where there is none? Four companies in Maine, six in New York, and so on throughout the chapter.

I find my full justification in these facts, sir, for refusing to vote for any of these partial, piecemeal appropriations. When a broad, general, equal system is presented to us, I will vote as much money as can wisely be expended. I will not waste it with the profligacy of a spendthrift, only anxious to squander his patrimony. Of such a system, I will throw out an outline. Three national armories, one on the Ohio, Maysville, or some other more advantageous point; one somewhere on the line between North and South Carolina; another at some point in the neighborhood of Columbus, in Georgia. Arsenals at Fayetteville, Columbia, Natchitoches, Little Rock, Vincennes, Nashville, Columbus, Mississippi, and some point on the Ohio canal. The establishment of navy-yards at Charleston or Port Royal, the best harbor on the southern coast, and at some point on the Georgia coast. Extensive yard at Pensacola, dry-dock, materials for building the largest ships, naval station at Key West, and a perfect Moro Castle erected there. Let all this be done, and I will not withhold anything that may be reasonably required by the North; until it is, I will hold the public treasure with a miser's grasp. I will vote as much as can be expended wisely. I have no idea whatever that one half the amount asked for on the North Atlantic can be expended, and that a vote to appropriate it is only a vote to allow the money to remain in the pet banks. Looking at the thing *a priori*, it seems to me that forty thousand laborers cannot be obtained in that very small section. But, sir, we have authority on that subject. There being no appropriation for fortifications last year, the only fund which was to be used in that way was an amount unexpended of the previous year. Of that sum, about one hundred and fifty thousand dollars were appropriated to work in the vicinity of the city of New York. The work was not done. Hear the reason assigned by General Gratiot *why* the work was not done. He says:

"FORT SCHUYLER, THROG'S NECK, EAST RIVER, NEW YORK.—It was hoped, from the ample preparations made last year, and the funds available for their application, that the construction of this fort would have been prosecuted the present year with much vigor. But though materials and facilities of every description have been in waiting, it has been impossible to procure a sufficient force to carry on the work with the progress that was desired. No exertion has been spared to facilitate the operation, either by letting parts on contract, or by hired labor, and unavailing efforts have been made to collect the necessary force in Boston, Newport, Connecticut, and the western part of New York."

Of the Navy appropriations, three and a half millions remain unexpended. How much of those appropriations demanded labor, and were not expended for the want of that labor, does not appear, and therefore we have no certain data. Here, sir, was our Government under such an apprehension of war, that Senators are denounced for not committing what they regarded a violation of the Constitution, to prepare for that war, and yet funds at the disposal of the Government to put the country in an attitude of defense were not used. Why were they not? The only answer that can be given—that is not disgraceful to the Government—is that given by General Gratiot: Labor could not be procured. If the President did not anticipate war, he was practicing a gasconade unworthy of his character; if he did, he was bound, as far as in him lay, to put the country in a state of defense.

But, Mr. Chairman, even if this immense sum of ten or twelve millions can be expended, do not the enlightened men from that section—those especially representing the great manufacturing and shipping interests of the country—see that to send the Government there with $10,000,000, as a bidder for labor, must derange the whole industry of their country? The state of society at the North is eminently complex and artificial. The slightest shock must affect it. With the appalling scenes which a crash in our currency—a crash as certain as time itself—must produce, the manufacturing interest has already trials long and severe enough before it. I entreat gentlemen to look well to the consequences of the experiment of sending the Government there as a competitor in the labor market, and under the constraint of positive orders to expend this vast sum, let labor rise ever so high. It is already one dollar a day, when, in the South and West, it is less than fifty cents. These appropriations are not for this year alone. They are the beginning of a system of lavish expenditure, which will last until 1842. No longer? No, sir, no longer, my word for it. Are the judicious men of the North—the property-holders of the North—disposed to organize in their bosom this army of day-laborers—men who, all over the world, spend between Saturday and Monday the wages of the week, and who, at the period of their disbandment in the year 1842, will be penniless, and who must go supperless to bed, unless they rob by lawless insurrection, or by the equally terrible process of the ballot-box? Let gentlemen look to it: they are in quite as much danger of insurrection as we are.

Mr. Chairman, this business of fortifying such a coast as ours is not to be the work of a day, nor scarcely of a century. England, with all her resources, has not yet finished her fortifications. The genius of Vauban and the magnificence of Louis XIV. required more than fifty years to place France in any decent condition of defense.

But, sir, I am willing to accelerate this great work to the utmost practicable point. If I am not wholly mistaken in the condition of things in Europe, a great struggle is coming on between the Northern Powers, the colossal Power of Russia, directed, in a great degree, by the all-pervading genius of Metternich, on the one side, France and England on the other—a struggle, sir, between the principles of despotism and the cause of constitutional representative government. Such a contest must shake the civilized world to its deepest foundations. Either for the magnitude of the Powers engaged, or the importance of the issue, the world has heretofore seen nothing like it; no, sir, not even in the wars of the first fifteen years of the present century, when that man of destiny literally "stormed across the war-convulsed earth." This, I rather think, has been the true reason for the wise interposition of England in our controversy with France. In such a contest, where the cause of free government and

* To say nothing of one hundred other cases, such as the expenditures for clothing, &c., for the Army. Take as an example the subject of pensioners. This same favored section (exclusive of Maryland) receives $1,508,555—all the rest of the Union $812,424; less than one fifth receive within a fraction of twice as much as the remaining four fifths.

of human liberty is at stake, we can scarcely desire to be neutral; we cannot be if we do desire it, unless prepared to maintain an armed neutrality —armed, sir, to the teeth.

If there are any who think by these and such appropriations to dispose of the surplus, I have only to say that, if practicable, it would be unjust in the extreme, especially to the West, to draw such vast revenues from one section, and expend them on another. But, sir, it is impracticable, to the point of absurdity. The surplus in the Treasury, by the last advices from the Treasury, independent of bank stock, is nearly twenty-eight million dollars, to which add the United States Bank stock, and you have thirty-five millions. I say by the last advices from the Treasury, for one hardly has time to make calculations on the basis of one report, before another comes upon us, correcting some error, and I doubt not, that, in less than a month, this last report will be followed by another making some corrections either in the estimates or the "ciphering." With this thirty-five millions to begin with, and a revenue of at least thirty-five or forty millions next year, you will not be able to expend it, but it will continue to accumulate on your hands. Sir, it is miserable quackery; and, like all quackery, will not only not cure the disease, but ruin the system. I feel as deeply as any one can the portentous danger of further accumulation, and regard it as the very first duty of patriotism to devise some plan of disposing of the surplus. I feel, sir, that we are reposing under an avalanche, which a breath may precipitate on us. Roman liberty first began to give way on the accumulation of corn in the public granaries. British liberty perished by the corrupting influence of public patronage, in the time of Sir R. Walpole. Even Lord Chatham, one of the greatest men in the tide of time, was scarcely able to galvanize it. I will go with any party which will devise any feasible plan of ridding us of this threatening evil; one which I contemplate with absolute dismay.

Mr. Chairman, there are practicable plans of disposing of the surplus, if gentlemen will conquer all their personal and party prejudices, and pass the land bill, and the constitutional amendment for the distribution of the surplus revenue. These are, in my judgment, the only practicable projects; and I rejoice in my heart that they come from those two great minds, which have for the last twenty-five years so gloriously illustrated the history of their country. In the present, as in every past crisis of danger and difficulty, the war, the Missouri question, the compromise, two commanding figures have been seen above the horizon, with the eyes of their country intently fixed upon them, with a well-placed confidence which has never been disappointed. These men are out of power, or my voice should not be heard here in their eulogy. Sir, the expunging process must be carried very far; you must expunge the history of your country for a quarter of a century; you must tear from that history its brightest pages; ay, sir, and you must expunge from the human heart every virtuous and honorable sentiment, homage for genius, gratitude for public services, before their well-earned laurels can be torn from their brows. They will have added another to their many claims upon the gratitude of posterity, if they can succeed in relieving the country from the great danger of an overflowing Treasury, a difficulty for the first time known in the history of the world.

MR. BENTON'S EXPUNGING RESOLUTION.

SPEECH OF HON. WILLIAM C. RIVES,

OF VIRGINIA,

IN THE SENATE, *March* 28, 1836.

Mr. CLAYTON moved that the resolutions of the Senator from Missouri should be taken up, in order that the discussion upon them might proceed. The motion being adopted,

Mr. RIVES rose, and addressed the Senate in substance as follows:

If no other gentleman, Mr. President, be disposed to do so, I will avail myself of the opportunity afforded by the motion of the Senator from Delaware to trouble the Senate with some remarks on the subject now under consideration. In doing so, I do not propose at this time to go into the wide field of diversified and interesting matter opened for discussion by the resolutions of the Senator from Missouri. My purpose will be to confine myself at present strictly to the constitutional question which has been raised as to the power of this body to expunge from its Journal an entry heretofore made upon it, trusting to the indulgence of the Senate, in a future stage of the discussion, to be permitted to present my views of the other highly important questions involved in the general subject. I propose thus to limit my remarks for the present, because the constitutional question is naturally and properly preliminary to all the rest, standing first in the order of discussion as well as first in importance; for however justly obnoxious I deem the resolution of March, 1834, to the various exceptions which have been taken to it, it certainly ought not to be *expunged*, unless under the Constitution we have the rightful authority to do so. It seems proper to confine my remarks for the present to this single view of the subject, for the further reason that, as yet, the able and lucid arguments of the Senator from Missouri on the other branches of the discussion have remained without any answer, or even an attempt to answer them.

A free people, Mr. President, and especially the enlightened people of this country are naturally and wisely jealous of the observance of their fundamental law, and acutely sensible to any violation, actual or meditated, of its provisions. Hence it is that, in the warfare of parties, appeals are so frequently made to this patriotic instinct in the public mind, and alarms, often groundless and artificial, attempted to be raised in regard to the security of the Constitution. Hence it was, I presume, that in the memorable contest of which this Chamber was the theater two years ago, the President was denounced as a usurper of ungranted power, as a violator of the Constitution and the laws of his country, when, if all that was alleged by his adversaries could be sustained, it would have made but a case of the misapplication or abuse of power granted both by the Constitution and the laws. Hence it is, too, I suppose, that on the present occasion a *new panic* is attempted to be raised by holding up the image of mutilated records and a violated Constitution, and that the exercise of a lawful discretionary power over their own Journals and proceedings, which has been known and admitted since the origin of legislative bodies, and is familiar in parliamentary practice, wherever such bodies exist, is represented as something monstrous, iniquitous, and even felonious. If gentlemen expect thus, by the use of strong language, bold assertion, and vehement denunciation, to carry the public judgment by storm, they will, in my humble opinion, find themselves woefully deceived. The public mind is, at this moment, calm, self-balanced, scrutinizing, inquisitive, and instead of mere assertion and vague denunciation, it will require reason, argument, proof.

It is in this spirit, Mr. President, that I shall proceed to the examination of the objection which has been made to the proposition under consideration, on the ground that it demands an act to be done which is forbidden by the Constitution. What, sir, is the argument of gentlemen on this subject, so far as argument has been attempted? It is, that as the Constitution requires that "each House shall keep a Journal of its proceedings," an entry once made upon that Journal can never thereafter be, in any manner, touched, altered, or removed; that if we do so, we fail, from that moment, in the language of the Constitution, to "keep a Journal of our proceedings." The connection between the premises and the conclusion in this reasoning is, I must confess, Mr. President, to my mind incomprehensible. If this body shall, by a formal resolution entered on its Journal, direct a previous entry, improvidently, wrongfully, or erroneously made, to be corrected or removed, does it follow from thence that we do not still keep a Journal? On the contrary, this very proceeding, in being entered on the Journal, and embodying the whole history of the transaction, is itself a fulfillment of the constitutional injunction in its true and well understood sense—that of writing down, from *day to day*, our *daily* transactions as they transpire.

But it is not my intention, Mr. President, to discuss this question on the niceties of verbal criticism. I choose rather to take it up on broad views of the common sense, and practical meaning and operation of the Constitution. While the Constitution requires that each House shall keep a Journal of its proceedings, it does not direct *how* that Journal is to be kept. The manner of keeping it, what is to be put upon it, what not, the nature, the form, the fullness of the entries, are all matters left for the regulation and control of the body whose duty it is to keep the Journal. In these respects, there is great diversity of usage among legislative bodies. By some, the entire bill presented for its action, is spread on the Journal, as was done during the first two Congresses under the present Constitution by this body; by others, the title of the bill only is entered on the Journal, as is now the practice both of this House and the other branch of Congress; by some, the reports of committees are entered in full on the Journal, as was done by the old Congress under the Articles of Confederation, and is still practiced, I believe, by the Legislature of Virginia; by others, the resolutions only, reported by committees, are admitted to a place on the Journal. According to the rules and practice of some legislative bodies, as, for example, of this, proceedings in Committee of the Whole are entered on the Journal; while in others, as in the House of Representatives, no notice whatever appears on the Journal of what has been done in Committee of the Whole. I might mention, also, as illustrating the discretionary powers which every legislative body possesses over its Journal, the apparently anomalous practice, founded, however, on long usage, of both this House and the other, to enter on their respective Journals the messages of the President, though not forming a part of their own "proceedings," of which only they are required to keep a Journal.

It results from these considerations that, although each House of Congress is bound to keep a Journal of its proceedings, yet that Journal, as to the manner of keeping it, the nature and character of its contents, what is to be upon it, what not, is necessarily subjected to the control of the body whose duty it is to keep it. This control is an inseparable part of that *self-governing* power, in all matters of interior economy and parliamentary *régime*, which the Constitution expressly delegates to either branch of the legislative department. *Each House*, by the Constitution, is "to choose its own Speaker or President, and other officers." "*Each House*, also, shall be the judge of the elections, returns, and qualifications of its own members." "*Each House* may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member." "Each House shall keep a Journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy." In regard to all these powers and functions, a very large discretion is necessarily left to either House, in the exercise of which abuses doubtless may be committed. But the *possibility* of abuse is no argument against the existence of a power. Congress has, by express and unequivocal grant in the Constitution, power "to lay and collect taxes," &c., and "to raise and support armies." In the exercise of these powers, Congress might raise, even in time of profound peace, an army of half a million of men, and levy upon the people annually two or three hundred millions of dollars for their support, converting one half the nation into soldiers, and the other half into paupers. There could be no grosser abuse; and yet the constitutional power would still be indisputable. Where it has been deemed necessary and proper, for the public good, to vest any particular power in the Government, or a department of it, the Constitution grants the power, and provides securities against its abuse in the structure and organization of the Government itself. The periodical election of the public functionaries by the people, and for the most part for short terms, their responsibility to their constituents, and the constant influence and control of public opinion, are relied upon in our system as

conferring every reasonable security against the gross abuse of necessary powers.

The large discretionary power which the Constitution has left to either House of Congress over its Journals, is strikingly exemplified in the provision respecting their publication. Each House is required by the Constitution to publish its Journal from *time to time*, excepting such parts as may, *in their judgment*, require secrecy. Now, under the terms of this provision, either House of Congress, if disposed to abuse the trust reposed in them, might suppress and withhold from the knowledge of the people the most important part, if not the whole of their proceedings, under the plea that they were such as, in their judgment, required secrecy.

In the jealous apprehensions which were entertained at the time of the adoption of the Constitution, of the encroachments and abuses of the new Government, this objection was strongly urged against the clause in question; but it was replied, and with success, that every legislative body must have the power of concealing important transactions, the publication of which might compromise the public interests; and as it was impossible to foresee and enumerate all the cases in which such concealment might be necessary, they should be left to the sound discretion of the body itself, subject to the constitutional responsibility of members, and the other securities provided by the Constitution against the abuse of power. These securities have hitherto been found sufficient, and, in point of fact, the Journals of both Houses have been published from day to day, with such special and limited exceptions as have been universally approved by the public judgment.

This publication, when made, is the practical fulfillment and consummation of the design of the Constitution in requiring a Journal to be kept by either House of its proceedings. It is agreed on all hands that the great object for which a Journal is required to be kept is to give authentic information to our constituents of our proceedings, and that information is to be given, as the Constitution provides, by means of a publication, from time to time, of the Journal itself. The requisition to *keep* a Journal, on which gentlemen have laid so much stress, is therefore merely introductory, or what the lawyers call matter of *inducement* only, to that which forms the life and substance of the provision, to wit: the *publication* from time to time of the Journal. The whole structure and sequence of the sentence sustains this interpretation: "Each House shall keep a Journal of its proceedings, and from time to time *publish* the same." It is evident that the whole practical virtue and effect of the provision is in the latter member of the sentence, and that the former would have been implied and comprehended in it, though not expressed. It will be seen that the corresponding provision in the Articles of Confederation was founded explicitly on this idea, for, presupposing the keeping of a Journal as a matter of course, it proceeded at once to require that "Congress shall publish the Journal of their proceedings monthly, excepting such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy."

Nothing was said of *keeping* a Journal, that being presupposed and necessarily implied; but can any one doubt, though the articles of confederation were silent as to keeping a Journal, that Congress was as much bound to keep a Journal of their proceedings under that instrument, as each House is now bound to do under the existing Constitution? How could they make the required monthly publication of their Journal, unless a Journal were kept by them? The requisition, therefore, in the present Constitution to keep a Journal, is but an expression, for the sake of greater fullness, of what would otherwise have been implied, and serves only as a more formal introduction to the practical end and substance of the constitutional provision on the subject, and that with which it emphatically concludes, to wit: *the publication*, from time to time, of the Journal. That publication once made, and the people put in possession of the authentic evidence of the proceedings of their agents, the purposes of the Constitution are fulfilled, and the preservation of the original manuscript Journal become thenceforward an official formality.*

Even if the true and only meaning of the requisition to *keep* a Journal were that which has been so much insisted on; that is, to *preserve*, do not gentlemen perceive that the preservation of the Journal is fully and most surely accomplished in its publication? The thousand and ten copies which the Secretary has told us are regularly printed and distributed by order of the Senate to the members of Congress, to the various public functionaries, to the State governments, to public institutions and societies throughout the Union, furnish a far better security for the preservation of the Journal than the most scrupulous care and vestal guardianship of the original manuscript, which, in spite of every precaution, might yet be lost or destroyed by inevitable accident. These multiplied printed copies, while placing the preservation of the Journal beyond the reach of contingency, are, at the same time, for every practical public use, whether of legal evidence or political accountability, on a footing of equal validity with the manuscript original.

The numerous parliamentary precedents in England, as to the power of legislative bodies over their Journals, are not denied; but it is contended that those precedents should have no weight here, because the Constitution of the United States expressly requires that each House of Congress shall keep a Journal; while, in England, it is said, no such requisition exists in regard to either House of Parliament. The requisition in the Constitution of the United States, I have already shown, is but declaratory of the natural and preëxisting law of all legislative bodies of whose organization and functions it is a necessary and invariable incident to keep a Journal of their proceedings; and in this view I am borne out, not only by the example of the Articles of Confederation, but by that of several of the State constitutions, which, presupposing the *keeping* of a Journal as a matter of course, provide only, after the manner of the Articles of Confederation, for the periodical *publication* of it from time to time. But, without dwelling further on this view of the matter, it is altogether a mistake to say that there is no positive requisition that either House of Parliament in England shall keep a Journal of their proceedings. I find the classic historian of that country stating that, in 1607, when the nascent pretensions of the Stuarts, and the spirit of the age, first made the House of Commons sensible both of its importance and responsibility as a guardian of the public liberty, that body entered a formal order for "the regular *keeping* of their Journals." Subsequently, in 1621, as I learn from another authority not less authentic, (Hatsell,) an entry was made in the Journal of the House of Commons, on the motion of Sir Edward Sackville, in these words: "That all our *proceedings* may be entered here, and *kept* as records." Now, sir, it is very remarkable that these two orders of the House of Commons contain the identical language of the Constitution of the United States, to wit: "that a Journal shall be *kept* of their *proceedings*." In each of them the magic word to "keep," which seems to have exerted so potent a spell on the imaginations of gentlemen, is found; and yet we know it has never been held to be a violation of, or inconsistent with, this order to *keep* a Journal of their *proceedings*, for the House of Commons, in certain cases, to apply an effectual corrective to wrongful or improvident entries previously made in it. It may be said, however, that this order being made by the body itself, is not obligatory on its own action. To this, I reply that the rules prescribed by parliamentary bodies for their government are always binding upon them till rescinded or repealed; and while a rule or order is retained nothing inconsistent with it can be done, unless the rule be first suspended by a vote of the body. Such is the invariable practice, both of this and the other House of Congress, as of legislative bodies elsewhere.

But this matter stands on yet higher ground. An act of Parliament, which all will admit is binding on the respective Houses, and which neither House can repeal or control by its separate action, virtually requires a Journal to be kept by the House of Commons, in requiring certain entries to be made in it. I refer to the statute of six Henry VIII., which provides, "that 'the license for members, departing from their 'service, shall be entered of record in the book 'of the Clerk of Parliament, appointed, or to be 'appointed, for the Commons House." The book of the Clerk for the Commons House, here referred to, and in which certain things are required to be entered *of record*, is of course the Journal of the House. But how can these entries be made in the Journal, unless a Journal be kept. This act of Parliament, therefore, requires, and virtually commands, the keeping of a Journal by the House of Commons; just as the Articles of Confederation, already referred to, in providing that Congress "shall publish the Journal of its proceedings monthly," virtually requires Congress to keep a Journal; for otherwise the required publication could not take place.

The distinction, therefore, which has been relied upon to justify the rejection of the British precedents on this subject, is not founded in a just view of the constitutional or parliamentary history of that country. The two Houses of Parliament are, in fact, bound and required to keep a Journal of their proceedings, as well as the two Houses of Congress. They are bound to do so by the very nature of their institution, by their own rules and orders, and by the virtual command of act of Parliament. If, therefore, a similarity or community of principle could, in any case, justify arguing from the institutions and usages of the one country to those of the other, it is certainly upon a question like the present. I find that much use was made on another and recent occasion in this body, of British parliamentary precedents, by gentlemen who seem now inclined to disavow and reject them altogether. If I am not mistaken, the Senator from South Carolina, [Mr. CALHOUN,] on the question which was so earnestly and ably debated here recently, as to the right of either House to refuse to *receive* a petition, introduced Hatsell's work, the great repository of British parliamentary precedents, and drew largely from it in support of the position he maintained—that it would be no violation of the right of petitioning, as guarantied by the Constitution, to refuse to receive a petition after presentation.

Mr. CALHOUN here explained, and was understood to say that gentlemen on the other side of the question, in that discussion, had referred to the English laws and doctrines on the subject of the right of petition, and that he made use of the parliamentary precedents from Hatsell to show that, in the British parliamentary practice, it was held no violation of the right of petition to refuse to receive a petition.

Mr. RIVES said he had not had the pleasure of hearing the speech of the gentleman from South Carolina; but he inferred from reading it, that he considered the parliamentary practice of Great Britain as, at least, high authority in reference to the question then under discussion. I am not at all disposed (said Mr. R.) to question the propriety of the application then made by the Senator from South Carolina, of precedents from the English parliamentary practice. I mean only to say that, however applicable they may have been on that occasion, they are, at least, as much so on the present.

The precedents in the British parliamentary practice (which, it must be admitted, has furnished the model, and, to a great extent, the law of the proceedings of our legislative bodies here, and in every State of the Union) are, on the subject now

* It is a remarkable fact that there is no original manuscript Journal of the House of Representatives in existence from the date of the adoption of the Constitution to the first session of the Eighteenth Congress, 1823-24. As soon as the Journal was printed and published, it was supposed there was no longer any practical motive for retaining the original manuscript Journal, which was, therefore, never taken care of, or preserved. Such was the practice during the whole period of the clerkship of the celebrated John Beckley, than whom there never was a more accomplished Clerk, and but few abler men; and if there be propriety in the maxim, *cuilibet in sua arte credendum est*, such a practical construction of the Constitution, in this regard, by a man so conversant with his business, must be admitted to be entitled to no slight consideration.

under consideration, full, unequivocal, and conclusive. Some of them have been mentioned on this floor, and are familiar to the minds of gentlemen. I will not repeat them: but there are two cases which I believe have not attracted the notice of gentlemen, and which, from the peculiar grounds on which they stand, illustrate so forcibly the high supervisory and controlling power of parliamentary bodies over their Journals, that I will take the liberty of detaining the Senate a few moments with their recital. In 1668, Skinner, an English merchant, presented a petition to the King, complaining of various wrongs and outrages he had sustained from the East India Company. The matter was considered not cognizable by the ordinary tribunals, and was referred by the King to the House of Lords. Strong objections were urged to the jurisdiction of the House of Lords; but they, nevertheless, took cognizance of the affair, and finally entered a judgment in favor of Skinner against the East India Company, for five thousand pounds damages. The proceeding was immediately and earnestly resisted by the House of Commons, as contrary to the law of the land, and an invasion of the rights of the people. A violent and protracted controversy ensued between the two Houses; and the Lords being compelled at last, after a struggle of eighteen months, and repeated prorogations of both Houses, to yield their claim of jurisdiction, they *expunged* from their Journal the judgment they had entered in favor of Skinner against the East India Company, and the whole of their proceedings connected with it; whereupon the Commons, in like manner, *expunged* from their Journal the various resolutions and proceedings they had adopted. In this instance we see a proceeding even of a judicial character, under which private rights might be claimed, *expunged*, in virtue of the high discretionary authority of parliamentary bodies over their Journals; and in *such a case*, perhaps, the expunction is admissible, mainly on the ground that the obnoxious proceeding took place in the exercise of an *illegal* jurisdiction, at last admitted to be such, and intended to be renounced, as in fact it was finally abandoned, by the act of *expunging* the judgment, which was its fruit.

The other case to which I have alluded occurred in the proceedings on the recognition bill in 1690. A clause was introduced into that bill, on the motion of the Whig party of that day, and the friends of the Revolution, declaring that the acts of the Convention Parliament, though assembled without the formality of a royal summons, were good and valid. This was strongly objected to by the Tory lords, a number of whom, by the leave of the House, entered their *protest* against it on the Journal.

The Senate well know that it is a distinctive and fundamental principle in the constitution of the House of Lords, that any member or number of members, dissenting from a measure which has passed that body, have the *right*, with the leave of the House, to enter a formal *protest* against it on the Journal. In this case the leave of the House was granted. The right of the protesting lords became thereby vested and complete; and yet it appearing, on a subsequent examination of the *protest*, that the grounds of objection taken in it assailed, and were subversive of, the principles of the revolution, and settlement of the Government just accomplished, the House ordered it to be *expunged* from their Journal; which order was carried into execution, and gave rise to another *protest* for expunging the former *protest*.

But the precedents of parliamentary expunging are by no means confined to the land of our ancestors, from which we derive the model of our parliamentary institutions and proceedings. Similar instances have occurred in our own country, both before and since our revolution, subsequent, as well as previous, to the adoption of our present Federal Constitution, both in the State and in the National Legislatures. There is a case in the history of my own State, which as there appears to have been singular misconceptions about it, the Senate will excuse me for mentioning somewhat in detail. I refer to the expunging of a resolution of Mr. Henry, which took place in the House of Burgesses of Virginia in 1765. This transaction has been referred to as an odious and abortive attempt at expunging made by the *King's party* in the House of Burgesses, which was *defeated* by the energy and talents of Mr. Henry. Such, sir, are not the facts, as transmitted to us by the most unquestionable cotemporary testimony. The attempt to *expunge* was not defeated. The proposition, on the contrary, was carried. It was carried, not by an odious *King's party*, but with the concurrence, as we are authorized to believe from the only account extant of the transaction, of men who were, and who proved themselves to be among the brightest champions of American freedom and independence—such men as Peyton Randolph, the President of the first American Congress; George Wythe, Edmund Pendleton, Richard Bland, Richard Henry Lee, all of whom, afterwards put their hands to the Declaration of American Independence, or bore a conspicuous part in the deliberations which led to and established it.

The circumstances were these: Mr. Henry moved a series of resolutions, five in number, declaratory of the rights of the colonists. The first four of these resolutions merely reaffirmed what had been earnestly asserted, only six months before, by the House of Burgesses in three several documents of the most solemn character—an address to the King, a memorial to the House of Lords, and a remonstrance to the Commons. The fifth resolution, however, went somewhat further, and seemed to tender at once an issue of force with the mother country. These resolutions were opposed by Messrs. Randolph, Bland, Pendleton, Wythe, and other gentlemen, as devoted and firm friends of the rights of America as any of the great statesmen and patriots of that day, but who deemed Mr. Henry's resolutions inexpedient at that moment, inasmuch as the sentiments and principles they contained had already and very recently been expressed in other proceedings, to which the expected answers from the Government in England were not yet received. The fifth resolution was deemed especially inexpedient in the then feeble and defenseless condition of the colony, as it might provoke a conflict of force, for which time and forecast were necessary to prepare. The resolutions, however, under a powerful display of Mr. Henry's eloquence, were passed by one or two votes only; but on the following day, on a motion made for that purpose, and carried, the fifth resolution was expunged from the Journal. These are the facts as vouched by the testimony of Mr. Jefferson, and the elder Judge Carrington, (both witnesses of the transaction,) and as recorded by the eloquent biographer of Mr. Henry himself. There was then no odious and abortive *attempt* to expunge, made by a *King's party*, in the House of Burgesses. The attempt was not *defeated*, as has been said; on the contrary, the proposition to expunge was *carried*—and carried, as we are authorized to believe, by the only authentic account which has reached us of the transaction, by the influence and with the concurrence of high-souled American patriots: of Peyton Randolph, President of the First Congress; Richard Bland, one of the chosen delegates of Virginia to that glorious assembly; Edmund Pendleton, another delegate; and George Wythe, whose name stands proudly at the head of the Virginia signatures to the Declaration of Independence. The two last-named gentlemen, Mr. Pendleton and Mr. Wythe, afterwards, and for a long period, respectively presided in and adorned the highest courts of law and equity in the State; and it will be no disparagement, I humbly conceive, to the pretensions of the highest here, to say, that they understood as well, and felt as religiously, the sanctity of a *record*, as any gentleman on this floor.

Examples of the like character have occurred in the other States. In the Senate of Massachusetts, as is well known, a few years after the close of the late war with Great Britain, a resolution was triumphantly carried for *expunging* from its Journal the anti-American sentiment which the baleful spirit of party had recorded there, in the very midst of the conflict, that it was unbecoming a moral and religious people to rejoice in the successes of our arms. At a more recent period, some seven or eight years ago, the Senate of another highly respectable State, (Tennessee,) as I learn from undoubted authority, directed a formal and important entry on its Journal to be *stricken out;* which was done in the very manner proposed by the resolution on your table, by drawing a black line around the condemned entry. But, without dwelling on these instances, let us descend to cases which come more immediately home to ourselves. The case which occurred in this body in 1806, and which has been already noticed by the Senator from Missouri, has been in vain attempted to be parried or evaded.* In that case, a formal entry made on the Journal, in pursuance of the standing rules of the Senate, and in strict conformity to the truth of facts as they transpired, was ordered to be *expunged*, and actually *expunged*. The entry recited the substance of two memorials presented by a member of the Senate, containing grave and criminal insinuations against the Executive, and stated also the proceeding of the Senate which took place on their presentation. This entry, as I have already remarked, was in strict pursuance of the standing rules of the Senate, the thirty-second article of which expressly requires that "a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall be inserted on the Journal;" and, in general, that "a true and accurate account of the *proceedings* of the Senate shall be entered on the Journal." Now, sir, how is the force of this precedent in the annals of our own body attempted to be parried? Why, sir, by the circumstance that the order for *expunging* the obnoxious entry, was adopted on the same day (the last of the session) that the entry itself was made, it being contended that the Journal is not complete till it is read over in the Senate, as it usually is, the following morning, for the purpose of correcting any mistakes which may have been made in it; and that, till that ceremony has been gone through, it is under the perfect control of the Senate, and fully open to revision and correction. This is the argument of the honorable Senator from Louisiana, [Mr. PORTER.] It is obvious to remark upon it, in the first place, that it confounds two things entirely distinct in their nature, and wholly different in the principles on which they rest—the correction of *mistakes* in a Journal, and the *expunging* of matter therefrom, in which there has been no *mistake*, but which is otherwise and intrinsically objectionable. The purpose for which the Journal is ordinarily read over in the morning, after it is made up by the Secretary, is simply to correct any *mistakes* which may have been made in the entries upon it. This is explicitly declared by the standing rules of the Senate, the very first of

* In that case the following are the facts: On the 21st day of April, 1806, being the last day of the session, Mr. Adams presented two memorials, which are thus noticed on the Journal:

"Mr. Adams communicated two memorials, one from Samuel G. Ogden, and the other from William S. Smith, stating that they are under a criminal prosecution for certain proceedings, into which they were led by the circumstance that their purpose was fully known to, and approved by, the Executive Government of the United States; that on the prosecution they have been treated by the judge of the district court of the United States at New York, Mathias B. Talmadge, Esq., in such a manner, that the same grand jury which found the bills against them made a presentment against the judge himself for his conduct in taking the examination and deposition of the said Samuel G. Ogden. And the memorialists, considering Congress as the only power competent to relieve them, submit their case to the wisdom of Congress, and pray such relief as the laws and Constitution of this country and the wisdom and goodness of Congress may afford them; and the memorials were read; and, on motion,

"*Ordered*, That the memorialists have leave to withdraw their memorials respectively."

These memorials appear to have been presented in the morning. After disposing of them, and a variety of other business, the Senate took a recess, and met again at five o'clock, p. m. The very last entry on the Journal of the evening session is the following order, adopted on yeas and nays, for *expunging* everything in the Journal relative to the aforesaid memorials:

"On motion that everything in the Journal relative to the memorials of S. G. Ogden and William S. Smith be expunged therefrom, it passed in the affirmative. YEAS—Messrs. Adair, Condit, Gilman, Kitchel, Logan, Mitchell, Smith of Maryland, Smith of New York, Stone, Thruston, Worthington, and Wright—13. NAYS—Messrs. Adams, Baldwin, Hillhouse, Pickering, Plumer, Smith of Ohio, Tracy, and White—8."

which provides that the "President having taken 'the chair, and a quorum being present, the 'Journal of the preceding day shall be read, to '*the end that any mistake shall be corrected that shall* '*be made in the entries.*"

Now, sir, in the precedent of 1806 there was no *mistake* in the entry which was ordered to be expunged. It recited *truly*, and in compliance with a positive injunction of the rules of the Senate, the substance of the memorials presented, and the *proceeding* of the Senate on their presentation. There was, and could be, no allegation of any *error* in these respects. The entry was ordered to be expunged, not because of any *mistake* in it, but because the *matter* of it was unjust and wrong; because it went to criminate the Executive administration of the country, without proof or probability; and for that reason ought not to stand upon the Journal of a coördinate department. It is in vain, therefore, to endeavor to resolve the precedent of 1806 into the ordinary power of revising and correcting the Journal before it is finally made up. It was a far different thing. It was no process of correcting *mistakes* in entries on the Journal, which is ordinarily done the morning after the entries are made, and without the formality of an order or resolution. It was the exercise, on the part of this body, of a higher and more important power—a power not to correct mistakes, (for there was none;) but to redress wrong—to purge its Journal—not of erroneous entries, but of improper matter, in the entry of which there had been no error or mistake—a power which, from the nature of it, and the principles on which it is founded, must exist in as full force the next *year*, as the next *morning*, after the objectionable entry has been made.

No ingenuity, Mr. President, however great, no effort of mind, however gigantic, can ever succeed in the attempt which is made to reconcile the senatorial precedent of 1806, with the doctrines of gentlemen who oppose the resolution now under consideration. On what, sir, is their whole argument built? Is it not the assumption that each House of Congress, in being required to "keep a Journal of their proceedings," is bound to *preserve* to all future time the record of *each and all* of their proceedings; that every act or proceeding of either House should be entered on the Journal, and once *truly* entered there, that entry can never thereafter be touched, altered, or removed, but must remain as it is, without the change of a letter or a comma, to the "last syllable of recorded time." Now, sir, can it be contended, that the presentation of the memorials of Messrs. Smith and Ogden by a member of the Senate, the reading of those memorials, the action taken upon them by the Senate, were not *proceedings* of which the Constitution requires a Journal to be kept? We have already seen that the rules of the Senate, adopted for the purpose of fulfilling the injunction of the Constitution, expressly require all these things to be entered on the Journal. Can it be pretended that these matters were not *truly* entered? By no means! In every possible aspect, then, in which the proceeding of this body in 1806 can be viewed, it utterly prostrates the whole fabric of *technical* refinement on which the arguments of gentlemen against the power to *expunge* have been raised.

A case of expunging, involving precisely the same principle, and leading to the same consequence, occurred in the House of Representatives not many years ago. On the 25th of February, 1822, Mr. Randolph, of Virginia, being informed that Mr. Pinckney had just died in the city—where he then was—rose and announced the event to the House, with the impressive eloquence which the loss of such a man naturally drew from a genius of kindred inspiration, and moved an immediate adjournment of the House. It afterwards appeared that Mr. Pinckney was not dead at the time that Mr. Randolph communicated the event to the House, though he died some few hours after. The fact, however, of Mr. Randolph's having announced the event, and the consequent adjournment of the House, were necessarily entered on the Journal as a part of its proceedings; and the following day, Mr. Randolph, after an explanation of the circumstances, moved that the entry on the Journal of the preceding day should be *expunged*, which was ordered, and accordingly done. Now, sir, if the extreme, and, I might well call it, superstitious strictness which is now inculcated in regard to the sanctity and inviolability of entries once made on our Journals had prevailed then, this expunction, however simple and proper in itself, could not have been made. It will be remarked that there was no *mistake* in the entry made on the Journal. The entry was not of Mr. Pinckney's death, but of *the fact that Mr. Randolph on a given day announced to the House* that Mr. Pinckney was dead, and then moved an adjournment. That fact was truly entered, precisely as it occurred. If there had been a *mistake* in the entry, the motion would have been the ordinary one, to *correct*, and not the extraordinary one, to *expunge* it. If, moreover, the doctrine now so earnestly contended for by gentlemen was well founded, that a transaction or proceeding in either House once truly entered on its Journal, the entry must stand there to all future time, and cannot be touched or changed in a letter or a comma, without a violation of the Constitution, then Mr. Randolph, instead of the short and obvious remedy of an expunction of the entry of the preceding day, could have, constitutionally, attained his object only by a distinct entry of his explanation on the Journal of the succeeding day.

But, sir, the Senator from Louisiana, even conceding the power of each House over entries previously made on its Journal, contends that this power is limited to the *current* Congress, and that the Senate or House of Representatives of a succeeding Congress has no control whatever over the Journal of the Senate or House of Representatives of a preceding Congress. Without stopping to show that this argument, even if correct in its principle, would be wholly inapplicable to the Senate, which, from the successive partial renewals of its members, (one third of the whole being replaced by new elections every second year,) is a perpetual body, I choose rather to meet the principle of the objection at once by demonstrating its utter incompatibility with the nature of the legislative trust. It is a fundamental principle in regard to legislative bodies, that in their ordained succession, by virtue of periodical elections, one Legislature has precisely as much and the same power as another; a law enacted by one Legislature, or in one session of a Legislature, may be repealed by another, or during a subsequent session. What one resolves another may rescind; and in like manner, and on the same principle, one Legislature has as much and the same power over the legislative records as another. In this respect there is an obvious and important distinction between legislative and judicial bodies; a supposed analogy in whose functions and proceedings has, doubtless, misled the honorable Senator. After the adjournment or close of the term of a court, its proceedings, its orders, its judgments, its decrees, are final and irrevocable, so far as depends on its own action. It has no power, as legislative bodies have, at a subsequent term or session, to revoke, change, or set aside anything done by it at a preceding term or session. If error has been committed, that error can be corrected after the expiration of the term only by a higher tribunal, and certain limitations of time are prescribed within which even these appeals to higher tribunals must be prosecuted. So imperative is the maxim, "*interest reipublicæ ut sit finis litium,*" the public repose requires a limit to be fixed to judicial controversies. The nature of the legislative trust, however, being altogether different, and requiring that the exercise and expression of the public will should be, at all times, unfettered in matters of general concern, every Legislature, or session of a Legislature, has an unlimited control over the acts, proceedings, or resolutions of a preceding Legislature or session.

Gentlemen have been misled, as it seems to me, through the whole course of this discussion, by a supposed analogy between legislative and judicial proceedings, when, in fact, none exists. Either from the force of professional habits, or from a hasty consideration of the subject, we have heard legislative journals and judicial records constantly confounded, when no two things can be more distinct. The security of private rights, titles to property, real and personal, repose on the judicial records of the country; and hence those records are everywhere guarded by proper penal enactments against unauthorized interference, or any alteration whatever. But in regard to legislative journals, while they are necessarily confided to the sound discretion of the respective bodies whose duty it is to keep them, private rights and the security of property can never depend upon them. Important rights and interests may sometimes be claimed or acquired, I know, under legislative acts; but those acts, if laws, are never spread upon the Journal; or if joint resolutions, they are enrolled and preserved, like the laws, out of, and independently of, the Journal; and both are included in annual and authorized publications of the acts of Congress, which are received in evidence in all the courts without further proof of authenticity.

Dismissing, for the present, Mr. President, the authority of precedents, there are cases in which, upon the mere reason of the thing, I think all would agree that the right of this body to expunge an entry from its Journal would be unquestionable. The Constitution requires each House to keep a Journal of its "*proceedings;*" that is, I presume, its proceedings as a constitutional body, acting in discharge of its appropriate constitutional functions. On this point I beg leave to read a passage from Mr. Jefferson's Manual, the authority which especially governs our proceedings in this body—a passage which seems to me to have an important bearing on the question we have been considering:

He says: "Where the Constitution authorizes 'each House to determine the rules of its *pro*-'*ceedings*, it must mean, in those cases, legisla-'tive, executive, or judiciary, submitted to them 'by the Constitution, or in something relating 'to these, and necessary towards their execu-'tion. But orders and resolutions are sometimes '*entered in the Journals* having no relation to 'these, such as acceptances of invitations to at-'tend orations, to take part in processions, &c. 'These must be understood to be *merely conven-*'*tional* among those who are willing to partici-'pate in the ceremony; and are, therefore, per-'haps *improperly placed among the records of the* '*House.*"

The result of this, as it seems to me, very clear and just distinction is, that nothing is to be regarded as properly a *proceeding* of either House, of which a *Journal* is required to be *kept*, but such acts as are done in discharge of the legislative, executive, or judicial functions respectively committed to them by the Constitution. If any act be done by either House not appertaining to the discharge of its constitutional functions, that act ought to be considered as extra-official, or, as Mr. Jefferson expresses it, as merely *conventional* among the members participating in it; consequently, not as a *proceeding* of the *body* to be entered on the Journal, and if *improperly placed* there, may be, and ought to be, taken off. With this distinction as my guide, let me suppose a case. Let us suppose that this body, imitating the irregular practice which has obtained in some of the State Legislatures, should, while still organized as a Senate, proceed to the nomination of a President of the United States: let us suppose that the very resolution which is now proposed to be expunged had been used, as it well might, as a preamble to such a nomination: let us suppose that the President had been in his first term, and then the preamble and nomination would have run thus: "Whereas Andrew Jackson, 'the Pres-'ident of the United States, has, in the late execu-'tive proceedings in relation to the public revenue, 'assumed upon himself authority and power not 'conferred by the Constitution and laws, but in 'derogation of both,' and has thereby proved himself unworthy of the confidence of a free people: *Resolved, therefore*, as the opinion of the Senate, That —— —— be, and is hereby, recommended to the good people of the United States as the most fit and proper person to replace the said

Andrew Jackson in the office of President," &c.

Suppose, Mr. President, that such a resolution had been adopted by the Senate, organized as it is at this moment, yourself in the chair, all the Senators in their seats, the Secretary at his table, the yeas and nays called upon it, and the resolution finally entered on the Journal; could such a resolution, notwithstanding all the senatorial forms which might have accompanied it, be considered as a *proceeding* of the *Senate* within the meaning of the Constitution? Can any one doubt that there would be full authority in this body, when it should see the error and evil tendency of its act, to *expunge* such a resolution from its Journal? If so, the question of *power* is settled; and the propriety only of its exercise would then depend upon a question, which I will not anticipate the discussion of, but which it may be well to suggest for the consideration of gentlemen, whether the resolution actually adopted on the occasion referred to, had more relation to the functions, legislative, executive, or judiciary, intrusted by the Constitution to this body, than the resolution supposed, would have had.

While, therefore, Mr. President, I cannot doubt that there are cases in which an entry improperly placed upon our Journals may be removed or expunged therefrom by actual erasure or obliteration, it must yet be borne in mind that no such obliteration or erasure is contemplated or required by the resolution now under consideration. It contemplates a *moral*, not a *physical* expunction; an expunction of the *act*, without expunging the *record*. It seeks to deprive that *act* of all legal force and validity by applying to it the appropriate and significant language of parliamentary condemnation; and without erasing or obliterating the original entry of it on the Journal, to affix to that entry a visible mark, which shall show in all time that the act there recorded, had been revoked, annulled, and repudiated by the solemn judgment of the Senate and the nation; so that if in any future search for precedent, the act be found, its condemnation be found inseparably associated with it. That this is the meaning and intention of the resolution, is shown by its own express declaration. But it is objected that, in that sense, the *term* expunged cannot be properly used. The question, then, becomes one of mere verbal criticism; and surely gentlemen will admit that it is the privilege of public bodies, as well as of private individuals, to *define* the sense in which they use terms susceptible of a difference of signification. This is explicitly done by the resolution under consideration, and all objections founded on the assumption of a meaning, different from that in which the resolution interprets and defines its own language, must of necessity fall to the ground. But I willingly meet gentlemen on the question they have made, and maintain that the use of the word *expunge*, in the sense in which it is employed on the present occasion, is perfectly correct and consistent in itself, and justified by numerous parallel examples in the usage of language, both in juridical and parliamentary proceedings. I will call the attention of my learned colleague [Mr. LEIGH] especially, to a striking illustration furnished by the decisions of the highest courts in our own State, with which he is far more familiar than I can pretend to be. We all know, Mr. President, that, in law, a deed is an instrument, signed, *sealed*, and delivered—that it is an essential and indispensable element in its legal character that it should be *sealed*, and that a *seal*, in the common understanding of the word, and as defined, I believe, by Lord Coke himself, is an impression made on wax or wafer; and yet the court of appeals in Virginia—as have more recently, I believe, the courts in a majority of the other States—decided on principles of common sense and common law, independently of any statutory provision on the subject, that a scroll or *black lines* drawn in any shape to suit the fancy of the drawer, when *declared to be intended* for a *seal*, does, in fact, constitute a *seal*, and makes the paper to which it is attached, to all intents and purposes, a *sealed* instrument. Now, sir, if *black lines* can thus be made to constitute a *seal*, a thing which, in its ordinary sense, is formed of wholly different materials, surely they may be made to stand for *expunging*, which, in its strictest and most literal sense, demands only the use of the same materials. In either case the declared intention stands in place of, and is equivalent to, the thing itself.

Again, sir, the term *cancel*, if not of precisely the same, is certainly of very analogous import, to the word *expunge*. Its etymological meaning, as well as that which is given to it in the legal definition, is to destroy a deed or other writing by drawing lines across it in the form of *lattice work*. It is a principal branch of the common law jurisdiction of the court of chancery in England to *cancel* letters patent (which are records) obtained from the King upon false suggestions, or otherwise void. In both legal and popular phraseology we speak of a deed or will (also matters of record) being *canceled* by the decree of a court. Now, sir, in these cases, I presume the Lord Chancellor does not actually draw lines in the form of lattice work on the letters patent which he *cancels;* nor does the court run the pen across the will or deed which is canceled and set aside by its decision. On the contrary, it is the decision of the Chanceller or the decree of the court pronouncing the patent, will, or deed, to be fraudulent and void, which, *per se*, *cancels* it; that is, destroys its legal validity and effect, while leaving the record of its material existence unimpaired. In like manner the word *expunge*, in the present instance, exerts its whole force on the legal *act* or precedent itself, without impairing the written entry of it upon our Journal.

The illustrations furnished by familiar parliamentary proceedings, are not less forcible, while they have the advantage of coming still nearer home to us. When a motion is made and carried to *strike out* a clause or section in a bill, it is not, as I understand, actually stricken out or *erased* with the pen, but the portion voted to be stricken out is indicated by suitable marks, with a corresponding notation on the margin of the bill, or on a separate paper, and is considered as *stricken* out by the mere force of the vote. What is directed to be done, is, by a parliamentary fiction, if you choose, considered as actually done. It is a singular coincidence that, in the earlier period of our parliamentary history, this very word *expunge*, which has of late furnished such a fruitful theme of commentary, was habitually used instead of the phrase to *strike out*, in reference to amendments, and in the sense in which the latter phrase has just been explained. During the two first Congresses under the present Constitution, I find that in the Journal of this body especially, the word *expunge* is of constant recurrence; and that in proposing amendments to bills, the motion was to expunge, instead of *strike out;* and when carried, the clause or section which was the subject of the motion, was said to be *expunged*, though, as in the case of *striking out*, there was no actual *erasure*, which it is now contended the word necessarily imports. From its frequent recurrence in the same application, in Yates's report of the proceedings of the Convention which formed the Constitution, we are authorized to infer that its use in the same sense was also familiar among the learned statesmen who composed that illustrious assembly.

But there is an example of its use which I cannot forbear to mention. In the draft of the declaration of independence this significant word is used in the very sense which is assigned to it on the present occasion. After stating the fundamental principle of the right of the people to alter or abolish their institutions—a right which prudence requires should not be exercised for light and transient causes; and accordingly, that all experience hath shown mankind more disposed to suffer, while evils are sufferable, than to abolish the forms to which they are accustomed, the following pregnant sentence occurs: "Such has been the patient endurance of these colonies, and such is now the necessity which constrains them to *expunge* their former systems of government."

Now, sir, as Mr. Jefferson was what Lord Clarendon, I think, called John Hampden, a *root and branch man*, he might be considered, perhaps, both in temperament and principle, as an *expunger*. It may not, therefore, be improper to add, that this word stood in the Declaration of Independence not only as it came from the pen of Mr. Jefferson, but as it was reported to Congress, and sanctioned by the rest of the committee, by John Adams, Benjamin Franklin, Robert Livingston, and Roger Sherman. What, sir, did these great men and illustrious patriots mean by expunging our "former systems of government?" Did they mean that the *royal charters*, in which those systems of government existed and were delineated, were to be *erased* and *obliterated* with the pen, as modern commentators would have us believe the word *expunge* can only mean? No, sir, they meant, as we mean on the present occasion, that the *institution*, the *act*, should be *expunged*, leaving the record of it unimpaired.

Having thus, sir, I hope, satisfactorily established the true parliamentary sense of expunging, permit me to say something of the thing itself. Attempts have been made here and elsewhere to represent it as something very odious and iniquitous. Now, sir, I take upon myself to say that, from the nature of the thing, implying necessarily a deliberate change in the public councils, it never can be resorted to in a representative Government but with the sanction, and under the authority of the people, and in their hands will never be used but for the vindication of their rights and of the principles of their fundamental law. In the history of our British ancestors, sir, it comes down to us through a long line of glorious traditions. In that country it has been the instrument by which every great principle of civil and political liberty has been successfully vindicated and established. How was *expunging* used, sir, in the celebrated case of John Hampden and ship-money in 1640? We all know, sir, that in that case the King claimed an arbitrary power to levy upon the people, at his own discretion, whatever imposition *he* might deem *necessary* for the support of the Government and the defense of the kingdom. This enormous usurpation was sanctioned by the judges, not merely in an extra-judicial opinion irregularly obtained from them, but in their solemn judgment rendered in the Exchequer Chamber against John Hampden for his refusal to pay the odious tribute exacted of him. These iniquitous proceedings were afterwards *expunged* in the high court of Parliament; and by that *expunction* the great principle of free government, that the people can be taxed only with their consent, given through their representatives—that principle which gave birth to our own glorious Revolution, was, for the first time, successfully and irrevocably established. In the case of Skinner and the East India Company in 1669, to which I have heretofore referred, what was the great principle involved? In addition to that ultimate appellate jurisdiction in questions of law, of which the House of Lords in England has been long possessed, it claimed, on that occasion, cognizance of original suits, in utter subversion of the trial by jury. By being forced at last, by the noble resistance of the House of Commons, to *expunge* the judgment they had pronounced, and their other proceeding in that memorable case, they renounced finally this dangerous claim of original jurisdiction, and the glorious institution of our Anglo-Saxon ancestors, the great bulwark of British and American freedom, the trial by jury, was thus triumphantly rescued and maintained.

In the case of the protest of the Tory lords in 1690, to which I have also had occasion to refer, the principle involved and finally vindicated by this odious process of *expunging*, was even of a deeper and more vital character. The Senate will recollect that the clause in the recognition bill, to which the Tory lords objected, and against which they entered their protest, was one asserting the validity of the acts of the Convention Parliament—that Parliament under whose auspices the glorious revolution of 1688 had just been achieved. The Tory lords were unwilling to recognize the validity of its acts, because it was called together in the emergency of a great crisis, by the voice of the nation itself, speaking in the person of the Prince of Orange, and without the

formality of the King's writ, which these lords held was indispensable under all circumstances, to constitute a lawful Parliament. This objection, formally recorded in their protest, struck at the vital principle of the revolution which had just been accomplished—the sovereign right of the people to alter or abolish their institutions without a slavish submission to preëxisting forms. The House, therefore, ordered their protest, which had been regularly entered on the Journal, to be *expunged*, and in doing so worthily vindicated the vital principle of the right of the people to change, modify, or abolish their institutions, whenever it shall seem to them good, a principle which stands in the very front of the declaration of American independence, and is even more essential to American than British liberty.

The case of the Middlesex election, which gave rise to another instance of expunging in 1782, is perfectly familiar to the minds of the Senate. There the great right of the people freely to choose their own representatives was vindicated and established by *expunging* a resolution of the House of Commons, adopted fourteen years ago, and which was justly described as "subversive of the rights of the whole body of electors in the kingdom." We have seen, then, this denounced and calumniated process of *expunging*, through two centuries of British freedom, used as the efficacious instrument by which every great constitutional right, every cardinal principle of popular liberty dear to the hearts of freemen, has been successfully vindicated and redeemed: in 1640, the right of the people to be taxed only with their own consent; in 1769, the right to jury trial; in 1690, that right, which is the mother of all others, the right of the people to organize, modify, or abolish their political institutions at their own pleasure; in 1682, that right, which forms the practical security for the rest, the right of the people freely to choose their own representatives. In view of these facts it is no exaggeration to say that every cardinal principle of British and American freedom has, at one period or another, been vindicated and established by this remedial but calumniated process of expunging.

I have already remarked, Mr. President, that this remedy for the abuse of delegated power can never be resorted to, in a representative Government, but with the deliberate sanction and under the formal authority of the people. *Expunging* is, in fact, the embodied and potential voice of the people, bursting, by its legitimate power, the doors of legislative assemblies, and correcting, in the most solemn form, the deviations and assumptions of their servants. It necessarily implies a change in the public councils by the operation of the public will; for the body which has committed an error or been guilty of a usurpation, remaining constituted as it was, will not be the willing instrument of correcting or expunging its own wrong. Accordingly, in every one of the cases which I have mentioned, the final parliamentary action has been preceded by the matured, the settled, the irreversible judgment of the public mind. In the case of Hampden and the ship-money, the proceedings which were *expunged* took place in 1637; the expunction followed, three years after, in 1640. In the mean time the public mind had been anxiously and intensely exercised on the subject; the question had been publicly and solemnly argued before all the judges in the exchequer chamber, from time to time, through a period of six months. After their decision was pronounced, the merits of that decision continued to furnish the theme of able and earnest discussion at the bar of public opinion; and finally the settled judgment of the nation was carried into *execution*, by the order of the high court of Parliament, for expunging the *rolls* of the obnoxious proceedings. In the case of Skinner and the East India Company, in like manner, the question between the two Houses was pending, and earnestly debated before the nation, for eighteen months; and the House of Commons was but the organ of the settled public opinion of the country in finally wresting from the lords the *expunction* of their dangerous and illegal proceedings. In the case of the protest of the Tory lords, in 1690, the great principle involved had been kept constantly before the public mind by the profound interest awakened by the revolution of 1688; and the faithful and patriotic Whigs of that day but acted out a deliberate and foregone conclusion in the public judgment by *expunging* a protest which assailed the vital principle of popular sovereignty. In the case of the Middlesex election the question had been pending before the nation for fourteen long years; during which time it had been the subject of public discussion in every possible form—popular, parliamentary, and legal; in meetings of the people, in both Houses of Parliament, and incidentally before the judicial tribunals of the country. Public opinion was never more maturely formed, more fully expressed, or more faithfully represented, than in the order for *expunging* the unconstitutional and obnoxious resolution in that case.

So it is, sir, on the present occasion. It is this day precisely two years since the resolution now proposed to be expunged was adopted by this body. During the whole of that period the public attention has been constantly recalled to it by able and eloquent debates here—by the searching discussions of the press—by the calm and self-directed inquiries of the public mind. The subject has been constantly under the consideration of the people in one form or another. Every temporary and artificial excitement has passed by, and the public judgment has been left to its own self-balanced wisdom to pronounce on the issue joined before it. Its decision, I believe, sir, has been made up, and in great part pronounced. Eleven of the sovereign States of the Union have spoken, and spoken authoritatively, demanding the expunction of this resolution from our Journals. There can be but little hazard in saying that four or five more desire to, and would approve of it, though they have not yet spoken in an authoritative form, probably because they have supposed it to be unnecessary to do so. The judgment of our constituents, then—of the people and of the States—has passed on this transaction—I believe, irrevocably passed upon it. They consider the resolution adopted by this body on the 28th March, 1834, as irregular, as illegal, as unjust, as unconstitutional; and the more alarming as proceeding from that branch of the Federal Legislature which is the most irresponsible, and as tending dangerously to increase its power, already sufficiently great. On these grounds they demand that that resolution be expunged from our Journal; and seeing not the slightest constitutional impediment to the remedial process for which they have indicated their preference, I, for one, Mr. President, will cheerfully obey their voice.

REORGANIZATION OF THE MILITIA.

SPEECH OF HON. R. H. GILLET,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

March 14, 1836,

On the Resolutions of the Legislature of New York relating to the Militia.

Mr. GILLET said, that among the resolutions heretofore passed by the Legislature of the State of New York, and now presented by him, he wished to call the attention of the House to the following:

"*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to use their exertions to procure such amendments to the acts of Congress organizing the militia, as shall relieve the people, as far as practicable, from the burdens of the system, without impairing its efficiency."

He desired that this resolution should go for consideration to the standing Committee on the Militia, and with the view of presenting distinct propositions for their action, he moved the following instructions:

That the committee inquire into the expediency of so altering the laws relating to the militia as to provide—

First. That all free white able-bodied male citizens of the United States, between twenty-one and forty-five years of age, shall be enrolled in the militia.

Second. That of the persons so enrolled, all who are under twenty-seven years of age shall, once in each year, be called out for a period not less than six days, and remain under arms during that period, with a view of improvement in military discipline and martial exercise; and such persons to be minute-men, and to be first called upon in case of insurrection or invasion.

Third. That the persons who are so called out, and remain under arms, shall receive a reasonable compensation for their time.

Fourth. That the Government of the United States shall furnish, at proper depositions, for the use of the persons thus called out, all needful tents, arms, and accouterments.

Fifth. That there shall be deposited, at the proper points on the frontiers and sea-board, all necessary and proper arms, including brass cannon and accouterments and ammunition, to supply the enrolled militia, when called into actual service in defense of the country.

The Constitution of the United States has vested in Congress the power "to provide for 'organizing, arming, and disciplining the militia, 'and for governing such part of them as may be 'employed in the service of the United States; re-'serving to the States respectively the appointment 'of the officers, and the authority of training the 'militia, according to the discipline prescribed by 'Congress."

This provision had emanated from those who had pledged their lives, their property, and sacred honor, in the cause of liberty—those who had justly appreciated the evils of a standing army, and had referred to them as one just cause for resisting British sovereignty. The wisdom of this provision has seldom been questioned; and there are few known to the public, who would hazard a reputation, by advocating the abandonment of militia, and the substitution of a standing army. The potency of the latter in controlling and directing events, not connected with their legitimate employment, has been too frequently and forcibly illustrated, to be soon forgotten; while the former has, on all occasions, been found a safe, cheap, and efficient power, when properly directed, in aiding the civil authority in the due exercise of its power, in the execution of process, the suppression of domestic violence, and in repelling invasion. When the citizen soldier has accomplished the objects which called him to arms, and fulfilled the requirements of duty to his country, he joyously bids adieu to the tented field, and the horror and havoc of war, resumes his station in society, and enjoys the blessings of peace and tranquillity in the bosom of his family. The whole aim of his military life is to protect and preserve his country, and secure to himself and his fellow-citizens the enjoyment of freedom at their own fire-side. While the hired mercenary of Europe is impelled by his appetite for bounty, the American citizen soldier has no motive but the glory of his country, and the peace and happiness of its citizens.

In order, however, to secure to the country this efficient, safe, and available force, it is necessary to secure a proper organization of the militia. The present organization does not produce the desired result. Soon after the adoption of the Constitution, when the whole number of free white inhabitants in the Union amounted to only about three millions, a law was passed organizing the militia. It bears date May 8, 1792. This law requires all free white able-bodied persons, between the ages of eighteen and forty-five years, to equip themselves and perform military duty. With slight modifications this law remains without alteration. This act was passed when our population was limited in number, and at a time when the Indians were hanging upon our extensive frontier, with hostile feelings. The country has undergone a change; but no corresponding change has been made in our law regulating this subject, although it has long been desired, and without it the system must sink. It now receives, for the want of proper legislative attention, much of public contempt.

The Constitution of the United States, in prescribing the duties of the President, says:

"He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

Under the direction given in this clause of the Constitution, the subject of the more efficient and proper organization of the militia, has been recommended by the different Presidents, in all thirty-two different times, commencing with General Washington's inaugural address.

Mr. Jefferson is now allowed by all to have possessed clear and correct views in everything that relates to the good of his country. His opinions are at this day taken as the true standard on all such subjects. In his message to Congress, in 1805, he said:

"Whether it will be necessary to augment our land forces will be decided by occurrences probably in the course of your session. In the mean time, you will consider whether it would not be expedient for a state of peace, as well as of war, so to organize or class the militia as would enable us, on a sudden emergency, to call for the service of the younger portions, unincumbered with the old and those having families. Upwards of three hundred thousand able-bodied men, between the ages of eighteen and twenty-six years, which the last census shows we may now count within our limits, will furnish a competent number for offense or defense, in any point where they may be wanted, and will give time for raising regular forces, after the necessity of them shall become certain; and the reducing to the early period of life all its active services, cannot but be desirable to our younger citizens of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I cannot, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps, fit for real and active service, and to be called in regular rotation."

These suggestions, so pertinent and valuable, have been amplified and adopted by General Jackson, in his message to Congress at the opening of its present session. His opinions on this subject are entitled to great respect and consideration, as there are few who will deny to him high consideration as a military man, and a defender of his country. In his message, he says:

"Occurrences to which we, as well as all other nations, are liable, both in our internal and external relations, point to the necessity of an efficient organization of the militia. I am again induced, by the importance of the subject, to bring it to your attention. To suppress domestic violence, and to repel foreign invasion, should these calamities overtake us, we must rely, in the first instance, upon the great body of the community, whose will has instituted, and whose power must support, the Government. A large standing military force is not consonant to the spirit of our institutions, nor to the feelings of our countrymen; and the lessons of former days, and those also of our own times, show the danger, as well as the enormous expense, of these permanent and extensive military organizations. That just medium which avoids an inadequate preparation on one hand, and the danger and expense of a large force on the other, is what our constituents have a right to expect from their Government. This object can be attained only by the maintenance of a small military force, and by such an organization of the physical strength of the country as may bring this power into operation whenever its services are required. A classification of the population offers the most obvious means of effecting this organization. Such a division may be made as will be just to all, by transferring each, at a proper period of life, from one class to another, and by calling first for the services of that class, whether for instruction or action, which from age is qualified for duty, and may be called to perform it with least injury to themselves or to the public. Should the danger ever become so imminent as to require additional force, the other classes in succession would be ready for the call. And if, in addition to this organization, voluntary associations were encouraged, and inducements held out for their formation, our militia would be in a state of efficient service. Now, when we are at peace, is the proper time to adjust and establish a practicable system. The object is certainly worth the experiment and worth the expense. No one appreciating the blessings of a republican Government can object to his share of the burden which such a plan may impose. Indeed, a moderate portion of the national funds could scarcely be better applied than in carrying into effect and continuing such an arrangement, and in giving the necessary elementary instruction. We are happily at peace with all the world. A sincere desire to continue so, and a fixed determination to give no just cause of offense to other nations, furnish, unfortunately, no certain grounds of expectation that this relation will be uninterrupted. With this determination to give no offense is associated a resolution, equally decided, tamely to submit to none. The armor and the attitude of defense afford the best security against those collisions which the ambition, or interest, or some other passion of nations not more justifiable, is liable to produce. In many countries it is considered unsafe to put arms into the hands of the people, and to instruct them in the elements of military knowledge. That fear can have no place here when it is recollected that the people are the sovereign power. Our Government was instituted, and is supported by the ballot-box, not by the musket. Whatever changes await it, still greater changes must be made in our social institutions before our political system can yield to physical force. In every aspect, therefore, in which I can view the subject, I am impressed with the importance of a prompt and efficient organization of the militia."

Mr. G. said the conclusions of his judgment accorded very nearly with the President's, as would be observed by reference to the propositions he had submitted.

It is objected to the present system—first, that the number required to perform militia duty is unnecessarily large. This is a true and a valid objection. The present organization was adapted to the times at which it was produced. The number of persons liable to perform duty under it at that time cannot now be ascertained; but, judging from the amount of population then and now, it may be fairly estimated at about two hundred and fifty thousand. This militia force was then considered amply sufficient to protect our extended and varied frontiers under the most adverse circumstances. The country has changed, but there is no modification of the system. The law that then secured the services of two hundred and fifty thousand, now imposes duty upon about a million and a half of persons. These men are called out, upon an average, at least three days in each year. If their time and expenses are valued at one dollar per day, it forms an aggregate of four million five hundred thousand dollars per annum. The welfare of this country does not require such an annual tax, which falls almost exclusively upon that class which is least able to bear it. To obviate this objection, he had proposed merely to enroll a large force, but not to require any duty of a very large portion of the persons composing it, except when called into actual service.

The second objection is, that the present law requires the service of minors who are eighteen or upwards, while their time and services belong to the parent, and that the parent is compelled to equip his sons. This objection is not without its force. There is little justice in requiring of one who is paying, or has paid, on his own account, the militia tax, to give up the time of his sons for this purpose; and much less justice in requiring him to purchase arms for them. This period, with very many young men, is spent at school, and in other employments, which render it inconvenient for them to meet the requirements of such a law. Moralists have long objected to minors entering upon those duties at such an age. He had provided that the earliest period of enrollment should be at the age of twenty-one years. This is the period when young men have finished their education, and become masters of their own actions—when they become entitled to the privileges of freemen, and should share in the honor and responsibility of protecting and defending the country from all foreign or domestic aggressions.

A third objection is, that those whose character and standing in society qualify them to sustain the credit and respectability of the militia, are exempt from duty. The weight of this objection rests upon the extent and character of the exemptions. In some of the States it will be found that those who participate in the honors of certain public employments, and those engaged in certain professions and callings, are exempt from duty.

Mr. G. said he knew of no one whose station in society, or whose calling, exalted him above the obligation of defending his country. He hoped no man was considered above defending it. He who administers justice in the forum, and he who performs the sacred rites of our religion at the altar, might well aid in giving dignity and sanctity to the glorious employment of protecting and defending our altars, our wives, our children, and our homes. While the most distinguished classes are exempt from duty, the service sinks in disrepute, and it becomes the scorn and contempt of those who ought to be its chief supporters, if not of the whole community.

He had made no provision to allow any exempts; and he confidently expected that the effect of enrolling all would be to place the protecting our country on elevated ground. Should he ever meet a man who looked upon defending it as beneath him, he should place him on the catalogue of the enemies of the country.

The fourth objection is that the arms and accouterments now in the hands of the militia are not generally fit for actual immediate service.

Mr. G. said he was well aware of the validity of this objection. Not an inconsiderable portion of the arms now met with in the ranks of the militia were such as would not be tolerated in the Army.

Mr. G. said we have two national armories, one at Springfield and the other at Harper's Ferry, at which arms are fabricated for the use of the regular Army. At these the musket now costs $12 25, and the accouterments complete cost $3 01, making $15 26. Hall's rifle costs $17 50, and the accouterments for it, $4 05, making $21 55. The carbine costs $18. Since the Revolution great improvements have been made in the manufacture of powder, and it now has nearly double the strength it then had. It follows, of course, that a corresponding change is required in the strength of the musket. That change is now introduced in our armories, and hereafter they will not only possess the requisite strength, but will be so constructed that each part of a musket will fit any other one of a like construction.

In addition to the two national armories, there are six private ones, at which such arms are made as are designed to be distributed under the law of 1808, providing for the arming of the militia. At each of these armories all arms are inspected and proved by agents of the ordnance department, before they are received by the Government. At these trials many are condemned. Others, that have been in the use of the Government, are condemned as unfit for the Army. All these condemned arms are now sold, and a vast number of them are found in the hands of the militia. That very many of them are worse than useless all must admit; and he hoped hereafter measures would be adopted to prevent the increase of this evil.

Mr. G. said he would add, that some of these refuse and condemned muskets were sold as low as $4 50. Another portion, now in the hands of the militia, were the relics of our former wars, of different magnitudes and constructions, and covered with the rust of the last century, and many in the worst possible order. He thought many a regiment, if faced about to meet an enemy, would find a very large portion of their arms quite incompetent for defense. Many, also, would prove far more fatal to their possessor than to the enemy. Their faultiness would prove fruitful in disasters, produce confusion and dismay, which would be likely to end in defeat and disgrace.

To guard against the evils calculated to flow from this source, he had proposed that the Government should furnish all the arms and accouterments. Then all the articles used would be of the best quality, and fit for instant use.

The soldier requires the same guarantee from the Government of the goodness of the arms with which he defends the country, as he does of the genuineness of the coins in which his wages should be paid. Why should the militia man, the efficacy of whose first aim may so materially affect the question of success, be supplied with an inferior article? It may be said he should buy the genuine article; in reply to which it may be asked,

where can it be purchased? The valuable products of the national armories are not thrown into market for sale; and, if they were, self-interest or necessity would induce a large majority to purchase the inferior article on account of its cheapness. The poor article, which is one of mercantile speculation, is almost the only one within his reach. Hence the militia are compelled to purchase the refuse article thrown from your armories, the like article from abroad, or such as are manufactured by individuals on speculation, where there is no guarantee of quality beyond the external appearance. It is useless to require the militia to furnish their own arms when they are so seldom fit for actual service. The Government should furnish them, and keep them at such places as will enable the minute men at all times to be supplied with a first rate safe article, to be returned when no longer needed.

A fifth objection is, that no military knowledge is derived from the ordinary trainings.

Mr. G. said he could not admit the truth of this objection to the full extent. In many sections of the Union there are those who profit largely by their efforts at improvement. Whole companies, and even whole regiments, had arrived at a state of discipline worthy an American militia, and even a regular army. His own personal knowledge enabled him to say that military talent had been frequently developed at militia trainings that would not suffer by comparison with much in the regular service. Still it must be admitted, that less military knowledge had been generally acquired than a due regard to our welfare required. The average time that persons now train, in each year, is about three days, making an aggregate, during the twenty-seven years of service required by law, of eighty-one days. It had not been customary to call out the privates more than one day at a time; and the consequence had been, that between the trainings they usually forgot much of what they had previously learned. By the time the words of command become intelligible to them, the exercise was ended. He proposed to require the trainings to continue at least a week. During this continuous period much instruction might be imparted, which would not soon be forgotten. The aggregate of service would be lessened more than one half, while the improvement would be quadrupled. Instead of requiring eighty-one days' service during the whole term, only thirty-six would be exacted, making a saving of forty-five days.

Mr. G. thought it impossible to keep up a military spirit in the country, without trainings and martial exhibition. He would ask when it was that gentlemen felt the beating of the high military pulse? The answer must be, at the time they saw a brilliant military array, conducted in an orderly manner. He well recollected it was these exhibitions, that induced him, at an early age, to leave the quiet enjoyments of home for the camp of war, and regret still lingered in his bosom that parental authority had defeated his purpose of doing so. The periodical and protracted trainings which he had proposed, would develop the military talent required in case of actual service, and would foster a spirit that would never yield to any opposing force. It would prepare a corps of active young men ready for any emergency, the very existence of which would preserve domestic quiet, and prevent all invasions. It would restrain the turbulent spirit of the Indians in the West, and cause them to respect our authority, which they would otherwise contemn. It would also restrain the outbreakings of that spirit which had been attempted to be excited at the South, by the mischievousness or wickedness of fanaticism.

The sixth objection urged against the present law, is that it requires every person to equip himself at his own expense.

Mr. G. said he had, when discussing the quality of equipments in the hands of the militia, partially examined this point. He was of the opinion the true basis of all taxation is property. The tax should be laid, not upon the individuals, but upon the wealth of the country. No one would pretend that it would be just or consistent with the spirit of our institutions to tax the man who was not worth a dollar the same that you would one worth ten thousand dollars. Such a proposition would find favor in no quarter. If it should ever become necessary to lay a direct tax, is there a single member in this House who would propose to tax every individual, let him have much or little property, the same sum? Would any one expect the concurrence of the people in a proposition to tax all the free white able-bodied citizens between eighteen and forty-five years of age, the sum of fifteen dollars, leaving all others untaxed. The ordinary expense of a good musket, bayonet, and accouterments, is about fifteen dollars, while the same quality of rifles and appendages cost about twenty. The law which requires certain of our citizens to provide themselves with equipments, rests in equity upon the same foundation as the tax just mentioned. It is equally unjust, and as much at variance with the principles of free government. He had provided in his propositions, that arms should be furnished by the Government at its own expense.

Mr. G. said that the principle of the law which exacts a service in time of one citizen, not required of another without compensation, rests upon the foundation just mentioned. To individuals, it was of little consequence whether you require of them a day's labor, or their earnings for a day. It is alike a tax. With the militia it is a tax, not imposed upon the community generally, but it falls usually upon that class of persons least able to bear it. What reason can be assigned why a man, under forty-five, of the same wealth, should pay a tax from which his neighbor, who is a year older, is exempt? Why should we make a man, who is able-bodied, pay a tax from which a neighbor is exempt, because he has some slight personal defect, which may not prevent him from constant labor? Mr. G. said he could see no reason why those who were fortunate enough to hold official stations, and those who devoted themselves to particular elevated callings, should be exempt from taxes imposed on others in humble walks in life. They needed the protection of the Government as much as others, and should equally participate in the hardships and expenses of defending it. There should be no privileged orders. The laws should protect all, and all should be required to aid in their support in the preservation of freedom.

The same rule which you apply to others serving the public ought to be applied to those who serve it as militia-men. Not an officer, from the President to the least important town officer, goes unrewarded for his services. Every one is paid in proportion to the estimated value of his services. May you not as well call upon those public officers who serve but a few days in a year in civil duties, to do so for nothing, as to ask it indiscriminately from those who are enrolled in the militia? The injustice of this tax had been distinctly admitted by legislation in the State he had the honor in part to represent. A small number of the militia (non-commissioned officers) had been exempted from a certain portion of the State tax, in consequence of the conceded and glaring inequality of the tax imposed upon them. The only reason why they are exempted from the State tax (highway labor) is that they bear the militia tax in a greater degree than others.

The object designed to be obtained by the establishment of our Federal Government is stated in the Constitution to be, "to form a more perfect Union, establish justice, insure domestic tranquillity, to provide for the common defense, promote the general welfare, and secure the blessings of liberty." To accomplish these purposes, the Constitution had given the General Government certain powers, and he had not heard a doubt expressed, but what it extended as far as was necessary to sustain his propositions. Every President and every Congress since Washington's time had sanctioned laws which could stand upon no broader foundation than the principle he contended for. Under a power in these words, "to raise and support armies," during General Washington's administration, a school was established at West Point, where young men were educated at the expense of the Government, so as to develop and secure in the country military knowledge, a small portion of whom find their way into the Army. There is certainly more reason for disciplining and improving those whose services are certain to be at the command of Government, than in educating those who may or may not form a part of the defense of the country. Under the power "to provide and maintain a Navy," teachers were employed, and young men taught, and he believed a school of instruction had often been proposed by the Navy Department, if not by Presidents. He was not, however, aware of any being instructed who were not already in the service of the country, and in this respect they were on a footing with the militia. Every Congress since its establishment, he believed, had voted appropriations for West Point. While that institution was sustained, he could not conceive how the expense of "organizing, arming, and disciplining the militia," could be objected to. If these words do not authorize the Government to expend money, then he would inquire, by what authority does Congress purchase and distribute books of instruction for militia officers, and upon what authority rests the act of the 23d of April, 1808, appropriating $200,000 annually, for the purpose of "providing arms and military equipments for the whole body to the militia?" He thought this law was an emphatic admission on the part of Congress that at least the burden of purchasing arms ought not to be borne by the militia who performed duty. The right to relieve from one part of the tax must be as great as it is in the other; and the duty of Congress to exercise that right at a proper period seemed to him to be equally imperative.

Mr. G. said he sincerely hoped that Congress, before the close of this session, would suspend a portion of those discussions, which seemed to have little effect, except exhibit ebullitions of political or personal feeling, and do an act of justice to the militia. Questions of order were of far less consequence to the country than a well-regulated and efficient system of public defense. He wished to see the efforts of the militia at improvement as elevated as their deeds had been glorious at Plattsburg and New Orleans. He hoped to see the time when this important arm of the public defense should no longer be spoken of with contempt and ridicule.

The law of 1808 was designed to be the means of placing arms in the hands, or within the reach of "the whole body of the militia of the United States." Two purposes were had in view—to aid in the public defense, and to relieve the people from the burden of providing themselves with arms. The manner of the distribution was left to be provided for by the State Legislatures. This had been different in different States. In Ohio, he had understood, the arms were kept in depositories within certain districts, were used at trainings, and returned. This accords with the evident intention of the law of 1808, and met his hearty approval.

But why should we stop at this annual appropriation of $200,000? We are daily told of dire calamities that are to fall upon and overwhelm us, because we have so many millions in our Treasury. May not this money very rightfully and patriotically be used in furnishing the arms and other means of defense for the country? Was there a more noble object than preparing to preserve and perpetuate our liberties? There are about one million five hundred thousand militia enrolled in the United States, and among all these the latest returns show but about four hundred thousand muskets and rifles, including many fowling-pieces. It may be safely said that not more than one half of these are fit for actual service. The number of brass cannon is two hundred and ninety-nine; iron cannon, three hundred and forty-six. The latest returns to the Adjutant General's office show—in Michigan, ninety eight muskets, and seven hundred and thirty-two rifles; Missouri, seventy muskets, and one hundred and fifty-seven rifles; the District of Columbia, one hundred and forty-four muskets, and sixty-six rifles; not a cannon in either, except four in the latter. Illinois, Florida, and Arkansas do not return any arms. If these returns are

correct, (and he had no reason to doubt them,) it showed most clearly the necessity of a speedy application of the energies of the Government to put the country in a better state of defense. He had referred to these States and Territories in no spirit of unkindness; on the contrary, he wished to see the necessary steps taken to put them in a better condition. His attention had been turned toward those on the frontiers to ascertain their condition and their ability to repress Indian hostilities. There were men there, noble and brave men; but he looked in vain for the weapons of defense. He had looked in vain for that exhibition of strength and power which were likely to deter and repress savage vindictiveness. The weakness of these border States invite the tomahawk and scalping-knife. It sufficiently accounted for the Black Hawk war and the present struggle in Florida. These two wars alone will cost millions. Half of their expense properly used in arming and disciplining the militia on those frontiers would have prevented the effusion of blood —would have secured the persons and property of our fellow-citizens, and kept in awe those savage hordes whose friendships so often changed to hatred when the fear of chastisement no longer restrains them.

Is it consistent with the honor and dignity of this Government? is it compatible with the lessons of experience, to continue the present state of things? From these returns, it appears that only about one fourth of the whole militia have arms. It is true that there may be arms in several States not returned; but whether that is so or not, he could not ascertain. He could only look at what had been returned by the officers whose duty it was to make returns. The fault was not with him, if he was in error. The Government is now able, and let it move with spirit in this matter.

To provide muskets and accouterments for the present number of militia will cost over twenty-two millions of dollars; it will cost those required to perform duty that sum. The expenditure from the public Treasury for the object and in the manner he had proposed could not excite local jealousies, nor prove a weapon in the hands of politicians, with which to fight their battles for power or place. Other propositions to use the public revenue have been met with various, and some of them by constitutional objections. Some of them are calculated to increase local wealth and build up the fortunes of individuals. History proves, that in practice this increase generally occurs in favor of those whose fortunes are previously large, as they are the principal actors in controlling events. All cannot, in that way, share equally in the benefits conferred; but by carrying out his proposition, the benefits will be equally diffused to all parts of the Union, and will reach that class who are the pillars of our prosperity and protection, in peace and war—those who resist the encroachments of power, in whatever guise it may appear, and those who in person defend our country and her cherished institutions. His plan did not propose to increase the wealth of any, but to relieve all from burdens. It held forth no rewards to avarice or cupidity, but simply to prepare manfully to defend and protect our common country and her institutions in a constitutional and equitable manner.

Let the means of defense be as ample, and the burdens on the people be as light as possible. Fortify where necessary; make the naval preparations demanded by our position in the world; place all needful arms at proper points on the frontiers and sea-board; give your young men the proposed instructions, and insurrections will cease to desolate our cities; savage barbarity will cease to disturb the slumbers of our citizens, and spread desolation and ruin among them; and foreign foes will never venture on our soil, or trample upon our rights. While we have power, and exhibit it to the world, we shall command respect, and our rights will not be invaded. If, from our misjudged economy or parsimony, other nations shall think lightly of our means of defense, and our ability to command respect, we shall fail in having our rights properly appreciated and respected.

He hoped his propositions would find favor with the House; and, at all events, he trusted that this discussion would arouse its attention to the subject, so as to insure speedy action in some form. If any good should result from the agitation of this question, he should feel amply compensated for the little time he had been able to devote to it. To his mind it was too important a subject to remain unattended to, and would not permit himself to doubt that the House would give it a full share of attention.

SPECIE CURRENCY.

DEBATE IN THE SENATE,

March 28, 1836.

The bill for the payment of the Revolutionary and other Pensioners of the United States being under consideration—

Mr. BENTON offered the following amendment:

SEC. —. *And be it further enacted*, That no bank note of less denomination than twenty dollars shall hereafter be offered in payment in any case whatsoever, in which money is to be paid by the United States or the Post Office Department; nor shall any bank note, of any other denomination, be so offered, unless the same shall be payable and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him.

Mr. GRUNDY thought the word "instantly" would perhaps answer as well as the words "*on the spot.*" He made no motion, but suggested that the phraseology would be improved by it.

Mr. BENTON said this was a bill for the relief of old soldiers, and he was inclined to adhere to the word "spot." He wanted them to have the gold standing in their tracks.

Mr. KNIGHT was in favor of substituting the word "received" for the word "offered."

Mr. TALLMADGE thought it better to make the amendment a distinct proposition from the bill under consideration. He did not like to embarrass it with a matter on which there was evidently a division of sentiment in the Senate, and which would lead to discussion, and necessarily delay the bill.

Mr. CLAYTON was opposed to putting riders on the bill. To attach this amendment to it, the bill might not get through.

Mr. BENTON thought this an appropriate subject to attach the amendment to, and spoke of the extent of mischief he had seen in shaving bank notes in the hands of old soldiers; and, after thus seeing it, he had so much anxiety about it, that his feelings would not permit him to waive the amendment he had offered, which was so applicable to this and all other appropriation bills.

After some remarks from Mr. NILES,

Mr. DAVIS said, all the Senator from Missouri [Mr. BENTON] expected to accomplish by his amendment was, that the disbursing officers of the Government should be prohibited from paying out bills under the denomination of twenty dollars. Under this amendment the question would arise whether the disbursing officers shall disburse the money they shall receive. These banks never disburse the notes they receive, but their own notes. Any claimant of specie had the right to demand and receive it from these banks now; and if they did not pay out the money they received, he could not see the application of the remarks of the gentleman from New York, [Mr. WRIGHT.] Mr. D. was not aware that the notes of the United States Bank were depreciated. If they were, then they ought not to be received or paid out. He had said these banks were bound to pay specie. No individual had the power to compel the Government to pay him specie. The agents of the Government might offer him what they pleased, and he lies entirely at their mercy; he must receive what they offer or nothing. It was important to know the amount of notes in circulation and the amount of specie in that bank. If it had no specie to redeem its notes with, they would find but few of them in circulation. If, then, they could not be kept in circulation, he did not see why the deposit banks should have this privilege.

Mr. WRIGHT said the object of the mover of the amendment, to restrain the excesses of the present paper system of the country, and to infuse into our circulation a greater proportion of gold and silver, met his cordial and sincere approbation. He had labored, and was willing to labor, in that cause, with that powerful and worthy leader; but he must say he was sorry that he had felt it to be his duty to make the bill now before the Senate the one upon which the principle of his amendment was to be tried. He was sorry, also, that the Senate was called upon to act upon this proposition until another bill which was now before the House, and which he soon hoped to see here, should have been acted upon by this body. He referred to the bill to repeal that provision in the charter of the Bank of the United States which compelled all the receivers of money due to the Government, for any consideration whatsoever, to receive the bills of that bank. The charter of the institution expired, by its own limitation, on the fourth day of the present month, but two years are allowed, by the charter, after that day, to enable it to close its business; and a question has arisen whether the clause of the charter making its bills receivable for debts due to the Government expired with the expiration of the charter, or extended itself through the two years given to close the concerns of the bank. The head of the Treasury Department had applied to Congress to solve the doubts by a repeal of that section of the charter, and a bill had been under the consideration of the House containing the desired provision. But (Mr. W. asked) would it be just to the deposit banks, or proper in itself, to impose upon them this restriction, in paying our appropriations, while we compel them, by an express provision of law, to receive all the notes, of all denominations, of a particular institution, and that, too, after the charter of that institution has expired, and which the measures taking by those who have the management of its affairs, are directly calculated to make the notes in circulation of a less value than par at every point but one in the whole country? He presumed his honorable friend from Missouri [Col. BENTON] was not aware of the course of policy adopted and adopting by the late Bank of the United States, to continue the notes of that institution in circulation throughout the country, and to press them into the hands of the agents of the Government, and consequently into the deposit banks, by the force of this legal privilege extended to those notes, to the exclusion of all other notes of any bank in the country. It was his present object to inform the Senate and the country as to the policy pursuing in this matter; and to do so he would read parts of a correspondence with the Secretary of the Treasury, which had been put into his hands as a member of the Committee on Finance of the Senate, to show the necessity of the speedy passage of the bill to which he had referred.

The officer in charge of the deposit bank at Boston wrote to the Secretary to know whether he was considered legally bound to receive these bills in payment of dues to the Government, after the expiration of the charter of the bank. The Secretary, in his answer, inquired of the officer of the deposit bank how, and in what case, the question could arise, and become important to the institution under his charge; telling him he presumed the payments for duties then had been, and would continue to be, made chiefly, if not entirely, by checks on his own and the other banks of the city. To that suggestion, the officer replied as follows:

"Heretofore the branch bank in this city has redeemed the bills of the United States Bank, drawn here by regular course of business, consequently making them equal to the city bank bills; being therefore no difference in value, the payments to Government have been made generally in checks and bills of the city banks. But this branch of the United States Bank now refuses to redeem any bills but of their own issue, and, consequently, every other city bank refuses to receive them. This depreciates in value all the United States bills issued elsewhere, and they must be negotiated by brokers, and purchased for the purpose of paying debts due the Government; the rate of exchange will probably cause them to be remitted from one city to another, when money is scarce, and to be placed in the hands of the

bond payers, to whom they will be equal to specie, although payable at a distant part of the country, and for all other purposes of less value. It was to guard, if possible, against this probable contingency, that I addressed the Department.

"Respectfully, CHARLES HOOD,
"*Cashier.*"

The letter from which this extract is taken bears date "Commercial Bank, Boston, March 18, 1836." Here, Mr. President, we see that notes of this bank, not issued by the Boston branch, but by distant branches, are finding their way into the hands of the debtors of the Government in that town, and through them into the deposit bank there; while the other banks of that city will not receive them at par at their counters, and the branch of the bank there will not redeem them. Hence they constitute a depreciated currency, and still our agent is bound by law to take them at par. Ought we, then, while our law imposes this burden and loss upon the deposit banks, to add, by our own voluntary act, the further restriction proposed in the amendment under discussion? Mr. W. said he thought not. It seemed to him enough that we were compelling the deposit banks to receive a depreciated currency, and to account to us for it at par, without prohibiting them from making payments on our account in their own notes, which are at par, of denominations similar to the depreciated notes they are, by our law, obliged to receive.

But (Mr. W. said) this is not all. The Secretary of the Treasury, having obtained this information as to the course pursuing in Boston to force these notes upon the Government, made a call upon one of the directors of the Bank of the United States, appointed by the Government, for further information as to the course taken by the late bank, and by its successor, in reference to its notes in circulation. The correspondence was very short, and he would read it to the Senate. The following is the letter of the Secretary:

TREASURY DEPARTMENT, *March* 23, 1836.

SIR: I will thank you to inform me what disposition is made of the bills of the Bank of the United States as they are redeemed—are they kept on file or destroyed—or handed over to the new bank, and by it reissued? and also, to state who are the agents for the branches of the old bank; and whether these agents have been directed to redeem all the old bills or checks presented in the usual course of business, or only those issued by the branch for which they act?

I am, very respectfully, your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

HENRY TOLAND, Esq., *Philadelphia.*

Mr. Toland's reply is in these words:

PHILADELPHIA, *March* 25, 1836.

SIR: In reply to your letter of the 23d instant, I beg leave to inform you that the circulation of the old Bank of the United States is reissued by the new bank, and that no new circulation under the present charter has been prepared; that no one of its branches is considered as having any legal existence after the 4th instant; and that all the notes of the bank and its branches are considered as payable at the bank in Philadelphia.

I am, very respectfully, HENRY TOLAND.

LEVI WOODBURY, Esq.,
Secretary of the Treasury, &c.

Here (Mr. W. said) is the present condition of things. We compel the deposit banks by law to receive at par, in payment of debts due to us, the notes of the late Bank of the United States, notwithstanding its charter has actually expired, and the institution no longer possesses banking powers. By a regulation of the directors, all those notes, no matter where issued, or by what branch, are to be redeemed at Philadelphia, and at no other place in the United States. This must depreciate the value of the notes for all other purposes but that of payments to the Government at all points distant from Philadelphia. The deposit banks receiving them must send them to Philadelphia to be redeemed, or to convert them into current funds. They do receive them, and do so send them to the dead institution. Are they then discharged from further expense, and trouble, and loss on their account? No, sir; the correspondence shows that another institution, to which this Government is a stranger, immediately reissues and returns to the place from whence they came, these same notes, to be again paid into the deposit banks as a depreciated currency, and again returned to Philadelphia at their cost, that they may exchange them for money. Who does not see that, by this process, these notes may forever circulate as the legal currency of the Treasury, and that they may be issued and diffused over every foot of our territory, to be purchased up by those who owe the Government, to the full extent of all the payments to be made to it? These notes, therefore, must constitute the deposits of the Government in the deposit banks, and by the amendment proposed, we prohibit their payment from those banks to the creditors of the Government, and thus make them unavailable funds in their hands until they can be sent to Philadelphia and their equivalent returned.

Of this (Mr. W. said) he did not complain, as he did not wish that any creditor of the Government should be compelled to receive in payment of his demand depreciated paper. Indeed, as he understood the law now to be, no creditor of the Government was under obligation to receive anything but gold and silver, and that the acceptance of bank notes from the Government, in any case where they were accepted, was the voluntary act of the person receiving them. He must say, however, that, until we ceased to compel the State banks to receive this depreciated paper, he could not believe that we ought to interdict them from the circulation, in their capacity as agents of the Government, of their own notes, which are at par value, unless those notes were of the denomination of twenty dollars. If these notes of the Bank of the United States were to be, in this disadvantageous manner, but once redeemed by the deposit banks, they might be able to sustain themselves under the unreasonable burden; but when it was seen, by the correspondence he had read, that they were to be continued in circulation—that a single redemption was merely furnishing to another institution additional means for a reissue, he must express his apprehensions that if, in addition to these burdens imposed, other and important privileges were denied to them or greatly restricted, they might be driven to refuse their services to the Government, and thus lay the foundation for a new argument for a recognition, and employment, if not a direct charter, of this new and dangerous State bank by Congress.

His apprehensions upon this subject were by no means diminished by finding some of the most zealous friends of the late Bank of the United States advocating this amendment. These gentlemen, so satisfied with the safety and superior value of a paper currency, when that bank had existence, and its notes constituted that currency, had now become too sudden converts to the dangers of bank paper, and too hastily attached to a metallic circulation, to gain his confidence. What were their reasons for this great change? Did they desire, in this way, to prove that their former opinions as to one great bank were sound, and that such an institution alone could transact the public business, and preserve the currency? Did they wish to embarrass the deposit banks, at the moment when alarms as to their solvency were sounded from this Chamber? Did they hope that such a course would compel the *State banks* to surrender their agencies, and thus produce a necessity for another national bank? Or, had they become converts to the true, sound, Democratic doctrine, that a metallic currency for circulation among the people was the course of wisdom and safety?

He impugned no man's motives, and he would hope the latter was the true solution of his inquiries. He knew that was the patriotic object of the mover of the amendment, and he would go with him in heart and by his vote as far as he could believe that safety or prudence would permit; but he did believe this amendment proposed too rapid a change. We had gone to the extreme in the paper circulation. We must retrace our steps gradually, and with care and caution, if we would avoid a convulsion dreadful in its effects, and much more dreadful in its consequences. The effects time might repair or efface, but the measures which might grow out of the agitations and disasters might ingraft themselves too strongly upon our institutions ever to be shaken off. Experience spoke to us upon this point in a voice of warning which no one should disregard. Great abuses, such as he believed a Bank of the United States to be, always took their rise from public distresses, and he feared too hasty changes in our present currency would produce those distresses and their consequences.

Mr. W. said he wished the bill to which he had referred might be acted upon here, before the principle involved in the amendment should be adopted. He repeated, he would go as far as he could think safety would permit, but he hoped our progress would be gradual, that it might be sure. If we could relieve the deposit banks from the legal obligation of receiving the notes of the late Bank of the United States, he thought we then might safely make some advance towards limiting them in their payments of their own paper to the creditors of the Government; but until that was done, he was sorry to be compelled to act upon the proposition. [See reply to an inquiry by Mr. DAVIS, as to the amount of notes of the Bank of the United States in circulation.] Mr. W. said it was impossible for any person not possessed of the books and papers of the new United States Bank, chartered by the State of Pennsylvania, to answer that question. He spoke from memory, and without confidence in his correctness, when he said he believed the last return of the Bank of the United States to the Treasury Department showed some twenty or more millions of their paper in circulation, but that was no standard for the present time. The Senator did not seem to have understood the purport of the correspondence he had read. [Mr. W. here again read the letter from Mr. Toland above given.] From this letter the gentleman will see that these notes, as they came in, are immediately reissued by another institution. How, then, can the question be answered as to the amount in circulation? And the answer to-day would be no answer for to-morrow. He wished further to state what he believed to be the fact, that since the expiration of the charter on the 4th instant, no returns of any description had been made to the Treasury from the late bank, and it was to be presumed the directors considered themselves no longer bound to make the returns required by the charter. This (Mr. W. said) was the existing state of things, and gentlemen must see that hundreds of millions of these notes might be thrown over the country, but he feared they could not so well tell what institution was to redeem them.

Mr. BUCHANAN said that he entirely approved of the general principles, and the policy upon which the amendment proposed by the Senator from Missouri [Mr. BENTON] was founded. The country was now flooded with bank paper, and it was certain there would soon be still greater issues. The amount of bank notes now in circulation, was greatly beyond any just proportion to the specie in our banks; and from the vast increase of banking capital in the different States, since the commencement of the present year, this evil would for some time continue to increase. The evils which resulted from the system to the laboring man, to the manufacturer, and to all classes of society, except speculators, were palpable. He should not now attempt to portray them. This he would undertake upon some future occasion. He would merely observe that such a system, conducted by banks, in this respect, wholly irresponsible for their conduct, which, at one time, could make money plenty, and at another time, could make money scarce—which, at one moment, could nominally raise the price of all property beyond its real value, and at the next moment reduce it below that standard, must be ruinous to the best interests of the people. It was calculated to transfer the wealth and property of the country from the honest, industrious, and unsuspecting classes of society, into the hands of speculators, who knew when to purchase and when to sell.

Mr. B. said that the ebb did not more necessarily succeed the flow of the tide, than that we must ere long have a severe pressure in the money market. He did not think, then, that this was a propitious moment to proceed at once to the extent which the Senator from Missouri had proposed. The pressure must inevitably

come, and he wished no portion of the responsibility of producing it to rest upon Congress.

What (said Mr. B.) will be the effect of adopting this amendment? It is true that it does not prohibit the Government from receiving bank notes of a less denomination than twenty dollars, but it is prohibited from offering in payment notes of a less denomination. The inevitable consequence will be, that the Secretary of the Treasury must obtain specie from the banks for all the notes received by the Government of a less denomination than twenty dollars. The disbursing officers of the Government must be furnished with a much larger amount of gold and silver than is at present required, for the purpose of paying our Army and Navy and our other creditors. They must pay all sums or balances of less than twenty dollars in the precious metals. In order to protect themselves, the deposit banks would be compelled to draw upon the debtor banks for specie; and this operation would contribute to produce a panic and a pressure. If the banks only were to be affected by this process, he should care but little for the consequences; but they would be obliged to demand payment from their debtors in order to fortify themselves. The community would thus be made to suffer.

Whilst he went with all his heart in favor of the policy of restraining paper issues, and thereby increasing the circulation of specie, so far as it could be done constitutionally by Congress, he thought that the present situation of the country required that we should proceed cautiously and gradually in reaching the ultimate end which we had in view. He was willing, at present, to prohibit the Government from offering in payment notes of a less denomination than ten dollars, with a distinct understanding that after another year we should adopt twenty dollars as the standard. The banks would, in the mean time, have an opportunity of preparing for this event without distressing their customers. He would therefore move to strike out "twenty" dollars from the amendment, and insert "ten." This would secure to our soldiers on the frontiers, and to our sailors, a considerable proportion of their pay in specie; and after another year we might proceed with comparative safety to the limit of twenty dollars.

Mr. BENTON said he would barely state that he had drawn up a bill to establish the currency of the country, and that was intended to cut the Treasury loose from all the currency of the States; but he was satisfied that no bill of this kind could be brought forward without creating some opposition. He had introduced this amendment as the inception of a principle he hoped to see carried out. Though the United States were receiving all their revenues in depreciated paper, it would, so far from stopping him, stimulate his exertions to prevent the creditors of the Government from being paid in such paper. He wished to be understood that this little amendment was only the commencement, and he hoped, therefore, that it would meet with no opposition. The arguments of the gentleman from New York, so far from inducing him to abandon his amendment, only stimulated him to exert himself for the suppression of those bills, which might be given to the soldier in Arkansas, and be payable in Philadelphia, where he could not go to get them exchanged, but must take what the sutler chose to give him for them. He knew that many notes of these deposit banks might be paid out to the soldier, or laborer, who would have to exchange them at a loss. What would the notes of this Metropolis Bank be worth to the soldiers on the confines of Missouri? They know nothing about them—they cannot keep them, and must take whatever they can get for them. He was sorry that his friends differed with him as to the value of this initiatory measure, which he prized so highly that he might almost say his whole soul was staked on it.

Mr. BUCHANAN said that if the gentleman would agree to take his first step at ten dollars, and leave all the rest of the resolution as it stood, the poor soldier and laborer would still have the benefit of it. He would suggest to the gentleman to amend the amendment by inserting ten instead of twenty dollars.

Mr. BENTON observed that gentlemen seemed to act as if they were legislating for the States, and not for the United States. We are only saying (said Mr. B.) that certain notes shall not be paid out, not that we will not receive them. He wished to put the mark of the Government, in relation to bank notes, at twenty dollars; and he was confident, if this was done, that the people of the States would soon come up to it. He was sorry that his friends could not go with him; but he viewed the subject as one of such importance, that he could not relinquish the amendment on which his heart was set.

After some remarks from Messrs. WRIGHT and DAVIS, the further consideration of the subject was postponed, and the Senate adjourned.

N. B. The amendment on which the above discussion took place, has since been adopted in the Senate as modified by Mr. NILES; the debate on which was given in the proceedings of the 6th instant.—*Reporter.*

NAVY APPROPRIATION BILL — MARITIME DEFENSES.

SPEECH OF HON. J. GARLAND,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

April 1, 1836.

The motion of Mr. BELL, of Tennessee, in the Committee of the Whole, to strike from the Navy appropriation bill the appropriation of $67,000 for the repairs and improvements of the Navy-yard, at Portsmouth, New Hampshire, being under consideration; Mr. BELL having concluded his remarks—

Mr. GARLAND rose, and addressed the committee as follows:

Mr. CHAIRMAN: The motion now under consideration, embracing simply the question whether the navy-yard at Portsmouth should be discontinued or repaired and improved, could of itself involve no important question, either of principle or expediency, and so far as this simple proposition is concerned, the discussion might long since have been closed; but instead of confining the discussion to the question really involved in the motion to strike out, there has been connected with it, in the able and eloquent discussions of the honorable gentleman from South Carolina, [Mr. THOMPSON,] the honorable gentleman from Maine, [Mr. EVANS,] and the honorable gentleman from Tennessee, [Mr. BELL,] the propriety and expediency of adopting at this time a system of defense by fortifications, the increase and improvement of the Navy, and a review—particularly by the latter gentleman—of the course and policy of the existing Administration, a scope of discussion certainly not legitimately growing out of the question before the committee.

The honorable gentleman from Tennessee, in his introductory remarks, contended that it was proper that the general course and practices of the Government should be frequently and freely discussed in this House, in order that the people might be informed, and that he deemed this a proper and suitable occasion to discuss the merits of the present Administration, as it was probable no occasion more suitable would offer during the present session. Whenever a subject is presented to the consideration of this House, involving a question of constitutional power or of expediency, I admit it is legitimate and proper to review the course and practice of the Government, under each and every Administration, so far as that course and practice applies to the single subject under consideration; but I utterly deny that it is expedient or proper, upon a single isolated subject, to take such a range of discussion, embracing so many topics of deep and pervading interest; for if it be proper or expedient to do so in relation to one subject, it is equally so in relation to another; and thus, upon every subject which can be proposed, there would be an illimitable range of debate; and this body would assemble for no other purpose than to prosecute discussions affecting presidential elections. It must be readily perceived by every gentleman present, that this mode of discussion can have no other bearing than to affect presidential elections, as it obviously is intended to affect the coming election, and that the principal business of the body will be to make and unmake Presidents.

Mr. Chairman, to the propriety of all and every discussion having reference to the election of President and Vice President, I utterly object; this is no part of the duty assigned us by the Constitution. The Constitution assigns to Congress duties of purely a legislative character. It does not authorize us to concern with the presidential elections, except in cases where the people have themselves failed to make a choice, and it is even doubted by many whether this contingent power should not be taken from the House of Representatives; indeed, propositions, time after time, have been made, and one is now before this House for that purpose. There is no man here, I presume, whose experience has not taught him that the subject of a presidential election is the most agitating and exciting political topic which can occupy the attention of the people or of this body. It never fails to produce that degree of excitement which puts into full play the strongest passions of our nature, and disqualifies the mind for that sober, rational, and deliberate investigation necessary to conduct the mind to truth, and the judgment to sound conclusions. Congress being charged by the Constitution with the important duties of legislation for this great and growing Republic, it is all important that harmony and good feeling should prevail in its deliberations; that it should examine, with sound reflection and mature deliberation, all measures which come under its consideration; and, in their adoption, look to the fundamental principles of the Constitution for their guide, and the power, happiness, and prosperity of the people for their end. If, however, the propriety of introducing the exciting subject into this House, to which I have referred, be established, this subject will become the polar star of all our actions here, without regard to the effect of our measures upon the principles of free Government, or the wealth, happiness, liberty, and prosperity, of the people. The minds of members, from the excitement always attending discussions of this character, will, by their prejudices and prepossessions, become totally disqualified for sound and wholesome legislation; for the truth of which I appeal to the experience which we have already had. If the principle and example of the gentleman from Tennessee be carried into practice, I think the honorable gentleman ought not to complain of the delays of this House.

I, for one, Mr. Chairman, am determined to discard, as far as I can, every consideration upon legislative questions of a mere partisan character, but look to the fundamental principles of the Constitution as my guide, and the good of my country as the end in all my actions, while I have the honor of a seat upon this floor. I never will consent to lower the standard of the Constitution to promote the views or secure the dominancy of any party. The party with which I act, and which I sustain, must come up to that standard of constitutional construction which I regard as fundamental, or I must part with it. Entertaining these views, I should not have deemed it necessary to have made a single remark upon the subject now before the House, but the gentlemen to whom I have referred, particularly the gentleman from Tennessee, have thought otherwise, and have brought into view the whole subject of fortifications, increase and improvement of the Navy, and the course and practice of the present Administration, attempting to show that the Administration had departed from the principles upon which it came into power, and that its practices are corrupt and anti-republican. I should not now, Mr. Speaker, have undertaken to address the House, had not the honorable gentleman from Tennessee made such frequent allusions to the Virginia delegation sustaining the Administration, but should have left the task to some other friend of the Administration whose superior abilities and greater experience better qualified him for the task of defending the principles and policy of the Administration which have been assailed, and which I, in the main, approve and am prepared cordially to sustain, as far as my humble abilities will permit, than myself.

The first question which presents itself for consideration growing out of the extensive range of this debate, is the propriety of *a system of defense by fortifications and increase of the Navy*. In coming to a conclusion upon this question, it should be borne in mind that our institutions being democratic and essentially pacific, all the wars in which we may unhappily be engaged will be principally of a defensive character; our system, happily, is totally inadequate to the successful prosecution of offensive foreign wars, while it is entirely adequate for all the purposes of successful defense. Large standing armies and numerous fleets, always in commission, are incompatible with the genius of our institutions and the security of our liberties; hence they cannot be employed; they are only essential to the prosecution of offensive foreign war. The militia, composed of the great body of the yeomanry of the country, is the only safe reliance for the defense of the nation against invasion by hostile armies, compatible with the principles of free government, and should be employed in the most efficient manner possible; being composed of the same materials, and with the same discipline, would be as efficient as regular troops; yet from the nature of the militia system, men called out on short service, acting together for the first time, having scarcely the first rudiments of military discipline, could not be relied upon in a regular field conflict with well-organized, well-disciplined troops, of which an invading army would in all probability be composed; disaster and defeat would be the inevitable result; but protected by strong fortifications, in which so much discipline and experience would not be necessary to successful resistance, they would make up in reliance upon the security which such defenses afford, what they would lose by the want of discipline in the field. This truth has been most decisively tested by experience. In the brilliant defense of New Orleans during the late war, in which the citizens of Kentucky and the countrymen of the honorable gentleman from Tennessee bore such a conspicuous part—a defense in which about three thousand men resisted and put to flight about fourteen thousand of the flower of the British army, before whose victorious standard the proud eagles of Napoleon himself had crouched—this system was well tested. Who doubts that if the battle had been fought in the open field, that from want of discipline our gallant militia would have been defeated, and New Orleans captured and plundered? Many examples might be cited, such as Plattsburg and Fort Erie; but it is unnecessary to detain the committee with the recital. I will here cite an extract from the report of the Board of Engineers, at the head of which was General Bernard, made on the 25th of February, during the late Administration, and approved by the then Secretary at War, who is a southern man, in support of the system of national defense now proposed. It is as follows:

"Fortifications must close all important harbors against an enemy, and secure them to our military and commercial marine. 2d. Must deprive an enemy of all strong positions, where, protected by naval superiority, he might fix permanent quarters in our territory, maintain himself during the war, and keep the whole frontier in perpetual alarm. 3d. Must cover the great cities from attack. 4th. Must prevent, as far as practicable, the great avenues of interior navigation from being blockaded at their entrance into the ocean. 5th. Must cover the coastwise and interior navigation, by closing the harbors and the several inlets from the sea, which intersect the lines of communication, and thereby further aid the Navy in protecting the navigation of the country. And, 6th. Must protect the great naval establishments."

"*The Navy* must be provided with suitable establishments for construction and repair, stations, harbors of rendezvous, and ports of refuge—all secured by fortifications, defended by regular troops and militia, and supplied with men and materials by the lines of intercommunication. Being the only species of offensive force compatible with our political institutions, it will then be prepared to act the great part which its early achievements have promised, and to which its high destiny will lead."

"*Fortifications* must close all important harbors against an enemy, and secure them to our military and commercial marine. 2d. Must deprive an enemy of all strong positions, where, protected by naval superiority, he might fix permanent quarters in our territory, maintain himself during the war, and keep the whole frontier in perpetual alarm. 3d. Must cover the great cities from attack. 4th. Must prevent, as far as practicable, the great avenues of interior navigation from being blockaded at their entrance into the ocean. 5th. Must cover the coastwise and interior navigation by closing the harbors and the several inlets from the sea, which intersect the lines of communication, and thereby further aid the navy in protecting the navigation of the country. And, 6th. Must protect the great naval establishments."

"If our Navy be inferior to that of the enemy, it can afford, of course, unaided by fortifications, but a feeble resistance—single ships being assailed by whole fleets; if it be equal or superior, having numerous points along an extended frontier to protect, and being unable to concentrate, because ignorant of the selected point of attack, every point must be simultaneously guarded; our separate squadrons may therefore be captured in detail, by the concentrated fleet of the attacking power. If we attempt to concentrate under an idea that a favorite object of the enemy is foreseen, he will not fail to push his forces upon the places thus left without protection. This mode of defense is liable to the further objections of being exposed to fatal disasters, although not engaged with an enemy; and of leaving the issue of conflicts often to be determined by accident, in spite of all the efforts of courage and skill. If it were attempted to improve upon this mode, by adding temporary batteries and field works, it would be found that, besides being weak and inadequate from their nature, the most suitable positions for these works must often be neglected under a necessary condition of the plan, that the ships themselves be defended; otherwise, they must either take no part in the contest, or be destroyed by the superior adversary.

"We pass over the great comparative expense of such a mode of defense, rendered clearly apparent by a little reflection, with these brief remarks, viz: that the defensive expenditures by this system will, in the first instance, greatly exceed the offensive; and that these defenses being perishable in their nature, will require frequent renewal and repairs.

"The proper fortification of the coast preventing the possibility of a blockade so strict as not to offer frequent opportunities for our vessels to leave the harbors, the navy, no longer needed for passive defense, will move out upon its proper theatre of action, though inferior to the enemy, with confidence; knowing that, whether victorious, whether suffering under the violence of tempests, or whether endangered by the vicinity or the pursuit of a superior force, they can strike the extended coast of their country (avoiding the harbors and the important outlets of the country were alone a blockading force may be supposed to lie) at numerous points where succor and protection await them. Hovering around the flanks and rear of blockading fleets, and recapturing their prizes; falling upon portions of these fleets, separated for minor objects, or by stress of weather; watching the movements of convoys, to capture straggling vessels; breaking up or restraining the enemy's commerce in distant seas; meeting by concert, at distant points, and falling in mass upon his smaller squadrons, or upon his colonial possessions, and even levying contributions in the unprotected ports; blockading, for a time, the narrow seas, and harassing the coasting commerce of the enemy's home—these are objects which our own history shows may be accomplished, although contending against a nation whose marine has never been paralleled as to force and efficiency, with a navy apparently, as to numbers, insignificant. Our own history shows, besides, that the reason why our infant navy did not accomplish still more, was, that the enemy, being able to occupy unfortified harbors, was enabled to enforce a blockade so strict as to confine a portion within our waters. That this portion—indeed that all—was not captured, is to be attributed solely to a respect (so misplaced that could only have been the fruit of ignorance) for then the existing fortifications; a result, notwithstanding, amply compensating the nation for the cost of these works.

"It is truly an axiom in military science, and one fully illustrated by military history, that the worst mode of waging war, although strictly defensive, is to allow its field of action to be within the borders, and that the best is that which most frequently assumes an offensive attitude. In our case, war can only be excluded from our territory by fortifications; and we can only assume the offensive through our Navy. The construction of the former secures the means of creating, equipping, and repairing the latter, and leaves it unencumbered with duties which it imperfectly performs, to the full exercise of its important and appropriate functions."

In the principles of the above extract I fully concur, and am confident it will forcibly strike the attention of every member in his deliberations upon this subject. A system of defense by fortifications has been recommended by almost every Administration since the foundation of the Government, and by some most zealously pressed. General Washington, in his annual message to Congress of 1790, made the following strong recommendation: "Among the most interesting objects which will engage your attention, *that of providing for the common defense* will merit particular regard. *To be prepared for war is one of the most effectual means of preserving peace.*" Again, in his message of 1791, he says that "In connection with this (arming the militia) the establishment of competent magazines and arsenals, and the fortification of such places as are peculiarly important and vulnerable, naturally present themselves for consideration. The safety of the United States, under Divine protection, ought to rest on the basis of systematic and solid arrangement; exposed as little as possible to the hazard of fortuitous circumstances."

Again, in 1793, General Washington, whose solicitude for the safety and security of his country was in constant action, urged upon Congress the necessity of adopting a complete system of defense, in the following patriotic and energetic terms: "I cannot recommend to your notice measures for the fulfillment of *our* duties to the rest of the world, without again pressing upon you the necessity of placing ourselves in a condition of *complete defense*, and of exacting from *them* the fulfillment of their *duties* towards us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not entirely lost, by the reputation of weakness. *If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, it must be known that we are at all times ready for war.*" In the session following, a committee of the House of Representatives made a report, recommending that our whole maritime coast, from Maine to Georgia, be put in a state of defense, accompanied with a statement from General Knox, to the then Secretary of War, of the number and kinds of works which would be necessary for the different ports and harbors.* This recommendation embraced almost every point of defense now recommended, for in fact, the recommendation of the present War Depart-

*This report led to an act of Congress authorizing fortifications to be erected at the points designated, and is in these words:

"That the following ports and harbors be fortified under the direction of the President of the United States, and at such time or times as he shall judge necessary, to wit: Portland, in the District of Maine; *Portsmouth*, in the State of New Hampshire; Gloucester, Salem, Marblehead, and Boston, in the State of Massachusetts; Newport, in the State of Rhode Island; New London, in the State of Connecticut; New York; Philadelphia; Wilmington, in the State of Delaware; Baltimore, in the State of Maryland; (Annapolis, by supplementary act;) Norfolk and Alexandria, in the State of Virginia; Cape Fear river, and Ocracock Inlet, in the State of North Carolina; Charleston and Georgetown, in the State of South Carolina; and Savannah and St. Mary's, in the State of Georgia."

ment is but a recital, with a little more energy, of the recommendations made by previous Administrations. This system of defense and the increase of the Navy was somewhat abandoned during the administration of Mr. Jefferson, and the gunboat system substituted for it.

This system was found utterly inefficient during the late war, and has been abandoned. The system of fortifications was recommended and vigorously prosecuted during the administration of Mr. Madison, and has been strongly urged upon Congress ever since by every succeeding Administration, and to Congress belongs the fault why we are now in so defenseless a condition. If there had been proper defenses by fortifications on the Chesapeake, posterity would have been saved the mortifying task of reading the disgraceful capture of this city during the late war by a handful of British troops. Much blood, much treasure, and much destruction of property would have been saved to the nation. The present President of the United States unites his voice with those of Washington, Madison, and Monroe in recommending the immediate commencement and energetic prosecution of a system of fortifications for our national defense; by it we may in time be saved the horrid calamities of wars of invasion, such as were felt during the late war, in the pillage, plunder, conflagration, and devastation of our towns and villages, and the murder of our citizens in cold blood by a brutal soldiery. Sir, want of preparation invites attack: preparation frequently prevents it. I am, Mr. Chairman, a decided advocate for the adoption of this system of national defense, and shall vote for appropriations for that object. In making this avowal, however, I am not to be understood as pledging myself to vote for the erection of fortifications at every point which may be proposed; I design no such thing. But I will take up each scheme and ascertain its importance and necessity, and vote for it or not, as I may deem expedient. I shall in the first place vote for fortifying those points which are of primary importance and most exposed, and so graduate the system until all necessary and important points are provided for.

Intimately and importantly connected with a proper and judicious system of national defense, are *the improvement and increase of the Navy.* To this arm of national defense we must look with increasing solicitude; for, as our power, commerce, and resources increase, so increases the probability that any future foreign war in which we may be engaged will be mainly upon the ocean; more particularly if our maritime frontier shall be inaccessible by means of its fortifications. Our Navy is now totally inadequate to our defense, comparing its strength with that of those foreign Powers with whom there is any probability of coming into collision. It is admitted on all hands, that our present Navy is inadequate to the protection of our extended and increasing commerce. If thus inadequate to this purpose, how much more so to the protection of our coast against the powerful navies of European Powers, particularly France and Great Britain? The importance of an increase of this arm of the national defense need only to be mentioned to be approved. The necessary connection between these two systems is perspicuously and forcibly enforced in the following quotation from the document before referred to: "The Navy must be provided with suitable 'establishments for construction and repair, sta-'tions, harbors of rendezvous, and ports of refuge; 'all secured by fortifications, defended by regular 'troops and militia, and supplied with men and 'materials by the lines of intercommunication. '*Being the only species of offensive force compatible* '*with our political institutions*, it will then be pre-'pared to act the great part which its early achieve-'ments have promised, and to which its high des-'tiny will lead." These are sound truths, and to their practice we have been urged by the patriots and statesmen who have, and do now, administer the executive department of this Government. I therefore readily conclude, that the proposed system of defense is, upon every principle of economy and efficiency, the best which can be adopted; not so prodigal of human life as contests in the field, and most compatible with the genius and stability of our free institutions.

This system has been assimilated by the honorable gentleman from Tennessee [Mr. BELL] to that of the Federal Administration of 1798, to which the Republican party was so warmly opposed; the parallel will not hold good; the policy of that Administration, so strongly reprobated, was that under the mask of a war with France, a standing army and a navy, far beyond our resources, physical and pecuniary, and dangerous to liberty, were sought to be established. The proposed system is not beyond our resources, pecuniary or physical, and involves no necessary increase of the standing Army, and a very gradual increase of the Navy. The system of defense by fortresses is peculiarly adapted to the efficient and successful employment of the militia. No increase of the Army worthy of consideration is proposed. We have before us statements of the chief of the engineer department and the inspector general, proving that, so far as the system of fortifications is concerned, any material increase of the Army will be unnecessary. The only reason which would induce a small increase of the Army, grows out of the concentration of so many hostile tribes of Indians on our western frontier, which, combined, can bring into the field twenty thousand or more warriors, and the existing hostilities between Mexico and Texas requiring a strong force on that frontier for the maintenance of our neutrality.

The adoption of an efficient system of national defense is of high constitutional obligation. *Common defense*, growing out of a sense of *common danger*, arising from the individual weakness of the States, is one of the main pillars of the Union, the very foundation-stone upon which it was erected, and constitutes one of the most important duties of this Government. The only inquiry, then, for American statesmen is, whether there be a point on our extended limits, accessible to hostile attack, undefended; if there is, our constitutional obligations require that it should be put in a state of defense; if we refuse, then we have failed to perform our constitutional duties and discharge our constitutional obligations. Is this the condition of the country? Upon almost every point of our extended maritime frontier there are many important points entirely without defense, and but few, if any, having sufficient defenses. This appalling fact is admitted by almost every member here—indeed is not denied by any. Many have felicitated the country on its escape from *damage* and *dishonor* by the settlement of our controversy with France, growing out of this miserable state of our defenses. Shall not, then, the experience of the past, and the dangers we have escaped, admonish us so to prepare for the contingencies of the future? Shall we not avoid such great risks by adopting and executing an invulnerable system of defense? Wisdom says we should. The recommendations to adopt this system of national defense, and make appropriations for its execution, are what the gentleman from South Carolina, [Mr. THOMPSON,] and the gentleman from Tennessee, [Mr. BELL,] call a war upon the Treasury—as constituting a part of the corrupt practices of this Administration. If, Mr. Chairman, this is a war upon the Treasury, it should be prosecuted with the utmost vigor until its end is accomplished. It is such a war as ought to be waged; it is a war upon the Treasury, to do that which constitutes one of the highest duties and strongest obligations of the Government to the nation, *to provide for the common defense.* In acting upon this subject, I shall not be controlled by a miserly calculation of dollars and cents, but by the necessities of the country; she ought to be, and must be, defended, or we are lost to the experience of the past, and unfaithful to the obligations of the Government and our duty to the country.

The navy-yard at Portsmouth, to strike out the appropriation for the repairs and improvement of which the motion is now under discussion, was established in 1794, with the sanction of General Washington, during his administration. Its repairs and improvement have been the subjects of appropriation by every succeeding Administration; and I cannot perceive any good reason why it should now be abandoned, and all the works constructed there thrown away and lost. It is not questioned by any one that the harbor is safe, and that the depth of water is ample for ships of war of the largest size.

This point is very important in another point of view. It is near the southern boundary of the State of Maine, and its preservation important, to prevent, in case of invasion, this State from having its communications with the other States cut off. The State of Maine, in its geographical position, is bounded on its southeast by the Atlantic ocean—on its east, north, and northwest, by Canada. An enemy, having the command of the ocean, and in possession of Portsmouth, might, by forming a military post on the Canada frontier opposite Portsmouth, successfully cut off Maine from the other States, and reduce her to subjection. In this point of view, the preservation of the navy-yard and fortifications at Portsmouth is absolutely necessary. It should not be forgotten that both during the revolutionary war and the late war, we were invaded from the Canadas. I hold it a sound principle in our system of national defense, that every port and every harbor which could give security to a hostile fleet, or constitute a post from which expeditions into the interior might be made, should be secured by ample and invulnerable defenses. We should not permit war to be brought into the interior, if it can be prevented.

The gentleman from Kentucky, [Mr. ALLAN,] who addressed the House several days since, takes it for granted that the standing army is to be greatly increased by adopting the system of defense proposed, and charges the President with inconsistency. To sustain this charge, the honorable gentleman read an extract from the President's first inaugural address in these words: "Considering standing armies as dangerous to 'free Governments in time of peace, I shall not 'seek to enlarge our present establishment, nor 'disregard that salutary lesson of political expe-'rience, which teaches that the military should be 'held subordinate to the civil power." Here the gentleman stopped, when, if he had merely read on in the same paragraph, he would have found the President then had in view this very system of the defense, which reads thus:

"The gradual increase of our Navy, whose 'flag has displayed in distant climes our skill in 'navigation and our fame in arms, the preserva-'tion of our forts, arsenals, and dock-yards, and 'the introduction of progressive improvement 'in the discipline and science of both branches 'of our military service, are so plainly prescribed 'by prudence, that I should be excused for omit-'ing their mention, sooner than enlarging on 'their importance."

The material objection of the honorable gentleman from Tennessee to this appropriation seems to be founded upon the assumption that we have already too many navy-yards. He seems to think that two would be amply sufficient; and, in proof of this, refers to Great Britain, the greatest naval Power in the world, which, he says, has but two navy-yards of any importance, while the United States have seven. In this opinion I differ entirely with the honorable gentleman: on a coast so extensive as ours, indented by so many bays, harbors, and inlets, accessible to a hostile fleet, it is all important that our Navy, charged with the defense of so extensive a coast, should at every convenient point have a place of refuge, in case of distress and pursuit by a superior fleet, and, of course, naval supplies in case of blockade. If there be but one navy-yard, the whole force of an enemy could be concentrated in an attack upon it, and, if successful, would destroy all the material and supplies belonging to the whole Navy, and thus, at one blow, destroy our naval supplies, cripple our naval operations, and lay open our whole coast to attack. If there be but two, the same consequences, to a proportionate extent, would result. If, however, our navy-yards are extended at convenient and suitable points along the whole coast, the capture of one would not so seriously affect our naval operations, as there would be ample supplies at others. In addition to this, they would be more safe, because it is not reasonable to suppose that an enemy could with safety so divide his fleet and army as to attack all our navy-yards at the same time; if he did,

our Navy and Army, would, by judicious management, be enabled to beat him in detail.

The honorable gentleman from Tennessee [Mr. BELL] contends that upon a principle of economy we should reduce the number of our navy-yards, because he thinks the costs of construction, repairs, &c., are in proportion to the number we have, and that four will cost as much again as two. I do not concur with the honorable gentleman in this view. The proposition would be true, if each navy-yard was precisely of the same dimensions and constructed with the same material; but it is not to be presumed that the seven navy-yards are each as large as the two would be, if there were but two; on the contrary, the extended system is calculated to reduce the dimensions, for each navy-yard, in its construction, will have reference to the character of the harbor and the importance of the point, and would be constructed either on a large or contracted scale, as these facts might render expedient. Eight navy-yards may not, in fact, cost more than two, depending entirely upon the scale of their construction. The argument deduced from the fact that England has but two important navy-yards, is not conclusive, owing to the great dissimilarity in the situation of the two countries. England is surrounded by the ocean, has a territorial extent not much exceeding that of Virginia and Maryland, and is accessible at but few points, and has a coast not more than a third of ours in extent; hence there is no necessity for extending her navy-yards to the same extent as ours. England has, in fact, seven navy-yards of all descriptions; but either of the two referred to by the gentleman from Tennessee is larger than all of ours put together. I decidedly believe our true policy is to construct navy-yards at convenient distances at every suitable point, to secure supplies and protection to our Navy, in its operations on so extensive a coast as ours.

The War Department in submitting a scheme of national defense, has properly submitted to the consideration of Congress a comprehensive plan, embracing all the important points which need fortifications, together with the supposed costs of improving, repairing, and completing existing and unfinished works, as well as such as are to be constructed hereafter. Having done so, with the reasons for each, it is the duty of Congress to determine which shall be constructed, and when all or either shall be commenced. The Department points out the works, and the necessity for them—Congress must determine which is to be undertaken now, and which hereafter. The Secretary does not insinuate that we are to undertake all at the same time; so that the Administration is unjustly charged with seeking a sudden appropriation for every work proposed, so as to exhaust the surplus in the Treasury.

It being admitted by all that there are important fortifications in a state of dilapidation and ruin, and that there are many points without defense, which should be provided for, the only question seems to me to be, the time when this system is to be commenced? To this inquiry, reason and safety would seem to dictate but a single reply, and that is, *now;* now we are defenseless; now we are at peace with the whole world; now we have ample means; and I cannot see any good reason for postponing, unless we are disposed to await an unexpected war, and sacrifice much of blood and treasure before we shall be prepared to meet it, as was done during the late war, for the want of proper defenses. It was a maxim of the Father of his Country, the great Washington, that "*in peace prepare for war.*" The sentiment has been adopted and strongly recommended by President Jackson, and its wisdom conclusively demonstrated, not only by our own experience, but that of every nation on earth. I cannot imagine to myself a more appropriate time, arising from the fact of our being in a state of profound peace, owing not a cent of national debt, and having ample means. Certain it is we can never be in a better situation to commence and prosecute an efficient system of defense; by postponement we may be in a worse, but not in a better condition. Sir, I ask, shall the admonitions of wisdom from the great Washington be buried with him in the hallowed tomb of Mount Vernon? Wisdom, prudence, discretion—all say no. Then, sir, look at New Orleans, Pensacola, Charleston, Richmond, Petersburg, Norfolk, Washington, Baltimore, Philadelphia, New York, and Boston, all without sufficient defenses, all exposed to the attacks of a hostile army; shall they be provided with defenses? is the question.

The President of the United States, in his message to Congress of the 23d of February last, announcing the proffered mediation of Great Britain, with a wisdom and patriotism which addresses itself to the confidence and approval of the American people, availed himself of the maxim of the beloved Father of his Country, and renews, in the most energetic manner, the admonition, *in peace prepare for war;* after speaking of the want of effective preparation in which a contest with France would have found us, says: "*From the nature of our institutions, the movements of the Government in preparation for hostilities, must ever be too slow for the exigencies of unexpected war.*" In the concluding paragraph of the message he says: "*If we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.*" The honorable gentleman from Tennessee [Mr. BELL] seizes hold of these two paragraphs, and charges upon them inconsistency. He says, if the principle of the first paragraph be true, the recommendation of the latter cannot be effected. With that deference which I feel for all the opinions of the honorable gentleman, I feel confident in the assertion, that the most fastidious criticism cannot torture the expression into the slightest inconsistency. In the first paragraph, the President, speaking of the slow operations of our system, regards it as too slow to make ample preparation for *sudden, unexpected war;* a truth which severe experience has fully and lamentably taught us. To avoid this evil; to avoid the serious results of sudden, unexpected hostilities, and the consequent calamities attendant upon it, he urges on the nation the necessity of being *always prepared* to repel every aggression, when or wherever it may come; he warns us against the effects of that lethargy incident to our institutions, of postponing our preparations for repelling aggression until the danger is upon us. The message is not only consistent, but wise and patriotic.

The honorable gentleman from Tennessee here, in very emphatic terms, inquired what was meant by the maxim, "in peace prepare for war." Does it mean, said he, that preparation made by the monarchies of Europe, by a system of large standing armies and heavy taxation? To this I answer, *no.* Washington meant no such thing, nor does the President mean any such thing. Our system is opposed to standing armies; so was Washington, and so is the President opposed to them; they mean by the maxim, "in peace prepare for war," the preparation of a well-organized and well-disciplined militia, and all the material of war, with suitable means of defenses, so arranged that they may be brought into speedy action in cases of emergency; such a system as Washington recommended, followed by Jefferson, Madison, and Monroe, and such as the President has now recommended. If I could suspect the President of favoring a large standing army I would, without hesitation, not only abandon his Administration, but would do my utmost to oppose it. But, sir, he means no such thing; he values liberty and our free institutions too highly; he has made too many sacrifices to preserve them.

The honorable gentleman from Tennessee, [Mr. BELL,] without indicating that most or all of the fortifications proposed are not necessary to our security, inquires whether this is the proper time, *being on the eve of a presidential election, and whether we have such confidence in the ability and integrity of those who will have the disbursement of the appropriations,* as to justify us in making them? These are not the words, but I think the substance of what the honorable gentleman said. As to the objection growing out of the fact that we are on the eve of a presidential election, I think it is not of much force; for if a system of national defense is postponed until the nation is clear of the agitation and excitement of a presidential election, we shall never commence the work; for so soon as one election is over the agitation of another commences, and thus the subject is perpetually agitated, and would perpetually bar any action upon this subject. As to the question of confidence, I will only now say that I have sufficient confidence in the Administration to confide to its care the disbursement of the funds necessary to be appropriated for all necessary works of defense; a confidence, I think, well justified by the experience of the past, as I shall hereafter be able to prove most satisfactorily when I come to reply to the gentleman's charges against it.

The honorable gentleman from South Carolina, [Mr. THOMPSON,] who so ably and so eloquently addressed the committee on this subject, made no particular objection to any item of appropriation recommended by the Committee of Ways and Means. He professed, and no doubt sincerely, a willingness and readiness to vote liberal appropriations for the purposes of national defense, but did not signify whether he approved all or either of the appropriations proposed, not even the one now under consideration. The objection was, that many of them are not recommended by the Departments having charge of the various branches of the public service, and that they were not based upon executive estimates, as they should be. The Executive has done all it could do. It has reported to you the true condition of the defenses of the country and the Navy; in its annual reports it has pointed out where defenses are needed, and estimated the cost upon the best data within its reach; it has recommended improvements in the Navy and navy-yards, and estimated the costs; it remains for Congress to conform its action to those estimates according as it may deem them accurate and necessary for the public service. All inquiries from the House or its committees have had as prompt answers as circumstances would permit. But I do not understand the reason why nothing can be done here without *executive recommendation* and *executive estimates.* I cannot perceive why this House or a committee may not act upon its own knowledge, without regard to executive recommendation or executive estimate, when it perceives measures necessary for the public service. It is true, the Constitution requires the Executive, from time to time, to recommend such measures as it may deem necessary for the public good; but the Constitution does not require Congress to limit its action to the measures recommended by the Executive, or to adopt them. Congress has no barrier to its action but the limits of the Constitution; and it is the Department principally charged with these duties to which the country looks for wise and salutary legislation. Hitherto the Executive has been, according to some, too officious and intermeddling, *taking too much responsibility;* now all responsibility is to be thrown upon the Executive, and gentlemen will not act upon some subjects without *executive recommendation* and *executive estimates.*

The debate on the part of my friend from South Carolina [Mr. THOMPSON] was confined principally to a charge of inequality favorable to the North in the naval appropriation bill, by which to prove favoritism to *the North* and neglect of *the South.* In order to do this, the honorable gentleman has exhibited a table showing proposed appropriations to the North exceeding those proposed for the South by about $11,000,000. This table, taking the principle upon which the calculation is based, is true; but the principle is wrong, and the calculation, however accurate as to figures, is wrong in its results. The honorable gentleman, in order to sustain the immense disparity which his table exhibits, has counted Virginia a *northern State,* and classed the proposed expenditures upon the defenses of the Chesapeake with appropriations for what he calls the favored northern region. Virginia has hitherto been classed and considered a southern State. Her defenses must be considered southern; they afford protection and defense not only to Virginia, but to Maryland, and North Carolina, mainly to the latter, and they have been considered the most important on our whole maritime frontier. Virginia will not ask to be classed with the North or South; she is content with being *Virginia,* and

that she will be. But, Mr. Chairman, when the South, if ever Heaven shall so order it, is beset with danger and with difficulty, the pride, the chivalry, the southern feeling, and high character of Virginia will be appealed to. I feel very confident my friend from South Carolina meant not the slightest reflection upon her. In the establishment of navy-yards, if the Government is to be regulated by suitable positions, there is not one south of Virginia suited to the construction of vessels of the first class, for the want of harbors of sufficient depth of water, so that in this point of view all appropriations for this object have been properly made, although unequal in dollars and cents. Virginia must be classed a southern State, and the appropriations for her defenses southern appropriations. Take the proposed appropriations from the amount stated by the gentleman, take also the pay and provisions of the officers and sailors, which cannot be considered in the light of local appropriations, and others of like character, and the disparity will be greatly reduced; yet, upon this point of appropriation, the advantage is favorable to the North. But the reason of this disparity is obvious, and is accounted for without the slightest imputation of favoritism upon the Executive or either of the Departments. The inequality has been produced by nature. To the North there are numerous bays, rivers, and harbors, suited for navy-yards, having naturally safe and sufficient depth of water; hence the navy-yards have been principally established to the North. There, too, were our principal maritime towns which needed defenses. All these northern navy-yards were established during the Administrations of southern Presidents, and have been sanctioned by southern Representatives. I have not gone into the minute details of inequality of the gentleman from South Carolina, because they depend upon the leading points, and will be correct or not, as they are correct.

While, however, navy-yards have been provided for to the North, the South has been provided for in fortifications; and in this branch of public defense, the disparity of appropriation favorable to the South has heretofore been much greater than the disparity favorable to the North upon navy-yards. The annexed table, exhibited by the honorable gentleman from Maine, [Mr. EVANS,] in his able discussion of this question, gives the number of fortifications erected since the foundation of the Government, and the expenditure on each, classed North and South by the Potomac river:

EXPENDITURES ON FORTIFICATIONS FROM 1812 TO 1835.

Works North.

Repairs on Fort Independence: preservation of Castle Island, Massachusetts	1832	$54,594 00
Preservation of George's Island, Mass.	1825	65,283 10
Fort Warren, Massachusetts	1833	125,000 00
Fort Adams, Rhode Island	1824	960,000 00
Fort Lafayette, New York	1812	318,305 00
Repairs of do., New York	1829	33,386 00
Fort Hamilton, New York	1825	481,000 00
Repairs of Fort Columbus and Castle Williams, New York	1831	175.000 00
Fort Schuyler, New York	1833	125,000 00
Fort Delaware, Delaware river	1817	527,100 64
Rebuilding Fort Delaware, Delaware river.	1833	129,000 00
Fort Washington, Maryland	1816	454,103 00
		$3,447,772 44

Works South of Potomac.

Fort Monroe, Virginia	1817.	$1,741,144 15
Fort Calhoun, Virginia	1818.	1,391,573 40
Fort Mason, North Carolina	1825	349,500 00
Fort Caswell, North Carolina	1825	412,734 00
Fortifications Charleston harbor, South Carolina	1828	325,000 00
Fort Pulaski, Georgia	1828	308,000 00
Repairs of Fort Marion, Florida	1833	20,000 00
Fort Pickens, Pensacola, Florida	1828	627,000 00
Fort in Fosler's Bank, Florida	1833	75,000 90
Fort in Dauphin Island, Alabama	1833	245,999 15
Fort Morgan, Alabama	1819.	1,026,777 00
Fort Pike, Louisiana	1819	314,597 25
Fort Wood, Louisiana	1822	378,642 00
Fort Jackson, Louisiana	1822	659,500 00
Battery at Bayou Bunvenu, Louisiana	1826	96,447 10
Tower at Bayou Dupie, Louisiana	1829	16,677 41
Fort Livingston, Grand Torre, Louisiana.	1833.	75,000 00
		$8,043,591 46
		3,447,772 44
		$4,595,819 02

It will be seen that there have been expended South $8,043,591 46, and North $3,447,772 44, leaving a balance in favor of the South of $4,595,819 02; and here the gentleman from Maine drops the calculation. In the appropriations now proposed for repairs and improvements of navy-yards, there is a balance in favor of the North of $369,125. Upon all the works finished, under construction, not finished, and proposed, the expenditure will be, North, $18,000,425, South, $16,530,054, leaving a balance in favor of the North of $1,470,371. This disparity, however, is the result of circumstances which cannot be controlled, and of which we cannot complain. But the true point upon which we have good cause of complaint is the unconstitutional appropriation for works of internal improvement, and the tyrannical and unequal operation of the tariff laws. In works of internal improvement, the honorable gentleman from Maine [Mr. EVANS] admits that the advantage is greatly in favor of the North, but charges the inequality upon the refusal of the southern States to receive appropriations for such objects. This is true, sir; true to the letter; Virginia has always regarded these appropriations as unauthorized by the Constitution; and has refused the beneficence of the Federal Government founded in violation of that sacred compact. She has acted upon that principle of integrity upon which an honest man will refuse to receive stolen goods. She will neither *touch, taste,* nor *handle* the *unclean thing*. She will not listen to the argument addressed to her cupidity, that the States believing the Federal Government has this power under the Constitution are receiving yearly large appropriations. She regards her integrity with unyielding pertinacity, and will not surrender it to considerations of avarice or cupidity. She will not *sell* her integrity at any price. Her motto is, to do right, let others do wrong who will. I do not doubt that gentlemen of the North honestly believe that the Federal Government has this power; yet I think they should have some respect to the opinions of so many southern States, and not be willing to clutch all they can get by a strained construction of the powers of the Constitution, although they may believe the doctrine sound.

Mr. Chairman, our Yankee friends understand how to manage these moneyed affairs better than we do. They always have had, and I fear always will have, the advantage of the South in this particular; they know how fastidious southern statesmen are in their construction of the powers of the Constitution, and very generally throw out some constitutional question for our discussion; and, in its heat and excitement, carry some scheme of appropriation without attracting notice. I heard of a very sagacious northern man who, upon a certain occasion, said that when an appropriation was to be carried which might excite opposition from the South, the right plan was to give the southerners a constitutional question for debate, and that, while that was debating, the appropriation could be carried. I think the history of our legislation proves very clearly the success with which this stratagem has been practiced.

Mr. Chairman, the framers of the Constitution never contemplated that, in authorizing appropriations for the common defense, they were incorporating a principle of equality in dollars and cents; and that when so many dollars were expended in one State, so many were to be expended in another, whether needed or not. The object was to defend the whole; and the only question in making appropriations is, where are defenses needed? In our extended territory, nature herself has created the inequality of which the honorable gentleman complains. There are more assailable points in one section than another, which must be provided with defenses; and hence this natural inequality necessarily produces inequality of expenditure. The only true principle is to provide defenses for every point, North or South, wherever needed, without regard to any other consideration.

But my honorable friend from South Carolina [Mr. THOMPSON] complains that under this Administration the interests of the South, particularly in its defenses, have been grossly neglected; and, in order to account for it, refers to the location of the present members of the Cabinet. He says the Secretaries of the Treasury, of War, and of the Navy, are all from this favored region, (the North,) and only the Secretary of State from the South. The Secretaries of the Treasury and of the Navy are from the North, but the Secretary of War is from a northwestern Territory, (Michigan.) But even taking them all three from the North, upon the principle of population and commerce the inequality does not exist; for, in addition to the Secretary of State, the chief executive officer, the President—he who is charged with the whole executive power, and controls all executive officers—is a southern man; so that I think there is, on this ground, little cause of complaint. But, Mr. Chairman, what I principally complain of in this part of the honorable gentleman's argument is its tendency to create sectional feelings, sectional jealousies, and sectional dislikes. I know the gentleman intended no such effect. I only speak of the tendency of his argument, however honestly felt or designed. So long as parties exist in name, extended over every quarter of the Union, the integrity of the Union is not hazarded; but it was against parties separated by geographical lines, by sectional divisions, that the paternal and warning voice of Washington was raised, early in our history, and against which the effort of every patriot has been, and will ever be, directed. Whenever the geographical line shall be distinctly drawn, and the parties shall be known as a northern and southern party, then, indeed, there will be an array of party which will ultimately sever the Union, dissolve us into our original fragments, destroy our free institutions, and produce that state of anarchy, war, bloodshed, and despotism, against which all our sages and patriots have struggled, and to prevent which the Union was formed.

I think there is no just ground to charge the Government with neglecting the interests or defenses of either Charleston or Pensacola (for there seems to be no complaint elsewhere.) There is proposed for Charleston, $———: there have been surveys and inquiries set afloat, as to the practicability of constructing at Charleston a navy-yard, and there is now a proposition depending for that object before Congress, under the patronage of its own Representative, founded upon the information communicated and recommended by the Executive. For this appropriation I am prepared to vote. The appropriations recommended for Pensacola by the Navy Department, are contained in the following letter, addressed to me by the Department, containing also the course pursued by the Department upon that subject:

NAVY DEPARTMENT, *February* 12, 1836.

SIR: In answer to your letter requesting my views as to the expediency of constructing a dry-dock, and of deepening the channel over the bar at Pensacola, and requesting any information in this Department necessary to a correct decision on this subject, I have the honor to state that the Secretary of the Navy, in his report of the 30th November, 1833, brought this subject before Congress by recommending the continuance of Pensacola as a naval station; and submitting a report from Captain Dallas, on the means and expense of deepening a channel through that bar, and a memoir and estimate on the improvement of that bar by Captain W. H. Chase, of the Engineer corps, (to be found in the first volume of executive documents of H. R., 1st session 23d Congress, No. 1, page 263.)

Captain Chase calculated the expense of adding three feet to the depth of the channel over the bar at $106,690. The various items of expense are given in detail in his estimate. Captain Dallas, however, is of opinion that the channel over the bar should be made six feet lower than at present, and adds $40,000 to the estimate of Captain Chase, making the whole expense amount to $14€,690, for deepening the channel six feet, and giving a depth of water over the bar of from twenty-nine and a half to thirty feet, which will be amply sufficient for our vessels of the largest class.

These gentlemen are very capable of making the observations and estimates which they have submitted, and there is no reason to doubt the accuracy of their calculations; and I have no hesitation in expressing my opinion, that the great importance of Pensacola, as a naval station, would justify the expenditure of the sum estimated for the object stated.

Annexed to my last annual report will be found estimates for buildings of different kinds at the Pensacola navy-yard, to the amount of $64,000; for building a powder magazine near the yard, $17,000. In addition to which, there are the following estimates for Pensacola:

For wharves and appendages	$150,000
Hydraulic dock	125,000

Making the whole of the estimates for Pensacola, for the

year 1836, $356,000. If to this we add $146,690, deemed necessary, as before stated, for deepening the bar, it will amount, in the whole, to $502,690.

It is believed that, for this sum, the harbor of Pensacola may be rendered a safe and commodious station for the purposes of our Navy, and a convenient place for building and repairing our vessels of war.

The construction of a dry-dock, such as we have at Norfolk and Boston, and such as it is proposed to build at New York, and which would cost nearly $1,000,000, cannot be considered as necessary at Pensacola, until the channel over the bar shall be deepened, even if it should be deemed expedient to build a fourth dry-dock upon the largest scale. In the mean time, an hydraulic dock, such as is now in successful operation at New York, and which it is believed may be constructed in the course of a year, and at the expense mentioned in the estimate, would be highly useful, as this kind of dry-dock answers perfectly well for all vessels under the size of a frigate.

The estimate of $150,000 for wharves and appendages is made without the knowledge necessary for an accurate detailed statement of the items of expense. It is hoped, however, that, in the course of a few months, a careful examination may be had of this station by competent officers, whose report upon the same will afford all the information wanted; but it is confidently believed that the full amount estimated will be required for the objects stated. I am not aware that there is any information in this Department upon the subject of your letter which has not been communicated to the House of Representatives.

I am, very respectfully, your obedient servant,

M. DICKERSON.

Hon. L. JARVIS,
Chairman Naval Committee, House of Representatives.

So there are $592,690, instead of $342,000, estimated by the gentleman from South Carolina. (The gentleman from South Carolina here tells me that the additional estimate was not in the annual report, and had not been laid before Congress until after he delivered his speech. The chairman of the Committee of Ways and Means states that it was in, and laid on each member's table long before.) I have no doubt both gentlemen are right in their recollection, and that the additional estimate had escaped the attention of my friend from South Carolina. I only use the fact to prove that the Department had not, from considerations of favoritism, or any other, neglected its duty to the South; for in relation to both these points of Charleston and Pensacola, the Executive has been employing all the means placed in his hands by Congress in ascertaining the practicability of constructing navy-yards at both these points, and has in several annual reports strongly recommended them to the consideration of Congress. Here, Mr. Chairman, I must correct a misapprehension of the gentleman from Tennessee, [Mr. BELL.] He says that the late Secretary of the Navy (now the Secretary of the Treasury) made a tour of inspection to the South with a view of informing himself as to the necessity and practicability of establishing, particularly at Pensacola, an extensive navy-yard, and that after his return he had not heard of any recommendation from him favorable to it. It is true that the Secretary did make such a tour, but the gentleman is entirely mistaken as to the fact that he made no favorable report. The Secretary not only made a report favorable to the scheme, but strongly *urged* its adoption on Congress. I refer to the document from the Navy Department accompanying the President's annual message of December, 1833.

In addition to these facts, in the recommendation and estimates of works of defense, $5,000,000 are recommended to be appropriated to the defenses of Florida alone.

Our navy-yards were located and constructed before the purchase of Florida, and no new one, except at Pensacola, I believe, has been constructed since. Upon the whole of this branch of the subject, I would ask, if this inequality exists, how is it that it has been produced by southern statesmen? Thirty-nine out of forty-seven years southern men have administered the executive department of the Government, some of them always in the Cabinet. A distinguished son of South Carolina administered the War Department for eight years, who did much to recommend the system of defense now proposed to the favorable consideration of the nation. Why is it that so much of neglect to the South has marked the administration of southern men? Why is it that southern representatives have neglected to present the claims of the South upon Congress? When and where was it, that appropriations for defenses have been asked and refused to the South, which were not in like manner asked and refused to the North? This charge of neglect, Mr. Chairman, if true, lies at the door of southern men, and I leave them to answer it. The table of appropriation for defenses heretofore referred to, I think clearly proves that the South has had her full share of the protection of the Government.

I come now, Mr. Chairman, to consider the objections which have been urged to the system of national defense now under consideration, and which are apart from the intrinsic merits of the subject itself; and

1. *It is objected that, if the proposed system is carried into execution, it will largely increase the peace establishment of the army.* The establishment of these defenses will not require the addition of a single company to the present army establishment. An estimate has been made of the force necessary to be employed in keeping and preserving the fortifications, if all proposed shall be constructed, which will be about three thousand one hundred and eighty men. An estimate of the Inspector General makes the force necessary about ———; so that, from either statement, no addition on account of these works will be necessary. If any addition shall be found necessary to our army, it will grow out of the concentration of so many restless Indian tribes on the Missouri and Arkansas frontiers, who can bring into the field twenty thousand warriors, and the civil war raging between Mexico and Texas, demanding a force on the Texan frontier of sufficient strength to enforce our neutrality and preserve our peace.

2. *It is urged by the gentleman from Kentucky,* [Mr. ALLAN,] *and the gentleman from South Carolina,* [Mr. THOMPSON,] *that the adoption of this system will prevent the distribution of the public lands and the surplus revenue.* This objection involves the consideration of two very serious and important questions in both their aspects of constitutionality and expediency, each of them, in all its bearings, affording subject-matters of sufficient magnitude for a long argument. I do not design, upon the present occasion, to do more than glance at them. If I were to do otherwise, I should unnecessarily detain the committee, as both these subjects will be open for discussion when they come up directly for consideration. The bill for the distribution of the public lands originated in the Senate, under the patronage of a distinguished Senator from Kentucky, [Mr. CLAY.] It proposes, in substance, a distribution of the proceeds of the public lands among all the States, according to the ratio of representation, for purposes of "*internal improvement*" and "*education.*" All the public lands east of the Mississippi were ceded to the United States by the several States, mostly by Virginia. The cession by Virginia was an act of magnanimity, generosity, liberality, and devotion to liberty, unparalleled in the annals of history. She stripped herself of dominion, power, and wealth, for the sake of liberty and the security of free institutions. This cession embraced the now great and flourishing States of Ohio, Indiana, and Illinois, and the Territory of Michigan. In the act of cession, however, she entered into certain stipulations with the Government for the disposition and proceeds of these lands, the fulfillment of which she has a right to demand, and will insist upon. The Virginia deed of cession was executed on the 1st day of March, 1784, and contains the following condition:

"That all the lands within the territory so ceded to the United States and not reserved for, or appropriated to, any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, *shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatever.*"

When it is recollected that this cession was made previous to the adoption of the Constitution, that it was made when the Confederacy owed a heavy debt incurred during the revolutionary war, and that this debt, as well as the current expenses of the Federal Government, was made, not by a system of taxation, but by direct requisitions upon the State Governments in fixed proportions, the manifest intention of the condition which I have read cannot be mistaken or misunderstood. It was intended as a common fund, to pay a common debt, incurred in a common cause, and when that should be done, to lessen the requisitions upon the States for the annual support of the Federal Government. The sales of these lands were intended to supply the revenue which would otherwise have to be raised by taxation.

The adoption of the Constitution did not discharge the obligations of the condition in the act of cession, or authorize the diversion of the proceeds of the public lands to any other purpose whatever than that specified. The clause of the Constitution giving power to the Federal Government to regulate and dispose of the public domain, reads thus: "The Congress shall have 'power to dispose of, and make all needful rules 'and regulations respecting the territory or other 'property belonging to the United States, *and* '*nothing in this Constitution shall be so construed as* '*to prejudice any claims of the United States, or of* '*any particular State.*" If this clause of the Constitution could without the reservation have been construed into an abandonment of the condition in the act of cession, the reservation retains the force of the obligations in its full effect, so that the obligation cannot be avoided without a flagrant breach of faith. In the proposed plan of distribution fifteen per cent. is allowed to the new States, over and above what would be their equal proportion upon the plan of equal distribution—the result of which is, that Virginia would lose $410,104, all the old States would lose $4,096,346. The table attached to the next page will exhibit the whole operation.

This inequality, in express violation of the compact, and of every principle of justice in relation to any of the public lands, is, in my humble opinion, fatal to the pretensions of the Senate's bill, if either justice or good faith is to prevail.

Another palpable inequality in regard to all the southern States, and especially Virginia, is covertly couched in the provision of the Senate's bill which directs the distribution according to what is called *federal numbers.* The constitutional compromise allowing the slaveholding States only three-fifths of the slave population in the estimate adjusting the representative ratio among the States, I will not complain of. It may have been right to give this preference to *free* over *slave* labor in estimating the moral worth and adjusting the weight to be given to the suffrages of different sections of the Union. But when the question becomes one of money, of a division of the proceeds of the public domain, a very different consideration should enter into the calculation. It is known that slave labor is not so productive as free labor—it is the inevitable consequence that the population, and strength, and wealth of the southern States suffer a relative diminution in regard to the other States from this very cause. Is it not monstrous, then, that while slave labor tends to this result, making the wants of the southern States greater and their means less than their more opulent and powerful neighbors, an argument should be drawn from it to give them two-fifths less of the proceeds drawn from the public domain in right of their laboring population, than the northern States would obtain in virtue of the same class within their limits? And how much more outrageous is this scale of distribution, whereby almost two thirds of the income of the public lands would be monopolized by the North, when it is considered that almost the whole of the great domain was generously relinquished by Virginia for *the common benefit* of the whole Union? In the proposed division, although she gave up all, she would get but half the portion of New York, that gave up nothing.

In addition to this objection, I regard the proposed seheme as at war with the principles of the Constitution, unless indeed the worn-out and long-ago-refuted federal doctrine, that the "general welfare" phrase in the Constitution confers in itself an independent power, unrestricted and uncontrolled by the defined limited powers of the instrument, is to be exercised in the sound discretion of Congress—a discretion which the Constitution was designed to restrict and control. The Constitution authorizes Congress to raise revenue for national purposes only; for *common defense* and *general welfare.* It was never designed

to make the Federal Government the grand reservoir of bounties and largesses to the separate States or to individuals; nor was this system of distribution ever designed to be placed in the hands of the Federal Government. It is certainly not to be found in the *express grant* of powers, but is, if to be found at all, by inference or implication.

Statement showing the dividend of each State (according to its Federal population) of the proceeds of the Public Lands, during the years 1833, 1834, and 1835, after deducting from the amount fifteen per cent. previously allowed to the seven new States.

States.	Federal population.	Share for each State under the proposed bill.	Total to new States.	Equal share to which each State is entitled.	Loss to States having less than their share.	Gain to States having more than their share.
Maine	399,437	617,969		777,318	160,909	
New Hampshire	269,326	416,502		524,117	107,915	
Massachusetts	610,408	943,993		1,187,875	244,582	
Rhode Island	97,194	150,298		189,296	39,098	
Connecticut	297,665	460,396		579,986	119,270	
Vermont	280,657	433,713		546,168	112,455	
New York	1,918,550	2,964,634		3,733,574	768,740	
New Jersey	319,922	494,391		622,495	128,104	
Pennsylvania	1,348,072	2,083,233		2,623,385	540,153	
Delaware	75,432	116,608		155,176	38,568	
Maryland	405,843	627,169		789,784	162,615	
Virginia	1,023,503	1,581,669	1,677,110	1,991,773	410,104	
North Carolina	638,747	988,632	967,888	1,244,970	256,338	
South Carolina	455,025	701,495	699,677	885,495	184,000	
Georgia	429,811	664,208	751,606	836,419	172,211	
Kentucky	621,832	960,947	1,000,808	1,210,123	249,176	
Tennessee	632,963	978,249	1,583,944	1,216,576	250,627	
Ohio	935,884	1,446,266	1,072,606	1,821,282	374,982	
Louisiana	171,694	265,327		667,550	402,223	
Indiana	343,031	530,102		305,813		224,289
Illinois	157,147	242,846		252,816		10,030
Missisippi	130,419	201,542		214,760		13,218
Alabama	262,598	405,686		505,999		100,313
						424,766
						332,127
						445,793
						748,080
						1,369,184
						536,607

NOTE.—The three right hand columns of figures are added by Mr. HILL to the table of Mr. CLAY.

This bill limits the appropriation by the States to purposes of *internal improvement* and *public education*. This is a direct appropriation of the means of the Federal Government to works of internal improvement *of a local character* and public education, reserving to the States only the right to determine to what subjects the appropriation shall be made. The public lands are public property, and, when sold, the proceeds become public money. I cannot perceive in the Constitution a distinction between public money derived from duties on foreign importations, direct taxation, or the sales of public lands; nor do I perceive that the Constitution gives any authority to apply the public money derived from the one source to subjects which it prohibits to the other; the powers granted may be exercised by the appropriation of money drawn from either source, so the powers restricted cannot be exercised by the employment of public funds derived either from the one source or the other. The restriction was to prevent Congress from exercising the forbidden powers, without regard to the source from whence the means were to be derived. It was not intended to authorize Congress to act upon these subjects at all. Among the subjects over which Congress has no power (in my opinion) are the subjects of internal improvement and public education in the States. If they have not, then this bill is unconstitutional, appropriating the public money to purposes over which the Federal Government has no power. I know that there is much diversity of opinion upon this subject. I only speak my own views and that of my State.

The distribution of the surplus revenue among the States is a scheme introduced into the Senate under the patronage of an able and distinguished Senator from South Carolina. It proposes an amendment of the Constitution, so as to authorize the distribution of the surplus revenue until 1842, the time fixed for the expiration of the tariff law as regulated by what is familiarly called the compromise bill regulating the tariff until that time. This bill does not propose any restriction upon the States as to the application of their respective portions, and is not susceptible of all the objections to its constitutionality as the "*land bill.*" It only involves the question of the power of distribution itself. Yet, sir, the author of this bill, for whose discriminating and sagacious mind I have the highest respect, introduced it into the Senate, and it will come before this House, admitting the want of constitutional power in this Government, and seeking to supply the want of power by amendment of the Constitution. Now, sir, if there is no power to distribute the public money in the Constitution, where is the power to distribute public lands? Nowhere, sir, unless it can be proved that there is more danger in authorizing this Government to use money derived from duties or direct taxation than from public lands. I humbly believe the danger is the same from either source; the principle is wrong, and cannot be made right, because of the source from which the money comes.

The tendency of this system of distribution, if once introduced, will be dangerous in the extreme. Yes, sir, in its operation it will destroy the sovereignty and respectability of the States—it will demoralize and corrupt the people. The States, instead of relying upon their own energy and enterprise, and their own resources, will have their eyes turned to this great center of attraction, the Federal Government, as the source of all their wealth and prosperity; every session of Congress will exhibit the sickening and disgusting scene of the representatives of the several States scrambling for their portions, each returning home and saying to his constituents, see what the Government has done for you. The State Legislatures will be scuffling to find subjects to which to apply the bounty of the Federal Government. Sir, it has been said that "money is power." It is true—fatal experience proves it to be true. In addition, then, to the power of the "*purse*" and "*the sword,*" now in the hands of this Government, give it this power of enlarging its influence by authorizing another theater for its employment, and I would not give a fig for your liberties. The watchfulness and vigilance of the States over the action of this Government will be lulled into a fatal confidence and security; they will no longer stand upon the battlements of liberty, and sound the alarm against approaching danger; but the sentinels will sleep upon their watches, and the enemy enter the citadel by stealth.

The people will no longer watch the action of the Federal Government with their accustomed jealousy and vigilance; the deformities of the Federal action, and its gradual approaches to despotism, will be unperceived amidst the glare and splendor of its munificence and bounty. Sir, interest is the mainspring of human action, and no scheme could be better devised to operate upon it than these distribution schemes. They are at war, vitally at war, with that frugality, simplicity and poverty which it was designed should attach to the Federal Government; they destroy the very foundation upon which the safety and durability of our institutions were based. I do not attribute to the authors of these bills any such designs—far from it; but I must confess I should view their adoption as the sure precursors of consolidation and ultimate despotism. I hope my fears may be unfounded. I confess, however, they will be seriously awakened if these schemes succeed. If they be adopted, it is easy to perceive that it paves the way for another high tariff system, and an unlimited system of internal improvement; for, sir, when the people shall be told of excessive taxation by tariff, they will be told it is immaterial; what they pay in taxes they get back in the distribution; and thus they will be deluded into a fatal security and indifference to the exercise of the taxing power. The people, sir, the hard-working tax payers, will never get back any part of the taxes they pay. The indirect manner of its collection conceals from them its onerous burdens. I am not willing, Mr. Chairman, to see the States coming in humble supplication, asking, at the hands of this Government, their due portions of its bounty and its munificence. I wish to see the States, in their own domestic concerns, looking to their own energies and their own resources, forbidding the slightest control over, or interference with them, by the Federal Government. Above all, I wish to avoid a *moneyed dependence*.

There is another principle involved in the latter scheme, to which I am utterly opposed, as being of dangerous tendency. I have learned, sir, to venerate the Constitution as a system of fundamental law, framed and adopted upon the most mature and deliberate investigation; an instrument intended to be as enduring as time, and not to be altered upon slight and trivial occasions. Amendments should only be made to introduce permanent fundamental principles, which the severest test of experience has demonstrated to be salutary and necessary. If it be approached and amended upon slight and trivial occasions, or for temporary purposes, it will lose all that veneration and respect necessary to its perpetuity and faithful observance. It will occupy no higher grade than legislative enactments, and be repealed, altered, or amended, upon the most slight and trifling occasions, and be subject to all the disadvantages of excessive, precipitate, and capricious legislation. This amendment, if adopted, is to last five or six years, and then die. Sir, upon the same principle other temporary amendments may be introduced, until, finally, we shall have a new constitution, subverting all the principles of the old; for it is not to be doubted that these temporary amendments will finally become permanent principles. I cannot, sir, upon any view I have been able to take of this subject, bring myself to vote for either of these schemes, or for any scheme of giving away the public lands. So dangerous do I regard them, that I would prefer resigning my seat here, to sustaining them by my votes.

The honorable gentleman from Kentucky [Mr. ALLEN] claims these schemes of distribution as matter of right, and strongly declaims against the expenditure of the public money upon the seaboard, to the exclusion of the West. Sir, in the system of defense proposed, does it not occur to the gentleman that the defense of our maritime frontier is the defense of the West? Can the West be endangered, sir, by a foreign invasion, while the Atlantic States successfully resist the invaders? Are not the Atlantic and Gulf towns the channel of transportation for all the exports of the West? Certainly, sir, the gentleman, when he reflects upon this subject, will not, for he cannot, reasonably complain.

I do not intend here, Mr. Chairman, to inquire who has or who has not recommended this scheme of distribution. I am well aware that the present President, as did Mr. Jefferson during his administration, made some undefined suggestions for the distribution of the surplus revenue which might remain in the Treasury under certain contingencies, yet both were mere suggestions acknowledging the difficulties attending it, both as regards constitutional power and corrupt tendency, and was never earnestly pressed. The present President, in most emphatic terms, deprecated the idea that the scheme, if adopted, should be so unrestricted as to introduce into the practice of the Government the habit of creating a surplus revenue for the purpose of distribution. It is matter of no concern with me who does or does not maintain opinions favorable to this scheme. I decide for myself; I speak my own opinion upon this subject, and I believe the

effect of this measure, if adopted, will be to produce that state of things so deprecated by the President—the creation of a surplus revenue for the purpose of distribution. I therefore oppose it, and would do so, even if it were sanctioned by the high authority of Andrew Jackson. In the view which I have taken of the dangerous tendency of this proposed plan of distribution, I am strongly fortified by the opinions of the honorable gentleman [Mr. CALHOUN] who is the reputed author of the scheme now under discussion. In a speech delivered by him in the other branch of this body, on the removal of the deposits, he said: "There is another aspect in which 'this subject may be viewed. We all remember 'how early the question of the surplus revenue 'began to agitate the country. At a very early 'period, a Senator from New Jersey [Mr. DICKERSON] presented his scheme for disposing of it 'by distributing it among the States. The first 'message of the President recommended a similar 'project, which was followed up by a movement 'on the part of the Legislature of New York, and, 'I believe, some of the other States. The public 'attention was aroused; the scheme scrutinized; 'its gross unconstitutionality and injustice, and 'its dangerous tendency—its tendency to absorb 'the power and existence of the States, were 'clearly perceived and denounced. The denun-'ciation was too deep to be resisted, and the 'scheme was abandoned."

This strong and forcible paragraph embodies every objection which I have urged to the scheme, and are in themselves sufficient, in my humble apprehension, to defeat this dangerous measure.

The honorable gentleman from Tennessee, [Mr. BELL,] in assigning the reasons which have induced him to abandon "*the party*" now sustaining the Administration, charges, 1st. That the Administration came into power upon the profession of one set of principles, and practices upon another. 2d. That the Administration has been grossly derelict in its duty in recommending proper measures and providing for the defense of the country. 3d. That its practices are prodigal and corrupt in the employment and disbursement of the public fund used in dispensing the patronage of the Government. And, 4th. That it has attempted to delude the people and produce public excitement upon subjects which they recommended and never intended to carry out into practice. Before, however, I proceed to answer these charges, I propose to ascertain the true point of responsibility if they be found true. The honorable gentleman from Tennessee says he attaches but a slight degree of responsibility to the President, for the practices and neglect which he charges upon the Administration; but holds his *lieutenants*, as he calls them, responsible, and thinks the Vice President himself should be held somewhat responsible; that he ought, to some extent, to examine into the practices of the Government, and correct abuses. I do not, Mr. Chairman, concur with the honorable gentleman in his views upon this subject. I hold the President himself responsible for all and every abuse of executive neglect of duty or abuse of power. The Constitution charges him with the whole executive duty; he appoints to office, and removes at his will; if abuses exist, the Constitution has placed in his hands the corrective power; and if he fails, whenever he has knowledge of abuse, to apply the corrective, I hold him responsible to the country. I will not separate between the President and the executive officers, because all his duties consist in controlling their action, and correcting their malpractices. It is here abuses may sometimes exist for a time without his detection; but when he does detect them, it is his duty to correct; and if he fails, he is deeply responsible. But upon what principle the Vice President is to be held responsible, I confess I cannot discern. He is charged by the Constitution simply with the duty of presiding over the deliberations of the Senate; he can neither appoint nor remove an executive officer, nor can he constitutionally do a single executive act, unless he is charged with the duties of the office of President, by the death, removal, or resignation, or disability of the President. Sir, the Vice President is upon no principle responsible for any abuses of the Government, however glaring or corrupt, for the simple reason, that he has no constitutional power to correct them. It is obvious, however, that he is to be held responsible by his opponents, with a view to affect him in the coming presidential election.

I come now, Mr. Chairman, to consider the charges of the honorable gentleman from Tennessee against the Administration; in doing so, I shall attempt to defend the Administration by fact and reason. I shall not employ opprobrious party epithets or impeach the motives of any man upon this floor. Conscious of the integrity of my own opinions, I shall extend to others with whom I differ as much credit for integrity of opinion as I claim for myself, knowing, as I do, the fallibility of the human mind and its proneness to err, and being unwilling to claim to myself infallibility. If facts and reason cannot be found to sustain my opinions, I am sure denunciation will not. The first charge which I propose to consider is, that the Administration came into power professing one set of principles, and that it practices upon another. The first specification made by the gentleman from Tennessee, which I shall discuss, is the subject of "internal improvement." He charges that the present Administration came into power professing opposition to this system, and in practice had expended more money than in the same period of any preëxisting Administration. First, then, sir, as to the profession, and then the practice; and here I might rest the defense of the Administration against this charge, by simply quoting from the speech of the gentleman from Kentucky, [Mr. ALLAN,] the charge that the President came into power *favoring the system of internal improvements*, while his practice has overthrown it. This gentleman read an extract from a letter from the President to the Governor of Indiana, in which the President refers to his votes as a member of the Senate upon this subject, and asserts his opinions to be unaltered. This letter, the gentleman from Kentucky says, deluded the Wset into the support of the President. He says:

"This letter, throughout the West, was considered as removing every doubt, *and the vote of that country was given upon the faith of the positive pledge it contained.*"

The gentleman sarcastically says, that this pledge was redeemed *by the veto* of the Maysville road bill, and the veto of the bill for the benefit of the Louisville canal, in the latter of which the President expressed this sound and orthodox opinion:

"*Positive experience, and a more thorough consideration of the subject, have convinced me* (the President) *of the impropriety, as well as inexpediency of such investments.*"

After the gentleman had spoken of the shock and disappointment which the Maysville and Louisville canal had produced in the West, and their tendency to weaken the ties which bind together representative and constituent, and denying the right of a representative to change his *pledged opinion*, he says: "*But it was necessary to break the shock which this disappointment caused in the West.*" This purpose was accomplished, says the gentleman, in the message of 1829. Sir, this is certainly a most singular state of things. The force of the shock, and disappointment created by the Maysville veto message of May, 1830, in the West, is broken by the annual message of December, 1829. Most singular—*the force of a shock which took place in May*, 1830, *is broken by a message delivered about six months before!* I leave the gentleman to make the best of this argument he can; for it is, I admit, greatly beyond my comprehension. In addition to this testimony I will offer that of Mr. Clay, who pronounced, I think in 1834, the death of his favorite system of internal improvement under the blow given it by the Maysville veto. Every member knows the particular solicitude with which that gentleman watched over this favorite system, and that he, from his public or private relations with the President, would not be disposed to do him more than justice; yet, as late as 1834, he pronounced the system crushed beneath the power of the veto. Now, sir, this gentleman, or the gentleman from Tennessee, is mistaken. But, sir, as to the professed principles of the President upon this subject, when he came into office, independent of this testimony, I think I shall be able satisfactorily to prove that the President, in the administration of the Government, has been consistent with himself, in profession and practice, in relation to this subject. The Maysville veto was the first occasion upon which the President made a particular avowal of his opinions upon this all-important question of constitutional power, in which he denies the right of this Government to construct works of internal improvement within the boundaries of a State, or to appropriate money in aid of such works by subscriptions for stock or otherwise. He avows also the opinion that this Government has the power to appropriate money for removing obstacles from, and improving the navigable rivers within, the limits of a State, or where it is the boundary between States, and for constructing works of improvement in the Territories; in all of which he distinguishes between works of a *national*, and those of a mere local character. The President, however, in the veto message, expresses himself doubtfully of what is the true boundary line within which the Government may appropriate money, and recommends such an amendment of the Constitution as will place the exercise of this important power upon its true ground, defining the line over which the Government shall not go, and putting to rest forever this vexed question. The President repeated in each of his succeeding messages the difficulty under which he labored, and the recommendation of a constitutional amendment to relieve the Executive from the difficulty. This recommendation of his, merely to define by constitutional declaration this power, has not been responded to by the representatives of the people, and the responsibility for its failure rests upon them.

It cannot be forgotten that the Maysville veto was hailed with enthusiastic delight by the opponents of this power, as cutting off the whole system of local improvements within the limits of the States, and though not achieving the whole, yet achieving much, very much, for the principle of *strict construction*.

All the public journals so regarded it, and this was the view which was taken by the whole nation. This, sir, is the principle which the Administration professed; and I contend that, in all the appropriations for works of internal improvement, none have been constructed of a local character incompatible with the principles avowed in the Maysville veto and subsequent messages. If there is one, sir, it has escaped my memory, and I should like to know it, for I wish to know the truth.

Mr. WISE rose and said, that, understanding his honorable colleague [Mr. GARLAND] to inquire or to ask for a specification of any act of approbation by the Executive of the principle of internal improvement since his veto of the Maysville road bill, he would, with his colleague's permission, specify a single instance during the last Congress. Mr. GARLAND gave way, and Mr. WISE proceeded to state, that, during the last Congress, there was a bill of appropriation for the construction of certain *harbors* on the lakes, in the States of New York and Ohio; that when that bill came up for consideration, his colleague [Mr. MERCER] moved to amend it, by adding an item of $30,000, or thereabout, for *surveys for works* of internal improvement. This sum had been, for several years, annually appropriated for internal improvement, and had ever been considered *the foundation of the whole system*. It was the *nucleus*, the *nest egg* of works of internal improvement, for without previous surveys no works whatever could be constructed. It involved the whole *principle* of the system without limitation—without the refined distinction ever involved in the word "*national*." So viewed, when this amendment was offered to this harbor bill, a few strict constructionists from the South, of whom I was one, determined to make one more effort to resist the principle of internal improvement, and to strike a blow at the very foundation of the system. Accordingly, when the bill came up, several gentlemen and myself appealed to the gentlemen of "the party," particularly from New York, to aid us in resisting this amendment of

my colleague [Mr. MERCER.] My honorable colleague, [Mr. ARCHER,] when the amendment was offered, called for the ayes and noes, and, to our gratification, *it was rejected by the votes of "the party" from New York, united with the strict constructionists of the South.* We congratulated ourselves upon the triumph; and I remember well that I was cordially congratulated by several gentlemen from New York upon the evidence which they had then given us that they were with the South on the question of internal improvements. I relied upon their evidences and their smiles, but was doomed to disappointment, and, in turn, to defeat. My colleague [Mr. MERCER] and the national Republicans, as they are called, generally, seeing the manner in which their favorite appropriation for *surveys* had been defeated, turned round and united with the strict constructionists in voting *against the harbors of New York and Ohio.* Thus we, in fact, defeated the whole bill; but the rejection lasted only *twenty-four hours*, for the moment *"the party"* of New York saw their harbors fail, *they forgot they were against the principles of internal improvement which they admitted, and all admit, is involved in the appropriation for surveys*, came in the next day, moved a reconsideration of the vote rejecting the amendment of my colleague: it was moved by Mr. BEARDSLEY, of New York. The amendment, then, was passed *by their votes.* The vote rejecting the harbors was then reconsidered—the bill containing surveys and harbors was passed, *and the President of the United States signed and sanctioned the act with all its features of internal improvement in every form.*

Mr. GARLAND resumed. I do not doubt at all the truth of the statement of my friend from Virginia. I know he would make no intentional misstatement; nor is it material to my argument to vindicate or defend the course of members on this floor, who may act inconsistently with themselves; that is their own business, with which I have no concern, and with which I shall not meddle; but I do not think the annual appropriation of $30,000, referred to by my colleague, at all conflicts with the truth of the assertion; for there is nothing in it, nor has there been any practice under it, incompatible with the principles of the Maysville veto. The first appropriation for plans and surveys was made on the 30th of April, 1824, and is in these words: "*Be it enacted, &c.*, That the President of the United States is hereby authorized to cause the necessary surveys, plans, and estimates to be made of the routes of such roads and canals as he may deem of national importance in a commercial or military point of view, or necessary for the transportation of the public mail; designating, in the case of each canal, what points may be made capable of sloop navigation," &c., in which the surveys to be made are to be for works of "*national importance*," and in its execution restricted to such works as are of *national importance in a commercial or military point of view, or necessary for the transportation of the public mail.* The first appropriation for this object during this Administration is in these words: "For defraying the expenses incidental to making examinations and surveys for *national works* under the act of thirtieth April, one thousand eight hundred and twenty-four, &c., $30,000." Act of May 31, 1830; in which the appropriation directly refers to the surveys, &c., contemplated by the act of 1824, and only incorporates the principles of that act. Every appropriation since is in the same language, and is made to procure the surveys, plans, &c., contemplated by the act of 1824; and are expressly restricted to the objects named in that act. Whatever, then, is wrong in the annual appropriation referred to by my friend from Virginia, is to be traced to the act of 1824, for which the Republican Administration of Mr. Monroe is responsible. In that act, the distinction is taken between *local* and *national works*, and is the distinction taken in the Maysville veto, and running throughout the messages of President Jackson.

I admit, sir, for I never will disguise truth for any consideration, that this annual appropriation of $30,000 contains within it *a principle* of internal improvement, not an unrestricted and unlimited principle, such as was claimed by the preceding administration, but a restricted principle restricted to *national works*, the very principle of the veto. Yet, sir, I am free to confess that this principle is broader than my own notion of constitutional power, and incompatible with the strict doctrine of the Virginia school upon this subject. I disagree with the President as to the power which he asserts over rivers within a State, or where the jurisdiction of two States extends over it. I am not attempting to prove that the doctrines of the President are entirely in accordance with the Virginia doctrines upon this subject; I know they are not, and he never pretended that they were. I am only contending that he is consistent with himself in principle and practice in relation to this subject, and in this practice he has done much, very much, to restore the practice of the Government to the true constitutional standard, for which he has my sincere thanks.

To prove that the practice of the Administration, in the expenditure of the annual appropriation for surveys, &c., before referred to, has been in accordance with the principles of the veto, I here read an extract from the report of the able and intelligent head of the Topographical Department, charged with the duty of making surveys, &c., upon the principle upon which this fund is expended, and proving that not one cent has been expended upon local works: "The rules (says 'the report) which have been prescribed for this 'office in these matters are as follows: That, 1st, 'surveys ordered by law, and for which there 'are generally specific appropriations, should be 'attended to.

"2. Surveys ordered by resolutions of Con-'gress. The expenses of these are paid out of 'the annual appropriation for surveys, including 'the pay of the civil engineers, which is taken 'out of the same appropriation.

"3. Surveys of a national, or highly interesting 'commercial character, applied for by States or 'incorporated companies. In these cases such 'officers as can be spared (with their instruments) 'are allowed to be assigned. *All other expenses, 'including those for additional engineers or additional instruments, are supplied by the parties interested in the survey, the United States being subjected 'to no charge on these accounts; or, in other words, 'confining the aid from the United States to the mere 'loan of such engineers, and of such instruments as 'can be conveniently spared.*"

Here, then, is proof that the manner in which this annual appropriation is disbursed, is compatible with the strictest letter of the Maysville veto. I ask, then, what survey has been made in conflict with it? Mr. MERCER said, "that as his colleague had called for a case, he would give the survey for a ship canal around the Niagara falls."

It is true the survey of the canal designated by my honorable colleague [Mr. MERCER] was made by the Topographical Department, but not one cent of the expense was paid out of the public money; it was paid for by private subscription. My colleague also designates the Marshill road, in the State of Maine, as a local work, at war with the principles of the Maysville veto. This, sir, is a military road, constructed from a military post on the Maine and Canada frontier, into the interior of Maine, by which supplies are transported to that post, and is the only road by which they can be transported. This being a military road, and necessary to military operation, connected with a military post, is certainly constitutional. I think the cases singled out are not at all at war with the professed principles of the President, and that I have succeeded in proving that his practices upon this subject are in strict conformity with his professed principles.

The charge of prodigal and excessive expenditure upon works of internal improvement, by this Administration, when impartially and thoroughly examined, will be found unsustainable. The whole amount expended is $4,930,176 92, including the expenditures of the year 1829; for the expenditures of 1829 were the result of appropriations made in the preceding Administration. There must also be deducted the whole expenditure upon the Cumberland road, amounting to $2,600,511. This road was authorized and commenced in Mr. Jefferson's Administration, has been the subject of appropriations by every succeeding Administration, and could not with propriety be vetoed by the President, as the whole work, so far as completed, would have been lost. The acts I regard as unconstitutional, although sanctioned by high authority of Mr. Jefferson, and shall vote against any further appropriation for it. The President, in his Maysville veto, expressly disapprobates the original law; yet he avowed his determination not to arrest works commenced by his predecessors. From this amount is also to be deducted $388,200 93 for expenditures upon works authorized and commenced by preceding Administrations, leaving the net sum of $1,941,434 56, expended by authority of the present Administration, and for which it is alone responsible. This expenditure, moderate when compared with the amount charged upon the Administration by its opponents, has been expended principally in the improvement of bays, harbors, and navigable rivers, for the accommodation of foreign and domestic commerce, and for the improvement of the Territories which are entirely dependent upon the Government. View this subject, then, in its true light, and all will admit that, in relation to it, gross injustice has been done to this Administration. In its course there is much to approve, but little to disapprove.

But if the amount of expenditure upon objects of internal improvement has elicited so much alarm, I ask how much is the country indebted to the firmness of the President in arresting the many local and extravagant schemes which were proposed, and about to be proposed, when the Maysville veto was presented? It is said there were in bills and reports, in both Houses, in the session preceding the Maysville veto, schemes of a general and local character, which would have cost the Government upwards of $100,000,000.

Mr. MERCER interposed and said, that the statement was not true; that he had before pronounced it false; that all the bills and schemes reported by the committees would not have cost one-fifth of that sum.

Mr. GARLAND. I make the statement, Mr. Chairman, upon the authority of the President's message of December, 1834, which I now have before me. Whether the President or my colleague is mistaken, I shall not here stop to determine; it is a matter of calculation. The reports and bills are here, and will speak for themselves, and correct any error of calculation in relation to them. Whether the error be with my colleague or the President, it is immaterial now for me to determine, for, in either case, a very prodigal and excessive expenditure has been prevented. This is not all upon the same authority; it is stated that there were petitions and memorials for works of internal improvement, which were estimated at about $100,000,000 more. If this be so, and I do not doubt it, I ask if the country does not owe a heavy debt of gratitude to the present Administration for the achievement of so much of principle and of economy? I leave the impartial to decide upon this subject. Whatever blame there is must rest upon Congress, as the annexed table shows what has been estimated by the Administration, for purposes of internal improvement, and what has been appropriated by Congress:

	Estimate.	*Appropriation.*
1831.....	$639,216 59	$1,035,494 44
1832.....	1,018,811 23	1,280,006 75
1833.....	1,011,983 30	1,090,953 30
1834.....	1,523,871 00	1,777,757 36
	$4,193,882 12	$5,194,111 85
		4,193,882 12
Excess over Executive estimates..		$1,000,229 73

The increase of works necessarily increased estimates for their continuance.

The next subject of complaint in support of the charge that this Administration has not practiced upon its professed principles is, the extravagance and prodigality of its expenditures. In determining the truth of this charge it is necessary to determine the true signification and meaning of the word economy; whether the principle of economy is to be determined by the necessity,

propriety, and value of the subject upon which an expenditure is made, or whether it is to be determined by the mere amount of dollars and cents expended. I contend, and I think no gentleman will contradict it, that the true principle of economy must be determined by the necessity, propriety, and value of the subject of expenditure; for one thousand dollars may be lavishly and prodigally thrown away, while millions may be usefully and economically expended upon subjects of great importance and value to the nation. If this be the true standard to test the economy of the Administration, it will, all circumstances considered, bear a safe comparison with any preceding Administration. It is true it exhibits more in amount, except during the late war; yet, when the subjects upon which the excess of expenditure has been made, are taken into the account, its reasonableness and propriety are made manifest, and every suspicion of prodigality dissipated.

The following table presents a comparative view of the expenditures of this Administration with the two preceding. It exhibits the aggregate of the ordinary and usual expenditures, as also of the extraordinary, and such as will not be permanently incorporated into the annual expenditures of the Government:

Expenditures of the United States, from 1821 to 1828, inclusive		$180,404,885 42
Whereof there was paid on account of the public debt	$83,617,986 34	
For lands relinquished under Indian treaties	1,363,723 26	
For pensions—revolutionary and other	10,062,702 76	
For internal improvements, including surveys of ports and harbors, roads, breakwaters, and canals	1,401,645 79	
For the Cumberland road and continuation	643,171 72	
For claims and awards under treaties with foreign Powers	6,186,827 94	
For balances due to States	762,963 93	
For building custom-houses and light-houses	630,645 70	
For relief of individuals—revolutionary and other private claims	1,267,460 99	
		105,936,128 43
Payments on account of the ordinary expenses of Government		$74,468,756 99
Expenditures of the United States from 1829 to 1835, inclusive, and including the estimated expenditure of 1836		$203,871,956 96
Whereof there was paid on account of the debt	$65,532,594 36	
For lands relinquished under Indian treaties	4,881,272 23	
For pensions, revolutionary and other	16,370,687 59	
For internal improvements, including surveys, ports and harbors, breakwaters and canals	6,543,196 35	
For Cumberland road and continuation	3,546,137 32	
For awards, &c., under treaties with foreign Powers	1,207,446 75	
Balances due to States	2,700,311 35	
For building custom-houses and light-houses	1,167,147 45	
For relief of individuals, revolutionary, and other private claims	1,493,513 59	
For duties on wines and merchandise refunded	813,596 02	
For the discharge of sundry judgments against the United States	301,113 53	
For extraordinary expenditures per estimate for 1836:		
Debt	$50,000 00	
Pensions	1,915,455 00	
Indian treaties	366,810 00	
Internal improvements	977,721 87	
Cumberland road	500,000 00	
Amount of extra expenditures in the estimate of the War Department	1,518,063 00	
Amount of extra expenditures for the Navy Department	5,308,761 75	
	10,626,811 62	
		115,193,828 16
Payments on account of the ordinary expenses of Government		$88,678,128 80

Amount of expenditures for ordinary purposes from 1829 to 1836, inclusive		$88,678,128 80
Ditto from 1821 to 1828, inclusive		74,468,756 81
Difference		$14,209,371 99
Which is accounted for as follows:		
By excess of expenditures from 1829 to 1836 (including the estimates of 1836) over those from 1821 to 1828:		
On account of the Legislature	$1,615,899 85	
judiciary	837,742 79	
Army proper and fortifications	6,000,648 36	
Navy*	4,757,993 31	
survey of public lands	95,905 50	
Mint and new buildings, &c.	548,415 02	
Territories	223,216 53	
All other expenses, including increase on account of the management of the public lands, the General Post Office, intercourse with foreign nations, &c.	130,250 63	
Difference, as above		$14,209,371 99
Balance of appropriations for internal improvements on the 31st December, 1828		$1,368,007 64
Balance on account of the Cumberland road		342,601 64
The expenditure in 1833 over that of 1832, exclusive of payment on account of the debt, was		$6,197,366 34
Arising from payments on account of—		
Revolutionary payments	$3,404,731 00	
Indian treaties	903,511 24	
Duties refunded	701,760 70	
Awards under the treaty with Denmark	663,161 04	
Purchasing the right to the Washington Canal Company, and other expenses in the District	303,202 00	
		5,976,365 98

The aggregate expenditure of Mr. Adams's administration was $50,501,913 21. The first four years of this Administration is $57,270,480 62; excess, $5,768,567 41. This excess of expenditure by this Administration for the first four years over the preceding four years, is to be principally found under two heads, miscellaneous and military. In the miscellaneous, embracing a large number of private claims to an amount never before allowed, the excess of expenditure in this over Mr. Adams's administration is $2,798,081 98; and in the appropriations for the military department, embracing pensions, Indian annuities, purchase of Indian lands, and various Indian appropriations, the excess is $4,316,190 92, making in both of those branches an excess of $7,114,271 83; from which take the balance before stated, of $5,768,567 41, leaves a balance of ordinary expenditures of $1,344,704 42 in favor of this Administration; but from this must be deducted $1,000,000 paid by Mr. Adams's administration towards the treaty of Ghent, leaving the net balance of $344,704 42; and this, too, under the circumstances of increased population, largely increased commerce, and increased foreign relations. I challenge, under these two heads of appropriation, to be shown a single improper, injudicious, or prodigal item of appropriation. These calculations are made exclusive of the public debt. The annexed table presents a comparative view of the expenditures of this Administration, embracing the estimates for the current year, in comparison with the eight preceding years, inclusive and exclusive of the public debt, showing in what way the expenditures of this Administration have been increased, either in its ordinary expenditures or on extraordinary objects. I invite particular scrutiny, and feel no doubt that it will remove from the Administration the slightest imputation of prodigality. The items of increase are such as have been sanctioned by Congress, and such as the country, with some few exceptions, will generally approve.

Mr. BELL rose and said, he did not charge that the general expenditures of this Administration exceeded those of the late Administration. His charge was, that those branches of the public expenditures which were most liable to suspicion and abuse, and which depended upon the discretion of the officers, had increased under this Administration.

Mr. GARLAND. I am gratified that the honorable gentleman so explains, and it relieves me from the necessity of saying much more upon this subject.

But if, upon the most fastidious principles of economy, the charge of extravagance can be sustained, it is not chargeable upon the executive administration, but upon Congress. As a proof, I here exhibit a table showing the estimate made and recommended by the Executive, and the appropriations made by Congress, embracing the years 1831, 1832, 1833, 1834, and 1835, in which it will be seen that the appropriations made by Congress exceed the estimates of the Executive by $15,418,495 03:

Executive Estimates and Appropriations by Congress.

	Estimates.	Appropriations—Excess.
1831	$11,852,911 09	$13,588,681 39
1832	12,864,099 38	18,397,751 82
1833	17,995,581 17	22,695,782 65
1834	18,057,488 73	20,968,992 49
1835	17,183,541 52	17,720,908 57
	$77,953,621 89	$93,372,116 92
		77,953,621 89
		$15,418,495 03

Upon what principle, I would ask, can the Administration be held responsible for the prodigal appropriation by Congress? Upon none that I can perceive. Congress is particularly charged by the Constitution with appropriations of the public money. The Administration does not elect the Representatives, but the people do it; and it is for the people sustaining the principles of the Administration to elect such Representatives as will sustain and carry out those principles which they demand at the hands of the Administration, or it is impossible the Administration can effect its wishes. Some how or other, upon some subjects, the friends of the Administration have never been united, and have thus thwarted the efforts of the Executive to carry out some of its valuable and important principles. The President cannot, with reasonable propriety, veto money bills within the constitutional power of the Government; hence the responsibility for the failure of the Administration to reduce the expenditures of the Government to a great extent rests with the people themselves. The cure of the evil is alone in their hands. In 1833, from the increase of the pension list, the Indian war, purchases of Indian lands, and various other causes, the expenditure of the Government greatly increased; but in 1834 diminished about $4,000,000, also in 1835 about $1,000,000, as will be seen from the following table:

Comparative Expenditure of 1833 *and* 1834.

1. CIVIL LIST.

The expenditures under this head were about $500,000 greater in 1834 than in 1833. The following items will show the sources of most of their increase:

During the long session of Congress of 1834, the pay of the members more than the short session of 1833, amounted to	$300,000
Increased expenses of printing and contingencies from length of session	60,000
Increased expenditures in Judiciary Department	40,000
Expenditures occasioned by burning Treasury, building, rent, &c., and some other small items	13,000
	$413,000

2. MISCELLANEOUS EXPENDITURES.

Under this head the expenses were about $1,000,000 lower in 1834 than in 1833. The following items show the principal differences. The balance between the two columns indicates its amount.

	Amt. of decrease.	*Amt. of excess.*
Roads in 1834 less than in 1833	$150,000	
Various objects connected with District Columbia, such as the Potomac bridge,	50,000	
Aqueduct, canal, &c	200,000	
Pennsylvania avenue	50,000	
Duties refunded	600,000	
Building custom-houses	150,000	
Building light-houses	35,000	

* Exclusive of extraordinary expenditures estimated for 1836.

	Amt. of decrease.	*Amt. of excess.*
Virginia claims	130,000	
Cumberland road		$100,000
Custom-house offices		60,000
Payment for property lost in war with Black Hawk		400,000
Surveys of public lands		23,000
Individual claims allowed by special acts of Congress		120,000
Expenses of mint		50,000
	$1,365,000	$753,000
	753,000	
	$612,000	

To which sum should be added about $400,000, being the amount of a great variety of small items either reduced or discontinued.

3. MILITARY ESTABLISHMENT.

Under this head the expenses were about $3,000,000 less in 1834 than in 1833. The following items show the composition of this sum:

Less amount paid to individual States on account of their expenditure during the late war		$400,000
Less for roads in Territories, &c.		100,000
Less expended on fortifications from suspension of Rip Raps, &c.		500,000
Less paid militia and volunteers, there being no Indian war		400,000
Less paid in effecting Indian treaties		1,126,000
Less paid in pensions		1,200,000
More paid in annuities to Indians	$300,000	
More paid for barrack and store-houses	100,000	
New mounted regiment of dragoons	84,000	
	$484,000	3,720,000
		484,000
		$3,236,000

4. NAVY.

In 1834 the expenditures in this branch of the public service were about $200,000 greater than in 1833. This increase was principally occasioned by the rebuilding and repairs of vessels, and the addition made by law to the pay of officers during a part of the year.

5. PAYMENTS ON ACCOUNT OF FOREIGN INTERCOURSE,

Were about $600,000 less in 1834 than in the preceding year, that sum having been paid in 1833, under awards in the treaty with Denmark. Besides this item, the expenditure was about $50,000 less.

RECAPITULATION.

Amount of excess in civil list	$500,000	
Diminution of miscellaneous		$1,000,000
Diminution of military establishment		3,236,000
Increase of navy	200,000	
Diminution of foreign intercourse, about		700,000
	$700,000	4,936,000
		700,000
Beside debt. Diminution in 1834 below 1833		$4,236,000

EXPENSES OF 1835.

The general expenditures of 1835 are very similar to those of 1834. But, from the session of Congress being a short one, and there being no appropriations for the fortifications, the payments under these heads were of course much less, and the aggregate expenditures of the year lower by over half a million.

EXPENSES HEREAFTER.

The annual expenditure for ordinary purposes might be brought down to $14,000,000, were the expenses of all connected with the military establishment placed on the footing of ten or twelve years ago; the miscellaneous expenditures restricted as at that period, and the naval, civil, and miscellaneous appropriations not greatly enlarged.

The increased expense from miscellaneous appropriations since that period averages per annum about	$1,000,000
Increased expense from pension arrearages, about	3,500,000
Increased expenses from Indian treaties and annuities	1,000,000
	$5,500,000

Which is about $1,000,000 over the average excess beyond previous years.

The annual expenditures from 1817 to 1821, without including expense of public debt, averaged per annum about	$15,000,000
Similar average from 1821 to 1825, about	12,000,000
" " " 1825 to 1829, "	12,000,000
" " " 1819 to 1833, "	14,000,000
1833, "	22,700,000
1834, "	18,500,000
1835, less than 1834, and under	18,000,000

The details in the foregoing statement may, from the number of selections forming them, not be altogether correct; the general results are deemed correct.

The next fact upon which the honorable gentleman from Tennessee bases his charge of the corrupt tendency of the practices of the Government, is the connection of the Government with the public press. The gentleman says that the Government has an annual fund of $30,000 at its disposal, for the purpose of being employed in the publication of the laws, Government proposals, &c., and that with this fund, the Government subsidizes the press, makes it subservient to its views, and thus controls public opinion. It is true, Mr. Chairman, that the Government has this fund *appropriated to it annually by Congress*, at its command, which is employed in paying for the publication of the laws, proposals for carrying the mails, supplies for the Army and Navy, &c.; but this, sir, is a work of necessity, and cannot be dispensed with. The Government must either use the columns of existing newspapers, or employ a press of its own; the laws must be disseminated, as well as proposals for contracts; and there is no means by which it can be so extensively and successfully done, and, indeed, there is no other practicable mode in which it can be done, except through the medium of the press. The Government, then, must of necessity employ the public press. If the sum appropriated be too large, Congress has the power and should reduce it; if not, then there is no cause of complaint. In making the selection it is but natural to expect, if there be rival presses at the point selected, that the Executive would select the press, all other circumstances being equal, which is friendly to it; this is a feeling attached to human nature which does not die with incumbents in office; it is a feeling which should be approved rather than reprobated, for all of every party act upon the principle of preferring *a friend* to *an enemy*. I do not approve of a change for mere opinion's sake, without any other cause; but it is making a very small allowance, indeed, for the infirmities of human nature, to suppose that the Government would or ought to continue its patronage of a press, in the constant habit of traducing and vilifying its administration. This is requiring the Government to do what no man here would do. I deny, however, *toto cælo*, that the Administration has employed any press, in which the laws and proposals are published, to vilify and abuse any man. I deny that it is in any wise responsible for the editorial or other articles in such papers. The editors are free—they conduct their papers in their own way, and are individually responsible.

The honorable gentleman charges that a copy of what he calls the semi-official paper in this city was sent to each of the members of the Legislatures of Tennessee and Alabama, during the last fall, franked by the President, in which was contained an article copied from another journal, of a very offensive character, to Judge White; and this he charges as an abuse of the patronage of the press. I do not believe that the President saw or knew of that article when he franked the papers alluded to. He had a far different and more important object in view; one which was and ought to be very near his heart. The papers franked contained the speech of Mr. Benton in the Senate of the United States upon the resolution to expunge from the Journal of that body (whether properly or not, I shall not here undertake to discuss) its resolution charging the President with violating the laws and the Constitution in the removal of the public deposits from the Bank of the United States; a resolution as unauthorized by the Constitution as it was defamatory to the character of the President. The President was deeply solicitous that the imputation stamped upon his character for an act which had been decisively sustained by an overwhelming majority of the American people, contained in the Senate's resolution, should be obliterated or expunged from the Journal by a decisive mark of reprobation. For this purpose he appealed to the people of his own State—that people for whom he had done so much, for whom he had made so many sacrifices, and with whose character their own was so intimately identified. This, sir, induced the frank of the papers referred to; and I am sure none will blame the President for feeling some interest in the vindication of his character against the foul imputation stamped upon it for an act which will in future time be regarded as the most brilliant event of his eventful Administration. This, sir, was his object, and his only object; and he could not have appealed with as much propriety to any other people as to that people, the people of Tennessee, to whom he was so strongly attached, with whom he had lived, and among whom he expected to die. If the President has either openly or covertly used his influence with the press for the purpose of vilifying and abusing any man—if any member of his Administration has done it—I have yet to learn the fact; but it does not follow that, because presses are employed by the Government to do the public printing, the Government authorizes or is responsible for everything that is inserted in the columns of their papers. It is to be expected that the Administration would feel some interest in the vindication of its measures, and against the antagonistic principles of the one, and the misrepresentation of the other. But, sir, I deny that the press has been purchased, for it is a fact notorious that the majority of the American press is opposed to this Administration. It is reasonable and proper, then, that the President should prefer presses sustaining it. I would ask the honorable gentleman if he holds the candidate whom he supports in the coming election responsible for all that is said in the presses that are sustaining his election? If he does, will he hold him responsible for this article of the Richmond Whig?

"Judge White elected, (if elected at all,) by the votes of the Whigs, he will naturally and necessarily select his counselors from their ranks, and modify his measures according to their views."

As also this article from the Charleston Mercury:

"If Judge White should be elected, the Union party would be dead and buried. The nullifiers would not only have the ascendency at home, but in the Federal Government to boot."

Again it says:

"They (the Union party) would be dead politically both at home and at Washington; and not only this, but while their party and their principles would be whisked to the winds, the principles of the State-Rights party, under a man like White, would spread and prosper, and become substantially the principles of the Federal Administration."

Upon the principle that an Administration is held responsible for all that is said in the presses supporting it, Judge White would be held responsible for the articles cited, avowing that his administration would overthrow the Union party and its principles.

Again: is the Judge to be held responsible for all that has been said by the presses, sustaining his pretensions to the prejudice of his opponent, the Vice President? If so, I would invite a comparison between the presses sustaining each, and it will be found that the abuse and vilification of Judge White has been trifling, compared with the volumes of slander and abuse poured out upon the head of the Vice President. Sir, this state of things grows out of the freedom of the press. It cannot be controlled. I admit that the press has become greatly licentious—too little respect to individual feeling and private reputation. It is to be deplored, yet it cannot be avoided unless it be shackled. To this I never could consent, for I would much prefer enduring its licentiousness than shackle its freedom. The freedom of the press once shackled, and liberty is gone; then, sir, what cannot be avoided must be endured; it is the price we pay for liberty. There is but one mode of correcting the evil, and that is, by the patronage of the press, withholding their patronage from licentious presses. I do not intend to discriminate. The presses on both sides are in fault. I can only say, in relation to my humble self, that when the press condescends to notice me, I trust it will do it in tender mercy, for I shall never have the folly to undertake a war with it.

In relation to the present public printer, I can only say that he was elected by Congress, and, as has been truly said, by a party vote. Those

who oppose the present incumbents are proprietors of presses, and each had a distinct party vote; and the only reason why neither was elected is, the party to which they were attached was not strong enough. The party vote which elected the present incumbents is cited as proof of party organization; yet, sir, the direct party vote to the other candidates is proof that there *was no party organization;* a singular conclusion certainly. If the election proved party organization, it proved it in relation to all parties.

I think, by recurring to the elections of public printer, it will be found, from the foundation of the Government, that the conductor of a public journal has been selected; and since parties have assumed a distinct character, the editor elected has always been attached to the dominant party. It is generally one of the tests of the strength of party; it is one of the results of our system of Government, and cannot well be avoided; the public printing is done at fixed rates, and may from time to time be reduced. So much for what has been charged as the corrupt practices of the Government; for it is all based upon the fact, that papers sustaining the Administration have been employed to do the public printing. I would gladly aid in restricting any improper interference, by presses doing the public work, with elections, if it could be done consistent with the high principles of liberty involved in the freedom of the press. But, sir, I cannot consent to disfranchise the whole class of editors, because, in common with their fellow-citizens, they use the freedom of the press and of speech; it would not be just; it would be incompatible with every principle of liberty and our free institutions. I confess I do not see very clearly how it could be done; but if the public service could be disconnected with the public press, I would aid all in my power to accomplish it; but it seems very impracticable, however plausible in theory.

I will now consider the charge of neglect in the Executive Department, in providing for the defenses of the country. In making this charge, the honorable gentleman from Tennessee has called to the attention (of the committee) the deplorable state of the defenses of the country, and almost entire destitution of arms and munitions of war, and charges this state of things upon the War Department.

Mr. BELL said he made no attacks, nor intended to make none, upon the War Department in particular. My attack was upon the party—upon those who were responsible for the action of the Government in both the executive and legislative departments.

Mr. GARLAND. I was aware that the honorable gentleman did not exclusively implicate the War Department; yet, sir, he charged upon that Department great neglect. It is my purpose now to vindicate the Department itself. I will say something hereafter as to the majority. There presides over that Department, Mr. Chairman, a man whose genius, enterprise, energy, and activity, are not surpassed by any of his predecessors. Order, skill, energy, integrity, and activity prevail in the administration of that Department in all its ramifications, and I assert, without the fear of successful contradiction, that all the means which have been placed in its power have been promptly and judiciously employed in placing the defenses of the country in an imposing and safe condition. Beyond the means afforded by Congress, that Department could not go. It is known that nearly all the fortifications constructed during the late war, owing to the haste with which they were constructed, and the bad materials employed, are, and have been for years, in a state of rapid decay; yet, sir, what are the means which have been appropriated for their repair? The annexed table will show:

Statement of the estimates for repairs and contingencies of fortifications, and the amounts appropriated for the same object from the year 1821 *to* 1835 *inclusive.*

For the service of	Estimates.	Appropriations.
1821.....	$20,000 00	$20,000 00
1822.....	20,000 00	20,000 00
1823.....	23,000 00	26,000 00
1824.....	26,000 00	26,000 00
1825.....	8,320 50	8,320 50
1826.....	15,000 00	15,000 00
1827.....	15,000 00	15,000 00
1828.....	15,000 00	15,000 00
1829.....	15,000 00	15,000 00
1830.....	15,000 00	10,000 00
1831.....	15,000 00	10,000 00
1832.....	15,000 00	10,000 00
1833.....	15,000 00	10,000 00
1834.....	10,000 00	10,000 00
1835.....	10,000 00	
	$237,320 50	$210,320 50

These sums are totally inadequate; yet it will be perceived, that the last year, 1834, and several preceding, only $10,000 were appropriated to this object; that for four successive years, commencing with 1830, the Department asked $15,000, and Congress appropriated $10,000 only. In 1835, nothing was appropriated. This accounts for the state of dilapidation in which many of our fortifications are found.

In the annual report from the Secretary of War, of November 30, 1829, the necessity of hastening the preparations for the armament of the fortifications was stated, and additional appropriations were asked therefor.

Extract from the Annual Report of the Secretary of War, dated 30th November, 1829.

"A reference to the report of the chief of the ordnance will show the particular details of the operation in that branch of the service; it merits attention. It has been frequently observed that the best way to avoid war is to be in preparation. In this point of view it is desirable that the appropriations to be made for clothing our fortifications should correspond with the probable periods of their completion. It would, indeed, be a mortifying result, if, after the labor and cost which have been encountered for their completion, it should rest in the power of an enemy, at the onset of war, to seize and destroy them, because the means had not been placed in readiness for their defense.

"From the report it will be perceived that, at the present annual rate of appropriation, to wit, $100,000, sixteen or twenty years will have passed before a proper supply of arms for those fortifications now in progress can be obtained for their defense. As regards this subject, the course most advisable to be pursued would be, that the armament preparation should progress correspondently with the works themselves; not that they should be mounted, and, by exposure to the weather, become decayed and useless, but that the guns being at their positions, and the carriages in readiness, on the apprehension of war, suitable preparations for resistance might at all defensible points appear, meeting the objects for which those fortifications were designed, and yielding protection to the assailable parts of the Union. If, in the slow and gradual preparation for a necessary and adequate armament at present pursued, sixteen years shall be found requisite, and war within that period take place, a consequence would be that some of our forts, built up at great expense, would be destroyed, because incapable of self-defense; or else, by being retained and armed, be used by the enemy as annoyance and injury to ourselves. A measure involving such important considerations should not be protracted in its execution; it carries with it, in foreboding anticipation, too much of probable evil consequence. This subject derives additional interest from the consideration that guns and carriages require time in preparation; they are things that cannot be hastily arranged, and which, to defer, might prove prejudicial.

"At the different arsenals and magazines an abundant supply of powder is in store. Considering its liability to injury, rather than keep up the supply, it would be preferable to procure the materials of which it is composed, ready to be manufactured, when circumstances shall make it necessary. These articles are now remarkably cheap, and are easily preserved from deterioration. Recollection retains the fact, that during the last war, the average price of saltpeter was about forty cents, and brimstone eight. Involved in another contest, the same state of things might be presented, while at present those articles can be procured at one eighth the price which, of necessity, had then to be given.

"Being susceptible of ready preservation, it would prove a matter of economy to forbear any future purchase of powder, contenting ourselves merely with obtaining an adequate supply of ingredients, whenever it could be procured at fair prices. The materials thus preserved and in readiness, could, at short notice, be manufactured, whenever occasion should make it necessary."

In the annual report from the Secretary of War, of December 1, 1830, the subject was again renewed, and the propriety of an additional appropriation again pressed.

Extract from the Annual Report of the Secretary of War, of the 1st December, 1830.

"The Ordnance Department is progressing as rapidly as the means afforded will permit, in arming the militia of the States, and in preparing the necessary guns and carriages for garnishing the different fortresses of the country. It is worthy of consideration whether the appropriation applicable to this service should not be increased, so as to provide a suitable armament by the time the different fortifications along the coast shall be completed. For the forts which are finished, $1,000,000 will be necessary; but, besides these, others are in progress, and will shortly be completed. With the annual appropriation of $100,000 towards this purpose, it will require ten years to accomplish the object for those which are in readiness. Should we be blessed with peace, no injury will arise; but should war take place, the effects upon our country would be of a serious and prejudicial character."

In the annual report from the Secretary of War, of November 21, 1831, this subject was again brought before Congress, and all the necessary details connected with the supply of cannon on hand, and of the number wanted, were given, and the propriety of establishing a national foundery, with a view of providing the necessary armament, was suggested and recommended.

Extract from the Annual Report of the Secretary of War, dated November 21, 1831.

"There are now 623 cannon of various calibers for field service. And there are at the arsenals and in the old fortifications, 1,165. But these cannon are all of antiquated patterns, and, with the exception of the six pounders, amounting to 344, and a few of the heavier pieces, are considered unserviceable. There have been procured for the armament of the new fortifications, 1,214 cannon of the improved pattern.

The old fortifications will require (probably)..... 646
The new, already completed..... 2,587
Those contemplated by the board of engineers, a part of which are now constructing..... 4,045
Besides these, proper field trains, deposited in different sections of the Union, and sufficiently large to meet probable contingencies, may be estimated at..... 850

The average cost of our cannon is $5 94 per hundred pounds, which gives the following prices for those of different calibers:

For 42-pounders.....	$520
32 do.	450
24 do.	330
18 do.	245
12 do.	150
6 do.	70

"It is estimated that an iron cannon will not safely bear more than 1,200 discharges with the service charge, after which it should be broken up.

"The United States have no armories for the fabrication of cannon. The practice for some years has been to make contracts with the owners of the four founderies at Richmond, Georgetown, Pittsburg, and West Point, to the amount of the annual appropriation, allowing about an equal proportion to each, and paying such price as the Ordnance Department, on the best information, judge reasonable.

"This procedure has been repeatedly stated in the annual reports to Congress, together with the reasons which led to it. These are founded in the capital and experience required to conduct this business; in the necessity of depending, in some degree, upon the integrity and character of the manufacturers, as there may be defects in the piece not easily discoverable, owing to the necessity of mixing together iron of different qualities; and, in the belief, that if a general competition for these supplies were excited, the existing establishments would be broken down, and others endeavor to take their places, which would either fail from similar causes, or furnish cannon unfit for service, and thus leave the Government, at some critical period, without the means of procuring this indispensable arm of defense. The provisions of the act of Congress of March 3, 1809, seem, however, to present serious objections to this course; and I bring the subject before you, at this time, that it may be fully considered.

"It appears to me that a public armory for the fabrication of cannon is required by obvious considerations. By forming such an establishment, the necessary experience and artisans would be provided, and such supplies of heavy ordnance manufactured as the Government might direct. The actual value of the article would be ascertained, and contracts with individuals could be formed, with a full knowledge of the circumstances. There would be no danger of combinations, nor would any injury result from fair competition. The supplies might be so controlled as to leave no fear of a deficiency in the quality or quantity of this essential arm of defense."

In each of these years the sum of $100,000, in addition to the usual appropriation of $100,000, was asked for the armament of fortifications, and not granted by Congress.

The sum actually appropriated for the armament of fortifications, which object includes cannon, carriages, &c., for each year since 1829, inclusive, is $100,000, making for the years 1829 to 1835, the sum of $700,000.

There have been procured with this sum—

2 42-pounder cannon.
1,052 32-pounder do.
26 24-pounder do.
47 42-pound balls.
19,482 32-pound do.
1,264 24-pound do.
355 casemate carriages.
342 barbette do.

There was on hand, on the 4th of March, 1829, 2,241 guns of every description, new and old, which were serviceable.

There have been since added, as is shown above, 1,153 cannon of various descriptions. The number of carriages on hand at the same time

was 378. The number of carriages since made is 697.

As a general rule, the practice has been to expend between seventy and eighty thousand dollars per annum for cannon, and the balance of the $100,000 for shot, and timber to be seasoned for the carriages, and other materials for the same.

Statement showing the amount of money expended for the last seven years, under the appropriations for arming the fortifications, for the following objects, viz:

For 42-pounder guns	$1,000
For 32-pounder guns	520,000
For 24-pounder guns	320
For 32-pound cannon balls	25,448
For gun carriages	150,900
	$697,868

Amount appropriated $700,000. Balance applied to miscellaneous purchases of articles.

ORDNANCE OFFICE, *Washington, March* 29, 1836.

The reasons why guns have been procured in greater numbers than carriages, are:

1st. Because only a limited supply of guns could be procured, the manufacture requiring peculiar and extensive preparations, and artisans well acquainted with the business. Previous arrangements, therefore, were required for their manufacture, and it was essential that the founderies employed in this manufacture should be kept in operation, for, if once broken up, it would be difficult to replace them, and on a sudden exigency, we might not have been able to procure an adequate supply of cannon.

2d. Carriages could be made at every place where mechanical labor could be procured, and to almost any extent; and it was not therefore so necessary to hasten this supply as that of cannon. The truth of this remark is shown by the fact, that under the exigency of the last season upwards of 800 carriages were made; and this number might have been increased to an almost indefinite extent, had circumstances demanded, and the means been provided.

3d. Wooden carriages are liable to decay, and it was therefore expedient to postpone the procuring of these rather than the cannon, which are almost indestructible, when the appropriation was not sufficient for a supply of both. Iron carriages have been lately introduced into service, and were made for the first time last season. Wooden carriages are yet necessary in certain situations. Had the appropriations been sufficient for an adequate supply of both guns and carriages, both would have been procured; but as they were not, the funds were first expended upon the most indispensable articles.

These statements prove, beyond possible doubt, that all the means appropriated by Congress have been promptly and judiciously employed, and that no part of the public service committed to the care of that Department has been in the slightest degree neglected.

In addition to the strong recommendation of the War Department, the President, as early as the year 1830, called the attention of Congress to this important subject, in the following terms: "It is worthy of your consideration, whether the 'armaments necessary for the fortifications on 'our maritime frontier, which are now, or shortly 'will be completed, should not be in readiness 'sooner than customary appropriations will enable 'the Department to provide for them. This pre-'caution seems to be due to the general system 'of fortifications which has been sanctioned, and 'is recommended by that maxim of wisdom 'which tells us, '*in peace prepare for war.*'" What more, I would ask, could the Executive do; and where rests the responsibility? I answer upon Congress.

If the majority, then, have neglected to provide the means for the defense of the country, is the Administration responsible for the consequences? I answer no; the Administration has done its duty; its skirts are clear; but, sir, how will this argument avail the honorable gentleman from Tennessee? Was he not one of that majority, and involved with them in the consequences of his own charge? I leave him to answer the question to himself and to his country. Why do the minority complain if they had done their duty to the country? There would have been ample defenses—all these complaints silenced. Yet they complain of the Executive for not doing what they themselves prevented being done, by not appropriating the means.

The Navy Department is also involved in this general charge of neglect, for the almost entire want of preparation and sad condition of our Navy. To vindicate this Department against this charge, I need only refer to every annual message of the President, and accompanying report from the Navy Department, to prove that the attention of Congress has been unremittedly called to this important arm of our national defense, and its increase, improvement, and equipment urged in the strongest terms. The appropriations have been faithfully and judiciously disbursed. The true strength of the Navy may be seen from the annexed table:

The President, in his message, strongly urged upon the consideration of Congress this subject.

NAVY.

	In commission.	*In ordinary.*	*On stocks.*	*Total.*
74	1	6	5	12
44	3	4	7	14
36	1	2	1	3
24	1	1	0	2
18	11	6	0	17
12	6	0	0	6
				54

This shows that although the vessels in commission are few in number and inadequate to our defense, yet that such is the state of material and preparation, that a large force could very promptly be put afloat in case of necessity. The whole navy is inadequate to the defense of our coast, but it is as large as the acts of Congress have authorized, and no blame can attach to the Department. It is true that some of the materials are in a state of decay at our navy-yards. Why is it so? Because Congress had not provided sufficiently for their protection. As to the unexpended balances so much spoken of, I have but a single word to say. There are existing contracts which will require every dollar. And now, Mr. Chairman, while the honorable gentleman from Tennesse has complained of our almost utter destitution of preparation for defense, and congratulates the country on its *escape* from *damage* and *dishonor* by the settlement of our controversy with France, he opposes entering *at this time* upon the adoption of that system of preparation proposed, the want of which he so strongly complained of. Sir, has not the gentleman, by asserting the want of preparation, and the dangers which we have escaped, growing out of it, conclusively proved that we ought speedily to remedy the evil by adopting a judicious system of defense! I humbly think he has.

I will now, Mr. Chairman, proceed, as well as I can, to answer the charges of the gentleman from Tennessee affecting those promises and practices of the Government which were designed to delude and excite the people for political effects; and first, what the gentleman opprobiously calls the "gold humbug." The honorable gentleman says this Administration pledged itself to restore a metallic circulation to the country—a pledge which it has totally failed to redeem. It is true, sir, that this Administration maintains the principle that this was intended to be, and ought to be, a *hard-money* Government, and that it would use its utmost exertions to restore a *hard-money* circulation. To effect this, it recommended, and Congress has placed the value of gold here upon an equality with gold in Europe, and thus destroyed one motive to exportation. Since the formation of this Government, there has been coined, in value, $61,816,650 48, of which there has been coined, in value, during this Administration, $30,609,824 10, near one half. The Mint establishment has also been extended; all of which proves, that if the effort fails, the Administration has done everything which it could constitutionally do to redeem this pledge. Why, then, has it not been redeemed? The answer is obvious: the State governments have the constitutional power to charter banks; this power has been freely exercised; most of the State banks issue immense masses of small notes, which throw specie out of circulation. This was the very scheme which Alexander Hamilton, the father of the American banking system, resorted to, to throw out of circulation specie, so as to give full scope to the circulation of bank notes, and thereby secure their permanent and extensive circulation. The Administration has done its duty; it cannot do everything; and if the effort fails, the fault will be with the States and the people themselves; yet it must be admitted that the metallic circulation has much increased, and is gradually increasing, and I yet have strong hopes for the final accomplishment of so desirable an object.

The next subject of charge of this character, made by the gentleman from Tennessee, is, that the Administration professes to be greatly alarmed at the idea of the presidential election coming to this House, and are solicitous so to amend the Constitution as to prevent it, while in truth and in fact they have no such fear, but hold it out to the people with a view of exciting their apprehensions to favor the election of a particular candidate for the Presidency. This charge the honorable gentleman applies to the friends of the Administration, but expressly excepts the President. To sustain this charge, the gentleman refers to the action of the last session of Congress, as exhibited upon the face of the Journal, and contrasts the course pursued upon that subject by the friends of one candidate with that pursued by the friends of another, and thence deduces the opinion that the friends of the Vice President are mostly opposed to the measure, while the party with which the gentleman from Tennessee acts favors it.

Such an amendment of the Constitution as would prevent, under any contingency, the election of President and Vice President devolving upon the House of Representatives, has always been, and still is, a favorite measure with the present President; and he has never failed in every annual message to Congress, from the commencement of his term to the present session, to urge it strongly upon Congress. He urged it when coming into power, and he urges it when going out. I have examined with much care the Journals of the last session, and find the following to be the true state of the proceedings on that subject. On the 9th of December, the President's message, recommending an amendment of the Constitution in relation to this subject, was referred to a select committee. (See Journal, page 9.)

On the 19th of December, before any report was made, Mr. HAMER, of Ohio, (the present chairman,) offered the following resolution:

"*Resolved*, That the select committees to which was referred so much of the President's message as relates to the election of President and Vice President of the United States, be instructed to inquire into the expediency of so amending the Constitution, as to provide for the election of President and Vice President by a direct vote of the people in districts; the number of districts in each State to be equal to the number of Senators and Representatives to which such State may be entitled in Congress, and each district having one vote; the election of such officers in no event to devolve upon Congress. No person who has been elected President to be again eligible to that office; and that no Senator or Representative shall be nominated or appointed to any office of honor, trust, or profit, under the authority of the United States, whilst holding a seat in Congress." (See Journal, p. 111.)

Mr. HAMER was then, as now, a friend of the Administration, as was also a majority of the committee.

On the 31st of January, Mr. GILMER, an opponent of the Administration, who was chairman of the select committee, reported that the committee could not agree. (Page 294.)

On the same day, Mr. GILMER, by leave, offered joint resolutions on the subject, embracing a variety of propositions, and details of an important character.

Read and laid on the table.

On the 13th of February, Mr. GILMER made a motion to suspend the rules, to take up and consider these resolutions—yeas 151, nays 56; the great body of the friends of the Administration voting for it; resolution read, and postponed to Thursday, the 19th. (Journal, 378.)

Same day, Mr. HANNEGAN moved to amend,

so as to refer the election of Senators directly to the people. (Page 378.)

February 19: no effort made by Mr. GILMER to take up his resolutions.

February 25: Mr. WILDE moved to suspend the rules, so as to take up and consider the resolutions of Mr. GILMER—yeas 112, nays 92.

By *unanimous consent*, the consideration of the resolutions were suspended for the present, and the House proceeded to dispatch business on the Speaker's table.

Same day, resolutions taken up, and, on motion of Mr. GILMER, amended. The amendment does not materially vary the original resolutions, and need not be repeated. (See Journal, 483.)

Same day, Mr. SPEIGHT moved an amendment, that the presidential term should be six, instead of four years; and the President to be ineligible to a second term. (Journal, page 454.) Rejected—yeas 41, nays 162.

Same day, Mr. GHOLSON offered an amendment by striking out some passages. (Journal, 455.)

February 27th: Mr. GILMER moved to suspend the several orders of the day, to take up and consider the resolutions; many of the friends of the Administration voting in favor of taking up—among them Mr. POLK—and many against it, and many of the Opposition voting both for and against.

Same day, the consideration of the resolutions was resumed, and Mr. GHOLSON withdrew his amendment.

Mr. GORHAM (an opposition member) moved to lay the resolutions on the table.

Mr. BRIGGS (an opposition member) moved to adjourn: rejected—yeas 38, nays 126. (Page 477.)

Motion to lay on the table, rejected—yeas 39, nays 129. (Page 488.)

After further debate, Mr. VANDERPOEL moved to adjourn: rejected—yeas 59, nays 112. (Page 480.)

Debate resumed. Mr. PLUMMER, a friend of Judge WHITE, was addressing the House, when he was called to order by Mr. WISE, on the ground that his remarks were irrelevant, impertinent, and profane: decided to be out of order, but had leave to proceed—yeas 136, nays 38. (Page 480.)

After further debate, the House adjourned. (Page 481.) This was on the 28th of February, but six days before the expiration, and is the last proceeding on this resolution.

The honorable gentleman from Tennessee states that the majority of the select committee, to which the President's message, and the resolutions referred to, was committed, was composed of a majority of the friends of the Vice President, the purity and fidelity of some of whom cannot be doubted; and from thence strongly insinuates that the difficulty with the committee in coming to an agreement is chargeable to their opposition to the proposed amendment. I think that the history of the progress of this proposition proves, most clearly, that the honorable gentleman has ascribed the failure to the wrong cause. There is little doubt that Mr. Gilmer sought to ingraft upon the report of the committee all the propositions and details contained in the resolution which he submitted to the House on the 31st of January, involving a variety of propositions of very serious and important concern, and deserving grave and deliberate consideration; for it was said in the House, by Mr. Speight of North Carolina, "that 'although the committee *could come to no agree-*'*ment, generally, they did agree, with one exception,* 'to that part relative to the election of President and 'Vice President of the United States.'" This is proof conclusive that, upon the simple proposition of taking from the House of Representatives any participation in the election of President and Vice President, the committee found no difficulty in coming to an agreement; but that the conflict of opinion arose upon the proposition afterwards submitted to the House by Mr. Gilmer; and that this was the real cause why there was no action by the committee; for, let it be remarked that, on the very day Mr. Gilmer reported that the committee could come to no agreement, he submitted his resolutions.

The views of the present incumbent of the chair, [Mr. POLK,] to whom some reference has been made by the honorable gentleman from Tennessee, were favorable to this amendment of the Constitution. In the discussion upon Mr. Gilmer's resolutions, he pointed out what he regarded a defect in the resolutions, and made the remarks which I will now read: Mr. Polk said "he be-'lieved he had discovered a very important omis-'sion in the resolutions; they nowhere stated the 'number of votes to which each State was enti-'tled, although they laid down the mode and 'manner in which the elections should be held 'Mr. P. said, that his views in many points re-'sembled those of the gentleman from Georgia; 'but in making important fundamental changes 'in our Constitution it became the House to 'pause and deliberate. *Mr. P. was, for a single* '*term, against an election by that House, and would* '*in all cases confine the election to the people;* but 'he did not think that they should pass upon so 'weighty a subject in half an hour's deliberation. 'He again avowed himself in favor of the princi-'ples of the resolutions, and referred to his for-'mer course in support of them."

The approbation, then, of the present Speaker, of the proposed amendment, is not a matter of doubt. It is expressed in the remarks which I have quoted, in the most unequivocal terms; and the manifest inclination of a large majority of the friends of the Administration in favor of the amendment, is to be found in their votes upon every question taken by yeas and nays upon this subject. When, therefore, it is considered that the last session of Congress was what is familiarly called a short session; that the proposition involved alterations and amendments in the Constitution, of the most grave and important character; the late period when they were called up; and that Mr. Gilmer at no time seriously pressed the decisive action of the House upon the subject, the propriety of the course taken by the House is strikingly manifest, and will be approved by the country. These amendments and alterations were, no doubt, introduced merely for the consideration of the people, to be finally acted upon at the present session. A report upon this subject has been made by the Committee on the Judiciary, and will, no doubt, be acted upon by the House during the present session. But, sir, the honorable gentleman from Tennessee has himself been numbered among the friends of this amendment of the Constitution; it has been earnestly pressed by the President ever since his inauguration into office. I ask, then, why it is the gentleman himself has not been found pressing this amendment, it being, in his view, so very important? The gentleman stands involved in all the consequences of the failure of the majority, of which he was one, to act upon this subject, and must take his share of responsibility to the people.

The honorable gentleman, in alluding to some of the members of the select committee, to whose consideration the resolutions were referred, spoke of them as gentlemen whose *party fidelity* could not be doubted. This, sir, is a compliment of no ordinary character; and I appeal to the testimony of the honorable gentleman himself, afforded in a speech ascribed to him, (whether justly or not I do not know, for I find merely an extract in the newspapers,) delivered at Nashville since the last session of Congress. In speaking of the difficulties under which the Administration labored in relation to the public deposits, he said:

"*It was not speeches the friends of the Adminis-*'*tration stood in need of; it was votes, true and loyal* '*friends that would act in the hour of need.*"

From this expression, I am sure the gentleman from Tennessee will not regard honest party fidelity with any displeasure. Upon the whole, I think the gentleman from Tennessee has failed to fix upon the friends of the Administration, or what he calls "*the party*," the responsibility of the failure of the amendment, or any insincerity in their advocacy of it.

Much has been said, Mr. Chairman, by all the gentlemen who have preceded me in this debate, about the immense surplus in the Treasury, and its rapid increase. I here submit a statement showing the actual amount of the surplus at the close of the last year; and what will be its probable amount at the close of the current year, dependent upon the appropriations of the present session.

1. The actual surplus in the Treasury on the 1st of January, 1836, after deducting unavailable funds, and all outstanding appropriations, was about $18,000,000.

The balance on hand was about $25,731,152, and the outstanding appropriations near eight millions. This surplus was larger than had been previously estimated, on account of the great importations in the last quarter of the year, made before the apprehended difficulties with France should probably end in commercial restrictions and war; and on account of the unexpected continuance of extravagant speculations in public lands through the months of November and December.

2. The amount of the surplus at the close of 1836 will of course depend on the receipts during the year and the expenditures, which have not yet been ascertained for a single month with entire accuracy.

But if the estimates made in the last annual report of the receipts should be exceeded by three or four millions of dollars, as seems probable from the large imports to supply the destruction of goods by fire in New York, and from a continuance in January and February of large purchases of public lands, then the whole receipts in the year may be expected to equal about $25,000,000. The receipts from lands are so uncertain, they may exceed or fall short of the allowance included in the above computation.

I do not see any indications that the United States Bank intends to pay into the Treasury much, if any, of our capital stock during 1836, so as to swell the surplus from that source.

From this $25,000,000 is to be deducted the expenditure during 1836, of new appropriations, which have been estimated in the annual report at about $23,000,000.

If the expenditures in 1836 of new appropriations should equal that sum, the balance of receipts in the year would exceed the expenditure about $2,000,000.

But if to those expenditures, as estimated seven months ago, are added the new items for the Florida war, and other incidents, equaling $5,000,000 the balance of expenditures over receipts would be $3,000,000, and thus what might be deemed a surplus in the Treasury, January, 1837, would be only about $15,000,000, instead of what it was January 1, 1836, of about $18,000,000.

Should Congress, however, appropriate still more to fortifications and the Navy, to build custom-houses, &c., &c., than was contemplated in the estimates submitted last December, (and it is expected they may to the amount of at least six or seven millions,) all that excess will *pro tanto* reduce the surplus below fifteen millions, and make it not over seven or eight millions. So if the receipts from duties are actually postponed much to subsequent years by the New York fire bill, or are diminished by any large remission of duties, the surplus will be further reduced. On the contrary, the receipts from lands, &c., may be larger, and then it will be increased.

From this statement, there was actually in the Treasury, at the close of the year, about $10,000,000, after deducting actual expenditures, and unexpended appropriations which must be expended. And this, sir, is the immense surplus over which the Executive wields an uncontrolled authority, and with which the nation is to be corrupted! Sir, it is true, it is rapidly increasing, and will continue to do so, unless we pass the necessary appropriation bills. Sir, this surplus, with the decreasing duties under the act of 1832, will not remain long, although it amounts in calculation almost to $50,000,000; but will be only in calculation, not in *cash*. I am, Mr. Chairman, much amused at the change in the state of things. Two years ago we heard nothing but woful prophecies of a bankrupt Treasury and a ruined people. A resort to direct taxation, arising from the folly and usurpations of this Administration, was predicted with great confidence. This very year was the period of fulfillment—when, lo and behold! we are not alarmed on account of a bankrupt Treasury and a ruined country, but, sir,

because of an overflowing Treasury, and a prosperous people. We are actually alarmed because we have so much money we do not know what to do with it. What a singular fulfillment of prophecy this!! There is, Mr. Chairman, a ready way to relieve all our difficulties upon this subject—relieve the taxes of the people by reducing the tariff, and the surplus will soon be reduced. I hold myself under no obligation to abide any compromise of conflicting interests, which shall unnecessarily burden the great body of the people.

I come now, Mr. Chairman, to consider the subject of the deposit banks. It is said by the gentleman from Tennessee, [Mr. BELL,] that the deposit of the public money in the State banks, extending, as they do, over the whole nation, secures to the Executive an extensive and dangerous influence over the moneyed concerns of the country to an extent dangerous to public virtue and liberty; that the deposit banks will be entirely subservient to its views. Sir, the public money must either be concentrated at one point in the Treasury Department, which would be unsafe and dangerous, or in the hands of individuals, which would also be unsafe, or in banks; and the question is, which would be the most judicious deposit. Mr. Gallatin, for whose opinions I entertain very high respect, in a report to Congress in 1811, when the charter of the old United States Bank was under consideration, used this language: "The banking system is 'now firmly established, and in its ramifications 'extends to every part of the United States. Under that system, the assistance of banks appears 'to me necessary for the punctual collection of 'the revenue, and for the safe-keeping and transmission of public moneys. That the punctuality of payments is principally due to banks is a 'fact generally acknowledged," &c.

This argument is used merely to prove the necessity of using banks, because the system is firmly incorporated into our system. He then goes on to argue the advantages of a national over State banks, but says: "If, indeed, the Bank of 'the United States could be removed without affecting either its numerous debtors, the other 'moneyed institutions, or the circulation of the 'country, the ordinary fiscal operations of the 'Government would not be materially deranged, 'and might be carried on by means of another 'general bank, *or of State banks.*"

This concedes the whole ground I desire; and that State banks can be effectively and safely employed is already proved by actual experiment. The concession comes, too, from a man favoring a national bank.

The reasons, under existing circumstances, of selecting State banks, by the Executive, are manifest; it was an act of necessity. There is no law directing where the public money should be deposited in case of the expiration of the United States Bank charter, or in case the Secretary, under the discretion with which he was vested, should deem it expedient to remove them; the State banks were the only safe places which could be selected. At the opening of the session of Congress succeeding the removal of the public deposits, the President in his message notified Congress of the act of removal, the selection of the State banks, and earnestly recommended to Congress to make suitable regulations. He said, "the attention of Congress is earnestly invited 'to the regulation of the deposits in the State 'banks, by law. Although the power now exercised by the executive Department in this behalf is only such as was uniformly exercised 'through every Administration, from the origin of 'the Government up to the establishment of the 'present bank, yet it is one which is susceptible of 'regulation by law, and therefore ought to be so 'regulated. *The power of Congress to direct in 'what places the Treasurer shall keep the moneys in 'the Treasury, and to impose restrictions upon the 'executive authority, in relation to their custody and 'removal, is unlimited;*" and Congress, from that time to this, has failed to do so. The reason is obvious. The bill regulating this matter was embarrassed in its progress with clogs and restrictions, which might induce the State banks to refuse to receive the deposits, and thus bring about the necessity of renewing the charter of the United States Bank, or chartering a new national bank. Sir, we should cease to assail the Executive about its influence and control over the State banks and of the public money. The Executive has earnestly invited and urged you to regulate the deposits, and restrict its control over the public money.

Gentlemen complain of the influence which the Executive will exert over the community—an influence, they say, dangerous to liberty—through the medium of the deposit banks. I submit it to the country to decide, whether there be less danger from a connection with a national bank of $35,000,000, having its branches in the capital of every State, controlled by a single board of directors, or the same number of State banks, having each its independent board of directors, controlled by the vigilance of twenty-four State governments, each interested for its own security in restraining any undue influence over State institutions by the National Government, even with $50,000,000 of capital. I am myself, Mr. Chairman, no friend of banking institutions; the whole system is corrupt in its tendency, and is as successfully building up aristocracy in this country as the laws of primogeniture and succession sustain it in Great Britain.

But, sir, gentlemen not only profess to be alarmed at the influence possessed by the Government over these institutions, and the dangerous tendency of that influence, but they strike up another panic, and assert that the deposit banks are not safe; that the public money will all, or nearly all, be lost. I here exhibit a statement showing the true condition of the deposit banks up to the 1st of February, by which it will be seen that all the demands against them amount to $86,844,763 36, and their means to meet them, $128,074,570 15; leaving a sum over and above all demands of $41,229,833 79.

It appears that the immediate liabilities of all the deposit banks are as follows:

Owing to other banks	$14,879,161 45
Circulation to be redeemed	26,243,688 36
Private deposits	15,043,033 64
Public deposits	30,678,879 91
Aggregate	$86,844,763 36

Their immediate means to meet these immediate liabilities were—

Due from other banks	$15,712,977 35
Specie on hand	10,198,659 24
Notes of specie-paying banks	9,573,089 53
Aggregate	$35,484,726 12

So that their immediate means were as one to about two and a half of their immediate liabilities.

This is a proportion larger than most of the other banks in the United States; larger than the United States Bank itself used generally to have when a public depository, and larger than the Bank of England usually has. (See supplemental report, 1834, table AA, Doc. No. 27, Ho. of Reps.)

But besides these immediate means, the deposit banks had also other means to secure the Government and other depositors, and the holders of their notes of about fifty per centum more than the amount of all their immediate liabilities.

Thus besides the above immediate means, they have bills of exchange, in many cases as available as specie, amounting to $27,149,935 39. They have due to them on notes and obligations discounted, the sum of $65,439,908 64, and add to this their immediate means of $35,484,726 12, and they have in all the sum of $128,074,570 15 to pay and secure their immediate debt of $86,844,763 36. In addition to this, the Treasury hold collateral security of most of these banks, to secure what is due to the United States, as suggested in annual report, page 21.

The reports up to the 1st of March vary this view but little. It is manifest therefore, Mr. Chairman, that so much alarm for the safety of the public money is totally unfounded. It is easy to discover that all these fears and alarms about the deposit banks, this irresistible influence of the Executive over the public mind through their agency, are intended to effect some other favorite object—*they squint at another national bank.* I do not allude to any gentleman on this floor. But, sir, does it not occur to gentlemen that if these deposit banks are all broke, that they can exercise no deleterious influence upon the country, and that these fears are entirely visionary?

The next subject of complaint on the part of the honorable gentleman from Tennessee [Mr. BELL] to which I shall advert, is the subject of executive patronage, the increase and dangerous tendency of which seem to excite so much apprehension for the virtue and safety of the nation, on the part of that gentleman. In discussing this question, Mr. Chairman, I shall not stop to inquire what friend of the Administration may or may not be involved in inconsistency; that is immaterial to me. I shall present my own views upon this, as upon all other questions which shall come under consideration, without regard to the consequences to others. The question is, what are the principles of this Administration upon this subject? not what is, or what has been, the opinion of this or that individual friend; and whether, upon this subject, the profession and practice of the Administration have been consistent. The honorable gentleman says the bill now before the House, sent hither by the Senate, is intended to restrict and cut off improper executive patronage. This bill provides, that the limitation of four years to the duration of the term of the public officers, to whose offices it now applies, shall be repealed; and that in case of removal from office, before the nomination of a successor is acted upon, the President shall assign *to the Senate* his reasons for the removal. Now, sir, I deny that this bill is in accordance with the professed opinions of the Administration. The views of the President upon this subject were announced in his first annual message to Congress, in which he says:

"There are perhaps few men who can for any 'great length of time enjoy office and power, 'without being more or less under the influence 'of feelings unfavorable to a faithful discharge 'of their public duties. Their integrity may be 'proof against improper considerations immediately addressed to themselves; but they are apt 'to acquire a habit of looking with indifference 'upon the public interests, and of tolerating conduct from which an unpracticed man would 'revolt. Office is considered as a species of 'property, and government, rather as a means 'of promoting individual interests, than as an 'instrument created solely for the service of the 'people. Corruption in some, and in others, a 'perversion of correct feelings and principles, 'divert government from its legitimate ends, and 'make it an engine for the support of the few at 'the expense of the many. The duties of all 'public officers are, or at least admit of being 'made so plain and simple, that men of intelligence may readily qualify themselves for their 'performance; and I cannot but believe that more 'is lost by the long continuance of men in office, 'than is generally to be gained by their experience. *I submit, therefore, to your consideration, 'whether the efficiency of the Government would not 'be promoted, and official industry and integrity 'better secured, by a general extension of the law 'which limits appointments to four years.*

"In a country where offices are created solely 'for the benefit of the people, no one man has 'any more intrinsic right to official station than 'another. Offices were not established to give 'support to particular men, at the public expense. 'No individual wrong is therefore done by removal, since neither appointment to, nor continuance in office, is matter of right. The incumbent became an officer with a view to public 'benefits; and when these require his removal, 'they are not to be sacrificed to private interests. 'It is the people, and they alone, who have a 'right to complain, when a bad officer is substituted for a good one. He who is removed has 'the same means of obtaining a living, that are 'enjoyed by the millions who never held office. 'The proposed limitation would destroy the idea 'of property, now so generally connected with 'official station; and although individual distress 'may be sometimes produced, it would, by promoting that rotation which constitutes a leading

'principle in the republican creed, give healthful 'action to the system.''

If any man can discern in these views of the President the slightest accordance with the principles of the bill from the Senate, he has more acuteness than I have. The Senate's bill proposes to repeal the limitation of four years entirely, while the President recommends an enlargement of the limitation of four years to nearly all the offices under the Government; certainly a very material difference. The Senate's bill requires the President to assign his reasons for removal; the President nowhere intimates the propriety of such a requisition.

Mr. Chairman, it was a leading object in the formation of our Government, to divide it into three separate and independent departments, legislative, executive, and judicial, leaving each, as far as practicable, uncontrolled and untrammeled in its action by the interference of the other. This is a constitutional division and a constitutional object; the principle has been sanctioned by our most distinguished patriots and statesmen. The executive power is placed in the hands of the President by the Constitution; and however unwise the investment, if it be so, he cannot be divested of it but by constitutional amendment. Among the most efficient powers vested by the Constitution in the President, is the power of removal from office. The importance attached to this executive power is well illustrated by the fact, that in the first session of Congress, after the formation of the Constitution, a provision attached to the bill organizing the State Department, authorizing the President to remove the Secretary from office at pleasure, was stricken out on the ground that the power was constitutional and could not be conferred by law. The proposition to strike out that provision gave rise to a long and able debate, in which the question, whether the power of removal was derived from the Constitution or not, was ably and elaborately discussed. Mr. MADISON, who participated largely in that debate, said, while discussing the President's power of removal:

"But there is another part of the Constitution which inclines, in my judgment, to favor the construction I put upon it. The President is required *to take care that the laws be faithfully executed. If the duty to see the laws faithfully executed be required at the hands of the Executive Magistrate*, it would seem that it was generally intended *he should have that species of power which is necessary to accomplish that end.* Now, if the officer appointed is not to depend upon the President for his official existence, but upon a distinct body, I confess I do not see how the President can take care that the laws be faithfully executed."

In the same speech he said:

"If any thing in its nature is executive, it must be that power which is employed *in superintending and seeing that the laws are faithfully executed.*"

Again Mr. MADISON said:

"I think it absolutely necessary that the President should have the power of removal from office; it will make him in a peculiar manner responsible for their conduct, and subject him to impeachment himself, if he suffer them to perpetrate, with impunity, high crimes and misdemeanors against the United States, or neglect to superintend their conduct so as to check their excesses. On the constitutionality of the declaration, I have no manner of doubt."

Mr. GILES, in a debate in 1802, upon the judiciary bill, expressed the same opinion. He said:

"In relation to newspaper scribblers, Mr. Jefferson once said: 'Let them stand undisturbed, as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it.'

"Mr. GILES. The President is authorized, without limitation, to commission all the officers of the United States. The question arises, by what tenure? The reply is, according to his pleasure or discretion. It was not difficult to foresee that, if the President was fully empowered to commission as he pleased, he would commission during his pleasure. The Legislature has no more control over an officer who holds an executive commission, during the pleasure of the President, than over a judicial officer, holding his office during good behavior—the remedy given by the Constitution being the same in both cases, to wit: impeachment. Nor is there any reason why the office of the one should be less subject to the discretion of the Legislature than the office of the other; and it seems to be universally agreed, that although the Legislature cannot deprive an executive officer of his office in any other way than by impeachment during the continuance of such office, yet the office is always subject to be abolished. The same reasoning will hold with equal force respecting a judge and a judicial officer. The reason why the Executive is proscribed from the removal of a judge, is, to secure to the judge the complete independence of the President, who is not responsible for the discharge of judicial duties; but the removal is perfectly correct in the case of an executive officer, because the President is highly responsible for the due discharge of executive duties. The Legislature is not responsible for either, and, of course, stands in the same constitutional relation to both. There is the same remedy against both—impeachment."

The late eminent Judge TUCKER, of Virginia, expressed the same opinion. In the appendix to his commentary upon Blackstone, he said:

"The Constitution has made ample provision for his aid in these respects, by assigning to him ministers, to whom the conduct of each of the executive departments may be committed, from whom he may require all necessary information, as also their opinions in writing upon any subject relating to the duties of their respective offices; and whom he may, moreover, remove at pleasure."

In further support of this claim of constitutional power for the Executive, I here quote from Mr. CALHOUN's speech upon the removal of the deposits in 1834. In that speech he said:

"I cannot doubt that the President has, under the Constitution, the right of removal from office; nor can I doubt that the power of removal, wherever it exists, does from necessity involve the power of general supervision; nor can I doubt that it might be constitutionally exercised in reference to the deposits. Reverse the present case. Suppose the late Secretary, instead of being against, had been in favor of the removal, and that the President, instead of for, had been against it, deeming their removal not only inexpedient, but, under the circumstances, illegal; would any man doubt, that, under such circumstances, he had a right to remove his Secretary, if it were the only means of preventing the removal of the deposits? Nay, would it not have been his indispensable duty to have removed him? And had he not, would not he have been universally and justly held responsible?"

In further support of this claim, I quote from Mr. CLAY's speech at Fowler's Garden, in which, while he declaimed against the abuse, by fair inference admitted the constitutional power of removal.

"The *President is invested* with the tremendous power of *dismission*, to be exercised for the public good, and not to gratify any private passions or purposes. It was conferred to prevent the public from suffering through *faithless* or *incompetent* officers. It was made summary, because, if the slow process of trial before a judicial tribunal were resorted to, the public might be greatly injured during the progress and prior to the decision of the case."

These opinions are founded upon the principle that the President, being charged by the Constitution with the whole executive power, is responsible to the country for the due and faithful execution of the laws: his oath requires it at his hands. In support of this opinion, I quote from Mr. Jefferson's letter to Monsieur De Tracy:

"While the tranquil and steady tenor of our single Executive, during a course of twenty-two years of the most tempestuous times the history of the world has ever presented, gives a rational hope that this important problem is at length solved. Aided by the counsels of a cabinet of heads of Departments, originally four, but now five, with whom the President consults, either singly or all together, he has the benefit of their wisdom and information, brings their views to one center, and produces an unity of action and direction in all the branches of the Government. The excellence of this construction of the executive power has already manifested itself here under very opposite circumstance. During the Administration of our first President, his Cabinet of four members was equally divided by as marked an opposition of principle as monarchism and republicanism could bring into conflict. Had that Cabinet been a directory, like positive and negative quantities in algebra, the opposing wills would have balanced each other, and produced a state of absolute inaction. But the President heard with calmness the opinions and reasons of each, decided the course to be pursued, and kept the Government steadily in it, unaffected by the agitation. The public knew well the dissensions of the Cabinet, but never had an uneasy thought on their account, because they knew also they had provided a regulating power which would keep the machine in steady movement."

I also refer to Mr. Madison's opinion in the debate before referred to, and just quoted. I also refer to Judge Tucker's commentary on Blackstone, appendix to 1st volume, part 1, in which he says:

"*The true point of responsibility rests upon the shortness of the period for which a President of the United States is elected, and the power which the people possess of rejecting him at a succeeding election.*"

The same able author says:

"Responsibility pursues him (the President) in every situation, whether active or passive; sleeping or awake a sentiment the truth of which is confirmed by that unerring test, *experience.*"

And to the opinion of Mr. Calhoun, expressed in a letter to General Hamilton in 1828, in which he says:

"No relation can be more confidential than that between the *President* and members of the Cabinet, as his constitutional advisers, charged as *he* is with the executive duties of the Government, which were vested in *a single person* to give energy and promptitude in execution."

The principle of unity in the executive department, as maintained by all our distinguished statesmen, necessarily attaches to it responsibility, and with that responsibility the power of removal; for it would be most outrageous to hold the President responsible for the faithful execution of the laws, and at the same time compel him to retain in office a set of unworthy officers, who would thwart his views and resist his authority, preventing the prompt and faithful execution of the laws. I should have thought the construction of the Constitution, by its very authors, the uniform practice ever since, would have settled this principle so far as to prevent any effort to change it by acts of Congress. In this, however, I am mistaken; and this bill from the Senate has that object in view.

Regarding, as I do, that the power of removal is a power conferred on the President by the Constitution, I have not examined into the details of the bill with a view to ascertain their probable effects; but, at the threshold, find it a bill to repeal a constitutional principle by operation of law. The executive and legislative departments being both creatures of the Constitution, and coordinate branches of the Government, I cannot consent that the one shall destroy or impair the independent constitutional powers of the other. Hence, sir, I am, in principle opposed to this bill; it seeks to destroy, by law, the power of removal conferred by the Constitution. Mr. Chairman, it will be dangerous to permit such insidious encroachments, by law, as these, upon the Constitution; the principles of the Constitution should be preserved unimpaired, and whenever the construction of its powers is doubtful, the only safe way to settle the question of power is to appeal to the source of all power—the people. Sir, upon this question, I am asked to repeal, by law, a power of the Constitution acknowledged and acted upon for near fifty years. Gentlemen should pause, and reflect well upon the consequences of the act before they consummate it. I, for one, will not touch this power by law.

There is another important question connected with this bill from the Senate, and that is, whether it is not, in its effects, calculated not only to impair the constitutional power of the Executive, but to add, to a dangerous extent, to the legislative power. Sir, while I admit that there is danger to liberty and our free institutions in the construction of the executive department, and that it should be watched, with unsleeping and untiring vigilance, by a people jealous of their liberties, yet I believe that there is more danger to liberty and free institutions in the legislative department, growing out of its immense powers, than from the Executive; for it has in its hands the power of *war* and *taxation*—the two most dangerous powers to liberty which could be imparted to it. Waiving my own views, I here subjoin an extract from the forty-eighth number of the Federalist, page 248:

"The founders of our republics have so much merit for the wisdom which they have displayed, that no task can be less pleasing than that of pointing out the errors into which they have fallen. A respect for truth, however, obliges us to remark, that they seem never for a moment to have turned their eyes from the danger to liberty, from the overgrown and all-grasping prerogative of an hereditary magistrate, supported and fortified by an hereditary branch of the legislative authority. They seem never to have recollected the danger from legislative usurpations, which, by assembling all power in the same hands, must lead to the same tyranny as is threatened by executive usurpation.

"In a Government where numerous and extensive prerogatives are placed in the hands of a hereditary monarch, the executive department is very justly regarded as the source of danger, and watched with all the jealousy which a zeal for liberty ought to inspire. In a democracy, where a multitude of people exercise in person the legislative functions, and are continually exposed, by their incapacity for regular deliberation and concerted measures, to the ambitious intrigues of their executive magistrates, tyranny may well be apprehended, on some favorable emergency, to start up in the same quarter. But in a representative republic, where the executive magistracy is carefully limited, both in the extent and the duration of its power, and where the legislative power is exercised by an assembly, which is inspired, by a supposed influence over the people, with an intrepid confidence in its own strength, which is sufficiently numerous to feel all the passions which actuate a multitude, yet not so numerous as to be incapable of pursuing the objects of its passions by means which reason prescribes, it is against the enterprising ambition of this

department that the people ought to indulge all their jealousy and exhaust all their precautions.

"The legislative department derives a superiority in our Governments from other circumstances. Its constitutional powers being at once more extensive, and less susceptible of precise limits, it can, with the greater facility, mask, under complicated and indirect measures, the encroachments which it makes on the coördinate departments. It is not unfrequently a question of real nicety in legislative bodies, whether the operation of a particular measure will or will not extend beyond the legislative sphere. On the other side, the executive power being restrained within a narrower compass, and being more simple in its nature, and the judiciary being described by landmarks still less uncertain, projects of usurpation by either of these departments would immediately betray and defeat themselves. Nor is this all: as the legislative department alone has access to the pockets of the people, and has in some constitutions full discretion, and in all a prevailing influence over the pecuniary rewards of those who fill the other departments, a dependence is thus created in the latter, which gives still greater facility to encroachments of the former."

These reasons are satisfactory to my mind, and are strengthened by the fact, that all the violent breaches of the Constitution, the alien and sedition laws, the two national banks, the tariff, and internal improvement system, and various others, have had their origin in the legislative department.

The principle of this bill is objectionable in another point of view. If, in requiring the President to assign his reasons for removing an executive officer, the Senate only means to have the reasons without any action upon them, then it enables the President to stamp infamy and disgrace upon the character of any public officer, who, from personal hostility or any other cause, he may think proper to select for his victim. If the Senate means that any action should be had in relation to the removal, then it involves the truth of the facts communicated by the President, and this would present the undignified and disgraceful aspect of the trial of a question of veracity between the President of the United States and the removed officer—the Senate sitting in judgment between them. Sir, this would be the inevitable result, and who is willing to see an officer thus disgraced, or the President of the United States a party to an action of slander for the discharge of his official duties? I for one, sir, cannot consent to do it. There is no power, sir, under the Government which may not be abused. We must, as far as we can, prevent it by ample responsibility. I am as much opposed to proscription as many of the opponents of the Administration who profess opposition but practice it to the utmost extremity, possibly can be.

If this bill be passed, it creates a life estate in all the offices to which it applies, removes the force of responsibility, and tends to the utter neglect of the public service; for without ample and sure responsibility there is but little hope of securing fidelity in the discharge of public duties.

The next subject to which I shall call the attention of the committee, growing out of this discussion, is that affecting our French relations. The honorable gentleman from Tennessee charges that all the apprehensions expressed of a state of hostilities growing out of our relations with France were merely pretended, to delude and deceive the people; and that, in fact, no apprehensions of a collision were ever entertained by the Administration and its friends; but, he says, if the apprehensions were serious, the Administration was criminally negligent in their preparations for such an event, and that it may take either horn of the dilemma. In this opinion, Mr. Chairman, I think that the honorable gentleman is entirely mistaken. Sir, I propose briefly to examine the history of our controversy with France, and to present the prominent facts in their proper point of view before the American people. It will not be denied, I presume, by any man, that the insult of our flag, and spoliations upon our commerce, capturing and burning our ships from 1806 to 1810, under the Berlin and Milan and other decrees, were outrages, unless redressed, which justified war. If these shameless and flagrant breaches of national law, insults upon our flag, and confiscation of our property, were good causes of war, I ask the committee when was that cause of war removed, and our grievances redressed? Not, sir, till by the treaty of July, 1831. If that treaty was an atonement for insult, and a satisfaction for injuries, the existence of the insult and injury was acknowledged, and every principle of honesty, honor, and good faith required that its stipulations should be fulfilled. The treaty is unconditional upon its face; and how, sir, has it been fulfilled? First, by dishonoring a draft drawn by our Government for the first annual installment due under the treaty. Secondly, by pretending that she had been insulted by the President in his message to Congress of December, 1834. I propose, briefly, to examine these two pretensions.

The apology for dishonoring the draft is, that the French Legislature had not made the appropriations necessary to fulfill the treaty. The treaty was executed on the 4th of July, 1831; was ratified by our Government on the 21st of February, 1832, and the fact communicated to the French Government prior to the 8th of April, 1832. The French Chambers were then in session, and no application made by the Government for any appropriation. The next session of the Chambers commenced on the 19th of November, 1832, and continued till the 25th of April, 1833; no appropriation was proposed to the Chambers till the 6th of April, near the close of the session; no final action was had at that session. The next session commenced on the 26th of April, and continued till the 26th of June, 1833; a bill of indemnity was introduced into the Chambers, but no final action was had. In April, 1834, a new session commenced, nearly three years after the execution of the treaty, and two installments due; the appropriation was applied for and refused.

The communication to our Minister of the fact, that the Chambers had refused the appropriation, was accompanied with the regrets of the King, and a promise that, so soon as the pending elections were over, the new Chambers should be assembled, and the appropriation again pressed. The elections closed; the Chambers were not convened as promised by the King; and thus stood the matter at the opening of the last session of Congress. We had negotiated for twenty years, took an insufficient indemnity, and then, sir, we had been delayed another three years, in the fulfillment of a plain, simple, unconditional treaty. In addition to this, there was annexed to the bill of indemnity, an article favorable to French productions in our port, which reads thus:

"The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the States of the Union, at duties which shall not exceed the following rates by the gallon, (such as is used at present for wines in the United States,) to wit: six cents for red wines in casks; ten cents for white wines in casks; and twenty-two cents for wines of all sorts in bottles. The proportions existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation the first of January, 1829, shall be maintained, in case the Government of the United States should think proper to diminish those general rates in a new tariff. In consideration of this stipulation, which shall be binding on the United States for ten years, the French Government abandons the reclamations which it had formed in relation to the eighth article of the treaty of cession of Louisiana. It engages, moreover, to establish on the *long staple* cottons of the United States, which, after the exchange of the ratifications of the present convention, shall be brought directly thence to France by the vessels of the United States or by French vessels, the same duties as on *short staple* cottons."

This article, as was acknowledged by the French Ministry, during the whole time of this protraction, our Government was faithfully fulfilling, and lost to the revenue, in the reduced duties, near $5,000,000. This was gross prevarication, injustice, and fraud, whether perpetrated by the King or the Chambers, and demanded the strongest resentment.

The President having this state of things before him, without any explanation from the King why the Chambers were not assembled according to promise, made his communication to Congress, stating the truth of the case, and recommending that Congress, if it thought any further action should be had at this time, should authorize reprisals, in case the French Chambers should again refuse the appropriation. The following is the language of this recommendation: "Since France, 'in violation of the pledges given through her 'Minister here, has delayed her final action so long 'that her decision will not probably be known in 'time to be communicated to this Congress, *I rec-* '*ommend that a law be passed authorizing reprisals* '*upon French property, in case provision shall not be* '*made for the payment of the debt at the approaching* '*session of the French Chambers: such a measure* '*ought not to be considered by France a menace.*" This is the paragraph in the message which insulted the French Chambers, whose sensibilities seem to have been much more acute than their sense of justice. What was it in this message which could reasonably have been tortured into a menace or insult? Was it that it recommended to Congress to provide a suitable remedy in case of another refusal to pay the money? Certainly not; for a final refusal to perform the treaty would have been good cause for war. Was it that the President should express a doubt of the fidelity of France in fulfilling the treaty? Certainly not; for the Chambers had previously refused, which was good cause of suspicion, to say the least of it. The recommendation was contingent, and based upon the fact that the session of Congress would constitutionally expire on the 4th of March following, before the final action of the French Government could probably be ascertained. Suppose the French Government had finally refused; what was to be done? surrender a claim acknowledged and payment promised under the high obligations of a treaty? No American will say this. It was not the money alone that required us to demand the fulfillment of the treaty; it was a higher and more important consideration: it was the faith of treaties—the obligation of national compact. How would it tell to posterity that this *high-spirited Republic* had received outrage and insult, had stipulated satisfaction by treaty, and yet would not coerce its observance? Sir, we compel the little Indian tribes and other weak nations to perform with punctual fidelity their treaties. Is, then, France to be excused because she is powerful? No, sir; I would spend millions to compel the execution of this treaty; not for the paltry sum of $5,000,000 involved in the controversy, but for the preservation of the important principle of national faith—*the faith of treaties.* This message, which has been regarded as a menace, although the truth of the statements have not been questioned, has been trumpeted forth as menacing and insulting to France, and even justifying the refusal of the French Government to fulfill the treaty, although there is an express disclaimer in the message of any such design. After this message was received, the French Chambers made an appropriation to fulfill the treaty, but annexed to it a condition that the money should not be paid until an explanation was made.

The manner in which the explanation was to be made, demanded by the condition annexed to the law of the Chambers, is, as avowed by the Duke de Broglie, in his letter of the 26th October, 1835, in reply to Mr. Barton's inquiry whether the French Government would fix any determinate period when it would pay the money. "To- 'morrow, (says the Duke,) to-day, *if the Govern-* '*ment of the United States is ready on its part to* '*declare to us, by address, its claim (reclamation to* '*us) officially, in writing, that it regrets the mis-* '*understanding which has arisen between the coun-* '*tries, that this misunderstanding is founded upon* '*a mistake, and that it never entered into its inten-* '*tions (pensée) to call in question the good faith of* '*the French Government, nor to taking a menacing* '*attitude towards France.*"

This condition, which was one of national dishonor and disgrace, the President indignantly refused to comply with. After the President's message, the French Government withdrew its Minister here, and offered ours at that court his passports. On the 25th of February, the President addressed the following message to both Houses of Congress:

"*To the Senate and House of Representatives of the United States:*

"I transmit to Congress a report from the Secretary of State, with copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given to that Minister, and of all the late correspondence with the French Government in Paris, or in Washington, except a note of M. Serurier, which, for the reasons stated in the report, is not now communicated.

"It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France, with his legation, and return to the United States, if an appropriation for the fulfillment of the convention shall be refused by the Chambers.

"The subject being now, in all its present aspects, before Congress, whose right it is to decide what measures are to be pursued on that event, I deem it unnecessary to make further recommendation, being confident that, on their part, everything will be done to maintain the rights and honor of the country which the occasion requires.

"ANDREW JACKSON."

In which he states the true condition of the controversy, and says he relies upon Congress to do its duty to the country. On the 26th of February the Committee on Foreign Affairs of the House of Representatives reported, among others, a resolution: "*That preparation ought to be made to meet any emergency growing out of our relations with France.*"

On the 28th of February Mr. Archer, of Virginia, offered this resolution in the House of Representatives:

"*Resolved*, That in the just expectation that the Government of France will have made provision, or will make provision, for carrying into effect the stipulations of the treaty of indemnity with that Government of the 4th of July, 1831, this House will forbear, at the present time, to adopt any measure in relation to that subject."

This resolution, which was certainly a *peace* offering, was rejected by the House; and, after various propositions, on the 2d of March the following resolution was offered and unanimously adopted:

"*Resolved*, That, in the opinion of this House, the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on."

On the next day a contingent appropriation of $3,000,000 was adopted by the House of Representatives. Thus, sir, we have this case: the treaty had been executed without condition; France professed to be insulted, and refused to fulfill the treaty unless the American Government made an apology or explanation. The American Government refused. The House of Representatives adopted a resolution that the fulfillment of the treaty should be insisted on, and had voted a contingent appropriation of $3,000,000 to meet emergencies; and yet we are told by the gentleman from Tennessee that the Administration never apprehended any collision. If there was not good cause to apprehend collision, there is no state of things which can produce apprehension in the relations of two Governments, each persisting in its course, and withdrawing all diplomatic relations.

This assertion of the honorable gentleman from Tennessee is very incompatible with the notes which echoed through the country when the last annual message was delivered. It was then asserted, that although the message was, according to some, pacific in appearance, it was *war in disguise*. Others said it was war altogether; that the President was determined on war; that his message repeated, without modification, the statements of the preceding message, and that it would not be satisfactory; that it was designed to produce war, and war we should have; that the preceding message contained the precise disclaimer that this did, which was not deemed satisfactory. Then, sir, the President desired war, and nothing but war: now, sir, the case is altered. The message is received in France, and is entirely satisfactory. There is seen in it in the United States what cannot be seen in it in France—*war in disguise*. Immediately on its reception, (although the mediation of England is in progress,) the French Government accepts this *war in disguise*—this *insulting explanation*, as entirely satisfactory, and notifies our Government that the money is ready.

The truth is, Mr. Chairman, the message which gave offense, and the message which removed it, are precisely the same. They assert the same charges of want of faith, and contain the same disclaimer; and if one was offensive the other was. But the secret of the whole matter is, the French Executive never did regard the message of 1834 of so offensive a character as to justify a refusal to perform the treaty. The first discovery that the message was insulting in its character, was at home, by the opposition journals. I hold in my hand an article in a very influential journal of this city, in which the message was denounced as offensive, and that the French Government should so regard it. It reads thus:

"Be this as it may, the language held to France in this message must be regarded as most unfortunate, whether we regard the object to be gained, *or the evils and dangers to be avoided*. If anything could serve to delay for a long time, *if not to postpone forever*, the payment of our claims on that Government, it is the tone of *intimidation* and *menace* used by the Chief Magistrate on this occasion, should the French nation unhappily not distinguish between the personal opinions and feelings of the individual who occupies that station, and that of the people of whom, in our foreign intercourse, he is the restricted and limited representative. The message, we know, disclaims all intention of menace. But while the language of menace is held, the disclaimer will go for nothing—we had almost said *ought* to go for nothing—with a proud, fiery, chivalrous, and powerful nation."

This denunciation, with many of like kind from other journals, reached Paris cotemporaneously with the message; more than this, this article insinuates that the American people regarded the message in this light, and would not sustain the President. In this state of things, the Chamber of Deputies might well conclude, if the American press and a large portion of the American people regarded the message offensive, they would be bound so to regard it themselves; and I have no doubt this was the cause, although I do not intend to intimate it was co-designed, why the condition was annexed to the law, requiring explanation; and the ascertainment of their mistake in the sentiments of the American people, is the reason why a disclaimer in the first message, not sufficient to avoid offense, was sufficient in the second to remove it. The quarrel is ended; and now, sir, those who thought the President *desired war, designed war, and would have war*, suddenly ascertain that the whole was a delusion, to practice upon the credulity of the American people for electioneering purposes, and that the President neither desired, designed, or expected war. Gentlemen were wrong then, and are wrong now, although at opposite points of the compass. The French King and Ministry never regarded the message as an act of the Government to which France should take exception; their whole course has been taken in obedience to the condition imposed by the Chamber. To sustain me in this assertion, I here read an extract from Mr. Human's (the Minister of Finance) speech on presenting the bill of indemnity to the French Chambers, January 15, 1835:

"General Jackson has been in error respecting the extent of the faculties conferred upon us by the constitution of the State; but if he has been mistaken as to the laws of our country, we will not fall into the same error with regard to the institutions of the United States. Now, the spirit and letter of those institutions authorize us to regard the document above named (the message) *as the expression of an opinion merely personal*, so long as that opinion has not received the sanction of either the other two branches of the American Government. The message is a Government act, which is still incomplete, and should not lead to any of those determinations which France is in the habit of taking in reply to a threat or an insult."

Again he says:

"The maintenance of the national dignity was the first object of its solicitude. You know, gentlemen, the means adopted for its security. But as the treaty of July has not become less *just* or less advantageous; as the conduct of the President of the United States has not disturbed the basis of equality and reason on which that compromise reposes, the Government has persevered in its determination to present it to you again. An engagement has been entered into, and the honor of France requires that it should be accomplished."

Again:

"In thus speaking, we wish only to render due consideration to truths long admitted, to place them in array against passing impressions, and especially to declare that France imputes neither to the *people* nor to the Government of the United States the sentiments and propositions lately expressed by the President. We willingly view his message to Congress as the hasty act of one branch of the Government only, and the honor of the nation commands us to persist in that honorable course which has ever been the policy of the King's Government."

I think upon the whole it is perfectly manifest to every impartial mind that there was good cause to expect hostilities, which nothing but the fact, which could not have been anticipated, that France receded from her ground, has prevented. In doing so she has done much to retrieve her character from the dishonor of her first position.

Whether the appropriation for fortifications during the last session was lost by the Senate or House of Representatives I shall not inquire, not being then a member. The Senate certainly lost the three million appropriation, and, if the necessities of the country had called for it, would have been responsible to the nation, for the provision which they proposed in lieu of it was grossly inadequate. Her apology, that there was no executive recommendation, is answered by the message of the 25th of February.

The gentleman from Tennessee says, if the President had seriously apprehended hostilities with France, it was his duty to have called Congress together, to provide the necessary means for defense, and not have waited till the opening of the present session. Sir, the last Congress expired on the 4th of March. The elections in most of the States did not take place till late in the summer and fall, several not till November. So that there was no Congress which could have been called together, unless many of the States had been unrepresented. It was with a view to this state of things that the three million appropriation was made by the House of Representatives.

The honorable gentleman from Tennessee felicitates the country on the great magnanimity and forbearance of France, and its escape from *damage* and *dishonor*, under such circumstances of high provocation. Sir, I am astonished at the forbearance of France. What had she to forbear? The full measure of her resentment for this great outrage upon her susceptibilities, was to withhold the money; and I feel confident if our Government had pressed the demand no further, she would have forborne till the end of time.

The whole course of France upon this subject has been one of equivocation, prevarication, injustice, and delay. We had pressed our demands for twenty years. She evaded them, sometimes on the ground that there was nothing due; sometimes that the Government of the restoration was not responsible for the spoliations of Napoleon; sometimes that other Governments had committed the same outrages, and that we had not pressed our claims to indemnity; sometimes one pretext, and then another; and sometimes the communications of our Ministers, pressing our claims, would remain unanswered for months, until finally all hope seemed to be abandoned. After twenty years, however, of vexatious and provoking negotiations and delays, the treaty was executed; and I have already shown the fidelity and promptitude of its fulfillment. The gentleman ought rather to admire the patience and forbearance of his own Government.

This treaty, Mr. Chairman, although unanimously ratified by the Senate, has been made a fruitful theme of invective and denunciation against Mr. Rives, the Minister who negotiated it; and even the French Government has been excused for not performing the treaty, because they had been overreached, although that Government has over and over again disclaimed it. Has Mr. Rives in this negotiation secured a larger amount of indemnity than was just? I answer no. The reports of both the French commission and our own prove that it was not. Has he accepted less than he ought to have done? In a simple calculation of dollars and cents, perhaps he has much less; yet, sir, when in the treaty the obligations of the eighth article of the Louisiana treaty is taken into the account, and the propriety of a compromise of a long standing controversy the treaty is a favorable one. I here annex the seventh and eighth article of the Louisiana treaty, that it may be seen how important that stipulation was:

"ARTICLE 7. As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty, until general arrangements relative to the commerce of both nations may be agreed on, it has been agreed between the contracting parties, that the French ships coming directly from France, or any of her colonies, loaded only with the produce or manufactures of France or her said colonies; or the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce of manufactures of Spain or her colonies, shall be admitted during the space of twelve years in the ports of New Orleans, and in all other legal ports of entry within the ceded Territory, in the same manner as the ships of the United States coming directly from France or Sain, or any of their colonies, without being subject to any other or greater duty on merchandise, or other or greater tonnage than those paid by the citizens of the United States.

"ARTICLE 8. In future, and forever after the expiration of the twelve years, the ships of France shall be treated upon the same footing of the most favored nations in the ports abovementioned."

It produced in its operation a continued breach of the Constitution which requires an equality of duties in all our ports, or it involved the Government in the necessity of making a discrimination in favor of French products greatly prejudicial to our intercourse with other Powers. With the approbation of the Executive, and the unanimous ratification of the Senate, every whisper of complaint should be hushed. In the conduct of that negotiation, Mr. Rives strictly pursued the instructions given him by the Government—he yielded nothing but what he was instructed to yield upon the principle of compromise, not of right, and his course was highly approved by the Government. The skill and talent with which the negotiation was conducted received its merited compliment, both here and in France, and cannot now be disparaged. A paragraph in his letter, announcing the termination of the negotiation, has been seized upon, torn from its context, and charged to him as vanity and braggartism. I invite the most fastidious to read that letter carefully. It will be found that Mr. Rives detailed very accurately the difficulties attending that negotiation; the difficulty in ascertaining the true amount of claims; and was really excusing himself to the Government for taking so little in the exercise of the discretion with which he had been invested. The opinion which he expressed, as mere matter of probability, as to the real amount of claims, was based, not upon his own estimates, but upon those of Mr. Gallatin, who had examined them at an earlier period than he had; and this is all. The skill, fidelity, and ability of the negotiator, throughout the whole negotiation, is most manifest.

Sir, what is most singular in this business is, that the assertion that Mr. Rives's letter prevented the fulfillment of the treaty by France should be persisted in, in the teeth of the declaration of the French Government to the contrary. I do not allude to the remarks of any gentleman here.

Mr. Chairman, I hope I shall be excused for saying that the result of this controversy has elevated my American pride to the utmost degree of elevation. For the first time in our history, two mighty kings have condescended to call us a *great nation*. Our national character in the eyes of all Europe has been elevated beyond any former period of our history; and we have every reason to believe that the faith of treaties will hereafter be punctually observed towards us, the course of the Administration having satisfied foreign Powers that the *violation of treaties will not be submitted to*.

There was one remark made by the gentleman from Tennessee to which I beg leave to reply. It was, that if war had resulted from our controversy with France, we should have been whipped severely. I heard it stated in an early part of the session, and before the controversy was settled, that one of the navy commissioners had declared that if war ensued, we should be whipped for three years. Sir, I say nothing of the propriety of this remark pending the controversy, and the influence it might have upon it. But I do not believe it would have been so. Sir, the last war with a more powerful enemy did not last three years; and we were not only *not whipped*, but brilliant victories crowned our arms. We are not, I hope, the degenerate sons of gallant sires; and if war had ensued, the glories of our achievements in the late war would still have shone about our flag, and conducted us to victory. Unprepared as we were, our soldiers and sailors, animated by that spirit of liberty which is never felt by foreign mercenaries, would have been an overmatch for all the myrmidons which Louis Philippe could have poured upon us. As to our being beaten at sea, I leave my *Yankee* friends, who furnish so many sailors, to answer that. All I know is, they are very hard to whip, *particularly when prizes are ahead*. But, sir, if we should have been whipped, damaged, and dishonored, for the want of preparation, is it not time to prepare against a like danger? And why is there opposition to it? Does not the honorable gentleman himself say it would have been for the want of that very preparation which the Administration is now recommending to Congress?

Among the many charges made to affect "*the party*," as the gentleman calls it, is the "*caucus*" system which he says has been adopted, to control public sentiment; a practice which he denounces with bold and unmitigated severity. He makes reference to congressional caucuses, and its repudiation by the Jackson party. I have but a few words to answer upon this subject. Congressional caucuses were for a long time practiced during the protracted contests for power, between the old Republican and Federal parties. The practice was introduced for the purpose of concentrating public sentiment upon a single individual, to secure the triumph of the principles of the party, which might be lost by division. All caucuses, conventions, or meetings, of the dominant party have had the same object in view. Since the congressional caucus has been put down, conventions of delegates from the people have been adopted to effect the same object. These are all acts of the people, which they, or portions of them, be they many or few, have a right to do. The Opposition have pursued the same course. They have had their State conventions, and their national conventions, and their legislative caucuses. Even the Tennessee Legislature has recently nominated a candidate for the Presidency. By what authority, sir? Not in discharge of any legislative duty certainly. No, sir, but of their own free will and accord. Sir, did not eleven highly honorable and intelligent gentlemen, members of Congress, all from Tennessee — among them, the honorable gentleman himself—hold a meeting, and recommend a candidate for the Presidency, and I do not doubt honestly and sincerely? Why, then, is "the party" complained of for doing that which they have a right to do?

Mr. BELL (interrupting) said, that the eleven of the Tennessee delegation, to which the gentleman alluded, was a meeting of so many individuals, who met, not to nominate Judge White—they had no organization—they had no chairman—no secretary—they kept no minutes—they adopted no resolution—they published nothing—it was not intended that anything they did should be published—they only met as so many individuals, to ascertain the views of each other; and all they did was to devise the means, and come to some virtual resolutions to make their support of Judge White as effective as possible.

Mr. GARLAND. It is true, sir, they had neither president nor secretary, yet their object was the same. They intended to nominate and recommend a candidate for the Presidency, and did so, and this is all the caucuses or conventions do. I am not complaining of the act, for the gentlemen did what they had a right to do. I only claim that the party with which I act shall not be denounced by gentlemen who have done the very same thing, in effect, if not in form. The paraphernalia of president and secretary does not alter the object in view. Now, sir, whether eleven gentlemen, however honorable and respectable, or six hundred, have the greater right to nominate a candidate, I leave to the American people to decide. But it seems the Baltimore Convention is the devoted victim of every possible denunciation. The recommendation of the Baltimore Convention stands upon the same footing with all other like meetings, dependant for the force of its recommendation upon the character and principles of the nominee. But, sir, how long has a Baltimore Convention and its nominee been odious in the State of Tennessee? I find a meeting was held in the city of Nashville in 1832, in which the following resolutions were adopted in favor of a convention, and of Martin Van Buren:

"We shall, in all probability, be resolving to no useful purpose, were we to act alone, and nominate a candidate for Vice President without concert with our fellow-citizens of the other States of the Union, who maintain the same opinions, and are inclined to the same political course with ourselves. They might disagree with us, as to the man best qualified to fill the station. Several candidates might be voted for at the polls; the election devolve upon the Senate, and other injurious consequences might follow."

"*Resolved*, That in selecting a proper person to be supported for the office of Vice President at the next election, we consider it wise and just to act in concert with our fellow-citizens of the United States who approve of the measures of the present Administration, and who are friendly to the election of our present Chief Magistrate; and that we will not determine on a candidate without seeking their aid and advice in general convention.

"If there be one political evil which preëminently afflicts the country, it is angry contentions and divisions growing out of no differences of opinion as regards principles of national policy, but such as are based upon personal considerations—likes and dislikes of political aspirants. This evil we desire to avoid.

"We desire to aid in the elevation of a citizen to this office, who is honest, discreet, and talented, (Mr. Van Buren,) firm of purpose, experienced as a statesman, and dignified as a man; who the country, not himself, will serve; one who, by his past conduct, shall have proven that he will advocate and sustain, if elected, the political doctrines we profess."

These resolutions embrace all the reasons upon which the Baltimore Convention was called.

Another meeting was held at the same place in 1835, in which the following resolutions against the Baltimore Convention and Martin Van Buren were adopted:

Resolved, That, in the opinion of this meeting, a system of controlling elections to all high and important public trusts and offices by caucus nomination would be a violation of the spirit of the Constitution; that it would inevitably lead to frequent combinations between a few self-appointed leaders of a party to coöperate in all their movements, and to accommodate their principle to the single object of obtaining power, and of sharing among themselves and their partisans the offices and entire patronage of the Government; and that such a system, when once sanctioned by the acquiescence of the people, and put into full operation in a majority of the States of this Union, *will be fatal to* LIBERTY *itself*:

"Therefore, in opposing the system of caucus nominations, and in opposing the election of MARTIN VAN BUREN, who is avowedly the candidate of that system and of those who seek to make it permanent and universal in elections, both State and national, we do not consider that we do, in any respect, fail in a fair, full, and due support of the present Administration."

At both these meetings I find the following gentlemen acting as officers: W. E. Anderson, Joseph Vaulx, George S. Yerger, A. A. Hall, George C. Childys.

Mr. BELL (interrupting) said that the nomination of Mr. Van Buren at Nashville, as a candidate for the Vice Presidency, was the act of a few individuals, and one which gave considerable dissatisfaction in Tennessee. The practice of caucus nominations has always been odious in this State. He said he had been charged in some of the public journals with being privy to, and consenting to that proceeding. He neither advised it, nor had any knowledge of it, until information of it reached this place, where he was at the time.

Mr. GARLAND continued: Sir, I had not heard that the gentleman from Tennessee was there, or that he had any agency in getting up the meeting, nor did I intend to involve him personally in the inconsistency of those who composed it. If this be a Baltimore convention, and the same Martin Van Buren, there has been a most wonderful revolution in the opinions of those who attended the two meetings. This is not all, sir; if the sin of the Vice President be that he is the nominee of the Baltimore convention, that which is now a sin with the good people of Tennessee was a *virtue* in 1832; for they almost unanimously voted for his elevation to the Vice Presidency, notwithstanding he was then the nominee of a Baltimore convention. Sir, gentlemen who employ these arguments must confide but little in the intelligence and integrity of the people.

There are many charges which the honorable gentleman has made, such as proscription, dictation, &c., which I have neither time nor inclination to answer, they have been so often urged and refuted, that it would be useless to undertake it.

The honorable gentleman thinks it somewhat singular that the gentleman from Maine [Mr. EVANS] should be found advocating any measure of the Administration. Sir, upon this occasion it is not singular. Yet, sir, that gentleman said but little favorable to the Administration; on the contrary, he reprobated it in no measured terms. The gentleman also attempts to throw the honorable gentleman from Massachusetts [Mr. ADAMS] into the ranks of the Administration, and then attempts to prejudice the Administration, by alleging that the gentleman from Massachusetts is consistent with himself—that he has not changed *his opinions*. But, sir, is it true that the gentleman

from Massachusetts has attached himself to the party supporting the Administration? If he has, I have not heard him make the avowal. On the contrary, some of the severest thrusts which I have heard given to the Administration during this session, have been given by that gentleman. If he acts with us, it can only be because he prefers our party to the Opposition, although he does not seem to estimate either very highly. Although I have essentially differed with that gentleman upon many important questions, I never doubted, nor can any man doubt his integrity or patriotism. If, then, he chooses to give his vote and his influence to our candidate, I shall be pleased, although I shall concede to him nothing of principle. Is this, then, sir, an objection to our party? I answer the interrogatory from high authority—the authority of the gentleman from Tennessee himself, in a speech delivered at Nashville last fall. He said:

"It cannot be a serious objection that Judge White is willing to receive the support of any portion of the Opposition which may prefer him to his competitor. This may be a ground of prejudice with heated partisans; but with men of unprejudiced reason it is no objection, and none such consider it so. *Connecticut is not the less welcome to the Jackson ranks, nor is she likely to be less efficient in support of the Jackson party*, because, at the election two years ago, a portion of the freemen of that State, who lately gave their votes in support of the Administration ticket, gave them to the Opposition candidates."

If the gentleman's present argument be sound, it is a two-edged sword, and cuts both ways, for what do we see? Judge White, who is sustained by the honorable gentleman, was a strong advocate of the proclamation and force bill, in its strongest features. Governor Tyler, who is attached to the same ticket as Vice President, was the bitter and uncompromising opponent of both. He denounced the proclamation as ultra-Federal, and the force bill as *a bloody* and *Botany Bay bill*, and gloried that he was the only man in the Senate whose vote was recorded against it. Slight matters of difference are insuperable as to the Administration, but opposite, permanent, irreconcilable differences a matter of small moment with the Opposition.

Now, sir, upon the whole, what are the violent breaches of the Constitution by this Administration, to which the gentleman refers? Are they to be found in the crippling of the system of internal improvement; the reduction of the high tariff of 1828; the overthrow of the United States Bank, and the defeat of the land bill, or in our extended foreign relations, and increased and increasing commerce, our elevated national character, and the happiness and prosperity of the American people? Judge ye.

With the President's preferences or prejudices I have nothing to do; he is an American citizen—a free man. The office of President does not take from him the freedom of speech, and the expression of his opinions. As to the questions of delicacy and propriety attached to the President as a man, I have no concern; I can only look to the administration of the Government; with this I am in the main satisfied, perfectly satisfied, and have no regret that I have cordially supported it. The President will soon retire from office; and when the bitterness and asperity of party shall have passed away, and calm and impartial reflection succeed, I do not doubt that the course of the Administration will, in the general, be decidedly approved, and the memory of the President honored by most, if not all, of his opponents, for his distinguished and valuable services, both civil and military.

DEFENSE OF THE ADMINISTRATION.

SPEECH OF HON. A. VANDERPOEL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

April 6, 1836.

The House having under consideration, as in Committee of the Whole, the bill making appropriations for the naval service for the year ending 1837—

Mr. VANDERPOEL said:

Mr. CHAIRMAN: Had the honorable gentleman from Virginia [Mr. ROBERTSON] closed his argument on yesterday, and thus justified the hope that we could this morning have taken the question, I would not have obtruded upon this committee any observations of my own in relation to the bill now before you; but as now the whole of this day will inevitably be devoted to its consideration, I may indulge the hope that the remarks which I intend to submit will not at all retard its passage.

The solicitude which my honorable colleague, the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] has so long discovered to secure the early passage of this bill is not only a very natural but a very laudable solicitude. The public service is said to suffer for want of the ordinary annual appropriations, at least so far as the naval service is concerned. My honorable colleague has not consumed the time of this House with long and unnecessary speeches. He reported to us the annual appropriation bills at a stage of the session as early, if not earlier than they were reported in preceding years. He has, from time to time, urged the consideration of them with an earnestness and courtesy that became the responsible station which he occupies; and if, sir, their final passage should be so long delayed as to prejudice the public interest, my honorable colleague will at least be able to enjoy the consolation of having faithfully discharged *his duty*.

The debate upon this bill has indeed taken an unexpectedly wide range. The Committee of Ways and Means, at an early stage of the session, reported this ordinary appropriation bill, providing for the pay of officers, provisions, ordnance and ordnance stores, and the improvement of navy-yards. The honorable gentleman from Tennessee, [Mr. BELL,] very soon after the Committee of the Whole on the state of the Union had commenced its labors upon this bill, moved to reduce the amount proposed to be appropriated for the yard at Portsmouth, in New Hampshire, one half, and intimated his intention to move a proportional reduction as to all the other yards for which the bill proposes appropriations. Well, sir, upon this motion we had several days desultory skirmishing, of talk confined to the subject immediately and fairly under consideration. The honorable mover of the amendment himself made some two or three very guarded speeches in favor of his own amendment, and we had good reason to hope that nearly all the little five and ten minutes speeches were exhausted, and that soon, very soon, we should be permitted to take the question; when lo! an honorable and eloquent gentleman from South Carolina, [Mr. THOMPSON,] with a bolder spirit than had yet distinguished any of the orators that had preceded him, in a speech of some two or three hours, launched forth into an unexpectedly extensive range of debate, and pressed topics into the service that might of themselves have served as fruitful themes for orators for the residue of the session.

The partiality of this Government in the distribution of its favors or its bounties; the system of absorption, without any irrigation in return, which had so nearly drained the poor persecuted South; the necessity of amending your Constitution, so as to dispose of your surplus revenue among the States, according to the ratio of their population and representation—these, and a great variety of kindred topics, were deemed neither irrelevant or far-fetched by that honorable gentleman; and from the course which the debate subsequently took, it seemed, indeed, that we were launched upon a wide ocean, without the ability to determine, with any degree of certainty, when we should be able to anchor or see land again. As matters then stood, we could hardly hope of getting to safe moorings again before the reign of the dog-star.

At this stage of our proceedings, the honorable gentleman from Tennessee [Mr. BELL] again succeeded in getting the floor. Having repented of his original intention to reduce the appropriations for all the navy-yards one half, those South as well as North; and probably convinced, by the speech of the honorable gentleman from South Carolina, that a certain section of the country had very peculiar claims, he all at once withdrew his original motion, and proposed wholly to "*expunge*" the appropriation for the yard at Portsmouth; and in support of his substituted motion favored us with a speech, which was indeed a miserable illustration of the justice of those complaints which are constantly doled out here about trammeling gentlemen in debate. It was, in truth, the most striking exemplification of the freedom and latitude of debate tolerated here or in any other legislative body, that I have ever yet witnessed. It was a speech four days long, one day longer than the French revolution!!

In some respects it was a most cheering and consoling example to many of us here, who, when we undertake to speak, are ofttimes troubled with that most reasonable, though inconvenient requisition, always to keep within hailing distance of the point under discussion. It was most encouraging to some in another particular. It taught ambitious young orators here that if once laden with a speech, it matters but little what hook they hang it upon, and that anything like affinity between a speech and the legitimate subject of a speech, is not a matter of so much consequence here as most gentlemen are very naturally disposed to imagine when they first enter this Hall. But, sir, it was replete with much encouragement and consolation to us in some other particulars. The illustrious source from which it emanated gives it authority; and it has taught us that terseness and compactness, and that *lucidus ordo* which all rhetoricians and logicians have (from the time of Quintillian to the present day) regarded as essential to a good discourse, are not indispensable requisites here; and I very strongly apprehend, sir, that the *force of the precedent* will be illustrated by the performance which is now being executed.

Sir, the course of remarks in which the honorable gentleman from Tennessee [Mr. BELL] saw fit to indulge, sounded strangely in my ears, coming, as it did, from one who had been for years the open and avowed friend of our illustrious Chief Magistrate; when the honorable gentleman descanted so eloquently upon the force and danger of party organization—when he indulged so flippantly, and with so much facility, in the stale and hackneyed catch-words of the Opposition of "THE PARTY," (words which danced so conspicuously through his labored speech,) and when he descanted so earnestly upon the dangerous application of executive power and executive influence, under the administration of our present Chief Magistrate, methought that he was only reiterating those threadbare doctrines and standing complaints which the opposition to every Democratic Administration have, under all names and all guises, promulgated, from the days of Mr. Jefferson to the present era; and when the honorable gentleman told us that the party supporting the present Administration had forsaken *its* principles, but that he still adhered steadfastly to *his*—when he told us, in effect, that there were one hundred and forty supporters of the President, and of the existing Administration upon this floor, with many of whom he had formerly acted, who were going all wrong—who were propagating and sanctioning all sorts of political heresies and abominations, but that he remained orthodox, and fully invested with his pristine political purity, it occurred to me that the honorable gentleman had full as much confidence in his own infallibility, and full as little respect and deference for the opinions of that majority with which he had formerly acted, as once had a memorable and self-complacent juror, who, after, in the fullness of his own self-sufficiency, keeping out his associates for two days and two nights, and inflexibly determined not to adopt their conclusion, indignantly declared that they were eleven of the most obstinate and wrong-headed men he had ever seen or acted with in his life.

In what light has the President, and the party supporting the President, been exhibited here by the honorable gentleman from Tennessee, [Mr. BELL?] Sir, I took his very words down, and cannot, therefore, be mistaken as to the sentiments he uttered. He told us that considerations now exist, which prevent the country from having the benefit of the President's popularity; that it is very difficult, if not impossible, for a majority

of this House to act against the will of the President; consequently, the President must, in law and in good sense, be responsible for all the mischief we perpetrate; for the gentleman is lawyer enough to know, that he who does not prohibit and prevent mischief when he has it in his power to prohibit and prevent, is to be considered as *ordering*. He has further told us, that the President, with such a majority as he has here, can effectually decree whether there shall be war or no war. He had, in truth, been represented as almost omnipotent; as having, for all practical purposes, the power of peace and war in his hands, and that he is now devoting himself to the views and objects of a favorite successor. These are grave charges, and were no doubt well weighed by the honorable gentleman before they were made.

That the venerable old man, after enjoying all the honors that his country can bestow upon him, should now, in the evening of his days, when about to return to that retirement from which, seven years ago, the voice of a grateful people called him, forget the high duties and responsibilities enjoined upon him by his oath to his God, and by the Constitution of his country, and prostitute his official power and patronage, not to the good of his country, but to the securing success to a favorite nominee, is, I humbly conceive, what a majority of the enlightened and patriotic people of this country are not yet prepared to believe.

But, sir, it would seem, from the general tenor of the honorable gentleman's remarks, that he does not wish to be considered as having entirely cut loose from the Administration, but that he is what the lawyers would call a sort of qualified *sub-modo* Jackson man. I have his own definition. He tells us "*that he is a supporter of the Administration as to all measures except those which have sprung from the effort to elect a favorite successor.*"

Here, sir, I was on the lookout for a specification, for an enumeration of all those prominent measures of the Administration that the honorable gentleman now dissents from, or those of which he is willing to be considered the supporter and champion; but it occurred to me, that instead of favoring us with anything like a satisfactory exposition upon this point, he gave us a most striking specimen of *non-committalism*. Instead of telling us what acts and what measures of the present Administration he supported, he lapsed off into a labored effort to show the striking similitude between the acts and principles of the party supporting the present Administration, and the acts and principles of the party that supported the elder Adams in 1798. Indeed, he was willing to give the authors and supporters of alien and sedition laws more credit for integrity than he was disposed to allow to the party now in power. The *former*, he told us, were open and honest in the avowal of their principles, and boldly unfurled their flag to the world; while the *latter*, equally obnoxious in their principles and practices, did everything (hypocritically, I suppose) "*in the name of Democracy.*" And closely as the party now in power approximates in its practices, its measures, and its principles, to the party ascendant in '98, yet the honorable gentleman avows himself a supporter of the Administration thus sustained by this party as to all measures "*except those which have sprung from the effort to elect a favorite successor.*"

And pray what are those measures which have originated in a design to elect a favorite successor? Is it uncompromising hostility to the United States Bank? I fancy not. Was the removal of the deposits one of them? I imagine not, sir; for I believe that that measure was honored with the honorable gentleman's vote, though I think his *voice* was never raised here in defense of the measure. During the memorable panic session I had the pleasure of sitting next to the honorable gentleman from Tennessee, [Mr. BELL,] near the place which he now occupies; and during that tremendous and trying conflict, day after day, week after week, and month after month, was the President denounced here as a tyrant and usurper—as trampling under foot the rights of the widow and the orphan, and where then was that voice whose querulous notes against the dominant party are now so constantly ringing through our ears? Where then was the eloquent and potential voice of the distinguished gentleman who then represented the *Hermitage district?* Sir, if my memory serves me correctly, it was, for all the purposes of vindication, *mute as the grave*, and much to the wonderment of many gentlemen! Let no one infer from this course of remark, that I cherish any unkind feelings personally towards the honorable gentleman. He has always, both personally and *officially*, treated me with kindness, and I am not, therefore, personally unfriendly to him; but after he has so unsparingly arraigned the acts and the principles of that political party of which I am an humble member, he will not surely take umbrage should any gentleman deal out in return "*measure for measure.*"

The burden of the honorable gentleman's complaint is, that the President has vast power and patronage; that this immense power and patronage are dangerous to the liberty of the people; and that he is now applying much of this power and patronage to the objects of a favorite successor.

Sir, these mournful ditties, about the dangers and abuses of executive power and patronage, whether they come from the President's *open* enemies, or his *sub-modo* friends, have ceased to shake the nerves of a majority of your enlightened people. "Our country is about to be ruined—our country is about to be ruined," by executive power and patronage, and executive blunders and abuses, has been the standing cry of all oppositions to the Democracy of the country from the inauguration of Mr. Jefferson to the present day. When you passed your embargo and non-intercourse laws, how loud was the vociferation, from every quarter of the land, "*our country will be ruined!*" When you declared war against Great Britain, to vindicate if not to reassert your independence as a nation, how loud, how astounding, was the cry "*our country will be ruined!*" When you so lately strangled that colossal institution which threatened the destruction of popular liberty, and which, before it was out of its teens, was almost powerful enough to ride triumphantly over the Government of the people, how loud, how lugubrious then the panic note, "*our country will be ruined!*"

These prophets of woe have doled out their jeremiads over prospective ruin and desolation ever since I have had any knowledge of the political history of this country; and yet, sir, *our country is not ruined;* your people are more happy, free, and prosperous than any people that the world has ever seen; never were you more prosperous at home, or more respected abroad, than you have been, and now are, under the auspices of that administration which is said to have brought so many curses upon the land. Sir, this continual falsification of prophecies by events, this eternal cry of "*mad dog, mad dog,*" is calculated to induce a spirit of indifference when the real hydrophobia animal makes his appearance. It seems, indeed, that this dread of executive power and executive patronage has become a disease, a monomania, which unnecessarily disturbs the slumbers of some gentlemen. It has been the standing theme of minorities ever since the foundation of your Government. It is natural that it should be so; for it is not only the propensity but the privilege of all minorities to fret and scold, just as natural as it is for the unlucky and aspiring OUTS to wage war against the more fortunate INS.

Sir, we have had from the honorable gentleman from Tennessee [Mr. BELL] a most appalling picture of the abuses and enormities of the party now in power. We have been told that it is difficult, if not impossible, for the majority in this House to resist the influence of the Executive; and then it most clearly results, as before stated, that the Executive is to be held responsible for all the abuses and corruptions so forcibly dwelt upon by the honorable gentleman. He has told us, with all the vehemence of impassioned eloquence, that the press has been corrupted; that your State Legislatures have been transformed and prostituted into the mere creatures of Executive will; that new offices have been created, and salaries paid, without the authority of law; that the whole Treasury of the country has been subjected to the will and control of the President; that the money of the nation has been brought to bear upon elections; that the Senate has been expunged; and last, though not *least*, that the country has been most grossly and culpably deceived as to the great question of peace and war with France; that its commerce has been crippled, and that its fears have been most unnecessarily alarmed. From the somber picture given us by the gentleman, a stranger entering yonder gallery would have inferred that Pandora's box had been opened upon this devoted country, and that corruption in its most hideous and loathsome form was stalking through the land, if not by the *procurement*, at least by the *toleration*, of Andrew Jackson!

I would here ask, and I hope it will not be deemed impertinent by any one, when did the honorable gentleman first make discovery of this mighty train of abuses which he has portrayed to us? When did his vision first break upon this black catalogue of abominations, the recital of which occupied him four days? According to his account, they were too full grown, too gigantic, and too multifarious, to be the growth of a day, a week, or a year. It must have taken years to have brought them to the almost plethoric and bursting maturity in which he has exhibited them. His eagle eye, his well known sagacity, must have discovered their first buddings—their incipient stages; and where, then, was the "*lion heart*" to impel him to sound most seasonably the tocsin of alarm? Sir, I admire the sentinel who sees quickly, and fires early; not him who waits till the enemy enters the heart of the citadel, and then acquits his conscience by pouring out his anathemas over the desolations which the foe has wrought, and the enormities he has perpetrated. The gentleman, no doubt, means what he says, when he tells us that he is, in some measure, the friend of the Administration; but after the *exposé* he has given us of the estimation in which he holds most of the acts and principles of the Administration, he must permit me, in reference to such friends, to exclaim, with *Laocoon*, "*Timeo Danaos.*" The gentleman's classical reminiscenses will enable him to supply the residue of the line.

But a very small portion of the honorable gentleman's speech was devoted to the question raised by his motion, and which is the only question fairly under discussion. His genius was too erratic, too exuberant, to be confined to the little point immediately under consideration. This point was but a small speck in the wide ocean of matter over which he deemed it profitable to roam. The majority on this floor was most severely lectured both for its sins of *omission* and *commission*. It was said that discussion has been stifled—that we fear discussion, and try to prevent it; and that awful *bugbear*, the "*previous question,*" has received its full share of pelting in the course of this discussion. Gentlemen need not lay the "flattering unction to their souls" that we fear their speeches. We are, perhaps, not quite as strong believers in the magical influence of speeches as some other gentlemen; for we believe that the people determine the merits of their servants not by their "*speeches,*" but *by their acts*. We had a fine specimen of the potency of speeches two years ago, when it was so confidently foretold that your canals would soon be "a solitude, and your lakes a desert waste of waters." The evanescent influence of speeches was triumphantly shown by the promptness and facility with which a discriminating and indignant people averted the blight with which the never-to-be-forgotten panic-makers of that day attempted to blast all their prosperity.

But is it true that gentlemen here who belong to the minority have unreasonably and arbitrarily been prevented from making their speeches? Who have made most of the pamphlet *book* set speeches since the commencement of this session? Certainly not the majority. The minority have made and published more than three times as many voluminous set pamphlet speeches as the majority; and all candid gentlemen will bear me witness that gentlemen of the minority have consumed their full share of the time and attention of this House in the incidental debates that have sprung up since our session commenced. Gentle-

men of the minority are already beginning to lecture the majority for not executing the business of the House, but take special care at the same time to inveigh most indignantly against the previous question. They tell us that little or nothing has as yet been accomplished, and that the majority will be held responsible. How can we pass bills if gentlemen will eternally talk about them; and what the remedy for this retarding, talking disease but the previous question? I hope, sir, that the vocabulary of epithet will no longer be ransacked to find terms strong enough to characterize the "previous question," and that after a subject has been fairly debated, so that every gentleman must have made up his mind as to its merits, we shall witness no more scruples about the exercise of the most salutary power with which a legislative body was ever invested; and if gentlemen by this means lose the opportunity of making their speeches for the benefit of their constituents, the remedy is a full and an easy one. Let them write off their speeches and print them. We have high authority in the honorable gentleman from Massachusetts, now in my eye, [Mr. ADAMS,] for printing *unspoken speeches;* and I am not certain that it is not decidedly the best mode of delivering them to the nation and to the world; for I have long thought that speeches are made for any practical purpose but to produce conviction here.

But it is high time that I should take leave of the President-making portion of the speech of the honorable gentleman from Tennessee and say something about the subject now before the committee. Preliminary, however, to the views I propose to submit, I will premise, that there is one circumstance connected with this discussion which is indeed a fair subject of congratulation. It is this, sir, that in all the speeches which have been yet made, there has been no demonstration of hostility to your Navy; no seeming unwillingness to make liberal appropriations towards fostering and cherishing it. This is, sir, as it should be. Our position, our habits, our enterprise, our pursuits, and the experience we have already had as a nation, plead loudly, eloquently, and most irresistibly, the cause of the Navy. We are already the second commercial nation on the globe; soon, very soon, we shall be the *first*. The history of civilized nations tells us, that to carry on an extensive and successful commerce for a long series of years, without an efficient navy to defend and protect it, is just as impossible as it is for the fruits of the earth to grow without the sun and rains of heaven to warm and nourish them. The pirate must be driven from the ocean. The refined European, the Turk, and the Hindoo, the barbarian, and the native of the remotest islands of the Pacific, must be taught to respect your flag. There is no place on the habitable globe where may not be seen the evidences of American genius and enterprise; and wherever the American citizen is pushing his lawful adventure to bring new treasures into the country, there ought you to be able, if necessary, to cheer his onward course, by displaying the stars and stripes of his native land. Your Navy should be put upon a footing strong enough to convince the world that it is not mere empty bravado when you proclaim the motto—"*Millions for defense; not a cent for tribute.*"

The honorable gentleman from Tennessee [Mr. BELL] seems to think that we have too many navy-yards, to consist with the economy and efficiency of the service. The utility of having a number of navy-yards, located along a cost like ours, must be obvious to every gentleman who will bestow upon the subject a little reflection. The honorable gentleman from Maine, chairman of the Naval Committee, [Mr. JARVIS,] has most ably and triumphantly demonstrated it, and has anticipated most of the considerations which I had intended to urge upon this point. We have a vast extent of coast, with numerous large estuaries, and very much exposed to an enemy in time of war, whether he be powerful, or comparatively insignificant. The object of your navy-yards is to build and equip your ships, to enable you to keep on hand, at proper places, a suitable supply of materials for repairs and manufacture of vessels of war; and, if necessary, to furnish a shelter for the vessels belonging to our Navy, and to afford them every possible facility to refit and enter again upon their cruises.

There are, it seems, two kinds of depots necessary, building and manufacturing yards, and those for repairs and equipping; and some of the yards we now have are exclusively devoted to one or the other purpose, and some *to both*, and the attention that I have been able to bestow upon the subject, has convinced me that we could not now reduce the number of yards without prejudice to the public service. If we had but one or two yards, and were to get into a war with one of the great naval Powers of Europe, the enemy would at once invest those naval stations, and prevent vessels from coming in or going out. Suppose that, in the event of a war with such great naval Power suddenly breaking out, we had but two naval depots, and eight or ten of our vessels were out upon a cruise of four, five, and six months, or a year. The first movement of the enemy would be to invest those stations. Then, how could your vessels enter to refit or repair? This could not be the case, if we had several naval stations scattered along the coast. It would not be possible for any of the great naval Powers to blockade all of them effectually. But, it is asked, why has not Great Britain increased her naval stations? The honorable gentleman from Maine [Mr. JARVIS] has shown you that Great Britain has increased the number of her navy-yards, but if she had not, it would not militate against the necessity of our maintaining at least six or seven. The same reasons do not exist for the increase of the naval depots of Great Britain that seem to indicate the necessity of our maintaining at least the number we now have. Our navy-yards are, or should be, located in reference to the facilities that may exist for acquiring the particular material which is to be used at the particular station. They should be located in reference to proximity to timber, and other materials necessary to be used. Not so as to Great Britain. She gets her timber from the Canadas, from Norway, and from other quarters of the globe; and, from her insular position, one station is about as convenient as another, in regard to materials required at her naval depots. Nor need she increase her naval stations for fear of the exposure or blockade of a very limited number. She has naval force enough to protect them, and to always secure to her ships free ingress and egress. If England, then, had adopted the policy represented as hers by one honorable gentleman, different as is our position, and as are *our* means of defense, it furnishes no reason *in favor of our following it.*

The bill now under consideration, Mr. Chairman, proposes no new works, no new navy-yards. The amount proposed to be appropriated is rather larger than usual; and so far as it exceeds the ordinary annual appropriation may be regarded, and has been regarded, as an extraordinary appropriation in the course of this debate. Following, then, the example of honorable gentlemen who have preceded me in this discussion, I may as well here as on any other occasion say what I have to say in favor of the course which I intend to pursue upon propositions involving extraordinary appropriations for the permanent defense of our country. Whether the particular item of extraordinary appropriation be great or small is wholly immaterial; it may still afford a fit opportunity for the expression of those sentiments that may influence us in favoring or opposing liberal appropriations for our country's defense.

While, sir, on the one hand I consider an economical administration of the Government, as a general principle, an object that no Representative should lose sight of, yet it has been my habit to think that, in the execution of the high and important trusts confided to us here, our love of economy should not be so all-absorbing as to produce a forgetfulness of, or inattention to, some of the high duties that are enjoined upon us by the Constitution. It has also been my inclination to believe, while here, that the protection of our immense and rapidly-extending commerce, and the securing means of defense to our common country, were objects that came not only within the range of our powers, but of our duties, and that the unreasonable neglect of these great objects for the purpose of saving the public treasure, would be as preposterous as would be that economy in the husbandman which would induce him to expose his crops to trespasses and destruction, rather than incur the expense necessary to guard and fence his fields; yes, sir, that the folly and delinquency would be more palpable in proportion to the greater interest jeoparded in the one case than in the other. Is it not a gross misnomer, sir, to call that true *economy* which loses sight of national defense and national security; which would take no caution from the infinite causes and the awful ravages of war which the history of nations discloses; which would permit your cities to be sacked, your sea-board to be desolated, and your great commercial interests to be exposed to constant depredations, rather than afford them that protection which your bloated Treasury now enables you to do? Gentlemen are welcome to all the credit and all the honor that such an economy can secure to them. I trust that a majority of this House will not enter the list of competition for the glory of such an equivocal virtue.

It is the part of wisdom to profit from recent experience. Who, two years ago, could have imagined that the first Monday of December, 1835, would have found us so near a rupture with France as we actually were at the commencement of the present session of Congress? We should remember, that as our commerce extends, will the causes of collision with other nations increase; and *that man* must, indeed, have read the history of nations to very little purpose who has not learned that a very extended commerce, without proportional means to protect it, will eventually incur embarrassments and obstructions, against which nought but an efficient naval force is a sure preventive.

The question must, at this session of Congress, be boldly met and determined, whether your system of fortifications is to be extended, and your Navy is to be reasonably increased, or whether you will resort to the demoralizing and worse than utopian scheme of dividing your surplus revenue among the States; thus consolidating the States by making this great Federal head the almoner—the central source of revenue to its constituent members? While deliberating upon this great subject, should we not invoke the spirit of union, of concord, and of patriotism?

The Secretary of your Treasury, in his annual report, tells you that after satisfying all claims upon your Treasury, founded upon past and ordinary appropriations, there was at the commencement of the present session of Congress a pretty large surplus in your Treasury which would not be required for the ordinary purposes of the Government, and which might be applied to other purposes not included in the estimates, and liberally aid in promoting any constitutional object which Congress may deem most expedient. The exact amount of surplus has been a subject of speculation and dispute with many gentlemen. It now satisfactorily appears, from information furnished by the Secretary of the Treasury to a member of the other branch of this Legislature, that on the 1st day of January last the actual surplus was about sixteen millions of dollars. This is, indeed, a fair subject of exultation to many of us whose recollections can extend back only two short years. Then you were told by the panic-makers of that day that your country was ruined, that a general mildewed national prosperity and an empty Treasury would be the certain fruit of the great measure upon which such oceans of curses were heaped. It was even said that your Treasury could not be found. Only two short years have elapsed, and where is there aught now to justify these gloomy forebodings? Where now are these prophets of terror and distress? Why, sir, we find them racking their invention for the best means of easing your bloated Treasury of its contents. Should these false and unfortunate prophets wonder at the evidences everywhere exhibited, that the confidence of the people in them is *on the wane*—nay, that it is gone forever!

What, sir, is the best, the most judicious mode of disposing of this surplus revenue? 1st. Shall we immediately reduce your tariff of duties upon protected articles, and retain this surplus in order

to meet any deficit which such immediate reduction might hereafter occasion? Or, 2d. Shall we recommend an amendment of your Constitution, so as to authorize the distribution of this surplus among the States? Or, 3d. Shall we apply this fund to the purposes of securing permanent defenses for your country, to the erection and armament of your fortifications, and to the increase of your Navy?

1. To the first proposition, that of reducing your revenue and securing this fund for any contingent deficit to result from such reduction, an objection will readily occur to every reflecting mind. It *would violate the compact involved in your compromise act of* 1833. The instability of your legislation has already become too proverbial; calculations made under it, or in reference to it, have already too often been frustrated by the fickle spirit of change, sometimes misnamed "*improvement.*" The act of 1833 was made in a spirit of compromise between two great and important interests which agitated this country to its center; and I would deprecate, as fatal to that quietude which that healing act produced, a spirit here that would prematurely molest any of its vital provisions. Let southern gentlemen beware how they listen or yield to any suggestions to disturb any of the radical provisions of this act. I am not, I never have been, the advocate of ultra, of most extravagant tariffs. The district which I have the honor to represent, is second in manufacturing interest to scarcely any in the State which gave me birth. I know the feelings, the aspirations, of many of the manufacturers of the North. Like every other great interest, it embraces both reasonable and unreasonable men. There are those, and only a few, I trust, whom you can hardly satisfy with any measure of protection short of a total exclusion of the manufactures of the Old World; who, do for them what you please, would still assail your ears with the horse-leech cry of "*Give, give us more protection.*" At present, sir, there is an abiding feeling among a large proportion, if not a majority of the northern people, that there was a time when the advocates of inordinate protecting duties pushed their claims to an unreasonable extent. *Their* sentiment is, that the North should not disturb the compromise bill, and if the South should violate or disturb any of the terms of this adjustment, they would do it at the risk of losing much of that repugnance to exorbitant tariffs which is now a growing sentiment at the North. Gentlemen will therefore seriously pause and look to consequences before they attempt to interfere with the present tariff of duties on protected articles, and thus disturb the settlement of those great interests which was wrought by the famous compromise act of 1833. Cut this subject loose, and set this whole matter adrift again, and there is no telling, sir, which section of the country would be the gainer and which the loser. Every great interest of our country is now prosperous; and to attempt to elevate the one above the other, would be unwise, unjust, and *faithless in the extreme.* The voice of wisdom proclaims to us upon this subject—"*Leave well enough alone.*"

2. Your tariff is not to be disturbed. Are you prepared, in the next place, to amend your Constitution, in order to enable you to distribute your surplus revenue among the States of this Union?

Independently of the objections to this scheme that will readily occur to every intelligent mind, and at which I will merely glance presently, there are considerations which render this unprecedented, and *now* unconstitutional, remedy unnecessary. Do gentlemen recollect that the head of your fiscal department tells you that, under the operation of your compromise bill, you will not hereafter realize much, if any, surplus revenue, especially if you reduce or wholly abolish the duties upon some articles of foreign production, which you should do, because you can do it without at all violating the spirit of the compromise of 1833? The abolition duties on wines and silks from beyond the Cape of Good Hope, would alone work a reduction of over six hundred thousand dollars; other articles might be selected so as to reduce the revenue flowing from your customs more than a million of dollars, without at all violating that principle of protection till the year 1842, which was recognized by the act to which I have so often alluded; and if you were to make reasonable and liberal appropriations for objects of public defense, and make such a modification of your tariff of duties as you could do, without prejudicing articles that require protection, and which were intended to be protected by the act of 1833, it is more than probable that your surplus revenue would not hereafter accumulate to such an extent as to justify the extreme remedy of amending your Constitution, contended for by some gentlemen here. In corroboration of this view, I would remind the committee that we have been told, by authority upon which we are bound to place great reliance, that after 1842, when the last and most formidable reduction is to be made under the act of 1833, the diminution of your customs will be between five and six millions of dollars in that single year, and then the revenue from customs, as we are told, will be $9,000,000 instead of $17,000,000. In this view of the future, sir, I am fortified by the fact, that we can hardly expect that the importation of dutiable goods in 1836 will be equal to the importations of 1835. The importations during the last year were unusually large, in consequence of the apprehension of a rupture with France. So also in regard to your public lands. It cannot reasonably be expected that your revenue from *them* will, in the present year, be equal to what they were in the last. Immense quantities of the public lands have lately gone into the hands of speculators, who have purchased very large tracts. These will be in market, ready to compete with the Government in supplying the wants of the actual settler. It should be recollected, besides, that the sale of the Chickasaw lands has been postponed to the present year, and the proceeds of them must be invested for the benefit of the Indians. In this view of the *certain past* and the *probable future*, is it not unwise now to adopt the desperate expedient of amending your Constitution, so as to authorize the distribution of your surplus treasure for six years to come?

Sir, the disease ought indeed to be desperate, before you adopt this new, this hazardous remedy. Arguments, almost irresistible, will occur to every reflecting mind, against the untried scheme of making this great central Government the tax gatherer *from*, and the revenue dispenser *to*, the different members of this Confederacy. The plan of taxing the people with one hand, and paying it back with the other, has at least the charm of novelty. And when you see deducted, *first* the expense of collecting it, and *then* the expense of paying it back into the hands of your citizens, it will be very apt to occur to almost everybody that it would have been much better to have left it in the pockets of the people. But this view of the subject does not exhibit the strongest argument against this scheme. What, sir, would be the consequence if you were to distribute, for any number of years, a surplus among the States, adequate to the support of the State governments? She States would at once repeal all laws imposing direct taxes upon their people, and then it might be found in many of the States quite difficult to make them consent to taxation again.

We all know, sir, that indirect taxation is the most quiet and insidious mode of picking the pockets of the people. They know, because they *see*, as well as *feel*, the terrors of the *direct* tax-gatherer; while the horror of your custom-house officers are neither seen nor comparatively felt by them. This resource for the support of your State governments, or for works of interal improvement, under the direction of your States, could not fail to weaken the attachment of your people to your State governments, and tend most powerfully to what all lovers of their country would deprecate, *consolidation.* Pour upon them the largesses contemplated by this new scheme, of being liberal to them with their own money, and they would be constantly throwing back "*many a longing, lingering, affectionate look,*" to that great central Federal benefactor, which had so long lavished upon them treasures of their own contribution. This ill-founded attachment of the people to the *general*, at the expense of the requisite affection for their *State* governments, is, surely, a result which all patriots would deplore. I grant, sir, that this scheme of dividing the surplus revenue among the States, is not a novel one. It was proposed in the other branch of the Legislature in 1829, and found very little favor then. The honorable gentleman from Virginia [Mr. ROBERTSON] has read an extract from President Jackson's message of 1829, to show that *his* opinions have changed upon this subject since that period. This circumstance, were it so, would not affect my course; but if the President has changed his views upon this subject, other gentlemen, with whom it is the pride of the honorable gentleman from Virginia to act, have also changed *theirs.* It was in the South, where the plan, when first started, found its most decided and uncompromising enemies; and it is not a little surprising that it should now be exhumated by those who then killed and buried it.

3. You *will* not, you *should* not reduce your tariff of duties, so as to violate the principles of your compromise act. You will not yet adopt the extreme remedy of dividing your surplus revenue among the States; what, then, will you do? What have you been admonished to do by the recent signs of the times? I answer, *extend your system of fortifications, and increase your navy;* and for these great and patriotic objects you will require the whole of your surplus revenue, as well that now on hand as that which will accrue between this period and the year 1842.

But it has been contended in the course of this debate that, in the distribution of the bounties of this Government, the South has been most unjustly and cruelly neglected. The investigation which I have been able to bestow upon this point has satisfied me that gentlemen who have urged this position have (unintentionally no doubt) taken too partial a view of the matter, and have run into very great errors. But before I undertake to show this, I will observe that equality of disbursement throughout the conntry, when executing the duty of putting the country in a state of defense, is wholly impracticable without totally losing sight of the inquiry, what is expedient, and what is necessary?

The Constitution imposes it as an incumbent duty on Congress to provide for the "*common defense.*" Suppose nature has fortified one section of your sea-board with a bold and inaccessible shore, and left the other easy of access; or suppose she has effectually guarded one section against the approach of an enemy, with bars, and shoals, and sand banks, must all sections, thus differently circumstanced, share in the bounty of the Government for the purposes of public defense? If this be so, then indeed have we very strange duties to perform under this Constitution of ours; then are we under obligation to expend as much for defending our *weak* as our *strong* points. The whole body is to be taken care of and defended. One member is diseased and sickly; it requires your special care, pains, and expense, to restore it to health and vigor. Now, sir, according to the argument which I am combating, in order to do justice to the whole body, you must bestow equal expense upon every other member. This is a species of logic that will hardly be deemed sound by any one. If put into practical operation, it would conduce to a system of log-rolling that would disgrace, if not ruin, the country.

But, is it true, sir, that this Government has been so partial in the dispensation of its care and protection, and in the distribution of its bounties, for the purposes of national defense? The discussion hitherto has embraced all species of expenditures that come under the head of "*national defense,*" fortifications, navy-yards, arsenals, and every other object of expenditure. I will, in imitation of the example which has been set me, say a few words about our expenditures for fortifications. This great branch of expenditure certainly exhibits anything but the fact that the South has been overlooked or neglected.

In 1821, the House of Representatives, by resolution, called upon the Secretary of War for a general plan of defense, and a designation of forts. From this, resulted the offer of a plan in 1821, of fortification for the whole maritime coast, from Georgia to Boston. It may be found in the very able report of the board of engineers, at the head of which was General Bernard, among the Executive documents of 1821. It embraced between

eighty and ninety forts upon that part of the coast extending from Savannah to Boston. And here, it is not amiss to inquire when, and under whose administration of the War Department, it was that this liberal scheme originated. It was at a time of profound peace; when, instead of a plethoric Treasury and millions of surplus, we owed a national debt of many millions of dollars. It was under the auspices too of a distinguished gentleman, then at the head of the War Department, [Mr. CALHOUN,] who would now, it seems, rather than complete the system of defense then approved if not projected by him, divide your surplus revenue among the States. It may be well, too, to bring to the recollection of the committee the patriotic doctrines maintained by the President of the United States in those days, when we had neither the same means nor inducements to make liberal expenditures for the purposes of public defense, that the present crisis exhibits. President Monroe concluded his annual message of December, 1822, with the following just and patriotic sentiments:

"Unprovoked injuries are often inflicted, and 'even the peculiar felicity of our situation might, 'with some, be a cause for excitement and aggression. The history of the late wars in Europe 'furnishes a complete demonstration that no system of conduct, however correct in principle, 'can protect neutral Powers from injury from 'any party; that a defenseless position, and a 'distinguished love of peace are the surest invitations to war, and that there is no way to avoid 'it other than being prepared and willing, for 'just cause, to meet it. If there be a people on 'earth whose most especial duty it is to be at all 'times prepared to defend the rights with which 'they are blessed, and to surpass all others in 'sustaining the necessary burdens, and in submitting to sacrifices, to make such preparations, 'it is undoubtedly the people of these States. 'The United States owe to the world a great 'example, and, by means thereof, to the cause 'of liberty and humanity a generous support. 'They have so far succeeded to the satisfaction 'of the virtuous and enlightened of every country. 'There is no reason to doubt that their whole 'movement will be regulated by a sacred regard 'to principle, all our institutions being founded 'on that basis. The ability to support our own 'cause under any trial to which it may be exposed, 'is the great point on which the public solicitude 'rests. It has been often charged against free 'Governments that they have neither the foresight nor the virtue to provide at the proper 'season for great emergencies; that their course 'is improvident and expensive; that war will 'always find them unprepared; and, whatever 'may be its calamities, that its terrible warnings 'will be disregarded and forgotten as soon as 'peace returns. I have full confidence that this 'charge, so far as relates to the United States, 'will be shown to be utterly destitute of truth."

If this was the language of truth and wisdom when it was uttered, when we were incumbered with a heavy national debt, when we had had no very recent prospect of a conflict with any other nation, how much more authoritative should it now be, when we have millions of surplus treasure on hand, and when we have so lately been threatened with a war with one of the most powerful nations of Europe? How many forts have been finished since our last war with Great Britain? The principal engineer has been kind enough to furnish me with a list, from which it appears that eleven forts have been completed, and that thirteen are now in a course of construction; the cost of finishing which, according to the estimate which has been furnished me, will be, $3,535,815

The fortifications that have thus been finished, have cost	4,072,934
Expenses already incurred for those under construction	6,305,779
Total expended for fortifications since the year 1816	$10,378,713

Other gentlemen have furnished us with statements that are fallacious. They include arsenals and ordnance, and thus, probably, swell the amount to some twelve or thirteen millions of dollars; and when I come to tell, sir, where these forts are located, and what amount has been expended for each, I apprehend that no gentleman will deny that, in relation *to fortifications at least*, this Government has been extremely liberal to the South; that the South ought to be the last section of the country to utter complaints.

The honorable gentleman from Tennessee [Mr. BELL] told us that if we went as extensively into a system of fortifications as now seemed to be contemplated by the friends of the Administration, you would require a standing army of twenty or thirty thousand men—that this force would be necessary to garrison all the forts. The head of the engineer department has also furnished me with the number of men necessary to garrison as well the forts that have been completed as those which are in a course of construction. According to this statement, there will be necessary to garrison the eleven forts finished, in time of peace, five hundred and fifty men; in war, four thousand six hundred and thirty men. For the thirteen forts now under way, there will be necessary, in time of peace, one thousand eight hundred men, and in war fifteen thousand seven hundred and sixty-five men. I have the authority of the able board of engineers, who made the report of 1821, to say that your garrisons might consist of the same number of regular troops in time of war as in time of peace, and that the remainder might be furnished by the militia, held in readiness to throw themselves into the forts on the first approach of an enemy, so that a large standing army in time of peace to garrison your forts is not necessary. No one can read the able report of General Bernard and others in 1821, without being struck with the immense economy and saving, both of blood and treasure, that would result from numerous fortifications along your coast in time of war. In the event of a war with one of the great maritime Powers of Europe, it seems that without forts it would be necessary, in order to defend New Orleans, Norfolk, Baltimore, Philadelphia, New York, and Narraganset bay, (only six places,) to maintain sixty-seven thousand men encamped and under arms, and fifty-three thousand ready to march, and within call. According to the estimate made, these sixty-seven thousand would cost, in a campaign of six months, *sixteen millions seven hundred and fifty thousand dollars*, more than enough to construct the fortifications necessary for the above places, since the amount necessary to construct works at the above places was, according to the report of 1821, only a little over eleven millions of dollars. "By these means," says the report above-mentioned, "two thousand seven hundred and twenty 'regulars and twenty-one thousand militia, either 'in the forts or in small corps, upon advantageous 'positions, would suffice after the erection of these 'works, and we should have only twenty-three 'thousand seven hundred and twenty-men to pay 'and support instead of sixty-seven thousand. 'The difference ($11,092,000) being about equal to 'the estimated expense of the forts, it follows that 'the cost of their erection will be compensated by 'the saving they make in a single campaign of 'six months." Do not such facts and such considerations plead eloquently in favor of the plan of liberally extending our system of fortifications?

A word more, sir, about this alleged injustice to the South. In order to determine whether there is any foundation for the charge in regard to fortifications, it is proper to inquire where your forts have been located. I mean those which have been constructed according to the tables to which I have referred. From these tables, furnished by the Chief Engineer, it appears that of the eleven forts finished, two are in the harbor of New York, and the other nine are in the southern States; that for fortifications that have been finished, there has been expended for those located in the southern States the formidable sum of $3,275,393; and for the two in New York harbor, and being the only two in the northern States in the list indicating those finished, the sum of only $797,541. Of the thirteen forts now under construction, seven are in the southern, and six in the northern States. Upon those located in the southern States there has already been expended the sum of $4,804,374. Upon those in the northern States $1,451,405.

I have not, sir, instituted these comparisons from any disposition to find fault with what has been done. No, sir. If the southern sea-board had required fortifications, as it doubtless did, it is right that your forts were located there. But is it not surprising that the honorable gentleman from South Carolina, [Mr. THOMPSON,] in the ingenious and eloquent speech with which he favored us, should have overlooked this marked liberality of this Government in the expenditure of its treasure to the southern section of the Union? The remarks of the honorable gentleman were, no doubt, the offspring of pure and patriotic intention, and of affection for that Union which all should regard as the certain means of national and individual prosperity; but what effects do arguments like that addressed to us by the honorable gentleman from South Carolina naturally produce? Sir, they can only serve to render the southern people more discontented with their political condition, and to impress them with the belief that this national Government is, to them, a curse rather than a blessing.

The South, the "*magnanimous*" South, "*the forbearing*," the prosperous South, which has been represented to us as the "*great well-spring*" from which almost all our national treasure flows; the "*neglected*" South has been the subject of most unmeasured eulogy by the honorable gentleman from South Carolina, [Mr. THOMPSON.] I inferred, from the gentleman's details of expenditure at the South, that the "*Old Dominion*" was not intended to be embraced by his designation of "*the South.*" I suppose that since the passage of her expunging resolutions, her geographical position has been changed, and that no relationship is now acknowledged by the sovereign State of South Carolina. Sir, I would not attempt to abate or detract from any of the honor and glory that legitimately belong to the South. She is proud, chivalrous, and animated by a lofty spirit of independence. She has produced her full quota of good and great men to bless and adorn the nation; but let not gentlemen, in justice to their own understandings, imagine that all the patriotism, all the chivalry, all the wealth, all the enterprise, and all the means of producing national revenue, are monopolized by any particular section of this country. If the North, sir, is not loud here in the trumpeting of her own fame or the annunciation of her wealth, her resources, and her improvements, let not gentlemen suppose that she is therefore less the fair subject of praise. If her sons on this floor have been taught that there is a State egotism as well as an individual egotism, and that the one is about as obnoxious to the lovers of a correct taste as the other, gentlemen may, perhaps, in some measure, be able to account for the unfrequency with which the praises of the North are here echoed. If we, too, have our "*well-springs*," we are content to enjoy them, without parading them to the world. If, sir, we were the first to embark in and accomplish works of enterprise which do honor, not only to the nation, but to the age in which we live, we consider it no part of our duty to sing our own hosannas here. If, in every part of New York and New England, we could boast a system of common schools, of elementary instruction, which imparts education to the poorest and the humblest, and fits them for free government; if there we could behold everywhere the evidences of prosperity in the excellence of roads, the neatness of dwellings, the productiveness of fields, the taste and cleanliness of villages, the rapid growth and astonishing number of cities, and the indications of religion and refinement in thousands of altars dedicated to God, we would feel a secret and innate satisfaction in the contemplation and fruition of these blessings, but would deem it no part of our duty to make any ostentatious exhibition of them here. Have we cause for such satisfaction? Let the impartial who have visited us *answer*.

Gentlemen who urge the objection to appropriations, that your public treasure is not equally disbursed through the country, do not correctly estimate the feelings that unite, or should unite, the patriotic citizens of this Confederacy. Money expended for the defense of Kentucky or Missouri is, in a national point of view, money expended for the benefit of the freemen whom I have the honor to represent. Let a foreign foe

invade the West or Southwest, and it is enough for my constituents that a portion of the Republic is invaded; as against the foreign foe, we are, we should be, one united, indivisible whole. Let the enemy strike a blow upon the remotest extremity of this widely extended country, and it is instantly felt *at the heart*, and at the other extremity. So, when victory perches upon the American standard, whether on the banks of the Niagara or the plains of New Orleans, every true American citizen, no matter where his lines may be cast, shares in the joy and the glory of the achievement. It is our country's arms that triumph, and we rejoice. It is our country's foe that is victorious, and we mourn. Expend your money to defend any one vulnerable point of your country, and, speaking as a patriot, you expend it for the benefit of the *whole country*. Partial appropriations for the defense of the country, because it so happens that necessity compels us to spend more in one State than in another! Jealousy, for such cause, is unworthy of the high-minded men whom we represent.

A few years ago the savage Black Hawk made most sanguinary incursions upon the borderers of one or more of your western States; a national force was summoned to the scene of action to subdue him. It cost the nation, perhaps, two million dollars to put him down; and think you, sir, that any gentleman from this side of the mountain would have dared to have urged to this national disbursement the contracted objection, that the money was spent exclusively for the benefit of your western borderers, and that *they* therefore ought to have paid the whole or the greater proportion of the expense of this war? That man very much underrates the patriotism of the Atlantic States, who imagines that, within *their* borders, there could ever have been found a single man with a soul contracted enough to urge such an objection. An Indian war has broken out in Florida. The national purse is opened, and the national force is ordered to put it down. It will cost the nation more than two million dollars. Is there any gentleman here who would dare to say that it is unjust to tax the whole nation with the expense of this local, this *neighborhood war?* Yet my constituents are not immediately affected by it. The constituents of the gentleman from Kentucky, [Mr. HARDIN,] who opposes almost all extraordinary appropriations, are not immediately affected by it; but, sir, they would not come up to our standard of Kentucky chivalry, if, for this reason, they would not freely contribute their full share of blood and treasure towards terminating this local though desolating war. We have, in days gone by, had our Seminole wars, and our Creek wars. The nation has, as it should have done, prosecuted them to a successful termination, though not one twentieth part of the nation was immediately affected by them, yet it was enough for nineteen twentieths of this Union, that their fellow-countrymen, their wives and children were exposed to, or suffered, all the horrors of savage warfare. They never murmured; nor will they, so long as they deserve the name and retain the character of American citizens, murmur because they are required to contribute to such purposes.

I speak in no unkind or taunting spirit, when I say that constant and most liberal drafts have been made upon your Treasury for the removal of Indians, and extinguishing Indian titles. A treaty has just been entered into with the Cherokees, which is now before the Senate for its ratification, by which you stipulate to pay them $5,600,000. Were we to look at the sums of money thus expended, through a contracted medium, we might say that these Indians, thus bought out and thus removed at this enormous expense, did not molest or incommode the citizens of the middle or northern States, and that they ought not to be thus constantly taxed for their removal; but if I know the people of the North, their Representatives here would gain but little favor with their constituents, if they should take such selfish and anti-national ground. Let them urge such objections, and their people "*would shake them off like dew-drops from the lion's mane.*" When western gentlemen tell us that the West is not benefited by expenditures for expenses upon your sea-board, they assume an entirely erroneous position. Why enlarge your Navy and fortify your commercial cities, but to defend the commerce of the country, a commerce in which the farmer or merchant of the remotest corner of Missouri may be as much interested as those who reside in the immediate vicinity of your commercial cities? In a large commercial country sea-board fortifications and an adequate Navy should always coexist. The experience of the last fifty years amply demonstrates this. We have also had experience enough to convince us that agriculture and commerce must, for years to come, be the great means of wealth to this country. The productions of our rich and extensive soil cannot be locked up within our borders. They must find vent abroad; and if to insure them a safe transit to their destination fortifications and ships are necessary, expenditures for such objects are as beneficial to the hardy yeomanry of Illinois and Indiana as to the inhabitants of your sea-board; nay, more, in proportion to the greater agricultural surplus which they raise for foreign consumption. The southern States own but little of the tonnage of the country; but in the event of a war, would they not be most vitally interested in the commerce of the nation, and in a Navy adequate to its support? Would not their great staples, which look to foreign markets, be most imminently exposed? This matter was well understood here a year ago by western and southern gentlemen, when we were under the apprehension of a French war. I well recollect two speeches—the one made by an honorable gentleman from Kentucky, [Mr. HARDIN,] and the other by a distinguished gentleman from Virginia, [Mr. ARCHER,] in which the losses that their respective constituents would sustain, in consequence of a war, were portrayed in most appalling colors. It was not then believed or supposed by any one that the remote position of Kentucky from the sea-board would exempt her from the pecuniary losses always inseparable from war.

You are destined soon—very soon, to be the greatest commercial nation on the globe. You are already the *second*, taking your commercial shipping interest as your standard. You are only the *seventh* naval power; you ought to be at least the third. Our country is constantly developing new resources; and if its future advances in wealth and greatness shall justify the hopes of its friends and the fears of its enemies, the day is not far distant when in commerce and in wealth we will be first among the nations; and then, sir, it will not be enough to have those mighty possessions. We must have at hand the ability—the ready means to protect and defend them.

We should always bear in mind, sir, that the glorious example of our success in free government is not looked at with over-much complacency by crowned heads and potentates. Sooner or later its influence will be exhibited by a mighty shaking among the nations of Europe. They will be able to trace the convulsions which rack them to their true source; and woe to us then if we shall be unprepared for the trials and conflicts which may then await us. And if then, sir, they shall attempt to save their trembling thrones by a united giant struggle to extinguish this bright western orb of freedom, which is shooting its vivid rays athwart the dark valleys of Europe, illustrating to its benighted subjects the charms of free government; and if, at such a crisis, they shall be encouraged by the brilliant temptation of a commerce dotting every ocean, without the means of defending it either at home or on the deep, then will we indeed discover how worse than miserable was that parsimony which, in the days of our abundance and prosperity, had grudged a few millions for the purposes of national defense!

While upon this subject, I may, and I hope without giving offense to many gentlemen here, who are honestly impressed with the idea that the South and West have not equally participated in the public bounties, bring a fact or two to their knowledge, of which all, perhaps, are not apprised. By looking back into the documentary history of the country, for only two years, you will find that in 1824 your Secretary of the Treasury made a very able and voluminous report on the present system of keeping the public money. To this report was appended a table showing where the public moneys, appropriated for the year 1824, were expended; and from this it appears that the whole expenditures of appropriations for 1834, was $21,293,200; that the whole collections of 1834, were $20,624,717; that the expenditures less than collections in the eastern States, was $28,908; that the expenditure more than collection, in the southern and southwestern States, was $957,218; that the expenditure more than collection, in the western States was $867,470; making an excess of expenditure in the southern and western States of $1,824,688.

It also appears from this same table, that about one third of all your naval expenditures were made at Norfolk in that year. This, sir, does not look much like draining the North and East at the expense of the South and West.

Again, sir: for the benefit of which section of your country more particularly has your little army hitherto been maintained? What sections of your country since the peace of 1815, have most required its presence? It has been most needed at your western and southwestern posts, and in the vicinity of your Indian tribes. Since the last war, sir, an epauleted gentleman in the service of the United States, is a very *rare object* in my district.

It has been said, too, that the West and southwest are constantly filling your Treasury with moneys paid for your public lands, and that this Government is constantly draining the West of its available means in the avails of your public lands. Sir, illiberality to the purchasers of, and the settlers upon, your public lands, is certainly the last thing with which this Government is justly chargeable. No nation on earth was ever more liberal than we have been in the disposition of our public domain. Last summer, when in his Britannic Majesty's dominions I heard our liberal policy in relation to our public lands contrasted with that which obtained in the Canadas. I heard it stated that our very liberal policy had a tendency to drive all the emigrants who passed up the St. Lawrence, directly into the United States.

It is entirely wrong, to say that the immense sums of money that have so recently flowed into your Treasury as avails of the public lands are contributed exclusively by the West; millions of the capital of the Atlantic States and Atlantic cities have been invested in your public lands; and I might go further, and show to you that, large as are the revenues that have recently been received from your public lands, they have not yet yielded to the Government as much as they cost the Government. I have in my hands, sir, a document, being a report made by the Secretary of the Treasury to the other branch of the Legislature, on the 25th day of January last, in compliance with a resolution of the Senate on the subject of the public lands. From this, it appears that your public lands have cost the nation.....$63,608,232

And that the amount received for them to the 25th of January last, was only..... 57,652,207

Leaving them still a debtor to the Government in.....$5,946,025

Gentlemen can refer to the document to which I have above alluded, for the particulars that constitute the above sum of more than sixty-three million dollars. The main items are the Louisiana purchase, the expenditure under the head of the Indian department from the commencement of the Government, the amount paid for the Floridas, the expenses of the land offices, and the expense of surveying the public lands. I repeat, sir, that I indulge in this course of remark not in any taunting spirit; not to induce the belief that more has been done for the West and Southwest than ought to have been done, (for I do not cherish this belief,) but to convince, if possible, our brethren of the West and Southwest, that they have not been forgotten or neglected, and that their fellow-citizens of the sea-board have not engrossed an undue share of the favors and the bounties of this Government. Let us then, sir, discard that narrow feeling, which would oppose a national work, because the money

appropriated for its construction is not to be expended in our immediate neighborhood—opposition founded on such feelings is unworthy of the high places we here hold. It is the emanation of a spirit contracted and selfish. It was not such a spirit which achieved the independence of this Republic. It is not such a spirit which can urge us on to the high destiny which, but for ourselves, awaits us.

Sir, it appears to me that the inducements that now urge us to make liberal appropriations for our country's defense, to increase our Navy, and extend our system of fortifications, are of irresistible force. Our commerce is daily extending, and in proportion as it spreads wider and wider, will the causes of our rupture with foreign nations increase. Nations are but masses of individuals, and every day's experience teaches us that individuals who are engaged in extended commercial operations are more exposed to controversies and litigations than those who are engaged in more quiet and limited pursuits; and though the cloud of war that so lately hung over us has been dispelled, yet, in the ever-varying current of national interests and national events, who can tell how soon we may be called upon to expend our blood and our treasure in defense of our dearest national interests? Recent occurrences *should not*, they *cannot*, fail to awaken throughout the country more respect for the familiar and almost hackneyed, though sound maxim of the Father of his Country, "*In peace to be prepared for war.*" The wisdom of this advice is demonstrated not only by the observation of the disposition of nations, but of individuals. The man who is willing and able to repel assault, is not apt to be molested by the braggart and the bully. All experience teaches us that the best way to avoid attack is never to court it, but always to be prepared to meet it firmly, come when and how it may. Those who would otherwise molest you will then be apt to act upon the principle that "the better part of valor is discretion;" just so with nations, sir.

To conclude, then, sir, we have an overflowing Treasury; we have lately had most threatening relations with one of the most powerful nations of Europe; a vastly extended and almost defenseless sea-board; a Navy which, much as it has contributed to the honor of the country, ranks only with that of some of the smaller Powers of Europe; and (what seemed to be quite indispensable to some gentlemen on another occasion) the recommendation of the President to make liberal appropriation to objects of defense. What, sir, are the suggestions of wisdom and patriotism under such circumstances? Shall we adopt a policy that shall prove our love of money stronger than our love of country? When the nation has so lately been threatened with a rupture, shall we hoard our treasure with the miser's spirit? emulate the example of Patrick Henry's hero, and cling to our "*beef, beef, beef,*" our *money, money, money,* rather than promptly execute the great duty of common defense, authorized, if not inculcated, by the Constitution? No, sir, the noble and chivalrous spirit which achieved our independence, and the example which we owe to the cause of free government throughout the world, forbid it. Those eloquent monitors urge us now in the days of our plenty and prosperity, to secure the means of defending our happy country, that kings and despots may be faithless and ambitious, and yet the free born citizens of America may sit under their own vine and fig tree, "*none daring to molest or make them afraid.*"

MARITIME DEFENSES.

SPEECH OF HON. LEONARD JARVIS,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

April 4, 1836.

The bill making appropriations for the support of the Navy for the year 1837 being before the House as in Committee of the Whole, (Mr. HAMER in the chair)—

Mr. JARVIS said:

Mr. CHAIRMAN: Were it not for the daily annunciation made by you upon resuming the chair, that the question before the committee is upon the motion of the gentleman from Tennessee, to strike out of the bill which is under consideration the appropriation of $67,000 for the repairs and improvements of the navy-yard at Portsmouth, it would be difficult to determine upon what subject we are called upon to deliberate. The debate has been of such a rambling character that the true question before the committee has been nearly kept out of view. Upon the two motions of the gentleman from Tennessee, [Mr. BELL,] first to reduce the appropriation for the New Hampshire navy-yard one half, and afterwards to strike it out altogether, we have had arguments upon the expediency of reducing the number of navy-yards, of creating a new one upon the shores of Narraganset bay, and of expending three millions of dollars upon the navy-yard at Pensacola. We have had a touch upon fortifications, on ship-building, on nullification, with a sprinkling of disunion. We have heard also about the Bank of the United States and the gold currency and the surplus revenue. Office-holders have come in for their share of notice; and there have been eulogies upon Senators and engineers, and attacks upon the present and all preceding Administrations. It is unnecessary to say that there have been diatribes against the President, for no debate would be perfect without that ingredient. Sir, this little navy-yard of the Granite State has been prolific as Pandora's box, and there is hope, too, at the bottom, that after gentlemen shall have blown off their steam, and been allowed at pleasure to confound the freedom of debate with its licentiousness, the business of the nation will be suffered to proceed, and a vote be taken upon the Navy bill before the service has seriously suffered for want of the appropriations.

The gentleman from Tennessee, whose motion is the cause of all the delay which has occurred in the progress of an appropriation bill, which contains nothing of an obnoxious character, nothing which heretofore, in the utmost bitterness of party feeling, would have prevented its immediate and undisputed passage, after being a member of this House for eight years, and after having voted hundreds of thousands for these navy-yards which he would now abolish, pounces, on a sudden, upon an old report of the navy commissioners, which had been repudiated by the subsequent and continued action of Congress, and consigned to that receptacle of things forgotten on earth, the document library of this House; and, in virtue of this document, delays the navy appropriation bill, and calls upon us to stop and inquire with him into the expediency of reducing the number of our navy-yards.

Sir, I must confess myself disappointed in the course of that gentleman! Having constantly voted with him until now upon all the eventful questions which have thrown an intense interest over the passing history of Congress for the last five years, and having seen in the public journals, during the last year, while he was a candidate for reëlection, the professions of his attachment to the Administration, I was not prepared for this opposition. The Administration is the same Administration heretofore supported by him; it is pursuing the same course heretofore approved by him, and not by him alone, but by a large majority of the people of the United States, from Missouri to Maine—and yet he styles his old political friends, with whom he has stood shoulder to shoulder, in so many trying scenes, the gentlemen on the other side! He has left us, then! He has abandoned us for the enemy! Instead of being a distinguished supporter and champion of the Administration of the favorite son of Tennessee, he seeks to thwart and embarrass it! Sir, I wish him joy of his change!

I pray the committee to bear in mind the nature of the bill against which his opposition is first directed. It is a bill making appropriations for the naval service, reported in the usual form by the usual committee, upon the usual estimates. It is a bill providing for the pay and subsistence of our officers and seamen; for the repair and equipment of our ships, and for the improvement and repair of our navy-yards. During the time that I have had a seat on this floor, a bill of a similar character has been passed early in each succeeding session, without question and without delay. I pray the committee also to recollect the time when this opposition was first manifested. It was at the time when a war-cloud was lowering over the country—when a contest was expected with the second maritime Power in Europe, and when the uncertain character of our foreign relations rendered it necessary for us to urge, with all possible haste, our preparations for defense. It is a time like this, and upon a bill of this description, that the gentleman from Tennessee selects to break ground against the Administration! But whence the sudden flood of light which has gushed upon his benighted eyeballs, disclosing deformity where all before was fair? Is it a "SUN"-beam, reflected from the "*Drapeau sans tache,*" from the "spotless banner," unfurled as a signal, and adopted as a marvelous proper war-cry by a certain little knot of politicians, and fastened on them in utter derision by those against whom it was vainly raised?

Let us examine the grounds upon which the gentleman has placed his opposition to the bill. He says there are too many navy-yards. I would ask if this question is never to be settled? Sir, the six navy-yards upon the Atlantic were established prior to the Administration of Mr. Jefferson. The questions of the expediency of reducing their number, and of changing their location, have been repeatedly before Congress, and the result has uniformly been the same—namely, an implied refusal to make any change, and a determination to continue the yards as at present established, manifested by additional appropriations for their improvement. This was the constant course until the year 1827, when the Nineteenth Congress seemed decided by its action to remove all doubt. In that year the Committee on Naval Affairs of the House reported against the establishment of navy-yards at Baltimore, Narraganset Bay, and New London; and an act was passed for the gradual improvement of the Navy of the United States, the sixth section of which is in the following words:

"*And be it further enacted,* That the President of the United States be, and he hereby is, authorized to cause the navy-yards of the United States to be thoroughly examined, and plans to be prepared and sanctioned by the President, for the improvement of the same, and the preservation of the public property therein; from which plans no deviation shall hereafter be made, but by his special order."

In pursuance of this authorization, the President caused the several yards at Portsmouth, Boston, New York, Philadelphia, Washington, Norfolk, and Pensacola, to be surveyed, and plans to be made, which were approved by him, and are now to be seen in the office of the Navy commissioners. It is for the purpose of carrying these plans into effect that the appropriations are asked for now, as they have been asked for in every preceding year of this Administration, which, in this respect, has only followed the example of the Administration to which it succeeded in pursuing what seemed to be the settled and invariable policy of the country.

From the time when the first stroke was struck upon our navy-yards up to the time when the gentleman from Tennessee was first called to give his powerful aid in the councils of the nation—which was the very epoch of the passage of the act to which I have referred—a period comprising twenty-seven or twenty-eight years, the whole amount of the appropriations for all our navy-yards was only $3,106,200. During the time that gentleman has been in Congress, the amount appropriated for the same yards has been $2,248,123; and if we add thereto the cost of the dry-docks at Norfolk and Charleston, which have both been constructed within this period, the honorable gentleman will have sanctioned or permitted an expenditure upon these navy-yards, some of which now give him so much uneasiness, of $3,868,890! Sir, the gentleman has placed himself in an unpleasant dilemma. If these establishments were not necessary, how can he justify himself for permitting so large an expenditure upon them without one word of caution or expostulation? If they were necessary, what reason, what excuse can he offer, for arresting the progress of this appropriation bill through his opposition to them?

It would seem to be almost superfluous to enter into an argument to show the impolicy of reducing our navy-yards, but I will, nevertheless, ask

the indulgence of the committee for a few minutes to enable me to glance at this question. The French have a proverb, that "a mouse with one hole is soon caught." This saying is peculiarly applicable here. If we had but one or two naval stations, how easy would it be for an enemy that was powerful upon the ocean to blockade our whole fleet; increase the number to what we now have, and it becomes impracticable. Besides, if an enemy were to attack and succeed in destroying one of our seven naval arsenals, the shock would scarcely be felt; but if all our naval stores were concentrated upon one or two points, the destruction of either would be a blow from which it would be impossible to recover during the continuance of a war, and which might produce a disastrous issue to the conflict. Again, by having our navy-yards scattered along our extensive coast, much greater activity might be given to their operations in time of war, as the services of all the ship carpenters in their immediate neighborhood could be secured; whereas, whether the establishments were large or small, no more ship builders could be procured to labor in them than were to be found in their vicinity, unless at an increased expense. Our people are migratory in their disposition; but they are also a calculating people. When they pull up their stakes, it is because they expect to find greater profit and advantage from setting them down elsewhere. Sir, they will not suffer you to transplant them, unless you make it for their interest. You may carry your establishments to them, but you cannot bring them to your establishments. The whole power of the United States has been exerted in vain to build up one city, while villages, towns, and cities have started up as if by magic, without our aid or the aid of the States, in every section of our country. The gentleman from Tennessee cited the example of Great Britain as conclusive against the multiplication of navy-yards. He represented that nation as having only two great naval establishments, and of course referred to those at Portsmouth and Plymouth. Sir, I know not what that gentleman may consider as great naval establishments, but in England there are seven dock yards, the least of which is far superior to the greatest of ours. Four of these are between London and the mouth of the Thames; they are situated at Deptford, Woolwich, Chathams, and Sheerness; then come the two great yards of Portsmouth and Plymouth, upon the shores of the English Channel; and then at the confluence of the Bristol and St. George's channels, in the magnificent harbor of Milford Haven, is the new establishment of Pembroke, which it is the intention of the British Government to make one of the first, if not the first, naval station in the world. This is the furthest from London of all the docks, and yet the distance is only two hundred and thirty-seven miles. I will mention a few of the improvements at some of the establishments which the gentleman considers of an inferior class.

The dock-yard at Deptford contains thirty-one acres; it has two wet docks, one of which covers an acre and a half, and the other two acres; it has three building slips for men-of-war, a basin, two mast-ponds, twenty forges for anchors, besides mast-houses, timber-sheds, &c.; and there are employed in it, in time of peace, one thousand artificers.

The dock-yard at Woolwich is a mile long; it has two dry-docks, several slips for building, three mast-ponds, a boat-pond, a rope-walk four hundred yards long, and employs fifteen hundred workmen in time of peace.

The establishment at Chatham is one mile in extent along the river; it has two basins, four docks, six building slips, twenty-one forges, store-houses six hundred and forty feet long, a sail-loft two hundred and nine feet long, and an extensive rope-walk.

The yard at Sheerness contains sixty acres. It was formerly used only for building frigates, and for making slight repairs, but it has been rebuilt since the peace of 1815 at a cost of $14,400,000, and is, perhaps, the first in Europe; it has an extensive quay-wall, a basin capable of containing six first-rate ships of the line, two basins for smaller vessels, three dry-docks, and the largest store-house in England.

In France there are no less than thirteen naval establishments, of which I will enumerate five, which are infinitely superior to anything we can boast of. These are the works at Cherbourg, in the English Channel, where the labor of man has, by raising an artificial island, created a secure roadstead, and where a superb basin, large enough to contain a fleet, has been blown out of the solid rock. Then there is Brest, at the mouth of the Channel, the establishments in the Loire, and at Rochefort, in the Bay of Biscay, and at Toulon, in the Mediterranean. Sir, I hope that our self-conceit may not lead us to suppose that we are wiser than all the rest of the world, and that a policy pursued unvaryingly by all the Administrations of Great Britain, and by all the Governments of France, will not be rejected without mature deliberation—more deliberation than can or ought to be bestowed upon it as an incident to an appropriation bill. It is a policy, too, which is better calculated for our Confederacy, and more imperiously required by us, than by either of the nations to which I have referred. The vast extent of our sea-board, and the consequent impossibility of a concentration of our physical means, call loudly for this system. The very nature of our federative Republic makes it one of indispensable necessity—a necessity which does not exist elsewhere, but which has never been lost sight of by any Administration, as is shown by the endeavor to apportion, as far as practicable, the expenditures of our Government among the different sections of our country.

With regard to the appropriation which is required by the Navy commissioners for the Portsmouth navy-yard, it is less by $26,000 than the estimate made by the commander of that yard, who is not an eastern man, and who can have no interest in the appropriation but the interest of his country. Since the proposition was made to reduce this expenditure, I have received a letter from the lieutenant of that yard, who does not expect to be continued there, who is not a citizen of New Hampshire, and whose pecuniary interests cannot in any way be affected by the decision of Congress in this matter. He writes to me that the appropriation is absolutely necessary; and that the timber at that yard has suffered heretofore for want of suitable accommodations. Methinks it would be quite as prudent to rely upon the estimates of the Navy commissioners, confirmed as they are by the impartial and unbiased opinions of the officers of the yard, as to take a leap in the dark with those who determine, without showing any grounds for their decision, that the appropriation ought to be reduced.

Sir, I perfectly agree with my honorable colleague, who sits before me, [Mr. EVANS,] in his contempt of the argument resorted to by a Portsmouth newspaper, and transferred to the columns of the Globe. I trust that, in the location of our public works we shall never debase ourselves by investigating the state of the ballot-box. If we stooped to this inquiry, we should have nothing permanent, and everything would depend upon the changes in the political atmosphere. The only inquiry for us to make is, whether the appropriations are necessary and proper. If they are, let us grant them, though every vote in the place where they are to be expended should be given against the Administration; if they are not, I say let them be withholden, though every vote in that place should be such as the majority in this House could desire.

In the article referred to by my honorable colleague, I was amused by the rhodomontade of the writer in calling the harbor of Portsmouth the best harbor in the world; but I am not disposed to quarrel with him for the extravagance of his eulogy. Sir, this is the only harbor of the State; it is the poor man's ewe lamb, and it is no wonder that they are disposed to praise and to cherish it. There is no doubt, however, of its being a very good harbor, and a navy-yard is well situated there as an adjunct to that of Boston. It furnishes a good port under their lee to all vessels bound to Boston from the east, and that may not be able to weather Cape Ann, the eastern point of Boston bay. If they should fall to leeward of this cape, they can up helm, and bear away for Portsmouth, where they are at once in from sea, and safe from storm.

Sir, I should not have said a word respecting the advantages of my own State, if another member from it had not spoken in doubtful terms of them in his eagerness to sustain the New Hampshire navy-yard; and if the honorable gentleman from Virginia who preceded me in this debate had not made an argument for that yard "on the score of the benefit it was to Maine." The State of Maine derives no advantage whatever from the location of this navy-yard on her western frontier, and I trust the gentleman from Virginia will permit me to set him right in this particular. And with regard to the natural advantages of the sea-coast of my own State, in comparison with Portsmouth, I am sure that I shall be sustained by every one acquainted with the shores of the United States east of Boston, in the assertion which I here make, that as harbors of refuge, as situations for navy-yards, as stations for fleets, there are many harbors in Maine decidedly superior to that of New Hampshire. Among many others, I will mention Wiscasset, where a fleet of the largest size may ride in safety in from five to twelve fathoms water, on good holding ground, perfectly land-locked, and secure from the enemy; Booth bay, so well known to our numerous coasters, and in which I have counted more than seventy vessels, which had sought shelter there at the same moment from the threatening of a storm; the waters of the Penobscot, in which, among other harbors, is that of Castine, which the British know so well how to appreciate, and of which it is said in a report of Commodore Bainbridge, "that it has great strength, from its 'natural situation. Its bold water and excellent 'harbor affording shelter for the largest fleets, its 'accessibility at all seasons of the year, its fa-'vorable situation for the entry of prizes, &c., 'and its geographical position, make its posses-'sion an object of the highest consequence in the 'event of another war with Great Britain." The only other harbor which I will mention, is the magnificent sound running up into the heart of Mount Desert, where all the navies of the world might ride in security, perfectly sheltered from wind and sea, and which, if it belonged to any other State, would be the theme of many an elaborate encomium, and the occasion of many a long speech. Several of these harbors have the advantage which the gentleman from Rhode Island claims exclusively for Narraganset bay—that of being accessible with a northwest wind. They do not, like that bay, labor under the disadvantage of being easily blockaded; and by their position, stretching into the Atlantic, they are very important in a military point of view. Sir, my honorable colleague [Mr. EVANS] said there were more harbors in Maine than on the whole South Atlantic frontier. He would have been nearer the mark if he had said, there were more good harbors in Maine than in all the rest of the United States.

The gentleman from Massachusetts on my right, [Mr. PHILLIPS,] found a novel reason for opposing this bill; or rather, he found two. The first was that there was a balance of appropriations. Sir, if the gentleman had examined this matter, he would have found that, from the institution of our Government, the average of the balances of appropriations was about thirty-seven and a half per cent. Sir, these balances arise from the very necessity of the case. The estimates for the service of the ensuing year must be made before the 1st of December, and the supplies may not be voted before a quarter or a third of the year has elapsed. Until the act has passed, no contracts can be made, no engagement entered into. So that, though the supplies are nominally for the calendar year, yet in reality they are for twelve months, beginning with the month of May. If the whole amount of the appropriations should, therefore, be inconsiderately expended before the month of January, there would be a cessation of labor on all the public works for nearly, if not quite, one third part of the year. Besides, payments are not made until the work is executed; and unforeseen causes may prevent or retard the fulfillment of contracts; or the very nature of the contract may require more time than a year for its completion, or the contractor may entirely fail to comply with his engagements, in all of which cases balances must of necessity be accumulated. As an instance in point may be adduced the large

balance under the head of ordnance and ordnance stores. The amount applicable for the service of the year was $32,745 72. The amount expended was only $12,809 67; the reason for which was, that the gunpowder, which had been furnished on contract, did not stand the severe tests required by the Navy Commissioners, and proposals had to be issued anew, under which the powder has not yet been furnished, though contracted for. The second reason of the gentleman for opposing the progress of this bill was, that we had no account of what part had been expended of the sum which was voted last year for the repairs in the Portsmouth navy-yard—the enormous sum of $4,000! Really, sir, this looks too much like trifling. The gentleman is ready to vote the public treasure with an unsparing hand, to furnish a capital for his mercantile friends in New York, but not a cent will he vote for repairs of navy-yards, until he has the proof that the unconscionable sum of $4,000 has been judiciously expended "in mending windows, replacing slates upon the roofs, stopping leaks," &c. Sir, it is the business of the Auditors to settle accounts, and to them we had better leave it.

The gentleman from South Carolina [Mr. THOMPSON] rose apparently with a predetermination to find fault with everything emanating from the Administration. He began with denouncing as most extraordinary the manner in which this bill was introduced. Sir, I have already stated that it was introduced in the usual manner, and I challenge any gentleman to prove the contrary. He then objects to the bill for being in dribblets. What would the gentleman have? Does he wish that we should vote at once the sums which may, in a series of years, be expended in each of the navy-yards? Sir, it would be in vain to attempt to please any person who is resolved upon being displeased. To make our navy-yards what they ought to be would require an appropriation ten times as great as the present estimates. Suppose such a bill had been introduced, and I ask what would have been the language of that gentleman and of those who act with him? We should have heard the changes rung upon bribery, corruption, and extravagance, and wasteful expenditure, in good set phrases; and the Administration would have been asked, and very pertinently too, why it deviated from the beaten track in asking for greater appropriations than it was possible to expend during the year?

The gentleman says that the appropriations are not fairly distributed, and his observations are calculated to produce a state of irritation at the South, by instilling the very unfounded suspicion that justice has not been done to that section of the United States in the expenditure of the revenue. In order to establish this position, he is reduced to the necessity of making a novel and somewhat remarkable division of the United States. The twelve Atlantic States, from Maine to Virginia, inclusive, he calls the North Atlantic; North Carolina, South Carolina, Georgia, and the eastern shore of Florida, to Cape Sable, he calls the South Atlantic; and from Cape Sable to the Sabine, he denominates the Gulf district. He considers Maryland and Virginia unworthy to be classed with South Carolina. He has cast them off from the South, and has joined them to the eastern and middle States. Sir, I accept the division. The eastern and middle States are ready and willing to be classed with the ancient dominion; her services in the early days of our Republic, in the days of trial and peril, can never be forgotten; we take pride in her great men of those days, and we claim them as the common property of our country. The gentleman has divided the States to suit his purposes; but will they stay divided? Will North Carolina suffer herself to be cut off from her old associates?—North Carolina, whose conduct as a member of this Confederacy, is a model for the imitation of the other States; contented, magnanimous, moderate in her demands, and never urging them with importunity; neither rash, nor boisterous, nor impetuous, nor vain-glorious, she vaunts not herself; and, satisfied with her honorable rank among her sister States, looks calmly down upon the turbulence of her southern neighbor. Will she give her consent to this arbitrary division? Never, sir, never! Is there any greater hope of Georgia? Ask her Representatives, and they will tell you it is equally forlorn. Even Florida disclaims all wish to avail herself of the invidious partition. She complains not of partiality; she declares, through her Delegate, that she is satisfied with the treatment she has received from her eastern friends, she asks not for such help, nor such defenders. What, then, has become of this southern Atlantic division? Renounced by North Carolina, repudiated by Georgia, rejected by Florida; what is there left of it? In the expressive phraseology of the West, there is left hardly a grease spot!

In order to make out his charge of partiality in the expenditure of the revenue, the gentleman from South Carolina gives to the North Atlantic all the expenditures for the Navy. Is it come to this? Is the Navy, for the purposes of party, to be made a sectional concern? Does the honor, which radiates from our flag wherever the stars and stripes are seen to float, belong exclusively to the North? Are the skill, and the valor, and the illustrious deeds of our small but truly gallant Navy the pride and the property of only the northern portion of the Confederacy? Is the respect which the renown of that Navy has inspired for the United States, wherever waves can waft or winds blow, a sectional concern? Sir, the gentleman from South Carolina may refuse to claim any portion for his State, but I trust she will not regard him as a faithful Representative, in this particular, of her opinions or her feelings; and sure I am that there is not another State in the Union that will be willing to relinquish its share of the imperishable glory which that Navy, common to us all, cherished by us all, has shed over the whole United States! Sir, upon examination of the Navy Register, I find that there is not a State or Territory which has not contributed officers to the naval service; and where are our ships employed? At the North? No, sir! upon the shores of the gulf frontier of the United States; in the West Indies; in the Mediterranean; on the coasts of Brazil and Africa; in the Pacific, and in the East Indies; everywhere protecting our commerce, giving security to our mariners, and extending the name and the fame of our country. With what propriety, then, can the appropriation for our Navy be called a sectional appropriation?

Then, sir, there are the expenses of the five recruiting stations which are to be charged against the North. These are established at Boston, New York, Philadelphia, Baltimore, and Norfolk. And where else, let me ask, should they be placed? They are placed in those ports where most seamen are to be found for the service of the Navy, and it would be idle to place them elsewhere. Of what avail would it be to have a recruiting station at Charleston or Pensacola, where, out of six thousand seven hundred and six seamen who were registered in the different ports of the United States, only forty-seven were registered at Charleston, and only twenty-three at Pensacola? Another reason for not shipping our seamen at these ports, if indeed another reason were wanting, is equally conclusive. It is, that the wages of seamen in the South are so high, that it would be inconsistent with economy to ship them; for it would be impossible to procure them at the rate which is paid in the northern Atlantic ports. Sir, while the complaint was fresh upon the lips of the gentleman from South Carolina, a letter was received at the Navy Department from the commandant of the navy-yard at Pensacola, giving information that, in consequence of slave labor being at seventeen dollars, he could not procure seamen for twelve dollars the month, (the price allowed in the Navy,) and asking leave to procure them at the former price.

And while upon the subject of wages, permit me to notice the position taken by the gentleman from South Carolina—that, in consequence of the cheapness of slave labor, the expense of ship building is much less at the South than at the North. Sir, according to the old saying, "an ounce of practice is worth a pound of theory." An experiment was made of the cost of building at our several ports. The John Adams was built at Charleston, and the Adams was built at New York. These vessels were of the same size. The cost of the former was $113,505 72, and the cost of the latter was $76,622 27; the expense of the Charleston vessel exceeding that of the New York vessel $36,883 45. The frigate Philadelphia was built at Philadelphia, and cost $179,549; the frigate Chesapeake was built at Norfolk and cost $220,677. These frigates were of equal size, and the difference of cost in favor of the northern frigate was $41,128. The frigate President, which was built at New York, was four hundred tons larger than the Chesapeake, and cost only $233 more. The comparison in every instance is in favor of building at the North; and yet we are to be told that economy requires that we should build at the South.

The result was the same in the construction of the docks at Norfolk and Boston. These docks are of the same size, and are built of the same materials; the one in Boston cost, in round numbers, $677,000, and the dock at Norfolk cost $950,000. I am aware that a part of this difference may have arisen from difference in the cost of materials, from greater difficulty in excavation, and in preparing the bottom of the dock for the reception of the masonry; but certainly a fair object of comparison is the cost of the labor in the masonry of the two docks. The labor in the masonry of the dock at Boston cost $123,502 60, and at Norfolk $201,816 79, or sixty-three per cent. more. Soon after I had become acquainted with the fact of this great difference, I had an opportunity of asking the cause of it of the able engineer under whose superintendence both docks were constructed. He told me it was because more work was done for the same money at the North; that though the nominal price of labor was less at Norfolk than at Boston, yet the difference in the amount of labor performed was much greater in favor of the latter.

The gentleman complains of the Administration because a dry dock has not been constructed at Pensacola, and insists that authority was given for this purpose nine years ago. Sir, authority was given at that time to the President by law, viz: on March 3, 1827, to cause two dry-docks to be constructed—one to the north, and the other to the south of the Potomac; and in the exercise of the discretion confided to him, the navy-yards of Charlestown, near Boston, and of Gosport, near Norfolk—the latter being the extreme point of our coast towards the south where there was water sufficient for our large ships—were selected for the sites of the two docks, which were begun in 1827, and finished in 1833; and the requirements of the law were thus complied with. Upon what ground, then, does the gentleman assert that authority exists for constructing a dry-dock at Pensacola? He tells us, with a sneer, that the Navy Department appears to be ignorant of this fact; and well may it be so, for no such fact exists.

Not only, sir, were there no instructions given by Congress for the construction of a dock at Pensacola, but it is also evident that no such intention existed; for, in the very law to which I have referred, and in the next section to that which authorizes the two docks which have been built, we find this authority is given to the President: "to cause the necessary examinations and 'inquiries to be made, to ascertain the practica-'bility and expediency of erecting a marine rail-'way for the repair of sloops of war and other 'vessels of an inferior class, at Pensacola; and 'if it should appear from such inquiry and ex-'amination, that such railway would be useful to 'the Navy, and can be constructed at a reason-'able expense, that he cause the same to be con-'structed." Now, is it not apparent from this section, that it did not enter into the intention of Congress to have Pensacola selected for one of the dry-docks? Congress was too wise to undertake a work of that magnitude where there was not sufficient water to float our large vessels; but as there was sufficient water for our sloops, and other vessels of an inferior class, provision was made for a railway upon which they might be repaired.

Will it be asked why this has not been done? The answer is, that, under an eastern President and under a Secretary of the Navy from the middle States, the necessary inquiries and examinations were instituted; but then came a change of administration, the Secretary from the North

Atlantic was removed and his place was supplied by a Secretary from the South Atlantic, a political friend of the gentleman from South Carolina. What course does he take? This South Atlantic Secretary will surely take care of the South, and the railway will be erected with all possible despatch! Is it so? Sir, if you will turn to the report of Mr. Secretary Branch you will see that, after referring to the report of the engineer who had been appointed to make the examination, he says: "It has not been deemed advisable since 'the receipt of the report to take any new order 'on the subject, in consequence of the great diffi-'culties and heavy expense attendant upon its 'construction as therein represented." By reference to the report of the very able and practical engineer who was employed, it will be seen that the difficulties to be overcome were not of a character that would have prevented a northern Secretary from going ahead, and that the whole expense, including an allowance of twenty-five per cent. for contingencies, was estimated at only $77,682. Truly, a Secretary of the Navy from the South Atlantic does not appear to be of much avail to Pensacola, and the Gulf section would fare better in the hands of an enemy from the North, than under the nursing care of such a friend as this from the South.

But I have not yet done with Pensacola, of which the gentleman from South Carolina has made himself the champion. He calls upon us to appropriate two million nine hundred and fifty thousand dollars for that yard, and threatens us with the loss of the regular appropriation bill for the usual purposes of the Navy unless this be granted. Sir, this threat sounded harsh upon my ear: it was out of place. The gentleman will learn, if he should make the attempt, that the House of Representatives of the United States is not to be operated upon by such influences. This House will give much from reasonable considerations: it may, too often, perhaps, give from kindness. But, sir, it never has had, and I trust it never will have, a boon extorted from it by a menace. Sir, even if there were danger in the threat, I would tell the gentleman that he would, by making it, injure, rather than promote, the object he has in view. But, sir, it is harmless; there is no terror in it. I am confident that upon reflection the gentleman himself would revolt at such a proceeding, and would be the last to sustain such a proposition. What! because this House will not agree to introduce into an ordinary appropriation bill an appropriation of a most extraordinary character—an appropriation unparalleled in extravagance, which has not been recommended by the executive branch of this Government, or examined by a committee of the legislative—because the House objects to an appropriation of this amount, introduced in this manner, the pledged faith of the nation is to be violated, and our officers and sailors are to remain unpaid! Sir, there is not a member of this body who will defend so monstrous a suggestion!

I have said that this appropriation would be of extravagance without a parallel. It is so by the gentleman's own showing. There have already been expended upon the navy-yard at Pensacola upwards of four hundred thousand dollars; and we are asked for nearly three millions more! Undoubtedly this expenditure would render the Pensacola navy-yard the first in the United States, since it would be nearly, if not quite, as much as the aggregate of the expenditures upon our two most important yards, namely, those at Norfolk and Boston, from the time of their purchase up to the present day! Not so, sir. This appropriation, the gentleman tells us, will only serve to place Pensacola upon a footing with the least of the Atlantic navy-yards.

I take the gentleman's own assertions, and I ask the committee whether they are prepared to expend upon Pensacola nearly as much as the whole cost of the navy-yards at Boston and Norfolk, when all that they can promise themselves from such an expenditure is to put it on a footing with the navy-yard at Philadelphia, which has not cost one twentieth part of that sum? But the honorable gentleman has not done justice to Pensacola; he has derived his information from some source which is unworthy of reliance; he has been grossly deceived.

He tells us, also, that not even a long-boat can be repaired there. If his information on this head is from the same quarter, I cannot place any dependance upon it; and it would seem strange indeed if, after an expenditure of between four and five hundred thousand dollars upon that yard, it were in so destitute a condition as he asserts. If it were so, what must we think of Pensacola? The whole amount expended upon all our navy-yards, except Washington, prior to February, 1806, was as follows:

Portsmouth	$33,249 07
Boston	80,521 94
New York	89,555 50
Philadelphia	41,180 84
Norfolk	52,748 78
	$297,256 13

There have been expended at Pensacola $419,748 05, being $122,491 92 more than was expended on the five yards above enumerated, from their creation to 1806; and yet we had contrived to keep our ships of war in a very tolerable state of efficiency. We were able to repair not only our long-boats, but those noble frigates, which are unsurpassed by any vessels that we have since built—which freed us from paying tribute to the Barbary Powers, and gave so good an account of the English heart of oak. Now, if, after so great an expenditure as has been made at Pensacola, there should exist such a lamentable deficiency as the gentleman from South Carolina would have us believe, it must be occasioned either by a wasteful expenditure of the appropriations, which I am not disposed to admit without conclusive evidence, when I recollect the high character of the officers who have been stationed there: or else it must have arisen from the entire unfitness of the place for a navy-yard, which I am equally unprepared to allow.

But this navy-yard, for the culpable neglect of which the Administration is to be made responsible, has received its full share of attention and expenditure since its establishment, as will be evident from the following facts. During the eleven years which have elapsed since the establishment of the yard at Pensacola, the whole amount of expenditures, exclusive of those for dry-docks, on the six Atlantic navy-yards, has been $2,395,074 95, being, on an average, about $399,179 16 for each yard; while the amount expended on Pensacola is $419,748 05, or upwards of twenty thousand five hundred dollars more than the average. The average estimate for Portsmouth, New York, Philadelphia, and Washington in the bill now before the committee is only $50,132 50; while the amount proposed for Pensacola is $64,000. In addition to this sum, the Committee on Naval Affairs have recommended an appropriation of $200,000 for constructing a hydraulic dock or a marine railway, and for removing the bar at the entrance of the bay of Pensacola. The gentleman from South Carolina seemed to think that it was the potency of his thunder which had brought this appropriation to the view of the House, and I am sorry to be obliged to disturb his self-complacency. The bill for this improvement was decided on by the committee many days before the gentleman favored us with his views; and I had been prevented from reporting it to the House by the question of the North Carolina election, which, it will be remembered, prevented for a number of days the reports of committees from being made. So far as I am individually concerned, I can assure the gentleman that the course pursued by him in this debate, if it had produced any effect whatever, would have retarded instead of accelerating the action of the committee. Sir, the Committee on Naval Affairs agreed unanimously that the experiment of removing the bar at Pensacola was worthy of trial, but they are by no means so confident in the result as the gentleman from South Carolina. He refers to the successful experiment which has been made in removing the bar at Nantucket, as an earnest of what may be expected at Pensacola; but he was very unfortunate in his example, for the attempt to remove the bar at Nantucket has proved to be an entire failure. I hope that it may be otherwise at Pensacola; but I put it to the good sense of the committee whether, under these circumstances, the practicability of deepening the water ought not to be ascertained before we plunge headlong into an expense of millions, which would be useless unless that object can be effected—unless, indeed, the committee should be disposed to aid the views of speculators, without regard to the public interest.

It was painful to me to hear what seemed to be the crowning reason for the lavish expenditure which has been urged upon us. It was distinctly stated that the "Sop to Cerberus" was not sufficiently large. This was an unusual sound to be borne on southern breezes. The gentlemen who have heretofore represented the interests of the South may have been rash—may have been impetuous, but they always manifested a generous spirit. Ambition may have been theirs—towering, overweening ambition—but it was untainted with avarice. Their views with regard to the national expenditure were liberal, enlightened, patriotic. They would have indignantly repelled the proposition of working by the rule-of-three, to ascertain whether the South had received its share of expenditures.

Sir, it is irksome to me to take such a view of the subject. For my own part, I ask not where the revenue has been expended; whether in the North or the South, the East or the West. I only ask that it may be expended in the most judicious manner. In saying this I speak not my own sentiments alone; but I consider myself the organ of the State which I have, in part, the honor to represent. Maine never has been obtrusive with her claims, and she never will be. The third State in point of tonnage, furnishing a large proportion of the seamen of the United States, and with more good harbors than can be found in all the other States of the Confederacy, she has but a small proportion of your naval officers; not a fort of any importance to defend her numerous bays and harbors, and not a navy-yard upon her extended coast. I say not this as a matter of complaint, but rather of pride. I rejoice that our citizens can take care of themselves; that they exercise their industry at home, instead of besetting the Executive for appointments in the Army and Navy, or in the public offices at the seat of Government; that they pay their share of the revenue of the country; ay, sir, and scot and lot, too, without complaining that it is not expended within our borders. She has increased, and is increasing, rapidly in wealth and in population, unaided by the favors of the General Government. She cares not for your patronage, and she scorns to ask for it. Look in your public offices here, and how many citizens of Maine will you find, from the heads of Departments down to the most insignificant of your clerks? Sir, amid the whole host I know of but one! Let us compare the number of officers of the Navy furnished by commercial Maine and by the plantation State of South Carolina. The former has a free white population, according to the last census, of three hundred and ninety-eight thousand two hundred and sixty; the latter of two hundred and fifty-seven thousand eight hundred and sixty-three. The whole number of captains, commanders, lieutenants, and midshipmen in the Navy are seven hundred and eighty-five, of which the proportion of South Carolina, according to her free white population, would be nineteen, and of Maine twenty-nine; but South Carolina has forty, and Maine has twenty. The former has double her proportion; the latter has nearly one third less than she is entitled to!

The gentleman complains of the monstrous inequality in the disbursements for fortifications, and in the distribution of our forts and garrisons. Sir, I confess myself at a loss to comprehend him. If he had said that the North had a right to complain, and that the South Atlantic and Gulf frontier had received more than their share, he would have the advantage of being sustained by existing facts. When we get to talking about shares, (sir, I detest the word,) we must first determine upon what these shares are to be founded. Shall they be in proportion to the population, or to the number and importance of the ports to be defended, or of the magnitude of the commerce to be protected? Take either, take all—the result will still be the same.

The North Atlantic frontier of the gentleman comprises the sea-board of the Atlantic States from Maine to Virginia, inclusive; the South Atlantic and Gulf frontiers comprehend the shores of North Carolina, South Carolina, Georgia, Florida, Alabama, and Louisiana. The first division consists of twelve States, who have upon this floor one hundred and forty-two Representatives; the latter is composed of five States and one Territory, having thirty-nine Representatives and one Delegate. The expenditures for fortifications have been as follows:

North Atlantic frontier	$5,830,886 00
South Atlantic and Gulf	4,527,227 00

Dividing these sums by States and Representatives, the following result is produced:

For each State of the North Atlantic	$485,907 17
For each State and Territory of the South Atlantic and Gulf	757,871 17
For each Representative of the North Atlantic	41,062 58
For each Representative of the South Atlantic and Gulf	113,680 67

But if we wish to see a specimen of "monstrous inequality," we must compare the five Atlantic States of New England with the five States and the Territory of the South Atlantic and Gulf.

	New England.	*South Atlantic and Gulf.*
White population	1,653,564	1,325,534
Ports of entry	33	24
Ports where the presence of custom-house officers is considered necessary,	115	44
Tonnage of vessels built	95,145	4,648
Tonnage of vessels owned, exclusive of steamboats,	807,425	88,900
Tonnage of vessels entered	448,592	269,796
Forts completed	-	9
Cost of forts completed	-	$2,820,590
Forts under construction	3	6
Expended upon forts under construction	$1,119,678	$1,726,537

Let me crave the attention of the committee to a comparison between complaining South Carolina and uncomplaining Maine:

	Maine.	*South Carolina.*
Free white population	398,260	257,863
Tonnage of vessels built, 79 for 1	51,687	650
Tonnage of vessels owned, exclusive of steamboats, 18 for 1	225,297	12,238
Tonnage of vessels entering, 27 for 10	151,281	54,259
Ports of entry, 4 for 1	12	3
Hospital money collected, 5½ for 1	$4,671 71	$870 42
Forts finished	-	1
Forts under construction,	-	2
Expended upon forts under construction	-	$324,426

But though so much has been expended upon the fortifications of Charleston harbor, it is not the fault of the Administration that the expenditures have not been still greater. The operations on Fort Sumter, which is nearly in the center of the lower part of Charleston harbor, have been suspended since the month of November, 1834. The general position and character of this work were decided upon during the administration of the War Department by a distinguished gentleman of the South; the first appropriation for the fortifications in Charleston harbor were made in 1828, and active operations on Fort Sumter were begun in 1829, since which period the work had steadily advanced, and as rapidly as the nature of it would permit. It was founded on a sand bank, or shoal, no part of which was ever left bare at the lowest tides, and over much of which the water is never less than eight or ten feet deep. This shoal, after having been selected for the position of a fort under the administration of the War Department by a distinguished citizen of that State, after it had been occupied by the Government of the United States for more than five years, and the foundation of the fort had begun to show itself above the water, was granted by the State of South Carolina, on the 5th day of May, 1834, to "William Lavall, his heirs and assigns, forever, in free and common socage." It is called in the grant "a plantation or tract of land," and it is granted with all woods, trees, and appurtenances thereunto belonging. Woods and trees upon a sand bank covered with salt water could hardly be expected, and the only appurtenances are the constructions of the United States. This grant has arrested the progress of the work, and if such impediments are interposed, however unintentionally, by the State authorities, it does appear to me that the Administration will stand excused, even if it should not be over-zealous in renewing its operations until it is made secure from the assaults of John Doe and Richard Roe.

The gentleman from South Carolina says, that "this gross, this monstrous inequality exists in the distribution of arsenals, forts, and garrisons." Let the committee say whether there be any more foundation for this complaint than for the others. There are seventeen arsenals, which are thus distributed:

North Atlantic, 8.	*South Atlantic and Gulf*, 4.	*Lakes and Western waters*, 5.
Augusta, Maine.	Augusta, Ga.	Vergennes, Vermont, near Lake Champlain.
Watertown, Mass.	Mt. Vernon, Ala.	
Watervliet, N.Y.	Appalachiola, Fl.	
Frankfort, Penn.	Baton Rouge, La.	Detroit, Mich.
Pikesville, Md.		Rome, N.Y., near Lake Ontario.
Washington, D.C.		
Fort Monroe, Va.		Pittsburg, Pa., on the Ohio.
Richmond, Va.		
		St. Louis, Mo.

Such are the positions of the arsenals. The honorable gentleman from South Carolina, however, places twelve on the North Atlantic, which he could only effect by transporting Lake Champlain, Lake Michigan, Lake Ontario and the river Ohio, to the Atlantic coast.

Let us now examine the distribution of our forts, posts, and garrisons. The Army of the United States consists of one hundred and sixteen companies, which are distributed among fifty-two forts and posts as follows:

	Forts and posts.	*Companies.*
North Atlantic	15	22
South Atlantic and Gulf	18	27
Lake and Western frontier,	19	67
	52	116

Before the reduction of the Army, when we had a southern Secretary, the Army, exclusive of the staff, amounted to nine thousand one hundred and eighty-nine officers and men; of whom two thousand six hundred and sixty-seven were stationed on the North Atlantic. We had then twenty-nine per cent. of the Army in that section of the country. The proportion has since been reduced to nineteen per cent. Before the gentleman made this complaint against the Administration, he would have done well to have consulted his friend, the former Secretary.

The gentleman mentions a fact, and leaves it to others to draw their own inferences. "For once," he says, "in the history of our Government, all the heads of Departments charged with our internal affairs are from the favorite North." Sir, I have shown that, in relation to the Navy, the South had no reason to exult in the southern Secretary; and the reference I have just made with relation to the distribution of the Army is conclusive, that under the present Secretary the North is not so much favored as it was when that Department was administered by a distinguished citizen of South Carolina. What, then, is the fair inference to be drawn? Surely not that any undue partiality has been manifested by the Administration towards the northern section of the Confederacy. Permit me, in my turn, to mention a fact, and to leave it to others to draw the inference from it. For once in the history of our Government, the Departments are distributed with some show of equality; and the gentleman from South Carolina finds cause for remark, if not for complaint, in this distribution. Sir, how was it when this Administration came into power? Let it be borne in mind that the President was from the Southwest, and that the Vice President was from the South. How were the Cabinet officers distributed then? Two were from the South, two from the Southwest, and two from the middle States. This "monstrous inequality" does not exist at present; for each section of the country is represented in the Cabinet. The Secretary of State is from the South, the Secretary of the Treasury is from the East, the Secretary of War from the Northwest, the Secretary of the Navy and the Attorney General from the middle States, and the Postmaster General from the southwest. Sir, I consider the present, like the former distribution, to have been the effect of chance; for I do not believe that it belongs to the character of the President to be influenced by calculations of this nature; he is above them.

Sir, I will mention but one other complaint made by the honorable gentleman from South Carolina. It is the coast survey, which has not yet extended to the South. Now, I presume the gentleman will admit that there ought not to be half a dozen places of beginning; at least such was the opinion in 1816, when it was undertaken, and when Long Island was selected as the locality for a base line. The triangulation was commenced in the following year, when two distinguished citizens of Georgia and South Carolina were members of the Cabinet, and was suspended in the year 1818, in consequence of the repeal of the law by which the survey was authorized. In 1832, the act to provide for the coast survey was revived, and it was considered expedient to recommence the work where it was left off, the propriety of which no one will undertake to dispute. It is proceeding towards the South, and in due time will reach South Carolina. The gentleman asks, why has not the southern and Gulf frontier been explored? My answer is, that it has been explored, and not only so, but that great attention has been paid to the survey of that coast. Sir, the following is a list of the places surveyed to the south of Cape Hatteras, viz: Ocracock, Beaufort, (North Carolina,) Cape Lookout Shoals, Cape Fear river, Fryingpan Shoals, Charleston, Savannah, St. Augustine, St. Mary's, St. John's river, Key West, Dry Tortugas, St. Joseph's, Pensacola, Mobile, and the whole coast of Louisiana has been examined as far as the river Atchafalaya.

The gentleman from South Carolina has had the complaisance to inform us of the rate at which he values his vote. If we will erect three armories somewhere or other, (for really the gentleman has not told us exactly where,) nine arsenals at places of his selection, a navy-yard at Charleston or Port Royal, and another on the coast of Georgia, an extensive yard at Pensacola, with a dry-dock, and materials for building the largest ships, a naval station at Key West, and a perfect Moro Castle there—"let all this be done," says the gentleman, "and he will not withhold anything that may be reasonably required by the North;" in other words, make idle, useless expenditures, wherever my caprice may dictate, and then I will grant the North whatever I may consider reasonable! Sir, the enunciation of such a proposition is the best answer to it!

The gentleman would fain persuade us that there are admirable situations for navy-yards on his south Atlantic frontier. He says that Charleston, Port Royal, and Brunswick, present every possible advantage. There are, however, two important deficiencies which he has entirely overlooked; namely the want of water and the want of ship carpenters. All these are barred harbors; there is not water at the entrance of the best of them for a frigate; and at Charleston there is not enough for even our large sloops-of-war. With regard to another Moro Castle at Key West, I would observe that if it should be thought necessary to select one of the Florida keys, the Dry Tortugas offer a better harbor and a healthier situation. But it would be well to pause before we ingraft a project of this kind upon an appropriation bill. There cannot be a doubt that either of the positions are favorably situated for controlling the commerce of the leaward West India islands; but would it therefore be advisable to erect fortifications upon either of them? Would Great Britain permit us to bridle her commerce with her islands in the Caribbean sea? Sir, she has gone to war on a less occasion. She might permit us to expend some eight or ten millions in fortifications, but she would then take possession of them for herself. An insular establishment,

like the one in question, can only belong to the greatest naval Power, unless through sufferance. Your castles would no more withstand the force of Great Britain than did the Moro Castle of the Spaniards in 1762. Or if it were possible to render them impregnable by assault, the slow but sure process of blockade would cause the meteor flag of England to float upon their battlements as it did upon those of Malta. Sir, it is enough for us that these formidable positions belong to the United States, and cannot be occupied by an enemy to our annoyance, unless we should be mad enough to erect fortifications there ourselves.

The gentleman from South Carolina, though so eager for large appropriations at the South, recommends that we should wait at the North for a reduction of the high rate of wages. As my honorable colleague spoke of the gentleman's classical attainments, he will permit me to remind him of the rustic in Horace who waited for the river to pass by. While countless millions of acres remain unoccupied within the limits of our Republic, the high price of labor must continue. It would be as reasonable to wait for the passing by of the stream of the Father of Waters—the mighty Mississippi—in order to traverse the bed of that river dry shod, as to postpone our preparations for defense until the rate of wages in this country shall be diminished. The citizen of our Republic spurns at the thought of being a bondsman, and will not brook a taskmaster. Hardy, persevering, and industrious, with his ax on his shoulder, he journeys to the far West, and with a strong arm and stout heart, he hews for himself a home and independence, a competency and even affluence, in the forests of that favored region. While this spirit endures, the demand for labor will exceed the supply, and the high rate of wages will be sustained. And who is there that would wish to have a change come over the spirit of our citizens? Sir, it is of more avail for the preservation of liberty than all your parchments; it is the only safeguard of our Republic.

The gentleman from Tennessee [Mr. BELL] seems to have compared notes with the gentleman from South Carolina: they both harp upon the same string. Fault must be found with the Administration; and a fault has been discovered by the former gentleman for which I was not prepared. It is that contractors are found at the North who will furnish sugar to the Navy cheaper than it can be supplied at New Orleans! Now, sir, if this were the fact, I do not perceive that it affords a legitimate cause of complaint against the Administration. The supplies for the Army and Navy are procured by contract, and the contractor who will furnish at the cheapest rate has the preference, whether he belongs to the South or to the North. And if the citizens of New England should be satisfied with a smaller profit, or should be able to make better calculations, and be enabled, in consequence, to engross the supply of our soldiers and sailors, with what reason—with what propriety, let me ask, can this be fashioned into a charge against this or any other Administration? I am disposed to believe that this will be found to be an enduring subject of complaint, and that even the rice of South Carolina and the live-oak of Florida will be furnished by contractors of the eastern and middle States. But with regard to the article of sugar, which the honorable gentleman lays so much to heart, it gives me pleasure to relieve his anxiety by assuring him that it is not a component part of either the Army or the Navy rations. There is indeed a bill reported to the House, and referred to the Committee of the Whole, by which several beneficial changes are made in the Navy ration, and among others is one which gives to honest Jack an allowance of sugar and tea, instead of keeping him dependent for these two articles upon the purser. Now it is possible that this bill may not have escaped the vigilance of the gentleman from Tennessee; and through his natural sagacity, or being possessed of the Scottish gift of second sight, he may have foreseen that this bill would become a law, and that the contract for groceries under it would be taken by some shrewd Yankee; and he therefore determined to lay an anchor to windward, as a sailor would say, and make his complaint now for what is to take place a year hence.

Sir, I regret the effort which is made to excite jealousy and ill-feeling towards the North, by representing it as monopolizing the supply of the Navy. The contracts it may monopolize, but the furnishing of the supplies is beyond the control of any contractor. The laws of nature cannot be changed by contracts. The Navy is supplied from every section of our widely-extended Republic. From the South are received the masts, the planks, the ship timber, the naval stores, the rice, tobacco, and sugar; from the western and middle States are furnished, I believe, exclusively, the flour and whisky and iron, and from these States, and from New England, are supplied the gunpowder, the butter, cheese, pork, and beef. Sir, it may not be generally known that even the far West contributes towards the supply of the latter article. The cattle which are raised in that boundless region are driven to Ohio to revel in the luxuriant fertility of that favored State; and, when fattened, are driven to New York, and even to Boston, for the supply of those markets. The South, too, furnishes the cotton, which, in the eastern and middle States, is manufactured into sail-cloth for the hammocks and bags of our seamen, and the light sails of our ships; and our canvas is made in New York and New Jersey, from foreign hemp, which is purchased by the exportation of our own produce. It is not the fault of the Administration that this article is not purchased in the western States. It will be preferred whenever our western brethren shall see fit to water-rot it. The desire to use our own productions on board our ships of war has been carried to even a blamable excess. In order to propitiate the South, rice has been made a component part of the sailor's ration. Now, it is well known to every Navy officer, that Jack has no fondness for this article of food; and that he grudges every drop of water which is used in boiling it. We may, perhaps, be told that rice is good for the scurvy; and so it is; but tea is still better, and would, moreover, be highly acceptable to our mariners.

Sir, my friend from Virginia, who preceded me in this debate, [Mr. GARLAND,] having alluded to what had fallen from one of his colleagues in a former debate, respecting the opinions of one of the Commissioners of the Navy, I feel myself called upon to do justice to that officer. The conversation took place between the commissioner and two members of the Naval Committee, of which I was one. It was free and unreserved, and was certainly not intended to be repeated. If every word that is uttered by officers of Government, not confidentially, but in the fullness of confidence, that private opinions and conversations will not be divulged to the world, are to be trumpeted forth on this floor, the intercourse between those officers and the members of the House must soon become strictly official. The purport of the observations of the commissioner, as understood by me, was, that as France had for many years paid great attention to her Navy, we should not at first contend on equal terms; that she could bring such a force to act against us as would be an overmatch for the superior skill and bravery of our seamen; that three years would be required to develop our resources; that the final issue would be favorable to the United States; and that no honor would be lost in the intermediate time. The impression made on my mind by the conversation was, that it was intended for a stimulus to prompt and vigorous action, and for nothing more.

In the attacks made about the same time upon the Navy, it was charged that $65,000,000 had been expended upon it since the war, and yet, that it was in a deplorable state. Now, the whole amount of appropriations since the peace of 1815, for the increase of the Navy, has been only.....$14,034,000
Add amount of appropriations for repairs..... 9,495,872
And the value of our vessels in 1816.. 3,660,000

And you will have the whole amount to be accounted for, which is.....$27,189,872

Here are twenty-seven millions instead of sixty-five, which are accounted for as follows:

Value of vessels afloat and building..	$6,913,000
Materials on hand.....	5,762,310
Dry-docks, improvements in navy-yards, and care of live-oak plantations, paid out of this fund.....	1,863,178
In the Treasury, to meet existing and future engagements.....	2,563,475
	$17,101,963

Leaving a balance of $10,087,909, or half a million a year for the operation of deterioration and decay, to which the Navy like everything earthly is liable, and which cannot be avoided.

Sir, I will not follow gentlemen any further through the mazes of this debate, not even to touch upon the favorite subject of the approaching election of President. I can say, in the words of the admirable squire of the worthy knight of La Mancha, that "I neither make king, nor mar king." That matter I leave to the people of the United States, to whom it rightfully belongs, not doubting their sagacity to detect and counteract the project which is on foot to deprive them of the privilege of electing their own Chief Magistrate. But let me warn the friends of those candidates who, having no other hope and no other bond of union, are seeking to produce this result, that even if success were to attend their machinations—of which I can discover no prospect—no advantage could accrue to them from it. Their administration would be a minority administration, powerless for good or for evil, which, after a rickety, uncomfortable existence of four years would sink into nothingness, under the opprobrious rebuke of an indignant people.

Mr. Chairman, it was my intention, before I sat down, to have alluded to the general interests of the Navy, though perhaps not strictly in order on the discussion of this bill; but I have already trespassed upon the indulgence of the committee much longer than I intended, and I am warned to forbear by the time which I have already occupied the floor. I will not, however, resume my seat without expressing a hope, earnestly cherished, that there will be found a majority in this Congress who are disposed to render our Navy more commensurate with the demands of our widely extended commerce, with our revenue, our population, and our boundless resources; and that some scheme may be devised to give promotion and active service to our officers of the inferior grades in the Navy, who are lingering on under our present system, sick at heart from hope long deferred, and who will grow gray, wither, and sink through decrepitude into unknown graves, without the chance of arriving at the command of even a frigate! Sir, this picture may appear overcharged, but the colors and the pencil are those of stern, unvarying truth.

In the five years from 1831 to 1835 inclusive, the promotions in the Navy have been as follows: Nine commanders to be post captains, twenty-one lieutenants to be commanders, sixty-three passed midshipmen to be lieutenants, and two hundred and twelve midshipmen to be passed midshipmen. There are at present forty commanders, two hundred and fifty-seven lieutenants, and one hundred and ninety-nine passed midshipmen. At the present rate of promotion it will will require sixteen years to make a passed midshipman a lieutenant; sixty-one years more to make this lieutenant a commander; and twenty-two years more to make this commander a post captain. Now allowing that a midshipman should enter into the service at the earliest age at which he ought to be received, which is fourteen years, and that he passes his examination at the earliest opportunity, which is after six years service, and, to use a phrase formerly much in vogue in New England, "if he should live and do well, and God should spare his life," he may at the ripe, patriarchal age of one hundred and nineteen years totter on the quarter-deck of a frigate of the second class, the junior captain in the Navy of the United States!

Sir, this requires amendment, and it must be looked to. We amass materials for building, but we neglect the *personal* of the Navy. So far as ships are concerned, a Navy may be created in twelve or eighteen months, but your ships are worse than useless without officers. The story

of the French revolution is pregnant with instruction in this respect. During that agitating period generals were made, as if by inspiration, who baffled and defeated the veteran marshals of the ancient Governments. Genius, kindled at the torch of enthusiasm, was found sufficient to supply the place of experience. But it was not thus upon the ocean. Skill in seamanship, to be attained only by experience, is necessary to place your ship to advantage alongside of the enemy, to keep her in a favorable position, and to profit by any unforeseen changes that may occur, and then clear bull-dog fighting will do the rest. The French had the latter, but they could not acquire the former. Their old officers belonged to the nobility, and had emigrated, or were guillotined, and new ones could not be created on shore. The French fought upon the water even more desperately than upon land, but the tri-colored flag of the Republic and the Empire was constantly doomed to strike to the triple cross of her more skillful and equally daring rival. But something more than skill is required. You must have the warm blood and the high pulse of youth. The caution of old age is not calculated for the ocean; gray-headed lieutenants are but of place on shipboard.

Sir, let me repeat the hope that the Twenty-Fourth Congress will be the epocha for the establishment of a permanent, self-regulating, self-correcting system for our Navy, which shall render the wooden walls of our Republic as renowned in story as the wooden walls of the nation to which we trace our origin, the Island Empire of the eastern world; our glorious mother, first in the arts of war, first in the arts of peace, to whom is given the proud destiny never to be surpassed, unless by this, her fairer daughter of the western hemisphere! Sir, with this hope I conclude.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF HON. B. BROWN,

OF NORTH CAROLINA,

IN THE SENATE, *March* 7, 1836,

On the Memorial of the Society of Friends, of Lancaster county, Pennsylvania, praying for the Abolition of Slavery in the District of Columbia. The question being on the reception of the Petition—

Mr. BROWN said: Before the question on receiving the petition was taken, he owed it to himself, as well as to the importance of the subject which they were about to decide on, to present some additional views to those already given by him at an early period of the session in support of the vote which he felt it his duty to give.

Sensibly alive as he was to everything which might menace the great interests of the South, and fixed in his determination as he was to guard against every attempt, so far as he could, to interfere with those interests, yet he could not but express his regret at the exaggerated representations which had been so often indulged in by gentlemen in the course of this debate, to prove that the abolition party (if party they could be called) had increased to a dangerous and alarming extent.

If (said Mr. B.) a southern planter had chanced to enter the Senate Chamber when the honorable gentleman from South Carolina [Mr. PRESTON] was addressing it on this subject a few days since, he would have imagined that a proposition for the immediate emancipation of slavery was under consideration; that a vital blow had already been aimed at the great interests of the South, which required the most determined and energetic resistance. What, sir, would have been his surprise, after hearing the eloquent picture of the dangers to which we were said to be exposed, when he had learnt that there was not only *no proposition* of that kind made by any member, but that the doctrine of abolition was repudiated *by almost every individual* who had a seat in either of the Halls of Congress! He would venture to say, that on no question which had ever agitated the public mind, from the foundation of the Government to this time, had there been so much unanimity of sentiment as had been expressed, in Congress and out of Congress, in opposition to the fanatical movements which had taken place in some portions of the North! If (said Mr. B.) the honorable gentleman [Mr. PRESTON] can make good his case, if he can establish the existence of the danger which he supposes to exist in regard to the subject of slavery, he, for one, would be prepared to leave the station which his constituents had assigned him here, and return home, and warn them to take the proper steps for their own defense. He rejoiced, however, that a state of things existed *far different from that*, which was, in a great degree, but the creation of the gentleman's vivid imagination.

The honorable gentleman had professed a most anxious desire that the citizens of the South should be correctly informed as to the true state of things to the North, in regard to this question, and the extent and magnitude of the danger which menaced them. He regretted that the gentleman, in the anxiety of his wish to furnish correct information to the South, had omitted, almost entirely, the testimony which had been most abundantly borne, with few exceptions, by every man to the North of distinction and prominence in public life, while he seemed to give credence to the statements of the Abolitionists, who had artfully sought every means to exhibit their strength, in the most imposing manner, on paper.

The course pursued by many gentlemen, in the progress of this discussion, was to him one of astonishment. Many of those who had addressed the Senate on it had relied *on the testimony of the Abolitionists themselves* to prove that their cause was progressing. He should, indeed, think it strange, on a trial at law, if either a suitor or his counsel in a court were to assail a man's character, and should afterwards be found relying on his evidence to make out their case! Most of the gentlemen who oppose the receiving these petitions have denounced the Abolitionists as the most vile and criminal of men, in all of which he concurred; and most of them, in the same speeches, here read *from the papers and pamphlets of the same men* to make out the existence of a dangerous and alarming state of feeling to the North on the subject of slavery. He thought it against every rule of evidence, as understood in courts of law, that an individual, after having *discredited* a witness, should claim for him any degree of weight, if he should afterwards produce him to testify in his behalf.

Much had been said about insults which the South was subjected to, by the introduction of these petitions. This had been appealed to as a strong circumstance against receiving them. What was his surprise, then, at hearing honorable gentlemen, in the course of their speeches, read many of the most abusive and insulting extracts from Abolition papers and pamphlets! What had become of that fastidious delicacy—what had become of that insulted feeling, of which we had heard so much? These extracts were worse, much worse, than any language used in the petitions; yet they had been openly read by gentlemen in the Senate, who could not submit to the insult of receiving petitions! From their language, one would have supposed that they would as soon have worn the shirt of Nessus, famed in fabulous story for inflicting the severest pain on those who wore it, as in any way to have handled much less read these incendiary publications. Mr. B. said, gentlemen had not only read in their places here most offensive extracts from these publications, but they had incorporated them in their speeches, to be issued from the daily press of this city throughout the country. In this way, and by the aid of gentlemen representing some of the southern States, incendiary matter had been propagated to an extent which the Abolitionists could not have done themselves by years of labor and perseverance. Three daily papers were published in this city, circulating through the remotest part of the country; and in performing their duty to report the speeches of members of Congress, their columns, at different periods of the session, had been filled with very many containing matter of this kind. The Abolitionists had been very properly deprived of the opportunity to abuse the privileges of the mail, by transmitting publications of an incendiary character through it. Not so was it with the speeches of members of Congress. On them there was no restriction; and to many of them were the Abolitionists indebted for sending to the South their fanatical effusions; which, but for that circumstance, must have remained in deserved contempt and obscurity. This, too, (said he,) had been done by gentlemen who could not for a moment allow the petitions to be received in obedience to the high injunctions of the Constitution as regarded the right of petition, although there was a certainty that the Senate would not entertain the objects of the petitioners for a moment, but, after being in possession of it, would stamp their condemnation on it, by rejection or otherwise!

Mr. B. said that himself and others from the South who acted with him on this occasion had been charged with dividing the South on this question. He repelled the charge as unsustained by the whole history of petitions in regard to the question of slavery from an early day of our Government. It had been *the uniform practice* of Congress to receive them in relation to this District, and had been constantly voted for and acquiesced in by the most wise and patriotic men from the South. Congress had heretofore wisely given them a silent direction, and had thus avoided the ill-advised course which had this session been taken, and which every hour admonished us was pregnant with the greatest evil. It was not his friends who had divided the South on this occasion; but it was those who had thought proper to take a different course than that heretofore taken by the southern representatives who had produced the division; ay, not only *divided the South*, but had divided from *themselves* by pursuing a different course from that taken by them on former occasions in respect to this question. Mr. B. here referred to the Journals of the Senate at the session of 1833 and 1834, and that of 1834 and 1835. In the former, several petitions in favor of abolition in the District of Columbia had been presented in the Senate. In the course of the latter, a number more had been presented at different periods of the session, all of which were not only received, but *honored* with a reference to the Committee on the District of Columbia without opposition from a single individual of that body, and, consequently, by the unanimous consent of the Senate. The Senators from South Carolina were then members of this body, and must have acquiesced in this course. Most of the gentlemen at present members of this body from the South, and who *now* oppose the simple reception of these petitions, were then belonging to it, and must likewise have assented to the disposition made of them. He repeated, therefore, that it *was not those* who acted with him on this occasion who had contributed to divide the South, but it was those who now raised the question out of which this debate had sprung who had produced that division, and had even done more—*had divided from the course formerly pursued by themselves.*

Mr. B. said he was at a loss to understand how it happened that gentlemen thought so differently from what they had done in the years 1834 and 1835. Was it because this happened to be *the year* 1836?

It had been charged (said Mr. B.) against those with whom he acted, by one of the Senators from South Carolina, that they had introduced topics of a party and political character into this debate. What motive or what inducement could they have in connecting party politics with this question? On the contrary, *it was that very connection* which himself and his friends had constantly deprecated as being fraught with the most pernicious consequences to the whole country. The gentleman's usually faithful memory had not served him well on this occasion. Did he not remember that his colleague had, but a short time before that, exhibited in the Senate an abolition paper, and had sought to connect with it the names of two distinguished individuals, candidates for high offices, when it was promptly stated by a member on this floor that the paper so exhibited was one of inveterate enmity to the cause which it had pretended to espouse, and had *assumed that guise* the more fully to accomplish its purposes of political hatred?

Mr. PRESTON, in explanation, said he did not intend to attach blame to either political party, if he was so understood.

Mr. BROWN said he was happy to hear the gentleman disclaim making the imputation which he had understood him to make. He well knew the untiring efforts which partisan politicians and editors of newspapers of a certain political cast are making to connect this question with party politics.

It had been urged as an argument in favor of the motion to refuse to receive the petition, that it would have the effect to arrest the progress of the Abolitionists, if the doors of Congress were closed against them. He could not believe that it would produce the result which seemed to be so confidently anticipated by some Senators. The tendency of such a course would be far more likely to aid their designs, and increase their strength, than to put them down. It would enable them to take shelter from the storm of public indignation, which then threatened them, under the constitutional provision which secures the right of petition to the humblest and meanest individual. It would give them a weapon to use against our friends to the north; in short, in his estimation it would have the effect to *weaken* those in that section of our country, who had taken an open and manly stand in behalf of the South, while on the other hand it would tend to *strengthen* our enemies. Were there any so little experienced in the knowledge of human nature as not to know that there is no individual, however abject and degraded he might be, if brought before a court of justice, to answer to a criminal charge, and he is deprived of the rights on his trial which the laws secure to all without distinction, but would have sympathies enlisted in his behalf in the community around him, which, under other circumstances, would have remained unmoved? Similar to this would be the effect of refusing the constitutional right of petition in this case. So much for the probable effect of such a course on public opinion to the north. A few words, then, as to the probable effect on the Abolitionists themselves. He could not believe that it would operate to cure that mental insanity on this subject, which had seized on them. Did gentlemen really believe that a decision of the Senate not to receive their petitions, would have the efficacy attributed to it? Did they hope to convince their judgments by such decision? If so, he thought they would be greatly deceived, for when had a rooted prejudice been plucked from the human mind by such a course engendered in the dark and brooding spirit of fanaticism?

Mr. B. said that the Senator from Vermont [Mr. SWIFT] had, in answer to a call made on him by a member of that body, borne testimony to the increase in the number of abolition societies in his State since he had left home to attend Congress. He regretted that the gentleman *had not* communicated another very important fact, in connection with this subject, in relation to his State. He had been informed from a source which he could not doubt, that the Legislature of Vermont had, at its session held some time during the last fall, rejected resolutions which had been brought forward in favor of abolishing slavery in the District of Columbia by a very large majority —*one much larger* than had been given against resolutions of the same character at the session of the preceding year. It would therefore seem, from this indication—and surely it was a very fair one by which to judge of public opinion—that the abolition party in that State had been on the *decrease* down to the meeting of the Legislature of that State, which he believed *was a short time before the commencement of the present session of Congress.* If, therefore, the number of Abolitionists had increased as the gentleman says it had done, as he has been informed since his arrival here, the inference is very strong that it had received a new impulse from the excited discussions which commenced here at a very early period of the present session of Congress. It gave still stronger confirmation of the pernicious consequences of the course which had produced the discussion of this subject in the Halls of Congress. The spirit of abolitionism, if it was extending as was represented, had, in his opinion, been enabled to do so from the aliment afforded it by the agitation of the subject here. It was by that alone that it could be kept alive to any extent. Agitation on this most exciting subject, like one of the most powerful passions of the human breast, "makes the meat on which it feeds."

Mr. B. said that he could not but trace, in his own mind, a very strong similitude between the history of the memorable panic session and that of the present session, in connection with this subject. When Congress had met, at the commencement of the former, and some time *after* the removal of the deposits, the public mind was comparatively tranquil, and but little was heard of distress; but no sooner had it assembled, and speeches, calculated to alarm the fears of the country, were every day thrown upon it, than the public mind became excited, and its apprehensions aroused. When the present session of Congress commenced, although the people of the southern States had been in a state of high excitement in the summer months, in consequence of the movements of the Abolitionists, yet they had become comparatively tranquilized after the almost universal demonstration of public opinion at the North. An expression more general, a manifestation of public sentiment more strong and universal never had been given before, in that quarter, on any great question pertaining even to their own immediate interests, than was shown in the proceedings of the numerous public meetings assembled to discountenance the movements of the fanatics. To this had been added the powerful energies of the Post Office Department to protect us from the dissemination of incendiary publications; all of which had naturally, in a great degree, allayed public feeling. Whether another panic was to be gotten up, and the public mind again to be disturbed, remained to be seen. He trusted that the good sense of the country would not yield to it, and that it would meet the same fate in public opinion which its predecessor had done.

It had been repeatedly urged (said Mr. B.) that the rights of the South would be surrendered, and its dignity and honor insulted, if these petitions were received; and those members of the Senate from the South who intended to vote for their reception, had been more especially alluded to in no very complimentary terms. The dignity and honor of the South insulted! He could not admit that any of the miserable effusions of the deluded persons — composed, as a large portion of them were confidently said to be, of women and children—could insult the people of the South. As a Senator from one of the southern States, he felt that the elevation of the body of which he was a member was too *high* for it to notice with so much gravity these contemptible papers, and that the objects themselves were too *low* to enter into a question seriously of dignity or honor with. If he were to do so, he did not believe that he should either promote the one or advance the other.

In regard to the great interests of the South, he hoped he might be allowed to say, that other Senators representing the southern States, and who intended to vote to receive the petitions, had the same high motives of fidelity to their constituents, of sacred regard to all the ties of social and other obligations which united them to their immediate portion of country, in an extent as great as could possibly operate on the Senators from South Carolina. He could not admit that any were the exclusive depositaries of southern honor or of southern interests. He did not doubt if danger at any time should threaten the South, if an attempt should be made to interfere with her domestic institutions, by violence or in any other way, but that those who thought differently on this question from the Senators from South Carolina, would be as prompt to repel it at all hazards as they could possibly be.

He could not (said Mr. B.) pass over a remark made by an honorable Senator [Mr. PRESTON] when addressing the Senate on this subject, without especially replying to it. That gentleman had alluded to the feeling which pervaded England and France on the subject of slavery, and had represented the moral power and sympathies of the greater portion of the Christian world to be against us. Mr. B. denied the conclusion to which the gentleman had come, and as one of the representatives coming from the South, would put in a plea in her behalf. If the question of slavery were at this time an original one, if it were now for the first time about to be introduced into the southern country as an institution, then he would admit that the conclusion was just. But in the circumstances which surround us, in the situation which we find ourselves placed, and in the present actual condition of the South, were to be found a necessity so strong and inexorable for the continuance of this institution, as to afford the most perfect and triumphant justification in the eyes of the statesman, the moralist, and the philanthropist, whatever opinion they might entertain on the abstract question.

Let us suppose (said Mr. B.) that what the gentleman had, in the extravagance of his imagination, considered might possibly occur, that some modern fanatic like him who, in the days of darkness and superstition, had spread over Europe a religious frenzy that ended in the famous crusade, should, in any part of our country, attempt to set on foot such an expedition against the domestic institutions of the South by an appeal to the fanatical feelings of ignorance or misguided religion, what, in all probability, would be his fate, and that of his wicked and deluded followers? Why, every Christian sympathy which is felt in the human breast—every ennobling sentiment that belongs to our nature—every patriotic remembrance of our common efforts in a common cause—the indignant sense of the whole country at the attempt of such a wicked and daring atrocity, would all unite to bring down on the heads of those engaged in it a vengeance so speedy that they would be annihilated by their own countrymen before they could pass beyond the confines of a single county in their own State! Such were his impressions as to the sympathies and feelings of the great body of citizens of the non-slaveholding States, derived, as they were, from most respectable and intelligent gentlemen.

He would say a word or two as to the influence of the moral power of the nations in Europe, against the South, of which mention had been made. He believed, on examination that the very reverse of the picture which had been given, would be found more likely to be true. The Government of Great Britain had much more to apprehend from the moral influence of *our example* as a nation, than we had from theirs. The South, which had been spoken of as having arrayed against it such a host of influences and sympathies, had borne a most conspicuous and important agency in conducting the Government and public offices of this nation. The names of her distinguished sons — her Washington, her Jefferson, and Madison, animated the friends of liberty in every part of the civilized world. He did not believe any portion of the world had produced greater moral effect on the destinies of the age, than had the principles and examples of the eminent statesmen of the South, who had filled the executive department of the Federal Government for a period of forty years. The public journals of England, in particular, were almost continually filled with expressions of admiration at the cheering and brilliant results which each year was unfolding under our system of government. The rapid march of reform was hastened by the example; and he again repeated, that the moral power of our Confederacy, though it was composed in part of slaveholding States, was much more felt in Europe, than any effect that they could produce against us.

Mr. B. believed if those who represented the southern States in Congress united, as they had been called on to do, and, by a solemn vote, denied the constitutional right of petition on the plea that the abuse of the privilege, in this instance, justified a sacrifice of the great principle involved in it, and then, indeed, the South would no longer be considered as furnishing, in her statesmen, the champions of constitutional liberty, who had always been among the first to fly to its succor; but it would do more to *lessen* that moral influence, which she had exercised in the councils of the nation, than any other stand which he had ever before taken.

Mr. B., in conclusion, expressed his unabated confidence in that good sense, liberal feeling, and

patriotism which pervaded the great mass of American citizens, both in the South and North; and in all the great difficulties which had existed in our progress as a nation, had proven themselves abundantly competent to overcome them. He did not doubt their success in this instance, and believed that they would again exert the same happy effect.

NAVY APPROPRIATION BILL.

SPEECH OF HON. S. CUSHMAN,

OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES,

April 7, 1836,

On the bill making appropriations for the improvement of Navy-Yards, &c.

Mr. CUSHMAN rose and addressed the House as follows:

Mr. SPEAKER: Owing to the lateness of the hour of the day, considering the length of time that this bill has been before the House, and believing, as I do, that the public interests are suffering in consequence of the delay in making appropriations for the naval service, I shall confine myself to a very few remarks upon the subject now under consideration. On a former occasion, about two months since, I had the honor of addressing the House relative to the appropriations which have been recommended by the committee for the improvement of the navy-yard at Portsmouth, New Hampshire. The remarks which I then made were elicited by a motion submitted by the gentleman from Tennessee, [Mr. BELL,] to strike out one half of the sum which had been recommended for that purpose; which motion I opposed, on the ground that it would be prejudicial to the public service. At that time I conceived it to be my duty to give a very minute description of the abovementioned naval station, in order that I might satisfy, if it were possible, every member of this House that it was one of the most favorable positions for a large naval depot of any in the United States; that nature had, in a great measure, protected it from the assaults of the enemy. At all events, that a very small force would secure it from depredation by an invading foe.

Another important fact which I then offered for the consideration of the House—a fact which I then thought, and which I still firmly believe, ought to be sufficient to put this question entirely at rest, was that the above-mentioned navy-yard was accessible at all seasons of the year. As proof of this fact, reference is made to a memorial of the citizens of Portsmouth, presented to the Senate of the United States in February, 1827. Speaking of the harbor of Portsmouth, the following language is used: "*It is never, even in the 'most intense cold of winter, obstructed by ice; and 'the fact is remarkable that, for several weeks past, 'and at the present time, while all our other naval 'ports are closed with ice, this is as free and open as 'at midsummer.*" This was the authority upon which I then stated, that while all other harbors north of the Potomac were rendered inaccessible in consequence of the ice, the one at Portsmouth was entirely free from any such obstructions; that in the coldest weather of the coldest winters this harbor was open to the whole world. It was upon this ground also that I then stated the fact to which the gentleman from Massachusetts [Mr. CUSHING] took an exception—that while Boston harbor was frozen up from four to six weeks, the one at Portsmouth was entirely free from ice. If any member of this House then supposed that I was stating a fact with my own knowledge, permit me here to say that I did not intend to be so understood. But, sir, being a little surprised by the reply made by that honorable gentleman, I embraced the first opportunity in my power to obtain further evidence upon that subject, and from the receipt of which I am prepared to repeat that the fact as then stated by me was substantially true.

I have said this much, not from any prejudices which I indulge toward the inhabitants of the city of Boston, or the State in which that flourishing city is situated. Neither did I make that statement with an expectation that the merits of one place were to be enhanced by detracting from the merits of others. I would not do this, any more than I would endeavor to establish a good reputation of a friend by slandering his neighbor. There are occasions, however, when comparisons ought to be made, and I believe this to be one of them; when an attempt is made by some gentlemen of this House, to produce an impression that the naval depository in that part of the country to which I belong ought not to receive the patronage of the General Government.

Mr. Speaker, within a few days past, it seems that old things have been done away, and one thing, at least, has become new. I allude to the first motion made by the gentleman from Tennessee to reduce the appropriations for the improvement of the navy-yard at Portsmouth one half. This motion, which was made two months ago, has, for some reason or other, been withdrawn, and a motion made by the same gentleman to strike out the whole sum. The gentleman says that he has adopted this course for the purpose of throwing open the whole ground, so as to discuss the propriety or the impropriety of consolidating the navy-yards agreeable to the report of the Navy Commissioners of 1827. Although this course was entirely unexpected, yet, sir, I have no right to complain. I am willing to meet the question either upon its most unlimited extent, or within a more narrow compass, as may best suit the disposition of those who desire to discuss this subject. And, sir, it is now my intention, if it be possible, to satisfy every member of this House that the navy-yard at Portsmouth, New Hampshire, *is not one* of the best places for a national depot, but that it is the very best which has been *selected* for an establishment of this purpose in the whole country.

The truth, so far as I have the power, I now shall proceed to establish, and I hope it may be done to the satisfaction of every gentleman present; after which it is my intention to ask their indulgence while I can make a few remarks relative to the report above mentioned, to which the honorable gentleman from Tennessee has alluded. In addition to the recommendations which have heretofore been mentioned, I wish to call the attention of the House to the fact, that ships are built at this place at less expense than at any other place in the country—I mean where the Government has carried on ship-building to any great extent. It is supposed by some that ships can be built as cheap and as well at Pensacola as at Portsmouth. This cannot, at present, be satisfactorily determined; but, save that place, there has been none; and I prestime that the Government will not, in all future time, find a place where ships will be built so well and so cheap as at Portsmouth. In the first place I would refer to the presumptive evidence which the past history of the country furnishes to prove this point. Many years since, while New Hampshire was one of the British colonies, those whose duty it was to manage the affairs of that Government in this particular branch of the public service, selected Portsmouth as the most favorable spot for the above purpose. And in everything appertaining to the naval service I believe no one will doubt their sagacity. And from the earliest period of the history of that State and of the country to the present time, this has been considered one of the most favorable places for ship-building, both for the public and merchant service, of any in the United States. If I am not mistaken in my recollections, this is the favored spot where was erected and completed the first vessel which was ever built in this country; at any rate it is the place where the first public ship was built. This, of itself, ought to awaken such associations in the mind of the patriot as not to abandon this place, unless the public good shall imperiously demand such a sacrifice. But, sir, for proof of such an important fact, I will not ask the House to rely alone upon presumptive evidence. I have in my possession a public document which puts this subject entirely at rest. It is a letter from the late Secretary of the Navy, Mr. Southard, dated the 9th of February, 1827, wherein it is stated that the schooner Alligator, which was built at Boston, cost the Government the sum of.....$22,745 65

When the Porpoise, a schooner of the same class, was built at Portsmouth for the sum of..... 20,408 75

Making a saving of expenditure in this one small transaction of..... 2,336 90

By this we perceive that there is a saving of at least ten per cent. by building ships here rather than at Boston, only sixty miles south of that place. And any gentleman who will please to examine this document will find that the average expense between ship-building at Portsmouth and the other navy-yards in the country is twenty per cent. less than at other places.

Again, sir, it is said by those who have had experience on this subject, that timber and other materials which are extensively used in ship-building are less liable to receive injury at this place than in more southern latitudes; that timber, during the time of its dockage, does not become worm-eaten in those waters, and that iron does not suffer so much from rust at that place as to other navy-yards. These are considerations which ought to have, and I doubt not will have, great weight in governing the final action of Congress upon this subject. It is well known to those who have any experience in this business, that timber, before it can be rendered fit for the builder's use, ought for a long time to be immersed in salt water; and if it should during this period become worm-eaten, it of course is very much injured, if not rendered entirely worthless. It is well known also to those who are conversant with this branch of the public service, that immense quantities of iron are used in the construction of ships, and that it is necessary for the Government to have at all times large supplies in store for that purpose. Hence it becomes very important that those places, if any such can be found, should be selected for the storage of those supplies where that article is the least liable to receive injury. I do not assert the above-mentioned facts upon my own knowledge; but, sir, they are facts which have been communicated to me by those whose duty it was to know them, and whose statements are entitled to the most implicit confidence; and if the facts are so, then should the navy-yard at Portsmouth be patronized by every statesman in the country.

Once more, sir: the depth of water in the Piscataqua river gives this place a decided advantage of all others as a naval depot in the United States. There is not a navy-yard in the country, unless Norfolk make an exception, where the largest ships of the Navy can, with ease and with safety, gain access, save the one at Portsmouth. In proof of this fact, I again ask leave to refer the members of this House to the aforesaid memorial. It is there stated, and without the fear of contradiction, that "at the lowest tides there are ten 'fathoms, or sixty feet, at the entrance through 'the main channel (of the river) to the navy-'yard, and at the navy-yard, where ships of the 'largest class may lay, and from whence they 'may proceed to sea at dead low water, a desid-'eratum not to be found at any other naval sta-'tion in the United States." This fact, if it stood alone, *entirely alone*, would be a sufficient reason why this national depository should never be abandoned; but, on the contrary, it should be a sufficient reason why it should receive, in all future time, the patronage of the General Government, and the unceasing influence of those who administer its important concerns. Admit this fact, and even in a time of profound peace the Government could not safely and conveniently carry on its naval operations without this place. It is true that those ships-of-the-line which are ordered to the South Atlantic or into the Pacific ocean may, on their return, perchance, gain access to the navy-yard at Norfolk, and there receive a speedy refit for the public service. But, sir, what is to be done with those in the Mediterranean or the Eastern seas? Shall they also be compelled to sail along the whole of the eastern coast to the Chesapeake bay, before they can

reach a navy-yard where they can undergo requisite repairs? My belief is that a wise and intelligent individual would not so manage his own concerns; why, then, should the Government pursue such a course of conduct? If an intelligent merchant would not unnecessarily sail a vessel a thousand miles for repairs, when he could do it better and cheaper elsewhere, because it would occasion him a loss of time and property, why should the Government refuse to be governed by such a discreet and prudent course of conduct?

But, sir, whether it may or may not be important in a time of peace to have national depots so located, that the ships which belong to our Navy may easily, safely, and readily enter or not, in a time of war it would be of immense importance; and here, sir, let me ask, from what quarter are we to expect collisions? From the east, or the west; the north, or the south? Most probable from the east. And, sir, in such an event, shall it be said, that those gallant ships, which would then stand at the head of the American squadron, have to sail from New Brunswick to the Chesapeake bay, before they can receive the supply of a mast or a spar? Would not such a state of affairs injure the public service, and jeopardize the best interests of the country? Ay, the destruction of the whole American Navy might be the consequence, and the whole country suffer a disgrace worse than the loss of a thousand navies, or the support of a thousand navy-yards. Yet, discontinue the navy-yard at Portsmouth, and such predictions might be verified. Supposing a naval engagement to take place between the American squadron and the belligerent nation near Halifax; and suppose further, that one of the gallant seventy-fours should be disabled, and rendered unfit for service till supplied with one or more masts; would not every American heart bleed at the thought that this ship must, in her crippled condition, sail a thousand miles or more before she could be refitted for the public service? Suppose that, in consequence of this delay, the residue of the American squadron should be captured and lost; what then would be the feelings of every patriotic heart? In that case would not the whole American people exclaim, why and wherefore is it that we have not a navy-yard nearer than that at the Chesapeake bay, where our ships can at once enter, and be repaired with more expedition, so as to return immediately to the battle-ground to protect the liberties of the country? Yet, sir, discontinue the naval station at Portsmouth, and if the report of the Navy commissioners, which has been alluded to, be true in this particular, of which I doubt not, there would not remain a navy-yard north of the Chesapeake where a seventy-four could gain access. Should, then, any of the events happen which have been supposed, then the probability is that all the evils which have been mentioned might be realized. But, sir, in a time of peace we have vessels on some of the eastern stations, which after a two or three years' cruise may be ordered home for the purpose of receiving repairs; and although frigates, schooners, and sloops of war can gain access to other navy-yards north of the Potomac besides Portsmouth, during the spring, summer, and autumn months, yet in the extreme cold of winter even the above classes of vessels cannot gain access to any yard, save the one at Portsmouth, short of the Chesapeake bay.

I am, sir, fully persuaded that the recommendations in favor of the navy-yard at Portsmouth to which I have alluded, will be sufficient to satisfy every candid mind that this place, of all others, is one of the most favorable spots on the whole Atlantic coast for a large national depository, and that a discontinuation of it would be criminally unjust to the Government and the whole American people. My design has been to establish the fact, that in four important, and in some respects indispensable, particulars, this has a decided preference over every other navy-yard north of the Chesapeake bay, First, it can be more easily protected from the invasion of the enemy. Secondly, it is at all times easy of access, free from ice and other obstructions. Thirdly, by having a sufficient depth of water to admit with ease and with safety the largest class of our public ships. Fourthly, by building ships here there is an average saving to the Government of at least twenty per cent. And in one very important particular this place has a most decided advantage over every other navy-yard in the country; that is, that timber and other materials are less liable to be injured here than elsewhere. To the last recommendation, even the waters of Narraganset bay, which have been so highly eulogized by the honorable gentleman from Rhode Island, would be compelled to yield the palm. Yet, sir, notwithstanding all that has been said in favor of this national depot, its paramount advantages, when compared to others of a similar character, the long time it has been occupied as a favorable place for ship-building, both for the public and the merchant service, the millions which the Government has invested in erecting suitable buildings for dwelling-houses, ship-houses, stores, marine-barracks, timber-sheds, timber-docks, &c.; and notwithstanding it is so easily protected, unobstructed by ice in the winter season, so as to render the navigation to and from the same safe and expeditious; and although the Government can, by constructing her ships at this place, save much of the people's money; and although the raw materials here are less liable to suffer injury; and although there is no other naval depot north of the Chesapeake to which the largest class of ships can safely have access—if it be for the interest of the country that it should be discontinued, it will be my duty to sustain the motion of the honorable gentleman from Tennessee to strike out the whole of the above-mentioned appropriation. But, sir, I must wait for stronger arguments than I have yet heard either by gentlemen on this floor, or those contained in the report of the Navy commissioners of 1829, before I can give my consent to demolish this national depository. And as the most, if not all, the arguments against the navy-yard at Portsmouth have been drawn from the above-mentioned report, I ask the indulgence of the House for a few moments, for the purpose of reviewing some of the principles, as well as the facts, which are contained in this document.

The proposition of the Navy Commissioners then was, "That with the exception of the 'yards at Boston, Washington, and Norfolk, and 'another near the Gulf of Mexico, (principally 'as a deposit of stores,) all of our other yards 'might, in the course of a few years, be dispensed 'with, without injury to the public service, pro-'vided an establishment be made near Newport, 'Rhode Island." And the above proposition rests upon the basis of "*economy* and *efficiency*."

But, sir, to this concentration of power I do not give my consent. That we should study the principles of economy I agree is right; and I wish this disposition prevailed more extensively. But, sir, to a consolidated Government, or to the concentration of power further than that authorized by a literal construction of the Constitution of the United States, I enter my most solemn protest. Is it not against this principle that we have been so long contending, and against which we have, for the last seven or eight years, contended with so much success? For myself I shall regret to see the day when the people of this country shall sanction a discontinuation of any naval station which has heretofore been established, and with which are connected so many pleasing associations—institutions which have become hallowed by time, and the breaking up of which would be like breaking asunder the cords which bind together the social compact—the Union of these States. And I doubt not that it would be better for the country to increase their number, rather than to diminish or lessen it; for this plain reason, that it gives to the people of the several States a better opportunity to see the operations of the General Government, and consequently create a stronger sympathy with the administration of it, and a more fixed determination to support the integrity of the Union. It is upon this ground that I shall exert all the influence which I possess in favor of the proposition now before Congress to establish a navy-yard at Charleston, South Carolina. It will, in my opinion, add another ligament to the cords by which we are bound together as a great and a mighty people—a people chosen of *Him* who guides and controls the destinies of nations, as well as individuals. Its tendency will be to blot out and entirely efface those geographical lines which have been so often mentioned upon the floor of this House since the commencement of the present session of Congress.

The gentleman from Maine, speaking upon this subject, a few days since, very appropriately remarked that these establishments did not belong to the place where located, but to the country. Establish the one at Charleston, agreeably to the request which is now made by the freemen of that district, it will not belong to that place, but to the country. Yet that people will see and feel that the General Government is not unmindful of their wishes, desires, and interests; and by rearing up some national works among them, it will bind them more closely to the national confederation. And for the same reasons, sir, I shall record my vote in favor of the appropriations mentioned in this bill, and also for increased allowances for the navy-yard at Pensacola. Yes, sir, this place deserves the patronage of the Government. It belongs to the nation, as well as others of a similar description, and so long as my constituents provide for me a seat in this House, it will be my endeavor, at all times, to guard with vigilance the reserved rights of the States, yet to manifest national sentiments, and to use what influence I may possess, to eradicate every sectional feeling. In regard to national stations of this kind, as well as for fortifications, I shall look alike to the East, the West, the North, and the South. The safety, the prosperity, and the glory of the one is the safety, prosperity, and the glory of the other. But, sir, it is time that I should again turn my attention to the more immediate consideration of this report, and for a few moments examine the other proposition which is offered by the commissioners in favor of "*concentration*," viz: that of "*economy*." I admit, sir, that if, by discontinuing one half of the number of our navy-yards, we should lessen the expenses of the people in proportion then it would be our bounden duty to pursue the course at once, provided that the remaining one half would subserve the interests of the country, as well as the whole number. But would that follow? Would there, in such an event, be a saving of any considerable expense to the people? In order to answer these questions correctly, we must take into consideration the investments which have heretofore been made in the improvements of those yards, and, consequently, the great sacrifices which would be made by their demolition. Furthermore we must take into consideration the expenses which would be incurred by enlarging those which might be retained, together with the millions which would be required to build a new magnificent establishment upon the waters of Narraganset bay. I must confess, if the recommendations mentioned in the report of the Navy Commissioners should be carried into effect, I am unable to perceive how it can materially affect the current expenses of the Government. In that case millions of property, which is now answering all the purposes for which it was originally designed, would be sunk, and millions more must be expended to build up new naval stations, which would answer no better, and probably not so well for the interests of the country, as those which are now extant.

It is highly probable that, should the number of yards be reduced, three or four officers on the civil list might be dispensed with; I mean naval storekeepers. But, sir, should this be done, it would be a saving in expense only of five or six thousand dollars; and the probability is, that even this sum would have to go to meet the expenses of additional clerks in these magnificent consolidated institutions How, then, is there to be any saving of expense by consolidation? The Navy commissioners say that "*concentra-'tion would enable the Government* to select and re-'tain in its service the most valuable artificers, at 'fixed and moderate wages, because they could 'have constant employment." Is this anything

new? Has not the Government always selected artificers, mechanics, and ship carpenters? Most assuredly. And I apprehend that not a single instance can be pointed out where the Government has met with any difficulty in obtaining the first rate of workmen in sufficient numbers to complete all the works which have been contemplated by the Government; and as it respects my own State, the General Government may rest assured that she may there always be furnished with a sufficient number of the first class of workmen, at reasonable, fixed, and moderate wages.

My belief is, that by reducing the number of navy-yards agreeable to the plan proposed in the above-mentioned report, the wages of artificers, ship carpenters, and mechanics would be increased instead of being diminished, because there would, in that case, be a much more limited circle than the Government now has, from which to make a selection. Supposing Congress should, at its present session, make provision for building eight ships, would it not be as cheap for the Government to build one at each of the navy-yards, as to build four at Norfolk, and the other four on the waters of the Narraganset bay? It appears to me that every gentleman must answer this question in the affirmative. And he would do it upon the ground that the wages of a thousand men would be the same, whether they were all to be concentrated into one place or dispersed into ten places. Neither can it make any difference as to the expense of those whose duty it is to superintend this branch of the national service, especially in a time of peace, because more or less of them are to be found in almost every town and city on the Atlantic coast, and their salaries are the same, whether they are diversified or concentrated.

But, sir, although the plan laid down in this report, of having two magnificent national depositories, one on the Chesapeake, and the other on the Narraganset bay, and retaining those at Washington and Boston as auxiliaries thereunto, might possibly answer for the public service in a time of peace; but in that case, what would be the situation of the country in a time of war? It is to such a period that we should direct our attention, when we are about to make appropriations for the improvement of the navy-yards, for the increase of the Navy, and for fortifications. Might not both of these great depositories be blockaded, and by that means the country be cut off from all supplies for the Navy? Would not these two places, in the case of a war, be more easily blockaded, and in that event more liable to be blockaded than any two places on the whole Atlantic coast? Let the history of the revolutionary war, as well as the history of the late war, answer that question. I may also refer to this very report to prove that fact; for the Navy commissioners say, "our past sufferings admonish us that the Chesapeake bay and the waters near Rhode Island are our most vulnerable points."

A fine recommendation this for the only two national depots in the country! If the authors of that production had been speaking of fortifications, then might they have said with propriety that these are two of the "most vulnerable points" in the country, and therefore the means of defense should be sufficient to render them *invulnerable*. But, sir, let these two places become the only depositories for naval stores, and the general rendezvous of our Navy, past experience will show that the best and the highest interests of the country would thereby be put in jeopardy. I hope and trust, sir, that neither this nor any other Administration will ever carry into execution any such project. And, sir, if the opinion of this House should accord with my own, then the sums mentioned in the bill under consideration for the improvement of navy-yards will be appropriated for that laudable purpose. This brings me to the time when it is proper to go into a consideration of that part of the subject; I must, therefore, ask the indulgence of the House for a few moments while I submit a remark or two relative to the several items included in the report of the Navy commissioners.

Mr. Speaker, as to that part of the subject relating to the estimates, or the amount which it may require to complete the public works which have been mentioned, I do not pretend to be a suitable judge. This is no part of my duty, unless it be apparent that the sum asked for should be very extravagant, manifesting a disposition to squander away the public money in a wanton manner. This *responsibility* should be made to rest where it ought, that is, on the honorable gentleman at the head of the Navy Department. But, sir, as to the necessity of making the improvements which have been recommended by the Committee on Naval Affairs, I have no doubt. This naval depot, as its merits became more extensively known, has been made to assume a rank but little inferior, if any, to similar institutions in the country. Two ship-houses were erected many years since, in which there are two of the first rate of ships. The foundation for a third ship-house has been laid, and will probably be completed the ensuing season. Very extensive supplies of ship timber have been sent to this yard, which requires attention; and, as a part of my argument upon this part of the subject, I wish to refer the committee to one or two paragraphs contained in the report which has been so often alluded to.

The Navy Commissioners say, that "from 'necessity, ever since the creation of our Navy, 'we have been compelled to use, to a great extent, 'unseasoned timber in the construction and repair 'of our ships; hence immense expenditures and 'great loss of time, (invaluable in war,) arising 'from the necessity of frequent repairing them." The same report then proceeds to provide a remedy for this great evil, which is as follows, namely: "*Provide extensive* supplies of ship timber, and place it in a state to be well seasoned 'before it is used; and for this purpose they 'recommend that the timber be immersed in 'water for twelve months, then taken up and 'placed under cover, to protect it against the sun, 'rain, and high winds; its immersion will render 'it less liable to split or rent. It should not be 'taken out of the water, however, excepting early 'in the spring, if it can be avoided; and it should, 'after being sawed or reduced to proper sizes 'required in ship-building, be put under sheds 'so constructed as to admit of a free circulation 'of air, but at the same time to shield it from too 'much exposure to the sun and strong currents 'of air. It is believed that if timber used in ship-'building should undergo a process like this, 'their durability would be increased two-fold."

If these facts be true, then add to those one other, viz: there is at this place extensive supplies of ship timber unprovided for. It would seem that no one would for a moment object to the appropriations contained in this bill. Every gentleman can readily conceive that so long as it shall be necessary and expedient to have an ample supply of masts, spars, boats, and other naval supplies constantly on hand, so long it will be necessary and expedient to have mast houses, boat houses, and timber sheds. I hope, therefore, that the sum named in the bill will be appropriated for those purposes.

NORTHERN BOUNDARY OF OHIO.

SPEECH OF HON. THOMAS EWING,

OF OHIO,

IN THE SENATE, *December* 21, 1835,

On introducing the Bill to settle and determine the Northern Boundary Line of the State of Ohio.

Mr. EWING said:

Mr. PRESIDENT: I feel it due to the importance of the measure which I propose, and to public expectation and public opinion in my State, that I present, at this early stage of the proceeding, a brief summary at least of the question to which this bill will give rise. I feel it the more important to do so, as public opinion abroad, throughout the Union, has been assailed, and in some measure preoccupied, with papers issuing from various quarters inimical to the proposed measure, papers in which a one-sided view of the case has been presented; and in some instances erroneous statements of public documents have, in the over-zeal of individuals to establish their favorite position, been sent abroad as a part of the political history and of the law and truth of the case. I wish, in behalf of Ohio, that the facts as they exist may go forth to the public in such small compass that they may be seen, examined, and understood. And I wish, by reference to documents here, and all the documents that I think bear upon the question, to lighten the labor of gentlemen who wish to examine it, and form their judgment. This being my object, I shall attempt little argument, and indulge in no discussion.

The bill, so far as relates to Ohio, is the same in all its provisions with that which I have twice offered in the Senate, which has twice passed this body, and which has been twice lost among the unfinished business of the House. A few words are necessary, however, to explain the full purport of its provisions. The act of Congress of the 30th of April, 1802, "authorizing the inhabitants of the eastern division of the northwestern territory to form a constitution and State government," directs that the contemplated State shall be bounded "on the north by an east and west line, drawn through the southerly extreme of Lake Michigan," "running east until it shall intersect Lake Erie on the territorial line; thence with the same through Lake Erie to the Pennsylvania line." Under this law the convention met, and formed the constitution of Ohio; but fearing that the mouth and estuary of an important river, which had its course within the State, would be excluded by the prescribed boundary, the convention accepted it, with a proviso which is found in the sixth section of the seventh article of the constitution, and is in the following words:

"Provided, always, and it is hereby fully understood and declared by this convention, that, if the southerly bend or entrance of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said Lake east of the mouth of the Miami of the Lakes, then and in that case, with the assent of the Congress of the United States, the northern boundary of the State shall be established by and extend to a line running from the southerly extremity of Lake Michigan to the most northerly cape of the Miami Bay," "thence northeast to the territorial line, and by the said territorial line to the Pennsylvania line."

Now, sir, the position of Lake Michigan is proved to be, as was apprehended by the framers of the constitution of Ohio. The southerly extreme of Lake Michigan is so far south that a line drawn from it due east, cuts off the mouth of the Miami of the Lakes, and intersects Lake Erie many miles east of that river; and this bill copies substantially the above recited proviso of the constitution of Ohio, and will, if it become a law, give the express assent of Congress to the boundary designated therein. The objections to the boundary named in the act of Congress, is best understood by reference to a map of the country, which Senators will find upon their tables. It will be seen that the Miami of the Lake, a large and navigable river, the largest I believe which flows northward into that chain of Lakes, has almost its whole course in Ohio, and its whole and entire navigable course in Ohio and Indiana, except the last eight miles, and its mouth and bay, or estuary, which are cut off by this east and west line, and thrown into another jurisdiction, that of the Territory of Michigan.

I can acquit at once the framers of the ordinance of 1787, and the Congress which passed the law of April 30, 1802, of the apparent neglect of the just interests of the great civil division of our country which comprises the community which those acts called into being. They had fixed, according to their belief of the geographical relations of the country, boundaries to that State which were totally unexceptionable. The line, as they had fixed it, did, as they believed, instead of cutting off from Ohio the mouth of the Miami of the Lake, extend northward beyond the river Raisin, to the head of the lake, or rather above it, near the mouth of the Detroit river. I refer to an ancient map of the country, the same which was of the highest authority at the time of the passage of the ordinance and the act of 1802, to show what was their purpose, and what were their opinions as to this boundary. It is a singular case of an error affecting a division of land or a tract of country. It is not a mistake in the position of an object which forms part of a boundary; but the position of a very remote object,

lying in an unexplored region, from which a line was to be produced in the given direction, until it should touch the territory in question, and form the boundary.

But the difficulty will be remedied by adopting the bill which I now offer. It will give to Ohio, not all that was supposed and intended by the Congress which framed the act of 1802, but it will give her all that is important to her internal improvements and commercial interests, and all that was asked for by the framers of her constitution. And there would seem to be the most obvious propriety and policy in according it, having a due regard to the great leading features of our country in its civil divisions; if, indeed, Congress have the power to do so without the infringement of a compact, or the violation of national faith.

This measure has been long a subject of discussion. Those who oppose it contend that Congress, by the terms of the deed of cession from Virginia, by the ordinance of 1787, for the Government of the territory northwest of the river Ohio, and by their own subsequent acts, have been deprived of the power of extending the boundary of either of the southern States of the Northwestern Territory, Ohio inclusive, north of an east and west line drawn through the southerly extreme of Lake Michigan. And the first and most important inquiry is, whether Congress does now possess that power? To me, indeed, it seems a question of easy solution.

At the close of the revolutionary war, Virginia and Connecticut claimed each a portion of the Northwestern Territory. Connecticut ceded her jurisdiction without any directions as to its future civil divisions; but Virginia required that the lands so ceded should be divided into States, "containing a suitable extent of territory, not 'less than one hundred, nor more than one hun-'dred and fifty miles square, or as near thereto 'as circumstances will permit," &c.; which provision was made in accordance with a resolution of Congress of the 10th of October, 1780.

The country was at that time unexplored, and great difficulties might have arisen from the fixing of any unbending rules for the formation of new States, in respect to location and boundary. Congress soon became sensible of this, and by their resolution of July 7, 1786, asked Virginia to revise her deed of cession. The preamble to that resolution shows what were the views and wishes of *that* Congress in the formation of new members of the Federal Union, and what I believe has been, at least what ought to have been, the purpose of each succeeding Congress which has been called to act on this subject. It is as follows:

"Whereas it appears, from the knowledge already obtained of the tract of country lying northwest of the river Ohio, that the laying it out, and forming it into new States of the extent mentioned in the resolution of Congress of October 10, 1780, and in one of the conditions contained in the cession of Virginia, will be productive of many and great inconveniences. That by such a division of the country some of the new States will be deprived of the advantage of navigation; some will be improperly intersected by lakes, rivers, and mountains; and some will contain too great a proportion of barren and unimprovable land, and of consequence will not for many years, if ever, have a sufficient number of inhabitants to form a respectable government, and entitle them to a seat and voice in the Federal Council. And whereas, in fixing the limits and dimensions of the new States, due attention ought to be paid to natural boundaries and a variety of circumstances which will be pointed out by a more perfect knowledge of the country, so as to provide for the future growth and prosperity of each State, as well as for the accommodation and security of the first adventurers. In order, therefore, that the ends of Government be attained, and that the States which are formed may become a speedy and sure emission of strength to the Confederacy: *Resolved*, That it be, and is hereby, recommended to the Legislature of Virginia to take into consideration their act of cession, and revise the same, so far as to empower the United States in Congress assembled to make such a division of the territory of the United States lying northerly and westerly of the river Ohio into distinct republican States, not more than five nor less than three, as the situation of that country and future circumstances may require, which States shall hereafter become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence as the original States, in conformity with the resolution of Congress of the 10th of October, 1780."

By this resolution Congress asked for authority to change nothing relative to the contemplated States in the Northwestern Territory, except the extent and boundaries, and they asked for *discretion* for the purpose of adjusting their boundaries to suit the natural features of the country. And this discretion, which was accorded by Virginia, is, if I can read and understand the laws and ordinances aright, continued over the whole northern portion of that country down to the present day.

The extent of the powers thus retained by Congress depends upon the ordinance of 1787 for the government of the territory northwest of the river Ohio. I join in all that has ever been said in praise of this invaluable charter. It has been called *irrevocable*. So it is as long as the faith of the nation is regarded. It has been called a *sacred* instrument. I hold it so. Next to the Constitution itself—of which indeed this ordinance is by adoption a part—I hold it the most sacred among the monuments of our national liberty. But it does not, therefore, follow that every manner of pretension must be sanctioned which any one thinks fit to advance in its name.

The question of the power of Congress over this disputed territory grows out of the fifth article of the ordinance. I need not trouble the Senate by reading that article; a simple analysis of its provisions, so far as they touch the present question, will suffice.

1st. It ordains that Congress shall form not less than three, nor more than five, States within that territory.

2d. It defines the boundaries of three of those States according to the present boundaries of Ohio, Indiana, and Illinois, on all sides except the north; and it extends them all northward to the boundary line of the United States.

3d. And it provides that "the boundaries of 'these three States shall be subject to be so far 'altered, that if Congress shall hereafter find it 'expedient, they shall have authority to form one 'or two States in that part of the Territory which 'lies north of an east and west line, drawn 'through the southerly bend or extreme of Lake 'Michigan."

It appears to me clear, by the mere reading of the latter part of this section, of which I give the words, that all the obligation imposed upon Congress was to form three States in said Territory, the northern boundary of any of which should not be pressed further south than the southerly bend or entrance of Lake Michigan; that the east and west boundaries of each of the three States should be fixed within the limits prescribed, and that the northern part of the Territory should be formed into States, or attached to the southern States, or part of it be formed into one or two States, and part of it attached to the State lying immediately south of it. One or two States MAY be formed by Congress IN that part of the Territory which lies north of the east and west line above-named; but it is not said that they SHALL be formed of that Territory, or OF ALL that Territory. It were hard to reason on the subject; the ordinance itself is as clear to the point which I would sustain as any language I can use in support of it, and it is only by passing over, or interpolating, or modifying its provisions, either in statement or in argument, that a doubt has been raised as to its interpretation.

I will refer, by way of specimen, and it is not the only one in which public documents have been thus treated in this contest, to an article entitled "The case of Michigan," which appeared in the Intelligencer of the 5th instant. The writer is unknown to me, but the editors say it is "*from a highly intelligent and respectable source.*" The sentence in that "*exposition*," in which a clause in the ordinance of 1787 is misstated, is as follows:

"By the ordinance of 1787, whenever any of the States or *Territories* in the Northwestern Territory 'shall have sixty thousand free inhabitants, such State shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original States, in all respects whatever, and shall be at liberty to form a permanent constitution and State government.'"

I call the attention of the Senate to the word *Territories*, in that part of the paragraph which is introductory to the quotation from the ordinance, and which fixes the sense of that quotation. That word is an interpolation in language, and it changes the whole sense of the paragraph. It is not to be found in the text quoted, nor in the context, nor any word or words which convey an equivalent meaning to it, in the convention in which it is here introduced. And, unfortunately, this single word, thus thrown in, is the one on which the whole argument in behalf of Michigan and her rights to this territory must hinge. Take that away, read the ordinance truly, as it is written, adding nothing and suppressing nothing, it does not leave them ground whereon to rest the soles of their feet. It is the fifth article of that ordinance (1st vol. Laws of the United States, page 480) that has been thus misused. That article declares that there shall be formed, in the Northwestern Territory, *three States;* it defines their boundary on all sides except the north, as the States of Ohio, Indiana, and Illinois are now bounded; and it extends them all northward to the northern boundary of the United States, which is there called the territorial line; it then provides that "the boundaries of these three 'States shall be subject to be so far altered that, 'if Congress shall hereafter find it expedient, 'they shall have authority to form one or two 'States in that part of the territory which lies 'north of an east and west line drawn through 'the southerly bend or extreme of Lake Michi-'gan." Then follows the *misquoted clause*, which is in these words: "And whenever any of the '*said States* shall have sixty thousand free inhab-'itants therein, such *State* shall be admitted, by 'its delegates, into the Congress of the United 'States, on an equal footing with the original 'States, in all respects whatever, and shall be at 'liberty to form a constitution and State govern-'ment."

I am bound, in courtesy, to believe that this misrepresentation of this clause of the ordinance by the writer who thus volunteers to instruct the community on this subject, was a mistake, fallen into by him in his zeal to support the cause which he has seen fit to espouse, and that the power and discretion to form States, as I have set them forth, which immediately precede in the ordinance the paragraph cited by this writer, was omitted, because he had not a clear perception of its bearing upon the proposition which he advances; and not because he saw, as I think all impartial men who examine it must see, that it destroys, to its very foundation the whole fabric of his argument. But if any one can find in the clause of the ordinance referred to by that writer, and which I have just read, a vested right in this *Territory* (which is not formed by the ordinance or by act of Congress into a State) to come into the Union when its inhabitants shall be sixty thousand, or to hold fast, *permanently*, against the will of Congress, to the boundaries fixed for it as a Territory, for the express purpose of temporary government, he must have functions and reasoning faculties of a different order from those which are possessed by the rest of mankind. Indeed, when the ordinance is set out truly, as it is, no one will, I think, be able to draw any such inference from it.

Congress had the right, by virtue of their general powers, without any express compact authorizing it, to erect territorial governments such as they might see fit, as to number, extent, and boundary, and to change and modify them at pleasure. So at least it has been held, and such has been the practice of the Government. And if they have not this power, the Territory of Michigan was created without authority; for the ordinance of 1787 expressly authorizes a division of the Northwestern Territory into no more than "*two* districts;" and this express authority was exhausted by the act of the 7th of May, 1800, which divided the Northwestern Territory into two separate governments. I take it, therefore, for granted that the general power will not be disputed by the advocates of the claims of Michigan; and if it be not, why do they fix upon, as the boundary to which they have a permanent right, those assigned to that Territory, "for the purpose of a temporary government," by the act of 11th January, 1805, instead of either of the other acts fixing other limits? That act is neither the *first* nor the last which gave a temporary government to the inhabitants of the country included in that Territory. It first formed a part

of the government of the Northwestern Territory. It was next divided between that Territory and Indiana. It was in the next place attached wholly to Indiana, and made to form a part of it. Next it was formed into a separate Territory, "for the purpose of a temporary government;" and lastly, the whole residue of the Northwestern Territory was attached to it, and formed with it one Territory for a like purpose, and remains, and is part and parcel of it at this day. How, then, can it be with reason contended that the limits of the local government to which the inhabitants of this tract of country owed allegiance, should, in its fourth modification, though never before, be holden fixed and immutable? There are no words in the law to countenance it save what are also contained in the other laws fixing the boundaries of the several territorial governments which, by different names, were from time to time extended in whole or in part over this peninsula. On the whole, that law gives to the inhabitants of that part of the Territory of Michigan no vested right to come into the Union as a State with those particular boundaries assigned them: it therefore throws no obstacle in the way of extending, or adjusting and defining the boundaries of the States of Ohio and Indiana north of the east and west line above referred to, even if we admit that line to have been once made the boundary of the Michigan Territory.

I believe it has not been denied by those who advocate the claims of Michigan, that Congress had a right to extend all or either of the three southern States north *to the territorial line;* according to their limits as set out in the first part of the fifth article of the ordinance; but they contend that Congress *must* include in each of those States *all* or *none* of the territory which lies within its limits north of that line; that they cannot include a part and exclude another part; that an *option* is given them in fixing the boundaries of those States on the north, but no *discretion* beyond the mere choice of one of the two lines. In aid of the several arguments which I have advanced against this position, I will now adduce a series of acts of Congress showing a legislative construction of their own powers.

The east and west line named in the ordinance of 1787, has but a single call, "the most southerly bend or extension of Lake Michigan;" it has no terminus to the east or the west—it of course passes across the whole Territory—and if the position be correct, that Congress could not extend any State beyond that line without including all the territory which lay beyond it and due north of such State, then Congress in the formation of the State of Ohio, and the designation of its boundary, has violated the ordinance. In the act of April 30, 1802, under which Ohio was authorized to form a State government, the line running due east from the southerly extreme of Lake Michigan is taken, in part, as the northern boundary of the contemplated State. Thus far it agrees with the line named in the ordinance, but it introduces another call, "*Lake Erie, or the territorial line*, and thence with the same through Lake Erie to the Pennsylvania line," making a totally different northern boundary. The two lines run together until they touch Lake Erie, then diverge widely. The line named in the ordinance runs through the southern bend of Lake Erie, and passing out of it cuts off a large extent of territory, with fifty or sixty thousand inhabitants, in the northeast corner of the State of Ohio, to which Michigan has the same right, *by virtue of the ordinance*, that she has to the country north of that line and south of the northern cape of the Miami bay. But Congress did not consider themselves bound by the ordinance to pursue that line, or they acted under a mistake as to the true position of Lake Michigan, the bearing of which error I will by and by consider.

In the formation of the State of Indiana, Congress disregarded this assumed restriction in the ordinance, or they had failed to discover it. The State is extended ten miles north of the southerly extreme of Lake Michigan; and Illinois, which was admitted a few years after, is extended north about thirty-five miles further than Indiana, and within a few miles of the line of latitude which, according to the old maps to which I shall by-and-by more particularly refer, cut through the southerly extreme of Lake Michigan. The mistake which had been made in the position of the object of that call was substantially corrected in the case of Illinois.

I need not now advert to the unhappy consequences which would flow from holding the east and west line, named in the ordinance, as a fixed and immovable boundary: the question is too clear by the very language of the ordinance itself, and the legislative constructions of it have been too frequent and unequivocal to require this auxiliary aid in settling the principle. Still it ought not to be forgotten that the establishment of the doctrine contended for by Michigan involves, as its consequence, the dismemberment of these States of this Union, and the bringing of a large number of their citizens under a government which they did not help to form, and to which they have never yielded; and to which, I believe, they never will yield their willing allegiance.

Having, as I trust, established the position, if any arguments were necessary to establish it, that Congress has power to pass this act without violating the Constitution, or compact, or any principle which ought to govern legislators, I will now proceed to offer some reasons why the proposed adjustment of boundary ought to be made.

First, then, it was the intent of the framers of the ordinance of 1787 that the northern line of each of the three southern States should extend north of the points over which that east and west line is, by actual observation and survey, found to pass. This intent is proved by the clearest evidence. At the time of the passage of that ordinance we had no information of the country north and west of Lake Erie, save what we derived from observations made or collected under the Colonial Government. A map of that country, published in 1755, and still familiarly known as Mitchell's map, was the first in authority in England and America from the time of its publication until long after the date of the ordinance. It is said to have been the map referred to by the American and British Commissioners at the treaty of peace in 1783. And in the particulars in which it bears upon the present question, it was copied, or very closely followed, in all the maps which appeared in our country from that time until after the close of the late war. That map, and, indeed, every cotemporaneous map that I have seen, fixed the latitude of the southern extreme of Lake Michigan about 42° 20′ north, or about forty-five miles north of its actual position, and so situated with regard to Lake Erie, that a line running due east through it would touch the Lake near its head, or the Detroit river a little north of its entrance into the Lake. I have laid upon your table, and on that of each of the Senators, a copy on a reduced scale, of this map, as it is preserved in the State Department, by which may be seen at a glance the position of those lakes, and of that line, as it was then believed and understood to exist. Congress had earnestly sought the power of fixing the limits of the proposed States according to natural boundaries, so that none of them should be improperly intersected by rivers or lakes, and so that there should be secured to each such natural advantages of navigation as most properly pertained to it. They obtained that power, and intended to exert it for the benefit of each of the new States; and in fixing that east and west, they obviously intended to prohibit any future Congress from bringing down the northern line of that State, which is now Ohio, south of a line which would touch Lake Erie near its head, or the Detroit river above the lake. Ought that intent to be defeated by a mistake, by misinformation, as to the position of a natural object, in a hostile country, remote from any part of the State whose boundary was to be fixed? We are of opinion that the intent of the framers of that ordinance ought to be carried into effect so far as it is necessary for the well-being of the State that it should be so.

It can be shown that the same intent prevailed with the Congress who passed the act of 1802, under which Ohio framed her constitution, and came into the Union as a sovereign and independent State. The line designated as her northern boundary is the same as that before referred to laid down on Mitchell's map. That map then hung, as I have been informed, in the committee room of the committee of Congress who reported that law. That there was a mistake in the position of this line by the Congress which enacted the law of April 30, 1802, is proved further by the fact that the boundary they affix to Ohio is an *impossible* boundary. That law provides that the northern line shall run due east, through the southerly extreme of Lake Michigan, until it intersect Lake Erie or the *territorial line*, thence with the *same* through Lake Erie to the Pennsylvania line. This boundary, therefore, is based on the assumption that the east and west line will touch the territorial line (which is the northern boundary line of the United States) in Lake Erie, or north of it; otherwise it could not, without changing its direction, run with it through Lake Erie to the Pennsylvania line.

But that line does not touch the northern boundary line of the United States at any point in Lake Erie. The act of the 14th July, 1832, directs the President "to cause to be ascertained (amongst 'other things) by accurate observation the latitude 'and longitude of the southerly extreme of Lake 'Michigan." "Also, that he cause to be ascer-'tained with all practicable accuracy the latitude 'and longitude of the most southerly point in the 'northern boundary line of the United States in 'Lake Erie." The performance of this duty was, as a matter of course, assigned by the President to the War Department. And among the Executive Documents of 1833–34, vol. 6, Doc. 497, is found the report in part of the engineer employed to perform that service. He fixes the latitude of the southern extreme of Lake Michigan at 41° 37′ 07.9″ north. His observations as to the southern point of the northern boundary of the United States in Lake Erie do not lay claim to accuracy, but he supposes it to be in latitude 41° 38′ 38″, being north of the east and west line 1 mile 2.1440 yards. But there was another and better mode of ascertaining the last-named fact than that adopted by the Department. It will be remembered that missions were appointed by the United States and Great Britain to mark the boundary between the two countries under the treaty of Ghent. This duty was performed; this line was marked with great care through the western part of Lake Erie, and the map showing its position is among the archives of State. I hold in my hand a letter from Thomas P. Jones, keeper of the archives, directed to Mr. Vinton, of the Ohio delegation in the House of Representatives, dated January 7, 1835, in which he states that he has carefully examined the map of Lake Erie as laid down and marked out by those commissioners, and that he finds the latitude of the most southern point to be 41° 39′ 43″, as nearly as he can ascertain by the scale, but that the measurement may possibly vary a second or so from the truth; so that the east and west line would not touch the northern boundary line by about three miles. I understand, however—for I have not yet seen the report—that the Department has at last brought the two lines together. Lake Michigan, I believe, still holds its first position—its southern extremity would move no further north; but the boundary line between the United States and Great Britain has been found more flexible, and has come about four miles south of the point at which it was fixed by the commissioners under the treaty of Ghent. This has, it is true, been an *ex parte* proceeding by the United States; but Great Britain cannot object to it, as it gives her (if the new position of the line be adhered to) jurisdiction over many miles of the surface of the lake which was assigned by the joint commissioners to the United States. For the present, however, I am disposed to consider the line run by the commissioners of the United States and Great Britain, in pursuance of a treaty stipulation, as the true boundary between the two countries. Taking, then, the position of the southerly extreme of Lake Michigan, as found by Captain Talcott, and the southern point of the northern boundary line of the United States in Lake Erie, as settled by the commissioners, and as measured on their map by the keeper of the public archives, it is clear that these lines do

not close, and that one of them must be varied by legislative enactment or judicial construction, or the State of Ohio has no boundary. This state of things could not have been in accordance with the intent and purpose of the framers of the law of April 30, 1802.

The line, then, so far as it touches the boundary of Ohio, was intended, by the Congress of the United States, to be where it appears on Mitchell's map, and the other maps of the day. If this were the case—if two individuals contracting for the transfer of land, who had been governed in their contract by a plat spread out before them, and if such contract had been made, and such map exhibited as showing the boundary between individuals, I ask every land lawyer here, if a reference in the deed to some remote object as that from which one of the boundary lines should emanate, when the position of that object was proved to have been mistaken by the parties, would control the bounds of the grant? In equity would it? Would it between man and man, the facts being fully made out? Would it be permitted to defeat the manifest intent and purpose of both parties? We know well it would not. We know that where the lines and bounds of a tract of land are shown by the vender to the purchaser, either upon the ground or on a plat, and the description in the deed does not cover it, no matter whether by accident or design, a court of equity will hold the conveyance to be according to the boundary shown, and so correct the deed. In the acts of Governments there is no distinction between law and equity. The appeal to law, as it regards a nation, is an appeal to the national sense of justice, and an obligation much less strong than that which would move a court of equity in the case of an individual, ought to be sufficient, especially in a case like this, to command the action of a just and generous nation.

But Congress not only intended to give a boundary which included the mouth of the Miami of the Lake, and its bay, but the people of Ohio, in convention, asked and expected to receive it. They believed the line included the Miami bay, and a doubt was for the first time thrown upon it by information received from a trapper who returned from the shores of Lake Michigan while the convention was in session, which caused the insertion of the proviso in the seventh section of the sixth article of the constitution. This constitution was accepted by Congress without a syllable, yea or nay, on the subject of the proviso. It was accepted altogether, the proviso forming a part of it. No objection was urged to it by Congress, or by the committee of Congress which reported on the constitution. And when we consider that this proviso was fully and entirely in accordance with the end and aim of the resolution of Congress of the 7th of July, 1786, which asks of Virginia a modification of her deed of cession, with a view to regard natural boundaries, and the commercial relations of the contemplated States; that it accorded with the views of the Legislature of Virginia, who changed their deed of cession for that express and declared purpose. That it accords with the views of the framers of the ordinance of 1787, as appears by the map of their day, showing their opinion of the line which should bound the contemplated States; that it accords also with the opinion of the Congress who passed the law under which Ohio formed her constitution and State government; that this proviso, the solemn act of that people met in convention, declares that, as a part of their constitution, they ask and claim of Congress that boundary; and, finally, when it is considered that the whole constitution was accepted without a dissent to that proviso, I think a strong case of equitable, if not legal right, is presented on the part of Ohio for the definitive sanction of the boundary which she claims; and that it is an irresistible appeal to the sense of justice of the nation. And I, for one, care not whether this act be passed on the ground that Ohio is entitled to the boundary claimed by law, by equity, or on principles of political justice and expediency; but sure I am that the people of that State feel strongly that the concession is due them, and that dissatisfaction will be general and deep if it be withheld.

But it is said that the *rights of Michigan* are implicated in the adjustment proposed by this bill, and that it cannot pass without doing injustice to that Territory; but for myself I can discover nothing solid in this objection. I have already shown that that Territory has no right to any particular boundary, either by virtue of the ordinance of 1787, or any of the acts of Congress. If I have succeeded in establishing this, what is left of her claim on those general principles of political justice and expediency to which I have appealed in behalf of Ohio?

Michigan is a temporary territorial government, extending over about one hundred and seventy-seven thousand square miles of territory, equal in extent to three of the largest States in the Union. It was called into existence by an act of Congress; and so long as it continues a Territory, it is subject to be changed and modified, as to boundary and extent, at the pleasure of the same power. The inhabitants have their rights as American citizens secured under the ordinance of 1787, and various acts of Congress; but they have no territorial rights; and Michigan, as such, has none against the will of Congress. The question of expediency only then occurs in behalf of a State that is to be hereafter formed north of Ohio and Indiana; and I ask, is it expedient that that State should hold the mouth of the Miami, which has its whole navigable course in Ohio and Indiana, and control its entrance? Those two States are constructing a canal connecting the Miami bay with the Wabash river; and that grand work is now delayed, awaiting the decision of this question. I ask, is it expedient that a State, which you are to form hereafter north of these two States, should hold this outlet of the vast region which is intersected by this canal? That the new State should have delivered to her the key, and be the sole keeper of the entrance to the noble edifice erected by the industry and enterprise of her neighbors? It is not right. And the pride of those States must be wounded, and their sense of justice outraged, by such a determination. But, again, what policy is there in giving the new State, when it shall be created, the jurisdiction over this disputed territory? Is the territory of that State without it likely to be too small, or does it want for navigable communication? Neither. One hundred and seventy-seven thousand square miles—an extent equal to the *three* largest States in the Union—must be formed into no more than two States, and its eastern portion has advantages of navigation equaled by few States on the Atlantic sea-board.

Then, with respect to those who belong to the unclaimed part of the Territory, who profess to be contending for their rights, and who accuse Ohio of ambition, and usurpation, and injustice: what is their claim, and for what do they contend? Not the right of self-government, or the right to choose their own rulers, or the jurisdiction to which they shall be attached—for nothing of this is sought to be wrested from them: but they claim to *govern* their neighbors, who deny them allegiance. Or, if not to govern them, they wish to *force* into their fellowship and fraternity those who turn from them with fear and aversion, and who seek protection from Ohio, whom they think more regardful of their feelings, and more friendly to their interests. Those who, in the plenitude of their chivalry, wish to protect the weak against the strong, would do well to think of extending that protection over this people, who, if attached to Michigan, will feel themselves delivered over to a kind of political bondage, and into the hands of those whom they look upon as their adversaries and rivals.

Something is surely due to the opinions and feelings of these people of the disputed territory. If joined to Michigan, they cannot and they will not be content with their condition. They contend against it now, like men who are struggling for all that they hold dear and sacred, and against whatever is deemed most calamitous. They think (but I cannot answer for the correctness of their opinion) that, instead of enjoying the privileges of freemen; instead of being placed in the hands of a fostering and paternal government, which would watch over and protect their interests, and aid in the improvement of their natural advantages, and in the development of their resources—they would be delivered over to a bitter adversary, and a determined and inveterate rival.

Mr. President, I ask in behalf of Ohio, and I most earnestly ask, an early decision of this question. It has been, for years past, the victim of procrastination. For more than twenty years has Ohio presented herself, year after year, at the bar of Congress, as a petitioner for what she deems her right—what this body, whenever it has spoken has declared to be her's, either on principles of justice or of national policy, but she has been delayed, postponed, and the measure for her redress lost in the other House, without a hearing had or an opinion elicited. I trust and hope that it now approaches a termination, and that its result will be such as to satisfy the public mind, and calm the dissatisfactions of our people.

Letter to Hon. Samuel F. Vinton.

DEAR SIR: Agreeably to your request, I have carefully examined the map of Lake Erie, as laid down and marked out by the commissioners to settle the boundary line under the treaty of Ghent, and find the latitude of the most southern point to be 41° 39′ 43″, as nearly as I can ascertain by the scale, but the measurement may possibly vary a second or so from the truth.

I have the honor to be, very respectfully, your obedient servant,

THOMAS P. JONES,
Office of Archives, Department of State.

WASHINGTON, *January* 14, 1835.

The following is a copy of the bill introduced by Mr. EWING:

A bill to settle and establish the northern boundary line of the State of Ohio.

Be it enacted, &c., That the northern boundary of the State of Ohio shall be established by, and extend to, a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami bay; thence northeast to the northern boundary line of the United States; thence with said line to the Pennsylvania line.

SEC. 2. *And be it further enacted*, That the boundary line surveyed, marked, and designated agreeably to "An act to authorize the President of the United States to ascertain and designate the northern boundary of the State of Indiana," approved March the second, eighteen hundred and twenty-seven, shall be deemed and taken as the east and west line mentioned in the constitution of the State of Indiana, drawn through a point ten miles north of the southern extreme of Lake Michigan, and shall be and forever remain the northern boundary of said State.

SEC. 3. *And be it further enacted*, That the northern boundary line ascertained, surveyed, and marked agreeably to a law of Congress, entitled "An act to ascertain and mark the line between the State of Alabama and the Territory of Florida, and the northern boundary of the State of Illinois, and for other purposes," approved March second, eighteen hundred and thirty-one, shall be deemed and taken as the line west from the middle of Lake Michigan, in north latitude forty-two degrees thirty minutes, to the middle of the Mississippi river, as defined in the act of Congress entitled "An act to enable the people of Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," approved eighteenth of April, eighteen hundred and eighteen, and shall be and forever remain the northern boundary line of said State.

Passed the Senate January 7, 1835.

Attest: WALTER LOWRIE, *Secretary.*

DOCUMENTARY HISTORY.

REMARKS OF HON. A. HUNTSMAN,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

April 18, 1836,

On the question of concurring with the Committee of the Whole to strike out the following clause from the General Appropriation bill: "For the Documentary History of the American Revolution, per act of 2d March, 1833, $20,000."

Mr. HUNTSMAN rose and addressed the House as follows:

Mr. SPEAKER: We are called upon to give a vote in regard to an item of twenty thousand dollars to pay Messrs. Clarke and Force for printing and binding into books the Documentary History of the Revolution. This is to be done by virtue of a former act of Congress, by the operation of

which, it seems, the Treasury of the nation is to suffer nearly to the amount of a half million of dollars, and the common people of the country, out of whose pockets the most of this money comes, are not to be benefited one cent. This item is the sum now demanded in addition to the sum of twenty thousand dollars granted heretofore, and enormous sums hereafter, which, by the improvidence of the contract, we will be called upon to vote in future times. I cannot return to my constituents, and render a just account to them of my actings and doings here, with the expectation of meeting their approbation, without entering my most solemn protest against this unsound, unjust, and indiscreet appropriation. It claims to be predicated upon a contract made by the late Secretary of State, Mr. Livingston, under an act of Congress, the stipulations of which were that the Government was to pay for each copy of the volumes the sum of thirteen dollars and forty cents. There was no limitation to the number of volumes in the first instance; and the undertakers could, if they were so disposed, continue and extend the publications until the volumes would reach one hundred, and thereby draw one or two millions of dollars out of the Treasury. Such a construction can be put upon this contract that every old newspaper, pamphlet, almanac, advertisement, Tom Paine's writings, camp songs, and other trash, if it even has the remotest reference to the scenes of the Revolution, or anything that was written during the war, can be baptized by the name of revolutionary documents, and be placed in these volumes. Is it expected by any person that this *catchpenny contrivance* is to be depended upon, in after times, as a correct history of the revolutionary transactions which give immortality to our ancestry, and place us in a land of equal laws and equal rights? Surely no one has the credulity to hazard such a supposition!

But this is by far the least objectionable part of this transaction. It appears by one portion of the contract, that fifteen hundred copies of this work are to be struck, and by a subsequent modification of the contract, it is limited to twenty volumes; yet it is stipulated that the members of Congress who passed the law were to have one copy of each volume of the whole work for their private use. I am desirous, sir, that it may be distinctly understood, that I do not cast any imputations upon the motives of the honorable members of Congress who gave this vote, for I suppose them all to be *honorable men;* yet it may be useful to examine how this subject has worked in its practical operation. There are two hundred and eighty-eight members in Congress. Each member of that Congress who passed this law is to get one copy of these volumes; fifteen dollars or thereabouts per volume, for twenty volumes, will amount to three hundred dollars to each member. This amount of three hundred dollars to each member, multiplied by two hundred and eighty-eight, amounts to the sum of eighty-six thousand dollars to members of Congress alone. Subjects similar to these were canvassed in my district; the principle was disapproved of, and I cannot assent to them here. I take the liberty to protest most solemnly against it in the name and on behalf of my constituents.

The honorable gentleman from Massachusetts [Mr. ADAMS] has been quite luminous in his display of ancient and modern lore in advocating this appropriation. But, if I had any doubts remaining as to its impropriety; the gentleman has entirely removed them, for he has not only convinced me that my first impressions are right, but has given us such information as enables me to see clearly how the Government has been so grossly cheated in this contract. He informs us that great prudence and economy was observed in making the contract by the late Secretary of State, (Mr. Livingston,) who is a man of very superior political information, as well as an accomplished scholar, possessing the finest order of literary attainments. This solves the riddle. I have a most exalted opinion of the talents, the integrity, and the pure and undefiled republicanism of the gentleman spoken of. It stood by him in the times that tried men's souls; he was one of the forlorn hope in '98, that laid bare his arm against aristocracy; and the god of political battles enabled him, with his small band, to prevail. They planted the standard of republicanism upon the ramparts of the Constitution, where, I hope, it will wave triumphantly forever. But, sir, if I were about to engage in a contract in any of the business concerns of this life, those gentlemen of vast literary attainments, *who know every thing in the books, and little or nothing out of them,* who can take you by a luminous path through the whole circle of sciences, but who will lead you into a quagmire as soon as the purchase of a pig or a lamb is the subject of action, are the last men in all christendom that I should select to make a contract for me. If you employ one of them to trade a horse a common countryman will cheat him out of one half the value of the animal. If you employ them to contract for the publication of a few books, they will get cheated out of one half million of dollars, as the Secretary was in this instance by the original contract. If you employ them to negotiate about a boundary line, they will get cheated out of a tract of country as *large as all Texas,* as was done by the Florida treaty in 1819. This serves to convince us at once, that they cannot descend from their high literary cogitations, and mix with us mortals in the common spheres of life to a sufficient extent to understand anything about contracts.

There are many people in this world who have *all sorts of sense but common sense,* which is much the most useful to nine tenths of the human family. Those persons who have no opportunities to acquire more than a common education, who acquire their worldly substance by the toil of their hands and the sweat of their brows—although they may not have been raised at the feet of Gamaliel, nor descended from parents who rolled in wealth and splendor; who fared sumptuously every day; who could pass their children through the schools, academies, and colleges, and finish with a diploma marked with the insignia or initials of Bachelor of Arts, Doctor of Divinity, &c, inscribed with such flourishes as to suffocate a common countryman in any attempt to pronounce them—yet, sir, these men know the value of the property they have acquired by their labor most accurately, and are at all times ready to place a proper estimate upon the value of property or the value of labor. Notwithstanding they might not be enabled to spell the word Congress without beginning with a K, they have a fund of common sense, acquired by the study of men and things, added to a close observance of the ordinary transactions of life, which never can be found in the books, nor yet in seminaries of education. These are the people to make prudent contracts for you. The Government, in this contract, made through the medium of the *literati,* has been vastly overreached. Yes, sir, a contract has been fastened down upon us, by which near half a million of dollars is now claimed for these books, although not one of them has issued from the press. One gentleman, who was a member of Congress at the passage of this law, has sold his interest in it for ten dollars, when, at the same time, it will cost the Government about three hundred to print and publish it, or, in other words, to pay the contractors for doing it. This is a description of economy which I hope the Lord will deliver us from shortly.

It was said in argument by the gentleman from Massachusetts, [Mr. ADAMS,] (I always listen to that gentleman with pleasure,) that notwithstanding the wording of the contract might seem to limit the contractors to the documentary history of the Revolution, yet they might fairly incorporate matter going far antecedent to the time, by way of collecting materials, tracing the causes and effects which led to the Revolution; that Chief Justice Marshall, in writing the life of Washington, wrote a whole volume which was entirely introductory to the main *history* of one man only; and that the publishers, in this instance, might write many volumes where a host of heroes were concerned, and in arranging the many incidents and transactions which happened antecedent to and led to the Revolution. If this doctrine be correct, the history might commence at Magna Charta, when the sturdy Englishmen took the sword in one hand and their honor in the other, and effected a revolution which gained strength from time to time by the revolution of 1688, by the protection of rights, and in many other instances; but was never finally consummated until the glorious achievement of American independence. Such a course as this might enable the publishers to swell the work to five hundred volumes instead of twenty, and by this process bankrupt the Treasury.

It has been strongly insisted by the gentlemen from Massachusetts, [Mr. ADAMS,] Rhode Island, [Mr. PEARCE,] and Georgia, [Mr. GLASSCOCK,] that this contract cannot be rescinded—that, like the laws of the Medes and Persians, it altereth not; that it would be a stain upon the honor of the Government to rescind it. The gentleman from Massachusetts alleges that in this case, if it were five millions, he would not hesitate to fulfill the contract any more than if it were for five dollars; that one of the gentlemen to whom this contract was given was long the Clerk of this House, was the Clerk at the time, and that he is advantageously known as a gentleman. Be it so; I know nothing of the gentleman; I have never seen him to my knowledge, and, consequently, have neither partialities for nor prejudices against him; but this much I do know, from some little experience I have had in legislative bodies, that sometimes these Clerks become very popular among the members; they pass to and fro among them, and render many little services. Sometimes, in a convenient ante-room, there may be some *cool, wholesome water to drink,* and the members are invited in. The conclusion is that this Clerk is a very clever fellow; and by these and other little attentions the Clerk gets the contract, the members the books, and Uncle Sam *is taxed with the costs;* so ends the farce! I do not know that any such things happened here; for, as Antony said, I suppose they were all honorable men. I therefore will vote to rescind this contract.

I am told that the materials for the first and second volumes of the book are collected, digested, and arranged. I am perfectly willing to pay for them and stop. If the undertakers shall suffer any damages by the reason of the contract being rescinded, I am willing to vote them a liberal compensation for the time, trouble, and expense they have spent or incurred. This, between nation and nation, individual and individual, is *the law all over the world.* A man may refuse to complete his contract, and conclude to pay the damages incident thereupon. It is frequent in all nations. I will call one instance to the recollection of the gentleman from Massachusetts, which perhaps may change his opinion in regard to any dishonor being attached to the Government, if this contract is suspended in its further progress. If I remember rightly, the treaty made with France during the American Revolution, bound this Government in an offensive and defensive treaty with France, to defend that Government with men, money, &c., against all the enemies of France. Afterwards, in General Washington's time, when John Adams was a member of the Government, France called upon this Government to fulfill her contracts, and aid her in the war she then waged—the most solemn of any contract that could be entered into by mankind, and by which our independence was secured, existed in this treaty. Did General Washington and his Cabinet think it was *dishonorable* to decline fulfilling it? France complained as loudly then as the gentleman from Massachusetts does now about a breach of faith, of dishonor, and what not; but General Washington, John Adams, and the great men of those times, who were associated in the Cabinet, absolutely refused to fulfill the treaty; and if the gentleman from Massachusetts considers that this was dishonorable, I hope it will not be put in this book that is about to be pressed upon us and the world in the present case.

But I am told by the honorable members of this House, that these undertakers represented that the work could be done for one fourth of what is now demanded. If so, there was a fraudulent representation by them, for which the contract ought to be set aside; and by paying them a reasonable remuneration for damage or loss, there is neither dishonor nor injustice. Two or three

hundred thousand dollars, or more, may be saved to the Government by it, and injury inflicted upon none. If a nation refuses to comply with a treaty, nothing more than reasonable indemnity is expected or demanded; these undertakings stand upon no better ground.

DOCUMENTARY HISTORY.

REMARKS OF HON. F. O. J. SMITH,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

April 16, 1836,

On the proposition of Mr. C. JOHNSON, of Tennessee, to strike from the Civil and Diplomatic Appropriation bill the clause: "For the Documentary History of the American Revolution, per act of 2d of March, 1833, $20,000."

Mr. SMITH said:

Mr. SPEAKER: All the gentlemen opposed to the amendment offered by the honorable gentleman from Tennessee, appear extremely desirous of holding the House to the strict letter of the contract alleged to have been made by the late Secretary of State [Mr. Livingston] with Messrs. Clarke and Force. They maintain that the honor of the nation is involved in the fulfillment of the construction now put upon that contract. I am in favor (said Mr. S.) of looking into the *letter* of it, but desire that *the spirit* also of the instrument by which the honor of the nation is said to be thus deeply pledged, may also be examined. I think, sir, that it will be found, upon critical examination, that there is evidence enough in the documents connected with this contract, that no injustice will be done to Messrs. Clarke and Force by striking out the appropriation of twenty thousand dollars now under consideration, and that the honor of the nation will be in no degree violated by following out hereafter the course indicated by the resolution of the House adopted this morning, referring the whole subject of these books to the Committee of Ways and Means for final investigation.*

The honorable gentleman from Tennessee [Mr. JOHNSON] has remarked that this contract, if not a fraud in its inception upon the Congress of 1833, is, in the shape which it is now made to assume, a great imposition upon this House, and that the House is not bound to sustain it. I am, sir, also of this opinion, and I think there is evidence to substantiate this opinion to the satisfaction of any impartial jury of twelve men that might be empanneled in any part of the country. Let me invite the attention of the House to some features of the contract, to show that it was not contemplated, either by Clark and Force or by the Congress of 1833, to be of the character and magnitude now represented by the honorable gentleman from Massachusetts, [Mr. ADAMS,] and by other gentlemen who preceded him on the same side.

By turning to the contract of Clarke and Force with Mr. Livingston, then Secretary of State, I find the following language made use of, descriptive of the work then contemplated: "The 'said Edward Livingston, &c., doth hereby au-'thorize and direct the said Clarke and Force, 'jointly and severally, to prepare and publish 'fifteen hundred copies of said 'Documentary 'History of the American Revolution,' *according 'to the plan laid down in their memorial and accom-'panying documents presented to Congress*, and upon 'which said act has been passed."

Now turn to the memorial here alluded to for "the plan" of the work. That memorial, the original proposition of Clarke and Force, reads thus, in part:

"The memorial of the subscribers respectfully represents that, as early as the 11th day of July, 1778, the memorial of Ebenezer Hazard was presented to Congress, calling their attention to the importance of 'a collection of American State papers.' On the 20th of the same month certain resolutions were passed approving of the object, and *granting such patronage and facilities as he desired.* (See copies herewith, A.)"

"Shortly after Mr. Hazard was appointed Postmaster General two volumes were published by him; but the object of Congress was not attained, inasmuch as not a single document relating 'to the rise and progress of the present war with Great Britain,' referred to by the committee, was published by him. He gave up the work in consequence of his other engagements; and *no one has since ventured to complete it.*

"Your memorialists present themselves to Congress, willing and partially prepared to undertake *this* interesting and laborious collection," &c.

Such is the language that is descriptive of the work to which the Congress of 1833 was induced to extend its patronage by the act of 3d March of that year. And such is the plan of the work to which that act has reference, and upon which it was based. It was substantially to aid in the particular work which Hazard had projected and commenced, and *in none other.* What evidence have we further of the character of Hazard's plan, and of the magnitude of it? Why, sir, we have evidence on this point which cannot but be of the most satisfactory character—evidence by which we can accurately judge of the view entertained by the Congress of 1833 upon this subject. We have the resolutions of the Congress of 1778 respecting Hazard's proposed work; and these resolutions are referred to by Clarke and Force in their contract with Mr. Livingston, and constitute a part of their memorial to the Congress of 1833, for the purpose of describing "*the plan*" *of their work.* One of these resolutions of 1778 reads thus, after setting forth "that Mr. Hazard must necessarily be put to expense of various kinds in procuring the extensive collection of materials he proposes to make:"

"*Resolved*, That to enable Mr. Hazard to sustain such expense, *one thousand dollars* be advanced to him upon account, returns being made to Congress of his expenses in this business."

Such, sir, is the indication furnished in the papers of Messrs. Clarke and Force, the memorialists, of the views entertained by the Congress of 1778 relative to Mr. Hazard's work, which these memorialists described to the Congress of 1833 as the plan of their work, they having transformed the title of Hazard's work, "*A Collection of American State Papers*," into the title of "*A Documentary History of the American Revolution.*" Will it be pretended, sir, hereafter upon this floor, that the Congress of 1778 contemplated, in Mr. Hazard's work, an enterprise to be compared in anything with the work now attempted to be imposed upon Congress under Clarke and Force's contract? It has been demonstrated that this latter work is to cost from four hundred and eight thousand to half a million of dollars, as the least estimate.

And will the gentleman from Massachusetts, [Mr. ADAMS,] or any other gentleman, reflect so severely upon the Congress of 1778 as to charge them with having in view a work of this magnitude, or anything like it, when they contributed the trifling, pitiful sum, in comparison, of *one thousand dollars* to aid Hazard in his work? Sir, we are told by these memorialists themselves, Messrs. Clarke and Force, that to Hazard's work, whatever it was—and it is alluded to by them as giving the outline of their own plan*—that the Congress of 1778 granted to Hazard "*such patronage and facilities as he desired.*" This is their own language, and their own showing; for I do not go out of the case they have given in their *original* documents, presented to the Congress of 1833, for my proofs, that the contract which they *now* claim to have made is *not* the contract, and their *present* work is not *the* work, had in view either by themselves or the Congress of 1833. Let me ask gentlemen if they believe that Hazard, had he in contemplation an enterprise involving an expense of *nearly half a million of dollars*, at the lowest estimate, would have *desired* "patronage and facilities" of Congress to the amount of only *one thousand dollars*, inasmuch as they were willing to grant *all that he desired?*

Sir, I maintain that here is proof enough to insure the verdict of any jury in the country, that neither Hazard, nor the Congress of 1778, nor the Congress of 1833, for an instant conceived of such a stupendous enterprise as is now set up under the contract of Mr. Livingston, which has been read; nor do I believe that the memorialists themselves contemplated one of such magnitude at that time. I believe, sir, that here is evidence in abundance, in their reference to Hazard's plan as a description substantially of their own plan, and in the character of the resolution of 1778 respecting Hazard's plan, to sustain the positions taken by the honorable gentleman from Tennessee, that Congress has been outrageously imposed upon under this Clarke and Force contract, and that Congress is not bound now, in either honor or equity, to fulfill the construction now attempted to be put upon it. Sir, we ought to stop, before contributing an additional sum of twenty thousand dollars to the sum of twenty thousand dollars already appropriated, until a thorough investigation of the subject has been made by the Committee of Ways and Means, under the resolution of the same honorable gentleman, adopted this morning by the House.

We are told further by these memorialists, that Mr. Hazard pursued his plan through two volumes, and then abandoned it. Why did he abandon it? Because the magnitude of the enterprise was too great for his means, and because Congress refused to aid him sufficiently in comparison to his enterprise? No such thing. Congress contributed one thousand dollars towards it. It does not appear that more was needed. But he abandoned it. We are told, "he gave up *the* work in consequence of his other engagements, and *no one has since ventured to complete it.*" Such is the history of the work he planned, and such is the plan of the work presented to the Congress of 1833, to induce them to pass the act under which the present enormous claim of Clarke and Force is set up.

Sir, there is another consideration in aid of the position of the gentleman from Tennessee. On recurring to the act of 1833, directing the contract to be made, it will be seen that there is no limitation imposed as to either the number of copies to be contracted for, nor the number of volumes to which each copy shall be confined, nor the number of pages or magnitude of each volume. What is the inference from these singular omissions, for most singular they must be, if the act authorized the contract now contended for by those gentlemen who favor the proposed appropriation? Is the Congress of 1833 to be charged with recklessness or want of the exercise of ordinary vigilance over the public Treasury in this matter? Will the gentleman from Massachusetts so charge them? But is it short of making such a charge to say that they had in view an enterprize that would involve an expenditure by the nation for books, to be distributed principally among the members of Congress, to the amount of nearly half, and perhaps to a full million of dollars, and yet omitted entirely to impose the slightest restrictions upon the contracting party? Sir, these omissions of the act of 1833 clearly demonstrate to my mind that Congress did not have in view any such enterprise. They did not dream of such an enormous expenditure of public money for books as this Congress is called upon to sanction. They authorized no such contract as Mr. Livingston is said to have made—no such contract as the contract he actually at-

* The following is the resolution alluded to:

"On motion of Mr. JOHNSON, of Tennessee,

"*Resolved*, That the report of the Secretary of State, dated the 22d of December, 1834, numbered 36 among the documents of the first session of the Twenty-Third Congress, and the papers accompanying the same, be referred to the Committee of Ways and Means, with the following instructions:

"1st. To inquire into the propriety of repealing the act of the 2d March, 1833, and rescinding the contract made by virtue thereof, by Edward Livingston on the part of the United States, and Clark and Force, for the publication of the "Documentary History of the Revolution," and to pay the expenditures incurred by said publishers in consequence of said contract.

"2d. If that is not proper to be done, then to inquire into the propriety of better regulating said contract; directing the number and size of the volumes, and the sum to be paid for the same, and the time for the completion of said publication, and the best and proper means of superintending said publication, and directing the documents to be inserted in said publication."

* Messrs. Clarke and Force further say in their papers, in reference to Hazard's plan: "It will be seen that *much 'of the time* intended to be covered by our work was em-'braced in Mr. Hazard's plan, extended, as it was, by that 'part of the resolution of the Continental Congress which 'authorized the collection of such papers as related to the ''rise and progress of the present war with Great Britain.' 'If, then, in 1778, a most gloomy period, &c.; if, under 'all these adverse circumstances, the Continental Congress 'ordered *that* to be done *which we now proffer to do*, AND 'MORE, was it presumptuous in us to ask for, or imprudent 'or premature in Congress to pass, the act under which our 'contract has been made?"

tempted is now represented by construction to be.

There is another view of this subject which occurs to me, to disprove entirely the position that the honor of the nation, or that this Congress, is in equity bound to fulfill the enormous expenditure of half a million of dollars for books now pressed upon us. I appeal to the gentleman from Massachusetts to say, (and he perhaps has as deep an interest, all things considered, in having as perfect a work as possible,) if we must have any work of the high character he has described as desirable. I will appeal also to every gentleman having a seat upon this floor, whether they believe that the Congress of the United States, if at any time it should intend to attempt a historical compilation so extensive and magnificent as that now represented to be embraced by this contract, would have passed by the long catalogue of great and splendid names engraven upon your nation's annals, and upon the pages of your national literature, and fallen upon Messrs. Clarke and Force as the suitable persons to engage in the great undertaking? Is it reasonable? Is it credible? I intend to say nothing disrespectful of those gentlemen as men; I speak of their qualifications in reference to such a work as the gentleman from Massachusetts has described. Are they qualified for it? Sir, that gentleman will not say it. And this consideration, of itself, demonstrates that it could not be that the Congress of 1833 had in view any such work, or any such contract as the one now attempted to be imposed upon us.

There is another consideration which characterizes this contract, and has not yet been alluded to—a consideration which may well operate as a release of Congress from proceeding further into the contract. Mr. Livingston was imposed upon, in my humble judgment, in the price to which he was induced to assent to for the proposed work. By the terms of the act of 1833 the rate of expense was not to exceed the actual cost per volume of the Diplomatic Correspondence which had been, or was being printed. The contract reads: "And whereas it has been ascertained, 'by the report of the agent in the Department of 'State, that the edition of the Diplomatic Correspondence now printing will cost two dollars 'and twenty cents per volume, without any index 'thereto;" also that the average cost with an index thereto would be two dollars thirty-one and a half cents per volume, "which would amount to the cost of four mills and one fourth of a mill per page of said edition." It is to be remarked that "the report of the agent in the Department of State" here alluded to, and by which Mr. Livingston was made to believe that "the actual cost" of the Diplomatic Correspondence was two dollars thirty-one and a half cents per volume, is nowhere to be found among the papers connected with the contract; and if so, it has entirely escaped my investigation. Who this agent was does not appear. I, however, undertake to say that in this report Mr. Livingston was egregiously imposed upon or the agent who made it must have been imposed upon. Refer the details of that report, whatever they may have been, to any number of impartial practical printers in the United States out of this city, with inquiries into the accuracy of its conclusion, and I verily believe that nine in every ten of them will tell you that the same work can be executed, and the very best security can be had in a contract for the execution of it, at less than two thirds, if not one half, of the price thus reported. Refer the subject to a jury of practical printers in this city, or to a committee of any number—to those who have no interest in the matter—to honest and impartial men, and they will tell you, I have no doubt, that "*the actual cost*" of the Diplomatic Correspondence is not two thirds of the sum which Mr. Livingston was made to believe. It may be true that the cost of the work, if executed in this city, might necessarily be greater than at Philadelphia, New York, or Boston; but the memorialists were not required to have the work executed *here*, but wherever it could be executed upon the most reasonable terms. Yet, executed where it may be, it is not in the nature of things for such a work at this day to cost such a sum as is now attempted, under this contract, to be fastened upon the Government. In this particular, therefore, if I am not entirely mistaken—and I admit this is matter of judgment entirely—the contract was not made in good faith, and is not binding upon the Government in honor nor in equity.

Sir, there are other views which will justify us in halting where we are in this matter. The terms of the contract are yet incomplete. Congress is not bound to adopt, in the particulars not yet agreed upon, the terms which the memorialists may dictate or prescribe. I ask gentlemen to tell me where, in the act of the 3d of March, 1833, the number of copies of the proposed history to be taken by Congress is specified? It is not there at all. But, in the contract of Mr. Livingston, it is true, the number of fifteen hundred is assumed. But even this is not the most essential point. Let any gentleman answer—where is there any agreement between Congress and the memorialists as to *the number of volumes* which each copy of the work is to consist of? There is no such agreement yet completed. In this most important particular the agreement is yet incomplete, and remains to be consummated before Clark and Force are authorized to proceed a step further under the partial contract, or the contract relating to other parts of the work, which has been made. Messrs. Clark and Force have proposed, as reported by Mr. Forsyth two years since, to limit themselves to twenty volumes per copy, "leaving Congress afterwards to determine whether, if any papers should remain, the work should be further extended." Any person can readily understand what this condition means. It is true that in a letter of subsequent date from Clark and Force, which has been read by the Clerk, the proposition is now made by them to limit the fifteen hundred copies to twenty volumes each unconditionally. All this is admission that this important part of the contract is open to disagreement between the parties; and, until it shall have been concluded, the parts agreed upon become nugatory. Sir, I am in favor of stopping all appropriations for the work until this portion of the detail in the contract has been completely settled, either under the resolution referred to by the Committee of Ways and Means, to which I have before adverted, or in some other way.

But, sir, there is another and most essential point in this contract which is yet open and incomplete. It is as important, in fact, as either the number of copies you are to take of the proposed work, or the number of volumes of which each copy is to consist. I now allude to *the number of pages*, or magnitude of each volume. The pages of each volume, the size being folio, may be eight hundred, twelve hundred, or two thousand, without a disregard of proportions, just as these contractors may determine, if Congress be actually bound upon this point; and consequently the work may vary from half a million of dollars expense to that of a million of dollars, and even more widely. And is it to be contended that we are to stop all further inquiry, or modification of the enterprise, and be told that the nation's honor is violated because we do not assent to make appropriations to carry out such a construction of this contract? Sir, I maintain that upon this point Congress has a right to stop, and refuse all further appropriation, until a definite agreement and understanding has been made between the parties respecting it. It is a point open to difference of opinion. It is a most essential point involved by this contract, and until this difference shall have been adjusted, the contract is incomplete, and neither party is but partially bound. And the fault of this, sir, lies as much with the memorialists as with Congress. *They* induced Congress into this position, and placed themselves there voluntarily, and it is not for them, nor for any one else, to accuse the nation of meanness or dishonor, if there be a refusal on the part of Congress to come up now to Messrs. Clarke and Force's particular and favorite terms respecting it.

It has been told us that the memorialists have progressed in their work, and cannot stop without great loss. They say in a letter that has been read by the Clerk, that they have been at great expense in collecting materials from the State of Georgia, from New Hampshire, and I believe they mention a third State, and then add *elsewhere*. Now, sir, it is known to be the first dictate of policy, when a person is desirous of magnifying any class of his labors, to select for specification those portions which will tell most for his purpose. I know not what have been the expenses of these gentlemen in the State of Georgia, or in the third State which I believe was mentioned; but I have been informed that in the State of New Hampshire the aggregate of their expense does not exceed one thousand five hundred dollars;* and if so, taking all of the old States from whose archives it may be necessary to draw materials, the amount already expended cannot be so enormously large as to require Congress to appropriate another twenty thousand dollars upon the sum of twenty thousand dollars heretofore appropriated, for the purpose of indemnifying them prior to the investigation of the matter now resting with the Committee of Ways and Means, shall have taken place.

Mr. Speaker, from the views I have thus taken of the subject—from the facts contained in the papers connected with Clarke and Force's original memorial, if there be any weight in them, I am persuaded that the appropriation now contained in the bill for this Documentary History should be stricken out. We are justified in putting a stop to the alleged contract; first, because it is made to assume a shape and magnitude now which was not, and could not have been contemplated by the act of 1833 on the part of Congress, if it were on the part of the memorialists; and because the contract, thus magnified, is an imposition upon Congress; and next, because the price of the work imposed upon Mr. Livingston, or upon the agent of the State Department, is an imposition upon Congress. It cannot have been ascertained in good faith to be *the actual cost* of a work like the Diplomatic Correspondence. I admit this is a matter of judgment on my part, and I may be mistaken; yet I do not believe it. It should be investigated before this additional appropriation is made. We may justly stop where we are in our appropriations, because the terms of the agreement between Congress and Clarke and Force, are yet incomplete; the agreement is yet unfinished in its details, and in its more important details, about which a wide difference may be entertained by the two parties. Both the number of volumes of which each copy is to consist, and the number of pages or magnitude of those volumes, are yet to be agreed upon. Nor is it for these memorialists to complain if we stop at either of these points. They induced Congress into a false position. If they did not do it designedly, if they did not mean to impose upon Congress a contract that was fraudulent on their own part, (and I do not assert it was so,) they at least knowingly permitted Congress to pass the act of 1833, upon their own application, without coming to a definite understanding upon the subject of it, or suspecting the magnitude now attributed to it. If there be trouble brought upon them, therefore, they have been mainly instrumental in inducing it. It is their fault. But, sir, I am not opposed to treating them fairly. I am in favor of the course in which the Committee of Ways and Means have been instructed upon the subject. I would not do them injustice in any course. I would redeem their loss, if the conclusion be to stop the publication entirely, and indemnify them even to the extreme of generosity, although they have induced the difficulty upon themselves. But, sir, until investigation is had, and until a new understanding is entered into, respecting the open and unsettled and disputed parts of the contract, I am opposed to appropriating one additional dollar for the execution of the work, and hope that the appropriation will be stricken out of the bill.

* Mr. SMITH has been since informed, that although the actual payments for materials in New Hampshire have been less than the sum stated, the liabilities incurred therefor are about two thousand dollars. But probably less of the documentary history of that State than of any other of the original States has been heretofore published, and consequently copies from there will be more extensive than from almost any other State.

DEFENSE OF THE ADMINISTRATION PARTY.

REMARKS OF HON. R. BOON,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

April 19, 1836,

In reply to some remarks which had been made by Mr. WHITTLESEY, of Ohio, on the General Appropriation bill, while under discussion on the 19th of April, 1836.

Mr. BOON said that he had not risen to make a speech, but merely to say that it had become an every day practice with certain gentlemen of a certain political party opposed to the present Administration, to rise in their places on this floor, and charge this Administration and its friends with acts of fraud and corruption in the broadest possible terms. The Opposition, in politics, (said Mr. B.,) have charged this Administration with *fraud* and *villany*, and the *friends* of the Administration have been charged with having manifested a disposition to stifle debate on this floor, and an inquiry into the abuses which have been *charged* upon this Administration by the party in politics opposed to it. We have been told too, by the same party, that this Administration and its friends have given *pledges* which they do not intend to comply with. Mr. B. said, that for himself, no pledge whatever had been given, that he would not comply with to the very letter. He said that he was in favor of a thorough investigation into the affairs of the Government; but he would not, (he said,) ever consent to, or permit the Opposition, in politics, to *dictate* a course for him to pursue in any matter whatever.

Mr. B. continued by saying that we have heard much from the Opposition about promised "retrenchment and reform" under the present Administration, and have had thrown in our faces, by a set of *political demagogues* on this floor, the stale charge of fraud and corruption having been practiced under this Administration. Sir, I repel the foul charge with indignation, and throw back the slander upon those who have thought fit to utter those false charges against this Administration and its friends. Mr. B. here said that he would just mention a single case of *fraud* and *corruption* by an officer of the Government under the late Administration, as a full offset against all the false charges which have been made by the friends of that Administration now in power. I allude (said Mr. B.) to the defalcation of *Tobias Watkins*. Where, I ask, were those Treasury dogs and friends of the late Administration, and now fault-finding gentry, when those enormous frauds upon the Treasury were committed by Tobias Watkins? Were those gentlemen, who are now in the daily habit of charging this Administration with acts of frauds and corruption, as vigilant in searching out and exposing to public view the *frauds and corruptions* which occurred under the Administration which immediately preceded the present Administration? No, Mr. Speaker; these very same fault-finding gentlemen were *then* as silent as the grave on the subject of *fraud* and *corruption!* And it was not until the present Administration came into power, that the fraud committed by Tobias Watkins was ferreted out and exposed to public view by the vigilance and watchfulness of Amos Kendall. The party opposed to the present Administration are in the daily habit of making *charges*, but they have *proven* nothing, whilst the frauds committed by Tobias Watkins under the late Administration have been *proven* in a court of justice, and the confines of a public jail have been, in part, his reward. I hope that, with these facts and circumstances staring the Opposition in the face, we shall hear no more about alleged frauds and corruptions under the present Administration. Mr. Speaker, I will not detain the House longer by any additional remarks.

INCENDIARY PUBLICATIONS.

SPEECH OF HON. T. MORRIS,

OF OHIO,

IN THE SENATE, *April* 13, 1836,

On the bill to prohibit the circulation of Incendiary Publications through the Mails.

Mr. MORRIS said:

Mr. PRESIDENT: I understood the Senator from Connecticut [Mr. NILES] to say, in the course of his remarks, that if the amendment he offered should be adopted by the Senate, still he could not, consistent with his views on the subject, vote for the final passage of the bill. If such are his suggestions, I regret that he has offered the amendment; for I think it but just that he should leave the bill in the hands of its friends, who approve its principles, and permit them to make it as perfect as possible, according to their judgment, before they present it to us for our final vote on the question of its passage. Opposed myself both to the bill and the amendment upon the broad principle that its passage would be an abuse of the legitimate power of Congress, its details are, to my mind, of but little importance; for I cannot possibly see any shape in which the principle contained both in the amendment and the bill could be presented to my understanding that would induce me to vote for it; yet I hold it to be fair and correct legislation, especially in so important a matter as this, that the friends of the bill should, in its progress, have the entire management; and on my part I should be glad that no obstacle was thrown in their way; and I beg leave to suggest to my honorable friend from Connecticut to withdraw his amendment, and permit the bill to travel on to its final passage under the guidance of those who introduced it.

Sir, I have said that I was opposed to the bill; it contemplates the exercise of a new power or powers, in a new form, over the Post Office and mails of the United States; and if the power contemplated be not unconstitutional, it is, to my mind, a most dangerous abuse. "Congress shall have power to establish post offices and post roads." Those words, as used in the Constitution, have an evident reference to an existing state of things, and the use for which post offices and post roads was intended—for the purpose of a free intercommunication of thoughts and opinions between the citizens of different parts of the country; and was deemed of so much importance, that the power to provide for its safety was vested in Congress; and the words "to establish" were used to denote that Congress had the power to fix, unalterably and immovably, beyond the interference of any State power, the entire operations of the Post Office, and the travel of the mail throughout every part of our extended Republic. The Post Office establishment was not intended as an attribute of the power of Government, but as a means by which that power should be exercised for the benefit of the citizens individually, by providing a channel of free and full communication between them, though residing in different sections of the country; and that their letters, papers, or pamphlets, should pass without any hindrance or molestation from State authority. This principle has never been considered as a proper charge on the revenue of the country; but Congress have provided that it shall be supported and paid for by those who use it—Congress being vested with its management, and guarantying its safety and fidelity. The use of the mail, then, is in the nature of a reserved right, with which no law ought to interfere. It is not, then, a Government machine exclusively, which Congress can withdraw at pleasure, or render nugatory by the acts of its officers; but Congress have the power to regulate the expenses of the Department, and fix its income, so that the Government shall at no time be subject to, or chargeable with, any expense of the establishment; and the postage has, from time to time, been regulated accordingly.

It is true that the mail is a great convenience, and probably a necessary appendage to the Government; but I consider this not to be the first and most important object; it is second to the safety of intercommunication between the citizens of this extensive Republic. Though this was the primary object, yet Congress has, in the regulation of the mail, levied a tax on those who make use of this privilege to the full extent of all the purposes of Government, by the exercise of the franking privilege. I somewhat question the correctness of this franking power while the Government contributes nothing towards the support of the Post Office establishment, because it is in the nature of a direct tax in the rates of postage which is levied upon those only who use the mail, while all such taxes ought to be apportioned among the States according to their respective numbers. But, sir, it is not necessary for the purpose I have in view to examine this point. That Congress have power to regulate the mail, and prescribe what shall be carried therein, I do not deny; but I insist that this power is confined to the material, not the moral, matter to be conveyed. Congress can prescribe the weight, the bulk, and the kind of material which shall not be conveyed by mail, but the material must be judged by its outward appearance alone, and not by breaking any envelope or seal for the purpose of ascertaining this fact; for instance, no postmaster would be bound to put into the mail a piece of sheet iron or tin of the shape or size of a common letter, even on the payment of postage according to established rates; and why not? Because it is the usual means of conveying mental property only, and because its very texture would tend to the destruction of papers and documents which the mail was designed to convey, and which is its legitimate business. But if even an article of the above kind was carefully folded in the usual paper envelope, sealed, directed, and put into the post office, it would be a dangerous exercise of power indeed to permit a deputy postmaster to refuse its conveyance in the mail because he should judge it contained improper matter.

But, sir, I would say to the Senator from Connecticut, that this amendment affords no redeeming quality to the dangerous principles of this bill by confining its operation to postmasters in the slaveholding States. Can we, can Congress, take from any citizen in such State any personal right or privilege, or regulate, under any circumstances, the manner of this engagement? I should think not. Suppose a letter, package, or even a pictorial representation, folded and directed in the usual manner, and put into any post office in the United States: I would ask the gentleman whose property that letter or pamphlet is? Does it remain the property of him who deposited it? I think not. And though postmasters might, as a mere act of courtesy, permit the depositor to take it back from the mail, yet he would not be bound to do so, because it is his sworn duty to forward all packages which, in their common outward appearance, are such as are commonly sent by the mail. In a letter or package, when left in a post office, the property of the United States or Post Office Department? Surely not; no one will contend for this. It is, then, the property of the person to whom it is directed, and the United States have given a solemn constitutional pledge that they will convey it to him, without permitting its contents to be inspected, or suffering it in any degree or manner to be detained or injured beyond what must necessarily take place in its passage.

Sir, what would be thought of the honor, or even honesty of an individual who would receive a letter or printed document, under a general or special promise that he would deliver it safely to the person to whom it was directed, and should afterwards retain or destroy it, because he should be of the opinion it contained offensive matter? Every honorable mind can furnish a ready answer. And what, sir, shall be thought of the honor of this Government, which, after having declared that "the right of the people to be secure in their persons, houses, PAPERS, and effects, against unreasonable searches and seizures, should not be violated," and that no State shall pass any law impairing the obligation of contracts; who, after having received into its possession, for the purpose of carriage and safe delivery, the PAPERS and property of one of its citizens, (for printed publications and letters are property, as well as papers,) suffer this property to be seized and detained, by the most unreasonable of all means—that of the belief of a postmaster that it contained something touching the subject of slavery? or permit the States, by any law or regulation therein, to violate, or rather *impair* the obligation of the contract on the part of the United States for the delivery; as well as that existing between the person who sent, and him who has paid for the publication or document, and for its transportation? Sir, the very thought that this Government is, or ever will be,

disposed to listen to a regulation of this kind, must, in my humble judgment, meet with the most decided disapprobation of the great majority of the American people. We, sir, frequently lose sight of our argument, by attempting to extend it too much into generalities; the mind, by attempting to embrace too many ideas, is apt to become confused. I will, then, make a single case for an illustration of the subject; and I will take one as strong as the honorable Senator from South Carolina could desire. Suppose I and a citizen of the gentleman's own State should see proper to subscribe and pay for a New York abolition paper, or the proceedings of an abolition society. These tracts, by the laws of New York, are legitimate property, and he would violate no law, either human or Divine, in making such purchase. The United States has an establishment, the Post Office, by which the Government has given a general notice that all property of this kind shall be conveyed for a given price; he pays that price, and his property thus purchased, is sent to the post office in New York for that purpose; and, according to the gentleman's theory, this property is to be seized by an officer of this Government, without warrant, detained on mere suspicion, or with a knowledge of its contents, I care not which, and without the knowledge of the person to whom it belongs, and finally destroyed; and that too, in the very face of these sacred pledges given in the Constitution for the inviolability of its contracts, and the security of papers thus sent. I should tremble for the liberties of my country could I suppose, for a moment, that Congress would adopt a principle of this kind; the very suggestion, coming from the quarter it does, is sufficient to give alarm.

But, sir, permit me to turn the tables on the gentleman. He, too, has had within his State a proceeding which caused much excitement both within and without the State; I mean the attempt to nullify acts of Congress on the subject of the tariff. I assure the gentleman I do not mention this with any unkind feelings whatever. If, in that excitement, societies had been formed, and publications made in the State, for instance, in which I reside, in aid of the doctrines contended for by the gentleman and his friends in South Carolina, I ask the gentleman what he would have thought and said if an act of Congress had been passed to prevent the proceedings of those societies, and such publications in newspapers, from being sent by the mail to any citizen of South Carolina? Sir, I have no doubt he would have condemned the Government in the strongest and most emphatic manner, for the bare attempt thus to embargo public opinion; but we are now called on, in the most impressive manner, to sustain a like measure, by the provisions of the bill now before us—a bill new in its character, unthought of by any former Congress, and, in my opinion, well calculated to produce more excess and wide-spread discontent throughout the country than any measure that has been submitted to the consideration of this body since the existence of the Government. And pray upon what ground is this extraordinary call made upon our judgment, addressed to our feelings, and, I had almost said, in despite of our patience? It is upon the ground that the General Government is bound to respect the laws of the States, to aid in their execution, and to permit its own officers, in the discharge of their duties, as required by acts of Congress, to be subject to the control of State laws, and liable to punishment for the performance of those very duties. And it is further insisted that slavery is a domestic or State regulation; that the property of the master in his slave is guarantied by the Constitution of the United States; and that it is the duty of Congress to provide by law, in obedience to the wishes of the slaveholding States, or any one of them, that no pamphlet, newspaper, handbill, or other paper, printed or written, or pictorial representation, touching the subject of slavery, shall be sent into any State, Territory, or district, whereby the laws of such State, Territory, or district, their circulation is prohibited. Sir, the whole doctrine is founded in error; that fatal error which would subject the laws of Congress to the different policy of twenty-four States, and thus entirely destroy the usefulness and benefits which this Government was intended, and is calculated, to administer.

In support of this strange, wild, and visionary doctrine, we—the free States I mean—are called on to put the gag into the mouths of our citizens—to declare that they have no right to talk—to preach or to pray on the subject of slavery; that we must put down societies who meet for such purposes; that we shall not be permitted to send abroad our thoughts or our opinions upon the abstract question of slavery; that the very liberty of thought, of speech, and of the press, shall be so embarrassed as to be, in many instances, denied us; and if not entirely prohibited, rendered, in a great degree, useless. All this is required to be done by an act of this Government, out of respect to laws of one or more of the slaveholding States. Sir, I deny the whole argument, and all its inferences, with but one single exception, and it is that which declares that slavery is a domestic or State regulation. While I freely admit this as my opinion, as my vote on the admission of Arkansas into the Union will prove, and although I may view slavery both as a moral and political evil, yet while we assure our brethren of the South and slaveholding States, in the spirit of truth and candor, that we have no power to interfere with their domestic regulations, and that our sense of the moral wrong cannot cause us pain for a breach of our political duties imposed on us by our own consent, with a full knowledge of their condition; and that, under our social compact, we would be bound to aid them in the suppression of any insurrection, whether servile or free, that should become too powerful for their own laws; if, after all these assurances made by us—and I repeat it with the utmost candor—I think it unkind, if not unjust towards us, that gentlemen should not be satisfied, but still require of us another condition—that we should acknowledge that slavery is guarantied by the Constitution of the United States; and though I have heard that doctrine often repeated, I have heard no express denial—a denial which I now venture to make in this Senate, and before the American people; and on behalf of the State I, in part, represent here, as well as myself, I enter my most solemn protest against it. This is the important point in this whole controversy; and on it I wish so to express myself, not only that I may be understood, but that it may be, as far as I am able to make it, impossible to misunderstand me.

I deny that the right of property is guarantied by the Constitution of the United States, or that the right of the master to his slave as property, is founded on, or arises from, that instrument. Property in slaves, as well as other things, is a mere creature of law, and in this country is entirely the creature of State laws. The words *slave* or *slavery*, is not to be found in the Constitution of the United States; and by a bare perusal of that instrument, without a knowledge of the past, no one would suppose that slavery existed in any form in this Republic. Yet I am willing to admit, that the Constitution was formed with a knowledge existing in its framers, that slavery did in fact exist in the different States; yet the slave is treated as a person, not a thing; and as a person, not as property, is represented in Congress. Hence provision is made in the Constitution of the United States, that no person who is held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from service or labor, but shall be delivered up on the claim of the party to whom such service or labor is due. This provision of the Constitution of the United States only recognizes the existence of a person held to service or labor, under the laws of a State, and in its application would as well be understood to mean a white as a colored person, and one held to labor for a term of years, as well as a slave for life; and I cannot consent that this provision disproves the position I assume, that the Constitution of the United States does not guaranty the right of property in slaves; yet I have heard this so often and so earnestly asserted, that I begin to feel some concern, that, should this doctrine remain much longer without being contradicted, it might become the settled doctrine of the country, and produce the most mischievous consequences to the non-slaveholding States; for if it be true, and can be maintained, the honorable Senator from South Carolina or any other gentleman, may bring his hundreds or thousands of slaves into the State of Ohio, cause them to labor there as long as shall suit his convenience, and withdraw them at pleasure, and no law or regulation of my State, no, not even the constitutional prohibition against slavery, could reach his case, or afford us any security against this innovation, for the Constitution of the United States, and the laws of Congress made in pursuance thereof, shall be, or is, the supreme law of the land, and the judges in every State are bound thereby; anything in the constitution or laws of any State to the contrary notwithstanding.

It seems to me that the free States have a thousand times more just cause for fear and alarm, while gentlemen so strongly assert their constitutional right to their slaves, that they will attempt to introduce slavery into the free States, than the slaveholding States have that we shall attempt to interfere in any manner with the question of slavery as settled by the laws of their own States. They are attempting to overwhelm us by the power of this Government, while we deny the right of Congress or the Legislature of any State to interfere with the internal regulations or police of another State; but while we deny this power of legal action, we contend that no institution of any State, or of this Government, can or ought to be exempt from the moral power of public opinion—that power by which the whole fabric of our institutions ought to live, move, and have its being.

If the argument as to the constitutional question of the right of property in persons be sacred and inviolable, it is certainly much stronger and more forcible when applied to property in things; and although a State might by penal enactments endeavor to prevent any person from bringing into its jurisdiction, for use or for sale, playing-cards, or gambling machines of any description, yet as these articles might be considered property, and the right of the owner secured under the Constitution of the United States, such penal enactments would be vain and useless attempts. A state of things of this kind would be most deplorable indeed, and one to which, I think, the people of the United States would not long and tamely submit. Yet if these things were manufactured in a sister State, held and recognized as valuable property there, our condition would be far worse. Should Congress, by the exercise of its power, attempt to prevent us from speaking, writing, printing, publishing, and forming societies for the exercise of all our moral power in order to induce the people of our sister States to refrain from such practices, and of sending by mail all such proceedings, in order to induce them to abandon their pursuits, by proving that they were both moral and political evils? Yet such is the doctrine of the bill now before us, a plain exposition of which is its best refutation.

There has been another topic constantly connected with this subject, that if abolition societies and papers were not put down, and incendiary publications (as they are called here) prevented from being sent into the slaveholding States, the Union must and would be dissolved, and that the South would take care of her own interests, and that she was sufficiently able to do so. I regret, as I have before expressed myself on another subject, that I so often hear this threat of a dissolution of the Union; it is, however, a vain and idle threat, calculated to effect no good, but may do some mischief. We are sometimes spoken of as a family of States, and the allusion is not an inappropriate one. What family, I would ask, could long continue in harmony, if any one of its members, on the least dissatisfaction with the general economy pursued, should always be found declaring that he or she would dissolve the union of the family, or secede from it altogether? No family could long continue happy and prosperous under such a state of things, nor could partners in business ever be successful, or labor together in peace, if one of them should on every

slight occurrence which he did not approve, make a like threat. For my own part, I should always be disposed to believe, that persons who make such threats, desire what they threaten, and that their continuance in the family or firm, instead of being a benefit is always an injury to the remaining members. Dissolve the Union! Who has the right to do this? No State or individual has either the moral or constitutional right to dissolve or secede from the Union for any cause. A man may attempt revolution, and may commit treason against his country, but whether he may finally receive the reward of the traitor or the patriot, may depend upon the final issue of the contest. The Union of these States *cannot* be dissolved but by the consent of the people to a change in their government, in the manner provided by the Constitution of the country. States or individuals will never be permitted to do it; for if there exists in the American bosom one principle of patriotism more strong than another, it is that of attachment to the Union. This principle is so deeply seated in the hearts of our countrymen, that it cannot be shaken; and the Union must and will be preserved. All threats of dissolution, as I before said, are vain and illusory; they never can, they never will be carried into execution.

This question, like most others agitated here, has not been suffered to pass by without an allusion to party. We have been told that such is the influence of party discipline, that in the very eye of the gentleman rests one who, by raising his finger, could muster the party to a vote. Insinuations of this kind, I, for one, cast behind me; the country will judge of their correctness. It is said, however, that the President, in his annual message, recommended a measure of this kind; and it is strange that his party should now falter. I follow party where the Constitution and principle lead; and when men attempt to take their place, I halt. I support the Administration party, because I am a firm believer in the great principles which govern them; and I endeavor to sustain them in all minor and formal points. For the sake of those principles, I sustain the President to the best of my abilities, because I believe that he has done more for the liberty of his country, and to place his Administration upon the basis of the Government and public opinion, than any man living. That he may sometimes err, is human. That his most ardent friends may sometimes think him in error, when, in truth he is not, is natural to expect. But that this honest difference of opinion should divide them, his opposers need not hope for; that he has recommended that postmasters and officers of this Government should arrest the passage through the mail, of publications of any kind, as contemplated in this bill, I do not understand; but he suggests the propriety of passing such a law as would prohibit, under severe penalties, the circulation in the southern States through the mail of incendiary publications intended to instigate the slaves to insurrection—not barely a publication touching the subject of slavery. With great respect to this recommendation, or rather suggestion, I cannot give it my support; to punish injuries done to individuals, belongs exclusively to the States; they have ample security in their own power to punish any person in their jurisdiction who may read or distribute any publication which their laws may prohibit, but they cannot reach the post office or the postmaster for its delivery as directed, because such act is under a paramount authority. I, for one, doubt, strongly doubt, the power of Congress to provide by law for the punishment of any act, as a criminal offense, but those especially enumerated in the Constitution; and I can find but few such grants, such as counterfeiting the securities and current coin of the United States, the punishment of piracies and felonies committed on the high seas, offenses against the law of nations, and treason against the United States. It will readily be perceived that I confine my doubts to punishments to be inflicted in consequence of judgments by the civil tribunals of the country, rendered in courts of justice. Whatever, in my course here or elsewhere, on this or any other measure, I have no guide but party. I cannot suffer the Senator from South Carolina to be my sole judge. There is another and higher tribunal before which I must and am willing to answer; and to whose just judgment I will most cheerfully submit for my opposition to this bill.

INCENDIARY PUBLICATIONS.

SPEECH OF HON. JOHN P. KING,

OF GEORGIA,

IN THE SENATE, *April* 11, 1836,

On the bill to prohibit the circulation through the Mails of Incendiary Publications.

[Mr. CALHOUN was entitled to the floor, and expressed a wish that if any Senator wished to address the Senate he could do so, as his arguments were to be found in his report, which Senators had read, and he wished to conclude the argument.]

Mr. KING, of Georgia, said he had intended to say something upon the subject before the question was taken on engrossing the bill, and as the Senator from South Carolina so wished it, he would as soon say it then as at any other time. He should support and vote for the bill, and if the chairman of the committee had been content to report the bill without his reason for it, no discussion would have arisen between them on the subject of the bill or the bill itself. But as his support of the bill might be taken as an implied assent to the principles of the report, he must say enough to set himself right on that point.

Mr. K. said, before and since the President had recommended the subject to the consideration of Congress, he had thought the subject was clear of all *constitutional* difficulties. He did not recollect to have heard the constitutional power of Congress over the subject seriously doubted until the President had made reference to the subject in his message. That there were difficulties in the details of legislation necessary to fasten upon the mischief complained of, had been anticipated by many.

But (Mr. K. said) positions had been assumed and principles insisted upon by the Senator from Carolina not only inconsistent with the bill reported, but (he thought) inconsistent with the existence of the Government itself, and which, if established and carried into practice, must hastily end in its dissolution. He did not believe the Government could stand a twelvemonth if we were to establish, as a fundamental principle, that principle of permanent necessity for a collision between the State and General Governments which he thought might be deduced from the principles of the Senator from Carolina, as laid down in his report. What were these positions? Why, it was insisted that Congress had no power so to modify its laws under the Post Office power as to refuse to transmit matter intended to abolish slavery in the slaveholding States; because—

1st. Such legislation would abridge the freedom of the press; and

2d. Because such legislation by Congress would assume a power fatal to the rights of the States.

He thought the second objection the most extraordinary of the two, but would notice them in the order in which they had been treated in the report.

He said it was right, however, in the first place, upon all constitutional questions, for a correct understanding of the subject, that we should consider the extent of the powers granted to this Government, and then make an analysis or classification of the powers in reference to the object of the grant. We had, then, only to establish a reasonable and proper connection between the objects of the grant and the objects of the legislation proposed, and we had the power required.

It would be admitted that the Government of the Union was a Government of limited powers. It was established by the people of the United States, in part, and principally, for the control and enjoyment of such rights and interests as experience had taught them they could best enjoy in common. But whilst established in part for this purpose, it was to a certain extent, as much the object of the national association to add additional securities to the independent enjoyment of the separate rights of the States as such, as it was to concentrate the powers of the whole for certain national purposes.

Under the State governments, the people enjoyed their nearest and dearest rights. The whole system of their domestic economy was protected and regulated under these jurisdictions. They surrendered none of these rights, of a purely local character, by the adoption of the Constitution; but, on the contrary, they added additional securities to them by force and virtue of the national association. There were many instances of this; but the most appropriate, and enough for his purpose, was the right of the slaveholder to reclaim his fugitive slave on every foot of the territory of the Union. This was a State right not previously possessed, and which the slaveholders *acquired* by virtue of the Constitution itself; and the slaveholder had a constitutional right to the whole power, moral and physical, of this Government to enforce it. He referred to this, only to show that, under our system, the action of the General Government should have reference to State rights, when those rights were recognized in the Constitution and secured by it.

It was unnecessary (Mr. K. said) to refer to the powers of a purely national character. Suffice it to say that both Governments, State and Federal, were established by the people for their own purposes. These purposes were not inconsistent with each other, and never could be made so under a correct administration of both Governments. And it was as much our duty, in legislating under the Constitution, to legislate in reference to the local and peculiar rights of the States, when those rights were recognized in the Constitution itself, and by the Constitution secured to the States, as it was so to legislate as to secure the objects of the Government when purely national.

The Constitution of the United States, (he said,) like every other instrument, should be taken as a whole, and so construed as to make every clause effectual, and give consistency to all its parts; and this without bringing the action of the Government under one clause into collision with its action under another.

The President, then, had recommended Congress to pass a law so regulating the action of the Government under the Post Office power as to withhold the agency of the mail in the transmission of certain matter, the acknowledged object and evident design of which was the destruction of an interest recognized in the Constitution, and by the Constitution secured to the States.

Under what classification of powers did such legislation fall? Mr. Madison, in his classification of powers granted to the General Government, had spoken first of the powers to secure the country against foreign danger; secondly, for the regulation of foreign commerce; and thirdly, of the important and extensive class—"*for the maintenance of harmony and a proper intercourse among the States.*" What (inquired Mr. K.) are the specific powers making up this class? It was unnecessary to enumerate all of them; the most obvious would occur to all. They were also enumerated by Mr. Madison; and besides the power to regulate commerce among the several States, and others, was to be found the power "to establish post offices and post roads." The power "to establish post offices and post roads" was then a power belonging to that class given to the Government "for the maintenance of harmony and a proper intercourse among the States." It was, of course, auxiliary to every other power belonging to this class, but could not be made inconsistent with any of them. The power was granted in a general and simple form; it was not stated what we should carry by mail, or what we should not carry. This was left to be limited only by the purposes of the grant, and to be reconciled with the other provisions of the Constitution. With this limitation, like every other general grant, it was submitted to the discretion of Congress, who have power "to pass all laws necessary and proper to carry into execution the powers granted" in the Constitution.

Mr. K. then asked if the existing laws, which authorized the transmission by mail of abolition papers from the non-slaveholding to the slave-

holding States, were laws "necessary and proper" for the maintenance of harmony, and a proper intercourse among the States? Were they necessary and proper for the preservation of an interest they were intended and obviously calculated to destroy? No; they were unnecessary and improper for this or any other constitutional purpose. And yet it was said by the Senator from Carolina that we had no independent power to modify or repeal them; we were under the strange necessity of doing wrong, until the States might meet, and legislate, and compel us to do right; thereby creating a fundamental necessity for a collision between the two Governments. Why, (said Mr. K.,) so far from being compelled to carry these abolition papers, in the spirit of the Constitution we have no power to carry them. This resulted (he said) from the acknowledged right of the States to stop them. All admitted this right in the States; and upon what principle was it? It was simply on the principle that the circulation of such matter was not necessary for national purposes, and was inconsistent with rights which belonged exclusively to the slaveholding States. If we had a right to send them, the States had no right to stop them. In sending these papers by our laws, we assumed the right to send them. This assumption was either right, or it was wrong. If right, the States had no right to interfere with us; and if wrong, we should give them no occasion to do so. Rights (he said) might be coexistent and concurrent; but they could never be coexistent and inconsistent. Having no right, then, to use any means inconsistent with the acknowledged rights of the States, we could not be compelled to do so through the Post Office power, which was limited by the purposes of the grant, and should be carried into effect by laws "necessary and proper" to effect the purposes for which the power was granted, and not to effect the purposes for which the power was *not* granted. If these positions were true, it was plain that Congress had a right to regulate its own action under its own power, with a due regard to those rights of the States recognized in the Constitution, and it was the duty of Congress to do so.

Mr. K., after laying down these general principles, proceeded to notice the specific objections. The first, he said, was, that any modification of our laws preventing the circulation, through the mail, of abolition matter, would abridge the freedom of the press. And where did gentlemen, under this sacred right of the freedom of the press, obtain for the Abolitionists the right to use this Government as an involuntary instrument for the abolition of slavery in the slaveholding States? They claimed it under the amendment of the Constitution, which provides that "Con-'gress shall make no law respecting an establish-'ment of religion, or prohibiting the free exercise 'thereof, or abridging the freedom of speech, or 'of the press, or of the right of the people peace-'ably to assemble and petition the Government 'for a redress of grievances." Now, (said Mr. K.,) those who have been here during the session must feel somewhat astonished at the awful respect which is paid by the Senator from Carolina, to *one* right secured by this amendment, when they recollect the unceremonious manner in which he treated another, *expressly secured* in the same article. It would be seen that this was the same article in which the right of petition was expressly secured to the worst, as well as the best citizens, and to petition for the worst as well as the best objects. And yet the Senator had refused to receive petitions on the subject of slavery, and had agitated the country for months, by making war on a parcel of women and children, disappointed old maids, and boarding school misses; the former class having, perhaps, lost all sympathies with the world, and the latter not having learned anything about it. These petitions, such as they were, were not permitted, *under an express* right, to ask Congress, in its discretion, to abolish slavery *in the District of Columbia*, whilst the same Senator, under the same clause, *looked beyond* the Constitution for a *remote implication*, to secure to the same persons the active and efficient agency of the Government to abolish slavery *in all the slaveholding States*. Although the Senator from South Carolina had been long a politician, he seemed very subject to the emotion of astonishment during the present session, and on one or two occasions had expressed astonishment at him, (Mr. K.) As for himself, however, though only a few years in politics, he had already ceased to become astonished at anything, or he should be amazed at the different positions assumed by the Senator on the same amendment of the Constitution. By petitioning Congress the petitions could do no harm, unless Congress did it for them. They gave us notice of their existence and designs in the least dangerous way, unless we made it dangerous. No one ever intimated that to refuse to receive these petitions would diminish the number of Abolitionists; on the contrary, it was well known it would increase them; and whilst they were in the country plotting mischief, he wished to know who they were, where they were, and what were their views and designs. All insisted this was important information for the South; and, as a southern man, if he had his wishes, he would like for every Abolitionist, man, woman, and child, in the United States, to petition Congress on the subject, if he could only be assured that their petitions would be prudently treated. These petitions not only gave us the sentiments and designs of these people, and showed us where they lived, but kept the South advised of the feelings of Congress on the subject, which was all-important to that section of country. With such admonition, the South could never be taken by surprise. In every view of the subject, even on the score of expediency, the more he had reflected, the better was he satisfied with the course he had proposed on the right of petition. Something was gained by receiving, and certainly nothing lost by it. He was led to this short digression (he said) upon a motion long since disposed of, in consequence of the subject having been revived by the Senator [Mr. CALHOUN] who had again cast censure on those who had voted against his motion not to receive petitions.

Mr. K. then returned to the first position in the report, and asked what was the freedom of the press? How was it secured? For what purposes, and to whom? The security provided for the freedom of the press, was by a restriction on the National Legislature, intended to prevent any active interference with that right, as it existed in the States at the time the Constitution was adopted. The provision was only declaratory of a preëxisting right, accompanied by an engagement not to disturb it. That freedom consisted in the right to print and publish whatever might be permitted by the laws of the State, whose citizens insisted upon the right. The privilege was a reserved one, and could not be disturbed within the jurisdictional limits of any State, by any active interference of the General Government whatever. But as the right was a State right, as the privilege was a local one, (and so acknowledged in the report,) it could not be extended by expression or implication, or by State or national agency, unless some paramount constitutional purpose required it. Did any such paramount constitutional purpose require the extension here? He thought not. The right, like every other constitutional right, must be reconciled with other constitutional rights secured to the citizen in the same instrument. Most of the States, he believed, had similar provisions in their own constitutions for the protection of the freedom of the press; and yet it had never been seriously, or at any rate successfully, contended that such provision was a protection to the libeler or slanderer; and why? It was because such an extension of the privilege would be inconsistent with other private rights secured to the citizens under the same constitution, and was not at all necessary to the reasonable and useful enjoyment of the right. Each provision could be made effectual, and answer all its useful purposes without any conflict between them. Any claim, then, (said Mr. K.,) which the freedom of the press has to our attention in this place, especially when the claim is an implied one, must be reconciled with other claims secured to the citizen under the same Constitution. The rights of domestic slavery were State rights; the freedom of the press was a State right; and they could be easily reconciled on the principle that they did not necessarily interfere with each other, and should not be permitted to do so. The freedom of the press in the State of Maine should not interfere with the rights of slavery in the State of Mississippi. As domestic slavery in Mississippi should not interfere with the freedom of the press in Maine, and as the States could not infterere with each other in these State rights; how could they ask the General Government to lend them its agency to do so, when that Government was by its Constitution bound to protect and respect both rights?

How, then, did we abridge the freedom of the press by withholding the national agency from all means calculated to abolish slavery in the slaveholding States, when the national Government had no power for this purpose, either expressed or implied? We do not (said he) propose to prevent the printing and publishing, or even the circulation of any matter permitted by the laws of the respective States within the limits of the States where printed and published; and as the right was acknowledged to be a State right, it could not be further insisted on, except for purposes purely national, and therefore not conflicting with the rights of other States. The power was given to keep up a social, friendly, and commercial intercourse among the people of the States; and, so far as it extended an intercourse among the people of the different States, it was the creature of the Constitution; must be confined to its objects, and could not be used to destroy an interest which we had no right to touch; and which, on the contrary, by the Constitution, we were bound to secure.

Further, (Mr. K. said,) it was admitted that if the freedom of the press was infringed by such modification of our laws as proposed by the President, it was done by implication. Was there, then, any implied right in the citizen to claim an involuntary agency of the General Government in the circulation of any matter beyond the limits of his own State which by the laws of that State might be there printed and published? If so, from what source was such a right derived? It could only attach as a necessary and proper means to some constitutional end. What was that constitutional end here? The Senator from Carolina insisted that the right to print and publish implied the right to circulate; and as the Post Office power was surrendered to the General Government, there was an *implied right* to claim the agency of that Government in the circulation of whatever a State might permit to be printed and published. As the right to print and publish was acknowledged by the Senator to be a local and State right, it was a little strange how the *incident* could be extended beyond the principal power. The truth was, that the Post Office power was itself a distinct power, and could only be called on to execute its own proper purposes, or by implication as necessary and proper to some other constitutional end. And he again asked, what was that constitutional end here? The abolition of slavery in the slaveholding States? It could be none other. And *was that* the constitutional end which so irresistibly drew after it, as an incident, the involuntary agency of the Government in the circulation of matter calculated to abolish slavery in the slaveholding States? When the question of connection between means and ends was proposed to us we must decide it; and we here saw plainly an unconstitutional means insisted on because it proposed an unconstitutional end. But the Senator from Carolina most strongly insisted (he said) that *an implied right claimed for an unconstitutional purpose should defeat the exercise of an express power, when that exercise was proposed for a purpose acknowledged to be constitutional.* He would ask the Senator how it was possible to abridge a liberty of the citizen by denying to him the means of doing that which he had no liberty to do?

He thought, then, that it was perfectly plain that the freedom of the press could not, by implication, be made to control an expressly delegated power for purposes inconsistent with the objects of that power, and the general purposes of the national compact. It could not, in this case, be made the cloak for any such unauthor-

ized mischief as that which was placed under its protection.

Mr. K. said the construction put upon another law* had been referred to in the report as authority; but it was plain there was no analogy whatever; for in that law printing and publication were *directly acted on within the States, and that by the assumption of a power nowhere granted.* Unauthorized power was assumed to violate rights expressly reserved to the States; whilst here we so exercise *a power expressly granted* in such way as to respect the rights of the States. Mr. K. took leave of this branch of the subject, and proceeded to notice the second ground; that such regulation would assert a power fatal to the rights of the States.

Mr. K. said that he had already stated that he thought this a most extraordinary position; and, when considered in reference to the subject, he still thought so. The Senator had stated that it was perfectly plain that if we could say what we would not carry, we might say what we would carry, and enforce its circulation. This might be very plain to the chairman of the committee, but it was very far from being plain to him, (Mr. K.) Propositions, the identity of which depended on easy conditions, were very convenient and popular with popular reasoners, from the great latitude which they gave to the speaker, and the inexhaustible materials for argument which they usually afford. By the use of them the orator could frequently let himself off into a train of easy reasoning without any assignable limitation whatever. He had the advantages of the theory of the northern diver (whose name he had forgotten) whose theory was, that it was just as easy to do one thing as another. He believed, however, that *he* had furnished a practical refutation of his own theory in the end; for he found it perfectly easy to leap down from an elevation of one hundred feet into a gulf of water below, but did not find it so easy to leap back again. The error of the chairman of the committee, he said, (if it be one, and he believed it to be, with all due respect,) seemed to him to have arisen from a misapprehension of the nature of the question he was deciding. The question was one on the affirmation of power *under a limited Constitution.* We could run *with* the current of constitutional authority, but we could not run *against* it; and the Senator might just as well say, that if a man had power to swim down the falls of Niagara, it was perfectly plain that he had power to swim up them. We never asserted a right *to exceed* a limited power by acting strictly *within it.* The Army (he said) was confided to the General Government, but a protection was also provided to the citizen in the Constitution against the quartering of soldiers on him in time of peace. According to the doctrine of the report, if we were to pass a law to make that protection efficient, and, as a matter of discipline, punish the officer for a violation of it, we would thereby assert the power to violate the right at pleasure in face of the Constitution. As a further illustration of the doctrine of the report, Mr. K. instanced the proprietor of a freehold, who had full authority on his own estate, but had no power to cross the line and trespass on the land of his neighbor; and yet, if he wished to respect his neighbor's rights and forbid his servants to commit trespasses, and punished their disobedience, he thereby, according to this doctrine, asserted a right to trespass on his neighbor at pleasure. The plain difference in all these cases (Mr. K. said) was, that we had power in the one case and no power in the other.

The power here was limited by the purposes for which it was to be exercised; we could go with the Constitution, but could not go against it. We could act within our constitutional limits, but could not go beyond them. Whether we could enforce the circulation of a paper through the mail in the slaveholding States, would depend on its character. If it were a commercial letter, a bill of exchange, a bill of lading, a war despatch, or any other paper fairly connected with the granted powers and social relations as established by the Constitution and not inconsistent with the reserved rights of the States, in that case its circulation might be enforced. If of a different character, it could not be enforced, and the State whose acknowleged rights might be affected, could interfere and arrest the circulation. Each Government should act within its own powers, and in doing so asserted no right to go beyond them.

But (Mr. K. said) it was a waste of time to dwell longer upon this report, as the bill reported by the chairman of the committee was a practical refutation of every principle laid down in the report up to that part of it which recommended the bill. The bill proposed to Congress to do that which the report said Congress had no power to do.

The position assumed in the report was, that the amended article before referred to deprived Congress of all power over the subject, because "it was the object of this provision to place the 'freedom of the press beyond the *possible interfer-* 'ence of Congress," &c. "It withdraws from 'Congress all right of interference with the press '*in any form or shape whatever.*" This (he said) was the language of the report; and as the right to circulate was assumed as an incident to this freedom of the press, any interference with circulation, by refusing to transmit anything the States might permit to be published, was considered a violation of the right. Now what are the provisions of the bill? If it does not interfere "in some form or shape" with the circulation of matter the printing and publishing of which is perfectly lawful in the State *where published*, I care nothing for it. Mr. K. read the bill, and said it would be seen that it prevented the transmission by mail of papers, &c., on the subject of domestic slavery, from one State to another, when by the laws of the State to which the same was directed the circulation of such papers was prohibited. Here was an "interference" by Congress with circulation, and he thought a very strong and extensive interference; and how did the Senator reconcile this interference with the principles of his report? Why, the constitutional difficulty was removed by the coöperation of the State. Coöperation with the State! and how could the General Government *coöperate* in an act which, according to the report, it is deprived of "all right of interference in, in any manner or shape whatever?" How could this Government act in conjunction with another agent when it was under a constitutional restriction not to act at all?

But this (said Mr. K.) is far from being the worse of it. The freedom of the press, as acknowledged in the report, is strictly a State right; and, as a State right, implies a right to circulate through the mail whatever the State may permit to be printed and published. It is the freedom of the press in the non-slaveholding States, then, that is affected by the law. Is this sacred constitutional right released by the coöperation of the State? The coöperation of what State? The State whose rights are to be affected? Not at all. According to this doctrine the sacred reserved right of the freedom of the press in the State of Maine may be abolished in an instant by the action of the Legislature of the State of Mississippi. *The people of Maine*, though secured by the sacred guarantees of the Constitution, in a reserved right beyond "any possible interference whatever" by the General Government, may be capitally punished by that same Government for the exercise of this right, *by the consent of the State of Mississippi.* Why, what a jumble of inconsistent political powers and inefficient constitutional securities is found here! That the constitutional powers of the General Government could be *enlarged* by the action of a single State, and enlarged, too, in its operation over the rights of States *that do not coöperate or consent*, was one of the strangest doctrines that had ever grown out of the heresies of modern times.

The truth is, (said Mr. K.,) we have the power to act in this matter *under the Constitution*, or we have no power at all. We cannot derive any power from the laws of one State to act upon the citizens of another. We derive our power here under the Constitution, which gives us exclusive charge of the Post Office Department. Under this power we can pass all proper laws, and punish their infraction, which carry into effect the objects of the power, and duly respect the rights of the States. Here was the source from which we derived our power; and he hoped gentlemen would not refuse to vote for the bill because they could not agree to the principles of the report or reconcile it with the bill.

He did not know how the chairman of the committee could have fallen into this thorough inconsistency, unless it was that he had seen the recommendation, and took it for granted it must be all wrong, as it had been made by the President. But on further consideration he had found it right, and that the South expected something to be done; and hence this Opposition report accompanied by an Administration bill. Yes, (said Mr. K.,) an Administration bill. I wish my friends to understand that, and hope they will not fall into the same error with regard to the chairman of the committee that he did in regard to the President, and take it for granted that the bill is wrong because it has been reported by the Senator from Carolina. Sir, the bill is right, and precisely conformable to the views of the President, *against* which the report is made. Mr. K. then read that part of the message which indicated the character of the law that the President recommended, as follows:

"In leaving other branches of this interesting 'subject to the State authorities, to whom they 'properly belong, it is nevertheless proper for 'Congress to take such measures as will prevent 'the Post Office Department, which was designed 'to foster an amicable intercourse and correspond- 'ence between all the members of the Confederacy, 'from being used as an instrument of an opposite 'character. The General Government, to which 'the great trust is confided of preserving inviolate 'the relations created among the States by the 'Constitution, is especially bound to avoid, in 'its own action, anything that may disturb them. 'I would therefore call the special attention of 'Congress to the subject, and respectfully suggest 'the propriety of passing such a law as will pro- 'hibit, under severe penalties, the circulation in 'the southern States, through the mail, of incen- 'diary publications, intended to instigate the 'slaves to insurrection."

No new power was asserted here. On the contrary, the power of the States over the whole subject of slavery is admitted. The Post Office power is asserted to be in the General Government, and we are only recommended to use it in such way as *not* to disturb the rights we acknowledge in these States. These are precisely the principles of the bill. We might adopt the laws of the States where we acknowledge their right to pass them, without deriving any authority from them. In placing this confidence in the States, where we wish them to aid us in respecting their rights in the exercise of ours, we had only to see that the law to be adopted was such as they had a right to pass. This was done in the bill which confined the laws to be adopted to the subject of domestic slavery, which all acknowledge to be under the exclusive jurisdiction of the slaveholding States.

Mr. K. next proceeded to notice the arguments of the Senator from Massachusetts, [Mr. DAVIS,] who had attacked the bill principally on the ground of expediency. He had stated that "it took the whole Post Office power from the General Government, and gave it to the States." Not at all —not a particle of Post Office power was claimed by, or given to the States by the bill. The General Government was only so regulating that power in itself, as to respect the rights of the States. But the Senator further objected (Mr. K. said) because it would be establishing an inquisitorial power in the Post Office Department; and did the Senator from Massachusetts propose anything better? It was certainly unfortunate that any of our citizens should league themselves with foreigners, and engage in a species of mischief that makes any extraordinary measures necessary, either by the State or General Government?

But when men were disposed (he said) to trouble the peace of society, they could only be counteracted by laws. Laws could not be admin-

* Alien and sedition law.

istered without officers, and officers must have some discretion, and it was possible that such discretion might be abused. But it was difficult for any honest officer to mistake the character of these papers. The power had been some time exercised by the Department, and no difficulty had grown out of it. Unless the papers were strongly marked, they were not calculated to answer their object. Their very title generally condemned them. They were "anti-slavery records," "emancipators," &c. These were easily known, when sent in open pamphlet form, and it was not expected that we would be able to prevent anything that should be sealed up and subjected to letter postage. With this charge on them, they would circulate them, not in such quantities as to produce excitement. The only hope was to break up the extensive establishments on Nassau street, from which this inflammatory matter was sent—not in bags and baskets, but by cart loads, to be shipped off to Charleston and other southern cities, there to produce excitement and be destroyed.

The dangers of this inquisitorial power were greatly magnified; but admit them, and what better was proposed by the Senator from Massachusetts? Why, he proposed that the States should legislate. He acknowledged that the States had full authority over the subject, and proposed that they should legislate, and that we should avoid this inquisitorial power "in the Post Office Department." Did it escape the Senator that the legislation of the States on the subject was precisely the same with as without this law? We only proposed to coöperate with the slave States. And did the Senator suppose that this "inquisitorial power" he complained of would be more rigorously exercised by the cool reasoning postmasters of the North than by a southern postmaster, a committee of vigilance, and an excited mob? He presumed not. Why, then, send these papers from one end of the Union to the other at the public expense, to trouble and excite the community, endanger the whole mail, weaken the national sympathies of the people, and threaten our institutions, when it was admitted they would be destroyed before they came into the hands of those to whom they were directed? There could be no possible object in this useless agency on our part, except it be to gratify the pride and ambition of these disturbers of the quiet of the country. They, the Abolitionists, knew perfectly well that these papers would be destroyed in the southern post offices by virtue of the State laws, and yet they insisted on sending them, and had the effrontery to avow that their only object was "to keep up an excitement." Would gentlemen encourage such mischief, and that, too, at the public expense?

The Senator from Massachusetts had further complained that a monopoly of the Post Office power was granted to the General Government, and this increased its obligations to carry whatever might have been carried by the States themselves. Well, in this sense, what sort of monopoly was it, and what was its injurious operation? A monopoly to be complained of, must have surrendered some preëxisting right which the party complaining previously enjoyed, and had surrendered. Had the States any right to push their Post Office power beyond their own limits, before the adoption of the Constitution? Not at all. They had still the use of the Post Office for all purposes within their own limits; and had, by the Constitution, *acquired* its use all over the Union, for all national, social, and constitutional purposes. By this monopoly, then, they had *acquired a great deal, and lost nothing.*

But the Senator was apprehensive that the principles of this bill would recognize the right of the States to pass any law they pleased, breaking up all intercourse among the States, and that Congress would be bound to adopt it. Here the Senator had fallen into the same error in relation to the power of the States that the Senator from Carolina had in relation to the General Government. The powers of each had their limits; and as we did not assume unlimited power in the General Government by exercising its powers within their limits, so we did not give unlimited power to the States by recognizing that which all acknowledged they properly had. If the States were to legislate *beyond their own rights*, and attack the Post Office power, their acts would be void. It was unnecessary here, he stated, to inquire what the States might properly stop from circulation within their limits, and what they could not. He could only say to the Senator, that when they proposed anything improper, it would be time enough to consider whether he would cooperate; and he would further state, that whenever any State might think proper to prevent the circulation of any matter within its limits, *and their right to do so was clearly acknowledged, as in this case*, it would be very useless, unprofitable, and improper for the General Government to carry such forbidden matter to them, to be destroyed in their post offices before distributed. Whenever we acknowledge a right, we ought to respect it.

He hoped the bill would pass. It would doubtless do some good; and it would, at any rate, show to the South a disposition in Congress to coöperate, as far as the Constitution will allow, to prevent these unwarrantable interferences with their rights. He said he was willing to give the agitators all their constitutional rights, however mischievous their intentions, but he was willing to give them nothing more, and would not consent to lend them the agency of the Government for the purposes of pure and unmixed mischief.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF HON. F. W. PICKENS,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

January 21, 1836.

The resolution of Mr. WISE, declaring that Congress has no power under the Constitution to abolish Slavery in the District of Columbia, &c., being under consideration—

Mr. PICKENS rose, and observed that he regretted exceedingly the necessity that induced him to say anything on the interesting and deeply exciting topic before the House. Sir, when I had occasion, some weeks since, to make a few remarks on this subject, I, as well as the party I have the honor to be associated with, was denounced, as attempting to raise a discussion and excitement for party purposes. It was said that, like the Hartford convention men and Abolitionists, *we* were put down and sunk in the country, and that we desired some sectional excitement to raise us from our weak position, &c. I would disdain to notice this, if the charge had originated from, and been confined to, a miserable whipster editor, who has been hired to hunt down all that is virtuous and intellectual in the country—who has fed upon calumny, and fattens upon slander, and upon whose countenance envy and malignity hold their cadaverous union—I would loathe to touch this pitiful *thing* that lives by licking the spittle of men, if it were not that it is understood to represent the executive branch of this Government, that it is the organ of the dominant party that now rules the destinies of this Republic. This being the fact, I call upon every honest and virtuous man to brand it with the indignation that its falsehood and infamy deserve. Let no man suppose that, because I belong to a comparatively small party, persecuted and misrepresented, my voice is ever to be silenced upon this floor, when the honor or the interests of those I stand here to represent may be involved directly or indirectly. No earthly consideration shall deter me from uttering the sentiments of my heart on this subject. Let no man make it a question for partisan warfare, or for party triumph. It rises above all parties, and is identified with the dearest and paramount interests of every southern State in this Confederacy.

Mr. Speaker, I have seen enough to convince me that there is an unsound state of feeling here and elsewhere, totally at war with our rights and our institutions. I have not read passing events for the last year to be now deceived at what I see. I agree with gentlemen when they say the abolition societies and their open partisans are at present, compared with other great parties, small, so far as numbers are concerned. But, to ascertain their real strength, we must examine the peculiar division of parties that exists in the non-slaveholding States. Take, for instance, New York, and we find there the anti-Masonic party, the Whig party, and the party, I believe, called the "Regency party." From the division of these parties the Abolitionists become important and powerful, as holding the balance of power; hence it is that all other parties desiring their strength acquiesce, to a certain extent, in their measures and movements. There is a high game playing for political power; and those who would seem to be weak from numbers become strong from position. Their strength consists in fanaticism—in painting scenes of imaginary evil—in appealing to the passions of the heart; and, as the gentleman from Massachusetts [Mr. ADAMS] says, to their religion. And when was fanaticism arrested? Look at its history all over the world. In its first commencement it is seen like a speck in the distant horizon; but mark it as it rises—it spreads and widens, and grows blacker and blacker, until it sweeps with the fury of the rushing tornado, desolating the earth; and the good and the wise stand as if stricken with dumbness, while the bold and the strong quake and tremble like unweaned infants under the trumpet's blast. In its first struggles it is despised for its weakness; but at length "*crescit eundo*," until it walks erect in its giant strength and power; and, with the muscular action of a madman, tramples into the dust and earth those who, at first, felt pity for its delusion, and contempt for its impotence. The only way to contend with it is to meet it, and strangle it in its infancy.

What has been the history of the last summer? We have seen the whole country excited and agitated to the highest degree. There has not been a State, nor county, nor town, from one end of this Union to the other, that has not been tremblingly alive to the "general welfare." Societies upon societies have been formed—thousands upon thousands have been raised for the avowed object of producing a change, a deep and vital change in the domestic institutions of the southern States. There is scarcely a common newspaper, a magazine, or review that comes from the North, but what brings something of prejudice and denunciation against us. There is not a school book, not a common geography, which does not contain something by innuendo or insinuation, calculated to train up our children to believe that the inheritance of their fathers is full of evil and iniquity. The prejudices, opinions, and moral power of the whole non-slaveholding States are directly and openly against us on the subject of domestic servitude. And well may the gentleman from Massachusetts [Mr. ADAMS] declare that every member's speech on this subject, from north of Mason and Dixon's line, would be an incendiary pamphlet, and if they pursued a certain course here, they would be swept from their seats. Sir, under these circumstances, is it astonishing that we should be excited here?

But it is not in our own country only that we have to encounter prejudice. England has emancipated her West India Islands. France is also moving in the same direction; her press, too, is calling up the prejudices of the nation against this institution. And in England there is no review, from the polished and talented Edinburgh down to the Jeremy Bentham, leveling Westminster, that does not open its battery and denunciation upon us. Even, too, that prince of modern demagogues, Mr. O'Connell, in the plenitude of his arrogance and vanity, must think fit to strike the vilest and basest notes to call up the passions and prejudices of the ignoble and low against institutions, the true nature of which his ignorance forbade him to understand, and against a gallant people, whose virtues his natural vulgarity could never appreciate. He talked about equal rights and *public truth*, when he lives upon a splendid income raised by "grinding the face of the poor," by drawing the last farthing from a starving and devoted people! And here I regret

—deeply regret, that a gentleman on this side of the Atlantic, distinguished for his learning and elegant diction, has recently thought proper to echo back these notes, and play a second part to this Irish demagogue by publishing sentiments, and a tissue of visionary declamation, calculated to have no other effect than to excite feelings, sympathies, and prejudices at war with the harmony of the Union, and the forbearing principles of the Constitution, which he, as well as every other good citizen, has tacitly sworn to support. I allude to Doctor Channing, and I allude to him with pain and regret. Instead of standing on his palmy eminence, with the benevolence and charity of an enlightened Christian, to pour out "oil upon the troubled waters," we find him inculcating sentiments and spreading doctrines calculated to alienate the affections and sympathies of the people of this Union from different sections.

Mr. Speaker, we cannot mistake all these things. The truth is, the moral power of the world is against us. It is idle to disguise it. We must, sooner or later, meet the great issue that is to be made up on this subject. Deeply connected with this is the movement to be made in the District of Columbia. If the power be asserted in Congress to interfere here, or any approach be made towards that end, it will give a shock to our institutions and the country, the consequences of which no man can foretell. Sir, as well might you grapple your iron grasp into the very heart and vitals of South Carolina, as to touch this subject here. Georgia has perceived this, and felt its full force. She, under these views, has recently passed a resolution declaring it unconstitutional for Congress to touch this matter here, and met the whole subject as became her and her interests. Under these circumstances, I was astonished to hear the gentleman from Georgia [Mr. HALSEY] intimate that he was willing, for the present, to give this resolution the *go-by*.

Here Mr. HALSEY explained that he was willing to meet the question, when it came up at the proper time, in a distinct and independent resolution, &c.

Mr. PICKENS then proceeded, and said he would not press these circumstances at present.

Virginia has but the other day passed a resolution to the same purport. She, alive to the deep stake she has in the question, has approached near to unanimity on it. The resolution denying to Congress any constitutional power was passed by a vote of one hundred and fifteen to nine in her House of Delegates. *There* is one subject at least upon which all parties can unite. I was deeply gratified to see that noble State speaking as became her *ancient* character. That proud State, *justly* proud from having enrolled on the scroll of fame her hundred patriots, has felt her vital interests and honor concerned, and moved with a unanimity and spirit that became the land of Richard Henry Lee, George Mason, and Patrick Henry. I trust no son of hers here will fall below the position she has chosen to occupy. Before *she* can waver or falter on this subject, directly or indirectly, you must first break up the foundations of all her institutions; you must make a new race of people in her bosom, who must forget the glory of the past—whose hearts must beat with impulses and emotions of a new and degenerate nature—whose mothers must quicken with a new and unnatural offspring.

Sir, I deprecate *all* party ties and party feelings in this matter. It is too solemn a subject for this. If there be any man here who has any misgivings or tremblings as to the future on this subject, let me say to him, this is no place for him. If there be any Representative here from any part or portion of the slaveholding race, whose heart is so bowed down in subserviency and servility to party discipline and party organization, as to be drawn off on this question for the vile purpose of partisan ascendency and political triumph in the miserable conflicts of the day, let me say to him, this is no place for him, unless he is prepared to cover himself with prostitution. If there be any gentleman here from the same region, whose aspirations are to please the dominant interests of this Confederacy, by sycophancy and flattery, for the purpose of clothing himself in the livery and trappings of office, this is no place for him, unless he is prepared to abandon the inheritance of his fathers, and cover his children with degradation and ruin. It is of no avail to close our eyes to passing events around us in this country and in Europe. Everything proclaims that, sooner or later, we shall have to meet the strong and the powerful, and contend over the tombs of our fathers for our consecrated hearth-stones and household gods, or abandon our country to become a black colony, and seek for ourselves a refuge in the wilderness of the West. It is in vain to avoid the contest.

Mr. Speaker, as to the constitutional power of this Government to touch the subject in any shape or form within the States of this Union, I disdain to argue that point. If the dominant interest of this nation should ever become so bold and reckless as to touch the matter, or exercise such a power directly or indirectly, then, if we hold our seats on this floor, we shall become the slaves of slaves, and deserve our infamous destiny. If ever we should be *forced* to hold up the noble but mutilated parchment of the Constitution as a shield between us and the Goths and the Vandals who may have come in to desecrate and desolate all that is venerable and fair in the institutions of our country, then, indeed, shall we have lived to see the day when conflagration shall sweep through the land, and scathe its living monuments—when the scattered fragments of a broken and dismembered empire shall exist *here* and *there*, only to mark where the Republic once was.

While I can never consent to discuss the constitutional power of this Government as relates to the States, yet it becomes us to examine the powers, under the Constitution, given in this District.

Mr. Speaker, before we proceed on this point, it would be well for us to call to our minds the circumstances and causes that induced the acts of cession granting jurisdiction in this District. When Congress was in session in Philadelphia, a mob created great disturbance, and they found themselves unable, for want of authority, to protect themselves and their officers. Hence it became important that they should have some territory with exclusive jurisdiction over it. The object and sole desire of Congress was to be able to protect itself, its officers and its public buildings, and make such other municipal regulations as might be deemed necessary for the harmony, quiet, and independence of the Government. When we look at these circumstances, and then compare the clause in the Constitution conferring legislative power, we can come to but one conclusion as to the great leading objects of the trust. The words are, that Congress shall "exercise 'exclusive legislation in all cases whatsoever over 'such district (not exceeding ten miles square) 'as may, by cession of particular States, and the 'acceptance of Congress, become the seat of Gov-'ernment of the United States, and to exercise '*like authority* over all places purchased by the 'consent of the Legislature of the States in which 'the same shall be, for the erection of forts, mag-'azines, arsenals, dock-yards, and other needful 'buildings."

"Exclusive legislation" here cannot mean absolute and unlimited legislation. This Government cannot legally exist in any position without all the restraints of the Constitution binding upon it. It is created by the Constitution, and cannot act in any sphere except under its specific grants. And to contend that it has all the powers here that the States can exercise within their territories is a solecism in constitutional law; for the States can exercise all the powers not prohibited by the principles and spirit of their own constitutions or the Constitution of the United States, while this Government can exercise no power not specifically granted by the Constitution, or absolutely necessary to carry into effect some specific grant. Exclusive legislation means that no other Government shall have concurrent legislation. Congress shall exercise "like authority over all places purchased" for forts, arsenals, &c. The legislation and authority exercised in this District, in like manner, shall be exercised over places purchased for forts, &c. If, then, Congress is unlimited here, then it is unlimited in those other places where public works are; and, if slavery can be abolished here, then, in like manner, can it be abolished in all those places in the heart of a State where there may be public works, &c. All the power intended to be given was to enable this Government to protect and preserve its public works and improvements, and "like authority" was intended to be given in this District—authority that might be essential to carry out the legitimate objects of the original trust, and no more. Any exercise of power beyond the obvious meaning and plain intentions of the grant of power at the time it was given, is a violation of its spirit and perversion of its purposes.

Again: the ninth section expressly excludes Congress from prohibiting the importation of slaves until 1808. If the clause giving "exclusive legislation" embraces the power to abolish slavery, then it was created without limitation at the date of the instrument. But if Congress had, before 1808, attempted to prohibit the importation of slaves, here or elsewhere, it would have been directly against the letter of the Constitution. There has been no new acquirement of power since the date of that instrument, nor enlargement of the provisions of the clause granting "exclusive legislation." We cannot do that indirectly which we cannot do directly. And if Congress had abolished slavery here, prior to 1808, it would have been the most effectual measure to prohibit this importation, and this they were clearly and expressly prohibited from doing. I do not refer to this so much as being perfectly conclusive, as to show that it was the whole spirit and intention of the Constitution that this Government should have no power to disturb this delicate and exciting subject. We all know the extreme jealousy that existed amongst the States on this matter at the formation of the Constitution; so much so, that it was one of the principal difficulties in forming a "more perfect Union."

Is it to be supposed that Virginia, sensitive and jealous as she was at that time on the subject of slavery, would have ceded a portion of her territory and citizens, if she had, for one moment, conceived that, under the clause in the Constitution conferring legislative powers, they were to be thrown at the mercy of other interests, and other sections, antagonist to herself on this vital point?

The fifth amendment declares that "private property shall not be taken for public use without just compensation." Much less can it be taken for private use. It cannot be taken except for public use. It becomes, then, important to ascertain whether slaves are private property! And here let it be observed that there is a loose idea abroad that we hold our rights to that species of property under the compromises of the Constitution. We hold them as original rights before and above the Constitution, coming from the States in their separate existence. The compromises of the Constitution relate entirely to the relative representation that the States, as political communities, shall have upon this floor; but this is not the source of rights to us in this or any other private property. The Constitution recognizes them as private property. The second section apportioning our representation, the clause enabling the owner to recover his fugitive slave, and the clause sanctioning their importation until 1808, all show that the Constitution recognizes them as property—as things other than persons. The judicial tribunals of the non-slaveholding as well as the slaveholding States have all settled this principle. Then they cannot be taken except for public use. What is public use? If they were wanted on our public works—if they were needed in a great emergency, then might they be taken on just compensation. But if there be any one thing clearer than another, it is that abolition was not the public use contemplated in the Constitution. They cannot be taken without just compensation, even for public use. How can money be drawn from the public Treasury, except through appropriations by law? There can be no *legal* appropriation, except to carry into effect the specific power granted in the Constitution, or clearly implied, as absolutely necessary to carry into effect some specific grant.

There is no specific power to abolish slavery, and it being itself a high exercise of substantive power, cannot be implied as absolutely necessary to carry into effect any other power. As well might we pass appropriations to pay the people of this District for their cattle and horses, to give them the blessed privilege of running free and unrestrained over the barren hills and waste commons around this Capitol. As to principle and power, it is the same.

But it is said, all the States may emancipate, and this District be left without the means of changing its condition. This is certainly anything but a constitutional argument; for I answer, that even if this were to be the case, it is the Constitution, and will be so until it is changed by the proper authorities. There is really no difficulty on this point, as those who choose can now emancipate by deed or will. In connection with the Constitution, let us for a moment examine the act of cession from Virginia. The proviso declares "that nothing herein contained shall be construed 'to vest in the United States any right of property 'in the soil, or to affect the rights of individuals '*therein*, otherwise than the same shall, or may 'be, transferred by such individuals to the United 'States." Let it be understood that this follows immediately after the clause describing the tract of country and particular extent of territory ceded. I admit the terms are somewhat equivocal at first. If the words "the rights of individuals therein" refer only back to control the property in the soil, then they were of no use, for, under the Constitution alone, Congress could not have interfered in the freehold. One of the first principles of the Magna Charta is, that no freeman shall be disseized of his freehold without the judgment of his peers. If those words were meant only to limit the power of the Government over the freehold of a citizen, then they were useless verbiage. Those who inserted them must have meant something more. When we look at the sensitiveness of Virginia on the interesting and vital subject of the peculiar property of her citizens she was about to cede, we are led to believe that she must have meant in the words, "rights of individuals therein," other rights than those of "soil." Connect this with the clauses in the Constitution, and no man can refrain from admitting that it is, to say the least of it, a doubtful power, which every patriot in a limited Government would refrain from claiming as under the Constitution.

But, Mr. Speaker, I take higher ground than this, and contend that, according to the bill of rights of Maryland, and the constitution of Virginia, those States themselves could not have ceded absolute and unrestrained power over private property of any kind in this District. The citizens of this District had peculiar rights secured in their property by the constitutions of their own States; and if Virginia and Maryland had attempted to cede absolute power over this subject, they would have violated the rights of their own citizens, and would have committed *not* a *legal* act, but an act of *force*. Next to life and liberty, these citizens had, under the paramount laws of the two adjoining States, the rights of property secured in the most solemn and unqualified manner. And as well might Virginia now divorce from herself any portion of her freemen, and transfer them, bound hand and foot, to the jurisdiction of New York, as to have thrown the citizens of this District, in their rights to a peculiar property, upon the unrestrained and tender mercy of this Government.

Again: No State, from the Potomac to the Mississippi, under their constitutions as they now stand, has any right to abolish slavery without the consent of the individual owners. I assert this upon the great principle of English liberty which is incorporated into every constitution, that no freeman shall be deprived of his property but by the judgment of his peers or the laws of the land. The constitutions are the paramount laws of the land, which the action of no Government constituted under them can legally subvert. States may do unlawful acts which their citizens may assent to, or acquiesce in, but this does not constitute legal authority. Those States that hold slaves as property might, if they desired, assemble in their conventions, representing the sovereign power of the community for the specific object of abolishing that property, and the people might choose their delegates for that alone. But this would be a reorganization of the body politic above the Constitution. And even in convention they would do it under the unwritten and organic law that governs all simple consolidated communities, and which exists from the necessity of the case, that the majority must govern. This exists only in a consolidated community, when it is thrown into its simple and original element. And even then the minority acquiesce more from a calculation of expediency than obligation.

Sir, if this view be true of the great principles that regulate even the power of the States on this subject, how futile and shallow is that argument which claims for this Government all the legislative powers here that the States have within their territories! But it is stronger than this. The Government of the United States can acquire no legal power even by consent of citizens. It has no existence beyond the express grants of the Constitution, and no power can be acquired for it by the action or acquiescence of the people, as people, or citizens; this must be given by the States that made it.

There is a wide mistake and loose notion on this subject of the power of Government over private property. Gentlemen draw their ideas on this subject from the history of European Governments and the jurisprudence of Great Britain. If there be any one principle that has distinguished our Revolution from all others, it is this—that we have succeeded in limiting and restricting the power of Government over private property, and more effectually securing the rights of citizens thereto. If this was not the great principle of the American Revolution, then it has none. The line that separates the power of Government from private property is the line that defines the limits of liberty in all countries. I know, sir, that the British Government, under the claim of omnipotence in Parliament, has again and again trampled over the great principles of the Magna Charta, and it is not there that we are to look for examples to define our notions of power in Government over the property of a free people. Under the plea of *State necessity* and the high prerogatives of *police power*, a country may be protected and a people regulated, but the Government may be a despotism. But in this country, with our constitutions and limitations defined, I deny the right to interfere with private property except by "due process of law" through the verdict of a jury of freemen.

It is, however, suggested that, although you cannot pass an act to abolish slavery at present, yet you may pass it to take effect in future, upon the *post nati* principle. Let us examine this. If the rights of citizens be secured unqualifiedly at present under the Constitution, how can you directly or indirectly interfere in the future? If I have a perfect right to my stock, I have a right to its proceeds, and the Government that attempts to cut off the right of proceeds, is as absolute and despotic as that which would take the property itself. A free Government may regulate and shape "*descents*," to preserve and protect them for the benefit of its citizens, but no Government is free that, instead of a wholesome and judicious exercise of its power, usurps to cut them off entirely. If Government have no right to destroy the existing property itself, it has no right to destroy its proceeds. The principle and the power are the same in the one case as the other.

Mr. Speaker, allow me to suggest to our northern friends the propriety, if they can, of taking these constitutional grounds. I respectfully suggest whether it would not be better for them to raise the constitutional restrictions as a shield between themselves and popular fanaticism, than to rely upon the grounds of *expediency*. If they intend to save the institutions of this country, let them raise the constitutional powers against the movements of Abolition in this District; let them go home with the Constitution in their hands, to show that it precludes any interference. I entreat them to take this ground now, and make the issue with this Abolition spirit, when the good and the virtuous have some power and control. Put them down now, by this and strong acts of local legislation, or you will be compelled to come here and cry aloud to save this Union, after it shall be too late, when the beacon fires of an indignant people shall blaze over a thousand hills, and the swords of a hundred thousand freemen shall gleam on high to avenge our wrongs and vindicate our rights.

Mr. Speaker, it has been said that slavery is a "foul blot upon our national escutcheon"—"an evil"—that "all men are created equal," &c. Let us examine these propositions for a moment. "All men are created equal." What, sir, was the meaning that the author of the declaration attached to this proposition? Was it meant that all men are created equally strong and of equal size? Surely not. Was it meant that all men were born free? From the child in the bulrushes up to those of the present day, there never was an infant wrapt in "swaddling clothes" that was born free. Was it meant that all men were born with equal rights to an equal destiny? From the time it was declared that the iniquities of some should be "visited unto the third and fourth generations"—from the days of Moses and the children of Israel—the history of mankind proclaims that there is "an elect and chosen few" made the peculiar receptacles of the favors and blessings of an all-wise and all-pervading Providence. This is the world as we find it, and it is not for us to war upon destiny.

What, then, was the meaning? It was intended to declare the abstract truth that all men were born equally entitled to political privileges. Let us look into this as practical legislators. Throw man back into a state of savage existence; proclaim his physical and brutal propensities triumphant, and himself lord of the recesses of the wilderness, and then this abstract truth may have some practical bearing. But let him accumulate property; let his intellectual attributes triumph over his brutal nature; make him civilized; and send him forth, erect in the image of his Maker, with the light of reason and benevolence beaming from his countenance, then his great characteristic is, that he becomes a social being. Organize him into society, to act with his fellow-men, and then proclaim the abstract truth that all men are equal, as a great fundamental doctrine to be practically acted upon, and you do nothing more nor less than raise his hand against every other man, and every other man's hand against him; and, instead of its becoming a doctrine full of light and peace to a world sleeping in darkness and bondage, it becomes a doctrine of universal discord, confusion, and ruin. True, it is an abstract truth; but, like all other mere abstractions, it can have no actual existence. True and practical liberty, in my opinion, exists among a people who live under a system of ascertained and well-regulated *law* that has grown up from time immemorial out of the experience and absolute necessities of the society that is framed under it; and for one people, living in a totally different region, and under totally different circumstances, to attempt to give a system of political liberty to another people, living under entirely different wants and necessities, is one of the most stupid pieces of folly that belongs to the age, and partakes deeply of that arrogance and presumption which would prompt a blind despotism to proclaim one universal and consolidated system for the government of mankind.

In the nineteenth century, when the great institutions of *civilization* had their foundations laid deep in the wants and experience of accumulated centuries, let no man, in the madness and folly of his zeal, be so reckless as to proclaim a mere abstract theoretical truth for the purpose of calling up the most envious and malignant passions of the human heart, which must result in pulling down all that is settled and peaceful, and spreading around anarchy *and blood*. Let no public man act upon a great people by experimental theories. You may proclaim a truth and form a system perfect in your own mind, but put it into practical operation, and you may bring misery and wretchedness upon a happy land.

Look to the French nation for the last half century, that great source of lessons, so full of practical wisdom. They commenced by declaring that "all men were created equal." And the next great solemn act was to declare there was no

God, and that the "Bible was a lie." What was the result? After they succeeded in transferring the property of the nation from those who had accumulated it, to those who had none, then they chanted *hallelujahs* to their imaginary system of equality, even while the blood of virtue and of innocence flowed in wide-spread sluices from the guillotine, under the hands of Robespierre and Danton. The same sword that was raised on high at Lodi and Marengo, to vindicate the equal rights of republican France, was soon, very soon, grasped by the hand of a tyrant and despot, who waved it dripping with blood over an enslaved and unhappy people. Let no man proclaim universal equality as practically to be enforced in any society on earth, unless he is prepared to appeal to universal revolution to sustain it.

Mr. Speaker, we are denounced before the world for holding a race amongst us in domestic servitude. It is not my province, nor is this the place, to expound the precepts of divine law; but I lay down this proposition as universally true, that there is not, nor ever was, a society organized under one political system for a period long enough to constitute an *era*, where one class would not practically and substantially own another class in some shape or form. Let not gentlemen from the North start at this truth; we are yet, as a people, in our infancy. Society has not yet been pressed down into its classifications. Let us live through an *era*, and then we shall discover this great truth. All society settles down into a classification of capitalists and laborers. The former will own the latter, either collectively through the Government, or individually in a state of domestic servitude, as exists in the southern States of this Confederacy. The only contest in the world is between the two systems. If laborers ever obtain the political power of a country, it is in fact in a state of revolution, which must end in substantially transferring property to themselves until they shall become capitalists, unless those who have it shall appeal to the sword and a standing army to protect it. This is the history of all civilized people. There is not a Government in Christendom that does not rest upon this power, except our own, and here we have substituted for open force constitutions and the concentrated public opinion of communities. But we have not yet lived through experience; and it is yet to be seen whether *bribery*, *corruption*, and fraud shall not take the place, for the present, of the Constitution and public opinion, and finally force the *old appeal to the sword*. To illustrate this position, take one hundred men, and organize them under one Government, and start them with your imaginary notion of all being equal. What is the result? The Creator has made some more active, more economical, more industrious than others, and in five years, in all human probability, forty out of the hundred will accumulate property, while sixty will not. The political power must be supported by taxes and revenue; and if all have equal power, the sixty will lay taxes upon the forty, and distribute the revenue, not amongst the forty, but amongst themselves. This will, in time, substantially transfer the property of the forty to the sixty, or the former must appeal to the sword, when twenty out of the sixty will be paid to constitute a standing army, and form the basis of power in the forty. Let it be understood that, in the political action of classes, the restraints of public opinion and public responsibility do not operate through a series of years; but that man, acting in his collective capacity, is essentially impelled by his appetites, his passions, and his *interests*. It is only in his individual capacity that he becomes an intellectual, moral, and virtuous being.

Let us analyze any Government on earth: take, for instance, the British Constitution. The House of Lords represents the landed capitalists of Great Britain; the House of Commons the commercial and manufacturing capitalists; and both together represent the aggregate capitalists of the country. The King is supported as a third power, to check and balance the two other equal powers, and give vigor to the system. They are mutually interested in one thing only, and that is to ascertain what the labor of the nation will live on; and all over and above that they take and divide among themselves, and the interests they represent, by the power of raising revenue, and in its distribution. This they do in the ten thousand shapes and forms which human ingenuity and wickedness can invent, through a standing army and navy, the civil and diplomatic corps, and half a million of pensioned profligates, besides the whole system of taxation, by which all capital is kept at home. But nothing but open agrarianism can much longer keep in peace and subjection an excited and *hungry* multitude, who, under the cry of the "poor against the rich," may be raised to clamor for vengeance around the vaults of hoarded wealth.

The capitalists north of Mason and Dixon's line have precisely the same interest in the labor of the country that the capitalists of England have in their labor. Hence it is that they want a strong Federal Government, through which they may more effectually control the labor of the nation. But it is precisely the reverse with us. We already have not only a right to the proceeds of our laborers, but we own a class of laborers themselves. Hence it is that we want a strong Government at home and a weak one here, except so far as concerns our foreign relations. And hence it is that no doctrine, that makes this Government controlled by the simple action of a majority of mere numbers, can be more desolating and fatal in its effects upon us. This, sir, is the basis of all difference between the slaveholding and non-slaveholding States of this Confederacy. But let me say to gentlemen who represent the great class of capitalists in the North, beware that you do not drive us into a separate system; for, if you do, as certain as the decrees of Heaven, you will be compelled to appeal to the sword to maintain yourselves at home. It may not come in your day, but your children's children will be covered with the blood of domestic factions, and a plundering mob contending for *power* and *conquest*.

Mr. Speaker, let us look for a moment into this sudden crusade, raised all over the world against domestic servitude. The British Government violated the rights of property to emancipate a race in the West Indies, only to throw them upon the world, strolling vagrants and vagabonds. And it is remarkable, that the same Minister who held in his hand the act of emancipation to the black man abroad, rose in his seat to congratulate the nation that he was enabled to withdraw troops from foreign stations, and to "place them in the manufacturing districts" at home, "to keep down insurrection and disturbance." While a mistaken sympathy, and bigoted and fanatical religion, can prompt men to feel for the imaginary evils of the black or red man of distant regions, there seems to be no heart for the suffering and slavery of the white man at home. The same Government that suffered itself to be forced to an act of emancipation, through the influence of stupid fanaticism, aided by the instigations of the British East India Company for the purposes of gain and monopoly, actually holds in political vassalage at home, *Ireland*, the land of genius and eloquence. While seven millions of men around them feel all the pressure of despotism and abject slavery, in want and misery, they have the hardihood and shamelessness to proclaim emancipation abroad. While England holds in bondage one hundred millions of human beings in her East India possessions, where, if any *native* should dare to raise a voice, even although that voice should be that of a *female princess*, against British clemency or the British Government, immediately fifty thousand bayonets would spring up for plunder and murder; yet, sir, while this is notoriously the case, she has the hypocrisy to preach universal emancipation.

Take, sir, a case nearer home. In the city of New York it is that societies upon societies have been formed, and thousands upon thousands raised to alleviate the evils of the far South, and to regenerate our country. Go into that city, visit "Five Points," and then gaze, if you can, upon the scenes of wretchedness, guilt, woe, and misery. Behold thousands upon thousands, of all hues and complexions, dragging their starving and emaciated forms from their dens and cellars into the light and warmth of day to support sinking nature. I solemnly believe there is more want, more evil, and more suffering in that single city, than exists from the Potomac to the Mississippi. It would take all the resources of their societies to relieve those who suffer at home. Yet the stupidity, bigotry, and fanaticism of modern days, which are sweeping through the land, seem only to seek out distant objects, when the imagination exaggerates evil on which to exercise their blind and ignorant benevolence.

Mr. Speaker, as to the particular treatment of those we avow to hold in bondage, and our peculiar rights in them, I scorn to vindicate either the one or the other HERE. But let me say, sir, that our system of domestic servitude, where all the sympathies and interests that can bind individual capitalists and individual laborers together exist, is the same patriarchal system that existed in the first ages of society. Our classification is into blacks and whites, and we openly avow before the world that we own the former through both intellectual and physical force. We have nothing to conceal or disguise. Ours is the ancient system of society that existed amongst the Greeks and the Romans, and, to a certain extent, in the feudal serf system of the Gallic race. And here let me refer, when the world supposes it full of intrinsic weakness and evil—let me but refer to a single instance. I allude to Attica, when there were five hundred and thirty-six thousand souls, and out of them only one hundred and twenty-two thousand free citizens. And where does the world look for the highest specimens of art, and taste, and refinement? Where for the loftiest and purest strains of poetry and eloquence? Where for the noblest and most exalted examples of arms and patriotism, but to Athens. Ours is a frank and bold system that sustains itself by open and undisguised power. And, let me say, that here consists the great difference between the ancients and the moderns: the former were more open, frank, and bold; the latter have more ingenuity, duplicity, and cunning. The modern system of ruling classes through the Government and party ascendency rests upon duplicity, bribery, and fraud.

Hence it is that there has not been, for the last hundred years, a statute passed in Great Britain, professing to give equal rights and privileges to the great mass of the people, whose preamble is not full of falsehood and hypocrisy. Public men are trained up from the institutions of modern society, to practice deception, duplicity, flattery, and fraud, that one half of society may rule the other half.

Look, for instance, to the State of New York as things now exist there. We find an *artful*, *profligate*, and *daring* party, leagued together by moneyed corporations—by the distribution of offices, and the power and terror of perfect organization, for the open purpose of swaying the political destinies of the country. Sir, I solemnly believe that, for baseness of purpose and in degrading means, no party has ever risen in any civilized country to equal it, since the Jacobinic clubs of France held their midnight meetings; when no man dare whisper the secrets of his heart, even to the partner of his bosom, without being arraigned under their terrible *inquisition*. I appeal to the minority from that State on this floor, to know if they do not live under a system of political vassalage, in which the dominant party openly spread out upon their banners "booty, booty!" "the spoils of victory belong to the conquerors!" and under this vile standard call upon their mercenary bands to gather in the plunder of a sacked camp. Sir, they preach democracy and universal equality to us, and practise political despotism at home. This is the cant, duplicity, and profligacy of modern times.

Mr. Speaker, I owe, perhaps, an apology to this House for speaking so plain; but, sir, I have been taught from my father's board to disguise no sentiment I entertain. I know I have uttered sentiments little calculated to please those interests that now hold the destinies of the country in their hands. I know that what I have said is ill calculated for popularity in this country, but I speak the truth as I believe it to exist, and ask no favors of any man or *set* of men living, save my own constituents.

Sir, it may be said that what I have uttered tends to disunion. I did not come here, demagogue like, to talk about the glories and the blessings of this Union. These stand recorded in the history of the country, and need no feeble voice of mine to hold them up to the admiration of the world. But let me here say to gentlemen from the slaveholding race, *beware! beware!* unless in your generous and patriotic attachment to this Union you should find yourselves finally dragged down and kneeling in idolatrous worship before some idol made by human hands of the *present day*.

That *Union*, which springs from ambition and fanaticism—an unnatural offspring, begotten in sin and iniquity, foul and loathsome from its leprosy—bloodshotten and bloated from reveling in spoils plundered from others—I scorn to love. Raise not up this *monster-god*, and call upon me to bow down and worship at its unholy and unhallowed shrine. I disdain to do it. Give me that Union which springs from truth and virtue, fair and comely in its form, in a bending attitude with an outstretched arm, to raise the feeble and protect the weak; dispensing equal and political favors, and imposing equal burdens on all sections; give me the Union under the *Constitution;* give me the Union that has borne our *stars* and our *stripes* to the remotest quarters of the habitable globe; give me the *Union* that our *fathers* gave us, and I will *pledge* the last drop of blood in my veins to *vindicate* and defend it—but *no other Union*.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

REMARKS OF HON. R. FRENCH,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

April 21, 1836.

The House took up the bill making appropriations for the Civil and Diplomatic expenses of the Government for the year 1836. The question being on the final passage of the bill.

Mr. MERCER moved to recommit the bill to the Committee of the Whole on the state of the Union, with instructions to reduce the appropriation for the custom-house of New York from $300,000 to $100,000; and also to add another section to the bill, by which $23,861,972 of the net proceeds of the public lands should be distributed among the several States, according to their federal numbers.

Mr. FRENCH inquired of the Speaker if the motion made by the gentleman from Virginia permitted a range of debate beyond the merits of the question raised by the motion itself?

The SPEAKER replied, the debate must be confined to the merits of the question pending.

Mr. FRENCH said it was not his object or wish to transgress the rules of order, but there were certain subjects upon which he desired to speak, if it were permissible under the rules of the House to do so; and, therefore, he had made the inquiry. He would, however, respect the decision of the Chair, and on some future occasion go at large into the subjects to which he alluded. Whilst up, however, he would take occasion to say that, during the last summer, and before he was honored with their confidence, many of his constituents understood from him most distinctly, and in a public manner, that he was in favor of distributing among the States the net proceeds or surplus money arising from the sale of the public lands. His constituents were intelligent and patriotic, and knew as well as he did, that the Congress was under paramount obligations first to apply to all national objects as much of the public money as the public interest and service required. That being done, the balance of the net proceeds of the public lands remained to be disposed of by Congress. He held himself incapable of deceiving his constituents, and every pledge made should be, on his part, honestly redeemed. They would not expect, however, much less require of him, in the discharge of his duties here, to depart from the established usages of legislation, and jeopardize the passage of the bill under consideration by an amendment which, if added to the bill, might, and probably would, defeat it.

He could not concur with the honorable gentleman in incorporating in this bill the amendment proposed. He did not pretend to a correct knowledge of the rules of this House, or what were or were not proper subjects to introduce as amendments to this bill; but he could see no necessary connection between the subject embraced in the amendment and that contained in the bill; on the contrary, for reasons which were to his mind most obvious and convincing, he should be compelled to vote against the amendment.

What are the title, character, and object of the bill under consideration? It is a bill making appropriations for the payment of the civil and diplomatic expenses of the Government for the year 1836. Its character is in unison with its object; and that is, to provide for the payment of the President, Vice President, heads of Departments, clerks in the several Departments, Judges of the Supreme Court, judges of the several Federal district courts; in short, of all the civil officers of the United States, and of our diplomatic corps with foreign nations, with which we maintain a friendly intercourse. This bill is one required by law to be passed, and Congress is bound to pass it. If it should be defeated, all those officers would be deprived of their pay, and the great interests of the nation consequently neglected, unless they would work for nothing.

He said there were other reasons growing out of the established order and usages of legislation, operating strongly against the proposed amendment. He alluded to the well known arrangement by which different subjects of legislation are classified and embraced in their appropriate bills. The subject, for example, of your navy-yards belongs to your navy-yard bill; the subject of the Navy, to the navy bill; the subject of the Army, to the army bill; the subject of fortifications, to the fortification bill; and the bill under consideration, having for its object the pay of the civil officers of the Government and foreign Ministers, appropriately exhibits its own classification. Should the amendment, therefore, prevail, it would derange the order of business, break in upon the settled precedents of legislation, and, by its example, lead to the accumulation of all the great subjects of legislation into one general bill; a state of things the effects of which can be better imagined than described.

Sir, he asked, how would it look to see a proposition to distribute the net proceeds of your public lands incorporated in your bill to arm and equip the navy of the United States—in your army bill—in your fortification bill? And is not the incongruity equally obvious in tacking it to your civil list bill? He, for one, thought so.

The subject of the distribution proposed in the amendment of the gentleman, was of magnitude sufficient in itself to deserve and receive from the House a separate consideration. It should be disconnected from all other subjects, and undergo the most careful, impartial, and profound investigation. It had ever been so treated and considered, and he thought its importance commanded that respect for it at least. Why, then, depart from the usual course? He would submit to the honorable gentleman, whether the course he was pursuing did not put this highly-important bill, especially if his amendment prevailed, to the hazard of becoming a law; and whether, if it failed, its defeat might not lead to an interregnum in the Government? He would also remind him, that he was equally jeopardizing the object of his amendment. He (Mr. F.) thought he could discover a state of things in the House, evidently evincing the propriety of withdrawing the amendment, and appealed to the honorable gentleman to withdraw it.

A few days ago, he said, an honorable gentleman from Massachusetts [Mr. GRENNELL] asked leave to introduce a resolution, the object of which was to distribute the net proceeds of the public lands, retaining to the new States within which they lie a certain per centum in land or money. He (Mr. F.) was one of those who voted to let in that resolution, but it was refused by the House. If it had been received, the House would have had it in its power to have modified its terms so as to have made it acceptable to the House. He was disposed to give all subjects a free and full investigation, and therefore was willing for that resolution to come before the House.

He said there was a bill pending in another part of the Capitol, which, if it came to the House, would present the whole subject of distribution. The Kentucky resolutions, also, upon the same subject, were before the House, and had called forth discussion. Why not permit those resolutions to go to a committee with the instructions appended to them, by which the committee will be required to report a bill to the House, and for that bill to experience the ordinary course of legislation? For one, he was willing to refer them, with the instructions, and so bring up the subject. He was not disposed to exclude from the House any subject worthy of its consideration, and therefore should continue to vote for the admission before the House of the different schemes, in order that the best might be selected, and, if possible, made unexceptionable.

The honorable gentleman [Mr. MERCER] was pleased in his remarks to refer to the veto of the President upon the land bill heretofore passed, and to inform us that his amendment avoided all the objections made by the President to that bill. He (Mr. F.) would also allude to that veto, as another reason why this amendment ought not to be attached to this bill. Whether the President would or would not veto a land bill, passed in the shape of the amendment of the honorable gentleman, he did not know. He, in fact, knew nothing on that subject, and, but for the example set him by the gentleman himself, he would not have said a word about the veto.

If, however, the amendment should prevail, and the bill be vetoed because of the amendment, and Congress should adjourn without passing the bill, as was the case with the fortification bill at the close of the last session, upon whose shoulders, he asked, would the responsibility rest? Did not the country look to the majority as responsible for the necessary legislation called for by the public interests, and would not the blame rest, and justly too, upon them? Ought not the majority, then, to exclude from important bills everything endangering their passage, and especially a subject not within the legitimate range of the bill? He thought so; when he alluded to the majority, he meant no disrespect to the minority. He did not doubt their intelligence or patriotism, or that they were equally influenced by the high obligations which rested upon and stimulated the majority; but merely intended to say that the majority, and not the minority, would be held responsible for the loss of this bill, if it were lost; a loss infinitely more to be deplored, because infinitely more injurious to the country, than *that* of the fortification bill. He was compelled, therefore, to vote against the amendment proposed.

In giving that vote, however, he must not be understood as opposed to the distribution of the money among the States, according to their federal numbers, or as evading his obligations to those by whom he was honored with a seat here. He would most cheerfully and unhesitatingly redeem those obligations, whenever an occasion arose in the House in which it could be done consistently with the precedents and usages of parliamentary proceedings. He added that it was to guard against all misconception in regard to the course he felt bound to pursue, and withal to show the impropriety of connecting with the bill under consideration the subject of distribution contained in the amendment of the honorable gentleman, that he had been induced to trouble the House at all.

ABOLITION OF SLAVERY.

SPEECH OF HON. GABRIEL MOORE,

OF ALABAMA,

IN SENATE, *February* 12, 1836,

In support of the motion not to receive the Petition from Pennsylvania, presented by Mr. BUCHANAN, for abolishing Slavery in the District of Columbia.

Mr. MOORE said he felt sensibly the obligations imposed upon him by the courtesy of the Senate, by their adjournment, when this subject

was under discussion at a late hour on a former day: and, in order to make what he had no doubt they would receive as a suitable return for that indulgence, he promised to be as brief in his remarks as possible; and he would not even now trespass upon their patience for a single moment, except for the peculiar course of remark that had been indulged in by certain Senators, and the high state of excitement which prevailed in the section of country from which he came, connected with the subject.

Mr. M. desired to assure the Senator from Pennsylvania, [Mr. BUCHANAN,] who introduced this petition, that, in anything he should say, or in the vote which he was about to record against receiving the petition, he was not influenced by any want of regard for that orderly and highly respectable body of men from which it emanated; for he believed in his heart, as a profession, the Society of the *Quakers* or *Friends* had as much to command his regard as any other. It was true (he said) there were certain points in their creed or book of faith to which he could by no means subscribe.

But it was claimed for these petitioners that they had assumed their attitude before the Senate under the Constitution, and that the Senate had no right to refuse to receive their petition.

Mr. M. said it was with great deference—great deference, indeed—to the opinion of others, that he begged leave to say, in his opinion, that that article in the Constitution which guaranties to the citizens of the country the right peacably to assemble and petition for the redress of grievances, had nothing to do with this matter whatever; that it was entirely foreign to the subject; and asked whether Congress was about to pass any law having for its object the infringement of this right, thus secured, peaceably to assemble and petition for the redress of grievances. Was any such proposition pending? No. Had these petitioners complained of any grievance with which they were afflicted? No. They had complained of the existence of slavery in the District of Columbia as a grievance, and they had complained of the slave trade in the District of Columbia, which they had been pleased to denounce in no measured terms. They had also taken the liberty to denounce those who participated in that trade. And to these allegations he said he would make a single reply. He said, if slavery in the District of Columbia be an evil or a grievance, it was one which it belonged exclusively to the people of the District to adopt the necessary measures to redress and be relieved of, and not to the people of Pennsylvania. And as regarded the traffic carried on in the persons of slaves, this had been the case ever since the Government was established; and he was glad to know this property was secured and guarantied, not only to the citizens of the District of Columbia, but to the citizens of all the slaveholding States, by that sacred instrument, the Constitution of the land, which we were all sworn to support. He said he regretted that these petitioners had, in this instance, violated a rule of propriety in their own deportment which he believed they very seldom violated upon any ordinary occasion. He alluded to the rule called by some "a golden one," by others "the eleventh commandment," "that enjoined the duty upon each member in society to attend to his own business, and let his neighbors alone."

These petitioners had unceremoniously left their own domestic firesides, and had thrusted them here before the Senate, and demanded that they should be permitted to meddle with their neighbors' concerns. Suppose (said Mr. M.) these petitioners were to take it into their heads that the existence of slavery in Alabama, or in any other State, or suppose they were to imagine the liberty of speech or the freedom of the press, to the extent they have been exercised of late, were grievances, (and he could not doubt but many would agree with him that the freedom of the press had been grossly abused and licentious,) yet would a petition, embracing these topics, be received by this Senate? He thought not.

Then, as to the language in which this petition is couched, although it was not as offensive as that employed in other petitions on the same subject, yet it was certainly highly objectionable; for he said it could not be disguised that, in this petition was a serious charge—made, it was true, more directly against the good people of the District of Columbia, but it also included a portion of his constituents. The slave trade in the District is denounced, and those who participate in it are denounced as being as base, as criminal, and as guilty, as if they were to be concerned in the *African slave* trade, which it was known our laws have characterized PIRACY, and annexed to its commission a *capital* punishment. He said he must be permitted, as far as his constituents were concerned, to enter in their behalf "the plea of not guilty;" and he would go further, and say they were not only not guilty, but entirely innocent, and not only innocent, but slandered. He said he would enter the same plea in favor of his colleague [Mr. KING] and himself, for they, too, had purchased slaves in the District *for their own plantations;* and he was unwilling to admit that they had committed any crime, much less one of so serious an import as that charged.

Mr. M. said he would feel it his duty to say more in defense of the moral character and reputation of the people in the South, who had been wantonly assailed as regarded the treatment to their slaves; but upon this branch of the subject he had been anticipated by the honorable Senator from Virginia, [Mr. LEIGH,] who had been so happy in putting this matter in its proper point of view, that but little was left for him, except to tender the honorable Senator his thanks, and the thanks of his constituents, which he had no doubt he would receive as he would the gratulations of his own constituents, the citizens of the *Ancient Dominion*, whose honor, views, and principles, constitutional rights, and privileges, he had so ably and eloquently defended and supported.

Mr. M. said, on this point he would only add, that, to those who knew the southern people best, there would be no difficulty in doing them justice; they would at once admit that these attacks were made either through a gross ignorance of their character, or from a design willfully to misrepresent them. The principles of humanity, (said Mr. M.,) (which he fondly hoped had as much influence in a southern as a northern climate,) as well as a proper regard for their own interest, dictated a different treatment to their slaves. Sir, (said he,) they constitute our property, our wealth, and, in some instances, our *all.* Our interest, therefore, requires that we should see that they are treated with humanity, in order that we may derive the greatest possible advantage from their services. And, sir, (said Mr. M.,) I will not hesitate to say they were well treated, well fed, well clothed, furnished with comfortable dwellings to shelter them from the cold and from the rain—yes, sir, and they are well satisfied, and well contented, too, and would remain so, if permitted, if these officious intermeddlers, these enemies of our peace, these instigators of insurrection, would only stay their hand, would let us alone. And surely we have a right to demand this much; less will not quiet or satisfy the South.

As a suitable commentary upon the manner in which the South has been slandered and abused, and a suitable commentary, too, upon the character of those base incendiary productions with which that section of country has been literally inundated of late, he would refer to a little book that had by accident got into his hands; it contained some plates, engravings, &c., one object of which was doubtless to place the southern people in the most odious and degraded point of view that it was possible to imagine, at the same time that it laid the foundation for rebellion and insurrection among a portion of our population. He would not say that this was a principal object in the authors of this work, but he would say, this was among the natural consequences of productions of this character, connected with another result not much less objectionable—the creating prejudice and ill-will in the breast of the northern against the southern people. Mr. M. said, no person of sensibility, of whatever political party he might be, whether he hailed from the South or the North, the East or the West, could read a half page in this pamphlet, and be able to suppress the most indignant feeling. Sir, (said Mr. M.,) will the Senate excuse me for reading one sentence only, on the first page, as a sample of the work? Here Mr. M. read as follows:

"One of the reasons why the southern States advocated the purchase of Louisiana and Florida was, that they might be able to recover their *runaways*, as well as to open a market for their surplus slaves, and increase the number of the slaveholding States.

"For the same reasons, they now urge the purchase of Texas."

Was ever a more foul calumny or base libel published against any community or class of citizens?

Sir, (said Mr. M.,) I wish this incendiary author, whilst he was so very learned and orthodox in the reasons assigned which influenced the republican administration of Mr. Jefferson in the purchase of Louisiana, had been pleased to furnish us with those which influenced the course of certain politicians in getting up and transmitting to Senators here, and members on the other floor of the National Legislature, instructions by which an opposition was made to the admission of Missouri into the Federal family, unless she would come in with a restriction as regards slavery, and which opposition was waged and prosecuted with a spirit and violence that threatened the integrity of the Union itself. Mr. M. doubted not but this author, from his peculiar locality, could have informed us whether that opposition was predicated upon political considerations, in order to prevent an accession of political power, in proportion to the black population, which is entitled to representation according to the principles of the Federal Constitution, or whether it proceeded from the dictate of humane and philanthropic motives, which these fanatics make great profession of, without possessing the least particle of such feeling.

Mr. M. said he had intended to have prosecuted this inquiry with a view to ascertain, if possible, the secret motive and latent springs which gave rise to the instructions and opposition alluded to; but (he said) he feared he would be deemed as approaching forbidden ground. He was well aware some would think it unkind to open old wounds. Some honorable Senators deprecated discussion on this subject; they deprecated excitement—caused by whom? Not by us who oppose the reception of these petitions, but by those who get them up and send them here. He was well apprised that the fears and sensibilities of certain gentlemen were easily aroused, lest by inquiry and discussion a political partisan leader should be involved. He, therefore, would not prosecute this subject further; he would not even say what he had intended to say, and what might be very well said in connection with this subject, but would return to the petition of the citizens of Pennsylvania, asking the abolition of slavery in the District of Columbia. And Mr. M. desired to know where was the utility of receiving this petition for the avowed purpose of rejecting it immediately. Would the petitioners consider themselves as being treated with more respect by giving this direction to it than if its reception was refused? Would they be inclined to appreciate that right, guarantied by the Constitution, peaceably to assemble and petition for the redress of grievances, of which gentlemen talk so much, as being worth one cent, if it only extends to the right of having a petition read, and the prayer contained therein forthwith rejected, without having it referred or even considered in any manner? Gentlemen attempt to draw a distinction between a proposition to reject the petition and one to reject the prayer of the petition; but surely this is a distinction without a difference, and so he imagined the Quakers of Pennsylvania would think.

Mr. M. asked whether this procedure was necessary in order to give Congress jurisdiction in this case? Was it necessary, in order to hold out the idea to those petitioners and others who partake of their views and feelings, that they have a constitutional right to petition Congress to abolish slavery in the District of Columbia? Was it necessary, in order to encourage persons of this description, to continue to harass and embarrass Congress with applications of this

character? If this was to be one of the consequences of receiving this petition, to his mind it furnished an additional reason why the petition should not be received; for he would not admit tha any had the right to approach that body, and demand, or even to petition, for the adoption of a measure which it was admitted that Congress had no right constitutionally to pass; and, upon this point, he believed there was no difference in opinion among those representing the southern section of the Union.

But (said Mr. M.) he had already intimated that an extraordinary state of excitement prevailed in the section of country from which he came, connected with this subject; and, in confirmation of this position, he would refer to the numerous public meetings that had been called by the citizens of the State. He believed the people in every populous county had congregated themselves together for the purpose of adopting such measures as they deemed best calculated to secure their safety, and avert the evils and dreadful calamity with which they were threatened by the publication of these incendiary pamphlets. Resolutions had been adopted advising a more rigid discipline over our servants; patrols recommended to be kept up incessantly day and night; passes refused to be given in the usual way; they not permitted to assemble for the purpose of holding their own public worship as usual; and many other measures, looking to additional restraints upon the comfort and liberty of the servants themselves, had followed as natural results from the state of excitement. But (said Mr. M.) this was not all: resolutions had been adopted invoking the aid and the action of the General Assembly upon the subject, and the General Assembly had accordingly acted.

A memorial had been adopted by the General Assembly, addressed to the Legislatures of the States whence these insurrectionary pamphlets issued, a copy of which he had the honor of presenting to this body, and which the Senate indulged him in having printed; a copy of which now lies on each Senator's table. In this, it will be seen, a most earnest appeal is made to these legislative bodies, urging the propriety and justice of legislative enactments to punish the offenders. Is more evidence wanting? It would be found in the correspondence which he had seen published between the Governor of the State of Alabama [J Gayle] and the Executive of the State of New York; wherein it appears that the former had felt it to be his duty, in accordance with the oath he had taken to see the laws of the State faithfully executed, to make a formal demand upon the latter for the surrender of a certain individual against whom a bill of indictment had been found by the grand jurors of a respectable county, charging him with having wickedly and maliciously published and circulated these incendiary publications in that State. It is true, the Executive of the State of New York made a very courteous reply to Governor Gayle, declining a compliance with his command. He refused to deliver up the celebrated —— Williams, publisher of that notorious and insurrectionary work, upon constitutional grounds. But, (said Mr. M.,) as the Executive of New York had admitted it was constitutional for the General Assembly of that State to pass laws to punish those who might publish pamphlets calculated to excite rebellion and insurrection in a sister State, he regretted that, *whilst the Executive of New York* had made the most liberal professions of kind feelings for the people of the South, he should have declined to recommend to the General Assembly over which he presided, and exercised such a commanding popularity, the propriety and necessity of legislative enactments to punish the individual whom he had refused to deliver to the authority of Alabama, and his associates, for the prosecution of these nefarious and wicked schemes in which they are engaged, calculated to annoy, and finally to threaten the peace and safety of the southern country. Mr. M. said he could not doubt, if such a recommendation had been made by the Governor of New York in good faith, that such enactments would have been passed; and such would have been more gratifying to the southern people than mere empty declarations or expressions of friendly feelings; they would then have had the action of the Executive in confirmation of his friendly expressions of kind feeling for the South. He said he regretted that the Governor had not embraced the favorable opportunity that had been afforded him to prove the sincerity of the declarations so frequently made by northern gentlemen in favor of the southern people, as connected with this subject.

Mr. M. said it was not necessary for his purpose that he should either commend and laud the Governor of Alabama for the course he had pursued in relation to this subject, or that he should censure the Executive of the State of New York for the manner in which he had thought proper to discharge his official trust to his constituents. His object in adverting to this topic was to show the high state of excitement that prevailed—a state of public feeling that had scarcely a parallel at any former period in the history of our country.

Mr M. said there were other circumstances connected with this matter, well calculated to excite fears that there was something more intended by the abolition party than met the public eye. He said he had been informed that from two to three hundred of these petitions had already been presented to the other branch of the National Legislature. Many had been presented here, more than ever had been presented in the same length of time at any former session; how many more were yet lying in the table drawers of honorable Senators, and in the drawers of members of the other House, waiting a favorable moment to be brought forth and presented, he could not say; nor could he pretend to say how many of these misguided fanatics were then industriously engaged in the laudable work of manufacturing these petitions at the very moment the Senate were discussing the propriety of receiving one of them. One thing he did know, that the number of the petitions had increased; he was informed the anti-slavery societies had increased; their exertions had been doubled, and their assaults trebled of late, upon the District of Columbia; doubtless for a good reason, in their opinion, the District may present the most assailable point, from its peculiar organization; and hence, they have concentrated all their force against the District in the first instance; but his word for it, give them but ground to stand upon here, and more than half their object is accomplished; for he had formed the deliberate opinion that this movement was intended only as an entering wedge to a great and general scheme of emancipation, that, if encouraged, would be prosecuted with a zeal and perseverance that merited a better cause, into all the slaveholding States; and, entertaining this opinion, he felt it to be his duty, representing the section of country from which he came, to vote against receiving the petition, in order, if possible, to arrest the project in its incipient stage. He thought it was not only our duty to reject the petition, (or the prayer of the petition, for he could see little or no difference,) as the Senator from Pennsylvania, [Mr. Buchanan,] who introduced it, was willing to do, but he thought it should be rejected in the most decisive manner possible—that the seal of disapprobation should be put upon the measure in that stern and emphatic manner that would be the best calculated to put down this mischievous project forever.

Mr. Moore said he was glad the honorable Senator from Virginia to his left [Mr. Tyler] had introduced a resolution on this subject which would not give quite so wide a field for debate. He understood the resolution presented the single constitutional point, and negatived the constitutional power in Congress to meddle in any manner whatever with the relation between slave and master in the District of Columbia. When this resolution shall be discussed, (and he hoped it would be called up and acted upon very shortly,) Mr. M. said we should then see who would be willing to march up to the sticking point boldly; who would show their hands; who would yet halt and occupy neutral ground; and from what quarter "the non-committals would come." Until a decision was had, the South could not know their true position. When the question was finally acted upon and decided, they could then claim to know that those who were not with them were against them.

SURPLUS REVENUE.

SPEECH OF HON. ASHER ROBBINS,

OF RHODE ISLAND,

In Senate, *February* 18, 1836,

On the Resolution introduced by Mr. Benton, respecting Fortifications, &c.

Mr. Benton's resolution for appropriating the surplus revenue to national defense, was taken up as the special order.

Mr. ROBBINS rose and addressed the Senate as follows:

The proposed appropriation of $3,000,000 on the last night of the last Congress, (now forced into this debate, on the resolution now proposed to pledge the surplus revenue to the defenses and armament of the country, and making so prominent a part in this debate, though it has nothing to do with the merits of the question presented by the resolution,)—this $3,000,000 appropriation, I say, was refused, on the ground that it could not be granted as proposed without a violation of the Constitution, which we are all sworn to support, or, in other words, which we are all sworn not to violate. It is true, other objections were urged, and had their weight; but this was the decisive objection; at least, it was so with me, and, as I believe, with that abused majority with whom I voted. I think it the more necessary to make this statement, as I see the ground of refusal by the Senate has been strangely misconceived, or still more strangely misrepresented, in quarters and by persons of whom better information or more candor might have been expected.

I propose, now, simply to review the ground, and to confine my remarks to the argument that went to prove conclusively, as I then thought, and still think, that such an appropriation would be a violation of the Constitution:

The proposed appropriation was in the following words:

"*And be it further enacted*, That the sum of $3,000,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the Navy: *Provided*, Such expenditure shall be rendered necessary for the defense of the country prior to the next meeting of Congress."

Who was to judge of the necessity here spoken of? The President himself. Then the money was to be placed in the hands of the President, to be used *at his discretion*. How was the money to be expended? For any naval or military preparation for the defense of the country, and that also *in his discretion*. Under the implied authority of this vote, then, the President might raise an army in addition to our present army; for this would be for military service in defense of the country, *if he chose so to consider it*. Under the express authority of this vote, he might provide a navy in addition to our present navy; for this, too, would be for naval service in defense of the country, *if he chose so to consider it*. I need not say, that an authority to do these things implies an authority to do all other things which would be necessary and proper as means to these ends.

How any constitutional jurist could conceive that such an appropriation, with this sweeping authority, would not be a violation of the Constitution, or how any such jurist can still contend for such an interpretation of the Constitution, I am at a loss to imagine. Why, who does not see? It is to transfer, by a vote of Congress, to the Executive, all the powers of war, except merely those of issuing letters of mark and reprisal, and of actually declaring and waging war; powers vested by the Constitution in *Congress*, expressly and exclusively. The Constitution expressly ordains that the Congress is to raise armies and to provide navies; and yet this appropriation would have authorized the Executive to do both. I need not remind this body, for to them it is a truism, that all the powers of Congress are trust powers, and incapable of alienation or substitution by the trustee. Where is the constitutional jurist, I ask, either here or elsewhere, who will seriously contend that Congress can transfer the constitutional powers expressly

intrusted to them, exclusively intrusted to the Executive, to be executed by him? Yet we have heard an honorable gentleman on this floor boast that the moment when he voted for this appropriation, as proposed, he considers as the proudest moment of his life. What a life that must have been, if its proudest moment was that in which an effort was made, though unsuccessfully, in which he participated, and of which he might say "*magna pars fui*," that went in its direct tendency and effect to make an open inroad upon the Constitution of his country, and to undermine its fabric; to unframe its very frame by subverting the great principle of its structure—namely, that of keeping and confining its different powers to their different departments; a separation essential to the very being of a free Government; and in which, and by which, liberty herself has her life and breath and being and aliment! But here I take the part of the gentleman against the gentleman himself, and deny that he has done justice to his life. I do not believe that his three million vote is the climax of his merit, the crowning glory of his life; nor that his biographer will so consider it. On the contrary, I believe that the merits of his life are so many, and so much brighter, that his biographer will omit the mention of this altogether; or, if this cannot be done, that at least he never will record it as one of his eulogies. It will be one of those passages in his work which the biographer, if a friend, will be willing the reader should overlook or forget as soon as possible.

But it is said the objections might have been obviated by amendments. But how could this be? Recollect the appropriation was to be not only contingent, but discretionary—discretionary as to the object. The discretion was the great thing desired of us; this was the end and aim of the project. Now, to make it specific would be, not to amend, but to destroy the project altogether. Subsequent events show that it was so considered, for the conferees did make it specific; and because they did make it specific, the project was abandoned, and considered as lost and destroyed, and all appropriations for defense were indignantly abandoned with it. True, this was not avowed at the time; nay, it was studiously disguised; for, indeed, it would not do to avow that the Executive insisted on this discretionary power as the condition *sine qua non* to the country, for having any, even the ordinary, appropriations for the works of defense. Nor would it do to avow that the President himself desired a discretion that, in the then critical state of things, would make him the arbiter of peace and war between the two countries, believed, as it then was and would be, that the desire of this discretionary power was prompted solely by his hostile feeling and intentions towards France. Hence, all that parliamentary machinery was got up and played off in a House of Representatives now gone by, (of which we have seen the evidence in their Journals,) to give out the appearance to the public that the agreement of the conferees was not reported to the House, either for the want of time before the House became defunct, or for the want of a quorum to receive the report; and for the further object, to have a pretext for fastening upon the Senate the odium of having occasioned the delay which had occasioned the loss of the whole bill, containing all the ordinary, as well as extraordinary, appropriations for the defense of the country.

But what has all this to do with the real question? The real question is, whether the appropriation as proposed was constitutional? That is the question on which we voted, and that is the vote which we are challenged to vindicate. Its correctness or incorrectness must be tested by the Constitution, applied to the appropriation as proposed, not to the appropriation as it might have been proposed or might have been modified. We stand or fall as the Constitution shall determine the appropriation as proposed to be or not to be constitutional; so do the gentlemen who voted for the appropriation as proposed. They can derive no justification from the possible modifications which might have been given, but were not given, to the appropriation.

The Constitution ordains that "no money shall be drawn from the Treasury but in consequence of appropriations made by law."

Now, an appropriation may be either general or specific; and it is made a question of interpretation whether specific appropriations only are hereby intended. This is the interpretation which the practice of the Government has put upon this clause, and it is founded upon reasoning which appears to me conclusive in favor of the practice; the reasoning alluded to I will advert to hereafter. At present I only say that it is not necessary to decide this question of interpretation in order to decide upon the constitutional character of the $3,000,000 appropriation; for that goes beyond appropriation even the most general, which implies some object or objects already defined and established by law for the expenditure. But this appropriation gave not only discretionary power over the money, but power to originate and establish the objects of expenditure, and objects which it is only competent for the legislature to originate and establish. In this, its distinguishing feature, making its distinctive character, this $3,000,000 appropriation has no precedent in our history, none that has a semblance of analogy to it, not one. The $1,000,000 appropriation for diplomatic intercourse, and the $2,000,000 for the same object, so vaunted by some gentlemen as precedents in point, were not even general appropriations; for, though general in appearance on the bill, yet coupled with the proceedings had by the Executive and the Senate, but for public reasons had in secret, they became in fact specific appropriations, as specific as in the nature of things they could be made. This has been most clearly and happily demonstrated by the honorable gentleman from Tennessee, [Mr WHITE,] who voted with us against this appropriation.

But, waiving this, and admitting for the present these appropriations to have been general, still the appropriation does not go beyond appropriation. It is for expenditure on the diplomatic intercourse, which the Constitution itself confides to the executive department. It conveys, neither expressly nor by implication, any power not belonging to the executive department, and inherent therein; nor indeed any such power; it simply gives him authority to expend the money upon a subject confided to him by the Constitution—namely, the diplomatic intercourse. So that, had these appropriations been general, instead of being specific, as they in fact were, they would be no precedents for this appropriation.

But suppose this $3,000,000 appropriation had not gone beyond appropriation merely—had not given to the Executive powers which the Constitution gives to the Congress, and which can only be exercised by Congress, but was simply a general appropriation of money to be expended on objects already established by law, would the appropriation, for being general, therefore be unconstitutional? This depends, as I said, upon the interpretation of that clause of the Constitution which says that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." The interpretation given to it by the practice of the Government I have already referred to. I think this the true interpretation, and necessary to fulfill the intention of the Constitution. For why was this provision inserted in the Constitution? Because the theory of the Constitution supposes the Congress is to raise all the funds to be raised for the Government; to prescribe all the objects on which these funds are to be expended; and to control the expenditure on all; and because, to this control, this provision was necessary. The Congress is made the trustee of the people for these several purposes. The Constitution expressly ordains that the Congress are to lay and collect the taxes, the duties, the imposts, the excises. To prescribe the objects of expenditure is implied in the enumerated powers given to Congress to be executed by them. To control the expenditure, and to enable Congress to control it, this provision was inserted, for it could have no other assignable purpose. Now, to control the expenditure, Congress must not only prescribe the object, but limit the amount to be expended upon it; otherwise, and if Congress only prescribes the object, but does not limit the amount to be expended upon it, it is the Executive who controls the expenditure, and not the Congress. Now, to prescribe the object, and to limit the amount of expenditure upon it, is to make a specific appropriation. The two things are identical. Then, as certainly as that the Constitution did intend the Congress to have the control of the public expenditure, (which nobody disputes or doubts,) it did intend specific appropriations, and none other.

I deem it no slight evidence of the correctness of the interpretation which makes the Constitution to require specific appropriations, that it falls in with all our prepossessions on the subject, all our habitual impressions, all our received opinions; and this as well of those who approved as who disapproved of the $3,000,000 appropriation. It is a common, a received and accredited article of constitutional faith. This has been apparent through the whole of this debate; for those gentlemen who have defended this $3,000,000 appropriation have labored hard to make out this appropriation to be specific, or to find somewhere in some part of our history of appropriations some precedent that would give some countenance to the generality of this, clearly evincing that they felt the *prima facie* case to be against them; the common impression to be against them; the tide of precedents to be against them; in a word, that they had the laboring oar in the case. Now, this could not have been so if their previous and habitual opinions had been that general appropriations were constitutional.

I am aware that, in justice, I ought to make one gentleman an exception to the generality of my statement; I mean the honorable gentleman from North Carolina, [Mr. BROWN.] I confess that he seemed to be wholly unembarrassed by the difficulties which had so much embarrassed all the other speakers on the same side of the House. He had a short and easy way with the dissenters. He told us that an appropriation, when passed, became a law, and the money to be drawn would then be drawn out of the Treasury in consequence of an appropriation made by law. So, and according to him, there could be and there can be no such thing as unconstitutional appropriation; for every appropriation, when passed, becomes a law, and, therefore, according to him, becomes constitutional.

The honorable gentleman from Pennsylvania [Mr. BUCHANAN] seemed to think it prudent to be a little cautious how he answered to the interrogatory put to him by my friend from Delaware, [Mr. CLAYTON,] as to general appropriations. The honorable gentleman looked about him carefully on all sides; he seemed to see a dilemma ahead, and that an indiscreet answer might involve him in straits where, with Scylla on one side and Charybdis on the other, he might, peradventure, get foundered. The honorable gentleman was too wary to commit himself by a categorical answer. But, if the same interrogatory had been put to the honorable gentleman from North Carolina, I do not see how it could have embarrassed him in the least, or how any interrogatory of the sort could. Suppose an appropriation of $20,000,000, in a gross sum, for the uses of the Government for the current year, and suppose he were asked, would that appropriation be constitutional? His prompt and unhesitating answer I should expect to be: "Undoubtedly; for, when passed, it would become a law, and would be therefore constitutional."

I admit the gentleman to be an exception to the generality of the statement which I have made, and that he holds the singular opinion that general appropriations are constitutional; and he holds it, too, for a reason as singular, as it appears to me, as the opinion itself. Though all others, so far as I know, hold that the law referred to in the Constitution means some law passed previously to the appropriation, or, at least, independently of the appropriation, he holds it to be the identical law made by the appropriation.

A mind disposed to despondency, on a view of the falling fortunes of our free Republic, would be apt to draw a gloomy presage from one peculiar feature of this debate. It has been made the occasion by the honorable mover of the resolutions, unprovoked to do it, unnecessarily to make an attack upon the defenders of the Constitution; and to make their act to prevent and preventing a violation of the Constitution, a crime against the country. He professed his object to be to

arraign them before the bar of the country on this criminal charge; and he spoke with confidence of their anticipated condemnation. In the great contest that is going on here, and has long been going on, between lawless power on the one side, and constitutional power on the other, and after so many triumphs of the former over the latter, perhaps he is not extravagant or wild in his expectation of another in this appeal to the people. This attempt to make the defense of the Constitution a crime against the country, which before has been repeatedly made, and with too much success, I consider as one among the many sickly symptoms of our expiring liberties, and of the rapid approaches of death to our free Government. We have lived to see it, and have seen it in this very case, a noble sentiment of devotion to the Constitution—a sentiment that would have done honor to Roman virtue in the best days of Rome; and which, in better days of this Republic, would have found an echo in every American bosom, denounced as a sentiment little short of treason to the country, and the denunciation received with a tempest of applause—I will not, for I am not permitted to say where; but where, I may all places it say, of ought least to have been expected. And this noble sentiment of devotion to the Constitution, which ought to have made the author the idol of the people, is relied upon as a torch to kindle the popular indignation against him. And, for this incendiary purpose, this torch is, by an extraordinary effort, to be carried to every region, and applied to every nook and corner of our wide domain. Yes, it is so; shut our eyes to the melancholy fact as we may, this Constitution—the noblest fabric ever raised on earth by human wisdom for human liberty—is fast giving way; this torrent of lawless power is forcing it from its foundations; the people look on and see column falling after column, and they look on with unconcern; nay, instead of stemming, they yield, they add themselves to it, and swell the torrent; they seem to have eaten of the insane root, and to be madly in love with their own destruction. How else could they be invoked to abjure the great defender of the Constitution as a traitor to his country, and to take a fervid sentiment of devotion to the Constitution as the evidence of his guilt?

But let him not despond or falter in his course; let him still pursue, as he hitherto has done, "that fame which follows, not that which is run after; that fame which, sooner or later, never fails to do justice to the pursuit of noble ends by noble means." And if our free Republic is doomed to perish, of which the signs are so many and so portentous, and by her own suicidal hands, still she will live in history; and History, the dispenser of Fame, will charge herself with his. Oh! let him think how poor are all the honors of office, compared to the glory of being a chosen theme for the Muse of History to celebrate; to be her Promethean fire, to enkindle in the human breast the flame of patriotism in all after times! Let him recollect that, whenever we think of the great men who have made the glory of any age or country, we never think of the offices they have filled, however dignified. No; these are sunk and lost out of sight; we think only of that splendor, of that halo of glory which their minds and their achievements have thrown around them. Who now ever thinks of Demosthenes as the Senator of the Areopagus, as the Archon of Athens, as the Embassador so often to so many States, or as the acknowledged chief and leader of the Grecian Confederacy for so many years? No; we think of him as the devoted patriot who bared his bosom and breasted the storm which he saw gathering and coming to overwhelm the liberties of his country; and which did come—did overwhelm these liberties, and break with a fearful and fatal violence on his own head; and we think, too, of that "resistless eloquence" which, in that cause, "shook the arsenal, and fulmined over Greece to Macedon, and Artaxerxes's throne;" whose animating sounds, at this distance of time, after the revolution of so many ages, still vibrate on the human ear; and whose stirring appeals still influence and carry with him the human heart.

VOLUNTEER SERVICE.

REMARKS OF HON. R. M. JOHNSON, OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

April 21, 1836.

The bill authorizing the President of the United States to accept the service of Volunteers, being under consideration,

Mr. JOHNSON rose and said:

Mr. CHAIRMAN: It is not my intention to detain the committee, except for a very brief explanation of the object of the bill; for the measure which it proposes requires dispatch. The letter of the Secretary of War, which I will here request the Clerk to read, shows the necessity of immediate action:

WAR DEPARTMENT, *April* 18, 1836.

SIR: In answer to your inquiry, I have the honor to state, that various reports which have reached the Department lead to the belief that the Indians upon the western frontier are in a state of considerable uneasiness, and that disturbances with them are anticipated. It is my impression the safety of that frontier requires that a road should be opened, and a cordon of posts established along it, in conformity with the plan recommended in my report to the chairman of the Military Committee of the Senate, and communicated in my letter to you of 19th February; and I would further recommend that the necessary law should be passed as soon as convenient, in order that no unnecessary delay may take place in the arrangements of the Department.

I have further to state, in conformity with your suggestion, that in the event of any difficulties among the Indians, I consider the measure proposed by the Military Committee, of allowing volunteer corps to be taken into service for a term not exceeding twelve months, to be discharged as much sooner as the public interest will permit, very important, and one which, if adopted, cannot fail to be more efficient and economical than the present method of restricting the services of the militia to three months.

Very respectfully, your most obedient servant,

LEW: CASS.

Hon. R. M. JOHNSON,
Chairman Committee on Military Affairs,
House of Representatives.

The bill now before the committee authorizes the President to accept the services of volunteers for a term not exceeding one year, but to be discharged at an earlier period if the public service will permit. The existing law authorizes the President to call out the militia for a term not exceeding three months, for the object specified in the Constitution, namely, to repel invasion, suppress insurrection, or to enforce the laws of the country. The bill before the committee provides, that in lieu of a requisition upon the militia indiscriminately, without consulting the will or convenience of those who may be called upon, he may accept of such as shall volunteer their service; and that, instead of being required to discharge them for new subsidies, he may continue them in service for a year, if the public safety should require that length of service. It does not authorize him to accept their service for any other object than what is specified in the existing law, and in the Constitution; nor does it change the principle of the existing law in any other respect whatever.

The advantages, both to the public service and to the civil community, of volunteers over militia drafts, are certainly very great and obvious. The militia laws contemplate no difference of circumstances or condition among citizens. The farmer may be compelled to leave his field at a moment in which the loss of one month would prove a sacrifice of the whole year's produce. It may be when he has prepared his land for the seed, but before he has sowed or planted it; or it may be when his crop is ripening, and the whole may perish for want of gathering. The mechanic may be called from his work at a time when its neglect would ruin his whole business. Both may be called away when their families are in the most critical situation, and when the sacrifice would be greater than could be remunerated by any pecuniary consideration. But volunteers will proffer their services when no such sacrifices are required. They will be persons without dependent families, or whose affairs are in a state that will permit their absence without great inconvenience. The greater proportion of them will be young men, who are animated by the ardor of youth, impelled by the thirst of glory, urged by the fire of patriotism, and willing to learn the duties of the camp and the field, while indulging the novelties so grateful to youthful minds.

As it regards the public service, all experience shows that the man makes the best soldier who makes the field his choice. The universal character of Americans is that of bravery; but the same person, with all the love of country which is common to Americans, (and no country on earth ever presented such charms, or ever commanded such patriotism,) would be much more effective in war when circumstances marked the field of glory as his choice, than when the state of his affairs at home, or the distresses of his dependent family, forced upon his mind a painful reluctance to do what, under other circumstances, would be a matter of choice.

The difference between a tour of three months and a year's service, of the same persons, is so decidedly in favor of the latter, both in efficiency and economy, that it must forcibly strike the mind of every person upon a moment's reflection. Persons in public service but three months, will scarcely have learned the use of arms, the exercises of the field, and the discipline of the army before their term will expire. Experience is as necessary to the efficiency of an army as to any other employment; and it is a fact as well established as any other principle in military annals, that troops disciplined and experienced are, in action, nearly equal to double their numbers of untutored novices, especially when to knowledge and experience is added the ardor of volition. Our western frontier, on the extreme confines of Missouri and Arkansas, is at this moment threatened with Indian hostilities. While we are here deliberating, the tomahawk is preparing and the scalping-knife sharpening; and before the appearance of a sufficient force to subdue, by terror, the martial spirit of the savages, there is danger of the reaction of the Black Hawk and the Florida scenes in those western regions. I am unwilling to cause an hour's delay; but if ordinary militia drafts are made, which cannot exceed three months, at least half that time must be occupied in going and returning, so that for three months' pay, the country will not have more than six weeks field and camp service. By the time they reach the scene of action, new levies must be made to relieve them, so that at least double the number of men must be in motion, and in pay, to keep the same number in the field; and these of new troops, instead of those who are accustomed to the service. The expense of outfits, whether incurred by the public or by individuals, is so much actual expense to the country, and this must be renewed as often as new levies are made; so that in point of economy, there is a difference of more than one half in favor of volunteers for a year, as well as double the efficacy in their service.

The saving of life is also a desideratum worthy of notice. The loss by sickness and mortality brought on by the change of life from the enjoyment of home to the privations and hardships incident to the camp, is believed to be greater than by the strife of battle; and this loss is principally among those who are commencing the service. After an experience of three months, men become habituated to the soldier's life, and generally enjoy as good health as in private life. We have a sufficient number of patriotic citizens in the morning and vigor of life, who are willing to indulge the patriotic ardor which they have derived from their revolutionary fathers by the performance of this service; and surely no army is so virtuous and patriotic, no force so efficient, as volunteer citizens, after they have learned the duties of service. They never assume a mercenary character. They retain all the moral sentiments of citizens, expecting to return to civil life, and in their return, they bring with them into civil life all the honorable and liberal sentiments of American soldiers.

The bill does not propose, as some gentlemen seem to suppose, giving to the President extraordinary power. The Constitution gives him the power, as commander-in-chief, to call into service the militia for the same purposes contemplated in the bill. The existing law recognizes this power, but it limits the service of the same persons to three months, when he may supersede them by others. The present bill provides that instead of changing them, he may continue the same persons by their own consent, and that, instead of drafts, he may receive such as volunteer

their service. It is in this respect not only more numerical and efficient for the country, but more consonant to the feeling of freemen. To sustain a republican Government, some sacrifice of liberty must be made for its defense. It is a common duty to protect the country in the points specified in the Constitution; and for this the free American must relinquish the liberty of remaining at home when his country's service calls him to the field, but it is wise to make that sacrifice as light as possible. This object will be accomplished by the passage of the bill before us, as it provides for the acceptance of volunteers in lieu of those who might otherwise be required to serve. As friends of liberty, then, we should unhesitatingly pass the bill. The cloud which is gathering in our western horizon warns us to make immediate preparation for the approaching storm. Our unprotected citizens expect it, and the obligation rests on us. Nothing but a sense of the strongest obligation could have induced me to occupy the time for making this explanation of the object of the bill. The necessity of its immediate passage forbids further delay, and I earnestly desire the final action of the committee upon it before the present morning shall pass away. One day's procrastination may be productive of fatal disasters; and for the consequences we must bear the responsibility.

LAND DISTRIBUTION BILL.

SPEECH OF HON. T. H. BENTON,

IN SENATE, *April* 15, 1836.

The bill introduced by Mr. CLAY to distribute the net proceeds of the sales of the Public Lands for five years, being under consideration,

Mr. BENTON rose to redeem his promise, and to show that this bill was antagonistical to all the bills for the defense of the country, and that it could not be adopted without frustrating the objects contemplated by those bills. He might take a stronger position, and assume that this distribution scheme could not be adopted without depriving the Treasury, before the five years were out, of the money wanted for the current and ordinary support of the Government, and laying Congress under the necessity of borrowing money, or raising the tariff of duties for these current and ordinary expenses. But he would not go into that view of the case; the other was sufficient for his purpose; and he should look to the Finance Committee, to the members of the committee individually, as well as to the committee itself, to present all the views which the operation of this scheme upon the Treasury would suggest, and especially to show how far the whole proceeds of the sales of the public lands—for the word *net*, as used in the bill, was a deception and a fallacy—how far the proceeds of these sales could be abstracted from the annual revenue, and the whole expenses of the land system besides—for such was the effect of the bill, notwithstanding the interpolation of the word *net*—the whole expenses of the land system thrown upon the custom-house revenue, without leaving the Treasury destitute of the means of meeting the ordinary and current expenses of Government. That committee, or some member of it, charged, as they were, with watching over the money concerns of the country, would doubtless attend to this branch of the subject, while he (Mr. B.) would find his own object accomplished by showing that the defenses of the country required the application of all this money which the distribution bill proposed to divide.

It must be premised, (said Mr. B.,) that the Senate, as far back as the month of January, on my motion, and after ample discussion, adopted two resolves, one declaring that provision ought to be made for the defense of the country, and the other calling on the President for information as to the amount which a general system of permanent defense would require. The first resolve was in these words:

"*Resolved*, That so much of the revenue of the United States, and the dividends of stock receivable from the Bank of the United States, as may be necessary for the purpose, ought to be set apart and applied to the general defense and permanent security of the country."

The second in these:

"*Resolved*, That the President be requested to cause the Senate to be informed—

"1. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require permanent fortifications.

"2. The probable amount that would be necessary to construct an adequate number of armories and arsenals in the United States, and to supply the States with field artillery (especially brass field pieces) for their militia, and with side arms and pistols for their cavalry.

"3. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, which a proper regard to self-defense would require to be always on hand.

"4. The probable amount that would be necessary to place the naval defenses of the United States (including the increase of the Navy, navy-yards, dock-yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and to the welfare of the Union."

The answer to this call (continued Mr. B.) has been received; and it is now my purpose to show, from this authentic and official *data*, that the defense of the country will require all the surplus money which can be found in the Treasury for five years to come, and will leave no such sum as that contemplated by the distribution bill to encumber our vaults or to tempt the cupidity of distributees. The answer of the President covers the reports of the Secretaries of War and Navy; and these cover the more detailed reports of the Navy Board and of the heads of bureaus charged with the superintendence of the different branches of the service. The whole constitute a body of information rich with facts, luminous with reasons, and animated by patriotism, which claims the attention of every considerate citizen as well as of every legislator, and which cannot fail to have a decided influence upon the destiny of the country, and to mark an era in the annals of its history. I begin with that branch of the defense which seems to stand foremost in our system of national defense, and which, among other merits, possesses that of having won its own way from a point of low depression to a state of eminent public favor—the Navy. My plan, and the very nature of the exposition which I propose to make, forbids copious details, and confines me to results and aggregates; but Senators will find in the document which has been printed, and from which I quote, the particulars of every statement, and the facts and reasons by which it is supported.

In the naval arm of defense the report of the Navy Board, signed by the president, Commodore Rodgers, states the sum of $17,760,000 to be necessary for building vessels; the sum of $1,800,000 to supply the ordnance, arms, and munitions of war which will be wanted; the sum of $750,000 annually for five years, and two-thirds of that sum for several years afterwards, for navy-yards; and the sum of $950,000 annually for the repairs and wear and tear of vessels.

The *annual* appropriations for these items, including the support of the Navy and of the marine corps, is stated at $7,000,000 per annum for a period of about fifteen years; but with a distinct declaration that so remote a period is only named upon the supposition that the Treasury cannot afford larger annual appropriations for this branch of the service; and that much larger sums can be annually and beneficially used if Congress should think proper to grant them. Mr. B. deemed these statements so material that it would be proper to give the very words of the Navy Board, and for that purpose he would read some passages from their report. He read:

"To determine the *annual amount* which it may be necessary to appropriate to prepare the vessels and reserve frames and other materials which have been proposed, some *time* must be assumed within which they shall be prepared. Believing that reference to the ability of the Treasury to meet the probable demands upon it, for all the purposes of the Government, must necessarily be considered in determining what amount may be allotted to the Navy, the Board have examined the reports of the Secretary of the Treasury, and respectfully propose to establish the ordinary annual appropriation for the Navy, including the ordnance, at $7,000,000.

"The operation of such annual appropriations may be seen by the following recapitulation of the proposed heads of expenditure:

For the force in commission and its dependencies, as before stated	$3,850,000
The *average* appropriation for navy-yards	500,000
For the repairs and wear and tear of vessels	950,000
For building vessels and purchase of materials	1,300,000
Total for the Navy proper	$6,600,000
For the marine corps	400,000
	$7,000,000

"By the adoption of this gross sum for the Navy and its dependencies, and the other items as proposed, $1,300,000 would be annually applied to increasing the number of our vessels and the purchase of materials, and, with this annual expenditure, the deficiency of $17,760,000 would not be supplied sooner than between thirteen and fourteen years, or at about the year *eighteen hundred and fifty*. The board consider this as the *most remote* period at which the proposed force ought to be ready, and are of opinion it might be prepared *much sooner*, should Congress deem it necessary or advisable to make *larger appropriations* than have been suggested."

Mr. B. invited the particular attention of those who supported the distribution bill to these statements. The naval branch of the expenditures, including the marines, is limited to $7,000,000 for about fifteen years, under the assumption that the Treasury cannot spare a larger sum; but the board does not wish to be confined to that limit; they do not wish to postpone the completion of the naval defenses until the year 1850; they wish to complete them much sooner; and aver their ability to do so if Congress will increase the appropriations. Here, then, is a direct application for larger appropriations, and a direct averment that they can be beneficially used. Let these increased appropriations, then, be granted before any more distress is indulged in at the inexhaustible surpluses in the Treasury, and before any more lamentations are lavished upon the impossibility of getting rid of the surplus in any other manner except by distribution. He (Mr. B.) did not belong to the Navy Committee, and could not have any voice in directing its movements, but he had no doubt but that that committee would immediately have an interview with the officers of the Navy Board—would ascertain in what particulars the appropriations could be increased, and immediately propose additional sums to the full amount of the largest beneficial expenditure that could be made. By this means our naval defenses, instead of being postponed for completion until the year 1850, may be completed in eight or ten years, the Treasury relieved of its burden in an easy, natural, constitutional, beneficial, and meritorious way, and all pretext for the distribution bill scattered to the winds.

Mr. B. did not find precise *data* in the report for calculating the totality of the expenditures which the completion of the naval branch of defense would require. For want of a civil engineer, provision for whose appointment is strongly recommended by the board, they could give but general opinions in some cases where detailed estimates were desirable; but taking the *data* furnished for the annual appropriations under the four heads of increase of the navy, repairs, ordnance, and navy-yards, and assuming these annual appropriations to continue until the year 1850, and the aggregate would be about $40,000,000. This (said Mr. B.) is certainly something. It will certainly cut deep into the surplus, notwithstanding the confident opinions, reiterated on this floor, that all the defenses put together, both military and naval, would not require enough even to *touch* that mass of inexhaustible treasure! Huge indeed must be the mass, when $40,000,000 taken from it will not touch its surface or affect its amount!

But he (Mr. B.) was not certain that he could limit himself to the estimate of the naval board; he did not know but that a larger sum might be wanted for navy-yards. Their estimate might be limited to those yards now authorized by law, and in his opinion others ought to be established. He spoke of Charleston, Pensacola, and the report of the Military and Naval Board of 1821, in favor of Burwell's bay; but did not discuss the propriety of those establishments at present. A more suitable occasion should occur; and when it did, a more enlarged view than a mere military eye could take might include considerations by a legislator which could not be taken by an engineer.

Mr. B. expressed great satisfaction at the report of the Navy Board, and had no doubt it would receive every consideration from the Naval Committee, to which it was referred. He would barely say, in general terms, that he was rejoiced to see the board act up to the exigency of the occasion, and boldly propose what the honor, the interest, and the growing greatness of the country require to be granted. Fifteen ships of the line, twenty-five frigates, twenty-five sloops of war,

twenty-five steamers, and twenty-five smaller vessels—in all one hundred and fifteen vessels either in commission, or ready to be launched—would constitute a force of such respectability as would give protection to our commerce in every sea, honor to our flag all over the world, and defense at home when the approach of danger required its arm. He hoped the force proposed would be granted; that the surplus revenue would be taken for that purpose, instead of distribution; and that the rank of admiral should be established.

Mr. B. took up the military branch of the national defense, and commenced with the report of Colonel Bomford of the ordnance. Looking to the results as stated by him, and it was seen that a sum of $30,000,000, in round numbers, would be wanted for this branch of the service, and that the annual appropriations might be double as large, and in some instances four times as large, as heretofore. This sum of $30,000,000 embraced seven different heads—armories, arsenals, field artillery, cannon and munitions for fortifications, small arms, ammunition, and a national foundery. The amounts were thus distributed:

Two national armories.....	$1,050,000
Fourteen arsenals.....	1,746,000
Nine hundred and twenty-six pieces of field artillery, with carriages, &c.,	576,175
Ordnance and ordnance stores and ammunition for fortifications.....	17,840,249
Small arms and accouterments.....	8,243,113
Ammunition for field service.....	200,000
A national foundery.....	300,000
	$29,955,537

To the amounts stated under some of these heads (Mr. B. said) the Secretary of War dissented, and supposed that a sum much less would be sufficient. The dissent particularly applied to the number of small arms and accouterments, and to the quantity of ordnance and ammunition for forts. Admitting that there may be some diminution on each of these heads, the balance would still be sufficient for all the purposes of the argument he was now making; the remainder would still be sufficient to show that there would be no money to be spared for distribution, and that the public defenses require every surplus dollar that we have got. To a specific question addressed to Colonel Bomford, the head of the Ordnance Department, he answers in writing, that for the several objects of armories, arsenals, field artillery, ordnance and amunition for fortifications, small arms and accouterments, ammunition for field service, and a national foundery, the sum of $2,000,000, over and above the usual appropriation of about $1,000,000, can be annually and beneficially expended until the object is accomplished. This would make $3,000,000 annually for the ordnance department, and would require ten years to expend $30,000,000; now, the distribution bill has but five years to run, and no diminution in the ordnance estimates can bring them down to $15,000,000, or even near it. The ordnance will, then, require $3,000,000 a year for a greater number of years than the distribution bill is to continue; so that, during that whole time, the ordnance department must be stinted of money and languish for want of employment, if this distribution bill takes effect. The engineer department is explicit in the statement that it can beneficially expend $6,000,000, at least, annually, upon the construction of the fortifications; and the Navy Board is equally explicit that it can beneficially employ many millions annually in the completion of the naval defenses. Here, then, is an extraordinary demand of twelve or fourteen millions per annum for the defenses of the country; and it is certain that this demand would continue for a longer period than the five years which the distribution bill is proposed to run.

Mr. B. would then look into the objects of expenditure belonging to the ordnance department, and see how far it was proper to postpone and set aside these objects, for the purpose of seizing upon the contents of the Treasury, and making a general distribution of them among the States.

The first object was that of national armories. At present there were two of these establishments—one at Harper's Ferry, in Virginia, the other at Springfield, Massachusetts. Both were in the Atlantic States, and both would fall to the north of a middle point between Florida and Maine. The expense of transporting arms and ordnance from these two armories to all other parts of the Union was a serious item in their expense, and besides that item, the harmony of the Union and the spirit of our Government, which required a distribution of benefits as well as of burdens, would enforce the policy of distributing the expenditures of the Government wherever it can be done without injury to the public service. The West has long petitioned for an armory; the South would be benefited by one also; and the colonel of ordnance has recommended both. He has also recommended an arsenal in each State in which there is not now one; and he has recommended depots for arms and munitions of war, in addition to the arsenals, in some of the exposed or peculiarly situated States. He has also recommended an ample fabrication of arms for the militia of the States, with field artillery and swords and pistols. All these recommendations are of the highest moment; and the whole of them accord with that principle, and tend to give effect to that policy which looks to an armed population for the principal defense of their country and their liberties.

The second branch of the military defense which Mr. B. took up was that from the engineer department, embracing the fortifications. He showed that the sum of $31,560,000 was estimated by the engineer department for completing the system of fortifications planned and reported by the Military and Naval Board, in their reports of 1821 and 1826. This was the sum, he said, which would yet be required for completing the system then planned; but the present Secretary of War, Governor Cass, in the report just made, dissents from that plan in some particulars, and recommends the organization of a board of officers further to examine into the subject of fortifications; and President Jackson, in his message covering the Secretary's report, expressly concurs with him in the particulars in which the Secretary dissents from the system heretofore recommended by the board and engineer department.

The points of dissent (Mr. B. said) were principally to the magnitude of some of the large fortifications, and to the erection of forts at roadsteads and anchorages, which did not cover towns or inlets.

As an exemplification of his ideas, the Secretary mentions Fortress Monroe, at Old Point Comfort, which covers sixty-three acres of ground, and would require an armament of four hundred and twelve pieces of cannon, and which is already built. At page 12 of his report, the Secretary gave his reasons fully and distinctly for objecting to the magnitude of this work, and which he (Mr. B.) would recommend every Senator and every citizen to read. The Secretary also objects to the magnitude of a fort projected at Newport, Rhode Island, and which might cover twenty acres, and gives his reasons at page 14.

Mr. B. considered his own opinions of very little moment, but thought his position might make it proper to declare it; he was, therefore, free to say that he concurred with the Secretary in his objections to forts of this magnitude. The plan for the works at New York were in part questioned by the Secretary, and a reëxamination by a board of officers was recommended. The plan of defense from the engineer department recommends *three* classes of works for the security of that great emporium: 1. An exterior class for the protection of the harbor; 2. An interior harbor to shut up Raritan bay; 3. Another to prevent a hostile fleet from approaching the city through the Sound. Of the first class, the Secretary says: "*Its importance cannot be doubted,*" (p. 13 of the report,) and recommends a reëxamination of the other two classes, and looks to steam batteries in aid of forts for important effects. His words are:

"The situation of New York affords a fine theater for the operation of floating batteries; and whether a sufficient number of them would secure it from the designs of an enemy better than the full completion of the extensive system of permanent fortifications recommended, is a question deserving investigation. Such an investigation I recommend; and after all the necessary facts and considerations are presented, the Government should proceed to place this commercial metropolis of the country in a state of security."

As an illustration of his ideas on the policy of fortifying roadsteads or anchorages to prevent an enemy from occupying them, the Secretary mentions Mount Desert Island, in the State of Maine, and thus expresses himself:

"It will be perceived, also, that it is proposed to fortify Mount Desert Island, on the coast of Maine, and that the expense is estimated at $500,000, and the number of the garrison competent to maintain it, at one thousand men. This proposition is founded, not on the value of this harbor to us, for it possesses little, and is, in effect, unoccupied, but on account of its importance to the enemy. Were there no other secure position they could occupy in that quarter, and which could not be defended, I should think the views submitted upon this branch of the subject entitled to great weight. But there are many indentations upon this coast, affording safe anchorage, and which are either not capable of being defended, or, from their great number, would involve an enormous expense, which no sound views of the subject could justify. An enemy, therefore, cannot be deprived of the means of stationing himself upon this coast. And before this expenditure at Mount Desert Island is encountered, it ought to be clearly ascertained that the difference, in its practical advantages to an enemy, between the occupation of Mount Desert Island and that of some of the other roadsteads in this quarter incapable of defense, would be sufficiently great to warrant this measure. My present impression is that it would not.

"And on the subject of roadsteads, generally, with a few exceptions, depending on their local positions, I am inclined to the opinion that any attempt to fortify them would be injudicious. I do not speak of harbors and inlets which are occupied by cities and towns, but of mere anchorage grounds, deriving their value from the shelter they afford. If all could be defended, and an enemy excluded from them, the advantages would justify any reasonable expenditure. But this is impracticable; and I doubt whether the circumstances in which most of them differ, give such marked superiority to those we can defend over those we cannot, as to lead to any attempt to fortify them, in the first instance, and to maintain garrisons in them during a war.

"I have adverted to these particular cases, in order to present my views more distinctly than I could do by mere general observations; certainly, not from the remotest design of criticising the reports and the labors of the able professional men to whom the subject has been referred, nor of pursuing the investigation into any further detail.

"I consider the duty of the Government to afford adequate protection to the sea-coast a subject of paramount obligation; and I believe we are called upon by every consideration of policy to push the necessary arrangements as rapidly as the circumstances of the country and the proper execution of the work will allow. I think every town, large enough to tempt the cupidity of an enemy, should be defended by works fixed or floating, suited to its local position, and sufficiently extensive to resist such attempts as would probably be made against it. There will, of course, after laying down such a general rule, be much latitude of discretion in its application. Upon this branch of the subject, I would give to the opinion of the engineer officers great and almost controlling weight, after the proper limitations are established. These relate, principally, to the magnitude of the works; and if I am correct in the views I have taken of this branch of the subject, a change in the system proposed is necessary."

Having shown the points at which he dissented from the plan of fortifications heretofore projected, the Secretary is equally explicit in showing wherein he approves of it. At page 21, he says:

"I think all the defensive works now in the process of construction should be finished, agreeably to the plans upon which they have been projected.

"All the harbors and inlets upon the coast, where there are cities or towns whose situation and importance create just apprehension of attack, and particularly where we have public naval establishments, should be defended by works proportioned to any exigency that may probably arise."

On the subject of steam batteries, in aid of fortifications, the Secretary concurs with the board of 1821 and 1826, and with the engineer department, and recommends (p. 23) that—

"Provision should be made for the necessary experiments to test the superiority of the various plans that may be offered for the construction and use of steam-batteries; I mean batteries to be employed as accessories in the defense of the harbors and inlets, and in aid of the permanent fortifications."

The Secretary urgently recommends the reorganization of a board of officers to examine the subject of the proposed fortifications generally, and the vigorous prosecution of the works resolved on, with an appropriation at once for the whole amount of the fort, to be drawn out annually, as needed, and in sums fixed by law. Here are his recommendations:

"I think that, when the plan of a work has been approved by Congress, and its construction authorized, the whole appropriation should be made at once, to be drawn from the Treasury in annual installments, to be fixed by the law. This mode of appropriation would remedy much of the inconvenience which has been felt for years in this

branch of the public service. The uncertainty respecting the appropriations annually deranges the business, and the delay which biennially takes place in the passage of the necessary law reduces the alternate season of operations to a comparatively short period. An exact inquiry into the effect which the present system of making the appropriations has had upon the expense of the works, would probably exhibit an amount far greater than is generally anticipated."

The increase of the corps of engineers, for which the Senate has twice passed a bill, is also strongly recommended by him. He says:

"The corps of engineers should be increased. The reasons for this measure have been heretofore submitted, and the proposition has been recommended by you to Congress. I will merely add, upon the present occasion, that the officers of this corps are not sufficiently numerous for the performance of the duties committed to them; and that if an augmentation does not take place, the public interest will suffer in a degree far beyond the value of any pecuniary consideration connected with this increase."

With respect to the two bills now depending for fortifications, he is explicit in recommending the speedy passage of the one which contains appropriations for completing works now in progress, and for passing the other with the exception of seven forts which he names, and proposes to be deferred until a further examination can be made of their sites and plans. These are his words:

"There are two bills for fortifications now pending before Congress. One before the House, amounting to $2,180,000, and intended to prosecute works already actually commenced. The estimates for this bill may therefore be considered necessary in themselves, *under any view of* the general subject, and not *unreasonable* in amount for the present year, because they include the operations of *two years*. The incidental expenses, however, may be safely reduced one half, as it will not be necessary to make such extensive repairs as were considered requisite when the estimates were prepared.

"The bill pending before the Senate contains appropriations for nineteen new works, and for the sum of $600,000, to be expended for steam batteries. The estimates on which this bill was founded were prepared at a time when prudence required that arrangements should be made for a different state of things from that which now exists. An examination of the general system of defense was not then expedient; and the means of protecting the most exposed points, agreeably to information previously collected, were asked of Congress. It was no time then to stop, and, instead of prosecuting established plans vigorously, to lose the period of action by surveys, and examinations, and discussions. But the opportunity is now afforded, without danger to the public interest, of applying the principles suggested to the works under consideration.

"It cannot be doubted but that fortifications at the following places enumerated in this bill will be necessary:

"At Penobscot bay, for the protection of Bangor, &c.; at Kennebec river; at Portland; at Portsmouth, at Salem; at New Bedford; at New London; upon Staten Island; at Sollers' Flats; a redoubt on Federal Point; for the Barancas; for Fort St. Philip.

"These proposed works all command the approach to places sufficiently important to justify their construction under any circumstances that will probably exist. I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them. As soon as these are made, such of these positions as may appear to require it can be examined, and the form and extent of the works adapted to existing circumstances, if any change be desirable. The construction of those not needing examination can commence immediately, and that of the others as soon as the plans are determined upon. By this proceeding, therefore, a season may be saved in the operations."

The western and northwestern frontier has received the particular attention of the Secretary, both in the present report and in one previously made, recommending an increase of the Army and the addition of rifle and light infantry troops. That frontier requires great attention. It is one of extreme length, and open to the incursion of numerous tribes of Indians. It extends from the Gulf of Mexico to the Wisconsin, and to the outlet of Lake Superior. The Indians upon it, or in striking distance of it, including those intended to be removed by the Government as well as those actually removed, amount to two hundred and fifty thousand souls, which, at the usual proportion of men bearing arms in Indian tribes, one to five, would give about fifty thousand warriors. To the incursions of all this mass of Indians, the western and northwestern frontier is, so far as the Federal Government is concerned, almost entirely open and defenseless. The few troops in that quarter, too few at any time, have been called to the Texas frontier, and the people for the present are left upon their own resources. Governor Cass has proposed an adequate, appropriate, and permanent defense for this extended and important frontier. He says:

"I had the honor, in a communication to the chairman of the Committee on Military Affairs of the Senate, dated February 19, 1836, a copy of which was sent to the chairman of the Committee on Military Affairs of the House of Representatives, to suggest the mode best adapted, in my opinion, to secure our frontier against the depredations of the Indians. The basis of the plan was the establishment of a road from some point upon the Upper Mississippi to Red river, passing west of Missouri and Arkansas, and the construction of posts in proper situations along it. I think the ordinary mode of construction ought not to be departed from. Stockaded forts, with log block-houses, have been found fully sufficient for all the purposes of defense against Indians. They may be built speedily, with little expense; and, when necessary, by the labor of the troops. Our Indian boundary has heretofore been a receding, not a stationary one, and much of it is yet of this character. And even where we have planted the Indians who have been removed, and guarantied their permanent occupation of the possessions assigned to them, we may find it necessary, in the redemption of the pledge we have given to protect them, to establish posts upon their exterior boundary, and thus prevent collisions between them and the ruder indigenous tribes of that region. I think, therefore, that no works of a more permanent character than these should be constructed upon our Indian frontier. A cordon established at proper distances upon such a road, with the requisite means of operation deposited in the posts, and with competent garrisons to occupy them, would probably afford greater security to the advanced settlements than any other measures in our power. The dragoons should be kept in motion along it during the open season of the year, when Indian disturbances are most to be apprehended, and their presence and facility of movement would tend powerfully to restrain the predatory disposition of the Indians; and if any sudden impulse should operate or drive them into hostilities, the means of assembling a strong force, with all necessary supplies, would be at hand. And as circumstances permit, the posts in the Indian country, now in the rear of this proposed line of operations, should be abandoned, and the garrisons transferred to it."

Mr. B. said that the reports from which he had read, taken together, presented a complete system of preparation for the national defense; every arm and branch of defense were to be provided for; an increase of the Navy, including steamships; appropriate fortifications, including steam batteries; armories, founderies, arsenals, with ample supplies of arms and munitions of war; an increase of troops for the West and Northwest; a line of posts and a military road from the Red river to the Wisconsin, in the rear of the settlements, and mounted dragoons to scour the country; everything was considered; all was reduced to system, and a general, adequate, and appropriate plan of national defense was presented, sufficient to absorb all the surplus revenue, and wanting nothing but the vote of Congress to carry it into effect. In this great system of national defense, the whole Union was equally interested; for the country, in all that concerned its defenses, was but a unit, and every section was interested in the defense of every other section, and every individual citizen was interested in the defense of the whole population. It was in vain to say that the Navy was on the sea, and the fortifications on the sea-board, and that the citizens in the interior States, or in the valley of the Mississippi, had no interest in these remote defenses. Such an idea was mistaken and delusive. The inhabitant of Missouri and of Indiana had a direct interest in keeping open the mouths of the rivers, defending the sea-port towns, and preserving a naval force that would protect the produce of his labor in crossing the ocean, and arriving safely in foreign markets. All the forts at the mouth of the Mississippi were just as much for the benefit of the western States, as if those States were down at the mouth of that river. So of all the forts on the Gulf of Mexico. Five forts are completed in the delta of the Mississippi; two are completed on the Florida or Alabama coast; and seven or eight more are projected; all calculated to give security to western commerce in passing through the Gulf of Mexico. Much had been done for that frontier, but more remained to be done; and among the great works contemplated in that quarter were large establishments at Pensacola, Key West, or the Dry Tortugas. Large military and naval stations were contemplated at these points; and no expenditure or preparations could exceed in amount the magnitude of the interests to be protected. On the Atlantic board the commerce of the States found its way to the ocean through many outlets from Maine to Florida; in the west, on the contrary, the whole commerce of the valley of the Mississippi, all that of the Alabama, of western Florida, and some part of Georgia, passes through a single outlet, and reaches the ocean by passing between Key West and Cuba.

Here, then, is an immense commerce collected into one channel, compressed into one line, and passing, as it were, through one gate. This gives to Key West and the Dry Tortugas an importance hardly possessed by any point on the globe; for besides commanding the commerce of the entire West, it will also command that of Mexico, of the West Indies, of the Carribean sea, and of South America down to the middle of that continent at its most eastern projection, Cape Roque. To understand the cause of all this, (Mr. B said,) it was necessary to look to the trade winds, which, blowing across the Atlantic between the tropics, strike the South American continent at Cape Roque, follow the retreating coast of that continent up to the Carribean sea, and to the Gulf of Mexico, creating the Gulf stream as they go, and by the combined effect of a current in the air and in the water, sweeping all vessels from this side of Cape Roque into its stream, carrying them round west of Cuba and bringing them out between Key West and the Havana. These two positions, then, constitute the gate through which everything must pass that comes from the valley of the Mississippi, from Mexico, and from South America as low down as Cape Roque. As the masters of the Mississippi we should be able to predominate in the Gulf of Mexico, and to do so we must have great establishments at Key West and Pensacola. Such establishments are now proposed; and every citizen of the West should look upon them as the guardians of his own immediate interests, the indispensable safeguard to his own commerce, and to him the highest, most sacred, and most beneficial object to which surplus revenue could be applied. The Gulf of Mexico should be considered as the estuary of the Mississippi. A naval and military supremacy should be established in that Gulf, cost what it might; for without that supremacy the commerce of the entire West would lie at the mercy of the fleets and privateers of inimical powers.

Mr. B. returned to the immediate object of his remarks—to the object of showing that the defenses of the country would absorb every surplus dollar that would ever be found in the Treasury He recapitulated the aggregates of those heads of expenditure; for the Navy, about forty millions of dollars, embracing the increase of the Navy, navy-yards, ordnance, and repairs of vessels for a series of years; for fortifications, about thirty millions, reported by the engineer department, and which sum, after reducing the size of some of the largest class of forts, not yet commenced, would still be large enough, with the sum reported by the Ordnance Department, amounting to near thirty millions, to make a totality not much less than one hundred millions, and far more than sufficient to swallow up all the surpluses which will ever be found to exist in the Treasury. Even after deducting much from these estimates, the remainder will still go beyond any surplus that will actually be found. Every person knows that the present year is no criterion for estimating the revenue; excess of paper issues has inflated all business, and led to excess in all branches of the revenue; next year it will be down, and soon fall as much below the usual level as it now is above it. More than that; what is now called a surplus in the Treasury is no surplus, but a mere accumulation for want of passing the appropriation bills. The whole of it is pledged to the bills which are piled upon our tables, and which we cannot get passed; for the Opposition is strong enough to arrest the appropriations—to dam up the money in the Treasury, and then call that a surplus which would now be in a course of expenditure, if the necessary appropriation bills could be passed.

The public defenses will require near one hundred millions of dollars; the annual amount required for these defenses alone amount to thirteen or fourteen millions. The engineer department answers explicitly that it can beneficially expend six millions of dollars annually; the ordnance that it can beneficially expend three millions; the Navy that it can beneficially expend several millions; and all this for a series of years. This distribution bill has five years to run, and in that time, if the money is applied to defense instead of distribution, the great work of national defense

will be so far completed as to place the United States in a condition to cause her rights and her interests, her flag and her soil, to be honored and respected by the whole world.

Mr. B. would not pursue the financial view of this subject any further. He left it to gentlemen of the Finance Committee to render that service to their country. For himself, he had only examined the effect of the bill upon the public defenses, and had shown them to be completely antagonistical and wholly incompatible with each other. The public defenses must be given up if the distribution scheme takes effect; there will not be money for five years to come for both objects; all this was now established upon authentic data drawn from the reports of the Navy and War Departments. This was sufficient for his argument, but not sufficient to show the whole mischief of the operation of the distribution bill. It was a tariff bill in disguise. It was a high tariff measure, and supported by all the friends of the high tariff. It was to continue in force till 1841, when the amount of revenue receivable from imports would fall far below the expenses of the Government, and when an increase of duties, and the reëstablishment of the high tariff, would be the only resort for supplying the deficiency occasioned by the fatal policy of distribution—a policy which once begun, can never be relinquished.

ABOLITION OF SLAVERY.

SPEECH OF HON. HUGH L. WHITE,

OF TENNESSEE,

IN SENATE, *March* 2, 1836.

The Petition of the Society of Friends, of Lancaster county, Pennsylvania, for the abolition of Slavery in the District of Columbia, was taken up as the special order.

Mr. WHITE said:

Mr. PRESIDENT: I address you under the solemn conviction that if this Government is to continue to accomplish the great purposes for which it was established, it can only be by administering it in the same spirit in which it was created.

When the Constitution was framed, the great and leading interests of the whole country were considered, and, in the spirit of liberality and compromise, were adjusted and settled. They were settled upon principles that ought to remain undisturbed so long as the Constitution lasts, which I hope will be forever; for although liberty may be preferable to the Union, yet I think the Union is indispensable to the security of liberty. At the formation of the Constitution, slavery existed in many of the States; it was one of the prominent interests that was then settled; it, in all its domestic bearings, was left exclusively to the respective States to do with as they might think best, without any interference on the part of the Federal Government. This, it is admitted by every gentleman who has addressed you; is now the case in every slaveholding State; therefore, it is only urged that Congress has the power to abolish slavery in the District of Columbia. It should never be forgotten that, when the Constitution was formed and adopted, what is now the District of Columbia was then comprehended within two of the slaveholding States, Maryland and Virginia.

Suppose, when all the details of the Constitution had been adjusted, it had been foreseen that the District of Columbia would be formed out of a tract of country ceded by those States, and situated in the center between them, it had been asked of the members of the Convention, what do you intend as to the District? You have placed the question of slavery in the States entirely under their control within their respective limits—do you intend that Congress shall have the power to abolish slavery in the District? Would not every man have answered in the negative?

It has been said that when petitions to abolish slavery are presented to either House of Congress, those who demand the question whether they shall be received, and thus produce discussion, are *agitators*, and produce excitement on this delicate subject. To me it seems this is unfair. Let us for a moment consider the circumstances of the country, and the situation in which we are all placed.

There are twenty-four States, several Territories, and this District. Thirteen of these States have no slaves, the other eleven have slaves; in fact, their slaves constitute a large item of all the property they own. During the past year, it has so happened that many newspapers, pamphlets, and pictorial representations made their appearance, and were, through the mail, and by other means, extensively circulated in the slaveholding States. By these means, a spirit of discontent was created, which occasioned much excitement and disorder in various places, and rendered it necessary, in a summary manner, to put to death several white persons and a number of slaves. In various quarters of the Union there were assemblages of people, who expressed their opinions with great freedom. In the course of the fall and winter, many of the State Legislatures have been in session; they have been addressed on this subject by their respective Governors. They have expressed publicly their opinions; the President, in his message, has invited the attention of Congress to it; the Senate has referred that part of the message to a special committee, which has made a lengthy report, accompanied by a bill, which is now upon your docket, and must, in due course, be discussed, and either passed or rejected. Are all these to be called *agitators*, and charged with unnecessarily producing excitement? If not, how is it that members of Congress are to be thus charged when petitions are presented that we must in some mode dispose of? Each of us must suggest such mode as we think most correct, and none can justly be liable to any such charge. If there is any wrong, it is found in those who, in such a state of public feeling, will press their petitions upon us. The petitions are forwarded to members who feel it their duty to present them; when presented, others think it their duty to demand the question whether they shall be received. Is it true that on this delicate subject every officer of the Federal or State Government can express his opinion as to what it is best to do, and that a Senator dare not express his opinion without being liable to censure? I hope not.

This is a delicate subject: would to God it had not been pressed upon us; but as it is placed here by the petitioners, we must dispose of it. To enable us to do so, we must think upon it, and we may tell each other what we think and our reasons for so thinking. It is not by speaking upon it we will be likely to do mischief. Every thing depends upon the *temper* with which we express our opinions, and the *sentiments* we advance. My wish and aim is, if I can do no good, to do no harm; and if I believed, in what I propose to say, I would utter a sentiment from which mischief would be produced, I would close my lips, take my seat, and content myself with yea or nay to every question proposed by others, leaving every person at liberty to conjecture the reasons for my votes: but entertaining no fear of that kind, I must ask permission to state, as briefly as I can, some of the reasons for the course I shall pursue. In doing this, I shall not address myself to Senators coming from either the East or the West, the North or the South, in particular, but to the Senate, the whole Senate, because, if it is desired, as I believe it is, that we should remain together as *one people*, secure, prosperous, happy, and contented, the whole country, every section of it having a deep interest in this matter, this agitation and excitement must cease.

What, then, ought we to do, as most likely to put an end to those angry feelings which now prevail?

In my opinion, we should refuse to receive these petitions. It is a mere question of expediency what disposition we shall make of them. All who have yet spoken admit that Congress has *no power* whatever over slavery in the respective *States. It is settled.* Whether slavery is right or wrong, we have now *no power* to consider or discuss. Suppose, then, a petition were presented, to abolish slavery in the States, would we receive it? Assuredly we ought not, because it would be asking us to act upon a subject over which we have *no power*

But these are petitions asking Congress to abolish slavery in this District. Have we the power? I *think not.* I consider the argument of the honorable Senator from Virginia, [Mr. LEIGH,] upon that point, conclusive. It has not been answered, and I do not believe it can be. Slaves are property in this *District*—Congress cannot take *private* property even for *public use*, without making just compensation to the owner. No fund is provided by the Constitution to pay for slaves which may be liberated, and the Constitution never gives Congress the power to act upon any subject, without, at the same time, furnishing the *means* for its accomplishment. To liberate slaves is not taking them for public use. It is declaring that neither individuals nor the public shall use them. I will not weaken the honorable member's argument by going over it.

This District was intended as the place where the great business of the nation should be transacted for the good of the whole. Congress, under the Constitution, is placed here to legislate upon those subjects enumerated and specified in the Constitution, that we might be able to protect ourselves, and the officers residing here, and be out of the reach of the laws of any State. It was never intended that we should have any local legislation, except such as would meet the wants and wishes of the people residing within the ten miles square. We should never permit this place to be converted into a political workshop, where plans would be devised or carried into operation that would have the effect of destroying the interest of any of the States.

Members of Congress, executive and judicial officers, were to come from any and every section of the Union, from the slaveholding and the non-slaveholding States, and their property was to be as secure here, in this ten miles square, as it was in the States from which they respectively came. They would bring their habits and their domestic servants with them; those from the non-slaveholding States their hired servants, and those from the slaveholding States their slaves. And who can believe it was intended to vest the power in Congress to liberate them if brought within the District.

Again: The right of property in slaves in the States is sacred, and beyond the power of Congress to interfere with in any respect; yet, if it be conceded that we have the power to liberate them in the District, we can as effectually ruin the owners as if we had the power to liberate slaves in the States. By abolishing slavery here, we not only make a place of refuge for runaways, but we produce a spirit of discontent and rebellion in the minds of slaves in the neighboring States, which will soon spread over all, and which cannot fail to compel owners to *destroy* their own slaves to preserve their own lives and those of their wives and children. I beseech gentlemen to look at this matter as it is. Take, for illustration, the case of a small planter in Mississippi, living on his own land, with thirty slaves to cultivate it. Suddenly it is discovered that one half of them are concerned in a plot to destroy the lives of their master, his family, and neighbors, with a view to produce their freedom, and immediately, with or without law, they are tucked up and hanged. The man is thus deprived of his property without any chance for an indemnity, besides the disquiet and anxiety of mind occasioned by a loss of confidence in his remaining slaves. It cannot have been intended that Congress, by acting on this subject, should have a power thus to occasion a destruction of slave property.

To me it seems that we ought to treat these petitions precisely as we would do if they prayed us to abolish slavery in *one of the States.* We have no more power to abolish it here than we have there. I think, in either case, we ought to refuse to receive them. I hold, that if the petitioners ask us to do that which we have no power to do, or to do that which will be productive of a great and lasting mischief, we not only have the *right*, but that it is our *duty*, to refuse to receive them.

By the Constitution, no man can be held to answer for a criminal charge but by presentment or indictment. Suppose a petition presented here, alleging that some citizen in the District had been

guilty of a crime, and that he was so influential that he could not be reached by the ordinary forms of law in court, and therefore we are asked to pass a bill of attainder: ought we to receive the petition? Suppose a petition to ask us to pass a law to prohibit any member of this body from making a speech against the prayer of the petitioners; would we receive it? Suppose a petition to be offered asking us to establish a particular religion in this District, or to prohibit any publication in a newspaper on the subject of abolishing slavery, unless it was previously approved of by a committee: would we, ought we, to receive any such petition? I think, most certainly, we ought not. But suppose we have the power, is there any Senator who believes we ought to exercise it? I trust not. Those who urge the reception of this petition, which is from the Society of Friends, have spoken most highly of the petitioners and the class of citizens to which they belong. In all this I cheerfully concur. These particular persons are strangers to me. I doubt not the purity of their motives; the sect to which they belong is worthy of all the encomiums passed upon it. I respect and esteem them most highly, and do not feel that in my composition there is a particle of unkindness towards them; but I think they would have us do that which we have no power to do, and if we had the power, by exercising it we should do infinite mischief. This *these* petitioners do not desire. They have discharged what they think is their duty by having their petitions presented; I only discharge mine when I say, consistently with what I feel to be my duty, I cannot receive them.

But it is further insisted that the right of petition is a sacred one, that belongs to the nature of free government, and existed before the formation of our Constitution, and that instrument did not *give* the *right* to petition, but intended only to secure it. This is sound doctrine, and has my hearty assent. The people are sovereign; members are their agents or servants; they have a right to make known their grievances, real or imaginary. We can *pass no law*, we can make no rule to abridge or destroy that right. But what do gentlemen mean when they speak of the *right* of petition? Do they mean that, when the petition is presented, we must receive it, and do that which is prayed for? No. Not one member contended for this; so far from it, they say, that if the language of the petitioner is *disrespectful to the body*, or to *any member of it*, we may and ought to *refuse to receive it*.

How is this? I beg that we may reflect seriously upon this matter. We are about to establish a doctrine to which I can never yield my assent. Are we to be exalted above our employers? Is our dignity to be of a higher consideration than the property and lives of those who send us here? If a petition contains matter charging disgraceful conduct on the Senate, or any of its members, we *may not receive it;* but if it contains matter which is to *destroy* the slave property in this *District*, and in *eleven States* of this Union, and also to endanger the *lives* and *dwellings of every citizen within their limits*, we are bound to receive it. This is the doctrine contained in the arguments. I deny that there is any such distinction to be found in a single feature of our political institutions. The truth is, we have the power, *in both instances*, to refuse to receive the petitions, but in exercising it, when we *ourselves* only are assailed, we ought always to act *most liberally* in receiving; but where the safety, the lives, and the property of our *masters* are concerned, we have no right to exercise the same liberality.

With great deference for the opinions of others, I think the force of their whole argument rests on a plain mistake. They argue as if we neve, became *acquainted* with the contents of a petitionr or could *consider* and *decide* upon *its merits* until after it is received. This is most clearly not correct. What we have been doing for the last few weeks is full proof of it. These petitions have been publicly read; their merits and tendency, and our powers to abolish slavery have been long under discussion; has any man denied our right to do so? Not one; the only doubt suggested is, whether it was prudent to adopt this course?

By the twenty-fourth rule, when a petition is presented, the member must briefly state its contents, and what the petitioners wish should be done. He then *asks that the petition may be received*, and specifies what he wishes to be done with it after it is received. If no member objects, for the purpose of saving time, it is received and disposed of without formally propounding the question of reception; but if any member objects, he may call for the reading, and then urge his reasons why it should not be received. This rule establishes no new doctrine; it is founded in good sense, is perfectly consistent with the right of petition, and is laid down as the correct practice by Mr. Jefferson, in his Manual, at page 140. What is the right of the petitioner? It consists in his having free permission to make known to Congress what he esteems a grievance, and to ask them to provide a remedy. When his petition is presented, the duty of Congress commences. That consists in the members making themselves acquainted with the contents of the petition, and granting its prayer, if it be just and consistent with the public interest, or in refusing to receive the petition, or making some other disposition of it, which, in their judgment, will more conduce to the good of the community. When we refuse to receive a petition, we no more destroy or impair the right of petition, than we do when we receive the petition and lay it upon the table, or reject the prayer of it, or refer it to a committee, who reports that it is unreasonable, and ought not to be granted. In each of these cases, the complaint of the petitioner has been *heard*, *considered*, and *decided on*. In neither instance has he obtained a redress for what he supposed a grievance, but each leaves him equally at liberty to renew his petition at any subsequent period.

Four modes have been suggested by which to dispose of this and all others on the same subject.

The first we have been considering, and is to refuse to receive it.

The second is to receive *them*, lay them on the table, and there let them lie.

The third is to receive them, and then instantly reject the prayer of the petitioners.

The fourth is to receive them, refer them to a committee, and let that committee make a report upon them.

I prefer the first, because, when we refuse to receive the petitions, they are returned to those who sent them, and it will most strongly discountenance all hope that Congress ever can, or ever ought to, pass any law upon the subject to which they refer. In each of the other three we retain the petitions, place them on our files, in the custody of our officer, and at any subsequent session they are here, and it will be competent for any member to move their reference to a committee: whereas, if returned to the petitioners, if they ever again make their appearance, it must be by their being resent and represented. I think that plan is the most advisable, and will be most likely to calm the disturbance in the slave States, which will most strongly manifest to all, in every quarter, that Congress will not interfere with slavery as it exists in the States and in this District.

If these petitions are received, I then think the disposition of them proposed by the Senator from Pennsylvania the next best, that is, immediately to reject their prayer. This would be far preferable to laying them silently on the table, without expressing any opinion whatever.

There is another aspect in which this question may be viewed, that has had great influence on my own mind. Congress sits here as the Legislature of the whole Union, and also as the *only Legislature for the local concerns of the District of Columbia*. These petitions do not ask us to make a general law, operating *throughout the whole Union*, but a law, the operations of which are to be spent entirely upon property within the ten miles square. Now, if we were in *form*, as well as in substance, a local Legislature when acting on this question, which gentlemen say is to affect slavery in the District, and nowhere else, would we be bound to receive these petitions? No more than we are bound to receive petitions from France or Germany. Would gentlemen, if sitting as members of the Legislature of Alabama, feel bound to receive petitions from citizens of Maine or Pennsylvania to emancipate slaves within their own State? Assuredly not. If that be so, is it not most reasonable, when we are called upon to pass an act confined exclusively to this District, that we should conduct towards the people here as if in this matter they were our constituents? Will it not be time enough to *receive petitions* on this subject when they are presented on behalf of those upon *whose property alone* it is said the law would operate?

Honorable Senators have told us there are two classes of Abolitionists, and that public opinion will soon put down the mischievous class, which is small in numbers. Gentlemen, I doubt not, think as they say. All we know is, that our peace has been very much disturbed by them, whether few or many. Their newspapers, their pamphlets, and pictorial representations have been plenty. They have come to us through the mail, and by other means, in great abundance; and, if we are to live together as one people, they must stop. It is vain to reason with people about the liberty of speech and of the press, when their lives are put at hazard. When the domestic circle is invaded; when a man is afraid to eat his provisions, lest his cook has been prevailed on to mix poison with his food, or dare not go to sleep, lest the servants will cut the throats of himself, his wife, and children before he awakes, he will not endure it; and when he can lay hands upon those who prompt to such deeds of mischief, he will not wait for the ordinary forms of law to redress him. He takes the law into his own hands, and everything which accustoms us to violate the law is a serious evil in a country as free as ours, where the laws should govern.

The honorable Senator from Mississippi has shown us something of the feelings of his State, which has suffered much. In mine, when we first heard of punishing persons in Mississippi without legal trial, we thought it all wrong, and some of our leading newspapers courteously found fault with it. Their columns were not long dry until one of these distributors of Abolition pamphlets was found in our most populous and respectable city, and an assemblage of our most orderly and discreet citizens immediately resorted for redress to the same summary process which had been used in our sister State. Public opinion may have done something on this subject. I know of only one attempt to establish a press for such publications in any slaveholding State. The neighbors of the gentleman informed him that his press would be productive of mischief, and he must not establish it in their town; he answered that he held it a high duty, which he could not dispense with, to proceed, and he would do so. They replied, if he did, they would consider it their duty to demolish his building, and sow his types, broadcast, in the streets. This manifestation of public opinion he respected. He knew that those with whom he had to deal would keep their word. He desisted, retired to a neighboring State, where, as I have understood, he is now publishing his paper.

I beg gentlemen to consider that it is of no consequence to us whether Abolitionists, in their States, are many or few; their *publications are numerous;* they have already produced much mischief, which, if persisted in, must end in consequences to be forever regretted by us all. For myself, on the subject of the disposition we may make of these petitions, I can have no other wish than that it may be such as will most tend to allay excitement, and restore that harmony which is so essential to the common interest of our whole country.

NORTH CAROLINA CONTESTED ELECTION.

SPEECH OF HON. T. L. HAMER,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

March 26, 1836,

On the Contested Election from North Carolina, between David Newland and James Graham.

Mr. HAMER addressed the House as follows:

Mr. SPEAKER: A number of gentlemen in the course of this discussion have expressed their

surprise at the sentiments which have been advanced by others, in reference to the points involved in this controversy. I must be permitted to express my surprise at the sentiments which those gentlemen have themselves maintained. We are gravely told that we are sitting in a judicial capacity, performing a solemn duty, and bound to decide according to right and justice. Why, we are all aware of that, sir. One gentleman, however, informs us, that he does not consider himself qualified to decide this question. I believe I am not misrepresenting the gentleman. I so understood him at the time, and I find it so reported in one of the morning papers.

Mr. WISE rose to explain. What he had said was this: he did not consider himself "fit" to decide this question, nor did he consider the gentleman from Ohio "fit" to decide it.

Mr. HAMER said he had not then misunderstood the gentleman; he understood him at the time to include all the members of the House as unfit to decide the question. A great deal had been said by that gentleman and others about party influence upon a case like the present. It is thought that we cannot adjudge between the respective claimants without being governed by this influence. It seemed from the opinions expressed by some gentlemen that this party influence, too, was all on one side. He would ask any gentleman to look over the yeas and nays taken in this case, or in the case of Moore and Letcher, or in any other case of a contested election in high party times, and he would then appeal to his candor to say whether party considerations influenced the dominant party alone. Sir, (said he,) if any one attempts to sustain that position, I apprehend he will find every important fact upon record to be decidedly against him. It would be sufficient to satisfy any one on this point to turn to the votes given last week upon the proposition to fix Thursday for the discussion of this report of the Committee of Elections. If gentlemen would talk about party, they might there see which political party it was that voted, *to a man*, upon one side of a party line, and which one it was that crossed that line. He held that we ought not to be governed by party considerations in such cases; and in that sentiment we all seemed to agree. But, unfortunately, there were parties in this, as well as in every other free country, who professed one thing and practiced another. It did appear strange, however, that, after so much had been said upon the influence of party, we should be informed by the gentleman from Virginia [Mr. WISE] that both these individuals, the sitting member and the petitioner, are of one and the same political party.

Mr. WISE explained: He had spoken cautiously and guardedly. He had understood that, in their canvass before the people, both gentlemen had avowed the same principles, but he knew not what might have been the effect of the magician's wand since then.

Mr. HAMER did not know, personally, what these gentlemen's political opinions might be, with regard to the approaching presidential election. He could only know from what he had heard, that they were both of the same party, and both opposed to him. If so, he (Mr. H.) could have no party considerations to govern him; nor could any other member of the House. Both of them belonging to one party, their political friends in the House would be voting between two friends; and those who differed in sentiment would be deciding between two political opponents. So that, on all sides of the House, every gentleman would be perfectly unbiased and impartial.

The Constitution of the United States, he remarked, made it our duty to decide this question. By that instrument this House is made the judge of the election and qualification of its own members. And whether we were "fit" or unfit, in the language of the gentleman from Virginia, he would say to that gentleman, and to every other, that it was our duty to examine ourselves and prepare our minds, as far as poor human nature would admit, to investigate this case fully, and to determine it impartially. We owed it to ourselves, to the parties interested, and to the country at large.

All who had spoken in debate had taken occasion to comment upon the importance of this case. In the views thus expressed he entirely concurred. But whilst its importance to the twelfth congressional district of North Carolina, as well as to the whole country, had been conceded on all hands, some gentlemen had contended that the individuals claiming the seat have no interest here. He dissented from this doctrine. They had a deep interest; one of minor importance, to be sure, to the interest which the people of the district have; but still a deep and abiding interest. Sir, (said he,) has not every member on this floor an interest in the seat he has here? Is it not one of the most honorable positions that can be occupied by mortal man? If not, why do gentlemen encounter so much trouble, anxiety, abuse, and privation, to obtain the privilege to sit here and deliberate upon the welfare of our countrymen? Each one has a right to his seat, derived from the suffrages of his fellow-citizens; and each of these claimants has an interest in this question, which he estimates in proportion to the actual value of the station which he claims, and his supposed chance of success. We have a duty to discharge, then, towards these gentlemen themselves, as well as to the people of the district which they both aspire to represent.

He said there had been unreasonable delay in the decision of this controversy. If we did not proceed to dispose of such subjects with greater dispatch, no one would be willing to contest an election in this House. Contests of this description were always unpopular; there was a strong feeling in the community against them; and this was shown by the fact, that very generally, when the question had been referred back to the people, they had decided against the contestor. This consideration, in connection with the great expense of collecting testimony, the time lost in arranging the case for presentation, the suspense and anxiety attending the trial, and the delay and expense of four or five months in Washington, must necessarily deter almost any man hereafter from a contest. We were, therefore, setting a bad precedent; for, if an individual obtained a certificate of election, no matter whether by fraud or accident, either in himself or others, he would hold his seat and wrongfully represent the district for two years; although, upon a fair and full examination of the polls, all might be perfectly satisfied that he was not entitled to a place on that floor. It was wrong to throw any such obstacles in the way of obtaining justice; and he was sure no gentleman would knowingly contribute to produce such a result.

It was certain, however, that there seemed to be an unwillingness on the part of the House to hear discussions of this kind. It interferred with public business of much importance, which it was supposed ought to take precedence of it; and it frequently interfered with private bills, which gentlemen were anxious to have passed. Besides these difficulties, it required a study of dry details, of law and fact, which were exceedingly uninteresting, and which many members were disinclined to read; because they resided in other States of the Union, and could feel no particular interest in the points presented by these details. In addition to all these considerations, a contest like the present crowds out certain party debates, connected with the presidential question, in which some of us are anxious to engage, or are very willing to hear. Under the influence of so many unpropitious causes, it is almost impossible for an individual to obtain a thorough, patient, and early investigation of his claims to a seat on this floor.

This was wrong. It was a question that related to the organization of the House itself—to its very existence. It was in fact a question whether we had a House of Representatives, and if so, who composed it? It ought, therefore, to be promptly acted upon and determined. No one should be permitted to sit there and vote, unless he had really been elected, and sent to do so by the people of the district. Without such election, his acts were not binding upon the country; and the community would not acquiesce in the legislation of unauthorized agents. A case might be easily imagined where a law of the greatest consequence should be carried through the House by the single vote of one member, whose seat might on the day following be declared vacant, because he had not been duly elected, and had *in truth* never been a member of that body. The necessity, therefore, of speedy action must, he thought, be apparent to all, and he trusted no further delay would be allowed. Already had four months elapsed since the subject was presented. The committee had reported some time in February, and we had been one or two weeks engaged in the discussion of preliminary points. Had we decided a single question, or progressed a single step in the investigation? We had not. He was astonished that gentlemen should occupy so much time in fighting upon the borders and skirmishing along the frontiers. Why not come up to the main question? Why not advance to the merits of the controversy, and not consume week after week in debates about mere incidental points, that could lead to no practical results?

On this morning, there had been presented a series of resolutions by the honorable gentleman from North Carolina, [Mr. RENCHER,] which it was said would facilitate our investigations, and, if adopted, would show the country and posterity upon what principles this case is decided. He denied that such would be their effect. A part of these propositions were mere truisms. Take, for example, the first one, that "testimony taken upon due notice will be received by the House." All agree to this. But what is "*due notice?*" When we have adopted the resolution, we shall be as far from a conclusion as we were before. Every gentleman will have to determine for himself, when a deposition is presented, whether it has been taken upon "due notice;" and one will determine that question in the affirmative, and another in the negative, according to their respective opinions of what is legal and reasonable notice; so that nothing is gained by the adoption of the gentleman's resolution. Why then discuss what nobody denies; or adopt that which cannot furnish us the slightest assistance in the investigation before us?

Others of these resolutions were sufficiently definite as distinct propositions, but as regarded the final result of the contest they were wholly vague and indefinite. He could not, therefore, vote for them. They were calculated to mislead the public mind as to the principles upon which this case might be decided. He did not attribute any such intention to the gentleman who moved them; he only spoke of the character and effect of the resolutions themselves; he would show why they were thus deceptive.

Upon the face of these resolutions, if they were adopted by the House, and the first one should be so construed as to let in the new testimony now offered by the sitting member, he [Mr. GRAHAM] would seem to be clearly and fairly elected by a majority of the qualified voters of the district; and yet he may not be so elected; and a member of this House who votes for all these propositions may honestly and properly vote to admit the petitioner to a seat here, in place of the gentleman who now occupies it. This might seem strange; but it was, nevertheless, true.

For the sake of illustration, he would suppose a case. A and B have difficulties of a pecuniary character, which they cannot settle themselves, and they refer them to three of their neighbors, as arbitrators. A's account consists of three items, of $1,000 each. The first is a balance of a book account, the second a balance or a promissory note, and the third a balance of the purchase money of a tract of land, sold to B, all of which, he contends, are justly due him. B, on his part, denies the validity of these claims, alleges they have all been paid, and claims a balance of $5,000 as justly due him, on a fair ettlement with A.

The arbitrators, after hearing all the testimony and arguments, unanimously decide that B's accounts are not established, and must be rejected. They then take a vote *separately* upon A's three items. The first one is rejected, C voting for, and D and E against it; the second one is rejected, D voting for, and C and E against it; the third is rejected, E voting for, and C and D against it. Here would appear to be an end of the case; but it is not so. A vote is then taken upon the whole of A's claim, and he is unani-

mously allowed and awarded $1,000 against B, C allows him $1,000 on his book account, D a like sum on the note, and E the same amount upon the contract for land. Each one is perfectly satisfied that A is entitled to the $1,000; upon this point they are unanimous; but each one has his own particular reason for thinking so; and each one arrives at the conclusion by his own course of examination and comparison. This (he said) was a case perfectly analogous to the one before the House, and it was stated in such a simple and concise form, that a child might comprehend it.

But apply the same process to a contested election. A, the sitting member, has a majority of one vote, and B claims a majority of fifteen, in this way: He alleges that two of A's votes were given by aliens, two by minors, and two by non-residents, and that the returns from a precinct or township where A got a majority of ten votes, ought to be rejected, on account of the illegal manner in which the election was conducted. The subject is referred to a committee, and they report that B's allegations are sustained, except as to the precinct, the votes of which, in their opinion, ought to be retained. They conclude their report with resolutions, declaring that A is not entitled to a seat, and that B is, having a majority of five of the whole number of qualified votes given in the congressional district.

The House, composed of two hundred and forty members, then proceeds to act upon the *separate* propositions involved in the contest. The first forty members called sustain the committee as to the aliens, but the remaining two hundred decide the votes to be good; the second class of forty members sustain the committee as to the minors, but the first forty and the remaining one hundred and sixty reverse the decision of the committee on that point; the third class of forty members called, decide with the committee as to the non-residents, but the first eighty and the remaining one hundred and twenty are of a different opinion; the fourth class of forty vote that the precinct returns ought to be retained; but the first one hundred and twenty and the remaining eighty decide that it should be rejected. Thus, every decision of the committee upon these several points is reversed; and there would seem to be a large majority of the House in favor of the sitting member. But a vote would then be taken upon the *main question*, the resolutions of the committee, which were the *results* of their investigation. The classes of members who had been in the minority upon each several proposition were all composed of different and distinct individuals. The first class of forty would believe A to be in a minority of *one*, on account of the two aliens, and would vote against him; the second class of forty would believe him to be in a minority of *one*, on account of the two minors; the third class of forty would believe him to be in a minority of *one*, on account of the two non-residents; and the fourth class of forty would believe him in a minority of *nine*, on account of the illegal votes counted for him in the precinct or township, which ought to be rejected. These four classes of forty each, making a majority of two thirds of the House, would vote against the sitting member, and thereby sustain the *result* at which the committee had arrived; although the same House, by votes of two hundred to forty, had reversed all the different preliminary propositions which were to be found in the report. The House would arrive at the same conclusion as the committee; but they did so by another mode of reasoning, precisely as a judge or juror often decides a cause in favor of a party, but for *reasons* altogether variant from those assigned by his advocate. We might all meet at the same point at the same time; but in traveling thither, each one would take the path that his own judgment or his own fancy might dictate to him. Was not this proper? Must not each gentleman be allowed to examine and decide for himself? Is he not bound to do so? And is not the common result of all these examinations and decisions, when thrown together, the judgment of the House?

From this simple statement it must be apparent to every gentleman, that all attempts to place upon record our reasons for deciding this or any other case must be utterly vain and fruitless. It would involve members in seeming inconsistencies, which would require continual explanations to satisfy those who did not understand the whole case. No plan could be devised by the wit of man which would show precisely upon what principle the House acted, in coming to a conclusion, except to allow each member to make a speech, giving his views of the case at large, or to offer a string of resolutions, presenting the entire process of reasoning by which he arrived at the result that his final vote might indicate to his constituents. This would be utterly impossible. It would, in the one case, consume the whole year in making speeches; and in the other, increase the Journal to an enormous bulk, for no reason could be assigned why we should vote upon separate propositions in contested elections, that did not equally apply to all the other business of the House. To carry out the principle, we should occupy the whole session in writing and printing what nobody would read, to the exclusion of all the important business of the country. Were gentlemen prepared for this? If not, why did they urge these doctrines upon the House with so much zeal? How could this case be distinguished from any other? And yet, who ever thought of asking us to vote in that manner upon an appropriation for a particular harbor, light-house, or fortification? Who has ever required us so to vote upon a bill to increase or diminish the duties upon a particular article of commerce; to increase the Army or Navy; upon the admission of new States into the Union, or upon the allowance or rejection of a claim presented by an individual? Such demands had never been heard of, and yet they were as applicable to the one case as to the other. He was against them, because they did not give a fair and impartial view of the case. They were unjust in their operation. Th y might be true as far as they went, and yet they did not tell the whole truth. Whilst they showed why some members voted in a particular manner, they grossly misrepresented others, not only by not showing why they voted differently, but by implying reasons for their action which did not exist. All this was manifested by the argument of the honorable gentleman from North Carolina, [Mr. McKAY,] who had just addressed the House. He disagreed both with the majority and with the minority of the committee upon several points involved in this controversy. He also differed with his colleague, who submitted these resolutions. He took a view of the case, which varied in some respects from any heretofore taken; yet he had come to the conclusion that Mr. Newland was entitled to a seat. So it was with every member on the floor. Each one would have his own peculiar views and mode of reasoning to arrive at a result upon this subject. Some would think one party elected, and some the other; and some might believe that neither was entitled to a seat, and that the whole matter should be sent back to the people. To do justice to all alike, we must allow each one to present his own views, and have them recorded. He was therefore in favor of voting directly upon the *main* question, without requiring each member to evince, in detail, to the country, what might be his opinions upon all the questions of law and fact involved either in this or any similar controversy.

The first point before the House for consideration, after disposing of these resolutions, is, shall the sitting member be allowed longer time to take testimony? To answer this inquiry, we must ascertain why he is not ready now. Unless some good reason can be given why he is unprepared, we ought not to admit a further delay. What are the reasons? The principal one seems to be, that between the period of his receiving notice that the election would be contested, and the commencement of the session, there was not sufficient time to take his testimony; that he was under a "moral obligation" to come here as a member of Congress; that he was not bound to employ an agent to take depositions during the session, because he has a right to be personally present when they are taken; and therefore his testimony has not been procured. Now, if this be a correct view of the subject, longer time should be allowed. Let us see if it is so.

If he were under a "moral obligation" to come here at the commencement of the session, he is under a "moral obligation" to stay here now. The obligation has not diminished. It is as strong at one period of the session as at another. Yet he now asks the privilege of violating this supposed obligation, to go home and take depositions. This is a singular position. Or does he intend to remain here and transact the business through agents? If so, this could have been done as well at the commencement of the session as at present. Why did he not leave agents, when he came on here, to proceed in the collection of evidence and the cross-examination of the petitioner's witnesses? If that had been done, he might have had all the evidence that could have been obtained in the district, and would now be perfectly prepared, according to his own views of the case, to come to a final hearing. Whose fault is it that he did not do so? Not Mr. Newland's. Is the latter to suffer on account of the other's neglect? This is not just. Whilst we are so cautious about the rights of one of the parties, we must remember that the other has rights, too. Each one has an equal claim to our protection; and before an order is made to the prejudice of the one, we must be satisfied that the other is fairly entitled to it upon principles of equity.

But I deny that there was any such "moral obligation" upon the sitting member, as is alleged. We often deceive ourselves in discussing a subject, by taking things for granted which cannot be proved, and which are not conceded by our adversaries. It is said he was morally bound to come here at the commencement of the session, and therefore did not stay to take testimony in the district. Why was he so bound? Was it because he was a member of Congress? That is denied, and is the very question we are about to try. The petitioner says *he is the member* from that district, and offers the proof to convince us that such is the fact. How can gentlemen talk about a moral obligation upon one of the parties that does not rest upon the other? They stand precisely upon the same ground with regard to the seat; each one claiming it, and calling upon the House to say who has the best title. True, the sitting member has temporary possession of the place, because he held a certificate of election; but a certificate is only *prima facie* evidence, as the lawyers call it, of a man's right to a seat. It is not conclusive. Better evidence can be presented than the certificate, and the petitioner informs us he has that evidence. The fact, then, that the sitting member had a certificate created no "moral obligation" to come here. He knew his right to the seat was contested, that evidence would be presented here to overthrow his certificate, and he was bound, if he intended to make a defense, to stay himself or appoint an agent, and have his proof collected to sustain his claim. If he did not choose to do this, and should now lose by it, he has no one to blame but himself. He cannot set up a distinction between the rights of himself and the petitioner, to produce delay. It is a *petitio principii*, a begging of the question, to assume this distinction, when the point thus assumed is not only not admitted, but is peremptorily denied. If he must be considered a member of Congress at the commencement of the session, and therefore not bound to defend his claim, merely because he has a certificate, he ought, upon the same principle, to be considered a member through every period of the session; and he might claim to remain here, notwithstanding the testimony may prove that he ought never to have had a certificate.

Again: it is urged that time shall be allowed, because he relied upon his protest, and expected the petitioner's testimony would be rejected. This is not a tenable position. Gentlemen are continually reminding us of the rules which prevail in courts of law. In those tribunals every man is bound to know what the law is; and if a party makes an issue upon a legal point, and relies upon it for his defense, if the court should decide it against him, he will not be allowed on that account to delay the opposite party in a trial upon the merits. If this principle were adopted, a continuance of the cause could at any time be obtained by making a legal issue. Upon gentlemen's own principles, then, this is not a

good reason for delay. The sitting member chose to make a legal question, protesting against the legality of the proceedings, and asking the committee to overrule all the petitioner's testimony; but in the mean time he should have prepared for trial. When the legal principle is decided against him, he cannot expect the petitioner to wait until he can go five or six hundred miles to procure evidence to sustain his claims. This would be unreasonable, and cannot therefore be granted. All judicial tribunals must have a time when the doors are closed to the admission of further evidence. Without such a rule, a trial could never be had. Litigants would grow gray during the pendency of their lawsuits, and the proceeding would in fact amount to a denial of justice. If the sitting member were dissatisfied with the decision of the committee upon any point, he should have appealed to the House. We have the right to instruct our committees. They are always under our control. A decision made by them, overruling his protest, or refusing him longer time to procure evidence, could have been reviewed here and reversed, if we thought proper to reverse it, the next day after it was made, as well as now.

He made no such appeal, but submitted to the decision, and there is no reason why we should now interpose for his relief. It will not do to say it is a hard case; that injustice will be done by our refusal of time. The same may be said in every case in court where the party wants time granted, but has used no diligence to get ready for trial. Neither will it do to say that the people of the district demand longer time, as some gentlemen have said during the discussion. Who speaks the sentiments of the people? Who is the true representative of the people? That is what we are about to decide. Whilst one party alleges that the people want more time, the other says the people do not want it. We must decide, therefore, according to all the circumstances, without reference to either of these declarations.

We come now to the next point in this controversy, which is the admissibility of the depositions which have arrived here since the decision and report of the committee. To judge from the zeal displayed by gentlemen to bring in these depositions as proof, we might conclude that the whole case turned upon this hinge. Indeed it seems to be tacitly admitted, that without their reception, taking the case upon the testimony before the committee, there is a majority of the legally qualified votes in favor of the petitioner. If this be so, we should examine and decide the proposition to admit this new proof, with the greater care and caution. If its effect were only to swell or diminish the majority of one of the parties over the other, its admission or rejection would be of comparatively little importance.

It has been rightly remarked, that we are acting now as a judicial tribunal, and, as such, must be governed by the rules adopted in those tribunals for the administration of justice. We are not bound by the inflexible rules of any particular court; nor are we restrained or guided by any law of Congress upon this subject; it is a matter of serious regret that there is no law to regulate these contests. Still, no one will deny that we ought to be governed by the general principles observed in all judicial bodies, which secure fairness in the proceedings, and accomplish the ends of justice in the result. The taking of depositions is regulated in all the States, either by positive statute, or by the rules and practice of the courts. One great principle will be found to prevail universally, which is, that no undue advantage is to be gained by either party over the other. In every court, it will be found, that the opposite party must either be notified of the time and place of taking the depositions, so that he may be present to cross-examine the witnesses, or else he has time allowed him after they come in, to take testimony to explain, rebut, or discredit the evidence. The experience of succeeding ages has shown the wisdom of these rules, and they ought not to be lightly departed from, even in this enlightened assembly. Depositions, to be legal, must be taken before some person authorized to administer oaths; and as a general rule they must be taken on sufficient notice, allowing something like twenty-five miles a day to the adverse party, Sundays excepted, to travel to the place of taking them. In some places he is only required to travel twenty miles per day. These general rules, applied to the depositions before us, will readily determine their admissibility.

They consist of two parcels; the first dated on the 30th day of November, purporting to be taken before L. Fullom and Charles Greer, *at Buncombe county;* but what part of it is not known.

There was no cross-examination of these witnesses by the petitioner or his counsel; no proof that they were present. To render them admissible, therefore, proof must be adduced that due notice was given, and that the depositions were taken pursuant to the notice, before some person authorized to swear the witnesses. Both these are wanting. There is no certificate or seal of a clerk of the court to show that the persons before whom the examinations took place were justices of the peace. Without this, the testimony could not be admitted in any court in another State or district: *this is a fatal objection.* The depositions do not show, upon their face, *where* they were taken, except that it was in Buncombe county. This is also a fatal objection. Such papers could not be admitted as proof anywhere in a well ordered community. In fact they are not only no depositions, but they are not *even* affidavits, and yet we are urged to hear them, for the purpose of depriving an individual of one of his dearest privileges, and of excluding from this House a man said to be elected by the people as their Representative.

How is it with the second parcel of depositions? They purport to have been taken in February last, during the progress of this investigation, and after the committee had decided against giving the parties longer time to take depositions.

These depositions are inadmissible, because taken *ex parte*,—that is to say, without sufficient notice to the adversary. A notice may be given of the intention to take depositions, yet if it do not allow a reasonable time to go to the place of taking them, or if it be given under circumstances which excuse the opposite party from attending, the depositions cannot be used as evidence. There is no better rule can be adopted, than that which a man has himself prescribed in relation to others. The sitting member has laid down a rule on the subject of admissibility of evidence in his protest, to which I will refer for the purpose of showing what he considers *ex parte* depositions. It may be found on pages 21 and 22 of the report of the committee, and is as follows:

"I object particularly to all the depositions taken by the petitioner at Morganton, Burke county, North Carolina, because: 1st, They were taken *ex parte;* 2d, They were taken within a few days before the meeting of Congress, and *after I was obliged* to leave home to attend to my public duties."

Such is his view of the question. By reference to page 18 of the same document, it will be seen that the minority of the committee agree with him in opinion. Speaking of the depositions taken at Morganton, they say:

"A reference to the testimony will show that the sitting member was not present either in person or by counsel; or in other words, that the depositions are *ex parte*. The sitting member *acknowledges that notice was served on him,* but he alleges that a moral obligation, growing out of the relations in which he stood to his constituents, called him to Washington, distant from his residence five hundred miles, and that the friend on whom he relied, and to whom he had written, to act for him on that occasion, was unavoidably absent. He further alleges, that inasmuch as it was physically impossible for him to have been at Morganton on the 1st of December, and at Washington on the 7th, points six hundred miles apart, and as paramount duties called him to the latter place, the *option* of attending *either in person* or by attorney was virtually denied him; which option he contends ought to have been afforded him, in order to stamp the depositions there taken with the character of legal evidence. The consequence of the non-attendance of his agent was, that no cross-examination was had in the cases above referred to; and as the undersigned have no just cause to impute *laches* to the sitting member, in not attending himself, or being represented by counsel, they have come to the conclusion that *the depositions thus taken ought to be rejected.*"

Here, then, is the rule laid down by the sitting member, and by the minority, who advocate his claim to a seat on this floor. Neither he nor they can complain, if his testimony shall be tried by the same rule. It may be replied, that the majority of the committee decided against them, and admitted the depositions taken at Morganton. No matter; that does not change the case at all. Truth is inflexible. If the rule were good against the petitioner, it is good for him. But besides this, the minority and the sitting member still adhere to their position. If they have changed their ground, why do they not say so? If they are for equal justice, why not contend for the admission of these depositions in the alternative? Why not say, that if the depositions at Morganton are admitted, then these ought to be; but *if not*, then they should be excluded? I have heard no such argument. On the contrary, gentlemen are insisting absolutely upon reading these depositions, and expressing great astonishment that any one should object to them. But to the rule.

I have already shown that, so far as "moral obligation" was concerned, these persons are upon a perfect equality. If the depositions taken at Morganton were inadmissible, because the sitting member was obliged to come here and take his seat, then the depositions taken by him at Haywood county, in February last, during the time the petitioner was compelled to stay here, (if he did his duty,) are equally inadmissible. The sitting member insists that he was not bound to regard the notice served upon him to take depositions on the 1st December, because he had to be here, under a paramount obligation, on the 7th of the same month. By the same principle, the petitioner was not bound to regard the notice served upon him to take depositions at Haywood, in February, when he was compelled, under a paramount obligation, to remain here, prosecuting his claims to the seat which he believes is his right, and to which his antagonist is not properly entitled. Each one presents the proof of his claim; the sitting member a certificate of his election, and the petitioner offers evidence to show that the certificate ought to have been given to him, he having a majority of the votes of the district. The one creates just as strong a "moral obligation" as the other; for from the moment a notice is given that an election is to be contested, a certificate becomes valueless. This House cares not who has the certificate; they inquire who has a majority of the legal votes. Whoever shows this in his favor is entitled to be the representative. So that the notice was given in this case under circumstances which, according to the reasoning of the minority and the sitting member, excused the petitioner from attendance, and consequently the depositions are *ex parte* and inadmissible.

But the notice was insufficient in other respects. A reasonable time must be allowed the party to travel to the place of taking the depositions. Here the distance is fixed by the sitting member at six hundred miles from this place to the district in which the testimony was taken. What time was allowed to travel it? The notice given was eleven days.

[Here some gentleman remarked that it was seventeen days. A copy of the notice was handed to Mr. H., from which it appeared that depositions were to be taken at various places on different days, commencing at the end of eleven or twelve days, and going on to seventeen or twenty days; aad it was remarked that none of *these* depositions were taken on the days first named.]

Mr. H. continued. For the purposes of his argument, it was perfectly immaterial whether the depositions were taken on the first day named or not. They were all to be taken in the same region; and the party had a right to be present at the taking of them all, first as well as last. As a sufficient time had not been allowed him to travel to the district before the *commencement* of the examination, he was not bound to go at all. How could he know that the sitting member would not take testimony on the day first named? He was bound to suppose he would take it, because the notice so declared. But even seventeen or twenty days were not sufficient notice. Twenty-five miles a day for seventeen days, not deducting Sundays, would only have taken him four hundred and twenty-five miles. He would still be one hundred miles from the district. The sitting member ought not to have asked a man to

travel five or six hundred miles in the dead of winter in twelve days, when he complained of a notice given to him in the district on the second day of November to take depositions on the first of December. The testimony was illegal, therefore, and must be rejected for this defect, if there were no other.

But (Mr. H. said) he took a still higher ground with regard to it. The notice was given in open violation of the decision of the committee, that no longer time should be allowed to collect proofs. Gentlemen had contended that the committee did not decide that no more proof should be taken; they only declared that *no more time* should be allowed to take it. He said he meant no disrespect to gentlemen in denouncing this distinction as a mere sophism. When the committee determined that no more time should be given, they determined that the parties should commence the trial—should begin the investigation immediately with the proofs they had. How could they progress with the trial, and be absent at the same time, taking testimony? Did they mean to allow one party to entrap the other, by sending off runners or agents for testimony, whilst the other rested quietly with what he had, making out his case before the committee? No such thing. The door was closed. No more proof was to be admitted. This is the only reasonable or sensible construction to be given to the decision. If either party was dissatisfied, an appeal lay to the House, and the committee would have been instructed, either to allow longer time, or to progress with the investigation. The decision was submitted to; and from that moment no proof obtained by either party is legitimate.

Various cases have been quoted from the proceedings of courts to show that this evidence ought to be received. We have been told of a motion to continue a cause on account of an absent witness; the motion overruled, the trial commenced, and the witness unexpectedly appearing; and we are asked, with an air of triumph, whether the court would refuse to hear the witness? I answer, no. Another case is stated of a similar motion for continuance, made on account of the absence of depositions regularly taken, which were to be forwarded by mail, but had not arrived. The motion is overruled, the trial commences, and during its progress the depositions arrive; the inquiry is made again, whether the court would not allow them to be read? My answer is, that in some courts they *might* be received, and in others not. It would depend upon the rules and practice of the court, and *the effect* the introduction of the testimony would have, to take the opposite party by surprise, and prevent him from having a fair hearing. In some courts, depositions are required to be filed a certain number of days before the commencement of the term. But my principal answer to both these, and to all the cases I have heard, is, that there is not the slightest analogy between them and the case before the House.

I will put a case which I think is analogous. A motion is made by the defendant for the continuance of a cause, alleging the absence of witnesses, at the distance of one hundred miles, whose testimony is necessary to him in the attainment of justice. The court refuse his application, and the trial commences, which is to last a week. The next evening the defendant serves a notice upon the plaintiff to attend at the residence of the witnesses, two days thereafter, (traveling fifty miles a day,) to hear their examination. Is there a lawyer in this House, or a man of common sense in the country, who would advise the plaintiff to go? Not one. But suppose the defendant, by his agents, were to procure the depositions, and bring them in during the trial; would the court receive them? Is there a lawyer here who would risk his professional reputation by rising and asking the court to receive such testimony? Sir, there is not one. If he would, there is no court in the United States who would listen to him for a moment. Such, in my estimation, is the case now before the House; and the same principles which would reject the one set of depositions would equally reject the other.

What would be *the effect* of admitting this testimony? It would be ruinous to the petitioner. If the sitting member had intended to entrap him, he could not have devised a surer plan to accomplish his object. I do not charge him with any such design; nor do I intend, in anything I say upon the present occasion, to impugn his motives; personally, he has my respect. I speak only of the effect of his measures. In the first instance, he refuses to continue the taking of depositions, on account of a moral obligation to come here. When the petitioner has followed him here, he asks leave to go, or send back to take more testimony. This is refused; and he then leaps over the moral obligation, the decision of the committee, and the distance of six hundred miles, and requires the petitioner to recommence the examination of witnesses. If testimony thus taken can be received, the petitioner will be completely overreached and subjected to the greatest injustice.

Yet, after all this, we are told that the objections against these depositions are "mere technicalities!" The sitting member and his friends say this too; when all of us who look at the papers must see that he has been making technical objections from the commencement. He objected to the notice of contest because it was not specific; it did not set out the names of the witnesses, what they would swear, and the points on which the petitioner would rely in the contest. This no man could do, for it was impossible to know beforehand what the witnesses would prove, or what new facts might leak out during the contest. Again, he objected and protested against receiving the depositions taken at Morganton, because he had to come to Washington, and could not be there "*in person;*" although an agent might have attended then as well as now. Timely notice was given to him of taking them, and no advantage sought for or obtained by the petitioner. He could not anticipate that the sitting member would not remain in the district to take depositions in December. Indeed he was bound to believe the contrary, for a notice had been served upon him by the sitting member to attend at Franklin on the 7th of December, to cross-examine witnesses. After such a course it does not seem kind in him and his friends to talk so much about "technicalities." But I have shown that the defects in this testimony are not formal and technical; they are substantial, and such as no change of mere forms could possibly remove.

Gentlemen ask if we are afraid of light? I answer, no! but let the light shine upon both sides; let it come down direct from above, and not be forced to shine upon one side, whilst the other is left in total darkness. We are asked if we fear justice. No; it is the very thing we seek; but we do not think it attainable by disregarding all the rules heretofore observed in its administration; rules which are founded upon the wisdom and experience of successive generations of men, and implicitly followed in all similar investigations in the judicial tribunals of the country. Again; gentlemen inquire, if we do not believe the freemen of North Carolina will speak the truth? I answer, yes; I have no doubt of it. My regard for the freemen of North Carolina is as high as that of any gentleman upon this floor; and I would as soon receive their testimony as the testimony of my own constituents, who, in point of all that constitutes good citizens and good patriots, are equal to any like number of men in the United States. But I do not believe that I ought to violate the Constitution or laws of my country to receive any man's testimony. When it has been legally and properly taken, let it be received; when illegally and improperly taken, let it be rejected. This question is to be settled without reference to the character of the witness, whether good or bad, or the State or district in which he may reside. In this sentiment I am sure the freemen of North Carolina will most heartily concur.

There is another question connected with these depositions which ought not to be overlooked. Some gentlemen are of opinion, that if a majority of the House should reject the testimony, yet those who differ with the majority may read it and be influenced by it in coming to their conclusions as to the contest between the parties. This is an erroneous opinion. As a judicial body we must decide upon the admissibility of proof when offered; and if it should be excluded it cannot be heard by any member of the court. Suppose a court of justice to be composed of three judges, and two of them overruled a deposition because it has not been properly taken; can the other judge, when he comes to give an opinion upon the merits of the case, be governed by what was contained in such deposition? Clearly not. It has not been before the court during the discussion. Neither the parties nor their counsel have commented upon or noticed it. The decision is made in reference to what has been before the court. The majority of the judges themselves would decide the case differently, perhaps, if the deposition had been admitted. A majority must rule as well in deciding preliminaries and incidental points as in determining the main question; and when testimony is once rejected, it is no longer in court, and cannot be regarded by any member of the court, no matter how much he may be dissatisfied with the decision of the majority. The same principles apply here; and if a majority should reject these depositions, no member of this court will have a right to consider them in making a final decision between the sitting member and the petitioner.

Mr. Speaker, I had thought of examining the facts of the case, and showing, as I think the truth is, that the petitioner is entitled to the seat, by having a clear and decided majority of the legal votes given at the election. But, as the evidence has all been upon our tables for several weeks, giving each one an opportunity to examine for himself; as the honorable gentleman from North Carolina [Mr. McKAY] has gone into it at large, and as I have already detained the House a considerable time, I shall decline doing so. I ought not to close, however, without saying a word or two in reference to the case of Moore and Letcher, so often adverted to in this debate.

Some gentlemen quote it as good authority upon various points, whilst others think it ought not to be regarded as deciding anything. It has been said that the majority of the committee reported that Mr. Moore was entitled to the seat, and then turned round and voted to send the contest back to the people, because they could not tell who was elected. Now, sir, I was a member of the committee, and one of the majority who made that report. I believed then, as I do now, that upon a fair and impartial investigation of all the facts of the case, and a proper application of the Constitution and law to those facts, Thomas P. Moore was duly elected. We reported accordingly. But, after the subject had been discussed in the House for many days; after various decisions of the House—some for and some against the decisions of the committee; after seeing a majority of the House declaring one vote to be *good* upon certain testimony, and another *bad*, upon the same state of facts, we voted for the resolution which referred the subject back to the people. What was that resolution? Did it declare that we could not tell who was elected? No, sir, it did no such thing. If it had been so worded as to contain that sentiment, I never would have voted for it; and I believe I am authorized, from conversations held both then and since, to say for my colleagues who were on the committee, that not one of them would have voted for it.

It speaks of what the House can do; not what particular individuals in the House believed. It speaks of the House as a body, and not of individual members. We voted for that resolution, because we believed the House by its decisions had thrown the case into such confusion—had crossed its own track and made such erroneous and contradictory decisions, that it was just as likely to decide the case wrong as right. We believed it better, therefore, to send it directly back to the people at once, and let them do what they pleased with it; and we voted for the resolution under these impressions. So much for that case.

I rose chiefly to discuss three points; the propriety of voting upon separate propositions; the motion to grant the sitting member longer time to take depositions, and the admissibility of the new testimony which has come in since the report of the committee. Having shown, I think conclu-

sively that we ought not to vote on these separate propositions; that no more time should be given, and that the depositions are wholly inadmissible, I cheerfully give way to other gentlemen who are so anxious to obtain the floor.

PROCEEDS OF THE PUBLIC LANDS.

SPEECH OF HON. HENRY CLAY,

OF KENTUCKY,

IN THE SENATE, *April* 26, 1836,

On the bill for the distribution of the net proceeds of the sales of the Public Lands, &c.

Mr. CLAY rose to address the Senate in support of the bill. He observed that more had been already urged with great ability in its support by those who had preceded him in debate, than was necessary to convince even the most skeptical of the great benefits to be derived from it; and had he consulted the feelings both of that body and of himself, he should have remained silent, acquiescing in what had been said in behalf of this measure. But regarding it as one of great and unmixed public good, conducive in all its results to the benefit of this whole country, he could not reconcile it to a sense of duty to leave the burden of the argument on his friends, able as they had shown themselves to be.

It was possible that he might, on this occasion, present some views to the Senate that were new, or that he might have the power to exhibit those already offered in a new light, so as to induce a more favorable opinion for what had not been sufficiently considered. It was for this purpose, therefore, that he ventured to intrude upon the time of the Senate. His friend from New Jersey, who sat in front of him, [Mr. SOUTHARD,] had been reproached by the Senator from New York [Mr. WRIGHT] with having endeavored to create alarm in the public mind, and to destroy its confidence in the circulation of the county, at a moment when it was essential that the public property should be rendered secure. The man who endeavored to disturb a just confidence deserved the highest degree of reprobation; but his fault was not greater than that committed by him who endeavored to inspire a confidence where confidence was not due. He put it to gentlemen, whether the sentinel at his post was most culpable who concealed the approach of danger or the one who announced it when it was not near. He would not charge the Senator from New York with treachery when he endeavored to impress on the public mind the belief that all was safe and prosperous, as that Senator had endeavored to do. Still, the public treasure was not in such a condition as warranted the Senator in making such representations; and if he could, he would inspire him with one deep and constant apprehension of its security. His friend had also been reproached, and with little justice, he thought, with having indulged in party acrimony. This reproach was altogether unmerited. His friend had drawn a picture, a just picture, of the state of the Treasury, and referred to the powers assumed over it by the Executive. He did not say that the powers assumed had been abused by the President or by those about him—he trusted that it would not be abused; but he thought that all would agree with him that the powers assumed were utterly at variance with the liberties of a free country where a Constitution and laws prevailed. What was the state of the Treasury? According to the returns of the Secretary of the Treasury, last brought in, there were upwards of forty millions of public money in about thirty-four banks created by State authority, composed of money which still belonged to the public, part of it being at the credit of its disbursing officers, which, with the seven millions of the United States Bank stock, made a total of about forty millions. The banks in which these deposits had been made, had an amount of specie of about eleven millions of dollars, and their total immediate liabilities amounted to about the sum of ninety-three millions, their immediate means amounting to only thirty-eight millions. This great sum was held by banks not under the control of law.

He regretted that he had not time to examine the report of the Secretary of the Treasury that came in that morning, but he perceived that he commenced in a defense and in excuses which ought not to be necessary on such an occasion. This great sum might be withdrawn in a moment, at the fiat of the Secretary, and might be placed all in one bank, or deposited in a place which was not a bank; and, without inquiry whether this power might be abused or not, he asked if it was not a power too dangerous to be confided to any one man? This was the state of things referred to by the Senator from New Jersey, and which induced the Senator from New York to reproach him with having indulged in party feeling. This power was too great to be trusted to any one human being. In any one of the three hundred and sixty-five days of the year it was in the power of the Secretary of the Treasury to destroy any one of these banks, and thus lead to the explosion of the paper system, in which the property and credit of such vast numbers were involved. Now, if they looked to the means of these banks, and compared them with their immediate liabilities, they would find that there was very little to encourage the idea of the Senator from New York, that all was safe and prosperous. They had collected from the people of the United States about forty millions of dollars, and placed it in these thirty-four deposit banks, which gave them no interest, and no security for the return of the capital. They could give, in fact, no security, for if the Secretary of the Treasury were to take bonds from them, he would do so without the authority of law, and the bond would be therefore void. This money, thus deposited in these banks, was loaned out, a considerable portion of it, to the people of the United States, and the means of returning this sum, collected from the whole people, consisted of the notes of those to whom it had been loaned, and who these were was not even known to the Secretary of the Treasury himself. Thus this vast sum was loaned out by banks, acting without authority, to persons unknown to the Secretary, and in the case of an explosion, the loss to the Treasury would be in proportion to the extent of that explosion. This had actually occurred, or something like it, after the close of the last war, and caused the unavailable funds which are now in the Treasury. But if such a pressure were to occur as took place about the year 1819—want of confidence, or a large export of specie for the wants of commerce, or a failure of the crops, or a great reduction of prices of the great southern staple—if the banks became affected by any one of these causes, the loss to the Treasury would be far greater than it was to the public in 1819. Look now to the state of the currency; confidence in it was already diminishing, and exchanges were greatly deranged, while bank issues had enormously increased. All this had arisen from the unfortunate controversy with the Bank of the United States. The number of State banks in 1830 was something like three hundred, and up to January, 1835, they amounted to nearly seven hundred and fifty, while the circulation was nearly double what it was in 1830. He had no doubt, if they could get accurate accounts, that the present circulation would be found to be upwards of one hundred millions, and the number of banks eight hundred, all of them without law, and without responsibility to the United States. Was this a state of things in which the Senator from New York could place himself on the watch-tower and cry that all was safe?

When the currency was arrested from the power of Congress, where was it transferred? It was not even in the possession of the States; it was in the possession of these thirty-four banks, and the Secretary of the Treasury, whose interest it was that it should be secure, did not know to whom they had loaned it. The attention of the Senate had been called by the Senator from Ohio to a single bank, which had attempted to regulate the currency, to a certain extent, by prohibiting the Land Office from taking the notes of other banks designated by it. And let us see what the Secretary of the Treasury has done while Congress is legislating on the subject of the currency. In his letter of the 22d February, he requests these banks—he puts his commands in the form of a request—that after the 1st of July next they will not issue notes of a less denomination than five dollars; and, at a certain period thereafter, that they will discontinue the issue of notes of a less denomination than ten dollars. Now, he was not about to inquire into the expediency of discontinuing the circulation of bank notes under ten dollars, or into the expediency of making the currency consist of gold and silver only—this might be right. It was to the right to exercise this power, without the sanction of Congress, that he should call the attention of the Senate. Where did the Secretary derive this power, conferred on Congress alone, by the Constitution, and reserved by it from the Executive himself? The power of taxation was not much greater than the power of determining the thing on which taxes should be paid. Give him the latter power, the right of determining the modes of taxation, and he could make it nearly equivalent to the power of taxation itself. Now, if the Secretary of the Treasury could declare what should be the currency of the country—if he could regulate these banks without the authority of Congress, this power was capable of being rendered equivalent to the tax-laying power.

No man of ordinary prudence and forecast could contemplate the existing state of things without the most serious alarm. It was impossible that they should continue—that eight hundred banks should go on, from day to day, to issue so much paper, and that the twenty-four sovereignties should submit to it. It was utterly impossible but that an explosion must come; though when it would come he could not pretend to say. They might differ there about the cause of it, but come it certainly would. There was a most unnatural state of things presented—abundance on the one hand, and scarcity and pressure on the other. What was the cause of this pressure? One cause was the vast portion of public revenue locked up in the vaults of these banks, or loaned out by them to persons who might not be able to return it promptly; and if they looked to the state of the public pressure they would find something to support this opinion. Where was the greatest pressure at the present moment? It was at the points where the greatest amount of revenue had been collected and deposited that the severest pressure was felt; and of these points the city of New York, being the greatest both for collection and deposit, they had every reason to believe, from the accounts received, suffered the most from pecuniary pressure. Let us look (said he) at other points—at cities where the collections were not so great, and where comparatively little was deposited. Take Louisville, for example, or any of the cities on the western waters. At Louisville, where capital always found a ready employment, there was no pressure, and the course of exchange demonstrated a state of prosperity and security. Go to Cincinnati, or to any of the southern cities, and it would be found that the measure of pressure was equal to the measure of collection. There was another cause, and that was the want of confidence, which had caused a severe pressure in the money market.

The fact of this pressure was undeniable. It was severe and alarming, and called loudly for the application by Congress of any constitutional means within its power to relieve this distress. How was the city of New York to be relieved from the abstraction of eleven millions of dollars? She was to be relieved from the pressure only by the distribution of the money in the public Treasury, which would afford immediate relief; and immediate relief would be afforded to the banks in that city, and in those other great commercial cities of Philadelphia, Baltimore, and Boston. And was it possible Congress could adjourn without distributing this vast treasure? Among the schemes devised to dispose of this fund was one of making large appropriations for public defense; and the term "public defense" had been repeated in their ears until everybody was sick of hearing it.

In good old times the Commons of England or the Congress of the United States did not go to the Crown in the one case, or the Departments of State or the Executive in the other to ask how much they could spend, but cut it down to reduce it to the proper sum consistent with economy. But now they goaded and harassed the disburs-

ing departments to tell them how much, and what was the maximum amount they could spend. The Secretary of War, in a document highly creditable to his sound judgment and discretion, had told them how much had been expended; and it was evident he was against this extravagant system, as he had cautiously avoided indicating any sum that could be expended, and supposed they were capable of judging for themselves. But this did not suit some gentlemen; and he was called on again, and it was referred to Colonel Gratiot; and finally it was referred to a lieutenant in the service, who had given it as his opinion that $6,000,000 could be expended. In other cases they had not only the authority of the Secretary, but the authority of the President. But now the Secretary refers it to the same branch of the Department, and Congress was asked to expend $6,000,000 on the opinion of a lieutenant. There could be no diversity of opinion on this subject. He asked gentlemen to look at the condition of the country now, and compare it with that period when we defended ourselves so successfully against a powerful nation. Our population was about doubled since then. We had twelve ships of the line finished or on the stocks, and an additional number of frigates; and our whole coast, from the Balize to Norfolk, was increased in all its fortifications. He adverted to the efficient defenses of New York, and of the whole north Atlantic coast; and asked the Senators to look at the Canada frontier, and compare our resources and strength there with what it was in 1814, and they would find it possessed a thousand times the strength it then did. We had paid off a debt of upwards of a hundred millions, and it was ideal to compare our strength then with what it was now. The introduction of steam power on the father of rivers, the Mississippi, and other navigable rivers, baffles all calculations in figures of our strength. This thing of making these extravagant calculations in regard to fortifications, &c., was nothing but an effort to get rid of the surplus. Appropriations and expenditures were not synonymous terms; appropriating more than they could expend would only be turning another leaf in the ledger, and charging it against, instead of leaving it where it stood—to the credit of the Treasury. The appropriation of last year could not be expended; they might appropriate it as they pleased, and they could not expend it; and to leave it where it was—it was in repositories that were insecure and unsafe—and the loss of interest while it remained in these banks alone would amount to upwards of two millions per annum; and, besides the loss of interest, they ran the risk of losing the capital itself. What, then, ought they to do with it? He answered, distribute it.

These lands were acquired by cessions from States, and by treaties from foreign Powers; and under either mode they came under the general powers of Congress. The lands acquired by cession were ceded in consequence of the revolutionary struggle, to pay the debt of the Revolution, and to satisfy Maryland, New Jersey, and other States, for the extensive waste lands in those States. The President, in his message of 1832, had said the object for which they were ceded having been accomplished, they were then subject to the disposal of Congress, in such way as would best satisfy the several States. The deed of cession from Virginia was prior to the adoption of the present Constitution, and Virginia having been a party to it, it followed that when the power was concurred in by the ceding States, it was intended to be at the disposal of the States. The power to dispose of the thing itself, implied the power to dispose of the proceeds of it. In the view he had taken of it, under the treaty, the power to dispose of it was unlimited. If any Senator doubted the right of Congress to dispose of the proceeds of the lands in Florida and Louisiana, he might move to strike out those proceeds, and they would still have the means of carrying the bill into effect. He should be able to satisfy every Senator there could be no doubt of the power, if they limited it to the deeds of cession. The language of the deed of cession was that all lands within the Territories, not granted to officers and soldiers of the revolutionary army, should be for the use and benefit of the several States, (Virginia included.) The title conveyed was to the use and benefit of the several States, (Virginia inclusive,) and not for the benefit of the Union. If the cession was not intended for the benefit of the States, the language designating the States, and Virginia inclusive, would not have been used.

But it has been said that if these lands were given to the Union for the use of the States, how could the application of it to the uses of the Union be justified? Why, because the application of it to the uses of the Union was for the benefit of the States composing it. The States had contracted debts which were assumed by the Union, and therefore to apply them to the payment of this revolutionary debt, was the great object of the cession by the State of Virginia, and such application was for the benefit of the States composing the Union. If it was intended that this cession should form a consolidated fund, why was there any reference to the proportion of the burdens borne by each State of the general expenses of the Union, as establishing the mode of distribution? No, the fund was to be a common fund, but the trust was to be applied like any other trust or administration—though general in name, it was for the separate and individual use of each corporator.

Now, recollect that at the date of the Virginia deed of cession the exactions from the several members of the Union were in their corporate capacities. Suppose, then, Virginia had paid her portion for the general defense, or chose to pay in some other form, would she not have an undoubted right to demand her portion of this fund, or this common trust?

The measure of proportion as provided by this deed to be shared by the States was the measure of burdens respectively borne by each in the general expenses—the measure of contribution, and the measure of taxation. Now, what was the principle of the plan before the Senate? It adopted precisely the same measure of taxation and of burdens, varying only according to the Constitution of the United States. Suppose, again, that the whole revenue of the United States was, instead of being drawn from imports, drawn from the States by direct taxation, then they would have information of what was drawn from each State. Could they not in that case allow each State to receive her proportion of this fund, and to pay the amount of her direct taxation in gross? Or if a regular account was kept, would not the State be charged with her portion of direct taxes, and credited with the amount of her portion of these lands?

Suppose that, instead of the funding system which we had adopted—instead of the General Government assuming the debts of the States, each State had been compelled to provide for, and make payments of its own debts, would it not, after it had been known that this grant was made for the express purpose of paying the revolutionary debt, have become necessary that this fund should be divided for the purpose of enabling the States to pay their debts? If this was not so, why did Virginia declare that these lands should be held for the common benefit of all the States, Virginia inclusive? Now, if these debts had been charged to each individual State, was there a Senator there who doubted that the States would have come forward, and demanded their share of this fund? It did not seem, therefore, that the application of this money to the uses of the Union weakened the argument. The fund was so applied, and applied according to the terms of the deed.

An argument much stronger in favor of the application of the fund that was now proposed was, that they had arrived at the first application of it by inference only, because the fund being given for the common benefit of the States, it was inferred that it might rightfully be applied to the Union which was composed of the States; while for the application now contemplated, they had the direct sanction of the deed of cession. If the old articles of confederation had remained in force, there would have been no difficulty as to this distribution, as each State would have paid its own share of the common burdens, and would have been entitled to receive her proportionate share of the fund. The mode of taxation, however, had been changed, and was now laid on consumption, as the only rule by which they could approximate so nearly to equality. And what other rule could approach so near? Taxation on consumption was in proportion to population; and, by following it up, they in this bill adopted the same rule; that is, the burden of taxation being on the population of the States, the distribution was to be made according to it generally. This rule of distribution was fair, just, and in conformity with the terms of the deed of cession. Did it not rest on the grounds of principle and reason? The uniform practice of the Government, down to this very day, had been in conformity with this exercise of its power over these lands. He never knew this power to be questioned until the veto of the President. All the Presidents — Mr. Madison, Mr. Jefferson, Mr. Monroe, and Mr. Adams — had administered the Government in conformity with this power. What had the public lands been distributed for? For almost all the purposes of the country—for internal improvement, for education, and for beneficent purposes. By a humane policy, they granted lands to the expatriated Poles. They granted lands to the French; and although they were given ostensibly for a designated purpose, yet, in fact, the grants were an absolute bounty. It was true that Congress had gone too far on some occasions, but all uniformly acknowledged that they possessed the power to make the grants. After referring to the messages of the President on the subject of the public lands, Mr. C. said, that supposing this power of Congress over the public lands to be incontestable, the Senator from New York [Mr. WRIGHT] contended there was nothing to distribute. If this were so, the gentleman objected to the bill with some reason; for if it were true that there was no surplus to distribute, it was not right that this bill should pass. But the Senator had met with his match in his friend from New Jersey, who had most ably refuted all his positions, and shown clearly that all his calculations were founded in error. Mr. C. then entered into various calculations to show the amount of the surplus revenue, with that accruing, and replied to Mr. WRIGHT's argument that the military bounty lands, the purchase of Louisiana and Florida, and various other offsets should be taken from the proceeds of the land sales, before they could be called net proceeds. Mr. C. contended, as had been done by Mr. CRITTENDEN, that the jurisdiction only over Louisiana and Florida was of far greater value than the amount of their purchase, and that the revenues derived from New Orleans and Mobile alone, (the claim of Spain to the latter having been quieted by the Florida purchase) would pay for these two provinces over and over.

Louisiana was purchased for the peace and security of the country, and human figures could hardly reach the benefits of this acquisition under the treaty of 1804—and so also of Florida. There was then virtually a Texan war going on, and we took possession of the country. He alluded to a document, drafted by Mr. Madison, which had been pressed upon him by Mr. C. The joint possession of Mobile and Pensacola, by the treaty of 1818-19, would alone justify the sum of money paid for that accession of territory. Looking at the great commercial advantages secured, and the constant emigration opened out by it, with a statesman's eye, and such as the Senator from New York [Mr. WRIGHT] had, he would no doubt have seen the great benefits derived from it, and that not one cent of those charges he had made were chargeable to the public lands. The policy of removing the Indians beyond the Mississippi was not for the purpose of getting the public lands; and the expense of removing them was not a fair charge upon them. The amount of the two items, in the purchase of Louisiana and Florida, was about thirty millions.

The whole product of the public lands was eighty-three millions; and, eleven millions and upwards deducted for bounty lands, would leave upwards of seventy-one millions. Take the whole claimed by the Senator from New York, [Mr. WRIGHT,] the entire cost of removal and interest, and the amount would be about twenty-four millions; so that, however the account was

stated, there was a surplus remaining of about twenty-four millions.

The Senator from New York had objected to that feature, assigning ten per cent. to the new States. He (Mr. C.) had been unjustly charged with feelings of hostility towards the new States; and he thought it particularly hard for the Senator from Mississippi yesterday to question the equity of this provision. He believed that Senator had questioned its equity, but not its justice.

Mr. WALKER said that he had already explained that it was not against the equity of giving this ten per cent. fund to the new States, because he believed that it was not as much as they were entitled to. He had only said that, taking the gentleman's argument, there was an inequality in this grant.

Mr. CLAY said he would show that if anything was wrong in that provision, it was not in not assigning enough to the new States. The principle was founded upon the measure of burdens. It gave to the people in equal proportion to their burdens. He went into a calculation to show that there was an increase of six per cent. of population of the new States over the old. The mode of taxation now pursued was not by direct, but by indirect, taxation. The measure of taxation was a measure of burden. The burden was the taxation paid on the direct consumption. It would take up too much time to go into a detail of the increase of all the States. The nearer they got to the period when the next census should be taken, the more unequal it would be in regard to the new States; and as he had not time to make the calculation, he had put it at ten per cent. The increase of population was where there was the greatest amount of sales. The greatest increase of population was in the new States; and, as they increased more in population, they got more of the ten per cent. By taking into the account the advantages accruing from the acquisition of Louisiana and Florida in the shape of duties and direct taxes, and the great benefits derived from commercial advantages, it would expunge the debt. The Senator from New York thought the customs would dry up; and contended that the sales were now inordinate in amount, and that by 1841 we would not receive $1,000,000 from them; that while the customs would be but $14,000,000, the expenses of Government would be $17,000,000, so that there would be a deficiency of $2,000,000. How was it (he asked) that an Administration that came into power on the principles of reform was to increase the expenses from $13,000,000 to $17,000,000? But (he said) it would be caused by the increase of population. The machinery of Government (Mr. C. said) was the same in an increase of population as it was now. The salaries of the President and pay of officers of the Government would be the same as now. The late Secretary McLane had estimated the expenses at only $15,000,000; and the late Senator from South Carolina, since Governor of that State, (Mr. Hayne,) had estimated them at $12,000,000. The Senator from New York had not served the Senate with any data to show the increase from $13,000,000 to $17,000,000. He did not wish to see any of the protected articles in the great principle of compromise touched; but if it should become necessary, other means might be resorted to without touching them.

There was one feature in the compromise bill which was a most happy one, and he was delighted at having borne an important part in that measure. The whole country seemed to have been satisfied with it; and best of all, his late friends, the manufacturers, whom he would be the last man to desert, and whose interests he had always supported, had found that it was the best measure that could have been adopted for them. That feature was this: There was a large class of articles on which the power of taxation was reserved, and the taxes, which might in an emergency be increased without violating the spirit of the compromise. They had many luxuries which might be taxed, if the revenue should fall short. In their anxiety to reduce the duties, they had diminished the duties on silks and wines—articles which might well bear increased taxation. Why, sir, (said Mr. C.,) we may have abundantly enough of revenue for all the wants of the Government, without resorting to loans or the lands, simply by taxing luxuries. Mr. C. then went on to show that the receipts of the customs would probably increase, instead of diminish. There was reason to believe, that unless a paper explosion took place, the revenues of this year would be greater than the last. The first quarter of the year was estimated at five millions, and the whole customs of the present year would be upwards of twenty millions. They might reasonably calculate that the revenues of the coming years would be in proportion to the wealth of the country and its ability to consume. It was absurd and out of reason to suppose that there would be a deficiency from the customs.

Mr. C. having shown, as he said, the power of distribution and the ability to make it, next went on to show the expediency of the measure. It had been objected that if they once commenced this system they would not be able to get rid of it. Why (he would ask) were they afraid to trust the States? Recollect (he said) that the whole was founded in the confidence of the people; and if they found that the system was not a good one it would undoubtedly be repealed. But gentlemen could not have pronounced a higher eulogy on this bill than by saying, that if it was once passed they never would be able to get rid of it; for the argument inferred that the beneficial effects of it would be so sensibly felt by the people that they would not be willing to give it up. Could there be a measure (he said) more calculated to promote the peace, happiness, and harmony of the Union than this? It settled forever that distracting question of the right to appropriate money for internal improvements. Could it be believed that the States of the West would continue to be satisfied with the vast expenditures of this Government on the sea-board? The day would come when the united West and Southwest would demand that this unequal distribution should cease. But pass this bill, and that question would be quieted forever. The distribution among the States would place in each a fund amply sufficient for all the great purposes of internal improvement and education, to be applied as the States thought proper. There would be no further call from the States for appropriations for these purposes; and was there not great fitness in enabling the States to act for themselves, without asking for the bounty of the General Government? It was impossible to imagine anything more fitting or more proper, with regard to the new States as well as the old. He would call on gentlemen of the West to give up their vain idea of appropriating this immense domain to themselves. What hopes could they have of success in their graduating projects? Let them look at the votes of this session, and say whether there was any chance of their ever carrying them into effect. Were they nearer to the accomplishment of their plans now than they were ten years ago?

The more these graduating projects were discussed before the people, the greater would be the opposition to them. This plan of measuring the value of the lands by the bed of Procrustes, and putting lands worth twenty dollars an acre down to fifty cents, because some were not worth more, would never meet the approbation of an intelligent people. And in the meantime, what were they losing, while they were looking after an object that could never be gained? They passed by a measure promising the most incalculable benefits, aggrandizing their States, and enabling them to keep pace with their neighbors in internal improvements, and ameliorating the condition of their people. These were practical, tangible benefits, which should not be lost sight of in planning wild and visionary schemes which could never be realized. Mr. C., after eulogizing the land system, predicted that the time would come when a measure of this kind would be adopted by a large majority, if it failed now. His life for it, (he said,) this measure would, political opinions apart, find advocates where it now had opposers. He called the attention of gentlemen from the new States to the gradual reduction of the quantity of unsold lands in each State, and the increasing favor this must procure for the scheme of distribution. As the lands in the new States were sold off, the interest of each in the lands within it lessened, while their interest in the lands exterior to them increased. Ohio might already be said to be an old State, and Indiana and Illinois were rapidly becoming so, and all these States would in time stand nearly in the same relation to the public lands that the old States now did. The argument of the Senator from New York, that the States would be reluctant to give up the proceeds of these lands when the honor or interest of the nation required it to go to war, was little complimentary to their patriotism or public spirit. As well might the gentleman carry the argument a little further, and say that people were not to be trusted. But he believed that one of the most favorable features of this bill was, that it imposed some sort of restraint on that natural proneness of Republics to go to war.

In controversies with foreign nations, it was natural for the people to take part with the Government. The remark of the noble Decatur, "Our country, right or wrong," was one that was always felt by this people. He remembered the events of the last summer, and how near they were being involved in a war with a foreign Power; and although he did not approve of the course of the Administration, yet he would have given it his most hearty support, had war unfortunately taken place. Look at the controversy between Ohio and Michigan, and say why it was that all on one side were unanimous in favor of Ohio, while all on the other were in favor of Michigan, if it was not from the natural disposition of the people to take sides with their Government, right or wrong. This bill would have a salutary restraint on the disposition of republics to go to war, by making it the interest of the States to preserve peace. But when the honor or safety of the country required that they should go to war, who could doubt the readiness of the people to make every sacrifice to maintain them?

By passing this bill, that greatest of all interests, the interest in preserving the Union would be greatly advanced. There were yet seven hundred millions of acres of land, lying outside of the States, unappropriated; upon which, it is true, there were some incumbrances by the unextinguished title of the natives; but from the moment the white man put his foot on the rock at Plymouth, or on the shore of Jamestown, commenced the entire extinction of that unfortunate race of people; and the Indian lands might all be counted on as a source of distribution. This system was not intended for one year alone, but for hundreds of years. In no sales for centuries to come could they imagine any but large proceeds; and could they conceive a tie more strong to bind the Union together than the fact that every year each State would share with its co-States? There were other topics connected with this subject, but he would not detain the Senate with a discussion of them at this time.

It would be recollected that this fund would remain to be distributed when they were cold and lifeless beneath the clods of the valley. Long after parties and party strifes had ceased to exist, this vast fund would continue; then let them throw aside all their predilections, and come up to the measure which would improve the country in so many ways, and suppress all this excitement, caused by not distributing that which justly belonged to the people.

NORTHERN BOUNDARY OF OHIO.

DEBATE IN THE SENATE,

April 1, 1836.

The bill to establish the northern boundary line of Ohio, and for the admission of Michigan into the Union, being under consideration—

Mr. BENTON rose to vindicate the bill, and the conduct of the people of Michigan, from the objections which were taken to them. The Senator from Ohio who has just resumed his seat, [Mr. EWING,] objects to the bill itself, and also to the conduct of the people of Michigan, and some others object to the extent of the boundaries which were proposed for the new States. He

said, that Michigan being a frontier both to Canada and the Indians, it was right she should be a strong State, and rank with those of the first magnitude. With this view, her boundaries were extended far enough on the Lake Superior and Green bay to include about sixteen or eighteen thousand square miles, which, added to the thirty-six thousand in the peninsula, would make about fifty-four thousand square miles; an extent which, while it placed her among the great States, would still leave her behind several, which had a content of about sixty thousand square miles. In point of territory, then, the new State would be large, but not the largest, and therefore subject to no objection on that account. In point of capacity, to sustain a population, he was sorry to have to add that the additional sixteen or eighteen thousand square miles would be of small importance, the general character of the country added being that of extreme sterility, and chiefly desirable for its mineral resources, of which copper was a principal indication.

The amendment offered by the Senator from Ohio, [Mr. EWING,] Mr. B. supposed to be in substance a bill intended as a substitute for the bill reported by the select committee, and in the usual form of bills authorizing the inhabitants of Territories to hold elections, meet in convention, frame a constitution, and send it to Congress for approval.

Mr. EWING assented, and said that such was the character of the amendment which he offered; that it was mainly copied from the act admitting the people of Ohio to form a constitution; and that it differed from the bill of the committee in some of the boundaries; as it stopped at the mouth of the Huron instead of going to the Montreal river.

Mr. BENTON resumed, and said that the object of the amendment offered by the Senator from Ohio [Mr. EWING] was to turn the people of Michigan back—to consider as nothing all that they had done—and to require them to begin anew, under the sanction of an act of Congress, with holding elections, meeting in convention, framing a constitution, and sending it on to Congress. This (he said) was the object; and what related to the boundary was subordinate and incidental, which might be considered under the committee's bill as well as under the proposed amendment. The great object was to turn the people of Michigan back, and make them commence in a regular manner, as it was called, in contradistinction to the irregular, disorderly, and revolutionary manner of conducting themselves which had been imputed to them.

Mr. B. denied that the conduct of the people of Michigan merited these epithets; but admitting that they acted without a previous law of Congress, he desired to know whose fault it was? and would assume to say that no person could answer that question better than the Senator from Ohio. He desired to see where the fault lay—whether in the people of Michigan or in the Congress—whether in their disorderly and revolutionary movement to break into the Union, or in the refusal of Congress to grant them the preliminary law which had been extended to other Territories, and to which Michigan was better entitled than any other one had ever been? These were the questions, and, happily, the Journals of the Senate, as well as his own memory, would enable him to answer them. He would state, then, that Michigan having, as the Senate well knew, an absolute and perfect right under the ordinance to enter the Union when her population amounted to sixty thousand souls, and having attained that number four years ago, she applied to Congress for an act to regulate her admission by the customary formalities, and that this application had been rejected or neglected for successive years. Without detaining the Senate with going over a tedious history of these applications and rejections, he (Mr. B.) would refer to the Senate Journal of 1834—two years ago—and show in what manner the people of Michigan were then treated.

Mr. B. then read from the Senate Journal, of May 9th, 1834, as follows:

"The Senate resumed, as in Committee of the Whole, the bill to enable the people of the eastern division of Michigan to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States, and for other purposes, together with the amendment reported thereto by the select committee; and, on motion by Mr. EWING that they be laid on the table, it was determined in the negative—yeas 14, nays 20, &c.

"On motion by Mr. CLAYTON,

"*Ordered*, That said bill and amendment be laid on the table."

When he had read these entries from the Journal, Mr. B. said that three points were made out by them: first, that the people of Michigan had applied to Congress for the customary bill, to enable them to form a State government; secondly, that the Senator from Ohio had moved to lay that bill upon the table; and thirdly that it was actually laid upon the table; and he would afterwards show that that order was fatal to the bill.

The next entry he would read from the Journal was from its proceedings on the 12th day of the same month; and was in these words:

"The Senate resumed, as in Committee of the Whole, the bill to authorize the people of the Territory of Arkansas to form a constitution and State government, and for the admission of such State into the Union, upon an equal footing with the original States in all respects whatsoever; and on motion of Mr. EWING that it be laid on the table—yeas 22, nays 20."

Here (Mr. B. said) it was right to stop and remark that Michigan and Arkansas were now together in the Senate; that bills for the admission of each of them had been reported; that both had been made the order for the same day; that the Arkansas bill would come on when the Michigan bill was finished, and that the fate of one, it was generally conceded, would be the fate of the other. What he now wished to remark was that the people of these two Territories had applied at the same time years ago; that bills to enable them to form State governments were reported together in the Senate; that the same amendments were offered to both; the same motions to lay on the table were made in the case of both; and that the fate of one was the fate of the other; for neither of the bills ever rose again from that fatal table. He said it could not escape observation that the Senator from Ohio [Mr. EWING] had made motions in each case to lay these bills upon the table, and thereby prevented the people of the two Territories from obtaining the customary law to regulate the formalities of their admission; so that he had prevented them from doing, two years ago, the very thing which he was proposing to turn them back for, and make them do now. There was a maxim of law (Mr. B. said) which was also a maxim of reason and justice, and which prohibited any man from taking advantage of his own wrong; and certainly this maxim should estop that gentleman at present, and prevent him from opposing the admission of these States, and treating them as irregular, disorderly, and insurrectionary for holding a convention without a previous law of Congress, when he himself was the actual mover of motions in both cases to lay the bills on the table, which were then depending, to grant them these previous laws.

But by what fatality (continued Mr. B.) has that Senator mentioned the word *party*, and insinuated that there is a design to get in those two States irregularly and prematurely for party purposes? [Mr. EWING disclaimed the insinuation.] Mr. B. continued: The admission of new States had always been opposed by party, and by the same party. Kentucky forty years ago, and Tennessee thirty years ago, and others since, had been opposed because they were Democratic, and would add to the strength of Democracy in the Congress; and he presumed that every question, the collateral as well as ths main one, even to a question of adjournment, would be decided by party votes in the admission of Michigan and Arkansas. What party was in power (demanded Mr. B.) in the Senate in 1834, when the initiatory bills for the admission of those two States were so compendiously disposed of by the motions to lay on the table?—motions which foreclose debate, preclude discussion, and condemn without the assignment of reasons? What party was in power then? Was it not the opposition party? The party which, by whatsoever name it may be called, is still the party antagonistical to the Democracy? And was not the fate of these bills decided by a clear party vote? He would read the yeas on the Arkansas bill on the 12th of May: for, after that the Michigan bill was considered decided, and was not called for again, the fate of one being considered the fate of the other; and the vote on Arkansas being taken as the fixed determination of the Senate.

Mr. B. read the yeas. They were—Messrs. Bell, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, *King of Georgia*, Knight, Moore, Naudain, Poindexter, Porter, Prentiss, Robbins, Silsbee, Smith, Sprague, Swift, Tomlinson, Waggaman, and Webster—22.

A clear party vote, (continued Mr. B.,) with the single exception of the Senator from Georgia, [Mr. KING;] and it was incomprehensible how the vote could run in such a regular line, upon a motion to lay on the table, unless it was felt to be a party measure, and as such to be put down by party power.

Now, (said Mr. B.,) what was the precise measure thus laid on the table? It was the bill and the amendment. The bill has been stated, but the amendment has not, and this point will now be attended to; for it is a great aggravation of the wrong done these Territories. The bill was to authorize a convention to be held; the amendment was to authorize a census of the inhabitants to be taken, and to be returned to the next session of Congress. Both were laid upon the table; so that not only was the law to authorize a convention refused, but even a law to count the people, to see whether there was population enough to authorize the formation of State governments! Even the census was refused! so that there seemed to be a determination by the party then in power in the Senate to do nothing, not even the most remote and preliminary act, in favor of these Territories. And how now can they be called disorderly, irregular, and revolutionary? So far from it that their conduct was regular and natural. They have a right to admission; they have been denied the customary formalities; they then act in virtue of their own rights; they form constitutions, and send them here for our examination. So far from being reprehensible, their conduct was commendable. It showed a laudable desire to enter the Union. It was not to get out, but to get into, the Union, that they were struggling; and he (Mr. B.) deemed so highly of the benefits and advantages of this Union, that he could excuse the new States for endeavoring even to break into it, while he could never excuse an old one for endeavoring to break out of it.

Mr. B. then entered into an ample vindication of the rights of the people of Michigan and Arkansas to meet in convention, without a preliminary law from Congress, adopt constitutions, and send them here for examinations. Conventions were original acts of the people. They depended upon inherent and inalienble rights. The people of any State may at any time meet in convention, without a law of their Legislature, and without any provision, or against any provision in their constitution, and may alter or abolish the whole frame of government, as they pleased. The sovereign power to govern themselves was in the majority, and they could not be divested of it. The people of these Territories had rights founded on the ordinance of 1787, in one case, and on the treaty with France of 1803, in the other. They had acted upon these rights, and it was unjustifiable either to stigmatize them as disorderly now, or to turn them back to the point they were at two years ago, and at which point nothing would then be done for them by those who wished now to turn them back. The cases of both Territories were clear and strong, that of Michigan being perhaps the clearest, as having a precise stipulation, and a right to admission at sixty thousand, while she now had nearly three times that number; the right of Arkansas being on a treaty, and her numbers being indisputably sufficient, and larger than the population of several of the new States were at the time of their admission.

Mr. B. said that he had been led by the identity of the subjects to speak of Michigan and Arkansas together. Their two cases were similar, and

so would be their fates. Other gentlemen had felt the necessity of defending both at the same time; and he made his thanks to the Senator from Pennsylvania, [Mr. BUCHANAN,] who had the Arkansas bill in charge, for the distinguished ability with which he had come into the contest on the Michigan bill, and aided those who were more particularly charged with it. He repeated it was an innocent movement for Territories to make a constitution, and send it to Congress for examination; and if it was republican, and the Territory qualified by population, the right to admission was clear and perfect. He said that Congress could not reject a constitution, except in the single case of which it was the guarantee—*that of its republican character!* It could not reject for ordinary provisions, for qualifications of voters, and such minutiæ. These were points of State regulation exclusively; and the absurdity of making them conditions of admission was proved by the facility of altering all such provisions after the State was admitted, and when they would never be submitted to Congress. The right of Congress to reject for matter found in the constitution was limited to the feature of republicanism. Of that Congress was the guarantee. Whether the constitution was submitted to her or not—whether it was an old State or a new one—Congress was bound to guaranty the republican character of the State constitution; and for that purpose had cognizance over all the State constitutions, and for nothing else. Anything further was an invasion of the rights of the States; and he (Mr. B.) was too truly and sincerely a friend to the rights of the States to suffer Congress to meddle with the qualifications of voters in any State, old or new. This brought him to the objection, that the voting privilege was extended to the *inhabitants* of the Territory at the time of the adoption of the constitution, and not confined to those who were *citizens* of the United States. He left this question where it had been placed by others, as an affair that belonged to the State, and which every State had decided for herself, and many of them so as to give aliens the right of voting, and even of holding office. He referred to Illinois, Louisiana, and even Ohio, and asked, was it not a matter of history that within a few years past the Legislature of Ohio had decided that the word "inhabitant" meant citizen? And they defined it so because a gentleman who was a subject of the King of Great Britain was presiding over their deliberations, and might act as their lieutenant governor. In conclusion, Mr. B. said he thought he had completely answered the material objections of the gentleman from Ohio. The first, that Congress had not passed a law authorizing the people of Michigan to form a constitution, was met by the proof that they had made repeated applications, which were rejected by the vote of that body; and with respect to the other, he held that the people of that Territory might meet as often as they pleased—might take up the map, and drawing a diagram representing any boundaries they pleased, adopt these boundaries in their constitution, and send the whole to Congress; and all this would be an innocent operation. It would be innocent, because Congress might act on it or not act on it, as it thought proper; they might agree to the constitution or not agree to it; and the whole would be innocent, for it would be nothing more than a proposition for the acceptance of Congress. He held that the proceedings of the people of Michigan had been not out of want of respect to Congress, but from a proper respect for themselves. After their applications for admission had been repeatedly rejected, they, in the exercise of their inherent rights, formed their constitution, and sent it here for acceptance. He hoped the amendment sending this constitution back, and delaying the admission of this State for at least two years longer, would not prevail.

Mr. BUCHANAN said that he intended to present his views on this question very briefly. He had good reasons for desiring that the bill might be very speedily decided on; and, therefore, in what he had to say, he should take up as little of the time of the Senate as possible. The first objection he should consider was the one suggested, rather than insisted on, by the Senator from Delaware; and that was, that no act had been passed by Congress for the purpose of enabling the people of Michigan to form a State constitution, in obedience to what had been supposed to be the custom in regard to other States that have been admitted into the Union. Now, was there, he would ask, any reason for passing such an act? Was it required by principle, or was it required by former practice? He utterly denied that it was required either by the one or the other before a new State may be admitted into the Union; and whether it was given previously or subsequently to the application of a State for admission into the Union, was of no earthly importance. He admitted that the passage of such an act previously to the admission of a new State was the best course to adopt; but if a people had formed a republican constitution, and if Congress should think that they had assumed proper boundaries, was there any objection to their admission whether the preliminary law had been passed or otherwise? But, in the history of this Government they had precedents to sanction this bill; and they had one which applied expressly to this very case, it being utterly impossible to draw any distinction between the two, unless in favor of Michigan. He referred to the case of the State of Tennessee, found in the second volume of the laws of the United States. The preamble was short, containing but a few lines, and he would read it. This brief preamble was a declaration that "by the accept-'ance of the deed of cession of the State of North 'Carolina Congress were bound to lay out, into 'one or more States, the territory thereby ceded 'to the United States. Congress, therefore, upon 'the presentation of a constitution by Tennessee, 'declared that State to be one of the United States 'of America, on an equal footing with the original 'States, in all respects whatever, by the name and 'title of the State of Tennessee."

Now, sir, what was the case here? There was no stipulation in the act of cession from the States of North Carolina and Georgia, confining this territory to the formation of one State. On the contrary, the acts of both States provided that the ceded territory should be formed into one or two States. According to the terms of the original cession, the territory was to be formed into one or more States; and, without any previous act of Congress, the Legislative Council passed a law for taking the census of the people of that territory, declaring that if a sufficient population should be found to entitle them to admission into the Union, the Governor was authorized to direct elections to be held for members of a convention to form a State constitution. The consitution, as in the case of Michigan, was formed under their territorial government; and Congress was not consulted at all in the matter. The first intimation Congress had received of the fact, was in the message of General Washington, recommending the admission of the State into the Union. He would read one sentence from this message. It was dated the 8th of April, 1796. General Washington, in this message, states that, "among the 'privileges, benefits, and advantages secured to 'the inhabitants of the territory south of the river 'Ohio, appears to be the right of forming a 'permanent constitution and State government, 'and of admission as a State, by its delegates, 'into the Congress of the United States, on an 'equal footing with the original States, in all 'respects whatever, when it should have therein 'sixty thousand free inhabitants, provided the 'constitution and government so to be formed 'should be republican, and in conformity to the 'principles contained in the articles of the said 'ordinance."

This was the opinion of General Washington himself, distinctly expressed. The people of the territory themselves made the first efforts for admission into the Union; they acted on their own authority solely, never having asked Congress for the passage of a previous law; and General Washington said they had the right, as they unquestionably had, to be admitted into the Union, if they had a sufficient population. This message, just mentioned, was referred to a committee in both Houses of Congress; and in the House of Representatives a report was immediately made by General Dearborn, the chairman of the committee of that House, in favor of the admission of the State. In the Senate this people met with a different reception. A report was made by Mr. King, chairman of the Senate committee, against their admission; and the committee took the ground that, as Congress had the right to decide whether this Territory should be divided into one or two States, Congress should have been consulted previous to the formation of their constitution. There was another objection taken by the committee, and this was, that as the census had been taken under the authority of the Territory, and not under the authority of Congress, there was not evidence of the existence therein of a sufficient population to entitle the Territory to admission. The Senate agreed to this report, and passed a bill directing a census of the inhabitants of the Southwestern Territory to be taken. That bill went to the lower House, who struck out every provision contained in it, and amended it by providing for the immediate admission of the State into the Union. The Senate receded from the position it had taken; the bill was passed on the last day of the session, as amended by the House; and at the subsequent session the Senators and Representatives of the new State took their seats in Congress. Now, he would defy any man whatever to point out the distinction between the two cases, unless it be in favor of Michigan. Here is no question whether one or two States were to be formed, making the case strongly in favor of Michigan. Yet, without the previous assent of Congress, Tennessee formed her constitution, knocked at your doors for admission, and being a welcome stranger, was cordially admitted. He would, then, ask of gentlemen to mete out the same measure of justice and liberality to Michigan that was meted out to Tennessee. Ought they to be offended with the eagerness of the new States for admission into all the rights, privileges, and benefits of this Union, at a time when some of the old States were threatening to leave it? Ought we not (he said) to hail the coming in of these new States, our own flesh and blood, and, on account of the absence of a little form, not send them dissatisfied from our doors?

He might view this subject with a partial eye, but he was sure that he had as strong a regard both for Ohio and Indiana as for Michigan; and he most solemnly believed that the very best interests of these three great States required that the question of boundary should be settled in the way that the bill proposed. What had been the conduct of Michigan in relation to her boundary? Did any man believe that the people of that Territory thought that this eastern and western line, running through the southern bend of Lake Michigan, was not an irrevocable line? He himself was of a different opinion; but they had high authority to sanction the belief of Michigan on this subject—an authority that a few years ago would not have been questioned. This people, then, acting under this authority, and under the authority of the act of Congress of 1805, claimed the territory north of the line running due east from the southern bend of Lake Michigan to Lake Erie. One thing had surprised him, and that was the tenacity and the ability with which his friends from Indiana had taken up this matter, under a belief that this slip of ten miles of their State was in danger.

Now, out of Indiana there were not ten men who had the slightest belief that this respectable State was in any danger of losing any part of its territory. He admired the zeal of his friends on this occasion, but he did not believe there was the slightest cause for their apprehensions. As to Ohio the case was different. Congress had not, in the act authorizing her to form a State government, given to her any part of the country north of the east and west line. Nor had they, in admitting her into the Union, recognized her right to it. The proviso in her constitution had claimed it; and, as a matter of expediency, he thought that Congress had the power to give it to her. But he would not go into any remarks on this subject further than to say that it was his opinion that Ohio ought to have this territory, and that it was her interest that the question

should be finally and immediately settled. He would, however, undertake to predict, that if they refused to admit Michigan into the Union, after depriving her of this territory, they would do much to make the contest between her and Ohio one of blood instead of words, and thus the feelings and sympathies of the people would be excited in favor of the weak against the strong. The nation might be very unwilling that you should pass the bill taking this territory away from Michigan, and at the same time turning her away from your doors, and refusing her admission as a State into the Union. He thought that the interests of all required that this entire question should be settled, and finally put to rest. On one point he was inclined to agree with his friend from Delaware, [Mr. CLAYTON.] He was glad to agree with him on any occasion. It was this: he did not think that the ordinance annexed to the constitution of Michigan gave to her Legislature, either in terms or in spirit, the right to alter the boundaries established by it. In that he agreed with him. He said, however, he would not touch the question, whether a sovereign State had or had not, by her Legislature, the right to accept territory from the United States, or to cede a part of her own to another State.

He had received a paper from Detroit, which he presumed had been sent to every Senator, and he therefore would not enlarge on its contents. He was personally acquainted with Mr. Biddle, the gentleman whose name was at the head of the paper, and had a great respect for him; but as regarded the admission of Michigan, he looked upon that paper as a most unfortunate one, calculated, as it was, to distract and divide, and to delay and embarrass the measures of those who were laboring in behalf of her admission into the Union. The paper undoubtedly conveyed the meaning that the Senators and Representative of Michigan had been willing to barter away the territory of the State. Now, if ever he had met with three pertinacious gentlemen in his life, it was these very men, one of whom he was proud to call his friend. The line, the irreversible line, fixed by the act of 1803, and by the ordinance of 1787, was the burden of every song they sang. He should as soon have thought of obtaining the consent of a man to deprive himself of his life, as to have dreamt of obtaining the consent of these three gentlemen to the relinquishment of this line. He would do them the justice to say, that if any member of that Senate had ever heard them express the slightest willingness to accept the boundary provided in this bill, he had been more fortunate than himself. He asked any Senator to say whether he had ever heard from them any such intimation. He thought it would be better to amend this bill, so as to refer the question of boundary back to the people of Michigan, in order that they might accept the boundaries described by the bill. He understood that an amendment was prepared which would meet the views of his friend from Delaware, by making this boundary and the admission of Michigan go hand in hand together; for she certainly never could be admitted until she consented to relinquish the claimed territory to Ohio and Indiana. He would refer to another objection, raised by his friend from Delaware, whom he knew to be a reasonable man, and open to conviction; and he thought he could satisfy him that the objection did not in reality exist. The gentleman had said that Michigan ought not to be admitted under her present constitution, because by it every white male inhabitant in the State had the right of voting, contending that this provision gave the right of suffrage to other than citizens of the United States. He asked gentlemen to mark the distinction here drawn by the gentleman from Delaware, and to judge whether this objection were well founded.

Michigan confined herself to such residents and inhabitants of her territory as were there at the signing of her constitution; and to those alone she extended the right of suffrage. Now, we had admitted Ohio and Illinois into the Union, two sister States of whom we ought certainly to be very proud. He would refer Senators to the provision in the constitution of Ohio on that subject. By it, all white male inhabitants, twenty-one years of age or upwards, having resided one year in the State, are entitled to vote.

Michigan had made the proper distinction: she had very properly confined the elective franchise to inhabitants within the State at the time of the adoption of her constitution; but Ohio had given the right of suffrage as to all future time to all her white inhabitants over the age of twenty-one years; a case embracing all time to come, and not limited, as in the constitution of Michigan. He had understood that since the adoption of her constitution Ohio had repealed this provision by law. He did not know whether this was so or not; but here it was, as plain as the English language could make it, that all the white male inhabitants of Ohio above the age of twenty-one years were entitled to vote at her elections. Well, what had Illinois done in this matter? He would read an extract from her constitution, by which it would appear that only six months' previous residence was required to acquire the right of suffrage.

The constitution of Illinois was, therefore, still broader and more liberal than that of Ohio. There, in all elections, all white male inhabitants above the age of twenty-one years, having resided in the State six months previous to the election, shall enjoy the rights of an elector.

Now, sir, it had been made a matter of preference by settlers to go to Illinois, instead of the other new States, where they must become citizens before they could vote; and he appealed to the Senators from Illinois whether this was not now the case, and whether any man could not now vote in that State after a six months' residence?

Mr. ROBINSON said that such was the fact.

Mr. BUCHANAN. Now, here were two constitutions of States, the Senator from one of which was most strenuously opposed to the admission of Michigan, who had not extended the right of suffrage as far as was done by either of them. Did Michigan do right in thus fixing the elective franchise? He contended that she did act right; and if she had not acted so, she would not have acted in obedience to the spirit, if not the very letter, of the ordinance of 1787. Michigan took the right ground, while the States of Ohio and Illinois went too far in making perpetual in their constitutions what was contained in the ordinance. When Congress admitted Ohio and Indiana on this principle, he thought it very ungracious in any of their Senators or Representatives to declare that Michigan should not be admitted because she has extended the right of suffrage to the few persons within her limits at the adoption of her constitution. He felt inclined to go a good deal further into this subject; but as he was exceedingly anxious that the decision should be made soon, he would not extend his remarks any further. It appeared to him that an amendment might very well be made to this bill, requiring that the assent of the people of Michigan shall be given to the change of boundary. He did hope that by this bill all objections would be removed; and that this State, so ready to rush into our arms, would not be repulsed because of the absence of some formalities which, perhaps, were very proper, but certainly not indispensable.

Mr. NILES said he hoped the amendment of the Senator from Ohio [Mr. EWING] would not be adopted. He trusted the Senate would consider well the consequences of such a course, before they gave their sanction to it. What is the proposition which is to be offered to the people of Michigan, if this amendment should prevail? It is giving them permission and authority to form a constitution in the way and manner Congress may prescribe, as the preparatory steps for admission into the Union. Sir, they do not ask for this; they have not come here for this purpose; they do not now supplicate Congress for favors; they come here to demand their rights—to demand admission into the Union as a matter of right; they stand upon their rights—upon the rights secured to them by the ordinance of 1787. Gentlemen seem to forget that they have rights; they seem to throw the ordinance out of the case, to treat the question as though the people of Michigan had no other right to admission than what the Constitution secures to them. If such was the case, I think they are entitled to admission; but they stand upon the ordinance, which expressly secures to the people of Michigan, when their population shall amount to sixty thousand, the right to form a constitution, and to be admitted into the Union on an equal footing with the original States, and they have now nearly three times that population. What occasion is there, then, for an act of Congress? Does not the ordinance confer on them all the authority an act of Congress could?

Sir, they do not ask that you should point out to them the straight and narrow path in which they are to find their way into the Union. They do not ask for authority to form a constitution; they have done that heretofore; for three years they have been memorializing Congress, and you have turned a deaf ear to their petitions; they have been repelled, and the door of the Senate has been shut against them. Having for three years been treated with neglect, having been driven from Congress, you have forced them to the course which they have pursued, to stand upon their rights, secured to them by a solemn ordinance, which is irrevocable. They have taken the preliminary steps; they have organized a State government, and formed a constitution, which they have laid before Congress, and now ask to be admitted into the Union as a matter of right. Will you now refuse them admission, and tell them that all they have done is wrong, and that they must retrace their steps, and come here through the straight and narrow path which Congress may prescribe to them, but which you refused to do when they applied to you for the purpose? Do you think they will do this? Do you think they will abandon the ground they have assumed, which they have been forced to assume? From the information I have received from the gentlemen representing their interests here, not on this floor, but in this city, I am persuaded they will not do it; should this amendment prevail, they will spurn your law. In what situation, then, will the people of Michigan be placed, and what may be the consequences of such an act of Congress? It may be well for gentlemen to consider these questions.

And why is a course so harsh, and fraught with so much danger, to be pursued? Why cannot Michigan be admitted now, and in the way she has applied for admission? Numerous objections have been urged; I will not say that they are frivolous, or that there might not be sufficient force in them to occasion doubts, if the questions were raised now for the first time. But such is not the fact: every one of these objections has been overruled in the admission of other States. The question which is now presented to the Senate, and which we are called upon to decide, is whether Congress will adopt *new principles* in the admission of States into the Union? This is the true question, and I wish it to be distinctly understood. And what reasons have been urged for this? I have heard none. When Congress has for a long series of years acted on certain principles, are they to be abandoned, and new principles adopted, without cause? Have any evils been experienced from the principles on which Congress has acted in the admission of States; or has public opinion condemned those principles? If such had been the case, it might then have been necessary to reëxamine those principles, and perhaps to abandon them, and introduce a new course of action. Were there any evils from the admission of Tennessee—any in the cases of Ohio, Illinois, and Louisiana? Why, then, shall not Michigan be admitted on the same principles as those States?

Sir, it would be better and more respectful to the people of the State, to reject their application, than to adopt the proposed amendment, which they can view in no other light than an attempt to coerce and force them to retrace their steps, to undo what they have done, and fall back into a Territory. But suppose they refuse to do this at your bidding? They consider themselves of age, and do not choose longer to remain under guardianship; they claim the rights of freedom, and ask Congress to acknowledge their rights. They demand justice at your hands. The only question properly before the Senate is the admission of the State, and that question I hope we

shall meet directly, and decide it one way or the other. If we reject them, it will then remain for the people of Michigan to decide what they will do in the new situation in which you will have placed them. To refuse to admit, to deny them justice, and then to undertake to prescribe the course of action for them, would be adding insult to injustice. If they are refused admission, it will be for the people of the State to decide what course to pursue. If they conclude to retrace their steps, and petition Congress for an act similar to what the amendment proposes, it will then be in time for us to pass such a law. But let us not attempt to force them into that course, but leave them untrammeled, and free to act, as in their judgment the exigency of circumstances may require. He would not examine the objections which had been urged; they had been explained in a manner he thought satisfactory and conclusive, by the Senators from New York and Pennsylvania, [Mr. WRIGHT and Mr. BUCHANAN,] but would notice briefly some new obstacles attempted to be raised by the Senator from Ohio, [Mr. EWING.] That Senator thinks there is a difficulty in this case which did not exist in the admission of Tennessee; he says, that by the ordinance it was left for Congress to decide whether there should be one or two States in the northern division of the Northwestern Territory, and that Michigan has decided this question by forming a State out of part of the territory. So far the gentleman is correct; it does belong to Congress to decide whether there shall be one or two States, and Michigan, so far as depends on her, has decided that there shall be two States. She probably supposed that the act of Congress of 1805, defining her limits and creating a territorial government, had, in some measure, settled this question, as that act might be supposed to have reference to the ultimate creation of a State from the Territory, and its admission into the Union. But Michigan has not and could not take this question away from Congress; it is now presented, and must be decided in the question of admission. By deciding to admit Michigan, we of course determine that the territory shall compose two States, or at least that it shall not all be comprised in one State. If the Senator, or any other gentleman, thinks that the whole territory ought to be comprised in one State, that would be a sufficient reason for voting against this bill. But the same difficulty existed in the case of Tennessee. By the cession, the territory southwest of Ohio was to be formed into one or two States, according to the pleasure of Congress. But before Congress had acted on the question, the people of the Territory decided that it should constitute one State only, and formed a constitution extending over the whole of it, which Congress ratified and approved, and thereby decided that there should be but one State. The cases are precisely parallel.

But the Senator says that it would be, in substance, the same thing to refer the question of the change in the boundaries to the people, to be assented to by them in convention, as to refer back the whole matter. The difference would be very great; in one case you approve their constitution, and admit the State into the Union, on condition of a change in its boundaries, and submit that question simply to the people for their assent. It is also said that the constitution cannot be changed, as regards the boundary, without complying with the forms contained in it. A very satisfactory answer has been given to this objection by the Senator from Missouri, that there is no act which the people, by virtue of their inherent, indefeasible right of power, of sovereignty, cannot do. They can change or abolish their constitution in such way and form as they may choose. But there is another answer. The boundary is no part of the constitution; to change it is only to enlarge or contract the jurisdiction of the State. But the constitution is in an inchoate State—the gentlemen regard it as a nullity, and mere waste paper. It has been formed as a preliminary step to admission into the Union, and is submitted to Congress for its ratification. If Congress proposes a change in the boundaries of the State, and make the assent of the people the condition of their admission, can they not give such assent in the way we may prescribe? Can they not do an act which is to give force and validity to their constitution? This act is to precede the operation of the constitution; the provisions in the instrument regarding amendments can have no application to an act to be done before the constitution goes into operation by the admission of the State. Those provisions can only be applicable to amendments after the State is admitted, and the constitution is in full force. But even in that case a change in the boundary of a State does not change its constitution, and has repeatedly been done by the ordinary Legislature.

Mr. President, the honorable Senator from Ohio seems to condemn the proceedings of the people of Michigan, and speaks of them as a mere popular movement, a sort of revolutionary measure; but the Senator is mistaken; their proceedings have been regular and legal. From first to last, all their measures relative to admission into the Union have been authorized by the Legislative Council of the Territory. I think they have acted with propriety—that they have been patient and forbearing under the delay, neglect, and what they consider the injustice, which they have experienced.

I think their course is clearly justifiable; but if there is anything wrong or unusual in it, it is to be attributable to the neglect of Congress. For three years they have been rapping at your door, and asking for the consent of Congress to form a constitution, and for admission into the Union; but their petitions have not been heeded, and have been treated with neglect. Not being able to be admitted in the way they sought, they have been forced to take their own course, and stand upon their rights—rights secured to them by the Constitution and a solemn irrepealable ordinance. They have taken the census of the Territory; they have formed a constitution, elected their officers, and the whole machinery of a State government is ready to be put in operation; they are only awaiting your action. Having assumed this attitude, they now demand admission as a matter of right; they demand it as an act of justice at your hands. Are they now to be repelled, or to be told that they must retrace their steps, and come into the Union in the way they at first sought to do, but could not obtain the sanction of Congress? Sir, I fear the consequences of such a decision; I tremble at an act of such injustice!

There is a point beyond which a free people cannot be driven. Why are the people of Michigan to be vexed and harassed in this way? They feel that they are treated harshly—that great injustice is done them. They have been opposed and resisted in every course they have pursued to obtain admission into the Union; and you have now divided their territory, and taken from them a part of it to which they attach great value. In these measures of opposition to Michigan the Senator from Ohio has acted a prominent part; he has succeeded in opposing their former applications, and in keeping them out of the Union; he has carried through a bill to divide their Territory, of the justice or injustice of which I will not speak, but the people of Michigan regard it as an act of great injustice. Will the gentleman still persist in his opposition? Does he wish to drive that people to desperation—to force them into acts of violence? Does he think that, by breaking up what has been done, by creating an excitement, and forcing the people to organize their government again, the result may be different—that it may be more favorable to a certain party or portion of the population which, he insinuates, took no part in the proceedings in organizing the State government? Whatever may be the object, such a course is fraught with much danger. Let us not presume too much on the forbearance of the people under measures which, in whatever light we may view them, they will regard as unjust and oppressive. Who is willing to be responsible for an act operating on a whole people, with their passions excited and inflamed, and calculated to rekindle the extinguished flames and to produce evils worse than the border war, which has happily subsided? Should the amendment of the Senator prevail, a heavy responsibility will rest somewhere; and I fear as much of it will fall on that honorable Senator as he will find it convenient to bear.

PROTECTION OF THE WESTERN FRONTIERS.

REMARKS OF HON. A. G. HARRISON,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

April, 1836,

In Committee of the Whole on the bill to give to the President the power to accept the services of the Militia for a certain time.

Mr. HARRISON said:

Mr. CHAIRMAN: The people I represent are deeply interested in this subject, and I hope I shall be indulged by the committee in making a few remarks.

It is the part of wisdom to accommodate our condition to the circumstances which surround us. Before the policy was adopted of removing the Indians west of the Mississippi, and concentrating them upon the borders of Missouri and Arkansas, it was not so necessary to increase the Army, or to adopt such measures as would more readily contribute to the defense and protection of the country. Before their removal they were scattered over twenty-four States and three Territories; and, from their weakness, were considered more as troublesome neighbors than dangerous enemies. But now, sir, this state of things is greatly changed, and an imperious duty devolves upon this Government promptly and efficiently to afford adequate protection to those most exposed to the attacks of this uncertain and dangerous class of people. I am glad to see the gentleman from New York [Mr. CAMBRELENG] and the gentleman from South Carolina [Mr. THOMPSON] supporting this measure. They have no immediate interest in it, as we have. It augurs well for the cause, and better for their hearts; for, seeing the danger to which the western frontier is exposed, they are willing, as liberal and high-minded patriots, to give us the protection which we ask.

These Indians are thrown immediately upon our borders, without our solicitations or consent; and in such a manner as to make them feel their strength, and consequently to be more ready to seek that revenge which their wild and ferocious temper nurtures against the white man. Now is the time to increase the military force of the country. Your own policy has led to the necessity, and if it is not done in a way adequate to the emergency, this Government will prove herself recreant to every principle for which Governments are instituted, and faithless to the pledge which her policy has created. Look at this map, [holding up a map of the Indian country,] let gentlemen examine it closely, and answer me, if the western frontier is not in danger every day from the attacks of these savages? Are gentlemen unacquainted with the Indian character? Have no lessons of wisdom been collected from the past? Do they not know the uncertain, capricious, and savage disposition of the Indians? And are we to be told that there is no danger—that all is peace and quietude? Sir, this will not do; it is mockery. The map which I hold in my hand shows our exposed situation; it shows that the whole borders of Missouri and Arkansas, from the Mississippi to the Red river, are lined with numerous tribes of Indians, who might at any time fall upon our defenseless citizens, and, before they could be checked, might spread far and wide the work of death and desolation. This is too much; the very thought of our condition is appalling; and if the Government will not afford the necessary protection, she will act a cold, calculating, unfeeling, and faithless part towards us.

I have been astonished—utterly confounded, to see any opposition either to the bill or to the amendment offered by my colleague. To a measure so just and necessary it was impossible we could anticipate that there would be any objections. I ask gentlemen if they have seriously considered this subject—if they have, in sober earnestness, examined it in all its details? Are they apprised of the number of Indians, emigrant and native, that line our frontiers? Do they know the distance that there is between the forts that are situated in the immense extent of country west and south of us, and the force—yes, the collected

force, which they contain? I particularly beg the attention of the committee to this branch of the subject. The report of the Secretary of War shows that we now have on our northern and western frontiers, of emigrant and native Indians, about one hundred and eighty thousand, and that there will be, when all shall have been removed west of the Mississippi, about two hundred and fifty-three thousand. It shows further that the distance between Fort Towson and Fort Gibson is two hundred miles; between Fort Gibson and Fort Leavenworth is three hundred miles; between Fort Leavenworth and Fort Snelling is four hundred miles; between Fort Towson and Fort Leavenworth is five hundred miles; between Fort Leavenworth and Fort Des Moines is two hundred miles; and between Fort Des Moines and Fort Crawford, one hundred and thirty miles.

Is this not enough to excite just apprehensions in the breast of every candid man? What! two hundred and fifty-three thousand Indians living upon a frontier of about a thousand miles in extent, capable, in the event of a general war, of bringing into the field at least thirty thousand warriors; and, in the event of a war of any description, from two to five thousand, and yet there is no danger, no cause for alarm! Sir, this is but trifling with us—it is adding insult to injustice. But we are answered that the proposition contained in the bill will be a sufficient protection, and that there is no occasion for the amendment offered by my colleague. Sir, what is the great and essential difference between the proposition contained in the bill, and the amendment of my colleague? The bill proposes that the President shall accept the services of the militia, for the term of one year, *in the event* of a war with the Indians, *or in the event of a just apprehension of difficulties with them.* And the amendment proposes to give us *at once* peace and quietude, by affording us the adequate protection by raising and organizing another regiment of dragoons. We ask for present security. We are answered that we shall have it when necessary. I say that it is now, and always will be necessary, as long as these Indians are upon our borders. But I will tell you when you will give us protection. It will be when our dwellings are wrapt in flames; when our fields are laid waste; when our people are driven from their homes; when death and desolation shall stalk over the land; when our wives and our children shall be inhumanly butchered; when mourning and grief shall cover the land, and the tears of the widow and the cries of the orphan shall tell you the fate of your wretched policy. Then, it will be then, that you will be very kind in giving us protection! When blood has been shed; when lives have been lost, and when desolation has marked our fair and beautiful fields as her own, then you will believe in the necessity of protection! and it is then that we shall receive your aid! See what your wretched policy has done for Florida. Look at her condition. Houses burnt; plantations destroyed; the people driven from their homes; villages deserted, and men, women, and children inhumanly slaughtered! The picture is but begun. Look still further at the gallant men that have fallen; look at the inhuman massacres that have been committed; and perhaps I may reach the convictions of certain gentlemen in this House by saying to them, look at the millions that have been expended in endeavoring to put down a few Indians in Florida. Sir, the whole affair is a disgrace to the country. It is a disgrace to our name that the proper steps were not taken to prevent this war, which could have been easily done; and it is a shameful and abiding disgrace upon the annals of our country, that Oceola, at the head of a few hundred warriors, has baffled the skill and eluded the grasp of our bravest and most experienced officers, at the head of a much superior force. And the war is still going on; and how it will end, and when, and where, no one knows. Does not this afford us a lesson of wisdom? Is not this sufficient to convince you that for the purpose of seeming to be very economical and very patriotic, we have too long pursued that miserable and wretched policy which brings upon our people ruin, desolation, and death, and upon our country shame and disgrace? Let us change this course. I ask it for the honor of the country, and the peace and safety of my constituents.

The army has been alluded to. Some seem to think our regular force sufficient to give us all the protection we need. Sir, it is the most abominable mockery on earth to pretend to fight Indians with regular troops. They are too slow and too regular in all their movements to fight an enemy who only fight from the ambush. Has not woeful experience sufficiently taught us that regular troops cannot successfully encounter the Indians? From the time of Braddock's defeat to the present hour, the history of our Indian wars affords us the melancholy instruction that it is worse than idle to fight Indians with regular troops. I do not mean to disparage our officers and troops of the regular Army. Braver men than they are, and braver and more skillful officers in the science of war, never lived. It is their very science that makes them unfit to fight the Indians. Look back at the Black Hawk war; look at the present one in Florida, and say if I have not spoken the truth. I say without hesitation, and I repeat without meaning any disparagement, that had the gallant Dodge, with his corps of dragoons, been in Florida, he would long since have terminated the war.

Give us western men—men who can use the rifle, and who can fight the Indian upon his own terms, and I answer for it that they will render to their country a very different account from the one we are in the habit of receiving from our regular troops.

Sir, I hope the amendment will be carried. I ask it as a matter of right—as an act of justice. I ask it for the peace and safety of my constituents. I ask it to stay the tomahawk, and to prevent the shedding of blood; and you may rely upon it it will be the means of accomplishing all those ends for which I ask it.

I said that I asked it as a matter of right, and as a matter of justice. As a matter of right because we are your countrymen; we are American citizens, and have the right to look to the Government for that adequate protection which she owes to every portion of the country, and to all of her citizens. As a matter of justice because your policy has placed them upon our borders, and because you have armed them yourselves. Never, in the history of our country, have any Indians been better prepared for war than those you have placed upon our frontiers. The Government has not only furnished them with the best of arms, but with the greatest abundance of ammunition. After having done all this, will you still hesitate to give us the protection we ask? If you do, you are faithless to the pledge which your policy has created, and faithless to the obligations you owe us as your countrymen.

ARMAMENT OF FORTIFICATIONS.

SPEECH OF HON. C. C. CAMBRELENG,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

April 27, 1836,

On his motion, made in the Committee of the Whole on the state of the Union, to appropriate $1,224,000 for the armament of our Fortifications.

Mr. CAMBRELENG said:

I feel it to be a duty I owe the committee, Mr. Chairman, in presenting the first proposition to dispose of a part of our surplus revenue, to submit some views on the income and expenditure of our Government. Although I shall take the occasion to notice some charges, I can assure the committee that no personal motive could have induced me to take up a moment of their time. Believing, however, as I sincerely do, that the proposition to distribute the surplus revenue would be disastrous in its consequences, I cannot refrain from contributing even my humble efforts to arrest a measure which, if it is ever adopted, must, I think, revolutionize the character of our State and Federal Governments.

I regret, Mr. Chairman, that in discussing the important questions connected with our public defenses, our Federal expenditures, and the disposition of our surplus revenue, the unusual course pursued by the gentleman from Tennessee [Mr. BELL] on a former occasion should oblige me to ask the indulgence of the committee while I notice some charges which have since been published in the journals of the day. I regret, sir, that the gentleman from Tennessee, in his extensive and comprehensive speech on political principles, finances, national defense, and the policy of parties and of Governments, should have thought it a proper occasion to notice me personally, and to arraign my conduct in relation to the appropriation bills at the last and present sessions. In regard, sir, to the proceedings of the last night of the late session, I concur with the gentleman that it cannot be supposed "that the Speaker could possibly remember all that was said and done on that most harassing night." But there are some things which the presiding officer of the House on that night ought certainly to have remembered. The gentleman has charged me with gratuitously assuming that there was no quorum, when he himself announced the fact in reporting the yeas and nays on the Letcher resolutions—the very first question stated by the Chair after the committee of conference returned, and which remained on other motions still the question when the House adjourned at half-past three in the morning. Again, the gentleman has argued to prove that it was in my power to command a quorum. This, sir, is an extraordinary argument to come from the late Speaker, who was unable to command a quorum, and who, when called upon to enforce his authority, and compel members to vote, declined deciding even the preliminary question of his power. The gentleman must also pardon me for expressing my surprise that he, of all others, should now endeavor to prove that the committee returned at an earlier hour than that which I stated on a former occasion. Sir, I rely neither upon my own nor the subsequent recollection of any gentleman. The Journal of this House is the only evidence in which confidence can be placed. The time when the committee returned is recorded on that very Journal, made up by the officer of the House, and revised, ratified, and signed by the gentleman himself.

Mr. BELL denied that he signed the Journal—explained the difficulty of examining it—that it was, of course, not read in the House, &c.

Mr. CAMBRELENG. Sir, it is immaterial; it is made up by the officer of the House, and should be revised by the Speaker. My declaration as to the time when the committee returned is recorded on that Journal; it was made in the presence of the members of the House; of the gentleman from Tennessee himself; of both my colleagues on the committee, including the gentleman from Alabama, [Mr. LEWIS,] who was present then, as he is now. That declaration was uncontradicted then, and will remain so as long as the record of our proceedings shall last.

But the gentleman from Tennessee makes another grave charge, that "the regular and ordi-'nary appropriations for the Army, Navy, and 'fortifications, were not reported by the Commit-'tee of Ways and Means at the first of the ses-'sion, nor until after the lapse of nearly a month; 'and after they were reported, they were per-'mitted to sleep upon the table for more than a 'month before they were seriously moved."

The gentleman must pardon me for saying that his attack is unusual and extraordinary. I never, sir, should have thought of instituting any comparison between the industry of the present with any former Committee of Ways and Means had not the inquiry assumed a dignity by having been noticed by the late Speaker of the House of Representatives. The charge, coming from so respectable a quarter, gave me the trouble to examine our Journals in the long sessions for the last ten years; and I find that these bills were never before reported in so short a time after the committees were announced. The gentleman may go back, sir, for forty years, and I doubt whether he will find an instance in which the Army, Navy, and fortification bills were reported as these were, in fifteen days after the committees were announced. They were announced on the 14th, and these bills were reported on the 29th December.

Mr. BELL explained. He had not said that they were not reported as early as at former sessions, but he spoke of negligence in reference to the prospect of a French war, &c.

Mr. CAMBRELENG. There was no negligence, sir, on the part of the committee, in acting upon and reporting these bills, nor was there, on my part, in calling them up. I moved the consideration of the Navy bill on the 13th January, and the bill was completed in its details on that day. Anxious to adopt prompt measures of defense, the committee did not wait for the movements of the Department, but instructed me to propose an additional appropriation of $1,050,000 for increasing our navy afloat. On that motion a debate arose. At this time, the bill for the relief of the sufferers by the calamitous fire in New York reached the House from the Senate. Believing that a measure which was so urgently required would be promptly adopted, I moved its immediate consideration, never supposing that a measure of that character would be fiercely resisted for two months. I am responsible for moving its consideration; but the committee well know that I am in no manner responsible for the procrastinated debate that followed.

The gentleman from Tennessee, Mr. Chairman, has thought proper to allude to my course as to the appropriation bills. I hope he will not think it unkind if I should, in return, notice his movements in regard to the Navy appropriation bill. When I moved that bill, on the 13th of January, the gentleman immediately objected to its consideration, and proposed to engage us in a debate upon various amendments to our rules and orders. At a moment when the question of peace or war was undecided; when, notwithstanding the subsequent discovery of the gentleman that the party in power never contemplated a war, the question was so nicely balanced as to baffle the soundest judgments. At such a moment he proposed to set aside the ordinary naval appropriation bill, which has almost uniformly passed this House in the month of January, without debate, and which embraces appropriations for expenditures in every quarter of the globe. Sir, what was the next movement of the gentleman, when the bill came up on the 9th of February? The Committee on Naval Affairs having previously reported a bill providing for all extraordinary expenditures, I had arranged with the gentleman from North Carolina [Mr. BYNUM] to yield me the floor, that I might withdraw my motion for an extraordinary appropriation, in order that we might at once pass the bill. In withdrawing my motion, I announced that my object was to terminate the debate, and to act immediately on these appropriations, as they were urgently required for the naval service. But the moment I withdrew my motion, the gentleman from Tennessee interposed a second and an unexpected obstacle. He moved to strike out one half of the appropriations for all our navy-yards, not even excepting Pensacola, which he has subsequently so eloquently defended. And what was the object of his motion? To save some three hundred thousand dollars, to provide for the contingency of a war with France! Why, sir, if that war had come upon us, these very expenditures would have been tripled or quadrupled. That motion was subsequently modified and limited to striking out one half of the provision for the Portsmouth navy-yard, and a debate followed. Next came the third movement of the gentleman from Tennessee, on the 16th of March. I had understood that he was about to withdraw his proposition, and I had hoped that the naval service was no longer to be embarrassed by delaying these appropriations; but, to my surprise, the gentleman withdrew his motion only to substitute another, to enable him to commence a debate on the affairs of the nation. He moved to strike out the whole appropriation for Portsmouth, not from hostility to that navy-yard, but because he thought the number ought to be reduced.

Another and a long debate followed, which was terminated on the 6th of April, and when the question was finally taken the next day, the gentleman declined voting upon his own motion! And how was this explained? He had intended to modify his motion, and to submit the proposition of the gentleman from Vermont, [Mr. EVERETT,] which was to strike out $63,000, leaving $4,000 for repairs. The $63,000, every dollar of which was for preserving our timber boats and spars, was to be stricken out, and the $4,000 for repairs was to remain. Why, sir, leave the property of Government to perish, and repair a navy-yard which it was proposed to abandon?

I shall not, sir, on this or on any occasion, impute improper motives to the gentleman from Tennessee or any other member of this House; but he must pardon me for saying that he must not be surprised if the public should think his course somewhat extraordinary for a professed friend of the Navy, and a supporter of this Administration in all its efficient measures. Nor, sir, ought he to be astonished, however pure and just his motives no doubt are, if his successive motions following this appropriation bill, as they have done throughout the session, should be connected with other movements which have had the effect to embarrass Government and alarm the country. Sir, even the bill for the support of Government could not escape. After debating it for a fortnight, and when the question was on its final passage, the gentleman from Virginia, [Mr. MERCER]—a gentleman of ability and great experience in legislation—moved to recommit it for the purpose of appending to it a provision for distributing three and twenty millions of the surplus revenue!—a measure which, if it had been adopted, would have effectually defeated the bill for the support of Government. Again, sir, have we not had call after call upon the Treasury for weekly and monthly statements of the balance of the public money—of the revenue from customs and lands—of the amount of public money in, and the condition of, the deposit banks. Have we not had attempts, as in 1834, to excite panic and alarm about the tottering condition of the deposit banks, and the enormous surplus of public money, which was all in jeopardy? Can gentlemen be surprised if some of these extraordinary movements should be ascribed to the then approaching elections in Virginia, Connecticut, and Rhode Island? But no matter what may have been the design of gentlemen in both Houses, the effect has been to embarrass and injure every branch of the public service—to diminish the necessary expenditures of the year for the Army, Navy, and fortifications; and, by postponing the appropriations for the public service, to increase the surplus—the very evil gentlemen complain of—and to add some five millions to that large amount which they tell us is in jeopardy! Whatever may have been the purpose of those who are anxious for the distribution of our surplus among the States, the interest of the country has been sacrificed. Some millions have been added to the balance in our Treasury, which might have been long since applied to measures indispensably necessary for our defense; and, by postponing the contracts of Government, we have now to make them at heavily increased rates.

The gentleman from Tennessee is equally unfortunate in his attack upon this Administration for its extravagant expenditures. He refers especially to the increase of those for harbors, rivers, roads, &c., from half a million to near two millions. These expenditures are of legislative, and not of executive origin. If you would ascertain their origin, go to your Committees on Commerce, Roads and Canals, and Ways and Means—witness the importunities of members for appropriations, for surveys and improvements of every kind. Sir, the class of expenditures referred to by the gentleman embraces the Delaware breakwater, more than ten years old, and the Cumberland road, of some thirty years standing. No Executive can be held responsible for extravagance in public expenditures, when the legislative branch of the Government is, on principle, opposed to it. As well might the gentleman hold this Administration accountable for the measures of that Congress which passed the Maysville road bill, or for rechartering the Bank of the United States. Mr. Chairman, the increase of the expenditures of the Federal Government is a very proper subject of inquiry, and there is no period when it is more necessary than when we have an overflowing Treasury. One of the chief causes of this increase is the extraordinary growth of our population, and the expansion of our territory; but the regulator of these expenditures, no matter what may be the economy of the executive branch of the Government, is our Treasury. They have uniformly risen with the flood, and subsided with the ebb, of our revenue. The amount expended in the first legislative year of Mr. Jefferson's administration, 1802, was $3,700,000; in the last, 1809, it was $7,400,000. The expenses of the Navy were tripled, and of the Army quadrupled; necessarily so, sir, owing to the spoliations on our commerce, and preparations for war. But when we were deprived of our revenue by the restrictions of that day, we find the expenditures in the first year of Mr. Madison's administration suddenly reduced to $5,500,000. After the war was over, we had, in 1816, an overflowing Treasury. We immediately had projects, as now, for new and increased expenditures of every description, which, had they been carried into full operation, would have increased our expenditures by this time to forty millions annually. We were saved from this extravagance by a sudden decline in the revenues of the country, which obliged us to reduce even our annual appropriation for the increase of the Navy one half, and to curtail our expenditures in every branch. But, even with all this forced economy, they were reduced only to $11,200,000 in 1820 and 1821, more than double what they had been in 1810 and 1811. In the administration of the venerable gentleman from Massachusetts, [Mr. ADAMS,] the expenses rose to about thirteen millions; but I cannot hold him any more accountable for the economy of a Congress, which he could not control, than I should this Administration for the acts of another which attempted to recharter the Bank of the United States. The ordinary expenditures of our Government are now estimated at $17,000,000. In examining the details of the increase, there will be found but one million which can be justly considered as of executive origin, in the Indian and naval branches, and these expenditures are sanctioned by public opinion throughout the country. Sir, we have approached another crisis, when we have an overflowing Treasury, and it will require the utmost caution and prudence to avoid embarking in the many wild schemes which we have had, and shall have, for emptying our Treasury. It would be well to deliberate upon them before we adopt any new contrivance to diminish our surplus; it would be wise to inquire how long we are to have an overflowing Treasury, and whether we have, or shall have, for ten years to come, a surplus of revenue adequate to defray even the cost of measures which are admitted on all hands to be indispensably necessary for the defense of the country.

The gentleman from Tennessee seems to apprehend the most disastrous consequences from the measures adopted in relation to the Bank of the United States. He tells us that "the most 'obvious and alarming accession of executive pat-'ronage, power, and influence which has taken 'place has proceeded from the policy of the Ad-'ministration in putting down the United States 'Bank;" and that the effect has been "to put 'the Treasury, the money power of the country, 'at the absolute disposal of the Executive." These declarations come from a gentleman who voted for every measure to put down the Bank of the United States, and to ratify the removal of the deposits! Sir, the gentleman from Tennessee need not be alarmed; he and his friends may console themselves in every quarter of this Union; for so long as this Government stands, nine tenths of those who by law are authorized to make the currency of the country a source of revenue, will never be found in any great contest, whether employed by Government or not, supporting those whom they know to be hostile to laws from which, in part, they derive their income. No, sir, these gentlemen will support the Opposition candidates for the Presidency, without reference to character, qualifications, or principles. It is but justice, however, to the institutions employed by Government to say that the public money never was in safer hands, and that the financial arrangements of the Treasury were never executed with greater economy or dispatch. It is difficult to understand, sir, what gentlemen mean by placing the Treasury "at the absolute disposal of the

Executive," when we all know that not a dollar can be disbursed without our authority. As it regards the banks or places where the public moneys shall be deposited, and the condition on which such agents shall be employed, can we blame the Executive because Congress has neglected to do its duty? We are ready to go with gentlemen at any time into the discussion and adjustment of this question—to surround the public revenue with all practicable guards—to employ other agents than banks, if such can be found; and for one I should be gratified, and I believe the public interest and the interests of trade generally would be essentially served, if the Treasury were entirely to dispense with the agency of banks of circulation, compelled as they are to expand and contract their credit according to the frequent fluctuations of our revenue. But, sir, I am not willing to go with gentlemen for the distribution of any portion of our surplus revenue. That there is, and probably will continue to be, a surplus which may not be required for a short time to come, cannot be denied; but it is equally certain that we have not only great and indispensable objects to apply it to, but that we are approaching a crisis in our financial affairs for which we ought now to prepare. What temporary disposition should be made of a portion of our surplus is a question full of difficulty. We must either charge the banks an interest upon it, or invest it for annual disbursement. It is a hard alternative to choose between bad measures; it is a choice of evils forced upon us by the temporary condition of our Treasury. An investment in stocks is proposed. Nothing but dire necessity should ever induce this Government to become a dealer in stocks. I trust we shall hereafter dissolve all connection between this Government and stocks or banks, and forever suspend the powers and duties of the commissioners of the sinking fund. But if we must invest a portion of our surplus, let us not put it beyond our control; for we shall soon have occasion for its use. Let it be considered as a fund pledged to the purposes for which the public lands were originally ceded the Confederation—for defraying all charges of war, and all other expenses that shall be incurred for the common defense or general welfare."

Mr. Chairman, the existence of a large surplus in your Treasury is a serious evil, not because it is withdrawn from the uses of trade; for that can only exist where State legislation has placed unnecessary restrictions on the employment of capital. But it is a national evil to draw, through the medium of taxation, millions into your Treasury before it is wanted for the purposes of Government. And what, sir, is the origin of this evil? The gentleman from Tennessee, in denouncing Federal principles, need not have gone back to 1798; the measures of the Congress of 1816, so far as they affected our Constitution and the permanent interests of our country, went far beyond any of the measures of 1798. I refer to this subject for no political object, and with no hostility towards any gentleman. I speak of the measures of the Congress of 1816; and, among others, of the tariff of that day, which laid the foundation of a new system, and was the origin of your existing surplus. Prior to that period the wants of Government were ascertained before our taxes were increased; since then, sir, we have been taxed to benefit particular interests, without reference to the condition of our Treasury. Under this system millions were prematurely drawn from the consumption of the country, and under it we brought our Confederacy to the verge of dissolution. The celebrated compromise act—the result of that system—a measure we adopted to preserve the harmony of the Union, is one of the great causes of our existing surplus. Look at its provisions.

Instead of reducing our revenue from customs, as was recommended by the President, to an amount equal to the wants of Government, that act provides that four tenths of the excess of duty beyond twenty per cent., amounting to about nine millions, should be reduced in the progress of nine years, and that the six tenths of the excess then existing should be reduced in six months! Sir, if we can take off that amount in six months, could we not have reduced our tariff in three years? Had we done so, we should not now be drawing $20,000,000 instead of $10,000,000 annually from customs. And had we not disregarded the repeated recommendations of the President, we should have long since revised our land laws. For the existing surplus the legislative, and not the executive, branch of the Government is entirely responsible to the country.

Sir, I do not believe in the continuance of an overflowing Treasury. I may be deceived, but I do not believe that the revenue under the compromise act, and the receipts from the public lands, will be permanently sufficient to pay the expenses of Government. But if the dreams of gentlemen are to be realized—if we are to have twenty millions from customs, and twenty more from public lands—if we are to have no ebb, but, contrary to the experience of ages, one eternal flood of revenue—what, I ask gentlemen, will become our duty? I mean, sir, to excite no alarm, for I do not believe in the existence of a permanent surplus; but if we have twenty millions annually, or any amount beyond the wants of Government, your compromise act, rely upon it, will not escape modification. We shall find that our successors will as little respect our legislative compacts for perpetual taxation as they will our laws enacting perpetual corporations. Sir, whatever may be our theories, the people of this country, in no portion of it, will ever consent to be taxed a dollar beyond the wants of Government, under any speculative pretext whatsoever. That celebrated compromise act will be examined hereafter. Whenever it is, it will be found one of the most oppressive measures upon the agricultural interest that ever was devised. A convention of manufacturing capitalists could not have framed a tariff more unfriendly to the agricultural and other laboring classes. Under our old laws luxuries were selected as objects for the highest taxation; under our modern policy, the taxes on these are relinquished, and the whole weight of your revenue from customs falls upon commodities indispensably necessary. Even when the duties are reduced, under the compromise act, to twenty per cent. on a home valuation, with cash duties, charges, and exchange, it will be equal to a protection of fifty per cent.—raising to that extent all supplies consumed, whether of foreign or domestic origin. This tax upon agriculture is imposed upon an assumption wholly fallacious, that manufactures outgrow agriculture—the fact is the reverse, and has been so for half a century. The importation of every commodity coming in competition with ours, and of any importance, has uniformly increased. The importations of 1835, in every branch, largely exceeded those in any one year previous. It is, therefore, manifestly unjust to tax our great and most valuable interests perpetually, for the exclusive benefit of a small portion of the community. Certainly, sir, if we are to have twenty millions of revenue from customs, as gentlemen tell us, we may spare our country one half of this excess of unjust taxation.

We are also to have twenty millions of revenue from public lands. Is this caused by emigration? No, sir, but a small proportion of it. It is notoriously through fraud and speculation; and to increase this fund for distribution we are to be the passive observers of these frauds, and permit associations of capitalists on the Atlantic border to monopolize every acre of our rich prairies of the West and the low lands of the South. Sir, the public domain was ceded for no such purpose; it was never designed to be transferred from Government to our capitalists. It is a noble inheritance, in which every farmer and every farmer's son has an interest, whether in the old or the new States; and whatever may be the opinion of our great land proprietors, the farmers of the old as well as of the new States will never consent that our public lands shall be transferred to those who calculate on enriching themselves at the expense of the emigrant. I cannot, sir, on this question, nor on that of our public defenses, enter into the views of gentlemen; I cannot regulate either by geographical rules or parallels of latitude. The settlement of our western country presents one of the sublimest scenes upon the surface of the globe. We see the light of civilization penetrating the shades of the wilderness, and our emigrant population spreading and adding to our Confederacy new and great States, where but a generation since all was wild and dark. I cannot participate in the feelings of gentlemen who mourn over such scenes, and talk of the impoverishment of the old States. I rejoice to see the emigrant on his route, for I feel the assurance that one man at least has escaped from the vassalage of our northern corporations to breathe the free and independent air of the West. Our policy in regard to our public lands has been neither wise nor parental. Revenue should have been a secondary consideration. The public domain should in every country be mainly considered as a source of wealth and population; it should be reserved for the emigrant, and not for the speculator. Our sales of public lands should be restricted to those who actually settle upon them. Your receipts from that source would then be regulated by emigration; they would be steady, and we should not have, as we now have, three millions in one year, and fifteen in another. We ought not to sacrifice the interests of the West to add to the profits of our capitalists. We have already, by State and Federal legislation, made our revenue and currency tributary to their income; let us not permit our public lands to become a third source of revenue, and that, too, at the expense of agriculture. Distribute the proceeds of your public lands, and what will be the relative position of the manufacturing capitalist of the East and the agriculturist of the West? As you increase your tariff, you increase the surplus capital of the former, to be invested in public lands to be sold at a profit to the latter. On one side we have two incomes; on the other, double taxation. Such will be one of the results of transferring our lands to speculators, and distributing our surplus revenue.

But, Mr. Chairman, before we engage in any extravagant expenditures, or rashly distribute our surplus revenue among the States, let us examine into the condition of our finances, past, present, and prospective, and inquire thoroughly into the cause of the present extraordinary condition of the trade and revenue of the country. This cannot be understood without going into some details, and tracing the progress of our exports, imports, customs, public lands, and banks. The exports of domestic produce, the permanent regulator of our revenue from customs, and generally of the receipts from public lands, amounted, in 1828, to $50,000,000—they increased, and, in 1835, reached $98,500,000. For five years the increase was steady, rising, in that term, from $50,000,000 to $70,000,000 in 1833; but between 1833 and 1835 they suddenly rose to $98,500,000—in other words, at the rate of $5,000,000 annually in the first four years—$11,000,000 in 1834, and $17,500,000 in 1835. Your importations for consumption, I mean after deducting the amount exported, were, in 1830, at $49,000,000. It is proper to state that I do not refer to the statements reported from the Treasury, as they include specie among the merchandise consumed in the country, which I have excluded in my calculations. The amount of merchandise imported for consumption rose from $49,000,000 in 1830, ($10,000,000 below the exports of domestic produce in that year,) to $87,000,000 in 1834; and in 1835 suddenly to $122,000,000, being $23,500,000 beyond the exports of domestic produce. The revenue of the first quarter of 1835 was not very large, but, judging from the importations in the remainder of the year, and the extraordinary revenue at the port of New York, for the first quarter of the present year, there can be no doubt of an importation for consumption in the year ending the 1st of April, of from thirty-five to fifty millions beyond the exports of domestic produce. The receipts from the public lands were, in 1828, about a million; they rose gradually to $4,850,000 in 1834, and then suddenly to $14,750,000 in 1835.

Such, sir, are the evidences of sudden and extraordinary overtrading. These seasons of speculation are incidental to our rapidly growing country; and without any other cause, after twenty years of peace, it was natural to expect that, enjoying as we do, unparalleled prosperity, and outstripping all other nations in the growth of wealth and population, we should be, as we now are, hurried on everywhere by a wild and uncal-

culating spirit of speculation. But other causes have accelerated speculation, and a sudden expansion of credit within the last two years. The severe lessons we received between 1818 and 1820, from overbanking and overtrading, arrested for a time, the increase of banking capital; and in the ten years from 1820 to 1830, the increase was only about fifteen millions, while from 1830 to the present time it has been suddenly augmented more than one hundred millions. Owing to this cause, and the solid prosperity of the country, there was a strong tendency to overtrading, when the bank of the United States commenced curtailing in 1833, and in nineteen months reduced its loans and exchange nearly nineteen millions in November, 1834. This reduction had its effect upon the banks and trade of the country. But the moment the bank changed its policy, and united with other banks, and with trade, in expanding business and credit, the spirit of speculation suddenly spread throughout the Union. Between November, 1834, and July, 1835, the bank increased its issues between nine and ten millions, and its loans and exchanges about nineteen millions and a half. This affords some idea of the vast and sudden expansion of the business of all the banks in the Union, and of the increase of that immense mass of private credit which it is impossible to measure. One other cause—and a powerful one it is—has added to this spirit of speculation, and is sufficient to explain the mystery about exchange. Our act altering the relative value of gold and silver made the former, the chief currency of Europe, more valuable here than it is there: we suddenly became purchasers, after being for so many years venders of gold; and the effect of that act was to substitute gold, in place of silver, as our currency.

But whatever may have been the causes of the present condition of the country, it is an unnatural one. Prices cannot continue to rise; the tide of trade and revenue cannot roll on forever. The moment it reaches its utmost point of elevation, the returning ebb will be felt in every quarter of this Union; and we shall feel it—sensibly feel it, in every branch of our revenue. We have been for eighteen months past as we were from 1816 to 1818. We had a revenue from customs in 1816 of $36,000,000, which fell to $13,000,000 in 1821. Our imports were, according to the Treasury statements, $133,000,000 in 1816, and but $41,000,000 in 1821. Our sales of public lands were, in 1815, $2,300,000. They rose to about $7,200,000 in 1818; then rose suddenly to about $17,700,000 in 1819; and as suddenly fell in 1820 to $1,900,000. Such, sir, has been our experience; and yet we are told we are to have no diminution! Your importations may go on at the rate of $150,000,000 to $200,000,000 annually, but the higher they reach the more terrible will be the revulsion. If between 1816 and 1821 they fell from $133,000,000 to $41,000,000, where is the reduction to stop when the ebb follows our present flood? Will it stop at $100,000,000, more than double the amount in 1830, or will it stop at $75,000,000, far beyond the usual amount imported for consumption in former years? Before gentlemen tamper with our revenue and empty our Treasury, I hope they will devise the ways and means to fill it again. Before they squander or distribute our existing surplus, let them reflect that we have relinquished the duty on nearly half of all our importations; let them inquire what revenue one half of even $100,000,000 would give at the twenty per cent. proposed in the compromise act.

If our tariff, as it now is, had existed in 1821, your revenue from customs would have been less than seven millions. In our prospective calculations on our revenue from customs, we have but two years, and those of heavy importations, to guide us—1834 and 1835. In the former year the whole importation of merchandise for consumption was $87,000,000, of which $47,200,000 were liable to duty, and $39,800,000 were free of duty. In 1835 the aggregate was $122,000,000, $64,000,000 dutiable, and $58,000,000 free. Assuming the same ratio for past years, and the amount heretofore imported, which are now chargeable with duty, will be found to be for the ten years ending with 1829, at an average of $26,700,000; that for 1830 but $27,000,000; and the average of the last six years, when the imports have been rapidly increasing, is only $45,000,000. Should the importations for consumption only decline to $75,000,000, which would be equivalent to a gross importation of $95,000,000, you would have but $40,000,000 on which your revenue, under the existing tariff, would be collected. Your revenue last year, when this class of articles amounted to $64,000,000, was $19,300,000. A consumption of $40,000,000 of dutiable articles would give you a revenue of little more than $12,500,000. What shall we have under the compromise act when that takes effect; when other articles are to be added to the free list, besides those reductions that are proposed at the present session? What will your twenty per cent. duty then yield you? Sir, before gentlemen talk of distributing our surplus, they had better inquire how we are to defray the expenses of our Government hereafter. Our ordinary expenses are already estimated at $17,500,000, and even these will continue to advance as long as we have a surplus, without taking into view the claims amounting to millions, not even to be estimated, for extraordinary purposes, which are accumulating upon us; and most of which are for indispensable purposes. Where is the revenue hereafter to come from to pay some twenty or twenty-five millions for all our expenditures, with all the economy we can exercise, from public lands?

Sir, while I do not concur with the gentleman from Tennessee, that the revenue from this source will be reduced to a million in three years, yet we all know that these speculations cannot be carried on to any great extent under a heavy pressure upon the money market. When the supply of capital fails, and fail it will, your revenue from public lands must suddenly decline, but not quite so low as in former periods of pressure and distress, owing to the internal improvements of the West. One thing, however, is certain, that whenever the spirit of speculation is checked, your revenue from customs and public lands will not both pay the annual ordinary and extraordinary charges upon your Treasury. The same opinions were entertained in 1816 as we now hear. They had $36,000,000 from customs in one year, and had a balance in the Treasury of $22,000,000. In 1820 and 1821 we curtailed our expenditures, and authorized loans to the amount of $8,000,000. No wise financier will tamper with a revenue depending, as ours does, on the vicissitudes of the natural, commercial, and political world.

Without, Mr. Chairman, taking into view the deficiency in our revenue which may exist hereafter, what is the present condition of our finances which authorizes us to distribute some twenty or thirty millions of surplus revenue? I shall not, sir, include in the estimate of our available means the stock in the Bank of the United States. Of that stock $619,000 belongs not to the Government, but to the Navy pension fund. It is not drawn from your Treasury, but from the pay of your officers, seamen, and marines, to provide pensions for invalids and for the widows and orphans of those who may die in the service. We can expect little justice from an institution which would divide the premium on the stock belonging to such a fund among the capitalists of this and other countries. If the widows' and orphans' fund is excluded from all partition in the benefits of the new partnership, Government has no reason to expect justice, unless through the avenues of chancery. We shall want that fund long before it will be received into the Treasury. We had in the Treasury on the 1st January last of available funds...$25,523,986 89

The appropriations authorized prior to that date, but not expended, amounted to.....$9,210,573 76		
From this is to be deducted the amount applicable to the expenditures of 1836, and the amount to be transferred to the surplus fund.....	828,290 40	
		8,382,283 36
		17,141,703 53
From this it is the custom of the Treasury to deduct for claims on account of the principal and interest of the funded and unfunded debt.....		290,789 00
Leaving in the Treasury on the 1st of January last.....		$16,850,914 53

In speaking of the balance in the Treasury, I concur with gentlemen that it is not necessary to refer to unexpended appropriations; but we must recollect that the money in the Treasury cannot be twice appropriated, and that in alluding to a surplus applicable to be distributed or applied to other objects, we had in the Treasury on the 1st of January last, but about seventeen million dollars; the above statement being made from the corrected accounts in the Treasury. The balance in the Treasury applicable to be appropriated to new objects, was.....$16,850,914

The ordinary appropriations for 1836 amounted to.....$17,515,933		
The extraordinary appropriations for 1836, for fortifications, Navy, arming fortifications, &c., without including any new work, and excluding a large amount reported..	7,000,000	
Estimate for the Seminole war, including $2,120,000 already appropriated...	4,500,000	
Additional appropriations in the civil and diplomatic bill, already passed the House.....	607,250	
Installments of the 1,500,000 francs, due under the French treaty, and payable in 1836.....	225,000	
Three per cent. to the States on the net sales of public lands.....	500,000	
Debt of the corporations of the District, passed the Senate and will pass the House.....	2,175,000	
For the execution of Indian treaties, according to a statement of the War Department, including appropriations added to the Indian bill.....	8,767,325	
		41,290,508
		$24,339,594

In the foregoing statement of extraordinary appropriations and claims on the Treasury, nothing is included for new fortifications, or for the prospective increase of the Navy; for miscellaneous claims and appropriations authorized by Congress; for any addition to the Army, or topographical corps; for the regiment of dragoons, and the volunteer corps of ten thousand men; nor is any sum estimated for the expense which may soon become necessary on the frontier of Texas. What all these may amount to it is not possible now to estimate. It is not intended to be understood that all these will be required for the service of 1836. The statement is made to show what are the probable charges against the surplus on the 1st of January last, and the amount which may be received into the Treasury during the present year. It is impossible to anticipate what may be the revenue for 1836. Should the spirit of speculation continue unabated till 1837, the revenue of the present may exceed that of the past year; but there are already symptoms of extreme pressure in various quarters of the Union, and we hear of transfers of specie. The existing expansion of commercial speculation and credit is too great to authorize any expectation that the pressure for money will cease. The trade and banks of the country have not been kept in check for a year and a half as in 1834. Neither the Bank of the United States, nor all the banks in the Union, can now afford relief by extending their business as they did in 1834. There is, indeed, but one remedy for an overtrading nation, and when that arrives,

whether in this year or the next, when the enormously-expanded debts of the country ought to be reduced or canceled, prices must decline, and our revenue from customs and public lands must suddenly give way.

Whatever may be the surplus on the 1st of January next, it will all be required to discharge the actual liabilities of the Treasury, and to provide even for a small portion of indispensable measures of defense; and as to the year following the next, there is little probability that our receipts from customs and lands will be equal to the expenditures of Government without an addition to the tariff.

Such is the condition of our finances, and the prospect before us, when we are called upon on all sides to distribute the surplus revenue to an amount which would bankrupt our Treasury. This is the third time when an overflowing Treasury has threatened to change the character of our Government. In those years of great prosperity, when we enjoyed the carrying trade of the world, gentlemen of both parties had their projects for getting rid of the surplus. At the close of 1808 we had $10,000,000 in the Treasury, an amount far more formidable at that time than $30,000,000 would be now. We were saved at that crisis by war—a calamity infinitely less disastrous in its permanent effects upon our Government than the measure proposed. At the close of 1816 we had remaining of our $36,000,000 of revenue, from customs alone, $22,000,000, equal to $40,000,000 at the present time. We escaped, then, by being compelled, in 1820 and 1821, to resort to the most rigid economy, and to borrow some seven or eight millions. I trust that this Constitution will be saved a third time, notwithstanding this powerful combination against the Treasury. I am not surprised, sir, to see the manufacturing capitalist zealously contending for a distribution of the surplus revenue, nor am I to see the gentleman from Virginia [Mr. MERCER] and his associates, who have always advocated Federal power; but I am to see some of those who so recently brought our Union to the verge of dissolution, in justly resisting, however wrong their measures, a most oppressive system of taxation—I am surprised to see the same gentlemen wishing to secure, through the medium of a constitutional amendment, and to fix forever upon the country this tariff in disguise; for, sir, let this proposition assume what form it may, it inevitably results in an increase and distribution of your revenue from customs.

Nor, sir, am I less astonished to see some of the most rigid constructionists so alarmed at the idea of our surplus revenue as to unite zealously in this assault upon the Treasury. Gentlemen whose constitutional scruples would not permit them to vote a dollar for a light-house to save the mariner from perishing on our coast amidst the storms of midnight, are now ready to empty the Federal Treasury, and distribute it among the States. They are ready to violate the solemn pledge of the Congress of the Confederation in 1780, before an acre of these lands were ceded, that they should "be disposed of for the common benefit of the United States—to be settled and formed into distinct republican States," and to abrogate the compacts with New York in 1783, and Virginia in 1784, by which these lands were ceded "as a common fund for the use and benefit of the United States"—to be "faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." They are eager to annul the compacts with Massachusetts, Connecticut, and South Carolina in 1785, '86, and '87; with North Carolina in 1789, and finally with Georgia in 1802. The purposes, sir, for which these lands were ceded are not only stipulated in these compacts, but they are fully explained by the eighth article of the Confederation to be for "all the charges of war, and all other expenses that shall be incurred for the common defense or general welfare." It never was contemplated that the proceeds of these lands should in any manner be applied to the local expenditures of the States, and had a provision for such a distribution been then insisted upon, the new Constitution would have been formed, as the old Confederation was, without the cession of an acre of these lands. Gentlemen attempt to make a distinction between the revenue from customs, from lands ceded by the States, and from those acquired by purchase from France and Spain. Sir, every dollar in your Treasury is secured by the same constitutional guards, the revenues of the Confederation, and the lands ceded to it were all for the same common and confederated purposes. If there be a distinction, it is in favor of the moneys arising from the proceeds of the lands ceded by the States, guarantied as they are by compacts, more ancient than the Constitution itself, and which, in strict good faith, cannot be canceled even by a constitutional amendment.

We have, also, among the advocates of distribution, however strange it may appear, some of the most decided enemies of consolidation and zealous advocates of the rights of the States. A more fatal measure to the States, or a more certain one to effect consolidation, could not be devised. Should we once commence distribution, we should have our lobbies filled, session after session, with committees of your Legislatures, humbly presenting their State memorials, petitioning for an increase of the Federal fund for distribution; praying Congress for an increase of our tariff, and for the more rapid sale of the public lands; millions of acres would be disposed of by contract to swell the distribution fund. If customs and public lands both failed to answer the urgent petitions of the States, you would have memorials to restore the public debt; and if that was not sufficient, a charter of a Bank of the United States would be disposed of for $10,000,000 more, for the purpose of distribution. Once commence this revolutionary proposition in any form, and it at once becomes the permanent policy of the Government. Your Legislatures will be seen scrambling for the plunder of your Treasury; every officer, State and Federal, from the highest to the lowest, would depend for his bread on a common Treasury. Your Governors would become mere viceroys, and your States would be degraded to the condition of provinces. We should hear no more of State rights then, sir. The gentleman from Tennessee would then realize his description of a "great central moneyed power," controlling and corrupting every branch of your State and Federal Governments. Your "State Assemblies" would then, indeed, become, as he says, "the supple and convenient instruments of the Federal Executive," and be "prostituted to purposes of Federal power and domination."

Mr. Chairman, gentlemen who are friendly to the defenses of our country cannot go for the distribution of the surplus among the States. We have not the means to do both. Be your surplus what it may, you cannot execute one half of the measures of defense which are admitted on all hands to be indispensable. Sir, this question of public defense is no party question. It is not a measure exclusively of this Administration, notwithstanding the argument of the gentleman from Tennessee about the new and extravagant measures which were proposed by the party now in power. Every gentleman who has discussed the question of our surplus revenue has admitted the defenseless condition of our country, and avowed himself an advocate of efficient measures of defense. The gentleman from Maine, [Mr. EVANS,] from Virginia, [Mr. MERCER,] even the gentleman from Tennessee himself, has declared himself ready to vote for liberal appropriations for the Navy, and for such fortifications as may be necessary for the defense of the country. He has reprobated—justly reprobated, our utterly defenseless condition. Well, sir, if gentlemen are in earnest—if, in a spirit of patriotism, we are all determined to unite, and to execute these necessary measures of defense, where, let me ask gentlemen—whether we distribute any portion of our surplus or not—where are we to get the millions which will be required to finish any one branch of our public defense to the extent proposed? We have estimates amounting to more than sixty millions for fortifications. I concur with gentlemen in the impolicy of attempting to line our extensive coast from Mexico to Canada with fortifications—of engaging in enormous and useless expenditures for defending every inlet and river. But, sir, strike out the whole of these superfluous works; confine yourself to works now in construction, and to others which are admitted to be indispensable, and the least amount which will be required would be equal to the whole of our surplus revenue. But look at the condition of the fortifications already constructed. In Boston not a gun can be fired. In New York, where we ought to have three hundred cannon mounted, we have sixty. At Fortress Monroe, where we should have two hundred, we have but forty-three. In New Orleans, instead of one hundred, we have twelve. The Inspector General says:

"More than a thousand heavy guns and carriages must be mounted, before our principal cities could be considered in anything like a defensible condition; and in case of war with a foreign Power, the armament contemplated would require to be greatly increased." "All of which is required independent of the armament necessary for the defense of the less important cities and towns on the sea-coast."

And what amount will your Navy require? The Navy, sir, has been the most neglected branch of our public defense, considering its importance, from the commencement of the Government to the present time. It was not until 1798, under a much denounced Administration, that it was permitted to become an independent department. It has fought its way into the confidence of every Administration, and has become the favorite of all parties. On this branch of our defense we have but one voice. And yet, sir, look at its condition. I would not degrade our country by instituting a comparison between the Navy of the United States and that of Great Britain or France. I would not disgrace it by comparing it even with the fleet of the Pacha of Egypt.

Our Navy is inadequate to the protection of our commerce, and in no degree corresponds with our relative maritime Power, or our rank among nations. It is not strong enough to form any part of our coast defense in case of war, nor to discipline our officers in time of peace. We should have a small force on our own coast, of which our officers know too little; a considerable increase in the Gulf of Mexico, and also in the Pacific. In the event of war with a maritime Power, in the absence of a strong force in the Pacific, the first sacrifice would be our whale trade, with ten thousand of the most effective mariners in the world. We cannot employ our surplus revenue more wisely than in increasing this most powerful arm of our defense. The estimates of our Navy commissioners amount to twenty-three millions, and, with some additions and allowances for estimates, will probably reach forty millions, which would all be required, and should be expended, whenever it is compatible with other interests and the condition of our Treasury.

Are we to make no provision, sir, for our inland and equally defenseless frontiers? Can we, at the moment we are called upon to distribute our surplus revenue—can we estimate within ten millions the amount that may be required within twelve months to protect our countrymen in Florida, Louisiana, Arkansas, and Missouri? Sir, while every heart is quivering with agony at the horrid massacres of our countrymen by the Seminoles, I cannot be startled by the specter of a standing army, raised by the gentleman from Tennessee. Our frontiers must be protected, cost what it may. We have one Indian war on our hands, and before three months we may have another.

I wish, sir, to excite no alarms of war; but I do wish to alarm gentlemen who would empty our Treasury at a crisis like the present. I wish them to examine well the war-cloud that hangs over our southern border. We shall, I know, respect the rights of nations, and endeavor to maintain our neutrality. But, sir, that war is not to be determined in a single campaign; no matter which party may conquer, the war will be renewed, and continued so long as Mexico struggles for dominion over Texas. On the one side the tide of emigration sets in that direction; on the other they have means, supplies, and disciplined troops. We may avoid being involved in that controversy; but is there nothing in the character of the parties—nothing in the position of the war—nothing in the hostile disposition of the Indian tribes, who may be easily excited to war—nothing in the movements within our own borders which no proclamations of neutrality can control? Is

there not danger that our territory may be violated? Are all these circumstances nothing? Is this a crisis when our surplus should be distributed? I have great confidence, sir, in this Administration, especially in the management of our foreign relations; but if we ultimately escape being involved, in some way, in this contest, they will deserve credit for extraordinary skill and ability. Mexico cannot permanently maintain her dominion over that province, and she will not surrender it without a long struggle. Whatever may be the result of the campaign, or the duration of the contest, no one can estimate the amount which will be required for the protection of that frontier. We should have, at this very moment, a force there sufficient to command the respect of both parties—to prevent our territory from being violated, and to protect our countrymen from the consequences of the savage war actually existing on that frontier.

While such is the condition of things at home, what is the political aspect abroad? We see all Europe converted into a camp, where two millions of troops stand ready for war. We see two great alliances contending, not only, as of old, for the balance of power, but for hostile principles of government—preparing, evidently preparing, for a general war on that continent. Whenever it comes, can we escape spoliations on our commerce?—can we avoid being involved in it? We may, sir, avoid both by promptly and vigorously attending to the defenses of our country, and by increasing our Navy. Let us discharge these essential duties, and we shall not again have our flag insulted, our commerce plundered, and our country disgraced by invasion. Let us attend to our national defenses, and we shall preserve tranquillity at home, and cause our flag to be respected in every quarter of the globe.

Mr. Chairman, such is the state of our affairs at home—such the prospect abroad; and yet, sir, we have gentlemen, distinguished as statesmen and financiers of great experience and reputation, contending zealously and eloquently for a distribution of our surplus revenue, at the very moment they tell us they are ready to make the most liberal appropriations now and prospectively for our national defenses. Let me entreat gentlemen to pause—let me entreat them not to squander our revenue at a crisis like the present. The amount of our surplus, however high it may go before the tide of revenue subsides, will not discharge existing claims upon Government, and complete even a part of the measures proposed—measures indispensable to our defense. We are at this moment merely anticipating the collection of our revenue—we are approaching a series of years when the receipts from customs and public lands will scarcely equal, if they do not fall below, the amount necessary to defray the ordinary expenses of our Government. I hope, sir, under such circumstances, we shall not distribute our surplus, but that we shall husband our resources, reserve a portion to meet any deficiency which may occur hereafter, and appropriate the remainder, with a wise economy, to measures indispensable for our national defense.

THE DISTRIBUTION LAND BILL.

DEBATE IN THE SENATE,

April 27, 1836.

The bill to appropriate for a limited time the proceeds of the sales of the Public Lands among the States, and to grant lands to certain States, was taken up as the order of the day.

Mr. BENTON moved to postpone the bill, for the purpose of taking up the bill making appropriations for fortifications.

Mr. B. said he would take the sense of the Senate in the most formal manner, on this mode of proceeding with the business of the country. It was now the end of the fifth month of the session, and scarcely a bill for the service of the country had yet been passed. He had been fifteen years a member of the Senate, and had never seen the parallel of it before. Not to go into the enumeration of the immense number of bills lying upon the tables, and not acted upon, here was the fortification bill, reported in January from the Military Committee, and not yet acted upon, although there were no appropriations for fortifications last year. The Senate and the House had both engaged in ample discussions to show who was in fault for the failure of the fortification bill last year; no such discussion would be necessary to show who occasioned the virtual defeat of it this year. Mr. B. considered the fortification bills for the present year as virtually defeated! The year would be half out before the appropriations would be ready; and by that time the season for work in the South would be gone by; and in the middle and north workmen and laborers would be engaged for the season; and the United States would find it difficult to obtain laborers, and be under the necessity of paying enhanced prices for them.

His present motion was intended to bring things to an issue; it was to have the sense of the Senate formally taken upon the question of proceeding with the fortification bill; and therefore he should move, and should ask the yeas and nays upon it, to postpone the land distribution bill for a week, and in the meantime to proceed with the fortification bill, and afterwards with all the bills for appropriations and for the defense of the country. The distribution bill was now the antagonist, not of fortifications only, but of every bill for the service of the country. It was the antagonist of every bill that tended to diminish the mass of money for distribution. Many were the bills which had already suffered under it—too many to be enumerated; but the fate of one, that of the Cumberland road bill, was too striking in itself, and too clearly characteristic of the distribution policy, and its effects upon the country, to be overlooked. This bill was to carry on the oldest and best-established work of internal improvement in the country; one resting upon compact, and sanctioned by every Administration from Mr. Jefferson's time to the present day. This road was to go to the Mississippi at the least, and appropriations for it were brought in early in the session. What was the fate of that appropriation? A sacrifice to the distribution scheme! It was resisted for many weeks, the amount reduced, and a determination openly announced to discontinue the only thing that could give it any value, that of making it permanent by macadamizing or graveling. Thus the Cumberland road has fallen a victim and a sacrifice to the distribution spirit; and the fate of that bill is to be the fate of many more. At present the fortifications are to suffer, and may be considered as defeated for this year. Thus far nothing has been done. All bills for the service of the country have been delayed and postponed; all the heavy appropriations have been kept back, and for a purpose which is perfectly understood in this Chamber, and ought to be understood by the country. It is to make a surplus! It is to make a fictitious, delusive, and unreal surplus, to excite the cupidity of distributees, and to form the new rallying point of the same party which has had the career of so many new projects and changes in a few years past. They now proclaim a surplus of thirty millions in the Treasury; and how have they got it there? By stopping the appropriations; by delaying every bill that they can; by cutting down every appropriation to the lowest dollar! By these tactics they have succeeded in damming up the money in the Treasury, while the business of the country has stopped for want of that money. Every branch of service is suffering for want of the money now in the Treasury, and which is ridiculously called surplus, while the officers of the Government are in vain calling for it.

Mr. B. said that every person knew, or might, that officers were borrowing money, *or getting public money without law, from banks,* to carry on the public business, while Senators here are proclaiming a surplus of $30,000,000, and absolutely refusing to go on with appropriation bills; and giving all their time and all their pathetic eloquence to the miseries of an overburdened Treasury. More than that, salaried officers, with pay due them, are borrowing money at usury for the support of their families, while we sit here refusing to vote their pay, and indulging in sorrowful lamentations over the impossibility of ever getting rid of the public money, except by dividing it out. They are shedding real tears over their empty pockets, while we are shedding fictitious and crocodile tears over the fullness of the Treasury. Such were the first fruits of this most fatal and ruinous policy of distribution. It would soon manifest its hideous spirit in the defeat of the most important and the most necessary bills; and he, (Mr. B.,) without treading upon forbidden ground, might allude to what was publicly known, that a treaty had been made with the Cherokees last year requiring $5,500,000, and another with Indians in Michigan for $1,750,000; and that now, at the end of five months, neither of these treaties were acted upon! and could not be passed without putting an end to this lamentation about the surplus. Everything had to be kept back to swell a surplus, to make an ostensible amount in the Treasury; and then everything that could be defeated would have to be defeated, in order to save that ostensible surplus for distribution. Hence a new and fell spirit was brought into our legislation—a spirit wholly intent upon getting at the money in the Treasury, and pushing aside, trampling down, and cutting off every measure for the good of the country, which threatened to take a dollar from this adored surplus.

How is it (said Mr. B.) with this bill? What right has it to take precedence over the fortification bill, and the other bills for the service of the country? Surely the supplies ought to be voted before the excess is thrown away; surely the surplus ought to be ascertained before it is distributed. This is regular and natural; but if it was done, the surplus scheme would be blown up. All the money in the Treasury, and more too, would be appropriated; the $30,000,000 would be gone; and the duped and deceived distributees, who are now, each one, with slate and pencil, calculating the amount of his share, would find that the vision had vanished; the mountain had disappeared, and the appropriation bills had covered every dollar that he was counting up for distribution. This was the true reason for pushing the distribution bill; this was the true reason for keeping it ahead of all other bills; if it were postponed until after the bills for the service of the country were passed, then the delusion of the surplus could not be kept up. Even now, within this hour, by the good fortune of getting the Navy bill and a Florida war bill through, we had reduced the surplus between seven and eight millions; still that seven or eight millions will still flourish in the speeches of gentlemen. Suppose these bills had been passed two months ago, and the Indian treaties ratified two or three months ago, then half the surplus would have been gone, and a great many fine speeches spoiled. This would have been the consequence of proceeding regularly and naturally, and ascertaining the surplus before it was used. Even now, if the ADMINISTRATION PARTY in the Senate is strong enough to bring on the business of the country, if that party is strong enough to vote money for the service of the country, and to ratify treaties, two weeks will explode this bubble of a surplus, and show every dollar in the Treasury, *and more too,* covered by appropriation bills, and in a regular course of expenditure for the public service.

The question was then taken on Mr. BENTON's motion to postpone; and lost—yeas 20, nays 26; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—20.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—26.

Mr. BENTON remarked that some gentlemen might have voted against his motion because the postponement was to a day certain. He would now make another motion, which was to lay the bill on the table for the purpose of taking up the bill making appropriations for fortifications.

This motion was also decided in the negative—yeas 21, nays 26; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, and Wright—21.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—26.

Mr. EWING, of Ohio, moved to amend the bill by striking out all after the words "United States" to the words "thirty-six," in the seventh line, and insert: "one fourth part on the 4th day of July, 1836, and one fourth part at the end of each ninety days thereafter, until the whole shall be paid;" which amendment was agreed to.

[The above amendment fixes the periods of distribution.]

Mr. ROBINSON here moved the following amendment, to come in as an additional section:

SEC. —. *And be it further enacted*, That all lands belonging to the United States which have been, or hereafter may be, subject to entry at private sale for twenty years and upwards, and have not been sold, shall hereafter be sold at one dollar per acre, and at a reduction in price of ten per centum every five years, until the price of such lands be reduced to fifty cents per acre.

Mr. WALKER said he would be glad if the gentleman would confine his amendment to actual settlers. Too many of the public lands were now taken up by speculators; and if the reduction was made in favor of all purchasers, the public domain would pass into their hands, with little benefit to the cultivators, in whose favor the gentleman, no doubt, proposed his amendment. He would, therefore, move to amend the amendment of the Senator from Illinois by adding the following:

Provided, That no person, under the provisions of this act, shall be authorised or permitted to enter, at the prices specified by this act, more than three hundred and twenty acres, or two quarter sections in subdivisions not less than a quarter-quarter section, in his or her own name, or in the name of any other person, for his or her own use, and in no case, unless he or she intends it for settlement or cultivation, or the use of his or her improvement; and the person applying to make an entry under this act shall file his or her affidavit, under such regulations as the Secretary of the Treasury shall prescribe, that he or she makes the entry in his or her own name, for his or her own benefit, and not in trust for another: *And provided also*, That no patent shall issue to any person making said entry until three years thereafter; and that any sale, contract for sale, lease, or contract for lease, of said lands so entered under the provisions of this act, which may be made prior to the emanation of the patent, shall be utterly null and void, and shall operate as a forfeiture of the title to the United States: *And provided also*, That said entry shall not be made at the reduced price, unless it is proved, under such regulations as the Secretary of the Treasury shall prescribe, that said applicant at the date of said entry was in possession of said tract proposed to be entered, or cultivating the adjacent tract.

Mr. CLAY observed that the proposition of the Senator from Illinois [Mr. ROBINSON] was to reduce the price of all lands which have been in the market twenty years down to fifty cents per acre, making a reduction of ten per cent. every year for a period of five years. The proposition of the Senator from Mississippi [Mr. WALKER] was to confine the proposed reduction to what he considered actual settlers. He must repeat that he had the most insuperable objections to any alteration of the existing prices of the public lands. According to the proposition of the Senator from Mississippi, the person making the entry must file an affidavit of his intention to settle and cultivate the land. Now, who could know what any man's intention was; or how could it be proved, should he violate his contract, that it was not his intention at the time of making the affidavit to fulfill it? Could he not say that such was his intention, and that he changed his mind? It was true that the patent would not issue for three years, yet that would not prevent the person making the entry from getting it, even if he did not settle and cultivate the land. He believed that the introduction of the principle of graduation would be this: it would throw the question of reduction before the new States, which would continually agitate them with hopes of further reduction. The question of reduction would be brought into the elections, and candidates would build their hopes on it. If they looked to the land sales, they would find there was no reason for reduction, as they had increased to such an extent that they would this year amount to twenty-four millions. There was no earthly motive for the reduction, as respected the sales and the consequent settlement of the public lands. The new States were increasing at a ratio of eighty-seven and a half per cent., while the old States were increasing only two and a half per cent. Indeed, some new States were increasing at the rate of eighteen per cent., and Mississippi was increasing at a still greater ratio. The settlement of the public lands was sufficiently rapid for all safe and salutary purposes, and for the well-being of the new States themselves. Any plan of the reduction of prices would only tend to increase speculation and the interests of the new States, as well as the old, were actually opposed to it.

Mr. WHITE said if the gentleman would modify his motion so as to require the person declaring his intention to settle to be the head of a family, to make an actual settlement on the land, and to continue to reside upon and cultivate it for three years, with a provision that it shall be forfeited to the Government if he removed or transferred the land within that period, he would vote for it; otherwise, he must be compelled to vote against both the amendment of the Senator from Illinois and that of the Senator from Mississippi.

Mr. WALKER replied that if the Senator from Tennessee would confine his restriction on the settler to one year he would agree to it. It would be a hard condition on the settler to compel him to reside three years on the land before getting his title. He wished the amendment to apply not merely to the actual settlement, but to the actual settlement and cultivation. He thought that a cultivator who resided on a small tract, and wished to increase his cultivation by entering the adjoining tract, should be permitted to do so.

Mr. ROBINSON could not give his assent to the amendment of the Senator from Mississippi, because it would produce injurious effects; and was not at all necessary, because his amendment went on the principle that the lands that had been in the market for twenty years were not worth more than one dollar per acre. He did not know how it was in the other States, but he knew that in Illinois it was better for a man to give $1 25 for fresh lands, than to have these refuse lands given him for nothing. The reduction was so gradual and so small, that he was surprised that any objections had been made to it. There was no inducement for any human being to enter these lands for any purpose whatever, except actual settlement and cultivation. His plan would offer no inducements whatever to speculation, and he hoped that this moderate reduction, so long asked for by the new States, would be made.

Mr. PORTER said that the amendment was only intended to secure the rights of the poorer class of persons who might make settlements on the public lands, and he would therefore vote for it.

The question was here taken on Mr. WALKER's amendment; and it was lost.

The question then recurring on Mr. ROBINSON's amendment,

Mr. EWING, of Ohio, suggested to him that he would obtain more favor for it by adding the words "twelve and a half" after the word "dollar;" which Mr. R. agreed to, and modified his amendment accordingly.

Mr. WHITE moved to amend the amendment by providing that the person making the entry should be the head of a family, and continue to reside on the land for three years before receiving his patent, and that in case he removes from or transfers the land, it shall revert to the United States; prefixing to it the first part of Mr. WALKER's amendment.

After some remarks from Mr. WALKER,

Mr. PORTER observed that he did not want to enter into a discussion with the Senator from Mississippi as to the relative merits of Mississippi and Louisiana. He only rose to notice some remarks of the gentleman, which deserved the most serious consideration. The policy of the Government had been to remove the Indians from the new States, and to throw them on the frontiers; and had he known as much when this policy was first put into operation, he would have protested against it with all his might. The Indians had been taken from the places where nature intended them to be, and cast upon the borders of his State, from whence, in time, they might prove a source of the most serious annoyance and danger. They were now in such numbers upon the frontiers, that it only required some master-spirit among them—some Tecumseh—to stir up a war which would carry blood and desolation from the Mississippi to the banks of the Sabine.

Mr. LINN returned thanks to his honorable friend from Louisiana for coming to his aid, and for the opinions expressed on this occasion. Yes, sir, a genius of the commanding character of Tecumseh, possessing a mind to conceive, and a hand to execute, could form combinations among the discordant elements that would set that whole border in a blaze. *They are our hereditary enemies, and we may expect such combinations.* From the moment the foot of the first white man touched the soil of this continent, a system of injustice and aggression commenced towards the Indians, which has been persevered in and perfected, until they find themselves on the confines of the great western plains, far from their homes and the graves of their fathers. Their hatred, therefore, is natural. But the laws governing population can no more be stayed than the tides of the ocean. Cain slew Abel; and the farmer will ever possess power over the hunter or herdsman. The Indians are therefore a *doomed race;* treat them with all the kindness and humanity in your power, and to this melancholy complexion must it come at last. To relieve the old States from the evils of their presence, they have been placed along the western line of frontier. Against the danger *to us* of their existence there, you will surely not refuse us protection—ample protection. But should Congress in a moment of delusion refuse, we will be compelled, reluctantly compelled, to resort to the first law of our nature, necessity, for protection. Should the hour of trial come, we will be forced either to kill off your Indians, or by reversing the kind and humane policy of the Government, which has ever exerted its influence to prevent collisions between the different tribes, excite them to kill each other off. It will be for Congress to say whether either horn of the dilemma should be presented us. He said he found himself wandering from the object which induced him to obtrude himself on the notice of the Senate. He rose merely to state that for months previous to the celebrated Black Hawk having crossed the Mississippi to commence the war which afterwards raged, he had dispatched emissaries to every tribe from the Mississippi to the Sabine, with a view to form combinations, and holding out inducements to the different tribes to make a simultaneous attack on the whole line of frontier. He said, from the information which had been imparted to him, and which came from a source every way to be relied on, he felt himself perfectly justified in asserting, that if Black Hawk had gained a decisive battle, such an assault would have been made, the consequences of which would have been such as to harrow up every feeling of the soul.

That such combinations will take place, no reasonable, thinking man will permit himself to doubt. If, when the Indians resided in the very heart of many of the States, surrounded by a white population, broke through all restraints, and commenced war, what may we not expect from them in their present position? Why, sir, we may expect, whenever it suits their thirst for plunder or revenge, to have our exposed borders attacked, our women and children to pass under the tomahawk and scalping-knife, and our property destroyed. They can burn, plunder, and destroy; and if met at length by an overpowering force, they can fly to the boundless plains behind them, where they can sustain themselves on the countless herds of buffalo that roam over these plains, until such period as they may think proper to renew the attack.

Nothing, at some future day, will prevent this state of things, but the presence of a force sufficiently great to overawe the disaffected, and restrain the unruly. The presence of such force is due to them from humanity, and to us from justice. He said that, previous to his arrival here, this subject had excited his attention; and among the first measures proposed by him was a depot of arms, a military road from the Mississippi to Fort Gibson, and an increase of the military force of the United States. On the latter subject, (on a call made by him,) the Secretary at War had sent to the Senate an elaborate and

interesting report, recommending an increase of the Army, on which the Military Committee reported a bill. When that bill comes up for consideration, he would perhaps take part in the discussion, and give his opinion more at large.

On taking the question, Mr. WHITE's amendment was lost—yeas 20, nays 21; as follows:

YEAS—Messrs. Benton, Buchanan, Crittenden, Hendricks, King of Alabama, Knight, Linn, McKean, Mangum, Moore, Nicholas, Porter, Prentiss, Preston, Ruggles, Shepley, Swift, Walker, Webster, and White—20.

NAYS—Messrs. Black, Brown, Calhoun, Clay, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hill, Hubbard, Kent, Morris, Naudain, Niles, Rives, Robbins, Robinson, Southard, Tallmadge, and Tomlinson—21.

The question was then taken on Mr. ROBINSON's amendment, and it was rejected—yeas 16, nays 27; as follows:

YEAS—Messrs. Benton, Black, Davis, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, King of Alabama, Linn, Moore, Morris, Nicholas, Porter, Robinson, Walker, and Webster—16.

NAYS—Messrs. Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Goldsborough, Hill, Hubbard, Kent, King of Georgia, Knight, Leigh, McKean, Mangum, Naudain, Niles, Preston, Prentiss, Rives, Robbins, Shepley, Southard, Swift, Tallmadge, Tomlinson, and White—27.

The bill was then reported to the Senate, and the amendments made in committee were concurred in.

Mr. BROWN here moved to strike out that part of the bill which gives the ten per cent. fund to the new States.

Mr. MANGUM did not like the provision in relation to Missouri and the other new States. He thought it gave them more than they were justly entitled to. But he had made up his mind to vote for it on the principle of a compromise. But if taken out of this bill he would not vote for them in a separate bill.

On taking the question, Mr. BROWN's motion was rejected by the following vote:

YEAS—Messrs. Brown, Buchanan, Cuthbert, Hill, Hubbard, King of Georgia, McKean, Mangum, Niles, Ruggles, and Shepley—11.

NAYS—Messrs. Benton, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, King of Alabama, Knight, Leigh, Linn, Moore, Morris, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Southard, Swift, Tomlinson, Walker, Webster, and White—22.

Mr. BENTON would now make the motion for which he had given notice some days ago, namely: to strike the name of Missouri from the enumeration of States to which the grants of land were to be made. He repeated what he had often said, that it was an injury and an insult to those States to have their grants embodied in this bill. He had brought forward the bill for the grant of Missouri before this land distribution bill had been thought of; it had been amended by the addition of the names of Louisiana and Mississippi; had been considered and agreed to by the Senate, ordered to be engrossed for a third reading, and actually engrossed and read the third time, when it was laid upon the table to be diverted from its passage, and to be incorporated in the provisions of this distribution bill.

This distribution bill had been vetoed by the President, and the grants to the new States, including the additional quantities to Alabama, Indiana, and Illinois, had all shared of the fate of the bad company in which they were found. They fell under the veto, not for any fault in themselves, but because they were connected with a measure in which the President found insuperable objections. Thus these six States had lost their grants for four years. Now they are, in all probability, to share the same fate again. They are again put into that bill; that bill is more objectionable than it was before. Judging from the President's public messages, it was unquestionable that he would again affix his veto upon the bill, if it went to him; and thus the States might be again defeated of their grants. It might be thought by the Opposition members that they could break down the President by these vetoes. They might think that they would rouse the new States against him on account of the loss of these grants; but this was a mistake—one of those numerous mistakes into which the Opposition were constantly falling, and which resulted from their underrating the intelligence and virtue of the people. Every man in the new States knows the state of this proceeding. They understand the subject too well to be the dupes of these crooked tactics. They know that Ohio has had a million of acres of land for internal improvement; that Alabama, Indiana, and Illinois have had three or four hundred each; that Missouri, Louisiana, and Mississippi have had nothing. They know that Ohio received hers in a bill by itself, a bill resting on its own merits; and they know that they ought to have theirs in the same way. They know that bills have been brought in for that purpose, and that the friends of the distribution bill have caught them up and put them into the distribution bill, where they have been once vetoed, and where they must be vetoed again. All this they know, and must feel indignant at the insult to their understanding, and the injury to their interest, which this conduct involves.

The calculation upon destroying the popularity of the President by these tactics is all in vain. The people know who to blame. They know where to point their indignant resentment. They know that the wrong to them lies not in the veto which rejects their grants with the land bill, but in the original act of stopping their grants, and putting them into the land bill, and putting them there to be vetoed! The authors of the land bill are the opponents of the President; they want to overthrow him, and for this purpose, among others, they mix up all these grants to the new States in this distribution bill, that he may veto all together, and thus a great storm be raised against him. But it will not do. The people are neither ignorant nor corrupt. They can neither be divided nor seduced. They know that every Senator who votes for putting these grants into the distribution, and then votes for the distribution bill, is in effect voting for putting the grants where they are to be defeated. With those who vote to put them in, and then vote against the bill, it is different. They may have a laudable object in view—the object of getting a vote for the grants in one shape, after which they will have a right to expect the same Senators to vote for them in another shape. Mr. B. then made his motion, that the name of Missouri be stricken out of the bill, &c.

Mr. LINN said it was far from his intention to vote for this bill, nor did he believe it could become a law after what was known of the deliberate opinions of the Executive, as expressed in his veto on this or a measure of a similar kind. Still he had no wish to see this five hundred thousand acres of land for Missouri left out of this bill. He would not *only* vote to retain this, but also vote for the five hundred thousand acres in his colleague's bill. His friends appeared to be amused at the extravagance of his demands and wishes; but before he was done with the subject he would convince them that the whole amount was not too much for Missouri, and that it was intimately connected with grave and serious considerations. By granting a million of acres, it could be employed in constructing a line of railroad from the point where the Cumberland road will terminate on the Mississippi to the western boundary of the State, connecting it with the road marked out by authority of the United States to the Mexican frontier. On it could surely and swiftly be transported arms and munitions of war, and when necessary, any number of men, to repel sudden incursion or avenge outrage. He implored the Senate to look at the great western frontier from the Falls of St. Anthony to the Gulf of Mexico, and the examination he was sure would produce feelings of sympathy for the situation of the people of Louisiana, Arkansas, Missouri, and Wisconsin. The existence of numerous tribes of Indians claiming to be independent within sovereign States had shaken the Union to its center, and at one time appeared to threaten a dissolution of the Confederacy. To get rid of this embarrassing subject, and to save the Indians from destruction, their removal to the west bank of the Mississippi was determined on by the General Government; and following out this line of policy, tribe after tribe has been located, until the aggregate amount had become alarming to contemplate. *These Indians were placed there for the benefit of the old States exclusively.* Have we not, then, the right to demand from the justice of Congress *all* the means necessary for our defense and protection? And for that defense and protection nothing was more important than a good road on which to transport arms and munitions of war. War (he said) was at all times terrible, but a war with Indians was doubly so. The tide of emigration to Missouri was flowing on in a wide stream, bearing on its bosom much that was valuable of industry, virtue, and capital.

During the last summer, in looking at the interests of a people so suddenly overspreading the land, his attention was arrested by their extraordinary wants in mail accommodations. For the purpose of obtaining all the information necessary to enable him to act efficiently here, he addressed a short circular letter to his constituents, in which will be found the following language:

"That we have not our just proportion of mail facilities any one will be convinced by an examination of the subject. This State contributes to the revenue of the Post Office Department several thousand dollars more than Illinois, and nearly as much as Indiana; and yet we are far behind them in this respect. If there *must* be a disproportion, it ought to be in favor of this State, in consequence of its *military* position, its northern and western frontiers being darkened by hordes of Indians, indigenous and imported. We have acquiesced in the policy pursued by the General Government in throwing clouds of savages along our borders; but it should be recollected that peace and tranquillity with them is not *always* to be expected, as a contest with Great Britain *or with our neighbors on the other side of the prairies* would soon have the effect of organizing and putting in motion the elements of hereditary hatred now sleeping in the bosom of thousands who roam along our frontiers. The recent conflict with Black Hawk's band should admonish that foreign influence is not always necessary to light up the flame of war between us."

Recent events in Florida prove the truth of the last position; and since those lines were written *our neighbors over the prairies* have brought down upon the Americans in Texas all the power of the great wandering tribe of the Camanches. We have seen within the last few months the beautiful Territory of Florida laid waste by the unexpected hostility of the Seminoles, and who, to this moment, are unpunished and unsubdued. Such, sir, are the scenes to be enacted from time to time on our borders.

Mr. BENTON's motion to strike out Missouri was then rejected—yeas 6, nays 34; as follows:

YEAS—Messrs. Benton, King of Georgia, Morris, Niles, Robinson, and Ruggles—6.

NAYS—Messrs. Black, Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hill, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Rives, Robbins, Shepley, Swift, Tomlinson, Walker, Webster, and White—34.

Mr. BENTON rose to present the amendments of which he had given notice. He said that some members might be supporting the bill under the belief that they were voting to divide the *net* proceeds of the public lands, when in fact the division went to the gross proceeds. Under the bill as it stands, nothing will be deducted from the gross proceeds but the five per centum to the new States, and the one half per centum to the registers and receivers. All the other expenses of the land system; all the heavy items for salaries and expenses of the General Land Office, in the offices of all the surveyor's general, in the salaries to all the registers and receivers, in surveying the lands, in the purchase of the lands from the Indians, in the annuities to them on account of lands bought, in the expense of treaties for purchasing lands, and in the expense incurred in removing Indians from lands purchased; all these enormous expenses would still remain undeducted, and would fall upon the custom-house revenue. Mr. B. referred to documents to show that these items would amount to many millions, perhaps to ten millions this year, and must be deducted by law out of the gross proceeds of the lands, or they would fall on the custom-house revenue, as they were now payable out of the Treasury, and the accounting officers would not notice them in ascertaining the net proceeds. He said these items must amount to ten millions this year. Two treaties alone required seven millions and a quarter; and was this to be thrown upon the custom-house revenue, or were the treaties to be rejected in order to swell the tempting mass for distribution? The idea of net proceeds would require all costs and all expenses about the lands to be deducted; this bill as it stands will not touch their cost at all, nor an item of their expenses, except

the insignificant per centum to the States, and to the registers and receivers.

Mr. B. addressed the gentlemen who were opposed to the high tariff, and asked them if they wished to revive that measure? If they did so, vote for this bill, and their object would soon be accomplished. Abstract the land sales from the Treasury, throw all the expenses of the Government upon the custom-house, and there would soon be a *deficit* in the Treasury which must be filled by loans or taxes. Revival of the tariff would then be inevitable, and would be the regular sequence of the plan upon which the friends of the high tariff had acted in the compromise, and were now acting on the distribution bill. "*Brother Lazarus is not dead, but sleepeth.*" The high tariff is not abandoned, but postponed. It was postponed because the issue of the presidential election in 1832 showed that the people were against it. It was then postponed to save it! It was openly stated by its author, (Mr. Clay,) that he had taken it out of the hands of the Philistines—that he had laid it away on a shelf to rest! Now, it is regular and natural in him, by diverting the proceeds of the land sales from the Treasury, to create the necessity for supplying the vacuum from another source. The high tariff is that source, and its revival will be inevitable upon the passage of this bill. Considering this an important era in our financial history, and that the future revival of the tariff might be traced back to its true date and right cause, Mr. B. then submitted his list of items to be deducted from the gross proceeds of the sales of the lands, in the shape of the following amendment:

To come in after the words "net proceeds"—

—which net proceeds shall be ascertained to be the balance which remains, after deducting from the gross proceeds all expenses for the year on account of public lands, to wit:

1. Appropriations for the General Land Office.
2. Appropriations for the Surveyor General's offices.
3. Appropriations for surveying public lands.
4. Appropriations for salaries and commissions to registers and receivers.
5. Appropriations for annuities to Indians on account of the purchase of lands.
6. Appropriations for holding treaties for the purchase of lands.
7. Appropriations for amounts paid within the year for the extinction of Indian titles.
8. Appropriations for removing Indians from the lands purchased from them.
9. Appropriations for the five per centum allowed by compact to the States in which the lands lie.

Mr. EWING, of Ohio, could hardly conceive how the Senator from Missouri's experience could have led him to the conclusion that nothing but the commission of five per cent. would be deducted. The item for the removal of the Indians was not properly chargeable to the public lands, for the reason offered by that Senator himself, that some of the lands cost more than they were worth, and they were removed more from political than financial considerations. It was a matter of indifference to him (Mr. E.) whether the first named items were in the bill or not; but thought the latter not a proper charge upon the public lands, and ought not to be put into the bill. He believed, however, those other items would be deducted by the officers of the Government.

Mr. CLAY had been alternately in majorities and minorities, and his experience had taught him the propriety of submitting when in the latter; and he would suggest to his friends in the minority on this bill, whether they had not better acquiesce in its passage. He believed the minds of the Senators were all made up, and no changes would probably be made. The position assumed by the opponents of the bill resolved itself into the question whether the waste lands to which he had before adverted should bear the whole burden. The object of removing the Indians was founded on the great policy of locating them at one point. He thought no part of the other amendments were necessary to be inserted in the bill, as the plain import of it was to deduct all necessary expenses of Government.

Mr. WHITE contended that the removal of the Indians was a political regulation founded on humanity, and was a burden in which all the States were alike interested, and should therefore be a common charge upon them, as it was for their common benefit, and was not properly chargeable to this fund. He adverted also to the facts in the case of North Carolina, and made some comments thereon. This burden, he said, was put on Georgia, not only in defiance of her consent, but against her solemn protest, and the Government was bound to be at the expense of the removal. The United States never had the power to cede away any of the soil ceded to her; and so it was in regard to Alabama.

After a few remarks from Mr. WEBSTER,

Mr. WRIGHT replied that this bill swept the whole public land into one bill. Suppose (said he) in one year we pay more for the purchase of lands than all the money received, would you call the amount received surplus? The argument of the Senator from Tennessee [Mr. WHITE] applied solely to Georgia and Alabama. He asked him to look to those States besides Georgia and Alabama, and answer the suggestions he had propounded. Whatever might be the facts in relation to North Carolina, the argument was not applicable to the other States. In his State they considered the Indian title a mere possessory, and were every year extinguishing it. They had there pursued for many years the policy of paying them the net proceeds, after deducting all expenses of removal; and would it (he asked) be contended that it was not a proper charge in the case of Georgia? We were paying millions upon millions to extinguish the Indian title; and he contended it was not for the common benefit of all the States, but for the particular benefit of the States from which they were removed. He asked if Massachusetts considered it as for her particular benefit that the Indians were removed?

He thought it his duty to take these lands, and put them into the market, and apply them as a remuneration for all this money paid out. He had heard none of the positions assumed by him controverted. The question now was whether the simple expenses of these lands themselves should be deducted from the gross amount.

The friends of the bill did not contend that in a settlement with the Treasury these charges were not to be deducted; but the officers, they said, would deduct them. Then why not insert them in the bill? They denied the position that the amount paid for the purchase of Florida and Louisiana should go into the debit side of the account, because we had bought the jurisdiction which they said induced the purchase, and was an equivalent for the sum paid; and the Senator from Ohio said the expenses of the removal of the Indians should not be allowed in the account because of certain political considerations.

Mr. W. went into an argument of some length to sustain these positions denied by the friends of the bill; and in reference to the net proceeds he desired this body to give a construction in relation to Louisiana and Florida.

Mr. PORTER said that the value of the soil was certainly no part of the object the United States had in view when Louisiana was purchased; that the objects were the sovereignty over the soil and the outlet for the valley of the Mississippi to the ocean.

Mr. LINN said he thought his friend from Louisiana mistaken, and that he could make it apparent. France, in pursuing her great plan of uniting the Gulf of St. Lawrence with the Gulf of Mexico, had erected, at an enormous expense, a chain of military forts, around which she planted colonies under a system of land laws peculiar to herself. On transferring the sovereignty to Spain, all grants made to her subjects were to stand confirmed by the mere act of transfer. These grants were never questioned by Spain. Spain, on coming into possession of this noble province, pursued a liberal and paternal policy in relation to the granting of lands to her subjects. What, sir, (he said,) has been the course pursued by this Government in the acquisition of this country? Did we consider those grants confirmed by the *mere* act of cession? No, sir. How did we treat the ancient, simple-minded, honest inhabitants, who had lived for generations amid a wilderness, and had preserved the lights of religion in that wilderness? Was our course a liberal one? No, sir; differing from us in laws, manners, and customs, we vexed them with lawyers and unknown laws, in an unknown language, and interposed every obstacle that ingenuity could invent to prevent the final settlement of their claims to that soil which had been conquered by their valor and improved by their labor. A generation has passed off, and your tables are now loaded with petitions for justice at your hands. He said that this fighting off, inch by inch, step by step, and acre by acre, these old claims, he thought was *some* evidence that this Government attached value to the soil which they had acquired by money.

Mr. WEBSTER said that there were some considerations that applied with great force against this amendment. One was, that it proposed to make up an account of the lands purchased within the year as an offset against the lands sold within the year. Now, if the same lands were both purchased and sold within the year, there might be some propriety in so making up the account. There might be Indian treaties within this year for the purchase of lands costing seven millions of dollars, which would not probably be sold for ten years to come. It certainly, then, could not be just to charge this purchase against the proceeds of the sales of the year. In every light in which he viewed this amendment he thought it ought to be rejected.

Mr. BENTON, in reply to remarks from Mr. WEBSTER and Mr. WHITE, reiterated the allegation that every item that he had enumerated was strictly and truly a charge upon the public lands, and quoted the speech of General Hayne, of South Carolina, to the same effect, when he was a member of the Senate. Some of these items were now admitted to be correct charges, but the main ones were still disputed, and it was evident that a twofold object would be gained if they could be kept out. The first object would be to swell the amount for distribution; the second would be to lay the foundation for reviving the tariff; both objects dear to the hearts of the authors of this bill, but such as could not be openly avowed at this time. Mr. B. said the whole scheme of the bill was a deception and a fallacy. It professed to divide *surplus* money, and yet took the money which was now wanting for the public defenses; it professed to divide the *net* proceeds of the public lands, and yet *took* the gross proceeds; it professed to take nothing but the money which came from the lands, and yet took all that it could find in the Treasury by scraping back for three years. This was the real character of the bill, a deception, a fallacy, a delusion throughout, and masked with professions at war with its object. All this would be apparent in time. For the present, it could not be overlooked that the whole structure of the bill is changed; it is no longer a bill to divide the proceeds of the lands in future, and for five years to come, but it is to reach back into the Treasury, to travel back through the years 1835, '34, and '33, and to gather up all the proceeds of the land sales for these three past years, and commence dividing this mass on the 1st day of July, and divide one fourth on that day, one fourth the 1st of October, one fourth the 1st of January, and one fourth the 1st of April, 1837. To these divisions are to be added the amounts received from lands this year and next year. It is expected to begin the division upon twenty-eight millions in July, and finish thirty-eight millions by the 1st of January next. Now, what is the object and effect of all this? Is it the object to take *all* the money for distribution, and leave nothing for defending the country? Is it the object to break all the deposit banks? Is it the object to distress the country by making the deposit banks call in all their loans in six months? Is it their object to ruin the currency by enabling Whig States to draw their distributive shares in specie, compelling the banks to stop payment, and then calling for the Bank of the United States as the only remedy for the evil? Whether this is the object, it will be the effect; and to do all this, it is necessary to reach back three years to find money in the Treasury which is not there, and thus make a larger sum for distribution than the deposit banks can pay.

The revenues of the year 1833 were received by the Bank of the United States, and have been expended in the public service. No part of those revenues were ever transferred to the deposit banks; they all remained in the Bank of the United States until expended; yet this bill, in its mass of deceptions and fallacies, assumes that

the deposit banks received all the revenue for the year 1833; has separated the land revenue from the custom-house revenue; has saved that land revenue to the present day, and now has it in a separate pile by itself, to be divided out! These are the assumptions of the bill; while the realities are that part of this land revenue never was received at all by the deposit banks. What they actually received for 1833 has been paid out, and what they have got is the revenue of the country. The land receipts are in the mass of the revenue, and in professing to divide the proceeds of the lands the revenue itself is taken; and it is taken for three years back, in order to raise an immense sum for instant division—such a sum as is expected to tempt the cupidity of distributees beyond resistance, to ruin the President if he vetoes the bill, and to ruin the deposit banks and the currency if he does not. Mr. B. said it was a bill to revive the tariff, to reëstablish the Bank of the United States, and to crush President Jackson, and all who opposed it, by mere dint of money! He asked for the yeas and nays, item by item, on his amendment.

Mr. EWING said he had no objections to the amendments except to those which proposed to deduct the Indian annuities and the sums paid for the extinguishment of Indian titles; and the question was taken on the several amendments with the above exceptions, and they were carried without a division.

The question was then taken on the clause of the amendment proposing to deduct the amount of annuities paid to Indians for the purchase of lands; which amendment was rejected—yeas 18, nays 27; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Niles, Rives, Ruggles, Shepley, Tallmadge, Walker, and Wright—18.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—27.

The question was then taken on the clause of the amendment deducting the expenses of holding Indian treaties for the purchase of lands, which was lost—yeas 18, nays 26; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Niles, Rives, Ruggles, Shepley, Tallmadge, Walker, and Wright—18.

NAYS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—26.

The next clause of the amendment, deducting the amount paid to Indians for the purchase of lands, was also rejected—yeas 18, nays 26; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—18.

NAYS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—26.

The last clause of the amendment, deducting the amount expended in the removal of the Indians from the lands purchased, was also rejected—yeas 17, nays 28; as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Georgia, Linn, Morris, Niles, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—17.

NAYS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Alabama, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tomlinson, Webster, and White—28.

The bill was then ordered to be engrossed for a third reading—yeas 25, nays 21; as follows:

YEAS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, and White—25.

NAYS—Messrs. Benton, Brown, Calhoun, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, and Wright—21.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF HON. JOHN BLACK,

OF MISSISSIPPI,

IN THE SENATE, *February* 29, 1836.

The question of receiving the Petition of the Society of Friends, residing in Pennsylvania, being under consideration—

Mr. BLACK said that, not having expected that the debate on this subject would be called up to-day, he had not come prepared to address the Senate; but as it appeared to be the desire of the Senate to bring the question to a vote to-day, he would proceed to make a few suggestions. I feel, sir, (said he,) an utter repugnance to entering on the discussion of this question; and my position alone forces me into it, rather to show to those whose interest it is my duty to guard, and who feel such an all-pervading concern on all points touching so great, and to them all-important interest, that I have not been wanting in attention to this subject, than with a hope, after so able a debate, that I shall be able to urge any new consideration upon the attention of the Senate. As to a discussion on the propriety of slavery, either actual or abstract, it is one into which I will neither now, nor at any other time, enter; no consideration can force me into it. My constituents, whatever may be their confidence in their representatives, never have delegated to them an authority to debate or determine this matter. They consider it as settled and closed, never to be open to discussion or decision either by this or any other Congress, however enlightened. Their rights in this respect rest on no other foundation than the Constitution itself—the same law which gave to this Senate a being, and by virtue of which they are now assembled.

Mr. President, it is my purpose to make a few remarks on some points connected collaterally with this question; and, in doing so, in order to be as brief as possible, after the lengthy discussion to which this and other similar petitions have given rise, I will content myself, under the present circumstances, with giving merely the reasons for the vote I feel bound to give.

In this debate, while I must say that many remarks have been made by Senators who have favored the Senate with their views which I would be glad had been omitted, there is a coincidence of opinion of all, (unless it may be inferred from what was said by the Senator from Ohio, [Mr. MORRIS] that he forms an exception,) that Congress cannot with any propriety, regarding the interest of the people of this District, whose local Legislature they are, and the welfare and safety of the Union, legislate to effect any of the objects which these petitioners ask, even in the District of Columbia. This being settled, the only question is, in what way is it most expedient and proper to dispose of such petitions?

The two propositions presented for the consideration of the Senate are, first, shall the petition be rejected? secondly, shall the petition be received, and the prayer be rejected?

I am clearly in favor of the first of these propositions as the most direct and unequivocal expression of opinion against these petitioners the Senate can give; and if that shall fail, I will vote for the other as the second in point of strength. I would most strenuously insist on the first course being taken but for the fact that several southern Senators [Messrs. KING of Alabama and KING of Georgia] who have addressed the Senate are averse to it, and several from the non-slaveholding States whose opinions are altogether with us have constitutional scruples. I consider this diversity of opinion at this time particularly unfortunate, more especially as respects the southern delegation; and if this were a matter of ordinary importance, or important as it is, if as heretofore these petitions were presented by the Society of Friends (a class for whose virtues all entertain the highest possible respect) rather for the purpose of avowing their opinions than with a wish that any action of Congress should take place, I, for one would concede a point, and yield my opinion to meet the views of others; but there are other coadjutors more formidable in numbers, more dangerous in their views and intentions, and I must add, showing little scruples as to the means they shall use; and it is also to be considered that while we are debating this question there is in the South a heretofore unknown excitement. Influenced by these considerations, I have found it impossible to yield a single point by way of concession in deference to the opinions of others; and notwithstanding all I have heard about the danger of a false issue being made by involving the right of petition, being confounded in the minds of the people of the non-slaveholding States with the already too-perplexing question of "abolition," I cannot be deterred from my course for fear of consequences which do not and ought not legitimately to follow.

I have said already that I consider a refusal to receive these abolition petitions as the most direct way of meeting and negativing them. I will elucidate this idea by a reference to the ordinary proceeding on a bill. It is the undoubted right of every member of the Senate to propose, by a bill, such provisions as he may think promotive of the common weal. The ordinary course we know is to test the merits of a proposition of this sort on the question of engrossment for a third reading, when each member determines for himself the propriety of the act or the shape proposed. But if the Senate should think the enactment improper, in any shape whatever, a motion may be made to reject the bill after the first reading. If the Senate should be averse to the proposition in the manner proposed, or in any shape which amendments could give to it, and should also think it improper to permit the question to be agitated, they would refuse leave to introduce it, in which case the Senate would not have possession of the bill, nor the member asking leave to part with it. I consider a refusal to receive these petitions as comparing with a refusal to grant leave to bring in a bill, and the second proposition made by the Senator from Pennsylvania, [Mr. BUCHANAN,] to reject, immediately after receiving the prayer which they contain, as comparing with a motion to reject a bill after the first reading.

If a member of the Senate should rise here now, and ask leave to introduce a bill to meet the views of these petitioners, what course ought to be taken? I am fully persuaded that the Senate would refuse. Suppose the matter had proceeded to the "authoritative command" to which the Senator from New Jersey [Mr. WALL] alluded, and the Senator was even instructed by a Legislature of a State to offer it, would the Senate be bound to grant leave? I think we ought not, and would not. If the Senate would not entertain this proposition when offered in pursuance of instructions from a State Legislature, it is something singular if they shall be bound to do so when presented by a few individuals of a State because they choose to adopt the form of a petition. It is upon this consideration that I am not in favor of receiving these petitions, and not that I entertain the opinion intimated by the Senator from South Carolina, [Mr. CALHOUN,] that reception gives jurisdiction over the subject.

To ascertain the subject-matters upon which we may act, we must look to the Constitution of the United States. I know that precedents are sometimes resorted to to ascertain the opinions of former Congresses, as to the proper construction of the Constitution. These, I do not hesitate to say, do carry us, in some instances, beyond our proper and legitimate sphere. These are bad enough, and ought not to be implicitly relied on; but to resort to petitions on file would be still worse. If that were done even in this case, we should find ourselves already entertaining jurisdiction; for there are many such petitions on our files from the establishment of the Government.

Mr. President, it is thought by some we are precluded from taking this strong ground, and meeting these petitions *in limine* by a provision of the Constitution of the United States, found among the amendments, article first, in these words:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; *or the right of the people peaceably to assemble and petition the Government for a redress of grievances.*"

There appears to be some difference of opinion

among Senators who have preceded me as to the proper limit of the right of petition. While the Senator from New Jersey, on my right, [Mr. WALL,] admits that the petition should be respectful in language to the body to whom it is addressed, in defining its objects, he says, "it should be as broad as the Constitution itself." The Senator from Georgia [Mr. KING] is willing to admit no exception whatever either as to language or object. I say none. For after disclosing that he would vote to receive a petition requesting Congress to abolish slavery in the State of Georgia, I know of no stronger case which could be put. The opinion of the Senate is manifested in the rejection of petitions, for disrespectful language appears to be in accordance with that expressed by the Senator from New Jersey, [Mr. WALL,] that it is not their duty to receive petitions containing abuse of themselves, when it appears that the form of petition has been assumed for the purpose of slandering and abusing them as a body, or individuals composing it. Upon the second branch, no case has happened in which the reception of a petition has been resisted, requesting Congress to do an unconstitutional act. That such petitions may be presented, is easy to imagine; and that these now presented are so, I, for one, have no doubt. Am I, and those who think with me on this point, bound by this provision of the Constitution to receive these petitions by the force of this provision? On a careful examination of it, I think not. The citizens of the United States have a right peaceably to assemble and petition the Government—for what? For a *redress of grievances*. But are the two Houses of Congress bound to receive and consider complaints on subjects wholly beyond their control, and palpably not within their delegated powers, by whatever exciting circumstances they may be attended, and however much they may endanger the peace, and repose, and safety of another portion of this widely-extended community? Suppose petitioners, choosing to consider themselves aggrieved for the want of an established religion, should request Congress to make a law "respecting an establishment of religion," which Congress is prohibited to do in the first clause of this very amendment, would that be a *grievance* which Congress could redress? Or suppose they should petition Congress to change the form of the Government itself from a republic to an elective or hereditary monarchy, could you grant redress? Would the subject of complaint be a grievance? Why, would we entertain them, consider of them? No, I say reject them instantly.

These grievances must be their own, not those of others. In what way conceivable are these petitioners, inhabitants of Pennsylvania, interested in the question what property the inhabitants of other States or Districts or Territories shall hold, or in the conditions and restrictions upon which they shall hold it? About as much as they are in the affairs of the people of India; and if they should take it into their heads to think their barbarity and ignorance of Christianity a grievance, they could with as much propriety send us a petition to fit up, with the funds of the Government, a missionary establishment, as they can interfere in the matters to which these petitions relate. Sir, I say, then, that the holding of slaves by the inhabitants of the District of Columbia is a matter of no grievance to the citizens of non-slaveholding States, in the legal sense of that word; and if it could by construction be so considered, it is one which Congress cannot, by any possibility, *redress*. I am willing to adopt the definition of the right of petition advanced by the Senator from New Jersey, [Mr. WALL,] "that it is as broad as the Constitution," if it is not to be made broader. The Senator from New Jersey, [Mr. WALL,] in searching to find some ground upon which to rest this complaint of grievance, has said that "the grievance of one American citizen is a grievance to all, and that all may complain of it," but then presupposes that this one citizen considers the matter complained of as a grievance. If this petition came in aid of one presented by those owning slaves here, this argument would be fair; but, so far from that being the case, the reverse is known to be true. Sir, suppose certain citizens having no property at all should represent that other citizens had large fortunes, and request an agrarian law by which all would be made equal, would the gentleman tell us that the "grievance of one citizen is that of another," and therefore it would not be a groundless complaint? Wait, sir, until those who have property think fit to consider its possession a grievance, and request to be relieved from it. The two cases are similar in every respect, except that these petitioners do not desire to be benefited by the dispossessing of the inhabitants of this District of their property.

Mr. President, if we are not bound to listen to grievances, when Congress has no power to redress them, as I think we are not, this question should be settled with reference to the right of Congress to interfere in the question of slavery. We derive our power and jurisdiction over the District of Columbia, first, from the Constitution of the United States, and, secondly, from the acts of cession by Virginia and Maryland. From the Constitution of the United States we derive those general powers which Congress may exercise over the District in common with all the country embraced within the territorial limits of the Union; by the acts of cession Congress is subrogated, as the local Legislature of the District, to all the powers possessed by the respective Legislatures, making these cessions with such limitations as they have made. If there were not a single word said in the Constitution of the United States on the subject of slavery, I think it would be easy to show, from the very nature of the power itself, that it is, and must necessarily rest exclusively with the Legislatures of the respective States. Congress has no power to say who shall and who shall not be held to service; whether that service is a qualified or an unqualified service; whether it is general as to time, or limited. Could Congress interfere with the laws of apprenticeship, common to all the States, by which persons are held to service for a limited time; or when liberty is taken away for acts committed, as under the vagrant laws of some of the States, can Congress contravene these laws? But it is not necessary to advert to these general principles, for the question is settled and fixed by the Constitution. The third clause of the second section, article fourth, expressly provides, that "no person held 'to service or labor in one State, under the laws 'thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be 'delivered, upon claim of the party to whom such 'service or labor may be due." There it is expressly reserved to the State Legislatures to say where service may be due. If this provision had not been inserted, so far as respects the powers of the General Government, the same conclusions would have resulted from the construction of the first clause of section ninth, article first, made irrevocable by article fifth, in which power is given to Congress to prohibit the introduction of such persons as the States then existing thought proper to admit, in the year 1808; which power Congress has exercised by prohibiting the further introduction of slaves in the United States, under the severest penalty. The General Government being one of limited powers, whenever a power of a particular subject is granted, to a certain extent, it cannot be exercised beyond the limit prescribed, and the idea of its being general is precluded. Congress had, by this provision, power to prohibit the further introduction of slaves in 1808, and, by consequence, no other power over the subject.

The idea of any other power is also negatived by representation being, to a certain extent, based upon this description of people. We look in vain for any other power than the one alluded to in the Constitution of the United States; we are obliged to look for it in the acts of cession of Virginia and Maryland. The Senator from Virginia [Mr. LEIGH] has shown, in a very able argument, which I should only weaken by repetition, that the Legislature of Virginia had not themselves, by the constitution of that State, the power of abolishing slavery. Their powers are also limited by constitutional law. No such power was delegated to them by the people, the Legislature being restrained from interfering with property in the same manner that Congress is. How is it then possible for the Legislature of that State, by any act of cession, or any other act, to clothe Congress with more power than they possessed themselves? The people of the District of Columbia, being parts of two States, did not, by the Constitution of the United States, empower Congress to abolish slavery within the States of which they formed part, nor did they empower the State Legislatures to do it. How is it, then, that they have not this portion of power never given up; and how is it Congress has got it? Mr. President, if it were even admitted that Congress has any general power over the subject—which has not been ever contended for upon this floor—I think we would find, on an examination of the acts of cession, particularly that of Virginia, that, so far from authorizing Congress to abolish slavery in this District, they are expressly restrained. They are expressly required to protect "all the rights of the citizens therein"—rights as I presume they then were—and this right of property was one. It would be a flagrant breach of this act of cession, as well as of *trust*, should Congress even consent to adopt the measure which these petitioners ask. Can slaves be taken, as suggested, for "public use?" No: the public, as such, have no use for them; and the general funds of the Government, intrusted by the people to our care, cannot be used for the purpose of purchasing them for liberation.

For these reasons, and many more which might be urged, I am of opinion we have no power over this subject, and that we cannot redress these, which the petitioners choose to call grievances. Disposed as I am at all times to treat those who come here to petition with the utmost respect and kindness, I might, although it cannot be considered as a matter of strict right, be willing to receive these petitions; but, sir, the excitement which prevails on this subject in the State from which I come, in common with all the South, whose peace and security are threatened by these proceedings, compels me to resist them at every step, and in every stage.

Are these petitioners such as are entitled to peculiar grace and favor in the eyes of the Senate Who are they? They are those who, overlooking the ameliorations which might be made in the condition of those immediately around them, give wings to their charity, and seek to interfere in the affairs of others. Sir, I do not allude particularly to the Society of Friends, who have annually, from the formation of the Government, sent to Congress such a document rather in the nature of a continual claim, and to declare their opinion upon the subject, than with any wish or expectation that their views will be adopted; but it is to the Abolitionists, who came in as auxiliaries, with respect to some of whom I do not entertain the same favorable opinion. Sir, I do not intend to follow the course some have taken, of denouncing, *en masse*, this class of people at the North as fanatical, or hypocritical, or diabolical. Some there are among them, I have no doubt, who are agitators for the love of mischief, and who would be willing to involve the whole South in one scene of civil commotion rather than desist from these schemes, which alone gives them importance. This class, actuated by a depraved ambition, without regard to consequences, however awful, prefer to be distinguished by being the instigators of crime, rather than remain in that obscurity to which nature has destined them. To these I have not one word to say; they are joined to their iniquities, let them go; but to those who are willing to reflect for themselves, and who have been misled in associating with others unworthy by mistaken ideas of philanthropy, (and I hope this class is numerous,) I would suggest a few considerations. They all admit that they have legally no right to act upon the subject of slavery in other States. Neither Congress nor the State government can touch this subject. Is there not an impropriety in your interfering in the affairs of others by numerous voluntary associations—by raising large sums of money—with which you have *legally* no right to intermeddle? Do you suppose yourselves capable of suggesting considerations upon the subject which have not occurred to the minds of

those who have been accustomed to slavery all their lives, and have made it the constant theme of reflection and study? Do you suppose that among the countrymen of Washington, Jefferson, Madison, Monroe, Henry, Marshall, and of Lowndes, there are not men who have equal sagacity with yourselves, and who are ready to do everything, even to the sacrifice of their lives, to effect any object which would promote their country's prosperity and happiness? Is there not a manifest indelicacy in doing so? Do you think that you could be induced to alter the legislative and constitutional institutions of your own States on the dictation of others who are not residents of your States, whose interests are in no way affected by such change? If arguments to show you the impolicy or impropriety of the political institutions of your own States should fail to induce you to change them, do you suppose they would become more convincing if to argument they should add the grossest abuse? If you should discover those interfering with your affairs heaping the most degrading epithets upon you which the language furnishes, forming associations to force you to do unwillingly what you would not assent to willingly, would it not have a tendency to steel the mind against the force even of truth itself? Do you suppose the publication of pictorial representations and pamphlets, fabricating the grossest misrepresentations, libeling the whole South, calculated to produce any other feeling than exasperation? It is for such trash as this that they levy contributions on you, which you are induced to furnish from feelings of (I must call) mistaken philanthropy. Acknowledging there is no legal right to interfere with the subject of slavery in the South, societies are formed, presses are established, papers and pamphlets are issued, pictorial representations are struck and circulated almost entirely at the North, where slavery does not exist, under the pretext of enlightening the South upon the subject. These papers do not circulate in the South. It is easy to foresee, if you pursue this plan, while the minds of the people of the North may be well affected towards the object you desire, that those of the South must become more and more against it. It has already had that effect. Slavery was fast disappearing from the most northern of the southern States. There was in each of these States a strong party inclined to hasten the period when it should become entirely extinct. They were using efforts to bring about that consummation. The effect of the abolition movement in the North has entirely silenced all these; no inducement could make them move in the matter. Another effect of these publications must be to estrange those feelings of kindness and affection and sympathy which all portions of this Republic should feel for each other. The main strength of the Government consists in this: destroy these feelings, and it will be worthless; indeed, it cannot long survive. The inevitable tendency of this course must be, whether you design it or not, to the formation of a *political party*, if any considerable number of the people of the northern States unite together upon these principles of anti-slavery. It is already assuming that aspect. The leaders are already beginning to throw off the mask. I see that a certain document, which is in a paper before me, issued by the head of the executive committee of the Abolition Society of New York, contains strictures on the late message of the Governor of the State, and on the Constitution of the United States itself. The course which the Governor of that State has thought it his duty to pursue on this subject has called down upon him the particular displeasure of this person, and I suppose of the society he represents. For his enlightened and liberal views upon the subject he is threatened with political martyrdom in the following language:

"The time may not be far distant when the ghost of this message will haunt your dreams of popularity by day and by night, and show its spectral form astride every path of your future advancement."

No avowal could be more distinct than this. The object of those who lead in this agitation is to drive from political stations all those who oppose their views, and, by consequence, to get those in who will favor them; that being achieved, they will be prepared to give law to their own party to act efficiently, by the enactment of laws to suit their views. What must be the result of this? Will the South submit? I say they will not. Their opinions are fully made up, and they have, as one man, taken their stand. I say, knowing fully the feelings of that part of the South from which I came, that the subject never can be touched except with the point of the sword. I state this, not as a threat, but as a true statement of public feeling. If any general move upon this subject should ever be made, my constituents are among those who will oppose to it all the physical power of the State, if it be attempted through the invidious efforts of emissaries; if they should be detected, there is no power upon earth that can rescue them from punishment. Mercy to him who shows it, is the rule; and he who lifts his own hand against the peace, the quiet, and security of a whole community, must expect their hands to be raised against him. I warn you that another consequence must follow, of the most awful character, if these mad schemes take effect. The slaves of the South may be excited to rebellion; the lives of many women and children may, and probably would, be lost in the onset; but every one who knows anything of the two races must know that it would end, and that quickly, in the entire destruction of the African race. The spectacle of slaves cutting the throats of their masters, mistresses, and their children, would be changed into one equally horrid—the masters seeing their faithful servants slaughtered in their presence, and unable to protect their lives against the attacks of an infuriated people in arms. Is this, then, true philanthropy, either to the white or black race? These consequences, I believe, will as certainly follow as that I see through that window the light of day. If, after considering these results, too horrible to be enumerated, which must follow this mad interference of the Abolitionists, you still determine to persist—go on, you will ultimately see, when too late, in the destruction of that race which you would assist, in the ruin, and rapine, and civil strife of the people of this Union, in the overthrow of this Union itself, the consummation of a mad, mistaken, and misdirected feeling of philanthropy.

Mr. President, I might here close my remarks but for some observations which have fallen from Senators in the course of this debate, which I am sorry were not omitted. The Senator from Connecticut before me [Mr. NILES] told us that there is no use of avoiding this question; that we might as well meet it, and discuss it at once; and, at the same time, he informs us that he considers slavery as "a moral and political evil." Sir, we have nothing to discuss as to our legal and political rights; all admit them, as to its political influence and bearing on the institutions of the slaveholding States; it is our own business, not his nor his constituents. We will discuss this question, if we please, among ourselves; but I trust the time is far distant when we shall think it proper to discuss this or any other question, touching our own rights, with those who have no interest with us. If there is any political evil in slavery, the evil is all upon ourselves; for I challenge that Senator, or any other Senator, to point out to me any spot on this globe where the African race is more happy, more contented, better supplied with everything which makes life desirable, than in the southern and slaveholding States. As to it being morally an evil—by which I understand him to mean that it is demoralizing—I deny it entirely; and I refer for the truth of this assertion to the southern people themselves. In what country is there more of moral virtue or more of those high qualities of the mind, based on virtue, which command our respect and admiration? I say they compare, without disadvantage, with the people of any other part of this or any other country. Sir, I must also express my deep regret that the Senator from Pennsylvania, [Mr. BUCHANAN,] whose sentiments generally met my approbation, and were such as became him, intimated the same opinion.

Mr. BUCHANAN here explained. He had no doubt that the people of the southern States were as virtuous as any other. He only spoke of the subject in the abstract, and declared it to be the same as that of the people of Pennsylvania generally.

Mr. BLACK. I understood it as all amounting to the same thing in the end; for we must always attest the correctness of every theory by practical illustration; but as the gentleman has disavowed the allusion, I have but one remark more to make touching this point, that is, to point out to gentlemen the impropriety of passing judgment on the institutions of other States. Sir, suppose I should, upon this floor, or any one *elsewhere*, having as little right to interfere in the affairs of Pennsylvania, invade that State, and tell him, in relation to a *late action* of the Legislature of that State, that they have resuscitated in their State "a monster;" suppose the charge should be carried further, and it should be said that all this was consummated through "fraud and bribery," what would the gentleman reply? I think his reply would be a ready one: that all such strictures are, to say the least of them, gratuitous, and that, whether true or false, it is an intermeddling with matters which do not concern any but the citizens of Pennsylvania. I think this is the mildest answer which she could or would give. Sir, I might go further, but this one illustration will suffice. Mr. President, there is another matter to which I will allude. It has been intimated that this question has been raised, or rather these petitions have been resisted *in limine*, for the purpose of making it have a political bearing; that it is intended to operate injuriously upon the prospects of a particular candidate for the Presidency. Upon whom this is intended to operate we have not been distinctly informed. Sir, for one, I deny it. How is it possible that honorable gentlemen can think that any southern man, either here or elsewhere, should be willing to mix up such a question as this with the little ephemeral miscalled politics of the day? Upon this subject, so far as the State from which I come is concerned, there is no party—upon it there is no diversity of opinion. The prosperity of that State is identified with it. Are we willing to risk this important interest on the result of a presidential contest? The thing is too absurd. We have no other interest in this contest, except with others, to use our exertions for the choice of an individual who will honestly and faithfully execute the laws and Constitution of the United States.

Sir, much has been said about excitement produced by the agitation of this subject. Who has produced it? It is those who have sent these petitions here, not we who resist them. It has become us to speak freely. If that is to be deprecated as excitement, it is nothing more than, from the nature of things, was to be expected. We apprehend danger not only to the safety of the South, but to the integrity of this Union itself, from those movements in favor of emancipation. We consider their designs dangerous, and the means they are every day using calculated to bring destruction upon the country. We have exposed this freely, as we were in duty bound to our constituents to do. If I were to say to my constituents that all is safety; that no danger is to be apprehended; that the Abolitionists are few in number, and decreasing, I should not tell them the truth; for I do believe they are increasing rapidly, and that they will carry their schemes to a most dangerous extent, unless promptly met, and their views negatived by the most decided vote Congress can give. Sir, I was somewhat surprised, and not a little mortified, that the Senator from Georgia near me [Mr. KING] should think it necessary to unite in this denunciation of those who hold the negative of this proposition. What, sir! will he condemn those whose interests are identified with his own because, when an assault is made upon our common rights—when we have everything at stake, we prefer the adoption of the strongest, the most direct and decided measure? If any odium is to be attached to this, I stand ready and willing to bear my full proportion. Sir, I have now submitted what I intended to say—having said even this much with great reluctance—and take my seat under the clear persuasion that I will never again here open my lips upon this subject.

LAND DISTRIBUTION BILL.

SPEECH OF HON. SILAS WRIGHT,

OF NEW YORK,

IN THE SENATE, *April* 20, 1836.

Mr. CLAY's land bill being the subject before the Senate—

Mr. WRIGHT said he had proposed to offer some views to the Senate upon the bill under consideration before the question should be taken upon its engrossment; that the observations he intended to make had no relation to the amendments which were the immediate question under debate; but that as the course of debate had seemed to indicate that the general merits of the bill might be properly discussed in the present stage of the proceedings upon it, he would go on at present, unless the very late hour should make it the pleasure of the Senate to postpone the subject until a future day.

Before he could enter upon the argument he had proposed to make, Mr. W. said he found himself bound to notice some few of the remarks which had fallen from the Senator [Mr. SOUTHARD] who had just resumed his seat. That Senator had informed the Senate at various stages of his argument, that he intended to discard all partisan feeling and partisan remarks, and to discuss this important and, in his judgment, most desirable measure as a national, not a party proposition—as a measure of general and universal interest, not as one promoting the temporary advancement of a particular class of politicians, or of a favorite candidate, but of the whole country.

Mr. W. said he most cordially responded to the feelings of the Senator, as thus uttered and repeated, so far as any connection of partisan politics with the discussion was involved, and although differing widely from him upon the benefits to be derived to the public from the passage of the bill, he fully and entirely agreed with him in the position that the measure was not partisan in its character, and ought not to be made so in the debate.

It was his desire, at all times, to confine himself, in every discussion in this body, to the subject before it, and upon the present occasion he had supposed that subject was "the land bill," so called. Still he could not fail to notice that the Senator [Mr. SOUTHARD] had commenced his speech by a discussion of the railroad bill, and closed it by a dissertation upon the insecurity of the deposit banks. He would not assign motives to the remarks of this character, which have recently been heard in the Senate from various quarters, and as strongly from the Senator from New Jersey, [Mr. SOUTHARD,] at the close of his speech upon the land bill, as from any other quarter. He did, however, upon this occasion, consider it his duty briefly to notice those remarks, and the effects which they were calculated to produce. The present (he said) was a time of severe pecuniary pressure upon the large mercantile towns. The merchants were struggling to preserve their credit, and to raise the means necessary to carry on their business and meet their engagements. The struggle was severe and dangerous, but if left to themselves, he had strong hope it would be successful and triumphant. The suspicion and distrust calculated to arise, from such a state of things among capitalists and commercial men, are the strongest grounds for fear and apprehension.

Could it, then, be wise or just to attempt here to shake confidence and destroy credit? Could it be beneficial to any national interest, or to any individual interest, to proclaim from this Hall that those institutions of the country, from which alone the merchants can expect immediate and efficient relief in the present emergency, are unsound, irresponsible, and rotten? Could it answer any end of patriotism or philanthropy by declarations and denunciations of this sort to produce runs upon these institutions, and thus put it out of their power to afford the merchants that aid which the crisis demands? Could it, in short, serve any valuable purpose to add a panic to the present pressure, and by destroying confidence in all quarters to render certain the bankruptcy and ruin which was now merely threatened? If the honorable Senator [Mr. SOUTHARD] could see any benefits likely to result from such a course, he could not. If that gentleman felt bound to act such a part at such a time, he did not. He held his seat upon this floor for the performance of no such office, and he must express his deep regret that any others should thus construe their high duties here.

He had seen no unusual cause for distrusting the banking institutions of the country, and certainly none for distrusting those which were strengthened by the possession of the public deposits. The statements made upon the subject were fallacious and deceptive. They were mere comparisons of the instant means of the institutions with the whole amount of their liabilities, a comparison which rejects entirely the item of "bills receivable," always the most important item in calculating the property and security of a sound and well-conducted bank. Let gentlemen add that single item to their statements, and they will show every deposit bank in the Union sound and secure.

Mr. W. said he was very sorry the Senator had not been able to close his remarks as he had commenced them, in a spirit of candor and mildness, and unaccompanied by those expressions of partisan prejudice and partisan passion which too frequently characterized his addresses before the Senate. He had appeared at the commencement to be fully conscious of the propriety and policy of such a course in the present debate, and had avowed an intention to pursue it; and he (Mr. W.) had witnessed his adherence to the intention, until near the close of his speech, with unfeigned pleasure; but the force of partisan feeling had got the better of the judgment of the Senator, and he could not bring himself to a conclusion without visiting upon the venerable man now at the head of this Government his accustomed paragraph of denunciation and abuse. He (Mr. W.) would say to the Senator that he thought this portion of his remarks had better have been omitted; that his going thus out of the way to pour abuse upon the President would not, even with his immediate constituents, add anything to the moral force of his argument upon a subject which did not call for political recrimination.

It was not his purpose to reply to the Senator; and these few remarks were all he proposed to offer in reference to his observations, except, perhaps, to notice in passing one or two of his positions which connected themselves with the train of reasoning he had proposed to pursue.

He would, therefore, proceed with the observations he had intended to offer to the Senate, and in doing so he would attempt to show—

First. That the bill is, in effect, a bill to distribute, not the "net proceeds of the public lands," as its language imports, but the revenues of the Treasury generally.

To establish this proposition, it will be necessary to show what have been the gross proceeds to the Treasury of the public lands, from the commencement of the sales to the present time, what have been the expenses from the Treasury, justly chargeable to the lands, and, in that way, to ascertain the "net proceeds" now resting in the Treasury. As the latest date to which the documents before the Senate would enable him to state these facts, Mr. W. said he had taken the 30th of September, 1835, because the accounts on both sides had been brought up to that date, and not, with any precision, to a later day.

The gross amount of money paid into the Treasury for the purchase of the public lands, from 1796 to the 30th of September, 1835, inclusive, has been.....$58,619,523 00

To this sum the following items are added, in the statement appended to the report of the Committee on Public Lands of the Senate, which they claim to be also proceeds of the public lands, viz:

Certificates of public debt and Army land warrants.....	$984,189 91	
Mississippi stock....	2,448,789 44	
United States stock..	257,660 73	
Forfeited land stock and military scrip..	1,719,333 53	
		5,409,973 61
Thus showing a total of gross proceeds thus ascertained, of		$64,029,496 61

Mr. W. said it seemed to him that there were items in this account which ought not to be there, but they were, in all cases, so blended with items which he supposed proper, that it was impossible for him to distinguish the amounts, which, in his judgment, ought to be deducted from the above gross sum.

To illustrate his meaning. The first item was money paid into the public Treasury; and in the statement of an account between that Treasury and the public lands, there could be no doubt that it should be debited to the former, and credited to the latter. The second item was designated as "certificates of public debt, and Army land warrants." From what he had been able to learn the "certificates of public debt," so far as they had been paid in lands, were properly chargeable against the Treasury in an account with the lands, because their payment in that manner must have relieved the Treasury from the payment of so much money. The amount, however, could not be ascertained from the statement in consequence of the blending of these certificates with the "Army land warrants." These latter he supposed to be "warrants" for revolutionary bounty lands, and he could not see the propriety of valuing these lands, and charging them against the Treasury in the statement of this account. If he was mistaken in his supposition in relation to these warrants, he hoped some Senator would correct him; but if he was not, the debts against the Government were debts contracted for the conquest of the lands, and properly chargeable against them. They were payable in land, and not in money from the Treasury; and having been so paid, the lands had to that extent discharged the debt, but not secured a claim against the Treasury. The amount of these warrants, therefore, as he understood the subject, ought to be deducted from the $984,189 91, which constitutes the second item charged as proceeds of the public lands. What proportion of that item was made up of "Army land warrants," and what of "certificates of public debt," he had no means of determining, and therefore he could not make such a statement of the amount as he should consider just.

The third item was designated as "Mississippi stock." This stock (Mr. W. said) he understood to have grown out of the celebrated Yazoo claim, and that the Government of the United States had become a party to the transaction, in consequence of having stipulated with the State of Georgia, as one of the considerations upon which that State consented to make her cession of the public lands to the United States, to indemnify her against the Yazoo claimants. The stock was payable in land, and was considered in the nature of land scrip: it was the consideration of the lands out of which it was to be paid, and the amount here set down is the amount of the lands conveyed to cancel the same amount of the stock. It was, therefore, a debt against the lands; and, to this amount, was paid by the lands, and canceled the debt to that extent. It did not, however, raise a claim in favor of the lands against the Treasury, because the lands merely paid for themselves. This amount, therefore—$2,448,789 44—ought, most clearly, to be deducted from the statement above given of the gross proceeds of the public lands.

The fourth item is "United States stock." This is supposed to have been stock issued for loans of money for the support of Government, and to carry on the war of the Revolution; its payment was chargeable upon the public Treasury; and so far as the holders of it consented to take lands in payment, and did so, the value of the lands is most manifestly a proper charge against the Treasury in favor of the lands. This item, therefore, is believed to be properly included in this account.

The fifth item, designated "forfeited land stock and military scrip," is again supposed to consist

partly of a proper and partly of an improper charge against the Treasury. The "forfeited land stock," so called, (Mr. W. said,) he was informed had accrued in this way: Formerly the Government sold the public lands upon a credit of five years, the purchase money being payable in yearly installments, with the condition in the certificates, or contracts of purchase, that, in case the purchaser did not perform the contracts by making the payments at the times stipulated, he forfeited all payments made prior to his default. During the practice under this system, a large amount of forfeitures accrued, and the Government resumed the possession of the land, the payments made by the respective purchasers, prior to their forfeitures, still remaining in the public Treasury. The amounts thus paid and forfeited were so large as to cause the subject to be brought before Congress, and laws were passed directing a stock, or scrip, to be issued to the various individuals who had made the payments thus forfeited, or to those claiming under them, authorizing the holder of the stock of scrip to locate, at the minimum price of the Government, a quantity of the public lands equal to the value of the stock so held. This, therefore, was, in effect, a mere sale of so much land for money paid into the Treasury in advance, and, to the extent of the "forfeited land stock," is a proper charge against the Treasury, in a just statement of the account between it and the public lands.

The other part of this item designated "military scrip," Mr. W. said he supposed to be scrip issued for military bounty lands to the Virginia line of the army of the Revolution, and to be subject to the same objections as a charge in this account which he had previously urged against the "Army land warrants." It was most clearly a debt against the Government payable and paid in lands; and as the lands were conveyed to this Government by all the States "as a common fund" "for the use and benefit of the several States, according to their usual respective proportions in the general charge and expenditures," it was impossible to conceive how a debt of this character, assumed by this Government as one of the considerations of the cession of the lands by Virginia, and paid in the same lands, can now be considered a proper charge against the common Treasury upon a settlement of accounts between it and those lands, with a view to ascertain their net proceeds now in that Treasury.

Mr. W. said this was a heavy item, amounting to $1,719,333 53, and he deeply regretted that he was not able to determine, and to inform the Senate, what portion of this sum consisted of "forfeited land stock," and what portion of "military scrip," because it put it out of his power to make a precise statement of this part of the account in a manner which he could assent to as accurate and just.

These remarks, however, went as far as it was in his power to go to purge the statement made by the Committee on Public Lands as to the gross proceeds from the public lands properly chargeable to the national Treasury. He would not attempt to bring down a sum, because the two compound items in the account, the second and the fifth, in the order he had observed in their examination, rendered it impossible for him to do so with accuracy; and it had been and should be his object to adhere to facts, as far as he could possess himself of them, and when conjecture must be resorted to, to yield all to the friends of this bill.

In consequence, therefore, of his inability to separate the improper from the proper portions of these two items, (Mr. W. said,) he would allow the whole of both to the lands, and present a result stated upon that basis. It will be as follows:

The gross amount before given, as stated by the Committee on Public Lands, was	$64,029,496 61
Deduct from that amount the single item designated "Mississippi stock"	2,448,789 44
And it will leave a balance of	$61,580,707 17

This balance is larger than the true gross proceeds of the public lands, calculated from this statement, by the whole amount included in the second item, under the designation of "Army land warrants;" and in the fifth item, under the designation of "military scrip;" but as neither of these amounts can be ascertained from the documents before the Senate, although they are known to constitute a large majority of both the items with which they are connected, amounting, together, to $2,703,523 44, they will be overlooked, and the balance last given, including the "Army land warrants" and the "military scrip," will, for the purposes of this argument, be considered the correct amount of the gross proceeds of the public lands.

Mr. W. said it followed, of course, that his next duty was to show the amount of expenses properly chargeable against the lands, and consequently to be deducted from the gross proceeds, as above ascertained, in order that he might arrive at the "net proceeds" in the Treasury on the 30th of September last.

To do this from authority, and in a manner calculated to carry conviction to the mind, he must refer to two reports from the Secretary of the Treasury, made to the Senate in obedience to calls for the purpose, or rather to a call, as the one report was supplemental to, and amendatory of, the other. He referred to Senate documents, upon the executive file, Nos. 65 and 80. The first in the order of numbers, though the last in fact made, showed that the money paid from the Treasury on account of the Cumberland road was $5,956,024. The second, as numbered, although the first and principal report, to which the former was a supplement, showed the following expenditures on account of the public lands, viz:

1. For expenditures under the head of the Indian department, which (Mr. W. said) he understood to be the expenses of Indian treaties; for the purchase of Indian titles to the public lands; the purchase-money paid to the Indians for those titles; the annuities in lieu of purchase-money; the expense of the removal and subsistence of Indians; and perhaps some other small items, incidental to the administration of our Indian affairs, amounting in all to $17,541,560 19.

2. For the purchase of Louisiana, by the convention with France of the 3d of April, 1803, $15,000,000, and the interest paid upon the stock issued for the payment of the purchase-money, from the time of the issue until its final redemption, $8,529,353 43, amounting together to the sum of $23,529,353 43.

3. For the purchase of Florida, by the convention with Spain of the 22d of February, 1819, $5,000,000, and the interest paid upon the stock issued for the payment of the purchase-money, from the time of the issue until its final redemption, $1,489,768 66, amounting together to $6,489,768 66.

4. Payments to the State of Georgia as a part consideration for the lands ceded by that State to the United States, including, in the sum charged, the value of the arms furnished to the State under the compact of cession, $1,250,000.

5. The amount paid from the Treasury to redeem that portion of the Mississippi stock (Yazoo claims) which was not canceled by the grants of land in extinguishment of the stock, as before referred to; and here (Mr. W. said) was the strongest argument he could desire to show the propriety of the deduction he had made of the amount of the Mississippi stock, paid in lands, from the gross proceeds of the public lands, as given by the committee which reported the bill. Here was a charge by the Treasury against the lands of $1,832,375 70, for so much money paid to redeem that portion of the stock which had not been canceled by the grant of lands; and one or the other proposition must unavoidably be true, to wit: either this charge by the Treasury against the lands, on account of the redemption of this stock is wrong and ought not to be made, or the charge made in the statement of the committee, of $2,448,789 44, against the Treasury, and in favor of the lands, in consequence of the redemption of so much of the stock by grants of lands, must be erroneous. Which proposition, then, can be sustained? To determine this question, it is only necessary to inquire how this indebtedness against the Government attached, and upon what consideration it was incurred? The answers to these inquiries have already been given.

The consideration to this Government was the cession of the public lands by the State of Georgia, and the debt attached when this Government stipulated, as one of the conditions of the compact of cession, to indemnify the State of Georgia to the extent of these payments against the Yazoo claimants. The Treasury of the nation received nothing, and should pay nothing; but the claims grew out of the lands ceded, were a part of the consideration of the cession; were by this Government made payable out of the lands ceded; and if money was called from the Treasury to cancel those claims, it was so called for and paid on account of the lands, and formed a proper charge against them. Hence the propriety of the item now under consideration, charged by the Treasury against the lands, for the redemption of "Mississippi stock," while the establishment of this charge in favor of the Treasury, by the most natural and necessary consequence, rejects the charge against the Treasury, and in favor of the lands, for that portion of the stock paid in land, and not in money, from the Treasury.

6. The salaries and expenses of the General Land Office, amounting to $797,748 64, which are paid from the Treasury.

7. The salaries of the several registers and receivers at the local land offices, which are separate from their commissions upon sales, and amount to $91,153 39. These salaries are paid from the Treasury.

8. The salaries of surveyors general and their clerks, and the expenses of commissioners for settling private land claims, and of surveying the lands claimed. The Treasury has paid for these services and expenses the sum of $860,567 78.

9. Payments on account of the surveys of the public lands from the public Treasury, $2,780,630 97.

This (Mr. W. said) brought him to the statement of the account between the public Treasury and the public lands, as follows:

Charges against the Treasury, the gross proceeds of the public lands, as before settled		$61,580,707 17
Then credit the Treasury with payments on account of the lands, according to the items as above settled, viz:		
Payments for the Cumberland road	$5,956,024 00	
Expenses under the head of Indian department	17,541,560 19	
Sum paid for Louisiana, and interest	23,529,353 43	
Sum paid for Florida, and interest	6,489,768 66	
Sum paid to the State of Georgia	1,250,000 00	
Yazoo claims, paid in money at the Treasury	1,832,375 70	
Expenses of the General Land Office	797,748 64	
Salaries of registers and receivers of public lands	91,153 39	
Salaries of surveyors general, and surveys, and settlement of private land claims	860,567 78	
Payments for surveys of the public lands	2,780,630 97	
		61,129,182 76
This will leave, as the whole "net proceeds" of the public lands in the Treasury, on the 30th day of September last, the sum of		$351,524 41

It will be seen that this statement of the account excludes from the charges against the Treasury the single item of "Mississippi stock," amounting to $2,448,789 44, and also excludes, upon the other side, from the charges against the lands, the sum of $2,479,049 13, being money received

for lands by the receivers, and not paid into the Treasury, but retained for commissions and other expenses pertaining to the registers' and receivers' offices. Both these items balance themselves; the first being a debt contracted for the lands, and paid in lands, and the second money received for the lands, and paid out for expenses on their account. Neither has brought anything into the public Treasury, or taken anything from it; and as this statement is between the public Treasury and the public lands, both items are excluded.

Mr. W. said he found another statement appended to the report of the Committee on Public Lands, giving as the entire amount paid by purchasers for public lands, $67,578,949 73. This exceeds the amount given by the committee in the statements before referred to, and made the basis of the preceding calculation, by $3,549,453 12. It of course embraces the $2,479,049 13 retained by the registers and receivers, and excluded from the foregoing statement of the account, as not having come into the Treasury. This will account for so much of the excess in this last statement, because this is made up not of the money paid into the Treasury as proceeds of the lands, but of all the money paid by purchasers for public lands. There will still remain an excess of $1,070,403 99, for which (said Mr. W.) he had not been able to account, as none of the documents he had discovered gave any information how this amount was paid, or to what uses the payments had been applied. One thing, however, was certain. It had not come into the public Treasury, because all the statements, both from the committee and from the Treasury Department, agreed that $58,619,523 was the whole amount of money which had ever been received into the national Treasury from the sales of the public lands up to the 30th of September last. That sum he had taken in his statement of the proper charges against the Treasury in favor of the lands. It was probable, therefore, that this excess had been expended for the lands before it reached the Treasury, or that its payment had been made not in money, but in satisfaction of some description of claims against the lands themselves.

If, then, he was right in these calculations, the whole "net proceeds" of the public lands in the Treasury on the 30th day of September, 1835, only amounted to $351,524 41; and, were the bill general, and applicable to the whole of the net proceeds of those lands, from the commencement of the Government to that day, it would act upon and distribute among the States but this amount.

It was, however, his intention (Mr. W. said) to place this view of the subject upon grounds which could not be contradicted, and therefore, for the sake of the argument, he would suppose he was mistaken in every instance in which he had attempted to correct the account upon the one side or the other, and see how it would stand, assuming the highest sum given as the gross proceeds of the lands, and deducting from that sum the gross payments shown by the documents from the Treasury Department to have been made on account of the lands.

The whole sum paid by purchasers of public lands, including the military land warrants, certificates of public debt, Mississippi stock, United States stock, forfeited land stock, military scrip, and all other payments of every description whatsoever, is given by the committee at $67,578,949 73
The whole payments for account of the lands are stated in the two documents referred to at..... $63,608,231 89

This mode of stating the account will show a balance, as the "net proceeds" of the public lands in the Treasury on the 30th day of September last, of..... $3,970,717 84

This result (said Mr. W.) he considered entirely erroneous, as embracing an amount of more than three millions of dollars on account of military land warrants, Mississippi stock, and military scrip not properly chargeable against the Treasury. Yet it would appear in the sequel that the position he had taken, that the bill, in effect, would not distribute the "net proceeds" of the public lands only, but also the revenues of the Treasury derived from other sources, would not be affected whether the one statement or the other of the account should be adopted as the true statement.

Hitherto (said Mr. W.) his remarks had been predicated upon the supposition that the bill was general, and applicable to the net proceeds of the public lands in all past years, and upon that basis he trusted he had shown that the sum which remained in the Treasury on the 30th of September last, subject to distribution among the States, according to its provisions, was less than four hundred thousand dollars, and certainly less than four millions.

He would now proceed to examine the bill as it is, and its practical effect upon the moneys in the Treasury on the day referred to. The bill is not general, but confined in its operation to a specific number of years, to wit: its action commences with the commencement of the year 1833, and terminates with the termination of the year 1841, extending over a period of nine years. By its language it purports to distribute the "net proceeds" of the money received into the Treasury from the sales of the public lands for those years. He would not attempt to give a construction to the bill, but would take, in this particular, the practical construction given by its friends. Most, if not all of them, have exhibited to us, in figures and sums of money to be divided, the whole amounts received into the Treasury from the sales of the public lands. They have made no deductions for expenses beyond those made before the money reaches the public Treasury. In holding up this golden prize to the acceptance of the States, they have told us nothing of the cost to the public Treasury of their acquirement, or of reclaiming them from the possession of those natives whose inheritance they were until purchased by the moneys of the nation. The bill is retrospective and prospective. The arguments in its favor have depended mainly, for their moving force, upon the sums received into the Treasury for the years 1833, 1834, and 1835, from the lands, while the prospective arguments for the years 1836, 1837, 1838, 1839, 1840, and 1841, have received all the embellishments of an imagination excited, in a pecuniary sense, by the contemplation of millions, with a familiarity with which the mind of the industrious citizen contemplates dollars, until the expansion of imaginary wealth has reached almost beyond the bounds of arithmetical enumeration. The picture thus drawn has not been shaded by the expenses paid from the common Treasury on account of the public lands, while its fore-ground has been fully and perspicuously occupied by the receipts into that Treasury from the exhaustless resource of the public domain.

Taking this picture as the true practical construction and operation of the bill, (said Mr. W.,) he would endeavor to impress upon the Senate its effect upon the general revenues of the country. From the table appended to the report of the Committee on Public Lands, marked No. 1, it would be seen that the receipts into the Treasury from the sales of public lands, from the commencement of the year 1833 to the 30th of September, 1835, had been as follows:

In 1833.....	$3,967,681 55
In 1834.....	4,857,600 69
In 1835, to the 30th September....	9,166,590 89
Making a total of receipts during the period referred to of.....	$17,991,873 13

If the construction given to the bill by its friends be correct, this sum is to be distributed immediately upon its passage. Compare this amount with the whole "net proceeds" of the public lands in the Treasury on the day when this account of receipts closes. The receipts upon which the bill is intended to act are as above stated $17,991,873 13
The whole "net proceeds" of the public lands in the Treasury, by a comparison of receipts and payments for account of the lands, from the commencement of the Government to the 30th of September last, believed to be more favorable to the lands than the truth will warrant, are only..... 351,524 41

Thus showing that the practical operation of the bill will be to distribute to the States, of the money in the Treasury on the 30th of September last over and above the whole net proceeds of the public lands then in the Treasury, a sum equal to..... $17,640,348 72

But it may be objected that this statement of the "net proceeds" of the public lands is erroneous, and that the sum above specified is not the true "net proceeds" in the Treasury on the day referred to. Mr. W. said it was his anxious desire to avoid all questions as to facts, that the results and consequences he desired to present might have their full force. He would, therefore, present the same result, taking the amount of net proceeds of the public lands upon the day given, from the most favored calculation towards the lands which could be made from any of the data furnished by the Committee on Public Lands.
The receipts for the period covered by the bill up to the 30th September, 1835, as above given, were..... $17,991,873 13
The net proceeds of the public lands in the Treasury on the same day, by the calculation most favorable to the lands, were..... 3,970,717 84

This will leave a balance of revenue to be distributed by the practical operation of the bill, not a part of the "net proceeds" of the public lands, but derived from other sources, equal to... $14,021,155 29

From this examination of the provisions of the bill and of its practical operation, Mr. W. said he could not doubt that he had established the proposition with which he had set out, viz: that the bill, should it become a law, would have the effect, not to distribute the "net proceeds" of the public lands in the Treasury alone, but also large amounts of the public revenues derived from other sources. The only question seemed to be, whether the bill would take from the Treasury, of the revenues deposited there prior to the 30th of September, 1835, seventeen or fourteen millions not derived from the sales of public lands, but from the other revenues of the country; and he could not see that the principle involved would be varied, whether the one amount or the other should prove to be the true sum thus subtracted.

So much for the retrospective action of the bill. The prospective action would now demand consideration. The calculations which have preceded have only brought the account up to the 30th of September, 1835. The bill, upon its face, carries its action six and a quarter years beyond that time, to the close of the year 1841.* If the construction given by the friends of the bill to its retrospective action is to be the construction which is to govern its prospective action also, then the expenses justly chargeable upon the lands, with very unimportant exceptions, are, for the six years to come, to be charged upon the other revenues of the Government, while the proceeds of the lands are to be distributed to the States, as they come into the public Treasury. In other words, the "net proceeds" of the public lands for each year, after paying the expenses justly and properly chargeable to them from the gross proceeds, are to be distributed, and a further sum, equal to those expenses,† derived from customs,

* The bill was introduced by Mr. CLAY to extend from the 1st January, 1833, to the 31st December, 1837. The Committee on Public Lands reported an amendment to extend it to the 31st of December, 1841. This amendment of the committee was adopted by the Senate in Committee of the Whole, and was a part of the bill when Mr. WRIGHT made his speech. Subsequently the amendment was negatived by the Senate, and the bill restored, in this respect, to its original form.

† The bill originally used the general terms, "net proceeds of the public lands," but since Mr. WRIGHT'S remarks were made has been so amended as, in substance, to adopt the construction he here contemplates. It now

or other sources separate from the lands, is also to be distributed in the same manner, and by the same ratio.

Is not this (Mr. W. said he would ask) the fair operation of this bill, which purports to divide among the States the net proceeds of the public lands? What difference can there be whether the whole proceeds of the public lands which reach the Treasury are distributed as the bill proposes, and the expenses of the lands, of their purchase, of obtaining possession of them, and placing them in a condition to be sold, be made a permanent charge upon the Treasury, that the whole avails of the sales may be distributed; or whether those expenses, necessary and indispensable to acquire the ownership of the lands, and to put them in a marketable condition, be paid out of the proceeds of the lands, and a proportion of the other revenues, equal to those expenses, be taken for the distribution? It would be difficult for human ingenuity to point out a difference to the Treasury, to the public interests of this Government, to the States who are to receive the dividends, and, in his judgment, equally difficult to point out any difference in principle between this bill having this practical operation, and a bill upon its face proposing to make the same distribution of the surplus revenue generally.

Mr. W. said it was not his purpose, upon this occasion, to discuss the constitutionality of this bill, or of any distribution of the revenues of this Government to the respective States, but he had felt bound to make this suggestion for the consideration and reflection of all who expected to support this bill, and might have any scruples as to the power of Congress to make a distribution of the revenues generally, or of any other portions of our revenue than those derived from the public lands. He must believe he had shown that this bill, if it should become a law, and should receive the construction given to it by its friends here, would operate to distribute millions from the Treasury which could not, by any exhibition of facts, or any form of reasoning, be made the "net proceeds of the public lands," but must be admitted to be the proceeds of revenues derived from other sources.

He had not been able, from any documents before him, nor had time permitted him to obtain from the proper Department the information necessary to determine what had been the net proceeds of the public lands for the years 1833, 1834, and 1835; but it was enough for the purpose of his argument to know, and to have shown, that until the year 1835, and until far into that year, the lands were, and in all former time had been, heavily in debt to the Treasury, even without any claim for interest upon the advances made beyond the sums of interest actually paid upon the stocks issued for the purchase of Louisiana and Florida. There was not, therefore, in the Treasury, prior to the latter part of 1835, any such thing as "net proceeds" arising from the sales of the public lands; but a deficit of gross proceeds to meet the expenses which the Treasury had incurred on account of the lands. To attempt, therefore, to take money from the Treasury, which came into it from the lands before that period for the purpose of distribution, will be to attempt to take money which is not there, which had been expended before it came there; and if money be so taken, it will be money derived from other sources of revenue, and not "net proceeds of the sales of the public lands." It will be a distribution not of the proceeds of the lands, but of the revenues of the Treasury generally.

Mr. W. said he proposed, in the second place, to attempt to show that if the proceeds of the sales of the public lands, for the years named, were taken from the national Treasury, and distributed to the States, that Treasury, at the present rates of the revenues from the customs, could not meet the ordinary expenses of the Government, and carry on any system of national defense more vigorous or expensive than that which had been pursued for the last twenty years.

To come to a determination upon this point, he had examined with care the expenses of the Government for the last nineteen years, from 1817 to 1835, both inclusive; and for the sake of brevity he had averaged the expenses of each four years for the first sixteen years of the series, giving the averages, including the payments towards the national debt, and also exclusive of those payments. For the years 1833, 1834, and 1835, the expenses of each year are stated separately. The results, discarding minor fractions, are as follows:

	Average including payments on debt.	Average exclusive of payments on debt.
For the years—		
1817 to 1820 inclusive.....	$30,800,000	$15,750,000
1821 to 1824 do.	21,000,000	11,250,000
1825 to 1828 do.	23,900,000	12,375,000
1829 to 1832 do.	28,500,000	14,000,000
Expenses for 1833.....	24,25[illegible],000	22,750,000
Expenses for 1834.....	24,625,000	18,375,000
Expenses for 1835.....	No debt.	17,750,000

From the above it will be seen that the average expenditures from 1817 to 1832, both inclusive, separate from any payments towards the national debt, were about thirteen millions and a half per annum; that in 1833 they appear to have been increased more than eight millions beyond those of the preceding year, and nine millions beyond the average of the sixteen previous years.

Mr. W. said he held in his hand a comparative statement between the expenses of the years 1833 and 1834, prepared for the purpose of showing whence arose the great difference of $4,000,000 between the expenditures, exclusive of payments upon the debt, in those two years. The analysis was long and tedious, and he had already wearied the patience of the Senate with too many figures and arithmetical calculations to trouble them with this statement. He would merely remark that a very large proportion of the expenses of the Indian war known as the Black Hawk war, were paid in 1833; that the amount paid for pensions in 1833 exceeded the same payments in the following year by more than $1,200,000, arising, as he presumed, from the fact that the pension law of 1832 would be likely to call heavily for payments in 1833, not only for the accruing pensions of the year, but for arrears back to the date prescribed in the act; that the expenses of Indian treaties were $1,000,000 in 1833 more than in 1834; and that the indemnities from Denmark, amounting to $600,000, passed through the Treasury in 1833 and were paid to the claimants, and therefore appear to swell the expenses of the year to that extent, although the Government had, at no time, any interest whatsoever in the money received and disbursed. There are various other items of expenditure, which varied, some the one way and some the other, in the comparison between the two years, but the four abovenamed, and the large amount of duties refunded in 1833, $600,000, beyond the amount in 1834, in consequence of the conflict of the various tariff acts, constitute the most prominent and important causes of the very great increase in the apparent expenses of the former year.

The expenses for 1834 and 1835 had averaged about eighteen millions, exclusive of any payments towards the national debt. This would be seen to be a diminution from the expenses of 1833 of about four millions, and an increase of from three to four millions beyond the ordinary expenses of the years mentioned prior to 1833. He would not attempt to account for this increase any further than to remark, that appropriations by Congress had been, most palpably, becoming more liberal, if not extravagant, since the national debt was apparently rapidly approaching its final extinction, and the Treasury remained full to a fault. It was not the private claims and private applications alone which met with an easy success unknown in former legislation, but public and permanent appropriations were increased and increasing. He would instance the munificent appropriations for this District; the late pension laws; the increase of the pay of the Navy, and many similar laws of the last few years. These instances were by no means particularized as wrong in themselves or censurable in our national legislation. No opinion upon the measures are called for or intended to be expressed; but the laws are referred to as prominent instances of the character of our late acts, carrying with them, from necessity, a material increase of the ordinary annual expenses of the Government. From causes of this character our ordinary expenses, for the last two years, have averaged about eighteen millions; and that, notwithstanding the fact that not one cent was appropriated to the fortifications for the last year. What, then, can be fairly assumed as the amount of our ordinary expenses for the future? Will any one believe that they can fall far short of the average of the two last years? Must they not vary, according to the peculiar exigencies of different years, from sixteen to eighteen millions? His examinations (said Mr. W.) had satisfied him that they must, and that $17,000,000 was as low an average as should be contemplated, especially when we were inquiring as to supplies for the common Treasury. He believed a careful inspection of the expenses of past years, and of the several laws of a late date, making permanent appropriations, would bring the mind of each Senator to the same conclusion to which his had been brought by the investigations to which he had referred.

Having thus settled, as far as that could be done by analogy and experience, the amount required for the ordinary expenses of the Government, (Mr. W. said,) it now became his duty to compare that amount with the revenue from customs, to enable the Senate to form a judgment upon the soundness or unsoundness of the proposition he had laid down. This he had done in the same manner in which he had examined and presented the expenditures, and for the same years, and he would give to the Senate, in as concise a form as possible, the results presented by the documents. To make the comparison more simple and perfect, and to give it less of the dry detail of figures, he had in this comparison, as in the statement of the expenses, grouped periods of four years for the first sixteen years of the examination, and would present separately each of the last three years. In this way the two statements might be compared with each other with convenience, and without possession of the mass of calculations which led to the results. The comparison follows:

Years.	Average gross expenditures.	Average revenue from customs.	Deficit of customs to meet expenses.	Excess of customs over expend'res.
For the years	Dollars.	Dollars.	Dollars.	Dollars.
1817 to 1820..	30,800,000	19,625,000	10,125,000	-
1821 to 1824..	21,000,000	16,8 0,000	4,250,000	-
1825 to 1828..	23,900,000	21,500,000	2,375,000	-
1829 to 1832..	28,500,000	24,250,000	4,125,000	-
1833.....	24,250,000	29,000,000	-	4,750,000
1834.....	24,625,000	16,250,000	8,375,000	-
1835.....	17,750,000	19,375,000	-	1,500,000

The foregoing comparison (Mr. W. said) afforded the ground for several most useful inferences in relation to the former policy and practices of this Government. Some of those inferences he must bring to the notice of the Senate and the country, as he thought they would be useful in all time to come.

The first which he would draw was, that in the nineteen years last preceding the present, the revenue from customs had exceeded the expenses of the Government in but two years, and those two were years when peculiar circumstances, occasioned either by our own legislation, or by the condition of our foreign relations, most satisfactorily accounted for the excesses of revenue from this source. The first was the year 1833, when the greatest excess appeared. The high tariff of 1828 ceased its operation on the 3d of March in that year, but the long credits allowed under that act necessarily extended the collections of the customs which accrued under it over the whole of that year. In the mean time, the tariff act of 1833, known as the compromise act, was

provides that the net proceeds shall be ascertained by deducting from the gross proceeds the expenses of the General Land Office, of the registers' and receivers' offices, of surveys, and of the five per cent. payable to the new States; but propositions to deduct also the purchase money paid to the Indians for the lands, annuities in lieu of purchase-money, the expense of treaties with the Indians for the purchase of the lands, and the expenses of the removal of the Indians from the lands, were expressly rejected by deliberate votes of the Senate.

passed, and commenced its operation on the same day on which the act of 1828 ceased to operate. This compromise act introduced the system of short credits and cash duties, now a part of our commercial policy. From this state of facts every one must see that during the last three quarters of the year 1833 double collections of the revenue from customs must be constantly making; first, the revenue upon the importations of 1832 and the first quarter of 1833, thrown into the three last quarters of 1833 by the long credits allowed under the tariff act of 1828; and secondly, the revenue upon the importations of 1833, so far as the cash duties and short credits prescribed by the compromise act made the duties upon those importations payable within that year. Hence it was that the revenue from customs in that single year exceeded twenty-nine millions of dollars, and that without anything unusual or extraordinary to affect the course of trade, or give to the importation of dutiable goods an unnatural increase.

Mr. W. said it ought further to be remarked that the great excess of the revenue from customs over the gross expenditures of this year, notwithstanding the causes he had mentioned which conspired so vastly to increase the collections of revenue from this source, was to be accounted for in the fact that the payments towards the public debt, during the year 1833, were very trifling in amount, and far less than in any one of the sixteen years which had preceded it. The excess, therefore, was a result not only necessary, but natural. Great accumulation, from peculiar causes, on the one side, and an almost entire failure to make payments upon our debt, from causes equally peculiar, but to which he would not now allude, on the other, could not fail to produce an apparent excess of revenue. If, however, gentlemen would take the trouble to compare the receipts and payments, and the revenue from customs of this with the next succeeding year, they would require no further explanation of the excess from customs in 1833. The accounts of 1834 will show that heavy payments were made during that year upon the national debt; indeed, that the balance of that debt, with exceptions wholly unimportant, was entirely paid off and discharged; and that the revenue from customs fell down to less than $16,250,000, and left a deficiency in the revenue from this source to meet the expenses of the year of more than $8,250,000.

The next year, and the only other one which presents an excess of the revenue from customs over the expenditures, is 1835. In reference to the small excess of this year of $1,500,000, two considerations only need be suggested. The first is, that the peculiar state of our relations with France during the last year, and especially during the last quarter of that year, gave just alarm to the commercial men of the country that disturbances might grow out of those relations, and that interruptions might be experienced in our commercial relations, growing out of those disturbances. Hence they were induced, towards the close of that year, to increase their importations to an almost unexampled extent. This single consideration is believed to have swelled the amount of revenue from customs during the last year much beyond the whole amount of the excess which appears. The second consideration referred to is, that the ordinary appropriation bill for the fortifications of the country failed to pass the two Houses of Congress during our last session; and, therefore, the expenses of 1835 were diminished by the usual amount of appropriations for those objects. Had that bill passed in the shape insisted upon by the House of Representatives, all know that the expenses of the year would have been increased much beyond the excess of the revenue from customs; and (said Mr. W.) he believed had the bill passed as agreed to by the Senate, that excess would have been more than consumed by the expenditures it would have authorized.

After these considerations he could not believe that the excesses in the revenue from the customs over the expenditures for the years 1833 and 1835 would be relied upon anywhere, or by any one, as evidence that the revenues from that source were more than equal to our current expenses.

The next inference he would draw from this comparison between the revenue from customs and the expenses of the Government was, that Congress had not, as has been often and broadly alleged, imposed duties without regard to revenue, or to the wants and liabilities of the Government. A very few suggestions, he thought, would make this position clear and indisputable.

From the existence of the Government until the year 1835, we had been in debt, and any amount of revenue, come from what source it might, after paying the ordinary appropriations, would be absorbed in payments upon that debt. Hence duties had been imposed beyond the calls growing out of the ordinary expenses of the Government, and the surplus of revenue had been applied to the debt of the nation. As peculiar interests had, at certain periods, favored an increase of duties upon imports, the rates of duty may have gone, and at one period unquestionably did go, to an excessive height; but the revenues consequent upon this mistaken policy diminished, the more rapidly, the common debt, and thus hastened the time when high duties could find no favor, or even apology, with the people, or with Congress.

Mark the sequel. The national debt was diminished with a rapidity theretofore unprecedented, during the years 1829, 1830, and 1831; and it became apparent, not only to every statesman, but to the whole country, that the period of its final extinction was near at hand. What was the course of the National Legislature? Immediately to revise and reduce the tariff. The very protracted session of Congress of 1831–32 is not more fresh in the recollection of all than is the fact that a readjustment of the rates of duty upon imports, and a consequent reduction of the revenue from customs, was the principal, if not the sole cause of the unusual length of that session. The result was the passage of the tariff act of 1832, to take effect on the 4th of March, 1833. Such, however, was the feeling of the country, that further legislation in the session of 1832–33 was demanded of Congress; and the compromise act arrested and qualified the act of 1832, and provided for further and graduated reductions under the distinct understanding that, upon the final payment of the national debt, the public revenues were to be reduced to the economical wants of the Government. The reduction was made as rapid as it was supposed the important interests connected with the subject would permit; while all expected that no very considerable accumulation in the Treasury would be experienced under the operation of the law of 1833. It will hereafter be shown that these anticipations were entirely reasonable, and that their disappointment has proceeded from the unprecedented sales of the public lands within the few last years, and mostly within the last and the present year, and from no other cause of sufficient importance to deserve a notice in this view of the subject. These facts he held to be sufficient to show that the legislation of Congress in regard to the revenue from customs had been with peculiar reference to the wants of the public Treasury, and had been intended to be measured by those wants.

The remaining inference from the comparison referred to is, that the revenue from customs is not, as at present regulated, more than sufficient to meet the ordinary expenses of the Government, and is not sufficient, unaided by the revenues from the public lands, to authorize any extraordinary appropriations for public defenses of any description, naval or military.

The revenue from customs, for the year 1834, has been shown to have been $16,250,000, and that for 1835, $19,375,000, while the average expenditures of the Government for the same two years, separate from any payments upon the national debt, are proved to have been more than $18,000,000; and it is worthy of repetition that in the expenditures of 1835 is not included anything for the fortifications of the country, as the fortification bill of that year was lost between the two Houses of Congress.

It has further been attempted to be shown that the average annual expenditures of the Government, separate from any extraordinary appropriations for the public defense, cannot for the future be estimated at a less sum than $17,000,000. Compare, then, the revenue from customs for the years 1834 and 1835, when the compromise bill fully regulated that revenue, with this estimate of expenditure, and see the result. The average of the revenue from that source for the two years is $17,800,000, while it is shown that that revenue, for 1835, was increased, by the apprehensions of a French war, from one to three millions. This will reduce the average of the two years, placing them upon the basis of ordinary and uninterrupted commercial intercourse, below the estimate for the ordinary expenses of the Government.

Connect with this view another important consideration growing out of the compromise act, which is, that at the commencement of the present year a reduction in the rates of duty of ten per cent. upon the existing rates, took effect, which, by the lowest estimate, will reduce the revenue from customs a full million. Take, then, the year of excessive importations, of 1835, as the rule, and the revenue from customs will exceed the amount estimated as required for the ordinary expenses of the Government by a sum too small to be made the dependence for any extraordinary appropriations. This inference, then, is fully sustained; and the revenue from customs at the present time is shown to be no more than equal to the ordinary expenses of the Government.

But the bill under consideration is perspective, and reaches forward in its action to the close of the year 1841. During this period its construction, as given by its friends, charges the whole expenses of the land system upon the Treasury. It becomes important, therefore, to inquire what those expenses are, and probably may be. The mere expenses of the present system of sales will be omitted, and those of a more material character examined. What, then, are those expenses annually? The amount of money proposed to be appropriated by the bill making the regular annual Indian appropriations for the present year is $573,000, and the appropriations provided for in it, as will be seen by an examination of the bill, are in their character permanent for a longer period than the prospective operation of this bill. The principal items are the payment of annuities; the support of farmers and mechanics, and other provisions stipulated by existing treaties to be made for the various Indian tribes. Nothing is included in this appropriation bill for the expenses of additional Indian treaties; for the removal of Indians, or for any other new expenditure under the head of the Indian department.

The expenses, therefore, of the purchase-money to be paid to the Indians for lands; of the annuities stipulated by future treaties; of the making of such treaties; of the removal of the Indians from the lands purchased under them, and of all other things incident to our Indian affairs, and to the perfection of title and possession to the lands in the Government, remain to be provided for from revenues other than those derived from the lands on account of which the expenses are incurred. Our present policy is to expedite, to the utmost extent of our power, the extinction of the Indian title to all the lands east of the Mississippi, and the removal of the Indians west of that river. In pursuance of that policy we are constantly making new purchases and new treaties; and the expenses of holding Indian treaties, and for the purchase-money of new lands, are constantly and rapidly increasing. The expenses of the removal of the Indians from the lands, and of their subsistence west of the Mississippi, are necessarily increasing in the same ratio; and if these accumulated expenses are to be cast upon the Treasury, while the revenues from the sales of lands are to be subtracted from it, the consideration becomes one of serious import, whether the revenue from the customs—the only source of revenue remaining—when that from the lands shall be taken away, will sustain the Treasury against these accumulated calls, and how far this source of revenue will bear the reduction provided for by the compromise act, and still supply the Treasury.

It will not be forgotten that a reduction of ten per cent. in the revenue from customs took effect by the provisions of that act on the first day of the present year; that a further similar reduction is to take place on the first day of January, 1838;

that a still further reduction of ten per cent. is to take place on the first day of January, in the year 1840; and that at the close of the year 1841 every rate of duty then above twenty per cent. *ad valorem* is to be reduced to that rate, without regard to the amount of reduction. Mr. W. said he believed it was conceded on all hands that this last reduction alone would diminish the revenue from customs full five million dollars beyond the intermediate and graduated reductions periodically provided for in the bill.

Mr. W. said he was aware that he should be answered that after the year 1841 the revenue from the lands was, by the provisions of the bill under discussion, to be restored to the Treasury. This answer was specious and plausible; but was it efficient and solid? Look at the comparison which had been made between the revenue from customs and the expenses of the Government, as both were shown to exist at the present time. The difference in favor of the revenue, if anything, was too trifling to be made matter of account, while nothing was allowed for extraordinary appropriations for the defenses of the country. Allow, then, for the reduction of ten per cent. in that revenue for the present and the next year, and it will not meet the ordinary expenses at their present rates. Carry on the calculation until you reach two further similar reductions, and where is the Treasury to look for the means to answer the ordinary calls upon it? From whence are to be drawn the moneys to extend and complete our Navy, to fortify our commercial towns, to defend our extensive coast, to garrison our Indian frontier, to arm our militia, and to perfect our other works of national defense projected and proposed by the Executive Departments of the Government? Could he be wrong in saying that the means for these expenditures would be wanting, and that these valuable and most essential national objects could not be accomplished in case this bill should become a law, and this branch of the public revenue should be diverted from the legitimate uses of the public Treasury?

To illustrate and demonstrate more clearly the soundness of this position, Mr. W. said he would review, in the most condensed manner possible, the revenue derived to the Treasury from the public lands, for the series of years covered by his former examinations, in reference to the expenses of the Government, and the revenues from customs. The statement had been derived from the Treasury Department, and was authentic. It was as follows:

Receipts into the Treasury from the sales of the public lands, for the year—

1817	$1,991,226
1818	2,606,364
1819	3,274,422
1820	1,635,871
1821	1,212,966
1822	1,803,581
1823	916,523
1824	984,418
1825	1,216,090
1826	1,393,785
1827	1,495,845
1828	1,018,308
1829	1,517,175
1830	2,329,356
1831	3,210,815
1832	2,623,381
1833	3,067,682
1834	4,887,600
1835	14,757,600

A slight examination of this statement will show the fluctuations in the sales of the public lands. The period embraced by the statement commences as the country was emerging from the embarrassments and derangements in its pecuniary affairs, growing out of the then late war with Great Britain. In 1817 the receipts into the Treasury were a trifle short of two millions; in 1818 more than two and a half millions; and in 1819 more than three millions. From this time to the year 1829, a term of ten years, the receipts from this source did not, in any one year, exceed, by any considerable amount, one million and a half, and in two of the years fell short of one million. In the year 1830 they rose to two and a quarter millions; in 1831 to about three and a quarter, and in 1832 fell back to about two and a half millions. With the year 1833 commenced the great increase of sales which have caused the principal accumulation of money in the Treasury at this moment. During that year the receipts into the Treasury from the sales of lands were three and seven eighths millions, in 1834 four and four fifths millions, and in 1835 fourteen and three fourths millions; almost ten millions beyond the receipts of any former year; a net increase, in a single year, more than twice as large as the whole receipts of the most extravagant year which had preceded it.

Who (Mr. W. said he must ask) could expect a continuance of sales at this rate for any length of time? Who were the purchasers who had paid these immense amounts for the public domain in a single year? Settlers, actual settlers? No, sir, speculators: men who have purchased to sell to settlers; men who, before the present year shall close, will come into the market in competition with this Government, and take from it its customers. What lands, Mr. President, do these men purchase? Your very best and choicest lands. They purchase for speculation, and every consideration of inducement to the settler is fully regarded in their purchases: location, advantages of navigation, of water power, and of timber are no less carefully secured than first qualities of soil. The Government sells lands for cash in advance only; and these purchasers will sell upon credit. How long will it be, with these advantages, before they will draw the emigration from the land offices of the Government to theirs, and take the market from us? Once taken away, it is impossible that we can recover it until these lands purchased upon speculation are fully settled, as we cannot hope to induce settlers to purchase inferior lands, and pay the money in advance, while superior lands are offered to them upon credit. What, then, are we to expect from our revenue from the public lands as soon as the present fever for speculation in them shall subside? Can we hope that those revenues, postponed until the year 1841, will compensate for the then reduced rates of the revenues from customs, and thus afford to the public Treasury the means to meet the ordinary and extraordinary calls upon it? Mr. W. said it seemed to him most clear, that if the revenues from the public lands were diverted from the Treasury for the period proposed by the bill, and the revenues from customs were reduced as by the operation of the existing laws they must be reduced, both sources together would not, after the expiration of the year 1841, be equal to the wants of the public Treasury.

That our country was rapidly increasing in population and extent, and consequently and proportionably in its ordinary expenditures, must be apparent to all; and that, with a fixed tariff, the revenue from customs might be expected to increase with the increase of expenses, would be equally apparent; but when our rates of duty upon imports were diminishing at a rate per cent. greater than the increase of our population and business, the dependence for means to supply the Treasury upon that source of revenue must be destroyed, unless the revenues from it could now be shown very far to exceed the present wants of that Treasury. This had not only not been shown; but he trusted the comparisons he had made between the revenues from customs and the expenses of the Government, for the last nineteen years, and more especially for the last two years, had clearly shown the reverse, and had proved to the satisfaction of the Senate that the present revenues from the customs were no more than equal to the ordinary expenses of the Government, without any extraordinary appropriations for any purposes whatsoever. He felt (said Mr. W.) bound to notice, in this place, that the revenues from the lands were, in this sense, a much more calculable dependence for the Treasury than those from the customs. The receipts and expenditures from the former—the value of the lands being fixed by law—might be safely assumed to be regulated and graduated by the increase of population and business of the country, while the rates of duty which were to graduate the latter were periodically undergoing so rapid a reduction, and the free articles were increasing so vastly upon the dutiable articles in our importations, that very little certainty could be anticipated in calculations of the amount of revenue to be derived from the latter source. He would give the Senate the amount of free articles imported for the last four years, to show the immense changes which the present revenue laws had produced in our trade in reference to the revenues from customs.

In the year 1832 the importation of articles free of duty amounted to	$14,249,453
In the year 1833	32,447,950
In the year 1834	68,393,180
In the year 1835	77,443,236

From this comparison it is seen that this description of importations has almost doubled, in each successive year, since the passage of the tariff act of 1832; and that during the last two years the value of the importations free of duty have been more than four times the value of the same articles imported in the two preceding years, and have come to exceed the whole value of dutiable importations.

Take away, then, from the public Treasury, the revenues received into it from the public lands, and (Mr. W. asked) who could tell how soon it would want means to meet the demands upon it? He called upon gentlemen, and especially upon the parties to the compromise act, to give their careful attention to this part of the argument. If revenue should be wanted, did those gentlemen doubt what course would be taken by Congress to raise it? Did they doubt that resort would be instantly made to an increase of the rates of duty upon imports? Was any one wild enough to suppose that a direct tax would be resorted to to supply the deficiency in the revenues, or that loans would be made upon the credit of the Government, and a new national debt be created for this purpose? He was sure no one who heard him could anticipate either of the last-mentioned modes of supplying the Treasury; and an increase of the indirect taxation, by an increase of the customs, was the only remaining measure within the power of Congress. He must further caution gentlemen to remember that this was a mode of raising revenue not likely to be unpopular with a very large section, if not an entire majority, of the Union. He made this reference to peculiar local interests, not with pleasure, but with deep reluctance, and he could not be induced to do it from any other than a most lively conviction that the measure before the Senate was eminently calculated again, and that speedily, to revive agitations which had so recently shaken the country to an extent unknown to its former history, and had more strongly threatened the integrity and perpetuity of the Union than any other questions which had ever before occupied the attention of Congress. He must, therefore, again assure the friends of this bill that its passage, and the subtraction of this portion of the public revenues from the national Treasury, would bring that Treasury to want; and that, in that event, its wants would be supplied by an increase of the duties upon imports, an increased tariff.

To give greater force to this part of the argument he would take another view of the probable revenue from customs in the year 1842, after the reductions provided for in the compromise act shall have been fully made. The importations of goods paying duties for the last four years have been as follows:

In the year 1832 the value of dutiable goods imported was	$68,000,000
In the year 1833	63,000,000
In the year 1834	47,000,000
In the year 1835	66,000,000

These importations form an average of about sixty-one millions per annum. Suppose the increase of population and business by the year 1842 increases the amount of importations to seventy millions of goods paying duties, all duties are then to be reduced to the standard of twenty per cent. *ad valorem*, or under. This rate of duty upon seventy millions would be fourteen millions of revenue, in case all duties were at the maxi-

mum rate of twenty per cent.; but it must be borne in mind that the duty upon a large class of articles is now only twelve and a half and fifteen per cent., and that from that cause the revenue to be derived from seventy millions in value of dutiable importations in 1842, if the present laws continue in operation, cannot be estimated at more than about twelve millions of dollars. Compare this amount with the sum demanded for the ordinary expenses of the Government, and who will believe that the revenue from customs at the period in contemplation, even with the then reduced revenue from the public lands added to it, will be equal to those expenses. Who does not see, if the present surplus in the Treasury be given away to the States, and the revenue from the lands be taken from the Treasury for six years to come, that the tariff must be raised, if not before the year 1842, at least as soon as the vast reduction of the present tariff required to be made at the close of 1841 by the provisions of the compromise act, shall take effect? If figures and experience can be relied upon, such a result must follow the passage of this bill.

[Mr. WRIGHT here gave way for a motion to adjourn.]

THURSDAY, *April* 21, 1836.

Mr. WRIGHT said, when addressing the Senate yesterday, he had attempted to establish the propositions—

1. That the whole amount of "net proceeds" of the public lands in the Treasury on the 30th of September, 1835, could not, by the most extended and liberal calculation, equal four million dollars, and was more truly but a trifle over three hundred and fifty thousand dollars; while the operation of this bill would be to distribute as "net proceeds" of the public lands almost eighteen million dollars of the money in the Treasury on that day; thus, in fact, distributing from fourteen to seventeen millions of money not derived from lands, but from other sources of revenue.

2. That the revenue from customs, as ascertained from a comparison between that revenue and the expenses of the Government for the last nineteen years, and from an examination of the present revenue laws, and their influence upon the revenue to be collected under them, will only be equal to the ordinary expenses of the Government, and cannot bear any extraordinary appropriations for any branch of the public defenses.

3. That this branch of the public revenue (the only source of revenue remaining to the Treasury, if that from the lands shall be taken from it) will fall far short of meeting the ordinary expenses of the Government before the close of the year 1841, at which time the revenues from the public lands are again to be restored to the public Treasury, because it is only equal now to those expenses, and by the existing laws is to undergo a reduction at about the rate of five per cent. per annum until 1840, and at the close of the year 1841 an arbitrary reduction to twenty per cent. *ad valorem* of all duties above that rate.

4. That the restoration of the revenue from the public lands at that period will be wholly inadequate to supply the Treasury, because the revenue from customs will be reduced to some twelve or at most fourteen millions, while the ordinary expenses will be about seventeen millions; and because, from the sales of all the valuable lands, the revenues from that source will be greatly diminished, if not reduced to the simple expenses incurred on account of the lands.

Mr. W. said, before proceeding with his argument further he would notice two positions of the Senator from New Jersey, [Mr. SOUTHARD,] which had been presented by him in a new shape, as justifying two important provisions of this bill. . . . . .

The first to which he alluded was the grant of five hundred thousand acres of land to certain of the new States, the avails of which were to be expended in projects of internal improvement; and the reasons for the grant were said to be, that those States had exempted the public lands from taxation. This argument (Mr. W. said) he had always supposed was fully answered by the articles of compact which had accompanied the admission of those States into the Union. The five per cent. granted to the new States, out of the proceeds of the sales of lands within them respectively, he had always understood was the equivalent for this exemption of the public domain from State taxation, and that it had been so accepted by those States in the compacts referred to. If he was correct in this understanding, he could not see why this further grant of half a million of acres of land to each was to be made upon that consideration. But the Senator further urged that this grant was to be justified upon the principle that the improvements to be made by the States from the avails of the land, would enhance the value of the remaining lands owned by the Government in each State, to an extent equal to the value of the five hundred thousand acres granted to make the improvements. This argument can avail little, unless the present minimum price of the public lands is to be raised. All the lands, after having been once offered at public sale, are subject to be taken by any purchaser at the price established by law, of one dollar and a quarter per acre, and at that price they now sell with too great rapidity. Surely, then, it cannot be wise in Congress to make these immense grants with a view to enhance the value of the remaining lands, if it be designed to continue the sales at the present established price, because, however much the value of the lands may be increased by the operation, that value to the Government is not changed. The money to be paid for the lands will be the same without as with the improvements. Is it intended to raise the minimum price of the public lands? He supposed not. He had heard no friend of the bill avow such an intention, and he felt confident he should not hear any such purpose avowed, though he must say that many of the arguments in favor of the bill, as well as the one he was now considering, seemed to him to bear strongly in that direction.

The second consideration to which he referred was the Senator's defense of that provision of the bill which gives to each of the new States ten per cent. of the proceeds of the sales within them respectively, over and above their full shares of the balance, according to the rate of distribution adopted by the bill, as applicable to all the States. This was justified upon the ground of the rapid increase of population in these States since the last census, upon which the general distribution was to be made. It was not his object (said Mr. W.) to attempt to show that this provision would give too much to the new States, but that the rule assumed was arbitrary and unequal. He knew that some of the new States were increasing in population with wonderful rapidity, and he also supposed that some of the old States might not have any greater, and perhaps not as great a population now as in 1830. These would form the extremes, while other States, both old and new, were increasing at a rate which would form the mean between them. It could not, then, be equal or just to take from all the old States equally, or to give to all the new equally, on account of the increase or diminution of population since the last census, as all must see that the same ratio of increase or diminution will not be applicable to any two States, new or old. If a standard of distribution, different from that of the census of 1850, is to be taken, that standard ought to have reference to the actual population of all the States. It was a fact, unquestionable in his opinion, that some of the States, denominated old States by the classification made in the bill, had added more to their Federal numbers, within the five years past, than many of the new States; and yet ten per cent. of the fund to be divided, and which is now the common property of all the States in precise proportion to their Federal numbers, is to be taken from the former and given to the latter before a general distribution is made. It was not material to his purpose to attempt to show what States would lose or what ones would gain by this unequal and partial provision. It was enough to have shown that its application must, and will, be unequal, partial, and unjust, to establish the position that it cannot be a constitutional rule for the distribution of a common fund.

Mr. W. said he would notice here what he considered the most extravagant anticipations of the honorable Senator [Mr. SOUTHARD] as to the probable avails to the public Treasury from the public domain. He found he had misunderstood the Senator, and had supposed him even more extravagant in his anticipations than he really was; but he had been corrected, and still was compelled to think that the sum, in fact, assumed, gave much stronger evidence of a free indulgence of a lively imagination, than of a familiarity with the facts upon which any conclusion should be founded. To test the correctness of his impressions, he had resorted to facts, and proposed to lay them before the Senate almost without comment. The Senator had told us that the public lands were to bring into the national Treasury $1,250,000,000. How much of this is imagination, and how much reality? The sales of the public lands, as a system, commenced in the year 1796. Up to the 30th day of September, 1835, thirty-nine years and three quarters, the whole sum paid into the Treasury from the sales of the public lands, is $58,500,000. What has been sold to produce this sum, and what calculations as to the product of future sales, can be safely made, from our past experience.

There has been paid into the Treasury, as the avails of sales of the public lands in the State of Ohio, from the commencement of the land system to the 30th September last..	$16,780,177
There remain to be sold in that State, subject to private entry, and not entered on the 30th September last, 4,310,366 acres, which, estimated at the minimum price, are worth..	5,387,958
Making an aggregate value for the public lands in Ohio, of.....	$22,168,135

This estimate must be sufficiently accurate for so general a calculation, inasmuch as the fact that lands in that populous State remaining subject to be taken at the minimum price of the Government, and not taken, must go far to prove that their value in the market does not materially exceed that price.

Mr. W. said he would then make the State of Ohio, known to be one of the largest and most valuable in point of soil of the new States, the basis of a calculation of value for a portion of the public domain.

The value of Ohio, as has been seen above, is.....	$22,168,135
Assume that Indiana, Illinois, Missouri, Louisiana, Mississippi, Alabama, Michigan, Wisconsin, Arkansas, and Florida, are each to bring into the Treasury from the sales of the public lands, as much as is to be realized from those sales in the State of Ohio—and this will produce an aggregate of.....	221,681,350
And will present a total value for these seven new States and four large Territories, of.....	243,849,485
Deduct, then, the amounts already received, as follows:	
From sales in Ohio.....	$16,780,177
From sales in Indiana...	9,510,481
From sales in Illinois....	5,355,611
From sales in Missouri..	3,886,224
From sales in Louisiana..	999,087
From sales in Mississippi,	6,837,770
From sales in Alabama..	10,097,347
From sales in Michigan, including Wisconsin...	3,959,896
From sales in Arkansas..	636,642
From sales in Florida....	556,283
	58,619,518
And there will remain to come into the public Treasury, from the entire sales of these seven States and four Territories, the sum of.....	$185,229,967
The estimate of the Senator is....	$1,250,000,000
Take from it what remains to be received from the sales yet to be made in the country mentioned..	185,229,967

And there will remain a balance for the Senator to realize, from sources (Mr. W. said) to him unknown, of.....$1,064,770,033

So far facts might furnish us with some guides in reference to these swollen anticipations; and he was sure that no one, not even the most sanguine and enthusiastic, would doubt that the calculation he had made was much more favorable to the Treasury than future experience would realize. He did not himself believe that any single State or Territory he had named would bring into the Treasury from the sales of lands an amount equal to the State of Ohio; but however that might prove, all must know that no such amounts are to be expected from Louisiana or Florida, nor can any such amount be expected from the entire sales in Michigan. The estimate must be many millions beyond what can be reasonably anticipated; and yet that estimate for the eleven large divisions of country, seven of which are now States, and the remaining four rapidly approaching that condition of political existence, falls short of one fifth of the amount anticipated by the Senator to be brought into the Treasury from the avails of the public domain. That he must have included in his flattering estimate the whole country guarantied by this Government to the Indian tribes west, and now daily moving west of the Mississippi, is most palpable; but that any reasonable estimate of that country, and of all the acres of the Rocky Mountains in addition, must have failed to produce his sum total, seemed to his mind equally palpable.

He would now proceed with his argument as originally intended, and would examine the surplus in the Treasury, with the view of showing that the estimates of the friends of this bill in regard to it were about as extravagant as those of the honorable Senator from New Jersey [Mr. SOUTHARD] in reference to the proceeds of the public lands. The calls upon the Treasury Department for the balance of moneys in the Treasury had been frequent, and he thought he might say at least monthly, since the commencement of the present session of Congress. The last had been received at too late a period to be yet printed and laid upon the tables of the Senators, and was a call for the balance as existing on the first day of the present month. The amount as given by the Secretary of the Treasury was, according to his best recollection, between thirty-one and thirty-two millions; but as he had not the report to refer to, he would assume it to be thirty-two millions.

It should now be distinctly impressed upon the attention of the Senate and the country, that this amount is not the *surplus* in the Treasury, but the whole amount of money in the Treasury for any purpose of the Government. It should also be equally strongly impressed upon the minds of all, and most especially of ourselves, that of all the appropriations of the year which, at the ordinary rates, have been shown to amount to an average of from seventeen to eighteen millions of dollars annually, those for the pay of Congress; for the pensions, and partial appropriations for the Indian war in Florida, are all that have yet passed and become laws. How are we, then, to tell what portion of this amount of money is surplus, and what is required for the expenses of the Government? Mr. W. said he knew but one mode of making even an estimate upon this point. Wishing, so far as it was possible, to deal with facts in relation to this whole subject, he had resorted to that mode; and had examined, with considerable labor and care, the entire files of bills which had been reported to the two Houses of Congress by their respective standing committees, selecting from each file bills of a public character only, and ascertaining the sums the several committees had recommended for appropriation for the public service. To protect himself from any charge or suspicion of unfairness in this examination, he felt bound to give to the Senate, in substance, the title of each bill he had included in the statement, that all might judge whether he had mistaken the character of the appropriations he had called public. The list was as follows:

Bills on the Files of the House of Representatives.

No. 51. Appropriations for support of Government.

No. 53. Naval appropriation bill

No. 54. Ordinary fortification bill.

No. 55. Army bill.

No. 69. Expenses of Indian war in Florida.

No. 70. Ordinary appropriations for the Indian department.

No. 97. Clerks in the office of the Quartermaster General.

No. 100. The erection of a marine hospital at Baltimore.

No. 101. The erection of a marine hospital at Portland, Maine.

No. 105. Clerks in the Engineer department.

No. 142. Erection of custom-houses at Gloucester and Plymouth.

No. 143. Arrears of pay to the Inspector General.

No. 154. To improve the harbor at St. Louis, Missouri.

No. 174. To continue the Cumberland road from Vandalia to the Mississippi river.

No. 175. To continue the Cumberland road from the Mississippi river to Jefferson City.

No. 192. To erect a marine hospital at Wilmington, Delaware.

No. 201. To purchase sites and commence new fortifications.

No. 203. For the navy-yard at Charleston, South Carolina.

No. 215. Expenses of the Indian war in Florida—second bill.

No. 216. Civil and diplomatic expenses for 1836.

No. 217. Outfit to chargé d'affaires at Prussia.

No. 225. Prize money to the captors of the frigate Philadelphia.

No. 234. Compensation to Commodore Barron for use of patent.

No. 254. Erection of new Treasury building.

No. 259. Annual appropriations for the Military Academy.

No. 268. Salary of the judge of the orphans' court, Washington.

No. 272. Arrears of pay to General Macomb.

No. 273. Compensation for Indian depredations.

No. 279. To pay the Connecticut militia in service during the late war.

No. 307. Appropriations for harbors already commenced.

No. 321. Compensation to the heirs of Marshal Rochambeau.

No. 323. For making and improving roads.

No. 325. For repairing and improving the public buildings and grounds in Washington.

No. 332. For the care and preservation of the Potomac bridge.

No. 348. To refund certain duties on a Belgian vessel.

No. 352. To make good the depreciations to the Rhode Island brigade of the revolutionary army.

No. 363. For the erection of light-houses, light-boats, beacons, and buoys, and for the survey of certain rivers and harbors.

No. 374. To construct an arsenal in the State of North Carolina.

No. 376. For the purchase of Bell's patent for elevating and pointing cannon.

No. 375. For the erection of an armory on the western waters.

No. 377. For the purchase of Hall's patent for rifles.

No. 406. For the better protection of the western frontier.

No. 415. To remove a bar at the mouth of the Mississippi river.

No. 416. To remove a bar at the entrance of Pensacola bay, and for constructing a hydraulic dock or inclined plane at that place.

No. 427. Further appropriation for the Indian war in Florida; third bill.

No. 431. To construct a road from Milwaukee to the Mississippi river.

No. 432. To improve the mail road from Louisville to St. Louis.

No. 446. To erect a marine hospital at New Orleans.

No. 454. To provide for additional clerks in the Departments.

No. 457. For the better defense of the Arkansas frontier.

No. 483. To construct a road from Helena to Jackson, in Arkansas.

No. 485. To improve the navigation of certain rivers.

No. 492. To try experiments as to Brown's fire-ship,

No. 518. To erect a marine hospital at Newport, Rhode Island.

No. 523. To commence the improvement of harbors for which no appropriations have been heretofore made.

No. 538. For repairs to the wharves, and the erection of a new public store at Staten Island, New York.

Bills on the Files of the Senate.

No. 12. To improve the navigation of the Wabash river.

No. 32. To increase the pay of the clerks in the Navy Department.

No. 54. To open roads in Arkansas.

No. 63. To complete the road from Lime Creek to the Chattahooche.

No. 81. For the support of the penitentiary at Washington.

No. 82. To construct roads in Florida.

No. 98. To purchase Boyd Reilly's patent for vapor bath.

No. 112. For the relief of the cities of Washington, Alexandria, and Georgetown.

No. 131. Pay of Missouri militia in the Black Hawk war.

No. 135. To pay the passage of General La Fayette from France.

No. 142. To erect a depot of arms on the western frontier of Missouri.

No. 146. To complete improvements already commenced upon certain roads and rivers in Florida.

No. 211. To construct certain roads in Arkansas.

Mr. W. said the House bills above enumerated were fifty-six, and proposed to appropriate the gross sum of.....$23,212,854

The number of Senate bills brought into the statement was thirteen, which proposed to appropriate the gross sum of..... 2,456,785

Since this statement had been prepared the general Navy appropriation bill, sent from the House, had been reported to the Senate by the Committee on Naval Affairs of this body, with recommendations of amendments, adding to the amount originally proposed by the committee of the House, to be appropriated by the bill, the sum of..... 1,845,407

Thus showing an aggregate of appropriations of a public character, recommended by the proper standing committees of the two Houses of Congress, and, if made, to be taken from the moneys in the Treasury, of.....$27,515,046

Mr. W. said he must so far explain these statements as to say that the file of bills of the House were first examined, and the list of bills of a public character prepared; that, upon the subsequent examination of the Senate file, a very large number of similar bills for the same objects, and of the same purport and amount, were found upon that file; that all such duplicate bills had been rejected from the statement, which accounted for the very small number of bills embraced as Senate bills, and the very small comparative amount of appropriations recommended by the committees of the Senate. Had the bills upon that file been first examined, and the duplicates upon the House file been rejected, the apparent recommendations, with the exception of the ordinary annual appropriation bills, which always originate in the House, would have been substantially reversed. It had required much care to avoid embracing the same appropriation twice, in consequence of the duplicate reports in the respective Houses; but as the examination had

been made by himself personally, he spoke with great confidence, when he said that no instance would be found in which this had been done, although a similarity of titles in one or two cases might lead to that suspicion.

Let us, then, (said Mr. W ,) state the account with the Treasury, and see what surplus we have which is not called for by the wants of the Federal Government. He had (he said) assumed the amount of money in the Treasury to be.....$32,000,000

Deduct the appropriations before mentioned, some of which had in fact been made, and all of which had been distinctly recommended by the proper standing committees of one or both Houses of Congress..... 27,515,046

And there will remain in the Treasury an apparent surplus of..... $4,484,954

This would be the state of the Treasury, upon the supposition that the appropriations proposed by the bills which had been enumerated, and no other, should be made during the present session of Congress.

Mr. W. said he did not intend to be understood as expressing the opinion that all the bills he had enumerated would pass, and much less that no appropriations other than those contained in those bills would be made. The above was the result upon that supposition; but while he did not expect that result would be exactly realized in that way, there were strong grounds for believing that a result not more favorable to the Treasury, and to a surplus for distribution, ought to be produced, and would be produced, by the action of Congress during its present session. The grounds for this belief it would be his next duty to give to the Senate. The whole number of bills upon the House file when he made the examination was five hundred and fifty-four, of which the statement he had made embraced but fifty-six, leaving four hundred and ninety-eight of those bills not embraced in the estimate of appropriations. The whole number of bills upon the Senate file at the same time was two hundred and twenty-one, of which but thirteen were named, leaving two hundred and eight of those bills out of the estimate. Every member of the Senate would well know what every other person who would take the trouble to examine the bills before the two Houses of Congress at any session might see, that more than ninety in one hundred of all those bills propose an appropriation of money to a greater or less extent. Here, then, were seven hundred and seventy-five bills, sixty-nine of which recommended the appropriation of more than twenty-seven and a half millions of dollars; and the appropriations covered by the remaining seven hundred and six were not estimated at all, but were known to be, at least nine tenths of them, bills proposing to appropriate money, and in amounts varying from the very smallest sums to hundreds of thousands of dollars. Some of them (Mr. W. said) were entirely public in their character, but did not specify the sums they proposed to appropriate. Of these he would particularly refer to the following:

Bills upon the File of the House of Representatives.

No. 104. For the increase of the Engineer corps.

No. 142. Proposes to erect custom-houses at forty different ports.

No. 207. To put into active service all the vessels of war in ordinary and upon the stocks.

No. 212. Proposes to extend the present pension laws to all who served for three months in the war of the Revolution, and to the widows of such deceased pensioners as were the wives of the pensioners at the time the service was performed.

No. 297. Provides for the payment of the Connecticut militia who were in service during the late war, with interest upon their respective claims from the time of the service.

No. 385. Directs the survey of certain roads, rivers, &c.

No. 427. Extends to the widows and orphans of militia killed in service, dying in service or on their return home, or from wounds received while in service, the half pay for five years allowed by the existing laws to regulars serving in the infantry.

No. 459. To extend and repair the arsenal at Charleston, South Carolina.

No. 469. Reorganizes the General Land Office, and extends the force employed in it.

No. 474. To authorize a surveying district west of Lake Michigan.

No. 542. To remit or refund the duties upon the goods burned at the late conflagration in New York.

Bills upon the File of the Senate.

No. 33. Arrears of pay to Commodore Hull.

No. 37. To establish a surveyor general's office for the State of Illinois.

No. 52. To increase the corps of Topographical Engineers.

No. 70. Payment to the heirs of General Eaton.

No. 100. To pay the Vermont militia who served at Plattsburg.

No. 113. To purchase the stock of the Louisville and Portland canal.

No. 185. To add three regiments to the Army of the United States.

No. 220. To provide moral and religious instruction for the Army.

Here (Mr. W. said) were nineteen of the seven hundred and six bills not included in the estimate, because they did not name the sums which would be required to carry them into operation; but the slightest examination of the titles only will satisfy every one that these nineteeen bills alone, were they to become laws, would require more money from the public Treasury than the whole balance above shown to remain, after deducting the amount proposed to be specifically appropriated by the sixty-nine bills before enumerated. He was aware it might be said that these bills would not become laws, and he did not pretend to assume that all of them would, although he believed several of them had passed the one or the other House of Congress during the present session. What he intended to say was, that they were bills of a public character; that their passage had been recommended by the appropriate committees of Congress, and that, to that extent, they were to be considered as calls which might probably be made upon the Treasury, and which ought, at the least, to be considered before we came to the conclusion that we have millions of money which is not called for by any wants of the Government, and which we must give away to get rid of it.

Mr. W. said it would probably still be contended that so many of the bills to which he had referred would fail to pass and become laws that, after a deduction of the amounts appropriated by all which would pass, there would remain a large amount of money in the Treasury unappropriated. In reply to any such suggestions, he must call to the recollection of the Senate some other facts, directly and importantly affecting the moneys in the Treasury. There is a constant heavy balance of outstanding appropriations, which form a direct lien upon that money. The amount of these appropriations, on the 1st of January last, was, according to his present recollection, not less than seven millions, and probably at this moment cannot be less than five millions of dollars.

The three bills which have already passed, making appropriations to defray the expenses of the Indian war in Florida, have, taken together, appropriated but $1,620,000, while it is estimated that that war, if now terminated, will cost the Treasury full $5,000,000. Here, therefore, are at least $3,500,000, which will be wanted, and must be had during the current year, no part of which is embraced in any of the bills which have been mentioned.

After deducting all the bills upon the files of the two Houses which have been particularly named, eighty-eight in number, there will remain six hundred and eighty-seven bills, nearly all of which propose to appropriate money. Mr. W. said he would not attempt to estimate the amount, but all would admit that many of those bills were to pass, and that the amount of money which would be appropriated by those which should become laws would be large.

There was another very important item of probable appropriation which he was bound to notice in this place, but of which the rules of the Senate did not permit him at present to speak in so intelligible a manner as he could wish. He supposed, however, he might say he referred to certain Indian treaties now before this body, two of which, if confirmed by the Senate, as he believed they ought to be, and hoped they would be, would require payments from the Treasury of at least seven million dollars. The Senate would understand from this reference the particular subjects to which he alluded.

It seemed to be conceded by all that the great work of national defense in all its branches ought to command the peculiar attention of Congress during its present session. In the public bills to which he had referred very limited appropriations for any of these objects were proposed. In the bill proposing appropriations for the Navy nothing was embraced for an accelerated increase of our naval force, for the procuring of additional materials, the construction of additional ships of war, or the arming, equipping, and putting into actual service those now partially completed, beyond the ordinary annual appropriations for those objects. One bill, proposing to appropriate about two and a half millions for new fortifications, was the principal, if not the only extraordinary appropriation included under that head. There were not included any appropriations for the erection of new arsenals except in one single instance, or any appropriations for arms and ordnance beyond the ordinary appropriations for those objects.

He must ask the friends of the bill to look at these facts, at the public wants developed in their exhibition, and to compare the condition of the Treasury and its means—abundant as they choose to consider those means—with these public calls, and then to say how this bill is to be executed, and the public wants answered.

The balance in the Treasury, at the close of the first quarter of the present year, at the very highest estimate from the proper Department, was less than $32,000,000

We have then seen public appropriations recommended by the committees of Congress amounting to more than..... 27,500,000

Leaving a surplus at this time of less than.....$4,500,000

We then find nineteen public bills, which, if passed into laws, will require millions to carry them into execution; a regular amount of outstanding appropriations of from five to seven millions of dollars; the expenses of the Florida war not yet provided for, amounting to at least three and a half millions; the large number of six hundred and eighty-seven bills upon the files of the two Houses of Congress, not included in the above estimate of those bills, and almost all of them proposing appropriations of money; provisions for Indian treaties requiring, at the least, seven millions; the increased appropriations for the public defense beyond the partial ones made in the bills enumerated. Take, then, the bill before the Senate, which proposes to distribute the proceeds of the public lands from the commencement of the year 1833 onward. Those proceeds received into the Treasury up to the 30th of September, 1835, have been shown to be a very trifle short of $18,000,000. It is now ascertained by reports fom the Treasury Department, that the receipts into the Treasury from the lands for the last quarter of 1835, and the first quarter of the present year, will amount to full $10,000,000. Pass this bill, then, and see the effect. The money in the Treasury on the first of the present month was about.....$32,000,000

The money to be distributed under this bill, up to the same date, is about.. 28,000,000

Leaving on that day in the Treasury, to be applied to all the objects of appropriations which have been before examined, about.....$4,000,000

Mr. W. said we should be told here that the

revenues of the year were to be received, and would be applicable to, and sufficient for, these appropriations. How is the fact? The receipts for the first quarter of the year are included in the above balance of moneys in the Treasury on the first day of the present month. The revenue from the public lands, if this bill passes, is to be reserved for distribution, and is not applicable to any other appropriations. The means of the Treasury will then be the $4,000,000 remaining in it as above shown, and the revenue from customs for the last three quarters of the year. Suppose that revenue to equal the highest estimates of the friends of the bill, and to be $5,000,000 per quarter, or $15,000,000 for the last three quarters of 1836; we shall then have $19,000,000 for the service of the present year for all purposes, ordinary and extraordinary, a sum just about equal, or exceeding, by $1,000,000 only, the average ordinary expenses of the Government for the last two years. With what rapidity can the public defenses be prosecuted with a fund of $1,000,000 per annum?

Mr. W. said it would be asked, what shall be done with the large amount of money in the deposit banks, if this bill be not passed, and that money distributed to the States? For himself, he was ready to answer. He would appropriate for the wants of the Government, and especially for the public defenses of every description, and in every quarter, all that can be economically and profitably expended, and the balance, whatever it may be, he would invest in securities, the payment of which, with interest, is guarantied by some one of the States. In that way he would preserve whatever surplus revenue there may be for the present, and would not give it away until time had been allowed to complete the permanent defenses of the nation, and to see, from the practical operation of our present revenue laws, whether any surplus would remain after these heavy expenditures shall have been incurred.

Mr. W. said a very brief notice of two other suggestions should relieve the Senate from his very tedious remarks.

The first suggestion to which he referred was the probable effect upon the States of this Union of dividing to them the revenues of the national Treasury, from whatever source the revenue to be divided may have been derived. Our system is complex; and a full and independent preservation of all its parts is indispensable to its healthful action. The Federal Government is but the agent, the organ of the States—is constituted by them, and without their concurrence, countenance, and support, cannot exist. Still it is, for some purposes, superior to the governments of the States; and within its sphere, its action, if coming in collision with the action of the State governments, is to prevail. How important, then, that it should be the constant care and interest of the respective States to keep this Government most strictly within the sphere marked out and prescribed by the Constitution of the Union! And what will more strongly tend to change the feelings of the States—to put to sleep their watchfulness and care and jealousy of the powers of this Government, than to accustom them to depend upon its Treasury, or its taxing power, for the means of their support of their internal improvements, of their general education, and the like? He did not intend to express distrust of the patriotism of the States; he certainly did not feel any such distrust; but is there not danger, great danger, in this blending of Government interests between the nation and the States? Is there not danger that such a dispensation of the national treasure may make taxation popular? We must not forget that we are the representatives of the States—that their will is, or should be, the law for our government in our seats here. May not the distribution of millions from the National Treasury excite expectations of future bounty, which will induce the States to undertake works of internal improvement requiring years for their completion, and means far beyond those now in our Treasury to meet the expenditures? May not the anticipations thus excited of future dividends be disappointed, and the necessity be thus produced of raising additional revenues for the uses of the States, either by themselves or by us? In such a state of things where would taxation be likely to fall! Would the Legislatures of the States impose direct taxes upon their immediate constituents; or would they, much more probably, instruct their agents and representatives here to raise, by the indirect taxation within the power of this Government, the revenues the States require? May not a condition of things of this description render taxation here popular at home, and thus convert the Government into a mere power to raise revenue for the expenditure of the State governments, until either the independence of the State governments is merged in their dependence upon the Federal Government for money, or until the unequal action of such a system shall break our bond of union, and thus destroy the power which oppresses one portion for the benefit of another portion of its common citizens, possessing a common right to its protecting care?

May there not be danger also that the institutions of this Government will be suffered to languish; that the proper appropriations for their support will be withheld; that the Army will be neglected; the Navy destroyed; the fortifications discontinued; and even the civil and judicial departments be insufficiently sustained—that the fund to be distributed may be enlarged?

Mr. W. said he must say he felt great danger in this view of the action of this bill. His apprehension arose from no ungenerous distrust of the patriotism of the States, but from a full and perfect knowledge that our local interests in the different sections of the Union conflict with each other, and that no system of taxation which can or will be adopted for purposes such as he had indicated will act equally upon all the States.

The other suggestion (Mr. W. said) which he proposed to make was in relation to that provision of the bill which declares that the distribution under it to the States shall cease in case the country shall be involved in a foreign war. It was worthy of remark, preliminarily, that this provision excluded those wars to which we were more peculiarly and constantly exposed—the wars with the Indians within the limits of the States and upon our borders. Whatever may be the expenses of those wars in future, the distribution provided for is to continue, and the expenses of such wars are to be charged upon revenues to be derived from sources other than the public lands. What would be the effect of this provision upon the States in case just cause of war with a foreign Power should arise? Would it be the expression of an unjust suspicion of their patriotism to say that they would find in the action of this bill a direct temptation to resist any such war? It was most apparent that war must at all times embarrass the commerce and business of the people of the States; and if, in addition to these objections to a state of war, their dividends from the national Treasury, rendered more necessary in time of war, were to be suspended by the occurrence of war, was it wrong to suppose that this principle of distribution, accompanied by such a condition, might induce them to resist a declaration of war, even at the hazard of the interest and the honor of the nation? Mr. W. said he feared the action of the bill in this respect; and if the distribution must take place, he would prefer that this condition should not be retained, but that the whole subject should be left open for the future action of Congress, whenever any emergency shall arise calling for a change.

SERVICES OF VOLUNTEERS.

REMARKS OF HON. R. H. GILLET,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

April 21, 1836,

In Committee of the Whole on the state of the Union on the bill authorizing the President to accept the services of Volunteers.

Mr. GILLET said:

Mr. CHAIRMAN: The bill now before the committee is one authorizing the President of the United States to accept the services of volunteers. To this bill has been offered an amendment, directing the raising and organizing one additional regiment of dragoons or mounted riflemen. To this amendment Mr. G. said he would offer a modification, requiring them to be raised only in case the President should deem them necessary to defend the country. Mr. G. said he had offered the amendment with the view of rendering the bill as acceptable to all sides of the House as possible. He presumed that all would assent to the proposition that the present Executive was fully competent to understand all indications of hostility, and would, when necessary, promptly act, as the interests of the frontier should require.

Here Mr. ASHLEY accepted the proposed amendment as a modification of his own.

Mr. G continued. He said he was happy to learn that the amendment was acceptable to that gentleman.

The course of the discussion has been such that he felt it to be his duty to make some remarks on this subject. He should do so, though he had made no preparation for that purpose.

The bill as now amended, as he understood it, authorizes the President to accept volunteers for a period not less than twelve months, for the purpose of defending our frontiers, and those sections of country still occupied by Indians. It is limited in its operation to two years. An amendment had been offered by the gentleman from Missouri, [Mr. ASHLEY,] which proposes to add to our present military force one regiment of dragoons or mounted riflemen. The period of service of the proposed regiment, of course, would be not to exceed three years, as provided in the act to which the amendment refers. The immediate question before the House was on the amendment; but he would proceed to discuss both the bill and amendment—both being open for discussion.

Four questions arise:

First. Is there a probable necessity of an additional regiment for three years?

Second. If there is such a necessity, what description of force is best adapted to the service required?

Third. Is there any probability that a further force may be necessary within two years?

Fourth. If there is any such probability, for how long a period ought volunteers to be received?

The last returns of the Army show that we now have seven regiments of infantry, with four hundred and twenty privates each, four of artillery, with three hundred and seventy-eight privates each, and one regiment of dragoons containing six hundred privates, making an aggregate of five thousand and fifty-two privates. Of this number four hundred and thirteen were on the sick list, and three hundred and twenty-six in arrest or confinement. These two classes alone diminish the number on duty seven hundred and thirty-nine. Other causes doubtless add to the number of those who are not performing duty. It may be safely said that not more than four fifths of our Army can be relied upon as ready and fit for actual service. When undergoing the fatigues and hardships of a campaign in a wilderness country, the proportion of effective men will be greatly diminished. The returns show this small force scattered at fifty-three different posts, and, with a single exception, not one post has two hundred privates. They are scattered from Maine to Mexico, and from Louisiana to the lakes. It is true that at this moment a portion of our Army is concentrated at Florida, but he spoke of its ordinary position. Yes, sir, we have in the very heart of our southern country an Indian power which we have not been able for months to subdue, though we have sent there all the force which we could well bring together at that point.

How much force may still be needed to subdue these Indians, and protect the country, cannot now be known. We cannot be blind to passing events at the West. The war-belt is going the rounds from Florida to the upper Mississippi. The Indians exhibit symptoms of restlessness, and even hostilities. There are now on our western borders some thirty or forty thousand

warriors, and some of them entertaining strong feelings of hostility towards us. Many of these are armed after our own example. By the last returns, the whole force under General Gaines, who commands the western division, amounted to only one thousand nine hundred and ninety-five privates present and fit for duty. Of General Scott's force, only three hundred and three privates fit for duty were in Michigan and Wisconsin, and these were at six different places. General Gaines's force was at twenty-two different places. This small force cannot, in any reasonable period of time, be concentrated at any one point; and if it could, it would be too small to resist such an Indian force as could any day be assembled. But our safety will not permit an abandonment of the present posts. Even the force at them is generally conceded to be too small to keep the Indians in awe. We had better increase than diminish the number of these posts. He understood that we were under a treaty obligation to protect some of the Indians that we had induced to go to the West, against aggressions from their present neighbors. If this is so, certainly a considerable new force is needed for that service. Our frontier force is needed, not so much for fighting as to keep the Indians in check, and *preventing* actual hostilities. Our authority will not be respected, unless we exhibit before them a power which can chastise them into obedience. They will never attack them when they are fully persuaded that instant punishment will ensue. These considerations induced him to believe that a regular force, for at least three years, was actually necessary and proper, to guard the western and northwestern frontier. He should therefore sustain the proposition to raise the contemplated regiment.

This brought him to consider what description of force was best adapted to the service required. Some were of the opinion that mounted men were best, while others gave preference to infantry or riflemen. In choosing between these corps, we must consider the nature of the duties that are required, and the place where they are to be performed. We do not need the same in attacking a fort that we do in scouring a wilderness; nor do we require the same to range a prairie that we do to traverse the thick underwooded forests of the North. Where he resided, dragoons or mounted riflemen could accomplish but little in the wilderness. There riflemen and infantry alone can traverse the forests, and find the Indian in its dark recesses. Not so at the West. Many of the tribes are mounted on fleet horses, and all move with a celerity hardly expected of any other force than mounted men. No armed men but dragoons or mounted riflemen can ever overtake and punish them. Often the very safety of our men depends upon the rapidity of their movements. You may at sunset be in hot pursuit, and near to your enemy, who is moving west; and if he is mounted, he may soon approach with suddenness and rapidity, and attack you from the east. During the dry season of autumn and winter, it would be easy for such a foe to hem in a force on foot, amid the fires of the prairies. There is no way to oppose this Indian power, which is so certain of being successful, as to send mounted men, who can speedily change positions, and move from point to point as rapidly as their opponents. The tribes at the West, which we must protect from the hostilities of other tribes, are scattered over a large extent of country; and no military force could traverse that country and protect them as well as a mounted one. Indeed, none other could act efficiently. One objection had been urged against mounted men, which had but little weight with him: it was that this was the most expensive kind of force that could be employed. The great question should be, not what is the cheapest, but what force is best calculated to accomplish the object intended. He was well aware, from his own knowledge of these matters, that cavalry was the most expensive force that could be raised. But then he had entire confidence that it was so much more efficient and useful for the purposes intended, that it should be employed. He, however, fully believed we could accomplish the great purposes in view cheaper by employing dragoons or mounted riflemen, than by any other force. It may be necessary to go many hundred miles into the western wilderness in a single season. This can only be done by mounted men. The slow movements of men on foot will prevent their ever being able to make a display of our power to distant tribes to keep them in check. A small number of mounted men will be able to show themselves at many distant points in a single season. But infantry cannot do this. His belief was, that we should, for these reasons, employ mounted men; and he should prefer to see them armed with rifles or carbines of the recent construction.

One word more about the expense to be occasioned by the proposed mounted regiment. He desired to know if we were at this time to be deterred from protecting our frontiers on account of the expense? What do we hear every day? Are we not told that there is a perfect plethora in our Treasury, and that the moneys there must be distributed to the States to prevent their endangering—nay, ruining our institutions? He hoped, with such a state of things, the calls of our western brethren for the protection of their wives and children and their homes would not be disregarded, but that we should go far enough to calm the fears of the most timid. There is no doubt about the right to use the means in the Treasury for their defense and protection. We ought to use it economically, but freely. It was one of the purposes of our civil contract to secure protection to all. They should not only be made actually secure, but it should be so apparent that all would feel secure. It is a life of misery to doubt our security. We must also bear in mind that the fears of women and children are to be calmed only by those palpable measures which attract the attention of all. He but too well remembered the sufferings of many sections of country during the last war, occasioned by their being, not in dangerous, but doubtful positions. Those who believed themselves to be in danger suffered but little less than those who were actually so. The fears then excited by a civilized foe could bear but little comparison with those called forth in the West by a savage one, whose movements are sudden, and whose rule of warfare is to pounce upon their victims in the stillness of midnight, sparing neither age nor sex, making all the victims of savage and fiendish barbarity.

He had regretted that a sectional allusion had been made at all. It was unjust, coming from any quarter. He considered the protection of our fellow-citizens in all quarters of the Union from the tomahawk and scalping-knife to be a different matter from giving protection to one branch of industry to elevate it above others of equal consideration. He little wished to build up one interest at the expense of another, or to confer privileges upon one class of men not accorded to all others. But he did desire to protect our citizens against all aggressions and violence which might interfere with their lawful pursuit of happiness.

Our last war, Mr. G. believed, grew principally out of aggressions upon the commerce carried on by our Atlantic brethren, most of which was from the northern and eastern States. The wrongs then committed aroused the pride and honor of the nation, and we leaped, with a noble daring, without money in our Treasury, into a war costing many millions. He thought the west and interior States were as prompt to sustain that measure as any other portion of the Union. The West would not suffer by comparing her votes in those times with the votes from the East. He presumed they would not shrink from comparing their battles with those of any other portion of the Union. He did not wish to be understood as speaking disparagingly of the zeal and activity of any portion of the Union. His own State had shared gloriously in that conflict. But all he wished was to show that the West was for our country, our whole country, both here in this Hall, and on the battle-field.

Sir, at the last session we had our attention turned towards preparation for a conflict with France, growing out of claims of our Atlantic merchants of some forty years' standing. He appealed to the records of the votes on that occasion, to show who were ready to vote millions to put the Atlantic in a state of defense. He hoped now he should see his northern and eastern friends cheerfully vote to place the frontier in the most complete state of defense. Those local feelings, which measure out the means of defense only for their immediate neighborhood, are unworthy of an American bosom. He hoped to see them expunged and nullified. We are all American people, and all interested in the welfare of the whole; and when the West ask the means of protection for the frontier, he should place much confidence in what they asserted, and he in turn should expect the like confidence from them in what related to his section of country. He had no fears of their wishing an army to traverse the western wilderness for any other purpose than *bona fide* defense. Indian wars and Indian campaigns were not so inviting as to be sought for as a matter of pastime or patronage. He would here say, in justice to himself, that he was opposed to a standing army, beyond what was necessary to garrison our forts, and to protect the frontiers from savage aggressions. He would state, before he sat down, what was, in his judgment, necessary to be done, in order to keep our standing army at a low limit.

The same reasons which he had assigned for the additional regiment would, to a certain extent, apply to show the necessity of placing the volunteers at the command of the President. He would add, that the knowledge among the Indians of the existence of this force in a form to enable us immediately to chastise them would operate strongly to deter them from aggressions. If they are not needed these volunteers will cost us nothing; but if their services should be required they will be ready for immediate action. It was enough for him that those who understood this subject best, and who were to be protected, desired the existence of this force. He should cheerfully vote it. He would remark that it conferred no new power on the Executive, but it only changed the form of exercising it. By the present law he can, in case of hostilities, call upon any of the Governors of the several States for militia, as he shall deem expedient; but this bill proposed to allow him to receive volunteers. He thought this was right. But there is this difference between the present law and this bill. By the present law they can only be called out for the limited period of three months; but by this bill they may be accepted for a period not less than one year. He deemed this change an important one. It enabled us to retain our men for a full campaign, and long enough to accomplish any object which we should be likely to desire. They would leave home and enter the service, expecting to be absent for their full term. But the militia leave home unexpectedly and unprepared, and it is often much to their injury to be long absent. It is difficult to retain them sufficiently long in service to accomplish any valuable purpose at a distant point. Much of their time, too, is consumed in reaching the place where their services may be required. He was, therefore, decidedly in favor of the term of service being not less than one year.

He had arrived at the conclusion that both the bill and the amendment ought to be adopted. But suppose we do not pass either, and a cruel, merciless Indian war should break out before we assemble again, and lay waste and desolate the frontier; should we feel a consciousness of having done our duty, and would our constituents cheer us with approbation of our conduct? He thought, if the fears of the West were realized on this subject, that our own pillows would be pillows of thorns, and our own consciences would concur with our constituents in condemning our disregard of our solemn, but palpable duty. His constituents would desire him to do by the West as they would wish to be done by themselves, if placed in a similar situation. He was sure, if he should bring them a sixth of the whole Treasury, and tell them they could have it, but that it must be at the price of the lives of men, women, and children of the West, they would hurl it back in scorn; nay, they would place such an indelible stigma upon the bearer of such a proposition, that repentance and a long life of patriotism would hardly remove it. There were no such selfish, money-loving, and unpatriotic citizens

among his constituents. They love their whole country, and for themselves ask only that protection in their pursuit of honor and happiness which they desire to see enjoyed by every American.

He wished to caution gentlemen against those propositions which were insinuating themselves into favor through an artful appeal to avarice and cupidity, which shall sweep the public chest to the bottom, and weaken energies which we ought to cherish in full vigor.

It is worthy of the consideration of those whose local situation exposes them to Indian and foreign aggression, to reflect whether the means of defense may not be crippled or withheld by any change in our policy which shall make it the principal and all-important achievement of the representative to carry to his constituents the greatest possible sum from the Treasury; whether the public defenses have been provided for or not. Is there not danger, when the love of money is directly appealed to as the basis of action, that such an appeal will be more successful than that which shall ask protection? Is there no fear that the cry for succor from our frontiers may be unheeded by those who may have objects to accomplish by returning to their constituents with quite as much of the public treasure as their predecessors carried? When a State has been, for a long succession of years, receiving and using a certain amount from the national Treasury annually, and all her plans and arrangements are made with reference thereto, can it be expected that her representatives will easily be brought to conclude that they will be sustained, if they freely vote away for other objects so much as to defeat those plans? He much feared that such a change would chill the patriotic ardor and enthusiasm in the country, and cause us to quietly receive indignities which a love of money would prevent us from resenting, but which honor would require us to repel. Unless he was greatly mistaken, we have already suffered by the supposition that cupidity formed a stronger trait in our character than a love of honor. He thought it but too true that, on a recent occasion, France fell into the belief that we loved money better than honor. She was mistaken; but it is true we clamor so much about money, that it was a very natural mistake. He hoped that no system would ever be adopted in this country, the effects of which would be to render that real which they had imagined. There were other and many strong reasons which might be added on this subject; but they did not relate to the point which he was considering—the defense of the country. They would involve a discussion of constitutional principles, and questions of great national policy. On a proper occasion he hoped to have an opportunity of presenting his views on them. On the present occasion his object was only to call the attention of the House to the defense of the country.

He must avail himself of this opportunity, though not directly involved in this bill, of recurring to the main arm of our national defense, the militia. He had once this session brought this subject before the House; and he would here say that he hoped this House would never consent to adjourn until this great question was acted upon. Sir, the whole of our western border, States and Territories, including Florida, (if the returns to the Adjutant General are correct,) have in all hardly arms enough, if all were good, in the hands of the enrolled militia to arm a single regiment. If the proportion of poor arms among them is like that in many other quarters, there is not sufficient for that purpose. The militia system is so entirely prostrate in some of the States, that returns are not furnished to the proper officer showing the actual force enrolled. In ten western States and Territories, represented here by more than forty members, the returns show only twenty cannon in the hands of the militia. In truth, there are no means of defense there except men and true American hearts. Shall these things be continued? Are we to make no preparation for future defense, but rely upon a large standing army? The excuse for neglecting this subject once was that we had no means to enable us to act; but this excuse is no longer founded in truth. Nay, our greatest evils, if certain predictions are true, are to flow from our entire inability to use the means in our bloated Treasury. The course he had suggested would, to a certain extent, relieve us from these apprehended evils. A large sum would be needed for this purpose, but the benefits to be derived from it would be adequate protection of the country, and the relief of that portion of our citizens who now bear an unequal share of public burdens.

The power of Congress over this and all subjects connected with the defense of the country was undisputed, and there could be no apology for failing to put it in a good state of defense. On various questions, he differed with many gentlemen about the powers of Congress. But the same spirit which induced him to respect the opinions of those who thus differed with him, would doubtless induce them to extend to him the same liberality of feeling. A difference in our principles could never be rightly and truly charged as evidence of a want of kind feeling. He could respect those who differed with him in principle, but he could not extend that feeling to any one who attempted to excite and perpetuate sectional jealousies. If there were those who ought to be the scorn and contempt of all patriots and honest men, they certainly were those who sought power, or to accomplish purposes by an appeal to sectional feelings. Mr. G. said, let us go hand in hand in favor of all such measures as shall be commended to us by our judgments and our views of our constitutional powers, and when we arrive to the point at which we are compelled to separate, let us part like fellow-citizens, and not like embittered, rapacious, and merciless foes.

Mr. G. said he was sorry his colleague [Mr. GRANGER] had brought to the notice of the House the old question of removal of the Indians beyond the Mississippi. He had hoped that question had been quitted forever. If he had understood his colleague, he stated he had raised his voice against that measure.

Mr. GRANGER rose, and said his colleague had misunderstood him. He had not intended to say that he had raised his voice against that measure, but he had alluded to the fact that others had.

Mr. GILLET continued: He was happy to find that his colleague did not entertain the views that he supposed. If he now understood him correctly, he must consider him with the Administration on that question, as he had not raised his voice against that act. He was going to say that recent occurrences in Florida had made manifest the wisdom and propriety of the removal of the Indians. It was much easier to guard one line of frontier than a whole territory. The force now required in Florida would protect a large extent of frontier. But his colleague's explanation on this point had corrected his own understanding of his remarks, and rendered it unnecessary for him to pursue this subject.

He was very happy to hear a just compliment paid by that gentleman to the "hunters of Kentucky and riflemen of Tennessee." They had aided General Jackson in closing the war on the plains of New Orleans in a blaze of glory. He, however, thought there were other border States whose sons possessed a full share of patriotism and true American courage. Indeed, in making up an inventory of courage and patriotic zeal, he hoped other parts of the Union would not be forgotten. Compliments of this kind might well be considered as indications of a kind heart; and from that quarter they were very appropriate at this peculiarly interesting period.

Mr. G. said he would not detain the committee by going into many matters of deep interest connected with the public defense. On a future occasion he hoped to have an opportunity to examine the subject in all its aspects connected with the policy of the country. He hoped to see the glorious work of defending our country placed on elevated ground, worthy of free America. And now let us give an earnest of our intention by a prompt movement in favor of the rising West. Let us not permit an honest but misguided economy to lead others to the conclusion that we are powerless and inattentive to that quarter. Such a conclusion might again involve us in all the horrors of an Indian war. But let us act promptly, and avert the danger. Let us place our western brethren in such a state of security that they may quietly enjoy the bounty of Providence and the fruit of their own labors without the apprehension of danger.

SERVICES OF VOLUNTEERS.

REMARKS OF HON. JOHN REYNOLDS,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

April 22, 1836,

Made in Committee of the Whole House on a "bill authorizing the President of the United States to accept the service of Volunteers," and to which the Hon. Mr. ASHLEY, of Missouri, intimated he would offer an amendment to authorize the raising of one additional regiment of dragoons for the protection of the frontier. [The amendment was offered and adopted. The whole passed the House of Representatives.]

Mr. REYNOLDS said: I consider it my duty, occupying the station I do to the public, and, knowing, as I believe I do, the intention and disposition of the Indians on the northwestern frontier, to state to the committee that, judging from all the information I have received, the whole body of the Indians, with perhaps some exceptions, are not friendly disposed towards the United States. They are restless, and even some of them actually hostile to the Government.

I do not pretend to be more wise on this occasion than other persons who possess the same means of information, that I can relate it better, or that my relation of it will have any greater influence than if it proceeded from any other individual. But that such is the true disposition and feelings of the great mass of the Indians on the northwestern frontier, I have little or no doubt.

It will be recollected by the committee that the Indians had been removed in great crowds and bodies to the West; the various tribes were located near each other; so that the Indian population may be considered as dense, and even crowding on each other, as well as on the white population of the frontiers.

This crowded Indian population rendered their subsistence by hunting very precarious and difficult. In many places the hunting is not good, and the Indians in fact suffer with hunger.

This is one great reason, and a very *reasonable reason*, that they should be dissatisfied with their present situation and location, and cause them to be unfriendly to the Government.

One other reason is that they are induced to leave a country where they have been comparatively happy. Before the whites came among them they had the finest and the fairest portion of the Union in their possession. The hunting and fishing supplied them with abundance of support; and the peltry which they sold enabled them to purchase various articles necessary to their comfort. They have now a sad reverse of fortune visited on them. They say, furthermore, that they have been compelled to leave the *homes* and *bones of their fathers*, and locate themselves in a country not of their own choice, and not adapted to their wants.

These Indians, living under this pressure of heavy burdens and miseries, have become almost desperate, and are disposed to commence hostilities without much hesitation. They do not know that it was the most wise and humane act of the Government, in order to preserve them from entire destruction and annihilation, to remove them from the white population.

It will be found to be true in principle and in practice that two classes of human beings, whose habits, modes of living, and everything are so dissimilar as those of the Indians and whites, cannot exist together in *peace* and harmony.

It was the necessary and inevitable consequence of the advance of the white population to remove the Indians. This policy is just and proper, as well as humane, on the part of the Government. The cost of their removal, and the expense of a mounted force to preserve peace among them, are

nothing in comparison to the duty the Government owes them to preserve them, and render their situation as happy as the circumstances of the case will permit.

In order to keep them in check and subordination, it will be necessary to make a demonstration of military force among them. It is well known to this committee they know and care very little about the great force of the United States, as that force is at such great distance from them; and when the strength of the Government is told to them, they do not, in all cases, believe it. They, the Indians, therefore, do not know the situation they are in, and will act under mistaken views of their situation to their own ruin and destruction.

It is necessary to the peace, quiet, and happiness of the Indians themselves, that they should be kept in proper subjection. It would not be proper to use any unnecessary degree of rigor towards these unfortunate human beings. Any cruelty imposed on them would be promptly resented by the American people, and by this committee. Yet, on the other hand, it will not be good policy to permit them to *believe* they are on an equal standing with us as to strength and numbers. At any time, should they believe they have an equal chance in war with us, we will see our frontiers laid waste, and murder and massacre visited on all classes of our citizens within their reach. I assure this committee there is no good feeling in the breasts of the Indians towards us—we cannot expect it. Therefore we must keep them in *fear*, or else we have a war with them.

During the Indian disturbance in 1832, in the State of Illinois, I became acquainted with many of the officers of the American Army. I witnessed their march and movements in the campaigns of that year. I saw that both officers and soldiers were efficient, and had reached that degree of perfection in the military art which an army in the situation of ours could attain. Yet, with all this perfection and efficiency, in the regular mode of warfare, they are not formidable and efficient to an Indian enemy; they are, in fact, almost useless in a struggle with the Indians.

The northwestern frontier is generally an open prairie country, such that a regular infantry army cannot compel the Indians to come to battle. The Indians, with the greatest ease, can escape from the pursuit of such forces, and will not make an attack until they have clearly and decidedly the advantage. They are mostly mounted on ponies that are as manageable in a fight as the Indian warrior himself. They can, while on horseback, going faster than a full gallop, load and discharge their guns at their enemy; and even on foot they are much more expert than a soldier of the regular Army.

The artillery, that are the common attendants of a regular army, are useless incumbrances in the pursuit of an Indian enemy in the northwest. A cannon, which must of necessity be conveyed in a *slow march* with an army, may, in some rare cases, answer a good purpose against an Indian enemy, but it serves oftener for the laughter and ridicule of such enemy, than for his annoyance.

An efficient *mounted* force is alone competent and formidable to the Indians in the Northwest. We then meet them in their own manner; we are then on an equal standing with them, and in no other way can we act with them so as to strike terror into them, and keep them in proper subjection.

I will support the amendment which the gentleman [Mr. ASHLEY, of Missouri] intends to make, to raise another regiment of dragoons, equal in strength, and in all respects, to the regiment now in service. This regiment, or perhaps more than one, will be necessary to preserve peace and quiet between the Indians and whites on the frontiers.

If the committee will reflect on the extent of frontier to protect, it will be necessary to have one, at least, additional regiment of dragoons raised for this service. Our frontiers, with their Indian tribes, will extend from Detroit or Michillimackinac, around the settled parts of the United States, to the Gulf of Mexico, a distance of more than two thousand miles, by the windings of the settlements on the frontiers.

I would respectfully ask the committee if *one* regiment, no matter how efficient it would be, and even commanded by a Dodge, who is acknowledged by all to be an able and excellent officer, could guard and protect this frontier? They would not be able to make a demonstration of their force without action, to all the Indians surrounding this extended border. It is quite out of the power of any *one* regiment of mounted men to secure the peace and quiet of the country on all this frontier. There is, in many sections of the frontier, dissatisfaction expressed by the Indians. In the territory south of the Wisconsin river, the Winnebago Indians have returned to the lands they ceded to the United States, and agreed to abandon. Their return to the ceded country has given the citizens some uneasiness, which may terminate in bloodshed, if not prevented by an efficient mounted force stationed in the country. There may be other portions of the frontier in danger, to an equal degree.

If the committee are influenced by the dictates of that *humanity* which is so justifiably evinced for the Indians, on many occasions, they will sustain this measure. This policy is as much for the protection of the Indian as the white man. It is calculated to secure that peace and tranquillity between the Indians and whites, which the Indians are disposed to break on all occasions, when they can effect it with impunity.

They are ignorant and uninformed as to the strength of the United States. Not many of them have ever traveled over the several States; and they know little or nothing about the force and strength of the General Government, except from rumor, which very often they do not believe for a moment. They have no means of correct information. They often hear contradictory statements of the strength and disposition of the United States towards them, and sometimes direct false statements are made to them, to deceive them, for some base purpose.

It will be readily perceived that it is not strange they know but little of the strength and power of the United States, and of course are not in fear of it. But when an efficient mounted force is exhibited to their *senses*, and in a situation to act efficiently and powerfully on them, if necessary, they then, and not before, know their situation and inferiority, and will remain peaceable and quiet accordingly.

Some gentlemen think it is of vast importance to *limit* the number of troops whom the President is authorized to accept on the *emergency* of the occasion. It is not much difference what the provision contained in the bill is as to the number of the volunteers to be received by the President. The proper number would be always found in the West to answer all emergencies.

Mr. Chairman, you cannot keep back the brave sons of the West whenever there is a necessity for their military services in the defense of their country. There are no *paper* laws on this subject that will suppress the patriotism that burns in the breast of a western man, when his country is invaded by an Indian or other foe. The cold and heartless calculation of dollars and cents is not indulged in when the savages are about to wreak their vengeance on the weak and defenseless part of the community. The nice and mathematical calculation as to the number of volunteers that is to be employed in the service is not indulged in when the country is overrun by an enemy, whose mode of warfare is the murder and massacre of innocent women and children. On all such emergencies the western people rise *en masse*, in numbers sufficient for the occasion, and never fail to chastise the enemy. This they do without a consultation with the President. The distance is generally so great from the seat of Government, that a delay would be fatal. It is idle and ridiculous to witness the burning of houses and the murder of the citizens, and wait a month or more to receive orders from the President what to do. Is there any member of this committee that would quietly wait on such occasions, and count over the *precise* number of volunteers the President ought to accept in service?

The nature of the transaction, the crisis, and emergency of the occasion forbid the idea of delay. Delay, as I before said, would be fatal.

Therefore I consider that part of the bill that provides for the number of volunteers to be accepted by the President as almost nugatory. The amendment that goes to raise an additional regiment of dragoons is important, and necessary for the defense and protection of the country.

If something be not done on the subject we may witness again, as we did in 1832 on the western frontier, the massacre of women and children, and the war-whoop of the savage extended all along our border.

One single regiment properly stationed in Florida might have prevented the Indian war in that country, and saved many lives and much treasure.

To prevent the calamities of an Indian war, and to preserve also the lives of the Indians, this bill, with the amendment proposed by the gentleman from Missouri, [Mr. ASHLEY,] and other preventive measures, ought immediately to be adopted.

LAND DISTRIBUTION BILL.

REMARKS OF HON. RATLIFF BOON,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

May 9, 1836.

The subject under debate being the resolutions of the Kentucky Legislature on the public lands, and the motion of Mr. WILLIAMS, to refer the said resolutions to the Committee of Ways and Means, with instructions to report a bill providing for the distribution of the proceeds of the sales of the public lands among the several States of the Union.

Mr. TOUCEY having yielded the floor—

Mr. BOON rose and addressed the House, as follows:

Mr. SPEAKER: It has become so much a custom in debate on this floor, for gentlemen, who are distinguished for learning and talents, to speak upon all or any other subjects except the immediate subject-matter under consideration, as to induce me to entertain a hope that I, as a plain and unpretending farmer and backwoodsman, will not be considered out of order should I, in the course of my remarks on the present occasion, chance to make a small digression from the main subject now under consideration.

The few remarks which I am about to submit will be made with a view to off-set some of the remarks which were made by the gentleman from Kentucky, [Mr. C. ALLAN,] who first addressed this House in support of the resolutions of the Kentucky Legislature in favor of the principles which are contained in Mr. Clay's land bill. The gentleman from Kentucky, after having congratulated himself and the country upon being able, as he said, after "three months of worse than useless debate," to approach the great and important subject of distributing the proceeds of the public lands among the several States of this Union, then left the subject under consideration, and entered warmly into the subject of *party* politics by first reading numerous extracts from public documents, and copies of private letters said to have been written by General Jackson long before he had been spoken of as a candidate for the Presidency, in order to prove that General Jackson, while administering the Government, had not acted upon the same principles that he had recommended to his predecessor, James Monroe.

Now, Mr. Speaker, who that knows anything concerning the state of the political atmosphere and the state of parties under Mr. Monroe's administration does not know that there was then a perfect *calm* in politics, and that all parties gave to his administration a fair, just, and liberal support? During the eight years of Mr. Monroe's administration there existed no political *factions*, headed and led on by reckless political leaders, as has been the case ever since General Jackson was first inaugurated into office.

Just before the close of Mr. Monroe's administration the country was divided into *four* parties in politics, to wit: a Clay party, a Crawford party, a

Jackson party, and an Adams party. After the memorable election of President by Congress in 1825, there were but *two* parties in politics—an Adams and Clay party, called "*National Republicans*," and a Jackson party composed of the *Democracy* of the country. And under these names and political leaders the war was carried on until after the election of President in 1832, when the country, led on by a set of ambitious political demagogues, again became divided into numerous parties or factions professing to entertain entirely different principles, but, at the same time, united all their energies in opposing the measures of the present Administration.

Mr. Speaker, we have heard much complaint from those opposed to the present Administration about *proscription* for "opinion's sake." Sir, at what period in our political history was the work of "*proscription for opinion's sake*" carried on with more virulence than it has been by the modern "Whig" party, from the commencement of the late Administration down to the present period? Sir, I well recollect that Mr. Clay, a prominent leader of the "*Whig*" party in politics, while acting as Secretary of State during the *misrule* of the late Administration, held the doctrine that it would not do to give to *his* political enemies sticks to break his own head with—and acting upon this principle, I believe, that the publication of the laws of Congress was transferred from all Jackson newspapers to those which were then in the support of the Administration, or to such newspapers as could be purchased up by the patronage of the Government!

I could here relate a good anecdote touching a *proscribed* editor of a public newspaper in the district formerly represented by myself in Congress, during Mr. Clay's administration of the State Department, but I am not disposed to trouble the House with the whole story. I will only say that *Elihu Stout*, editor of the Western Sun, at Vincennes, in the State of Indiana, was *proscribed* by Mr. Clay, because the editor of the Sun was an *uncompromising* Jackson man. I well recollect, too, that, under the late Administration, the first questions asked of an individual who became a candidate for office was, "*Is he in favor of the present Administration?*" If not, he was *proscribed* through the ballot-boxes; and so it is at the present day. "*Whig*" *conventions* and public meetings are recommended, and are being held in every State in the Union, for the grand purpose of *organizing* the whole "Whig" force in one common cause of political warfare; and the friends of General Jackson, Martin Van Buren, and Richard M. Johnson, are to be *proscribed for* "*opinion sake*" by those very individuals who are so loud in their complaints against others for what they themselves are in the daily habit of performing. Surely, Mr. Speaker, our "Whig" neighbors must place a poor estimate indeed upon the good sense of the people of this country, if they really believe that the people are so very ignorant as not to see through and to understand all the hollow deception which is now being played off by the modern "Whigs." The people fully understand the subject, and will treat it as it deserves to be treated by independent freemen.

I have before said, Mr. Speaker, that, after the presidential election in 1825, all the parties in politics were reduced to *two* parties; that is, a party *in* power, and a party *out* of power. And so it is at the present time. Now that there is another presidential election close at hand, all the political factions are arrayed under the banner of the new-born *Whigs* of 1834, in opposition to the nominees of the Baltimore convention for President and Vice President; and those who compose the Jackson party are denounced by the new-born *Whigs* as "*collar dogs.*"

Mr. Speaker, for myself, I am proud of the title thus conferred by the Whigs of 1834. Dogs wearing the collar of their master are generally considered to be a superior class of dogs, having the entire confidence of their masters. Sir, I am a *party* man, and one of the true collar dogs, (so called by the modern "Whigs,") and am proud to wear the collar of such a man as Andrew Jackson, whose collar is the collar of *Democracy*. The charge that the Jackson party are *proscriptive* in their feelings and actions is utterly without foundation in *fact*. The Democratic State of Indiana has given her vote on three several occasions to the present Chief Magistrate, and yet there has never been a Jackson majority in her State Legislature, nor has she ever elected a Jackson Governor.

I have said thus much, Mr. Speaker, in reference to party politics, and now to the subject under consideration. My first object will be to show that, in truth and in fact, there is no *surplus* revenue in the Treasury to distribute. Bills have been reported by the two Houses of Congress, during the present session, appropriating upwards of $27,000,000, and treaties are now in progress with certain Indian tribes which will require $6,500,000 more, making up the sum of upwards of $33,000,000, while the revenue on hand on the first of April was only $31,000,995; so that all the ado about the vast amount of *surplus* revenue is a mere political *humbug*, gotten up for political effect. This subject of distributing the proceeds of the public lands among the several States was introduced just before the last Presidential election, and now that another election of President is near at hand, this subject is again revived and pressed with great zeal, and the avarice of the people is appealed to from the halls of Congress with a view to influence them in favor of the measure.

Mr. Speaker, let the people of this country once become satisfied that they are taxed over and above an amount which may be necessary for the ordinary expenses of the Government, and they will tell you to keep the fingers of your tax-gatherers out of their pockets, and leave them to apply their own money as they may think proper. Sir, let the question be made before the people, by candidates for office, the one declaring himself to be in favor of taxing the people, for the purpose of raising a large *surplus* fund, to be distributed among the *States* of this Union, and the other one declaring himself opposed to the measure, and it will require no political prophet to foretell the decision that would be made by the people. Sir, I should like to be opposed upon this principle before the people of the first congressional district of Indiana, or before the people of the whole State. The people are *humbugged* by telling them of the hundreds of thousands of dollars they would receive by a distribution of surplus revenue, all of which has been taken from the pockets of the dear people by a system of taxation not called for, for the "general welfare of the United States."

Why, I ask, are the public lands selected as the particular item of revenue to be distributed out among the several States? Should the present system of disposing of the public lands be continued, it will not be long before all the most valuable portion of the public lands will fall into the hands of rich speculators, who will have the power of preventing settlement from being made in the new States, and thereby prevent many poor but honest citizens from obtaining a home for themselves and their families. Sir, it should be the object of the Government to have the western wilds settled and cultivated. Let the public land be reduced in price, and sold to none but *actual settlers* thereon, and then the new States would grow in wealth and enterprise, and would soon become able to make their own internal improvements without the aid of the General Government.

Mr. Speaker, I might detain the House longer; but as speeches are not made so much with a view to enlighten members of Congress as to operate upon the country, I will conclude my remarks; and in *writing* out my speech, I will endeavor to correct some of the many blunders which I have made in speaking.

EXPLORING EXPEDITION.

SPEECH OF HON. T. L. HAMER,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

May 9, 1836,

On the appropriation for a Surveying and Exploring Expedition to the South Seas.

Mr. HAMER said he concurred, to a great extent, in the views of the gentleman from Virginia, [Mr. PATTON,] who had just taken his seat. He was of opinion, and had so expressed himself the other day when this subject was before the House, that each department of the Government ought to act independently, and upon its own responsibility. Each branch, whether legislative, executive, or judicial, ought to manfully meet and settle every question presented to it, without attempting to shrink from its duty, or to shift responsibility from its own shoulders upon any other department. The Senate had thus acted in reference to this subject; whilst the amendment now proposed by the Committee on Naval Affairs of this House referred the whole question to the discretion of the President of the United States. He had as much confidence in the wisdom, intelligence, and patriotism of the Chief Magistrate, as any gentleman; but he thought we ought to decide this question ourselves. He, therefore, preferred the original amendment of the Senate to the modification of our committee. He had, however, conversed with several friends of the appropriation, who seemed inclined to acquiesce in the present amendment, and he should so far yield to their wishes, as not to interpose any strenuous opposition to the views of the Naval Committee. If a majority of the House were disposed to adopt it in this shape, he would not insist upon the original proposition.

He was the more inclined to yield to this amendment, because he believed the effect would be precisely the same. The expedition would be sent out under either provision. The last seven years had shown, that under no previous Administration had maritime interests been more kindly cherished and thoroughly protected than they had been under the care of the enlightened and patriotic Chief who now presided over the Executive Department of our Government. He, who had been always alive to the interest and honor of his country, would be neither insensible to the advantages of this expedition, nor slow in the execution of a trust reposed in his discretion.

This measure had been objected to as novel and extraordinary in its character. Gentlemen had not examined the subject (he thought) who made these objections. Almost every nation in Europe had, at one time or other, sent out similar expeditions. France, England, Russia, and Prussia, as well as several of the secondary nations of Europe, had authorized such expeditions. He would go no further back than the voyage of Christopher Columbus, who had three hundred years ago discovered a new world, and conferred such important benefits upon the whole human race. His was by no means the first voyage of the kind; but from that day down to the present, similar expeditions for discovery, exploration, and survey, both by sea and land, had been set on foot by the civilized nations of the Old World, and had, in almost every instance, resulted most beneficially, not only to the authors, but to the whole family of nations. The information thus acquired was thrown into the common stock. It was published for the benefit of all; and no nation was more ready to seize upon the results of these discoveries and turn them to its own advantage than ourselves. It was known to every man who had examined the subject, that our mariners were navigating the ocean, almost exclusively, by the aid of charts furnished us by foreigners. The immense amount of wealth daily flowing into our country from foreign commerce owed its security, amidst the dangers of the great deep, to the information we had derived from the explorations and surveys made by others in former times, as well as in the present age. The expedition is not novel, therefore, nor is it at all extraordinary.

It had been pronounced a visionary project, and one gentleman had compared it to an expedition to the moon. He was surprised to hear gentlemen indulge in the use of such language. They surely had misapprehended the meaning of the term "exploration," as used upon this occasion. The expedition, so far from being visionary, was one of the most practical kind that could well be imagined. It was sent out, not so much to discover new islands and continents, as to explore and examine those which were already known. It was, in a great measure, to collect information and embody it in such a form as would enable our

hardy and enterprising countrymen to navigate those seas and to prosecute their labors in safety. If any gentleman, who entertained such opinions, would look into the documents upon our tables, connected with the subject, he would be convinced that it was one of the most practical affairs that had been proposed during the present session of Congress. It had been asked for by practical men, and recommended by many who had themselves sailed in those seas, and were personally acquainted with the imminent perils which had to be encountered in such voyages. These men were not likely to be carried away by wild and visionary schemes; and when the measure had their decided approbation, it would be well for gentlemen to pause before they gave it an unqualified denunciation.

Some gentlemen seemed to question our constitutional authority to send out this expedition. He had no doubts upon that subject. The power was to be found in that clause of the Constitution which allows us to regulate commerce with foreign nations and among the several States. It was under that clause of the Constitution, he said, that we now had Mr. Hasler, with his splendid apparatus and scientific *corps*, engaged in surveying the whole maritime coast of the nation. No one doubted our authority to do this; and the most important and useful results were likely to follow the surveys. Among others, he would name the recent discovery of a channel at the city of New York, about two feet deeper than any one known to the oldest inhabitants, or to the most experienced and skillful pilots upon that coast. It was under this clause of the Constitution those surveys were progressing; and if we had a right to survey and note upon charts the channels, the rocks, quicksands, and islands along our own coast, because our vessels were engaged in navigation among these dangers, why could we not make similar examinations, with the same object, in any seas which were frequented by our vessels? In principle, there was no difference. The safety of our commerce was the object in each case; and the mode of affording that safety was not varied.

We had never sent out such an expedition upon the ocean; although our public vessels were instructed to collect all such commercial information as might fall within the range of their observation, and to preserve it for the public benefit. But we had had several such by land to the great interior of this continent. Every gentleman would recollect the expedition of Lewis and Clark to the Rocky Mountains. What was the object of that expedition? It was to acquire information with regard to an unknown region of country; to open an intercourse with the natives; to ascertain the natural resources of the country; and to promote the interests of science. By reference to the instructions which were drawn up by Mr. Jefferson himself, it would be seen that they were to notice the soil and face of the country; its vegetable productions, especially those unknown in the United States; and the present races of animals, as well as remains or accounts of those supposed to be extinct, were deemed worthy of observation. The mineral productions of every kind were to be noted; limestone, coal, saltpeter, salines, and mineral waters, remarking the temperature and character of the latter, were all commended to their notice. To these were added volcanic appearances, climate, and the proportions of clear and cloudy weather; rain, hail, snow, ice, and frost, at different seasons; particular birds, reptiles, and insects; and the latitude and longitude of important places.

They were further instructed to hold intercourse with the natives, and to impress them with the position, extent, character, peaceable and commercial dispositions of the United States, and of our inclination to hold friendly intercourse with them.

Such were the directions given by that great and good man, Thomas Jefferson. The expedition which he sent out was exactly such a one as we now propose to send; except that one went into a wilderness almost entirely unknown to our people, and the other was to go into seas that were partially known to them, it is true, but whose rocks and reefs were not known, either to our navigators, or to those of any other nation. The instructions to Long, in 1822, were similar to those given to Lewis and Clark. Indeed, Mr. Monroe refers to the instructions given to them, and directs Major Long to be governed by them in his tour. The expedition of Mr. Featherstonhaugh, the geologist, sent out to Arkansas during the last year by our Government, was instituted for similar purposes.

The practice of the Government had therefore given a construction to the Constitution, such as we now claimed for it. The right to make these explorations, both by sea and land, had been claimed and exercised, in numerous instances, and the authority to make them could not well be doubted. At this moment, whilst we were discussing the question, Mr. Hasler was executing charts from the materials he had collected along our coast during the past summer; and it would be a most singular position to assume, that, although we could require him to survey and note all the reefs and islands within sight, or within one hundred miles of our coast, because the commerce of the country was carried on through this space, yet we could not send him, for the same purpose, to another part of the ocean, equally occupied by the public armed and private merchant vessels of the United States. The ocean was the common property of all nations; and each had an equal right to navigate its waters. Every part of the ocean was within our jurisdiction; and we had the same authority to make surveys in the south seas that we had to make them along our own coast. Wherever the commerce of the country now exists, or is likely to be extended, we have the right to send protection and information. It is for these purposes that we annually send vessels and squadrons into the Mediterranean and other seas, bearing the national colors, and demanding national respect. How, then, could a distinction be drawn between this case and one which limits the surveys to our own shores? Such a position was wholly indefensible; and he would dismiss this branch of the subject without any further remarks.

If we had the power, then, to send out the expedition, let us inquire if it be expedient to do so. Who is to be benefited by it? What portion of the country desires it? If the interest of any considerable class of individuals require it, or if it be necessary to any considerable portion of our common country, having the power and the means to accomplish it, we ought to do it without hesitation. We owe protection to all classes of our citizens, and to every part of our country; and this protection should be afforded, not only freely and impartially, but it should be extended to each one, according to his own peculiar wants and condition.

He did not believe with some gentlemen, that one great object of an American statesman was to get as much money as possible out of the public Treasury, to be expended in his own region of country, or among his constituents. That principle would render our legislation little else than a pitiful scramble for the public money. On the contrary, he viewed this great Republic as one and indivisible. He did not look forward to a day when it would be split up into a number of confederacies, and, in anticipation of such an event, busy himself to get as much as possible of the common funds appropriated to his section of the country in advance. He held that no man, or set of men, could dissolve this Union. The great mass of the American people were devoted to it, and they would not permit its dissolution. He did most solemnly believe, that if it were dissolved to-day, in less than three months the people would have another constitution formed, and in full operation; and they would politically destroy any man or set of men who should attempt to prevent the reunion. The country was made to be united; the people felt it to be their interest to remain so; and he would repeat what he had before said, that this country was one and indivisible, and would remain so for generations to come, in spite of all the efforts of selfish, designing, or disaffected politicians to seduce the people from their allegiance, or to weaken the attachment they owed to their common country. Viewing things in this light, he had uniformly voted for whatever appeared to him to be required in any part of the country.

Appropriations often seemed to be of local character, and were so, in some respects; yet, when properly considered, they were of national character, and of general utility. Thus, a custom-house in Baltimore, New York, or Boston, belonged as much to him and his constituents as it did to the persons who resided in those cities, or to the gentlemen who represented them on that floor. They were necessary to aid in the collection of the revenue, which supported the Government; and they were placed at those particular points, because it was most convenient for the commercial community, and for the whole people, that they should be thus located. So of navy-yards, light-houses, forts, arsenals, dock-yards, and harbors. They were all national; they belonged to his constituents as much as to any one else; and he voted for their construction and improvement with the same cheerfulness and liberality that he voted for an appropriation to remove obstructions from the great rivers in the Mississippi valley, to improve the harbors upon the great inland seas of the northwest, or to fortify and defend the western and southwestern frontiers. When he voted for such appropriations for the Atlantic coast, he did not feel that he was making a donation to the States and cities on this side of the mountains; nor did he believe that any liberal-minded statesman along the sea-board thought, when he voted for expenditures beyond the mountains, that he was giving away money to the West. Such views were narrow and illiberal. The only true rule was, to give whatever the public interest required, at any and at every point, interior and exterior. There could, then, be no just cause of complaint; and the industry and enterprise of the people, aided by such appropriations, would produce general happiness and prosperity throughout all our borders.

Recurring, then, to the question propounded, what interest was it that required this expenditure? According to the best information he had been able to collect, the capital invested in the whale and seal fisheries alone, in those seas, amounted to some fifteen or twenty millions of dollars. The number of vessels was not less than four hundred, constituting one tenth of the whole tonnage of the United States. The number of seamen employed in this service was at least ten thousand. The annual value of the trade was probably six or eight millions, which was so much wealth extracted from the ocean by the enterprise of our people, and added to the common stock of the whole nation. This capital and these men deserve protection. The exposure is uncommonly great in these seas. They abound with shoals, rocks, and islands, not known to navigators, because they are not recorded upon any chart now in existence; whilst many of those which are marked are so incorrectly placed that they mislead the sailor, who suddenly finds himself shipwrecked in an unknown sea, far from the haunts of civilized man, and destined to become a prey to the cruel and remorseless savages who inhabit the islands, or to endure all the horrors of starvation upon some sterile rock which lifts its head above the surface of a boundless sea.

Such catastrophes were of frequent occurrence. The loss of property and life in those regions had been immense. Still it did not deter our people from their employments; they met every danger and encountered every peril in pursuit of the monsters of the deep; and it was hard, that whilst every other class of our population were protected by the Government, such men as these should be neglected. He trusted it would no longer be so. There was one point of view in which this subject deserved our most serious consideration. The fisheries were the great nurseries of American seamen; and when war overtakes us, these were the very men upon whom we must rely to fight our battles upon the ocean. They were as ready to brave the roar and carnage of an enemy's broadside, or to wield the boarding-pike under the star-spangled banner as they were to pursue their mighty game, amidst the dangers and perils of the great Pacific ocean. Whether we considered their condition in peace or in war, they were a most useful and meritorious part of our citizens, and deserved the favor

and protection of the Government. Our seamen who were engaged in the cod fisheries had long been protected by the bounties allowed them upon the exportation of the produce of their labors; but no such provision had ever been extended to these men. He saw no reason for such a distinction; but it was to be hoped they would at least be aided by an improved chart of the theater of their operations, and a demonstration of our power in those seas which would make an impression upon the savages favorable to the future security of our mariners.

Some gentlemen appeared to consider this an eastern measure. It was not so. The West had a deep interest in it. It was well known to all who resided in the great grain-growing States of the interior, that our principal difficulty was to find a market for the surplus productions of our fertile soil. Everything that could supply the wants of man, that constituted the necessaries of life, grew up almost spontaneously in the greatest abundance. But we had no market. We were continually racking our invention to find new and increased demands for our produce, and to open new avenues to the sea-board, so as to lessen the cost of transportation, and to increase competition among purchasers. This trade, which we now propose to foster, is daily increasing, and it furnishes a market already for a large amount of our surplus produce. This fleet of four hundred vessels could not go to sea without one hundred thousand barrels of flour; eighty or one hundred thousand barrels of pork and beef; forty or fifty thousand pieces of sail cloth; eight or ten thousand tons of cordage; besides large quantities of corn, beans, and various other articles necessary to a long voyage. Have the States bordering on the Ohio no interest in such a market as this? Does not Kentucky want a market for her hemp? Do not Ohio, Indiana, and Illinois, want purchasers for their flour, pork, beef, and corn, which they all produce in such abundance? Assuredly they do; and it is chiefly to the manufacturing and commercial States along the Atlantic that they must look for the consumption of their produce, especially in time of peace. It was for our interest, therefore, in a pecuniary point of view, as a mere question of dollars and cents, to foster this trade, and to enlarge its capacity to consume the productions of the farming class of the great Mississippi valley. This consideration seemed to present the national importance of the measure more clearly to the mind, and finely illustrated what must be apparent to every reflecting man, that we could not extend the aid of the Government in this country to any portion of the citizens, without producing some corresponding benefit to other, and often to very distant portions of our population.

The expedition would not only perform a most valuable service, by correcting the position upon the charts, of islands, reefs, and rocks, already known to exist; by discovering and noting others, of which we have no knowledge; but they would survey the coasts of the islands, and ascertain where there were harbors in which ships might find shelter from storms; points at which wood, water, and refreshments could be obtained by our vessels engaged in this trade. Besides these duties, they would open friendly conferences with the natives; they would succeed, perhaps, in rescuing a number of prisoners, who were now undoubtedly among these islanders, the remnants of crews who had been shipwrecked along their coasts. The rescue of a husband and father, and his restoration to his disconsolate family, would be worth half the expense of the expedition; and the remainder would be covered by the redemption of some unfortunate son from his savage masters, and his return to the arms of a widowed mother. We might also succeed in impressing these people with a correct idea of the friendly and pacific policy of our Government, our dispositions to hold amicable intercourse with them, and of our power and inclination to punish outrages committed upon our citizens.

In addition to the intelligent naval officers who would superintend the movement of the vessels, a scientific corps would accompany the expedition. The duties to be performed were various, complicated, and arduous, and the success of the expedition would require this organization. The labors of the naval officers would embrace everything essentially connected with their profession, an employment adequate to the highest intellectual efforts. To ascertain with accuracy the latitude and longitude of important places visited; to correct the position of reefs and islands upon the charts, and to give place to new ones; to explore harbors, and point out places for obtaining wood, water, and provisions; to make observations tending to throw new light upon the obscure laws which govern the magnet; to open an intercourse with the natives, and to cause our flag to be known and respected in those seas—these and other kindred duties requiring great prudence and capacity, with unusual skill and *professional* attainments, would furnish employment to the naval officers having charge of the squadron.

Upon the scientific corps other duties would devolve no less arduous and important. He could not descend to details. It was sufficient to say, that the whole field of natural philosophy and natural history lay open before them. No part of it should be neglected; for its objects entered largely into the elements of commerce, and had an acknowledged value among all civilized nations, and with all enlightened minds. The animal productions of those remote regions, whether inhabiting the land, the ocean, or the air, would require particular attention. The vegetable and mineral productions could not be overlooked. Every object connected with the present commerce, or calculated to open new channels for trade, would be journalized and preserved. The Executive should be able to speak of this corps in the language of President Monroe's instructions to Major Long: "Great confidence is re-'posed in the acquirements and zeal of the citizens 'who will accompany the expedition for scientific 'purposes; and a confident hope is entertained 'that their duties will be performed in such a 'manner as to add both to their own reputation 'and that of our country." The two corps thus selected and constituted, each filling its appropriate department, though blending and aiding each other in harmonious action, could not fail to acquire a mass of valuable information, calculated to enrich our commerce, to give new vigor to enterprise, to enlarge the boundaries of science, and to increase our national renown by an additional wreath of glory.

This led him to notice some remarks that fell from the gentleman from Kentucky [Mr. HAWES] in relation to an individual who had acted a prominent part with regard to this subject. He alluded to John N. Reynolds, who, at the request of the Committee on Commerce, and by permission of this House, had delivered an able and eloquent address here some weeks ago, in favor of the expedition. He did not believe the gentleman from Kentucky had heard the address. If he had, most, if not all, of his prejudices and objections would have been removed. Mr. H. said he had known Mr. Reynolds from his boyhood, and knew him well. He came from his neighborhood in Ohio, where he was educated, and studied the law. He was a man of as pure principles and fair character as any man upon that floor. His efforts in this cause had been wholly free from any selfish considerations; and in all he had done for the last seven or eight years to promote it, he had been actuated by those feelings of patriotism that should animate every American heart. He had no doubt, if the expedition were authorized, that Mr. Reynolds would be employed to accompany it; for he possessed more information with regard to those seas, and was every way better calculated to make the expedition what it ought to be, than any man within the circle of his acquaintance. He was in possession of all the facts which had been collected in reference to that portion of the globe, which was to be examined and explored, and he possessed the entire confidence of all who knew him. His writings had attracted the attention of men of letters in Europe, as well as in this country, and literary societies and institutions had conferred upon him some of the highest honors they had to bestow. Still this gentleman, who was an honor to Ohio, and to our whole country, might not accompany the expedition. But that fact would have no influence upon his course. Mr. H. was authorized to say that his zeal for the success of the measure, and for the interest of the expedition, would continue unabated, and whatever he could do to insure its properous termination would be cheerfully performed. Thus much he felt himself bound to say in defense of his friend, who, although the gentleman did not mean to assail him, might suffer in public estimation from the remarks which had been made, if they remained entirely unanswered.

What were the evidences of public opinion in favor of this expedition? In a Government like ours, public opinion was everything. It was proper that it should be so. Enlightened public opinion was always right; and it was a great moral lever which, in a good degree, now governed the civilized world; and the time was rapidly approaching when it would be completely triumphant in all the political movements that took place in this country.

This measure had been asked for by the whole commercial and navigating community, so far as they have expressed an opinion. The members of the Legislatures of eight different States have, within a few years past, recommended it to our favorable consideration: New York, New Jersey, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, and Ohio, had, in this manner, decided in its favor. Many of the commercial towns and cities had petitioned for it. The East India Marine society of Massachusetts, all of whose members, by the Constitution, must have personally doubled either Cape Horn or the Cape of Good Hope, had sent us a pressing memorial in its favor. This document was entitled to great weight. It came from gentlemen who had experience, combined with intelligence, upon this subject. They had personally seen and braved the dangers which everywhere meet the navigator who penetrates into the regions which it would be the business of this expedition to explore and describe. To their testimony might be added that of two of the most able and experienced commanders in the American navy, Commodore Downes and Captain Jones. Their letters were among the documents upon our tables. They were valuable for more purposes than one; they refuted the idea advanced by some, that our ordinary squadron sent out to the Pacific to protect the trade of our citizens, could accomplish all that was desirable. Speaking of this subject, Commodore Downes says:

"An expedition fitted out for the purpose of improving our knowledge of the hydrography of those seas, has often been the subject of my reflections. As the Representative of a district largely engaged in the whale fishery, you, Mr. Reed, must frequently have seen, from the reports of masters of vessels engaged in that business, accounts of new islands and reefs being frequently discovered, and which are either not laid down on the charts, or so erroneously marked, that they can give no security to the mariner. It is probable that not less than five hundred of these islands and reefs have been marked with sufficient accuracy by our whalers, sealers, and traffickers, of one kind or another, to enable an expedition to examine the most important of them, without much loss of time in seeking their positions. This will enable the discovery vessels to do more in less time than has probably ever been effected by a similar enterprise from any other country. The accounts given of the dangers and losses to which our shipping is exposed, by the extension of our trade into seas but little known, so far, in my opinion, from being exaggerated, would admit of being placed in bolder relief, and the protection of Government implored in stronger terms. I speak from practical knowledge, having myself seen the dangers, and painfully felt the want of the very kind of information in the guidance of a vessel in those seas which our commercial interests so much need, and which I suppose would be the object of such an expedition as is now under consideration before the Committee of Congress to give. *Indeed, the whole of this business, it seems to me, is a plain and practical affair.* The commerce of our country has extended itself to remote parts of the world—is carried on around islands and reefs not laid down on the charts, among even groups of islands, from ten to sixty in number, abounding in objects valuable in commerce, but of which nothing is known accurately; no, not even the sketch of a harbor has been made; while of such as are inhabited our knowledge is still more imperfect. It would seem to require no argument to prove that a portion of our commerce might be rendered more secure, and probably greatly increased, by vessels sent properly prepared to examine such islands."

Such is the language of this practical and able officer. In the letter of Captain Jones to Mr. Reynolds, we have the following sentiments:

"My recent cruise to the Pacific ocean, in the course of

which I spent some time among the Society, Sandwich, and other islands, afforded me a good opportunity of seeing, in partial operation, most of the branches of commerce, the advantages of which you so clearly demonstrated in your address to the Committee on Naval Affairs.

"That there is a great field open for national enterprise in the region to which you have invited the attention of the American people cannot be *doubted;* and I accord most heartily with you, that such a voyage as you contemplate would open to our commercial, and of course national, interests sources of great wealth, which cannot be brought into action without the protecting aid of Government."

Such are the opinions of another intelligent and experienced naval officer, who is intimately acquainted with the whole subject.

Now, sir, the gentleman from Kentucky, [Mr. HAWES,] I expect, was never out of sight of land in his life; he resides far in the interior, and has not devoted much time to the examination of this question; and yet he sets up his opinion in opposition to these gentlemen, and pronounces the whole scheme to be useless to the country, and perfectly visionary. Let me ask the gentleman to pause before he takes such strong ground, and review his opinions. He may find good reason to retract what he has heretofore believed, and to become the advocate of a measure which rallies such able men to its support.

It has been said in the course of the discussion, that this subject is new to us, and we want more information before we act definitely in relation to it. Are gentlemen aware, that in 1827-'28, resolutions passed this House authorizing this expedition? Such is the fact, and want of funds alone prevented it from being sent out the following summer. At the succeeding session of 1828-'29, a bill passed this House directing the expedition, and was sent to the Senate, where it was not acted upon for want of time. At the present session, the Senate had passed the appropriation, almost unanimously, and it now remained for us to do our duty in that manner which became the Representatives of a great people. We have had this subject before Congress for eight years. It has twice been adopted by the House, and once by the Senate of the United States; and yet, with all these evidences of its utility and importance, gentlemen rise in their places, and gravely pronounce it to be a hairbrained and visionary scheme, not deserving our serious examination! Such imputations were unmerited; and he hoped, upon further reflection, their injustice would be seen and acknowledged.

He thought he had shown that this expedition was not new, and that various similar ones had been organized both in Europe and in this country. Neither was it unconstitutional, for its chief object was to aid in the regulation, promotion and security of our foreign commerce. The expense would be but trifling compared with the wealth and power of this nation, and the magnitude and importance of the objects to be accomplished. It was due to the commercial community and the navigating interest, as a measure of justice, and would be beneficial to all classes of our citizens. Upon what principle, then, could we refuse it? Should it be said that we, who were the second, if not the first, commercial nation in the world, must continue to navigate the ocean with the defective charts furnished us by foreigners? It was notorious that we were now doing so. It was humiliating to think of it. If we deducted from the commercial marine of Great Britain, our only rival upon the seas, the amount of tonnage which she employed in the coasting trade, which did not engage in her foreign commerce, we had probably the largest commercial marine afloat upon the ocean. Supposing this to be so, we were now the first commercial people upon the globe; and the amount of capital invested in this branch of national industry was daily increasing. Should it be said that we were so penurious, so illiberal, or so destitute of skill and enterprise, as not to extend adequate protection to our valuable and adventurous citizens, who had embarked in this trade? Would this reproach be just? He did not believe it. He was satisfied that the intelligence of the country expected us to act promptly and liberally upon this subject; and that every consideration of wisdom, justice, and sound policy, which could operate upon an American statesman, required us to make this appropriation.

DISTRIBUTION OF THE PUBLIC LANDS.

SPEECH OF HON. THOS. MORRIS,

OF OHIO,

IN SENATE, *April* 29, 1836.

The bill to appropriate for a limited time the proceeds of the sales of the Public Lands among the States, and to grant Lands to certain States, being under consideration,

Mr. MORRIS addressed the Senate as follows:

Mr. PRESIDENT: It is with extreme reluctance that I rise to address the Senate on the present occasion, though somewhat used to legislative debates; yet in this body, could I suffer my own feelings to be my guide, I should remain a silent listener, and be content with that vote which my judgment should dictate, rather than mingle in debate on this or any other question; but there are circumstances under which individual feeling must give way to duty; and individual judgment must be governed by the calls of public opinion, and when silence is no longer commendable, but is in fact a fault. Under these circumstances I find myself now placed. The bill under consideration is of an important character; it deeply affects not only the interest of the western country, but the United States generally. The Senators from Ohio have different views on this subject; and as one of them has had the opportunity, as chairman of the Land Committee, to express his views in a report, on the introduction of this bill, it seems to require of the other a duty with which he cannot dispense, and which he will now attempt to discharge.

Before, however, I proceed to the examination of the principles of the bill, and the report upon which it is founded, I feel constrained to give a passing notice to some topics that have been introduced into this discussion. Like most others that have gone before, it has not been permitted to pass without some severe animadversions and strictures upon the course pursued by the present Administration. And to alarm the country, and to hide the real deformity of this measure from the public view, it has been attempted to be shown that the public money in the deposit banks is unsafe, and, if not speedily drawn from those institutions, will be entirely lost to the country; and, as connected with this question, the safety and necessity of a United States Bank has again been urged on the American people.

I will not attempt to examine the assertions on these points. They have been so often met and refuted, that I will only say that I am entirely satisfied that they have no foundation in reality on which to rest. Connected, however, with this subject, there has been another charge made of a more grave and serious nature, and that, too, from a quarter which is calculated to give it force and effect in the country, and which, if true, would be just cause of fear for the safety and perpetuity of our institutions. It has been said, and that with a boldness that seemed to bid defiance, that there was a constant propensity and apparent determination on the part of the friends of the Administration to increase the power of the Executive, and to decrease and bring into disrepute the legislative power; and this is attributed to that undue influence which, in the fancy of gentlemen, General Jackson is said to have, not only over members of this body, but over the country generally.

That General Jackson is a popular President, I freely admit; that he is deservedly so, I prove by the united voice of the great body of the American people; but that he has any of that servile class of friends who surrender their own judgment in obedience to his wish, I am not disposed to believe; and while gentlemen complain in such strong terms of his withering popularity, as they call it, it would be well for them to examine why it is so, and ascertain the true principle upon which it rests. The people of this country sustain General Jackson, not because his word is a law to them, but because the public will is the law that governs his action. It will be remembered that during the administration of Mr. Monroe, and under the auspices of the Bank of the United States, there had been a constant tendency in the proceedings of Congress to build up systems and forms of government unknown to the Constitution. The American system, claiming within itself an undefined and undefinable power, began to develop its objects under the next Administration; it had brought that Administration into power against the known wishes and opinions of the American people. The whole doctrine of internal improvement, protecting tariffs, and in fact the whole domestic industry of the country, was claimed by Congress to be within its constitutional power; and the doctrine was openly avowed that the Representative should not suffer himself to be palsied by the will of his constituents. These alarming encroachments upon the constitutional rights of the people convinced them of the necessity of a change of measures, which was begun during the latter term of Mr. Monroe's administration; and General Jackson was looked to as a successor, not on account only of the military glory he had acquired at New Orleans, but for the firm integrity and disinterested patriotism he had displayed in every situation in which he had been placed, and his well known and inflexible republican principles. There was no local influence or personal feeling connected with his circumstances that would prevent him from being, what in fact he is, the second father of his country; and the people brought him into power by a most triumphant majority, for the express purpose that his Administration might break down these newly-created systems; and he has not disappointed their just expectations, but has faithfully, as far as in him lay, carried out those principles that brought him into power. This, sir, is the whole secret of his popularity; and though a combination of money, talent, and influence before unknown in this country has constantly assailed his Administration, and aided by the power of Congress, and in particular this branch, has endeavored to keep alive and preserve those systems, opposition to which brought him into power, yet his firmness in resisting them has been constantly met by increasing popularity; and the people have been compelled to look to General Jackson to save them from the improvident legislation of Congress. I regret that this necessity has been imposed on the country, yet such will be the result until the will of the constituent body is faithfully carried into effect in the halls of legislation. Let gentlemen who occupy seats in Congress, and who complain of the popularity of the President as dangerous, if not ruinous, to the country, profit by the example he has set them; let them faithfully represent the public will, and not attempt to build up systems to advance the interests of one portion of the community at the expense of the other; let them carry into operation the power of the people, and no longer endeavor to exercise power over them, and they will be equally popular with the President, and render the exercise of executive power uncalled for in curtailing their acts. It is not the condition of men that renders them honorable or popular in this country, but a faithful discharge of the duties which they undertake to perform.

It has been also said in the course of this debate, as matter of alarming tendency, that it is claimed for the President that he is the representative of the people, and that General Jackson has put up such claim in his own behalf as the single representative of the whole people of the United States. Whether these assertions be well founded or not, I think it unnecessary to inquire. I have never been alarmed at the cry of danger from executive power. That power, though extensive in its operations, is held under so many checks and restraints, that I have always viewed it the weakest and least dangerous of the three great powers of this Government. It is in the first place an elective power by the whole people for a short period of years; and being intrusted to a single person, it is watched with the most vigilant attention, and the least departure from correct principles is deeply noted in the public mind. It is a power which can originate no measure, but is the agent and subject to the orders of the other great powers of the Government. Being in the hands of one man, he is subject to impeachment by the Representatives of the people; and the Senate, with the Chief Justice at its head, are his judges. It would be strange indeed, if the

executive power, thus checked and circumscribed, first by the people, then by the other powers of the Government combined, should ever become dangerous to the liberty of the country. The framers of the Constitution have thrown too many guards around it to excite any such fear. I am myself clearly of opinion, that if the liberties of the people of this country are ever destroyed, it will be the act of an American Congress; and the first scene of the grand drama, constituted as the Senate now is, will take place in this body.

But, sir, we are told of danger, because it is said that the President is the representative of the American people; and pray, sir, what ought he to be? Ought not each and every branch of this Government to faithfully represent the American people in the discharge of the duties assigned them? I hold they ought. The President ought so to execute the laws as the people would do, could they act collectively on the subjects; in fact, public opinion ought to be the rule of his conduct; and I venture still further, and say that the judges in the construction of laws ought to be guided by the weight of public sentiment; it is public virtue and public opinion that sustains and ought to direct each and every department of the Government, as well as the collective energies of the whole. An attempt to overturn this principle was made by the introduction of the American system; a branch of that system, the doctrine of internal improvements, was recognized by Congress, but overthrown by the veto of the President. He has been triumphantly sustained by public opinion. The Bank of the United States, another branch of the same system, has also fallen under the veto power, and a like result has followed. But still gentlemen are not satisfied, or disposed to abandon this hopeless contest. They have, by the introduction of the bill under consideration, changed the mode of attack, but not the nature of the war. Adhering to the doctrine, that by patronage they can acquire popularity, having been foiled in their attempts heretofore to appropriate money to favorite objects and persons, to be expended by the agents of this Government, they are attempting by this bill to bestow money upon the States, by which it is no doubt hoped that the very objects which have heretofore been attempted, may be gained in a more covert, insidious, and hidden manner. And that popularity which was to be gained from individuals is to be transferred to States. Sir, I predict this last scheme will prove more fatal to its friends than any of the class to which it belongs. It is true we have heard much said in its favor, and both talent and eloquence have been employed in its support; but, for myself, I have heard nothing new in principle, or forcible in argument, that is not contained in the report of the committee on this subject. I have turned my attention to that report, as embodying in the ablest manner all the argument and reason that can be brought together in support of the bill—a report drawn up, no doubt, with great care and deliberation. I shall endeavor to examine that report, and show that it is both fallacious and inconclusive.

The committee assume in their report that there is a vast surplus of revenue in the Treasury; that this state of things is not desirable, because its natural tendency is to produce extravagance in appropriation, and wastefulness in the expenditure of the public money. This is a truism in part, not to be controverted; but if it be true that this surplus actually exists, it is strange that the committee, after having discovered this wasteful disease and its cause, instead of recommending a radical cure, should propose to extract the infectious matter from this Government, and diffuse it into the State governments, and thus innoculate the entire body politic. To prevent its effects here, this political empiricism would be productive of the most fatal results. The reduction of the customs, which would be a complete and effectual cure, the committee believe cannot, or rather ought not, to be resorted to, because it would awaken, as they say, feelings dangerous to the peace and harmony of the country. And the reason assigned for this strange conclusion is, that the tariff law now in force is the result of compromise of the opinions of citizens in different sections of the Union, and ought not to be disturbed, unless a strong political necessity calls for some new modification. The first position assumed by the committee I believe to be founded in error, and calculated to mislead the public mind.

The tariff as it now exists is not the compromise of the opinions of the citizens in the different sections of the country, because it is too evident to require proof, that the citizens of the United States have constantly been opposed to a protective tariff, and to the collection of taxes, either directly or indirectly, to a greater amount than would be necessary for the support of the Government; and on this ground have they constantly opposed the whole doctrine of internal improvements by Congress. The present tariff law is rather the result of a compromise between individual members of Congress, representing different sectional interests of the country, and was entered into for the advancement of those interests, independent of any consideration of results as operating upon the citizens generally, in each and every section of the Union. The measure was a foul conception, and produced an unnatural offspring. Its firstborn was an attempt to bind the hands of any future Congress from legislating on the subject for a given term of years; its next has been to accumulate money in the Treasury, which may be used to corrupt this Government, or be used for corrupting the governments of the States, as may best suit the interest or convenience of those who have, for the time being, the power of its disposal.

Under this unnatural state of things, it is said that the present rate of duties must be continued, and kept up for the proper regulation of commerce, and may be necessary for the ordinary wants of Government. If this last be true, then indeed ought not the customs to be reduced; and if sufficient for the ordinary wants of the Government is to be raised by the customs, then the public lands ought no longer to be considered as a source of revenue; but I confess I am unable to see either the truth or force of the former part of the argument. Duties for the proper regulation of commerce does not depend on the amount, but on their equality in the different ports of entry in the United States. If this be correct, (and I deem it an undeniable position,) then the whole argument on this point falls to the ground; for surely the customs can be so lessened as to reduce entirely the whole surplus revenue in the Treasury. The attempt to tie up the hands of a future Congress, by the mere operation of a law, is still a more palpable error. The legislative power of the country is at all times equal; it has no bounds but the Constitution, and ought to have no other guide than the public will; where that leads it ought always to follow. It is essential to the welfare of the country, as well as the maintenance of equal rights, that the legislative power should constantly be free and unencumbered, except as has been mentioned; but this never would be the case if its deliberations could be prevented from being had on any subject by existing laws, over which it ought not to exercise any control. It would establish this dangerous principle, that the power of the people is not always competent for the maintenance of their rights.

The proposed measure of increasing the appropriations for fortifications, the Navy, and general defense of the country, is not by the committee attempted to be directly negatived; but it is said that large and liberal appropriations of money for these purposes, though just and proper in itself, cannot be well applied, and ought not to be made, because it is not in our power to supply proper materials and skillful engineers for this purpose. This is, at least, the force of the argument; and, on account of this exigency, no more than ordinary appropriations ought to be made. I am at a loss for words to express my surprise at this argument; nor can I, for a moment, admit its correctness; I can view it in no other light than a libel upon the American people; and an imputation on their skill and industry; that people whose inventive faculties and mechanical genius have not only surpassed former ages, but are the wonder of our own, and who have subjected the very elements to the condition of a laborer in their employ; that this people should be told by their Representatives that they have not sufficient knowledge to erect forts, build ships, and other public works to any extent, and in the best possible manner, is an assertion as new as it is unjust.

But the committee, as if they felt the full weight of the objections that could be rightfully urged against this proposition, and the fallacy of their own argument in its support, endeavor to sustain themselves by another, and, as they suppose, a serious objection to the appropriation of liberal sums for the protection of the country, and that is, that the appropriations, or the larger portion thereof, would be expended upon the sea-coast, or in our great commercial cities; and the committee seem to claim, as a matter of right, the expenditure of money by this Government in a general distribution over the whole surface of the United States. This, again, is a delusive argument addressed to the selfish passions of men, and more particularly to western citizens; and it is well calculated to ensnare public opinion, and draw it aside from the real merits of the case. To object to the application of the public revenue in the erection of fortifications and building of ships, because it does not at once scatter the money over the whole United States, is an argument in itself a perfect solecism. As well might an objection be urged that food is conveyed into the stomach alone, and that the other members of the body are neglected, as complain of the erection of defenses upon the sea-board, or in our commercial cities. It is the fitness of the place for sustaining the body politic that should require our care, and not any partiality for its inhabitants. The protection and safety of our large commercial cities, as well as the sea-board, are essentially connected with the welfare of the interior country, and the interest and prosperity of the far West; a blow struck there would vibrate through the whole Union. It is the safety of the outposts that gives peace and security to the country. We of the West ought to feel as deep an interest in the safety and security from foreign aggression of New York or Philadelphia, as any of our own cities; and this would be the case, could we divest ourselves of that selfishness to which all men are more or less liable.

There is nothing, then, in this argument, when rightfully considered, that we ought not to make large, liberal, and extensive appropriations of money for the defense of the country, because the greater part thereof will be expended in our great commercial cities, or upon the sea-board. Many, and I have no doubt most of our constituents, have never seen this Capitol, with all its gaudy and expensive decorations; and a goodly number, it is highly probable, have never seen the hall of legislation in their own States, or even the court-houses in their own counties; nor have they felt any direct influence or gain arising from the expenditures of money in the erection of either; yet they have contributed, and cheerfully, too, for the erection of all those objects, because they are necessary in the due and regular administration of justice, as well as for the safety and security of individual rights; and they have done this without a complaining murmur that no part of the money was disbursed on their own farms.

The reducing the price of the public lands, or the ceding them to the States in which they lie, is next considered by the committees. The first objection to a reduction of price is, that it would tend to reduce the price of real estate generally. This objection is not well founded; the price of an article is a relative term, wanting both stability and uniformity: it is the effect not of reason or justice, but frequently of caprice or whim, and not unfrequently of taste, convenience, or necessity. But as to the public lands, justice, reason, convenience, and necessity, all seem to unite in requiring Congress to reduce the price; and if this argument of the committee be valid, it applies with equal force against the introduction or erection of any new machinery, or the establishment of any new trading house, for those now in existence will be lessened in value thereby, a position which I believe the committee themselves would not contend for.

The next objection to a reduction of the price of the public lands is, that it would operate to the injury, not the benefit, of the country in which the lands are situated. This argument is

attempted to be sustained on the same ground as the former, but making its application more local, by the assertion that it would reduce the price of all land in the neighborhood *pro rata* with that of the public land. In reply to this argument, I beg leave to remind the committee that the united voice and almost unanimous opinion of the people, in all the States in which the public lands are situate, is against them, as well as the opinion of every intelligent and unbiased citizen who has any correct knowledge of the new countries. They all well know that the Government, which secures the greatest quantity of happiness and comfort to the people, is unquestionably the best; and that the surest means to accomplish this desirable end is to enable every man to become a freeholder, so that he can have the satisfaction of saying that some spot, however small, is his own; that the Government of this country is bound to protect him in its quiet enjoyment, and that, when he shall return from his daily labor to his hearth and his fireside, none shall be suffered to make him afraid; the sleep of such a man will be quiet, and his repose sweet; and no matter how coarse his fare may be, his love of country will never fade nor languish. Such men as these are the true riches of Government, and will always be found ready to defend their country for their country's sake. It ought to be our most ardent wish and constant policy to provide means by which every man in the United States might become a freeholder, if that freehold did not consist of more than twenty-five acres; indeed, it matters not so much as to quantity, if a right to the soil be the lot of every citizen.

Another objection made to a reduction of the price of the public lands by the committee is, that it would encourage speculation, and throw the whole of the public domain into the hands of sharp-sighted capitalists, who would be enabled to retail it at advanced prices to actual settlers. This objection is more showy than solid, for every day's experience teaches us that speculation in articles of high value is more common than in those of low; when the Government lands were sold at two dollars per acre, speculation was as much complained of then as now. It is the relative, not the actual value of an article, that induces speculation. But this objection is easily obviated by providing for the sale of the public land to actual settlers only, and in limited quantities.

The last, and which the committee consider the most important objection to the reduction of price in the sale of the public lands, or ceding them to the States in which they are situate, is, that the several States, by their deeds of cession to the United States, vested only a trust power, and that the Government of the United States is only the mere trustee of the several States, bound to carry into effect the grants made by the States for the specific purposes intended by the grantors; and when those purposes are fulfilled, the residue of the grant does, and of right ought to, revert to the States; and extending the trust power further than I believe it has ever been extended in equity, they give the trustee the power to change the nature of the trust, and convert the land into money, and distribute that amongst the States. And one further stretch of the imagination leads the committee to conclude that lands acquired by the United States by virtue of treaties made since the adoption of the Constitution, have been paid for by money had from the sale of lands ceded by the States, and, according to the rule laid down, they subject the proceeds of these lands to the like disposition.

My first objection to this fine-spun and subtle theory is, that I have serious doubts that the sovereign power of the country, at least the sovereign power of this Government, as vested in Congress by virtue of the Constitution of the United States, can, in any case, become a mere and naked trustee; though it may be said that the idea is borrowed from monarchical power, yet it is no less correct, that the sovereign power of a country, be it vested in whom it may, is supposed to be constantly employed for the public good, and that no partial care can enter into its composition. It cannot subject itself to control by any part of those over whom its constant duty is to watch for the welfare of all; nor can it act in subordination to any other power; for, in either case, it would be an abrogation of sovereignty. But it is not absolutely necessary to sustain the argument that I should rely exclusively on the general doctrine that the sovereign power, where it is primary, original, and confined in its operation only by constitutional limits, as is the case with the legislative power of the States, cannot be a trustee; yet in a Government like that of the United States, where its whole action exists and is brought into operation by grants, the exercise of its power must be limited and brought expressly within those grants; and I contend, that in no part or clause of the Constitution of the United States is the power granted to Congress to become a trustee in any case; no, not even for the purpose of diffusing knowledge amongst men. But if such power can be inferred from the Constitution, it must be from some general grant in that instrument; and if so, by virtue thereof, the United States cannot only act as trustee for the several States, but may be the trustee of any foreign gentleman or State whatever. This Government, if this position be correct, can become the trustee of the Barings or Rothschilds in the management of any money concern they may think proper to establish in this country, whether it be for the diffusion of knowledge amongst men, or of buying men for political purposes without knowledge, or, at least, without virtue. Under this general trust power, as it is presented to my mind, and as admitted and, indeed, contended for by the committee, Congress can become the trustee of the Bank of England; the trustee of the East India Company, or of any foreign Government whatever; and thus act in the double capacity of an American Legislature, and as agent or trustee for another power, however inimical that power may be to our own. Indeed, I cannot see but Congress, by becoming trustee, can effect any object they wish, no matter what that object is, whether within the granted powers of the Constitution or not. Congress may have in view a favorite object of internal improvement, for the benefit of two or more favorite States; they may bestow upon, or, in the language of the bill, distribute to these States millions of the public revenue; and it may be well understood that the States are to create Congress a trustee for the express purpose of expending this money according to their own wish. There can be no end of abuses of this kind if Congress can act as trustee, and accomplish that which they cannot do by direct acts of legislation. I contend, in the next place, that the deeds of cession made by the States to the United States did not create a trust, nor were they so intended; they contain no words of limitation but such as are applicable to the exercise of power by Congress in every other case.

Take, for example, as the committee have, the deed of cession made by Virginia. The only words of limitation mentioned by the committee, and they are the only ones in the deed, are, that the land ceded shall be considered a common fund for the use and benefit of all the United States, members of the Federal alliance, and shall be faithfully and *bona fidely* disposed of for that purpose, and for no other use or purpose whatever. These words, which are now to operate as a talisman and change of the money received for public lands from the character of revenue into that of property held by the Government in trust for the States, are nothing more, nor can they rightfully receive any other construction, than to place the avails of the public lands on the same footing as the proceeds of taxes, duties, or customs. The money received from all or either of these sources is the revenue of the country, and Congress is bound in good faith to consider it a common fund for the use and benefit of all the United States, as a joint confederacy, and not as a fund belonging to the States severally; and Congress have power only to apply the whole, or any part thereof, to such objects as are exclusively within the power of this Government, and to no other use, intent, or purpose whatever.

But there is an inconsistency in the views of the committee, which they seem to have entirely overlooked. They contend that this Government, as trustee, ought to distribute the proceeds of the public lands to the States in severalty; while the very words of the trust which they claim are, that the land shall be a common fund for the use of the States as a joint confederacy. This very inconsistency proves the fallacy of their whole system.

That the United States acquired a full and absolute title to the lands ceded by the States, I think is clearly evident, because Congress have granted portions of these lands to States, as well as individuals, without any compensation given for the same; and titles made in pursuance of such grants are unquestionably valid in courts of law, and the power of Congress in this particular, as being rightfully exercised, has never been questioned in public opinion.

In my own mind, I am perfectly satisfied that the public lands of the United States may be granted by Congress to the individual States in which they lie, or to individual persons, with or without compensation, as the safety or security of the United States shall require; but when converted into money, and paid into the Treasury of the United States, they assume a different character; they are revenue; and that Congress can apply the revenue of the country to internal improvements, or make a donation of it to States or individuals, has been constantly denied by a great majority of the American people.

The approval by the people of the veto of the President on the Maysville and Lexington road bill is, to my mind, conclusive evidence on this point; and is in accordance with my own opinion, which has been long settled, that Congress does not possess the power to appropriate money for internal improvements in any case, though some, whose judgment I highly respect, contend that Congress have this power, if the improvement is of a national character. I have never been able to make this distinction, because I am unable to discover what gives nationality to a road or canal, or other works of a like kind; no one yet has, I believe, been able to settle the question satisfactorily to himself. Whether it be length, width, or the cost of construction, or its locality, remains yet an unsettled point. Some contend that a road or canal which has its route in two or more States, or connects with two or more large cities, is national, and ought to be constructed by Congress with the money of the United States; while others seem to think that the bare application of these funds to such works gives them their national character, and this very disagreement proves the unsoundness of the doctrine. For my own part, I have never been able to assent to any of these theories, nor can I believe that Congress can rightfully apply the money of the United States, either directly by the operation of an act of Congress, carried into effect by officers of this Government, or indirectly, by or through the agency of the States, to any such objects. But it may, and has been said in support of this doctrine, and that, too, with great confidence, that Congress have power to make military roads. I am not willing to cede even this as a permanent power to be exercised at any time, and under any circumstance, by Congress. That Congress has power to provide means for marching the armies of the United States from one part of the country to another is undeniable; and that they have power to order roads, made for such purpose, is equally so. But this power rests on the same foundation, and is to be governed by the same principles as the right to quarter soldiers in the houses of citizens, or to take private property for public use. A compensation for the use is to be made the owner in money; and so soon as the use is determined, the property reverts to its original proprietor, in all cases where such property is of a permanent nature. A military road is a mere temporary occupancy of land over which it passes, and when that is determined the power of Congress over it ceases. In order to establish the doctrine of internal improvements by this Government, and to extend the power of Congress to making roads and canals, I have heard it urged with much earnestness, and relied on as conclusive, that the Constitution declares that Congress shall have power to establish post roads. The power given to Congress in the Constitution is in these words: "to establish post offices and post roads." And it has been contended that to establish is to build, to erect, to make, &c. To this I cannot agree. That Congress has power

to direct upon what road the mail shall be carried, no one doubts; and the words, "to establish post roads," as used in the Constitution, mean, as I understand them, to fix unalterably, and was intended, no doubt, to prevent the operation of State power from interfering with this branch of national economy, whose ramifications would pervade every section of the country. It was to keep the travel of the mail secure upon one line while passing through a State, so as to connect with the same line in another State, and not to build or construct the road, that was intended by this provision of the Constitution. The power to establish post offices surely does not authorize Congress to build houses for each post office in the United States. Such a construction no one, I presume, would contend for; yet I can see no difference in the two cases.

Upon the whole, then, I conclude that roads, canals, and works of internal improvement of a like kind, are not such works as Congress can rightfully construct with the money of the nation. But, sir, I can readily conceive works which Congress can order; and it is from the nature and use to which the object is to be applied, and not from its extension or quantity, that gives Congress this right. A ship of war is a national work; therefore, Congress can order ships of war to be built. The casting of a cannon ball, or the making a musket, are also national works, and even the printing the journals of this body. Congress can, therefore, have all this done; and so of every other object which is absolutely necessary to carry on the operations of this Government. The quantity, as well as the time and manner of performing the work, is altogether within the discretionary power of Congress; and to all these objects, and none other, can this power or the money of this Government be rightfully extended.

I have thus far considered the report of the committee, and have shown, I trust, that the public lands of the United States are not revenue, and that they were not ceded to the United States, as trustee, for the benefit of the States severally, but for the use and benefit of the United States, as Government property; nor were the deeds of cession accepted as trustee, but as an independent sovereignty, the land to be disposed of in such manner as Congress should think expedient; but when sold and converted into money, that money becomes part of the revenue of the country, and is to all intents and purposes in the same condition, to be disposed of in the same manner, and none other, as moneys received into the Treasury from taxes, customs, or any other source. I am glad to be informed that I am not alone in this opinion. I find in the debates on this question, in 1832, which have this moment been put into my hands by a friend, the same opinion expressed by an honorable Senator of exalted intellect, commanding talents, and great power in debate, and whose speeches I have read not only with admiration, but delight; and when I say this, I need hardly inform the Senate that that gentleman was from South Carolina.

"Mr. HAYNE moved to strike out the words 'which provide for the distribution of the proceeds '(public lands) amongst the States. He was 'opposed to the introduction of the principle of 'distributing the revenue among the States. He 'insisted that the proceeds of the public lands did 'constitute a part of the revenue. The clause 'which he moved to strike out cut off a part of the 'public revenue, taking it from the Treasury to 'divide it among the States." And further, in reply to the Senator from Kentucky, [Mr. CLAY,] Mr. HAYNE contended, "that if the construction of 'that Senator was correct, there was no limitation 'to the powers of the General Government, and 'they might be exercised under a wild discretion, 'the extent of which could not be anticipated or 'controlled. He asserted there ought not to be 'any surplus money in the Treasury, but that 'care should be taken to regulate the taxes so as 'to have no unnecessary amount in the Treas-'ury." It seems to me that this argument ought to have forever settled this question, but unfortunately it has not. It remains now that we inquire whether the money called the surplus in the Treasury, should it be admitted to be altogether the proceeds of the public lands, can constitutionally be drawn from the Treasury, and distributed to the several States as contemplated by the bill before us. The report of the committee itself seems to doubt the unlimited power of Congress over every part of the public revenue, to be disposed of as mentioned in the bill; and well may the committee doubt, for no money can be drawn from the Treasury but in consequence of appropriations made by law; and all appropriations must be, as the friends of the bill on a former occasion rightfully contended, made for some specific and certain purpose, and such purpose clearly within the granted power of Congress. To this doctrine I do not object; it is the only safe doctrine for this Government to pursue, and it would be far better, and more satisfactory to the country, should Congress adhere to it more strictly in future than has been done in times that are past; but like all other sound texts in the hands of commentators, it can be construed to cover the worst of purposes. It is attempted, however, to get over this objection—the want of specific object in drawing this money from the Treasury—by endeavoring to prove that there is a difference in the exercise of the power of Congress over moneys in the Treasury, arising from the sale of public lands, and that received from other sources; but in this attempt I think the committee have entirely failed. I object, then, to the passage of this bill, because, in the first place, it makes no appropriation at all, for there is no purpose mentioned in the bill to which the money is to be applied. But should I waive this, and consider the distribution to the States a sufficient designation, I would still contend that this is no appropriation for any definite object, or for any purpose over which Congress can exercise any constitutional authority whatever. I wish to be clearly and distinctly understood on this point. The distribution of any part of the revenue to the States, whether the same be called surplus, or by any other name, will be an unauthorized act of Congress, because Congress has no power to compel the States to apply the money to any specific object; for I presume no one will contend that Congress can coerce State legislation. If the money, then, is appropriated to the States, it surely must be without constitutional authority, because it is not given for the defense, protection, or welfare of the United States; nor is any other object whatever designated to which it is to be applied, over which Congress can have the least control. I remind gentlemen of the $3,000,000 appropriation passed by the House at the last session, and sent to the Senate for concurrence, which was strongly objected to as unconstitutional; not because the use contemplated by the bill, to which the money was to be applied, was not within the power of Congress, but because the appropriation was not sufficiently specific. Yet that appropriation was to be applied by the President to fortifications, increase of the Navy, and general expense of the country, should circumstances occur making its expenditure necessary before the next meeting of Congress. But so obnoxious to the Constitution was it deemed, that if an enemy was battering the very walls of the Capitol, gentlemen would not vote it to save them. I think we have the right to expect their votes now, when the Constitution, according to their doctrine and understanding of it, is threatened with a thousand times more deadly assault than that which they feared in the $3,000,000 appropriation, and that they will step forward at once to its rescue. Here is an appropriation, or at least an application, to take from the Treasury of the United States, nearly thirty millions of dollars. It is asked for without its being applied by Congress to any specific purpose under heaven; but placed under the power of men over whom Congress has no earthly control, and by whom it may be used for that purpose which we have so often heard mentioned, the dissolution of the Union itself, and the destruction of the very Government which bestows it. But this is not all. Congress, by this act, becomes the evil genius of the country, instead of its benefactor; because, the money being collected of all the citizens, without object or necessity, it seems to be admitted that Congress cannot devise the means by which this ill-gotten treasure shall be returned to those from whom it was actually taken; it is, therefore, concluded to return it to a part only. This money has been collected from the poor and laboring classes, in comparatively speaking small quantities; it is to be returned in masses to the States, and I defy the ingenuity of man, at least man as he now exists, to prevent it, under this process, from passing into the hands of the more wealthy and speculating part. And we shall surely find that the appropriation by the States of money collected by this Government, and distributed to them, will be to make the rich more wealthy, and to keep the laboring classes in perpetual indigence. It is a palpable truth, that the real wealth of a country must arise from the actual labor of the country. Trade is always fictitious, and in this country this fact is true to a proverb; and it is also true that the great body of our laborers are agriculturists, and our greatest staples are the products of the earth. All that this productive class of men ask of Government is, to provide for their security; for the earnings of their daily toil, that, when the evening sun shall go down, they may rest in quiet, and none, by force or fraud, private or public, be permitted to rob them of their labor or disturb their repose; they ask not, they want not, gifts or gratuities from the Government, because they well know that the means of bestowment must be the oppression of their own or a foreign country.

If we are to consider the distribution contemplated by the bill as a mere gratuity on the part of this Government, and that Congress has no power to define the purposes to which the States shall apply it—and this principle seems to be admitted by the bill itself—I should be glad to know what could prevent Congress from distributing to twenty-four individuals, or any other number, this money, instead of a distribution amongst the States. I can see no difference in the principle governing the two cases; and the exercise of power, in my view of the subject, is as clearly unconstitutional in the one case as the other, though a distribution to individuals would so shock the moral sense of every man that, with one united voice, it would be declared that Congress had most grossly violated the Constitution, as well as being guilty of an act of moral turpitude.

To bestow money as an act of Government, and leave its application to the recipients, is one of the first, and commonly the surest means that despots resort to, not only to gain, but secure power, and strengthen their hold in every country where despotism has existed; and it is despotism in any Government, I care not by what name it is called, to exercise the power of collecting money of the people, more than sufficient to defray the necessary expenses of the country, and bestowing or dividing the surplus according to its own pleasure, either amongst States, corporations, or individuals.

If Congress has the power to divide a part of the revenue collected by this Government amongst the States, the right certainly exists to require the States to make such application of the money as Congress shall think proper. Such, indeed, was the principle of the original bill in this case, and it must be, that, under this claim of power, Congress can direct and control State legislation; can require the different State Legislatures to apply the money in payment of Governor, Judges, and other officers of the State government; and even the payment of their own wages. Congress can still go one step further; they can direct the payment in such sums as they may think proper, and in addition to the salaries allowed by the States. If the doctrine of dividing the surplus revenue be once admitted as correct, I cannot see why Congress has not the power to apply it directly to the payment of State officers as additional salaries, allowing to each such sum as shall be deemed just, to be paid out of the Treasury of the United States on the warrant of such officer.

There is another view of this subject still more appalling. It is true that Congress, by the Constitution of the United States, has no power to make any law respecting an establishment of religion, or prohibiting the free exercise thereof; but if Congress has power to create a surplus

revenue, and power to make a distribution of the same, they can, in effect, render null and void this provision of the Constitution; they can distribute this money to any church or sect they please, and thus, as far as money and the favor of the Government will answer, give such church or sect the ascendency, whether the same be Protestant or Catholic. It is said money answers all things. Congress can then, by its use, make an establishment of religion. There can be no doubt on this subject, if Congress possesses the power to make the distribution as contemplated by the bill. I feel confident that I have not extended the argument further than the premises will warrant; and I now seriously put the question to every member of this body, if he is prepared to say, that by virtue of the power vested in him by the Constitution of the United States, he has the right to vote an appropriation of money to be paid out of the Treasury of the United States for any of the purposes which I have mentioned. I do not believe there is one Senator who will openly and positively avow such right. We test principles by their application to individual cases; take, then, a single case. A bill is presented making an appropriation of money for the payment of the salary of the Governor of Ohio, with the condition that it shall be in full, and that he shall not receive any other pay or emolument from the State, or without any condition whatever. Such a bill would not, I am sure, receive a single vote in this body; and yet, if we pass this bill, we are doing that indirectly, which we would not dare to do directly, by creating or appointing an agent to receive this money, who has the power to apply it to the very purpose above-mentioned. The bill as amended by the committee is more objectionable on this account than the original, for that required an application of the money to certain specified objects; and if Congress had power to apply money to these objects, there may be a color of right in the idea that Congress may designate the agent to make its application. The bill before us, however, opens the very flood-gates of corruption, for it establishes the doctrine, that Congress may levy upon the people of the United States any sum or sums of money they may think proper, and bestow, or, to use the language of the bill, distribute any part thereof when and to whom it pleases. I deny the whole power of this Government to collect and distribute a surplus revenue. The next question is, can the States rightfully, and in conformity to their own constitutions, permit Congress to become their almoner, and accept this proffered bounty? This is an important consideration for the States themselves. Have they so divested themselves of power as to be made the mere and inactive recipients of the bounty of this Government, and suffer their own treasury to be replenished by whosoever is disposed to do so? Must they permit individuals, banks, or even foreign Governments, to pour into their treasuries such sums of money as shall be thought proper, as a mere and naked gratuity to the State? I am clearly of opinion that no State government in this Union ought to open the doors of their treasury for any such purpose; for the accepting or rejecting of gifts is a private and individual power, not transferable to the Representative of a State, because the act is matter of conscience, not of law.

But if the States are to have any agency in this distribution, if it is necessary for them to do anything in conformity to the act of Congress to enable them to take and possess this surplus revenue, I hold that such act would be in contravention of the tenth section of the first article of the Constitution of the United States, because it would be a treaty or confederation with another Government, and the States surely intended to divest themselves of this power by accepting the Constitution of the United States, for its exercise had led and would continue to lead to inextricable difficulties and dangers to the equal rights of the States, as well as to their peace and union. To levy and collect taxes, duties and imposts, is an attribute of the sovereign power of a country. Congress could not have exercised it but by express grant. The States, having granted it to Congress so far as the grant extends and is exclusive, cannot exercise the power themselves; but the divestment of power by the States would be an idle ceremony, if the same power can be exercised by Congress for the benefit of the States, and thus would there be two distinct and separate powers, each possessing the right of raising a revenue off the people for the same object and purposes; a condition to which, if rightly understood, I am sure the people would never submit; and thus the States, by the creation of this Government for special ends, would only keep the word of promise to the ear, but break it to the sense. This is the first attempt, since the formation of the Constitution—the existence of this Government, to bestow money collected as revenue gratuitously upon the States. It is a new invention to rid ourselves of money which, through mistaken policy, has been improperly collected in the Treasury. And as error constantly begets error, multiplying in size as well as in number as it progresses, the error of a protective tariff begot the greater error called the compromise bill, by which it is claimed that in the passage of that bill Congress made an agreement or bargain, by way of compromise amongst the members with each other, by which more money has been brought into the Treasury than is necessary for the legitimate expenses of the Government; and it is now insisted that the law passed in pursuance of this agreement ought not now to be interfered with; and to remedy the evil occasioned by this law, a surplus revenue in the Treasury, instead of repealing or amending the law, it is proposed to distribute it amongst the States, which would still be a more palpable and dangerous error.

The very silence which has so long existed under this Government as to the power of Congress, as contemplated by the bill, is strong and almost conclusive proof, to my mind, that the power does not exist. I have looked in vain into the report of the committee for the provision of the Constitution on which they intended to rest this bill. The report, to me, however, on this point, is a sealed book. The honorable chairman can, no doubt, turn us at once to that grant of power on which the committee relied for the passage of an act of Congress for the raising more money than sufficient for all the purposes of this Government, and distributing the surplus to the several States. I hope, however, we shall not be told that it is to be found in the clause of the Constitution which gives to Congress the power to provide for the common defense and general welfare of the United States. This provision, which, upon every fair principle of construction, can only be viewed as a declaration of the manner in which the following granted specific powers shall be exercised, has been so often pressed into service for other purposes, that it can now be made to almost prove whatever may be desired. It is a kind of Swiss corps, to serve wherever the highest reward can be obtained. I cannot, however, admit its service in the distribution of a surplus revenue; and I can see no other provision of the Constitution the advocates of this bill can rely on for support.

If, however, any one should believe that Congress possess the power, in the imposition of taxes, duties, customs, and excise, or in any other manner, to collect more funds than will be necessary to pay the debts and provide for the common defense and general welfare of the United States, for the purpose of distributing the surplus amongst the States in their separate and individual character, I would still insist that the exercise of such power would be highly impolitic, unjust, and dangerous to the safety and happiness of the country. It is with States as with individuals—the possession of money, without the application of their own means for its attainment, almost universally produces a disposition to idleness and premature decay. No possible plan could, in my opinion, be better devised for the prostration of the State governments, and the establishment of centralism and eventual consolidation, than this: what at first is granted as a gratuity, arising out of temporary causes, will soon be claimed as matter of right and justice, and insisted on until it shall obtain permanency of character, and be deemed essential to the existence of the State governments, and thus the very existence of the States will depend on the bounty of Congress. I am well aware that direct payment of the salaries of State officers, by an act of Congress, would at first, as has been observed, shock the moral sense of the community, and defeat the very object to be gained. We are about to give the money in a more coy and coquettish manner; we begin by saying it is the money of the people, and having no use for it here, we will return it to those who paid it. We in the next breath acknowledge that this cannot, in fact, be done, and we conclude to give it in masses to the States, to be disposed of as they think expedient. This squeamishness will soon wear off, and we shall shortly find more open attempts made to debauch the States, and the States themselves will accept the price of their prostitution as a business matter necessary to their existence. Having the large sums of money which this bill proposes to place at their disposal, the State Legislatures may quickly see a great propriety in an increase of salaries and wages of the State officers; and although there may be a little higgling about it at first, yet the propriety of an increased compensation to themselves will soon appear evident—this will be almost a matter of course; while to blind the eyes of the people, a reduction of taxes will take place. "Lead us not into temptation." Although we may forget this excellent prayer here, I fervently hope that it may be remembered by the States. "The love of money is the root of all evil." This principle and patriotism cannot dwell together; they will never be found in the same breast; they are antipodes to each other, and cannot be brought together; and money, like every other witching concern of life, the possession of it creates the desire for more. Legislative bodies are men, and subject to all the frailties of men in other situations; and if an ass, laden with gold, could open the gates of a city which the conqueror of Greece could not force, what may we not expect that money can and will do in these degenerate times, when gain is evidently the ruling passion of the land.

Suppose, sir, that the bank, called the Bank of the United States, should offer to distribute to the several States some millions of its ill-gotten wealth, on the ground that the people of the States were entitled to it, because the bank had collected a SURPLUS in the mode that institution has adopted in raising a REVENUE: should it go one step further, offer to become a subscriber to every corporation in the States, and under the doctrine of vested rights, thus acquire not only a foothold, but a freehold in each State; no State ought, for a moment to hesitate in rejecting this harlotry embrace, this unnatural connection, the issue of which would be a monster, abhorred and hated by all just and good men; and although it might for a time acquire a rickety growth, yet its deformity could never be hidden. And the moment that patriotism, virtue, and love of country should gain the ascendency, its power and influence would be in a moment driven from the land. One State, it is feared, has already fallen, and that State, too, which has heretofore been considered the pride, strength, and glory of our Union. Its Democratic citizens, it is yet hoped, will redeem themselves from this thraldom, and will shiver into a thousand atoms the fetters with which it is attempted to bind them, and that they will grind the golden calf to powder, strew it upon water, and compel its votaries to drink thereof.

If the potency of money in the hands of a bank is of such dangerous tendency when improperly used, what may we expect and look for from the same cause when the United States is the agent to carry on the operations?

As you lessen the necessity for the States relying on their own means and exertion for their support, you destroy their ability to do so; their increasing weakness becomes the strength of this Government, and thus enables it to supply additional means to make the States still more weak. The very money you bestow, although it may make the State rich in a pecuniary point of view, yet those very riches will be the bane of equality and freedom. Suppose the money you bestow should be sufficient to enable the State to become

the owner of every canal and leading road in its jurisdiction, and to hold the same as Government property: the first result would be a host of officers to "eat out the substance of the people, and destroy their living:" the next to bring into existence a class of men who would of course become the tenants, laborers, and dependents of the Government, instead of being free citizens of the State. When Government is a large property holder, the inevitable consequence must and will be distinctions in society. The wealth of the country will be found in the lesser number, and power will be more secure in the hands of those who are intrusted with the management of public affairs, until the very condition of landlord and tenant will be found to exist between the officers of Government and laborers for the State. It is, in my opinion, a perfect absurdity to suppose that the principles of democracy and equal rights can long exist in a State that is herself a large property holder. It has been said that money is power, and that "power is always stealing from the many to the few." And if what money we have collected into the Treasury of the United States be the leaven by which the officers of this Government are to be corrupted, I very much fear that its power will be far more deleterious, and operate far more extensively, when divided and sent into the State treasuries. If the State governments can be preserved pure and uncontaminated, this Government, which cannot exist but by action of the States in their sovereign capacity, cannot well become corrupt, or long remain so. It will be brought back by the influence of the States to correct principles. The power of the States in prescribing the manner of electing the President, and in their direct power in electing Senators in this body, will be sufficient to do this, although instructions from the constituent body to the Representative here may be disregarded. But if the State governments once become corrupt, there is no possible means by which this Government can be kept pure: the stream being poisoned, the fountain must become of the most noxious character. I hope, then, that the wealth of this Government, whether acquired by force from other countries, or by fraud upon our own —a fraud in taxing them more than sufficient to answer all the demands of the United States— will never be sent into the States. At least, I hope the State in which I reside will not receive it, for the very scheme is scattering broadcast, through the land, the seeds of that corrupting influence which must end in the subserviency of the States, and the consolidation of all power in the hands of those who have the means and the will to collect money without limitation, and distribute it to whom and when it pleases; for when this bill passes, the last nail will have been driven into the coffin of State sovereignty.

It seems to me there cannot exist a doubt but the distribution of any part of the public revenue amongst the States will be the means of changing the relations now existing between the General Government and them. That the change of that relation will be the destruction of one government or the other, I have no doubt. I am myself of opinion that the State governments will be the victims; but it is possible, in the nature of things, that the reverse may be the case. That money which is collected by this Government by indirect taxation, when sent into the States, may influence the people to view this Government as a fit instrument for the collection of money that may be used for the promotion of individual interest or the advancement of State power, and be used to operate on elections, so as constantly to send to Congress men who will be under an obligation not to repeal the system, but to extend and increase it. In such case, the necessary appropriations for the Army, Navy, or even the civil list, may be so neglected or reduced as to impede and weaken all the operations of this Government. Large and powerful States that will, under this system of distribution, receive the greatest sums, may find it to their interest to continue the same, and push it to the utmost extent; and by this means may, in time, be able to overawe the power of the Confederacy and set it at defiance, and thus become the sole arbiters of the fate of this country. Many gentlemen, for whose judgment I have the highest respect, entertain this opinion and these views. I confess I am alarmed at the pertinacity with which this bill is pressed forward; that more is expected by its friends than at first view meets the eye, I have no doubt; and that it may change the policy and power of the country is the real motive that impels it. In whatever light I have been able to look at this measure, to my mind it appears fraught with fearful events.

I have heard it often said there is a large amount of money in the Treasury over and above what is necessary to supply all the wants of the United States, and that it is impolitic to permit it to remain there, because it may be used to increase the influence of the executive power. I cannot admit either the fact or reasoning to the extent urged, but my first answer is, that it ought not to have been brought into the Treasury. The tariff, upon the payment of the national debt, should have been reduced to the wants of the Government, and should be now so reduced. I hold that I am not bound by an agreement entered into by members of a prior Congress in order to obtain the passage of any law; it is not only the right but the duty of the present, as well as any subsequent Congress, to repeal or amend such law, if, in their opinion, the public good requires it. There is another view which attends the accumulation of a surplus revenue in the Treasury which, to my mind, is of considerable importance, and which surplus I believe will not be reduced, but increased by the passage of the present bill. The sale of the public lands for the last year has been large beyond all calculation: millions of money have come into the public Treasury from that source only. These purchases have, in a great degree, been made for speculation alone. The facility of obtaining money has been the cause of engaging many in this business, and that facility has, no doubt, been increased by the deposit banks discounting on the public money in their vaults; and while this is the case, speculation in public lands will continue, and large purchases of public lands made at the present Government price; and that price the bill contemplates in all future purchases. The money thus laid out will return immediately back into the deposit banks, on which new discounts will be made and new purchases followed; and thus this bill will enable speculation to make the very meat it feeds on, until the whole public domain will be found in the hands of the rich and wealthy, to the great detriment of the States and the oppression of the laboring classes, and men of small capital.

The system, then, which continues the present price of the public lands, although you may distribute the public revenue, will constantly furnish a new supply; and the temporary evil now complained of will grow into a permanent and incurable one. The public lands are the property, not the revenue of the United States; but when converted into money, that money is revenue. While they remain as property, Congress has full power to cede, grant, or dispose of them in any manner, or for any cause or purpose that may be thought proper; but the moment you sell and convert them into money, that money is a part of the Treasury of the United States; and Congress cannot, in the proper exercise of its constitutional powers, give it away—cannot barter or sell it—cannot, in fact, apply it to any use or object but those which are clearly within the power of Congress, by the grants of the Constitution. I am fully aware that here is the real difficulty, the disputed question—what are the objects which are within the power of Congress, and upon which they can constitutionally expend the money of the nation? We, no doubt, each of us have a rule by which to test this question of power. I have long since formed one for myself, and every day's experience confirms me in its correctness. It is, that Congress have no power over any subject whatever where the States possess power over the same subject; or, in other words, where the States have power over a subject, Congress possess none, except it be given by the express words of the Constitution, and even then it cannot be exercised to the injury or detriment of the State power; and in all such instances the power of Congress is subordinate to that of the States. The only instance in which power is thus disposed, that I can now call to mind, is that of levying and collecting direct taxes, that mode of taxation which is considered as different from that of duties, imposts, customs, and excise; and where full power is given to Congress the States have none over the same subject. The States cannot levy war, regulate commerce, coin money, or regulate its value, establish post offices and post roads, or provide or maintain a navy; and for the very plain reason that Congress have full power over these objects. On the contrary, the Congress of the United States have no power, nor can they rightfully, within the States, make roads, or canals, or internal improvements of any character, establish any system of education, raise money for any State purpose, or in any manner or by any means provide for the current expenses of the State; and for a like plain reason the States have power to do all these acts. Our Government is so admirably formed that our citizens do not owe a divided duty. What the States have reserved, and can require of them, this Government has not the right to do; and what this Government has the right to require, the States have entirely divested themselves of the power of doing; and we should be the most happy and prosperous people on earth if the different Governments under which we live would each confine itself to its appropriate sphere as designated and marked out by its framers. There would be no clashing of powers nor doubt in the discharge of duties we owe. Our first duty is to the State, and when that ceases our duty to this Government begins. The distribution of money, collected by the order of this Government amongst the States, is not only an arbitrary and unwarrantable stretch of power, but is one of those wild speculative schemes into which the visionary and disappointed are sometimes apt to fall. This propensity to extravagant speculation, into which our people are at this time rushing, as well in political as moneyed matters, ought, as far as possible, to be checked by the influence and operation of this Government. It is a moral cancer to which, if the cautery or the knife be not speedily applied, will consume every principle of patriotism and political honesty in the country. The disease is deeply seated, and its progress is, indeed, obvious to us all. I have no hope or expectation that mild and gentle means will effect a cure. Strong and energetic measures must be adopted; and we ought to begin here at home Many of the streams that are pouring money into the public Treasury, and swelling the amount beyond the necessary wants of the Government, ought to be instantly dried up. This, all will admit; but the mode of effecting that desirable end creates the difficulty.

It is our duty to apply such remedy as we think will come at the evil; I will suggest one. It may be deemed a weak and incompetent one, but it is one which has presented itself to my mind, and which my judgment approves. The State which I have the honor in part to represent ought, in this important matter, to know my whole opinion, that, if in error, it may be corrected. I would begin with the public land, by a reduction of the price to at least one dollar per acre, and confine the sale to actual settlers, in limited quantities; and would not make a complete title until after three years' continuous occupancy, and a conditional forfeiture of the purchase money in default of so doing. The public lands ought to be looked to as a source of wealth belonging to future generations, not on account of the money they will bring, but for the population they will sustain. A steady, industrious, contented, and fixed population, are the riches of a country. A provision of the above kind would, in my opinion, produce that effect; a residence of three years would produce the blessings and attachments of home, while the sale of the freehold, even at an advanced price, would seldom be an inducement to part with it; because a larger quantity of land, in most cases, could not be purchased elsewhere, and thus contentment would ensue, while the products of the farm would enable the younger branches of the family to provide themselves a home upon the same terms. The next beneficial result would be, to check at once the fearful speculation in public

lands that is now in progress, and that ruinous system of borrowing that is resorted to for that purpose; and those now engaged in that business would then turn their attention and means to some other pursuit that would advance the growth, prosperity, and permanent wealth of the country. And last, though not least, it would dry up one of those sluices through which money that is not needed is constantly pouring into the Treasury; and it would preserve for our children, and our children's children, even to remote generations, an opportunity of acquiring a freehold on the same terms as were afforded to their fathers. But if we sell this valuable estate now, as fast as possible, for the highest price that can be obtained, and make that, and not the settlement of the country, our object, and then distribute the proceeds amongst the several States for the purpose of having it expended, spent, or squandered, we act the part of an improvident spendthrift, who, having acquired by descent a large landed estate, converts it into money as fast as possible for the purpose of gratifying his vanity, or acquiring power and influence by corruption and fraud.

In the next place I would repeal the entire duties on all articles that are used in any manner or form in the diet of the country; and to show its effects upon that part of the country in which I reside, I would instance the duty on sugar alone, which we now pay either into the Treasury or as a bounty to the manufacturer; take the duty off that article, and the price would be reduced at least two cents on the pound. The bill contemplates giving to the State of Ohio about one and a half millions of dollars as her proportion of the spoils for three years, and the profession of the friends of the bill are, that they wish to give this money back to those who paid it; and as they cannot do that, they will approximate as nigh as possible by giving it to the States. Every family in the United States I presume uses sugar, and for the argument I will allow one hundred pounds per annum to each family of five persons. In Ohio we have probably three hundred thousand families who pay a tax on sugar of $600,000 yearly. In three years we pay $1,800,000 tax on sugar alone; repeal this tax, and you in effect give to each family two dollars per annum—a sum larger than will be distributed to them by this bill, could its friends make its operation as they profess to wish; but if the surplus revenue be so extravagantly large as has been represented, I would go one step further, reduce the duties on articles of wearing apparel of the coarser texture, which are used mostly by the laboring classes, so that the revenue of the Government will not exceed its just wants, and you will relieve the State of Ohio in one year from the payment of a much larger amount than is proposed to bestow upon her by the provisions of this bill.

But should all this be done, there seems to be still a remaining difficulty; the money we have on hand, the surplus in the Treasury, what shall be done with regard to that? How is it to be disposed of? A few more Indian campaigns, Indian treaties, and city debts, and private claims, will give an effectual answer, and dispose of that difficulty; indeed, our present situation itself seems a sufficient reply. If after our naval defenses, fortifications, and the necessary increase of the Army are completed, as sound policy and justice require, and the wants of the country demand, and are all supplied, I am disposed to believe that little danger need be apprehended from the remaining balance; it will neither make nor unmake Presidents. And if, in addition to all these, a speedy completion of the public works now begun, and which Congress ought, and I presume will finish, should take place, and sufficient appropriations be made for that purpose, the surplus revenue on hand will no longer be cause of alarm or contention. I have, in what I have said, fully and freely expressed my opinion, though in as concise and condensed a manner as I was able. I have not sought for precedents, or looked into the opinion of others, out of which to manufacture one for myself. In political, as well as in matters of religious faith, I think the original text a far more safe and sure guide than any commentary, however wise and good the commentator might have been. I have chosen to rely on the Constitution as my only sure guide, and that moral principle which ought to govern the actions of men in all situations, and under every circumstance. How far I am correct, and ought to be sustained, those who sent me here are the best able to decide

Mr. President, when we look back a few past years, and find this bill first introduced into Congress, although it passed both Houses, yet we have full, and, to our minds, conclusive evidence, that it was disapproved by the great body of the American people. We ought not to regret its introduction now; it is but a new trial of the intelligence and virtue of our constituents, who have always been found sufficient for the evil of the day. It is but an attempt to revive that principle which was found active at the very commencement of our Revolution—the principle of Government power over individual liberty. This principle was first brought into operation by the charter of the old Bank of the United States, and continued progressing until it produced the alien and sedition laws. This brought about the civil revolution of 1800, in which the patriotism, virtue, and intelligence of the people were triumphant, and a most signal victory was obtained. The vanquished enemy then retired from the contest, and remained quiet for a number of years, waiting for an opportunity favorable to his views. The war of 1812 presented one, as he thought. Having changed his colors, he again entered the field under the banner of the American system, and another United States Bank began this second Punic war. This institution, which was forced upon the people against their wishes and against their better judgment, met with firm resistance at its very commencement. During its first years it shared but little of the public favor. Its friends, however, were in power; and during the next Administration after it was created it acquired much strength and force. Under its auspices the American system was strengthened and invigorated, and the whole doctrine of internal improvement was spread in wild array before the American people; while a protective tariff, the necessary consequence, was gnawing at their substance. The party conducting these measures assumed a new name; they were National Republicans. But all would not do; their strides for power were too plain to be overlooked. The country became awakened to its situation, and Andrew Jackson was the man the people selected to save them from these dangerous innovations, at least as far as the executive power could effect that object. The election of 1824 took place; General Jackson received a large plurality of the electoral votes, as well as the primary votes of the people; but not having a majority of the votes, his name, with two other gentlemen, according to the provisions of the Constitution, was returned to the House of Representatives for the election of a President. The result is well known. The voice of the people was disregarded, and those opposed to individual liberty, and in favor of Government power, prevailed. Flushed with this temporary victory, they felt sure of ultimate success, and the most extravagant pretensions to power were openly avowed; but the public indignation, if it was not loud, was deep. The ship of State was not to be given up; and when the election of 1828 came round, like a clap of thunder it awoke the band of schemers from their golden dreams. General Jackson was brought into power by a most triumphant majority; the rank and file of the bank and American system party were scattered, and many of them left the colors of their chieftains, but the principal leaders still retained their places; and though defeated, were not disheartened; they still held a majority in both branches of Congress. A bank bill and internal improvement bills were successively passed and vetoed by the President. The election of 1832 took place, and General Jackson was again elected, by an increased majority. Thus, all the splendid prospects of power and grandeur which gentlemen thought they were just realizing were dissipated by the force of public opinion, and the popularity of General Jackson's administration seemed to wither all their hopes. One might have reasonably expected that this mountain labor would have ceased when a majority of the House of Representatives was found on the side of the Administration. But no! General Jackson had caused the public money to be removed from the Bank of the United States; this gave new hopes to the panders of power. A panic was created in the monetary concerns of the country, and General Jackson was denounced by men high in power, as a violator of the Constitution and laws of his country. It was now believed by the knowing ones that the scattered fragments of all their broken forces could be again rallied to the fight, at least under a new name, and that of WHIG was adopted—yes, the WHIGS were called on to come to the rescue of the bank, against the power of the country. A new banner was also unfurled—inscribed on one side, *executive usurpations;* on the other, *lost Treasury, ruined country;* but these efforts proved also unavailing. The country is prosperous beyond former example. The Treasury is full to overflowing. And now, out of the midst of all these convulsive throes, creeps this public measure, an attempt to buy up the people with their own money—a distribution of the revenue of this Government amongst the States on the eve of a presidential election. We have a perfect confidence that this scheme, like all its progenitors, will die for the want of public nourishment.

Reminiscence is valuable in all the affairs of life, and in none more so than political matters; a knowledge of the family from which this land bill springs is sufficient to fix its character. The short time the public have been acquainted with it has caused the loss of many friends; and although three Senators, who formerly voted against it, have now voted for it, yet its majority here is less than formerly. Of the fourteen Senators representing the new States, five have voted for it, and nine against it. This proves it is considered ruinous to the interests of those States. I include one Senator from Indiana who formerly voted against this measure, but who was not present when this bill was ordered to be engrossed. Eight States have now voted for the bill, containing a population of 3,619,000, (I omit fractions;) seven States voted against the bill, population, 3,567,000; nine States are divided, population, 4,758,000; three of the Senators from these last States, if not on this, yet on other subjects, disregarded the instructions of their State Legislatures; and the people of three of these last States have constantly maintained the doctrines of a strict construction of the Constitution. No one, after this, can doubt the fate of this measure before the American people.

Should this bill by possibility pass the House of Representatives, that the President will put his veto on it, no one, I presume, doubts. Personal honor, political consistency, as well as duty, seem to require this at his hands. That this act will add to his fame and his usefulness, if addition can be made, I have every confidence; and I predict, that his enemies now in this conflict will meet with what his enemies, both in war and peace, have heretofore done—MORE THAN A WATERLOO DEFEAT.

DISTRIBUTION OF THE PUBLIC LANDS.

SPEECH OF HON. A. G. HAWES,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

April 4, 1836.

The House having resumed the consideration of the motion of Mr. SHERROD WILLIAMS, to refer certain Resolutions of the Legislature of Kentucky, in relation to the Surplus Revenue, to the Committee of Ways and Means, with instructions to report a bill for the distribution of the proceeds of the Public Lands among the several States, for the purposes of education and internal improvement—

Mr. HAWES addressed the House as follows:

Mr. SPEAKER: When I offered the resolutions now under consideration a few days since, I moved that they be printed and laid on the tables of the members of this House, with a view to call them up, and have them referred to the same committee to which the bill from the Senate on the same subject might be sent, in the event that it should pass that body. It has been the usual course, in relation to matters of this kind,

to have them printed and laid on the table, until the subject is brought forward for action in the House. My colleague has thought proper to bring them under discussion at the present time; and having no objection to that course, I shall proceed to their consideration, at the same time that I shall feel it an imperative duty to answer my colleagues who have preceded me, in relation to this and other matters.

The Representatives on this floor have been requested, and the Senators in the other body instructed, by a majority of the Legislature of Kentucky to vote for a bill distributing the proceeds of the public lands among the States, or in other words, to vote for Mr. CLAY's land bill. This is not the only time, since I have had the honor of a seat in this House, that the Legislature conceived it to be their duty to instruct their Senators to do an act which they knew would be done without such instructions, and request the Representatives to do that which they knew a part of them had already determined to perform, and another portion had determined not to do. I remember a time, long since past, when the Legislature, by an almost unanimous vote, requested her Representatives to give their votes to the present illustrious Chief Magistrate of this Union. The then members of Congress were requested to vote for an individual as President who had received more of the people's votes than all the other candidates put together; and I ask my colleague, [Mr. ALLAN,] who has expressed such satisfaction at the present request, what was the course of Mr. CLAY and those who acted with him on that ever memorable occasion? They proclaimed that the Legislature had no guardianship over the members of the lower House of Congress; that they appealed to the people of the congressional districts from which they came; and upon their decision, and theirs alone, would they rely for a justification of their conduct. I ask, if these were not the views of the then members of Congress? Mr. Speaker, I cannot, I will not, vote for Mr. CLAY's land bill, except upon one condition, to wit: that a majority of my constituents, those who reposed their confidence in me, and for whose opinions I shall ever entertain the highest respect, shall instruct me so to do. In that event—which I am conscious will never happen, for I have a firm reliance on their judgment, discretion, and love of country—I shall either comply with their request, or resign my seat here. I am the Representative of the people of the second congressional district, and not of the Legislature.

I have on one occasion, if not more, since I have been a member here, been forced, from considerations of public policy and duty, to act contrary to the request of the Legislature. There was a time, and that not long past, when that body thought it to be their especial duty to request the Representatives from Kentucky to prostrate the rights and liberties of their constituents, and of the people of the other States of this Confederacy, and bow in humble submission to the Bank of the United States and its foreign stockholders, consisting of earls, dukes, marquises, barons, lords, esquires, &c., &c., by restoring the deposits to its vaults, which had been removed by the Secretary of the Treasury. Yes, the Assembly of that State, which the gentleman from Kentucky had said (and it was true) had done so much for the defense of the country during the late war, had acted in this manner; and I then disobeyed their request, and asserted the rights and supremacy of the people over the bank and all other such monopolies. When I see the Legislature pass a solemn resolution, which I believe for the good and welfare of the people whom I represent, it will at all times give me great pleasure to act in unison with their opinion. But when, on the contrary, I see them, influenced by party considerations, act contrary to the interests of the people of the State and the Union, it gives me equal pleasure to declare, in my place, that I will not comply with the resolution of the majority of the Legislature. That majority knew full well, before passing the resolutions, that the Senators would support the bill, for one of them had introduced the proposition, and the other was known to be favorable to it. That majority knew that every Opposition man in Congress from the State of Kentucky would vote for the land bill as surely as the sun would rise on to-morrow, and that all who agreed with me in opinion would as certainly vote against it; yet, with these facts before their eyes, they had consumed their time in doing that which could not possibly be of any benefit to their constituents. Sir, party considerations were at the bottom of this movement, and before I close I shall make some allusion to them.

Mr. Speaker, I have ever held to the doctrine that the Legislature of any State had a right to instruct their Senators to vote accordingly with the opinions of such Legislature, and that they were bound either to obey that will or resign their places; and I conceive that he who violates this first principle of our Government, and thus rudely removes the very foundations of our free institutions, is recreant to the trust reposed in him, and ought never again to be trusted by the people, unless after a long and sincere repentance, and a firm determination to practice a different course. But it is different with a Representative. They are the agents of the people of the several congressional districts, responsible to them, and occupying towards them the same relative position as the Senators to the Legislature. There are perhaps not more than four of the Representatives from Kentucky who will act with me in opposition to Mr. CLAY's land bill, and there are perhaps nine who will pursue a different course. We are all responsible to our constituents, and I may be permitted to add an opinion, that the four, though fewest in number, are with the true interest of the people of the State and Union, while the nine (though equally conscientious) are on this occasion unintentionally against that interest.

My colleague, [Mr. HARDIN,] in the course of his remarks on another subject, has used the following language: "Is there any scene in this 'world so ridiculous as to see Van Buren's friends 'place him before the people as the war party 'candidate, and denounce Harrison and his friends 'as pusillanimous, cowardly, and ready to betray 'their country?" The friends of Mr. Van Buren never did hold him up as the war party candidate. They do hold him up as the choice for the next presidency of that party who were determined to vindicate the insulted honor of the nation. They do consider that he is one of that party who would not permit any foreign nation, harmlessly and at will, to violate a solemn treaty, executed with all due formality, and faithfully performed on our part; one of a party who, when a foreign potentate wished to wring an apology from our Chief Magistrate for doing his duty to his country, would not, at any cost, permit the stain to rest on our escutcheon; one who could not patiently submit to the shameful scene of a monarch of Europe directing and commanding the President of these United States what he should, and what he should not, say to Congress in his annual messages; one of a party who were willing to meet foreign preparation for war against their native country with a corresponding force on our part; one of that party which would not, for the sake of a few dollars and cents, leave our frontiers exposed to foreign invasion, when, from time to time, warned that a powerful armament had been ordered to rendezvous in our neighborhood and off our coast, with no ostensible object, save to coerce a compliance with their demands on the Executive. If these objects make a man a war party candidate, I hope I shall ever be found supporting one of that character. My colleague, [Mr. ALLAN,] who has addressed the House on this subject, has said that he had always voted for appropriations when recommended for the naval service. I have the Journal now open before me, and from it I find that when the cloud of war hung darkest in our horizon, when no one here could say at what hour war would be declared against France, or by the French Government against this country; when the countenances of all were solemn at what they thought the lowering and approaching onset; when every breeze from the east bore the tidings of immense preparations on the part of France; when it was loudly and constantly proclaimed by the French Ministry that nothing but a direct apology from the President would be received for a supposed insult offered to that Government, on the 11th day of January, the chairman of the Committee on Naval Affairs offered the following resolution, to wit:

"*Resolved*, That the Committee on Naval Affairs be instructed to inquire into the expediency of increasing the naval force in commission."

Here, then, is a proposition from the head of a committee of this House, proposing merely to inquire into the expediency of increasing the naval force in commission; and what was the vote of my colleague in relation to it? Why, sir, he is found in a small minority of nineteen against the mere inquiry, when there are one hundred and sixty-four, composed of men of all political castes, who are in favor of the proposition. If the gentleman calls this a willingness to vote appropriations when called for, I am unable to comprehend his meaning. What justification he may find for his course under the above circumstances I know not; but for myself I shall ever be found ready to vote appropriations for repelling the invasion or even probable invasion of our beloved country by any foreign nation whatsoever. I shall not attempt to follow the gentleman through all his remarks, but will say, that they are much after the order of the attacks which have been made on the Administration for the last six years, both on this floor and by the Opposition presses throughout the Union, which have been refuted on many occasions; and what is more, they stand condemned by the voluntary suffrages of nearly two-thirds of the people of this nation.

My colleague [Mr. HARDIN] again holds this language: "Harrison, who spent his youth, his 'manhood, and the prime of his life in camps and 'battles, in fire and smoke, contending in his 'country's cause. Many a bloody field can attest 'Harrison's achievements, and emblazon his fame 'and glory abroad. Kentucky has won laurels 'with him and under him. He always did her 'brave sons justice in the field, and justice in his 'reports to the War Department. In this ap'proaching election the world will bear witness 'that Kentucky, amongst her other great virtues, 'boasts the proud one of gratitude."

Here, Mr. Speaker, are the grounds upon which General Harrison is to be brought before the people of Kentucky for the next Presidency; and these are the only reasons urged why the people of that high-minded and patriotic State should support him. Not that he is qualified, from his education and habits, for that high and responsible station; not that he is capable, or has rendered civil services to the nation; not that his opinions or interests are identified with those of the people of Kentucky, but that he has been a warrior; that he has spent his youth and his manhood, the prime of his life, in camps and battles, in fire and smoke, combating in his country's cause. Now suppose this last prop is taken from him; suppose, after following him through his whole military career, doing complete justice to his warrior deeds, surrounding his brow with every wreath of glory which justly belongs to him; I say, suppose, after doing him complete justice in everything, we should find that he did not spend his manhood amidst fire and smoke, what claim would he then have to the votes of our patriotic citizens? I shall not, on the present occasion, make an allusion to the personal bravery of this high personage: he may be, and no doubt is, a brave man; and consequently I shall say nothing on that head. The history of his military career is the history of the country; it is public property, and as such I shall use it, more especially as my colleague has attempted to convert it to his benefit. Let us, then, in the spirit of candor and of justice, follow him through all his campaigns, and see whether he can lay a just claim to our suffrages on that score, unaided by any one recommendation beside; for even his friends claim nothing more for him. First, let us see him on the plains of Tippecanoe, which was his best field, and if not made President for that, he certainly can be for none other. He commanded on that occasion as brave men as ever marched to a field of battle—men who would do honor to any army or any country. The commander, however, according to what was reported at the time, as I have been informed, trusting to

his enemies, and those the untamed and untamable savages of the forest, encamped on ground which was pointed out by them, and thus unnecessarily exposed his army to their merciless vengeance. The ground might have been (for aught I know) suitable for an encampment; it probably was, but for the circumstance that the enemy proposed it, which of itself was sufficient to have warned a commanding general against it. On that occasion Kentucky lost many of her brave sons; and Joe Davies is still fresh in the memory of his countrymen. Sir, Kentucky has not yet ceased to mourn his loss. He left family, friends, and home for that fatal field; and when there, his gallant impetuosity led him to the thickest of the fight; and the lines of the immortal Byron are truly applicable, when he says, in relation to another,

"He rushed into the field, and foremost, fighting, fell."

Again: at Sandusky and the defense of Fort Stevenson, where was General Harrison? He was at the head of an effective and brave army, and left the little devoted band of one hundred and fifty men, commanded by the gallant Croghan and his noble associates, surrounded by an enemy, to defend themselves as best they might against vast odds. But hear what Mr. Duncan, present Governor of Illinois, says in relation to it. He was present; he was one of the officers of the fort on that memorable occasion; he is a friend of General Harrison; he is opposed to Mr. Van Buren for the Presidency; and yet, what does he say in relation to that affair? It is unnecessary to recapitulate the whole letter of Governor Duncan, and I shall only take such parts as relate more particularly to the matter now under consideration: "About this time General Harrison received information that the enemy had raised the siege of Fort Meigs, and had started in the direction of Sandusky and Camp Stevenson. Receiving this intelligence, he determined to retreat from his position, and immediately sent an express to Fort Stevenson, which arrived about sunrise, ordering Major Croghan to burn the fort, with the ammunition and stores, and retreat without delay to head-quarters, giving some precautionary instructions about the route," &c.

Here it is asserted, by authority which cannot be denied, that Croghan was ordered to retreat, to burn his ammunition and stores; and this, too, by his commanding general—my colleague's redoubtable warrior-candidate for the presidency. What, let me ask, was the conduct of Croghan and his brave associates? Why, sir, they took the vote in true republican style, and determined to defend the place at all hazards. They did defend it; and the train-bands of British warriors, with their savage allies, thirsting for the blood of our brave countrymen, were driven back with a slaughter which will ever stand as one of the brightest pages in our history, and an everlasting stigma on the name of him who bade them desert their post and destroy their stores and ammunition. Sir, according to this same letter, *'this great hero, this man who had spent his youth and his manhood in fire and smoke, and who is now attempted to be made President for his noble deeds,'* had piled up his ammunition and stores, and was ready to set fire to them as soon as Croghan should reach Seneca; and it cannot be doubted that, if he had arrived according to orders, General Harrison would have retreated instantly, leaving the whole frontier, our fleet at Erie, and the boats and stores at Cleveland, (the destruction of which was the object of the invasion and movement down the Lake,) at the mercy of the enemy; leaving five hundred miles of frontier undefended, and our whole fleet and millions of the public property exposed to inevitable destruction.

But, again, let me ask what was the conduct of this *great General*, when this little band of patriots were contending against fifteen times their number, though badly provided with ammunition, and protected only by a log fort? Governor Duncan says, that in relation to Croghan, during the siege, and when the firing could be heard in camp, General Harrison said: "The blood be on his own head; I wash my hands of it;" not doubting for a moment that the garrison would be cut off. Mr. Speaker, it is but fair and just, if the American blood, which was expected to be spilt on that day, should rest on the head of Croghan, that he should be permitted to have the glory of the achievement and the victory; and if the General washed his hands of all participation in the deeds of that day, that not only himself, but his friend, should likewise *wash his hands* of any participation in the glory of the deed. But what do we hear on this floor and elsewhere? That, for his great military achievements, the people of Kentucky are to give him their suffrages for the highest office in the gift of the people.

I come now to the fatal field of Raisin; that field which has been fattened with the best blood of my adopted State; that field which was covered with the best blood of Kentucky's noblest and choicest spirits. Where was General Harrison then? He was not far distant; and why, let me ask my colleague, was he not in the *fire and smoke* which enveloped the manly forms of those who had gallantly marched in defense of the country? Sir, I remember to have heard it said, but I do not vouch for it, that when the news of that fatal day was received by express at the seat of our State government, the theater was in session, and there was scarcely a being in that spacious establishment but had lost some near and dear relative or friend. Kentucky was in mourning from one extremity to the other, for the blood that flowed on that memorable occasion came from the veins of the flower of Kentucky's chivalry. Years and years after, their bones still bleached on that fatal field of slaughter, and stood as a lasting monument of the ill-starred and unfortunate conduct of the commander-in-chief. Was he in fire and smoke on that occasion? No, he was not; and the spirits of the brave—of our Allen, our Hart, our Simmes, and the many others who bravely perished unaided and unsupported by their leader—will rise up and proclaim to the people that General Harrison was not amidst the fire and smoke which enveloped their manly forms on that trying and heart-sickening day. Sir, what does Governor Madison say in relation to the conduct of this *hero* on that occasion. He says:

"Our camp police was not, perhaps, what it ought to have been. But I am not here the accuser or excuser of any one, though thoroughly convinced that the principal error of the campaign, and that which brought all other evils upon us, was the great distance at which the other parts of the army were kept. Had the position been different, had the main body been located within sustaining distance of the advanced corps, or had this corps been reinforced by even a single battalion of five hundred men, ours would have been a victory instead of a defeat." Again, General Lewis says: "Had the general force been five hundred greater than it was, he would not have experienced a defeat."

Sir, will this testimony be denied, the testimony of a Governor of Kentucky, who was a principal actor on the occasion, and who, from the misfortunes of the day, became the commander of those unfortunate troops? My colleague's *hero*, instead of being *in fire and smoke*, was not even in sustaining distance; and our brave men perished, and our glorious flag was trampled under foot by the enemy, for the want of being sustained, and because the commander-in-chief did not send five hundred men to their assistance.

I come now to the battle of the Thames, and I ask my colleague [Mr. HARDIN] who was the *hero* of that day? There is one now in this Hall, and a member of this House, and who may be recognized afar off by the effects of the honorable wounds received on that day, [Mr. JOHNSON;] one who has served his country for a long course of years, both in civil and military occupations; who was indeed amidst fire and smoke, and blood and death and destruction, and whose animating voice was heard above the din, the turmoil, the struggle, and the roar of the battle, encouraging the brave spirits who surrounded him to glory and to victory; one who completed the defeat of the enemy by slaying with his own hand their chief, the celebrated Tecumseh, for it was then, and not till then, that they raised the shout and yell of dismay, which was answered by the victorious war-cry of Kentucky; and yet my colleague leaves him, who is also before the people for their suffrages, and takes up another who was not in the midst of the battle and of danger, and recommends him for his military deeds alone. Sir, I do not wish to do injustice to General Harrison. If I know my own heart, I would not tear one laurel from his brow; I would rather add to their number than rudely tear them asunder. What I have said is matter of history, and therefore public property; and I should not, on this occasion, have made an allusion to the late war had not my colleague, on a former occasion, brought it under consideration, and urged it to Kentuckians as a reason for discarding the Republican candidates for the presidency and vice presidency, and supporting General Harrison.

Again, my colleague says that General Harrison always did Kentucky justice in his reports to the Department of War. It is true he frequently spoke well of the Kentuckians, and sometimes made insinuations against them and the whole western country, and particularly charged the militia of Ohio as not to be depended on. But I will not, in relation to this matter, trust to memory, but use his own words, which may be found in his report to the War Department, written from Chillicothe, and dated March 17, 1813, page 141. He says, "amongst the reasons which 'make it necessary to employ a large force, I 'am so ry to mention the dismay and disinclination to the service which appear to prevail in 'the western country." This, Mr. Speaker, I contend is doing a crying injustice to the people of Kentucky, as well as the balance of the West. At what time, let me ask, did *dismay and disinclination to the service* pervade the West? Search the annals of your country, and when did men ever march more willingly at every summons? They poured forth their blood like water: they left their firesides and their homes, their wives and children, everything which was near and dear to them; and while they are doing all this, suffering hardships and privations almost past the endurance of man, the commanding General writes from his head-quarters at Chillicothe, that *dismay and disinclination to the service prevail in the western country;* and yet this same West is called on to support him for the Presidency. Never; no, never.

Again, in the same letter, after speaking of the militia who were with him the preceding winter as brave men, and much to be depended on, he resumes: "THE NEW DRAFTS FROM THIS STATE ARE ENTIRELY OF ANOTHER CHARACTER, AND ARE NOT TO BE DEPENDED UPON." People of Ohio, do you see this; and from whom does it come? From a stranger? No. From one unacquainted with you as a people? No. From a citizen of another State? No. But from your own leader during the war—from a citizen of your own Territory. Had you a right to expect this? You had not; for you had marched at his summons to the standard of your country. I ask you, are or are not the people of Ohio to be depended upon in the day of trial and of danger? General Harrison says NOT, but I say they are, and the world will, with one accord, agree with me in pronouncing it a slander on your character as a people. And yet you are called on to support this man for President, and yield up your Republican opinions for his sake. Will you subscribe to this? If you do, the world will proclaim in a voice of thunder, and in the language of Harrison; *that you are not to be depended upon.*

And now, sir, in relation to Kentucky he says: "I have no doubt, however, but a sufficient number of good men can be procured; and should 'they be permitted to serve on horseback, Kentucky would furnish some regiments," &c. Here, Mr. Speaker, after saying that the new drafts of Ohio are not to be depended upon; that if allowed to serve on *horseback*, Kentucky would furnish, &c., I ask you if this is not likewise a slander on the State in which I reside? 'Tis true he did justice to those who fought at Raisin; he could not avoid it, for such men are difficult to obtain in any country; but when he says, that if allowed to fight on horseback, is it not tantamount to an assertion that on foot they would not make good soldiers? I assert it, and many a glorious field will bear witness, that Kentuckians, whether on foot or on horseback, are not inferior

to any in this wide extended Union, the inuendo of General Harrison to the contrary notwithstanding. It has been said that we are divided into three parts, to wit: alligator, horse, and snapping-turtle; and my colleague's *hero* and candidate for the Presidency should have recollected that, when the horse was removed, there still remained the alligator and snapping-turtle; the one celebrated for holding on, and the other for destroying.

Sir, all this is painful to me. It is not consonant to my feelings to call up the history of events which have almost been consigned to oblivion; but I conceive my justification will be found in the course of my colleague, who commenced the investigation of the deeds of General Harrison. I would not willingly inflict pain either on him or his friends, and I owe an apology to the House for having so long detained them on this subject.

Again, on Monday, two weeks after the above was delivered, (the House in the mean time being engaged in other matters,) Mr. HAWES spoke as follows:

Mr. SPEAKER: Since I had the honor to address the House two weeks ago, my friend from Ohio [Mr. STORER] has taken occasion to answer in Committee of the Whole the remarks which I made in the House, although it was known to himself and the other members, that I had not concluded my remarks, but was prevented by the rules of the House from so doing; the effect of which is, that the speech of the gentleman has gone out in answer to one which is as yet unfinished. I therefore ask the permission of the House to answer the remarks of the gentleman from Ohio, although contrary to the rule of proceeding here.

The CHAIR stated that, as he was not permitted to do so by the rules, he must put the question to the House.

The question being then put, and leave being granted Mr. HAWES to proceed, he spoke as follows:

Mr. SPEAKER: I must express my thanks to the House for the favor they have granted me; for otherwise I could not have replied to the remarks of the gentleman from Ohio. The speech of the gentleman, which I have seen in pamphlet form, is the most singular article of the kind that has ever come under my observation. It purports on its face to be a speech in answer to mine, in relation to the military conduct of General Harrison during the late war; yet, when it is opened and examined, the greater part is taken up by certificates from other individuals; and the best designation I can give it is, the certificate speech of my friend from Ohio. There are more certificates in that speech than are usually appended by physicians to a patent medicine, which they wish to recommend to the public; and hence I shall apply another name, and call it the patent medicine speech. It has been truly and justly observed by one now high in power and station, when applied to for a certificate of good military conduct, that a good officer was always injured by certificates, for actions spoke louder than words; and it brought suspicion on him, by inducing men to doubt on the subject. I ask if any one ever thought of obtaining certificates of character, unless there were good reasons to doubt that character? Certainly not. What would be thought of a female who would go into the world to procure vouchers of good character? Why, sir, that serious charges and reasons and suspicions rested on her chastity and virtue; and is not the reputation of a military man as delicate as that of a female? Most undoubtedly it is; and yet, in years that are past and gone by, this long list of certificates was obtained to support General Harrison as a renowned commander, and it needs no comment.

But again, I discover that these certificates are presented as coming from colonels, majors, generals, &c., when it must be recollected that, during that period of the war, these gentlemen did not hold these high offices, but were subordinate officers under General Harrison, and that at subsequent periods they received their higher grades on the list of the Army. At the time these certificates were given, the signers stood very much in the same relation to General Harrison in which my friend from New York [Mr. GRANGER] now stands, that of lieutenant or second in command. They were his mere subordinates, and dependent on him, to a certain extent; and I mention this, not in disparagement of them, but that they may not go out with other and higher titles than, in truth, existed at the time. I ask my friend from Ohio [Mr. STORER] if he can inform this House why the name of the commander of the fourth regiment at Tippecanoe—that regiment which discharged its duty so gloriously on that occasion—was not appended to the certificates? Here are the names of all the subalterns, but where is the name of General Boyd, the gentleman's own uncle, and the commander of that regiment? It is not here—simply because he could not conscientiously sign a paper so different from his belief and convictions; and I appeal to many members on this floor, whom I could name, for the truth of what I assert. He entertained no such opinion of the military conduct of General Harrison, and hence did not certify.

The gentleman has said that I should have left the defense of the militia of Ohio, from the charge made against them by General Harrison, to some member from that State. I will tell that gentleman that I have a warm feeling for the reputation of the people of Ohio; for they are our brethren; and when I see the standing of a sister State rudely assailed, and that, too, by an individual, now a candidate for their votes as President of these United States, I, as a Kentuckian, shall make an effort, however humble it may be, to disprove such insinuations, and place that brave and patriotic people in a true situation, the charges made by General Harrison against them to the contrary notwithstanding. But enough of this; for it is truly painful to feel it a duty to speak of things which are past and gone by, and I do hope that neither the gentleman from Ohio, nor my colleague, [Mr. HARDIN,] will again bring me in a position where it devolves on me, as the Representative of a truly patriotic and high-minded people, to set them right on this or any other subject.

Mr. Speaker, the people of Kentucky are called on to support General Harrison and Francis Granger, in preference to Martin Van Buren and Richard M. Johnson. Of the latter, I need say nothing, for his military and civil labors have given him an almost universal acquaintance with the people of Kentucky. For twenty-nine years he has been a member of Congress, and during that period has been the stern and unwavering advocate of the people's rights. His Sunday mail report, and his effective labors against imprisonment for debt, to say nothing of his exertions for the soldiers of the revolutionary and late wars, have given him a reputation which nothing that an humble individual like myself could say could add to or diminish. But in relation to Mr. Van Buren, upon whom so much vituperation and abuse have been lavished, I will detain the House but a few moments. And who is Martin Van Buren? A man who, through the whole course of his life, has been identified with the Republican party, and on that account has drawn down on his head the most determined and persevering hatred of the aristocracy; a man against whose private character and moral worth not even a breath of slander has dared to approach. He was the son of an humble farmer in New York, who, at a subsequent period, kept a house of entertainment at Kinderhook; and through his long political career has not forgotten that he was truly and emphatically one of the people, and the deadly enemy of aristocracy in any and every shape by which it might approach our free institutions. He has passed through almost all the stations in the gift of the people; and who dare assert that he has ever been unfaithful? The first office he was called on to occupy was the humble but responsible one of surrogate, or judge of probate, in his native county. Next, he was elected a Senator in the Legislature of New York, where he continued two terms; and while there was the unwavering advocate of the war, and was the author of the many patriotic addresses which issued to the country, calling on the people to sustain the honor, the rights, and the glory of the Union, against their powerful and vindictive foe. At a subsequent period, Martin Van Buren was appointed Attorney General of his State, and afterwards, by Mr. Madison, to prosecute General Hull for his inglorious surrender at Detroit. When the convention for revising the Constitution was demanded, he was a resident of a Federal county, where he, as a Republican, could not hope to be chosen; but such was the necessity for his public services, in the opinion of the people, that a county one hundred miles off elected him a member of the convention, and he nobly rewarded their well-placed confidence. At that time no man was allowed to vote unless he possessed a freehold to the value of $250, which disfranchised nearly one half of the whole population; and by his persevering and indefatigable efforts, and his untiring zeal in the cause of free suffrage, this odious principle of a property qualification was eradicated from the constitution of New York. Mr. Van Buren was twice elected a Senator in Congress by the Legislature, and before his second term expired, was elected Governor by a greater vote than has ever since been awarded to any one; and while discharging the high and onerous duties of that station, was appointed by our illustrious Chief Magistrate, Secretary of State. Sir, at a subsequent period he was appointed, by the same authority, our Minister Plenipotentiary to the Court of Great Britain, whence, as is well known, he was recalled by the Senate, without a single charge against his ability or fidelity. When thus recalled, the people of this Union felt their rights outraged and compromised, and elected him, by an overwhelming majority, Vice-President of these United States—the station which he now holds. Let any man, who is not blinded and prejudiced by party, examine his conduct through all the various stages of his public services, and he will find that he has fulfilled the high trusts which have been reposed in him with honor to himself and benefit to the country. And with these facts before his eyes, my colleague [Mr. HARDIN] invokes the people of Kentucky to refuse their votes to this tried patriot and Republican, and to give them to General Harrison, who has ever been arrayed against the Democratic party of this Union. I will not, I cannot, believe that such will be the result.

Mr. Speaker, I have departed from the subject of the resolutions, in order to answer other gentlemen; and I shall now say a few words in relation to them. The one proposition is to divide the proceeds of the public lands among the States for the purposes of education and internal improvement; and the other, which stands in opposition, is the project of the able and indefatigable Representative from Illinois, [Mr. CASEY,] who is ever attentive to the trust reposed in him by his constituents, to graduate the price of the lands, and thus open a door to their actual settlement by the hardy yeomanry of the land. Believing, as I do, that the first proposition will prostrate the interests of the West, make that portion of the Union tributary and subservient to the eastern and southern States, and paralyze the arm of exertion and industry, without corresponding benefits, I am forced to vote against it. I am a western man. I represent a portion of the people of that country, and (though there are no public lands in Kentucky) I cannot be instrumental in prostrating the interests of our sister States; to bind, manacle, sell, and deliver them over to the balance of the Union. Let the other States but once revel in the spoils wrested from the West, and where is the remedy in case we should wish to reduce the price of the public lands? Shall we act on the principles of the monarchs of Europe, keep large forests and hunting-grounds, to be the abode of beasts of prey? or shall we, for a small consideration, open them to the actual occupation of the honest farmer and his family?

This is the true question to be decided; and for myself, I would prefer to see the land occupied by a prosperous and industrious population, surrounded by peace, plenty, and happiness, with the glorious privilege to say, this is my own, and

his enemies, and those the untamed and untamable savages of the forest, encamped on ground which was pointed out by them, and thus unnecessarily exposed his army to their merciless vengeance. The ground might have been (for aught I know) suitable for an encampment; it probably was, but for the circumstance that the enemy proposed it, which of itself was sufficient to have warned a commanding general against it. On that occasion Kentucky lost many of her brave sons; and Joe Davies is still fresh in the memory of his countrymen. Sir, Kentucky has not yet ceased to mourn his loss. He left family, friends, and home for that fatal field; and when there, his gallant impetuosity led him to the thickest of the fight; and the lines of the immortal Byron are truly applicable, when he says, in relation to another,

"He rushed into the field, and foremost, fighting, fell."

Again: at Sandusky and the defense of Fort Stevenson, where was General Harrison? He was at the head of an effective and brave army, and left the little devoted band of one hundred and fifty men, commanded by the gallant Croghan and his noble associates, surrounded by an enemy, to defend themselves as best they might against vast odds. But hear what Mr. Duncan, present Governor of Illinois, says in relation to it. He was present; he was one of the officers of the fort on that memorable occasion; he is a friend of General Harrison; he is opposed to Mr. Van Buren for the Presidency; and yet, what does he say in relation to that affair? It is unnecessary to recapitulate the whole letter of Governor Duncan, and I shall only take such parts as relate more particularly to the matter now under consideration: "About this time General Harrison received in-'formation that the enemy had raised the siege 'of Fort Meigs, and had started in the direction 'of Sandusky and Camp Stevenson. Receiving 'this intelligence, he determined to retreat from 'his position, and immediately sent an express to 'Fort Stevenson, which arrived about sunrise, 'ordering Major Croghan to burn the fort, with 'the ammunition and stores, and retreat without 'delay to head-quarters, giving some precautionary instructions about the route," &c.

Here it is asserted, by authority which cannot be denied, that Croghan was ordered to retreat, to burn his ammunition and stores; and this, too, by his commanding general—my colleague's redoubtable warrior-candidate for the presidency. What, let me ask, was the conduct of Croghan and his brave associates? Why, sir, they took the vote in true republican style, and determined to defend the place at all hazards. They did defend it; and the train-bands of British warriors, with their savage allies, thirsting for the blood of our brave countrymen, were driven back with a slaughter which will ever stand as one of the brightest pages in our history, and an everlasting stigma on the name of him who bade them desert their post and destroy their stores and ammunition. Sir, according to this same letter, '*this great hero, this man who had spent his youth and his manhood in fire and smoke, and who is* 'now attempted to be made President for his noble 'deeds," had piled up his ammunition and stores, and was ready to set fire to them as soon as Croghan should reach Seneca; and it cannot be doubted that, if he had arrived according to orders, General Harrison would have retreated instantly, leaving the whole frontier, our fleet at Erie, and the boats and stores at Cleveland, (the destruction of which was the object of the invasion and movement down the Lake,) at the mercy of the enemy; leaving five hundred miles of frontier undefended, and our whole fleet and millions of the public property exposed to inevitable destruction.

But, again, let me ask what was the conduct of this *great General*, when this little band of patriots were contending against fifteen times their number, though badly provided with ammunition, and protected only by a log fort? Governor Duncan says, that in relation to Croghan, during the siege, and when the firing could be heard in camp, General Harrison said: "The blood be on his own head; I wash my hands of it;" not doubting for a moment that the garrison would be cut off. Mr. Speaker, it is but fair and just, if the American blood, which was expected to be spilt on that day, should rest on the head of Croghan, that he should be permitted to have the glory of the achievement and the victory; and if the General washed his hands of all participation in the deeds of that day, that not only himself, but his friend, should likewise *wash his hands* of any participation in the glory of the deed. But what do we hear on this floor and elsewhere? That, for his great military achievements, the people of Kentucky are to give him their suffrages for the highest office in the gift of the people.

I come now to the fatal field of Raisin; that field which has been fattened with the best blood of my adopted State; that field which was covered with the best blood of Kentucky's noblest and choicest spirits. Where was General Harrison then? He was not far distant; and why, let me ask my colleague, was he not in the *fire and smoke* which enveloped the manly forms of those who had gallantly marched in defense of the country? Sir, I remember to have heard it said, but I do not vouch for it, that when the news of that fatal day was received by express at the seat of our State government, the theater was in session, and there was scarcely a being in that spacious establishment but had lost some near and dear relative or friend. Kentucky was in mourning from one extremity to the other, for the blood that flowed on that memorable occasion came from the veins of the flower of Kentucky's chivalry. Years and years after, their bones still bleached on that fatal field of slaughter, and stood as a lasting monument of the ill-starred and unfortunate conduct of the commander-in-chief. Was he in fire and smoke on that occasion? No, he was not; and the spirits of the brave—of our Allen, our Hart, our Simmes, and the many others who bravely perished unaided and unsupported by their leader—will rise up and proclaim to the people that General Harrison was not amidst the fire and smoke which enveloped their manly forms on that trying and heart-sickening day. Sir, what does Governor Madison say in relation to the conduct of this *hero* on that occasion. He says:

"Our camp police was not, perhaps, what it 'ought to have been. But I am not here the accuser or excuser of any one, though thoroughly 'convinced that the principal error of the campaign, and that which brought all other evils 'upon us, was the great distance at which the 'other parts of the army were kept. Had the disposition been different, had the main body been 'located within sustaining distance of the advanced corps, or had this corps been reinforced 'by even a single battalion of five hundred men, 'ours would have been a victory instead of a defeat." Again, General Lewis says: "Had the 'general force been five hundred greater than it 'was, he would not have experienced a defeat."

Sir, will this testimony be denied, the testimony of a Governor of Kentucky, who was a principal actor on the occasion, and who, from the misfortunes of the day, became the commander of those unfortunate troops? My colleague's *hero*, instead of being *in fire and smoke*, was not even in sustaining distance; and our brave men perished, and our glorious flag was trampled under foot by the enemy, for the want of being sustained, and because the commander-in-chief did not send five hundred men to their assistance.

I come now to the battle of the Thames, and I ask my colleague [Mr. HARDIN] who was the *hero* of that day? There is one now in this Hall, and a member of this House, and who may be recognized afar off by the effects of the honorable wounds received on that day, [Mr. JOHNSON;] one who has served his country for a long course of years, both in civil and military occupations; who was indeed amidst fire and smoke, and blood and death and destruction, and whose animating voice was heard above the din, the turmoil, the struggle, and the roar of the battle, encouraging the brave spirits who surrounded him to glory and to victory; one who completed the defeat of the enemy by slaying with his own hand their chief, the celebrated Tecumseh, for it was then, and not till then, that they raised the shout and yell of dismay, which was answered by the victorious war-cry of Kentucky; and yet my colleague leaves him, who is also before the people for their suffrages, and takes up another who was not in the midst of the battle and of danger, and recommends him for his military deeds alone. Sir, I do not wish to do injustice to General Harrison. If I know my own heart, I would not tear one laurel from his brow; I would rather add to their number than rudely tear them asunder. What I have said is matter of history, and therefore public property; and I should not, on this occasion, have made an allusion to the late war had not my colleague, on a former occasion, brought it under consideration, and urged it to Kentuckians as a reason for discarding the Republican candidates for the presidency and vice presidency, and supporting General Harrison.

Again, my colleague says that General Harrison always did Kentucky justice in his reports to the Department of War. It is true he frequently spoke well of the Kentuckians, and sometimes made insinuations against them and the whole western country, and particularly charged the militia of Ohio as not to be depended on. But I will not, in relation to this matter, trust to memory, but use his own words, which may be found in his report to the War Department, written from Chillicothe, and dated March 17, 1813, page 141. He says, "amongst the reasons which 'make it necessary to employ a large force, I 'am so ry to mention the dismay and disinclination to the service which appear to prevail in 'the western country." This, Mr. Speaker, I contend is doing a crying injustice to the people of Kentucky, as well as the balance of the West. At what time, let me ask, did *dismay and disinclination to the service* pervade the West? Search the annals of your country, and when did men ever march more willingly at every summons? They poured forth their blood like water: they left their firesides and their homes, their wives and children, everything which was near and dear to them; and while they are doing all this, suffering hardships and privations almost past the endurance of man, the commanding General writes from his head-quarters at Chillicothe, that *dismay and disinclination to the service prevail in the western country;* and yet this same West is called on to support him for the Presidency. Never; no, never.

Again, in the same letter, after speaking of the militia who were with him the preceding winter as brave men, and much to be depended on, he resumes: "THE NEW DRAFTS FROM THIS STATE ARE ENTIRELY OF ANOTHER CHARACTER, AND ARE NOT TO BE DEPENDED UPON." People of Ohio, do you see this; and from whom does it come? From a stranger? No. From one unacquainted with you as a people? No. From a citizen of another State? No. But from your own leader during the war—from a citizen of your own Territory. Had you a right to expect this? You had not; for you had marched at his summons to the standard of your country. I ask you, are or are not the people of Ohio to be depended upon in the day of trial and of danger? General Harrison says NOT, but I say they are, and the world will, with one accord, agree with me in pronouncing it a slander on your character as a people. And yet you are called on to support this man for President, and yield up your Republican opinions for his sake. Will you subscribe to this? If you do, the world will proclaim in a voice of thunder, and in the language of Harrison; *that you are not to be depended upon.*

And now, sir, in relation to Kentucky he says: "I have no doubt, however, but a sufficient num-'ber of good men can be procured; and should 'they be permitted to serve on horseback, Ken-'tucky would furnish some regiments," &c. Here, Mr. Speaker, after saying that the new drafts of Ohio are not to be depended upon; that if allowed to serve on *horseback*, Kentucky would furnish, &c., I ask you if this is not likewise a slander on the State in which I reside? 'Tis true he did justice to those who fought at Raisin; he could not avoid it, for such men are difficult to obtain in any country; but when he says, that if allowed to fight on horseback, is it not tantamount to an assertion that on foot they would not make good soldiers? I assert it, and many a glorious field will bear witness, that Kentuckians, whether on foot or on horseback, are not inferior

ral to expect such charges; but I had no expectation that the blow would be struck by those who have scarcely left the high places to which they were elevated by their professions of attachment to that very Administration, now so much the object of their obloquy. Almost all the acts in which there is now to be seen so much deformity, have long been before the country, and not one charge has been made by some of those who now are terrified with its past conduct, until the present session. The connection with new political allies has evidently given a change to their opinions. With Mr. Burke, I am induced to believe, that these gentlemen, "gradually, are habituated 'to other company, and a change in their habi-'tudes soon makes a way for a change in their 'opinions. Certain persons are no longer so very 'frightful when they come to be known and to 'be serviceable. As to their old friends, the trans-'ition is easy from friendship to civility, from 'civility to enmity; few are the steps from dere-'liction to persecution." Throughout this whole session we have had those who professed to be the friends of the head of the Administration, acting with its enemies—voting with them; and it is in vain, sir, that they can expect that on their return to the people they will not be considered by that people as wearing the same badge—rallying under the same standard—and seeking the triumph of the principles opposed to those on which this Administration has been founded and sustained.

Amongst other charges, we have been accused of having uniformly defeated such measures as would be calculated to keep the election of president and vice-president out of this House. No man who wishes to preserve the purity of our Government, and to save from the polluting touch of suspicion the character of the members of this body; no man who wishes to keep amongst the body of the people the most sacred duty which devolves upon them, of selecting the highest officers of the country, but must desire to keep the election out of this House. It is not my intention to defend the President on this point. He needs no defense. His messages, year after year, speak for themselves on this point. I do not intend to examine the course of the Administration party during past years here. Until the present session, I have not had the honor of a seat upon this floor, but I have not been inattentive to the proceedings of Congress. In the demand which has been made upon the attention of both Houses by discussions arising out of questions of great importance, might be found sufficient excuse for not having acted upon this subject. We have had the bank question, the tariff question, and a variety of subjects of vital interest, which have engrossed the time of this House. I leave the past, I seize upon the present, and ask who is taking advantage of this defect in the Constitution, which some are so anxious to remedy? I care not for professions—I look at facts. It is openly avowed by some of the Opposition presses of the country, that the election must be brought into the House. Frankly is the opinion avowed in leading political journals, that in this way alone can success be hoped for. And when we look to the course of the friends of the Administration, what do we behold? But one candidate, with one set of principles, relying for support on the whole Democratic party of the vast Confederacy. What do we behold on the other side? The most strenuous efforts to defeat the candidate of the Democratic party by appeals to sectional feeling. We have one candidate in the East; we have another in the West; and a third in the South and southwest. And for what end? It is admitted that not one of the candidates can obtain sufficient votes of the electoral colleges to elect him. Is the object to divide the forces and bring the contest here, where a selection, which ought to be made by those who sent us here, may be made by us? Is it so arranged that we are to be converted from agents into principles? For one, I seriously hope that this result will not take place. I believe that when the fact is presented to this people, that there are three candidates in the field, without any avowed principles, and with the declared object that the election is to be brought to the House of Representatives, the matter will be taken into their own hands. It can never be sanctioned by a people which has sustained the present Administration: that support should be given to candidates who avow no principles, and agree upon no point except their hostility to the individual who has openly declared his determination to pursue the policy of the present Administration.

With a view of defeating this candidate, a feeling has been attempted to be raised against conventions. The objection to conventions ought now to be raised either by our open opponents or our late friends. Both have sanctioned this mode of presenting candidates to their respective parties. In 1832 the convention at Baltimore nominated the present Chief Magistrate for re-election, and placed the present Vice President before the country as a candidate for the office of presiding officer of that body which had attempted, but vainly, to brand him with the seal-mark of their condemnation. Throughout the whole country, so far as the Democratic press was concerned, but one sentiment prevailed, and, by a concentration of public sentiment on these two candidates, a complete overthrow of those opposed to the Administration was the consequence. The election terminated in the triumphant reëlection of the Executive, and in placing the persecuted to preside over his persecutors. We have been told that in one State this system was looked upon with anything but favor. I allude to Tennessee. Yet, sir, that patriotic State sustained the nomination at Baltimore, thus giving the highest proof of her adoption of the system. It is not my purpose to speak of the change of sentiment which, we are told, has taken place there. It is not my intention to charge her with inconsistency. If a change of circumstances requires a different course to be pursued now, from that adopted then, it is not for one from another section of the Union to hold up her proceedings to the gaze of this nation. For myself, I am satisfied that the recommendation of several hundred members of the Democratic family will be looked upon with as great favor as the correspondence of members of this House, whereby the name of a distinguished individual may be placed before the country in connection with the first office in the gift of the people. Our Presidential question is daily becoming more exciting; the candidates for the distinction becoming more numerous; and unless some mode be adopted to concentrate the sentiment of those who profess certain principles, and recommend certain persons as best calculated to carry out their principles, there is a probability that the reins of government will be placed in the hands of those who profess principles opposed to a large majority of the people.

One of the accusations expressed in the indictment of the gentleman from Tennessee, was the system of excitements pursued by the Administration party. He passed over the gold humbug, as he termed it, and the expunging process. By the first, he must be understood as referring to the effort made to restore the constitutional currency into the country, an effort which was intended for the producing classes of the nation, and with a view of giving to them a currency which could not be affected by every variation in the money market; giving to the farmer that which should be true return for his produce, and to the laboring man the real value of his labor. By the second, he refers to the means employed to remove from the journals of the Senate an act which condemned unheard, and without proof, him who had defended your homes from foreign invasion, and rescued your country from the despotism of wealth. Both, sir, may be resisted, but only for a time. The intelligence of the people, united with their desire to do justice to the injured, must ultimately give a triumph to both these measures.

The French question is that upon which he rests. The gentleman from Virginia [Mr. GARLAND] has ably reviewed the whole course of this controversy, and it would be useless to attempt a reiteration of his statements. That controversy has passed away from us—the last, the brightest act of the foreign policy of the Administration. The course adopted by the Executive, bungling and improper as it has been termed upon this floor, has yet obtained for your citizens indemnification, and for our country a reputation. The gentleman from Tennessee knew as well as the Executive every important act in relation to the negotiation. From time to time they were communicated to the nation. What object could the Administration obtain by excitement? The attempt improperly to arouse the fears of the country would be seen recoiling in unmeasured violence upon those by whom it might be made. The gentleman from Tennessee says the President ought, if he really believed war was approaching, (as his friends did proclaim it was approaching,) to have convened Congress during the last summer. The moment he had issued such a proclamation would have been the signal for a shout from every part of this Union, that with his rashness he was about to precipitate the country into difficulty. No, sir, with the patience of Fabius he sought to restore their property to his own countrymen. Throughout the whole negotiation a spirit was displayed of which every American should be proud. Yet, sir, I have been astonished to hear it insisted upon, not only here, but without these walls, that this Government had made an apology in the course of the difficulty. One gentleman referred to Mr. Rives's explanation to the French Minister Polignac. If reference be made to the history of our foreign relations, it will be found, that although France has several times required explanations, never has she obtained them from the United States. The course adopted by the commissioners with Talleyrand in 1778, by Mr. Rives with Prince Polignac, and by Mr. Livingston with De Rigny and De Broglie, has been of a uniform character.

The principle has been boldly avowed in all the communications of our public agents, and I trust will ever be sustained, that executive communications are not to be explained to any foreign Government on earth. With the French question we have been elevated in the eyes of the civilized world. We have presented the spectacle of a young and chivalrous nation, conscious of the justice of her demands, requiring of a nation armed at every point payment of a just debt. The consequence has been, that in the presence of the assembled nations of the earth, our country stands respected for her resolution. The very attitude has given nerve to the cause of popular governments; and while Europe starts at the boldness of our conduct, and applauds our course, is it to be believed that there are those at home who attempt to rob him to whom the country is as greatly indebted of the luster of the deed which he has accomplished? Unprepared, without ships, without fortifications, we might have been; but, sir, with less means, we have already had a contest with one powerful nation; and with our immense resources of power, and what is more, of patriotism, I never had any doubts that my countrymen were willing to rally around the Executive, in the maintenance of the honor of the country. They never would consent that the character of the nation should be tarnished by one particle of explanation. The flag of our country now floats untarnished, and when one stain is upon its folds let the country not exist covered with disgrace. Let our sun go down suddenly, if it will; but let it go down in brightness.

If we are to believe the representations which are made here, sir, the Administration has been signalized by a series of violated promises, and by having led the country gradually from a most elevated position into the lowest depths of degradation. It is charged with the corruption of the great mass of the people; with having, upon this floor, a party represented as a pretorian cohort, marched and wheeled at the command of the Executive; the press manacled and enslaved. In one word, a scene is presented from which every American should revolt with disgust. And who are the accusers? By whom are these charges made? By those who but a short time since were seen in the ranks of the Administration, who participated in its labors. From these, high accusa-

tions come; by them are these daily denunciations made; no doubt with a view of arousing the nation to a sense of its danger. If Jupiter himself should thunder daily from his high heavens, the sublunary world would become accustomed to the sound, and remain undisturbed; and certainly there can be no reason to believe that the daily rattling of the car of Salmoneus can attract attention. With what truth can they accuse an Executive of corruption, when the evidence is before the world of his having placed his veto on a system of internal improvements which would have thrown into his hands immense means, by a diffusion of the public treasure? An Executive which resisted the combined influence of wealth, and refused its sanction to a measure which would have given it the power to place its satraps in every section of the Union. Corruption may be found in a state of quiescence, but not in an Administration, every step taken by which has been opposed by a phalanx of industry and talent; and, notwithstanding, has uniformly triumphed. With the accuser and accused, I am willing to approach the great tribunal of public scrutiny, and that the acts of those intrusted with power should speak for themselves.

What has the Administration done? Let your foreign and domestic policy answer. Look to your seas, unlocked to the commerce of the country—to channels regained or discovered for the outpouring of the industry of your farmers. Look to your indemnities, wrung from European Powers, and your country respected amongst the nations of the world, by carrying out the maxim of American diplomacy, that "we will ask for nothing but what is right, and submit to nothing which is wrong." And are there no evidences of wisdom and integrity in your domestic policy? Where is the discharge of your national debt? where the relief from taxes to the amount of millions by the reduction of your tariff? where the enlightened policy with regard to your Indian tribes, preserving them from annihilation, and giving quiet to your citizens? where the effort to restore the gold currency to your country? where the triumph over a gigantic institution, which had chosen a nation for its antagonist? By its acts let the Administration be tried, and I have no doubt of the approving verdict of the country. In a career of unexampled prosperity, with the richest stores of plenty, and at peace with the civilized world, is the position in which the present Executive, in the last year of his public career, finds the nation; and well may be applied to him the language of the Roman consul, that for many of these benefits are we indebted to the integrity and wisdom of one man. In the recollection of his countrymen his actions will be cherished. On their tongues shall his actions grow, and on their records shall they arrive at age and strength; and the same day which brought deliverance to the country, shall transmit to posterity the remembrance of his Administration.

An Administration, around which so much luster is now shed, calls for supplies to carry out its measures relating to the public defense. A review of its past conduct was made by the gentleman from Tennessee, with the desire of ascertaining whether it was trustworthy. I hope, that in common with the country, this House is satisfied on that point. The proposition is now made to us to prepare a system of national defense. Attention has been directed to it, and we are now called upon to take measures to provide the country with such defense as her situation demands, and her character requires at the hands of the Representatives. We have arrived at a point at which the question must be settled, whether we will divide the money in our Treasury, or build necessary fortifications, increase our Navy, and protect our inland frontier from the incursions of the savages. The means which we have at our command will permit us to prosecute any plans which may be agreed upon. I am not disposed to rush forward into a system of extravagant expenditures calculated to lay the foundation of a policy opposed to the principles of, and to bring discredit upon, a republican form of government. The danger is always in extremes. We have an opportunity of pursuing a course which will end in no improvident expenditure of the public treasure, and at the same time provide us with ample defenses. Whatever movements shall be made, I hope will be taken with due consideration. Opposed as the country is, as a settled policy, to overgrown naval establishments or large standing armies, I have no doubt every effort to increase any branch will be watched with the jealous care which should always characterize a people conscious of the value of the institutions they enjoy, and anxious for their preservation. But still, when the condition which we now present, as to defense, is placed before the country, there can be no fear of its sustaining the policy recommended to us.

At various periods reports have been made by intelligent officers regarding our public defense. So far as my judgment can be formed, none holds a more conspicuous station than the document which has been laid, within a few days, upon our tables from the War Department. It displays an intimate knowledge of a subject of vast extent, and presents to the view of Congress a system which, while it avoids all extravagance, is marked with a prudence which requires that no important position should remain unprotected. Sanctioned by the approval of one whose military reputation was acquired at a period when the world was an entire battle-field, and when the greatest generals the world has ever seen were gathering their laurels, it comes to us with no ordinary character. An examination of that paper will convince members that the systems offered heretofore to the country will admit of some alteration. The great divisions of the engineer's report of 1821, insisting upon an efficient organization of our militia, upon facilities of internal communication, of a well-arranged navy, and fortifications, as containing the elements of a proper defense, are points upon which we can all unite. These are so closely united, that the whole system will be affected by an improper arrangement of any one of the parts composing the whole plan. With respect to our defense, there are three points to which I must solicit the attention of the committee. I divide the locations for which provision should be made (and I believe I do nothing more than what is suggested by the War Department) into the frontier bordering upon the British possessions—our Indian frontier, and maritime frontier. The fact that the British Government has erected garrisons of great extent at some points in their possessions, affords no example for our imitation. Attack, if made, is to be expected from the strong upon the weaker power. We have nothing to dread in the shape of an inroad upon us from that quarter. In the opinion of the Secretary, to build large fortifications on the lakes Ontario, Erie, Huron, and Michigan would be a useless expenditure of money, as an enemy might land at points beyond the reach of these very forts. Temporary block-houses would answer every purpose which could be produced by expensive works. Moreover, a fleet upon which every reliance might be placed by us could without delay be put afloat upon these inland seas. The closing of the entrance to Lake Champlain is a measure recommended by the Department. Connecting, as this sheet of water does, Canada with the State of New York and Vermont, it is necessary for the United States to have a commanding position in that section.

The internal frontier of the United States is covered with hordes of savages. From the Gulf of Mexico up to the line dividing our possessions from those of our British neighbors, our population is exposed to the attacks of a barbarian foe, whose hatred to the white man is unceasing, and crowds of whom hang like avalanches, ready to fall upon our countrymen. We have adopted a policy which some here insist adds every hour to the danger. Is it proper that we should transport the Indians, place arms in their hands, and then leave them in the neighborhood of civilization, to watch for their opportunity, and massacre those who are the pioneers in the march of improvement in the new sections of the country? Look at the position of affairs in that section. You have a report which shows that a body of Indians combining a warlike strength of a terrible character, will soon be collected between our frontier and the Rocky Mountains.

After the emigration now going on shall be completed, the following is supposed will be the result:

Indians who have emigrated.....	31,348
Indians to remove.....	72,181
Indians of indigenous tribes within striking distance of our frontier.....	150,341
	253,870

Here is a force well calculated to excite alarm. The experience of the past appeals to us in characters of blood. We have had in a few years several Indian wars. At this moment the Seminoles are in arms, and before them many a valiant man has fallen. The recurrence of these sanguinary contests, in which neither age nor sex is spared, must not be permitted. Millions have already been expended in putting an end to wars which, had a necessary force been exhibited, never would have occurred. An increase of military force, and of that species of force of mounted men, is necessary to keep the savages in awe. Nothing, as has often been stated, but a display of power is calculated to preserve peace; and you will, by keeping a force before them, convince them that the war which they wage with the white man must be hopeless. The establishment of a road from some point on the Upper Mississippi to Red river, passing west of Missouri and Arkansas, together with the construction of certain forts at a trifling expense, recommended by the Department, will tend to give protection to our settlements requiring it at our hands by every dictate of humanity and patriotism.

The most important point of defense, when viewed either as to extent to be protected, or the amount to be expended, is our maritime frontier. With a coast stretching from Nova Scotia, down to the Sabine river, we present a line of thousands of miles to the approach of an enemy. To throw up a line of fortifications, resting one upon the other; to have our coast defended by a series of martello towers, with a view of preventing an unbroken rampart of defense, would be an idle, extravagant, and useless expenditure of public money. To fortify every point which can be approached must be unnecessary; to place fortifications at the entrances to our principal cities, and particularly those having naval depôts, fortifications of a character sufficient to meet the attack of a powerful fleet, must be the great object at present. The views laid down by Secretary Cass are so valuable that I cannot forbear to state them to the committee. After recommending an augmentation of the Navy, an efficient organization of the militia, the cultivation of military science, the preservation of a skeleton of a regular establishment, the proper distribution of the munitions of war, he proposes to finish the works now under construction, to fortify the harbors and inlets upon the coast where we have cities and towns of importance, and where we have naval establishments. He advises also the appointment of a board to resurvey positions intended to be fortified; also an investigation to be made in the matter of steam batteries, with a view of using them in our system of defense, and particularly our bays and harbors. He recommends a reconsideration of the project for fortifying the roadsteads and anchorage grounds; also an increase of the corps of engineers. According to his report, there are two bills before Congress, one amounting to $2,180,000, and intended to prosecute works already commenced. This includes, in consequence of the loss of the celebrated fortification bill, operations of two years. This bill, in his opinion, ought to be passed without delay. The second bill proposes nineteen new works, and $600,000 for steam batteries. He thinks that the appropriations for the steam batteries may be reduced to $100,000; and the following, amounting to twelve in number, may be deemed necessary works: at Penobscot bay, Kennebec river, Portland, Portsmouth, Salem, New Bedford, New London, Staten Island, Sollers's Flats, Redoubt on Federal Point, Barancas, and Fort St. Philip. These he deems of paramount importance. The appropriations for steam batteries are highly important. In future wars steam is destined to perform a wonderful part. Upon these batteries

the defense of our harbors will in a great measure depend.

In the prosecution of the system of fortifications which has heretofore governed us, a number of works have been erected. The following presents a list of the fortifications erected since the last war, with their location and character:

Delta of the Mississippi.

1. Fort Jackson, a large and expensive work.
2. Fort Pike, an expensive work.
3. Fort Wood, an expensive work.
4. Tower Dupré, not large.
5. Battery Bienvue, not large.

Mobile.

Fort Morgan, a large and expensive work.

Pensacola.

Fort Pickens, a large and expensive work.

St. Augustine.

A considerable appropriation to repair the fort at that place.

Cape Fear River, North Carolina.

Fort Caswell, a large and expensive work.
Fort Macon, a large and expensive work.

Hampton Roads, Virginia.

Fort Monroe, one of the largest works in the world; it covers seventy acres of ground.

Fort Calhoun, near Fort Monroe, the foundation made; it has cost already a large sum of money.

Washington City.

Fort Washington, eighteen miles below the city, a large and expensive work.

Delaware River.

Fort Delaware, a large and expensive work. It was burnt and is to be rebuilt.

New York.

Fort Hamilton and Fort Lafayette, both large and expensive works.

Newport, Rhode Island.

A large work—Fort Adams—unfinished.

The above are all the new works commenced since the war, making eleven new, large, and expensive works, besides appropriations for old works south of the city of Washington; and four new large works, besides appropriations for old works north of the city of Washington.

These constructions have, for the most part, taken place in our southern portion of the country, being included in those sections, in the opinion of the engineer department, requiring early and efficient defense. The present appropriations are chiefly proposed for the northern and eastern sections of country; and are required for positions calling loudly for the protection of the Government. No point on the whole coast requires that protection more than the city of New York, and I trust that the policy of the Government will continue to extend its care towards it until ample defense and shield is given to the lives and property of not only those in the city of New York, but the immense extent of country which it commands. The amount expended on particular points ought not to be brought into a question of this nature. We must expend with reference to the wants of each section of country. Some will require more, others less, in proportion to the exposed situation and the importance of the point to be fortified. With a view of giving to the committee full information on the subject of expenditures on this point, the following table, prepared at my request, at the engineer department, is submitted to them:

Statement of the amount expended on account of Fortifications from the year 1791 *to the* 31*st of December,* 1835, *in each of the maritime States and Territories.*

Maine	$6,105 07
New Hampshire	95,913 30
Massachusetts	737,981 10
Rhode Island	1,110,157 90
Connecticut	72,196 29
New York	3,678,614 66
New Jersey	20,350 00
Pennsylvania	191,871 64
Delaware	654,323 49
Maryland	$1,079,809 03
Virginia	3,260,848 69
North Carolina	870,785 31
South Carolina	1,006,665 72
Georgia	478,531 09
Louisiana	1,984,493 05
Alabama	1,497,137 24
Florida	736,786 29
District of Columbia	43,781 74
	$17,526,351 61

I offer these to show gentlemen the amount which has been expended throughout the maritime frontier. I will not follow the example which has been placed before me of drawing comparisons between the amounts paid into different sections of the Confederacy. It is a disagreeable and useless task. I am willing to believe that the reference to the past may have a beneficial effect upon the future—that when the ground has been reviewed over which we have passed we may be disposed to extend the kind offices of the Government to those sections now unprovided with means of protection.

There is one arm of the public defense which, on all sides, is admitted to require the fostering care of the Government. The military marine of the nation is the subject of admiration in every point of the Union. It has covered itself with laurels, gathered in contests with the most gigantic maritime Power of the world—it has laid upon our altars the richest trophies, won from those who had claimed exclusive dominion over the sea. We look to it, not only as the means of sustaining our natural character, but as our great bulwark of defense. With our extensive ocean boundary, we must necessarily be exposed to assaults from foreign naval Powers. Our contest naturally will be upon the ocean; and as the most effective means of giving protection, and at the same time best adapted to our institutions and character, the Navy must be favorably viewed on this floor, as the basis of our system—attention must be paid to the condition and location of your naval depots. Without suitable positions at which your vessels of war can be built and refitted, positions affording facilities of various kinds, much of the efficiency of your force must be lost. To the proposition which has been made to reduce our naval establishments, I cannot subscribe. I am aware that the Navy commissioners have heretofore recommended the selection of Narragansett bay and the Chesapeake, as proper locations for two great depots. This suggestion has been examined by a distinguished South Carolinian, who opposed the measure on the ground that the expenditures of the Government ought, as far as possible, to be distributed throughout the country; that the concentration of the number of individuals necessarily employed, would throw into the hands of those intrusted with power a dangerous influence; moreover, that it interfered with the recommendation of the Executive for the laying up timber. For that purpose, building slips are required, and great room is necessary. So essential are these building slips deemed, that England and France, with a view of having them in their establishments, have increased their navy-yards. The report of the Secretary of the Navy, (now at the head of the Treasury Department,) in the year 1831, also expressly takes ground against the reduction. In time of war, also, the advantage of having several points of refuge for our vessels must be apparent. It never would answer to have, on the whole line of our coast, only two places of resort. I am aware that the opinion prevails that certain points ought to be abandoned, on the ground that they do not possess those advantages which are essential to the proper location of navy-yards. I am aware that the very city which I have the honor, in part, to represent, has been deemed one of those unworthy positions. If gentlemen will examine the report made by officers of distinction, and whose knowledge of the wants of our service is undoubted, made some years since in relation to the proper sites for our naval establishments, and will apply to the harbor of New York the requisites deemed necessary for a valuable navy-yard, they must be satisfied of the propriety of maintaining an extensive depot at that place. I am unwilling to allow the impression to exist, that the public money is uselessly expended there. The requisites of a proper site are numerous. Accessibility alone is not sufficient to recommend a station. A navy-yard, in the harbor of New York, is easily defended. A navy-yard ought not to be located in a position which would require a large standing force to defend it. Surrounded by a dense population, defense could be, at New York, made with efficiency and rapidity. New York would require a double force to carry on a successful blockade. An enemy would be forced to keep a fleet at the sound, and another at Sandy Hook. Dry docks can be there made without difficulty; and, in certain points, fleets might ride in perfect safety, completely land-locked. Timber can be readily supplied at this point. The stores, armaments, and crews of our vessels, can be procured there with more facility than any other part of the country. The advantages which that port has, as the great commercial mart of the Union, are beyond those possessed by any other place. The ship-building, which is carried on, brings to it a large amount of the talent necessary for that branch of business. Of this portion of our employment we are justly proud. We feel a pride in the skill, taste, and industry displayed in our naval architecture, manifested, as it is, in the construction of the humblest craft which may be seen skimming over our bay, as well as the massive vessels which carry the reputation of their construction into distant seas. Truly can be applied to them the remark, that under their hands the rudest materials soon "assume the likeness of an animated being; and, with swelling plumage, rise before us." How necessary is it to have our national stations so arranged that we may command the services of the first artisans in the proper execution of the work of the Government. I now ask the consideration of the question of accessibility. That the ingress and egress of vessels should be easy, there can be no doubt. One of the objections to New York has been removed by the recent surveys made of the entrance by Sandy Hook. The examinations made by Lieutenant Gedney, engaged in the coast survey, have proved that a channel exists which will permit a vessel of the largest class, without difficulty, to approach the city. The maps of this survey I have examined, and I cannot but bear testimony in favor to the industry and skill which have contributed to results so valuable to the commercial and military marine.

Let us now examine the amount of your marine force. What is the condition and number of your vessels? Although our commerce covers every sea, and we rank as the second commercial nation, we find that we can be considered but as eighth in regard to force. From a list in Niles's Register of the naval force of the different Powers, I give the following statement of the number of their vessels:

Great Britain	746
France	333
Sweden and Norway	261
Russia	168
Ottoman Empire	132
Holland	103
Austria	72

All of these Governments, with the exception of England, have nothing like the interest afloat that we have; and yet, with a most extended maritime frontier—stretching upwards of three thousand miles—with a hundred thousand seamen engaged in our marine, with hundreds of vessels and millions of property exposed, we have a force inferior to any of the Powers named above. What force have we in the Mediterranean, Pacific, st Indies, Brazil, East Indies, and on your coast, at each of which points a force ought to be stationed? Four frigates and fourteen sloops of war. No one will be rash enough to declare this to be sufficient to give any protection to the property and the lives of your fellow-citizens. While we have greater interests at stake than most nations, the policy of most of them has been directed continually to promoting the advancement of their respective navies. It may not be without advantage to refer to the policy of France, with a view of disclosing to this committee the anxiety of that nation to obtain a naval power. Every measure calculated

to foster the whale fisheries and cod fisheries has been adopted. Premiums have been given to those engaged in those branches. The object is to give her the means of supplying her military marine with men. She has her conscription lists on which all engaged in sea life are enrolled. By an ordinance of Louis XVI, in 1784, all young men who were eighteen years of age, and had served one year as seamen, were enrolled. The law is still in existence. All engaged in the coasting trade are enrolled, From these sources the Algerine expedition was fitted out. She has her naval schools, her institutions for instruction in naval architecture, her schools of practice in naval gunnery. In one word, a policy is developed which shows the ambition of France is to compete with England in naval mastery. In 1834, France asked of the Chambers to be expended 65,500,000f. for her naval establishments. What do we see in England? At the present session, the King, in his address, has called upon the Commons for increased supplies to sustain the navy, so as to give protection to the increasing commerce of the country. By the late arrivals we learn, by a statement which I find in one of our public journals, that "the navy estimates 'were brought forward, which led to some dis-'cussion relative to the proposed increase of the 'marine force, as alluded to in the King's speech. 'The total excess of the estimates over those of 'the last year is £246,000, which has arisen from 'the necessity of augmenting the number of sea-'men and marines to the ordinary or yard craft. 'The increase in the vote of the present session 'is £254,000, and the number of new hands five 'thousand men and one thousand boys; making 'the whole of the sea service to consist of thirty-'three thousand seven hundred men, nine thou-'sand marines, and two thousand boys. England 'has only ten line-of-battle ships afloat, whilst 'Russia has eighteen in the Baltic, and had 'twenty-three more at the review at Cronstadt, 'independent of frigates, small craft, and armed 'steamers."

These statements will show what anxiety is manifested in relation to this subject on the other side of the Atlantic, and should prompt us to look to the state of our Navy. We ought to turn our attention to the protection of our commerce. It has already been the easy prey of several nations from whom for years we were compelled to apply for indemnification; and are we willing to allow these depredations to be repeated? Look alone at the whale fisheries in the South Seas, those nurseries upon which we must depend for our men in the hour of trial. Last year it was estimated that two hundred and fifty-three vessels were in those seas; that nine thousand navigators were afloat in that region. Ought not ample force to protect and give relief to these intrepid men to be afforded?

The Commissioners of the Navy propose the employment of forty-two vessels, to be engaged in squadrons, as follows:

"One might be employed in the *Mediterranean*, 'and attend to our interests on the west coasts 'of Spain and Portugal, and southward to the 'western coast of Morocco and Madeira.

"One in the *Indian ocean*, to visit successively 'the most important commercial points east of 'the Cape of Good Hope to China; then to cross 'the Pacific, visit the northern whaling stations 'and islands; cruise some time upon the west 'coast of America, and return by way of Cape 'Horn, the coast of Brazil, and the windward 'West India islands.

"One in the *Pacific ocean*, to attend to our in-'terests upon the west coast of America; keeping 'one or more vessels at or near the Sandwich 'and other islands which are frequented by our 'whale ships and other vessels, and in succession 'cross the Pacific, visiting the islands and south-'ern whaling stations, China, and other com-'mercial places, and return by the way of the 'Cape of Good Hope to the United States.

"A squadron upon the *coast of Brazil*, or east 'coast of South America, might be charged with 'attention to our interests on the whole of that 'coast, and upon the north coast, so far as to 'include the Oronoco. If a ship of the line should 'be employed on this station, it might be occa-'sionally sent round to the Pacific.

"A squadron in the *West Indies and Gulf of 'Mexico* will be necessary for, and may be charged 'with, attention to the protection of our com-'merce amongst the West India islands, and along 'the coast of South America, from the Oronoco 'roun l to the Gulf of Mexico.

"A small *coast squadron* upon our Atlantic 'coast might be very advantageously employed, 'in making our officers familiarly and thoroughly 'acquainted with all our ports and harbors, which 'would be very useful in a state of war. The 'vessels would also be ready for any unexpected 'service, either to transmit information or orders; 'to reinforce other squadrons, or to visit our 'eastern fisheries. Besides this cruising force, it 'is recommended that a ship-of-the-line be kept 'in a state of readiness for service, *men excepted*, 'at Boston, New York, and Norfolk, and used 'as receiving-ships for the recruits as they are 'collected. This would give the means of fur-'nishing a considerable increase of force, with a 'very small addition to the current expense."

Whatever vessels we have ought to be put afloat, and I trust that we shall afford to the Department the means of placing them in a situation which will permit them to be useful. It is time that additional rank be given to your officers. It is due to their valor; it is due to those who have gained laurels for themselves and the country. Employ your officers in protecting your foreign commerce, in your surveys of your coast, and in the naval depots at home, and you will give them sufficient employment. In one branch they might be of incalculable advantage; useful they might be in cruising off, and relieving your merchantmen approaching our dangerous coast, as it is in many parts, and particularly at inclement seasons of the year. These very vessels might afford good schools of practice for your officers. Establish your observatory, and your national foundery for casting your cannon. Carry out these plans, and you will have a system calculated to give efficiency to promote the welfare of a branch of service eminently calculated to be useful to the country.

We do not want a navy like that of any of the great European Powers, but we want a marine force sufficient for the purpose of carrying out the original object of the system. We want a force sufficient to give protection to our immense commerce, extending itself into every sea; we want a force to give respect to our country abroad, and to form the basis of a power which in the hour of difficulty will be sufficient to assert the honor and maintain the character of the country.

The prosecution of such a system of defense will require a large expenditure of public money. When I hear of propositions for the distribution of the surplus revenue, I cannot but believe that gentlemen are not aware of the immense demands which are naturally to be made upon our Treasury for purposes of a national character, and which will be admitted by a large majority to be necessary. On examination of the estimates of the engineer bureau, I find that upwards of thirty millions are deemed necessary for fortifications; by the ordnance department thirty millions more are estimated; for the Navy forty millions have been calculated. That these sums have been sanctioned by the Executive I do not pretend to aver. They have not been so sanctioned. This sum of upwards of one hundred millions will give gentlemen who are so anxious to divide—because, as they insist, we have no use for our money—some idea of the amount, deemed by those who are conversant with these matters, which may be required for our defense. In addition to these estimates we have upon our tables some seventy bills (out of several hundred) containing appropriations for twenty-seven million dollars. Provision is also to be made for upwards of seven millions for Indian treaties. When a survey of these probable requisitions is made, and a thought is given to the probable millions in various shapes—for your war in Florida, for private claims, return of duties, and various other items which will be asked from the Government, I am disposed to believe that there will not be this great anxiety to divide the money we now have on hand. It would not be the act of prudent men. It could not be approved as an act of wise statesmen. I am aware that objections are raised against this system of defense which the Administration proposes to execute. It is deemed by same a useless expenditure. When you refer to the terrible results which awaited the country from its exposed and defenseless condition at the last war, the reply is given that our situation is materially altered as to resources, and that we do not stand in need of them. Endorsed as the system is by the President and the Secretary of War, and by the reports of those well versed in these subjects, and whose opinions are of value, I might refer to that fact for an answer. Yet, sir, although we have no fears that an invading enemy could make a lodgment permanently in our country; although we are satisfied that since the last war the resources upon which a country must rely in a belligerent state have been rapidly increasing; that the tide of population has been swelling and pouring in upon points at that time undisturbed by the hum of civilization; that by means of our canals and railroads we have increased our means of transporting troops and concentrating forces at any point within a short time; still it becomes us not to refuse to prosecute a system of fortifications which, in the present state of the science of war, is required to protect the lives of your citizens when called into service, and to defend your homes from destruction.

We are next informed that the employment of the numberless workmen could be but for a portion of time; and, on the cessation of their period of employment we might, particularly in the North, be subjected to terrific trials in consequence of these persons being thrown out of business. Tumult and disorder must be our portion. Such fears are entirely baseless.

The excited imagination of a few weak minds, and the prejudices of others, have given rise to the outcry of a rising of the working classes, rushing with demoniac fury upon the settled institutions of the country; overturning every well settled order; and on the ruins of society rearing the standard of destruction and anarchy. They hold forth to us the terrors of agrarian law. From whom are these attacks to be made? By whom are these immense engines, which are to overturn society from its deepest foundation, to be worked? By our laboring classes. Let me inform those by whom these remarks are made, that they of whom they speak have too deep an interest in the prosperity of the country to seek to injure its character. Amongst them is always to be found that patriotism which sees the prosperity of the whole country intimately connected with individaal prosperity. Amongst them is found that ever-abiding love of liberty; that devotion to the institutions of the country; that spirit which beholds in obedience to the laws the first duty of a freeman; in a word, all those qualities which unite the members of society, and give to it its strength, and promotes its harmonious actions. Tell me not of the annihilation of Governments by the influence of such men. Tell me not of Rome, destroyed by the recipients of the famous agrarian law. Look back along the line of time, at every step of which monuments of empires fallen are before you, and where truth throws the light of her eternal lamp amidst the tombs of desolated worlds, and inquire whether it was by the hands of the humble these mighty fabrics were destroyed. Shall I here summon the patrician Catiline, anxious for revolution, and jealous of the advancement of the son of the humble citizen of Arpinum to the Consulate? Let Rome, even at the days of the Gracchii, come forth and answer. When did her liberty depart? Was it not lost when the patrician had trampled the plebeian power under foot—when the great mass was deprived of its influence? Yes, sir, then was crushed the giant power of the city. To us, however, those periods hold forth no example. We live in different times. We live in a country where the interest of every man is linked with the institutions under which he lives; and the fears which are generated on this point must arise in only the minds of those who are ignorant of the state of our society, and the solid and substantial elements of which it is composed.

It is insisted that these expenditures, if made, should be made out of the revenues arising out

of years to come; that a long time will be required to carry out these projects, and we ought to calculate on our revenues to defray the expenses of these undertakings. Why ought we to depend upon the future? We have on hand a certain amount of funds—not a surplus over and above all the appropriations necessary to carry on the Government, as has been represented, but a sum of $31,000,000 in bank, subject to all the appropriations which may be made during this session. We have during the year an unexampled torrent pouring into the public coffers; but as well might we expect that the swollen streams which are now seen rushing from your mountains to the ocean would continue throughout a burning summer, as to expect that these streams of wealth will continue to overflow your Treasury. From whence do we derive our revenue? Chiefly from the sale of the public lands and customs. The amount derived from the late sales of the public domain has been entirely unprecedented. On reference to the sales which have been made for the last twenty years, it will be seen that the amount received during the last year far outstrips, by any millions, any single year of that period. There have been points of time at which great sales have been made; but, nevertheless, the last year is immensely beyond them. We have seen the receipts of 1834, amounting to upwards of four millions, suddenly rising, in 1835, to near fifteen millions. Can this state of things continue? Have we not reason to suppose that these purchases are entirely in advance of the natural increase of population—in advance of the immigration into the new sections of country? Have we not a right to calculate that the spirit of speculation to which we may attribute this demand will soon have lost its vigor and expended its influence? The late returns show a falling off. Yes, sir, the gentleman from Tennessee himself admits that we have reason to calculate on a falling off of the revenue on this point. Next turn to your customs, upon which you have mainly depended. Under your present tariff regulations, reductions at stated periods must be made; and in 1842 it is estimated that the revenue to be obtained from this quarter will not exceed nine millions. I am aware that it is difficult to make any calculations on the revenues of a country like this. Its rapidly increasing population, with its daily extending wants, baffles every conjecture. I am satisfied that the States, in surrendering these lands, never contemplated a return of the proceeds to their State treasuries. New York first, as she was to make the surrender of her domain for the general welfare and union of the States, would be the last to receive a portion of these proceeds while great national objects demanded its outlay. If the revenues of the country are beyond your requirements, it is tyrannical to draw money from your citizens merely to divide it again. There can be no legislation so sacred as to continue a system of raising money unnecessarily. If you collect an amount of money beyond your wants, revise the regulations by which you indirectly raise from the people your revenues. The remedy is plain and practicable.

We have been told at one time that the treasure of the people is now used for purposes of corruption; at another, the insolvency of all the institutions in which the public money is deposited is proclaimed. The cry of corruption is heard from one end of the country to the other. They arraign the Executive in relation to the public money. With Congress lies the responsibility; and if gentlemen are desirous to remove the difficulties which they see in leaving the power in the hands of the Executive, let them assist us to carry out the desire which we have often expressed, to have legislation on this subject. It is manifest that now an effort is made to disturb the country in its financial situation. An excitement is attempted to be raised.

Are we to listen once more to prophetic warnings? Are we to have the country alarmed on the safety of the public moneys when the reports of the officer at the head of the Treasury show them to be guarded, so far as depends on him, by every security it is possible for prudence to insist upon? I hope we are not to have the panic scenes restored. But two years since the country was about to expire from exhaustion; now, nothing will save it but depletion. Why are these means put into operation? Why is an alarm to be sounded from point to point? Why, amidst a scene of universal prosperity, is the crash of our commercial credit and ruin of our industrious citizens to be at hand? The gentlemen bring to my mind the allusion which has been heretofore made in a different place and on a different occasion by a distinguished statesman, to the giant in the Arabian Nights. When the seal of the casket in which the giant was imprisoned was removed, he rose in colossal stature before the astonished beholder, but in a few moments dwindled down into his original size. It was again sealed up, and thrown into the sea. Some two years since the panic rose before us, striking for a time terror into the minds of the timid, but soon sunk into his original littleness. He was again encased, and the casket thrown, as we believed, into the sea of oblivion. We are disappointed. It now appears that some of its good friends have raked it up, and intend to make it perform its part once more before this community. I did suppose that experience would have convinced them that they cannot successfully attempt to awe this people by such means; that the machinery by which these excitements have been raised cannot be concealed from public observation.

If after we have made our regular appropriations, and discharged the demands which are justly chargeable against us, the duty which we owe to protect our fellow-citizens from the tomahawk of the savage, the prudence which, as statesmen, dictates preparation for war in a state of peace, and the injunctions imposed on us by the Constitution to dispose of the revenues of the country so that we may promote the common defense of the country, will all be fulfilled by pursuing the policy now proposed to us by the Administration. The opposite policy is calculated to disturb the frame and spirit of our Government, to consolidate power in one center; to corrupt our legislation; to disturb our financial concerns; and to entail upon us a system of indirect taxation. Whatever opinion may be entertained here, I am satisfied without these walls a large portion of our constituents would never solicit a distribution so long as the country remains in its present unprotected character. Never, sir, while you have not armories, arsenals, and fortifications; while your Navy is wholly inadequate to the protection of your commerce—your relatives and friends exposed to the massacre of a hostile and barbarous foe.

I cannot admit the argument that the prosperity of the States must depend on the division of money to be made here. I cannot consent to see the States reduced to the condition of suppliants at the door of Congress. The prosperity of these immense sovereignties depends upon themselves. I turn to the East and to the North, and listen to the sound of their thousand looms, and see the swelling canvas of their vessels covering every sea. I turn to the South and West, and behold their luxuriant fields yielding their rich returns to the husbandman. At every point I observe the energy, activity, and industry of my countrymen developing the resources of their several States, and feel satisfied that upon these means the States must depend to sustain them in a career which defies calculation. They will not stop to ask alms of the General Government; they will not be more avaricious than a Roman populace. Yes, sir, the overflowing granaries of the imperial city furnish us with a valuable lesson. The people of that city, when the suggestion was made to them to divide the revenues arising from the sale of the surplus corn, indignantly rejected the proposition. Are we to outstrip them in a career of this character?

It has been declared upon this floor that we are rapidly approaching an important crisis; and we can be saved alone by the exertions of two distinguished forms which have for years past appeared before the country. We are hurried on in a course which leads to a yawning gulf; and to these two lights of the age must we look for assistance. We are called upon to follow the light of the twin stars which now are seen shining together, and who never could have presented a favorable omen except when separated, particularly to the gentleman from South Carolina, [Mr. THOMPSON,] and those who navigate with the same guide the boisterous sea of politics. I leave to him the task of explaining the change of opinion which can induce men to see in the present conjunction these favorable auspices, in the union of men, widely differing in policy, one pursuing a course in which the other saw the annihilation of the happiness and prosperity of the country. I wish to learn by what mighty magic these laborers are now to be united for the common good of the whole country. Why this wonderful coöperation with the same view? For myself I cannot acquiesce in the doctrine that the country must depend for its safety upon the adoption of the *projet* of either the one or the other. I am aware that the idea of distributing millions amongst the States is industriously circulated; I am aware that the people of this country are appealed to by every consideration of pecuniary interest, with a view of arousing their feelings in favor of the division of the revenues of the country, and that one political party is anxiously striving to obtain power by presenting this issue to the community. It is but the repetition of the means always resorted to by one of our great political divisions. From the earliest formation of the Government down to the present day, one section has endeavored to rally the people under its banner by appeals to their interest; the other by appeals to their patriotism. And let me assure those who now hope to grasp the scepter of power, that they will never succeed in their efforts by the means which they now employ. The people of this country will never consent to make the General Government the grand reservoir into which the public treasure must flow, thence to be poured into the several States. It was never formed for such purpose; it never could have been intended to collect more revenue than such as would carry on the operations of your Government. When the people are bound to the Union by no other ligament than that of interest—by the amount of public revenue derived from the general Treasury—a period of corruption will be at hand which must be the precursor of the annihilation of republican principles, and the closing of one of the most brilliant eras which has illumined the history of mankind.

Time as well as means will be required for the task which we propose to execute. France required fifty years to fortify her territory. Although our system will not demand any portion of time like this, still years will be necessary to accomplish our objects. The danger which we have passed should teach us to prepare for the future. We ought to seize upon the opportunity now offered to us. It is, when we have time and money, that we should be preparing our panoply of defense. It is not when the enemy may be at our Capitol that we should be arming. It is not when the sky is lowering, perhaps when the hurricane is sweeping over the land, that we should be preparing to resist its terrible and desolating effects. It is in vain that we pursue a policy as a nation not calculated to interfere with the other nations of the world. The ambition and the interests of the rulers have left these lessons upon the page of history, and ought not to be overlooked by us. Our advancing power daily adds to our exposure. Not only near at hand, but at the distance, we can gather signs which ought to excite our attention. It has been remarked that the time cannot be far distant when we may witness a struggle between the liberal and despotic nations of the Old World. At this very moment, in every European Government, the legions of power may be said to be under arms. If the struggle should take place, the war will not only be a war of opinion between the several States, but one bursting forth in every empire. It will be the contest of the many conscious of their rights, and warring in the majesty of those rights against despotism, armed, as it always is, with gigantic strength. Not only will it be a war between the liberal and oppressive Governments, but one in which every empire will be made the theater on which must be displayed the development of principles, the successful operation of which have been before the world for upwards of half a century. The civilized world is conscious of a change. A novel and resistless influ-

ence, without the insignia of imperial pomp, without the paraphernalia of power, is pervading the earth. Before its triumphant march the vestiges of ancient rule are effaced. Systems around which antiquity had thrown its robe of sanctity, and defended, as they have been, by an array of power, all yield to its assault. To this country it points for the most brilliant evidences of its triumphs. It points to the happiness of millions—the dignity and peace of the land. Does it become us to expose ourselves at such an hour, when to destroy the example which is here, must be the anxious wish of those who are opposed to the principles on which our Government is founded? Ought we not to place ourselves in a situation which will convince the world that whatever contests may arise, we are prepared, at all times, for any state of circumstances; that we are ready to defend our rights and to maintain our dignity? This can alone be done by placing the nation in a proper state of defense. For one, I am desirous that whenever it may become necessary for my country to descend into the arena of nations, it shall not be the unarmed and naked gladiator, but it shall be "cuirased and helmed," armed at every point, and prepared for any struggle.

The question of national defense is one which interests every section. The appropriations which we may make cannot be considered as local, for the shield which the Government ought to present, must protect all. The supply of arms and men for our inland frontier is considered by the Atlantic States as important to them as to our brethren on the borders. The Navy which protects your commerce, covers with its power not only the property of the inhabitants of the seaboard, but of your farmers of the interior. The children of the bold and enterprising West well know that the barriers erected on your coast, gives security to industry. They give them protection from inroad and desolation; and hold out to them a prospect that while the storm may be raging at a distant point, a calm of peace will be beaming upon them.

On a proposition of this character, I start with horror at the argument deduced from geographical situation. I cannot consent to view appropriations for defense, as local. It is not a question in which one section is to be arrayed against the other; that feelings are to be infused into our deliberations, calculated to sever the bonds of attachment. What necessity can there be to appeal to sectional interests? Why shall we draw distinctions between the North and the South, the East and the West? To promote the security of our institutions, to preserve the integrity of the Union, should be the highest ambition of every American statesman. And these results can alone be accomplished by an exercise of that reverence for that Union, which gives tranquillity and prosperity to us at home and national character abroad; by a display of that patriotism which casts its view beyond the limits of a State or section, over the whole Confederacy. By the annihilation of those jealousies nurtured in sectional feeling, which, if permitted to flourish, must blast the affections of one part of the nation for the other, we can alone preserve unimpaired the blood-bought triumphs of the Revolution, and discharge the debt which we owe to the cause of popular freedom.

The question of defense belongs to the whole of the Confederacy. Upon this we should be as one people. What higher duty can we be called upon to perform, than to prepare defenses for a country unpolluted by conquest? What more responsible trust could be assigned to us than to secure the treasures of the industry of our citizens, and to give to the nation the means of sustaining her in a career around which a dazzling effulgence is beaming? In such an hour we ought not to descend into the discussion of mere sordid considerations. In our hands is the great experiment of free principles, and we are responsible for the result. The eyes of the civilized world are upon us. The conqueror at the pyramids animated his legions with the appeal that, from the summit of those stupendous monuments, ages witnessed the struggle. Ought we not to consider that at the base of the mighty pyramid reared by your forefathers upon an arid waste of surrounding despotism, that monument intended by them to be coeval with time itself, we now stand contending for principles containing the happiness of unborn millions? Let us remember that we are engaged in a contest demanding the exercise of every energy, if we desire to preserve those principles unblemished, and in their original integrity; if we seek to secure our Republic with its grandeur unbroken, and its power undiminished, from the desolation continually sweeping over the empires of the world.

PEA PATCH ISLAND.

REMARKS OF HON. P. DICKERSON,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

May 14, 1836,

On the bill to authorize a compromise, and to secure to the United States the title to the Pea Patch Island, on the river Delaware.

Mr. DICKERSON said:

Mr. SPEAKER: I must ask the indulgence of the House for a short time to express my views upon the subject now under discussion. Some time ago the honorable gentleman from Kentucky [Mr. HARDIN] made a calculation, by the result of which it appeared that each gentleman, according to a fair distribution, was entitled to occupy but two hours and a half of the time of this House during the session. I have not yet occupied that time, nor do I intend to overrun it during the session; but if by chance I should exceed it, I should feel bound to apologize to my constituents (if not to this House) for the abuse. I would, however, remark that if we are to be charged only with the time occupied in debating the real merits of the subject-matters under discussion, it might be somewhat difficult to point out the gentleman on this floor who has as yet overdrawn his account.

I did not intend, Mr. Speaker, to enter into the discussion of this matter; but I began to fear that if New Jersey remained silent upon the occasion, our neighbor Delaware, under the opinion of the gentleman from Kentucky, [Mr. HARDIN,] might really consider herself entitled to her circle of twelve miles radius around New Castle; and, as she has already ceded to the United States the Pea Patch for fortifications, she might conclude to grant the town of Salem, which lies within the circle, to the United States for marine barracks, or for some other military or naval purpose.

I am not willing that New Jersey should remain under the imputation thrown upon her by the gentleman from Kentucky, [Mr. HARDIN,] of selling land without a good title; nor am I willing that the rights of these claimants should be further postponed. New Jersey claims nothing but her just rights; and I think I may, with confidence, appeal to my friends from New York and Pennsylvania to support me in the assertion, that she does not readily yield those rights.

What is the case upon which the House are now called to act. The subject-matter in controversy is an island called the Pea Patch, containing about one hundred and seventy-eight acres of land, situated in the Delaware river, between the States of New Jersey, and Delaware, and about ten or twelve chains nearer to the New Jersey shore than to the Delaware shore, and on the Jersey side of the main channel of the river. The title to this island is derived from New Jersey; and it was surveyed and located on the 8th October, 1784, by Edward and Clement Hall, who then took possession of it; and it was in the undisturbed and undisputed possession of the said Halls, and those claiming under them, from that period until 1817, when Doctor Gale, being then the owner, and in the actual possession, was forcibly turned out of that possession by the United States, who claimed the same under a grant from the State of Delaware, and proceeded to erect fortifications thereon. Doctor Gale, after striving in vain to obtain his rights by compromise or arbitration, commenced an action of ejectment against Major Babcock, who was the officer under the United States having the possession of the island, and charge of the works erecting thereon. The proceedings at law were delayed (for causes which I shall explain before I sit down) until 1831, when an agreement was made between the agent of Doctor Gale and the Government, whereby the Government agreed to pay to Doctor Gale $17,000 for the island, upon certain conditions stated in the agreement. Since that agreement was made, the subject has been, from year to year, brought before Congress, but without any final action until this time. The present bill proposes to appropriate $30,000, for the purpose of enabling the Secretary of War to extinguish the title; and the question is, shall this bill pass? I contend, sir, that we are bound to pass this bill, by reason of the agreement upon the subject, entered into on the 18th February, 1831, and call the attention of the House to the terms of that agreement, which was executed by John H. Eaton, then Secretary of War, and James La Tourette as attorney for Henry Gale, and is in the following terms:

"It is agreed by James La Tourette, agent and 'attorney in fact of Henry Gale on the one part, 'and John H. Eaton, Secretary of War, of the 'other part, for and on behalf of the United States, 'as follows: The United States are possessed of 'an island, on which is constructed Fort Dela-'ware, situated about seven miles below New 'Castle, in the State of Delaware, which island 'is claimed by Henry Gale. James La Tourette 'being agent, and specially authorized to dispose 'of said island, proposes, and it is agreed to, that 'the United States Government may examine 'into said title; and on being satisfied that the 'right and claim of said Gale is a valid one, shall 'pay the sum of $17,000; and on payment of said 'amount, said agent covenants and agrees, to and 'with the said Eaton, to convey the whole of said 'island, by good and sufficient title, to the United 'States. This agreement to be submitted to Con-'gress, and to be binding on the United States if 'Congress shall make the appropriation, and the 'title now held be ascertained to be defective.

"Executed this 18th February, 1831."

It is evident from perusing this agreement, that it was hastily and unskillfully drawn, but it appears with sufficient certainty that the United States agreed to pay the $17,000 upon one of two conditions: the first condition expressed is, that the United States should be satisfied "*that the right and claim of said Gale is a valid one.*" The next condition is, that the agreement should be binding if the title held by the United States "*be ascertained to be defective.*"

I insist, Mr. Speaker, that the second condition was the true and honest condition upon which said agreement was, and of right ought to have been based, and for this plain reason: the United States found Mr. Gale in possession, and forcibly turned him out; they therefore had no right to put him to proof of his title, but were bound to show a good title in themselves; or, in other words, they were bound to show that the title under which they claimed and entered was not defective; and in this construction of the agreement, I am supported by the letter of the Secretary of War himself, of the same date, inclosing this agreement to the President, in which he says: "I present to you copies of an agreement 'entered into with the agent, and propose that 'authority be given by Congress to have the title 'inquired into, and if *ascertained to be defective*, 'then to be compromised upon the terms stated 'in the agreement, for which purpose an appro-'priation will be necessary."

In this letter it will be observed that the Secretary uses the very words of the agreement; and it would have been contrary not only to all precedent, but to every principle of justice to turn a man out of the possession of his freehold by strong hand, and then call upon him to show his title.

If, then, this be the true construction of the agreement, the next question which presents itself for consideration is, whether the title held by the United States "was ascertained to be defective;" and the House will bear in mind that, by the agreement, it was the duty of the United States to examine into the title, and in conformity with that part of the agreement they did examine. And what was the result? In the first place they apply to their District Attorney, Gen-

eral Wall, who says in a letter to the Secretary of War of December 2, 1833, "I have heretofore 'had the honor of submitting my opinion in re-'spect to the title of Dr. Gale to the Pea Patch. 'I think that his title is valid, and that he must ultimately recover against the United States."

They also had the opinion of their former District Attorney, J. McIlvaine, Esq., in which he says: "On the whole it will be found that the 'islands in the Delaware have never been granted 'by the sovereign. That in regard to the Pea 'Patch, *Delaware, to say the least, has no better 'title to it than New Jersey;* and that it is a fair 'subject of negotiation and settlement between 'the two States." And the Attorney General, Mr. Butler, in his letter to the Secretary of War of 31st December, 1833, says: "The documents 'submitted to me are sufficient to show that the 'title derived from the State of Delaware is a 'doubtful one."

Thus far the United States proceeded in examining the title; and who can contend with any hope of success, before this House, that the title of the United States is not so far ascertained to be defective. And if further investigation were necessary, it was the duty of the Executive to prosecute that further investigation; they did not do it because they were satisfied and under the conviction of the justice of the claim of Dr. Gale. They recommended that an appropriation should be made to carry the agreement into effect. And, sir, I insist that Congress were bound, and still are bound, under that agreement, and that construction of it, to make the appropriation.

But if the other condition stated in the agreement be claimed by the United States as the true condition upon which the $17,000 were to be paid, still I contend that, according to that construction of the agreement and the subsequent promises made by the Secretary of War to the agent of Dr. Gale, we are bound to make the appropriation. I have already referred the House to the opinion of the district attorney, General Wall, deciding that the title of Dr. Gale was a valid one. I would now refer them to a letter written by General Gratiot to the agent of Dr. Gale, dated December 17, 1833, in which, speaking of a letter of the agent as to the agreement, he says: "I 'am, in consequence, directed by the Secretary of 'War to say to you that the proposition made 'in your letter above referred to, will be acceded 'to, provided the opinion of the Attorney Gen-'eral shall be in accordance with that of Mr. 'Wall."

If, then, it shall appear that the opinion of the Attorney General was, in effect, "in accordance with that of Mr. Wall," it will present a case even under the latter construction of the agreement, which calls for the action of this House.

In prosecuting this examination of title, the Secretary of War again calls upon the Attorney General; and I beg leave to refer the House to his further opinion contained in his letter to the Secretary, of the date of June 16, 1834, in which he says:

"In answer to your inquiry concerning the title 'of the United States to the Pea Patch Island, 'upon which you have again requested my opin-'ion by your letter of the 14th instant, I have 'the honor to state, that upon the facts disclosed 'in the statement and opinion of the District 'Attorney, Mr. Wall, I should have little diffi-'culty in coming to the conclusion, that the title 'to this island was in 1831 in the State of New 'Jersey, and that by the act of her Legislature, 'passed on the 24th of November in that year, it 'was vested in Henry Gale, the present claimant. 'Mr. Wall, moreover, differs from Messrs. Rod-'ney and Read in regard to several material facts, 'and especially to the title and jurisdiction here-'tofore *claimed* and exercised by their respective 'States in and over the waters of the Delaware. 'Mr. Wall states that for more than sixty years 'New Jersey has exercised an adverse dominion 'under a claim of right over the waters of the 'Delaware, and that the claim and holding have 'always been to the middle of the Delaware. On 'the other hand, Mr. Read, in his opinion of the '7th of September, 1818, affirms that the State of 'Delaware, according to the limits defined in the 'deed of feoffment from William Penn, which in-'cludes the whole island in question and the 'whole river, has uniformly *asserted* and *exercised* 'jurisdiction over the river *to the low-water mark 'of the State of New Jersey;* and the same fact is 'substantially stated in the joint opinions of 'Messrs. Rodney and Read, inclosed in their let-'ter to the Secretary of War of the 2d July, '1820."

By this it appears that the Attorney General would have no difficulty in forming an opinion "in accordance with that of Mr. W[illegible]," if Messrs. Rodney and Read, in their opinion, had not asserted that Delaware had "uniformly asserted and exercised jurisdiction over the river to the low-water mark of the State of New Jersey." If, then, it shall appear that this assertion of Messrs. Rodney and Read is entirely without foundation, it removes the only difficulty which the Attorney General had in forming an opinion "in accordance with that of General Wall."

The first step which I propose to take, for the purpose of proving that assertion to be unfounded, is to show to the House that another assertion of the same character made by these gentlemen in the same opinion, is unfounded. I refer to that part of their opinion in which they state that "efficient and permanent works are erecting for defense in time of war." Large sums of public money have been judiciously expended, *without the slightest notice of an adversary claim.*

"The island having been thus rendered valu-'able to the public, has excited the attention of 'private individuals, and is now claimed by 'Doctor Gale," &c.

I submit this assertion of those gentlemen to the House, not only for the purpose of disproving it, and thereby showing that they did not know the facts of their case, and that their statements of fact are not to be depended upon, but to do away the unfavorable impression which this House must have received of Dr. Gale from the fact there stated, that the Government had not the slightest notice of his claim, until they had expended large sums of money, and rendered the island valuable to the public. The assertion is wholly without foundation; and I must express my deep regret that gentlemen of the bar, of the highest standing, in their zeal for their clients, should so far forget the rights of other parties, as to make assertions so prejudicial to their interests, without proper investigation; and that regret, in this instance, is increased from the consideration that the party injured thereby was an humble individual, struggling against the strong, and in this case oppressive, arm of the Government.

I said, sir, that the assertion was without foundation; and, to prove it, I refer gentlemen to the correspondence in the War Department on this subject, showing clearly that this title of Doctor Gale was matter of negotiation with the Department before these expenditures were made. I will not occupy the time of the House by reading this correspondence; but it is here, on my table, subject to the inspection of any gentleman who may wish to examine it.

But why refer to documentary evidence? The fact is notorious that the Government, by their agents, offered to purchase the island of Dr. Gale; and that before they took possession of any part of it; and failing in the purchase, they turned him out by force, and the strong arm of power. So much for the assertion that the Government made these improvements "without the slightest notice of an adversary claim." I am aware, however, Mr. Speaker, that to disprove one allegation of these gentlemen is not conclusive evidence that their other allegation, as to the claim of jurisdiction of the State of Delaware, is equally unfounded. But I would ask of the House, from the nature of the case, what must be the evidence of such claim of jurisdiction, if any such claim were ever made? It must necessarily be found either in legislative enactments or judicial decisions: and as no such laws or decisions exist, I submit to the House that it is conclusive evidence that the State of Delaware never made such claim of jurisdiction; and the only difficulty with the Attorney General being thus removed, his opinion was "in accordance with that of Mr. Wall;" and, of course, under the promise of the Secretary of War, Dr. Gale had a perfect right to expect the fulfillment of the agreement by the payment of the $17,000.

But the gentleman from Delaware [Mr. MILLIGAN] asks me by what authority the Secretary of War made this agreement? Sir, I will not inquire into the authority. It is enough for me to know that it was made by the head of the appropriate Department, and by the same authority that wrested, by force, the property from Dr. Gale; and I would suggest to the gentleman that the authority of that officer to turn Dr. Gale out of the possession of his property in the manner he did might, with much more propriety, be questioned. But, Mr. Speaker, if we throw aside this agreement, and consider it of no binding effect; and if we give the United States the advantage of the possession of the premises, and put the claimants to the strict proof of title at law, they present a case which, to my mind, is clear of all reasonable doubt.

Dr. Gale, and those under whom he claimed, had been in the possession and enjoyment of this island, under a deed from the proprietors of New Jersey, for about thirty-three years; and in the year 1831 the State of New Jersey granted to him all the right and title which they had in the same. So that I presume it will be admitted that if New Jersey ever had the title to the Pea Patch, the claimants now have it. And I now proceed to show that the title was in New Jersey.

It is a well-settled principle of the law of nations that where a river lies between two States, and is not included within the bounds of either, each holds to the middle of the stream, and the islands existing or arising in such river must be allotted to the State to which they are nearest; and it is a well settled fact that the island called the Pea Patch lies nearer, by at least ten chains, to the Jersey shore than to that of Delaware. Of course the title of New Jersey to this island is good, unless Delaware can show some grant or paramount title to overcome it. And in order to effect this, I find that they claim by virtue of a deed of feoffment made by the Duke of York to William Penn, in 1682, describing "all that 'part of the town of New Castle, otherwise called 'Delaware, and all that tract of land lying within 'the compass or circle of twelve miles about the 'same, situate, lying, and being upon the Del-'aware river, in America." In order to establish the fact, that they rely upon this deed and upon it alone, it is only necessary to refer to the opinions of Messrs. Read, Wirt, and Rodney, accompanying the report of the committee. The first objection to this title arises from the fact that the Duke of York himself had no title, and therefore could convey none. King Charles never made a grant to him. Mr. Wirt, in his opinion, says upon this subject: "If such a grant ever 'existed, (which the district attorney for Dela-'ware doubts,) and its production should here-'after become necessary, it may be, I presume, 'obtained through our Minister at London." When the district attorney of Delaware doubts, I think it unnecessary to say anything more to prove that no such grant ever existed, until those doubts are removed by that district attorney or some other person who seeks to establish the title of Delaware under that grant. But, sir, the description in this grant covers too much ground. An inspection of the map will show, that this circle of twelve miles radius, with New Castle for its center, will cover a considerable portion of the county, and all the town of Salem, in the State of New Jersey, which Delaware has not yet claimed; although I will not pretend to predict what she may hereafter do in the premises; for I assert, without fear of contradiction, that if the grant of the Duke of York to William Penn be a valid grant, her title to the town of Salem is as good as that to the Pea Patch.

But, Mr. Speaker, the truth of the case is, and I now proceed to demonstrate, that the title to the Delaware bay and river, and all islands therein, belonged to the Crown of Great Britain until the treaty of peace of 1783; and if so, the Pea Patch being nearer to the Jersey shore than to Delaware, belonged to New Jersey, according to the known and established laws of nations. And, for the

purpose of establishing that position permit me, sir, to call the attention of the House to the opinion of Robert Raymond, afterwards Lord Raymond, and Philip York, afterwards Lord Hardwicke; and as this opinion is cited by Messrs. Read and Rodney, I trust its authenticity will not be questioned. These gentlemen, in speaking of the grant of New Jersey by Charles II., in 1663-64, say that "no part of Dela-'ware river, *or the islands lying therein*, are com-'prised within the granting words of the said 'letters patent, but they conceived the right to 'the same *still remained in the Crown.*" And this opinion, sir, was given in 1721, in the reign of George I.; and thirty-nine years after the date of that famous grant of the Duke of York to William Penn, under which Delaware claims; and when it is considered that this opinion was given to the lords commissioners of trade and plantations, and by such men as Lord Raymond and Lord Hardwicke, and at a time when the whole subject must have been familiar to them, I should consider it the height of presumption to doubt its correctness. But what say Messrs. Read and Rodney of this opinion? In their opinion they state that, "agreeably to this sound 'doctrine, either the United States, or the State 'of Delaware, or New Jersey, on the recognition 'of their independence, succeeded to the rights 'of the former sovereign, and the title of the 'King to this island vested in one of them."

Here, sir, we have the admission of the counsel for the United States that the doctrine contained in this opinion is sound doctrine, and that either the United States or the State of Delaware or New Jersey, on the recognition of their independence, succeeded to the rights of the former sovereign, and the title of the King to *this island* vested in one of them. And by this admission, sir, they grant all that is necessary to establish the title of New Jersey; for it will not be contended that the title vested in the United States, and of course must have vested either in New Jersey or Delaware, and that by virtue of the treaty of peace of 1783. And as this island is nearest to the Jersey shore, by the well-known law of nations upon this subject the title to it must have vested in New Jersey. And we thus have the opinion of the counsel of the United States fully establishing the principle for which I contend, that the title to this island remained in the King until the treaty of peace of 1783.

In addition to this, sir, we have the opinion of the late Judge Washington upon this very subject, reported in the case of Corfield *vs.* Coryell, in Washington Circuit Court Reports, p. 385. After giving a detailed history of the claims and legislation of New Jersey upon this subject, Judge Washington says: "In this state of things 'the Revolution was commenced and conducted 'to a successful issue, when his Britannic Ma-'jesty, by the treaty of peace, acknowledged the 'several States to be sovereign and independent, 'and relinquished all claims, not only to the Gov-'ernment, but to the property and territorial rights 'of the same. The right of the Crown to the 'bay and river Delaware being thus extinguished, 'it would seem to follow that the right claimed 'by New Jersey in those waters was thereby 'confirmed, unless a better title to the same should 'be found to exist in some other States." And after stating the fact that New Jersey had, from a period nearly coeval with the grant of the province, appropriated to themselves the use of the bay and river Delaware, and compared her claim with the claim of Delaware, he proceeds: "And 'we are strongly inclined to think that if the 'right of the former of those States (New Jersey) 'to the bay of Delaware was founded on no other 'title than that of appropriation, by having used 'it for the purposes of navigation and fisheries, 'the effect of the Revolution and of the treaty of 'peace was to extend the limits of those States 'to the middle of the bay, from the mouth up-'wards."

In support of these authorities, I beg leave to call the attention of the House to the fact, that the State of New Jersey, from the earliest period, has, by frequent legislative enactments, asserted her jurisdiction over the Delaware river, and over all the islands therein, to the middle thereof, and has actually exercised that jurisdiction, as appears by numerous legal adjudications involving those laws; and for a list of these acts I refer the House to the brief of General Wall, contained in the report of the committee.

On the other hand, by reference to the laws of Delaware, I cannot find that by any enactment they have ever claimed any exclusive right or jurisdiction over the Delaware river to the Jersey shore, nor over any islands in the bay or river which were near the Jersey shore. On the contrary, it is a fact, that all the islands nearest the Jersey shore are actually held under grants from the proprietors of New Jersey, and those nearest the Delaware shore are held under that State.

But, Mr. Speaker, I propose now to show that the State of Delaware, so far from claiming to hold under the grant of the Duke of York to William Penn, actually disclaims any such holding, and claims to hold under and by virtue of the treaty of peace of 1783.

By an act passed June 19, 1793, the State of Delaware established a land office for the purpose of locating and surveying lands, &c.; and on the 7th of February, 1794, they passed a supplement to that law, the preamble to which supplement is in the following words:

"Whereas, the right to the soil and lands in 'the known and established limits of this State 'was heretofore claimed by the Crown of Great 'Britain: And whereas, by the definitive treaty 'of peace between his Majesty and the United 'States of America, his said Majesty relinquished 'all rights, proprietary and territorial, within the 'limits of the United States to the citizens of the 'same, for their sole use and benefit; *by virtue 'whereof the soil and lands within the limits of this 'State became the right and property of the citizens 'thereof*, and who, at the time of passing the act 'to which this is a supplement, had, and now 'have, full power and authority, by their repre-'sentatives, to dispose of the same for their sole 'benefit, emolument, and advantage: And where-'as, the claims of the late and former proprie-'taries of this State to the soil and lands con-'tained within the same *are not founded either in 'law or equity;* and it is just, right, and necessary 'that the citizens thereof should be secured in 'the enjoyment of their estates, rights, and 'properties."

Thereby admitting in very terms that they held by the treaty of peace of 1783, and that the claims of the late and former proprietors of the State to the soil and land contained within the same are not founded either in law or equity.

Mr. Speaker, I will not pursue this part of the subject any further, but submit it to the House, under the conviction that I have established the position that the title to the Delaware bay and river, and the islands therein, remained in the Crown of Great Britain until the treaty of peace of 1783, and by that treaty the title to this island vested in the State of New Jersey, and, of course, now belongs to the heirs-at-law of Dr. Gale, deceased.

And, sir, if I be correct thus far, the next question which presents itself for our consideration is the amount of this appropriation. And upon this subject I would remark, in the first place, that the bill does not establish any particular amount to be paid to extinguish this title, but only limits it to $30,000, and authorizes the Secretary of War to use this $30,000 to effect this object, provided he shall be of opinion that it will be for the interest of the United States to make such extinguishment; and in so doing, we give him no more discretion than is usually given in such cases.

But, sir, the amount is not too high. I have no personal knowledge of the value of this property; but am credibly informed that it would have been actually worth at this time, without any of the improvements put thereon by the United States, more than thirty thousand dollars. Without, however, referring to any evidence except that contained in the report of the committee, I am satisfied that $30,000 is not more than we ought to pay. It appears that, as long ago as February 18, 1831, the Secretary of War offered to pay $17,000; and when it is considered that this offer was accepted by Dr. Gale, after a ruinous and protracted and oppressive law-suit, the conclusion is almost irresistible that he was driven to his lowest terms. This sum, with simple interest upon it to this time, amounts to more than twenty-two thousand dollars; and no man who reads the history of this case can believe that $8,000 would indemnify Dr. Gale for his expense and trouble in prosecuting this claim; and I insist that, under the circumstances, he is entitled to not only all his expenses, but to a most liberal allowance for all his time and trouble.

But the gentleman from Kentucky [Mr. HARDIN] says that Dr. Gale is trying to extort money from the Government. Let me remind that gentleman that there are two sides to that question, and that we ought to see to it, that while we guard the *strong* from extortion, we do not crush the weak by the strong hand of oppression. I admit, sir, that we have the constitutional right to take private property for public use upon making just compensation, and that this is a case in which that power might be exercised. But it is the very despotic power of our Constitution, and nothing but the strong plea of necessity ever gave it place in that sacred instrument. It is a power which should not be exercised until all other reasonable means are exhausted, and then with the utmost caution and tenderness. Let me now inquire how we have exercised this power in the case under discussion; and how are we now exercising it? I promised the House to explain the causes of the delay which had taken place in the prosecution of this claim, and now proceed to perform the unpleasant task by tracing its progress from its commencement to this period, and by making a plain statement of the facts of the case, which show that the proceedings of the United States have throughout been marked by the iron hand of oppression. Dr. Gale purchased this island, and was in the quiet, undisputed, and uninterrupted possession of it until about the year 1817, when the United States found that it was necessary or convenient for their purposes. They propose to purchase, but cannot agree upon the price; and although the island was worth to the United States hundreds of thousands of dollars, yet the officers trusted with this business, rather than pay the sum which he asked for the property, saw fit to exercise their despotic power, and drove him by force from the possession of his freehold. He appeals to the Secretary of War for redress; and by an inspection of the papers in the War Department I find that on the 23d of July, 1818, he wrote to the Secretary of War in the following words: "Your excellency, 'I trust, *will not take it amiss* that I am so impor-'tunate as again to remind you of my disap-'pointment in not being informed of the appoint-'ment of the men to view and value the Pea 'Patch, agreeably to my expectations, after I 'had the honor of seeing you last February."

Here, sir, we have a citizen of the United States, who had been turned out of the possession of his freehold by force, after waiting for redress more than a year, most humbly asking of the Secretary of War that *he will not take it amiss*, that he reminds him of his promise to do him justice. And what is done upon the occasion? What relief is granted to this man? Why, sir, I find an indorsement upon the letter in these words: "Received from the Department 26th July; wrote 'Babcock to make full inquiry, and report 31st 'July. Also, same day, wrote Mr. Gale, when 'report is made he shall be advised, and what is 'just done." So, then, it appears that the Secretary promised that justice should be done. And where is the evidence of its having been done? Where is the report of Babcock? It does not exist. The rights of the citizen have been wrested from him by force, and withheld and postponed under delusive promises of justice. What course does he next pursue? Why, sir, finding that the officers of the United States would not settle it themselves, he begs of the Secretary of War to refer the matter to the arbitrament of his fellow-citizens, and requests a copy of the order of the Department upon the subject. And on the 10th December, 1819, I find the following answer from the War Department, directed to Doctor Henry Gale: "Your letter to the Secretary of 'War has been received at this Department. The

'proposition which you have made to refer your 'claim to the Pea Patch to arbitrators, cannot 'be acceded to by the War Department. The 'opinion of the district attorney having been 'made for the benefit of this Department only, a 'copy of it cannot be transmitted to you." And is this the just compensation for private property taken for public use, which is guarantied by our Constitution? No, sir, it is, indeed, the exercise of an arbitrary power in the most arbitrary manner.

The spirit of Dr. Gale revolted at the oppression; and in the very desperation of his feelings he had to resort to the laws of his country for redress against that very country. An ejectment was commenced against this Major Babcock before the circuit court of the United States, and notice for trial at Trenton at the term of April, 1820; and we here find that the United States, in addition to the Attorney General and District Attorney, have called to their aid C. A. Rodney and G. Read, Jr., Esqs., two counselors of the highest standing in Delaware, and Richard Stockton, then at the head of the bar in New Jersey; but the cause was continued by reason of other business which had the preference, and the rights of Dr. Gale were again postponed for six months. In the mean time it was discovered by the counsel of Dr. Gale that the State of New Jersey ought to have been made a party to this suit, and applied to the court for leave to make them parties. This was refused; by reason whereof it became necessary for him to discontinue, and commence a new suit, which was done in the supreme court of New Jersey, at the term of October, 1822. The United States applied to Judge Washington to remove this cause into the circuit court of the United States, which application was granted, contrary to the wish of Dr. Gale and the opinion of his counsel. Judge Washington soon discovered his error, and sent the cause back to the supreme court of the State, where it was again entered for trial at the November term, 1825; and by this time I find that the United States had engaged to assert in this work of oppression two other gentlemen of the bar, Mr. George Wood, one of the leading members of the bar of New Jersey, and Mr. Van Dyke, of Delaware; and the cause is again put off by the United States, by reason of the indisposition of Mr. Van Dyke, and because it would be inconvenient for Mr. Read to attend to it; and thus again the hopes of this man are blasted. The facts which I state are all supported by the correspondence contained in the report of the committee, and the communications which I have procured from the War Department, and which are now upon my table, and subject to the inspection of any gentleman who may choose to examine them. Soon after this Major Babcock, the defendant in ejectment, died, and the suit was thereby abated. But if I understood the gentleman from Kentucky, [Mr. HARDIN,] he said that the death of a defendant in ejectment does not abate the suit. I believe that they have in Kentucky some special law upon this subject to keep the suit alive; but at the common law, and by the laws of New Jersey, the death of a sole defendant in ejectment does abate the suit; and for this cause the suit of Dr. Gale was abated; and about this time the fortifications, which had been erected by the United States, were consumed by fire, and the premises left vacant.

And here let me pause, and ask the gentleman from Kentucky, and every other honorable gentleman upon this floor, to point out the single act, word, or deed of Dr. Gale, in this narrative, that is unbecoming an honorable man and a good citizen. Tired out by a tedious and vexatious law-suit, and almost ruined by its expense, he again appeals to the justice and humanity of his country, and again tries to effect by negotiation, that which is denied to him by the slow and uncertain process of legal proceedings; and the result of this negotiation is found in the agreement of 1831, contained in the report of the committee. Thus far, the odium of oppressing this man is properly chargeable upon the different officers of the Government having charge of the matter, but from the date of this agreement part of that odium must rest upon this House. Our attention was called to the subject by the President as early as 1831, and an appropriation asked to enable the Executive to fulfill this agreement in good faith. A bill was reported for the purpose, but the wrongs and injuries of an American citizen were too insignificant to command the attention of Congress; and, like the law-suit, the consideration of the bill is postponed until a more convenient season. And again in 1832 the President calls our attention to the subject, and again we neglect the claims of this man, not because they are unfounded, but because it was not convenient to attend to them. In the early part of 1833, the agent of Dr. Gale has an interview with the Secretary of War, in which he promises him that if the bill then before Congress for this appropriation should not pass, "the claim (of Dr. Gale) would be extinguished out of the appropriation to be made for rebuilding the fort;" and on the 26th of March, 1833, General Gratiot writes to the agent of Dr. Gale requesting the Doctor, "to come to this place in person, or to 'send an agent duly authorized to sell his title 'to the island, subject to the approval of Con-'gress at its next session."

On the 23d November, 1833, the agent of Dr. Gale informs the Secretary of War that he is yet authorized to accept the $17,000, with *the interest*, from the date of the agreement; and offers to come to Washington immediately, if the Secretary was disposed to make such arrangement; and on the 13th of December following the Secretary informed the agent (by letter of General Gratiot) that General Wall "had reported favorably of the title of Dr. Gale," and that his proposition will be acceded to, provided the Attorney General shall agree with General Wall in opinion. And in consequence of that letter the agent repaired to Washington, and was there informed by General Gratiot, "that everything would be arranged at once, provided he would take $17,000." But he had no authority to remit the interest, and a new authority could not readily be obtained, for Dr. Gale was dead, and had bequeathed this claim, this evidence of the injustice of his country to his children, who were scattered in different parts of the Union.

Such, Mr. Speaker, are the facts of this case; and gentlemen on this floor now ask, why do not the heirs of Dr. Gale prosecute their suit at law to a conclusion? They answer by pointing to the history of the case, to their own poverty, to the ruined fortune and death of their parent, to the delays of law, and to the injustice of their country; and the answer ought to be conclusive to the heart of every man of feeling, and to the head of every legislator.

But in what situation are we placed as regards this property? It is of great value, and particularly to the United States. We paid nothing to Delaware for her cession, turned Dr. Gale out of the actual possession, and now seek to deprive his heirs of any compensation; and this we call making *just compensation* for private property which we take for public use, according to the spirit of our Constitution. Sir, it is a mockery, a denial of justice, an arbitrary exercise of despotic power, and a violation of the Constitution.

I quit the subject, expressing the ardent hope that Congress will now, by their vote, do all that yet remains in their power to redress the wrongs of these claimants, and rescue our Constitution from further violation.

LAND DISTRIBUTION BILL.

SPEECH OF HON. JOHN M. NILES,

OF CONNECTICUT,

IN THE SENATE, *April* 28, 1836,

On the question of the passage of the bill to distribute the net proceeds of the Public Lands among the States for a limited period, and for other purposes.

Mr. NILES said:

Mr. PRESIDENT: It was my intention to submit to the Senate some remarks on this bill which, in any view that can be taken of it, I regard as one of the highest importance; and it was my purpose to have done this before the bill was ordered to its third reading; but indisposition has for several days prevented me from speaking, and at this time I scarcely feel able to proceed; but as the bill has reached its last stage, and the Senate having refused to postpone it, I am compelled to deliver my sentiments at this time, or not at all.

Before entering into the consideration of the several questions which this bill presents, I will beg to notice some few of the extraneous remarks of the Senator from Kentucky [Mr. CLAY] which had no particular bearing on the merits of the pending question. What may have been the object of the honorable Senator in attempting to alarm the country as to the security of the public revenues in the deposit banks I will not undertake to say. It appeared to me that, from the associations of place and other circumstances, his imagination had carried him back two years, and that, without perhaps being aware of it, he was engaged in making a real panic speech, calculated to alarm the country on account of the revenue and the currency. Whatever may be the pressure for money at this time, I hardly think the honorable Senator, with all his skill and experience in that way, will be able to produce another factitious panic. The evils of that which prevailed two years since are too fresh in the recollections of the people for them to be drawn into a similar excitement at this time.

It is certainly a very strange argument in favor of the passage of a bill which appropriates nearly all the money now in the Treasury, to attempt to prove that this very money is insecure, and would not be available should this bill become a law. If the deposit banks cannot pay the money, there will be none to distribute; there will be no surplus on which the law can operate.

But what grounds are there for alarm as to the security of the public revenues? They are now deposited in thirty-six banks, and in comparatively small sums; no one bank having more than about three millions, and averaging less than one million. Has the Senator stated any facts tending to show that these banks, or any of them, are not perfectly solvent and safe depositories of the public funds? What are the grounds on which confidence is reposed in any banking institution? Is it not its capital, and its reputation for being prudently and correctly conducted? Whatever objections, then, there may be to the present system of selecting banks for public deposits, it certainly has some advantages. The Secretary of the Treasury has an opportunity of selecting for places of deposit such banks as have acquired an established reputation, and as are known to be conducted on safe principles; he also can select as large a number as he pleases, by which means the aggregate capital is increased, and the risk divided. Is it not apparent that the public revenues are safer deposited in thirty-six banks than they would be in one bank having the same capital? Experience proves that a bank with a large capital may as likely become embarrassed as one with a small capital, as their business is on a corresponding scale. Interest prompts all banks to extend their business to the utmost limit their capital will allow. If the public treasure was deposited all in one bank, as was the case some years since, and that, by an improper extension of its business, or by speculation, should become embarrassed, the whole revenues of the country would be in jeopardy; but if they are in numerous institutions, the danger is greatly diminished, as it is not to be apprehended that several of the deposit banks will become involved in difficulties at the same time. They are independent of each other, and their operations no way connected. The history of the Bank of England, as well as the Bank of the United States, justifies what is here stated. It is well known that the former was compelled to suspend specie payments, and to call in the aid of the Government to sustain it from total ruin. And the Bank of the United States, by a system of profligate and fraudulent speculations, unparalleled, brought itself to the very verge of bankruptcy, whilst it was the depository of the public revenue. For three months, from February to May, in 1819, that bank was in the most critical situation, and daily exposed to be compelled to stop payment. To save itself, it drained the State banks of their specie—broke the banks of Kentucky, and made such forced and rapid curtailments of its loans to individuals as greatly contributed to the severe money pres-

sure and distress which prevailed at that period. Such was the situation of the public funds in the Bank of the United States in 1819.

But the Senator told us that the deposit banks have only eleven millions of specie, and endeavored to make an impression that this was all their resources with which to refund to the Government nearly thirty-two millions. If this was a true test of the ability of banks, what has been the situation of the Bank of the United States, which the Senator has regarded as so safe a depository of the public treasure? In 1831 that bank had but $8,198,682 in specie, when the Government deposits were $7,252,249, and private deposits $9,115,836, and its circulation was $22,399,447; making in the whole, to say nothing of other debts, $38,768,532, to be paid from a specie fund of little more than eight millions. At some periods, the specie of the Bank of the United States has been less, and, if I recollect right, the president of that bank has stated in some of his reports, that six millions in specie was all that was required for the safety of the bank and the public.

Would the Senator require one rule for the Bank of the United States, and another for the State banks? The latter was regarded as perfectly safe, and as furnishing the best national currency for the country, without regard to the specie in its vaults; it was sufficient to rely on its general means, and solvency; but the State banks must have specie equal to their indebtedness.

In any view which can be taken of this subject, the public funds must be considered as safer, so far as regards any considerable loss, than when in the Bank of the United States. As respects capital, that bank had, exclusive of what belonged to the United States, but twenty-eight millions; that of the deposit banks is more than forty-three million dollars.

The condition of these deposit banks, on the 31st day of March last, according to a report of the Secretary of the Treasury of the 23d of April, was as follows:

Loans and discounts	$68,850,287 67
Domestic exchange	32,775,529 42
Real estate	1,929,056 68
Due from banks	15,931,916 22
Notes of other banks	11,107,447 78
Specie	10,885,996 92
Foreign exchange	532,450 96
Expenses	184,901 22
Other investments	10,651,759 92
	$152,849,346 79

Capital	$43,690,980 28
Treasurer of the United States	33,294,024 08
Public officers	3,477,252 42
Due to banks	15,366,674 49
Contingent fund	1,102,763 15
Profit and loss, &c	4,094,358 12
Circulation	28,796,186 98
Private deposits	15,453,092 11
Other liabilities	7,574,015 16
	$152,849,346 79

I have made these statements, not from any partiality to the deposit banks, as I am not their advocate, and consider all banks as conducted essentially on the same principles—to make the greatest profit, without regard to the public or private interests of the community. I do not approve of their having so large an amount of the public funds, and especially without paying any interest for the same; but this is an unusual and unexpected state of things, and I trust will soon be remedied. My object has not been to defend these banks, but to show that the public funds are safe.

In addition to the security afforded by the capital and other property of the banks, the Secretary of the Treasury has in some cases required collateral and personal security for the public deposits. These contracts, the Senator from Kentucky informs us, are totally void, because there is no law expressly authorizing them. He asks, with apparent triumph, by what authority and under what law these contracts are made? This objection, if valid for any purpose, is applicable to the contract itself; for there is no act expressly authorizing the Secretary to employ agents for the safe-keeping of the public revenues. If the argument proves anything it proves that the contracts with the banks are illegal and void, and that the money can never be reclaimed. If the contracts are valid, then the stipulation for personal security is binding, as that is a part of the contract. The argument proves too much, and therefore proves nothing at all.

The Senator also says, that the regulation of the Secretary requiring the deposit banks not to issue bills of less denomination than ten dollars, is an alarming assumption of power; a species of executive legislation designed to regulate the currency. He says he will not inquire whether the regulation is a wise one or not; whether it is calculated to have a beneficial or injurious influence; but asks where the Secretary gets his power to control the State banks, and regulate the currency of the country? He had supposed this power belonged to Congress. Why, the Senator must know full well, that neither Congress nor the Secretary have any power over the State banks. This, like the requirement of personal security, is only a part of the contract. The Secretary, in employing the fiscal agents of the Treasury, can prescribe such conditions as he sees fit, not inconsistent with law, but the agent is not bound to agree to them, nor has the Secretary any means to enforce him to comply with his conditions. All that he can do is to decline to employ the agent who will not comply with the conditions he may prescribe. This is the alarming usurpation which the Senator has discovered. But he will not inquire whether the object is a good one or a bad one; which, it appears to me, is the essential point. Are we to understand that he is opposed to restraining the circulation of small bills issued by the State banks? If not, why this complaint of an attempt to stop their circulation by contract with those banks, which are employed as the receivers of the public revenues? It is said that the present surplus in the Treasury, and which is deposited in the State banks, is unprecedented and dangerous. An overflowing Treasury seems to be a subject of as much alarm now as an exhausted one did two years ago, which was then so confidently predicted. The large amount of money in the Treasury had arisen from two causes: the unprecedented sale of public lands, which during the year 1835 and the first quarter of 1836 have exceeded twenty millions; and the delay to pass the appropriation bills, whereby money that ought to have been paid out, is still retained in the Treasury. But, from the remarks which have just been made on this subject, it might be supposed that there had never before been a balance in the Treasury. But there have usually been balances, and at times very large balances, which have been deposited either in State banks or in the Bank of the United States. The balance in the Treasury at the close of the year 1815, and deposited in State banks, was $13,000,000; in 1816, $22,033,519, more than two thirds the present amount; in 1817, when the Bank of the United States was encouraging speculations in stocks, and using the funds of the Government for that purpose, the balance was $14,989,465; in 1823, it was $9,463,922; in 1826, $6,358,586, in 1827, $6,668,000; in 1828, $5,972,000; in 1829, $5,668,000. From the last period, to the time the connection of the Treasury with the Bank of the United States was terminated, there was a balance of from five to ten millions.

The honorable Senator from Kentucky [Mr. CLAY] has alluded to the State banks, and apparently with the purpose of creating a panic, on account of the rapid increase of these institutions, and the alarming extension of the paper system. In his apprehensions on this subject I can fully participate; but can, by no means, concur in what he assigns as the cause of the increase of the State banks. He attributes it to the measures of the Government in hostility to the Bank of the United States, or to the overthrow of that bank. This cause rests on an assumption of a fact, which is not true—the Bank of the United States has not been destroyed, nor has its operations ceased. It is true some of its branches have been discontinued; and this circumstance, with other causes, may have had some influence on the establishment of State banks in some of the western States; but if the withdrawal of the capital of this bank is to be regarded as occasioning the incorporation of State institutions, it is a cause that could operate only so far as to supply, by State banks, the amount of capital withdrawn by the bank of the United States; and this would be no increase of the aggregate banking capital in the Union.

Nothing can be more unfounded, and even preposterous, than the pretension that the Bank of the United States prevented the establishment of State banks, and restrained their operations. This position, so often and constantly asserted, is not only unsustained, but is opposed both to facts and principle. In point of fact the State banks have increased more rapidly since the establishment of the Bank of the United States in 1816, than they ever did previous to that period. And in respect of principle, it is absurd to contend that banking is to be limited and restricted by superadding the legislation of the Union to that of the States, in granting bank charters. The cause of the alarming multiplication of banks and increase of bank capital lies much deeper. It is to be found in the spirit of traffic and speculation which prevails so extensively in our country, and which the Bank of the United States has been, in an eminent degree, instrumental in engendering and sustaining. Shall the champions of the Bank of the United States, who maintained that its notes were the only sound national currency, reproach those who were opposed to that corporation, and to the present banking system generally, for the consequences and evils of the unprecedented increase of banks in the States? Sir, such taunts come with a bad grace from the Senator from Kentucky.

Who are the advocates of State banks, and the petitioners and applicants for their charters? Are they not the supporters of the Bank, or a Bank, of the United States? In some of the States it is true that many who were, or professed to be, opposed to the national bank, are the zealous supporters of the State institutions. But there are a large portion of those opposed to the Bank of the United States who disapprove the whole banking system, or desire to reform it by withdrawing a large portion of the paper circulation, and substituting a hard money currency in its place. In my own State, this is almost universally true; all who are opposed to the Bank of the United States are opposed to the multiplication of State corporations, and in favor of restricting the circulation of the existing institutions. The increase of State banks, the last two or three years, is truly alarming; and if this spirit is not checked, an explosion of the entire paper system will be inevitable. In an able work by Mr. Gallatin, formerly Secretary of the Treasury, he states that in 1830 there were two hundred and eighty-one banks in the United States, with a capital of $95,000,000; and it is now estimated that there are about seven hundred and fifty banks, possessing an aggregate capital of nearly $300,000,000. Mr. Gallatin's statement was not entirely correct, and probably fell short of the true number; it was five short of the number in Connecticut. But the increase of banks and banking capital has been sufficiently rapid and alarming; it cannot have been less than one hundred per cent. the last three years. If this spirit of speculation and gambling continues, and, instead of being checked, is encouraged by the improvident and reckless legislation of the States, a fatal and ruinous explosion of the whole paper system must be the consequence. This is as inevitable as those results which follow from natural causes. And will no effort be made to arrest these evils? Will the prudent, the wise, and the honest, calmly witness, and without an effort to arrest an evil of such magnitude, the gathering elements fraught with such incalculable calamities to their country?

The Senator from Kentucky says that the surplus in the Treasury has already engendered a spirit of extravagance and wastefulness; that instead of the old republican practice of inquiry what is the lowest rate of appropriations with which the service can be carried on, the inquiry now is, what is the highest rate, and how we can

spend the most? On what authority was this remark made, applied, as it was, to the appropriations generally? It is wholly gratuitous and unsupported. The only inquiries of the kind which have been made of the head of any Department have been confined to fortifications and other permanent objects connected with the defense of the country. These are no part of the ordinary annual expenditures. How far it may be wise to go in expenditures for purposes of this kind may be a question; but whatever it is proper to expend in public works for the defense of the country may as well be expended in one year as in a series of years. Indeed, this is true policy and economy; for the more time which is consumed in laying out the money, the more of it will be abstracted by the agents who have the disbursing of it. If an individual has occasion to build a house, will he not do it in one season, or in as short a period as he can find any one to contract to do the job? He does not consider it economy to be several years about it; neither does he regard the outlay as a part of his annual expenditures. He considers it as an investment—as an addition to his estate. What is true of an individual is true of the Government. Whatever it may be proper to expend on fortifications, ordnance, or other permanent means of defense, the shorter the period in which the money can be expended the better, if there is no waste in the application. Neither are appropriations for purposes of this description to be regarded as a part of the annual expenditures of the Government any more than the erection of a house is to be regarded as a part of the annual expenses of an individual. The calls for the maximum appropriations for permanent objects of defense are no evidence of profuse expenditure as asserted, but of true economy, especially when we have money on hand that we have no other use for.

The compromise tariff act of 1833, to which the honorable Senator alluded with so much complacency, is not entirely irrelevant to the subject under consideration, as that law has in part contributed to produce the surplus which the gentleman seems so anxious to seize upon for distribution. He seems to look back upon that compromise as a bright spot in the record of his political life; the gentleman appears to have been partial to compromises, and has had a hand in many of different descriptions. The tariff compromise, so far as it was a means of quieting, for a time, a distracting question, and of calming the troubled elements in one quarter, was a salutary measure; but the principles of the compromise were unsound and unwise. The reduction of the high duties was too slow, on the one hand, whilst on the other the attempt to establish by compromise a uniform principle of imposing duties, was either delusory or a gross assumption of power. In consideration of retaining the high rate of duties, subject to a gradual reduction for ten years, the principle of discrimination in regulating the duties is proposed to be relinquished. Those engaged, or having capital invested, in manufactures in 1833, were to become rich by the protection afforded to them during the ten years of high duties; and those who might become interested in manufactures near the close or after that period, were to be left to shift for themselves. There is no reason on earth why from fifty to seventy-five per cent. should be required to protect the manufacturing interests in 1833, which could be sustained by duties of twenty per cent. in 1842. Either the high rate of duties was not required, or the point of depression is so low as will sacrifice the manufacturing interests. The experience and skill requisite to the successful prosecution of most branches of manufactures had been acquired in 1833; and although there are constantly improvements taking place in all the arts, yet as these are as great in England and other manufacturing countries as in this, they will give no advantage or security to our manufactures. In regard to the attempt to settle by an act of Congress, under the assumption that it is a compromise, a uniform rule by which all duties are to be imposed after the year 1842, if not altogether delusory, it can only be regarded as a new scheme to amend the Constitution.

It would in fact, be an amendment of the most important character. The duties on foreign importations, as the principal source of the public revenue, as well as incidentally affording protection to the manufacturing interests of the country, have been a subject of more legislation than any other, and must continue so for all time to come. The state of the Treasury, the growth of new interests at home, the decay of old ones, foreign legislation, and various other causes, will require frequent modifications of the revenue laws. To attempt, therefore, to restrict, limit, or regulate the power or action of Congress over this subject by an ordinary law, or by any understanding or compromise among the leading members of Congress as to the passage of that law, is preposterous. It is an attempt by one Congress to tie up the hands of their successors, and deprive them of that equality of power which the Constitution has conferred on each successive Legislature. Had the high rate of duties been brought down to a proper point of reduction more rapidly, it would have lightened the taxes, and we should have had less surplus in the Treasury to contend about.

Mr. President, having disposed of the extraneous and preliminary topics, I will proceed to consider the bill before the Senate. This measure, in any view which can be taken of it, is of the highest importance. The bill provides for distributing among the States, according to the Federal principle of representation, the net proceeds of the public lands for five years, commencing with the year 1833 and ending with the year 1837. As amended at one time, it proposed to distribute the proceeds of the lands for nine years, from 1833 to 1841. That amendment has been abandoned by the friends of the bill, and it now stands as at first introduced. There are some minor principles in this bill, as the grant of certain portions of lands to the new States, and the allowance to those States of ten per cent. of the sales of public land within their territories, which I do not propose to notice. The bill as it now is, should it become a law, will distribute among the States about forty-five million dollars. Its friends calculate upon a large sum. Before the amendment was disagreed to, the bill would have distributed eighty-seven million dollars, provided the sales of the public lands for the ensuing five years should equal what the friends of the measure estimate them at—ten millions a year. I think, however, that estimate much too high. Eighty-seven millions would be nearly one half of the proceeds of all the lands now unsold in the States and Territories. The gross amount, at the minimum price, has been estimated by the Senator from New York [Mr. WRIGHT] at one hundred and eighty-seven million dollars. This bill, as it is, will distribute more than one quarter of the whole proceeds of the public lands in the States and Territories.

By a report of the Secretary of the Treasury it appears that there are in the States and Territories 122,397,462 acres of lands surveyed and offered for sale, and which was unsold on the 30th September last, and 9,772,739 acres surveyed and not offered for sale, making 132,170,210 acres of which the Indian title has been extinguished. There are, besides, 79,126,838 acres to which the Indian title has not been extinguished; but this will cost nearly as much as we shall get for it. The bill in its present form will distribute a large share of the proceeds of the entire national domain. It is retrospective in its operation, and will distribute all the money raised from the sale of the public lands since 1833, which will include nearly the entire balance now in the Treasury. The gross receipts for the sale of the public lands which will be distributed should this bill pass are—

In 1833	$3,967,681
In 1834	4,875,650
In 1835	15,200,000
First quarter of 1836	5,439,650
Money now in the Treasury to be distributed	$29,682,981
Proceeds of sales for the last three quarters of the year 1836, estimated at	8,500,000
Proceeds for 1837 estimated at	8,500,000
Total amount to be distributed	$46,682,981

This estimate for the remainder of the current year, and for 1837, is considerably below the calculations of the friends of this measure, as they consider that the sales will be nearly or quite at the rate they were during the last year, when they exceeded fifteen millions. But I have supposed that the pressure on the money market which now prevails, and will be likely to continue, will check the speculation in lands. The estimate, however, may be low.

In a financial view of this measure the bill before the Senate may be regarded in the light of an appropriation bill. Should it become a law, it will take from the Treasury, during the present year, about thirty-seven million dollars. The first question, therefore, is the effect it will have on the finances, and whether such a sweeping appropriation will not exhaust the Treasury, and render it difficult to carry on the different branches of the public service?

Without pretending to accuracy, the following statements and estimates of receipts and expenditures may throw some light on the subject of the finances of the year:

Money in the Treasury on the 1st of April, in round numbers	$32,000,000
Estimated receipts from the customs for the three quarters of the year 1836, at the rate of eighteen millions for the year	13,500,000
Estimated receipts from the public lands for the three quarters of the year	8,500,000
Total revenues of the year	$54,000,000

The Senator from Tennessee [Mr. WHITE] and others have estimated the money now in the Treasury, and what will be received during the year, at seventy millions. I do not understand the process by which they make so large a sum, and am persuaded that it is altogether an over estimate. I do not claim any accuracy for the estimate I have made, but believe it will be found not to vary essentially from the truth. The calculation as to the custom is based on the assumption that the importations of dutiable articles will be equal the present year to the last, when the duties on imports were about nineteen millions. But by the compromise act of 1833, one tenth part of the excess of duty over twenty per cent. is taken off, which will amount to about one million dollars, leaving for the duties of the whole year eighteen millions. The first quarter, it is true, has considerably exceeded that rate; but the great amount of importations the last quarter of 1835 and the first quarter of the present year will be likely to occasion less importations the three last quarters of the present year. In connection with this cause, the extreme pressure on the money market in the commercial cities must occasion a check and reaction to all kinds of business. This cause will operate still more forcibly to check the sales of the public land, a great portion of which the last year and the first quarter of the present has been purchased on speculation. When good notes, as is said to be the case, are discounted in New York at from thirty to forty per cent. interest, it can hardly be supposed that money will be extensively employed in land speculations. All revulsions in business immediately affect the revenue, from whatever source derived, and hence the great fluctuations which our revenue has experienced both from customs and the public lands. The receipts from the customs in the year 1816 were $36,306,874; in 1817, $26,283,348; in 1819, $20,283,608; in 1820, $15,005,612; and in 1821, $13,004,447. The year 1816 was the first after the war, which accounts for the great excess of importations; but from 1817 to 1821, a period of four years, the revenue was diminished more than one half, falling off from more than twenty-six millions to thirteen millions.

Speculation in public lands commenced in 1818, sales then being made on credit, and the receipts for lands the following year were $3,270,000; in 1820 they fell off one half. In the years 1823 and 1824, the annual receipts were less than one million; and last year the sales have produced more than fifteen millions. This has been the

result of speculations, which cannot continue. It is not to be apprehended that the reaction which has commenced will be as severe or as protracted as that of 1819. The embarrassment and distress then continued for three years, and extended over the whole country. The Bank of the United States, which had exerted a controlling and pernicious influence in originating the spirit of overtrading and speculation, was also the principal instrument in occasioning the distress, as it was compelled, in self-defense, to make rapid and forced curtailments of its loans. From February to December it reduced its loans $12,000,000, being nearly one third of the whole amount. Of this period of distress, Mr. Crawford, in 1819, then Secretary of the Treasury, remarked: "Few instances are on record of sufferings so deep and extensive as those which have overspread the United States."

Let us now examine into the probable expenditures of the present year. It must not be forgotten that appropriations for the year are one thing, and the moneys actually drawn from the Treasury for public purposes, are another thing.

The letter of the Secretary of the Treasury, addressed to Congress early in the session, contains the following estimates as to the appropriations and expenditures for the year 1836:

Estimate of appropriations required for the service of the year 1836		$17,515,933
Appropriations for the services of the year 1836, made by former acts of Congress	2,273,000	
Appropriations not required for 1835, which it is proposed to apply in aid of the service of 1836	344,707	
Existing appropriations which will be required to complete the service of the year 1835, and former years, but which will be expended in the year 1836	$7,306,765	
Deduct appropriations not wanted	475,321	
		6,831,444
Total of appropriations for 1836		$26,965,084

But the entire amount of these appropriations will not be actually expended during the year; the last year a little over seven millions were unexpended. It therefore will be reasonable to conclude that about twenty millions will be required to complete the service of 1835 and former years, and for the ordinary service of the year 1836. This estimate of the Secretary of the Treasury is only for the ordinary service of the year, and has no reference to the extraordinary expenses of the Florida Indian war, for fortifications, (except the ordinary appropriations for that purpose,) ordnance, increase of the Navy, Indian treaties, or any other extraordinary objects of expenditure.

More than two millions have already been appropriated for the expenses of the Indian war in Florida; and as the hostile Seminoles have not been subdued, a considerable force must be kept there during the year, as little can be expected to be done during the warm season. Five millions will be a very moderate estimate for the expenses of this war, and it is to be feared it will exceed that sum. The two important Indian treaties now before the Senate, should they be ratified, will, it is understood, require an expenditure of about seven and a half millions, so that these two heads of extraordinary expenditure alone will amount to twelve and a half millions. But there will be others, amounting to several millions, independent of fortifications, increasing the Navy, and all other objects of permanent defense. The frontiers of the States west of the Mississippi have become much exposed to Indian hostilities by the removal of nearly all the Indians east of the Mississippi to the country west of those States. There is said to be two hundred and forty thousand Indians west of that frontier. The war now raging in Texas will, from the known character of the Indians, be likely to enkindle a spirit of hostility among some of those tribes, and additional troops will be required for the defense of that exposed frontier. There is, I understand, a bill before the House providing for raising a regiment of dragoons, and authorizing the President to accept the services of companies of volunteers, not to exceed ten thousand men, for the defense of the western frontier. This bill will probably become a law, and will involve a considerable expenditure, probably not less than one or two millions.*

These three heads of extraordinary expenditure alone, added to the ordinary disbursements of the year, will make about thirty-four millions and a half, which, deducted from $54,000,000, the whole revenue of the year would leave but $19,500,000. What would be the situation of the Treasury, if this bill was to pass? It would draw from it, the present year, about thirty-seven millions and a half. The sums given are the gross amount, from which some deductions are to be made. This would occasion a deficit of $18,000,000, without any appropriations (except the ordinary) for fortifications, ordnance, increasing the Navy, or other permanent objects of defense. How is this deficiency to be supplied? There are but two ways. We must either raise the duties on imposts, or borrow the money. If there was to be an increase of the customs, it must be done by restoring the duties on the free articles, as the rates of duties cannot be interfered with, consistent with the compromise act of 1833. But the mode of doing it is not material; in any way it will be a tax on the country. Will you distribute the money now in the Treasury among the States, and then raise, by increasing the taxes, fifteen or twenty millions for the public service? This is the question which Congress and the country are called on to decide. There can be no essential error in this statement; for, if the estimate of the receipts from the public lands should be too low, it would not vary the result; for the whole proceeds of the land are to be distributed. Should this bill pass, the $29,000,000 now in the Treasury, being the amount of proceeds from the lands for the years 1833-34-35, and the first quarter of the present year, would be distributed to the States in installments commencing in July, whether there was a dollar left in the Treasury or not. Are the people prepared to pay fifteen or twenty millions in taxes, for the sake of having the money now in the Treasury, and which is wanted for the public service, divided among the States, and squandered on works of internal improvements? All the objects, too, for the more complete defense of the country must be abandoned.

If this bill should not become a law, there will, according to the estimates and statements made, be a surplus at the close of the year of about nineteen millions. The various public and private bills before Congress will probably reduce it to two or three millions below that amount. Are there no national purposes to which this fund can be applied wisely and judiciously for the common benefit of the whole Union? Is it not wanted for the more complete defense of the country? Is there any one, however averse to an extensive system of fortifications, who can doubt that this sum is wanted for fortifications, the increase of the Navy, ordnance, and the improvement of navy-yards? The question is not whether this sum can be judiciously and economically expended on these objects this year, for that is not necessary, but whether it is for the interest of the Union—whether it is wise and patriotic to retain this surplus now we have it, and apply it as fast as it conveniently and economically can be to the defenses of the country. On this question I should think there could be but one opinion. The sum is less than one quarter what has been estimated by the Engineer department and the Navy commissioners as being required for the objects specified.

On the subject of fortifications and the defense of the country generally the report of the Secretary of War recently made is a most important and valuable document. His views are sound, judicious, and practical; they evince a thorough knowledge of the subject, and an eminent discrimination and judgment in the application of that knowledge. He does not contemplate a system of fortifications for the protection of the seacoast, but only for the defense of certain points, as the large cities and navy-yards; and for these purposes he does not recommend large and strong fortifications constructed to stand a regular siege. In the views of the Secretary of War, differing somewhat from those of the engineer department, the President has added his full concurrence.

The engineer department have estimated the expense for completing the military defenses of the United States, including fortifications, ordnance, arsenals, depots, &c., at about $61,000,000. This estimate is made upon a larger and more comprehensive scale of fortifications than the President and Secretary of War recommend. To complete the fortifications now under construction the estimate is $11,609,444, and for the first class of new forts they estimate $5,873,000, and for ordnance for the forts $17,840,249. This is a subject on which I do not profess to be competent to form any opinion; but I have now, as I always have had, a strong aversion to an extensive system of fortifications; it does not seem to be consistent with the genius of our institutions, and has in my mind an intimate connection with a standing army.

The board of Navy commissioners estimate the expenditures for the naval purposes, as follows:

For increase of the Navy, and purchase of materials for preservation, to be used in case of war	$17,760,000
For ordnance for the Navy	1,800,000
For navy-yards	3,600,000
Total	$23,160,000

For all these important objects connected with the permanent defense of the country, the surplus of the present year, amounting to from fifteen to twenty millions, together with the small surplus there may be the two ensuing years, cannot, it is believed, be deemed more than a reasonable and adequate provision. If anything can add to the fitness and propriety of applying the present surplus to the permanent defenses of the country it is the consideration that this fund is not a surplus *revenue*, as seems to be supposed. Twenty-nine millions out of the thirty-two in the Treasury have been received for the sale of the public lands the last three years, and twenty millions during the past year and the first quarter of the present year. This fund has not accrued as a revenue, but from the sale of the public property—the sale of the national domain, the most valuable inheritance that any nation ever possessed, and which is rapidly wasting away. Is there not a peculiar fitness and propriety that this fund should be reinvested in permanent works for the common benefit and security of the whole country?

Mr. President, the most important view of this subject still remains. This must be regarded as a bill for the sequestration of the public lands, and the division of them, in whole or in part, among the States, and of course withdrawing this branch of revenue from the Government of the Union. Looking at this measure in this light, it is one of the highest importance, not so much in a financial point of view as from its political bearings and influence. What may be the effects of a measure resting on principles so new and dangerous no one can foresee; but that its operation might be to change our political system is perfectly clear to my mind. This measure has been attempted to be supported on two grounds, neither of which, it is believed, can be sustained.

1st. That it is constitutional, just, and expedient to divide the public lands among the States on general principles, and without any reference to the present state of the Treasury; and

2d. That it is proper as a *temporary measure* to relieve the country from the evils of a redundant Treasury, by disposing of a surplus which is not wanted for the uses of the Federal Government.

In relation to the last ground it is sufficient to say, that it is not true in point of fact. There is no such surplus as this argument presupposes; and no surplus at all which is not wanted for constitutional, legitimate, and highly useful ob-

* Since the speech was delivered the Secretary of War has requested the appropriation of $1,000,000 for the support of an increased force to defend the western frontier against Indian hostilities.

jects, pertaining to the Government of the Union. I have already examined this question, and endeavored to show that the surplus at the end of the present year would not exceed twenty millions, and would in all probability fall short of that sum; which, upon the most moderate scale of providing for the more complete defense of the country, would be wanted for that object, and no doubt considerably more.

But if there was a surplus, a distribution of it among the States would not be the proper remedy. It would be unwarrantable to attempt to remove a temporary evil by a measure resting on a new and dangerous principle. If there is an excess of revenue, which has and is to continue to accumulate in our Treasury, the rightful and proper remedy is to remove the *cause, to reduce the revenue.* Stop the money from flowing into your Treasury, and it will then distribute itself among the people which is the only just and constitutional distribution. This will be the only just distribution, because it will distribute the money not wanted for the purposes of this Government among the people, and in the exact proportions which they contribute towards the taxes.

It is true the present surplus has mainly accrued from the sales of the public lands; but it is within the power, and it is the solemn duty of Congress, so to shape their legislation as to prevent the accumulation of more money into the Treasury than is required for the constitutional purposes of this Government. And it is our duty so to regulate and restrict the sale of the public lands, or so to reduce the customs as to avoid a surplus. Nothing can be more unjustifiable, or a greater abuse of legislation, than to draw more money from the people than is wanted for public purposes, whether by taxation or the sale of the public property. The accumulation of revenue last year was an extraordinary result from speculations in the public lands, which cannot continue. Still there is reason to apprehend that the money received from this source, whilst the imposts are at their present amount, will, for several years, occasion some excess in the revenue. And as the tariff act of 1833 prevents any essential change in the customs for several years, it appears to be necessary that there should be some further legislation, calculated to regulate and limit the sales of the public lands. There are other than financial reasons in favor of such a measure. The national domain ought to be preserved for actual settlers for generations to come. What is not wanted for actual settlement should be held by the Government, especially when we have no occasion for the revenue derived from the sale of it. As long as it is held by the Government, the same advantages of emigration and settlement on the uncultivated lands as are now enjoyed will extend to future generations. These advantages are of great importance to the whole country, being a sure resource for the disappointed, the unfortunate in the old States, and all who have not the means to acquire an interest in the soil in the older settlements in the Union. In the unsettled lands, the vast extent of the public domain, every individual who is so disposed, however limited his means, can acquire an interest in the soil, and become a freeholder. But if these lands are suffered to go into the hands of speculators and capitalists, at the rate they have the last year, the actual settlers will have to purchase of individuals instead of the United States, and may be compelled to pay ten dollars per acre for lands they can now get at one and a quarter. The capitalists of the country should not be suffered to monopolize the national domain, and thus interpose themselves between the Government and the actual settler. A law properly guarded, confining the sales of the public lands to actual settlers, appears to be demanded by the highest considerations. With a view merely to regulate the revenue, the law might provide the maximum beyond which sales should not be made in one year. As the matter now stands, no calculation can be made on this branch of revenue, as the receipts within a few years have varied from one million to fifteen millions, and the first quarter of the present year they have been at the rate of twenty millions.

Mr. President, I will now proceed to make some remarks on the main question presented by this bill, which is the constitutionality, justice, and expediency of dividing the public lands among the States. This measure is too important, and rests on a principle too novel and dangerous to be sustained by any temporary reasons, or any other conditions, than that it is constitutional, right, just, safe, and proper to divide the public domain or the proceeds of it among the States, and take away this branch of revenue from the Federal Government.

Before considering the objections to this measure, let me ask, what are its advantages? It is claimed, in the first place, that by taking the money now in the deposit banks, and dividing it among the States, it will be put in circulation, and thus relieve the present pressure on the money market. This advantage would be temporary, and of little importance, if true; but the effect of the distribution would be directly the opposite. The banks, if called on to pay the money, would have to press their debtors, which would increase the distress, whilst the money, when distributed, would be withdrawn from use for several months, as the Legislatures of the States would have to be convened before any disposition could be made of it. But this matter being entirely temporary, is of little moment.

The main benefit calculated upon, from the measure, is to increase the resources of the States. As the bill was first introduced, it directed the application of the money either to internal improvements or education. As it now is, it may be applied to any purpose whatever, and will be entirely subject to the disposal of the State Legislatures. They can apply it to their ordinary expenses, if so disposed. It is to be presumed, however, that in general it will be applied to works of internal improvements, and this may be regarded as the object of the bill. It is to provide for carrying on internal improvements by the funds of this Government, through the agency of the States. It is attempting to do indirectly what it is now admitted we cannot do directly. What will be the effect of the sudden application of nearly fifty million dollars to objects of this description? Will it not give an undue and dangerous impulse to the spirit of internal improvement? and does not that spirit now require rather to be checked than stimulated into greater activity? What will be the effect on the business of the country of withdrawing so large a capital from other pursuits to be invested in railroads and canals? And this must be the result, as the funds of the Government are loaned out to individuals, who are employing them in the various departments of useful business; and they must be collected in when the banks are required to pay over the money. It is an error to suppose that those funds are in the deposit banks. They are in the hands of individuals; and should this bill pass, must be withdrawn from the debtors of the banks, and, of course, withdrawn from those branches of business in which they are now employed. Would not the great interests of the country suffer by withdrawing so large a capital from them, and investing it in canals and railroads?

Would not this sudden impulse to internal improvement be likely to involve the States in extravagant and ruinous projects? A considerable portion of the works of this kind are of little or no value. The principal canal in my own State, continued by another in the State of Massachusetts, both of which have cost nearly one million dollars, is of no value. Many in other States are of a similar character. It would seem that the moneys expended by the Government of the Union on canals and roads should admonish us against wasting the resources of the country on unimportant objects of this kind. Congress has appropriated nearly ten million dollars to roads and canals; about six millions on the Cumberland road; one million on the Delaware and Chesapeake canal; one million on the Chesapeake and Ohio canal, half a million on the Dismal Swamp canal, and some others. What return has ever been received for these vast expenditures; and what is the value of these expenditures; and what is the value of the stock of these canals? A bill is now pending for the assumption of the Dutch loan, due by the cities in this District, making about two millions more on account of the Chesapeake and Ohio canal.*

How will the States apply these funds? Some of them are constructing works in behalf of the State, and will probably apply them in that way; but most of the States will invest the money in subscription to stock in corporations, and thus increase the power and influence of these dangerous monopolies.

Railroads are at this time the most popular kind of internal improvements, and when constructed by corporations, with the chartered privileges which have been conferred on them in the eastern States, are the most dangerous monopolies which have ever been permitted to exist in a free country. They are merely *private ways*, and no person can use them, or pass over them, without the consent of the company. They are allowed to fix their own rate of tolls, whilst their advantages enable them to destroy all competition by stage lines, or other means of conveyance. Like all other monopolies, their advantages, whatever they may be, are enjoyed exclusively by the company. They are little or no benefit to the public, whilst they are a serious injury to the agricultural class, by throwing out of employment the great number of horses now used in stages and other modes of conveyance, and destroying the market which was thus created for the products of farms.

It may be laid down as a general truth, that neither railroads nor canals are of general utility and advantage to the country, except where they tend to *raise the price of the products of agriculture or increase the demand for labor.* And these results are only produced by such canals or railroads as open a market by supplying cheaper and better facilities of conveyance to portions of country which were deprived of one. In all other cases railroads and canals are of no general utility, and add nothing to the common prosperity. Their advantages are confined to a very small class, whilst their disadvantages affect a very numerous class. The fallacy of these, and all other expedients for advancing the prosperity of the country, by any other means than by increasing and giving greater scope to its industry, must soon become manifest. Is it right and just to tax the people for objects of this kind? or to apply the funds of the whole people to purposes which can be beneficial only to a few, and those the wealthy classes?

But it is alleged, as another advantage of this measure, that it will settle the long agitated question of internal improvement as relates to this Government — will quiet the public mind, and strengthen the Union. I cannot concur in this opinion. Is it to be supposed that this question is to be settled by agitating it in a new and more dangerous form? What is this but the old question of internal improvement in a new and disguised form, and therefore the more dangerous?

The Senator from Kentucky [Mr. CLAY] says the West will not long submit to have all the public money expended on the sea-board. Sir, this is a slander on the West. Will the people of the western States wish to see the Constitution violated, or any dangerous principles introduced into the Government, to secure what they may conceive to be an equal participation in the advantages of the expenditures of the public money? I do not believe it. The gentleman does great injustice to that patriotic portion of the Union. I, as a citizen of the East, and a Representative of an eastern State, will defend the West against this unworthy imputation. Neither can I admit the justice of this complaint; the West have their share of the public advantages. The disbursements in relation to the public lands, and the numerous grants which have been made of them for the purposes of education and internal improvements, are at least equiv-

* This bill has since passed, and provides for assuming the Dutch loan, made by the cities of Washington, Georgetown, and Alexandria, amounting to over a million and a half. The stock in the canal belonging to the cities is to be pledged as security. The United States have now taken two millions and a half in the stock of the Chesapeake and Ohio canal.

alent to all the benefits enjoyed by the people in the Atlantic States from the disbursements of the Government. It is a mistake to suppose that the public money expended at any place is essentially beneficial to the contiguous population. The supplies and property purchased may come from a distant part of the Union.

But whilst the advantages of this measure, either to the States or the Union, are of a doubtful character, the objections to it are of the most serious kind. The first difficulty is, the very great doubt as to the power of Congress to make such a disposition of the proceeds of the public lands. With the exception of Louisiana and Florida, these lands were ceded by several of the States to the United States, and the rights and powers of this Government over them were derived from those cessions which have been confirmed by the Constitution. We must then look not only to the terms and conditions of the grants, but to the circumstances and purposes for which they were made. The United States were carrying on a war, and had become deeply involved in debt; they had the civil and military expenses of the Government to meet, whilst they were destitute of revenue, and had no power to raise one dollar, either by direct or indirect taxation. Their only reliance, under the Confederation, was upon requisitions on the States. Some of the States possessed extensive tracts of waste lands, whilst others possessed none; and the latter contended that these lands ought to be ceded to the Confederation, for the security of the public creditors, and as a common fund for the benefit of the Union.

Maryland and Rhode Island had refused to join in the Confederation on the ground of this complaint. The Congress had repeatedly urged the States to cede their lands to the Confederacy, and in October, 1780, adopted a resolution, of which the following is an extract:

"*Resolved*, That the unappropriated lands that 'may be ceded or relinquished to the United 'States by any particular State, pursuant to the 'recommendation of Congress of the 6th of Sep-'tember last, shall be disposed of for the *common* '*benefit of the United States*, and be settled and 'formed into distinct republican States, which 'shall become members of the Federal Union, 'and have the same rights of sovereignty, free-'dom, and independence as the other States.

"That the said lands shall be granted or settled 'at such times and under such regulations as shall 'hereafter be agreed on by the United States in 'Congress assembled, or any nine or more of 'them."

The grants of the several States were made in pursuance of this resolution of Congress, and all refer to it; and this resolution shows what was the intention and object of Congress. It proves that the Congress had two objects in view in obtaining the cessions from the States; one to promote the settlement of the territory and the formation of States to be admitted into the Union; the other, the disposal of the lands for *the common benefit of the United States*, not for the common benefit of the several States, or the States in their separate and sovereign capacity, but for the benefit of the whole in their confederate capacity.

In pursuance of the aforesaid resolution of Congress, the State of New York passed an act authorizing the cession of its lands. The following extract from the preamble explains the object:

"Whereas, nothing under Divine Providence 'can more effectually contribute to the tranquil-'lity and safety of the United States of America, 'than a Federal alliance on such liberal principles 'as will give satisfaction to its respective mem-'bers; and whereas the articles of confederation 'and perpetual union, recommended by the hon-'orable Congress of the United States of Amer-'ica, have not proved acceptable to all the States, 'it having been conceived that a portion of the 'waste and uncultivated territory within the 'limits or claims of certain States ought to be '*appropriated as a common fund for the expenses of* '*the war;* and the people of the State of New 'York being, on all occasions, disposed to man-'ifest their regard for their sister States, and their 'earnest desire to promote the general interest 'and security; and more especially to accelerate 'the Federal alliance by removing, as far as it 'depends upon them, the before-mentioned im-'pediment to its final accomplishment."

Here it is expressly stated that the object of the cession was to appropriate the lands as a common fund for the expenses of the war, which is wholly incompatible with the idea that they were to be a common fund to be divided among the States, or for the benefit of the States in their several capacities.

The act of cession of Virginia provides: "that 'all the lands within the territory, so ceded to 'the United States, shall be considered as a com-'mon fund for the use and benefit of such of the 'United States as have become, or shall become, 'members of the Confederation or Federal alli-'ance of the said States, Virginia inclusive, ac-'cording to their respective proportions in the 'general charge and expenditure, and shall be 'faithfully and *bona fide* disposed of for that pur-'pose, and for no other use or purpose what-'soever."

The act of cession of Massachusetts provides that the lands were to be "ceded or relinquished 'to the United States, to be disposed of for the 'common benefit of the same, agreeably to the 'resolve of Congress, of October 10th, 1780."

Connecticut "released and ceded her right of 'jurisdiction and soil to the country one hundred 'and twenty miles west of the western boundary 'of Pennsylvania to the United States in Con-'gress, for the common use and benefit of said 'States, Connecticut included."

The cession of Georgia provides: "That the 'lands conveyed *shall be considered as a common* '*fund for the use and benefit of the United States,* '*Georgia included, and shall be faithfully disposed* '*of for that purpose, and for no other use or purpose* '*whatsoever.*"

Whether, therefore, we regard the situation of the States at the time, and the object of the cessions as apparent from the circumstances under which they were made, or the language of the acts of cession, it appears perfectly clear that those lands, so far as the right of property was concerned, were vested in the United States, or such of them as had joined the Confederacy, and were to constitute a common fund for the benefit of such States in their federative capacity, and not in their separate capacity as independent sovereignties. The States were to share in this fund in proportion to the general charge of expenditure as apportioned by Congress among the States. So far as the expenses of the Confederacy could be defrayed from the proceeds of these lands, the requisitions upon the States were to that extent diminished, and in the same proportion as the States were assessed. But the rule of apportionment adopted in this bill is entirely different from that prescribed in the grant of Virginia. The bill assumes as a rule the Federal population, which is a principle of political power compounded of free and slave population. The rule adopted by Virginia was that of the general charge and expenditure as established by the articles of confederation, which provided—"That all 'charges of war, and all other expenses that shall 'be incurred for the common defense or general 'welfare, and allowed by the United States in 'Congress assembled, shall be defrayed out of a 'common Treasury, which shall be supplied by 'the several States, in proportion to the *value of* '*all land within each State*, granted to or surveyed 'for any person, as such land and the buildings 'and improvements thereon shall be estimated 'according to such mode as the United States in 'Congress assembled shall from time to time di-'rect and appoint." If there was any authority for a division of the proceeds of the lands among the States, this bill has departed from the rule laid down in the cession of Virginia, and assumed a principle then wholly unknown. The language of the Virginia grant is very strong and guarded; and it not only provides that the lands shall be a common fund for the United States, but adds that "they shall be faithfully and *bona fide* disposed of for that purpose, and *for no other use or purpose whatsoever.*" They were not to be disposed of for the benefit of the several States, but for that of the United States, or the Confederacy, which, under the confederation, was regarded as General Government, with heavy charges upon it, and then carrying on a war. According to the express terms of the Virginia and Georgia grants, this fund could be applied to no other purpose whatsoever than the benefit of the Confederacy. The intention of the grants was to provide a fund for the Confederacy, not for the States, which, possessing the power of taxation, could provide for themselves.

It has been contended that the clause "Virginia inclusive," proves that the fund was held in trust for the States; but there is no just foundation for this argument, as that clause was evidently inserted only, from abundant caution, to secure to the granting States their share in the benefits of the fund, when applied to the purposes of the Confederacy, and which would diminish the requisitions to be made upon the States. These cessions were confirmed by the Constitution, with their conditions.

The Senator from Tennessee [Mr. WHITE] has referred to the opinions of the President as to the power of Congress, expressed in his annual message in 1830, regarding a division of the surplus revenue among the States. But the President then suggests doubts as to the power of Congress; and in his veto message he says: "The Constitution of the United States did not delegate to Congress the power to abrogate these compacts." On the contrary, by declaring that nothing in it shall be so construed as to prejudice any claims of the United States, or of any particular State, it virtually provides that these compacts, and the rights they secure, shall remain untouched by the legislative power, which shall only "make all needful rules and regulations" for carrying them into effect. All beyond this would seem to be an assumption of undelegated power.

These ancient compacts are invaluable monuments of an age of virtue, patriotism, and disinterestedness. They exhibit the price that great States which had won liberty were willing to pay for that union, without which they plainly saw it could not be preserved.

Considering these lands as vested in the United States, and appropriated to the uses and purposes of the Union by the original grants, and which were confirmed in the formation of the present system of Government, will it not be inconsistent with the grants to divide the fund arising from the sale of them among the States?

The Federal Government possesses two means of raising a revenue, both of which were derived from the States. The *first* is the public lands or domain; the *second*, the power of levying and collecting taxes, both direct and indirect. The power of levying taxes, like all other powers of this Government, is specific and limited; it is in its very terms confined to the purposes of the Union—to paying the debts and providing for the common defense and general welfare of the United States. And if the language of that particular grant was not so limited, it could receive no greater extension, as that would be incompatible with the theory and structure of the Government. The Government of the Union was established for certain specific purposes and objects, defined in the grant of its powers; and the power to levy and collect taxes must be coextensive with those purposes, and can extend no further. To maintain that Congress can raise a revenue for purposes beyond the sphere of its action is a most preposterous and alarming proposition. If you step one inch beyond that boundary there is no limit to the taxing power, and it might be so exercised as to annihilate the States.

Considering the taxing power as confined to purposes *distinctly Federal*, it cannot be exercised even for those purposes, except in connection with the other source of revenue—that derived from the public lands. They were both conferred by the States on the Union, and for the same purposes; and the taxing power cannot be rightfully resorted to except to supply the deficiency there may be in the revenue derived from the sales of the public lands.

To dispose of the revenue accruing from the sales of the public lands, upon objects not Federal, not within the action of this Government,

and then supply the deficiency by taxes, would be a most *palpable abuse of the taxing power.*

The power of taxation excited more alarm, and occasioned a more determined resistance, than any other in the Constitution; it was the point against which that distinguished champion of popular rights, Patrick Henry, directed his powerful eloquence.

This bill will withdraw one entire branch of the public revenue, and of course throw all the expenses of this Government on to the other. It is true it is limited to five years, but the principle leads to this result; and when once adopted, it will be acted on from time to time. The great champion of this measure admits that this will probably be the case, and says it is the greatest recommendation of the bill.

Why shall this Government tax the people to raise money to distribute among the States? Will the people or the States be benefited by this operation? And what will be its influence on our institutions, and the relations between the States and the Union? Would not such a principle reverse the order of things, and change the very system of the Government? The States possess the primary taxing power; they have conferred on this Government a special, limited power of taxation, for certain specific purposes, enumerated in the Constitution. But if Congress shall raise taxes not only for the purposes of this Government, but also for those of the States, it will engross the entire taxing power reserved to the States.

What would be the inevitable effect of such a principle upon the States? Would it not be a fatal blow to their independence? Would it not have a more direct tendency towards consolidation than any other, or all other measures ever yet adopted? Would it not accustom the States to depend on this Government for their revenues, and even for their ordinary expenditures? And is it supposed that one community can be dependant on another for its expenditures, without gradually losing its independence and sinking into degradation? It is impossible. Would not the influence of this measure be the most pernicious and corrupting in the Legislatures of the States, and even on public sentiment among the people? This scheme of distribution is already pressed into the service of electioneering, and has been so used during the late election in the State I have the honor in part to represent. The people have thus far resisted its seductive influence, and maintained their integrity. How long they may be able to do it, remains to be known.

The suggestions of the President, in his veto message, in regard to the effect of this distribution scheme on the interests, the political rights, and the independence of the States, are deserving the most profound consideration. I will call the attention of the Senate to some parts of this message.

"It appears to me that a more direct road to consolidation cannot be devised. Money is power; and in that Government which pays all the public officers of the States will all political power be substantially concentrated. The State governments—if governments they might be called—would lose all their independence and dignity. The economy which now distinguishes them, would be converted into a profusion limited only by the extent of the supply.

"Being the dependents of the General Government, and looking to its Treasury as the source of all their emoluments, the State officers, under whatever names they might pass, and by whatever forms their duties might be prescribed, would, in effect, be the mere stipendiaries and instruments of the central power.

"I am quite sure the intelligent people of our several States will be satisfied, on a little reflection, that it is neither wise nor safe to release the members of their local Legislatures from the responsibility of levying the taxes necessary to support their State governments, and vest it in Congress, over most of whose members they have no control. They will not think it expedient that Congress shall be the tax-gatherer and paymaster of their State governments, and thus amalgamate all their officers into one mass of common interest and common feeling. It is too obvious that such a course would subvert our well balanced system of government, and ultimately deprive us of all the blessings now derived from our happy Union.

"It is difficult to perceive what advantages would accrue to the old States or the new from the system of distribution which this bill proposes, if it was otherwise unobjectionable. It requires no argument to prove that if three million dollars a year, or any other sum, shall be taken out of the Treasury by this bill for distribution, it must be replaced by the same sum collected from the people through some other means. The old States will receive annually a sum of money from the Treasury, but they will pay in a larger sum, together with the expenses of collection and distribution. It is only their proportion of *seven eighths* of the proceeds of the sales which they are to *receive*, but they must *pay* their due proportion of the whole. Disguise it as we may, the bill proposes to them a dead loss in the ratio of eight to seven, in addition to expenses and other incidental losses. This assertion is not the less true because it may not at first be palpable. Their receipts will be in large sums, but their payments in small ones. The governments of the States will receive seven dollars, for which the people of the States will pay eight. But a little consideration will satisfy the people that the effect is the same as if *seven hundred dollars* were given them from the Treasury, for which they were at the same time to pay *eight hundred.*"

In what situation will this distributing scheme place the two Houses of Congress? Will not its pernicious influence be felt in our entire legislation? Ought those who are intrusted with the high and responsible duties of making laws for the whole Union, and guarding and protecting the rights and interests of the whole country, to be placed in such a situation that the local interests of their respective States are brought into direct conflict with those of the Union? If the principle of distribution is once established, and the States are taught to look to this Government for their revenue, will not the members of Congress be instructed to oppose all important measures, calculated to diminish the general fund which they wish to distribute among the States? The interests of their immediate constituents must have a controlling influence on the minds of members, and the most zealous efforts to increase the fund for distribution would be regarded as the surest way to acquire local popularity. Every important measure for the defense of the country, or any other important object, would have to encounter this corrupting influence. This is really an agrarian law, as it virtually provides for a division of the public lands, not among the people, but among the States, where the scramble for a further distribution or division of it will be renewed; and will not this occasion all the evils and contentions which attended that species of legislation in ancient Rome? And so far as it might accustom the people of the States to look up to this central Government for *money*, would it not, in some degree, have the same pernicious influence as the laws of that ancient republic, which distributed corn among the people from the public granaries, and thus paralyzed their industry, destroyed their independence, corrupted their morals, and worked a change in the political institutions of the country? The inglorious author of those laws has transmitted his name to remote posterity, only to be despised for weakness and political profligacy.

Mr. President, I must apologize for having detained the Senate so long, and will close with one more observation. The honorable Senator from Kentucky [Mr. CLAY] remarked that this was peculiarly a beneficent measure to the whole Union. A *beneficial* measure truly; which, disguise it as you may, is nothing more nor less than an artful scheme of raising money from the people by indirect *taxation*, to return to them again—no, not to return it to the people from whose pockets it has been taken, but to give it to their public agents. A beneficent measure, which bears upon its very face a concealed *fraud*; for while it purports to be an act of grace and bounty, it is in fact and truth only an attempt to buy up the people with their own money.

FORTIFYING THE MARITIME FRONTIER.

REMARKS OF HON. B. RUGGLES,

OF MAINE,

IN THE SENATE, *May* 21, 1836,

On the bill making appropriations for Fortifying the Maritime Frontier.

Mr. RUGGLES said:

Mr. PRESIDENT: This bill has been slumbering on the table for more than two months without any disposition being manifested by a majority of the Senate to take it up. The inquiry throughout the country is, where is the fortification bill? What has become of the fortification bill? Why does not the Senate act on the fortification bill? All the sea-board—all that part of it which has not been already provided with works of defense, is alive to the subject. No measure is more imperiously demanded by the exposed condition of the sea-board, and none more loudly called for, in connection with liberal appropriations for an increase of the Navy, by the general sense of the country.

This matter has been delayed and put off till it is now too late to do much else than to prepare for entering upon the contemplated works at an early period of the next year. And why it is that this important bill has been postponed for others of much less consequence, and suffered, nay, *made* to lie on the table, while the season for operations has been passing away, I am unable to understand. But I hope the Senate will now settle the details of it, and do what, in my humble apprehension, the Senate ought to have done two or three months ago.

The Senator from Tennessee, who has just taken his seat, [Mr. WHITE,] appears to understand the Secretary of War as recommending, in his report on this subject, a postponement of all the new fortifications named in this bill, and the completion of those works only which have been heretofore commenced. But, sir, I have not so understood the report. On the contrary, the Secretary expressly recommends the construction of fortifications at several points where none have been commenced.

If we are to proceed upon the principle that no new works shall be commenced, confining the appropriations to the completion of those already in a state of forwardness, the State I have the honor to represent will still be left without defenses. She has no works commenced, and therefore has none to complete. The views of the Senator from Tennessee go to sustain the motion submitted by the honorable Senator from South Carolina, [Mr. PRESTON,] when this bill was last before the Senate, and which, as I understand it, now comes forward for consideration. The motion was to amend the bill by striking out the appropriation for the defense of the Kennebec. In making the motion, he announced his intention also of moving to strike out all the appropriations for works of the third class, as classified in the report of the board of engineers made in 1821; and also to strike out the appropriation for steam batteries. These several motions, it seems, are to be met successively. Now, the Kennebec falls within the third class, in that report, and would therefore be embraced in the second proposed amendment. But the Senator has thought proper to single out the Kennebec river for the separate action of the Senate; no doubt supposing it to be a vulnerable point, and more assailable than any other in the bill. He does not choose to attack the whole line of fortifications at once, but to break through it at some chosen point, and then to cut them up in detail. I suppose that would be according to military principles.

It is not my intention, sir, to take up the time of the Senate in advocating the system of national defenses, for one part of which this bill provides, for I apprehend that at this day few are to be found who are willing to hazard their reputation as statesmen by calling in question the wisdom of shielding a maritime frontier, and furnishing a navy with convenient and numerous places of resort and refuge. The example of other nations and the experience of our own; the concurring opinion of distinguished statesmen and others

eminent for their military science; the established policy of our Government, hitherto sustained by all parties; in fine, history, example, experience, science, and patriotism—all concur in sustaining the system of national defenses which embraces a navy and fortifications. The recent report of the Secretary of War upon this subject, which has received so much commendation, fully sustains the principles of the bill under consideration, differing only in some of its details.

Indeed, I do not understand that this system of defense is seriously questioned by the Senator who submitted this motion. There is, however, the honorable Senator from Kentucky, [Mr. CRITTENDEN,] who, the other day, in endeavoring to find sufficient surplus revenue to justify its distribution among the States, took occasion to denounce fortifications on the maritime frontier as wholly unnecessary to the present and prospective condition of our country. He thought we could do without them. He was opposed to the whole scheme. And I infer from his remarks that he was also opposed to a navy; for he told us that, instead of preventing an enemy from landing on our shores, we ought rather to invite him to land—make room for him to disembark, that those who should be left to recross the Atlantic might carry back with them such experience of our hospitality as would deter them and others from a similar enterprise thereafter.

Sir, there is more chivalry than wisdom in such a view of the subject. Fortifications are not so much to prevent an enemy from landing on our coast as to shut up our harbors, occlude our ports, and lock up the mouths of our rivers, and thus to guard against a sudden attack upon our commercial towns by the fleets of an enemy.

The Senator thinks we should find no great difficulty in chastising an enemy that should have the presumption to land on our shores. And, sir, he seems to suppose that it would argue imbecility and cowardice to attempt to keep him away from our harbors by those ugly, frowning battlements, and to protect our cities by fortresses. Perhaps he supposes it the wisest and most gallant course to give an enemy's ships of war free access to our commercial towns, and, after he has battered them down, to invite him to land and measure swords with us! We should unquestionably give him some evidence of our valor, but I do exceedingly doubt whether he would carry away with him any very high opinion of the wisdom of our protective policy. And should he not accommodate us by accepting our invitation—should he not choose to land and give us battle on shore, we might lose the opportunity of proving even our valor.

But the Senator from South Carolina does not go quite so far. I do not understand him as opposed to this system of public defenses. On the contrary, he claimed for his colleague the distinguished honor of having "fought up" this system of fortifying the maritime frontier, against much opposition and discouragement, at the time he was Secretary of War. And so creditable did he deem the achievement to his wisdom and patriotism, that he erected for him a triumphal arch, and fixed his statue upon it, and seemed resolved that it should not be cast down by impious hands, without an effort to sustain it there. The effort, it must be admitted, was a splendid and gallant one. And I trust the honorable Senator, whose name and fame it was intended to perpetuate, will, by his support of this bill, vindicate his claim to the apotheosis designed for him. Yes, sir, I may be permitted to hope that the combined honors of rhetoric and statuary, will call up the distinguished Senator alluded to, to the support of the bill, against the assault made upon it by his eloquent colleague.

Since, then, the system of fortifying the maritime frontier is not to be impugned, I ask, what is the objection to this bill? One objection is, that it involves too great an expenditure; that it is entering upon a scheme that will call for appropriations to an unlimited amount. At the same time we are told, and from the same quarter whence this objection comes, that our Treasury is full to overflowing—that there is now a surplus in the Treasury of thirty-two or thirty-three millions, with a prospect of some forty-one or forty-two millions by another year; and that it is absolutely impossible to exhaust that surplus, or to spunge it up by this scheme of fortifications. It is asserted that the most liberal, extravagant, profuse appropriations for this purpose "cannot possibly touch the surplus revenue"—not even *touch* it; that its increase is going on with so much rapidity that prodigality itself, with its utmost strides, cannot overtake it. And yet the Senator says that the amount appropriated by this bill is "alarming." Appropriations which are necessarily so insignificant in amount that they cannot even touch the surplus in the Treasury, are, at the same time, to be regarded as "alarming" and "appalling," and leading on to national bankruptcy. How these conflicting views of the subject can be reconciled, I cannot very well understand.

With a view, however, of diminishing the amount appropriated by this bill, it is proposed to strike out the fortification for the defense of the Kennebec waters, and that is to be followed by another to strike out the proposed fortification for the Penobscot. My purpose is to resist these propositions as unjust to the State I represent here; unwise in regard to great and important national interests, and as being an utter departure from the constitutional obligation resting upon Congress to provide for the common defense.

The geographical position of Maine renders the question of fortifying her maritime frontier one of great interest to the State as well as to the Union. She occupies an intermediate position between the rest of the Union and the possessions of a foreign Power. Her ports and harbors are within a few hours' sail of the ports and harbors of a nation that may be, as she has been, our enemy. The coast of that State, for many leagues at sea, is the most frequented cruising ground in time of war, of any portion of the coast of the United States. It is literally whitened with our commerce. It is there that an enemy's cruisers would reap their rich harvest of prizes, and do more injury to the commerce of the country than they could do at any other point of the Atlantic coast. Leave that coast undefended, and it would be swept as with the besom of destruction. All the commerce, foreign or coastwise, which is carried on by two hundred and fifty thousand tons of navigation, would be swept from the ocean. Our valuable fisheries would be annihilated, and the whole sea-board would be lighted by the conflagration of our ships, our towns, and cities, and everything accessible to an incendiary foe. If the harbors on the coast of Maine should not be fortified and occupied by us, they will in time of war be occupied by the enemy. If they shall not be made places of refuge and protection, they will be places of exposure and destruction. There are a number of important positions on that coast which would be immediately seized upon by an enemy, and made places of rendezvous for his cruisers, privateers, and ships of war; whence they could sally out to intercept our commerce, and "sink, burn, and destroy;" and where they could refit and levy contributions of supplies upon the defenseless inhabitants.

Sir, this does not rest upon conjecture. It is matter of history. With us it has been matter of experience. In the last war with England she at once perceived the advantages of occupying a position on the coast of Maine. She early fitted out an expedition which seized upon Castine, a position on the Penobscot waters, where the enemy fortified himself. From that position he was enabled to commit havoc and devastation upon our commerce. The number of merchant vessels which that position enabled him to capture I have no means of estimating.

It is for the protection of those waters—the waters of the Penobscot bay and river—that one of the fortifications is designed. There are a number of commercial towns on the bay, whose shipping would, in times of peril, seek refuge in the river above the contemplated fortification. Among them is Belfast, the proposed Atlantic termination of the Belfast and Quebec railroad. Above the position to be fortified are several others, and at the head of navigation is the city of Bangor, which ships annually from three hundred to four hundred millions feet of lumber. This city has just sprung into existence. Six years ago its population was only two thousand eight hundred and sixty-eight. Now it is nine thousand. Its increase in wealth and enterprise exceeds even that of its population. It bids fair to be one of the most considerable cities of the North.

Kennebec river, which is proposed to be left defenseless, is one of the largest in New England. It is navigable for large ships of war to Bath, and for smaller vessels to Hallowell and Augusta. Bath is a highly commercial town. More shipping is built in the district of Bath than in any other in the State, and a quarter more than is built in all the southern States put together. Above Bath, on the river, there are several thriving and prosperous towns. At the head of navigation is the capital of the State, and at that place is situated the arsenal of the United States. Yes, Mr. President, the United States have there property in buildings and the material of war to a large amount. Would you leave that undefended? Would you leave not only the valuable commerce of that river and adjacent ports, and the thriving towns that adorn its banks, but also your own arsenal, exposed and unprotected? Did you erect your buildings there but for the accommodation of your enemy in time of war? Was it to supply him with arms and munitions of war, that you exposed them, on an unfortified river, in, as it may be, his own neighborhood, where he could have ready access to them? Sir, to leave the mouth of that river unfortified would be a palpable invitation to an enemy to come and help himself. He would so regard it, and accept the invitation. His very first expedition would be to the capital of the State. Without an hour's notice or warning, favored by a fair breeze, he would run up the river, set fire to the shipping at Bath, demolish that and the other towns above it, seize upon the arsenal, turn its guns upon our capitol, and having supplied himself with whatever he might stand in need of from the arsenal, return musing upon the marvelous wisdom of a nation that, with a bloated Treasury, with overflowing coffers, could leave such a position unfortified. Shall I be told that the citizens of Maine would be expected to stand by and defend the property of the United States; leave their own villages and dwellings exposed to pillage and conflagration, and their wives and daughters to the mercy of a licentious soldiery, to defend your property, which you will not take the trouble to place in a condition of security!

But is there nothing else to be protected by fortifying that coast? Are there no other interests to be regarded? Sir, there are there more than half a million of your population, an industrious, moral, enlightened, enterprising, patriotic people, who are neither insensible to what they owe to the national Government, nor ignorant of what the national Government, under the Constitution, owes to them. The State possesses a great amount of commercial and agricultural wealth, and manufacturing enterprise is spreading rapidly over the State. I find, by a report made to Congress in 1832, by the Secretary of State, founded on very partial and incomplete returns and estimates, that the manufactures at that time amounted to upwards of seven million dollars. They may be safely estimated at the present time at ten millions. Add to this the value of lumber cut and sawed annually, estimated at ten millions, and the market value of lime manufactured in that State, estimated at one million, and we make an aggregate of twenty-one millions, independent of its agricultural products. The article of wool alone, grown in that State in 1832, was estimated from the returns at one million six hundred and forty thousand dollars. It must now exceed two millions. There are no means of estimating the amount of other agricultural products. But I have already shown enough to entitle that "peninsular State," as the Senator calls it, to some little consideration. Not one of the Atlantic States possesses so great natural resources, nor one which is making more rapid progress in wealth and population.

The Senator, in his speech preliminary to the motion under consideration, took occasion to speak of the great amount of exports from the southern States, and adverted to the small amount of exports from Maine. The inference was that more should be appropriated for the defense of

the southern, and less for the northern frontier. The returns show only the exports to foreign countries. There are no returns which show the amount of our coastwise commerce. We must arrive at that by inference and estimation. In 1833, the exports of South Carolina amounted to upwards of eleven million dollars. That, with a small amount of exports coastwise, deducting what was retained for home consumption, may be regarded as the product of the labor of the producing class of the population of that State. Some allowance is to be made for what was grown beyond the limits of that State. Maine has a population somewhat less than South Carolina, but it is an active, industrious population of *freemen*. It does not there take one half to keep the other half employed. The product of industry and enterprise in Maine cannot be less than that of South Carolina. I have no doubt it is greater. But the exports from Maine to foreign countries for 1833 were short of a million dollars. What, then, became of the residue of their products, making the same deduction for home consumption? The answer is, it was shipped coastwise. The difference, then, between the commerce of Maine and that of South Carolina is this: the latter State shows a greater amount of exports to foreign markets, and the former a greater amount to ports in the United States. They ship more to foreign countries; we ship more coastwise.

Now, I would ask, which is most entitled to the fostering care and protection of the Government, the commerce carried on by a State with a foreign nation, or the commerce of the States with one another? How would it be in time of war? Which is the true question in reference to our protective policy? Would a cargo of flour shipped from Alexandria or Petersburg, be more entitled to protection when destined for Europe, than when shipped to Portland, Bath, or Bangor? Would you regard as more important the safety of a cargo of cotton, when shipped from Charleston to supply the manufactories of Europe, than when shipped for Boston or Portsmouth for the use of the factories of Lowell or Dover? The answer must be two to one in favor of domestic commerce which finds a market for the products of one State, and a resource of supplies for another; and Congress is under the same constitutional obligation to protect the commerce carried on between the States, as it is to protect foreign commerce.

Sir, there are other considerations to which I ask the attention of Senators from the South and Southwest. It is not difficult to show that the whole South and Southwest are directly interested in the fortifying the northern frontier, especially the frontier of Maine; and I cannot but marvel that a motion which goes to defeat an appropriation for that purpose should come from the South. The great amount of exports from the southern States has been adverted to. The following is an abstract of the value of exports of domestic produce to foreign countries, for the year 1833. It is made up from the latest returns that have been published:

States.	In Amer. vessels.	In foreign vessels.	Total.
	Dollars.	*Dollars.*	*Dollars.*
Louisiana	16,838,562	6,921,045	23,759,607
Alabama	4,141,786	1,522,261	5,664,047
Georgia	5,166,844	2,400,483	7,567,327
South Carolina	7,255,281	3,864,284	11,119,565
Total of four States	33,402,473	14,708,073	48,110,564
Virginia	4,740,003	719,237	5,469,240
North Carolina	360,012	111,394	471,406
Mississippi	None.	None.	None.
Florida	175,218	14,967	190,185
Total southern States,	38,577,706	15,553,671	54,131,377
Total United States	61,286,119	19,738,043	81,024,162

Here we see that the whole amount of the exports of the United States was $81,000,000, of which $48,000,000 were from the four States of Louisiana, Alabama, Georgia, and South Carolina alone. To this must be added a large amount of coastwise exports. Now let me inquire of southern Senators by what means this vast amount is transported to their foreign and domestic markets. Do you ship it in your own vessels? To a very great extent you do not.

Let us see how this is. The following is an abstract of the tonnage built, the tonnage owned, and the permanent registered tonnage in 1833:

States.	Tonnage built.	Tonnage owned.	Registered tonnage, permanent.
Louisiana	326	60,903	13,100
Alabama	65	7,540	1,392
Georgia	547	9,994	2,467
South Carolina	649	14,058	3,246
Total of four States	1,587	92,495	20,215
Virginia	3,326	50,407	6,834
North Carolina	3,012	38,235	6,603
Mississippi	30	1,003	None.
Florida	46	3,787	766
Total southern States,	8,002	185,927	34,418
Total United States	161,626	1,606,149	641,091
Maine	51,687	225,329	70,499
Portland	7,860	49,012	-
Kennebec	11,214	42,772	-
Penobscot	10,587	49,412	-

By this abstract it appears that the whole amount of shipping owned in the four States mentioned is 92,485 tons: 40,225 of the 60,903 owned in Louisiana is steamboat tonnage employed on the rivers, leaving 52,259 employed in foreign and coastwise commerce. The permanent registered tonnage is that which is engaged in foreign commerce with but few exceptions. Of that, these four States have but 20,215 tons, while the whole amount of American tonnage employed in foreign commerce is 641,091. Adopting that proportion, South Carolina should have about 70,000 tons instead of 3,000, having upwards of 7,000,000 of exports in American vessels. The four States mentioned, with more than half of all the exports of domestic produce, own less than a thirty-fourth part of all the American tonnage employed.

There is, then, this very great deficiency of vessels at the South, and to supply that deficiency she is necessarily indebted to those States which have an excess above their exportations; the principal of which is Maine, having over 70,000 tons of shipping engaged in foreign commerce, with less than $1,000,000 of exports. Yes, Mr. President, Maine, hitherto overlooked, forgotten, and disregarded in everything relating to the defense of her sea-board, owns nearly 40,000 tons more shipping than all the southern Atlantic and Gulf States south of the Potomac. Nay, I may say she has more spacious harbors, more deep and convenient waters, more ports of entry and delivery, more facilities for commercial and naval operations, than all the southern States together, south of the Chesapeake. Sir, I do not speak extravagantly. The facts, on examination, will be found to bear me out.

But, sir, I will go further, and inquire where the South obtains the vessels she owns. If I am not much mistaken, it will appear that she is indebted to the North for them, and to a great extent to Maine herself. By adverting to the abstract, I find that the four States named built in 1833 but 1,587 tons, while Maine built 51,687. The district of Bath alone, one of the twelve districts into which the coast of that State is divided, builds a third more than all the southern States together, from Virginia to Louisiana inclusive. That one district, for the defense of which not a dollar has been expended on any permanent fortification, owns three times the amount of tonnage that is owned by the whole State of South Carolina, whose ports have been fortified at an expense of little short of a million dollars. The same remark may be made in reference to Portland, and the Penobscot. Our ships—many of which are among the very best freighting vessels in the world—navigated by intelligent and experienced ship-masters, and manned by hardy seamen, are found in all the southern ports, New Orleans, Mobile, Savannah, Charleston, &c., &c., competing for freights and taking their produce off their hands at the lowest prices of transportation.

Now, sir, leave the maritime frontier of Maine without defenses, leave her harbors exposed, give up that "peninsular State" to the enemy, and a declaration of war would put an absolute stop to ship-building. Her five or six hundred ship-yards would be desolate; and the first six months after the commencement of hostilities would see our shipping destroyed and its owners ruined. The effect such a state of things would produce on southern interests dependent on the ship-building and ship-owning States, cannot be accurately estimated. The price of freights would be greatly increased. Such a diminution of the number of freighting vessels would destroy all competition for freights, and southern producers would be compelled to pay whatever northern carriers should choose to demand. And thus is the South directly interested in the defense of our harbors in Maine, and in the protection and preservation of our shipping. We do not build ships for ourselves alone; we build them also for the South. The ship-yards of the South are in Maine. She is the great ship-building State of the Union. Throughout the whole South and Southwest every producer of a bag of cotton, a hogshead of sugar, or any other article of export, has a direct interest in this matter; for they will feel the effect of the increased price of freights in the diminution of the home value of their products.

Mr. President, there is one other consideration to which I cannot forbear calling the attention of the Senate, involving a matter of great national interest. I have reference to the long pending, and still unsettled controversy between this Government and that of Great Britain relative to the disputed territory on our northeastern border. It is a large and valuable portion of the State of Maine, claimed, and to some extent occupied by Great Britain, but which is clearly our rightful domain, and should be held within our sovereignty and jurisdiction.

The Senator from Massachusetts [Mr. DAVIS] laid before the Senate, some time since, resolutions emanating from the Legislature of that State which relate to this controversy and to the territory in question. It was at a time when I was absent from the Senate a few days from indisposition. I have since seen a published report of his remarks on that occasion, in which I find an extract published as having been read to the Senate from the report of a committee sent by that State some months since to explore and examine into the condition of the country in dispute between the two Governments. A part of that extract is as follows:

"The committee have thus briefly noticed the 'outline presented in its passage across this important portion of our domain. When it shall 'be explored more fully, it will be found to contain an inexhaustible treasure, in its deep forests, 'its rivers, and its soil. The condition of all that 'portion now held in the custody of England, 'presents matters for serious and anxious reflection. Are we humbled by the lofty pretensions 'of a Power from whom we have twice conquered 'an honorable peace, or from what cause is it 'that our pride seems subdued, while our interests are sacrificed? No American, and especially 'no man of New England, can traverse this 'region and shut out from his mind the conviction that *wrongs have been perpetrated under the 'cover of diplomacy, that dare not be defended in the 'open field.* This land, which we claim belongs 'to us of right, *has, for some cause, or to answer 'some purposes, been most ignominiously surrendered 'to the custody of a foreign Power.* It does not fail 'to impress one strangely, that, after possession 'of more than a quarter of a century—after the 'full exercise of sovereignty, we should quietly 'permit that possession and that sovereignty to 'pass into the hands of a foreign Power, and 'thus be held until that Power shall find leisure 'to establish over it a permanent legal title.

"But your committee will not dwell upon a 'topic so fruitful of unpleasant emotions; they 'were sufficiently harassed by them while traversing this region; they could not look abroad 'without witnessing the depredations and waste 'everywhere committed—they could not fail to 'appreciate at its just value the guardianship exercised over it. They were not blind to the 'trespasses once suppressed by our own agents,

but now renewed upon the timber and the lands, and that seemed to be pursued with an eagerness and an ingenuity that scorned resistance or defied detection. They did not complain, for there was no power to redress; nor do the committee now arraign the conduct of the British agent; he is powerless on this subject. The great mass of the population consider the lands as waste, and each plunders and appropriates as his inclination or interest leads him. There have been some devices thought expedient as a 'cover for some of the grosser acts under the 'eye of the authorities. 'Location certificates' 'are granted by the Government of New Brunswick to old soldiers, these are made to cover one 'tract until the timber is stripped, and then it is 'changed to another—a sort of roving commission, protecting the aggressor when the power 'to punish needs but a slight apology to quiet it; 'large portions of this region held in trust, thus 'formally, have recently been claimed as belonging 'to CANADA, thus taking it out of the jurisdiction 'of the trustee, the Governor of New Brunswick, 'and freeing it from all rule, or law, or agency."

I have read this extract for two purposes. One is to have the opportunity of reminding the Senator who has made it a part of his speech, that whatever errors of *diplomacy* have been committed in respect to that matter, were committed by those for whose acts the present Administration cannot be held responsible. Whatever wrongs have been perpetrated under the cover of diplomacy that cannot be defended in the open field, have grown out of measures which had not the consent of Maine, and which were as much against her wishes and interests as they are against the principles and policy of the present executive department of the Government. I need not be more explicit. The Senator was, I think, a member of the other House during a period now gone by, where he was a distinguished and able supporter of the *then existing* Administration, in most of its measures, if not of its *diplomacy*.

There is another honorable Senator on this floor who has doubtless some faint recollections of interesting circumstances that have taken place in respect to this question, with which his official duties, always ably performed, must have made him acquainted. What reference the Massachusetts committee had to the "diplomacy" at Ghent, in which that Senator took a distinguished part; or what reference was intended to what took place in respect to this matter during his premiership under a late Administration, the committee itself can best tell.

But, sir, it is no purpose of mine, in making these remarks, to lay blame at the door of any one. I am particularly desirous, in this discussion, of avoiding every topic not legitimately connected with the subject under consideration. If the Massachusetts committee or the Senator had been a little more explicit in the allusion to what is called an "ignominious surrender of territory for some cause, or to answer some purposes," and fixed the imputation where it belongs, if it belongs anywhere, I should have spared myself these remarks.

I have read the extract for one other purpose more apposite to the question under consideration. It was to show that Maine was not alone in considering this question of boundary, as it is called—more properly a question of title and territory—as one which in its present aspect is justly calculated to produce "serious and anxious reflection." He alone whose prophecy is knowledge, and who controls the destinies of nations, can tell in what that controversy will end. The country in dispute embraces about one third of the State. It is equal in extent to the two States of Massachusetts and Rhode Island. It is valuable for its deep forests of timber, as well as for its soil and the numerous streams which intersect it. It is capable of sustaining a million of inhabitants. Our title to it is as clear as language can make it; and the British Government urge their claim to it with an earnestness and pertinacity equal to the clearness of our title. Shall it be submissively yielded to her? Sir, it would be a disgraceful surrender of a clear and manifest right.

How, then, is the matter to be settled? Negotiation has been tried thus far in vain. There is little prospect of its being more successful in future. And how soon the time will come when the honor and rights of the nation shall imperiously require a resort to measures of a more determinate and decisive character I will not predict. I have reason to believe that this controversy is regarded by the Executive with anxiety and concern from a sincere desire to preserve the friendly relations between the two nations; at the same time resolved not to compromit the just rights of Maine and of the Union to the tract of country in question.

Now, sir, to what extent future negotiations would be influenced by placing the maritime frontier of that State in a condition of security, is a question worthy of consideration. Great Britain considers the possession of this territory of great importance, as well from its intrinsic value as from its location. A large portion of it, as the Senator from Massachusetts remarked, is covered with a thick growth of white pine. Much of that valuable timber, and of the timber spruce, nearly as valuable, for some purposes more so, still remains within the undisputed boundaries of the State. But that is rapidly disappearing before the ax of the lumbermen. Many have estimated that on the Penobscot waters alone between three and four hundred million feet of lumber are cut and sawed annually. Proportionate quantities are cut and sawed on several other of the rivers in Maine, and the business is increasing rapidly, and the prices and value still more rapidly, from the increasing demand of the country. Does not Great Britain perceive that the time will soon come when that forest of timber which she is endeavoring to appropriate to her own use, will be the only resource left of that valuable species of lumber for all New England, New York, and the middle States, to a considerable extent, and for the South to some extent also? I speak of this peculiar and valuable kind of lumber, which is found in no great quantity anywhere else in the United States, readily accessible from the ocean. I say, sir, does not Great Britain perceive this, and is not her anxiety to hold that territory greatly increased by a desire to monopolize so valuable an article of commerce? And I ask, sir, will she recede from the position she has assumed in relation to it, so long as she sees the whole maritime frontier of Maine, with all her shipping, her commerce, her towns and cities, naked and exposed? Will she feel any apprehension from us, while we ourselves are so defenseless? Will she fear to *receive* while she can so readily *give* blows? Let me tell you, sir, that controversy can never be settled in a manner consistent with our honor and our rights, until the maritime frontier of Maine shall be put in a state of security. Its present defenseless and exposed condition is an encouragement, an invitation to Great Britain to hold out in her preposterous claim.

But I will not detain the Senate in presenting this matter in the variety of aspects in which it exhibits itself to my mind. If you would secure that important part of our domain by *peaceable* measures, place the State in such a condition that Great Britain shall not find in our very defenselessness a lure to a war of conquest and acquisition. Let her, at least, not see us in such a condition that we may be supposed unwilling to hazard a vindication of our rights. With the panoply of defense thrown over us, we might reasonably hope that a negotiation so long protracted would at last terminate in the successful establishment of our just territorial and jurisdictional limits. We might hope to avoid a war, which otherwise may sooner or later be inevitable.

Let no man attempt to reconcile himself to the idea of abandoning that country on the ground of its trifling value. I will not stop to estimate its value as a matter of property. It is sufficient that it is a portion of the United States—a large part of one of the sovereign States of this Union; and to surrender our right to it on the extraordinary claim and demand of Great Britain, would be an ignominious act of national degradation, as much so as would be the surrender of the District of Columbia. Twenty years ago, instead of claiming title in herself, she was seeking to acquire from us a right of way—a communication through this territory from New Brunswick to Quebec. After diplomacy had put her spectacles on—after the treaty of Ghent, she began to view the matter in a different light; and now, instead of negotiating for a right of way, she is claiming full right and title in herself, and even denying us a right of way to the St. Johns, and upon its waters to the ocean!

Some of the consequences resulting from the condition in which that country is now placed, are the subjection of American citizens to the vexatious dominion of a foreign Power the destruction and waste of timber, delaying the settlement and agricultural improvement of a fertile portion of our territory, and imposing restraints upon the extension of public and private enterprise.

Under these circumstances, the obligation and the remedy are with this Government. What can Maine do? Your Constitution, to which no State is more faithful, tells her she has no right to make war. She can enter into no negotiation, make no treaty, levy no impost duties. She has yielded up most of the means and the power of vindicating her rights against foreign nations, in exchange for the national guarantee of protection. And you have admonished her that she should be careful not to embroil the two countries in war by her imprudence. She has been told that negotiations of some sort were going on; that diplomacy was at work, and that her rights should be secured to her; that you had difficulties with other Powers to settle; and that it was not politic nor prudent to engage in too many controversies at the same time. Well, sir, all this we thought very reasonable; and we *have* waited till all other controversies have been settled. We have remained quiet, and, from a sincere desire to avoid every act which should tend to disturb the friendly relations between the two countries, we have afforded many practical examples of the virtue of forbearance, while our neighbors have advanced and moved back our landmarks. But, sir, here we stop!

This matter demands the serious attention of this Government. If neglected now, it may, at no distant day, involve a question of the most serious import. I know that whatever can be done to secure our rights by negotiation will be done. All peaceable measures will be first tried. All the influence of a just, temperate, and wise policy will be brought in aid of a firm and resolute assertion of the rights and honor of the nation. But without a preparation for enforcing and vindicating them, I have too much reason to apprehend that negotiation will be fruitless. That argument with nations is often most convincing which has something besides diplomatic logic to support it.

I make no unavailing complaints about the past; I take the question as I find it. And how is that? Why, sir, a considerable portion of one of the sovereign States of this Union is subjected to the dominion of a foreign Power, and all the other States, save one, seem to look quietly on; wholly unconcerned so long as their territory remains undisturbed! Is it not so? Hitherto the Constitution has afforded us no practical guarantee either for the defense of our sea-board or the integrity of our territory. If such is to be its practical exposition in future, I would be quite willing to exchange it for the old articles of Confederation, as loosely and feebly as they held the States of this Union together.

Sir, Maine is not disposed to claim more than justly belongs to her, nor to assume any attitude unbecoming the dignity of political sovereignty. She has not been—she will not be, unreasonable in her claims. She asks only those rights which the national compact secures to her in common with all the other States. In urging them with energy and firmness she will not lose sight of what is due to her own character, nor what is due to the character of this Government. She has the highest confidence that nothing will be left undone to secure her rights which the Constitution has placed in the power of the executive department of the Government to do. She now asks that Congress will place her on an equal footing with the other States in respect to frontier defenses, having regard to her local position and the high interests she has at stake.

Instead of the amount appropriated by the bill for the defenses of Maine being greater than her condition requires, in my apprehension it falls far short of it. But three positions are provided for. In reference to the important considerations to which I have adverted, I cannot but believe that a prudent forecast would lead to the immediate commencement of fortifications at other points for which no appropriations are made. If we should be so unfortunate as to be engaged in another war with England, which no State has so much reason to deprecate as Maine, her borders and her coast would be the first if not the principal scene of conflict. Provide her, then, with armor. She is young, but robust and athletic. Give her but her helmet and shield, and in peace or war she will do you no dishonor. The mouth of every river should be guarded. Every town on our sea-board of sufficient importance to excite the cupidity of an enemy, should be provided with some suitable work of defense. I do not ask great and extravagant expenditures. We want no such expensive fortresses as the South "fought up" for her defense. We want none covering sixty or seventy acres. We want no Monroe fortresses; no Rip Rap defenses. We ask only such as are suited to the positions they may occupy; suited to the objects to be defended; to the inducements an enemy would have to make an attack. The *repulsive* should always be proportioned to the *attractive* power.

The position at the mouth of the St. Croix is becoming one of great importance. Calais, situated at the head of navigation, some thirty miles above Eastport, which, in 1830, contained but one thousand six hundred and eighty-six inhabitants, is now estimated to contain upwards of four thousand. The commerce carried on from those waters is very considerable, and is rapidly increasing. The returns for 1834 show that the foreign vessels which entered and cleared at Eastport in that year amounted to nearly ninety-eight thousand tons. This was nearly equal to the entry, and exceeded the clearances, of foreign vessels at New York; and very far exceeded those of any other commercial place in the Union. It was greatly disproportioned, however, to the clearances of American vessels. The harbor of St. Andrews, where an enemy's fleet could rendezvous, lies on the opposite side of these waters, and is within striking distance of Eastport, and other places on the river. The important and exposed position has received much less consideration than it is entitled to, and I hope the attention of the proper Department will be called to it, and that all necessary examination and surveys preparatory to the construction of suitable works of defense, may be speedily made.

It appears to be understood, that because the positions at the Kennebec and Penobscot rivers are named in the third class in the classification made by the Board of Engineers in their report of 1821, they are therefore to be considered third-rate positions in point of importance. Whatever was the object of so classing them in 1821, it ought not to be overlooked, that, by the able report of the same body in 1826, those positions are placed in the second class; and by a recent report of the board, just communicated to the Senate, they are embraced in the first class. Those formerly considered as entitled to the earliest attention have already been provided with works of defense. And those which, in 1826, were regarded in the second class, now become the first class of positions remaining to be fortified. The work has been going on. The system of public defenses has been adopted and pursued sometimes with more, and sometimes with less energy and zeal. The South has had the benefit of appropriations for the fortification of the Mississippi, Mobile bay, Pensacola, Savannah, Charleston, and other places. So far as regards that section of the Union, the system has been carried into execution, and the vote of the North has never been wanting on any question of appropriation for that purpose. But when, in her turn, the North claims her share in this matter, the South—no, sir, not the whole South, I trust—but South Carolina, rises up against it. She "fought it up" for her benefit, and now would fight it down for nobody's benefit. South Carolina, with her one or two ports of entry, has received the benefit of appropriations for this purpose to the amount of nearly a million of dollars. Maine, with her twelve ports of entry, and forty ports of discharge and delivery, has not had a single dollar expended under the new system on any permanent work of defense. The State of South Carolina, which builds but six hundred and forty tons of shipping, and owns but fourteen thousand tons, has, in regard to the defense of her one or two harbors, received the first and earliest attention of the Government; while Maine, which builds more than fifty thousand tons of shipping, and owns two hundred and twenty-five thousand, has been postponed and passed over! And this, too, by a Government acting under a Constitution which imposes upon it the obligation of providing for the common defense of the whole country, and the general welfare and protection of all its parts.

DEFENSE OF THE WESTERN FRONTIER.

REMARKS OF HON. E. W. RIPLEY,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

May 7, 1836,

On a Bill making an Appropriation for the Defense of the Western frontier.

Mr. RIPLEY contended that, from want of knowledge of the country, honorable members had, in his opinion, been entirely mistaken in relation to the orders which had been given by General Gaines and the grounds taken by the Secretary of State That a civil war was now raging in one of the Mexican States was a fact of public notoriety. That, on the part of Santa Anna, it was waged in the most barbarous manner, neither respecting convention nor parol, was equally notorious. Prisoners, under convention, were murdered in cold blood, nor was helpless age or unoffending infancy spared by this modern Attila. The United States had, in this war, determined upon a strict neutrality between the belligerents. They had acted upon this principle, but, as a neutral Power contiguous to the contending armies, they had upon every just principle of self-defense, high interests to protect, and duties to perform. They were bound to guard their own territory and to preserve the lives and property of their own citizens. The more sanguinary and faithless the character and conduct of one of the belligerents, the more extensive becomes the measures of prevention which they may take, and which a severe vigilance or even suspicion will require.

Now, sir, what is the position of Louisiana? On her frontier a civil war rages, marked, on the part of the Mexicans, with the most atrocious ferocity. If Santa Anna perpetrates his sanguinary schemes, and embodies hordes of Indians, whose mode of warfare we are acquainted with, and that band of patriots in Texas arrayed for the defense of their homes, their liberty and families, should be stricken down, you have but about six hundred men in the field, under General Gaines, to arrest the progress of Santa Anna and his myrmidons to New Orleans. Under such a state of things, Louisiana would soon be desolated. The country between the Sabine and Mississippi contains but a very small white population. I should say, in the four western parishes below Red river, there are not more than twelve thousand whites to forty thousand slaves. It is an extraordinary fact, from the formation of the country, that, if the Texans and the force of General Gaines should be destroyed, a thousand determined mounted men could dash from the Sabine, cut down the levees on the Mississippi in twenty places, inundate the whole lower country, destroy New Orleans, and retire before a population could be collected to make head against them. Is this romance, or is it sober reality? I appeal to my honorable colleagues for the correctness of my statements.

General Gaines has made a requisition on Governor White, who has declined complying with it for want of funds the Legislature not being in session. He has conversed with General Plauche, the gallant leader of the legion, who is ready to march with that corps, excelled by none in discipline, chivalry, and patriotism. Let us, then, appropriate the funds which this bill contemplates, and remove the difficulty the Governor has raised; a difficulty on all former occasions unheard of in Louisiana, for she has sprung to arms and fought most nobly on every requisition of the Government.

The Secretary of State has furnished the views of the President in relation to the course this Government would pursue in case of our neutrality being threatened. They are given in the spirit of honest neutrality, and are at the same time evincive of the clearest military foresight. They show the firm, upright determination of the Government to protect the citizens of our frontiers. After reading these documents, they can repose quietly; without them, fears and apprehensions would have induced them to instant removal.

We know, sir, that the true Sabine has never been definitively settled. A treaty has been ratified to effect it immediately. We know, too, that the branch running through Nacogdoches is the western branch of those streams which empty into the Sabine lake, and all united form the Sabine to the sea. The Sabine lake is only a widening of the Sabine river, in consequence of low lands on the banks, and in ordinary water is only one or two miles broad, and is in fact the true river. Of course, until the line is run, our Government should not suffer the Mexicans or Texans to take possession of any intermediate point of the valley of the Sabine. The longest branch of the Sabine river is now reported to be many miles westward of the supposed limits of Louisiana. Arkansas has already organized two populous counties above the 33° to the westward of the branch which has been considered in Louisiana as the true branch, because we never have explored the country. Arkansas has done it and organized her counties, being convinced that the western branch is the longest branch of the river, and of course is the true Sabine, within the meaning of the treaty. Texas also claims this territory. Now, sir, what is the ground which the Secretary of State has assumed, and which the honorable member from Massachusetts [Mr. ADAMS] has so severely censured? Why, it is this: that until the line is definitively settled, the valley of the Sabine shall remain neutral ground. We assume no hostile attitude towards the belligerents; but we have rights to be established on the frontier territory. One of these rights is peaceably to explore all these branches of the Sabine river, for the purpose of ascertaining the true line contemplated by the treaty.

If either the Mexicans or Texans attempt, with an armed force, to occupy one of the branches of the Sabine to our exclusion, until the line be settled, our forces (notifying both parties) should advance to old fort Nacogdoches, situated upon the western branch, and hold it until the true boundary is ascertained. Is this not acting in good faith as a neutral? Is it taking any part in the war? Is it not frankly apprising the Mexican chief that these movements are only provisionally made, to secure our rights in running an undefined boundary, by not allowing any military possession to be permanently assumed? As a military position, it is the only one which can be taken by General Gaines to cover our population from the Mexicans and their Indian allies. Bear in mind, Mr. Chairman, that General Gaines is on the east side of what has been supposed to be the main Sabine, though now it is doubted whether it be so. There are upon the western branch, in advance of General Gaines, thirty or forty miles to the northwest, two counties of Arkansas, south of Red river. These two counties cannot be approached at this season with an army by any other route than the road to Nacogdoches; and if General Gaines were to remain in his position, and allow the Mexican force to occupy Nacogdoches, they would in fact be between him and those counties he would be called upon to defend. The frontier population would be separated from the army which was to protect it, with the Mexicans and Camanches between.

Suppose, for a moment, the Mexican army posted at Nacogdoches, with a disposition to disturb our neutrality. I do not presume that they

possess that disposition; the Government does not presume it; but, in such an event, they could have a small corps of observation upon the road that leads to Louisiana, to prevent information from reaching General Gaines, while the principal force could join the Camanche Indians towards the Arkansas, a distance of fifty miles from Nacogdoches, and our force would be thrown perfectly *hors du combat*. These facts appear to render it indispensably necessary to the safety of our frontier to assume a position which will effectually cover it, until the line be definitively settled, and the boundary fixed by the commissioners.

The honorable member from Massachusetts [Mr ADAMS] has assumed positions which I cannot believe tenable, both in regard to the statement of the conference of the Secretary of State with the Mexican Minister, and to the letter of General Gaines, wherein he states, that under certain circumstances he will cross the Sabine with his troops, if it be necessary to protect our neutrality and defend the homes and firesides of our frontier inhabitants; and for this General Gaines is censured by the honorable member.

The facts I have already stated will form for that gallant officer his complete justification. He cannot, in any other way, cover the two counties of Arkansas which are advanced on one of the branches of the Sabine at least fifty miles further west than the present marked boundary of Louisiana; and is there anything new in the doctrine, that a neutral has a right to cross a neighboring line, if in good faith it be necessary to save her own citizens and territory from desolation?

The honorable member alleges that it would be declaring war. Sir, in the first Seminole war that honorable member thought otherwise. On that occasion, in one of the most masterly arguments which has ever emanated from the statesmen of this Republic, contained in the letter from the honorable member, then Secretary of State, to Don Onis, in vindication of General Jackson, he perfectly established a contrary doctrine, the precise doctrine for which General Gaines contends. That State paper has been published to the world; and it has reflected the highest credit, not only upon the honorable member, but upon the character of our country.

Much has been said upon this floor respecting the character of the population of Texas, and the nature of this Texan war. I was sorry to hear honorable members denounce that character, and represent this war as produced by land speculators, and by renegades to their native land. Sir, it has been my lot, from my contiguity of position, to be acquainted with a numerous portion of the Texan people. I have almost my whole life lived upon a frontier. My first associations were created amidst the log-cabins in Maine, on the eastern frontier, and on the frontier of New York during the war; and let me tell you that, amidst all the inhabitants of a new country that I have been acquainted with, Texas is second to none in the character of her population. Austin, as a lawgiver, and the builder up of civilization, is inferior to none that have figured in forming new communities on this continent.

The people of Texas hold their right of territory by a more just title than most of the States. They acquire it by the colonization of Mexico; by the Mexicans' plighted faith. They have not conquered it from the savages, the native possessors. In the controversy between Spain and Mexico, many Americans were in the ranks fighting for Mexican freedom. For a short time the Mexican people were grateful; and, under this impulse, they made grants of lands to the early settlers of Texas for the double purpose of settling their wilderness, and, by creating a barrier against the Camanches and the Indians of Red river, to protect the inhabitants of the interior States. They also adopted the constitution of 1824, and the colonization law of the same year; and under these guaranties the Americans emigrated until one hundred thousand inhabitants had populated the country. Civilization and intelligence had spread their influences over a country before wild and desolate. In every stage, these colonists had been loyal and faithful to the Mexican Government. In their constitution it was provided, that when Texas should contain a population of forty thousand souls, they should be admitted as a State into the Mexican Federal Union. Texas took a census, and found that they had more than that number. They petitioned for admission as a State, and were only answered by imprisoning their agent, Colonel Austin, for nearly two years. Still they did not fly to arms; but, when that monster in human shape—Santa Anna—with a profligate priesthood, and a still more abandoned soldiery, struck down the free constitution of Mexico—when they invaded Texas for the purpose of coercing her to the same degraded state—the war-cry of liberty was thundered forth. In the same spirit which animated our fathers of the Revolution, the brave, the free-born Texans resolved to live free or die. Let their beautiful country, now waste and desolate—let their Spartan matrons, now houseless and destitute—let the crimson torrents, poured out at the Alamo—bear witness how nobly they have kept their vow. Yes, sir, at the consecrated spot another monument has been raised to the soul-stirring spirit of freemen. Greece had her Thermopylæ. In the Alamo, as bright a beacon-light of liberty has been kindled, and Travers and his brave associates will rank, on the pages of impartial history, with the immortal Leonidas and his Spartan band.

SUPPRESSION OF INDIAN HOSTILITIES.

REMARKS OF HON. A. MANN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

March 18, 1836,

On the bill appropriating five hundred thousand dollars to suppress the Hostilities of the Creek Indians, (in reply to Mr. VINTON, of Ohio.)

Mr. MANN said: Mr. Speaker, that which an attentive observer of human action might have predicted as a future possible event in the progress of the country had, it seemed, occurred already.

Who that has witnessed the proceedings of this Congress for the last two months, has been able to shut his eyes against the fact, now rendered so apparent, that on every question of appropriation of the public revenues to the purposes of the country, gentlemen have kept continually before their imagination an indefinite prospect, an uncertain hope, that those revenues may, by some possibility, be divided among the States of the Union, under the "false pretense of dividing the net proceeds of the public domain?" This idea seems to haunt the dreams of gentlemen, "whether sleeping or waking," insomuch that the cries of innocent women and children, of helpless age and infantile weakness, for protection against the ruthless tomahawk and murderous scalping-knife, are insufficient to awaken them from the fatal reverie. And has it come to this, Mr. Speaker, (said Mr. M.,) that an appropriation to repel an invading savage—to protect your citizens from his appalling cruelties, is to be resisted and declaimed against in an American House of Representatives, through any latent apprehension that these "net proceeds" may thereby be diminished, and the shares of gentlemen rendered less valuable? Sir, it is humiliating—I will not, for fear of offense, say degrading—to be compelled to believe it—to be obliged to proclaim it to the nation and to the world.

What are the evidences, Mr. Speaker, (said Mr. M.) on which this belief is founded? Why, sir, the remarks which have just fallen from the honorable gentleman from Ohio [Mr. VINTON] are alone almost sufficient; but who amongst us has forgotten the lucid speech made by the honorable gentleman from Louisiana [Mr. GARLAND] the other day, on a bill to defend the very borders of his own district from apprehended invasion? Was the effect of that speech in favor of the passage of that bill? [Mr. GARLAND interrupted Mr. M. and said he had not opposed that bill, but had voted for it.] Mr. M. continued: So had, he believed, every gentleman in the House, except two or three; and yet many had made speeches, the tendency of which, as he (Mr. M.) understood them, was against them. It was not a new discovery that gentlemen sometimes make speeches one way and vote the other. [Mr. GARLAND again interrupted Mr. M., and said, that if the gentleman [Mr. MANN] meant to assert that he had opposed that bill, it was untrue.]

The SPEAKER called Mr. GARLAND to order, and Mr. M. proceeded.

He said he had not intended by any means to make the assertion which the gentleman supposed; he had only stated his own inference as to the effect of the gentleman's remarks. Mr. M. said, he regretted extremely that he had disturbed the nervous sensibilities of his honorable friend from Louisiana; he had not intended to do so in the least degree: and it might possibly be, that he (Mr. M.) had drawn a wrong inference as to the tendency of the remarks of his honorable friend, and he (Mr. M.) was willing to believe he was mistaken in those inferences; but if so, Mr. M. said the House would permit him to add, that he believed many gentlemen were laboring under the same unfortunate mistake. He was glad, however, to be set right.

But, Mr. Speaker, (continued Mr. M.,) I ask you to bring to your recollection the course of the whole debate on this floor for the last two months, touching the Indians now overrunning Florida, comparatively unresisted either by "*the center*," "*the right wing*," or "*the left wing*," of our brave army under the direction of several "gallant brevets," who make a general return to us of *non est inventus*, and touching the apprehended invasion from Mexico by that inhuman monster, Santa Anna, and the consequent rising of all the savages upon our southwestern frontier, and then tell me whether I am wrong in the belief I have expressed, that the honorable members have kept in view an indefinite prospect, and an uncertain hope of carrying home with them to their constituents, the golden rewards of the Republic—the price of its welfare, and the sheet-anchor of its hope.

Thus, sir, if this be true, we have before our very eyes, the first and premature fruits of the plan of distributing the revenues of this Government manifested in the disposition here with our very selves. Yes, sir, ourselves to refuse to appropriate those revenues, derived from the hard toil of the people, to their "*common defense*," pursuant to the requirements and authority of the Constitution. True, sir, gentlemen have not the moral courage as yet, quite to come up to the mark, and avow the purpose of "*dividing the spoils*" of the Republic, as the rewards of fealty; and it is not any part of my present purpose to examine or censure their motives. It is sufficient for me to know, that we, although occupying for the time being the high places of political power, are yet subject to the infirmities and laws of human nature; and without meaning disparagement, let me add, are constantly liable to err, under the influence of that morbid selfishness which prefers our own individual, sectional, and local interests to the "general welfare."

Sir, it is perhaps but fulfilling the laws of our imperfect nature to do so; and, ungrateful as the truth may be to honorable gentlemen, I tell them that my firm conviction is, that, if they pass that bill, and share the golden prize with the States, and their constituents, they never will pass another appropriation bill through this House, to carry into effect the purposes of the Confederacy and the Constitution. No, sir, (said Mr. M.,) if it is in our power to form any opinion respecting future events by the past, or by the incidents of the passing moment, we ought not to hope to preserve the Federal relations of the States against such influences and consequences so utterly destructive to the hopes of patriotism and the freedom of mankind. It is, Mr. Speaker, (Mr. M. replied,) but too apparent already here that, instead of devoting ourselves to the inquiry into the best means of promoting the general welfare by the application of the national revenues within the objects of the Confederacy and the Constitution, we find ourselves engaged in a *quasi* general resistance to such application of those revenues, and in a common undistinguished scramble for the public spoils, to be divided among our respective States and our respective constituents. Let it be once done, sir, and you will never make further appropriations of the

public revenues without the immediate consent of those States first had and obtained; and I need only remind gentlemen of the condition of things under the old Confederacy, to present to their view at once the condition to which they will reduce the country again, if they do not discard the idea of using the revenues of this Government for such purposes.

Whoever (said Mr. M.) has read the history of the rise and fall of human institutions, must have done so to little purpose if he has failed to perceive that such causes as Mr. M. had mentioned had always produced such effects. What reason, sir, then, is there to hope that we may escape similar results? Does it rest in our pharisaical belief that we are holier than they? Let gentlemen be not deceived by such fatal delusions. Sir, I ask them to refer it to that unerring tribunal of truth in their own bosoms, whether in their zeal for debating these questions of appropriations to suppress savage hostilities, they have not some latent, if not express, reference to the possible amount of public revenue which may remain for possible distribution? I know, sir, that my request is not congenial to their feelings, and I make it with deep reluctance, yet I cannot avoid the occasion of it; and I appeal to my friend from Ohio, [Mr. VINTON,] who has rendered it necessary for me to make these remarks—I appeal to his warm and active patriotism in behalf of the defenseless women and children of our southern brethren, now suffering under the merciless tomahawk of savage war, to permit this bill to pass without delay, and I hope, for the honor of our nature, unanimously. Why does my honorable friend make a fault-finding speech, virtually against it, while he does not deny its necessity, of which he is informed officially by your commanding officer at Fort Mitchell? This information does not come, sir, like that a few days since, which occasioned gentlemen to celebrate on this floor (it is now feared prematurely) the overthrow of that outlaw, Santa Anna. No, sir, we have it from the officer whose duty it is to give it, as well as through private and credible channels. Sir, shall we stop? Shall we hesitate and debate about the causes of these Indian wars? The gentleman from Ohio is anxious to inquire why it is that these depredations are committed, and whether the Indians may not be in the right, while murdering defenseless innocence? Why, sir, (said Mr. M.,) you might as well undertake to inquire into the causes of every Indian war which has occurred since the landing of our Pilgrim fathers, as to inquire into the causes of this Indian war. These causes, sir, generally are engulfed in that most tremendous of all gulfs, the dark recesses of the human heart, seen only by the eye of Omniscience, and known only to God himself. We might perhaps trace out causes enough to satisfy impartial minds in the general wrongs we have inflicted upon the whole race of the red man. But while my friend from Ohio (said Mr. M.) would be inquiring into the causes of these Indian hostilities, they will have satiated their thirst in the undistinguished destruction of your citizens upon your southern borders. Sir, (said Mr. M.,) suppress their appalling outrages, and then inquire to the full satisfaction of the gentleman from Ohio.

But the gentleman objects to the manner in which this bill comes before us. The Committee of Ways and Means, on receiving from the Secretary of War a communication stating the necessity, and asking the appropriation, brought in the bill without delay. This the gentleman thinks irregular, improper, and manifesting a want of respect on the part of executive officers to this House; and he would subject everything to the strict and tedious course of parliamentary form, requiring a message on the subject from the President, without which our dignities are supposed to be questioned, and perhaps infringed. Why, sir, (said Mr. M.,) if the practice, now for the first time, he believed, complained of, be irregular or improper, then he believed such irregularities had existed coeval with the Constitution, because such practice had prevailed on all occasions of emergency since the formation of the Confederacy. The official communications of the Executive officers to the chairmen of committees, even to individual members of this House, had (Mr. M. believed) often been made the basis of its action, and that, too, without detriment or injury, unless it should be to our dignities! For his part, (Mr. M. said,) he entertained no morbid jealousies in that respect, as he usually acted with those who regarded the substances rather than the shadow of things. Moreover, sir, the course prescribed by the gentleman from Ohio would be likely, in all cases of Indian wars, to permit the enemy to sound his thrilling war-whoop in the doors of your Capitol, before you could prepare to resist, if such preparation depended upon the passage of an appropriation bill here in the usual progress of such things.

TRANSFERS OF PUBLIC MONEY.

DEBATE IN THE SENATE.

May 19, 1836.

The following resolution, submitted on Tuesday, by Mr. EWING, of Ohio, came up for consideration:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what amount of transfers of the public money has been made by his direction since the 30th of June last, from the Commercial Bank of Cincinnati, and also from the Clinton Bank of Columbus, to banks east of the Alleghany mountains, giving the date and amount of all such transfers, and the banks from and to which they were made. And, also, that he inform the Senate what transfers are ordered from each of the above-named banks, and when, and to what banks, they are to be made. That he also inform the Senate what amount of transfers was made to each one of the said banks in Ohio, since the 30th of June last, and what amount, if any, is now ordered to each.

Mr. HUBBARD moved to amend the resolution by inserting, "and the Franklin Bank of Ohio," which was also a deposit bank in that State, and which was omitted in the resolution in its original form.

Mr. EWING, of Ohio, explained at length the object in moving the resolution. He said, as far as he could discover, in the original call, he had got everything he had asked for; but the Secretary took special care not to go an inch beyond the inquiry, and had enlarged on other points not embraced in the call. In the next call he had made, the Secretary had sent him sixteen pages of what might have been contained in one. In this call, he expected to get the information he wanted, and would hereafter know how to draw up a resolution of inquiry in relation to information to be obtained from that Department. He insisted that he was not mistaken in regard to the transfers from Ohio, as the Senator from New York had supposed he was.

Mr. HUBBARD remarked that he could not perceive the propriety of the course which had been pursued by the Senator from Ohio. He could not tell why that Senator had thought it necessary, upon the offer of the present resolution before the Senate, to go into a full consideration of the reports which had been communicated by the Secretary of the Treasury, in answer to a resolution which had been previously presented to the Senate by the Senator himself. It seemed to him altogether more appropriate that the character of those reports should have been discussed when they were first transmitted to the Senate. But the Senator had seen fit to take a different course—one more consonant, undoubtedly, to his own feelings, and more in accordance with his sense of propriety. Although, from the beginning, he could not well understand the object of the Senator from Ohio in moving these resolutions, he could not see how, in what way, the answers could, by any possibility, aid the Senate in its legislative action. He could not well perceive in what manner those resolutions were to accomplish any valuable object. But he did not oppose the adoption of the first, nor did he intend to throw anything in the way of the adoption of the present resolution. He did, on a former occasion, suppose, and he could not now but believe, that the Senator from Ohio felt himself called upon, in the faithful discharge of his duty *here*, to elicit the information sought for by his resolutions: he would not, however, on this particular casion, follow the example of the Senator. He could not feel himself at liberty, upon the question now before the Senate, to discuss the merits or the demerits of the reports of the Secretary of the Treasury, made some days ago, in answer to a resolution previously offered and previously adopted. He would not obtrude his own opinion of these reports upon the Senate. He should pass no judgment upon these communications of the Secretary of the Treasury. He would, for himself merely say, that he entirely differed in opinion from the Senator from Ohio. He considered the document in question a full and satisfactory answer to the inquiries contained in the first resolution. He could not but regard those communications as among the able arguments of that officer, clearly and conclusively showing the reasons which have induced the action of the Department in relation to its management of the public moneys. He was willing, therefore, to leave the whole matter to the people themselves. They were entirely competent to form a correct judgment—they would do so. They would take the resolution of the Senator from Ohio, they would take the answer of the Secretary of the Treasury to that resolution, and they will determine for themselves; and in that determination he thought the Secretary might safely rely. He greatly misconceived if the Senator found *himself* sustained by popular sentiment in the judgment which he, in the course of his remarks, had seen fit to declare with reference to these reports. Let that matter pass. He had risen not to discuss these reports, but to reply to some general suggestions of the Senator from Ohio.

That gentleman had said, that by his first resolution, he sought for the same information which is called for by the present resolution; that he expected to obtain the information now required from the Secretary of the Treasury under his first resolution; and of consequence, the Senator from Ohio, he presumed, is prepared to charge upon the Secretary of the Treasury an omission of duty in this particular. Now, there is nothing clearer, more evident, than that the first resolution offered by that Senator WAS *materially, essentially different in its terms*, from the resolution which is now before the Senate; and the Secretary of the Treasury could not, under that resolution, without having committed the greatest violence upon language, have given to it a different consideration—a different construction from what he did give.

It would have been passing strange if the Secretary of the Treasury had, under the first resolution, communicated the facts, the information required by the resolution now before the Senate. If the Secretary had done this, he would agree with the gentleman from Ohio, that his report would have been an argument without authority—an answer to an inquiry never made. In such a case, the Secretary would have been clearly obnoxious to the charge of making an officious, uncalled-for communication. But he hazarded nothing in saying that the Secretary of the Treasury, in communicating to the Senate his answer to the first resolution, had done all that he was authorized to do, *and had done nothing more than he was authorized to do*. What was required by the first resolution—what were its provisions? And what is required, and what are the provisions of the present resolution? He would subjoin a literal copy of each resolution; and a bare reading of them would show that no two papers were more essentially variant in their terms and requirements. There can be no mistake, no misapprehension about this matter.

"*Resolved*, That the Secretary of the Treasury be directed to inform the Senate what amount of moneys of the United States, received for public lands in the States of Ohio, Indiana, Illinois, and Missouri, and in the Michigan Territory, has been, in pursuance of his instructions, transferred to banks in the eastern cities since the 30th of June, 1835; and that he designate the banks *from* and *to* which such transfers have been made; that he also inform the Senate whether any such transfers are now ordered, and whether any of the deposit banks in the above-named States or Territory, have authority to direct what money shall be received for public lands in the districts for which they are depositories."

This was the first resolution; the following is an exact copy of the present resolution:

"*Resolved*, That the Secretary of the Treasury be directed to inform the Senate what amount of transfers of the public money has been, by his direction, since the 30th of June last, transferred from the Commercial Bank, and also from the Franklin Bank of Cincinnati, and also from the Clinton Bank of Columbus, to the banks east of the Alle-

ghany mountains, giving the date and amount of all such transfers, and the banks from and to which they were made. And, also, that he inform the Senate what transfers are ordered from each of the above named banks, and when and to what banks they are to be made. That he also inform the Senate what amount of transfers was made to each one of the said banks in Ohio since the 30th of June last; and what amount, if any, is now ordered to each."

The first resolution asked what *amount of moneys received for public lands, in the States of Ohio, Indiana, Illinois, and Missouri, and the Michigan Territory*, has been transferred to the banks in the eastern cities, since the 30th of June, 1832, and the answer was promptly and truly given. The report stated what "*amount of money*" had been transferred from Ohio, &c. This was the inquiry, and this inquiry was answered. But the present resolution asks what amount has been transferred from *particular banks, each in Ohio*, including all the deposit banks in Ohio, and in Ohio alone. Would it have been possible for the Secretary of the Treasury to have inferred that this was the purpose of the Senator from Ohio under his first resolution? When he asked what *amount of money* had been transferred from the "*States of Ohio*, Indiana, Illinois, Missouri, and from the Michigan Territory," *that all the Senator intended was*, to be informed of the amounts which had been transferred from "*particular banks in Ohio*," this could not have been presumed. The Senator was probably dissatisfied by the answer given to his first resolution; but it was given, *truly and promptly given;* and he would assure the Senator, that he would as truly and as promptly receive an answer to the present as he did to his first resolution. Again: The first resolution did not ask the amount or date of each transfer, but only the whole amount since 30th June, 1835, and the names of the banks to and from which made. The answer was given. But how is this resolution? It asks *for the date and amount of each transfer, and the banks from and to which it was made.* The known industry of the head of the Treasury Department will, without delay, furnish an answer to this inquiry. No information, *he was sure*, would be withheld by that officer from the Senate, or from the gentleman from Ohio. which they or he may think proper to ask for; but certainly the Secretary had a right to expect that the wished-for information should be asked in language which reason and intelligence might comprehend.

Again: The first resolution asked whether any more transfers were ordered, and only that, and in reply it was stated there were, and the reply covered the whole inquiry. But this resolution asks the *amount* of each transfer ordered, and when to take effect, and the banks to and from which they are made. He would assure the Senator that an answer to his last inquiry would be at once given.

Again: The first resolution asked nothing about the transfers *to Ohio or its banks*, and hence they were stated only in the gross, in the illustration of the transfers therein. But the present resolution asks for the amount of transfers *to each of the said banks in Ohio during said time.* In truth, it would be difficult to conceive of two resolutions having more clearly *distinct and different objects in view*, and more plainly and intelligibly expressing those objects. If, then, the Senator from Ohio was disappointed in the answer to his first resolution—if he was disturbed by the answer, he must find the cause of that disappointment at his own door. He has no right to impute it to any misunderstanding, to any misconception, to any omission of duty on the part of the Secretary of the Treasury.

From the course of the Senator's remarks, one would infer that great wrong had been practiced upon Ohio—that great injustice had been done to her interests by the course pursued by the Secretary of the Treasury in relation to the transfers of the public money from Ohio to other parts of the Union. But this will not turn out to be the case. It will be seen that, at the last bank returns from that State, there were millions more of the public money then in deposit within that State than there was on the 30th June, 1835. Does this look like oppression—like partiality? It will be found that much more was in deposit at the last returns, than can be wanted for public expenditure within that State during the whole course of the current year; that there was much more at the last returns in that State than there was in all the New England States, with the exception of Massachusetts. Does all this savor of oppression? Does this look like a settled determination on the part of the Secretary to pursue a severe course with reference to Ohio—a course calculated to bring embarrassment upon her interests, and ruin upon her citizens? Let it be remembered that no blame can be imputed to the Secretary of the Treasury in relation to the kind of money receivable for the sale of the public lands. He has no power over that matter; and, if he had, he would be the last man in the community to exercise it improperly. The legislation of Congress has settled that question; they have declared what money shall be receivable for the sales of the public lands. That cannot, therefore, be a regulation of the Treasury Department. The deposit banks will receive whatever money the laws of Congress require; if they go beyond this, it is matter of regulation between themselves and the banking institutions of the country, with which the Treasury Department has nothing to do, and should have nothing to do.

The revenue of the country is collected principally from imports and from the sale of the public lands. The revenue is collected for the use and the purposes of the Government. It would be preposterous to suppose that it must remain for public expenditure at the various points where it may be received. This cannot be done. And wherever the public necessity or the public convenience require public expenditure, there must the public money be concentrated. And the Secretary of the Treasury would be a most unfaithful public officer if he should omit to be seasonably and sufficiently prepared at all points to meet the public wants. This he has, thus far, done, and this he has, thus far, well done; and this seemed to him to be the head and front of his offense.

From what has been already said, it is not at all difficult to show why transfers have been, from time to time, made of the public money from one point to another point of the Confederacy. Much more of the public money is collected at certain points than is necessarily wanted at those points for public use. This is the case with respect to Ohio. From the sales of the public lands, more money within the last few years has been received in that State than was necessarily required there for public expenditure. What was to be done? Most clearly it became the bounden duty of the Secretary of the Treasury to cause portions of the public treasure to be transferred to those points where it would be wanted. But two considerations alone, he presumed, had ever controlled the Secretary in such proceedings. Wherever the public convenience would be subserved; wherever the better security of the public money would be promoted, there the Secretary has caused the transfers to be made. But on no one ocasion has that officer, in the performance of this high and responsible duty, been governed by any personal or political considerations. This he believed to be the true state of the case; and, until an instance can be shown where the Secretary has been under the influence of selfish views, he will presume that he has been solely governed by pure and proper considerations.

The Senator from Ohio has been pleased to say, in the course of his remarks, "that there never has been a subject more shamefully mismanaged than the public moneys have since they have been under the direction of the Secretary of the Treasury." This may be so; but he should require some better evidence of the fact than the declaration of that Senator. For one, he did not hesitate to declare as his deliberate opinion, in the most unqualified terms, that the public moneys had been managed, by the present head of the Department, with safety and with economy.

He must differ in opinion, therefore, with the Senator from Ohio in this particular. For himself, he most conscientiously believed, instead of there having been any mismanagement of the public moneys under the charge and supervision of the present head of the Treasury Department, they had been on all occasions, and at all times, managed with a strict regard to the existing laws of Congress, as far as those laws could have any possible bearing upon the subject; and when left to the discretion of the Secretary, the public money had been managed with a steady adherence to public convenience, and to the security of the public treasure. This had been the policy and the manifest course of the Secretary of the Treasury; and, although such broad and general denunciations of that officer have of late become frequent on this floor, yet he thought it would be extremely difficult for the Senator from Ohio, or for any other gentleman, *here or elsewhere*, to put his finger upon one single official act of the Secretary of the Treasury, in relation to his management of the public money, showing any dereliction of public duty, evincing either malfeasance or misfeasance in office. Where is the evidence of mismanagement? It exists only in imagination; it has no foundation in fact. Have not all the public moneys been safely preserved? Have they not been transmitted from one point of the Union to another, as the public convenience demanded, and without any charge to the public? Has not the rate of exchange between the most commercial cities of the Union been as low as it ever was in the best days of the Bank of the United States? All this is true; and, notwithstanding the speculations which we have so frequently heard upon this floor, there is no good reason to doubt of the entire and perfect safety of the public money now in deposit. He should want no easier task than to demonstrate this fact, upon the showing of the banks themselves, upon the ordinary principles of business transactions. Yet the Secretary of the Treasury is anxious, and *most anxious*, to get rid of this charge. He is particularly solicitous—a solicitude which he has expressed time and again to his friends in this and in the other House, to have this whole subject regulated by an act of Congress; and that his duty, should any duty devolve upon him under the act, may be exclusively of a ministerial character. He could not well see how the Secretary could desire anything different. He has no sinister views to accomplish. He has no speculation or purposes to aid, through the power and influence of the public treasure. He must, therefore, on this point, be permitted to differ with the gentleman from Ohio. There was not a particle of doubt that the Secretary was honestly and most sincerely desirous to be relieved from this responsibility. But so long as the responsibility shall rest upon him—so long as the duty of taking the care and charge of the public money shall devolve upon him, he will not shrink from that responsibility, or fail to perform that duty.

Mr. WEBSTER hoped the gentleman from Ohio [Mr. EWING] was mistaken, and that the matter regulating the deposit banks would not be postponed, and that all necessary information would be obtained without delay. The delay in adopting appropriate measures was much to be regretted. He adverted to the public injury arising from the unsettled state of the question, and said commercial affairs would not return to their accustomed course until Congress acted upon the subject or adjourned, and thereby show that it would not act at all. If no distribution under the land bill should take place, some regulations to enable these banks to meet the wants of the people should be made. Next to measures intended to defend the frontier against invasion, there was nothing more important or more urgent than this subject.

Mr. HUBBARD (in reply to Mr. WEBSTER) remarked that he presumed that he was not understood when up before, to have said he should make any opposition to any legislative measure having for its object the proper regulation of the public money now in the deposit banks. He was as decidedly in favor of such a measure as any Senator on this floor; and with the Senator from Massachusetts, he hoped that the subject would "not be postponed or neglected," but that it would be, "without unnecessary delay, considered and acted on" by Congress. He believed that the best interests of the banks which had the public money in deposit called for such a measure. He could not doubt that the interests of the commercial community most pressingly, *most imperiously*, demanded the prompt action of Congress upon this subject. He believed that a proper regulation of this whole matter would add to the security of the public treasure, by inspiring public confidence

in those institutions which should have the public money in charge. He was prepared to go with the Senator from Massachusetts for the adoption of just regulations for the government of the deposit banks. The sooner this was accomplished, the better it would be for those institutions—the better it would be for the commercial community. The sooner this was accomplished, the sooner would the head of the Treasury Department be relieved from the reiterated, but groundless—he would not say malicious—attacks which are daily poured forth against him in relation to this subject. There is every consideration which should induce the earliest possible attention of Congress to this matter.

The present state of the money market in the principal cities in the eastern States demands this measure at our hands. No man could be blind to the causes which produced the present pressure in our commercial cities. The most astonishing fact is, that amidst all the calamity, all the pressure which has pervaded some sections, the mercantile community have been able to stand erect—to maintain their high credit against all the disasters and discouragements which have arisen within the last few months. They have done so, and this circumstance alone cannot fail to inspire a high confidence in the integrity, resources, and character of our commercial community. There is no scarcity of money; there is an abundance of means. There never has been a time when the farmer, the mechanic, the manufacturer, were commanding higher and better prices for the productions of their labor. The present pressure proceeds from the great uncertainty and doubt which hangs over the action of Congress upon the subject of the public money. And the great amount of the public money in the charge of particular banks, throughout the whole country, increases, under existing circumstances, rather than diminishes that pressure. Our superabundance will continue to be an evil, rather than a blessing, so long as the deposit banks and the public money shall not be subject to "just regulations."

Let Congress, then, act upon this subject; let proper and just regulations be adopted; let the deposit banks be fairly protected; let them at least understand on what they may rely; let them be told that a reasonable opportunity shall be given to them to pay over to the Government the public money whenever it shall exceed a given amount; let them well understand the policy of the Government, *and all will be well.* The commercial community will no longer experience the effects of the money pressure; business will resume its accustomed channels; activity and enterprise again will characterize the operations of the merchant and the manufacturer; success and prosperity will, as usual, flow from their efforts and from their energies.

Mr. WRIGHT said, that if he were called upon to answer the question, what connection this list of inquiry had with the necessary legislation of the country—he should be at a loss to answer it. They seem to be of a local, and, he thought, somewhat of a personal character, and the answers to them did not seem to suit the Senator, because there was too much in them. That Senator was mistaken in seeming to suppose that transfers were made to the city of New York for some favored purpose; and he thought he would, if he continued his calls on the Department, get facts that would be more difficult to impeach, than to allege there were important facts behind.

DEFENSE OF FLORIDA.

REMARKS OF HON. A. VANDERPOEL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

May 21, 1836,

On the bill providing for the payment of expenses of Militia in the defense of Florida.

Mr. VANDERPOEL said, that none of the gentlemen who had spoken upon this bill had, as yet, told us that they intended to vote against it. It seemed that his honorable colleague [Mr. GRANGER] and the honorable gentleman from Tennessee [Mr. BELL] were dissatisfied because the bill did not come before us exactly in the right way, and that the subject-matter of the bill had not exactly gone through such a preliminary form and process as to be entirely consistent with the dignity of this body; and gentlemen had unjustly, as he thought, taken occasion to animadvert in no sparing terms upon the "loose manner" in which this House had proceeded to make appropriations for the suppression of Indian hostilities in Florida, and the defense of our western frontier.

It had been said both by his colleague and by the gentleman from Tennessee, [Mr. BELL,] that the Executive Department of the Government had not treated us with due courtesy in not communicating directly to this House through its Speaker; that it should not have made its first communication either to the Committee on Ways and Means or the Committee on Military Affairs. To this he would answer, that in regard to appropriations of this description, it had been the practice of the Executive, ever since the formation of the Government, to intimate his wants in the first instance to the committee to which, from its organization, such matters should most naturally be confided; and then the committee, after it had duly examined the subject, had been in the habit of reporting to the House a bill, together with all the communications which showed the necessity of making the appropriation called for. Such, surely, had been the practice here in relation to the appropriations which we had already made to suppress Indian hostilities, and to provide for apprehended difficulties upon the borders of Texas. We most certainly have had spread before us all the lights and all the reasons for which the appropriations for the defense of the southwestern or Texan frontier was called. The letter of General Gaines to the Secretary of War, the instructions of the Secretary to General Gaines, together with the occurrences and the intelligence which induced the apprehension of trouble in that quarter, were all read from the Clerk's desk; and when we voted the appropriation, we did so, sir, after a full possession of all the lights with which either the President or the Secretary of War was favored. For his part, he cared not whether the House or one of the standing committees of the House were first favored with the evidences that indicated the necessity or expediency of such appropriations, provided we had the benefit of them before we acted definitively in the matter. In times of danger and emergency, when expedition was necessary, he did not think that we should be so pertinaciously attentive to our own dignity as to lose sight of the precious interests that were committed to our charge. Our constituents would surely excuse us for not being over punctillious about points of etiquette, for not being quite so regardful of our own special dignity, when we were called upon to provide safeguards against the horrid savage butcheries of our western borderers. They will excuse us, if, on such occasions, we should go rather for the *substance* than for the *form*, and would be apt much sooner to overlook and forgive a little precipitancy on our part, than the procrastination of salutary measures, on account of any sublimated notions of our own dignity.

Mr. V. said that his colleague [Mr. GRANGER] had again alluded to the policy of removing the Indians to the other side of the Mississippi, and had reminded us, with that solemnity of tone and manner which distinguished all his efforts here, that gentlemen of "*the Opposition*" could not allude to the manner in which these appropriations for Indian wars were passed through this House, without being suspected of, or charged with carping for party purposes against the Administration. If his honorable colleague disclaimed all party influences in the objections which were urged against the manner in which these appropriation bills were here originated and passed, he could only say, that his speech to-day was not the most satisfactory evidence of the sincerity of such *disclaimer.* It smacked of anything, and so had every speech with which his colleague had yet favored us smacking of anything but a disposition to exclude *party* from debate here. He [Mr. GRANGER] had more than once alluded to the policy of removing the Indians, and if he could gather aught from the manner in which he had alluded to this subject, it was that he was opposed to this policy. He had told us on a former occasion that he was not a disciple of the non-committal school. He (Mr. V.) did not mean here to perform the office either of catechist or catechumen; he had witnessed too many occasions on which the functions of the former were unprofitably exercised, not to feel admonished that, as a general rule, it was unwise to usurp them; but if he could be induced to propound a single interrogatory to his colleague, he would ask him in plain English whether he was *for* or *against* the policy of removing the Indians to the other side of the Mississippi? Was he to understand, from the fact of his telling us in a tone somewhat sarcastic, that this Administration would be entitled to all the glory or all the dishonor of the measure; that he [Mr. GRANGER] was opposed to their removal; that he would rather see them remain in the midst of the white settlements, claiming a right of sovereignty paramount to the sovereignty and jurisdiction of those States within whose limits they were located, and constantly endangering the peace and lives of those white communities who resided in their vicinity? He wished his colleague would come out openly upon this subject, and not remain long in a position whence he could jump either way, according to results *that time might bring forth.*

Much had been said about our legislating under the influence of a panic here; we had been told that the citizens in the neighborhood of your Indian tribes were panic-stricken, and that we ought not to partake of this spirit. Was there not (asked Mr. V.) enough in the history of the past six months to justify a panic in those unfortunate citizens, whose lot was cast in the neighborhood of the savages? What have they witnessed in Florida? Why, a little band of Indians, not exceeding six or eight hundred warriors, baffling the discipline and prowess of nearly or quite the whole of your regular army, and not a few volunteers and militia-men to boot! What else had they witnessed? Why, they had seen efforts made here to authorize the raising of troops to nip in the bud those *general* and most desolating Indian aggressions with which we were now threatened; and instead of a unanimity and alacrity that should crown such natural and most reasonable efforts, they had seen honorable gentlemen, who professed to be versed in Grecian and Roman story, rise in their places and tell us, in most solemn tones, that a small addition to your standing army would endanger the liberty of your country; that standing armies were the rocks upon which the ancient republics had split! They have seen a single regiment of mounted dragoons most grudgingly added to your standing forces, and even beheld this addition encountering fierce opposition from many of the representatives of this great, this wealthy and powerful nation! Were not our borderers, then, in view of the horrible outrages with which they were threatened, of the feeble standing force of the country, and the surprising reluctance with which a man was here added to it, justified in yielding to a little panic? Some of us had been rebuked for partaking of this panic, and legislating under its influence. There were some gentlemen so entirely phlegmatic, that it would almost seem that they would require an accurate inventory of the number of scalps actually taken, duly authenticated by the hand and seal of the Governor of a State or Territory, before they could be induced to act. For his part, he made no pretention to such stoicism. He did not want to see the blood-stained tomahawk, or hear the shrieks of innocent victims, before he could be moved to precautionary measures, though those measures might cost money. He was no enthusiast; but on occasions like these, he would not, because he could not measure the exact degree of danger, or weigh in golden scales the amount of relief necessary to arrest it. It was enough for him that Florida was almost desolated; that though one campaign, on our part, had closed, yet the tomahawk and scalping-knife were again performing their bloody offices; that the Creeks were rising, as was said, by thousands; and that we had too much reason to fear that the war spirit had seized most of the savages along the whole line of our extensive western borders.

It had been asked, why has not the Executive

given us more information as to the extent of this war and the causes that have produced it? and one honorable gentleman had uttered a most doleful prophecy. He had told us that some five or six years hence, when the historian shall look for the cause of this war, he will in vain search for light among the records and proceedings of this House. It surely was not so. No gentleman could doubt that all the intelligence in possession of the Executive as to the causes, the origin, and progress of this Florida war, had been freely and fully communicated to this House. Who could now tell the cause of it? Who would pretend to know the wild vagaries that influenced the savage mind, the imaginary grievances that first induced him to whet and raise his weapons of death? And as to the extent to which, and the time in which, this war was yet to rage, was the Executive omniscient, that he could tell us, and thus enable us to measure our appropriations exactly by the number and extent of the conflicts in the future?

He did not believe that the wily Osceola was so kind and courteous as to keep our Executive informed, from time to time, when and where he intended to strike his blows.

As to this particular bill now before us, it should be borne in mind that it made no additional appropriation. It only provided out of our former appropriation for the payment of debts which we fairly owe. The first section of the bill provided for the repayment of those funds which States and corporations had so promptly and honorably advanced in time of emergency, on account of the militia received into the service of the United States for the defense of Florida; and the amendment proposed by the honorable gentleman from Florida [Mr. WHITE] provided for the payment of those volunteers who had been called out by Generals Clinch and Fernandez, without a previous order from the Secretary of War. He wished that this amendment could also have been looked into and reported to us by the Committee on Military Affairs; but as all gentlemen seemed to agree that these troops ought to be paid, he would cheerfully give his vote, not only for the first section of the bill, but also for the amendment.

FORTIFICATIONS.

SPEECH OF HON. T. H. BENTON,

OF MISSOURI,

IN SENATE, *May* 22, 1836.

Mr. BENTON said, the immediate question before the Senate related to the prospective appropriations—the appropriations for two or more years at once—for carrying on the fortifications. He had moved amendments to this effect in pursuance of instructions from the Military Committee, and the committee had acted under the recommendation of the Secretary of War, (Mr. Cass.) Personally, he (Mr. B.) would wish to make all the provisions of the bill acceptable to those who were favorable to its general object, and should be sorry that any such should be alienated from the bill by the proposed amendment. He would go far to keep it in a form that should be acceptable to them; but there was one class of objectors to this form of appropriation, to whose conscientious and constitutional scruples he could not defer, and whom he held to be estopped—if he might use a law term—whom he held to be estopped by their own act, and forever barred from setting up this objection; he alluded to the distribution of the revenue—to the gentlemen who, at a former session, and at the present one, had voted for five years' appropriations at once of what was called the proceeds of the public lands. To the scruples of these gentlemen he could not defer, and with their objections he could have no compromise; for he could not comprehend the train of reasoning by which gentlemen could bring themselves to balk at small and limited appropriations for two years, for objects named in the Constitution, after having voted indefinite millions for five years, for a purpose not named, not thought of, not dreamed of in the Constitution, nor heard of until forty years after that instrument was formed.

There was nothing in the Constitution against this prospective appropriation for building the forts; on the contrary, there was a clear implication in its favor. There was a limitation against extended appropriations for the support of armies; but that was founded upon a reason peculiar to armies; a reason which could have no application to the construction of forts, and if it did, would not militate against the proposed appropriations, but would sanction them, for two years was the limit upon the Army appropriations, and two years is the extent of the proposed appropriations for the fortifications. So far as the Constitution was concerned, the argument, then, is in favor of the measure; and so far as reason and propriety are concerned, and the practice of the Government has gone, the argument is entirely in its favor. When the appropriation is made for two years together, the work continues without interruption during the winter, and the winter is the time to advance with this kind of work, and that both in the North and in the South. In the South, it is the season of doing the work; in the North, it is the season for collecting materials and making contracts. The practice of Congress sanctions this mode of appropriations. The annual appropriation of $200,000 for arming the militia is one instance, and has stood for thirty or forty years. The appropriation of a million a year for eight years, in 1816, for the gradual increase of the Navy, is another instance; and these appropriations, though made for a term of years, are always under the control of Congress, and may be reduced or discontinued when it pleases. Of this the naval appropriation was a signal instance; for the million per annum voted in 1816, when the Treasury was full, was reduced to half a million in 1821, when it was empty.

Independent of these general and permanent reasons in favor of double appropriations for forts, Mr. B. said there were special and peculiar reasons for them at this time. We were now going on two years without money for this object. The present year might be considered as lost. The length of time which this bill had been delayed, and the time that it might yet be delayed, extinguished the hope of doing much work this year. It was rather for next year than the present that he was attempting to provide, or, to speak more accurately, it was for the winter of 1836-'37, and for the spring of 1837, that he was attempting to get an appropriation. It was to prevent the stoppage of the works at the end of this year, and a new delay of three or four months next spring, that he was now struggling; for every person knew that the appropriations for the year 1837 will not be made until the 3d day of March; after which time it would be necessary to advertise for work and materials, to collect hands, and to allow the reasonable period for competition among bidders, which economy required.

Mr. B. could not take leave of this part of the subject without recurring to the opinions of the Secretary of War, notwithstanding the singular fate which seemed to attend that gentleman's reports and recommendations. All praised them. Both sides of the Chamber united in applauding them. There seemed to be an emulation of applause in favor of all that he said; but the moment we come to action, the scene shifts; the moment we want to vote, there is a division—one side is off. The Opposition gentlemen are against the vote; they array their deeds against their words, and, having given their applause, they withhold their help. This had been witnessed on many occasions besides the present one; still he would make the experiment again, and try the Secretary's recommendation on the particular point now under consideration. Mr. B. then read from the Secretary's report of April 8:

"I think that, when the plan of a work has been approved by Congress, and its construction authorized, the whole appropriation should be made at once, to be drawn from the Treasury in annual installments, to be fixed by the law. This mode of appropriation would remedy much of the inconvenience which has been felt for years in this branch of the public service. The uncertainty respecting the appropriations annually deranges the business, and the delay which biennially takes place in the passage of the necessary law reduces the alternate season of operations to a comparatively short period. An exact inquiry into the effect which the present system of making the appropriations has had upon the expense of the works, would probably exhibit an amount far greater than is generally anticipated."

Mr. B. then turned to another part of his subject, and claimed the benefit of an ancient maxim which inculcates the wholesome advice, *to wonder at nothing!* He was greatly addicted to that maxim, and acted upon it both from habit and from reason. It was good for him that he did so; otherwise he should be seized with a paroxysm of wonder at the present moment. For what more wonderful than the contradictory exhibitions upon fortifications which this Chamber and this session display? Two months ago it was a question of sharp debate to know who had occasioned the loss of the fortification bill at the last session; and both sides of the Chamber, repulsing the blame from themselves, and throwing it on their adversaries, contended for the palm of preëminence to devotion to fortifications. Then came certain resolutions of his own importing, that the surplus revenue ought to be set apart as a conservative fund, sacred to the defense of the country, until all defenses, military and naval, were on the scale of strength and respectability which the honor and independence of a great people required. On the discussion of these resolutions, he found himself left behind by Opposition gentlemen. They darted ahead of him! They went beyond the surplus! They plunged into the integral revenue! Nothing would content their incontinent zeal, but a resolve to pledge all the revenue, and taxes besides, if necessary, to this great object; and so the vote passed, and that unanimously. This was in March, about two months ago; and now when we come forward with a list of a few forts—twelve small ones at points of acknowledged importance—and want a small part of that mass of money in the Treasury, the magnitude of which is so afflicting to gentlemen, behold there is a decided opposition to the scheme! A systematic opposition is displayed; some objecting to forts altogether; others to those in this bill; others to those not in it; others again agreeing to forts in the abstract, but refusing to take them in any form in which they can be presented. This was the singular exhibition which would excite his wonder, if he permitted himself to wonder at anything. But he did not so permit himself, and less on this occasion than any other; for he saw and knew perfectly well the cause and source of this whole contradiction. It was the division of the money in the Treasury which was at the bottom of all!—that division—that fatal scheme of dividing money—which was now delaying, obstructing, and defeating so many measures for the good of the country; and this one among others! It is a conflict between distribution and defense: it was a contest between antagonist schemes—between the schemes of taking the public money for the defense of the country, an taking it for spoil and distribution among political partisans.

Mr. B. wished to fix the attention of the Senate and of the country upon the true nature of this contest, for it was portentous and alarming when a contest of such a nature could be got up, and much more when it could be successfully maintained in the Senate. What was the true nature of this contest for the application of the public money? and what was the relative merit of the two schemes? Defense is an object known to the Constitution; and not only known to, but is the first and highest object of the Confederacy To establish the COMMON DEFENSE—to enable all to give that defense to each which no one could give to itself—was the first and paramount object of the Confederacy. The means of accomplishing that object are set forth by name in the Constitution; navies, armies, forts, arsenals, docks, and all the accessories of military and naval power. Congress is the instrument designated by the Constitution to provide these means for the purpose of accomplishing this great object; and for this purpose has power to raise money by loans or taxes. This is the aspect under which the defense scheme presents itself to the Senate. Under what aspect does the distribution scheme come forth? Without name or warrant in the Constitution! Nowhere can the name of the land bill be found in that instrument; nowhere can a word be found which, by any construction—by any interpretation—by any torture of the sense—can be made to countenance the idea of distribution, or any rule by which to make it. Authority is given in the Constitution to raise money for the common defense, and fortifications are one of the means of defense specified in the Consti-

tution; yet this unconstitutional scheme of distribution now contends with the first object of the Constitution; it contends with the means of establishing the common defense; and, so far as the Senate is concerned, it contends successfully and victoriously. Defense is delayed, diminished, beat off, trampled down in the Senate; while distribution, triumphant and exulting, has long since floated through. Yes, sir, distribution—distribution—distribution, is the absorbing and predominant feeling in the Senate. All other feelings seem to be shut out. Florida overrun with the Indians; Georgia and Alabama reeking with blood and resounding with cries; the whole West and northwest destitute of troops, and open to Indian incursions; the ranks of the army empty; fortifications stopped for two years; the ordinary appropriation bills delayed beyond all example; voluntary movements of the people everywhere to protect themselves from danger; yet the Senate, the American Senate, deaf and blind to all, can see nothing, can hear nothing, can talk of nothing, can dream of nothing, but the DIVISION OF THE SPOIL. The surplus, the surplus, the surplus, is the engrossing theme; and the moment a dollar is proposed for the service of the country, they cry out for their dear, beloved surplus! and call it a war upon the surplus, and a wicked design to lessen the fund for distribution!

Mr. B. said that he had taken occasion a month ago, when the defense bills were postponed to make room for the passage of the distribution bill, to announce its future fate, and to claim for that scheme the distinction of the most odious notoriety that ever befell any bill which had received the sanction of the Senate. That judgment was in a rapid state of verification; and as far as public sentiment had been developed, the odious bill, with all its seductive, alluring, and tempting offers of money, was nothing but a stench in the nostrils of the people. In vain had the large dividends been figured out in numbers by our land committee, and offered to the States. All who had voted had scornfully rejected the wretched seduction. In vain has the exaggerated sum of $1,765,554 been proffered to the State of Virginia; in vain has the tempting bait of $513,472 been extended to Connecticut; in vain has $167,655 been held out to Rhode Island. The elections are over in all these States, and prove that, if these States have a price, that price is not yet attained in the land bill. The elections prove that the Constitution and defense of the country are superior to sordid money temptations; for, in all these States, the men and the party opposed to an unconstitutional, debauching, and demoralizing scheme of dividing money, and in favor of constitutional objects by constitutional means are successful in the elections; and successful by increased majorities, and under the very guns and fire of the distribution bill; for the elections took place while the bill was impending here, while the report of the Senate's committee was circulating through the States, and while the table of distribution was exhibited to every voter to show him how much his State was to get. In each of the States, the triumph of the Constitution and of defense was gratifying and complete, and particularly in Connecticut. In that State, the Senator by executive appointment, [Mr. NILES,] who distinguished himself by opposition to the bill, is confirmed in his place by a legislative election and an overwhelming majority. The Governor of the State (Governor Edwards) also received a triumphant majority, and in his message to the Legislature has spoken upon this subject with so much wisdom and patriotism that he (Mr. B.) could not deny himself the gratification of reading the passage to the Senate:

"It appears that there is an unprecedented accumulation of funds in the United States Treasury; and this circumstance has given rise to various speculations and plans for its distribution. The present, in this respect, is a novel state of things. Never before, since the establishment of our Government, could it be said that we were out of debt, and had at command more money than we felt immediate occasion for. We have had a debt hanging at times rather heavily upon us, and we have been compelled by it to limit all our views and all our expenditures. At the close of the last war a military peace establishment was arranged; and such a force, and such only was retained, as the exigencies of the country were supposed to require. Military works were projected for our defense, and the erection of them commenced. The state of the Treasury soon became such, that a reduction of the peace establishment was deemed necessary, and the expenditures for fortifications were curtailed.

"The common defense was the principal object of our Confederacy, and for this the United States are bound to provide; and this is a work which should be entered upon and completed with as little delay as possible. The sufferings of the last war are not yet forgotten, and should not be obliterated from our memories until ample provision is made for their recurrence. Our sounds, our bays, our rivers, and many even of our harbors, were destitute of the means of defense. Nearly the whole of our sea-board was exposed to the ravages of the enemy; we suffered much from their depredations, and still more from the constant state of alarm and agitation in which we were kept. When the United States Government has fulfilled its office and duty with respect to national defense, and all other things within its province, it is time enough to talk of some other disposition of the public revenue; but until this is accomplished, projects on this subject are, to say the least, premature."

These (said Mr. B.) are wise and patriotic sentiments; they are constitutional doctrines; they deserve applause and imitation. They soar above all sordid and mercenary considerations. They repulse the gilded bait. They despise the seduction of money. They go for the country and the Constitution; they scorn the unconstitutional distribution bill; and its tempting array of dollars and cents. Yes! Virginia refuses the $1,765,554; Connecticut refuses the $513,472; Rhode Island refuses the $167,655; and when other States come to vote, let them contemplate and imitate the elevated, constitutional, patriotic, and wise course of these States.

Having shown that the distribution bill was at the bottom of all the opposition to the fortification bill, and all the other bills for the service of the country, Mr. B. proceeded to take a brief view of the particular bill before the Senate, and of the objections to it. He said that every work proposed in the bill was contained in the report of the Board of Engineers for 1821 and 1826, and were, besides, especially recommended by the present Secretary of War. Mr. B. here referred to those reports of the Board of Engineers as recommended to Congress by the Secretary of War in 1821, (Mr. Calhoun,) and showed that they were not only necessary works, but small ones, the whole twelve proposed in the bill not amounting to $3,000,000, while two only of those forts heretofore constructed cost nearly $4,000,000. He alluded to Fort Monroe and Fort Calhoun in the Chesapeake bay. The former of these was estimated to cost $1,259,792; it is not yet finished, and has cost $1,739,046, and it is estimated to cost $210,000 more. The latter was estimated to cost $904,355; it has already cost $1,388,731, and it is estimated will yet cost $531,188 to finish it. Here are about four millions of dollars for two forts, and these two in the neighborhood of each other, while the sum of $3,000,000 for twelve, scattered from Passamaquoddy bay to the mouth of the Mississippi, has been resisted for so many months.

Mr B. reviewed the objections which were made to this appropriation. It was said the money could not be expended if it was voted, and he was sorry to have to admit that this was an objection which gentlemen seemed to have it in their own power to make good. The year was certainly half gone; and if gentlemen can have their way, it will be weeks or months yet before a dollar for fortifications can be voted, if at all. It will be autumn before the work can begin; but in the South the work will proceed all the winter; and in the North the winter is the time for collecting materials. If the bill was delayed till the year was half gone, it was the fault of the Opposition, and gentlemen cannot be permitted to take advantage of their own wrong. They cannot now be allowed to plead the delay to defeat the bill, which delay they have themselves occasioned.

It is said there are not engineers enough to superintend the works; but the answer was ready to that objection. A bill had long since passed the Senate to increase the corps of engineers. That bill was now in the House of Representatives; and it was to be presumed that the House would do what the service of the country required, and not suffer necessary defenses to be lost for want of officers to superintend them. The Secretary at War earnestly recommends it, not only with a view to the new works, but because an increase of the corps is necessary for the performance of their current duties. Here is his recommendation:

"That the corps of engineers should be increased. The reasons for this measure have been heretofore submitted, and the proposition has been recommended by you to Congress. I will merely add, upon the present occasion, that the officers of this corps are not sufficiently numerous for the performance of the duties committed to them; and that, if an augmentation does not take place, the public interest will suffer in a degree far beyond the value of any pecuniary consideration connected with this increase."

It is objected that men of science in engineering cannot be created by a bill. That is granted. They cannot be created by a mere act. But, in constructing fortifications, a few skillful engineers are sufficient—a few to locate and plan the works. The superintendence of the execution requires fidelity and attention, with such knowledge as is readily obtained. With respect to locations for forts, they have been nearly all selected: all in this bill were selected fifteen years ago; are detailed in the report of the Board of Engineers for 1821—the same which the then Secretary at War (Mr. CALHOUN) recommended to Congress.

It is objected that we have not plans and estimates for all these works; but I answer that there are plans and detailed estimates for most of them, and conjectural estimates for the remainder, with the statement of the number of guns they would require, which is the only essential part of the estimate; for the number of guns governs everything else; it governs the size of the fort, the number of the men to garrison it, and consequently the whole expense.

Mr B. said the question of fortifying a port was partly a political question to be decided by Congress; partly a military one to be decided by professional men. Congress decide whether the place is sufficiently important to merit national defense; military men decide whether it can be defended, and if so, by how many guns, of what caliber, and how to be placed. Each must decide within their sphere; and when the number of guns is given which will defend a place, the cost of the fort is, for all practical purposes, ascertained. Now, in all these cases, the number of guns and their caliber is given; that decides the size of the fort, for each gun, according to its caliber, must have so many feet for its platform, and so many men to work it—from five to seven in time of siege; in time of peace, enough only to keep the fort.

Mr. B. said an excessive and overwrought anxiety had been displayed here for plans and estimates, as if they were the most infallible and unerring guides upon earth. Nothing (he said) could be more mistaken. The estimates heretofore furnished, and that by the Board of Engineers under the administration of Mr. Monroe, when the Senator from South Carolina [Mr. CALHOUN] was Secretary of War, were generally and exceedingly erroneous. Out of eleven forts constructed upon those estimates, and thirteen more in a course of construction, not one had kept within the estimate. Not a fort had been built for what it had been estimated to cost; but generally a quarter more, or in some instances half as much more, and sometimes double as much. Nothing had kept within the estimates but two little works, not forts—a battery at Bienvenu, and a tower at Bayou Dupré, Louisiana. Mr. B. then turned to Senate Document No. 203, of this session, pages 12 and 13, to verify this statement; and read the list of forts, and the cost of their construction, which had been finished, or were still under consideration. The following is the list:

Statement of Forts which are finished on the sea-board of the United States.

Number.	Names and where located.	Estimate by the board.	Cost of construction.
1	Fort Hamilton, New York harbor....	$425,000	$479,239
2	Fort La Fayette, New York harbor,..	-	318,305
3	Fort Washington, Potomac river, Maryland.....	-	454,103
4	Fort Macon, North Carolina.....	175,000	349,384
5	Castle Pinckney, South Carolina....	-	
6	Fort Morgan, Alabama.....	693,292	1,026,777
7	Fort Pike, Rigolets, Louisiana.....	264,517	314,597
8	Fort Wood, Louisiana.....	234,517	378,642
9	Fort Jackson, Louisiana.....	392,927	638,766
10	Battery Bienvenu, Louisiana.....	94,582	95,447
11	Tower at Bayou Dupré, Louisiana,..	16,677	16,677

Statement of the Forts on the sea-board of the United States under construction.

Number.	Names and where located.	Original estimate.	Cost of construction.	Cost to finish.
1	Fort Independence, Boston harbor.....	$255,575	$52,723	$202,852
2	Fort Warren, George's Island, Boston harbor.....	800,000	104,586	695,414
3	Fort Adams, Newport, Rhode Island.....	730,166	962,369	350,000
4	Fort Schuyler, Throg's Neck, New York...	577,000	66,822	510,178
5	Fort Columbus, and other works on Governor's Island, New York.....	-	157,769	20,000
6	Fort Delaware, Delaware river.....	-	107,136	
7	Fort Monroe, Virginia,	1,259,792	1,739,046	210,000
8	Fort Calhoun, Virginia.....	904,355	1,388,791	531,188
9	Fort Caswell, Oak Island, North Carolina,	119,000	411,485	60,000
10	Fortifications in Charleston harbor, South Carolina.....	-	324,426	500,000
11	Fort Pulaski, Cockspur Island, Georgia,	375,000	286,184	246,183
12	Fort Pickens, Pensacola, Florida.....	465,300	629,283	50,000
13	Fort on Foster's Bank, Florida.....	163,343	75,189	160,000
	Total.....	$5,649,531	$6,305,779	$3,535,815

After this exhibition, Mr. B. hoped that there would be less pertinacity about these plans and estimates. He believed the conjectural estimates, made by the Engineer *Department*, and founded upon the number of guns, to be as safe a guide as the detailed estimate, founded upon calculations made by the Engineer *Board;* for in one case there was a judgment upon the whole, founded upon the size of the work and the cost of labor and materials at the place; in the other there was an arithmetical calculation, founded upon assumed data, and in which the smallest error in the basis of calculation led to great errors in the result. Finally, Mr. B. had one further view to present of the utility of these famous estimates, which he hoped would give the quietus to these incessant demands for them; it was this: that we made no use of the plans and estimates which we have! We do not look at them! We do not call for them! We do not mention them! We do not allude to them! In every case in which we have the plans and estimates for the fort, no call is made for them! In the few instances in which there are none, an incessant cry is set up for them! Now, why not use those that we have? Simply because it would be of no use to do so. Because no practical benefit could flow from it. What is a plan? Nothing but a diagram on paper—a figure of sides and angles, with dots and marks for guns and batteries. Very pretty to look at; but which no legislator can remark upon, or criticise, or in any way presume to alter. None but professional men—and they upon the spot—could presume to give an opinion upon the plan of a fort; and, therefore, it was useless for Congress to view the plan. The number of guns was the essential thing for them to know, for that governed everything else, and enabled them to say whether they would defend the place or not.

Mr. B. said the fortifications seemed to have a hard fate, and to be incapable of being brought forward at any time, or in any form to, escape opposition. At the last session, the $3,000,000 appropriation was lost because it was not specific, and because it was not officially recommended by the President; now the appropriations for the same object are opposed again, and by the same gentlemen, although they are specific and are recommended by the President. The President has expressly recommended these works, and that in writing. The Secretary of War has also recommended them, and that in repeated instances. Here is his latest recommendation in his report of April 8:

"There are two bills for fortifications now pending before Congress. One before the House, amounting to $2,180,000, and intended to prosecute works already actually commenced. The estimates for this bill may therefore be considered necessary in themselves, under any view of the general subject, and not unreasonable in amount for the present year, because they include the operations of two years. The incidental expense, however, may be safely reduced one half, as it will not be necessary to make such extensive repairs as were considered requisite when the estimates were prepared.

"The bill pending before the Senate contains appropriations for nineteen new works, and for the sum of $600,000 to be expended for steam-batteries. The estimates on which this bill was founded were prepared at a time when produce required that arrangements should be made for a different state of things from that which now exists. An examination of the general system of defense was not then expedient; and the means of protecting the most exposed points, agreeably to information previously collected, were asked of Congress. It was no time then to stop, and, instead of prosecuting established plans vigorously, to lose the period of action by surveys, and examinations, and discussions. But the opportunity is now afforded, without danger to the public interest, of applying the principles suggested to the works under consideration.

"It cannot be doubted but that fortifications at the following places enumerated in this bill will be necessary: At Penobscot bay, for the protection of Bangor, &c.; at Kennebec river; at Portland; at Portsmouth; at Salem; at New Bedford; at New London; upon Staten Island; at Sollers's Flats; at redoubt on Federal Point; for the Barancas; for Fort St. Philip.

"These proposed works all command the approach to places sufficiently important to justify their construction under any circumstances that will probably exist. I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them. As soon as these are made, such of these positions as may appear to require it can be examined, and the form and extent of the works adapted to existing circumstances, if any change be desirable. The construction of those not needing examination can commence immediately, and that of the others as soon as the plans are determined upon. By this proceeding, a season may be saved in the operations."

Another objection to forts is, that they are to lead to a standing army in time of peace. Nothing can be more erroneous. A few regulars to keep them in order in time of peace is all that is wanting; in war they are expressly intended to be garrisoned by militia and volunteers. The body of the garrison is to be the yeomanry of the country, with a few artillerists and regulars. The peculiar recommendation of forts in our country, is their adaptation to defense by militia and volunteers; and upon that ground they have been constantly advocated and defended. It is a panic at nothing, to take a fright at a standing army, thus conjured up to defeat the bill. It is to dispense with regulars, and to provide positions for the yeomanry to defend, that forts are wanted in our country.

Mr. B. wished to impress upon the Senate that the forts proposed in this bill were but a continuation of a system commenced forty years ago, recommended under every Administration, and partly executed. The limitations proposed by the Secretary of War, and approved by the President, would affect the size of some of the large forts, but would not much diminish their number. Forts in open roadsteads are objected to—forts of large size. In this, the President and Secretary strike the main objection which was taken to the system of fortifications fifteen years ago by those who were then styled RADICALS. Fort Monroe covers sixty-four acres of ground; it covers nearly as much ground, and costs nearly as much money as the twelve forts put together, which are contained in this bill. Fort Calhoun, built near it, is nearly as large; the two together cost nearly four millions of dollars. They were objected to fifteen years ago by those who were then stigmatized as RADICALS; they are objected to now by the President and Secretary of War, and everybody applauds the objection. No more such are proposed. No more such will be built on this continent, though a powerful fort will be wanted at Key West, or the Dry Tortugas. The forts proposed in the bill, and those which will be proposed hereafter, are the moderate-sized works contended for by the reproached RADICALS, in 1821, and applauded now by everybody.

Mr. B. read an extract from the message of Governor Everett, of Massachusetts, to the General Assembly of that State, at its last session, and relied upon it not only to sustain the propriety of erecting some of the forts enumerated in the bill, but also to show the necessity of early appropriations, and to make it manifest that the public service had already suffered by the delay which had taken place. The following is the extract read:

"In the course of the last winter, resolutions were adopted by the Legislature, instructing our Senators, and requesting our Representatives in Congress, to use all proper means to obtain the requisite appropriations for the repair of the fortification on Castle Island, and the vigorous prosecution of the works commenced on George's Island, Boston harbor. Their exertions were so far successful, that the requisite appropriations introduced into the fortification bill, in the Senate of the United States, by way of amendment, received the sanction of the committees of the other branch of Congress to which they were referred, and passed through all but the last stage of legislation in the House of Representatives. The entire bill was unfortunately lost, in consequence of the introduction of another amendment in the House of Representatives, on which the two Houses disagreed. Notwithstanding the failure of the new appropriations, some progress was made on both the works, particularly on that upon George's Island, during the past season, by means of the unexpended balance of the appropriation of the year 1834. I have the satisfaction to inform you, that for the present year large appropriations have been recommended for both objects by the Department of War. The rapid progress of these works is of extreme importance; and it is much to be desired, that the appropriations should be so early made as to prevent the loss of some of the best months in the season, which frequently occurs, in this branch of the public service, in consequence of the delay in the passage of the appropriation bill. Among the documents accompanying the report from the War Department, at the commencement of the present session of Congress, is a statement of several new works, proposed by the Board of Engineers, for the defense of the coast, and arranged in different classes, according to their importance. Among those of 'the first class, to be commenced as soon as possible,' I notice, with great satisfaction, five or six works, which, when executed, will complete the defenses of Boston harbor; a part of the sea-board second to no other in importance, and hitherto almost wholly neglected by the General Government."

Mr. B. deprecated the sectional tone which had pervaded a part of this debate. It seemed to be supposed that the North was to be benefited, and the South neglected. Not so the fact. The forts heretofore erected were principally in the South; and of those proposed, the South had, he would not say her *share*, for this was not a case for dividing out *shares*, but for extending defense wherever it was needed, and the South was attended to to the full extent of its need. Besides five forts finished in the delta of the Mississippi, and a superb one in Alabama, costing above a million of dollars, there were others intended at lake Barataria, and on the Mississippi, at Mobile bay, Perdido bay, Pensacola bay, St. Rosa's bay, St. Joseph's bay, Apalache bay, Appalachicola, Espiritu Santo bay, Charlotte Harbor, Key West, and the Dry Tortugas, making near a dozen works, and costing, by estimate, near six millions of dollars; and all for the security of WESTERN commerce, and all for the protection of the commerce of the WESTERN STATES, which, passing out of the north of the Mississippi, must go through the Gulf of Mexico, and pass between Key West, through a narrow passage, before it could reach the great ocean. Every fort built on the Gulf of Mexico (Mr. B. said) was a WESTERN FORT—a fort for the benefit of the WESTERN STATES, just as much so as the forts in the Chesapeake bay were for the defense of Maryland and Virginia. Turning on the other side of the peninsula of Florida, it would be seen that the extreme southern coast was not neglected. Georgia was well attended to. Besides the forts now under construction on Cock-spur Island, estimated by the Board of Engineers to cost $375,000, and which has cost thus far $190,000, and it is expected to cost $240,000 more; besides this fine fort, other works are proposed in the Savannah river, and along the coast at Osabaw sound, St. Catharine's sound, Sapelo sound, Doby inlet, Altamaha sound, St. Simon's sound, St. Andrew's sound, Cumberland sound, to St. Augustine, in Florida, mostly small works, estimated to cost nearly two million of dollars Continuing the view to Baltimore, and Mr. B. said it would be found that more money had been, and would be expended on forts to the south than to the north of that point; but the comparison was absurd, and he would not continue it. Defense was not to be proportioned out, but to be given where it was needed, without regard to lines or latitudes.

Mr. B. deprecated also the extravagant manner of opposing this bill, as a plan to line the whole coast with batteries—as a plan to shut out a foreign army from landing at any point—as a plan to raise a great standing army. All this he treated as PANICAL, and intended to frighten weak nerves and weaker heads. The forts proposed were small in extent—confined to the defense of cities—

were to be manned by a few artillerists in time of peace, and were to look to the militia and volunteers for their main garrison in time of war. He showed the necessity of forts to prevent cities from being sacked, plundered, and bombarded; and the folly of depending upon men alone, no matter how brave, with muskets and rifles in their hands, to defend a city against thirty-six-inch bombs, flying four thousand yards through the air, and bursting with a bushel of fire and shot among the dwellings of the citizens. Forts to keep off fleets and cruisers could alone do this.

But it was not to defend cities only that forts were wanting. They were needed to cover navy-yards and dock-yards, and to serve as places of refuge to the military and commercial marine of the country. We have a great commerce (he said) and many merchant ships; these ships must have ports of refuge, places where they can be safe from pursuit and attack. We have determined to have a navy; and that determination increases the necessity for forts. Ships of war must have ports of refuge as well as merchant vessels; they must have places where they can lie secure when pressed by superior force. All naval Powers provide places of refuge and protection for their ships, not only at home, but abroad. England, France, and Holland are eminent examples. Why does England seize upon commanding positions all over the globe—Gibraltar, Malta, the Cape of Good Hope, Madagascar, Jamaica, and so many other places—except as naval stations, to protect her own marine and to command others in time of war? We, on the contrary, with ample means in our hands, are delaying and neglecting to establish places of refuge for our marine, even upon our own coasts, and upon that gulf upon whose bosom and through whose outlet between Key West and Cuba the whole commerce of the mighty West is to float. Forts and naval stations upon that gulf are WESTERN OBJECTS, for which every WESTERN MAN, here or at home, should perseveringly contend.

Mr. B. concluded with his standing remark, that Congress was now in the sixth month of the session, and not a shilling voted yet for fortifications! That we were going on two years without appropriations for a single fort!

APPROPRIATIONS.

SPEECH OF HON. A. BEAUMONT,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

May, 1836.

In the Committee of the Whole on the state of the Union upon the Fortification Bill and the amendment offered by the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] proposing a further appropriation of $700,000 for the armament of the fortifications, and the amendment to the amendment offered by Mr. ALLAN, of Kentucky, to reduce the salaries of the heads of Departments, &c.

Mr. BEAUMONT rose and said:

Mr. CHAIRMAN: I beg leave to occupy the time of the committee for a few moments, and I assure gentlemen I will not trespass long upon their patience. The only offering I bring to conciliate their kind feelings is an honesty of purpose. I am opposed to the amendment to the bill, the amendment to the amendment, and to the bill itself, in part. I am opposed to the amendment, because it adds an extravagant item to the appropriations in the bill already too extravagant. I am opposed to the amendment to the amendment offered by the gentleman from Kentucky, [Mr. ALLAN,] because, whatever be its merits as a distinct proposition, I think it has no appropriate place in this bill; and I am opposed to the bill in its present shape, because it contains appropriations extravagant in amount, and, as I believe, uncalled for by the necessities of the public service.

I believe, Mr. Chairman, that the fundamental principle of a republican Government is economy. To take no more from the people than is absolutely necessary to supply the economical and constitutional wants of the Government, is the dictate of justice and of patriotism. All the money expended by the Government, whether properly or improperly, comes directly or indirectly from the people—the laboring people; a portion of whom have been recently characterized here as a mere wandering herd of reckless adventurers, having neither virtue, nor home, nor tie of affection, to bind them to the soil of their country—but whom I consider as constituting a portion of that virtuous yeomanry who are the main support of our country in peace, and its buckler in war. Labor is the foundation of all support, national or individual, and all extravagant or unnecessary expenditure by the Government is a wanton injury done to the laboring classes. To protect this most useful class, the life and soul, the bone and muscle of the nation, should be the first care of every agent or Representative of the people. But, Mr. Chairman, how few real and devoted advocates have the people in the House of the people! Is there not too often a more manifest devotion here to the interests of those who live upon the favors of the Government, than to the interests of those who furnish these favors? Is it not too often the case that Government itself rests its support on those who are supported by the means drawn from the people, than upon the people themselves? In monarchies the maxim is, that "the people are made for the benefit of the Government;" in a free Government, such as ours was intended to be, the maxim is, "the Government is made for the benefit of the people."

Frugality, economy, and equal justice are the life-giving principles of a Republic. Splendor, waste, and an unequal distribution of favors are its bane. A rational people will submit to all burdens imposed for the common weal—all taxation that is necessary for the common defense and just support of the necessary constituted authorities. Further than this, submission is a crime and a badge of servitude. That system of taxation which goes to support useless establishments—which takes from the comforts of one to add to the indulgence of another—which takes away the fruits of the labor of one man to support the extravagance and idleness of another, under whatever name it may come, whether it assume the character of "protection" or "the general welfare," is oppression under an insidious disguise, and a speculation upon the credulity of the people. Any Government that imposes unnecessary taxation is oppressive. Has our Government, at any time, been guilty of this offense? Let the extraordinary increase in amount of our expenditures, the $35,600,000 of surplus said to be now in the Treasury, and the graceless scramble for its division, answer that question.

From ten to fourteen millions of dollars, I believe, have been expended within the last twenty years on and about fortifications, besides very large sums in their armament; and it is presumed that if a conscionable inventory were at this time taken by competent and disinterested engineers, the whole would not amount in value to four millions, perhaps not so much.

The question may be asked, where is the balance of eight or ten millions? It may, perhaps, be set down to the account of the "general welfare," or, in plain English, gone to the support of those who have rendered no equivalent in service, but have found it more comfortable to live on the public than upon their own resources.

Shall we increase the permanent expenditures of our Government because a system of unnecessary taxation has brought a surplus into the Treasury? This will only make the evil perpetual, and render permanent the vicious system of taxation.

All the modes heretofore proposed as a remedy for the surplus in the Treasury, which all seem to deprecate as an evil, only go to rivet the mischief upon the people. The wrong is in taking the money unnecessarily from the people, not in its remaining in the Treasury; for in that there can be no wrong. But if you increase your public expenditures, you can never again diminish them, however great the necessity, without almost resorting to a revolution. But it may be asked what remedy I should propose? I answer, take the taxes off the people. Suspend the sale of the public lands except to *bona fide* or actual settlers, in limited quantities. Leave the money in the pockets of those who earn it, and not extort it from them, and then trifle with their understanding by pretending to render it back to them, which is only a promise made to the *ear* to be broken to the *understanding*.

The squandering the public domain in the manner in which it has been dissipated for the last two or three years, I believe to be a violent perversion of the intention of the original grantors, (of a part of that land, at least,) and of the Government in making the investment. What has been sold within the last year for eight or ten million of dollars to capitalists and speculators, who never intended to till one foot of it, if it had been prudently retained, in a few years would have been worth to the people perhaps one hundred millions of dollars. These lands should be retained for the actual settler as an asylum for the poor but industrious man, as land becomes high in value, and the population becomes dense in the old States, and their proceeds should be made available to relieve the people from taxation. This I consider the legitimate object of the States in granting, and of the Government in purchasing, these lands.

Mr. Jefferson, who wrote almost with the pen of inspiration, when speaking of the rights of man, and the legitimate purpose of Government, after recounting the many natural advantages we enjoyed, of position, soil, and climate, asks, "What more is necessary to make us a happy 'and prosperous people?" and answers, "A wise 'and frugal Government, which shall restrain 'men from injuring one another, shall leave them 'otherwise free to regulate their own pursuits of 'industry and improvement, *and shall not take 'from the mouth of labor the bread it has earned.*"

And again he says: "Considering the general 'tendency to multiply offices and dependencies, 'and to increase expense to the ultimate term of 'burden that the citizen can bear, it behooves us 'to avail ourselves of every occasion which pre-'sents itself for taking off the surcharge, that it 'may never be seen here; that, after leaving to 'labor the smallest proportion of its earnings on 'which it can subsist, Government shall itself 'consume the residue of what it was instituted to 'guard."

Are there any symptoms of a disregard of this sound advice of the man, whose name is so frequently invoked by us all, in the transactions of this body! A reference to the bills passed, and in the progress of passing, during the present session, will best settle this question.

My reflections, Mr. Chairman, lead me to conclude that the best preparations we can make for the defense of this country, against the contingency of war and conquest, is, to preserve our free republican institutions, such as our fathers left them, unimpaired. The most impregnable breastworks we can oppose to invasion are the breasts of a free people. So long as the people of this country are left in the full and free enjoyment of their rights, and not subjected to unnecessary exactions, nor degraded by odious distinctions, they will be invincible; but whenever they shall find themselves oppressed by a corrupt and extravagant Government, and degraded by privileged orders, the charm of invincibility will be exploded; and although our whole frontiers were embossed with fortifications, and garnished with a million of cannon, our country would become the prey of the first invader who should guarantee a relief from such wrongs.

Our Republic can only be maintained in vigor and health by adhering to the first principles on which it was founded. These principles are economy, simplicity, and a severe abstinence from the corrupt practices and abuses of foreign Governments. How have we kept these observances? Are we not every day borrowing and enlarging upon these foreign examples? How long is it since we raised the salaries of our Navy officers from the republican to the monarchical standard, upon the grounds urged by the friends of the measure of enabling our officers to vie in extravagance and display with the minions of tyranny in Europe? Did we not raise the pay of a post captain from about $2,600 to more than $4,600, and of all the subordinate officers in pretty much the same ratio? And have not the officers of the Navy been increased to near four times the

number required to perform all the necessary service? Did we not increase the aggregate pay of the officers at one session, and in time of profound peace, from little more than $700,000 to more than $1,100,000? But at the same time no provision, I think, was made for the increase of the poor seaman's pay; he who, at last, must brave, through all dangers, the brunt of the battle and the storm. And where, Mr. Chairman, let me ask, are a large proportion of these very officers who receive some one, two, and three thousand dollars a year out of the public Treasury, supplied by the labor of the yeomanry of the country? Is it a fact, as has been hinted, that a large number of them are employed on board of steamboats, merchant vessels, and in other pursuits, from which they realize from twelve hundred to fifteen hundred dollars a year in addition to their public salaries? I cannot vouch for this, but I have heard it stated to be the fact.

But can these extravagances be charged to the account of the present Administration and its friends? I answer no; for it will be found, by reference to the public documents, that the annual appropriations for the public service have been uniformly increased some millions beyond the estimate furnished by the executive officers.

	Estimates.	*Appropriations.*
1831.....	$11,852,911 09	$13,588,681 39
1832.....	12,864,099 38	18,397,751 82
1833.....	17,995,581 17	22,695,782 65
1834.....	18,057,488 73	20,968,992 49
	$60,770,080 37	$75,651,208 35
		60,770,080 37
Excess of appropriations over the estimates in four years..		$14,881,127 98

Besides, in all the annual messages of the present Executive, he has enjoined upon the attention of Congress the necessity of retrenchment and economy in our public expenditures. Besides, it will be found, by adverting to the history of the last seven or eight years, that all the extravagant measures of expenditure have been carried by a large majority of the Opposition and a small majority of those who profess to be friends to Republican principles, but who, it would seem, follow the flock for the fleece, rather than its safety. Look at the history of the Navy pay bill, the harbor bills, fortification bills, the bills authorizing extra public printing, and the Documentary History of the Revolution, the increase in number and emolument of the custom-house officers, the donations to this District and its corporations, amounting to some four millions of dollars, superadded to all the other advantages it enjoys over other portions of the Republic, from the location of the seat of Government here, not omitting the recent appropriations for the two custom-houses in the cities of Boston and New York, estimated by some to cost more than two millions of dollars.

The principal argument adduced to justify these extravagant appropriations, and the increase of our establishments, is the great surplus in the Treasury, not the real wants of the public service. But will this surplus always last? How has it been created? Has it not been produced by abusing the patriotism of the people—by taking advantage of their willingness to submit to almost any burden of taxation to discharge the war debt of the Revolution and of 1812, and adroitly keeping on those taxes after the debt has been discharged, by specious arguments and the magic of a pretended compromise, and by appeals to the cupidity of those "who would live every how and any how" but by fair and equal competition, the foundation of political justice?

Another source whence this surplus in the Treasury flows, is the confiscation (for that seems to me to be the most appropriate term) of the public lands. But this will not last forever. A few years of wild speculation, such as has been produced in part by the dropsical state of our Treasury, will leave scarcely an acre of valuable land in the hands of the Government this side of the Rocky Mountains.

But although these sources of revenue, by the force of the "compromise," so called, (a new name for an act of Congress, and the exhaustion of the public domain, may fail, the disposition to enjoy the benefits of the Government will not diminish. Those persons, who have been indulged with a public support, cannot be so easily weaned and persuaded to resort to the dull reality of providing for their own support, but become the more ravenous as the fountains whence their sustenance flows diminish, and additional taxation must then be resorted to.

All the dependencies created by the Government, whether necessary or unnecessary—the Army, the Navy, the numerous corps engaged in the civil and diplomatic departments of the Government, embracing the countless hundreds engaged in the collection of the customs, with all the various ramifications inseparable from the enforcement of high tariff laws, naturally form a confederacy against the interests of the people. And is there no danger to be apprehended from this confederacy? Is there no ground to fear that this combination may become our masters, and, like the Janizaries or Roman legions, crush that very liberty they were raised to defend?

It would seem, from the course of legislation in this country, that the object of one class of political economists is, to impose as heavy a burden upon the people as they can bear. The expenditures are to be increased, while the Treasury is full from the excess of the sales of the public lands, beyond the wants of these settlers, and the "surcharge" of the war taxes, in order to furnish an excuse for an increase of the tariff, when the land fund shall be exhausted. They seem to be unwilling the people shall be relieved from the weight of taxation, lest, after enjoying the comforts of a relief, they should refuse to submit to the burden again without a just cause. They seem fearful of the example of a strict economy in our expenditures, and a relief from taxation, lest the people should insist upon a rigid observance of the same economy in future. It would seem there was a determined purpose that the annual expenditures should not be reduced to some twelve or ten millions of dollars, (which I sincerely believe, with every liberal allowance, is all that is actually needed in time of peace,) because it would afford an example dangerous to the existence of the "American system," so called, the parent of so much extravagance, the true essence of which, after all that may be said to mystify the subject, when it extends beyond the purposes of legitimate revenue, is to take from the many and give to the few; to enable one master manufacturer, by the means of the bounty of Government in favor of capital, to subject the labor of hundreds to his sole benefit; to make one man immensely rich, while the hundreds are poor; to enable one master manufacturer to make more clear profits than a whole country of farmers and mechanics. A judicious tariff, having for its object only a revenue necessary for the legitimate and economical wants of the Government, is not objectionable; but its perversion to subserve unconstitutional purposes is the wrong of which I complain.

But, Mr. Chairman, for whatever extravagances that are tolerated under this Government, this House is accountable. It must arise from the fatuity or unfaithfulness of those who are placed here as sentinels to guard the rights of the people. If their rights are impaired or suffered to be invaded, we are accountable. We ought then to see that not a dollar is taken from the people for an unnecessary purpose; not a dollar should be taken from the Treasury unless for an equivalent in service; not an office should be created unless demanded by the public necessity; no one should be retained in office who does not manifest a devotion to the public interest; and the public servant should not be allowed a higher reward for his services than his master, with equal industry, prudence, and economy.

By a system of unnecessary taxation and extravagant expenditure, we may have what is termed a splendid Government, but, as a necessary consequence, a poor and oppressed people. Where splendor begins liberty declines. They both cannot subsist together. In corrupt and despotic Governments the people are kept in awe by splendor and fear. In this country, however, we at least profess to be governed by reason. The majesty of our Government is justice, and its splendor consists in its simplicity, and its guaranty of equal rights and equal protection to all. Every attempt to assimilate this chaste fabric of civil liberty to the vices and corruptions of Europe, deforms the symmetry of its proportions; and every attempt at splendor at the sacrifice of the happiness and welfare of the people, is a wrong done to the memory of its founders.

FLORIDA WAR.

REMARKS OF HON. R. M. JOHNSON,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

May 21, 1836,

On the bill to pay Money advanced by Charleston and other Southern cities, to prosecute the Florida war, &c.

Mr. JOHNSON said, it is not to give utterance to indignant feelings at the opposition to this measure, that I now address the House. It is not a party measure which is before us, but a measure which calls for concert of action with all parties. It is a subject of too great importance to admit of procrastination, by indulging in party invectives. Our responsibilities are not to each other, but to our constituents and to our country Each member of this House holds the same relation to his immediate constituents, and I am willing to refer the conduct of each to that tribunal. The whole nation is interested in the course pursued by each member; and to the test of public opinion throughout the whole country, each individual must submit; whether the award be censure, or applause, there can be no evasion, no appeal. It is our part to act, and the part of the country to judge of our actions.

When this murderous, savage war broke out in Florida, which has spread ruin and desolation to many families, and half depopulated some fair portions of that flourishing Territory, the hostile trump was heard from Charleston to New Orleans; and the patriotic citizens of South Carolina, Georgia, Alabama, and Louisiana, not willing to wait the dull delays of this House for authority, while their fellow-citizens were bleeding under the scalping-knife of the savages, flew to arms, and hastened to their protection. The service was national. It was no more incumbent upon these States to protect Florida, than upon other States, but without waiting to inquire whether justice would be done by the nation, they met the impending danger. They justly regarded the citizens of that Territory as a branch of the American family; and that was enough to kindle in the bosoms of the chivalrous southerners the fire of American patriotism. The palmetto was lost in the eagle; and his talons were stretched to grasp the hand which was lifted against their countrymen. The bill now before us makes provision to defray the expense. The emergency of the occasion did not admit of hesitancy, and moneys were advanced in Charleston and other towns, in that and the other States, to meet the exigency. The great question now is, shall we authorize the payment? The honor and future safety of the country require that there shall be no hesitancy nor delay. Even while we are wasting the time by cold deliberation upon the subject, the threatening danger upon the Georgia and Alabama frontier may be bursting into a flame, and demanding similar advances upon the credit of our sense of national justice. An awful responsibility awaits him who can make this the unfortunate occasion for party crimination, for censures against the Administration, and against the Committees of Ways and Means, and on Military Affairs. To produce delay by complaints of irregularity, because the measure has been proposed by a committee, without an order from the House, or a reference from the House of an executive communication, or by motions and debates in favor of committal, is in effect to oppose the bill, or at least to deprive it, without any countervailing benefit, of much of its utility.

It is not the method of proceeding on ordinary occasions, to start objections upon these grounds; and how can it be reconciled to a proper sense of the duty which we owe the country in a case like this, connected as it is with the Florida and the Creek wars? I have been (said Mr. J.) a member of Congress for many years, and for

more than twenty-five years have I been honored as chairman of some important committee; and during the whole of that period, the present mode of proceeding has been in practice. Whatever subject comes within the general scope of duties for which a standing committee is appointed, as well as subjects referred to them by the House, it has been the uniform custom for the committee to act upon, and report the result of such action to the House. This subject has in like manner been deliberated upon by the committee, and the result of that deliberation is presented in the bill before us. It is simply to refund what has been liberally advanced in the hour of danger by those patriotic States, at a time when the honor and safety of our common country required the advance for the use of the nation, before the national coffers could be unlocked for the purpose. Whether that money was paid regularly, according to specified forms, or not, or whether the requisitions in which it was paid were drawn, *verbatim et literatim*, according to the usual forms, is to me a matter of no importance. If one of your family is perishing with starvation, and your friend will purchase food for his relief, you will not inquire into the form in which he made the payment. It will be sufficient for you to know that the benefit was received. So in this case, it is sufficient for me to know that the money was advanced, that it was expended in the public service, and that the country received its value. Deeds of patriotism like this merit a public acknowledgment, rather than a dull, protracted, reluctant compliance with the imperative demand of justice. We should faithfully and promptly refund the last cent advanced in such a case. We should do it, because it is the dictate of justice—because honor requires it—because the character of this House and of the whole nation demands it. We should do it, to show to the world that the impulse of patriotism is not despised by a Republic; and to inspire in our citizens a confidence that voluntary sacrifices in the extremity of danger shall be cheerfully and promptly remunerated.

The amendment proposed to the bill is merely to explain a former law of a similar character. It proposes to pay for the services of the volunteer militia who were called into service by the commanding general in the first moments of the Seminole war. The sudden rupture of the savages was like an unanticipated flame breaking out in the midst of a city, which requires the immediate exertions of the firemen to subdue. A little delay would involve the whole town in irrecoverable ruin. So the savages of the Indians, if permitted to pursue the work of devastation till dispatches would be sent to the seat of Government, and an order issued from the Executive for calling out the militia, would have completed the work of destruction through the whole of the country where it raged. The commanding general, as in duty bound, called for militia aid to check the ravages of this desolating war, and the patriotic citizens volunteered their services. They were gladly accepted. These are the citizen soldiers, who have been braving the dangers and enduring the storm of that sanguinary conflict, whose services have been recognized by the Government, that the amendment proposes to pay. They made the first sacrifice in the country's defense; met the danger at the threshold, and voluntarily poured out their blood upon the altar of their suffering country. We intended to provide for their pay, and thought we had done so by a law already passed; but in the multiplicity of business, there was an accidental omission in the framing of the law to meet their case. The amendment proposed is only to give such extent to the application of that law as to embrace the case of these men, and so carry into effect our declared intention. Upon this bill and this amendment, subjects as plainly just and as clear to the understanding as the simplest proposition that could be stated, we are consuming the day, and wasting the precious time of the House, in animadversions that have no direct bearing upon the subject. Is this the proper time for introducing fastidious complaints and party denunciations against the Administration of the Government? Or are there no questions that can arise, even upon the common measure of justice between citizens and their Government, but what must be converted into party strifes? Among other complaints, imputations have been made against those who are conducting the war in Florida, as if our regular officers, whose business and whose duty it is to obey the orders of any Executive, were political partisans. These censures are, at least, premature. The officers of the regular Army are in command there—men who, on former occasions, have given incontestable proof of their valor, their devotion to the country, and their capacity to conduct military operations. Though at this distance it would appear that more ought to have been done, yet we are not acquainted with all the difficulties which they may have had to encounter. The character which they have established ought to be regarded as a pledge for their good conduct in the present trial, and should at least shield them from censure till all the facts are known; and if it shall then appear that they have not done the best that could be done, of which we have as yet no evidence, it will not establish any charge against the volunteers who have obeyed the laws of the country by placing themselves under their command. The regular army is otherwise provided for; this bill and its amendment have reference only to the volunteer militia. Look at their character, and we cannot doubt their bravery nor their patriotism. The southern volunteers have ever sustained the high character of American soldiers. Their deep sense of honor, their disregard of danger, their nobleness of soul in the camp, and their chivalry in the field, are but their common characteristics; and after volunteering their services to meet the first shock of defensive war, we cannot presume that they would prove recreant to everything dear to themselves. We know they are incapable of it. They have unfurled their country's banner, and have marched under it, to defend it from insult; and the result must show that they will have sustained its honor. It is our part to provide the means to pay them the pittance to which their services entitled them, and they will not be sparing of their blood in the day of battle. Let us pass the bill, with the proposed amendment, without a moment's delay; and it will be time enough for us to complain after we learn that there is cause for complaint. Till evidence appears to the contrary, let us not indulge a suspicion that an officer bearing a commission in the American service, whether regular or militia, is deficient either in courage or conduct. Complaints, in advance of evidence, are alike dishonorable to our country and to the feelings of our gallant officers and soldiers. Let us discharge the debt of justice, and withhold our censures till a knowledge of facts shall warrant them.

Much stress appears to be laid upon the fact, that for this amendment, which provides for the payment of the volunteers, no communication has been made to the House by the Secretary of War, recommending the measure, and that the subject has not been specially referred to the committee by the House. It appears to be a very recent thing with some gentlemen, to have transferred all confidence from themselves to the Secretary of War, so as to be incapable of acting upon the most simple proposition without his recommendation. I would remind them that the proposed amendment is founded on official information from the War Department, that the men who claim the pay have faithfully served their country as represented, and that no provision is made by which they can receive their pay. Now, sir, where is the independence of the members of this body, if they cannot act upon their own responsibility in matters of plain justice? When all the facts are before us, must we fear to act without the direction of an executive officer to govern us in legislation, and bear the responsibility of our measures? Our constitutional duty is to legislate; and that of an executive officer to execute the law. When all the facts are made known to us, we must act upon our own responsibility; and, right or wrong, we must bear that responsibility, whether recommended or not. In the case now before us, there is no imposition, no deception. It is a plain proposition, founded on plain matters of fact; and the House must adopt or reject it. We must, in the case, do justice, or withhold the demands of justice; and every member will act upon his own responsibility.

It is wise, on ordinary occasions, to refer propositions to committees, that the information out of which they grow, and their minute details, may be more thoroughly investigated; but the decisions of committees are always subject to the House, and it is the right of any member to propose amendments to measures reported to the House by committees. The practice has ever prevailed; and to be deprived of this right would be to fetter legislation with a clog which it could never bear.

Independence in legislation by the representatives of the sovereign people is of the first importance to the preservation of our liberties. It is in this House that their voice is more immediately heard, than in any other branch of our Government. Its value cannot be over estimated, nor its dignity too carefully preserved. The most sacred regard to justice should characterize all its measures. It is a convention of the nation itself; and upon the purity, the intelligence, and the independence of this House, more than upon any other department of Government, the liberties of this nation, the last hope of man, essentially depend.

It is always with reluctance that I trespass upon the time of the House; but in defense of the Military Committee, from whom the measure emanated, I have been compelled to submit these remarks.

DEFENSE OF THE ADMINISTRATION.

SPEECH OF HON. R. FRENCH,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

May 12, 1836,

In Committee of the Whole on the state of the Union, upon the Fortification bill, and the amendment offered by the Chairman of the Committee of Ways and Means [Mr. CAMBRELENG] proposing an appropriation of $700,000 for the armament of Fortifications.

Mr. FRENCH said:

Mr. Chairman: I am happy in having obtained the floor, not that I am vain enough to suppose that anything that I could say would be either new or interesting to the members of this committee, but because the subject embraced in the bill under consideration is one of the first importance to this country, and because the opportunity is now afforded me of presenting to my constituents and to the nation my views in relation to some of the prominent measures of public policy called for by the exigency of the times. Sir, no one has addressed the Committee of the Whole on the state of the Union, or the House, this session, whose situation presents a stronger appeal to the indulgence and patience of the committee than does that of the humble individual who now addresses you—an appeal which I am sure will not be made in vain on this occasion. The invaluable maxim, coeval with the existence of this Government, recommended by the Father of his Country, and whose moral force ought now to influence us all, "*In peace prepare for war*," demands our first notice; a cherished maxim, indeed, but one which, during the present session, has received from honorable members different versions; a maxim, sir, which will never benefit this country unless its warning voice be heeded by Congress. My interpretation of its meaning is, that in time of peace, observing a proper scale of economy, and not forgetting the nature and genius of our free institutions, you are to apply so much of the public revenue to objects of national defense as will, in case war come, place our country in a situation, with the least possible cost and the greatest efficiency, to defend itself from all harm. Not, sir, that the President of the United States, or those friendly to his administration, cherish the visionary expectation, or subscribe to the exceptionable policy (attributed to him by some) of placing a breastwork of fortifications along our whole seacoast. Such a system of defense would lead to a large standing army in time of peace, always dangerous to liberty and to increased taxation, to both of which measures I stand opposed; a system, too, sir, which, if put into execution, would cost a larger sum of money than the whole amount

of revenue to be collected by this Government for the next fifty years to come.

But, sir, although we cannot indulge a belief that this enlarged system of national defense, even if it were sound policy to adopt it, will, or ought to prevail; yet there is a system of national defenses, within the reach of the Government and its means, which comes recommended to us by the past history and policy of this country. It consists in the gradual increase of your Navy; in the repair and armament of your existing fortifications; in the construction of others at those great commercial points, and other important and exposed positions upon our sea-board, where in case of war an enemy would seek to land, and where, if he should land, he could do us the greatest injury; in keeping in good repair your military posts; in the construction of others where mostly needed on your frontiers; and in so organizing and training the militia of the States as to give to them the greatest possible efficiency in time of war. Yes, sir, the citizen-soldiers of this Union constitute its greatest bulwark of defense. But to realize the full measure of benefits from them, it is necessary that they should be taught a knowledge of military tactics and of improved discipline. One of the great and peculiar excellencies of our Government is, that whilst it looks to your citizens as its greatest military strength and security, it makes its appeal to them, upon all occasions, by addressing all the motives for which freemen ought to desire to live.

Sir, I beg leave to read to the committee a communication from the Secretary of War, made to the Hon. C. C. CAMBRELENG, Chairman of the Committee on Ways and Means, on the 21st January, 1836, and printed by the order of the House:

"ARMAMENT FOR THE FORTIFICATIONS.

"SIR: I have the honor to inclose, for the consideration of the Committee on Ways and Means, an estimate prepared by the Colonel of the Ordnance Department, of the funds which appear to be necessary to be appropriated for the armament of the fortifications for the present year. This estimate is based upon two propositions—first, that it may be necessary to mount two thousand six hundred and seventy-nine cannon, in which case an appropriation of $1,581,314 will be required; and, secondly, that the number of cannon wanted will be two thousand four hundred and forty-four, and in which case the appropriation required will be $1,224,301. My own opinion is, that the smaller amount, viz: $1,224,301, is the one which it would be proper to appropriate, and this sum includes the estimate of $200,000, already submitted to the committee for the armament of the fortifications. But all the other estimates of the Ordnance Department will remain for the consideration of the committee, as though this increase had not been asked for. I am instructed by the President to say, that he has examined and approves this estimate, and directs that it be transmitted to the committee for their examination and decision."

I also hold in my hand, Mr. Chairman, a letter from the Secretary of War, on the armament of fortifications, dated May 2, 1836, and printed by order of the House, inclosing a communication from the Inspector General's office, from which I beg leave also to read the following extract:

"SIR: In answer to the communication of the Hon. C. C. CAMBRELENG, dated 29th ultimo, referred to this office, I would make the following report: To the inquiry as to the number of cannon necessary to arm the fortifications which are now in readiness to receive them, or which will be in readiness in the course of a year, I would answer, to complete the armament of the forts now in readiness, and those which might be placed in readiness in the course of a year, would require about two thousand four hundred guns, and would cost, exclusive of what has already been expended, about $1,200,000. This sum, however, includes the expense of carriages, one hundred rounds of ammunition of every description for each gun and carriage. If this sum ($1,200,000) had been appropriated in January or February last, so as to have enabled the Ordnance Department to have made its contracts earlier in the season, the whole sum might have been properly expended within the present year. But as the season for making contracts to advantage has far advanced, both as it regards materials and workmen, I do not believe that more than $600,000 could be advantageously or judiciously expended within the year. But to avoid hereafter unnecessary delay, and to enable the Department to carry on its operations economically, and without interruption throughout the present and coming year, I will recommend that at least fifty per centum be added to the above sum, which would increase the amount to $900,000."

Sir, a soldier without arms cannot fight—your fortifications without guns are useless. Unless your fortifications are kept in good repair and armed, the millions of money expended by the Government for their construction are lost to the country. I therefore, sir, have felt it my duty this session to vote for your Navy bill, your Army bill, and shall vote for your fortification bill. The loss of the fortification bill at the close of the last session imposes upon us the double duty to pass this.

Mr. Chairman, my honorable colleague, [Mr. ALLEN,] who opened the discussion upon the Kentucky resolutions, was pleased to summon to the bar of his judgment the President of the United States and his administration, for trial. As all trials imply the obligation to administer justice, and justice alone, I did expect it from him. In this reasonable expectation, however, I was disappointed. The President and his administration were held up before the House and the people as a glaring example of violated pledges solemnly made, and a sweeping sentence of condemnation pronounced against him in his official capacity and his administration. Sir, I have no right to complain, and do not complain that my colleague exercised a right which belonged to him, of freely and fully examining into the official conduct of the Chief Magistrate, and the principles and policy of his administration. The right exercised by him is essential to the maintenance of civil liberty and of free government. But I complain of the injustice done to the President and his administration by my colleague, in having most carefully avoided to tell the House, or the people, of a single good act that he had done. Both sides of a case, sir, ought to be presented, if justice be the object. My colleague, therefore, ought to have sent out the good fruits of the Administration with those which he alleged to be evil. That course would have recommended his *exposé* to the ready acceptance of the people from its intrinsic and obvious fairness, and have conducted them to a more satisfactory and correct conclusion of the character of the present Administration, and of the principles and policy upon which the General Government has been administered. As, however, the object of my colleague seems to have been to call down upon the Administration popular disfavor, and as I am one of those who, at an early day, in Kentucky, became the supporter of the present Executive, and in that character, in common with his other friends, am embraced in the sentence pronounced, I must be allowed in self-defense to vindicate myself and the Administration from its effects, to send along some of the good with the evil, and thereby do myself at least that justice to which I consider myself entitled. In doing so, Mr. Chairman, I shall follow the example of my honorable colleague, and carefully abstain from all personality whatever, either towards him or anybody else.

In the commencement of his attack, he read to to the House an extract from the letter written by General Jackson, as far back as the 12th of November, 1816, to the Hon. James Monroe, in which the General informs Mr. Monroe, "now is the time to exterminate that monster called party spirit." In which he also said, "by selecting characters most conspicuous for their probity, virtue, capacity, and firmness, without any regard to party, you will go far to, if not entirely eradicate, those feelings which, on former occasions, threw so many obstacles in the way of Government, and perhaps have the pleasure and honor of uniting a people heretofore politically divided. The Chief Magistrate of a great and powerful nation ought never to indulge in party feelings." Sir, the letter from which the extract just read is taken is lengthy, and a correct knowledge of its true character cannot be had, without knowing more of its contents and objects than the extract read by my colleague or myself presents. I therefore beg leave to trouble the committee with reading more of it.

"Sir, permit me to introduce to your notice Lieutenant Gadsden, who will hand you this letter, and who is also the bearer of the treaties lately concluded with the Creeks, Chickasaws, and Cherokees.

"In my last to you, I took the liberty of drawing your attention to the benefits that would result, both to the Treasury of the United States, and the defense of the Lower Mississippi and its dependencies, by bringing into market those tracts of country acquired by the treaties above named. I am so deeply impressed with the importance of this subject, that I cannot forego the present opportunity of again bringing it to your view. I have this moment written the Comptroller on this highly interesting and important business. If the plan proposed is adopted, the land can be brought into market in a very short time, which will immediately give to that section of country a strong and permanent settlement of American citizens, competent to its defense. Should the Government divide the surveyor's district as proposed, and appoint General Coffee surveyor of the northern, his energy and industry will bring it all into market in June next. Should the district be divided as contemplated, and General Coffee appointed surveyor, it will open the appointment of receiver of public moneys, heretofore promised to the General, which vacancy I warmly recommend to be filled by Lieutenant Gadsden, who, owing to the late, indeed, I might say present delicate state of his health, is desirous of resigning his appointment in the Army. In this, as in all my recommendations, I have the public good in view."

After making some other remarks in the letter, n further commendation of Lieutenant Gadsden, he proceeds:

"Being deeply impressed with the importance of another subject, which relates to yourself, as well as the Government, I hope I may be permitted once more to obtrude my opinions. In filling the vacancy occasioned by the transfer of Mr. Crawford from the War Office to the Treasury, it is of the highest moment that some proper and fit person should be selected; your happiness and the nation's welfare materially depend upon the selections which are to be made to fill the heads of Departments. I need not tell you that feuds exist, and have existed, to an injurious degree, in the northern army. To fill the Department of War with a character who has taken a part in those feuds, or whose feelings have been enlisted on the side of party, will be adding fuel to flame, which, for the good of the service, already burns too fiercely. This and other considerations induced me to enter on the inquiry for a character best calculated to fill that Department; it has resulted in the selection of Colonel William Drayton. Since my last to you, in which the subject was then named, General Ripley has arrived here, who heartily concurs in the opinion that Colonel Drayton is the best selection that can be made.

"Pardon me, my dear sir, for the following remarks concerning the next presidential term; they are made with the sincerity and freedom of a friend. I cannot doubt they will be received with feelings similar to those which have impelled me to make them. Everything depends upon the selection of your *ministry*. In every selection, party and party feeling should be avoided. Now is the time to exterminate that monster, called party spirit," &c.

Now, Mr. Chairman, I ask you and the committee, what is the true character of this letter, breathing, as it does, the spirit of an exalted patriotism? Let the objects that its writer had in view determine its character; and what are they? 1. The speedy bringing into market *those tracts of country lately acquired by the treaties above named;* and for what purpose? To promote *the benefits that would result both to the Treasury of the United States and the defense of the lower Mississippi and its dependencies—to give to that section of country a strong and permanent settlement of American citizens competent to its defense.* 2. To promote the appointment of General Coffee and Lieutenant Gadsden to the offices named. And, 3. To induce Mr. Monroe to appoint Colonel Drayton Secretary of War, and to give his advice to Mr. Monroe upon *the selections which were to be made by him to fill the heads of Departments*, remarking to him that *everything depends on the selection of your ministry.* And the letter then concludes with a few general observations inforcing the advice given.

Yes, sir, the late war with Great Britain had then lately terminated, leaving a load of debt upon the nation to pay. General Jackson was desirous of raising means to discharge it, and, at the same time, to promote the rapid settlement of the western lands, with a view to the growth and prosperity of the western country and its defense against the savages. Well might he say, he had "*the public good in view.*"

Sir, all statesmen of all parties, as far as I know, concede the right to the President to select from the ranks of his political friends his Cabinet, the heads of Departments. They are his constitutional advisers in the administration of the executive department of the Government; and to render his Administration prosperous, harmony in the Cabinet is indispensable. "How can two walk together, except they be agreed?" It is true; sir, that all the citizens of the United States are equally eligible to office, and entitled to equal benefits from the Government. I have inquired of some of the most intelligent citizens of this city into the comparative number of Federal offices held by Opposition men in this city and in the United States, and of those held by friends to the Administration; and I am informed, and believe, a majority of the offices in this city are in the hands of Opposition men;* and, considering the numerical strength of parties, that the Opposition have their due proportion, if not more,

* Strength of parties in the public offices at Washington, at the commencement of 1831, was—Opposition, 173; Jackson, 140; majority, 33.

of the Federal offices throughout the Union. If so, what just cause of complaint have honorable gentlemen of the Opposition against the Administration?

My colleague, Mr. Chairman, also read to the House an extract from the letters addressed by General Jackson to the Legislature of Tennessee, resigning his seat in the Senate of the United States, dated 14th October, 1825, in which the General, among other things, informed the Legislature that he fully accorded with them in the contemplated change in the Constitution: "And 'indeed, would go further, with a view to sustain, 'more effectually in practice, the action which 'divides the three great classes of power into independent constitutional checks. I would im-'pose a provision rendering any member of Con-'gress ineligible to office under the General 'Government during the term for which he was 'elected, and for two years thereafter, except in 'cases of judicial office," &c.

Sir, this amendment to the Constitution has never been made; and now what is the complaint of my colleague? It is, that General Jackson has violated the principle then recommended to the Legislature of Tennessee, by conferring upon members of Congress important appointments under the General Government; and to prove that violation of principle upon the President, has given us his table of those appointments and their salaries. Suppose, Mr. Chairman, General Jackson in that letter had suggested to the Legislature of Tennessee an amendment to the Constitution, by which the President of the United States should be deprived of having any voice in the passage of laws by Congress, by which the power that now makes it his duty to approve and sign bills passed by Congress before they have the force of laws, should be taken away forever. Suppose, also, the General, after having given his opinion, had been elected President of the United States, and that he had refused to approve and sign bills passed by Congress, upon the ground that he had given to the Legislature of Tennessee the opinion that the President ought not to have any such power. Sir, in the case supposed, the President would have been impeached and removed from office if he had refused to approve and sign bills upon the grounds stated, when, by the Constitution, it was his sworn duty to do so; he would have deserved impeachment and removal from office. What, then, I ask, is the difference in principle between the case supposed and the case contained in the letter? The amendment suggested in that letter has never been made to the Constitution.

By the Constitution, members of Congress are eligible to executive appointments. The President is sworn "to preserve, protect, and defend the Constitution" as it is, not as he would have it to be. If, then, the President had introduced in practice what would have been a virtual amendment to the Constitution itself, he would have been guilty of the high crime of usurpation. For he would have substituted his individual will in place of the Constitution itself, and thereby have assumed to himself to determine, not according to the Constitution, but according to his own sovereign will, who were and who were not eligible to office under the General Government. Yes, sir, he would have *expunged* the Constitution itself—for if he could render members of Congress ineligible, the principle upon which he would do that, if carried out in practice, would render all other persons equally ineligible. I must, therefore be allowed to differ in opinion with my colleague on this subject. I think the President has done right in having administered the Constitution as it is—in having followed after the footsteps of his predecessors in office, even if some members of Congress have been appointed. To show, however, that the President has pursued a course of appointment warranted by his first annual message, delivered to Congress, December 8, 1829, I will read to the committee the following extract, viz:

"While members of Congress can be constitutionally appointed to offices of trust or profit, it will be the practice, even under the most conscientious adherence to duty, to select them for such stations as they are believed to be better qualified to fill than other citizens; but the purity of our Government would doubtless be promoted by their exclusion from all appointments in the gift of the President, in whose election they have been officially concerned. The nature of the judicial office, and the necessity of securing in the Cabinet, and in diplomatic stations of the highest rank, the best talents and political experience, should, perhaps, except *these* from the exclusion."

But, sir, to show what members of Congress have been appointed during the term for which they were elected under General Jackson's administration, I request the Clerk to read to the committee the message of the President bearing date the 23d January, 1833, disclosing the same to Congress. This message exhibits the following appointments of members of Congress, viz:

Samuel D. Ingham, March 6, 1829, Secretary of the Treasury; salary $6,000.

John McPherson Berrien, March 9, 1829, Attorney General of the United States; salary $3,500.

John Branch, March 9, 1829, Secretary of the Navy, salary $6,000.

John H. Eaton, March 9, 1829, Secretary of War; salary, $6,000.

Louis McLane, April 18, 1829, Envoy to Great Britain; salary $9,000; outfit do.

Edward Livingston, May 24, 1831, Secretary of State; salary $6,000.

Powhattan Ellis, July 14, 1831, Judge Mississippi district; salary $2,000.

John Biddle, January 10, 1831, Register of Land Office; salary $500, and commissions.

James W. Ripley, January 31, 1830, Collector of Customs; salary $250, fees and commissions.

Not members of Congress when appointed, but had been within the year preceding their appointments, viz:

Martin Van Buren, March 6, 1829, Secretary of State; salary $6,000.

Thomas P. Moore, March 13, 1829, Envoy to Colombia; salary $9,000; outfit do.

William C. Rives, April 18, 1829, Envoy to France; salary $9,000; outfit do.

John Randolph, May 26, 1830, Envoy to Russia; salary $9,000; outfit do.

Philip P. Barbour, October 6, 1830, Judge of eastern division of Virginia; salary $1,800.

Thomas Irwin, April 14, 1831, Judge of west district of Pennsylvania; salary $1,800.

Levi Woodbury, May 23, 1831, Secretary of the Navy; salary $6,000.

James Buchanan, January 4, 1832, Envoy to Russia; salary $9,000; outfit do.

John Chandler, March 11, 1829, Collector of the Customs; fees and commissions.

George W. Owen, March 11, 1829, Collector of the Customs; fees and commisions, $250.

Selah R. Hobbie, November 1, 1829, Assistant Postmaster General; salary $2,500.

Nicholas D. Coleman, September 7, 1831, Postmaster at Maysville, Kentucky; salary $2,000.

Members of Congress appointed under Mr. Adams's administration, viz:

William Henry Harrison, May 24, 1828, Envoy to Colombia; salary $9,000; outfit do.

James Barbour, March 7, 1825, Secretary of War; salary $6,000.

Philip S. Markley, March 3, 1827, Naval officer; fees.

Not members when appointed, viz:

Henry Clay, March 7, 1825, Secretary of State; salary $6,000.

Joel R. Poinsett, March 8, 1825, Envoy to Mexico; salary $9,000; outfit do.

Rufus King, May 5, 1826, Envoy to Great Britain; salary $9,000; outfit do.

John F. Parrot, February 24, 1826, postmaster at Portsmouth, New Hampshire; salary $2,000.

Lot Clark, April 29, 1825, postmaster at Norwich, New York.

Mr. Adams came into office as President on the 4th of March, 1825, and General Jackson on the 4th of March, 1829.

Mr. Chairman, my colleague called the attention of the House to the letter written by General Jackson to the Governor of Indiana, on the 28th day of February, 1828, in which the General avowed himself friendly to the tariff and internal improvements, and proved the General an enemy to internal improvements, especially in the western country; referred us to his veto on the Maysville road bill and the Louisville and Portland canal bill. Sir, I have taken from an official report of the Secretary of the Treasury made to Congress on the 17th of January, 1835, the following statements of the sums expended on works of internal improvements during the four years of Mr. Adams's administration, and the first four years of General Jackson's administration. Mr. Adams, $1,249,326 56; General Jackson's first term, $2,054,057 08; by which it appears that $704,730 52 were expended on works of internal improvements, not local, but national in their character, more than was expended during Mr. Adam's administration. It also appears, that for the year 1833 the sum expended under this Administration for internal improvements was $940,488 95.

Another subject of complaint, Mr. Chairman, grows out of the expenditures of General Jackson's administration, compared with others. It is true, sir, that, as the United States increase in population, States, territory, and wealth, the expenditures of the General Government must increase. Before I proceed, however, to show the cause of that increase, I beg leave to state how much of the public debt Mr. Monroe paid during the last four years of his administration, how much Mr. Adams paid, and how much General Jackson paid during his first four years—viz: Mr. Monroe paid $39,034,452 91, Mr. Adams paid $45,303,533 43, and General Jackson paid $57,754,303 51; by which it appears that Mr. Adams paid of public debt more than Mr. Monroe did, during his last four years, by the sum of $6,269,080 52; and General Jackson paid during his first four years more than Mr. Adams did by $12,450,770 08.

If, sir, you exclude from the calculation of the annual expenditures of the Government the amount paid by each in discharge of the public debt above stated, then the account stands thus, viz: Mr. Monroe's last four years of national expenditures, $42,091,736 17; Mr. Adams's $50,501,913 31, showing an increase in Mr. Adams's time over Mr. Monroe's last four years of $7,510,177 14; General Jackson's first four years, $56,270,480 62, showing an increase of expenditures more than Mr. Adams incurred of $5,768,567 31, and showing also that the ratio of increase in the expenditures of Government incurred by General Jackson during his first four years fell short of *that* incurred by Mr. Adams, when compared with the expenditures of Mr. Monroe's last four years, by $1,941,607 83; in other words, that General Jackson's first four years, applying the same ratio of increase, was much more economical than Mr. Adams's was, compared with Mr. Monroe's.

But, sir, what has swelled the national expenditures? I answer, 1st. The sums appropriated by Congress to internal improvements, as I have already shown. 2d. The treaties made with foreign nations since General Jackson came into power. The following is a list of them, viz: Treaty with Denmark, March 28th, 1830; treaty of commerce with Mexico, April 5th, 1831; treaty of limits with the same; treaty of indemnity with France, 4th of July, 1831; treaty with the Two Sicilies, 14th October, 1832; treaty of commerce and navigation with Russia, December 18, 1832; treaty of amity and commerce with Siam, 20th March, 1833; treaty of commerce with Chili, September 1st, 1833; treaty of amity and commerce with Muscat, September 21st, 1833; and a treaty of indemnity with Spain, 17th of February, 1834, yielding a sum (I mean those obtaining indemnities) of $7,942,000, to be paid American citizens for long standing injuries, and in the case of France for more than twenty-five years. 3d. Treaties with the Indian tribes, a statement of which I hold in my hand, from the War Department, by which it appears forty-two treaties have been made, and the value of the lands acquired by them, at Congress price, is equal to about fifty-five millions of dollars; but valuable as they are in a pecuniary point of view, the benefits resulting to the western country by their acquisition in extending the settlements, trade, commerce, and wealth of the West are incalculable. 4th. The removal of the Indians to the west of the Mississippi river, and the expenses incident to their settlement, is another prolific source of increased expenditures under this Administration.

Finally, sir, I am happy to find that no honorable member on this floor pretends to charge the Administration with having expended one cent more than was warranted by the laws of Congress. And this presents the question, whether, when laws are passed by Congress making large appropriations, and they are faithfully applied to the objects designated in the laws, any blame whatever can or ought to attach to the Executive? He does not make the laws, but is bound to see them faithfully executed; and if any blame attaches anywhere for extravagances in the public expenditures, it is to Congress. Considering, however, the rapidity with which everything increases in a national point of view, I am not

prepared to say, that we ought to cast our censures upon anybody, but rather to express our gratitude for the blessings we enjoy. Sir, to show how the trade and commerce of the United States have flourished under General Jackson's administration, I beg leave to read a statement of the amonnt of our imports and exports:

	Imports.	*Exports.*
1830	$70,876,920	$73,849,508
1831	103,191,124	81,310,583
1832	101,029,266	87,176,943
1833	108,118,311	90,140,443
1834	126,521,332	81,024,162
1835	149,873,048	121,684,977

Statement of the single article of Cotton exported since 1826, during the year ending 30th September.

1826	204,600,000 lbs.	1831	276,979,784 lbs.
1827	294,000,000 lbs.	1832	322,215,122 lbs.
1828	210,090,000 lbs.	1833	324,698,604 lbs.
1829	264,750,000 lbs.	1834	384,717,907 lbs.
1830	298,459,102 lbs.	1835	386,556,285 lbs.

Mr. Chairman, my colleague attributes the number of State banks and banking companies to the influence of the General Government, or rather to the opposition of the President to the recharter of the Bank of the United States, and indulges in the most gloomy anticipations of the fatal effects of the paper system. I find, sir, up to the first of January, 1835, there were five hundred and fifty-eight banks, and one hundred and forty-six branches, with a capital of $231,250,337. When we reflect upon the vast amount of capital in the United States, the pervading wealth arising from the agricultural, manufacturing, and commercial prosperity of this whole country, I think there is but little danger of the anticipated shock. But, sir, ought the Executive to be censured for the existing number of State banks? And does not the censure of the Chief Magistrate equally fall upon the people of the States, who, through their Legislatures, have made the banks? What, sir, is the fact? The President vetoed the bill to recharter the Bank of the United States prior to his reëlection. The recharter of that institution was made the great question before the people. They decided at the polls against the bank, by electing the President by a large majority. It was literally a war between the Government of the people and the bank. They wisely preferred their Government. Had they desired it, they could have procured its recharter by electing a bank President and a bank Congress. The great principle at the foundation of this Government is that the people govern; as, then, the governing power (the people) put down the bank, the censure cast upon the President falls equally upon them in their sovereign capacity. I know my colleague did not intend to censure the people; but such is the effect of his argument. For one, Mr. Chairman, I neither censure the President nor the people. He has done his duty in having faithfully executed the will of his constituents, and the people of the States have a right to do their own business in their own way and in their own time. They have exercised that right; and if they have made more local banks than in the opinion of some they ought, it is not my province to complain. But, sir, I must be allowed to say, that the cause of civil liberty has much less to apprehend from State banks than from the Bank of the United States, had it been rechartered.

An effort is made on this floor, Mr. Chairman, I will not say to get up another panic, but to alarm the people with the idea that the public money is unsafe in the deposit banks. I will read to the committee an extract from a report of the Secretary of the Treasury made to Congress, April 23, 1816. Speaking of the banks, he says:

"Their whole liabilities and means, whether immediate or otherwise, as compared with those a month previous, and recently communicated to the Senate, appear in proportions equally commendable and safe. Their means of all kinds to meet their liabilities to the Treasury are over four dollars to one; and to meet their liabilities of all kinds, except to their stockholders, about one and a half dollars to one."

Sir, the Secretary, in exhibiting the ability of the banks to meet all their liabilities, did right to except the stockholders. They have in the deposit banks $43,690,980 28 of capital stock; and the universal rule of law is, that all corporations, or partners, have first to pay all debts owed by the corporation, or partners, before they can get their stock returned to themselves. If necessary to pay their debts, the stock itself has to go; and, in such case, the loss falls upon the partners. From this report, there are $33,294,024 08 of the public money deposited in them; $152,849,346 79 of means to pay that and all other debts of the banks. The whole amount of liabilities upon the banks, if you deduct, as I have already shown ought to be, the capital of the stockholders, is $109,158,366 51; and when the unexampled prosperity of the whole country is considered, every branch of business flourishing, and the vast amount of capital seeking its investment everywhere, I cannot bring myself to doubt about the safety of the public Treasury, so far as the ability of the banks are concerned. The fact of there being in those banks but $10,885,996 92 of specie, when the other means of the banks are taken into the estimate, is not enough to spread the alarm. The President is not only blamed for the number of State banks now in being, but his laudable efforts to introduce as far as practicable a metallic currency are overlooked by those making the complaint. Sir, I present to the committee a table from the mint of the United States, showing the total coinage at the mint from the year 1795 to the year 1835, inclusive. I find the whole sum to be $61,816,658 48, of which $29,609,823 50 were coined during the seven years of General Jackson's administration, and thus lacking only $2,597,003 08 of being as much as was coined during the previous thirty-three years. In the years 1834 and 1835, including the months of January, February, and March of the present year, there were coined at the mint $5,967,525 of gold.

Another of the censures cast upon the Administration is, that there is no law securing the deposit of the public revenue, and rendering it legally accountable to the Government. It is true, sir, there is no such law; and why is it that there is none? I answer, because Congress has not passed it. I find, Mr. Chairman, that at the first session of the Twenty-Third Congress, (the panic session,) the majority of the Committee of Ways and Means, to whom the subject had been referred by their chairman, [Mr. POLK,] on the 4th of March, 1834, reported several resolutions to the House, viz:

1. "*Resolved*, That the Bank of the United States ought not to be rechartered.

2. "*Resolved*, That the public deposits ought not to be restored to the Bank of the United States.

3. "*Resolved*, That the State banks ought to be continued as the places of deposit of the public money, and that it is expedient for Congress to make further provision by law, prescribing the mode of selection, the securities to be taken, and the manner and terms on which they are to be employed; and a fourth, recommending the appointment of a select committee, to examine into the state and condition of the banks of the United States."

These resolutions were all adopted by the House, upon separate votes taken on each. The minority of the same committee, by Mr. BINNEY, on the same day, (4th of March, 1834,) made their report to the House, which closes in the following words: "The minority are, upon the 'whole, of opinion, that none of the reasons assigned by the Secretary in his communication to 'Congress are sufficient to justify the removal of 'the deposits. They are also of opinion, that it 'is due to the bank *to return them*, without regard 'to the sentiment of the House upon the subject 'of recharter. They are further of opinion, that 'the situation of the country requires immediate 'action by Congress, to restore public confidence, 'and to prevent a derangement of the currency. 'And they express to the House their settled conviction, that these objects will not be attained *if* '*the public deposits are left in the State banks.* They 'think, besides, that the universal voice of the 'country requires that something shall be immediately done for public relief, and that the resolutions proposed by the committee will only 'aggravate the existing evils, instead of producing 'a remedy." In pursuance of the third resolution, a bill was reported to the House on the 22d of April, 1834, by Mr. POLK, from the Committee of Ways and Means, "regulating the deposit of the money of the United States in certain local banks," which finally passed the House on the 24th of June, and went to the Senate, *from whence it never returned.* It is scarcely necessary to add, that the friends of the Administration were for the bill, and those in the Opposition against it.

The President, in his annual message delivered to Congress at the commencement of the last session, recommended the regulation of the deposits in the following words:

"The attention of Congress is earnestly invited to the regulation of the deposits in the State banks by law, although the power now exercised by the executive department in this behalf is only such as was uniformly exerted through every Administration, from the origin of the Government up to the establishment of the present bank; yet it is one which is susceptible of regulation by law, and therefore ought so to be regulated. The power of Congress to direct in what places the Treasurer shall keep the moneys in the Treasury, and to impose restrictions upon the executive authority in relation to their custody and removal, is unlimited, and its exercise will rather be courted than discouraged by those public officers and agents on whom rests the responsibility for their safety. It is desirable that as little power as possible should be left to the President or Secretary of the Treasury over those institutions, which, being thus freed from executive influence, and without a common head to direct their operations, would have neither the temptation nor the ability to interfere in the political conflicts of the country. Not deriving their charters from the national authorities, they would never have those inducements to meddle in general elections which have led the Bank of the United States to agitate and convulse the country for upwards of two years."

The Committee of Ways and Means to whom the subject had been referred, in conformity to the recommendation of the President's message, on the 16th of December, 1834, reported by Mr. Polk, their chairman, another bill to the House, "regulating the deposit of the money of the United States in certain local banks." This bill, it being a short session, after much struggling by the friends of the Administration to pass it, was left with the unfinished business of the session. And, sir, what the course of the Senate was, (a majority of whom were opposed to the Administration on this subject,) I refer to the history of the times to prove. It will be found, sir, on examination, that the party in that body in opposition to the Administration, as long as any reasonable hope was entertained of rechartering the Bank of the United States, kept that object steadily in view, and labored to make the deposit question the instrument of its accomplishment, whilst the friends of the Administration were opposed to that course of policy. I have given this brief account of the matter, Mr. Chairman, to show where the responsibility of a failure to regulate the safe-keeping of the deposits by law ought in justice to fall, and to vindicate the Administration from the unwarranted imputation of neglect on this important subject.

Mr. Chairman, my colleague, in addressing the House, asked the question, "Can a single instance be found where any one received an office who did not belong to the party?" I will remind him, sir, of the appointment of two postmasters under this Administration in his own county; and that he may know to whom I allude, I will give their names, viz: Colonel Colby H. Taylor and Captain James Pace.

Sir, it has ever been considered an act of justice to select from the different States a due proportion, at least, of the important appointments within the gift of the Chief Magistrate. No State, perhaps, in the Union—none, certainly, considering its Federal numbers—has received at the hands of this Administration a more liberal observance of the rule than has the State of Kentucky. I appeal in vain to previous Administrations for an example of liberality comparable, in point of numbers, to what is exhibited in the following list, viz:

1. Thomas P. Moore, Minister to Colombia, commissioned 13th March, 1829.
2. James Shannon, Chargé d'Affaires to Central America—9th February, 1832.
3. Robert B. McAfee, do. to New Granada—9th February, 1833.
4. William T. Barry, Minister to Spain—10th April, 1835.
5. James C. Pickett, Secretary of Legation to Colombia—9th June, 1829.
6. James O. Harrison, Secretary of Legation to Spain—14th May, 1835.
7. William T. Barry, Postmaster General—9th March, 1829.
8. John Pope, Governor of Arkansas—9th March, 1829.
9. Amos Kendall, Fourth Auditor—March 21, 1829.
10. John T. Mason, Secretary of Michigan—20th May, 1830.
11. Charles S. Bibb, Judge in Arkansas—14th March, 1832.
12. Stephen T. Mason, Secretary of Michigan—12th July, 1831.
13. George Breathitt, Clerk to Commissioner under Convention with Naples—7th March, 1833.
14. Amos Kendall, Postmaster General—1st March, 1835.
15. James C. Pickett, Superintendent of the Patent Office—January 31, 1835.
16. James C. Pickett, Fourth Auditor—1st May, 1835.

Sir, I shall not follow the example of some gentlemen who, instead of discussing the fortification bill, have made it the occasion of going at large into what is called the distribution of the surplus revenue. That is a subject of magnitude, in itself sufficient for a separate discussion. I will, however, sir, take occasion to say, that if a bill were introduced to distribute among the States, according to their Federal Representative number, the revenue collected in the form of duties, I should be compelled to vote against it. In order to exemplify my meaning, sir, I will suppose the form of a bill, embracing a principle for which I would not and could not vote, viz:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a direct tax of $30,000,000 shall be immediately collected from the people of the States, according to their Federal Representative numbers, to be distributed back to the people of the States from whom it was collected, according to the same ratio: *Provided, however*, That before the distribution shall take place under this act, the costs incident to the collection and distribution shall first be deducted out of the same."

Sir, such a bill would introduce upon the people a principle wholly inconsistent with all my notions of the purposes for which the power of taxation was conferred upon Congress—a principle (if such it can be called) which, in its effects, would give to Congress unlimited power over the fortunes and property of every citizen of the United States, and, if practically executed, would paralyze the arm of industry and subject the people of the States to intolerable oppression and impoverishment; for, sir, if Congress could collect a direct tax of $30,000,000 for such a purpose, she could collect for the same purpose any amount she pleased. I therefore contend the Constitution confers no power on Congress to collect a direct tax for such a purpose. A tax collected in the form of duties is also collected from the people of the States, under that clause in the Constitution which declares—

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises—to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

And how is it collected from the people? I answer, in the price they pay for all imported articles purchased by them for family use, on which duties are payable. As then a direct tax, and a tax in the form of duties, are collected under the revenue power above quoted, they both stand upon the same ground, and can only be levied for national objects, defined in the Federal Constitution. Neither can be collected to be distributed to the States, or the people of the States, without a violation of that instrument. I therefore will never give my sanction to the introduction of such a principle. But, sir, the friends of distribution of the net proceeds of the public lands claim to derive their power to distribute the same from the following clause of the Constitution:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

It is not my purpose, however, now to go into the subject of distribution. I will, therefore, merely observe, that what I have felt it my duty to say in reply to my colleague is not, in any degree, intended to qualify or weaken the remarks which I had the honor to make a few days since upon the subject of the distribution of the net proceeds of the public lands, when the amendment offered by the gentleman from Virginia [Mr. MERCER] to the civil list bill was pending. I then spoke of the net proceeds of the public lands only, and not of the revenue collected in the form of duties; and lest it might be thought I would distribute to the States the duties, I have given this explanation.

In presenting this view, Mr. Chairman, of what the Administration has done for the country, I have only performed my duty. I do not seek to become the defender, the apologist, or even the eulogist of the Administration or its acts. They speak for themselves, and need not my feeble defense, nor the defense of any other man, to sustain them.

Sir, we know it is no easy task to administer the General Government to the satisfaction of all; and when we consider the untiring and relentless character of the opposition encountered by General Jackson ever since his election as Chief Magistrate, and the difficulties through which he has waded, it becomes a matter of astonishment that he has done as well as he has. I never expect to see any Administration exempt from errors and imperfections. Neither do I claim to exhibit this as perfect; but I claim for it, before its condemnation, a fair and just trial. It was predicted, sir, before his election to the office of Chief Magistrate, that he would involve the nation in war with some of the civilized Powers of the earth. That prediction has failed—we are at peace with all civilized nations. Our commercial relations are most prosperous—the rights and honor of the nation respected, and its character abroad exalted. Sir, we owe it to ourselves to cherish and cultivate a state of peace with foreign Powers—the mild and pacific character of our institutions is favorable to a state of peace. Yes, sir, ours is the land of equal rights—of civil and religious liberty. What nation so blessed with all that is good and great! Ought we not then so to live as to evince our gratitude for the rich provision—as to transmit through all time, to our latest posterity, these inestimable blessings in all their purity; to infuse, by our example, the spirit of liberty to every nation, until they, like ourselves, shall break the fetters by which they are enslaved, and reach the summit of political happiness—freedom of thought, freedom of speech, freedom of conscience, and freedom of action, fortified and secured by free government, based upon the will of the people?

PAY OF MILITIA.

REMARKS OF HON. AARON WARD,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

May 21, 1836,

On the "Bill to provide for the payment of expenses incurred and supplies furnished on account of the Militia received into the service of the United States for the defense of Florida."

Mr. WARD said he regretted that there was not a quorum present, so that the question could be taken. He would not detain the House with any remarks; but he felt that being a member of the Committee on Military Affairs, which reported the bill, and which, as it had been alleged, had acted in this instance without authority, he should do injustice to himself, as well as to the other members of the committee, if he remained silent. The gentleman from Maine, he said, had moved to recommit the bill to the Committee on Military Affairs, by which it had been reported. What was the bill as it was originally reported? and what was the reason for which the gentleman wished it recommitted? The bill, he said, simply directed the Secretary of War to cause to be paid the expenses that have been incurred and the supplies that have been furnished, in the States of South Carolina, Georgia, Alabama, Louisiana, and the Territory of Florida, on account of the militia received into the service of the United States for the defense of Florida, provided that the accounts of these claims be examined and audited at the Treasury, as in other cases.

On the 23d of April last the bill was reported to the House. It was not, as had been said by the gentleman from Massachusetts, [Mr. LINCOLN,] an appropriation bill. It was simply explanatory of an appropriation bill already passed, and made no appropriation whatever. What (he asked) was the amendment proposed by the gentleman from Florida? It was, if he understood it as he heard it read, that the troops ordered out, not by the Department of War, but by Generals Clinch and Hernandez, and the Governor of Florida, and regularly received into the service and mustered, and duly discharged, should be paid for their services. In consequence of the distance of the seat of war from this place, it was impossible to communicate to the Government, and yet orders for calling out the troops, in season to protect the frontier—he would not say against a savage foe, because gentlemen dislike to hear on this floor, on an appropriation bill, any reference to them, or to their scalping-knives or tomahawks having been raised against our defenseless inhabitants on that frontier—but he would say, with the permission of those gentlemen, that we do know that the Indians rose in arms, and before it was possible to communicate with the Secretary of War, to obtain the requisite order under the law which provides for calling forth the militia for the defense of the country, it was necessary to order out forces, which promptly repaired to the scene of hostilities. These facts had been made known to the committee by the Governor of the Territory, by the Secretary of War, and by the gentleman who represents the Territory in this House.

But we have been told that this House would be wanting in self-respect, if it sanctioned the practice which had but recently been commenced by the heads of Departments, in addressing communications on any subject to the chairmen of several standing committees. We have been gravely admonished, that these communications should come through the Executive to the Speaker, and by him submitted to the House for its action. This practice, which gentlemen now complain of, has existed from the first organization of the Government to the present time. It has long been, and still is, the practice of the committees of both branches of Congress to direct their chairmen, or some one of the members of the committee, whenever they derive any information which can be obtained from either of the heads of Departments, to call upon them for such information; and these communications are usually appended to, and form a part of, their report, as will be seen by referring to the printed reports of committees. Any other course to obtain that sort of information would be attended with serious inconvenience and great delay in transacting the public business.

An objection has been urged against this bill and the amendment of the gentleman from Florida, on the ground that the House has no information that a war now exists, but mere rumors, newspaper reports, or private letters. Not one word of information had been received, as had been alleged by gentlemen, through the proper channel, the Executive, in relation to the existence of Indian hostilities.

Such, however, is not the case, as was justly observed by the honorable gentleman from Florida, [Mr. WHITE.] That honorable gentleman stated, that more than three months ago a communication was sent to this House by the Executive, and printed, and laid upon members' tables, stating all the correspondence with the official agents of the Government, and causes of the war.

The objection made to this bill, that the subject had not been brought before the House, upon a recommendation of the President, comes strangely from the Opposition members, who are, and long have been, opposing the Administration, on the ground of executive usurpation, and declaring against executive patronage; yet now fold their arms, and wish to submit everything to executive dictation, and say they can do nothing till the Executive makes known his opinion. This is circumscribing executive power in a remarkable way: it is, in effect, placing in that officer the entire control of the foreign and domestic policy of the country. It is making him the sole judge and organ of all measures of precaution and defense. If he neglects his duty, or shrinks from assuming the responsibility, which he has never yet done, Congress can do nothing; and between the two, the country must go undefended.

This is a doctrine to which he was not willing to submit. High as was his opinion of the individual who now fills the executive chair, and much as he venerated that clearness and decision of intellect by which he is distinguished, he would not consent to divest this House of what he considered the most important of its privileges. And so long as he had a seat in the House, and saw a bill which he considered to be called for and necessary for the public good, he should vote for it, whether it had been submitted to or approved by the Executive or not. He felt it to be his duty to throw out these ideas for the consideration of the House, in reply to the observation of the gentleman from Maine; and as he could himself see no necessity for the reference, he hoped the House would adopt the amendment, and direct the bill to be engrossed and read a third time.

DEFENSE OF THE ADMINISTRATION.

SPEECH OF HON. G. W. B. TOWNS,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

WEDNESDAY, *May* 11, 1836,

In Committee of the Whole on the state of the Union, on the "Fortification Bill."

Mr. CHAIRMAN: I rise under the most painful sense of duty, with emotions such as I have seldom felt—with apprehensions not easily described. If, sir, under any circumstances, I could hope to engage the attention of the committee, I could scarcely expect, after the protracted discussion already had, to do so at this time. My purpose will be to submit the opinions I entertain on some of the important questions suggested by gentlemen in the course of this debate; and if I should be so fortunate as to deserve the credit of not exhausting the patience of the committee, I shall feel in some degree rewarded for my labor. I will take this occasion to remark, that while I reserve to myself the right to defend opinions I entertain, and the principles of the party to which I am attached, it will be my first object, as it would be my greatest pleasure, to avoid inflicting the slightest wound upon the feelings of any gentleman whose argument I shall attempt to answer. With the motives of gentlemen on this floor, I have nothing to do—motives lie buried too deep in the human heart for me to search after, and they will be treated by me as beyond the range of appropriate inquiry—sacred to the individual, sacred to the character of this body, and not to be questioned, only at the expense of harmony.

Sir, we have been assured by gentlemen of high standing in this House, in the progress of this debate, that there was a peculiar fitness, both in the time and usages of the Government, to enter not only into the examination of the principles of the present Administration, but to scan, with a searching eye, the political opinions and practices of the distinguished statesmen whose names are now before the American people for the first office in their gift. Since, sir, it has been the pleasure of gentlemen opposed to this Administration to urge an investigation into its principles and practices, as a paramount obligation upon this House, with no other apparent object than to connect whatever in their judgment may appear odious with one of the candidates before the people for the Chief Magistracy of the Union, it shall be my business to raise my humble voice in defense of principles and practices not of recent origin, but whose existence can be traced to the purest days of our republican institutions, and to show, sir, when these principles have been assailed, the blow has fallen either from open enemies, or pretended friends to the principles of the Republican party of this country, as founded on the Administration of Mr. Jefferson, and fully acted out by that of General Jackson. Sir, I will once for all assure this committee, that while I cherish the kindest personal feelings to every gentleman in this House with whom I have had the honor of cultivating an acquaintance, I must be permitted to differ with many of them in the views they have submitted in the progress of this discussion; and, differing from them, I shall claim no more nor less latitude in debate than they themselves have enjoyed. If, in the exercise of this right, feelings of an unpleasant character are produced, a recollection of bygone times revived, past occurrences reviewed, and the history of some of your statesmen, who are now seen attempting to control the destinies of their country, and who have but too often appeared as perturbed spirits in the important events in our history for the last twenty years, the fault will not have been mine; but the consequences must rest with honorable gentlemen whose range in debate has rendered such a course not one of choice with me, but of painful necessity.

Mr. Chairman, I shall not consume much of the time of the committee in attempting to answer any portion of the argument of the honorable gentleman from Virginia, [Mr. MCCOMAS,] who preceded me. Not, sir, because of any want of merit in that argument, but because much of what the gentleman said was in support of the power of Congress to distribute the proceeds of public lands, by an act such as the Senate has recently passed and sent to this House for our adoption. Nor will I complain, sir, at the infinite joy that honorable gentleman seemed to derive from the conviction upon his mind that he had established, quite beyond the reach of future disputation, that the opinion he entertained on the subject of the distribution of the public lands was in strict accordance with the opinions of President Jackson, as expressed in his communication of 1829. If the honorable gentleman had devoted more of his time and research into the true condition of the public Treasury, and the future prospect of a rapid decrease of our revenue, connected with a comprehensive view of the actual posture of affairs upon our own continent, he would probably have arrived at the conclusion that it would be quite time to devise means to disgorge your Treasury, when the just demands of the Government and the best interests of the people had been provided for. And surely, sir, the President of the United States cannot be understood as recommending a division of the revenue so long as the public service and public safety require its application to those purposes.

The President's views upon this, as upon every other subject, have, in the course of this discussion, been strangely misapprehended, or otherwise he has had the miserable misfortune of misunderstanding himself. When the President recommended to Congress "that it seemed to him 'that the most safe, just, and Federal disposition 'which could be made of the surplus revenue, 'would be its apportionment among the several 'States according to their ratio of representation; 'and should this measure not be found warranted 'by the Constitution, that it would be expedient 'to propose to the States an amendment authorizing it," he did not, he could not, mean that at the end of any single year, should there remain an unexpended balance, either unappropriated or undisbursed, it should at once be distributed in this way. But he meant, as his language clearly implies, that there should be accumulated in the Treasury, over and above the wants of the Government, a permanent fund, not likely to be affected by any sudden decrease of revenue; not likely to be required by any sudden change or disorder in our commerce or foreign relations, requiring large expenditures for the maritime frontier, or in various means of necessary and proper public defense. No, sir, the President never said in his message, or elsewhere, that the public treasure of this nation should be divided, when the great interest of the entire mass of the people of these States directed, without the possibility of a mistake, to what national ends their money should be applied. And, before the honorable gentleman from Virginia can claim to act in conformity with the opinion of President Jackson on this subject, he must first show an actual, a permanent, and fixed surplus, and not the mere possibility of an unexpended balance in the Treasury at the end of a single quarter, which may be required, not only for purposes of general defense, but to save your frontier from all the horrors of Indian barbarity before the next quarter. The honorable gentleman has also informed us, that while he does not believe in the various charges that have been made against the President, giving the leading measures of his Administration his cordial support, with the exception of his course on the removal of the public deposits, he nevertheless stands wholly uncommitted upon the subject of his successor.

The honorable gentleman has given the further assurance to the committee, that when the period shall arrive for him to exercise the elective franchise, he will march to the polls with the fearless spirit of a true Virginian, and there by his vote assert his preference for that man he should think best entitled to the public confidence. Sir, I would not discourage this manly bearing in the honorable member. I would not have him fall one jot or tittle from that bold and independent stand that he has chosen to occupy. I would barely remind him, that if the current scandal of the day is to be accredited, he will, in pursuing the course he has intimated, subject himself to the imputation of being the follower of that individual so often denounced as the non-committal candidate. But, sir, a consciousness of the injustice of this charge against that distinguished individual has doubtless had its influence upon the course of the honorable member, and therefore he is prepared to avow for himself, as worthy of a Virginia Representative, the very principle, if indeed it can be called a principle, which, so far as the Vice President is concerned, rests only upon vague charge, unsupported by proof, or grounded upon fact.

I will now, Mr. Chairman, having briefly noticed some of the arguments of the gentleman from Virginia, [Mr. MCCOMAS,] proceed to the consideration of the principles involved in the amendment offered by the honorable chairman of the Committee on Ways and Means, [Mr. CAMBRELENG,] to the bill on your table, and submit some reasons that will influence me in opposing the mode of distribution of the public revenue provided for in the bill proposed from the Senate. The great question now presented for the consideration of the American statesman is, whether a system of defense consistent with the genius and character of our institutions shall be adopted, and become the settled policy of the Government, until that system shall be completed; or whether we shall adhere to that policy heretofore pursued, restrained as it has been for the want of funds, and so contracted in its scale as to afford a very insecure protection to the numerous exposed points of our widely extended territory. In determining wisely a question that addresses itself to the pride, the patriotism, and the judgment of every American citizen, we should take a comprehensive view, not only of our present actual condition, but should also extend our reflection to a period far beyond the present. We legislate now, not only for the time being, but to protect the interest, and insure the prosperity and happiness of those who are to come after us.

Sir, that statesman who does not look to the future as well as to the present interest of his country, who does not look to its future wants, necessities, and condition, falls infinitely short, in my opinion, of discharging his first duty to himself and to future generations. What subject, let me ask you, could address itself more favorably to our consideration than the subject of our national defense? If, sir, there be anything in the recollection of past danger, if one page of our country's history affords more joy than another, is it not that page which tells the story of the gallant and brave resistance of your countrymen fighting from within the walls of your fortifications, repelling a proud and experienced enemy far exceeding themselves in number, and possessed of the munitions of war many times more than equal to their own? Sir, it is not upon the slender basis of imaginary advantage that I would advocate the bill upon your table. The principles of that bill are sanctioned by the experience of all ages and of all countries. Go to any nation, look to the condition of any people who feel themselves happy and believe themselves safe, you will find that their great interest is protected by that system of defense which is best adapted to their condition. Our Government is not of force, but of voluntary legal restraint; and the people that yield obedience to that Government can expect nothing less than protection from it. How are you to protect them, if the defenseless state of your maritime coast invites rather than deters foreign invasion? Let any man look to the immense property, private and public, spread upon our maritime frontier, from Canada to Texas, and deceive himself with the belief that it is not necessary to throw between that property and the approach of the invader the most ample defense. Sir, the man who has studied the human character, with the belief that, with either individuals or nations, the greatest security is to be found in the greatest degree of weakness and dependence, has trimmed his midnight lamp to little profit. And the American statesman who believes that our greatest security depends in doing nothing for national defense, does but invite the cupidity, the avarice, the ambition, and, in short, the worst passions of bold, daring, and ambitious invaders to commit

lawless outrages on the rights of others—to invade our shores and destroy the property of our citizens. You have been admonished by the Father of his Country, that "in peace prepare for war," and this maxim, delivered by one whose memory, so cherished by all, has been uniformly impressed upon the attention of Congress through every Administration, so far as my researches extend, except that of Mr. Jefferson, and is now recommended and enforced by a recurrence to our situation by the present Executive, of whom it may be said that there lives not the man on this continent whose experience and penetration on this subject entitle his opinion to more respect and attention. Sir, he has, in his last message, called the attention of Congress to the subject of our defense. In adverting to the fact that the gathering storm, which had for the preceding twelve months been lowering over us, had passed away, leaving our horizon clear, unclouded, and serene, with ample means and abundance of materials and leisure to carry on a system of defense, he has indulged the hope that he might press the subject without the danger of being misunderstood, and from considerations of patriotism alone. There have been studied and labored efforts made by honorable gentlemen to make this system of defense, as recommended by the present Administration, unpopular, on the ground that it was establishing a large standing army in time of peace, dangerous to our liberties, fatal to our prosperity, and in utter disregard of that plain system of republican simplicity, so much the admiration, either actual or professed, of all parties. Sir, misrepresentation on this point, both as to motive and effect, were little less than any man who has observed the course of debate during the present session could expect. Yet I could but feel some little astonishment when the honorable gentleman from Tennessee [Mr. BELL] assumed the broad ground that the course of policy, as contained in the appropriation bills of the present Congress, was, in principle, identical with the policy of the odious part of the Administration of the elder Adams. Sir, my valued friend from Virginia [Mr. GARLAND] answered the argument of the gentleman from Tennessee [Mr. BELL] so conclusively on this point, that I will, at this time, forbear further notice of that charge, but reserve for another part of my remarks an answer to some of the many errors in which I apprehend the honorable gentleman [Mr. BELL] has fallen. For one, I am willing to admit there is a secret joy, a feeling truly national, that springs up in my bosom, at the contemplation of that period when these United States, as one family, protected in our domestic and Federal relations, by preserving unimpaired the guarantees of the Constitution, will be able to look to her entire frontier, and be prepared, by her means of defense, to stand upon her own border and bid defiance to all the Powers of the earth that would dare pollute our sacred soil with invasion.

Now, sir, does it necessarily follow, for the purpose to which I have alluded, that you are to plant your forts at every harbor and inlet on your Atlantic and gulf frontier? No, sir, so far as that particular arm of the national defense is concerned, I would only propose that your large commercial cities, and the inlets to those harbors where your Navy can ride in safety, should be protected by forts that would prevent the possibility of surprise by a superior naval force. But, sir, it is not forts alone, judiciously arranged and placed at commanding points, that I desire to see. It is the increase of your Navy, so that the commerce of the country may be safe in every sea and in every clime; that the product of the husbandman, when sent to seek a foreign market, is not to be rendered valueless because of the danger of seeking that market. No, sir, let every branch of industry receive equal protection; let the great interest of your planter be secured by the protection which your Navy ought to afford; for it is in vain to speak of commerce, it is in vain to tell me that the producer of the staple articles of this country is not deeply and vitally interested in strengthening the naval arm of your defense, so that the dangers of commerce, which tend to lessen the value of the article in the home market, should not be diminished by the want of that protection which can alone be extended by a wise application of your public treasure to place your Navy in a position of strength that will command the respect of the world. Sir, it is folly to have a Navy unless you, by means of fortifications, so protect your harbors that that Navy will lie safe from the attack of a superior force. And yet a system, so moderate in itself, aiming at no other end than to give greater security to every interest of every citizen of these united States, has been denounced as a system intended to enslave them and entail upon them the evils of heavy taxation. Sir, I will not further trouble the committee on this point; I should feel humbled, I should feel as if I had betrayed the interest of my constituents, were I to return home and tell them, that under the most favorable circumstances, and with an overflowing Treasury, I had failed to support the only measure that would make them prosperous in peace, and safe in war. I have endeavored to offer some reasons to the committee to show that it is our first duty to place the country in a proper state of defense. I have treated that branch of the question as a whole, without attempting to discriminate between the points necessary and proper for the defense on the one hand, or the equality or inequality in the public disbursements, in a geographical point of view, on the other. These are considerations that never can operate upon my mind in determining upon a system of public works, which in order to receive general approbation must be established upon principles of equal justice.

I will now, Mr. Chairman, proceed to show that while the public treasure is quite sufficient for all the purposes of a wise system of national defense, no mistake is greater, none that has received a wider range of circulation than that we shall have a surplus of from thirty to fifty millions on the 1st of January, 1837. I have no such fears as many gentlemen have expressed, either as to the amount of the surplus or the danger to which our institutions are to be exposed from the supposed corrupting influence of any accumulation of money that may be in our Treasury. Sir, my apprehensions are of a very different character. There is something to dread from that restless anxiety created by continual excitement on almost every subject. There may be hereafter abundant cause for sympathy for those gentlemen who have again and again announced to the American people that their money had accumulated, and was accumulating, in the public Treasury to the amount of fifty millions above the wants of the Government. It may be, sir, that there will arise in the bosom of that people who are thus informed a curiosity to inquire, and a spirit to know, by what means and by whose system of public policy it was that this money has been thus unnecessarily taken from their pockets. It may happen, sir, that the spirit of inquiry, honest, indignant inquiry, may still go further. It may occur to our constituents, in such an investigation, that the very party—nay, more, the combination of parties, that are now proclaiming the existence of millions of surplus revenue in the Treasury, are the very men, the very party—yes, sir, the combination of parties, that originated, cherished, and sustained the system, by the operation of which alone the surplus of the people's money, which they now propose to return back by the way of distribution among the several States of the Union, has been produced. Sir, let no man here or elsewhere deceive himself by attempting to mislead others. The American people will ask the question—common sense dictates, common justice requires, and common honesty would give a plain answer to it—From whence arose this enormous surplus? Did it come out of the pockets of the people? If it did, why did you exact of us more than you wanted for the use of the Government? Why demand in advance our substance, our money, and the proceeds of our industry? Let the politicians who say there are countless millions now to divide and enrich the people, march up to these questions, and give them a plain answer. Sir, the people are not to be deceived by those professions of friendship and kindness. We have heard much about the people's rights being violated, disregarded, and trampled under foot by withholding from them this surplus revenue. But gentlemen should remember that by these professions they virtually plead guilty to the charge of unjustly exacting from the people any amount they now propose to return. It is in vain for gentlemen to shift ground, and charge the state of things they have chosen to assume as true upon any regular operation of our system of government. Such a charge, no matter from what quarter made, would receive the prompt refutation of every candid and patriotic bosom.

But, Mr. Chairman, let us consult the best sources of information, not only to ascertain the probable amount of revenue we may have on 1st January, 1837, but the causes that have led to the increase of that revenue for the last two years, and examine with fairness and candor the probable operation of events upon the sources of revenue. It is well known that our revenue is principally derived from the sales of our public lands, and from duties imposed upon foreign merchandise; and if it can be shown that there has been an unusual importation of dutiable goods, and an unexampled sale of the public lands within the two last years, it will follow that no prudent financier will take the revenue of those two years as the basis of his calculation for any period hereafter, unless it can be shown that the same causes that produced the increase for the last two years, will continue to exist, and have the same effect for the time to come.

Sir, the amount of goods paying duties imported in the year 1834 was $47,000,000, and the amount for 1835 was $66,000,000, making a difference of $19,000,000 of dutiable goods between the years 1834 and 1835. What is the fact exhibited by the sales of the public lands? In 1834, your sales amounted to $4,887,600, and in 1835, swelled to the enormous sum of $14,757,600, showing a difference of nearly ten millions in the amount of the sales of public lands alone in the two last years. In 1833, the actual receipts in the Treasury from all sources were $33,960,203; during the year 1834, the actual receipts from all sources were $21,791,935. In 1835, the actual amount of revenue from all sources was $34,913,755. I have presented these facts with the view, Mr. Chairman, of showing the rapid changes that take place in the amount of dutiable goods imported within the last two years, to show the difference of revenue for those years, and to give some reason in explanation of the sudden increase of the last year. I should not make the slightest allusion to a fact so well understood by this committee, but for the purpose of establishing a proposition which I had promised to maintain.

The character of the American merchant is as well established for promptness of action as for quickness of conception, and no sooner did the relations between this Government and France assume a doubtful aspect, than the importing merchants, both of this country and of Europe, periled something in anticipation of a rupture between the two countries; and hence the chief, if not the only cause of the difference of $19,000,000 in the imports of 1835 and 1834. Would it, then, be fair to infer that this rapid increase was necessary to meet the increased demand for consumption? Or is it to be attributed to that spirit of speculation that so well defines the character of the merchant? Sir, every candid man, be he of what party he may, must ascribe this sudden increase of imports to the mistaken calculations of merchants; and if it was necessary to adduce proof in support of a proposition so clear, is it not found in the fact that, at this time, at the very points, in the very cities, where the largest importations were made there is now the heaviest pressure in the money market? Sir, I would not undertake to establish before this committee what every gentleman must admit to be true, that embarrassments are never lighter, or the money market less pressed, than when the amount of imports does not exceed the demands of consumption. Nor will it be a difficult point to establish, that if the embarrassment now felt in some of our Atlantic cities has proceeded from excessive importations beyond the wants of consumption, we may look with absolute certainty for a sudden diminution of revenue from that source. This extravagant trade of over importation has had the effect to abstract from circulation the precise amount which has been invested in that trade, and remains in the hands of the

importer, for the want of purchasers; for in vain does the foreign article seek a market, when the wants of the consumer have been supplied. The amount that remains in the hands of the merchant is dead capital, and its place must be supplied, or money raised to an equal amount, by an overdraw upon the usual demand upon the money market. This state of things, which is the unavoidable consequence of overtrading, has been used by the enemies of the Administration to show the wretched state of the currency, arising, as they allege, from excessive issues of bank paper from State institutions. The operation of this excessive trade is perfectly clear. The money dealers, whose business it is to watch over and profit by the folly, miscalculation, and overtrading of the merchant, no sooner perceive their condition than they add an increased charge upon the use of their money. The merchant is compelled to pay it until the wants of the consumer will afford him an opportunity of realizing cash upon that portion of his stock which had remained upon his hands as dead capital, driving the merchant to all the expense and additional charge of raising money at an increased rate of interest; an operation well calculated, and often leading to, his utter failure and ruin. It is worthy of remark that no sooner had the opponents of the Administration perceived that the last year had been signalized for excessive trading, than they instantly predicted, what they well knew was inevitable, a pressure in the money market, and the increase of domestic exchange, charging the whole to what they are pleased to call the "gold humbug." All this has been done to arrest an experiment that promises fair to succeed, but which, if overthrown, must raise another national bank. But, sir, I ask, can any man look into the present condition of trade, and believe that our revenue from imposts will equal that of last year? Can any man believe that the enormous sum of nearly fifteen millions is again to be received from the proceeds of land sales in any one year? No, sir; the time is not far distant when the revenue from that source must fall to less than two millions.

Having exhibited some reasons in support of the opinion I set out with, in order to place this question of surplus revenue beyond all doubt, I am willing to take as the probable amount of revenue from all sources, the amount of revenue for the year 1833, which is.....$33,960,203 80
To this add the surplus on the 1st of January, 1836..... 16,850,914 00

$50,811,117 80

So that if the amount of revenue from all sources for 1836 should equal that for 1833, then we shall have the above amount of $50,811,117 80; provided I show that the balance in the Treasury subject to appropriations on the 1st of January, 1836, was $16,850,914 00. We will now take the revenue from all sources for the year 1834, which was.....$21,791,935 55
Add to this the balance on the 1st of January, 1836..... 16,850,914 00

$38,642,849 55

But take the prosperous year of 1835, with an increase of revenue from land sales over and above any other year nearly ten millions. From all sources the revenue of 1835 was, $34,913,755 14
To this add the amount in the Treasury 1st January, 1836... 16,850,914 00

$51,764,669 14

Now, I would appeal to the sober reflection of every gentleman if we can believe the revenue of 1836 is to equal that of 1835? But admitting it did, which I cannot believe, we shall have only a little above fifty-one and a half millions, out of which we are to provide, not only for the usual and customary expenditures of the Government, but also for the payment of large sums for Indian treaties, if they can be so called. We are to provide for a Florida war with the Seminoles, we are to provide for arming a force to protect our western frontiers, and for what other hostilities we cannot tell, but the expenditures of which we cannot doubt. I submit the following as a probable safe calculation of appropriations for 1836:

For the ordinary and extraordinary appropriations for 1836.....$24,000,000
For Seminole war..... 2,120,000
For three per cent. to States on sales of lands..... 500,000
For Indian treaties..... 8,767,325

$35,387,325

To this every prudent man would add at least, for prosecuting the Florida Florida and other Indian wars *that may arise*, the sum of..... 5,000,000

$40,387,325

Deduct this sum from the amount that is supposed will be in the Treasury in 1836, placing that amount upon the largest estimate, and you will have $11,377,344 14. To this add bank stock, and you will then have less than $20,000,000 on the 1st of January, 1837.

But, sir, take the receipts of 1833 from all sources as the bases of your calculation, which strikes me as by far the safest, remembering as we do that there is one tenth of reduction under the tariff, and the Treasury then, so far from having a surplus to divide, will be deficient $1,744,475 45, except the bank stock. But take the Treasurer's own report; and though I will admit that it is the fashion for every gentleman so to make his table as to prove his proposition, still I believe that none is entitled to more respect than the Secretary of the Treasury.

From the Secretary of the Treasury's annual report to this Congress it appears that the receipts in the Treasury from all sources, during the year 1836, are estimated at....$19,750,000
To which add the balance of the available funds in the Treasury, estimated at..... 18,047,598

And they make together the sum of..$37,797,598

Should the appropriations, then, amount to the sum I have supposed, your Treasury will be minus $2,589,727, not including the bank stock. But if the land bill should pass, you will then have distributed $20,000,000 for 1833, 1834, and 1835, and every dollar that may be received from that source for the present year, which would, independent of the receipts of the present year, leave your Treasury in debt upwards of twenty millions. How is it to be supplied? The answer is plain—increase your tariff, so well understood by most of the advocates for distribution.

Mr. Chairman, to my mind there is but one course to pursue; first, put whatever surplus you may have in circulation, guarding its safety by efficient legislation; second, provide for its prompt return into your Treasury whenever the public service shall require it. This we should do, and not indulge in dreams about the countless millions that are to flow into your Treasury. Sir, consider fully the operation of the tariff on your revenue, before you devise plans to distribute. Avoid any and every act that may lead to interruption of the compromise act as it is. Let it alone for the present, for fear of a worse.

But, Mr. Chairman, should I be deceived in the results to which my investigations have led me on the subject of the surplus revenue, and that, in point of fact, we should have a permanent surplus for the next two years, which it seems to me no man who investigates the subject can possibly believe, then, sir, I shall maintain before this committee and the country, that the public treasure should not be divided among the States, in the way proposed by the Senate, but should be reserved, to be applied to purposes dear to every American bosom, the protection of our own citizens on our western frontier, and within the limits of the States and Territories of the South, from the cruel butcheries that await them from a merciless foe, as well as to complete our defenses on the maritime frontier and on the ocean. I call upon those gentlemen who are urging upon us this novel plan of divesting the Government of the means of protecting her citizens, to look well to the condition of your western and southwestern frontier. I ask the western members on this floor, I ask what prudent man, what discreet statesman, would advocate a measure of this character, when dangers so alarming are multiplying daily in that quarter? We already know that the savage yell, the war whoop of the fiercest barbarians that inhabit the continent, has been heard in your western prairies. The work of death may have commenced before this. Of one fact, sir, we cannot plead ignorance, that the savages that have for years past roamed within the limits of the States, numbering in all many thousands, have been mostly removed to their allotted homes in the West, many carrying with them implacable hatred for the white man, and ready, under the slightest pretext, on the least encouragement, to plunge deep the battle ax and scalping-knife in the bosoms of our unprotected citizens.

Nor is it from the Indian race alone that we have much to apprehend. There has of late appeared in that quarter a monster, who wears the form of man, and bears the name of Christian; whose treachery in war, butchery in cold blood, and lawless despotism, give him the first, the highest claim to the execration of all mankind. Yes, sir, let the blood-stained flag of that more than barbarian Santa Anna once float on our western borders, and you had as well attempt to prevent the Mississippi from pouring her waters in the bosom of the ocean, as to restrain the freemen of this country from rushing to the rescue—yes, sir, and the revenge of their suffering countrymen! Sir, our citizens are aroused; the spirit of liberty is kindling around the household altars. The prayers of the good, and the spirits of the brave will in due season be heard, be felt, be acknowledged; and for one I say, let that spirit, that voice, and sympathy in behalf of liberty, religious and political rights, go forth. I will not check its aspirations, but bid it ascend and mingle with like kindred spirits, that in the hour of our darkest colonial bondage gave us aid. It is not to be said of the North Americans that they can stand by and see a struggle on their own continent, within sight of their own boundary, between lawless tyranny and despotism on the one hand, characterized by acts of perfidy and cruelty utterly unworthy of the spirit of the age, and a portion of the Anglo-Saxon race on the other. Sir, I am no advocate, however strong our sympathies, to violate the treaty made between this Government and Mexico. I would not consent to any proposition in violation of that high and lofty stand this Government has taken and uniformly observed in our intercourse with foreign Governments. No, sir, I would not have that character for justice and good faith in her relations to other Powers with which she set out in her infancy, and always nobly maintained in her greatest extremity, now tarnished at this late day. But still I would have this Government plant herself upon a high and unequivocal ground, ready to assert every right arising under international law, or growing out of the treaties with Mexico; and, sir, I would have more; I would increase the military arm in that quarter with the strength that would command the respect due by Santa Anna to the compacts between this Government and his own, or, on his failure to do so, crush at once the tyrant, whose cruelty in war has thrown him beyond the sympathy of the Christian world. Yes, sir, I would be prepared not only to prevent the massacre of our own citizens in that quarter, but promptly to revenge any indignity, any violation of faith, any treachery that might be attempted by this usurper. And am I to be told that we are to divide the revenue among the States so as to prevent this Government from taking a position demanded by every principle of justice, sound policy, and love of country? No, sir, I think I know the character of the people of this Union, their innate love of liberty and constitutional government, too well to believe that they would hesitate, under the present state of affairs, between a proposition to divide the money on the one hand, or to husband it up with care to be applied by the Government to purposes of defense, to preserve our honor and enforce the laws of humanity.

Sir, I heard on this floor, a few days since, sentiments from an honorable member from Ohio,

[Mr. MASON,] in relation to the motives of that band of patriots who are now struggling for liberty in Texas, that excited in my bosom any other than pleasant emotions. Does it become a freeman, an American statesman, in the face of the world, to brand a band of brothers, few in numbers, weak in resources, contending against fearful odds, for the rights of religion and equal government, as a band of mercenary speculators? No, sir, I will raise my voice, and maintain here, and in face of the world, that no such base, sordid, and selfish motives have influenced a portion of the gallant men who have been seen foremost in the struggle for liberty that is now going on in Texas. Many of them, sir, were citizens of my own State. I knew them personally, and knew them well, and the spot on earth cannot be pointed out that has given birth to braver, more dauntless spirits, who would peril more for equality, liberty, and constitutional Government. But they have fallen—they live now but in the memory of their friends. The treachery of a despot, a heartless tyrant, has sunk them low in death; but there lives a spirit in the bosom of every patriot in this Union ready to do homage to that holy love of liberty that induced them to abandon home, quiet, and enjoyment, to aid their suffering friends in a struggle against oppression.

Of one of those gallant men whose fate is involved in so much mystery, I would speak more particularly; I mean Colonel Fannin. Sir, he was my friend in infancy, my companion at school, and though opposed in our political course in our native State, (Georgia,) let my charitable office thus publicly, whether he be living or dead, bear testimony to his moral courage, his manly bearing and elevated feeling in his intercourse with all. That he was fearless, none can doubt; that he was generous, all can attest who knew him; and that he has fought for liberty and conscience, and not for plunder, let the history of Texas for the last five years decide. Sir, I will say no more. My object was not to eulogize men, but to defend their gallant acts from the imputations thrown upon their motives by gentlemen on this floor. Had I remained silent, I should have felt as if I was pursuing a cold and calculating policy, as cold as I have been induced to think influenced some honorable gentlemen in opposing every measure that originates in this House having the slightest reference to the condition of Texas.

But, sir, the danger we have to dread is not from Santa Anna alone. It may be that while we may avoid any collision with him, every gentleman the least conversant with Indian character, is perfectly apprised of the influence that the war now in Texas may have on all the Indian tribes in that quarter. When the work of death once commences, no matter by whom or how, the first breeze that bears the scent of blood inflames their passions, and, regardless of consequences, they straightway engage in the contest on the one side or the other. Let the war become general with your western Indians, and I greatly fear that the treasure, of which so much has been said, will not be adequate to the pressing demands of the public service. But it is not on your western and southwestern frontier that your citizens are alone exposed to savage cruelty. Look to Florida; already you have appropriated about two and a half millions for the prosecution of that war, and the first effectual blow is yet to be given for its suppression. We all know that the tomahawk is seen gleaming in that quarter; savage ferocity is yet unsubdued, and your Army has been compelled to seek *summer* quarters, in a healthy situation, in order to avoid, in some degree, the diseases of that climate. Vegetation has long since put forth, concealing the approach of the red man, who lies concealed in ambush for a favorable opportunity to attack, without incurring much danger. Not only this, sir, but there is a peculiarity in the face of the country rendering any effort, in the summer season, to subdue the Seminoles difficult and uncertain. The low lands, the interminable swamps of that country, afford ample security to the native Indian; his habits of living being plain and simple, are easily supplied. Under such prospects, who can say when hostilities in that quarter are to end? But, above all, who will undertake to mention the sum of money that will be expended in that contest? Nor is it in Florida that indications of the most alarming character are becoming daily more manifest. Look to the Creek Indians in Alabama and on the frontier of Georgia. A tribe, not contemptible in numbers, with all the feelings of restless discontent, in the midst of whom is scattered here and there your own citizens, unprotected by military force. Instigated, as those Indians doubtless will be, by the failure of the Florida campaign, to acts of cruelty, can we but foresee in all this, abundant cause to preserve untouched the sinews of war? Are we to divide the last dollar in your Treasury, when the next mail from the South may tell you that thousands of the Creek Indians are embodied and in the field, spreading desolation far and wide? Should a war break out with the Creeks, of which I can have but little doubt, will gentlemen tell me how many millions it will take to put them down and remove them to the West? Not like the Seminoles, few and weak, the Creeks number, perhaps, not less than five thousand warriors. Such force, with concert of action, will desolate the whole of the country now occupied by themselves and the whites in common, before efficient aid can be called to check them.

But there is another demand upon your treasure that cannot be longer postponed without a total disregard of the obligations of the Government to one of your States. Let it not be forgotten that as far back as 1802, the Federal Government entered into certain stipulations for the removal of the Indians within the limits of Georgia so soon as the same could be done peaceably. In consideration of this compact Georgia ceded to the Federal Government an immense tract of country. I will not say how that promise has been redeemed, but I will say that it has been permitted to rest and to slumber until the present Administration has succeeded in effecting two treaties, the last of which is now before the Senate for ratification. It may be, sir, that the fate of that treaty is known to gentlemen, and that the sum of $5,500,000 that it provides for the payment to the Indians for their country is to be divided among the States, and the rights of Georgia to the quiet possession of the Cherokee lands are still to sleep; but I hope that question will soon be settled, and if so, gentlemen will perceive that the demand upon your Treasury, arising from that and other Indian treaties, will not fall far short of eight million dollars.

Nor is it alone, sir, the indications of approaching difficulties on our own continent that admonish us both to prepare, by a wise and judicious plan of public defense, and by a prudent saving of our treasure; but the leading Powers of the Old World occupy, at this moment, a position full of interest to us. I believe that a contest between Russia on the one hand, and England and France on the other, is not far distant. Should such a contest arise, who can foresee its influence upon this continent? Who will undertake to say, in such a fearful conflict, what additional force to our Navy may become necessary in order to enable us to protect our commerce, and to preserve that neutrality which has been, and will doubtless continue to be, the policy of this Government? Whenever the period shall arrive that these great Powers of Europe shall engage in a war, when the principles involved are constitutional government on the one hand and unlimited dominion on the other, no one can foresee the period of its termination or its influence on the policy of every commercial nation on the globe. One thing strikes me as recommended by every prudential consideration for our own safety, happiness, and prosperity—that we should look well to all the means necessary to put our Navy on a respectable footing, to be able to assert and maintain the just rights of a neutral power; but this cannot be done if we unwisely distribute the means of doing it. I have, Mr. Chairman, detained the committee longer than I intended in showing that it was our first duty to provide for the public defense; secondly, in demonstrating that there would not be a permanent surplus revenue; and thirdly, if there should be, we were, for the reasons which I have presented to the consideration of the committee, admonished to husband up that surplus to meet any sudden crisis of which I have given the indications.

Mr. Chairman, I must now invoke the indulgence of the committee for the time I shall consume in offering some considerations in answer to a certain portion of a speech delivered to the committee, on the naval appropriation bill by the honorable gentleman from South Carolina, [Mr. THOMPSON.] I had intended to have answered, as far as I was able, several grounds assumed by that honorable member, but being unable to obtain the floor until many gentlemen had addressed the committee, some of whom, and particularly my honorable friend from Virginia, [Mr. GARLAND,] have very fully answered the prominent arguments advanced by that gentleman, I shall confine myself to a few of his remarks, which either have escaped the attention of those who have preceded me, or have not been so fully replied to as I believe they should be. The honorable gentleman reminded the committee "that the President of the United States was rapidly passing from the stage of public action, and is about to assume his station in history." The honorable gentleman "would not anticipate what that station would be; he felt that he was not an impartial judge." Sir, I noticed this remark of the honorable gentleman, not for censure, but to return him a similar acknowledgment of the gratitude which I, in common with all the friends of the President, must feel in this manifestation of generous forbearance, by withholding that which was so completely in his power to do. Sir, had the honorable member "have *anticipated* that station in history" which the President is to fill can any one who knows that honorable member have doubted but, in despite of fate, that station, and that *alone*, would have been the *one* which the President would fill? Sir, for this charitable forbearance, so worthy the heart and the head, let the honorable member receive a nation's gratitude. Future historians may now assume their office; the faithful chronicler of an after day may now venture to tell posterity "the station in history" the President of the United States did fill, but surely none would have dared to have done so had that station been "anticipated" by the honorable member.

The gentleman from South Carolina, next in the order of his argument, presented a table containing the various estimates from the different Departments upon which bills have been reported. The avowed object of this table was to exhibit to the people of this Union the gross inequality of the public disbursements, and to show that now, as the gentleman contended, as through all past time, there had been a certain favored section of the country that had shared all the bounties and protection of the Government. The gentleman seemed to place great reliance upon the results, as exhibited by his table, and broke off on a sudden with all that honest indignation that naturally arises in a sensitive bosom upon the detection of a stupendous fraud, into a eulogy upon the patriotism of the South and West; spoke most handsomely of their attachment to the Union, but availed himself of the opportunity to give notice that his table had exhibited "appalling facts, that deserved the consideration of the South and West," and that if the system which his table had exposed was to become the settled policy of the country, that you would thereby "announce that this Government is one which no 'man from the South or West would desire to 'perpetuate, but one who was born to be a slave, 'and deserved his destiny."

Such language excited in my mind the most lively apprehension that there really existed some permanent, fatal, alarming inequality, grossly unjust, and calling for prompt and efficient correction. And with the view of examining a question of so much moment, started by the gentleman's famous *table of alarm*, as if the gentleman had aspired to no higher object than to frighten himself, and set to a new tune sentiments that have been chanted for a long time from a certain quarter of the Union, he divides our maritime frontier into as many divisions as was a certain army of late, calling one the north Atlantic, including in that division Virginia and Maryland, and the whole of the middle and eastern States; another the south Atlantic; and the remaining division the Gulf of Mexico. By this division the gentleman from South Carolina made a fine

display in figures of the inequality of the present appropriations; but, sir, was the gentleman dealing fairly with his own intellect? Was he dealing fairly with the Old Dominion when he thus attached her to the North? The better to enable him to alarm himself, unless the honorable gentleman has succeeded in proving what no one ever before pretended to assert, that Virginia and Maryland are northern States, he has utterly failed in establishing what he promised to show, the gross inequality in the disbursement of the public funds in the north Atlantic. I am willing to admit that the honorable gentleman could come as near proving, either by *figures* or *argument*, that Virginia was a northern State as any gentleman on this floor. Yet, sir, I should have thought a recollection of a small incident that occurred within the last four years between the States of South Carolina and Virginia would have protected the latter from being so unceremoniously attached to the North, "that favored section" of the Union, for no other apparent purpose than to furnish the gentleman with a "*fact*," from the aid of which he so *triumphantly* exposed the injustice and inequality of the public expenditures.

Mr. Chairman, I will now call the attention of the committee to some further remarks of the honorable gentleman from South Carolina, [Mr. THOMPSON,] which, in my opinion, furnish many considerations of both a painful and instructive character. And, sir, that I may avoid even the suspicion of doing the slightest injustice to the gentleman's argument, I will give that portion of his speech to which I advert.

The gentleman goes on to say:

"There are practicable plans of disposing of the surplus, if gentlemen will conquer all their personal and party prejudices, and pass the land bill, and the constitutional amendment for the distribution of the surplus revenue. These are, in *my judgment, the only practicable projects, and I rejoice in my heart* that they come from those two great minds, which have for the last twenty-five years so gloriously illustrated the history of their country. In the present, as in *every past crisis*—of *danger* and *difficulty*—the *war*, the *Missouri* question, the *compromise*—two *commanding figures* have been seen above the *horizon*, with the eyes of their countrymen intently fixed upon them, with a well placed *confidence*, which has never been disappointed. These men are out of power, or my voice should not be heard here in their eulogy. Sir, the expunging process must be carried very far. You must expunge the history of your country for a quarter of a century; you must tear from that history its brightest pages; ay, sir, and you must expunge from the human heart every virtuous and honorable sentiment, homage for genius, gratitude for public services, before their well-earned laurels can be torn from their brows. They will have added another to their many claims upon the gratitude of posterity, if they can succeed in relieving the country from the great danger of an overflowing Treasury—a difficulty for the first time known in the history of the world."

Such, Mr. Chairman, is the language of the honorable gentleman, and coming from him is entitled to a consideration which such sentiments would not otherwise receive from me. It will be my purpose to examine why it is that these "commanding figures" have appeared in our political horizon at every important crisis for the last twenty-five years, and to show, as the heavens give unerring indications to the mariner of the approaching storm, so when these "commanding figures" appear in our political horizon, the friends to our political institutions should prepare for the threatening tempest. Sir, I might content myself with the expression of the great surprise I felt at this open, undisguised, and public avowal of a connection which I had supposed had been the settled policy of the honorable gentleman's "much calumniated party," as he calls it, to conceal. But, coming from him under the circumstances, gives to the disclosure a claim of authority which no subsequent disclaimer can impair. The American people are no longer to be misled. They are no longer to indulge in idle speculation as to the motives and designs of these "commanding figures" that appear at every important crisis. The honorable gentleman has avowed their connection, and that avowal has been made in an American Congress. It has been circulated through the Union, and the gentleman rejoices in his heart that the project of the distribution of the surplus revenue by the land bill and the constitutional amendment "came from those two great minds that have so gloriously illustrated the history of their country."

Sir, I cannot envy the gentleman in the joy he feels in the contemplation of the fallen and ruined condition of his friend. That friend, so long as he adhered to the principles of his own particular creed, might have commanded the respect due to consistency; might have claimed homage for genius, and admiration for firmness; but connected as he has been by the gentleman from South Carolina, with such extraordinary boasting of joy, would deprive him of the common charities of private friendship in his greatest extremity. Sir, let no gentleman complain at a review of the political course pursued by these distinguished Senators, [Messrs. Clay and Calhoun.] Should I say anything seemingly unkind, my answer is, that the honorable member from South Carolina [Mr. THOMPSON] has forced that necessity on me by the position in which he has placed them before this committee and the nation. The fault is his, not mine. It will be remembered that those great minds who "have adorned every page of our country's history," are brought before us as the authors of the only practicable plan of disposing of the surplus revenue. We are said to be in imminent danger from an accumulation of public treasure, a circumstance unheard of in other Governments and without a parallel in the history of our own. Is it true? or is the assertion made to subserve the ends of some great political movement? I have attempted, and I hope satisfactorily, to show that there was no such surplus revenue. If, sir, the land bill of the Senator from Kentucky should become the law of the land, you would divide about twenty millions within the short period from the 1st of July to the 1st of October next, and twenty millions more by the 1st of April next, under certain conditions. How, then, sir, can any man doubt but that your treasure would be exhausted, that the country would be involved in a heavy debt, not only divested of the means of extending to our citizens adequate protection, but absolutely deprived of the means of meeting the ordinary and current expenses of the Government? Does not every gentleman foresee that with an exhausted Treasury, with pressing demands from the South and southwestern frontier, for the military arm of your Government, to protect your citizens from the cruel butchery with which they are threatened from the merciless savage, that the financial policy of the Government would necessarily change? Does not the Senator from Kentucky well know that such a state of things would renew his favorite American system, a system of which he is the reputed father; one that he has watched, cherished, protected, and defended with parental tenderness, from its infancy to manhood; from manhood to that wicked old age, when its depravity became so appalling, that its friends and enemies, by common consent, gave it out, that it should be buried in the compromise, there to remain until the bidding of some master spirit should call it forth? And, sir, has not that time now arrived? And is not the disgusting scene presented to our view, that he who would have felt himself dishonored [Mr. Calhoun] to have done the charitable office of pall-bearer to the lifeless corpse of the American system, is now to be seen in our political horizon, associated with Mr. Clay, bidding this spirit of discord ascend, that they may conjointly welcome its coming? Should that system be again renewed, no matter by what means, as the settled policy of this Government, the first day it shall be proclaimed, would be the last day of this Union.

Sir, it is not my habit to think or speak unkindly of the motives of others; but thoroughly am I convinced that if the projects of those distinguished Senators should succeed, the effect would be first to overwhelm the Government by a national debt, then to agitate the people, and finally to convulse this nation from one border to the other. And if, to avert such direful results, I should be driven to the necessity of presenting facts showing that the Senators from Kentucky and South Carolina are each pursuing a course disastrous to the best interests of the people of these States, and alone calculated to advance their own ambitious projects in any after contest that may arise, I shall feel, sir, that I have discharged the highest obligation I owe the institutions of the country, to my own conscience, and to my constituents. How instructive the example furnished us! How replete the life and history of these great men, of useful admonition to the aspiring ambition that but too often lies deeply buried, but not dead, in the bosom of the disappointed politician! Sir, the Senator from South Carolina rose with a luster commanding the admiration of all. With genius unsurpassed by any, with the confidence of the people, generous and confiding, his first movement was such as became the proud soul and elevated patriotism of an American statesman. That move, just twenty-four years ago, was on the side of his country. At that gloomy period, when British outrage upon the commerce and rights of our citizens left no alternative but the resistance that became a free people, or a submission to flagrant injustice that would have dishonored us before the world, the friend of the gentleman from South Carolina was seen to take his stand in the midst of the patriot statesmen of that day; and with a spirit truly American, with eloquence almost unsurpassed, with the powers of his great mind, urged on his countrymen to a vigorous, manly, bold resistance to foreign aggression. Sir, a recollection of this period should never be forgotten by the friend of the gentleman from South Carolina. It may yet serve to teach him, great as he is in mind, rapid as was his march to distinction and station, that there is a vast difference between devotion to his country and devotion to himself. It may serve to admonish him that there exists in this Union an American feeling not less ready to pay homage to public service, than to arrest the wild progress of infuriated passion and inordinate ambition; that whilst it will honor the one, it will assuredly rebuke and punish the other.

But, sir, to pursue this "commanding figure," the friend of the honorable gentleman from South Carolina, we find him both advocating and voting for the tariff of 1816. Whatever apology the peculiar condition of the manufacturing interest at that day furnished for the vote he then gave, I apprehend none will pretend to deny that in this act was planted the principles of that fatal American system that grew so rapidly, and exercised such alarming influence over the industry and products of labor, that the firmest patriots and most devoted friends to the Federal Government could but look to the gathering storm with feelings of the most anxious concern. In the winter of 1828, the Legislature of South Carolina entered their protest against the tariff, a paper uniformly ascribed to the pen of Mr. Calhoun, and containing this distinct annunciation as to the relative powers of the States and Federal Government:

"The General Government is one of specific powers, and it can rightfully exercise only the powers expressly granted, and those that may be necessary and proper to carry them into effect, all others being reserved expressly to the States, or to the people."

That this is a fair exponent of the doctrines of South Carolina in 1828, is not conjectural, but is part of the recorded history of your legislation; and that the document containing this doctrine has been uniformly ascribed to Mr. Calhoun, was never denied, so far as I know and believe. And I may add that, in my poor opinion, language cannot be found conveying with greater precision and more absolute accuracy the true theory of our Federal and State Governments, than the quotation I have made.

Sir, this was the settled and well-established doctrine of South Carolina statesmen, and particularly of Mr. Calhoun, up to and until after May, 1830. It was about that unfortunate period when disclosures were made by Mr. Crawford to General Jackson of a particular course pursued by Mr. Calhoun whilst a member of Mr. Monroe's Cabinet, in relation to the conduct of General Jackson in the Seminole campaign. The opinion I entertain of Mr. Crawford's conduct in making a disclosure of the Cabinet secrets is not called for; but I may say—and in thus expressing myself, if I am capable of expressing one sincere sentiment, it proceeds from my heart—that I have always regretted, that I deeply deplore that unnecessary, uncalled-for, and most unhappy rupture, which was the consequence of the communications of Mr. Crawford. From that fatal period, every movement, every political act of Mr. Calhoun has been characterized by a display

of vindictive feeling alike dangerous to himself and to his country. Mark, sir, in the short period that intervened between his breach with General Jackson and the issuing of his famous "*exposé*," the rapid progress, the wide-extended, and alarming range of discontent that pervaded every portion of the South where his influence could be exerted; but, above all, note the doctrine asserted and maintained in that *exposé*. No longer did we hear the true doctrine in relation to the Federal and State authorities, as asserted by the Legislature of South Carolina in 1828. It was then the fashionable, the received, the cherished doctrine, that each State was within itself absolutely sovereign and independent; and he who could not subscribe to this faith was, at home and abroad, denounced as a vile "submissionist," either incapable of understanding, or otherwise too timid to assert, his rights. Sir, is it not strange that Mr. Calhoun, with acknowledged powers of intellect, whose life, almost from boyhood, had been devoted to the public service, whose habit of study and pursuit of business had led him to a thorough and intimate acquaintance, not only with the Constitution, and the practices of the Government created by that Constitution, but with the opinions of all those apostles of liberty whose writings and principles have been the boast of all true patriots, and honored by the heartfelt gratitude of millions of freemen, should all this time have been groping in the dark, and never have discovered until after his rupture with General Jackson the true principles of the Constitution—the true relation between the Federal and State governments?

Look, sir, at the course of events in a certain portion of the South, from May, 1830, to the summer of 1832. The people that had once been quiet, happy, and contented—devoted to the Union, devoted to the institutions of the country, suddenly assuming an attitude alarming to the integrity, the peace, and happiness of the whole nation. I must not say what master spirit directed the storm. It is a part of the history of your country. From discontent to remonstrance, from remonstrance whole regiments were armed, organized, and prepared to march at a moment's warning, to assert in a most "peaceful and constitutional manner" the unconstitutionality of the tariff law. Yes, sir, it was then the motto of the party attached to the interest of Mr. Calhoun, in South Carolina, "millions for defense—not one cent for protection." All this, not until after that fatal feud between Mr. Calhoun and General Jackson, in which collision, hope, and expectation long cherished for the first office in this nation, suddenly vanished, and this "commanding figure" in receding from his position with his party, could but behold the rising form of another greater than himself, (Mr. Van Buren.) This was more than the proud spirit and feverish aspirations of the distinguished Senator from South Carolina could endure. From that moment he resolved that it should be sooner written of him "that he was," than he should live unavenged for his sudden and unexpected reverse in the tide of fortune. And never did man prosecute with more unrelenting zeal the idol of his ambition than Mr. Calhoun. Sir, with what perfect facility he abandons one system of principles and adopts others; to-day, denouncing the principles of the protecting system — to-morrow, greeting with a hearty welcome the friends, nay more, the father of that system: to-day, the able and eloquent advocate on the floor of Congress of the rights of minorities; but yesterday, at home in the bosom of his community, crushing beneath the iron hand of despotism the most sacred of all the rights of minorities—the rights of *conscience*.

Such, Mr. Chairman, is a brief history of the eventful period between May, 1830, and the action of Congress in 1833, in which the Senators from Kentucky and South Carolina played that part which drew forth the eulogy of the honorable gentleman, [Mr. THOMPSON.] And, sir, I ask this committee and the nation, what was the respective parts of each, and the credit due them, for the settlement of that deeply absorbing question? Will this committee refuse, or will the nation refuse, to hear the testimony furnished at that important crisis by the Senators from Kentucky and South Carolina? Let it not be forgotten that the broad ground assumed in the whole controversy in the South, in which Mr. Calhoun took the lead on one side, was, that a tariff of protection was unconstitutional, and that the act of 1832 was for the avowed purpose of protection to our own manufactures, as well as for revenue, and, therefore, unconstitutional, null, and void, and of no binding influence upon the people of the States. The Senator from Kentucky [Mr. CLAY] uniformly maintained the reverse of this doctrine. And, sir, it was with principles so directly opposite that the two great statesmen, and, in the language of the honorable gentleman from South Carolina, [Mr. THOMPSON,] "those two great minds which have for the last twenty-five years so gloriously illustrated the history of their country," took their position in the Senate of the United States for the purpose of settling this great question. Now, sir, arises an important inquiry, that every man in the United States should understand, what was the course that consistency demanded of each of these great minds, on this great occasion? Would it occur to any that, for the purpose of settling this question, there would be a total abandonment of all principle, on the one side, and no sacrifice of principle on the other? How was a compromise to be effected between such talented and incorruptible patriots? Why, sir, from the position of the Senator from South Carolina, "that millions for defense, but not one cent for protection," one would have supposed his object would have been to have pursued, as far as possible, his principles, for, if true to himself, and the principle of protection was preserved in the compromise bill, the obligation of his oath, as Senator of the United States, would have constrained him to have voted against all measures not authorized by, or in violation of, that instrument.

But, sir, the remaining inquiry is, did Mr. Calhoun vote for the tariff act of 1833? And does that act contain the principle of protection? That he did vote for the bill the Journals establish. That it does contain the principle of protection is as fully and distinctly admitted by the act itself, as if it had been written in so many words on the face of the bill. But I will not stop the proof at this. I will introduce the testimony of Mr. Clay, which will appear from the following portion of his speech, delivered at the same time and on the same memorable occasion of the compromise. Mr. Clay says, "pass this bill, tranquillize the country, restore confidence and affection in the Union, and I am willing to go home to Ashland, and renounce public life forever." The Senator from Kentucky must have been quite sincere, when, for the sake of passing the tariff, he would abandon public life forever. The bill passed, and how Mr. Clay has renounced public service, let the Journals of the Senate speak.

It may be that he has kept this promise to the spirit, by confining his action to what he may consider private, rather than "public service." But, sir, I am quite sure he never felt a deeper concern in the success of any measure than in that of the bill he was then advocating; and therefore his reasons, the motives that operated upon him, and the important disclosures he made, urged with all his transcendent powers of persuasion, are entitled to very grave consideration in settling the pretensions of different gentlemen for the project that was to restore the just rights of the South and the North, and to tranquillize the public mind. Mr. Clay says in his speech, February 25, 1833, on the tariff:

"The friends of free trade insist that duties should be laid in reference to revenue alone. The friends of American industry say that another, if not paramount, object, in laying them, should be to diminish the consumption of foreign, and increase that of domestic products. On this point the parties divide, and between these two opposite opinions, a reconciliation is to be effected, if it can be accomplished. The bill assumes, as a *basis*, adequate protection for nine years, and less beyond that time."

"The friends of protection say to their opponents, we are willing to take a lease of nine years, *with the long chapter of accidents beyond that period, including the chance of war*, the restoration of concord, and along with it a conviction common to all, of the utility of protection; and in consideration of it, if in 1842 none of these *considerations shall have been realized*, we are willing to submit, as long as Congress shall think proper, to a maximum rate of twenty per cent., with a power of discrimination below it, cash duties, home valuations, and a liberal list of free articles for the benefit of the manufacturing interest."

Mr. Clay in the same speech says:

"That it is far from the object of those who support this bill to abandon or surrender the policy of protecting American industry. Its protection or encouragement may be accomplished in various ways."

And then he proceeds to point out the different modes of protection; and, finally, Mr. Clay uses this emphatic language:

"Now, Mr. President, before the assertion is made that the bill surrenders the protective policy, gentlemen should understand perfectly what it does not, as well as what it does propose."

This is the testimony of Mr. Clay to two points, important in themselves, fully establishing the fact, that the act of 1833 was supported by the friends of the American system, but upon the broad ground that the bill recognized and fully asserted the principle of absolute adequate protection for nine years, and, secondly, carried with it *the long chapter of accidents beyond that period*.

Sir, these opinions were made in argument; were they ever denied? Did the Senator from South Carolina (Mr. Calhoun) rise in his place, and deny that the bill contained the principles against which he had rallied the South? Yes, sir, not rallied merely, but had urged them on until their feelings were lashed into such excitement by the repeated denunciation of the oppression and unconstitutionality of the tariff, that law, order, and government were on the verge of ruin. And yet Mr. Calhoun himself believing, as he has professed to believe, that the tariff of 1832, with the same principles in 1833, was against the Constitution, not only votes for the act of 1833, but says:

"When the Senator from Kentucky first introduced the bill, he (Mr. C.) then said that he approved of the *principle*, and that he thought no satisfactory adjustment could take place but on time—time to afford the manufacturers to accommodate their business to the change which must follow the adjustment of the duties. He still remained of the same opinion."

Sir, it should be well understood, and distinctly known, the part that these "great minds" played, not only at the compromise, but before. The one, the author of a system; the other, first its advocate, then its enemy; and, finally, when he had a personal difficulty with the President of the United States, and saw and felt that he no longer deserved, or could safely calculate on, the support of the entire party attached to the Administration, he avails himself of the discontent prevailing on the subject of the tariff in the South, asserts its unconstitutionality, prepares the minds of his constituents to resist the enforcement of the law within the limits of his State, peaceably if they could, but forcibly if necessary; and then, in the face of the world, meets Mr. Clay in the Senate, Mr. Clay maintaining boldly the bill was for adequate protection for nine years, *with a long chapter of accidents*, and Mr. Calhoun responding. When the Senator from Kentucky first introduced the bill, he (Mr. C.) then said "*that he approved of the principle.*" I leave these facts to speak for themselves. If any man on earth requires more proof to establish upon these "two great minds" political juggling, political intrigue, for purposes of the most unholy ambition, he need not expect to find it in the review of the life of political men, men who stand preëminent for ability, and who weigh the effect of every movement before it is taken. Look, sir, at the great prize for which "these great minds and commanding figures" have been running. Why, I need not here repeat what every intelligent citizen of the Union knows, that it is nothing more nor less than the Executive seat that has operated upon and directed every political movement of their lives; and so powerful has been the charm, that one of the gentlemen has made two *indifferent runs* before the people; the other was announced as being ready to make a trial, but was discovered not to have sufficient *strength to start*. And, sir, can it be a matter of surprise that, true to their purpose, each in his own way taking his course, every consideration of the public interest, safety, and happiness, is to yield to their purposes; or, in conformity with their settled plan of operation, they will crush and destroy whatever obstacle,

be it man or be it principle, that may interpose the slightest obstacle to their attainment of this object?

I shall not, Mr. Chairman, add much more to what I have said in relation to the political course of the gentlemen who were presented to the committee as the authors of the only practicable plan of disposing of the public revenue. I have shown enough to deter any prudent man from following their lead on this subject. But there is yet more to be said, calculated to shed additional suspicion upon the whole plan, and to prove that the opinion of one of the gentlemen (Mr. Calhoun) has undergone a rapid and extraordinary change since the time of the compromise. About that time, Mr. Calhoun thus expressed himself:

"There is another aspect in which this subject may be viewed. We all remember how early the question of the surplus revenue began to agitate the country. At a very early period, a Senator from New Jersey (Mr. Dickerson) presented his scheme for disposing of it, by distributing it among the States. The first message of the President recommended a similar project, which was followed up by a movement on the part of the Legislature of New York, and I believe some of the other States. The public attention was aroused; *the scheme scrutinized; its gross unconstitutionality and injustice, and its dangerous tendency*—its tendency to *absorb* the *power* and *existence of the States*—were clearly *perceived* and *denounced*; the *denunciation* was too *deep* to be *resisted*, and the scheme was abandoned."

This is the language, this the deliberately formed and expressed opinion of Mr. Calhoun, on the subject of the distribution of the surplus revenue, within the short period of three years. And could any gentleman believe, that now, at this moment, in the face of this recorded opinion, he has introduced, is advocating and urging, an amendment of the Constitution, for the avowed purpose of establishing the very scheme which he said "had been *scrutinized*, its *dangerous tendency*—its *tendency* to absorb the *power* and *existence* of the *States*—clearly *perceived* and *denounced*," and so *strong* that denunciation that the scheme had been abandoned? One of two conclusions is irresistibly forced upon the mind: either that there is some splendid project to be accomplished, favorable to the views of himself and Mr. Clay, or else, if it has been an honest change of opinion, he is an uncertain, unsafe, vacillating pilot, not to be trusted in a tempest—under any aspect of the case, he stands contradicted. And whether the opinions then expressed or now entertained, are to regulate his action on the subject, is beyond the reach of human wisdom. Then, sir, let not the honorable gentleman from South Carolina array this "commanding figure" and "great mind," as one worthy to lead in the accomplishment of this project, which I firmly believe would "*absorb* the *power* and *existence* of the *States*;" and believing that to be the inevitable effect, I shall for that reason and others, resist as far as I can, any measure, from any and every quarter, the effect of which would be so disastrous to the existence of the States.

Allow me, Mr. Chairman, to notice one other consideration arising out of the remarks of the honorable member from South Carolina. It has been a contested point with some portion of the people of the South, as to whom was entitled the credit of settling the tariff question on the principles of the compromise. I have heard it said by some, that the honor of that settlement belonged to the party of the Senator from South Carolina, and upon that Senator's course. Sir, I am not ambitious of claiming the honor for any friend. There is no principle in the famous compromise that is better than the act of 1832. It is true that it is a modification, some reduction; yet it contains some features of a most hateful contrivance, and so artfully adjusted, for the interest of the manufacturer, that with many practical men it is believed to be as favorable as the act of 1832.

But, sir, be the credit great or small, it is neither due to Mr. Clay nor Mr. Calhoun, and to that point I will again refer to the testimony of Mr. Clay, as given to the nation in his speech of February 25, 1833. Mr. Clay addressed the Senate as follows:

"Mr. President, I want to be perfectly understood as to the motives which have prompted me to offer this measure. I repeat what I said on the introduction of it, that they are first to preserve the manufacturing interest; and, secondly, to quiet the country. I believe the American system to be in the greatest danger, and I believe it can be placed on a better and safer foundation at this session than at the next. I heard, with surprise, my friend from Massachusetts say that nothing had occurred within the last six months to increase its hazard. I entreat him to review that opinion. Is it correct? is the issue of the numerous elections, including that of the highest officer of the Government, nothing? Is his declaration, in his proclamation, that the burdens of the South ought to be relieved, nothing? Is the introduction of the bill in the House of Representatives during this session, sanctioned by the head of the Treasury and the Administration, prostrating the greater part of the manufactures of the country, nothing?

"It is well known that the majority of the dominant party is adverse to the tariff. There are many honorable exceptions, the Senator from New Jersey [Mr. Dickerson] among them. But for the exertions of the other party, the tariff would have been long since sacrificed. Now, let us look at the composition of the two branches of Congress at the next session. In this body we lose three friends of the protective policy, without being sure of gaining one. Here, judging from the present appearances, we shall, at the next session, be in the minority. In the House, it is notorious that there is a considerable accession to the number of the dominant party. How, then, I ask, is the system to be sustained against numbers, against the whole weight of the Administration?"

Mr. Chairman, if the declarations of Mr. Clay are authority on any question, and I am sure none will pretend to deny it, he has placed the whole question of the reduction of the tariff on a footing the most flattering to the Administration. Yes, sir, it was the unremitting efforts of the President to arouse the people in every quarter of the Union to a proper view of the rights of all, that had a moral influence upon public opinion, irresistible, and tending directly to bring into Congress those representatives who would give efficient aid to his Administration in carrying out his opinions in relation to the tariff. Unfortunately for the country, when the strength of the Administration was nearly, if not quite, sufficient to carry the measure reported from the head of the Treasury Department, a measure which Mr. Clay says would have prostrated the greater part of the manufacturing interests, Mr. Clay and Mr. Calhoun conceived the project of forming an alliance, and instead of Mr. Calhoun's advocating the principles of the bill reported from the Treasury Department, he prefers to unite with Mr. Clay in his project, thereby deserting the interest of the South for the noble and patriotic motive of depriving the Administration of the credit of settling this great and fearful question. But, fortunately for the age and the country, Mr. Clay has placed it fairly before the world, and the honor will be, as it should be, awarded to the faithful and deserving.

There is, Mr. Chairman, one other connection in which I desire to notice these "commanding figures." I cannot but look back to the commencement of this Congress, when expectation deep and intense pervaded every part of our country on the subject of our relations with France; nor can I suppress the feelings of surprise I have always felt that Mr. Calhoun and Mr. Clay, who so triumphantly maintained, in the councils of their country, the honor of the nation in 1812, should, at this day, be willing, through the person of the Chief Magistrate, to inflict a stain upon our national escutcheon by withholding from the Executive that aid he had a right to expect from every patriot, when the honor of the country was involved. The man in this nation that would for one moment hesitate, when the absurd pretension is put up by a foreign power, that for language used in a communication to Congress, they have a right to demand explanations as a condition to the performance of a treaty stipulation, must have lost all that elevated, ardent, and patriotic devotion for the honor and character of the nation that would characterize the man who, in the hour of peril, would be on the side of his country.

Mr. Chairman, having shown the present condition of your Treasury, its probable condition for the next two or three years, (to say nothing of the rapid decrease that must suddenly ensue under the operation of the tariff, that hangs suspended for years, yielding up but a tenth per annum until the appointed period, when it suddenly falls six tenths of the excess over twenty per cent. within six months,) having shown the causes that will most certainly produce a decrease for the years of 1836 and 1837, and, perhaps, for after years; having shown the revenue from imports as well as from the sale of public lands; and having also shown the part now playing by those "commanding figures," and "great minds" in relation to the revenue, I shall now call the attention of the committee to the argument of the honorable member from Tennessee, [Mr. Bell,] with a view to prove that it must have been his opinion, so far from there being a surplus revenue, that if the system of public defense, as recommended by the President and the heads of the Departments, should become the policy of the nation, your resources would be exhausted, and the financial operations of the Government changed.

The honorable member from Tennessee, in his printed speech, says, "The first inevitable re-'sult of this policy, (alluding to the system of 'defense now under consideration,) if it shall be 'sanctioned by Congress, will be the introduc-'tion, in a short period, of an increased and op-'pressive system of taxation." The honorable member further says, that "the public lands are 'now in such a rapid state of exhaustion, that 'very soon we shall find our revenue from this 'quarter reduced to a million or less."

Sir, I trust, with at least a portion of this House and the people of this Union, the warning voice of that distinguished gentleman will not be disregarded. He has told us what would be the consequence of that system of defense which this Administration *has not recommended*, which no gentleman, so far as I know, has proposed, and which no friend of the measures of the President would support. Whether it was his policy, in imitation of the example set by the member from South Carolina, to make a statement of the amount of public expenditures for extraordinary purposes, so large that he might become alarmed himself, and, in the office of true charity, frighten his friends and followers, I neither do say nor pretend to allege. But it may be said, and I undertake to maintain, that there is no system of public defense recommended by the President, or any portion of the friends of this Administration, whereby an expenditure of ten millions per annum is proposed to be voted as imagined by the gentleman from Tennessee.

Sir, the utmost limit upon the largest scheme, as proposed by any and all the Departments, would not far exceed one half of the amount laid down by the gentleman. If, then, I am not mistaken in this view of the case, I may claim the authority of the gentleman's name against the wild and dangerous project of distribution, as well as the system of defense which he supposes to be acceptable to the Administration, and still save the system which has been actually proposed by the party supporting the Administration from all the censure and odium so unsparingly heaped upon it by that gentleman and others.

Sir, that honorable member should have well deliberated—he should have well considered the ground he has himself so long occupied before the American people in reference to the measures of this Administration before he ventured forth in a crusade which could only be intended to tear down the very principles he had contributed so much to *build up*. The gentleman should have remembered that there are blows to receive as well as to give, and that however pacific and forbearing are those whose pleasure it once was, as it still would be, to act with him on all important measures connected with the Administration of the Federal Government, still they have feelings, rights, and principles which they cannot suffer to be lashed either by an open enemy or by pretended friends.

Sir, in the honorable gentleman's own language, I desire not to be misunderstood before the committee or elsewhere. My purpose is to do precisely what the gentleman himself desired should be done; to answer the points he has raised, to meet the charges he has preferred, without evasion. In the little I shall say, I shall avoid so much of the argument of the honorable member from Tennessee as was answered, and most triumphantly in my opinion, by my esteemed friend the honorable gentleman from Virginia, [Mr. Garland.] I will not attempt to occupy ground taken by him. To do so would weaken, rather than strengthen, the view presented by that gentleman. Nor do I regret that my friend from Virginia has preceded me, for his

effort has left but little for me to do. My purpose, however, will be, with the utmost spirit of kindness, and with the full conviction of my own weakness, to throw myself upon the ground taken by the gentleman from Tennessee, [Mr. BELL,] and with whatever knightly grace I may possess, as one of "*the party*," to receive the lance hurled from his able arm; consoling myself that if I should not be able to return the blow, I shall at least command his respect for taking a position so full of danger to myself. Mr. Chairman, should the opinion entertained by the honorable member from Tennessee be correct as to the result of the system of defense proposed by the Administration upon the revenue of the country, then, sir, his friend from South Carolina is wrong in supposing that system a "*miserable quackery*," so far as regards the absorption of the revenue. By way of illustration, the former gentleman was showing that the system of public defense must be arrested. And what, sir, was his reason? Why, "that although the system might be proper in itself," yet that you had not the money to carry it on; while the latter gentleman tells you that you "*must distribute*," because by an expenditure for the purposes of defenses of ten or twelve millions per annum, you will not only not be able to expend the surplus, but it will continue to accumulate.

Now, sir, I cannot undertake to settle between these two growing, if not "great minds," which of them is correct. It may be that neither is right. I think I have proven it; but there is one thing we all know, that the gentleman from South Carolina has told us that he will go for a distribution of the surplus; and he has further informed us, that there would be thirty-five millions to begin with. I do not pretend to say that the gentleman from Tennessee will support the measures for distribution of the surplus revenue. If he does, however, one fact is clearly established—that the opinions he has expressed of the effect of the system of defense recommended by the Administration, had better be expunged, great as may be the abhorrence of some gentlemen for black lines.

But, Mr. Chairman, before I proceed to another part of the gentleman's argument, I must not omit to notice, in connection with it, another purpose he made it serve him. Having, as he supposed, established the fact that the Treasury was to be exhausted, and the system of high taxation established, he turns from the scene with apparent indignation, and asks the question, "Who does not 'see from all this that we are to have an increased 'tariff in due season, and that the managers of the 'party are preparing to claim the support of the 'manufacturing interests?" The honorable gentleman here charges upon the managers an intent to establish the tariff, and thereby secure the support of the tariff party. An important inquiry then arises, to settle with certainty who are the managers of *the party*? For in this allegation the member from Tennessee has drawn a distinction between the "rank and file," as I suppose him to mean, and the "*few*" that "*manage*." There is, however, one bright side in this charge; it stands in bold relief against others made by the honorable member; which I shall notice before I take my seat. It has been the fashion of many gentlemen opposed to the President, to charge him with "absolute dictation"—that the party could not, dared not, oppose his views, without incurring the settled displeasure of the President, and the loss of confidence "of those who bend their supple knee" at his bidding. The gentleman has, in this particular instance, given us to understand that there were more "managers" than one. Now, sir, I should be pleased to know if he includes the President among the number of "managers" who are seeking this connection with the tariff party? If there is such a thing as an Administration party, he who presides over that Administration as the chief executive officer, must be considered one of the "*managers* of the party." And that brings us directly to the consideration of this most unwarrantable charge against the President. I ask the gentleman, I ask any and every candid man, whether an old or new enemy, to point to a single act of his Administration sustaining that allegation. Let not gentlemen answer me by saying that the President was not embraced in this charge. I have the proof at hand, recorded in the same speech, that puts this question beyond doubt. Hear the honorable member from Tennessee speak for himself. "There is strong reason," says he, "to believe that the obligations of party 'are held so sacred that none who belong to the 'majority dare do anything which the President 'shall forbid, or fail in the support of whatever 'he shall recommend."

Can any one believe that that gentleman, entertaining this opinion of the absolute control, dictation, and arbitrary power exercised by the President over the majority, does not intend to convey the idea that the President himself constitutes one of the managers of that party? Yes, Mr. Chairman, whatever may have been the meaning of the gentleman, he stands, and must continue to stand, as making a charge more disreputable to the private character of that man, more derogatory to a large majority of the freemen of this Union, more reproachful to the honor and character of the President in his official station, than I have ever before heard from any quarter. Sir, the President of the United States has been compared by his bitter enemies, in the days of great excitement, to a Nero, a Caligula, a usurper worse than Cromwell—a tyrant trampling under foot the rights of the widow and the orphan; but it was reserved for the honorable member from Tennessee to attempt to prove what others had only the temerity to assert. That gentleman says "there is strong reason to believe 'that, if the majority dare do anything, or fail in 'the support of any measure whatever that the 'President orders on the one hand or forbids on 'the other." Sir, can there be a character in this nation more absolutely despicable than the one drawn by the gentleman in this brief sentence?

Sir, as one of the party here alluded to, and so much calumniated by this charge of passive servility to the will of the President, it would be but just to say, that he who is prepared to avow such sentiments as these, would be the first to fill that station with becoming dignity. But, Mr. Chairman, it is not only this unprovoked, unwarrantable charge against the majority, which, if true, makes them more servile, dishonored and disgraced than slaves; but it is absolutely stripping the President of the brightest traits in his character—patriotism and love of the institutions of his country as a public man, and honor, nobleness, generosity, and sensibility as a private gentleman. Can any man rise here and maintain that if those allegations are true against the President and the party, of absolute dictation on the one hand, and unqualified submission on the other, they can have any regard, love, or veneration for the institutions of the country, all of which are based upon principles directly the reverse of those that alone could conduce to such acts of tyranny and servility? No, sir, if I have correctly conceived the meaning of the honorable gentleman by the remarks I have quoted, no longer, in his opinion, can the President or the party put up any pretensions to patriotism, virtue, or independence. Sir, there must have been a very sudden loss of those inestimable qualities, for surely such was not the character of the President or the party, when the honorable member was himself one of the most conspicuous and faithful of its members. A few short days and some *small incidents* frequently produce rapid changes in the opinions of men.

Mr. Chairman, I have heard it said on this floor, if I mistake not, during the present session, by different gentlemen, on different occasions, that when a thrust was made at *the party*, they would dodge *behind* the President, to shield themselves from the castigation they deserved; and the moment an arm was raised to inflict a blow, they would cry out—"Do not strike, you will hurt the President." The great regard heretofore professed by certain gentlemen for the President has preserved his character sacred, but I think the honorable member from Tennessee cannot be charged with staying the blow either for the party or for the President. It would seem that he has hardly stopped to inquire who it was that he had struck, or was about to strike; but has, in the spirit of a reckless *knight*, charged upon the President and the party, without the slightest discrimination as to persons or regard for weapons. The honorable gentleman, on the conclusion of his first day's speech, gave a short explanation of his own course heretofore, and the course he should pursue hereafter. On resuming his arguments on the second day, he remarked:

"Some of those with whom I formerly acted in this House may not think my declaration upon the nature of my present relations to the party in power, sufficiently explicit. I can have no possible motive to assume an equivocal position before the committee or the country. On the contrary, I consider my honor at stake in taking a different course. I therefore repeat, that I shall support all the measures of this Administration which I shall find to be in accordance with its early avowed principles, in the same manner and to the same extent I have hitherto done; and I shall oppose with my influence and ability—whatever they may be worth—every *measure*, every practice, and movement of the party which can be *traced* to the policy of electing the Executive favorite to the succession."

And, Mr. Chairman, as if the language used by the honorable gentleman was too strong, and might not answer what it plainly means, viz: that he will oppose every measure of the Administration, he places the matter beyond doubt, by proceeding to say:

"If the declaration that I hold myself the supporter of the Administration, *to any extent*, shall appear inconsistent with my votes upon so many party questions which arise in this House from day to day, I can only answer that it is not my fault if the *party action* of this House shall almost in every instance have a *direct reference* not to the support of General Jackson so much as to the election of a particular candidate to the Presidency."

Mr. Chairman, I have seen some manifestoes, a few proclamations, and some declarations of political creeds, but I must frankly admit that I have never seen so labored an effort to say two things at the same time. The honorable member seems unwilling to trust himself in saying what his course will be before he rushes in a proviso, backed by an example; and the plain English of the whole is, that he believes every movement of the party, every act of legislation, every measure introduced in the House, has some connection, directly or indirectly, with the "policy or motive of electing the executive favorite to the succession," as he is pleased to call Mr. Van Buren, and that, therefore, according to the rule he has prescribed for his own course of action, his claim to candor would not have suffered from an open avowal of his determined opposition to the principles of the Administration.

Sir, it will be remembered by the committee that the honorable gentleman from Tennessee made a labored effort to establish the exact similarity in principles of the dominant party of the present day and the Federal party of 1798. To establish the correctness of this charge against the Administration party, he insisted that, as the party of 1798 was for a large standing army and navy, so was the Administration party at this day. The evidence of the charge was to be found in the system of defense as recommended by the President, and for which estimates had been furnished by the heads of the departments. I must confess I had much difficulty in comprehending either the facts or the reasoning of the gentleman that could have authorized him in making the charge of Federal principles on the party. Neither the President nor the War or Navy Departments, nor any friend of the Administration in either branch of Congress, has submitted any proposition for a large standing army or navy. The utmost verge of all their plans would scarcely organize a respectable peace establishment; and how the member could feel himself authorized to assert the analogy between the principles of the party now supporting the administration and the Federal party of 1798, is so far beyond my ken, that I shall yield to the gentleman the honor often claimed by men who have gone before him, of discovering a strict analogy in things wholly dissimilar in every principle. This analogy is discovered to exist, not only as relates to the standing army and navy; but the honorable gentleman goes further, and detects another Federal principle in the dominant party by the adoption of a rule of this House, making certain appropriation bills the order of the day, from and after a particular time, over all other business! This rule of the House was recommended at an early period of the session by the Committee on Foreign Affairs. So far as the committee were concerned,

they proposed a rule for the order of business here, which was, in their judgment, imperiously demanded, from our defenseless condition and a full view of our foreign relations. Now, will any gentleman pretend to say that, with a knowledge of the failure of the appropriation bill of the last year, with the wretched state of every branch of our public defenses, with the daily prospects of a collision with France, it was not our first duty to take up, consider, and pass the appropriation bills necessary for the public service? Was it the duty of this House to have acted on these various bills, or to let them sleep until the end of the session? Why, sir, I venture to affirm that there never was a rule more imperiously demanded by the public interest than the one which has received such uncalled for and unwarrantable censure and condemnation from the honorable gentleman. The gentleman also contended that if the spirit of the resolution regulating the order of business of the 26th January, was carried out, "that it would result in the reënactment of the sedition laws of 1798." He says that the resolution of the House and the sedition law contained the same principle; the object of each was "to suppress discussion and to prevent attacks upon the party in power."

Sir, I should really be inclined, from this broad assertion, to suppose that the honorable member could not be greatly dissatisfied with the principles of the sedition laws; for, if he should have succeeded in showing the principles of the one to be identical with those of the other, I think the Journal of the House, and the minutes of the Committee of the Whole, will show that, so far from the rule suppressing discussion, it has been enlarged and extended to the utmost verge. Why, sir, the gentleman's own case is a happy and triumphant refutation of his assertion. I ask the honorable member to tell the nation how long he discussed one proposition in relation to one of the appropriation bills. Four successive days, sir, did he enjoy the privilege of saying any and everything he chose to say, upon any and every topic he thought proper to discuss, and yet, sir, "the spirit of the rule, if carried out by the party in power," he asserts, would result in the reënactment of the sedition laws of 1798! But the honorable gentleman says one of the "objects of the rule was to prevent attacks upon the party in power." The rule, sir, has been equally unfortunate in that respect, and if the honorable gentleman could have allowed himself but one moment of reflection, in this very assertion was to be found a fact directly at variance with the point he was laboring to establish. What, sir, prevent attacks upon the party in power! What else has the minority done during this entire session? Have they introduced any measure, proposed any project, for legislative action or inquiry, but with the view of fulminating denunciations, unjust, unwarrantable, and such as were never before witnessed in any deliberative body, against *the party*? And pray, sir, who is the party, and who is it that is eternally arrayed against that party? Why, it is the indefinite party, composed of advocates of the tariff, internal improvements, the bank, the nullifying party, and above all, the "no-party party." Each with principles professedly opposite, irreconcilable with each other, are now seen united under a common flag, waging an eternal, unrelenting war against the party. Why, in such a contest, "*the party*," from the fact that their principles are defined, avowed, open, and undisguised, have much to fear. Why, sir, if "*the party*" make a blow at that branch of the indefinite party professing the principles of the American system, you are answered by gentlemen professing the doctrines of nullification, and during the scuffle that ensues between them, the American system gentlemen skulk out of the contest, take their position on some commanding eminence, and there snugly remain until the battle is over, when they return to their friends, the Nullifiers, and offer them their smiles, and look so piteously concerned, that the bold Nullifier can but feel his utter disgust. Just so with the remaining parties; the one, regardless of consequences, rushes to the fight, but are no sooner engaged than their allies take a distance, which is well observed, until danger passes off, when they, in turn, approach the battle-ground, a *fierce and brave* little band, whose maxim it is to share all the honors, without incurring any of the dangers of war. Sir, I have been compelled to this review of the state of the Opposition (who I call the indefinite party, in contradistinction to "the party") from the language of the honorable member from Tennessee. "I believe (says he) there are many indi-'viduals who do not accord with the present 'course of the party to which they belong, upon 'many questions, who cannot long abide their 'party connections; and, sir, if I *possessed* the 'power of exorcism upon this occasion, I *would* '*bid them instantly* come out from among their 'uncongenial elements and associates, with which 'they are at present united." Now, sir, I ask the honorable member, which wing of this Opposition would he have us join? Is it his party? If so, I have never yet heard an avowal of their creed. I do not know the principles they profess. All that I do know is, that they are opposed to the Administration. I must therefore take his recommendation on trust, or refuse the politeness of his offer. Am I to join the nullification party? They do not want it; they do not wish to divide the glory of the enterprise; there will not be more honor in the end than will meet the demands of the present members of that party. But again, they have others that would receive a preference. Under no circumstances, therefore, would the dissatisfied of the dominant party receive quarters in their camp. Shall we join the American system party, and thereby keep company with the balance of the family of the Opposition? Why, sir, that is impossible; our early habits, our deliberate judgment of the best interests of the country, our own interest, founded upon justice, constrain us to refuse a connection with this portion of the Opposition—selfish, cold, and calculating in every movement, we should expect to be reduced to absolute want and beggary in a very short time in their company.

Now, sir, having shown the objections to joining any of the different portions of the Opposition, but one of two things seems to me proper for such as may not be entirely satisfied with every measure of the Administration—to lop off and constitute a fourth division of the Opposition upon some particular political tenet, which, according to my observation, is no sooner settled than promptly deserted, or stay where we are; instead of opposing every measure, right or wrong, to give a cordial support to such measures as we believe are right, and a manly, independent, and firm opposition to those we believe to be wrong. For one, I shall on all and every occasion give my support or opposition to each particular measure that may come before me as I believe conducive to the public good; and though it is of no consequence either to the honorable member from Tennessee or any one else, yet I do not hesitate in saying, whenever this Government shall be administered upon other than the cardinal principles of the present Administration, as I understand them and firmly believe them to be, I shall be found among those who will have firmness enough to take a stand against that Administration. But, sir, in such a position I will not hold communion with a party, or the fragment of a party, whose principles are equally or more objectionable than the principles of the Administration to which I may be opposed. Sir, there is a glory in political consistency that far surpasses the fleeting honors that are conferred and withdrawn, according to popular whim. Perhaps it is to that alone a political man should look to compensate him in the hour of desertion. The history of our own country and our own age admonishes all that the man of this day is sunk in oblivion to-morrow; and surely his greatest solace in such an extremity is, that in all he has done his conscience approves the motive, and his judgment affirms his consistency.

It is well remembered, Mr. Chairman, that the honorable gentleman [Mr. BELL] let no argument escape him that, in his judgment, would excuse, authorize, or justify the attack which he made on the Administration; and hence the extraordinary position he assumed before the committee, "that President making" should become a regular part of the legislative proceedings of this House. To avoid doing any injustice to the argument of the gentleman, I will give his own words. He says:

"If any one shall object to this discussion because it savors of President making; if any gentleman shall be deluded by the opinion that topics directly connected with the politics of the day should be excluded from this Hall, I ask him to reflect for a moment upon the fact that no subject at this day, of importance, does or can arise in Congress *which is not sustained or opposed, and finally decided, upon principles and motives which enter directly and deeply into the presidential canvass, and ultimately decide the issue.*"

Now, sir, here is a charge, coupled with a confession, in which the honorable member has certainly placed the Opposition in a position before the country which I could scarcely have supposed one so elevated, disinterested, and patriotic in his course as that honorable member, could have consented to occupy. What is that confession, sir, and what is the position the members of this House must occupy before their constituents, if the gentleman is correct? He tells you, *that no subject of importance does or can arise in Congress which is not sustained or opposed, and finally decided upon principles and motives which enter directly and deeply into the presidential canvass, and ultimately decide the issue.* Sir, if this be true, the gentleman must establish that "President making" is a part of our regular legislative duties under the Constitution, sanctioned and approved by the Constitution, which I undertake to say no man can seriously, in a moment of cool deliberation, believe; or, otherwise, he has branded every member of this House with a violation of his oath.

What, sir, has it come to this, that every measure is opposed and advocated with the direct view of advancing the pretensions of some favorite to the Chief Magistracy? Sir, the gentleman who can feel this charge to be true may well exclaim that this is a corrupt and degenerate age; he may well cry out that there is corruption in the land; he may well denounce men and measures; he may see and feel dangers that are unseen and unfelt by those who are influenced by no such improper motives. I would beg the honorable gentleman, for the honor of all, for the honor of the nation, not to inflict a mortal wound, by one thrust, upon the standing of your legislative department of the Government—not to prefer a charge against all the members of this House, and plead guilty to that charge in their names. If the opinion is entertained by the gentleman either as to the character of our legislation or the motives that influence members, I think our constituents should begin to inquire into our duties as defined by the Constitution; they should determine whether this or the other, or both branches of Congress combined, are required to make laws for their benefit, or to make a President to rule them.

I can but say, Mr. Chairman, that I believe it is no part of our legitimate duty to "sustain or oppose, and finally decide, any question upon principles and motives which enter directly and deeply into the presidential canvass." And here, sir, whilst I deny the principles and motives charged by the gentleman from Tennessee as regulating my conduct, it is but fair to hold him to a confession that he has thus voluntarily made. And the honorable gentleman having made a confession of this portion of his faith, I shall be pleased to know if it was considered one of the "original Jackson principles;" and if so, whether this principle of legislating on the subject of "President making" was known to an honorable Senator from Tennessee, [H. L. White,] when he opposed General Jackson's election to the Senate of the United States, for fear that "it would be believed that he was placed in Washington to electioneer for the Presidency?" But to proceed in the honorable gentleman's own language:

"It has of late become more important than at any former period in the history of the Government, that this subject of President making should be taken up seriously, and made a part of the regular business of Congress."

Sir, it strikes me that the propriety of the course now recommended by the honorable gentleman, the principles he now seeks to establish as a part of the creed of the Opposition, were not so well understood in the first days of this Administration, or during the time the Chief Magistrate was first a candidate, otherwise a distinguished gentleman from Tennessee, (Hon. H. L. White,)

was not so fortunate as to be fully initiated in the doctrines of that party, or has furnished the world very conclusive evidence that he was not at that period a Jackson man. After adverting to one other remark of the gentleman from Tennessee that struck me at the time with some surprise, I shall proceed to notice some of the opinions of the Hon. H. L. White, which I shall do in a manner perfectly respectful to him, and which I would not do at all but for the respect I have for the examples of his friends upon this floor in examining the opinions of one other individual, (Mr. Van Buren,) who, like the honorable Senator from Tennessee, (Mr. White,) is now before the people of the Union for the first office within their gift. And, sir, there is another reason: during all the denunciations I have heard here from each branch of the Opposition, I have heard none of them censure either of the candidates for President except Mr. Van Buren, although I should have supposed some of the others entertained principles far more objectionable than any of Mr. Van Buren's could possibly be.

The gentleman from Tennessee adverted to the President's late special message upon French affairs, and such was the deep impression left upon the mind of the gentleman of the danger, weakness, and inconsistency of that document, that he could not omit to point it out. After contrasting two sentences contained in that document, the honorable gentleman says: "I regard it as therefore entirely proper to point out any inconsistency which may impair the effect of it." I do not, sir, complain of this; on the contrary, I acknowledge the right of gentlemen to examine for themselves every document of a public character, from the President or any one else. It is all proper in itself; but whether the gentleman has really impaired the effect of that instrument, by his review, is a very different question. The object of the examination was to show inconsistency—that a short communication from the President contained conflicting principles.

Sir, since the honorable gentleman has assumed the office of reviewing the documents and communications of the President, with a view to point out any inconsistency that may impair their effect, I must be permitted to invite his attention to parts of two letters, containing important matters, from an honorable Senator from Tennessee, and who is now before the people as a candidate for the office of President—I mean the Hon. H. L. White. I should suppose the honorable member could not object to this; he would doubtless feel the obligation as great to point out inconsistencies in reference to Judge White as he has in relation to General Jackson. Sir, I send to the Clerk an extract of a letter from the Hon. Hugh L. White to Pryor Lea, Esq., dated July 14th, 1827, and ask the reading of the same.

Read as follows:

Extract of a letter from the Hon. H. L. White to Pryor Lea, Esq., dated July 14, 1827.

"Doctor Wiatt had been represented by those in whom I thought I could confide as the friend of Mr. Clay, and not as the friend of General Jackson; *and Mr. Miller as in truth wishing to use the name of General Jackson only for the purpose of securing the election of Mr. Adams by dividing the western vote.*

"Whether these representations were true or false as it related to Dr. Wiatt and Mr. Miller is not now in the least material. They were undoubtedly made, and by those in whom I thought I could confide, and in whom I did confide at that time, and honestly believing that no one of the four was the friend of Jackson's election. So far as he was concerned, I held it perfectly immaterial which of them succeeded, as against the others. But it is further stated that I supported Colonel Williams for the Senate of the United States against General Jackson himself, and went so far as to call General Jackson 'an ungrateful, black-hearted scoundrel.' There is in this charge a mistake. I supported Colonel Williams in opposition to Mr. Miller by all fair means in my power, and when there was an attempt to run *Jackson himself as a candidate in opposition to Williams, I used my utmost exertion* to prevent his name from being used as a candidate. It appeared to me that one strong ground on which General Jackson was supported for the Presidency in other States was that he was *at home attending to his private business, not using any means to secure his election as President; and I candidly believed that if the Legislature elected him to the Senate, it would be believed in those States that he was placed in Washington to electioneer for the Presidency as well as the other candidates, and that such an impression would do him more injury than the election of Colonel Williams, his enemy.*"

Mr. Chairman, I advert to this letter for the purpose of showing that Judge White, in his present position before the people of the United States, has, like many other great men, lived long enough by practice to contradict the maxims of early life; and I will now here repeat what I have often said in private and in public, that I will not aim one blow at Judge White, only in self-defense. For his private and public life—if I may be allowed to use the language of his friend the member from Tennessee, when speaking of the President and his Administration—"up to a late period I entertained the most profound respect:" a regard, sir, based upon the conviction that he was a plain, unassuming, unambitious man, content to fill that station where his services could be best directed to the advancement of the great interest of the country. That I can, however, reconcile his present position with what I supposed to be his early political notions, would be an unworthy affectation, and a concealment of feelings incompatible with a sense of duty. It will be remembered that the honorable gentleman admitted, that he had "spoken with great freedom of the course of the party in power," and that he had not "spared his censure when he thought it was deserved," and that "he should continue to exercise that privilege," &c.

It was perhaps unnecessary for the honorable gentleman to have given this notice, for I believe none that heard him doubted for a moment that he had enjoyed a very great latitude, and was quite merciless in his castigation, considering he had been "until a late period," one of the leading members of the very party he was denouncing. Others there were, so curious as to express some wish to know the exact point of time when the dominant party fell from grace, and where the honorable member from Tennessee [Mr. BELL] then was. One thing must be conceded on all hands. From the number of crimes charged by the gentleman from Tennessee on the party, he must have been with them a part of the time, and should share a part of the censure, or else his leave of the party was a very sad calamity for the country, as their degeneracy and rapid fall has no parallel.

But, sir, to return to the principles asserted in this letter. In the first part is clearly to be gathered Judge White's unwillingness that the party then supporting General Jackson should be divided, for he distinctly charges Mr. Miller with using the name of General Jackson only for the purpose of securing the election of Mr. Adams, by dividing the western vote. Well, then, if it was wrong in principle to divide the western vote at that day to elect a particular individual, would the same thing that was wrong then be right now? I take it for granted that if it was wrong at that time to divide the Jackson party, and thereby destroy their influence in the election for a President, it certainly would be wrong, if there was any principle in the position assumed, to divide the same party now in electing a President; or will it be contended that so soon as General Jackson's name is out of the question, when he is no more before the people, the party that supported him, known as well by the name of the Jackson, the Administration, the Republican, and *the party*, is dead, and that therefore the position Judge White now occupies is not calculated to divide the party? To my mind it is clear that Judge White at that time believed it wrong that, in the separation of the people of these States by parties founded upon principle, there should be a division of strength between members of the same party; and that this opinion was correct it strikes me all must agree, so long as they profess to act upon principle. When it is men only, and not measures of public policy, then every man can and should indulge his personal preference. How Judge White sustains the doctrine he then entertained, let his present position speak. But, sir, the balance of this letter in regard to his course to General Jackson is full of instruction and bitter reproof. Hear with what delicate sensibility he was disposed to guard the honor of General Jackson. Judge White says he supported Colonel Williams against Mr. Miller, and "when there was an attempt to run Jackson 'himself as a candidate in opposition to Williams, 'he used his utmost exertion to prevent his name 'from being used." Again the Judge says, "it 'appeared to him that General Jackson was sup-'ported for the Presidency *because he was at home 'attending to his private business*, not using any 'means to secure his election as President;" and the Judge further says, that "if General Jackson 'had been placed in Washington, the impression 'would have been that it was to electioneer, and 'that such an impression would have done more 'injury than to elect Colonel Williams, his 'enemy."

Now, sir, I am quite satisfied that Judge White, on this occasion, reasoned in a manner peculiar to himself, and he was so opposed to the slightest suspicion resting on General Jackson, that he would consent to elect his enemy over him as a lesser evil. I admire those delicate relations of private friendship—I admire the *sagacity* of the friend whose discerning eye can better see and understand my interest than I can myself; but I am not prepared to say that I could relish so well that species of friendship that would prefer the *elevation* of my *enemy*, for fear that, in the event of my *success*, my *motives might be questioned*. But, taking the Judge's rule as correct, that a man should not be in the Senate of the United States for fear that he might be suspected of electioneering, and how does he stand? Why, we all know very well. The Judge is in the Senate, yet he had such scruples about General Jackson that he supposed it might injure his election in some of the States! Sir, I can come to but one of two conclusions in relation to this letter; either that Judge White regarded the interest of General Jackson better than his own, and could trust *himself* to *temptation* sooner than General Jackson, or otherwise he stands convicted of preaching one creed and practicing another. Sir, I forbear further comment upon this extract. I have given it entire, so far as relates to that matter, that all may have equal means with myself in forming conclusions. I frankly confess, if Judge White meant anything by that letter, I cannot reconcile his course to it.

Mr. Chairman, I have another extract of a letter of Judge White's written to John Ross, a Cherokee chief, dated April 26, 1824, which I will send to the Clerk to be read.

The letter was read, as follows:

"Extract from the Letter of the Hon. Hugh L. White to John Ross, dated April 26, 1824.

"To collect a tax from merchants, to compel them to pay a small portion of their profits, at stated periods, for the support of the Government, where they transact their business, has been a very common mode of collecting revenue; and no State has been charged with attempting to regulate commerce where they have exercised such power. Why, then, should the Cherokees be denied the power, because, by possibility, they might abuse it, and undertake to regulate trade? *I have believed, and still do, that under the treaties, the Cherokees must be considered a nation, possessing like powers with other nations, except so far as they have surrendered their independence to the United States. That they have made surrenders of power in many important particulars, but that they have not surrendered the power of making municipal regulations for their own internal government; that among the powers they still retain, is that of imposing and collecting taxes.*

"I regret exceedingly that to you I have ever given any opinion upon a subject that interests your nation. Had I known the purpose for which it was desired, I should have been silent; but having given such an one as I honestly entertained, *I can never express any other until convinced of my error.*"

In order that the opinion of Judge White may be fully understood at the date of this letter, I will make a statement of facts as related to me, and which I suppose true. Mr. John Ross was then, as he is now, one of the leading chiefs of the Cherokee Indians, residing within the chartered limits of the State of Georgia, a part of the same nation extending into the States of Tennessee and North Carolina; Mr. Ross himself residing within the limits of Georgia, as I have always understood. He addressed Judge White, who had great reputation as a jurist in the section where he resided, for his opinion with regard to the power the Cherokees had to pass and enforce laws for their independent government, and especially to obtain his opinion on the power of said nation to collect taxes, &c. In answer to the points presented by Mr. Ross, the letter from which the above is an extract was written by Judge White; and upon the authority of that letter, as I have been informed, and which opinion is authorized by the letter itself, the Cherokees did proceed to organize an independent government within the limits of Georgia, claiming for that government exclusive jurisdiction, crim-

inal and civil, over all that portion of Georgia known as the Cherokee nation. Whether the opinion thus delivered was intended by Judge White to influence the Indians in the course they adopted is not important; nor do I believe, or pretend to charge upon him a motive to inspire those Indians with the enjoyment of political rights incompatible with the rights of Georgia under the Constitution. But, sir, that the opinion expressed in this letter is wrong—that it has been the cause of great trouble, inconvenience, and perplexity to the authorities of Georgia, every person acquainted with the circumstances will readily admit.

Sir, let it not be said that the opinion here expressed, "*I have believed, and still do, that under 'the treaties, the Cherokees must be considered a 'nation, possessing like powers with other nations, 'except so far as they have surrendered their inde-'pendence to the United States.*" I say, let it not be said that Judge White had no reference to the authorities of the respective States in which the Indians then resided. It is impossible that he could avail himself of this position. He was speaking of and to the Cherokee Indians as they were, and precisely where they were at that time. He spoke of the powers they then had; and the doctrine contained in his letter is, that they were independent, or, in his own language, "*a nation possessing like powers with other nations, except so far as they have surrendered their independence to the United States.*" The opinion here expressed with the utmost precision, as I consider it, is that the Cherokee Indians residing within the limits of the States of Georgia, Tennessee, and North Carolina, are a nation possessing all the powers of the most perfect sovereignties, except the powers surrendered to the Federal Government; and among the powers surrendered is not the power of taxation. There is no authority recognized in Georgia and North Carolina over the respective portions of those Indians that reside within their limits. But they are asserted to be independent of them, unless, forsooth, by some treaty stipulation with the General Government, the right of the States is recognized.

Sir, I undertake to maintain that there was no authority in the treaty-making power of the Federal Government to divest Georgia of the right of controlling, in her own way, the inhabitants within her limits, and making them subject to her own laws, criminal as well as civil. The soil of Georgia was derived from a royal charter, before the Revolution, recognized under the Confederation, and guarantied by the Federal Constitution. The Constitution, if it guaranties to the people of Georgia anything, secures them a republican form of government and the chartered limits of their State, which cannot be altered but by their own consent. How, then, can Georgia be said to enjoy a republican form of government, and jurisdiction over her soil and territory, when one fifth of that territory is in the occupancy of a tribe of Indians, organized into such a government as they may choose to adopt? Yet Judge White's argument means this, if it means anything; and that the meaning was so understood, is established by the fact that, upon the authority of that opinion, the Cherokees actually proceeded, as I have been informed by the brother of John Ross, to organize a government of their own. Judge White says that the opinion, as expressed in his letter, "is such an one as he honestly entertained," and that he could "never express any other until convinced of his error." Now, Mr. Chairman, since the honorable gentleman [Mr. BELL] has derived infinite pleasure in looking into the present and past opinions of the President, and feels it his duty to point out any inconsistencies that will impair their force, I would desire to know whether the opinion, then honestly entertained and plainly pronounced in this letter, is still the opinion of Judge White; or has he been convinced of his "*error*," and shifted his ground? I leave the question of consistency and "*error*" for his friends to settle.

Mr. Chairman, the principles, as I understand them, asserted by Judge White, should be understood by my constituents. A large, respectable, and enterprising portion of the population of Georgia are now residing upon the lands occupied by the Indians in that Territory. The pretensions set up by this tribe of Indians within the limits of Georgia was subversive of all order, and so dangerous to life and property that the authorities of that State, without a total disregard of the highest obligation, could not longer suffer a state of things so mischievous to continue; and Georgia was, from a sense of duty to her free white population, not less than to the red population, compelled to interpose, and assert her doubtless right of jurisdiction and occupancy of the waste lands in that region. Good order, morals, religion, and humanity alike demanded that she should act as became a people humane and benevolent; and she was not to be deterred from doing a great public good for fear that they might incur the reproach of those who are always ready to offer their sympathy gratis and their charity sparingly. Sir, the people of my State have suffered long and patiently the tardy movements of the Government in relieving them of a population troublesome and dangerous. It has not been until since this Administration came into power that the first efficient step was taken to assert the just rights of Georgia. The doctrines of Judge White have been overruled. The Cherokee code of laws that were in direct collision with the laws of Georgia have been abrogated, and the Indian has been told, in the spirit of friendship, and with the candor due the occasion, that their right to establish an independent government within the limits of Georgia could receive no countenance or sanction from the Administration. They have been advised to emigrate; the counsel of the President has been disregarded; two treaties have been formed; and a few days must settle the fact whether we are to have these people settled upon us through all time, or whether the policy of the Government will be carried out.

Mr. Chairman, I will not ask of the gentleman to reconcile other political acts of Judge White. His course in the Senate in reference to several subjects, but especially in relation to certain nominations, I leave for Judge White to settle for himself. It may be that he can give satisfactory reasons to his countrymen for the votes he has given. I would hope he could. I have no right to ask of him to do so. All that I have to say is, it would have been well had he adopted the course "*that seemed to him as the ground on which some of 'the States were supporting General Jackson, because 'he was at home, attending to his own private affairs, 'and taking no part in any plan to secure his own 'elevation.*"

Mr. Chairman, there is another position taken by the honorable member from Tennessee, that, in my opinion, deserves some consideration; I do not know that I should notice it, but for the belief that it has been, for the first time, asserted, and is therefore properly recognized as one of the principles of the new organization, of which the honorable gentleman is the reputed head. Sir, what is that principle? I give it as written by the gentleman himself: "*To vote money is the least difficult and most pleasant duty of a representative of the people. It requires neither experience, industry, talents, nor fidelity, in members.*" If the honorable member is ambitious of securing to himself the character of originality, of discovering things that do not exist, of asserting principles that the judgment of every man must condemn, he could scarcely have been more fortunate than in this instance. What, sir, is it indeed true, that the most pleasant part of our legislative duty is to vote away the money of our constituents? Have we arrived to that station where we have the least difficulty, and derive the greatest pleasure, by thrusting our hands into the pockets of our constituents, taking their money and voting it away? I could hardly have expected an avowal of such an alarming character; and coming from that honorable gentleman, struck me with profound amazement. I trust, sir, that he will not insist that this was an original Jackson principle, but has been one picked up by him since the degeneracy of that party become so disgusting that he was compelled to separate himself from them. But that is not all. The honorable gentleman says, "*it requires neither experience, industry, talents, nor fidelity in* MEMBERS." Therefore, the honorable gentleman means to be understood as maintaining, for the first time in this country, that inexperience, indolence, ignorance, and dishonesty, are the qualifications best calculated to subserve the true interest of the people on all questions connected with the least difficult and most pleasant duty of the representative, voting away the people's money. Sir, a charge so palpably derogatory to the character of this House, so insulting to the good sense of every member on this floor, cannot require a more special notice from me. Let the honorable gentleman go home to Tennessee and tell his constituents that it is the least difficult and most pleasant part of his duty to vote away their money, and my word for it, they will give him the appropriate response.

Mr. Chairman, the honorable gentleman, in the range of his denunciation of men and measures, took occasion to bestow a passing notice on the Secretary of State, (Mr. Forsyth.) He was pleased to speak of him as a "most" orthodox "Secretary of State;" and, with a very confident expectation of establishing a charge of fearful magnitude, proceeded to the introduction of his proof. Whether the Secretary of State will be able to survive the wound, time alone will tell. That he and all the Administration must have felt awfully alarmed, had they have been so unfortunate as to have heard the gentleman from Tennessee, will, perhaps, admit of some question. But that the Secretary will likely live as long, walk as erect, be as faithful to the public interest under the merciless blows of the gentleman from Tennessee, as if no such incident had ever occurred, I think quite certain. Sir, there is such a thing as over-shooting, as well as under-shooting.

The honorable gentleman from Tennessee is entitled to all the credit due a brave, but weak man, for the assault he has made, or attempted to make, on Mr. Forsyth; for really I am not entirely certain that an attack intended and attempted, but not discovered by the assailed, can properly be considered an assault. The honorable gentleman came to the field with the courage of a true knight, guarded at every point, but so incumbered with his armor of steel that his strong arm, powerful as it is, could not send the arrow to its appointed victim; he could see the object of his hatred far removed from danger; every effort but increased his anxiety, every failure but chafed the feverish spirit of revenge.

Sir, if the honorable member would allow me to offer him a single suggestion, it would be to look for another victim. The Secretary of State stands high, elevated, and endeared to every man of any party who can appreciate a fearless, onward, independent discharge of public duty; who can appreciate the most refined sense of honor; who can do homage to that transcendent genius that lifts the man to the highest scale in moral grandeur. Occupying, as does Mr. Forsyth, a position so far beyond the reach of ordinary party weapons, I would, if I dared to do so, invoke the member from Tennessee to couch his lance and charge upon some victim whom, if he cannot kill, will, at least, be apprised of the attack. The gentleman from Tennessee says:

"I well remember what a decided effect was produced upon the minds of the people in the State which I represent in part, and what indignation was excited by the single act of the Secretary of State under the late Administration, of taking the printing of the laws from the Nashville Republican, a paper friendly to the election of General Jackson, and giving it to the Whig, a paper published at the same place, and supposed to be in the interest of the Administration. Well, sir, in the vicissitudes of human affairs it so happened, that the party in whose cause the Nashville Republican had suffered came to be *uppermost*, and it *was restored to its former rights* and *benefits;* but as if it were intended to manifest the utmost possible contempt for the early principles of Jacksonism, and give the most unequivocal guarantees to new allies which the nature of the case admits, that all the principles avowed by the original Jackson party are henceforth and forever to be repudiated and forgotten. The *orthodox Secretary of State* has recently ordered the printing of the laws to be again taken from the Nashville Republican, which is now supporting Judge White for the Presidency, and given to the Union, a paper printed in the same place; a paper purely partisan in its character, newly established and of very limited circulation, but in the interest of the Vice President."

I have given at length the very words of the honorable member from Tennessee; and as a matter of curious inquiry, according to the showing he has himself made, it seems that the Nashville Republican was against the late Administration, and in favor of the election of General Jackson;

that during part of the time of the canvass, that paper had the printing of the laws; that the Secretary of State transferred the printing to the Whig, a paper friendly to Mr. Adams's administration; that this act was denounced; but when General Jackson was elected President, the printing was taken from the Whig, which was opposed to him, and given to the Republican, which was friendly. Well, sir, I apprehend this is the principle of the original Jackson party. Here is an act among the first two of the Administration, which act settled the principle. Well, what has Mr. Forsyth done violative of this principle?

The National Republican has taken up Judge White, and of course laid down the Administration; and the Union has been stated to be in favor of the Administration, and advocates the claims of Mr. Van Buren. Mr. Forsyth, as the member from Tennessee says, takes the printing of the laws from the Republican, (that can only be considered as in opposition to the Administration,) and gives it to the Union that is supporting it. And this is the great, the shameful, and utter disregard of the original Jackson principle. I must confess, sir, I cannot perceive the slightest departure from what I suppose the member himself has shown to be the principle of the Jackson party. I do not pretend to say it is proper or improper, nor do I pretend to say it was proper or improper in the former Administration, or in the honorable member from Massachusetts, who is now before me, for the course he then pursued.

Mr. ADAMS rose, and asked if the gentleman from Georgia intended to be understood as charging him with removing the printer?

Mr. TOWNS remarked that he was using the argument, as he understood it, of the member from Tennessee.

Mr. ADAMS explained, in substance, that he had never transferred the printing of the laws, from a printer favorable to another person, to one favorable to himself. On the contrary, he never transferred but one while he was Secretary of State, and that was at General Jackson's instance, and personal request. He believed it was well known that he had never transferred a single individual from any office, from political considerations, and that very fact had been represented as one of the causes why he had not been more successful in his political life.

Mr. TOWNS. Sir, I make no charge against the honorable gentleman from Massachusetts, [Mr. ADAMS,] but was only answering the argument of the member from Tennessee, [Mr. BELL.] I am admonished that the charge, as contained in that gentleman's argument, is not directly against the honorable member from Massachusetts, but against a member of his political family, [Mr. Clay,] then Secretary of State; and I will with great pleasure formally transfer it from one to the other, as it does not vary the principle. It cannot, so far as my purpose is concerned, be material whether done by the honorable gentleman from Massachusetts in person, or through his Secretary of State. Sir, having shown, according to the statement of the case made by the member from Tennessee, that there has been no departure from the principle of the early Jackson party by the present Secretary of State, I will proceed to ask the attention of the committee to another of the specifications contained in the member's bill of impeachment. "It is well known," says the member from Tennessee, "that an unbounded respect for the rights of the States was professed by the original Jackson party; and any maxim or practice of the Government which tended to consolidation, was denounced as inexpedient, and even dangerous. To prove how little regard has been shown by those who now wear the garb of Jacksonism for the due constitutional rights and independence of the States, it would only be necessary to call to mind the interference of the Federal Government with the election of Senators by the State Legislatures. But, sir, I may add that the legislative proceedings of State assemblies have been interfered with; and many of those bodies have already been reduced to the condition of mere *dependent* and *coördinate* portions of the great *machinery* by which it *is* supposed this country may hereafter be governed—the *supple* and *convenient instruments* of the *Federal, executive, and party interests.*"

The first thing, Mr. Chairman, that deserves notice in answering the member from Tennessee on this point is the regret he must doubtless feel at the desertion of the party from State rights doctrines. I can readily imagine how deep his mortification on this point must be, when I reflect that it was the member from Tennessee himself who had the honor of introducing, as chairman of a committee, and urging through this House, too, a measure about which great dissatisfaction prevailed in many parts of the Union, and about which I apprehended some of the gentleman's intimate friends have uttered the most bitter denunciations. Can the honorable member call to mind a bill that passed Congress when he was one of *the party*?—ay, sir, a leading man of that party, too—known by some as the bill to enforce the collection of revenue, by others as the "force bill," and more still, "the bloody bill." Will the member tell the nation that he had the honor of advocating that measure as warmly as any gentleman then on the floor—that he voted for it? And will he point out a single act of Congress, from that day to this, that contains any principle so much endangering the doctrines of State rights? Sir, I do not pretend to give any opinion of the principles contained in that bill; I only say, that if there has been any measure of this Administration subversive of the rights of the States—destructive of the doctrines of State rights—I believe that bill to be the one. I say no more; that there are but two possible apologies to those of that day whose duty it was to provide for the crisis by the enactment of that bill—first, the precedent set in the time of the Republican administration of Mr. Jefferson; and secondly, the unfortunate posture of affairs resulting from any derangement in the collection of the revenue. That the bill was intended to meet a crisis to be dreaded by all, and avoided if possible, is to be gathered from its limitations. I will, for myself, say, and then I shall have done with the principles of this bill, that if the force bill of Mr. Jefferson was constitutional, then was the force bill of General Jackson. If Mr. Jefferson's was called for, then was General Jackson's demanded. But I am free to admit, at the same time, that I have had doubts as to the power in the Federal Government which this measure claimed. But on one point I have no difficulty; that any gentleman who supported that bill should not be very much alarmed about any act of the Administration, since that time, absorbing the powers of the States.

The member from Tennessee, after having fired for two days upon *the party and the President* as a sort of advanced guard, cries out in the bitterness of his heart against the corruption of the Federal Government for interfering with the elections of Senators by the State Legislatures, and is pleased to say that the "*legislative proceedings of State assemblies have been interfered with, and that many of these bodies have been already reduced to the condition of mere dependent and coördinate portions of the great machinery by which it is supposed this country may hereafter be governed.*" For one, sir, I should be pleased to know the States to which the honorable member has reference. I presume, if there has been any such foul work as the member supposes, he would mention the Legislature and the State, and give us the proof upon which he makes the charge. I should think it was due to the character of the State governments—due to the character of the State legislators, in arraying them before the public, so to present the question that they could defend themselves. And it is surely the duty of the member to speak out, so that the Administration could, in some shape or form, admit, deny, or justify. I am quite satisfied it never could be the object of the gentleman to thrust in the dark. Then, sir, out with it.

But, Mr. Chairman, the member from Tennessee has of late all his fears and sympathies excited in behalf of that intelligent and venerable body, the Senate of the United States, and his remarks on that subject shall receive my immediate attention, after which I shall not trouble the committee with much more in reply to the honorable member:

"But again, is not the Senate, which was intended by the Constitution to be in itself a standing check and limitation upon the use and abuse of the executive patronage, to that extent, and as regards the purposes of its institution, actually *expunged*, and that, too, by executive power and influence? I demand of gentlemen to answer me, and say if there exists at this moment, practically, any controlling power in the Senate over the will of the Executive? Is not the Constitution itself, for the time being, abrogated, subverted, overthrown? Have we not a Senate of the United States notoriously replenished and organized upon the principle of non-resistance and passive obedience to the executive will and authority? And how, sir, has this state of things been brought about? The *State Legislatures*, those ancient towers, as they have heretofore been supposed, upon the ramparts of the Constitution and of the public liberty, have been *boldly entered*, and by *executive influence seduced* and *prostituted* to *purposes* of *Federal power* and *domination*. Sir, if the *executive Chief Magistrate* had entered the Senate *Chamber sword in hand*, and *supported by a band of chosen mercenaries*, and *driven the obnoxious Senators from their seats*, and filled all the *vacancies* by *members* of his own *appointment*, he would have inflicted a deep wound upon the Constitution, and one which I *know* he *never would think* of inflicting; but it *would have been less dangerous*, and more easily *healed*, than the one *which* has *actually been inflicted*."

This is the sentiment of the honorable member. And, sir, I may well say, never was my astonishment greater than when I heard him hold such language of the President and the party supporting the present Administration.

Sir, of all the charges that have been made against the President and the party in support of his Administration, whether from false friends or from open enemies, it has been reserved for the member from Tennessee, to go a full bar's length beyond the limit of the most daring, and at one stroke of the pencil, to draw the tyrant, the usurper, the crouching sycophant, and degraded menial. Could that venerable old man, under whose paternal wing the member from Tennessee has, no doubt, often felt his greatest security, utter one word of complaint for the injustice done him, might he not, in the language of the poet, exclaim—

"The arrow that deepest in my bosom went,
Flew from the bow pretended friendship bent!"

Sir, what degradation so great, what crime so black, as a President of the United States "at the head of a band of chosen mercenaries," "with sword in hand," entering the Senate of the United States and "driving from their seats the Senators that are opposed to him, and filling their places with members of his own appointment." True, sir, the member tells you that the President would not do this; but then he tells you, to have done so would have been a wound on the Constitution "less dangerous and more easily healed, than the one which has actually been inflicted."

I ask, what has the President done to the Senate? What member in that body has received wrong or injury from him? What is there that that body, as a body, has not done to the President? Have they not attempted to blast his character? Have they not charged him with a violation of the Constitution? Have they not charged him with usurping the powers of the Senate? Have they not charged him with violation of the laws and Constitution? nay, more, condemned him unheard? and more still—have they not refused to let him enjoy the poor privilege of placing on the Journals of that body his reasons why a sentence, if not of death, of reproach, should not be pronounced against him? All this they have done, and the story is but half told. Have they not, in violation of all former practices, and in utter disregard of that harmonious action contemplated by the Constitution between the power of nomination by the President and confirmation of the Senate, refused to approve the recommendations of the President to offices of pressing necessity? Are not some of its members now to be found in that body disregarding the instructions of their Legislatures, with the express view of maintaining a majority against the will of the people, against the instruction of the constituent body? Let the honorable member answer these questions, and I will undertake to tell him why it is necessary that the Senate should receive such compliments from a certain quarter at this time; why it is that the Senate is discovered to be a check upon the use and abuse of executive patronage. Why it is, at this time, so important that the discovery should be made, that if the President returns the second time the same individual before the Senate for confirmation, that it is an

abuse of the nominating power, an attempt to subvert the confirming power. Really it would seem that the member from Tennessee thrust forth his assertions and his arguments, as if they were of that sacred character that neither admitted of doubt or investigation. But, sir, the true secret is, that a certain Senator from Tennessee has played a hand during the present session of Congress that requires some propping up under the precise view that has been presented by the member from Tennessee, [Mr. BELL.] That Senator stands condemned and overwhelmed, unless he can effect a retreat under the pretense that the President has no power, under the Constitution, to return upon the Senate the second time, the same individual for the same office, after once being refused. Sir, I am sincerely sorry that the honorable member should have felt himself constrained to have used language in relation to the Administration party, that could not fail to wound the sensibility of each member in his personal character. For if I have misunderstood him, and it should be that he intended nothing for the Chief Magistrate, it only makes the proportion so much the greater for the party.

The honorable gentleman was also understood by me to insist, before this committee, that the present Administration party had assumed a ground directly at variance with the principle upon which General Jackson was brought into office, on the subject of caucuses and nominations by means of conventions. He maintains that "the original supporters of General Jackson advocated his election against Mr. Crawford, the candidate nominated according to party usage, upon the ground that the practice of caucus nominations of a President of the United States, was a violation of the spirit of the Constitution." Sir, as it has been my intention in all I have said in answer to the member from Tennessee, to deal with the utmost possible fairness with his arguments and statements, so I shall continue to do in the few remarks I design to make on this question. I apprehend that the gentleman is somewhat mistaken as to the ground on which Mr. Crawford was opposed by some of the original supporters of General Jackson. It should be remembered that the most, if not all the candidates whose names were before the people at the time of Mr. Crawford, were understood to be members of the republican party. Mr. Crawford, I well remember, was understood to be the radical republican, for reason of real or imputed doctrines he entertained upon the subject of retrenchment and reform. Well, sir, as the member states, in pursuance of the custom of that day, the members of Congress, to the number of sixty-six or thereabouts, assembled in this city at the appointed time to nominate a candidate for the office of Chief Magistrate. This number constituted Mr. Crawford's strength, the balance of the members was divided between General Jackson, the gentleman from Massachusetts, [Mr. ADAMS,] Messrs. Calhoun, Lowndes, and Clay. The friends of these last gentlemen, as I have always understood, protested against the caucus, on the ground that Mr. Crawford received a minority instead of a majority of the republican party; and that, therefore, although he received every vote that met in caucus, it was evident that he was not the choice of a majority of his party. What motives induced the respective friends of the other gentlemen not to meet in caucus I cannot say, further than the facts speak for themselves and my recollection of the familiar story of the day. It was a conviction that the friends of either of the gentlemen would be in a minority; and hence, that by the friends of the other candidates not entering into caucus, the nomination of Mr. Crawford, as had been the custom, would be prevented. The fact actually occurred, and as often as it was said in behalf of Mr. Crawford that he was the regularly nominated candidate, as often was the assertion reiterated on the other hand, that he was nominated by a minority of the members of Congress of his own party. I cannot undertake to say that this was the ground urged in every portion of the Union; but from a recollection not very distinct, I admit I am quite satisfied that the minority nomination of the members of Congress, so far from advancing the interest of Mr. Crawford in the South, or concentrating the support of the republican party in that quarter, was regarded by many of that party in no other light than an attempt by a minority to force upon them an individual who was not the choice of the majority, as had been the case with all preceding nominations by members of Congress.

It was this assumption of power on the part of a minority of the members of Congress that aroused the indignant feelings of the people; and from that moment until of late there has been no attempt that I know of on the part of any minority in Congress to nominate a candidate for President. Sir, I put it to the candor of the member from Tennessee to say if himself and his honorable colleagues have not attempted to revive this old and condemned mode of selecting a candidate for President? Did not the delegation from Tennessee, or a majority of them, meet in this city, and determine to support Judge White? Did not that meeting constitute a caucus? Not only so, sir, but if I understand the explanation given by the gentleman to my friend from Virginia, [Mr. GARLAND,] he absolutely placed this meeting in the worst possible point of view. The gentleman in that explanation was understood to draw this distinction between the meeting of the members of the Tennessee delegation and caucuses; first, that it was not a caucus, because there was no regular notice given; because there was no chairman called to preside over the meeting; because there was no appointment of secretary; because there was no record or minutes kept of their resolves, or the conclusions to which that meeting arrived. Now, sir, if it be true, which I will not be understood as questioning, that there were none of these usual, customary, and, I maintain, indispensable forms observed, the gentleman has established that which I presume his explanation was intended to avoid—that this meeting, by whatever name called, contains every objection that can be raised to the policy of caucuses without one of its advantages.

Secret, private, political meetings, without a record of their proceedings, is that particular class of assemblies most to be dreaded in this country. And I am satisfied, with whatever intentions the members from Tennessee met and deliberated as to the course they would take in the approaching canvass, that that meeting is subject to all the objections taken to the caucus of Congress that nominated Mr. Crawford. The gentleman from Tennessee was further understood to maintain that the objections taken by the original Jackson party applied with equal force to the late Baltimore convention, which nominated Mr. Van Buren for the Presidency. The right of the people to be heard in convention is sacred, and though assaults upon that plan may serve some temporary purpose, it will be impossible for the gentleman to convince the people that they have no right to be heard on every subject, or that it would be dangerous to their liberties to trust themselves. Sir, it is one of the fairest, safest, and most republican modes of settling any question. When the doctrine shall once obtain that the people are not to be permitted to speak, are not suffered to be heard in conventions, on questions affecting their rights, they may soon prepare for the worst. Liberty will not long survive the period when the voice of the people cannot be sounded through their own Representatives, in pursuance of and in conformity to their own will and pleasure. No, sir, there is no analogy between the principle of congressional caucuses and conventions. The one is the will of the people, as expressed through their own organs; the other is the expression of gentlemen who can only speak for themselves, and not for the people. This is the difference, and it is important.

Sir, I have now done with the argument of the gentleman from Tennessee; and I trust that he will not have considered me as departing from the rule he laid down for his own government.

Mr. Chairman, I had intended to have answered at length an honorable gentleman from Virginia, for whom I may say I entertain the highest regard, and who I see before me, [Mr. ROBERTSON;] but having already consumed more time than I had intended, I am admonished that I should bring my remarks to a close. The honorable gentleman, as has been the custom of all those on the same side, had much to say against the Administration; took great pains to search out corrupt practices; and really felt quite astonished, if not indignant, that not the first measure had yet been taken by the Administration to reform the extravagant expenditure of the people's money. The gentleman, in support of his position, informed the committee that one project for reform had been attempted, and that was a resolution that originated in this branch of Congress, proposing a reduction of two dollars per day for the pay of members, which actually passed, and was carried to the *Senate, where it was killed;* just what everybody, but the gentleman himself, would have readily supposed.

Sir, I was at a loss to understand the relevancy of the case cited by the gentleman. I could not see upon what principle the Administration was to be censurable for any measure that had perished in the Senate for several years past, when everybody knows the majority of that body have opposed almost every prominent measure of this Administration. Gentlemen who are opposed to the Administration—who are, so far as words are concerned, so much opposed to its abuses and extravagances, should not forget that the virtuous, patriotic Opposition have been, until the present session, in the majority in that body. And I ask of the honorable gentleman, with that fact meeting him at every charge he makes against the Administration, to tell this committee and the people why that body has not done something. Why is it that some measure has not originated in that quarter that would have saved this country from the disgrace, corruption, and ruin which has been so confidently predicted? Sir, the gentleman has referred to no other measure except the one he mentioned, and that came from the popular branch of Congress, where alone the Administration has been in the majority, and that very measure was defeated in the Senate, where the Opposition have been in the majority! I thank the member for the proof he has furnished to three points, as they are material in the vindication of this Administration: first, that the Administration has attempted retrenchment; second, that it was defeated by the Opposition; third, that the Opposition, with a belief that retrenchment and reform were necessary, according to his own showing, have done nothing. But, sir, with the view that the country may understand a little of the economy of the Senate, and their desire to make this a plain and cheap Government, I will present a fact that will afford some profitable hints to the people, and give the gentleman, I trust, some reason to be more *quiet* and *contented* with the expenditures of this Administration.

The contingent expenses of the Senate in 1826 were $6,913 04; in 1831, $15,000; in 1833, $39,752; and in the memorable year of 1834, $78,794; making a difference of upwards of $70,000 in the mere contingent expenses of the Senate between the years 1826 and 1834. I leave this fact to establish the high claim the Opposition have to retrenchment and reform.

Mr. Chairman, it must have occurred to all who have given the slightest attention to this protracted discussion, that the mode of attack and weapons used against the Administration were not only selected with great care, but were, in many instances, on directly opposite grounds; so that if one failed, the other might happily succeed. In illustration, I will adduce the language of the honorable gentleman from Virginia. That honorable gentleman says, "Since the commencement of his [General Jackson's] administration, his Cabinet has displayed all the colors of the rainbow." And an honorable gentleman from Kentucky, [Mr. C. ALLAN,] some time since, in his assault upon the President, labored through the greater part of his speech to prove that the Administration had acted throughout in direct violation of the President's advice to Mr. Monroe, and that no instance could be shown where any individual had been appointed to office, except he was of the President's party. And yet both the gentlemen from Virginia and Kentucky can unite in the most perfect harmony (doubtless upon principle) in opposing this Administration. Why, sir, against this sort of opposition there is no defense, security, or safety; and discretion

suggests that the assailants be left to themselves, as, under such a mode of warfare, one attack must necessarily destroy the other, and thereby justice to that extent will be done by the assailants themselves.

The honorable member from Virginia, in concluding his able remarks, could not permit the President to escape his special notice; and for the purpose of showing what he asserted to be his deliberate conviction, that the President had attempted to interfere in the approaching election for the Chief Magistracy, to give the influence of his name to a favorite candidate; and for the purpose of establishing this charge of dictating his own successor, so often and so unjustly made, as I must be permitted to maintain, the gentleman relied upon two facts mainly; one of the circulating of several numbers of a certain newspaper in the State of Tennessee; the other, a letter written by the President to the Rev. James Gwin, of Nashville, Tennessee. If, sir, the known, the acknowledged, and established character of General Jackson was not sufficient to silence these reports that have been so widely circulated in the columns of partisan papers, not so much with the view of injuring General Jackson as to excite a prejudice against Mr. Van Buren, a very brief explanation will satisfy any candid mind that the charge is without the slightest foundation. Nor would I pretend to notice what could only be considered the *current scandal* of those whose office it is to impute bad motives to virtuous acts, but for the fact, strange as it may appear, that gentlemen of the most delicate sense of honor, justice, and propriety, (and among that number I regret to find the gentleman from Virginia,) should have felt themselves constrained to snatch from the inevitable fate such stuff is destined to reach, and give it form, dignity, and substance by urging its consideration before the Congress of the United States. Sir, what has the President done? I have already adverted to his trial and condemnation before the Senate of the United States without notice or an opportunity allowed him to defend himself. I have already stated that when that sentence was about to go forth to the world, he *petitioned*, in the form of a memorialist, against that sentence, which that *just* and *patriotic body* refused to receive and enter on their Journals.

In the progress of the discussion that took place on his trial, the President had at least one friend, and the Constitution and the laws had one. That friend's voice was heard: it was raised in tones of thunder against the iniquity of the Senate's proceeding; and although stifled in that body, was doomed to reach the ear, the heart, and the judgment of every man on this continent that abhorred injustice, oppression, and a violation of the laws and the Constitution. Sir, this speech was published in the Globe of this city, and the President *did dare* to send copies of the Globe containing that speech to a number of his first, his earliest, and best friends in the State of Tennessee, men who had watched every movement of his political life; who had supported and sustained him; who had fought their country's battles, and served in the councils of the nation, side by side, with him; who had mingled around the social board with him; who, in short, in every situation, high or low, had been the same consistent, devoted friends. To such men the President did feel himself authorized, nay, called upon, when the Senate of the United States had not only preferred charges against him affecting his character, but even went so far as to condemn him unheard, to give some explanation. That explanation was contained in the speech he inclosed. It was the best he could do; it was all that was left to him to do. He was not permitted to speak for himself. He was compelled to take such explanations as the few and faithful friends to the Constitution and the laws in the Senate would furnish him. But it is said that there was an editorial article in the same number of the Globe preferring some charge against Judge White, and that, therefore, General Jackson did not send the paper so much for the purpose of defending himself as of circulating an editorial attack on Judge White.

Sir, this is too shallow; it is really too small a matter. Honorable gentlemen must be more charitable. No man can believe that General Jackson for one moment thought of, or, what was most probable, knew of the offensive article in relation to Judge White. And none but those who, like Judge White, could love the interest of General Jackson better than their own, would ever have thought of charging the President with the intention of assailing another while he was only defending himself.

Sir, in relation to the letter to the Rev. Mr. Gwin, I have only to say that no gentleman less talented than the member from Virginia would have ventured to assail the principles therein set forth. But the gentleman has discovered in that letter the hand of the "magician," and, therefore, he is somewhat excusable. There is a terror in the popularity of that individual that never fails to startle some gentlemen whenever his name is mentioned. And since it is their pleasure to cherish it, they should be indulged, free of reproach. For one, I can only say, that I shall continue, as I have done, to judge him by his acts, ready to give him my support in such measures as I believe to be right, and equally prepared to oppose him in whatever I believe wrong. But to proceed: General Jackson had been charged with an attempt to interfere with the presidential election, and that, too, in the National Republican, published at Nashville. This charge he knew to be unfounded, and calculated to produce an unpleasant state of feeling at home, amidst his early and constant friends, and to one of that number he addressed a letter explaining the object he had in view, which was to contradict the report circulating through the columns of that paper. For this simple act, the President has passed through the hands of the gentleman from Virginia, and has received from him the most unbounded censure.

Sir, the honorable gentleman should have remembered that the President was repelling, not making charges, when the letter in question was written. Why, the honorable member from Virginia would not even allow the President the right to deny that he had interfered, or intended to interfere, with the approaching election. If he remains silent under the accusation, everybody is to believe it true, and the charge could then be made with some propriety. But it seems there is no mode by which the President can escape the censure of the Opposition. The organ of Judge White in Tennessee charges General Jackson with being opposed to his election, and using his influence against him. General Jackson is not to deny the charge, or say one word; for if he dares to do so, the very act of defense is to be laid hold of as evidence of the truth of the charge.

General Jackson in his letter says, "All my 'friends must perceive that, to be consistent, my 'preference, as far as men are concerned, ought 'to be for him who is most likely to be the choice 'of the great body of the republicans;" and yet if this individual should not be Judge White, the editor of the Republican is ready to cry out "Dictation!" The President says to Mr. Gwin, "You are at liberty to say, on all occasions, that 'regarding the people as the true source of polit-'ical power, I am always ready to bow to their 'will and to their judgment." And this is the letter that has been introduced as evidence of "*dictation*"—as evidence of "interference with elections." Sir, such sentiments stand in need of no defense from me. I should but injure the force of truth—I should insult the understanding by further explanation of the charges brought against the President in this respect. Let the generous and the just, the man who has character to lose, deny to any individual, however high or low in this country, the right to defend his reputation from the assaults of slander. Where is that man to be found? I believe this right has never been denied to any individual, however humble his station, except to General Jackson. Fortunately for him, for the age, and for the country, he does not require it. His memory lives embalmed in the hearts of his countrymen. His virtue was never seduced; his patriotism was never corrupted. He stands not solitary and alone, unhonored, and unbeloved. No, sir, whilst memory remains, whilst the fire of patriotism burns in an American bosom, whilst free institutions are cherished, so long will the name of Andrew Jackson be remembered as the fearless, honest, and able defender of your Constitution and laws.

One word more, sir, and I have done. My object is not to eulogize. That office has been filled by those who are now *arrayed against* the President. I worship at no man's altar; my purpose is not to be accomplished by such shallow devices. My aim is higher. It is of but little consequence what star is about to set. We should look well to our institutions; see that there is neither danger at home nor abroad—do this faithfully; and I ask but for this Administration and the Chief Magistrate to each "do justice, though the heavens should fall."

ADMISSION OF MICHIGAN.

SPEECH OF HON. JAMES BUCHANAN,

OF PENNSYLVANIA,

IN THE SENATE, *April* 1, 1836,

In reply to the arguments against the admission of Michigan into the Union.

Mr. BUCHANAN said:

Mr. PRESIDENT: Nothing was more remote from my intention, when I closed my remarks on Wednesday last, than again to address you on the subject of the admission of Michigan into the Union; but my argument upon that occasion has been so strongly assailed by the Senator from New Jersey, [Mr. SOUTHARD,] and other gentlemen, that I feel myself almost constrained to reply. Even under this strong necessity I would not now trespass upon your time, if I believed I should thus provoke a protracted debate, and thereby prevent the decision of the question before we adjourn this afternoon.

I shall undertake to demonstrate, notwithstanding all which has been said, that under the ordinance of 1787, aliens who were residents of the Northwestern Territory, had a clear right to exercise the elective franchise.

The territory ceded by Virginia to the United States was sufficiently extensive for an immense empire. The parties to this compact of cession contemplated that it would form five sovereign States of this Union. At that early period we had just emerged from our revolutionary struggle, and none of the jealousy was then felt against foreigners, and particularly against Irish foreigners, which now appears to haunt some gentlemen. There had then been no attempts made to get up a native American party in this country. The blood of the gallant Irish had flowed freely upon every battle-field, in defense of the liberties which we now enjoy. Besides, the Senate will well recollect that the ordinance was passed before the adoption of our present Constitution, and whilst the power of naturalization remained with the several States. In some, and perhaps in all of them, it required so short a residence, and so little trouble, to be changed from an alien to a citizen, that the process could be performed without the least difficulty. I repeat, that no jealousy whatever then existed against foreigners.

What, at that early period, was the condition of the vast territory, part of which has been formed into the State of Michigan? It was a wilderness and a frontier. The wise men of the old Congress who framed this ordinance desired to promote its population, and to render it a barrier against foreign invasion. They were willing that all persons, whether citizens of any of the States, or foreigners, who should establish a fixed residence in the Territory, and become the owners of a freehold, might not only enjoy the privilege of voting, but that of holding offices. In regard to the construction of the ordinance itself, I shall not follow in detail the argument of the Senator from New Jersey. Indeed, I do not consider it a question for construction. The language is so plain, that he who runs may read. No ingenuity can cast the slightest shade of doubt over it.

The ordinance declares that "so soon as there 'shall be five thousand *free male inhabitants*, of 'full age, in the district, upon giving proof thereof 'to the Governor, they shall receive authority, 'with time and place, to elect representatives 'from their counties or townships, to represent

'them in the General Assembly; provided that, 'for every five hundred *free male inhabitants*, there 'shall be one representative, and so on, progres- 'sively, with the number of free male inhabitants 'shall the right of representation increase, until 'the number of representatives shall amount to 'twenty-five; after which the number and pro- 'portion of representatives shall be regulated by 'the Legislature; provided that no person be 'eligible or qualified to act as a Representative, '*unless he shall have been a citizen of one of the Uni- 'ted States three years, and be a resident in the dis- 'trict, or unless he shall have resided in the district 'three years;* and in either case shall likewise hold 'in his own right, in fee simple, two hundred 'acres of land within the same; provided, also, 'that a freehold of fifty acres of land in the dis- 'trict, *having been a citizen of one of the States, and 'being resident in the district, or the like freehold 'and two years' residence in the district, shall be 'necessary to qualify a man as an elector of a Rep- 'resentative."

Now, sir, I have said that this language is too plain for construction. When had the people of this Territory the right to elect Representatives? Was it when there were five thousand free male *citizens* within its borders? By no means; but as soon as there were that number of *free male inhabitants*, whether citizens or not. Who were entitled to vote at these elections? *They*, referring directly and immediately to the *five thousand free male inhabitants of full age*.

The subsequent portion of the clause which I have just read, makes this question, if possible, still plainer. It divides those capable of being elected Representatives, as well as the electors, into two distinct classes, conferring advantages, in both cases, upon those inhabitants who had been citizens of one of the States for a period of three years. If a candidate for the House of Representatives had been "a citizen of one of the United States three years," he was eligible, although he might not have been a resident of the Territory for more than a single day. Nothing more, in this case, is required than that he should be a resident. No period of residence was necessary. If the candidate, on the other hand, belonged to the second class—if he had been a naturalized citizen of one of the States for less than three years, or if he still continued to be an alien, in order to render him eligible as a Representative, he must "have resided in the district three years." In short, if he had been a citizen for three years, it was no matter how brief his residence might have been; but if "a free male inhabitant" of any other description, a residence of three years was indispensable. A similar distinction prevails in regard to the electors. "A citizen of any of the States, if a resident of the district but for a single day, had a right to exercise the elective franchise." If, on the other hand, he were not a citizen, "two years' residence in the district" was required. The property qualification was the same both for citizens and for other residents.

[Mr. B. here read other portions of the ordinance to prove that its framers were careful in their use of terms, and always distinguished with great precision between the use of the words "*free male inhabitants*," and "citizens of one of the United States," &c. He also referred, as a further proof of his position, to the language of that portion of the ordinance which provides for the election of the Legislative Council.]

Now, sir, (said Mr. B.,) have I not clearly established the position that, under this ordinance, aliens were entitled to elect and to be elected, provided they had resided a sufficient time in the Territory, and were possessed of the necessary freehold qualification? If I can comprehend the meaning of the plainest English words, neither doubt nor difficulty can longer rest upon this question.

But it has been urged that, in order to become a freeholder, a person must first have been a citizen of one of the States. In reply, I might content myself by saying that this is begging the question. It is assuming the very proposition to be proved. But I shall give this objection two answers. In the first place, although I have become somewhat rusty in my legal knowledge, yet I feel perfectly safe in asserting that, under the strict principles of the common law in England, an alien may purchase real estate, may hold real estate, may transmit real estate to his heirs, or devise it by his will. His title is good against all mankind, except the Crown; and can only be divested by what, in technical language, is termed "an office found" in favor of the King. Admitting that the Government in this country possessed the same right, they have, in the most solemn terms, abandoned it, by holding out inducements, under the ordinance, to foreigners to become the proprietors of real estate within the Northwestern Territory.

An answer still more conclusive may be given to this objection. The old Congress which framed the ordinance had the unquestionable power to enable aliens to purchase and hold real estate. It was their policy to promote the settlement of this Territory; and for this purpose they have plainly declared by the ordinance that aliens, or in other words, that any free male inhabitant might hold real estate. Even at this day, aliens, without any restriction, purchase lands from the United States. To lure them to make purchases, as we have done, and then to attempt to forfeit their estates, would be a violation of every principle of justice and public faith.

The Congress of the United States have repeatedly, in relation to Ohio, Indiana, and Illinois, placed the same construction on this ordinance which I have done. I shall not exhaust either myself or the Senate by referring to more than one or two of these instances. In April, 1802, when Congress passed the act authorizing the people of Ohio to form a constitution and State government, it became necessary to prescribe the qualifications of the electors of delegates to the convention. They performed this duty in the fourth section of that act. It declares as follows: "That all male citizens of the United States who 'shall have arrived at full age, and resided within 'the said Territory at least one year previous to 'the day of election, and shall have paid a terri- 'torial or county tax, *and all persons having in 'other respects the legal qualifications to vote for rep- 'resentatives in the General Assembly of the Territory*, 'be, and they are hereby, authorized to choose 'representatives to form a convention."

Who were these persons having in other respects the legal qualifications to vote for territorial representatives? Let the ordinance itself answer this question. They were free male persons, not citizens of the United States, who held a freehold in fifty acres of land within the Territory, and had resided there for two years. Congress, actuated by the more liberal and enlightened spirit of the age, in the year 1802 dispensed with the freehold qualification in regard to citizens of the United States. They suffered it to remain, however, in relation to those persons within the Territory who were not citizens, but who possessed the legal qualifications in other respects to vote for territorial representatives.

I shall merely refer to another instance in the case of Illinois. On the 20th May, 1812, Congress passed an act to extend the right of suffrage in that Territory. Under this act no freehold was necessary, in any case, to the exercise of the elective franchise. The spirit of the age had corrected this error in politics. I am glad of it. Our own experience has taught us that the citizen, in humble circumstances, who pays his personal tax, feels as deep an interest in the welfare of the country, and would make as many sacrifices to promote its prosperity and glory, as the man who has an income of thousands from his real estate. Wealth never has been, and never can be, a true standard of patriotism. By the first section of this act Congress declared that "*each and every 'free white male person*, who shall have attained 'the age of twenty-one years, and who shall have 'paid a county or territorial tax, and who shall 'have resided one year in said Territory previous 'to any general election, and be, at the time of 'any such election, a resident thereof, shall be 'entitled to vote for members of the Legislative 'Council and House of Representatives for the 'said Territory." You perceive, sir, that Congress, by this act, no longer retained the distinction which they had established in regard to Ohio between citizens of the United States and persons, in other respects, entitled to vote for members of the Territorial Legislature. They are all blended together into the same mass; and the elective franchise is conferred upon them all, under the denomination of free white male persons, who have paid taxes, and resided one year in the Territory. The phrase citizens of the United States does not once occur in the act. In the second and third sections these free white male persons are denominated citizens of the Territory, not citizens of the United States. Under the ordinance of 1787 they were, in fact, constituted citizens of the Territory; and this phraseology is, therefore, perfectly correct.

The Senator from New Jersey [Mr. SOUTHARD] has undertaken the Herculean task of proving that neither the ordinance, nor the act of 1802, in relation to Ohio, nor the act to which I have just referred, nor the other similar acts, conferred upon any persons not citizens of the United States, the right of voting. How far he has been successful I shall leave for the Senate to judge.

Those portions of the ordinance to which I have heretofore referred were subject to the control of Congress. They have been modified and changed in several instances, some of which have been referred to and commented upon in this debate. But I now come to speak of one of those articles of the ordinance, essential to the correct decision of this question, which is placed beyond the power of Congress. To use its own emphatic language, they "shall be considered as articles 'of compact between the original States, and the 'people and States, in the said Territory, and 'forever remain unalterable, unless by common 'consent." This solemn agreement has been confirmed by the Constitution of the United States. No person either denies or doubts the sacred character and the binding force of this contract. The fifth of these articles of this ordinance declares as follows:

"And whenever any of the said States shall 'have *sixty thousand free inhabitants therein*, such 'State shall be admitted, by its delegates, into 'the Congress of the United States, on an equal 'footing with the original States, in all respects 'whatever; and shall be at liberty to form a per- 'manent constitution and State government; pro- 'vided the constitution and government so to be 'formed shall be republican, and in conformity 'to the principles contained in these articles; 'and, so far as it can be consistent with the gen- 'eral interest of the Confederacy, such admission 'shall be allowed at an earlier period, and when 'there may be a less number of free inhabitants 'in the State than sixty thousand."

Now, sir, under this provision, these sixty thousand free inhabitants had a right to frame a constitution whenever they pleased. They had a right to determine which of them should be electors of delegates to their own convention for that purpose, and which of them should not. It rested solely within their own discretion whether the elective franchise should be confined to the citizens of the United States, or be extended to other inhabitants of the Territory. It was the right and the duty of Congress first to determine the boundaries of the States to be formed within the limits of the Northwestern Territory. Had this duty been performed, the free inhabitants of Michigan, after they amounted to sixty thousand, would have become a distinct political community under the ordinance. They would have possessed the sovereign right to form a constitution; and if this constitution were republican, and in conformity to the ordinance, they might have demanded admission, by their Delegates, into the Congress of the United States. They could not have been refused without a direct violation of the solemnly-pledged faith of the nation. If Congress had objected that persons not citizens of the United States had been permitted to vote at the election for delegates, they might have triumphantly presented this ordinance, and declared that the question was settled by its terms and its spirit; that the time had arrived when they were entitled to shake off their territorial dependence, and assume an equal rank with the other States of the Union. Throughout the ordinance there is a marked distinction between "free inhabitants" and "citizens of one of the United States."

It is true that Congress has never yet determined the boundaries of the State of Michigan; but

their omission to do so could not affect in any degree the right of the free male inhabitants to vote for delegates to the convention which framed their constitution. As soon as Michigan shall have been admitted into the Union, the boundaries of Wisconsin will then be irrevocably determined. It will be the last of the five States into which the Northwestern Territory can be divided under the terms of the ordinance. When that Territory shall contain sixty thousand free inhabitants they will have an absolute right to demand admission as a State into the Union, and we cannot refuse to admit them without violating the public faith. Still, I should not advise them to frame a constitution without a previous act of Congress.

The precedent in the case of Tennessee, on which I commented when I addressed the Senate on Wednesday last, has completely silenced all opposition in regard to the necessity of a previous act of Congress to enable the people of Michigan to form a State constitution. It now seems to be conceded that our subsequent approbation is equivalent to our previous action. This can no longer be doubted. We have the unquestionable power of waiving any irregularities in the mode of framing the constitution, had any such existed. It is wiser, I admit, for Congress, in the first instance, to pass such an act; but, after they had refused to do so, from year to year, the people of Michigan had no other alternative but either to take the matter into their own hands, or abandon the hope of admission into the Union within any reasonable time.

But I am not done with this Tennessee precedent.

It will be recollected that when North Carolina ceded to the United States the territory which now composes the State of Tennessee, it was specially stipulated that the inhabitants within the same should "enjoy all the privileges, benefits, and advantages" set forth in the ordinance for the government of the Northwestern Territory. This provision makes the case of Tennessee one precisely in point with the present. I would ask, then, who voted at the election for delegates to frame the constitution of Tennessee? Let the proclamation of Governor Blount, issued in obedience to an act of the Territorial Legislature, answer this question. He declares "that all free males, (not free male citizens,) twenty-one years of age and upwards," shall be entitled to vote. Under this proclamation every free male inhabitant of the Territory had a right to vote, no matter how short a time his inhabitancy may have continued. In this respect it differs from the territorial law of Michigan, which requires a previous residence of three months.

With full knowledge of these facts, General Washington, in his message to Congress of the 8th of April, 1796, on the subject of the admission of Tennessee into the Union, declares, that "among 'the privileges, benefits, and advantages thus 'secured to the inhabitants of the territory south 'of the river Ohio, appear to be the right of forming 'a permanent constitution and State government, 'and of admission as a State, by its delegates, 'into the Congress of the United States, on an 'equal footing with the original States, in all 'respects whatever, when it should have therein 'sixty thousand free inhabitants; provided the 'constitution and government so to be formed 'should be republican, and in conformity to the 'principles contained in the articles of the said 'ordinance."

The State of Tennessee was accordingly admitted. At this early day, when this ordinance was better understood than it can be at present, no objection was made from any quarter, so far as I can learn, that delegates to the convention which formed the constitution of that State, were voted for by inhabitants who were not citizens of the United States. Certain it is that no such question was raised by General Washington. Even Mr. KING, whose report was decidedly adverse to the admission of this State, never, in the most distant manner, adverts to this objection which has now been so strongly urged by Senators.

I stated when I last addressed the Senate, as a proposition clearly established, that, under the ordinance, the States formed out of the Northwestern Territory had a right to confer the elective franchise upon the inhabitants resident within them at the time of the adoption of their constitutions, whether they were citizens or not. I then also asserted that the States of Ohio and Illinois had not only exercised this power to the extent which Michigan had done, but had gone much further. They had not, like Michigan, confined the elective franchise to inhabitants actually resident within their respective States, at the time of the adoption of their constitutions; but had made a general provision by which all such inhabitants, though not citizens, would be entitled to vote in all future time. These positions, which I thought impregnable, have been violently assailed; and it has been contended that, under the provisions of these constitutions, no persons except citizens of the United States are entitled to vote. This renders it necessary that I should again turn to these constitutions. The first section of the fourth article of the constitution of Ohio declares, that "in all elections *all white male* '*inhabitants* above the age of twenty-one years, 'having resided in the State one year next pre-'ceding the election, and who had paid, or are 'charged with, a State or county tax, shall enjoy 'the right of an elector; but no person shall be 'entitled to vote, except in the county or district 'in which he shall actually reside at the time of 'the election." The fifth section of the same article varies the expression, and confers the right of voting "*on white male persons*," who are compelled to labor on the roads. These "white male inhabitants," or "white male persons," are not required to be citizens of the United States. The terms are as general as they can be. They embrace all persons, whether citizens of the United States or not, who have resided within the State for one year, and are in other respects qualified. Besides, it would be easy to show, by adverting to other parts of this constitution, that the framers of it, in several cases, when they intended to confine its benefits to citizens of the United States, have so declared in express terms. We have heard it stated that, by a judicial decision, the right to vote has been restricted to citizens of the United States. This decision has not been produced. I should be very much pleased to see it. I am aware that judicial construction can work wonders; but if any court has decided that "all white male inhabitants," or "white male persons," are restricted in their meaning to white male citizens of the United States, it is a stretch of judicial construction which surpasses anything of which I could have conceived.

The constitution of Illinois is still more general in its provisions. It declares that "in all elec-'tions *all white male inhabitants*, above the age of 'twenty-one years, having resided in the State 'six months next preceding the election, shall 'enjoy the right of an elector; but no person shall 'be entitled to vote except in the county or dis-'trict in which he shall actually reside at the time 'of the election." We have been informed by the Senators from Illinois, that the practice of that State has always conformed to the plain meaning of the constitution. At this day any alien who has resided within that State for six months is in the full enjoyment of the elective franchise. Indeed, this privilege has induced aliens to settle in that State in preference to others where they cannot vote until after they have become citizens of the United States.

Now, sir, I wish to be fairly understood upon this question. As a general principle, I do not think that any State of this Union ought to permit any person to exercise the right of an elector who is not either a native or a naturalized citizen of the United States. There may have been, and I think there was, a propriety in conferring the elective franchise upon the inhabitants of the Territory, actually resident therein, although not citizens, who had a right under the ordinance to participate in the formation of the constitution. Beyond this the power, even under the ordinance, is extremely doubtful. Michigan has wisely confined herself within these limits. She has not followed the example of Ohio and Illinois. These States have been admitted into the Union, notwithstanding the extravagant provisions in their constitutions in favor of foreigners. Would it not be extremely ungracious to exclude Michigan, when no foreigner can ever hereafter enjoy the right of voting, except such as were resident within the limits of the State at the time of the formation of her constitution?

According to the census it would appear that not more than from five to six hundred aliens could have been in that situation. At the present time it is probable that many of these have become naturalized citizens. The evil, if it be one, is very small. Within a short period it will entirely disappear. Would it be wise, would it be politic, would it be statesmanlike, to annul all that has been done by the convention of Michigan merely for this reason? Ought we on this account to defer the final settlement of the disputed boundary between Ohio and Michigan, and thus again give rise to anarchy and confusion, and perhaps to the shedding of blood? Do you feel confident that the people of Michigan, after you have violated their rights by refusing to admit them into the Union at this time, would ever act under your law authorizing them to form a new constitution? We must all desire to see this unfortunate boundary question settled; and the passage of this bill presents the best, if not the only means of accomplishing a result so desirable.

Have the people of Michigan, or any portion of them, ever complained of this part of their constitution? I would ask by what authority have the Senators from Ohio and New Jersey [Messrs. EWING and SOUTHARD] raised this objection, whilst the people themselves are content? Even if they did commit an error in this respect, we ought to treat them as children, and not as enemies. It is the part of greatness and magnanimity to pass over unimportant errors of judgment committed by those who are in some degree dependent upon us. It would, indeed, be a severe measure of justice for the Congress of the United States, after having admitted Ohio and Illinois into the Union, to close the door of admission against Michigan. This, in truth, would be straining at a gnat, and swallowing a camel!

Suppose you deprive the people of Michigan of a territory to which they all believe, however erroneously, they have a right, and transfer it to Ohio, and then drive them from your door and refuse to admit them into the Union: can any Senator here view the probable consequences with composure? They are a high spirited and manly people. You cannot blame them for that. They are bone of your bone, and flesh of your flesh. They have been taught, by your example, to resist what they believe to be oppression. Will they patiently submit to your decree? Will they tamely surrender up to Ohio that territory of which they have been in possession for thirty years? Their past history proves conclusively that they will maintain what they believe to be their rights, to the death. You may have civil war as the direct consequence of your vote this day. Should the amendment of the Senator from Ohio [Mr. EWING] prevail, whilst it will leave unsettled the question of boundary, so important to his own State, it may, and probably will produce scenes of bloodshed and civil war along the boundary line. I have expressed the opinion that Congress possess the power of annexing the territory in dispute to the State of Ohio, and that it is expedient to exercise it. The only mode of extorting a reluctant consent from the people of Michigan to this disposition, is to make it a condition of their admission, under the present constitution, into the Union. The bill proposes to do so, and, in my humble judgment, Ohio is deeply interested in its passage.

I shall now, following the example of my friend from New York, [Mr. WRIGHT,] proceed to make some suggestions upon another point. They are intended merely as suggestions, for I can say, with truth, I have formed no decided opinion upon the subject. A friend called to see me last evening, and attempted to maintain the proposition that the several States, under the Constitution of the United States, and independent of the ordinance applicable to the Northwestern Territory, had the power of conferring the right to vote upon foreigners resident within their Territories. This opinion was at war with all my former impressions. He requested me to do as he had done,

and to read over the Constitution of the United States carefully, with a view to this question. I have complied with his request, and shall now throw out a few suggestions upon this subject, merely to elicit the opinion of others.

The older I grow, the more I am inclined to be what is called "a State rights man." The peace and security of this Union depends upon giving to the Constitution a literal and fair construction, such as would be placed upon it by a plain, intelligent man, and not by ingenious construction, to increase the powers of this Government, and thereby diminish those of the States. The rights of the States, reserved to them by that instrument, ought ever to be held sacred. If then the Constitution leaves to them to decide according to their own discretion, unrestricted and unlimited, who shall be electors, it follows, as a necessary consequence, that they may, if they think proper, confer upon resident aliens the right of voting.

It has been supposed, and is, perhaps, generally believed, that this power has been abridged by that clause in the Constitution which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens of the several States." Does then a State, by conferring upon a person not a citizen of the United States the privilege of voting, necessarily constitute him a citizen of such State? Is the elective franchise so essentially connected with citizenship that the one cannot exist without the other? This is the question. If it be so, no State can exercise this power; because no State, by bestowing upon an alien the privilege of voting, can make him a citizen of that State, and thereby confer upon him "the privileges and immunities of citizens of the several States." Citizens are either natives of the country or they are naturalized. To Congress exclusively belongs the power of naturalization; and I freely admit that no foreigner can become a citizen of the United States but by complying with the provisions of the acts of Congress upon this subject. But still we are brought back to the question, may not a State bestow upon a resident alien the right to vote, within its limits, as a personal privilege, without conferring upon him the other privileges of citizenship, of ever intending to render it obligatory upon the other States to receive him as a citizen? Might not Virginia refuse to a foreigner who had voted in Illinois, without having been naturalized, "the privileges and immunities" of one of her citizens, without any violation of the Constitution of the United States? Would such an alien have any pretext for claiming, under the Constitution of the United States, the right to vote within a State where citizens of the United States alone are voters?

It is certain that the Constitution of the United States, in the broadest terms, leaves to the States the qualifications of their own electors, or rather it does not restrict them in any manner upon this question. The second section of the first article provides "that the House of Representatives 'shall be composed of members chosen every 'second year by the people of the several States, 'and the electors in each State shall have the 'qualifications requisite for electors of the most 'numerous branch of the State Legislature." By the first section of the second article, "each State 'shall appoint, in such manner as the Legislature 'thereof may direct, a number of electors equal 'to the whole number of Senators and Represent-'atives to which the State may be entitled in Con-'gress." Both these provisions seem to recognize in the States the most absolute discretion in deciding who shall be qualified electors. There is no declaration or intimation throughout the whole instrument that these electors shall be citizens of the United States. Are the States not left to exercise this discretion in the same sovereign manner they did before they became parties to the Federal Constitution? There is at least strong plausibility in the argument, especially when we consider that the framers of the Constitution, in order more effectually to guard the reserved rights of the States, inserted a provision, "that the powers not delegated to the 'United States by the Constitution, nor prohib-'ited by it to the States, or reserved to the States, 'respectively, or to the people."

Without any stretch of imagination we might conceive a case in which this question would shake our Union to the very center. Suppose that the decision of the next presidential election should depend upon the vote of Illinois, and it could be made to appear that the aliens who voted under the constitution of that State had turned the scale in favor of the successful candidate. What would then be the consequence? Have we a right to rejudge her justice—to interfere with her sovereign rights—to declare that her Legislature could not appoint electors of President and Vice President in such manner as they thought proper, and to annul the election?

It is curious to remark that, except in a few instances, the Constitution of the United States has not prescribed that the officers elected or appointed under its authority shall be citizens; and we all know, in practice, that the Senate have been constantly in the habit of confirming the nominations of foreigners as consuls of the United States. They have repeatedly done so, I believe, in regard to other officers.

I repeat that on this question I have formed no fixed opinion one way or the other. On the other points of the case I entertain the clearest conviction, that Michigan is entitled to admission into the Union.

I have thus completed all I intend to say upon this subject. I have been most reluctantly drawn a second time into this debate. I had the admission of Arkansas specially intrusted to my care. Few, if any, of the objections urged against Michigan are applicable to Arkansas; but I could not conceal from myself the fact, that the admission of the one depended upon that of the other; and I am equally anxious to receive both the sisters.

SLAVERY IN THE DISTRICT OF COLUMBIA.

SPEECH OF HON. J. R. INGERSOLL,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February, 1836,

On the motion to reject a Petition from Massachusetts, praying for the abolition of Slavery in the District of Columbia.

Mr. INGERSOLL said:

Believing that the motion before the House will not reach the object entertained by either side, I have put together a resolution which it is my intention to submit for consideration, when it shall be perfectly in order. It runs thus:

Resolved, That the *holding of slaves* is a *right* clearly recognized by the Constitution of the United States, and is thereby *secured* to the citizens of those States whose policy does not forbid it as the legitimate *subject* of individual property, and *source* of political influence and power, and all attempts to interfere with or molest them in its exercise or enjoyment are impolitic, unconstitutional, and unjust.

Surely the proposition now before us does not go to the root of the evil. Encouragement to petitions having for their object the abolition of slavery in the District of Columbia, is deprecated, because (as has been said) it would be an *entering wedge* to further interference. Rights exist which are in themselves considered unquestionable. These are to be guarded from any and every encroachment. Be it so. Why not assert and maintain them, then, at once, without regard to the mere incident which, although far from insignificant in itself, must be comparatively unimportant?

The nature of the motion now submitted is such as scarcely to afford an opportunity to decide either of the important questions to which attention has been called in the course of the debate. They are *two: first*, the one immediately involved in the memorial on the table, and expressed on the face of it—the abolition or continuance of slavery in the District of Columbia; and *secondly*, the broader and more pressing inquiry, whether measures shall be resorted to for the purpose of assuaging the feelings, and arresting and preventing attempts to interfere with the constitutional rights and personal security of the citizens of the slaveholding States.

It will be perceived at once that the last of these inquiries is not directly involved at all in the proceeding before us. If it be so in any way it must be incidentally only. In that sense I cannot doubt it, since it has been made (as to the abuse itself, or the probable remedy for it) a prominent object of remark throughout the discussion. That the two things may have a bearing upon each other is altogether a reasonable conclusion, and in that view a separation of them in debate could not fairly be expected. But it is perfectly clear that the adoption of the resolution, or the rejection of it, will adopt nothing with regard to the more important and interesting inquiry and complaint—the complaint of undue interference, and the inquiry how it can best be put a stop to at present, and avoided in future. If legislation be *un*necessary to prevent the diffusion of injurious publications, they will be equally prevented, whether slavery be abolished in the District of Columbia or not. If legislation, on the other hand, be requisite for that purpose, it must still be resorted to, although slavery should be preserved and perpetuated here as it originally stood and still exists in those sections of the two growing empires that were cut off from their parent stocks for the exclusive legislation of the United States.

Thus nothing will be gained or lost to the one question by the determination of the other, even if that determination itself were now within the reach of the House. Will the vote now aimed at reach the object that gentlemen on both sides of the question desire to attain? Will it fairly or effectually decide the point of abolition or conservation anywhere? I fear not, and believing that to be the case, and believing also that a mere silent vote would not sufficiently explain the motives which led to it, I will venture to trespass for a moment on the patience of the House, by urging the reasons which induce me to wish that another course might have been taken. Before I sit down, I may trouble the House also with a remark as to the necessity, or the absence of it, of movements here in relation to the evils complained of in the southern and some of the western States.

As to the whole question, the State of Pennsylvania is peculiarly circumstanced. She has at this moment scarcely a remnant of slave population within her limits. Her soil and climate do not require it. A respectable part of her people, too, descendants of her patriarchal founder, and retaining all his primitive simplicity in feeling and in manners, consists of individuals who are supposed to be generally opposed to slavery, according to the sincerest convictions of their consciences. In their own practice they scrupulously refrain from it. Some of them rigidly abstain from those enjoyments, and even comforts of life which are the ordinary products of slave labor. Yet, in such a community, among a people whose mass and aggregate contain a large ingredient of the character I have described, feelings have been entertained and expressed, measures have been adopted and promulgated, which, if the sympathies of the South are to be influenced by the promptness and sincerity of corresponding sympathies, cannot fail to win their affection and regard. I want to impress on the minds of honorable gentlemen around me, and, through them, on the nation, that, in the district which I have the honor in part to represent, there has been as cordial and animated an expression of sentiment on this irritating subject as could have resounded in acclamation from one of their own hospitable cities, or arisen from the midst of their own fertile fields. If Pennsylvania was the first to dispense with these institutions for herself, she has not been the last to buckle on her armor, and to extend the right hand of fellowship to her brethren of the South. I mean to make no vain boast of her liberality, to claim no merit here for her motives. History has recorded the event of her own abolition. Let it stand, if you will, upon the present occasion, on the ground of her not wanting, for her own best interests, the continuance of slavery. She certainly deems her condition the better without it. Yet I have the satisfaction to say, without a boast, that our constituents are not apt to be backward in the duties of kindness and assistance at a moment of apprehended or existing need. The flames which have been devastating a portion of a sister city had not ceased to blaze, when they gave living proofs of the sincerity of their friendship, and the ardor

and promptness with which they would lend their succor to their suffering friends.

I had hoped that there was no substantial difference of opinion on the principal point, in this House; and, therefore, as the representation is universal, that there could be virtually none in the nation. The chord that appeared to vibrate in harmony here is only responsive to sounds that have been uttered on the banks of almost every river north of the Susquehanna to the extremest limits of the land. Until very recently these strings would not have been struck at all. An occasion had not before presented itself when such utterance would have been necessary, and in the absence of necessity it would have been unwise. The North deemed itself bound, indeed, to abstain from a discussion that would have been eminently unprofitable at any former period of the national history. Their patriots had united in planting seed which was to be left peculiarly, if not exclusively, to the culture of their co-patriots of the South. There grew up from it a sensitive plant that would scarcely bear the slightest touch; and, by common consent, its delicacy was respected, and all interference with it was avoided.

Time, however, in its experimental course, gave birth to prodigious changes in the colonial institutions in another country; and the officious sensibilities of some of its own subjects were influenced to an attempt to fasten or frighten them upon us. The standard was raised with a prudence at least equal to the zeal which prompted its erection at a distance from the scene where the effect was to be produced. Some few misguided individuals answered to the signal. We of the North—its actual population, strangers to all that was conceived or in progress about us—began to suffer under the stigma of hostility and incendiary disposition towards our southern brethren. I cannot be mistaken when I say that the belief was general that the whole northern population was arrayed in feeling against them. It was necessary to disabuse both them and the misjudging few who were equally in error among ourselves. An early effort was made among those who had descended from the first laborers in the blood-stained fields of the Revolution; who fell at Lexington; who, on a memorable occasion, gave the tea to the deep. Their motives were explained; and the necessity of resistance to foreign intermeddling and domestic folly was made manifest by one who, contemporary with the early history and councils of the Republic, and now its time-honored sage, knew best how to illustrate the character of the Federal compact, and the duties which, as a compromise, it enjoined.

The citizens of Pennsylvania were not less prompt in the expression of their decided disapprobation of all attempts to disturb the settled faith of the Union. This was done in well attended meetings of the people, whose sentiments, it is said, are never wrong. The expression was as emphatic as the sentiment which it sprang from was cordial and sincere. The promises and the pledges of friendship were pure and unalloyed. But they were individual and unofficial. Our friends of the South seemed to look for something more. A manifesto of good will was expected from a source that might be regarded at once permanent and responsible. Accordingly, at the very first opportunity that presented itself, at the now recent meeting of the Legislature, the Executive of Pennsylvania, in his annual message, openly echoed the sentiments and judgments of the people. If it be necessary, the Legislature will do the like. What further do the intelligence and power of the South require? Nothing; literally nothing. In the best judgments of their wise and honorable men, they ought to be, and they will be satisfied. What measures they will adopt for themselves, thus assured against distant aggression, must be for their own wisdom to decide, and their own firmness to execute. They have stout hearts and strong arms. Whether (I will add) in the course which may be governed by Divine Providence, the day shall come when they will choose to make arrangements for safe and eventual emancipation, must be left under that guidance which cannot err—exclusively to themselves.

I come to ask them, in behalf of the North; of those who have done all that could be expected, or that has been required; of those who are prepared to do whatever may be necessary or useful in the day of greater need—I merely ask that the subject shall be approached (now that it must be met in this great council) with mutual forbearance and respect. Jealousy herself ought not to doubt the disposition to keep the relations between the two sections of the country free from all influences, except those that are the most generous and just. My object is to allay excitement, by proving, if I can, that the causes of it exist no longer, and that they will not arise hereafter, unless they are excited by the conflict of unnecessary and irritating discussion.

In accounting for much of the feeling that has extended through the southern States, I address myself rather to their distant fellow-citizens than to themselves. Indignation at attempted or perpetrated wrongs was not to be condemned or wondered at. If half the effects imputed to it are likely to ensue from the interference that is complained of, that drop of cold blood that stirs or stagnates in the veins of a native of the South would be rebellious to his nature. It is not because any attempts could be made with success at actual emancipation, much less at the final overthrow of law and order, that those things are deprecated. One wide-spread revolution, ending in the supremacy of a population of African descent, is, I presume, too chimerical and absurd to be within the serious apprehension of any one. Moral force and well-digested discipline, capacity for order and arrangement, wisdom to direct, and valor not to be subdued, among the high-minded and well-educated citizens of that section of the country, forbid the idea of anything like permanent or extensive mischief.

Yet there are evils of a less wide-spread influence, of which the dread is by no means visionary; and with regard to them, early alarm, and steady watchfulness and precaution, are only true wisdom.

A distinguished and eloquent Representative from Virginia once declared upon this floor that the midnight bell never tolled for fire at Richmond, that the mother did not clasp her infant more closely to her breast. It was, in his estimation no idle fear that doubted between the perils of accidental conflagration and the horrors of domestic massacre. Accordingly, more than once has the tocsin sounded to the rescue from existing or clearly meditated insurrection. The fires of servile war were actually lighted at Southampton; and although they were speedily extinguished, they left a section of our common country clothed in the garments of affliction. The best of your citizens have been occasionally called on to sit in special commission on the unhappy victims of a salutary vengeance, and it has been necessary, on such occurrences, to present to other evil-doers a terrible example. Single instances of ferocious assassination have also occurred. An unhappy slave has been convicted within the last week in this very District of an attempt to murder his mistress as she slept. An anticipation of such scenes in times to come, prompted by the fatal recollection of them in times past, may well arouse the anxious feelings, the active indignation of those to whom belongs the care of the helpless and the feeble.

We need not go far back in time to discover among the outbreakings of slavery traces of some of the bloodiest butcheries that history records. The elements of fury that could not be satisfied—of a brutal appetite for blind and indiscriminate revenge, never were more aptly mixed for mischief than in the instance of the revolution of St. Domingo. Rome, in the dark hour of the conspiracy of Catiline, did not exhibit a darker picture of human suffering and human crime.

> "All hate had license given it; all rage reigns;
> Slaughter bestrid the streets:
> No age was spared—no sex—nay, no degree;
> Not infants in the porch of life were free.
> Virgins and widows, matrons, tender wives,
> All died."

Independently of the threat of attack on life, it is impossible to overlook the perfectly justifiable motives that give value to property, and make it a duty to guard it from violation. The Constitution communicates this character to the right of the slaveowner, and secures him in the enjoyment of it. It does more—much more. Its first article confers an importance on slave population dearer, in the estimate of freemen, and in its constitution, towards the legitimate exercise of sovereign power, than any which grows out of mere pecuniary circumstances. In the established ratio of representation, and the consequent influence of the Representatives, and the force and dignity they enjoy for themselves and for their constituents, there is (as all of us familiarly know) an additional power vested in the slaveholding States derived from that circumstance alone, equal to three fifths of what they would possess if every slave were a free man, and to all intents a citizen.

When life or property, or the privilege of representation, is invaded, or threatened with invasion, a spirit of more than opposition is aroused, and resistance to the uttermost is the consequence I thus freely acknowledge, because I deeply feel, how natural is the impulse which would prevent and repel encroachment, that would meet it at the onset, or anticipate its organization. But I confess it appears to me that the occasion now presented is not calculated to call forth, and would but waste, the feelings of alarmed affection, of watchful stewardship, of indignant patriotism, to which I have adverted. No attempt is here made to interfere with any of these sacred rights. The same Constitution which gives a thrice-told security to the possessor of slaves, and guards him from the invasion of his undoubted privileges, confers, too, on Congress the *power* to *exercise exclusive* legislation, *in all cases whatsoever*, in such district (limited to ten miles in extent) as may become the seat of the Federal Government.

I am not about to argue the question, whether this large grant does, or does not, include the power to abolish slavery. Such discussion would, at all events, be premature, and is out of the course which it is my object at present to pursue. Legislation, however, is sovereignty; and it may be that, in a given event, Congress can pass upon that grave subject without encroaching upon any rights, vested or contingent, admitted or alleged. I will not anticipate the contingency of a previous abolition in Maryland and Virginia, and of the united voice of all the inhabitants of the District, raised in one general prayer for abolition. Nor do I overlook the proviso in the cession from Virginia, the true construction of which must limit it, I think, to landed property. It is easy to perceive, on the other hand, an essential difference between the voluntary sacrifices of a particular State surrendering its own property, as would be the case where it is done through its particular representatives, and the corresponding movements of Congress upon petitions from a distance with regard to a District which has no especial representation. I do not mean to argue that Congress *can* legislate away this property, even with the consent of the owners; but I am not prepared to admit that they can *not*. Certainly a very different issue is presented by those inquiries from that which grows out of the supposed daring inroads of foreign enemies and domestic traitors. It would be greatly to be deplored that the case should be made to assume a false position, and that a question so easily to be resolved as that which rests upon the plain letter of the Constitution, should be embarrassed by difficulties that its spirit alone can overcome, and be confounded with a question that is altogether different and (at least comparatively speaking) doubtful. I would not be understood as requiring that the question of abolition here should be left undetermined: but I would have it met whenever it is encountered, fairly and fully. Let it be so determined, if at all, as will place it at rest, now and forever; at rest for ourselves, and at rest for the whole civilized world; so at rest, as will afford an answer even to the agitating orator of the British Parliament, whose itinerant humanity has extended, as it should seem, in tender mercy to the superintendence of our domestic institutions.

How will a mere vote upon the little emergency of this little petition effect the object? Take it in any sense. From how many souls, male and

female, adults and minors, does it come? I speak of it with entire respect; but I allude to its numerical strength, compared with that of the whole Republic. *Thirteen*, or a *hundred and thirty*, or *thirteen hundred*, if you will. What is that to thirteen or fourteen millions? Every day may bring forth new memorials of the same or—which is the same thing in the view I am now taking—of an opposite character. Would the simple rejection of any number of them avail? No, sir. Ominous suggestions are contained in the conclusion of this very paper, that the petitioners are not readily to be turned aside. Applications may be renewed again, and again, and again. The whole time of the House and the whole business of the nation may be suspended by the discussion or decision of them in detail, in settling, one by one, memorials without number; in the expression of indignation within these walls, and in the exercise of a persevering obstinacy without them. In such a conflict, the race would not probably be to the swift, nor the battle to the strong.

Heretofore petitions have been referred, or laid upon the table. An honorable gentleman has said the circumstances are different at present. Then treat them differently. Do not let them remain unanswered, as they will be in effect by simple rejection in each case, but take or make an early opportunity (if it must be) to decide them all. In that decision, pronounce an emphatic vindication of all we do.

Besides, these detailed decisions—which I confess I deprecate—may not be *uniform*. To say nothing of the effect that may be produced on particular members by the character and language of particular memorials, by their peculiar knowledge of some sets of petitioners and want of knowledge of others, and a consequent *pre*disposition or *in*disposition to listen to their requests; in anything like a doubtful case majorities may vibrate from circumstances altogether adventitious, and this may possibly be considered a case of that description. There are, I think, some ninety-nine Representatives from slaveholding States, and one hundred and forty-one from those which are not. I do not know that this makes an essential difference. I hope it does not. But it may operate in some degree, as early habits of thinking and association cannot fail to act upon the mind. Members may be absent from their seats. In the shapes which this subject assumes, momentous as in some aspects it is, it may come up any and every day. It may steal upon the House unconsciously to itself, and almost so to the mover. We have had but few days for presenting petitions. On each, I believe, it has been the subject of discussion; and, if this motion prevails, the result in the different cases will have been different. I could not ask for a better illustration. For every member to be every hour in his place, watchful of all and partaking of all, would be more than mortal strength and clear-sightedness would bear. It would require the eyes of Argus, and as many hands. We cannot forget, besides, the mournful memento which has been already, more than once already, repeated among us—the shafts of death that have already fallen thickly in the midst of us to manifest our feebleness and mortality.

Thus, one day a petition may be received, the next rejected, and the third laid on the table, and the fourth perhaps thrown under the table. What is the result to ourselves, to the nation, to the world? Nothing—worse than nothing; uncertainty and doubt; that fear of change that perplexes nations. This body owes to itself the aim at least, and the attainment, as nearly as may be practicable, of consistency in its doings. Acts of legislation ought not, under similar circumstances, in the course of a political voyage, to veer with the flag at the topmast head, but to be steadfast and true as the needle upon the deck.

I promised, before taking my seat, to say a word as to the suggestion, coming from a high official source, of the propriety of congressional regulations over the Post Office respecting these grave matters. I am inclined to doubt the necessity, rather than to withhold, if desired, the passage of a remedial statute. It is a question of *police*—of *mere* police; and that is a subject which the General Government could not touch if it would, and would not if it could. If individuals are found trespassing on rights so delicate and sacred as these, they can be *punished*. If the instruments of their misdeeds, the publications and other missiles of mischief, can be discovered, they may be *destroyed*. By the old law, misdoers taken in the *mainour*, with proofs of guilty conduct and design about them, were liable not only to be arrested without warrant, but hung up without arraignment. The evidence of their offense was flagrant in their hands. They were themselves reeking with criminal act and purpose beyond, as was believed, the possibility of denial, and therefore beyond the necessity of further or formal proof.

Modern usage, it is true, has given to the penal law a milder aspect. Proof is not dispensed with the rather because it is satisfactory and clear. The law now interposes and prevents the consummation of the crime. It arrests the flight of the criminal, and compels him to restore his ill-gotten gains. It stands guard over the safety of the citizen and the State by exercising the glorious attribute of preventive justice. It reserves, however, the last offices of vengeance until guilt has been duly proved before the competent tribunal—has been made manifest, not only in existence, but in evidence, to the face of day. It needs not the acknowledgment of the criminal, or the positive and direct proof of his misdeed. The mute eloquence of *circumstances* still makes its due impression, and often unaided does its office. It consists of the half-extinguished torch of the malignant incendiary—of the bleeding victim of the highway robber—of the telltale drop upon the dagger of the dark assassin.

To reach these objects is properly the duty of the municipal law. It is within the power of every well-constituted civil society to vindicate itself. The powers and the privileges of the General Government (extensive and useful as I believe they are and ought to be) cannot, in matters of a criminal nature, suspend or supersede the municipal regulations of a particular commonwealth.

The establishment of post roads, constitutional to the letter, could not dedicate that portion of the territory of a State over which they pass to the use of a band of highwaymen. Jurisdiction and legislation, too, remain to every other purpose as entire after the *establishment* of the post road as before. The analogous and incidental establishment of *post offices* is liable to the same results. Can any one suppose that a magic circle is drawn around the office where the mail is opened to diffuse the blessings of intelligence and affection; the cement of private and public union; the principles of happy and virtuous association; but ready, perhaps, also to disgorge the poisonous effluvia of insurrection, discord, and death; and that within that circle everything is inaccessible to the approach of the municipal law?

The SPEAKER here suggested that the question before the House did not cover the subject which the gentleman from Pennsylvania was now discussing.

Mr. INGERSOLL observed that he was aware that he owed to the indulgence of the House the privilege of making the last few remarks which had fallen from him. It was a subject, however, in many of its relations so delicate and so disturbing, that he was anxious to say at once what appeared to him to belong to it, even incidentally. He would cheerfully conform to the suggestion of the Chair, and conclude with a single remark.

Let us seek the important objects which all of us have in view with the best feelings and through the proper means, and we cannot fail to attain them. They consist of the harmony and the happiness of the Republic, the preservation and prosperity of the Union. In endeavoring to attain them, let us, the Representatives of the people, with one accord seek to bring together, not the *opima spolia* of an ancient battle crimsoned with the life's blood of common enemies, but the first-fruits of a generous patriotism, the willing offerings of every section of a common country; and let us place them, with the aspirations of fervent and devoted hearts for her tranquillity and happiness, upon one common altar.

SERVICES OF VOLUNTEERS.

REMARKS OF HON. AARON WARD,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

April 26, 1836.

The bill authorizing the President of the United States to accept the services of Volunteers, being under consideration—

Mr. WARD said he should detain the House with but very few remarks of his on the subject of the amendment to the bill under consideration. He looked upon it as one of the most important bills that had come before the House this session and the most important feature of the bill, in his opinion, was the eighth section, which authorizes the President to raise and organize an additional regiment of dragoons and mounted riflemen, to be composed of the same number and rank as the officers, non-commissioned officers, musicians, and privates; to receive the same pay and allowances; to be subject to the same rules and regulations, and to be engaged for the like term, and upon the same conditions, in all respects whatever, as are stipulated for the regiment of dragoons now in the service of the United States. The force provided for in this section would be immediately added to our present military establishment, and would afford more security to the inhabitants on our extensive western frontier, now threatened with an attack from a savage foe, than five times their number of infantry. The country where they would be stationed, being an extensive prairie, was peculiarly well calculated for the operations of a force of this character on account of the celerity with which they can move from post to post. Such a force added to the regiment now stationed there, would render most essential service. By overawing the Indians, it would prevent them from making any aggressions upon our settlement, and thereby avert the impending danger of a general frontier war. The Indians, as it was well known, and as we had been warned by the experienced and vigilant gentleman from Missouri, [Mr. ASHLEY,] must see the force by which they are to be resisted in order to be deterred from hostilities. Some few of them have heard of our strength, and the extent of our resources, but generally they were ignorant or incredulous of the superiority of our force. The policy which induced that honorable gentleman to move this amendment to the bill, while in Committee of the Whole, was founded on humanity, a just estimate of the Indian character, and true economy.

In the present agitated state of the Indian tribes, it was of the utmost consequence that Congress should take such measures for the preservation of peace as would be most effective, without any regard to the expense. Experience had shown that it was much easier and cheaper to prevent Indian hostilities than to repress them. The vast expenditure of blood and treasure in the Black Hawk war, and in the war still raging in Florida, might, as we were told by men of experience and sagacity, have been prevented by the presence of a small force of a similar character to that now proposed. As a measure of economy, therefore, it seemed to him that this was decidedly preferable to any other that Congress could adopt; for, if this force was raised without delay, and stationed at the several military establishments on these borders, it would be the surest means that we could have of restoring confidence to our citizens, and also of preventing the hostilities which were now apprehended.

The President of the United States, it was true, was authorized, by the first section of the bill, to accept the services of ten thousand volunteers, by companies or regiments, who might associate and offer themselves for the service, for the term of six or twelve months, to be clothed at their own expense, but to be armed and equipped at the expense of the Government, and their commissioned officers to be appointed in the manner prescribed by law in the several States and Territories to which such company or companies shall respectively belong; but it was proper to be observed that the power vested in the President by

this section would only be exercised in the cases enumerated in the Constitution, viz: when it might be necessary to call forth the militia "to execute the laws of the Union, suppress insurrection, and repel invasions." Now, before this force could be raised, organized, and brought into the field, the whole western frontier of our country might be overrun and laid waste, and its inhabitants butchered. But, if the section under consideration should be retained, as he trusted it would be, judging from the decided vote which it received in the Committee of the Whole, a war may be prevented, and the services of the volunteers not required; thereby saving a large sum to our Treasury, to be disposed of as Congress in its wisdom might hereafter direct. It was no part of our policy to provoke a war either with the Indians or with any other Power; and it was our bounden duty to avail ourselves of all proper means for its prevention.

It has been urged as an objection to this section, that neither the President nor the Secretary of War had recommended such a force as it proposes to raise. To undeceive those who might have supposed that the subject had not been brought to the notice of the head of the Department of War, he had to observe, that while the subject of the defense of the western frontier was under consideration in the Committee on Military Affairs, the chairman of that committee [Mr. JOHNSON] called upon the Secretary of War for his views in regard to the best method that could be adopted for the protection of the frontier exposed to the hostile incursions of the Indians, and received, in reply, the copy of a letter addressed by the Secretary to the Hon. THOMAS H. BENTON, of the Senate, wherein he says, as follows:

"I submit herewith a report from the Quartermaster General, containing some valuable suggestions made by that experienced officer, which I cannot but recommend to your consideration."

In the report thus referred to as having been made by the gallant General Jesup, Mr. W. found (he said) the following judicious remarks:

"Five thousand men, of whom *fifteen hundred* should be *mounted*, are necessary for the defense of this line, and it cannot safely be trusted to less. It will, therefore, be readily perceived that, in the views I have taken, I have had no reference to the existing military establishments; for experience has shown that it is entirely inadequate to the defense of the country. We have neither artillery sufficient for the forts on the sea-board, nor infantry and *cavalry* sufficient for the interior frontier. If the companies were placed on a war establishment, and provision made to arm one of the regiments of infantry with Hall's rifles, and mount it when the service should require it, complete protection might be afforded to the whole country. The expense may perhaps be objected to, but I have yet to learn that the blood of American citizens is to be estimated by dollars and cents; and if it were, that system which is most efficient will be found the cheapest in the end."

Mr. W. was gratified (he said) to find himself sustained in the views he had taken in regard to the expediency of organizing another regiment of dragoons, as also in regard to the efficiency of such a corps for this service, by the opinion of so experienced and able an officer as General Jesup. Nevertheless, he would take this occasion to say that he would give his vote for the proposition were he not supported in it, for it should be remembered that we were now legislating for a district of country much exposed to the hostilities of a savage foe, and presenting a frontier in Missouri, Arkansas, and Louisiana, of upwards of eight hundred miles, which could not, in his judgment, be safely left to the protection of infantry only. Besides this consideration, we had been called upon by the Representatives of Missouri and Louisiana, and the Delegates of Arkansas and Florida, to adopt this measure; and we were assured by them, in the strongest language, that without such an addition to our peace establishment their constituents will not consider themselves secure in their persons and property, both of which this Government was bound, on every principle, to protect. In respect to the expediency of this measure, it was a sufficient consideration with him that our fellow-citizens who were more immediately interested in its adoption considered it necessary for their protection.

The honorable gentleman from Kentucky [Mr. HAWES] was desirous of knowing whether the Committee on Military Affairs, of which he (Mr. W.) had the honor to be a member, have had this subject under consideration, and, if so, whether it was not rejected by that committee. In reply, he had to say that the expediency of raising this additional corps was discussed in the committee, and, after much deliberation, it was true that the committee rejected it by one vote only; but whether all the members of the committee were present at the time, he was not now prepared to state. Perhaps it was proper for him to observe that he was one of the number who were in favor of the measure at that time. He was then influenced in some measure by the circumstances that, at the early period of the session, when the bill regulating the pay of the militia to be called into service in Florida was under consideration, the honorable gentleman from that Territory [Mr. WHITE] offered an amendment to that bill providing for an additional regiment, which was supported in the House by the mover, and by the gentleman from Georgia, [Mr. GLASCOCK,] and others, and seemed to meet the approbation of a decided majority of the House. That amendment was, however, withdrawn at the instance of the honorable chairman of the Committee of Ways and Means, with the understanding that the proposition would be renewed in a separate bill, or as an amendment to some other bill. Mr. W. regretted (he said) that the honorable gentleman from Kentucky [Mr. HAWES] had moved to restrict the appointment of graduates of the Military Academy at West Point, as officers of this regiment, with the declaration that, without this amendment he would feel himself bound to vote against the bill. It was a restriction which appeared to him (Mr. W.) as wholly uncalled for. The gentleman apprehended that the application of the citizens of the West, who were the best qualified for the service, would be rejected, and the graduates of the Military Academy preferred to them. But there was no ground for any such apprehension. The West had its full share of officers of the Army; and he would remind the gentleman that the regiment of dragoons, now in the service, was composed chiefly of officers from that section of country, with the gallant and distinguished Colonel Dodge at their head. Did not the gentleman consider, also, that if any of the graduates at West Point should be appointed to this corps, they are the sons of our own citizens, and are selected from every part of the country, in numbers proportioned to the representation on this floor, and that, too, from all classes of our fellow-citizens, whether they happen to be poor or rich? If there were any appointments to the dragoon regiment now in service from the graduates of that valuable and much-abused institution, they were selected as the most deserving and talented young men in our Army; and selected from a class of officers who, in point of correct deportment and scientific acquirements in their profession, would bear a favorable comparison with any class of officers in this or any other country. Moreover, he would ask whether it was not good policy to place young officers of promise and talent in this service, that they might, after due experience, become eminently fitted for it. Should it be the wish of the gentleman, or the pleasure of the House, to adopt this amendment, he should not, so far as regarded himself, complain of it, but still he must say that he could see no reason for its adoption. The appointing power was left by the bill with our distinguished Chief Magistrate, and he had no apprehension but that a judicious and proper selection of officers would be made. He earnestly hoped that the section under consideration would be retained, whether the amendment offered by the gentleman from Kentucky should be adopted or rejected.

SERVICES OF VOLUNTEERS.

DEBATE IN THE SENATE,

WEDNESDAY, *May* 4, 1836.

Mr. BENTON, from the Committee on Military Affairs, reported with amendments the bill from the House of Representatives to authorize the President of the United States to accept the services of volunteers for the defense of the frontiers, and moved that the Senate proceed to the consideration of that bill.

Mr. EWING, of Ohio, hoped the amendments would be allowed to take the usual course, and lie for consideration; and that the land bill, which was the order for yesterday, would now be taken up and disposed of before any other subject should be taken up.

Mr. LINN said that, so far as he was concerned, no obstacle should be thrown in the way of the final action of the Senate on the land bill. In some remarks made by him some days since, when a motion was made to adjourn over from Friday to Tuesday, he had said that he could not vote for such an adjournment, knowing as he did the exposed state of the western frontier, and of the imminent danger that an Indian war would break out, and that he was anxious that business should progress rapidly with a view to reach the bill to increase the Army of the United States, which was of the utmost importance to the State he had the honor to represent. But as it was his intention to redeem every pledge made by him, expressed or implied, in this House or out of it, he would not impede in any way the decision on the land bill. Some observations have been made as to the great necessity of finally disposing of that bill, and the implied pledge to take it up to-day. He must be permitted to say, he saw no imperative reason for pushing it, to the delay of a measure providing for the protection of our citizens from Indian barbarities. He hoped gentlemen would consider the lives of our citizens of more *value* than the division of the surplus money. He could consider nothing more worthy their immediate attention than the protection of our frontiers, threatened, as they now had good reason to apprehend, with the greatest of dangers, and particularly as that frontier had been placed in its present critical attitude by the action of the Government in throwing large masses of Indians on them contrary to the wishes of the frontier States, and in defiance of the solemn protest of one of them. He asked the Senate to look at that frontier from North to South, and they would see a vast column of Indians, the base of which rested on Texas, now fighting for independence, and against which province the Mexicans were waging a war of extermination and perfidy. No Senator can turn his eyes from this examination without being convinced that a train of the most inflammable materials is laid around our borders, ready at any moment to have a spark applied and light up the flame of war—of an Indian war, of all others the most appalling. There was a moral obligation imposed on the Government of not only effectually protecting this frontier, but to *preserve* its tranquillity, which could not, under any circumstances, be got over. He was under a sort of pledge not to oppose a speedy decision of the land bill, but he hoped gentlemen would not consider it of as much importance as the measure now pressed on the consideration of the Senate by his honorable colleague.

Mr. PRESTON stated that the amendments proposed the addition of a regiment of dragoons and also a considerable augmentation of the Army. It was suggested that strange occurrences had taken place on our frontier; that an army, flushed with conquest and rendered furious from the taste of blood, was rapidly approaching our frontier. Rumors of this character were well calculated to produce a certain degree of anxiety in the bosoms of American citizens. His own imagination had been startled—his feelings deeply pained; he had been sensible even of something of indignation at the rumors of outrages, appalling to humanity, which had reached him. His feelings had been roused; our countrymen, our friends, our relatives, massacred in cold blood, and, as report says, in violation of every sort of pledge; massacred after surrendering to a powerful force, acting under an able military commander. But the rumors went still further. It was said that there had been negotiations with the Indians on the frontier, for the purpose of enlisting their hostilities against our citizens. True, there was no other foundation for these statements but these rumors, and these rumors were in themselves contradictory. Gentlemen who are well versed in the geography of the country, had been unable to trace the operations on the map. The whole was a mass of great confusion. We are all possessed with some vague ideas that

something horrible has happened. In this state of things, perplexed by vague and general rumors, we are presented with a case of possible necessity, to urge us to hasten a measure, in reference to which it seems to be particularly desirable that the Senate should have the most exact information on the subject. There may be gentlemen who had better information than he had, and, if so, they should come forward and communicate it.

Rumor says, that a distinguished officer—a major general in the American Army—on the frontier has made a call on the Executive of three States for a force of militia, and that the militia, to the number of seven thousand, have been embodied. It is supposed that a still stronger measure will become necessary, and that the Executive arm will have to be extended before a more tranquil state of things can be produced. He was as willing as his friend [Mr. LINN] to protect the frontier. He was as ready to go as far whenever the exigencies of circumstances should require it; but he hoped that gentlemen would not suffer their feelings to be excited and urged beyond what the law of nations would justify. He hoped that gentlemen would concur with him in opinion that they did not come here to indulge private and personal feelings, but to shape their course so as to insure the greatest advantages to those whom they represented. He could not sit down without saying that his feelings had been pained; and he would repeat that he was ready to go as far as his friend from Missouri to protect the frontier, and, in all circumstances, to go as far as he would in doing that which was right. He hoped that some gentleman would take the necessary steps to obtain the information so much desired on the subject. As a member of the Military Committee, he would be glad that all possible information should be before the Senate, and that the measure should not be pressed until that information should be obtained. He did not come into the Senate to-day prepared to go into this question. He should be ready at any time to go into the consideration of the subject, but he thought the best course now was to dispose of the land bill, and afterwards to consider this bill.

Mr. CLAY said, the proposition, if he understood it, was to take up a military bill from the House, passed this morning, providing for an increase of the Army, and authorizing the calling out of ten thousand volunteers. Every Senator here was undoubtedly as willing as the gentleman from South Carolina, to do whatever the honor, interest, and tranquillity of the country required to be done. But he must see a very different state of things from any that had as yet presented itself, before he should be willing to interrupt the pacific relations of the Government, and precipitating it into a war with Mexico. If there was a cause, a just and righteous cause for such a step, he trusted we should act promptly and manfully; but, as yet, we had but rumors of the inhuman scenes which were said to have been enacted As yet, so far as respected this country, there was no ground for engaging in hostilities with any foreign Power.

It was not yet the proper time to go into the consideration of this subject. It should be taken up deliberately, and with all the information that could possibly be obtained. It was proposed to augment the military force of the country; and it was proper to consider by how large a number of men, and of officers capable of commanding them. Perhaps an increase of both was necessary; but without a great and controlling necessity, there should be an increase of neither.

He came into the Senate this morning under the full expectation that a final disposition would be made of the land bill before proceeding to the consideration of any other subject. There was time enough to look into this measure. There was no particular urgency for considering it at this moment. He had been told that we had lately at Tampa bay seven thousand men, engaged in a contest with six or seven hundred miserable Indians; these we had neither conquered nor found; and unless we could show a somewhat better capacity for war, we had better refrain from engaging in one.

If Santa Anna should commence hostilities with us—if he should invade our frontier, and he had as yet shown no such intention—what was to prevent our transporting this force from Tampa bay to the Sabine, to prevent any violation of neutrality and of existing treaties in that quarter? But unless there was an actual or threatened invasion we were not called upon for any active measures. At any rate, we wanted information. Has no communication been made to our Government from that of Mexico?—no assurances been given that existing treaties would be respected? If so, let us have them. A call, in his opinion, could not fail to bring us such facts as would, in a great measure, quiet the public apprehension. He had risen, however, for the sole purpose of saying, that, when a final vote was expected on the land bill to-day, he was unwilling to have that measure put aside, as it had been repeatedly, and that, too, in a very unusual and unparliamentary manner. He hoped the Senate would proceed to its consideration.

Mr. BENTON, in support of his motion to take up the act from the House of Representatives for increasing the military force, deprecated the effect which the land distribution bill had upon the public business. It was a bill which met everything, opposed everything, and defeated many things. It was the pestilence of legislation. It was found in conflict with every bill that proposed to appropriate a dollar for the service of the country, and every bill must give way before it. The Cumberland road bill was the first sacrifice; and after seeing the fate of that bill nothing could be wondered at. That road for every beneficial purpose was now stopped; for who cared about grading a road between the Wabash and the Mississippi, where there was not a solitary hill to be crossed? The solid construction of the road is negatived; the appropriation for the present year is cut down; months were consumed in opposing it; and half the season for doing work is now gone by. This road, the oldest and most cherished work of the Government, was put down; it was the first sacrifice to the devouring spirit of the distribution bill, and the forerunner to the fate of others. He repeated, this bill was the pestilence of legislation. It was to the business of the Senate, what the curse of the frogs was in Egypt; it is in the way of everything; it is found everywhere, like those pestilential frogs which incumbered and defiled the whole household, tables, beds, kneading-troughs and all. The fortification bill had to yield to it; the Army bill may now share the same fate. And if this be the effect at the outset, what is to be the effect in the end? If this insatiate spirit of distribution can postpone, set aside, and defeat the bills for the defense of the country and the support of the Government while yet in its infancy, what will it not do in its manhood? It will take all to itself; it will reduce the General Government to its condition during the Confederation; it will reduce it, if not to the voluntary contributions, to the voluntary leavings of the States. They will be served first, and what is left may go to the General Government; and from the manner in which this spirit cuts and carves for itself now, it may well be seen that nothing will be left for the Federal Government. It may be in vain that some members may wish to vote first for the Federal Government; the distributees will be served first, and instructions from home will overrule wishes here. Members of Congress will be instructed; if States once begin to receive dividends from the Federal Treasury, they will be instructed to supply the States first, and to take the lion's share for their State governments.

We have been told of an arrangement (said Mr. B.) by virtue of which this distribution bill was to take precedence over all business until it was finished. He (Mr. B.) was privy to no such arrangement. He had, in the face of the Senate, refused to enter into any such arrangement, and had declared himself ready to sit all night. But why mention arrangements, since the time that the formal agreement to act upon the Executive nominations had been annulled by the votes of those who had been brought up, not to vote upon nominations, as agreed upon, but to vote against going into Executive business at all?

Mr. B. repelled the idea thrown out by the Senator from Kentucky, [Mr. CLAY,] that this bill for raising volunteers and increasing the Army was a war measure against Mexico. So far from it, that Mexico was not even thought of when it originated. It originated three months ago, on motions from Senators on this floor, his colleague, [Mr. LINN,] and a Senator from Indiana, [Mr. TIPTON,] calling on the Executive Government for plans for an increase of the military force; calls which were answered two months ago, and a bill reported six weeks ago. Far from looking to Mexico, it did not even look to the Texan frontier. It was not a measure of southwestern, but of northwestern origin, called for by the state of things on the western and northwestern frontier, and wholly independent of events in Texas. These events might well be quoted to accelerate the progress of the bill, but not to account for its origin or to determine its fate. Above all, the bill was not to be prejudiced by an assumption or representation that it was a preparation for a Mexican war.

Mr. B. thought it right to notice the contemptuous terms in which the war, and the conduct of the war in Florida, had been mentioned by the Senator from Kentucky, [Mr. CLAY.] It was called a miserable war, miserably conducted. It was due to the hundred and twelve brave men under Major Dade, who fell on the ground on which they stood, who died in their tracks, no officer quitting his soldiers, no soldier quitting his officer, and whose unburied bodies remained a prey to the wolves and vultures—it was due to their memory to speak respectfully of them in this Chamber. It was due to the New Orleans regiment, and their accomplished commander, Colonel Smith, who had volunteered for a distant and arduous service, not to undervalue or disparage their exertions. No body of men could show more zeal, constancy, and cheerfulness under the most trying circumstances. Leaving a luxurious city, they had gone to encounter danger, to endure privations, to suffer want, to feed on food not fit for man, and to volunteer for new toils and dangers as fast as the fatigues of the first were over. Courage was their birthright and inheritance, and bravery they were expected to show; but this steadiness, perseverance, zeal, and cheerfulness, under every extremity of hunger and suffering, was a new trait in the volunteers of a great city, accustomed to every luxury and to every delicacy of the South, and entitled them to more honor than victories alone could confer. Besides these, many were the brave and devoted acts which did honor to our arms in this war, and which should exempt our arms from contemptuous allusion on this floor. Officers were there, whose reputation formed a part of the riches of their country, and the difficulties of their position should be considered. They were on a theater, where the unseen enemy could deliver a deadly fire and elude pursuit. It was a case in which the difficulty was, not to conquer, but to catch.

Mr. B. had been drawn from his immediate subject to speak of events in Florida, because he felt it to be wrong to permit unjust aspersions upon those there to go out from this Chamber, and because his position as chairman of the Military Committee, and his connection with the debate, made it proper for him to say a word in their vindication. He returned to his own bill, and to the reasons which required him to press its adoption. It was not a measure against Mexico. It was no preparation for war with Mexico. It was simply a measure of defense originating before the invasion of Texas, and rendered necessary by the act of the Government in accumulating an Indian population of two hundred and fifty thousand souls, yielding a force of fifty thousand warriors, within striking distance of the western and northwestern frontiers, and which frontiers were now naked and defenseless. Still the state of things on the Texas frontier was not to be disregarded. The position of General Gaines, the possible contingencies in the excitement of the Indians, the scenes which might occur on our line, were all to be considered, and his imagination could conceive of cases in which the heart alone should be obeyed—in which there should be no head to think—nothing but a heart to feel and an arm to strike. It was the case of women and children pursued by a brutal and ruffian soldiery.

Mr. B. said the Florida war now rages; the southwestern frontier is exposed to the contagion of hostilities; the whole West and Northwest is open to savage incursion; troops are called for by a general in the field, the public mind is anxious, uneasy, excited everywhere. Yet what is the scene in the Senate? What occupies our thoughts in this Chamber? The surplus, the surplus, the surplus! Distribution of money, division of the spoil, is the absorbing and engrossing subject; and until that is disposed of, our suffering country calls in vain for help. He had read of such things in history, but never expected to witness them. He had read of parties in some free States contending for preeminence and for spoil, while the enemy were thundering at the gates, but he had not expected to see the American Senate engrossed with the bill for the division of money, while all the bills for the defense of the country were pushed aside, and the Governors of States appealed to for the forces which it was the duty of Congress to grant. His motion was to test this spirit—to see which was to have preference, the defense of the country or the division of money; and for that purpose he asked for the yeas and nays on his motion.

Mr. PORTER said he regretted extremely this discussion, as hours, nay minutes, had become precious, if we hoped to go through the great mass of business which had been prepared for the action of Congress. There had been as much debate on the precedence bills were entitled to, as was sufficient to pass one of them or reject it. He hoped we would continue to act on the bill which was made the special order of the day until it was finally disposed of. That now proposed by the Senator from Missouri had his approbation, and without pledging himself to all its details, he believed it would have his vote. Being friendly to it, he thought it was injuring its chance of adoption to press it on for discussion and decision without affording time for a *proper* examination of its provisions. That proper examination need not be a long one.

Mr. P. said he was compelled to dissent from what had fallen from the honorable Senator from Kentucky in relation to our military force. He thought it ought to be augmented. Its numbers were not greater now than they were ten years ago, and since that time our population had vastly increased; our frontier had been extended in the same space of time in a still greater proportion, and was necessarily weakened as it was enlarged. Another circumstance called for an augmentation of our Army. Within a very few years (under a policy which Mr. P. said he should ever deplore) an immense body of Indians had been removed from the east side of the Mississippi, and thrown on the frontiers of Louisiana, Arkansas, and Missouri. In their original location they were circled on every side by a white population, which insured their good conduct, and restrained their propensity to war. They were now placed on an extended frontier, thinly settled, where—from causes he should not enlarge on because they were obvious—a military force was indispensable to give security to our borders. Not less, he believed, than two hundred and fifty thousand Indians were now located between the west of the Mississippi and the Rocky Mountains, who, from ignorance and the influence of passions which constantly agitate man in a savage state, were liable to be excited to hostilities, ruinous to themselves in the end, but destructive to the borders exposed to their first outbreak. It was humanity, therefore, as well as true economy, to place a force on our frontiers which would hold them in check, and be ready to crush their first movements.

There was another element to be taken into the estimate we should make of the proposed measure, which had been glanced at in the debate, and which could not properly be disregarded. He alluded to the events daily transpiring on the western boundary of Louisiana. By the last intelligence received from that quarter, it appeared that the war which had for some time raged in one of the Mexican provinces was about to be brought close to ourselves. The inhabitants of Texas were flying from their country and taking refuge within the State of Louisiana, and their enemies, flushed with victory, were close and hot in their pursuit. He did not believe that the Mexican troops would cross the Sabine and violate our territory. If Santa Anna had the wisdom and ability which his friends long since, and his enemies lately, gave him credit for, he would cautiously abstain from any such step. His true interests prompted him to respect our neutrality. He (Mr. P.) believed he would be governed by those interests. But while he believed it, it was impossible to shut our eyes to the danger of collision between the troops of the United States now on the Sabine and those of Mexico. The people of this country had become painfully excited by the intelligence which had reached them of the war of extermination carried on in Texas. That excitement had been communicated to our troops; it required only a spark to put the combustible materials now on our frontier in a flame, and he was afraid it would soon be furnished.

It had been said that our officers there should have been hearts and arms, but no heads; that is, that they should yield themselves up to the influence of their feelings, however their judgment might reprove the measures those feelings prompted them to. He had a better hope of their wisdom and prudence. A heavy responsibility rested on them. If, under the influence of passion, they involved the nation in war, they would have a severe account to render for their actions; and more especially if, at this moment, when the forces stationed on the frontiers of the State of Louisiana might be inadequate to its defense, they should, in their sympathy for Texas, draw the war into that State, he knew of no terms of reprehension too strong for such conduct. With all possible consideration for the inhabitants of Texas, and deep and sincere regret for the condition to which they were reduced, he could not help thinking that the citizens of Louisiana, who had remained within their country, had the first claim on the attention and protection of the Federal Government and the Federal Army. He hoped and believed this view of the matter was taken by the President, however it might be disregarded elsewhere; and that orders had been sent to the commanding officers not to compromit the safety of the State he had the honor in part to represent.

But apart from all the considerations of prudence and safety, there were the higher ones of justice, which forbid our intermeddling in this contest. We were acting under the eye of the civilized world. It had heretofore been our boast and our pride that we faithfully maintained all our treaties, in letter and in spirit. He trusted that under no impulses, however praiseworthy, would we leave the vantage ground we had so long and so honorably occupied, and expose ourselves to the imputation of considering compacts binding only so long as it suited our convenience and our interest. We were the oldest independent nation on the American continent; we were the strongest, too. It behooved us to aspire after the truest glory which a nation can acquire; to exhibit the example of power restrained by justice, and ambition directed, not to subjugate our neighbors, but to improve and elevate them.

He believed these sentiments were those of the large mass of the American people, but there was danger that they might be forgotten under the excitement of generous feelings. He respected these feelings; he shared in them; but he felt it to be his duty, in the place he occupied, to submit them to the control of his reason and his judgment, and if possible to induce others to do the same. No one had heard with deeper regret than himself the intelligence of the dreadful massacres which had taken place in Texas. It was possible the statements were exaggerated. He hoped they were so. But if true, they were disgraceful to the perpetrators. The people of Texas, whether right or wrong in their attempt at independence, had done nothing to place them out of the pale of civilization; and if it were true that a body of them, after capitulation as prisoners of war, had been basely shot in cold blood, their murderers should be held up to the common execration of mankind. He (Mr. P.) would rather have been one of the gallant though misguided men who perished on that occasion, than the ruthless despot by whose orders they were assassinated.

But giving to these feelings their full scope, he could not see in this and other inhuman acts cause for war by the United States against Mexico. We should never be an hour at peace if we set out on a crusade to punish all the cruel deeds which were committed in the world. Their proximity to us, and their being inflicted on men of kindred blood, could not change or enlarge our obligations. In abandoning their own country, and becoming citizens of another, they had placed themselves in relation to that left as strangers, so far as claims for national interference were concerned. We had no more right to make war because *they* had been unjustly treated by the Power to which they had attached themselves, than we had to intermeddle in the contests between the natives of the old States of Mexico.

Our unfortunate countrymen who settle in that portion of Mexico which is now the theater of war knew well what kind of people they were going among. In all periods of history, the Spanish race have been distinguished for cruelty in their civil wars; extending no quarter, and sparing neither sex nor age. The scenes now daily enacted in old Spain, of which accounts reach us every day, exhibit the same brutal ferocity and disregard of all the claims of humanity as those lately perpetrated by their descendants in Texas. Those which took place in South America some years since, were, if possible, more frightful and revolting to humanity. We did not then throw ourselves into the conflict, and he trusted we would not now. A war for revenge he deprecated, as he did one for conquest. He saw as yet no just cause for expending our blood and our treasure, and he hoped that all who had a voice in the councils of the nation would aid in preserving our neutrality.

Mr. PRESTON said he was misapprehended if it was supposed he wished to press the consideration of this matter now. He wished merely to draw the attention of the Senate to it, and he had succeeded in so doing. The final action upon it might easily be deferred for a day or two. We had rumors, to be sure, but he saw nothing in them to justify any act of extraordinary vigilance on our part. We need not operate defensively or on the offensive at present. Santa Anna had done enough to curdle our blood and shock our sensibilities, but not enough to justify any warlike preparation. He would wish to know, however, why General Gaines had made this requisition for more men. It had been stated that the Government were in possession of all the facts, but he could not think so. He does not intend to rush down at once upon the Mexican leader, considering him a monster out of the pale of humanity. Such could not be his intention. Was there not something else? Had not a communication from Santa Anna to the Camanche Indians been intercepted? If so, the President is in possession of the fact.

We cannot interfere in Texas; it is beyond our reach. But if this ruthless desolator of that province has instigated the Indians to cross the frontier and descend upon our settlements, we should hold him responsible for every drop of blood that may be shed. If such a movement is contemplated—if it is taking place—then, after the necessary information, let the Senate act. He agreed with the Senator from Louisiana, that an increase of our military was necessary.

Mr. BENTON felt himself called upon to take the floor again, and to protest against the erroneous character which gentlemen were attributing to this bill. There seemed to be a design to get up a new panic, a war panic, and having lost the chance of the French war panic, to try and get up a Mexican war panic. We could hear of nothing but of the dangers of war, and the duties of neutrality; as if this bill was to make war and to violate neutrality. People at a distance might be excited by this new panic, as they had been by so many former ones; for it seemed that panic tactics was the standing order of the day now, and that all attempts to influence the public mind were to be directed, not to the understandings, but to the terrors of the people. Persons at a distance may be excited by this fresh ghost of a panic; but every person here knew, and the bills and reports upon the tables showed the fact, that this plan for increasing the Army grew out of the

state of our own affairs; that it was a northwestern and not a southwestern measure; and that it was begun before General Gaines had gone to the Texas frontier, and before Santa Anna had left the capital of Montezuma. All this was known here; still people at a distance might be induced to believe that the proposed increase of the Army was to cover a premeditated design to make war upon Mexico and to violate the laws of neutrality. This they might be made to believe, and thereby be excited against the Administration; but it should not be so without being told better. They should know that the two hundred and fifty thousand Indians accumulated upon the western and northwestern frontier, was the origin of this movement, and the Texan difficulties nothing but an incident.

General Gaines's letter, calling on the Governors of States for volunteers, was only published in this city on yesterday; the bill which he moved to take up was reported six weeks ago, and originated under a resolution adopted on the 2d of February. This statement should satisfy everybody—should dispel the panic attempted to be got up—and show that the defense of our borders and the preservation of our neutrality were the sole objects in view. General Gaines has reason to believe that our Indians have been tampered with; he communicates what he has heard to the Government here, and to the Governors of the neighboring States; and while these circumstances justify him in calling for volunteers, yet if it all turns out to be unfounded, if Texas is pacified and Santa Anna returns, still we shall go on with our bill. We shall go on demanding an increased force upon our frontiers, and if we cannot get it from the General Government, the citizens will have to take measures to protect themselves. Fifty thousand Indian warriors within striking distance of our frontiers cannot be an object of indifference or disregard to us.

Here is another evil from this scheme of dividing surplus revenue. To save the money for distribution, it is necessary to attack the objects to which it ought to be applied; and where the object cannot be attacked, to substitute an erroneous one for it. To save the surplus, then, for division, is the cause of this attempt to raise a panic about the violation of neutrality and the invasion of Mexico. But the boasted surplus is itself an illusion, a mere temporary stoppage of money in the Treasury, which ought long since to have been in a course of expenditure. Almost every branch of the public service was suffering for want of money; many branches of the service were suspended entirely for want of money. The fortifications have been stopped for two seasons. The Mint is languishing for want of means to perfect some machinery. The quartermaster's department—the most important branch of the service at all times, and especially at this time, when supplies should go to two frontiers—that department is without a dollar. Clerks and salaried officers are borrowing money at usury to support their families, because they cannot draw their pay. More than that; workmen, day laborers in the service of the United States, are with out the means of going to market! He (Mr. B.) had been informed of laboring men, working for the United States, who had not had meat on their tables for three weeks. They could not draw their pay; and why not? Because politicians had taken it into their heads to make a surplus, and for that purpose had stopped all the appropriation bills, and dammed up the money in the Treasury, to make a tempting mass for distribution, and dubbed it *surplus*, when the fact was, it was no surplus, but a mere temporary accumulation caused by the delay of the appropriation bills, and much of it long since due.

The Holy Scriptures (Mr. B. said) contained a curse against those who did not pay the laborer his hire; and what are we to say of politicians who, to tempt the people with an illusory distribution, are stopping the action of the Government, preventing the laborer from being paid, and claiming for distribution what ought to be in a course of expenditure! When the appropriation bills are passed, and they cannot be delayed many weeks longer, it will be seen that every dollar of this boasted surplus will be wanted for the public service, and that the public have been the dupe of a pernicious deception, in being told that there were more than thirty millions which could not be expended, and therefore must be divided. And this was the secret (Mr. B. said) of the extraordinary process of passing the distribution bill first; it could not be passed if it waited till the appropriations were made; for then it would be seen that the inexhaustible surplus was all gone.

Mr. BUCHANAN wished to say a very few words on this question. He had no doubt but that the Government of the United States, in regard to Mexico, had pursued, and would pursue, the course which had been sanctioned by all its experience in relation to questions of this kind. One principle had been established in the political history of the country; had grown with its growth and strengthened with its strength; and without knowing what the President had done or would do in this matter, he had no doubt but he would strictly adhere to that established principle in our institutions, never to interfere with the internal policy or domestic concerns of foreign nations. The famous proclamation of neutrality of General Washington first asserted that principle, and to it our Government had always adhered. We consider (said Mr. B.) all nations "enemies in war; and in peace, friends."

In regard to Mexico, he looked upon Santa Anna as a usurper. The federal constitution established for the Republic of Mexico, and which Texas, as a part of that Republic, had sworn to support, had been trampled on by him, and Texas, in his eyes and in the eyes of all mankind, was justified in rebelling against him. Whether the Texans acted consistently with a true policy at the time, in declaring their independence, he should not discuss nor should he decide; but, as a man and an American, he should be rejoiced to see them successful in maintaining their liberties, and he trusted in God they would be so. He would, however, leave them to rely on their own bravery, with every hope and prayer that the God of battles would shield them with His protection.

If Santa Anna excited the Indians within our territory to deeds of massacre and blood; if he should excite a spirit among them which he cannot restrain; and if, in consequence, the blood of our women and children on the frontiers shall flow, he undoubtedly ought to be held responsible. Mr. B. saw a strong necessity for sending a force to the frontiers, not only to restrain the natural disposition of the Indians to deeds of violence, but because they could place no confidence in a man who had so little command of his temper, who had shown so cruel and sanguinary a disposition as Santa Anna had. He was for having a force speedily sent to that frontier, and a force of mounted men or dragoons, as suggested by the Senator from Missouri, [Mr. LINN,] but he was against interfering in the war now raging in Texas, unless an attack should be made on us.

If it was left for him to decide which bill a preference should be given to by the Senate, he would first take up the bill providing for this additional force for the protection of the frontiers; but he had been instructed by an authority which he was bound to respect and obey, and he must, therefore, vote to take up the land bill. He should vote with the warmest friends of that bill in its favor till it was either carried through or defeated. To-day or to-morrow, the land bill would be finally disposed of; it now stood in the way of everything else; and he would then be for proceeding with the appropriation bills as rapidly as possible. He should have said nothing about instructions, had not this question of preference been brought up. After the decision of the land bill, he should give his hearty support to carry through the bills necessary for the defense of the country, with as much expedition as possible.

Mr. CLAYTON stated that he should vote for the land bill in preference to this bill, because the former would have still to pass the other House, while the bill now asked to be considered had passed that House. As far as he had seen of this bill, he was favorably disposed towards it. But he was desirous to have a day or two to consider of the amendments. He did not wish it to be said of him that he had thrown any difficulty in the way of the public defense, and he only desired so much delay as would enable him to become acquainted with the character of the amendments.

Mr. LINN said that gentlemen were much mistaken in supposing that this proposition to increase the Army grew out of a desire to increase unnecessarily the expenditures of the Government, or out of the state of affairs in Texas, or with a view to a war with Mexico. It was a calm, deliberate proposition of his own, resulting from his knowledge of Indian character, and the dangers to which his constituents were exposed. He had consulted the Secretary of War, and many of his friends on this subject, and on the 2d of February he introduced the following resolutions:

"1. *Resolved*, That the Secretary at War inform the Senate what number of Indians now occupy the frontier on the southwest, west, north, and the northeast of the United States, and what number it is probable will be transferred from the States and Territories to the frontiers of the United States.

"2. *Resolved*, That the Secretary at War also inform the Senate whether, in his opinion, the present military force of the United States is sufficient to guard the fortifications on the sea-board, and at the same time give protection to the inhabitants residing in the States and Territories bordering on the Indian frontier; if not, what force will, in his opinion, be necessary to such protection."

In reply to this call, the Secretary of War returned an interesting and elaborate reply, on the 8th day of March. He was decidedly of the opinion that great danger existed from the Indians to the frontier States, and that it was the duty of Congress to protect them against aggressions by having an adequate force stationed there, sufficient to look down opposition and prevent bloodshed. He said he felt deeply for the Texans, and great as the calamities of war were, he *almost* desired that Mexico would give us sufficient reason to embark in one; and he was not sure but they had placed themselves out of the pale of law by the assassination of Colonel Fannin and his followers.

The question was then taken, and the motion of Mr. BENTON was negatived.

EXPURGATION OF THE JOURNAL.

SPEECH OF HON. ISAAC HILL,

OF NEW HAMPSHIRE,

IN THE SENATE, *May* 27, 1836,

On the Expunging Resolutions submitted by Mr. BENTON on the 17th of March.

Mr. HILL said:

Mr. PRESIDENT: The preamble and resolution of the Senator from Tennessee, [Mr. WHITE,] which have been introduced as a substitute, are of that hermaphrodite character that pleases neither side, and, being abandoned on all hands, must fall to the ground. They are only important so far as they countenance the principal argument that has been urged against expunging the record; and it is remarkable that the burden of the song has been, not that the condemnatory resolution was right, but that it was a violation of the Constitution to expunge what was clearly wrong from the Journal. "Each House shall keep a Journal of its proceedings, and from time to time publish the same." Here is a positive act to be performed; and when the act is done, the injunction is fully complied with. If it were intended to apply to all journals, as relating to this or that particular session of the Senate, the language would have been so definite as not to be mistaken. If it had been intended to keep and preserve the original manuscript Journal, language conveying that idea would have been used. The mandate of the Constitution has been fully complied with when the Journal has been *kept* a sufficient time to "publish the same." Copies are then multiplied, so there can be no mistake as to what the Journal contained; and any subsequent vote of either House to expunge any particular part of any single copy of the Journal, is no more a violation of the injunction to keep a Journal, than it is of that part of the Constitution which authorizes the people to elect members of the House of Representatives.

The Senator from Virginia, [Mr. LEIGH,] probably as an offset to the resolutions recently passed by the Legislature of his State, directing

the Senators from that State to present and vote for expunging the condemnatory resolution from the Journal, a few days ago presented a memorial from John Timberlake, and others of that State, against expunging. These memorialists consider the proposition to expunge to be "a plain and palpable violation of the Constitution," and it is remarkable that they offer the following as the only reason against its constitutionality:

"Suffice it to say, that to their humble understanding, 'to keep,' as here used by the Constitution, means to *preserve*, and that the latter clause of the constitutional provision, as previously quoted, furnishes a key to the interpretation of that which precedes it, since it would be obviously impossible to publish the Journal from *time to time*, if such Journal had not been *kept and preserved*."

Here is an admission that the Journal is to be *preserved* only for the purpose of being *published*. What is the inference? It can be no other than that when thus kept, the whole purpose of the Constitution has been complied with. I will hereafter make inquiry for what other purpose the Journal can be kept? In relation to the keeping of the Journal of the House of Representatives for thirty-five years, I have received information from the Clerk in the following letters:

HOUSE OF REPRESENTATIVES U. S.,
April 6, 1835.

DEAR SIR: In answer to the inquiry contained in your letter of this morning, I have to state that the original rough manuscript Journal of the House of Representatives of the United States (those read on the mornings) have not been preserved to a period anterior to the commencement of the first session, Eighteenth Congress, (1823 and 1824.)

For your further information, I enclose you a copy of a communication from Mr. Burch on the subject.

With very great respect, I am, sir, your obedient servant,

W. S. FRANKLIN,
Clerk House Representatives U. S.

Hon. ISAAC HILL, *United States Senate.*

—

OFFICE HOUSE OF REPRESENTATIVES U. S.,
April 6, 1835.

I entered this office a youth, under John Beckley, who was the first Clerk of the House of Representatives under the present Constitution of the United States, and who died in the year 1807.

During the recess of Congress he put me at what was termed "recording the Journal" of the preceding session, which was to write it off from the printed copy into a large bound volume. I inquired of him why it was that it was copied, when there were so many printed copies? He answered, that the printed copies would probably, in time, disappear from use, &c.; the large manuscript volume would not.

The "rough Journal" as it was then termed, and is still termed, being the original rough draft read in the House on the morning after the day of which it narrates the proceedings, was not, and had not from the beginning been preserved. I inquired the reason, and was answered, that the printed copy was the official copy, as it was printed under the official order of the House; and as errors, which were sometimes discovered in the "rough Journal" were corrected in the proofs of the printed copy, the printed copy was the most correct, and that, therefore, there was no use in lumbering the office with the "rough Journal" after it had been printed.

Two of Mr. Beckley's immediate successors in office, Mr. Magruder and Mr. Dougherty, viewed the matter as Mr. Beckley viewed it. I know the fact from having called their attention to the subject. I often reflected upon the subject, and it appeared to me to be proper that the "rough Journal" should be preserved; although I could not see any purpose whatever to be answered by doing so. I often conversed with the clerks of the office upon the subject, but as we were only subordinates the practice was not changed till first session of the Eighteenth Congress, (1823-24,) when I determined, without consulting my superior, that the "rough Journal" should no longer be thrown away, but be preserved and bound in volumes; and it has been regularly preserved and bound since.

With great respect, I am, sir, your obedient servant,

S. BURCH.

Colonel WALTER S. FRANKLIN, *Clerk House of Representatives United States.*

By these letters it appears that the original manuscript Journal, the Journal which is read in the morning of every day succeeding that of the proceedings, was *kept* and *preserved* precisely long enough to answer the purpose designated by the memorial from Virginia. It was kept long enough to be published, when the original Journal was destroyed or laid aside, and a new manuscript copy was taken from the printed published Journal. Here are facts in relation to the Journal that cannot be gainsayed; facts which prove that even the destruction of the original manuscript Journal, after that Journal has been printed and published, was never dreamed to be a violation of that clause of the Constitution which requires each House of Congress to keep a Journal of its proceedings. For the first thirty-five years, in construing the Constitution, plain common sense had not been driven from our legislative halls by the refinement of sophistry, the world of argument had not then been turned upside down, ingenuity had not then contrived to turn a plain duty of the representative to obey his constituents into a violation of his oath and his conscience.

In the year 1823, the Senate of Massachusetts passed a resolution to expunge another resolution from their Journal, passed in 1813, which the public sentiment had condemned. A member of the Legislature of that State for the present year, informed me that he recently examined the manuscript Journal, containing both the expunged and expunging resolutions. Both of them were passed by an exact vote of the two political parties. The old Federal party had the ascendency in the Massachusetts Senate in 1813, and the resolution, that it was unbecoming a moral and religious people to rejoice in the success of our Army and Navy, was passed by the votes of that party alone; and in ten years afterwards, the first time the Democratic party had the full ascendency, that party voted to expunge the resolution from the Journal. The constitution of Massachusetts requires the keeping of a Journal, and directs that the yeas and nays of each branch of the Legislature shall be entered on that Journal; but it does not require that this Journal shall be published. In this it differs from the Constitution of the United States in relation to the Journals of Congress; but the distinction makes altogether in favor of the doctrine of expunging. In the case of Massachusetts, the resolution was expunged, but the manuscript Journal (the only official copy in existence) was not touched. In our case, the condemnatory resolution may be expunged, and either the manuscript record may remain unmolested, or it may be ring-marked and crossed, or it may be entirely obliterated; and in neither case can it be considered a violation of the Constitution, because, from the time the Journal has been kept long enough to be published, every printed copy of that Journal is an official copy, so that no vote to expunge, nor even any act of defacing the manuscript Journal, can militate with the mandate of the Constitution, which requires each House of Congress "to keep a Journal of its proceedings, and from time to time publish the same," after the Journal shall have been kept a sufficient length of time to be published.

Some thirteen years ago I first visited the city of Washington, during the sitting of Congress. The Supreme Court of the United States was at the same time in session. A gentleman of the bar, now of the Senate, from Kentucky, [Mr. CLAY,] was engaged before the court on one side of a case, and another gentleman from the same State, (Kentucky,) then and now a member of the House of Representatives, of somewhat rougher aspect, [Mr. HARDIN,] argued the case on the other side. I listened attentively to both. The rougher gentleman, in the course of his argument, talked of the practice in Kentucky, and with great nonchalance informed the court how he gained an important land cause in that State. He created, he said, a *false* or *feigned issue* before the sitting of the court, and led the antagonist party to confine his attention exclusively to the taking of testimony in relation to that feigned issue. Keeping the real point a secret from the adverse party, he carried his case at the trial by surprise. Marshall, and Bushrod Washington, then on the bench, smiled at the frank expression of the blunt attorney, who told the story as if he really thought he deserved credit for the trick.

There are many *feigned issues*, Mr. President; but few who practice them are as candid as was this Kentucky lawyer before the Supreme Court. When the idea was first broached, that a resolution having no necessary reference to any existing laws could not be expunged from the legislative Journal of the Senate, because the Constitution requires the Senate to keep a Journal of its proceedings, I would not have believed that such a feigned issue could be entertained so long as really to have assumed the appearance of settled seriousness. Surely, in all the expunging that heretofore has taken place, it never before entered into the heart of man to conceive such an objection as this

It is said the Constitution requires a Journal to be kept; and therefore no part of this Journal can be mutilated, struck out, or destroyed. If it be an imperative constitutional injunction to preserve, there must be some object to be gained by the preservation. The Journal can be useful for no other purpose, than the preservation of evidence of proceedings.

All those parts of the Journal relating to laws that have become obsolete, or to proceedings that are of no consequence, are valuable only as objects of curiosity or as matters of history; the public interest could not suffer, if such parts were utterly destroyed. The Journal of the Senate is kept and preserved for no other purpose, than to show when and how laws are passed, and it is of as much consequence to preserve the engrossed bill or resolution in that branch of the Legislature in which such engrossed bill or resolution originated, as it is to preserve the Journal of proceeding to show the progress and history of the same bill or resolution. If both the engrossed bill and the Journal were destroyed, the enrolled bill on parchment would remain, which would be evidence of the existence of the law; and even if that enrolled bill were destroyed, the law would still be in existence if there remained anywhere published copies, which had been certified as from the original.

The object of possessing an official copy of the Journal of legislative proceedings, is simply to preserve collateral evidence that existing laws passed in due course of legislation; other evidence than these Journals, such as petitions on which laws are predicated, reports of committees on those petitions, minutes of reference, original drafts of bills, or resolutions, or amendments, may be equally important; and yet it will not be urged that the destruction or obstruction of these, either weakens the force of the law, or violates the Constitution.

There are various ways in which the manuscript Journal of the Senate may be obliterated or destroyed. The building may take fire, and that, with the Journal, may be accidentally burned; a thief may steal it, and carry it off, or bury it in the water or in the earth; the minutes may take fire during an evening session, and thus prevent the Secretary from copying the proceedings at length. The Constitution requires a Journal to be kept: would all these casualties or acts by which the Journal shall be destroyed, be so many violations of the Constitution?

Even if the resolution now under consideration, without reciting it, went so far as entirely to obliterate a former resolution that should be deemed improper to be retained on the Journal, I cannot concede that the act of obliteration would be unconstitutional. If that resolution were an existing law, still intended to be kept in force, the act of obliteration would not nullify the law; applied to a simple declaratory resolution, that was never intended to have the force of a law, the obliteration cannot harm the people for whose benefit all laws are made; and if it does not harm them, it can be no infringement of the Constitution such as is worthy of reprobation.

I marvel much at the pertinacity with which this question is attempted to be discussed as an infringement of the Constitution. It seems to me that, by taking the ground they do, the opponents of the expunging resolution blink the real question—it has all the appearance of a mere subterfuge. The horns of this altar will not protect them—the cry of "a violated Constitution," as it is a virtual confession that the people are right in demanding the obliteration of an infamous record, so it furnishes strong presumptive evidence of consciousness that the resolution to be expunged was wrong in itself.

My object is not, Mr. President, so much to argue the question of power in the Senate to expunge, as to show that the sentence of condemnation passed on the President of the United States was not only extra-judicial, but unjust; for I conceive it to be a most inglorious evasion that Senators now say this sentence of condemnation imputed to the President no crime. If the Senators from Louisiana [Mr. PORTER] and Virginia [Mr. LEIGH] will look back to the criminal

charges of "high crimes and misdemeanors" which were almost daily made in this body two years ago, they may well conclude that the people of the United States will repose little faith in the assertion now, that the resolution of April, 1834, imputed to the President of the United States no criminal intention. To show that it was the intention to impute the highest criminality to the President in the passage of that resolution, the speeches of more than one Senator who voted for it might be quoted. One single extract from the speech of the Senator from Kentucky [Mr. CLAY] after the resolution had passed, will serve my purpose:

"IN SENATE, *April* 30, 1834.

"Mr. CLAY rose: Never, (said he,) Mr. President, have I known or read of an administration which expires with so much agony, and so little composure and resignation, as that which now, unfortunately, has the control of public affairs in this country. It exhibits a state of mind feverish, fretful, and fidgetty, [a beautiful alliteration!] bounding ruthlessly from one expedient to another, without any sober or settled purpose." * * * * *

"But I would ask in what tone, temper, and spirit does the President come to the Senate? As a great State culprit who has been arraigned at the bar of justice or sentenced as guilty? Does he manifest any of those compunctious visitings of conscience which a guilty violator of the Constitution and laws of the land ought to feel! Does he address himself to a high court with the respect, to say nothing of humility, which a person accused or convicted would naturally feel? No, no. He comes as if the Senate were guilty; and as if he were in the judgment seat, and the Senate stood accused before him. He arraigns the Senate, puts it upon trial; condemns it. He comes as if he felt himself elevated far above the Senate, and beyond all reach of the law, surrounded by unapproachable impunity. He who professes to be an innocent and injured man, gravely accuses the Senate, and modestly asks it to put upon its own record his sentence of condemnation! When before did the arraigned or convicted party demand of the court which was to try, or had condemned him, to enter upon their records a severe denunciation of their own conduct? The President presents himself before the Senate, not in the garb of suffering innocence, but in imperial and royal costume, as a dictator to rebuke a refractory Senate; to command it to record his solemn protest; to chastise it for disobedience."

Concluding:

"The Senator from Tennessee [Mr. GRUNDY] thinks that there is no coverlet large enough to protect all the various elements of the Opposition. He is mistaken; there is one of sufficiently capacious dimensions, recently wove at a Jackson loom, called a protest, on which is marked a violation of the Constitution, and an assumption of enormous executive power; and the honorable Senator had better hasten to place himself under the banners of those who are contending against power and prerogative for free institutions and civil liberty. And he had better lose no time, for the protest is the last stroke upon the last nail driven into the coffin—not of Jackson, may he live a thousand years!—but of Jacksonism!"

In a speech delivered at Concord, New Hampshire, in October, 1834, by a Senator [Mr. WEBSTER] who voted for the condemnatory resolution, I find the following strong and positive assertions:

"It is true that the operation commenced with the branch bank in this State, (New Hampshire.) It was tried to make that bank a political institution. Men here applied to the President to make the bank at Portsmouth a political bank. They wrote to the Secretary of the Treasury to do this. *These are facts*—made known to the world—not disputed."

"It never was asserted, then, that the bank was unconstitutional—that it was a 'monster.' And there was good reason for this silence. The bank had taken no part in politics; no one had been wicked enough to bring it into the political arena. It is as true as that our fathers fell at Bunker's Hill, at Lexington, and at Monmouth, that this outcry against the bank was raised *because the bank refused to be made a political engine.*"

This language was used by that honorable Senator about the same time that a committee of the Senate, commonly called the *Whitewashing Committee*, reiterated the same and other similar language in justification of the bank and in condemnation of those who opposed its recharter.

I intend, in the remarks I have to make, to notice the charge that the "operation commenced" by an attempt on the part of the friends of the Administration "to make the bank at Portsmouth a political bank," and the statement that the bank "had taken no part in politics." The testimony on which the charge and disclaimer have been based is the authority and word of the president of the bank. I shall confront these statements generally with other statements coming from the same quarter; and if I shall fail to prove by the president of the bank that the president of the bank and the aforesaid Senator charged falsely when he charged the attempt to make the branch bank at Portsmouth a political engine—if I shall fail to demonstrate, on the authority of the president of the bank himself, that he had entered, with all the money of the bank, into the political arena, I will concede that the friends of the bank have not been quite as much in the wrong as the enemies of the bank have alleged.

I understood the Senator from Virginia [Mr. LEIGH] to say, there is no proof of abuses and misconduct of the Bank of the United States, unless we take charges against the bank for evidence against the bank. If he intends by this to justify the resolution of the Senate which condemned the President of the United States without a hearing—for it is presumed he would impute these unproved or false charges against the bank to the President, who has been assailed as the bank's greatest enemy—I will answer his allegation, that the President is guilty, by making the bank falsify its own charges, and disprove the bank's innocence by the confessions of the bank's own principal officer.

The Senator from Virginia says he is strictly and peculiarly a lawyer, meaning, I presume, a lawyer as contradistinguished from the legislator or the politician. Judging from the character of his speech alone on the expunging resolution, I agree that his description of himself is correct; for who so well as the mere lawyer can wrap up the plainest proposition in a web of metaphysical subtleties? To those who place implicit faith in him, all his propositions and deductions undoubtedly carry the weight of mathematical demonstration. To myself his whole speech appeared in the true character of the lawyer, who makes the most for his client; his argument was the reversal of that rule which every plain, unsophisticated mind would adopt to convince others of the truth as it had convinced itself; he seemed to intrench himself in a citadel of assumptions, applied to the case as he would have it; and he afterwards made all his facts precisely to conform to his assumptions. The late Thomas Addis Emmett was once concerned as associate counsel in a case with Aaron Burr, in which the latter had the prior management. When the case was about coming to trial, Emmett asked Burr what facts they could prove in support of their client? The answer was, "Ask not what we can prove; rather ask what is necessary to be proved?" Here is a specimen of the mere lawyer. It was in that early age of the practice probably, when the profess on had not learnt to throw off, as legislators, the *ex parte* character as lawyers, that they were excluded from the British Parliament. "Sir Richard Baker, 'in his Chronicle, under the year 1736, records, 'that the House of Commons ordered that no 'man of the law should be returned as knight of 'the shire, and, if returned, that he should have 'no wages." I would by no means recur to this precedent as a parliamentary practice at this time binding on either House of Congress.

The point on which I would first comment, is the charge which has been so often repeated by the bank and its friends involved in "the controversy, relative to the removal of Mr. Mason from the presidency of the branch of New Hampshire." This charge was not conjured up until nearly three years after the events to which it alludes had transpired. It first made its appearance in the report of a *single member* of the committee of the House of Representatives "appointed on the 15th day of March, 1832, to 'examine and report on the books and proceedings of the Bank of the United States."

The committee had been in session twenty-four days at Philadelphia, (from March 22d to April 14th,) and were about to close the examination, when the following proceeding was had:

"On motion of Mr. WATMOUGH,

"*Resolved*, That the President of the Bank of the United States be requested to furnish the committee with copies of the correspondence between himself and the Secretary of the Treasury, and Isaac Hill, late Second Comptroller of the Treasury, with reference to charges made against the official conduct of Jeremiah Mason, President of the United States Branch Bank in New Hampshire."

The correspondence, in manuscript, making more than forty closely printed pages, was produced by Mr. Biddle on the instant. It bore evident marks of age, having been thumbed till parts of it were scarcely legible. The majority of the committee, it is understood, before that day, had never heard of this correspondence, nor had it entered into the heart of mortal man concerned in this correspondence, excepting Nicholas Biddle himself, to conceive that it could be tortured into a purpose or use such as was afterwards made of it. If a majority of the committee had time or opportunity to scan this correspondence, they would by no means suppose that such an inference could be deduced from it, as seems to have been discovered by the keen optics of a single member, [Mr. ADAMS,] and afterwards concurred "fully in all the statements made, and principles developed," by another member of the minority, [Mr. WATMOUGH.] Mr. ADAMS's report relative to this correspondence was in the words following:

"The complaints made against the president of the bank at Portsmouth, New Hampshire, in the summer of 1829, and the correspondence between the board at Philadelphia and the late Secretaries of the Treasury and of War, form a portion of the documents relating to the books and proceedings of the bank, called for by the committee and communicated to them. They are not noticed in the report of the chairman, but, in the opinion of the subscriber, *are more deserving of the attention of Congress and of the nation than any other part of the papers commented upon in the report.* An effort, very thinly veiled, on the part of two of the Executive Departments of the General Government, to exercise a control, political and pecuniary, over the proceedings of the bank and its branches—a control highly exceptionable in principle and even contrary to law—appears to him to be fully disclosed in those papers. He will not permit himself to inquire into the motives of the agents in those transactions. It is sufficient for the protection of the public interest that the projected encroachments of power were disconcerted and laid aside."

So much for the high accusations made by Mr. Adams against "two of the Executive Departments of the General Government." It would, perhaps, be a sufficient answer—an answer that would forever shut the mouths of all accusers—to quote the statement of Mr. Ingham in relation to this matter, written in June, 1832, near the time at which Mr. Adams's report first appeared. At the time of writing this letter Mr. Ingham was no friend of the Administration; and from the temper he discovered after leaving the office of Secretary of the Treasury, it might well be expected that he would be no less willing to see any charge of "projected encroachments of power" established against the Administration, than even Mr. Adams himself. Noticing the unauthorized publication of a confidential correspondence nearly three years after it took place, and the accusation made in the report of Mr. Adams, Mr. Ingham, in a letter published in the Philadelphia Sentinel, says:

"But my motives were misunderstood, and my friendly purposes wholly disappointed, and I now found myself virtually accused of a desire to exert the power of the Government to seduce the bank from its vestal purity into a base political connection with the Administration.

"Having been promulgated by an ex-President of the United States in the legislative hall, and thus openly by a *director of the bank*, [by a Mr. Platt, at a public hotel in Trenton, undertaking to vouch for the truth of Mr. ADAMS'S statement,] it cannot fail to justify this notice. To be silent would be to sanction for the truth *what I know to be false*, and deeply prejudicial to my character."

* * * * * * *

"When the friendly purpose of my letter is duly appreciated, in connection with the repeated declarations pressed upon me of the political abuses of certain branch banks, in corroboration of which it was added that the selections of directors were, in many branches, made entirely from one political party, it should be rather a matter of surprise that my suggestions should be so little obnoxious even to severe and suspicious criticism. It requires but little knowledge of the human character to know, that no bank can be faithfully and impartially conducted where the directors are selected from one sect, whatever its character may be, provided their selection is made with a view to their sectarian opinions; and when directors are found thus arranged, however pure they may be, it will be almost impossible to satisfy even an enlightened public opinion, that there may not have been some design in the arrangement. The obvious and natural means to prevent abuse in such a case, as well as to satisfy public opinion, and even to confound clamor, (which is sometimes necessary in the administration of public affairs,) is to give some variety to the organization of the board. Such were the reflections which induced the suggestion of forming suitable 'checks and counterbalances' to preserve a proper equilibrium in the management of the institution; a measure in its conception purely admonitory and preservative, not only tending to prevent the pernicious influence of political bias in the operations of the bank, but incapable of being perverted to such abuse; suggested, too, by the constitutional representative of one fifth of the whole stock; *forms the solitary point, left by Mr. Biddle, on which it is to be presumed Mr. Adams has founded his grave and solemn charge.* I shall not now attempt to show the difference between a measure proposed to prevent, and one to promote an abuse, nor enter upon a discussion of the rights of the constituent or representative to advise the agent, or attempt to prove that what might properly have been addressed to the directors appointed by the President might, with the same propriety,

be addressed to the whole board. The question of right is too clear to admit of a doubt. The character of the proceeding must therefore depend on its fitness, and the motives which induced it; on whatever grounds it shall be placed, I am content to be judged by a discerning public.

"Of Mr. Adams, however unwarrantable his attack upon me, it seems most fit that I should say as little as possible. A great man has said of him 'that he could not see the truth:' this case is a striking example of the wisdom of that observation."

Mr. Ingham says, in the same letter:

"The Secretary of the Treasury, for the time being, is exclusively responsible for all the sentiments contained in his correspondence."

This explanation of Mr. Ingham, who surely could have no interest to exculpate any person in the Administration other than himself, would seem to be sufficient. So far as relates to one of the two departments, he takes to himself exclusively the responsibility, and denies any and every attempt to exercise an exceptionable or unlawful control on the part of the Government of either the bank or any of its branches.

Yet, in the face of this positive denial of Mr. Ingham, the directors of the bank (in a report adopted by a vote of twelve to three, December 3, 1833, many thousands of which report were gratuitously circulated, and paid for out of the funds of the bank) reiterate the charge in the following words:

"It was in the midst of this career of inoffensive usefulness, when, soon after the accession to power of the present Executive, the purpose was distinctly revealed that other duties than those to the country were required; and that it was necessary for the bank, in administering its affairs, to consult the political views of those who had now obtained the ascendency in the executive. *It is understood that soon after that event a meeting was held in Washington of the principal chiefs, to consider the means of perpetuating their new authority, and the possession of the bank was among the most prominent objects of the parties assembled.* The first open manifestation of the purpose was in June, 1829, when a concerted effort was made by the executive officers to interfere in the election of the board of directors at Portsmouth. At the head of this attempt was Mr. Levi Woodbury, now a member of the present Cabinet at Washington, who did not hesitate to avow in a letter to the Secretary of the Treasury, which, though marked 'confidential,' was subsequently ordered to be published by the committee of investigation in 1832.* that he wished the interference of the Government to remove the President of the branch at Portsmouth." * * * * "This letter of Mr. Woodbury was transmitted to the bank by the Secretary of the Treasury, who stated that 'from some expressions in his letter, it may be inferred that it is partly founded on a supposed application of the influence of the bank, with a view to political effect;' in consequence of which, he deemed it his duty to present it to the bank, '*with the views of the Administration in relation to it.*' At the same time, Mr. Isaac Hill, acting as the Comptroller of the Treasury, until rejected by the Senate, and now a Senator of the United States, sent a memorial from the members of his political party in the Legislature of New Hampshire, requesting the removal of Mr. Mason. In another communication presented to the bank, he gave it as his opinion that no measure short of Mr. Mason's removal could tend '*to reconcile the people of New Hampshire to the bank*, and that the friends of General Jackson, in New Hampshire, have had but too much reason to complain of the management of the branch at Portsmouth.' Finally, the Secretary at War ordered the transfer of the pension fund from the branch bank at Portsmouth, to another bank in Concord, an act so obviously in violation of the laws, that it was first resisted by the bank, and then retracted by the Secretary.

"It became then manifest to the bank, that there was a combined effort to render the institution subservient to political purposes, and that it was necessary to come to some immediate and distinct understanding of its rights and duties."

To sustain this reiteration of an already exploded charge, the managers of the bank are obliged to resort to a fiction of their own invention, for which there is not even the slightest pretense of a foundation. They say, "it is understood that soon after that event, a meeting was held in Washington of the principal chiefs, &c., and the possession of the bank was among the most prominent objects of the parties assembled." Now, if there be any foundation for this story, could not the gentleman directors furnish some better evidence than a mere "it is understood?" Of these "principal chiefs," have we not a right to suppose that either Mr. Ingham or the two other disaffected members of the Cabinet who retired with him, must have had some knowledge? and has not each of them discovered at least an inclination to expose before the public any and every transaction which might go to disgrace the Administration? The alleged meeting is disproved by every circumstance which can go to establish a negative! The facts of the case itself, and among them the fact fully established by the correspondence that the ground of complaint against Mr. Mason was not political, demonstrated that both the alleged meetings and its objects were the mere inventions of a mind predetermined to seek a plausible pretext for an accusation of some sort.

It will not be denied that the object of some of the petitioners for a change in the board of directors of the Portsmouth branch, was an exemption from that exclusive political management which had been practiced for years at that branch. It was a matter of notoriety that up to that time every member of the board was opposed to the Administration; and for the last three years, the bank had been managed (whether with or without the sanction of the directors of the mother bank) with a view to political favoritism. The bank had been before, as almost every branch bank has been since, a political machine, operating on the elections. At the time of the first election of President Jackson, all the directors were active partisans against him; and in time of scarcity, money accommodations were understood to be granted as a matter of political favor.

This political management of the bank had proved to be bad management. Mr. Biddle, in a letter to Mr. Ingham, of July 18, 1829, says:

"The office at Portsmouth had originally the misfortune to have at its head a Mr. Cutts, who ended by defrauding the United States of upwards of twenty thousand dollars of the pension fund, which the bank was obliged to replace; and last year the office was nearly prostrated in the general ruin which spread over the country. Out of $460,000 of loans, $148,000 was thrown under protest; still further protests were expected, and the actual loss sustained there will not be less than $112,000." * * * "A confidential officer was dispatched to Portsmouth, who found the affairs of the office in great jeopardy, covered with the wrecks which bad management and the most extensive frauds had occasioned. To retrieve it, it became necessary to select a man of the first-rate character and abilities—such a man was Mr. Mason."

To correct the "bad management" and "extensive frauds," there was at no time a change of direction: the same individuals, from that to the end of the chapter, continued to control the bank—the same political coterie at all times wielded it as their weapon of influence. Mr. Mason was appointed president—he had been a director and attorney for the bank before that time—and he remained associated in the board with the same men that controlled it at the time of "bad management" and the "most extensive frauds." Mr. Biddle himself says, "Mr. Mason 'is only one member of that board, consisting of 'the same gentlemen *who have had charge of the* 'branch for many years.'"

But the management under Mr. Mason became from "bad" to "worse." The most profitable and safe business of the bank had been its country loans made in sums of from $500 to $2,000 each, under an agreement that the interest and ten per cent. of the principal should be checked in every four months. As the bank had lost in its large loans to speculators in factory and other stocks, Mr. Mason took it into his head that the small debtors were less safe than the large ones; and, violating the plighted faith of the bank, by a circular letter, called on all to renew their notes every two months, and at each renewal to pay twenty per cent. of the principal. This course, rigidly pursued, created a panic at once, and Mr. Mason still further contributed to the distress by taking a large sum from the circulation and loaning it in Boston to his own particular friends and connections.

Within the town of Portsmouth, the excitement against Mr. Mason became almost universal among the business men. It was charged on him that he arbitrarily changed (by shortening) the periods of payments of paper amounting to several hundred thousand dollars, reducing the time for renewals from one hundred and twenty to sixty days, and increasing each call from ten to twenty per cent.; that the best paper in the State was refused discount; that he made a run upon one of the local banks, with a view to stop it; and refused drafts at sight on a Boston bank, and denied the Portsmouth bank time even to send (a six hours' ride) to Boston, for its money there in deposit; that the papers, under which the revolutionary pensioners had usually drawn, were rejected upon capricious and technical objections. In consequence of these reasons, and mainly for the reason that he threw into jail a citizen, (one of his own political party,) by virtue of a process which, as a *lawyer*, he issued against him, because he failed to comply with the requisition which, as *president*, he exacted in violation of the terms on which loans were made, the public indignation against Mr. Mason became so strong, that his image was hung, and burnt in effigy in front of his own dwelling.

Mr. Mason had been placed in the office of president and attorney of the bank under a compensation raised from $800 to $2,000 per annum. Mr. Biddle, in his letter to Mr. Ingham, speaking of Mr. Mason, says:

"Of his entire competency, especially in detecting the complicated frauds, and managing the numerous law suits which seemed inevitable, there could be no doubt. Since he has been in office, he has been exceedingly useful—has saved the bank from great losses—has secured the bad debts; nor until Mr. Woodbury's letter was I informed of any complaint against him."

If the bank had intended to make severe exactions of the people, Mr. Mason was the man of all others to do their business; but he was not the man to manage an office of discount and deposits either for the benefit of the bank or to the satisfaction of men of business; and the result proves the truth of my proposition. A tabular statement, furnished by the bank, presents the following as the profits on the business of the Portsmouth branch bank:

In 1828	$25,903 80
1829	9,697 04
1830	5,164 16

The truth is, Mr. Mason's severe treatment and violation of the plighted faith of the bank at once drove from it its most profitable customers, so that in two years the profits of that branch were reduced to less than one fifth the ordinary amount.

These were the causes which induced fifty-eight respectable individuals and firms, comprising most of the active business men in Portsmouth, to petition the president and directors of the mother bank for a change of the president of the branch at the end of his term. Of these fifty-eight houses, thirty-eight at least were men of the same political party as Mr. Mason. The most of them remain of that party; and, as a proof that the main reason for petitioning for a substitution was not political, I may state the fact, that twenty-four of these names appear on the only petition for a restoration of the deposits to the Bank of the United States, which was presented from New Hampshire during the season of panic and distress of the session of Congress two years ago.

Scarcely any worse condition of the bank could be conceived than that represented by Mr. Biddle himself. He says:

"A confidential officer had been dispatched to Portsmouth, who found the affairs of the office in great jeopardy, covered with the wrecks which bad management and the most extensive frauds had occasioned."

Further on, he admits that no change had been made for the better, for he says:

"Mr. Mason is only one member of that board, consisting of the same gentlemen who have had charge of the branch for many years."

It was against such a state of things as this, that respectful representations were made by citizens of all parties in Portsmouth—and a major part of those citizens men who had never supported the administration of Andrew Jackson, and men who did not support him so late as the winter of 1834, in the act of the removal of the deposits—in favor of a change of the President and direction of the branch at Portsmouth. And it was at the especial instance of those citizens, of all parties, that about sixty members of the Legislature of New Hampshire subscribed their names to another petition recommending a change of the direction, and naming ten persons, a majority of whom was not, at that time, friends of the Administration, as suitable for directors to that branch. Neither did Mr. Woodbury or Mr. Hill move in this business of their own accord, but at the special request of the same citizens of Portsmouth, a major part of whom were then,

*This is not true: the committee never directed the publication. It was Mr. Biddle himself, who, without asking liberty from the writers, shamelessly exposed this correspondence.

and since have continued to be, of the opposition to this Administration.

Mr. Woodbury, in a confidential letter to Mr. Ingham, requests him to lend "any aid for the relief of the complainers that he can with propriety furnish." He says:

"Our commercial men are almost unanimous in their complaints, and the people in the interior, who were wont to be accommodated formerly at the branch, join with them in a desire for the removal of the present president." "In making these general representations, I am repeating what are in the mouths of almost every citizen, of whatever political denomination, and am inviting, at the request of many, your influence at the mother bank in producing a change." "Never, on any occasion, have I known complaints so wide and bitter as in the case now under consideration."

We have just seen how completely Mr. Ingham, then Secretary of the Treasury, exonerates all others than himself from any intention of assuming political control over the bank, and how he likewise demonstrates, that in making the representation he did, he disclaimed "all desire to derive political aid through the bank." Mr. Biddle himself shall speak of what were the motives of Mr. Woodbury. In his letter of July 18, 1829, to Mr. Ingham, he says:

"It appears, then, from Mr. Woodbury's own statement, that so far from employing the influence of the bank, [with a view to political effect,] it is a notorious fact that the *complaints are made by Mr. Mason's own political friends;* so that, in truth, if there be any politics in the matter, it is a question between Mr. Mason and politicians of his own persuasion."

Is it not surprising that in the lapse of little more than a year afterwards, Mr. Biddle should represent Mr. Woodbury as at the "head of the attempt" to create a political subserviency of the bank to the Administration? And this charge is made by him in the pamphlet report of a committee of directors of the Bank of the United States, adopted by the Board, December 3, 1833. May we not account for this discrepancy in the change of circumstances of the case? In July, 1829, there was not even an expectation of charging the efforts made for the removal of the president of the Portsmouth branch, to a design of the Administration to convert the bank into a political instrument in its own hands; while in December, 1833, it became highly important that the directors of the bank should fix on certain unnamed "political chiefs" as having "distinctly revealed" that other "duties than those to the country were required" of the bank.

In the same pamphlet, for the purpose of strengthening the charge of a "desire to derive political aid through the operations of the bank," the humble part I acted in forwarding the wishes of the citizens of Portsmouth, without distinction of party, is misrepresented, by quoting from my letter detached sentences going to show that my application had a bearing exclusively political. Then holding a subordinate station in one of the accounting departments of the Treasury, I was absent a few weeks in New Hampshire. While at my place of residence, which is the seat of government, a messenger, who had arrived the day before from Portsmouth, presented the petition, subscribed by fifty-eight individual firms of Portsmouth, addressed to the directors of the Bank of the United States, remonstrating against the reappointment of Mr. Mason as a director of the branch at Portsmouth, and representing that "the administration of its concerns during the 'past year has created great dissatisfaction in 'this quarter of the country, and has been of a 'character, in our opinion, partial, harsh, and no 'less injurious to the bank itself than to those 'who are accustomed to do business with it;" and also a memorial, signed by between fifty and sixty members of the State Legislature, representing that they "have good reason to believe 'that the late management of the board of direct-'ors of the branch bank at Portsmouth has been 'oppressive to the men of business in the State, 'and tends to the injury of the institution itself;" "that the conduct of the head of the board has 'been destructive to the business of Portsmouth 'and offensive to the whole community;" and respectfully naming ten individuals who are recommended as candidates for directors. This petition and memorial he requested me to take, on my return to Washington, and cause them to be laid before the president of the mother bank. Passing rapidly through Philadelphia, I had no time to see or consult with the president and directors, with whom I had no personal acquaintance. I did, however, consult with two gentlemen whom I knew, who engaged to lay the matter before the president of the bank whenever I should forward the papers from Washington. It is my letter to those two gentlemen that Mr. Biddle not only took and used as a public letter, but the contents of which he has distorted, for the purpose of forcing an inference that I was interfering in accordance with the design of certain "political chiefs" at Washington to corrupt the vestal purity of the bank, and entice or drive it "into a base political connection with the Administration."

The following extracts, embracing the whole scope of the private letter which I addressed to Messrs. Barker and Pemberton, of Philadelphia, under date of July 17, 1829, decisively prove that my object, so far as I had an object, was entirely misrepresented in the pamphlet of the bank directors:

"Having recently spent several weeks in New Hampshire, I am able to say, from my own knowledge, that the sentiment of dissatisfaction on account of the recent management of the branch at Portsmouth, by Mr. Mason, is general; that his conduct has been partial and oppressive, and calculated not less to injure the institution than to disgust and disaffect the principal business men, and that no measure short of his removal will tend to reconcile the people of New Hampshire to the bank." * * *

"The friends of General Jackson in New Hampshire have had but too much reason to complain of the management of the branch at Portsmouth. All they now ask is, that this institution in that State may not continue to be an engine of political oppression by any party. The board has, I believe, invariably and exclusively consisted of individuals opposed to the General Government. Of the ten persons named in the petition for directors, *six* are friends of the last, and *four* are friends of the present Administration; they are, however, alike, gentlemen of respectability, who have no sinister objects to be promoted, understanding well the responsibilities and wants of business men. With such a direction, I do not doubt the branch at Portsmouth will be secure and prosperous, and satisfy all."

Under these representations the president of the bank visited Portsmouth, and is understood to have exhibited every written representation made to him, confidentially or otherwise, to the eyes or the ears of the assembled citizens of the town; and the well known talent of his principal officer, for small verbal criticism and for ridicule, was put in requisition for an exhibition of the letters and petitions before the people. It was soon discovered to be no part of Mr. Biddle's object to listen to the complaints of the people, whether with or without foundation. He came there for no such purpose. It was no part of his object to satisfy that community by any relaxation of severity, but rather to conquer the revolting spirit by letting all know who wanted any indulgence from the bank, how much and how deeply they were under obligations to his favor. The exclusive political rule of that bank from that day to the day it was closed, was continued. A directorship has in two or three instances been offered to friends of the existing Administration, and, being obliged to act as mere automatons, each of them, it is believed, has declined to act.

That this bank, existing there for about eighteen years, without taxation from the State and having all the benefits of the public deposits during a greater part of the time, has been of real injury to the State, must be admitted. At first furnishing, by extraordinary capital that could not be usefully employed, strong temptations for speculation, this bank terminated the career, by prostrating in pecuniary ruin many men who might have done a safe business through life if temptations had not been thrown in their way to make investments by loans from the bank.

The charge in the directors' pamphlet, of an effort at Washington "to render the institution subservient to political purposes," by the order of the War Department to transfer the pension fund from the branch bank at Portsmouth to another bank at Concord, but illy accords with the other charge which I have at length been considering. If, in the one case, the attempt had been to create a subserviency on the part of the bank by changing the political character of the directors, where would be the consistency in depriving the bank at the same time of what seems now to have been a privilege, but which, until that time, had always been represented to be a burden? The truth is, that a majority of the Legislature of New Hampshire, having been always taught by those concerned in the United States Bank that the bank coveted not the privilege of paying the pensioners, petitioned the Secretary of War to remove the fund to a more central point, which would make the average distance of travel for each and every pensioner from twenty-five to thirty miles less. In several other States, up to that time, pensions had been paid by agencies other than those of the Bank of the United States and its branches. The Secretary of War, doubting not his right, because it had not before been disputed, directed the pension agency to be changed. This direction and change threw new light on the subject. The Bank of the United States, to magnify its services to the public and make them more than an equivalent for its exclusive privileges, had represented the holding and disbursing of the public moneys as extremely onerous. But Mr. Mason presents an entirely different view of the subject, which he offers as a reason why the bank should resist the transfer of agencies. He says:

"The removal contemplated would lessen our means of circulation, and, as I think, be *very injurious* to the bank."

It is difficult to perceive how the other of "the two Executive Departments," the Secretary of War, should have been acting in concert with the Secretary of the Treasury, when he directed the pension agency to be removed from a bank which the latter was attempting to control, to another bank over which, by possibility, he had no right of control. It appears to me that the "two Executive Departments," if designing to do what they are charged with doing, were acting directly at cross purposes.

Connected with this subject of alleged interference of the Executive to render the institution subservient to political purposes, is the charge made against the President of having from the outset entertained a violent hostility to the bank and its management. This charge is countenanced by the whitewashing report of the Finance Committee of 1834; it is more particularly set forth in the pamphlet of the directors, after having alleged that they valiantly resisted all the wicked attempts of the Executive to sully the pure honor of the bank by forcing them to become politicians, when they say—

"These extracts reveal the whole secret of the hostility to the bank of those who, finding it impossible to bend it to their purposes, have resolved to break it. For this purpose all the poisoned weapons of political warfare have, for the last four years, been unsparingly and unceasingly employed against the institution."

This charge upon the veteran statesman and patriot comes with an ill grace from the man who had for four successive years been nominated by the President of the United States to the office of director of the bank. Mr. Adams himself, in his minority report, makes the boast "that Mr. 'Biddle had enjoyed the unquestioned and entire 'confidence both of the Government and the in-'dividual stockholders." He says:

"Ten long years has this confidence been enjoyed and justified by that distinguished citizen and honorable man. No question had ever been invidiously started how many proxies he held? The more he held, the more extensive was the confidence of the stockholders in him. No scruple had ever crossed the mind of any President of the United States to deter him from nominating him year after year as a Government director."

Where has this man found occasion, in his own person, to say that the President interfered against him or his management until after the election of 1832? When did President Jackson "distinctly reveal" to President Biddle that he required "other duties" of him "than those due to the country?" When did the patriot statesman give Mr. Biddle to understand that it was necessary for the bank to "consult the political views of those who had obtained the ascendency in the executive?" Could it be possible that this immaculate institution, with its immaculate guardian genius and head, should have preserved their vestal purity for four years? should have successively resisted every assault upon their virtue, and repelled the lawless assailant; and at the same time enjoyed for the whole term the "unquestioned and entire confidence" of its inamorato? The charge of seduction or force attempted upon the bank is false—it is an afterthought, an accusation which will return "but to plague the inventors."

The whitewashing report of the Committee of Finance of 1834, bears evident marks of being the production of more than one hand. The largest half of this report, if I might be permitted to give an opinion, I would say came from the same quarter as have most of the whitewashing reports that had preceded it; that it scents of the shop, so that its author may be detected as one of the banking fraternity, whose business is to regulate the rise and fall of stocks and the course of exchange. Observe the expression on page 42, line twelve from the bottom, of "drafts *in this office*." This expression, isolated as it is, and referring with certainty to no particular place, one would think could never have been made by one of the committee. Referring, as it evidently does, to the office at Philadelphia, ill-nature might say it could have been written only by a tenant of the marble house. Critics would offer this as one of the external evidences, that the larger portion of the apology for the bank came from the bank itself. I must do the gentlemen on the committee the justice to say, that I believe either of them would, after an application of two months, during the recess of Congress, have produced a more creditable production than the larger part of this report—a report so meager in accurate facts, and yet so fruitful in matters for conjecture; a report which reluctantly admits what it cannot conceal, and poorly attempts to cover up what it had better have exposed to the world.

I give my belief that the report is not all produced by the same hand; I would not positively say it is part from the bank and part from the committee. When the report says, on page 1, "every facility was afforded by the officers of the 'institution which the committee could have de-'sired;" that "no hesitation or reluctance was 'manifested in furnishing every book or paper 'which was required; and every avenue to a full 'and free investigation not only at the bank but 'at the several branches visited by the committee 'or any member of it, was promptly laid open;" when the report speaks thus, we would scarcely believe the language to be that of the committee. But when the report, on page 46, says, "the 'directors should carefully have avoided every 'appearance of mystery, nor should they have 'consented to place the president in a situation so 'full of embarrassments;" that "the committee 'owe it to themselves to state that they submitted 'to the president the propriety of disclosing the 'objects of expenditure;" that "the president 'averred that the bank could not have the least 'difficulty in making an ample and minute de-'tailed disclosure of every item of expenditure, 'so far as the bank itself or its officers were con-'cerned; but urged the delicacy and justice, in 'his opinion, of refraining from disclosures which 'would most probably expose others, every way 'innocent, to vituperation, malignant aspersion, 'and, peradventure, personal vengeance," that "he averred his willingness to verify, under any 'form of solemnity, in any way agreeable to the 'committee, for what the expenditure *had not been* 'made—that no portion of it had been made to 'subsidize any portion of the public press, or 'tamper with or affect the purity of any public 'functionary; but reverted to the indelicacy and 'possible danger of exposing innocent persons to 'odium or persecution;" when the report speaks after this sort, I should be more than half inclined to the belief that some one of the committee had a hand in producing a part of it.

What a singular anomaly does the whitewashing report of the Finance Committee present! The first statement is, that there was no concealment—that everything was thrown open to the view of the committee, and by the committee to the world. The last statement is nearly a full page of apology for concealment of everything that the president of the bank supposed would make against him. Such a palpable contradiction in a report of this kind, stamps its character as scarcely more reputable than that of the subject on which it treats. We may believe such a report, so far as it admits truth that makes against the bank; we can place no confidence in such assertions, without proof, as make anything in its favor.

I have been forcibly struck, Mr. President, with the keenness of sensibility evinced by the bank and its friends at every imputation of its intention to interfere with the politics of the country. From the first of January to the last of December of every year since 1829, the burden of the song has been that the bank keeps itself entirely aloof from politics. Under the date of June 19, 1829, we find Mr. Biddle writing to the Secretary of the Treasury:

"The officers of the bank and all its branches are thoroughly imbued with this spirit, knowing, as they do, that their interference in political contentions would be highly offensive to the general administration of the institution."

"I believe there are not in the whole country, any other five hundred persons, of equal intelligence, so abstracted from public affairs, as the five hundred who are employed in administering the bank; and I am satisfied that no loan was ever granted to, or withheld from any individual, on account of partiality or hostility."

"In the choice of its agents and the distribution of its loans, it should be wholly indifferent to political parties."

"In general, the class of persons actively engaged in political contentions, as well from their own wants, as from the train of adherents, whose claims they are too prone to support, are among the most dangerous inmates of a bank."

Again, General Cadwalader, acting president of the bank, in the absence of Mr. Biddle, writes, under date of August 4, 1829, to the Secretary of the Treasury:

"If, however, it can be shown that, in any quarter, the officers of the bank have lent themselves as the ministers of a party, or have used the power of the corporation for political purposes, not a moment will be lost in visiting such offenses with the utmost severity of censure and punishment."

How graphically, in the one case, does Mr. Biddle present in contrast the five hundred officers of the bank operating throughout the Union in the presidential and congressional elections of 1832 and 1834, and the army of hired and purchased and dependent "train of adherents," who fought like bullies to overpower the people at those elections; and how truly in the other case does General Cadwalader and his board of directors exhibit the picture of deformity which must attach to officers of the bank, who stand condemned out of their own mouths.

The correspondence of Mr. Biddle is full of similar expressions of detestation, at all attempts to make the bank instrumental of promoting political or party purposes. So much for 1829: we find the case a *little* altered in 1830. In that year the board gave their president authority to circulate an article on banks and currency, (for *writing* and not *printing*, which Mr. Biddle paid Mr. Albert Gallatin, it is said, $1,000,) published in the American Quarterly Review, containing a favorable notice of the bank.

In 1831, Mr. Biddle suggested to the board of directors the "expediency and propriety of extending still more widely a knowledge of the concerns of the institution;" and a resolution passed the board, authorizing the president "to cause 'to be prepared and circulated, such documents 'and papers as may communicate to the people 'information in regard to the operations of the 'bank."

The directors of the bank say, in their pamphlet of 1833, that the expenses incurred, as stated in the expense account, in executing these resolutions, from December, 1829, *when the first assault was made upon the bank by the President*, to the present time, &c., amount to $58,265 05, &c.

"So that the general result is, that within four years past the bank has been obliged to incur an expense of $58,000 *to defend itself against injurious misrepresentation.*"

I wish the following sentence from the bank pamphlet, published in December, 1833, should be particularly noted:

"*The bank has never interfered in the slightest degree in politics, and never influenced, or sought to influence, elections;* but it will not be deterred by the menaces or clamors of politicians from executing its duty in defending itself."

This was said and solemnly declared to the world in the latter part of 1833. February 4, 1834, the Committee of Finance of the Senate of the United States gave their countenance to the above declaration, as will be seen in the following extracts:

"The last charge preferred against the bank by Mr. Taney is, that it has used its means with a view to obtain political power, and thereby secure a renewal of its charter.

"The very statement of such a charge, as a reason for the removal of the deposits, is calculated to excite distrust in the wisdom and propriety of that measure; because the charge, too general to be proved, is also too general to be disproved." * * * * "Nor is it either acknowledged, nor, so far as the committee know, proved, that the bank took an open and direct interest, as a corporation, in the election referred to," [the presidential election of 1832.]

Even the report of the Committee of Finance made at the last session of Congress, condemns the interference of the bank in the elections. It says:

"For a great moneyed corporation, created to subserve the purposes of the country to lend itself to party, and to enter, through its moneyed power, in any way into the political struggles of the day, would be to render it truly and deservedly odious."

The committee published several letters of anterior dates, in which Mr. Biddle denies all interference of the bank in politics; from them I select the following sentences:

Letter to J. Harper, Esq., Lexington, Kentucky, dated January 9, 1829.

"I have myself an extreme unwillingness to blend politics with the concerns of the bank. Nearly all its misfortunes may be traced to this cause; and in your section of the country we have surely had a melancholy experience of the hazard of lending to politicians."

What politicians are meant here?

Letter to E. Sheppen, Esq., Louisville, Kentucky, dated February 12, 1829.

"That the offices in Kentucky had suffered deeply from the influence of politicians; that we had for some time been endeavoring to withdraw the bank out of the reach of that influence; that we had at length succeeded in giving a business character to its transactions," &c.

Letter to J. Johnson, Esq., Charleston, South Carolina, dated September 30, 1830.

"In the administration of the Bank of the United States, no principle is more fundamental than its total abstinence from politics," &c.

These and other letters, and extracts of letters from Mr. Biddle, were published by the whitewashing committee, for no other seeming purpose than to produce an impression on the public mind that the managers of the bank had such an innate abhorrence of politics and politicians, that it might be safely sworn the bank retained, down to the year the report was made, its vestal virgin purity, and had never interfered at all in politics. But could that committee believe the American people so destitute of common sense as not to discover, even from the scanty evidence which their report exhibited, that the allegation is false; that the bank has abstained from direct and positive interference in the elections; and that the board of directors, and all those who have given currency to their statement of December, 1833, that "the bank has never interfered in the slightest degree in politics, and never influenced, or sought to influence, elections," stand convicted of untruth in its deepest and broadest sense? This unpardonable departure from the truth, constituting a criminality even more flagrant than the acts of interference themselves, may be proved in some fifty or a hundred cases. I shall content myself in this place to cite one only.

As a prelude to an exhibition of the sums paid for publications, by the bank, to partisan editors and others, the committee exhibit a letter from Nicholas Biddle, under date of September 26, 1832, to the president of the Lexington (Kentucky) branch bank, sending therewith a copy of Mr. Webster's speech on the President's veto message, and also an article reviewing that message. These, he states, it is desirable should be circulated, to counteract the injurious impressions which the message was calculated to make against the institution. He also directs the publication of Mr. Clay and Mr. Ewing's speeches on the same subject, and says:

"All I wish to caution you against is, that *abstaining, as the bank does, from all connection with what are called politics*, you will confine your efforts exclusively to the distribution of what may be explanatory of the operations and conduct of the bank."

Here was a very pretty and a very positive declaration, with which the whitewashing committee might commence their exhibition of "the account of the Bank of the United States for printing, &c., other than ordinary." To stamp an indelible falsehood on the declaration that the bank, in the elections of 1832, abstained from all political interference, I will quote from the statement of the committee one single item, as follows:

"Nathan Hale, printing forty thousand copies of Webster's speech at Worcester convention; twelve thousand five hundred copies Webster's speech on the bank veto, and stitching, boxes, freight by packet and stages, packing and sending away, $2,422 65."

Now, I happen to recollect something about

this Worcester speech; there was scarcely an individual voter of the State of New Hampshire, who was not, just previous to the November election of 1832, furnished with a copy of this Worcester speech. Such as would not take them from the hands of the runners appointed to distribute them, had them thrown into their door yards at night. They came into New Hampshire (about the same time their author made us a visit) just before the day of election, when, too late for contradiction, certain Boston gentlemen kindly certified to us false news relative to the Pennsylvania elections.

This Worcester speech was not confined to a vindication of the bank—it was spoken, printed, and circulated for quite another object; and this object will be best explained by reading a few extracts from it. I read them, Mr. President, to show that Nicholas Biddle practiced a most audacious and glaring deception on the Committee of Finance, if by artfully introducing his disclaimer alongside of his account, he induced them to believe that he had paid for the circulation only of such articles as were "explanatory of the operations and conduct of the bank."

Extract from Mr. Webster's Speech at the National Republican Convention, in Worcester, Massachusetts, October 12, 1832.

"Mr. President, I take the hazard of the reputation of an alarmist. I cheerfully submit to the imputation of over-excited apprehension. I discard all fear of the cry of false prophecy, and I declare that, in my judgment, not only the great interests of the country, but the Constitution itself, is in imminent peril, and that nothing can save either the one or the other, but that voice which has authority to say to the evils of misrule and misgovernment, hitherto shall ye come, but no further."

* * * * * * * * * *

"Sir, we see one State of the Union openly threatening to arrest the execution of the revenue laws of the Union by acts of her own. This proceeding is threatened, not by irresponsible persons, but by those who fill her chief places of power and trust.

"In another State, free citizens of the country are imprisoned, and held in prison in defiance of the judgment of the Supreme Court pronounced for their deliverance. Immured in a dungeon, marked, and dispatched as subjects of a penitentiary punishment, these citizens pass their days in counting the slow revolving hours of their miserable captivity, and their nights in feverish and delusive dreams of their homes and their own families; while the Constitution stands adjudged to be violated, a law of Congress is effectually repealed by the act of a State, and a judgment of deliverance by the Supreme Court, is set at nought and contemned.

"Treaties, importing the most solemn and sacred obligations, are denied to have binding force.

"A feeling that there is great insecurity for property and the stability of the means of living, extensively prevails.

"The whole subject of the tariff, acted on for the moment, is, at the same moment, declared not to be at rest, but liable to be again moved, and with greater effect, just so soon as power for that purpose shall be obtained.

"The currency of the country, hitherto safe, sound, and universally satisfactory, is threatened with a violent change, and embarrassment in pecuniary affairs, equally distressing and unnecessary, hangs over all the trading and active classes of society.

"A long used and long approved legislative instrument for the collection of revenue, well secured against abuse, *and always responsible to Congress and the laws*, is denied further existence; and its place is proposed to be supplied by a new branch of Executive Department, with a money power, controlled and conducted solely by Executive agency." * * * * * * * * *

"Sir, the question is wholly unsettled, and the principles of the Administration, according to its most recent avowal of those principles, is adverse to the protecting policy, decidedly hostile to the whole system, root and branch; and this on permanent and alleged constitutional grounds."

* * * * * * * * * *

"The question, therefore, of the tariff—the question of every tariff—the question between maintaining our agricultural and manufacturing interests where they now are, and breaking up the entire system and erasing every vestige of it from the statute-book, is a question materially to be affected by the pending election."

From this extract it will be seen that the Worcester speech had but little to do with explanations "of the operation and conduct of the bank," but that it launched at once into all the exciting topics which were calculated to influence the then pending election. We may very much admire the boldness of the speaker who could "cheerfully submit to the imputation of over excited apprehension"—who could "discard all fear of the cry of false prophecy"—who could declare the country and the Constitution, every thing we hold dear, to be in "imminent peril;" and who, on that great occasion, threw himself into the breach; but we must detest that hypocrisy, whether it be of the bank or its friends, which continues to declare and reiterate that the publication and gratuitous circulation of forty thousand such speeches, just on the eve of the presidential election, was no interference in politics.

Why, Mr. President, this speech was like Antony's funeral oration over the dead body of Cæsar; it opened the "poor dumb wounds" of the bleeding country, and roused the men of Massachusetts, who had long been taught to consider Andrew Jackson as the veriest tyrant, the most hard-hearted oppressor that ever existed in this or any other country, to such an effort as that State had not made since the time when its Legislature resolved it to be "unbecoming a moral and religious people to rejoice" at the successes of our gallant Army and Navy, in the war of 1812; it was such an exciting appeal as would almost move the rocks to mutiny. This Worcester speech in 1832, was but the commencement of the gloomy predictions followed up in 1834.. The administration decidedly "hostile to the protecting policy," and "embarrassment in pecuniary affairs, equally distressing and unnecessary, hangs over all the trading and active classes of society." How often did we hear during the panic session of Congress, that the estimates of the Treasury were overrated; that there would be a great falling off in the revenue; that confidence was destroyed; industry paralyzed; commerce suspended; that the withdrawal of the deposits had changed the face of the country from a scene of unparalleled prosperity to a scene of unparalleled desolation; that the commercial towns were deserted; orders for goods were countermanded; foreign purchases stopped, &c.? Now, mark how a plain tale shall disprove all these predictions. The imports and exports of the last five years show that the business of the country has at no time been so prosperous and so extensive as in the two years since the withdrawal of the deposits.

Years.	Value of imports in the U. States of foreign articles.	Exports of domestic articles.	Exports of foreign articles.	Total exports of foreign and domestic articles.
1831	$97,032,858	$62,048,233	$18,324,333	$80,372,566
1832	100,652,677	63,074,815	23,963,128	87,037,943
1833	109,000,000	70,642,030	20,021,373	90,663,403
1834	123,093,351	74,444,629	22,874,295	97,318,724
1835	149,878,048	101,189,082	20,504,495	121,693,577

Our imports and exports have fully kept pace with the increase of our population; the former exceeding the latter in about the ratio of profits on foreign traffic, including the products of the sea, earned and secured by our enterprising fishermen and sailors. Since the commencement of the present Administration, the annual imports have increased from about seventy-four millions to one hundred and fifty million dollars, the country has prospered as no other nation ever prospered, in spite of the efforts to throw embarrassments in the way. Surely something must be due to the Administration, since it was to the Administration that all the anticipated misery and desolation were charged.

There was some little sophism in charging on the President and his friends the acts of those who filled the "chief places of power" in a southern State, that has acted for the last few years almost entirely in concert with those who sustain "the chief places of power" in Massachusetts; but we must pardon something to this liberty taken by the orator, when we consider that he cheerfully submitted "to the imputation of over excited apprehension," and ingeniously contrived to unite the case of the imprisoned missionaries in another State with the nullification of South Carolina. The story told of the "slow revolving hours of their miserable captivity," of their "feverish and delusive dreams of their homes," was in admirable keeping with the efforts that had been made for the purpose of producing collision between the Governments of the State of Georgia and of the United States, by citizens of Massachusetts, who had prosecuted the suit and obtained an *ex parte* trial and decision of the Supreme Court of the United States.

One small circumstance the Worcester orator seems not to have adverted to—and as that would have spoiled the effect of his moving appeal, the knowing ones readily excuse the omission—and that is, that these poor imprisoned missionaries, from the moment of their trial and conviction, were tendered by the competent authorities the offer of release and pardon, on the simple condition that they would either take an oath to support the laws of the State of Georgia, or consent to leave the State without taking such oath. But let that pass.

The speaker does, indeed, refer to the "instrument for the collection of revenue, *well secured against abuse, and always responsible to Congress and the laws*," for the purpose of passing an encomium upon the bank. The last report of the committee presents but a sad commentary upon his allegation of *security against abuse;* and, as if the bank itself was predetermined to falsify the praises of its very best friends, and to extend the range of infractions of the charter to its utmost width, it has since even refused to acknowledge that *responsibility to Congress*, expressly named in its charter, by denying to a committee of the House of Representatives all access to its books and its proceedings.

But the question of the tariff was a subject of high excitement to Massachusetts and the North, and the Worcester speech, for the purpose of alarming the people, declares, in effect, that the then pending election will decide the fate of the "agricultural and manufacturing interests," that "the breaking up the entire system, and erasing every vestige of it from the statute book," will result from the failure of his party. Here was a subject that appealed directly to the citizens of New England; and the false attitude in which it was placed—false, as has been demonstrated by subsequent events—was calculated to mislead or deceive the people. The bank might evince a temporary cunning by pouring out its money to circulate among the people information calculated to alarm their fears and work up their already "over-excited apprehensions." Was this not interference in politics—a most unjustifiable interference?

I again turn to the Bank's Worcester speech:

"Among the great interests of the country, Mr. President, there is one which appears to me not to have attracted, from the people of this Commonwealth, a degree of attention altogether equal to its magnitude."

* * * * * * * * * *

"Mr. President, among the bills which failed at the last session for want of the President's approval, was one in which this State had a great pecuniary interest. It was the bill for the payment of interest to these States, the funds advanced by them during the war, the principal of which had been paid, or assumed, by the Government of the United States." * * * * * * *

"But where a State has so direct and so heavy an interest, where the justice of the case is so plain that men agree in it who agree in hardly any thing else, where her claim has passed Congress without considerable opposition in either House, a refusal to approve the bill without giving the slightest reason, and he taking the advantage of the rising of Congress to give it a silent go-by, *is* an act that may well awaken the attention of the people in the States concerned." * * * * * * * *

"The principles of the Administration are hostile to internal improvements. Here is another power, heretofore exercised in many instances, now denied. The Administration now denies the power, except with qualifications, which cast an air of ridicule over the whole subject; being founded on such distinctions as between salt water and fresh water, places above custom-houses and places below; and others equally extraordinary."

Here we find the bank taking ground in favor of a bill in which Massachusetts had a "great pecuniary interest." We all supposed Massachusetts had been well paid for her claims for services during the late war when she obtained nearly a half a million dollars under the administration of Andrew Jackson. She got from him what she never could obtain under an Administration at the head of which was one of her own citizens; and now she complains that interest on that claim was not allowed her! All who can remember the history of our country twenty years, must recollect the nature of these Massachusetts claims. Besides the interest on what was allowed, she has, behind, a claim for principal amounting to probably more than half a million dollars. When she gets the interest on one, she will claim the principal of the other; and to that will succeed another claim for interest upon the last sum. It is believed that Massachusetts has received quite as much for her war claims as she was ever entitled to; and as for the other States claiming a balance of interest, it is well known that much was allowed them in these set-

tlements which was expended without the authority of the General Government, and was exclusively the expenditure of the State. If the bill allowing interest on claims to the States, together with the land bill of 1832, had become laws, it is quite certain the Government would have been obliged to resort to loans, or to increased direct or indirect taxes. The vetoes of the President having also partially checked appropriations for internal improvements in some States to the entire exclusion of other States, has probably already saved to the people an extraordinary expenditure of the public money to the amount of more than a hundred million dollars.

We next find the bank's speech laying in strong claims for its friends to the title of conservators of the public liberty:

"Sir, our condition is singularly paradoxical. We have an Administration opposed to the Constitution; we have an Opposition which is the main support of the Government and the laws. We have an Administration which denies to the very Government which it administers powers which it has exercised for forty years; it denies the protecting power, the bank power, and the power of internal improvement. The great and leading measures of the National Legislature are all resisted by it. These, strange as it may seem, depend on the Opposition for support. We have, in truth, an Opposition without which it would be difficult for the Government to get along at all. I appeal to every member of Congress present (and I am happy to see so many here) to say, what would now become of the Government if all the members of the Opposition were withdrawn from Congress. For myself, I declare my own conviction that its continuance might probably be very short. Take away the Opposition from Congress, and let us see what probably would be done the first session. The tariff would be entirely *repealed*. Every enactment having protection by duties as its main object, would be struck from the statute-book. This would be the first thing done. Every work of internal improvement would be stopped. This would follow as a matter of course. The bank would go down, and a *Treasury money agency* would take its place. The judiciary act of 1789 would be repealed, so that the Supreme Court should exercise no power of revision over State decisions. And who would resist the doctrines of NULLIFICATION? Look, sir, to the votes of Congress for the last three years, and you will see that each of these things would, in all human probability, take place at the next session, if the Opposition were to be withdrawn. The Constitution is threatened, therefore—imminently threatened—by the very fact that those are intrusted with its Administration who are hostile to its essential powers."

Here we find the *virtues* of the Opposition set off in striking contrast to the *vices* of the friends of the Administration; who dare dispute in relation to the bank, that

"*Even its failings* leaned to virtue's side,"

when the virtues of the immaculate minority, whose cause it espoused, are taken into consideration. If it be a failing, after the positive asseverations of the president of the bank and the board of directors, that they would abstain from all interference in politics, that failing must be overlooked when we consider that the Opposition which they supported were the "main support of the Government and the laws," and that "without this opposition, it would be difficult for the Government to get along at all!" "The Constitution was threatened, imminently threatened," and there was none but the Opposition who could "resist the doctrines of nullification." What could the bank do better than furnish funds to print and distribute forty thousand, a hundred thousand, a million of speeches, to save the Union, the Constitution, everything we hold dear? Great as was the danger—quite equal to total darkness, the absence of all good—from the friends of the Administration in Congress, there was a greater evil from the attempt to extend the power of the Executive; and the bank had an excuse for doing anything, even usurping power itself, to put down executive usurpation. Let us see what it has to offer on this subject.

"But, sir, in my opinion, a yet greater danger threatens the Constitution and the Government, and that is from the attempt *to extend the power of the Executive at the expense of all the other branches of the Government, and of the people themselves.* Whatever accustomed power is denied to the Constitution—whatever accustomed power is denied to Congress or the Judiciary—*none is denied to the Executive.* Here, there is no retrenchment; here, no apprehension is felt for the liberties of the people; here, it is not thought necessary to erect barriers against corruption.

"I begin, sir, with the subject of removals from office for opinion's sake—as I think, one of the most signal instances of the attempt to extend the Executive power. This has been a leading measure, a cardinal point, in the course of Administration. It has proceeded, from the first, on a settled system of proscription for political opinions; and this system it has carried into operation to the full extent of its ability. The President has not only filled all vacancies with his own friends, generally those most distinguished as personal partisans, but he has turned out political opponents, and thus created vacancies, in order that he might fill them with his own friends. I think the number of removals and appointments is said to be *two thousand.* While the Administration and its friends have been attempting to circumscribe and decry the powers belonging to other branches, it has seized into its own hands a patronage most pernicious and corrupting, an authority over men's means of living most tyrannical and odious, and a power to punish freemen for political opinions altogether intolerable."

* * * * * * * * * * *

"And what did we witness, sir, when the Administration actually commenced, in the full exercise of its authority! One universal sweep, one undistinguished blow, leveled against all who were not of the successful party. No worth, public or private; no service, civil or military, was of power to resist the relentless greediness of proscription. Soldiers of the late war, soldiers of the revolutionary war, the very cotemporary of the liberties of the country, all lost their situations. No office was too high, and none too low; for *office* was the spoil, and *all the spoils*, it was said, belonged to the *victors!*"

The Administration has been guilty of the unpardonable sin of preferring its friends to its enemies in making appointments to office; nay, it has hardly done this, for it is well known a large share of the patronage and the offices of the present Administration have been bestowed on those who are anything but friends. Will the bank please to look in any direction where its friends have the ascendency? do they allow their opponents any favor when they have the power? Turn to Philadelphia, where even the humble watchmen were turned out in droves; at New York, where the municipal agents were changed, and even the carmen denied their accustomed employ; at Connecticut, where in almost the same breath some three hundred judges, justices, and other officers were driven from office during the panic year; at even the State of Massachusetts, where especial good care is taken that no friend of the Administration shall receive any lucrative or honorable appointment. The bank, without doubt, might be brought to consent, in some instances, to the appointment of friends of the Administration; but the conditions on which it would grant favors would be well understood to be the same as were made to Webb and Noah, and to Jasper Harding, when it loaned the one some seventy thousand, and the other some twenty-four thousand dollars, without competent security; they must consent to be sold, soul and body, to the enemy.

We turn to another topic of the bank's Worcester production:

"And is a press that is purchased or pensioned, more free than a press that is fettered? Can the people look for truths to partial sources, whether rendered partial through fear or through favor? Why shall not a manacled press be trusted with the maintenance and defense of popular rights? Because it is to be supposed to be under the influence of a power which may prove greater than the love of truth. Such a press may screen abuses in Government, or be silent. It may fear to speak. And may it not fear to speak, too, when its conductors, if they speak in any but one way, may lose their means of livelihood? Is dependence on Government for bread, no temptation to screen its abuses? Will the press always speak the truth, though the truth, if spoken, may be the means of silencing it for the future? Is the truth in no danger; is the watchman under no temptation, when he can neither proclaim the approach of national evils, nor seem to descry them, without the loss of his place?" * * * * * * * * * *

"Some fifty or sixty editors of leading journals have been appointed to office by the present Executive. A stand has been made against this proceeding in the Senate, with partial success; but by means of appointments which do not come before the Senate, or other means, the number has been carried to the extent I have mentioned." * *

"There can, sir, be no objection to the appointment of an editor to office, if he is the fittest man. There can be no objection to considering the services which, in that or any other capacity, he may have rendered his *country.*" * * * * "But the ground of complaint is, *that the aiding, by the press, of the election of an individual, is rewarded by that same individual with the gift of moneyed offices.* Men are turned out of office and others put in, and receive salaries from the public Treasury on the ground, either openly avowed or falsely denied, that they have rendered services in the election of the very individual who makes this removal and makes this appointment. Every man, sir, must see that this is a fatal stab at the purity of the press."

How does the bank stand condemned from its own mouth? Has it not directly bought up newspapers and editors like cattle in the market? Where the Administration has employed editors to the amount of hundreds, the bank has done the same thing to the amount of thousands. The bank has paid money directly to newspaper editors and others, for electioneering services, a portion of which was the money of the Government. When has the Administration done as much? Never!

But the President has occasionally appointed editors of newspapers to office; and the ground of complaint is, that the aiding by the press of the election of an individual, is rewarded by that same individual with the gift of moneyed offices. Now let us put another case, which might have happened. Suppose the forty thousand Worcester speeches had accomplished their intended object, and placed a certain candidate in the chair of the President; and let us suppose for these services, for this speaking and writing, and the bank for publishing, that "the aiding, by the press, of the election of an individual, is rewarded by that same individual with the gift of moneyed offices." Wherein would the two cases differ? Yet in the last-mentioned event we should have witnessed no mawkish display of affected fear of corruption, such as stands out so prominent in the cases just quoted.

Again, hear the bank *versus* the right of the President's veto:

"If the President is at liberty to negative any, or all of these laws, at pleasure, or rather to refuse to render the bills laws, by approving them, and still may neglect to return them to Congress for renewed action, he will hold a very important control over the legislation of this country." * * * * * * * *

"A silent vote on the bank bill would have been the inevitable fate of that bill, if its friends had not refused to fix on any term for adjournment before the President should have had the bill so long as to be required, by constitutional provisions, to sign it, or to send it back with his reasons for not signing it. The two Houses did not agree, and could not agree, to fix a day for adjournment, until the bill was sent to the President, and then care was taken to fix on such a day as should allow him the whole constitutional period. This seasonable presentiment rescued the bill from the power of the silent negative."

Fortunate had it been for the bank if it had taken measures that the "inevitable fate" of the bank bill had been a silent veto! Never was there a State paper sought for with such avidity by the people—never did any public document, in so short a space of time, throw so great a flood of light over the community, as did the veto message of the President. "A silent veto" was prevented, and the bank intended it for evil; but an unerring Providence turned that evil into good.

One more extract from the bank's electioneering document, and I am done with that:

"If the President be reëlected, with concurrent and cooperating majorities in both Houses of Congress, I do not see that, in four years more, all the powers which is suffered to remain in the Government, will be holden by the executive hand. Nullification would proceed, or will be put down by a power as unconstitutional as itself. The revenues will be managed by a treasury bank—the use of the VETO will be considered as sanctioned by the public voice—the Senate, if not 'cut down,' will be bound down; and commanding the Army and the Navy, and holding all places of trust to be party property, what will then be left, sir, for constitutional reliance?"

* * * * * * * * *

"I fully believe, sir, that a great majority of the nation desire a change in the Administration, and that it will be difficult for party organization or party denunciation to suppress the effective utterance of that general wish." * * * * "I fully believe, sir, that gratifying intelligence is already on the wing. While we are yet deliberating in Massachusetts, Pennsylvania is voting. To-day she elects her members to the next Congress. I doubt not the result of that election will show an important change in public sentiment in that State. I cannot doubt that the great States adjoining her, holding similar constitutional principles, and having similar interests, will feel the impulse of the same causes which affect her." * *

"At least, sir, let the star of Massachusetts be the last which shall be seen to fall from heaven, and to plunge into the utter darkness of disunion. Let her shrink back—let her hold others back, if she can—at any rate, let her keep herself back from this gulf, full at once of fire and of blackness; yes, sir, as far as human foresight can scan, or human imagination fathom, full of the fire and the blood of civil war, and of the thick darkness of general political disgrace, ignominy and ruin."

The prediction that "a great majority of the nation desired a change" of the Administration, was quite as true as was the anticipation that in four years more "all the power which is suffered to remain in the Government will be holden by the Executive hand;" or that "nullification will proceed." And if the nation has been kept back from the "gulf, full at once of fire and blackness," "and the blood of civil war, and of the thick darkness of general political disgrace, ignominy and ruin," it is most apparent that neither the "star of Massachusetts" nor the Bank of the United States, nor yet the forty thousand

Worcester speeches which the bank paid for printing and circulating, have in anywise tended to avert those calamities.

Such, Mr. President, is a sample of the leading contents of the Worcester speech—of one of the greatest efforts ever made to influence the result of one of the most important elections that ever took place in this or any other country; a giant effort, which, if it had not been manifestly on the wrong side, must have been attended with all the success that the right deserves. Let it be remembered, that this great electioneering effort was made by the bank in the year 1832—let it be remembered that since that time (to wit: in December, 1833) the board of directors by a solemn vote has declared "*The bank has never interfered in the slightest degree in politics, and never influenced or sought to influence elections;*" that this vote has been backed up, so far as positive assertion would go, by the friends of the bank in both Houses of Congress, and that the positive declaration has been, both before and since, repeated by the president of the bank. Remembering this, what dependence can be placed on the truth of the averments of any committee? Who shall believe that the president of the bank and the board of directors acting under him, would not conceal from them all the truth that made against them, which they knew would not get out in spite of their utmost efforts?

Mr. President, I have shown you that the caption of the whitewashing committee, introducing that part of the expenditures of the Bank of the United States paid for printing, &c., is a *misnomer*, leading to a false issue—disgraceful to the board of directors, if intended as a deception on the committee, and little creditable to the intelligence of the committee itself if suffered to be there placed without a full understanding of its import.

Meager as is the information contained in the list of expenditures presented by the bank, reluctantly as was extorted the skeleton of facts which the bank found it impossible longer to conceal, it is, nevertheless, a document of immense magnitude in assisting us rightly to estimate the value of his services, who has eminently contributed to put an end to this institution. I will only read a few items of the long list, for the purpose of making a passing comment upon them. The whole list ought to be published in every newspaper of the Union; it ought to be stereotyped and published at the beginning of every session of Congress, as of itself a most conclusive reason against making any such grant as was contained in the act of 1816, establishing the Bank of the United States. The first item of printing commences with the year 1829; it is the following:

"To Garden & Thompson, for triennial report, &c., $24 87."

This Garden & Thompson, who subsequently received from the bank their hundreds and their thousands of dollars for different jobs, are understood to have published a weekly newspaper, called the Mechanics' Free Press, then the only newspaper in the city of Philadelphia, opposed to the recharter of the United States Bank. The opposition of that paper was soon silenced. It will be seen that the course of the bank has been not less to reward its friends than to buy up its enemies. According to this statement, the whole expense for extraordinary printing in the year 1829 was only $105 25.

In the first half year of 1830, there was paid for printing and distributing Smith and McDuffie's reports to the two Houses of Congress, in favor of the bank, $3,285 17. Among the items, Garden and Thompson print to the value of $1,685 75. P. P. F. Degrand, a foreigner and broker at Boston, whose officious interference in all matters relating to elections, has been long well known in New England, furnished the same to the amount of $250; and N. Biddle's bill for distributing, &c., [Could "&c." mean writing and preparing reports?] was $700.

The second half of the year (all for Smith and McDuffie's reports, and Gallatin's pamphlet) amounts to $2,591 50. Again we have a payment to Garden & Thompson of $691; to N. Biddle for distributing McDuffie's report, $275; to the same for *printing* Gallatin's pamphlet, $1,000. There can be little doubt the truth is falsified here: the sum of $1,000 was probably paid for *writing* the report, because E. Little, in the very next line, is paid "for printing the same, $300." Mr. Degrand again comes in for distributing Gallatin's pamphlet, $300.

The expense for extraordinary printing in 1830 is given at $5,876 67.

In 1831, for the first half year, the expenditures swelled to the large amount of $10,401 74. Benton's speech in the Senate—*which was not answered in that body by the friends of the bank*, had gone forth and been published in most of the Democratic newspapers of the country. The bank immediately set to work, and employed writers and reviewers and printers, to counteract the effect of that speech. Hitherto the bank had gone on very quietly, paying for the circulation of extra reports made in both Houses of Congress, by committees friendly to it; these reports invariably presented precisely such, and no other facts and arguments than could be elaborated from the partial statements of the bank itself. But the repetition of the opinion expressed by the President, that the bank ought not to be rechartered, and the general publication of Benton's speech in 1830 and 1831, created a necessity that the bank should arouse its friends in all parts of the country.

This account commences with a payment to Gales & Seaton for printing and distributing Mr. Gallatin's pamphlet, $1,300; $2,000 to Nicholas Biddle for the distribution of Smith and McDuffie's reports; $733 75 for distributing the same at New York; $123 to Gray & Bowen, of Boston, for two thousand copies review of bank report in the North American Review. It will be borne in mind that the bank not only subsidized the newspaper press, but that the principal reviews of the country, which should be devoted to subjects purely scientific and literary, and which claim confidence for their impartiality, were paid for blindfolding the people in relation to the true designs and intents of that institution. Jasper Harding, in this half year, receives $440 for eleven thousand extra papers. His paper, the Pennsylvania Inquirer, had taken ground in favor of the Administration; it became important that its influence should be purchased into the interest of the bank. It was so purchased. Not only was Jasper Harding employed in jobs of printing to a considerable amount, but he was suffered to contract a debt, as appears in another part of the report of the committee, of $23,490 40, without security for its payment, and not one cent of it probably ever was, or ever will be, paid.

"James Wilson, twenty-five thousand copies of McDuffie's report, and twenty-five thousand address to the State Legislatures, folding, &c., $1,447 75."

This James Wilson lived west of the Alleghanies, and these publications were intended to influence public opinion in Ohio, Kentucky, and the great West. The report very prudently omits to state that the original bill showed that these twenty-five thousand copies each of Messrs. McDuffie and Smith's reports and addresses to members of the State Legislatures, were furnished "agreeably to order, and letters from John Sargeant, Esq.;" and that this gentleman was the bank's candidate for Vice President, who came here during the panic winter, at the head of a committee, demanding, in the name of the State of Pennsylvania, the restoration of the deposits to the bank. That fact is shown in the memorial of the Government directors to both Houses of Congress, in December, 1833.

"To Carey & Lea, for printing Professor Tucker's article, and one thousand of Gallatin on banking, $2,850."

These gentlemen, now that their occupation as bank publishers is about to terminate, were to be provided for by the subscription which the Joint Library Committee had reported in their favor, for five hundred copies of the History of Congress.

The extra printing for the last half of 1831, amounted only to $751 50½, a large portion of which was paid simply to editors for publishing reports in their newspapers, which, ordinarily, would have gone in as a matter of course; thus Duff Green (then supposed to be opposed to the bank) is paid $28 for publishing the report of the stockholders; E. [presumed H.] Niles receives $70 for publishing in the Weekly Register (a paper that contains no advertisements) the report of the Bank of the United States; Garden & Thompson again for publishing report of stockholders [in their newspaper probably] and extras $191 57; James Wilson (the peculiarly favored printer of the State) for publishing report of stockholders, $63 75. In this way editors were paid for services that cost them nothing; for inserting matter such as is usually given in a newspaper as general information, and without expectation of pay—a very considerable amount. In this manner "golden opinions" were bought, and almost every editor, in gratitude for the almost unasked generosity of the bank, was induced to espouse its cause with zeal.

The total amount for printing in 1831, as per the bank's account, was $11,153 24½.

In 1832, the first half year presents only $1,990 85. Of these there are two items to Carey & Lea, one for paper and extra binding, of $150 50, and the other for expenses (writing the article probably) attending Quarterly Review by orders, $100. Gales & Seaton come in with a charge of $800 for twenty thousand copies of "a pamphlet concerning the bank," and $360 for one thousand copies of McDuffie's and Adams's reports.

For the last half year the expense was $16,499 94½. It commences with the well-known name of Jasper Harding, for printing review of the veto, *and expenses incident thereto*, (meaning, in all likelihood, pay for writing,) and two hundred handbills, ordered by Colonel J., $821 78; Edward Olmsted, bank documents, $624 11; same for printing view, $418 25. On inquiry, I find that this Mr. Olmsted is neither editor nor printer, but a lawyer, acting as treasurer for a "Young Men's Clay Committee," a body especially constituted to operate on the elections. John S. Riddle, for printing and circulating reports of McDuffie, Smith, Adams, and the Secretary of the Treasury, the speech of Webster on the President's veto, and review of the veto message, is paid $2,580 50. This Mr. Riddle was neither printer, editor, nor lawyer, but a merchant, and *treasurer of the Old Men's Clay Committee*, appointed, like the other, to operate on the elections. William Fry, printer of the National Gazette, is also paid $1,708 for sixty-three thousand one hundred Webster's speech on the veto message, and $501 60 for twenty-two thousand eight hundred copies of Adams's and McDuffie's reports. James Wilson, of Pittsburg, is paid $580 "for printing done for the bank," as per his own account rendered. This item leaked out in consequence of another gentleman of the same name taking the letter from the post office, and finding in it Mr. Biddle's draft. Wilson denied the purpose of this payment at the time, by equivocation; but after the election had passed, the truth came out.

"William A. Merwin, printing *General Jackson's veto*, thirty thousand copies, wrapping and distributing them, $558."

This, the chairman of the committee informed me, as we may well suppose, was a mistake; it should be "*General Jackson vetoed*, thirty thousand copies." This expenditure was in the city of New York. After this comes the charge of Nathan Hale, of Boston, for forty thousand copies of Webster's Worcester speech, and twelve thousand five hundred copies of Webster's speech on bank veto, &c., amounting to $2,422 65; and two items, amounting to $766 40, for printing, in German, extracts from Webster's speech and other articles. The attempt to argue the German population into a belief of the necessity and utility of the bank, or to enlist them in a crusade against General Jackson and the Democracy was an utter failure.

The expense for 1832 was $18,490 79½.

The first half of 1833 presents charges for $1,305, and the last half amounts to $1,888 03. Of this, Gales & Seaton have $1,895 for fifty thousand bank report and other documents, and William Fry has $870 for two items of charge in bank reports. Total expense for the year, quite moderate, is $3,193 03.

But it is the account for the memorable year of 1834 that presents the most audacious attempt to excite public opinion and influence the elections, that ever has come within my observation. The items for the first half year are such as should attract universal attention. Considering what

took place day after day within the Capitol during the first six months of the year 1834, and looking at the following items in the bank's account, can we be surprised at the great agitation which prevailed? Was the like of this ever before presented? Every item of this unparalleled account should be repeated:

For the first half year ending 30th June, viz:		
To Duff Green, for printing 50,000 copies of Webster's report of the Committee of Finance	$1,750 00	
25,000 copies of Clay's speech on deposits	1,000 00	
50,000 Calhoun's speech on deposits	1,000 00	
50,000 McDuffie's speech on deposits	1,000 00	
50,000 additional of Calhoun's	1,000 00	
15,000 additional of McDuffie's	450 00	
		$6,200 00
Gales & Seaton, for 9,599 copies of Clay's speech	570 00	
50,000 H. Binney's speech	3,000 00	
3,000 of Southard's speech	235 43	
5,000 of Huntingdon's speech	208 00	
10,000 of Webster's speech	288 90	
10,000 second edition of Southard's speech	654 10	
3,000 Poindexter's speech	68 98	
3,000 Sprague's speech	103 47	
3,000 Frelinghuysen's speech	68 98	
1,000 Ewing's speech	67 32	
6,000 Ewing's speech, second edition	243 92	
10,000 of Binney's report on the pension fund	288 90	
20,000 Senate's report on deposits	577 80	
7,000 Poindexter's speech, second edition, and 10,000 Webster's speech, second edition	524 82	
10,000 Archer's speech on bank question	288 90	
For binding, paper, envelopes, &c., for Binney and others	40 00	
		7,129 52
Paper and folding	301 29	
50,000 copies of Mr. Adams's speech	2,839 00	
5,000 copies speech of Allen, of Kentucky	208 60	
2,000 additional of Allen's speech	102 64	
2,000 Corwin's speech	102 64	
5,000 Leigh's speech on protest	125 00	
1,000 Clayton's speech on the bank	40 00	
3,000 Clay's last speech on the bank	86 20	
1,000 McKennon's speech	58 90	
2,500 pamphlets Mr. Webster's speech,	296 90	
10,000 pamphlets Mr. Wilde's speech	385 20	
Printing extra half sheet containing statements concerning bank, 8,400 copies	84 50	
10,000 copies Webster's speech on renewal of bank charter	192 60	
5,000 copies Leigh's speech on renewal of bank charter	104 30	
5,000 copies Leigh's speech on renewal of bank charter, eight pages added	156 45	
		5,083 29
3,000 copies Dixon's speech	122 22	
75,000 copies Webster's speech on the power assumed over the bank by the Executive	2,681 00	
5,000 Hardin's speech	326 48	
Paper, seals, envelopes, &c.	300 00	
		3,429 70
William Fry, for 1,000 National Gazettes, and printing report of Exchange Committee	742 50	
Commercial Herald, for printing Adams, Binney, and Webster's speeches	112 00	
C. Alexander, for printing report of Exchange Committee	40 00	
		894 50
National printing, do., and Adams's speech	45 00	
N. Hale, for 2,000 copies of Adams's speech	95 50	
W. B. Townsend, for 50,000 copies report Exchange Committee	1,375 00	
		1,515 50
		$24,252 51

Here is $6,200 to one printer, and $15,642 51 to another, for printing speeches which had no other object than to produce or increase excitement in every part of the United States. The amount paid to the same printers, under orders of the two Houses of Congress, was enormous; everything was printed that could be made to bear on the question; and extraordinary numbers of everything that could be supposed to have an effect, were ordered to be furnished at the public expense. That, however, was not enough; the bank must pay for and circulate additional numbers of reports of committees; and thousands, tens, and hundreds of thousands of speeches calculated to alarm the people—to exasperate such of them against the Executive as supposed their interests had been touched—to either lash them into fury or overwhelm them in despondency—to either upturn the whole business of the country, and involve its citizens in a common ruin, or else to seize upon and control the Government. It would be well indeed for the bank if it could show that its president and directors had no hand in this imposition; it would be to the credit of members of Congress who made such speeches as the bank should consider it an object to print and circulate in her justification, if they could now show that the institution they praise was as pure, as useful, as indispensable as they represented it to be.

The items of charge are brought down to the 30th September, 1834. The expenditures of the last quarter were $2,031 50; this, added to $24,252 51 for the first two quarters, makes the aggregate amount for the first three quarters of the year $26,284 01.

Let us see what was the aid furnished by the bank to assist members of Congress in their several sections of country. Every speech was circulated without stint that could be supposed to operate. It was declared, and repeated here and elsewhere, that President Jackson had scarcely a friend left south of the Potomac—that the measure of removing the deposits was universally condemned by the entire South. That the South might understand the reasons why they ought to pass sentence of condemnation on the President and the Secretary of the Treasury, that the proceedings of the Executive might be nullified at once, the bank furnished one hundred thousand speeches of one South Carolina gentleman, and sixty-five thousand of another. To operate on old Virginia—to present her the "awful alternatives" which had hedged her in, to convince her that the evils of a violated Constitution are a mere trifle when compared with that destruction which must follow the removal of the deposits from an unconstitutional bank—fifteen thousand speeches of one, and ten thousand of another of her Senators, are circulated. A member from Georgia, (Wilde,) whose fortune it has been to suffer martyrdom in the cause of the bank, was, by the same bank, enabled to speak in his own and the bank's behalf ten thousand times, in as many speeches, for the benefit of that State. Mississippi was furnished with ten thousand of her Senator's, which, like a child over-fed with kindness, she repaid only with deep ingratitude. Kentucky comes in for thirty-seven thousand five hundred and ninety-nine from a member of the Upper House; seven thousand from one, and five thousand from another member of the House of Representatives, and she has really evinced a more efficient gratitude to the bank than any other State of the Union. She is the only instance of conclusive demonstration that a moneyed monopoly can control the voice of a whole community. Whether she will persevere in fighting the battles of the bank is quite uncertain. Pennsylvania has always been highly favored of the bank, and most ungrateful was she at first for the continued kindness. Fifty thousand speeches and ten thousand reports from a great champion of the bank, aided by one thousand extra speeches from another of her members from the west of her mountains, scarcely produced a vibration of sentiment in the Keystone State. She has, however, made amends for all, by suffering a minority of her people to elect such a Legislature as has thrown itself into the arms of Old Nick, and granted what he could not obtain here—a chartered monopoly of thirty-five millions of dollars, calculated to grind into the dust and oppress the people of that State.

"The canal a solitude and the lake a desert waste of waters," comes in from Ohio in the shape of seven thousand appeals from a Senator, and two thousand speeches from a Representative—all paid for and circulated by the bank. But the young lion of the West, in spite of all, declares its independence of the bank. New Jersey had the benefit of thirteen thousand from one and three thousand from another of her Senators; but, "calm as a summer's morning," one of these Senators yields his place in this body. In the other House of Congress, and in her Legislature, she supports the Administration and the veto of the bank. Little Delaware, although considered safe, was deemed much more sure with one thousand speeches of her able Senator; and as a "miss is as good as a mile," fourteen votes, in a general canvass of the State, only stood between her and her emancipation from the rule of the bank. To the Empire State of New York, meagerly supported with a single three thousand edition of one *near-sighted* speech from its Anti-Masonic region, is furnished fifty thousand of the mendacious report of the Exchange Committee, for which the press of the secretary of the Hartford Convention receives from the bank $1,375 as a largess. Connecticut gets no compliment from the bank in the Senate; but five thousand speeches of one of her members of the House could not prevent her from uniting with those Legislatures which have directed their Senators to vote for expunging the condemnatory resolution of the Senate from its Journal. Vermont and New Hampshire receive no compliment from the bank in thousands or even hundreds of published speeches; nor was it necessary, for the first was deemed sufficiently subservient without further training; and the Granite State was too incorrigibly obstinate in her opposition to the bank to thank Mr. Biddle for any compliment of the kind. Rhode Island was then thought safe without purchasing the speeches, as she needed not to purchase either of her Senators, for none were more faithful to the bank in their votes. The people of that State now repudiate the bank, while the bank is able to retain two Senators for the entire term of three years, and one of them for five years. Massachusetts, (and why should not a part of this go to New Hampshire for what she once was, and what she once contained?)—Massachusetts comes in for greater glorification on account of published speeches, (some of which were and some were not delivered,) and for reports supplying the place of speeches, than any other State of the Union. Indeed, Massachusetts and South Carolina seem to have been honored by the bank beyond any other States; the first probably because, in her war against nullification, she had fastened the "strong man in the morass;" and the last for the distinguished love and gratitude she owed that "strong man," thus cruelly fastened; for his services to the banks, seventy thousand reports of the Finance Committee, one hundred and seven thousand five hundred, at least, of Webster's, and fifty-two thousand of Adams's undelivered speeches; all these must go to the credit of Massachusetts. But the State of Maine, although last, not least, more ungrateful to the bank, if possible, than any of her sisters, because she set the first example, after the panic, of rebelling against her at the polls; the State of Maine, although money was raised by thousands and tens of thousands in a sister State, to produce a different result, and although honored by the bank in a publication of three thousand speeches of her Senator, ungratefully and ungenerously refused to elect that Senator to the first office in her gift, or to return such a delegation to Congress as would support the bank.

Mr. President, was there ever a spectacle exhibited before the people that equaled this application of money by the bank to influence and control the elections? Who has the audacity now to admit that the bank did all this, and to declare that the bank never interferes with politics? And the money made use of—one fifth part at least—was the property of the people of the United States. If the enormous expenditure was not an act of faithlessness towards other stockholders, was it not a high breach of trust to the Government of the United States, which owned one fifth of the stock of the bank?

Situated as the bank was while it held the public deposits and controlled all public disbursements, if it had not expended a cent in publishing speeches and arguments to be circulated among the people, it wielded such an influence, as all other pecuniary interests combined could not command. It completely controlled all the public moneyed institutions of the country, and through them it controlled almost the entire mercantile and commercial community. With this tremendous power, it might have been anticipated that the bank would be content to go into the elections without expending a single dollar in printing, or in the distribution of speeches or documents. Almost the entire mercantile and trading community was, in many places lashed into a warfare against the Administration. Forgetting every-

thing that was due to the Executive for what it had done to subserve the interests of commerce, to retrieve the property that had been unlawfully seized, and to secure the rights of trade and intercourse in all parts of the world, the merchants in some of the principal seaports, fought the Administration with all the infuriate zeal of madmen. They were goaded on to the contest by the Bank of the United States, which also forced most of the local banks to aid her in the fight.

But, Mr. President, the detail of extraordinary printing which I have exhibited is not all, nor yet the worst part of the exhibition. That amount is $65,103 25. The expenditures by the president of the bank, according to his own voluntary confession, for which he renders no vouchers, is $29,605. If he had no shame for the items he has partially specified in his bill of parcels, what must we suppose to be the use to which he applied the sum for which he rendered no particulars? If a trust be committed to my charge, and I lavish my employer's money for illegitimate purposes, accounting to him specifically for a part, and that part for objects which would reflect on me no credit, and refuse to account at all for the remainder, alleging that a disclosure would expose innocent persons "to vituperation, malign aspersion, and peradventure of personal vengeance," would my employer and patron not have a right to infer the worst of me; and could I, under any pretence, expect my friends seriously to offer for me my reasons for concealment as a ground of confidence to the same or to another employer? We may well suppose that the expenditure for objects entirely concealed was for something even worse than stipends to printers and editors. About the time of the removal of the deposits, the newspapers regularly reported everything that was going on in the public offices. The proceedings of Cabinet meetings were hinted at and alluded to in the bank press throughout the country, as if they were regularly informed of everything that transpired. Was any portion of the expenditure money paid to secret informers, whose business it was to pry into Cabinet secrets?

Nor is the expenditure of $94,708 25 (one fifth of which, $18,941 65 belonged directly to the people of the United States) stated by Mr. Biddle, all the expenditures which have been made. As the record has many times been falsified, I would not be surprised if only a part of the truth has been given in relation to this matter. The expenses at the Bank of the United States for the first half year of 1833, were $63,861 42; for the second half of the same year the expenses were $60,646 02; but for the first half year of 1834, the same expenses were $88,714 03, from twenty-five to thirty thousand dollars beyond the usual amount. These extra expenses, we have a right to presume, until they shall be explained, were made for no honest or laudable purpose.

Besides the extraordinary expenses paid for printing, have we not a right to know how many, and how large sums, have been sunk in bad and suspended debts? The committee has shown us two cases of such lost debt. The one is a debt of Jasper Harding, amounting to $23,490 40; the other is a debt of J. W. Webb and M. M. Noah, which, in several successive discounts, amounted to $71,575; the committee informs us that of this debt $52,975 had been discharged, leaving $18,600 still due, on which Webb had given security, by an assignment, which is absolutely, under the circumstances, worth nothing. They say a part of the debt has been "discharged"—they do not say it ever has been *paid*. I have ever considered the loan that was made to Webb—a loan which was not entered on the books of the bank until the president of the bank found the whole matter would be ferreted out—as little short of downright bribery. Let the facts be borne in mind, that Webb's paper, of most extensive circulation, and of a supposed influence greater than any press in the Union, had steadily opposed the bank, until the time this money was furnished; that from this time, at first covertly and insidiously, and by-and-by openly, it advocated the recharter of the bank; and what better can we think of this bank than the worst that has been charged upon it?

In addition to this, Gales & Seaton, in March, 1833, owed the Bank of the United States more than $80,000. This debt would probably have been as bad, or worse off, than that of Jasper Harding, and Webb, and Noah, had not the influence of the bank succeeded in electing these men printers to Congress, in defiance of the public sentiment. Opposition printers were elected in 1833, in both branches of Congress; and the extraordinary fact has resulted from this election of printers, hostile to the Administration, that the expense of the public printing has been increased probably tenfold in the Senate, and in the House alone greater than it ever was before in both branches.

The committee have mentioned two considerable suspended debts. The loans connected with these must be considered in the same light, and may well be added to the same list, as other "extraordinary expenditures" made for printing, &c. These loans cannot be considered in any other light than the employment of money for the purpose of bribing the public press. Report speaks of other loans of doubtful security, which have been "discharged," not by payment in full, but by security in some sort, of ten, twenty, and thirty cents on the dollar. If such loans had been so made and so discharged, in consequence of services of any sort done or to be performed for the bank, can the whitewashing committee give us the assurance that they were made acquainted with the facts? Might not "the possible danger of exposing innocent persons to odium or persecution" have prevented the bank—especially as they might not have been pressed very hard on this point—from making such an exhibit of this kind of accommodations and debts as the case required?

We think we had a right to complain of the report of the committee, not more for the opinions it gives than for those it does not give. We complain of it, that it palliates where it ought to condemn; that it omits facts essential to the case; that where the committee were unwilling to hazard their own reputation in justification, they suffer the party implicated to justify for themselves; that where neither the committee nor the bank can make a present pretence of justification, they suffer the bank to throw itself back upon a reputation which, previous to the appalling developments of the last two or three years, it was allowed to possess. We complain that the committee place the effect for the cause; that they offer as an excuse for the violent assault of the bank on the industry and prosperity of the country, those very acts of the Administration which were rendered indispensable to the protection of the public from the abuses of the bank. We complain that the committee should characterize the withdrawal of the deposits as a "blow" at the bank, whereas the intention of the bank by holding on to the deposits was the aiming of a more effectual "blow" at the independence of the country, and the integrity of the Government.

It was for withdrawing the deposits of the public money from an institution whose management had been thus flagitious; an institution which, in addition to these enormities, withholds at this moment from the people millions of their money; an institution whose whole course for the last four years has been directed with a view to coerce the people into its measures, or bankrupt the whole community; it was for legally and constitutionally arresting the arm of the wrong-doer and preventing the great mischief he intended, that the President of the United States was unlawfully condemned by a vote of the Senate. The people call aloud that the record of this act shall be expunged, and they will not rest until it shall be obliterated. A simple repeal or rescinding of that act will not answer. Nor can the denial of the imputation of crime to the President be now taken as evidence that the passage of the resolution was a mere ordinary matter.

In the month of June, 1834, the Legislature of New Hampshire passed resolutions which declared—

"That the course of the Administration and of the President was entirely approved; and that the latter, by his endeavors to restore the Constitution to its original purity, by his integrity and firmness, by staying the expenditure of the public money in an unconstitutional system of internal improvements, by settling the tariff on a satisfactory basis, by his resistance of all measures tending to a dissolution of the Union, by his veto on the bank bill, and the stand he has taken against the alarming proceedings of the bank, has proved himself to be a true disciple of Thomas Jefferson, the father of American Democracy. That he only exercised a power conferred on him by the Constitution, recognized by the example of all his predecessors, when he removed from office the late Secretary of the Treasury, (W. J. Duane.) That the present Secretary of the Treasury, (Roger B. Taney,) in removing the deposits of public money from the Bank of the United States, has violated neither the letter nor the spirit of the charter of the bank; and that his course is fully approved by the people, and was demanded by the profligate conduct of the officers of the bank. That the Bank of the United States ought not to be rechartered, because, unconstitutional in its creation, it has proved itself to be an institution of the most deadly hostility to the free principles of our Government, attempting to sustain itself and to obtain for its friends political power by a course of bribery and corruption, setting at defiance the Representatives of the people, and veiling its transactions in secrecy and darkness.

"That the late protest of the President of the United States, against the extraordinary and unprecedented resolution of the Senate, which pronounced him guilty of a most flagrant offense, without either hearing or trial, was a measure justified by his personal right to vindicate his own character from unmerited reproach, and by his imperative official duty to defeat the Executive branch, while in his charge, from all intemperate assaults or unconstitutional encroachments; and that the Senate, in passing such a resolution, violated the first principles of justice, and unfitted themselves for the proper discharge of those official duties, which by the Constitution, (if these charges were true,) they were bound to believe the House of Representatives would soon invoke them to perform. And they instruct the Senators in Congress from New Hampshire, to vote that the resolution which they condemn be expunged from the Journal of the Senate."

I presented those resolutions in the Senate of the United States on the 23d of the same month; and by a most extraordinary act of the then majority in this body, those resolutions were denied a reception, proving that men who "feel power and forget right" would even shut out a sovereign and independent State from the right to be heard when she spoke not in conformity to those sentiments; denying most effectually the right of petition.

In presenting those resolutions, I then stated the facts, that the Legislature which passed them was elected amidst the panic and pressure produced by the bank and the speeches in this body; that only three panic memorials had been presented from that State during that session; and that the citizens of New Hampshire, of the months that had been expended in reading and listening to speeches on memorials, had not probably taken a single hour of that session as her share. I also stated that these resolutions passed the House of Representatives by a vote of 163 to 62, and that in the Senate they were passed unanimously.

These resolutions, which were "contemptuously" denied a reception in this body, and by a technical objection which was proved to be frivolous by the practice of the very Senator [Mr. WEBSTER] who made it, he having presented resolutions from his Legislature under precisely similar circumstances; these resolutions were the first that were passed by any State, directing their Senators to vote for expunging the resolution condemnatory of the President of the United States.

I rejoice that the State which sent me here, and which now sustains Andrew Jackson by an overwhelming voice, has taken the lead in this matter of expunging. The next subsequent Legislature—the Legislature of 1835—repeated this resolution, directing their Senators to vote for expunging the same condemnatory resolution from the Journal; and so, I trust, will every succeeding Legislature of the Granite State, until the foul record shall have that distinguished mark put upon it which shall forever preclude the condemnatory resolution to be cited as a legislative precedent.

Mr. President, being about to retire from the Senate, I will take occasion to say that I leave it with no unkind personal feelings towards any individual of this body. Those who have known me from early life will bear me witness that in all action involving political principles, and in matters pertaining to opinions which have divided the several parties, my course has been uncompromising and steady; at times, it may have seemed that the pertinacity with which I have adhered to opinions, and persevered in a course which I had marked out for myself, had resolved itself into a most unreasonable obstinacy. If I have, on this, or on any other occasion, given just occasion of offense, let it not be taken as an act of mere wantonness—a disposition to censure

for sake of the provocation. There is not the individual human being living whose happiness I would not promote, and whose misery I would not prevent. My course in the Senate, as in all other places of a public character, has been prompted, if I know my own heart, simply by a regard to the public interests. I have never sought controversy here for the sake of controversy, nor have I sought to disparage other men's opinions and actions, with a view to injure them as men and as politicians; but to prevent the injury which resulted from what I considered erroneous doctrines and mistaken conduct. I have never thrown myself upon the time or patience of the Senate, without an honest conviction that I was performing a duty which was due to the position I occupied. Whatever has been done, if it be for good, need not be regretted—if for evil, cannot be retracted, though the act shall be condemned.

The five years I have been in the Senate, have been a most interesting period in our public affairs. But very few times have the yeas and nays been taken during that time, in which my name does not appear; and there has been no question discussed, no speech of any considerable length delivered by any member, to which I have not listened. This theater has been to me a school fruitful in instruction. If I have embarked my feelings on one side or the other in most questions, I am scarcely less indebted to those Senators with whom I have disagreed, than to those with whom I have agreed, for the knowledge I have gained, independent of the performance of public duty, it would richly pay any man who wished merely to benefit himself, to have been a constant attendant on this body. It has been my privilege to receive this benefit, at the same time I have been poorly performing the public duty which had devolved on me. The party which, for a great portion of the time, has here had the ascendency, perhaps in no other place had gathered so great a constellation of talent and strength of individual influence as have been here exhibited; nor can it be alleged that this talent and influence have not been exerted to their utmost tension. Powerful as have been the champions of the other side, it will be confessed that the number has been less, and the claims for talent inferior; and if the smooth stones chosen from the brook have sometimes done execution, when thrown with a stripling hand, may we not presume that the justice, if not the superiority of our cause, has more than counterbalanced the deficiency?

I leave the Senate, Mr. President, with the wish that the best of this world's blessings may rest on each individual member and officer, and in the hope that every exciting subject which shall prompt to feelings of individual resentment may be obliterated and forgotten when action shall be no longer required for any beneficial public purposes.

FORTIFICATION BILL.

SPEECH OF HON. H. HUBBARD,

OF NEW HAMPSHIRE,

IN THE SENATE, *May* 24, 1836,

On the bill making appropriations for the purchase of sites, the collection of materials, and the commencement of certain fortifications.

Mr. HUBBARD said:

Mr. PRESIDENT: At this late period of the session it may fairly be presumed that every subject connected with the legislative proceedings of Congress has been so thoroughly examined, so faithfully considered, and so well matured, that every member of the Senate is prepared for action; and that discussion, if not unacceptable, would seem to be wholly unnecessary. I am fully sensible of the truth of this sentiment, and I can assure the Senate that no man more deeply regrets than myself the necessity imposed upon me to present my views upon the immediate question before the Senate. If the honorable Senator from South Carolina [Mr. PRESTON] had not expressly intimated that he should renew his motion to strike from the bill the appropriation for a fortification at Portsmouth, I would not trouble the Senate with one single remark; but, Mr. President, coming, as I do, from New Hampshire, and being entirely sensible of the importance of the proposed fortification near the mouth of the Piscataqua, for the protection of public and private property in time of war, and for the better security of an enterprising, intelligent, and patriotic population in that immediate vicinity, I should be deaf to the call of duty, I should be faithless to the interests of my constituents, if I should remain silent, *if I should fail* to present to the Senate the facts within my own knowledge, and which facts cannot be presumed to be within the knowledge of all the Senators. *If I should fail* to urge such general considerations, which ought to, and which, I trust, *will induce* the Senate to retain this appropriation in the bill, and that should any appropriation be made for the following year, the particular amendment presented by the Senator from Missouri, proposing a like appropriation for 1837, will be adopted. I must, therefore, ask the indulgence of the Senate for a few minutes, with a view to show the fitness, the propriety, the urgent necessity of erecting a fortification at the mouth of the Piscataqua, near the harbor of Portsmouth.

In the first place, Mr. President, we are relieved from all constitutional difficulties in making appropriations for objects of this character. They are objects so intimately connected with the general defense and permanent security of the country, so essentially necessary to the security of public property, that there is no doubt of the constitutional authority of Congress over the subject.

It is not only within our power, but I hold it to be our bounden duty "to provide for the common defense and general welfare of the United States." So strong and so general was this sentiment that, in 1790, immediately after the adoption of the present form of government, General Washington, in his message to Congress, remarked that "among the many interesting objects 'which will engage your attention, that of pro-'viding for the common defense will merit par-'ticular regard. To be prepared for war is one of 'the most effectual means of preserving peace." In 1791, the same distinguished patriot again called the attention of Congress to the subject by remarking, that "the fortifications of such 'places as are peculiarly important and vulner-'able naturally present themselves to your con-'sideration."

"The safety of the United States, under Divine 'protection, ought to rest on the basis of system-'atic and solid arrangement; exposed as little as 'possible to the hazard of fortuitous circum-'stances." In 1794, Washington communicated that, "as auxiliary to the state of our defense, 'to which Congress can never too frequently recur, 'they will not omit to inquire whether the *fortifi-'cations* which have been already licensed by law 'be commensurate with our exigencies." And in his farewell address he urged upon the people to bear in mind "that timely disbursements to 'prepare for danger, frequently prevent much 'greater disbursements to repel it." Such were the sentiments of the Father of his Country, and such have been the sentiments of the most distinguished patriots of our Republic. Such has been the favorite doctrine of every Administration, with, perhaps, a single exception, from the formation of the Government to the present period. As a means of defense, fortifications will continue to be regarded as of primary importance; and in the language of the Secretary of War, as used in his able and acceptable report, "it is the duty of 'the Government to afford adequate protection to 'the sea-coast, a subject of paramount obligation; 'and that we are called upon by every consider-'ation of policy to push the necessary arrange-'ments as rapidly as the circumstances of the 'country, and the proper execution of the work 'will allow." "Every town large enough to 'tempt the cupidity of an enemy, should be de-'fended by works fixed or floating, suited to its 'local position, and sufficiently extensive to resist 'such attempt as would probably be made against 'it." This, sir, is my text, and this my doctrine. Whatever may be our reliance upon the efficiency of our Army in time of war; whatever may be our confidence in the energies of our Navy in the day of danger; yet it will not be denied that fortifications, well manned and well armed, are indispensably necessary for affording adequate and proper protection to our principal harbors and towns upon our maritime frontier. In no other mode or manner can the population and property at particular points be so well defended and so securely preserved. It is then the voice of wisdom and of prudence, the dictates of sound policy and economy, to continue the system of fortifications—of protecting our maritime frontier, by the erection at important and vulnerable points upon the coast, permanent and enduring fortresses. I believe this to be the prevailing sentiment of our country, and in this day of our prosperity, in the abundance of our means, we ought to make liberal appropriations for objects of general defense and permanent protection.

It cannot be controverted that some of our most important harbors, some of our principal towns and cities, some of our most valuable navy-yards and naval depots upon our maritime frontier, are at this moment entirely defenseless—so exposed to attack, that, in the event of a war, they would have to rely for their security upon the forbearance of the enemy. This is literally true with reference to the whole extent of our maritime frontier, within the limits of New England. It is not my purpose to speak of any other point except the harbor of Portsmouth, which requires at the hands of the Government better protection, security, and defense. I leave other places to the care of other Senators, better able than myself to look after their interests. I am free to admit that the opposition to this particular bill, as now modified, has greatly surprised me, after the expression of the unanimous opinion of the Senate upon the subject of public defense, and of the duty of Congress to make appropriations with reference to that subject.

After the adoption of the resolution of the Senator from Missouri in the early part of the session, proposing to make appropriations for the permanent security of the country, I could not but regard it, in some degree, as a pledge on the part of the Senate, to give "their support to such legislative measures as shall have for their object the accomplishment of these great purposes." I could not have anticipated such an opposition, as is made to this bill. It has not been urged from the commencement of debate, to the present time; and he believed that it was not even pretended by any one, that fortifications were not necessary, and were not required by every consideration of public policy, at the various points named in the bill. It seemed to be distinctly admitted, that a proper regard to public and to private security, called upon Congress to erect adequate fortifications at the several places designated in the bill before the Senate. And yet the bill was opposed—strenuously and resolutely opposed. He would therefore attempt to show that the opposition to the appropriation for a work of defense near Portsmouth was altogether unreasonable; and that the facts which he would present to the consideration of the Senate would, he believed, demonstrate the propriety, the peculiar fitness, the absolute necessity of fortifying this particular point upon our maritime frontier.

The bill proposes to appropriate for this year $150,000 to this object; and the amendment now offered by the Senator from Missouri continues the same amount of appropriation for the year 1837. The immediate questions presented to the Senate are—

First. Would a fortification at the mouth of the Piscataqua river, under existing circumstances, be necessary?

Second. Would it be practicable?

Third. Would the cost of its erection be extravagant?

Fourth. Would its importance justify its probable expense?

Certain the fact is, that, at this time, there are at that place no fortifications worthy of the name. Fort Constitution, on New Castle Island, and Fort McCleary, on the opposite side of the river, are both in a ruinous condition. The other works

of defense which were built during the last war, near the harbor of Portsmouth, and for its protection, were designed as merely temporary in their character, and at the close of that contest were suffered to go to ruin. It may, then, be stated, as a truth, that the only sea-port town within the limits of New Hampshire is at this time utterly defenseless; that in the event of a war, if our difficulties had not been arranged, if actual hostilities had resulted from recent collisions with our ancient ally, there is no work of protection either on the Maine or New Hampshire side of the Piscataqua, which could have prevented the fleet of the enemy from entering the harbor of Portsmouth, and laying waste the private property of her citizens and the public property of our Government. If the enemy had cried "havoc, and let slip the dogs of war," if they had dared to invade our territory, to plant themselves upon our soil, they would have met a body of yeomanry too patriotic to be subdued, too strong to be conquered; and yet this fact furnishes no argument against the erection of a sufficient fortification at the mouth of that harbor. So far from it, it strongly exhibits the necessity of the measure. As all such works are intended to give security against any sudden attack from the enemy, to afford protection to private and to public property, and to inspire a confidence of safety in the surrounding population, the first inquiry then, is—does the harbor of Portsmouth deserve protection and defense at the charge of the Government? On this point the Secretary of War in his report, which has been so often and so deservedly commended, when speaking of the contemplated works at particular places, (among others, at Portsmouth,) remarks:

"These proposed works all command the approach to places sufficiently important to justify their construction under any circumstances that will probably exist; that the public interest would be promoted by the passage of the necessary appropriations for them. If these appropriations are early made, most, if not all these works can be put in operation this season, and the money usefully applied as fast as their progress will justify."

And he adds, "*I think the measure would be expedient.*"

There is certainly no ambiguity in this language used by the Secretary of War in his report. There is no room for doubt as to what are the sentiments of that officer in relation to this matter. And in this same document he further remarks, that—

"All the harbors and inlets upon the coast, where there are cities or towns whose situation and importance create just apprehension of attack, *and particularly where we have public naval establishments*, should be defended by works proportioned to any exigency that may probably arise. The political considerations which urge forward this great object, are entitled to much more weight. When once completed, we should feel secure.

"There is probably not a man in the country who did not look with some solicitude during the past season at our comparative defenseless condition, and who did not regret that our preparations, during the long interval of peace we had enjoyed, had not kept pace with our growth and importance. We have now this lesson to add to our other experience. Adequate security is not only due from the Government to the country, and the conviction of it is not only satisfactory, but the knowledge of its existence cannot fail to produce an influence upon other nations, as well in the advent of war itself as in the mode of conducting it.

"If we are prepared to attack and resist, the chances of being compelled to embark in hostilities will be diminished much in proportion to our preparations. An unprotected commerce, a defenseless coast, and a military marine wholly inadequate to the wants of our service, would indeed hold out strong inducements to other nations to convert trifling pretexts into serious causes of quarrel."

Such pure and patriotic sentiments are worthy of the head and of the heart from which they emanated. And what is their sum? That in the time of peace, in the day of our prosperity, and in the midst of our abundance, we should be prepared for war. The quoted remarks of the Secretary have literally and faithfully described the present state and condition of Portsmouth, and of that section of our maritime frontier. A fortification is all-important for the due protection and security of the harbor of Portsmouth. In a document communicated from General Bernard, Commodore Elliot, and Captain Totten, it is stated "that the only good roadstead or good 'harbor between Cape Elizabeth and Cape Ann 'is Portsmouth harbor, within the mouth of Pis-'cataqua river. Line-of-battle ships can ascend 'this river seven miles above the town of Ports-'mouth." And I hazard nothing in saying that a safer or a better harbor cannot be found upon the whole extent of our maritime frontier.

The honorable Senator from Massachusetts must be much better acquainted with these facts than I am myself, although we are both natives of New Hampshire, and have both resided for a time at Portsmouth; yet my own residence was merely temporary, while I engaged in the prosecution of my professional studies; at a much later period the Senator was numbered among the inhabitants of that place. He must therefore be much more conversant with its particular history than I can be; and, Mr. President, I hope, in the course of the debate, he will lend his aid in doing an act of justice to that ancient town, and to that section of the country. I am in the possession of a memorial, presented to Congress in 1827 by the citizens of Portsmouth, respecting the construction of a dry-dock at the navy-yard at that place, which contains much valuable information upon this subject, and from which I must be excused for making liberal extracts. The memorial represents "that at every period of the history 'of this country, the harbor of Portsmouth has 'been considered of great importance for naval 'purposes; that, under the colonial system, and 'long before the Revolution, the British Govern-'ment, aware of the advantages of the place, 'were induced to make it a resort for their vessels 'of war, and to establish a yard, where ships of 'a large class were built for the public service. 'That during the war of independence, the Conti-'nental Congress ordered the construction at this 'port of a number of ships of the United States; 'and of which was the America, of seventy-four 'guns, the first ship of the line ever built in this 'country. The harbor of Portsmouth is formed 'by a cluster of islands, on one of which the navy-'yard is situated, and through which the river 'Piscataqua, dividing Maine from New Hamp-'shire, disembogues into the ocean. Several of 'these islands on each side of the channel, afford 'effective raking positions, where such fortifica-'tions might be erected at a comparatively trifling 'expense, as would render it completely impreg-'nable to the attacks of any naval force that could 'be brought against it. There is no bar or ob-'struction at the mouth of this harbor; on the con-'trary, at the lowest tides, there are ten fathoms 'of water at the entrance through the main chan-'nel to the navy-yard, and at the navy-yard 'wharf, where ships of the largest class may lay, 'and from whence they may proceed to sea at 'dead low water. It is easy of access, and ships, 'when in, are safe from all storms; the loss of a 'vessel here, by stress of weather, being a cir-'cumstance wholly unknown. It is never, in the 'most intense cold of winter, obstructed by ice; 'while other naval ports are occasionally closed, 'this is as free and open as at midsummer." Such is the harbor of Portsmouth; and the proposed fortifications at the mouth of Piscataqua, are for the defense and protection of this harbor.

The position of Fort Constitution, on the New Hampshire side, must certainly, and that of Fort McCleary, on the Maine side of the river, may possibly, be occupied by the contemplated defenses. I am entirely aware that ever since the famous report of General Bernard, February 7, 1821, Portsmouth has been regarded with no special favor. Although possessing advantages superior to any other harbor upon our whole coast—although the harbors of Boston and those further south are frequently obstructed by the ice—although some of them are inapproachable, by reason of sand bars and of low water, and although Portsmouth is entirely exempt from all such like embarrassments, and although this same board of engineers, in 1821, placed the harbor of Portsmouth in the very first class of those requiring works for defense and protection, and ranked it as the seventh in point of importance in that class; yet, from that period to the present, hardly a dollar has been expended for the accomplishment of the objects recommended by the board. While works far less important, in his estimation, have been erected at other points, not a single step has been taken, not a movement has been made for the defense of Portsmouth, since the report of the board was communicated, although the importance of the station has been time and again urged upon the consideration of Congress. The fact is, we have had to contend with deep-rooted prejudices—with principalities and powers—and in behalf of the good citizens of that section, I tender my thanks to the Committee on Military Affairs, for having brought the interest, the claim of Portsmouth to the notice of the Senate; and I cannot but believe, that after a lapse of fifteen years, Congress will now proceed to do that which was asked to be done in 1821, viz: fortify that point upon our sea-coast. It is important to have a fortification erected there for the security of the public property. Portsmouth is about three miles from the ocean, from the mouth of the Piscataqua; almost directly opposite to the town, upon Dennet's Island, is the navy-yard. This is the most ancient yard in our country. I have already shown that at any season, in any wind, from any point, you can approach this yard; and when there, you have a sufficient depth of water to ride in perfect safety in low as well as full tide. There is no yard upon our coast which can compare with it, and will not suffer by that comparison. Ships and vessels have been built at that yard for nearly one hundred and fifty years, as the subjoined extract from a paper printed in 1828 clearly shows; and from the same extract, as well as from other records, it appears that more public vessels have been built at that yard than at any other in our country.

From the Portsmouth Advertiser of September 25, 1828.

LAUNCH.—Yesterday at noon was launched, at the navy-yard in this harbor, the United States sloop of war Concord. She is pronounced by judges to be one of the finest ships of her class in the Navy. She is six hundred tons burden, and is pierced for eighteen guns.

The following vessels of war have been built at this harbor:

Ships.	*Guns.*	*Dates.*
Falkland	54	1690
Bedford	32	1696
America	50	1749
Raleigh	32	1776
Ranger	18	1777
America	74	1782
Crescent	32	1797
Scammell	14	1797
Portsmouth	24	1798
Congress	36	1799
Washington	74	1814
Porpoise	14	1821
Concord	18	1828
Alabama	74	not launched.
Santee	44	not launched.

The America, the first ship of the line built in our country, under the agency of that true patriot, the Hon. John Langdon, was, in 1782, presented by Congress to our distinguished ally, the King of France. The Ranger, another vessel built at that navy-yard, is identified, with its intrepid commander, with some of the glorious achievements of our Revolution. This naval station is approachable by vessels of any size; it is situated on an island of less than sixty acres, and is easily defended by works erected for that purpose upon any of the commanding heights by which it is surrounded. This navy-yard is now so connected with the main shore by bridges, that in case of fire it may be readily defended by the citizens of Portsmouth and the adjacent country; and it is believed that insurance of the public property on that island, by reason of the facilities of communication, is reduced at least one per cent., and less than at any other naval depot upon our coast. Another advantage which this yard possesses over other yards is, that it is located in the midst of ship carpenters and builders, at a point where all the materials for ship-building can be procured, at a less rate than elsewhere; where every description of labor costs less than it does at the yard at Charlestown, Massachusetts, at Gosport, or any other yard in our country.

"Here ship carpenters in any number usually wanted, can be readily obtained upon an emergency for repairing or building. At Gosport, nearly one third of all the expenditures in the United States are made for the repairs of our public vessels; and at certain seasons of the year, it is not approachable. During this very last winter, if I am not mistaken, it has not been possible at all times to approach the yard. A heavy loaded seventy-four would find it difficult, without lessening her cargo, to reach that point in twenty-five feet of water, the usual depth in full tide; while at Portsmouth, at the lowest ebb, near the yard, you have always a depth of at least forty-five feet."

Again:

"The deterioration in the hull of ships is far less at this than at the stations further south. A difference of twenty-five per cent. in this respect may be calculated on; an important and serious consideration when vessels of war are for a long time laid up in ordinary."

This single fact shows the all importance of having a dry-dock established at this naval station; and, with reference to this very subject, Congress passed an act on the 3d of March, 1827, authorizing the President to cause the navy-yards of the United States to be thoroughly examined, and plans to be prepared and sanctioned by the President, for the improvement of the same, and the preservation of the public property therein. And by the same act the President is authorized to have constructed two dry-docks on the most approved plan, for the use of the Navy of the United States; the one of the said docks to be erected at some point to the south, and the other to the north of the Potomac river.

"Commodores Chauncey, Bainbridge, and Morris, were appointed commissioners by the President to carry this act into effect. The high opinion they entertained of this yard is plainly made manifest by the improvements they recommended; the dimensions of the ground, plans of which are here subjoined:

"One dry-dock; commandant's house, 50 feet square, with out-buildings extending 80 feet in length; houses for five officers, one 32 feet in front, the other four 30 feet, including out-buildings extending 85 feet to the rear; porter's house, 30 feet by 25; two ship-houses, each 240 feet by 120, to be located one each side of the bridge; smithery, 150 feet by 60; one timber shed, 300 feet by 65; two timber sheds, each 200 feet by 65; one timber shed, 175 feet by 65; one saw shed, 70 feet by 25; one saw shed, 70 feet by 20; one timber dock, 440 feet by 200; one store house, 125 feet by 50; one mast and boat shed, 250 feet by 70; one rigging and sail loft, 175 feet by 70; pile wharf, 150 feet by 60; armory, tinman's, and coppersmith's shop, 65 feet by 25; quay walls, additional wharves, building slip, road, anchor and gun wharf, and coal-house.

"When these improvements are carried into effect, the yard will probably be leveled, the wooden buildings all taken down, except the two ship-houses, and the new buildings be constructed of brick and stone."

It would be difficult to present any piece of evidence of higher authority than this report of the commissioners, which goes most clearly to establish the extent and importance of this navy-yard, and which also recommends the establishment of a "dry-dock" to be connected with this station. I would state, Mr. President, as further evidence of the extent of the public property at this naval depot, there was, in 1829, ship timber deposited for use in the timber dock and in sheds, to the value of $382,000; and that the material for ship-building has more than doubled since at that yard.

Again, it is a fact, and worthy of consideration, that any given vessel of any size can be built, and is ordinarily built at Portsmouth from twelve to twenty per cent. less than at any other yard in the country; it results from the fact that materials can there be procured at a cheaper rate than they can at other yards. Labor is cheaper also, and can, and does, accomplish more. Commodore Bainbridge, in his report to the Secretary of the Navy in 1827, shows the sum total of the whole cost of building each vessel at each yard, when any other vessel of a like size has been built at any other yard, and exhibits the whole cost of building the sloops Lexington and Boston, (vessels of the same size,) and the schooners Porpoise and Alligator. It will distinctly appear that a vessel built at New York costs fifteen per cent. more than one of the same size built at Boston; and a vessel built at Boston costs ten per cent. more than one of the same size built at Portsmouth. The Lexington, a sloop, was built in New York, and cost $112,080 89. The Boston, a sloop, built in Boston, cost $96,938 40; making a difference of more than fifteen per cent. in the cost of building between New York and Boston, and in favor of the latter. The Porpoise, a schooner, was built at Portsmouth, and cost $20,408 75. The Alligator, a schooner, built at Boston, and cost $22,745 65; making a difference of more than ten per cent. in the cost of building between Portsmouth and Boston, and in favor of the former; and hence it follows that the difference in the cost of building between New York and Portsmouth is more than twenty-five per cent., and in favor of Portsmouth.

I have stated, Mr. President, all that I wish to state with reference to the navy-yard at Portsmouth, and with reference to the public property ordinarily at that yard. I would, then, close this part of my argument, by adding that fortifications at the mouth of the Piscataqua would afford ample protection and security to this naval station, and to the public property there deposited. It is also necessary to fortify the harbor of Portsmouth, with a view to the better security and protection, in time of war, of the population of Portsmouth, and of the adjacent country. The amount of population which would derive an immediate benefit in time of war by the erection of a permanent fortification at the mouth of the Piscataqua, would fall but little short of thirty thousand inhabitants, comprising as patriotic, as enterprising, as industrious a portion of the community as can be found within the limits of the Republic. They have strong and unanswerable claims upon the Government for protection and security. No State did more in proportion to her means, for the achievement of American independence than New Hampshie—she was one of the pioncers of the Revolution. No State has done more to maintain inviolate that independence; no State has received less favor at the hands of the Government. It is due, then, to New Hampshire that her commercial capital—the only sea-port town of her State—should be well fortified, and rendered impregnable to the attacks of her and her country's enemies. A fortification is necessary for the proper protection and security of private property.

As I have before remarked, Portsmouth is situated about three miles from the mouth of the Piscataqua. It has a population of nearly ten thousand inhabitants; it has a large shipping interest employed, principally in the carrying trade; an interest, to a very considerable extent, in the South Sea whale fishing. She has also a large interest in the West India trade, and a very extensive coasting trade. It is not my purpose, Mr. President, to enter into any comparison between the tonnage of Portsmouth and the tonnage of other ports, or between the exports and imports of New Hampshire with the exports and imports of other States. I hold such calculations and comparisons wholly unnecessary and superfluous. It is on the ground of affording a just protection to the population, and adequate security to public and private property, that I rest our claim in favor of the measure. It is on these grounds that I place my reliance for the vote of the Senate for this particular appropriation.

The Piscataqua divides into five branches above Portsmouth. The most easterly branch is called Salmon Falls river. The tide flows up this river to South Berwick, a flourishing and populous town in Maine. Upon this branch also is situated Somersett, in New Hampshire, a large manufacturing village, with a population exceeding three thousand inhabitants, and giving employment to a capital in manufactures of nearly two millions of dollars. The next westerly branch of the Piscataqua is the Cocheco river; the tide extending up this river to Dover, a distance of thirteen miles, at least, from the mouth of the Piscataqua. This town now contains nearly seven thousand inhabitants, and has an extensive trade. Dover is second to no town in New England save Lowell, in the excellence and extent of its manufacturing establishments, employing a capital of three millions of dollars. This place has also a large shipping interest. There are annually built, both at Dover and at South Berwick, many private vessels. Still further west you strike the Durham river; at the head of the tide waters stands Durham, a flourishing ship-building town. Another branch of the Piscataqua is Lamprey river, at the head of the tide waters of which is situated Newmarket, also an extensive manufacturing town, having not less than a million of dollars entirely employed in that business, and possessing a population of upwards of two thousand inhabitants. The fifth and last branch leads to Exeter, containing a population of three thousand inhabitants; a town of great wealth, and possessing also an interest in manufactures. If the Piscataqua consisted of but one branch from the head of tide water to the ocean and upon it were concentrated, in one town, all the population and all the business of the various towns on its branches, the importance, the necessity, of protecting the entrance of this river, would be better understood. But I cannot doubt, Mr. President, that enough has been shown to prove the necessity of fortifying the harbor at Portsmouth.

The project of erecting a fortification at the mouth of the Piscataqua has not a recent origin. This point has been more or less protected and defended for nearly a century. Before and during the period of the Revolution, the British Government had erected a fort for its defense and protection; and from the adoption of the Constitution to this period, appropriations have been made—sparingly, I admit—for the repairs of this fortress. It speaking of Fort Constitution, Mr. Jefferson says, "that it is the remains of an ancient fortification, which has been repaired at different periods, with some improvements." From 1789 to 1830, less than one hundred thousand dollars in the aggregate had been expended by the Government upon this work. But it will be found, by referring to the tables, that there has been, in almost every year, some small expenditure for the purpose of making repairs.

As further evidence that the Government considered it an important point, and one requiring works for defense, it will be found that, in 1794, a committee of Congress to whom the subject was referred reported as their opinion that the port and harbor of Portsmouth ought to be protected, and recommended an appropriation; and an act was passed accordingly. And at an after period it was resolved, that the necessary works for fortifying the ports and harbors of the United States ought to be constructed of the most durable materials, so as best to answer the purposes of defense and permanency. And in 1796, Mr. Pickering, then Secretary of War, reported in highly favorable terms of the propriety, utility, and necessity of the works erected at Portsmouth, which he represented then to consist of a fort, a citadel, an artillery store, and a reverberatory furnace, all completed. At no period of our history has it ever been hinted or pretended by any one in office or out of office, that works for defense and security were not required at Portsmouth.

There can be, Mr. President, no doubt of the practicability of the measure; it is inferable from the facts which have already been stated; from the antiquity of the fortress, and the repairs that have from time to time been made by the Government. There is as little doubt as to the location of the contemplated fortification. Observation, experience, common sentiment, have decided on its necessity, its practicability, as well as upon its locality.

Another point remains to be examined, and that is, would its erection be necessarily attended with a large and unreasonable expenditure of the public money; or, in other words, can different works of defense be devised, costing less, which will accomplish the same general object? This will not, and cannot be alleged. It will not be pretended that the expense can be disproportionate to its importance; that it will cost more than it is worth. For one, I verily believe that the honorable Senator from South Carolina [Mr. CALHOUN] would give me his vote, if he were certain that its actual cost would quadruple the estimate. On what ground, then, is it opposed? Its importance will not be questioned—its practicability cannot be questioned; nor will it be pretended that its cost can be disproportionate to its importance. It is opposed for the single reason that we have not, accompanying the Secretary's report, a map and survey giving all the localities, and an actual detailed estimate giving the amount in the aggregate of the expenditure which will be required, and the particulars which go to make up the general aggregate. The objection is not well taken, for we have a map giving all the localities, which has been in the possession of the committee; and the facts already narrated go most clearly to show where this fortification must be erected; and we are not without book, we are not without authority, upon the cost and necessary expense for this work.

By the report of General Bernard, made in February, 1821, the cost of fortifying the harbor of Portsmouth was estimated at $500,000. That is now the estimate. This is not mere conjecture. This is not, as has been stated, "guess work." The estimate was not made in 1821, nor is it now made, without calculation. They had certain

principles—*known data*—upon which to base their estimate. The size was determined; the number of guns was fixed; the ground had been carefully inspected by the board of engineers in 1821; and was it difficult for them, having fixed its size and its number of guns, to have calculated with a great degree of accuracy what would be its cost? It is worthy of remark, that this same board of engineers then estimated the cost of the contemplated works at Penobscot at $100,000; and it will be found, by looking into the survey and estimate made since, with reference to the cost of the same work, that after a most minute, particular, and detailed computation of the expense of the requisite materials, and of the expense of the labor, that the aggregate of the cost exceeds the estimate made by the board of engineers only $1,000. And such will be the result of any detailed estimate of the cost of the contemplated work at Portsmouth. The value of the material is not liable to great fluctuations; the cost of labor is very nearly the same one season with another; and whoever sees the work completed, will find that the expenditure has not exceeded the estimates.

The sentiments of the Senator from South Carolina upon that point deserve much consideration. Every wise man who is about to build for himself a house, first computes the cost; and every wise Government, before commencing any public work, should first compute the cost. But, Mr. President, all this will be done. The Secretary of War will decide upon its form, its location, and have an accurate estimate made of its cost, before a single dollar shall be expended under this appropriation. He would do all this, in the faithful discharge of his official duty. He would do this with reference to his own reputation. Another idea has been suggested here and elsewhere, and by way of objection to this bill, and that is, it would prevent a distribution of the public moneys among the States to the amount of the appropriations. I shall be slow to believe that any such consideration can influence the action of this body. What works are necessary, I trust will be established, and what money can be judiciously expended, I trust will be appropriated. I am free, however, to say that the following extract from the speech of a member of Congress has, in some measure, weakened my faith that the bill now under consideration would be passed.

"A new and strong motive for economy is now presented; a motive which would have its influence on him, in regard *to every expenditure!* He looked forward to the passage of a bill now in progress for the distribution of the proceeds of the public lands, *in effect, of the surplus revenue* among the States. He trusted the bill would pass the present session."

The Senator from South Carolina says that he will vote for every measure, for every appropriation which, in his judgment, is necessarily connected with the general defense and permanent protection of the country, and that he will go no further. Just so far will I go, and no further. What shall be necessary, what shall be judicious, whatever the exigency of the country shall demand, with reference to general defense, I stand ready, with the Senator from South Carolina, to appropriate; and I trust that no Senator in this body, whether the friend or the foe of the Administration, would wish to do less, or who could be induced to do more. Whatever the state of our affairs, whatever the condition of our country requires in relation to public defense, to general security, is matter of opinion. Men may differ, and honestly differ, in sentiment, with reference to this question; but whatever is required, whatever is clearly necessary for the accomplishment of these great objects, all profess, and I trust sincerely profess, a willingness to grant. This, then, should be the subject, the exclusive subject, for our investigation. We should enter upon its consideration with minds free from local jealousy, from sectional feeling—we should lay aside every political and party excitement, which may tend to mislead and misguide our better judgment. There is great danger that we shall bring into this debate too ardent a temperament for a fair discussion, and judicious determination of the whole matter.

I have said, sir, that no Senator would wish to go further than the Senator from South Carolina professes himself willing to go, in making appropriations for this branch of the public defense. There can be no disposition wastefully, extravagantly, with no regard to economy, to appropriate the public money for fortifications. We have light upon this subject sufficient for our guidance. We have no occasion, *at this day*, to engage in unprofitable experiment, whatever may have been the injudicious application of the public money upon fortifications, at certain points, heretofore. From actual surveys, from the most careful and scientific examinations, we have now shed upon this whole subject the most ample and satisfactory information. The proper location of the public fortresses, for general defense and permanent protection, the kind of fortifications expedient and necessary, are matters settled by approved authority. The documental history with which we have been furnished, clearly shows at what points upon our sea-board, upon our extended maritime frontier, further defenses are required. In connection with this subject the surplus revenue is constantly presented to our consideration. That subject is arrayed before us in the most imposing form.

The Senator from South Carolina says that all the projects embraced in this bill, and all the projects in contemplation connected with the general defense, cannot by any possibility reduce the revenue to the wants of the Government. Be it so. I shall rejoice if the predictions of the Senator shall become history. But shall our course be governed by the miserable and sordid policy, that the amount of appropriations for public defense is to be regulated by the effect to be produced upon the surplus fund? That we are to withhold appropriations, if that fund should thereby be lessened, so as to render it unimportant to make distribution of the remainder among the States. I protest against any such policy. What, sir, have we to do with the state of the Treasury any further than to ascertain whether its condition will bear the appropriation contemplated? What have we to do with the surplus money, in deciding where and how and when a fortification shall be erected, for the purpose of permanent and public defense? Sir, whether the passage of this bill, and whether the adoption of all the projects proposed by the chairman of the Committee on Military Affairs should have the effect mentioned by the Senator from South Carolina, or whether it should have the effect to exhaust every dollar in the Treasury, save what might be necessary for the support of the Government, would be to me wholly immaterial. I would go on steadily and perseveringly to appropriate and expend for these great objects as fast as I could, in the exercise of a sound discretion, and with a proper regard to economy, until our chain of fortresses shall be perfected upon our maritime frontier. This would be my policy; and I shall endeavor to exercise my best judgment, where fortifications are necessary, with a view to defense and security; and there, sir, I would erect them, and of such materials that the lapse of time can have no effect upon their durability, be the cost, the charge, the consequent expense ever so large.

I know of no better principle to guide us in our action upon this bill, than to suppose that our country, after a lapse of five years, will be *inevitably* and *unalterably* involved in a war with the most powerful nation in christendom. What, then, Mr. President, would be our action upon this bill? What would be the voice of wisdom, of prudence? What would a proper regard to public and private security, to general and individual protection demand at our hands? Precisely, sir, what the same general considerations now require. What would then be the dictate of good sense, of sound discretion, would now be suggested under the influence of the same safe principles. If we were certain that after the expiration of five years, war, with all its evils, were to visit our land, there is no man who loves his country, there is no patriot who would not exert all his energies to be prepared for the calamity, to strengthen our weakness, to fortify every vulnerable point, to render impregnable our sea-coast and our lake frontiers, to put in perfect defense our whole country—this would be the course of every patriot. And, Mr. President, just this course should be observed now with reference to this subject.

FORTIFICATION BILL.

REMARKS OF HON. S. WRIGHT,

OF NEW YORK,

IN THE SENATE, *May* 24, 1836.

The bill to provide for the commencement of new Fortifications, introduced by the Committee on Military Affairs of the Senate, being under consideration—

Mr. WRIGHT said: When the subject was last before the Senate, he had moved an adjournment, with the intention, more particularly, of making a reply to some of the remarks of the honorable Senator from South Carolina, [Mr. CALHOUN,] who had just then addressed the body against the bill. So much time, however, had elapsed, that the reply intended had been principally abandoned, and as he did not see that Senator in his seat, and understood he was absent upon official duty, he should only notice such of his observations as were material to the views he proposed to present upon the merits of the bill.

On the 18th of February last, the Senate came to a final vote upon a resolution offered, at an early day of the session, by the honorable Senator from Missouri, [Mr. BENTON,] upon the subject of appropriations for the public defense. All would recollect the declaration of the mover of the resolution, made at the time of its introduction, that he considered it antagonistic to the two propositions then before the Senate for the distribution among the States of the public money in the Treasury: the first, the land bill; and the second, the proposition of the Senator from South Carolina [Mr. CALHOUN] so to amend the Constitution of the United States as to authorize an entire distribution for a series of years of the surplus revenues, from whatever source derived. None could have forgotten the protracted debate upon that resolution, or the views entertained and expressed by those who took part in the debate. Upon the one side, the declarations of the honorable mover were sustained and enforced; and upon the other side, the policy of a system of fortifications was resisted by some, while others admitted and advocated the policy and expediency of such a system, but denied that the land bill was antagonistic to the proposed appropriations. The subject occupied the principal attention of the Senate for some four weeks, and a very slight modification only was adopted.

The palpable and declared object of the resolution was to present to the Senate the great and vital question, whether the surplus revenues in the national Treasury should be given away, as gratuitous to the States, before the public defenses were provided for, or whether those defenses should first command the attention and favor of the National Legislature. The resolution, as drawn and offered, related to the surplus, and necessarily presented this question. The modification merely removed the application of the resolution from the *surplus* revenue to the *whole* revenues of the Government, and made the pledge more broad than the mover of the original resolution had proposed. In its amended shape, it stood in the following words:

"*Resolved*, That so much of the revenue of the United States, and the dividends of stock receivable from the Bank of the United States, as may be necessary for the purpose, ought to be set apart and applied to the general defense and permanent security of the country."

In this shape it was voted upon by the Senate, and, upon a call of the yeas and nays, every Senator then in his seat, to the number of forty-two out of the forty-eight members of the body, recorded his name in favor of it.

Mr. W. said he thought he had a right to ask whether this vote ought not to have been considered a pledge to the country, on the part of the Senate, that all necessary appropriations for the public defense should be first made out of the public moneys in the Treasury, before any other disposition should be attempted to be made of those moneys? He thought the inquiry could not be considered impertinent, or improper, and he called the attention of those Senators who had voted for that resolution to its fair implication, and to the measure now under discussion. This was the first measure for general public defense which had been presented for the action of the

body, since the passage of the resolution. Were the defenses it proposed necessary, so as to bring it within the pledge contained in the resolution?

To answer this inquiry, it would be proper to look further into the resolution itself, and into the information it had elicited. In addition to the general pledge before quoted, it contained a call upon the President, and through him, upon the proper departments of the Government, as to the appropriations necessary and proper to be made for the various branches of the public defense, naval and military. An answer to that call, most full and satisfactory, had been given, and, for his present purpose, it was only necessary to refer to the clear and strong letter from the Secretary of War, to whose department that branch of the public defenses, provided for by this bill, particularly pertained. The Secretary speaks with especial reference to the bill under discussion, and therefore his remarks are susceptible of the most clear and unquestionable application. The bill was reported from the Committee on Military Affairs, recommending appropriations for the commencement of new fortifications at nineteen new points upon the sea-coast. The Secretary had adopted twelve, and for the present, rejected the remaining seven appropriations. He had recommended delay and further examination merely as to the latter class, while he had, in most clear and unequivocal language, urged action, prompt, full, and efficient action, as to the former class.

Mr. W. said, as attempts had been made to cast doubt and obscurity over the opinions of the Secretary in this matter, he should speak for himself. He would read from the 19th and 20th pages of the report, and the language was as follows:

"It cannot be doubted but that fortifications at the following places, enumerated in this bill, will be necessary: At Penobscot bay, for the protection of Bangor, &c.; at Kennebec river; at Portland; at Portsmouth; at Salem; at New Bedford; at New London; upon Staten Island; at Sollers's Flats; a redoubt on Federal Point; for the Barancas; for Fort St. Philip.

"These proposed works all command the approach to places sufficiently important to justify their construction under any circumstances that will probably exist. *I think, therefore, that the public interests would be promoted by the passage of the necessary appropriations for them.* As soon as these are made, such of these positions as may appear to require it, can be examined, and the form and extent of the works adapted to existing circumstances, *if any change be desirable.* The construction of those not needing examination, can commence immediately, and that of the others, as soon as the plans are determined upon. *By this proceeding, therefore, a season may be saved in the operations.*"

Such, Mr. President, (said Mr. W.;) are the expressions and the opinions of the head of the Department, upon which the call has been made, on this important subject of fortifications. Are those expressions and opinions equivocal? Has not the Secretary told us that he believed "the public interests would be promoted by the passage of the necessary appropriations for them?" Has he not told us that by making these appropriations now, "a season may be saved in the operations?" Where, then, is the doubt? Where the equivocation? The bill originally contained provision for nineteen new works. The Secretary selects and recommends, unequivocally, appropriations for twelve of the nineteen, and as unequivocally recommends a postponement of appropriations and further surveys and examinations as to the remaining seven. He meets fairly and fully the whole bill, and gives his opinions and his reasons as to every part of it. Whence, then, the pretense that his recommendations are obscure, and his opinions doubtful, as to the works still embraced in the bill. The Committee on Military Affairs, since the receipt of the report of the Secretary, have considered his views, and made their bill conform to them. They have recommended that the appropriations for the seven works, for which the Secretary does not recommend immediate appropriations, should be stricken from the bill, and the Senate has unanimously agreed to the amendments. They have been made, and the bill is now precisely what the Secretary tells us the public interests require that it should be. Whence, then, he again asked, these attempts to prove that the opinion of the Secretary was doubtful as to the remaining twelve proposed new fortifications? The answer was clear and conclusive, and he should only repeat what had been already said by the honorable Senator from South Carolina [Mr. PRESTON] when he gave it. Gentlemen had taken the expressions of the Secretary, applicable to the seven works for which he recommended the suspension of immediate appropriations, and had applied them to the twelve works in reference to which he had given the opinion "that the public interests would be promoted by the passage of the necessary appropriations for them." Any one who would read with care the report of the Secretary, would detect this error, and absolve that officer from all obscurity or equivocation.

It should be further remembered that the President, upon whom the call was made, has especially and fully indorsed the recommendations of the Secretary of War. So far, therefore, as the information and opinions of the executive departments can establish a necessity for the works for which the bill under consideration provides, we are able to pronounce, without doubt or hesitation, that they are necessary to the public defense.

What, then, he must ask, is the condition of the Senate in its action upon this bill, after the pledge given to the country in the resolution above quoted? Were we at liberty to refuse the appropriations, unless we disputed the necessity of the works? It seemed to him not. It seemed to him we were estopped by our own act, unless we were prepared to assert and show, in opposition to the report of the Secretary, and the concurring opinion of the President, that the works proposed to be constructed are not necessary to the national defense, within the fair scope and meaning of our own resolution.

He must then appeal to the Senate, and to every individual Senator, to know whether there be one member of the body who will deny, or even question, the necessity of one of the works now proposed by the bill. He did not believe he should hear a voice raised in doubt, much less in denial, of the necessity of each and every one of these works. How then were the Senate to refuse the appropriations, and preserve the pledge it had given to the country, that the public defenses were first to occupy its attention, and that provision for these defenses, so far as such provision might be necessary, was first to be made from the public moneys in the Treasury, and the public revenues to be received into that Treasury?

Objections to the bill, however, had been made, and Mr. W. said he would detain the Senate for a few moments, to examine some of those objections.

The first in order which he would notice was, that new discoveries in the art and science of defense might supersede the present propositions; that the power of steam, and its application to the defenses of a nation, were yet little known, and had been little tried, and that future experience might prove that this power would furnish a preferable substitute for the permanent defenses proposed by the bill. In answer to this objection, he would merely ask, in sincerity and candor, whether a single member of the Senate had brought his mind to the belief that our important commercial towns, our principal and most useful harbors, and the mouths of our great navigable rivers, which were susceptible of perfect defense by permanent, stationary, and durable fortifications, were to be left to any description of movable and floating defenses, whether moved and governed by steam, or by the natural elements? Did any man, who had in the slightest degree examined this subject, delude himself with the notion that a commercial nation, with a coast more extended and exposed than any other nation of the world, and with the means in its Treasury for the construction of permanent and secure defenses, was either to wait for new discoveries as to the power and application of steam, or to trust its wealth and commerce to the protection of floating batteries, instead of well constructed and immovable fortifications? For himself, (Mr. W. said.,) his enthusiasm as to modern improvements had carried his mind to no such conclusions. He had not doubted, and did not now doubt, that steam, as connected with harbor defense, was to be made a most important agent in the great work in which we were engaged, and he was prepared to go as far as experience and wisdom would warrant in providing for its use; but he would not, for one moment, admit that the important points upon our coast, susceptible of permanent land defenses, were to be left to the uncertain and doubtful protection of moving batteries of any description. He had not heard it advanced that the science of defense by fortifications was very imperfect, or that improvements were to be soon anticipated; and having come to the conclusion that these were the defenses which the country required, at the points named in the bill, and that the art of constructing them had been, in all essential particulars, as perfect for centuries as it now is, he was prepared to give his support to the bill without waiting the uncertainty of valuable improvements by new discoveries.

The next objection he proposed to notice was, that we want information as to some of these proposed works; that the necessary examinations, surveys, and estimates have not been made; and that we act in the dark in making appropriations without them. This objection, he was willing to admit, was specious and plausible; but as to these particular works, he thought he should be able easily to show that it was much more specious than solid and substantial. He had understood, from the remarks made by the chairman of the Committee on Military Affairs, [Colonel BENTON,] when this bill was first under discussion, that all these points had been selected as points proper for the construction of permanent fortifications by the first board of engineers which ever examined our Atlantic coast with a view to its permanent defense; that several subsequent examinations, by competent and skillful engineers, had been made for the same purpose, and that all had selected these points as capable of being defended by the erection of forts and batteries, and as of sufficient importance either as commercial towns, or safe and convenient harbors and roadsteads, to render such defenses necessary to the protection of our commerce, and the security of the country; and that conjectural plans and estimates of the works required had been repeatedly made at all the points. He now received the assent of that honorable Senator to the correctness of his understanding in these particulars, and was therefore not mistaken in assuming this as one ground for the immediate action of the Senate. But there was another and a stronger ground. A call had been made upon the War Department upon this subject, and the answer, full, complete, and apparently satisfactory to all, was before us. That Department was in possession of all the information which had been collected as to the necessity and propriety of these works. No one would doubt the competency of the head of that Department to form a safe and correct opinion upon the sufficiency of that information for the discreet action of Congress. What, then, does the Secretary say in reference to the fortifications provided for in this bill?

"It cannot be doubted but that fortifications at the following places, enumerated in this bill, will be necessary.

"I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them. As soon as these are made, such of these positions as may appear to require it can be examined, and the form and extent of the works adapted to existing circumstances, if any change be desirable. The construction of those not needing examination can commence immediately, and that of the others as soon as the plans are determined upon. By this proceeding, therefore, a season may be saved in the operations."

These are the opinions of the executive officer of the Government especially charged with these works of defense, and fully aware of all the information in the possession of the Government in relation to their necessity and propriety. Does he tell us we want more information before we can act? No, sir. He tells us it cannot be doubted that fortifications at the points mentioned will be necessary. Does he tell us that we want further examinations, surveys, and estimates, before we can hazard an appropriation? No, sir. He tells us that when the appropriations have been made, such of the positions as may appear to require it can be examined, and the form and extent of the works adapted to existing circumstances, "*if any change be desirable.*" Does he tell us that nothing is to be gained by making the appropriations now? No, sir? He tells us that by this proceeding, a season may be saved in the operations. So much, Mr. President, for the objection that we

have not information to authorize these appropriations.

Another objection is, that we have not engineers to superintend these works; and that unless the corps of engineers be increased, the appropriations, if made, must remain unexpended. Mr. W. said this was an objection to this class of appropriations which had been frequently advanced upon former occasions, and he had repeatedly attempted to answer it, in which attempt, he was sorry to say, he had been so unsuccessful that the same objection again met him here. He must repeat his former opinion, that the money of the Government would command engineers of science, skill, and experience; and that gentlemen were entirely mistaken in supposing that the corps of engineers, holding military commissions under the United States, monopolized all the science, experience, or skill, to be found in this widely extended country. But for the sake of this argument, he would admit the necessity of an increase of the corps of engineers, and what would be the effect upon the duties of the Senate in relation to this bill? An act for the increase of that corps, to the extent recommended by the head of the corps, had long since passed this body and been sent to the House of Representatives. We, therefore, had discharged our duty in this matter, and he was for continuing to discharge that duty in a manner consistent with our own action. It was not for the Senate to wait the passage of one of its bills through the other branch of Congress, before it would act upon another and more important public measure. Let us follow our own action, be consistent with ourselves, carry out our own measures, and leave the House of Representatives to their proper responsibilities. This objection has no foundation with us, because we have already obviated it by our legislative action, and it does not become us to assume that any other branch of the Government will not discharge the same duty.

A further objection to the passage of this bill is, that if the appropriations be made, the money cannot be expended. It is asserted that the ordinary appropriations for the fortifications already commenced, are more money than it is in the power of the officers of the Government to expend, and that hence additional appropriations for new works cannot be expended. Mr. W. said he did not see that the conclusion followed from the premises. If it were true that money could not be expended at one point upon our extended coast for the want of laborers, he could not see that it necessarily followed that laborers could not be procured at other points. The evidence upon which this objection rests is a report from the head of the engineer department, stating that some eighty or one hundred thousand dollars, appropriated for the construction of a fort at Throg's Neck, near the harbor of New York, was not expended during the last year, because laborers were not procured; that invitations to laborers were published and circulated in the city of New York, and in several of the eastern cities, without effect. The report, no doubt, states truly the facts, as far as it goes, but there are other facts required to enable us to form a correct judgment as to the influence authorized from this failure to procure laborers. What prices were offered? Were they equal to the current prices of similar labor in the cities where the invitations were circulated? Was the season of the year that when laborers are usually disengaged and at liberty to make contracts? Was the character and condition of the work such as the mass of laborers were competent to perform, and would be willing to engage in at ordinary wages? These and other inquiries should be answered before we are authorized to conclude that money would not command labor in the immediate vicinity of our great commercial metropolis.

Mr. W. said this objection had been repeatedly urged during the discussions of the present session, (and he had himself repeatedly attempted to answer it,) he was mortified to see how unfortunately, as the objection continued to be urged with undiminished earnestness and confidence. He must, therefore, again repeat what seemed to him to be a most perfect and complete refutation of the idea that money will not command labor in and about New York, to any extent to which money is offered and paid. All will remember that since we have been here, during our present session, the city of New York has been visited by a conflagration unequaled in the history of this continent. From five to seven hundred extensive buildings, in the very heart of the city, were laid in ashes in the course of a few hours. He had recently seen several intelligent merchants from that city, some of whom were among the sufferers by the fire. All agreed in assuring him that by the time he would probably pass the city on his way to his home after the adjournment of Congress he would almost want a guide to point out to him where the fire had extended; that new buildings were rising upon the ruins of those destroyed by the fire, with a rapidity wholly incredible; that it almost seemed that an entire city was rising from the earth, as by the power of magic; that the present month would entirely complete a large proportion of the new buildings. This, Mr. President, has been mostly done in the season of winter; and a winter, too, unequaled in severity and duration And can it be true that at that point the United States cannot command labor by money? Can private enterprise accomplish so much in a few months, and yet the Government not be able to spend a few thousand dollars upon works of defense, because labor cannot be procured for money? Sir, the conclusion is contradicted by facts, is contradicted by experience, is contradicted by the plainest dictates of sense and reason. The Government must not expect to obtain labor but by paying the current prices for the labor it requires; and at those prices its money will go as far, be as sure to command labor, and to obtain it, as will the money of private citizens.

But, Mr. President, (said Mr. W.,) there is another view of this subject. What is the course of these expenditures? For what are expenses first to be incurred? The points at which the fortifications are to be erected are fixed in the bill, but you have acquired no title to the necessary grounds, and no jurisdiction from the States over those sites when you have purchased them. Both of these steps must be taken before common prudence will warrant the commencement of the proposed erections. In all cases the purchase of the grounds must require an expenditure of money, and the grant of the necessary jurisdiction must require time for the action of the respective State Legislatures. It will not be supposed that the application will be made for the grant of jurisdiction, until Congress place at the disposition of the proper executive department the means to make the purchase of a site, in case the jurisdiction be obtained. To illustrate his meaning, he would speak of the proposed appropriations for his own State; because he was more fully acquainted with the facts in that case than any other embraced in the bill. He referred to the appropriation of $200,000 for the purchase of the site of Fort Tomkins and its dependencies, and for the erection thereon of fortifications to protect and defend the main entrance into the harbor of New York. This site is so plainly designated by the nature of the ground, and the formation of the harbor, that no person who ever passed the point can have failed to see and mark it. Indeed, the State during the late war with Great Britain, and when the national Treasury was destitute of means to prosecute the war, and much more to defend our coast, took this matter into its own hands, possessed itself of this site, and erected upon it three works of defense: Fort Tomkins upon the heights, to defend the other works from approach by land; Fort Richmond upon the water, to defend the narrows; and Fort Hudson, an extensive water battery, to act in aid of Fort Richmond, and to reach an enemy in his approach to the narrows from the outer harbor. These works still belonged to the State, but had not been kept in repair since the war. The consequence was that they had gone into a state of dilapidation, and he was unable to say what their value might now be to the Government. He had understood that they cost the State some $400,000. He knew that repeated overtures had been made by the State to this Government to purchase them, with the site, and that the Legislature had repeatedly authorized negotiations for their sale and transfer to the United States. Nothing had hitherto been effected, and he had been recently informed that the Legislature of the State, now in session, had again authorized the sale and transfer. In this case this must be the first step, and the payment for the site the first item of expenditure. So far, therefore, as that may go, no objection would be interposed that the money, if appropriated, could not be expended, nor would it be said that time was required, or information wanted to accomplish these objects. He did not suppose that any other point was precisely simliarly circumstanced; but he did suppose that in all cases, whether the sites were the property of the States, or of individuals, a title was to be secured to the United States, and paid for out of the respective appropriations; and that the proper jurisdiction to protect the interests of the Government, was to be obtained from the respective State Legislatures in the mode pointed out by the Constitution. Means, therefore, would be required, as well as time, in all cases, and so far as both were concerned, the application to the case of Staten Island would be measurably applicable to all the other cases embraced in the bill.

What were the next subjects of expenditure? Mr. W. said it seemed to him that the materials for the construction of a fortification would next require the expenditure of money. The stone, brick, lime, sand, timber, iron, and all other materials, must be purchased and brought to the spot. Was there any objection to making the contracts and procuring the delivery of these materials during the time required to negotiate for the site, and procure the grant of jurisdiction? He could see none. Would not these preparatory steps occupy time enough to allow all further necessary surveys and examinations to be made? He was sure no one could doubt the fact. What, then, was the strength of the objection that the money could not be expended, or that more time was required for surveys and examinations?

But there was another view of this objection of time, which seemed to him as absurd in practice as it must be fatal in principle to these works of public defense. He referred to that class of the opponents of this bill who urged the necessity of delay in making these appropriations, and at the same time pressed upon us measures for the gratuitous distribution among the States of the very moneys in the Treasury with which these fortifications were to be constructed. The land bill, which had passed this body but a few days since, was one of these measures, and some gentlemen had been frank enough to put their opposition to this bill upon the ground that it might interfere with the moneys proposed to be distributed under the provisions of that act. Others, and much the largest number of the friends of that measure, had placed their opposition to this bill upon the ground of want of information of surveys, examinations, and estimates, and yet they had not failed to urge, with all the ardor of the former class, the giving away to the States the very means by which alone these most important and confessedly necessary modes of public defense can be erected, when the information they seem to desire shall have been obtained. What is the value of such professions of friendship for the defenses of the country? What will be the use of the information sought, when the means of proceeding with the works shall have been given away? For what valuable purpose shall we learn that the positions named in the bill are well selected, the fortifications wise and necessary, the plans economical, and the appropriations proposed only reasonable for present objects, when the Treasury shall have been exhausted in bounties to the States, and we have not a dollar at command to be applied to new or additional defenses? Mr. W. said he must say that gentlemen who assumed this position subjected themselves most strangely to the suspicion that a division of the public moneys, and not the prosecution of works of defense, was their darling object. To the other class, who openly and frankly opposed the bill upon the ground that it conflicted with the schemes for a distribution of the public moneys, he must award greater fairness. They met what he considered to be the true question, openly, and without disguise. He must, however, here bring to the memory of these opponents of the bill now under discussion

some of the arguments used by those who opposed the passage of the land bill through the Senate.

It was contended, (Mr. W. said,) by himself and others, that any system of distribution, such as was proposed by that bill, would tend to impede the necessary public appropriations; to arrest the prosecution of the necessary public defenses; and to embarrass the National Government in all its departments, and in every branch of the public service. It was urged that such distribution would necessarily lead the States into measures involving heavy and long-continued expenditures; that the arguments, estimates, and flattering calculations of the friends of that bill, were eminently calculated to produce anticipations of future dividends which could not be realized; that the members of both Houses of Congress were the representatives of the States, and of the people of the States, and must and ought to be strongly influenced by the wishes and interests of those whom they respectively represented; that when disappointment as to the amounts to be divided should come upon the constituent body, as come that disappointment must, the necessities of the State, growing out of these delusive expectations, would be paramount to the necessities of this Government, with the representative bodies; and that appropriations for the permanent defenses of the country, appropriations for the Navy, appropriations for the Army, and appropriations for all other branches of the public service, would be injuriously restricted, or wholly refused, that the sum to be divided to the States, as surplus revenue, might be increased.

Mr. W. said, when he urged these arguments he did not even dream that he should see their correctness demonstrated before the close of the present session of Congress. He did not then believe that the evil tendencies of these plans for distribution would be so soon and so boldly developed. In this he had been entirely disappointed. Already we had met, in open avowal, the influence he had feared; and upon this first measure of public defense which had been presented to the Senate since the passage of that dangerous bill, we had heard opposition distinctly avowed upon the ground that the appropriations might conflict with the various plans for a distribution of the moneys in the Treasury. If he had before merely doubted, he should now be most perfectly confirmed in his hostility to these projects, so long as any branch of the public service called for the expenditure of the public moneys on hand.

He would now proceed to examine, very briefly, one or two of the objections offered by the honorable Senator from South Carolina [Mr. CALHOUN] to the passage of the bill under discussion. The first objection of that honorable Senator which he proposed to notice, was the want of engineers to superintend the expenditures proposed, and he had anticipated the argument to be drawn from the action of the Senate, in the increase of the engineer corps, to about twice its present strength, by the assumption that this increase would not bring engineers of experience, and would not, therefore, for the present, authorize an increase of appropriations.

We are, Mr. President, (said Mr. W.,) if the positions assumed by the opponents of this bill be admitted, in a condition unknown to the history of any people who have ever before existed upon the face of the earth. We have no debt. Our Treasury is full to overflowing. We are defenseless in almost every respect. And yet we cannot be defended, according to the doctrines of some, because our money will not purchase the labor necessary to construct the defenses we need. According to others, we cannot be defended because we have not engineers of skill and experience to direct the expenditure of the money, if we appropriate it. An increase of our engineer corps will not aid us in this particular, because such an increase will not bring with it the requisite skill and experience; and, as a necessary consequence from these conclusions, we must not increase the engineer corps, because, without an increase of appropriations for fortifications, we shall have nothing for the engineers to do, who may be added to the corps. Was ever, Mr. President, so helpless a condition of any people before known? Money in the Treasury to an excess, but nobody will work for it; defenses of every description imperatively required, but men of skill and science cannot be found to superintend their construction. Therefore, we must give away the money, and wait for the defenses of the nation, until the Treasury shall contain other means, until money will command labor, and until engineers can be educated to superintend the public works.

The honorable Senator put forth another objection to this bill, which was even less anticipated from that quarter than was the objection which has just been examined. It was that the bill is in competition with the several propositions for the distribution of the surplus revenue. Remembering the constitutional opinions held and expressed by that Senator but two years since on the subject of a distribution of the surplus revenue among the States, Mr. W. said it was impossible that he could have expected opposition to this bill from that quarter upon that ground. In the Senator's speech upon the removal of the deposits, made in the Senate in January, 1834, is found the following remarks:

"There is another aspect (said Mr. C.) in which this subject may be viewed. We all remember how early the question of the surplus revenue began to agitate the country. At a very early period, a Senator from New Jersey (Mr. Dickerson) presented his scheme for disposing of it, by distributing it among the States. The first message of the President recommended a similar project, which was followed up by a movement on the part of the Legislature of New York, and I believe some of the other States. The public attention was aroused, the scheme scrutinized, *its gross unconstitutionality and injustice, and its dangerous tendency of absorbing the power and existence of the States, were clearly perceived and denounced.* The denunciation was too deep to be resisted, and the scheme was abandoned."

Such *were* the opinions of the Senator upon the subject of a distribution of the surplus revenue to the States; and could he have expected from him an objection to the passage of a bill, providing for the defenses of the country, for the more rapid prosecution of a system of defenses with which he had once been officially and closely connected, because it comes in competition with propositions for a distribution of the surplus moneys, so recently pronounced grossly unconstitutional, unjust, and dangerous to the power and existence of the States?

Mr. PRESTON remarked that his colleague was not in his seat, but detained from it by official duties, and he hoped Mr. W. would consent to suspend his remarks until Mr. C. should be in.

Mr. WRIGHT replied that he regretted very much the absence of the Senator from South Carolina, as he would greatly have preferred to have replied to him in his presence; but as he had no remarks of a personal character to make, he could not consent to delay the bill by a suspension of his argument. He had nothing to add on the subject of this great change of opinion on the part of the Senator, except that it had surprised and disappointed him, coming from that quarter.

Another position of the Senator was not less singular and extraordinary, and called for a reply. It was the assertion that the bill was not intended to expedite the construction of fortifications, but to retain the public money in the banks where it was now deposited; and he went so far as to say, that were the objects of the bill what they purported to be—the erection of fortifications—he would support it. Mr. W. said, in the absence of that Senator, he would take no notice of this unjust and ungenerous imputation upon the motives of the friends of this bill, but would examine the position, supposing it had any foundation in fact. The bill upon its face contains as direct and positive appropriations as any other appropriation bill which has been presented to Congress. If passed, it will devolve upon the proper executive department the immediate duty of obtaining the proper sites and commencing the several works, and of proceeding in their construction with all possible dispatch, so far as the means appropriated will go. Has any one suggested, or will any one believe, that any sinister intentions on the part of those who may vote for the bill, will influence the executive officers in the prompt and faithful discharge of their duties under it? Had the Senator from South Carolina, or could he suggest, any change of the form of the bill, so as to make the appropriations more positive and unconditional, or the duty to expend the money more imperative and urgent? He hazarded nothing in giving a negative answer to these inquiries. Language could not improve the bill in these particulars; nor had it been intimated that there was either doubt or condition to be found upon its face. He would, then, leave the Senator, and the Senate, to determine how far he was sustained in placing the opposition to a proper and positive law upon the ground of his suspicion that some who support it entertain intentions unfavorable to its execution.

He must present this objection of the Senator in another light, and see whether it may not be made quite as applicable to himself as to those who advocate and support the defense bills. His charge is that they desire to retain the money in the deposit banks. What disposition does he propose to make of it? for he is the author of a variety of propositions upon the subject. The last, and that one upon which he presumed the Senator intended to rely, was to deposit the money in the treasuries of the several States, without interest. But when, and upon what terms is the money to be transferred from the deposit banks to the several State treasuries? When, and as soon as the Legislature of each State shall have passed a law, pledging the faith of the State for the repayment of money upon the call of Congress. Nearly all of those Legislatures have closed their annual sessions, and all probably will, before this proposition can become law, if it is to become a law at all. Much the largest number of them do not again convene until November, December, and January. The money, therefore, according to the disposition proposed by the Senator himself, must remain in the deposit banks for the whole of the present year, at the least, while, in several of the States, the legislative sessions are biennial only; and in one State at least, it is said its constitution prohibits the Legislature from contracting a debt for any purpose. Mr. W. said, were he to charge the honorable Senator with a design to continue the money in the deposit banks, and assert that he had made this dilatory proposition for a different disposition, to accomplish that design, would the Senator consider him courteous or just? Would the Senate consider the imputation of such motives to any member of the body parliamentary or proper? It was not his purpose to make any such charge. It was not his habit to impute motives to the members of the body, for acts done under their official responsibility, and he did not believe that such a charge, if made against the honorable Senator, would be founded in fact. He did not believe the Senator, in making the proposition upon which he had commented, had been actuated by any design to retain the money in the deposit banks; but the reverse. Yet he did believe that such a design imputed to that Senator, would have precisely as much foundation in justice and truth, as the similar charge preferred by him against the friends of the defense bills; and he trusted he had shown that the effect of the Senator's proposition would be to retain the money in the banks much longer, and much more certainly, than any effect to be apprehended from the passage of these bills.

Mr. W. said his intention and desire was to apply the money in the Treasury to a constitutional use. The money is the avails of "taxes, duties, imposts, and excises," laid and collected by or under the authority and direction of Congress, "to pay the debts, and provide for the common defense and general welfare of the United States." The first great constitutional use to which the public moneys were to be applied had been fully performed. The debts had been fully paid. The second, to "provide for the common defense," it is the object of this bill to prosecute more vigorously and efficiently. For that reason he supported it, and most earnestly hoped it would be successful. Yet it was not for him to impute improper or unworthy motives to those who thought the Constitution and the public interests would be better served by giving away this money to the States, or what was, in his judgment, precisely equivalent, lending it to the States without interest, and upon a declaration,

upon their respective statute-books, that they would repay the principal whenever their representatives in the two Houses of Congress should order them to do so. He thought, however, so long as he abstained from the imputation of motives to those who advocated such a disposition of these moneys, he was entitled to an exemption from imputation as to his own motives, in urging a use of the money such as the House and interests and safety of the country required and demanded; and such as the Constitution not only authorized, but directed, in terms.

THE DEPOSIT BANKS.

REMARKS OF HON. JAMES BUCHANAN,

OF PENNSYLVANIA,

IN THE SENATE, *May* 28, 1836,

On Mr. CALHOUN's bill to regulate the Deposit Banks—and the amendment to it offered by Mr. WRIGHT—and on their respective propositions for the disposition of the surplus revenue.

Mr. BUCHANAN congratulated the Senate and the country upon the tone and spirit in which this debate had commenced. He believed that a general disposition prevailed on all sides to surrender individual opinions as far as they could be surrendered without a sacrifice of principle, and to unite upon the best measure for regulating the public deposits. From this disposition he augured the most happy results; especially as the Senators from New York and South Carolina [Messrs. WRIGHT and CALHOUN] did not seem to differ essentially in regard to this branch of the subject.

In the few remarks which he intended to make, he would follow the argument of the Senator from South Carolina. This would enable him to present distinctly his own views on the different points which had been made by that gentleman.

And first, in regard to the payment of interest by the deposit banks. Mr. B. said there did not seem to be any essential difference between the two gentlemen on this question. It was very clear to his mind, that if Congress should adjourn without making any disposition of the surplus revenue, these banks ought to pay a moderate interest for the greater portion of the public money in their possession. He said the greater portion, because he was disposed to deal fairly towards them, and charge them no interest, except on sums which exceeded a fixed amount. He was disposed to give them the use of as much money, without interest, as would be a full equivalent for the services which they were required to render to the Government. Beyond this amount, which would be determined by the Senate, with a just reference to all the circumstances, he thought they ought to pay interest; and he could not say that two per cent. per annum, as proposed by the Senator from South Carolina was unreasonable. The banks discounted upon these deposits, and made money for their stockholders out of these deposits; it was, then, but justice to our constituents to charge them interest. It would be unjust towards the people of the United States, that the use of their money should be given to the stockholders of these banks as a mere gratuity, without any compensation. He should certainly vote to make them pay something for the use of this money.

In regard to the amount which each of these banks should be entitled to hold without interest, he thought the proposition of the Senator from South Carolina liable to well-founded objections. To establish as a universal rule that the sum of $50,000 should be thus retained by each of them, would be, in his opinion, unjust. If the capital of the bank were small, say $100,000, this would be a considerable sum; but if the capital amounted to one or two millions, $50,000 would be wholly inadequate. He believed that a member of the other House from Pennsylvania [Mr. Binney] had, at the last session of Congress, proposed to apportion the amount of deposits which should not bear interest to the capitals of the respective banks. He was under the impression that this would be a fairer mode of proceeding than to establish a fixed sum applicable alike to all the banks, whether their capitals were great or small.

Mr. B. said, however, that the question of interest might sink into one of comparatively little importance. If the surplus in the Treasury at the end of each year, except $3,000,000, should be deposited with the several States, according to the proposition of the Senator from South Carolina, [Mr. CALHOUN,] or if it should be invested quarterly in State stocks, leaving $5,000,000 in the Treasury, in pursuance of the amendment which had been offered by the Senator from New York, [Mr. WRIGHT,] the adoption of either alternative would, in a great degree, dispose of the question of interest. The banks, in either case, it was probable, would not generally have more money on deposit than would be a fair and just compensation for the services which they perform. It was as much the interest of the Government as their interest, that we should not drive hard and unreasonable bargains with them.

These banks were at present in a most awkward and embarrassing situation in regard to the public deposits. They had vast sums of public money in their possession, without knowing what moment they might be called upon to pay them. They were awaiting the action of Congress; and in this state of suspense, they could not, with a proper regard to their own safety, discount largely upon these deposits. They must always be ready to meet our demands. Hence they could not afford that relief to the community which they would be able to do, under other circumstances. And here he would take occasion to say that he believed the public money was perfectly secure in their hands. There was not the least cause for apprehension on this account. He thought that every Senator must arrive at the same conclusion who would take the trouble of examining the statement of their condition made by the Secretary of the Treasury to the Senate on Monday last.

Mr. B. concurred in opinion with the Senator from South Carolina, that transfer drafts should not be used by the Secretary of the Treasury, except for the purpose of facilitating the public disbursements. They certainly ought not to be used for the purpose of protecting a bank, in doubtful circumstances, from the consequences of its own imprudence. Each bank owed it to the public to take care of itself and never to place itself in such a condition as to require the money of the Government to sustain its credit. The Secretary of the Treasury had never used transfer warrants for any such purpose; therefore, the Senator's proposition could have no personal application to his conduct. He saw no objection, however, to the incorporation of this prohibition in the bill. It would give fair notice to all the banks that they must rely upon themselves to sustain their own credit, and not upon any aid to be derived from the public Treasury.

He would say but little in regard to the selection of deposit banks, the third point made by the Senator from South Carolina. He thought that a plan might be devised which would be decidedly preferable to that proposed by either the Senator from New York or the Senator from South Carolina. On this subject a middle course might be adopted, which, whilst it would insure a proper responsibility from the head of the Department to Congress, should, at the same time, leave him such a discretion as the public interest demanded. He could not agree with the gentleman from South Carolina in limiting the Secretary of the Treasury, in the first instance, to the present deposit banks, and to them alone, as his bill proposes. Neither did he believe that it would be proper to confer upon that officer the unlimited discretion in selecting the depositories of the public money which seemed to be sanctioned by the amendment of the Senator from New York. He was not afraid of the judicious exercise of this power; but still, as a general rule, as little discretion ought to be left to executive officers as was consistent with the public interest.

The present deposit banks had faithfully, he believed, performed their duty to the country. Their conduct had been satisfactory to the head of the Treasury Department; at least, he had never heard anything to the contrary. He would suggest that the bill itself should continue them by name as banks of deposit. From what he had heard in the course of this debate, he had no doubt it was necessary to increase the number of these depositories. This would be required in New York and Boston, and perhaps in Philadelphia. There might be other places in the same situation. He would therefore authorize the Secretary of the Treasury, between this time and the next meeting of Congress, to select as many deposit banks, not exceeding a certain number, as the public interest might require, in addition to those already selected. After these additional selections should be made, after the system should thus be completely organized, he would not authorize the Secretary to make new selections, without the previous consent of Congress, unless it were to supply the place of such of the existing banks as should cease to be depositories, under the provisions of the bill which will be passed.

The fourth point of the Senator from South Carolina is one of so little importance that he should pass it over without any remark, except that it cannot materially interfere with the satisfactory adjustment of this question.

On the fifth point, Mr. B. entirely concurred in opinion with the Senator from South Carolina. Was it a measure of severity to require that the deposit banks should always have immediate means in their possession or power to meet the one fifth of their immediate responsibilities? He thought not. Every bank ought, at the very least, to have an amount of specie in its vaults, which, with the debts due to it from other banks, which might be converted into specie without delay, would be equal to the one fifth of its notes in circulation, and of its public and private deposits. He should be unwilling to trust the money of the United States in any bank which was either unable or unwilling to comply with this condition. He should consider it unsafe in any such depository. Taking the general aggregate of the condition of the deposit banks, according to the last report of the Secretary of the Treasury, if we should apply to them the rule of the one third, instead of the one fifth, they would still be much within that limit. He had not, in detail, examined the condition of each one of these thirty-six banks; but he believed he might venture to say that there was not one of them which would be affected by the rule proposed to be applied to them by the Senator from South Carolina.

He would suggest to the Senator, however, that his bill was defective on this point, and did not embrace, in all its extent, the principle for which he had intended to provide. In preparing it he must have forgotten that, instead of the aggregate balance of the deposit banks in their accounts with other banks being always in their favor, it might and would be sometimes against them. In such a case, they ought not only to have specie in their vaults sufficient to pay the fifth of their notes in circulation and their deposits, but also one fifth of this balance. The gentleman's bill does not embrace this case. Under his bill one of these deposit banks might have $100,000 of specie in its vaults, might be indebted to other banks an aggregate balance of $500,000, and might have notes in circulation and deposits on hand to another amount of $500,000, and yet not violate its provisions, although it could pay in specie but one dollar in ten, instead of one dollar in five, of its immediate liabilities. He had prepared an amendment to obviate this objection, but should not offer it at present.

In this respect he felt bound to say he greatly preferred the bill of the Senator from South Carolina to the amendment which had been proposed by his friend from New York. That amendment simply provided that each deposit bank must keep in its vaults sufficient specie to pay the one fourth of its notes and bills in circulation, and the balance of its accounts with other banks payable on demand. It had no reference whatever to the amount of its public and private deposits, the whole of which might be demanded at any moment. If a deposit bank have sufficient specie in its vaults to pay one fourth of its notes in circulation, it might be indebted to its depositors ten or twenty times the amount of its specie, and yet not violate the terms of the amendment.

Mr. B. said he now approached the more difficult question of what disposition we ought to make of the surplus now in the Treasury. He

believed this surplus would be very large on the first day of January next, notwithstanding our liberal appropriations. He had himself made an estimate of the amount; but he would not now commit himself by stating it, as it had not been made with sufficient care to enable him to speak with any degree of positiveness.

He would take this occasion to remark, that although he had voted, and intended to vote during the present session, in favor of liberal, some might say, extravagant, appropriations for defense, he considered these appropriations as the exception justified by the special circumstances in which the country was placed, and not as the general rule. He never should depart from those maxims of sound and wholesome economy by which this Government ought always to be administered. The expenditures authorized at the present session ought not to be considered as a standard for future years. He presumed no Senator thought of increasing the permanent expenses of the country to any such standard. We had just finally discharged the debt contracted during the last war; our Treasury was overflowing, and all we had done was to appropriate more money than had been usual heretofore, to the completion of those necessary defenses which had been projected long ago, and which the safety of the country demanded. Whilst we were paying our debt, policy required that we should not progress in these measures as rapidly as we ought now to do. Hence, increased appropriations were now highly proper, not for the purpose of wasting the public money in useless expenditures, but for the purpose of accomplishing objects which have always been deemed necessary. For his own part, he never had voted away, and he never should vote away, a dollar of public money, merely because we had a surplus in the Treasury.

Mr. B. said he would proceed to make a few remarks upon the plans proposed by the Senators from South Carolina and New York, for disposing of the surplus in the Treasury; and first, in regard to that of the Senator from South Carolina. He proposes to loan the balance remaining in the Treasury at the end of each year, until June, 1842, after deducting therefrom $3,000,000, to the several States, without interest; each State receiving such a proportion of the whole amount as her Senators and Representatives in Congress bear to the whole number of members of both Houses. These sums are to be refunded to the Treasury of the United States at such times as Congress shall by law provide.

Mr. B. said he would waive for the present any constitutional doubts which may exist in regard to the power of Congress to distribute among the several States the surplus revenue derived from taxation. He would merely remark, that if we do not possess the power to make such a distribution, he could not perceive by what authority we could make the loan proposed by the gentleman. If you have not the power to give the principal, whence can you derive your power to give the interest? To loan the States this money without interest, is to make them a donation of an annuity equal to six per cent. per annum, for an indefinite period, on the sums which they may respectively receive. In any constitutional view of the subject, he could not perceive how the interest could share a different fate from that of the principal. This was not to be a mere deposit with the States for safe-keeping; it was intended by all that the money should be used by the States in the construction of internal improvements, in the payment of their debts, and in accomplishing every object which they might deem useful. If we possess the power to loan the public money to the States in this manner, we might at once give it to them absolutely.

The leading objection which he had to this system was, that its direct and continuing tendency, at least until 1842, would be to create a bias in the Senators and Representatives of the States in Congress, in opposition to the fair and efficient administration of the Federal Government. The Senator from South Carolina, feeling the force of this objection, has attempted to obviate it by stating that the strong tendency of the action of this Government was towards consolidation, and this proposition would be useful as a counteracting force. Mr. B. would now neither dispute nor affirm the proposition of the Senator in regard to the central tendency of this Government; but this he would say, that in avoiding Scylla we must take care not to rush into Charybdis. He thought the counteracting power of the gentleman's bill would be so excessive that it might drive us into the opposite extremes and thus become dangerous.

He disclaimed the sentiment that the people of this country can be bribed with their own money. He did not believe that there now existed, or ever had existed upon earth, a more virtuous people than our population in the mass. But we had been taught by divine authority to pray that we might not be led into temptation. It was the part of an enlightened statesman to make the interests of men correspond with their duties, whenever that was possible. Their action, then, to promote the public good, would be free and unrestrained. But in what situation should we place ourselves by the adoption of this proposition? In every case requiring an appropriation of public money, the direct and immediate pecuniary interest of our constituents would be directly at war with the performance of our duties as members of Congress. Now, sir, we might be as pure as angels, and yet, unless we were as wise also, such a position, without our own knowledge, would create a powerful bias in our minds. Is it wise, is it politic, voluntarily to place ourselves in the position of antagonists to the very Government of which we are members? Adopt this proposition, and what will be the consequence? Should the Executive recommend, or the interest of the country require, the construction of a fort, of an arsenal, of a navy-yard, of a ship of war, or any other expenditure necessary for our permanent defense, we would not only inquire into the justice and expediency of the expenditure, but we should involuntarily ask ourselves, how much will this expenditure reduce the dividend of the public money which our respective States will receive at the end of the year? Every dollar that we can subtract from the purposes intrusted to our special care by the Federal Constitution, will add a dollar more to the surplus to be distributed among our constituents. We should thus become antagonists (he would not use the new word) to the very Government of which we ought to be the supporters. How much money will each appropriation take from our dividend would be an inquiry constantly obtruding itself upon us. In order to justify ourselves to our own consciences for opposing any appropriation here, we would become ingenious in magnifying the comparative importance of the objects to which the States would apply the money. We might thus change the nature of our Government; and if its tendency be now towards consolidation, we might rush to the opposite extreme by the adoption of this proposition, which, by its terms, is to continue in force for six successive years.

Would any prudent man place in the hands of his agent, whom he had employed to build a house for him, a sum of money, and tell him that what remained of this sum, after completing the work, should be his own? This would be to offer him a premium for not incurring the necessary expense to enable him to perform his duty. We shall be such agents precisely, should this amendment be adopted. Our constituents will receive every dollar which we can subtract from the purposes of the Federal Government during a period of six years.

Mr. B. said he greatly preferred the distribution proposed by the land bill to that of the Senator from South Carolina. The same objection did not exist to it. It assumed as a principle, that the net proceeds of the sales of the public lands belonged to the States. It withdrew from this Government the entire fund. It would leave us to administer the Government out of the other means which still remained. It was a fixed and certain mode; and did not seek to distribute a mere surplus of what might remain in the Treasury after we had provided for other objects. Besides, the money was granted absolutely, and not loaned to the States. But he did not intend to discuss the merits or demerits of the land bill upon the present occasion.

If Mr. B. could consent to vote for the proposition of the Senator from South Carolina, he would not object to that part of it which distributes the money in proportion to the representation of each State in both branches of Congress. If there were no other considerations in its favor, which he did not admit, he thought the magnanimity of the large States should induce them to give their smaller sisters this comparatively trifling advantage.

Mr. B. said he might yet be compelled to vote for the amendment proposed by the Senator from New York, for investing the surplus revenue in stocks issued by the States; but if he should, it would be with extreme reluctance. He could only be induced to give such a vote upon the principle that it was a less evil to dispose of the public money in this manner, than to keep it any longer in the deposit banks.

He admitted that these State stocks had a permanent and fixed value. They did not fluctuate in the market like other stocks. Nobody doubted their security, and the comparatively trifling rise and fall in their prices depended entirely upon the plenty or scarcity of money. A large proportion of these stocks were held in Europe. He knew this to be the case a few years ago; and he presumed there had been no considerable change since. Their price had always been high in our market, from the fact that capitalists in Europe were glad to make safe investments, which would yield them an interest of four or four and a half per cent. Upon this point of the case he thought the Senator from South Carolina had not succeeded in refuting the argument of the Senator from New York. It was true that the price of this stock might be enhanced by the Government becoming a large purchaser in the market; but this advance would be inconsiderable, compared with the advantage of taking the surplus revenue from the deposit banks, and putting it into general circulation among the people.

Mr. B. did not concur with the Senator from South Carolina, in believing that such investments in State stocks could be of any advantage to those States which had issued them. No matter who held the certificate, whether the United States or individuals, the States were equally bound to pay the accruing interest, and finally discharge the principal. If the price of these stocks should be permanently raised by the investments of the Government, the States might hereafter obtain loans on somewhat more favorable terms than they had done heretofore; but in regard to the old stocks, the States would continue precisely in the same situation they are at present. In one respect they might be injured instead of benefited. If they wished to purchase in their own stocks, before the time they should become payable, as New York had done, the price might be raised upon them.

Mr. B. doubted whether a sufficient amount of these State stocks could be purchased to absorb the surplus in the Treasury. They were limited in amount, and a large proportion of them was held in Europe. He would be glad to obtain more information on this branch of the subject than the Senate now possessed. Of one thing, however, he felt very certain. If the surplus could be invested in these stocks, we could do nothing which would more immediately relieve the money market of the country. He believed that the truth of this proposition was so manifest that it was wholly unnecessary to do more than merely to state it.

He had one very strong objection to the amendment of the Senator from New York. The rage for speculation which now existed throughout the land, was the curse of the present time. The gambling in stocks was infinitely worse in its consequences to the community, than all other kinds of gambling united. This spirit was rapidly extending itself throughout the whole country. It enabled those who were initiated in the fluctuations of the money market, to take advantage of others who were less skillful, and to accumulate rapid fortunes at their expense. Although it might be true, and he believed it was true that the measure proposed by the Senator

from New York would not much enhance the price of State stocks, yet it would unlock the capital now vested in them to the amount of the purchases of the Government, and throw it upon what had been called the fancy stocks. This operation would at once raise the prices of all these stocks, and put into the pockets of their owners large sums of money. You would thus give an impetus to the already wild speculations in stocks, and increase that spirit of gambling, which is now one of the greatest curses of our country. For these reasons he felt an almost insuperable repugnance against the introduction of the Government of the United States into the market, as a great stock-jobber, though its operations might be confined to the stocks of the different States. Still, as he had before observed, he might feel himself under duress to vote for this measure as the least of two very great evils.

Mr. B. said he had thrown out these suggestions to the Senate in the same conciliatory spirit which dictated the remarks of the Senators from New York and South Carolina. We were now in a free conference; all equally desirous of adopting the best measure to promote the public good. He had endeavored to contribute something to this end.

REORGANIZATION OF POST OFFICE DEPARTMENT.

REMARKS OF HON. ELIJAH MANN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

May 19, 1836,

In Committee of the Whole on the state of the Union, considering the bill reported by the Committee on the Post Office and Post Roads, "to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof," in reply to Mr. BELL, of Tennessee, who proposed and advocated the following amendment:

"That the nineteenth section of the act entitled 'An act to reduce into one the several acts establishing and regulating the Post Office Department,' passed the 3d of March, 1825, and all other acts and parts of acts securing to the Post Office Department a monopoly of the business or employment of carrying letters for hire, *be, and the same are hereby, repealed.*"

Mr. MANN (a member of the Committee on the Post Office and Post Roads) addressed the Chair, and said he could not forbear, anxious as he was, and as he knew the committee were, after this protracted sitting upon this bill, to trespass upon their attention for one moment to make a very brief reply to the most extraordinary proposition of the honorable member from Tennessee, [Mr. BELL,] and his still more extraordinary argument in support of that proposition. It has not been forgotten (said Mr. M.) that the honorable member, a short time since, favored us and the country, as the *Premier in advance*, of what is sometimes called here the White Administration, with a very long and querulous *exposé* of the leading principles entertained, and the measures and policy of Government proposed to be pursued by that Administration, if the people, in the plenitude of their abundant mercy, and forgiveness of ingratitude, should think proper to bring it into power. The first general reflection which naturally occurred, both here and in the country, upon that *exposé* was, that if the new Administration was to have duration proportioned to the length of the green bag of its Prime Minister, it would be likely to become perpetual, and in that respect might have the early misfortune to excite the apprehension of some of its friends. However, it appears now, Mr. Chairman, that all its measures were not then unfolded because, perhaps, it had not then entered into the phrensied imagination of the honorable member, or any of the under Secretaries, that it would be a republican measure to abolish the Post Office Department, which would entitle him to the special gratitude of the Republic, on the ground that it is a monopoly! A monopoly, the honorable member vehemently assures us, assumed without any authority of the Constitution! A monopoly, indeed, of conveying intelligence to a free people, of which the honorable member may persuade himself he has cause to complain, although, let me assure him, he has far more cause to "fear and tremble." A monopoly, sir! Can a free mail and a free press, in the hands of a free and enlightened people, open and secured to all alike, be a monopoly, odious to the honorable member and obnoxious to the Constitution and the institutions of civil liberty? Mr. Chairman, I know not how to express my surprise at the proposition now submitted and the position assumed in the argument—I confess my utter astonishment. I am almost overwhelmed with amazement at the strange measure now proposed by the honorable gentleman, and more strange argument by which he urges its acceptance by this committee, that the Post Office establishment is a monopoly assumed without authority of the Constitution! My surprise is augmented when I recollect that this measure is proposed by a gentleman from the southwestern portion of this Confederacy, whose constituents are, if possible, more deeply interested in the Post Office establishment, than those of any other parts of the Union, deriving from it those inestimable advantages of intercommunication with their brethren throughout our wide domain—political, commercial, civil, and religious—without which the institutions of society would scarce be worth maintaining. Yet does the worthy member propose virtually to abolish the Post Office establishment—to dry up all the fountains and streams of intelligence to his people, by cutting off, with a rude and unstaid hand, all the means of public and regular communications, provided, controlled, and secured, by public law.

Sir, if the honorable gentleman from Tennessee should propose to this House to pass an act of oblivion for his past errors, and of forgetfulness and forgiveness for those of the future, he would not astonish the country more than by his present proposal. But, sir, I must beg the committee to bear with me while I recur to the argument of the gentleman, who begins by informing us that the framers of the Constitution had so little regard for the Post Office establishment, that they had well nigh forgotten to mention it in that sacred instrument. How then, sir, could it have happened to occur to them to insert this plain provision, "that Congress shall have power to establish post offices and post roads?" But the worthy member says that this does not prohibit the States from exercising the same power. If this be true, sir, then why does the honorable member, in his jealousy, complain of *monopoly?* I know, sir, as well as the gentleman, that the States are not expressly inhibited from the exercise of this same power; that there are several cases where the respective States and the Federal Government have concurrent powers and jurisdiction over the same subject. However, sir, the honorable member from Tennessee knows better than I do that the uniform construction of the highest judicatories of the land has been, that in these cases of concurrent powers of the General and State Governments, the exercise of the power by the United States excludes and prohibits the exercise of the same power over the same subject-matter by a State; and this from the nature and construction of our institutions and the necessity of the case. I need not inform the gentleman from Tennessee that under this express grant in the Constitution Congress have exercised the power "to establish post offices and post roads," and, therefore, that while the United States continue the exercise of that power, the power of the States to establish post offices and post roads is suspended. This construction of the Constitution, I believe, has not been complained of in any quarter. If, therefore, the Post Office establishment of the United States is a monopoly, as is now complained by the honorable member, it results that it is a monopoly established by the Constitution of the Union, beyond the reach, fortunately, of the nullifying and leveling process of the gentleman, or his programme Administration.

The gentleman draws analogies by informing us that this establishment of ours compares with those of Europe, which he says are also monopolies, established for two purposes; first, for political power; second, for revenue. These analogies, sir, are unjust, and bear no parallel, because, thanks to the spirit of freedom, there is no parallel between their oppressive and despotic institutions and ours. But if there were some features in ours obnoxious to the political sensibilities of the gentleman from Tennessee, does it follow that one of those institutions conferring the greatest benefits upon the country (and upon no part greater than upon that happy portion from which that gentleman comes, for carrying to it a knowledge of the patriotic services upon this floor, of their talented and distinguished Representative) should be nullified and exterminated? I trust in the genius of my country to save and protect it from such violence. Mr. Chairman, I am very properly reminded, by a note from a respected and valued colleague on the Post Office Committee, [Mr. BRIGGS, of Massachusetts,] of the late hour of the day, and the necessity of brevity, yet I can hardly forbear to continue my remarks, hasty and desultory as I am sensible they are, upon a proposition of so extraordinary a character, coming from such a source; yet I will obey the kind admonition of my friend from Massachusetts, and leave the honorable member and his measures to the examination of an enlightened people, trusting confidently that this committee are not prepared to entertain for one moment longer a proposition so entirely subversive of the dearest interests of every American citizen.

TARIFF OF POSTAGES.

REMARKS OF HON. F. O. J. SMITH,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

May 31, 1836,

On the motion to reconsider the vote taken on the proposition of Mr. LAWRENCE, of Massachusetts, whereby the following rates of postages were stricken out of the Post Office bill:

"Five cents on single letters carried fifty miles or less; ten cents on letters carried from fifty to one hundred miles; fifteen cents on letters carried from one hundred to two hundred miles; twenty cents on letters carried from two hundred to four hundred miles; twenty-five cents on letters carried from four hundred to eight hundred miles; and thirty cents on letters carried over eight hundred miles;" and whereby the following rates were substituted, viz: "Five cents on letters carried fifty miles or less; ten cents on letters carried from fifty to one hundred and fifty miles; fifteen cents on letters carried from one hundred and fifty to four hundred miles; twenty cents on letters carried from four hundred to eight hundred miles; and twenty-five cents on all over eight hundred miles."

Mr. SMITH said he was opposed to the motion of reconsideration. The honorable gentleman from New York, who is a member of the Post Office Committee, [Mr. PARKS,] had told the House that my colleague, who has addressed the House this morning upon this subject, [Mr. MANN,] has taken a narrow or "unstatesmanlike" view of it, because he has argued against the original proposition of the Post Office Committee, and in support of the proposition of the gentleman from Massachusetts, upon the ground of their dissimilar effects upon his [Mr. PARKS's] immediate constituents, and the State of Maine. My colleague has told the House, Mr. Speaker, what will be the operations of the two projects upon the citizens of Bangor and vicinity, and demonstrated that, while the one will not be prejudicial, but, perhaps, favorable to his constituents and to others interested in the commerce of Bangor, the other will be injurious and oppressive. And it is because the argument has thus been deduced from the effect to be produced upon a region with which the representative is familar, and about which there can be no mistake, that the honorable gentleman from New York repudiates it as narrow and *unstatesmanlike.*

I know not, Mr. Speaker, what may be the exact extent of territory requisite to be embraced by one's thoughts, in reference to this or any other subject, in order to square with the gentleman's views of statesmanship. Perhaps it is necessary that one should extend his reasoning over a State equal in territory and population, if it is to be found, with the great State of New York, in order to reach statesmanlike views that would be satisfactory to that gentleman. Or,

perhaps, one should swell somewhat larger, and embrace a portion or the whole of some other State or States, to answer the purpose. [Yes, the whole Union, replied Mr. MANN.] The whole Union must be included, says the honorable gentleman. It may be, sir, that such is the view which that gentleman has taken; but if it be so, his "statesmanlike" views stop not at sacrificing the interests of an entire State of this Union, without conferring upon it a single benefit in return. I claim to be governed by no such principles of statesmanship, as obviously sacrifices one of these States for the benefit of the remainder, and much less for the benefit of a fractional part of the remainder. I believe it has not been pretended—it certainly has not yet been demonstrated by any gentleman, that the proposition of the Post Office Committee will operate equitably upon all the other States, except Maine. I do not pretend to know what its operations will be upon either the middle or the western States of the Union. But I do know, sir, that from my knowledge of what its operation must and will be upon the interests of Maine—the State which I have the honor to represent in part upon this floor—it is highly unsatisfactory and oppressive. Nor do I, sir, claim to act upon higher or broader views of statesmanship, than are suggested by such facts and such local knowledge, if it must be so called, than are actually within my reach. I reason, as Pope says, from what I know; and

"How can we reason, but from what we know?"

If the gentleman from New York does pretend to know the effect of this bill upon each State of the Union, he must know, sir, that there are no two points of any considerable business importance within the State of Maine, which will not be most prejudicially affected by the proposition, or rates of postage reported by his committee. My colleague has told you the effect of it upon his section of the State. Let us take the two most prominent points of business in the State, the cities of Portland and Bangor, and it imposes an additional tax of two and one half cents upon every letter that will be interchanged by them. The effect upon the intercourse through the mail between Bangor and Boston is the same. That upon the intercourse between Portland and Boston, Bath and Boston, and Augusta and Boston, is the same. It is an increase of postage also upon all business between Bangor and New York, and Portland and New York; and I believe every other point in the State and the city of New York. This is the result of a comparison between the law as it now stands and the proposed law of the Post Office Committee. The rates of postage as now established are far more preferable, so far as the whole State of Maine, and even so far as every part of the State, separately considered, is interested in the subject of postage. Sir, ought the interests of a whole State to be thus sacrificed to "statesmanlike" views, or any other views? It can never be done by a deliberative body.

Mr. S. said he was in favor of a new tariff of postage, if it could be agreed upon. He was in favor of getting rid of the quarter cent, and half cent, and six cent rates, and substituting the half dime, and dime, and a similar denomination of increase. He was in favor of the proposition which the gentleman from Massachusetts had made, and hoped the vote by which it had been adopted might not be reconsidered. So far as my own knowledge of what its operation must be extends, (said Mr. S.,) it is judicious and desirable. Instead of adding to the tax now imposed upon intercourse among the people through the mail, (as the proposition of the Post Office Committee would,) it would lessen it between all points, and lighten the burden of postage now borne by the people. Such a measure I am entirely in favor of.

But, sir, it has been attempted to dissuade the House against the tariff of postage now under consideration, on the ground that it will reduce the revenues of the Post Office Department to such an extent as to stop the usual extension yearly of mail facilities. And the letter of the Postmaster General, sent into the House this morning through the honorable chairman of the Post Office Committee, has been quoted to prove that the reduction of some $500,000 yearly will be effected in the revenues of the Department by this tariff, estimating it upon the revenues of the last year; while the tariff of the committee will reduce them something like $200,000. But this estimate of the Postmaster General claims to be only a hasty calculation, and pretends not to make any credit whatever to the natural and inevitable growth of the revenue of the Department. What, sir, has been this growth during the last eight years? and what has it accomplished? We have been told that only about one year, or eighteen months since, the Department was in debt over one million of dollars, from a too great extension of mail facilities, or from other causes combined therewith. We are now told, at the expiration of a year, or eighteen months, at furthest, that this enormous deficit has been extinguished, or is about being extinguished, but a surplus revenue is shortly to be found in the Treasury Department.

This is the strength of the Department's operations within a single year, or in eighteen months, at most. And is there so much cause for apprehension about the reduction of the revenues of the Department in the sum of $500,000, even though there was no natural and inevitable growth in them to offset or provide against it? Look, sir, as I before suggested, through the history of the Department for the last eight years, and mark what it has accomplished with only its own naked revenues. It has paid off all its expenditures, or nearly squared them, as we are told by the present Postmaster General; and in the mean time it has extended mail facilities over the whole country to over one half—yes, sir, to nearly double the amount that existed at the commencement of that period. Eight years ago the mail transportation in stages, steamboats, sulkies, and on horseback, amounted, in the yearly aggregate, to about fourteen million five hundred thousand dollars. It now amounts to nearly, if not quite, double that sum. The aggregate yearly revenue of the Department, eight years ago, was about $1,700,000. The Postmaster General now estimates the revenues of the Department, per annum, at $3,000,000. And, after making allowances for all the requisite additions of mail facilities, to be effected during the coming year, to be paid for out of the proceeds of past investments, a surplus of about $200,000 is anticipated, at the lowest estimate. Sir, these facts demonstrate that there is no cause for apprehension on account of reduction in the revenue of the Department by the proposition of the gentleman from Massachusetts. I repeat, that the estimated reduction by it of the Postmaster General's letter makes no account of the certain addition of revenue to the Department, arising from the constant increase of business throughout the country, and beyond he extension of mail facilities.

I should like very much to see the other side of this account worked out upon paper by the present shrewd, intelligent and talented Postmaster General. I should like to see *his* figures, demonstrating what the growth of revenue in the Department would be over and above the usual expenditures and mail extension, and what it can bear, running the calculation through a series of years to come, as he would know well how to do, and not confining it to the operations of a single year. Where the annual increase of revenue is clearly out of proportion to the necessary increase of mail extension, it is evident that every year will admit of further diminution of that revenue, without curtailing the usual extension of mail facilities. Now, sir, it is this state of things in the Post Office Department that I would take advantage of, and by it reduce the rates of postage throughout the land. And even though such a reduction should operate to make the Post Office Department, to some extent, an annual charge upon the Treasury of the nation, I would still advocate it as a matter of both justice and expediency under the existing condition of the Treasury of this Government. As a matter of justice, the Federal Government can afford to contribute to the support of the Department. Its services for the Government, if taxed as individuals are taxed for its services, would exceed a million dollars per annum. Why, then, fear to throw the Department upon the national Treasury to some extent, if the proposed measure will so operate? which I do not believe. Sir, I am in favor of a reduction of the postage now imposed upon the people. The time has come when the people are entitled to relief from the burdens imposed upon them by the Federal Government; and the time has not only come for this, but for the rising of a feeling of general complaint that the legislation of the Federal Government operates to gather into the Treasury large masses of funds that can serve no great or good purpose, and produces only excitement and distraction throughout the country.

Sir, I am prepared to lighten this taxation upon the people in any and in every way that presents an opportunity for it; and I have none of the apprehensions of other gentlemen of bad effects resulting from the reduction of postage now proposed; and, first, because I have no faith in the predictions that the Post Office Department will be in any degree embarrassed by it; and next, because if that should be the case, the Federal Treasury is competent to contribute relief without adding one cent to the taxes now gathered from the people.

Mr. Speaker, I will detain the House only to add a word of admonition to those gentlemen who prefer the law as it now stands, to the proposed law of the committee. If they wish to secure their object, and retain the law as it now stands, let them beware of voting in favor of reconsidering the motion of the gentleman from Massachusetts. For if that motion be reconsidered, I believe there will be a combination of feeling and interest—of feeling in some quarter in favor of changing the rates of postage—from considerations connected with the currency, perhaps, and of interest elsewhere, arising from local advantages which may be foreseen sufficient to sustain and carry the proposition of the committee, unequal as it is upon some of the States. If the motion to reconsider be negatived, the question will stand between the law as it now is, and the tariff proposed by the gentleman from Massachusetts, [Mr. LAWRENCE.] I am, individually, in favor of the last proposition. But if this cannot be adopted, I hope to avoid the proposition of the committee, and retain the tariff of postage now provided by law.

[The motion to reconsider was negatived—ayes 66, noes 81. Afterwards, Mr. LAWRENCE consented to an amendment deferring the operation of his proposed tariff, until after the next session of Congress, viz: until 1st January, 1838. The whole proposition was rejected, by a vote of—ayes 65, noes 91. So the rates of postage heretofore established remain unchanged by the bill as it has been adopted by the House.]

DECISION OF THE SPEAKER.

REMARKS OF SPEAKER POLK,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

May 30, 1836,

Upon the decision of the Speaker on the motion of Mr. JENIFER to be excused from voting on Mr. PINCKNEY'S resolution.

The SPEAKER stated the grounds of his decision to the House, substantially to the following effect: In giving his decision on a former day, when the same question of construction of the rules, now raised, was first brought to the notice of the House, he had stated a case which might arise, as an illustration of what would be the practical operation of the rules, under a contrary decision from that which he had given. The case supposed, for the purpose of illustration merely, was not applied to any members of the House, as seemed to have been inferred; and it was due, no less to the House than to himself, that he should seize the opportunity to disclaim (and he took great pleasure in doing so) any intention of having imputed improper motives to any honorable members of that honorable body. He did not say, on that occasion, nor did he

mean to be understood as saying that any members of that honorable House were factious, or would be influenced by any other than proper motives, and their own sense of public duty. He was endeavoring to show simply that under a decision contrary to that which he had made, the effect might be (he did not say it would be) to suspend, if not to be put a stop to the transaction of the public business.

He had also, in giving that decision, referred to the case which had occurred in 1832, as he now referred to it, for the single purpose of showing that in that case the vote of the House was declared, and the decision made upon the question pending before it, without the vote of the member who did not vote, and who asked to be excused.

Mr. ADAMS asked, if the Speaker was going on to argue that precedent, if he could be permitted to answer?

The SPEAKER proceeded to examine the precedent, and to state the proceedings in the case, as they appeared on the Journal, to show that the House, without the vote of the member who had asked to be excused, and though his request to be excused from voting had been refused, did, notwithstanding, proceed to call the roll through, and pronounce the decision. In that case the decision of the House was declared upon a very important question; a question of no less importance than a resolution declaring that one of the members of the House "merited the decided censure of the House." And yet, if the true construction of the rule be that every member who is present when a vote is taken, must either vote or be excused from voting, before a decision can be had, no decision could have been pronounced in that case. It appeared further, from the Journal, that after the votes of the members who had given their votes had been declared, and the decision of the House been made on the question before it, on the next day the case of the member who had not voted was the subject of consideration, and resolutions which had been introduced upon the subject, were, by a vote of the House, laid on the table; and there the matter ended. He had cited this case (the only one of the kind, he believed, which had ever occurred) for the single purpose of showing that, in the opinion of the House of Representatives of that Congress, it was not necessary for every member present, "when the question is put, to give his vote, unless the House, for special reasons, shall excuse him," in order to enable the House to decide upon the question before it upon the votes of the majority of the House who do give their votes. It was to establish this point alone, that he had referred to the case.

The rule is silent as to the time at which the member shall be excused. If he "shall be in the House when the question is put," he "shall give his vote, unless the House, for special reasons, shall excuse him." But the time at which his case shall be considered is left in the discretion of the House. It is competent for the House, if he has committed a violation of the rules of the House, to pass his name, and consider his case subsequently.

The case he had stated on a former occasion, and now repeated for the purpose of illustration, as one that might arise, was this. Suppose the House to be dividing, and the vote taking on the bill or other proposition before it, and pending the call of the yeas and nays, and before the vote is announced, a member refuses to vote, or declines voting, and asks to be excused. Must the House, in such case, suspend the calling of the yeas and nays, stop in the middle of the roll, when half the members have voted, and half have not, and arrest the decision on the question before it, until it can decide on the case of the member who has not voted? or if the roll be permitted to be called through, must the decision, as ascertained by the votes given, be suspended until the House can decide on the case of the member who has not voted? If this be the true construction of the rule it may be that no decision could ever be had on the main question, for on the question to excuse a member from voting, or to take order in his case, if he refuses to vote, debate may arise, and after discussion, and possibly great delay, the House may proceed to vote by yeas and nays on the question of excusing him from voting, or to coerce him to vote, and whilst the House are dividing, and pending the call of the yeas and nays on this question, and before the result of the vote is announced, a second member may refuse to vote on that question, or decline voting, and asks to be excused. And so, if this construction of the rule be correct, the proceedings of the House must be again suspended, and the decision arrested upon the case of the first member who refused or declined to vote, until the question can be settled in the case of the second member who did not vote on the question of excusing the first. And so upon the question of excusing the second member from voting, a third member may not vote, and ask to be excused, and the proceedings of the House must be again suspended, and the decision on the case of the second member, who has not voted, be arrested, until a question be taken in relation to the third member who has not voted; and thus, upon each successive case of members, who may not choose to vote when their names are called, the same thing may occur, and there may be no possibility of ever deciding any question, however important, so long as any one member may decline or refuse to vote; and the business of the House may be thus utterly obstructed and stopped, and this too, though the votes of the members who may not have voted, could not, if given, change the result—as for example, in the first case in which this question arose on a former day, where the votes given by the members who did vote, stood—ayes 182, noes 9; and, as in the present case, where the votes given on the question now before the House, as ascertained by the Clerk and communicated to the Speaker, though not yet formally announced to the House, show that the vote of the member who has not voted and asks to be excused, cannot, if given, change the result.* The same difficulty would arise, if, in the midst of a division of the House (by yeas and nays or otherwise) the proceedings were arrested to enable the House to pass a vote of censure, or otherwise punish a member, instead of stopping to take the vote on excusing him. If any one member present declined to vote and asked to be excused on this question to censure or otherwise punish, no decision could be had until the case of him who had declined to vote on this question was settled; and his case again could never be settled so long as any one member declined to vote on the question of excusing him. And so, if this be the true construction of the rule, no decision could ever be made on any question, so long as any two members shall alternately decline to vote on each successive question of excusing or coercing each other to vote.

This was the case he had stated by way of illustration, when this question had first arisen. He had stated it for the purpose of showing what would be the practical effect of a decision contrary to that which he had given. He had given it simply as an illustration, and without any intention of imputing improper motives to any member of the House. And he respectfully submitted whether a construction, which may lead to such a result, can be the proper construction of that rule of the House, which declares that every member present shall vote, unless, for sufficient reasons, he shall be excused by the House. The rules of the House were intended to promote and to facilitate, and not to defeat, the transaction of public business; and, in his opinion, such a construction was to be given to them as would attain the end for which they were framed. It was a common occurrence, in taking the vote by yeas and nays, or by dividing the House, for members to remain silent in their seats, and not give their votes; and yet it had been the immemorial usage, and was now the daily practice, to proceed with the vote, and to pronounce the decision, as ascertained by the count of those who have voted, without making any question in relation to the members who have not voted. The names of those who do not answer are passed silently by. Is the case at all changed by the fact that a member, instead of remaining silent in his seat, and suffering his name to be passed, rises in his place, and informs the House that he is present, and has not voted? The member who remains silent, and suffers his name to be passed, has violated the rule as much as he who rises and informs the House that he is present, and has not voted. In the former case, the daily practice is to proceed with the vote, and declare the decision. The House take no cognizance of the case. He may have doubts on the question, and not be prepared to vote, or he may have sufficient reasons, and may not choose to trouble the House with them; and yet he as much violates the rule as the member who informs the House he had not voted.

These rules, which are the laws of the House, are to be construed as a whole, and so as to give effect to each one of them. One of the rules of the House, for example, provides, that "a motion to adjourn shall be *always in order*," and yet none will maintain that whilst the House are in the act of dividing, and a question is taking by yeas and nays, it would be in order for a member, when his name is called for his vote, *yea* or *nay*, to rise in his place, and interrupt or arrest the further vote of the House, by moving that the House adjourn. None will maintain that the motion to adjourn at this stage, though declared by the rule, in absolute and unqualified terms, to be "*always in order*," could be entertained until after the vote of the House on the question on which they are in the act of voting is completed and the decision pronounced. So another rule of the House declares that "it shall be in order for the Committee on Enrolled Bills to *report at any time*," and yet none will maintain that it would be in order for a member of that committee to rise in the midst of a vote by yeas and nays, and arrest the vote of the House by making a report; which report, if made at that time, must stop the vote of the House until it was disposed of. And so the rule under consideration could not have contemplated that a vote of the House, on a division by yeas and nays, could be arrested, until the House could take cognizance of the case of a member refusing to vote, or asking to be excused from voting. The rule provides that he shall give his vote, if he be not excused, but it is silent as to the time when his excuse shall be considered. He was clear that such a question could not be interposed pending a decision of the House.

From the reason, as well as the necessity of the case, he had decided, on a former occasion, and now decided, that the vote of the House, on a division by yeas and nays, could not be interrupted or arrested by interposing any other question, but that the vote, when commenced, must proceed, and the decision be had, leaving it at the discretion of the House to settle or take order upon any other question which may incidentally arise, at such time as may suit its pleasure or convenience. The decision he had made on a former occasion, and now made, was conformable to these views, and for the convenience of the House, and was, in his judgment, the only practical construction which could be given to these rules, to enable the House, without great embarrassment and delay, to dispatch the public business. He had felt an anxious solicitude to decide the question properly, and at the same time, if possible, to meet the views of the House. And to aid himself in forming a correct judgment, he had, before he had given the decision on the question, when it first arose, taken the opinion of several members of the House, of different political parties, all of whom had concurred with him in opinion, that the decision which he subsequently gave, was the only practical construction which could be given to these rules that would enable the House, without embarrassment, to accomplish the objects for which they were framed. The House had, when the question was first raised, sustained the decision; but if, on reconsideration, or more full examination, it should now come to a different conclusion, he would take great pleasure in conforming to their will.

He felt sensibly the weight of the responsibility

* The state of the vote, as subsequently announced to the House, was—yeas 123, nays 54.

which devolved upon the Presiding Officer of this House. Difficulties, growing out of the complexiey as well as the vague and uncertain terms in which many of the rules adopted for the government of the House were couched, were constantly arising. New and delicate, as well as difficult and very important questions of order were often raised, upon which it was his duty to decide. His opinions were, however, subject to the revision and correction of the House, and if the House differed with him in opinion upon this or any other occasion, they will so declare, and he would most cheerfully yield to their decision and promptly execute their will.

In the present case, he was of opinion that the decision he had made on a former occasion, and now made, was correct, and for the convenience of the House, and he unhesitatingly adhered to it; out if the House thought otherwise, they would sustain the appeal, and he should as unhesitatingly execute their will.

[After a protracted debate, running through the whole day, the decision of the Speaker was sustained by the House—yeas 108, nays 61.]

DECISION OF THE SPEAKER.

REMARKS OF HON. DAVID SPANGLER,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

May 30, 1836,

On the appeal of Mr. WISE from the decision of the Chair, on the motion of Mr. JENIFER to be excused from voting.

Mr. SPANGLER said: I desire to say a few words in explanation of my opinion on the question before the House. A vote has been ordered to be taken by yeas and nays. The Clerk has proceeded with the call, and a number of gentlemen have answered to their names. The gentleman from Maryland, [Mr. JENIFER,] on his name being called, rose in his place, and moved that he be excused from voting. The Chair entertained the motion, but decided that "before the 'question can be taken on excusing, the vote of 'the House on the pending question must be fin-'ished, and the decision thereon announced." From this decision the gentleman from Virginia [Mr. WISE] has appealed; and the question is, "Shall the decision of the Chair stand as the judgment of the House?" Sir, I am for sustaining the Chair. I think the decision clearly right. Should we reverse it, and establish the contrary rule, much inconvenience might follow; and indeed it might be found impossible to transact the business of the House. The question is a new one, and is attended with difficulties. Our object should be to settle it in such a manner as to avoid, as far as possible, embarrassment and confusion. The vote of the House by yeas and nays is but one vote, though there are two hundred and forty members, and, upon parliamentary principles, is precisely the same as the vote by acclamation. They are identical. If the rule required that a member should assign his reasons for being excused from voting, when the vote is taken by acclamation, the only time, of course, when he could assign them, would be when the question was propounded by the Speaker; and, therefore, that is the time that he should ask to be excused when the vote is taken by yeas and nays, because, in strict parliamentary construction, the vote by acclamation and the vote by yeas and nays are one and the same, though it is physically impossible to take the latter in the same manner with the former.

It is maintained by those who oppose the decision of the Chair, that if motions of gentlemen to be excused from voting be postponed until after the House has decided the main question before it, and then, should the House refuse to excuse them from voting, they might prefer voting to incurring the penalty of refusing; and thus might vote on a question that had already been decided, and thereby reverse the former decision; and this, say gentlemen, would introduce much confusion. It is further said that the discussion of the excuses offered by gentlemen might occupy several days; and if they were not excused, and thereupon choose to vote, they might change by their votes the decision made on a previous day. Sir, these are difficulties; and if we can avoid them without running into other equally embarrassing on the other side, we certainly should do so. But suppose we reverse the Speaker's decision—suppose we establish it as a part of the *lex parliamentaria* that "after the call of the yeas 'and nays has commenced, and a part of the 'members have answered to their names and 'voted, a gentleman, on his name being called, 'may answer by moving to be excused from 'voting, and that that motion must be decided 'before the vote of the House on the main ques-'tion is gone through with." What consequences may result from such a proceeding? Let us carry it out for a moment. If one gentleman may claim this as a right so may others. A vote by yeas and nays is commenced. Part of the members, on their names being called, have answered and voted. The vote of the House is in part taken; and at this stage of the proceeding, a gentleman, on his name being called, moves to be excused from voting, and proceeds to assign his reasons. He goes into an argument on the merits, yes, sir, the *merits* of the main question before the House, by way of proving that he cannot conscientiously vote on it, either in the affirmative or negative. He may urge that it is a subject over which Congress has no jurisdiction—that it involves the exercise of power not conferred by the Constitution—that the subject, though within the constitutional power of Congress, is of a nature so delicate and dangerous that its agitation will only tend to excite and inflame the public mind. These, and many other topics of discussion, may be introduced by gentlemen as considerations which ought to operate to excuse them from voting.

Well, sir, other gentlemen differing in opinion from these, will, of course, answer them, or at least *may* answer them; and thus, after the vote of the House has been in part taken, a debate on the merits of the main question may arise, extending throughout several days. At last a decision is had on the motion to be excused. The name of the gentleman next on the list is called, and *he* moves to be excused from voting; and he also assigns his reasons; a debate again ensues, and, after one or more days spent in discussing his excuses, a decision is had. The Clerk then calls the name of the next gentleman, and *he* wishes to be excused, and a debate again ensues. Sir, where is it to end? and if this mode of proceeding be established, how long may the House be occupied in taking a vote on the main question? So far as I can discover, weeks or months might be consumed in calling the yeas and nays on a single proposition.

Again: During this time, what sort of a Journal would your proceedings present? On the first day the yeas and nays are called through the A's; on the second day, through the B's; on the third day, through the C's; and so on to the end of the alphabet, requiring as many days as there are letters. If such were in fact the proceedings of the House, I ask gentlemen, in all candor, whether they would be willing to have them spread upon the Journals?

Again: Suppose the previous question had been ordered, how will *its* operation be affected by such a proceeding? Every gentleman knows that the previous question is intended to cut off all further debate on the main question; but the principle contended for might render it a nullity, and in effect entirely abrogate it. Suppose the previous question to be ordered by the House. The Clerk is calling the yeas and nays on the main question. A gentleman, on his name being called, moves to be excused from voting. He proceeds to assign his reasons, and it is, that the 36th rule of the House, which authorizes the previous question, is unconstitutional, as tending to abridge the liberty of speech. Sir, I am no advocate for the frequent use of the previous question; but I would ask, to what length might not such a discussion extend? Again: A gentleman moves that he be excused from voting. After hearing his excuse, and debating it, it is ordered that the vote on *excusing* be taken by yeas and nays; and on *that* question another gentleman, on *his* name being called, moves to be excused from voting, and, after a debate on *his* motion to be excused, the vote is ordered to be taken by yeas and nays; and while the Clerk is calling the names, another gentleman asks that *he* be excused. Sir, where is it to end? *when* is it to end?

The question arises, how are we to steer clear of these difficulties? How are we to transact the public business without entangling ourselves in the meshes of our own rules? To me the question is free from embarrassment; the path is direct and plain. The 28th rule of the House says: "Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him." *When* may he ask to be excused? I answer, at any time *before* the Clerk has commenced calling the yeas and nays, but not *after*. A gentleman may ask to be excused from voting when it is in order to do so, but at no other time. We ought so to construe and apply our rules that they may harmonize and conduce to the easy and convenient transaction of business. The 34th rule provides that "a motion to adjourn shall always be in order." Yes, sir, "*always* in order;" but who ever dreamed that it was in order, under this rule, to move an adjournment pending the call of the yeas and nays, or while a gentleman has the floor, unless he expressly yields it for that purpose?

Again: The call of the yeas and nays occupies about half an hour. After the expiration of the morning hour, it is in order, even pending the consideration or discussion of reports from committees, and resolutions, to move "that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day," (see rule 17.) Yet, if the morning happens to expire, as it frequently does, pending the call of the yeas and nays on questions pertaining to morning hour business, who ever thought of interrupting the vote, by interposing a motion "that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day?

Again: After the previous question is ordered, a motion for a call of the House is in order; so is a motion to lay the main question on the table. So is a motion to adjourn. And each of these motions may be made again and again, one after the other, at any time between the call of the previous question and the commencement of the call of the yeas and nays. But every gentleman knows that after the call of the yeas and nays is commenced, no motion is in order until after the decision of the main question. Is it, then, consistent with the general scope and spirit of the rules I have cited, that after the previous question has been ordered, and after the yeas and nays are commenced, and when no one of the privileged motions can be interposed, that yet another motion may be made, must be entertained and decided, which may involve in its consideration a protracted debate on the merits of the main question? Yes, sir, which may present as wide a field for discussion as was open to gentlemen the first moment the main subject was taken up in Committee of the Whole on the state of the Union. Sir, I can sanction no construction of rules that leads to such results. I believe that it might lead in its consequences to endless confusion and interruption of the business of the House.

To avoid this, I would so construe the 28th rule as to require that gentlemen ask to be excused from voting before the commencement of the call of the yeas and nays. "Every member who shall be in the House when the question is put shall give his vote, unless the House, for special reasons, shall excuse him."

When, in the language of the rule, "is the question put?" It is put *when the Chair propounds it to the House. Then* is the time for gentlemen to ask to be excused, if they do not wish to vote.

The calling of the yeas and nays by the Clerk is not putting the question. *He* puts no question to the House, and he cannot call the names of the members until after the *Chair* has put the question. My opinion is, that a motion to be excused from voting ought not to be entertained after the call of the yeas and nays has been commenced; and that, if entertained, its consideration and decision should be postponed until after the pending question is decided, and the decision announced to the House; and I shall so vote.

TARIFF OF POSTAGES.

REMARKS OF HON. WILLIAM TAYLOR,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

May 31, 1836,

On the question pending to reconsider the vote by which the following amendment to the bill to change the organization of the Post Office Department was adopted:

"Retain the first clause of the section, and strike out all after the seventh to the fifteenth line of the section inclusive, and insert, 'not exceeding fifty miles, five cents; over fifty miles, and not exceeding one hundred and fifty, ten cents; over one hundred and fifty miles, and not exceeding four hundred, fifteen cents; over four hundred miles, and not exceeding eight hundred, twenty cents; over eight hundred miles, tweny-five cents.'"

Mr. TAYLOR said: It seems to be agreed on all hands that the Post Office Department was never intended as a source of revenue to the Government, and that it never ought to be. In this there appears no difference of opinion. But, sir, if the present rates of postage are continued, it is very evident that it will become a source of revenue to a pretty large amount beyond the expenses of the Department. It appears, by the report of the Postmaster General, that the balance in favor of the Department last year was $467,000; and the annual increase of the amount of postage has been, for a few years past, not less than ten per cent. By the statement of the Postmaster General, which has just been read, the amount of postage is set down at $3,000,000 for the last year, which, at the ordinary increase, will probably be not less this year than three million three hundred thousand dollars. The increase of $300,000 added to the balance in favor of the Department which accrued last year, and you have, at the present rate of postage, the sum of $767,000 revenue over the expenditures, provided there should be no additional expense incurred. The new routes which are proposed to be established by the bill now before the House, it is estimated by the committee, will cost the Department about three hundred thousand dollars, still leaving a large balance in its favor. Now, sir, without any change in the tariff of postage, and making all reasonable allowance for extending the accommodation of mail facilities according to the increasing wants of the people, it cannot be doubted, that there will be annually accumulating an excess of revenue over the expenditures to a large amount. This seems to be admitted by the committee, and the amendment which they have proposed, according to their estimates, will reduce the aggregate amount of postage some two or three hundred thousand dollars. But this amendment I would not consent to, because I think it would operate unjustly and unequally. It proposes to reduce the amount of postage, but while it reduces the rate with some, it increases it with others. It does not uniformly reduce the rate of postage. My honorable colleague [Mr. MANN] has said, more than once, that, in examining this subject, it was not statesmanlike to examine it with reference to the effect that it might have upon one's constituents; that this would be too limited a view of the subject; but that we should look to its effects upon the whole people at large.

Sir, I grant that, in examining the effect that any measure proposed here is likely to have, we should not be exclusively confined to our immediate constituents; but I venture to say, no gentleman upon this floor can examine a subject so general in its operation, affecting, more or less, all classes and conditions of people, as this amendment does, without a particular inquiry into the effect it will have upon his immediate constituents. And, indeed, sir, if he should neglect to do this, he would be wanting in his duty to them. Several gentlemen have expressed to the House the opinion that the amendment of the committee would operate injuriously upon their constituents; and such, sir, I have no doubt, would be the effect upon those I have the honor to represent in part upon this floor; and hence I infer it would produce general dissatisfaction. From my district to Albany, the capital of the State, with which there is at all times an extensive correspondence, and especially during the session of the Legislature, the postage would be increased from twelve and a half to fifteen cents; and to and from New York, the commercial emporium of the State, it would be increased from eighteen and three quarters to twenty cents; and so with other important points of communication. What the aggregate effect may be it is impossible for me to determine; but I look, as I know those whom I represent would naturally look, to the effect that it would have upon the correspondence with those important points, where business necessarily leads to the greatest amount of letter communication; and here I find the effect of the amendment of the committee would be decidedly injurious. Sir, I voted for the amendment offered by the gentleman from Massachusetts, which prevailed, and which it is now proposed to reconsider. I was in favor of this, because it is free from the objections which have been considered. It will be more uniform in its effects, reducing all the rates of postage so that all will feel its beneficial effects, and none will have to complain that it is increased at any distance; and it conforms in the rate of postage to the federal currency, which all admit is desirable. The only objection to this, I believe arises from the apprehension that it will so far reduce the amount of postage as to embarrass the Department and compel the Postmaster General to lessen the expense by diminishing the accommodations now enjoyed by the people. This certainly should be avoided. I would do nothing calculated in the least to curtail the present mail facilities, or to prevent that reasonable extension of the system which the rapidly increasing population and business of the country may require now or hereafter.

By the letter of the Postmaster General to the chairman of the Post Office Committee, it appears that his estimate of the amount of reduction which will result from this amendment is something over half a million dollars, which, he thinks, is more than the Department can bear, and keep up the accommodations which are now furnished. But I do not understand, from hearing the letter read, that in this estimate the increasing revenue from postages was taken into the account, which probably will equal, for a series of years at least, an annual increase of ten per cent., and which was estimated by the gentleman from Massachusetts at fifteen per cent. And as that gentleman has stated, that if the vote is not reconsidered, he shall move to amend, so as to defer the period when the new tariff of postage shall take effect, to the 1st of January, 1838, it appears to me that the apprehended difficulties may and will be avoided. There will, of course, before that period, be a large balance in favor of the Department, which, with the gradually increasing amount of postage, will, it is believed, be sufficient to warrant the reduction without experiencing any embarrassment. At all events, before that time we shall have had two annual reports from the Postmaster General; the true condition of the Department will then be well understood, and something like a just estimate may be formed of the probable effect of the reduction proposed, and the ability of the Department to sustain itself under it; and, as Congress will then be in session, any alterations can be made which may be indicated by existing circumstances. I shall, therefore, vote against a reconsideration; fearing that, if the motion to reconsider prevails, the amendment of the committee will be adopted, which I am most decidedly opposed to, preferring altogether that the present rates of postage should be continued.

REMOVAL OF THE FLORIDA INDIANS.

SPEECH OF HON. JOS. M. WHITE,

OF FLORIDA,

IN THE HOUSE OF REPRESENTATIVES,

June 3, 1836,

On the Indian appropriation bill.

Mr. WHITE said: I understand the proposition now before the committee to be, whether this House will sanction two amendments of the Senate to the Indian appropriation bill, providing a fund of $1,000,000 for the removal of the Creek and Seminole Indians to the country assigned them on the west of the Mississippi river. This sum has been proposed by the Secretary of War, in two communications addressed to the Indian Committee of this House, in which it is stated that the measure now recommended is essential to the peace of the frontier, and indispensable to the security and preservation of the Indians themselves.

In moving a concurrence on the part of this House in the amendment of the Senate, the chairman of the Committee on Indian Affairs has told us that it is hardly admissible to expect the removal of these Indians until they are subdued and conciliated. It does not require much knowledge of the Indian character to understand that chastisement never produces conciliation, though it may produce submission. Whatever may be the feelings of these Indians, or the consequences resulting from them, the United States are bound by the most powerful considerations of policy, as well as the solemn stipulations of a treaty, to remove them "peaceably if they can, forcibly if they must," to the country they have contracted for.

Before proceeding to the consideration of the history of this Seminole war, in regard to which the gentleman from Vermont has entertained the House for the last two hours, I must notice one of the preliminary observations, in which he says this House have no authentic information of a Creek war, and no evidence that there have been at any time twenty-five Creeks assembled. He further intimated, that the only intelligence we had from the seat of war was from the affrighted and flying inhabitants, whose misfortunes and distresses have, upon several occasions, been made the subject of jeering, derogatory, and debasing remarks, in official dispatches, as well as speeches on this floor.

Sir, what evidences have you of the existence of a war. We have the official reports from the Governors of Georgia and Alabama; letters from Major McIntosh, commanding at Fort Mitchell; reports from the postmaster at Columbus; requisitions from the Secretary of War for appropriations; the actual calling out of four thousand troops from Alabama and Georgia, and a brigade from Tennessee; with the movement of all the regular troops. In addition to these evidences, you have actually made an appropriation of $500,000 to suppress these hostilities; and yet we are asked for proof that there is a war; or that twenty-five Indians have ever been assembled at any one place!

You have had information, through the official journal at this place, of the seizure of the public mails, and that the mail route from Chattahooche to Line creek was strewed with mangled bodies of murdered victims of savage ferocity. You have seen that four hundred armed Indians have taken the town of Roanoke, and captured two steamboats, and when measures of protection and defense are asked for, we are coolly and indifferently asked if there is, in fact, any war? I understand the object of all this maneuvering perfectly well. It is to censure the Executive for not having made a direct communication on this subject. Whether this be within his constitutional duties or not, is not for me to decide. Whether he has done his duty or not I trust will not be made the subject of mockery and outrage upon those whose misfortune it is to live within the range of the application of the tomahawk and scalping-knife, which have been so tauntingly and indifferently referred to on this floor.

I have one word to say on the subject of these unfortunate sufferers, who are represented as a panic-stricken, flying population, not stopping to see whether they are pursued by "squaws or by warriors." These people live in detached neighborhoods in a sparsely populated country, having no large settlements to fall back upon and no fortified places to retreat to; are driven, by the feelings of natural affection, first to place their wives and children out of the reach of a treacherous, barbarous, and bloodthirsty savage enemy, who disregard all the principles of civilization and humanity. It is an easy thing at this distance, and with the security of a thousand miles from the operations of such an enemy, to talk about fighting and

pursuing them, instead of retreating to a place of safety until a sufficient number can be assembled to meet them with some prospect of resistance. In the best days of the Roman Republic the life of one citizen was considered of sufficient consequence, not only to produce a sensation throughout the capital, but in the remotest provinces. Here, it appears, more sympathy is felt for the imaginary rights of the Indians than for our butchered women and children, who have had no agency in bringing about the horrible war now raging on your frontiers.

I proceed, however, without further remark, to the question put by the gentleman from Vermont. He demands, as preliminary to voting this money, that this House should decide "whether our quarrel be just?" He proceeds then to make a statement which deeply implicates the honor of the nation, and subjects this Administration, if true, to the condemnation of the just and liberal throughout the United States. Sir, it is not my province to defend the present Administration. Neither I nor the people I represent have much reason to enter into their defense. I have but one rule, however, on this subject, and that is to defend this or any other Administration from improper imputations or unjustifiable abuse. I have, however, a much higher, and, I trust, nobler motive than a miserable party conflict, in vindicating the honor of my country against charges of punic faith, of violated treaties, and of heartless oppression of these miserable, despicable, and degraded savages. The gentleman from Vermont attempts to maintain two propositions: 1, that the treaty with the Seminoles is not, and never was binding upon them; 2, that the treaty itself was forfeited for a non-compliance with the conditions contained in it; and he proceeds to denounce the President for threatening to execute it by force, and has read various extracts from the negotiations between these Indians and our commanding officers, to excite commiseration for them, and public indignation against the Government and its officers. He has commenced his history of this transaction with the treaty of Camp Moultrie, in 1823, and has intimated that the Government did not produce 'the state of starvation in which the Indians were found, but that they only took advantage of it." I propose to go back a little further into the history of these Indians than it has suited the purpose of the gentleman to go, and I pledge myself to maintain before this House and the nation, that the conduct of this Government to these ruthless barbarians has been marked by liberality, forbearance, lenity, and magnanimity.

The Florida Indians are the remains of that ancient and warlike tribe known under the designation of the Natchez tribe on the Mississippi, which, being almost extirpated by the French, retreated along the northern coast of the Gulf of Mexico, and united with broken bands of Biloxies, Red Sticks, and runaway Creeks, called Seminoles. The word "Seminole" signifies "a wanderer or runaway." The largest portion of these Indians are lower Creeks, and are of the most dissolute, daring, and abandoned of that tribe.

During the wars that succeeded our revolutionary contest they were pressed down below the Spanish line into the country then the dominions of Spain, and now the territory of the United States. Their force was greatly increased by all who fled from the nation when General Jackson invaded it in 1814. These Indians entered into a treaty of offensive and defensive alliance with the Spanish Government as early as the year 1784. By this treaty they were incorporated into the Spanish monarchy, with certain reserved rights, depending chiefly on the will of that Government.

By the treaty between the United States and Spain, of 1795, it was stipulated that the Spanish Government should restrain their Indians from committing hostilities against the United States.

In this state of things the Floridas were ceded, in full dominion and absolute property, to the United States, by the treaty of the 22d February, 1819. In this treaty there was no allusion to, or provision for, these Indians, in any manner whatever. The two provinces of East and West Florida were delivered to the United States by the Spanish commissioners. The white population was confined to the towns of St. Augustine and Pensacola, and the whole region between these two places, one on the Atlantic and the other on the Gulf of Mexico, distant four hundred miles from each other, was occupied in some sort by these roving savages. The United States took possession of the country, and one of the first questions that occupied the attention of the Administration, or of Congress, was, what should we do with these Indians? It was then represented, even at that period, that they were reduced to great extremities for the want of the ordinary articles of subsistence. They had nearly abandoned the chase, on account of the scarcity of game, and their idle, vicious habits presented an insuperable obstacle to the cultivation of the soil.

To have acquired a territory of such extent, embracing one thousand two hundred miles of sea-coast, to be left in possession of these Indians, was too absurd to merit one moment's consideration. The Secretary of War, Mr. Calhoun, on the 28th January, 1823, in answer to a call of the Indian Committee, at the head of which was General Metcalf, late Governor of Kentucky, communicated various reports and correspondence; among which were several letters from the present President of the United States, then Governor of Florida. In one of these letters from General Jackson, dated 20th of September, 1821, referring to a talk he had had with the head chiefs of the Florida Indians, he says:

"They acknowledge that it is just that those who rejected peace when it was offered to them, and fled from their own country, continuing the war, ought to return to their own nation. I am of opinion, from the smallness of their numbers, and the shape of the Floridas, that it would be much better policy to move them all up, and amply to provide for them by an annuity."

General Jackson, in a talk to the Indians on the 18th September, 1821, told them, "those 'who fled from their nation, and joined in the 'war against us, must return to their country, 'where their chiefs are willing to receive them. 'They cannot be permitted to settle all over the 'Floridas."

The chiefs were satisfied with what was then communicated to them. By a letter subsequently addressed to the Secretary of War, he says, "the 'exposed situation of the Floridas imperiously 'demands that its frontier upon the coast should 'be immediately inhabited by white citizens." He states that "the largest portion of the Semi-'noles are a part of the Creek nation;" and adds, "with what pretense of justice can those who 'fled from the Creek nation, and kept up an 'exterminating war on our frontier, until crushed 'by the arm of our Government in 1818, set up 'such claims?"

After examining the documents, the Committee on Indian Affairs of this House reported that, in their opinion, the Indians, as a nation, own no lands in Florida, except where it was granted to them by the Spanish authorities—that they stood in the relation of domestic dependent communities. This report was concurred in by the House. It was apparent, therefore, that it was the intention of the Executive Government, as well as of Congress, that the largest portion of these Indians should be sent back to the nation to which they belonged—being, as I have said, *runaway Creeks*, and having no such attachments to the "bones of their ancestors" as is so often and so falsely ascribed to them; a mere fancy, much better suited to poetry, fiction, and romance, than what we know of their senseless and brutal characters.

Some time after this a commission was authorized to treat with these Indians, and their negotiations led to this treaty of Camp Moultrie. It will be observed that, at this treaty, these very runaway Creeks, in direct opposition to the recommendations of General Jackson, and the deliberate views of Congress, as expressed in Governor Metcalf's report, were permitted, in conjunction with the others, to contract for and obtain the possession of about five millions of acres of land in the peninsular of East Florida. I admit that this treaty constitutes a guarantee of possession, until changed or rescinded by some subsequent contract or convention. Within a few years after the conclusion of this treaty, the Indians were found actually in a state of starvation, and a large sum was appropriated by this Government. Ay, sir, a much larger sum than has been doled out by a reluctant hand to our own suffering fellow-citizens, who have a right to appeal to this Government for protection, and who were intended to be provided for under the generous resolution which passed this House with such unanimity at the commencement of hostilities.

In consequence of intimations given by these Indians, through their agent, that there was not sufficient game to support them, I was appointed a commissioner, in the year 1827, to offer them a country of sufficient extent to the west of the Mississippi, with a guarantee of title and possession forever, in exchange for the lands occupied by them in Florida. They were unwilling to go without an examination of the country, and I had no authority to enter into a contract to pay the expenses of a deputation; all which was reported to the Government. In 1831 or 1832, it was represented to this Government by the Indians themselves, that they desired to form a treaty with the United States, to exchange these lands for others on the west of the Mississippi. Colonel Gadsden was appointed the commissioner; and, in a council of all the head chiefs and warriors, fully represented, at Payne's Landing, on the 9th of May, 1832, a conditional convention was entered into.

In the preamble to this treaty it was recited that—

"The Seminole Indians, regarding with just respect the solicitude manifested by the President of the United States for the improvement of their condition, by recommending a removal to a country more suitable to their habits and wants than the one they at present occupy in the Territory of Florida, are willing that their confidential chiefs should be sent to examine the country assigned to the Creeks; and should they be satisfied with the character of the country, and the favorable disposition of the Creeks to reunite with the Seminoles as one people, the articles of compact and agreement shall be binding on the respective parties."

By the first article of this treaty, which was thus to be binding upon the performance of two conditions precedent, the Seminole Indians relinquish to the United States all claim to land they occupy in Florida, and agree to emigrate, &c. This same articles provides for an additional extent of territory to be added to the Creek country for the Seminoles.

The second article provides that the United States shall make compensation for all improvements, and pay certain annuities.

The third article provides for goods to be delivered after their arrival. The fourth and fifth, for blacksmiths and valuation of cattle.

By the sixth article, the United States are to pay $7,000 for slaves and other property alleged to have been stolen by the Indians.

The seventh article provides for their removal within three years, and that the expenses of the removal should be paid by the United States, with their subsistence for twelve months after their arrival.

This treaty was signed by James Gadsden on the part of the United States, and by fifteen chiefs and headmen from this vagabond Seminole nation. The confidential chiefs and agents, in pursuance of the convention entered into, visited these lands west of the Mississippi in the year 1833, and, in a treaty then and there entered into at Fort Gibson, on the 28th of March, 1833, with three United States commissioners, they express their satisfaction with the country assigned them; and the "favorable disposition of the Creeks" was manifested by a treaty solemnly entered into, by which they agree that the Seminoles should be reunited with them.

The treaty of Payne's Landing was to take effect upon the happening of two contingencies—the expression of satisfaction of the confidential chiefs, and the favorable disposition of the Creeks; both of which were ascertained, reported, and acted upon, and the treaty regularly presented by the President of the United States for the advisement and consent of the Senate, and due proclamation of the ratification made in April, 1834.

Now, sir, this is a faithful history of the relations and negotiations between this Government and the Indians up to the period when this treaty was ratified, proclaimed, and published, and became the supreme law of the land; to execute which this appropriation has been proposed and

passed by the Senate. The United States have set apart the lands, paid the annuities, and in every form and manner executed with fidelity, and the most scrupulous honor, all their stipulations.

We are now told, for the first time, that this treaty is not binding, and we are called upon to set it aside. We are called upon, too, by gentlemen who complain most loudly against the nullification by Georgia of a decision of the Supreme Court, made in support of the rights secured to Indians under their treaties with this Government. I demur to the jurisdiction of this House, and deny its authority to vacate or annul a treaty ratified by the Senate, and proclaimed by the President as a law of the land. I go further: I deny the authority to withhold an appropriation to execute an existing treaty, or to refuse to supply the subsistence to those Indians who have removed, or those who may go or be removed during the present year. This House, by a unanimous vote, decided that in their opinion the French Chamber of Deputies had no right to refuse the appropriation to carry into effect our convention with France, and that the treaty must be *insisted* upon. I might ask whether any gentleman who voted for that resolution can consistently vote against an appropriation to execute this treaty? I say *this treaty*. Have we authority in this indirect way to vacate it? I proceed, however, to examine the grounds on which it is attempted to be impeached; and I will show they are as deficient in sound argument as they are fallacious in principle.

The first ground taken is, that this treaty is void, because it was not presented to the Senate at the first session after its conclusion for ratification. To this I have first to answer, that neither the Constitution, the usages of this Government, nor the principles of international law, require any such thing. On the contrary, what is now contended for the first time is condemned both by practice and principle. We have examples under this Government in which the Executive and legislative departments have, in their intercourse with foreign Governments, maintained the reverse of what is now contended for by the gentleman from Vermont. The Florida treaty was concluded the 22d of February, 1819, and was not ratified by the King of Spain until late in the year 1821. We did not then argue that that treaty was void. On the contrary, the distinguished gentleman from Massachusetts [Mr. ADAMS] over the way vehemently maintained that it was a treaty from the date of its signature by the respective plenipotentiaries, and the President and Congress maintained the same ground. The French convention, which has so recently excited such deep interest from one end of this country to the other, was signed at Paris on the 4th of July, 1831, and a contest has been carried on for the last two years whether this was a treaty or not without the confirmatory approbation of the French Chambers in the form of an appropriation. This House resolved unanimously to insist upon it as a treaty. Here, then, is a treaty signed by the competent authorities, dependent upon two acts, which the President and Senate, to whom has been confided by the Constitution the diplomatic relations of our Government, have decided to have been performed, the treaty ratified in due form of law, and yet it is proposed to vacate and nullify it by a self-constituted '*aula regis*,' which assumes to decide, what the Constitution never gave them, the right to inquire into and set at naught the supreme law.

I proceed, however, to the second ground alleged by the gentleman. If I understood him correctly, he maintained that because one third of these Indians had not been removed in 1833, and one third in 1834, the whole could not be removed in 1835, when the treaty required that the last of them should be removed. That they did not go and examine the country and report their agreement or dissent in time for one third to remove in 1833, was their own fault or omission, which, upon any principle of national law, they cannot claim as a release of their obligation. The final period fixed for the removal of the whole tribe expired in May, 1835. Whether the delay of the two preceding years was produced by the acts of the Indians or the omissions of the Government, is a matter which in nowise invalidates the obligatory effects of the treaty. It does not appear that the Indians, through their agent, complained, and no one has a right to complain for them.

If it really be a hardship upon these Indians to execute their agreement, and remove to the westward, one third of the nation has had the benefit of two years' residence in Florida longer than was contemplated and agreed upon, in consequence of their omission, and of course cannot complain of the Government for this forbearance and indulgence. The treaty was ratified in 1834. The period arrived when, by the expiration of three years, the tribe were to remove. They manifested some reluctance to execute this contract, and after various equivocations, delays, and impositions, they were told they must go. Yes, sir, this *cruel* and *inhuman* Government, who were urged on by some gentlemen who are now opposed to this appropriation, to make war on France for a delay in not executing their contract, signified to the Indians as they did to Louis Philippe, that we insisted upon the treaty; they were further told that if they longer delayed to perform what they had promised, after they had accepted the annuities and considerations stipulated by this Government, they must be *forced*. This is the cruel injustice so much complained of by the gentleman from Vermont. After some remonstrances and petitions on their part to the commanding general, they entered into a new agreement with him, which has been printed and placed on our tables, communicated by the President in a special message, which I will read:

"We, the undersigned chiefs and sub-chiefs of the Seminole tribe of Indians, do hereby, for ourselves and for our people, voluntarily acknowledge the validity of the treaty between the United States and the Seminole nation of Indians, made and concluded at Payne's Landing, on the Ocklawaha river, on the 9th of May, 1832, and the treaty between the United States and the Seminole nation of Indians, made and concluded at Fort Gibson, on the 28th day of March, 1833, by Montford Stokes, H. L. Ellsworth, and J. F. Schermerhorn, commissioners on the part of the United States, and the delegates of the said nation of Seminole Indians on the part of the said nation; and we, the said chiefs and sub-chiefs, do, for ourselves and for our people, freely and fully assent to the above recited treaties in all their provisions and stipulations.

"Done in council at the Seminole agency, this 23d day of April, 1835.

"*Signed by sixteen Chiefs and Sub-Chiefs,*

"In presence of
"D. L. CLINCH, *Brig. Gen. U. S. A.*,
"A. C. W. FANNING, *Brevet Lieut. Col. U. S. A.*,
"C. M. THRUSTON, *Captain 3d Regt. Artillery*,
"T. W. LENDRUM, *Captain 3d Regt. Artillery*,
"JOSEPH W. HARRIS, *First Lieut. 3d Artillery*,
"WILEY THOMPSON, *Superintendent to remove Seminole Indians.*"

It appears by this agreement, thus voluntarily entered into, that a further time of nearly one year was given to them upon a solemn pledge that they would execute their agreement, in conformity with the provisions of the treaty, by a removal to the land assigned them. This agreement was signed by sixteen chiefs.

Some time after this, Powell, who had made the greatest difficulty, came in and signed the same agreement voluntarily, as detailed in the report of the War Department, which I will read:

"General Thompson, in a letter of the 3d June, reported that Powell, one of the most influential chiefs of Seminoles, had behaved so badly in his office that he was put in irons and confined. On the next day, however, he signified his regret, and his willingness to sign the agreement and emigrate. To test his sincerity he was released, and had five days given to him, while at liberty, during which he could come forward to affix his name to the instrument the others had signed. 'True to his professions,' says the agent, 'he this day appeared, with seventy-nine of his people, men, women, and children, including some who had joined him since his conversion, and redeemed his promise. He told me many of his friends were out hunting, whom he could and would bring over on their return. I have now no doubt of his sincerity, and as little, that the greatest difficulty is surmounted.'"

Between the 25th of April and the time of gathering their crops, the whole period was employed in preparations for war. The period arrived, at which, by this new agreement, the Indians were to remove. It will be observed that this was the *third* contract, signed by all the chiefs, with the prolongation and indulgence I have referred to. When, in violation of these promises and conventions, they commenced open hostilities against the unoffending inhabitants of Florida, laid waste and desolated three counties, destroyed more than a million of property, and massacred one hundred of your best officers and troops, before any force could be called into the field to resist them.

Now, if the validity of this treaty is to be determined by this House, according to the rule prescribed by the gentleman from Vermont, upon an inquiry whether "our quarrel is just," I ask every member of this committee whether, before God and all mankind, our cause is not just?

You have seen that, under the Spanish Government, these Indians, *as a nation*, owned no lands in Florida. You have seen that, by a treaty with the Spanish Government, they had acknowledged the Spanish King as the lord and sovereign of the country; and that his Catholic Majesty had ceded the provinces to the United States without any stipulation for these Indians. I have referred to the message of President Monroe, and the communications of the Secretary of War, Mr. Calhoun, in 1823. I will now read a part of the report of the Committee of Indian Affairs, made at the second session of the Seventeenth Congress, in pursuance of the opinions then entertained and expressed by the Administration of Mr. Monroe. The committee say:

"By referring to the documents which were communicated to the committee by the honorable Secretary of War, it will be found that, previous to the cession of Florida to the United States, the Indians were incorporated among subjects of his Catholic Majesty, and that each Indian had a right to land as well as, and on the same footing with white, free black, and colored subjects, in any part of the province; a right to lands *individually*, but none *nationally*; as the full and complete jurisdiction and sovereignty was vested in, and exercised by, the Spanish Government."

You have seen that, notwithstanding these opinions of President Monroe and his administration, of a committee of the House of Representatives, concurred in by the House; of the recommendations of General Jackson, then Governor of Florida, that, in the face of all these, a treaty was made with these Indians, guarantying to them the possession of five millions of acres of land in East Florida; and that, from their lazy, indolent, and vicious habits, when they were in a state of actual starvation, they were relieved by the charity of this Government, until, by their own act, and upon their petitions repeatedly presented, they surrendered, by treaty, this country, thus improvidently granted to them in the first instance, and, after two ratifications of the same, they commenced a barbarous, unprovoked, and ferocious war upon men, women, and children, and we are now in this Hall called upon to decide whether our "quarrel be just," before appropriations are made to force them to execute this treaty.

I have thus given you a history of the acts of this Government in reference to these Indians, by which it will appear that, from the period of President Monroe's administration to the present day, the conduct of this Government has been marked by forbearance, moderation, and humanity to these miserable, half-starved, runaway rogues and assassins, in whose favor some sympathy and commiseration is attempted to be excited, at a moment when their tomahawks and scalping-knives are reeking with the blood of innocent women and children, and when your whole southern frontier is agonized by this ruthless and unprovoked war.

We are told that the first act of hostility abrogates all treaties; and, after the most unsuccessful military operations, in which we have failed to chastise this banditti, that we are to inquire whether it is not better that this Government shall abandon the idea of compelling, by forcible means, the execution of this treaty thus made, ratified, and sanctioned. This would, indeed, be adding disgrace to misfortune, and prove that this Government, like that of Rome, after Augustus, had, at this early period, been afflicted with a dropsy at the heart, and a paralysis in the limbs. Sir, if we are to abandon this whole frontier and sea-coast to this miserable gang of desperadoes, there is not a power on earth that will not despise us for our impotence and pusillanimity.

The gentleman from Vermont has read papers detailing the conduct of our Indian agent in cashiering and deposing five chiefs; which act, he omitted to tell the House, was disapproved, condemned, and censured by the President and Secretary of war. He has also referred to other acts

of this agent, and General Clinch, which seem to me only to be referred to in odium of the Government. Whatever may have been the good or evil deeds of this agent, he has gone to his last account—falling a victim to that treacherous hand which, in token of friendship, received from him the rifle which became the fatal instrument of his own destruction.

The language of General Clinch was that which he was instructed to use by the President of the United States; and what was that language? It was to inform these deceitful, equivocating barbarians that unless they complied with their contract, they should be forced to do it. There are some gentlemen on this floor who were prepared to use this language to the gallant and high-minded nation with whom we were recently upon the eve of a serious difficulty. It has been intimated that this difficulty was precipitated by an attempt to secure, by some means, fair or foul, the negroes that these Indians had stolen from the citizens of the State of Georgia many years ago. It has been said, too, that application was made to the Indian Office, and an intimation given by the Commissioner of Indian Affairs, that notwithstanding the intercourse law of 1802, that individuals *without license* could be permitted to purchase these negroes. It has been said that individuals acting upon this opinion had proceeded to the agency, and although they were not permitted to enter the nation, that they intimated to Indian negroes at the agency, their objects and purposes; which, being communicated to the negroes of the nation, was one of the primary causes of this violation of the treaty, and of the desolating war which succeeded.

Of this I know nothing. But I have prepared a resolution calling for this information, which, if true, may call down upon those concerned in it the consequences which must follow from such a development.

I must here notice a letter which has been read from the Governor of Florida, dated in March, 1835. Of the contents of this letter I never heard before it was read by the Clerk, at the instance of the gentleman from Vermont. This letter, as I understand it, expresses the doubts of the Governor of the validity of the treaty of Payne's Landing, in 1832. It proceeds to warn the Government of the consequences of attempting to enforce it. The Governor is about the last authority that I should appeal to for the correct construction of, or an enlightened opinion upon, a treaty of this Government, even with an Indian tribe. He will find himself in a new position when he sees himself quoted by those who never acknowledged his authority on any other subject, to assail the Administration, and to impeach one of its treaties. I do not know whether I can quote the precise words in the hasty manner in which the letter was read, but if I understood properly a sentence in that letter, it was, "that the people want the land of the Indians, and will urge their removal, *per fas et nefas*." This is a grave charge if the Governor understood the meaning of the terms. I undertake to say, that the people of Florida have never desired the lands of these Indians, and have never urged their removal, and that they are incapable of so base an act as that of urging their removal *per fas et nefas*.

The Governor proceeds to say that the *speculators* are anxious to get possession of the "big swamp." Now, sir, he did know, or ought to have known, that this "*big swamp*" is owned by a most estimable and honorable gentleman at Tallahassee, whose title has been confirmed by the Supreme Court of the United States, upon a valid Spanish grant; that court having decided that the title of the lands was in the Spanish Crown, which was competent to convey by grant the fee, and that that was not incompatible with the Indian right of occupancy. Now, I will venture to say that this gentleman, the proprietor of the land, has never expressed even a desire to any office of the general or local Government to get possession of this land. And I know him to be incapable of doing it *per nefas*. He has always believed, as every sensible man must believe, that it was impossible that the Indians could remain in that location; and that both the policy of the Government and the preservation of the Indians, as well as the security of that whole frontier, required their removal. He would have had an undoubted right to demand of this Government the possession of his land, confirmed by the treaty with Spain; and being, at the date of the treaty of Camp Moultrie, *private property*, could not be appropriated to the use of the Indians without a violation of the Constitution and treaty with Spain.

I will not charge, *positively*, any other than a patriotic motive for this letter, though we might find in the position of the Governor a much more forcible reason than he can assign for this disreputable charge on the people of Florida, by the supposition that he may have desired the continuance of the Indians, upon which his salary as superintendent depended. He urges either their continuance or further negotiations. Upon one a salary depended; and upon the other, as the Governor is always *ex officio commissioner*, as well as *ex officio* superintendent, he was to negotiate, at the rate of eight dollars per day; and, in either event, was an *interested* witness against this treaty.

The President is not a man for new negotiations when a plain contract has been made and violated. His maxim, of maintaining "what is clearly right," applies here. My only regret is, and my suffering constituents will participate in it, that the Government being *forewarned* was not *forearmed* for this conflict. The Secretary of War, animated by his clemency and humanity, from the purest motives of a kind heart and charitable disposition, was for using persuasion and expostulation instead of placing at the disposition of General Clinch a force sufficient to chastise these contumacious savages.

The gentleman from Vermont, in reading from one of the documents, of which he has such a mass before him, has given us the true secret of the hostility of these Indians. The fact there developed, combined with the attempt to get their negroes, gives us the clew to this disastrous affair. He states that some of this confidential delegation informed a portion of the tribe in Florida that the Creeks would compel them to account for that portion of the negroes in their possession which had been stolen by the Creek nation from citizens of the State of Georgia. Here, sir, is the *denouement* of the whole plot. The Creek nation of Indians, by the treaties of Shoulderbone, Galphington, and Augusta, and, perhaps, in some subsequent ones, stipulated to pay for all property destroyed by their men belonging to the citizens of the State of Georgia. It appears that this nation had destroyed and stolen from the people of the State of Georgia property to the amount of about $250,000; and that, in a treaty subsequently entered into with the Creek nation by the United States, this Government received from that nation lands, and consented to pay, in exchange for them, the Creek debt to the citizens of Georgia. As these roving Seminoles and fugitives had taken their portion of the plunder within the Spanish territories, and have concealed these negroes within the depths of that almost impenetrable forest, the Creeks were disposed to avail themselves of the contemplated contiguity of possession to call these hardened criminals to account for having fled within the Spanish territory with these slaves stolen from the people of Geogria, for which the Creeks had paid in the manner I have before mentioned. This, with the attempt of others to get their negroes, is, no doubt, the cause of the war. We may add one additional reason, and that is the impossibility, with their habits, of obtaining subsistence without plunder.

It will be seen that these desperate rogues, in their treaty of Payne's Landing, anticipated the possible identification of some of the slaves they have stolen, and they provide, to quiet such and leave them in possession of this plundered property, that the United States shall pay $7,000 to get rid of the claims.

I must here remark, sir, that the history of this Government does not furnish an instance in which a border population has lived in so much peace and harmony and quietude as that of the people of Florida, in the vicinity of these Indians. There have been no criminations and recriminations or collisions in ten years, except the one referred to by the gentleman from Vermont. The Indians have repeatedly crossed the lines, and stolen the cattle of the inhabitants. The sufferers have chosen rather to pass these trespasses by than to trouble this Government with petitions or to come in conflict with the Indians. They preferred to bear and forbear, as long as it was practicable to preserve the peace of the frontiers; and what has been their reward? The destruction of all their property by these ferocious savages; and we are now to debate the question, whether our cause is just, before we decide whether an appropriation is to be made to carry into effect this treaty. It is even denied that it is a treaty. The question in fact is, however it may be presented, whether we shall take part with the Indians, or with our Government and people?

I set out with three propositions, which, I think, the documents and arguments I have referred to and employed will prove to the satisfaction of a large majority of this House.

The first is, that these Indians have been treated with lenity, humanity, and indulgence by this Government. Upon this point I do not propose to make any further observations.

I maintain, in the second place, that whatever may have been their rights of soil, or of occupancy under the Spanish Government, and by virtue of the treaty of Camp Moultrie, that such right was extinguished by the treaty of Payne's Landing, and their ratification of it at Fort Gibson. I have shown that the Senate have ratified, and the President proclaimed, *this* as a treaty. I deny that the House of Representatives have the constitutional power, in this informal and incidental manner, to inquire into, or vacate, that which the President and the Senate have proclaimed and published as a subsisting treaty. I go further—the House of Representatives themselves have acted upon this instrument as a treaty, and have provided the appropriations for the annuities of the Indians stipulated in it. Two coördinate branches of the Government, whose duty it is to see the laws executed, have pronounced this of binding obligation, by all the sanctions of solemn legislation; and I have shown that it cannot be impeached under any provision of the Constitution, or laws of nations. The question then presented is, are we to confess ourselves beaten; acknowledge that we were in fault; "sue for peace" in a more humble attitude than Oseola did to General Gaines, and give up the contest?

The breaking out of war puts an end to treaties. This war is commenced by the Indians. Are we to yield, or are we to maintain that these Indians have, by treaty, surrendered all the lands they own in Florida, and that will compel them to execute this treaty, or annihilate them by force of arms? I am sure, if this question is presented to the American people, there can be but one answer; and that is, that as long as we maintain among the nations of the earth a character for justice, and honor, and courage, that we are not to be bullied, whipped, or driven into such a debasing alternative. I appeal to all those gentlemen who represent districts of country which have long since been happily freed from such an annoyance, whether there is an instance in the whole United States in which more lenity has been used, and whether this is an occasion in which any misplaced and sickly sentimentality can be employed, when a savage enemy, who has violated your treaties, and is destroying your countrymen, is to be indulged, either to assail the Administration, or to prevent an appropriation for carrying into effect your treaties?

In the third place, I maintain that this House has no jurisdiction, under the Constitution, to annul a treaty; and that you cannot refuse to appropriate money for the removal and subsistence of the friendly portion of the Seminole Indians, or of those who may be subdued in the progress of this unfortunate and ill-conducted war, which is to recommence when our troops leave their "summer quarters." I invoke gentlemen, upon such a question, to disregard all party considerations, and look upon it as it is presented under the Constitution and the treaty.

It is not my province to speak of the origin and causes which led to this Creek difficulty. There are individuals here who represent the States in which this war is now raging. It is for them to defend the course of the States of Alabama and

Georgia. Whatever irritation may have been produced by speculations in Creek lands, I am satisfied that the true cause of this Creek war arises from the circumstance of the great extremity to which the nation is reduced for the want of provisions, and that it is a war waged for plunder, and to prevent starvation. Under these circumstances, I am satisfied that both sound policy and humanity require that this appropriation should be made for their removal.

FORTIFICATION BILL.

SPEECH OF HON. JOHN M. NILES,

OF CONNECTICUT,

IN THE SENATE, *May* 13, 1836,

On the bill authorizing the purchase of sites and construction of fortifications.

Mr. NILES said it was not his intention to have taken any part in the debate on this bill previous to the discussion of yesterday; and so little attention had he given to the subject, that he was scarcely aware of the fact that one of the forts authorized to be constructed was to be in the State he had the honor in part to represent. That fact, with some other considerations not necessary to be disclosed, had induced him to present his views on this subject.

The objection we had just heard from the Senator from South Carolina, [Mr. CALHOUN,] that the appropriations for the new forts were in a separate bill, and that the entire appropriations for fortifications ought to be embraced in one bill, and originate in the House of Representatives, he thought had no force in it, for it appeared to him more proper that the new fortifications should be presented in a separate bill, and be the subject of a distinct consideration. The bill in the House is the ordinary appropriation bill for fortifications, and only provides for continuing the works now under construction. It can involve no new principle, and no question of general interest. The ordinary annual appropriations will of course be made, and he supposed the sums would be enlarged this year, in consequence of the failure of the fortification bill last session, and there having been no appropriation for completing the fortifications last year.

The bill now before the Senate, providing for the erection of new forts, presents a different question, which ought not to be blended with that of the annual ordinary appropriations for fortifications. This question is, whether Congress will enlarge and extend the system of fortifications. As to the precise extent and comprehensiveness of the plan which it may be advisable to adopt, or which the security of the country requires, that is not now to be desired, except so far as the present bill may involve that inquiry. This bill authorized the erection of twelve new forts, and appropriates $1,300,000 for the purchase of the sites, and the construction of the works, the present year. For one of these forts there is an appropriation of only $12,000, and as that is so small a work it may be thrown out of the question, and the number of works reduced to eleven. These are all at important points for the security of towns and harbors, which will afford safe shelters in time of war for our public and private vessels. The entire expenditure for these forts, he believed, would be something like three millions. The general question of the defense of our maritime frontier, and the extent and comprehensiveness of a plan of fortifications is, in many points of view, one which only scientific and professional men can be supposed to be competent to decide. Perhaps there are few, if any members in this body, who will feel themselves very competent to decide a question so intimately connected with the art and science of war. We must, to some extent, follow some other guide than our own judgments; we must look to those whom we believe to be competent to direct our legislation—to the engineer department, and to the executive officers, acting under the high responsibilities of their stations.

But as to the objects to be attained by fortifications, and how far it is safe and wise to rely on them for the security of the country, these are questions of which we may feel qualified to form opinions and to act from our own judgments. We are not now called upon to determine these questions, unless it shall be thought that the fortifications provided for in this bill will commit the Government to a more extensive system than it is advisable to adopt. Few, he apprehended, would be of this opinion who are in favor of any enlargement of the fortifications on the sea-board.

The main question presented by the present bill, as he had already stated, was, whether there should be any extension of the system of fortifications on the Atlantic border? and whether it shall be commenced at the present time?

The Senator from Pennsylvania [Mr. BUCHANAN] has remarked that the only question was one as to time; but this can only be correct by regarding the preliminary question, whether we shall enlarge the present system of fortifications as conceded? which, I take it, is not the fact. The Senator from Ohio [Mr. EWING] seems to suppose that this bill is a mere humbug, and says it can have no other operation than to transfer the money appropriated from one account to another, because no part of it can be expended the present year. But the gentleman is mistaken in his conclusion, even if his premises were admitted. Whether the money can or will be actually expended the present year, is not very important. The main question is, whether we shall enlarge the system of fortifications? and whether we shall settle the question at this time? If there is to be any extension of the plan of fortifications, now is the time to do it. Now is the time to settle the *principle*, and to decide upon the new works, so far, at least, as depends on our legislation. If the principle is once established by law that further defenses are to be provided for the security of the sea-board, it is of little consequence whether the works which may be authorized are constructed in one year or in several years. The principle being settled, the necessary appropriations must be made as there is occasion for them.

It has been contended by the Senator from Missouri [Mr. BENTON] that the plan of fortifications is antagonistical to the bill which has now passed the Senate, for the distribution of the proceeds of the sales of the public lands among the States, and all other schemes of distribution. This, I apprehend, is correct, so far as the principle of this measure is concerned, as it is incompatible with any scheme of distribution of the public funds which shall withdraw them from the control of this Government; for although it may be true, as is contended, that very little can be expended on new works this year, yet, if the measure is sanctioned by law, and its execution will require an expenditure equal to the surplus there may be in the Treasury, after providing for the ordinary and other objects of extraordinary expenditure, it ought to be regarded as a different objection to any other disposition of the surplus.

If it is decided to extend the system of fortifications, we must view the measure in connection with the present condition of the finances, and what they will be likely to be for some years to come. The finances of the United States, for several years at least, depend on laws and circumstances which Congress cannot control. The swelling flood flowing into your Treasury the past year and the first quarter of the present has arisen from causes which cannot be permanent; these causes are speculations in the public lands. Of the present sum in the Treasury, more than twenty millions have been received from the sales of the lands the last year and a quarter. I am aware that some gentlemen seem to suppose that this source of revenue is inexhaustible, and is to continue at the same rate for all time to come. This is a great delusion. Should the present rage of speculation continue, in a few years the most valuable portions of the public lands will be in the hands of speculators. This source of revenue, instead of being inexhaustible, as the imaginations of gentlemen represent it to be, is wasting rapidly. But, was the fact otherwise; was the public domain as inexhaustible as the fountains of the great deep, are the resources of the people also without limit? Is it supposed that $20,000,000 a year can continue to be drawn from individuals to be invested in uncultivated lands? It is impossible. Gentlemen, in giving scope to their vivid imaginations, seem to overlook this difficulty. As well might it be supposed that an unnatural excitement could be kept up in the human system by successive and continued doses of opium. In every department of business a reaction must follow over-action. This is not only a law in trade, but is a more general law in all human affairs. If this course of speculation in public lands could continue, it would absorb the entire capital of the country, and would paralyze all its great interests. But it cannot continue, and the sales must soon come back to the amount required for the progress of settlements; and, so far as the Government is concerned, they will soon fall below this sum, as the individual landholders who have purchased in speculation will become competitors with the Government in supplying the demand required for actual settlement. This must already be the case to a considerable extent, as large portions of the most valuable lands are in the hands of capitalists, and are thrown into market by them. It is but a few years ago that the sales of the public lands were but from one to two millions per annum; and they will soon be reduced to the same amount. A spirit of monopoly appears to be the besetting sin of the day. It has taken a strong hold on our population, and its selfish influence is everywhere seen and felt; it pervades every department of business and every branch of industry. And instead of being checked, it is encouraged by legislation, as it has found its way into the legislative assemblies, and exerts its pernicious influence there. In the graspings of this spirit there is, perhaps, no worse direction that can be given to it than in its monopolizing the public lands.

In regard to the revenues from customs, they depend on law that Congress cannot, for some years at least, control. By the operation of the compromise act of 1833, the revenue from this source is diminishing, and will fall down to its minimum in 1842. At that period, it has been estimated by the Senator from New York, [Mr. WRIGHT,] that it will not exceed ten millions. This estimate is based on the amount of importations of the last year, with an allowance for that gradual augmentation, which the increase of population and consumption of the dutiable articles may require. This estimate, I think, will be found not to vary far from the truth, and this sum, together with the revenue from the public lands, which, at that period, can hardly be supposed to exceed two or three millions, and may fall short of that amount, will be several millions less than the ordinary expenditures of the Government. The time is not far distant when, instead of being troubled with a surplus, there will be a deficit in the public revenue, which will have to be supplied by increasing the taxes in some form. The surplus the present year, and a small one of a few millions the two following years, must be regarded as the entire resources of the Government, to be applied to any extraordinary objects, either to complete the defenses of the country, or of any other description. The surplus the present year will not probably much exceed fifteen millions, after meeting the usual demands on the Treasury for Indian treaties, the Florida war, and defense of the western frontier. Whatever it may be advisable to do in extension of the permanent defenses of the country, now is the time to do it, or at least to settle the principle. If it is not determined upon now, the present resources of the Government will no doubt be disposed of in some other way. Some of the numerous schemes for the distribution of the present surplus will be likely to prevail, unless some measure shall receive the sanction of Congress, which will be inconsistent with any plan of withdrawing the present revenue from the control of this Government.

Mr. N. said he desired not to be misunderstood; he would not advocate the adoption of this bill, or any plan of the extension of our fortifications, merely because we now have an excess in the Treasury; and for the purpose of disposing of such surplus, he would not be influenced in any degree whatever in dividing the question, whether it is the duty of the Government to enlarge the defensive means of the country, either as to fortifications or an increase of the Navy, in conse-

quence of the present condition of the Treasury. That question should be decided upon its own merits, and independent of all considerations of a temporary nature; and the present ability of the Treasury having arisen from temporary causes, can be no argument in favor of any general and permanent system of expenditure, not demanded for the security of the country. All that he would contend was, that if the present fortifications have been regarded as only a part of a general plan, for the protection of the sea-board, or if, from the extension of our commerce, and the growth of towns, further defensive means are necessary to afford equal security to all parts of the country, now is the time to commence the additional works, which are to form a part of the general system. On the mere question of time, the state of our finances now and their probable condition a few years hence, are entitled to great weight, if not wholly decisive of the point.

There are, however, other considerations, that cannot be overlooked. The country has been brought into imminent danger of war with a powerful nation, and the public sensibility has been awakened to the exposed situation of our commerce and our sea-board; whilst the danger was supposed to exist, a general sentiment prevailed, of our total deficiency in preparations to meet such a contingency. It is only occasions of danger which arrest the mercenary spirit of the age, and awaken attention to the securities of the country from foreign aggression. The history of all countries proves this, and none more than our own. It has only been in times of danger that the national feeling has been sufficiently aroused to give an impetus to measures for the security of the country. The defenseless condition of the seaports during the revolutionary war, may be regarded as the cause which induced President Washington to urge on Congress the importance of providing for their protection, and of the early measures adopted by Congress authorizing the erection of fortifications. The difficulties with France during the administration of Mr. Adams, gave an additional impulse to these measures of defense; and the evils which the country suffered during the last war from the defenseless condition of the sea-board, led to the energetic measures, and the system of fortifications which were adopted immediately after the peace.

That this system was in some respects unwise, that many of the fortifications were on a scale too large and expensive, and requiring too large garrisons, seems now to be the opinion of the Secretary of War; and the reasons given for this opinion appear to be strong, if not conclusive. But whether that was a proper time to commence a system of fortifications, for the defense of the coast, is altogether a distinct question from that, whether the system adopted was a wise one, and well adapted to our situation. Was it a wise policy to have undertaken a plan of fortifying the coast at that time? If this policy was justifiable at that period, if the measures of the Government were not then altogether founded in error, it must be a wise and correct policy at this time to enter upon the completion of the necessary fortifications for the security of the sea-board. What were the reasons for resuming the system of fortifications in 1817? We were then at peace with all foreign powers, and had as little reason to expect war as we have now! The lessons of experience, which the war then just terminated had afforded of the dangers and evils of an exposed and unprotected sea-board, led to the measures then adopted. We have now been exposed to a war, and the public mind awakened to the consequences which would have resulted from an unprotected maritime frontier. Then the country was oppressed and struggled under the weight of an enormous debt of $123,000,000; the interest of which alone amounted to between six and seven millions. The revenue for those two first years, after the war, was large; but, as might have been foreseen, rapidly fell off, and the Government was obliged to have recourse to loans to meet the current expenditures, and pay the interest of the public debt. Yet so strong was the public sentiment, as to the necessity and importance of putting the country in a state of security that, with such a load pressing upon it, Congress made large appropriations for a regular system of fortifications. In 1793 and 1796, when the system was first commenced, the public debt was from seventy-five to eighty millions, and $4,000,000 of interest annually to be paid, when the population and resources of the country were not one fourth part what they are at this time. Now we are out of debt, and have an overflowing Treasury, and a large surplus, which we know not what use to make of, which is already giving occasion to numerous extravagant and dangerous projects for disposing of it; and the danger of a rupture with France, from which we have just escaped, has called public attention to the necessity of placing the country in an adequate state of defense. If there ever was a time peculiarly auspicious, and when Congress was, by the highest considerations, called upon to commence a system for the more perfect and complete defense of the entire country, that time is the present. To suffer the surplus we now have to be disposed of by any of the schemes of distribution, and neglect the defense of the country, would be an unwarrantable dereliction of duty.

In regard to the extensiveness of the plan of fortifications, the views of the Secretary of War, contained in his late report, appear to be generally opposed, and the only diversity of opinion seems to be, what his views are. They appear to me, however, to be sufficiently explicit, and I cannot think that there are any grounds for a difference of opinion concerning them, and I will read a single paragraph from the report, which contains a summary of the Secretary's plan:

"I consider the duty of the Government to afford adequate protection to the sea-coast a subject of paramount obligation; and I believe we are called upon by every consideration of policy to push the necessary arrangements as rapidly as the circumstances of the country and the proper execution of the work will allow. I think every town large enough to tempt the cupidity of an enemy should be defended by works, fixed or floating, suited to its local position, and sufficiently extensive to resist such attempts as would probably be made against it. There will, of course, after laying down such general rule, be much latitude in its application. Upon this branch of the subject, I would give to the opinion of the engineer officers great and almost controlling weight, after the proper limitations are established. These relate principally to the magnitude of the works; and if I am correct in the views I have taken of this branch of the subject, a change in the system proposed is necessary. Works should not be projected upon the presumption that they are to be exposed to, and must be capable of resisting, the attacks of a European army, with its battering train and all its preparation for a regular siege. Neither our relative circumstances, nor those of any nation with which we shall probably be brought into conflict, can justify us in such an anticipation. All the defenses should be projected on a scale proportioned to the importance of the place, and should be calculated to resist any naval attack, and any sudden assault that a body of land troops might make upon them. But further than this, it appears to me, we ought not to go. The result at Stonington, at Mobile Point, at Fort Jackson, and at Baltimore, during the late war, show that formidable armaments may be successfully resisted with apparently inferior means. These, indeed, do not furnish examples to be followed as to the scale of our preparations; but they show what stationary batteries have done in our country against ships of war."

The system of the Secretary of War is simply this: to rely on fortifications only for the defense of towns or sea-ports, and not of the sea-coast; he does not regard them as a means of security to the whole maritime frontier, and excluding an enemy from the country. And at the points to be defended he does not deem large and strong fortifications as being necessary; he only recommends such work as may be sufficient to resist a naval battery, and to withstand a sudden assault by land; but not of such magnitude and strength as to be capable of standing a siege of the invading army with the usual battering train. Except for the defense of some of our large cities, small and cheap works only are contemplated. Such are the forts provided for in the present bill. The great error of the system adopted in 1817 was, that the fortifications were on a large and expensive scale. Another error was, that they were designed to defend roadsteads and exclude an enemy from advantageous positions in our waters. The plan of the Secretary is less comprehensive and more economical. All the forts in this bill will probably cost but little more than Fortress Monroe, which covers sixty-three acres of ground; and its full armament would consist of four hundred and twelve pieces of cannon, and, according to the estimate of the engineer department, it would require in time of war a garrison of two thousand seven hundred men. The works at Newport cover twenty-three acres of ground, and will mount four hundred and sixty-eight guns, and require a garrison of two thousand four hundred men. Nothing could have been more unwise than works upon a scale and magnitude like these. If fortifications on such a scale were to be erected at all the exposed points on our sea-board, it would require an army to garrison them in time of peace. The Secretary of War, whose views are concurred in by the President, manifestly disapproves altogether of this system of fortifications, and recommended one having no other objects than the defense of sea-ports and navy-yards, by works comparatively small and unimportant.

I can go as far as the Secretary of War proposes; but am no advocate for an extensive system of fortifications, or large, expensive establishments, which will foster a perpetual, burdensome charge on the country. It is the true policy of this country to keep down the expenses of the Government, both in the civil and military departments. A people cheaply governed, and lightly taxed, can hardly fail to be prosperous. Even necessary works for defense ought not to be erected when they are to throw an unreasonable burden on the country, and I do not think that Mr. Jefferson acted unwisely in discontinuing the fortifications, as at that time the public debt was a heavy burden on the country, and had been increasing since the establishment of the Government; he acted wisely, therefore, to arrest this accumulation of debt, even at the sacrifice of some desirable interests, and to commence the great work of its extinction.

In addition to the objections on the ground of expense, to a large and comprehensive system of fortifications, it does not appear to be congenial with the spirit of our institutions, and in my mind is associated, in no small degree, with the idea of a standing army, or large military establishment. For the general defense and security of the country we must rely mainly on the militia.

But for the defense of commercial towns and harbors fortifications are necessary, and the present bill goes no further. In reference to the bill before the Senate, the Secretary says:

"It cannot be doubted but that fortifications at the following places, enumerated in this bill, will be necessary: At Penobscot bay, for the protection of Bangor, &c.; at Kennebec river; at Portland; at Portsmouth; at Salem; at New Bedford; at New London; upon Staten Island; at Sollers's Flats; a redoubt on Federal Point; for the Barancas; for Fort St. Philip.

"These proposed works all command the approach to places sufficiently important to justify their construction, under any circumstances that will probably exist. I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them. As soon as these are made, such of the positions as may appear to require it can be examined, and the form and extent of the works adapted to the existing circumstances, if any change be desirable. The construction of those not needing examination can commence immediately, and that of the others as soon as the places are determined upon. By this proceeding, therefore, a season may be saved in the operations."

So far as the opinion of the Secretary is to be regarded as a guide for our action, we have there a specific recommendation to the extent of the forts embraced in the bill before the Senate. The objection which has been urged with so much earnestness that there has been no survey of some of the proposed forts, was not overlooked by the Secretary in the specific recommendation to which I have called the attention of the Senate. In those cases in which a further examination may be required, he contemplates that it will be done before the works are commenced. That the survey and estimate should precede the appropriation, may be the more usual, and perhaps correct course; yet, to save the delay of one season, he proposes that the appropriations be made at once for the twelve forts embraced in this bill. I do not think there is much weight in this objection, as the main question for Congress to decide is, whether the places are of sufficient importance to render the fortifications necessary.

Mr. President, in regard to the proposed fortification in the State I have in part the honor to represent, there cannot, I believe, be any doubt of the position being one of importance. This, although classed among the new forts, is an old site, where there is at present an ancient work called Fort Trumbull, which defends the cities

of New London and Norwich, places of considerable population, and extensive commercial and manufacturing interests. The plan of the engineer department is to replace the present fort by new works, more substantial and better adapted to the purpose. This is, in many respects, an important position, and of some celebrity in the history of the country. On the opposite side of the river is Fort Grenold, where occurred one of the most bloody tragedies of the revolutionary war; it having been stormed and taken by the infamous Arnold after a gallant defense, and the garrison, consisting of the patriotic inhabitants of the town and vicinity, with their brave commander, Colonel Ledgyard, were, most of them, barbarously slaughtered. Had there been any adequate fortifications at this important position, the lives of these valuable men might have been spared for the service of their country, and the town of New London saved from the flames. The harbor of New London is one of the safest and best in the eastern section of the Union; it is easy of access, with great depth of water, and rarely obstructed by ice. It is a safe and convenient shelter for vessels navigating Long Island Sound, or those bound out or home, that might have occasion to avoid a blockading squadron lying off Sandy Hook. It is also an excellent station for the navy, and during the last war an American squadron was shut up there by Commodore Hardy, and protected by the small fort which defends the harbor.

At the present time the commerce of New London is important, and rapidly increasing; the whale fishing is extensively prosecuted, and with much enterprise. In Stonington and Mystic, ports which are in the neighborhood, there are a large number of vessels engaged in the whale fishing; and Norwich has considerable commerce and extensive manufacturing interests. In the report of the Engineer Department it is said:

"New London harbor is very important to the defense of Long Island Sound; and, as a port of easy access, having great depth of water, very rarely freezing, and being easily defended, is an excellent station for the Navy. It is also valuable as a shelter for vessels bound out or home, and desirous of avoiding a blockading squadron off Sandy Hook. In the plan of defense, the present Forts Trumbull and Griswold give place to more efficient works, of which the expense is estimated at $314,515."

The port at New London has probably as strong claims as any other; yet I feel no particular solicitude concerning it, or any other fortifications for my own State, as the events of the late war proved that the intrepidity of our citizens is some security against attacks even without fortifications. The inhabitants of Stonington, with a single gun upon the beach, successfully repelled and drove off the enemy's barges. And as respects any advantages of local expenditures, I do not regard them as deserving of any consideration; the number of persons who may be benefited by such expenditures is too small to be of any general advantage to the contiguous population. Neither the workmen nor materials are necessarily to be procured on the spot, and a small portion of the disbursements only may in any way benefit our citizens.

Mr. President, I will now notice some of the objections which have been urged against the bill before the Senate. It is contended that $1,000,000 is all that can be expended the present year; and that this ought to be applied in completing the present forts. It is believed that a much larger sum may be advantageously and economically expended the present year; but if it should not be disbursed, the appropriation can do no harm. As regards confining the action of the Government to the old works, and neglecting the commencement of others for the defense of points equally exposed, and having equal claims on us for protection, that would be very unjust, and a very partial dispensation of the blessings of the Government. The existing forts are, most of them, already in a condition to afford protection to the places they are intended to defend, whilst many of the places designed to be protected by the new forts are wholly defenseless. Protection, like justice, should, as far as practicable, be extended to all, and with an equal hand.

Another objection which has been urged is, that such large appropriations for public works would derange the business of the country; that it would withdraw from other pursuits so large a number of persons as to occasion serious inconvenience, if not actual embarrassment. The price of labor is said now to be unusually high, and it is contended that the price would be greatly augmented by the demands of the Government on the labor of the country should so large appropriations be expended on fortifications; and that it would be unwise to enlarge this branch of the public service at a time when labor is at an advanced price. Whatever force there may be in these arguments, they come with an ill grace from the advocates of a measure to which they will apply with much more weight. How is it that gentlemen propose to apply $36,000,000 the current year to works of internal improvement, and yet are alarmed at appropriating $3,000,000 to objects of defense? If there are any grounds for apprehension that our legislation in the latter case should make too large a drain upon the industry of the country, would not the same objection apply with much more force to the distribution schemes? If the expenditure of $3,000,000 on fortifications is to derange the productive industry of the country, what would be the effect of the sudden application of more than thirty millions to works of internal improvement?

But the present demand for labor, and the high prices consequent on that demand, can hardly be expected to continue. This has been the result of the over action in every kind of business the past year; and that has already occasioned a reaction and a pressure for money, which cannot fail to check and restrain private enterprise, and curtail the operations of every kind of business. How long the pressure may continue, and to what extent the reaction may go, no one can determine; but it would by no means be surprising if these causes now in operation should so diminish the demand for labor as to occasion a surplus of this most useful commodity, and occasion distress among the laboring classes, for the want of employment. When the embarrassments of business become such as to essentially diminish the demand for labor, a reduction in the price must take place, and a portion of the working class must be thrown out of employment, and of course will be deprived of the means of subsistence. Should this be the result of present causes, of which there is some reason to fear, the usual demand which the Government might afford for labor would be extremely fortunate, by supplying the deficiency which might be occasioned by the curtailments in individual enterprise. It can be no object for the Government to desire to cheapen labor, or diminish the profits of industry. It is the policy of a wise and just government to increase, rather than to weaken, the stimulus to industry; and whether we pay a few thousand dollars more or less for that portion of labor which the Government may have occasion to employ, is of little consequence. So far as the measures of the Government are to be influenced at all by considerations of this kind, it should rather be our object to keep the prices of labor up to their maximum, than to reduce them to their minimum standard.

Another very novel, and, as it appears to me, strange argument, was urged by the Senator from New Jersey, [Mr. SOUTHARD.] It was that the necessity for fortifications was not as great now as when our sea-ports were small, and less able to defend themselves. I had supposed that the reverse was the case, and that the necessity of fortifications was in proportion to the population, commerce, and wealth of our cities, which might stimulate the cupidity of an enemy.

Mr. SOUTHARD explained, and said he had used no such language, and no argument of the kind.

Mr. NILES said he did not profess to give the gentleman's language, but thought he had stated the substance of his argument correctly; it struck him very forcibly at the time, as he thought it a very extraordinary argument, and he noted it down. But if the Senator saw fit to disclaim it, he would not pursue his remarks upon it.

He would advert to another objection urged by the Senator from New Jersey; but as he found it difficult to state the gentleman's argument in a manner to satisfy him, he desired the gentleman to say whether his remarks were correctly stated in this instance. The observation of the Senator to which he referred was this, that the development of the powers of steam, and the improvements in its application were such, that it might soon change the system of defense, and fortifications be superseded by steam batteries.

Mr. SOUTHARD said that his remarks were not stated exactly correct.

Mr. NILES said he only professed to give the substance of the gentleman's argument, which he thought rather an extraordinary one, and he did not understand the Senator to deny that he was so far correct. Are we to neglect to put the country in a state of defense, and wait to see if the progress of science and experiments may not develop some better system? If we had unfortunately become involved in a war with France, and any of our defenseless towns had been destroyed, would they have been satisfied with this reason for our neglecting to provide the means of their defense? How will this argument hold when applied to the common concerns of life? What would be thought of the husbandman who should neglect to cultivate the soil, from an expectation that a better system of cultivation might, after a while, be discovered, which would entirely supersede the present? Would not this argument apply with much more propriety of force to canals and railroads, which are comparatively of recent origin, particularly the latter? Fortifications for the defense of towns are almost as ancient, and their utility and necessity as well established, as the common arts of life—as the art of tilling the earth, by which we are supplied with food, or those mechanical arts by which some of its products are wrought into fabrics for the clothing of man. In the progress of discovery and improvement, the present plan of fortifications may be superseded, and so may all the arts of life; but if we were to neglect to avail ourselves of those now known and in use, from an expectation that they might be superseded by better systems, we should not be acting very wisely, or hardly consistent with the instinct of self-preservation.

Mr. President, whence comes the opposition to this bill? I have witnessed it with some surprise after what has occurred the present session. How many times are we to fight our battles over? An English author gives the character of an old veteran soldier, who in his latter days was employed in fighting over the battles of his youth; but our battles have to be fought over again and again, and then remain undecided. During the early part of the session five or six weeks were spent in debating a resolution offered by the Senator from Missouri, which declared that the public revenue ought to be applied to the defense of the country. As the resolution was introduced, it directed that the surplus revenue was to be thus applied; but on motion, I think, of the Senator from Massachusetts, [Mr. WEBSTER,] the word "surplus" was stricken out, and the Senate, after a protracted and elaborate debate, decided by a unanimous vote that the entire revenue should be applied for the defense of the country. But what did this resolution amount to? We seem now to have, on the part of some gentlemen, a practical construction of their votes. It seems that in this deliberate decision, made after so protracted a debate, that to appropriate the revenue of the country to its defense meant nothing more than that they were willing to vote the ordinary annual appropriations for fortifications. Did gentlemen mean this, and this only, at the time? or has anything since occurred which has changed their views? It is true at that time there was some apprehension of a rupture with a powerful nation; but it is not the less true that the mover of that resolution repeatedly declared that it was not offered in consequence of the impending danger, and that if he had the bond of fate for peace he should press its adoption with the same earnestness. It was advocated as a settled policy, and upon general considerations, and not as a measure dictated by any immediate prospect of war. It is not for me to reconcile the votes of Senators for that resolution with their determined hostility to this bill, which appropriates less than a million and a half for new fortifications; neither will I charge them with inconsistency; I leave it for the gentlemen themselves to reconcile their

speeches and votes on that resolution, with their speeches and votes on this bill. When another subject was under discussion, the bill for the distribution of the proceeds of the public lands, it was claimed by the Senator from Missouri, that it was a measure in direct conflict with the defense bills; which was denied by the Senators to whom I have referred, who insisted that after appropriating all that could be possibly disbursed for purposes of defense, which they professed to be willing to do, the surplus from the sale of the public lands would remain to be distributed. Has the passage of that bill changed the sentiments of gentlemen? After the strong declarations to the contrary, are they now alarmed that the surplus will be diminished? Is the secret of the opposition to this measure to be discovered in the apprehension that it may interfere with the distribution scheme? Sir, I fear we are already gathering the first fruits of that dangerous and mischievous measure; a scheme which comes in direct conflict with our entire legislation; and by arraying the interests of the States against those of the Union, its corrupting influence tends to embarrass all our deliberations, and to defeat the wisest measures which the interest and safety of the country may demand.

DEFENSE OF WESTERN FRONTIER.

SPEECH OF HON. RICE GARLAND,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

May 7, 1836,

On the bill making an appropriation for the Defense of the Western Frontier.

Mr. GARLAND said:

Mr. CHAIRMAN: It is always with great reluctance I trespass upon the attention of this body, and I never do so except on some subject particularly connected with the interests of my constituents, or the section of country from whence I come. On general topics there are many here better qualified to enlighten the public mind than I am, and more disposed to join in the debates that occupy so large a portion of the time of the House.

When I came here this morning, I did not know that it was the intention of the chairman of the Committee of Ways and Means to call up this bill for consideration, but I am gratified he has done so. Whilst the bill was being read, I consulted very briefly with one of my colleagues, a member of the other branch of Congress, whether it would not be well to propose a few questions to the chairman of the Committees of Ways and Means and Foreign Relations, for the purpose of ascertaining precisely the state of affairs on the western frontier. The few remarks that passed between my colleague and myself satisfied me the best course to pursue would be to vote for the appropriation, get it through the committee, and avail myself of some other occasion to obtain the information desired. That course would have been adhered to, but for some expressions used in the documents, the course the debate has taken, and the mingling with the proposition before us other topics, by the gentlemen from Tennessee, South Carolina, and Kentucky, [Messrs. PEYTON, THOMPSON, and WILLIAMS,] and my colleague, [Mr. RIPLEY.] I cannot permit the remarks and statements of those gentlemen to go to the people of this country, without making others, to counteract what I conceive will be the inevitable and pernicious tendency of opinions and assertions emanating from such high sources.

Sir, I reside on that frontier, which it is our object to defend in making this appropriation. The district I represent includes the whole of it that is within the limits of Louisiana, and particularly the portion now most exposed. The parish in which I reside is bounded on the west at least one hundred miles by the Sabine river, and the parish of Natchitoches is bounded a much greater distance by the same stream and the province of Texas. If any inroads are to be made into the State of Louisiana they will be into one or the other of those parishes, and it is not improbable first into the one in which I live. Situated thus, representing the people whose interests and safety are most concerned, I feel the responsibility of my station here, and invoke the serious attention of the committee to the remarks I am about to submit, and a deliberate consideration of them.

When we look to the state of things on the western border of Louisiana, the civil war that is raging in Texas, the movements of the bands of armed men that are pouring into that unhappy country to join in the struggle; the rumors of unfriendly feelings and conduct among the Indians, the probable employment of the latter by the Mexican Government against the Texans, and the consequences to us of all these measures and movements, we ought to be satisfied of the necessity of taking such precautions as will effectually protect our citizens on the frontier and preserve our neutrality. It is an obligation and a duty to afford such protection, and I cannot suppose it will be withheld. The Executive, as far back as the month of January last, took such measures as were deemed necessary to protect that frontier, and preserve our neutrality. Within a short time past the whole delegation from Louisiana, conceiving that the danger in that quarter had become more imminent, joined in a request to the President to take other measures for its protection, and received as a reply that until other means were supplied by Congress nothing further could be done. Since that time I have contributed my humble support to every measure calculated to increase our military force, and appropriate the necessary funds for supporting it.

But, sir, whilst I call upon the committee to take the necessary measures for our protection, and the preservation of our neutrality, I warn gentlemen, in their zeal to do so, not to go so far in the expression of opinions, hastily formed, and a commitment to principles not well considered, which, if carried into effect, will, in my opinion, bring evils and dangers upon that section of country of greater magnitude than those that now menace it, and insure the violation of that neutrality which it is our purpose to maintain. I protest against mingling the questions of the struggle now going on in Texas, and of the boundary between the United States and Mexico, with the question of what is necessary to be done to protect our frontier and preserve our neutrality; and the making of speeches about both, upon assumptions of fact and rumors resting only on newspaper authority, calculated to influence the public mind, lead the people of this country to conclusions unwarranted by the existing state of things, and calculated to do much injury to the citizens on our western frontier. I object to the articles of newspaper editors being used to influence the opinions of members of the House of Representatives, and form the basis of its deliberations, and particularly to articles from the paper read by the Clerk this morning, (the New York Courier and Enquirer,) which is conducted by an individual who is, I understand, deeply interested in Texas land speculations—a paper that is considered as the organ of an association of land speculators, called, as well as I now recollect the name, the Texas Land Company, and in the columns of which I have seen articles published in relation to Texas which, in my opinion, evince an ignorance of what I believe to be correct in relation to that country, or an intention to mislead or impose upon the public. It is the policy and interest of all those interested in Texas lands to agitate and excite the minds of the people of the United States, until they shall be induced to take a part in this bloody struggle, and insure the separation of Texas from the Mexican Confederacy. Recitals and histories of cruelties and savage barbarities (many of them doubtless true) will be published in every quarter, for the purpose of creating a strong feeling in the minds of a people easily excited and aroused by such atrocities. However much we may feel, as individuals, upon such subjects, it does not become us, as legislators, to act under the influence of such emotions.

The gentleman from Tennessee [Mr. PEYTON] says it was with grief and astonishment that he had heard some of the remarks of the gentleman from Massachusetts in relation to the causes of the civil war that is now desolating Texas. I am as far from giving my approval to those remarks as the honorable member, but I assure him that whilst he was so eloquently depicting Texan wrongs and Mexican outrages and barbarities, followed up, as he was, by the gentleman from South Carolina, [Mr. THOMPSON,] with an account of what had been said and done by the Mexican Minister now residing here, also by the gentleman from Kentucky [Mr. WILLIAMS] and my honorable colleague, [Mr. RIPLEY,] all to the same purpose, I felt as much apprehension as to what will be the tendency of those opinions and remarks, and their ultimate effects upon the peace and safety of our frontier settlements, as he did grief and astonishment at what was said by the gentleman from Massachusetts. I wish nothing to be said or done here that will induce General Gaines to believe that he will be sustained by Congress or the people of the United States in crossing our southwestern boundary, and engaging in a war with the Mexican Confederacy. If we are to have a conflict with Mexico, I do not wish it to be a war of aggression on our part. It is not my wish that this country, under the influence of those strong feelings of sympathy which the people who inhabit it always feel towards those engaged in a revolutionary contest, should become engaged in a war, for the purpose of establishing a form of government we have had no ageucy in creating, or avenging the injuries and wrongs of those we are in no way bound to protect.

It is not my purpose to follow gentlemen in the accounts they have given of the origin and causes of the revolution now going on in Texas. I will not enter into any examination of the inducements and promises held out by the Mexican Government to emigrants, by her colonization laws, or the protection offered them by the Constitution; I will make no enumeration of pledges broken or laws violated on one side or the other; I will say nothing in vindication or condemnation of the savage barbarities said to have been practiced, or the causes that may have led to them; I will not permit myself to express any opinion at this time as to the course it may be eventually necessary to pursue in relation to Texas. I shall for the present be content with saying that those who have gone to that province with a view of improving their condition, or from other causes, did not do so because of the oppressive character of either our State or Federal Governments. They have thought proper to renounce all allegiance, as they had a right to do, to the country in which they were born, and which could and would have afforded them protection and the enjoyment of every constitutional privilege, to become citizens of another country, with the inhabitants of which there existed no sympathy of feeling or common ties of language and religion. If they have been disappointed in their expectations; if their hopes of fortune and fame have been blasted; if Mexican pledges and promises have been violated or broken, they should remember that we never undertook to guaranty either. Of the old established residents and citizens of Texas, I have understood many were opposed to these revolutionary movements; but the effect of example, the force of public opinion, and the highly impolitic and indiscriminate course pursued by Santa Anna have, in a great measure, united the whole population in defense of their lives and property. But, among many of those in the United States who are endeavoring to excite the people to take a part in this war, and of those gone to Texas in the course of a few months past, I believe the spirit of land speculation is as strong as the love of constitutional liberty.

If the speeches of honorable gentlemen are calculated to excite regret and apprehension as to their effects, the introduction into the correspondence between the Secretary of War and General Gaines of the boundary between the United States and Mexico, and the claim asserted by the former, that the post of "*old Fort Nacogdoches is within the limits of the United States, as claimed by this Government,*" also the tacit permission to the General to cross what is termed by both the *imaginary boundary* between the two countries, is, in my opinion, calculated to increase the embarrassments in which this Texan question is likely to be involved. But my colleague has gone further than either the Secretary or the General. He not only

speaks of an unsettled boundary and a *neutral territory*, but he asserts that the river commonly known and called the Sabine, and laid down on all the maps as such, is not the Sabine river intended by the treaty fixing the boundary between the United States and Mexico, but that a river which he called the Angelina, which empties into the Sabine lake on its western or northwestern shore, was the true Sabine river. This stream, he alleged, was a larger and more important tributary to the lake than the river generally called the Sabine. When my colleague spoke of the river Angelina, and so described it, I was at a loss to know exactly what stream he meant; but a short explanation with him since he addressed the committee satisfies me he was speaking of the river commonly known by the name of the Neige or Neches, of which the Angelina is a tributary. My colleague doubtless spoke from information when he stated that the river he mentioned was the larger and more important one. He has never, to my knowledge, been in that part of the country. I will not now detain the committee with any detail of the information I have in relation to the length, depth, or breadth of the rivers named, further than to say that it is very doubtful whether either the Neige or Neches, or the Angelina, or any of their tributaries, are laid down on Melish's map of the United States as extending as far north as the thirty-second degree of latitude. The inquiry, which is the larger or more important river? is not one, in my opinion, of much consequence in the settlement of the present question. It depends upon treaty stipulations too solemn to be trifled with, and, in my judgment, too plain to admit of a doubt, so far as relates to that portion of the boundary between the Gulf of Mexico and the thirty-second degree of north latitude.

Sir, if the boundary contended for by my colleague, and claimed by the Government, can be sustained, it will add very much to the territory and population of the State I in part represent, and as it is about to be finally adjusted in pursuance of treaties heretofore concluded, and one recently ratified by the Senate, I will state the provisions of the treaty fixing it, the general understanding in that section of country in relation to it, the practice of the officers of the Federal and State governments since the year 1819, and then a very brief history of the *neutral territory* which has been referred to by my honorable colleague and other gentlemen, more for the purpose of preventing the public mind from mingling the boundary question with the exciting one of the Texan revolution, than for the purpose of expressing a definite and fixed opinion. It is also my object to place before this House and the Executive what I conceive to be the true state of the case, and thus to enable all of us to act with the discretion and foresight becoming the occasion. When we look to the state of excitement already existing among the people, and the means that are being used to increase it, we cannot shut our eyes to the consequences, if an impression can be made that some injury has been done, or wrong intended us by Mexico. Add this fuel to the flame now lighting up; let General Gaines cross this *imaginary boundary*, advance to Nacogdoches; let Santa Anna meet him there, and we shall be engaged in a Mexican war before the adjournment of this session of Congress. This I wish to prevent. Protect our frontier, and preserve our neutrality, but do not, under a pretence of doing either, engage us in a war of aggression and conquest.

I will now call the attention of the committee to the language of the treaty fixing the boundary:

"The boundary line between the two countries west of the Mississippi shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or *Red river;* then following the course of the Rio Roxo westward to the degree of longitude 100° west from London, and 23° from Washington; then crossing the said Red river, and running thence by a line due north to the Arkansas; thence following the course of the southern bank of the Arkansas to its source, in latitude 42° north; thence by that parallel of latitude to the South Sea. *The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st of January,* 1818."

The same article of the treaty then goes on to provide how the line shall run from the source of the Arkansas, in the event of its not being exactly at the 42d degree of latitude, and secures the use and navigation of the Sabine, Red, and Arkansas rivers to the inhabitants of both nations. It then proceeds:

"The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line; that is to say, the United States hereby cede to his Catholic Majesty, and renounce forever, all their rights, claims, and pretensions to the territories lying west and south of the above described line! and, in like manner, his Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of said line; and for himself, his heirs, and successors, renounces all claim to the said territories forever."

These are the words of the third article of the treaty made with Spain at Washington, on the 22d of February, 1819. What the policy was that induced the negotiation and conclusion of this treaty, it is now too late to inquire. It is concluded, and has been thrice recognized within the last eight years by our Government. First, in the treaty negotiated by Mr. Poinsett with Mexico, in the year 1828; again, in an additional article to that concluded in April, 1831; and more recently, by another treaty made with the Mexican Government last year, and ratified by the Senate since the commencement of the present session. The treaty of 1828, made with Mexico, repeats, *verbatim*, the language of that of 1819, made with Spain, in relation to the boundary. Here we have the deeds or title papers by which the rights of the respective countries are to be adjusted. Not only have we the deeds, but we have a map or diagram of the adjoining possessions or estates, upon which are laid down the rivers that are to form the boundary between them. This map was undoubtedly before the agents of the respective Governments at the time they were negotiating the treaty. Is not this map, then, a part of the treaty? Are we not bound to refer to it? And if the treaty says that the Sabine is the boundary, is it not the river on the map which bears that name? Suppose two individuals own adjoining estates, and wish to adjust the boundary between them: for that purpose they have a map or plat of both made, or they take one already made, and agree that a certain river or watercourse clearly laid down on it, having a specific name, shall be the dividing line between them. Can one of them afterwards say that the stream or river so laid down, named, and described, is not the one intended, but that another, bearing a different name, is the boundary? Let any reasonable man answer these questions, and then determine for himself whether or not the river laid down on Melish's map of the United States as the Sabine is not the true boundary from the Gulf of Mexico to the 32d degree of north latitude. The point where that degree crosses the Sabine has not been fixed definitively, and from thence to Red river may, with some propriety be called an imaginary boundary; but to call the Sabine from the 32d degree to the Gulf an "*imaginary boundary*," is a flight of imagination that I cannot comprehend. At the point where General Gaines was when we last heard of him, this "imaginary boundary" is, at the lowest stage of water, as I am informed, upwards of a hundred yards wide, and so deep as at all times to make it necessary to have a boat, or some other means of transportation to get across it. At this season of the year, if the waters of this "*imaginary boundary*" are swollen as much as is usual, I do not believe that it will be extravagant to say, they cover the low grounds or swamps on the river a distance of between two and three miles in width. I have seen it stated in a newspaper recently, that the swamps are covered with water a distance of between four and five miles in width. His position, as has been stated, was at Wilkinson's old camp, on or near the road leading from Natchitoches, by Fort Jesup, to Nacogdoches. A mere inspection of any map of that section of country will satisfy the most inattentive that that position is a considerable distance south of the 32d degree, and that every step taken towards Nacogdoches would carry the general and his army something further south.

In Louisiana there never has been, since 1819, as I believe, any question as to what the true boundary was and is. I never heard a doubt expressed about it, except by one individual, until within a few months past. That person is a highly respectable and intelligent man. I have heard that he has written a letter or letters on the subject to the President, or some of the heads of Departments; but whether that be so or not, I cannot say. My colleague says he has heard suggestions of there being some mistake about the river commonly called the Sabine being the true Sabine river. I do not doubt he has heard such observations, but it is probable he has heard so from persons not intimately acquainted with the geography and history of the country, and the provisions of the treaties made with Spain and Mexico. The people in western Louisiana know where the true river is; and of the numerous emigrants to Texas, I will undertake to say that not one of them ever doubted he or she was beyond the limits of the United States, without their jurisdiction and laws, and those of the State of Louisiana, the very moment their feet were on the western bank of this *imaginary boundary*, generally known as the Sabine river.

For the purpose of showing that, since the year 1819, there has been a general acquiescence in the opinion that the river now known as the Sabine is the boundary, I will inform the committee that I have never heard, in a residence of thirteen years on the southwestern frontier, of a single instance of any officer of the State or Federal Government claiming, or attempting to exercise, any jurisdiction or authority on the western side of the well-known river called the Sabine. If any case has occurred in which an arrest or seizure has been made on the western bank of that river, I apprehend it has not been in consequence of a belief that the officer making it had any right to make it there; and I will assert, without the fear of contradiction, that no officer of the Federal Government, or of the State of Louisiana, has ever made an official return of his having crossed the river for the purpose of executing the process of the courts of either. I am aware that individuals have crossed this boundary in pursuit of fugitives from justice, and property run off by dishonest debtors or criminals; but, in no instance that I ever heard of did they go armed with an order of our courts for such purposes. Instances have, I believe, occurred where the officers of justice have gone to the Sabine, and executed the process of our courts upon persons and property that had been brought by force from the western side of the river. So far from its being the case, that we have claimed or exercised any jurisdiction west of the river, universally known as the Sabine, our practice has been exactly the reverse. I have a personal knowledge of a number of prosecutions or suits being commenced in the district court of the United States for the western district of Louisiana, against individuals residing in and out of the State, for infringements or violations of your revenue laws, and those made to prevent the introduction of slaves into the United States. In more than one case it appeared that the property alleged to have been improperly introduced was brought only a few miles beyond the river; yet no lawyer has ever, to my knowledge, in the defense, relied upon, or attempted to show, that the country between the Sabine and the Angelina or Neches was within the limits of the United States. I should be glad to know if, in the immense number of land claims derived from the Spanish Government whilst it had possession of Louisiana, a single one is known ever to have been presented by the claimant to the officers of the United States for recognition and confirmation, that covered land on the western side of this "*imaginary boundary.*" Did any man ever come before the officers of Government, or Congress, with a claim derived under any law of ours, for land situated west of the river? If any such ever was presented, what was done with it? The possession of the authorities of Mexico or Texas has, at all times, been open and notorious, and continuously exercised before the treaty of 1819, and without interruption ever since. Laws have been made and executed for the government of the people living west of this so often mentioned river. The Federal and State Governments have exercised the rights of sovereignty over the country; members of the State Legislature and the Mexican Congress have been elected; lands have been granted, and, in fact, everything has

been done that any independent nation has a right to do, without hindrance or question from us.

It is now my purpose to give a short account of the *neutral territory* referred to by my colleague and others. This name is well known, sir, in the section of country which I represent; but a new location of it has been made in the course of a few months past. By some process, unknown to me, this *neutral territory* has got on the western side of the river known as the Sabine. On all the maps I have seen, on which any notice of it has been taken, it is placed on the eastern side, and is so considered by all that I ever heard speak of it. It is that strip of country between the river Sabine and the river Calcasieu, which empties into the Gulf of Mexico, and a small stream called the Rio Hondo, which empties into Red river. It is about thirty miles in width, extending along the whole frontier of my State. In consequence of the provisions of the treaty of February, 1819, one or more acts of Congress have been passed relative to the land titles in this territory, by which a large number of claims that had never been recognized before, were examined by the register and receiver in the southwestern land district in Louisiana, and confirmed by Congress. A document relating to some of these titles has been laid on our tables during the present session, and several members of the Committee on Private Land Claims have had occasion to examine it. Those gentlemen, perhaps, have noticed, in the examination of that document, that the commissioners, in giving a locality to the claims reported on, almost, if not always, use the expression, "*the late neutral territory*," evidently showing they understood that, since the date of the treaty of 1819, the question relating to this territory had been settled. The term *neutral territory* imports, I suppose, a certain extent of country, over which neither party setting up a claim to it exercises any jurisdiction; or a common jurisdiction, in consequence of some agreement or understanding to that effect, until the question of title is adjusted. Has such been the case on either side of the Sabine since February, 1819? Has not the exercise of the rights of sovereignty by Spain and Mexico, on the west of the river, been as well known as is the exercise of those rights by the United States on the east of it? That there has not, since 1819, been any cessation of jurisdiction by either party, or any common exercise of it, is a fact as well known as any other that exists. There is, therefore, no propriety now in calling any portion of Louisiana by that name.

The causes that brought about the arrangement by which this strip of country became and continued for a number of years, neutral ground, had their origin in an early period of our history. The difficulties commenced in the disputes that took place between France and Spain relative to the boundary between the province of Louisiana and Spanish possessions in Mexico. After the cession by France to Spain of Louisiana, the difficulty was kept up between the authorities of that province and those of the adjoining province in Mexico. The Lieutenant Governor, or commandant of the *comandancia* or post of Nacogdoches, claimed to exercise his authority as far east as the Rio Hondo and the river Mexicana, now known as the Calcasieu, and a military post or station under his authority was established at a small village called Adayes, nearly east of where Fort Jesup now stands, and a short distance west of the Rio Hondo. The commandant of the post of Natchitoches claimed to extend his authority to the river now and then known as the Sabine. Each officer aided in making grants of land in this disputed territory, and extended his jurisdiction over it. This difficulty remained unsettled at the time of the cession of Louisiana to the United States in 1803. Soon after we got possession of the province the boundary question was revived with Spain. In 1805, General Wilkinson, at the head of a body of United States troops marched to the Sabine, and encamped at the place where General Gaines was at the last information we had of him. General Herrera was encamped on the other side of the Sabine. Some correspondence, and perhaps negotiation in an informal manner, was carried on between them; one of the results of which was an understanding that the territory between the Rio Hondo and the Sabine should be considered as debatable or neutral ground until the boundary should be fixed by treaty. This was done in February, 1819, and ever since we have been in an undisturbed possession of the country. If General Gaines shall, under the permission he has received, advance to Nacogdoches, under a pretense of claim to that town and the country around it, he will be resisted by Texan and Mexican. What, sir, will the people of Texas and Mexico think of your pretensions of preserving our neutrality and protecting our frontier, when you push an army fifty miles beyond what is generally known as the boundary? The commander-in-chief of the Texan army resides at or near this very town. The President of the recently formed Government of Texas, if I am correctly informed, is in the same part of the country. A considerable portion of a large grant of land he holds is in this new *neutral* territory. The Secretary of State is within the same limits. If General Gaines advances to Nacogdoches he goes ostensibly for the purpose of *preserving our neutrality and defending our frontier.* Will he do either by making such a movement? I fear not. Suppose whilst he is at this post, the Texan army shall fall back to that place, what would it be his duty to do for the preservation of our neutrality? Disarm and disperse them. What would the Texan commander reply to a requisition upon him to ground his arms and disband his soldiers? Sir, he would indignantly refuse it; he would tell your General that he was in the interior of the country whose battles he was fighting; that he was at his own door, at the place where he had resided ever since he had become a citizen of Texas, and he would not surrender at discretion. No other alternative would then remain but to turn our arms against the Texan army to enforce our demand, or to retreat from the country. To continue at Nacogdoches with the Texans in arms would insure a war with Mexico.

In the investigation of this question of boundary, I have been induced to say more than it was my purpose, but the object I have in view could not well have been effected by saying less. Whilst it is my intention to prevent, so far as it is in my power, the people of the United States and their representatives here from plunging into this revolutionary contest in Texas, under the influence of strong feelings of sympathy with the Texan cause, or indignation at the barbarities practiced by the Mexicans on those calling themselves American citizens, it is also my wish to prevent such a result, by the impression that may be made that we have a strong claim to a portion of the country. I would not, for the sake of our own character, urge, either upon Mexico or Texas, in their present distracted condition, a claim to any portion of territory, unless the clearest right to it could be established. I have, therefore, stated the facts as briefly as is compatible with a proper understanding of the subject, and now leave the matter to the consideration of the committee.

In coming to the conclusion what is necessary to be done, it becomes us all to calculate well the risks and dangers impending over the southwestern frontier. Do not let us magnify or diminish them. I shall endeavor to regard the state of things in that quarter as one about to take a part in whatever shall occur; for, if the accounts we have are correct, and no change shall shortly take place, I shall not be here much longer to join in your deliberations. Obligations higher and more imperative than any I am under here, will soon carry me to this frontier, to become a participant in whatever may happen.

Now, sir, let us examine what are the dangers with which we are threatened. General Gaines informs the Secretary of War that he has received information, from various sources, which leaves no doubt in his mind that a considerable portion of several tribes of Indians residing within our territorial limits have gone over to the Texas side of the boundary line between the United States and Mexico. He also speaks of the reports of the advance of the Mexican army; its mode of warfare, and the probability of the Indians residing on the Trinity uniting with the Mexicans in their war of extermination. Some excitement among the Caddo Indians is spoken of, in the letter addressed by General Gaines to the Governors of Louisiana and other States. It would have been much more satisfactory if the various sources of information relied on by the General had been stated; my local knowledge would in some measure have enabled me to say what weight ought to be attached to them. What tribes of Indians are they, of which considerable portions have gone over to Texas? Is there any information here that any portion of those located north of Red river and west of Arkansas have gone over? None. Has the honorable Delegate from Arkansas any information that any of those Indians have gone to Texas under suspicious circumstances? He says he has not. What Indians, then, are meant? Those in Louisiana, I suppose. The committee will now permit me to inform them that in that State, with the exception of the Caddoes, there are no large bodies of Indians. The remnants of a number of tribes are scattered over the country, none of them warlike in their dispositions, or exhibiting any hostile feelings towards us. In the various accounts which I receive, there is no intimation of any unfriendly movement among them. The Caddoes are not a numerous or warlike people. They have occupied a section of country in the northwestern corner of Louisiana, and the southwestern corner of Arkansas. By a treaty made with them in July last, and ratified by the Senate about two months ago, they have agreed to abandon to the United States their claim to any territory within our limits, and remove into Texas or elsewhere, in the course of a year or two. It is probable they were informed, about the last of March, that the treaty was ratified, and are removing beyond our boundary in conformity to its provisions.

The apprehensions that the Indians in the Mexican territory will be induced to take a part in the war going on in their neighborhood, is more reasonable than that those within our limits will do so; and, as that is within the range of probability, we should take the necessary precautions to protect our citizens who may be exposed to danger. In addition to the alarm likely to be produced by the various communications before us, we have the annunciation of my colleague, that if the Texans and the force of General Gaines should be destroyed, such is the formation of the country, that a thousand mounted men could dash from the Sabine to the Mississippi, cut down the levees, inundate the country, destroy New Orleans, and retire before the population could be collected to arrest their career. He has referred to the particular section of the State in which I reside, as the region through which this extraordinary movement could be made. Why, sir, it is the very formation of the country that would prevent such a movement, if any military man should be indiscreet enough to attempt it. At this season of the year, it would be nearly impossible for any body of men to get to the Mississippi from the western part of the State without a water transportation; and the idea that the country bordering on the Mississippi can be inundated, and New Orleans destroyed by one thousand men, is too extravagant to be seriously entertained. From the Sabine river to the Mississippi is a distance of at least one hundred and sixty miles, and a consideable portion of the distance across the swamps and inundated lands. It is possible that such a force might, by a sudden and unexpected movement, penetrate some distance into the open country south of Red river; but if they should be so fortunate as to reach the eastern boundary of any of the four parishes alluded to by my colleague, I will undertake to say not one would ever get back again. I do not intend to pronounce any eulogy on the people of those parishes; they need none; but I believe, if every man was removed, that the women and children could and would successfully resist such an invasion.

Sir, if the remarks I have made shall have the effect of keeping us out of this Texan controversy, I shall be gratified. If we preserve our neutrality, and afford protection to our citizens and interests, it is all that is necessary for the preservation of the character of our country. As to the course it may be proper hereafter to adopt in relation to

Texas, it will be time enough to consider it when the question shall be presented. In the mean time, do not let us do anything to compromit ourselves, or so involve the country that we cannot freely and dispassionately consider what course it may be most judicious to pursue. We must not, under the influence of indignant feelings, excited by the accounts we have received of Mexican treachery and barbarity, or of strong apprehensions, adopt any measure ourselves, or prompt the adoption of a course of conduct by our military commander on that frontier, which will endanger the peace and safety of the inhabitants.

JEAN BAPTISTE JANIS.

REMARKS OF HON. JOHN REYNOLDS,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

June 11, 1836,

On the bill granting a pension to Jean Baptiste Janis.

The chairman of the Committee on Revolutionary Pensions (Mr. WARDWELL, of New York) moved to strike out the enacting clause. In opposition to this movement, and in support of the bill—

Mr. REYNOLDS said:

Mr. SPEAKER: I do not intend, at this late period of the session, and at this time on Saturday evening, to trouble the House with a long speech. I would be pleased if the Clerk will read the commission which Colonel Clark gave to the claimant appointing him an ensign in a company commanded by Captain Francais Charleville, which commission is now in possession of the House. I would be also well pleased if the Clerk would read the report or statement of the claimant.

[These documents were not read, as their existence and validity were not doubted.]

Mr. R. further said, that it was a matter of history, recorded and known to the country, that Colonel George Rogers Clark, in the year 1778, marched a regiment to the Illinois country, and on that consideration his *corps* was called "the Illinois regiment;" that on the 4th July, at night, 1778, he entered the town of Kaskaskia with his troops, and captured that place. At the same time there were other settlements and towns in the possession of the enemy near and in the same region of country, which at that time was called "the Illinois country."

After taking possession of another village—Copokia—which is situated as Kaskaskia is, near the Mississippi river, Colonel Clark made preparation to capture also from the enemy the military post Vincennes. This expedition was performed in the year 1779. This became necessary, or the conquests already made would not secure the citizens of Kentucky and elsewhere from the inroads made into their country by the Indians, who were inflamed against the Americans by the English. Vincennes was a post which was defended by the British soldiers to the amount Mr. R. could not then recollect; but it was a fort of some strength, and in which, as well as I recollect, Governor Hamilton commanded. In order to be able to succeed in the capture of this post, and thereby to ensure peace and quiet to the citizens, Colonel Clark was compelled to enlist into the regiment under his command two companies more. One company was commanded by Captain Charleville, whom I mentioned before, and another commanded by Captain McCarty; one raised in Kaskaskia, and the other in Copokia, and both organized and composed a part of the "Illinois regiment," under the command of Colonel Clark.

The claimant of this pension, Jean B. Janis, was, as I before stated, appointed an ensign in the company commanded by Captain Charleville. These are all historic facts, which are on this occasion not questioned or doubted, and in fact are admitted. It is also a fact that Colonel Clark commenced this campaign from Kaskaskia to Vincennes in the winter or spring of the year 1779, at a time that it was extremely difficult and almost impossible, from the inclemency of the weather and the high stage of the water between those two points, to march his army from one post to the other. The distance is one hundred and sixty or seventy miles. The country at the time the march was performed was greatly inundated with water, and the rivers, the Wabash and others, were so high that the waters were from bluff to bluff in them, and in some instances two or three miles wide. The snow and the ice had not entirely left the ground, and add to this, that there were no baggage-wagons, and, in fact, not much food, to attend the army. Yet with all these privations, hardships, and difficulties, these brave soldiers, under the command not only of a brave, but also a talented man, accomplished their march to Vincennes, and took that post from the enemy without the loss of a man.

In this campaign the claimant, Mr. Janis, performed service as an ensign in the company commanded by Captain Charleville. He went, and, like others, acted well his part in that campaign. There is not on record the history of a campaign that exhibited more talents in the plan, and required more intrepidity and courage in the execution, than the campaign planned and executed by Colonel Clark in the capture of the British posts on the Mississippi and in the Illinois country.

At that day there were very few people settled west of the mountains, and these few were infested and eternally annoyed by the Indians, excited to murder and bloodshed by the British enemy. It became necessary, therefore, in order to secure the peace and quiet of these settlements, to capture these British posts, by which the Indians were supplied with the munitions of war, and to remove back the Indians and the means of their support to such distance as they would not be able to disturb the white people. This was accomplished. More was accomplished also; the country was taken and retained from the enemy, which now composes the best and the fairest portion of the Union.

In the treaty of 1783 with Great Britain, the capture and occupation of this country by the American arms is adverted to, and no doubt was taken into consideration at the time of making the treaty. This is the country that was captured from the enemy by the energy and bravery of Janis and others, that now pours into the Treasury of the United States so much money from the sales of the public lands. There are millions received from the sales of the very same lands, which the "Illinois regiment," in which Janis acted as an officer, took from the enemy at a time that "tried men's souls." Yet the honorable chairman says, if a pension be given to Mr. Janis, it will form an exception, and violate the general rule and law on this subject. Be it so. I should consider it an honor to violate a rule that would deprive a man of a pension made under circumstances such as these.

The gentleman [Mr. WARDWELL] seems to represent this case as a person with gold weights, weighing out money by the cent to a revolutionary soldier who performed so brave and noble a part in that struggle as did Mr. Janis. I will call to the recollection of the gentleman the privations and hardships on the march to capture Vincennes. Did Janis, when he was wading in the snow, ice, and water, to his neck, think of weighing out his energies and bravery with gold weights? Did he, at that time, think he was violating any rule, (and "his case would form an exception,") when he was fighting before the post of Vincennes? Nice conscientious scruples, and *gold weights*, were at *that* time not considered by Janis, and now should not be by us. A liberal and honorable acknowledgment of such service, which was glorious and beneficial to the whole Union, ought now to be made to him by us. We are now reaping the fruits of his and their labor; and I am, as one individual, in legislation or otherwise, proud to acknowledge it. We are now at our ease, happy in every respect, reclining in the shade of "the vine" and "fig tree," which was spoken into existence by the energies and talents of the revolutionary soldier. We are their happy children, and I hope we will have the gratitude to sustain, in reclining life, the few of our revolutionary fathers that remain among us. They cannot live among us only for a few years. The gentleman for whose benefit this bill is brought before Congress is far advanced in years, and cannot, by the course of nature, live long. I am informed he is about eighty years old. This bill, which only provides ten dollars per month during his natural life, will not beggar the Treasury, and will be an honorable acknowledgment of his revolutionary services. It will be a proud boon to his numerous and respectable descendants.

The gentleman says the case of Janis, if it becomes a law, will violate the existing law on the subject of revolutionary pensions. This is true, I presume. If the claim of Janis was embraced in the principles of the law now in existence, there would be no necessity for another act for his benefit. This claim would be allowed and paid under the provisions of the present law. The reason the law does not embrace his case, is the foundation of the present application to Congress.

The gentleman further says that, from all the information he can obtain, Mr. Janis served only thirty-six days; and as the law requires a service in all of six months in the revolution to entitle a soldier to a pension, that, on that consideration, he is not entitled to a pension.

Even to go with the gentleman into this *rigid* and *strict* rule, requiring proof of six months' service, it can be fairly presumed, that in the absence of evidence, Mr. Janis was six months in service. The gentleman would not require six months of *continued* fighting in a *serugs** battle, nor would he require six months wading in snow, ice, and water, to entitle the soldier to a pension. The service which was so honorably performed by Colonel Clark in capturing these posts would require six months more for its execution, and the fair presumption is, that Mr. Janis was employed in the service under Colonel Clark for six months or more during his conquest of the Illinois country.

The evidence spoken of by the gentleman cannot be correct. It would require more than thirty-six days for the army to march at that season of the year, from Kaskaskia to Vincennes and return. There were no bridges or ferries at the time, and the route was almost impassable from the snow, ice, and high waters in the rivers and other streams. In this calculation there would be no time left for preparation and organization for the campaign at Kaskaskia before they started, and no time left for the capture of the post, (Vincennes,) and for its occupation by the American forces. Every reasonable man will know it will require more than thirty-six days for the performance of this expedition.

I do not want for Janis anything that is not right and proper—he himself would not receive from Government or any individual anything that was not strictly honorable and correct. He is a gentleman whose character for honesty and integrity stands above suspicion. I read a printed statement of his services, which lies on the Clerk's table, and I know not now if it were his own statements or a report of a committee—I would believe one as much as the other; I will vouch for his statements to be correct. I have known him and his character from my youth, and I know it to be good; and on *this occasion* I consider it my duty to state it, although he is not my constituent, but a resident of the State of Missouri.

It may be, Mr. Speaker, from the fact that I have been raised in the country where this service was performed, and on that consideration have heard so much about it, of its perils and hardships, that I have become so well convinced of the justice of the claim of Mr. Janis. It seems to me to be a claim of such propriety and justice that the House cannot hesitate to allow it. The gentleman need not fear that this case will open a door for similar cases. There are none in our country, as I know, similar to that of Mr. Janis; but if there were, it would be just and proper to allow them. I hope the House fully comprehend the merits and justice of this case, and knowing it, will allow it.

[The bill was passed to a third reading.]

---

* A battle in which all on both sides are killed.

TARIFF OF POSTAGES.

REMARKS OF HON. W. MONTGOMERY,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

May 27, 1836,

On the subject of the Tariff of Postages, the bill for the reorganization of the Post Office Department being under consideration.

Mr. MONTGOMERY said: Sir, I am in favor of a reduction of the postage upon letters generally; I am therefore greatly opposed to the thirty cents, the postage reported by the committee, upon all single letters carried over eight hundred miles, because it is a large increase. I am unwilling to increase the postage for any distance whatever; and I believe I will vote against the bill, if that item is not stricken out, and I should regret to be compelled to do that, for there are some valuable provisions in the bill; and if the committee will consent to strike out of the bill the thirty——

Mr. MANN, of New York, said the committee would agree to strike that item out of the bill.

Mr. MONTGOMERY. Sir, I would suppose that it would be a reduction upon the postage, perhaps equal to the amendment offered by the gentleman from Massachusetts, [Mr. LAWRENCE,] and if so, I would prefer it, and will vote against the amendment, and for the bill thus amended. I cannot do so under an impression that it is a reduction of postage, which I am satisfied can be made without injury to the Department, or the least endangering the withdrawal of any of the mail accommodations now enjoyed by the people, for to that I am not only opposed, but I would be willing, and am desirous of seeing them greatly extended, even should it become necessary to aid the Department with additional means to do so. But I apprehend there is no danger of that; for when we take into consideration the situation of that Department some time past, and its present condition, all the facts in relation thereto go to prove that a large reduction may be made upon the tariff of postage, and the Department still will be sustained by its receipts. I am brought to these conclusions from my convictions of the practical effect of a reduction of the tariff of postage. Upon all communications by mail, I would fix as the maximum of charge upon letter postage twenty cents, and the minimum five cents, and regulate the distances appropriately to the different sums, beginning at five cents and rising to ten, fifteen, and twenty. This would make our tariff of postage accord with our Federal coin, which would greatly obviate the difficulty of making change now experienced in the post offices.

I have said, Mr. Speaker, that I believed that the Department could be sustained at these rates of postage; and in this I am, I think, well sustained by a printed document now before me, which shows the balances for and against the Department at the end of each quarter, commencing with the quarter ending September 30, 1833, and ending June 30, 1835, as follows:

	Gross revenue.	Expenditure.	Excess of revenue.	Excess of expenditure.
1833.				
Sept. 30	$655,242 88	$746,098 15	-	$90,855 27
Dec. 31	720,209 27	747,415 52	-	27,206 25
1834.				
March 31	729,600 51	699,205 86	$30,394 65	-
June 30	718,696 00	717,885 00	811 00	-
Sept. 30	725,273 03	703,494 75	21,778 28	-
Dec. 31	724,542 34	701,497 08	23,045 26	
1835.				
March 31	763,494 47	680,652 66	82,841 81	-
June 30	780,046 82	671,705 59	108,341 23	-

This statement shows an increase that will give a surplus of nearly or quite half a million in the present year, without taking into the calculation the progressive increase of each quarter over the preceding one, which would swell the amount to a much larger sum. The whole amount necessary to put into operation the new routes proposed by the bill reported by the Committee on the Post Office and Post Roads, is estimated at the sum of $300,000; then it will be seen that a large surplus, amounting to $200,000, will be found in the Department to meet any reduction of postage that may occur from the reduction of the tariff of postage proposed in the bill, after striking out the thirty cent. item in the bill reported by the committee, or by the amendment proposed by the gentleman from Massachusetts. So there can be no danger of any reduction of the mail accommodation in the country, which I would be as unwilling to see take place as any member of this House. I do not subscribe to the doctrine advanced by some gentlemen upon this floor—that this proposed reduction upon the tariff of postage will reduce the income into the Department—for I am strongly inclined to believe that the reduction of price will beget an increased correspondence that will swell the receipts into the Department to the usual amount, if not beyond it.

MICHIGAN AND ARKANSAS.

REMARKS OF HON. J. B. ANTHONY,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

June 1, 1836,

On the motion of Mr. WISE "to commit the bills for the admission of Michigan and Arkansas to the Committee of the Whole on the state of the Union, with instructions to incorporate the same in one bill."

Mr. ANTHONY observed that he should vote to give such direction to the Michigan bill as would keep it within the power of the House. We had already been upwards of six months in session, and much important business yet remained to be acted on, and we were now told that bills so interesting to the country should go into Committee of the Whole, in order that they might receive a full and untrameled discussion, without being liable to be cut off by the *previous question*. Although he sometimes felt disposed to give his views on some subjects before the House, he had usually refrained from entering into debate, as he felt mortified to see the unwarrantable length to which discussion on almost every bill was generally extended. He regretted to observe the course pursued by some gentlemen, who acted as if they were desirous to continue the session till the first Monday of December, when the next session is to commence. Some of the minority loudly deprecated the passage of bills without affording them an opportunity of unrestrained debate on their merits.

The honorable member from Tennessee [Mr. BELL] strongly protested against the majority of the House passing bills so important by the operation of what some gentlemen were pleased to term the "*gag law.*" Did not that highly respectable gentleman know that much of the past six months had been spent in useless and uninteresting debate? Did he not know that nearly every speech of any considerable length was composed principally of political anathemas against certain aspirants to political power and influence, or an elaborate essay on partisan politics, without any apparent reference to the subject under discussion? Did he not know that the commencement of a *set speech* was usually the signal for members to take their hats, leave the Hall, and lounge about the public grounds, or walk off to dinner, suffering the orator to address empty benches, and perhaps a dozen fellow members, who remained in their seats because they were anxious to obtain the floor and follow in the same manner with *an eloquent and appropriate speech for home consumption!* Was it not notorious to every member of this House, that after some eight or ten speeches were delivered on almost any topic, everything sufficient had been said to enable gentlemen to determine how they should vote, and all the speeches afterwards were a mere repetition, without a single new idea to enlighten the mind of any member? After listening to an able exposition of each case that came before the House, by those who had carefully examined it, with a view to instruct and enlighten their fellow members, it was a perfect waste of time to continue the discussion from day to day, and from week to week; members had made up their minds, and all that could be urged in argument never changed a vote.

Mr. A. then remarked that the admission of the Territories of Michigan and Arkansas into the Union had been agitated in Congress for a long time, and he had little doubt that every member had determined his course; he was not, however, for stifling freedom of debate, and preventing a fair and proper discussion of these bills in the House. Gentlemen would have an opportunity to express their sentiments, and suggest such amendments as they deemed important. The House had already shown, by refusing to second the previous question, that members would not be arbitrarily deprived of debate, and he *did* think that at this late stage of the session, after so much time had been spent in protracted and often useless and unprofitable discussion, gentlemen would not make these bills the theme for long-winded speeches, of a partisan, political character, and which would not be listened to by one tenth of the members. He always had been, and was now, willing to trust to the sound discretion and unbiased judgment of the *majority*, if they determined, after suitable explanations, to cut off further debate by the previous question. The *minority* had no reason to complain; the responsibility of the measure rested upon the *majority;* they were accountable for the result, be it good or evil; they only said to those who wished to prolong the controversy, "Our minds are made up, our judgment is fixed, and it is now proper to come to a decision." He had frequently listened with pleasure to the gentlemen from Tennessee, Virginia, Massachusetts, and Ohio, who wished to discuss the admission of these States, but he trusted that, as they had already embraced so many opportunities to address their fellow members, they would not now, when other important bills must be acted on, and so much had been said on all political topics of the day, desire to procrastinate the business of the House by a protracted debate on a subject on which members, he doubted not, with few, if any exceptions, had come to a conclusion and were prepared for action.

Mr. A. repeated that he ardently hoped the House would keep the Michigan bill within its control. They already had reason to regret the unwarrantable length to which debate often extends, when the House had no power to restrain it—not even by sitting up all night and adjourning on the Sabbath morning. By refusing to commit this bill we would avoid a "sea of troubles;" we would be able to afford a reasonable time for discussion; and when the *majority* were satisfied that enough had been said, they could put an end to the debate. This course would enable us to reach other bills of a highly important character, and to decide upon them according to their merits. It would enable us to adjourn within a reasonable period, and we should return to our constituents with the cheering reflection that we had not consumed the whole of the session in *talking* instead of *acting;* in making partisan speeches for *home consumption*, instead of enacting wholesome laws for the benefit of our country.

MILITARY PEACE ESTABLISHMENT—INCREASE.

SPEECH OF HON. T. H. BENTON,

OF MISSOURI,

IN THE SENATE, *June* 2, 1836.

Mr. BENTON said that this was a measure of western origin, and eminently called for by the present and prospective condition of the West. Early in the session his colleague, [Mr. LINN,] and a Senator from Indiana, [Mr TIPTON,] had submitted resolutions calling upon the Secretary of War to report the number of Indians upon the western frontier, and give his opinion upon the propriety of increasing the strength of the Army, with a view to the security of that frontier. The Secretary had answered promptly and satisfactorily. His report, dated the 8th of March, and No. 228 of the Senate documents, showed that the number of Indians on the western and northwestern border, including those yet to be removed by the Government, amounted to TWO HUNDRED AND FIFTY-THREE THOUSAND souls; all of whom were either in the immediate neighborhood, or within striking distance, of the frontiers of Louisiana,

Arkansas, Missouri, the Des Moines settlements, and the Wisconsin and Michigan Territories. At the usual proportion of warriors in an Indian population, that of one to five, this aggregate of two hundred and fifty-three thousand souls would give fifty thousand warriors; being the largest Indian force ever yet arrayed on the frontier settlements of the Union. To cover the people of the West and Northwest from the incessant danger of such a vast array of savages, they had their proportion of a small army of six thousand men, which in point of effective force, and after making allowances for the casualties of service, could not be expected to present, at one time, more than four thousand five hundred for action. This small force, then, was divided out between the lake, the maritime, the gulf, and the western frontier; a circuit which had been officially computed at about twelve thousand miles, following its meanders, and about nine thousand,* following its general courses; so that our Army, if stretched round the frontier, would afford about one man to every two miles. The fortifications upon the maritime and gulf coast required a good part of this force; of that allotted to the West, a part had to be kept, not on the frontier, but at a convenient position for looking out for danger, and proceeding to meet it. It was upon this principle that a regiment was usually in the neighborhood of St. Louis; not that troops were wanted there, but that there not being a sufficient number in service to guard all the exposed points, a corps was therefore placed at a half way point between the head and mouth of the Mississippi, and near the confluence of the Missouri, where the means of transportation was at hand, to be ready from that point to go North, South, or West, as events might require. Thus these troops, within a few years past, had ascended the Missouri; once to the Yellow Stone river; three times to the Upper Mississippi; and now were on the Red river, watching the progress of events on the Texas frontier. The result was that the West and Northwest, always insufficiently guarded, were now nearly stripped of defense; and this at a time when the Indian wars in the South were having their natural effect of exciting the Indians in all quarters, and doubling the necessity for defense where it was so much weakened. In view of all the dangers of this state of things, the Secretary of War, Governor Cass, earnestly recommends an augmentation of the Army, and shows an increase to be called for, both on account of our fortifications and the inland frontier. These are his words:

"Extensive and permanent fortifications have been constructed upon the sea-board; and it seems to be generally conceded that our most important points of communication with the ocean should be gradually rendered secure by similar works against the advance of an enemy. These forts, as they are finished, should be occupied by troops, not only to prevent such insults and injuries as large commercial places are exposed to, whose approaches are not sufficiently guarded, but also to keep the works in a proper state of preservation. These duties, it is believed, will require the artillery force proposed to be maintained. Experience has shown that we are perpetually liable to occurrences which demand the concentration and movement of the troops. Whenever these happen, the positions occupied must remain defenseless, unless a greater force is raised. This is now the state of things along almost all our Atlantic border.

"With respect to the inland frontier, circumstances of a still more imperative character require an augmentation of the Army. Events have shown that our force in that quarter is not sufficient to keep the Indians in check. Disturbances are continually occurring, at comparatively short intervals, some of which terminate merely by alarming and agitating the country, while others lead to hostilities more or less extensive. On these occasions, the regular troops are collected from great distances, and a militia force is usually called out. Heavy expenditures are the necessary consequence, besides the loss of property and derangement of business in the section of country where these troubles exist. Instead of having a force at all times embodied sufficient to overawe the Indians, or if they commence hostilities, immediately to subdue them, much time is lost in the necessary arrangements, while the spirit of disaffection is spreading, and the hostile force becomes thus greatly increased. Within the last nine years we have had four difficulties of this nature; one with the Winnebagoes, two with the Sacs and Foxes, and one with the Florida Indians; which, altogether, have occasioned great loss of property, great derangement of business, a heavy expenditure of money, and much inconvenience in those portions of country affected by these troubles, and which furnished the militia, whose services were required to aid the regular troops in their operations. An augmentation of the Army to a reasonable extent, if it did not prevent these occurrences altogether, would certainly render them less frequent, as well as less injurious and extensive. And this policy is not less humane than useful. It is far better, by the display of force, to render its actual employment unnecessary, than it is to be compelled to resort to it with all the usual accompaniments of an Indian campaign."

A force of ten thousand men is deemed to be necessary by the Secretary of War, but to obtain that force for service he shows the necessity of authorizing a larger number; as the casualties of service, with rapid discharges from three years enlistments, will make a difference of about one third between the authorized and the actual effective force. The commander-in-chief of the Army, General Macomb, concurs in this opinion, and shows it to be necessary to authorize an establishment of twelve thousand men in order to have a force of ten thousand. He thus expresses himself on this point:

"Although, according to the instructions of the Secretary of War, the organization here proposed is limited to *ten thousand men*, and which may be considered as a minimum force for the purposes for which the Army is intended, it is respectfully recommended that, in order to have the amount of force always effective, eighteen men be added to each company of infantry and artillery, which would increase the nominal force to something below *twelve thousand men;* but owing to the fact of the men being enlisted for only three years, the great distance the recruits have generally to march, and the time consumed in joining the regiments on the frontiers, and the necessity of keeping within the authorized numbers, it hardly can be expected that *ten thousand men* would ever be exceeded, should Congress authorize twelve thousand men, as here recommended.

"Upon a review of the fortifications which have been erected, and which are now in progress for the defense of the sea-coast, it is found that there is a considerable deficiency of artillerists to serve the guns, and to guard and preserve the forts, as well as the valuable property in them. It is therefore proposed, as above recommended, to augment the number of companies in the artillery from thirty-six, as now authorized, to forty. These companies of artillery it is proposed to distribute along the sea-board, from Eastport, in Maine, to the delta of the Mississippi; and, in order to show the proposed distribution, two tables are here annexed, marked C and D; that marked C shows how the existing thirty-six companies may be most advantageously disposed of; and that marked D, how it is proposed to distribute the forty companies. Also, a list of forts on the sea-coast, prepared by the Adjutant General, marked E.

"The infantry force, with that of the regiment of dragoons, is best adapted to the defense of the frontiers, including the Gulf of Mexico. The present amount of infantry is not sufficient, in the opinion of the undersigned, to afford adequate protection to the inhabitants residing in the States and Territories bordering on our Indian and other frontiers, and guarding the arsenals in the southern and western States.

"If the project above recommended, of organizing the infantry, as exhibited in the paper marked B, be adopted, making the infantry consist of nine regiments, instead of seven, it is proposed that they be distributed on the frontiers and on the Gulf of Mexico, as shown in paper marked F, which organization and distribution, it is believed, will be the most effectual for maintaining the discipline of the Army, and affording protection to our extensive frontiers."

Mr. B. said that this report of the Secretary of War had been referred by the order of the Senate to the Committee on Military Affairs, and this committee had concurred in the opinion of the Secretary and the General-in-Chief of the Army, that an augmentation of the troops was necessary. They believed that ten thousand men for service would not exceed the number required; and to obtain that number for service, they fully concurred in the opinion that it was necessary to authorize an establishment of twelve thousand troops. The committee had reported their bill accordingly; and while providing for this augmentation of the number, they had also proposed to diversify the arms of the troops, and to add riflemen and light infantry; two species of troops peculiarly adapted to frontier service and Indian wars, of which our military establishment was now destitute, and which were called for by the united opinions of military men.

Having thus explained the origin of the measure, and the amount and nature of the force proposed to be added, Mr. B. proceeded to state the reasons why it should be agreed to. The regular troops in time of peace, he said, were wanted for four different purposes:

1. To guard the frontiers from Indians.
2. To garrison the fortifications.
3. To guard the arsenals.
4. To give security and tranquillity to some points in the South.

The circuit of country thus requiring to be guarded is equal in extent to the largest empires, and embraces a population of fifteen millions. This population includes a portion not homogeneous, and is in contact with another race which, in three hundred years, has seldom been at peace with the whites. The western and northwestern frontier alone, from the Sabine to Lake Superior, requires an active, efficient force of six thousand men, and these consisting of four different arms: infantry, light infantry, rifle, and dragoon. The vast accumulation of Indians now upon that frontier, and the seventy-two thousand yet to be removed to it, render any number less than six thousand for active service a mere mockery of defense to the people; a show to lull them into security, without being able to arrest incursions when they come. Of those tribes now on the western frontiers, many are warlike and numerous, and have never yet felt the power of our arms. The Camanches, the Pawnees, Blackfeet, and Sioux, are of this description. They have been killing and plundering our traders and hunters for years, and, from the impunity they have enjoyed thus far, are emboldened to more daring enterprises. Of the Indians removed many are finely equipped with arms, horses, and ammunition, obtained from the United States as the inducement to their removal. Of those yet to be removed, seventy-two thousand souls in number, yielding a roll of twelve thousand warriors, seven thousand are the Seminoles now engaged in the Florida war, and twenty-five thousand are Creeks, now engaged in the Alabama and Georgia war. The origin of these wars is in the refusal of these Indians to remove according to the treaties which they have made. When the wars are over removal will ensue. Removal is the end of war; and thus, after resistance is subdued by killing a part of the warriors, the removal of the remainder commences.

A mass of thirty thousand Indians, now in arms, are to be removed to the West, the moment they agree to go; and go they will, their hands well supplied with arms, munitions, and horses, by the United States, and their bosoms well filled with hostile feelings from the memory of their losses, and what they consider to be their wrongs. Indians had gone to the West from New York, Ohio, Indiana, Michigan, and Illinois; from Georgia, Alabama, and Mississippi; and were yet to go from all those States, and from North Carolina and Tennessee. To relieve the old States from a useless and dangerous population, and to provide better homes for themselves, these Indians were removed to the West; but it was a mere transfer, not an extinction of danger; on the contrary, the danger became greater from the removal for it was a concentration of the savages upon a weak frontier, and in contiguity with numerous warlike indigenous tribes which had never yet felt the power of the white man. Western members had agreed to this removal for the benefit of the older States; but they had done so under the belief and conviction that they were to have a competent military force to guard against this transferred and accumulated danger. Up to this moment they had never had such a force. There never has been a force on the West and Northwest, since the removals began, competent to guard it. So far from it, the few troops which could be spared for that frontier, were scattered at wide intervals upon a line of immense extent, and the largest body was stationed midway between the head and the mouth of the Mississippi, to be ready to proceed in any direction that danger threatened. This body was now upon the southwestern frontier, called to Natchitoches by the events in Texas; and the West and Northwest were almost destitute. Mr. B. looked upon it as the sacred duty of the States which had transferred their dangers and burdens to the West, to transfer succor there also, and confidently appealed to the Senators from those States to vote the increase of troops which the War Department recommended, and which the committee had reported. To other Senators he appealed in the name of that Constitution which had for its first object the COMMON DEFENSE OF THE WHOLE UNION; and to every friend of the WEST he presented the picture of fire and blood, of burnt houses, devastated fields, slaughtered inhabitants, unburied

*To be precise, twelve thousand eight hundred and eighty-five miles by the meanders; nine thousand eight hundred and forty miles by the general courses.—*Mr. Calhoun's report against reducing the Army in 1818, and before the acquisition of Florida.*

dead, food for beasts and vultures, which now disfigure the soil of Alabama, Florida, and Georgia, and demanded if they were willing to see these horrors repeated and multipled upon the borders of Louisiana, Arkansas, Missouri, the Des Moines, Wisconsin, and Michigan?

Mr. B. said there had been three different periods, under republican administrations, when the military peace establishment of the United States had been fixed by law, and on each occasion had been fixed at a larger number, the relative condition of the country considered, than the present bill proposed. The first of those periods was in the year 1802, the first of Mr. Jefferson's administration, and when the larger part of the troops raised in Mr. Adams's time was disbanded. Mr. Adams left a military peace establishment of five thousand four hundred and thirty-eight men and officers. Mr. Jefferson reduced it to three thousand three hundred and twenty-three. This was done in the year 1802; and this establishment of Mr. Jefferson was greater, in proportion to the state of the country, than twelve thousand would be now. Louisiana and Florida were not then acquired; our territorial limit has doubled since that time; our population is trebled; our revenues quadrupled. The frontier line of posts actually occupied by our troops then was in Georgia, Tennessee, Kentucky, and Ohio; it is now in the Gulf of Mexico at Key West, at Pensacola, Mobile, New Orleans, the Sabine, Natchitoches, Red River, the Arkansas, the Kansas, Des Moines, Prairie du Chien, the Falls of St. Anthony, Lake Winnebago, and the outlet of Lake Superior; with occasional expeditions to the foot of the Rocky Mountains, and to the confines of Mexico. Thus, allowing for the increase of territory, for the extension of the line occupied, and for the increase of wealth and population, and an establishment of twelve thousand men now would be less in proportion than the reduced establishment of Mr. Jefferson was in 1802.

The next period of comparison to which Mr. B. referred was that of the year 1808—the last year of Mr. Jefferson's administration—when the military establishment, under a slight stimulus from "*specks of war on the horizon*," no way comparable to the black clouds which now hang over the South, was augmented to an aggregate of nine thousand nine hundred and ninety-six. Thus Mr. Jefferson left a military establishment about four thousand stronger than the one which now exists, and within two thousand of being as strong as the one now proposed. The establishment which he left when he went out of office was four men less than ten thousand, and we have but six thousand to-day. An augmentation of the Army, at this time, upon the basis of that which he left twenty-eight years ago, would give a force of twenty-four thousand men.

The third period of comparison to which Mr. B. referred was that of 1815, at the conclusion of the war with Great Britain, and when the war establishment was reduced and adapted to the state of universal peace which then prevailed. A peace establishment of twenty thousand men was then the policy of Mr. Madison's administration; fifteen thousand was voted by the Senate; ten thousand rank and file was finally agreed upon in conference between the two Houses of Congress, with additions in ordnance, engineers, officers, &c., which presented an aggregate of twelve thousand six hundred and fifty-six. This was twenty-one years ago, and before the acquisition of Florida; and a relative increase upon that basis at the present time would give an establishment of about twenty thousand men. But the bill now before the Senate does not propose to take the establishment of 1815 for a basis to be built upon, but as a limit to be governed by. It proposes, in fact, the same numerical strength which was then retained, and dispenses with part of the general staff, and with some parts of the organization.

Mr. B. said that the establishment of 1815 was confirmed in 1818; for, at that time, a proposition was made in Congress to reduce the Army, but failed under the cogent reasons which were given for keeping it up to that number. A call was made from the House of Representatives, in April of that year, upon the Secretary of War, to report to the next session of Congress upon the military establishment, and whether "*any reduction could be made with safety to the public service?*" The then Secretary, Mr. Calhoun, reported on the 11th of December following; and that report, which was against reduction then, furnishes such strong reasons for augmentation now, that I must be permitted to avail myself of a portion of its reasoning. The Secretary says:

"Our military establishment is limited by the act of 1815, passed at the termination of the late war, at ten thousand men. The corps of engineers and ordnance, by that and a subsequent act, were retained as they then existed; and the President was directed to constitute the establishment of such portions of artillery, infantry, and riflemen, as he might judge proper. The general orders of the 17th of May, 1815, to fix the artillery at three thousand two hundred; the light artillery at six hundred and sixty; the infantry five thousand four hundred and forty; and the rifle at six hundred and sixty. Document A exhibits a statement of the military establishment, including the general staff, as at present organized, and B exhibits a similar view of those of 1802 and 1808: by a reference to which it will appear that our military establishments at the respective periods, taken in the order of their dates, present an aggregate of three thousand three hundred and twenty-three, of nine thousand nine hundred and ninety-six, and of twelve thousand six hundred and fifty six. It is obvious that the establishment of 1808, compared with the then wealth and population of the country, the number and extent of military posts, is larger in proportion than the present; but the unsettled state of our relations with France and England at that period, renders the comparison not entirely just. Passing, then, that of 1808, let us compare the establishment of 1802 with the present. To form a correct comparison, it will be necessary to compare the capacity and necessities of the country then with the present time. Since that period our population has nearly doubled, and our wealth more than doubled. We have added Louisiana to our possessions, and with it a great extent of frontier, both maritime and inland. With the extension of our frontier, and the increase of our commercial cities, our military posts and fortifications have greatly multiplied." * * *

"If, then, the military establishment of 1802 be assumed to be as small as was then consistent with the safety of the country, our present establishment, when we take into the comparison the prodigious increase of wealth, population, extent of territory, number and distance of military posts, cannot be pronounced extravagant; but, on the contrary, after a fair and full comparison, that of the former period must, in proportion to the necessities and capacities of the country, be admitted to be quite as large as the present; and on the assumption that the establishment of 1802 was as small as the public safety would then admit, a reduction of the expense of our present establishment cannot be made with safety to the service by reducing the Army."

Resuming his remarks, Mr. B. said it would be remembered by the Senate that this report from which he had read was made in the year 1818; that it referred to the peace establishment of 1815; that this establishment presented an aggregate of twelve thousand six hundred and fifty-six; and that it was now proposed by the bill before the Senate to raise the future peace establishment to twelve thousand; in other words, it was proposed to reëstablish in 1836 the peace establishment of 1815; that is to say, of twenty-one years prior date. In these twenty-one years the population and wealth of the country had nearly doubled; Florida had been acquired, the military posts and fortifications had increased, and in the Gulf of Mexico had been extended; the Indians had been accumulated upon the weakest frontier of the Union; and every reason for a military peace establishment was greater now than it was then. He (Mr. B.) claimed, then, and appropriated to the present occasion, every word of the report of 1818, in favor of augmenting the Army now, which was used against reducing it then; and he claimed for every one of these words double as much force now as it had then, the wealth and population of the country being so much greater. They would justify an establishment of twenty thousand men at this time. The effect of this report upon the Congress was the next point which Mr. B. would bring to the notice of the Senate, and he did so with pride and satisfaction. The effect was decisive upon that body. It stopped the movement to reduce the Army! It left the establishment of 1815 as it was! It left the establishment of twelve thousand six hundred and fifty-six troops, with their two major generals, four brigadiers, and the whole general staff, precisely as it was! The whole scheme of reducing the Army failed at that time; and this, let it be well remembered, was before the acquisition of Florida; that acquisition which has given us the double line of coast of that peninsula to guard, with the important stations of Key West, Tampa Bay, St. Marks, and Pensacola. This important territorial acquisition, and where an obstinate war is now waged, would justify the increase of a thousand men upon the establishment of 1815, without taking into view the increase of wealth and population. Mr. B. wished it to be particularly noted that, while the bill before the Senate only proposed to revive the military peace establishment of 1815, yet there were three distinct reasons why a larger establishment than that might now be asked for; namely—

1. The acquisition of Florida, which took place in 1819.

2. The accumulation of Indians on the western frontier.

3. The increased wealth and population of the country.

These reasons all applied in favor of a permanent peace establishment, while the wars with the Creeks and Seminoles required additional regular troops. General Scott had earnestly applied for them, had earnestly called for filling up the ranks early, so as to have the recruits trained for service by the commencement of the winter campaign in Florida.

Mr. B. said, that besides the augmentation of the Army, a diversity of arms was proposed, by reviving a light infantry and a rifle regiment. The open order and quick evolutions of the light infantry made that species of force peculiarly proper on the frontier, and against Indians; and as for the rifle, it was the national weapon whose fame was identified with the American name in all its wars, civilized and savage, from the first settlement of the country down to the most glorious battle of the San Jacinto. That weapon should be preserved and cherished in the American Army.

But it will be said the Army was actually reduced; that it was reduced to six thousand men. This was true; but it was not reduced in 1818, nor at any period that the Treasury was in the condition that it was at the time of that report, or at the present time. It was reduced in 1821, when the public Treasury, from a dream of inexhaustible surplus, was suddenly awakened to the reality of a deficit! and when every branch of the public expenditure on which curtailment could be made to fall, was brought to the test of retrenchment, and placed under the edge of the pruning knife. The Army, of course, was a subject for the operation, and underwent the largest amputation; the Navy, the fortifications, and other branches, were also largely cut down.

Mr. B. said that he here touched a point in our history which was pregnant with instruction and very fit for reflection and meditation, now when we had reached another point of similar character, and to be followed by similar consequences. History was said to be philosophy, teaching by example. If it was so, philosophy must have lost her capacity to teach—at least to teach the Congress of 1836—if the lesson of 1817, 1818, 1819, 1820, and 1821, can be lost upon us. Our financial condition was, in the beginning of that period, what it now is—a full and overflowing Treasury; it was, at the end of that period, what it will probably be in two or three years again, drained to the bottom, and entirely empty! Thus, in June, 1817, we had in the Bank of the United States, besides many millions in the name of public officers, the sum of $15,935,050 standing to the credit of the Treasurer of the United States; in June of the next year that sum was reduced to $6,686,387; in June, 1819, it was reduced to $1,500,035; in June, 1820, it was $946,115; in December of that year it was $388,210; and in the first quarter of 1821 the public money in the bank was exhausted, and the sum of $1,044,539 was overdrawn! In less than four years, the vision of an inexhaustible surplus had ended in the reality of a deficit of a million! and this without having had recourse to any schemes of distribution, by gift or loans, to get rid of it, and in defiance of retrenchment, curtailment, and economy, exerted to the uttermost in 1819, 1820, and 1821, to prevent a recurrence to taxes or loans. The Navy appropriation for the gradual increase was cut down from a million to a half million; fortifications were reduced from about eight hundred thousand dollars per annum to about three hundred thousand dollars; and in 1821 the Army was reduced to six thousand men.

This is the brief history of the surplus of 1817 and the deficit of 1821. The same cause made the surplus then which makes it now: multiplication of banks, profuse issues of bank notes, loans to everybody, great importations of goods, and large sales of public lands; all growing out of the wild spirit of speculation engendered by the paper system, and the universal receivability of bank notes by the General Government for lands, duties, and post office charges; the same cause made the deficit which will soon make it again—the contraction and revulsion of the paper system.

Mr. B. said the question of augmenting the Army had been incidentally discussed in the course of the debate on the fortification bill, and the old and popular objection—the danger of standing armies in time of peace—was pressed into service, and made to do hard duty in a case in which the objection could have no application at all. Vain was the fear, idle the alarm, of danger, of fifteen millions of people from twelve thousand of their countrymen, enrolled upon a military peace establishment, and scattered on a circuit of nine thousand miles? But the answer which this same objection received in 1818 from the Secretary of War, [Mr. Calhoun,] from whose report he had just read, was so just and striking, so true in reference both to the military and to the people, that he would dispense with his own remarks, and adopt those of that Secretary. They are:

"To consider the present Army as dangerous to our liberty, partakes, it is conceived, more of timidity than of wisdom. Not to insist on the character of the officers, who, as a body, are high minded and honorable men, attached to the principles of freedom by education and reflection, what well-founded apprehension can there be from an establishment so small, distributed on so extended a frontier, with many thousand miles between the extreme points occupied? But the danger, it may be said, is not so much from its numbers, as by a spirit hostile to liberty, by which, it is supposed, all regular armies are actuated. This observation is probably true when applied to standing armies collected into large and powerful masses; but, dispersed as ours is, over so vast a surface, the danger, I conceive, is of an opposite character; that both officers and soldiers will lose their military habits and feelings, by gliding gradually into those purely civil."

Having shown the reasons in favor of this augmentation of the regular Army, and answered the objections to it—having shown that the reduction in 1821 resulted entirely from the deficit in the Treasury, an objection which could no longer prevail, as the Treasury was now distressingly, and to some gentlemen alarmingly full—he would repeat that this augmentation was a WESTERN measure, called for by WESTERN voices, and due to the state and condition of that section of the Union. To provide for the COMMON DEFENSE was the first object of the Confederacy of these States; and it was by troops that the West was to receive her portion of this common defense. Forts and navies belonged to the sea-coast—armed men to the inland frontier. The Secretary of War, [Governor Cass,] in laying down a general plan of national defense, has indicated, with a masterly hand, the wants and remedies of the West. A military road in the rear of the States and Territories, from the Sabine to the Wisconsin—a chain of posts at intervals along the whole route—an increased force, of different arms, to traverse the country, and to make occasional expeditions to distant points; such is his recommendation; and it now only awaits the sanction of Congress to carry it into effect, and to give to the great West the protection which her position demands, what the Constitution guaranties, and what the accumulation of Indians upon her border converts into a debt of justice, and an obligation of high and sacred duty.

THE LABORING CLASSES.

SPEECH OF HON. ELI MOORE,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

May 5, 1836,

In reply to Hon. WADDY THOMPSON, and others, the House being in Committee of the Whole on the state of the Union.

Mr. MOORE said:

Mr. CHAIRMAN: Previous to entering upon the subject properly before the committee, I shall avail myself of this opportunity—the first that has been afforded me—of replying to certain misrepresentations that have been made, both here and elsewhere, concerning the laboring classes. The committee, I trust, will the more readily excuse this digression, when the relation in which I stand to the workingmen is considered. Having been long and intimately connected with their cause, and approving, as I do, of their principles and measures, I cannot consent to hear them assailed, without making an effort to vindicate them. They have been denounced as agrarians, levelers, and anarchists, and their *unions* as unlawful and mischievous. I shall endeavor to show, sir, that in all this great injustice has been done them. It is not my intention at this time to notice all the slanders that have been cast upon them, whether in or out of the Halls of Congress; my more immediate object is to reply to the honorable gentleman from South Carolina, whom I see before me, [Mr. THOMPSON,] or at least to so much of his speech on the Navy appropriation bill as relates to the laboring classes. The honorable gentleman, in the course of his remarks, holds the following language:

"I entreat gentlemen to look well to the consequences of the experiment of sending the Government there (to the North) as a competitor in the labor market, and under the constraint of positive orders to expend this vast sum, let labor rise ever so high. It is already one dollar a day, when in the South and West it is less than fifty cents. These appropriations are not for this year alone. They are the beginning of a system of lavish expenditure, which will last until 1842; no longer—no, sir, no longer, my word for it. Are the judicious men of the North, the property holders of the North, disposed to organize in their bosom this army of day-laborers—men who, all over the world, spend, between Saturday and Monday, the wages of the week; and who, at the period of their disbandment in 1842, will be penniless, and who must go supperless to bed, *unless they rob by lawless insurrection*, or by the equally terrible process of the *ballot-box*. Let gentlemen look to it; they are in quite as much danger of insurrection as we are."

The laboring classes, the backbone of the Democracy of the country, rob through the ballot-boxes! What are we to understand by this? Sir, it admits but of this construction—that government ought to be founded on property; that none but the wealthy ought to be allowed to vote; and that the minority should govern. It recognizes a doctrine which strikes at the very root of free government. It is, in fact, the doctrine of despotism itself. No measure, sir, can be carried through the medium of the ballot-box but by the majority. Consult the annals of the past, and you will find that whenever despotism resolved to strengthen itself, or the aristocracy of a country had determined to trench upon the rights and liberties of the people, that the people were first charged with rapacious and seditious designs. The cry of agrarianism, of sedition and revolution, was raised, in order that their calumniators might have an excuse for plundering and oppressing them. Can it be that the new fledged aristocracy of this country have similar designs upon the people at the present time? I confess there are strong indications of it, not only in that spirit of monopoly and of mercenary ambition which is spreading with such fearful and reckless rapidity, but especially in the calumnies which are constantly propagated against the working men, against democratic principles, and against the advocates of liberal sentiments generally. Nay, to those who have paid any attention for the last few years to the movements of the aristocratic or anti-democratic party of this country, it must be evident that a clandestine but vigorous war is waging against popular freedom. Let the people look to it while yet they may. Let them not be deceived neither by *names* nor by *professions*. Let them not suppose that all who pretend to be their friends, politically, are so in reality. It is not all who cry "Lord, Lord, that are worthy of the kingdom."

Mr. Chairman, I regret the attack has been made. It may lead to a controversy from which it will be most difficult to exclude jealousies, heart-burnings, and recriminations. I am not quite certain, however, that it will not, in the main, be productive of good. It may serve to establish more distinctly, and more permanently, the landmarks which distinguish the two great political parties of this country—the *democracy* and the *aristocracy*. And, sir, it is idle to attempt to disguise the fact, that "the time is coming, and now is," when the political gulf between these two parties must be widened and deepened. The people begin to distinguish between mere *theoretical* and *practical* Democrats—between those who but have the doctrine of equal rights on their lips, and those who wear it in their hearts; and hence the days of political amalgamations and of political jugglery, are numbered. Henceforth, I trust, the battle will be fought on the ground of principle alone.

Mr. Chairman, it has been more than insinuated that danger is to be apprehended from the turbulent spirit of democracy; that the signs of the times are portentous of evil; that the fountains of the moral and political deep are in danger of being broken up, and that the waves of anarchy, rapacity and misrule, threaten to burst their barriers, and deluge the land. It was with regret that I heard such sentiments uttered. It was with regret that I heard the integrity of the laboring classes, and the principles of democracy, so unjustly impugned; and if it shall be the last act of my life, I will attempt to hurl back the imputations. Sir, I fear that those attacks upon the people—the democracy—which would circumscribe and destroy. Let this doctrine be carried out, and the principles upon which the Government is founded are utterly subverted.

The line which separates the friends and enemies of equal rights is broad and distinct, and need not, must not, be mistaken. The political principles by which these two parties are governed, are utterly and eternally incompatible and antagonistical. It behooves the people, therefore, to *discriminate*, and to bear constantly in mind that the friends of pure and unadulterated democracy (as contradistinguished from the friends of aristocracy) are in favor of a government founded on *persons*, and *not* on *property;* on equal rights, and *not* on exclusive privileges. The friends of freedom hold that legislation, to be just, must be equal; that all chartered monopolies are incompatible with the spirit of free governments, and prejudicial to the interests and liberties of the people. They contend for equality of political franchise. They maintain that the only righteous system of government is that which is based on the will of the majority, and administered by persons freely chosen by the people; and that the people are the only rightful sovereigns. Such, then, are the leading principles of the working men; such the principles of democracy; and if these principles are dangerous and mischievous in their nature, and calculated to produce anarchy and sedition, as has been alleged, then is liberty a bitter *curse*, instead of a *blessing;* and the founders of our free institutions were the authors of a most pernicious political heresy! But who will assert such to be the fact? Who will affirm, openly and unqualifiedly, that the doctrine of political equality is the doctrine of anarchy and outrage; or that the democracy is the party of sedition, of pillage, and of violence? But few can be found bold enough to make the charge openly and distinctly. No. The sign is not quite right yet. The calumny must be insinuated for the present. The charge must be indirect; the war must be conducted with great caution and circumlocution. The assailants must assume as many shapes as fabled Proteus, and wear as many disguises as Harlequin; they must use secret weapons, deal foul blows, and deal them in the dark. Nothing like daylight and fair play must be tolerated; no outward and evident demonstration must yet be made; the people, the laboring classes, the *democracy*, are first to be slandered and traduced, *vaguely*. Something must be hinted about agrarianism, and about the insecurity of the rights of property. But ask these calumniators what they mean by agrarianism, and they are puzzled to explain. Some think that it is a species of political monster which was created by two celebrated brothers of the olden time; but whether it was by Moses and Aaron, or by Tiberius and Cornelius, they are not quite certain. Others suppose that agrarianism means an equal distribution of property, but are not quite confident of that even. Well, ask them if they ever saw or conversed with an individual holding such sentiments; and they will tell you no, if they tell you the truth. Ask them if they believe that

there is any such party in this country; and they will tell you no, if they tell you what they think and believe. Sir, those who circulate such slanders do so either ignorantly or maliciously; and the greater part because they are *slanders*. The people, the laboring classes, are neither so unwise nor so unreasonable as to either expect or *desire* a perfect equality of wealth. They know and feel that it would not only be unjust, but that it is impracticable. So long as some are more industrious, more provident, and more frugal than others, an inequality of wealth *must*, and *ought* to exist. The people, the democracy, contend for no measure that does not hold out to individual enterprise proper motives for exertion. All they ask is, that the great principle upon which the Government is founded, the principle of equal rights, should be faithfully observed, and carried out to the *exclusion* of all *exclusive privileges*. This they do ask, and no more; they will be satisfied with no less.

Sir, can it be seriously and honestly believed by any man in the possession of his wits, that the principles of democracy or of equal rights, endanger the rights of property; or that the interest and safety of the State will be plotted against by three fourths of the people composing the State? The notion is too absurd and ridiculous to be entertained for a moment. There is no danger, sir, that three fourths of the people will turn political suicides at this time of day. No one believes that the rights of property and the institutions of the country are in danger from the influence of democratic principles, or from the political ascendency of the people. No, sir, these insinuations against the virtue and intelligence of the people are made for sinister purposes, and are the offspring of political depravity; and, as I have before intimated, are the sure and unerring indications of a vigorous attack upon popular liberty. Again, I repeat, let the people look to it.

Public violence and disorders generally, if not universally, have their origin in a violation of the principles of equality and justice; and when these principles are outraged, it is generally by the *few* and *not* by the *many*, it being the manifest interest of the majority to preserve them pure and unimpaired. All the horrors, enormities, and abominations, consequent upon the French revolution, be it remembered, had their origin in the oppressions practiced by the aristocratic few.

In Europe the aristocracy are the *conservative party*. The English House of Lords was originally composed of men who had associated for the purpose of protecting the property which they had plundered from the people. The property thus unjustly obtained, and the onerous laws designed for its protection, have been the means by which the people of that country have been so long and so sorely oppressed. It is the consciousness of the injustice which has been done the people, that causes the aristocracy of Europe so much dread of sedition and revolution, and so much apprehension about the security of property. In a Government where the people are well informed, property can never be respected where it has been obtained in violation of just and equal rights, and used as an instrument of oppression. But, on the other hand, no danger need to be apprehended for the security of property where the people are enlightened, and where it has been obtained by fair and honest means. The right of property in free and intelligent communities, is safe in proportion to the number it has to protect it. Hence in this country, where the people are the *conservative party*, there can be no danger of a violation of this right. It has a protector in every friend of equality and justice. The people, the true source of all political power, are its defenders; it is their interest to be so. If, then, there be a set of men among us who would violate the rights of property, they cannot belong to the real democracy of the country; they can form no portion of, can have no alliance with, the friends of equal rights. No, they must be sought elsewhere. They must be sought among the friends of exclusive privileges, of monopolies and of aristocracy; but *not* in the ranks of the democracy.

Again, our system of government being based on the principle of equal rights, claims the friends of equal rights as its supporters. They are in fact the party whose interest and welfare are identified with the preservation of the Union, and with the stability and integrity of the Government. They are the *conservative party*. Who, then, are the malcontents, if any there be? Which is the party of sedition, if such there be? Not the people, not the democracy. No; but the opponents of democracy, the enemies of equal rights, the champions of exclusive privileges and of monopolies; they are the aristocracy. What can be more unjust and preposterous, then, than the insinuation of the aristocracy, that there is danger of their being despoiled of their property by the people, the democracy? But what say facts? Why, sir, they tell us, what everybody knows to be true, that where there is one instance where the rights of property have been violated by the people, or popular institutions, there are five thousand instances where the people have been plundered and beggared by the heartless cupidity of the privileged few. Sir, there is much greater danger that capital will unjustly appropriate to itself the avails of labor, than that labor will unlawfully seize on capital. I defy gentlemen to point to a solitary instance where the people possessing legislative powers have prostituted those powers to the purpose of plunder. But, on the other hand, where political power has been concentrated in the hands of the few, you will find that the rights of the multitude, whether pecuniary, natural, or political, have been violated, disregarded, and trampled in the dust. And, for the proof, I appeal to the page of history. History, sir, will bear me out in the declaration, that the aristocracy, of whatever age or country, have, at all times and under all circumstances, invariably and eternally robbed the people, sacrificed their rights, and warred against liberty, virtue, and humanity. I am aware that it is quite fashionable to impute the domestic feuds and civil dissensions which have convulsed nations to the inconstancy and profligacy of the people. The imputation is both false and insolent. In despotic and arbitrary Governments the agitation of the people is but the restiveness of a sick man, who incessantly changes his position, because none of them which he assumes will afford him relief. The people generally complain, but at the last extremity; for their regard and reverence for the law acts ever as a restraint upon their just complaints while they have a hope of redress. They more readily forgive than avenge their wrongs, and are never fickle nor seditious when in the enjoyment of their equal and natural sum of happiness. The true causes of sedition and tumult are too well known to be mistaken. The oppressions of the aristocracy; the insolence of caste; the power of concentrated wealth; the blight of avarice, such are the causes which ever tend to destroy the equipoise of a State, and sow dissensions amongst its members. Run over the history of nations, and point out a single one which, becoming rich as Carthage, for instance, maintained, like Sparta and Rome in their days of glory, the talents and virtues which are the groundwork of republican security. Name a single State, a single kingdom, where the concentration of power and wealth did not generate a spirit of tyranny. Where has concentrated wealth failed to breathe division, injustice, and the consequent contempt of laws natural and political? In what country has it not invited the march of the invader and the yoke of the tyrant? Why did Sparta, enriched by the advice and policy of Lysander, lose the virtue and the power which she had retained during six hundred years of frugal independence? Why did the Roman Republic fall to decay as soon as her nobility were cumbered with the accumulated wealth and fatal spoils of conquered nations?

Many of the republics of the middle ages, in the south of Europe, withstood the shock of foreign invasion, and fought with success against the stranger, but to see their liberties cloven down by the blows of domestic tyranny. Why instance the example of Florence—until the thirteenth century the freest republic of the modern era? Why show the people, wronged in their most sacred rights, tortured in their dearest feelings, trodden under foot by the contending aristocratic parties of the day, pouring out their life blood for Guelf and for Gibeline, till, exhausted by the fruitless contest, they sat down in quiet submission, no longer able to resist the yoke of titled despotism?

Genoa, too, once free, happy, and powerful, paid the forfeit of inequality. The curse of all republics lighted upon her head; and tossed by passions, begotten of clashing privileges and contending interests, which seemed to grow out of the lust of ambition rather than out of the love of freedom, settled down, after various vicissitudes, into a rigid oligarchy.

The once free and happy Venitians trusted to the hollow promises of the aristocracy, and mark the consequences of their credulity. They continued to sleep over the imminence of danger until awakened from their lethargy by the shriek of expiring freedom and the clank of patrician chains. An unsparing and iron-handed aristocracy gave the charter of their liberties to the winds of the Adriatic; and beneath the ruins of their free institutions sat the dark conclave of a gloomy inquisition, and the titled murderers of the Secret Tribunal.

All States, in their infancy, had laws favorable to equality; all, however, have been condemned to see distinctions and preferences grow up among their citizens; and although wealth and dignities were at first but little regarded, so influential were their gradual sway, that they proved all-sufficient to undermine the stability of the laws, and subjugate the spirit of the multitude. Consider the length of time which elapsed before the plebeians of Rome could come to the resolve of sharing the magistracy with the patricians. Yet the people were not unconscious of their influence and their power. The exile of Tarquin had inspired them with an extreme love of freedom. The banishment of the lewd tyrant had induced the hope among the people of yielding to the omnipotence of the laws alone. They had sustained a long and obstinate war of principles, which must have elevated their sentiments. And yet we all know how many indignities, how many exactions, how many tortures; we all know how often the lash of the patrician's taskmaster resounded in the *ergastula;* how often the hard earnings of the laborer were wrung from his toil-worn palms, to dower the patrician wife, or furnish the extravagancies of a patrician bridal; how often the plebeian debtor was limbed, joint by joint, to answer the claims of his patrician creditor; how often the Roman gemonia echoed with the agony of a tortured people, before they thought, I will not say to hurl their claims at their oppressors, but to stand on the imprescriptible law of self-protection. Goaded at last beyond endurance by the tyranny of the aristocracy, they secede, and intrench their rights on the sacred mount. They were sufficiently powerful to have crushed their enemies, or, at least, to have vindicated the equality of the laws; yet I know not what lurking sense of dependence, what lingering habits of deference to the wealthy, arrests the thought of vengeance; all that they ask, all they desire, is not to be tortured—not to be oppressed. We have eaten of the bread of panda, the bread of communion, with you, they say to the patricians; let not its promise be a lie to ourselves, our wives, and our children! The magistrates whom they appoint to watch over their safety bear no badge of authority, and are content to sit at the outer door of the patrician Senate. The tribunes, who knew their power, and exerted every faculty to uphold the dignity of their order, how long was it before they could bring the plebeians properly to value the principle of equality? If the multitude swell around the forum; if it reëcho with their angry murmurs; if they show a disposition to wrest the authority from lawless hands, fear not, it is all a show; a sort of blind and confused instinct, the fruit of habit, holds back the plebeians; and unconscious of the fact, that very instinct militates against their best and most sacred interest, and calms every burst of indignation into *order* and peace. They must gradually become familiar with the extent of their rights, and if, in a moment of violence and strife, they assert the privilege of sharing the fasces with the patricians, a whole century will have passed away before they dare fully to enjoy that privilege. So much for the disposition to insurgency against the rich, attributed to the poor or laboring classes. And yet, in the teeth of all

these facts, in contradiction to all experience, and in defiance of the concurrent testimony of history, our modern aristocracy have the presumption, nay, the bald-faced impudence, to allege that the people have ever a propension to sedition and plunder.

Sir, is it not strange, is it not marvelous, that the aristocracy of any country should have the hardihood to make pretensions to a higher sense of political justice, and claim to possess a greater share of morality and virtue, than the people, the democracy? What is the history of the aristocracy, whether of ancient or of modern times, but a history of aggression, of perfidy, sedition, debauchery, and of moral and political prostitution? What is it but a history of bands of political marauders, whose bond of union was sordid ambition, and whose watch word and rallying cry was *rapine;* in a word, what is it but a history whose every page bears the indelible impress of omnipotent depravity? Sir, wherever the power of an aristocracy, especially of a *moneyed aristocracy*, is *fearlessly exercised*, the whole moral and political atmosphere becomes so contaminated, that the heart and its passions, life and its purposes, are alike prostituted to lust and infamy, to avarice and ambition. Within the circle of its influence no generous aspiration can spring, no moral verdure can flourish, no virtue can live; honor, gratitude, beneficence, patriotism—all, all perish. The maxim of the Athenian orator, that action, action, action, was the soul of oratory, appears to have been translated by all aristocracies construing the essence of political power into corruption, corruption, corruption!

Sir, when man becomes so far regardless of the rights and welfare of his fellow man as first deliberately to despoil him of the fruits of his labor, and of those inalienable rights which God and nature vouchsafed to him, and then deride his misfortunes and exult over his degradation, as is the wont of the aristocrat, he is and must be fitted for any and every enormity, and would, nay does, in very deed, spurn the breast that feeds him—"crams, and blasphemes the feeder."

Do I speak in terms too strong of the corrupting influence and of the abominations of aristocracy? By no means. Turn to the page of history, and point me to the people whose virtue or whose patriotism was proof against such influence, *after such influence had once been felt.* In the footsteps of aristocracies, especially of moneyed aristocracies, ever follows venal and enervating luxury; that common bane of all prosperous Governments; that fell destroyer of all manly and patriotic virtue; that seductive syren who sings of glory while she scatters pestilence and withering mildews round the land. Sir, the history of the past is before us; let us be admonished by the lessons it inculcates. Classic Greece, and stern republican Rome, those former lights and wonders of the world, in an evil hour took to their bosoms the serpent luxury, and, ere they were aware, became entangled in its folds; they struggled, and struggled, but in vain—its subtle, sickly poison had reached their vitals, unstrung their sturdy nerves, palsied their giant arms, and stretched them helpless and hopeless in the dust!

The dialects of Aristotle, the philosophy of Plato, and the eloquence of Cicero, were opposed in vain to the moral and political pestilence which swept the land. The influence of wealth and luxury not only banished virtue and patriotism from the Grecian and Roman States, but carried vice and corruption into the very heart of Christendom! It not only debased the principles of Socrates and Seneca, but the vicars of Christ and the defenders of the faith. It triumphed alike over heathen philosophy and Christian divinity; and for the proof, I would refer you to both profane and ecclesiastical history During the three first centuries, the professors of Christianity kept themselves comparatively "pure and unspotted from the world," and their consciences innocent from secret conspiracy or open rebellion. When persecuted by their enemies, they retaliated not, but, in imitation of their Heavenly Teacher, meekly bowed their necks to the blow. But after Christianity had become the ally of wealth and power, mark the change! behold how soon its whole garb and character are altered! No sooner had it become the favorite of royalty, and the associate of aristocracy, than its professors (the once humble followers of the meek and lowly Jesus) rushed from the cloister and the cell, like lions from their lairs, or rather, like wolves from their dens, thirsting for blood, and howling for revenge. The symbols of peace and purity, the chalice and the cross, were exchanged for the spear and javelin; the robes of sanctity, the gown and surplice, for the mail of steel, the cuirass, and the casque. The clang of arms and the war shout were preferred to the morning hymn and the evening orison; and, instead of singing hallelujahs to the Prince of Peace, those sanguinary heroes shouted hosannas to the Demon of War! The cross was raised in the battle, and glittered on their shields; and *corrupted* Christianity was spread, by dint of arms, from the Thracian Bosphorus to the banks of the Wolga. But, alas! as it advanced, virtue receded! No sooner were the pagans repulsed than the spurious Christians turned their swords, still reeking with the blood of the infidel, against each other. The heretics were massacred, and their estates confiscated, and some of the penal regulations were copied from the edicts of that very Dioclesian who had dealt destruction among the Christians. "And this method of conversion was applauded by the same bishops who had felt the hand of oppression, and pleaded for the rights of humanity."

But I will pursue this subject no further. My object was merely to show that neither the teachings of philosophy, nor the inspiration of religion, were capable of counteracting or resisting the corrupt and unhallowed influence of associated power and wealth—of aristocracy. And yet, with a knowledge of these facts, with a full and *practical* knowledge of the immoral and corrupting tendency and character of aristocratic principles, our venal, flippant, upstart aristocrats, with heads thrown back, and arms akimbo, presume to prate of virtue and morality, and *dare* to impugn the integrity and patriotism of their betters, the democracy. Their arrogance and folly can only be paralleled by their depravity.

But, sir, much has been said against associations—not of bankers, nor of brokers, but of *mechanics and laborers.* Why, it has been asked with alarm and indignation, why this commotion among the laboring classes? Why this banding together and forming of unions throughout the country? Sir, these associations are intended as counterpoises against capital, whenever it shall attempt to exert an unlawful or undue influence. They are a measure of *self-defense* and of *self-preservation*, and therefore are *not illegal!* Both the laws of God and man *justify resistance* to the robber and the homicide, *even unto death!* They are considered necessary guards against the encroachments of mercenary ambition and tyranny, and the friends of exclusive privileges, therefore, may, with propriety, dread their power and their influence. The union of the working men is not only a shield of defense against hostile combinations, but also a weapon of attack that will be successfully wielded against the oppressive measures of a corrupt and despotic aristocracy. It is the brand of IOLAUS searing and annihilating the Lernæan monster.

The present indications of disquietude in the public mind excite no alarm among the friends of equal rights. It is proof that liberty is abroad, and that the "bone and muscle of the country" are imbued with its spirit. It is an evidence that the Republic retains a goodly share of its original purity and freshness, and that the blood flows fast and the pulse beats strongly in the body-politic, denoting *youthful health and vigor.* The friends of equal rights, therefore, I say, are not alarmed at these signs of concert and energy in the ranks of the people. They perceive, in the gathering cloud, the lightning that is to purify the political atmosphere. It flashes, but terrifies the foes of freedom!

And who are they that clamor against the efforts of the laboring classes to protect their rights and elevate their condition? Who that approve of indictments and prosecutions against them for seeking refuge in union and association from combination and oppression, and hold guiltless at the same time the confederates of all conspiracies against them? Sir, I will tell you who they are: they are the sordid champions of exclusive privileges, and of chartered monopolies; those cunningly-devised substitutes of feudal tenures, and the "insolent prerogative of primogeniture." They are the common enemies of equal rights, and of that just and benign policy which would secure the greatest good to the greatest number. They are the aristocracy, and, therefore, *traitors* to the principles of the Government which affords them protection.

But it is denied that there are any such party in this country as an aristocracy. The Constitution, it is said, recognizes no such *order.* True, sir, neither does the Constitution recognize a paper currency; but does it follow, therefore, that no such currency exists? The Constitution of the United States positively *prohibits* the emission of bills of credit, by the State governments; and yet it is notorious, that such issues, in the shape of bank bills, are made daily, by and with the consent of every State government in the Union. It is absurd, therefore, to argue that there is no aristocracy in this country, *because* the Constitution recognizes no such party or *order.* But as names do not alter the nature of things, it makes but very little difference by what name that political party is called, which advocates *exclusive privileges*, or an *inequality of rights.* Their principles are equally adverse to the spirit of democracy, by whatever name they may be designated.

A purely democratic Government must necessarily be opposed, in its very character and nature, to all monopolies and unequal legislation; and no party, therefore, in favor of charters and exclusive privileges, can, with any propriety, claim to be the party of democracy: it would be equally proper for a disciple of Mahomet to call himself a Christian. Sir, is it not base and horrible mockery, nay, downright perfidy, for any party or individual to profess the principles of democracy, or political equality, and pursue monopoly or aristocratic measures at the same time? Whoever professes to be a Democrat and acts upon federal or monopoly principles, deserves to be stigmatized as a political dissembler and traitor.

Sir, shall I be told that the *Democratic party* numbers amongst its nominal supporters, monopolists, or aristocrats? I am aware of the fact, sir, without being advised of it at this time. Nevertheless, I do contend that the Democratic party, as a *party*, have, from the organization of the Government to the present time, ever been *distinguished* from their political adversaries, whether known as federalists, aristocrats, monopolists, nationals, or modern Whigs, by their advocacy of liberal or popular principles. The history of the two parties shows this. The first prominent anti-democratic measure proposed in this country, was that of the funding or banking system. Alexander Hamilton, the avowed advocate of an aristocracy, was the fit champion of this unequal and onerous measure, and from which has emanated that whole system of monopoly which now overshadows the land, and threatens to subvert the liberties of the people. Of this aristocratic system, mark what has been said by one of the most clear headed, sound, and patriotic men that our country ever produced—I allude to the late John Taylor, of Caroline county, Virginia:

"Thus, whilst a paper system pretends to make a nation rich and potent, it only makes a minority of that nation rich and potent, at the expense of the majority, which it makes poor and impotent. Wealth makes a nation, a faction, or an individual, powerful, and therefore, if paper systems extracted the wealth they accumulate from the winds, and *not* from property and labor, they would still be inimical to the principles of every constitution, founded in the idea of national will; because the subjection of a nation to the will of individuals or factions, is an invariable effect of great accumulation of wealth; but when the accumulation of a minority impoverishes a majority, a double operation doubly rivets this subjection.

"The delusion of all paper projects is at once detected by turning upon them their own doctrine; all boast of doing good to a nation. Suppose a nation was to decline this beneficence, and propose to reward it by doing good to paper projects, exactly in the same way they propose to benefit the nation—that is, by taking from the owners of stock their income, and consigning over to them the taxes and the credit attached to the debtor, with the blessing of a paper circulation; the credulity which believes that these institutions do really impose upon nations debt and taxes, direct and indirect, from motives of public good, would be presently cured by the faltering tongues, the wan faces, and the distressing lamentations, which a proposition for this exchange would produce. These paper projects, which pretend to be blessings to nations, would be deprecated as curses by themselves, if the case was thus altered.

"It is said that paper systems, being open to all, are not monopolies. He who has money may buy stock. All then is fair, as every man (meaning, however, every moneyed man) may share in the plunder.

"Every man may enlist in an army, yet an army may enslave a nation. A monopoly may be open to a great number, yet those who do engage in it may imbibe the spirit of faction; but it cannot be open to all, because no interest which must subsist upon a nation can consist of that nation; as I cannot fatten myself by eating myself. If every citizen should go into an army, it would transform that army into the nation itself, and its pay and subsistence would cease; in like manner the profits of paper, were they generally or universally distributed, would cease, because each citizen would be his own paymaster. Had the objection been as true in practice as it is plausible in theory, these answers suffice to prove that it would have converted paper aristocracies into paper democracies.

"The reason, however, for this apparent common power of becoming a stockjobber, consists in the constant necessity felt for recruits by every species of aristocracy. The Mamelukes of Egypt have sufficient penetration to discover this. No individual, nor any inconsiderable number of individuals, can enslave a nation. A despot raises soldiers by bounties. This system is also recruited by bounties. The soldier sometimes deserts, or takes part with the nation after his bounty is spent; but the bounty of paper systems is so contrived that it is perpetually going on, and annually repeated, so that the aristocracy of an oppressive system never deserts or takes part with the nation, as the army of an oppressive prince has sometimes done.

"Where avarice and ambition beat up for recruits, too many are prone to enlist. Kings, ministers, Lords, and Commons, will be obliged to command the army and share in the plunder, or submit to be cashiered. The makers and managers of aristocracy gamble, with a certainty of winning, for a stake extorted and increased by themselves. If they deposit their penny they draw a pound, and augment their power. The system of paper and patronage freights annual galleons for a government and a faction, at a national mine called industry; and bestows on the people such blessings as those enjoy who dig up the ores of Peru and Mexico. The receivers of the profit drawn from this mine reap wealth and power; the laborers reap armies, wars, taxes, monopolies, faction, poverty, and ten hundred millions of debt. This is an English picture. America hopes that her governors and citizens are neither ambitious nor avaricious; and, upon this hope, is committing the custody of her liberty to the same system. Oh! America, America, thou art the truly begotten of John Bull! It is not proposed to follow this system throughout its deleterious effects upon the morals of private citizens. But if it is capable of corrupting public officers, or Government itself, a remark to exhibit its superior malignity over the aristocracies of the first and second ages cannot be suppressed. The manners and principles of Government are objects of imitation, and influence national character. The aristocracy of the first age exhibited sanctity, veneration for the gods, and moral virtues to the public view, not unuseful in their operation, and particularly so in times of ignorance; that of the second, the virtues of generosity, honor and bravery, not unuseful in softening barbarism into civilization, by the magnanimity and even the folly of chivalry. But what virtues for imitation appear in the aristocracy of the present age? Avarice and ambition being its whole soul, what private morals will it infuse, and what national character will it create? It subsists by usurpation, deceit, and oppression. A consciousness of fraud impels it towards perpetration. By ever affecting and never practising sincerity, it teaches a perpetual fear of treachery and a perpetual effort to ensnare. Its end is distrust and fraud, which convert the earth into a scene of ambuscade, man against man. Its acquisitions inflict misery without bestowing happiness; because they can only feed a rapacity which can never be satisfied, and a luxury which cannot suppress remorse. In relation to private people, this system may only encourage idleness, teach swindling, ruin individuals, and destroy morals; but, allied to a Government, it presents a policy of such unrivaled malignity as only to be expressed by saying, 'the Government is a speculator upon the liberty and property of the nation!'"

Such, then, sir, is the character and tendency of the paper or banking system. And, with this system is identified the aristocracy; they are, in fact, inseparable. The banking system of this country, be it ever remembered, originated with, and has been uniformly cherished and advocated by, the anti-democratic or aristocratic party. The struggle of the United States Bank (one of the first fruits of aristocratic policy) was emphatically a struggle for power and privilege, nay, for dominion. Its friends, emboldened by the hope and prospect of success, threw by the mask, and not only avowed, but carried out into practice, the principles which govern all moneyed aristocracies; and arrogance, corruption, oppression, and proscription, were openly practiced in the face of day.

The aristocracy are not only distinguished by their corrupt and despotic measures, and their penchant for monopolies and exclusive privileges, but also, by the virulency and constancy of their animosity towards the advocates of the rights and happiness of the multitude; and hence Jefferson and Jackson, those devoted and efficient champions of *equal rights*, have each in their turn, been the objects of their peculiar hatred and unmitigated slanders. In fact, those who most deserve the confidence and support of the people, are ever the most obnoxious to the assaults and denunciations of the aristocracy. Who, for example, have been more grossly slandered and abused by them than Martin Van Buren and Richard M. Johnson? And who have stronger claims upon the regard and confidence of the democracy of the country than those gentlemen? Have they not, both in Congress and the Legislatures of their respective States, uniformly opposed chartered monopolies, and all other aristocratic encroachments upon the equal rights and liberties of the people? Have they not, at all times, and under all circumstances, openly and unreservedly avowed their hostility to all *exclusive legislation*, and to all measures calculated to prejudice the cause of political equality? Have they not ever reposed the utmost confidence in the intelligence and integrity of the people, and uniformly exerted their best energies in behalf of the people's rights and welfare? Let the history of their lives furnish the answer.

The aristocracy are also known by yet another characteristic—their *contempt* of the *common people*. I do not recollect that I have ever met with any production in which this feeling of contempt was so strongly and *heartily* expressed as it is in the late address of Mr. Biddle before the Alumni Association of Nassau Hall. Permit me, sir, to call your attention for a moment to the following extract, as a specimen:

"From your own quiet elevation, watch calmly this servile route, [the people,] as its triumph sweeps before you. The avenging hour will at last come. It cannot be that our free nation will long endure the vulgar dominion of ignorance and profligacy. You will live to see the laws reëstablished. These banditti [the people] will be scourged back to their caverns; the penitentiary will reclaim its fugitives in office, and the only remembrance which history will preserve of them is the energy with which you resisted and defeated them."

It is difficult, sir, to determine whether *audacity* or *hypocrisy* is most preëminent in the extract which I have just read. Sir, must it not strike every one, possessing the least sense of propriety, as very remarkable that an individual in Mr. Biddle's *peculiar situation*, being at the time president of an institution notoriously corrupt and unconstitutional, should presume to make pretensions to patriotism or to political integrity? Why, sir, with about as much propriety might the wanton prate of virtue, or the father of lies of truth and righteousness, as *this man* of love of country or of political honesty. In his abuse of the people is exhibited the profanity of Alcibiades, defacing the images of the gods! In his professions of patriotism is manifested the hypocrisy of Clodius dedicating a temple to liberty! And let it be remembered, sir, that this enemy of equal rights, this contemner and libeler of the people, is the chief priest, nay, the very Moloch, of the Bank-Whig aristocracy. No prince better deserves the homage of his subjects; none so well qualified to direct the councils of that political Tartarus, which he has obtained the empire of, and delights to reign over!

[NOTE.—In consequence of indisposition, Mr. MOORE was unable to proceed in his remarks.]

INDIAN HOSTILITIES.

SPEECH OF HON. JOHN Q. ADAMS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

May 25, 1836,

On the Joint Resolution from the Senate authorizing the President of the United States to cause rations to be distributed to suffering fugitives from Indian hostilities in Alabama and Georgia.

Mr. ADAMS asked that the resolution should be read.

It was accordingly read, and was as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be authorized to cause rations to be delivered from the public stores to the unfortunate sufferers, who are unable to provide for themselves, and who have been driven from their homes by Indian depredations, in Alabama and Georgia, until they can be reëstablished in their possessions, or so long as the President shall consider it necessary.

Mr. ADAMS, after observing that there was no appropriation annexed to the resolution, which, if there had been, the resolution must, by the Constitution of the United States, have been made to assume the form of a *bill*, proceeded to address the Chairman of the Committee of the Whole on the state of the Union, in substance, as follows:

Mr. Chairman, we are called to vote upon this resolution without knowing how deep it will dive into the public purse. We have no estimate from an Executive Department; no statement of the numbers of the distressed and unfortunate persons whom we are called upon to relieve, not with our own moneys but with the moneys of our constituents. By an exception to the ordinary rules of the House, especially established to guard the public Treasury against the danger of rash and inconsiderate expenditures, we are to drive this resolution through all its stages in a single day; and it is, I believe, the first example of a system of gratuitous donations to our own countrymen, infinitely more formidable by its consequences as a precedent, than from anything appearing upon its face. I shall, nevertheless, vote for it. But answerable to my constituents, as I am in this as in all other cases for voting away their money, I seek for a *principle* which may justify me, to their judgment and my own, in this *lavish* disposal of the public funds.

It is but one, sir, of a class of legislative enactments now upon the pages of our statute-books, introduced first, I believe, during the present session of Congress; but with which we are already becoming familiar, and which I greatly fear will, ere long, grow voluminous. I shall take the liberty to denominate them the *scalping-knife and tomahawk laws*. They are all urged through by the terror of those instruments of death, under the most affecting and pathetic appeals from the constituents of the sufferers, to all the tender and benevolent sympathies of our nature. It is impossible for me to withhold from those appeals a responsive and yielding voice. I have voted for all those bills devoting million after million from the public chest, for the relief and defense of these the suffering fellow-citizens of my constituents. I will vote for this resolution. I will vote again and again for drafts from the Treasury for the same purpose, should they become necessary, till the Treasury itself shall be drained; but for so doing, I must seek for a principle which may be satisfactory, first, to my own mind, and secondly, to my constituents.

And here, sir, the gentlemen who call upon us for these bountiful contributions from the public treasure, are compelled to resort to that *common defense and general welfare* declared by the Constitution of the United States to be among the purposes for which the Constitution itself was ordained by the people. I admit their claim. There are, indeed, two grounds upon which some of them think their claims sustainable. One of them produces precedent for this exercise of power, and yet disclaims the authority of the precedent itself. You have already, by a resolution in the same words with those of the resolution now before this committee, extended this same relief to the inhabitants of Florida. But Florida is one of your Territories, and you are under obligations of protection more comprehensive to its inhabitants than those which bind you to the people of the States. These receive and are entitled to the protection of their State government, and you are bound to extend that species of protection to the inhabitants of the Territories, besides the protection which the inhabitants of the several States are entitled to as members of the great Confederation. The precedent, therefore, of the resolution of relief to the inhabitants of Florida does not cover the case. We are reminded, however, that some twenty years or more ago the people of Caraccas were visited at once with a tremendous earthquake, with famine, and with the still more heavy misfortune of a civil war. The convulsions of nature by earthquakes, the ravages of famine, and the raging passions of man in the desolations of civil war, are as destructive to human life, and as calamitous to multitudes whom they do not absolutely destroy, as the tomahawk and scalping-knife. But whatever may have been the motives or the justifying authority of Congress more than

twenty years ago for appropriating any portion of the public moneys to the relief of the inhabitants of Caraccas, it could not establish the principle that Congress have the constitutional power to appropriate money for the relief of all human suffering, whether by earthquake, famine, civil war, or Indian ferocity. And the gentleman from Alabama himself, who so ardently urges the adoption of this resolution, tells you that he should have voted against that measure of relief to the wretched sufferers in Caraccas. Mere commiseration, though one of the most amiable impulses of our nature, gives us no power to drain the Treasury of the people for the relief of the suffering object. You *must*, therefore, seek another, an additional source of power, for authority to pass this resolution; and where will you, where can you find it but in the *war power*, and its *limitation*, not its enlargement, in that very declaration of the transcendent purposes for which the people of the United States ordained their Constitution—the *common defense and general welfare?* Step one hair's breadth out of the circle bounding the true intent and meaning of these words, and you have no more authority to pass this resolution than you have, by an act of Congress, to saddle the people of the United States with the insupportable burden of the whole system of the poor laws of England.

Sir, in the authority given to Congress by the Constitution of the United States to *declare war*, all the powers incidental to war are, by necessary implication, conferred upon the *Government* of the United States. Now, the powers incidental to *war* are derived, not from the internal municipal sources, but from the laws and usages of nations. In your relations with the Indian tribes you never declare war, though you do make and break treaties with them whenever either to make or break treaties with them happens to suit the purposes of the President and a majority of both Houses of Congress. For, in this matter, you have set aside the judiciary department of the Government as effectually as if there were none such in the Constitution.

There are, then, Mr. Chairman, in the authority of Congress and the Executive two classes of powers, altogether different in their nature, and often incompatible with each other: the war power and the peace power. The peace power is limited by regulations, and restricted by provisions, prescribed within the Constitution itself. The war power is limited only by the laws and usages of nations. The power is tremendous; it is strictly constitutional, but it breaks down every barrier so anxiously erected for the protection of liberty, of property, and of life. This, sir, is the power which authorizes you to pass the resolution now before you, and, in my opinion, there is no other. And this, sir, is the reason which I was not permitted to give this morning for voting with only eight associates against the first resolution reported by the committee on the abolition petitions; not one word of discussion had been permitted on either of those resolutions. When called to vote upon the first of them, I asked only five minutes of the time of the House to prove that it was utterly unfounded. It was not the pleasure of the House to grant me those five minutes. Sir, I must say that, in all the proceedings of the House upon that report, from the previous question, moved and inflexibly persisted in by a member of the committee itself which reported the resolutions, [Mr. OWENS, of Georgia,] to the refusal of the Speaker, sustained by the majority of the House, to permit the other gentleman from Georgia [Mr. GLASCOCK] to record upon the Journal his reasons for asking to be excused from voting on that same resolution, the freedom of debate has been stifled in this House to a degree far beyond anything that ever has happened since the existence of the Constitution of the United States; nor is it a consolatory reflection to me how intensely we have been made to feel, in the process of that operation, that the Speaker of this House is a slaveholder. And, sir, as I was not then permitted to assign my reasons for voting against that resolution before I gave the vote, I rejoice that the reason for which I shall vote for the resolution now before the committee is identically the same with that for which I voted against that.

Mr. ADAMS at this, and at many other passages of this speech, was interrupted by calls to order. The Chairman of the committee [Mr. A. H. SHEPPERD, of North Carolina] in every instance decided that he was not out of order, but at this passage intimated that he was approaching very close upon its borders; upon which Mr. A. said: Then I am to understand, sir, that I am yet within the bounds of order, but that I may transcend them hereafter. Mr. Chairman, I claim the privilege of speech accorded to every other member of this House. I will not advert to the latitude in which that privilege has been, throughout this session, enjoyed in Committee of the Whole by every member of the House who has chosen to exercise it. I will appeal only to what happened no longer ago than the sitting of yesterday and of this morning, when, at the hour of one, the Speaker adjourned the House, not in the usual form of ten o'clock to-morrow morning, but to ten o'clock of Wednesday morning, that is, of this day. Is it not within the recollection of every one who hears me that two gentlemen, both distinguished members of the House, from the State of Maryland, from the hour of seven to that of ten, or little short of that time, last evening, entertained and instructed the Committee of the Whole House with a controversial disquisition upon the constitution of the State of Maryland, and upon the very important question whether the voice of the Legislature of that State was or was not an exponent of the popular will? Is it not remembered that this disquisition was held in the form of a dialogue, so animated that the retort courteous, the quip modest, the counter-check quarrelsome, and almost the lie circumstantial, passed between those gentlemen, without interruption from the Chairman, and without call to order, till at last an honorable member from Tennessee proposed that the difference between the two members should be settled by *arbitration?* And what was the question before the committee, sir, upon which this spirited and eloquent conference was held? Was it upon an appropriation of $700,000 for arming the fortifications of the United States? or upon an *amendment* to that proposed, by a reduction of the salaries of all your principal executive officers, and of the compensation of members of Congress? Sir, it was upon one of these two propositions, so exceedingly relevant to each other, that the colloquy between the two gentlemen from Maryland, upon the constitution, Legislature, and people of that highly respectable State, was held, for hours, without interruption or call to order. And now, sir, am I to be disconcerted and silenced, or admonished by the Chair that I am approaching to irrelevant matter, which may warrant him to arrest me in my argument, because I say that the reason for which I shall vote for the resolution now before the committee, levying a heavy contribution upon the property of my constituents, is identically the same with the reason for which I voted against the resolution reported by the slavery committee, that Congress has no authority to interfere, *in any way*, with slavery in any of the States of this Union? Sir, I was not allowed to give my reasons for that vote, and a majority of my constituents, perhaps proportionably as large as that of this House, in favor of that resolution, may, and probably will, disapprove of my vote against it, unless my reasons for so voting should be explained to them. I asked but five minutes of the House to give those reasons, and was refused. I shall, therefore, take the liberty to give them now, as they are strictly applicable to the measure now before the committee, and are my only justification for voting in favor of this resolution.

I return, then, to my first position, that there are two classes of powers vested by the Constitution of the United States in their Congress and executive Government: the powers to be exercised in time of peace, and the powers incidental to *war*. That the powers of peace are limited by provisions within the body of the Constitution itself; but that the powers of war are limited and regulated only by the laws and usages of nations. There are, indeed, powers of peace conferred upon Congress which also come within the scope and jurisdiction of the laws of nations, such as the negotiation of treaties of amity and commerce, the interchange of public ministers and consuls, and all the personal and social intercourse between the individual inhabitants of the United States and foreign nations, and the Indian tribes, which require the interposition of any law. But the powers of war are *all* regulated by the laws of nations, and are subject to no other limitation. It is by this power that I am justified in voting the money of my constituents for the immediate relief of their fellow-citizens suffering with extreme necessity even for subsistence, by the direct consequence of an Indian war. Upon the same principle, your consuls in foreign ports are authorized to provide for the subsistence of seamen in distress, and even for their passage to their own country.

And it was upon that same principle that I voted *against* the resolution reported by the slavery committee, "that Congress possess no constitutional authority to interfere, *in any way*, with the institution of slavery in any of the States of this Confederacy," to which resolution most of those with whom I usually concur, and even my own colleagues in this House gave their assent. I do not admit that there is, even among the peace powers of Congress, such authority; but in *war* there are many ways by which Congress not only have the authority, but are bound to interfere with the institution of slavery in the States. The existing law prohibiting the importation of slaves into the United States from foreign countries, is itself an interference with the institution of slavery in the States. It was so considered by the founders of the Constitution of the United States, in which it was stipulated that Congress should not interfere, *in that way*, with the institution, prior to the year 1808.

During the late war with Great Britain, the military and naval commanders of that nation issued proclamations inviting the slaves to repair to their standards, with promises of freedom and of settlement in some of the British colonial establishments. This, surely, was an interference with the institution of slavery in the States. By the treaty of peace, Great Britain stipulated to evacuate all the forts and places in the United States, without carrying away any slaves. If the Government of the United States had no authority to interfere, *in any way*, with the institution of slavery in the States, they would not have had the authority to require this stipulation. It is well known that this engagement was not fulfilled by the British naval and military commanders; that, on the contrary, they did carry away all the slaves whom they had induced to join them, and that the British Government inflexibly refused to restore any of them to their masters; that a claim of indemnity was consequently instituted in behalf of the owners of the slaves, and was successfully maintained. All that series of transactions was an interference by Congress with the institution of slavery in the States in one way—in the way of protection and support. It was by the institution of slavery alone that the restitution of slaves enticed by proclamation into the British service could be claimed as *property*. But for the institution of slavery, the British commanders could neither have allured them to their standard, nor stored them otherwise than as liberated prisoners of war. But for the institution of slavery, there could have been no stipulation that they should not be carried away as property, nor any claim of indemnity for the violation of that engagement.

But the war power of Congress over the institution of slavery in the States is yet far more extensive. Suppose the case of a servile war, complicated, as to some extent it is even now with an Indian war; suppose Congress were called to raise armies, to supply money from the whole Union to suppress a servile insurrection, would they have no authority to interfere with the institution of slavery? The issue of a servile war *may* be disastrous. By war the slave may emancipate himself; it may become necessary for the master to recognize his emancipation by a treaty of peace; can it for an instant be pretended that Congress, in such a contingency, would have no authority to interfere with the institution of slavery, *in any way*, in the States? Why, it would be equivalent to saying that Congress have no constitutional authority to make peace.

I suppose a more portentous case, certainly

within the bounds of possibility—I would to God I could say, not within the bounds of probability. You have been, if you are not now, at the very point of a war with Mexico—a war, I am sorry to say, so far as public rumor may be credited, stimulated by provocations on our part from the very commencement of this Administration down to the recent authority given to General Gaines to invade the Mexican territory. It is said that one of the earliest acts of this Administration was a proposal, made at a time when there was already much ill-humor in Mexico against the United States, that she should cede to the United States a very large portion of her territory; large enough to constitute nine States equal in extent to Kentucky. It must be confessed that a device better calculated to produce jealousy, suspicion, ill-will, and hatred, could not have been contrived. It is further affirmed that this overture, offensive in itself, was made precisely at the time when a swarm of colonists from these United States were covering the Mexican border with land-jobbing, and with slaves, introduced in defiance of the Mexican laws, by which slavery had been abolished throughout that Republic. The war now raging in Texas is a Mexican civil war, and a war for the reëstablishment of slavery where it was abolished. It is not a servile war, but a war between slavery and emancipation, and every possible effort has been made to drive us into the war, on the side of slavery.

It is, indeed, a circumstance eminently fortunate for us that this monster, Santa Anna, has been defeated and taken, though I cannot participate in that exquisite joy with which we have been told that every one having Anglo-Saxon blood in his veins must have been delighted on hearing that this ruffian has been shot, in cold blood, when a prisoner of war, by the Anglo-Saxon leader of the victorious Texan army. Sir, I hope there is no member of this House of other than Anglo-Saxon origin who will deem it uncourteous that I, being myself in part Anglo-Saxon, must of course hold that for the best blood that ever circulated in human veins. Oh! yes, sir! far be it from me to depreciate the glories of the Anglo-Saxon race; although there have been times when they bowed their necks and submitted to the law of conquest, beneath the ascendency of the Norman race. But, sir, it has struck me as no inconsiderable evidence of the spirit which is spurring us into this war of aggression, of conquest, and of slave-making, that all the fires of ancient, hereditary national hatred are to be kindled to familiarize us with the ferocious spirit of rejoicing at the massacre of prisoners in cold blood. Sir, is there not yet hatred enough between the races which compose your southern population and the population of Mexico, their next neighbor, but you must go back eight hundred or a thousand years, and to another hemisphere, for the fountains of bitterness between you and them? What is the temper of feeling between the component parts of your southern population, between your Anglo-Saxon, Norman-French, and Moorish-Spanish inhabitants of Louisiana, Mississippi, Arkansas, and Missouri? between them all and the Indian savage, the original possessor of the land from which you are scouring him already back to the foot of the Rocky Mountains? What between them all and the native American negro, of African origin, whom they are holding in cruel bondage? Are these elements of harmony, concord, and patriotism between the component parts of a nation starting upon a crusade of conquest? And what are the feelings of all this motley compound of your southern population towards the compound, equally heterogeneous, of the Mexican population? Do not you, an Anglo-Saxon slaveholding exterminator of Indians, from the bottom of your soul hate the Mexican-Spaniard-Indian, emancipator of slaves and abolisher of slavery? And do you think that your hatred is not with equal cordiality returned? Go to the city of Mexico, ask any of your fellow-citizens who have been there for the last three or four years whether they scarcely dare show their faces, as Anglo-Americans, in the streets. Be assured, sir, that however heartily you detest the Mexican, his bosom burns with an equally deep-seated detestation of you.

And this is the nation with which, at the instigation of your Executive Government, you are now rushing into war—into a war of conquest: commenced by aggression on your part, and for the reëstablishment of slavery where it has been abolished, throughout the Mexican Republic. For your war will be with Mexico—with a Republic of twenty-four States, and a population of eight or nine millions of souls. It seems to be considered that this victory over twelve hundred men, with the capture of their commander, the President of the Mexican Republic, has already achieved the conquest of the whole Republic. That it may have achieved the independence of Texas, is not impossible. But Texas is to the Mexican Republic not more, nor so much, as the State of Michigan is to yours. That State of Michigan, the people of which are in vain claiming of you the performance of that secret promise you made them, of admitting her as a State into the Union; that State of Michigan, which has greater grievances, and heavier wrongs to allege against you for a declaration of her independence, if she were disposed to declare it, than the people of Texas have for breaking off their union with the Republic of Mexico. Texas is an extreme boundary portion of the Republic of Mexico; a wilderness, inhabited only by Indians till after the revolution which separated Mexico from Spain; not sufficiently populous at the organization of the Mexican Confederacy to form a State by itself, and therefore united with Coahuila, where the greatest part of the indigenous part of the population reside. Sir, the history of all the emancipated Spanish American colonies has been, ever since their separation from Spain, a history of convulsionary wars; of revolutions, accomplished by single, and often very insignificant battles; of chieftains, whose title to power has been the murder of their immediate predecessors. They have all partaken of the character of the first conquest of Mexico by Cortez, of Peru by Pizarro; and this, sir, makes me shudder at the thought of connecting our destinies indissolubly with theirs. It may be that a new revolution in Mexico will follow upon this captivity or death of their President and commanding general; we have rumors, indeed, that such a revolution had happened even before his defeat; but I cannot yet see my way clear to the conclusion that either the independence of Texas, or the capture and military execution of Santa Anna, will save you from war with Mexico. Santa Anna was but one of a breed of which Spanish America, for the last twenty-five years, has been a teeming mother—soldiers of fortune, who, by the sword or the musket ball, have risen to supreme power, and by the sword or the musket ball have fallen from it. That breed is not extinct; the very last intelligence from Peru tells us of one who has fallen there as Yturbide, and Mina, and Guerrero, and Santa Anna have fallen in Mexico. The same soil which produced them is yet fertile to produce others. They reproduce themselves, with nothing but a change of the name and of the man. Your war, sir, is to be a war of races—the Anglo-Saxon American pitted against the Moorish-Spanish Mexican American—a war between the northern and southern halves of North America; from Passamaquoddy to Panama. Are you prepared for such a war? And again, I ask, what will be your *cause* in such a war? Aggression, conquest, and the reëstablishment of slavery where it has been abolished. In that war, sir, the banners of *freedom* will be the banners of Mexico; and your banners, I blush to speak the word, will be the banners of slavery.

Sir, in considering these United States and the United Mexican States as mere masses of power coming to collision against each other, I cannot doubt that Mexico will be the greatest sufferer by the shock. The conquest of all Mexico would seem to be no improbable result of the conflict, especially if the war should extend no further than to the two mighty combatants. But will it be so confined? Mexico is clearly the weakest of the two Powers; but she is not the least prepared for action. She has the more recent experience of war. She has the greatest number of veteran warriors; and although her highest chief has just suffered a fatal and ignominious defeat, yet that has happened often before to leaders of armies too confident of success and contemptuous of their enemy. Even now, Mexico is better prepared for a war of invasion upon you, than you are for a war of invasion upon her. There may be found a successor to Santa Anna, inflamed with the desire, not only of avenging his disaster, but what he and his nation will consider your perfidious hostility. The national spirit may go with him. He may not only turn the tables upon the Texan conquerors, but drive them for refuge within your borders, and pursue them into the heart of your own Territories. Are you in a condition to resist him? Is the success of your whole Army, and all your veteran generals, and all your militia calls, and all your mutinous volunteers against a miserable band of five or six hundred invisible Seminole Indians, in your late campaign, an earnest of the energy and vigor with which you are ready to carry on that far otherwise formidable and complicated war?—complicated, did I say? And how complicated? Your Seminole war is already spreading to the Creeks, and, in their march of desolation, they sweep along with them your negro slaves, and put arms into their hands to make common cause with them against you; and how far will it spread, sir, should a Mexican invader, with the torch of liberty in his hand, and the standard of freedom floating over his head, proclaiming emancipation to the slave and revenge to the native Indian, as he goes, invade your soil? What will be the condition of your States of Louisiana, of Mississippi, of Alabama, of Arkansas, of Missouri, and of Georgia? Where will be your negroes? Where will be that combined and concentrated mass of Indian tribes, whom by an inconceivable policy, you have expelled from their widely distant habitations, to embody them within a small compass on the very borders of Mexico, as if on purpose to give that country a nation of natural allies in their hostilities against you? Sir, you have a Mexican, an Indian, and a negro war upon your hands, and you are plunging yourself into it blindfold; you are talking about acknowledging the independence of the Republic of Texas, and you are thirsting to annex Texas, ay, and Coahuila, and Tamaulipas, and Santa Fé, from the source to the mouth of the Rio Bravo to your already over-distended dominions. Five hundred thousand square miles of the territory of Mexico, would not even now quench your burning thirst for aggrandizement.

But will your foreign war for this be with Mexico alone? No, sir. As the weaker party, Mexico, when the contest shall have once begun, will look abroad, as well as among your negroes and your Indians, for assistance. Neither Great Britain nor France will suffer you to make such a conquest from Mexico; no, nor even to annex the independent State of Texas to your Confederation, without their interposition. You will have an Anglo-Saxon intertwined with a Mexican war to wage. Great Britain may have no serious objection to the independence of Texas, and may be willing enough to take her under her protection, as a barrier both against Mexico and against you. But as aggrandizement to you, she will not readily suffer it; and above all, she will not suffer you to acquire it by conquest, and the reëstablishment of slavery. Urged on by the irresistible, overwhelming torrent of public opinion, Great Britain has recently, at a cost of $100,000,000, which her people have joyfully paid, abolished slavery throughout all her colonies in the West Indies. After setting such an example, she will not—it is impossible that she should—stand by and witness a war for the reestablishment of slavery where it had been for years abolished, and situated thus in the immediate neighborhood of her islands. She will tell you that if you must have Texas as a member of your Confederacy, it must be without the taint or the trammels of slavery; and if you will wage a war to handcuff and fetter your fellow-man, she will wage the war against you to break his chains. Sir, what a figure in the eyes of mankind would you make, in deadly conflict with Great Britain—she fighting the battles of emancipation, and you the battles of slavery; she the benefactress and you the oppressor of human kind! In such a war, the enthusiasm of emancipation, too, would unite vast numbers of her people in aid of the national rivalry, and all her natural jealousy against our aggrandizement. No

war was ever so popular in England as that war would be against slavery, the slave trade, and the Anglo-Saxon descendant from her own loins.

As to the annexation of Texas to your Confederation, for what do you want it? Are you not large and unwieldy enough already? Do not two millions of square miles cover surface enough for the insatiate rapacity of your land-jobbers? I hope there are none of them within the sound of my voice. Have you not Indians enough to expel from the land of their fathers' sepulchre, and to exterminate? What, in a prudential and military point of view, would be the addition of Texas to your domain? It would be weakness, and not power. Is your southern and southwestern frontier not sufficiently extensive, not sufficiently feeble, not sufficiently defenseless? Why are you adding regiment after regiment of dragoons to your standing army? Why are you struggling, by direction and by indirection, to raise *per saltum* that army from less than six to more than twenty thousand men? Your commanding general, now returning from his excursion to Florida, openly recommends the increase of your Army to that number. Sir, the extension of your sea-coast frontier from the Sabine to the Rio Bravo would add to your weakness tenfold; for it is now only weakness with reference to Mexico. It would then be weakness with reference to Great Britain, to France, even perhaps to Russia, to every naval European Power, which might make a quarrel with us for the sake of settling a colony; but, above all, to Great Britain. She, by her naval power, and by her American colonies, holds the keys of the Gulf of Mexico. What would be the condition of your frontier from the mouth of the Mississippi to that of the Rio del Norte, in the event of a war with Great Britain? Sir, the reasons of Mr. Monroe for accepting the Sabine as the boundary were three. First, he had no confidence in the strength of our claim as far as the Rio Bravo; secondly, he thought it would make our Union so heavy that it would break into fragments by its own weight; thirdly, he thought it would protrude a long line of sea-coast, which, in our first war with Great Britain, she might take into her own possession, and which we should be able neither to defend nor to recover. At that time there was no question of slavery or abolition involved in the controversy. The country belonged to Spain; it was a wilderness, and slavery was the established law of the land. There was then no project for carving out nine slave States, to hold eighteen seats in the other wing of this Capitol, in the triangle between the mouths and the sources of the Mississippi and Bravo rivers. But what was our claim? Why, it was that La Salle, having discovered the mouth of the Mississippi, and France having made a settlement at New Orleans, France had a right to one half the sea-coast from the mouth of the Mississippi to the next Spanish settlement, which was Vera Cruz. The mouth of the Rio Bravo was about half-way from the Balize to Vera Cruz; and so as grantees, from France of Louisiana, we claimed to the Rio del Norte, though the Spanish settlement of Santa Fé was at the head of that river. France, from whom we had received Louissiana, utterly disclaimed ever having even raised such a pretension.. Still we made the best of the claim that we could, and finally yielded it for the Floridas, and for the line of the forty-second degree of latitude from the source of the Arkansas river to the South Sea. Such was our claim; and you may judge how much confidence Mr. Monroe could have in its validity. The great object and desire of the country then was to obtain the Floridas. It was General Jackson's desire; and in that conference with me to which I have heretofore alluded, and which it is said he does not recollect, he said to me that so long as the Florida rivers were not in our possession, there could be no safety for our whole southern country.

But, sir, suppose you should annex Texas to these United States; another year would not pass before you would have to engage in a war for the conquest of the Island of Cuba. What is now the condition of that island? Still under the nominal protection of Spain. And what is the condition of Spain herself? Consuming her own vitals in a civil war for the succession to the Crown. Do you expect that, whatever may be the issue of that war, she can retain even the nominal possession of Cuba? After having lost *all* her continental colonies in North and South America, Cuba will stand in need of more efficient protection; and, above all, the protection of a naval Power. Suppose that naval Power should be Great Britain. There is Cuba at your very door; and if you spread yourself along a naked coast, from the Sabine to the Rio Bravo, what will be your relative position towards Great Britain, with not only Jamaica, but Cuba and Porto Rico in her hands, and abolition for the motto to her union cross of St. George and St. Andrew? Mr. Chairman, do you think I am treading on fantastic grounds? Let me tell you a piece of history, not far remote. Sir, many years have not passed away since an internal revolution in Spain subjected that country and her king for a short time to the momentary government of the Cortes. That revolution was followed by another, by which, under the auspices of a French army, with the Duke d'Angouleme at their head, Ferdinand the Seventh was restored to a despotic throne, Cuba had followed the fortunes of the Cortes when they were crowned with victory, and when the counter revolution came, the inhabitants of the island, uncertain what was to be their destination, were for some time in great perplexity what to do for themselves. Two considerable parties arose in the island, one of which was for placing it under the protection of Great Britain, and another was for annexing it to the Confederation of these United States. By one of these parties I have reason to believe that overtures were made to the Government of Great Britain. By the other *I know* that overtures were made to the Government of the United States. And I further know that secret, though irresponsible, assurances were communicated to the then President of the United States, as coming from the French Government, that *they* were secretly informed that the British Government had determined to take possession of Cuba. Whether similar overtures were made to France herself, I do not undertake to say; but that Mr. George Canning, then the British Secretary of State for Foreign Affairs, was under no inconsiderable alarm, lest, under the pupilage of the Duke d'Angouleme, Ferdinand the Seventh might commit to the commander of a French naval squadron the custody of the Moro Castle—a circumstance also well known to me. It happened that just about that time a French squadron of considerable force was fitted out and received sailing orders for the West Indies, without formal communication of the fact to the British Government; and that as soon as it was made known to him, he gave orders to the British Ambassador at Paris to demand, in the most peremptory tone, what was the destination of that squadron, and a special and positive disclaimer that it was intended even to visit the Havana; and this was made the occasion of mutual explanations, by which Great Britain, France, and the United States, not by the formal solemnity of a treaty, but by the implied engagement of mutual assurances of intention, gave pledges of honor to each other that neither of them should, in the then condition of the island, take it, or the Moro Castle, as its citadel, from the possession of Spain. This engagement was, on all sides, faithfully performed; but without it, who doubts that from that day to this either of the three Powers might have taken the island and held it in undisputed possession?

At this time circumstances have changed; popular revolutions, both in France and Great Britain, have, perhaps, curbed the spirit of conquest in Great Britain, and France may have enough to do to govern her kingdom of Algiers. But Spain is again convulsed with a civil war for the succession to her Crown; she has irretrievably lost all her colonies on both continents of America. It is impossible that she should hold much longer a shadow of dominion over the Islands of Cuba and Porto Rico; nor can those islands, in their present condition, form independent nations, capable of protecting themselves. They must for ages remain at the mercy of Great Britain or these United States, or of both; Great Britain is even now about to interfere in this war for the Spanish succession. If, by the utter imbecility of the Mexican Confederacy, this revolt of Texas should lead immediately to its separation from that Republic, and its annexation to the United States, I believe it impossible that Great Britain should look on while this operation is performing with indifference. She will see that it must shake her own whole colonial power on this continent, in the Gulf of Mexico, and in the Caribbean Seas, like an earthquake; she will see, too, that it endangers her own abolition of slavery in her own colonies. A war for the restoration of slavery where it has been abolished, if successful in Texas, must extend over all Mexico; and the example will threaten her with imminent danger of a war of colors in her own islands. She will take possession of Cuba and of Porto Rico, by cession from Spain, or by the batteries from her wooden walls; and if you ask her by what authority she has done it, she will ask you, in return, by what authority you have extended your sea-coast from the Sabine to the Rio Bravo. She will ask you a question more perplexing, namely—by what authority you, with freedom, independence, and democracy upon your lips, are waging a war of extermination to forge new manacles and fetters, instead of those which are falling from the hands and feet of man. She will carry emancipation and abolition with her in every fold of her flag; while your stars, as they increase in numbers, will be overcast with the murky vapors of oppression, and the only portion of your banners visible to the eye, will be the blood-stained stripes of the taskmaster.

Mr. Chairman, are you ready for all these wars? A Mexican war? a war with Great Britain, if not with France? a general Indian war? a servile war? and, as an inevitable consequence of them all, a civil war? For it must ultimately terminate in a war of colors as well as of races. And do you imagine that while with your eyes open you are willfully kindling, and then closing your eyes and blindly rushing into them; do you imagine that while, in the very nature of things, your own southern and southwestern States must be the Flanders of these complicated wars, the battle field upon which the last great conflict must be fought between slavery and emancipation? Do you imagine that your Congress will have no constitutional authority to interfere with the institution of slavery *in any way* in the States of this Confederacy? Sir, they must and will interfere with it—perhaps to sustain it by war; perhaps to abolish it by treaties of peace; and they will not only possess the constitutional power so to interfere, but they will be bound in duty to do it by the express provisions of the Constitution itself. From the instant that your slaveholding States become the theater of war, civil, servile, or foreign, from that instant the war powers of Congress extend to interference with the institution of slavery in every way by which it can be interferred with, from a claim of indemnity for slaves taken or destroyed, to the cession of the State burdened with slavery to a foreign power.

Sir, it is by virtue of this same war power, as now brought into exercise by this Indian war in Florida, Alabama, and Georgia, that I vote for the resolution before the committee. By virtue of this, I have already voted in the course of this session to increase your standing army by a second regiment of dragoons, to authorize your President to accept the services of ten thousand volunteers, and to appropriate millions of the public money to suppress these Indian hostilities—all for the common defense, all for the general welfare. And if, on this occasion, I have been compelled to avail myself of the opportunity to assign my reasons for voting against the first resolution reported by the slavery committee, it is because it was the pleasure of the majority of the House this morning to refuse me the permission to assign my reasons for my vote, when the question was put upon those resolutions themselves.

Sir, it is a melancholy contemplation to me, and raises fearful forebodings in my mind when I consider the manner in which that report and those resolutions have been disposed of by the House. I have twice asked permission of this House to offer two resolutions calling for information from the President upon subjects of infinite importance to this question of slavery, to our relations with

Mexico, and to the peace of the country. When I last made the attempt, a majority of the House voted by yeas and nays to suspend the rules, to enable me to offer *one* of the two resolutions—but the majority not amounting to two thirds, my resolution has not yet obtained from the House the favor of being considered. Had it been the pleasure of the House to indulge the call, or to allow me the privilege of assigning my reasons for my vote on the resolution this morning, the remarks that I have now made might have been deemed more appropriate to those topics of discussion than to the question more immediately now before the committee. They are reflections, however, which I deem it not less indispensable to make than they are painful to be made—extorted from me by a condition of public affairs unexampled in the history of this country. Heretofore, calls upon the Executive Department for information, such as that which I have proposed to make, were considered as among the rights of the members of this House, which it was scarcely deemed decent to resist. A previous question, smothering all discussion upon resolutions reported by a committee, affecting the vital principle of the Constitution, moved by one of the members who reported the resolutions, and sustained by the members of that committee itself, is an occurrence which never before happened in the annals of this Government. The adoption of those resolutions of the House had not even been moved. Upon the mere question whether an extra number of the report of the committee should be printed, a member moves the recommitment of the report, with instructions to report a new resolution. On this motion the previous question is moved, and the Speaker declares that the main question is not on the motion to recommit, not on the motion to print an extra number of copies of the report, but upon the adoption of three resolutions reported but never even moved in the House. If this is to be the sample of our future legislation, it is time to awake from the delusion that freedom of speech is among the rights of the members of the minority of this House.

To return, Mr. Chairman, to the resolution before the committee. I shall vote for this application of moneys levied by taxation upon my constituents, to feed the suffering and starving fugitives from Indian desperation and revenge. How deeply searching in the coffers of your Treasury this operation will ultimately be, no man can at this time foretell. The expenditure authorized by this resolution may be not in itself very considerable; but in its progress it has already stretched from Alabama to Georgia. How much further it may extend will be seen hereafter. I turn my eyes away from the prospect of it now, but am prepared to meet the emergency, if it should come, with all the resources of the Treasury.

But, sir, I shall not vote for this relief to the suffering inhabitants of Alabama and of Georgia upon the ground on which the gentleman from Alabama [Mr. LEWIS] and the gentleman from South Carolina [Mr. THOMPSON] have been disposed to place it. Little reason have the inhabitants of Georgia and of Alabama to complain that the Government of the United States has been remiss or neglectful in protecting them from Indian hostilities; the fact is directly the reverse. The people of Alabama and Georgia are now suffering the recoil of their own unlawful weapons. Georgia, sir—Georgia, by trampling upon the faith of our national treaties with the Indian tribes, and by subjecting them to her State laws, first set the example of that policy which is now in the process of consummation by this Indian war. In setting this example, she bade defiance to the authority of the Government of the nation; she nullified your laws; she set at naught your Executive and judicial guardians of the common Constitution of the land. To what extent she carried this policy, the dungeons of her prisons and the records of the supreme judicial court of the United States can tell. To those prisons she committed inoffensive, innocent, pious ministers of the Gospel of Truth, for carrying the light, the comforts, and the consolations of that Gospel to the hearts and minds of these unhappy Indians. A solemn decision of the Supreme Court of the United States pronounced that act a violation of your treaties and of your laws. Georgia defied that decision; your Executive Government never carried it into execution; the imprisoned missionaries of the Gospel were compelled to purchase their ransom from perpetual captivity by sacrificing their rights as freemen to the meekness of their principles as Christians; and you have sanctioned all these outrages upon justice, law, and humanity, by succumbing to the power and the policy of Georgia, by accommodating your legislation to her arbitrary will; by tearing to tatters your old treaties with the Indians, and by constraining them, under *peine forte et dure*, to the mockery of signing other treaties with you, which, at the first moment when it shall suit your purpose, you will again tear to tatters and scatter to the four winds of Heaven, till the Indian race shall be extinct upon this continent, and it shall become a problem beyond the solution of antiquaries and historical societies *what* the red man of the forest was.

This, sir, is the remote and primitive cause of the present Indian war; your own injustice sanctioning and sustaining that of Georgia and Alabama. This system of policy was first introduced by the present administration of your national Government. It is directly the reverse of that system which had been pursued by all the preceding administrations of this Government under the present Constitution. That system consisted in the most anxious and persevering efforts to civilize the Indians; to attach them to the soil upon which they lived; to enlighten their minds; to soften and humanize their hearts; to fix in permanency their habitations; and to turn them from the wandering and precarious pursuits of the hunter, to the tillage of the ground; to the cultivation of corn and cotton; to the comforts of the fireside; to the delights of *home*. This was the system of Washington and of Jefferson, steadily pursued by all their successors, and to which all your treaties and all your laws of intercourse with the Indian tribes were accommodated. The whole system is now broken up; and instead of it, you have adopted that of expelling by force or by compact, all the Indian tribes from their own territories and dwellings, to a region beyond the Mississippi, beyond the Missouri, beyond the Arkansas, bordering upon Mexico; and *there* you have deluded them with the hope that they will find a permanent abode—a final resting place from your never-ending rapacity and persecution. *There* you have undertaken to lead the willing and to drive the reluctant, by fraud or by force; by treaty, or by the sword and the rifle, all the remnants of the Seminoles, of the Creeks, of the Cherokees, of the Choctaws, and of how many other tribes I cannot now stop to enumerate. In the process of this violent and heartless operation, you have met with all the resistance which men in so helpless a condition as that of the Indian tribes could make. Of the *immediate* causes of the war, we are not yet fully informed; but I fear you will find them, like the remoter causes, all attributable to yourselves. It is in the last agonies of a people forcibly torn and driven from the soil which they had inherited from their fathers, and which your own example, and exhortations, and instructions, and treaties, had riveted more closely to their hearts; it is in the last convulsive struggles of their despair, that this war has originated; and if it brings with it some portion of the retributive justice of Heaven upon our own people, it is our melancholy duty to mitigate, as far as the public resources of the national Treasury will permit, the distresses of the innocent of our own kindred and blood, suffering under the necessary consequences of our own wrong. I shall vote for the resolution.

NOTE.—This speech was delivered without premeditation or notes. No report of it was made by any of the usual reporters for the newspapers. Mr. ADAMS has written it out himself from recollection, at the request of several of his friends, for publication. It is, of course, not in the precise language used by him in the House. There is some amplification of the arguments which he used, and perhaps some omissions, which have escaped his recollection. The substance of the speech is the same.

PUBLIC DEPOSITS.

REMARKS OF HON. SILAS WRIGHT,

OF NEW YORK,

IN THE SENATE, *June* 17, 1836.

The bill regulating the deposits of the Public Money being under consideration, and the question being upon the final passage of the bill—

Mr. WRIGHT said, his connection with the subject generally, and with the bill under consideration more especially, had compelled him to take a more active part in the discussion than had been pleasant to him or agreeable to the Senate; that he had refrained from any interference with this important matter until any further movement upon it had been expressly abandoned by the honorable Senator from South Carolina, [Mr. CALHOUN,] who had first, and upon one of the first days of the session, introduced a bill to regulate the deposits in the banks; that, after that abandonment, he had called up the bill, and proposed a substitute; that he had connected with that substitute propositions for the temporary investment of any surplus, beyond the probable wants of the Treasury, which should be found in the banks at the commencement of each quarter of each year; that, subsequently to the offer of these propositions, he had concluded that the terms of investment were not sufficiently restricted, and he had modified his provisions so as to allow investments in the stocks issued by the States only, and not in any other description of stocks whatsoever; that, subsequently to this time, the Senator from South Carolina [Mr. CALHOUN] had seemed to resume his interest in his original bill, and had offered modifications of a character calculated and intended to distribute among the several States, in a proportion regulated by their respective representations, not in the House of Representatives, but in *the Senate* and House of Representatives of the Congress of the United States, all the moneys which might remain in the Treasury upon a given day beyond a sum to be fixed as the amount in the Treasury for that day.

Subsequently to that time, various propositions were laid before the Senate by different members of the body, some of them containing new provisions, and others amendments of those which had been previously submitted. The question was one of the first importance to the public and to the Treasury, as well as to the general interests of the whole community. The currency of the country, the accommodations from the local banks, and consequently the prosperity of the commercial interests, were directly involved in our action.

Under these circumstances, the discussion upon the great question of a regulation of the deposits of the public money by law commenced. At the opening of that discussion, Mr. W. said he had given his general views upon the whole subject. His subsequent duties in the Senate, and as a member of one of its important committees, together with the accumulated duties devolved upon him, connected with this bill, had prevented him from being yet able to present those views to the public; but he was now conscious that relief was at hand, and he should soon find it in his power to discharge that labor. Upon the views then expressed by him, he should rest himself for his general justification in the course he had taken. It had been found, however, that a great diversity of opinion prevailed in the Senate as to the details of any bill, and that a recommittal would be indispensable, to so far incorporate the various propositions, that the whole body could act upon them with any facility. After two days' discussion, that course had been suggested by himself, and concurred in upon all sides of the Senate. A select committee was therefore appointed, and the bill, and all the amendments, were referred to it, and the Senate had done him the distinguished honor, upon an election by ballot, to place his name at the head of the committee as its chairman. The standing, and character, and talents of the members of that committee had caused him to doubt, at every step, the soundness of his views, and the propriety of his course, and the more especially so, as, upon every question of difference of opinion in the committee, he had found himself in the minority,

and, upon some of the most important questions of difference, in a small minority. He was most happy, however, to be able to say, that every question had been decided without passion or personal feeling, and that, so far as he could judge, all were disposed to frame a bill which would meet the approbation of the Senate.

A single question had excited peculiar interest with him. He had been most anxious to agree upon a bill to regulate the deposits of the public money in the banks, and when he found that no proposition for the disposition of any surplus, if surplus there should be, to which he could give his assent, could command the support of the majority of the committee, he had urged the separation of the two subjects, and the report of two separate bills; the one to regulate the deposits in the banks, and the other to provide for a more permanent disposition of the surplus. In this he was unsuccessful, as the majority of the committee preferred that the two subjects should be connected in the same bill. Since the report of the committee to the Senate, he had made every proper effort in his power to produce that separation, and he could not but congratulate himself upon the fact that his first effort was successful; that the first vote of the Senate sustained the propriety of his views, and directed the separation of the two subjects, which he must say he considered in their nature and character entirely separate, and the report of independent bills for each. A reconsideration, however, had been proposed, and after a night's deliberation, it was carried. The motion to recommit was then lost, and the determination of the Senate thus expressed that the two subjects should be coupled in the same bill, and should stand or fall together. From that time (Mr. W. said) he had felt himself relieved from all responsibility as to a deposit bill proper. He had found that no such bill could be passed in the Senate, without incorporating with it a perfectly separate and most important provision for giving the moneys in the Treasury to the States, under the name of a deposit. Such a provision contained principles to which he could not, for any consideration, give his assent, and after that vote, therefore, the bill to him had lost its value. He had been still disposed, however, to adhere to it, and to make further trial to so modify its provisions, as to enable him to give it his support. With this view he had again offered his propositions, which directed an investment of the surplus in the Treasury in state stocks, bearing an interest, and transferable at the pleasure of the holder, with authority in the Secretary of the Treasury to transfer them, when the wants of the Treasury should require money for the stocks; as against a proposition to loan the money to the States without interest, this proposition had met with little favor. He believed it had received but four votes in a full Senate. The reasons for a different disposition had appeared to him to be that the money was the property of the people of the States, and if not wanted for the uses of this Government, ought to be given to them without interest, instead of being invested upon interest. He was willing to admit that some force attached to this argument; but his mind had embraced the argument as relating to, and growing out of, the representative rights of the people of the States, and as referable to their taxable liabilities. If the money belonged to the people of the States, and they had the right to use it without interest, it was because it had been accumulated by taxations upon them, as drawn from a common fund, in which they possessed a common interest. This he believed was the position assumed by the friends of the bill.

Would any member of the body, then, blame him for the surprise he had experienced when he found a principle of distribution incorporated in the bill entirely at variance with the rights of the people of the States, as resulting from the rate of representation or taxation established by our common constitution of Government? when he found this body made an element in the rule of distribution of that money which had been drawn from the people of the States, to be returned to them, as the pretense was, because it was not wanted for the purposes of this Government. What was the rule of representation of the States here? A perfect equality. What was the representation of the people of the States, and the liabilities for taxation in the other branch of this Legislature? There were sixteen States which would gain by the rule of distribution in the bill; which sixteen States were represented in the popular branch of Congress by eighty-one members; while there were eight States which would lose by the incorporation of the Senate as an element in the rule of distribution, which eight States were represented in the same branch of Congress by one hundred and fifty-nine members. The constitutional rule of taxation and representation were the same; were both based upon the Federal numbers; and in neither was the representation in the Senate an element.

Would it be said that this was not a proposed distribution of this money to the people of the States, but a mere investment of it? Why, then, any reference to the representation of the States in either branch of Congress? And much more emphatically, why this reference to both, while a simple investment in securities of the same character, without reference to the principle of distribution, receives but four votes in the whole body? Surely no one will have the hardihood to say, in answer to these inquiries, that the disposition intended is not a distribution to the States according to a rule which is intended to be defended as just and equal. In this sense, could the rule of distribution be defended as just, as equal, as constitutional? He would leave the answers to these questions to those who supported the bill with this provision contained in it. For himself, he was ready and willing to say that, in his judgment, if a power existed to return the money to the people at all, the exercise of that power must follow the rule which raised the money from the people by taxation, or from that fund which they held in common and in the same proportions which govern their liability to taxation.

Having thus explained himself as to the provisions and progress of the bill, he was content to rest upon the record of the proceedings upon the bill which the Journal of the Senate would show. If, in resisting this division of the moneys of the nation, he had misrepresented his immediate constituents, he desired they should know the fact, and especially at this time, when it would so soon be in their power, without his consent, to fill the place he occupied with a better man. If, in refusing to yield to a rule of distribution which does them gross injustice, he had been less liberal of their strict rights than they would wish him to be, he was equally anxious that they should be advised of his action, and thus have it in their power to redress themselves, if they have been aggrieved.

Mr. W. said there was yet a question which he had not considered, but which must claim his principal attention. He had hitherto spoken of the progress of this bill, and of the rule of distribution adopted by it. He had not spoken, nor did he intend even yet to speak, of the constitutional power of Congress to use its taxing power to collect money from the people of the States, not to give back to the people who pay the taxes, but to place in the treasuries of the States without interest. This was a great question which he hoped the people of the States would decide without argument from him, and to their decision he should most cheerfully submit. He was aware he might be answered that Congress could not use its taxing power under the Constitution to raise moneys for distribution to the States, and that the fact that the money was in the Treasury had raised a necessity from which this power of distribution was assumed. When those who should use the argument would show him how it was to be ascertained that the money now in the Treasury was *not* raised for distribution, and how it was hereafter to be shown that any money in the Treasury *was* raised for distribution, he would enter upon a further argument of the point. Until then he would content himself with saying that Congress could possess no greater and no less powers for raising revenue than it had possessed from the adoption of the Constitution to the present time, unless the provisions of that instrument upon that subject should be contracted or enlarged. The question to which he referred, and to the examination of which he asked the candid and unprejudiced attention of the Senate, was, how much money would remain in the Treasury on the first of January next, which could properly be termed "surplus," not required to answer the wants of this Government, and therefore to be given away to the States. He had taken some pains to inform himself upon this point, and the best information he could obtain should be given to the Senate.

By a report from the Secretary of the Treasury, made to the Senate on the 6th day of June instant, the amount of money in the Treasury on that day, subject to draft, was $33,563,654, and in consequence of the late passage of the appropriation bills, and the rapid payments from the Treasury under them, that amount, over and above the current receipts, is now reduced to less than $33,000,000.

For the present, Mr. W. said he would examine the charges now existing, and likely to be made, upon this sum; and what were they?

1. Balance of outstanding appropriations of the last year		$5,170,000
2. Permanent appropriations, chargeable upon 1836, viz:		
Pensions under act of 7th June, 1832, about		$1,300,000
Pensions to revolutionary officers, per act of 15th May, 1828, about		160,000
Virginia claims, per act of 5th July, 1832, about		52,000
Gradual improvement of the Navy		500,000
Arming and equipping the militia		200,000
Civilization of the Indians		10,000
Unclaimed dividends and interest of debt		50,000
Library of Congress		1,000
Three per cent. to new States from sales of lands		500,000
Proportion of French indemnity payable by the United States, being part of the amount to be paid by us by the treaty		225,000
		$2,998,000
3. Appropriations already made at the present session of Congress, viz:		
Navy bill, about		$6,276,312
Civil list		2,767,981
Supplement to civil list, about		71,770
Army bill		4,010,485
Seminole war		2,120,000
District of Columbia debt		1,570,000
Pensions		455,454
Payment of members of Congress, &c.		843,880
Volunteer army bill		300,000
Creek war		500,000
Concurrent resolution as to claims of States against the General Government, say		200,000
Private bills and miscellaneous appropriations already made, not less than		100,000
		$19,215,882

We then (Mr. W. said) had certainty so far, and how did the account stand? The money in the Treasury, at our last accounts, on the 6th day of June instant, was $33,563,654

There were then appropriations charged upon it as follows:		
Outstanding appropriations of 1835	$5,170,000	
Permanent appropriations for the service of 1836	2,998,000	
Appropriations already made during the present session of Congress towards the service of 1836	19,215,882	
		27,383,882
Thus leaving a balance in the Treasury unappropriated on the 6th day of the present month, amounting to		6,179,772
Since that time the Indian annuity bill has passed, and become a law, and, including the sums for the removal of Indians, appropriates about		1,800,000
Which, taken from the above balance in the Treasury, will leave		$4,379,772

Mr. W. said he would now inquire, as briefly as was possible, what further appropriations remained to be made for the present year, and which he thought all would admit must be made. And here the first subject which had demanded his notice, was the Indian treaties which have been ratified by the Senate during its present session. He would enumerate but two, the treaty with the Cherokees, and with the Chippewas and Ottawas. These treaties required appropriations, at least, to the following extents:

The Cherokee treaty to the amount of	$5,600,000
The Chippewa and Ottawa treaty to the amount of	1,500,000
The fortifications had occupied much of the attention of the present Congress, but, as yet, nothing had been appropriated towards them. The Senate had sent a bill to the House providing for the purchase of sites and the commencement of new works, and appropriating for that object about	1,100,000
A bill was pending before the House to provide for continuing the work upon the existing fortifications, and proposing to appropriate for that object about	2,250,000
A bill for the continuation of the Cumberland road had been sent from the Senate to the House, proposing appropriations for that object to the amount of	600,000
Bills were before the two Houses, and most of them had passed the one House or the other, for the improvement of roads in the Territories, amounting to about	150,000
A bill had come from the House to the Senate to provide for constructing a frontier road along the western frontier of the United States, and appropriating for that object	100,000
Two bills, which usually meet the favorable action of Congress at every session, and more especially at the long session, the one for the improvement of harbors and rivers, and the other for the erection of light-houses, light-boats, beacons, buoys, &c., are before the House, proposing to appropriate for these objects	1,500,000
Provision has been made annually, and it is presumed will be made this year, for the compensation of custom-house officers, which calls for an expenditure of about	200,000
A bill is now before the House to provide for the increased expenditure at the mints, and proposes to appropriate	50,000
Further appropriations must be made for the Seminole and Creek wars, and the least sum estimated to be necessary is	3,000,000
The estimated amount of appropriations by private and local bills not enumerated above, and beyond the $100,000 included in the first statement, is	1,450,000
This presents an aggregate of appropriations to be made, all of which are supposed to be to some extent necessary, and even indispensable, to the public interests, equal to	17,500,000
Take from this amount the above balance in the Treasury, after deducting the outstanding appropriations, to wit	4,379,772
And there will remain to be charged upon the moneys to be received into the Treasury after the 6th of June instant, the sum of	$13,120,228

There was another class of appropriations of a public character, which he thought ought to pass, and he hoped might pass before the adjournment of Congress. One of these measures was the filling up of the ranks of the Army, and which, if successful, he supposed would incur an annual expenditure of at least..... $1,000,000

Several bills were before Congress for the erection of new custom-houses, some of which, and especially one at New Orleans, and at one or two other points, he hoped would pass, and they would appropriate about.. 300,000

Bills were before Congress, and surely ought to pass, for rebuilding the Treasury buildings, and there was asked for that object, for the present year..... 250,000

A bill was also now before the Senate recommending the erection of a fire proof building for the Patent Office, and proposing to appropriate for that object something more than... 100,000

Several bills were before the two Houses of Congress to provide for the erection of new marine hospitals, and he supposed some of them would meet our favorable action. He had estimated that the appropriations for these objects would be..... 50,000

Bills were before Congress to remit the duties upon goods destroyed by fire in the original packages, many of which he thought ought to pass, and would appropriate, if they did pass, at the least..... 1,100,000

A bill is now before Congress proposing to advance the unpaid indemnities under the treaties with France and Naples. This bill would be eminently calculated, to its extent, to relieve the present mercantile pressure, and ought to pass. It would appropriate about..... 4,000,000

A bill has passed the Senate, and been sent to the House, to purchase the remaining stock held by private stockholders in the Louisville and Portland Canal Company, and appropriating for that object..... 750,000

Here, then, is a further amount, unprovided for, except by future receipts into the Treasury, of..... 7,550,000

Add to this the balance, unprovided for except by future receipts into the Treasury, as shown by the result of the last preceding calculation.... 13,120,228

And we have an amount of existing and probable appropriations, beyond any means now in the Treasury, equal to..... $20,670,228

Mr. W. said he did not say that these appropriations would all be made. He did not believe they would all be made, but he had intended to select, with care and caution, such only as were presented to Congress with strong claims; of many of them he could say with claims which seemed to him almost, if not altogether, irresistible. He would then ask gentlemen who disputed his conclusions, to point out the important bills he had enumerated, which would not and ought not to pass. He had given particular reference to the measures, and he hoped they would put their finger upon those which they would oppose

INCENDIARY PUBLICATIONS.

DEBATE IN THE SENATE,

June 8, 1836,

Upon the question, "Shall the following bill pass?" to wit:

Be it enacted, &c., That it shall not be lawful for any deputy postmaster, in any State, Territory, or district of the United States, knowingly to deliver to any person whatever, any pamphlet, newspaper, handbill, or other printed paper or pictorial representation touching the subject of slavery, where, by the laws of the said State, Territory, or district, their circulation is prohibited; and any deputy postmaster who shall be guilty thereof, shall be forthwith removed from office.

SEC. 2. *And be it further enacted*, That nothing in the acts of Congress to establish and regulate the Post Office Department, shall be construed to protect any deputy postmaster, mail carrier, or other officer or agent of said Department, who shall knowingly circulate, in any State, Territory, or district, as aforesaid, any such pamphlet, newspaper, handbill, or other printed paper or pictorial representation, forbidden by the laws of such State, Territory, or district.

SEC. 3. *And be it further enacted by the authority aforesaid*, That the deputy postmasters of the offices where the pamphlets, newspapers, handbills, or other printed papers or pictorial representations aforesaid, may arrive for delivery, shall, under the instructions of the Postmaster General, from time to time give notice of the same, so that they may be withdrawn by the person who deposited them originally to be mailed, and if the same shall not be withdrawn in one month thereafter, shall be burnt or otherwise destroyed.

Mr. WEBSTER addressed the Senate at length in opposition to the bill, commencing his argument against what he contended was its vagueness and obscurity in not sufficiently defining what were the publications, the circulation of which it intended to prohibit. The bill provided that it should not be lawful for any deputy postmaster, in any State, Territory, or District of the United States, knowingly to deliver to any person whatever, any pamphlet, newspaper, handbill, or other printed paper or pictorial representation, touching the subject of slavery where, by the laws of the said State, District, or Territory, their circulation was prohibited. Under this provision Mr. W. contended that it was impossible to say what publications might not be prohibited from circulation. No matter what was the publication, whether for or against slavery—if it touched the subject in any shape or form, it would fall under the prohibition. Even the Constitution of the United States might be prohibited; and the person who was clothed with the power to judge in this delicate matter was one of the deputy postmasters who, notwithstanding the difficulties with which he was encompassed in coming to a correct decision, must decide correctly, under pain of being removed from office. It would be necessary also, he said, for the deputy postmasters referred to in this bill to make themselves acquainted with all the various laws passed by the States, touching this subject of slavery, and to decide on them, no matter how variant they might be with each other.

Mr. W. also contended that the bill conflicted with that provision of the Constitution which prohibited Congress from passing any law to abridge the freedom of speech, or of the press. What was the liberty of the press? he asked. It was the liberty of printing as well as the liberty of publishing, in all the ordinary modes of publication; and was not the circulation of papers through the mails an ordinary mode of publication? He was afraid that they were in some danger of taking a step in this matter that they might hereafter have cause to regret, by its being contended that whatever in this bill applies to publications touching slavery, applies to other publications that the States might think proper to prohibit; and Congress might, under this example, be called upon to pass laws to suppress the circulation of political, religious, or any other description of publications which produced excitement in the States. Was this bill in accordance with the general force and temper of the Constitution and its amendments? It was not in accordance with that provision of the instrument under which the freedom of speech and of the press was secured. Whatever laws the State Legislatures might pass on the subject, Congress was restrained from legislating in any manner whatever in regard to the press. It would be admitted that if a newspaper came directed to him, he had a property in it; and how could any man, then, take that property and burn it without due form of law? and he did not know how this newspaper could be pronounced an unlawful publication, and having no property in it, without a legal trial.

Mr. W. argued against the right to examine into the nature of publications sent to the post office, and said that the right of an individual in his papers, was secured to him in every free country in the world. In England, it was expressly provided that the papers of the subject shall be free from all unreasonable searches and seizures—language (he said) to be found in our Constitution. This principle, established in England, so essential to liberty, had been followed out in France, where the right of printing and publishing was secured in the fullest extent; the individual publishing being amenable to the laws for what he published; and every man printed and

published what he pleased, at his peril. Mr. W. went on at some length to show that the bill was contrary to that provision of the Constitution which prohibits Congress to pass any law abridging the freedom of speech or of the press.

Mr. BUCHANAN said, that as he had voted for the engrossment of this bill, and should vote for its final passage, he felt himself bound to defend and justify his vote against the argument of the Senator from Massachusetts, [Mr. WEBSTER.] In doing so, he would imitate that Senator, if in no other respect, at least in being brief.

It is indispensable to the clear and distinct understanding of any argument, to know precisely what is the question under discussion. Without this knowledge, we cannot tell whether in any or in what degree the argument is applicable to the subject. What, then, is the naked question now under discussion, stripped of all the mist which has been cast around it? This bill embraced but a single principle, though this principle was carried out through three sections. It provides that deputy postmasters, within the limits of such slaveholding States as have found it necessary for their own safety to pass laws making it penal to circulate inflammatory publications and pictorial representations calculated to excite the slaves to insurrection, shall not be protected by the laws of the United States, in violating these State laws. Postmasters within these States, who shall *knowingly* distribute such publications, are liable to be removed from office. The bill also provides that the post office laws of the United States shall not protect postmasters, mail carriers, or other officers or agents of the Department, who shall knowingly circulate such incendiary publications, from the penalties denounced against this offense under the laws of the States. This is the spirit and principle of the bill. It does no more than to withdraw the protection of the laws of the United States establishing the Post Office Department from postmasters and other agents of this Government who shall willfully transgress State laws deemed absolutely necessary to secure the States within which they exist from servile insurrection.

This bill did not affect, in the slightest degree, any of the non-slaveholding States. Neither did it apply to any of the slaveholding States, except those within which the danger of insurrection had become so imminent as to compel them to pass laws of the character referred to in the bill.

Of the policy and justice of passing such a bill he could not doubt, provided we possess the power. No person would contend that this Government ought to become the instrument of exciting insurrection within any of the States, unless we were constrained to pursue this course by an overruling constitutional necessity. The question then is, does any such necessity exist? Are we bound by the Constitution of the United States, through our post offices, to circulate publications among the slaves, the direct tendency of which is to excite their passions and rouse them to insurrection? Have we no power to stay our hand in any case? Even if a portion of this Union were in a state of open rebellion against the United States, must we aid and assist the rebels, by communicating to them, through our Post Office Department, such publications and information as may encourage and promote their designs against the very existence of the Confederacy itself? If the Constitution of the United States has placed us in this deplorable condition, we must yield to its mandates, no matter what may be the consequences.

Mr. B. did not believe that the Constitution placed us in any such position. Our power over the mails was as broad and general as any words in the English language could confer. The Constitution declares that "Congress shall have power to establish post offices and post roads." This is the only provision which it contains touching the subject. After the establishment of these post offices and post roads, who shall decide upon the purposes for which they shall be used? He answered, Congress, and Congress alone. There was no limitation, no restriction, whatever, upon our discretion contained in the bond. We have the power to decide what shall and what shall not be carried in the mail, and what shall be the rates of postage. He freely admitted that, unless in extreme cases, where the safety of the Republic was involved, we should never exercise this power of discrimination between what papers should and should not be circulated through the mail. The Constitution, however, has conferred upon us this general power, probably for the very purpose of meeting these extreme cases, and it is one which, from its delicate nature, we shall not be likely to abuse.

He differed entirely from the report of the Senator from South Carolina, [Mr. CALHOUN,] as to the source whence the power was derived to pass this bill. No action of the State Legislatures could either confer it or take it away. It was perfect and complete in itself under the Federal Constitution, or it had no existence. With that Senator he entirely concurred in opinion that the sedition law was clearly unconstitutional. Congress have no power to abridge the freedom of the press, or to pass any law to prevent or to punish any publication whatever. He understood the freedom of the press to mean precisely what the Senator from Massachusetts had stated. But does it follow, as the gentleman contends, that because we have no power over the press, that therefore we are bound to carry and distribute anything and everything which may proceed from it, even if it should be calculated to stir up insurrection or to destroy the Government? So far as this Government is concerned, every person may print, and publish, and circultate whatever he pleases; but are we therefore compelled to become his agents, and to circulate for him everything he may choose to publish? This is the question. Any gentleman upon this floor may write what he thinks proper against my character; but because he can exercise this liberty, am I therefore bound to carry and to circulate what he has written? So any individual within the broad limits of this Union, without previous restraint and without danger of punishment from the Federal Government, may publish what is calculated to aid and assist the enemies of the country in open war; but does it follow, as a necessary consequence, that this very Government is bound to carry and circulate such publications through its mails? A more perfect *non sequitur* never had been presented to his mind. It was one thing not to restrain or punish publications; it was another and an entirely different thing to carry and circulate them after they have been published. The one is merely passive, the other is active. It was one thing to leave our citizens entirely free to print and publish and circulate what they pleased; and it was another thing to call upon us to aid in their circulation. From the prohibition to make any law "abridging the freedom of speech or of the press," it could never be inferred that we must provide by law for the circulation through the post office of everything which the press might publish; and yet this is the argument both of the Senator from Massachusetts and the Senator from South Carolina. If this argument were well founded, it was very clear to his mind, that no State law could confer upon Congress any power to pass this bill. We derived our powers from the Federal Constitution, and from that alone. If under its provisions we had no authority to pass the bill, we could derive no such authority from the laws of the States.

Why, then, did Mr. B. vote for a bill to prevent the circulation of publications prohibited by State laws? Not because we derived any power from these laws; but, under the circumstances, they contained the best rule to guide us in deciding what publications were dangerous. The States were the best judges of what was necessary for their own safety and protection; and they would not call for the passage of this bill unless they were firmly convinced that the situation in which they were placed imperiously demanded it. They were willing to submit to a great evil in depriving themselves of information which might be valuable to them, in order to avoid the still greater evil that would result from the circulation of these publications and pictorial representations among their slaves. Such a law would not be permitted to exist after the necessity for it had ended. He was therefore willing, upon this occasion, to refer to the laws of the States, not for the purpose of conferring any power on Congress, but merely for a description of the publications which it would be unlawful for our deputy postmasters within these States to circulate.

This bill was in strict conformity with the recommendations contained in the President's message on this subject, which had, he believed, found favor everywhere. The principles of this message, which had been pronounced unconstitutional by the Senator from South Carolina, [Mr. CALHOUN,] had, he believed, been highly commended in a resolution passed by the Legislature of that State. He would read an extract from the President's message:

"In connection with these provisions in relation to the Post Office Department, I must also invite your attention to the painful excitement produced in the South by attempts to circulate through the mails inflammatory appeals addressed to the passions of the slaves, in prints, and in various sorts of publications calculated to stimulate them to insurrection, and to produce all the horrors of a servile war.

"There is, doubtless, no respectable portion of our countrymen who can be so far misled as to feel any other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country, and so repugnant to the principles of our national compact and to the dictates of humanity and religion. Our happiness and prosperity essentially depend upon peace within our borders—and peace depends upon the maintenance, in good faith, of those compromises of the Constitution upon which the Union is founded. It is fortunate for the country that the good sense, the generous feeling, and the deep rooted attachment of the people of the non-slaveholding States to the Union, and to their fellow-citizens of the same blood in the South, have given so strong and impressive a tone to the sentiments entertained against the proceedings of the misguided persons who have engaged in these unconstitutional and wicked attempts, and especially against the emissaries from foreign parts who have dared to intefere in this matter, as to authorize the hope that those attempts will no longer be persisted in. But if these expressions of the public will shall not be sufficient to effect so desirable a result, not a doubt can be entertained that the non-slaveholding States, so far from countenancing the slightest interference with the constitutional rights of the South, will be prompt to exercise their authority in suppressing, so far as in them lies, whatever is calculated to produce this evil.

"In leaving the care of other branches of this interesting subject to the State authorities, to whom they properly belong, it is nevertheless proper for Congress to take such measures as will prevent the Post Office Department, which was designed to foster an amicable intercourse and correspondence between all the members of the Confederacy, from being used as an instrument of an opposite character. The General Government, to which the great trust is confided of preserving inviolate the relations created among the States by the Constitution, is especially bound to avoid in its own action anything that may disturb them. I would, therefore, call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection."

In reply to Mr. WEBSTER, Mr. B. said that he did not think there was any vagueness in that part of the bill on which the gentleman had commented, except what arose from the nature of the subject. It is vague, says the gentleman, because it contains no description of the publications, the circulation of which it intends to prohibit, except the words "touching the subject of slavery." On this foundation he had erected a considerable portion of his argument. Mr. B. acknowledged that if the bill contained no other description than this, it would be impossible to carry it into execution. But this was not the fact. The subsequent language restricted this vague description; because it confined the operation of the bill to such publications only, "touching the subject of slavery," as were prohibited from circulation by the laws of the respective States.

We have (said Mr. B.) wisely and properly referred, for the description of the offense, to the laws of the different States which will be embraced by the bill. It was just—it was politic—it was treating those States with a proper degree of respect, to make our law conform with their laws, and thus to take care that no conflict should arise between our deputy postmasters and their State authorities. Could the gentleman from Massachusetts himself make the bill more explicit? He could not do it, consistently with the principles upon which it was founded, without incorporating into its provisions all the laws of all the States who had thought proper to pass laws upon this subject. Our deputy postmasters were resident citizens of those States. They were bound to know the State laws under which they lived; and all that this bill requires is, that they shall not violate them.

The Senator from Massachusetts has contended that any newspaper which had been sent to an individual by mail, and was deposited in a post office, was his property; and we had, therefore, no right to say it should not be delivered. But this was begging the question. It was taking that for granted which remained to be proved. If Congress, as he (Mr. B.) had contended, possessed the incontestable power of declaring what should and what should not be circulated through the mails, no man could have the right to demand from any post office that which the law had declared should not thus be circulated. If we can, without violating the Constitution, say that these inflammatory publications, tending to excite servile war, shall not be distributed by our postmasters among the individuals to whom they are directed, no question of property could then arise. No man can have a property in that which is a violation of law. It then becomes a question, not of property, but of public safety. Admit the gentleman's premises, that we have no right to pass any law upon this subject, and he can establish his position that a property exists in those publications whilst in the post offices. Without this admission, his argument entirely fails.

He felt as reluctant as any man could feel, to vote for any law interfering with the circulation through the mails of any publication whatever, no matter what might be its character. But if the slaves within any southern State were in rebellion, or if a palpable and well-founded danger of such a rebellion existed, with his present convictions, should he refuse to prevent the circulation of publications tending to encourage or excite insurrection, he would consider himself an accomplice in their guilt. He entertained no doubt whatever of the power of Congress to pass this bill, or of the propriety of exercising that power. He would not have voted for the bill which had been reported by the Senator from South Carolina, [Mr. CALHOUN,] because he thought it a measure far beyond what was required by the necessity of the case. This bill, whilst it was sufficiently strong to correct the evil, would be confined in its operation to those States within which the danger existed.

Mr. DAVIS stated at length his objections to the passage of the bill. Senators assumed that there was no difficulties in the way, because the post office power gave to Congress the right to decide what should be carried in the mails. On a former occasion, he had said all that was proper in regard to this matter. He then drew the attention of the Senate to the constitutional question involved, and demonstrated, as he thought, that there was no authority in the Constitution to pass this bill, or anything like it. The language of the Constitution was very simple: it only said that Congress should have the power to establish post offices and post roads. Now, what was a post office, in the meaning of the Constitution? To understand this, it would be necessary to ascertain what was the meaning held at the time the Constitution was adopted. You had a post office at the time the Constitution was made; and a press also; and the provision in the Constitution was made in reference to both these known things. The object in establishing the post office, then, was to send abroad intelligence throughout the country; and it was intended for the transmission of newspapers, pamphlets, judicial and legislative proceedings, and all matters emanating from the press, relating to politics, literature, and science, and for the transmission of private letters. It would be, therefore, in his opinion, in conflict with the provision of the Constitution giving Congress the power to establish the post office, as well as an abridgement of the freedom of the press, to carry into effect the provisions of the bill.

The Senator from Pennsylvania reiterated the argument used the other day by his friend from Georgia, that you have no right to diffuse publications, through the agency of the post office, for the purpose of exciting a servile war. Now let me tell the gentleman, (said Mr. D.,) that this is an old argument against the liberty of the press, and that it has been used whenever it was thought necessary to establish a censorship over it. The public morals were said to be in danger; it was necessary to prevent licentiousness, tumult, and sedition; and the public good required that the licentiousness of the press should be restrained. All these were the plausible pretenses under which the freedom of the press had been violated in all eyes. Now, they knew that the press was at all times corrupt; but when they came to decide the question whether the tares should be rooted up, and the wheat along with it, those who had decided in favor of liberty had always decided that it was better to put up with a lesser evil than to draw down upon themselves one of such fearful magnitude as must result from the destruction of the press. Mr. D. contended that the power to be given to the deputy postmasters, to decide what should and what should not be distributed from the post office, gave them a dangerous discretion over a very delicate matter, and that the power was one highly susceptible of abuse, and always liable to misconstruction.

Mr. GRUNDY observed that this bill was intended simply to prevent any officer of the Government, who should violate the laws of the States in which he resided, from sheltering himself under the post office law. As the bill now stood, the objections with regard to abridging the freedom of the press had no application whatever. There was no provision in the bill interfering with the printing or publishing any matter whatever, nor was it even pretended that Congress possessed the power of doing so. It was not even said that certain publications, no matter how incendiary in their character, should not be deposited in the post office, and transmitted through the mails. Therefore, all the objections that he had heard to the bill fell to the ground. In this bill the Government simply said to the individual in its employ, "We will not help you to do an act in violation of the laws of the State in which you live." That was the ground on which the bill was framed, and it could not be pretended that this was an abridgement of the liberty of the press. It was only the Government declining to assist an individual in the violation of the law, and that was the whole bill. The Government, under the Constitution, had an entire control of the Post Office Department. It had the power to regulate what matters should be carried through the mails, and what should not. We say to everybody that to these slaveholding States you may transmit through the mails what you please, but if you transmit to one of our officers what is prohibited by the laws of the State in which he resides, we shall say to that officer, you shall not put on the mantle of the Government to assist you in the violation of that law; you shall be subject to the penalties of the State laws, besides removal from office. In fact there was not the slightest pretext for saying that this bill violated in the remotest degree the freedom of the press. Nothing should be carried in the mails but what was proper for transmission through them; but if there was anything sent through them tending to excite insurrection and bloodshed, how could there be an objection to the passage of a law saying that it should not be delivered out from the post office.

The gentleman from Massachusetts objected to the vagueness of the bill in saying what shall not be distributed from the post offices. How could the matter (he asked) be made more specific? When the publication arrived at the post office where it was prohibited, and was about to be handed out, the State law would be consulted, and by it it would be decided whether it was in violation of the State law or not, and it could thus be determined whether it was proper for delivery. He should not say anything as to the report; he did not concur in it further than that this was a great evil, and should be corrected in the mildest way that it could be done. This bill did not affect any individual but those of the post offices of the States where laws had been passed prohibiting publications and pictorial representations calculated to excite insurrection among the slaves. He was opposed to the original bill, because it interfered with what publications should be deposited in, as well as delivered from, the post offices. But it was only at the delivery office where this bill would operate, and the postmaster at such office would be operated on by the laws of the State in which it was situated. If this bill was not passed nothing could be done, and the post office would be made (for there were persons wicked enough to do it) the medium through which to send firebrands throughout the country.

Mr. CLAY said that he considered this bill totally unnecessary and uncalled for by public sentiment; and in this he differed with the Senator from Pennsylvania, [Mr. BUCHANAN,] for he believed that the President's message on the subject had met with general disapprobation; that it was unconstitutional; and, if not so, that it contained a principle of a most dangerous and alarming character. When he saw that the exercise of the most extraordinary and dangerous power had been assumed by the head of the Post Office, and that it had been sustained by this message, he turned his attention to the subject and inquired whether it was necessary that the General Government should, under any circumstances, exercise such a power, and whether he possessed it; and, after much reflection, he had come to the conclusion that they could not pass any law interfering with the subject in any shape or form whatever.

The evil complained of was the circulation of papers having a certain tendency. The papers, unless circulated, did no harm, and while in the post office or in the mail—it was a circulation solely which constituted the evil. It was the taking them out of the mail, and the use that was to be made of them, that constituted the mischief. Then it was perfectly competent to the State authorities to apply the remedy. The instant that a prohibited paper was handed out, whether to a citizen or sojourner, he was subject to the laws which might compel him either to surrender them or burn them. He considered the bill not only unnecessary, but as a law of a dangerous, if not a doubtful authority.

It was objected that it was vague and indefinite in its character; and how is that objection got over? The bill provided that it shall not be lawful for any deputy postmaster, in any State, Territory, or District of the United States, knowingly to deliver to any person whatever, any pamphlet, newspaper, handbill, or other printed paper or pictorial representation, touching the subject of slavery, where, by the laws of the said State, Territory, or District, their circulation is prohibited. Now, what could be more vague and indefinite than this description? How could it be decided by this description what publications should be withheld from distribution? The gentleman from Pennsylvania said that the laws of the States would supply the omission. He thought the Senator was premature in saying that there would be precision in State laws, before he showed it by producing the law. He had seen no such law, and he did not know whether the description in the bill was applicable or not. There was another objection to this part of the bill; it applied not only to the present laws of the States, but to any future laws they might pass.

Mr. C. denied that the bill applied to the slaveholding States only, and went on to argue that it could be applied to all the States, and to any publication touching the subject of slavery whatever, whether for or against it, if such publication was only prohibited by the laws of such State. Thus, for instance, a non-slaveholding State might prohibit publications in defense of the institution of slavery, and this bill would apply to it as well as to the laws of the slaveholding States; but the law would be inoperative; it declared that the deputy postmaster should not be amenable, unless he knowingly shall deliver, &c. Why, the postmaster might plead ignorance, and of course the law would be inoperative.

But he wanted to know whence Congress derived the power to pass this law. It was said that it was to carry into effect the laws of the States. Where did they get such authority? He thought that their only authority to pass laws was in pursuance of the Constitution; but to pass laws to carry into effect the laws of the States, was a most prolific authority, and there was no knowing where it was to stop; it would make the legislation of Congress dependent upon the legislation of twenty-four different sovereignties. He thought the bill was of a most dangerous tendency. The Senator from Pennsylvania asked if the post

office power did not give them the right to regulate what should be carried in the mails. Why, there was no such power as that claimed in the bill; and if they passed such a law, it would be exercising a most dangerous power. Why, if such doctrine prevailed, the Government might designate the persons, or parties, or classes who should have the benefit of the mails, excluding all others.

It was too often in the condemnation of a particular evil that they were urged on to measures of a dangerous tendency. All must agree as to the dangerous consequences of persons residing out of certain States transmitting to them incendiary publications, calculated to promote civil war and bloodshed. All must see the evil, and a great evil it was, and he hoped that a stop would be put to it; but Congress had no power to pass beyond the Constitution for the purpose of correcting it. The States alone had the power, and their power was ample for the purpose. He hoped never to see the time when the General Government should undertake to correct the evil by such measures as the one before them. If (said Mr. C.) you can pass this law to prohibit the delivery through the post office of publications touching the subject of slavery, might they not also pass laws to prohibit any citizen of New York or Massachusetts from publishing and transmitting through the mails touching that subject? If you may touch the subject of slavery at all, why not go to the root of the evil? Suppose one of the southern States were to pass a law of this kind, would you not be called upon by all the arguments now used in favor of this bill, to carry such laws into effect? Mr. C. concluded by saying that the bill was calculated to destroy all the landmarks of the Constitution, establish a precedent for dangerous legislation, and to lead to incalculable mischief. There was no necessity for so dangerous an assumption of authority, the State laws being perfectly competent to correct the evil complained of. He must say, that from the first to the last he was opposed to the measure.

Mr. CALHOUN could not concur with the views taken by the Senators from Massachusetts and Kentucky, that this bill would comprehend in its provisions all publications touching the subject of slavery. In order to bring any publication within the provisions of the bill, two qualifications were necessary. The first was, that it must relate to the subject of slavery; and the next was, that it must be prohibited by the laws of the State to which it is transmitted. He thought that this was the view that would be taken of it by the courts. The object of this bill was to make it the duty of the postmasters in the States to conform to the laws of such States, and not to deliver out papers in violation of their laws. The simple question was, had this Government the power to say to its officers, you shall not violate the laws of the States in which you reside? Could it go further, and make it their duty to coöperate with the States in carrying their laws into effect? This was the simple question. Now, could any man doubt that Congress possessed the power to pass both measures, so that their officers might not come in conflict with the State laws? Indeed, he looked upon measures of this kind, to prevent conflicts between the General and State governments, which were likely to ensue, as essentially necessary, for it was evident that when such conflicts took place, the State must have the ascendency.

Mr. C. then briefly recapitulated the principles on which this bill was founded, and contended that it was in aid of laws passed by the States, as far as Congress had the power constitutionally to go, and assume no power to prohibit or interfere with the publication or circulation of any paper whatever; it only declared that the officers of the Government should not make their official stations a shield for violating the State laws. Was there any one there who would say that the States had not the power to pass laws prohibiting, and making penal, the circulation of papers calculated to incite insurrection among their slaves? It being admitted that they could, could not Congress order its officers to abstain from the violation of these laws? We do not (said Mr. C.) pass a law to abridge the freedom of the press, or to prohibit the publication and circulation of any paper whatever—this has been done by the States already. The inhibition of the Constitution was on Congress, and not on the States, who possessed full power to pass any laws they thought proper. They knew that there were several precedents to sanction this bill. Congress had passed laws to abstain from the violation of the health laws of the States. Could any one say that the Constitution gave to Congress the power to pass quarantine laws? He had not adverted to the message of the President on this subject, because he believed that the President acted from the best motives, and that that part of the message was drawn up without sufficient reflection. He denied, however, that this message was in conformity with the Constitution. It would be directly abridging the liberty of the press for Congress to pass such laws as the President recommended. One part of the message he would refer to, which was in these words:

"I would, therefore, call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the southern States, through the mail, incendiary publications, intended to instigate the slaves to insurrection."

This was clearly unconstitutional, for it not only recommended the prohibition of publications and circulation of incendiary papers, (abridging the freedom of the press,) but it recommended also the infliction of severe penalties, which powers were expressly prohibited by the Constitution. On no other principle could this ever be defended than that it was simply abstaining from a violation of the laws of the States.

The Senator from Kentucky contended that this bill was useless, and he (Mr. C.) agreed that it was so in one sense, and that was, with or without this bill, the southern States would execute their own laws against the circulation of such papers. It was a case of life and death with them; and did anybody suppose that they would permit so many magazines in their bosom, to blow them to destruction, as these post offices must be, if these incendiary publications continued to be circulated through them? While the southern States contained so many postmasters opposed to their institutions, as it was in his own State, where almost every postmaster was opposed to it, it was absolutely necessary for them to take effectual measures for their own security. It was the assertion of the principle that the States had a right to protect themselves which made the bill valuable in his eyes; it prevented the conflict which would be likely to take place between the General and State Governments, unless some measure of the kind should be adopted. The States had a right to go to the extent of this bill, and they would be wanting to themselves and to posterity if they omitted to do it. It was on the doctrine of State rights and State intervention that he supported this bill, and on no other grounds.

The Senator from Massachusetts objected to the returning of those papers whose delivery was prohibited. He regretted this as much as the Senator did, but his objection was, that it did not go far enough; he thought that these papers should be delivered to the prosecuting officers of the States, to enable them to ferret out the designs of the incendiaries.

Mr. WEBSTER remarked that, in general, it might be safely said, that when different gentlemen supported a measure admitted to be of a novel character, and placed their defense of it on different and inconsistent grounds, a very simple person might believe, in such case, that there were no very strong grounds for adopting the measure. The Senator from Pennsylvania and the Senator from South Carolina not only placed their defense of the bill on opposite grounds, but each opposed the principles on which the other founded his support of it. Where the object to be gained was apparently good, and the case urgent, as it was represented to be, how could limitations of power stand against powerful opponents, which have always been urging to despotism? Now, against the objects of this bill, he had not a word to say; but with constitutional lawyers, there was a great difference between the object and the means to carry it into effect. It was not the object to be gained, but the means to attain it, which they should look to, for though the object might be good, the means might not be so. His objections went to the means, and not to the object; and he did not yield the argument because the object was a good one, and the case was urgent. It was better to limit the power, and run the risk of injury from the want of it, than to give a power which might be exercised in a dangerous manner.

The Senator from Pennsylvania said that this bill was calling on Congress to do nothing but to abstain from violating the laws of the States. "It was one thing," said the Senator, "for Congress to abstain from giving these incendiary papers circulation, and another to pass laws saying that they shall not be published." But if Congress had no mail through which these papers could be transmitted, what did the gentleman mean by Congress abstaining from giving them circulation? It meant that Congress should interfere and should create an especial exception as to what should be transmitted by their ordinary channel of intelligence, and that that exception should be caused by the character of the writing or publication. He contended that Congress had not the power, drawn from the character of the paper, to decide whether it should be carried in the mail or not, for such decision would be a direct abridgement of the freedom of the press. He confessed that he was shocked at the doctrine. He looked back to the alien and sedition laws which were so universally condemned throughout the country, and what was their object? Certainly to prohibit publications of a dangerous tendency. Mr. W. here quoted the sedition law, to show the objects it intended to effect. But the deputy postmasters must look into the newspaper mail to see if there were any publications in it touching the subject of slavery calculated to excite insurrections among the slaves.

Now (said Mr. W.) the country would have been rent into atoms if the sedition law, instead of saying that papers should not be published in such and such a way, had declared that the deputy postmasters should have the power to search the mails to see if they contained any publications calculated to "bring the Government into disrepute, promote insurrection, and lead to foreign war," the evils the sedition law intended to guard against. All the papers described in the law of '99 were unlawful by the laws of any of the States, and yet that law which had created so much excitement and met with such general reprobation contained nothing like the power claimed by this bill. Any law distinguishing what shall or shall not go into the mails, founded on the sentiments of the paper, and making the deputy postmaster the judge, he should say, was expressly unconstitutional, if not recommended by gentlemen of such high authority. This bill went beyond the recommendation of the President, for his recommendation was, that the person who circulated the papers described by him should be punished by severe penalties. Now, this was the old law of liberty—there was not a word of previous restraint in it as imposed by this bill. Mr. W. then went into an argument to show the vagueness of the bill in describing the paper, the delivery of which was prohibited. Under it it was impossible to determine what publications should be prohibited; abolition pamphlets were to be stopped at the South, and anti-abolition papers were to be stopped at the North.

In reply to Mr. BUCHANAN, he said that he did not assume that these prohibited publications either were or were not property. All he said was, that they ought not to make the deputy postmasters the judge, and take away the property without the authority of law. What he had to say was, that it was a question of property or no property, and that they could not make the deputy postmasters the judge of the fact, as he could not be a judge of property known to the Constitution and the law.

Mr. BUCHANAN said he had not anticipated, when he first addressed the Senate upon this subject, that he should have occasion to make any further remarks; but the Senator from Massachusetts had replied to his argument in such a special manner, that he felt himself constrained to reply to some of his remarks. Now, permit

me to say (continued Mr. B.) that he has not at all met the point of my argument. He has invested this subject with an air of greater importance and responsibility than it deserves; he has played around it with all his powers, but without touching the real question involved in the discussion.

Congress has no power, says the gentleman, to pass any law abridging the freedom of speech or of the press. Granted. He most freely admitted that Congress had no power to touch the press at all. We can pass no law whatever either to prevent or to punish any publication, under any circumstances whatever. The sedition law violated this principle. It punished libels against the Federal Government and its officers; and, having met with general reprobation, it was repealed or permitted to expire by its own limitation, he did not recollect which.

Mr. B. said he admitted these premises of the gentleman in their broadest extent; but did they justify his conclusions? In order to maintain his argument, he must prove that the Constitution, in declaring that Congress shall not pass any law abridging the freedom of the press, has thereby, and from the force of these terms alone, commanded us to circulate and distribute, through our post offices, everything which the press may publish, no matter whether it shall promote insurrection and civil war or not. This is the proposition which he must establish. All the gentleman's remarks in favor of the liberty of the press met his cordial approbation; but they did not apply to the constitutional question then under discussion. He had argued this question precisely as if, in addition to the words already in the Constitution, that "Congress shall make no law abridging the freedom of speech or of the press," there had been inserted, "or to prevent the circulation of any production of the press through the post offices." But these words were not in the instrument; and the only question was, whether the one prohibition could be inferred from the other. Mr. B. said he was in favor of a plain and literal construction of the Constitution. He took it for his guide; and he could never consent to interpolate what its framers never intended should be there. They have conferred upon Congress, in express terms, a general discretion in regard to the Post Office Department; and the question then was, shall we exercise it in the manner proposed by this bill, for the purpose of preventing servile war, bloodshed, and disunion?

How had the gentleman from Massachusetts met his argument? He says that the principles upon which the Senator from South Carolina [Mr. CALHOUN] and himself had sustained this bill, were at variance with each other; and that this of itself was sufficient to cast doubt over the measure. But was it the first time the gentleman had ever known correct conclusions to be drawn from varying or even unfounded premises? The bill itself ought not to be condemned for the arguments of its friends. He would remind the gentleman of the advice given by a distinguished English judge, to a young friend about to occupy a judicial station in the West Indies, which was, never to give reasons for his judgments, where it could be avoided; because his natural sense and perception of justice would almost always enable him to decide correctly, though he might, and probably often would, assign insufficient reasons for his decisions. This bill ought to be judged by its own provisions, and ought not to be condemned for the reasons in support of it which had been advanced either by the Senator from South Carolina or himself.

The Senator from Massachusetts had argued as though he (Mr. B.) had said, that as the end proposed by this measure was good, he should vote for it, notwithstanding the means might be unconstitutional.

Mr. WEBSTER explained, and said he had not imputed to Mr. B. such an argument.

Mr. BUCHANAN said, the Senator did not mean this imputation; but his argument seemed to imply as much. However necessary he might believe this bill to be, if he did not find a clear warrant for its passage in the Constitution, it should never have his support. He never could believe that this Government, having the exclusive control over the Post Office Department in all its various relations, was yet so impotent to prevent evil that it must, under the fundamental law which called it into existence, whether it would or not, distribute publications tending directly to promote servile insurrection, and to produce its own destruction.

The Senator from South Carolina [Mr. CALHOUN] had misapprehended him in one particular. He (Mr. B.) had disclaimed all authority to pass this bill derived from State laws, or from any other source than the Constitution of the United States. He had not said he would vote for a similar bill in all cases where the State Legislatures might think proper to pass laws to prohibit the circulation of any publication whatever. He considered the passage of such laws merely as evidence of the necessity for legislation by Congress; but he was very far from adopting the principle that it should be conclusive evidence in all cases. Congress must judge for itself under all the circumstances of each particular case.

In reply to the Senator from Massachusetts, Mr. B. said that this bill would not be a penal law. Everything like a penalty had been stricken from its provisions, unless the removal of a deputy postmaster from office by the Postmaster General might be viewed in that light. By it we merely directed our agent not to violate State laws by distributing publications calculated to excite insurrection. He would not have occasion to study all the laws of all the States on the subject of slavery, as the Senator from Massachusetts had alleged. All that would be required of him was to know the laws of the State of which he was a citizen, and to take care not to violate them.

The gentleman had said that he (Mr. B.) had mistaken the recommendation contained in the President's message. Now he undertook to assert that this bill was in conformity with the recommendation of the President, and carried it out in all essential particulars. [Here Mr. B. again read the last paragraph of the message, which he had before read.] Now, sir, (said Mr. B.,) does not the President expressly assert that Congress has authority to regulate what shall be distributed through the post offices, and does he not "suggest the propriety of passing such a law as will 'prohibit, under severe penalties, the circulation 'in the southern States, through the mail, of 'incendiary publications, intended to instigate 'the slaves to insurrection?" Except that this bill contained no severe penalties, it was framed, both in its spirit and in its letter, according to the suggestion of the President. What other bill could we pass of a milder character than the one now before us, to prevent the circulation of these incendiary publications? Let the President's recommendation be entitled to what weight it might, this bill was in exact accordance with it.

The Senator from Massachusetts had contended that this bill conferred upon deputy postmasters the power of depriving individuals of their property in newspapers and other publications, in violation of that clause in the Constitution which declares that no person shall be deprived of his property without due process of law. By this bill we had not attempted to shield any postmaster from legal responsibility for his conduct. We could not do so, if we would. We had merely prescribed for him, as we had done for our other agents, the line of his duty. We did not attempt to protect him from the suit of any person who might consider himself aggrieved. If any individual to whom a publication was directed, and who had demanded it from the postmaster and had been refused, should believe our law to be unconstitutional, he might bring this question before the judiciary, and try it, like any other question. All our officers and agents are liable to be sued, and if the law under which they acted should prove to be unconstitutional, it would afford them no protection. On the present occasion, we proposed to proceed in the spirit of the common law principle, that any individual may abate a nuisance; though he thereby rendered himself responsible, in case it should appear afterwards, that the thing abated was not a nuisance. So here, the postmaster refusing to deliver a newspaper, under our law, would be responsible in damages to the party aggrieved, in case it should appear that the law under which he had acted was unconstitutional.

As to the necessity for passing this bill, he should say but a few words. It was very easy for gentlemen to say that necessity was the plea of tyrants. He admitted it had been so, and would be so in all time to come. But after all, if we possessed the power to legislate in this case, from our situation we were compelled to judge whether it was necessary to call it into efficient action or not. This duty devolved upon us. We could not avoid deciding this question. Was it not, then, within our own knowledge that the slaveholding States had been attempted to be flooded with pamphlets and pictorial representations calculated to excite servile insurrection? Had we not seen upon this floor many of these pictorial representations, whose direct effect would be to excite the wild and brutal passions of the slaves to cut the throats of their masters? Within the last few months, had there not been blood shed? and had there not been several attempted insurrections in some of the southern States? These facts were incontestable. Believing and knowing all this to be true, he said the case of necessity, in his judgment, was fully established, and he should vote for the passage of the bill.

Mr. CUTHBERT was not desirous to throw himself into the current of this debate at this time. The position which he held—the infrequency of his occupying that floor, and the indisposition under which he labored, authorized him to expect the attention of the Senate for a short time, when he should be better able to address them than he then was. He therefore hoped the Senate would indulge him in an opportunity of being heard on the subject, by postponing it, to be taken up within a very short period. It appeared to him that the Senator from Pennsylvania had said precisely what should have been said in support of this bill. It appeared to him that that Senator had given an unanswerable reply to the Senator from Massachusetts on points on which he principally relied for his opposition to the measure before them. What (said Mr. C.) is the state of the case? The deputy postmaster in one of the States holds in his hand an incendiary publication, intended to carry blood and desolation through the land. Is he bound in duty to hold it from circulation? If he gives it to another, the evils intended by that publication will ensue; but then your officer, contends the Senator from Massachusetts, is bound to deliver it, because you have no power to pass a law abridging the freedom of the press. According to this doctrine, that which an individual cannot do, your officer is bound to do. It appeared to him that the obvious necessity of this law was to prevent the post office agents from committing a criminal offense against the laws of the States, and then shielding himself under the post office law. But the Senator from Massachusetts had not met this point, but had rather evaded and played around it. This was a question which should not be discussed with the chicanery of a pettifogging lawyer, but should be considered with those enlarged ideas and noble sentiments which belong to the statesman. They should argue it as became enlightened patriots anxious to promote harmony and good feeling through our common country, and to preserve all its parts from the dangers of insurrection.

He denied that property could be affected by this law, as contended by the Senator from Massachusetts. There could be no property in these incendiary publications. The postmaster holds in his hand that which by the laws of the States, is in the condition of stolen property, and he is bound to give it back. He holds in his hand what, by his own judgment, he considers not to be property—which his own judgment condemns; and he is therefore bound to resign it. The Senator from Massachusetts said, rightly, that the person to whom this publication is directed may come forward and demand it, under the provision of this law. Now, if the Senator thought there was anything wanting in this provision of the bill, why did he not propose an amendment? If he did propose any, he (Mr. C.) had not heard it. The property is not to be destroyed; it must be returned to him who sent it.

In another point of view, (Mr. C. said,) the

postmaster must judge whether these papers are legal or not. He holds in his hand papers which the laws of his State have said shall not be circulated, under a penalty. Is he not to decide whether he shall incur that penalty or not? How stood the argument of the Senator from Massachusetts? He requires that the officer shall violate the laws of his State, or that the General Government shall protect him in it. With regard to the members that compose the Senate, every gentleman was conscious in his own breast of a strong desire to prevent the evils of a servile war in the southern States. Of this he was confident. But with regard to the Senator from Massachusetts, he should be guilty of a want of candor if he allowed him that clearness of judgment which belonged to the statesman; he should be wanting in that sincerity of heart on which he had ever prided himself, if he declared his conviction that the honorable Senator had treated this subject with the liberal and impartial spirit it deserved. The gentleman's course had uniformly been opposed to all those measures which tended to quiet the country, and healed those sectional dissensions which disturb the Union.

When a large and overwhelming vote was taken in the Senate, on the motion of the Senator from Pennsylvania, believed by all to be so necessary to settle a question threatening the most fearful consequences, it was held to be highly desirable that there should be a unanimous vote. Yet, on an occasion when the Senator could well have shown a desire to harmonize and conciliate, his vote was found in the negative. Again, the Senator from Massachusetts had put forth a paper calculated to excite great distrust in the body of the people affected by it. He alluded to the resolutions, adopted at a meeting held in Boston, on the subject of slavery, of which the gentleman was said to be the author, in which it was declared that Congress had the power to regulate the transfer of slaves from one State to another. Mr. C. said that he had addressed the Senate but seldom, and, as he wished to be heard on this subject more at large when his health was better, and under more favorable circumstances, he hoped the Senate would indulge him by a postponement.

Mr. WEBSTER said that he had heard the remarks of the Senator from Georgia [Mr. CUTHBERT] with attention and with respect, and considering his speech of a personal character, it became him to notice it; but as the gentleman proposed to discuss this subject more at large when his health was better, and, as he said, under circumstances less tending to irritation, he should postpone his reply till then. He should hear the gentleman with pleasure, and he looked forward to it with much solicitude, and should endeavor to reply to him according to his best abilities. Mr. W. then entered into a lengthy reply to the remarks of Mr. BUCHANAN, in the course of which he contended that the law was unnecessary, because the States had at present the power to punish the deputy postmasters who should circulate incendiary publications in violation of their laws.

Mr. BUCHANAN did not rise again to argue the question. He did not feel any petty desire to have the last word. He should now merely remark that the Senator from Massachusetts, in his last observations, had done nothing more than again to restate his proposition, without offering any new argument in its support. He reminded him of another powerful man, in the ancient time, who was condemned to roll a large stone to the top of a mountain, which was always falling back upon him, and which he never could accomplish. The gentleman's position was one which even his great powers did not enable him to maintain.

Mr. B. should not again have risen but for the purpose of making a single remark. The Senator from Massachusetts had just expressed the opinion that deputy postmasters could be punished, under State authority, for circulating inflammatory pamphlets and papers in violation of State laws. If this be true, then all the power over the post office which we confer by this bill already exists in the States. The effect of it, then, will be nothing more than to express our assent to the exercise of a power over deputy postmasters by the States, which the gentleman admits to exist already. Upon this principle there can be no objection to the adoption of the present measure.

Mr. CUTHBERT only rose to repeat the request that the Senate would, by the postponement of the subject to a short day, allow him an opportunity of being heard on it when his health was better.

Mr. C. then moved to lay the bill on the table; which motion was lost.

The bill was then rejected by the following vote:

YEAS—Messrs. Black, Brown, Buchanan, Calhoun, Cuthbert, Grundy, King of Alabama, King of Georgia, Mangum, Moore, Nicholas, Porter, Preston, Rives, Robinson, Tallmadge, Walker, White, and Wright—19.

NAYS—Messrs. Benton, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, Knight, Leigh, McKean, Morris, Naudain, Niles, Prentiss, Ruggles, Shepley, Southard, Swift, Tipton, Tomlinson, Wall, and Webster—25.

ADMISSION OF MICHIGAN.

REMARKS OF HON. G. L. KINNARD,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

June 8, 1836,

In Committee of the Whole House, on the bill for the admission of Michigan into the Union.

Mr. KINNARD said:

Mr. CHAIRMAN: Such is the lateness of the hour, and the impatience of the committee, I shall ask their indulgence for a few moments only. The frequent allusions to the State which sent me here seem to require that I should say something on this subject.

It is true, sir, I have differed from two of my friends and colleagues with regard to the boundary bill which was laid on the table yesterday. It has seldom happened that I have differed in opinion with those gentlemen; and when I do differ with them, particularly in relation to matters that are supposed to concern Indiana, it is always with a regret as sincere on my part as, I know, is their devotion to the prosperity and honor of that State and of the country.

I did not conceive that any very important consequences were involved, one way or the other, in the vote by which the boundary bill was laid on the table. I thought at the time, and do still think, that if that bill had been passed, there would have been adopted the most plain and direct mode of settling the boundary question; and in our legislation we should then have avoided the necessity of blending it with the provisions and propositions upon which the State of Michigan is to be admitted into the Union.

I am not prepared to agree with those who regard this question, and the ensuing presidential election, as having any connection or dependence upon each other. Whatever may be the feelings of some gentlemen, these two concerns seem to me to be very wide apart; at least they ought to be, so far as the action of the House is concerned. I do not know of any one opposed to the admission of Michigan, after the passage of any bill to settle the boundary. Whether that requisition be indispensable, I will not now undertake to decide, but it surely presents the only ground for resisting her application. As to other considerations connected with the presidential question, I feel incapable of being actuated by them; and the opinions which I am known to entertain with respect to that election, forbid the idea that I could have been governed, in the vote which I gave, by any other than a desire to discharge my duty in this House. My obligation to sustain the constitutional rights of my own State, or of any other, is paramount to all other considerations; it is infinitely above any wish to promote the political elevation of any man living, or the triumph of any party in this country.

The amendment proposed by the gentleman from Ohio, [Mr. VINTON,] is one which may become the more necessary, since the other bill, which provides for the same object, has not been passed; and in my opinion that necessity will be greater or less, according to the course which Michigan may pursue, and the construction which that State and Congress may hereafter give to the provisions and force of the bill now pending. I shall vote for it, however, with the view of putting the whole matter beyond dispute and misconception hereafter, as far as the constitutional power of this Congress will enable us to do at this time. Hereafter, or when Michigan is admitted, Congress will have no right to insist upon any stipulation which would subvert any provision with regard to boundaries, or anything else which may be contained in the Constitution with which she may be brought into the Confederacy. This is, therefore, the only time when we can, with propriety or justice, refuse what she demands, or restrict the rights and privileges which she claims at our hands. If we fail to do it now, we cannot be umpires in the dispute between Ohio and Michigan after the latter has become a member of the Union and is placed upon an equal footing with the other States. I shall vote from the necessity of the case, and from a very natural and anxious hope that the result of our proceedings with regard to this subject will give repose to all the parties concerned, by placing them all, as completely as we now can, in possession of their respective rights. Nothing is further from my heart than to vote any unnecessary restriction upon the new State of Michigan. I can conceive of no reason why I should not feel for her interests and rights, as far as they are admissible, every degree of solicitude. Indiana and Michigan are the nearest neighbors; their general permanent interests are the same, and the citizens of each are certainly disposed to cultivate the most harmonious and friendly feelings; and I do therefore regret the existence of a dire necessity which neither Michigan nor Congress can escape.

We must settle this dispute by choosing the most plausible and rightful of the alternatives which are presented to us. If we do not, we shall behold increased excitement growing out of the present state of things. As fast as time progresses, the evil will grow in magnitude, and it will be still further beyond our reach to apply any satisfactory, proper, and peaceful remedy. Sir, as an American, as a man who has been reared in the West, I have always felt the strongest aversion to the restrictions which are imposed by this Government upon the new States as fast as they come into the Union. I have witnessed their effects upon the prosperity of those States. I have always been bold to declare the opinion, that not one of those States has been in fact admitted to that equal condition with the old States which this Government promised, and which Virginia undertook to guaranty when she ceded the Northwest Territory to the United States. While I am anxious to modify your policy towards the West, I know that we cannot throw off the burden which, by a sort of compact, the new States have taken upon themselves one after another. The other States that are to succeed must advance in the same road, bearing the same restrictions upon their sovereignty which their predecessors are still laboring under.

I must here take occasion to correct a misapprehension into which the gentleman from Ohio [Mr. VINTON] has fallen, and at the same time thank him for the compliment which he paid to Indiana, in expressing his opinion of the ability of the argument adopted by her General Assembly in reference to this subject. But, in the proceedings alluded to, Indiana did not, as the honorable gentleman seems to think, urge Congress to reconfirm her northern boundary. As she denies that you have constitutional authority to impair the permanency of the boundaries laid down in her constitution, so she has not called upon you to reaffirm them. She contends that her constitutional limits are not subject to the control of Congress or to the jurisdiction of the Supreme Court. That is the ground on which she has at once placed herself, with a promptitude and unanimity honorable to her public councils; and, in coming to that decision, her General Assembly has enacted the proudest page of her legislative history. To adhere to it is the high duty she has to perform, for which the fortitude and patriotism of her people will, I trust, be ample security.

AMENDING THE JOURNAL.

REMARKS OF HON. S. WILLIAMS,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

June 15, 1836,

Upon the motion of Mr. ADAMS to amend the Journal of the 13th of the same month.

Mr. WILLIAMS said:

Mr. SPEAKER: Inasmuch as the proposition to amend the Journal, now under consideration, grew out of a motion made by me for the previous question, I consider it my duty to make a few remarks in justice to the Speaker and to those who sustained the decision of the Chair upon the appeal made by the gentleman from Massachusetts, [Mr. ADAMS.] If I understand the proposition to amend, it is to permit the gentleman from Massachusetts to have placed upon the Journal his intentions and reasons for claiming the floor when the Speaker had decided that I was entitled to it. In the first place, I deny the right of any member upon this floor to have his intentions and reasons for supporting and maintaining any proposition under consideration placed upon the Journal. Sir, suppose we adopt the rule that each member shall have his intentions and reasons for every vote he gives, or every position he assumes, placed upon the Journals of this House, when would we be able to close the present session of Congress; and when, I would ask, would the Clerk be able to make up the Journal? Sir, it would be endless, and worse than useless, to attempt such a course. As well might I ask to have my reasons placed upon the Journals for demanding the previous question, as for the gentleman from Massachusetts to ask to have his intentions and reasons placed upon the Journals, why he concluded and determined in his own mind that he was entitled to the floor in preference to me. If I understand the reading of the Journal, it is made up in the usual way, and, according to the customs and rules of parliamentary usages; and I for one am against any change or innovation to suit the caprice and whim of the gentleman from Massachusetts, [Mr. ADAMS,] or any other gentleman.

My main object in rising, Mr. Speaker, upon the present occasion, is not to discuss the propriety of the amendment, but merely to state the facts as they occurred and took place upon the occasion to which this amendment of the Journal has reference. When the bill to admit the State of Arkansas into the Union was taken up, expecting we were to have a long, protracted, and I might say, a useless debate, I determined to call the previous question, and, immediately upon the annunciation by the Speaker of the question upon the reading of the bill a third time, I rose and addressed the Chair; and as I then thought, and yet believe, (and as several gentlemen around me thought,) I was entitled to the floor. The Speaker, however, announced the gentleman from Massachusetts, [Mr. ADAMS,] who thereupon moved his amendment, sent it to the Chair, and it was read by the Clerk. As soon as the Clerk read the amendment, I addressed the Speaker; the Speaker announced the gentleman from Kentucky. I then remarked that I considered it of more importance to vote and to do the business of the people, and return home to our constituents, than to sit here and hear long and tiresome abolition speeches, and I therefore moved the previous question, The gentleman from Massachusetts, [Mr. ADAMS,] who, I believe, was upon his feet all this time, never pretended to claim the floor; and when the Speaker, and not until then, entertained my motion for the previous question, and announced from the chair that the previous question was demanded, did the gentleman from Massachusetts [Mr. ADAMS] pretend to claim the floor; and when he did claim it, I then took my seat, not with an intention of yielding the floor to the gentleman, but for the purpose of waiting the decision of the Speaker who was entitled to the floor; and the Speaker, imagining, I suppose, by my sitting down, that I had yielded the floor, announced the gentleman from Massachusetts. I then rose from my seat, and remarked that I claimed the floor. The Speaker then said if I claimed the floor, by the rules of the House I was entitled to it. I remarked again that I did claim the floor. The Speaker then decided that I was entitled to it, and to my mind it is a very clear proposition that I was entitled to the floor; for if the gentleman from Massachusetts was entitled to the floor, because of his having moved the amendment to the bill, in preference to me or any other member of the House, (which proposition, by-the-by, I deny,) the time at which he should have claimed the floor was when I addressed the Speaker, or as soon thereafter as he could have done so, and not to wait until I gave my reasons for moving (and having actually moved) the previous question, and until the Speaker had entertained my motion, and distinctly announced from the chair that the previous question was demanded. It was then too late for the gentleman from Massachusetts to claim the floor, if he would have been otherwise entitled to it, which I deny. There is no rule of this House which entitles the mover of a proposition to the floor in preference to all the other members of this House. We are all, in that respect, upon an equal footing. I therefore have no hesitation in saying that the Speaker decided correctly, and the House did right in sustaining his decision; and I am equally clear and certain that the reasons given, and intended to have been given, by the gentleman from Massachusetts, why he thought he was entitled to the floor, should not be placed upon the Journal. I shall, therefore, vote against the proposed amendment.

LAND DISTRIBUTION BILL.

SPEECH OF HON. J. W. BOULDIN,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

June 7 *and* 16, 1836,

On the commitment of the Senate bill to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting land to certain States.

The motions pending were the following:

1. By Mr. CARR, to commit the bill to the Committee on the Public Lands;

2. By Mr. GILLET, to the Committee of Ways and Means;

3. Mr. DENNY moved instructions to the committee to report the bill on the ensuing Wednesday, without amendment.

June 16—Mr. KINNARD moved to amend Mr. DENNY's instructions so as to amend the bill and provide for disposing of the public lands to actual settlers, in limited parcels, at prices sufficient to reimburse the United States for the expense of acquiring, surveying, and selling said lands.

Mr. BOULDIN spoke as follows:

Mr. SPEAKER: The whole question, then, at this time, is this: To what committee shall this bill be referred? It is of the utmost importance that it should be referred to the proper committee. I feel a desire to make a few remarks upon this bill, and shall make but few. I feel much interest in this subject, and my constituents, I am sure, feel much; the whole nation is alive to the importance of it—I mean the distribution of the public revenue, or rather, as it is generally called, the surplus revenue. Sir, I have heard it from all sides, and most emphatically said and reiterated from the school in politics to which the gentleman from Pennsylvania [Mr. DENNY] is attached, (and he himself has often and over and again repeated,) that the surplus revenue of the United States is dangerous to the people—dangerous to the Government of the United States—hostile to the purity of our institutions; and that it ought not to be permitted thus to endanger all that is dear to us—ought not to be permitted to exist in sums so large.

A natural inquiry—an all important inquiry—here arises: How came this great evil in existence? Who created it? What was it created for? I hear the same song ringing in my ears from morning till night, "the danger of the surplus revenue." I know it is dangerous to the people, for I see and know and feel its effects. But who, sir, created it? The very men who now seek most to alarm us with its fearful consequences. The very men who said and insisted that nothing could secure the prosperity of the people of the Union but the very measure that gave birth to this dreadful calamity that has befallen us, and without continual sustenance from which it would immediately languish away and perish and pass out of existence. And, sir, who are they? Are they not the friends of this bill and of the American system? Who do its friends take pride in claiming as the father of both? Perhaps, however, Alexander Hamilton was the true father of the American system. But another distinguished gentleman claims that system as his offspring, and his friends do so likewise, and he feels for it the never-dying attachment of a father to his offspring. Who is the father of this land bill, if he is not? How often and how long have we all heard and talked of the American system and the land bill? To whom has universal reputation given it? Who sustained this very bill in another body lately with such ardor and eloquence as is seldom rivaled anywhere by any man, if it was not the father of the American system? Did not the bill, in its original state, contain a provision that this money, when distributed, should be spent by the States in internal improvements and schools? I cannot, from these and many other reasons, but feel an apprehension that there is a desire, by this means and others, among the friends of this American system, to revive and continue it in existence. I have, therefore, a great choice as to what committee shall take charge of the bill.

The gentleman from Ohio [Mr. VINTON] and the gentleman from Pennsylvania [Mr. DENNY] seemed to agree in part, and disagree in part. The one thought this surplus produced most mischief in one way, and the other in another way; but both agreed that its effects are dreadful, and will be worse. Sir, I own the evil is great, and the remedy difficult and doubtful; but who produced it? What is the remedy? To whom shall we fly for relief? These are questions as natural as they are important. We have seen who produced it. Now, sir, shall we fly to the same quarter for relief? If it was brought on us by them without knowing the effects, it shows a want of forecast. If designedly, knowing at the same time the effects likely to be produced, then surely we must infer that they think they have a remedy. They were warned of the evil, and implored to desist from it. The answer was, that without this protecting system, this tributary duty system, this "American system," the country could not prosper.

Now the thing is done, and the money collected and in hand, and that in defiance of all who thought with us, who were opposed to it, of the injustice of the measure as well as of its fearful consequences, the very men who produced the evil are loudest in complaints against it and against the Administration, and the opposers of the whole plan that produced it, because it is in existence. True, if the President had not, by his veto, put a stop or a check to the progress of expenditures for internal improvements by the Federal Government, we should have no surplus; but we should have had the tariff, the internal improvement, and the bank, in all their strength. If, then, we raise the money and distribute it among the States, and by that means carry on the American system in a new way, what would be the difference? Simply this: we should have to pay for collecting and *distributing* (instead of collecting *only*) this surplus revenue. This would be the whole difference in effect, and so increase the tariff to that extent.

I prefer to intrust the care of this evil to those who were against the creation of it and are opposed to the continuance of it. The father, and all the most devoted friends of the bill, were friendly to the creation of this surplus, and friendly to all the measures that are calculated to supply the fountain from which it must continue to be fed, if fed at all.

The gentleman from Pennsylvania [Mr. DENNY] said the bill ought to go into the hands of those who had no feeling on the subject. Then, sir, it would go where I would be more willing than he would to see it go. It would go out of this House, for there is nobody here that has no feeling about it. Who here has no feeling on the

subject? What committee of this House has none? Did the gentleman himself display no feeling about it? I am free to admit, sir, that I have a great deal of feeling on the subject, and so has the whole nation. Yet, if we should now be brought to the point of the bayonet about the distribution of it, as we were on account of the gathering of it, and the Union at hazard, and the whole nation in a ferment, it is then that a certain gentleman, who has the reputation of being the father of this project, as he was of the other, after having raised such a degree of heat that it would again seem as if the Union itself would be dissolved, may perhaps again interpose and arrest the consequences, and again obtain the credit of making peace, after having had awarded to him that of causing the war. Sir, I am unwilling to intrust this particular subject to any man, or the supporters of any man, who raised the money at the hazard of the dissolution of the Union, to be distributed back among the States for purposes of internal improvement, or upon charity.

I am anxious not to send it into the channel into which the friends of the American system wish to send it, for the very reasons that have been urged for doing so. I do not know as yet what I may think the best to be done with the money; but I do know that I wish the American system defeated. I know it has been said often that this Administration have done nothing that the South had expected from it; that the President was, and is, an internal improvement man, a tariff man, and a bank man. I care but little for charges, and not much more for abstract opinions; but I have great reliance upon actions, especially if long persevered in, and under difficulties. Sir, the present Chief Magistrate is the first President, from the foundation of the Government, who has ventured to advise or hint the least abatement of this protective system, as far as my recollection extends. While he is advising, message after message, that it should be reduced, I find the internal improvement system suddenly arrested, the tariff brought to a stand, and afterwards reduced, and a recharter of the Bank of the United States refused. What did the South desire of him more than to put down the bank, the internal improvement system, and protecting duty system, commonly called tariff, in short, the American system?

But it has been said, sir, though checked or put down during this Administration, it has not contributed to do it; that the President, and a majority in Congress, are in favor of them all. Heaven protect me from being a favorite, if this is the fate of favorites. But I will go into no argument in answer to this charge, further than merely to refer to a declaration made by the father of the system himself. Alluding to the President of the United States, and the Governor of Pennsylvania, during the panic session, he said: "Internal improvement dead at his feet, '(the President's;) Bank of the United States 'prostrate under his conquering hand; tariff just, 'not annihilated; and this is the man that Penn-'sylvania delights to honor."

Now, sir, who ought to know, who does know better than that gentleman who has inflicted this cruelty to his own offspring? Sir, it is, for the most part, the first love that sticks. His heart was early fixed on this system, and that attachment can only be extinguished with life. I grant it ardent—I am sure it is sincere; and I think it folly to expect it to give way now. Would attachment thus indelible, judgment so profound, acumen so penetrating, research so unwearied, as will be accorded by all to the father of the American system, likely mistake the friends for the foes of the apple of his eye? I think not. I cannot but believe that he knew the President had been chiefly instrumental in putting down this system—a system which is hideous to the eyes and hateful to the feelings of many of the South, who, with myself, have suffered long and painfully under it. I cannot but recognize this bill as a renewal of the system—a scheme to get a hold on the States, to induce them to commence internal improvements on their own account, looking to Congress for the money. Suppose them, then, half finished; what would be the natural consequence? Would not the States be tempted to submit to a high tariff to finish them? It is in vain to say that States cannot be tempted. "Lead us not into temptation" will apply as well to States as to men. How many men of the boldest spirits have been thus tempted by the miser, brought into his snares, and thus become his slaves? Sir, is not this the evident effect, if not the object of the bill under consideration?

I am willing to have the advice of an intelligent committee, for I am in doubt what is the best thing to be done with this money. I understand that this House is divided into two parties on the object of this bill. One in favor of high duties or taxes—protecting duties—the American system—and the other against it. I do not wish the bill to go into the hands of the friends of this system. I wish it to go into the hands of those who were, and are, and will be opposed to the renewal of it. Is there such a committee in this House? If there be, I wish it referred to that committee. Sir, I am not very well acquainted with the rules, and orders, and committees, and parties of this House. I know much better where I do not wish the bill to go, than where I do want it to go. If there be a committee who thought that the whole supposed sixty millions of surplus ought to have remained in the United States Bank, with a capital of not much more than half that amount, while the amount of surplus is constantly accumulating—who thought the Bank of the United States had a mortgage on our surplus fund as long as the bank continued, or as long as they were good, in consideration of $1,500,000, to be paid by installments, I do not wish it to go to that committee.

By the way, Mr. Speaker, what a strange contract this must have been! If we applied while the charter remained, and they were good for the money, we could not get it. If when they were good for nothing, whether the charter had expired or not, we could not get it. Though pushed for money to such a degree as to be obliged to execute such a mortgage as this, still we have had from the execution of the mortgage more than the sum obtained, or rather promised, deposited without interest with them. They proposed that Congress should grant them exclusive privileges, and offered to pay for them. After chaffering, it was agreed that for so much money to be paid by installment, and for service to be rendered by them to the United States, to wit: that they would hold their revenues in their banks and pay the money out when it was required, the charter was granted; and to enable the bank to pay according to their contract, the Secretary of the Treasury was directed to pay the revenues into their banks, in order that they might be able to execute this part of their contract. If the Secretary at any time thought proper to place it elsewhere, he was authorized to do so, as he had always been before. Of course, if the money was not paid into the bank, they had no risk of holding or trouble in paying out. They whipped this around into a mortgage on our surplus funds, and it seems to me an attempt was made to dragoon a gallant nation into submission to this monstrous pretension. And, sir, what is the surplus revenue? It must be the balance in the Treasury after an economical administration of the Government. If a man buy or obtain a mortgage on an interest in an estate, he has the right to superintend the executor, and see that he run into no unnecessary expenses. If the bank had such a mortgage as the one supposed, she had a right to superintend all our disbursements of money and keep us within economical bounds. God grant that anything could keep us within the bounds of economy.

But had we the right to reduce the tariff, and thus the surplus, to which, by this view of the subject, the bank was entitled by purchase or mortgage, while they had this lien on us? Had I ever believed that such a bargain had been constitutionally made, I would have held the nation bound to carry it into effect. But I never believed it. If there be any committee who thought so, or, thinking so, thought it ought to be renewed and recharted, I do not wish this bill to go to that committee. I view them all, bank, internal improvement by the Federal Government, and tariff, to be the American system. You make no internal improvement without money; and you cannot get money without some place to go to for it. True, the tariff brings it, but you must have a place to put it. The Government dues you can pay away; but you must hoard up when you go for the great improvements, or go in debt. Whether there be any necessary connection or not, there is great intimacy among the friends of each. There are some who are against the Bank of the United States, but would ransack heaven and earth for arguments, if they could find them, to prove that we cannot live without it; that the public money is safe nowhere else.

Sir, if there be a committee, who a short time since told us, in substance, that but for the mercy of the French, and the good behavior of a certain other honorable body not far off, we should have been utterly destroyed, our whole Atlantic coast set on flames, and who now, fearing that this surplus, or a part of it, should be spent in fortifying the country, now tell us that we have whipped the British, who had been too strong for the world—who say we are double as strong in numbers, and four-fold in money and fortifications, and what do we want with fortifications? I do not wish this bill to go that committee.

While all was tranquillity at home, and peace abroad, high prices for every article, the fruit of industry bore a fair price, and health and prosperity prevailed through the land, still there were many who were not happy—who foretold evil to come, and even at hand. Now that we have war, the cry is the same. While we had no money, but were in debt, the cry was the same; and now we have money beforehand, the cry is still the same; and at last this direful evil of having more money than we know what to do with has come upon us. I would compare these evil prophets to the Rain Crow. His mate happens to be on her nest, setting for weeks to bring her young into life, in the most rainy season of the year. Lonely and dissatisfied, he keeps an unwearied complaint, while his mate sits silent and patient in her nest. Rain comes plentifully during this season, and he is denominated the Rain Crow, without his knowing or caring anything about the rain. So these prophets who prophesy evil, and only evil, must at last prove true prophets. It is certain, I suppose, that some of them at least know the time and the means of raising this money, but expected it to be laid out long before collected, in internal improvements. So that as to the evil of having accumulated this vast sum, they were as ignorant, and perhaps more ignorant, than those who are opposed to the internal improvement by the Federal Government. The evil, however, has come upon us; and I acknowledge it to be great, the remedy difficult, and success doubtful. I am anxious to hear the advice of some appropriate committee.

There is a remedy which I have not ventured even seriously to think of putting to practice, much less to hint to you before. But, sir, suppose that committee, in their wisdom and patriotism, in order to put a check or a stop to the dreadful and growing evil, should suggest to this House the propriety of reducing the taxes to the wants of the Government, what would you think of it? Who would, or could, or ought to complain of it? Would it be a class of people loud in complaints and brilliant in imagination, to magnify the evil of the surplus, and prompt to foretell the utter ruin of us all, should this surplus continue to accumulate?—who would tell you that the evil might be thus remedied and the balance of the nation saved, but their manufactures destroyed?

The balance of the nation would be saved, but they would have to give something more for land, if they wished to purchase, should the sale of the public lands be stopped.

Mr. Speaker, though this seems to be a remedy so natural, simple, and certain, I am afraid almost even to hint or to hope that any commitee will so report, lest I should be told of breach of compromise, breach of faith. Sir, I do not wish to render myself liable to such a charge by any suggestion. But if any class have such a hold on our faith are they Shylocks? Will they insist on the pound of flesh? Will they do worse? Will they destroy themselves and us, to have their contract literally executed? I can hardly think there is such a one in existence; but if there be, let faith be kept, though we all perish.

Mr. Speaker, I am under the perfect conviction that, as the levying these duties so far exceeded the wants of the Government, to favor a few at the expense of the many, had well nigh involved us in civil war, so the distribution of sums so large must threaten the purity of the public functionaries, and corrupt all the channels of virtue and information to the people, and cause our simple republican institutions to totter on their foundations.

Mr. Speaker, sums as large as these cannot be safe anywhere—either in regard to themselves (looking only to their own security) or in regard to the purity of those who may be tempted by them. Sir, is there anything in the tariff compromise which will justify us to go on taxing the people, when the very sums collected will hazard the peace and security of the Union, and endanger everything that can be dear to freemen?

[Mr. BOULDIN'S remarks were not concluded when the orders of the day again arrived, and he was prevented from bringing them to a close.]

PENSIONS TO INDIAN FIGHTERS.

REMARKS OF HON. R. BOON,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

June 11, 1836,

Made in Committee of the Whole; the subject then under consideration being a proposition made by Mr. C. ALLAN to extend the provisions of the pension system to all those who were engaged in the Indian wars from the year 1781 to 1795.

Mr. BOON said that he would detain the committee but a very short time, as his only object in rising was to reply very briefly to the objections which had been urged against the measure proposed by the gentleman from New York, [Mr. MANN,] for whose opinions Mr. B. said he had a very high regard. The gentleman from New York had stated, that to extend the pension system to the three months' men, and to those who were engaged in the Indian wars, would be a drain upon the Treasury of more than four millions of dollars. Sir, (said Mr. B.,) suppose this estimate to be correctly stated, for what better or nobler purpose could such an amount of the public treasure be expended? When I first came into Congress, some ten years since, the old Indian fighters who then stood at the bar of this House, and petitioned Congress to compensate them for services rendered in defense of their country, and for property taken and destroyed by the enemy, were then told that they might go home to live in penury and want the remaining remnant of their days, as there was a large national debt to pay, and an empty Treasury to meet it.

Now, sir, we are told that there is in the Treasury of the United States some forty or fifty millions of dollars, over and above the wants of the Government; and yet justice is withheld by the Government from those who have fought the battles of their country, and who, from old age and other causes, are unable to make a comfortable support for themselves and their families. Many of them have gone down to their graves, and have left a helpless widow, with a family of small children, thrown upon the cold charity of the world for support. Who, I ask, Mr. Chairman, braved the bloody tomahawk and scalping-knife of a savage foe, and gave rise to the settlement and value of your vast public domain, which now yields annually to your Treasury millions and millions of dollars? Sir, it was the *citizen soldiers of the West*. Sir, they are the sons and grandsons of the revolutionary heroes of the old thirteen States of the Union. And now that your Treasury is full to overflowing, shall a just reward for their patriotic services be longer withheld? I trust not. Shall we now, for the purpose of creating a large *surplus* revenue, to be distributed among the several States of the Union, thereby creating a host of stipendiary *pensioners* upon the Treasury, who never performed one hour's service to their country, turn a deaf ear to the petitions and well-founded and just claims of these meritorious men, who, by their sacrifices and deeds of noble daring, have contributed so much to our present prosperous and happy condition as a nation.

I, Mr. Chairman, would most cheerfully give my vote to appropriate the last dollar of the *surplus* revenue in the Treasury in compensating those who have performed service in the defense of their country. I appeal to gentlemen of the northern and southern States of this Union, where so many millions of dollars of the public treasure have been expended for public services rendered, and for the defense of the Atlantic sea-board, to do *justice to the western States*. I mean the old *soldiers* who have been mainly instrumental in giving settlement and value to your vast public domain. Grant the poor pittance asked for by the friends of this amendment to your pension laws, and, sir, you not only have performed an act of sheer justice to a most meritorious class of our fellow-citizens, but, sir, you and your Government will have the lasting gratitude of the surviving soldier, and of the surviving widows and children and grand-children of those patriot soldiers who have been gathered home to their fathers. Sir, let it not be said that this Government has subjected itself to the charge of *injustice* or *ingratitude* towards its faithful sustainers.

PUBLIC DEPOSITS.

REMARKS OF HON. G. PARKS,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

June 22, 1836,

On the bill regulating the deposits, a part of which provides for the distribution of the public money among the States, and on the amendment to the same providing that the State treasuries should be the depositories of the public money.

Mr. PARKS said:

Mr. SPEAKER: I am well aware of the determination of this House to pass the bill now before us, of its anxiety to do so immediately, and its unwillingness to listen to any remarks upon the subject. But, sir, as I intend to vote against this bill whether amended as proposed or not, it is a duty I owe to *myself* as well as to my constituents to give, in a very succinct manner, some of the reasons which impel me to do so. I am well aware that I have no right to expect the attention of this House, indisposed as it is to listen to gentlemen far more able than myself, from any power of arguments that I can offer, or from ingenuity of arrangement, or for any eloquence of manner with which I can enforce them; I can only hope it from that kind courtesy which this House is ever willing to extend to one who seldom obtrudes his views upon them, and never long.

And, sir, in the first place I beg leave to extend my thanks to the honorable gentleman from Ohio, [Mr. VINTON,] for the frankness with which he has spoken of this bill by what I conceive ought to be its title. In his remarks, he observed he would speak of it "as everybody here understands it," "as a donation to the States." That it is so in truth and reality, is one of the reasons why I shall vote against it. Sir, I deny the right of this Federal Government to raise money from the people, either by taxation or otherwise, to be distributed among and given to the several States of this Union. I ask any one to lay his hand on the Constitution, and point out this power—you will look in vain for it. It is not in the book, nor do I know that any one pretends that it exists. Gentlemen say, however, that by the operation of this bill and the amendment about to be adopted, no such thing as a donation to the States takes place, but that the treasuries of the several States are merely made depositories for the safe-keeping of the public moneys, in the same manner that certain local banks now are. This would be true, provided it was intended or expected that the treasuries of the several States should ever be called upon to repay this money. Sir, every one within the hearing of my voice knows that such is not the expectation of a single member of this House who will vote for the bill, however different the final result may be. Do we not all know, if the present feeling of this House should be transmitted to future Congresses, that the first movement of the Secretary of the Treasury to call back a single cent of this miscalled deposit, would be promptly prohibited by a large majority of both Houses of Congress? Can any man doubt that this would be the result? Let us look back to the days of the Confederation, and remember with what difficulty money sufficient to support the Government of the then existing Congress was obtained from the States. When the requisitions were made, some would complain that their share of the general fund to be raised was too much; others would plead poverty, and agree to pay a part; others asked for time, and some, I believe, refused to pay at all. I believe that to this very day large sums of money are due, and unpaid, of the sums called for by the Continental Congress; and what are we now about to do, but to resort to that very system, in theory, to avoid the evils of which the Constitution of the United States was formed? Sir, in my view of the case, it would be better, when we have too much money on hand, to reduce the tariff, to relieve the hard-working people of this country from taxation, than thus to distribute it to the several States, to be expended by their Legislatures, a measure which I believe will be like Pandora's box—but the mother of evils.

Mr. Speaker, a growing spirit of extravagance and speculation is pervading our whole country. Every man is seeking to live in some other manner than by the honest labor of his own hands. This spirit of speculation, if report speaks truly, has made rapid progress within these walls. The moment this money shall have been distributed, this spirit will fly to the council chambers of every State, and their legislative halls will exhibit such scenes of strife and contest as to who and what sections of the States shall obtain most of the public plunder, wrung, every cent of it, in some way or other, from the producing portions of the community, as I, for one, dread to look upon. But, further, sir, the natural consequence and tendency of all this is to corrupt the people themselves. Its tendency will be to induce thousands to quit their happy, peaceful, and prosperous, though laborious avocations, to live and gorge on public plunder. If corruption heretofore has existed in high places, it has been confined to high places, and the people of the country have ever had the power, as they have always heretofore had the disposition, when discovered, to expel it. We ought always, sir, to remember that the truest maxim in political economy is to take no more money from the pockets of the people than is absolutely necessary for a safe and healthy administration of the General Government. By this bill, not content with overlooking that maxim ourselves, we are about to tempt every State government to do the same. This large sum of money, thus suddenly thrown into the treasuries of the States, to be disposed of by their Legislatures, will induce them to commence great and expensive works of internal improvement, which, when this money is exhausted, will be left in an incomplete and unfinished state, and heavy direct taxes will have to be laid upon the people of the several States to complete them, or they will apply to Congress for more money through their representatives.

Sir, the Treasury of the Union may not always be in as plethoric a state as it is now; and how will the deficiency be supplied? *By an increase of the tariff, sir, the tariff.* And are the people of Maine prepared for this? Are the constituents of gentlemen from the South prepared for this? And to this complexion, if this system goes on, we must come at last. As I have before observed, many of the State Legislatures will be encouraged to launch forth upon internal improvements, which they will want money to complete; having got the taste of the public blood, they will not be satisfied with the first debauch; they will clamor for more; and the moment they find the public Treasury exhausted, they will demand that it shall be replenished from the pockets of the people by an increase of the tariff of duties, and in this they will be most willingly aided by the Representatives of our venerable mother, Massachusetts, and by every manufacturer in this country. Do the gentlemen from South Carolina flatter themselves that their boasted

compromise will save them? Let me tell those gentlemen that they will find it but a rope of sand, broken by the first blow of self-interest, and that blow given as soon as she will dare to do it. In this manner taxes will be raised from the people by the Congress of the United States, to be expended under the direction of the State Legislatures, which those Legislatures would, under no circumstances, dare to raise themselves.

Having said thus much, Mr. Speaker, as to the operation of this bill upon the Union generally, permit me to make a few remarks upon the effect it will produce upon my own State, and the sea-board and commercial States.

Maine, a part of which I have the honor to represent, is from necessity an extensive commercial State. The coldness of her climate, the great abundance of her ship-timber, and the sterility of her soil upon her sea-coast, compel her to be so, and well has she fulfilled her destiny. Though among the smaller States of this Union, she has for many years been the third State in the Union as an owner of tonnage. Her canvas whitens every sea, her ships are borne onward by every breeze. We are, moreover, from our local situation, more exposed in our persons and property to the contingencies of war than any of the other States of the Union. We are united to the rest of the Union but by a line of one hundred and thirty miles in extent, while we have a frontier on the British provinces of Lower Canada and New Brunswick, and on the ocean, of more than a thousand miles. As a member of the Union, thus remotely situated, and dangerously exposed, and thinly populated, but with more good harbors than in any State of the Union, I might almost say than in the whole Union besides, it might naturally have been expected that she would have been most especially the subject of the protection and regard of the General Government. How has it been? Let any member on this floor pass along our sea-board and our frontier, and his cheeks would mantle with shame at her neglected and exposed situation. There is not a city, a town, or a village upon any part of her coast or rivers, but might be laid in ashes by the very smallest vessel of war that floats on the ocean. She seems to have been accepted as a member of the Union but to be insulted, abused, and neglected. Does a foreign enemy take possession of a part of the State, you quietly permit them to remain there till the war is over. Do you want to make a peace with a foreign power with whom you are at war, you quietly cede to her a portion of our territory, under pretense that the line is in dispute, when that same power, during the same negotiations, had demanded a cession of that very territory, thus acknowledging our title as we claimed it, and indeed as they had marked it upon every map of their adjacent provinces they had ever made. Our commerce is trammeled by an odious and oppressive tariff, and our whole sea-coast, the most extensive, I believe, of any State in the Union, is left without protection or defense. Truly may I say, sir, we seem to have been received into the Union only to be derided and oppressed.

And what is to be our situation under the new state of things to commence with the passage of this bill? One evil, as I think I have fully demonstrated, is an eventual increase of the tariff, which will lay the ax at the root of the tree of our prosperity. Our Navy, too, to which we might have looked for some protection in time of war, will no longer be increased. Our fortifications are to be stopped, or rather, as far as regards my own State, *not commenced*. At the very moment when, for the first time, we had engaged the attention of Congress, and when a bill providing for our defense had already passed the Senate, then comes this biting, chilling frost, and freezes up our hopes. But a few days since I was flattering myself with being able to return to the city of my home, and say to my fellow-citizens, you are no longer overlooked or neglected by the General Government, a bill has passed for your defense and protection; but, sir, I no longer cherish such delusive hopes. No one who was present when the news came to this House that this bill had passed another body in the other end of this Capitol, (the Senate,) and witnessed the effect produced upon members here, can doubt the result.

Sir, it is well known that there is a settled determination on the part of a great majority of the members west of the Alleghany mountains to grant no more money for the defense of the Atlantic frontier, either by the Navy or by fortifications. Settled in the fertile valleys of the Ohio and Mississippi, with every blessing about them which Heaven can bestow, they apparently care but little for the safety and protection of their brethren upon the rocky and sterile sea-board, knowing full well that the war cry of the enemy can never reach their ears until the whole country east of the mountains shall have been covered and fertilized by the blood and bodies of their countrymen. And this is to be done for the sake of sharing among the States the money which ought to have been applied to far more noble and generous purposes. How far this is the spirit of patriotism let the people judge. I hope I shall prove to have been mistaken in my expectations. Experience alone can teach me that I am.

I confess that I have been astonished, utterly astonished, that any one can be the advocate for, or vote this bill. I impeach the motives of none who differ from me in this matter. Their reasons for the course they take are good ones, probably, but I cannot imagine them. In Maine, at least, we have nothing to gain, but everything to lose; our commerce probably to be eventually destroyed by an increasing tariff; our whole coast and frontier left without defense; the Navy of our country, which might have protected our ships at sea, to be neglected and suffered to decay, and this, too, when we know it to be inferior to that of any third-rate Power in Europe. Sir, it cannot be forgotten, it was during this very session, but a few months since, when a war was feared with France, that it was declared, over and over again, and contradicted by no one, that our Navy was wholly unprepared to cope with that of France; and now national honor, national safety, the very first duties and obligations of this Government, the protection and defense of its citizens, are to give way, to be sacrificed to the base, groveling love of money, and are to remain so sacrificed, until this ruinous, corrupting, and degrading system shall be abandoned. I hope, and I *but hope*, that that may be soon the case; and if it ever be so, God grant that it may be so forever.

Mr. Speaker, I thank the House for the attention with which it has listened to me. I am well aware that I have probably not affected a single vote, but I have justified myself, I trust, to this House, and to my constituents. At any rate, I have a higher gratification than either can be to me. I have the consciousness that I am acting right; nor do I believe that there will be any act of my political life, which, in after times, I shall reflect on with more pleasure than upon the vote I am now about to give.

PUBLIC DEPOSITS.

SPEECH OF HON. J. B. ANTHONY,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

June, 1836,

On his motion to substitute his proposition in lieu of the thirteenth section of the bill from the Senate "to regulate the deposits of the public money."

Mr. ANTHONY said:

Mr. CHAIRMAN: The proposition which I have the honor to offer to the consideration of the committee, as a substitute for the thirteenth section of the Senate bill now before us, is one which I sincerely hope will meet with general approbation. This section provides for the deposit of the surplus revenue of the country among the several States of the Union, and embraces a question of vital importance to the people—a question in which every member of this House has a deep and abiding interest. We should, therefore, carefully deliberate on the best means to effect the object we have in view; and it should be our earnest endeavor, as far as possible, to harmonize and unite conflicting opinions, to obviate, as far as practicable, prejudices from every quarter, and without compromiting any principle, to modify and amend the bill in such manner that it may become the law of the land.

Mr. A. then proceeded to remark that he considered the ratio of distribution adopted by the Senate contrary to the fundamental principles of our Government, whereby taxation and representation went hand in hand; and he therefore believed that representation and distribution should be in the same ratio. He had accordingly stricken out the "Senate" from his amendment, being satisfied that the relative proportion in the House of Representatives would approximate nearer to justice than any other mode of distribution which could be adopted, unless we resorted to a new enumeration. He was, however, willing to admit that as some of the small States had large fractions, and others had rapidly increased, and perhaps doubled their population, since the last census, they would have some reason to complain that they did not receive a fair and equal proportion, by allowing them only their representative share.

He proceeded to discuss this question at some length, but, at the suggestion of many of his friends, who were fearful that an adherence to this change would defeat the amendment *in toto*, he afterwards restored the "Senate," so as to make it correspond in that respect with the bill as it came to the House, remarking that if any other member should thereafter renew the motion to strike out the "Senate," it would receive his cordial support.

Mr. A. then said the bill before the committee provides that the surplus money in the Treasury on the 1st of January, 1837, shall be deposited with the several States in the nature of a *loan*, for which certificates are to be given by the States, subject to *transfer and sale* by the Secretary of the Treasury, "whenever it shall be necessary to meet appropriations made by Congress."

The substitute differs from the original section in this, that it authorizes a *deposit* of the money with the respective States, "to be safely kept by them, and the faith of the States is pledged to repay the same when required by the Secretary of the Treasury, to defray the wants of the public Treasury." The committee will perceive that instead of a *loan* to the States, with authority to the United States to *sell and assign* the security, and thus transfer the debt to private individuals or corporate bodies, agreeably to the terms of the original section, the substitute merely *deposits* the money for safe-keeping, to be used by the States receiving it, till required for the necessities of the General Government for national purposes. It avoids the necessity of resorting to a sale of State certificates to stock-jobbers and speculators, as it fairly distributes the surplus throughout every member of our Confederacy, taking their several pledges for the repayment, when called for in moderate installments.

Another difference in the two propositions is, that by the Senate bill, after a sale and assignment of those certificates, "they shall be subject to and shall bear an interest of five per cent. per annum;" but in the amendment they are to bear no interest whatever. This part of the amendment, I trust, will be acceptable to the committee, as it makes the States liable to the National Government alone for the payment of the principal sum deposited, and not subject, in any event, to pay interest.

The next point of difference is, that by the original section the "certificates are redeemable at the pleasure of the States issuing the same," whereas in the substitute the States are pledged to pay after notice is given by the Treasury Department that the money is required to meet appropriations. Should the necessities of the Treasury demand a portion of the distributed surplus to be restored to its vaults, if the States could *redeem at pleasure*, the only mode of replenishing the Treasury from this source would be by a sale of those certificates of deposit; hence arose the necessity, if that plan were adopted, to make them assignable, and to bear an interest of five per cent. per annum, after assignment; but as they, by the proposed amendment, are to be without interest, and are *not transferable*, it necessarily follows that whenever the money is needed to meet appropriations for which there are not

other funds in the Treasury, the States are bound in honor, as well as by their "legal obligations," to restore whatever sum is necessary, in proportion to the amount held by them respectively, upon due notice given by the Secretary of the Treasury.

These modifications and alterations of the thirteenth section make the bill what its title purports to be, viz: "To regulate the deposits of the public money." They place the common treasure of the people in the hands of their State representatives, to be applied by them to internal improvement, to education, and many other objects of great importance. By disposing of the money in this manner, it takes from the deposit banks immense sums, which either lie unproductive in their vaults, or are loaned for purposes too often of hazardous trade, and sometimes of unwarrantable speculation. The whole community will be benefited by the distribution, as it will circulate through every section of the Union, while at present it is principally confined to the commercial cities where the revenue is mostly received, and where the deposit banks are generally located. It will prevent extravagant expenditures and lavish appropriations of the public money, as every State will be interested in preserving that economy which teaches us to husband our resources, and not to squander them on works of doubtful utility. We shall learn the trite, though true maxim,

"Nullus tautus quæstus, quam quod habes parcere."

The attention of the people of Pennsylvania was attracted to the subject of the surplus revenue soon after the election of the present Chief Magistrate. In his first annual message to Congress, on the 8th December, 1829, the President, in speaking of the situation of the financial concerns of our country, says:

"After the extinction of the public debt it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress; and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils. To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States, according to their ratio of representation; and should this measure not be found warranted by the Constitution, that it would be expedient to propose to the States an amendment authorizing it."

Pennsylvania having engaged in an extensive system of internal improvement, which required large sums of money to be raised for the purpose of conducting the expensive works under contract, and completing them with as little delay as possible, resorted to loans to meet the heavy annual expenditure, which this magnificent project required. As every year added to the liabilities of the State, and the national Treasury would in a short time be relieved from the public debt, much solicitude was felt in relation to the disposition of the surplus which would accrue beyond the current expenses of the country.

The citizens of the "Keystone" having assisted to elevate the present Executive to that station which he now fills with so much honor to himself and satisfaction to the people, received with heartfelt pleasure the message announcing his opinion "that the most safe, just, and federal 'disposition which could be made of the surplus 'revenue would be its apportionment among the 'several States, according to their ratio of repre-'sentation;" and although he, at the same time, expressed a doubt whether such a disposition *was warranted by the Constitution*, and suggested that it would be expedient to amend it, to remove that doubt; yet the situation of Pennsylvania, with her accumulating debt, was such, that all parties concurred in the hope that these doubts would be removed when the time for distribution arrived, and that we should receive our share of the surplus revenue, and thus be relieved from a portion of the increasing debt which the improvement system had created.

Having, at the period to which I allude, been chosen by the citizens of my native State to represent them in another place, (the Senate of Pennsylvania,) I was among those who heartily responded to the sentiments of the President; and two of my colleagues on this floor [Mr. MILLER and Mr. MORRIS] assisted me in passing the following resolution, which, according to my recollection, received almost, if not altogether, the unanimous concurrence of that body:

"*Resolved*, As the sense of the Senate and House of Representatives, that, as soon as the national debt shall be paid, the most equitable and just mode of disposing of the surplus funds which may remain in the Treasury of the United States, after defraying the ordinary expenses of the Government and the payment of appropriations which may be made to objects of great national importance, will be by a distribution amongst the several States in proportion to their representation in the Congress of the United States."

The constitutional power of Congress to distribute the surplus funds of the Treasury among the States had not at that time been examined with that care and scrutiny which it afterwards received. Although the President had intimated its unconstitutionality, and suggested "an appeal to the source of power as among the most sacred of all our obligations," yet it was not till his veto of the land bill of Mr. CLAY that his views on this constitutional question became generally understood. Since that period a difference of opinion has existed, and still exists throughout the community, on this all-important subject; and I feel that it is wholly unnecessary to attempt its discussion on the present occasion. Let our object rather be to avoid difficulties and embarrassments of this nature, and pursue such a course as will be sanctioned by every branch of our legislative department. Let us steer clear of constitutional objections from any quarter, and adopt such provisions as will promote the welfare of the States without affecting the wholesome action of the General Government.

The resolution of the Legislature of Pennsylvania which I have read reiterates and sanctions the liberal, patriotic, and enlightened views of the Executive of the Union, without expressing any opinion of the constitutionality of the measure. It cannot, therefore, be expected that I have so far forgotten the part I took in the passage of that resolution, as to be now opposed to a constitutional disposition of the surplus money of the Treasury. Every one must admit that it ought to be taken from the deposit banks and placed in the power of the people, to whom it properly belongs, and who can safely apply it to such State objects as will increase their wealth and advance their prosperity, and thus add to the strength and stability of the whole Confederacy.

The next expression of public sentiment in Pennsylvania in reference to the surplus revenue, will be found in the proceedings of our Legislature, when Clay's land bill was under discussion in this House during the session of 1832-33. It was a subject which elicited the attention, and addressed itself to the judgment of every legislator; one in which it became the duty of the Representative to ascertain and proclaim the opinion and wishes of his constituents. On this absorbing question there was no mistaking the popular will; the same pervading sentiment existed throughout the Commonwealth that prevailed in 1831; and again we find the Legislature of Pennsylvania speaking emphatically, and with great unanimity, the same language that they had formerly used.

The proceeds of the public lands would, in a short time, be no longer necessary to defray our national burdens; and the question of distribution among the States addressed itself to their consideration; they accordingly embodied their sentiments in the following preamble and resolution:

"Whereas the period is fast approaching when, by means of the revenue arising from bank stock, the duties on imports, and the public lands, the national debt will be extinguished, and there will be a surplus in the national Treasury after defraying the ordinary expenses of Government: And whereas the United States acquired their title to and jurisdiction over the public lands by the cessions of several of the States, made for the common benefit of the Union; and by purchase out of the funds of the General Government; and the said lands thus acquired form a part of the national stock, and furnish an important branch of the public revenues applicable to the relief of the public burdens: And whereas, on the extinguishment of the public debt of the United States, the revenues drawn from the sale of the public lands will be no longer required for the purposes of the General Government, and it is right and proper that they should be distributed among the several States: And whereas the distribution of the surplus proceeds arising from the sale of the public lands involves a question of national property and national policy, on which it is proper for the constituted authorities of the State to express an opinion. Therefore, be it

"*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania*, That, in the opinion of this Legislature, the proceeds of the public lands of the United States, when no longer required for the payment of the public debt, ought to be distributed among the several States of the Union, in just and equitable proportions, and any proper measure calculated to effect this object will meet our cordial approbation.

"Approved, 26th Feb., 1833."

This preamble and resolution were laid before Congress on the 1st of March, 1833, and on the next day the final question was taken on the land bill; and although the Pennsylvania delegation in Congress was not bound by this expression of the State Legislature, as they were equally the immediate Representatives of the people, yet it is remarkable with what unusual unanimity, the whole delegation (save one from the city of Philadelphia) gave their votes in favor of the bill providing for the distribution of the proceeds of the public lands.

At the next session the President gave his reasons at length in opposition to the bill, which he had been prevented from doing before, owing to the lateness of the session at which it passed. Whether he was right or wrong, it is not my purpose now to inquire, as the present plan of disposing of the surplus renders the inquiry wholly unnecessary at this time. Nor do I wish to be understood to say that I approve of raising money from the sales of public lands, or from a tariff on imports, for the purpose of distributing it among the States; on the contrary, I believe that the States ought not to look to the national Government for pecuniary aid; they should depend on their own resources to carry on their improvements and supply their several wants. But a number of causes have combined to swell the funds of the public Treasury to an extravagant amount, and the question naturally arises, what shall be done with the surplus beyond the immediate necessities of the country? If it remains dormant in the banks, its accumulation will embarrass trade and seriously affect the mercantile community. If loaned to individuals in the vicinity of the deposit banks, the benefits to result will at least be partial. If squandered on public national works, it would in all probability lead to wasteful extravagance. The safest and most judicious course would seem to be to deposit the excess with the States, and to provide that in future the revenues of the country shall not be suffered to accumulate beyond the wants of the Government.

I have referred to the proceedings of our State Legislature, and to the votes of my predecessors here, to show the cordial understanding that existed in favor of distribution while the destinies of Pennsylvania were in the hands of those who were the warm and devoted friends of the present national Executive; but before I conclude, in order to show that all parties concur in these sentiments, let me call the attention of the committee to what has been done since the scepter has departed from the Democracy of our State and been placed in hands in which, although I possess little confidence, and therefore pay but slight attention to their request, yet, as emanating from a majority of the State Legislature, it merits a proper and respectful consideration.

On the 15th of March, 1836, the following preamble and resolution passed the Legislature of Pennsylvania, and were transmitted by the Governor to the delegation in Congress:

"Whereas, by the official statements from the Treasury Department of the United States, it appears there will be an unappropriated balance in the Treasury, above the ordi-

nary demands of the Government, subject to the action of Congress during the present session: And whereas it is presumed that the wisdom of Congress will not suffer that fund to accumulate in the Treasury without devising means by which it can be usefully employed for the benefit of the people of this Union: And whereas some of our sister States deny to Congress the constitutional power of making internal improvements in the several States, while all seem to admit the power and propriety of distributing the proceeds arising, or which may have arisen, from the sale of the public lands, amongst the several States, subject to the control of their respective Legislatures: And whereas the proportion to which Pennsylvania would be entitled, should such distribution be made, would enable her to complete her public works, and establish a fund for the support of common schools, which would preclude the necessity of taxation for either purpose: And whereas it is the policy of our Government to guard against the increase of Executive patronage, and especially against the accumulation of large sums of money in the Treasury unappropriated: And whereas a very large proportion of surplus revenue arises from the sales of the public lands, the joint property of all the States, which is regarded as a source of revenue which ought to be applied in the promotion of education, by establishing a system of common schools—to the purposes of internal improvement—or such other purposes as will best promote the interests of the States respectively: Therefore,

"*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That our Senators in Congress be instructed, and our Representatives be recommended, to use their influence to procure the passage of a law to distribute the proceeds arising, or which may have arisen, from the sale of the public lands, amongst the several States, in proportion to the number of members from each State in the House of Representatives of the United States."

Not content, however, with these instructions and recommendations in relation to the public lands, the same Legislature, only a few days since, at an extra session, again directed our attention to the distribution of the surplus revenue.

On the 16th June, 1836, resolutions were passed, from which I select those which have a particular reference to the subject before the committee. They are as follows:

"*Resolved*, That this General Assembly consider the proposition lately made in the Congress of the United States to invest the surplus revenue of the nation in stocks issued by the States, as a measure fraught with danger, calculated to give the Federal Government a power which, if wielded by corrupt hands, would be inimical to the liberties of the country in an eminent degree, and under all circumstances injurious. It may be properly characterized as one of those measures, 'in fiscal systems and arrangements, which keeps a host of [commercial and] wealthy individuals embodied and obedient to the mandates of the Treasury;' and it would give to the Federal Government a decided influence in the councils of such States as might be thought expedient to win to its purposes. It would foster and encourage a system of gambling and speculation in stocks, giving to the agents of the Government the opportunity of employing the public money to promote private interests, to reward corrupt favorites, and to acquire an interest among the community, leading to servile devotion to those clothed with the power of the General Government.

"*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to vote against any bill for investing the surplus revenue of the United States in stocks issued or authorized by the respective States, believing that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States."

Thus, Mr. Chairman, for a period of six years, whenever the subject has been agitated in Pennsylvania, we perceive a powerful, may I not say an overwhelming expression of public sentiment in favor of distribution, whether of the proceeds of the public lands or other sources of revenue. This public sentiment, sanctioned and reiterated by so many Legislatures, it is my pride and pleasure to carry into effect, as far as my humble efforts will admit, and I do earnestly hope that the friends of the measure will unite with me, and go for the proposed amendment. Unanimity is of the first importance in the present crisis. By adopting the proposition I have submitted, we may prevent opposition to the bill from *any quarter*, and this desirable object can only be attained by mutual concession and forbearance. The principles of distribution are not essentially changed, and the only import and alterations are, that it makes the States depositories of the public money, instead of receivers on loan; that the certificates are not assignable, and bear no interest, instead of being subject to sale and transfer, and to the payment of interest after assignment; and that the money is to be restored to the national Treasury when required by the Government, instead of being redeemable at the pleasure of the respective States.

In a measure so deeply interesting to the country we should not differ on minor points, if the principal object can be obtained. The situation of the nation is peculiarly embarrassing, because we have an overflowing Treasury, and the difficulty arises how to dispose of the money. Let us deposit it with the States in such manner that each may enjoy a share of its benefits—that each may be enabled to advance in prosperity and improvement with the other members of the Confederacy—"grow with their growth, and strengthen with their strength."

These are the reasons by which I have been actuated in offering my amendment.

If a majority of the committee shall determine to reject the substitute, as a friend of the bill I will still cling to its support, though I am fearful it will not become a law; but if the amendment be adopted, I feel confident that it will promote union and harmony in every quarter, and that the best, the fondest hopes of the friends of distribution will be realized. With these remarks, I submit my proposition to the consideration of the committee, and will cheerfully abide the result.

THE MARYLAND RESOLUTIONS.

REMARKS OF HON. F. THOMAS,

OF MARYLAND,

[IN THE HOUSE OF REPRESENTATIVES,

June 6, 1836.

The Maryland resolutions came up for consideration in the House of Representatives, when

Mr. THOMAS rose and said:

Mr. SPEAKER: Before this subject is disposed of, I desire to say a few words. In the National Intelligencer of Saturday, the remarks of my colleague, [Mr. JENIFER,] made some time since in Committee of the Whole on the state of the Union, are published. They form a part of the proceedings of Congress, and will constitute a portion of the debates of this House, to be published possibly hereafter in permanent form. The article in the Intelligencer is therefore essentially different from an ordinary newspaper publication. This being the case, I can with propriety advert to it, without subjecting myself to the just censure of those who rightly complain of the time which is consumed here in unprofitable discussions of irrelevant matters. If the publication in question did not form, as it does, a part of our proceedings, however it might concern me personally, it would not be noticed on this floor. As it is, the House will pardon a few remarks.

It will be remembered that the gentleman, [Mr. JENIFER,] late at night, on the 24th of May, when the fortification bill was under discussion, and when the House was very impatient to dispose of that measure, rose to address the Chair, and requested me particularly to attend to what he had to say concerning "the State of Maryland, himself, and myself." Thus invited, I could not, reluctant as I was to perform a part in the scene, refuse to take a seat where I could hear what was to be said. After I discovered that it was the purpose of the gentleman to comment on the language used by me when he had presented the resolutions from Maryland concerning the power of either House of Congress to expunge entries from its Journal, I felt a strong desire to induce him to postpone what he had to say on that subject until the resolutions themselves came up for consideration. With that view (seeing that the gentleman had so far extended his remarks, that I could not, and would not then, interrupt the business of the House long enough to reply) I asked him not to detain the committee, but to publish what he had to say, and promised to reply through the same medium, if any reply should become necessary. To this request he responded by declaring that he was responsible for what he said, or for what he might print. This induced me to ask whether I was to consider anything which had been said to be of a personal character. And he replied, "No, sir; not at all." Now, sir, this disclaimer is omitted in the published speech, while several phases of a questionable character are retained, especially that just named. This imposes on me the necessity to ask the attention of the gentleman to one or two sentences in this publication that are calculated to do both of us injustice. They are somewhat equivocal, and ought not to be so. It is due to him that there should be no doubt as to his intentions; and it is due to me that nothing of this character should be left to conjecture.

In the publication in the Intelligencer, the gentleman is reported to have said, although my colleague says "he did not object to the reception 'of the resolutions on account of their *contents*, I 'will undertake to show, from irresistible infer-'ences, that it was the *contents* alone to which 'he did object." And again, he is reported to have said, "and yet my colleague, from the upper 'district in Maryland, would have you believe 'that it was not the *contents* of those resolutions 'to which he objected."

That there may be no misapprehension as to the meaning to be attached to the words here quoted, I ask the gentleman to say, whether it has been, or is, his purpose to question or bring in question my veracity?

Mr. JENIFER rose, and after referring to other portions of the former debate, concluded by declaring that he had no intention to impeach the veracity of Mr. THOMAS.

Mr. THOMAS said he was satisfied. He had a right to expect such a reply, and was glad that it had been given, as it was equally due to his colleague and to himself. He was done with it. These personalities were to him very annoying in one particular. It is generally believed that all who are concerned in them delight in and seek that miserable ephemeral *notoriety*—not fame—which they are calculated to secure; and, for one, he did not desire for a moment to possess that reputation with any intelligent being.

Mr. T. said, that having disposed of that which concerned him as a man, he would notice those parts of this published speech that concerned him as a Representative. He would not reply to that part of his colleague's remarks which related to the two gentlemen from the city of New York, except to say that there is a strange incongruity in some of its sentences. The gentleman [Mr. JENIFER] has declaimed warmly against our "profligate expenditures," and says "many of the 'appropriations have been unprecedented, extrav-'agant in the highest degree, and uncalled for by 'any system of economical expenditure." "It 'is the policy and determination to squander it '[the public money] away upon useless objects, 'sooner than there shall be a surplus to be re-'turned to the people by an equitable distribution 'among the States." This is certainly strong language—these are bold charges; but the force and effect of the one and the other must be entirely destroyed when a preceding sentence in the same speech is adverted to. There the gentleman has declared, "for myself, I have opposed 'no obstacle to the appropriation bills proper, 'more particularly that for the defense of the 'country externally, and that for the suppression 'of hostilities within our borders or upon the 'frontier."

It so happens that we have passed no bills making appropriations which could, with any plausibility, be denounced as extravagant, and calculated to increase the patronage of this Government, or diminish greatly and improperly the surplus revenue, but those to the passage of which the gentleman says he has "opposed no obstacle." And assuredly complaints about "profligate expenditures" come with an ill grace from any one who cannot show, at the time they are uttered, that he has, at least by his votes, endeavored to enforce a "system of economical expenditure." If he has not voted against either the Navy bill, the civil list bill, the fortification bill, or any one of the bills intended to provide for the defense of our frontiers, and the suppression of Indian hostilities, he must share, with the rest of us, the responsibilities attached to the passage of them all—a responsibility which I think cannot be considered very onerous.

After having disposed of these grave matters, the gentleman has proceeded to settle an account with me, which, we are told, concerns also himself, myself, and the State of Maryland. Well, I could be content to pass over this settlement, without correcting its errors, for it is intended, I

presume, especially for the benefit of the people whom we, in part, represent; and as they would readily correct the gross errors which the gentleman has committed, I could, with great propriety, leave the whole settlement to be corrected by them; but, as I am up, I will detain the House with a few remarks.

It is remarkable that he has not attempted to justify the conduct of that part of the people of Maryland who persist in resisting all amendments of the constitution of that State, calculated to do justice to those who are not only a very large majority of the people, but who pay much, very much, the largest proportion of all the revenues that are collected by the State for public purposes. The truth is, this conduct of the minority of the people of Maryland, who have accidental control of the Government, is such, so unjust, so tyrannical, and anti-Republican, that it would be an unpleasant task to defend it before such an assemblage as this. It may be vindicated before an audience in one of the small counties, or in the borough of Annapolis, where your hearers are deeply interested in perpetuating these monstrous abuses; but in an assembly like this, constituted as it is by men who have imbibed the liberal doctrines of the age on the subject of the rights of man, it would be indeed, to an ingenuous man, a most odious and irksome task to vindicate the antiquated and obnoxious constitution of Maryland. Avoiding a work of that character, the gentleman has thought proper to tender collateral issues. Foreseeing, perhaps, that he would be discomfited in an attempt to show that the Legislature of the State is so constituted as to be authorized to speak for the people concerning national politics, and apprehensive, probably, in an effort to exhibit anything peculiar in the condition of the people of Maryland that required the majority to submit to the dominion of the minority, he has discreetly discussed other matters, meriting a passing notice.

The grave matter to which I shall advert is that introduced in these words: "I will only refer you to my colleague, [Mr. THOMAS,] who sits by me. His political experience will inform you how easy it is to have washed out the deepest dye of Federalism, even if derived from the blood of forefathers." In this the gentleman is mistaken. I have not certainly the required experience in my own person. There has never been any "deep dye of Federalism" to be washed out. I have never assumed, and have never felt the slightest responsibility for the acts or principles of either of the political parties of this country, done or entertained before I reached manhood. As to the period when that occurred, it would be unkind to compel me to speak with entire precision. Being a bachelor, and of course more than five-and-twenty, (for without that I could not be here,) I am of that age when a single man dislikes to tell his birthday. This I can say, however, I was not born in 1798, and never had an opportunity to vote for any Chief Magistrate until I voted for General Jackson in November, 1824. From that time until now, I have continued to be an open, ardent, undisguised member of that political party with which I am now identified. This party was first organized and known in Maryland as the Jackson party. Since then it has assumed the style and title of the Democratic Republican party, and with that name emblazoned on our banner, we will carry on the contest until my own native State is regenerated and redeemed. With this change of name there has been no abandonment of principle. We organized in 1823, to aid in the elevation of General Jackson to the Presidency. We reorganized in 1827, to vindicate the sovereignty of the people, assailed as it had been in the election by Congress of an individual to the Presidency who was not the choice of a majority of the people. And we have, under the administration of the present Chief Magistrate, done much to harmonize the conflicting interests of the country, brought into dangerous collision by the rivalry of ambitious statesmen. With the politics of my party associates, I am content. Maryland has always been hostile to a high tariff—the root from whence has sprung most of the bitter fruit of which we have been compelled to taste. And during my experience in Congress, four fifths of those with whom I act here aided to reduce the tariff, and nine tenths of the same party have, at the present session, resisted all attempts to agitate that question, which, above all others, is dangerous to our peace, and to the duration of this Government. My colleague cannot felicitate himself in like manner. The National Republicans of Maryland, of whom he was one, being themselves hostile to a high tariff, struggled for years to elect to the Presidency its bold and talented champion; thus inconsistently attempting to give vast powers to the enemy of these principles, and to arm with the veto power a man pledged solemnly to exert it for the preservation of that policy which Maryland has always desired to overthrow. And the same party is now engaged in the forlorn undertaking to elect General Harrison; while many of his friends, in and out of Congress, are mischievously distracting its councils, and jeopardizing the safety of a large portion of the population of Maryland, by agitating out of place and unwisely a disturbing and most delicate question.

The matter next in order, on which the gentleman has dwelt so long, will be briefly disposed of. He has undertaken to criticise the language used by me when he presented the resolutions of Maryland concerning the power of either House of Congress to expunge obnoxious matter from its Journal, and insists that I was "mistaken" when I declared that the contents of those resolutions did not induce me to object to their reception. If the gentleman had not forgotten his own language, to which mine was in reply, the strange misapprehension of the import of my words, which has caused this very idle discussion, could not have existed. He had offered to present the resolutions. I asked him to offer them when the rules of the House did not forbid debate; and he, in reply, signified that the subject-matter of the resolutions was so unacceptable to me that I did not desire to see it printed by the House; and said he was ready to show that the opinions expressed by the State in the resolutions were well founded. It was then that I declared I was misunderstood, and that I "did not object to the reception of the resolutions on account of their contents."

This was tantamount to, and was intended to be, a declaration, that I did not object to the reception of the resolutions because they contained matter of which I disapproved, or which I was unwilling to see published. It was not my purpose to inquire whether the House had, or had not, the power to expunge from its Journal part of the records of its proceedings. It was not my purpose to oppose the printing of these resolutions on a proper occasion; and hence I desired to correct a misapprehension of my colleague, who I supposed thought that the "contents" of the resolutions were so peculiarly offensive, I was, *on that account alone*, unwilling to see them either published or received.

The report of my remarks in the Globe is (as I have said) substantially correct; and if the whole of that report is taken into view, it does appear to me, that there can be no excuse found for the tedious comment with which one of its sentences has been honored. Take, for instance, into consideration these sentences: "Mr. THOMAS said it was unnecessary to read them, (the resolutions.) He knew they professed to express the voice of the people of Maryland." Now, whether they attempted to give that voice as to *one question or another* he should equally protest against their reception "*this morning.*" And in a subsequent part of the same report I am represented to have protested against the exhibition to the country of any resolutions of the Maryland Legislature, "as evidence that the people of the State are for or against any particular measure of *national policy.*" Unquestionably these sentences ought to be in contemplation of any one disposed to do me justice, when construing that which has been the subject of most unprofitable criticism. If this be done, my meaning is apparent. I "did not object to the reception of the resolutions on account of their contents"—or, to speak with more precision, because they contained matter of which I disapproved; but because they were offered on "that morning," when the rules forbid discussion, and because they professed to express the voice of the people of Maryland as to "one question" of "national policy." That that objection would have been made to their reception, *at that time*, if they had had reference to any other question of "national policy," is proved from the fact that I had also protested, that morning, against the reception of the resolutions from Maryland recommending a distribution of the proceeds of the sales of the public lands. Undoubtedly, if either of those resolutions had contained opinions in accordance with my own, I should have devolved on another the duty of exposing the organic character of the body from whom they had emanated; and in that event I should not have risen in my place to claim for such resolutions that which they could not be entitled to; but would have frankly confessed that the Legislature of the State (the members being apportioned without regard to either population, territory, or taxation) had no authority to express the opinions of a majority of the people.

Notwithstanding my reluctance to pursue this discussion further, I cannot permit some other passages of the public speech of the gentleman to pass without comment. I am charged with misrepresenting the people of the State, and even of my own district, in being hostile to the passage of the land bill now on the table, which has been sent to us from the Senate. Before I conclude, I will make all who hear me understand, that the gentleman, by making this charge, has assumed a heavy responsibility, and has resorted to most extraordinary measures to sustain it. To prove that I am in an attitude hostile to the wishes of those I have the honor to represent immediately, the gentleman avers that only two of the members of the House of Delegates of Maryland from my district, and not one from the county in which I reside, recorded their votes against the resolution which has been presented here, recommending a distribution of the proceeds of the sales of the public lands. The gentleman well knows that the congressional district from which I come is composed of two entire counties, and of a part only of the county of which I am a citizen The section of the county in which I reside has, of course, no power to choose delegates to the Legislature, except in conjunction with that part of the same county represented here by another gentleman, [Mr. WASHINGTON.] This fact is well known to the gentleman, I suppose. If it be not known to him, he is very ill-informed indeed as to the political divisions of the State, and ought not to treat of them until possessed of more accurate information. Now, sir, in this section of a county the friends of this Administration constitute a most decided majority. In it I have received, at three successive elections, a large majority of the votes. At the election of 1833, when it was distinctly understood that I had been hostile to the passage of the land bill in the preceding Congress, and would, if elected, vote against any and every similar measure, I received in this section of a county where I reside, a majority of the suffrages, exceeding eight hundred. If, then, all the delegates from the two counties, composing in part the district I represent, had voted for resolutions in the Legislature approving of the principles contained in the land bill on your table, will any fair man, with a knowledge of the facts now detailed, contend that their proceedings ought to control my course? They were chosen by one body of constituents—I have been elected by another. They represent two counties, while I represent those two counties, and a portion of another.

But is it true that the delegates referred to have voted for a resolution requesting the representation of Maryland in this House to vote for the land bill? Assuredly not, sir. The resolution which they have sanctioned has been published in the speech of the gentleman, and is in these words, viz:

"*Resolved*, That the Senators and Representatives of this State in the Congress of the United States be requested to use their exertions to procure the passage of a law to appropriate to the use of the different States of the Union such part of the proceeds of the public lands of the United States as may be equitable and just, and in accordance with the public interest."

There is certainly in this resolution latitude enough. The representatives of the State in this

House and in the Senate are requested to distribute the proceeds of the sales of the public lands to the use of the different States, but the proportion to be given to each is not prescribed. We are requested to make such a distribution "as may be equitable and just." But then, whether the distribution proposed to be made in this land bill is "equitable and just," or not, we are to decide. Further, we are requested to make such a distribution as shall be "in accordance with the public interest."

Well, who is to judge whether the action of the land bill, if it should become a law, would accord with the public interest? Is not that question to be decided here by the Representatives from the States, each member to judge for himself, under his responsibilities to his constituents and to the country? This resolution appears to have been most cautiously worded. It commits no one very far. It may have been voted for by enemies as well as friends of this land bill. It cannot be necessary to pursue further this argument, to prove the gross injustice and absurdity of the charge, that I am, by opposing, the passage of the land bill, violating the known will of my constituents.

I ask indulgence for a few brief sentences, to expose another extraordinary misapprehension of the gentleman, and I will close my remarks. He has said:

"Looking to her rights as well as to her interest, Maryland has, upon all occasions, viewed this measure (the distribution of the proceeds of the public lands) as one of the highest importance; and it has been approved by all political parties. In 1821, it received the sanction of a Federal Senate and a Democratic House of Delegates; in 1832, it passed again both branches of the Legislature; and, in 1836, the Van Buren and anti-Van Buren parties united in support of it, for the former did not dare to go against it. Thus, whenever it has been before the Legislature, amidst all the conflicts of parties, the principles of the land bill have been approved, and the people of Maryland have always sustained their Representatives who advocated it."

There cannot be readily produced assertions more completely unfounded than many that are made in the sentences here quoted. It is declared that "the principles of the land bill have been approved" by the Representatives of the people of Maryland in their Legislature, in 1821, in 1832, and in 1836. Is this true? The gentleman who has uttered and published this statement no doubt believes it to be true, but stubborn facts can be produced to show the contrary.

What are the principles of *the* land bill? It is before us. It provides that ten per cent. upon the net proceeds of sales, within their respective limits, since 21st of December, 1832, shall be granted to each of the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, over and above what each of the said States is entitled to by the compact entered into upon their admission into the Union.

It further proposes to grant to Mississippi, Louisiana, and Missouri, five hundred thousand acres each; to Indiana, one hundred and fifteen thousand two hundred and seventy-two acres; to Illinois, twenty thousand acres; to Alabama, one hundred thousand acres; to be applied to internal improvements. And after this has been done, the bill provides for the distribution of the net proceeds of sales (after deducting the above ten per cent. and the expenses of survey, &c.) of the public lands among the twenty-four States of the Union, (including, of course, those to which the above-named donations are to be made,) according to their respective Federal representative population. These are some of the most important principles of the land bill. Whether they were "approved of" by the Legislature of Maryland in 1832, I know not. The proceedings of that body, on that occasion, are not now before me. I feel, however, authorized to speak more distinctly respecting the proceedings of the Legislature of that State in 1836. They are here, and it will not be maintained that they contain any evidence whatever that the principles of the land bill, above recited, have been approved by the Representatives of the people of Maryland. Indeed, I venture to say, without the fear of contradiction from any respectable quarter, that no proceedings of the Legislature of Maryland can be produced, approving of further donations of public lands to States that have been already much favored in that way by this Government, prior to the time when a distinguished statesman from the West became the advocate of such a measure. On the contrary, I will show that the opinions and proceedings of all parties in that Legislature were directly antagonistical to any such act on the part of the United States, until Mr. CLAY became the advocate of "the principles of the land bill," since which time his friends and followers in Maryland have seen the rights of the States through a new medium.

In 1820,-21, the following resolutions passed the Senate of Maryland unanimously, and the House of Delegates, with but two or three dissenting voices, viz:

"*Resolved by the General Assembly of Maryland*, That each of the United States has an equal right to participate in the benefit of the public lands, as common property of the Union.

"*Resolved*, That the States, in whose favor Congress have not made appropriations of land for the purposes of education, are entitled to such appropriations as will correspond, in a just proportion, with those heretofore made in favor of the other States."

In 1822 the author of these resolutions published a report on the subject, in which he proposed a plan by which the Atlantic States and Kentucky might receive that benefit from the public domain which was claimed for them exclusively. The following extract from this report will show what that plan was:

"Should Congress adopt this *territorial apportionment* as the rule by which to ascertain the quantity to which the Atlantic States and Kentucky are entitled, let them then authorize the President, by law, to cause to be selected out of such parts of the public domain as he may deem expedient, and to be laid off in the same manner as military bounty lands have heretofore been laid off, a number of tracts in different parts of the public lands, which shall, in the aggregate, make up the quantity required. These lands being distant from the States for whose benefit they are intended, and within the jurisdiction of others, cannot either with advantage or convenience, be distributed among them respectively, either for rent or sale." "Let them, then, be sold under the authority of Congress, according to the laws regulating the sales of other public lands, at such times, and in such quantities, as to them may appear expedient, and let the proceeds be paid over, by the Secretary of the Treasury, to commissioners appointed by each of the States entitled to receive a share, in such proportions as may be determined by Congress."

These, I presume, are the resolutions, to be executed as here proposed, to which the gentleman had reference when he said, "Thus, whenever it (the distribution of the proceeds of the 'public lands) has been before the Legislature, 'amidst all the conflict of parties, the principles 'of the land bill have been approved." This declaration cannot but be considered, by all who will compare the opinions of the Legislature of Maryland as expressed in the above resolutions in 1821, as "a bold assumption, contrary to the facts." In proof of this, no argument can be needed. Here are the Maryland resolutions of 1821.

We have given a synopsis of the land bill; and "he who runs may read" that the first measure is in direct conflict with the principles of the latter. The bill proposes to make liberal donations to the new States. The resolutions proposed to make donations of lands to the Atlantic States, and to Kentucky *alone;* and are founded, obviously, in the belief that too much land had been granted in 1821 to those States to which the bill is intended to secure more.

Having, as I hope, demonstrated that the charge brought against me of misrepresenting my constituents, and of disregarding the long-established purposes of my State touching the national domain, is entirely unjust and unwarrantable, I will, with a few comments on one other position assumed by the gentleman, close my remarks. He has stated that, at the presidential election of 1832, "the majority of the aggregate vote of the State was upwards of one thousand votes against the present incumbent." I had supposed that no member of the party in Maryland which was dominant in the Legislature in 1831-'32, would make it necessary to advert to one of the causes of the result of the presidential election of 1832, which has been stated. But as it has been done, I will state a few facts, and the House will judge whether that result was not produced by one of the boldest political frauds that has ever been perpetrated

Prior to the census of 1830, the three western counties of Maryland formed one electoral district, empowered to elect two electors of President and Vice President. At the presidential election of 1828, General Jackson received the vote of that district. By the reapportionment of representatives by Congress, under the new census, Maryland lost one member. This rendered it necessary for the Legislature of that State to reorganize the electoral districts. It so happened that the increase of population in the three western counties had been such as to entitle them to choose two electors of President, notwithstanding the increased ratio. If, therefore, the Whigs or National Republicans, as they were then styled, had been disposed to act fairly, they would not have changed the boundaries of this district, unless it had been done to establish a system of election for electors of President by a general ticket.

Unfortunately for the rights of the people of the three western counties, the result of the elections of 1831 served to show that the friends of General Jackson had a majority in these counties, and that the election of 1832 would eventuate probably as it had done at the presidential election preceding. To prevent this, as I believe, and to deprive General Jackson of the two electoral votes which he would otherwise receive, the Legislature of the State formed one electoral district, by annexing to the three counties six other counties and the city of Annapolis, wherein there was a large majority of National Republican voters, and gave to this new district power to elect four electors. Not content with this palpable violation of the rights of the people, the Legislature adopted other disreputable means to secure a majority of the electors for Mr. Clay. The county of Baltimore having a majority of more than twelve hundred favorable to General Jackson, was made to form one district authorized to elect one elector. The city of Baltimore, where the Republicans also largely preponderated, was formed into another electoral district, with power to choose two electors. This being done, all the other counties of the State not included in the above-named district were made to form another district, entitled to choose .three electors; there being every reason to believe, judging from past elections, that there was a small majority of the supporters of Mr. Clay therein. At first, the Republicans of all parts of the State manifested a disposition to participate in the presidential election, although they knew it would be vain to attempt to deprive Mr. Clay of the seven electoral votes that had been secured for him by the most high-handed measure that has ever characterized the legislation of any free community; and electoral candidates were nominated by them accordingly. Finally, the Republicans of Frederick, after full deliberation, decided that it did not become them to go to the polls. The Legislature, they thought, had virtually disfranchised them, and made choice of the electors, and they were unwilling to recognize the validity of the law by which they had been deprived of their rights, by going to the polls and passing through the mere formulas of an election. The gentleman who had been nominated as an electoral candidate by the friends of General Jackson in Frederick county declined being a candidate; and at the election in November there were less than twenty votes given to the Republican ticket, and less than three thousand to the candidates friendly to Mr. Clay, although there are more than seven thousand legal voters in the county.

Of those seven thousand voters, nearly one half are, and were, in 1832, friendly to the present Chief Magistrate. It is not surprising, therefore, that the aggregate vote of the whole State, for the electoral candidates favorable to Mr. Clay, exceeded that given to the opposing ticket one thousand, since at least three thousand of the friends of General Jackson, in the county of Frederick, indignantly refused to vote, while less than eight hundred of their political opponents in the same county were absent from the polls. History does not furnish an instance of greater tyranny than that which has been described. It has made an indelible impression on the hearts of all its victims. They have now a general ticket system in the choice of electors, and have a fair opportunity, at the approaching presidential election, to make their opponents feel this power. I will make no

predictions, but will only say to my colleague, and to this House, that the Republicans, the Democratic Republicans of Maryland, are in motion—roused by the recollection of many wrongs; and that State will heave from the Atlantic to the Alleghanies to throw off that incubus which has long weighed upon her heart.

I owe an apology for detaining the House so long on topics not connected with its legislation, but I could not easily, more briefly than it has been done, place myself and my political friends, in my State, in our true positions, respecting the matters discussed in the speech of the gentleman.

SLAVERY IN ARKANSAS.

REMARKS OF HON. G. N. BRIGGS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

June 8, 1836,

Upon the amendment offered by Mr. ADAMS to the bill for the Admission of Arkansas into the Union.

Mr. ADAMS moved to insert the following words in the eighth section of the bill: "And 'nothing in this act shall be construed as an as-'sent by Congress to the article in the constitution 'of the said State in relation to slavery or the 'emancipation of slaves."

Mr. BRIGGS said:

After having sat here twelve hours, he left the House exhausted, at ten o'clock last evening. At daylight this morning he was notified by one of the messengers of the House that his attendance was again desired. When he entered the Hall, he learned that the committee had just taken up the bill for the admission of Arkansas into the Union. His respected colleague across the way [Mr. ADAMS] was upon the floor, having just offered an amendment to the bill. That amendment related to an article in the constitution of Arkansas on the subject of slavery. He knew the committee had dragged out a long, a weary night, and were worn down with their protracted labors; yet such was the magnitude of the subject, he felt himself impelled by an imperious sense of duty to submit a few remarks for the consideration of the committee. He was fully aware that this subject of slavery was one of extreme delicacy, and its discussion in any form was calculated to awaken the sensibilities of gentlemen from the southern portion of the Union; but he hoped he could speak of it in a manner and with a temper that would not alarm the apprehensions or wound the feelings of any gentleman on this floor. Members from the South had spoken of the institution of slavery and expressed their opinions upon it with the utmost freedom. Of this he did not complain. The opinions which they held he did not doubt were honestly entertained. They had grown up with them from their infancy, and they had their origin in the deep-rooted institutions and laws in the midst of which they were born. He, and those whom he represented, entertained opinions directly the opposite of those to which he had alluded. They entertained them with as much sincerity, and with as profound a conviction of their truth and correctness, as actuated those who differed from them. He claimed for himself and those who agreed with him the same right and privilege of maintaining their views by fair arguments in this House, as he conceded to those who were opposed to them, and nothing more.

The gentleman from Virginia [Mr. WISE] who preceded him, had said that the amendment offered by his colleague was substantially a revival of the Missouri question. He differed from the gentleman upon this point entirely. The proposition embraced in this amendment was altogether unlike that which raised a tempest in this Capitol, and shook this Union to its center, in the discussion of the Missouri question. He should regret to see the ill blood and fearful agitation of that day again produced. There is nothing in this amendment calculated to lead to such a result. In that controversy there was a direct proposition to impose upon the State of Missouri, as a condition of her admission into the Union, a positive restriction against the right and power to hold slaves within the limits of her territory.

But what, sir, is proposed by the amendment of my colleague? The people of Arkansas have assembled in convention, and formed a constitution. They have come to this Congress and presented their claim for admission into the Union as a sovereign State. They present that constitution for our perusal and approval. On looking into it, we find in its ninth article the following clause:

"The General Assembly shall have *no power* to pass laws for *the emancipation of slaves, without the consent of their owners.*"

My colleague proposes to amend the eighth section of the bill for "the admission of Arkansas into the Union," by inserting the following declaration: "And nothing in this act shall be 'construed as an *assent by Congress to the article* 'in the constitution of the said State in relation to 'slavery and the emancipation of slaves." It must be seen at a glance that this simple, plain declaration contains nothing of the principle which gave rise to the Missouri controversy. In that case a restriction was imposed upon Missouri, which denied to that State certain rights and powers that, under the Constitution of the United States, were possessed by other States. The advocates of the State contended that Congress had no authority to enforce that restriction or limitation upon her sovereignty. This amendment does not, in the slightest degree, abridge, restrain, or in any manner interfere with the prerogative or power of Arkansas as an independent State. If adopted, it will not postpone her admission into the Union a single day. It does not question the right of her citizens to any species of property recognized by the constitution or laws of the State. It imposes no restraint upon her political power and sovereignty. It simply denies that, by the act of admitting her into the Union, with this article incorporated into her constitution, Congress gives its assent to the principles of that article. Without this protestation, the act of admission would be, at least, an implied assent to this extraordinary constitutional provision. Whilst such an approbation would be of no use or benefit to that State, it would be in direct violation of the opinion of a large majority of the members of this House, and the known sentiments of the people which they represent. What good reason, then, can be urged why this amendment should not be adopted? Are gentlemen prepared to say by their votes, to reject this most reasonable proposition, that this act shall be construed as an *assent by Congress* to the article in the constitution of the State in *relation to slavery* and the *emancipation of slaves!*

Will not such an inference be the natural and necessary result of such a vote? I ask gentlemen whose opinions I know coincide with my own upon this subject, to consider well before they take a step which cannot be retraced.

Mr. Chairman, the word slave, or slavery, is nowhere to be found in the Constitution of the United States. Whilst that instrument, by its various provisions, guarantics to the people of the States their rights to property acknowledged by the laws of the several States, its patriotic framers most cautiously avoided the use of terms which would admit that man could be made the property of his fellow-man.

If, in the course of events, the people of every State in this Union shall abolish slavery within their own limits, and the time shall come when there will not be a *bondman* in all this great and free Republic, generations who shall succeed us will find no evidence in this constitution that such an institution as slavery ever had an existence.

The people of Arkansas have used less caution than did the framers of the Federal Constitution. Though their constitution was to be presented to a Congress for its approval, composed of members a majority of whom, in both branches, represent constituents opposed to slavery in every form, it contains an article the design and effect of which is to make involuntary servitude perpetual within her limits. This is much to be regretted. If she had pursued a different course, the difficulties which now present themselves would have been avoided, without any prejudice to her rights or her wishes. Can it be expected that the representatives from the free States of this Union will give their assent to this exceptionable article? In justice to those whom they represent, can they do less than express their dissent from it? It has been shown that this amendment can have no injurious effect upon the rights of the people of Arkansas Will members on this floor, coming from States whose people are known to be hostile to the principle of this article in the constitution presented for their approval, be faithful to the trust reposed in them, if they fail to declare their disapprobation of it? I call upon gentlemen from the non-slaveholding States truly to reflect the sentiments of their constituents, and support their well-known opinions upon this subject, by voting for the amendment now before us. Can they, with propriety or consistency, approve of a principle universally condemned by their constituents? I appeal to the candor of gentlemen from the slaveholding States, and ask them if, in their opinion, it would be just or reasonable to desire us to do this? Whilst they stand by their constituents, and manfully maintain their rights, and defend their interests, shall we be recreant to our duty, and fail to avow and defend the doctrine of those who honor us with their confidence? Sir, I hope not.

Mr. Chairman, to the utmost of my powers I will, here and elsewhere, support all the rights of all the States of this Union, defined and secured by the Constitution of the United States. I regard them all as equally sacred and inviolable. That instrument was the result of a compromise of conflicting opinions and conflicting interests, of mutual concessions and mutual pledges. It is my duty to stand by and maintain it in all its parts. It is the supreme law of the land, and its provisions are alike binding upon all the citizens and all the States of this Confederacy. With those rights secured by that binding charter, I will never interfere.

But, sir, upon this subject of slavery I cannot go the breadth of a hair beyond the obligations imposed upon me by that instrument. I never can consent, with the views which I now entertain, to give a vote, or do any other act, which shall sanction the principle, or extend the existence of human slavery. In the deep conviction of my own mind and heart I believe it to be politically and morally wrong.

With all my soul I approve of, and believe in the truth of that great principle avowed and proclaimed to the world in the Declaration of Independence, "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among them are life, *liberty*, and the pursuit of happiness." I do not look upon that declaration as the mere publication of a truth, beautiful in theory only, and not capable of a practical application. On the contrary, I believe it may be, and in all free Governments should be, carried out in practice. It is based on the principles of eternal truth and justice, and will abide when all existing Governments and human institutions shall have decayed and passed away. Holding these opinions, sir, how can I give my sanction to that highly exceptionable article in the constitution of Arkansas, presented for our approval; and which, by the bill before us, we do approve of, and assent to, unless we negative that assent by some such amendment as the one under consideration.

In doing so, I should violate my own sense of propriety and right, and be treacherous to the freemen who sent me here. In voting for the amendment of my colleague, I shall vindicate my own and the undivided sentiments of my constituents, without impairing any of the guarantees of the Constitution, or impairing the rights of any State in this Union.

The gentleman from Virginia challenges a discussion upon the question whether the Constitution of Arkansas is republican in its character. A debate upon that question cannot be necessary to the settlement of the proposition immediately before us. At this untimely hour, and before this committee, wearied out by a continued session

of more than twenty hours, I will not stop to discuss the republicanism of that article in the constitution of Arkansas which dooms a large portion of her present and future population to unconditional and interminable slavery. I will only say, sir, that my notions of republican liberty are widely different from the principles of that article.

DEPOSIT BILL.

SPEECH OF HON. N. P. TALLMADGE,

OF NEW YORK,

IN SENATE, *June* 17, 1836,

On the bill to Regulate the Deposits of the Public Money.

Mr. TALLMADGE said:

Mr. PRESIDENT: It is no affectation in me, when I say it was not my intention to trouble the Senate with a single word on this all-important subject. After various propositions had been submitted by different gentlemen, and partially discussed, the whole matter was committed, by the order of the Senate, to a select committee of nine, composed of some of the ablest and most distinguished members of this body, with my honorable colleague [Mr. WRIGHT] as chairman. This committee, with much labor and ability, digested a bill, which embraced the proposition submitted to them, and presented it to the Senate in a form which, they supposed, would meet its approbation. Much interesting debate took place upon its different provisions. With the exception of an amendment, which I offered to the bill, and which I shall advert to in the course of my remarks, I contented myself with being a silent listener to the views of others, rather than to occupy the time of the Senate with any views of my own. I was content to rest the correctness of my course upon the vote which I intended to give, and did give, in favor of the engrossment of the bill. That vote was given after the maturest reflection and most anxious deliberation. My honorable colleague, and other Senators, rested their votes upon reasons which were by them fully assigned; whilst I was willing to rest mine upon what appeared to me to be the intrinsic merits of the bill, without regard to the reasons of my own mind, which led to the result of my action. Such was the state of the case when the question was yesterday taken on ordering the bill to be engrossed, which was carried in the affirmative by the extraordinary and almost unanimous vote of forty to six. In this stage of a bill, discussion is ordinarily closed. When we adjourned last evening, I supposed it had closed in this case; but on the bill being called up this morning for a third reading, my honorable colleague—as it was perfectly proper for him to do, although out of the usual course—renewed the debate on its merits, and entered upon a justification of his vote of yesterday against the engrossment of the bill. As he and myself differed in our votes on that occasion, and as he has to-day assigned additional reasons for his course, I feel myself called upon, not without great reluctance, to assign some for my own—a reluctance, in the first place, in feeling constrained to differ from him on any subject; and, in the next place, in feeling obliged to break the silence which I usually maintain on this floor, from a deep conviction that, except on special occasions, it is better to be a listener than a talker here.

On many of the important subjects which have been before the Senate, and in the discussion of which I have not participated, my views have been so fully and ably expressed by my honorable colleague, in giving utterance to his own, that I have contented myself with a silent vote. I have sometimes yielded my own to his better judgment. If, in this silence, I have done any injustice to myself, I hope I have done no injustice to my constituents. Differing on this subject, as we now do, I trust the Senate will indulge me, although at this late hour, in making such remarks as seem to be called for by the peculiarity of my position and the importance of the occasion. Those remarks may be crude and undigested, and I must, for that cause, claim its indulgence; for, although I have bestowed much reflection on this subject, in order to satisfy my own mind for the vote I was to give, still I came here to-day entirely unprepared, and without the remotest expectation of being called on by any state of things to assign my reasons for that vote.

Mr. President, my honorable colleague has intimated that he shall soon return to his constituents, by reason of the expiration of his present term, and if, in the vote he has given, they shall deem themselves aggrieved, they will have the opportunity to redress those grievances by filling his place with a better man. Sir, my friend is well advised of the true character of his and of my constituents. The purity of motive by which he is always governed, the honesty of purpose by which he is always actuated, is a sure guarantee of their approbation, whether, in their judgment, he has committed an error on this or any other occasion. I do not say that he has committed one; the error may be on my side; but whether it be on the one side or the other, I feel that we may both look with perfect confidence to their indulgence, when we are left without their instructions, to act according to the best lights before us.

Sir, this is a bill to regulate the deposits of the public money. After the creation of the late Bank of the United States the public money was deposited in its vaults. In the fall of 1833, in anticipation of the expiration of its charter, and from the deep conviction that it would not be renewed, it became necessary to provide for the safe-keeping of the public money, by finding other places of deposit. The Secretary of the Treasury, acting in accordance with the views of the President, removed the deposits from the Bank of the United States, and placed them in several of the State banks. Of the propriety, as well as the constitutionality of this measure, I have heretofore given my views at large. This is not the proper time, nor the occasion, for renewing the discussion of that all absorbing and agitating question. It has become matter of history; and anything we could now say would not probably alter the opinions of any one in regard to that measure, whether it was for good, or whether it was for evil. I have seen nothing since it took place to alter my thorough conviction of its expediency at the time, neither do I believe I shall see anything hereafter to change the opinions I then entertained, provided our measures in future in relation to the public money are characterized by that prudence and wisdom which have so signally characterized the other leading measures of this Administration. The removal of the public deposits from the Bank of the United States was made the occasion, without cause, in my judgment, to impair the public confidence, and to convulse the whole monetary system of the country. Much of unjust reproach was cast upon the President for having seized, as it was termed, upon the whole public treasure of the Government, taken it under his own control, and placed it in the vaults of irresponsible State incorporations, and without the reach and custody of the law. Although the President, by using the State banks for this purpose, had done no more than preceding Administrations had done previous to the creation of the Bank of the United States, still no one was more anxious than the President himself to have those deposits in the State banks not only regulated by, but, in the strictest sense, in the custody of the law. He has evinced his strong anxiety on this subject by repeated and earnest recommendations to Congress. The subject has been before both Houses for three successive sessions, and thus far, without being able to agree upon any propositions which were satisfactory to both. The effort thus to regulate the public deposits by law has again been renewed at the present session, and the bill under consideration is the result of that effort. This bill contains the principal provisions of the bill which has been introduced for the two last sessions, and which was prepared under the supervision and with the sanction of the Secretary of the Treasury, and, as it is presumed, with the approbation of the President. At the present session every member seems to have responded in good faith by his desire to carry out the earnest recommendation of the President on this all engrossing topic. Every one seems to have felt the importance of quieting the public mind on this subject, and of restoring public confidence in our monetary system, by such legal regulations of the deposit banks as should not only render them safe depositories, but should give to the whole community entire confidence in their safety. That the deposit banks are perfectly safe for the amount of the public money which they possess I have not a particle of doubt. That those in my own State are so, I could vouch for, from my own personal knowledge of their concerns. But it is one thing to be safe, and another thing to have the confidence of the whole country in that safety. The present bill is intended to accomplish both those objects. This is the principal feature of the bill. This is what the President has often recommended us to do. This is what we have often expressed our own desire to do. This is what the whole commercial community expect us to do; and this, too, let me add, is what the great and paramount interests of the whole country require at our hands. Shall that recommendation be disregarded? Shall that desire be stifled? Shall that expectation be disappointed? Shall that requirement be denied? I answer no; emphatically, no. Shall we, by rejecting this bill, belie all our former professions? Are we willing to subject ourselves to the imputation of defeating a measure which has been so loudly demanded by the public voice, and which has been so imperiously required by the public interest; and that, too, after it has been so often urged upon us by the Administration which we support? Can we make the people of this country believe in our sincerity, when we fail to carry through a measure, recommended to us by every consideration of duty and of policy, as well as by the President himself; and when, too, it is known? I put it to my political friends, that, as a party, we claim a majority in each House, and, on this subject, have no obstacles thrown in our way by our political opponents. Sir, it cannot—it must not be. What answer can we make to the oft-repeated charge, that the President and his supporters wish to keep the control of the funds of the nation in order to control the politics of the people? We all know, we all feel, that the charge is unjust as it is base. Shall we, then, by any act of ours, give countenance to it? Or shall we repel it in the only way in which it can be repelled, by prompt, decisive, and manly action on this subject? I cannot hesitate as to my course. Between the alternative of adopting or rejecting this proposition, I feel that there is no choice left to me. From the time the question first arose in regard to the removal of the deposits from the Bank of the United States, I have on all occasions expressed my readiness to regulate them by law, in the banks of the several States. I cannot shrink from the performance of that duty. If others can see their way clear in leaving this vast, this enormous amount of public money, in a great variety of State banks, without legal regulation, let them take the responsibility of it. I wash my hands clean of any such omission.

Sir, in what I have said, I have had reference to the amount of public money now in the deposit banks. I have not taken into the account the swollen, the overflowing current which is constantly pouring in upon us. Those banks are already full to distension, and can receive no more, either with advantage to themselves or to the Government. The gentle streams of expenditure issuing from them, are like rills compared with this mighty, dashing mountain torrent of revenue rushing into them. What then, sir, shall we do? What, I emphatically ask, does our duty require us to do? Shall we force into these reservoirs more than they have capacity to contain, and faster than they can permit it to escape? Shall we, by a kind of hydraulic pressure, force them till their embankments give way; and when we see desolation spread around them by reason of the breach, what consolation will it be to those who may have suffered, to tell them that we were deceived in the strength of their embankments, and in their capacity to receive and contain all that was poured in upon them? It will not only be no consolation to them, but no justification to us. We shall be without excuse or apology. We have

it in our power now to provide against any disastrous results, and we shall be held accountable then, if such provision be not made.

What, then, is the remedy? This bill provides it. For, although the regulation of the deposit banks is the principal object of it, still, it incidentally provides for a disposition of the surplus revenue. Our duty in regard to the former I have already shown; our obligation in regard to the latter I will proceed to show. But, before we examine the best mode of disposing of a surplus, let us inquire whether any surplus will exist? For some gentlemen, in their over zeal on this subject, have wrought themselves up to the expression of a belief against the existence of any surplus, the existence of which seemed to be a fact all along conceded by every one. It is but very recently that any one has presumed to express a doubt in regard to it. From the annual report of the Secretary of the Treasury, at the commencement of the present session of Congress, down to a recent period in this discussion, the most zealous opponents of this bill seemed to recognize a probable surplus, and, following the example of the Secretary, were devising ways and means of getting rid of it. So confident was the Secretary on this subject, and so conscious was he of the impropriety of leaving it in the deposit banks, that he deemed it of sufficient importance to recommend a mode for a different disposition of it. My honorable colleague, acting on the same principle and with similar views, brought before the Senate the proposition of the Secretary, and submitted it for consideration. I shall have occasion to advert to the principle of this proposition in the course of my remarks, and now merely allude to the proposition itself to show that, on all hands, a surplus has been anticipated.

The bill proposes to operate upon the surplus which may be in the Treasury, beyond a certain amount, on the first of January next. My honorable colleague has submitted a statement in *figures*, by which he attempts to show that the appropriations already made, and probably to be made, far exceed any amount now in the Treasury. There is nothing new in this. It is always so. The receipts into the Treasury of the current year are always calculated upon to meet appropriations made by Congress, and of which more than one half, in amount, remains in the Treasury as unexpended balances at the close of the year; so that this statement furnishes no satisfactory evidence as to the amount of surplus on the first of January next. He merely shows what may probably be appropriated, but not drawn out of the Treasury, and omits to show what may probably be received into it. Sir, it would have been much more satisfactory to me if my friend, skilled in figures, as we all know him to be, had given us an estimate of receipts as well as disbursements. Stopping short where he did is calculated to produce a wrong impression on minds not accustomed to grasp and dwell on the vast expenditures, and still vaster receipts, of a Government like ours. It is an old and very familiar maxim, *that figures cannot lie*, but when they are paraded in this manner, and exhibit the debit without the credit side of the account, they may very easily give to the uninitiated erroneous ideas of the state of the Treasury at a particular period. I do not intend to impeach the truth of the maxim, *that figures cannot lie;* but I mean to say that unless they are put in the right place, and enough of them, *they are the greatest liars in the world.* I am apprehensive that the gentleman's figures will suffer in reputation, from the fact that there are not enough of them to present the true state of the account. Now, sir, I do not intend to trouble the Senate with a detailed statement of Treasury estimates, for I did not come here expecting to be called on for any such purpose. Those estimates have been made by many, very many, during this discussion. I will not detain the Senate by repeating them; but I will take the result of the lowest amongst them all, and by that, including the stock in the Bank of the United States, there will be in the Treasury on the first of January next, from twenty-five to thirty millions of dollars.

Sir, if any of the estimates of receipts comes within millions of the truth, there must be a large, a very large, surplus in the Treasury at that time. Our appropriations since the late war, exclusive of the payment of the national debt, have ranged from $10,000,000 to $16,000,000 per annum. We have, at this time, appropriations of an extraordinary character, which will swell the amount to a much larger sum. The sum of $35,000,000 has been deemed by almost every one sufficiently ample to cover them. These extraordinary appropriations will not be required the next year, and therefore the future receipts of the Treasury will not be applied to them a second time. My colleague admits that the unexpended balances at the end of the year usually amount to one half of the appropriations, and where the appropriations are unusually large, those balances are increased in a still greater ratio. If the appropriations be $35,000,000, then we may safely assume the unexpended balances to be $20,000,000. But my honorable colleague, in order to make out his balance against the Treasury at this time, swells our appropriations for the present year to the enormous amount of from $54,000,000 to $55,000,000. I confess I was astonished and amazed at the result. Would such an expenditure have been thought of but for this plethora of the Treasury?

Sir, when our means are ample, I am willing to go all reasonable lengths in any appropriations for the common defense of the country. I have, thus far, gone in my votes as far as any one. There is a propriety in making liberal appropriations for national objects, when our means are abundant. I will continue to vote on the same scale of liberality; but I cannot consent to make appropriations for the mere purpose of getting rid of a troublesome and embarrassing surplus. The habit of extravagance, which will thus be acquired, will be a far greater evil than any disposition of the surplus which has been or can be proposed. But if my honorable colleague's estimate of appropriations should be correct, then I say that the unexpended balances on the first of January next would alone be more than $25,000,000—a sum equal, or nearly equal, to any estimate of the surplus in the Treasury at that time! Sir, we are told by the honorable Senator from Missouri, [Mr. BENTON,] that he will hereafter hold us to our estimates. I am willing, sir, to be put upon the record, and will not deny my prediction of twenty-five or thirty millions of surplus on the first day of January next. Let this be placed alongside of his prediction of none, and I am content. But, say gentlemen, this unexpected surplus has arisen from the enormous amount of the sales of the public lands, which cannot be expected to be realized hereafter. Sir, I do not believe in such a sudden reduction for the present year. I think I can discern the elements and the operations by which the amount of sales is to be measurably kept up. This is not all speculation, as some gentlemen seem to suppose. The rise and value of property throughout the country is not a mere bubble. The sale of western lands is not all a bubble. If gentlemen's imaginations lag behind the reality, let them not urge their own tardiness as the rate of velocity by which the movements of others are to be governed. Let them not apply their fanciful theories, by which all these things are to be accounted for and explained. Property has risen throughout the world. It is one of the results of a long, and continued, and almost universal peace, where the physical energies of a whole population have been applied to objects of productive industry, instead of being wasted in destructive and sanguinary wars. Let them not compare our present condition with that at the close of the late war, which exhibited a factitious state of things. The application of more than $120,000,000 to the arts of war, instead of the arts of peace, gave an unnatural impulse to everything. Property was raised above its real value, and, of course, fell when the cause which gave the impulse ceased to operate. Not so at the present time. Property has intrinsic value, generally speaking, equal to its market value; and it arises from the application of productive labor to the improved cultivation of the soil. This labor is made capable of being applied, by means of our canals and railroads, and all kinds of internal improvements. In regard to the State of New York, (I speak not without experience,) I have witnessed the rise and progress of her greatness. Her system of internal improvements was the commencement of a new era. The opening of the Erie canal wrought a complete revolution in the internal concerns of the State. There are those now living who well recollect the time when western New York was almost a wilderness; when the now beautiful city of Utica was a frontier settlement; and when Fort Stanwix was the *ultima thule* of the State. But, sir, the revolution produced by the Erie canal was for the benefit and advancement of the whole State. It wrought changes in the mode of cultivation; and whilst the counties on the Hudson river increased ten-fold, those in western New York increased a hundred-fold. Who can longer wonder at the rise of property, when he sees such an increase of the products of the soil? It is within my day when the county of Dutchess sent seven members to the Assembly, whereas now she sends but three, notwithstanding a continued and increasing population; whilst some of the western counties, which were then scarcely known on the map, now outstrip her in population and in representation. It is but two or three years since, when the amount of tolls on the Erie canal exceeded a million of dollars, and only one seventeenth part of the products, which paid those tolls, came from west of Buffalo. What, but the rapid sale and settlement of our western lands could have produced such results? And if such were the astonishing effects within the borders of New York, what must they be in the *far* West, where emigration and population are increasing in a more than geometrical ratio? This brief statement of a few of the statistics of New York furnishes some idea of the almost inconceivable settlement and improvement of the whole region of the West. It is stated that thousands upon thousands of emigrants have already arrived this season at the single port of New York, and we are informed that from two thousand to twenty-five hundred daily leave the port of Buffalo —that Queen of the West. What does all this indicate? These emigrants are not all paupers, thus suddenly thrown on our shores. It is true, there are some of this description. But the great body of them are those who have fled from the cares, the troubles, the oppressions of the Old World, to seek a home and an asylum in this land of liberty and of law. Most of them too have more or less means—means which, though small in the land from whence they came, are nevertheless sufficiently ample to make an investment, and to lay the foundation of a home and a fortune for themselves and their children in our western wilds. It is this flood-tide of emigration that is settling, and improving, and opening this new world of the west; this tide setting in from Europe is swollen and accelerated by the immense tributary streams of emigration from New England and New York. Enterprise, intelligence, capital, and wealth float upon its broad and resistless current, till they are scattered and spread over the vast fields of their destination. It is true, that with all this there are great speculations in the public lands. But these speculations are generally the results of a keen-eyed sagacity, of a far-reaching forecast, and of anticipated benefits, which are generally realized within the time which has been prescribed for their accomplishment. These are some of the elements that enter into the estimates for the sale and settlement of the public lands; these are some of the causes which contribute to the rapid advancement of our territorial population, until, like the aurora borealis, we see State after State shooting up into the firmament of the Union; stripe after stripe, and star after star, is thus added to that banner which so triumphantly waves "o'er the land of the free, and the home of the brave!"

Again, the products from the labor of this increased and increasing population are borne on a refluent tide, and emptied into the lap of the great commercial emporium of the Western World. The city of New York presents one of the happiest illustrations of the effects produced by our system of internal improvements and of internal

commerce. The assessed value of her real and personal estate, and her population at different periods since the close of the late war with Great Britain, are an unerring index to the rapid and progressive improvement of the West, and the far West, which contribute so essentially to her greatness.* Here, too, in the sudden advance of her real estate, the croakers of the present day will think they discover the work of speculation; and that this apparent prosperity must give way to some violent reaction. Sir, I am not in the habit of making predictions, but I will venture one in the present case, and that is, that without some great and unexpected calamity, the man is not now living who will ever see real estate in the city of New York cheaper than it is at the present time. The statistics of New York are applicable to every commercial city of the Union, in proportion to the foreign and internal commerce which they enjoy, and the elements which enter into her greatness are those which contribute to the general prosperity of the whole country. But, sir, some of our political economists are frightened at this prosperity. They think they see in it the seeds of our sudden decline. They have measured us by the old standards of Europe, and cannot encompass our rapid and astonishing growth. In truth, we have astounded the European world—their statesmen and their philosophers have been baffled in all their calculations and investigations, in relation to us. They have found that the rules which they have been accustomed to apply to the nations of the Old World seemed to have no immediate application to us. A people of yesterday, and already the most prosperous on earth—our free institutions command the admiration of the world—our civil and religious liberty offers an asylum to the oppressed of all nations. And still, in the midst of this prosperity, in the full enjoyment of all these blessings, we find at home, as well as abroad, those who cannot discover the cause which makes us, above all others, a happy, great, and prosperous people. Sir, it is contained in two words. It is our CREDIT SYSTEM. But for this, our canals and our railroads, our great works of internal improvement of every kind, could never have been made. The Erie canal, the wonder of the age, must have remained a mere project in the imaginations of its projectors. That stupendous work, which has added millions upon millions to the value of property within the extended sphere of its influence, must have remained unexecuted but for the credit system. But for this system, those great works throughout the Union, by which we have conquered time and space, could never have been accomplished. It is by this means that the giant arms of this young and growing Republic have piled prosperity upon prosperity, mountains high, as the giants of old piled Ossa upon Pelion; not like them, with a view to scale the heavens, but that she might place on its lofty summit the light of liberty, to shed its luster and its benign influence throughout the world. Sir, that luster has been shed; that influence has been felt, and is now being felt, in different portions of the globe. Under its magic touch thrones have trembled, dynasties have been overturned, and crowns have fallen. The credit system is the distinguishing feature between despotism and liberty; it is the offspring of free institutions; it is found to exist, and its influence is felt, in proportion to the freedom enjoyed by any people. By freedom I do not mean unregulated, unrestrained, natural liberty, but that freedom which is founded on just and equitable laws, where the rights of personal security, of private property, and religious toleration, are guarantied to every individual; where there is a general diffusion of knowledge, and the existence of public and private morality. These are the elements, and they together form the basis of public confidence on which the credit system rests. This is the invention of modern times.

* Comparative statement of the population, and of the values of real and personal estate in the city of New York, at three different periods, from the opening of the Erie canal in 1825:

	Population.	*Real Estate.*	*Personal Estate.*
1825.....	166,086	$58,425,695	
1830.....	203,007	87,603,580	$37,584,938
1835.....	270,089	143,732,425	74,991,278

In the old Governments of Europe, where liberty never found a resting-place, credit was unknown. To the United States has been left the honor of maturing and perfecting this system. To the United States, also, is the honor due of having first applied the system of steam navigation. The effects on the general prosperity of the nation have been as sensibly felt in the one case as in the other; and he who should at this day recommend an entire abandonment of our credit system for a *sole and exclusive metallic* currency, would be deemed no less visionary than he who should attempt to substitute a Pennsylvania wagon for a locomotive or a canal packet, or should endeavor to stem the resistless current of the Mississippi in a flat-boat, instead of those splendid palaces which now move majestically on its waters. Shall we then, Mr. President, check this tide of prosperity by the introduction of new and untried schemes? Shall we not be content with the necessaries, the comforts, the conveniencies, and the luxuries of life, which are so widely diffused throughout this whole country? Shall we attempt to overthrow, subvert, and destroy a system which has produced all these blessings, which has brought happiness and plenty to the door of every man, and that, too, for the purpose of adopting some of the exploded doctrines of the political economists of Europe? Sir, you might as well attempt to apply the common law of England, which was born and nurtured on the Thames, to the Father of Waters in this western world and to our mighty inland seas, compared with which the boasted streams and lakes of Europe dwindle into rills and ponds beside them—yes, these vast inland seas, into which, in the language of a distinguished Senator of my own State, you might cast the whole land of the common law, without producing a ripple. Sir, I believe I speak the almost unanimous sentiment of my political friends in this Senate, when I say they intend no such thing. I believe I speak the sentiment of the Democratic party throughout the Union, when I say I believe they neither expect nor desire any such thing. What, then, do they expect or desire? I answer, no more, nor no less, than every real friend to his country is willing to adopt—namely, a preservation, and at the same time a regulation, of the credit system. In all such measures of reform I will go as far as he who goes farthest. Preserve and regulate, but not destroy, is my motto. Enlarge your specie basis; introduce as far as practicable a gold currency, by the prohibition of small notes; provide means for coining at the mint; take all proper measures to prevent excessive issues of bank paper and the unnecessary increase of bank incorporations; repeal your restraining laws, so as to permit the free employment and investment of foreign capital. Whatever danger there may be, is to be found in the abuse of the system, and not in its existence. Guard against these abuses, and correct them when discovered. An entire abandonment of the credit system, and a return to a *sole and exclusive metallic* currency, if it were practicable, would produce desolation and destruction from one extremity of the Union to the other. Such notions ought not, cannot, must not prevail.

Mr. President, I hope I shall be pardoned for this digression from the main subject of discussion. My apology will be found in the course and character of this debate. The question again recurs, what disposition shall be made of the surplus revenue? That there will be a surplus seems to have been conceded or taken for granted on all hands, except by the Senator from Missouri. It was anticipated by the Secretary of the Treasury, and he recommended a mode of disposing of it. What was that proposition? Why, sir, in substance, that the Secretary should go into the market, by himself or agent, and invest it in State stocks. This proposition was introduced by my honorable colleague; and if a surplus was not anticipated, why introduce a proposition to dispose of that which it was supposed would have no existence? The proposition received but little favor in the Senate. I will not attempt to recapitulate the objections which were made to it. Some of them struck me as more imaginary than real. I did not appreciate them as other gentlemen did. In the vote which was taken upon my honorable colleague's proposition, we found ourselves in a lean minority of four. Being satisfied that something ought to be done, I determined to unite in a proposition which should be more generally satisfactory to my political friends. The one reported by the select committee was—

"That the money which shall be in the Treasury of the United States on the 1st day of January, 1837, reserving the sum of $5,000,000, shall be deposited with the several States, in proportion to their respective amounts of population, as ascertained by the last census, according to the provision of the second section of the first article of the Constitution; and the Secretary of the Treasury shall deliver the same to such person as the several States may authorize to receive it, on receiving certificates of deposit, signed by the competent authorities of such State, each for such amount and in such form as the Secretary of the Treasury may prescribe, which shall set forth and express the obligation of the State to pay the amount thereof to the United States, or their assigns; and which said certificates it shall be competent for the Secretary of the Treasury, in the name and behalf of the United States, to sell and assign whenever so directed by any act of Congress; all sales and assignments, however, to be ratable, and in just and equal proportions, among all the States according to the amounts received by them respectively; and all such certificates of deposit shall be subject to and shall bear an interest of five per centum per annum, payable half yearly, from the time of such sale and assignment, and shall be redeemable at the pleasure of the States issuing the same."

That part of it which required an act of Congress before the Secretary could sell and assign the certificates, was deemed objectionable. The object was to keep the money so far under the control of the Secretary as to enable him to use the means when necessary. I accordingly offered an amendment, which was adopted, by which the Secretary was authorized, on behalf of the United States, to sell and transfer the certificates *whenever it should be necessary, for want of other money in the Treasury, to meet appropriations made by Congress.* This amendment removed the principal objections to the bill. It placed the avails of the money in the power of the Secretary, whenever it should be required to meet such appropriations. If there should be means sufficient in the Treasury to meet them, then, of course, the money would not be wanted. It would never be called for until there was a deficiency of means.

Let us now inquire, Mr. President, whether this proposition, so amended, is one which ought to be adopted? The idea of returning to the States any surplus revenue which has been collected from the people by indirect taxation, is neither unheard of, nor novel. We have high authority as to the expediency of this measure; and if the proposition under consideration, which is a mere deposit, and not a distribution, involves no constitutional difficulty, then we have the same authority in favor of its adoption. This authority is one which no friend of the Administration will lightly disregard. President Jackson, in his message of December, 1829, has the following language:

"After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress, and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise, whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

"To avoid these evils, it appears to me that the most safe, just, and Federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation; and should this measure not be found warranted by the Constitution, that it would be expedient to propose to the States an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations."

From this it would seem that a surplus was anticipated after the extinction of the public debt,

and that it would continue to a remote period, beyond the current expenses of the Government. The importance of internal improvements was duly appreciated, but, inasmuch as the appropriation of money for that purpose by Congress was necessarily unequal, and inasmuch as some entertained doubts as to the constitutional power of Congress thus to appropriate it, the President very properly expressed the opinion "that the 'most safe, just, and federal disposition which 'could be made of the surplus revenue, would 'be its apportionment among the several States, 'according to their ratio of representation; and 'should this measure not be found warranted by 'the Constitution, that it would be expedient to 'propose to the States an amendment authorizing 'it." The President seemed fully to appreciate the expediency of the measure of apportionment of the surplus revenue among the States, but cautiously and properly reserved the constitutional question. After the delivery of this message, public attention was turned to the subject. Coming from so high a source it received due consideration, and those who doubted its expediency suggested their objections. Here the matter rested till the next session of Congress, when the President, in his annual message of December, 1830, again recurs to the subject. He adverts to the opinion expressed in his previous message, that there would be "a considerable surplus in the Treasury beyond what may be required for its current service," and adds, "I have had no cause to change that opinion, but much to confirm it." He again repeats the recommendation of "the adoption of 'some plan for the distribution of the surplus 'funds which may, at any time, remain in the 'Treasury after the national debt shall have been 'paid, among the States, in proportion to the 'number of their Representatives, to be applied 'by them to objects of internal improvement." The President then proceeds to answer the objections which have been made to the recommendation contained in his former message and repeated in this. Those objections are the same which have been urged against this bill, and he refutes them satisfactorily and triumphantly.

It is due to him that I should give his views in his own language. They are as follows:

"I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds which may at any time remain in the Treasury after the national debt shall have been paid, among the States, in proportion to the number of their Representatives, to be applied by them to objects of internal improvement.

"Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here will not, therefore, I trust, be regarded as out of place.

"They rest, as far as they have come to my knowledge, on the following grounds: 1st, an objection to the ratio of distribution; 2d, an apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution; 3d, that the mode proposed would lead to the construction of works of a local nature, to the exclusion of such as are general, and as would consequently be of a more useful character; and, last, that it would create a discreditable and injurious dependence on the part of the State governments upon the Federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective States would constitute one that would be more equitable; and others, again, that the extent of their respective territories would furnish a standard which would be more expedient and sufficiently equitable. The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent, from the rule of contribution proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if, in the judgment of those whose right it is to fix it, it be deemed politic and just to give it that character, have regard to several.

"In my first message, I stated it to be my opinion that 'it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service.' I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon; and if there be no such fund, its adoption will, in my opinion, work no injury to any interest; for I cannot assent to the justness of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority, in the exercise of constitutional power, shall, at any time hereafter, decide to be for the general good, will, in that as in other respects, deserve and receive the acquiescence and support of the whole country; and we have ample security that every abuse of power in that regard, by agents of the people, will receive a speedy and effectual corrective at their hands. The views which I take of the future, founded on the obvious and increasing improvement of all classes of our fellow-citizens in intelligence and in public and private virtue, leave me without much apprehension on that head.

"I do not doubt that those who come after us will be as much alive as we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burdens; and as sensible of the great truth, that the resources of the nation, beyond those required for immediate and necessary purposes of Government, can nowhere be so well deposited as in the pockets of the people."

I am glad that my friend from Virginia [Mr. RIVES] referred to this message as containing the grounds of his argument. I should have referred to it, if he had not; for this recommendation was strongly impressed on my mind, although I had not seen it from the time it was delivered till this day. But I was a member of the Senate of New York at this period, and well remember that the doctrines of this message formed the basis of our Governor's message on this subject. The reports of our committees on internal improvements, in both houses, assumed the same ground. I believe the constitutional question was all along reserved; but, aside from that, no one at that time seemed to doubt the expediency or the policy of the measure. I have been subsequently led to doubt both the expediency and policy of a general system of distribution amongst the States of the surplus revenue of the Government. I have feared that it might create a too great dependence of the States on the General Government. I will not now say anything of the constitutional question further than to express my opinion that Congress has no power to raise revenue *for the purpose of distribution*. But when we find a surplus on our hands, without any design from our legislation to produce it, it presents a different question. The time has now arrived, the contingencies have now happened, when the President anticipated such a surplus; the surplus is on hand, and it will continue to increase far beyond our appropriations. It is in vain to shut our eyes to the fact; we may deceive ourselves, but we cannot deceive others. This surplus cannot be disposed of by appropriations, unless of the most extravagant character. Will the people tolerate appropriations for the mere purpose of getting rid of a surplus? No, sir, I apprehend not. They will justify their representatives in making liberal appropriations for all objects of national defense. Extravagant expenditures for the sole object of disposing of the surplus revenue are, in my judgment, far more dangerous than any objections which I have heard urged against a distribution amongst the States. These expenditures beget the necessity of continuing them, and, by and by, we shall be obliged to raise the tariff, and increase the burdens of the people, for the purpose of carrying out the extravagances with which we improvidently commenced. Sir, the people of this country will never approve such a principle. What, then, shall be done? We have a large surplus on hand. It will be much larger on the first of January next. It is in vain to wish we had it not. It is on our hands, and we must dispose of it. No matter by what means we got it—no matter whether by indiscreet or improvident legislation. We have the surplus—call it accidental or incidental, or unavoidable; the question is, what shall we do with it? Shall we throw it into the ocean? No. Shall we burn it up? No. What, then, shall we do with it? Shall we leave it to accumulate in the deposit banks? There are weighty objections against it. There is no reason for keeping in those banks any more than is required for the current disbursements of the Government. That will always be a large amount. Beyond that, it is neither profitable to the banks, nor useful to the people. Most of the banks are limited in their discounts by their charters. The elements which enter into their discounts are, their capital, their circulation, and their deposits. In the city of New York, their deposits are large, and their circulation small. In fact, their circulation is a mere bagatelle. Well, sir, when their discounts run up to the limit prescribed by their charters, the surplus deposits are of no further use to them, nor to the public. It is true, in the city of New York, they have been used so far as prudence and a due regard to the calls of the Government would permit. The surplus, beyond what the deposit banks could use, and beyond what was required to meet the drafts of the Treasury, has been loaned without interest to other banks, on which they have discounted, and the community have thus had the benefit. After the late calamitous fire in the city of New York, I have no doubt the banks have discounted on these funds, and thereby essentially relieved the commercial interests of the city. The idea that these funds, to the amount of millions, have been hoarded up by the banks, is as improbable as it is untrue. They have been used so far as prudence would permit; but still their benefits in this way are very unequally distributed amongst the whole people. If the money has been collected by indirect taxation from the people, it is right that they should participate, in the same ratio, in its benefits. This cannot be done through the deposit banks. I see no mode left so just and proper, and so unexceptionable, as the one prescribed in this bill—namely, a deposit with the States. If there were anything objectionable in a distribution, as recommended by the President, there would not be, as it appears to me, in a deposit with the States. The President, in all his messages, has been perfectly consistent. He has never recommended a general system of distribution. He has merely pointed out a mode of disposing of any surplus which might be unavoidably on hand beyond the wants of the Government after the extinction of the national debt. He has always contended against the policy of raising revenue for the purpose of distribution, but has, at different times, suggested the expediency of such a disposition of any surplus which might be in the Treasury, without any design on the part of the Government to produce it for such a purpose. This distinction has been kept up, all along, by the President, in his messages in which he has had occasion to touch the subject. It is a distinction by which he has stood justified, and will stand justified, before the people, as long as he maintains that consistency, that upright, honest course which has thus far characterized all his public acts, and which, I trust, will characterize them in future. His doctrines, thus far, on this subject, have been approved, and the distinction to which I have alluded, and which can be traced through all his messages, is one sound in itself, and one perfectly understood by the people of the United States. In his veto message on the land bill, in 1832, I find the same distinction; and here, too, it is proper to add that he suggested doubts, as he had done before, of its constitutionality; but the distinction between returning to the people an unavoidable surplus of revenue paid in by them, and creating a surplus for the purpose of distribution amongst the States, is clearly taken, and kept up in perfect accordance with what he had said on former occasions. I most heartily approve of the doctrines contained in that message. I am fully sensible of the dangers to be apprehended from a general distribution system in regard to a surplus created for the purpose of such distribution. The President's reasoning on that subject is perfectly conclusive to my mind. Amongst other things, he says:

"It has been supposed that, with all the reductions in our revenue which could be speedily effected by Congress, without injury to the substantial interests of the country, there might be, for some years to come, a surplus of moneys in the Treasury, and that there was, in principle, no objection to returning them to the people by whom they were paid. As the literal accomplishment of such an object is obviously impracticable, it was thought admissible, as the nearest approximation to it, to hand them over to the State governments, the more immediate representatives of the people, to be by them applied to the benefit of those to whom they properly belong. The principle and the object were, to return to the people an unavoidable surplus of revenue, which might have been paid by them under a system which could not at once be abandoned; but even this resource, which at one time seemed to be almost the only alternative to save the General Government from grasping unlimited power over its internal improvements, was suggested with doubts of constiutionality.

"But this bill assumes a new principle. Its object is *not to return* to the people an unavoidable surplus of revenue paid in by them, but to *create* a surplus for distribution

among the States. It seizes the entire proceeds of one source of revenue, and sets them apart as a surplus, making it necessary to raise the moneys for supporting the Government, and meeting the general charges, from other sources. It even throws the entire land system upon the customs for its support, and makes the public lands a perpetual charge upon the Treasury. It does not return to the people moneys accidentally or unavoidably paid by them to the Government, by which they are not wanted; but compels the people to pay moneys into the Treasury for the mere purpose of creating a surplus for distribution to their State governments."

* * * * * * *

"However willing I might be that any unavoidable surplus in the Treasury should be returned to the people through their State governments, I cannot assent to the principle that a surplus *may be created* for the purpose of distribution. Viewing this bill as, in effect, assuming the right not only to create a surplus for that purpose, but to divide the contents of the Treasury among the States without limitation, from whatever source they may be derived, and asserting the power to raise and appropriate money for the support of every State government and institution, as well as for making every local improvement, however trivial, I cannot give it my consent."

From all this, it appears that the President is in favor of a disposition of an incidental or unavoidable surplus, provided always it can be constitutionally done. I will not stop to inquire whether *such* a distribution of *such* a surplus be constitutional or not. It is not necessary in reference to the proposition contained in this bill. This proposition is not a distribution by which the money becomes absolutely the property of the States, and which is never again to be returned, and which the States are under no obligation to return to the United States; but it is a mere deposit with the States of the surplus revenue, incidentally and unavoidably on hand, by which the States acquire no property in it. It remains the property of the United States just as fully and as perfectly as if it were in the immediate custody of the Secretary of the Treasury. The States become the mere depositories. Now, as to the constitutional power of Congress to direct the surplus revenue of the Government, incidentally and unavoidably in the Treasury, to be deposited whenever and wherever it pleases, I cannot for one moment entertain a particle of doubt. It is the duty of the Administration of the Government, whenever they find such a fund on hand, to take care of it and preserve it—to keep it safely till it is wanted for the legitimate uses of the Government. Those uses are to be judged of by Congress; and its appropriations are indicative of what it deems proper objects to which it should be applied. Until it is wanted for such appropriations, it is the duty of the Secretary of the Treasury, acting under the advice of the Executive, to keep it safely. Unless the places of the deposit are prescribed by law, he takes upon himself the responsibility of selecting them; but if Congress sees fit to act, it may direct such places as, in its wisdom, shall most meet and proper. Now, sir, I hold that Congress can, constitutionally, direct the public money to be deposited wherever it pleases. It may direct it to be deposited in the Bank of England, in the State banks, in the Mint of the United States, or in the treasuries of the several States. Congress, whenever it undertakes to direct on this subject, is the sole judge of the safety of the place of deposit. It would intend, unquestionably, to select such places as are perfectly safe; it would not discharge its duty to the people, whose representatives they are, and whose money it is, unless it selected places of deposit which were perfectly safe. Let me ask, can there be any safer depositories than the States? I answer, no! The stability of this Government depends on the stability of the States; it cannot exist without them. They, therefore, afford the very best and highest security which we can have for the safe-keeping, as well as the safe return of the money which may be intrusted to them respectively. It is no objection to the constitutional power of Congress thus to dispose of the public money, that it is deposited ratably with the States. So far as constitutional right is concerned, looking at this matter as a mere deposit, Congress could order it to be deposited in such proportions as it pleased; but the very object of thus depositing the surplus with the States is, that we thereby have the best security for its safe-keeping, and the best guarantee for its sure return when required; and inasmuch as this incidental or unavoidable surplus, as the President terms it, has been collected by indirect taxation out of the people, it is but just and equitable that some rule should be adopted in depositing it with the States that shall give to them equal benefits, so far as incidental benefits are to be derived from becoming the depositories of it.

If we should adopt the same ratio that we would in an absolute distribution, provided we had the constitutional power to distribute it, it would be no argument against the constitutional power of Congress thus to deposit it. As to the constitutional power of Congress over this subject I cannot, for one moment, doubt; I will not suffer myself to doubt. No one that I have heard has suggested any constitutional doubt, and no one, in my judgment, can place such an objection before the people in a way that they can comprehend it, or feel the force of it. From this view of this matter, I feel justified in saying, that I am sustained in my support of the proposition contained in this bill by the principles laid down in the several messages of the President to which I have referred; and backed by such authority, and from a deep settled conviction of the importance of the measure, cannot hesitate as to the vote I shall give. If this plan be not adopted, I ask gentlemen by what mode will they dispose of this surplus? If there be any who do not believe there will be a surplus, (and this number must be very small,) to them I say, the plan proposed can do no harm in that event, because there will be nothing on which it can operate. If the sentiment were unanimous, or anything like it, that there will be no surplus, I would not then adopt any measure in relation to it, when there was no probability of its being required. But this is a very different case. No rational man can doubt but that there will be a large surplus. Unless our appropriations are made for the express purpose of getting rid of it, and, of course, in a very extravagant manner, I again ask what shall we do with it? It is in vain to make objection to this proposition, unless gentlemen will condescend to point out some other mode of disposing of the public money. If none is suggested, and the present bill be not adopted, the money must remain in the deposit banks without legal regulation, and subject to all the clamor which has been, and which will hereafter be made against them. I here repeat, as I have before said, I have entire confidence in the deposit banks; but no one can hesitate to say, and it is no disparagement to any banks to say, that this vast accumulating treasure is more secure in the treasuries of the several States. With the confidence which I place in the security of the deposit banks, it would not be so surprising if I should be in favor of leaving it there; but that gentlemen who profess to look upon all banks with more or less distrust, should be willing to leave it there, instead of depositing with the States, is to me a matter of astonishment.

Some gentlemen, when pressed upon this point, and asked what will you do?—are ready to say, leave it till the next session of Congress. Why leave it till the next session of Congress? I emphatically ask. If there is to be a large surplus in the Treasury on the first of January next, it is our duty to the banks themselves, as well as our duty to our country, to make early arrangements for its disposition. If it is to be deposited with the States the banks ought to know it, that they may be prepared for it at the time fixed for that purpose. If it is to be left with them, and no change is hereafter to be made, they ought equally to know it, for their arrangements in relation to the management of their own means would depend more or less on the fact, whether they were to retain the means of the Government. So that, in any point of view, it is all important that the question be now settled. Every important interest of the country requires it. If it be not now arranged, it will be productive of the most alarming consequences. If this money is thus suffered to accumulate in these banks, the people will never rest satisfied that it shall be hoarded up there, and it would, in that case, be of no use to the banks to have it. I take it for granted, then, it must be used. How far such a use of money which has been collected from the people would be deemed a just and equitable use of it in regard to the great body of them, I leave to the American people to judge. In the use of such means, there is more or less favoritism; and the desire of the banks to make the most of it, especially if an interest is to be charged on it in their hands, would tend strongly towards those extravagant and wild speculations, about which gentlemen have so feelingly declaimed. If this money should be loaned out to the communities where these deposit banks are located, will it not be seen at once that the business of those places will be more or less extended, according to the means employed? Suppose, then, when these funds to such an enormous amount are thus loaned out, and the Government should want the money, can these banks respond, on notice given, to the call? If they can, it will be by reason of a sudden call on their debtors. What will be the consequence of such a call? We can readily foresee it. The whole money market will be disturbed. Like the sudden expansion and contraction of bank issues and bank discounts at all times, they would convulse the whole commercial community. Those convulsions are not confined to the communities in which they happen—their effects are felt everywhere. You cannot strike a blow at the city of New York, which will not be felt, not only through the whole State, but throughout the whole Union.

But it may be said, and I believe has been said, in the course of this debate, that this money will not be needed by the Government, and will not be called for from the banks. So much the worse. The longer such an immense sum is left to accumulate, and to be used by them, the worse it is. But, Mr. President, public sentiment, which is generally right, demands that some other disposition be made with this surplus revenue. The people are jealous enough of the banks at all times, but are peculiarly so of those, at this time, which hold such vast treasures which belong to them. Unless some other disposition be made of this surplus, suspicion will go abroad that the money is kept there for improper purposes, and from improper motives. We know there is no ground for such suspicion. But if it exist, whether true or false, the effect is the same. Its tendency is to agitate the public mind, and a consequent derangement of the moneyed concerns of the country. I can readily foresee that if Congress adjourns without regulating the deposit banks by law, and without disposing of this surplus revenue, the whole country will be agitated by this all-important question, and we shall have to encounter another scene of panic and distress, and thereby derange the currency, and more or less affect every interest in the country. No matter whether there be any just ground for such agitation or not, such is the state of parties and of party feeling that we cannot hope to be rid of it, however much we may deprecate its existence. Sir, I live in a commercial community. I feel that I know something of its interests, and I am unwilling, for any consideration whatever, that this all-engrossing topic should any longer be made the sport of party, to the great detriment of the paramount interests of society. I am unwilling that such considerations shall, by designing politicians, be mingled in the approaching presidential contest, and that the commencement of the next session of Congress shall be the signal for increased and increasing excitement till it is closed. Sir, public confidence in our banks, as well as in our political institutions, becomes impaired by such constant assaults; and when that is impaired every interest must suffer. I cannot, therefore, lend my aid to continue such a state of things. By depositing this money with the States, as is proposed by this bill, the public mind will be quieted; the banks will be freed from the suspicion, as well as the odium, which must attach to them under the state of things which I have attempted to describe; and, above all things, our pecuniary concerns will be separated from all political connections or associations, a consummation devoutly to be wished.

Sir, there is no constitutional objection to this bill. The most refined sophistry cannot show any. Gentlemen may attempt to confound it

with a distribution. But it is no more nor less than a simple deposit of the public money with the States. It avoids the objections which would exist to a general system of distribution. That implies that a surplus shall be created for the purpose of distribution. This does not even distribute a surplus, accidentally and unavoidably on hand. It deposits it with the States. It still remains the property of the Government, and the Government can use the money whenever it is required for the public service. It creates no dependence, on the part of the States, on the General Government, as a distribution system might do. It merely provides for the present emergency. It disposes safely of a surplus for which, at present, we have no use, and with which we know not what to do If gentlemen would satisfy me of any other proper disposition of it, I would embrace any proposition that would seem to meet the exigency of the case. But I hear of none, except to spend it all by extravagant appropriations, or leave it to accumulate in the deposit banks. To both these I have already indicated my objections. We are then brought back to the proposition contained in this bill; and I confess, after the maturest deliberation and reflection, I cannot only see no objection to it, but I can conceive of no mode so proper. By this mode, the States will receive their ratable proportions of the surplus, giving the security of the States themselves for the repayment, when it is needed by the General Government. This money is retained by the States without interest, until the Secretary of the Treasury, for want of other means, sells the certificates of deposit, when they are made to bear an interest of five per cent. These certificates are redeemable at the pleasure of the States, and would always bring par in the market, and probably a premium. No arrangement which has been suggested, or, as I believe, can be suggested, is, in my judgment, equal to this. It is the best for both parties. It is best for the United States. It is best for the individual States. If they invest the money in internal improvements, or as a fund for education, it will be vastly better employed for the whole country, than if it were left for the use of speculators in the deposit banks; and whenever it is wanted by the General Government, the Secretary of the Treasury, as its agent, has only to sell the certificates in market to get the money on them; and the States, on such sale, have merely to provide for the payment of the interest, at the rate of five per cent. They are not bound to raise the principal on any such call, because the certificates are made redeemable at their pleasure; and when they are sold they become to the States the same as any other five per cent. stock which they may have issued. One advantage, and one great advantage, of this proposition is, that it requires no action on the part of Congress, nor on the par- of the States, to bring this money back to the Treasury, whenever it is required for the wants of the Government. Congress judges in the first instance of those wants, and makes appropriations to meet them. If, then, there is a lack of other means, the Secretary of the Treasury, without any further action on the part of Congress or the States, can avail himself of the fund thus deposited by a sale and transfer of the certificates. As long as this money remains the property of the General Government, the States will exercise a proper caution as to the use and application of it. There will be no profligate expenditures, merely because they have come into the possession of such an amount of funds. Most of the States would probably apply it to internal improvements, already authorized by their respective Legislatures, and perhaps already commenced. If it should be thus applied, there can be no better evidence of its proper application, because such works have been authorized and commenced without reference to any such means. I might instance the State of New York as in this situation now. The last Legislature directed *new* works of internal improvement to be commenced, and loaned her credit to the Hudson and Erie railroad to the amount, in the aggregate, of $6,000,000. For this amount she must issue stocks, and raise the money as it is wanted, and bearing such interest as is directed by the act authorizing it. If she should receive, under this bill, $5,000,000, more or less, it would to that extent take the place of the stocks which are by her past legislation already directed to be issued. This money she would apply to those works of internal improvement, and would pay no interest on it till it should be wanted for the use of the United States; and, whenever it should be so wanted, she would then pay an interest the same as she would have paid from the beginning on her own stocks, and provide for the principal whenever it suits her convenience, because the certificates of deposit are redeemable at her pleasure. If the money should not be called for then she will retain it, without interest, still resting under the obligation to return it when required, and whenever it suits her convenience to redeem her certificates, which may have been put into the market. What objection is there to her thus using this money? Has she not, like every State in the Union, contributed, by the indirect taxation of the people, to raise it? It is true, it has not been raised with the design to accumulate a surplus; but, being unavoidably and without design on hand, what valid objection can be urged to such an application of it? What application can be made that will so much benefit the whole country? The States can carry on their works of internal improvements much better and much more economically than the United States can, even if there were no constitutional objection to such a system on behalf of the General Government.

By the proposition in this bill, we also avoid another objection which is sometimes urged against a system of distribution, by which the money is *given* to the States; namely, that we have no right, in this way, to carry on a system of internal improvements, by means of the agency of the States, which we cannot carry on directly. In other words, if Congress cannot appropriate and apply the money for such purposes, it cannot *give* it to the States for the same purposes. Under the present bill, the money is not *given* to the States; it is merely deposited with them for safe-keeping. it remains the property of the United States, and to be applied by their agent, the Secretary of the Treasury, whenever it shall become necessary to meet appropriations made by Congress. There is also this additional advantage of this proposition, namely, whenever these certificates are sold, like all our State stocks, they would probably find their way to Europe, and would, to the amount sold, be the means of introducing foreign capital into the country. This is what is wanted. I will not dwell on the importance of foreign capital to a country, and particularly to this country. Our astonishing growth and prosperity are greatly owing to the introduction and use of foreign capital. Amidst all the turmoil and disturbances of the European world, there is no safer investment for capital from abroad than the public securities of this country, whether they be the stocks of the United States, or of the several States. Such, sir, are some of the advantages proposed by this bill. And in addition to all these, though last not least, its adoption will tend to quiet the public mind—to get rid of that feverish state of anxiety which has existed for some time past—which has kept our monetary system in constant agitation—which has disturbed the peace of the whole commercial community, and more or less deranged the affairs of the whole country.

Mr. President, if such be some of the advantages of this bill, (and I confess I have glanced at them but hastily,) what, let me ask, is the objection to its adoption? Why, sir, it is objected, in the first place, that the two propositions, namely, to regulate by law the deposit banks, and to dispose of the surplus revenue, ought not to have been in the same bill. Viewing these propositions as I do, I have not, on my own account, any objection to their being embraced in the same bill; but knowing that a few of my political friends entertained different views from me in regard to the latter one, I felt it due to them, that they should have the opportunity of acting and voting separately on them. My honorable colleague, although he originally put the propositions together, accordingly moved to recommit the bill to a committee, with instructions to report two separate bills. After repeated trials, it was decided not to recommit. This I regret, because such a separation would have left each proposition to rest on its own merits; and every member of this body could with perfect freedom have voted for the one or the other, as he should deem best. But the two propositions have been kept together against my vote and against my wishes. The question now is, approving them both as I do, whether I shall vote against the whole bill, because it contains a proposition which some other gentlemen do not approve? Sir, I cannot, under these circumstances, hesitate as to my course. I voted for the engrossment of the bill. I shall vote for it on its final passage. But my honorable colleague objects to the ratio introduced by the amendment of the Senator from Mississippi. Sir, I resisted that ratio to the utmost. I deemed the ratio in the bill, as reported by the select committee, namely, in proportion to Federal population, more equitable and just; but I cannot vote against the whole bill merely because it takes the Representatives of the States in the two Houses of Congress as the basis of deposit, instead of the representation in the popular branch. And even though the ratio were restored, as my honorable colleague desires it, we know perfectly well that the bill would not receive his vote. Having done all in my power to retain the ratio required by the interests of my own State, and which seemed to me both just and equitable, and having failed in that, I cannot, consistently with my sense of duty, vote against a bill which contains two such important provisions, even if I have some objections to that part which relates to the surplus revenue. I should feel that they ought to be very weighty and very strong to induce me to vote against the other part of the bill regulating the public deposits by law, a measure so frequently recommended by the President, and so imperiously demanded by the public voice.

Sir, the honorable Senator from Missouri objects to this bill that it does not except from this ratable deposit with the States the unexpended balances, as they are termed, of the appropriations made by Congress; that the bill recaptures them, to use his emphatic language, and brings them back for the purpose of distribution, after they have been appropriated by Congress. Sir, a good argument is sometimes put down and a bad one built up by a sarcasm. This, I apprehend, must have been the object of the honorable Senator in thus speaking of the recapture of these unexpended balances.

Sir, what are the facts in regard to these balances? Congress makes appropriations to a large amount for the current year. A portion of the money, generally about one half, remains unexpended at the end of the year. Now, sir, when this money is wanted to meet such appropriations, the only inquiry is, whether the Secretary of the Treasury has the means for this purpose? No matter whether those means are in the Treasury, from past receipts, before the appropriations were made, or whether they have come there from receipts subsequent to their being made; the only inquiry should be, has the Secretary the means to meet them? This is the common practice. Appropriations are often made beyond the money in the Treasury at the time, and are expected to be met by the subsequent receipts. But the sarcastic remark of the honorable Senator from Missouri would seem to imply that specific money was set apart for specific appropriations, as if, the moment an appropriation was made, an ear-mark was placed upon the money in the Treasury sufficient to meet it; and then, that those identical pieces were called in whenever they were needed, as a Dutchess county farmer would select particular sheep from his whole flock by the ear-marks he had previously placed on them. Sir, this idea is altogether fanciful. There is no such specific sums set apart for specific appropriations. If this were so, what would be the result of the appropriations, if they should be made by the present Congress to the amount of some fifty-five millions of dollars, according to the statement exhibited by my honorable colleague? Why, sir, the unexpended balances alone of such appropriations, that would remain in the Treasury on the 1st of January next, would be thirty millions of dollars. Do gentlemen desire that any such amount, or any portion of it, should remain there, merely

because it is an unexpended balance, and when the receipts of the current year will be more than sufficient to meet all the appropriations which will be made? It will be recollected, that five millions of dollars are to be retained to meet any possible contingencies of the Treasury; and if at any time, and from any unforeseen contingency, more should be wanted, the Secretary can at any moment cash the certificates of deposit in his hands, and thus avail himself of any amount he may require. There is no necessity, therefore, that these unexpended balances should be expected out of the amount to be deposited; but there is every reason in the world why they should be included in it.

Again, sir, it is urged, that this surplus, thus deposited with the States, will never be called for by the General Government, and that such calls would not be responded to by the States if they were made. Let us, for one moment, examine these objections. In the first place, the way in which the money would be called for would be through appropriations made by Congress; and in case there was not means in the Treasury to meet them, the Secretary would sell the certificates of deposit for the purpose of raising the means. The States would have nothing to do with the transaction. The Secretary would require no response from them. This objection might have had some plausibility, if the bill had required that the certificates should be paid by the States, instead of being made transferable, and thereby enabling the Secretary of the Treasury to cash them in the market. But, even if such had been its provision, does any one believe that there is a solitary State in this Union that would violate its pledged faith to this or any other Government? No, sir; no one can seriously entertain such an opinion. I would vouch for all of them. Corruption has not so far fastened on the vitals of any of them, that they so soon exhibit such evidences of premature decay. It is, however, said that Congress would omit to make appropriations in order to prevent this money from being called for or required by the Secretary of the Treasury. What! Mr. President, Congress refuse to perform its duty to the country, from the paltry consideration of keeping so much trash, as might be grasped thus, in the treasuries of the States! Who compose this body that would thus withhold the means for the common defense of the country? Let every member of either House put the question to himself, whether he would be governed by such motives? His answer will be no, sir—no. For my own part I should despise myself if such considerations could, for a single moment, influence me; and I believe that sentiment pervades the breast of every one who hears me. Where, then, is the danger of appropriations being withheld? I have heard it said, that our constituents, the people, would direct or instruct us to vote against them, in order to prevent their portion of this surplus being withdrawn from their respective States. Sir, there is no such sordid and debasing spirit amongst the people of this country. They will go all necessary lengths to sustain the Government in any emergency, whether it be peace or whether it be war. It is their pride and their ambition to rally round the standard of their country, and to provide the requisite means for sustaining its institutions and its honor. So far from withholding its means from it, they would always be ready to contribute their own. Sir, I have studied the character of the American people to little purpose if I could suppose them capable of being guilty of such meanness. No, sir, they are a noble, a generous, a chivalrous people. Whilst, I trust, they always will guard against unnecessary and extravagant expenditures, at the same time I feel assured that nothing will be withheld which is right and necessary for the proper administration of the Government. Is our own patriotism of so much higher order than theirs, that we are willing to say that we, their Representatives, would not, of our own accord, withhold appropriations, but should be compelled to do it under their influence and instructions? Sir, I do not think so meanly of myself nor of my constituents. I am unwilling to assume any such attitude in regard to them, and, I trust, they will not assume it in regard to me. I am unwilling, with a kind of Pharisaic, political righteousness, to say to my constituents, I am holier than you. No, sir, rather than place myself in such a contrast with them, I would say, with the humble publican, God be merciful to me a sinner. This idea of withholding appropriations, either by representative or constituent, is ideal. It exists in the imagination. Equally fanciful is that notion, which has been advanced, that our tariff of duties on foreign imports will be increased for the purpose of creating a surplus for distribution. No gentleman will admit that he would be governed in his action here by such a motive. Nay, he would repel with indignation such a charge. I would repel it for my constituents as readily as I would repel it for myself. Sir, the difference between the proposition contained in the bill and an absolute system of distribution is as palpable as that between the night and the day. In the first case, we deposit with the States, for safe-keeping, an accidental and unavoidable surplus, to be used by the Government when required. In the other, we *create* a surplus for the purpose of being *given* to the States, and without any expectation or obligation on their part to return it. Sir, there is no danger of raising our duties on imports for such a purpose. The principle on which duties are levied I believe is well and universally understood at this day. Graduate your duties so as to raise no more revenue than is required for the economical wants of the Government, and in thus graduating them give incidental protection to such branches of industry as you think the interests of the country require to be protected. But, sir, if you want to issue an increase of duties, let your expenditures be made extravagant for the purpose of absorbing this immense surplus, and the duties must be increased to furnish means to carry out the extravagance thus commenced. I beg gentlemen to reflect on this subject. They seem to have looked only on one side of the question. Whilst they are attempting to avoid an imaginary evil, they are rushing into absolute danger. To them might well be applied the Roman maxim, *Incidit in Scyllam qui vult vitare Charybdim.*

Put it to the plain, practical, common sense of every man in this nation, and he will respond to you that he is governed by no such motives as those attributed to him. He will tell you that this surplus is in a situation to be productive of immense mischief, as it now is; he will tell you it ought to be deposited with the States, because it will there be safely kept and carefully used, for the benefit of the people who contributed towards it; and that it will be forthcoming whenever the wants of the Government require it. If such would be the convictions of every honest man, how can you charge upon the great mass of the people of this country such base and sordid motives as a contrary position would imply? Sir, it cannot be; I feel that the spirit of the people is above it; I feel that I know the motives which govern my fellow-citizens in such matters. I have been brought up with them; I have always lived in the midst of them; and I am yet to learn that such are their principles of action. I am persuaded I speak the sentiments of the people of the State of New York on this subject. They cannot be seduced from their integrity by such means. They may be willing to keep the public money, as a safe depository of it, till it is needed for the public service, but they will not be humble suppliants here for your bounty; and they will not instruct their representatives to do that which they would not do themselves. There is no danger, therefore, in this measure. It is the only one which avoids all danger. If this be not adopted, there are but two other modes of disposing of the surplus left. The one is, by extravagant appropriations, without reference to the real wants of the country, and which will require an increased tariff to carry them through. The other is, to leave them in the deposit banks to become the prey of speculations, and the foot-ball of party. Sir, I cannot hesitate between them; and I am utterly at a loss to conceive how gentleman, who are so naturally jealous of all banks, are willing to leave this immense power in their hands. When the United States Bank was deprived of its power by the removal of the deposits it had at that time, but about $7,000,000 of the public money; whereas, by the lowest estimates, these deposit banks will have, on the first of January next, not less than $30,000,000. Do not gentlemen perceive that they are putting into their hands a power far greater than they were willing to intrust to the Bank of the United States? Do they not also perceive, that by rejecting that portion of the bill which relates to the deposit banks, they are leaving this immense power in their hands without any regulation by law? Why is all this? Why, simply because they are apprehensive that, by depositing this surplus, ratably, amongst twenty-six States of this Union, it will tend to corrupt the people! They are willing to leave it in these banks, without legal restraints, subject to all the vicissitudes and dangers which the use and disposition of such an immense fund must always encounter; but they are unwilling to intrust it to the custody of the States, under the sanction of law, to be by them safely kept, and surely returned whenever the wants of the Government require it. Sir, I think I speak the sentiments of the deposit banks, when I say I do not believe they wish to keep it. They are not unaware of the tendency to speculation and overtrading which the use of such immense means has on the whole community; and when thus embarked, any sudden demand for and withdrawal of these means must produce consequences of the most destructive character. I can readily foresee that, even if this bill becomes a law, there will be more or less difficulty in the banks contracting their loans, so as to be prepared to meet the drafts of the Treasury when this surplus shall be deposited with the States. The projectile force which has already been given to the community by means of these funds, will continue to operate after the cause has ceased. But the period fixed in the bill for withdrawing them is so remote, that I apprehend no material difficulty in their being ready to carry out the arrangement.

Mr. President, the vote I am called upon to give on this bill I deem the most important I have ever given in my life. I have maturely considered it—it is the result of anxious reflection and deep conviction; and were I not supported by the very large majority of political friends in this Senate, I might be led to distrust my own judgment; but with their support, my convictions are the stronger; and I can never persuade myself we are wrong. I think I see this matter as clear as the sun at noonday. My mind has a perfect conception of the evils to be encountered by the rejection of this bill, and of the benefits to be conferred by its adoption. There is no film upon the mental eye—my judgment tells me it is right—my conscience approves it. I have no inclination to indulge in prophetic vision; but I think I can discern, in the long vista of the future, the sad train of evils which must follow the adverse action of this day. I fancy I can see our currency deranged, our credit system overturned, and our country precipitated from that height of prosperity which she has so long enjoyed; but I will not appall you with an exhibition of those evils which, like Banquo's ghosts, are lengthening out before us. The future historian, standing on the proud eminence which we now occupy, and looking into the dark abyss into which we may be plunged, will say, with Shakspeare's man on Dover Cliffs—

"How fearful
And dizzy 'tis, to cast one's eyes so low!"

Sir, in giving my vote for this bill, if it is the last vote I ever give, I shall feel I have faithfully and conscientiously discharged an important and responsible duty to myself and to the country.

CHEROKEE TREATY.

SPEECH OF HON. C. E. HAYNES,

OF GEORGIA,*

IN THE HOUSE OF REPRESENTATIVES,

June 29, 1836.

Mr. HAYNES rose and said:

Mr. SPEAKER: I had hoped that I should never again be involved in a general discussion of the

* MESSRS. BLAIR & RIVES: Having been called to order, in the progress of my remarks, upon a resolution of inquiry

Indian question; but the allegations, violent, gratuitous, and unjust, which have been preferred against the State of which I have the honor to be a Representative, by an honorable member from Massachusetts, [Mr. ADAMS,] make it my solemn duty to repel the assault, and roll it back upon the assailant. I regret, sir, exceedingly, that the honorable gentleman, whatever may have been the motive, (and that motive I shall not now attempt to investigate,) should have thought it necessary, in the discussion of a bill providing for the faithful performance of the treaty with the Creek Indians of the 24th March, 1832, to revive the exploded charges of injustice and oppression on the part of Georgia towards those Indians. Before proceeding to the discussion of the subject, I may be permitted to say, that the regret expressed by the honorable gentleman reminded me strongly of the occasion on which he uttered the same sentiment, because he could not again throw back upon the people the choice of Chief Magistrate. As this historical reminiscence was involuntary, I trust the committee will bear with me for expressing it, not intending to inquire into his motive at the one time or the other. It is impossible to do justice to the defense in which I have been, most reluctantly, involved, without presenting a brief outline of the political history of this country, in its colonial, revolutionary, and present state. The Colonies, which afterwards became the original thirteen States of this Union, were either settled or acquired by the Government or people of Great Britain. Deriving their origin principally from a common ancestry, similar institutions were common to them all. Among the number, Georgia, as is well known to every one familiar with American history, was the last colony planted by the mother country.

In all the charters granted by Great Britain to the colonies, the principle was assumed, if not directly expressed, of the absolute right of the colonizing nation both to soil and jurisdiction of the countries thus colonized. It may, perhaps, have been heretofore contended, that the question of limits between the European discoveries of this continent had no reference to their right of soil or jurisdiction, in respect to the aboriginal inhabitants. But the slightest examination of the colonial charters will dissipate such an assertion in a moment. In no one instance, is it believed, did the Government or colonists of Great Britain base their right to settle this continent on the previous permission of its original possessors. Not intending to trouble the House any longer than may be indispensable to the performance of my present duty, I forbear such references to the colonial charters as would clear my position of the slightest reasonable doubt. The colony of Georgia, then, was placed on the same footing with her elder sisters in respect to the right of her people to a residence on this continent. As there were aboriginal inhabitants in all the original colonies, it became necessary at an early period of the existence of those colonies to establish some general principle of action towards them. And it is believed by the present speaker that the principle generally adopted by the colonies on that subject cannot be better illustrated than by reference to the doctrine said to have been delivered by a distinguished citizen of Massachusetts, on the anniversary commemoration of the landing of the Pilgrims at Plymouth, in Massachusetts, on the 22d day of December, 1802. That distinguished individual is reported to have said, on the occasion referred to:

"The Indian right of possession itself stands, with regard to the greatest part of the country, upon a questionable foundation. Their cultivated fields, their constructed habitations, a space of ample sufficiency for their subsistence, and what they had annexed to themselves by their personal labor, was undoubtedly, by the laws of nature, theirs. But what is the right of a huntsman to the forest of a thousand miles, over which he has accidentally ranged in quest of prey? Shall the liberal bounties of Providence to the race of man be monopolized by one of a thousand for whom they were created? Shall the exuberant bosom of the common mother, amply adequate to the nourishment of millions, be claimed exclusively by a few hundreds of her offspring? Shall the lordly savage not only disdain the virtues and enjoyments of civilization himself, but shall he control the civilization of the world? Shall he forbid the wilderness to blossom like the rose? Shall he forbid the oaks of the forest to fall before the ax of industry, and rise again transformed into the habitations of ease and elegance? Shall he doom an immense region of the globe to perpetual desolation, and to hear the howling of the tiger and the wolf silence forever the voice of human gladness? Shall the hills and valleys, which a beneficent God has formed to teem with the life of innumerable multitudes, be condemned to everlasting barrenness? Shall the mighty rivers, poured out by the hands of nature, as channels of communication between numerous nations, roll their waters in sullen silence and eternal solitude to the deep? Have hundreds of commodious harbors, a thousand leagues of coast, and a boundless ocean, been spread in front of this land, and shall every purpose of utility to which they could apply be prohibited by the tenant of the woods? No, generous philanthropists! Heaven has not thus placed at irreconcilable strife its moral laws with its physical creation!"

Could the principle which regulated the colonies from their earliest day of strength, and beyond which Georgia has never gone, have been more forcibly expressed, or eloquently illustrated, than in what I have just quoted? Can it be that in such wide-sweeping assertion of colonial right the mind of the orator had narrowed its vision to the horizon of New England, and the defense of his own Puritan ancestors? Who that has heard the announcement of such a principle could, for a moment, imagine that the mind which had adopted, and the tongue which expressed it with such eloquence and force, should now utter unmeasured denunciation against Georgia for having acted short of the extent of his own principle? That principle, if his illustrations are entitled to any weight, goes the whole length, not only of the forcible dispossession of the savage of everything but his home and little spot of cultivation, together with such personal trifles as his labor has appropriated, but sanctions his entire ejection from it all. But it is not here necessary to dwell longer on the abstract doctrine of the honorable member from Massachusetts, [Mr. ADAMS,] as contained in his anniversary oration at Plymouth, in 1802.

I shall now turn my attention, after a word or two upon the subject of the territorial limits created and established by the several colonial charters of the old thirteen States, and as confirmed by various public acts since the commencement of the Revolution, to the manner in which various colonies, particularly those in the middle and northern portions of this country, carried out the doctrine maintained by the honorable gentleman in 1802, in their legislative enactments for the government of the Indian tribes within their several limits. In proof of this assertion it is only necessary to advert to the statutes of a majority of the colonies on this subject. That Massachusetts considered Indians only entitled to the land improved and inhabited by them, is shown by a colonial law of 1633, "For settling the Indian's title to lands in this [that] jurisdiction;" in which it is enacted, "That what lands any of the 'Indians in this jurisdiction have possessed and 'improved, by subduing the same, they have just 'right unto."

"*And be it further ordained by this court and the 'authority thereof, and be it hereby enacted*, That 'all that tract of land within this jurisdiction, 'whether already granted to any English plantations or persons, or to be granted by this court, '(not being under the qualification of *right* to the 'Indians,) is and shall be accounted the just *right* 'of such English as already have, or hereafter 'shall have, grant of lands from this court, and 'the authority thereof."

Various other acts were passed by the colonial Legislature of Massachusetts from the year 1633 downwards to 1747, in no one of which is the jurisdiction entire and complete over all the rights of the Indians believed to have been in any manner relinquished, restrained, or diminished.

Being necessarily obliged to go over a great deal of ground for the complete vindication of Georgia, the foregoing evidence from the colonial laws of Massachusetts is deemed sufficient to show that she claimed perfect and entire sovereignty over all the Indians and Indian lands within her limits. Next, in order of time, I come to the colonial legislation of Virginia. So early as the year 1658, I find in her records the following provision:

"*Be it hereby ordained and enacted*, That all the 'Indians of this colony shall and may keep those 'seats of land which they now have; and that 'no person or persons whatsoever be suffered to 'intrench or plant upon such places as the said 'Indians claim or desire, until full leave from the 'Governor and councilor commissioners for the 'place."

Several other laws regulating Indian affairs were passed at different times, between the years 1658 and 1705, inclusive, by the colonial Legislature of Virginia; but the extract just presented will suffice to show that the colony claimed and exercised entire jurisdiction over the Indians within her limits. In the year 1663, the colony of Rhode Island seems first to have exercised jurisdiction over Indians; and from the tenor of her enactment in that year, in regard to their lands, and the act of 1696, for restraining and governing their persons, she seems to have exercised as unlimited control over them as she could have done over her white inhabitants. By the act of 1663, it is ordained "that no person or per-'sons, for the future, shall purchase any lands or 'islands within this colony, of or from the native 'Indians within the same, but such only as are 'allowed to do so by the General Assembly, upon 'penalty of forfeiting all such lands or islands so 'purchased to the colony."

By an act passed in the year 1696, it is provided, "that if any negroes or Indians, freemen 'or slaves, shall be found abroad after nine o'clock 'at night, at any time throughout the year, without a certificate from the masters, or some other 'English person of the family to which he, she, 'or they belong, or some lawful excuse for the 'same, that then it shall and may be lawful for 'any person or persons to take, seize, and secure 'the same till next morning, and then bring them 'before an assistant or justice of the peace of such 'town, who shall, upon due proof thereof, cause 'said negro or negroes, Indian or Indians, to be 'publicly whipped at the public whipping-post 'of such town."

In the year 1672, the colonial Legislature of Connecticut adopted numerous regulations for the restraint and government of her Indians; among which was one providing "that no Indian or 'Indians shall, at any time, powwow or perform 'outward worship to false gods, or to the devil, 'within this colony, on pain of forfeiting the sum 'of *five pounds* to the public treasury of this col-'ony for every time any Indian or Indians shall 'be convicted of performing the same."

As further evidence of the criminal jurisdiction exercised by Connecticut over Indians, and especially for the benefit of those who have made such outcry because Georgia, of late years, has exercised similar justice towards them, I will offer one further extract from her act of 1672: "And whereas it is too manifest that the Indians, 'notwithstanding all counsel and advice to the 'contrary, have committed, and still do commit, 'murder, and kill one another, within the English 'plantations in this colony, and take no course 'that such justice be executed on such malefac-'tors as may take off the guilt of blood from the 'land; which, to prevent, '*It is further enacted 'by the authority aforesaid*, That, if any Indian or 'Indians, within this colony, shall willfully and 'violently fall upon any Indian or Indians within 'this colony, and upon the English land, (except 'it be such as they are at open war with,) and 'murder him or them, and be thereof legally con-'victed, every such Indian or Indians shall suffer 'death.'"

In addition to the highest criminal jurisdiction thus exercised by Connecticut, the last extract contains the singular provision of legalizing Indian wars within her limits. One more reference to the colonial law of Connecticut, and I shall pass to another colony.

In 1717, the Legislature of Connecticut passed "An act concerning purchases of native rights to land."

"This Assembly observing many difficulties 'and perplexities arising in this Government, by

---

calling upon the President of the United States for information relative to the treaty with the Cherokees, lately ratified by the Senate, on Monday evening, the 27th instant, I send you an extended report, covering the whole ground I intended to occupy, if I had been permitted to proceed without interruption.

Respectfully, your obedient servant,

C. E. HAYNES.

HOUSE OF REPRESENTATIVES, *June* 29, 1836.

'reason of many purchases of land made of Indian 'titles, without the preceding allowance or subse- 'quent approbation of this Assembly; which, to 'remove, *It is hereby enacted and declared by this 'Assembly, and the authority thereof*, that all lands 'in this Government are holden of the King of 'Great Britain as the lord of the fee, and that no 'title to any lands in this colony can accrue by 'any purchase made of Indians, on pretense of 'their being native proprietors thereof, *without 'the allowance and approbation of this Assembly.*" Other acts were passed by the colonial Legislature of Connecticut, relative to Indians, in 1717, 1722, and 1750; but the foregoing will show most clearly that the colony assumed unlimited control over them and their lands.

In the year 1700 the colony of Pennsylvania is believed first to have exercised her jurisdiction over the Indian lands; and her legal records show under that date "*An act against buying land of the Indians*," which contains the provision, "that if 'any person presume to buy any land of the na- 'tives within the limits of this province and ter- 'ritories, without leave from the proprietors 'thereof, every such bargain of purchase shall 'be void, and of no effect." In 1721, she passed "An act to prohibit the selling of rum and other 'strong liquors to Indians, and to prevent the 'abuses that may happen thereby," reserving "that the Governor and council, or persons by 'them authorized and appointed to hold treaties 'with any nation of Indians, may, at such treat- 'ies, give any reasonable quantity of rum, as by 'them shall be thought necessary, anything here- 'in contained to the contrary notwithstanding."

And I find that in the year 1744 colonial Pennsylvania assumed the jurisdiction for which Georgia has within the last six or seven years been so much derided by some, and passed "*An act for the speedy trial of capital offenses, committed by any Indian or Indians in the remote parts of the province.*" In this act it is provided "that all murders, man- 'slaughters, homicides, felonies, and offenses 'whatsoever, and accessories of the same, which 'by the laws or acts of Assembly of this province 'are declared capital, or felonies punishable by 'death, *which already have been committed, perpe- 'trated, or done*, or shall hereafter be committed, 'perpetrated, or done, by any Indian or Indians, 'within this province, in places remote from inhab- 'itants, as aforesaid, all and every such offense 'and offenses, in whatsoever place and county the 'same *hath happened* or shall happen, shall hence- 'forth be inquired of, heard, adjudged, and deter- 'mined before the justices of the supreme court, 'or the justices of the courts of oyer and terminer 'and general gaol delivery, to be held in the county 'of Philadelphia, by indictments, inquests, and 'verdicts to be taken of good and lawful men, 'inhabitants of the same county, in like manner 'and form as if such capital offense or offenses 'had been committed, perpetrated, or done within 'the said county, any law or usage to the contra- 'ry thereof in anywise notwithstanding."

There is, in this last act of the colonial Legislature of Pennsylvania, one feature which shows, that however well the general doctrines of criminal law might have been understood in that day, the injustice of passing *ex post facto* laws does not seem to have been duly considered. New Jersey entertained and exercised jurisdiction over Indian lands so early as 1703, as appears by an act of her Legislature, passed on the 13th of December of that year, entitled "An act for regulating the purchasing of land from the Indians;" by the second section of which it is enacted, "That if 'any person or persons shall presume to buy, 'purchase, take gift, or mortgage, or lease, of any 'land contrary to this present act, he or they so 'offending, shall forfeit *forty shillings*, money of 'this province, for each acre of land so obtained," &c., &c. Maryland exercised jurisdiction over the Indians within her limits, by legislative action, at different times between the years 1704 and 1723, inclusive; North Carolina, in 1715 and 1748; and New Hampshire also in 1715. The latter State, in the year 1715, passed "*An act to prevent and make void clandestine and illegal purchases of lands from the Indians*," by which it was enacted, "that all deeds of bargain, sales, lease, release, 'or quit-claim titles, and conveyances whatso- 'ever, at any time or times since the year of our 'Lord one thousand seven hundred, without the 'license or approbation of the General Assembly 'of this province; and all deeds of bargain and 'sale, titles, and conveyances whatsoever, of any 'lands within this province, which hereafter shall 'be had, made, obtained, gotten, or procured, 'from any Indian or Indians, by any person or 'persons whatsoever, without the license, appro- 'bation, or allowance of the General Assembly 'of this province for the same, shall be judged 'in the law to be null, void, and of none effect, to 'all intents and purposes, as though they had 'never been made." South Carolina exercised jurisdiction over the whole Indian country within her limits as early as the year 1739, by enacting that no purchase of lands from the Indians should be made but by the King of Great Britain, or the colonial Government, on the pain of forfeiture. In 1786, that jurisdiction was inforced towards the Cherokees, by assigning them, temporarily, a tract of country for their occupancy; and in 1808, entire sovereignty was exercised by that State over the Catawba Indians.

Thus stood the jurisdiction of the colonies which have been mentioned, in reference to the Indians within their several limits, at the commencement of the American Revolution. This subject has not been passed in review before the House in an unfriendly spirit, or for the purpose of criminating any one of the States to the early legislation of which I have thought it necessary to advert; but to show, from the most unanswerable evidence, that the same jurisdiction, and in some instances more than is exercised by Georgia, was exercised and inforced by the early legislation of a large number of the original colonies. I do not know, if the proper means had been within my reach, that I might not have discovered similar evidence in the history of all. It cannot matter in what *manner* entire sovereignty and jurisdiction may have been exercised by any one of the States in her colonial or present condition; the *fact* of its exercise is all that is wanting to justify Georgia in exercising her rightful jurisdiction by their example. It thus appears that the American Revolution found the colonies in unrestrained exercise of jurisdiction over the Indians within their respective limits. I will now proceed to show that such jurisdiction has not been limited or restrained in any manner, either by the Articles of Confederation, or the present Constitution, except in the single particular of regulating commerce with the Indian tribes; and that if the claim to exclusive legislation over them is set up under that grant of power, it may with equal propriety be set up as against the States of this Union; and if it can be supported against them, this is indeed a Government without limitation of powers.

It might be sufficient for my argument to show that, although Indians have remained embodied in most of the original thirteen States ever since the Declaration of Independence, no authority has been claimed for the General Government, either under the Articles of Confederation or the present Constitution, even for the exercise of the commercial power over them, much less the odious usurpation of exclusive legislation, as attempted to be set up against the State of Georgia. It has been already shown, that many of the colonies exercised, under the authority of their charters, entire powers of legislation over the whole extent of their limits, long before the Declaration of Independence; that they derived these powers over the countries included in their charters from the British Crown; and it is fearlessly asserted, that the jurisdiction of Georgia, under her charter, was as unlimited as the rest. To show this, it is only necessary to refer to the proclamation of the King of Great Britain, in 1763, wherein the countries in possession of Great Britain, within her colonies, and occupied by Indians, were reserved under "her sovereignty, protection, and dominion." It is true, that the "sovereignty, protection, and dominion" claimed by the King of Great Britain was said to be for the benefit of the Indians; but it is not the *mode of its assertion or exercise* that is at issue between Georgia and her enemies, but the sovereignty actually asserted and exercised by Great Britain throughout the whole extent of her American colonies, and which passed to each respectively, fully and completely, upon the establishment of their independence and its acknowledgment by Great Britain, saving and excepting as it had been curtailed and abridged by the Articles of Confederation, and subsequently by the Constitution.

But how have the original powers of the respective States been affected by the various acts which, for all external and many internal purposes, have made us one people? The first act of union was the Declaration of Independence; and as its acknowledgment by Great Britain operates retroactively, it will be proper to inquire whether the Declaration of Independence modified in any manner the power or authority of the several colonies within their limits. It bound the colonies to a common and the holiest cause, the vindication of their liberties against the odious oppression of the mother country. But, except this pledge to fight out the battle of liberty to the last, it is not perceived that the Declaration of Independence modified in the slightest degree the internal jurisdiction of the several States; nor do I believe that the contrary opinion can be sustained for a moment. Then, agreeably to what has already been shown, the power and jurisdiction of the several States, at the acknowledgment of their independence by Great Britain, was precisely what had been asserted and exercised by her authority within their limits, except so far as they had been limited and restrained by the Articles of Confederation.

I will now endeavor to show how far the entire sovereignty, conquered for the several States from Great Britain, has been affected by the Articles of Confederation, or the Constitution, which has since been substituted for it. But as the subject under consideration relates exclusively to the jurisdiction rightfully belonging to the State and Federal Governments with respect to Indians, I shall confine my inquiries and illustrations to that subject, adverting to other portions of our organic law only so far as it may serve to throw light upon this.

In illustration of my subject, I shall remind this House that, by the second article of Confederation, "each State retains its sovereignty, 'freedom, and independence, and every power, 'jurisdiction, and right which is not by this Con- 'federation expressly delegated to the United 'States in Congress assembled." In the distribution of powers conferred by that instrument upon the United States, it is further provided, in the fourth paragraph of the ninth article, that "the United States in Congress assembled shall 'also have the sole and exclusive right and 'power of regulating the trade and managing all 'affairs with the Indians not members of any of 'the States: *Provided*, That the legislative right 'of any State within its own limits be not in- 'fringed or violated." Thus, in point of principle, was the power of the Confederation over the Indian tribes, with respect to their government within the States, left precisely as the parties found it. Great Britain claimed, and for every purpose of her interest or convenience, exercised entire sovereignty over Indians within the limits of her colonies; and most of the colonies, with or without reference to her sovereignty, exercised unlimited control over them; and the Declaration of Independence and its acknowledgment by Great Britain placed the respective States in possession of all the power ever claimed and asked by her; that power was entire sovereignty and legislation over the Indians, which, within the States, was not impaired or diminished by the Articles of Confederation, but is expressly saved by the proviso to the power conferred on the Union in respect to the Indians. The best exposition of a law is to be found in the uniform and long-continued mode of its inforcement. Applying this rule, there is no difficulty in determining that the several States understood the Articles of Confederation in the sense which I have given to it, as they continued to exercise the same jurisdiction over Indians which they had exercised in their colonial state, and that was, complete and entire sovereignty. In addition to the numerous examples of colonial legislation already brought to the notice of the House, it may be further

established by reference to the legislation of Virginia, in her constitution of 1776; an act of the Legislature of 1777, for establishing a general court, by the constitution of New York in 1777—her act for Indian affairs, passed in 1783, and her more recent legislation on the subject in 1813 and 1822, as well as her judicial decisions; by the Legislature of Rhode Island in 1783; of North Carolina in 1778 and 1783; and of Georgia in 1789 and 1796, as well as more recently. It is obvious from these illustrations, drawn from the colonial and State legislation prior to the establishment of the Federal Constitution, that the several colonies and States claimed and exercised entire jurisdiction over Indian affairs. Nor is it believed that any attempt has ever been made to interfere with either of the Old Thirteen States on this subject, so as to control their municipal regulations, but the State of Georgia.

Desiring to dispatch this subject, which can be but of little interest to this House, compared to what I feel in it as a Georgian, I will now pass to a very brief inquiry into the powers conferred by the States in the Federal Constitution, for the regulation of Indian affairs, and the manner in which those powers have been executed. It will be recollected, that whatever power or jurisdiction may have been claimed by the Government of the Confederation on one side, or the respective States on the other, in regard to Indians, the subject is now entirely regulated by the Constitution.

In examining the present Constitution it is found that it contains a single grant of power over Indians to the Federal Government, and a single restriction upon the States. The grant of power is to be found in the third clause of the eighth section of the first article of the Constitution—"To regulate commerce with foreign nations, among the several States, and with the Indian tribes." It is of the last importance in considering this clause of the Constitution to bear in mind that the commercial power, in its three several branches, is conferred in the same terms so far as regards their import, and that the power is commercial only. It is also of the greatest importance to remember, that as it embraces *all* foreign nations with which we may desire or must carry on commercial intercourse, so it embraces *all* the States of this Union, and *all* the Indian tribes within the whole range of the United States. In the further investigation of the subject, it should be recollected that the same uniform course has been pursued in the establishment and maintenance of commercial intercourse with foreign nations; they have been treated as equal and independent communities, and trade and commerce with them regulated by treaty stipulations. A similar principle has been acted upon towards the States of this Union: they have been treated as a community of equals, and the commercial intercourse between them regulated by the principles of the Constitution. Nothing else has been mixed up with it, because mistaken or vicious politicians did not find it necessary to derive from it a pretext for intermeddling with their internal jurisdiction over their own people. Nor has the enforcement or attempted enforcement, of the commercial power over the Indian tribes, in its *general* operation upon the original States of this Union, within which such tribes are, or have been situated, been carried beyond the letter or spirit of the Constitution. Indeed, in all of them, except the States of North Carolina and Georgia, there has never been any attempt to exercise even the naked power to regulate commerce with an Indian tribe within their limits, much less any attempt to derive from this commercial grant the power of exclusive legislation over them. From the examples shown of the mode of enforcing the commercial power by the Federal Government towards foreign nations, and among the States, it is obvious that no attempt has ever been made to derive, by any implication whatsoever, any other power from that grant.

It is, therefore, inconceivable how such attempt should ever have been made to extract from the grant of the naked power "to regulate commerce with the Indian tribes," the power of exclusive legislation over the persons and territory of any one of these States, especially when the commercial power itself has never been attempted to be exercised but by at least one act of Congress; and that the act by which the various acts of usurpation towards Georgia have been attempted to be justified, has been expressly reserved from exercise in all the old States, containing Indian tribes, but North Carolina and Georgia—I mean the intercourse law of 1802. If the power to regulate commerce with the Indian tribes confers on Congress exclusive legislation over persons and things in the countries occupied by them, it confers equally exclusive powers within the respective States of this Union; as exclusive power over white men at Milledgeville, or over red men at New Echota, or elsewhere in the Cherokee nation. The power in each case is conferred in the same clause of the Constitution, and in terms equally comprehensive and unlimited. How, then, can it be pretended that Congress possesses it in everything relating to Indians, and the territory occupied by them within a State, without carrying along with it the claim to exclusive jurisdiction of the citizens of the several States? The claim is as monstrous and absurd in the one case as in the other. I know it may be said, as it has been, that the older States have acquired jurisdiction over the Indians within their limits at an early period, by their voluntary consent; and, therefore, may have rightfully exercised it, forasmuch as such tribes were not contemplated at the formation of the Articles of Confederation, or afterwards, when the present Constitution was framed. I deny this; for the grant of power in reference to Indians in both instruments is general and unrestricted as it respects the States; and if such voluntary surrender had been previously made by the Indians, by these grants of commercial powers, the respective States delegated so much of the Indian jurisdiction to the Union. Either it was the duty of the Federal Government to have exercised the jurisdiction heretofore claimed towards Georgia over the Indians in every State of this Union, or a gross usurpation has been attempted towards Georgia in the efforts heretofore made to inforce such power upon her. It may be said that the exercise of the commercial power towards the States is restrained and limited by the guarantee of a republican Government to each of the States of this Union, and by that amendment which declares "that the powers not 'granted by the Constitution to the United States, 'nor prohibited by it to the States, are reserved 'to the States respectively, or to the people." If this be so, and it is admitted, the same provisions of the Constitution afford equal protection to the States against the exercise by the Federal Government of exclusive jurisdiction over Indians within their limits. But there are other provisions of the Constitution which bear with peculiar force upon this subject. It is declared that "no new State shall be formed or erected within the jurisdiction of any other State." Yet, according to the honorable gentleman, Congress had the right to erect the Cherokee State within the jurisdiction of Georgia, without her consent, and against her most solemn declarations to the contrary. But I may, before I conclude, show another and not less glaring attempt to trample upon the rights of Georgia, by an ancestor of the honorable gentleman, when he filled a high place in this Government. To return to the subject immediately before me. As the power conferred upon Congress to regulate commerce among the States has been justly so interpreted, as to include nothing else, and to leave them in the possession and exercise of all powers not granted to the Federal Government, nor prohibited by the Constitution over their white citizens, it is equally clear that it includes nothing else in reference to Indians, and that they are as fair and constitutional objects of the legislation of the States for everything else, as any other description of persons within their limits.

I will now turn for a moment to the only direct restriction which the Constitution imposes upon the States, with regard to Indians, having disposed of the indirect restriction growing out of the power conferred on Congress to regulate commerce with the Indian tribes. It is this, that in making up their representative numbers, the several States shall not include "Indians not taxed." If the States only possessed such powers as had been conferred upon them by the Constitution, it would be an irresistible inference, from the terms of this restriction, that the States may include, in their representative numbers, Indians who are taxed, and of consequence that they may tax them for that purpose. But the rule of interpreting the Constitution is this, and it is emphatically established by the tenth amendment: "That the respective States retain every power which they have neither delegated to the Federal Government, nor prohibited to themselves." They have not done the one or the other with regard to the government of the Indians; they have conferred the same commercial power, and no more, in the one case as the other; they have the right to tax white men, and they have an equal right to tax Indians; and the Constitution places taxed white men and taxed Indians on the same footing of Federal enumeration. Will the honorable gentleman from Massachusetts, or any other gentleman, inform this House whether, at the formation of the Federal Constitution, there was one taxed Indian in the United States? I have not yet learned that there was *one;* and if not, it goes most strongly to support my argument on the subject. So far as I know or believe, the first serious attempt that was persevered in, which has ever been made to interfere with the territorial rights or jurisdiction of Georgia with respect to Indians within her limits, was made by the immediate successor of General Washington, for what cause, I know not, unless it was that she gave her electoral vote, in 1796, to Thomas Jefferson; and attempts of a similar character were revived, and attempted to be inforced upon her in 1825, by the then President of the United States. Georgia then stood in a similar attitude, having given her presidential vote in 1824, and her vote in this House in 1825, in favor of another individual, one of her own distinguished sons. I have shown, by reference to the legislative and historical memorials of this country, that the several States in nowise impaired or restricted their jurisdiction over Indians by the adoption of the Federal Constitution, than they impaired and restricted their jurisdiction over any other description of persons within their several limits; and that a large number of them, so large as to establish the *rule* under the Constitution, have continued to exercise unlimited and undisturbed authority over them, while attempts have been made, (for what purpose I shall not here inquire,) to make Georgia an *exception* to that rule.

Notwithstanding the attempts which have been made from time to time to interfere with the jurisdiction of Georgia over the Indians within her limits, she has not ceased to claim, until finally she has been permitted, without further molestation, to exercise her unquestionable right.

In 1796 it is well known that the United States, by commissioners, entered into what was called the treaty of Colerain, with the Creek Indians; but it may not be equally well known that the State of Georgia appropriated money to defray the expenses of that treaty, and for carrying its provisions into effect, (as will be seen by the act of her Legislature passed in the year 1796,) to an amount exceeding $35,000.

It may not be generally known that the commissioners who negotiated that treaty entered into stipulations with the Indians, which were derogatory to the territorial rights and jurisdiction of Georgia; that the Legislature of Georgia protested most solemnly against those stipulations, and that upon its ratification the Senate of the United States expressly excepted and reserved to Georgia her claim of territorial right and jurisdiction; yet such were the facts.

From the date of the treaty of Colerain, and the protest of Georgia, and the recognition of the principles of that protest by the Senate, no new occasion is believed to have occurred to produce collision between Georgia and this Government until the year 1825. But, as formerly hinted, very soon after the first President of office, his successor turned his eye to the wild lands of Georgia, and although the southern boundary of the United States had been settled by the treaty of San Lo-

renzo El Real, according to the southern boundary of Georgia, as defined in the proclamation of George the Third, in 1763, and reaffirmed in the preliminary articles of peace with Great Britain in 1782, and finally, by the definitive treaty with that Power in 1783, within a short period after the conclusion of the treaty with Spain, by which the question had been thus settled, the then President of the United States recommended, and Congress passed acts, creating a territorial government within the limits of Georgia. That President was a distinguished citizen of Massachusetts, and not unknown to the member who now arraigns the conduct of Georgia in terms of such unmeasured condemnation. Why did not the same President recommend the establishment of a territorial government upon the wild lands of Massachusetts, now within the State of Maine? The southern boundary of the Union was settled according to the chartered limits of Georgia, and the northern and northeastern boundary, in conformity with the original charters of the colonies there situated, now members of the Union. What better right could exist for usurping and tyrannizing over Georgia than the rest, it cannot be possible for the human mind to conceive. This outrageous and unjust oppression of Georgia was finally settled and disposed of by her compact with the United States in 1802. I will here, sir, once for all, before going further with any other branch of my inquiry, show the ground upon which that compact placed the relations of the United States and Georgia. By it Georgia yielded no right previously asserted or exercised by her, but she acquired from the United States the obligation on their part, on certain conditions, to remove the Indians from within her limits. It is worthy of remark, that the subject of that compact was the transfer by Georgia of a large portion of her southern territory to the United States.

It should be further observed, that the intercourse law, as it has been generally termed, which in its provisions exempted the Indians in all the States which had claimed or exercised jurisdiction over them, from its operation, except in North Carolina and Georgia, was passed on the 30th of March, 1802, and that the compact with Georgia was entered into on the 24th of April, 1802—twenty-five days afterwards. Why the intercourse law should, by its provisions, have exempted the Indians in a large number of States from its operation, without giving to the two States mentioned the same exemption, it is not necessary to inquire, nor can it be explained upon any just principle. This is the act by which most or all the attempts to deprive the State of Georgia of her rightful jurisdiction over all the soil and all the people within her limits, have been justified.

The compact between the United States and Georgia was entered into *after* the passage of the act regulating trade and intercourse with the Indian tribes, as I have already shown, and if it contains anything incompatible with that compact, leaving any constitutional question out of view, it must so far repeal that act.

By the compact, as has been already stated, Georgia ceded to the United States "all the right, title, and claim which the said State has to the jurisdiction and soil of the land situated," &c., describing the land thus ceded to the United States. "The United States accept the cession 'above mentioned, and on the conditions therein 'expressed; and they cede to the State of Georgia 'whatever claim, right, or title they may have 'to the jurisdiction or soil of any lands," &c., describing the lands which Georgia reserved to herself. Can plain, practical common sense discern the slightest difference between the respective stipulations of the parties? It would be impossible. How, then, does it happen, when the United States, from the day this compact was ratified by the Legislature of Georgia, in June, 1802, have been in undisturbed possession and enjoyment of "soil and jurisdiction," as ceded by Georgia, and have actually erected two States thereon, and Georgia shall not have and exercise the "soil and jurisdiction" ceded to her, particularly as the terms of the cession from the United States are so broad, and the designation of the country so general in its terms, as to embrace the whole territory of Georgia? From the period just mentioned, I do not now remember that Georgia had any difficulty with the Indians, or their white champions, until the year 1825, except their hostility during the late war with Great Britain.

Cessions of land were obtained from time to time by the United States, from the Creek and Cherokee Indians, in compliance with the obligations of the United States to Georgia; and however irregular her government might have thought it to form treaties with Indian tribes, as they were made in fulfillment of obligations to herself, she did not throw any obstructions in their way on account of the mode in which the General Government might fulfill its stipulations with her. Taking the subject as much as I can in chronological order, it may be most proper for me here to repel a portion of the charge made by the member from Massachusetts. That member would have it believed, that the course of Georgia towards the Indians within her limits has been uniformly cruel and unjust. Sir, the Indians themselves, and the archives of this Government, prove the contrary. So early as the year 1790, the Creek Indians, by the treaty of New York, stipulated to return to the State of Georgia its citizens who had been carried prisoners into their nation, and the property which they had taken from the people of Georgia. In 1796, by the treaty of Colerain, they again bound themselves to restore prisoners and property which they had carried away from Georgia. By the treaty of Fort Wilkinson, in 1802, they appropriated $5,000 for the indemnification of citizens of Georgia, upon whom their people had committed depredations subsequent to the treaty of Colerain, in 1796. More than this. So far from war with them having been provoked by the people of Georgia between 1790 and 1796, the history of the time shows that Georgia was not in a condition to have provoked it—that President Washington ordered the Governor of South Carolina to aid in the defense of Georgia, if it should be necessary, as it was certainly believed to be, or no such orders would have been given. In truth, and in fact, it was but part of that general Indian war which involved so much, if not all our western frontier, and which was brought to a conclusion mainly by Wayne's victory at the Falls of Miami, in August, 1794. It is unnecessary to dwell on the treaties made with the Creeks and Cherokees, between 1802 and 1821 It is important to give a passing notice to this latter treaty, inasmuch as it recognized the justice of the claims of the people of Georgia for indemnification of the losses sustained by the incursions of the Creek Indians previous to the 30th of March, 1802, and provided the sum of $250,000 for their payment, without interest. But that sum was considerably less than the aggregate of losses actually sustained by the people of Georgia, at the hands of the Creek Indians. I have no doubt that, if all the just claims could be paid, with interest, from the time the depredations were committed, the aggregate would not fall short of $1,000,000. If I have shown a voluntary acknowledgment by the Creek Indians, so late as 1821, of a debt due the citizens of Georgia, for spoliations committed upon them by those Indians, prior to 1802, I think the charge of the member from Massachusetts is fully answered and overthrown, down to that period.

I will now examine a portion of the history of this subject, in which the honorable member may feel a deeper interest than in any portion of the long and uninteresting detail which I have felt it my duty to offer to the House, for the full and perfect illustration of the subject: I speak of the treaty concluded by commissioners of the United States with the Creek Indians, at the Indian Spring, in February, 1825, and ratified early in the month of March, thereafter. This treaty had the singular fortune to be communicated to the Senate by Mr. Monroe, and officially promulgated after its ratification by his successor. I presume it is in reference to this treaty that the honorable gentleman says of Georgia: "She bade defiance to the authority of the Government of the nation; she nullified your laws; she set at naught your executive and judicial guardians of the common Constitution of the land." Sir, I have shown that, in all she has done in reference to Indians, Georgia has kept herself within the pale of the "common Constitution of the land," as the same has been understood or acted upon by a large majority, indeed, nearly all her sister States, with whom she concurred in its establishment; and the facts and arguments which I have presented entirely overthrow the unsustained assertion even of an ex-President of the United States. But to return to the treaty. By the second article of that treaty, among other things, there is this stipulation: "The 'United States agree to pay to the nation emigra- 'ting from the lands therein ceded the sum of '$400,000; of which amount there shall be paid to 'the said party of the second part, [the Indians,] 'as soon as practicable after the ratification of this 'treaty, the sum of $200,000." And it was further stipulated, in the fifth article, "at the particular 'request of the said parties of the second part, that 'the payment and disbursement of the first sum 'herein provided for shall be made by the present 'commissioners negotiating this treaty." The necessary appropriation was made at the same session of Congress at which the treaty was ratified, to carry it into effect. In compliance with the provision of the treaty requiring the sum of $200,000 to be paid "*as soon as practicable after the ratification of this treaty*," and to be paid by the "commissioners negotiating it," that sum was placed in the hands of Duncan G. Campbell and James Merriwether, the commissioners, to be paid over according to the provisions of the treaty. As the cession of land obtained by the treaty was for the use, benefit, and occupancy of the people of Georgia, the Governor of that State issued his proclamation, on the 22d of the same month, (of March,) "warning all persons, citi- 'zens of Georgia, or others, against trespassing 'or intruding upon the lands occupied by the In- 'dians within the limits of this State," although the treaty surrendered all the lands claimed by the Creeks within the limits of Georgia. On the 18th of April, 1825, Governor Troup issued his proclamation, convening the Legislature to take into consideration the disposal of the lands acquired by the then late treaty with the Creek Indians. The Legislature convened on the 23d of May thereafter, and within a few days passed an act disposing of the acquired territory by lottery, the mode of distribution which had been pursued for more than twenty years.

This act did not authorize the immediate occupancy of the lands, but provided for its survey at an early period. Was there a subsisting treaty with the Creek Indians to all the lands then occupied by them within the limits of Georgia? There was, as I have already shown, and money appropriated and placed in the hands of the commissioners for making payment of the first installment stipulated by it. Who, then, nullified the treaty? Georgia, by her act to survey the land and draw a lottery for it, when the consummation of that treaty made the land the rightful property of her citizens? Certainly not. Who then was the nullifier? The then President of the United States—for it was he who arrested this treaty, this supreme law of the land, on his mere motion, his own will and pleasure—and not the government or people of Georgia. The Constitution makes all treaties a portion of the supreme law of the land, with which the President of the United States has nothing to do but to execute them. But, as I have said, the President of the United States did arrest the operation of the treaty of 1825, by arbitrarily withdrawing from the commissioners the money which had been appropriated by Congress, and placed in their hands to be paid over "as soon as practicable," under the provisions of the treaty. It matters not what was the pretext for so doing; the act was done, and done for the purpose of arresting the operation of a supreme law of the land. I again say, that in the contest which occurred between the government of Georgia and the Executive of the United States, in 1825, and what grew out of it, John Quincy Adams, the then President of the United States, was the nullifier, and that the authorities of Georgia were only struggling to sustain a "supreme law of the land." I know that this course has its attempted justification of fraud

or irregularity in the making of the treaty referred to, but I also know that a President of the United States must execute the law as he finds it, allowing to him a just exercise of his judgment whether it violates the Federal Constitution. I very well remember the principal incidents of a public nature which occurred at the time referred to, and within the following years of the presidential term of the then Chief Magistrate. The plea of fraud was set up to cover his nullification, under which he attempts to justify his charges against Georgia. I will inquire into some of the incidents connected with the *honest* treaty concluded by him with a Creek delegation at this place early in the year 1826, and ratified on the 24th of April of that year. But before proceeding, permit me to remark that the land acquired by the treaty of 1825 passed immediately to Georgia, and that she had a perfect right to adopt her own legislation over her own property, subject only to the temporary occupancy secured by the treaty to the Indians. The treaty of 1826 was ratified on the 24th of April, and the day after, the members of the *honest* delegation called on the Secretary of War to make arrangements to distribute the amount stipulated by the treaty to be paid to the chiefs, head-men, and warriors of the Creek nation—namely, the sum of $217,000. They presented a catalogue whereby it was proposed to divide of that sum, among twenty-one Creeks and three Cherokees, $159,700. The Secretary *advised* them not to make such distribution, but adopted no measure to prevent it.

In the progress through Congress of the bill for carrying the treaty into effect, the fact was communicated to a Senator that twenty-one Creeks and three Cherokees were known to intend to divide among themselves the sum I have just mentioned. In consequence of such information, the Senate amended the bill so as to require the payment of the $217,000 in full council of the nation, upon the certain calculation that the fraud *here* made known, would be *there* prevented.

But, strange as it may appear, I have been informed, and upon evidence entitled to undoubted credit, that this honest delegation, with which the then President negotiated his treaty of 1826, adding two others to their list, did actually divide, between twenty-three Creeks and three Cherokees, the latter receiving an aggregate of $40,000, one hundred and sixty-seven thousand eight hundred dollars, of two hundred and seventeen thousand to be distributed between the chiefs, headmen, and warriors of the Creek nation. It is not wonderful that the sensibility which arrested a supreme law of the land in 1825 on *suspicion* of fraud, should have permitted a transaction subject to his own official supervision to be stamped by such indelible *evidence* of the same in 1826? If further proof be necessary to establish the readiness of Georgia to abide by the decision of Congress and her co-States, it will be found in the memorial and remonstrance adopted by her Legislature in December, 1826, upon this subject.

This remonstrance was intended to set forth the causes which had disturbed the harmony previously existing between the State of Georgia and the Executive of the Union, from the time the President of the United States, of his own will and accord, nullified the treaty concluded at the Indian Spring in February, 1825. It was nothing more nor less than the appeal to Congress and the other States against the arbitrary conduct of the Chief Magistrate of the Union. In proof of the spirit from which it sprang, it is only necessary to make a few references to its preamble, in which it will be found that the whole subject in controversy was submitted to Congress and the other States of the Confederacy. The memorial distinctly states, that "in the good feeling 'and sincerity of the States, we have the most 'undoubted confidence—in the integrity of pur-'pose, honesty of motive, and fidelity of service 'of the National Legislature, we cannot feel one 'distrustful emotion. Before that body we believe 'we can be respectfully heard, and to that we as 'firmly believe the crisis has arrived when it 'becomes necessary to prefer a solemn appeal." Again, after enumerating the causes of complaint against the *Executive alone*, the memorial uses this forcible language: "It is a matter of anxious 'and fearful contemplation, what must be the 'result of this collision, if we fail to enlist the 'well-known justice and prudence of that part 'of the General Government to which we have 'now been compelled reluctantly to appeal." "We cannot but trust that the authority (Con-'gress and the States) to which we have now 'referred these unhappy differences, will duly 'appreciate the motive as well as the object of 'this appeal. Our reliance is on the wisdom and 'justice of the nation." "We want nothing 'that does not fairly belong to the State sover-'eignties. To whatever our sister States will 'submit, in that we must acquiesce. If they would 'be contented with the treatment Georgia has 'received, and will come out with a public decla-'ration of the fact, from that moment our com-'plaints are hushed. We threaten no conse-'quences; it would be idle and vain to do so." The memorial concludes with the following resolutions:

"*Resolved*, That a separate copy of this report, with the documents necessary to support the facts therein detailed, be forwarded by his Excellency the Governor to our Senators and Representatives in Congress, to be by them respectfully presented to each branch of Congress, with a request that they use their best exertions to have redressed the grievances of this State in the various particulars to which this report has reference; and for the future harmony of the States, to request of that body to make an explicit declaration of the rights that belong to the National Government, and those which belong to the State of Georgia, (and consequently to the other States,) resulting from the immediate difference of opinion specially enumerated in the foregoing report.

"*Resolved*, That his Excellency the Governor be requested to forward also a copy of this report and documents to the Governor of each State in the Union, with an earnest and respectful request that he lay the same before the Legislature of his State, and they are hereby most affectionately and respectfully solicited to express to this State whether they are prepared to admit the foregoing principles, and the powers growing out of them, as belonging to the General Government, and whether *Georgia is bound, and must submit to the treatment which she conceives she has most wrongfully sustained at the hands of the* EXECUTIVE DEPARTMENT *of the General Government.*"

From the references which I have made to the memorial of Georgia in 1826, it is manifest that it breathes anything but defiance and contumacy towards the GOVERNMENT of the Union, unless a nullifying Chief Magistrate alone constituted that Government. In what stronger terms of confidence and affection could the Legislature of Georgia have appealed to the wisdom and justice of Congress, than by "requesting that body to make 'an explicit declaration of the rights that belong to 'the National Government and those which belong 'to Georgia, (and consequently the other States?")" Or how could she have more strongly expressed her readiness to abide by the decision asked, both from Congress and the States, than by pledging herself that "to whatever her sister States would 'submit, in that she would acquiesce; and if they 'would declare that they would be contented with 'the treatment Georgia had received, from that mo-'ment her complaints would be hushed;" distinctly stating that she "threatened no consequences, for it would be vain and idle to do so." Upon the examination which I have made of the allegations of the honorable gentleman, so far as his charges have reference to the collision between Georgia and himself, as Chief Magistrate of the Union, I know of no other illustration of his accusations so appropriate within the whole range of fact or fable, as the quarrel fastened by the wolf upon the lamb for polluting the stream by drinking from it below him. Georgia voted against him in her electoral college in 1824, and in this House in 1825, and held up his arbitrary conduct towards her in the years 1825, 1826, and 1827 to the just indignation of the American people; and it seems that he has not yet forgiven her for the one or the other, or he might have spared himself and this House the gratuitous denunciations he has leveled against her.

Believing that I have sufficiently shown that the President of the United States, and not the government or people of Georgia, nullified the treaty made at the Indian Spring in 1825, I will next proceed to show how stands the accusation of the honorable gentleman respecting the conflict between the State of Georgia and the Supreme Court of the United States; and first, with respect to the Indians:

At the January term (1831) of the Supreme Court of the United States, the Cherokee nation, by their counsel, moved that court for an injunction against the State of Georgia, to restrain and enjoin her from the inforcement of certain acts of her Legislature, upon various grounds, the most material of which, for the present inquiry, it is believed, are embraced within certain portions of the statement of the case as reported in 6 Peters, to which the attention of the House is invited. Among other things, the bill proceeds to state, "that, in violation of these treaties, of 'the Constitution of the United States, and of 'the act of Congress of 1802, the State of Geor-'gia, at a session of her Legislature, held in De-'cember, 1828, passed an act, which received the 'assent of the Governor of that State on the 'twentieth day of that month and year, entitled, ''An act to add the territory lying within this 'State, and occupied by the Cherokee Indians, to 'the counties of Carroll, De Kalb, Gwinnett, 'Hall, and Habersham, and to extend the laws 'of this State over the same, and for other pur-'poses.' That afterwards, to wit, in the year '1829, the Legislature of the said State of Geor-'gia passed another act, which received the assent 'of the Governor on the 19th of December of 'that year, entitled, 'An act to add the territory 'lying within the chartered limits of Georgia, 'now in the occupancy of the Cherokee Indians, 'to the counties of Carroll, De Kalb, Gwinnett, 'Hall, and Habersham, and to extend the laws 'of this State over the same, and to annul all 'laws and ordinances made by the Cherokee na-'tion of Indians, and to provide for the compen-'sation of officers serving legal processes in said 'territory, and to regulate the testimony of In-'dians, and to repeal the ninth section of the act 'of 1828 on this subject.'" The bill also refers to the act of Congress of 1830, and to the acts of the Legislature of Georgia, passed in 1830, "to authorize the survey and disposition of lands within the limits of Georgia, in the occupancy of the Cherokee Indians," &c.; "an act to declare void all contracts hereafter made with the Cherokee Indians," &c.; "an act to provide for 'the temporary disposal of the improvements and 'possessions purchased from certain Cherokee 'Indians and residents;" and sundry other acts passed by the Legislature of Georgia relative to the country occupied by the Cherokee Indians. In short, it passed in review before the court all the acts of jurisdiction which had been exercised by Georgia over them up to that period.

In delivering the opinion of the Court, Chief Justice Marshall observes: "The court has be-'stowed its best attention on this question, and, 'after mature deliberation, the majority is of the 'opinion that an Indian tribe or nation within the 'United States is not a foreign State in the sense 'of the Constitution, and cannot maintain an ac-'tion in the courts of the United States." * * * "A serious additional objection exists to the ju-'risdiction of the court. Is the matter of the bill 'the proper subject for inquiry and decision? It 'seeks to restrain a State from the forcible exer-'cise of legislative power over a neighboring peo-'ple asserting their independence, their right to 'which the State denies. On the several matters 'alleged in the bill, (for example, on the laws 'making it criminal to exercise the usual powers 'of self-government in their own country by the 'Cherokee nation,) this court cannot interpose, 'at least in the form in which these matters are 'presented." In reference to the jurisdiction of Georgia over the possession of lands by the Cherokees, Chief Justice Marshall says: "The mere 'question of *right* might, perhaps, be decided by 'this court in a proper case with proper parties; 'but the court is asked to do more than to decide 'on the title. The bill requires us to control the 'legislation of Georgia, and to restrain the exer-'cise of its physical force. The propriety of such 'an interposition of the court may well be ques-'tioned. It savors too much of the exercise of 'political power to be within the proper province 'of the judicial department" In the closing paragraph of the opinion of the court, it is observed: "If it be true that the Cherokee nation have 'rights this is not the tribunal in which these 'rights are to be asserted. If it be true that

'wrongs have been inflicted, and that still greater 'are to be apprehended, this is not the tribunal 'which can redress the past or prevent the 'future."

"The motion for an injunction is denied."

In addition to the portions of the decision just quoted, in which the court most emphatically disclaims jurisdiction over any and all the matters brought before it by the bill, it should be remembered that it decided also, that Indian tribes are not foreign nations within the meaning of the Constitution; and, as a consequence, I assert, without the fear of successful denial, that no treaties, in the constitutional sense of that term, could ever have been made by them. Further, the court declares, "The Indian territory is admitted to compose a part of the United States." Here, let me ask, by what means the United States ever acquired territory as an independent community or Government? Originally there was no territory of the United States, in this sense of the term; nor is there now any such territory, but what has been acquired by the voluntary relinquishment of the States, or purchase from foreign nations. Therefore the claim on the part of the United States, of exclusive authority over them and *the territory of the United States* occupied by them, gives to the United States no such jurisdiction over Indians residing on the territory of any State of this Union. Consequently, on these and other grounds, the Government of the United States can set up no such jurisdiction within the limits of Georgia. Further, the court distinctly intimates that the proper tribunal for the redress of wrongs which have been either already inflicted, or apprehended for the future, is either the legislative or executive department of the Government, neither of which arraigns the conduct of Georgia, nor attempts to control it in any way whatever.

Thus it is seen, that the Supreme Court, upon solemn argument on all complaints on the part of the Cherokee Indians against the State of Georgia, disclaim all jurisdiction over the subject. But notwithstanding this disclaimer, it may, and perhaps will be asserted, that, although the court did, in that case, distinctly admit its want of jurisdiction, Georgia had defied its authority, in the cases of Tassels in 1830, and Graves in 1834, both Cherokee cases. What were the facts of these cases? They were tried in the superior courts of Georgia, in the same manner in which her own citizens are tried before the same tribunals, upon the charge of murder, and that the murder of men of their own race. Each was convicted and sentenced to death, in conformity to the criminal laws of Georgia. What then? A citation was issued in each case, bearing the sign manual of a judge of the Supreme Court, requiring the proceedings to be sent up to that court for revival and correction. The convicted murderers were sentenced to be executed, in each case, at a period anterior to the next succeeding term of the Supreme Court; but, in both instances, at days so distant as to give them the benefit of an application to the clemency of the Legislature of Georgia. That clemency was not exercised, and they were executed in conformity to their respective sentences. For this, Georgia has been charged with contumacy towards the Supreme Court of the United States, because her authorities did not suspend the execution of murderers, in obedience to the citation of a judge of the Supreme Court. What, then, is a citation, according to the definition of Chief Justice Marshall himself? We shall see, by referring to the opinion delivered by him, in the case of Cohens *vs.* Virginia.

In that opinion it became necessary for the Court to inquire into the nature and operation of a citation, of which so much has been heard since the State of Georgia disregarded it in the cases of Tassels and Graves. Chief Justice Marshall asks, "And what is a citation? It is simply no-'tice to the opposite party that the record is 'transferred to another court, where he may ap-'pear, or decline to appear, as his judgment or 'inclination may determine. As the party who 'has obtained the judgment is out of court, and 'may therefore not know that his cause is re-'moved, common justice requires that notice of 'the fact should be given to him. But this no-'tice is not a suit, nor has it the effect of process. 'If the party does not choose to appear, he can-'not be brought into court, nor is his failure to 'appear considered as a default." I have thus brought before the committee the Cherokee chancery case of 1831, and the citations in the cases of Tassel and Graves.

In the first, the Supreme Court of the United States disclaimed jurisdiction over any of the numerous allegations of the bill—allegations embracing every ground of contest between the Cherokees and Georgia. In the latter, according to Chief Justice Marshall himself, the citation is a mere notice, which an individual party may regard or disregard at his own good pleasure. If, therefore, an individual is not bound to take notice of a "citation," and demean himself accordingly, what possible obligation could exist on the part of Georgia to obey it? It is nonsense to say she was under any such obligation. I have thus traveled over the charge of defiance of the Supreme Court by Georgia, so far as the Indians are concerned, and shown, that in the case in which judgment has been pronounced, it is not adverse to Georgia; and, with regard to the "citations," they impose upon her no obligation, either of respect or obedience, whatever.

And now I am prepared to assert that the State of Georgia is free from all the allegations preferred against her by the honorable gentleman, as it regards the Indians. I have shown that, with respect to the Creek treaty of 1825, the President of the United States was the nullifier, and not the Government or the people of Georgia; and, in reference to the Cherokees, that if the treaty existed previous to 1802, which bound the United States to protect, and Georgia to forbear, the exercise of authority over them, these treaties were abrogated by the Government of the United States by the compact entered into with Georgia on the 24th of April, 1802, surrendering to her all claim to soil and jurisdiction within the limits reserved to that State; and that the law passed on the 30th of March preceding, regulating intercourse with the Indians, was alike abrogated by that compact. Of the treaties, so called, which have been entered into with the Cherokees since 1802, they could not rightfully embrace anything at war with the compact of 1802, and in that sense only have they been acquiesced in by Georgia.

If the United States have wronged the Cherokees by their obligation to Georgia under the compact of 1802, it is their duty to do them justice; and in all proper measures to be taken here, for that purpose, the Senators and Representatives of Georgia will be behind no others in awarding to them whatever justice and equity demand, in a manner the most ample and complete. I might have shown that, according to the principles laid down by the Chief Justice, in the Cherokee chancery case, an Indian tribe could not make a treaty; but I do not now consider that discussion necessary.

Having disposed, at least for the present, of the allegations of the honorable gentleman against Georgia, as regards her Indian relations, I will now proceed to consider the remaining charge of misconduct towards the missionaries. And here I might contrast the conduct of the original ministers of the Gospel with that of the individuals on whose account such grave charges have been preferred against the State of Georgia. But, as I have been constrained to occupy so much of the time of the House, and, as I doubt not, but little to their edification, I will proceed as rapidly as I can to the conclusion of my subject. As will appear by reference to the decision of the Cherokee chancery case already referred to, it will be remembered, that the Legislature of Georgia commenced its legislation over the territory occupied by the Cherokees in 1828, and repeated it in 1829 and in 1830, all which acts were brought in review before the court, so far as they related to Indians and Indian lands, in the course of that decision; and the prayer of the bill, that the court would enjoin and restrain the jurisdiction of Georgia, was rejected on the whole ground taken by the complainants. Why, within one year thereafter, the same court should have taken upon itself to increase the political power it so distinctly claimed in the Cherokee case in 1831, might be an interesting topic of inquiry, if time would permit. Nor does it seem difficult to refer the motive to the same cause which enlisted every available influence, pecuniary and otherwise, in the then pending presidential election. But I will forbear its discussion.

The last act of the Legislature to which I have referred, the act of the 22d December, 1830, contained the following provisions: "That all white 'persons residing within the limits of the Cher-'okee nation, on the first day of March next, or 'at any time thereafter, without a license or permit 'from his excellency the Governor, or from such 'agent as his Excellency shall authorize to grant 'such permit or license, and who shall not have 'taken the oath hereinafter required, shall be 'guilty of a high misdemeanor, and, upon con-'viction thereof, shall be punished by confine-'ment to the penitentiary at hard labor for a term 'not less than four years: *Provided*, That the 'provisions of this section shall not be construed 'to extend to any authorized agent or agents of the 'Government of the United States, or of this State, 'or to any person or persons who may rent any 'of those improvements which have been aban-'doned by Indians who have emigrated west of 'the Mississippi: *Provided*, Nothing contained 'in this section shall be so construed as to ex-'tend to white females, and to male children 'under twenty-one years of age." The oath pre-'cribed is in these words: "I, A B, do solemnly 'swear [or affirm, as the case may be,] that I 'will support and defend the constitution of the 'State of Georgia, and uprightly demean myself 'as a citizen thereof: so help me God." At September term of Gwinnett Superior Court, (1831,) Samuel A. Worcester, E. Butler, and others, were indicted for living in the country occupied by the Cherokees in contravention of the laws of Georgia referred to, found guilty, and sentenced to the penitentiary of Georgia, there to remain at hard labor for the term of four years. And in the October following, the judgment against Worcester was taken up, by citation, to the Supreme Court of the United States.

I may be once more permitted to express my astonishment that the same tribunal which, in the spring of 1831, should have confessed itself powerless to interfere with, or in any manner to restrain the jurisdiction of Georgia over Indians in the country occupied by the Cherokees, should so soon, at its next annual term, find itself fully competent to restrain that jurisdiction over its own white citizens residing within the same territory, so as entirely to oust the State of all right and power whatsoever over them. The country was the same; and the enactments are contained in one of the very laws of Georgia brought in review before the court in 1831. The laws and treaties, so called, upon which the court relied in both cases, were the same, with this remarkable difference in favor of the former, that neither the commercial power claimed by the United States, nor any of the treaties, contain any principle applicable to any other description of persons but Indians, except that description of white persons expressly exempted by the act of 1830 itself from its operations—persons exercising an agency, or otherwise permitted by the United States to reside among the Indians.

The honorable gentleman has asserted that the missionaries were residing among the Cherokees by the permission of the Government. This I most peremptorily deny, upon the well-settled legal principle that what does not appear does not exist. The law of Georgia under which they were prosecuted excepted from its operation all such white men as were residing among the Cherokees by permission of the Government of the United States. Upon their trial they were entitled to the benefit of testimony going to establish the fact of such permission, and they did not produce it; therefore I deny the existence of such permission. Whatever the honorable gentleman may think of their Christian meekness and piety, it would not have carried them so far as to court conviction and four years' hard labor in the penitentiary, if the production of a certificate would have prevented it; and the production of such certificate would have secured that acquittal instantly. Further, if they would have taken the oath to demean them-

selves in an orderly manner as citizens of Georgia, the prosecution would have been instantly ended. The authorities of Georgia, so far from desiring to prosecute and punish them, were exceedingly anxious to avoid it; and even after their conviction and arrival at the penitentiary, if they would have acknowledged the jurisdiction of Georgia, or consented to leave the country where they resided, they would have been discharged. Nor were they left to make the offer themselves; the most earnest endeavors were made to induce them to accept the one or the other of these alternatives; but they were then refused, when some months thereafter they were liberated upon one or the other of the conditions which I have mentioned.

The honorable gentleman has stated that these missionaries were oppressed by the government of Georgia for preaching the gospel to the Indians. This allegation has not the shadow of a foundation to rest upon. There is no reference whatever to the object or pursuit of white men living among the Cherokees. All that was required of them was an oath to demean themselves as orderly citizens of Georgia. There were other citizens of Georgia residing in that country upon whom the laws of the State were operating. It might be curious to inquire why the Supreme Court did not arrogate exclusive jurisdiction over them also. These were citizens who, by virtue of the opinion of the Attorney General of the United States, had rented from the State of Georgia the improvements which had been abandoned by Cherokees who had been paid for them under the treaty concluded with them by the honorable gentleman in 1828, and had emigrated west of the Mississippi. If these citizens were subject to the laws of Georgia, and even the subtlety of the Supreme Court could not so twist them as to make its Indian law applicable to them, it may well be asked why it possessed exclusive jurisdiction over one citizen of Georgia, and a restricted Federal jurisdiction over another? The court did indeed resort to what doubtless seemed to it to be an unanswerable argument to sustain its jurisdiction—that Worcester was a citizen of Vermont; and this in the face of the fact that by the eleventh amendment to the Constitution, it is expressly ousted of jurisdiction in suits at the instance of one State against another State. What constitutes a citizen of a particular State? Being a citizen of the United States, and having a permanent residence in such State. I know no other way in which a citizen of a State can be more properly defined. Worcester was a citizen of the United States, and had a permanent residence in Georgia, and was therefore the citizen of Georgia. Will the court, or its advocates here or elsewhere, say that he was not a citizen of the United States, and a permanent resident within the limits of Georgia? The limits defined both by her own constitution of 1798 and the compact entered into with her by the United States on the 24th day of April, 1802. I desire an answer without any equivocation or mental reservation whatever, and pronounce the assertion of his citizenship in Georgia as wholly undeniable. He had no residence in Vermont, and could not be her citizen; he had a fixed, permanent residence in Georgia, and was, therefore, undeniably hers; and yet the Supreme Court, to enable it to carry out its usurpation toward Georgia, assume that a man living more than a thousand miles from Vermont, permanently settled in Georgia, was the citizen of the former and not of the latter State. The immediate motive of this assumption is obvious. As the question before the court touched the jurisdiction of Georgia over a portion of country within her own limits, the admission that the individual concerned was her citizen would have deprived it of the pretext of deciding against her. Finally, as relates to the case of the missionaries, let it be remembered that the Legislature of Georgia passed the act under which they were convicted in December, 1830; that but a few months thereafter the Supreme Court admitted her jurisdiction over the country in question and its Indian inhabitants, by disclaiming any power on its part to repress or restrain it; that in 1832 the same court assumed the power of protecting a citizen of Georgia from the operation of her laws within the same territory in which it had, but one year before, distinctly disclaimed any authority to interfere with that jurisdiction; and I will fearlessly submit it to every impartial judgment to decide which has been the nullifier, the Supreme Court of the United States, or Georgia. Georgia had passed an act of ordinary legislation, and was engaged in its peaceful enforcement, when a decree of the Supreme Court, pronounced more than one year afterwards, upon an unwarrantable statement of facts, and upon a jurisdiction which it had disclaimed after the passage of the law of Georgia referred to, was the nullifier, and not Georgia. It was with the most unfeigned reluctance that I found it to be my duty again to enter into the stale and unprofitable discussion of the conduct of the government and people of Georgia towards the Indians. That duty I have performed to the best of my judgment and ability, and, as I trust, in no improper or unfriendly spirit towards the honorable gentleman from Massachusetts, or any other individual whatsoever. With that topic I have done, and, so far as my own will is concerned, take leave of it forever.

Before I resume my seat, I hope I may be permitted to make a few observations upon the most extraordinary speech made by an honorable member from Vermont [Mr. EVERETT] upon a kindred subject. I mean the extravagant sympathy expressed by him for an Indian tribe—the Seminoles—now at war with his own countrymen. Can it be possible that, in his ardent sympathy for a miserable tribe of savages, who have conducted the operations of the present war, wantonly provoked by themselves, with all the cruelty peculiar to their race, the member from Vermont could so far have forgotten the manly form and honorable bearing of Wiley Thompson, so long associated with him as a Representative from Georgia in the service of this House, as not to have remembered that he had fallen a victim to the scalping-knife? or have failed to remember the ruthless massacre of the ill-fated Dade and companions? I am sure, if a stranger, who had never heard of the lamented fate of those gallant men, had listened to the speech of that gentleman, he would have ascribed the most humane and gentle bearing to the Indians, and unmeasured and unmitigated cruelty to their adversaries. Certain I am, he could not have supposed that a Seminole had handled a rifle or scalping-knife against the white man for the last hundred years.

The honorable gentleman may luxuriate as he will in his Indian sympathies, but, for my part, if I believed that the spirits of the departed were ever permitted to revisit this nether world, I should fear, if I entertained sentiments like his, that they would visit upon me more appalling horror than the genius of Shakspeare has thrown around the apparition of Banquo at the feast of his murderer. Nor do I consider the remarks of that gentleman relative to our present war with the Seminoles alone reprehensible.

It is well known that much dissatisfaction exists on the part of a most influential individual of the Cherokee tribe towards the treaty, for the fulfillment of which we are now asked to provide. While I do not charge upon the honorable member from Vermont any desire to encourage the hostilities of the Indians, I feel very sure that the whole tenor of his remarks, at the time referred to, would not fail to be understood by an Indian as intended to palliate, if not to defend them. Nor do I consider the taunting manner in which the venerable gentleman from Massachusetts [Mr. ADAMS] has spoken of the various acts passed during the present session, appropriating money for the suppression of Indian hostilities, less unfortunate than those of the honorable gentleman from Vermont. Whatever is said in excuse or justification of the Indians in their barbarous conduct to our fellow-citizens, certainly cannot be calculated to restrain their hostilities; and there were, on the occasions referred to, individuals of that race in this city, and it may have been within hearing of their voices, entertaining no feelings of kindness to the Government or people, and capable, if so inclined, of spreading horror and destruction throughout the borders of more than one of the southern States. In defense of the plan of Indian emigration, by which the enlightened humanity and wise forecast of the present Administration of this Government has been so eminently distinguished, it may not be improper to make a very few brief observations.

When that Administration came into power, seven years ago, it found a partial system of Indian colonization west of the Mississippi in operation; partial, not in withholding its benefits from any tribe which might desire to enjoy them, but only inasmuch as it embraced but a portion of the tribes then residing east of the Mississippi. The principal of these were a portion of the Creeks and Cherokees, to which have been since added the Choctaws and Chickasaws, with numerous smaller bands, together with a treaty in 1832 contemplating the removal of the remaining and greater portion of the Creeks; and lately the treaty with the Cherokees, to provide for the fulfillment of which the present appropriation is asked at our hands. Within the last six or seven years, the policy of removing and colonizing the Indians in the States east of the Mississippi, to the westward of that river, in a region remote from the habitation of the white man, has been among the topics of universal and bitter discussion from one end of the Union to the other. Nor on any other subject has the course of General Jackson's administration been more violently or unjustly assailed. And here I take leave to say, that so far from Indian hostilities having been provoked, either by the negligence or injustice of that administration, they may, with much greater justice, be ascribed to the political philanthropy, so loudly and pharisaically displayed by its political opponents; and I will further say, that should war arise on the part of the Cherokees, the sin of it lies not at the door of this Administration, or its supporters.

It may not be amiss to inquire briefly into the history of Indian emigration west of the Mississippi. If I am not greatly mistaken, one of the motives which induced Mr. Jefferson to desire the annexation of Louisiana to the United States was the prospective removal of the eastern Indians to its remote and uninhabited regions. Certain it is that in January, 1809, when addressed by a Cherokee delegation on that subject, he encouraged their examination of the country high up on Arkansas and White rivers, and promised to aid them in their emigration to it, if they should desire to remove, after having explored it. It is believed that a portion of the tribe did emigrate to that country not long afterwards. Within the first year of Mr. Monroe's administration, the year 1819, a treaty was made with the whole tribe providing for the emigration of such portion as might wish to join their brethren west of the Mississippi; and if the terms of that treaty had not been materially changed by another entered into in the year 1819, there can be but little doubt that a much larger number would have done so. But it may be answered that so far the Government had not entered upon any general system upon this subject; and that, in the partial emigrations which had then taken place, it rather followed than attempted to lead the inclination of the Indians. However this may have been, the whole aspect of the question was changed by the special message communicated to Congress by Mr. Monroe, on the 27th of January, 1825, in which he stated that it had long occupied the attention of the Government, and recommended a general plan of Indian emigration and colonization west of the Mississippi, accompanied by an elaborate report of the Secretary of War on the subject. But a short period of Mr. Monroe's term of service then remained unexpired; but he did not go out of office until he had communicated to the Senate the treaty of the Indian Spring, of February of the same year, which provided, among other things, for an exchange of territory, and the removal of such of the Creek Indians as might desire it, beyond the Mississippi, and the operation of which treaty was arrested by his successor, in the manner I have already stated.

In 1826 an arrangement was made by the then Chief Magistrate for the removal of a portion of the Creeks to the west of the Mississippi; and in 1828, a treaty with the Cherokees of the West, which looked to the same object. Thus it appears that, although by the act of Congress passed

in May, 1830, and the treaties concluded with the Choctaws in 1830, with the Creeks in 1832, the Seminoles in 1834, and more recently with the Cherokees, and, within the same period, with many smaller bands, the scheme of Indian emigration and colonization west of the States and Territories beyond the Mississippi has been enlarged and systematized, its germ has a much earlier date, and the whole was recommended by Mr. Monroe, in 1825, while the honorable gentleman from Massachusetts was a distinguished member of his Cabinet. It might, therefore, on the score of time and the authority of high names, be considered worse than useless to explain or defend it.

As this is the last time that I propose ever to discuss this subject, I hope I may be permitted to present a few considerations, derived from experience and the nature of things, why this system is best both for the whites and the Indians, and especially for the latter. The races are as separate and distinct as color, character, and general condition could well make them; the one possessing the arts and knowledge of cultivated life, the other the rude, unpolished nature of the savage. The consequence might, therefore, be naturally expected, that it is impossible that they should constitute one community with anything like practical equality between them. Nor has experience in the slightest degree disappointed the deductions which a sound logic would have derived from these considerations.

I have been told, and am in no way disposed to doubt it, that for many years past the remnants of Indian tribes still lingering in most of the old States of this Union have been treated with kindness and humanity. But of what avail have been all the efforts of age to elevate their character and improve their condition? Alas! that character has continued to descend to the lowest depths of degradation, and that condition to unmitigated misery. Thus has it always been with the Indians, when surrounded by a white population; and thus it must always be, until the laws of nature and society shall undergo such change as can only be produced by the impress of the Deity. Nor can there be difficulty in explaining it. The poor Indian, (and in such condition he is indeed poor,) of inferior and degraded cast, associates with none of the white race, but such as are qualified to sink him into still deeper degradation. What, then, should be done to save the remnant from the moral pestilence which would inevitably await them, if relief and salvation shall be delayed until these causes shall be brought to operate upon them? There is no remedy but to remove them beyond the reach of the contamination which will surely come over them, if permitted to remain until they shall be surrounded by the causes to which I have adverted. By making the appropriation asked for in the bill now under consideration, you will not only save the Cherokees from the fate which has already befallen their kindred in nearly all the old States of the Union, but you will place them where they will only be safe from the evils I have so imperfectly pourtrayed, but will ensure that improvement and elevation of character as shall cause their posterity to raise up and call you blessed, and at the same time fulfill an obligation to one of the States of this Union, already deferred for more than a third of a century.

One word more, and I have done. We have heard much here and elsewhere of the conduct of Georgia towards the Indians. I shall not apologize, for she does not need it for any act of legislation of hers, either in its principles or regular application. The Cherokees drove her to the alternative of surrendering forever to a hostile and foreign Government a portion of her own territory, or extending her jurisdiction over it. In this extremity she adopted the course sanctioned by the example of all the original States of the Union. She determined to govern her own territory, and the people upon it, in her own way. Whatever of seeming severity may be found in her legislation on this subject, is the consequence of Cherokee defiance of her lawful authority, sanctioned and encouraged here and elsewhere by those whose sympathies are a thousand times stronger towards the Indian and African race than for the white man of the South, especially if he be a citizen of Georgia—by men who have but one short step to take to be found brandishing the tomahawk and scalping-knife in the ranks of the Indian.

WESTERN BOUNDARY OF ARKANSAS.

REMARKS OF HON. HORACE EVERETT,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

June 13, 1836,

On the Arkansas supplemental Bill—the question being on extending its western boundary, or the extinguishment of Indian title.

Mr. EVERETT said he desired to prevent any misapprehension as to the case of Missouri, alluded to by the gentleman from Tennessee, [Mr. HUNTSMAN.] If the remarks of the gentleman should be published, an incorrect impression would be made. The case of Missouri could not be quoted as a precedent for the case in this bill. The land proposed to be eventually annexed to Arkansas is now in the possession of the Cherokees, under the guarantee of a treaty, assigning it to them as their permanent home. But on the land eventually to be annexed to Missouri there is not a single Indian who has any claim to remain under any treaty. In 1834, the Committee on Indian Affairs, without having regard to any interest but that of the Indians themselves, excluded this territory from the Indian country; and on the ground that it would be unsafe to place them on this narrow slip, where they must of necessity be brought into frequent collision with the whites. The Missouri river is the natural outlet for the produce of the western part of Missouri. They would pass through it, unless prevented by force. No Indian tribe could there maintain the policy intended to be established in the Indian country—an exclusion of the whites. When it was settled that it should not be included in the Indian country, the only thing that could be done was to annex it to Missouri. The Indian title was to every purpose beneficent to the Indian—extinguished, but yet not absolutely. The land had been ceded by certain tribes for the use of such tribes as the President should locate thereon. All the tribes ceding it had been located elsewhere, except a remnant of the Iowas, which were about to join their tribe on a location out of this territory; so that all the Indian title remaining was this trust, that the land should remain for the use of such Indian nations as the President should locate thereon. It was now settled that no Indian would be located there. In 1834, when the report referred to was made, there was an unratified treaty ceding a part of this land to the Pottawatomies. In consequence, probably, of the report, that treaty was ratified on the condition that they should relinquish the land; which they did. An appropriation had been made the present session to extinguish the Indian title. He referred to the report of the Committee on Indian Affairs accompanying the Missouri bill, for a full explanation of the subject.

FORTIFICATION BILL.

REMARKS OF HON. R. BOON,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

June 15, 1836.

The subject then under consideration being the Fortification Bill—

Mr. BOON said that he had heard from a certain quarter, much of *self praise* from gentlemen who claimed for themselves the honor of being the only *faithful* "public sentinels" to watch the public Treasury and to guard against what they were pleased to call a wasteful expenditure of the money of the "dear people." Sir, (said Mr. B.,) all this may be well enough, and he would not dispute this point with gentlemen who might think proper to claim for themselves this honorable distinction. But he would say to those honorable gentlemen that there were *two* descriptions of "public sentinels." One description or character of "public sentinels" (said Mr. B.) are the advocates of *high taxes* being imposed upon the people for the purpose of enriching the *public Treasury*. The other description of "public sentinels" are those who guard the *pockets* and the *purse* of the people against the imposition of any higher or more tax than a sum sufficient only for a prudent and economical support of the Government under which we live. Sir, (said Mr. B.,) I profess to belong to this latter description of "public sentinels," having been placed upon the public watchtower, by a highly respectable and intelligent portion of the freemen of this nation. But we are told that some fifty or sixty millions of dollars over and above the wants of the Government, have been drawn from the pockets of the people, and locked up in the deposit banks, and that utter ruin to the country will follow, unless it should be speedily taken and distributed among the twenty-six *States* that now compose our Federal Union.

Now, if this vast sum of *surplus* revenue is really likely to produce the evil complained of, I ask to what political party, and to which description of "public sentinels," should the blame attach? Surely not to the friends of this Administration, for they have been the uniform advocates of *reducing* the taxes of the people to a standard of revenue sufficient only for the legitimate purposes of the Government. Sir, this has been, and still is, the policy advocated by this Administration and its friends; while, on the other hand, a system of *high taxes* has been advocated by those who have stood opposed to this Administration, and who now claim to be the only *faithful* "public sentinels" to guard with vigilance the money which they have been mainly instrumental in forcing from the pockets of the people, by an unjust and unequal and oppressive "*system*" of taxation. I allude, Mr. Chairman, to your *high tariff* laws and your public land laws. Sir, the day is not very far distant when the people, the *working men* of this country will *see* where the shoe pinches, as well as *feel* it, and will, as sure as we now live, apply the proper remedy in due season.

Mr. B. said the people were ever ready to redress grievances which might be brought upon them by their public agents. The people, under the present state of affairs in our political history, would naturally be brought to inquire into the *causes* that have produced the evil at present complained of, and they will readily perceive that it has been produced by over-taxing the *many* for the benefit of the *few*, and they will indignantly throw off the yoke of oppression by discarding from their service unfaithful public agents. Mr. B. said the people of this country would not be satisfied with the plan proposed for distributing the surplus revenue, for many good and valid reasons; one of which was, that the project, if adopted, would create an army of *pensioned overseers*—not pensioners for services rendered in their country's defense in times of war, but pensioners to *disburse the money of the people*, and to act as *overseers* over the workingmen of the country, who, to obtain one dollar, or even one cent of the "*spoils*," would have to earn it by the sweat of their brow, by digging for it in the mud, and in ditches and swamps.

Mr. B. said the effect of this *new* "system" might be told in a very few words. The people are to be taxed under the operation of the tariff laws, and in the purchase of the public lands, with a view to raise a large *surplus* fund over and above the wants of the General Government, to be placed in the several State treasuries, to be applied to certain objects under the direction of the State Legislatures; and while a portion of the *people* and the respective *States* may in some degree be benefited by the measure, there will be other portions, equally entitled to the benefit of the "spoils," that must and will, from the very nature of things, go wholly unprovided for out of this fund, so raised by a tax levied on the *people at large*. Who cannot perceive a state of things that must grow out of this new and, to say the least, doubtful policy. Why, I again ask, the necessity of over taxing the people to raise a large *surplus* in the Treasury, to be scrambled for by Congress, and to be quarreled over by

the several State Legislatures? Sir, why not let the people's money stay in their own pockets, to be by themselves expended as they may think proper? The people are *humbugged*, and many of them are deceived in this matter. Sir, I go for *lowering taxes* until the revenue shall be trimmed down to the Government standard. Let the issue be fairly made before the people, and there can be no earthly doubt as to their decision.

Sir, (said Mr. B.,) the freemen of this country never will consent to yield to any "system" of taxation that will impose greater burdens upon the tax-paying community, than what may be needed for the legitimate purposes of the Government. The people want no *surplus* in the Treasury above what may be necessary to meet any emergency that might happen in the event of a war with any foreign Power, or with the Indian tribes within our own borders. Above this, the *pockets* of the people are the safest repositories for their own money. Sir, I am opposed *in toto* to the project of raising any amount whatever of *surplus* revenue for distribution among the several States of this Union. Sir, the principle of high taxes is *anti*-republican, and will not be sanctioned by the people. The question should not be as to what shall be done with the *surplus* revenue, but it should be as to what shall be done to relieve the people from an unjust and oppressive system of taxation by the General Government.

NAVIGATION OF THE HUDSON RIVER.

REMARKS OF HON. A. VANDERPOEL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

June 23, 1836,

On the proposition to appropriate $200,000 for continuing the improvement of the navigation of the Hudson river.

Mr. VANDERPOEL said that though it was his misfortune to belong to the State of New York, (for misfortune indeed it seemed to be in relation to appropriations,) yet, in regard to this appropriation, he could safely say that he was entirely disinterested. Nay, he could go a step further, and avow that if he had any direct interest, (for the interest of his constituents was *his* interest,) it was against the passage of the item of appropriation now under consideration. The whole of his district was below those portions of the river which were proposed to be improved by the appropriation under consideration. There were also in his district towns whose interest might be said, in some measure, to clash with the interest of Troy and Albany, whose prosperity, instead of being crippled, would be enhanced by impassable obstructions in those parts of the Hudson for which the proposed appropriation was designed. Still, he could not, with the knowledge he possessed of the justice and necessity of making the appropriation, refuse to give it his most ardent support.

The honorable gentleman from Kentucky [Mr. HAWES] has told the committee that the attempt to get this additional sum of $200,000 was a violation of the understanding which was had here two years ago—when the original sum of $70,000 was appropriated. For his part he (Mr. V.) had no recollection of any such promise or pledge. Though he was silent on that occasion, he took a very lively interest in everything that transpired relative to that appropriation; and had any such promise or pledge been given, he would most probably have remembered it. He flattered himself that he could show most satisfactorily that his friend from Kentucky was entirely mistaken in the idea that there ever was an understanding or promise that the sum of $70,000 was all that would ever be required or asked for. This supposition was entirely inconsistent *with the record.* The very phraseology of the act of 1824 virtually and most effectually contradicted it. That act provides that the sum of $70,000 be appropriated "*towards*" the improvement of the Hudson river, "*according to the plan reported by the War Department in* 1832." Now, unless the honorable gentleman could show that the estimate of this plan, to which the act referred, did not exceed the sum of $70,000, then he could not surely succeed in showing that Congress, when it passed the act of 1834, intended to limit the expenditure for this object to the sum then appropriated. The plan of the War Department, to which the act refers, was, to all intents and purposes, *part of the act.* It adopts the plan, and commits the Government to such expenditures as shall be necessary to carry it into execution. Gentlemen need only refer to the documents of 1832 to be convinced that the plan referred to in the act of 1834 was not satisfied by the appropriation of that year; and it therefore irresistibly resulted that his honorable friend, in the supposition that we were violating any pledge in asking for this appropriation, was entirely mistaken.

Another objection had been urged to this appropriation by the gentleman from Maine, [Mr. EVANS.] He says that it does not come from the right committee; that, so far as it regards any portion of the river except the "*overslaugh*," it was a new work, and therefore the Committee on Commerce, and not the Committee of Ways and Means, ought to have taken cognizance of the subject. In this point he (Mr. V.) was very confident that his honorable friend from Maine was also entirely mistaken. Let him look at the plan of 1832, to which the act of 1834 refers, and upon which it is founded, and he will find that it contains detailed estimates of the expense of clearing out not only the overslaugh, but also the obstructions between Albany and Troy.

He fancied that his friend from Maine adhered now with so much tenacity to the "*overslaugh*" on account of some reminiscences and associations of a political character. The members of that party to which the honorable gentleman belonged had secured to it a most extended and immortal fame. They had chanted its horrors and the sin of a distinguished Senator, who had voted against an appropriation to clear it out because it was in bad company, both in prose and in poetry. They had honored it with a cognomen of which it might well be proud. "*Marcy's farm*" and Marcy's "INEXPRESSIBLES" formed a political stock by means of which that party to which it was the pride of his friend to belong hoped to revolutionize the Empire State. They were talismanic words by which alone thousands were to be lured to the standard of *bank Whiggery;* and it was not, therefore, surprising that they should have made so indelible an impression upon the mind of the honorable gentleman from Maine as to have induced the oblivion of every other locality in or about the Hudson. He would tell his honorable friend that there were most assuredly other obstructions in the river besides the farm of Governor Marcy; obstructions, too, which this Government, by the act of 1834, *stands pledged to remove.*

The gentleman from Kentucky [Mr. HAWES] cannot see why this river should receive the care and munificence of this Government in preference to hundreds of other streams that he could mention. Let the gentleman return home by the way of Albany, the Erie canal, and the lakes, and then he will be prepared to answer this question without further aid. Is it for New York alone that this appropriation is asked? No, sir. It is for that immense and rapidly growing West, whose abundant productions flow down the Hudson to your great commercial emporium. If it be possible for the mind to conceive a work which is *national* in contradistinction to one that is *local*, this is emphatically that work. Ohio, Michigan, Wisconsin, Illinois, Indiana, Kentucky, are all directly interested in the improvement contemplated by the proposition now under consideration. The North river is the great thoroughfare for the western world; and tell me not that this work is to be assimilated to a plan of improving some little stream or rivulet, by means of which an extent of country of only forty, fifty, or even a hundred miles is to be benefited. The inconveniences to which the constituents of many western gentlemen are exposed, by means of the obstructions in the Hudson below Albany, are well worthy of their serious consideration. There are many gentlemen here who have beheld no less than twenty or thirty, perhaps forty vessels, lying at one time on the overslaugh. A merchant from Ohio or Chicago purchases his goods in New York, and makes his calculation to expose them for sale in his store in a given number of days after he ships them at the place of purchase. The vessel containing them is grounded in the Hudson, and detained there until an extraordinary tide floats her again; and by this means all the sanguine hopes of your western merchants are frequently frustrated—all their confident calculations are constantly baffled. Are these not evils that will merit the attention of the representatives of this great nation?

Nor, sir, is the West alone interested in the improvement of this great arm of the sea. The East, and most particularly the constituents of the honorable gentleman from Maine, [Mr. EVANS,] have a deep interest in the matter. The North river is literally whitened, at particular seasons of the year, with the sails of eastern vessels, who carry on with Albany and Troy a most profitable trade and barter. They exchange the treasures which their enterprise draws from the deep for the corn and breadstuff that descend the great canals of New York. "*Easternmen*," as they are termed in nautical parlance, are every-day objects on the bosom of the Hudson; and let me tell my friend from Maine that, with all the "*cuteness*" of the Yankee nation, they cannot escape the bars and shoals of the overslaugh. They are pretty sure to get aground; and should some of them hereafter be doomed to the annoyance and vexation of a week's detention there, they will not be apt to recur with much complacency to those scruples which deterred the representatives of the people from contributing enough of our overflowing Treasury to remove this annoying impediment in one of the great arteries of the nation.

Mr. V. said that no gentleman could fairly pretend that this was not a *national work.* The commerce of this river is second in magnitude and importance only to the Mississippi. No other river in the Confederacy could come near competing with it. It is an arm of the sea, and at the very point where obstructions are proposed to be removed the tide ebbs and flows. This Government has extended its custom-house laws and regulations over it, and established ports of delivery both at Albany and Troy. Every vessel that navigates it—every vessel at least that has capacity enough to be grounded on the bars which are proposed to be removed—sails under your license, and pays your exactions for this privilege. Will you, then, exercise jurisdiction over it; will you draw revenue from those who float upon its waters, and yet do nothing towards improving it? Give us the license money, the custom-house fees, which all the vessels that have been detained by these obstructions have paid you, and, my word for it, we would have enough to remove all impediments and difficulties. He would put it to honorable gentlemen, no matter how far their constitutional objections to internal improvements extended, was not this river worthy of the care, the aid, and the patronage of this Government?—a river up which nearly, or quite, one fourth of the imports of this country ascends to the points of their consumption; and down which at least one fourth of the surplus agricultural productions of the nation flows. Does not this gigantic and all-important arm of the sea, from which you directly and indirectly derive such formidable revenues—over whose navigation you exercise control—does not such a river urge an irresistible claim to your care, your patronage, and even munificence? He had no doubt that the vote about to be given would show, that while a majority of this House appreciated its importance, they would yield to its most just and reasonable claims.

DISTRICT BANK CHARTERS.

SPEECH OF HON. T. H. BENTON,

OF MISSOURI,

IN THE SENATE, *June* 7, 1836.

The bill to recharter certain Banks in the District of Columbia being under consideration,

Mr. BENTON rose to oppose the passage of the bill, notwithstanding it was at the third reading, and that it was not usual to continue

opposition, which seemed to be useless, at that late stage. But there were occasions when he never took such things into calculation, and when he continued to resist pernicious measures, regardless of common usages, as long as the forms of parliamentary proceeding would allow him to go on. Thus he had acted at the passing of the United States Bank charter in 1832; thus he did at the passing of the resolution against President Jackson in 1834; and thus he did at the passing of the famous land bill at the present session. He had continued to speak against all these measures long after speaking seemed to be of any avail; and far from regretting, he had reason to rejoice at the course that he had pursued. The event proved him to be right; for all these measures, though floated through this Chamber upon the swelling wave of a resistless and impatient majority, had quickly run their breef career. Their day of triumph had been short. The bank charter perished at the first general election; the condemnatory resolution was received by the continent in a tempest of execration; and the land bill, that last hope of expiring party, has dropped an abortion from the Senate. It is dead even here, in this Chamber, where it originated—where it was once so omnipotent that, to speak against it was deemed by some to be an idle consumption of time, and by others to be an unparliamentary demonstration against the ascertained will of the House. Yet that land bill is finished. That brief candle is out. The Senate has revoked that bill; has retracted—recanted—and sung its palinode over that unfortunate conception. It has sent out a committee—an extraordinary committee of nine—to devise some other scheme for dividing that same money which the land bill divides! and in doing so, the Senate has authentically declared a change of opinion, and a revocation of its sentiments in favor of that bill. Thus it has happened, in recent and signal cases, that, by continuing the contest after the battle seemed to be lost, the battle was in fact gained; and so it may be again. These charters may yet be defeated, and whether they will be or not, is nothing to me. I believe them to be wrong—greatly, immeasurably wrong! and shall continue to oppose them without regard to calculations or consequences, until the rules of parliamentary proceeding shall put an end to the contest.

Mr. B. said he had moved for a select committee at the commencement of the session to examine into the condition of these banks, and he had done so with no other object than to endeavor to provide some checks and guards for the security of the country against the abuses and excesses of the paper system. The select committee had not been raised. The standing committee on the District of Columbia had been charged with the subject; and seeing that they had made a report adverse to his opinions, and brought in a bill which he could not sanction, it would be his part to act upon the meager materials which had been placed before the Senate, and to endeavor to accomplish, as a member of the body, what could have been attempted, with better prospects of success, as a member of a committee which had had the management of the subject.

The committee have reported for six banks in one bill, all of them existing institutions, and some of them having twice had charters before. In fact, there are seven banks to be rechartered, but reduced to six by the consolidation of two into one. The leading provisions of the bill are, 1. *Capital*, amounting to $2,250,000; 2. *Duration*, till the year 1850; 3. *Nature of capital*—specie, funds equivalent to specie, and property equivalent to specie, the proportions of each not fixed; 4. *Circulation*, equal to the capital; 5. A future provision against small notes; 6. The charters subject to amendment by Congress; and 7. No bonus, or any reduction of interest, or taxation on capital, or circulation in lieu of it. These are the leading provisions; and against banks so constituted, and so rechartered, Mr. B. said he felt numerous and insuperable objections, which he would proceed to state to the Senate with the brevity and precision, if not with the perspicuity and force, which the occasion required. And he would premise, that he considered the legislation of Congress on this subject as not confined to the District of Columbia, but calculated to affect, by its example, the banking system, for good or for evil, throughout the whole Union.

Mr. B. objected to the bill because, in the first place, it contained a batch, or litter of banks, no less than seven, all pigging together, if he might use the expression of Edmund Burke, in one truckle bed. He was opposed to combining banks in their births; they combined with sufficient rapidity of themselves, after they were born. Every bank in its creation should rest upon its own merits, and not upon association. When several were put together, the friends of each naturally stood together, and might make up a majority for the whole out of minorities for each. In this case, four Senators for each bank will recharter the whole. There might be no combinations in this case; there might be no covenants for mutual support; there might be no alliances; but the principle was objectionable, and an example so pernicious ought not to be set by Congress. A union of interests is unsafe in all legislation. It is avoided everywhere. We avoid it in all our laws; in bills for the relief of individuals; in bills for pensioners and for local objects. Above all, it should be avoided in the creation, and still more in the continuation, of banks. They are moneyed powers, seeking privileges at the expense of the community. They are corporations, in the hands of managers, and can readily unite their means, and combine their strength, to perpetuate their existences. It is not a case in which the rods should be tied together—in which the sticks should be made into a bundle—that the union of all might give strength to each, which, separately, it does not possess. Each bank should stand alone in the acquisition of its charter. Surely they can be passed fast enough, one at a time, and a few at a session. It is not a case in which it is advisable to promote double births and even litters; far better for the Senate to imitate, in the creation of these corporations, the slow and parsimonious gestation of the elephant, than to emulate the rapid and prolific fecundity of the rabbit. Even in New York, that State so much reproached for the multiplication of banks, they still produce them at single births.

Mr. B. objected, in the next place, to these charters, because they were renewals; they were all renewals, and some of them for a third time. This was adding perpetuity to monopoly. It was perpetuating a privilege. It was bad enough to grant exclusive privileges in the first instance; it was far worse to renew and perpetuate them. It was perpetuating privileges in the hands of a few; in the hands of a little family circle, only a little knot, or nest of men, who, having got possession of a bank, concentrate all its power and all its benefits in the hands of some half dozen or dozen individuals, to the exclusion and prejudice of the existing community, and of the whole rising generation. He was against renewals of charters. It was not only wrong to perpetuate them, but right to wind them up, and see whether they were able to wind up. There was no way to ascertain their condition but to wind them up. The exhibition of their books and papers was nothing. The worst banks often make the best exhibitions. Finally, if banks were beneficial institutions, they ought to be diffused; they ought to change hands; they should be subjected to the law of rotation. If bad, they ought to be restrained and checked.

A third objection taken by Mr. B. to what he called this oven-full of banks, was, that part of the batch was spoiled; three of them were broken; three of them had stopped payment—had stopped during the panic of 1834—and when there was no necessity for a good bank to stop, as was proved by the fact that out of seven hundred and fifty banks in the United States, none but these three, and one more in Baltimore, closed their doors. The three to which this objection applied were, the Farmers and Mechanics' Bank of Georgetown, the Bank of Washington, and the Patriotic Bank of Washington. Without the slightest reference to the question whether these stoppages were the result of good or bad intentions, Mr. B. held it to be sufficient that, in point of fact, they did stop when no others, but one, in the country stopped—a defect of some sort was thereby established to be in them; and surely the country was not so bad off for banks as to be without the means of getting any unless they take these defective ones! Banks which stop in this way prove that the fault is in themselves; that the cause of failure is not general, but particular; is not in the country, but in themselves. There is a presumption against them, and they should be set aside; there is a flaw in them, and they should be examined by themselves; there is a leprous spot upon them, and they should be separated from the rest. This single cause, then, without reference to good or bad intentions, without reference to necessity or willfulness in the failure, should be sufficient to prevent the renewal of the charters to these three banks, and, by consequence, to prevent the renewal of all that are in the same bill with them. A lesson of public justice should be taught, that a few banks which have failed when others did not, are no longer entitled to public favor; that they are no longer upon a footing with other banks, and must not only go down themselves, but carry down those which embark in the same vessel with them. Not only justice upon the past, but security for the future, requires this discrimination. A bank should see that to fail when others generally do not, is to die; and the fear of this would stimulate it to the greatest exertions to avoid a stoppage.

This should be the fate of banks stopping payment when others do not, without regard to the cause of the stoppage; but in the case of the three banks referred to, there are special reasons for placing them under the ban of legislation. They stopped at a time, and under circumstances, to forfeit the confidence of the country, and certainly to lose all title to the favor of the Democracy of the Union. Materials would be forthcoming—and here Mr. B. alluded to the labors of the select committee of the House of Representatives on the banks of the District—materials would be forthcoming, he undertook to say, before these charters had made their way through all the forms of legislation, which would enable gentlemen to speak with precision, and to form opinions from authentic data in hand. The extreme meagerness of the report of the Senate's committee was a deficiency to be regretted; but the select committee of the House might supply what was wanting, and the inference was strong in favor of the fullness of their report from what is well understood, namely, that that committee has arrived at conclusions directly the reverse of those which have been presented by the Senate's committee. He would limit himself, then, to saying that these banks stopped payment during the panic session of Congress in 1834, and resumed payment shortly after the Congress adjourned; that there were reasons for believing, and of this he had shown some evidence when he spoke some days before, that they stopped voluntarily, and in conformity with the predictions daily made in the two Houses of Congress, and resumed again voluntarily when they found that other banks would not obey the predictions, and after the laboring part of the community had been fleeced of the notes which they held, and some uninitiated stockholders had been fleeced of their stock. He presumed there would be materials for forming a judgment upon all these points before the two Houses of Congress were done with the subject; and that the delinquent institutions could not be saved by the expedient of putting them into the same bill with the deposit bank of the District. He, for one, could not be coerced by that conjunction. The Administration can do better without a deposit bank than with it in this District. The treasurer can be treasurer here, and can keep gold and pay it out, and give checks on any part of the United States to those who did not choose to receive their money here. At the most, it would only want a bank of discount and deposit, not of circulation.

Pursuing his objections, and dealing more than he would wish in general statements, for want of fullness and precision in the committee's report, Mr. B. arrived at what he conceived to be the actual condition of these banks—the whole seven taken together, as they came together, and had evinced a determination to live and die together. Taken in the lump, and he presumed it might be said that, since they were all rechartered in 1821,

they had gone sadly and rapidly down the road to ruin; that they had wasted and sunk about one half their capital, and had locked up in permanent loans to friends, in real estate, in stocks, in mortgages, in debts sued for, and in accommodations to non-residents, nearly the whole amount of the remaining half; so that a mere modicum, a fragment of the half of the capital now supposed to be remaining, would alone remain disposable and available as active capital for the use of the community. To charter banks for two millions and a quarter, thus reduced and cramped, thus fettered and clogged, thus preoccupied and preëngaged, thus whittled away to nothing, was, not to create public institutions, but merely to perpetuate old monopolies and inveterate abuses in the hands of half a dozen knots and clusters of individuals.

Mr. B. objected to the material of which the capital of these banks might consist. In five of them it was to be composed of specie, *and funds equivalent* to specie; and in the new one proposed to be constituted out of the two old ones, the capital was to consist of specie, and of specie *funds*, and of *property* equivalent to specie; the proportion of either not fixed. He repudiated all idea of this composition of capital, even if the proportions of specie, paper, and property had been fixed. But it was not; and the terms of the charter might be satisfied by putting up a five cent piece in silver, and the rest in stocks, or stock notes, or notes of other banks, or bills of exchange, real or fictitious, or in any kind of real or personal estate which the laws of the District recognized to be property. Certainly slaves were the best property in the District; they were most easily exchanged for money; and as the report of the committee acknowledged the necessity of giving solid foundations to their litter of banks, and limited the property part of the capital to that kind of property which was "*altogether*" equivalent to specie, the inference might be drawn that slaves were intended. He would not, however, draw that inference. It was sufficient that the charter allowed PROPERTY and PAPER to constitute a part of a capital; this was a fatal concession in his view, and he would have no act nor part in the creation of institutions so to be constituted.

Mr. B. objected to the amount of capital to be granted to these banks, upon the ground that the District of Columbia was unable to raise two millions and a quarter of dollars to sustain them. This (he said) was confessed in the bill; for it was evidently on the known inability of the District to raise the amount in gold and silver, that *paper* and *property* were to be received as capital. But it needed not the confession of the bill to establish the fact. Our own tables were loaded, our own ears were filled, our recent legislation was pregnant with the proof. What have we been petitioned to do for the last twelve years? First, to allow the District to borrow money in Europe! What next? Why, to pay the interest on that loan! And what next? Why, to pay the principal also! And we have done it! Paid both principal and interest on the loan which we authorized, and that under the loud and incessant cry of insolvency! under the reiterated, solemn, and persevering declaration that they could pay neither principal nor interest, and must be sold to the Dutch if Congress did not assume their debt! Under these moving appeals Congress has interposed, and becomes paymaster for the Holland debt, both principal and interest, and scarcely is this done, before these same cities want charters for banks—for two millions and a quarter of banks—and authority to issue currency, and to infest the land with two millions and a quarter of bank notes.

Mr. B. took a higher ground of objection to the amount of the proposed capital of these banks; and that was, that the District could not use it if it had it. They could lend it, he would admit; but he denied that the borrowers could use it. They could not use or employ $2,250,000 of loans and currency, and that of itself, without looking to the supply of currency which they daily receive from the Government expenditures, and from the influx of visitors. This was not matter of assertion and guess, but of calculation and science. The amount of currency employable in any community was a matter of business, and not of legislation. It was governed by the laws of trade, and not by the laws of legislative bodies. It depended upon principles, and not upon arbitrary regulations; and it was in vain to give a community more currency than could be employed in their current business. The excess would go off; and if it was a mixed currency, the gold would go first, the silver next—bank notes only would remain. This was the immutable law of currency; and there were ascertained principles in the science of political economy, which would enable any informed man to arrive at practical results, and to say, with sufficient precision, what amount of currency any community could use, and ought to possess. There are data by which to calculate this amount. One of these data is found in the total amount of the annual payments of the community; for it is known that the tenth part of the amount of the annual payments is sufficient for the amount of currency. Another of these data is found in the amount of population, and the extent and activity of their business; fourteen and fifteen dollars per head being found sufficient in England and in France, and four dollars per head being sufficient in Russia. Try the District of Columbia by either of these criterions, and the improvidence of these charters for $2,250,000 of currency will strike every imagination. First, its annual payments. They cannot amount to ten times the amount of these charters! much less to ten times that amount, with the amount put into circulation here by the Government, and by visitors into the bargain! Next, try it by the population. The census of the District gives forty thousand souls, slaves inclusive. This, upon the basis of the French and English supply, would require about six hundred thousand dollars; but the District of Columbia had not the commerce, manufactures, and agriculture of France and England, and could not employ as much currency. Four hundred thousand dollars would imply annual payments to the amount of four millions; and that by the population of the District is certainly beyond the amount of the payments made in these ten miles square exclusively of the Government, and those who receive their supply of money from the Government. Be this as it may, assume it at what you please, and there is no need for banks of CIRCULATION here. The Government pays out above a million annually, and is now paying that in gold and silver; visitors are supposed to pay out near half a million more; so that here is nearly three times as much currency annually furnished to the District as it can use or employ; and hence results that there is not the slightest pretext for an increase from domestic banks. The District needs no banks of CIRCULATION! Banks of discount and deposit, to make loans, keep money, transfer credits, and deal in exchanges, with a law to exclude from the District bank notes of less than twenty dollars issued elsewhere, are wanted; but no banks to issue paper money are wanted. The District needs no such banks; and as for the Federal Government, it needs none here of any kind. The Treasurer ought to keep and pay out the public money here. PUBLIC MONEY, AT THIS PLACE, SHOULD NOT BE A FUND FOR MAKING LOANS.

Mr. B. said he had wished to have been on a select committee for the charter of these banks; he wished to have revived the idea of a bank without circulation, and to have disconnected the Government from the banking of the District. He had failed in his attempt to raise such a committee, and, as an individual member of the Senate, he could now do no more than mention in debate the ideas which he would have wished to have ripened into legislation through the instrumentality of a committee.

Mr. B. said he had demonstrated that no bank of circulation ought to be authorized in this District, and he would add that none to furnish *currency*, except of large notes, ought to be authorized anywhere; yet what are we doing? We are breeding six little corporations at a birth to issue $2,250,000 of paper currency; and on what terms? No bonus; no tax on the capital; none on the circulation; no reduction of interest in lieu of bonus or tax; no specie but what the stockholders please to put in; and no liability on the part of the stockholders for a failure of these corporations to redeem their notes and pay their debts. This is what we are doing; and now let us see what burdens and taxes these six corporations will impose upon the business part of the community—the productive classes among which they are to be perpetuated. First, there is the support of these six corporation governments; for every bank must have a government, like a State or kingdom; and the persons who administer these corporation governments must be paid, and paid by the people, and that, according to rates fixed by themselves, and not by the people. Each of these six banks must have its president, cashier, clerks, and messengers; its notary public to protest notes, and its attorney to bring suits. The aggregate salaries, fees, and perquisites of all these officers of the six banks, will be the first tax on the people. Next comes the profits to the stockholders. The net profits of banks are usually eight to ten per cent. at present, the gross profits are several per cent. more; and the gross profits are what the people pay. Assuming the gross profits to be twelve per cent. and the annual levy upon the community will be about $270,000. The third loss to the community will be on the fluctuations of prices of labor and property, and the rise and fall of stocks, from the expansions and contractions of currency, produced by making money plenty or scarce, as it suits the interest of the bank managers. This item cannot be calculated, and depends entirely upon the moderation and consciences of the Neptunes who preside over the flux and reflux of the paper ocean, and to whom all tides, whether of ebb or flow, and all conditions of the sea, whether of calm or storm, are equally welcome, equally auspicious, and equally productive. Then come three other heads of loss to the community and profit to the bank; loss of notes, from wear and tear, counterfeits imposed upon the people for good notes, and good notes rejected by the banks for counterfeits; and then the loss to the holders from the stoppage and failure of banks, and the shaving in of notes and stocks. Such are the burdens and taxes to be imposed upon the people to give them a paper currency, when, if the paper currency was kept away, and only large notes used as in France, they would have a gold and silver currency without paying a tax to anybody for it, and without being subject to any of the frightful evils resulting from the paper system.

On this point Mr. B. wished to have the benefit of authority superadded to the weight of reason; he wished to have the voice of others added to his own; and for that purpose he would have recourse to the pages of our early history, and quote the opinions of those who made head against the paper system at its first introduction into our country, and whose predictions then have long since been converted into history. He spoke of the wise men who opposed the establishment of the Bank of the United States in 1791, and would use the summary of their argument on this head, as he found it collected and embodied in the Life of Washington, by the late Chief Justice Marshall. He read from vol. 4, page 346:

"The banishment of coin would be completed by ten millions of paper money in the form of bank bills, which were then issuing into circulation. Nor would this be the only mischief resulting from the institution of the bank. The ten or twelve per cent. annual profit, paid to the lenders of this paper medium, would be taken out of the pockets of the people, who would have had, without interest, the coin it was banishing."

Mr. B. wished that this brief paragraph could reach the eyes and the ears of every citizen of the United States. He wished it was printed in letters of gold, and framed, and hung up in every citizen's house. More than that; he wished it was planted in the heart, and engraven on the memory of every voter, and of every law-maker in the Union. The single view that is here presented, independent of all other evils of a paper currency; the single view of paper money expelling hard money, and then costing the people ten or twelve per annum, while hard money would have cost them nothing, would certainly open the eyes of all disinterested persons, and induce them to unite with one voice to limit and restrict a currency unknown to the Constitution, injurious in so many ways, and crowning its evils by banishing specie and taxing the community to support itself.

Mr. B. said that he was thoroughly opposed to the banking system, especially as carried on in the United States, where every bank was an issuer of paper currency; but the evil had become too large, banks of circulation were too firmly fixed upon the people, "*they were too securely seated in the saddle, booted and spurred,*" to be successfully met at present by direct opposition. Palliatives, ameliorations, restrictions, limitations, safeguards, something to lighten the burden and to lessen the danger to the people, and to check the onward march of the paper power, was all that could now be attempted; and in that view he had offered some amendments to the bill when it was first under consideration, and would state them again, and offer some reasons in their favor, in the hopes that they might yet find favor before the bill was finally disposed of. Mr. B. then read his proposed amendments, modified in the two particulars suggested by the Senator from New York, [Mr. WRIGHT,] and contained in his motion to recommit the bill, with instructions:

To report a bill to wind up the affairs of all the banks now existing in the District of Columbia, and to allow them to use their corporate name and faculties for two years for that purpose;

To report separate bills for the incorporation of —— new banks, with small capitals, adapted to the capacity of the District to sustain specie banks, and strictly limited to the business of the place; the said corporations to contain, among other provisions, the following principles:

1. The capital to consist of gold and silver, one half of each; stock, stock-notes, notes of other banks, and everything but gold *and* silver to be excluded from the capital.

2. The banks to pay no bonus, but the stock to be subject to taxation, like any other property in the District. The notes issued by the banks to be subject to taxation.

3. Every stockholder to be liable to the creditors of the bank for the debts of the institution, to the amount of his stock, in the event of the failure of the bank to pay gold *and* silver; with summary process for the recovery; and all alienations of stock to avoid this liability to be void.

4. The banks to issue no notes of less denomination than twenty dollars; and all notes of less denomination than twenty dollars, issued by other banks, to be prohibited from circulation within the District.

5. All the notes and paper currency issued by said banks to be paid in gold *and* silver; one half of either, at the option of the demander, the other half at the option of the bank.

6. The banks to own no real estate except for their immediate accommodation.

7. To deal in nothing but gold and silver bullion, and in foreign and domestic bills of exchange. The charters to be forfeited for selling any coin made current by the laws of the United States.

8. The charters to be limited to moderate terms of years, and to expire at different periods from each other.

9. The charters to be alterable, amendable, and repealable, at the will of Congress, and not renewable under any terms whatever.

Mr. B. gave his reasons for proposing each of those ameliorations; and, first, as to the improvement in forming the capital of the banks. This was a point at which all banks, old and new, now needed attention. Three hundred millions of banking capital within the United States were reported to be paid in, and this payment could only be made in specie, or in what is called "specie funds." At the same time it is well known that the whole amount of specie in the United States is between sixty and seventy million of dollars, and that the banks have not got the half of this in their vaults. It results, then, that if the banks possessed every hard dollar that there is in the United States, it would not form more than one fifth part of their capitals paid in; so that the other four fifths must consist of what is called "specie funds." This is a most indefinite phrase, having no fixed meaning, or any limitation upon the extent of its comprehensive grasp; it is generally, however, conceded to comprehend all the varieties of stock, fancy inclusive, which can be sold in the market for money; all the notes of all the banks which, for the time being, pay specie; the stock notes of all the stockholders; the notes of the bank itself, after the first installment, which can be lent to the stockholders on stock notes, and paid in for capital; all bills of exchange, real or fictitious, which are drawn in legal form, so as to present the names of drawers, payers, and indorsers; and finally all sorts of paper securities which it is assumed can be sold for specie. Out of such "*specie funds*" as these, it may be conjectured that near four fifths of the capitals of the banks in the United States MUST be now composed; and, consequently, that the banking system of the United States is resting upon paper foundations, and that there is not specie enough in the whole Union by five to one to convert these paper foundations into gold and silver foundations! And these banks issue nearly all the currency which the people, the State governments, and the Federal Government use! Such is the state of the currency under a Constitution which recognizes nothing but gold and silver for currency, and one of whose main objects was to save the people from the curse of paper money. To correct, in some degree, this enormous and alarming evil, to provide at least a specie basis for the banks which Congress creates at the seat of Government, Mr. B. was in favor of limiting the capital to gold *and* silver, and that in equal proportions of each, in order to insure a gold currency, as well as a silver currency, to the people. The advantages to the country would be great from this improvement in the formation of bank capital. It would limit the number of the banks, keep their capitals within some bounds, make their foundations more solid, prevent them banking on each other, and make gold, as well as silver, a part of the capital of every bank.

The next improvement which Mr. B. proposed was the taxation of the capital, and also of the circulation of the bank, in lieu of the composition usually given under the name of bonus. Such compositions were always a deception and illusion; for no bank would give a bonus except to get it back, with a profit upon it; and, therefore, the larger the bonus the larger the profits of the bank, and the burdens of the people. In the charters now proposed, the bonus is dropped, which would be right if anything was substituted; but nothing is substituted for it! and thereby the great privileges and advantages which these charters vest in the corporators are a mere gift and gratuity, freely bestowed by the munificence, or improvidence, of Congress, and that upon individuals who had already enjoyed these privileges for twenty and thirty years. That bank capital should pay taxes like any other property, is a proposition too self-evidently just to admit of argument. Bank capital is more able to pay taxes than any other kind of property, because it is a moneyed property, and produces money, and that more readily and largely than any other kind of property. The compositions made by banks in the form of bonuses, is the acknowledgment of their obligation to pay a tax; but it is unjust to the community to exempt these corporations from taxes in exchange for an inadequate and illusory bonus, which is always got back with usurious interest. Every State should tax its bank capital, not by composition before hand, but by annual levy; in many States the proceeds of that tax would form a large item in the annual income, and would lessen the burden upon the rest of the community. In this District, the district authorities should have power to tax the two millions and a quarter of bank capital proposed to be created; it should stand at the head of the list of its taxable property, and at the present rate of taxation in the District, which he believed was above a cent on the dollar's worth of property, the income from this item would be most sensibly and beneficially felt.

Taxing the circulation of banks was another improvement which went hand in hand with taxing the capital, and might be used for two distinct and beneficial purposes: *first*, to raise revenue; and, *next*, to suppress small notes. The United States did not need revenue at present, and, therefore, might not resort to the taxation of bank notes for either object; but in 1813 and 1814 she did need revenue, and did tax all the bank notes issued in the United States. It was done by a stamp duty; with the privilege to each bank of compounding for the tax in detail, by paying a sum in gross. In England bank notes are taxed, and have been for many years, and now yield a handsome sum. He (Mr. B.) had a note of the taxes paid by the Bank of England on its circulation, for half a century, some parts of which he would state, premising that acts of Parliament imposed a stamp duty on the notes, with the privilege of compounding for a gross sum. In 1791 the composition was £12,000 sterling per annum; in 1799 the composition was £20,000 for notes of five pounds and upwards, and £4,000 for notes less than five pounds; in 1804 the composition was £32,000; in 1808 it was £42,000; and in 1815 it was £94,500, or nearly half a million of dollars. The mode of composition in England was by paying so much (£3,500 after 1815) per million on the average circulation of the preceding year. The separate tax and separate composition, for notes under five pounds, was a happy expedient for restricting and keeping under that species of circulation, and, if adopted in the United States, might effectually suppress all notes under twenty dollars, or, what is better, under one hundred dollars. The States may do it at once, for they all need revenue; and the United States can do it, without question, whenever she may need it; and that will be much sooner than persons now suppose. The imposition of a tax for the suppression of small notes has been expressly recommended by Mr. Gallatin; and Mr. B. would read a paragraph from his Essay on Banks and Currency (1830) to that effect:

"Congress has power to lay stamp duties on notes, on bank notes, and on any description of bank notes. That power has already been exercised; and the duties may be laid to such an amount, and in such a manner, as may be necessary to effect the object intended. This object is not merely to provide generally for the general welfare, but to carry into effect, in conformity with the last paragraph of the eighth section of the first article, those several and express provisions of the Constitution which vest in Congress exclusively the control over the monetary system of the United States, and more particularly those which imply the necessity of a uniform currency. The exercise of the power for that object is free of any constitutional objection, provided the duties thus laid shall be uniform, and applied to the bank of the United States as well as to the State banks. The act of laying and collecting the duties, which is expressly granted, is alone sufficient to effect the object." * * * "Congress may, if it deems it proper, lay a stamp duty on small notes, which will entirely put an end to their circulation. It may lay such a duty on all bank notes as would convert all the banks into banks of discount and deposit only, annihilate the paper currency, and render a Bank of the United States unnecessary in reference to that object."

Mr. B. said that these were most important and most cheering suggestions. They showed that it was in the power of Congress to regulate the paper system of the whole Union, to hold all the banks in check, to suppress what notes they pleased; and he, for one, would wish to suppress all under one hundred dollars, but must limit his exertion, for want of co-laborers, not for want of will, to twenty dollars. Mr. B. took a pleasure in reminding the Senate that a Senator from Virginia, now again a member of this body, [Mr. RIVES,] had some years ago pointed to this taxing power of Congress as the means by which small notes could be suppressed, and the paper currency of all the States completely regulated; and he should be happy to follow the lead of that gentleman in carrying into effect his wise and patriotic suggestion.

A third improvement which Mr. B. had proposed upon these charters was to make the stockholders liable, each to the amount of his stock, for the debts of the institution, on its failure to pay specie. The reasons for this liability were strong and palpable. A man that owes should pay while he has property to pay with; and it is iniquitous and unjustifiable that a bank director or stockholder should riot in wealth while the business part of the community should hold the bank notes which they have put into circulation, and be able to get nothing for them after the bank had closed its doors. Such exemptions are contrary to the rights of the community, and one of the great causes of the failure of banks. A liability in the stockholders is one of the best securities which the public can have for the correct management and solvency of the institution. The famous Scottish banks, which, in upwards of one hundred years' operations, had neither once convulsed the country with contractions and expansions nor once stopped payment, were constituted upon this principle. All the country banks in England, and all the bankers on the continent of Europe, were liable to a still greater degree; for in them each stockholder, or partner, was liable individually for the whole amount of the debts of the bank. The principle proposed to be incorporated in these charters strikes the just medium between the common law principle, which makes each partner liable for the whole debts of the firm, and the corporation principle in the United States which absolves each from all liability, and leaves the pennyless and soulless carcase of a defunct and eviscerated bank alone responsible

to the community. Liability to the amount of the stock was an equitable principle, and with a summary process for the recovery of the amounts of notes and deposits, and the invalidity of transfers of stock to avoid this liability, would be found a good remedy for a great evil. If the stockholders in the three banks which stopped payment in this city during the panic session had been thus liable, the notes would not have been shaved out of the hands of the holders; if the bank which stopped in Baltimore at the same time had been subject to this principle, the riots which have afflicted that city, in consequence of that stoppage, would not have taken place. Instead of these losses and riots, law and remedy would have prevailed; every stockholder would have been summoned before a justice of the peace, judgment granted against him on motion for the amount held by the complainant, and so on, until all were paid, or he could plead that he paid up the whole amount of his stock.

A fourth improvement which Mr. B. had proposed, was to limit the notes issued by the banks to the minimum size of twenty dollars, and to exclude all notes under that minimum, issued by other banks, from circulation within the District. He confessed that he felt an extreme degree of mortification in making a motion in the Congress of the United States to limit the size of bank notes, when this Congress was sitting here, and held its existence by virtue of a Constitution which recognized nothing for currency but gold and silver; but he feared he might be subject to a still greater mortification in witnessing the failure of his motion, and the triumph of the paper system over this small attempt to check one of its greatest abuses. The limit of twenty dollars was the lowest that could be taken to accomplish the great objects in view; and that limit was not assumed arbitrarily, but from a careful observation of the effect of different limits, in different countries, upon the nature and amount of the circulating medium.

The great evils of a *small* paper currency are, 1. To banish gold and silver; 2. To encourage counterfeiting; 3. To destroy the standard of values; 4. To throw the burdens and the evils of the paper system upon the laboring and small dealing part of the community.

The instinct of banks to sink their circulation to the lowest denomination of notes which can be forced upon the community is a trait in the system universally proved to exist wherever banks of circulation have been permitted to give a currency to a country; and the effect of that instinct has always been to banish gold and silver. When the Bank of England was chartered, in the year 1694, it could issue no note less than £100 sterling; that amount was gradually reduced, by the persevering efforts of the bank, to £50; then to £20; then to £15; then to £10; at last to £5; and finally to £2 and £1. Those last denominations were not reached until the year 1797, or until one hundred and three years after the institution of the bank; and as the several reductions in the size of the notes, and the consequent increase of paper currency took place, GOLD became more and more scarce; and with the issue of the one and two pound notes, it totally disappeared from the country.

This effect was foretold by all political economists, and especially by Mr. Burke, then aged and retired from public life, who wrote from his retreat, to Mr. Canning, to say to Mr. Pitt, the Prime Minister, these prophetic words: "*If this bill for the one and two pounds is permitted to pass, we shall never see another guinea in England.*" The bill did pass, and the prediction was fulfilled; for not another guinea, half guinea, or sovereign, was seen in England for circulation until the bill was repealed two and twenty years afterwards! After remaining nearly a quarter of a century without a gold circulation, England abolished her one and two pound notes, limited her paper currency to five pound sterling, required all Bank of England notes to be paid in gold, and allowed four years for the act to take effect. Before the four years were out, the Bank of England reported to Parliament that it was ready to begin gold payments; and commenced accordingly, and has continued them ever since. The one and two pound notes in England correspond with the five and ten dollar notes in the United States, and the five pound note is only four dollars above our twenty dollars; so that the analogy is perfect, and the effect must be similar upon our fives, tens, and twenties, that it was in England from the issue and suppression of the one and two pound notes, and the limitation to five pounds, with the compulsory obligation to pay in gold.

The encouragement of counterfeiting was the next great evil which Mr. B. pointed out as belonging to a small note currency; and of all the denominations of notes, he said those of one and two pounds in England, corresponding with fives and tens in the United States, were those to which the demoralizing business of counterfeiting was chiefly directed! They were the chosen game of the forging depredator! and that for the obvious reasons that fives and tens were small enough to pass currently among persons not much acquainted with bank paper, and large enough to afford some profit to compensate for the expense and labor of producing the counterfeit, and the risk of passing it! Below fives, the profit is too small for the labor and risk. Too many have to be forced and passed before an article of any value can be purchased; and the change to be got in silver, in passing one for a small article, is too little. Of twenty and upwards, though the profit is greater on passing them, yet the danger of detection is also greater. On account of its larger size, the note is not only more closely scrutinized before it is received and the passer of it better remembered, but the circulation of them is more confined to business men and large dealers, and silver change will not be given for them in buying small articles. The fives and tens, then, in the United States, like the one and two pound notes in England, are the peculiar game of counterfeiters, and this is fully proved by the criminal statistics of the forgery department in both countries. According to returns made to the British Parliament for twenty-two years—from 1797 to 1819, the period in which the one and two pound notes were allowed to circulate, the whole number of prosecutions for counterfeiting, or passing counterfeit notes of the Bank of England, were 998; in that number there were 313 *capital* convictions; 530 *inferior* convictions; and 155 acquittals; and the sum of £249,900, near a million and a quarter of dollars, was expended by the bank in attending to prosecutions. Of this great number of prosecutions, the returns show that the mass of them were for offenses connected with the one and two pound notes. The proportion may be distinctly seen in the number of counterfeit notes of different denominations detected at the Bank of England in a given period of time—from the 1st of January, 1812, to the 10th of April, 1818—being a period of six years and three months out of the twenty-two years that the one and two pound notes continued to circulate. The detections were, of ONE pound notes, the number of 107,238; of TWO pound notes, 17,787; of FIVE pound notes, 5,826; of TEN pound notes, 419; of TWENTY pound notes, 54. Of all above TWENTY pounds, 35.*

The proportion of ones and twos to the other sizes may be well seen in the tables for this brief period; but to have any idea of the mass of counterfeiting done upon these small notes, the whole period of twenty-two years must be considered, and the entire kingdom of Great Britain taken in; for the list only includes the number of counterfeits detected at the counter of the bank, a place to which the GUILTY never carry their forgeries, and to which a portion only of those circulating in and about London could be carried. The proportion of crime connected with the small notes is here shown to be enormously and frightfully great. The same results are found in the United States. Mr. B. had looked over the statistics of crime connected with the counterfeiting of bank notes in the United States, and found the ratio between the great and small notes to be about the same that it was in England. He had had recourse to the most authentic data—Bicknell's counterfeit detector—and there found the *editions* of counterfeit notes of the local or State banks to be EIGHT HUNDRED AND EIGHTEEN; of which SEVEN HUNDRED AND FIFTY-SIX were of TEN dollars and under; and SIXTY-TWO editions only were of TWENTY dollars and upwards. Of the Bank of the United States and its branches, he found EIGHTY-TWO editions of *fives;* SEVENTY-ONE editions of *tens;* TWENTY SIX editions of TWENTIES; and TWO editions of FIFTIES; still showing that in the United States, as well as in England, on local banks as well as that of the United States, the course of counterfeiting was still the same; and that the whole stress of the crime fell upon the five and ten dollar notes in this country, and their corresponding classes, the one and two pound notes in England. Mr. B. also exhibited the pages of Bicknell's counterfeit detector, a pamphlet covered over column after column with its frightful lists, nearly all under twenty dollars; and he called upon the Senate in the sacred name of the morals of the country—in the name of virtue and morality—to endeavor to check the fountain of this crime, by stopping the issue of the description of notes on which it exerted nearly its whole force.

Mr. B. could not quit the evils of the crime of counterfeiting in the United States without remarking that the difficulty of legal detection and punishment was so great, owing to the distance at which the counterfeits were circulated from the banks purporting to issue them, and the still greater difficulty, in most cases impossible, to get witnesses to attend in person in States in which they do not reside, the counterfeiters all choosing to practice their crime and circulate their forgeries in States which do not contain the banks whose paper they are imitating. So difficult is it to obtain the attendance of witnesses in other States, that the crime of counterfeiting is almost practiced with impunity. The notes under twenty dollars feed and supply this crime; let them be stopped, and ninety-nine hundredths of this crime will stop with them.

A third objection which Mr. B. urged against the notes under twenty dollars was, that nearly the whole evils of that part of the paper system fell upon the laboring and small dealing part of the community. Nearly all the counterfeits lodged in their hands, or were shaved out of their hands. When a bank failed, the mass of its circulation being in small notes, sunk upon their hands. The gain to the banks from the wear and tear of small notes, came out of them; the loss from the same cause, falling upon them. The ten or twelve per cent. annual profit for furnishing a currency in place of gold and silver, (for which no interest would be paid to the Mint or the Government,) chiefly falls upon them; for the paper currency is chiefly under twenty dollars. These evils they almost exclusively bear, while they have, over and above all these, their full proportion of all the evils resulting from the expansions and contractions which are incessantly going on, totally destroying the standard of value; periodically convulsing the country, and in every cycle of five or six years making a lottery of all property, in which all the prizes are drawn by bank managers and their friends.

In proposing the limitation of twenty dollars to these District banks, Mr. B. of course coupled with it the concomitant provision for the exclusion of all notes under the same limit issued without the District. This was a precaution as just and natural as it was easy. A prohibitory law, with a liability in every passer to pay the amount of the notes, with costs and damages, in specie, and especially in gold, with summary process before a justice of the peace for the recovery, would effectually expel the interdicted and pestiferous paper.

Mr. B. said that the proposed limit of twenty dollars for the minimum size of bank notes was not an arbitrary assumption or a fanciful designation, but was a limit ascertained by experience, and proven by results, to be the lowest that would suffice to accomplish the ends intended. These ends are: 1. To reëstablish the gold currency; 2. To make gold and silver the common currency for all the small dealings of the country; 3. To extend and enlarge the specie basis of the paper circulation; 4. To save the laboring and small dealing part of the community from the effects of contractions and expansions from bank issues;

* Of £1 notes.....107,238 Of £10 notes.....419
£2 notes..... 17,787 £20 notes..... 54
£5 notes..... 5,826 All above £20 notes..... 35

5. To save them from the impositions of counterfeiters, from losses when banks fail, and from bearing the whole burden of the wear and tear of small notes; and 6. To save hard money enough in the country to make it safe to have such paper currency as commerce and large dealings may require. These are the objects to be accomplished, and less than twenty dollars will have no adequate effect; far better would be the limit of one hundred dollars, as it is nearly in France, and where that limit insures a circulation of nine tenths gold and silver, and one tenth paper; namely, upwards of five hundred million dollars of one, and fifty millions of the other. Wise would it be in any single State to adopt this limit, and to exclude all notes under that amount from circulation within its borders; that State would become the richest and the happiest in the Union. It would be, in its moneyed concerns, to the rest of the Union, what France is to the rest of Europe, *the absorbent of their precious metals, the perennial fountain of golden supply to its citizens, and the land of rest from the panics and pressures, the ebbs and flows, the feasts and famines, the dearths and deluges, the expansions, contractions, and revulsions, and all the crimes and misfortunes of the paper system.*

But to proceed with the twenty dollar limit. While England had notes as low as one and two pounds, which we may call five and ten dollars, the specie basis contracted and diminished until silver could only be got for small change, and gold fled entirely from the country. The mint was forever coining; but the guineas and sovereigns went straight to France; and it was testified by Mr. Alexander Baring, before a committee of the House of Commons, that the gold coinage of the British mint, during this period, was regularly recoined in France, often without seeing the light in England; being packed in boxes and shipped as it issued from the mint, delivered in Paris before it was a week old, and swallowed up in the ocean of French currency by passing through the French mint and assuming the stamp and arms of France. The suppression of the one and two pound notes in 1819, and the five pound limit, with the COMPULSORY obligation on the Bank of England to pay ALL its notes in GOLD, restored the gold currency in that country, and so extended and enlarged the specie basis as to make his currency half and half—half specie and half paper—the specie two thirds gold and one third silver, and the paper all of five pounds, about twenty-four dollars and upwards. This has made a paper currency safe in England, for it is dollar for dollar; it has given to the laboring and small dealing classes a hard money currency, and it has taken from the counterfeiters their chief and favorite classes of notes for imitation. Mr. B. took the great ground, that where a paper currency was tolerated at all, the safety and welfare of the community required the specie proportion to be ONE HALF; that it required a five pound limit, and gold payments, to effect that object in England; that a limit of twenty dollars would NOT effect it in the United States; and he was only restrained from proposing the French limit from the impossibility of contending successfully with the bank power at present, now omnipotent in the country, engrossing the time and governing the legislation, in whatever related to their own interests. A twenty dollar limit would not give a substratum of half specie, even if our banks were compelled to pay all gold; but there is no compulsion on them to pay any part; and the efforts to bring them to half payments in gold would be long and bitterly resisted. Gold is the enemy of paper; it keeps it down when the holder of the paper has a right to demand gold; and thus a paper currency, founded upon gold, as it is in England, will always be kept more within bounds than a paper currency founded upon silver. Silver is too cumbrous to hold paper in check. A person would not wish to change even a twenty dollar note into silver to carry in his pocket, but would gladly change it into gold; and so of fifty and hundred dollar notes.

The next improvement on the paper currency which Mr. B. proposed was contained in his fifth proposition, namely, that *all* the notes and paper currency issued by the banks should be payable, not in gold *or* silver, but in gold *and* silver; one half of either at the option of the demander, the other half at the option of the bank. This (Mr. B. said) would be perfectly equitable; it would insure an equal supply of each metal in the country, without requiring the banks to keep enough of both metals to meet their whole circulation. It was also in accordance with the Constitution of the United States—with the recent law of Congress for the reëstablishment of the gold currency—with the nature of the mines in our own country, and with the rights and interests of the people. The Constitution intended that gold *and* silver should continue to be what it was at the time of the framing of that instrument, a concurrent currency in the country. This intention, made clear in all the debates upon the subject, is expressly declared in article 1, section 10. Gold *and* silver are there joined together. They are joined by the conjunctive particle, "*and*," not separated by the disjunctive particle, "*or*." The act of Congress of 1834, for the reëstablishment of the gold currency, and the subsequent act for the establishment of three branch mints, all show that it is the intention of the Government, approved by the voice of the people, to have gold as well as silver. The nature of our mines leads to it. We have gold mines, but no silver ones. Gold is, therefore, a domestic production, and should become a national currency. The rights and interests of the people require a gold currency; they have a right to it under the Constitution of the country and under the laws of the land; their interest requires it for checking the paper system, regulating exchanges, preventing counterfeiting, furnishing convenient money for traveling, and preserving the most uniform and universal standard of value. Thus stands the Constitution, the laws, the products of the country, and the rights and interests of the country in relation to gold.

But the banks have a contrary interest! The whole paper system is adverse to gold! Exceptions of particular banks may be found; but the instinct of the paper system is against it; and a bank will pay in the least valuable and most cumbrous metal which it is permitted to offer. Between gold and silver, it will pay in silver; between silver and copper, it will pay in copper; between copper and iron, it will pay in iron. This is the instinct of the system, and now, in these United States, after all that has been done to revive the gold currency, that coin will be withheld from circulation, and sold for exportation, the moment the present excitement is over, and the aid of JACKSON is withdrawn. This would be the case even without the impulse of a political motive, and without the instigation of party spirit, and without the regulation of party discipline; but, unfortunately, a powerful political party is opposed to gold in our country! The Bank-Whig party is opposed to it; and the whole political power and party machinery of these Whigs, as they style themselves, will be exerted to suppress gold, and encourage small paper, that out of the evils incident to such a state of things a depreciated currency may ensue, and the Bank of the United States may be called for to remedy the disorder. Law, then, is necessary to compel the banks to pay gold; and no measure more equitable could be devised than that of half payments in either metal; the demander having the first choice, and the bank the next.

The equity of this principle being clear, the next consideration is, as to its practicability. On this point, facts and reasons are equally explicit. The banks can pay half their currency in gold in one year from this time, if they please! They could have done it this summer if they had pleased! The Federal Government could have had all its surplus now in gold, if Congress had given the President authority to supply the Mint with gold bullion and foreign coins. The state of the foreign exchanges is, and has been for months, decidedly in favor of the United States, and the importation has been, and continues to be, a profitable business. It is a money making business to import gold, and the custom-house returns show that it is coming of itself, in the course of commerce, independent of the purchases and importations effected by some banking institutions. A few of the deposit banks, as he had understood, had ordered importations to the amount of four or five millions. The Government had ordered home the French and Neapolitan indemnities in gold, the total of which will be $7,000,000. An equal sum of $7,000,000 had been coined at our Mint, under the new law; and the native southern mines were promising a good product. There could be no doubt, with the slightest exertion on the part of the banks, that one half the specie currency of the Union might be gold in the course of the ensuing year. It must be nearly twenty millions when President Jackson goes out of service; the whole specie currency was computed by the Secretary of the Treasury at $64,000,000 at the end of the last year. It is probably increased to $70,000,000, and ought to be increased to $100,000,000. The limitation of twenty dollars in the size of notes, and the compulsory obligation on the banks to pay one half in gold, would certainly and quickly augment our specie currency to $100,000,000; we have already doubled it in two years, for it was computed at about $30,000,000 at the time of the panic in 1834. War upon small notes and the introduction of gold has made this great increase; a vigorous prosecution of that war, and further measures for the protection of gold, will certainly add $30,000,000 more in a short time.

Mr. B. said he here wished to fix the attention of those who were in favor of a respectable paper currency—a currency of respectable sized notes of twenty dollars and upwards—on the great fact, that the larger the specie basis, the larger and safer would be the superstructure of paper which rested upon it; the smaller that specie basis, the smaller and more unsafe must be the paper which rested on it. The currency of England is $300,000,000, to wit: £8,000,000 sterling (near $40,000,000) in silver, £22,000,000 sterling (above $100,000,000) in gold, and about £30,000,000 (near $150,000,000) in bank notes. The currency of the United States is difficult to be ascertained, from the multitude of banks, and the incessant ebb and flow of their issues; calculations vary, but all put the paper circulation at *less* than one hundred millions, and the proportion of specie and paper at *more* than one half paper. This is agreed upon on all hands, and is sufficient for the practical result, that an increase of our specie to $100,000,000, and the suppression of small notes, will give a *larger* total circulation than we now have, and a *safer* one. The total circulation may then be two hundred millions, in the proportion of half paper and half specie; and the specie, half gold and half silver. This would be an immense improvement upon our present condition both in quantity and quality; the paper part would become respectable from the suppression of notes under twenty dollars, which are of no profit except to the banks which issue them, and the counterfeiters who imitate them; the specie part would be equally improved by becoming one half gold.

Mr. B. could not quit this important point, namely, the practicability of soon obtaining a specie currency of $100,000,000, and the one half gold, without giving other proofs to show the facility with which it has been everywhere done when attempted. He referred to our own history immediately after the Revolution, when the disappearance of paper money was instantly followed, as if by magic, by the appearance of gold and silver; to France, where the energy of the great Napoleon, then first consul, restored an abundant supply of gold and silver in one year; to England, where the acquisition of gold was at the rate of $24,000,000 per annum for four years after the notes under five pounds were ordered to be suppressed; and he referred with triumph to our own present history, when, in defiance of an immense and powerful political and moneyed combination against gold, we will have acquired about $20,000,000 of that metal in the two concluding years of President Jackson's administration. Resting upon the general notoriety of the facts which he had stated relative to the rapid and easy acquisition of gold in all the instances referred to, he would economise time, and adduce proof in one instance only, that of England in 1819, after the suppression of the one and two pound notes, and the resumption of gold payments. Of many authors at hand, he would use,

for its brevity and precision, the statement of Mr. Gallatin, (Dec., 1830,) in his Essay upon Banks and Currency:

"For the same reasons, any accidental inequality in the distribution of the precious metals amongst the several countries, in proportion to their respective wants, is promptly and easily repaired; and any extraordinary demand from a particular country met without difficulty or sensibly affecting the price of the metal required. The general supply, or stock on hand, is always sufficient to meet such demand, and the expenses and charges of transportation are, on account of the greater value of an equal bulk, far less than those of any other commodity, hardly ever exceeding, in time of peace, one per cent. on the value, even when brought from the most distant countries of the civilized world. During the four years which immediately followed the resumption of specie payments in England, that occurrence occasioned an extraordinary demand of more than TWENTY millions sterling in GOLD, (about ONE HUNDRED MILLIONS OF DOLLARS, to be supplied in four years,) or about TWENTY-FOUR millions of dollars per annum; being three times as much as the annual supply of that metal; and this demand was met WITHOUT ANY DIFFICULTY, or SENSIBLY AFFECTING THE PRICE OF GOLD."

Mr. B. held this testimony to be entirely conclusive of the perfect facility and extreme promptitude with which any commercial nation can supply itself with a gold currency. He would quote from the same author a paragraph on the means of increasing the specie circulation of the United States:

"We perceive but two means of enlarging the circulating metallic currency: 1. The suppression of small notes; 2. The measures necessary to bring gold again into circulation.

"The first measure is that which, after long experience, a most deliberate investigation, and *notwithstanding a strenuous opposition by the parties interested*, has been finally adopted and persevered in by the Government of Great Britain. By the suppression of all notes of a denomination less than five pounds sterling (twenty-four dollars) in England, Wales, and Ireland, the amount of the circulating metallic currency has become equal to that of bank notes of every description. The metallic currency consists of EIGHT millions sterling in silver, (which is not a tender in any payment exceeding forty shillings,) and in TWENTY-TWO millions sterling in gold. This measure (suppression of notes under five pounds) has given a better security against FLUCTUATIONS in the currency, and a renewal of the SUSPENSION of specie payments, than had been enjoyed during the thirty preceding years. In France, where the Bank of France is *alone* authorized to issue bank notes, and none of a denomination less than five hundred francs, its circulation of notes hardly ever reaches ten millions sterling, or about *one tenth* part of the currency of the country."

Mr. B. having read this paragraph from Mr. Gallatin relative to the suppression of small notes, to show the effect of the first step towards enlarging the specie basis of the currency, also referred to other passages relative to the next step, that of bringing back gold into circulation. The only measure for restoring this metal, in addition to the suppression of small notes, mentioned by Mr. Gallatin, was that of correcting the erroneous standard of our gold, that of fifteen to one for silver. That has been done, and the standard raised higher than proposed by Mr. Gallatin; but the effect desired is not yet produced; gold is not yet in common and general use. An additional measure is therefore necessary, and that is a compulsory obligation on all the banks to pay their notes in gold *and* silver, one half each—the demander to have the first choice, the bank the second. At the time that Mr. Gallatin wrote, (1830,) three measures were necessary to bring back gold into circulation: 1. Suppression of notes under twenty dollars; 2. Correction of the erroneous standard of gold; and 3. Compulsory obligation on banks to pay gold. One of these measures, a correction of the standard, has been adopted, and has partially restored gold; but its effect will be transient and inadequate, unless the other two are added.

Mr. B. took his leave of this important and all-essential point, the suppression of bank notes below twenty dollars, with bringing to the memory of the Senate two most pertinent and weighty recollections, one founded upon the action of the Senate itself; the other on the recommendation of President Jackson. Four years ago, at the veto session, and when a modified recharter passed both Houses in favor of the Bank of the United States, the sum of twenty dollars was agreed upon as the minimum size of the notes to be issued under the renewed charter. The proceedings of the Senate on this point appear thus in Gales & Seaton's Register of Debates for Monday, the 28th of May, 1832:

"The Senate then again proceeded to consider the bill to modify and continue the charter of the Bank of the United States. The question being on the amendments proposed by Mr. WEBSTER, being in substance:

"1st. That the Secretary of the Treasury, when directed by the President, have the power to purchase additional stock in the bank to an amount not exceeding $3,000,000; and

"2d. That it shall not be lawful for the bank, after the 4th day of March, 1836, to issue any notes of a less value than —— dollars.

"Mr. WEBSTER said a few words in defense of his second amendment, which imposed no restriction until after the expiration of the present charter. The effect of his proposition would be to introduce more specie into circulation, and to banish the small notes with which the country is inundated. He moved to fill the blank with ten dollars, but expressed his willingness to vote for a higher restriction if any Senator should move it.

"Mr. BENTON would propose twenty dollars. He wished the basis of circulation throughout the country to be in hard money. Farmers, laborers, and market people, ought to receive their payments in hard money. They ought not to be put to the risk of receiving bank notes in all their small dealings. They are no judges of good or bad notes. Counterfeits are sure to fall upon their hands; and the whole business of counterfeiting was mainly directed to such notes as they handle—those under twenty dollars.

"After a few remarks from Mr. FOOT and Mr. CHAMBERS, the question was taken on filling the blank with twenty dollars, when it was agreed to; and the amendment, thus shaped, was concurred in."

This was one of the recollections which Mr. B. wished to bring to the mind of the Senate; the other was, that *President* JACKSON, in his last annual message to Congress, had fixed upon twenty dollars as the minimum size of bank notes which ought to be tolerated.

Mr. B. took this occasion to express his regret that the true idea of banks seemed to be lost in this country, and that here we had but little conception of a bank, except as an issuer of currency. A bank of discount and deposit, in contradistinction to a bank of circulation, is hardly thought of in the United States; and it may be news to some bank projectors, who suppose that nothing can be done without banks to issue millions of paper, to learn that the great bankers in London and Paris, and other capitals of Europe, issue no paper, and, still more, it may be news to them to learn that Liverpool and Manchester, two cities which happen to do about as much business as a myriad of such cities as this our Washington put together, also happen to have no banks to issue currency for them. They use money and bills of exchange, and have banks of discount and deposit, but no banks of circulation. Mr. Gallatin, in his Essay upon Currency, thus speaks of them:

"There are, however, even in England, where incorporated country banks issuing paper are as numerous, and have been attended with the same advantages and the same evils as our country banks, some extensive districts, highly industrious and prosperous, *where no such bank does exist*, and where that want is supplied by bills of exchange drawn on London. This is the case in Lancashire, which includes Liverpool and Manchester, and where such bills, drawn at ninety days after date, are indorsed by each successive holder, and circulate through numerous persons before they reach their ultimate destination, and are paid by the drawee."

Mr. B. greatly regretted that such banks as those in Liverpool and Manchester were not in vogue in the United States. They were the right kind of banks. They did great good, and were wholly free from mischief. They lent money; they kept money; they transferred credits on books; they bought and sold bills of exchange; and these bill, circulating through many hands, and indorsed by each, answered the purpose of large bank notes, without their dangers, and became stronger every time they were passed. To the banks it was a profitable business to sell them, because they got both exchange and interest. To the commercial community they were convenient both as a remittance, and as funds in hand. To the community, they were entirely safe. Banks of discount and deposit in the United States, issuing no currency, and using no bank note except of one hundred dollars and upwards, and dealing in exchange, would be entitled to the favor and confidence of the people, and of the Federal Government. Such banks only should be the depositories of the public moneys.

It is the faculty of issuing paper currency which makes banks dangerous to the country, and the height to which this danger has risen in the United States, and the progress which it is making, should rouse and alarm the whole community. IT IS DESTROYING ALL STANDARD OF VALUE. It is subjecting the country to demoralizing and ruinous fluctuations of price. It is making a lottery of property, and making merchandize of money, which has to be bought by the ticket holders in the great lottery at two and three per cent. a month. It is equivalent to the destruction of weights and measures, and like buying and selling, without counting, weighing, or measuring. It is the realization, in a different form, of the debasement and arbitrary alteration of the value of coins practiced by the kings of Europe in former ages, and now by the Sultan of Turkey. It is extinguishing the idea of fixed, moderate, annual interest. Great duties are thus imposed upon the legislator; and the first of these duties is to revive and favor the class of banks of discount and deposit; banks to make loans, keep money, transfer credits on books, buy and sell exchange, deal in bullion, but to issue no paper. This class of banks should be revived and favored; and the United States could easily revive them by confiding to them the public deposits. The next great duty of the legislator is to limit the issues of banks of circulation, and make them indemnify the community in some little degree by refunding in annual taxes some part of their undue gains.

The progress of the banking business is alarming and deplorable in the United States. It is now computed that there are seven hundred and fifty banks, and their branches, in operation, all having authority to issue currency, and, what is worse, all that currency is receivable by the Federal Government. The quantity of chartered bank capital, as it is called, is estimated at near eight hundred million dollars; the amount of this capital reported by the banks to have been paid in is about three hundred millions; and the quantity of paper money which they are authorized, by their charters, to issue, is about seven hundred and fifty million dollars. How much of this is actually issued can never be known with any precision; for such are the fluctuations in the amount of a paper currency, flowing from seven hundred and fifty fountains, that the calculation of one day cannot be relied upon for the next. The amount of capital reported to be paid in is, however, well ascertained, and that is fixed at three hundred million dollars. This, upon its face, and, without recourse to any other evidence, is proof that our banking system, as a whole, is UNSOLID and DELUSIVE, and a frightful imposition upon the people. Nothing but specie can form the capital of a bank; there are not above sixty or seventy millions of specie in the country, and of that the banks have not the one half. Thirty millions in specie is the extent; the remainder of the capital must have been made up of that undefinable material called "*specie funds*," or "*funds equivalent to specie*," the fallacy of which is established by the facts already stated, and which show that all the specie in the country put together is not sufficient to meet the one fifth part of these "*specie funds*," or "*funds equivalent to specie*." The equivalent, then, does not exist! credit alone exists; and any general attempt to realize these "*specie funds*," and turn them into specie, would explode the whole banking system, and cover the country with ruin. There may be some solid and substantial banks in the country, and undoubtedly there are better and worse among them; but as a whole—and it is in that point of view the community is interested—as a whole, the system is UNSOLID and DELUSIVE! and there is no safety for the country until great and radical reforms are effected.

The burdens which these seven hundred and fifty banks impose upon the people were then briefly touched by Mr. B. It was a great field which he had not time to explore, but which could not, in justice, be entirely passed by. First, there were the salaries and fees of seven hundred and fifty sets of bank officers—presidents, cashiers, clerks, messengers, notaries public to protest notes, and attorneys to sue on them; all these had salaries, and good salaries, paid by the people, though the people had no hand in fixing these salaries; next, the profits to the stockholders, which, at an average of ten per centum gross, would give thirty million dollars, all levied upon the people; then came the profits to the brokers, first cousins to the bankers, for changing notes for money, or for other notes at par; then the gain to the banks and their friends on specula-

tions in property, merchandise, produce, and stocks, during the periodical visitations of the expansions and contractions of the currency; then the gain from the wear and tear of notes, which is so much loss to the people; and, finally, the great chapter of counterfeiting, which, without being profitable to the bank, is a great burden to the people, on whose hands all the counterfeits sink. The amount of these burdens he could not compute; but there was one item about which there was no dispute—the salaries to the officers and the profits to the stockholders; and this presented an array of names more numerous, and an amount of money more excessive, than was to be found in the "*Blue Book*," with the Army and Navy Register inclusive.

Mr. B. said this was a faint sketch of the burdens of the banking system as carried on in the United States, where every bank is a coiner of paper currency, and where every town, in some States, must have its banks of *circulation*, while such cities as Liverpool and Manchester have no such banks, and where the paper money of all these machines receive wings to fly over the whole continent, and to infest the whole land, from their universal receivability by the Federal Government in payment of all dues at their custom-houses, land offices, post offices, and by all the district attorneys, marshals, and clerks employed under the federal judiciary. The improvidence of the States, in chartering such institutions, is great and deplorable; but their error was trifling compared to the improvidence of the Federal Government in taking the paper coinage of all these banks for the currency of the Federal Government, *maugre* that clause in the Constitution which recognizes nothing but gold and silver for currency, and which was intended forever to defend and preserve this Union from the evils of paper money.

Mr. B. averred, with a perfect knowledge of the fact, that the banking system of the United States, was on a worse footing than it was in any country upon the face of the earth, and that, in addition to its deep and dangerous defects it was also the most expensive and burdensome, and gave the most undue advantages to one part of the community over another. He had no doubt but that this banking system was more burdensome to the free citizens of the United States than ever the feudal system was to the *villeins*, and *serfs*, and *peasants* of Europe. And what did they get in return for this vast burden? A pestiferous currency of small paper! when they might have a gold currency without paying interest, or suffering losses, if their banks, like those in Liverpool and Manchester, issued no currency except as bills of exchange; or like the Bank of France, issued no notes but those of five hundred and one thousand francs, (say $100 and $500;) or, even like the Bank of England, issued no note under five pounds sterling, and payable in gold. And with how much *real* capital is this banking system, so burdensome to the people of the United States, carried on? About thirty million dollars! Yes; on about thirty millions of specie rest the three millions paid in, and on which the community are paying interest, and giving profits to bankers, and blindly yielding their faith and confidence, as if the whole three hundred millions was a solid bed of gold and silver, instead of being as it is, *one* tenth part specie, and *nine* tenths paper credit!

Mr. B. said the reform of the banking system was a task as difficult as indispensable. The number and power of the banks was the first great impediment; the quantity of independent legislation was the next; but it had been shown that the whole was under the power of Congress, and that the Federal Government could, by the collection of its own revenues, regulate the State currencies, and bring them all to the touchstone of gold. The States themselves could effect the regulation by direct legislation. It is no answer to say, "*we will if the rest will.*" Let one begin, and let it exclude from its borders all the descriptions of notes which its own banks are forbid to issue; that State will immediately realize the full benefit of its legislation, and others will soon follow the example. If they do not, the benefits to the reformed States will be none the less, but the greater; they will be to the rest of the States what France was to England during the reign of the one and two pound notes—*the absorbent of their gold!* Above all, (Mr. B. said,) the Congress of the United States should begin first; that Congress to whose guardian care is committed the Constitution which recognizes nothing but gold and silver for money; and *here*, in this District, where Congress sits, and has exclusive jurisdiction, is the *place* to begin; and now the *time*, when several banks in company have knocked all at once at our doors, and demanded, twice and thrice, renewed charters, without having undergone the investigations which their past conduct requires. Here is the place, this the authority, and now the time to begin; and as we now act, so will be the influence of our example, for good or for evil, throughout the entire extent of the Union.

PUBLIC DEPOSITS.

SPEECH OF HON. SILAS WRIGHT,

OF NEW YORK,

IN THE SENATE, *May* 27, 1836.

The bill to regulate the deposits being before the Senate, and the question upon the amendment offered by Mr. WRIGHT as a substitute for the original bill, introduced by Mr. CALHOUN—

Mr. WRIGHT said, he rejoiced that this interesting subject had at last come to its discussion before the Senate; and he rejoiced still more to see, as he thought he did see, a disposition upon all sides of the House to consider the bill with a sincere desire to agree upon a law which should hereafter regulate the deposits of the public moneys in the State banks. He would assure the Senate that he entered upon the discussion with the most earnest hope and intention that their deliberations might be brought to a successful termination, and that provisions might be agreed upon which would not only meet the assent of a large proportion of the Senators, but be satisfactory to the country, and quiet the complaints and remove the apprehensions which now surround the subject.

Mr. W. said he ought further to inform the Senate, before he proceeded with the remarks he had to make, that no pride of authorship could attach to him in the amendment he had offered. The sections which related to the regulation of the deposits were the bill digested by the Committee of Ways and Means of the last House of Representatives, as he had been informed, and supposed to be true, with the advice of the head of the Treasury Department, and was reported to that House, but not acted upon. He did not himself profess a sufficient acquaintance with the subject to be able to frame a safe and proper bill to regulate these deposits which would accommodate the Treasury, and at the same time be so far consistent with the interests of the banks as to induce their assent to its provisions. He had not so minutely examined the provisions of these sections as to be able to pronounce the opinion that they were, in all respects, right in themselves, or preferable to others which might be suggested. The two last sections of the proposed amendment related to a subject distinct from the regulation of the deposits, and had been added in pursuance of recommendations made by the Secretary of the Treasury in his last annual report to Congress. They were, therefore, propositions of the Secretary for the temporary disposition of any surplus which might remain in the Treasury; and he had offered them to the Senate because they met much more perfectly his views than any other propositions for the disposition of that surplus which he had heard from any other quarter. He was not, therefore, the author of any portion of the amendment he had presented; and his action must not be considered as influenced by any such relation to any of the provisions. He would go further, and say that he was unconscious of feeling any peculiar attachment to any of the propositions he had presented, and would most cheerfully yield them, and give his support to any others which he could convince himself were better suited to the objects all had in view.

Among those objects, it appeared to him that the security of the public treasure must stand first. He was not among those who entertained the least apprehension as to its entire security in its present condition, but he was fully conscious, if further accumulations were to take place, that a change of that condition would become indispensable. His confidence in the safety of the deposit banks, at the present time, was perfect, but he could not fail to see that if the amounts in deposit went on increasing, a just apprehension might soon be entertained that the capital and means of the banks might not be adequate to their immense responsibilities. Some indulged this apprehension now, and he was desirous to adopt measures which should not only arrest its increase, but put an end to it for the future.

Another leading object in any action upon this subject (Mr. W. said) must be the convenient use of the banks as the fiscal agents of the Treasury. And here it should be borne constantly in mind that the Senate were attempting to legislate in reference to institutions not existing by the authority of Congress, not subject to the control or direction of Congress, and in no way to be affected by the action of Congress, in their character of fiscal agents, any further than their respective voluntary assents should bind them to such subjection, and thus connect their interests with the legislation of Congress. We were, in effect, (Mr. W. said,) merely making proposals to these institutions for a contract, in any law we might pass, and it therefore became us, while we performed scrupulously and rigidly our office and duty as guardians of the public Treasury, so far to regard the interests to be consulted upon the other side as not to make our terms, or proposals, such as must meet the refusal of the banks, and thus deprive the Treasury of their essential services. It was, in his judgment, the wisest protection of the public interests to offer to the deposit banks such terms as would make it their interest to discharge promptly, honestly, and faithfully, their duties to the Treasury, and to keep carefully and safely the public moneys intrusted to them; and he could not consent to adopt any parsimonious policy which would so tie down these banks as to compel them to make an unsafe and hazardous use of the moneys in deposit, to indemnify themselves against our exactions. Such a course would be to draw the most unsafe banks only into our service, and to excite them to a use of the public moneys dangerous to the institutions and insecure to the public.

A third object, which should not be lost sight of in the legislation under consideration, was a healthful condition of the monetary system of the country. Mr. W. said he could not for a moment doubt that the large accumulation of the public revenues in the banks had done much to promote the spirit of excessive speculation which, during the past year, had seemed to pervade every section of our vast country and every branch of enterprise. The ten or eleven millions beyond any former year, which had sought investment in the public lands, must, to a very great extent, have emanated from these reservoirs of surplus funds. The year was one of plenty and profusion in every department of trade and business, and the capital of the banks, and in the banks, not required for the legitimate uses of commerce, must seek other employment. Hence, accommodations were liberal and speculations ran wild; for, rely upon it, (said Mr. W.,) those gentlemen are mistaken who have supposed, and have told us, that banks lock up the money intrusted to their keeping, and deprive the community of its use. Such is not the nature of these institutions. Such is not their interest and soulless existences; their interests are their only governing principle. The fault is here. They will not keep money in an unproductive state; and when the proper customers of banks, those who require loans for commercial purposes, when speedy returns are certain, do not apply for their means, they will loan them to those who are engaged in speculations—to those who, it is known, intend to apply the funds obtained to the purchase of property not convertible to cash at pleasure, but dependent upon casualties which render the use hazardous to the stability of banking facilities. The commercial community are, at this moment, experiencing a severe pressure for money. Is not

the principal cause to be found here? Were the millions which have been invested in speculations upon real estate, derived from bank accommodations, within the eighteen months last past, to be returned within the reach of legitimate commercial calls, does any one suppose the pressure at present existing would have been felt? Does any one believe it would continue for one day? In so far as the great accumulation of the moneys of the Government in the deposit banks may have promoted this spirit of speculation and encouraged these loans, it is the imperative duty of Congress, when legislating upon the subject of the public deposits, to devise some mode of correcting the existing evil, and of preventing its recurrence in future. In our use of the State institutions as the fiscal agents of the Treasury, we should, so far as may be in our power, so regulate that use as to promote, not to disturb, the great moneyed interests of the country, and the success and prosperity of commerce, which is our principal dependence for the revenues to be deposited.

With these preliminary remarks, Mr. W. said he would proceed to consider, very generally, the bill and amendment, and to point out some of the principal differences between the two proposed measures. He should not, at this time, enter into minute detail, but should confine his remarks to those differences which he thought highly essential.

The first he should notice was the liberty given to the Secretary of the Treasury, by the amendment, to select additional deposit banks The provision, in terms, authorized an entire new selection under the law, as those now used had been selected when there was no law upon the subject; but he was most happy to be able to say to the Senate that he was not aware, nor did he believe there was the least intention or desire on the part of the Secretary, or of any one else, in the execution of this power, to dismiss a single one of the existing deposit banks. He did not know or believe, that any bank now employed was considered an unsafe depository of the public money, or had failed in any essential particular to perform its duties promptly and faithfully, as a fiscal agent of the Treasury. He did believe, however, that if the public moneys were to remain in the banks, additional selections ought to be made at some of the more important points. As he was more particularly acquainted with the condition of things in the city of New York, he would confine his remarks to that point. Three banks of deposit had been selected, and were now employed in that city. Two of those banks were by their charters restricted as to their amount of loans; and his recollection was, that the utmost extent to which they could go was twice and a half the amount of their capital stock. All the other banks in the city and State of New York, with very few exceptions, were subject to the same restriction and limitation; and Mr. W. said he did not doubt that the third deposit bank, from the large amount of its capital, and the known discretion and safety of its directors, was practically subjected to the same limitation. Hence it would be apparent to all that an amount of public deposits must frequently accumulate in these three banks at that point, which, connected with the capital and means of the banks themselves, would constitute a fund far beyond the amount of loans they were at liberty to make. What, he should be asked, is done with this surplus? Is it not locked up without use to the banks or the community? He was ready, as he believed, to answer the inquiries, and to say that it is not locked up and kept from the use of that commercial community. When such a state of things is found to exist, those deposit banks suffer balances to remain to their credit in the neighboring banks of the city, upon which those banks extend their loans. He could not say that there were permanent arrangements between the banks as to these balances, but he believed he could say, with perfect safety, that they constantly existed to a greater or less extent, and that, in this indirect way, all the deposits at that point were made to constitute, as far as these deposits could properly be made to constitute, capital upon which accommodations were extended to the customers of the banks.

The system, however, was, in his judgment, very objectionable. These balances, suffered to remain in the banks not selected as deposit banks, were, from the necessity of the case, payable to the deposit banks upon demand at their pleasure. It gave them, therefore, a command over the neighboring institutions, which should not exist but from an unavoidable necessity. If we so arrange the disposition of the public moneys that more banks than those now selected must be employed to use them for the accommodation of the business community, there is no reason why each bank should not be made principal in its own use, and be responsible directly to the Treasury, and not indirectly through its neighboring and perhaps rival institutions. Mr. W. said it gave him great pleasure to say that he had never heard a charge of unfairness, or an unnecessary exertion of the power possessed by the deposit banks in the city of New York over their debtor banks, but there was something invidious in so limiting the number of deposit banks there, as to create the constant necessity of permitting part of the public moneys on deposit to remain in other banks, and be used by them, or to be taken from use, and locked up in the deposit banks. It added an unpleasant responsibility to the deposit banks, because, by the arrangement, they were compelled to be answerable, not only for their own use of the moneys intrusted to them, but for the use, by neighboring and rival institutions, of portions of those moneys; and it placed the neighboring and rival institutions, which would consent to take and use any part of these moneys, in the unpleasant position of agents to their rivals, and so far subject to their power and control. This state of things he believed ought not to exist, and either that the amount of deposits in the banks ought to be reduced to a limit within their chartered powers of disposition, or that the number of deposit banks ought to be increased to an extent which should produce that consequence.

The bill introduced by the honorable Senator from South Carolina [Mr. CALHOUN] confined the deposits to the existing deposit banks, and contained a positive prohibition against the selection of others, except at points where the public service might require it, and where there was now no such bank. Of consequence the exception would not afford a remedy in the case he had described, and he did not doubt that the situation of New York must be substantially that of Boston, Philadelphia, Baltimore, and many other similar points, where the principal collections of the revenue were made. For these reasons he preferred the amendment he had offered to the original bill, so far as this difference was concerned.

The next difference he proposed to notice was the omission, in the amendment, of any provision for the payment of interest upon deposits. This omission, so far as his action was concerned, had been made upon the assumption that some disposition, other than that of a deposit in the banks, would be made of any surplus of the moneys so deposited, beyond the contemplated expenses of the Government. Should this not be so, and should the public moneys continue to accumulate in the banks, without appropriation and expenditure, he was clearly of the opinion that the banks ought to allow a reasonable interest for their use. He was, however, so unwilling to make an investment of this description, because it held out so directly, if not compulsorily, an inducement to the banks to make a hazardous, if not improvident, use of the money in deposit with them, that he would not, at this stage of the proceeding, discuss the principle involved, or express an opinion as to any rate of interest which he might think it proper to exact. He yet entertained the strongest hope that the adoption by the Senate of the proposition he had made for the investment of any surplus which might be found to exist, would entirely supersede the necessity of action upon this proposition; and he took it for granted, if his or any other of the several propositions for taking the surplus from the banks, and placing it beyond their reach, should prevail, all would concede that the use of the moneys which would remain in deposit would be no more than an equivalent for the services required of the deposit banks, in their characters as fiscal agents of the Treasury. If none of those propositions should meet the approval of the Senate, then he might be compelled to consider, practically, some mode of requiring the banks to pay an interest upon the deposits, and the rates of interest which should be charged. He would not, however, at present, anticipate the difficulties which would be found to arise from any provision of this sort. A further consideration connected with this part of the subject it became his particular duty to bring to the notice of the Senate. He could not speak as to other States than the one he had the honor in part to represent here, but the banks of his State, as he had before remarked, were limited in the amounts they were permitted to loan; and, in the city of New York, it happened, as he was informed and believed, and would hereafter often happen, that the amount of public deposits in the deposit banks there would be greater, when added to the capital and means of those banks, than they could use by way of loans. Under the present arrangement he had described the mode in which the surplus of such deposits was made useful and available to the mercantile community. The system pursued, on the part of the deposit banks, of letting balances stand to their credit in the neighboring institutions, upon which they could make loans, reached this great and useful object, and the fact that these balances were permitted to remain without interest enabled the banks thus accommodated to extend to their customers nearly the same liberality which could be extended by the deposit banks, were they permitted to discount upon the same funds. But if interest was to be demanded of the deposit banks, it was certain that they could not afford to suffer these balances to remain with rival institutions without interest. They could not afford to pay interest upon funds, and give the gratuitous use of them to their neighbors.

Interest (Mr. W. said) was the governing principle of a bank, and no bank would consent to pay interest and not receive interest; much less to pay interest for the benefit of a rival bank. The deposit banks, therefore, will not pay interest to the Government upon the public deposits, and suffer portions of the moneys in deposit with them to remain, in the shape of balances, in neighboring institutions, without interest. Can they, then, Mr. President, permit them to remain upon the payment of interest? No, sir; I think they cannot. Balances suffered to remain, under a stipulation to pay interest, would be loans in effect, and loans within the meaning and intent of the charters of the banks which should enter into such a stipulation by way of addition to the direct loans they are permitted to make. These deposit banks will be sure to use directly so much of the moneys intrusted to their care as they are permitted by their charters to use; and should more be deposited, it is impossible they could pay an interest upon it, and not use it; it is certain they would not pay an interest upon it and permit others to use it, without interest; it is shown that they could not lend it to others upon interest, to be used as the basis for loans; and therefore they could not consent to receive in deposit a greater sum than they could use under the powers granted in their own charters.

Here Mr. W. said he thought he had a conclusive argument to prove, either that an interest upon the deposits ought not to be charged, or that the number of deposit banks in the city of New York ought to be so increased, that each bank could use, by way of loans, all the money it should be required to take upon deposit. He did not oppose the plan of charging the banks with an interest upon the deposits, in case amounts of money beyond the current demands upon the Treasury, were to remain with them; but if this policy was to become the law of the land, he desired that it might be practically applied, so that the institutions and the Treasury might be able to act together, in adopting it. This, he was sure, could not be done, without the selection of additional deposit banks at some of the important points. He had stated the operation at New York, and he did not doubt that the same consequences, to a greater or less extent, would be operative at several of the other important points where the collections of the public revenue were large. He must here again remind the Senate

that we were legislating in reference to institutions not subject to our legislation, and which were to be made subject to it by their own voluntary consent; by a free, and full, and fair contract, or not at all. It therefore became us to offer to them terms which they could accept, and not so to economize our own interests as to deprive us of the aids—important, if not indispensable—of those fiscal agents of our Treasury. For these reasons he preferred the amendment to the original bill, because it gave to the Secretary of the Treasury the power to select additional deposit banks, an exercise of which power would be indispensable in case the principle of charging interest upon the deposits should be made a feature of the deposit bill.

The only other principal difference between the bill and amendment which he proposed to notice was the different propositions for the temporary disposition of any surplus of revenue which might, from time to time, be found in the Treasury. The bill offered by the honorable Senator from South Carolina [Mr. CALHOUN] proposed to deposit it with the States, without interest, upon a mere statute pledge of repayment of the principal when Congress should call for it. The amendment offered by himself proposed simply to invest it in the stocks and securities issued by some one of the States of this Union, bearing a fair interest, transferable at the pleasure of the holder, and to authorize the Secretary of the Treasury, or the commissioners of the sinking fund, at any time when the wants of the national Treasury should require it, to sell the stock so purchased at its market value.

Mr. W. said it would be the purpose of his remaining remarks to examine these different propositions, and assign the reasons for his preference for the one he had submitted.

The proposition he had offered, equally with that of the honorable Senator, [Mr. CALHOUN,] rested upon the responsibility of the States, and the investments were, by the terms of it, to be confined to the stocks or other securities issued by a State, and carrying upon its face a pledge of the faith and credit of the State for the punctual payments of interest and the final redemption of the principal. It possessed an important advantage over the proposition of the Senator, in commanding for the money paid an actual and transferable security—a security which might be converted into money at pleasure, without any agency or interference on the part of the State. It also secured a fair interest for the use of the money while it should remain invested, and in this respect seemed to him to be decidedly preferable to the proposition of the Senator.

The Senator proposed to loan the money to the States without interest, until wanted for the uses of the public Treasury and actually called for upon a given notice, and that, too, without any security possessed by the Government which it could use independently of the action of the States. His only security was a legislative pledge, which was worth nothing until made so by the further positive action of the State Legislatures. It might, and it might not, be convenient for them to respond to the call of Congress for this money, and all would admit that their pleasure must determine the question whether or not the money should be repaid, as none would contend that any power existed in Congress, or in any Department of this Government, to coerce the fulfillment of this legislative promise to pay.

But by whom, he would ask, was this call to be made upon the States? By Congress; in other words, by the representatives of the States here, and by the representatives of the people of the States in the other branch of Congress. The States were to be made the debtors, and their will, expressed by their representatives in Congress, was to determine whether their respective debts should be paid, and when and how that payment should be made. This was the financial policy of the proposition of the honorable Senator. This was the security to the national Treasury to be offered for the almost countless millions, which the imagination of the Senator had accumulated there, to be transferred to the several State treasuries.

Mr. W. said, he here met an objection which he must examine in a manner he hoped would be satisfactory to all who would honor him with their attention. He alluded to the objection that the mode of investment he had proposed would introduce into the financial operations of the country an extensive system of "stock jobbing;" would make the Government itself a "stock jobber;" and would confound its fiscal agents with "the bulls and bears of the stock market."

The objection was most seriously urged, and, therefore, deserved a careful examination. He hoped to be able to give that examination in a manner so simple, clear, and intelligible, that friends and opponents of the propositions would be entirely satisfied that its rejection must rest upon stronger ground than could be found in this cabalistic scare-crow. In what securities did he propose to make the investments? In securities resting upon the faith and credit of some one of the States of this Union. Were securities of that character the subject of stock gambling? Would any Senator rise in his place and say, that the stocks or other securities issued by his State, and dependent upon its faith for their final redemption, were food for "the bulls and bears of the stock market?" Would any one contend that securities of this character were to be classed with the gambling stocks of the day? Would it be urged that the rise and depression of these stocks in the market for the last ten years had furnished the least indication that they were affected by the movements of those who had been termed "the bulls and bears of the stock market?" He was sure he might give a negative to all these inquiries without contradiction here, and if so, he must be permitted to say he considered the "stock jobbing" objection most conclusively answered.

He would ask, however, what were gambling stocks in practice? Were they securities like the State stocks, defined and certain in every element which could constitute value? Were they certificates, or bonds, for a given amount of principal, payable at a given day, and at a specified place; with a given rate of interest for the forbearance of payment, also payable quarterly, half-yearly, or yearly, at a given place named upon the face of the security? Could stocks or securities of this character become the subject of gambling in the stock market, for any other cause than a doubt as to the payments of interest and principal? And was any one prepared to say that the faith of any State of the Union, thus pledged, was matter of doubt or uncertainty in the remotest degree? He thought not. Where, then, was the room for apprehension as to stock-jobbing? The amount of principal secured by the stock was liquidated and certain; the day of payment was particularly specified; the rate of interest was fixed, and the place for the payments of interest and principal was defined. Where, he would again ask, was there room for gambling? for stock-jobbing? for the interference of the "bulls and bears," in investments of this character? There was none; and the history of these stocks and securities in the market would show that they were entirely exempt from influences of the disruption indicated by the objection.

These stocks would experience fluctuations in the market, but they were not the fluctuations produced by stock gambling. When money was plenty, and the legitimate calls of business did not require all the means at the command of capitalists and money dealers, investments would be sought in these safe stocks, and they would rise in value. When, on the contrary, money was scarce, and capital could be safely invested at a much more advantageous rate than the usually low interest paid upon these stocks, the stocks would seek a market for a change of investment, and the consequence would usually be a depression of price. These, and these alone, were the causes of fluctuation in the price of the State stocks; and who could suppose that these causes would produce fluctuations so great as to deserve the appellation of "stock-jobbing," "stock-gambling," "an association with the bulls and bears of the stock market?"

What, he would again ask, were gambling stocks? They were stocks dependent upon future and uncertain results. They were stocks as to the value of which the judgment and the imagination were the guides of the purchaser. A bank is chartered, a railroad company is incorporated, or a canal is authorized to be constructed; a stock is created and becomes the subject of purchase and sale in the market; but there is no bank, no railroad, no canal, in actual operation. The value of the stock is matter of calculation, conjecture, imagination. There are no dividends, and therefore the rate of dividend is unknown; and estimate, calculation, judgment, or imagination, excitement, enthusiasm, as the case may be, direct the standard of value of the stocks and govern the sales. These are the stocks which give rise to stock-jobbing; these are the gambling stocks; these are the stocks upon which "the bulls and bears of the stock market" act; these are what have been denominated "the fancy stocks" of Wall and Chestnut streets, and the other great stock markets of the country. Would any Senator, or any citizen of intelligence and observation, attempt to class these stocks with the certain and specified securities issued by the independent States of this Union and guarantied by their faith and credit? He was certain he might answer no, and that answer must put at rest forever this frightful "stock-jobbing" objection.

Another advantage (Mr. W. said) to be derived from the propositions he had submitted, and which ought to commend them to the favor of some portion of the Senate, was, that they were antagonist to no measure of appropriation or distribution which had been, or which could be, presented to Congress. If adopted, they would merely act upon any surplus moneys which might from time to time be in deposit; they would, at all times, regulate the amount of money in the banks, and prevent the mischiefs experienced and apprehended from an over accumulation of funds there. They would remedy the evil which constituted the principal subject of present complaint, and would, at the same time, preserve the funds within the entire control of the Treasury, in a shape to be converted into money whenever appropriations made by Congress should require their use.

It was objected that there would be a want of these stocks to absorb the millions which the condition of the Treasury would present for investment under the terms of the propositions. His answer to this objection was double. In the first place, he could assure the gentleman who urged it, and the country, that the vivid and fruitful anticipations of the financiers who had predicted upon the amounts of surplus revenue, would be most sadly and greatly disappointed. If Congress performed its duty during its present session, and made such provision for the immediate and permanent defenses of the country as its condition and wants imperiously demanded, the amount of our surplus money would not be such as to alarm the statesman and patriot, or to compel the fiscal officers of the Government to go abroad for stocks in which they could invest it. There might be a small surplus, but he thought it would mostly consist of unexpended balances of outstanding appropriations. Existing in this shape, it might be found wise to make temporary investments, in the manner proposed, but not in amounts which would exceed the amounts of State stocks in the market. In the second place, the present amount of those securities, existing in the shape of stocks, or bonds, must be some fifty or sixty millions of dollars, and it was a fact known to all who had paid the least attention to the legislation of the States for the past year, that a very large proportion of them were authorizing further loans, and the issue of new stocks, or securities, to enable them to prosecute additional works of internal improvement. He did not propose to be specific in any statement upon this point, but he would refer to the State he had the honor, in part, to represent, to Pennsylvania, Ohio, Maryland, Louisiana, and many others, as having outstanding securities in considerable amounts; and the same States, with perhaps the exception of Ohio, together with Indiana, Illinois, Tennessee, Mississippi, and he believed several other States, had, at the last sessions of their respective Legislatures, authorized heavy additions to their State debts. How, then, could gentlemen entertain apprehensions that there would be a want of State stocks in which to make these

investments? Even should the amounts to be invested far exceed their most flattering calculations, the amount of these stocks would much more than equal the sum total of surplus, and he hoped to quiet their apprehensions for the future by the confident assurance, which the history of the times would fully warrant, that unless a radical change in the policy of the States should be produced, the increase of State loans, and consequently of State stocks and other State securities, would far outstrip the accumulations of surplus revenue in the national Treasury.

But another formidable objection had presented itself to the minds of some, in the supposition that any attempt on the part of this Government to invest the surplus moneys of the Treasury in these stocks would, at once, raise the price of the stocks in the market to an extent so extravagant as to make the investments matter of important loss. He would beg gentlemen who urged this objection to remember against what description of investments they were using the argument. Take an example. You propose to purchase a five per cent. stock of one of the States, upon which the interest is payable quarter-yearly, and the principal redeemable at the expiration of twenty years. The only consideration which can make such a stock par in this country, where money is almost always worth more than five per cent. for ordinary uses, is that of perfect security and perfect punctuality in the payments of interest and principal. If you pay a premium upon such a stock and retain it until the principal becomes due, the premium paid is so much deducted in advance from the accruing interests, while, if the stock be not retained for the whole, but a portion only, of the time it has to run, its market value is diminishing in precise proportion to the lapse of time, and, of course, the prospect of recovering the premium paid, by a resale, diminishes constantly. All these are matters of precise and perfect calculation; and if every doubt as to the prompt and punctual payments of interest and principal be removed, as in reference to State stocks and securities they might be supposed to be, they were all the elements which entered into the value of the given stock. How much premium, then, he would ask, could be paid? Five per cent. premium would be the whole interest for one year, or the twentieth part of all the interest to be paid upon the stock, and this ratio would exhibit the effect upon the interest of the purchase at any rate of premium. How was it possible, then, that these stocks could experience great fluctuations beyond those occasioned by the different value of money at different periods? They could not, and their history in the market, as he had previously had occasion to notice, had proved that they had not fluctuated materially, after public confidence had become established in their entire security as investments. Indeed, he could go further, and say, that the State stocks had experienced no extensive fluctuations at any period; but, on the contrary, their usual history had been a gradual rise, within certain limits, regulated by the value of money and the desire for permanent investments, in proportion as the stocks became known and their perfect safety ascertained.

Some gentlemen (Mr. W. said) seemed to suppose that the fact that the Government was to become a purchaser, would, of necessity, affect the price of these stocks in the market. This he did not believe. He had had some experience in transactions of this sort, while in charge of an important fiscal office in his own State, and acting for the State, and that experience had taught him to believe that a public officer, acting with discretion, could purchase stocks of this character upon as favorable terms as any other individual. If the officer were to give public notice in advance that upon a given day he would present himself in the market and purchase a given amount of a specified stock, he would, most undoubtedly, have the price of that stock raised upon him, and would either defeat his intended purchase altogether, or compel himself to pay an exorbitant price. So with the commissioners of the sinking fund under the provisions of this act; but did any one suppose those officers would take that course in making the investments they are required to make? No, Mr. President; no officers or agents of intelligence and integrity will thus discharge such a trust. They will first ascertain, at the times specified, the amount of money to be invested, and will then give their instructions to trustworthy and confidential agents, stock-brokers, or others, at the points where the desired stocks are to be found, to make the necessary purchases for them. Their agents go into the market as other private individuals go there, not proclaiming themselves as the representatives of the United States, but as purchasers of State stocks for investment, and proffering the money, at the market value, to those who wish to sell. Their purchases, like all others, will be regulated by the relative value of money and of the stocks purchased; and, so far from the price being affected by the circumstance that the Government is in fact the purchaser, the seller may never know that fact. He makes his transfer to the nominal purchaser, and that purchaser to the United States; and it is only by following the transfers upon the books kept in the transfer office, that it will become known that the Government has purchased the stocks. This fact may not be made known until the investments are completed, and the purchases for the Government have closed. So with the sales, when the Government may find it necessary to sell; and no apprehension, therefore, can be justly entertained by reason of the connection of the public Treasury with these operations.

Mr. W. said it was undoubtedly true, in case large amounts were to be invested at one time, that an appreciation of the stocks might be the consequence. It was a law of trade, of universal application, that an unusual demand for any article in the market had a tendency to raise the price of that article in a ratio governed by the demand and supply, and, in reference to the investments provided for, this rule would operate in the same manner that it would upon mercantile, or any other transactions of trade. As, however, he had shown, he hoped satisfactorily to the Senate, that the amounts to be invested, as surplus beyond the appropriations made by Congress, could not be large, and that the amount of stocks in the market, of the description to which the investments were confined, was ample at present, and would increase much more rapidly than any possible increase of our surplus revenues, he thought he had answered the two last objections named so effectually as to prevent their repetition.

Another objection had been made to the propositions he had submitted, of a personal character. It had been said that the commissioners of the sinking fund were not the persons to whom the trust of making these investments ought to be confided. Mr. W. said he had named these commissioners, not because he had any especial preference for those particular officers, as the trustees of the Treasury, upon this particular occasion. Indeed, he did not know that he could tell who the commissioners were at the present moment, but he believed the Vice President, the Chief Justice of the Supreme Court, the Secretaries of State and of the Treasury, and the Attorney General, were of the number, if not the whole board. He must be permitted to say he had full and entire confidence in the individuals who now held those important offices, and, for himself, he would most cheerfully confide to their intelligence and integrity any trust, pecuniary or political; but he had designated the commissioners of the sinking fund for the reason that our fathers had designated those high officers, whoever the individuals might chance to be, to discharge much more important duties in reference to the great and vital interests of the Treasury, the payment of the national debt, and not from any personal or political attachment to the gentlemen who now filled the places. If objection was to be seriously made on account of this feature of the propositions, and any Senator would name other public officers, whose duties would permit the requisite attention to the trust, and who could be less exceptionably charged with it, he would most cheerfully consent to the change. He was sure he did not mistake the feelings of any one of the officers he had named when he said he could not render to them a more acceptable service than by discharging them from the unpleasant responsibilities which a faithful execution of the proposed trust might impose. He had been unable, however, after the most mature reflection upon the subject, to change the selection of trustees, and must, therefore, wait to hear the suggestions of those who found objection in this part of his propositions. He had heard the objections with patience, and he would endeavor to receive and consider any amendments with impartiality and candor.

Mr. W. said, when he had originally offered the sections of the bill upon which he was now remarking, $7,000,000 was named as the sum to be left in the Treasury to meet the disbursements of each quarter. Before he commenced his present observations, he had modified the proposition by striking out the word "seven," and thus leaving the sum blank. He had done this because he wished the vote might indicate the sense of the Senate upon the principle contained in the section, without involving objections of detail, which it was most manifest the fixing of this sum would involve. The counter-proposition already offered by the Senator from South Carolina, [Mr. CALHOUN,] with a much less sum ($3,000,000) inserted, afforded conclusive evidence of a wide difference of opinion upon this point, and proved satisfactorily to his mind that the question between the two propositions ought to be presented to the Senate without reference to this amount; that the principle of each might be disembarrassed from this mere difference of opinion as to the amount to be left in the Treasury, whether the one proposition or the other should be adopted. He thanked the honorable Senator for his agreement with him in this opinion, and for having modified his propositions in conformity with it, by leaving the sum blank in them also. Indeed the fixing of this sum, in any event, ought to be the act of the Senate, and not of any member of the Senate who might choose to submit propositions as to the disposition of any surplus revenue which might be found in the Treasury. This position would be sound under any circumstances, and was more especially so at this time, when appropriations to a greater extent than usual were not only proposed to be made, but conceded on all hands to be proper, and when, therefore, the amount to be retained for the uses of each quarter would be, to an unusual extent, dependant upon the appropriations actually made.

There was, however, a manifest difference as to the sum which ought to supply the blank in the section he had offered from that which had been offered by the Senator from South Carolina, [Mr. CALHOUN,] because the rule of action of the two propositions upon the funds in the Treasury was wholly different. That offered by him directed the commissioners of the sinking fund, at the commencement of each quarter of the year, to estimate not only the payments, but the receipts for the coming quarter, and from that estimate to determine the average of moneys to be found in the Treasury for the quarter, and to invest all above the amount which was to fill the blank in question, in the manner pointed out in the provisions. The antagonist propositions of the Senator provided for annual distributions, leaving in the Treasury, regardless of future receipts, a specified amount to meet outstanding appropriations. The rule of calculation was, therefore, entirely different, and the blank in each should be filled with reference to that rule. In the former case, the calculation was to be made at the commencement of the quarter, and the *receipts* as well as the expenditures of the quarter were to be brought into the estimates, while, in the latter case, a gross sum was to be left in the Treasury, at the commencement of each year, which, together with the receipts of the year not estimated, was to constitute its means for the coming year. In the one case the blank should be filled by a sum which would meet the entire payments of the quarter, while, in the other, it should be such a sum as, when added to the whole receipts of the future year, would meet the whole payments of that year. It was, therefore, most apparent, that, in acting upon the different principles proposed, this sum should be left blank, and that the blank should be filled with reference to the proposition adopted. It was equally apparent to his mind that the sum to be inserted, in either case, must depend mainly upon the appropria-

tions made, and to be made, by Congress during its present session. The quarterly payments must surely depend upon that legislation, and the question whether the receipts of the next year will be equal to the expenditures of that year, must also depend, in a great degree, upon the amount of outstanding appropriations at the close of this year. The appropriation bills for the present year are very late. Few of them have yet passed and become laws, although the one half of the year has nearly expired. If, then, they be greater than usual, there is the more reason to expect that the amount of outstanding appropriations, at the close of the year, will be unusually large. This amount, whatever it may be, is to be added to the current calls upon the Treasury of the next year, and, therefore, in fixing upon a sum to be left in the Treasury on the first day of the year, the amount of outstanding appropriations should be especially regarded.

In this view of the subject, Mr. W. said he had no hesitation in saying that the blank in the propositions of the Senator from South Carolina, [Mr. CALHOUN,] could only be filled safely by a deduction of the outstanding appropriations, separate from the sum which it might be necessary to retain in the Treasury, at the commencement of each year, to render it safe against all current calls. In reference to the propositions he had submitted, entirely different considerations might govern our legislation. In the first place, an estimate was to be made of the receipts and expenditures of each quarter, and the sum to be invested was to be regulated by that estimate, by deducting from the moneys in the Treasury and the estimated receipts for the quarter the estimated payments for the same quarter. The estimate, however, might be erroneous upon the one side or the other, but the consequence of error, in either case, could not be materially injurious to the public interests. If the estimate should be too favorable to the Treasury, the only consequence would be that the amount of the error would remain in the Treasury uninvested, during the quarter. If, on the other hand, the estimate should be too short, and leave the Treasury without means, the propositions not only authorize, but direct, the commissioners of the sinking fund immediately to sell so much of the stocks in which the investments had been made as may be necessary to supply the Treasury with means equal to its wants. At no time, under these propositions, are the means placed beyond the reach and control of the fiscal affairs of this Government, or in a situation in which they cannot be commanded by the action of the officers and agents of this Government, to supply the wants of the national Treasury. The filling of the blank, therefore, in this section, is much less important than in that offered by the Senator from South Carolina, [Mr. CALHOUN.] In this case the propositions of themselves provide a correction for any error which may arise. In the other case, the money is placed in the keeping of the States; is put beyond the reach of this Government or its officers, upon the mere security of a legislative pledge for the repayment of the principal, without interest, and cannot be reclaimed, whatever may be the wants of the national Treasury, but upon the voluntary, separate, and independent action of the Legislatures of all those States which shall receive their respective dividends. Hence the far greater importance that the Senate should direct in this matter, and that these blanks, and especially that in the proposition of the Senator, should be filled with great caution, and with particular reference not only to the outstanding appropriations, but to such future appropriations as any measures of national policy now to be adopted may require. He had felt it to be his duty to throw out these suggestions; and he would content himself with their expression, until some specific motion to fill the blank in the one or the other proposition should bring the question more directly before the Senate.

Mr. W. said he had two insuperable objections to prefer against the propositions offered by the Senator from South Carolina [Mr. CALHOUN] for a disposition of the surplus revenue. The first was, that he considered them, in substance and in effect, propositions to make a general distribution to the States of all revenues in the national Treasury from whatever source derived, and in that sense, to embrace the adoption of a principle which he considered more dangerous to our civil institutions, State and national, than any other which could be presented for the sanction of Congress. The taxing powers of this Government were to be used to accumulate money for distribution to the sovereign and independent States of the Confederacy. Those States were to be taught to look to this Government for the means to supply their wants; for the money to sustain their institutions; for the funds to meet their legislative appropriations. Can relations of this sort be established, and the independence of the States be preserved? Can the government of a State feel or exercise an independence of the power which feeds and sustains it by direct and gratuitous contributions from its treasury? What step can be so eminently calculated as this to produce speedy and perfect consolidation?

Mr. W. said he knew he should be answered that it was not proposed to *give* but to *loan* this money to the States, to take their bonds or securities for its repayment, upon the call of Congress. It would be further said that the omission to charge interest was a matter of entire discretion with Congress, and of justice to the States, inasmuch as the money had been collected from the people of the States; and, if not wanted for the uses of this Government, ought to be submitted to the States, for their use, without charge. These were specious answers to which the form of the propositions gave countenance; but what would be their practical effect? The money was to go to the States upon a rule of distribution prescribed, and claimed to be equal and just; it was to go to them for any uses they may choose to make of it, and without interest. In return for the money, the several State Legislatures are to pass laws declaring that the State will repay the principal when Congress shall, by law, call for the payment. Does any one believe that the national Treasury will ever receive back one dollar of the money distributed upon these terms? What is the course? The immediate relation of debtor and creditor is established between each of the States and the Federal Government, and the power to demand payment is left with the representatives of the States and of the people of the States, in the two Houses of Congress, while the response to that demand rests with the States themselves, acting through their respective Legislatures, or otherwise, as they shall choose. The Treasury is in want. Will the States, through their agents here, make a demand upon themselves to supply that want? Never, Mr. President. They may, through that channel, call for increased distributions, but never for the repayment of moneys which have been distributed and expended.

It must not be alleged, (said Mr. W.,) that in making these remarks he expressed distrust of the patriotism or faith of the States. No man entertained more confidence in both than himself; but the government of the States was the government of the people of the States, and the people of the States composed the vast, sagacious, enterprising business community which all here in common represent, and of whose interests they, as an aggregate number, are quite as perfect judges as their representatives anywhere. He should never express a doubt of their faith or patriotism, nor did he doubt that they would, at all times, and for all proper purposes, keep the national Treasury fully and richly supplied. If, however, want should come upon that Treasury, the manner of answering that want would be before the people and subject to their interests and their will. If an increase of the duties upon imports, an increase of indirect taxation, shall be more acceptable to the majority than a call upon the States for the money now proposed to be intrusted to them, that mode of supplying the Treasury will, of course, be adopted. Which—he would ask every Senator to answer to himself in candor and sincerity—which would be the most probable resort? In case of a call upon the States, all would be equally interested, and all would be likely to resist. Such a call, if the rule of distribution should be a proper and constitutional rule, would be, in effect, precisely equivalent to laying a direct tax to the amount, and the interests of no State or section of the country could, in any event, be promoted by it; but in an increase of the duties upon foreign importations, and the consequent increase of the revenue from customs, a large majority of the people of the whole Union, as experience has shown, may easily be made to believe, if the fact be not so, that their interests will be directly and essentially promoted. Who, then, can doubt that this mode, instead of a call upon the States for the money parceled out to them, will be the mode of supplying any future wants of the Treasury, so long as a resort to this indirect taxation can reach that object? If a calamitous and expensive war shall come upon the nation, and our commerce shall be so far interrupted or destroyed as to render any rates of duty upon imports an inadequate supply to the Treasury, then, indeed, this money might be called for, because then no other resort but to such a call, or to a direct tax, would remain to Congress. Still, an important and most delicate question would, even then, be likely to govern the action of the National Legislature. Each State would calculate the relative effect upon itself of a call for the money, or a direct tax to raise the same amount. The interests of the States whose populations shall have relatively diminished between the time of the receipt of the money and the time when a call shall be proposed, will dictate to it, and to its representatives here, to favor a direct tax in preference to a call, because its proportion of the tax will be less than was its proportion of the money, distributed when its relative position among the States was higher. On the contrary, the relatively increasing States, those whose population shall bear a higher proportion to the whole when the call comes than when the distribution took place, will favor a call instead of a tax, because the proportion of money falling to their share will have been less than their proportion of tax when they shall have become relatively more populous. The preponderance of these interests will, of course, determine the action of Congress when the crisis shall have arrived.

If this view of the subject be sound and practical, will any one contend that the disposition of the surplus, according to these propositions, is, in effect, anything less than a general and unrestricted distribution of it to the States? The repayment is submitted to their action, and is subject to their pleasure, and all the constitutional means for a supply of money to the Treasury, separate from a call for this money, will be constantly as open to them, and to their Representatives here, as they now are, and will remain, if this distribution be not made. Is, then, the position sound, that Congress will never make the call until a necessity either of levying a direct tax or of making it, shall exist? And if it be, is the position of the General Government made, in any respect, better by having required the promise of repayment as a condition precedent to dividing out the moneys of the Treasury to the States? Mr W. said he could not see that it was, while he could see the most fearful evils which might arise from this debtor and creditor relation between the States and this Government. He could foresee incalculable evils which might grow out of the conflicting and contrary interests of the different States, whenever it should be proposed by the Federal Government to make the call for this money, and thus attempt to render the promises to pay operative. He was compelled further to apprehend, in consequence of these propositions, should they be adopted, an early agitation of the tariff controversy, and the revival of local questions which have so recently tried the strength of this Union more severely than it had ever before been tried, and given to our institutions a shock which every patriot would long remember, and labor to the utmost of his power to avoid in future.

His second objection was against the rule of distribution adopted. It was directed to be made according to the representation of each State in the *Senate* and House of Representatives. He must suppose, if Congress possess the power, under the Constitution, to divide out the moneys in the public Treasury to the States, or to the people of the States, that the rule of distribution must follow that which governs the collection of

the same money. That rule is the rule of representation and taxation, is the rule of Federal numbers, is the rate of representation, as nearly as may be by which the States are represented in the House of Representatives. It has never before been proposed to include the Senate in any calculation of equality between the States. The Constitution has in no instance included it, and he must think that its inclusion here was against the spirit and against the express provisions of that instrument. How had this money been accumulated by taxation direct or indirect. From whom had it been collected? From the people of the States. The Constitution prescribed the rule by which, and by which only, Congress might tax them, and that was in proportion to their Federal numbers. If the money is not wanted for the uses of the Federal Government, to whom does it belong? and to whom should it be returned? Most certainly to the people from whom it has been collected, and in the same proportions which governed its collection from them. It should be distributed, then, upon the Federal numbers of the States, or upon their representation in the House of Representatives alone; and the representation in the Senate, which has no relation to the population or tax-paying liabilities of the States, should not be included.

Another argument against the adoption of this rule of distribution, of the strongest character, was to be found in the certainty it would create that the money would never be called for, even to avoid direct taxation. By this rule all the small States would obtain a large amount of the money to be distributed beyond the proportion to which their Federal numbers would entitle them. Sixteen of the twenty-four States would gain, and eight only would lose. Present, then, in this body, where the States are represented equally, the alternative of a direct tax, or a call upon the States for this money, and which do you think would be adopted? Would the sixteen States prevail, or the eight? and if the sixteen, which alternative would they choose? That, of course, which the interests of the States represented here, and holding the majority, should dictate. What would be that interest? In the distribution of the money to be repaid, they will have received a proportion much greater than their proportion of Federal population; because the rule of distribution included their representation in the Senate. If, then, they consent to the call for repayment, they must return the money received. On the contrary, if these States adopt a direct tax, they have only to raise a sum equal to their exact proportions in the scale of Federal numbers, and therefore will be direct gainers by preferring a tax and rejecting a call for the money.

Mr. W. said he must, in justice to himself, state that the fact that the rule proposed to be adopted would work the greatest injustice to his own State, had very little influence with him in urging this objection. If a distribution was to be made, and New York was to be a recipient, it was his duty to contend for her rights; but, in debt as she was, if all her citizens entertained his feelings and opinions upon this subject, they would look, as they most safely might, to her wealth, to her enterprise, to her immense advantages and resources, to pay her debts and carry her on to her high destiny, and would not prostrate her before the national Treasury for the miserable boon of a few hundred thousand dollars. Were he permitted to advise, his State would never accept the money proposed to be intrusted to her upon the terms prescribed.

Another objection remained to be answered, which had been very generally urged against the propositions he had offered upon this subject. It was, that an investment of the surplus in the manner he had proposed would be unequal, as between the different States, and that those States which had no debt, which had issued no stock or securities of any description, would obtain no part of the moneys to be invested. A perfect and conclusive answer to this objection might be, that it was at the option of the States to issue stocks or not, and therefore it was at their option to participate or not in these investments, as any State which would issue stocks, and offer them in the market upon the most favorable terms, would, of course, be most likely to obtain investments. This, however, was not the answer upon which he chose to rest his defense to the objection. The objection had arisen from the fact that gentlemen had yielded all their reflections to the various plans for an equal distribution of these moneys to the States, and they had connected, in their minds, the propositions he had made, with reflections of this character. There was no connection between the two subjects, and he hoped to be able to convince every Senator that the objection was wholly inapplicable in practice to the plan of investment he had suggested. There was nothing in the nature of a distribution among the States connected with the plan. No transaction with the States, of any sort, was proposed. The adoption of the propositions could not benefit or injure any State, or give any one State any possible advantage over any other State. The investments were to be made by a purchase of the stocks in the market, at the market value, and before they could come there they must have been sold by the State issuing them. That State, therefore, must have received its money, and could have no interest whatever in the sale to the United States, and the purchase by them. It must have taken upon itself the obligation to pay the interest upon the stock at a given time and place, and to redeem the principal at a specified day. No change could be made in these obligations by a transfer of the stocks to the United States, any more than by a similar transfer to any private individual; and whatever premium the Government may pay does not go to the benefit of the State issuing the stock, but to the holder, of whom the purchase is made. So also, if the Government sell the stock of any State which it may have purchased, the State, or its interests, are in no way affected by the sale; its obligations and responsibilities are unchanged. Mr. W. said, the better to illustrate his meaning, the Senate must permit him to take a simple business example. I give my note to you, Mr. President, for the sum of $100, payable at the expiration of twenty years from its date, with interest at the rate of five per centum per annum, the interest to be paid annually at a specified place, and the principal to be paid at the same place when it falls due, and I make the note negotiable. Can it, by any possibility, interest me whether you hold that note or sell it, or whether it be negotiated but once in the whole twenty years or every week in the term; whether it be held by individuals or bodies-politic; by a pauper or by the United States? Mr. W. said he was unable to comprehend how his interests could be affected in the supposed case, and he was equally unable to discover how the interests of the States were to be affected, either beneficially or injuriously, by permitting the United States to purchase their stocks in the market, as a mere investment of money in the Treasury. He was sure gentlemen must see that the objection was groundless, and had proceeded from the mistaken idea that the States whose stocks should be purchased were to be materially benefited, and that, therefore, there ought to be some provision to make the purchases equal among the States; whereas, neither the purchase nor sale could affect, in any way, the interests of the State issuing the stocks.

So far from desiring this equality, (Mr. W. said,) the very certain inequality was, to his mind, one of the highest merits of the propositions. It was not likely that the United States would hold the stocks of a large number of States at the same time, and those would be held in very unequal quantities. This fact would cause the representatives of the States against which no securities were held, to attend vigilantly to the collection or disposition of those held against other States, and in an equal degree would induce the representatives from those States against which small amounts were held to see that those against which the amounts are large were made punctually to meet their payments. One of his most important objections to any plan of distribution, with a view to repayment, was predicated upon the fact that all would be equally interested against a repayment; that there would be none to exercise vigilance, because all would resist collection; that repayment would never be made, because there would be no one to demand it. Investments in the manner he proposed would be free from these objections, and would stimulate the majority to watchfulness and care that collections were promptly made.

Mr. W. said he had but a single further suggestion to make, and he would resume his seat. He wished to inquire of those gentlemen who had voted for the land bill, and who now proposed to support the propositions offered by the Senator from South Carolina [Mr. CALHOUN] to distribute the surplus revenue among the States, whether the two measures would or would not conflict with each other? Whether they were or were not intended as antagonist measures? That bill provides for the distribution of the proceeds of the sales of the public lands on specified days, and extends through the year 1837. These propositions make the same disposition of all the revenues in the Treasury, over a given sum to be named, upon specified days, without regard to the sources from which the moneys may have been derived, and extends its action through the year 1841. If he was not mistaken, the distributions under the two bills were to take place, in some instances, at least, on the same day. What he wished gentlemen to inform him was, which bill would take the money, for he supposed either would take all which could be called surplus. The rule of distribution was very different in the two cases, and he would be glad to learn whether it was intended by this measure to repeal in effect the land bill? His inquiries were particularly directed to the author of this scheme for distribution, and he should await his answer.

PUBLIC DEPOSITS.

REMARKS OF HON. A. MANN, JR.,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

June 22, 1836,

Before the Committee of the Whole upon the bill to regulate the deposits, &c.

Mr. MANN having withdrawn his amendment to enable the gentleman from Pennsylvania [Mr. ANTHONY] to offer his substitute for the thirteenth section of the bill, which provided for the *deposit* of the surplus moneys with the several States, which substitute was agreed to, again renewed his motion to strike out the words "the Senate, and," so that the apportionment should be made according to the representation of each State in the House of Representatives, and addressed the Chair, and said that it was with the deepest reluctance that he felt constrained to trespass upon the time of the committee for one moment; and he assured them that nothing but the responsibility of the vote which he was about to give, in common with every gentleman upon the floor—a responsibility which he deemed greater than had fallen to the lot of a representative of the people since the ever-memorable 4th of July, 1776—could inspire him with courage to rise up in this excited House, and ask them to pause, to hear before they strike, to reflect before they act; because that action may affect for weal or for woe the welfare of our country beyond the age in which we live.

I am (said Mr. M.) assured by everything before me—by the very impatience of honorable gentlemen to divide the golden prize—that I am asking their attention when it is inconvenient for them to give it to me; yet their courtesy to me has thus far been such as will compel me to omit saying much that I have intended for this occasion, and to touch but briefly only a few points which I shall claim the right to illustrate more fully in the remarks I intend to submit through the press to my constituents. I am informed that this substitute for the thirteenth section of the bill, as it came down from the Senate, is the result of a compromise among the friends of the Administration upon this floor, and that it equally meets the views of many of its opponents. Under these circumstances, Mr. M. had examined it with a heartfelt desire to yield his assent to it, if possible. He would sacrifice as much to the spirit of compromise as was possible for him in cases of disagreement, and where no great prin-

ciple was involved, would always freely and willingly surrender his poor opinion to the better judgment of his cotemporaries. But, sir, there is a point, beyond which to go becomes a crime against God and man; and he feared that we were now approaching that very point. No consideration of mere temporary advantage or inconvenience should have any influence upon us to violate boundaries of the Constitution, which is the panoply and shield of our Union. But I am told that this measure is merely to deposit the surplus revenues of this Government with the States, to be drawn for at pleasure, as an ordinary deposit, and, therefore, is not liable to any constitutional objection.

I am aware, sir, that such is the form of the provision; but who among us does not feel and know that to this provision is annexed a mental (I will not say a fraudulent) reservation that the money is never to be returned to our Treasury? The States are to be the recipients of your bounty, by a violation, as I intend to show, of the spirit of your Constitution, under "false pretenses." I am, sir, bound to speak boldly on this occasion, and call things by their right names. We are dividing the spoils of a vanquished friend, the Constitution—the spoils of a vanquished country among our allies, the States, to purchase and secure their allegiance and fidelity to that Constitution which ourselves will have trampled under our unholy feet, until ere long it will cease to be a barrier to the accomplishment of any purposes which, to honorable members of this House, may seem necessary or expedient. Such has been the fate of other and perhaps all written constitutions; but the hopes of patriotism had, until recently, rendered ours immortal. Vain hopes! the patriot will exclaim, how often and how surely are they swept away! Sir, who does not know and feel that this measure is, and is intended to be, a distribution of the surplus revenues among the States, from whose people it has been drawn by taxation? It is nominally a deposit with the States, but it brings to my recollection the doings of the honest Quakers of Pennsylvania, who, in their colonial condition, were sometimes embarrassed by their principles, when it was necessary to make appropriations to buy powder to carry on the war waged by the white man against the poor Indian. Their bill expressed the appropriation to be "to purchase bread, flour, wheat, or *other grains*," under which, by construction, powder was purchased as "other grains" without objection; and when they wanted cannon, they gave money to buy "*a fire engine!*" Now, sir, I have no idea, in this enlightened age, of resorting to such pitiful expedients of construction to escape the fair import and meaning of the Constitution, which has given no power to this Government to collect money by taxation, to be returned to those from whom it is collected. Do the people desire us to levy taxes under the taxing power, and appoint and pay officers to collect the money, and pay those officers to return it back again? No answer can be necessary to this inquiry, as it is preposterous to suppose it. But I am told we have got the money, and cannot do anything with it, except return it. Strange, indeed, must be our condition, if this be so. The common sense remedy is to keep this money until your Government shall need it, and reduce your taxes to prevent drawing more from the people than is necessary for the support of Government.

Shall I be told that we are in a condition where our people cannot bear a reduction of taxes? If I am, I would not condescend to argue such a proposition for one moment. I proceed to allude to the probable consequences of this "dividing of the spoils;" and here, sir, we are only permitted to divine the future by the past. It appears to me that you will destroy the balances which now happily exist between the General and State governments under the Constitution, either upon the one hand by causing the States to become your beneficiaries and servile dependents upon your bounty, like Roman provinces, with a sycophantic Governor, sent out from the corruptions of the Roman capital, or on the other, of rendering the General Government too weak and feeble to accomplish the purposes for which it was created, dependent upon the will of the States, expressed by their representatives, always under the influences of a State cupidity, which denies to it all relief and support, for the purpose of increasing the revenues of their States, like the Government, under the Confederacy, after the declaration of our independence, and before the formation and adoption of the Constitution. To prevent such a vibration in our political system, we must be careful to preserve the balances of that system. This latter consequence, I admit, is not so likely to happen as the former, because power begets power, and this Government is now as compared with the States, all in all! The danger is towards consolidation of this Union under one great central Government, with dependent provinces not unlike those of the Chinese empire. But, Mr. Chairman, time will not permit me to pursue this consideration of consequences likely, either presently or remotely, to follow the adoption of this measure. We have, I fear, fallen upon evil times; yet I will not despair of the Republic. We have passed safely through trials as dangerous as those now before us. Immediately upon the adoption of the Constitution, the rage of unregulated and unrestrained speculation, under the auspices of the party then in power, found its way into Congress and into the Government.

The depreciated scrip issued by the Government to the Army for their dues and to the public creditors, found its way, by great sacrifices of the people, into the hands of the public men of that day, together with bounty-land certificates and other evidences of public engagement, and it resulted in the passage of the celebrated funding law of 1790, by which such scrip was funded upon certain favorable principles against the United States, at six per cent., in favor, as is believed, of many persons who then held seats in Congress, and in their acquisition of large quantities of bounty lands beyond the Ohio. I do not mention this because I suppose there is at present a parallel between our condition and theirs, but because similar influences exist now throughout the country, which may have its consequential effect here, and it has been supposed by some to have an influence in deciding the passage of this bill. I am told that public opinion requires this measure at our hands. I have, sir, seen no evidences of it; and when we review the important events of the last six months, we must hesitate before we conclude that public opinion has decreed in its favor. Gentlemen, I fear, are too much influenced by the opinions which surround the Capitol. When we assembled it was supposed that we were on the eve of a war with France, and the expectation was universal that all our revenues, and more too, would be swallowed up in that contest.

No intelligent citizen ever dreamed of division of the public revenues until after the month of February, when intelligence of the settlement of our affairs with that nation reached us. We then were engaged with the hostile Indians in Florida, and soon we had reason to apprehend the invasion of our territory by the Mexicans under Santa Anna; and then were involved in a war with the Creek Indians, which is now progressing almost unresisted by us, with unheard-of cruelty and success on the part of those Indians. Under all these circumstances, to which the public mind has been constantly directed, few but party politicians, having party objects to subserve, have expected or desired the distribution of the surplus revenues among the States. Honorable members will deceive themselves and be mistaken if they suppose that that great public opinion, which is alike the arbiter and the fate of the Government and country, has in any manner settled this question in favor of distribution.

But, Mr. Chairman, I am compelled to forego the extension of my remarks upon this branch of the discussion, and ask the attention of the committee to the ratio of *deposit* among the States established by this bill, for I will here call it *deposit*, so as to suit the ears of honorable members who have nervous sensibilities whenever I call it a distribution, (though I believe "*it is rhubarb, call it what you will.*") This ratio is so unjust that I should be recreant to the State which, in a very humble part, I have the honor to represent, if I did not here now enter my most solemn protest against it. It does not proceed upon the basis of population or popular representation, but upon the basis of the representation in the Senate as well as this House. It violates plainly and palpably the very principle upon which the Revolution which secured our independence proceeded; that representation and taxation should go together; or, in other words, that the people could not be rightfully taxed without their consent, expressed through their representatives.

In accordance with this general principle, our Constitution has provided that "all duties, imports, and excises shall be uniform throughout the United States." It also provides that "no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken;" that is, "by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians, not taxed, three fifths of all other persons." These provisions were introduced to insure a taxation as equal as may be upon all the States, and upon all the people of the United States. Now, sir, in exercising this taxing power thus restricted, a surplus, as is contended by those who favor this bill, has been brought into the Treasury, which it is estimated by some will amount, on the first of January next, to more than thirty-five million dollars, leaving at least thirty millions to be distributed. Sir, according to the principles of taxation laid down in the Constitution, it is to be presumed that this sum has been contributed by the people of the several States in proportion to their representation in the House of Representatives, and in that proportion belongs to them as parties and partners in the Confederation of States.

This act, sir, introduces a different ratio of distribution, and proposes to return the money to the States, not in proportion to the representation in the House of Representatives, the basis upon which it has been collected, but in proportion to the representation in both Houses of Congress. If we assume that the amount to be distributed will be thirty million dollars, the proportion raised upon each State upon the constitutional basis, and the proportion to be distributed to each under this bill, is shown in a table which has been prepared with, I believe, great care and accuracy.

The money in the Treasury of the United States is the produce of the sales of the national property and of taxes which, when direct are, by the Constitution, to be laid upon the States in the proportion of their respective population as fixed by the census; and when indirect, are to preserve the great constitutional principle of the graduation of taxation according to the representation, to be assumed to operate in the same way upon the States. Hence the support of Government by indirect taxation must be supposed to fall uniformly upon the people of the States. If New York contains one sixth of the represented population of the United States, she must pay one sixth of any given amount, say thirty millions of direct taxes laid by Congress, and one sixth of the same amount of duties upon foreign goods imported into the Union. The fundamental principle of taxation being, as is stated above, unless it is denied (as it is not supposed it will be) that the indirect taxation by duties is unequally, and in some sense unconstitutionally, borne by the people and States, then the above conclusion must be regarded as correct. A surplus in the Treasury on the 1st January, 1837, is alleged. It is the result, chiefly of duties on foreign goods. Supposing it to be thirty millions, the following table will show the amount which each State contributed to it, and the amount which the bill of the Senate, as amended by the committee, proposes to return to each State. The table is formed by dividing 30,000,000 by 242, the whole number of the House of Representatives, which produces 123,966.228-242, or say 123,967, (to avoid a small fraction.) This multiplied by the number of Representatives of each State, gives the amount contributed by each State. Dividing 30,000,000 by 294, the whole number of Senators and Representatives, we have 102,040.240-294, or say 102,041, (to avoid a small fraction.) Multiplying the last sum by the whole number of Senators and Representatives of each State, we have the amount which each State will get by the provis-

ions of the Senate's bill. The last two columns show the gain and loss of each State, throwing out of view the loss common to all in the expenses of collecting so large a sum from the people to be returned to them again.

States.	No. of Reps.	Amount contributed.	Amount to be returned.	Gain.	Loss.
Maine.....	8	$991,736	$1,020,410	$28,674	-
N. Hampshire	5	619,835	764,218	94,452	-
Massachusetts	12	1,487,604	1,428,574	-	$59,030
Rhode Island.	2	247,934	408,164	160,230	-
Connecticut...	6	743,802	816,328	72,526	-
Vermont	5	619,835	714,218	94,452	-
New York ...	40	4,958,680	4,295,722	-	662,958
New Jersey...	6	743,802	816,328	72,526	-
Pennsylvania..	28	3,471,076	3,061,230	-	409,846
Delaware.....	1	123,967	306,123	182,156	-
Maryland.....	8	991,736	1,020,410	28,674	-
Virginia	21	2,603,307	2,346,943	-	256,364
North Carolina	13	1,611,571	1,530,615	-	80,956
South Carolina	9	1,115,703	1,122,451	6,748	-
Georgia.....	9	1,115,703	1,122,451	6,748	-
Kentucky.....	13	1,611,571	1,530,615	-	80,956
Tennessee....	13	1,611,571	1,530,615	-	80,956
Ohio....	19	2,355,373	2,142,861	-	212,512
Louisiana.....	3	371,901	510,205	138,304	-
Indiana.....	7	867,769	918,389	40,600	-
Mississippi....	2	247,924	408,164	160,230	-
Illinois.....	3	371,901	510,205	138,304	-
Alabama.....	5	619,835	714,218	94,452	-
Missouri.....	2	247,934	408,164	160,230	-
Michigan.....	1	123,967	306,123	182,156	-
Arkansas.....	1	123,967	306,123	182,156	-

Can it be doubted, sir, that in the collection and distribution of moneys in this manner, the purpose of the Constitution, in attempting to equalize and fix the ratio of the public burdens, is palpably violated and defeated?

The State of Delaware, having only one Representative, has contributed one two hundred and forty-second part of the thirty millions, equal to $123,967; but as her Senators are taken into the ratio of distribution, she is to have *deposited* with her by this bill three two hundred and ninety-fourth parts, equal to $306,123; and she will receive $183,156 more than she has contributed to this fund. On the other hand, Virginia, having contributed twenty-one two hundred and forty second parts, equal to $2,603,307, will receive twenty-three two hundred and ninety fourth parts, equal to $2,346,943, making a loss to her of $256,364. The loss of Pennsylvania, upon the same basis, will be $409,846; that of New York, $662,958. The eight large States which lose by this ratio have one hundred and thirty-nine members upon this floor, while the eighteen smaller States, which gain, have but one hundred and three members. Thus the small States, having the power in the Senate, overcome the large States in this House having superior numbers. Now, Mr. Chairman, what are the restrictions of the Constitution, which declare that all duties, taxes, and excises shall be of equal worth, if, after raising money upon this basis, Congress may return (*deposit*) to one or more of the States twice as much as she pays? And what would be the use of adopting the federal numbers as the basis of direct taxation, if Congress, after raising money in that ratio, may return it to the States in a ratio arbitrarily adopted by themselves, and altogether different? It is palpable that by this process the provisions of the Constitution, which were designed to make taxation equal on all the people of all the States, are, so far as this bill goes, rendered nugatory and of no effect. But, sir, the unconstitutionality of the object which this bill is intended to effect is aggravated by its injustice.

I have shown that in the distribution (*deposit*) of $30,000,000, the State of Delaware will receive $182,156 more than she has paid, and Virginia will receive $256,364 less. The consequence is, that Virginia is taxed $256,364, not to support her own government, nor to support the Federal Government, but to support the government of Delaware and the other small States. For the same purpose, sir, New York will be taxed $662,956, and Pennsylvania $409,846, and Ohio $212,512. Not only is this result most unjust in itself, but it is in palpable violation of the whole scope of the Constitution, so far as it relates to the collection and disbursement of the public moneys; and it can readily be perceived, that by the operation of such a scheme, the people of the small States may in effect be relieved from taxation altogether, not only for the support of this Government, but for the support of their own governments. In proportion to the increase of the tariff, and other taxes levied by Congress on the people of the United States, would their burdens be diminished by a return to them of a greater surplus, until the amount returned would be greater than the whole amount by them paid; and the larger States would in fact be taxed to support their governments, make their roads and canals, and sustain all their systems of improvement and education. Important advantages were secured to the small States by the Constitution, but this is not one of them. The large States agreed by the compact to contribute their just proportion for the support of the General Government; but they did not agree to be taxed to support the governments of the small States, and all the expensive systems of improvement or education which they might think proper to adopt. To compel them to do so by any species of legislation, is to impose upon them burdens which they did not agree to bear, and is, in my opinion at least, in direct violation of the spirit, if not of the letter, of the Federal compact. How any Senator or member of this House from the large States can reconcile his vote for this bill with his own sense of justice to his State or constituents, to his own conscience under high and solemn obligations to support the Constitution, I am utterly at a loss to perceive.

It is said, I know, in justification of this ratio, that the population of the new States has increased since the census by which the last apportionment was made, and that as to them it does no more than justice. I admit that the eight new States may be entitled to an increased share, in consideration of their increased population, equal to ten or twelve per cent.; but I do not perceive the propriety of giving to the ten original small States such immense advantages as I have shown they will obtain, merely for the purpose of giving to those new States an increase. I will, sir, at the proper time, propose an amendment to the bill to make a discrimination of ten per cent. in favor of the new States, because I believe that justice to them requires it.

I know, Mr. Chairman, that gentlemen try to persuade themselves that this is a *deposit* with the States, and is, therefore, more safe than in the deposit banks. If I could be brought to believe this in good and honest faith—if I could be made to believe that it was even intended ever to restore the money to the Treasury, I should entertain less apprehension, though I would not then vote for the bill, because I would never consent to create the permanent relation of debtor and creditor, or of bailor and bailee, between the States and the General Government.

How and when, sir, is this money to be restored to our Treasury? Is it expected that Congress will compel the States to levy a direct tax upon their people to repay it? Those who will candidly say they believe that the States will do so, must disregard all the known principles of human action. Congress will have a more ready means to replenish their coffers by a new American system—by a new tariff of duties upon imports; and I wish honorable members from the South who go for this bill to remember that I now tell them plainly that they will thereby bring upon themselves all the evils, imaginary or otherwise, of which they have lately complained so loudly.

They will have no just ground of resistance, and must surrender to the supreme law of necessity, which they will now establish. Let them not complain hereafter of such burdens, and I beg them not to admonish me any further of their strict construction and State-rights doctrines, nor of their hair-splitting distinctions upon constitutional law. Where, sir, are all our great defenders of the Constitution? Have they disappeared from these Halls, under the influence of gold? "Tell it not in Gath!"

HARBOR BILL.

SPEECH OF HON. W. McCOMAS,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

June 24, 1836,

In Committee of the Whole, the harbor bill being under consideration.

Mr. PEYTON had moved to amend the bill by inserting an additional section for continuing the improvements of Cumberland river below the mouth of Laurel, which is hereby declared a port of entry, $50,000.

Mr. MCCOMAS offered the following amendments to the amendment of the gentleman from Tennessee:

For macadamizing the turnpike road leading from Covington, Virginia, to the mouth of Big Sandy, Kentucky; and for establishing a port of entry at the falls of the Great Kanawha.

Mr. McCOMAS addressed the committee as follows:

Mr. CHAIRMAN: It appears to me that we have fallen on strange times. It has been but a few days since we passed a bill regulating the public deposits in certain local banks, and of depositing the surplus revenue, over and above five millions, with the several States, agreeably to the number of their Representatives and Senators in Congress. It was thought that a measure that passed both branches of Congress with such unanimity would have given quiet to the distracted councils of the nation, at least for the present session; but to my great astonishment, these sanguine expectations have not been realized. The bill now under consideration seeks to appropriate upwards of a million dollars to the improvement of the harbors and rivers in the United States, and principally all new works, as I am informed.

The artful manner of connecting the various interests of the country together in this bill cannot fail to strike the most superficial observer Does any gentleman on this floor believe there are five of these points that could receive the votes of a majority of this House, for the sums proposed in this bill, if the question was taken upon their merits separately? This, sir, is the proper test. No appropriation of the people's money should be made, unless a majority of the people's Representatives shall think it right. Sir, I have no notion of swallowing this gilded pill by uniting the good and the bad together; I want to vote on each proposition separately. This course of legislation has been truly denominated log-rolling—a system corrupt and demoralizing in its tendency, and if persevered in will, in my judgment, upturn the principles of this Government.

Sir, I had flattered myself that each State would have been permitted to make its own improvements; that the late division of the surplus revenue was to effect that object by carrying out the views of the President on that subject. But, sir, if this mode of legislation prevail, it is vain to talk of a division of the surplus revenue, as there will be none to divide. Upwards of twenty millions have already been appropriated, and your table yet groans under the weight of bills containing multiplied millions more. Sir, there is one single bill on your table that will and must pass, containing six or seven millions for Indian treaties. This bill, sir, has its origin at a time that renders its passage questionable. Sir, it is one of that litter of bills that was prepared at a time when it was thought wise legislation to appropriate the whole surplus revenue to some object, in preference of giving it back to the people. To do this, it was necessary to increase the objects of appropriation, and multiply bills on the subject, as it would not do to present this enormous sum on the Atlantic sea-coast in one bill, lest the appalling sight might shock the nerves of the House. Hence we find a harbor bill, a light-house bill, and a fortification bill, all seeking to spend millions of money in the same region of country, and at the same points; and in addition to this, we find ourselves placed in the ridiculous attitude of having a conflict of jurisdiction between the Committee of Internal Improvement and the Committee on Commerce, both claiming to exercise jurisdiction over the same objects; each presenting to this House bills appropriating money for the same

purpose. How, sir, is this question to be settled? Are we to recognize the right in both these committees to levy money from the people's pockets to effect the same objects? or how is this dispute to be settled? What, sir, is external? and what is internal? I am answered by some, that all above ports of entry is internal, and all below is external; that it is constitutional to spend the people's money to make improvements below ports of entry, and that it is unconstitutional to spend above ports of entry. I cannot perceive any good reason for such a distinction. To establish a port of entry, is to fix a suitable point for exterior and interior commerce to meet. If it is necessary to improve the river below, to enable vessels to come to the port to receive the interior commerce, I am at a loss to perceive why it is not necessary to remove the obstructions above, to enable commerce to be brought down to the port. If this power is claimed under that feature in the Constitution, conferring on Congress the right to regulate commerce with foreign nations and between the several States, why should the improvement stop at any particular point on a river that may run through several States? If to regulate commerce carries with it a right to make internal improvements, the power is not confined to ports of entry, but is coextensive with the United States. I am aware, sir, that this is a difficult subject, but whatever may be the true definition of the Constitution, it cannot be made to embrace a proposition so absurd in itself.

I have long been of opinion, in point of expediency, that the subject of internal improvement should be left to the States. But seeing that this bill embraced objects having not half the claim to nationality as the main turnpike road leading from eastern to western Virginia, I was induced to ask for the sum of $500,000 to macadamize the same; but, sir, to be candid with you, if the amendment be adopted, I should still, under a sense of duty, vote against the bill. I could not sanction the principles of that bill if it brought a railroad through my yard. Sir, the honorable member from Tennessee [Mr. PEYTON] has moved to amend the bill by establishing a port of entry above Nashville some distance, in order to avail himself of the benefit of some of the surplus revenue. I was induced to offer an amendment to the amendment to establish a port of entry at the falls of Kanawha. He placed the claim of his constituents upon the ground of the rich mineral productions of that country that would find their way to market through that source, and the fact that many of the veteran soldiers that were in the battle of New Orleans were brought in flat-bottom boats from that point. Mr. McC. said it was true he could not say to the committee that an army had ever been brought down the Kanawha river, but he would say that upwards of two millions of bushels of salt floated annually upon its bosom to the West; and as to mineral productions, he was certain the claim was equal, if not superior—that a finer coal region was not to be found anywhere; and if the gentleman intends to bring his district within the limits of the Constitution, it was but fair that his constituents should be placed on the same ground. He said he wished to represent his district impartially, but he found by casting his eye upon the map, a portion of his district lay upon the Alleghany mountains, a point at which he could not fix a port of entry, and bring it within the limits of the Constitution, and thus change its relation from external to that of internal, so as to profit by this new doctrine. He said every gentleman must admit, that to give the Constitution that construction, would be to make the Constitution to depend entirely upon the action of Congress. If so, I should tremble for the fate of my country. This bill, itself connecting the northern frontier with the Atlantic sea-board, from Maine to New Orleans, combining in one bill the various interests, it is a sufficient commentary itself upon that point. Sir, the same combination of interest can, if they choose, establish a port of entry anywhere. Yes, sir, they may bring the balance of my constituents within the limits of the Constitution by fixing ports of entry high up the New and Greenbrier rivers.

Mr. McC. said he hoped that gentlemen would cease to press these extravagant and wasteful appropriations; that more money had already been appropriated than could be prudently expended in two years; that it was unwise for the Government, this season, to commence any new works, as the season was far advanced, and labor and provision uncommonly high; and that it must be evident to every man that these high prices could not long continue. They have been produced by the unprecedented amount of local banking capital thrown into the money market, giving a fictitious and false value to labor, as well as that of agriculture, which must soon regulate itself by the standard value. He said much had been said on the subject of the tariff; great fears had been entertained by some that if the surplus revenue was divided among the States, it would revive the tariff and internal improvements; but, for his part, he could see no way better calculated to effect that object than to make these large appropriations, and swell the ordinary expenditures of the Government far above what the last provision of the compromise act will produce in 1842. These are the advocates of raising the tariff, not those who wish to arrest the system of improvement by this Government and give it to the States; and, with all their prating upon that subject, the people will understand the matter. They underrate the intelligence of the people, if they think they can cram these absurd doctrines down their throats.

The people will look to the acts of men, and not to their professions. They will examine the journals, and find the names of these strict constructionists and economists all voting for the most wasteful and extravagant expenditures of the public money; their names will be principally found enrolled on every amendment against reduction; and yet nothing dwells upon their lips but the tariff and internal improvement. It is strange that this new light of breaking up the compromise bill never broke upon their benighted vision till the very moment the public money was about to be wrung from their hands by a large majority of all parties. The plain man of common sense will inquire of these gentlemen why they did not propose this inquiry at the first of the session, before they voted for all these extravagant expenditures, and how it happened that the tariff fever, just at that time, began to rage with such unabating fury? Those gentlemen who voted for these extravagant appropriations will find it difficult to prove to the people that they are the only political economists in this land. The plain man will not readily believe that to take large sums of money from his pocket will add greatly to his wealth. However, Mr. Chairman, it is now ten o'clock at night; I will not pursue the subject further, but will leave this question to the people to say who has represented their interests. For my own part, I think the expenditures of this Government should be confined to a strict revenue standard.

PUBLIC DEPOSITS.

REMARKS OF HON. F. O. J. SMITH,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

June 21, 1836,

On the motion to commit the Senate deposit bill, with instructions to separate it into two bills.

Mr. SMITH said he concurred in the proposition of the honorable gentleman from Massachusetts [Mr. CALHOUN] to divide the original proposition of reference to the Committee of the Whole. And while he was desirous that, under such a division, the first part of the proposition to refer might be adopted, he was alike desirous of seeing the latter part rejected, leaving the bill of the Senate to go before the Committee of the Whole untrammeled by instructions of any kind. I am (said Mr. S.) in favor of the bill as a whole. I am in favor of both parts of the bill, not as separate and disjointed measures, but as one and an entire measure. Taken in parts, I am opposed to the bill, as its provisions now are. As distinct parts, I believe it to be defective. As a whole, I think it to be substantially good, though susceptive of amendment, perhaps, in some minor particulars. And as a whole—as a great national measure, and not as a party measure, I hope it will be adopted by this House. I hope it will receive the support and countenance of every gentleman who is willing to look above party considerations in reference to the vast public funds that are accumulating upon our hands, and be adopted as a measure that is highly essential to the continued prosperity and welfare of this great nation.

Mr. Speaker, I wish to call the attention of the House to the reasons that have been assigned—assigned in all sincerity of purpose and honesty of heart, I doubt not, by gentlemen who are in favor of dividing the bill of the Senate, and in support of their proposition. To my mind they are wholly inconclusive, and I hope they will not prevail in the House.

It is said that the bill of the Senate should be divided, because it embraces two distinct and different measures; that is to say, the provision for depositing a certain portion of the public money with the local banking corporations is denominated one measure, and the provision for depositing another portion of the public funds with the State governments, or in the State treasuries, is denominated another measure. But I conceive each provision to resolve itself into one and the same general measure and purpose—into a single act of disposing *on deposit* of the surplus money of the Federal Government. The system of deposit proposed by the bill may be said to run into two branches, but not into two distinct and independent measures. The bill, in each part, has been framed with reference to the other part. If separated, neither part will be satisfactory to a majority of this House, without very essential and important alterations; whereas, take the bill as a whole, and all its parts are in the main and in substance satisfactory to the House, if I can judge of the disposition of the House upon the subject.

It is said that the bill embodies two distinct and different measures, because the conditions and securities upon which the public moneys are to be deposited with banking corporations are different from the conditions and securities exacted of the State governments. This difference, to my mind, does not go to any principle; it involves a mere question of expediency, a mere question as to the sufficiency or insufficiency of the securities which you exact in each case for your deposits. It is true that you do, by this bill, propose to exact different securities from local money-trading corporations for your deposits, from those you exact of the State Legislatures for the deposits intrusted to them. Is other security required of the States than their acceptance of the deposits on the terms you prescribe? Are you desirous of placing them on the same footing, and to regard them as the same grade of depositories with local private corporations? Are you not willing to trust the sovereign States upon terms different from those which you would impose upon private banks? I have confidence in the fidelity and integrity of the people, and of their State governments. I hold them in infinitely higher esteem than I do any private local corporation, be that corporation made up of whatever men or class of men it may. I will not go ahead of events to call in question the honesty of the people, and of the State governments, which are under the people's immediate influence, to give preference and precedence to your local, trading, bank corporations. I have, on the contrary, full and entire faith in the State governments. I believe they are incapable of entering into any relationship with the Federal Government, and proving treacherous to that relationship. I believe no assurance which any State government of this Union shall give to the Federal Government, and no expectation which the people of this country shall raise through their respective State governments in relation to the public deposits, will be violated, under any circumstances. No, sir, I would deal with them in good faith, and in good faith will they fulfill their every obligation.

But, it is different when you come to the private banks; of them I would exact, as this bill proposes to do, further and additional securities. Everything between them and the Government

must be matter of contract, and nothing should be left to mere good will on their part. Bind them to the performance of your requirements, as you would bind any individual whose only motive of serving you is notoriously his private interest, and not the public welfare. I would create no greater dependence on the part of the Government upon these local corporations than is indispensably requisite for the convenience of Government; and to the full extent that the States can be preferred as public depositories of your surplus moneys, I would prefer them.

Sir, I reason on this subject from what I am sure will be the voice of the people of Maine, when the question is stated in its simple form, and brought down to its simple elements. For instance, the Federal Government has a single deposit bank in the State of Maine—a local, money-making institution, owned by private individuals. This bank has now, and will have hereafter, if no better system be adopted by us, the exclusive benefit and control of all the public moneys placed or left on deposit within the State of Maine, to be used when and how it is that institution's good pleasure to use it, and without any consultation with the people at large. Now, the question put to the people of Maine by the provisions of the bill is, do you prefer making the present deposit bank in Maine the exclusive keepers and managers of some hundreds of thousands of dollars of the public moneys, or do you prefer to take a large portion of it, which the Federal Government has no immediate use of, into your own immediate keeping and control, *for the common benefit of the whole State?* I believe that the people of Maine would prefer to have the use and benefit of so much of these funds as the Federal Government does not need to be managed for their common benefit, than to have it deposited with any private corporation in existence.

Mr. CAMBRELENG here called Mr. SMITH to order. He said it was not in order for the gentleman from Maine to discuss the merits of the bill, and on this ground he called to order.

The SPEAKER said the proposition was to commit the bill with instructions, and the Chair could not interpose to arrest debate on the subject of the instructions.

Mr. SMITH said he was proceeding to illustrate the effect of amending the bill of the Senate as proposed; to bring the operation of the amendment home to the interests of the people of his own State.

Mr. CAMBRELENG again rose, and said, if the gentleman from Maine was allowed to discuss the merits of the bill, he should claim the right of reply.

The SPEAKER said he could not discover that the gentleman from Maine was out of order.

Mr. SMITH said he hoped and desired that the gentleman from New York would reply, if he wished to do so. The Chair has decided that I am not out of order in my course of remark. I was carrying my illustrations home to the interests of my own constituents. Perhaps I go too near home to the condition of things in the State of New York also. Be it as it may, I go for the bill of the Senate as a whole.

Another reason offered for dividing this bill (and it has been suggested by the honorable gentleman from New Jersey, [Mr. DICKERSON,] who says he is in favor of both parts of the bill) is, that the one part may not be put in jeopardy by the other part of the bill. Now, sir, I am opposed to a division of the bill, that neither part may be put in jeopardy *by being separate from the other.* The strength of each is essential to the safety of the other; and the two parts being adapted to the purpose of securing to the people at large the safest and most useful deposit of the surplus moneys of their Government, ought to stand or fall together. They are framed with special reference to each other. What gentleman would dispose of *the whole* of the public moneys among local corporations upon the terms proposed by the first part of the bill? And yet what gentleman is unwilling to dispose of *a portion* of those funds in the manner thus provided? The first part of the bill provides that the local banks shall pay for a certain portion of the public deposits received by them only *two per cent. per annum interest*, in addition to the services to be performed by them for Government in transfers of the public moneys from one point of the Union to the other. The amount to be reserved by this deposit bill in local banks for this operation, is *five millions of dollars.* Sir, I accord my cordial support to this arrangement. But I would not do so if these banks were to have in deposit THE WHOLE of the public moneys, say from THIRTY TO FIFTY MILLIONS OF DOLLARS. Two per cent. interest only on such an amount, though added to their aggregate of services for the Government, would not be a judicious nor just arrangement for the public Treasury. *Four* per cent. interest, under such a sweeping control and use of the revenues of the country by these local institutions, would be nearer right, and might well be afforded. But the bill has been made to conform, in the particular of interest to be exacted of local banks, to the comparatively small amount of deposits with which they are allowed to operate, and from which they are allowed to derive benefit, and not with reference to *the aggregate of surplus.*

Sir, I have another reason to influence my mind most decidedly against a division of this bill. The vast amount of public money which your Treasury is accumulating will, in my opinion, be far more safe and secure in charge of the State governments than in the keeping of the local banks. I am willing to confide five millions of dollars to the keeping of local banks, judiciously selected over the country, and under the provisions of this bill—that amount having been adjudged sufficiently large to answer all current demands upon the Treasury, aided by the current revenue of the nation after the 1st of January next. But I am not willing to confide an aggregate of forty or fifty millions of the public revenue—the whole sum of your nation's income—upon any terms of interest whatever, to the keeping and management of local and private banking companies, be they managed or owned wheresoever, and by whomsoever they may. I do not believe that such an enormous amount of public money, thus distributed and deposited, would be secure. With your State governments—with men immediately responsible to the watchful eye of the people, and interested only in promoting the general good by its use—it would be, to say the least, far more secure, and, in my opinion, perfectly secure. What more can gentlemen require? What more can the people require at our hands? This is the measure proposed by the Senate bill now before the House.

Sir, I am influenced, in coming to the conviction which I entertain against both the propriety and expediency of dividing this bill, by yet another consideration. It is this: The use and distribution of the millions which are to be deposited under this bill will, in my opinion, be far more advantageously enjoyed by the people at large, by all classes of citizens, if confided to the care and control of the State governments, than if confided to the management of private corporations. The one is interested and watchful in accomplishing the greatest good of *the whole people;* the others are ever actuated by their private advantage and considerations of individual gain. Sir, I do not conceive that it is practicable for local banks, however disposed, to accept this money, and use it to the extent of benefit to the public at large that it ought to be so used, and to the extent that your State governments, and the people acting through the State governments, can and will use it. This is with me a very weighty consideration, and cannot but be so with others, who have a due regard in this matter to the business of the country.

In conclusion, Mr. Speaker, I hope this great national measure will not be defeated by the action now proposed to be had upon it. It is a measure which is called for by public sentiment; a measure which, if I were permitted to allude to the proceedings of the other branch of Congress, I might say, has been sent to us BY AN UNPRECEDENTED UNANIMITY on the part of that body. I am for it as a whole. It may be, and doubtless is, susceptible of amendment in some of its details. For all essential amendments to make it perfect, without destroying the system of keeping the public moneys proposed by it, I will cheerfully go; but all other changes of the bill I feel bound to resist.

THE DEPOSIT BILL.

SPEECH OF HON. T. H. BENTON,

OF MISSOURI,

IN SENATE, *June* 18, 1836.

Mr. BENTON rose and said that about this time two years ago the Senate was engaged in proclaiming the danger of a bankrupt Treasury, and in proving to the people that utter ruin must ensue from the removal of the deposits from the Bank of the United States. The same Senate, nothing abated in its confidence from the failure of former predictions, is now engaged in celebrating the prosperity of the country, and proclaiming a surplus of forty and fifty and sixty millions of dollars in that same Treasury which so short a time since they believed was going to be bankrupt. Both occupations are equally unfortunate. Our Treasury is in no more danger of bursting from distension now than it was of collapsing from depletion then. The ghost of the panic was driven from this Chamber in May, 1834, by the report of Mr. Taney, showing that all the sources of the national revenue were in their usual rich and bountiful condition, and that there was no danger of bankruptcy; the speech and statement, so brief and perspicuous, just delivered by the Senator from New York, [Mr. WRIGHT,] will perform the same office upon the distribution spirit, by showing that the appropriations of the session will require nearly as much money as the public Treasury will be found to contain. The present exaggerations about the surplus will have their day, like the panic about an empty Treasury had its day; and time, which corrects all things, will show the enormity of these errors, which excite the public mind and stimulate the public appetite for a division of forty, fifty, and sixty millions of surplus treasure.

I have several objections (said Mr. B.) to this measure; and the first is, that two distinct subjects are conjoined in the same bill. One part of the bill is to regulate the keeping of the public money in the local banks; the other part, under the disguise of a deposit, is to make a distribution of the public money among the several States. The law of Parliament (and that law is founded in equity and wisdom) forbids the junction of different subjects in the same bill; it requires them to be disjoined, and each subject put into a bill by itself, whenever the diversity and incongruity is detected. The incongruity in this bill is easily detected, and was early objected to. It was objected to on the second reading, a vote taken, and a decision had according to what was right and proper. That vote was in favor of disjunction. The two subjects were disjoined; and a committee was directed to put them into separate bills. This was in the afternoon, too late for the accomplishment of the order that evening; a night intervened—new lights broke upon the minds of Senators; the vote of disjunction was reversed; and the divorced subjects were solemnly reunited. What was done by a majority of three in the evening was reversed by a majority of one in the morning.

That these subjects are of different natures, admit of different decisions, and may be acted upon at different times, is perfectly clear from a view of their provisions. One is a general and permanent law; the other a special and temporary arrangement. One requires immediate action; the other ought not to be acted upon until all the appropriations are made. One is to take effect instanter; the other not till next year. One is what it professes to be, a regulation of the deposits; the other is what it does not profess to be, a distribution of the revenue. Either may pass, and have a perfect operation, without the aid of the other. Either may be rejected, and no detriment ensue to the other. One may be postponed to the next session without inconvenience to any interest, and with positive advantage to the action of Congress upon it; the other cannot be postponed without offense to the public mind, injury to the public service, and dereliction of our legislative duty. Against the conjunction of subjects so dissimilar, conscience revolts, correct feeling rebels, and parliamentary law has planted its cannon. It is in vain to call it a deposit with the States. The abuse, perversion, misapplica-

tion, and violation of language in calling that which is a *distribution* to the States a *deposit with* the States, can neither alter the thing nor conceal its design; and the attempt to coerce support, deter opposition, or involve in odium, by joining a measure of questionable propriety with one of acknowledged expediency, might be lost upon some, if not on all.

I have some objections to the deposit bill proper, as it now stands; but they are objections of detail, and such as would admit of remedy, and might have been easily obviated, had it not been for the impatience of the majority to pass the bill as it is. One of these objections is to the clause which confers authority on the Secretary of the Treasury to establish branches of the State banks, under the name of agencies, in the States which have no banks; that is to say, in the State of Missouri; it being well known to everybody that Missouri is the only State in the Union which finds itself in the category which the conferring of the authority implies. To the investiture of this authority in any officer, or the exercise of such authority by any Congress, I wholly object; and that for numerous and cogent reasons. Congress has no authority to establish banks within the States, much less to intrude upon a State the branch of a bank from another State. It is an interference with the domestic policy of a State to do so, and compelling her to have a bank against her will. It is a deprivation to the State of one of her sovereign powers; for, by virtue of her right to regulate her internal affairs, she can exclude all moneyed and banking agencies from her borders, by her own legislation, as many States have done; but in this case her legislation would not be sovereign, like that of other States, upon the same point, but would be subordinate to the decision of the Federal judiciary; for the agency being established under a law of Congress, would bring the action of the State law, and the decision of the State courts, under the controlling scepter of the Federal judges. It is an apparent surrender of the constitutional objection to a Bank of the United States; for it is admitted that State banks are indispensably necessary to the Federal Government, then it follows that the Federal Government may provide for its own necessities without being dependent on the States. The Secretary is not limited in the choice of the banks, whose agencies he may establish in Missouri; and some Secretary, not the present one, might refresh Whigism in the State by sending us a limb from the Pennsylvania United States Bank, or a scion from some one of the litter, founded on paper and property, now in the process of renewed incorporation in this opulent and bank-bearing District.

The consent of the State is not required to the admission of this agency, although, at the very last session of her Legislature, as at preceding sessions, she refused to charter a bank for herself. Finally, this provision goes to legalize the establishment of an agency of an Ohio bank in the town of St. Louis, now in operation there as a bank of discount and deposit and of circulation; when the utmost argument in favor of the federal necessities would not extend beyond a bank of deposit only. That agency was established in St. Louis without my knowledge or consent, and without the consent of the State Legislature. The right of the Legislature to expel it would be complete if this law was not passed; if it passes, then the statute of the State will be liable to the same revision and reversal which took place on the Virginia statute in the case of Cohen and the lottery tickets. Having mentioned the agency at St. Louis, I deem it right to add that the officers who have charge of it have shown every disposition to deserve the good will of the inhabitants, and to promote the policy of the Government in the diffusion of gold.

The other part of the deposit bill proper to which I object is the want of a clause requiring the deposit banks to keep on hand a certain amount of specie, bearing some reasonable average, fixed proportion to their immediate liabilities. The bill was drawn with such a clause; but it was the will of the majority to strike it out, and to substitute the discretion of the Secretary of the Treasury, for the time being, for the proposed legal enactment. The proportion of specie on hand in the several deposit banks is now to be whatever may be satisfactory to the officer at the head of the Treasury. To this I object; because, without reference to the opinions of any Secretary, I hold it to be a case in which the inflexible rule of law, and not the variable dictate of individual discretion, should prevail. It concerns the currency of the country, and law should govern the currency. It is a case in which discretion is subordinate to systems, as well as to personal temperament. A hard money Secretary would require a heavy proportion of specie; a paper-system Secretary would be content with a very light proportion. Besides, some of the deposit banks need regulation upon this point at present. Some of them are far in arrear of what would be deemed a safe proportion of specie, and threatening the Treasury with another edition of "unavailable funds." As a whole, they are far behind the point of specie responsibility at which the Bank of the United States stood at the time of the removal of the deposits, though some are up to that mark, or above it; but, as a whole, (and it is in that point of view that the public is concerned,) they are far behind it. On the 1st day of October, 1833, when the deposits were removed, the immediate liabilities of the United States Bank, in public and private deposits and in its circulation, was $37,105,465, and the specie on hand was $10,663,441; being at the rate of more than one to four.

At the close of the last month, which is the date of the latest returns of the deposit banks, their immediate liabilities in the same items—public and private deposits, and circulation—was $84,401,880, and the gold and silver on hand was $10,202,245; being at the rate of less than one to eight. This certainly is a progress in the wrong direction for us, who have undertaken to strengthen the gold and silver foundations of the currency. It is traveling on the wrong end of the road, and that rather fast. The rejection from the bill of the clause which was intended to hold the deposit banks up to the possession of a certain fixed proportion of specie, looks like an abandonment of our hard money professions, and a relapsing tendency into the wide and bottomless ocean of paper. It is certainly a great decline from the doctrines of *President* JACKSON's message of December last—those doctrines which were then hailed with approbation by an immense majority of the American people, and received as landmarks in the whole Democratic camp, and in which the President expressly treated the regulation of the deposits as the regulation of the currency, and looked to the increased circulation of gold and silver, and the suppression of all bank notes under twenty dollars, as two of the great results which were to flow from the connection of the Federal Treasury with the local banks, and the consequent influence of the Government over the currency. Hear his words:

"Connected with the condition of the finances, and the flourishing state of the country in all its branches of industry, it is pleasing to witness the advantages which have already been derived from the recent laws regulating the value of the gold coinage. These advantages will be more apparent in the course of the next year, when the branch mints authorized to be established in North Carolina, Georgia, and Louisiana shall have gone into operation. Aided, as it is hoped they will be, by further reforms in the banking systems of the States, *and by judicious regulations on the part of Congress, in relation to the custody of the public moneys*, it may be confidently anticipated that the use of gold and silver as a circulating medium will become general in the ordinary transactions connected with the labor of the country. The great desideratum in modern times is, an efficient check on the power of banks, preventing that excessive issue of paper whence arise those fluctuations in the standard of value which render uncertain the rewards of labor." * * * * "It has been seen that, without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills, *and which has only to be fostered by proper regulations on the part of Congress to secure a practical return, to the extent required for the security of the currency, to the constitutional medium.*" * * * * "The collection and custody being a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligation of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposits in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with, and that we shall soon gain, in place of the Bank of the United States, a practical reform of the whole paper system of the country. If, by this policy, we can ultimately witness the suppression of all bank bills below TWENTY DOLLARS, it is apparent that GOLD and SILVER will take their place, and become the principal circulating medium in the common business of the country. The attainment of such a result will form an era in the history of our country which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great TAX which our PAPER SYSTEM has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity, which are so congenial to the character of republicans, than all the legislation which has yet been attempted."

The rejection of the clause referred to, (continued Mr. B.,) has lost the advantages so confidently looked to by the President in this wise and patriotic message. Nothing is done in this deposit bill to fulfill his enlightened and noble views; nothing to enlarge and extend the specie basis; nothing to promote the diffusion of gold; nothing to effect the suppression of notes under twenty dollars; nothing to check the paper system; nothing to regulate the currency. On the contrary, we have a virtual abandonment of all control over the moneyed system, and a virtual surrender of the constitutional power and the constitutional duty of Congress over the currency to the discretion of the Secretary of the Treasury, and the private and interested arrangements of the deposit banks.

I now come, Mr. President, (continued Mr. B.,) to the second subject in the bill—the distribution feature—and to which the objections are, not of detail, but of principle; but which objections are so strong in the mind of myself and some friends, that, far from shrinking from the contest, and sneaking away in our little minority of six, where we were left last evening, we come forward with unabated resolution to renew our opposition, and to signalize our dissent, and anxious to have it known that we contended to the last against the seductions of a measure, specious to the view and tempting to the taste, but fraught with mischief and fearful consequences to the character of this Government, and to the stability and harmony of this Confederacy. These objections lie to the thirteenth section of the bill, which is in these words:

"SEC. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States on the first day of January, eighteen hundred and thirty-seven, reserving the sum of five millions of dollars, shall be deposited with the several States, in proportion to their respective representation in the Senate and House of Representatives of the Congress of the United States; and the Secretary of the Treasury shall deliver the same to such persons as the several States may authorize to receive it, on receiving certificates of deposit, signed by the competent authorities of such State, each for such amount, and in such form as the Secretary of the Treasury may prescribe, which shall set forth and express the obligation of the State to pay the amount thereof to the United States, or their assigns; and which said certificate it shall be competent for the Secretary of the Treasury, in the name and behalf of the United States, to sell and assign, whenever it shall be necessary, for want of other money in the Treasury, to meet appropriations made by Congress, all sales and assignments, however, to be ratable, and in just and equal proportions, among all the States, according to the amounts received by them respectively; and all such certificates of deposit shall be subject to, and shall bear an interest of, five per centum per annum, payable half yearly, from the time of such sale and assignment, and shall be redeemable at the pleasure of the States issuing the same."

Stripping this enactment of statutory verbiage, and collecting the provisions of the section into a single view, and they seem to be these: 1. The public moneys, above a specified sum, are to be deposited with the States in a specified ratio. 2. The States are to give certificates of deposit, payable to the United States, but no time or contingency is fixed for the payment. 3. The Secretary of the Treasury is to sell and assign the certificates, limited to a ratable proportion of each, when necessary to meet appropriations made by Congress. 4. The certificates so assigned are to bear an interest of five per cent., payable half yearly. 5. To bear no interest before assignment. 6. The principal to be payable at the pleasure of the State.

This, Mr. President, is the enactment; and what is such an enactment? Sir, I will tell you what it is. It is, in name, a deposit; in form, a loan; in essence and design, a distribution. Names cannot alter things; and it is as idle to

call a gift a deposit as it would be to call a stab of the dagger a kiss of the lips. It is a distribution of the revenues, under the name of a deposit, and under the form of a loan. It is known to be so, and is intended to be so; and all this verbiage about a deposit is nothing but the device and contrivance of those who have been for years endeavoring to distribute the revenues, sometimes by the land bill, sometimes by direct propositions, and sometimes by proposed amendments to the Constitution. Finding all these modes of accomplishing the object met and frustrated by the Constitution, they fall upon this invention of a deposit, and exult in the success of an old scheme under a new name. That it is no deposit, but a free gift, and a regular distribution, is clear and demonstrable, not only from the avowed principles, declared intentions, and systematic purposes of those who conduct the bill, but also from the means devised to effect their object. Names are nothing. The thing done gives character to the transaction; and the imposition of an erroneous name cannot change that character. This is no deposit. It has no feature, no attribute, no characteristic, no quality of a deposit. The deposit is a trust, requiring the consent of two parties, leaving to one the rights of ownership, and imposing on the other the duties of trustee. The depositor retains the right of property, and reserves the privilege of resumption; the depository is bound to restore. But here the right of property is parted with; the privilege of resumption is surrendered; the obligation to render back is not imposed. On the contrary, our money is put where we cannot reach it. Our Treasury warrant cannot pursue it. The States are to keep the money, free of interest, until it is needed to meet appropriations, and then the Secretary of the Treasury is—to do what? Call upon the State? No! but to sell and assign the certificate; and the State is to pay the assignee an interest half yearly, and the principal when it pleases.

Now these appropriations will never be made. The members of Congress are not yet born—the race of representatives are not yet known—who will vote appropriations for national objects to be paid out of their own State treasuries. Sooner will the tariff be revived, or the price of public land be raised. Sooner will the assignability of the certificate be repealed by law. The contingency will never arrive on which the Secretary is to assign; so the deposit will stand as a loan forever without interest. At the end of some years the nominal transaction will be rescinded; the certificates will all be canceled by one general, unanimous, harmonious vote in Congress. The disguise of a deposit, like the mask after the play, will be thrown aside; and the delivery of the money will turn out to be, what it is now intended to be, a gift from the beginning. This will be the end of the first chapter. And now, how unbecoming in the Senate to practice this indirection, and to do by a false name what cannot be done by its true one. The Constitution, by the acknowledgment of many who conduct this bill, will not admit of a distribution of the revenues. Not further back than the last session, and again at the commencement of the present session, a proposition was made to amend the Constitution to permit this identical distribution to be made. That proposition is now upon our Calendar for the action of Congress. All at once it is discovered that a change of names will do as well as a change of the Constitution. Strike out the word "*distribute*" and insert the word "*deposit*," and, incontinently, the impediment is removed; the constitutional difficulty is surmounted; the division of the money can be made. This, at least, is quick work. It looks magical, though not the exploit of the magician. It commits nobody, though not the invention of the non-committal school. After all, it must be admitted to be a very compendious mode of amending the Constitution, and such a one as the framers of that instrument never happened to think of. Is this fancy, or is it fact? are we legislating, or amusing ourselves with phantasmagoria? Can we forget that we now have upon the Calendar a proposition to amend the Constitution, to effect this very distribution, and that the only difference between that resolution and this thirteenth section is, in substituting the word DEPOSIT for the word DISTRIBUTE. Here it is:

Resolution proposing an amendment to the Constitution of the United States providing for a distribution of the surplus revenues among the several States and Territories, until the year eighteen hundred and forty-three.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which when ratified by three fourths of said Legislatures, shall be valid to all intents and purposes as part of the Constitution: That the money remaining in the Treasury at the end of each year, till the first of January, eighteen hundred and forty-three, after deducting therefrom the sum of —— dollars, shall be annually distributed among the several States and Territories, including the District of Columbia; and that, for this purpose, the sum to be annually distributed shall be divided into a number of shares equal to the number of Senators and Representatives in Congress for the time being, with the addition of two for each Territory, and two for the District of Columbia; and there shall be allotted to each State a number of shares equal to the number of Senators and Representatives to which it is at the time entitled in Congress: and to the Territories, including the District of Columbia, two shares each.*

Having shown this pretended deposit to be a distribution in disguise, and to be a mere evasion of the Constitution, Mr. B. proceeded to examine its effects, and to trace its ruinous consequences upon the Federal Government and the States. It is brought forward as a temporary measure, as a single operation, as a thing to be done but once; but what career, either for good or for evil, ever stopped with the first step? It is the first step which costs the difficulty; that taken, the second becomes easy, and repetition habitual. Let this distribution, in this disguise, take effect, and future distributions will be common and regular. Every presidential election will bring them, and larger each time, as the consular elections in Rome, commencing with distributions of grain from the public granaries, went on to the exhibitions of games and shows, the remission of debts, largesses of money, lands, and provisions, until the rival candidates openly bid against each other, and the diadem of empire was put up at auction, and knocked down to the last and highest bidder. The purity of elections may not yet be affected in our young and vigorous country, but how long will it be before voters will look to the candidates for the magnitude of their distributions, instead of looking to them for the qualifications which the presidential office requires?

The bad consequences of this distribution of money to the States are palpable and frightful. It is complicating the Federal and State systems, and multiplying their points of contact and hazards of collision. Take it as ostensibly presented, that of a deposit or loan, to be repaid at some future time; then it is establishing the relation of debtor and creditor between them; a relation critical between friends, embarrassing between a State and its citizens, and eminently dangerous between confederate States and their common head. It is a relation always deprecated in our Federal system. The land-credit system was abolished by Congress fifteen years ago, to get rid of the relation of debtor and creditor between the Federal Government and the citizens of the States; and seven or eight millions of debt, principal and interest, was then surrendered. The collection of a large debt from numerous individual debtors was found to be almost impossible. How much worse if the State itself becomes the debtor, and more, if all the States become indebted together! Any attempt to collect the debt would be attended first with ill blood, then with cancellation. It must be the representatives of the States who are to enforce the collection of the debt. This they would not do. They would stand together against the creditor. No member of Congress could vote to tax his State to raise money for the general purposes of the Confederacy. No one could vote an appropriation which was to become a charge on his own State treasury. Taxation would first be resorted to, and the tariff and the public lands would become the fountain of supply to the Federal Government. Taken as a real transaction—as a deposit with the States, or a loan of the States—as this measure professes to be, and it is fraught with consequences adverse to the harmony of the federal system, and fraught with new burdens upon the customs and upon the lands; taken as a fiction to avoid the Constitution, as a John Doe and Richard Roe invention to convey a gift under the name of a deposit, and to effect a distribution under the disguise of a loan; and it is an artifice which makes derision of the Constitution, lets down the Senate from its lofty station, and provides a facile way for doing anything that any Congress may choose to do in all time to come. It is only to depose one word and install another, it is merely to change a name, and the frowning Constitution immediately smiles on the late forbidden attempt.

To the Federal Government the consequences of these distributions must be deplorable and destructive. It must be remitted to the helpless condition of the old Confederacy, depending for its supplies upon the voluntary contributions of the States. Worse than depending upon the voluntary contributions, it will be left to the gratuitous leavings, to the eleemosynary crumbs, which remain upon the table after the feast of the States is over. God grant they may not prove to be the feasts of the Lapithæ and Centaurs! But the States will be served first; and what remains may go to the objects of common defense and national concern for which the Confederacy was framed, and for which the power of raising money was confided to Congress. The distribution bills will be passed first, and the appropriation bills afterwards; and every appropriation will be cut down to the lowest point, and kept off to the last moment. To stave off as long as possible, to reduce as low as possible, to defeat whenever possible, will be the tactics of Federal legislation, and when at last some object of national expenditure has miraculously run the gauntlet of all these assaults, and escaped the perils of these multiplied dangers, behold the enemy still ahead, and the recapture which awaits the devoted appropriation, in the shape of an unexpended balance, on the 1st day of January then next ensuing. Thus it is already: distribution has occupied us all the session. A proposition to amend the Constitution, to enable us to make the division, was brought in in the first month of the session. The land bill followed, and engrossed months to the exclusion of national defense. Then came the deposit scheme, which absorbs the remainder of the session. For nearly seven months we have been occupied with distribution, and the Senate has actually passed *two* bills to effect the same object, and to divide the same identical money. Two bills to divide money, while *one* bill cannot be got through for the great objects of national defense named in the Constitution. We are now near the end of the seventh month of the session. The day named by the Senate for the termination of the session is long passed by; the day fixed by the two Houses is close at hand. The year is half gone, and the season for labor largely lost; yet what is the state of the general, national, and most essential appropriations? Not a shilling is yet voted for fortifications; not a shilling for the ordnance; nothing for filling the empty ranks of the skeleton army; nothing for the new Indian treaties; nothing for the continuation of the Cumberland road; nothing for rebuilding the burnt down Treasury; nothing for the custom-house in New Orleans; nothing for extinguishing the rights of private corporators in the Louisville canal, and making that great thoroughfare free to the commerce of the West; nothing for the western armory and arsenals in the States which have none; nothing for the extension of the circuit court system to the new States of the West and Southwest; nothing for improving the Mint machinery; nothing for keeping the Mints regularly supplied with metals for coining; nothing for the new marine hospitals; nothing for the expenses of the visitors now gone to the Military Academy; nothing for the chain of posts and the military road along the western and northwestern frontiers. All these, and a long list of other objects, remain without a cent to this day; and those who have kept them off, now coolly turn upon us, and say the money cannot be expended if appropriated, and that, on the 1st of January, it must fall into the surplus fund to be divided.

Of the bills passed, many of the most essential

* Submitted by Mr. CALHOUN.

character have been delayed for months, to the great injury of individuals and of the public service. Clerks and salaried officers have been borrowing money at usury to support their families, while we, wholly absorbed with dividing surpluses, were withholding from them their stipulated wages. Laborers at Harper's Ferry armory have been without money to go to market for their families, and some had lived three weeks without meat, because we must attend to the distribution bills before we can attend to the pay bills. Disbursing officers have raised money on their own account to supply the want of appropriations. Even the annual Indian annuity bill has but just got through; the Indians even—the poor Indians, as they were wont to be called—even they have had to wait, in want and misery, for the annual stipends solemnly guarantied by treaties. All this has already taken place under the deplorable influence of the distribution spirit; but this is not *all* that has taken place. Something more ominous has yet occurred; something which announces a fundamental change in the policy of the Senate, and the approaching abandonment of the great objects for which the Confederacy was framed. We all recollect, and the country also will recollect, the two months in the fore part of this session spent in crimination and recrimination for the loss of the fortification bill of the last year. We all recollect, and if we did not, the published speeches would remind us, how emulously we vied with each other in patriotic protestations, in repudiating blame for the loss of that bill, and in favor of national defense. We all remember, and if we did not the Journal will testify for us, how unanimously we adopted a resolution to devote the revenue and the stock from the Bank of the United States, and all that the object required, to the sacred task of preparing, in time of peace, for a state of war; and how we called upon the President to order reports to be made to us from the War and Navy Departments to apprise us of all that was wanting. This was in February; the answers came in March, and showed us that more would be wanting than all the surpluses would ever supply. Incontinently, upon the view of these reports, the tone of the Senate changed; and these objects of national defense, which had so lately received the homage of their applause, and the pledge of their support, become useless, ridiculous, extravagant, visionary projects! They were no longer worth attention, and to attack and decry them has now become the fashion. Not a cent is yet appropriated; and by this new fangled conception of a distribution bill—this lease, entry, and ouster concern—whatever is appropriated is to be recaptured on the 1st day of January next. Here is the resolution which we adopted in February, which will show how the question of national defense stood then; the votes and speeches for a month past, will show how it stands now:

"*Resolved*, That so much of the revenue of the United States and the dividends of stock receivable from the Bank of the United States as may be necessary for the purpose, ought to be set apart and applied to the general defense and permanent security of the country.

"*Resolved*, That the President be requested to cause the Senate to be informed—

"1. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require permanent fortifications.

"2. The probable amount that would be necessary to construct an adequate number of armories and arsenals in the United States, and to supply the States with field artillery (especially brass field-pieces) for their militia, and with side-arms and pistols for their cavalry.

"3. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, which a proper regard to self-defense would require to be always on hand.

"4. The probable amount that would be necessary to place the naval defenses of the United States (including the increase of the Navy, navy-yards, dock-yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and to the welfare of the Union."

The progress which the distribution spirit has made in advancing beyond its own pretensions, is a striking feature in the history of the case, and ominous of what may be expected from its future exactions. Originally the proposition was to divide the surplus. It was the surplus, and nothing but the surplus, which was to be taken; that *bona fide* and inevitable surplus which remained after all the defenses were provided for, and all needed appropriations fully made. Now the defenses are postponed and decried; the needful appropriations are rejected, stinted, and deferred, till they cannot be used; and, instead of the surplus, it is the integral revenue, it is the money in the Treasury, it is the money appropriated by law, which is to be seized upon and divided out. It is the unexpended balances which are now the object of all desire and the prize of meditated distribution. The word surplus is not in the bill! that word, which has figured in so many speeches, which has been the subject of so much calculation, which has been the cause of so much delusion in the public mind, and of so much excited hope; that word is not in the bill! It is carefully, studiously, systematically excluded, and a form of expression is adopted to cover all the money in the Treasury, a small sum excepted, although appropriated by law to the most sacred and necessary objects. A recapture of the appropriated money is intended; and thus the very identical money which we appropriate at this session is to be seized upon on the first day of January, torn away from the objects to which they were dedicated, and absorbed in the fund for general distribution. And why? because the cormorant appetite of distribution grows as it feeds, and becomes more ravenous as it gorges. It set out for the surplus; now it takes the unexpended balances save five millions; next year it will take all. But it is sufficient to contemplate the thing as it is; it is sufficient to contemplate this bill as seizing upon the unexpended balances on the first day of January, regardless of the objects to which they are appropriated; and to witness its effect upon the laws, the policy, and the existence of the Federal Government.

In the first place, the appropriation laws are nullified, to the extent of one half, at least; for we all know that the appropriations of a session, and especially the long session, and above all the present session, when appropriations are systematically staved off to prevent them from being used—we all know that under these circumstances about one half the money appropriated by law remains unexpended at the end of the year, and is intended to be used during the ensuing year. We all know that the fiscal year of the United States does not end in December, but in September; we know that the work and the service is to go on, and the money to be paid as it becomes due, without regard to the change of the calendar years. Two years is the limitation for an appropriation to run; and this principle, reasonable in itself, is consecrated by law for forty years. Sir, we have law upon this subject; law founded in reason, adapted to the usages of work and service, made by our ancestors, and now standing in full force upon our statute-book. I allude to the law of March 3, 1795, approved by President Washington; and by which the appropriations which were not exhausted upon their object within two calendar years after the year in which they are made, should then be considered as a surplus, and be carried to a fund denominated the surplus fund; and thence become applicable to new and national objects. Here are the provisions of the act:

"That, in regard to any sum which shall have remained unexpended upon any appropriation, other than for the public debt, &c., or for a purpose in respect to which a longer duration is specially assigned by law, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, such appropriation shall be deemed to have ceased and been determined; and the sum so unexpended shall be carried to an account, on the books of the Treasury, to be denominated the surplus fund. But no appropriation shall be deemed to have so ceased and determined until after the year 1795, unless it shall appear to the Secretary of the Treasury that the object thereof hath been fully satisfied, in which case it shall be lawful for him to cause to be carried the unexpended residue thereof to the said account of the surplus fund."

This is the law, made by wise men, founded in reason, justice, and propriety. This is the law by virtue of which the appropriations made at this session would continue for two calendar years after the 1st day of January next; yet this wise and ancient law is to be subverted, overthrown, nullified. Instead of two years from the 1st of January next, it is at midnight on the 31st of December next, that the unexpended balances, without regard to the objects for which they are applicable, are to be seized, sequestered, confiscated, plundered, from the Federal Government, and given to the States. The leaving of five millions is nothing; the unexpended balances will be double or treble that amount. The taking any part is asserting the right, and making the precedent for taking the whole. Even these five millions, they are left from policy, and because it is not discreet to go the whole at once. Even on this remnant the friends of distribution divide in opinion on this floor, some saying two millions, [Mr. WEBSTER,] some saying five, [Mr. CALHOUN;] and this last sum is evidently left from policy.

Such, then, is the progress of the distribution spirit; a cormorant appetite, growing as it feeds, ravening as it gorges; seizing the appropriated moneys, and leaving the Federal Government to starve upon crumbs, and to die of inanition. But this appetite is not the sole cause for this seizure. There is another reason for it, connected with the movements in this Chamber, and founded in the deep-seated law of self-preservation. For six months the public mind has been stimulated with the story of sixty millions of surplus money in the Treasury; and two months ago we, the grave Senate of the United States, carried the rash joke of that illusory asseveration so far as to pass a bill to commence the distribution of that vast sum. It was the land bill which was to do it, commencing its swelling dividends on the first day of July, dealing them out every ninety days, and completing the splendid distribution of prizes, in the SIXTY-FOUR million lottery, in eighteen months from the commencement of the drawing. This was two months ago that we passed this bill, and all attempts then made to convince the people that they were deluded were vain and useless. Sixty-four millions they were promised; sixty-four millions they were to have; sixty-four millions they began to want; and slates and pencils were just as busy then in figuring out the dividends of the sixty-four millions, to begin on the first of July, as they now are in figuring out the dividends under the forty, fifty, and sixty millions, which are to begin on the first of January next. And now, behold the end of the first chapter. The first of July is come; but the sixty-four millions are not in the Treasury! it is not there! and any attempt to commence the distribution of that sum, according to the terms of the land bill, would bankrupt the Treasury, stop the Government, and cause Congress to be called together to levy taxes or make loans. So much for the land bill, which two months ago received all the praises which are now bestowed upon the deposit bill. So the drawing had to be postponed; the performance had to be adjourned, and the first of January was substituted for the first of July. This gives six months to go upon, and defers the catastrophe of the mountain in labor until the presidential election is over. Still the first of January must come; and the ridicule would be too great if there was nothing, or next to nothing, to divide. And nothing, or next to nothing, there would be if the appropriations were fairly made, and made in time, and if nothing but a *surplus* was left to divide. There would be no more in the deposit banks, in that event, than has usually been in the Bank of the United States, say ten, or twelve, or fourteen, or sixteen millions, and from which, in the hands of a single bank, none of those dangers to the country were then seen which are now discovered in like sums in three dozen unconnected and independent banks. Even after all the delays and reductions in the appropriations, the surplus will now be but a trifle; such a trifle as must expose to ridicule, or something worse, all those who have tantalized the public with the expectation of forty, fifty, or sixty millions to divide. To avoid this fate, and to make up something for distribution then, the unexpended balances have been fallen upon; the law of 1795 is nullified; the fiscal year is changed; the policy of the Government subverted; reason, justice, propriety, outraged; all contracts, labor, service, salaries cut off, interrupted, or reduced; appropriations recaptured, and the Government paralyzed. Sir, the people are deceived. They are made to believe that a surplus only, an unavoidable surplus, is to be divided, when the fact is that appropriated moneys are to be seized.

Sir, I am opposed to the whole policy of this

measure. I am opposed to it as going to sap the foundations of the Federal Government, and to undo the Constitution, and that by evasion, in the very point for which the Constitution was made. What is that point? A Treasury! a Treasury! a Treasury of its own, unconnected with, and independent of the States. It was for this that wise and patriotic men wrote, and spoke, and prayed for the fourteen years that intervened from the declaration of independence in 1776 to the formation of the Constitution in 1789. It was for this that so many appeals were so made, so many efforts exerted, so many fruitless attempts so long repeated, to obtain from the States the power of raising revenue from imports. It was for this that the Convention of 1787 met, and but for this they never would have met. The formation of a Federal Treasury, unconnected with the States and independent of the States, was the cause of the meeting of that Convention; it was the great object of its labors; it was the point to which all its exertions tended, and it was the point at which failure would have been the failure of the whole object of the meeting, of the whole frame of the General Government, and of the whole design of the Constitution. With infinite labor, pains, and difficulty, they succeeded in erecting the edifice of the Federal Treasury; we, not builders, but destroyers, "architects of ruin," undo in a night what they accomplished in many years. We expunge the Federal Treasury. We throw the Federal Government back upon the States for supplies. We unhinge and undo the Constitution; and we effect our purpose by an artifice which derides, mocks, ridicules that sacred instrument, and opens the way to its perpetual evasion by every paltry performer that is able to dethrone one word, and exalt another in its place. With such objections to the thing itself, and to the manner of doing it, it would seem to be supererogatory to go into other objections; but there are other objections to the measure, worthy of being mentioned in themselves, and still more as showing the true character of this measure, that of a distribution under the name of a deposit.

The assignability of these certificates is one of these objections. They are to be assigned, when necessary to meet appropriations made by Congress, and then to bear five per cent. interest, payable half-yearly. As a reality, it is injurious, and may be offensive to the States. No one likes to have his note assigned, especially when the assignment raises an interest where there was none before, and which interest is higher than others would require. The States of this Union can borrow money for less than five per centum. They can borrow for four, payable yearly, in England and Holland certainly, and probably in France. They can borrow the gold, bring it home, clear two per cent. upon the importation, in the present state of the exchanges, and keep it as long as they please; twenty, thirty, forty years. Surely, if States wish to borrow money, England and Holland are the places to obtain it; and a direct movement is the way to get it. As a reality, then, this deposit loan is a burden and a hardship; but it is no reality; it is no real transaction; but a fiction, a contrivance, a subterfuge, an evasion to elude the Constitution. The certificates are never to be assigned. The contingency on which the assignment is to be made will never arrive. No appropriation requiring it to be done will ever be made. That appropriation would have to be made by Congress; the members of Congress represent the States, not the Federal Government; and their first care will be to defend their own constituents. They will not vote money to become a charge upon their own State treasuries, to be raised by a tax on the lands, houses, slaves, horses, and cattle of their own constituents. Either they will not make the appropriation at all, or they will first cancel the assignability of the certificate, and have recourse to an increased tariff, and to higher prices on the public lands.

I object to the *time* at which this distribution is to be made. It is not the *time* at which such a thing should be done, if done at all. There is no necessity for acting now, if ever, and we are on the eve of a presidential election. It is an evil example, which may be approved to dreadful effect at future elections. In times less pure, less virtuous, less patriotic than the present, the presidential chair, like consular robes, may be sought through the instrumentality of largesses poured from the public Treasury, in emulous profusion, by the rival hands of desperate competitors. Let it never be forgotten that the contests for office, which ended in auctioneering the diadem of empire in Rome, commenced with the apparently innocent custom of dividing out corn from the public granaries.

I object to the time for another reason. There is no necessity to act at all upon this subject at this session of Congress. The distribution is not to take effect until after we are in session again, and when the true state of the Treasury shall be known. Its true state cannot be known now; but enough is known to make it questionable whether there will be any *surplus*, requiring a specific disposition over and beyond the wants of the country. Many appropriations are yet behind; two Indian wars are yet to be finished; when the wars are over, the vanquished Indians are to be removed to the West; and when there, either the Federal Government or the States must raise a force to protect the people from them. Twenty-five thousand Creeks, seven thousand Seminoles, eighteen thousand Cherokees, and others, making a totality of seventy-two thousand, are to be removed; and the expenses of removal, and the year's subsistence afterwards, is close upon seventy dollars per head. It is a problem whether there will be any *surplus* worth disposing of. The surplus party themselves admit there will be a disappointment, unless they go beyond the surplus, and seize the appropriated moneys. The Senator from New York [Mr. WRIGHT] has made an exposition as candid and perspicuous as it is patriotic and unanswerable, showing that there will be an excess of appropriations over the money in the Treasury on the day that we adjourn, and that we shall have to depend upon the accruing revenue of the remainder of the year to meet the demands which we authorize. This is the state of the surplus question; problematical, debatable; the weight of the evidence, and the strength of the argument, entirely against it; time enough to ascertain the truth, and yet a determination to reject all evidence, refuse all time, rush on to the object, and divide the money, cost what it may to the Constitution, the Government, the good of the States, and the purity of elections. The catastrophe of the land bill project ought certainly to be a warning to us. Two months ago it was pushed through *as the only means of saving the country*—as the blessed act which was to save the Republic. It was to commence on the 1st day of July its magnificent operation of distributing sixty-four millions—now it lies a corpse in the House of Representatives, a monument of haste and folly; its very authors endeavoring to supersede it by another measure, because it could not take effect without ruining the country, and, what is equally important to them, ruining themselves!

Admitting that the year produces more revenue than is wanting, is it wise? is it statesmanlike? is it consonant with our experience to take fright at the event and throw the money away? Did we not have forty millions of income in the year 1817? and did we not have an empty Treasury in 1819? Instead of taking fright and throwing the money away, the statesman should look into the cause of things; he should take for his motto the prayer of Virgil, "*Cognoscere causa rerum.*" Let me know the cause of things, and, learning this cause, act accordingly. If the redundant supply is accidental and transient, it will quickly correct itself; if founded in laws, alter them. This is the part not merely of wisdom, but of common sense. It was the conduct of 1817, when the excessive supply was seen to be the effect of transient causes—termination of the war and efflorescence of the paper system—and left to correct itself, which it did in two years. It should be the conduct now, when the excessive income is seen to be the effect of the laws and the paper system combined, and when legislation or regulation is necessary to correct it. Reduction of the tariff; reduction of the price of land to actual settlers; rejection of bank paper from universal receivability for public dues; these are the remedies. After all, the whole evil may be found in a single cause, and the whole remedy may be seen in a single measure. The public lands are exchangeable for paper. Seven hundred and fifty machines are at work striking off paper; that paper is performing the grand rounds, from the banks to the public lands, and from the lands to the banks. Everybody, especially a public man, may take as much as his trunks can carry. The public domain is changing into paper; the public Treasury is filling up with paper; the new States are deluged with paper; the currency is ruining with paper; farmers, settlers, cultivators, are outbid, deprived of their selected homes, or made to pay double for them, by public men loaded, not like Phillip's ass, with bags of gold, but like bank advocates, with bales of paper. Sir, the evil is in the unbridled state of the paper system, and in the unchecked receivability of paper for Federal dues. Here is the evil. Banks are our masters; not ONE, but SEVEN HUNDRED AND FIFTY! and this splendid Federal Congress, like a chained and chastised slave, lies helpless and powerless at their feet.

Thus far, Mr. President, I have contemplated this measure in its effects upon the Federal Government; now let us turn our eyes to the States, and see what is to be its effect upon them. In the very outset, it is to them the golden apple which the goddess of discord rolled over the festive board; contend for it, and fraud and cunning award the prize. Elections in every county, legislation upon every subject, fall within its vortex. Projects of all kinds spring up; the people get nothing. Associated wealth, joint stock companies, chartered monopolies, paper barons, South Sea bubbles, and Mississippi schemes, take it all. The counties will in vain ask for their share; if they get it, the townships will in vain solicit their proportion from the county. If perchance the township obtained its ratable share, then some projector of that township would get all to himself. "The large fish eat the small ones." On the contrary, if the whole sum is fairly divided among the whole population, and every head of a family gets what he is entitled to, what is it then but the spectacle of a people pensioned by the Federal Government, fed from the public Treasury, like degenerate Romans, or receiving annuities like mendicant Indians? Sir, there is no right way to do this thing. It is a connection against nature between the States and the Federal Government; and, like all unnatural connections, must end in misery and mischief to both parties.

A word to the small States. They have come into this measure upon the tempting advantage of double sharers—a share for their Senators as well as for their Representatives. That is some advantage for them; but do they see they have no security for it in future divisions? It is the rule of division put into the proposed amendment of the Constitution by the Senator from South Carolina, [Mr. CALHOUN;] there it would have been safe. If the Constitution had been amended as proposed, they would have had their security; but it has not been amended, but evaded. A word is changed; the Constitution is dodged; and the small States lie at the mercy of the large ones in all future distributions. Not only in the rule of distribution, which will soon be changed, first, to bear on all the small States by taking away the divisions for Senators; and next, to bear on all the slave States by counting only the white population; not only in changing the rule will the small States be injured, but by another and more vexatious process; it will be in the appropriations. The large States make the appropriations, and will take care of themselves. Twice they will take the lion's share; once by appropriations, when their strength will enable them to take what they please; again, by distribution, when their numbers will give them nearly all the remainder.

A word to the States in which revenue is to be raised. We have no revenue but from land and imports. The new States contain the land, the planting States to the south furnish the exports which bring home the imports which furnish the

duties. The West and the South, then, are to bear the burdens of a revenue, which others are to share more largely than themselves. To keep up and to increase that revenue will be the care of the majority. Farewell now to all prospect of reduction in the price of the public lands; farewell to preëmptions—to occupant rights—to grants to States and colleges—to all equitable settlement of French and Spanish concessions: Farewell to all that! Hail to the new tariff!—to that tariff which the elections of Jackson and Van Buren laid low in 1832, and which, in 1840, and under the maternal incubation of this miscalled deposit bill, will spring forth from the thigh of its father, like the fabulous offspring of Jupiter, full grown and armed, helmet on the brow and lance in the hand.

Sir, I can see nothing but evil, turn on which side I may, from this fatal scheme of dividing money; not surplus money, but appropriated funds; not by an amendment, but by a derisory evasion of the Constitution. Where is it to end? History shows us that those who begin revolutions never end them; that those who commence innovations never limit them. Here is a great innovation, constituting in reality—not in figure of speech, but in reality—a revolution in the form of our Government; we set out to divide the *surplus;* we are now dividing the appropriated funds. To prevent all appropriations except to the powerful States will be the next step; and the small States, in self-defense, must oppose all appropriations, and go for a division of the whole. They will have to stand together in the Senate, and oppose all appropriations. It will not do for the large States to take all the appropriations first, and the bulk of the distribution afterwards; and there will be no way to prevent it but to refuse all appropriations, divide out the money among the States, and let each State lay it out for itself. A new surplus party will supersede the present surplus party, as successive factions supersede each other in chaotic revolutions. They will make Congress the *quaestor* of provinces, to collect money for the States to administer. This will be their argument: the States know best what they need, and can lay out the money to the best advantage, and to suit themselves. One State will want roads and no canals, another canals and no roads; one will want forts, another troops; one wants ships, another steam cars; one wants high schools, another low schools; one is for the useful arts, another is for the fine arts, for lyceums, athenæums, museums, arts, statuary, painting, music; and the paper States will want all for banks. Thus things will go on, and Congress will have no appropriation to make, except to the President and his head clerks, and their under clerks. Even our own pay, like it was under the Confederation, may be remitted to our own States. The eight dollars a day may be voted to them, and supported by the argument that they can get better men for four dollars a day, and so save half the money, and have their work better done. Such is the progress of this road to ruin. Sir, I say of this measure, as I said of its progenitor, the land bill, if I could be willing to let evil pass that good might come of it, I should be willing to let this bill pass. A recoil, a reaction, a revulsion must take place. This Confederacy cannot go to ruin. This Union has a place in the hearts of the people which will save it from nullification in disguise, as well as from nullification in arms. One word of myself. It is now ten years since schemes of distribution were broached upon this floor. They began with a Senator from New Jersey, now Secretary of the Treasury, [Mr. Dickerson.] They were denounced by many for their unconstitutionality, for their corrupting tendency, and their fatal effects upon the Federal and State governments. I took my position then, have stood upon it during all the modifications of the original scheme, and continue standing upon it now. My answer then was, pay the public debt, and reduce the taxes—my answer now is, provide for the public defenses, reduce the taxes, and bridle the paper system. On this ground I have stood—on this I stand; and never did I feel more satisfaction and more exultation in my vote when triumphant in numbers than I now do in a minority of six.

DOCUMENTARY HISTORY OF THE AMERICAN REVOLUTION.

REMARKS OF HON. C. JOHNSON,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

April 18, 1836,

On the motion made by him to strike out the item of $20,000 for the Documentary History of the American Revolution.

Mr. JOHNSON said he would state to the House as briefly as he could the objections which he had to the appropriation of $20,000 for the Documentary History of the American Revolution. He felt it his duty to do so because of the erroneous remarks attributed to him in the Globe, which gave the debates in the Committee of the Whole on the state of the Union the other day, as well as to correct an error which he had himself fallen into in the estimate submitted to the committee of the cost of each volume of the intended publication. He had stated to the committee that the cost of each volume would exceed twenty dollars, and the cost of the whole work, if limited to twenty volumes of eight hundred pages, would be over $408,000. Upon examination, he had ascertained that each volume of the size proposed would cost $13 60, and the twenty volumes the exact sum of $408,000. Mr. J. said the contract had been made by Mr. Livingston with the publishers, under the provisions of the act of the 2d March, 1833, which authorised the Secretary of State "to contract" with them for the publication of the "Documentary History of the American Revolution" in octavo or folio volumes, provided "that the rate of expense shall not exceed the actual cost per volume of the Diplomatic Correspondence now printing under the direction of the Secretary of State."

On the 19th of March afterwards, the contract was made which has been read to the House, binding the United States to take fifteen hundred copies of the work at one cent and seven tenths for each page, equaling $13 60 for each volume of eight hundred pages. There is no limitation in the contract as to the number or size of volumes, or of the documents to be inserted in the publication, nor any time fixed for the completion of the contract; all these things are left to the discretion of the publishers. He supposed it was the main object of the act of the 2d March, 1833, to have a *contract* made for these purposes, fixing a reasonable compensation, some limitation to the work, and the period of its completion. Congress need not have referred to the Secretary of State the number of the copies that was to be taken—that could have been settled by the House without difficulty; but all the other considerations alluded to could not have been so readily adjusted, and it was therefore referred to him. Every consideration that must have operated upon Congress, in referring it to the Secretary, seems to have been overlooked or forgotten.

The Secretary merely fixes the number of copies to be taken and the price to be paid. Congress has nothing to do but stand by and pay the extraordinary and extravagant price of $13 60 per volume, as the publishers choose to call for it, without limitation of time, and for such stuff as may suit their interest or pleasure to insert in the publication. Mr. J. said that in his opinion the contract would be more profitable to the publishers than an annuity of $10,000, unaccompanied by any duty to be performed. There was no end to the materials which might be inserted in the publication. "The resolves, addresses, memorials, remonstrances, and other proceedings of the people, the Assemblies and other local authorities of the Colonies;" "the correspondence and proceedings" of the British Government; "the public papers of Congress and the several States, their officers and agents," and all other papers in relation to the Federal or State Governments, as well as every other document or paper which could be found in Europe or America connected with this country from its first discovery to the close of the American Revolution, seemed to be within the scope of the contemplated publication, and which Congress, under the contract, would be bound to take at whatever price they might cost; and he had but little doubt that the publication, *under the contract,* might as readily be made to cost four or five millions of dollars as the sum of near half a million, to which they propose now to limit it, if it is to be understood that the work is not to exceed twenty volumes of eight hundred pages each.

Mr. J. said that, in his opinion, Mr. Livingston had omitted everything which was required to be done by the act, that was material to the interest of the United States, and which was in the contemplation of Congress at the time of the passage of the act. "*To contract" for the publication,* meant something more than the mere subscription to the work, and specifying the number of copies to be taken, and the price. The manner in which the work was to be done—the proper selection of the materials to be inserted in it—the proper limitation of the copies to be taken—the number of volumes to be published—the size of the volumes, and the cost of each—all must have been regulated by the Secretary, to have fulfilled the expectations of Congress. These considerations seem not to have entered the mind of Mr. Livingston; and the little he did in accordance with the objects of Congress, in the reference to him, greatly exceed the authority given him by the act. The act limits the expense to the "*actual cost*" of the Diplomatic Correspondence, which they ascertain to be, as stated in the contract, $2 20 for each volume of five hundred and forty-four pages; but this admitted price of that work, the "*actual cost,*" is not taken by them as the basis upon which the new contract is to be made. A "good and copious index" is to be added to the new publication in lieu of the table of contents in the Diplomatic Correspondence, and which they suppose should increase the value of each volume eleven and one half cents—and this is assumed as the ground upon which the contract is made for the payment of the new publication, and without other reference to the "actual cost" as required by the act of Congress.

Mr. J. said the question was now fairly presented to the House, whether we should permit the parties to proceed with the publication, and make the appropriations necessary to enable them to progress with it; or whether we should at once put an end to the contract, and pay such a sum as might be deemed an adequate and just remuneration for the expenses incurred already, or the damages sustained by the publishers; that he should never, whilst he had the honor of a seat upon this floor, vote one dollar for the fulfillment of the present contract. He had no doubt that the Congress of 1833 had been deceived and misled by those interested in the publication, as to the extent of the work, as well as the necessary expenditures to complete it. He was himself a member of that Congress, and was opposed to the passage of that law, as he is now to the further progress of the publication, and he felt confident, if that Congress had been aware of the extraordinary sum to be expended, the passage of the law never could have been procured. He himself had not the least idea of the expense of the contemplated publication until long after its passage.

The best mode of getting such measures through both Houses of Congress was well understood by those interested in this publication. The papers submitted to Congress at the time, and now reported to the House by the Secretary of State, were well calculated to deceive the members as to the extent of the work, and quiet their apprehension as to any extraordinary expenditure being necessary to complete it. He would not say that they had been drawn up with that view, or were so intended by the publishers. He was convinced, however, that such had been the effect. The name itself, "The Documentary History of the American Revolution," would imply a collection of papers interesting and useful to the country, and which might be embraced in a volume or two of moderate size. No man could have suspected under it a collection of public papers in relation to "the origin of the several colonies, their charters, bills of rights, and public papers previous to 1763," which might

be made to extend to any number of volumes at the discretion of the publishers, and cost millions of dollars instead of hundreds of thousands. The name itself was calculated to mislead and deceive the House. The phraseology of the law itself was not more specific. Even the memorial of the publishers to Congress upon which the act was founded, gave no precise information of the nature or character of the work, further than the title implied, except in reference to a letter addressed by them to the Secretary of State, bearing date the 18th of July, 1831. And even in that letter it is not clearly shown to what extent documents relating to events anterior to the encroachments by the British Government in 1763, are to be introduced.

The publishers knew well that, in the press of public business which occurred at the conclusion of every session of Congress, and particularly of the short session, such a proposition was likely to escape the attention of the members, unless there was something upon the face of it calculated to excite suspicion of an unusual or extraordinary expenditure—that the opinion of members would be formed from the descriptive title given to the work, and that a "Documentary History of the American Revolution," to be contracted for by the Secretary of State, would be such a proposition as not to excite the least suspicion of the expenditure of a million or two of dollars. The bill passed the Senate a few days before the close of the session, and was taken up and passed by the House on the last night of the session for business, and seems to have attracted no attention whatever. The facts stated by the honorable gentleman from North Carolina were conclusive as to the imposition practiced upon the House—the proposition for the same publication had been before Congress in June, 1832, the bill specifying upon its face the sum of eight dollars per volume of eight hundred pages, which the publishers were then willing to take. At the next session of Congress, composed of the same individuals, the same proposition is again submitted to both Houses of Congress, a new bill introduced omitting the eight dollars, which had caused its failure the preceding session, and the Secretary of State is authorized to contract, and actually contracts to pay almost double the sum the same parties were willing to take six or nine months before. No reasonable man, under such circumstances, knowing all the facts, would have voted for such a law, or made such a contract. He repeated that he did not doubt that Congress had been egregiously imposed upon by those interested in the publication, and that Mr. Livingston had been grossly negligent of the interests of the United States in the performance of the duties assigned him under the act. To render this law more palatable, if perchance it was looked into by any member, a copy of the publication was to be given to each member of that Congress, which would be equal to two hundred and seventy-two dollars each, if the publication should be limited, as proposed, to twenty volumes of eight hundred pages.

The passage of similar propositions by the House of Representatives often occurs without the attention of the members being called to the subject. The other day a resolution proposed to give the new members of the present Congress the same books that had been given to the members of the last Congress; a proposition apparently reasonable and fair, and not calculated to excite in the members of the House any suspicion of an extraordinary expenditure. And he had reason to believe that the honorable member who introduced the proposition was not himself aware of the extent of the expenditure that would be incurred by its adoption. It has been examined with care, and the cost to the United States would have been near one hundred thousand dollars, giving to each of the new members over one thousand dollars' worth of books. The resolution had been accidentally arrested, and he hoped might be finally defeated. He had no doubt the law of 1833 passed unobserved by the members of the House. The same individuals who rejected a bill proposing the publication of the same book at eight dollars for each volume, would not probably have voted for a project that has been made to cost the United States near double that sum.

Mr. J. said he thought it was time that this House should put an end to the publication of books. He had looked into the subject for a few years past, and was convinced that expenditures for that purpose, in the way they had been made, were the most useless and improper of all other applications of the public moneys known to him. Mr. J. here read a list of the books published by Congress since 1826, specifying the books, the number of volumes, and the amount paid by Congress, and said that from this statement, it appeared that the whole expenditure for that period amounted to the sum of $397,994; and if the present contract was continued and completed, we should have over $400,000 more to add to that sum, which, if judiciously expended, would have secured for Congress the best library in the world. He must say, however, that, in his opinion, large sums of money had been squandered in jobs for favorite printers and contractors of Congress, and without a proper regard to the interest of the public. He was willing to appropriate from the public Treasury liberally for the purchase of a national library, but he thought Congress should cease to be a publisher; the contract with Clarke & Force ought to satisfy every member of that.

CHEROKEE TREATY.

REMARKS OF HON. JAMES M. BOULDIN,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

June 29, 1836,

In Committee of the Whole on the bill making further appropriations for carrying into effect certain Indian treaties.

The question pending was the motion of Mr. ADAMS, to strike out the first section of the bill, as follows:

For the amount stipulated to be paid for the lands ceded in the first article of the treaty with the Cherokees of the 29th of December, 1835, deducting the cost of the land to be provided for them west of the Mississippi, under the second article of said treaty, $4,500,000.

Mr. BOULDIN said: I wish to make a few remarks upon the subject before the committee. It is one on which I have felt much, and have thought for some time.

What is the policy, the design, of the United States in regard to the Indians? What has been their policy and their practice? Whence did they derive the title to all the wide domain of which they are the proud owner? Did they not derive it, or rather wrest it, from the possession of the natives—the Indians; and has it not been the uniform and persevering policy of the United States, hitherto, to drive them off, or exterminate them? What means this change of policy? Have they relented, or repented, and do they mean to change their policy? Let them, then, give up all the lands they have, by the tomahawk and scalping-knife, or the rifle, taken from that gallant but unfortunate race, and I will believe in their pity and their repentance. If they do not mean this, what do they mean? Do they mean, after having driven these unfortunate beings from the North and East to the South and Southwest, by treaties and cruelties far worse than have been lately practiced, to use the whole power of the Confederacy, thus acquired, to compel the people of Georgia and their neighbors to submit to the scalping-knife and the tomahawk? Do they mean that an independent savage nation shall remain forever in the heart of a civilized sovereign State? Do they believe this practicable—possible to be executed? Do they mean that these savages shall remain there, scalping and tomahawking, under the protection of the Federal Court of the Federal Government, until they have taken their vengeance on these helpless, defenseless women and children, and obtained as much money for their land as they may think proper to demand? Sir, what is to be the policy of this Government in regard to them? Will they abandon the idea of removing them? Will they cease to exterminate them? Do they think that by denying them all the privileges under our Government, and protection under our laws, all participation in our privileges, and mixing of blood, we can make them friendly and civilize them? I again inquire, what is to be the policy hereafter in regard to them?

It is said they have been grossly cheated; that they will be compelled to give up this land by force, if they ever do surrender it. Sir, would they ever have surrendered their land, their home, and their country, had they not been compelled to do it? That we have taken this country from the savages, in whose possession it was when we found it, is certain; all the world knows it; and we could not disguise it if we desired to do so. What signifies this talk of relenting and repenting? If a man wrongs another, let him make restitution; let those that mean to alter their course in regard to the savages deliver up their country to them. When this is done, I will have some faith in this relenting and repenting. Let a man, or a country, or a State, or a section, relent and repent for himself or itself, and if they have robbed any, let them make restitution; restore the same back. I will not go to the Mosaic law, and require three or four fold. Let them return the lands, and invite these Indians to them, and this will make entire peace with the Indians. But it is said these Indians have been dreadfully cheated, and to prove it, several papers have been read, telling long tales both ways; the credibility of both witnesses is fully established. What shall we do with them? Believe both or neither? I believe they are both respectable men; I cannot question it; I do not wish to question it; they appear to be rivals for the favor of the Government, and do not look through the same glass.

This treaty has been made by our President and his officers, and ratified by the Senate; and shall I not believe them sooner than tales of this sort? Look, sir, too, at the sum; five millions six hundred thousand dollars! When was such a sum ever paid for Indian lands before? I am not particularly informed; but did all the lands for many miles on the Atlantic, from Maine to Georgia, cost that much money? If not, why should we infer that these Indians were cheated, when they have conveyed away a spot of land, (in general not very fertile,) in comparison with what has been acquired from them for less money, not larger than the palm of my hand, for this vast sum?

Mr. Chairman, I hope that neither you nor any other person, in or out of the House, will misunderstand me in regard to these people. I think they are a noble, gallant, injured race. I think they have suffered nothing but wrong and injury from us since the Anglo-Saxon race (borrowing an expression of Mr. Randolph, my predecessor which seems to have become popular) first landed in this country. But as things are now, this nation of men cannot remain in the heart of civilization unless they will submit to the laws of the States in which they reside. It is impossible to be executed, and in my opinion cruel to attempt it. The end of it will be that a few of the whites will be barbarously killed and the Indians exterminated. Sir, a melancholy overcasts my mind whenever I think of this too probable issue in regard to the red man—his gradual but entire extinction. I believe, and ever have believed, that if the States where they reside would but treat them with humanity, and acknowledge their equality as men, and mix with them and give them all the advantages of civilized men, and *compel* them to submit to the laws of civilization, they would find them worthy of their friendship and confidence. I must think this; for many of our first families and most distinguished patriots are descended from the Indian race. My heart compels me to feel for them, for some of my nearest relations (not that I have myself any of their blood) are descended from the Indian race. I always wished to see pursued the same policy that was suggested and practiced by the gallant and wise Captain Smith, who made the first permanent settlement here. He treated them sternly, kindly, affectionately, and made them obey the laws of England, so far as the Indians fell within his jurisdiction. He encouraged marriages between them and the whites, and wrote a beautiful letter to Queen Ann concerning Pocahontas, setting forth the advantages of such a policy. After Pocahontas's marriage with Rolfe, during her life all was harmony between the whites and

the Indians. This policy was advised by Patrick Henry, and many others of our wisest men and greatest patriots.

Other councils, however, have prevailed; those, in former days, who talked most of oppression towards Indians, and refused most positively to treat them as men, and as brethren and equals—who expected to civilize and make them friendly by talking of friendship and equal rights, and while they at the same time placed them in a situation necessarily hostile with the whites—contending toe to toe for the same acre of ground with the whites, who expected, after taking from the Indians their lands, and murdering their wives and children, to make them friendly by talking soft talk to them about the cruelty and dishonesty of others who do the like—who thought it cruelty not to let them have fire-arms, and were surprised when they shot white men with them? I say, unhappily, the council of such men has hitherto prevailed; and by thus bringing the Anglo-Saxon race in direct conflict with the Indian, the Indian has been hitherto continually tending to extermination; and if this policy prevail, extermination must necessarily be his end. I never think of this thing but with pain. I think the North American Indian gallant, noble, generous; possessing every quality of mind, body, and spirit to enable him to take a stand on the same level with the noblest race. There is no tribe among them that has shown more marks of these qualities, and not one perhaps as much civilization, this side of Mexico, from the first, as this tribe with which this treaty is made. If they would stay there, and obey the laws of the States where they reside, and the States would treat them as equals, according to their education and other circumstances, I should be highly gratified. But I fear, indeed I am too well persuaded, that this will not be the case; but that they will either go away under this treaty, or some other, not as favorable to them, or stay where they are until they share the fate of all the remnants of all the tribes of this unfortunate race, who have attempted to remain among the Anglo-Saxon race; a fate, that is too painful to me to delineate particularly, and too well known to the world to make the performance of that painful duty necessary.

Alas! Mr. Chairman, this sickly sensibility, if it be real sensibility at all, has already well nigh exterminated a gallant race. The same thing, be it what it may, is now seeking to bring another race, far inferior in every sense, into direct collision with the *Anglo-Saxon breed*, instead of being under the protection of the laws of civilized men—suppose the negro brought toe to toe and point to point with this Anglo-Saxon race, what will be the issue? Mr. Chairman, look at the fact as history records it, and as we every day see it with our eyes.

The Indian brought into direct collision with the Anglo-Saxon, is nearly exterminated. The negro, far inferior in every sense under the protection of the laws of civilized men, (the Anglo-Saxon,) has multiplied beyond all others among us. Place this negro at points with our race, and what will be the issue? Does any man or woman doubt what will be the issue?

Should this exceedingly great tenderness and honesty prevail, which has elbowed the negroes and Indians from the north and east to the far west and south—yes, sir, elbowed them, or scalped them, or cheated them, or caused them to pine away and die with despair, after all the talk about humanity, and equality of men, emancipation, abolition, and all that—I say, should this still prevail, the consequence will be that the Indian race will be exterminated from the face of the earth, and the negro from the face of North America.

But, sir, as I promised to say but little, I will draw to a close. As it appears that the President and Senate have ratified this treaty; as it appears that this is much the highest price that any nation of Indians has ever got for an equal quantity of land; as respectable white men disagree in statements about the manner of the execution of the treaty, (and I am well satisfied in my own mind that these Indians have been dealt as fairly by as any of whom we have got land, and as I ever expect them to be,) I shall vote for the appropriation. Sir, but a short time since, France had concluded a treaty with us, and the Chambers boggled a good deal (as we thought) about the appropriation of the money, to comply with it. What did we all say and think of that? I am not aware that treaties are made and ratified there with more or equal solemnity with a treaty made here by the President and ratified by the Senate. Whatever individuals may say, or think, or pretend to think, the world in general does respect the solemn act of the President and Senate of the United States, and I shall certainly credit them, and confide in them, sooner than I will rely upon the contradictory statements of Indians and others, (strangers to me,) and who may have prejudices and biases which it is impossible for me to know. More money is given them than ever was given to Indians for the same quantity of land of equal quality; and these high powers have confirmed the bargain and the treaty; and why should I withhold my vote for the appropriation? I see no good reason, and shall not withhold it. I am perfectly satisfied that both parties are benefited, under the circumstances, and I see no reason why the appropriation should be withheld.

It is true the idea of men leaving their home and their country, and marching in solemn procession to a strange land, is painful indeed; but the thought of being trampled under foot in their native land, is painful in the extreme. To remain, and see their race melting away like wax before the sun, must create sorrow beyond all measure, and drive men to utter despair. Present the other view of it, and compel me to choose between the blood of the Indian and that of my own kindred and country, and I must prefer my own. I am not one of those who, after having acquired, directly or indirectly, every foot of land that they own from the Indians, by means of titles far less *excusable* than this, are seized with a sudden tenderness of conscience just as the scalping-knife is uplifted over the head of others—will hold their own and use the power that it and the strength of the Union gave them, (repenting suddenly, so far as others are concerned only)—holding these my kindred and my countrymen, until they will come to the terms of the savage, or submit, along with their wives and unoffending children, to the tomahawk and the scalping-knife. The only thing worthy of doubt, or that could create difficulty, is the amount of the purchase-money. It is certainly very large; but considering that we are bound to extinguish the Indian title, and looking to the fact that we have sums so large in the Treasury that many of the wisest and best are uneasy for the safety of our institutions and the purity of our public functionaries, I feel no difficulty about it, and shall vote for the appropriation without the least doubt of the propriety of the vote.

HARBOR BILL.

SPEECH OF HON. JOEL TURRILL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

June 24, 1836,

In Committee of the Whole on the state of the Union, on the motion to strike out the enacting clause of the bill making appropriations for the construction of certain harbors, &c.

Mr. TURRILL said:

Mr. CHAIRMAN: I was in hopes that I should not have felt myself called upon, during this session, and particularly so near its termination, to address the House or its committee upon this or any other subject. It is with great reluctance that I ever attempt to address a deliberative body, and that reluctance is increased on the present occasion because I am aware that the committee are already wearied with this discussion, and I know that gentlemen are desirous of proceeding with the mass of business which remains unacted upon. But, sir, the extraordinary course taken by the honorable gentleman from Maine, [Mr. SMITH,] both in the remarks he has just submitted, and in his report accompanying the other harbor bill, which report has been quoted in this debate as authority, and liberally commented upon, compels me to ask the indulgence of the committee for a short time. I repeat, sir, that I do it with reluctance; but my constituents have an interest in some of the improvements contemplated in this bill, and particularly in that at the mouth of Salmon river, on Lake Ontario; and notwithstanding any embarrassment under which I labor, and any reluctance I feel at taking up the time of the committee, I should be recreant to their interest if I omitted, on this occasion, to make an effort to remove any unfavorable impression which that report and those remarks may have made, and also to exhibit some few facts showing the expediency and necessity of constructing convenient harbors on our lakes.

Sir, with the honorable gentleman from Ohio [Mr. WHITTLESEY] who has just taken his seat, I feel that it is matter of regret that the important public works embraced in the bill reported by the gentleman from Maine, should have fallen into the hand of one whose mind appears to have been too strongly prejudiced against them to permit a full, fair, and impartial examination into their merits; and I fully concur with him in the opinion that the statements contained in the report are incorrect, and not to be relied upon. I know them to be so in one instance at least.

Mr. SMITH. To what case do you allude?

Mr. TURRILL. I allude to the public works at Oswego, which appear to have received the especial attention of the honorable gentleman from Maine. Sir, the effort of the gentleman throughout the whole report, appears to have been to prove that the costs of the various works have so much exceeded the original estimates that it is impossible to form a correct opinion as to the amount of money or the extent of time which will be required to complete them, and thus to create alarm by producing an impression that we are launching upon an ocean of expenditure without chart or compass. Sir, the honorable gentleman in his report concludes his remarks upon the Oswego harbor with the following statement:

Aggregate of appropriations.....	$126,404 03
Original estimates.....	33,348 64
Excess of appropriations over estimated cost.....	93,055 36
Proposed appropriation.....	30,000 00

Now, what are the facts? Why, sir, the estimates for these works, which have, at different times, been submitted to and approved of by Congress, amount to $196,958 32, while the whole appropriations amount only to $149,820 87. These facts appear from the printed document which is now before me, and from the documents from which the honorable gentleman has taken such liberal extracts.

Mr. SMITH here explained, and stated that the first appropriation was for a little over $33,000, and the law granting the appropriation required that no part of the money should be expended until a contract should be entered into to construct the work for a sum not exceeding the appropriation, and that security should be given for the faithful performance of it.

Mr. TURRILL. I was aware of the fact stated by the honorable gentleman, and he has given me no additional information. It is true, sir, that the law making the first appropriation, contained a provision that no portion of the money should be expended until security should be given for the completion of the work upon the plan adopted by the War Department, and submitted to Congress. It is also true that such a contract was entered into, and security given for its faithful execution; and it is also true, sir, that with the exception of grants made by Congress upon a full representation of the facts, to indemnify the contractor for losses sustained by severe gales on the lakes, the work was completed in the manner specified, was approved of and accepted by the Government, and the contract was canceled. After this work had thus been completed, other erections in that harbor were projected at different times, the object of which was to secure and make permanent the original work. Plans and estimates were made for these additional works, and submitted to, and approved of by Congress, and the subsequent appropriations have been made to finish those works upon the plans thus submitted and approved.

Mr. SMITH asked who made the last estimate?

Mr. TURRILL. The last estimate was made by Colonel Totten, of the Engineers, and submitted to Congress under date of 23d of November, 1833; and so far from the appropriations exceeding the estimates, as set forth in the report, the estimates exceed the appropriations more than $47,000. Now, sir, when all these facts appear in the printed documents from which the honorable gentleman took his extracts, I am at a loss to discover how they could have escaped his notice. I have not examined minutely other parts of his report, and therefore I will not notice them, for I intend to be brief. I will dismiss this report by merely remarking, that if the honorable gentleman has been as erroneous in his views, and as much mistaken in his facts in relation to other works, as he has been in regard to these, his report should be received with many grains of allowance, for it is deceptive, and eminently calculated to mislead the committee.

I will now proceed very briefly to state a few facts showing the importance of all the public works upon the lakes which have already been commenced, or which are contemplated by this bill. And, sir, what has already been the effects produced upon your commerce, by the harbors which have been constructed on the lakes? I will cite a single instance by way of illustration. I allude to the harbor at Oswego. When these improvements were commenced there was little or no foreign commerce carried on at that place. Your custom-house establishment was a burden upon your Treasury, and required an annual tax of $6,000 or $7,000 to sustain it. As late as 1833, the whole revenue collected at that port amounted only to $862, while in 1835 it had increased to $36,068 91, which, after deducting the expenses of the custom-house, will leave a balance of about $30,000. Thus it is that the Government is not only relieved from an annual tax of about $6,000, but it is actually receiving, even from the present commerce, a net income that will in a few years pay the whole amount of $200,000, proposed to be expended there, with full interest. Why, sir, this fact alone shows that the outlay of this money for the improvement of that harbor will be a most profitable investment to the Government. Supposing no increase of commerce at that port, even with the present revenue, every dollar taken from your Treasury to construct these works, will be returned to it, with interest, dollar for dollar. And this, too, is assuming no augmentation of your commerce. But the business operations with Canada cannot remain stationary. They will increase with great rapidity, as strenuous efforts are making at this time to remove the impediments to the trade between that province and the United States, and sooner or later these efforts will be crowned with success. I will take the liberty of calling the attention of the committee to some proceedings on this subject in Upper Canada.

The Board of Trade of the city of Toronto, impressed with the great importance of this subject, caused a meeting of the principal merchants of that city to be convened on the 17th of December last, at which the following resolutions were passed:

"*Resolved*, That this meeting has much satisfaction in returning its best thanks to the honorable chairman and the members of the committee of the Board of Trade, for the attention they have evinced for the interest of the commerce of Upper Canada, on the subject of the importation of goods through the United States from Europe, and agree with them in the opinion that the subject which has induced them to convene this meeting is one of the greatest importance, and which they would recommend to the favorable attention of others throughout the Province.

"*Resolved*, That considering the subject as one inviting very general and extensive consideration, as applying to all classes of the community, the chairman of this meeting be requested to call a general meeting of the inhabitants of the district on Tuesday the 29th —— next, at the City Hall, at twelve o'clock, for the purpose of a full expression of public sentiment on this important subject.

"*Resolved*, That the committee of the Board of Trade are requested, with such assistance as they may think necessary, to prepare the draft of a memorial to be presented to the several branches of the Legislature, to be laid before the said general meeting for approval and signature, with the view of bringing the subject under the notice of the Colonial authorities, and for reference to the Imperial Government."

The Kingston Chronicle, in commenting upon these proceedings, uses the following language:

"From the well known intelligence and enterprise of many of the gentlemen who compose the Board of Trade of that city, we feel satisfied that the question will be ably and fairly brought before the public.

"We hope soon to see this measure attracting the attention of the commercial community of Kingston and other places throughout the Province."

The Commons House of Assembly, in consequence of these indications of public sentiment, on the 16th of February last adopted, by an almost unanimous vote, an address to the King, in which the following language is used:

"Situated as Upper Canada is, at a great distance from the sea, the communication with which by the St. Lawrence is interrupted for a great part of the year, our interests would be best promoted by the adoption of such commercial regulations as would enable our agriculturists, merchants, and manufacturers, to obtain free access to the ocean through every channel, by means of which they could safely convey those articles of which this province possesses a superfluity to the best markets, and through which they might bring back the goods and merchandise of other lands, according to their means, without such imports being subjected to the present heavy tariff of discriminating duties, the operation of which is to add materially to the many natural obstructions incidental to our inland situation, and to retard the settlement of the waste lands of the province by the more wealthy, intelligent, and persevering class of emigrants who are induced to settle and invest their capital in the States of Ohio, Michigan, Pennsylvania, and New York, the citizens of which have at all times free choice of three markets, namely, the St. Lawrence, foreign States, through their own sea-board, and the markets of the southern States, while we of Upper Canada are restricted to the channel of the St. Lawrence only.

"We humbly request that your Majesty will be pleased to cause such representations to be made to the Government at Washington as shall appear to be best calculated to induce Congress to admit the goods and merchandise of Great Britain or other nations to pass through the United States into Upper Canada, subject only to the duties which are or may be payable within this province, and without being liable to the payment of any tax or impost in or to the said States, and also to permit the goods, wares, and merchandise of this province to be transported through the said States to other countries beyond the seas, free of duty, and subject only to such regulations as may be found necessary for the prevention of infractions of the revenue laws of the American Union."

Sir, the objects embraced in this address are of great importance to this Government, as well as to the Province of Canada, and there can be no doubt, therefore, that the existing obstacles to the commerce will soon be removed, since it is so decidedly for the interest of both countries to accomplish that object. In the United States, public attention has not yet been directed to this important subject. But little is known of this province, and its natural advantages are not understood. Sir, the peninsula of Upper Canada, in location, in fertility of soil, and salubrity of climate, is not surpassed by any portion of the United States. It is true that this province is now comparatively a wilderness, having a very sparse population; but still the spirit of enterprise, as exhibited in works of internal improvements, would do honor to an older and wealthier country. The Canadians have wisely adopted the plan of uniting and using, wherever practicable, the great water courses of the country. Their effort has been to improve upon the works of nature, and not vainly attempt to outdo them. By means of the Rideau canal, a steamboat navigation has already been opened between Lake Ontario and Montreal, and the improvements now in progress on the St. Lawrence will open another communication between the same points for steamboats of the largest class, thus making a good ship navigation from Lake Ontario to the ocean. The Welland canal, which will soon be enlarged and made permanent, now affords a schooner navigation between Lake Erie and Lake Ontario. A railroad is now being constructed between Hamilton, on Lake Ontario, and Port Dover, on Lake Erie. And the day is not far distant when Lakes Huron and Ontario will be united by a ship canal. Sir, it requires but a mere glance at the map of Upper Canada to convince any one that when these improvements shall have been completed, when the vast resources of that province shall have been developed, there will be an extensive commerce carried on upon Lake Ontario, a portion of which will find its way down the St. Lawrence to Montreal; and should Ogdensburg be connected with Vermont and New Hampshire, by means of railroads, a portion will take that direction to Boston, while all destined to New York must pass through the Oswego and Erie canals to the Hudson.

Mr. Chairman, I have thus far confined my remarks exclusively to the foreign commerce carried on upon the lakes, and I will now briefly draw the attention of the committee to the extent of domestic commerce, for that branch of commerce is of far more importance to my constituents and to this Government than the other.

Sir, let me ask if the gentleman from Maine can be aware even of the extent of these inland seas, or of the commerce carried on upon them? Why, sir, the extent of coasts on these waters is five thousand seven hundred and nineteen miles, while the whole coast from Passamaquoddy bay to the river Sabine is only three thousand six hundred and ninety miles, making an excess of lake, over the whole sea-coast of the United States, of two thousand twenty-nine miles. The lands bordering these waters are of the best quality, and in fertility are not surpassed by any on the habitable globe. It may be truly said of them that they constitute the garden of North America. The population is as yet but thinly sprinkled over this vast extent of fertile country; but it is increasing with a rapidity that exceeds all calculation, while the increase of business more than keeps pace with the increase of population. Property going from the Hudson to the upper lakes passes either through Oswego or through Buffalo, and a statement of the amount of property passing these two points during the last year, and its destination, will convey some idea of the amount of commerce, and will also show what States have a direct interest in it.

The amount of property shipped from Buffalo in 1835, and its destination, is as follows, viz:

	Merchandise.	*Furniture.*
Virginia	2,763 lbs.	-
Missouri	58,846	18,425
Alabama	59,831	-
Tennessee	333,766	8,470
Upper Canada	95,768	122,679
Pennsylvania	139,319	128,834
Michigan	13,253,589	1,198,326
Indiana	3,254,986	136,403
Illinois	3,320,718	945,263
Ohio	14,229,961	3,732,409
Kentucky	918,915	57,580
	36,921,662	9,348,389

I have no means of ascertaining what quantity of merchandise passed through Oswego to Upper Canada during the last year, neither can I tell the amount of furniture which was sent to the upper lakes; but the merchandise, including salt shipped from that port through the Welland canal, destined to the above States, amounted to 39,798,290 pounds. Thus we see that ten States west and south of the State of New York, including Michigan, have a direct interest in the commerce carried on upon the lakes, and this interest is constantly and rapidly increasing. To show what interest the agriculturists of the western States have in its trade, I might proceed to enumerate some of the products of the soil which constitute the return cargoes. I will, however, only name one, the article of wheat. There were 624,733 bushels of wheat received at Oswego from the lakes during the last year, 275,362 bushels of which were the produce of farms in Ohio, Michigan, Indiana and Illinois. The New England States are also interested in ameliorating the commerce of the lakes; for while this commerce opens a better and more extensive market for their fabrics, it, in return, furnishes cotton, tobacco, and all kinds of breadstuffs, at a much lower rate than they can be obtained from any other quarter.

Sir, the immense tides of emigration which annually flow from the north and the east, to people and make valuable your public lands, pass on these lakes. The enterprising yeomanry of the country embark upon these waters with their little all, to "seek a habitation and a home" in the wilds of the West. Thousands and tens of thousands of lives, and property to the amount of millions, are annually exposed to the dangers of this navigation. And will the Government refuse to render the lives and property of its citizens safe, by neglecting or refusing to appropriate the small sum which may be necessary to construct suitable harbors wherever they are required?

Sir, it is expedient and indispensable that every harbor already commenced should be completed in a permanent manner, and that some of the harbors contemplated in this bill should be con-

structed with as little delay as possible. The harbor at the mouth of Salmon river, on Lake Ontario, for the improvement of which this bill provides, is of the utmost importance. There is perhaps no place on the lake where a good harbor is so much needed; and safety of life and of property require that it should be improved and made accessible in all weather. Many lives have been lost, and many vessels wrecked, in Mexico bay, for the want of a convenient harbor at that place; and it is the interest, it is the duty of this Government, to protect the commerce by which its citizens thrive, and from which it derives its revenue. The money thus expended in giving protection to the lives and property of those engaged in carrying on the great commercial operations of the country, is amply repaid by the increase of population, of wealth, of enterprise, and by the extension of that commerce which sustains and invigorates the nation.

But, sir, in ascertaining the number or the importance of the harbors required for the protection of that commerce, our views ought not to be limited to the present period, or to the business which is now carried on in that region. We should look forward to the time when the enterprise and the spirit of internal improvement which everywhere exists, shall have developed the vast and unlimited resources of that country. This is truly called the "age of improvement." It has no parallel in history. Canals, the magnitude of which, when commenced, excited the wonder and admiration of the world, are scarcely completed before they are found to be altogether too limited for the immediate wants of the country; and they are doomed to be abandoned for new and more extensive works, or to be enlarged under every disadvantage, at enormous expense, and at the sacrifice of individual interest, which must always follow the interruption of the regular channels of business, even for a limited period. The time is at hand when, profiting by experience and the examples set us by our Canadian neighbors, the internal improvements of this country will be conducted on a scale the magnitude of which will be equal to the increasing business of the country. The doctrine that artificial is cheaper or better than natural navigation, or, in other words, that rivers were only made to feed canals, has been exploded; and the civil engineer who would now attempt seriously to advocate that doctrine would be considered better qualified to become the inmate of a lunatic asylum than to superintend public works of any description. Wherever, under the influence of this false theory, canals have been built along the margin of navigable waters, they will remain, in all time to come, enduring monuments of the ignorance and the folly of their projectors. The natural water courses of the country must ever constitute the great channels of our internal commerce. The falls of Niagara will be overcome by a ship canal on the American side. The military defense of the country requires it; the agricultural and commercial interest of the whole West demands it, and the work will be constructed. Nor will the march of internal improvement be limited to this magnificent work. A steamboat navigation will be opened from Chicago to the Mississippi, and an enlarged communication from Oswego to the Hudson. Nature has marked out this as the great highway of commerce, with lines too distinct to be obliterated, or even obscured by the utmost efforts of art. By making these improvements, a steamboat navigation will be opened from New York, through the lakes, to New Orleans—a shorter (and our relations with foreign countries may at times be such as to render it a much better) and safer route than the one coastwise. The whole valley of the Mississippi and the vast extent of country bordering on the lakes would feel the beneficial effects of these improvements. A new impetus would be given to the rapid growth of Oswego, Buffalo, Cleveland, Detroit, and Chicago. Other important towns will spring into existence, as if by magic, along this great commercial highway; and in a few years you will behold along the coast of these inland seas cities which, in splendor, in wealth, in commercial enterprise, in moral and intellectual resources, will equal your proudest Atlantic cities. The lakes and the three rivers thus connected with them will constitute the main arteries through which will flow, during all time, a great portion of the commerce of North America—a commerce which will regulate the exports and imports of the country—a commerce from which the revenue of the nation is to be derived, its citizens enriched, and every section of the Union strengthened and invigorated.

Sir, while we are appropriating millions annually to protect our commerce in every quarter of the globe, shall we withhold the small sum required to guard and cherish it when it receives its first flow from the heart of your country? While such large sums are expended every year to render property safe on every ocean, when at the risk of our wealthy importing merchants, can we refuse the amount necessary to protect it when exposed to the dangers of these inland seas, and when, if destroyed, the loss will fall upon your agriculturists and country dealers? I trust not, sir; I trust that, upon this occasion, the same liberal policy which should always be pursued by an enlightened and powerful nation in regard to its commerce will be adopted.

I conclude my remarks, Mr. Chairman, by expressing the hope that the enacting clause of this bill will not be stricken out, but that every meritorious work for the construction of which this bill is intended to provide, will receive the favorable consideration of Congress.

HARBOR BILL.

REMARKS OF HON. F. O. J. SMITH,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

June 24, 1836,

In the Committee of the Whole on the state of the Union, pending the motion of Mr. PATTON, of Virginia, to strike out the enacting clause of the bill making appropriation for the improvement of certain harbors therein mentioned, for the year 1836.

The bill making additional appropriations for the Delaware breakwater, for certain harbors, and removing obstructions in and at the mouths of certain rivers, and for other purposes, for the year 1836, having been gone through and laid aside to be reported to the House—

Mr. SMITH said it had not been his intention to have uttered a word, nor to have detained the committee a single moment upon the subject of either the pending bill, or the other bill of a kindred nature reported by himself from the Committee of Ways and Means, except to make such explanations in relation to the latter as should be called for relative to facts which might, from his peculiar situation, be supposed within his own possession, and not in possession of members generally. Nor would he have risen against his intention, at this time, had he not discovered, or thought that he could discover, a somewhat prevalent inclination in this committee, now in session, to draw a distinction between the merits of the bill reported by the honorable gentleman from Pennsylvania, [Mr. SUTHERLAND,] and which is technically called *the new harbor bill*, and the bill which has been laid aside, reported by myself, and which is called *the old harbor bill*. I have (said Mr. S.) explained and defended the purposes of this last-mentioned bill to the best of my feeble abilities, and this committee have substantially and in effect adopted it, with very slight additions. In view of this fact, I deem it my duty—a duty which I owe to this committee and the nation, now that I see an attempt made to discriminate between the purposes and works embraced by these two bills, and to sustain the one at the expense of the other—to lay before this committee and the nation such facts and views as are at once suggested to my mind by such a course of procedure, illustrative of the relative merits and claims of the bill reported by myself and the bill now pending, reported by the gentleman from Pennsylvania.

Mr. Chairman, these bills embrace objects of precisely one and the same classification. It is the purpose of each to secure appropriations for the construction and improvement of harbors upon the sea-coast, upon the interior lakes and rivers in the western States. The one is confined to works of this description already commenced and partially completed; and the other is confined to works of the same description that have been projected at different dates, surveyed, but never commenced otherwise. The appropriations of the one bill (that reported by myself) amount to $939,384 43, with the amendments thereto, and the aggregate of the other is $931,265 51, making a total of $1,860,649 94. Now it is contended that the superior merit of the former bill—the only distinctive merit, in truth, of that bill over the latter bill—consists in the fact that they are works that have been heretofore commenced—works upon which large sums of money have already been expended—works that are in a state of advancement and partial completion; while those in the other bill are altogether new. And hence it is, as the argument runs, that they are entitled to a preference; and hence it is that gentlemen upon this floor are predisposed to award to them a preference in making appropriations from the public Treasury over the works enumerated in the other bill. But, sir, when the whole history of these old works is considered, and when the condition of them is taken into a just account, this consideration to which I have just adverted, so far from attaching to *them* preëminence in point of merit over the new works, absolutely furnishes a very strong, if not conclusive, argument, to my mind, in favor of the new works, even to the neglect of the old works. At all events, Mr. Chairman, I undertake to say, and to proclaim to the nation, that if there be any considerations that will justify any gentleman upon this floor to his constituents and to the country for voting the large sum to which I have alluded, contained in the old harbor bill, for the works there mentioned, there are equally strong and imperious considerations to justify his voting the large sums specified in the new harbor bills for the works there enumerated. Sir, the bills are of EQUAL MERIT in all respects; if it be not true, for the reason I have already mentioned, that the new bill has the strongest claims at this time upon the indulgence of Congress. Let us look at history and facts.

By adverting to the report accompanying the old bill, and which has been adverted to by the honorable gentleman from Virginia, [Mr. PATTON,] every line, word, and figure of which, as contained in the appendix, has been derived from the annual reports of the War and Engineer Departments, it will be seen that many of the works contained in the old bill have been several years quartered upon the National Treasury. Many of them have, year after year, been reported in a state of completion, insomuch that only one additional appropriation has repeatedly been represented as all that was necessary to secure their completion beyond question. It cannot be doubted by any gentleman who will investigate their history, that again and again has Congress added a yearly appropriation for many, and think I may say for a majority of these works, under the full, confident, and honest expectation at each time, that it would be the last appropriation needed, or to be asked for in their behalf. It is curious to look through the appropriation bills of this kind, to trace most any of these works, and observe the language used in describing the object and purpose of the appropriations made for them. It is alternately "to complete" and "to continue," and "to secure," and then "to complete" and "to continue" again, almost with the regularity of the meetings of Congress. Sometimes the story is omitted for a year, and no appropriation is required, perhaps to render this singular alternation of purpose and promises less observable by the watchful guardians of the public Treasury. But what, sir, does all this history argue? That you should stop this system of expenditure? This was a grave question which presented itself to my mind on looking carefully into the subject. It is a question which was presented in the facts brought by such examination before the Committee of Ways and Means. Enormous sums had been expended by Government upon these works, and to say that they should now be abandoned, and that no appropriation for them should be now made, was a responsibility, sir, too great for any committee, composed of a part only of this House, to assume, objectionable as the his-

tory of these works rendered them. The result was, sir, to report to the House, in the bill which I reported, the several appropriations asked for by the Engineer Department, and with the bill to report a succinct history of the several works, and of the annual expenditures and progress thereon, as has been done; leaving it to the whole House to determine upon the course which the interest of the nation would justify, under the embarrassing circumstances of the subject. And it is now for the House to determine, in view of the facts disclosed to them, whether they will pursue further this course of expenditure that has been found productive, to say the least, of no very great beneficial results as yet, or whether they will pause until some more economical system of expenditure can be devised.

But, sir, to return to the comparative merits of the works contained in the two bills, now in effect alike before this committee. It is demonstrated in the history of the old works, that although expenditures have been made upon them year after year, and they are seemingly in a state of partial completion, no human foresight can tell, nor ingenuity prophesy, when they will or can be completed. The repeated promises of their completion, (made in all honesty of purpose, I am willing to concede, in every instance,) and the no less frequently returning failures, only prove the utter uncertainty upon the subject of their completion, and that human skill cannot guaranty anything in this particular respecting them. Now, sir, who can rise upon this floor and say, in the face of facts like these to which I have adverted, derived from the records of the Engineer Department, that the new works—those contained in the new bill—are not equally certain of being executed at as early a period as those old works, if the appropriations asked for them are granted by Congress? Who, sir, can undertake in confidence to determine which class of works are most distant from, and difficult of, execution? No mortal calculation can determine this point, and hence I say it is demonstrated, that taking this view of the bills, there is no justification for the one that is not equally applicable to the support of the other. It is upon this principle that I will vote for both, or against both. These bills must stand or fall, in the eyes of this nation, whatever may be the difference in their destinies in this House, *side by side and together*.

Sir, let us come for a moment to the matter of cost. I find eighteen of the twenty-six works, harbors and rivers, embraced by the old bill, which number (eighteen is all that I could trace satisfactorily through the documents of Congress) was, by their original estimates, to cost *five hundred and sixty-nine thousand four hundred and thirty dollars*. I find that the appropriations already made to execute these works, embracing the modifications, enlargements, repairs, and securing of them thus far, to amount to *one million two hundred and thirty-eight thousand eight hundred and thirty-two dollars*, being an excess over the estimates of $669,402, or, $99,972, more than *one hundred per cent.* beyond the original estimates; and yet the works are incomplete, and God only knows when they will be completed, for, as I have before remarked, human foresight cannot calculate the end of them either in regard to time or cost. Hence my argument is, that in view of either the probable time requisite to the completion, or the probable costs of the two series of works embraced in these two bills, the one has no merit or claim over the other, but both have equal claims upon the Government, if it be determined that Government will progress further in such a system. To me, sir, it is apparent, that on the score of cost, those who take the responsibility of carrying out the one set, can find no sufficient justification for neglecting the other set of these works. I am willing to let those assume the responsibility of this partiality in sustaining the one to the neglect of the other, who may choose so to do. But it should be understood, that these are not the only works of the same description, that are in contemplation. By reference to House Document No. 18, volume I, for 1834–35, it will be found that the estimated cost of works surveyed, but not commenced, to January, 1831, is no less than FORTY-NINE MILLION TWO HUNDRED AND FIFTY-ONE THOUSAND THREE HUNDRED AND FIFTY-NINE DOLLARS; and that other works surveyed subsequently to that date, under the act of 1824, are estimated, as appears by the same document, at upwards of EIGHTEEN MILLION of dollars, making an aggregate of upwards of FIFTY-SEVEN MILLION of dollars, laid out in contemplation, under this system of expenditure. Many millions more have been added, no doubt, by the surveys of the last year, including in this aggregate the new works now before the committee, and these are only original estimates, let it be remembered. It appears by House Document 89, for the session of 1834–35, that, as far as could be ascertained, *ten million eight hundred and eighty-six thousand seven hundred and three dollars* had been expended up to that time on similar works. Who, sir, can look through this nation, and discover results from this enormous expenditure corresponding to the amount? That some portions of it have been profitable and useful, I doubt not. But I call the attention of members of this committee, and the attention of this nation, to the subject, as a general system, which, if meriting their continued support, also demands the hand of extensive reform. If, upon mature consideration, it is to be persisted in, without some new and yet undevised method of economizing in relation to it, so be it. It is time that the history of its works were known and understood, that Congress and the nation may act upon them understandingly. I do not say they can be suddenly abandoned, but I do say they demand some new system of execution.

Sir, the inquiry is made by some gentlemen into the causes of these extensive expenditures, and the rapid enlargement of these public works, at such cost to the Treasury. Some gentlemen attribute this result to one cause, and some to another. I, too, have examined, to my own satisfaction at least, into the cause, or rather causes of these results. They are not to be found, as some gentlemen have charged, in the predisposition of the present Administration to extravagant expenditures, nor to its devotion to the oft repudiated system of internal improvements. They are to be found, sir, in the combined influences of the act of 1824, appropriating $30,000 per annum for surveys of new works, and of your system of civil and military engineering emanating from the Academy at West Point. It is from these small and apparently unobtrusive beginnings that these enormous expenditures are entailed upon the public Treasury, with so little prospect of a termination. What, sir, is the operation, what the practical influences, laudable influences, (if gentlemen will call them so,) upon the people, of these combined causes to which I have adverted? I beg this committee to consider this point for a moment.

Under the law of 1824 the comparatively small sum of $30,000 is appropriated for new surveys, here, there, and everywhere in the land. It becomes known, shortly, to every town and village that, on the application of any number of their respectable citizens, any project of improvement in their village may be surveyed at the public expense, from this annual appropriation. An application by some few is accordingly made. The Government have a large number of Second Lieutenants by brevet, being supernumeraries in the Army, in pay, and without employment—fresh from the Military Academy at West Point. The responsible men of the Government are ever anxious to have employment for all the supernumeraries thus attached to the public Treasury, and are thus predisposed to favor every demand for their services. All influences, then, favor the application of the little village. It is granted. The young engineer, in his panoply of office, and with his glittering instruments, is soon upon the theater of action. He is looked upon with admiration by the village people—his formal preparations and parade of accouterments are watched by every eye. The boys and the men, and the women, too, perhaps, in some instances, of the astounded town or village, follow in his train, each wondering at the magnificent revolution that is about to be wrought in the condition of their village. The survey is completed. The whole project is most favorably and encouragingly spoken of by the young engineer. The people are delighted with the prospect of the improved and enlarged resources of the place, and the back grounds and pastures that have laid idle and in waste before, for a wide circle upon the outskirts of the village, are converted, and with beautiful regularity laid out into sites for new edifices of business and habitation. An official report, accompanied by a beautifully drawn plan or map of the work, correctly executed, no doubt, as well as beautifully, so far as the topography of the plan is concerned, (for all such things are well drawn up by our corps of engineers,) is formally deposited in the appropriate Department in this city.

Now for the next step. All citizens, without distinction of party, impelled by the same impulse of seeming patriotism, and without stopping to examine nicely into the principles of Government that may be involved by the measure, unite in a petition to Congress for a publication of the survey and plans, and for an appropriation to carry the work into execution. The Representative upon this floor from the district which embraces the projected improvement is pressed on all sides, by political friends and political foes, to urge the petition upon the consideration of Congress, and to secure the appropriation. There is no resisting it; all parties are united in it; the people are unanimous for it; and in not one instance of twenty upon this floor can the Representative summon up confidence enough in himself, however mad the scheme may be considered by him, to decline pressing upon Congress a compliance with the petition thus pushed forward. Nay, sir, upon the principle that the Representative is bound to obey the will and voice of his constituents, he is compelled to go ahead with the application, and do everything in his power for its success. Well, sir, the appropriation is secured; year after year it is repeated; and it is not until hundreds and thousands of dollars beyond the original estimate of the young engineer have been expended, and no apparent prospect of a successful completion of the work is manifest, that the true character of the enterprise is seen and appreciated.

Mr. Chairman, this is no fancy sketch that I have been portraying. It is the common operation and result of your law of 1824, and annual appropriation for new and indiscriminate surveys, and of your system of engineering fostered by the West Point Academy. Their combined influences and facilities for engendering wild schemes of improvement, excite a false and unprofitable cupidity among the people. They excite expectations that are scarcely ever realized. They lead expectants, thus aroused, from one step to another, until the aggregate of public works projected press upon the national Treasury with claims amounting to millions of dollars annually. Sir, the law of 1824, effecting an annual appropriation of $30,000 for the purposes I have described, entails upon the Government a greater expense, insignificant as that sum is, than would an annual appropriation of forty times $30,000, to be expended in enlarging your Navy, or in the construction of fortifications. The Committee of Ways and Means have discharged their duty, in bringing the subject before the House and country, in the report which has been laying upon our tables for some months, and it is for Congress to decide whether the same system shall be persisted in or not, or what ulterior measures of reform in it shall be adopted. I assume not that there is any distinction to be made between the several works embraced by either of these bills. I take it for granted that they are regarded as of public utility by the local population that press them on. I wish not to discriminate between them without some positive information to guide me, nor to advance one to the neglect of the other. The exact local information essential to judge them rightly in this respect I pretend not to possess nor to have inquired into. It is not easily to be obtained by any one man. But what I do maintain is, that the two bills are equally meritorious. I maintain this, not because I feel any more interest in the one than the other. The people of the State which I have the honor in part to represent upon this floor, have an interest in each of these bills. I may vote for them both; I may vote against both

bills; but I would not vote for either to the neglect of the other. Nor would I vote for either because I can see much to encourage the hope of public benefit corresponding with the large amount of expenditure which they involve unless there will grow up at no distant day some new system of execution and economy on the part of the Government in relation to works of this class. I would greatly prefer a repeal, for a season at least, of the annual appropriation under the law of 1824, for new surveys, to which I have adverted. It was attempted in the last Congress, and for a season the attempt was successful. Many gentlemen now upon this floor will recollect by what means the attempt was finally defeated. It is the fountain of madness upon the subject of these improvements. But I will not detain the committee at this time to discuss that proposition, and will only add that I hope the two bills now before the committee may sink or swim together.

THE HARBOR BILL.

REMARKS OF HON. JOHN P. KING,

OF GEORGIA,

IN SENATE, *July* 2, 1836.

The new Harbor bill being under consideration—

Mr. KING said, he might be disposed to go somewhat at length into the subject of the bill had not the most important principles connected with it already been very fully discussed. As we were pressed for time, his principal object was to give to the Senate the history of our legislation upon the subject of harbors more in detail than had been presented, by which it would be seen that gentlemen were greatly mistaken when they supposed that this system had age to recommend it. He was astonished at the mistake of the Senator from Pennsylvania [Mr. BUCHANAN] and the Senator from Massachusetts, [Mr. WEBSTER,] who had stated that we were only pursuing the policy adopted by the Government from the date of the Constitution.

Congress had passed an act in 1789 to pay the expenses of keeping in repair such light-houses, buoys, beacons, public piers, &c., as the States might cede to the General Government. Some cessions were made, and the statute had been executed at a very trifling expense, for the system of jobbing had not been encouraged by the State governments, which had only constructed such works as were of some utility.

But on the passage of this act did we find States, commercial cities, corporations, villages, and private speculating companies pouring in upon Congress to improve their harbors, and make new ones, at the common expense of the nation? Not so. They never dreamed of such a thing. Such works had been constructed at the expense of those who were benefited by them, and it never occurred to anybody that such work should be constructed at the national cost. Until recently, a system had been introduced resulting in benefits entirely local, building up cities, and enriching individuals at the cost of the Government. He had drawn off a statement which would show how far Senators were in error when they supposed the system had commenced with the Government. The first appropriation he had been able to find for such objects as those contained in the bill was in 1816. Mr. K. then read to the Senate the following statement of appropriations made for harbors by the General Government:

Appropriations for Surveys, Harbors, and Rivers.

1816	$30,000
1817	-
1818	-
1819	-
1820	-
1821	2,500
1822	11,500
1823	6,500
1824	40,000
1825	57,085
1826	133,505
1827	41,850
	$322,000

Here was a little upwards of three hundred thousand dollars appropriated by the Government between 1789 and 1828, and not one dollar had been appropriated for these objects for twenty-seven years after the adoption of the Constitution; yet some shrewd patriots had all at once discovered that the commerce of the country would be ruined, unless two or three millions per annum should be appropriated by the Government for these local and partial purposes. Mr. K. said in 1828 the breakwater was commenced, and $250,000 was appropriated for that purpose, and something for other objects, as follows:

1828 (including $250,000 for Delaware breakwater)	$317,402
1829	10,181
1830	-
1831	671,000
1832	541,300
1833	457,256
1834-35	458,056

Thus the history of this harbor-making would be seen. It never commenced till 1816, when a small appropriation of $30,000 was made. Was that a precedent so popular as to be immediately followed up? No; Congress seemed so alarmed at that small transgression that nothing more was appropriated until 1821, when the small sum of $2,500 only was appropriated, and the appropriations continued to be trifling, and principally for old works, except the Delaware breakwater, till 1832, a year which would be long remembered by the political economists of this country as one in which a premium was offered to any one who could suggest the best means of squandering the public money. From that time the appropriations had averaged about half a million, till this year. This year we had sent to us bills from the House for near three millions, including light-houses, and upwards of two millions for harbors alone. The bill *for new works* then before the Senate, as sent from the House, was near a million, and by an estimate made by the intelligent chairman of the Committee of Ways and Means in the House, was the commencement only of an expenditure of at least ten millions on the new works proposed. He thought the expenditure would be much more, and from past experience in such works, the proposed new works would cost thirty millions, for it was a singular fact, that this local jobbing once commenced was almost interminable; and some works had cost *annually*, for many years, as much as the first estimate, and the estimated cost of completion more than the original estimate. It would always be so when we undertook to war against nature and make harbors where God never intended them, or appropriate money merely to give a job by its expenditure.

This vast expenditure was almost entirely confined to one section of the country, and was drawn from the Treasury by local combinations for no national purpose. It could not be borne by the people generally, when understood. If the proceedings of this session were an earnest of what we had to expect in future, he looked upon the subject as one of the most important that had ever agitated the councils of the country. There was nothing national in it, and the tariff was a blessing to the South when compared with it. The tariff benefited large communities, and, however onerous, was national and patriotic in its origin, and the patriotic of every section of the country were disposed to forbear long with those who struggled to maintain interests that had grown up under it. But this was a new system of local bounties and private speculation. Those who had the most modesty got the least money, and those who had the least conscience got the most money. The South had constitutional scruples upon the subject, and asked for nothing, got nothing, wanted nothing. It was not only internal improvements, but internal improvements in the worst form, and (except for our naval stations) he would like to know how those opposed to internal improvements could vote for cutting out a harbor to aid the approach of vessels to a village, and could not vote for a road between one State or one city and another. They pretended to derive their power from the power to "regulate commerce with foreign nations." Well, did not the same power, in the words, extend the regulation of commerce "among the several States?" If one was unconstitutional, the other was equally so; and the advantage was greatly in favor of the road in every other view, for that would be a useful highway for all the world who traveled it, and the other confined its advantages to enriching a petty corporation or a few individuals.

But it had been said by the Senator from Massachusetts, [Mr. DAVIS,] that our revenue was collected at these ports; and there was an obligation to open them and keep them in repair on that account. And was our revenue increased by clearing out and multiplying these harbors? Not a single dollar. On the contrary, the more the ports were multiplied, the greater the expenses of collection; and consequently the revenue was diminished by the amount of this increase, and by all we expended on harbors beside. How would our national commerce suffer by an obstruction in the harbor of a particular city? If there should be an obstruction in the harbor of New York, it would only give a neighboring city some advantage, until New York, whose interest was affected, removed the obstruction. But if the Government removes the obstruction, other cities contribute to these very improvements, which have a direct tendency to injure them. If the port of Charleston or Philadelphia (he said) had advantages over New York, that was a matter of rival interest between those cities, and had always been so considered, until this modern invention of taxing the people of the United States to relieve those who were alone interested.

The Senator from Massachusetts [Mr. WEBSTER] had stated that other Governments had paid for opening and repairing harbors in their commercial cities. This, he thought, was not generally true. Some of the despotic sovereigns of Europe, without any limitation of power or sense of justice, occasionally took cities under their royal protection, and disbursed the public money upon them without regard to any particular rule. But the rule, he believed, was most generally to authorize the city to levy a tonnage on vessels for this purpose—this was the correct mode. In this way, this gave each city its own natural advantages, and taxed those who had the benefit of the improvement.

The Senator from Massachusetts was equally in error when he stated that the States or cities had never considered themselves bound to keep their own ports in repair since the adoption of the Constitution. This was directly contradicted by the history of every important seaport in the Union, and particularly that of Baltimore, which had just been mentioned by the Senator from Carolina, [Mr. PRESTON.] Maryland had granted an annual appropriation to Baltimore of $30,000, to keep the harbor of that city in repair. As a punishment to the city for the late outrages on private property, permitted and committed by its citizens, that fund had been taken to indemnify those who had suffered by those outrages. And now, for the first time, Baltimore comes here, and, by joining in the combination, gets the same amount from the national Treasury. This was a fair illustration of the whole system. Maryland comes into the concern, and the people of the United States are made to pay for the depredations of a Baltimore mob.

Again, I have shown that harbors have been made and improved by those to whom they belonged, from 1789 until a few years back, or have not been made or improved *at all*. And if they had needed no improvement for so many years, he thought it good evidence that this rush for millions all at once was uncalled for by the public interest. The truth was, the public had nothing to do with the matter. This vast combination that was to plunder the Treasury of so many millions, was made up of interests purely private and local. What was constantly the language used on the floor of both Houses, if any member expressed a doubt, who had a few thousands offered to his own State, to bribe him into silence? Why, it was, "If *you* don't want it, strike it out;" and was a great *national interest* to be controlled by the simple wish of an individual? But such language was perfectly natural, considering the manner how these speculations and jobs were got up. Who asked for or recommended them? Any general interest? No; the applications were all from cities, from individuals, or from companies who laid out sites for towns, got Congress

to make them an appropriation for a harbor, and then sold out their lots on speculation. Thousands were squandered in bribes for votes, by making an appropriation for objects entirely useless, and where the only advantage was a job in the expenditure of the money.

Mr. K. said it could not be disguised and ought not to be denied, that this abominable system of plunder was carried through Congress by interested combinations, and could succeed in no other way. Members, by the skill of the managers, were frequently placed in such a situation that they were obliged to vote for the bill, however objectionable, to save themselves with their constituents. An honest member of the other House had told him that he had in this way been compelled to vote for the bill, although he pronounced it "a bill of abominations," and hoped it might be arrested in the Senate. The member alluded to had pronounced this new harbor bill one of the most corrupt combinations of interested speculation that had ever disgraced the country, and such he believed it.

Mr. K. then called the attention of the Senate to another trick by which these managers had furnished evidence of their skill. It would be recollected that we had passed a moderate harbor bill long since, and sent it to the other House. We have never heard of it since, *until we find it actually incorporated in the monster before us.* Why was this? Why, it was only to unite the interests of the two bills. Among other things, no doubt, great calculations of strength were made by uniting the breakwater with the improvement of the Mississippi, and by this unnatural union between the French and the Friends, we are (said he) swept on by a current as irresistible as that of the Mississippi itself.

And here he was reminded (he said) of the curious argument of the Senator from Connecticut, [Mr NILES.] That Senator had given us sound doctrine, with much ability and great earnestness. He had pronounced the whole system wrong, partial, unconstitutional, and unjust, and condemned the bill as very objectionable; yet concluded by saying he should vote for the bill, because, now the system had commenced, we could not stop it! I know "we can't stop it," unless we vote against it. This fraudulent expenditure is doubling on us by millions per annum, and gentlemen denounce it as in duty bound; express their alarm, shut their eyes and *vote for it;* and say, "we can't stop it." He felt some difficulty in comprehending the principle which led to this fatal necessity. He hoped even the friends of the bill would have some mercy upon the South and West, and be satisfied at the present session with the enormous bill already passed. Let us have a little time to recover from the shock, and look into this heavy bill pushed upon us at the very last hour of the last day of the session, involving an expenditure so enormous and which the committee themselves tell us they have had no time to examine. He hoped they would allow the bill to lie over till the next session, to give time to learn, at least, *where the places are* for whose benefit we proposed to saddle the country with such a vast expenditure. There was another reason why the friends of the bill should be content with this course. That was the great amount of our appropriations during the present year, and the extreme difficulty of procuring labor at any price. Labor was now one hundred per cent. on the usual prices. And the great additional demand that would be created by these large Government expenditures would render it impossible to expend anything during the present year with any regard to economy. He hoped these considerations would induce the Senate to postpone the bill to the first day of the next session, and he made a motion for that purpose.

NEW ARMORIES, &c.

REMARKS OF HON. JOHN P. KING,

OF GEORGIA,

IN SENATE, *June* 30, 1836,

On the bill to establish a Foundery and Armory in the West, and Arsenals in the States where none have been established, &c.

Mr. KING said that, as he was in favor of some of the objects of the bill, it was with great reluctance that he voted against the bill, on account of some items that he could not approve. He could not at any time vote for a bill any part of the object of which was the expenditure of money alone without regard to national utility; and that this was a bill of this character seemed partially acknowledged by some of its friends.

There was no fitness in establishing arsenals in every State, without regard to location or utility. And one half, at least, of the arsenals proposed would be as useless as would be a horse stable in the city of Venice. And as to the armory in the West, it was about as much called for as an additional capitol or a navy-yard in the western prairies.

Where was the necessity for it? We had now on hand upwards of eight hundred thousand stand of arms, which he himself thought enough, as it was about as many as France or England had, with their large military establishments and three times our population. The utmost that any one required was one million, and we now propose to expend $555,000 for an armory, only required to *expedite* the supply of two hundred thousand stand of arms—not needed immediately, and he believed not needed at all—when the number required would be supplied from existing establishments before the work would be completed. In answer to all this, however, it was said that justice required an expenditure of money in the West.

He could not subscribe to such a principle. The work was a national work, and if it were not necessary *anywhere* it was not necessary in the West. If the Senator from Mississippi wished another depot in his State, let him have it; if another were needed in Missouri, let it be built; and if more were shown to be necessary anywhere in the West or elsewhere, he was ready to vote for them, but could not vote for works of enormous cost in the construction, and which would have to be kept up at a very heavy additional annual expenditure, merely for the purpose of expending money in any particular section of the country.

In truth, the importance of these expenditures was greatly overrated by gentlemen. Wealth was never created in any community by a *mere* expenditure of money. Jobbers might be enriched by Government expenditures, but communities were only enriched by a steady increase of capital, and permanent investments increasing the quantity of valuable products. He could refer his friend from Missouri to an example upon a small scale of a community depending upon Government expenditure *alone.* He referred to the District of Columbia, whose financial condition the Senator himself had truly stated to be worse than that of ten miles square in any part of the globe, not excepting the deserts of Arabia. He thought uncertain expenditures in this country, where all the population were already well employed, was attended often with injurious, rather than beneficial consequences, as the people were too apt to depend on expenditures alone. After referring to the subject of a national foundery, which he said he was disposed to vote for, that we might have a national establishment of this kind, although we were pressed by no necessity on this head, as we could be abundantly supplied with cannon from the existing private establishments, he concluded by regretting that he could not vote for the bill in consequence of the objectionable items it contained.

THE HARBOR BILL.

REMARKS OF HON. C. C. CAMBRELENG,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

June 24, 1836,

On Mr. PATTON's motion to strike out the enacting clause of the new Harbor Bill.

Mr. CAMBRELENG did not rise to make a speech. He hoped gentlemen who had long speeches on hand at this late period of the session would follow the example of a member from Louisiana, of a former Congress, who, after struggling six weeks for the floor, and threatening the House with a speech of a week in length, finished it in fifteen minutes—having, as he said, put forth the heads, intending to write it out. He recommended to gentlemen who had long speeches on hand, in consideration of the public business, to give the committee nothing but the heads. I have not (said Mr. C.) any such speech on hand, and should not have said one word upon the question had I not been compelled to reply to the renewed and unexpected attack made upon me yesterday by the gentleman from Tennessee, [Mr. BELL.] That gentleman seems to fancy himself the most persecuted man in the nation. He complains of having been attacked for months past by public journals—by the President of the United States—by the great Globe itself. I have certainly a right, if any one on this floor has, to sympathize with the gentleman; for no one has been throughout this session more honored by the assiduous attention of the Opposition journals, from the highest to the lowest, with very few exceptions. I have not only met with scurrility abroad, but it has been my fortune to encounter even on this floor the most vulgar abuse. I could not, sir, consider such attacks, whether in this House or out of it, as in any degree worthy of notice, much less of complaint; far from it. It would be ungenerous indeed in me to withhold my gratitude for this solitary but profitable evidence of the friendship of my political opponents.

The gentleman from Tennessee attacks the Speaker for the organization of the committees, and especially of the Committee of Ways and Means. Politically, there is no change. Besides those who were continued on the committee, we have, as we had last year, a member from Georgia, and Tennessee, and one from Maine, in place of a gentleman from New Hampshire, now of the Senate. The only change of any importance was in substituting the gentleman from Massachusetts, [Mr. LAWRENCE,] a member of the Opposition, for a gentleman from Alabama, [Mr. MCKINLEY,] a friend of the Administration, not now a member of the House. But the gentleman charges that the committee has been organized "on the principle of extravagance;" and that its chairman represents a city "most interested in appropriations." Whatever interest, sir, the city of New York may have in our appropriations, as the principal depository of the public money, she certainly has none in making them extravagant. On the contrary, if in discharging my duty as chairman of that committee I had consulted the interest of New York only, I should have united with the gentleman from Tennessee and his friends, and by retarding the appropriations for the public service, have added some two or three millions to the amount of the public money remaining in our banks.

The gentleman from Tennessee has animadverted on the extravagance of the Committee of Ways and Means, and has done me the honor to ascribe that extravagance chiefly to my efforts. "The credit," he says, "of passing the deposit bill, is due to the chairman of the Committee of Ways and Means"—to those extravagant measures proposed by me. Sir, the gentleman from Tennessee is not the only member of either House or of either party who will find it necessary to offer some apology to the country for voting for what he calls "substantially distribution." This argument about extravagant appropriations has been urged elsewhere, and even by some who are friendly to this Administration. But on what foundation does this apology rest? What are these extravagant appropriations for the public service which have compelled gentlemen to vote for a measure that cannot be defended? I speak not now of the multiplicity of bills which are reported at this, as they have been at every session, by the various committees of this House and the other, embracing new and extravagant appropriations; I refer not to what has been projected, but to what has been done by a majority of both Houses.

What has been done for the Navy, the idol of all parties? How many millions of our immense surplus have we appropriated to strengthen this right arm of our defense. Not $2,000,000, sir; all the excess for every naval purpose is only about $1,700,000, and a portion even of that amount is to be applied to other purposes than

the increase of the Navy. But even this appropriation, small as it is, was not the proposition of the Committee of Ways and Means, or of its chairman, but was reported by a member of the Opposition in the other House as an amendment to the naval appropriation bill. Surely, sir, the gentleman from Tennessee cannot refer to this as an extravagant appropriation, come from whence it may, after expressing himself strongly in favor of this branch of the public service, and his determination to go even beyond the recommendation of the Secretary of the Navy.

What, sir, have we done for our fortifications? The entire appropriation for this branch of expenditure is $1,860,000, being $1,000,000 more than has been usually appropriated for some years past. In the fortification bill of last year $869,000 were proposed to be appropriated, besides the addition of $300,000. Twenty years ago, when we had a surplus, though we had a public debt, funded and unfunded, of $150,000,000, we appropriated annually $838,000 to this branch of the service. There is not a dollar of the money appropriated to be applied to any but works actually under construction—fortifications which have been admitted by the gentleman from Tennessee, and by every other gentleman, to be necessary for our defense, and which would have been completed ten years ago, had we had, as we now have, a surplus revenue. We have not appropriated one cent for new fortifications. We have, it is true, a bill from the Senate, not from the Committee of Ways and Means, proposing over $1,000,000 for new works; but that bill, since the passage of the act depositing our money in the State treasuries, will not be adopted by this House.* No, sir, our surplus will be applied to no such national purpose, but to others in no way connected with the defense of the country. All we shall get is the $1,000,000 extraordinary for fortifications which are already commenced, and are designed for the defense of a few prominent points on our extensive maritime frontier, the importance of which has been admitted by the gentleman from Tennessee himself.

What more have we done in this course of extravagant measures for the defense of the country? Four hundred thousand dollars additional for arming our fortifications. Does the gentleman from Tennessee complain of this extravagance? Why, sir, he himself, in quoting the opinions of the Inspector General, which I had also occasion to notice, gave us a wretched picture of our fortifications without guns, and very justly described the utterly defenseless condition of our coast. Surely the gentleman will not denounce appropriations designed to protect those very cities which he told us could be easily taken, and by a very insignificant force, because we had fortifications without armament.

For the Army, sir, we have literally done nothing. We have made an insignificant appropriation for the improvement of our armories, and others for supplying munitions which had been exhausted by our Indian wars. Not a dollar of extraordinary expenditure has been authorized for the Army, exclusively, except so far as the service was connected with the suppression of Indian hostilities. And what is the aggregate of these appropriations proposed by the Committee of Ways and Means, the extravagance of which has driven gentlemen to the necessity of distributing our surplus revenue? The whole amount for the Navy, Army, fortifications, armament, armories, and extraordinary supplies, and including the $1,700,000 added by the Senate to the Navy bill, is less than $4,000,000. Yes, sir, this is all that we have saved of that immense surplus of sixty or seventy millions which gentlemen tell us of; all that we have applied to measures of defense which, at the commencement of this session, were advocated by the Representatives of the East, West, North, and South. They were all then ready to appropriate five, six, or seven millions extraordinary for these purposes. Nay, the gentleman from Maine [Mr. EVANS] declared, no doubt honestly, that he was willing to appropriate for the defense of the country an amount equal to the sum heretofore appropriated to the sinking fund—that is, $10,000,000 annually, and for ten years. Now, sir, notwithstanding these declarations from all sides of the House, we have applied less than $4,000,000 to our defense, and yet the extravagant appropriations proposed by the Committee of Ways and Means is now urged as an apology for a measure which gentlemen themselves denominate as "substantial distribution."

There is another class of appropriations which were introduced by the Committee of Ways and Means, including a small portion reported by the gentleman from Tennessee himself, of an extraordinary character, though they cannot be denounced as extravagant, for they were indispensable. I mean our large appropriations for Indian treaties and Indian wars; more than seven millions and a half for the former—near three millions for the latter, and we have yet to provide some three or four millions, making an aggregate of near fourteen millions. Here are fourteen million dollars in a single year of extraordinary appropriations for the West, notwithstanding all the declamation we have heard about expending the whole Treasury on the Atlantic border. I care not where the public money is spent, when applied, as in this instance, to national purposes. I notice it only to show gentlemen how utterly unfounded their statements are. Out of more than twenty millions of appropriations for extraordinary purposes in 1836, near fourteen millions are for our Indian treaties and Indian wars—those "scalping-knife and tomahawk appropriations," as they have been denounced by the gentleman from Massachusetts, [Mr. ADAMS.] Does the gentleman from Tennessee mean to echo that sentiment? Does he mean to charge the Committee of Ways and Means with extravagance in recommending measures for the protection of the lives and property of our fellow-citizens in Florida, Georgia, Alabama, Louisiana, Mississippi; ay, even in Tennessee? Is the gentleman for or against these appropriations? [Mr. BELL replied.] Sir, I am sorry to have ruffled the temper of the gentleman; I have not misrepresented him. I noted his language yesterday, and it is to that I am replying. In enumerating the extravagant appropriations I have reported from the Ways and Means, the gentleman referred expressly to these Indian appropriations, and animadverted on the course of the Administration in regard to Indian affairs. Nor is this the first time he has objected to them. On a former occasion he deprecated the passage of one of them as premature, and under a panic, without satisfactory information of the existence of the war.

Such, Mr. Chairman, is the character and amount of these extravagant appropriations, for which the Committee of Ways and Means has been arraigned—appropriations for the Navy, Army, fortifications, and for the peace and protection of the West—almost all of which have been sanctioned by a large majority of both Houses, and the larger portion, those relating to Indian wars and treaties, by an almost unanimous vote.

Thus much for the extravagance of the Committee of Ways and Means; now for the extraordinary expenditures sanctioned by the gentleman from Tennessee. On Saturday last, that gentleman voted for a pension bill which, if it become a law, will create an annual demand upon the Treasury estimated by a member of the committee at five millions. Sir, I respect the gallantry of our Indian warriors, and am grateful for their services; but if we are to extend the principle of pensioning to all who are engaged in our wars, internal and external, where are the expenditures of this Government to stop? If this Government is to be administered upon such extravagant principles, we shall very soon have a pension roll extending to every branch of the public service, and involving an expenditure of fifty or sixty millions annually.

Gentlemen, to whatever party they may belong, who have anticipated that, by distributing the public revenue, they were to arrest extravagant appropriations, have deceived themselves, and sacrificed the great interests of the country. They have stopped the appropriations for the Army, Navy, and fortifications. The bill for the increase of the Army sent to us from the Senate will not be acted upon, however urgently it may be required for the protection of our western frontiers—not a Navy bill reported by the Committee on Naval Affairs will command the attention of either House—nor shall we condescend to notice the new fortification bill sent to us by the Senate. Such appropriations appeal only to the patriotism of Congress—they are sustained alone by great considerations of national policy and common defense. These the revolutionary system of gentlemen has effectually arrested. Not so with the appropriations for rivers and harbors, which depend upon local and private interests, reaching our congressional districts and our own political interests. The contest which we have just witnessed between the gentlemen from Maine [Mr. SMITH] and from Pennsylvania, [M. SUTHERLAND,] who reported these two harbor bills, is an admirable illustration of the whole system. The former reported the old, the latter the new bill. The bill reported by the gentleman from Maine did not pass without some difficulty; but when the new bill came before us, it was violently attacked, and in some danger. The gentleman from Maine, perceiving the danger, rises and defends the bill reported by the gentleman from Pennsylvania with great zeal and energy; gives it a much higher rank and character than his own bill, and declares that if either is to be reduced or rejected, a preference ought undoubtedly to be given to the bill embracing new works, and reported by the gentleman from Pennsylvania. The latter gentleman rises indignantly to repel the attack made by the gentleman from Maine upon his own bill, and deprecates any comparison between the merits of the two bills; but if there was a difference, the works already commenced ought not to be left unfinished, and therefore the bill of the gentleman from Maine ought to have priority. This awkward contest between these two gentlemen, each defending with energy the bill reported by the other in preference to the bills reported by themselves, may appear mysterious, but the mystery is easily solved. The appropriation for the *Delaware* breakwater was embraced in the bill reported by the gentleman from Maine; that for the *Portland* breakwater was in the bill reported by the gentleman from Pennsylvania. Such, sir, is the origin and character of this species of legislation. You cannot stop it by distribution, for it is sustained by the same corrupting principle of compromise. But you do arrest appropriations for national objects—for all such we are worse off than we were under the old Confederation. Then we made requisitions upon the States for their money for common defense: now we may make requisitions for our own, for the same common purpose, without having the slightest attention paid to our requisitions.

The bill under consideration is the one reported by the gentleman from Pennsylvania, and for new works. These appropriations are of recent origin, but of rapid growth, and deserve more attention than they have hitherto received. The following statement shows their progress:

1817	-
1818	$3,247 50
1819	4,322 22
1820	338 00
1821	2,757 50
1822	3 50
1823	-
1824	-
1825	400 00
1826	-
1827	82,589 70
1828	121,094 35
1829	5 5,665 43
1830	298,655 94
1831	667,846 19
1832	533,249 00
1833	694,638 67
1834	642,536 46
1835, a little over	505,000 00

These expenditures were scarcely known till 1827, the second year of the administration of the gentleman from Massachusetts, [Mr. ADAMS.] In that year they amounted to about eighty-two thousand dollars, and in two years they increased to four and five hundred thousand dollars. We have now before us two bills, each amounting to near a million. We have already expended in nine years more than four millions. We are asked for a million to continue our old works in the present year. And here we have another bill proposing a million for commencing new improve-

* This bill was not even acted upon.

ments. We are laying the foundation of an additional expenditure of ten millions.

But I have another and an important objection to the passage of this bill. We have commenced a new era in our financial concerns and in the practical operation of our Government. We have directed all the money in the Treasury on the 1st of January next over five millions, whether appropriated or not, to be distributed among and deposited in the treasuries of the several States in 1837. That is, we have appropriated all the money in the Treasury over five millions; whether it is ever to be returned will be decided hereafter. We have not only, in any event, temporarily at least, disposed of our surplus, but of all the money which may be in the Treasury, and which has been already appropriated for the expenditures of the present year. We have directed that this money, previously appropriated, shall be distributed among the States during the next year.

And now, sir, what is the operation of this deposit or distribution bill? (I care not by which name it is called.) We have made at the present session very large appropriations for Indian wars, Indian treaties, &c., and we may have in the Treasury, on the 1st of January next, some fifteen millions of dollars pledged for these purposes, and for other objects which will then be actually under contract. We divide the ten millions thus pledged, and throw upon the revenue of 1837 that amount, in addition to the current expenditures of that year, and to all extraordinary demands, which must, in the present unsettled state of our Indian relations, be estimated at no inconsiderable sum, if only required for the purpose of preventing hostilities. Under the operation of the deposit bill, the revenue of 1837 will not meet the aggregate amount of all these appropriations.

The bill now under consideration being exclusively for new works, requiring surveys or examinations, proposes another million, which will be added to the unexpended appropriations for 1836, and will fall almost entirely on the revenue for 1837. Whatever amount we now add to our appropriations must, under our new deposit system, be supplied by recourse to taxation, by an increase of the tariff. Such, sir, is the operation of your deposit bill, whether the honor of its paternity belongs to the Senate or the House—to either or both parties. The minority who voted against that measure will long have occasion to be proud of their vote, while those friends of the Constitution who yielded to their apprehensions, will remember but to regret it. It is in vain to disguise the matter; the friends of the Constitution have been defeated. I was not surprised to witness the air of triumph displayed on that occasion by the friends of the tariff and of Federal internal improvements. The advocates of the American system had just reason to exult.

They saw, in an instant, the work of years of reformation swept away, the barriers of the Constitution overthrown, and the American system restored in a more formidable shape than had ever been contemplated, even by its projectors. I trust, sir, that though defeated, we are not ready to surrender principles for which we have been so long and, till now, so successfully contending. I hope the contest will be renewed in December; for, if your deposit law remains, you must again have recourse to taxation, and our Constitution will be effectually annulled. For all national purposes it will be more inefficient than the old Articles of Confederation, while this Government will be converted into an oppressive and rapacious tax-gatherer for the support of the States, depending as they will, in every branch of their expenditures, on the Federal Treasury. Our whole political system will be reversed—we shall exhibit the extraordinary spectacle of a Government consolidated for all purposes but that great object for which our Confederation was formed—common defense. I regret that on so great a question the enemies of exorbitant and unjust taxation, the friends of a rigid boundary between State and Federal duties and powers, should have been separated. I hope we shall be more united hereafter; but, whatever may be the event, the contest must come, though we go into the fight crippled and wounded by an arrow "feathered from our own wing."

No. 33

Such is one of the great motives for striking out the enacting clause of this bill. Every appropriation now made is not to be taken from your surplus, but will be so much added to the taxes of the country. There are some appropriations in the bill which I shall vote for, as connected with our national concerns; but most of them are local, and some of them should fall, not even upon the treasuries of the States, but upon assessments upon the towns for whose improvement they are designed. These are local, not national expenditures; and if we are to carry out this system, improve every petty harbor, and, as the gentleman from Pennsylvania [Mr. SUTHERLAND] says, "our hundred rivers," we shall open a theater of expenditure beyond anything ever contemplated by those who framed, or by others who have given the broadest construction to the Constitution.

On this question I wish to be frankly understood. While I have always considered the Mississippi, with its giant arms stretching through vast regions of our public domain, as objects in the improvement of which the States have a direct interest, I have never considered it a Federal duty to provide for improving the navigation of every creek and river in the country. Sir, even the improvement of the Hudson I have always thought more a State than a national concern. I have never heard the appropriation for that river mentioned in this House, without feeling that the character of our State was degraded; that a State like ours, great in population, and powerful in resources, equal to many of the kingdoms in Europe, should be petitioning here for the means of removing an obstruction in a river near the head of navigation. I trust it will not be long before the pride of our fellow-citizens, from the Atlantic to the lakes, will be roused, when we shall draw upon our own vast resources, and not annually present our petitions here. Under the auspices of the State, this improvement might be soon accomplished; but so long as we depend upon our Federal Treasury, we cannot anticipate when it will be finished. But, however that may be, this branch of our Federal expenditure should be rigidly examined before we proceed further in it; for if we go on as we have done, or as is proposed in this new bill, we shall be called upon to improve every harbor and river in the country, involve our Treasury in millions of expenditures not to be estimated, and in an annual increase of taxation, without the aid even of a deposit or distribution bill.

THE MILITARY ACADEMY.

SPEECH OF HON. FRANKLIN PIERCE,

OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES,

June 30, 1836,

On the bill authorizing appropriations for the Military Academy.

Mr. PIERCE said:

Mr. CHAIRMAN: An attempt was made during the last Congress to bring the subject of the reorganization of the Military Academy before the country through a report of a committee. The same thing has been done during the present session, again and again, but all efforts have proved alike unsuccessful! Still you do not cease to call for appropriations; you require the people's money for the support of the institution, while you refuse them the light necessary to enable them to judge of the propriety of your annual requisitions.

Whether the amount proposed to be appropriated by the bill upon your table is too great or too small, or precisely sufficient to cover the current expenses of the institution, is a matter into which I will not at present inquire; but I shall feel bound to oppose the bill in every stage of its progress. I cannot vote a single dollar until the resolution of inquiry presented by my friend from Kentucky [Mr. HAWES] at an early day in the session shall be first taken up and disposed of. I am aware, sir, that it will be said—because I have heard the same declaration on a former occasion—that this is not the proper time to discuss the merits of the institution; that the bill is to make provision for expenses already incurred, in part, and whatever opinions may be entertained upon the necessity of a reorganization, appropriation must be made. I say to gentlemen who are opposed to the principles of the institution, and to those who believe that abuses exist which ought to be exposed and corrected, that now is their only time, and this their only opportunity during the present session, to attain their object, and I trust they will steadily resist the bill until its friends shall find it necessary to take up the resolution of inquiry and give it its proper reference.

Sir, why has this investigation been resisted? Is not an institution which has already cost this country more than $3,000,000, for which you propose, in this very bill, an appropriation of more than $130,000, and which at the same time, in the estimation of a large portion of the citizens of this Union, has failed, eminently failed to fulfill the objects for which it was established, of sufficient interest and importance to claim the consideration of a committee of this House, and of the House itself?

I should have expected the resolution of the gentleman from Kentucky, [Mr. HAWES,] merely proposing an inquiry, to pass without opposition, had I not witnessed the strong sensation, nay, excitement, that was produced here, at the last session, by the presentation of his yet unpublished report. Sir, if you would have an exhibition of highly-excited feeling, it requires little observation to learn that you may produce it at any moment by attacking such laws as confer exclusive and gratuitous privileges. The adoption of the resolution of inquiry at the last session of Congress, and the appointment of a select committee under it, were made occasion of newspaper paragraphs, which, in tone of lamentation and direful prediction, rivaled the most highly-wrought specimens of the panic era. One of those articles I preserved and have before me. It commences thus:

"THE ARCHITECTS OF RUIN.—This name has been appropriately given to those who are leading on the base, the ignorant, and the unprincipled, in a remorseless war upon all the guards and defenses of society."

I introduce it here merely to show what are, in certain quarters, considered the *guards and defenses of society*. After various compliments similar to that just cited, the article proceeds:

"All this is dangerous as novel, and the ultimate results cannot be contemplated without anxiety. If this spirit extends, who can check it? 'Down with the bank;' 'down with the Military Academy;' 'down with the judiciary;' 'down with the Senate;' will be followed by watchwords of a worse character."

Here, Mr. Chairman, you have the United States Bank first, and then the Military Academy, as the *guards* and *defenses* of your country. If it be so, you are indeed feebly protected. One of these guards and defenses is already tottering. And who are *the architects of ruin* that have resolved its downfall? Are they the base, the ignorant, and the unprincipled? No, sir. The most pure and patriotic portion of your community; the staid, industrious, intelligent farmers and mechanics, through a public servant, who has met responsibilities, and seconded their wishes with equal intrepidity and success, in the camp and in the Cabinet, have accomplished this great work. Mr. Chairman, there is no real danger to be apprehended from this much-dreaded leveling principle.

From the middling interest you have derived your most able and efficient support in the most gloomy and trying periods of your history. And what have they asked in return? Nothing but the common advantages and blessings of a free Government, administered under equal and impartial laws. They are responsible for no portion of your legislation, which, through its partial and unjust operation, has shaken this Union to its center. That has had its origin in a different quarter, sustained by wealth, the wealth of monopolies, and the power and influence which wealth thus accumulated and disposed never fails to control. Indeed, sir, while far from demanding at your hands special favors for themselves, they have not, in my judgment, been sufficiently jealous of all legislation conferring *exclusive* and *gratuitous* privileges.

That the law creating the institution of which

I am now speaking, and the practice under it, is strongly marked by both these characteristics, is apparent at a single glance. It is *gratuitous*, because those who are so fortunate as to obtain admission there, receive their education without any obligation, except such as a sense of honor may impose, to return, either by service or otherwise, the slightest equivalent. It is exclusive, inasmuch as only one youth out of a population of more than forty-seven thousand can participate in its advantages at the same time; and those who are successful are admitted at an age when their characters cannot have become developed, and with very little knowledge of their adaptation, mental or physical, for military life. The system disregards one of those great principles which, carried into practice, contributed perhaps more than any other to render the arms of Napoleon invincible for so many years. Who does not perceive that it destroys the very life and spring of military ardor and enthusiasm, by utterly foreclosing all hope of promotion to the soldier and non-commissioned officer? However meritorious may be his services; however preëminent may become his qualifications for command, all is unavailing. The portcullis is dropped between him and preferment; the wisdom of your laws having provided another criterion than that of admitted courage and conduct by which to determine who are worthy of command. They have made an academy where a certain number of young gentlemen are educated annually at the public expense, and to which there is, of consequence, a general rush, not so much from sentiments of patriotism and a taste for military life as from motives less worthy—the avenue, and the only avenue, to rank in your army. These are truths, Mr. Chairman, which no man will pretend to deny; and I leave it for this House and the nation to determine whether they do not exhibit a spirit of exclusiveness alike at variance with the genius of your Government and the efficiency and chivalrous character of your military force.

Sir, no man can feel more deeply interested in the Army, or entertain a higher regard for it, than myself. My earliest recollections connect themselves fondly and gratefully with the names of the brave men who, relinquishing the quiet and security of civil life, were staking their all upon the defense of their country's rights and honor. One of the most distinguished among that noble band now occupies and honors a seat upon this floor.

It is not fit that I should indulge in expressions of personal respect and admiration, which I am sure would find a hearty response in the bosom of every member of this committee. I allude to him merely to express the hope, that, on some occasion, we may have upon this subject the benefit of his experience and observation. And if his opinions shall differ from my own, I promise carefully to review every step by which I have been led to my present conclusions. You cannot mistake me, sir; I refer to the hero of Erie. I have declared myself the friend of the Army. Satisfy me, then, what measures are best calculated to render it effective, and what all desire it to be, and I go for the proposition with my whole heart.

But I cannot believe that the Military Academy, as at present organized, is calculated to accomplish this desirable end. It may, and undoubtedly does, send forth into the country much military knowledge; but the advantage which your Army, or that which will constitute your Army in time of need, derives from it, is by no means commensurate with the expense you incur. Here, Mr. Chairman, permit me to say, that I deny, utterly, the expediency and the right to educate, at the public expense, any number of young men who, on the completion of their education, are not to form a portion of your military force, but to return to the walks of private life. Such was never the operation of the Military Academy until after the law of 1812; and the doctrine, so far as I have been able to ascertain, was first formally announced by a distinguished individual, at this time sufficiently jealous of the exercise of Executive patronage, and greatly alarmed by what he conceives to be the tendencies of this Government to *centralism* and consolidation. It may be found in the report of the Secretary of War, communicated to Congress in 1819.

If it shall, upon due consideration, receive the sanction of Congress and the country, I can see no limit to the exercise of power and Government patronage. Follow out the principle, and where will it lead you? You confer upon the National Government the absolute guardianship of literature and science, military and civil; you need not stop at military science—any one in the wide range of sciences becomes at once a legitimate and constitutional object of your patronage; you are confined by no limit but your discretion; you have no check but your own good pleasure. If you may afford instruction, at the public expense, in the languages, in philosophy, in chemistry, and in the exact sciences, to young gentlemen who are under no obligation to enter the service of their country, but are, in fact destined for civil life, why may you not, by parity of reasoning, provide the means of a legal, or theological, or medical education, on the ground that the recipients of your bounty will carry forth a fund of useful knowledge, that may, at some time, under some circumstances, produce a beneficial influence, and promote "the general welfare?" Sir, I fear that even some of us may live to see the day when this "general welfare" of your Constitution will leave us little ground to boast of a Government of limited powers. But I did not propose at this time to discuss the abstract question of constitutional right. I will regard the expediency alone; and whether the power exist or not, its exercise in an institution like this is subversive of the only principle upon which a school conducted at the public expense can be made profitable to the public service—that of making an admission into your school, and an education there, secondary to an appointment in the army. Sir, this distinctive feature characterized all your legislation and all executive recommendations down to 1810.

I may as well notice here as at any time an answer which has always been ready when objections have been raised to this institution—an answer which, if it has not proved quite satisfactory to minds that yield their assent more readily to strong reasons than to the authority of great names, has yet unquestionably exercised a powerful influence upon the public mind. It has not gone forth upon the authority of an individual merely, but has been published to the world with the approbation of a committee of a former Congress. It is this: *that the institution has received, at different times, the sanction of such names as Washington, Adams, and Jefferson;* and this has been claimed with such boldness, and in a form so imposing, as almost to forbid any question of its accuracy. If this were correct, in point of fact, it would be entitled to the most profound respect and consideration, and no change should be urged against the weight of such authority, without mature deliberation, and thorough conviction of expediency. Unfortunately for the advocates of the institution, and fortunately for the interests of the country, this claim cannot be sustained by reference to Executive Documents, from the first report of General Knox, in 1790, to the close of Mr. Jefferson's administration.

The error has, undoubtedly, innocently occurred by confounding the Military Academy at West Point as it was with the Military Academy at West Point as it is. The report of Secretary Knox, just referred to, is characterized by this distinctive feature—that the corps proposed to be organized were "to serve as an actual defense to the community," and to constitute a part of the active military force of the country; "to serve in the field, or on the frontier, or in the fortifications of the sea-coast, as the Commander-in-Chief may direct." At a later period, the report of the Secretary of War, Mr. McHenry, communicated to Congress in 1800, although it proposed a plan for military schools differing in many essential particulars from those which had preceded it, still retained the distinctive feature just named as characterizing the report of General Knox.

With regard to educating young men gratuitously, which, whatever may have been the design, I am prepared to show is the practical operation of the academy, as at present organized, I cannot, perhaps, exhibit more clearly the sentiments of the Executive at that early day, urgent as was the occasion, and strong as must have been the desire, to give strength and efficiency to the military force, than by reading one or two paragraphs from a supplementary report of Secretary McHenry, addressed to the chairman of the Committee of Defense, on the 31st of January, 1800. The Secretary says:

"Agreeably to the plan of the Military Academy, the directors thereof are to be officers taken from the Army; consequently no expense will be incurred by such appointments. The plan also contemplates that officers of the Army, cadets, and non-commissioned officers, shall receive instruction in the academy. As the rations and fuel which they are entitled to in the Army will suffice for them in the academy, no additional expense will be required for objects of maintenance while there. The expenses of servants and certain incidental expenses relative to the police and administration, may be defrayed by those who shall be admitted out of their pay and emoluments."

You will observe, Mr. Chairman, from the phraseology of the report, that all were to constitute a part of your actual military force; and that whatever additional charges should be incurred were to be defrayed by those who might receive the advantages of instruction. These were provisions, just, as they are important. Let me call your attention for a moment to a report of Colonel Williams, which was made the subject of a special message, communicated to Congress by Mr. Jefferson, on the 18th of March, 1808.

The extract I propose to read, as sustaining fully the views of Mr. McHenry upon this point, is in the following words:

"It might be well to make the plan upon such a scale as not only to take in the minor officers of the Navy, but also any youths from any of the States who might wish for such an education, whether designed for the Army or Navy, or neither, and let them be assessed to the value of their education, which might form a fund for extra or contingent expenses."

Sir, these are the true doctrines upon this subject—doctrines worthy of the Administration under which they were promulgated, and in accordance with the views of statesmen in the earlier and purer days of the Republic.

Give to the officers of your Army the highest advantages for perfection in all the branches of military science, and let those advantages be open to all in rotation, and under such terms and regulations as shall be at once impartial toward the officers and advantageous to the service; but let all young gentlemen who have a taste for military life, and desire to adopt arms as a profession, prepare themselves for subordinate situations at their own expense, or at the expense of their parents or guardians, in the same manner that the youth of the country are qualified for the professions of civil life. Sir, while upon this subject of gratuitous education, I will read an extract from "Dupin's Military Force of Great Britain," to show what favor it finds in another country, from the practice and experience of which we may derive some advantages, however far from approving of its institutions generally. The extract is from the second volume, 71st page, and relates to the terms on which young gentlemen are admitted to the junior departments of the Royal Military College at Sandhurst:

"First. The sons of officers of all ranks, whether of the land or sea forces, who have died in the service, leaving their families in pecuniary distress. This class are instructed, boarded, and habited gratuitously by the State, being required only to provide their equipments on admission, and to maintain themselves in linen.

"Secondly. The sons of all officers of the army above the rank of subalterns actually in the service, and who pay a sum proportioned to their ranks, according to a scale per annum regulated by the supreme board. The sons of living naval officers of rank not below that of master and commander, are also admitted on payment of annual stipends, similar to those of corresponding ranks in the army. The orphan sons of officers, who have not left their families in pecuniary difficulties, are admitted into this class on paying the stipends required of officers of the rank held by their parents at the time of their decease.

"Thirdly. The sons of noblemen and private gentlemen who pay a yearly sum equivalent to the expenses of their education, board, and clothing, according to a rate regulated from time to time by the commissioners."

Sir, let it be remembered that these are the regulations of a Government which, with all its wealth and power, is, from its structure and practice, groaning under the accumulated weight of pensions, sinecures, and gratuities, and yet you observe that only one class, "the sons of officers of all ranks, whether of the land or sea forces, who have died in the service, leaving their fami-

lies in pecuniary distress," are educated gratuitously. I do not approve even of this, but I hold it up in contrast with your own principles and practice.

If the patience of the committee would warrant me, Mr. Chairman, I could show, by reference to Executive communications and the concurrent legislation of Congress in 1794, 1796, 1802, and 1808, that prior to the last mentioned date such an institution as we now have was neither recommended nor contemplated. Upon this point I will not detain you longer; but when hereafter confronted by the authority of great names, I trust we shall be told where the expressions of approbation are to be found. We may then judge of their applicability to the Military Academy as at present organized.

I am far from desiring to see this country destitute of a Military Academy; but I would have it a school of practice and instruction for officers actually in the service of the United States; not an institution for educating gratuitously young gentlemen who, on the completion of their term, or after a few months leave of absence, resign their commissions and return to the pursuits of civil life. If any one doubts that this is the practical operation of your present system, I refer him to the annual list of resignations, to be found in the Adjutant General's Office.

Firmly as I am convinced of the necessity of a reorganization, I would take no step to create an unjust prejudice against the institution. All that I ask, and, so far as I know, all that any of the opponents of the institution ask, is that after a full and impartial investigation, it shall stand or fall upon its merits. I know there are graduates of the institution who are ornaments to the Army, and an honor to their country; but they, and not the seminary, are entitled to the credit. Here I would remark, once for all, that I do not reflect upon the officers or pupils of the academy; it is to the principles of the institution itself, as at present organized, that I object. It is often said that the graduates leave the institution with sentiments that but ill accord with the feelings and opinions of the great mass of the people of that Government from which they derive the means of education, and that many who take commissions possess few qualifications for the command of men, either in war or in peace. Most of the members of this House have had more or less intercourse with these young gentlemen, and I leave it for each individual to form his own opinion of the correctness of the charges. Thus much I will say for myself, that I believe that these and greater evils are the natural, if not the inevitable, result of the principles in which this institution is founded; and any system of education, established upon similar principles, on Government patronage alone, will produce like results, now and forever. Sir, what are some of these results? By the report of the Secretary of War dated January, 1831, we are informed that; "by an estimate of the last five years, (preceding that date,) it appears that the supply of the army from the corps of graduated cadets has averaged about twenty-two annually, while those who graduated are about forty, making in each year an excess of eighteen. The number received annually into the academy averages *one hundred*, of which only the number stated, to wit: forty, pass through the prescribed course of education at schools, and become supernumerary lieutenants in the army." By the report of the Secretary of War, December, 1830, we are informed that "the number of promotions to the Army from this corps for the last five years has averaged about twenty-two annually, while the number of graduates has been at an average of forty. This excess, which is annually increasing, has placed eighty-seven in waiting until vacancies shall take place, and show that in the next year, probably, and in the succeeding one, certainly, there will be an excess beyond what the existing law authorizes to be commissioned. There will then be one hundred and six supernumerary brevet second lieutenants appurtenant to the Army, at an average annual expense of $80,000." Sir, that results here disclosed were not anticipated by Mr. Madison, is apparent from a recurrence to his messages of 1810 and 1811.

In passing the law of 1812, both Congress and the President acted for the occasion, and they expected those who should succeed them to act in a similar manner. Their feelings of patriotism and resentment were aroused by beholding the privileges of freemen wantonly invaded, our glorious stars and stripes disregarded, and national and individual rights trampled in the dust. The war was pending; the necessity for increasing the military force of the country was obvious and pressing, and the urgent occasion for increased facilities for military instruction equally apparent.

Sir, it was under circumstances like these, when we had not only enemies abroad, but, I blush to say, enemies at home, that the institution, as at present organized, had its origin. It will hardly be pretended that it was the original design of the law to augment the number of persons instructed beyond the wants of the public service.

Well, the report of the Secretary shows that, for five years prior to 1831, the academy had furnished eighteen supernumeraries annually. A practical operation of this character has no sanction in the recommendation of Mr. Madison. The report demonstrates, further, the *fruitfulness* and *utility* of this institution, by showing the fact that but two fifths of those who enter the academy graduate, and that but a fraction more than one fifth enter the public service. This is not the fault of the administration of the academy; it is not the fault of the young gentlemen who are *sent* there; on your present peace establishment there can be but little to stimulate them, particularly in the acquisition of military science. There can hardly be but one object in the mind of the student, and that would be to obtain an education for the purposes of civil life. The difficulty is, that the institution has outlived both the occasion that called it into existence, and its original design.

I have before remarked that the academy was manifestly enlarged to correspond with the Army and militia actually to be called into service. Look then for a moment at facts, and observe with how much wisdom, justice, and sound policy, you retain the provisions of the law of 1812. The total authorized force of 1813, after the declaration of war, was fifty-eight thousand two hundred and fifty-four; and in October, 1814, the military establishment amounted to sixty-two thousand four hundred and twenty-eight. By the act of March, 1815, the peace establishment was limited to ten thousand, and now hardly exceeds that number. Thus you make a reduction of more than fifty thousand in your actual military force, to accommodate the expenses of the Government to its wants. And why do you refuse to do the same with your grand system of public education? Why does that remain unchanged? Why not reduce it at once, at least to the actual wants of the service, and dispense with your corps of supernumerary lieutenants? Sir, there is, there can be but one answer to the question, and that may be found in the war report of 1819, to which I have before had occasion to allude. The Secretary says, "the cadets who cannot be provided for in the Army will return to private life; but in the event of a war their knowledge will not be lost to the country." Indeed, sir, these young gentlemen, if they could be *induced* to take the field, would, after a lapse of ten or fifteen years, come up from the bar, or it may be the pulpit, fresh in military science, and admirably qualified for command in the face of an enemy.

The magazine of facts, to prove at the same glance the extravagance and unfruitfulness of this institution, is not easily exhausted; but I am admonished by the lateness of the hour to omit many considerations which I regard as both interesting and important. I will only detain the committee to make a single statement, placing side by side some aggregate results. There has already been expended upon the institution more than three millions three hundred thousand dollars. Between 1815 and 1821, thirteen hundred and eighteen students were admitted into the academy; and of all the cadets who were ever there, only two hundred and sixty-five remained in the service at the end of 1830. Here are the expenses you have incurred, and the products you have realized.

I leave them to be balanced by the people. But for myself, believing as I do that the academy stands forth as an anomaly among the institutions of this country; that it is at variance with the spirit, if not the letter of the Constitution under which we live; so long as this House shall deny investigation into its principles and practical operation, I, as an individual member, will refuse to appropriate the first dollar for its support.

THE HARBOR BILL.

REMARKS OF HON. W. C. DUNLAP,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

June 23, 1836,

On the amendment of Mr. CARTER to the Harbor Bill, in Committee of the Whole.

Mr. DUNLAP said:

Mr. CHAIRMAN: I shall vote for the amendment of my colleague; not that I believe Congress has the power to appropriate money for any such purposes; but, on the contrary, I am well satisfied that whenever she makes appropriations to any such object, it is usurpation of power on her part. I vote for the amendment alone on the principle that the object for which it is intended to be appropriated is more national than many that are included in the bill. The rivers intended to be improved by the appropriation included in my colleague's amendment, run through an extent of country of from twelve to fifteen hundred miles, and in a section of this Union where they never have had any of the public treasures spent in the improvement of their rivers. There is no country that needs the navigation of her rivers improved more than East Tennessee. It is one of the healthiest countries on this continent. The soil is productive. It is settled by the most industrious citizens, and they always have a superabundance of every article of agriculture for market; and all they want, to be the wealthiest and happiest people living in any country, is the navigation of their beautiful rivers improved, so as to afford them greater facilities in taking their surplus produce to market. Notwithstanding, Mr. Chairman, their great want of money to improve the navigation of their rivers, none has ever been spent there by the Federal Government, although millions have been spent in other sections of this Union on rivers less entitled to the notice of the Government. And why has it not been done? Because, sir, Tennessee has sent her sons here as her Representatives, who entertained the opinion that it was a violation of the Constitution of their country to have money appropriated by the Federal Government for internal improvement in the States; and her proud Representatives never asked that the Constitution of their country should be violated for the benefit of their constituents; their constituents entertained the same opinion of their Representatives, and never required such a thing of them.

But, sir, there are gentlemen who believe Congress have the power to appropriate money for such purposes, and to their votes I object not; I only ask of them not to take all the money, and not to let sectional feelings govern their votes—to vote money to improve a river west of the mountains, if they would vote for the improvement of the same river if it lay east of them. I desire that this amendment should be incorporated into the bill, and when on its passage, I shall vote against the bill; but if it is to pass, let those gentlemen who vote for their own rivers, also vote for ours.

Mr. Chairman, I had hoped, after the passage of the deposit bill yesterday, the operation of which is to distribute among the States equally the surplus revenue, that gentlemen on this floor would agree to take their equal part of the money, and be satisfied to let their States appropriate the money thus received to objects of internal improvement within their respective limits; but, sir, it seems that gentlemen are not content to receive their equal proportion of the public revenue, but desire to have all their improvements made out of the common fund before the division takes place. I, for one, am unwilling to give one cent of what is coming to my State to any of the gentlemen to improve their rivers. Although, sir, I claim no credit in getting the division of the money among the States, (not having voted for the bill,

being confined to my room with a burning fever all yesterday,) I will insist on gentlemen making good their arguments on the deposit bill, *that when too much money has been collected by a Government of the people, it is but justice it should be paid back to them.* Now, what more equitable mode is there in paying it back than making an equal distribution to the States? There appears to me to be none. If this bill should pass, there will be manifest injustice done the States; but, sir, I believe the practice is to include just enough rivers to make a majority of votes for the bill, and then its friends vote out all amendments, and pass the bill. I hope the vote on this amendment and the bill will show that that practice has been abandoned as unworthy of statesmen.

Mr. Chairman, there are other objections to this bill. I will mention one only: the sum of $200,000 intended to be appropriated by this bill for the impovement of the Hudson river is to be expended under the direction of the Secretary of War, according to the estimates of the engineer department reported to the present session of Congress. Now, sir, according to those estimates, the work is to cost upwards of eight hundred thousand dollars; then the person superintending the work must make the improvements so as to cost this eight hundred thousand dollars without regard to its necessity or utility.

On looking into the estimates of last year, we find the engineer then estimated the whole improvement necessary on said river to cost $212,000, and the bill passed at that time appropriating $70,000 for the improvement of the navigation of Hudson river, directed the money to be expended according to the estimates then furnished this House; and every gentleman had a right to expect, from the report of the engineer at that time, we never would be called on for more than the $212,000 to complete the improvement of the river. But, sir, to our astonishment, in one short year the estimates have increased upwards of $600,000 for this one object; and we are now gravely asked by the chairman of the committee who reported the bill, if we are going to throw away the $70,000 heretofore spent in the improvement of said river, or will we go on with the work and complete it? We are told that this is not the time to object to the expediency of the measure; that question has been settled by a former Congress. All we have to do is to make the appropriations to complete the works heretofore commenced. If this position be true, ought not gentlemen to confine themselves to the estimates made to the Congress that commenced the work? I would want nothing more than the facts in this case to prove the fallacy of such a proposition. An engineer reports that a work would cost $212,000, and Congress appropriates a part of that sum to commence the work; and at the very next session of Congress the engineer reports that the same work will cost over $800,000. Now, sir, if Congress had been told by the engineer at first that the work would have cost $800,000, their prudence might have told them never to have commenceed it. Mr. Chairman, what security have we, if the $800,000 should be appropriated, that we will not, at a subsequent Congress, be called on to appropriate a still larger sum to complete the improvements in the river? We cannot depend on the estimates from the Engineer Department; they have deceived us to get the work commenced, and I, for one, will not suffer the same person to deceive me twice. Their estimates appear to have been made without any regard to economy; but their object appears to be to show how much money they can spend, not how much is necessary to be spent.

THE CUMBERLAND ROAD.

SPEECH OF HON. T. WEBSTER,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

June 29, 1836,

On the motion of Mr. MCCARTY to recommit the bill to continue the Cumberland Road, in the States of Ohio, Indiana, and Illinois, with certain instructions.

Mr. WEBSTER said no member could be more sensible than he was that the House was fatigued with debate; and while those members most favored of the House could only rise under the repeated cry of "question! question! question!" he could not hope to be heard with attention. Members were already preparing for their departure—they were now approaching the close of a long, and, as he had learned from the older members, a session of unparalleled labors; and of that long calendar which yet incumbered their desks, members were anxious to dispose of that which was most essential to the public interests. He would not trespass long. He believed the bill in its present shape would not so well advance the permanent interests of the West, as an amendment which he contemplated would. He hoped the motion to recommit the bill for amendment would prevail; and he would throw himself upon the indulgence of the House while he briefly stated his views. It was very far from his desire to defeat the bill; but he felt it to be his duty to make an effort to perfect it; should that fail, though with much reluctance, he would vote for its passage. He now did, and trusted he always would, yield with proper deference to the deliberate will of the House.

He had long been of the opinion that the system under which that road had been constructed was extremely faulty, and that the progress of the work and the interests of the public Treasury required that it should be corrected. The corps of cadets and their agents, which were quartered on this road fund, required a large amount for their own pay, and rendered the agency extremely expensive. This was one of the reasons why that work had appeared to cost so much. But this was not the greatest objection. The money had been applied, and the work directed, without that regard to economy which had characterized the progress of the public works which had been prosecuted so successfully under the management of the State of Ohio and her corporate companies. He did not attempt to attach blame to any one, or censure anywhere. He believed the fault was more in the system than in individuals.

Ohio had, with great success and commendable economy, prosecuted her great system of internal improvements. These great works had been directed by her own civil engineers. They were men of great scientific attainments in their profession. They were, however, her own citizens, and knew that they were acting for the people of Ohio; they had reputations to advance, felt a common interest in the welfare and prosperity of their State, and devoted themselves to the service in which they were employed; they were practical as well as scientific men, and knew the value of labor and money. And it is a subject of cherished pride and boast that so much has been accomplished for the honor of the State and for the public good, and for the advancement of the common interests of all her citizens, with so little burden to her treasury. A very different state of feeling existed in regard to the national road. The people of Ohio had discussed the subject and understood it. The Legislature of Ohio had expressed an opinion on the subject, broad and clear, and had sent here a very able and earnest, but respectful memorial on this subject, requesting that the future appropriations for this road may be expended under the direction of her board of public works.

It was in accordance with this instruction from the Legislature of Ohio that he had felt it to be his duty to propose the amendment which he did in Committee of the Whole to place this work under the direction of that board. He believed it would be a great saving to the road fund, and would greatly accelerate the progress and completion of the work. And this proposed amendment having been cut off by the call for the previous question, was one of the reasons which induced him to desire that the bill should be laid, for the present, on the table.

He regretted to say that other proposed amendments, matured and reported by the able and experienced Committee on Roads and Canals, had been cut off. In his opinion, these amendments were essential to the profitable expenditure of the appropriation. It would be recollected by gentlemen that the plan of the construction of this road had been once entirely changed; and that the covering of the old road east of Wheeling, which had been put on at great expense, had failed to answer the purpose, and had been replaced by a new and different one, at very great expense to the Government, and much inconvenience to the traveling community.

The macadamized road might answer through the mountainous country east of the Ohio river; but he believed that it would not long be tolerated through the level and fertile and populous valley of the West. That country was too well adapted to a much more easy, cheap, and rapid mode of communication. The enterprise of the West would not be content with the tedious and fatiguing stage of six or eight miles per hour, when they can, with more safety, much more ease, and at less expense, and the important saving of time, travel twenty or twenty-five miles on a railroad. And if a macadamized road should be completed, he did not doubt that it would be, in a few years, abandoned by the traveler for the facilities of a railroad, which may be constructed on the same line, or near it. And he believed that when the Baltimore and Ohio Railroad, which is now in progress, reaches the Ohio river, the macadamized road east of Wheeling will be abandoned by the general traveler. It must be so, for there will be few travelers so attached to the old mode of traveling as to be jolted and bruised for days in the stage, when they can make the trip in a single day, and comparatively without fatigue. The old road will doubtless continue to be used as a neighborhood road, to travel from village to village; but should a road for such a purpose be constructed at such expense? He understood the national road to be constructed for national purposes, for general travel.

The same thing must take place west of the Ohio river, whenever a railroad should be constructed. No man who has ever traveled on a railroad can doubt it. The prosperity of the West demands the speedy construction of such a work; and its enterprise would speedily accomplish it. The construction, then, of a macadamized road would be unnecessary. The day was rapidly approaching when the distance between the termination of the Baltimore and Ohio railroad and the Mississippi would be traveled in two days. It was no idle fancy. Ten years ago it was less believed that the distance between Washington City and New York would at this time be traveled in three fourths of a day. This may now be done. And what may be accomplished through this region may be accomplished through the great valley of the West much sooner, and therefore much cheaper. A line of railroad cannot be laid in any part of the world of the same extent through a country so well adapted to its rapid and cheap construction, and to the most rapid traveling, as between the Ohio and Mississippi rivers, on and near the line of the national road; nor could it be constructed through any country capable of containing a greater population, of building more flourishing towns and cities, or of making its citizens more independent and wealthy. Unlike most roads which wind their grades circuitously through an uneven country, the greater part of that road may be constructed on straight lines and even grades. On a crooked track the speed of the cars cannot exceed a certain limit with safety; but on a straight line almost any required speed may be attained; and all this line between Zanesville and the Mississippi river could be traveled at the rate of twenty miles per hour as safely as the line between this city and Baltimore, or that winding through the mountains between Baltimore and the Ohio river could at twelve or fifteen miles per hour.

He did not permit himself to doubt the construction of a railroad through that region of country between the Ohio and Mississippi. It was called for by the spirit of the age, and the growth of the West. It would be to the traveling community of the West what her great rivers were to her commerce. It formed the very important and connecting link between the various canals and railroads which connect the northern lakes with the Ohio and Mississippi rivers. It will render each of these much more useful by connecting and continuing their communication, furnishing and receiving their supplies. It will be to them what the father of waters is to his many tributary streams, and render each im-

provement now of less value, because not directly connected with the others—as much more important and useful as are the great rivers of the West more valuable than they would be were they separate and disconnected streams, and the navigation confined on each to their own channels.

Your magnificent lakes and beautiful rivers must forever continue your commercial avenues. Your canals, which bisect the country between, will communicate with the commercial interior; but the ease and speed of railroads give them unquestionable preference for all traveling purposes; and all experience has shown that for commercial purposes they are incomparably superior to the best macadamized roads. Animal power for draft, much less for speed, can never compete with steam, which is unlimited in its ability, and never tires. Not many years ago the keel-boat was made to stem the rapid current of the Ohio and Mississippi rivers by manual power; then a trip to New Orleans was a voyage of three months. The first introduction of steamboats greatly lessened the time and labor; the time, under the advancing improvements, is reduced much further; but every traveler who has been upon a railroad knows that the time may be yet reduced one half.

He viewed the determination of the Baltimore and Ohio Railroad Company to persevere in their prosecution of that work to the Ohio river as a most propitious event to the West. He should feel that he had been recreant to the interests of the West were he not to embrace this occasion to express these sentiments. And he believed the West would be unpardonably negligent to her interests if the earliest opportunity be not embraced to secure the termination of that road at such a point as will be suitable for the termination of the great railroad avenue of the West, that the two may complete the rapid and cheap communications between the East and the West. Each of these great works east and west will add incalculably to the value of the other; they are inseparable parts of a great and essential whole; and surely the different sections so deeply interested will not let the available period pass without securing their junction, and the completion of both. He entertained an earnest hope that they would not.

Let this railroad be completed from the Ohio to the Mississippi, and to the farthest west, and it will greatly advance all the interior towns and villages between your canals and rivers—will form a much more valuable channel of communication for commercial purposes than any other road to forward the productions of the interior to their destined markets, and receive in return whatever the necessities of the country require. It will bring them substantially as much nearer to the canals and rivers, and to each other, as the time and expense of travel and transportation are reduced. It will cross the great projected way between Lake Erie, by way of Cincinnati, to Charleston, and will cross the projected railways of Indiana and Illinois, and will render them all more valuable to those who construct them and to the country, by gathering the current of travel as it comes from the East, and distributing it again through these diverging channels to the interior and to the remotest regions of the West; and it would invite an immense travel eastward through these roads, which must otherwise pass to the east by way of the Ohio river or the lakes; and it would present a most successful competition to the steamboats on the Ohio, between Cincinnati, by way of the projected Lake Erie railway to its intersection, and the termination of the Baltimore and Ohio railway; for the distance may be traveled in less than half the time; and between St. Louis and that point the time of travel would be reduced at least three fourths; and between the mouth of the Ohio and Wheeling, by way of the Illinois Central railway, to intercept the great western railway at Vandalia, it would compete most triumphantly with the steamboat travel, for it could be traveled in about one third of the time, and probably safer and cheaper, and at all seasons of the year when the stage of water is unfavorable in the river, particularly during the low water in the summer and the ice in the winter, which so often render extremely difficult, and frequently entirely interrupt, the navigation in the upper Ohio. If the time was the same, this would be an invaluable substitute; but when it is known that the time is reduced several days in the trip, compared with the most favorable stages of the river, it would be preferred by all business men, to whom time is more valuable than money. It would be seen by all, and he could not doubt that the people of Illinois would see it so, that this road, in this view, receiving and transmitting the immense travel of Missouri, Tennessee, Mississippi, Alabama, and the whole southwestern country, that travel to and from the East through the southern section of the Illinois Central railway, would add incalculably to the value and interest of that road, and would divert a large portion of that immense travel that is now confined to the Ohio river, through the States of Illinois, Indiana, and Ohio.

To those who have not kept pace with the improvements of the most eventful times, and to those who have not enjoyed the ease and witnessed the facilities of railways, this picture may appear too high wrought. But all who have traveled upon any of the railways of this country will readily admit its practicability. He knew he had not stated all that may be, and, in his sober judgment, would be, accomplished before many years in the rapid progress of western enterprise. He had himself traveled at a greater speed than twenty miles per hour; he had traveled twenty continuous miles in less than an hour over a track not so well adapted to great speed as that now projected. To him these objects were too desirable in his view, and of too much value to his country, to let any proper occasion pass without presenting them for public consideration, and pressing their early accomplishment.

Every person the least observant of the progress of events in this country has seen with pleasure that the whole system of traveling, throughout this country, has undergone a great and important revolution within the last four years. This has been effected by the application of steam to boats, the construction of railroads and steam locomotives, and by the general introduction of stages and extension of stage lines, to connect all the important points of the country. It is within the recollection of those present, when the citizens of the Atlantic cities traveled from one city to the other in their own private carriage, and when the tedious journey from the West could only be performed with great fatigue on horseback. No one thinks now of making a journey in this style. He who would attempt it would be laughed at as unfashionable and eccentric; as one who neither consulted his ease, his economy, nor his leisure. A private carriage, or a traveler on horseback, is seldom met on any of your great traveling thoroughfares. This results from the great facilities of traveling to any desired point faster and cheaper by other means. And as the number of contiguous lines of stages, steamboats, and railways, is increased, each adds to the importance, and increases the business, of the other. This was the boasted age of inventions; the hand of improvement was seen, and its influence felt, everywhere advancing the interests and promoting the happiness of society. Labor-saving machines were applied to increase the power and reduce the labor of men in each operation and every department of life; and in no attempt have these efforts been more successful than in their application to the means of traveling.

The general adoption of railways will accomplish all that is desirable; and viewed in this light, the connection of the great eastern and western sections of the Union by a railway is of the utmost importance. The improved mode and increased facilities of intercommunication are among the prominent events which characterize this age. To that immense multitude who travel between the East and West, time is money; and the time that would be saved, without estimating the fatigue between a railway and a macadamized road, would be several days to each passenger. This economy of time would in a short period equal the construction of the road. The ease of the traveling public would be promoted, and the ability of the business community is increased. He had made an effort to collect a series of statistical items relative to that country to elucidate this subject; but in a country so new, so vast, and so extraordinary in all that relates to it, nothing satisfactory or even approaching the truth could be gathered. What was correct of it to-day fell far behind the truth on to-morrow. Such was the rapidity of its growth in improvement, population, wealth, and business resources. Like the current of its mighty rivers, its course was rapid, irresistible, onward.

A few years ago a journey over the best roads in the country of three hundred miles, was one of many days and of great trial. Now it may be performed in a single day, and comparatively without fatigue. A journey across the Alleghanies and through the valley of the West required formal preparation and the toil of weeks or months. The traveler took solemn leave of his family and relatives. The unforeseen incidents and unavoidable perils of the journey were the constant theme of his anxious friends. Complete these roads, and a trip from New York to the Ohio river may be performed in two days, and to the Mississippi in four. And in point of time and for all practical purposes, St. Louis will be brought as near to New York as Baltimore was twenty years ago; and every other point in the West, in time and labor, is brought as much nearer. Is not the accomplishment of all this most desirable to the West? And will not the East, who will share so largely in its advantages, aid in its accomplishment? Every individual interested in the canals and railroads, or in the prosperity of the commerce or towns of the West—every merchant or trader who travels to the East—every farmer whose agricultural products are sent to the East—every individual who travels, has a common interest in the accomplishment of this work. They have only to reflect upon its immense advantages to every interest, to perceive them and advocate them. Let the attention of the people of the West be directed to it, and they will not fail to approve of it, and to instruct their Representatives to secure their interests; nor will they hold him faultless who withholds his coöperation.

He believed the social and political influence which would result from the increasing facilities of intercommunication would be happily felt on the character and destiny of the American people. As the time, labor, and expense of traveling were lessened, greater inducements were held out to the man of ease, and the man of industry, to travel, as well as to the man of business and the man of leisure. As the time and expense were reduced, more frequent journeys of friendship and trips of pleasure would be made—social feeling promoted, society improved, and a more genial feeling exist, and intimate connection be formed between the citizens of the different sections of the Union. To the true patriot, to the ardent lover of his country, and to the true friend of the Union, the rapidly-extending lines of mail stages, the construction of canals and railways through every part of the country, the improvement of steamboat navigation upon all your lakes and rivers, furnish the strongest and most conclusive evidence that this union will be perpetual. They bring, within a few days' travel, the most distant parts of this wide spread Republic, improve their social feelings, soften and subdue their prejudices, unite their commercial interests, and form the sinews and ligaments which must forever and inseparably bind and cement them into one common and united people. And as military defenses, the facilities with which any required amount of men, military stores and arms may be concentrated through them, at any given point, give to the assailable points of the country the most confident security against any successful invasion.

And since it has become the settled policy of the Government to remove and congregate all the Indian tribes on the northwestern frontier, it is a subject worthy of grave and deliberate consideration whether a railway on the line under consideration, and extended beyond the Mississippi to the Indian territory, would not furnish the most available and certain means of that kind of frequent communication and rapid supply of force to control and keep in proper check that wild and lawless people.

He did not understand it to be the desire of the

friends of the proposed amendment to proceed with the present appropriation to lay down any part of a railway. They only desired that the bill should be so modified as to expend the appropriation in completing the grading of the road, and that the grade should be so cut that a railway or a macadamized coat could either be put on, as might hereafter be determined. He did not permit himself to doubt the superiority of the railway, but if the macadamized was finally adopted, nothing could be lost by now completing the grade; whereas, if the railway should be hereafter adopted, the whole expenditure on the stone covering would be of little value. He wanted to give time for the people to investigate the subject, and for the Legislatures of the States, into whose hands it was to be surrendered, and who were to keep it in repair, to express their opinions. He would feel himself instructed on this subject by the decision of the Legislature of Ohio.

Gentlemen seemed not to apprehend the operation of the change. When either plan of road should be completed, it would be surrendered to the States. They committed the macadamized road to their agents, and levied toll upon those who traveled upon it, to keep it in repair. If a railway was constructed, it would be surrendered to the States, and the States would put their cars under the direction of their agents on it, and would only charge so much for transportation and passengers as would keep the road in repair, and meet the expenses of running the cars. It would, therefore, be the cheapest fare of any road ever constructed, as the tolls now on the macadamized road are the lowest. Either road would be equally under the control of the States and the people. And it is shown, from the highest authority, that the railroad may be kept in repair at much the lowest expense.

Several objections had been urged against the change of plan to a railroad, untenable as they were novel. The objection that it could not be used by emigrants might be refuted by stating that families going westward may, in two days from the time they reach this road, be set down in the grand prairie of Illinois for less money than their provisions would cost them in the long and toilsome two or three weeks which their journey would occupy on the macadamized road. It would be a common advantage to the farmer and to the merchant; the one would procure his produce sent to the nearest point on the canals or rivers as much cheaper than he could on a wagon as the other could his merchandise brought to him in return cheaper. It would tend to make the towns and villages on its line the places where the farmer could sell his produce as much higher than he otherwise could, as it could be taken to market cheaper. It would be of the same advantage to every one in traveling; all could travel cheaper and faster than in the stage. It would be emphatically the poor man's means of traveling. The rich could pay their way in the stage at any price; but the reductions of fare on this railroad would bring the expense within the means of the poorest, and no person would desire to travel on horseback when they could perform the journey in one fourth the time, and for less money, than the amount of their tavern bills. Last of all, the most astonishing objection was brought forward that the speed was too great; the traveler passed so rapidly through that he had no time to stop and spend any money. If this objection were admissible, it would be injurious to improve the roads in any way. Let them remain as impassable as possible, so that passengers must stop every five miles and stay all night, for the benefit of the tavern-keepers and prosperity of the country. This objection, he apprehended, would not be very popular with the traveling public, and he understood that road to be made for the benefit of those who traveled it.

He had been no little surprised to hear honorable gentlemen advance these objections, and advocate a macadamized road, when they well knew that no private company nor their States would adopt any other than a railroad, in several of which they were already engaged. He knew them to be gentlemen of intelligence and enlarged views of public policy, and knowing this, he was only the more surprised that they should descend to the argument of the demagogue and cant of the pot-house politician, when by taking an elevated stand on this subject so much that is so desirable might be attained for the advancement of the West. His constituents and the people of Ohio were in advance of such objections. Unless something of the kind were effected, the West would be behind all their neighbors in the means of traveling and of receiving intelligence.

To those who did not believe that the Federal Government had any power to construct such works, he had no arguments to address. But to those who were willing to complete the national road, he hoped the superior advantages of a railroad would be seen and adopted. It was shown by the estimates that it could be made nearly or quite as cheap, and that it could be kept in repair for half the amount. This last item was one which should control the decision of the States which are obligated to keep it in repair.

He could not refrain from again expressing that it would be with much regret that he would assent to the expenditure of the appropriations for Ohio and Indiana in the manner provided in the bill; for, so soon as a railroad should be constructed, the expenditure would be rendered of comparatively little value. The macadamized road, like the turnpike between this city and Baltimore, and Baltimore and Frederick, would be abandoned; but the State would be under obligation to keep it in repair. Why would it be abandoned? Because the fare will be cheaper, and the speed much greater. No wagons, or comparatively none, will run upon it, for this very conclusive reason: that everything can and will be tranported cheaper on the railroad. The expenditure should therefore be for grading. The plan should be changed. It was important that the decision should be early made; the interests of the whole country required it. Let its benefits extend to those who may come after us. Let it be not for our use alone, but for our country and posterity.

His constituents felt a deep interest in the location of this road. That question he had hoped would have been settled before this bill. In this he had been disappointed. Such had been the course of the application for that change, that he had not been able to present his views on it. It was the belief that the interests of a large majority of his constituents required that the bill proposing a change of route should be first passed that had induced him to move to lay this on the table. He regretted that he could not comply with the wishes of all his constituents in reference to it; but as they were themselves divided, he could only endeavor to advance the greater interest. He would now only say that he hoped, when that bill came up, he should be able successfully to meet every objection, and refute every argument against its passage, and prevail upon the House to do justice to one of the most populous, fertile, and interesting sections through which a road could be made in the West.

PROCEEDS OF THE PUBLIC LANDS.

SPEECH OF HON. R. J. WALKER,

OF MISSISSIPPI,

IN SENATE, *April* 22, 1836,

On the bill to appropriate for a limited time the net proceeds of the sales of the Public Lands among the States, &c., [Mr. CLAY'S bill.]

Mr. WALKER said: I am constrained, by an imperious sense of public duty, to participate in the debate upon the question now under consideration. The measure proposed for our adoption is deeply interesting to the whole Union. To the new States especially it is a subject of the highest importance. Indeed, so deeply am I impressed with the momentous consequences to my constituents which must follow the adoption of this measure, that I am appalled by the contemplation of these results, and oppressed by a sense of the responsibility which is devolved upon me. My opposition to this bill may be wholly unavailing; but my resolution is to resist its passage to the uttermost, consoled by the reflection that, in any contingency, I have at least endeavored to discharge my duty. The proposition is to divide among all the States of the Union, according to their representative population at the last census, the net proceeds of the sales of the public lands for the years 1833, 1834, 1835, 1836, and 1837. It is a proposition to subtract at least fifty million dollars from the revenues, past and prospective, of this Government for distribution among the States. It reaches back to the 1st of January, 1833, and stretches forward to the 1st of January, 1838. The net proceeds of the sales of the public lands for 1833 have heretofore been expended by the Government; yet those proceeds are recaptured by this bill for distribution among the States. We do not, in fact, distribute those proceeds, for they have long since been expended, but we take an equivalent sum from the general revenues of the Government, and call it the net proceeds of the public lands for 1833. If, then, it be unconstitutional to distribute among the States the general revenues of this Government, this bill involves this principle. If we may take for distribution a sum equivalent to the net proceeds of the sales of the public lands for 1833, we may take similar equivalent sums for the net proceeds of the sales for 1800, and from that period to the present moment, and call it a distribution of the net proceeds of the sales of the public lands. Might we at this moment pass a bill for the distribution among the States of the net proceeds of the sales of the public lands from the organization of the Government to the present period? and if not, how can we adopt the present measure? It is in vain to disguise the fact that we are in reality distributing the revenues of the Government, generally, by the retrospective operation of this measure. The unexpended balance in the public Treasury on the 4th of July, 1836, the distribution of which is then commenced, is composed, in part, of the revenues arising from the tariff. A very large portion of this balance is appropriated, but not expended, under existing laws. By this bill we either repeal the laws or make a double appropriation of the same money.

This bill, we have seen, also reaches forward to the 1st of January, 1838. It makes prospective calculations for two years in advance of the wants as well as the revenues of this Government, and subtracts during all this period for distribution among the States, the net proceeds of the sales of the public lands. This prospective distribution is based upon calculations of an overflowing Treasury in 1837—predictions made by the same party who foretold the insolvency of the Treasury and ruin of the country as the result of the measures of this Administration. Others may legislate for years in advance upon the faith of their predictions, but their conjectural estimates of the future wants and revenues of this Government furnish no sufficient data upon which I can rest my vote. They may be as greatly mistaken now in their prophetic visions of 1837 as they were in 1834; and if so, this measure would prove disastrous to the country.

We are now asked to abandon the settled usages of the Government, and embark in new projects, and new experiments. It is proposed to divide among the States a vast portion of the revenues of this Government. A division among the States of the revenues of the Government of the Union, is a fearful omen of the division of the Union itself. It is a movement towards that dread catastrophe. It will be the cause, as it is the precursor, of other assaults upon the Government of the Union. Division, division is now the watchword of assault upon appropriations for national defense. The Constitution is assailed here in the very citadel of its power, by a corrupting demand for the spoils of this Government for distribution. The prayer of inspiration, "lead us not into temptation," is wholly disregarded, and the States are sought to be dazzled and corrupted by golden visions of millions upon millions for distribution. Defense is to be erased from the tablets of the Constitution, and distribution, a word not to be found in that instrument, is to be interpolated by an appeal to the States to divide the spoils of the Government. National honor and national glory are to become an empty sound; and money—money for distribution—is to absorb all other considerations. When I reflect that the proposition before us is not a temporary measure, that it is not a single operation upon an accidental surplus, but that its author, the Senator from Kentucky,

[Mr. CLAY,] declares it to be one of the great recommendations of this project that it will be perpetual, I shrink back appalled by the contemplation of the evils which this measure is preparing for this now happy, happy Union. Dark and gloomy visions flit before me when I survey the corrupting consequences of this surplus and distribution system. The country must pass through the valley of the shadow of death if it can withstand the results of this system, by which the States are to be arrayed against the General Government in a struggle for millions for distribution.

Postponing for the present the consideration of this branch of the subject, I will now endeavor to demonstrate that this measure is calculated to revive the tariff. The bill as it now stands strips the General Government of all resources from the sales of the public lands; it does more. It refuses, by a direct vote of the Senate, to pay the expenses of Indian wars, or treaties, or annuities, or removals, from the proceeds of the sales of the public lands, but throws all this vast expenditure, amounting during the present year to about twelve millions of dollars, upon the tariff. The whole expenses of the Government, ordinary or extraordinary, are henceforth to be devolved upon the tariff. The net amount realized from the tariff since the year 1833 is about seventeen millions of dollars. By the compromise act of the 2d of March, 1833, the duties decrease annually by a descending scale, until, in 1842, twenty per cent. is the maximum, and twelve-and-a-half per cent. is about the average rate of duties. Our revenue derived from the tariff could not then much exceed twelve million dollars per annum. Deduct from this amount the probable average annual expense of Indian treaties, annuities, wars, and removals, and the sum left is wholly insufficient to support the Government. There is no man more opposed than myself to extravagant expenditures, but the most rigid economist cannot calculate that the expenditures of this Government, great as is the wonderful growth of the country, can be less in 1842 for all purposes, ordinary and extraordinary, than $17,000,000 per annum. Withdraw the revenues from the public lands, and how is the deficiency in the revenue to be supplied? An increase of the tariff will be inevitable; and shall southern Senators support a bill and maintain a policy which will render necessary an increase of the tariff? Would not our own votes be arrayed against us as at once the cause and the apology for such augmentation? This result seems to me to have been indirectly conceded by the Senator from Kentucky, [Mr. CLAY.] He, however, consoled us by stating that the duties may be increased on wines and silks. And how will this operate on the South? France buys a large portion of our cotton, and we purchase her wines and silks. The exchange is not direct, but the operation on prices is nearly the same. This is a principle conceded by the friends of free trade throughout the Union. Increase the duties upon wines and silks, and we will diminish the price of our cotton.

This diminution of price may not be in the same proportion as the increase of the tariff upon imports, but it will be in a ratio approximating the rate of duties, and diminishing gradually from year to year the price of the export, till the loss arising from the tariff is nearly equalized between the importing and exporting nation. But an increase of duties upon wines and silks will not alone produce the required revenue. No; a general augmentation of the tariff will be necessary. It will be called a tariff for revenue, but will be, in fact, a protective tariff; for the revenues from the duties, added to the proceeds of the sales of the public lands even at reduced prices, would, in the absence of this distribution, be fully sufficient for all the wants of the Government. Can any southern man be so blind as not to perceive that this bill throws the whole expenditures of the Government upon the tariff, and renders its increase inevitable? The author of this bill is the father of the tariff, and, with but few exceptions, the votes for this bill come from States favorable to the tariff. The only southern State which gave a united vote for the bill is Louisiana, a tariff State, and which I would gladly see cut loose from the protective system by a repeal of the duty on sugar. It is perceived by the friends of the tariff that, unless the surplus is distributed, a reduction of the duties is inevitable. Heretofore, immense expenditures for internal improvement by the General Government constituted a pretext for retaining the duties; now that system is abolished, and distribution is the substitute.

And here let me ask the Senate to consider that when the tariff was partially abandoned by the author of this bill in 1833, it was accompanied by the hope that the system would be revived under more favorable auspices. That revival will take place if this bill becomes a law. Fifty millions of dollars under this bill are to be distributed among the States, which are thus to be corrupted and controlled by this mighty mass of treasure. The States are to be pensioned upon the General Government, rendered stipendiaries of their bounty, and distributees of their revenue. The whole taxing power is ultimately to be absorbed by the General Government, and State taxation to be discontinued. The State taxes in all the old States are to be paid from the sales of the lands in the new. This result has been openly proclaimed in several States friendly to this bill. If we may take one portion of the national revenue for distribution among the States, why may we not take any other portion? If we may distribute fifty million dollars of the national revenue, why may we not distribute five hundred millions? Concede the principle and the result may easily follow. Protection was the pretext for the former tariff; now, something more universally corrupting to influence all the States is sought for, and distribution is the scheme for perpetuating the tariff, and augmenting it to an unlimited extent. Distribution is the great and only efficient antagonist of a reduction of the tariff. Let us refuse to distribute, and the people will demand a reduction of the tariff. On the one hand is economy in expenditures, and a reduction of the duties and of the price of the public lands; on the other, is a refusal to reduce the price of the public lands, and augmentation of the tariff, and a distribution of millions among the States. On the one hand you are asked to reduce all the burdens of the people, and leave your uncollected millions in their pockets; on the other, you are required to keep up the price of the public lands, augment the tariff and distribute the surplus among the States. On the one hand we are asked, at a great expense of collection, to extort from the people forty or fifty millions of dollars annually, for the purpose of distributing one half the amount among the States; on the other hand we are asked to collect no more money than is essentially necessary to carry on all the operations of a Government administered in a spirit of republican economy and simplicity, and leave this immense surplus in the hands of the people to be used by each citizen as he may think proper. The one system will take annually from each free male citizen and head of a family in this Union an average sum of at least twenty dollars, to be distributed among the States, and never return to those who paid it. This annual contribution may be but a small amount to the wealthy, but to the poor man it may be a large portion of his annual income. This bill is in fact a scheme to levy an annual tribute for unnecessary revenue. What consolation will it be to the man who raises a small or large crop of cotton, that his State—not himself—receives a portion of the public revenue, when the price of his crop is greatly reduced by an augmented tariff, and the price of every article he may purchase greatly enhanced thereby? Let him make a table of the profit and loss from this system, and he will find that where he gains one dollar by this system, he loses twenty.

Again, what consolation will this distribution be to the farmer who wishes to buy a tract of the public lands to make a new farm, or enlarge an old one, that all reduction of the price is refused, or that speculators have entered the land and ask for it ten or twenty dollars per acre? What consolation will this State distribution be to the settler upon public lands, to whom a preëmption law is refused in order to increase the sum for distribution, and his farm thereby sacrificed to speculators? Ten or twenty per cent. of the amount will be lost in the process of collection, and swarms of unnecessary officers created to make the collections and distributions and eat out the substance of the people. The new States, and especially the new States of the South, will have to bear nearly the whole burden of this system. Mississippi, in payment for public lands, and in decreased prices for her cotton, and increased prices for cotton bagging, clothing, sugar, and almost every article of consumption, under an increased tariff, will be drained annually of at least five millions of dollars, and get back *annually* about two hundred thousand dollars. I speak not now of the mass collected for a single distribution by the retrospective operation of this law, but of the system as a system; and such it is admitted it will become if this bill be passed into a law. To the State of Mississippi such a system will be utter ruin and desolation. All property will fall in value, and distress and embarrassment pervade the community. Let us leave this surplus uncollected, reduce the tariff, reduce the price of the public lands, confine the sales to settlers only, and Mississippi will save more in a single year than she would gain in a long series of years from the distribution system. Confining the system to the distribution of the proceeds of the sales of the public lands, and how does it operate? Nearly all the moneys are paid for these lands by the new States, and what do they get in return? About one fifth of the amount paid by themselves, with the addition of ten per cent. on the money paid by their own citizens. A single old State, that pays, perhaps, not one dollar of this money into the Treasury, receives, by distribution, nearly twenty times as much as certain new States, paying millions of this money annually into the Treasury. The States, we are told, are now satisfied with fifty millions for distribution under the present tariff and present price of the public lands. But how long will they be thus satisfied when this corrupting system shall have commenced? or where will it terminate? The next assault will be directly made upon the revenues arising from the tariff. Augment the tariff, and increase the fund for distribution will be the next requisition. Who can doubt this result if the South consents to the distributive system? Our own votes would rise up in array against us, and all resistance would be vain and impotent. Nor will there be any limit to the sum that may be demanded for distribution. The system will work a complete revolution in the form of our Government, and by the unlimited increase in the money power in the General Government, will subvert all the checks and guards of the Constitution. The money wanted by a majority of the States for distribution will be the only limit of the taxing power of this Government.

Is the South prepared for this result? Let us not console ourselves with the reflection that the distribution will stop at a demand for the proceeds of the sales of the public lands. Already a distribution of the whole unappropriated revenue has been openly proposed in Congress, and has many advocates. A part of the revenues derived from the tariff is, in fact, as I have heretofore shown, distributed under this bill. The net proceeds of the sales of the public lands in 1833 are distributed under this bill. But these proceeds have long since been expended under former appropriations. Whence, then, comes the equivalent for these expended proceeds? From the present proceeds of the sales of the public lands? No, for they also are distributed under this bill. This sum, then, thus distributed, is, in fact, derived from the tariff, and can come from no other quarter. Indeed it is also certain, on another ground, that the sum thus distributed is not the net proceeds of the sales of the public lands. The Senate, by a direct vote, refused to deduct any of the following items from the amount to be distributed, namely: "Annuities to Indians on account of *the purchase of lands;*" "holding treaties with Indians for *the purchase of lands;*" "amount paid to the Indians *for the purchase of lands;*" "amount expended in removing Indians from lands purchased." We refuse to deduct some of the very amounts paid for the lands, distribute the proceeds of the sales, and call this a distribution of the *net* proceeds of the sales of the public lands. Deduct the amount paid for the public lands, and all the incidental expenses,

from the gross proceeds of the sales of the public lands on the 30th of September last, and there is little or nothing to distribute; certainly nothing, upon any possible calculation, approaching the amount distributed by this bill. The gross amount paid into the public Treasury for the purchase of public lands, from 1796 to the 30th of September, 1835, was $58,619,523. From this deduct the following charges against the public lands:

Sum paid for Louisiana, and interest..	$23,529,353
Sum paid for Florida, and interest...	6,489,768
Sum paid to State of Georgia for public lands.....	1,250,000
Cumberland road, under contract, chargeable on proceeds of public lands.....	5,956,024
Yazoo claims.....	1,832,375
General Land Office expenses.....	797,748
Salaries of registers and receivers....	91,153
Salaries of surveyors general, and surveys of special claims.....	860,567
Surveys of public lands.....	2,780,630
Charges on lands in Indian department.....	17,541,560
Total.....	$61,129,178

leaving a deficit of $2,509,655 against the public lands on the 30th of September last. But to the amount paid on account of public lands, as before stated, the Committee on Public Lands, which reported this distribution bill, have added four items, amounting to $5,409,973. Several of these items the Senator from New York, [Mr. WRIGHT,] in a very clear and lucid argument, has shown not to be properly introduced by the committee; but including them all, and the grosss proceeds of the sales of the public lands, as estimated by the committee themselves, is but $64,029,496, from which deduct the charges before enumerated, and it will leave a balance in favor of the public lands on the 30th of September last, of $2,900,318 at the highest possible estimate. Now, the proceeds of the public lands distributed under this bill, prior to the 30th of September, 1835, are, as given by the committee themselves, $17,991,873. Deduct from this last sum the balance in favor of the public lands on the 30th of September, 1835, and the sum of $15,090,853 is distributed under this bill, not derived from the net proceeds of the sales of the public lands, *but from the tariff.* The South denied the constitutionality as well as expediency of a tariff for *protection;* and do we, or can we concede the constitutionality or expediency of a tariff for *distribution?* May we raise by a tariff $15,000,000, or $500,000,000, not for revenue for the wants of this Government, but for distribution? It is perfectly obvious that this bill adopts the principle of distributing the moneys realized from the tariff for the following reasons, each of which is sufficient to sustain my position: First, because it distributes nearly four millions of dollars as net proceeds of the sales of the public lands in 1833, when this sum had been already fully expended for the purposes of the Government and the payment of the public debt, and the sum now taken is realized from the tariff. Second, the Senate distinctly refused to deduct from the sum for distribution four very large items, clearly chargeable on the public lands; and third, the sum of at least $15,000,000, as heretofore proved, is distributed under the provisions of this bill, prior to the 30th of September, 1835, beyond the net amount then received from the public lands. It is in vain, then, to escape the conclusion that this is a bill for a distribution of the general revenues of this Government.

Have we the power to impose a tariff to raise money for distribution among the States? If so, in what clause of the Constitution is the power given? May the General Government collect taxes from the South, by the tariff, to support the State governments of the North, and pay their State taxes under the operation of this distribution? May Massachusetts, through the operations of the General Government, tax Mississippi for the benefit of the people of Massachusetts alone, by the intervention of a tariff for distribution? But I will go further, and ask that, conceding this bill to be limited to a distribution only of the net proceeds of the sales of the public lands, has Massachusetts, through the operations of this Government, a right to collect past sums of money from the people of Mississippi for the use of Massachusetts? And if the power exists, is it expedient to permit its exercise? Surely there can be but one response to this last question: that the old States, through the operations of distribution, should receive a State income for State purposes out of moneys received from the people of the new States from sales of the public lands, is a most dangerous principle. It renders the new States the colonies of the old States. It establishes, in fact, in its practical operations, the principle of taxation without representation, and strikes a deadly blow at the prosperity and independence of every new State in the Union. Destructive to the South, ruinous to the new States, threatening to the Union, will be the adoption of this fatal, fatal measure.

It should not be forgotten that this bill is the same in substance heretofore vetoed by President Jackson; that it was reported originally by the Senator from Kentucky [Mr. CLAY] from the Committee on Manufactures, when that Senator was urging a rigid adherence to a protective tariff. The system of extravagant expenditures by the General Government for local improvements had been arrested by the Maysville veto. That branch of the American system having been broken down by that veto, the system of distribution has been resorted to as the only means of preventing a reduction of the tariff and of the price of the public lands.

Nor is the revival of the tariff the only evil that will result from the adoption of this measure. It will forever prevent the reduction of the price of the public lands, or the adoption of any provision in favor of actual settlers. The preëmption system, to secure his home to the industrious occupant, has already been sacrificed in anticipation of the passage of this bill. The committee which reported this bill have reported against the whole preëmption system; they have done more—they have reported against allowing preëmptions to those settlers whose settlements have been covered by contingent Choctaw floats. Their chairman (who reported this year this distribution bill) has declared that the public lands are worth from ten to twenty dollars per acre, and announced his determination to bring in a bill which will cause the public lands to bring these prices. The mode of operation has also been disclosed by him. *Secret sealed bids* for all the public lands, by which the settler must bid for his farm, not only against the speculator, but against himself, for no human being can tell what amount of bid will secure his farm. Whilst, then, in point of *form*, the price of public lands is not increased, in point of fact it is sought to be augmented by the leading friends of the distribution bill from one dollar and a quarter to ten or twenty dollars per acre. Sales of the public lands at small prices, for actual settlement, are to be wholly abandoned, and the new States treated as some distant colony, to be looked to only as a source for draining money for distribution. A direct State interest in the moneys arising from the sales of the public lands is to be given to each one of the old States of the Union. These States constitute a large majority in both Houses of Congress, and will, if this bill is passed, direct their views to the sales of the public lands, with the sole object of deriving from those sales the largest fund for distribution; all reduction of price, all donations or preëmptions to settlers, will be utterly refused. These results were all predicted by me, in a speech against this bill delivered at Raymond, Mississippi, in September, 1834; and these predictions have been all too fully realized. Each one of the old States desires to render as large as possible her distributive share of the proceeds of these sales, and if this bill is passed, will never consent to diminish that share by any reduction of the price. Preëmption laws will be—they are refused, and sales for speculation encouraged. If there is one man who can doubt the operation of this system, let him examine the report in which it originated. That report was made to the House of Representatives of Congress, on the 25th of February, 1829, by a committee of that House, in favor of this distribution of the net proceeds of the sales of the public lands. From that report I read the following extracts.

Speaking of the policy which prevailed prior to the system of distribution, proposed by the committee, they say:

"Claims rejected at the land offices have been readily allowed by Congress. Grants to colleges and other institutions of small tracts having been obtained with facility, and other evidences having been manifested by a disposition on the part of Congress to concede the rights of the many to the importunities of the few, large donations were successfully solicited, and during the session of 1827 and 1828 Congress actually *gave away* to States and to individuals not less than two million three hundred thousand acres of choice land." * * * "Encouraged by the success of these applications, several of the new States have now boldly *demanded* of Congress the surrender of the lands within their limits." * * * "But if any States have in reality an unhallowed desire *to get*, it may be useful to them to reflect that the other States have the power *to keep.*" * * * "It appears to your committee that the time has arrived when the community should be awakened to a protection of their rights—when measures should be adopted in the national councils to give *the States a* DIRECT INTEREST *in the income arising from the sales of the public lands.* This individual measure would at once check further concessions." * * * "This policy would undoubtedly always influence a majority; because only the member from a State about to receive a cession would venture to make such a gift, when the evident consequences would be the diminution of the direct revenue of the States represented by the rest."

Here is the whole ground conceded by the very committee which first proposed the distribution of the proceeds of the sales of the public lands. In this report the committee *concede the following positions:*

First. That *prior* to the proposed distribution, "claims rejected at the land offices have been readily allowed by Congress." * * "Small tracts have been obtained with facility." * * "During the session of 1827 and 1828 Congress actually gave away to States and individuals not less than two million three hundred thousand acres of choice land."

Second. That the distribution project would arrest this liberal policy to the new States, by giving to the old States "A DIRECT INTEREST *in the income arising from the sales of the public lands*"—that this measure "would at once check further concessions." Here the effects of this distribution upon the new States is distinctly conceded by the very committee which proposed the measure, and its adoption urged by a direct appeal to the *interest* of the old States, and a violent denunciation of the new States of the Union as influenced by "unhallowed desires." Let us contrast the operations of the two systems, as conceded by the committee themselves:

No distribution—effects of.	*Distribution—effects of.*
1st. Large donations of lands to individuals.	1st. No donations hereafter.
2d. Large donations of lands to new *settlers.*	2d. None hereafter.
3d. Old States holding no direct interest in sales of public lands.	3d. *A direct interest* given to the old States in the *income* of public lands.
4th. Private claims to lands readily allowed.	4th. Rigid system hereafter as to all land claims.
5th. A liberal policy to the new States.	5th. A policy to extract from the new States most money for distribution.

A revolution in the policy of the Government as to the public lands has already taken place, in anticipation of the passage of this distribution bill. In 1827 and 1828 the Journals of the Senate and the published debates of that body demonstrate that a very large majority of the Senate was favorable to the reduction of the price of the public lands; that the measure was lost by a difference of opinion as to the extent of the reduction; that all seemed willing to reduce the price of the public lands at once to one dollar an acre; and that of the few who opposed a considerable reduction, several proposed an immediate cession, upon equitable terms, of all the public lands to the States within which they were situated. At the session of 1828, when a bill to reduce the price of the public lands was under consideration, the Journals and published debates show that the Senator from Massachusetts [Mr. WEBSTER] then moved to reduce the price of the public lands in favor of actual settlers to fifty cents per acre. The vote on this proposition, as recorded on the Journal, was 18 for and 27 against it; *a majority* of those who voted against this proposition voting, however, for the other proposition *for a still greater reduction.* Such was the situation of this question in 1828, prior to the introduction of the distribution bill. Now, how changed the scene! All reduction of the price refused; the settlers of the new States denounced

upon this floor as unprincipled squatters; pre-emption laws treated with scorn and derision, and speculators encouraged to purchase the farms of the settlers at the public sales, and rob them of the price of their labor. The Senator from Tennessee [Mr. WHITE] has thought proper to express, in his speech in favor of this distribution bill, his disapprobation of my proposition to reduce to actual settlers the price of the public lands. It is far from my intention to arraign the conduct of the venerable Senator from Tennessee; but as he thinks my proposition so very objectionable, may I be permitted to remind him that before he became the advocate of this distribution land bill, he voted, in 1828 and in 1832, as the Journals show, for a much greater reduction in favor of those *who only promised to become actual settlers*. [Here the Journals of 1828 and 1832 were produced and read, affirming the above statement.]

In 1832 I find the vote of the Senator from Tennessee [Mr. WHITE] against this distribution land bill; now he is found voting in its favor. In 1832 I find him voting for the amendment to increase the amount to the small States, by distributing according to the representation in the *Senate* and House of Representatives; *now*, his vote is recorded against the same proposition. In 1832 I find him voting to exclude from the gross proceeds to be distributed, all expenses arising from Indian treaties, Indian annuities, removals, &c.; now, I find his vote recorded against the same propositions. I do not complain of this. It is the necessary result of a *conversion* to the support of this bill. *Distribution* and *reduction* are the opposing principles. Reduce the price, and distribution becomes unnecessary. Distribute the proceeds of the sales of the public lands, and the price will be increased rather than diminished. When distribution commences, will any Senator from any old State dare vote to reduce the price of the public lands, when such reduction would be "*the diminution of the direct revenue*" of the State he represents? A vote for this bill is a vote against reduction—against donations or preëmptions to settlers. It is a vote to sacrifice the new States for the benefit of the old States. Money, money for distribution, will be the result of this system, and not the settlement or improvement of the new States of the West. Sales at high prices to speculators, and not to settlers, will be one of the bitter fruits of this measure. Eight millions of acres have passed, during the present year, into the hands of speculators, to the prejudice of actual settlers, and this system will be encouraged because it increases the fund for distribution. And if such are the effects in anticipation of the adopting of this measure, what will be the consequences when distribution commences? I am filled with dismay and apprehension in contemplating the result. The new States will be treated as distant vassal colonies; they will become to this Union what Ireland is to England, counted only by the dollars and cents which can be extorted from the people. Yes, by this bill the new States are marked as a table of profit and loss put in the market as articles of merchandise to be sold to the highest bidder, to obtain money, money, money for distribution. Each of the old States obtains "a direct interest in the *income* arising from the sales of the public lands." State legislation will direct and control this *income*, and every old State will desire its augmentation. What will follow? Instructions to their representatives in Congress to repeal this law, and increase the price of the public lands. State agents will be sent from every old State preceding every public land sale, to examine the farm of every settler, and bid it up to the most extended value. Do not the papers in the old States friendly to this bill declare that its passage will exempt the people of these States from all taxation? The people of the new States will be made to pay the taxes of the people of the old States by this distribution of the proceeds of the sales of the public lands. Will any State Legislature of any old State dare tax their constituents when they can avoid this necessity by instructing their representatives in Congress to increase their share of the income by increasing the price of the public lands? Sales will be made or postponed, systems established, prices regulated, solely with the view to augment the fund for distribution. Experiments will be made to ascertain how much money can be drained from the people of the new States. A direct collision of interest will be created between the old and new States. State legislation on this subject in the old States will be encountered by State legislation in the new States, and our great and glorious Union subjected to imminent peril. Could I lift the veil of futurity, could I array before the Senate all the fatal results of this measure, I am sure they would turn back from the precipice upon the very brink of which they are now standing. In vain will they attempt to arrest the evil when this bill shall have become a law. Money, money, money for distribution will absorb all other considerations, and bury in its engulfing vortex the liberties of this now happy, happy Union. State taxes will be abandoned, and the whole taxing power concentrated in the General Government. State officers, expenses and improvements, will be paid from the fund distributed by the General Government. If the land sales furnish not a sufficient fund for distribution, increase the tariff will be the next demand. National defense will next be abandoned, our Army disbanded, and coast and frontier left defenseless. The Navy will next be sacrificed. Increase the surplus will be the demand of the majority, whenever we embark in this corrupting system. Why try these dangerous experiments? Why create or continue a surplus? Why not rather reduce the tariff, reduce the price of the public lands, and collect no more money than is required for the wants of a Government economically administered? Under the surplus system, the General Government will become a mere collector of money for the States, and we might as well disband both Houses of Congress, and let a majority of State Legislatures conduct all the operations of this Government. No Government can long endure the operations of such a system. We will take the voluntary leavings of a majority of the States when they shall have exhausted our revenues in expenditures for State purposes. It will be worse than the system of requisitions upon the States under the old Confederacy, which brought this country to the brink of ruin. Never, no, never was it intended by the framers of the Constitution that we should collect vast sums for distribution among the States. It is not among the enumerated powers or purposes of this Government. We can collect money only to conduct the operations of this Government, and carry into effect the powers granted to Congress by the Constitution. Were it otherwise, there is no limit to the money-collecting power of this Government, and we may raise five hundred millions in a single year for distribution. Distribution, a term unknown, a power now ungranted in the Constitution, will nullify the Government itself. This national Government will sink in a mere collector of taxes and of money for distribution, and will soon become an object of scorn and derision. It will be gorged by an annual surplus, to be bled to death by an annual distribution. For a few years it may survive this annual operation of repletion and depletion, but soon the vital blood will be thrown upon the extremities, to return no more to the central organs, and the heart of the Government will cease to beat. Reduction is the only true remedy for a surplus revenue. Distribution will never send back the money to those who paid it; reduction will leave the money in the pockets of the people, to be used by each freeman for his own benefit, uncontrolled by any earthly power.

But we are tempted to unite in this system to sell ourselves to the old States by an offer of ten per cent. additional on the sales of the public lands, and five hundred thousand acres. We shall be indeed more foolish than Esau selling his birthright for a mess of pottage, if we accept the offer. Why, the distribution is according to the "*last census*," and Mississippi has increased, not ten per cent., but more than one hundred per cent., since that period. How unequal, then, and unjust the ratio of distribution. But let us look at the operation of this system. Let us take a single year, in which Mississippi pays into the public Treasury half a million dollars for the public lands. Under this system she would get back, in ten per cent. of the *net* proceeds and her distributive share, in all about eighty thousand dollars; and States that paid not a dollar of this money into the public Treasury would receive the remainder. And take the whole fund from all the lands, and the old States, that paid scarcely a dollar of this money into the public Treasury, would receive three fourths of the whole amount. How long could we endure the unequal operations of such a system? It is buying the new States with ten per cent. upon the money paid by themselves. It is purchasing us with our own money. But then the grant of land remains. It is not a donation, but a sale for a consideration. The consideration is, as stated in the act, that the proceeds of the sales of the lands granted is to be applied in the construction of roads and canals, &c., which, when constructed, shall be, in the language of the grant, "free for the transportation of the United 'States mail and munitions of war, and the pas-'sage of their troops, without the payment of any 'toll whatever," and the grant is confined to lands subject to entry at private sale. Now, suppose the proceeds of the sale vested by the State in a railroad, it might so happen that the toll relinquished by this act would have yielded annually more than the interest upon the amount of the proceeds of the sales of the grant. If so, the land would have been purchased at a price equivalent to its value. This grant, then, is a sale for value, and not a donation. But were it a donation, how vastly unequal are the grants to the new States. The professions of the friends of the bill are to put the new States upon an equality as to grants of the public domain. Now, this bill grants to each of the States of Louisiana, Mississippi, and Missouri, five hundred thousand acres for the purposes above mentioned, and to Indiana one hundred and fifteen thousand two hundred and seventy-two acres; Illinois twenty thousand acres; and Alabama one hundred thousand acres. Now, from document No. 245, received from the Treasury Department, it appears that the grants made to the new States heretofore for roads and canals were as follows:

Ohio	1,041,337 acres.
Indiana	525,614 "
Illinois	480,000 "
Missouri	-
Alabama	400,000 "
Mississippi	-
Louisiana	-

Now this bill, instead of equalizing the grants among the new States, leaves Ohio considerably more than half a million of acres more than Mississippi, and Indiana one hundred and forty thousand eight hundred and eighty-six acres more than Mississippi. Why this inequality? Why this partiality and favoritism? Why this odious distinction between the new States in relation to this matter? Ohio and Indiana should both have less than Mississippi for this reason, that whilst Mississippi has received nothing from this Government for the construction of roads within her limits, these States have received $5,000,000 from the General Government for the construction of the great road leading to and through them; and this very bill perpetuates this injustice, by charging this road upon the two per cent. fund, when that fund has been ten times exhausted already. Grant to Alabama and Mississippi $5,000,000 for roads, and more than two millions of acres in grants of land, and you will place them on an equality with Ohio, and not otherwise. If, then, we are to be paid a price for the surrender of the interests of the new States to the old States, let the price be equal that is paid to all the new States, and not the unjust and unequal propositions contained in this bill. Such propositions are adding insult to injury, and would be rejected with disdain by the freemen of Mississippi. But if these grants to the new States are valuable, why are they forced into this bill, which the President has once vetoed, and which it is known he will veto again, but would approve in a separate bill, which is voted down by the friends of distribution.

In the message of President Jackson, placing his veto upon this bill, that illustrious patriot and statesman declared:

"I deceive myself greatly if the new States would find their interests promoted by such a system as this bill proposes. Their true policy consists in the *rapid settling and improvement* of the waste lands within their limits. As a means of hastening those events, they have long been look-

ing to a *reduction in the price* of public lands upon the final payment of the national debt. The effect of the proposed system would be to prevent that reduction. I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated; and that after they have been offered for a certain number of years, the refuse remaining unsold shall be abandoned to the States, and the machinery of our land system entirely withdrawn. While the burdens of the East are diminishing by the reduction of the duties upon imports, it seems but equal justice that the chief burden of the West should be lightened in an equal degree at least."

Such is the just and liberal policy recommended by the President of the United States; and can any citizen of any new State doubt or hesitate as to the two propositions? The one system will forever prevent a reduction of the price of the public lands, retard their settlement, restrain emigration to the West, destroy preëmption laws, prevent donations to settlers, encourage sales to speculating monopolists, enhance the price, by introducing secret sealed bids, prevent the surrender of the refuse lands to the new States, support the State governments of the old States from money extracted from the people of the new States, perpetuate the surplus system, and render an increase of the tariff inevitable. The other system proposed by the President, and which will ultimately prevail if this distribution project can be defeated, will subdue the lands of the West, fill them with a race of farmers and cultivators, increase our wealth and population, develop our resources, and leave this unnecessary surplus in the hands of our citizens to be used by each freeman to advance the welfare of himself and family. Reduction of the revenue to the wants of the Government is our true policy. Reduce the tariff, reduce the price of the public lands, and you will have no surplus for distribution; but establish the distribution system, and you will never reduce; on the contrary, you will soon inevitably augment the tariff and the price of the public lands. In sustaining *distribution*, I would oppose *reduction*, for they are opposing principles. In sustaining distribution I would oppose preemptions and donations to settlers, encourage monopolies by speculators of the public lands, and introduce the system of secret sealed bids, by which we are threatened by the committee which reported this bill. And finally, in supporting distribution, I would sustain the tariff, and render its augmentation inevitable, and a consequent depression of the price of our great staple. These are my views upon this important subject, and I thank the Senate for their indulgent attention to my remarks upon this question.

THE NAVAL SERVICE.

SPEECH OF HON. G. CHAMBERS,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

March 16, 1836,

On the bill making appropriations for the Naval Service.

Mr. CHAMBERS said:

Mr. CHAIRMAN: The bill now before the committee is one containing not only appropriations for the ordinary expenses of the Navy, but for purposes having relation to a proposed improvement and increase of the Navy of the United States.

The items in the bill which have been discussed, and are still the subject of discussion, are those making appropriations for improvements and necessary repairs in the seven navy-yards already established. These improvements are permanent ones, having reference to an increase of our naval force; and the amendment proposed by the honorable member from Tennessee [Mr. BELL] is to reduce the proposed appropriations one half for these objects; and the case of Portsmouth, to which it is proposed to appropriate $67,000, was selected, as I understood the mover, from its being first named in the bill. The committee will consider the subject not in reference to Portsmouth only, but, to a certain extent, in reference to all.

The considerations that will influence my votes in reference to this class of appropriations, as well as others in this bill, are as to the policy and legislation of the Government in relation to our naval armament. If that armament is to be increased, (as I think it ought,) then that increase and its preservation demand the extension and completion of those navy-yards which are necessary to the preservation of materials, and to the building, equipping, repairing, and preserving our national vessels. If we build and maintain more vessels, we must have, as incidental, the necessary navy-yards, docks, sheds, &c.

The great question that presents itself in relation to many provisions in this bill is, is it the policy and duty of Congress, at this time, to provide for an increase of our naval power? I am decidedly for that increase, not as a war measure, but a measure of peace. The war cloud that was suspended for some time over this nation and France is dispelled; there remains of it no longer even "the size of a man's hand" to be seen on our horizon. I had not, sir, any apprehensions of that war, for there was no cause for war; and I could not suppose that the French Government or people were disposed to engage in a war with us, and could not allow myself to think that those who were in possession of the powers of this Government would assume the awful responsibility of involving this nation in all the calamities of war for causes so frivolous and ridiculous as those which occupied the attention and filled the correspondence of our diplomatic agents for the last year. It has all passed off, and we are called on to legislate now in reference to our existing relations of peace. In that relation, what ought to be our naval armament? It is important that it ought to have a rank and character adapted to the power, resources, and widely-extended commerce of this nation, and that would correspond, in some degree, with the naval armaments of other commercial nations. The ships of the United States now whiten every sea, and are to be found in every port or harbor where there are men, money, and trade. In the northern and southern oceans it may well be said that "its home is on the deep," where our hardy navigators and seamen dwell for months on the same ocean, taking from its waters a rich harvest of fish and oil to repay them for their much toil and many dangers.

Great as has been our growth in population and power as a nation, (and, as such, it is unprecedented in the history of nations,) yet it is exceeded by our increase in commercial prosperity.

After the adoption of the Federal Constitution, in 1790, our population was 3,929,328; at this time probably about 15,000,000, being not quite fourfold. The whole imports of the country in 1790 were but $23,000,000; whilst for 1835, according to returns and estimates of the Treasury Department, they are $151,030,368, being nearly sevenfold. The exports for the year 1790 were $20,205,156; for 1835, the exports reported are $118,955,235, being nearly sixfold.

A trade of such magnitude, with its innumerable ships belonging to our citizens, and having connections and involving interests of value beyond all calculation and estimate, is entitled to the protecting care of the Government, and that protection is to be found in a naval armament that will pervade every sea, and occasionally show itself on foreign stations, and in the ports of our friends and commercial rivals. A few national vessels visiting foreign seas and ports will do more for the protection of our commerce and seamen, and elevate our national character and power in the estimation of a trading community everywhere, "than ministers or charges" at every foreign Government, great or small, and commercial agents at every port. Foreign Governments have their intercourse with us through our ministers or commercial agents; but the trading community which our citizens engaged in commerce and navigation will meet in port, or encounter on the high seas, will know and respect us chiefly by knowing that we have national ships afloat capable of protecting our trade, and that will protect it and our sea-faring citizens, against depredations or capture. It is this extended commerce which we now enjoy that constitutes a great source of national wealth in creating it for individuals. It is that which continually adds to and gives employment to American capital, skill, labor, and enterprise; finds a market for, and transports to it, our agricultural products; and brings to us, in return, articles of use and enjoyment from other climates and markets. It is the same navigating interest, along with our coasting trade, that forms the great nursery for American seamen; and it is this extended and increasing commerce that has filled our national Treasury with revenue more than necessary to discharge a war debt, and provide for the reasonable expenditures of the Government, without being felt by the people.

Without a navy our commerce and vessels would be continually exposed to piratical cruisers. Those robbers and murderers of the ocean regard neither law nor right; they are outlaws on this great highway, who will capture our vessels and destroy life, whenever they have the opportunity to do it, with impunity. They are only restrained by their fears, and those fears are only excited and operated on by the appearance of armed national vessels in those seas which they infest. We well know that piratical cruisers, under the authority of the Governments of the Barbary Powers of the Mediterranean, were not restrained in times past from depredations on our commerce by treaties or remonstrance; even tribute did not secure from them promised protection either to our citizens or their property in that sea. It was not until our national ships were exhibited before their ports, and their guns heard and felt as evidence of our power and ability to protect our trade and citizens, and of our disposition to do it, that our rights have been respected. It is the maintenance of a naval armament by commercial nations alone that even at this day suppresses piracy.

The necessity of a naval power proportioned to the resources and trade of a nation is attested by the experience and practice of every foreign Government of any rank in the scale of nations. The naval power of the following Governments is reported for the year 1835, as follows:

	Ships-of-the-line.	Frigates.	Sloops and brigs.	Steam vessels.	Total.
Great Britain	167	217	324	40	748
France	39	51	213	10	313
Russia	32	25	107	4	168
Ottoman Empire	18	24	90	-	132
Holland	12	33	56	2	103
Sweden and Norway	10	13	238	-	261
Austria	3	8	61	-	72
United States	7	10	24	-	41

The number of British national ships, of all sizes, in commission in January, 1835, was one hundred and eighty-two. France has seldom more than forty of her national ships in commission, (48th vol. Niles's Register, p. 44,) though, as I will hereafter show, she has a large naval power that might very soon be prepared for service.

Whilst the United States are the *second* commercial nation in the world, yet, as a naval Power, we rank only as the *seventh*. If all other nations, of great or even limited commercial character, though incumbered with a heavy national debt, and crippled in their resources and revenue for the expenditures of their Government, have, in the course of their experience, found it necessary, for their interests and security, to maintain such naval armaments, then, sir, we are wanting in duty to our national character, and to our extended and growing commerce, in not adding to the strength and efficiency of our navy.

A navy is the safest, the cheapest, and most efficient means of national defense in war, whenever it shall be our misfortune to be involved in it. It is a calamity which hath happened to us, and may again happen unto us, though we should strive to avoid it. The wrongs to which this nation is, and will be exposed from foreign nations, are maritime wrongs, and they must be prevented and repelled by maritime force. To the United States this description of force is essential—it is indispensable, inasmuch as our enemies, if they attempt to assail us, or invade our territories, must approach us by the ocean. Without a navy of proportioned numbers and strength, we run the risk of having our ships captured, our commerce annihilated, our harbors blockaded, and our cities pillaged.

With a naval armament our enemy may be met and discomfited on the ocean, before he reaches our shores; the war may be transferred to his own territory; and his commerce and shipping

will be subjected to our capture, or so much exposed as to compel him to withdraw his naval force from our coast for their protection. A naval force can be used for the protection of our cities on our whole maritime frontier; it can be shifted from place to place, according to the exigencies of the war; concentrated or divided as circumstances may require. A naval armament has an advantage over permanent fortifications in this: that mistakes are and may be made in the selection of suitable sites for fortifications, and in the forms of their construction; this occasions not only a positive loss to the nation, in the cost of that construction, but also affords to our enemy an opportunity to annoy and divide our troops; and if such fortifications are not defended by an adequate force they are liable to capture, and may become a shelter for the protection of that enemy. In the building and equipment of a ship of war, under the direction of our Navy commissioners, with the skill and experience of American builders, there is no mistake; she is a model of her kind, and if not required for service at one place she can perform her part of defense or attack anywhere upon the waters that will float her. Another advantage of an efficient naval power in war over permanent coast or inland fortifications is, that it will afford such protection to our commerce that, notwithstanding war, we can carry on our imports and exports to an extent that will not only find a market for our agricultural products to a considerable amount, but supply our citizens with those foreign commodities which enter into the consumption of a large portion of our population, and which habit has made almost the necessaries of family subsistence. The naval power of England has afforded such protection to her commerce, that in the late war with France, her powerful and maritime enemy, the prices of imported articles are said to have been varied but little in her markets during that war; her citizens enjoyed the use of those groceries and other commodities that were foreign to their soil and climate at a cost little above what they were accustomed to pay in seasons of peace.

Whilst the citizens are thus enabled to pursue their trade and commerce, even with some limits, under this protection, the Government draws from its customs on that commerce its most convenient revenue, so essential for the ways and means of prosecuting that war, and as a resource very desirable.

What were the experience, losses, and sufferings of this nation, in its last war with England, in these particulars, for want of a naval armament? No sooner had the enemy blockaded our harbors than both foreign and domestic commerce were reduced at once to the most deplorable condition, producing in its consequences the failure and ruin of thousands of our most enterprising merchants, and many others whose occupations and business were in any way connected with or dependent on commerce. The planter and farmer were deprived of a market for their agricultural products, which were allowed to waste on their hands, or be sold at a price reduced in consequence of the limited demand, and the great hazard of any exportation. The supply of foreign articles, which the habits of our citizens had made a part of their family necessaries, was either cut off, or their prices so exorbitant as to amount to a denial of their use to all but the affluent.

The coasting trade—that nursery for American seamen, and most important branch of our trade and navigation—was destroyed. The northern and southern States could not exchange their agricultural and manufacturing products, except through a land carriage, which enhanced the price of everything more than twofold.

Our exports, which were in 1811, the year before the war, $61,316,833, were reduced in 1814 to but $6,927,144; and our imports, which in 1811 were $53,400,000, were reduced also by the war in 1814 to $12,965,000. The revenue from customs was, from this diminished trade, reduced almost to nothing. Had our commerce been protected by a naval armament, proportioned to our resources, trade, and extensive maritime frontier, and that would have raised the blockade of some of our ports, our trade and commerce would have been supported to an extent that would not only have accommodated and enriched our citizens, but afforded to the Government a revenue (arising from the increase of trade) that would have more than supported the expense of the naval armament. The means of national defense of this character provides for its own support by protecting the commerce of the nation, and advancing the revenue for the support of Government. An efficient navy will be our great security and strong arm of national defense, not only in war, when unavoidable, but it will have a powerful influence to prevent war. Our foreign enemies know that we are to be assailed through our maritime frontier, and by a maritime force. To maintain such a force on our coast will be, to that enemy, hazardous and expensive in the extreme, if this Government should be possessed of a navy of any efficiency to assail it. To annoy this nation, if we maintained an efficient navy, would require an enemy to have on our coast a navy double that of our Government. The cost and equipment of such a navy, and the difficulties in maintaining it on our extended coast, will deter most nations from embarking readily in war with us, or in doing us wrong. But, without an efficient navy, our extended maritime frontier, and our extended commerce would invite the attacks, depredations, and war of nations who may be our rivals in trade, or who are jealous of our prosperity, and the success and influence of our republican institutions, and with whom the power will be the right.

The period to which we can refer with the most confidence for lessons from our own experience in relation to this important national subject, is the last war with England. So small was our navy at that eventful period, that many a cautious statesman questioned the propriety of exposing it out of our own waters to be captured by our powerful enemy. It is unnecessary for me to detain the committee with any history of its many gallant victories and efficient service; it is a part of the history of the nation and of the times. It fought itself into national favor, and brought into our ports the captured ships of the enemy as the trophies of its service and gallantry; and the glory then acquired has never since been tarnished. Our navy entered that war with a force, exclusive of gunboats, that carried less than four hundred and fifty guns; and for the one hundred and forty-one guns which were captured by the enemy, it captured from the same enemy four hundred and fifty-five guns; thus taking from the enemy more than its original amount of guns, and more than three guns for every one it lost. For so limited a navy, here was evidence of efficient service; and by such heroic achievements its officers and crews gained for the American navy imperishable honors.

Had we possessed during the last war a navy adapted to our power, commerce, and exposed frontier, we would have escaped much of the evils and sacrifices of that war. With its protection, we should have enjoyed a considerable portion of our trade—a source of employment and profit to some classes of citizens, of accommodation and comfort to others, and of general benefit to our citizens; whilst the Government would have derived a revenue from its customs that would have more than sustained the whole cost of that naval armament without inconvenience to our citizens. If we had possessed such a navy, our coasts would not have been ravaged, our harbors blockaded, our towns pillaged, and our citizens harassed by calls to defend our shores and cities, with sacrifices of health and life, and at an immense cost to the nation.

If the navy of this Government had then been of sufficient force, the Chesapeake bay would not have remained during that war so long in the possession of the enemy, or the Capitol of the nation, and the ground on which we now stand, have been defiled by the footsteps and conflagration of the enemy, whose commanding officers, for a season, disregarded the laws of civilized warfare, and, by acts characteristic of vandal and savage warfare, applied the firebrand to the halls of legislation and justice, and consigned to the flames the library of the nation, as well as the archives of its legislation.

Those who were in the administration of the Government during that war, and after it, testified their regard and high estimation of this branch of the national armament; and so strong were the convictions of the expediency of providing adequately for it, that the attention of Government was repeatedly directed to the improvement and increase of the navy.

A committee of the Senate on naval affairs, November 28, 1814, reported:

"That your committee assume it as a policy now settled that the United States are to have a permanent naval establishment, which is to be gradually increased, according to circumstances, and as the ability of the Government may permit. Your committee deem it unnecessary to go into a course of reasoning to support the soundness of this policy, and to establish, what is now generally conceded, that a navy is the most appropriate, the most efficient, and the least expensive defense of this country."

The committee of the House, in their report in relation to a navy board, January, 1815, report:

"That the experience of this war has already satisfied the most scrupulous of the ability of this country to create and equip a naval force, competent not only to the defense of our extensive maritime frontier, but also for the great annoyance of a foreign enemy; and that such a force is now equally demanded by every section of our country as indispensable for its security. The committee have likewise deemed it unnecessary to go into an argument to show the propriety of bestowing upon this branch of our national force that measure of increase and support which its brilliant exploits on the ocean and on the lakes, and its efficiency in annoying the trade of the enemy during this war, under all the abuses to which it has been exposed, has shown should only be limited to our means."

The Secretary of the Navy, February 28, 1815, in his letter to the Committee of Ways and Means, in relation to the reduction of the Navy, remarks:

"The destinies of this nation appear to be intimately connected with her maritime power and prosperity; and as the creation of a navy is not a work to be quickly performed, it seems necessary not only to cherish our existing resources but to augment them gradually and steadily.

"The annual construction of at least one seventy-four and two frigates is recommended upon principles of economy as well as of policy."

The Secretary of the Navy, in his report of December, 1815, states that—

"The importance of a permanent naval establishment appears to be sanctioned by the voice of the nation.

"The commerce of the United States, increasing with the resources and population of the country, will require a commensurate protection, which a navy alone can afford; and the experience derived from the active and vigorous employment of a limited navy during the late war has demonstrated its efficient utility."

President Madison, under whose administration that war had been declared and conducted, in his annual message of December 5, 1815, thus expresses himself in relation to the Navy:

"The signal services which have been rendered by our Navy, and the capacities it has developed for successful coöperation in the national defense, will give to that portion of the public force its full value in the eyes of Congress, at an epoch which calls for the constant vigilance of all Governments. To preserve the ships now in a sound state, to complete those already contemplated, to provide amply the imperishable materials for prompt augmentations, and to improve the existing arrangements into more advantageous establishments, for the construction, the repairs, and the security of vessels of war, is dictated by the soundest policy."

At this time, when such opinions are expressed, and the attention of Congress directed to the improvement and increase of our Navy, its force was more proportioned to our national power and commerce than at present. From the report of the Secretary of the Navy of January 2, 1816, it appears that the naval force of the United States consisted then of twenty-nine ships, twenty brigs, three ketches, seventeen schooners, three sloops, and two steam frigates—making a total of seventy-four. Amongst these ships were five ships-of-the-line, (two of which were on the lakes,) six frigates of the first class, and five of the second class.

At present we have in commission one ship-of-the-line, three frigates of the first class, one of the second class, eight sloops-of-war, five schooners; in ordinary, five ships-of-the-line, five frigates of the first class, seven sloops-of-war, three schooners; and on the stocks, five ships-of-the-line, seven frigates of the first class, and one of the second class.

The American Congress that was called to legislate for the nation after the war, entertained the same opinion as the other branch of the Government in relation to the Navy, and, by an act of 29th April, 1816, $1,000,000 per annum, for eight years, was appropriated for the gradual increase of the Navy; and the President was authorized to cause to be built nine ships-of-the-

line of seventy-four guns, (in addition to three previously authorized,) and also twelve frigates of forty-four guns. This legislation and appropriation was at a time when the nation was embarrassed with a national debt of upwards of one hundred and twenty millions of dollars; with an empty Treasury; a depreciated paper currency; resources so limited that revenue for the ordinary purposes of the Government and the maintenance of its credit could not be raised without taxes and loans; yet, sir, at this period, and under such circumstances, was the American Navy regarded as an object deserving so much of public attention and favor that liberal provision was made for its improvement and increase, by giving it a force and power it never before had, and which should correspond with the power, wealth, and extended commerce of the United States.

Public opinion everywhere responded to the sentiments of the officers of the Government in relation to the Navy, and approbated the legislation that provided for its increase. This continued until a radical spirit was exhibited in this Hall in 1820–21, under professions of reform, which were not carried out, but which selected for their attack the American Navy. Whilst there was occasion for retrenchment in the civil and miscellaneous expenditures of the Government, these were passed by, and permitted to increase; and the legislation of Congress, uncalled for, as I believe, by public opinion, was applied to cut off the one half of the annual appropriation for the increase of the Navy, which, by an act of Congress of 3d March, 1821, was reduced to $500,000 annually.

The economy that withholds an appropriation necessary to national character and defense, and to the protection of our immense commerce, from a desire to retain a few millions of dollars for the time in the national Treasury, is a mistaken and false economy, and unworthy of the foresight and expanded views of statesmen. To save a comparatively small sum for the time, it exposes the nation to incalculable losses.

The unprecedented period of peace which has been and is yet enjoyed between the great Powers of Europe, and in which we have shared, has enabled us to get along in our intercourse and trade with foreign nations without conflict or depredations on our commerce. But there is no knowing how soon such peaceful relations in Europe may be disturbed. Already there are indications of an approaching storm there; and when it does come we ought not to be unprepared in those measures of national protection and security which a state of war between other great commercial nations requires.

Our differences with the French Government have awakened, within the last year, the attention of this Government and the American people to the condition of our defenses. Not only has the attention of the Government and the people been directed recently to the condition of our Navy, fortifications, and maritime frontier, but this condition, from the interest created by our difficulties and negotiations with the French Government, and the publicity of their discussion, has probably become known to foreign Governments. Such as it is, we may now speak of it without any concealment or disguise. That condition is a defenseless one, and totally unworthy of a vigilant Government, and of the power and resources of the nation: fortifications, on which large sums have been expended in partial construction, and which were, years since, deemed of primary importance, are not completed; and where they are constructed, they are without the necessary armaments to make them available immediately for the public service and defense; and our limited Navy would be totally inadequate to afford protection to our commerce, or be efficient in the defenses of the country against a foreign enemy. As a war with France was recently a possible event, and in the apprehension of many a probable one, it may be well to examine the maritime force of that nation with which we might have had to contend, if folly and misrule had involved us in a war with it.

"From official documents, it appears that the French navy kept in commission and active service for 1835, was, three ships-of-the-line, twelve frigates, fourteen sloops-of-war, (ship rigged,) twenty-six brigs, thirty-one smaller vessels, eighteen armed transports and storeships, and six steam vessels; making a total of one hundred and ten vessels, manned with thirteen thousand one hundred and forty-eight men.

"In addition to this force, it was proposed to have equipped and partially manned, in different ports, ready for any sudden emergency, two ships-of-the-line, three frigates, and three smaller vessels, manned with one thousand one hundred and thirty-five men; and a further force ready for immediate equipment, consisting of two ships-of-the-line, three frigates, and eleven smaller vessels; making a total, ready for service in three months, of seven ships-of-the-line, eighteen frigates, and one hundred and nineteen smaller vessels. Besides this force, their lists show that there are now afloat the further number of twenty-two ships-of-the-line, seventeen frigates, sixty-five smaller vessels, ten bomb vessels, and seventeen steam vessels. Many of these are undoubtedly unserviceable and unfit for repair, but, from the best information on the subject one half, at least, and all of some classes, may be considered as fit for service. They have upon the stocks, now building, twenty-four ships-of-the-line, twenty-six frigates, twenty sloops-of-war, smaller vessels, and armed transports, and seven steam vessels. The grand total of all the vessels which the French nation could prepare for service within twelve months, according to their statement, is thirty-six ships-of-the-line, fifty frigates, about one hundred and fifty sloops, smaller vessels, and armed transports, ten bomb vessels, and thirty steam vessels."—*Military and Naval Magazine, Vol. IV., p.* 293.

As I have before stated, the American Navy consists of eighteen vessels of war in commission, twenty in ordinary, and thirteen on the stocks; making a total of fifty-one, manned at present by a total of seven thousand one hundred and eighty-nine persons, including marines. When we consider the great disparity between the naval powers of the United States and of France, we may be well satisfied that they are not at this time brought into conflict; and that Congress was restrained by its discretion from acts of legislation that might have involved the country in an unnecessary and calamitous war. But from this view of our condition, we should take a lesson of instruction for the future; and if we regard national character and security we must change that condition, and let us make known to the world that though our policy and institutions are those of peace and amity with all nations, yet that, if war is brought on us by the injustice and wrongs of any Power, we will be found both prepared and formidable.

This time is in every respect favorable for putting ourselves in a condition to prevent and repel wrongs. We have an abundant Treasury; are free from national debt or direct taxation, having a large annual surplus in the Treasury beyond the reasonable and necessary expenditures of the Government. Let a portion of it be applied to improve and extend the Navy, so as to adapt it to our increased population, resources, and extended commerce; and let Congress also provide for the completion and armament of those important fortifications necessary to the protection of our great harbors, and which may be a rendezvous, shelter, and protection for the Navy. As connected with the extension and protection of our naval power, is the completion of those fortifications that were commenced years since, on which money has been expended, and which were deemed of primary importance. Beyond this class of fortifications, the repair of others, and the completion of defenses for the public works constructed, I am not disposed to go, and cannot consent to support or vote for the batch of new fortifications for which appropriations have been reported in a bill by the Committee on Military Affairs, amounting to $2,503,800 to begin with. A better, cheaper, and more efficient defense for the country than such fortifications will be found in the increase of our naval armament, which has many advantages over permanent coast fortifications, requiring an amount of money to construct and arm, as well as men to maintain them, that will not be approved of or tolerated by the people.

The navy in commission should be increased. What is now in commission is inadequate; and I am inclined to think that the extension recommended by the Secretary of the Navy of two frigates and three sloops-of-war is not enough. Let them visit foreign seas and ports more frequently in squadrons, by which our naval power may be displayed, and our officers will have the opportunity of acquiring experience in the command of squadrons. We ought not to be deterred by the expense, when the purpose is of such extensive national interest and security. The total expenditures for the naval establishment from 1816 to 1834, were $63,922,574; something over $3,000,000 a year. This includes expenditures for docks, navy-yards, hospitals, and other permanent public works connected with the Navy, and also the materials for ship-building on hand.

For the military establishment during the same time, including pensions, there were expended $124,536,570; and the total expenditures of the Government for that period, including the payment of the national debt, were upwards of $467,000,000.

In the report of the Navy Commissioners it is estimated that the amount of *pay* necessary for the year 1836, for one ship-of-the-line, five frigates of the first class, one frigate of the second class, fourteen sloops-of-war of the first class, five schooners, and one steam vessel, will be $1,422,866 41. National vessels on foreign stations at present, (the ship-of-the-line Delaware has returned, and is now at Norfolk:) In the Mediterranean there are two frigates, one sloop-of-war, and one schooner; in the West Indies, one frigate, four sloops, and one schooner; on the coast of Brazil, two sloops; in the Pacific, one frigate, one sloop, and one schooner; in the East Indies, one sloop and one schooner. If several more of the vessels in ordinary be put in commission, the increase of expense will subtract but a comparatively small sum of some hundred thousand dollars from our overflowing national Treasury. When we consider the magnitude of our trade that floats on the seas, of a value probably exceeding four hundred million annually, an annual expenditure of three, four, or five millions a year for its protection, and to sustain the national character with foreign nations, as well as to form our strong arm of defense in war, when it arises, cannot be deemed unwise or extravagant, but as demanded by public policy and the best interests of the nation.

A naval armament can only be formed to advantage in a season of peace; and should we, in an unexpected war, be found without an efficient navy, we must remain without one, with all the deplorable consequences of our trade destroyed, harbors blockaded, and our coast and towns continually harassed by the enemy. A navy is not to be built at once; it is a work of time, and not to be executed under the privations, exigencies, or perils of war. The crews that are to sail and fight our national ships are not to be taken at once from our fresh waters, or the streets of our cities, to trim the sails and direct the guns of a man-of-war in the hour of battle.

It is said an army for land service can be made effective in a few months. But that is not the case with a navy; experience and practice are essential to make sailors. In the emergency of war we may get men; but we cannot with money purchase American sailors that can be depended on for immediate service on board of a national ship which is to sustain the honor and reputation of the American flag. For the conflict of naval battle we must have officers that are trained and experienced on board of our national vessels; they should be exercised and accustomed to the discipline, subordination, and command which are practiced there. The crews of our vessels-of-war ought to be American citizens, and a large portion native Americans, who are unsurpassed for their seamanship, courage, and gunnery. But if our naval crews are to be collected under the pressure of war, we must take such as can at the moment be obtained from the merchant service, a large portion of whom are foreigners The laws of the United States requiring the employment of American citizens as seamen are evaded, and more vigilance is required, both in our national and merchant vessels, to prevent the employment of others. When the character of the American Navy is to be supported, it ought not to be committed to a crew made up of men of all nations, many of whom may have hearts as foreign to our cause as the places of their nativity. I hope that the resolution submitted by the honorable member from Maryland, [Mr. McKIM,] requiring merchant vessels of a certain tonnage to receive and employ a certain number of boys to be trained in the science of navigation, may lead to legislation on the subject.

As a part of the preparation connected with the improvement, increase, and preservation of

the Navy, additional facilities for building and equipping vessels, and the preservation of materials, are required in navy-yards. I am not prepared to say that the public service required so many navy-yards as we now have, there being seven existing, but am inclined to believe that three navy-yards of construction would have been sufficient. But as there have been these locations of navy-yards, on which considerable expenditures have been made for a series of years, and as there are materials and ships at them for preservation, it will not do to abandon them now. The appropriations to them should be limited to the advantages of the situation and the wants of the public service.

At Portsmouth navy-yard there are at present two sloops-of-war nearly ready for sea, and building one ship-of-the-line and one frigate; and, I suppose, materials for ship-building; and as we must act on the opinion of others with respect to these public works, I am willing to take the recommendation of the Department having charge of this branch of the public expenditures. The estimates for these appropriations came from the Board of Navy Commissioners, who are practical men, of high character and professional experience. There has been some discussion before the committee as to the character of such recommendations. By some it has been likened to "*prima facie*" evidence—evidence that was to be received and credited until disproved; but it matters little by what name it is called. The opinion of such men I will receive, not to control my judgment, but to influence my opinion and action on a subject to which they have given their attention; which it is their province to understand; and which is recommended on their responsibility. Their high reputation is a security to me that they will not deceive Congress; and in their intimate acquaintance with this description of public works, for which they recommend the proposed appropriation, I have so much confidence as to suppose that I will not be misled. Entertaining such an opinion, I am disposed to vote for the appropriation, and against the amendment to strike out.

The appropriation of public money by the legislation of Congress, under the Constitution, must be for national objects, not to subserve the particular districts or sections of the country where they are to be expended, but for the public service and general welfare. The selection of situations for navy-yards, fortifications, &c., should be such as were most advantageous, from a regard to the interests of the whole people; national considerations alone should influence the selection of the situations, and all expenditures in relation to them. It is unsound and unjust to consider these appropriations and expenditures only as a mode of distributing the public money through the country; the places ought to be selected for their advantages of situation, in reference to trade, or their peculiar natural formation. The works constructed at such places by the Government are not, as we well know, for the district where located, but the nation. The navy-yards and other public works connected with the defense of our maritime frontier, constructed at Portsmouth or elsewhere, are not to be considered as erected for such places. They are not to be charged as made for the constituents of the member in whose district they are located, but for the whole country; for the people of my district, and every other district represented on this floor. They are the *nation's;* and as they are for national defense and security, whilst they promote and protect the commerce of the nation, the construction of such works, and the expenditures therefor, are for the advantage of the people of the South and West as well as those of the East and North.

In our legislation for such purposes, sectional feelings and jealousies ought to be discarded; and when a work proposed is a legitimate one, and of national advantage, though it be at the extremity of these United States, it is not for us, who represent and legislate for the whole United States, to oppose it, or fold our arms and decline moving or acting in it, until an appropriation of some character shall be made for that part of the country which we severally more immediately represent, as our residence and election district. The district which I have the honor to represent is an interior one, between the Atlantic and the waters and valleys of the West; there has been no expenditure by this Government of public money in it or near it; and though such an expenditure would be very convenient and advantageous to my constituents, yet I am not, I think, justifiable in withholding public money for the public service requiring it, until I can stipulate for an expenditure for some purpose to be devised in my district. Standing on neutral ground between the East and West, I would advise the Representatives on this floor from the Atlantic coast, where public works for defense must be made, to abstain from all strife amongst themselves to obtain the appropriations for their respective districts; and let us have their opinion and judgment in a judicious selection of these public works for national advantage, as well as to prevent all extravagant or unnecessary expenditure. The expenditure of the public money in their district or its vicinity is but a small affair, a temporary advantage that will soon cease to be felt or remembered; whilst the public work is to be a permanent one, and a monument of the enlightened judgment and disinterested legislation of Congress, or of its sectional and contracted policy.

I would say to the Representatives of the East and North that justice must be done to the rights and wants of the West. In that region are objects of national interest that are entitled not only to the attention of this House, but to a liberal provision for their execution. If it be not extended to them shortly, the time is not far distant when the control of the legislation of this House will be in the hands of the West. The valley of the Mississippi can and will take care of itself; and I am prepared to do for it now, in advance, all that in justice and liberality her great interests require. We must provide suitable fortifications on our great western frontier, not only as a protection and security to our settlements against Indian aggression, but for the purpose of maintaining our authority and control over those numerous tribes of Indians that are located on that frontier. Provision must also be made for suitable lake harbors—not to subserve any particular district, but where the public interest and service will be promoted. But if there be one object greater than another, and which may be called of national interest, it is the Ohio river; if not the highway of nations, it is that of many sovereign States. It is estimated in the report received from the engineer department, that the amount of heavy merchandise received and transhipped at Pittsburg, the head of the river, amounts to *half a million of tons annually, and is progressively increasing.* On this great national highway there now float upwards of two hundred steamboats, many of which measure upwards of four hundred tons, and few below one hundred tons; and, in addition to these, there are also employed several hundred flat and keel boats.* I am willing and desirous of immediately making an appropriation for that river, not merely to take out snags, or to obtain a report of the length, breadth, and depth of its shoals, or the velocity of the current, but *to make it permanently navigable at all seasons,* to meet the demands of its immense and increasing trade, though millions of dollars may be required for its completion.

The bill now before the committee, Mr. Chairman, has relation to our national defense and foreign trade; and, as that trade reaches us principally through our Atlantic coast and its harbors, and as the only formidable enemies that we have to encounter must approach us by the same coast, and by a naval armament, let us, then, without delay, give efficiency to our Navy, and provide such means of national defense on our sea-board as will be our security in peace, and strong arm in war.

But, sir, it is objected to the appropriations for these purposes, by the honorable member from South Carolina, [Mr. THOMPSON,] that the appropriations and expenditures for the public works on our coast have been unequal and unjust; that an undue proportion has been bestowed on the northern division of these United States; and that this inequality prevails in the bill before the committee. When an examination is had of the appropriations and expenditures for public works of national defense along the extended coast of the United States, it will be found that there is no foundation for this complaint, and that the southern division has had the most liberal proportion. The charge of partial legislation for northern defenses, to the neglect of southern, is not supported by the facts, and has been so fully and ably exposed by the honorable member from Maine, [Mr. EVANS,] that I will not detain the committee in repeating its details. From the public documents recently laid upon our desks, it appears that the expenditures of the Government on forts finished and those under construction, north of the Chesapeake bay, are $2,248,949; those south, including the Chesapeake bay, are $8,129,764—exhibiting a difference in favor of the southern division, in this great class of public works of defense, of nearly four to one.

In the distribution which the honorable member from South Carolina was pleased to make, he excluded Virginia from the southern division of these United States, in which she has heretofore always been classed. Though it is said that Virginia is to be delivered over to the North, I will not consider her as of the North, or separated from the South, until I know that she has been delivered over by all the form of "*livery of seisin,*" or some other mode of transfer of notoriety, acknowledged as equally valid and obligatory.

If, Mr. Chairman, the amount of appropriations and expenditures should be made in the several States according to extent of territory, Federal population, trade, or revenue, Pennsylvania might with more reason complain of the inequality of distribution, and say that she was made tributary not only to the North and East, but also to the South. In the bill containing appropriations for about five million dollars, including $630,000 for navy-yards, there is appropriated, specifically, $11,750 for the navy-yard at Philadelphia, which is the only appropriation required to be expended in Pennsylvania. The only national forts within her borders, or that guard in any degree the approach of an enemy to her great and flourishing capital, are without repair, in a great measure in ruins, and incapable of any defense or protection. I anticipate that for the construction and completion of these forts, reasonable appropriations will be made by the present Congress, as due to the great interests, trade, and exposed situation of Philadelphia; the importance and necessity of which no one will, I apprehend, question. Little has been done for Pennsylvania in expenditures within her borders by the General Government; of this we do not complain, but of the positive wrongs that have been done her under this Administration, for which she did so much to place and sustain in power. The great interests of her citizens, which she cherished as the life-blood of her system, have been drained to exhaustion by the policy and legislation of Congress. Her manufacturing capital and industry, which for a long time she had fostered with a parent's care and vigilance, are now languishing under the blighting influence of the war that has successfully been waged in this House upon her enterprising population, who had embarked their fortunes in manufacturing establishments, which gave employment to American skill, labor, and capital, under a faith and confidence reposed in the legislation of Congress, which promised a permanent protection, that has since been withdrawn from American citizens for the benefit of the workshops of Europe and their ill-paid and ill-fed laborers.

That moneyed institution, which was located in her capital city as the great fiscal agent of this Government, and which had furnished to the citizens of Pennsylvania and the United States a currency and facilities of money exchange better than were enjoyed by any other people, was assailed with an unrelenting hand by the Government, not only to the hour of its dissolution, but even now, when a Pennsylvania Legislature, in the exercise of her legitimate powers as a sovereign State, has chosen to exercise her own energies, and give renewed life, activity, and regula-

* The tolls received on the passage of the canal at Louisville is evidence, to a certain extent, not only of the magnitude of the trade on the river, but of its increase—the tolls received in 1835 being $80,165, an increase of thirty per cent. on those of the preceding year, which were $61,848.

tion, under competent State authority, to a solid specie capital that was about to be withdrawn from her jurisdiction, and which her own necessities, the wants of her citizens, and the amount and course of her trade required she should retain, she is threatened with all the vengeance of the powers of this mighty Federal Government, and the persecutions of all dependent State governments that can be brought to do its biddings. Pennsylvania is now awake to her rights and interests; she has taken her position, and will not be driven from her purpose of *self-protection* by menaces from Washington, or anywhere else. It is not enough to satisfy Pennsylvania for greater sacrifices of her interests and independence to party subserviency, that she should be told "that she had received from the Administration her share of the high offices of this Government." I do know that two of my talented friends were invited from Pennsylvania, (but whether selected, as has been said, for the Democratic blood which flowed in their veins, I will not say,) and were rewarded with the honors and emoluments of missions to Russia. Two other of our eminent citizens were by the Executive respectively invited to take charge of the national Treasury—a high and responsible trust; and how, and under what circumstances, they were scornfully and ignominiously expelled from their high stations, for exercising the liberty and right of private judgment and conscious integrity, is too well known to the nation to be readily forgotten.

It will not either be sufficient to reconcile us to further sacrifices that "it is glory enough" for Pennsylvania "to serve under such rulers," and to be called "the keystone of the great Federal arch." We wa something more substantial than such empty honors; we want that which will add to our State treasury, and enable us to carry out our system of internal improvements and general education.

There is yet one other object of interest, which Pennsylvania has not lost sight of, the time for the fruition of which has now arrived, and which she still expects to obtain as her right from the national Legislature; and that is, her fair and equal distribution of the proceeds of the public lands. This she considers as a trust that the Federal Government holds, by a solemn compact, for the common benefit of the United States, according to their respective proportions in the general charge and expenditure, and which, by the Virgina deed of cession, was provided "should be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." Pennsylvania will not consent that this fund, not now wanted for the reasonable expenditures of the Government, shall be either wasted or given away; but she will pursue it with attention and will watch it with an eye that will not close. Already is her arm outstretched to receive it, and her claims will be pressed by her in a voice that will not falter or be silenced.*

But, Mr. Chairman, Pennsylvania has no war to wage on this bill, and I will not obstruct its progress, to stipulate for favor or justice to my State in some other unconnected branch of the public expenditures for the national service. If our interior situation does not expose us as much as other States to the assaults of a public enemy, I am content that the national defenses shall be made where they will be most efficient and available, though, for that purpose the public moneys should be expended not within our borders.

I know that some of my friends on this floor are honestly opposed to increased appropriations for the Navy and public works of defense, as extending further the already overgrown power and patronage of the Executive Department of this Government. That power and patronage I admit to be immense and alarming, and it is one of which the representatives of the people, and the people themselves, cannot exercise too much vigilance, or indulge too much jealousy. That patronage is not attended with any danger to the liberties of this nation, or its free institutions, in filling up our naval armaments, putting in commission the national vessels we have, and giving service to the naval officers, many of whom are loitering about out cities and sea-board, and are desirous of service. The expenditures for naval improvements and essential fortifications we cannot with propriety, withhold from want of confidence in the fidelty and economy of those who now administer the Government. They are the constituted authorities, and we must intrust to them the reasonable and necessary expenditures under the Constitution and laws, holding them responsible, as far as is within the power of this House, to a proper application and strict accountability.

Much may be done, and ought to be done, to lessen the power, patronage, and expenditure of this Government, especially so far as it is exercised in rewarding party favorites, or in dividing the public treasure "as spoils to the victors." There is a wide field for this work of reform and retrenchment in the civil and miscellaneous expenditures of the Government. There was a time in the history of our Government when an army of ten thousand men was a source of much alarm to many of our intelligent and patriotic statesmen, as adverse to our republican institutions, in offering temptations as well as giving strength to the Executive arm; and yet we are slumbering over our rights and constitutional government, with an army of more than fifty thousand office holders dependent upon Executive will and favor. Here is a body of the most dangerous kind, if organized and disciplined for the purposes of party; it is dispersed over the whole country to its extreme points, and pervades our cities, towns, villages, our highways and byways; and if brought under the surveillance of the Executive power, on whose will it is dependent, as may be apprehended and deplored, it can exert an influence to maintain and perpetuate the power of the party or its leaders more formidable to constitutional government than an army of soldiers.

The attention of Congress ought to be directed, in sincerity, to the reform and retrenchment of all unnecessary offices, as well as to enforce strict accountability on the public officers. In this there is much work to accomplish, without cutting off anything from the Navy. The expenditures of the Navy in 1817 were $3,210,278 27, and in 1834 the expenditures for the same were $4,123,423 82, being an increase of less than thirty per cent. in seventeen years; whereas, the expenditures for the civil list in 1817 amounted to $991,894 11, and in 1834, for the same, were $2,080,601 60, being an increase of more than one hundred per cent.

I am willing to go with the honorable member from Tennessee [Mr. BELL] in resisting all unnecessary appropriations, and reducing such as are not demanded by the public service; and with the honorable member from Kentucky [Mr. HARDIN] I will act in the work of retrenchment and reform to any reasonable extent; and, as I believe there is much to be done, with him, I will be content not only to use the pruning-knife, but the saw and the hatchet, to cut off the many excrescences and sprouts that have grown up in this Government, at the expense of the public Treasury. But, sir, I will not take a single spar from the Navy; but, as far as in my power, add to its force and numbers. The American Navy belongs to no party but the American party. The foul hand of party proscription and intolerance has not yet defiled and corrupted its high character. God forbid that it ever should! Whenever it does, and the high places and commands in the Navy are bestowed and received, not for bravery, skill, and gallantry in naval combat or perilous service, but for zeal and officiousness in party election contests, or our naval officers shall so demean themselves as to propitiate and flatter the leaders of a party by devotion and sycophancy, the high character of our Navy will have fled; what will remain will not be worth our care or preservation, and we may prepare to hear the knell of the departed glory of the American Navy. When such becomes our national degradation, there will be little left of the purity of our republican institutions for our regard and support. I hope and trust that such a state of things will be averted, and that a merciful Providence, who has so long preserved us as a nation, under our constitutional Government, against foreign enemies and internal dissensions, will still overrule our destinies and control the actions of our rulers and people, that our Government and its institutions may not only be maintained by us in their original spirit, but transmitted entire and unimpaired to our successors; and that they may be enabled to carry out in reality those salutary reforms which, "in these days and generation," have been often promised, but, as yet, not realized.

* The receipts of money from the sales of the public lands during the year ending the 31st of December last, are reported by the Department as amounting to the sum of $14,359,193 71; which, if distributed amongst the States according to their Federal proportion, would give Pennsylvania of this sum more than one million and a half of dollars, with the prospect of a larger annual dividend in the coming year. These moneys are now neither used nor wanted by the General Government, but are allowed to remain in the possession of their deposit banks, which, at this time, have of the Government money $30,678,879 91, which may be used for their own special advantage and not for the people of the States, to whom, of right, it belongs.

SURPLUS REVENUE.

SPEECH OF HON. D. WEBSTER,

OF MASSACHUSETTS,

IN THE SENATE, *May* 31, 1836,

On introducing his proposition for the distribution of the Surplus Revenue.

Mr. WEBSTER said:

Mr. PRESIDENT: I have no desire to make myself responsible, in any special manner, for what may either be done or omitted on this subject. It is surrounded with difficulties, some of them, as I think, unnecessarily created; and as these have been produced by measures in which I did not concur, it naturally belongs to others, who did concur in those measures, and who now possess the power, to apply the remedy according to their judgments and on their own responsibility. But I incline, nevertheless, to express my opinions on a subject of such very high interest, and to let them have what weight they are entitled to, if it may be supposed that they are entitled to any weight at all.

On one point, I presume, we are all agreed, and that is, that the subject is of great importance. It affects the finances of the country, the security of the public money, and the state of the currency; and it affects also the practical and actual distribution of power among the several branches of the Government.

The bill comprises provisions for two objects:

First, regulations for the custody of the public money between the time of its collection and the time of its disbursement; and, as naturally connected with this, it contemplates, or must at least very materially affect, the currency of the country, the exchanges, and the usual operations of credit in the commercial world.

The second direct object of the bill is, a reduction, positive or contingent, of the amount of money in the Treasury.

It seems probable, sir, the bill, so far as it respects the first of these objects, may be so modified as to receive the approbation of a majority of the Senate. A committee, acting in a spirit of conciliation and with an honest desire to avoid the points of former difference, might, I think, agree on the regulations to be prescribed to the deposit banks. The sentiments which have been advanced in the course of the discussion do not appear to be irreconcilable. In the present state of things, I see no way but to employ State banks as depositories of the public money, and I have a sincere desire to subject them to such regulations, and such only, as shall make them in the highest practicable degree safe to the Government, and useful to the country. To this end, I am of opinion that the first step is to increase their numbers. At present their number, especially in the large cities, is too small. They have too large sums in deposit in proportion to their capital and their legal limits of discount. By this means the public money is locked up. It is hoarded. It is withdrawn, to a considerable extent, from the general mass of commercial means, and is suffered to accumulate, with no possible benefit to the Government, and with great inconvenience and injury to the general business of the country. On this point there seems little diversity of opinion. All appear to agree that the number of

deposit banks should be so far increased, that each may regard that portion of the public treasure which it may receive, as an increase of its effective deposits, to be used, like other moneys in deposit, as a basis of discount, to a just and proper extent. I regard this modification of the present system as indispensable.

I think, too, that for the use of these deposits the bank should pay a moderate interest. They can well afford it. The best banks in the States will be ready, I do not doubt, to receive the deposits on that condition among others. What the rate of interest should be depends very much on what we may do with the surplus revenue. If we leave that surplus undistributed, the banks ought to pay a large interest. If we provide for distributing the surplus, thus leaving but a small amount in the banks, and making it their duty, at the same time, to transfer the public funds from place to place, when requested, without charge, the rate of interest should of course be less. I agree, too, to what has been suggested respecting the authority to change those banks. They ought not to be changed, but for plain and specific cause, set down and provided for in the law itself. Any restriction less than this will place a discretion in the hands of the Executive, which will be very capable of being abused. Nor should the Secretary be at liberty to order funds from one bank to another, for any other reason than the exigencies of the public service. He should not be at liberty to use the public treasures for the purpose of upholding the credit, or increasing the means, of any State institution.

The bill proposes that all the deposit banks shall be bound to keep, at all times, an amount of specie in their vaults bearing a certain proportion to their debts and liabilities. I approve of this, not so much from any belief that the solidity of the banks can be secured by any such provisions, as because a regulation of this kind may tend, in some measure, to retain a certain quantity of specie in the country, and by that means to secure, in some small degree, the general circulation against violent shocks. But I do not attach great importance to this. In my opinion, Mr. President, if the bill pass with these modifications, a considerable benefit will be conferred on the community. Confidence will be, in some measure at least, restored; the banks will possess the power of useful action, and the distressing uncertainty which now hangs over everything being dispelled, the commercial community will find its way out of its present embarrassment.

Still, sir, I am bound to say that the present system, in my opinion, can never be perfect. It can never be the best system. It can never be a safe regulator of the currency of the country, nor furnish solid security against derangement. It can never give to the mercantile world the cheapest, safest, and best means of facilitating domestic exchanges. The State banks were not made for these general purposes; they are not fitted for them; they have not the unity and comprehensiveness of plan and of operation, which the successful accomplishment of such purposes requires. They are subject to various limitations by their charters, and it may even be doubtful, in some cases, whether they can legally bind themselves in such stipulations and contracts as we propose to submit to them. They were established for local, not for general objects. They did not expect to receive Government deposits; and it might possibly be thought important to their stockholders and customers to be informed whether, in case of failure or insolvency, the *priority* of the United States would prevail, as in other cases, to the postponement of all other debts and claims. It is certainly my opinion, sir, that we are running great hazards with the currency of the country. I see no well-assured reliance for its safety in this system of deposit banks, regulated as well as they may be. Nevertheless, regulation is necessary, nay, it is indispensable; and some present benefit at least would arise, I am persuaded, from the passage of a proper law.

I come now, sir, to the other important object of this bill, *the reduction of the amount of money* in the Treasury.

And here the first question is whether there will be any surplus revenue? Will there be any thing to divide at the end of this year? On this point opinions are not agreed, but I think there will be a surplus, and a large surplus. I do not see any probability either of such a falling off of income on the one hand, or such an increase of expenditure on the other, as shall leave the Treasury exhausted at the end of this year. I speak of this year only, because the measure which I shall propose will be limited to the end of this year. My plan is to provide for the surplus which may be on hand at the end of this year, and to stop there. As to the probable state of the Treasury at the time, I agree it is matter of opinion and estimate; but we know what sum is on hand now, and we are drawing the session to a close, when appropriations will cease, and the year itself is already half expired. It would seem, then, that we ought to be able to judge of the state of the Treasury six months hence, without risk of great and wide mistake. I proceed on the following general estimate and calculation:

January 1, 1836. Amount of money in the Treasury		$25,000,000
Deducted unexpended balances of appropriation		8,000,000
		17,000,000
Revenue of the first quarter of 1836		11,000,000
Estimate for the three last quarters of 1836		25,000,000
Stock in late Bank of the United States, including premium		8,000,000
		61,000,000
Appropriations in 1836, estimated at	$35,000,000	
Deduct what will remain as unexpended balance at the end of the year	14,000,000	
		21,000,000
		$40,000,000

This estimate, sir, does not rest solely on my own judgment. I find others acquainted with the subject, and competent to judge, coming to conclusions not far different from my own. It is true this rests in opinion; it cannot be mathematically proved that we shall have a surplus in the Treasury at the end of the year; but the practical question is, whether that result is not so highly probable that it is our duty to make some provision for it, and to make that provision now. I propose only to divide the surplus. If it shall happen, after all, that there shall be no surplus, then the measure will have done no harm; but if the surplus shall not be forty millions, but only thirty-five, thirty, twenty-five, or even twenty, still, if it be now probable that it will reach even the lowest of these sums, is it not our duty to provide for it? This is a contingent measure, not a positive one. It is intended to apply to a case in my judgment very likely to arise; indeed, I may say a case which in all probability will arise; but if it should not, then the proposed measure will have no operation.

I have already observed that, in my opinion, the measure should be limited to one single division—one distribution of the surplus money in the Treasury. In that respect my proposition differs from the bill of the honorable member from Carolina, and it differs, too, from the amendment proposed by the member from New York. I think it safest to treat the present state of things as extraordinary, as being the result of accidental causes, or causes the recurrence of which, hereafter, we cannot calculate upon with certainty.

There would be insuperable objections, in my opinion, to a settled practice of distributing revenue among the States. It would be a strange operation of things, and its effects on our system of government might well be feared. I cannot reconcile myself to the spectacle of the States receiving their revenues, their means even of supporting their own governments, from the Treasury of the United States. If, indeed, the land bill could pass, and we could act on the policy, which I think the true policy, of regarding the public lands as a fund belonging to the people of all the States, I should cheerfully concur in that policy, and be willing to make an annual distribution of the proceeds of the lands, for some years, at least. But if we cannot separate the proceeds of the lands from other revenue, if all must go into the Treasury together, and there remain together, then I have no hesitation in declaring now that the income from customs *must be reduced*. They must be reduced, even at the hazard of injury to some branches of manufacturing industry; because this, in my opinion, would be a less evil than that extraordinary and dangerous state of things in which the United States should be found laying and collecting taxes for the purpose of distributing them, when collected, among the States of the Union.

I do not think it difficult to account for the present overflowing condition of the Treasury. The Treasury enjoys two sources of income—the custom-house and the public lands. The income from the customs has been large, because the commerce of the country has been greatly extended, and its prosperity has been remarkable. The exports of the country have continued to increase. While the cotton crop has continued to increase from year to year, the price of cotton has still kept up. Notwithstanding all the apprehensions entertained by prudent and sagacious men to the contrary, the world has not become overstocked with this article. The increase of consumption seems to keep pace with the increase of supply. The consequence is, a vast and increasing export by us, and an import corresponding with this export, and with the amount of earnings in the carrying trade; since the general rule undoubtedly is, taking a number of years together, that the amount of imports, and the earnings of freights, are about equal to the amount of exports. The cotton fields of the South most unquestionably form a great part of the basis of our commerce, and the earnings of our navigation another.

The honorable member from South Carolina has referred to the tariff act of 1828 as the true cause of the swollen state of the Treasury. I agree that there were many things in the act of 1828 unnecessarily put there. But we know they were not put there by the friends of the act. That act is a remarkable instance (I hope never to be repeated) of unnatural, violent, angry legislation. Those who introduced it designed, originally, nothing more than to meet the new condition of things which had been brought about by the altered policy of Great Britain in relation to taxes on wool. A bill with the same end in view had passed the House of Representatives in 1827, but was lost in the Senate. The act of 1828, however, objectionable though it certainly was in many respects, has not been, in my opinion, the chief cause of the over-product of the customs. I think the act of 1832, confirmed by the act of 1833, commonly called the compromise act, has had much more to do in producing that result. Up to the time of the passing of the act of 1832, the *minimum principle* had been preserved in laying duties on certain manufactures, especially woolen cloths. This ill-understood and much-reviled principle appears to me nevertheless, and always has appeared to me, to be a just, proper, effectual, and strictly philosophical mode of laying protecting duties. It is exactly conformable, as I think, with the soundest and most accurate principles of political economy. It is, in the most rigid sense, what all such enactments, so far as practicable, should be; that is to say, a mode of laying *specific duty*. It lays the imposts exactly where it will do good, and leaves the rest free. It is an intelligent, discerning, discriminating principle; not a blind, headlong, generalizing, uncalculating operation. Simplicity, undoubtedly, is a great beauty in acts of legislation, as well as in the works of art; but in both it must be a simplicity the result of congruity of parts and adaptation to the end designed, not a rude generalization, which either leaves the particular object unaccomplished, or in accomplishing it accomplishes a dozen others also, which were not desired. It is a simplicity which is wrought out by knowledge and skill, not the rough product of an undistinguishing, sweeping, general principle.

Let us suppose that the gradations is woolen cloths be represented by a line. At one end of this line are those of the highest price, and let the scale descend to the other end, where, of course, will be those of the lowest price. Now, with the two ends of the line our manufacturers have not much to do; that is to say, they have not much to do with the production of the very highest or the very lowest of these articles. Generally speaking, they work in the intermediate space. It was along this space, along this part of the line of work, that the minimum principle, as it has been usually called, operated. It struck just where the great object of protection required it to strike, and it struck nowhere else. All the rest it left free. It wasted no power. It accomplished its object by the least possible expenditure of means. Its aim was leveled at a distinct and well discerned object, and its aim was exact, and the object was reached.

But the *minimum* had become the subject of obloquy and reproach. It was railed at, even, in good set terms, by some who professed to be, and who doubtless were, friends of the protecting policy. It was declared to be deception. It was said that it cheated the people, inasmuch as under its operation they did not see what amount of taxes they really paid. For one, I did not admit the fact, nor yield to the argument. I had no doubt the people knew what taxes they paid under the operation of the laws, as well as we who passed the laws; and whether they stopped to make precise calculations or not, if they found the tax neither oppressive nor heavy, and the effect of the law decidedly salutary, I did not believe they would complain of it, unless it was made a part of some other controversy. The *minimum* principle, however, in its application to broadcloths, was overthrown by the law of 1832, and that law, as it came from the House of Representatives, and as it finally passed, substituted a general and universal *ad valorem* duty of fifty per cent. An effort was made in the Senate to resist this general *ad valorem* system, and to hold on to the specific duty; but it did not prevail. The Senate was nearly evenly divided. The casting or turning vote was held by a gentleman, a friend for whom I always entertain a very high regard, a member from Maryland, not now in the Senate. After the discussion, he admitted himself *almost* satisfied that the law, in this particular, ought not to be altered; but his impression against the *minimum*, nevertheless, finally prevailed, and he voted for the new mode, that is to say, the general *ad valorem* mode of laying the duty; and, to render this effectual, he himself proposed to carry that duty as high as sixty per cent. The Senate fixed it, indeed, at fifty-seven *per cent.*, but the House non-concurred, and the law finally passed, as all know, establishing an *ad valorem* duty of fifty per cent. on woolen cloths, &c.

Now, Mr. President, when we recollect that the duties on woolen fabrics of all kinds bring into the Treasury four, or five, or six millions a year, every man acquainted with our manufactures must see at once that a portion of this vast sum is perfectly useless as a protecting duty; because it is imposed on fabrics with which our own manufacturers maintain no competition, and in regard to which, therefore, they ask no protection. I have instituted sundry inquiries for the purpose of learning, and of showing, what is the amount of duties collected annually on woolens, which have no distinct bearing, as protecting duties, on any of the products of our manufactures. At present I will only say, and will say that with great confidence, that of the surplus money now in the Treasury several millions are the proceeds of *ad valorem duties*, which have conferred no perceptible benefit whatever on our manufacturing establishments. It is, therefore, sir, that I regard the law of 1832, and not the law of 1828, as the great error in our legislation. This law of 1832 was confirmed by the act of 1833, and is, of course, in actual operation at the present moment, except so far as it has become affected by the gradual reduction provided for by the last mentioned act. I wish not to discuss the act of 1833. I do not propose at present to disturb its operation; but having alluded to it, I take the occasion of saying that I have not the least idea that that act can remain as the settled system of this country. When the honorable member from Kentucky introduced it, he called it a measure of conciliation, and expressed the hope that if the manufacturing interests should be found to suffer under it, it might be modified by general consent. Although never concurring in the act, I entertain the same hope. I pray most fervently that former strifes and controversies on the tariff question may never be revived; but at the same time it is my opinion that the principles established by the law of 1833 can never form the commercial system of this country.

But, Mr. President, the most striking increase in the public revenue is in that branch of it which is derived from the sales of the public lands. How happens it that the proceeds from this quarter have sprung up thus suddenly to such a height? The Secretary's estimate of the proceeds of the sales of the public lands for this year was only four milions. The actual sales are likely to be twenty. What has occasioned this great and unexpected augmentation? Sir, we are to remember that the growth and prosperity of the country generally are remarkable, and that, as these increase, the western tide, both of people and property, increases also. The reflow of this property is into the Treasury through the land offices. The well-sustained demand for cotton has, of course, augmented the demand for cotton lands, and we all know that good lands, for the production of that crop, are sought for with great eagerness. We are to include, too, the great expansion of the paper circulation among the causes tending to produce heavy purchases; and the amount of foreign capital that has found its way through one channel or another into the country, and is giving an additional stimulus and additional facility to enterprises, both public and private. Many of the States have contracted large debts for purposes of improvement, and these stocks have gone abroad. I suppose there may be fifty millions of State securities covered in Europe. Foreign capital, also, has been introduced, to a great extent of late, as the basis of commercial enterprise—a thing ordinarily to be expected when we look to the low rates of interest abroad, and the great demand for money at home. It would be hazardous to estimate proportions and amounts on such a subject; but it is certain that a large amount of property now afloat, in ships and goods owned by Americans, and sailing and transported on American account, is put into commercial operation by means of foreign capital actually advanced, or acting through the agency of credit. This introduction of foregn capital, in all the various forms, has doubtless had some effect in extending our paper circulation, and in raising prices; and certainly it has had a direct effect upon the ability of making investments in the public lands.

And, sir, closely connected with these causes, is another, which I should consider, after all, the main cause; that is, the low price of land compared with other descriptions of property. In everything else prices have run up; but here price is chained down by the statute. Goods, products of all kinds, and indeed all other lands, may rise and many of them have risen, some twenty-five and some forty or fifty per cent.; but Government lands remain at a dollar and twenty-five cents an acre; and vast portions of this land are equal, in natural fertility, to any part of the globe. There is nothing on either continent to surpass their quality. The Government land, therefore, at the present prices, and at the present moment, is the cheapest safe object of investment. The sagacity of capital has found this out, and it grasps the opportunity. Purchase, it is true, has gone ahead of emigration; but emigration follows it, in near pursuit, and spreads its thousands and its tens of thousands close on the heels of the surveyor and the land hunter. When I traversed a part of the western States, three years ago, I could not but ask myself, in the midst of the vast forests around me, where are the people to come from who are to begin cultivation here, and to chequer this wilderness with fields of wheat? But, when returning on the Cumberland road, or while passing along other great channels of communication, I encountered the masses of population moving westward, I was tempted to ask myself, on the other hand, a far different question, and that was, where in the world will all these people find room to settle?

Nor are we to overlook, in this survey of the causes of the vast increase in the sale of lands, the effects, almost magical, of that great agent of beneficence, prosperity, wealth and power—INTERNAL IMPROVEMENT. This has brought the West to the Atlantic, and carried the Atlantic to the West. Ohio, Indiana, Illinois, Michigan, and Wisconsin, are no longer places remote from us. Railroads and canals have brought the settlers of these regions so near to us that we almost fancy that we can see the smoke of their cabins and hear the strokes of their axes. From Maine to the upper Mississippi is already a beaten track, with one's acquaintances everywhere along the road, and that road even not a long one, if we measure it by the time required to pass over it.

Mr. President, if I am asked how long these causes, or any of them, will continue to act with this effective energy, I readily answer that I cannot foresee. Nor can I foresee other events which may affect our revenue in years to come. And it is for this reason precisely that what I propose is limited to a single year. All the uncertainties and contingencies which naturally belong to human affairs, hang over us. I know not what expenditures may be called for next year. I know not what may be necessary to satisfy the all-absorbing capacity of Indian wars and Indian treaties. I know not what events, at home or abroad, may shake our commercial security. I know not what frosts and blights may do against the cotton crops. I know not what may happen to our currency. I cannot tell what demands for the use of capital in other objects may slacken the purchase of public lands; for I am persuaded that, hereafter, our income from that source is likely to be much more fluctuating than heretofore, as depending less on the actual amount of emigration, and more on the occasional plenty or scarcity of money. Emigration must hereafter supply its wants much more than formerly out of lands already separated from the public domain.

Under these circumstances, it appears to me to be prudent to limit the proposed division to a single operation. Let us lighten the Treasury for once; and then let us pause, and contemplate our condition. As to what may then be expedient, events will enlighten us. We shall be able to judge more wisely, by the result of our experiments, and the future will be more visible as it approaches nearer.

It will be observed, sir, that I give full time to the deposit banks to prepare themselves to pay over these funds. Time for this purpose is indispensable. We might do rather harm than good if we were to require any sudden operation of that kind. Give the banks time; let them know what they have to do; let the community see into what channels the surplus funds are to flow, and when they are to begin to flow; and men of business will then be able to see what is before them.

I have the fullest confidence that if we now adopt this measure it will immediately relieve the country. It will remove that severe and almost unparalleled pressure for money, which is now distressing and breaking down the industry, the enterprise, and even the courage of the commercial community. I assure you, sir, this present pressure is not known, or felt, or believed here, in anything like its true extent. If we give no relief, I know not what may happen, even in this day of high prosperity. I beseech those who have the power, not to let the opportunity pass, but to improve it, and thereby to revive the hopes and reassure the confidence of the country. Having expressed these sentiments, and brought forward this specific proposition for one division among the States of the surplus funds, I should now move to commit the whole subject, either to a select committee or the Committee on Finance, were it not that, looking to the present composition of the Senate, I am not desirous of taking a lead in this measure. The responsibility naturally rests with those who have the power of majorities, and who may expect the concurrence of other branches. Meantime I cheerfully give myself to any labor which the occasion requires, and I express my own deep and earnest conviction

of the propriety and expediency of the measures which I have endeavored to explain and to support.

[At the conclusion of his speech, Mr. WEBSTER read his amendment, which we have already published, and which proposed one division of the surplus funds among the States.]

INDEPENDENCE OF TEXAS.

REMARKS OF HON. JOHN M. NILES,

OF CONNECTICUT,

IN THE SENATE, *July* 1, 1836,

On the report from the Committee on Foreign Relations in favor of declaring the Independence of Texas.

Mr. NILES said that he did not wish to prolong the debate, yet from the relation in which he stood to the subject, he felt it a duty to express his approbation of the resolution which had been reported by the Committee on Foreign Affairs. He fully concurred in the views of the committee. He thought they had gone far enough, and had stopped at the proper point. He had on a former occasion expressed the opinion that it would be premature unqualifiedly to recognize the independence of Texas at this time, and he had seen nothing to change this opinion. In determining the question of the propriety of the recognition of the independence of Texas, there are two points of investigation: the first, whether the people of that portion of country are *in fact* an independent and distinct community, exercising the powers of self-government; and, the second, whether there are reasonable grounds to believe that they are in a condition to maintain their independence.

In relation to the first question, there was no difficulty; the dominion of Mexico over Texas is completely and effectually overthrown, and the people have established a constitution and government for themselves, founded on liberal principles, similar to those forming the basis of our own institutions. They are at this time *de facto* a free and independent State, governing themselves, and managing their own affairs. This elevated position, and the rights pertaining to it, no people have stronger claims to; they have been achieved and won by their valor, sacrifices, and sufferings almost unparalleled in so short a contest. Animated by a spirit of liberty and independence, they have contended against fearful odds, with courage and determination that could hardly fail of success, and which led to the glorious victory of Saint Jacinto—a victory not surpassed in the records of modern warfare. By this single victory, not only the power of the Mexican chief was overthrown, but that of the Mexican nation, which still acknowledges him as at the head of its Government.

Texas is now free and independent; she has thrown off the dominion of Mexico, and stands forth to the world as a separate and sovereign State; but before we can extend our arms to receive and embrace her as a member of the family of nations, we must be reasonably satisfied that she is capable of maintaining the high attitude she has assumed; we must look not only to her military power, but to the number and condition of her people. Has she a population?—has she resources sufficient to sustain the rank and character of an independent State? Her population is limited. In Texas proper it does not perhaps exceed sixty thousand; and in the whole territory, including the State of Coahuila, less than two hundred thousand. This, it must be confessed, is a small population for an independent State; but it is to be remembered that all power is relative; and in judging of the capacity of the Texans to sustain themselves as an independent people, we must also look to the condition and strength of Mexico. It is well known that the Republic of Mexico, if such it can be called, has for more than twenty years been agitated and distracted by successive revolutions; that the power has been transferred from one chief to another according to the fortune of war, or the success of the intrigues and ambitious schemes of political aspirants. In these protracted struggles, and almost continuous civil broils, the nation has become enfeebled and exhausted, and the people impoverished and plundered by the rapacity of the chiefs and military rulers. Although possessed of a considerable population, Mexico is a weak and feeble State. She has no navy, and possesses none of the elements for constructing one. The physical position and advantages of a State form an important element in its means and capacity of defense. On the Rio del Norte there is a desert of sixty miles in breadth, which seems to be a natural barrier that separates the southern from the northern portion of the Mexican territory. Or it may become the barrier and natural boundary between two great nations on this continent—the one extending south to the Isthmus of Darien, the other embracing the whole country north.

If Texas is a small community for an independent State, it is to be borne in mind that there are many small independent States in Europe surrounded by the most powerful nations; such are Portugal, Switzerland, and others. However small a State may be, yet if it have asserted and established its independence, and from physical or other causes, or the weakness of the Power claiming dominion over it, it is able to maintain it, the small amount of its population, and its weakness as compared with the large Powers of the earth, form no objections to its being recognized and received into the family of nations. The same principles of justice and of national law apply to a small State as to a large one. In either case the question is, is it in fact independent? Is it in the possession of a Government and civil constitution, and in a condition to maintain them? In estimating the capacity of Texas to sustain the attitude she has assumed in relation to Mexico, we must not overlook the character of her population, a large portion of them having been emigrants from the United States, enterprising and enlightened. The intelligence, the physical and moral energies of a people, are of more importance than their numbers. How many Mexicans are equal to one Texan? Let the victory of Saint Jacinto answer.

Mr. N. said he would not touch on the ulterior questions connected with this subject, and he regretted that the honorable Senator from South Carolina [Mr. CALHOUN] had alluded to the annexation of Texas to the United States. When considering the question of her independence, he thought it should be kept free from even any suggestions regarding the probable future destiny of that country. It might occasion suspicions injurious to the honor and purity of our conduct to connect any views of ultimate aggrandizement or accession of territory with the question of doing justice to a brave people upon our borders struggling for their rights. Whatever may be the ultimate destiny of that country, or its influence on that of this Republic, he was not disposed to inquire on this occasion, as no considerations of that character ought to influence us either to grant or withhold a recognition. Whether it would be for the interest and safety of the United States to purchase Texas, was a question that he did not wish to see connected with the one before the Senate; that question, should it ever arise, would probably be found beset with many difficulties, and may excite a deep conflict of feelings. He would only say that destiny, which no legislative foresight or human sagacity can control, had no doubt intimately connected Texas with the United States. Nothing can be more clear than this. She is upon our borders, and is and will be settled by citizens of this Union, speaking our own language, carrying with them the spirit of our free institutions, and the same love of liberty glowing in their hearts. Destiny had established intimate political connections between the United States and Texas; but what that relation would be—whether that territory would be annexed to this Union, and for one or more States, or whether it would exist as an independent nation, under the protection of the United States—time only could determine. Such political relations were not incompatible with the rights of sovereignty and independence, and have long existed between England and Portugal.

That Texas would be able to sustain the attitude she had assumed, he had little doubt; yet the recency of events there required that we should not be precipitate; time alone could test the stability and true condition of affairs in that country. He did not, however, concur with the honorable Senator from Pennsylvania [Mr. BUCHANAN] that a recognition on the part of this Government at this time would not benefit Texas. He thought such an act would have great influence on her affairs; it would give them an impetus, powerful and irresistible; it would be the signal for the bold and enterprising citizens of the United States to rush, like a swelling flood, into that country, to share in the toils, the glory, and the rewards of the contest which is going on. But the very fact that an unqualified recognition of the independence of Texas would exert so potent an influence in her cause, is a strong reason against such a measure in the present unsettled state of the contest. It might throw a suspicion upon our neutrality, if an act of this Government should have a direct agency in effecting the independence of a country lying upon our borders, and which may hereafter be annexed to our territory. The resolutions now before us, containing a qualified recognition, will no doubt have a favorable and salutary influence on the cause of Texan independence and liberty. It will be a voice from a great, free, and kindred people, which cannot fail to cheer, animate, and encourage the brave men on our southern border, who have shown themselves so deserving of freedom and so capable of maintaining it. This voice will reverberate throughout the Union, and its influence will not be slow, nor small, on our own citizens. Aroused by a spirit of liberty and enterprise, a strong current is setting that way, and its course will be onward, strong and irresistible. If the adoption of these resolutions shall contribute to give a favorable impulsation to the cause of Texas, he should rejoice at it; for, so far as it is right for this Government to go, without being exposed to the slightest imputation of an improper interference or a disregard of the strictest obligations of neutrality, so far he was prepared to go. He would scrupulously guard the national honor and faith, and strictly adhere to those principles of action which have ever controlled the course of this Government in its connections with other nations; but these resolutions will not conflict with those principles; whilst I think they may have a favorable and salutary influence on the cause of Texan independence and freedom. He hoped they would be adopted with perfect unanimity.

INDEPENDENCE OF TEXAS.

SPEECH OF HON. T. H. BENTON,

OF MISSOURI,

IN SENATE, *July* 1, 1836.

The following resolution, reported by Mr. CLAY from the Committee on Foreign Relations, being under consideration:

Resolved, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent Power—

Mr. BENTON rose and said he should confine himself strictly to the proposition presented in the resolution, and should not complicate the abstract question of recognition with speculations on the future fate of Texas. Such speculations could have no good effect upon either of the countries interested—upon Mexico, Texas, or the United States. Texas has not asked for admission into this Union. Her independence is still contested by Mexico. Her boundaries, and other important points in her political condition, are not yet adjusted. To discuss the question of her admission into this Union, under these circumstances, is to treat her with disrespect, to embroil ourselves with Mexico, to compromise the disinterestedness of our motives in the eyes of Europe, and to start among ourselves prematurely, and without reason, a question which, whenever it comes, cannot be without its own intrinsic difficulties and perplexities.

Since the three months that the affairs of Texas have been the subject of repeated discussion in this Chamber, I have imposed on myself a reserve

not the effect of want of feeling, but the effect of strong feeling and some judgment combined, which has not permitted me to give utterance to the general expression of my sentiments. Once only have I spoken, and that at the most critical moment of the contest, and when the reported advance of the Mexicans upon Nacogdoches, and the actual movement of General Gaines and our own troops in that direction, gave reason to apprehend the encounter of flags, or the collision of arms, which might compromise individuals or endanger the peace of nations. It was then that I used those words, not entirely enigmatical, and which have since been repeated by some without the prefix of their important qualification, namely, that while neutrality was the obvious line of our duty and of our interest, yet there might be emergencies in which the obligations of duty could have no force, and the calculations of interest could have no place; when, in fact, a MAN should have no head to think! nothing but a heart to feel! and an arm to strike!—and I illustrated this sentiment—it was after the affair of Goliad, and the imputed order to unpeople the country—with the supposititious case of prisoners assassinated, women violated, and children slaughtered, and these horrors to be perpetrated in the presence or hearing of an American army. In such a case I declared it to be my sentiment—and I now repeat it, for I feel it to be in me—in such a case I declared it to be my sentiment that treaties were nothing, books were nothing, laws were nothing! that the paramount law of God and nature was everything! and that the American soldier, hearing the cries of helplessness and weakness, and remembering only that he was a *man*, and born of woman, and the father of children, should fly to the rescue, and strike to prevent the perpetration of crimes which shock humanity and dishonor the age. I uttered this sentiment not upon impulsion, but with consideration; not for theatrical effect, but as a rule for action; not as vague declamation, but with an eye to possible or probable events, and with a view to the public justification of General Gaines and his men, if, under circumstances appalling to humanity, they should nobly resolve to obey the impulsions of the heart instead of coldly consulting the musty leaves of books and treaties.

Beyond this I did not go, and, except in this instance, I did not speak. Duty and interest prescribed to the United States a rigorous neutrality, and this condition she has faithfully fulfilled. Our young men have gone to Texas to fight; but they have gone without the sanction of the laws and against the orders of the Government. They have gone upon that impulsion which, in all ages, has carried the heroic youth of all countries to seek renown in the perils and glories of distant war. Our foreign enlistment law is not repealed. Unlike England in the civil war now raging in Spain, we have not licensed interference by repealing our penalties; we have not stimulated action by withdrawing obstacles. No member of our Congress, like General Evans in the British Parliament, has left his seat to levy troops in the streets of the metropolis, and to lead them to battle and to victory in the land torn by civil discord. Our statute against armaments to invade friendly Powers is in full force. Proclamations have attested our neutral dispositions. Prosecutions have been ordered against violators of law. A naval force in the gulf, and a land force on the Sabine, have been directed to enforce the policy of the Government; and so far as acts have gone, the advantage has been on the side of Mexico; for the Texan armed schooner, the Invincible, has been brought into an American port by an American ship-of-war. If parties and individuals still go to Texas to fight, the act is particular, not national, compromising none but the parties themselves, and may take place on one side as well as on the other. The conduct of the Administration has been strictly neutral; and, as a friend to that Administration, and from my own convictions, I have conformed to its policy, avoiding the language which would irritate, and opposing the acts that might interrupt pacific and commercial communications. Mexico is our nearest neighbor, dividing with us the continent of North America, and possessing the elements of a great Power. Our boundaries are coterminus for more than two thousand miles. We have inland and maritime commerce. She has mines; we have ships. General considerations impose upon each Power the duties of reciprocal friendship; especial inducements invite us to uninterrupted commercial intercourse.

As a western Senator, coming from the banks of the Mississippi and from the State of Missouri, I cannot be blind to the consequences of interrupting that double line of inland and maritime commerce which, stretching to the mines of Mexico, brings back the perennial supply of solid money which enriches the interior, and enables New Orleans to purchase the vast accumulation of agricultural produce of which she is the emporium. Wonderful are the workings of commerce, and more apt to find out its own proper channels by its own operations than to be guided into them by the hand of legislation. New Orleans now is what the Havana once was—the entrepot of the Mexican trade, and the recipient of its mineral wealth. The superficial reader of commercial statistics would say that Mexico but slightly encourages our domestic industry; that she takes nothing from our agriculture, and but little from our manufactures. On the contrary, the close observer would see a very different picture. He would see the products of our soil passing to all the countries of Europe, exchanging into fine fabrics, and these returning in the ships of many nations, our own predominant, to the city of New Orleans; and thence going off in small Mexican vessels to Matamoras, Tampico, Vera Cruz, and other Mexican ports. The return from these ports is in the precious metals, and, to confine myself to a single year as a sample of the whole, it may be stated that of the ten millions and three quarters of silver coin and bullion received in the United States, according to the custom-house returns during the last year, eight millions and one quarter of it came from Mexico alone, and the mass of it through the port of New Orleans. This amount of treasure is not received for nothing, nor, as it would seem on the commercial tables, for foreign fabrics unconnected with American industry; but, in reality, for domestic productions changed into foreign fabrics, and giving double employment to the navigation of the country. New Orleans has taken the place of the Havana; it has become the entrepot of this trade; and many circumstances, not directed by law or even known to law-givers, have combined to produce the result. First, the application of steam power to the propulsion of vessels, which, in the form of towboats, has given to a river city a prompt and facile communication with the sea; then the advantage of full and assorted cargoes, which brings the importing vessel to a point where she delivers freight for two different empires; then the marked advantage of a return cargo, with cheap and abundant supplies, which are always found in the grant emporium of the Great West; then the discriminating duties in Mexican ports in favor of Mexican vessels, which makes it advantageous to the importer to stop and transhipat New Orleans; finally, our enterprise, our police, and our free institutions; our perfect security, under just laws, for life, liberty, person, and property.

These circumstances, undirected by Government, and without the knowledge of Government, have given to New Orleans the supreme advantage of being the entrepot of the Mexican trade; and has presented the unparalleled spectacle of the noblest valley in the world, and the richest mines in the world, sending their respective products to meet each other at the mouth of the noblest river in the world, and there to create, in lapse of time, the most wonderful city which any age or country has ever beheld. A look upon the map of the great West, and a tolerable capacity to calculate the aggregate of geographical advantages, must impress the beholder with a vast opinion of the future greatness of New Orleans; but he will only look upon one half of the picture unless he contemplates this new branch of trade which is making the emporium of the Mississippi the entrepot of Mexican commerce and the recipient of the Mexican mines, and which, though now so great, is still in its infancy. Let not Government mar a consummation so auspicious in its aspect, and teeming with so many rich and precious results. Let no unnecessary collision with Mexico interrupt our commerce, turn back the streams of three hundred mines to the Havana, and give a wound to a noble city which must be felt to the head-spring and source of every stream that pours its tribute into the King of Floods.

Thus far Mexico has no cause of complaint. The conduct of our Government has been that of rigorous neutrality. The present motion does not depart from that line of conduct; for the proposed recognition is not only contingent upon the *de facto* independence of Texas, but it follows in the train, and conforms to the spirit of the actual arrangements of the President General Santa Anna for the complete separation of the two countries. We have authentic information that the President General has agreed to an armistice; that he has directed the evacuation of the country; that the Mexican army is in full retreat; that the Rio Grande, a limit far beyond the discovery and settlement of La Salle in 1684, is the provisional boundary; and that negotiations are impending for the establishment of peace on the basis of separation. Mexico has had the advantage of these arrangements, though made by a captive chief, in the unmolested retreat and happy extrication of her troops from their perilous position. Under these circumstances, it can be no infringment of neutrality for the Senate of the United States to adopt a resolution for the contingent and qualified acknowledgment of Texan independence. Even after the adoption of the resolution, it will remain inoperative upon the hands of the President until he shall have the satisfactory information which shall enable him to act without detriment to any interest, and without infraction of any law.

Even without the armistice and provisional treaty with Santa Anna, I look upon the separation of the two countries as being in the fixed order of events and absolutely certain to take place. Texas and Mexico are not formed for union. They are not homogeneous. I speak of Texas as known to La Salle, the bay of St. Bernard, (Matagorda,) and the waters which belong to it, being the western boundary.* They do not belong to the same divisions of country, nor to the same systems of commerce, nor to the same pursuits of business. They have no affinities, no attractions, no tendencies to coalesce. In the course of centuries, and while Mexico has extended her settlements infinitely further in other directions—to the head of the Rio Grande in the north, and to the mouth of the San Francisco, in the northwest—yet no settlement had been extended east, along the neighboring coast of the Gulf of Mexico. The rich and deep cotton and sugar lands of Texas, though at the very door of

* "Louis XIV., who had the ambition, if not the genius, of a great king, ordered the Minister of Marine, the Marquis de Seigneley, son of the illustrious Colbert, to prepare an expedition at La Rochelle, destined to carry a French colony to Louisiana, under La Salle." * * * * "The fleet left France the 4th of July, 1684, and directed its course towards Hispaniola." * * * * "November, the 25th, it left the port of Petit Goave, and the 27th of December found itself in the twenty-eighth degree of north latitude, in thirty fathoms water. Directing their course west-northwest, La Salle and Beaujeu perceived land on the 29th, and found themselves in six fathoms water. Continuing along the coast towards the west-northwest, he sought in vain, during several days, the mouth of the Mississippi." * * * * "Then La Salle took the resolution to disembark one hundred men, and gave them orders to march along the coast until they should arrive at the Mississippi. He confided the command of this little troop to Joutel, who arrived on the 8th January, 1685, on the banks of a wide river, where he halted for the fleet, which quickly appeared. The Joli and the Belle passed easily over the bar, but the Amiable got aground." * * * * "In the course of his explorations La Salle discovered the bay of St. Bernard, where he built a fort, which he named Fort St. Louis, and left a garrison of one hundred men under Morangies. Several rivers discharge themselves into the bay of St. Bernard, where a colony was established." * * * * "The 15th of April, La Salle discovered a river, on which he saw an immense herd of horn cattle, (buffaloes,) which he named La Riviere des Vaches, (Cow river.) It is believed to be the same which the Spaniards afterwards called Rio Colorado de Texas." * * * * "Commodious houses were built at the bay St. Bernard, the ground cultivated with care, and the colonists and Indians lived in friendship together." * * * * "Towards the end of the year 1687 La Salle left the fort to go over land to Canada, and was assassinated, March 19th, 1688, on the Arkansas river, by some of his own people."—*Essai Historique sur la Louisiane, par Charles Gayarre.*

Mexico, yet requiring the application of a laborious industry to make them productive, have presented no temptation to the mining and pastoral population of that empire. For ages this beautiful agricultural and planting region had lain untouched. Within a few years, and by another race, its settlement has began; and the presence of this race has not smoothed, but increased, the obstacles to union presented by nature. Sooner or later, separation would be inevitable; and the progress of human events has accelerated the operation of natural causes. Goliad has torn Texas from Mexico: Goliad has dereed independence: San Jacinto has sealed it! What the massacre decreed, the victory has sealed; and the day of the martyrdom of the prisoners must forever be regarded as the day of disunion between Texas and Mexico. I speak of it politically, not morally; that massacre was a great political blunder, a miscalculation, an error, and a mistake. It was expected to put an end to resistance, to subdue rebellion, to drown revolt in blood, and to extinguish aid in terror. On the contrary, it has given life and invincibility to the cause of Texas. It has fired the souls of her own citizens, and imparted to their courage the energies of revenge and despair. It has given to her the sympathies and the commiseration of the civilized world. It has given her men and money, and claims upon the aid, and a hold upon the sensibilities of the human race. If the struggle goes on, not only our America, but Europe will send its chivalry to join in the contest. I repeat it; that cruel morning of the Alamo, and that black day of Goliad, were great political faults. The blood of the martyr is the seed of the church. The blood of slaughtered patriots is the dragon's teeth sown upon the earth, from which heroes, full grown and armed, leap into life, and rush into battle. Often will the Mexican, guiltless of that blood, feel the Anglo-American steel for the deed of that day, if this war continues. Many were the innocent at San Jacinto, whose cries, in broken Spanish, abjuring Goliad and the Alamo, could not save their devoted lives from the avenging remembrance of the slaughtered garrison and the massacred prisoners.

Unhappy day, forever to be deplored, that Sunday morning, March 6, 1836, when the undaunted garrison of the Alamo, victorious in so many assaults over twenty times their number, perished to the last man by the hands of those, part of whom they had released on parole two months before, leaving not one to tell how they first dealt out to multitudes that death which they themselves finally received. Unhappy day, that Palm Sunday, March 27th, when the five hundred and twelve prisoners at Goliad, issuing from the sally port at dawn of day, one by one, under the cruel delusion of a return to their families, found themselves enveloped in double files of cavalry and infantry, marched to a spot fit for the perpetration of the horrid deed, and there, without an instant to think of parents, country, friends, and God—in the midst of the consternation of terror and surprise—inhumanly set upon and pitilessly put to death, in spite of those moving cries which reached to heaven, and regardless of those supplicating hands stretched forth for mercy, from which arms had been taken under the perfidious forms of a capitulation! Five hundred and six perished that morning—young, vigorous, brave—sons of respectable families, and the pride of many a parent's heart; and their bleeding bodies, torn with wounds, and many yet alive, were thrown in heaps upon vast fires, for the flames to consume what the steel had mangled. Six only escaped, and not by mercy, but by miracles. And this was the work of man upon his brother, of Christian upon Christian, *of* those *upon* those who adore the same God, invoke the same heavenly benediction, and draw precepts of charity and mercy from the same divine fountain. Accursed be the ground on which the dreadful deed was done! Sterile, and set apart, let it forever be! No fruitful cultivation should ever enrich it, no joyful edifice should ever adorn it. But shut up, and closed by gloomy walls, the mournful cypress, the weeping willow, and the inscriptive monument, should forever attest the foul deed of which it was the scene, and invoke from every passenger the throb of pity for the slain, and the start of horror for the slayer. And you, neglected victims of the Old Mission and of San Patricio, shall you be forgotten because your numbers were fewer, and your hapless fate more concealed? No! but to you also justice shall be done. One common fate befell you all; one common memorial shall perpetuate your names and embalm your memories. Inexorable history will sit in judgment upon all concerned, and will reject the plea of Government orders, even if those orders emanated from the Government itstead of being dictated to it. The French National Convention, in 1793, ordered all the English prisoners who should be taken in battle to be put to death. The French armies refused to execute the decree. They answered that French soldiers were the protectors, not the assassins of prisoners! And all France, all Europe, the whole civilized world, applauded the noble reply.

But let us not forget that there is some relief to this black and bloody picture—some alleviation to the horror of its appalling features. There was humanity, as well as cruelty, at Goliad—humanity to deplore what it could not prevent. The letter of Colonel Fernandez does honor to the human heart. Doubtless many other officers felt and mourned like him, and spent the day in unavailing regrets. The ladies, Losero and others, of Matamoras, saving the doomed victims in that city, from day to day, by their intercessions, appear like ministering angels. Several public journals, and many individuals in Mexico, have given vent to feelings worthy of Christians and of the civilization of the age; and the poor woman on the Guadalupe, who succored and saved the young Georgian, Hadaway, how nobly she appears! He was one of the few that escaped the fate of the Georgia battalion sent to the Old Mission. Overpowered by famine and despair, without arms and without comrades, he entered a solitary house filled with Mexican soldiers, hunting the fugitives of his party. His action amazed them; and thinking it a snare, they stepped out to look for the armed body of which he was supposed to be the decoy. In that instant food was given him by the humane woman, and instant flight to the swamp was pointed out. He fled, receiving the fire of many guns as he went; and escaping the perils of the way, the hazards of battle at San Jacinto, where he fought, and of Indian massacre in the Creek nation, when the two stages were taken, and part of his traveling companions killed, he lives to publish in America that instance of devoted humanity in the poor woman of the Guadalupe. Such acts as all these deserve to be commemorated. They relieve the revolting picture of military barbarity, soften the resentments of nations, and redeem a people from the offense of individuals.

Great is the mistake which has prevailed in Mexico, and in some parts of the United States, on the character of the population which has gone to Texas. It has been common to disparage and to stigmatize them. Nothing could be more unjust; and speaking from knowledge either personal or well acquired, (for it falls to my lot to know, either from actual acquaintance or good information, the mass of its inhabitants,) I can vindicate them from erroneous imputations, and place their conduct and character on the honorable ground which they deserve to occupy. The founder of the Texan colony was Mr. Moses Austin, a respectable and enterprising native of Connecticut, and largely engaged in the lead mines of Upper Louisiana, when I went to the Territory of Missouri in 1815. The present head of the colony, his son, Mr. Stephen F. Austin, then a very young man, was a member of the Territorial Legislature, distinguished for his intelligence, business habits, and gentlemanly conduct. Among the grantees we distinguish the name of Robertson, son of the patriarchal founder and first settler of West Tennessee. Of the body of the emigrants, most of them are heads of families or enterprising young men, gone to better their condition by receiving grants of fine land in a fine climate, and to continue to live under the republican form of Government to which they had been accustomed. There sits one of them, [pointing to Mr. Carson, late a member of Congress from North Carolina, and now Secretary of State for Texas.] We all know him; our greetings on his appearance in this chamber attest our respect; and such as we know him to be, so do I know the multitude of those to be who have gone to Texas. They have gone, not as intruders, but as grantees; and to become a barrier between the Mexicans and the marauding Indians who infested their borders.

Heartless is the calumny invented and propagated, not from this floor but elsewhere, on the cause of the Texan revolt. It is said to be a war for the extension of slavery! It had as well be said that our own revolution was a war for the extension of slavery. So far from it, that no revolt, not even our own, ever had a more just and a more sacred origin. The settlers in Texas went to live under the form of government which they had left behind in the United States—a government which extends so many guarantees for life, property, and the pursuit of happiness, and which their American and English ancestors had vindicated for so many hundred years. A succession of violent changes in government, and the rapid overthrow of rulers annoyed and distressed them; but they remained tranquil under every violence which did not immediately bear on themselves. In 1822 the Republic of 1821 was superseded by the imperial diadem of Iturbide. In 1823 he was deposed and banished, returned and was shot, and Victoria made President. Mentuno and Bravo disputed the Presidency with Victoria, and found in banishment the mildest issue known to unsuccessful civil war. Pedraza was elected in 1828; Guerrero overthrew him the next year. Then Bustamente overthrew Guerrero; and quickly Santa Anna overthrew Bustamente, and with him all the forms of the constitution, and the whole frame of the federative government. By his own will and by force Santa Anna dissolved the existing Congress, convened another, formed the two Houses into one, called it a convention, and made it the instrument for deposing, without trial, the constitutional Vice President, Gomez Farias, putting Barragan into his place, annihilating the State governments, and establishing a consolidated Government, of which he was monarch under the retained republican title of President. Still the Texans did not take up arms. They did not acquiesce, but they did not revolt. They retained their State government in operation, and looked to the other States, older and more powerful than Texas, to vindicate the general cause, and to reëstablish the federal constitution of 1824. In September, 1835, this was still her position. In that month a Mexican armed vessel appeared off the coast of Texas, and declared her ports blockaded. At the same time General Cos appeared in the west with an army of fifteen hundred men, with orders to arrest the State authorities, to disarm the inhabitants, leaving one gun to every five hundred souls, and to reduce the State to unconditional submission. Gonzales was the selected point for the commencement of the execution of these orders; and the first thing was the arms, those trusty rifles which the settlers had brought with them from the United States, which were their defense against savages, their resource for game, and the guard which converted their houses into castles stronger than those "*which the King cannot enter.*" A detachment of General Cos's army appeared at the village of Gonzales on the 28th of September, and demanded the arms of the inhabitants. It was the same demand, and for the same purpose, which the British detachment under Major Pitcairn had made at Lexington on the 19th of April, 1775. It was the same demand! and the same answer was given—resistance—battle—victory! for the American blood was at Gonzales as it had been at Lexington; and between using their arms and surrendering their arms, that blood can never hesitate. Then followed the rapid succession of brilliant events which, in two months, left Texas without an armed enemy in her borders, and the strong forts of Goliad and the Alamo, with their garrisons and cannon, the almost bloodless prizes of a few hundred Texan rifles. This was the origin of the revolt; and a calumny more heartless can never be imagined than that which would convert this just and holy defense of life, liberty, and property, into an aggression for the extension of slavery. Just in its origin, valiant and humane

in its conduct, sacred in its object, the Texan revolt has illustrated the Anglo-Saxon character, and given it new titles to the respect and admiration of the world. It shows that liberty, justice, valor—moral, physical, and intellectual power—discriminate that race wherever it goes. Let our America rejoice, let old England rejoice, that the Brazos and Colorado, new and strange names, streams far beyond the western bank of the Father of Floods, have felt the impress and witnessed the exploits of a people sprung from their loins, and carrying their language, laws, and customs, their *Magna Charta* and all its glorious privileges, into new regions and far distant climes.

Of the individuals who have purchased lasting renown in this young war it would be impossible in this place to speak in detail, and invidious to discriminate; but there is one among them whose position forms an exception, and whose early association with myself justifies and claims the tribute of a particular notice. I speak of *him* whose romantic victory has given to the *Jacinto** that immortality in grave and serious history which the *diskos* of Apollo had given to it in the fabulous pages of the heathen mythology. General HOUSTON was born in the State of Virginia, county of Rockbridge; he was appointed an ensign in the Army of the United States during the late war with Great Britain, and served in the Creek campaign under the banners of Jackson. I was the lieutenant colonel of the regiment to which he belonged, and the first field officer to whom he reported. I then marked in him the same soldierly and gentlemanly qualities which have since distinguished his eventful career; frank, generous, brave, ready to do or to suffer whatever the obligations of civil or military duty imposed; and always prompt to answer the call of honor, patriotism, and friendship. Sincerely do I rejoice in his victory. It is a victory without alloy, and without parallel, except at New Orleans. It is a victory which the civilization of the age, and the honor of the human race, required him to gain; for the nineteenth century is not the age in which a repetition of the Goliad Matins could be endured. Nobly has he answered the requisition; fresh and luxuriant are the laurels which adorn his brow.

It is not within the scope of my present purpose to speak of military events, and to celebrate the exploits of that vanguard of the Anglo-Saxons who are now on the confines of the ancient empire of Montezuma; but that combat of the San Jacinto! it must forever remain in the catalogue of military miracles. Seven hundred and fifty citizens, miscellaneously armed with rifles, muskets, belt pistols, and knives, under a leader who had never seen service except as a subaltern, march to attack near double their numbers—march in open day across a clear prairie, to attack upwards of twelve hundred veterans, the *élite* of an invading army of seven thousand, posted in a wood, their flanks secured, front intrenched, and commanded by a general trained in civil wars, victorious in numberless battles, and chief of an empire of which no man becomes chief except as conqueror. In twenty minutes the position is forced; the combat becomes a carnage; the flowery prairie is stained with blood; the hyacinth is no longer blue, but scarlet; six hundred Mexicans are dead; six hundred more are prisoners, half wounded; the President General himself is a prisoner; the camp and baggage all taken; and the loss to the victors, six killed and twenty wounded. Such are the results, and which no European can believe but those who saw Jackson at New Orleans. Houston is the pupil of Jackson; and he is the first self-made general since the time of Mark Antony, and the King Antigonus, who has taken the general of the army and the head of the Government captive in battle. Different from Antony, he has spared the life of his captive, though forfeited by every law, human and divine.

I voted in 1821 to acknowledge the absolute independence of Mexico: I vote now to recognize the contingent and expected independence of Texas. In both cases the vote is given upon the same principle—upon the principle of disjunction where conjunction is impossible or disastrous. The union of Mexico and Spain had become impossible: that of Mexico and Texas is no longer desirable or possible. A more fatal present could not be made than that of the future incorporation of the Texas of La Salle with the ancient empire of Montezuma. They could not live together, and extermination is not the genius of the age; and, besides, is more easily talked of than done. Bloodshed only could be the fruit of their conjunction; and every drop of that blood would be the dragon's teeth sown upon the earth. No wise Mexican should wish to have this Trojan horse shut up within their walls

* Hyacinth; hyacinthus; hmakinthos; water flower.

THE PUBLIC DEPOSITS.

REMARKS OF HON. J. BUCHANAN,

OF PENNSYLVANIA,

IN SENATE, *June* 17, 1836,

On the passage of the bill to regulate the deposits of the Public Money.

Mr. BUCHANAN said he had risen for the purpose of stating, as briefly as he could, some of the reasons which had induced him to vote for the engrossment of this bill, and which should govern his vote upon its final passage. He wished to place them distinctly before his constituents, so that they might decide upon the propriety of his conduct. He should have given a silent vote upon the question; but the unexpected debate which had arisen to-day upon the final passage of the bill rendered some explanation upon his part necessary.

What, sir, (said Mr. B.,) is the true nature of this question in the form which it now presents itself to the Senate? To state it correctly is at once to answer all the arguments which have been urged against the bill. If we were to infer what the question was from the remarks of my friend from Mississippi, [Mr. WALKER,] we might be induced to believe that this bill proposes a donation, not only of the present, but of every future surplus in the Treasury to the several States; to use his own language, that we are now about dividing the spoils among the people. Can anything be more remote from a correct statement of the case? This bill provides merely for a deposit of the public money with the States; not for a donation of it to them. In its terms and in its spirit, it proposes nothing more than to make the State treasuries the depositories of a portion of the public money, instead of the deposit banks. If the States should derive incidental advantages from the use of this money, without interest, the deposit banks have heretofore used it, and under the provisions of this bill, will continue to use it, upon the very same terms, to the extent of one fourth of their capitals. Surely no Senator upon this floor can complain of the benefits which may be conferred upon the States by the adoption of this measure.

In discussing this subject I shall imitate the example of my friend from New York, [Mr. WRIGHT,] and present to the Senate a concise history of the progress of that portion of the bill which relates to the deposit of the public money with the States. Its features have been very much changed, and in my opinion it has been greatly improved since the Senator from South Carolina [Mr. CALHOUN] presented his original proposition. That gentleman had proposed to deposit the annual accruing surplus in the Treasury, until the year 1842, with the several States, without making any provision that they should issue certificates for these deposits, to be placed in the hands of the Secretary of the Treasury. Before this money, or any portion of it, could be recalled, his amendment required that a special act of Congress should be passed for that purpose; and that six months notice must be given to the States prior to the payment of any installment. This would have been, in effect, a system to distribute the surplus revenue in the Treasury among the States for a period of six years. I need not again state my objections to this proposition, having urged them at some length upon a former occasion, before the appointment of the select committee. It is sufficient now to say that, to my own mind, they were conclusive.

Next came the proposition of the Senator from Massachusetts, [Mr. WEBSTER.] In one important particular it had removed the objections to which that of the Senator from South Carolina was exposed. It proposed but a single operation, and was confined to the money which might be in the Treasury at the end of the present year. Under it, however, the States were not required to issue certificates of deposit, nor could the money deposited with them be applied by the Secretary of the Treasury to the payment of our current appropriations, without a previous act of Congress for that purpose. In these particulars it was essentially the same with the proposition of the Senator from South Carolina. Those features were still wanting which could alone fairly give to the transaction the character of a deposit. The sums thus deposited could not have been used as ready money, always at hand, whenever they might be required by the wants of the Treasury. Without some provision to remove this objection I could not have voted even for the proposition of the Senator from Massachusetts, although in one respect it received my cordial approbation. The overflowing condition of the Treasury presents an extraordinary spectacle, not only in our own history, but in that of all other countries. The present bill is the medicine, and ought not to be converted into the daily bread of the Constitution. It ought to be confined, as the amendment of the Senator from Massachusetts had proposed, to the existing evil, and ought not to extend to future years. It was one of those cases in which futurity ought to be left to provide for itself.

In this state of the question the whole subject was referred to the select committee. They had advanced one step further towards making the bill purely one of deposit. After deciding against the system of continuing to deposit the surplus with the States until the year 1842, and in favor of restricting it to the money in the Treasury at the conclusion of the present year, they reported to the Senate a provision requiring the States which might receive the money to issue certificates of deposit, to be placed in the hands of the Secretary of the Treasury. A previous act of Congress, however, still remained necessary before these certificates could be used.

As a member of the select committee I endeavored to obviate this objection. Before that committee I made an unsuccessful motion of a character similar to that which has been since adopted by the Senate, on the motion of my friend from New York, [Mr. TALLMADGE.] A necessity no longer exists for a special act of Congress, before these certificates of deposit can be used by the Secretary of the Treasury for the purpose of discharging the appropriations made by Congress.

What, then, is the true nature of the measure now before the Senate? It is a deposit with the States in form, and a deposit in effect. It is no distribution—no gift of the public money. The bill requires the States receiving the money to deliver to the Secretary of the Treasury certificates of deposit for such amounts, and in such form as he may prescribe, payable to the United States or their assigns; and without any direction from Congress, he is authorized to sell and assign these certificates ratably, in proportion to the sums received, and thus convert them into money whenever it shall become necessary for the payment of any of the appropriations made by Congress. These certificates, which, after their assignment, will bear an interest of five per cent. per annum, are to all intents and purposes so much money in the Treasury. They are as good—nay, they are far better, because they are much more secure than the best bank notes in the country. Within the period of a single day, they will always command gold and silver, if that be required, in any of our large commercial cities. Do not assignable certificates of deposit in solvent banks circulate from hand to hand as money throughout the commercial world? And when the faith of the sovereign States of this Union is solemnly pledged upon their very face for the redemption of these certificates, are we still to be told that this is a mere

donation of the public money to these States? Under this bill Congress may still proceed to make appropriations precisely as they would have done had it never passed, with a perfect assurance that they will be satisfied as promptly and as certainly as though the whole surplus should remain where it now is, with the deposit banks.

How any constitutional objection can arise to this disposition of the public money, I am utterly at a loss to conceive. In order to maintain such an objection, gentlemen must establish the position that Congress do not possess the power of depositing the public money where they think proper. This would, indeed, be a Herculean task.

There is one view of this subject which ought not to escape attention. It is always embarrassing, and may become dangerous, to establish the relation of debtor and creditor, for large amounts, between the States and the United States. The present bill avoids this difficulty. The moment it becomes necessary to use these certificates of deposit, that moment they pass by assignment into the hands of individuals, who thus become the creditors of the several States, instead of the General Government. Such individuals will hold these certificates as they would hold any other certificates of a similar character issued by the States, and the General Government will cease any longer to have any connection with those States in the character of a creditor.

I admit some danger exists that this bill, restricted as it is to the money which will be in the Treasury at the end of the present year, may be drawn into precedent for the purpose of sanctioning annual deposits, and afterwards annual distributions of the surplus revenue. Such a system would be hostile to the correct and efficient administration of this Government. It would naturally create some bias in our minds against appropriations for the benefit of the Union, in order that the dividends of our own States might thereby be increased. This danger, however, is but future and contingent. It is an evil within our own control. We may, I hope, safely trust ourselves; still I consider the bill, amended as it has been, but a choice of evils. It is far from being the mode of disposing of the surplus which I should have selected. But let that pass.

What are the evils, on the other hand, which we shall avoid by the adoption of this measure! If they are greater and much more alarming than the dangers which we should encounter from its passage, it is the part of wisdom to pass the bill. It is perfectly clear, either that we must adopt this measure, or leave all the public money in the deposit banks. There is no other alternative. The one thing or the other must be done.

There are, at present, thirty-six of these deposit banks; and the aggregate amount of public money in their possession, at the date of the last returns, was between thirty-three and thirty-four million dollars. This sum has since been daily increasing, with the daily flow of money into the Treasury. I am free to say that, in my opinion, the public money is safe in their possession; yet the fact neither can be disguised, nor ought to be disguised, that the Senate has felt itself under the necessity, but against my vote, of striking out every provision from the bill which required them to keep any fixed proportion of specie in their vaults. We could have established no reasonable standard upon this subject which would not have deprived a number of these banks of the public deposits. Hence the amount of specie to be kept in each of them is now left altogether to the discretion of the Secretary of the Treasury However safe the public money may be in these banks, it will be equally secure, to say the least, in the treasuries of the several States. In the opinion of the people it will be more secure there; and this, of itself, is a matter of great importance in deciding the present question.

These deposit banks are located chiefly upon our commercial and upon our western frontiers. This arises from the circumstance that the receipts into the Treasury are derived from two grand sources—the customs and the sales of public lands. Vast sums of public money are thus accumulated in the banks of our commercial cities Who are chiefly benefited by this accumulation? Why, sir, the stockholders in these banks and their customers. It is a notorious fact that the banks discount largely upon these deposits. It is both their duty and their interest to pursue this course. Their profits, and the dividends to their stockholders, are thus greatly increased. But what benefits do my constituents in the interior of Pennsylvania derive from the use thus made of their own money? None, none whatever. Change these depositories to the extent proposed by this bill, and what will then be the consequences? The diffusion of numerous benefits and blessings among the people of the several States. This money now used by the banks for the benefit of their stockholders, will be applied by the State Legislatures to promote education and internal improvements. It will shed a benign influence over the face of society, and will confer blessings upon the whole people. Its benefits will no longer be confined to the corporators in these selected institutions, but will be as extended as the limits of the Republic. Besides, this money will always be ready for the use of the Government whenever the necessities of the country may require it. The mass of the people are now deeply impressed with a conviction of these truths. They are jealous of the deposit banks. They believe that undue advantages are conferred upon these institutions by the action of the Government. The public mind is excited upon the subject; and the only practicable—I shall not say the best—mode of calming and tranquillizing it will be the passage of the present bill.

On this branch of the question I shall make another remark. If I were capable of acting merely as a party man upon such a subject, which I trust I am not, I should say to my political friends, adopt this measure. It has been repeated over and over again, that the present Administration desire to retain this money in the deposit banks in order to use it for political effect. This charge, it is true, is perfectly ridiculous. It is well known that all or nearly all these banks are governed and controlled by our political enemies. So far as I have ever been informed, a large majority of their stockholders and directors are opposed to the present Administration. I have heard of but one of these banks which is an exception, though there may be more. Still the clamor continues, and still the charge is made that we desire to keep all the public money in these banks for the purpose of acquiring political influence. A deposit of this money with the States will at once put an end to these unfounded suspicions.

I might speak of the wild and extravagant speculations, especially in public lands and in stocks, which have been greatly encouraged and promoted by the immense sums of public money on deposit in the banks, and of the injuries which have thus been inflicted upon the country. But I forbear at present from doing more than barely to suggest this argument in favor of the passage of the bill. It must strike every mind.

But it has been urged, as a serious objection to this measure, that the money never will be required from the States for the use of this Government. Does it not occur to gentlemen that upon the very same principle, if this bill should not become a law, it will never be required from the deposit banks? And if, from the redundance of our revenue, we must have a perpetual deposit, is it not more just and more politic, in every point of view, that this deposit should be made where it will benefit the people of all the States, than where its advantages will be confined to the stockholders of certain selected banks?

It is not certain, however, that a portion of these deposits may not be demanded from the States before the close of the next year. I have been astonished at the statement made by my friend from New York, [Mr. WRIGHT,] of the sums already appropriated, and which will yet probably be appropriated during the present session of Congress. If this statement be correct, it is highly probable that the unexpended balance of these appropriations, at the end of the present year, may equal, if it does not exceed, the highest estimate of the Senator from Ohio, [Mr. EWING,] and amount to $18,000,000. In that event, this sum will be a charge upon the current revenue for the year 1837, in addition to the current expenses of that year. It is, therefore, far from being certain that a portion of the deposits made with the States may not be required by the Treasury before the first day of January, 1838. This will depend upon the amount of the sales of the public lands during the year 1837. Should any cause arise greatly to reduce this source of income, the money then in the Treasury will not be sufficient to pay the current expenses of the Government during that year.

In anything I may have said, I did not intend to cast the slightest reflection upon the conduct of the deposit banks towards the Government. Far from it. The experiment, as it is called, has not failed. These banks have made all the necessary transfers of public money, and have conducted the business of the Treasury as well as it has ever been conducted by the Bank of the United States. For this they deserve the thanks of the country. I wish to make them a fair and liberal compensation for their services. I strongly advocated the provision which now constitutes a part of the bill, that the sum of $5,000,000 should be deducted from the amount in the Treasury, on the first day of January next, and that only what remained should be deposited with the States. These five millions will, of course, continue in the deposit banks. Besides, the amount to be deposited with the States will be drawn from the present depositories in equal quarterly installments; and thus they will experience no sudden shock in their business. They will have ample time to make all necessary preparations to meet these payments.

Before I conclude I shall advert to another argument of my friend from New York, [Mr. WRIGHT.] That gentleman objects to this bill because the money to be deposited with the States is not in proportion to the federal population of each, according to the last census, but in proportion to the compound ratio of the number of their Senators and Representatives in Congress. He asks, why should we adopt a different rule from that of direct taxation in our distribution of these deposits? The answer is very easy. This money was not raised by direct taxation. If it had been, it should undoubtedly be returned to the States in the same proportions it had been received from them. The two grand sources from which we derived this money are the duties upon imports and the sales of the public lands.

If we could accurately ascertain the Federal population of the different States at this moment, it would present the just standard of apportionment. But that is impossible. The Senator from Kentucky, [Mr. CLAY,] upon the discussion of the land bill, had proved conclusively that the new States in the west have increased in population with such rapidity, since the census of 1830, when compared with the other States, that it would be manifestly unjust to apply that standard to them. Hence his bill provided that they should each receive ten per cent. of the net proceeds of the sales of the public lands within their limits, before any distribution should be made of the remainder. It ought not to be forgotten in this argument, that a very large proportion of the surplus in the Treasury has proceeded from the sales of public lands within these very States. The truth is, that whether you adopt the census of 1830, or the number of Senators and Representatives in Congress, as the standard of apportionment, you cannot do exact justice. You must either be unjust to the new States in the West, or you must deposit a little more with with Delaware, Rhode Island, and some of the smaller old States, than they are entitled to receive. It is a choice of difficulties, arising from the necessity of adopting a general rule on the subject. I do not believe, therefore, that the mode of apportionment proposed by the bill presents a sufficient objection against its passage. This view of the case is rendered more impressive by the consideration that the bill proposes a mere deposit with the States, and not a donation to them; and it cannot make any material difference whether one State shall receive a few thousand dollars too much or too little, upon deposit.

THE EXPUNGING RESOLUTION.

SPEECH OF HON. A. PORTER,

OF LOUISIANA,

IN SENATE, *March* 22, 1836.

The Senate having under consideration, as the unfinished business, the resolution submitted by Mr. BENTON to expunge a certain resolution from the Journal—

Mr. PORTER said:

Mr. PRESIDENT: I have some diffidence in addressing the Senate on this question. The honorable Senator from Missouri has, with his usual industry, pronounced an elaborate argument in support of the resolution he has offered to the Senate. I suppose it to be the result of long meditation and much preparation. Neither the time allotted me since this discussion commenced, nor the state of my health, has enabled me to give to the question the attention it merits; indeed, such is my indisposition, that were it not for the pledge I in some sort contracted yesterday with the Senate, I should decline addressing it to-day. But unless I have lost all perception of truth, and am utterly mistaken as to its effect when presented to the mind of others, I cannot be deceived in believing that no want of strength on my part can prevent me from exposing the utter feebleness of the position which the Senator has assumed.

It is not surprising that great pains should be taken where a heavy responsibility is incurred. I say a heavy responsibility. The attempt is to deface and destroy the public records of the country; to alter and render obscure the journals *of a former Congress*, which are now the public property, and with which we have no constitutional concern, except as keepers and preservers. It is more than this—it is an attempt to obliterate the truth. Yes, sir, to obliterate it. For whether the vote of the Senate was or was not correct on the occasion to which the Senator desires to apply his expunging process—whether it was the solemn expression of wise opinion extorted from Senators under the high obligations of duty—or, as he will have it, the effusion of heated and blind party spirit, still the *fact is undoubted* that such a vote was given, and the object of the Senator is to have the record of that vote destroyed—that is, to erase *the truth* from your record. Such a proceeding is well calculated to excite solemn considerations, and and calls for the exercise of every high quality which patriotism can expect at our hands.

Mr. President, it did not strike me, while the honorable Senator was speaking, as most remarkable that he should take such vast pains to show the vote of the Senate was erroneous and unconstitutional, in the instance which he has selected for this new process of his. A stranger entering these Halls at the time he was indulging his zeal, and practicing his epithets, on the conduct of the Senate which formed a part of the last Congress, would, I am certain, have imagined that there was some provision in the Constitution of the country which required a record to be kept of all the proceedings of this body which *were constitutional*, and forbad any record being kept of those which were *in violation of the Constitution*. But that instrument may be searched in vain, and no such distinction can be found in it. The only portion which relates to our record makes none. I open it, and what do I see? The imperative mandate "that each House *shall keep a record of its proceedings*." Well, if its votes and its resolutions are unconstitutional, are they not still *its proceedings?* and is the obligation less solemn and less binding on us to preserve them? Before, therefore, so much time and so much energy were exhibited in a critical analysis of the nature of these acts, it behooved the Senator to show some authority for expunging proceedings of the character he supposes these to be. Until he did this, all examination into their constitutionality was unnecessary and fruitless.

The Constitution, it is clear, cannot be satisfied by the distinction the gentleman has made. Its language is directly, palpably opposed to it; so, also, is its spirit. It is giving the enlightened framers of that instrument credit, indeed, for little wisdom to suppose that they contemplated making any difference. The objects sought to be attained by this constitutional injunction were many. They will readily suggest themselves to Senators, and it is unnecessary to enumerate them. Among the most important was the preservation of the evidence of the great public concerns and valuable private interests which depend on the action of Congress. Another scarcely less important object was to secure to the people a record of their servants' acts and votes, so that a correct judgment might be formed of their conduct, and justice dealt to them when their term of service expired. The illustrious men by whom the inestimable charter of our Union was formed knew well that history, which professes to teach, and does teach, by the lights which experience furnishes, would be a false and treacherous guide if it recorded only the good deeds of men. They knew it was of equal importance it should enregister their errors and their vices, and they intended, therefore, that the record which they made provision for should be a beacon to warn as well as a light to allure. What useful knowledge could any man acquire by the perusal of ancient story if it presented to him no examples but those which were exhibited by the virtues of antiquity—if it did not show to him the errors and vices and factions by which nations lost their freedom, as well as the simplicity and patriotism by which they established it? None, sir, none. Nor here would our journals be of any value if they did not preserve the evidence of our faults and our follies as faithfully as they do that of our wisdom and our virtues. There is nothing, therefore, in the spirit of our Constitution, any more than there is in its letter, which can be tortured into the slightest support of the alarming and dangerous proposition which the Senator proposes for our adoption. I might, therefore, well spare myself the task of following the honorable Senator from Missouri through the labored examination which he has made of the vote of the Senate in the year 1834, in relation to the removal of the deposits by the President, or of noticing the heated and exaggerated picture he has drawn of the motives of those by whom it was given. Such discussion can have no profitable effect on the naked question as to the power of the Senate to alter and deface the public record. It may, it is true, increase party spirit, and flush it to the perpetration of an act which, in my conscience, and on my honor, I believe will hereafter (when reason resumes its sway) be a source of deep mortification to all who now participate in it; but it can do nothing more. However, some of the assertions and reasonings of the honorable Senator in this part of his speech to the Senate ought not to pass entirely unnoticed, and I may, perhaps, speak a little to a few of them before I sit down. My present purpose, however, is with *the merits* of the question, and leaving to the honorable Senator, for a time, the banks, and the panic, and the panic makers, and President Jackson, and his glory, and the old Federalists—who, by the way, if they have joined the present Administration, are all transmuted into *pure Democrats of the old school*—I shall proceed to discuss the subject upon these considerations, and these alone, by which, in my view of the matter, a correct conclusion can be obtained.

And, proceeding to do so I find it written in the fifth section of the first article of the Constitution, that "*each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy.*" Now, the first question which suggests itself in the inquiry is, what is meant by the words "*keep a journal of its proceedings?*" To that question I know of but one answer that can be given; and it is that which instantly suggests itself to every one, learned and unlearned, who reads them, namely, *that each House should record its proceedings, and preserve the records so made.* If this be not the true meaning, I know not what answer can be given. No other will satisfy the object contemplated by the Constitution. For, without recording, *there would be no journal*, and, without preserving, *the journal would not be kept.* The honorable Senator has not furnished us with his *reading* of this clause. He has, to be sure, talked, and talked correctly, of a variety of meanings which belong to the word *keep*, but viewed in any other light than as a handsome exercise of ingenuity, I could not see what practical result was to be attained from the disquisition; for, after all, he failed to tell us what meaning he precisely attached to the expression *keep a journal.* In this he did wisely. They have one, and one only meaning, in the common sense of all mankind. They have never had any other in England, or in Scotland, or in Ireland, nor in any of the twenty-four sovereignties which compose this Union. The understanding of them has been uniform, whether applied to courts of justice or legislative bodies. *The House shall keep a journal, the Clerk shall keep a record*, in all times, and in all countries where the language prevails, have been understood to write down what is done, and to preserve what is written. The expression, it is true, is idiomatic, but for that very reason is the sense unembarrassed and perfect. It never was questioned nor denied until the honorable Senator, in this rash attempt, found it necessary to perplex and mystify what, until now, every one considered clear and intelligible.

If, then, Mr. President, the plain meaning of the words *keep a journal of its proceedings* be that the Senate shall cause a record of its proceedings to be made, and preserve them, is there an impartial man who can doubt or deny that the resolution offered by the Senator is a manifest violation of the Constitution? I think there is not; for the effect of that resolution will not be to preserve, but to destroy. Does it make any difference that only *a part* of these proceedings, not *the whole*, is to be blotted, or obscured, or defaced? It makes none. The injunction is, that you shall keep a journal of your proceedings; and if you deface the smallest portion of them, what remains is not a journal *of the proceedings*, but of a *part of them;* and this, I contend, is not a compliance with the Constitution. Under such construction of it, if you strike out nine hundred and ninety-nine parts out of one thousand, you might just as truly say you *were keeping a journal of the proceedings.*

If this reasoning be unsound, I trust gentlemen who follow in the debate will prove it to be so. I am sure there is ingenuity enough here to do it, if it can be done. I hope they will show us how a *part* of a journal is the *whole;* and when they have done so, I will suggest to them that they will then have to explain to the public mind, and satisfy it, how *destroying* a record is obeying a mandate which requires you to *preserve* it. This, sir, I am aware, they will find no easy task. Until it is done, permit me, in the belief that what I have advanced is true, to follow this measure out to its legitimate, I might add its inevitable, consequences. Upon the principle, then, involved in the resolution offered by the honorable Senator, I affirm the whole journal of the proceedings of the Legislature is completely placed at the mercy of a majority in either House of Congress. The solem and authentic record of the great public measures which may occupy its deliberations—the equally sacred register on which private rights depend, may be struck out in an instant by the fury of triumphant faction, the promptings of sordid cupidity, or the fears of conscience-stricken profligacy. And let us not flatter ourselves that the time will not come when these things will be done. He knows little of the causes of decay and dissolution which exist at the creation of everything which our imperfect nature produces, and which expand and gather force with age, who can doubt it. I hope the day is distant; but we do but accelerate it when we cut ourselves adrift from the Constitution.

But, says the honorable Senator, all this is *special pleading*. The word *keep* has thirty-six meanings in the Dictionary, and you have no right to take one of these meanings alone. We have just as much right to select our meaning for the word from any of its various significations. This is rather a new, and certainly *a very independent way* of interpreting a constitutional or legal provision. But let that pass for a moment, and permit me to say that, by the term *special pleading*, the Senator means *refining, hair-splitting;* there never was anything more gratuitous said here. On the contrary, we rely on the plain common sense meaning of the expression;

upon that sense in which the words are understood by every one the most slightly educated through the whole Republic. We contend for the signification which the terms have everywhere and in all times received. If we left them for the *new* meanings, to suit *extraordinary* occasions, as the honorable Senator is doing, we would be open to the reproach, as he justly is. I charge it upon him, and I shall make the charge good. He has departed from the usual signification, and substituted niceties and refinements for the general and popular use of the words, and in doing so, has violated a rule of construction as universal as it is sound, and which it would be a reproach to the Senator if he was not familiar with before he was three months in the office where he received his legal education.

Recurring, then, to the word *keep*, and its thirty-six meanings, I have to say that nothing can be more true than that the verb has a variety of senses; but does that prove that it has not one known unquestionable signification when used as it is in the Constitution of the United States? Certainly not. Sir, let the gentleman apply any one of the various meanings of this word to be found in the books of philology, save that which we contend for, to the terms *keep a journal*, and I will venture to say the utter absurdity in which the process must end will convince even him how vain and futile and dangerous it is to depart from the popular understanding of the matter. No doubt, as the honorable Senator says, *keeping a door*, *keeping house*, and *keeping a store*, do not mean the same thing. The meaning varies with the object to which the verb is applied. But, in these cases, the idiomatic sense supplies the necessity of all reference to Dictionaries; it is perfectly comprehended by every one, and supposes that which is done, or necessary to be done, in *keeping a door*, *keeping house*, or *keeping a store*. It would be a waste of time for me to explain them; they explain themselves more forcibly than I could by any other words. Verbs and adjectives, in all languages, vary in their meaning by the objects to which they are applied, the latter sometimes by their position in relation to the noun. For example, the appellation *envoy extraordinary* has a clear and specific signification; transpose the words, however, and say, an *extraordinary envoy*, and they present quite another idea. Well, sir, what would you say to any one who would rise here or elsewhere, and contend that, as the Dictionaries of our language declared that the adjective *extraordinary* signified *remarkable*, *wonderful*, the expression *envoy extraordinary* conveyed the idea that a *wonderful envoy* had been sent to our country? Not less extravagant, I contend, is it to depart from the common sense meaning which is given to the verb *keep* in all the varieties in which it is used.

Many as are the uses which are made of it, I am not aware that it has two meanings in its application to any one object. The thing to which it is applied controls and fixes its sense, as in the terms *keep a promise*, *keep a journal*, *keep a horse*. All these have popular and known significations, from which you cannot depart without falling into conclusions absurd and untrue. Let us take, by way of illustration, the expression *keep a horse*. We will suppose the Senator to have delivered his to a livery stable *to be kept*. He calls for him some time after, and the owner of the stable tells him that the animal *has perished for want of food*. Reproach instantly follows this breach of engagement, and it would not be appeased, I hazard nothing in saying, by the keeper showing the honorable gentleman that, according to Webster's or any other Dictionary, the verb *keep* has a variety of senses, and that one of them perfectly justified him in his notion that he was not obliged to give the horse food. Sir, I will venture to affirm the Senator would consider this perfect *special pleading*. So if he gave a friend a bundle of papers to *keep*, and when he called for the deposit should be told that, according to the best philologists, *keep*, among its thirty-six significations, meant to supply with *the necessaries of life*, and finding the book refuse all sustenance, he had thrown it away as utterly incorrigible, would not the honorable Senator consider the excuse for non-delivery *a great refinement*? So, too, if, some thirty years since, when the Senator from Missouri and myself first became acquainted on the banks of the *Shawnee*, (whose beautiful Indian appellation is lost in the prosaic one of *Cumberland*,) a lock of hair had been bestowed on him by lady's love, *to be kept* until they again met, and, on her calling for the dear pledge, he had informed her that his promise to keep did not bind him to preserve, because one of the meanings of the word was to *pasture;* would she not have considered the gentleman more learned than true—a gay deceiver—and a great *hair-splitter*? And so when the Senator contends that the constitutional injunction *to keep a journal* means that you may *destroy a part of it*, I say to him, that he can only reach such a conclusion by *special pleading*, *by refining*, *by hair-splitting*, or by abandoning common sense, and trampling the Constitution under foot.

No human ingenuity can sustain the proposition the Senator advances. I know there is scarcely anything in favor of which something plausible may not be advanced, and the gentleman, I admit, has made the most of his case. But no covering he may throw over the Constitution can hide the wound he inflicts on it. The honorable Senator, under his heated feelings, may consider his case as made out; I do not say he does not so consider it. But those who look calmly at the thing will see nothing but *excuses* where he finds *reasons*. They who are anxious for the violation (I do not say there are any such in this body) may be glad to have those excuses furnished to them. But time, *and the silent monitor within*, will do their work, and they will live to see the day when the shout of party triumph will bring no joy; when they will be compelled to look for consolation in the repentance which ever follows the conviction of wrong committed. I hope they will have that consolation, sir; God forbid they should not.

But the honorable Senator has one ready for them now. He says, if I understand his argument correctly, (and if I did not, I pray to be set right,) that no practical injury can result from the act. The process by which this consolation is obtained is somewhat curious. The gentleman tells the Senate that there are one thousand originals of the journal, and that the defacing of that kept by the Secretary leaves all the rest complete. Well, sir, admit the position to be correct; and what then? Does that furnish any argument in favor of disfiguring *one* of them? Whether there be many or few originals, are they not all equally under the protection of the Constitution? If so many are to be kept as a record of our proceedings, is it not indispensable they should all be true records? Did the Constitution contemplate that some of our journals should exhibit a faithful record of our proceedings, and others should not? Or am I to understand the honorable Senator that enough which are true will remain to correct that which the expunging resolution purposes to falsify? If that be the position, I leave to him and his friends all the advantage they can derive from the argument.

But I pray leave to enter my utter dissent to the proposition that we have one thousand originals of our journals. We have only *one* original; that which is made up by our Secretary, read over to us, sanctioned by the approval of this body, and placed among the archives of the Senate. It is that, and that alone, which forms the *record* of our proceedings, and furnishes the *original* from which transcripts become evidence elsewhere. The *originals* of which the Senator speaks are not even copies; they are but the *copies* of a copy furnished by our Secretary to the printer. I am aware of the decisions of courts, which the Senator from Missouri has quoted, on the admissibility of these printed copies as evidence. It is not my purpose to go into a critical investigation of the soundness of the doctrine by which such a rule has been established. I content myself with saying that these cases do not proceed on the principle that the printed journals are originals; they go on the supposition that they are *true copies*. In giving them even this character, the tribunals of justice have gone very far, and the cases in which they have been received are of modern date, and of somewhat doubtful authority. They have been, as it were, extorted from the courts by the great convenience of the practice, and from a strong, and in general a well founded belief that they are faithful transcripts. But at the utmost they are nothing more than *prima facie* evidence, and, if contradicted by the original in writing, of which I have spoken, they must instantly yield to the higher authenticity which belongs to it. To all acquainted with this subject it must be apparent that the whole matter exhibits a great relaxation of the salutary rule, that the best evidence the nature of the case will admit of must be produced. But be this as it may, the doctrine gives no sanction to the idea that these printed journals are originals. And admitting it to be sound and correct, it by no means supports the proposition that the original is not to be preserved with care and fidelity.

We have been referred, Mr. President, to the practice of the Parliament of Great Britain on matters of this kind. It is stated that that country has a constitution, as ours has; that our parliamentary proceedings were borrowed from, and have a reference to, theirs, and that we are in the daily habit of referring to parliamentary rules and parliamentary practice as our guide. From these facts the conclusion is drawn that every power which they may exercise we can also exercise. I believe this is a faithful summary of what the honorable Senator advanced on this branch of the subject, and I take occasion to say that it all has my entire assent, save the conclusion which he has drawn. That conclusion, too, would be sound enough from *his premises*, but it is incorrect, because the Senator left out one important and controlling postulate which belongs to the question, and which I shall immediately notice.

It is the constitutional provision which we have on the subject that makes all the difference for which I contend. Were it not for it, the rule referred to by the Senator that the power to expunge from its journals any offensive matter found in them was inherent in every legislative body, could not be contested; but it is obvious that a rule must be subject to the exception, *provided the legislative body itself has not rules prescribed for its government by a higher authority inconsistent with the exercise of such a power*. That such is the case here I affirm, and it is this circumstance which takes away all force from British precedents when applied, in a case of this kind, to the proceedings of an American Congress.

Great Britain does not possess, as we do, a written constitution. The great principles of civil and political freedom are, it is true, found in *Magna Charta*, and her bill of rights put forward at the revolution of 1688. But even they do not form a constitutional charter which places them beyond the control of acts of Parliament. And we must look to all these to ascertain what *constitutional* provisions exist in England controlling the rules of the two Houses of Parliament in regard to their own proceedings. I have looked into all these, and I do not find in any of them a single provision prescribing rules on this subject to either House of Parliament. The matter is left entirely to the discretion and control of each body. It follows, therefore, that the inherent right which exists, I admit, in every legislative assembly to regulate its own proceedings, flourishes in full force there. To the possession and exercise of that power alone is the practice of expunging to be referred. Wholly unchecked by constitutional restrictions, they exert it as they please, without stint and without control. They are under no *constitutional* obligation to keep any journal; unless as a matter of convenience, I suppose they would not keep any. With such absolute power over the *whole* of the journal, they are of course complete masters over *every* part of it. They may expunge as they please, or preserve or not preserve as they choose. But how stands the case with us? Have we a discretion on this matter? Can we dispense with *keeping* a journal? And if we cannot dispense with recording our proceedings, how can we dispense with a portion of them? Let the clause of the Constitution already cited answer these questions; and after gentlemen have pondered on it, let them see what authority they can derive from the parliamentary practice of England to justify the attempt to deface and render obscure the *constitutional record* of this House.

In connection with this branch of the subject

let me refer for one moment to that part of the Constitution of the United States which declares that the *yeas* and *nays* shall, at the request of one fifth of the members present, be entered on the journals. No such rule as this is found in the *Lex Parliamentaria* of England. No doubt either House might adopt it if they chose. But if they did, could any examples of theirs, by which it was refused in a particular instance, dispense us with the obligation to have the entry made in all? Surely not; and therefore I do not see why, without any constitutional obligation to keep a journal in that country, their precedents can enlighten us as to our duties here. By the way, I should like to be informed whether, by this expunging process, the *yeas* and *nays* can also be erased from your journal, and the members of this body deprived of their constitutional right to have their names recorded and their opinions registered on all measures on which they vote. I suppose such a principle will be scarcely contended for; the violation would be too palpable. And as there are no English precedents to close the gap which such an act would make in the Constitution, it will hardly be thought of. Well, sir, if the *yeas* and *nays* cannot be expunged from your journal what becomes of this constitutional privilege alike important to the constituent and the representative, by which the record of his vote is to be preserved—*a record which will show the names, but give no information on what subject they were recorded?* The whole proceeding offers a fine commentary on the value of constitutional barriers in restraining the passions of party in a free Government.

It is, however, said, that our rules of proceeding are, in a great measure, taken from those of the English Parliament, or were made in reference to them, and that we are in the daily habit of referring to them as a guide in cases new and unprovided for. True; but does not the honorable Senator see, in this very circumstance, a very strong, if not the strongest reason against the introduction of English rules on this question of expunging? These British rules were once not only referred to in this country; they formed the law for the government of our colonial legislatures before the Revolution. The great men who formed the Constitution of this country knew this perfectly well. They were also quite familiar with everything in the history of the English Parliament in relation to expunging, and they knew better than I do, and quite as well as the honorable Senator from Missouri, the right on which the keeping of a journal stood there—its limitations and its extent. Now, I ask, if it had been their intention to leave that power at the discretion of the American Congress, why introduce any rules at all into our Constitution on this matter? Why not leave this part of parliamentary practice to the control of the Legislature, as they left all the rest? It must strike every one, on reading the Federal Constitution, as most remarkable, that in an instrument of that kind, in which nothing is looked for but general provisions, we should find such special enactments on the subject—nothing left to discretion. But that surprise readily yields to a little reflection, and the value of the classes in question is seen. The men by whom the great charter of our Union was formed came from the school of the Revolution, so fertile of talent and of virtue. They were profoundly acquainted with all the causes by which free institutions can be upheld and may be destroyed. They knew that the legislative branch of the Government, from its construction and its powers, if corrupt, was more formidable than all the rest to the liberties of the people. In it they were aware factions must arise and riot. History had taught them how majorities in public assemblies are prone to trample on the rights of minorities. It was deemed, therefore, of the highest importance to secure, as far as possible, a record of all the acts of the representative, and to give publicity to them, so that the people might know what each member did, and what he did not do. They wished to place before the traitor who is false to his duty here the certainty that his evil deeds could not be concealed while living, and that an authentic record would carry down to the latest posterity his loathsome memory. Hence they determined that he should neither falsify the record of what he did, nor deprive his opponents of the evidence of their opposition to him. These were the reasons which induced the framers of the Constitution to make your journals sacred. And you do violate as holy ground as any the Constitution covers when you lay your hands on them, and blot and deface them. If these considerations are entitled to the weight I think justly due to them, with what semblance of justice can it be urged that these matters are to be regulated by English parliamentary practice? The introduction of any rules on the subject into the Constitution excludes such an idea; and the rules themselves, inconsistent with those prevailing in England, forbid any such conclusion.

Let us, however, follow this matter a little further. If, as the honorable Senator says, we are to be governed by the English practice on this subject of expunging, I presume we must take that practice entire; we are not at liberty to introduce one part of it and reject another. There is certainly no rule in our body which prescribes how it is to be done; we must, therefore, imitate the parliamentary precedents throughout. Now, if I understand the precedents right, they establish the principle that, whenever the parliamentary proceedings infringe on the rights, real or supposed, of the Executive Chief Magistrate, he sends for the journals, or comes to the House, and strikes out the offensive matter with his own hand. When, on the contrary, the powers of the body on legislative matters are impugned by the *vote, order,* or *resolution,* or are improperly exercised, the erasure is made by an officer, under the order of the House. Such appears to be the practice there; and if it is to govern us here, let us have it in its purity. The resolution, therefore, proposed by the Senator is entirely gratuitous; the thing can be done, and strictly speaking, ought to be done, without action on our part. The President himself, according to the *excellent rules* of Parliament which the gentleman recommends for our adoption, has the right to send for our journals, and make such correction in them as he thinks fit. That Senators may see I am not mistaken on this subject, I beg leave to quote to them the following *illustrious precedent,* derived from the act of the *renowned* and *sapient* King JAMES THE FIRST, *of blessed memory.*

The House of Commons in England, at the time when their glorious contest between the prerogative of the Crown and the rights of the people were about to commence, passed the following resolution:

"The Commons now assembled in Parliament, being justly occasioned thereunto, concerning sundry liberties, franchises, and privileges of Parliament, amongst others here mentioned, do make this protestation following: that the liberties, franchises, and jurisdictions of Parliament are the ancient and undoubted birthright and inheritance of the subjects of England, and that the urgent and arduous affairs concerning the King, State, and defense of the Realm, and of the Church of England, and the maintenance and making of laws, and redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matter of counsel and debate in Parliament; and that, in the handling and proceeding of those businesses, every member of the House of Parliament hath, and of right ought to have, freedom of speech to propound, treat, reason, and bring to conclusion the same; and that the Commons, in Parliament, have like liberty and freedom to treat of these matters in such order as, in their judgment, shall seem fittest; and that every member of the said House hath like freedom from all impeachment, imprisonment, and molestation (other than by censure of the House itself) for or concerning any speaking, reasoning, or declaring of any matter or matters touching the Parliament or Parliament business. And that, if any of the said members be complained of, and questioned for, anything done or said in Parliament, the same is to be shown to the King, by the advice and consent of all the Commons, assembled in Parliament, before the king give credence to any private information."

The sovereign just alluded to, on learning this audacious avowal of right on the part of the Commons, was extremely indignant. He dissolved the body, and, calling for the journals, struck out the resolution *with his own hand.* Now, I propose that we shall, in all things, conform to the *right royal precedent.* Let there be no half-way work Let us carry out the glorious example in all its length, breadth, and proportions.

If, however, the honorable Senator will not go the *whole,* I recommend to him to come as near to it as he can; and I humbly submit to him whether he had not better so amend—or rather, so modify—his resolution that we may invite the President of the United States to visit this body, and be himself the instrument by which this stain on our proceedings should be removed. I would propose such an amendment myself; but, as I would be compelled to vote against the resolution even so amended, I am afraid it would not be courteous to adopt such a course. But I again recommend to the honorable Senator to think of the matter, and give his proceeding the shape I propose. The Senator, I see, signifies his dissent, and I fear we must swallow the dose as he has prepared it, but hoping that my suggestion might be favorably received, I had this morning, before coming here, carried out the whole scene in my own mind.

I had imagined the Senate convened; the members in their seats; our faithful Secretary at his post. The approach of the President is announced. Immediately our Sergeant-at-Arms, a very grave and discreet person, who each day so clearly and audibly announces, "*Message from the House of Representatives,*" &c., &c , &c., takes his station at the door, and, in a distinct and firm tone, cries out, "*The President of the United States.*" He enters. We rise from our seats, joy glistening in the eyes of his friends, dismay pictured on the countenances of his opponents. He traverses the room with a firm step and dignified air. You rise from your seat, sir, and receive him with that grace and urbanity which so eminently distinguish you; you salute him with affectionate complacence. He answers your salutations with kindness and dignity. All eyes are fixed on you and him; and, more favored than other mortals, our vision is blessed at the same moment with the *setting* and the *rising* sun.

The preliminaries of reception passed over, and the bustle attending it terminated, a solemn silence prevails. You slowly rise from your seat; the President does the same. You pause for a moment, and cannot conceal the emotions which the affecting scene gives rise to; you are, however, at last composed, and you address the President in these words:

"SIRE: The Senate of the United States have imposed on me the most agreeable duty of announcing to you the object which has induced them to request your presence in their Chamber. Deeply impressed with the value of your services in the field and the cabinet; convinced that, under Divine Providence, you have rendered more services to mankind '*than any other mortal who has ever lived in the tide of times,*'* they are anxious to show their devotion to your person, and their sensibility to your fame. It is with grief they are under the necessity of saying that there is found on their journal a resolution of this body which is unworthy of them and of you. That resolution declares that the Senate differ in opinion with you on the lawfulness and constitutionality of one of your public acts—a declaration, sir, which they had no authority to make, and which is untrue, inasmuch as it dissents from the opinion of you, the wisest and the best. The Senate have resolved that it shall be expunged from their journals, as a warning to posterity that this branch of the Legislature shall, in all time hereafter, keep within its constitutional powers, and express no opinion on any act of the Chief Magistrate. The Senate have considered that it would be more grateful to you, and more conformable to precedents drawn from the *purest periods* of British history, that you should expunge *this odious resolution* with your own hand. The manner in which the expurgation should be effected is left entirely to your discretion. To *erase* the resolution by drawing black lines *around* it is the mode preferred by many of your friends, and particularly by that *distinguished and high-minded* body, the Virginia Legislature. I present, you, sir, this pen, that it may, in your own hand, avenge your wrongs, and shall only further say that this is the happiest and proudest moment of my life. *It is glory enough for any one man.*"

Sir, I had also run out the gracious answer which the President would have made to this loyal and affectionate address, but I felt I was treading on ground which I could not approach, and I therefore abandoned it.

I think it scarcely kind of the Senator from Missouri to deprive the world of the interesting

*Vide Mr. Benton's speech.

ceremony, so royal in its precedent, and so valuable in the support which the example would afford to the cause of freedom and legislative independence. I hope he will yet reconsider the matter, and, if we are to have the process applied to our journals, give us the pure, unadulterated, English practice on the subject.

But I must leave these pleasant contemplations, and return to the argument. And I contend that, even admitting all the reasoning offered in support of the resolution proposed, still we have no authority to do the act which the Senate is called on to do, because the journal which it is proposed to blot and deface is not *our* journal, but that *of a former Congress.* I think I have conclusively shown that we have no power over our own journal after it is made up; and I am not to be understood as in any respect abandoning the ground assumed in relation to it. But all the reasoning which established that proposition acquires an increased force when brought to bear on the present question. Some embarrassment is created in the mind, on the first view of this matter, from an idea which commonly prevails, of the Senate being a permanent body, and that its journals, from its creation up to this time, belong to it in that character. But it is evident this position is only true when applied to the Senate in its *executive* capacity. In discharging its *legislative* functions it has a limited existence. It can only act for two years at a time, and, at the end of that period which terminates a Congress, its legislative powers terminate as those of the House of Representatives do. When it meets a House of Representatives whose whole number is newly elected, it meets that body with the one third of its members also newly elected, and both form a new Congress, and are not a continuation of the preceding one. The longer term of service of the Senators does not affect the duration of the Legislature to which they are deputed, nor destroy its distinctive character. They are members of several Congresses, but several Congresses do not enter into and merge in a continuous Senate. The Constitution of the United States vests the national legislative powers in *a* Congress composed of *a* Senate and House of Representatives, not in *the* Senate and House of Representatives. I contend, therefore, sir, that the Senate of the United States stands precisely in the same relation to the legislative journals of a former Congress as the House of Representatives does; and that, if the present House of Representatives has no authority to alter or deface the journal of that branch of the Legislature of the Twenty-Third Congress, this body cannot touch the journal of the Senate which formed a part of it. We are the *keepers*, sir, not the *owners* of the volume which contains the proceedings of that Legislature. Is it possible, sir, the extravagant proposition will be maintained that the journals of the Senate of 1790 belong to the Senate of 1836, and that they have the power to change or obliterate what is written in them, or destroy them altogether at their pleasure? And yet that proposition must be maintained to justify the act now proposed to be done. Far from being our property, they are that of the people of the United States; and you have just as much right to order, by a resolution of the Senate, that one of the national frigates should be altered or destroyed, or one of the fortifications of the country dismantled, as you have to touch the records of a former Senate. Did there exist a law of Congress making it a penal offense to alter or deface the journal of either House of Congress, and our Secretary, who might commit this act by your order, should be indicted for it, I deny that he could successfully plead the mandate he received from you as a justification. If he offered such a plea, and it was demurred to, I hazard little in saying that, in case the matter were carried before the Supreme Court of the United States, they would hold he had no valid authority for what he had done.

[Mr. PORTER having here become exhausted, a motion was made, and unanimously carried, to postpone the subject under debate.]

On resuming his remarks on the following day,

Mr. PORTER said: I am quite sensible of and grateful to the Senate for the indulgence which it extended to me yesterday, and I feel that the best return I can make for its kindness is to condense as much as possible what I have further to say on the question now under consideration.

In the observations I had the honor to offer to the Senate yesterday, I touched on all the arguments offered by the Senator from Missouri which related to our power to expunge, save that which he based on a precedent drawn from a former proceeding of this body. Sir, I am free to confess, when the gentleman read the resolution which, by its language, affirms such a power, I never was more struck with astonishment in my life, and it was under the influence of an irresistible curiosity that I asked the Senator the question I did, and not from the intention of interrupting the train of his remarks. He rebuked me for the interruption justly, but gently, and I acquiesced in it. But when the honorable Senator further told me to beware resting the matter on so small a point, "or I might be blown up," I felt prepared to join issue with him, and to show him that the point is by no means a small one. On the contrary, the inquiry suggested a principle on which the whole value of the case, as a precedent, depends.

If the Senate, in the instance relied on, had determined they possessed the power to expunge from their journal an entry made on it, we should then have had the question submitted, whether any example set by others could authorise us to surrender our clear and conscientious convictions of constitutional obligation. But the case does not impose any such necessity. What is its history? It is this: On the last day of a session of Congress, in the year 1806, a petition, or memorial, was presented from certain persons, then under conviction for offenses committed against the laws of the United States. This memorial reflected strongly on the conduct of the Chief Magistrate, and its tenor was entered on the minutes. How long after the entry was made we do not know, but not many hours after, *and on the same day in which the petition had been received*, a motion was made and carried to expunge it *from the journal.* This motion prevailed. The confusion and hurry which always attend the transaction of business on the last night Congress sits, accounts fully for the inaccuracy of expression used in the resolution, as there was *no journal* until the entries made during the day were read over and sanctioned by the approbation of the Senate. Until that approbation is given, the acts of the Secretary are no more than minutes of proceedings, over which the body has complete control; just as, in the same manner, the entries of a clerk of a court made during the day are subject to the revision and correction of the judge when read the following morning. Had not the Senate been about to adjourn that night, the measure was entirely gratuitous, as the correction could have been made at the commencement of the next day's sitting, when the minutes prepared by the Secretary were read over. It did not, however, sit; and it is probable this method of getting rid of the obnoxious matter was preferred, as it was a period when party run high, and the step taken by the petitioners well calculated to excite the passions which belong to such times. Be this, however, as it may, it is obvious that whatever form the majority chose to give their resolution, their power over the matter was undisputed.

I see some gentlemen dissent to this position. I consider it, however, perfectly sound. It cannot be, it is not true, that the secretary of a legislature or the clerk of a court has the right to place any matter he pleases on the minutes of the proceedings, and that neither the judges, in the one case, nor the legislative body in the other, have the power to expunge from them what is improperly placed there. It cannot be, it is not true, that if errors are committed by either they must remain, and cannot be corrected; all practice and all reason are opposed to such a doctrine. But this control over the proceedings, before the journal of the clerk or secretary is made up and sanctioned, is totally different from the right claimed here to change or deface the record after it is complete. The court, during its term, may correct any error into which it has fallen. Its minutes are under its control for the same time. But was it ever heard that it could, at a succeeding one, change, erase from, or add to, the record of its proceedings of a former session? Never, sir. And so, in reason, and on the true principles of the Constitution, is the power of this body limited. Its record, once made, becomes sacred; it is the property of the people, was intended for their protection, and you have no right to deface it. The Senator from Missouri was well aware of this objection to the precedent cited by him, and he endeavored skillfully to evade it by saying that at all events we could not deny that it was a complete answer to our argument, which assumed the constitutional duty of this House to record all its proceedings. Here, said he, *was a proceeding*, and *a proceeding not recorded.* Sir, this is quite plausible, but, on a close examination, it offers no real difficulty. The question presented in the instance referred to was precisely that we have been debating for nearly two months or more this session, and that is, the right of this body to reject a petition. We who were in the minority on the abolition memorials, and who contended for their rejection, urged that we had a right to refuse to consider them, and to deny them any place on our journals. Had we then known of this precedent, we should have quoted it in support of the position we assumed, for, by erasing the memorial from the minutes, the then Senate declared that they were under no constitutional obligation to receive it, nor to permit any record of it to be preserved.

Well, sir, I think the Senate decided correctly in the case to which I have alluded; but the honorable Senator and those who voted with him to receive the petitions will, no doubt, consider the decision of the Senate of 1806 erroneous. If erroneous, it is no authority. If, on the contrary, it was a sound opinion, it establishes what I assert to be the true doctrine, namely, that the Senate have a right to refuse a petition, and are under no obligation to record it. The case cited, therefore, does in no respect conflict with the principles for which we who oppose this resolution contend. All that is decided by it is, that the rejection of a petition is not such a proceeding as should be placed on the journals. But, Mr. President, did it go the whole length for which the honorable Senator introduced it, I could not permit, in a case of this kind, that it should control my actions. In constitutional questions we are not permitted to surrender our conscience to *authority.* It ought to have no guide but *reason.* The precedent in itself contains nothing to challenge approbation. It was done in haste. We have no evidence there was *any*—we know there could not have been *much*—debate on it the last night of the session. It was passed by a small majority in a very thin Senate. It was a complete party vote, in high party times. To make such a proceeding decisive of a question of this magnitude would be to place the Constitution of the country at the mercy of every faction which by turns may get possession of a majority in Congress.

I have already said that I do not consider it made the slightest difference in the question before us, whether the resolution of the Senate, which it is proposed to expunge, was constitutional or otherwise. In my judgment the obligation imposed on us to keep a record of it is precisely the same, be its character what it may. The Constitution makes no distinction; and where it does not distinguish, we cannot. But as I do not agree with the Senator from Missouri that the Senate, in the instance alluded to, either did injustice to the President, or improperly exercised the powers vested in it, I beg leave to make a few observations on the leading proposition by which this charge of injustice and assumption of power was supposed to be established. We exercised, it is said, on the occasion complained of, *judicial*, not *legislative power*, and we condemned the President of the United States when he was not accused, and we did so without even hearing his defense.

If all this be true, "the head and front of our offending" is certainly very considerable; but I apprehend it requires no very great ability to show that it has no foundation whatever. We did not, on the occasion alluded to, exercise judicial power, and therefore we neither tried nor condemned the President.

Although the *legislative*, *executive*, and *judicial* powers conferred by the Constitution of the United States on the Senate be in theory distinct, yet cases are constantly arising in which the action of the body in its several capacities is imperiously demanded on the very same matter. This is inevitable; for as the powers conferred extend to the person who acts as well as the thing which is acted on, it is impossible, in legislating on the one, or in sitting in judgment on the other, to avoid deciding on matters which are common to both. The exercise of judicial authority in one aspect presents an exception to this principle. In the investigation which belongs to it a *prominent and controlling inquiry is as to the intention with which the act was committed.* An examination of this kind can only be gone into by the Senate when sitting as a court of impeachment; but, with this single exception, I maintain that this body, in its legislative and in its executive capacity, can go into an investigation of the legality of acts, and their tendency, just as freely as if no judicial authority was conferred on it. Were it otherwise, its *legislative* power would be most injuriously abridged, and the *executive* portion could not be beneficially exercised. Indeed, it is only necessary to have the contrary principle established, and the Chief Magistrate would get a power in his hands which would enable him effectually to put a stop to all legislation on matters in regard to which he thought proper to resort to the exercise of Executive authority. But, if I understand the Constitution rightly, it was not intended the legislative functions of this body should be placed under the control of any other branch of the Government. My reading of it is, that in the use of them it is not more confined in its sphere, nor less free in its action, than the House of Representatives.

See, Mr. President, to what consequences the contrary doctrine would lead. Congress is almost constantly passing laws which require the exercise of Executive authority to carry them into effect; the President construes them according to his judgment, and executes them. The Legislature take the matter into consideration; they think he has assumed a power which the law did not confer, and the exercise of which is injurious to the public interests. A bill is introduced to correct the evil. Is the Senate estopped from acting on it, because, forsooth, it is compelled to look into the construction given by the President of the law, and finds that it differs in opinion from him? Can it extend no remedy for the mischief because he has done wrong?

In an early period of the Federal legislation an act was passed authorizing the President of the United States to remove from the public lands persons who had settled there without permission. It was intended to operate on that class of persons vulgarly but emphatically called *squatters*. In the year 1806, I think, Mr. Jefferson enforced this law against a possession which Edward Livingston had of a portion of the batture in front of the city of New Orleans. To this property Mr. Livingston asserted title under a grant of the French Government to the Society of Jesuits. His right was contested by the city of New Orleans and by proprietors of the lots in front of the river, holding under the same grant. It is not necessary to say, if it were easy to do so, which had the better title; it is enough to state that the property did not belong to the United States, and that the act of removal, however good the motives of the President—and I do not impeach them—was most illegal, and its operation oppressive in the extreme. An action was brought against Mr. Jefferson for this act, and the cause dismissed for want of jurisdiction in the court, on the ground that the trespass was committed in Louisiana, and the trespasser lived in Virginia. Now, I ask if Mr. Livingston had applied, as well he might, to Congress for compensation for the great pecuniary losses which he sustained by this act of the President, could the Senate not have acted on the bill for affording relief, because it must necessarily have decided that the President had done an act, in the language of the resolution of the Senate, "not conferred by the Constitution and laws, but in derogation of both."

If gentlemen on the other side say it could not have acted on such a bill, because it *must* have decided on a matter which *might* thereafter come before it on an impeachment for the act, I leave the correctness of the answer to be decided by the American people, without any comment of mine. And if their answer be that it could have constitutionally passed such a law, I inquire what difference there is between *deciding* that an act of the President was contrary to law, and giving relief for it, and making a declaration to the same effect in the shape of a resolution?

The contest between the present Chief Magistrate and the Bank of the United States is nearer to our own times, and offers an example equally illustrative of the ground I assume. By its charter, the United States engaged to place with it in deposit the public moneys. The President thought he had the power to withdraw them whenever he pleased, and without any cause save his own pleasure. The Senate think differently; and without stopping to inquire which party is right, I ask could not a bill have been constitutionally passed here to compel them to be replaced, because, in our opinion, they had been illegally, and consequently unconstitutionally removed? I suppose it will hardly be contended it could not. If it could, have we not the power to declare the illegality, by a resolution, in the hope that it will induce the Chief Magistrate to reconsider his act and restore the deposits? It requires sharper optics than mine to see the difference.

We need not stop here, sir. Let us follow this matter into the exercise of that executive power which the Constitution has conferred on us. Individuals while holding high offices are sometimes nominated to the Senate for others. The manner in which they have discharged their duties in the placed filled by them is often and of necessity a matter of rigid and severe inquiry. Acts have to be sifted and examined, and a judgment formed on them, to enable us to decide whether it is proper to give our consent to the nominee occupying a high station. The investigation must, therefore, be often carried to actions which, if committed with a bad motive, might subject the officer to impeachment. Such a case has occurred, and our authority and bounden duty to go into such inquiries have never, as I know, been questioned, although it is manifest the same matters, in relation to the same person, may come before us in a judicial capacity.

Sir, this limitation, which now, for the first time in our history, is attempted to be placed on the legislative power of the Senate, is a pregnant sign of the prevailing notions of the day. The duties which this body have to perform in the capacity in which it passed this resolution, are just as important and as sacred as those belonging to it in its judicial or executive character. With the opinions entertained by its members, they could not, without sacrificing their conscience at the shrines of ease and expediency, have refrained from the declaration they made in relation to the conduct of the Executive in removing the deposits. That measure filled them with a profound and, I will add, a just alarm. In their view of the matter, they saw a great assumption of power on the part of the Chief Magistrate, and they could not be blind to the fact that the tendency of public opinion was, and I am sorry to say still is, to surrender all authority to the hands of the Executive; to look to him, and to him only, as an index which is to point to what is useful and what is honorable in policy and in legislation. Had they consulted their own convenience their course was plain; it was to bow to the storm, and trust that when a less popular man was at the head of the Government, the healthy action of all its several departments would be restored. But they took lessons from a purer source, and, I trust, a higher wisdom. Experience had taught them that in free Governments dangerous precedents are always set by popular men; because it is they and they only who can create a delusion which will permit them to be set. They knew with what fatal effect this example would be cited in after times as a justification of still greater stretches of authority; and they determined at all hazards to resist it to the utmost of their ability. For one, I rejoice that they did so; the gratitude of their country awaits them; and posterity will do that justice to their acts and their motives which party spirit now refuses to award to them. Far too humble myself to connect history with my name, I fondly indulge the hope that the position I occupied at that moment will attach me in some degree to it, as one of those who stood manfully in the breach in the unequal battle which was fought for the Constitution. I desire no higher praise, and would ask no prouder epitaph to be engraven on my tomb.

We have been required, in this debate, to *toe the mark*, and the hope has been expressed that, after having denounced the President during the session of 1834, stigmatized his conduct, and misrepresented his actions, we will not now take shelter under the defense that we did not mean to impute bad motives to his acts, and merely intended to express an abstract opinion on the lawfulness of his acts. This hope, so far as I am concerned, I am fully prepared to gratify. I am ready to come up to the line I advanced to them, and defend it. And I say that during the whole of that debate, I do not recollect any charge of corruption or intentional violation of the Constitution charged on the President of the United States. His acts removing the deposits, and displacing the Secretary of the Treasury, were denounced, it is true, and in strong terms; the unlawful assumption of authority was exposed in every point of view in which it was susceptible, and the pernicious tendency of the precedent set was painted in vivid colors. This is my recollection of the debate. I do not pretend to say that, in the heat of it, expressions of another kind may not have casually dropped, but such was its general tenor, and I have no remembrance of its being carried further. As to my own opinions, I can speak with great exactness, for I think now of the whole matter precisely as I thought then. I did not then believe, and I do not now believe, that the Chief Magistrate was impelled by any corrupt motive, or that he thought, when committing those acts we found fault with, that he was violating the Constitution and laws; and the little I said on the subject, for I was then a new member here, distinctly expressed this conviction.

But I considered the conduct of the President wrong. I believed that neither the Constitution nor the law authorized him to interfere as he did with the public Treasury, and so thinking I did not hesitate to say so, and sustain my opinions by my vote. The thought never crossed my mind that I was prejudging his case, if he had been impeached; nor can I now see the slightest reason for alleging that I did. And I cannot help remarking that they who press such an idea pay a poor compliment to the President, when they contend that whoever differs with him in opinion as to the legality of his acts, necessarily ascribe to him bad motives for them, and decide the question of guilt, which we would have to try if we were in the exercise of our judicial functions.

But when the Senator from Missouri was about to bring forward this motion for expunging, I marvel he did not carry his attention to another resolution which is to be found on the journals of the Senate, and which, according to the doctrines he labors to establish, is in as great a degree a violation of the Constitution as that selected by him. I allude to that passed by this body in relation to the late Postmaster General (Mr. Barry) at the close of the session of 1834. That the Senate may see the perfect analogy between the two cases, I shall bring them in juxtaposition. That which relates to the President is in these words:

"*Resolved*, That the President, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

That which regarded Mr. Barry is as follows:

"*Resolved*, That it is proved and admitted that large sums of money have been borrowed at different banks by the Postmaster General in order to make up the deficiency in the means of carrying on the business of the Post Office Department, without authority given by any law of Congress; and that, as Congress alone possesses the power to borrow money on the credit of the United States, all such contracts for loans by the Postmaster *are illegal and void*."

Now I cannot see any the slightest difference between these cases, and I defy the most subtle intellect to show him they can be distinguished from each other. And, on examining the vote given on that case, we do not find it was a party

vote. Far from it; it was the unanimous voice of the Senate, and the vote of the Senator from Missouri stands recorded among the number. Well, may I not ask if it was a violation of the Constitution of the United States to vote that General Jackson had exercised a power not conferred on him by law, was it not an equal violation of it to vote that Mr. Barry had acted contrary to law? Do the names make any difference? Or is it that the action which is constitutional in regard to a Postmaster General becomes a heinous offense when committed against one clothed with the power and upheld by the popularity of the President of the United States? I trust not. But still it is left to gentlemen who are now prepared to expunge this resolution because it prejudges General Jackson, to explain why they voted for that against Mr. Barry which equally prejudged him. They must also explain why they leave the latter resolution untouched on the journals, and expunge the former. Is it because *they* voted for that against the Postmaster that it is sacred? or has slow repentance not yet reached them? It has been said that the most ignorant man may ask a question which the wisest cannot answer; and I apprehend they will find themselves pretty much in that condition in relation to these interrogatories.

The Senator from Missouri, however, who takes time by the forelock, has anticipated this objection, and has given his explanation. He says the vote was forced on him, and, finding himself compelled to act in this unconstitutional way, he conceived that he was in no respect sanctioning the course which the Senate pursued; that a negative vote would have admitted the jurisdiction just as much as an affirmative one. Without in the slightest respect impugning the sincerity of this declaration, and giving it full effect, I must still remark that though it may sustain the consistency of the Senator, it still leaves the precedent in all its original force, as the construction of laws, or the deductions to be made from the acts of legislative bodies, can be in no respect affected by the declarations of individual members of their views or motives in concurring in them. And I must also say that *I* should think it is a very good reason to vote against a resolution or law that I believed it to be unconstitutional. But, be this as it may, it only explains the vote of the Senator, and we have the sanction of all the rest of his friends for the constitutionality of our proceeding. And at all events it is no justification for permitting the resolution in regard to Mr. Barry to remain, and expunging that relating to the President. If either is to be effaced from our journal, I hope both will. If justice requires this act, let it be extended to the memory of him who has passed hence to another and better world, as well as to him who remains among us. Let the bounty of the honorable Senator extend to all similarly situated. I trust he will recollect

> "That the self-same sun which shines upon a Court
> Hides not his visage from the cottage."

I think I have shown that the Constitution of the country will be violated if we adopt the resolution of the honorable Senator, and I hope I have satisfactorily answered the principal reasons presented by him in support of it.

The remaining portion of the honorable Senator's speech was devoted to two subjects: a panegyric on General Jackson, and a vituperation of the late Bank of the United States. The relevancy of either or both these matters to the question now before us, he will excuse me for saying is not exactly seen by me, and I might well pass them by; but a few observations before I close, on some of the topics he advanced, will, I trust, be pardoned.

And first, as to the praises which the Senator has dealt out with such an overflowing hand to the President, I have to say that I find no fault with them. They proceed, no doubt, from the strong partiality which the gentleman from Missouri feels for their object; and his friendship, and the modes he takes to manifest it, are matters entirely personal to himself. It would be the less excusable in me to complain of this failing, as it is one which I share largely in myself. In spite of everything I can do, I find the utmost difficulty in seeing faults in those to whom I am attached. My self-love gets interested in sustaining them in my own opinion, and it is dexterous in palliating their weaknesses and magnifying their virtues. With the perfect consciousness of this tendency of my own nature, I can make great allowance for what *I* consider the extravagant praise which the Senator has bestowed on the present Chief Magistrate. But, after making all concessions of this kind, I cannot help thinking the gentleman from Missouri has pushed the matter a little too far; that he has even stretched beyond its due extent the old maxim,

> "Lay it on thick, and some will stick."

It is, perhaps, rash in me to say so. The honorable Senator is skilled in matters of this kind, but I just submit to him whether he did not set all the laws of probability (at least) at defiance, when he said that "General Jackson had rendered more benefit to mankind than all the politicians that ever existed."

Mr. BENTON here said he had been misunderstood; that he said "all the *hack* politicians who had ever lived."

Mr. PORTER. If the Senator so limited his remark I do not gainsay it. On the the contrary, it has my entire assent. There is no class of men for whom I have a more thorough contempt —no, not my contempt; they are not worthy of it—there are no men for whom I have a more intense pity than I have for those who come under the denomination of *hack* politicians. They are a miserable race generally, lost to all honor, truth, and patriotism, who sell themselves for office, and when they obtain it, use place and station to plunder more successfully the people they have deceived. With such men I would not compare General Jackson for a moment; but I think, on reflection, the Senator from Missouri will see that I was not mistaken, and that in the warmth of his eulogium, he did carry his comparison to the extent I have stated. Such are my notes of his speech.

Mr. BENTON said the Senator from Louisiana might so understand his remarks.

Mr. PORTER. Well, with that permission I proceed to comment on the compliment paid to the President; and looking back, I find that Solon was a politician; Aristides was a politician; Pericles was a politician; Cicero was a politician; John Hampden (a name never to be mentioned in a temple of freedom without reverence and gratitude) was a politician; Lord Chatham was a politician; John Hancock, Benjamin Franklin, and Thomas Jefferson were politicians. And with these names come a crowd of recollections which force me to think that Solon, and Aristides, and Pericles, and Cicero, and John Hampden, and Lord Chatham, and Hancock, and Jefferson, and Franklin taken altogether, have rendered just *as much service to mankind as General Jackson, and a little more.*

In making these remarks, I am not to be understood as wishing to detract from the reputation of the President. He has many qualities I respect, and he has rendered important services to his country. No one admires more than I do his indomitable will, strong native sagacity, and that almost sublime energy with which he pursues and generally attains his purpose. I appreciate, too, at its just value, the unshaken attachment he displays to his friends, though the virtue be, as I admit it is, more fitted for the ornament of private than of public life. But close along side of these strong points of character lie defects which I fear will be painfully felt and long seen in their untoward influence on public prosperity. But this is an ungrateful theme, which I have no desire to pursue, and I return to the remaining portion of the subject.

I am sure the Senate will pardon me for not following the argument I am replying to through the minute examination given by it to the affairs of the United States Bank. I see no use in warring with the dead. The party in power have destroyed the bank on their responsibility, and I leave to them the pleasure and advantages of a *post mortem* examination. I shall not assist at it. If I had the wish to do so, I have not the knowledge to enable me to meet the Senator on so intricate and confused a field. He has, with great industry, made himself master of a variety of facts of which I have no knowledge, still less of those by which his statements might be explained or the incorrectness of the views he has taken exhibited. Indeed, such is the absorbing attention which the Senator from Missouri has given to this same *great monster*, the Bank of the United States, that I apprehend there is no man in the Republic, except the President of the bank, who is able to give answers to all the objections and charges which the fertile imagination of the honorable member can at any moment conjure up. I would, therefore, suggest to him that great advantages would accrue to the Republic if he would, in some way or other, have a regular discussion with *the parent of mischief, Old Nick* himself, in regard to the former transactions of the bank. They might play the game by letter, as that of chess is sometimes done, or what would, perhaps, be better, they could meet at some halfway place, and each limiting himself to half an hour at a time, (I should consider *this clause* in the agreement *very important*,) they might, at the end of five or six months, end the matter quite as satisfactorily as the theological contests of a similar character we sometimes hear of generally terminate—that is, the auditors would come away with their heads confused, their passions heated, and their original prepossessions confirmed.

Of this matter I can only state the impression produced on my mind by all I have seen and heard on this question, and the conviction I express has, at all events, this recommendation, that it comes from one who has never had any connection with the bank in any way whatever, and whose judgment is not clouded by the recollection either of favors received or favors refused. I say, then, in all sincerity, that nothing has yet come under my consideration to induce me to think that the Bank of the United States was not wisely and honestly conducted, and I am convinced that its operations were most useful and salutary to the nation. It gave us a sound currency, and it regulated exchanges with a success until then unknown, and which, if we have not reached that point already, we must soon cease to enjoy. No institution, with its power, which ever existed, so studiously abstained from all interference with either national or State politics, up to the time when it pleased those opposed to it to raise the war-cry of party, and to denounce it to the public, instead of calling it before a court of justice, where, according to the terms of its charter, all violations of it were to be tried. I shall not attempt to characterize what it did afterwards; that must be judged by others; but I fear we are still too near the heated scenes which this contest has given rise to to judge of it correctly. Dragged from its legal and constitutional judges, and arraigned before the American people, it had no choice as to the place or mode of defense. It had no alternative but to submit in silence to all the imputations heaped on it, or to meet them by denial and proof. That it may have sometimes overstepped the limits of defense by assailing its opponents, may be true; and that its language may not have been always as guarded as policy would have dictated, is perhaps equally true, nor is it important. The fault lies with those by whom the irregular and unconstitutional assault was first made, and much is to be pardoned to the feelings such a proceeding produced. It is very easy for the physician who stands by the side of the victim who is racked to tell him that his complaints must be courteous and his cries gentle; but this species of forbearance, like many other virtues, it is much less difficult to preach about than practice.

Nor have I seen any proof that it abused its power at the time when, from the wide-spread alarm which filled the community on the removal of the deposits, a total want of confidence in pecuniary matters seized on the public mind; and this has again and again been shown. The contraction of its discounts was not greater than the removal of the deposits warranted, and the necessity for transmitting its funds from distant points to those nearer home, where it was menaced with a pressure, without the imputation of unworthy motives, accounts for the facts which the Senator referred to.

And there is just as great a mistake in regard to the motives attributed to the members on this floor who are opposed to the measures taken by the President in relation to the bank. I am

really almost tempted to get out of humor with the Senator from Missouri at the small compliment he pays to our common sense, when he asserts that the course pursued by us was prompted by the hope of influencing elections and promoting party ends. I beg the Senator to understand that, deferring to him, as I am sure all on this side of the House readily would, to his superior skill in electioneering, and to a knowledge of all topics by which the passions and prejudices of the multitude can be inflamed, we were not quite so ignorant of these things as to ever flatter ourselves *the bank* could be made popular with the people. Reason and experience both taught us another lesson.

We knew perfectly well that an institution of this kind never could be acceptable to the mass. Banks always must be disliked by them, because the benefits which they confer on society are indirect, and the philosophy of their utility out of common reach, while the advantages which they confer on the owners of them are great and palpable; and odious because they are exclusive. We knew all this, and if we had not known it, experience had taught us the lesson. We saw the old Bank of the United States, which was wisely conducted, which had given us a sound currency, and whose whole operations had been beneficial to society—we saw it prostrated before public clamor and public prejudice, and that, too, at the moment we were about entering on war with one of the most powerful nations on earth, when its assistance was most important to the fiscal operations of the Government. We knew that all the causes which produced this result were in active operation again, and we foresaw *just as well as our opponents did*, that the same conclusion was extremely probable. There was no difference in our perception of this matter, though there was a wide difference in our view of the consequences. We saw distress and ruin to society in the measure, and we resisted it without any regard to its effect on our popularity. They either did not see them, or, if they did see, they disregarded them. I wish we had been false prophets. I would with cheerfulness give up the praise of wisdom and foresight, to avert the swarm of evils which this measure of the Administration is about to bring on the country, or rather which it has already brought on the country.

We clearly foresaw what would take place, and we as distinctly warned gentlemen on the other side of the inevitable derangement of the currency which must follow the measures they were pursuing. We entreated them to look back on the events which ensued on the refusal, in 1811, to charter the old bank; to reflect on the destruction of credit and prostration of morals which flowed from the multiplication of State banks soon after that period; to remember how at least one third of the property of the country had changed hands in the space of a few years; and to think how many families had been reduced from affluence to poverty by similar measures. We beseeched them to look at those things, but we beseeched in vain. The then Secretary of the Treasury told us State banks could furnish *as good or better currency than the United States Bank.* The President indorsed the statement. The Senator from Missouri talked of his metallic currency, and the golden age which was approaching; and, under these errors and misconceptions the work of mischief was done.

But now, when all these delusions have passed, or are rapidly passing away, is it not meet and proper that we should, from the eminence on which we stand, look at the full extent of the evil which is approaching us? We may draw from the past and present some salutary lessons for the future.

I shall not fatigue the Senate by going back to that period of our history at the close of the revolutionary war, when there was such a rapid depreciation of the value of the currency, though it furnishes strong examples to illustrate the views I entertain of this matter. I content myself with recalling the attention of the Senate to the circumstances which preceded, accompanied, and followed, the destruction of the first National Bank; and I am greatly mistaken if the parallel between the condition of the country now with what it was then will not be found complete.

Previous to the expiration of the charter of the first Bank of the United States, the currency of the country was in a very sound state, and it continued so up to that period, and for a short time after. The States, however, soon began to charter institutions of their own, and between 1811 and 1813, a considerable addition was made to the circulation. In 1816, it became excessive. During all this period the country bore the external marks of prosperity; trade flourished, land, slaves, houses and lots, and all other species of property, rose in value. Real estate, which could have been bought in 1810 for ten dollars an acre, in 1816 sold for eighty and one hundred dollars. I remember the time well, sir; the universal prosperity of the country was the theme of every man's tongue, and speculation run riot in its magnificent schemes. But these things are subject to laws as certain as anything else in this world. There is a point beyond which you cannot carry them. The bubble, when inflated too much, bursts. In 1817 and 1818 the reduction in the circulation commenced. It was at first slow and gradual, and its effects scarcely perceptible. Each day, however, rendered them more apparent, when, in 1819, the circulation being by fifty-nine per cent. less than that of 1815, there ensued a pecuniary distress which has never been exceeded in any country. Every article of commerce, land, slaves, houses, fell as far below their real value as they had before risen beyond it. The most enormous sacrifices were made at public and private sales; and every one was astonished, for they could not account for such a change in the general prosperity. They are all accounted for by these naked facts: in 1813 the circulation of the country was *seventy million dollars;* in 1815, *one hundred and ten millions;* in 1819, *forty-five millions.* It was not property that had *risen* in 1815, it was money that had *depreciated;* and it was the *greater value* of it, produced by its scarcity in 1819, that made that property fall in price.

I have taken these facts from the report of the then Secretary of the Treasury, (Mr. Crawford,) and they may be relied on. There can be no mistake in the deduction I make from them.

It would seem as if all experience was lost on us. We again see the same extraordinary rise in the price of everything which is an object of sale. Every one, as heretofore, is expatiating on the universal prosperity, and there are no bounds to the imaginations in which men indulge in these matters. But our situation is just the same as it was in the other times I have been speaking of.

In 1830, our circulation was *sixty-one million dollars.* In January, 1835, or rather in June, 1834, it was *one hundred and three million dollars.* In 1836, it cannot be less than *one hundred and twenty millions.* An increase of sixty millions of dollars in six years! I give the facts from the official returns made by the Secretary of the Treasury. They come, it is true, no lower down than 1835. But if we take the average increase for two or three years before that time, and reflect on the enormous rise of property since, (a sure indication of an unhealthy circulation,) we must be satisfied that there has been more than seventeen millions added to the circulation within the last sixteen months, and that one hundred and twenty millions is below rather than above the real estimate.

You see, therefore, at a glance, the causes of the present state of things; and who cannot also see at a glance how it is to end? If the evil could be checked now, and the reduction be slow and gradual, we might escape the consequences which time has inevitably in store for us under any other policy. But, sir, far from expecting this, I look to an increase of the disease. It appears to me inevitable. A universal madness has taken possession of the public mind. Within the last four months I have heard of augmentations of banking capital, proposed or passed, to the amount of fifty million dollars, and more I am told are projecting; so that we may expect to see this system continuing until it breaks and falls from its own weight and magnitude. In the present state of things, the States are all interested to increase the circulation of their own banks, and prevent that of their neighbors. Indeed, we already see symptoms of a war of legislation, (the result of jealousy,) by which they are attempting to restrain the notes of banks in other States from passing within their limits.

This deplorable state of things must yet get worse; and well might the Senator from Missouri depict it in the colors he did a few days ago. He could not overcharge *this picture*—a picture rendered more painful to contemplate, by the recollection of our condition before the war was waged on the Bank of the United States. For sixteen years it regulated the currency of the country, with a wisdom and success of which there is no parallel. We threw it away, and we see what we have got in its place. All the projects of regulating and checking the excess of bank emissions by law, refusing to receive at your Treasury their notes of a less sum than twenty dollars, will have no more effect than would a bucket full of earth thrown into the Mississippi to stop its current. And as to pushing gold and silver into circulation when you have five hundred and fifty banks interested in gathering it all up and supplying its place with their notes, that is equally impracticable; a cheap and a dear currency never can exist together; the former always destroys the latter. Having no power by the Constitution to interfere directly with the State legislation in this matter, I see that the country is destined to go through the same scenes of agitation and suffering which it did previous to the operation of the late Bank of the United States. After the evils have come to a height when they can no longer be endured, we shall have another national bank, and not until then. But I submit if it would not have been as well to prevent this state of things two years ago? I inquire, what good has been, or can be attained, by putting the people through this fearful trial? Five or six years hence will be the time to get an answer to these questions.

Sir, it affords me no consolation for all the calamities which I see approaching that we are told the people of the United States have approved of all the acts of the President in relation to the bank. If they had, I could not surrender my impressions; but I have seen no evidence of the fact. It is inferred from his reëlection, and from a majority of his friends being found in Congress. But I protest against any such a fallacy being received as proof of their approval. I believe, on the contrary, that the President was reëlected, and is now sustained *in spite* of the removal of the deposits, not in *consequence* of that act. When I came here two years ago, I conversed in private with none of his friends who did not regret the step, though they were unwilling to abandon him for what they conceived an honest error. These friends still sustain him, because, with his defects and mistakes, they prefer him to those who might take his place. This is the true ground, not that taken in argument. By such reasoning as has been offered on this floor every President who is reëlected has done no wrong, nor fallen into any error; he is infallible. It is a pure sophism to assert that the reëlection of any man argues an approval of each of his acts. It is only evidence that, taking them all, good and bad, together, the people accept him.

I have much more to say, but the state of my health forbids me to go further, and I conclude by again returning my thanks to the Senate for the attention with which they have honored me.

MEETINGS OF CONGRESS.

SPEECH OF HON. R. H. GOLDSBOROUGH,

OF MARYLAND,

IN SENATE, *June* 27, 1836,

On the Veto Message of the President on the bill regulating the time of sitting of Congress.

Mr. GOLDSBOROUGH asked the attention of the Senate for a moment only, as he was well aware at this late period of the session, that the request was a great one; he would give his construction of the Constitution in relation to the question before them with studied brevity and conciseness.

The topic is somewhat a new one, and has for the most part, escaped the attention of commentators; for what reason—whether considered as perfectly obvious, or as not important enough to

engage them—he would not undertake to decide; of this the Senate were convinced, that it was a subject wholly free from all party feelings, or from any other sinister influence that could mislead the mind. Nothing could be further from the expectation of those who voted for this bill, than an idea of violating the Constitution, or infringing upon Executive prerogative; and the frankness, the conciliating temper, together with the concluding sentence of the veto message, afford unquestionable evidence of the good spirit that moved the Executive.

The President in his message, has quoted those parts of the Constitution which he thinks bear upon this subject, and has arranged them in succession; it will be useful, and will facilitate construction if we examine and remark the location of these quoted sections of the Constitution, and see their bearing. The first quotation is from the first article in the Constitution, which treats of the two Houses of Congress, and the conclusion of the fifth section refers to the *several* powers of each House. The next section, in the same article, which is quoted, refers to the *joint* powers of the two Houses. The first says that "neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting."

The obvious design of this section is, to keep the two houses together, both as to time and place, pending their session. The next quotation is from that section of the same article which prescribes the course that bills shall take in Congress before they become laws, as well as the course of every order, resolution, or vote, to which the concurrence of the two Houses is necessary, and is in the following words: "Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States," &c., and shall be subject to his approbation or disapprobation, as bills are.

Thus this section regulating the course of bills in Congress, as well as all resolutions, orders, or votes, which require the concurrent vote of both Houses, provides that they shall be presented to the President for his approbation or disapprobation, but excepts the question of adjournment from that course. They who framed the Constitution, having in the previous section provided that, *pending the session of Congress*, the two Houses should not have the power to adjourn for more than three days, nor to another place than that in which they shall be sitting, excepted this question of adjournment, thus arranged, from the prescribed course of other joint acts of the two Houses; thus making the application of this exception of the question of adjournment, directly and naturally, to the foregoing adjournment, *pending the session*. But the President, in his veto message, contends that the question of adjournment is not a matter of legislation, and rests it upon this clause in the Constitution; and there I think, with respectful deference, is the error in the message, viz., making the exception of adjournment in the clause stated universal in its application instead of special to adjournments, *pending the session*.

The power of regulating the sessions of Congress by law seems to be an incidental and necessary power. Already the sessions of Congress are in part regulated by law. The commencement of the sessions is prescribed by the highest law, the Consitution, empowering Congress to change it by law if they think proper; and the termination of a Congress is also prescribed by law: the doubt arises exclusively upon regulating the first session of Congress, which is always the long session. The bill now under consideration takes away no power from a future Congress, as it provides "that the day of adjournment of the first session of every succeeding Congress shall be the second Monday in May, unless Congress shall at any such session, by joint resolution, otherwise provide." If it is thought, therefore, that the good of the country and the convenience of Congress require that this long session should be limited by law, unless the Congress in session at the time should find it necessary to provide otherwise, shall it be prohibited to Congress to effect this good and this convenience merely because the question of adjournment is excepted from being presented to the President for his approbation, as all other resolutions, orders, or votes are, which require a concurrent vote of both Houses? This would seem to be a strained construction, and more particularly as a much more natural and direct application of that exemption has been shown to the adjournments authorized *during a session*.

The next quoted section of the Constitution is from the article relating to the Executive, and is the third section, which treats on the regular and eventful power of the Executive. It is in these words:

"He [the President] may, on extraordinary occasions, convene both Houses, or either of them, and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper," &c.

From this section the President, in his veto message, concludes that the proposal to fix a day by law, to be binding in all future time, unless changed by consent of both Houses of Congress, is "to take away the contingent power of the Executive, which, in anticipated cases, is vested in him." Here, again, I think the President generalizes too much in his construction. If we examine this section closely, we shall find both its grammatical and legal construction in exact concurrence. The part of the third section of the second article quoted is one sentence, where all its parts have a direct reference to each other, and to nothing else. In enumerating the eventual or contingent powers of the Executive, it states, that "he may, on extraordinary occasions, convene both Houses, or either of them," and then goes on, in the same breath, to say, "in case of disagreement between them in respect to the time of adjournment, he may adjourn them to such time as he pleases," evidently confining this power to the convention of both Houses "on extraordinary occasions"—where, as experience has shown, it would be much more likely to anticipate that its use would be necessary.

By thus confining the exercise of this contingent power of interfering in adjournments (grammatically and by every principle of construction, as I have done) to the special cases referred to, and with which it is placed in immediate relationship, the contingent Executive power is left untouched, and no fear of its invasion remains; and that such is the true construction I cannot hesitate to adopt. With these views, I am constrained to dissent from the veto.

I would say a word upon the policy of this law if it was admissible at this time, as I am convinced that these extremely protracted sessions of Congress are injurious; and must eventually, if persisted in, drive those men from Congress who are most fit and best qualified to be there. But I do not consider this question now before us; the policy of this law has been decided by a large majority of both Houses, and is conceded by the Executive; the only question before you is that which is presented by the veto, and which has been spread upon your journals, the constitutional question, and on that we are alone called to decide. Any other course would involve an absurdity; for suppose a Senator here, who, objecting to the policy of the law, but entirely clear as to its constitutionality, opposed its passage, the President returns the law with a constitutional objection alone, admitting its sound policy. If such Senator, confident that the law is constitutional, still perseveres to decide on his opinion of its policy, which is already decided on and admitted, he sustains the veto in effect, though he condemns and opposes it in opinion; and the express object of the veto, in presenting the President's special objections to a law for consideration, fails.

INDEPENDENCE OF TEXAS.

REMARKS OF HON. S. L. SOUTHARD,

OF NEW JERSEY,

IN SENATE, *July* 1, 1836,

On the Resolution of the Committee on Foreign Relations respecting Texas.

Mr. SOUTHARD said:

Mr. PRESIDENT: The opinion and wishes expressed by the Senator from South Carolina [Mr. CALHOUN] induce me to say a few words before the vote is taken. I am willing to give my assent to the resolution presented for our consideration by the Committee on Foreign Relations, and also to the amendment offered by the Senator from South Carolina, [Mr. PRESTON.] They may be justified by the events which have occurred, and by the case as it appears before us; but I am not willing to proceed further nor bind myself to any ultimate course on the subject. We are too ignorant of the existing condition of Texas in many respects, and have too slight materials on which to form an estimate of her future prospects, to justify us, in our capacity as Senators, in pronouncing a decision that may implicate the interests of this nation with hers. Both in the principles avowed in the report of the committee, and in the conclusion at which it arrives in the resolution, we go quite as far as prudence and sound policy will permit. Even they may lead us, at no distant day, into difficulties of which our excited sympathies and ardent feelings do not, at this moment, take proper cognizance.

I am not prepared to unite in the general expression of a belief that the independence of Texas is secured, and her struggle over. It seems to me impossible that this can be the case. Texas may—she probably will—at some period, perhaps not remote, establish her independence on a foundation which Mexico cannot shake. She has temptations to offer to enterprise, ambition, and avarice, to the better and the baser passions of our nature, which may draw to her very efficient aid in her conflict, and will probably carry her triumphantly through it. But I cannot persuade myself that the contest will not be renewed; and that Mexico will make no effort to reduce the rebellious province, and restore the State of Texas to the confederacy. If she should not, it will be one of the most extraordinary facts in the history of human society, and in the separation of States and nations. It seems to me incredible, when I reflect on the previous condition of that province, on the effects which must result from quietly yielding her independence, and on the population and wealth of the nation. No, sir, Santa Anna is not Mexico. His army was not the strength of that nation. She still has men and money—Bravos and Urreas—and it will not be long before we hear of them in the administration of the Government, and at the head of armies, advancing upon Texas. I can found no opinion or act on the belief that there is an end of the conflict.

But I should not have risen to express these notions, if I had not understood the Senator from South Carolina [Mr. CALHOUN] to declare that he regarded the acknowledgment of the independence of Texas as important, and principally important because it prepared the way for the speedy admission of that State as a member of our Union, and that he looked anxiously to that event, as conducing to a proper balance of power, and to the perpetuation of our institutions. I am not now prepared to express an opinion on that question—a question which all must foresee will embrace interests as wide as our Union, and as lasting in their consequences as the freedom which our institutions secure. When it shall be necessarily presented to me, I shall endeavor to meet it in a manner suited to its magnitude and to the vital interests which it involves; but I will not, on the present resolution, anticipate it, nor can I permit an inference, as to my decision upon it, to be drawn from the vote which I now give. That vote is upon this resolution alone, and confined to it, founded upon principles sustained by the laws of nations, upon the unvarying practice of our Government, and upon the facts as they are now known to exist. It relates to the independence of Texas, not to the admission of Texas into this Union. The achievement of the one, at the proper time, may be justified; the other may be found to be opposed by the highest and strongest considerations of interest and duty. I discuss neither at this time; nor am I willing that the remarks of the Senator should lead, in or out of this Chamber, to the inference that all those who vote for the resolution concur with him in opinion. The question which he has started should be left perfectly open and free.

FAILURE OF FORTIFICATION BILL.

SPEECH OF HON. GEORGE EVANS,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

January 28, 1836,

In relation to the failure of the bill making appropriations for fortifications at the last session of Congress.

The House resumed the consideration of the following resolution, offered by Mr. ADAMS on Friday last:

Resolved, That so much of the message of the President of the United States to Congress, at the commencement of the present session, as relates to the failure, at the last session of Congress, of the bill containing the ordinary appropriation for fortifications, be referred to a select committee, with instructions to inquire into, and report to the House the cause and circumstances of the failure of this bill.

Mr. EVANS addressed the House. He was very glad, (he said,) after several unsuccessful efforts, at length to have been recognized by the Speaker. It would have been much more agreeable to him to have said several days ago what he now proposed to say upon the subject under discussion; but all his attempts to obtain the floor had been fruitless. Indeed, he had begun to fear that he should fail altogether, for he had perceived evident indications that this debate was not much longer to be permitted. He warned his friends who had a wish to be heard that the time allotted them was short; and he apprised the majority of the House, such at least as did not already know it, that they would soon be called upon to wield that convenient instrument for *suppressing freedom of debate*, now so frequently resorted to—*the previous question*—to arrest the further discussion of the topics involved in the resolution. He availed himself, therefore, while he could, of the opportunity to submit a few remarks upon them; though to do so, and to say what he was about to say, was painful to him in a high degree.

The subject which has already engrossed the attention of the House for several days, (said Mr. E.,) whatever range it may take, or whatever space fill, had an exceedingly humble origin. It sprung, *ostensibly* at least, from an inconsiderable paragraph in one of the newspapers of the city, which an honorable member from New York [Mr. CAMBRELENG] deemed of sufficient consequence, as it related to himself personally, to bring to the notice of the House. The charge which he conceived to be made against himself was by no means a new one, and the repetition of it at this time would scarcely have attracted any additional notice, if the honorable member had not deemed it suitable to invest it with some importance, and to found upon it the novel measure proposed by the honorable mover of this resolution. The important measures for the interest and welfare of the whole country, which are required at our hands, must stand still; the embargo which we have been so frequently told hangs over the great commercial city which he represents, must continue yet longer; public and private business both must give place, in order that the honorable member, upon whose Atlantean shoulders the Government seems to rest, might have the opportunity of attempting to free himself from charges neither new in themselves nor supported by new evidence, and now put forth in a paper which he affects to hold in great contempt. The gentleman has been indulged with the opportunity which he sought; and with what success he has met it the House have witnessed. Such was *apparently* the origin of the weighty matters we are considering. I was one of those who voted with the majority, thereby separating from most of those with whom I usually act, in giving permission to the honorable member from Massachusetts [Mr. ADAMS] to introduce this resolution. I did so with the distinct perception that the resolution had been previously prepared and was offered in *close connection* with, and founded upon, the remarks of the member from New York; and I thought I could not be mistaken in the belief that it was a matter *arranged* and *concerted* between the honorable gentlemen. I could not, therefore, be in doubt as to the object of the gentleman, nor as to the character of the report which might emanate from the select committee contemplated in the resolution, should one be appointed. I knew it was an *object* I could not approve, and that it would be a *report* which would not have my concurrence. Nevertheless, I voted to admit the gentleman's proposition—*useless* though it was, *extraordinary* though it was. I did so, simply because I would not be seen *shrinking*, or in a position which might be represented as shrinking, from such a discussion or investigation as I perceived to be challenged. Gentlemen may have it, so far as my consent goes, just so long as they desire it. Let me not be understood, however, for a moment, as intimating that the minority on that occasion, who voted against the introduction of this resolution, are to be supposed, in the smallest degree, or under any circumstances, capable of shrinking from any discussion or inquiry suitable to be entertained. I doubt not, sir, their motives were far higher, and will commend themselves much more to the approbation of the country, than will the purposes had in view by those who have sought this discussion. Sincerely desirous of promoting the public business, and seeing the utter uselessness, and worse than uselessness, of such a proceeding, they were ready to do their duty to the country, regardless of all imputations which might be cast upon them, and every misrepresentation of their motives. Such sentiments were highly honorable to my friends, and I feel the force of them fully. But, at the same time, sir, I could not but perceive the position in which we were placed; and, at a time when upright motives are little appreciated, I knew how easily we might be made to bear the responsibility or the odium of thwarting and suppressing investigation for political and party purposes. For one, I was, though not desirous, yet willing to meet this matter, here or elsewhere.

The fortification bill of the last session failed; everybody knows it. *How* it failed is of exceedingly little consequence; but as everybody does not know it, I have no desire to keep back that information, let the effect of it be what it may. The gentleman from New York [Mr. CAMBRELENG] endeavors to *avoid the question* presented upon this resolution, and to turn the debate in a new direction. He says, "the true issue is, *not* who defeated the *ordinary fortification bill* last session, but who defeated the appropriation of $3,000,000," which was inserted in it by a vote of the House. *This* is the question which he has chiefly spoken to; and all the precedents which he cities are only for the purpose of showing that the form in which the $3,000,000 were appropriated was not justly liable to the objections made to it. Is the gentleman conscious that the charge against the Senate, of having defeated the bill, cannot be maintained? And is he, therefore, solicitous of raising a *new* question—of presenting a *new* issue? Is it a question anywhere mooted, *who* defeated the grant of $3,000,000? Certainly not. Do not the Senate now claim it as a merit? Does anybody deny it? Does not everybody know that the House was *ready*, *far too ready*, to vote the money? Sir, it is no question who defeated the $3,000,000, and the gentleman has labored to little purpose in proving what is nowhere denied. As to whether the Senate ought or ought not to have voted the money in concurrence with the House, I shall have very little, if anything, to say in the course of my remarks; nor shall I enter at all into a discussion of our relations with France. When the proper period arrives to speak our sentiments on that interesting topic, I may be inclined to do so; but at present my business lies with the honorable member from Massachusetts, [Mr. ADAMS,] with the resolution he has offered, and with the speech he has made; and I propose "to join conclusions" with him upon several of the matters he has brought into the discussion. Sir, almost everything connected with this subject is *novel* and *extraordinary*. It is true, a bill of great importance failed to become a law at the last session of Congress; that is not an unusual occurrence. It happens at the close of every Congress that bills fail of being finally passed. It happened at the last Congress in relation to several, which, if not of *equal* importance with the fortification bill, were yet of very great consequence to the country. It would have happened to others also, if that making appropriations for the civil and diplomatic service had not been converted into an *omnibus*, to take up all the wayfaring and the tardy. And yet, often as this has occurred, it has never before been thought a fit occasion for *Executive* interference, nor for investigation by a subsequent Congress. The movement in relation to it is *altogether unprecedented*, and the purposes to be gained do not lie very deeply concealed. *Where* it originated I know not, but the occasion seems to be seized upon as a very fitting one to throw an additional responsibility upon one branch of the Government, in relation to which the feelings of the President have not, I believe, been much disguised.

It is, in my judgment, very extraordinary that the President should have regarded it his duty to introduce this subject into his message in the terms he has used. His duty lies with such bills as Congress send to him for approval, and with those only. He can have no *just interference* with the legislation of Congress; and upon what ground does it stand that he can inspect the journals of the House, examine the unfinished business, and undertake to arraign before the country, or before their successors, either or both Houses for neglect of duty? What proper object, connected with the administration of the Government, is to be promoted by it? What purpose is to be gained? Was it to bring the weight of the Executive arm to bear upon the independence of *that* branch of the Legislature which it is known he does not regard with very *especial favor*? Whether such an object be a fit one for the Chief Magistrate of the nation to pursue, I leave for others' consideration. And if the reference to this subject in the message was *strange* and *extraordinary*, the introduction of it to the House is no less so. An inquiry into the doings or the omissions of a preceding Legislature! For what purpose? To what end? If we may do so in regard to *one* Congress, why may we not as to *all* which have preceded us? If we may vindicate the reputation on the one hand, or impugn the motives on the other, of the last legislative body which assembled here, and it be an object worthy to engage our attention, where will our labors of that description probably terminate? Far better for the country will it be that we *now* perform *our own duties*, than to employ ourselves in the vain inquiry why our predecessors did not perform theirs. The member from Massachusetts [Mr. ADAMS] manifested unusual indignation in reference to the message sent by the Senate on the last night of the session, reminding the House of the report of conferees upon the disagreeing votes of the two Houses respecting the fortification bill; he found *no precedent* for such a proceeding. He had examined the journals of Congress from the organization of the Federal Government, and of the British Parliament for I know not how many centuries; and he called upon the Speaker, all the members of the House, old and young, to say whether they had ever heard of such an indignity offered by one branch of a legislative body to the other? Allow me, sir, to inquire of the honorable member if, in the course of his *very profitable and interesting researches*, he discovered a precedent for such a resolution as he has now offered? If not, I presume, upon reflection, he will not consider the *want of a precedent merely* so entirely objectionable as he seemed to regard it. *His* resolution, like the message he reprobates, will stand alone—unprecedented in the past, and, I trust, unsupported by anything in the future.

But, sir, most extraordinary of all, most unexpected, were the speech of the honorable member and the objects avowed to be sought by the proposed inquiry. "To restore harmony between the Houses!" Such was the declared purpose. What an adaptation of means to ends! To restore harmony, to promote a good understanding by charging, in the bitterest terms, gross dereliction of duty upon the Senate, and individual members of it with little short of treason. Such were the *pacific means* which the honorable member deemed suitable to employ "*to restore harmony.*" Early in his remarks the gentleman found himself transgressing a rule well understood, and *hitherto* generally observed; a rule whose purpose is to preserve harmony—which interdicts any allusion in one branch to what has been said or done in

the other. He declared, upon his responsibility before the House, and upon *higher responsibility* than any he can owe to this House, that he would observe, not merely the letter, but the *spirit of the rule*. In what manner this promise was redeemed we have witnessed. He "would transfer the location of the place where these things had happened from the Senate of the United States to the office of the National Intelligencer," and then quoting, with literal fidelity, expressions used in a debate of the Senate, he proceeded to comment upon them in a tone which I forbear to characterize. On the following day the gentleman interrupted the remarks, pungent and conclusive as they were, of the honorable member from Virginia, [Mr. WISE,] "*to explain.*" In what he had said the day before he alluded to *no individual whatever*—he had no *person* in his mind; he only "*personified a sentiment;*" and to that personification he addressed himself. Such was the explanation. Now, sir, it is not for me to question the sincerity of the gentleman, however difficult I may find it to comprehend the distinction which he attempts. But I must be permitted to say if he was *not* replying to what had been said in the Senate, if he had *no* reference to particular members of it, in his own language "all that eloquence was gratuitous, and all that indignation wastefully squandered away;" and I may add, too, the time of this House was also wastefully squandered away. He either had reference, and *pointed reference*, too, to a distinguished member of that body, or he had not. If he had, then he violated as well the rules of the House as his promise to observe them in letter and in spirit. If he had not, then was his speech an effusion of unmeaning bombast, aimed at nothing, accomplishing nothing, proving nothing but the ill-suppressed feelings which prompted it. The great business of the nation must stop to allow the gentleman to run a tilt against "*the personification of a sentiment;*" and the House exhibits the disgraceful spectacle of boisterous applause at his fancied success in overthrowing a "*personified sentiment!*"

Mr. Speaker, the honorable member, if I do not wholly misunderstand him, charges the Senate with the failure of the bill at the last session, containing the ordinary appropriations for fortifications; and, under this general head, he enters into several specifications. He complains of the *temper* of the Senate; of its indecorum and disrespect to the House, manifested by its prompt rejection of the three million appropriation, "*with but little debate;*" of its *adherence* to that rejection, and of its message to the House in the last moments of its existence, reminding it of the report of conferees, by which the bill could even then have been saved. He goes further: he assigns *motives*, and degrading motives, too, for the action of the Senate, or rather of "those who lead it," and he finds matter for grave complaint and accusation, and for holding that body responsible to the country for the failure of the bill in question. How widely different the same objects appear to different minds! We are all liable to be swayed by passion and prejudice; and no truth is more generally acknowledged than that the powers of the intellect—the reason—the understanding—are susceptible of the greatest influence and the grossest perversion from the qualities of the heart. Now, sir, to my mind, the particulars which the honorable gentleman has singled out as proof that the Senate are responsible for the loss of the bill, are precisely those which *demonstrate incontrovertibly* their extreme solicitude and desire to pass it. What, in few words, is the history of that bill? It passed the House some weeks before the close of the session, in the usual form, making the *ordinary* appropriations. Every attempt to increase the sums appropriated by it was voted down by the majority of the House, under the lead of the friends of the Administration. We of the minority struggled for larger means of defense, but in vain. The bill went to the Senate. Large and important additions were made to it there, under the recommendation and estimates, as is understood, of the Executive Departments; and the bill passed, and was returned to the House. So far, surely, the Senate are not responsible for defeating the ordinary appropriation for fortifications and means of defense. Their control over the bill had ceased. It rested with the House, and the House alone, so far as Congress was concerned, whether it should become a law. It reposed *more than a week* quietly upon the Speaker's table, and until the last day, and very near the *last hour* of the existence of that Congress, before its slumbers were broken. At about eight o'clock in the evening of the 3d day of March, it was called up for consideration. No objection was raised to the amendments of the Senate, which went to *enlarge the sums* to be expended in fortifying exposed points of the country. But the extraordinary and unlooked-for proposition was made of appropriating *three million dollars*, in addition to all which had already been appropriated for specific objects, to be expended under the direction of the President, and *at his discretion*, in the military and naval service.

The minority of the House, opposed though they were to arming the President with the enormous and dangerous power—dangerous to the peace of the country—which this grant of money would have conferred, yet contented themselves with a *silent* vote. The time was short. They were anxious that the bill should pass, and that other bills then pending should pass also. A *single speech* would have defeated the proposed amendment, but it would have defeated the bill also; hence no man raised his voice against it. We *permitted* it to go through the Committee of the Whole, and to pass the House, but we never approved it. We gave proof of the sincerity of our desire to provide the *ordinary* means for defense, in silently submitting to that *extraordinary* and, as we viewed it, alarming proposition. The bill went to the Senate. Objections were made to this appropriation in the *particular form* it stood, resting chiefly, if not entirely, upon a question of *constitutional power* as to appropriations so indefinite and unlimited, and applicable to no *specific objects*. These objections, and the grounds upon which they stood, were well known to the House; and the House might have obviated them if it had been disposed. I do not say that they were or were not well founded. I do not touch that point. It is enough for me that Senators, competent to judge, bound by their oath to support the Constitution, regarded them as fatal obstacles. It was *their* province to determine for themselves. They had the same right, and lay under the same high obligations to exercise their judgments fairly and dispassionately, as pertained to the House; and there is no reason to doubt that they acted in obedience to their solemn convictions of duty. That duty compelled them to disagree to the amendment of the House, and they fulfilled it promptly, and perhaps, as the gentleman says, "with but little debate." The House then *insisted* upon its amendment. The next step of the Senate was to *adhere* to its disagreement, passing over the intermediate stage of insisting also. Why was this? What is the *true reason* for these prompt proceedings on the part of the Senate? The gentleman sees in them nothing but disrespect, and indecorum, and insolence, and a determination to defeat the bill. More time should have been taken; debate should have been had; all the forms of parliamentary etiquette should have been observed! Why, sir, does not the honorable gentleman recollect that the hours, nay, the very minutes, of that Congress were numbered, and were fast wasting away?

In addition to its business of legislation, the Senate was pressed with business of an executive characted, and every moment of its time was actively employed. Was that an occasion to stand upon questions of mere punctilio and matters of idle ceremony? No, sir; the Senate, entertaining objections of a character which can never be abandoned by men who respect themselves or deserve the respect of others, but which might have been obviated on the part of the House, lost none of the time, more valuable then than all the precedents of ceremony which the gentleman can find in his labored researches, in bringing the subject of disagreement to direct issue; and with all the "indecent haste" they are accused of, a conference, the usual parliamentary mode of reconciling disagreeing votes, was not obtained seasonably to have reported, as is now contended, during the life of that Congress. To my mind these proceedings manifest an earnest solicitude to save the bill rather than a willingness to defeat it. The Senate overlooked all minor considerations; disregarded all inferior and subordinate matters, in the *great object* of appropriating largely for works of defense and security. They exposed themselves to this very charge of precipitation and indecorum, or what under other circumstances might be so considered, in their zeal to get the bill so framed as to be acceptable to both Houses. What could they do? Compelled to vote for an amendment which they regarded as unconstitutional, and which they could not, therefore, under any circumstances, agree to; or to see a measure they were anxious to adopt perish before their eyes, with no power to save it; how were they to act? The steps taken by them, standing in the emergency they did, were the only ones possible by which the bill could have been rescued from the destruction that awaited it; and if they had been met by the House in a corresponding temper, it would have become a law. *How* it failed I shall consider presently. But, sir, "*the message*" to which the gentleman refers, and upon which he has expended his warmest indignation—what was it? A message from the Senate "*respectfully* to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses" in respect to the fortification bill. It may have been unusual and without precedent; I do not dispute it. But that it was insolent and contemptuous towards the House, or was so designed, or so regarded, I utterly deny. If it was unusual and without precedent, it was because the condition in which the business between the Houses stood was *new and without precedent*. Emergencies, extreme cases, make their *own* precedents, and furnish their own justification. What was the condition of the bill to which the message referred?

The two Houses had disagreed in relation to the three millions. A committee of conference had been appointed. A report had been agreed upon *unanimously*, as was then supposed, and which it was not doubted would be satisfactory to each House. The chairman of the committee of conference [Mr. CAMBRELENG] retained the papers, with a view of making the report to the House first; after which it was to be sent to the Senate, and until thus sent the Senate had no power over it. A considerable time elapsed, and no intelligence was received by the Senate from this branch. Few moments only remained. The bill was everywhere deemed of great importance. The report of the conferees, if adopted by the Houses, would save it. Nothing had been done in this body, nor, as they feared, would be done, upon the report of the conference. To meet a state of things so new, so unusual, so extraordinary, demanded new and unprecedented proceedings. Deeply solicitous for the passage of the bill, the Senate, regardless of forms, not studious of precise rules of ceremony, made a last effort for its safety. Surprised they doubtless were that the conferees on the part of the House, who had so lately agreed in a report should fail to present it, and that no information should be afforded them of its final disposition. In this view of the matter, sir, I can perceive nothing in that message against which the gentleman has directed his sharpest indignation, but a respectful though earnest intimation that the Senate was ready to pass the bill in the shape which the conferees appointed by the House had agreed to recommend. *They* could not do it until the papers should be sent to them. Where was the disrespect and the insolence of such an intimation? I confess, sir, I have not a perception keen enough to discern it. One sincerely searching for the truth unheated by other considerations, would not be very apt, I think, to discover it.

The honorable member has furnished us with a history of the introduction of the three million appropriation into the fortification bill. He says it was founded upon a resolution of the House unanimously adopted on the preceding day, in these words:

"*Resolved*, That in the opinion of this House the treaty with France of the 4th of July, 1831, should be maintained, and its execution insisted on."

I perceive nothing in this leading to hostilities, and requiring measures, *and extraordinary*

measures, too, of defense. Yet it is said the appropriation was consequent upon this resolution—growing out of it—part and parcel of it, and absolutely necessary to give it efficiency.

Mr. ADAMS hoped he should not be misrepresented. He had not said so. He said the appropriation was *proposed* in consequence of the resolution unanimously adopted the preceding day.

Mr. EVANS. I shall not, sir, designedly misrepresent the gentleman. There is quite as much in the speech which I have before me, *without* misrepresentation, as can be maintained. The gentleman has said:

"It was well known to every member of the House, and, he believed, to every person out of the House, that the appropriation of three millions was introduced in consequence of the vote on that resolution the night before. It was well known that the resolution, which finally passed by that vote, had been contested by a debate of several days immediately before its passage, upon grounds that such a resolution would occasion war. If you look to the journals of the House for the resolution which passed, and to the several resolutions proposed as substitutes for it, you will see that it was admitted with extreme reluctance by many members of the House; that it was ardently and perseveringly contested, and upon the grounds that it would occasion a war. Under these circumstances, although the House were not of opinion that it would give just cause for war, still, how was it possible for a statesman, looking to the interests of our common country, not to see that these reasons, so pressed upon the consideration of the House, and, looking to the action of another Government, might have that tendency? The conduct of a foreign Government, to be predicated upon this act of our own, was matter of foresight and conjecture. There was misunderstanding and irritation between our Government and that of France. The members of the House who had resisted the passage of the resolution, intelligent and patriotic men, had urged the House against it; and all the tender sympathies of our nature, and all the sentiments of humanity in our bosoms, had been appealed to as warnings against that resolution. The image of *war*, in all its terrors and with all its calamities, had been held up before us, to deter the House from the assertion of the nation's rights and of the nation's honor contained in that resolution. Conscious that the resolution could not give any just cause of offense, the House did not believe that it would offend, or endanger the peace of the country; yet, in deference to the fears of the minority, and as an earnest of their sincerity in the determination to *insist* upon the execution of the treaty, it was deemed fitting that the country should put itself in an attitude of *defense*, to meet the worst possible contingency, and to sustain that resolution which they unanimously passed. These were the grounds upon which that item was introduced on the last day of the session. And why on the last day? Because it was only the night before that the unanimous vote had passed. In all the debate in the National Intelligencer, to which he had referred, there was no more trace of such a resolution as having passed the House than if it had never existed."

Now, sir, I am not sensible that I misunderstand or misrepresent the gentleman. He certainly attributes the appropriation of three millions to an apprehension somewhere existing that the adoption of the resolution might lead to measures requiring defense on our part—to a determination on the part of the House to *sustain* that resolution. The resolution was the *groundwork*, the basis of the appropriation. Sir, I take issue upon these assertions. The appropriation would have been moved, I doubt not, and agreed to, whatever resolution had been passed. The particular resolution was passed *unanimously*, not because it looked to *war*, and involved contingent appropriations, but because it looked to *peace*, and was a rebuke on hostile designs. If it was not so *designed* and so to be regarded—if it enfolded within itself anything which might by possibility lead to war, and which demanded corresponding preparations, then I will say with my honorable friend from Massachusetts, [Mr. REED,] that we were *deceived* and betrayed into its support. We agreed to it as a *measure of peace*. The abandonment of the treaty nobody dreamed of. Even France had not intimated it. Hostile movements, or movements tending *in any degree* to hostilities, were never intended by us. We would not have moved an inch in that direction; least of all would we have done anything to place the question of peace or war in the sole hand of the President. The resolution, therefore, was not the foundation, I repeat, of the appropriation of three millions. It was *not* so understood, as the gentleman says it was, on all sides of the House. On the other hand, so far from being regarded as a "consequence," a "consummation of the resolution," it was looked upon as *directly repugnant to it*. A distinguished member from Virginia, [Mr. GORDON,] who I regret is not now here, and who represented the principles of the ancient Commonwealth with great ability, then said:

"Yesterday the House had voted unanimously that there was *no occasion to make war*; and now, just before the moment of adjournment, the extraordinary proposition is made to remove all the guards from the Treasury, and to give up that and all the legislative power to the President, *in order to carry on a war*."

The same sentiment prevailed among many members of that House. The appropriation was considered *utterly inconsistent* with the object and the spirit of that resolution, which is now represented as having been the basis of it. Nor, sir, is the gentleman any more correct in the remark that "*the resolution which finally passed by that vote* had been contested by a debate of several days immediately before its passage, upon grounds that such a resolution would occasion war." The truth is, *the* resolution which passed was hardly debated at all. It was scarcely resisted. The reference to the journals which the gentleman challenges does not bear him out. But this is a matter, sir, about which there need be no controversy. The journals show the facts. On the 27th day of February the Committee on Foreign Affairs made a report, accompanied by these resolutions:

1. "*Resolved*, That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France on the 4th of July, 1831, and that this House will insist on its execution as ratified by both Governments.

2. "*Resolved*, That contingent preparation ought to be made to meet any emergency growing out of our relations with France."

A minority of that committee made a separate report, offering no specific resolutions, but expressing the sentiment that the execution of the treaty should be insisted on "*at all hazards*."

The honorable gentleman from Massachusetts [Mr. ADAMS] then offered his resolutions, as substitutes for those proposed by the committee, in these words:

1. "*Resolved*, That the rights of the citizens of the United States to indemnity from the Government of France, stipulated by the treaty concluded at Paris on the 4th of July, 1831, ought *in no event* to be sacrificed, abandoned, or impaired, by any consent or acquiescence of the Government of the United States.

2. "*Resolved*, That if it be, in the opinion of the President of the United States, compatible with the honor and interest of the United States, during the interval until the next session of Congress, to resume the negotiations between the United States and France, he be requested to do so.

3. "*Resolved*, That *no legislative measure* of a *hostile* character or *tendency* towards the French nation is necessary or expedient at this time."

These various resolutions and the *reports* from the committee were debated on Saturday, 28th February, and also on Monday, the 2d day of March; and these were the resolutions which, upon the one side or the other, were "*contested* and *resisted*." The animated debate to which the gentleman refers, and the spirited resistance, were not upon *his* resolution which *finally passed*—for it had not then been proposed; but it was to some of these, and chiefly to that which looked to contingent preparations. Objections were made to the *phraseology* employed in the report and resolutions. The expression "*at all hazards*," was regarded as minatory, and so also the words "*in no event*," which occur in the first of the gentleman's proposed substitutes. Milder language was sought. Various unsatisfactory amendments and suggestions were offered, all going to soften down the asperities which were thought to exist in the language and spirit of the reports and resolutions. Finally, at a late hour in the evening, the House having been in continued session fourteen hours, a *new* resolution, or perhaps a modification of one which had been already offered, was proposed. Very little, if any, debate occurred upon it. None is reported. It was *unanimously* adopted with but two slight efforts to substitute others in its stead. These are the facts. They cannot be controverted. The House will now judge whether that resolution, which is asserted to have been the foundation of the appropriation of three millions, was debated and resisted several days, upon the ground that it would or might involve the nation in war—whether it was agreed to under any expectation that it was to be followed up by measures for defense. As to the notice said to have been given by the chairman of the Committee on Foreign Affairs, [Mr. CAMBRELENG,] that he should submit a motion for large contingent appropriations, I lay it out of the case. Few heard it. But what of it? Was the House thereby *pledged* to vote any appropriation he might choose to propose? Above all, was the Senate bound also to take notice, to know that it was the consequence, the consummation of our resolution, and despite their constitutional objections, to grant the money accordingly? Did the resolution which had been already adopted thereby change its character; and, from being *pacific*, become all at once *belligerent*, because the member from New York took upon him to give notice to the House of what he should propose? I repudiate all such conclusions, *utterly, entirely*.

The honorable member [Mr. ADAMS] has proceeded a step further. He impugns *the motives* of the Senate in withholding the three millions. Their proceedings upon the subject of our difficulties with France at the last session were, he says, a "*do-nothing policy*"—a *paralytic policy*." The unanimous resolution of the House was considered "a pungent, though tacit, rebuke of that policy;" and if the appropriation had been agreed to, "it would have made the Senate the unwilling accessory to implied censure upon its own quietism under foreign wrong." "The system of the Senate" was, "*to do nothing*." A resolution had passed that body, unanimously, in these words:

"*Resolved*, That it is inexpedient at present to adopt *any* legislative measure in regard to the state of affairs between the United States and France."

"This was," says the gentleman, "a resolution not only declining to do that which the President had recommended, to vindicate the rights and the honor of the nation, but positively determining to do NOTHING, not even to express a sense of the wrongs which the country was enduring from France. Such was the system of the Senate." Does the honorable member perceive upon whom his censures fall? Does he recollect that his *new-found friends and allies*, the leaders and supporters of the Administration in that body, must come in for their share of responsibility, if any justly attaches to the proceedings of the Senate? Does he not remember that "the system of the Senate" was *unanimously* adopted; that it was understood to have the concurrence and approbation of the Executive himself; that it was approved by the official organ of the Administration, which has now become the chosen channel of communication of the gentleman's own opinions? Does he forget that the presses throughout the country—party presses and others—held the language of approbation upon that proceeding of the Senate? What responsibility, then, I pray to know—whose indignation—had they any apprehension of incurring? A *unanimous* vote, for which each member was equally responsible, approved by *all* parties, complained of by none—what had they to fear? The load of reproach attempted to be thrown upon them falls upon broad shoulders.

At what period of time, sir, may I ask the honorable member, did he make the discovery that so weighty a load of responsibility lay upon the Senate? *When* did he find out "where the real sting of the three million appropriation lay?" Something was said about arguments which had been used elsewhere being the fruit of "nine or ten months' meditation." What has "nine or ten months' meditation" done for him, in the way of memory or argument? Does he forget what his own sentiments were at the last session, as to "*the do-nothing policy*" of the Senate? Allow me, sir, to refresh his memory a little. On the 7th of February, certain papers touching our relations with France were transmitted to Congress by the President. A discussion of considerable interest ensued. The gentleman gave his opinions at some length. I was so unfortunate as to differ from him, and some words passed between us on that occasion. Among other things, the gentleman charged the Senate with "*dodging the question*"—*doing nothing;* at least, he was *so understood* and *so reported*. The tenor of his remarks impressed every one with the belief that he was prepared to go far, very far, in the support of Executive measures tending to hostilities. So it stood until the 14th of the same month, when the gentleman again favored the House with his views. I will not say he *retracted* or *denied*

what he had said before; but at least he explained and modified. As to the *policy* of the Senate, "the do-nothing policy," what did he say? Having requested permission to explain, and having stated the circumstances under which he had charged the Senate with dodging the question, he proceeded:

"That explanation he now wished to make, publicly, disclaiming all intention of anything disrespectful to the Senate. He disclaimed it in the most explicit manner; and had the debate proceeded, it had been his intention, ultimately, *to recommend that the same course should be taken by the House*. He should have recommended to the House to '*dodge the question*' for the present, in the existing state of our information. He thought the Senate *had acted as was their duty to do*; and *the conclusion to which they had unanimously arrived* was the conclusion which *he* should have been desirous that the House should adopt. But the Senate *had acted*; they had *not* gone to sleep on the state of our relations with France."

So much, sir, for that part of the gentleman's remarks which goes to assign motives for the proceedings of the Senate, founded upon their reprehensible policy; and further I deem it unnecessary to reply.

The gentleman had spoken of "the imminent danger of war" which impended over the country at the close of the last session, and which he thinks justified and required contingent preparations for defense. "Imminent danger of war!" Was that *indeed* the condition of our affairs? Was it so understood? Did the gentleman himself consider it in that light? The only *real* danger of war which I perceived grew out of this very appropriation of three millions. If the power which this grant of money would have vested in the President had been conferred, I am by no means sure that we should not, at this very moment, have been in the midst of a war. But, sir, what did we think at that time upon this subject? Let me refer again to the remarks of the honorable gentleman, on the 14th February:

"But, in conclusion, Mr. A. wished to give notice (if such a notice could be necessary) to all merchants of the United States, that there was *not the slightest danger*; that anything which might, by *possibility*, lead to war, should proceed from that House, or from the other branch of the Legislature. He now said, upon his responsibility to the nation, that there was *no danger* of anything being done by either House which might, by possibility, lead to war with France."

Now, sir, in such a state of things one would hardly suppose that the danger of war was *very* imminent. How was it at a still later period? The third resolution moved by the gentleman on the 27th of February doubtless expressed his own opinion at *that* time, which was, "that *no legislative measure of a hostile character or tendency towards the French nation* is necessary or expedient at this time.

I have already said that the report of the Committee on Foreign Affairs was made the same day. It became immediately a question what disposition should be made of the *third* resolution, which had in view "contingent preparations for defense?" The particular means of providing "contingent preparations," which the committee had in contemplation, we shall discover by referring to their report. It is in these words:

"The bill now before the House authorizing the sale of our stock in the Bank of the United States, would, if adopted, afford all the revenue necessary. The committee is of opinion that the whole or a part of the fund to be derived from this source should be appropriated for the purpose of arming our fortifications, and for making other military and naval preparations for the defense of the country, in case such expenditures should become necessary before the next meeting of Congress."

A strong solicitude was manifested, and an effort made on the part of certain gentlemen, to adopt that third resolution *forthwith;* so that the bill for the sale of the bank stock might *immediately* be passed, it being the last day on which bills could be sent from one House to the other. The friends of "contingent preparations" and warlike measures urged *speedy action*. The effort on the other hand was to discuss that resolution in a Committee of the Whole House, where we knew latitude of debate could be secured, and where the previous question could not be applied. The gentleman from Massachusetts was with us on that occasion. He advocated the motion made by a highly distinguished member from Virginia, [Mr. ARCHER,] to commit the resolution to the Committee of the Whole. He said "*it was the only constitutional course.*" "The resolution proposed to spend the money of the nation; but its reference to the Committee of the Whole on the state of the Union was objected to, because if it went there, the House could not be bound to pass it by the previous question. It was, in effect, a proposition to tax the people; to take seven millions of their money and appropriate it *to certain purposes.*" "He now discovered that war with France was to be connected with the war upon the bank The two wars were to be united, each supporting the other." "Is this a proceeding touching an appropriation of money, or not? It was certainly a proceeding by which seven millions of the public money was to be taken and expended in a windmill war against France, in favor of which, he thanked God, there had yet been no expression of opinion on the part of this House." "It was now for the first time disclosed that these two wars were to be blended together—the war with France and the war with the bank; one was to carry the other, if either was too heavy to sustain itself." Yes, sir, the war with the bank found favor in the House; it was popular. It was to carry the heavy load of the war with France. So thought the member at that time. Other gentlemen spoke also. The then chairman of the Committee of Ways and Means [Mr. POLK] said, "The third resolution of the committee should be acted on forthwith, to the end that the bill to sell the stock should be acted on to-day. He suggested the propriety of acting on the resolution *forthwith. To commit the subject was to bury it.*" Certainly it was. That was precisely what he desired to do. The gentleman from Massachusetts was with us. He desired no preparations for "*a windmill war;*" a Quixotic expedition to be sure it was, in which at one time we had strong fears that the member from Massachusetts was to act the subordinate part. Well, sir, we succeeded. The resolution was *buried.* The war was defeated, as well that against the bank as that against France. In all the debate, the honorable gentleman made no allusion to any *other means* of defense or preparation. His object was directed *not* to the particular mode of supplying the means then recommended, but it went to the whole matter of hostile measures. The *war itself* was held up to ridicule, and justly held up. And yet, sir, it is now said we were then in "*imminent danger.*" On the following day (28th February) the gentleman again spoke to the questions growing out of our French relations. He expressed his regret that orders had been given Mr. Livingston to leave Paris, in the event of the rejection of the bill of indemnity by the French Chambers. Such a course, "according to the usage of nations, might be construed into an act of hostility."

Mr. ADAMS. That was a sufficient reason, then, for the appropriation of three millions.

Mr. EVANS. Unfortunately, sir, no such reason was then assigned or thought of. But that is not what I am considering. I am showing, sir, that the honorable member did not, *from any cause*, at the close of the last session consider the danger so imminent as to require preparations for defense; for, immediately following the expression of his disapprobation of the recall of Mr. Livingston, he proceeds:

"We should therefore be left defenseless all over the ocean for many months—*at least until Congress could be convened*, and take measures for the defense of the country."

Now, sir, although the gentleman spoke with much earnestness, and at some length, disapproving this step of the President, and expressing his opinion that, *by possibility*, it might lead to hostilities, he nowhere gave the slightest indication of a wish that Congress should provide for such an emergency; on the contrary, he distinctly avowed the opinion that nothing would be done "*until Congress could be convened.*" *Three days only* before the termination of that session, when the whole subject of our French affairs was before us, was discussed, and was understood in all its aspects, did the honorable member anticipate any necessity for such an appropriation as was subsequently made? Did he recommend it, or advise it? No, sir. I submit, then, whether the danger was so imminent, the emergency so pressing, the necessity so overshadowing and irresistible, as to have required that appropriation in the objectionable form it was proposed? But, sir, it has been said that the constitutional objections of the Senate finally "melted down to a mere question of dollars and cents"—whether the appropriation should be three millions or eight hundred thousand dollars. Is it *possible* that the honorable member does not perceive the true ground upon which these objections stood? Has the intellectual acumen for which he has been distinguished become so utterly blunted under the influence of feelings and passions which he seems to cherish? Nothing is plainer to the most obtuse understanding than the difference between the appropriation of three millions as it passed the House and the proposition agreed upon by the conferees to reduce it to eight hundred thousand dollars, which, doubtless, would have received the sanction of the Senate. It is not in the *amount*, but in the *form* of the appropriation. In the one case it was indefinite, loose, *limited to no specific objects*, undefined as to purpose. This was the objection. In the other case it was a proposition for a *precise, defined, limited* appropriation, in the usual form, and for ordinary purposes—"three hundred thousand dollars for *arming the fortifications of the country;* five hundred thousand dollars for *the repair and equipment of ships-of-war.*" The purpose is clearly expressed—the object declared. Now, sir, does not the gentleman perceive the wide difference between these forms of appropriation? *Is* he so blind as not to see that the constitutional objections which lay in the one case did *not* apply to the other? And will he then say that it all "melted down to a question of dollars and cents?" Sir, I put it to his candor, I put it to his sense of justice, to answer.

Much indignation has been expressed by the honorable member [Mr. ADAMS] at the charge he supposes to have been made by the "*personified sentiment,*" in the columns of the National Intelligencer, against the last House of Representatives, of "*man-worship*" and subserviency to Executive dictation. Whether such a charge be well or ill founded, I shall not discuss. I wish only to produce some authority upon which it may be maintained—an authority having weight in certain quarters, and possibly which may be of some consideration with the gentleman himself—it is the authority of *his own* assertions and opinions. In the debate I have already referred to, (of the 27th February,) the gentleman expressed himself in these terms:

"In the first place, it was evident the question was to be managed *on party grounds*. The supporters of the Administration were alone to be heard on the subject, and what *they proposed* was to be carried. The minority was to have no right to say anything but 'yea' or 'nay' to the propositions of the leaders of the majority." "The bugle horn of the party will be sounded, and its friends will be told that *they* must pass the bill *in order to support the Administration.* When *all the liege men of the Administration* have answered to their names, as they ought, according to the politics and morals of the party, the question will be put, and the bill passed."

Now, sir, these are not charges, in so many words, of "*man-worship,*" but they are so in substance and spirit. They are precisely that same *subserviency* which has been elsewhere denominated "*man worship;*" and, for anything I know, that same charge which he reprobates so severely was founded on his own description of a portion of the last House. It may suit the purposes of the gentleman *now* to profess a high respect, as he has done, for those he then denominated "*liege men*"—rallying at the blast of the bugle—following submissively the dictation of party leaders, and doing as they were bid, "*in order to support the Administration.* If "*man-worship*" can go further than this description, I am at a loss to know how to define it.

Mr. Speaker, I have said I would not discuss the question whether the Senate ought or ought not to have concurred in the appropriation of three millions. A word or two only is all I design to say. I voted against it in the House, and I have no wish to retract the vote; not because I was unwilling *then*, or am unwilling *now*, to appropriate money largely, amply, to put the country in a state of entire defense; I desire it of all things; but because I perceived, as I thought, something beside the defense of the country lurking under that plausible pretext; means of aggression, opportunities of exciting collision, and of kindling up in the public mind warlike disposi-

tions, were feared to be enveloped within it. Sir, I desire as much as any man to defend the country. Since I have filled a seat here I have voted, I hazard little in saying, *uniformly* voted, for the largest sums which have been proposed for the military and naval service. I well recollect the efforts of a distinguished member from South Carolina, [Mr. Drayton,] formerly at the head of the Committee on Military Affairs, to increase the annual expenditures for fortifications; I voted with him from year to year, in common with my friends who are now charged with having left the country defenseless. We thought it sound policy, in a time of peace, to prepare for those emergencies which every nation may at some day or other rersonably anticipate. Peace is a blessing which no country can assure to itself for a long period of years to come. By whom, sir, was that prudent forecast thwarted and defeated? *By the party* which now claims the *exclusive* merit of putting the country in a posture of defense, by a midnight vote of three millions on the eve of hostilities! Sir, we did not believe in the potency of *midnight appropriations* for next day's security. The watchwords of the party were "*economy*," "*retrenchment*," "saving of the public money;" and we saw the extraordinary spectacle of a Government boasting not how *much* it had done, but how *little* for the benefit of the country; not how *much* it had expended for the public good, but how much it had hoarded up in the coffers of the Treasury. It pointed to no impregnable muniments of defense; to no works of wide-spread and lasting improvement, as testimony of its watchfulness and protection of national interests and welfare, but to a miserable array of figures annually displayed for the gratification and laudation of all the faithful, showing only with what a miserly grasp it could hold on to the public treasure, and all the while, amid the loudest boast of retrenchment, the annual expenditures were largely increasing. Sir, I am glad to see, at last, something proposed in the way of defense—glad to see something doing among others for the State to which I belong. Some two or three years ago I moved in this matter, and endeavored to call the attention of the War Department to its exposed and defenseless condition. I received no encouragement or countenance, and I have never seen the time when I could have proposed, under favorable auspices, any measure of defense for that exposed frontier. Now, sir, as to the propriety of *large and unusual appropriations* at this time for naval and military service—appropriations which would not be thought expedient but for the aspect of our foreign relations—we are placed in an attitude by no means free from embarrassment. If there be *really* a danger of war; if hostilities are, in any degree, probable, and likely to ensue, I will go as far as the foremost in providing the means of defense and security. But if, as we are repeatedly assured, the prospect of a speedy and pacific adjustment of our difficulties grows brighter daily, for one I am not disposed to nurse and feed a warlike passion; to encourage, what I greatly fear needs to be restrained, *a desire elsewhere* to terminate by an appeal to arms these needless differences. Sufficient, however, to meet these questions when the period for their consideration arrives.

I come now, Mr. Speaker, to the question presented in the resolution—"*the cause and circumstances*" of the failure, at the last session, of the bill making the ordinary appropriations for fortifications. How did it happen? By whose means? In what way? These are questions gravely put, and must be *as gravely* answered. The bill, we all know, passed the House containing only the "*ordinary appropriations*," and in the usual course of business was sent to the Senate. It passed that body also, in due season, with a considerable increase of *ordinary* appropriations, made, it is understood, upon estimates furnished by the proper Executive Departments, and was returned to the House a week before the close of the session. So far, surely, the Senate cannot be justly charged with a disposition to defeat the bill. All its control over it had ceased, as I have already said in another connection. Its fate was in the hands of the House. Did it pass *this* branch of the Congress? *How* did it pass? With the three million appropriation, already so often adverted to, suddenly, not to say rashly inserted—objectionable in point of form—uncalled for and unwanted, so far as we had any information by the Executive. Does anybody doubt that, but for this amendment, the bill would have passed and become a law? This was the fatal blow, of which it lingered, and at last *died*. The bill was returned to the Senate, embracing this new and, till then, unheard-of provision. The Senate, under the views which it took of its constitutional power, could not agree to it, and the bill came back to the House without a concurrence in the amendment. It was in the power of the House to have waived its amendment, and to have passed the bill. It chose not to do so. The gentleman himself has given the true cause of its failure. He voted to recede, he says, because he was aware if the House pertinaciously adhered the bill would be lost. It *did* adhere, and the bill *was* lost. It is unquestionably true, if the Senate had voted the three millions, the bill would have passed; and it is no less true, if the House had waived it, it would have passed also. It failed, therefore, from a disagreement. Pausing at this stage of the history, I cannot but inquire, *looking at the safety of the bill merely*, what was the most reasonable course to be pursued? Which branch could most rationally be expected, *for the success of the bill*, to recede from its position? It will be recollected this was a bill making *ordinary* appropriations; the House incumbered it with an *extraordinary* one. It ran against *constitutional* objections—the very last to be surrendered. Could it reasonably be expected or required of the Senate, in violation, as they believed, of their duty, and the plain injunctions of the Constitution, to adopt that provision? Was it *unreasonable* to expect and to require of the House that the bill in its *ordinary* form should be permitted to go along *unobstructed*? In some considerable portions of the bill both branches concurred. Why not agree, then, and, so far as they did agree, *pass the bill?* The House, and the House alone, refused to do it. It said to the Senate, We agree with you that the *ordinary* fortification bill ought to pass—the country requires it; but we will *not* pass it unless *you* will agree to an *extraordinary* appropriation, which you hold to be unconstitutional and inexpedient; and, if you refuse it, *you* will be responsible for *our* failure to pass the ordinary bill. It seems to me, sir, there can hardly be two opinions upon such a proposition. The Senate would not agree to so unreasonable a demand. But what did it do? It agreed, for the purpose of securing the passage of the bill, to meet the House upon some middle ground. A compromise was effected by conferees appointed by each body. The Senate waited and waited, as we have seen, to adopt and carry this compromise into effect. The House neglected or refused to do so, and *thereby the bill was lost*. Can there be a doubt in which branch it failed, and by whose means it was lost?

But it is contended that before this arrangement was effected, the House was dissolved—its constitutional functions ceased—and, for that reason, it could not adopt the compromise recommended by the conferees. Suppose it had been so; are the Senate therefore responsible for the failure of the bill? But it was not so. I agree entirely in my recollections with the honorable member from Kentucky, [Mr. HARDIN,] who has just spoken, and with my friend from Massachusetts, [Mr. REED.] There *was* time, after the report had been agreed upon, and before twelve o'clock, to have made it to the House, and procured its adoption. The conferees did return, as the gentleman says, *before* the Cumberland road bill was put upon its passage; and it is agreed, on all hands, that the midnight hour arrived while the yeas and nays were being called on that bill. In this I am confident I cannot be mistaken. Why, then, it may be inquired, was not the report made? Why did not the bill pass? I cannot pretend to answer. But this I will say: that I discovered, early in the stages of disagreement, as I thought, *a willingness to permit the bill to be lost;* I do not say with a view to throw the responsibility of it upon the Senate; but with a distinct avowal that its loss would be justly chargeable to that quarter. As early as nine or ten o'clock in the evening, when the *first notice* was received from the Senate of its disagreement to the appropriation, on a motion to recede, the member from New York [Mr. CAMBRELENG] said, "he hoped the House *would not recede. If the Senate had taken the responsibility* of defeating the appropriation, it might remain with them. He would take no part of it." This was the *first* intimation that the responsibility must be cast upon the Senate. Others took the same view, and spoke with *warmth*, to say the least of it. The House did not recede; and the bill again went its oft-traveled path to the Senate. In a short period, between ten and eleven o'clock, according to my recollection, it came back, with a message that the Senate adhered to its disagreement to our appropriation. What occurred then, sir? A very strong and decided disposition was expressed by leading gentlemen that the House should *adhere* also, and thereby cut off all opportunity of passing the bill, and every means of compromise. The only other alternative was, by asking a conference; and by that mode the bill might even then be saved. The member from New York [Mr. CAMBRELENG] moved "*to adhere;*" in other words, to *destroy the bill* beyond the power of revival. An honorable member from Virginia [Mr. MERCER] moved "*to recede;*" thereby preserving the power to pass the bill. An honorable member from Tennessee, the chairman of the Committee of Ways and Means, [Mr. POLK,] said "*the motion to adhere had priority to the other;*" undoubtedly signifying thereby his desire that the motion should prevail—that the bill should be lost. An honorable member from Ohio, [Mr. LYTLE,] who had no hesitation to speak freely and fearlessly on all occasions, as he did eloquently, his opinions, addressed the House in these words: "He objected entirely to *any conciliatory proposition*. The House had gone as far as prudence and patriotism would justify them in going to conciliate the Senate. The only question was, *Where the responsibility of the loss of the bill should lodge?* Let the other body take the responsibility of defeating it"—the appropriation of three millions. He conjured the House not to depart from the stand it had assumed; declared it would be *pusillanimous* to do so; and urgently and eloquently rallied his friends to stand firm upon that question.

Now, sir, I can readily perceive in these proceedings a strong solicitude, and determination too, to hold the Senate responsible for the loss of the bill; but I look in vain for evidence of any anxiety to save the ordinary appropriations for fortifications. They were, apparently, *very readily given up*, for the other object, which was possibly regarded a much greater one, of *prostrating the Senate*. The majority of the House, however, did not sustain the motion to adhere, but adopted the wiser course of requesting a conference. It was seen that the majority which passed the appropriation was giving way. It passed at first by a majority of thirty-two. It was insisted on, in the next vote, by a majority reduced to twenty-three; a third vote reduced it to nineteen; and if another vote had been allowed to be taken I doubt not the whole amendment would have been abandoned rather than the bill should fail. Another vote upon it was not permitted from that hour to the present. The conferees were appointed, and, I have already said, returned to this Hall in season to have reported before twelve o'clock. The compromise which they had agreed to recommend was immediately known to the members, and privately discussed. There was but one voice, so far as I heard, in the House, and that was in favor of its adoption. We were anxiously waiting, from moment to moment, for the report to be made; when, suddenly, as by an electric shock, a thrill was sent through this House, agitating and moving the countenances and voices of members; little squads were collected here and there, and all at once we heard it echoed and reëchoed on all sides that the report could not be made; the bill must fail, and the responsibility would rest upon the Senate. From what quarter this came, by whose agency brought about, I do not pretend to say; I do not know. But it was familiarly spoken of at the time, that a certain high personage, in accordance with whose views, it now appears, the three millions were voted, upon being apprised of the

result of the conference, manifested exceeding indignation that his *faithful commons* should succumb in any degree to "the factious Senate." Rather would he lose the bill altogether, and they would be held responsible for it. This, or something very like it, was soon known in this Hall: and it was also known that the President had closed, or was about to close, his official relations with Congress; its constitutional functions, in his judgment, having ceased. Certain it is, that the report of the conferees was *not* offered by the chairman, [Mr. CAMBRELENG,] and, when called upon for it, he declined to produce it, upon the ground that the existence of the House had ceased, and, also, that a quorum was not present. The report was then offered by another member of the committee, [Mr. LEWIS,] the third [Mr. HUBBARD] having very suddenly disappeared from the House, although he had previously expressed considerable anxiety for the passage of the bill.

I shall not discuss the question whether the powers of Congress terminate or not at twelve o'clock at night on the 3d day of March, in every alternate year. I thought otherwise, and remained, and was willing to remain, after that hour, to transact the business of the nation. It is true, we found it difficult, very difficult, to obtain a quorum within the bar of the House. Still we did so, whenever one was wanted by certain leading gentlemen. Just before the adjournment, and long after the "conscientious scruples" of gentlemen began to operate, a motion was made by a member from Virginia [Mr. MASON] to take up the resolution making compensation to Mr. Letcher, a member of the House. A quorum *was present*, and the motion prevailed. A motion was made to strike out the preamble. A quorum was present, and that also prevailed. The precise question then pending was upon an amendment providing compensation also to Thomas P. Moore, who had contested, unsuccessfully, Mr. Letcher's seat. The previous question was moved, and carried—a quorum present and voting—one hundred and thirty-four in all. The amendment was thus cut off, and the resolution was likely to pass without providing compensation to Mr. Moore. *Instantly* the quorum was broken up; twenty-one vanished, as in the twinkling of an eye, and but one hundred and thirteen were found voting. A much larger number were about these walls, and lobbies, and avenues; but they could not be had when a vote was to be taken. Who the individuals were, thus appearing and disappearing, as occasion might require, I have made no examination of the Journal to discover. I seek not to know. This, however, I will say, they were *not* of that minority which resisted the appropriation of $3,000,000; who were anxious to pass the ordinary fortification bill; who desired rather to defend the country than to heap responsibility upon the Senate. Undoubtedly there were some who entertained sincere and deep-founded convictions that the constitutional powers of Congress terminated at midnight. Not more, I think, however, than four or five assigned that reason for not voting. It was a perfectly satisfactory and an honorable reason for those who sincerely held that opinion. An honorable and valuable member from Georgia, [Mr. GILMER,] of as upright intentions, as pure a heart, and as brilliant an intellect, as any man who sits within these walls, entertained that conviction. And what did he do? Departed, says the gentleman from Massachusetts, at that door, through which he never again returned. He did so; and honorable was it to him that he did so. Enjoying and acting upon his own constitutional opinions, in which no man was more sincere, though I often differed with him, he left others to enjoy and act upon theirs, and to perform *their* constitutional duties according to *their* own judgments. Did he remain within these walls to offer vexatious motions; to defeat business; to create confusion; to make and unmake a quorum, as occasion, and for purposes I will not name, should require? By no means. And if all who declined to vote upon the ground of constitutional scruples had followed his example, there would have been higher reasons for holding their opinions in respect. Sir, if a quorum of that House could have been formed for five minutes only, after the report of conferees was made, it would instantly have been adopted. The bill would have passed the House, and the Senate also; and if it then failed to become a law, the responsibility would have rested elsewhere—upon one who professes never to shun responsibility. It was well understood that the President had left the Capitol, declaring (I will not say with an oath) that he would hold no further communication with that Congress. The disorder and confusion which I have described prevailed; and, whether designed for that end or not, *did defeat the bill.* The honorable Speaker, [Mr. BELL,] who presided with so much dignity, firmness, and impartiality during the period he filled the chair, did what human means could do, in preserving order and promoting the despatch of business on that trying night. He deserves high credit for the ability he displayed in that station. Various motions to adjourn were made by those who seemed willing to defeat the bill, and who possibly feared that it would pass if the House continued longer in session. That the bill was defeated here, and by *these* means, was openly charged upon this floor at the time by many members. A motion having been made "that a message be sent to the Senate to notify that body that this House, *having completed the business before it*, is now ready to close the present session by adjournment," the honorable member from New Jersey, [Mr. PARKER,] near me, who is a friend to the Administration, but who was not, therefore, quite ready to abandon the bill, inquired, "Did the gentlemen who formed the committee of conference on the part of the House mean to report or not?" Again:

"How can *we* pretend to say that *we* have *completed* the business before us? And how can *we* adjourn without passing the fortification bill? This House had passed the bill. The Senate made a large addition. The House had added another appropriation. The Senate disagreed to it. A committee of conference had been appointed, and *that committee had refused to report to this House.* Shall *we* go away and leave this bill at a time when there is an apprehension of war?"

This is a summary, and a true one, of the whole matter. The gentleman was entirely right. Have *we* completed the business? can *we* adjourn without passing the bill? can *we* go away and leave the bill? were all pertinent questions, and pregnant questions, founded in facts before us, and to which we could not close our senses. The honorable member, however, was mistaken in one respect—that *the committee had refused to report.* The *chairman*, it is true, had refused; another member was among the missing; and the report *was* made by the third member, [Mr. LEWIS,] and was so stated by the Chair immediately after the gentleman had closed his remarks.

My honorable friend from Massachusetts, [Mr. REED,] anxious for the passage of that bill, also addressed the House in these words:

"The committee of conference had agreed upon a report, and, as *a quorum was undoubtedly present*, it ought to be acted upon. He was opposed to the adjournment, because the *House had not yet done its duty.* The proposed amendment declared what is *not fact. There is a quorum present.*"

And how was he answered, sir? By loud calls of "order!" "order!" "order!" vociferated from all quarters of the room, and by those who had been foremost in the scenes of disorder and uproar which defeated, if they were not *designed to defeat*, the fortifications. The fact that a quorum *was present* was no otherwise controverted than by clamorous demands for "order." We then designed to put that question to a test, and to ascertain whether or not a quorom was present, and, if not, to compel the attendance of members. Accordingly, a motion was made for a call of the House. *Who* resisted it? *Who* gave the signal and the watchword to the party which was determined to destroy the bill? I read from the reported proceedings:

"Mr. CAMBRELENG. *I protest against the right to call the House.* What member will answer to his name? [I will! I will! exclaimed many members.] I am as much in favor of the fortification bill as the gentleman from New Jersey; but I say the responsibility of its failure rests upon the Senate, and not upon us. The bill was defeated by the Senate." [No, no; not so, was exclaimed by many voices.]

After such a direct warning from such a quarter, is it to be wondered at that a quorum could not be found? An honorable member from North Carolina, [Mr. BARRINGER,] faithful to his duty, and observant of all that occurred here, had no hesitation in expressly charging the loss of the bill to an intrigue carried on in the House, and he offered the names of the individuals concerned in it. If we may have any access to the ear of the select committee who may be appointed to investigate this grave affair, I pray the honorable member from Massachusetts to call upon this gentleman to testify. Mr. Barringer said:

"The bill *was defeated by an intrigue here*—in this House. If gentlemen desired *names*, he would give them. But if this was declined, he would say that there were members who now sat in their seats and *would not answer to their names*—who did so in consummation of the intrigue."

Names were not demanded! They might have been had. Amid these scenes of disorder and confusion, which we of the minority vainly strove to repress, passed the last night of the last session of the last Congress; and, for the honor of the country and its institutions, I hope such another may never be witnessed. And, in the midst of these scenes, the fortification bill drew its last breath, and heaved its expiring throes. That it was destroyed in the House, and for purposes known to those who had an agency in the proceedings of that night, it seems to me no rational mind can doubt. Examine as we will, investigate as we will, vituperate as we will, these plain facts stand out; and no sophistry can elude, no ingenuity pervert them. Sir, I have done upon this matter. I have but another topic to touch.

The honorable member, with a precision of aim which leaves nothing of doubt as to whom his shafts were sped, and whom he describes as "the Achilles" of the Senate, essays to bring down from his high standing one representing his own Commonwealth with unsurpassed ability in the other branch of the Legislature. The attack was little to have been expected from that quarter. A scene of disgraceful disorder, such as the Speaker says he had never witnessed in ten years' experience here, doubtless gratified the cherished feelings of the member into the delusive fancy of a triumph worthy his achievement. Sir, I shall not attempt encomiums upon that distinguished statesman. It is unnecessary for me—it cannot be required of any man—to come forward in his defense. His character, his services, his actions, his opinions, the efforts of his transcendent powers, are before the world. They speak out for him in a voice that cannot be silenced. They stand forth in full view, and no man can obscure or blot them from the history of this country. It has been exceedingly painful to me to take a part, and especially the part I have taken, in this debate. Recollections of the past are thronging in my mind, and weigh me down in sadness, almost in silence. Gladly would I have been spared this day. But, sir, when those whom I hold in honor and respect—whom the country holds high in its estimation—are made the objects of attack such as we have witnessed, I should miserably fail in my own sense of duty were I to sit in silence. The day has not long gone by since I saw those who now give sanction to this attack, and the party to which they belong, gladly, ay, anxiously, seeking the aid of the powerful arm of that great champion and defender of the Constitution—since I saw this Administration, reeling and tottering as it did under the tremendous blows of men of giant strength from the chivalric region of the South, beseeching the unfailing support of that same undaunted hand. I refer to no preceding Administrations which leaned, and leaned with confidence upon him, as upon a pillar of immovable strength; but I wish to tell the honorable member from Massachusetts, [Mr. ADAMS,] that not one of the friends who now rally round the object of his attack will falter in his course. Not one will be shaken in his confidence and attachment. We shall stand by him let who will desert, let who will vituperate.

But, after all, sir, how little is there, upon merely *personal* considerations and preferences, to justify the feelings of anxiety which we cannot repress, for the advancement of any man, however able, however estimable. We are admonished of the frailty of human attachments and human hopes. How wise is it that the future is hid from our view; that we cannot lift the veil which shuts out from our observation the

end of our own best and wisest exertions! Much—how much?—of our ardor might be abated; how might our arms be paralyzed, if we could look beyond the present hour, and behold the fulfilment which the future holds in store! If, sir, I could raise this impenetrable curtain, and look forward to the future as I can look back upon the past, ardently as I desire, for the good of our common country and for his own fame, and much as I would now do to promote the elevation of that distinguished statesman to the highest places of power, every desire might fail, every effort cease. Yes, sir, if I should see him descending from that lofty eminence, soured, disappointed, vindictive—forgetful of his own character, and of the friends who had stood by him in the hour of need; if I should see the infirmities of our nature—the lower and baser passions—mastering and expelling all the noble and generous properties which I know belong to his heart; if I should see him betraying and abandoning the cause which he now upholds, making his friends to hang their heads in very shame and confusion; I do not say, sir, that I would pray Heaven to blast all our efforts in the cause of our country; but rather would I see his sun go down *now*, even from its high noon, so that it leave us a glorious light to cheer, and animate, and guide, and to which we could turn our eyes with high and heart-stirring pride; rather would I see this, than to behold him putting off the mighty armor of Achilles, which no man can wear, to act *his* perjured part who by fraud leveled the proud walls of Troy to the dust; rather this, far rather, than to see him lingering on the stage of political action, behind his time—"the derision of his enemies, the melancholy pity of his friends."

NAVY APPROPRIATIONS.

SPEECH OF HON. GEORGE EVANS,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

March 15, 1836.

The bill making appropriations for the naval service being under consideration in Committee of the Whole on the state of the Union, the Chairman stated that the question then pending was upon the motion of the gentleman from Tennessee, [Mr. BELL,] to reduce the amount proposed in the bill for improvement and necessary repairs of the navy-yard at Portsmouth, New Hampshire, from $67,000 to $33,500.

Mr. EVANS said he was aware that the immediate question under discussion was that which had just been propounded by the Chair; and if that had been the only question spoken to in this debate, he should not have troubled the committee with any remarks upon it. Occasion, however, had been taken to go somewhat at large into the general subject of disbursements of public money for national objects; and opinions had been expressed as to the operation and tendency of the revenue laws of the country, which, though stated with great force and ability, and entertained, he doubted not, with perfect sincerity, were, nevertheless, in his judgment, entirely erroneous, and which, therefore, he thought deserving some reply. I do not (said Mr. E.) complain of the latitude of debate which has been indulged in; because, upon great and interesting topics of public policy, freedom of discussion ought by no means to be restrained. I may, however, be allowed to remark, that I do not regard the present occasion the most suitable, under all circumstances, which was likely to occur for so wide and general a debate, however important the subjects which have been drawn into it; inasmuch as bills of appropriation for larger sums and much greater objects are soon to be brought to our notice.

This is a bill of indispensable necessity and urgency. It provides for the payment of the officers and seamen of the Navy, of superintendents, naval constructors, and laborers at the several yards; for supplying provisions, medical and hospital stores, clothing, fuel, &c., to those employed in the public service, and to whom we are under the obligations of contract to make payment and furnish supplies in the manner proposed by the bill. It further provides "for improvement and necessary repairs" at the various navy-yards, for the security, protection, and preservation of the valuable property which is there deposited. It contains, also, appropriations for other objects connected with the naval service, deemed of essential importance, and to which I do not know that objections exist in the mind of any one. It is, therefore, as I think, one of the last bills which ought to be delayed by an extended discussion upon general subjects of revenue and expenditure, of military and maritime defense, and of other topics incidentally connected with them. Each particular item, undoubtedly, ought to be well considered and scrutinized; and so far, certainly, free and full discussion ought to be allowed and encouraged. Nevertheless, as I have said, I do not complain of the latitude which has been taken, and shall be obliged myself to go somewhat wide of the immediate question which has been stated. Before, however, proceeding to the main purpose for which I have risen, I will submit a brief remark or two in reference to some of the items of the bill upon which gentlemen have spoken. In the main, unless I derive new information upon the subject, I shall give my support to the proposed appropriations. I do not, however, fall in at all with sentiments, rather thrown out than seriously advanced, in the earlier stages of the discussion, that estimates from the executive departments are to be taken and adopted, and appropriations made in accordance with them, unless their fallacy can be shown by those who object to the expenditure.

Estimates from competent sources are guides, and valuable guides, in forming our opinions, and sometimes may be the only guides we possess; but we have committees to whose careful and rigid scrutiny these estimates are submitted, and who ought to satisfy themselves, and generally do, from all the sources of information within their reach, of the accuracy of the estimate, as well as of the expediency of the measure proposed. Every member will give to the estimates submitted to us just so much credit, and no more, as he thinks they respectively deserve; it is, nevertheless, his unquestionable right, nay, his imperious duty, to be fully satisfied of the wisdom and expediency of the measure recommended, before he assents to the appropriation of the money for its execution. It was, therefore, I hold, no unreasonable call upon the Committee on Naval Affairs, some time ago, for minute information of the specific improvements and repairs, and the necessity for them, designed to be accomplished at the navy-yard in Portsmouth. How far that call has been satisfactorily answered, by reference to the estimates of the Navy commissioners, gentlemen will, of course, determine for themselves. My honorable colleague, the chairman of the committee, [Mr. JARVIS,] I doubt not, is prepared with the minutest information that may be desired. For myself, Mr. Chairman, I may say that I repose as much confidence, nay, more, in the recommendations and estimates from that source than from any other branch of the public service. The Navy furnishes as much of liberal, disinterested, and patriotic devotion to the interests of the country, unswayed by other and selfish considerations, as any class of the community whatever. The nature of the profession itself tends to expand the mind to an enlarged view of national policy as affected by a naval establishment; and its distinguished officers, I am sure, are above all local or selfish considerations. They are not apt to swerve from their own conceptions of public duty, to gratify any controlling power; nor are they seeking preferment and emolument in civil life, fawning round the doors of Executive patronage, and adopting such opinions as may suit the interest of others to impose upon them. Recommendations and estimates from this source come to me, therefore, with strong claims to my confidence; and I can perceive nothing in the present instance to shake that confidence.

Something was said by an honorable friend over the way [Mr. EVERETT] of the expediency of abandoning, altogether, the navy-yard now existing at Portsmouth; and, therefore, of withholding any appropriation for its improvement and repair. Others have spoken of the propriety of reducing the number of the navy-yards, by abandoning not only this, but several others. Upon this question I have hardly formed an opinion. Many considerations pertain to it; and its deep importance forbids a hasty determination. Much will be due to the results of experience; to the judgment of naval and scientific men, and of those most skilled in matters of this description. Some gentlemen have supposed that two yards of construction would be sufficient for all our wants. Evidently there ought not to be so few that, in case of war, any naval force that the ocean bears up could effectually blockade the whole, and that the destruction of a single one would be attended with great and disastrous consequences. But, sir, we are to take things as we find them. The navy-yards are now in existence, established by law, and holding large amounts of public property. If there be too many, or if any of them be located at an improper place, abolish those which are unnecessary, by all means; but do it by a law for that particular purpose. So long as they are in existence, must we not preserve them, improve them, repair them? Shall the timber and other materials on hand be suffered to decay, and the works fall in ruins, for the want of adequate protection, because doubts may exist in some minds whether we have not more yards than are necessary? If it were so in truth, the remedy is not to break down or wear them out, by the indirect mode of withholding appropriations; but by a law, duly considered, having the concurrence of all branches of Government, to reduce the number, and at the same time to provide for the security and preservation of the property placed within them. Inasmuch as the existing yards were established upon mature deliberation, by those competent to judge, and who had been invested with the power, they ought not, in my judgment, to be abandoned but upon mature deliberation also, and a clear conviction that they are not essential to the interest of the country. I would not, however, make large and permanent improvements at any one, so long as a serious and well-founded intention existed of attempting its abandonment, and while it might be regarded an unsettled question whether it should be continued or not. These are some of the general principles which seem to me proper to be regarded in coming to a conclusion upon the various items of the bill under consideration.

An objection was made in some quarter of the House, a few days ago, to the continuance of the navy-yard at Portsmouth, founded on its vicinity to that established at Charlestown, it being supposed that both are not necessary within the short space of sixty miles. If it were so, the question would then arise, which of them ought to be abandoned? My honorable colleague [Mr. SMITH] repelled this objection by referring to the long extent of coast eastward of Portsmouth, which was almost wholly without defense, and which he thought ought to be taken into account in computing the proper distances for naval stations. This proceeds upon the idea that a navy-yard is a work of defense and protection—which most clearly it is not. It is rather a means of weakness; in other words, it invites attack—it requires to be defended, instead of furnishing defense; and I imagine it will be found that appropriations for fortifications have been much greater at points where navy-yards exist, from that very circumstance, than would otherwise have been made. A member from New Hampshire [Mr. CUSHMAN] spoke the other day upon the importance of retaining the present establishment at Portsmouth, because it was a safe harbor, free from ice in the coldest seasons, and always accessible; and he supposed a case of a national ship returning from abroad in midwinter, chased by a superior force, which might be captured or destroyed unless it could enter a port accessible at that inclement period. In the case put, I see no particular reason why the vessel might not as well seek shelter in Portsmouth harbor, were no navy-yard there, as if there was one. No absolute necessity requires a ship-of-war to enter a port where a navy-yard is located, particularly if the purpose be to seek protection. It may be of convenience to do so; but the argument, carried out, would go the length of maintaining that there should be many more navy-yards than now exist,

if we are to provide for every supposable case of contingency or convenience. The waters of Portsmouth harbor will be as deep and unobstructed in winter without the yard as with it, and will furnish as safe a retreat. I notice these arguments, which I deem untenable, not because I am opposed to the continuance of the navy-yard at Portsmouth, but for the reason that I shall hereafter have occasion to submit some observations upon what I consider the true and only principle which ought to prevail in determining the location of public works designed for the benefit and protection of the whole country, and because, also, arguments similar to these have been used in regard to other places, which I may also notice before I close. A navy-yard of construction, where ships-of-war of various classes are built and repaired, is one thing; and a naval depot, where they may be fitted out, and perhaps slightly repaired also, where they may enter for protection or other purposes, is another thing. Probably more establishments of the latter, and fewer of the former kind, may be found expedient; but upon these topics I hold myself uncommitted until some definite proposition is offered, when it will become my duty, as well as that of others, to be possessed of all the information essential to a just decision of it.

Mr. Chairman, dismissing, with these remarks, the particular subjects presented in the bill under consideration, I come to the chief purpose for which I have risen; and that is, to notice some of the arguments used by my honorable and eloquent friend from South Carolina, [Mr. THOMPSON,] against the system of disbursements generally, and which, in his judgment, justifies the withholding further appropriations, until a radical change be effected in the policy hitherto observed. I shall speak of the general scope and spirit of his argument, rather than follow the minute details upon which it is founded; because, even if his calculations of past and proposed expenditures be correct, they do not, in my opinion, furnish just ground for the course he indicates, nor a firm basis for our future policy. The honorable gentleman contends, if I do not entirely misconceive him, that the whole past policy of the Government in regard to its disbursements, has been unequal, unjust, and oppressive; drawing almost its entire revenue from one section of the Union, thereby impoverishing and exhausting it, and pouring down its fertilizing showers upon another, which is daily growing richer and more verdant under its benign influences. The Government, he says, visits one region only as a tax-gatherer, levying reluctant contributions with unrelaxing severity; while to another it goes as a beneficent dispenser of benefits and favors. This is an injustice which he contends no free people ought to submit to, and which, when the facts are understood as they will be understood, he says they will not submit to. It is no Government for them; slaves to such oppression they will not be; liberty is the greatest object of their desire; and liberty they will have even at the hazard of the Union. Sir, I had indulged the hope that the period for discussion and sentiments like these had passed away, never to return; that the clouds which once lowered upon us had been dispersed, and in the "bosom of the ocean buried" Nothing, surely, is more to be deprecated than discussions of a geographical and local character. They lead to no good, they engender much of evil feeling, and I cannot but think we should better serve the cause of our country by efforts to allay popular excitement, than by fanning up the flames of discord; by striving to increase the confidence and the affection of the people towards our institution of government, and pointing them to the blessings it confers, than by furnishing motives and incentives to disunion and disaffection, and weakening the hold which they have upon the perpetuity of the Union. I presume not, however, to judge for others. My honorable friend, I have not the slightest doubt, entertains the opinions he has expressed, with the most undoubting conviction of their truth, and in all sincerity; certainly he has stated them with great fairness and ability. But the more sincerely they are cherished, and the more ably vindicated, so much the more dangerous do they become, and the more important is it to examine them, and to refute them, if it may be done in the same spirit of candor and sincerity.

The first position which has been taken is, that the South pays a very large proportion of all the revenues of the country. This is founded on the assumed fact that it produces almost the entire amount of the exports which go in exchange for the imported articles upon which customs are levied. The doctrine is not new upon this floor, although it is somewhat new to the world. It is the discovery of our times, called out by peculiar emergencies for a particular crisis of affairs, and, having answered its end, had passed away, I supposed, not to be again revived. I have heard it maintained with transcendent ability in this Hall, but never without being refuted. Practical statesmen, financiers, writers on political economy, of any reputation, nowhere within my knowledge adopt the theory which forms the basis of the assumption. The doctrine I had thought to be well established, that the consumer pays the duty; that it incorporates itself with, and forms a part of, the cost of the article upon which it is levied. The argument upon the other side is, that the producer—the grower of that which goes abroad to purchase a foreign commodity—whether he send it or not, or whether he receives its return or not, in reality pays the duty upon importations. It is said that he receives for his productions just so much less by the amount of duty than he would receive if no duty were imposed upon the foreign importation. It is very true, sir, that all we receive from abroad we must pay for in productions of our own—the fruits of our own labor upon the land or the ocean, in the forest or the field. If my honorable friend is the grower of a hundred dollars' worth of cotton, which he exports to procure his supplies, and I am the grower, so to speak, of a hundred dollars' worth of money, which I send for the same purpose, or which I pay him for an equal amount of cotton, are we both not taxed alike upon the return of our adventure? Has he paid the duties upon my goods as well as upon his own? When Government has levied its contributions, have I more left than he has? But it has been said, his cotton would be worth more abroad, would bring him larger returns, but for the duty. Would not my money also? We both want articles of foreign growth, which we import, and both must pay Government for the privilege of importation. In what way we pay the foreigner who raised or manufactured them is not material to the question, unless it can be shown that his productions, and not mine, are depreciated in value abroad, by reason of the duty payable here. Now, sir, the value abroad of the productions of the South is not, as it seems clear to me, affected by the revenue laws of this country. Value depends upon demand and supply; upon the state of the market at home and abroad; upon foreign competition. Is the cotton in the warehouse at Charleston worth any less because it is destined for Europe, than it would be if destined for the factories of New England? Is it worth any less in Liverpool or Havre, because we impose duties upon English and French fabrics, than similar cotton from Egypt or South America, where no duties, or much less duties, may be required?

I do not design, sir, to go into the argument of this complicated question, which is large enough and broad enough of itself for more time than I intend to occupy. The honorable gentleman did not himself argue it, although he reiterated it many times, and in various forms of expression. All I wish to be understood to say is, that just so often, and with just so much of sincerity and confidence as he repeated it, and in just so many forms and modes, I deny it. It is a doctrine which has not been, and, in my judgment, cannot be, maintained. As to the argument, that, even if the Northern sections, as consumers, do pay their just proportion of the revenue derived from customs, it is compensated and made up to them in the profits derived from the protection given to their manufactures, and that the unjust and unequal operation is thus continued, I have to say, that this opens the whole question of the effect and operation of protective laws, which is another and a distinct question, and depends upon other considerations. I do not understand that the gentleman, or anybody else, proposes to modify the law regulating the tariff of duties. Should that become a matter of discussion, I think it may be demonstrated, as it has been before, that the operation is not such as is supposed, nor to the extent that has been attributed to it; and that the South has no just grounds of complaint that especial favor has been shown to the North. But I forbear also to tread upon that ground. The occasion does not require it. The honorable gentleman has spoken of the public lands as a source of revenue; and he declares that this is "a revenue derived exclusively from the South and West;" that it is a perpetual drain upon their resources, exhausting and impoverishing in its effects; that they cannot endure this "eternal depletion," and do not deserve to be free if they do. Sir, I confess myself not a little surprised at this statement, and no less so at the argument which is founded upon it, and the remedy proposed for evils imagined to exist. Is it true, sir, that the South and West are thus drained and exhausted? Do they furnish all the money which goes into the Treasury from the sales of the public lands? Where do they get it? The domain, I am aware, is situated in the South and West; but do the purchasers therefore belong to these regions? Are not the land offices open to all the citizens of the United States? The truth undoubtedly is, that active emigration is, and for a long time has been, going on from the old and settled States to the new. They furnish not only the money to buy the land, but the men to cultivate it, and are themselves drained, so far as this goes, in both ways. So far from its being the fact that the West is drained of its money, it is constantly receiving large, very large, accessions of capital and wealth from the older regions. Property is continually going in search of new investments—is transferred every day from the cities, from the middle and northern States, to the West, to be there used and employed. Of the extensive purchases, too, made by speculators, a share—and I believe a considerable share—of the means is furnished by other sections of the country. Undoubtedly, emigration takes place from the older planting States of the South to newer and more fertile lands in that section, and probably carries away both men and money; but what then? Is Government thereby draining and exhausting the State? Individuals, seeking to improve their condition, do and will go, and ought to go, where their interest dictates; where they can better promote their happiness. Large fortunes have been accumulated in the productive lands of Alabama, Mississippi, Louisiana, and Florida; and probably by emigrants from the Carolinas and Georgia. They have purchased at a very low rate, and far below its real value, some of the richest land the sun shines upon. Has Government, by thus parting with its domain, impoverished anybody? has it been unjust or oppressive? has it inflicted any evil, for which it ought to make restitution? And what is the remedy contemplated for the supposed injury? Nothing less, indeed, than that Government shall restore the money to the regions from which it has been drawn, by disbursements and expenditures, to counteract the exhaustion said to be experienced by this process of acquiring valuable domain for an inadequate price. The proposition seems to be to give to the States, in some shape, where the territory lies, all which they have paid in procuring a property worth much more than they pay for it. Indeed, sir, that is a mode of distribution I shall hardly be willing to agree to. Emigration is going on, and will go on; capital and property are constantly passing and repassing; and we have not the means, and ought not to have the desire, to restrain its freedom.

The people ought to be left free to seek their own comforts and welfare. If they purchase and settle our lands, they receive a liberal sum for the money they pay; their condition is improved, and their wealth increased. It is a strange doctrine that while individuals are enriched, towns are growing up, rivers and channels of communication are being opened, and population outrunning all calculation, the country itself is drained and impoverished. No, sir, the tide of wealth is setting the other way. The aspiring,

enterprising, and ambitious are bending their steps westward, carrying with them property and skill and industry and the means of accumulating wealth. But, if it were true, as the gentleman contends, that the chief, almost the total amount of the receipts into the Treasury is derived from the South, or the South and the West together—what then? Whose is it? Is it not a common Treasury? Is it not the money of the whole country? Must it not be disbursed for the common defense, the general welfare, the public interests? The mode of raising it may be wrong, and if so, correct it; but, having been raised, is it not the money of the whole nation? Surely it is. How is it to be expended? how used? The honorable gentleman has laid down a principle, to which he seems to attach great value, and which would obviate, in a considerable degree, the oppression now experienced. It is, that the disbursements of the public money should be equal in the various sections of the Union. The middle and northern States he regards as a "favored region," wherein by far the largest disbursements are made; while the South has had comparatively few returns from the vast amount it has contributed. How is this idea of equality of disbursements to be carried out? By what rule? According to geographical extent of country, which at one time seemed to be uppermost in the mind of my eloquent friend, or according to population, to Federal numbers, or to the amount paid by each into the Treasury? Sir, there is but a single rule to be adopted upon this subject. It is to make the expenditures precisely there, and nowhere else, where the public exigencies, the public interests, the public security require them to be made. If a fortification is wanted, it must be built where it is wanted, where the national defense requires it to be; and not where the rule of equality of distribution would locate it. So of a navy-yard, a harbor, or any other work of national importance. As to the precise point where they should be, even upon these principles, undoubtedly opinions would vary; but, like all other subjects of legislation, it must be decided by those to whom the decision is intrusted. The duty imposed upon us by the Constitution is to provide for the defense of the whole country; and it can only be discharged by securing those points where defense is required. Are we quite sure this can be done, if we are trammeled by the rule of equal distribution? The gentleman seems to me to reverse the relative order of means and objects. He regards the disbursement of the money as the object to be gained, and the construction of works of defense as only the means of its accomplishment; whereas the true and sole object is to provide for the defense and welfare of the country, the expenditure of the money being merely incidental and auxiliary. To what extent is this rule of equality of distribution to be carried? Will you refuse to erect a fort or to establish a navy-yard in one section, however loudly demanded by the public interests, unless you also make a corresponding disbursement in another, where no public exigency requires it? No one will contend for this. Equality or inequality of disbursements has, in my mind, exceedingly little weight; and, indeed, I doubt whether it ought to be considered at all. Show me in what spot the public interests, the national welfare, require an expenditure, and I stop not to add up how much has already been expended in that section. If enough has not been expended to accomplish the permanent objects of national security and welfare, more must be granted. On the other hand, although you cannot demonstrate that another section has received little or nothing, yet, unless you also demonstrate that a work of public importance is demanded by a regard to public interest, I move not an inch to accomplish it.

I desire, sir, as much as anybody, a system of equal defenses, of general and common protection; but that by no means involves equality of expenditure. Some portions of the country, larger, and it may be more valuable also, may possibly be protected with much smaller disbursements than others of far less consequence. Shall not the less important be secured, because they would thereby receive a disproportionate expenditure? It is by all means desirable to provide a general and comprehensive system of defense, as well on the sea-board as on the frontier; but the only consideration fit to be weighed is that of public exigency. Equality of disbursements will form no part of the motive with me. I look upon the country as one, as a whole, and I wish to preserve and protect it as a whole, leaving no part exposed, and making no unnecessary defenses merely to preserve a relative proportion in expenditures of public money. With these principles in view, I will proceed to examine some other sentiments of the honorable member, to ascertain how far his grounds of complaint are tenable. He has prepared with great industry (and I doubt not its correctness) a schedule of the expenditures now proposed to be made in the different sections of the country; and he objects to them, and will retain his hold upon the Treasury with a miser's grasp, because the contemplated disbursements do not conform to the standard of equality of disbursements. Much the larger proportion, he says, is to be expended North. It may be so. I have not taken the trouble to go over the various estimates and bills to ascertain whether it be so or not, for the plain reason that, in my view, it is wholly immaterial. Will the honorable gentleman point me to any one object proposed to be accomplished at the North, which is unnecessary—which is not demanded by a just regard to the public interests? If so, I go with him against it. Will he show me one object not provided for at the South justly deserving attention? I will bear him company in support of it. But the honorable member does not attempt this. I have heard no objections to the works proposed in "the favored region," other than the inequality of disbursements. If, then, they be unobjectionable in themselves, why not make them? As to the objects which he enumerates as fit to be accomplished at the South, I must remark that the leading inducement seems still to be equality of expenditure. Let me examine this principle a little further. A navy-yard at Pensacola is an object which the gentleman urged with more zeal than any other; he said it would require about three million dollars to place it upon the same footing with that of Massachusetts. Ought it, therefore, to be done? Ought the three millions to be expended? Such seemed to be the conclusion. Well, sir, we have had, and may have again, vessels of war on the lakes, and probably navy-yards also, to some extent. Will the honorable member vote to expend three millions for a dry-dock and a navy-yard on the shores of Lake Erie? It will equalize disbursements. Will he vote for it? Surely not. I ask him, why not? His answer I can very readily anticipate; because we shall never have occasion for such an establishment there; no public exigency requires it. The answer would be perfectly satisfactory. But, sir, if we must expend money at Pensacola because we have done so at Charlestown, why not on Lake Erie because we have done so at Pensacola?

Mr. THOMPSON said he regretted to see the gentleman spending his powers upon arguments he had not used. He argued upon the utility of the establishment at Pensacola. He contended for an equality of disbursments only where it was practicable.

Mr. EVANS. I am aware the gentleman urged the utility of the establishment at Pensacola, and if that had been his only argument, I should not have noticed it. I yield to it. My own impressions are strongly in favor of the Pensacola navy-yard to some extent, but I am not entirely satisfied as to what extent. The subject is one of deep importance, and ought to be well considered. But the honorable gentleman certainly laid great stress on the other consideration; and I must say I thought it the leading and preponderating idea in his whole speech. He says now he contends for equality of distribution, "so far as practicable!" I think, sir, that surrenders the whole question. The limitation, if I comprehend it, destroys the rule. How is it practicable to regard it in any case? If all the honorable member means is, that we ought to erect a work here, which the public exigency demands, because we have erected one there, which it equally demanded, I agree with him, but not for the reason assigned. I would erect it because the public exigency demands it, and not because we had disbursed money for a similar object elsewhere. If he simply means that he would provide a general, liberal, equal system of defense, according to the public wants, and upon the principles I have stated, and in doing so would equalize disbursements as far as practicable, I am very much inclined to believe his rule would have no effect whatever. The system would regulate itself, and the disbursements would of necessity be unequal, I apprehend.

The honorable member spoke of the various works already existing at the North, for which no corresponding establishments had been placed at the South. Did he show, or attempt to show, that the public exigency requires them there? But, sir, I do not think the distribution quite so unequal as he seemed to suppose. There are two armories, one in Massachusetts and the other in Virginia—one north and the other south. Are they improperly located? Do they subserve the interests of the country? Nothing is said upon these topics; they are not objected to at all; but the gentleman says three more ought to be established—one in the West, one on the line between North and South Carolina, and one in Georgia. I ask, why three more should be established? Are not the arms wanted for public service supplied rapidly enough? Are the present establishments insufficient to meet the wants of the country? If so, may it not be better to enlarge them than to erect new ones? These questions have not been considered at all, and no answer has been given to them. Again: is it not worth an inquiry whether the southern points which have been designated are favorable for such a manufacture? Do private establishments exist there already? I hear nothing on these topics. Favorable positions for any particular manufacture are generally first sought out by private enterprise. Government can hardly be expected to carry on a manufacture, either of ships or arms, or anything else, economically and conveniently, where private efforts have either failed or found no inducement to make the experiment. Is it quite clear, then, that the interest of the country—I lay out of view sectional and local interests—would be promoted, in any degree, by an attempt to establish manufactories, either of ships or munitions of war, where the sharp-sighted sagacity of individual interest has never yet discovered the means of prosecuting them successfully.

The honorable member further complains of favoritism shown to the northern section, in the distribution of the existing arsenals thoughout the country. He has, however, fallen into error in supposing that there are twelve upon the north Atlantic, and but one on the south. Arsenals have been established at various places, which I will name: one in each of the States of Maine, Vermont, and Massachusetts; two in New York, and two in Pennsylvania; and these are all that can be justly chargeable to the North. Indeed, one of those in Pennsylvania, at Pittsburg, is a western location, and for the benefit of the West. Only six, therefore, are located on the north Atlantic. There is also an arsenal in each of the States of Maryland, Virginia, Georgia, Alabama, and Louisiana, in the District of Columbia, and in Florida; and a depot of arms at Charleston, South Carolina. The remaining arsenals are in Kentucky, Missouri, and Michigan. In running the eye over the map of the country, and considering the purposes for which arsenals are established as mere places of deposit of arms, can it be said that the public interests have been injuriously neglected, or that sectional preferences have been shown? Arms, when wanted, will of course be wanted at or near the frontiers, where an invasion will be most likely to occur. An interior State, scarcely approachable by an enemy from any quarter, can, in the nature of the case, have very little occasion for a large military depot. But, without pursuing the subject further, can it be shown that any unnecessary establishments exist, or that important ones have been omitted? Until this be done the charges of favoritism towards the North seem to me to have very little foundation to rest upon. The gentleman has referred to various other objects on which the public money has been expended; and has exhibited schedules, showing how large a proportion goes to the same section. Among others, he

sets down a half million or more of dollars for provisions; a considerable sum for medicines, for ordnance stores; and $295,000 for "miscellaneous items." Why are these, and various similar expenditures, called northern expenditures? Provisions, for instance—how are they procured? By contract. Bids are received from all persons disposed to offer. The South is not excluded from competition; and, if it will supply the demand upon equally favorable terms, it will receive its just proportion. If it be found that articles of this description are generally procured at the North, undoubtedly it is because they can be much more advantageously supplied from that quarter. The South, to some extent, is a purchaser for its own consumption, instead of having the means of supplying others. It does, however, furnish a portion of the provisions used in the Navy; and the West supplies much more. Everything wanted in the Navy, or in the public service, will, of course, and must be procured where it is to be had. North Carolina furnishes, of its own productions, no small amount; other southern States and Territories supply most of the timber. An effort was made sometime ago, and by none more strenuously than by northern men, to introduce cotton canvas into use in our ships-of-war, and to some extent, I believe, successfully. This is a southern production, and the North certainly never resisted it because of its local origin. It is obviously impossible to adopt any rule of equalizing expenditures of this description. There is but one safe and proper mode of proceeding, and that is, to procure the supplies of every description just where they can most advantageously be had. Sir, I could follow the gentleman through many other items which he sets down as northern disbursements, and could show the fallacy of regarding them in that light. But, unless the objects to be accomplished are shown to be wrong, or that they can be better promoted elsewhere; unless the thing to be done ought not to be done, shall we omit it because it would involve expenditures at the North? If the country requires it at our hands, shall we fail to do it? Shall we neglect public interests because we find it impracticable to gratify local desires?

Among the objects to be accomplished at the South, before the honorable gentleman will consent to any further disbursements from the Treasury, he has named a navy-yard at Charleston, South Carolina; and it may be proper to say a word or two in this connection upon that subject. Is a navy-yard required there? I do not say that it is not; but what are the proofs of it? What necessity appears to demand it? A report favorable to the object was made by the Naval Committee two years ago, and a petition has lately been presented from that city, soliciting its accomplishment. In both I find valuable information, but scarcely anything of that very consideration which alone has weight in my mind—the public exigency. Does the country need another navy-yard, and one at that port? That is the question. It has been shown in the papers I refer to, that there is a good harbor; a channel, if not quite deep enough now, capable of being made so; laborers and manufactures of all sorts, and seamen always to be had. So far, so good. With these opportunities and facilities for spending money, comes in the argument of equalizing disbursements.

It strikes me as not a little remarkable that we are called on by petition to construct a navy-yard. Were it a work of defense, like a fortification, it would be obviously right for a people or community to represent their defenseless condition, and solicit protection. But a petition to those intrusted with the administration of the Government, and who are supposed to know what is required by a just regard to the interests of the country, from a single city, for such an object, is somewhat of a novelty. It is founded, and proceeds altogether, on the idea of the local advantage to accrue from it; and, indeed, that object is pretty plainly avowed in the present instance. An argument very similar to this attracted my notice, some days ago, in favor of the continuance of the yard at Portsmouth. It appeared in the Globe introductory to an article copied from a New Hampshire paper, at the request of some one who felt an interest in the subject, and was doubtless intended to have its effect with Congress in deciding that question. The argument was this: the navy-yard at Portsmouth ought not to be abandoned, because—why? Because that town had given a Democratic majority ever since 1828, and had stood firm during the period of the alarm which so extensively prevailed two years since, growing out of the removal of the deposits. That is the argument; and one hardly knows what emotion to feel—indignation at the profligacy of the sentiment, or pity for the miserable fatuity of intellect which conceived it. Sir, if not only the officers, the stations of influence and emolument, are to be bartered away for party support, and as rewards and spoils to servile followers, but the great measures of policy, the leading interests of the country, are to be swayed and influenced by such considerations, I am almost ready to say with the gentleman, "this is no Government for us." I admit, sir, that the argument in favor of Charleston rises one grade higher, but still it is founded on sectional, local, personal interests. It is for the accommodation of Charleston, and the people of Charleston. I beg not to be understood as expressing opposition to the establishment of a navy-yard in South Carolina, for I feel none. I am only combatting some of the reasons which have been urged in its behalf, and which, I think, should have no influence whatever on the question. As to the necessity of another dry-dock at the South, or elsewhere, I am not sufficiently informed; but if it is wanted only to equalize disbursements, even that object would hardly be accomplished. Much would still be furnished by the North. The very materials of which it would be constructed, if not much of the labor and scientific skill employed upon it, would be drawn from the same region, as was the case in relation to that at Gosport; and this single fact shows how impossible it is to make equal disbursements. Whenever attempted, it must fail.

I pass now, Mr. Chairman, to another object whereon large amounts have already been expended, and the estimates for which are said to be monstrously unequal. I mean fortifications. Where ought they to be established? What consideration ought to prevail in determining their location? Will anybody pretend that equality of disbursements ought to have any weight in settling this question? I imagine not. The prominent considerations to be regarded are: 1. The exposure; the liability to invasion; and the consequences, more or less general, of a successful invasion. 2. The practicability of defense, within any just adaptation of means to objects fit to be accomplished. Other considerations might be stated. Will it be pretended that, upon these principles, any of the fortifications already erected, or which are proposed to be erected, are useless and unnecessary? If it be true that the North has received a larger proportion of disbursements, (and I shall presently show that it is not,) has it been from any spirit of favoritism to that region, or from the absolute necessity of the case? What is the general character of the whole northern coast? Is it not peculiarly liable to invasion—easy of access? Its deep waters, bold navigation, numerous bays, harbors, inlets, estuaries, afford ample opportunities for fleets to ride in security, and penetrate the country at innumerable points. It is, therefore, a coast particularly exposed to invasion by a maritime Power. Why, sir, in the State of Maine alone, there are more harbors, more accessible points, exposed to the incursions of a naval force, than in the whole thousand miles from here to Florida Point. What would be the consequences of successful invasions upon a coast studded with rich cities, prosperous villages, manufacturing establishments, and a numerous and dense population; whose waters are covered with innumerable vessels bearing the fruits of labor and industry? Is it not to be expected—is it not an imperious duty of Government to fortify and protect such a coast? Has it been done extravagantly or wastefully? Now, sir, as to the southern Atlantic coast, its geographical character furnishes, in a great degree, protection against invasion. With shallow waters, difficult and dangerous navigation, few accessible harbors or rivers, can it be necessary to erect fortifications upon the same scale as a different coast requires? Has it not been sufficiently defended? These are the true points to be considered. Regard is to be had also to the consequences of the occupation of any particular post by an enemy.

If I were disposed to complain—indeed, I am disposed, and mean to do so, if something for the defense of Maine, the most exposed and the least fortified of any State in the Union, is not done—I might institute a comparison, showing how much has been done elsewhere, and how little there. The reason for its neglect so long has probably been an apprehension that an invasion, however harassing to Maine itself, would not be seriously annoying to the country at large. Many ports and places, of greater consequence in themselves than others which have been much more fortified elsewhere, exist in Maine; and yet I can well conceive their capture would be attended with less serious consequences to the country generally. Newport, for instance, from its central position in relation to other important places, is a most important station, and its occupation by an enemy in time of war would be the means of great annoyance and distress. Key West, of little consequence alone, yet from its commanding position is of indispensable importance.

Considerations of this sort are all to be weighed in determining this general system of defense; and, in this view, can it be pretended that an undue proportion of works of this description has been located on the northern coast? Let us consider, sir, what has in fact been done, and I apprehend gentlemen will find the results not precisely what they anticipate. Let us see whether it be true that the South has received nothing; whether it be indeed the vast ocean from which this great central sun draws up all the vapors that descend in fertilizing showers exclusively upon the barren fields of the North? Very little, sir, as we all know, was done prior to the last war in erecting fortifications upon the sea-board. The system, now in process of being executed, was commenced and has grown up since that period.

In order to show the disparity in the amounts already expended, and proposed to be expended, in the two sections of the country, the honorable gentleman has made such a division of the coast as to throw Virginia into the north Atlantic region, instead of the southern, where it appropriately belongs—appropriately, so far as the unequal and exhausting operation of Government is concerned. Virginia has always been one of the complaining States. It resisted the tariff. It is one of the producing States, and in all respects situated like South Carolina, so far as the principles in issue are concerned, except that it has received very large disbursements. In my view of the subject, I shall regard it as a southern State; and, in truth, Maryland ought also to be so considered.

At the first session of the Twenty-First Congress, a statement of all the expenditures upon fortifications since 1815 was submitted to Congress, and is among our documents. Up to 1820 the expenditures were very near $3,000,000, the larger portion of which, by far, was made at the South. From 1820 to 1830, beyond which the tables do not extend, the expenditure, South, for fortifications, was $4,175,958; and, in the same period, North, but $1,112,568. But, sir, I have a more full and satisfactory statement than this, coming down to the present period, obtained from authentic sources, and entitled to credit. It is "a statement showing the amount expended on the fortifications of the United States from the year 1812 to the year 1835, inclusive, including the unexpended balances of appropriations for works not finished." It shows all that has been done—and what is the result? Upon works North, including Maryland, the expenditure has been $3,447,772 44; upon the South Atlantic, it has been $4,547,951 55; and on the Gulf coast, $3,495,639 91. The North Atlantic, therefore, has actually received the least of either section. Have no fertilizing drops fallen upon the South? Other statements have been prepared and laid before us, showing the number of works completed, and of those in process of being completed; and, by reference to them, it will be seen that of these two classes, by far the larger portion is at the South. When the works now being constructed are finished, the whole expenditure

South, embracing the Gulf, will be $9,887,165; and at the North but $4,027,364.

The fortifications of the northern section have been postponed until those at the South should be completed. The gentleman says he will do no more until we have a general system projected upon principles of equality. The present system was adopted many years ago, (in 1818, I believe,) upon full survey by a board of competent engineers and military men.

The fortifications deemed necessary were divided into three classes: those to be completed immediately; those at a later period; and the third class at a remoter period still. The first have been finished, and are chiefly at the South; those in my own State fell into the third class; and now, when this general system has been carried into execution, so far as the South was concerned, and we are approaching the period when our defenses are to be commenced, the gentleman calls out for a new plan, a new survey, a new distribution. We have postponed our claims for defenses in submission to yours; and are we to be thrown out of them altogether? This explains, sir, why the estimates are now so much larger for the northern section than for the southern. Until their works were completed, we heard of no new plan.

If more defenses are required at the South—where? at what point? All admit the importance of defending the Gulf of Mexico and the mouth of the Mississippi. If it has not already been done, do it by all means, and you shall have my humble aid at any moment. So of the South, or of the western frontiers.

It is well known, sir, that to a distinguished statesman of South Carolina the nation is chiefly indebted for this very system of defense now proposed to be carried on and completed. New England, however it may have differed with him since on other topics, certainly gave him its support; not, I trust, from sectional motives, but upon liberal principles of public policy. He maintained a high, scarcely a second rank in the estimation of its people; and they have never ceased to approve that policy which he created and fostered by the energy of his lofty powers and patriotic efforts. New England certainly looked to him with high hopes for the future, and has regretted deeply and profoundly that these hopes have been blighted. I will not say how. From what quarter did the opposition to his plan of defense and to his general scope of policy come? Who was the chief opponent of his measures? Who were the leaders, and who the followers, of the great radical party? Whose efforts were unceasing to reduce and retrench the disbursements, and especially those for fortifications? The gentleman must recollect, I think, that it was chiefly southern opposition; and that the distinguished citizen of South Carolina, who has done much for his country—very much—leaned upon New England for support under the heavy load of responsibility attempted to be thrown upon him. If he has lived to see the measures of his own creation adopted by those who formerly resisted them—if the wreath has been torn from his brow to grace another's, has New England been accessory to it? No, sir. If southern interests had been neglected, if liberal appropriations have not been made in past times, it has not been owing to northern hostility.

Mr. Chairman, there are other objects of disbursement in which, I am aware, the South has very little participated—I mean internal improvements. If it has not, however, is it to be charged to an unjust and sectional policy prevailing in other quarters? The true reason is, that the South has uniformly opposed the system; has presented no objects to be accomplished by this beneficent exercise of power; has, indeed, utterly refused to ask or receive any aid for these purposes. Its policy, I admit, was dictated by high and stern convictions of constitutional duty, but are other portions of the Confederacy responsible for that? Were they to deprive themselves of the benefits which they regarded not only within the power, but the duty also, of the Government to confer, because different opinions prevailed elsewhere? Are all the leading measures—is the vital policy of the country—to be controlled by constitutional scruples, however honestly entertained, of minorities? I am not questioning, nor intending, in the smallest degree, to impeach the wisdom or the soundness of the principle which the South adopted upon this subject, because that is a matter for themselves alone to consider; but when it is insisted that other and larger sections are to surrender their own opinions, and to be deprived of many of the advantages which they fondly had in view in establishing the Government, doctrines are advanced at war with the very genius of our institutions.

I do not know that it would have been a wiser and better course if the South, yielding its convictions—as all must, at some period or other, yield even their firmest opinions—to the long-continued policy pursued under various Administrations, and sanctioned repeatedly by expressions of popular will, had regarded this as a settled question, as some of its ablest statesmen did regard it. It is altogether probable, however, that, in such event, a portion, and possibly a large portion, of the disbursements which have been made for internal improvements would have been distributed within their own borders. If they have shut themselves out from these benefits, is it just to charge a sectional policy upon other States?

I might appeal to the journals, and to every one conversant with the proceedings of Congress, whether the most liberal support of all public measures has not come from that quarter now denominated the favored region—whether the great objects of improvement and defense, in the West and South, have not generally been carried by the aid of northern votes—whether the votes of New England, particularly, have not been governed by an enlarged, liberal, comprehensive view of the national interests? I speak of what has been—of the past; and I am sure, so far as appropriations and disbursements are concerned, no ground exists for charging upon that portion of the Union a selfish, local, sectional policy. I claim for it the credit of having been liberal and generous. The disbursements for revolutionary pensions have been also instanced as favors to the North. If it be true that much of the amount thus paid goes to that section, is it an evil? Does it demand a remedy? Are the laws providing this inadequate and tardy justice to the decrepit and tottering soldier, who laid the foundation of our country's independence and happiness, with toils and sufferings, to be meted out and administered according to the narrow limits of State lines? If a large proportion of the money is dispensed at the North, is it not because a larger number of the survivors of that conflict remain there? This was to have been expected. That region, we all know, being the most populous and the most wealthy, furnished a larger proportion of the men and the money which achieved our independence. I make no invidious comparisons. Carolina and Virginia, and the South generally, did what could be done within their means. But if its gallant soldiers have paid the debt of nature; if fewer remain to share their country's honor and gratitude, is it a reason why their companions, who are yet among us, should be forgotten and neglected—that, because they are not equally distributed, they should not be rewarded? Or is it contended that, because of the inequality, we should seek out some other objects of expenditure at the South, for the purpose of equalizing disbursements?

Sir, there are already objects of expenditure at the South in which the North does not participate. The Indian war now raging in Florida, and which has been estimated to cost from four to six million dollars, is one of them. I do not complain of the amount; it is necessary to be incurred for the defense and protection of the country, and must be expended precisely where the emergency requires. It will be expended in the South. What would be thought of withholding these appropriations, unless we also contrive to raise a similar occasion for expenditures elsewhere? And yet, how does the principle differ from that which would stop disbursements for defense at the North, where the public security demands them, unless at the same time others are placed at the South where they are not wanted. Besides this, we are annually paying large sums to the Indian tribes at the South and West. Our Indian relations are kept up at great cost. The money which is thus expended soon gets abroad, and circulates at the South and in the West, and is as truly a fructifying shower there, as is the payment of the officers and men at the northern navy-yards. I might also notice the expenditures for mints, authorized last year, and various other items of southern expenditure, all showing that our disbursements are, and must of necessity be, made where the public service requires them to be, and not upon any vain attempt to equalize the amount among different sections.

The honorable gentleman seemed to complain that at the present moment northern counsels prevailed in the Government; and I thought he attributed some portion of the neglect of southern interests to this circumstance. Not one of the three Departments, he said, which are most connected with our fiscal operations, is filled by a southern man. Sir, a defense of this Administration, coming from me, would be a strange and unwonted sound to most ears. It certainly has as little of my confidence or approbation as of the honorable member himself. There is enough, and more than enough, of error to be combated, to use the mildest term, both in principles and practices, to give full exercise to all the powers of resistance we both can bring to the contest.

If the interests of the South have been neglected, under whose auspices has it been done? What counsels have prevailed? Does the gentleman recollect how large a proportion of the time our Government has been in operation it has been administered by southern hands—how very large a share of directing and shaping the measures which have prevailed has fallen to the same quarter? If the present Administration has neglected the South, is the North responsible? It came into power by no agency of mine; can the gentleman say as much? New England had none; but South Carolina had much, very much. No State contributed more effectual aid. If she has been disappointed and deceived—if the promised fruits have been withheld—are those who resisted, or those who favored, the change of Administration, responsible?

The South, however, is not alone in its disappointment. The assistance rendered by the North—how has it been compensated? What has Pennsylvania received? Has not every leading measure to which it had been devoted for years, all its most firmly established and warmest cherished policy, been broken down and sacrificed? It has, indeed, had the empty honor of receiving some four of five executive appointments, chiefly bestowed upon leading gentlemen of old Federal principles, for the purpose, probably, of keeping up the usages and ascendency of the Democratic party. What leading measure of Pennsylvania interests—I speak not of the measure of sustaining a party—but what single object of national policy and concern to which that State was wedded has not been trodden in the dust? And even at this moment, is not the contest going on which is to determine whether its State Legislature—its State institutions, its State policy, its State pride, everything over which State sovereignty spreads its protecting wings, is not to be bound captive to the victorious chariot wheels, to swell the triumphal procession in its unhalting progress? The States which labored most, and accomplished most, in building up the present dynasty, must abide, as best they may, the policy it has pursued: so must the individuals, persecuted and proscribed as they are, to whose vigorous efforts it owes its existence. "*Sic vos non vobis mellificatis apes.*"

The first victim, I remind my friend, to the tortures of the brazen bull of Phalaris was the inventor himself. It was but a just retribution to the folly of inflaming the lust of power and the passion for vengeance in the breast of the cruelest of tyrants. They who have been followed with unsparing severity as the only reward of faithful services and attachment, should have considered well the perils of the undertaking.

I do not forget the danger that the money which we appropriate may be used for party objects and purposes. But what then? We cannot change the Government, nor the hands to whom the people have committed power. It is their province to do that; and soon may they do it.

But shall we therefore abandon the country? Shall we postpone its defense and protection? Shall we neglect our duty because other agents, we fear, may be unfaithful in theirs? No, sir; I hope with the gentleman, that better times and purer principles may once more prevail; that the good of the country, and not the good of a party, will again be the paramount object of every man's ambition: but until that period shall arrive, the Government must be administered by those to whom the people have confided it, and the requisite means must be put at their disposal, even by those who have little confidence in their fitness.

The honorable gentleman seems to apprehend evil consequences of no small magnitude from liberal disbursements by Government, in its effect of building up and organizing a class of day-laborers, who will not suffer disbandment when their labor is no longer wanted, but who will make their power felt in "lawless insurrection, or by the equally terrible process of the ballot-box." Events have recently occurred among the laborers of some of the cities calculated to give weight to this consideration. Combinations have been formed, and the power of the mob has been arrayed to control the price and duration of labor.

I perceive, with deep regret, the spirit of disaffection abroad in the land, to which the honorable member refers; a spirit of subversion of our institutions, and of the salutary restraints of law; a spirit of agrarian warfare against the wealth and enterprise of the country, against whole classes of the community, against everything firm and stable in society. Useful and valuable institutions are broken down because they are "monopolies;" and property, for whose protection Government was in part instituted, is aristocratic. A spirit of general leveling seems to pervade the land. Sentiments like these, instead of being checked, have been promoted and fostered by those in power. The profligate and the idle, foreign paupers and malcontents, are gaining in numbers and in power in the cities, and, there is too much reason to fear, exercise a controling voice in political affairs. From such there is always danger. But with these are not to be included the great mass of the industrious, sober, peaceable, laboring classes of the community, who have a stake in the public improvement and prosperity, and in the just administration of the laws. They will, neither by violence nor by the ballot-box, impede the good order of society. A rise of wages, produced by natural causes, is no fearful omen—is not at all to be deprecated. The value of labor, like that of every other commodity, depends upon the demand for it, and the supply to meet that demand; and it is always regarded among the strongest proofs of a prosperous and flourishing condition that wages are high. It denotes energy, enterprise, activity, and a general spirit of exertion and improvement. In a stationary or decaying country, there will be little occasion for labor, and wages will consequently be low. It is, therefore, in my judgment, no undesirable thing that wages should be high. I cannot assent, however, to the idea that the addition of some ten or twelve millions of dollars to the business of the country, in disbursements of public money upon public objects, will produce any sensible effect upon the price of labor. It bears too small a proportion to the whole mass of money in circulation, of business transacted, and of labor performed. Double the amount proposed to be disbursed by all the bills of appropriation was struck out of existence lately in New York in a single night; and, however severe has been individual loss and suffering, the business of the country has hardly felt the slightest shock from the blow. But, sir, if some evils are to be apprehended from the cause suggested by the gentleman, they are evils which must be encountered. Shall we stop all public works, hoard up all the money in the Treasury, do nothing for public improvement and public protection, for fear of promoting a spirit of agrarian cupidity and disaffection? If such evils exist, they are beyond our control, and inseparable from the condition of human affairs.

I am aware, sir, of the overflowing condition of the Treasury, and of the difficulty of answering the question, what shall be done with it? Without going into the subject at any length, I will only remark, that the time seems favorable for devising a judicious and liberal scheme of national improvement and defense. Our means are abundant for large appropriations, looking forward to several years. Let ten millions annually be appropriated for ten years for the Navy and fortifications—distribute the proceeds of the public lands among the States, as proposed in a bill which formerly passed the Senate—and we shall still have enough remaining for all our wants. The Treasury might bear this, I think, until 1842 at least, when duties are to be so largely reduced. The Secretary does not seem to think our means will be so abundant as I have supposed; but estimates from that source, of probable receipts, have recently not proved unerring guides. With the large amount now accumulated, and the constantly increasing receipts into the Treasury, I have little doubt that, after the distribution of the proceeds of the public lands, enough will remain to make liberal appropriations every year (perhaps not so large as I have named) for national defense, and to carry on all the operations of Government. Why should it not be done? Why should it be hoarded up to pamper favored institutions, and to reward party adherents? That some liberal plan can be formed, and that it is required by the interests of the country, seems hardly doubtful.

The honorable gentleman, sir, spoke with eloquent fervor of the deep and abiding attachment of the South to the blessed Union of these States. I am not about to call in question the sincerity of his declaration. When the blessings, vast, numberless, unexampled, which, by the providence of God, that Union has conferred upon the people of our country, are for one moment considered, no mind, not utterly blinded to our best and dearest interests—no heart, not utterly dead to the happiness of the human race, and the hopes of civil liberty itself—can be indifferent as to its preservation. What has it not done for human happiness and human advancement? From the lowest condition of anarchy, disorder, and weakness, of poverty and national degradation, it has raised us to an eminence of high and enviable prosperity and strength, of respect in the eyes of all nations, of regular government, and has established and built up all the institutions of social and civil life, for which I know not what history of the world furnishes a parallel. When did the light of heaven ever shine down upon more glorious and indubitable proofs of the efficiency and wisdom of human government than the condition of our country now displays? To all these the South cannot be insensible, cannot but indulge patriotic pride, and feel attachments to the Union not to be sundered for light and temporary causes, for imaginary grievances, for doubtful and contested theories of political economy. It will not calmly see this Union rent in twain, to be followed by what no human sagacity can foresee. But, much as the South is attached to the Union, it is attached to liberty more. Liberty is the first object of all its efforts and aspirations. Is the honorable gentleman quite sanguine that liberty, even at the South, will long survive the dissolution of the Union? Does he hold the bond of fate? Can he cast its horoscope? I am not disposed to enter into invidious comparisons, nor to question the resources, the capacity, the ability of the South to maintain a separate Government, and to occupy a high position among the nations of the world. It is not unbecoming, however, to suggest to those who are most ardent in their faith to weigh well all the considerations, to calculate all the vicissitudes pertaining to a subject so awfully momentous. If that disastrous event should occur, and an independent Government be established at the South, are all the rivalries, the passions, the ambition, the interests, which agitate the bosoms of men, and shake societies and communities as with an earthquake, to be smothered and annihilated? Are the hidden fires which heave empires from their deep foundations to be extinguished? Will no sources of discord remain—no clouds float in the clear vault over their heads? He has read the annals of our race, and studied the human character to little purpose, who indulges in reveries like these. How is it even now? Is there entire unanimity of principle or purpose at the South? Do contiguous States, separated only by a narrow stream, entirely harmonize? In view of these things, what assurance can the gentleman have that, whatever befall the Union, liberty will still fix her chosen abode at the South? Is there anything so peculiar in its institutions, its principles, its policy, as to induce the fond belief that her last footsteps on earth will be found there? In after ages, if some zealous votary, groping among the fallen ruins and scattered fragments of her temples, to rescue some monument of her existence from the remorseless hand of time, shall explore the vestiges she has left, will he exclaim of the South exclusively, in the language of the Roman poet, "*hic illius arma—hic carrus fuit!*"

Sir, what sort of union is it to which the South is so devoted?—a union and a Government which, under the impulses of popular caprice, or fancied wrongs, or temporary excitements, a single State may arrest and destroy—whose arm may be paralyzed, and all its powers subverted, whenever it may suit the purposes of a single State to do so—a union so ill-compacted and bound together, that on every occasion of a difference of opinion as to its constitutional powers, or on measures of policy, it may be forthwith severed. Is disunion the only remedy for errors of administration—for arbitrary exercise of power?

In all Governments, except the most absolute despotisms, and in ours more than in any other, questions of power and of constitutional authority will arise; and upon them the minds of men will differ. What then? Shall we have no Government—no Constitution? Shall we break away from our moorings, to embark again upon the great ocean of untried experiment? What tranquil haven invites us to its shelter? "Better to bear the ills we have," than to seek a remedy in the dark chaos of disunion. All history admonishes us of its deplorable results. Faction, commotion, discord, civil war—how have they not written awful lessons, as inscriptions upon the tombstones of nations! Does it not become us, then, the South as well as the North, the East no less than the West, to start back from this yawning and fathomless abyss of disunion, whose depths no human eye can reach, and from which the groans of buried empires send back fearful warning? God grant that we may not blindly, madly, rashly, plunge in, to explore for ourselves the dark recesses of its dreary caverns!

FAILURE OF FORTIFICATION BILL.

SPEECH OF HON. JOHN REED,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

January 27, 1836,

On the causes of the loss of the Fortification Bill of the last session.

Mr. REED said: I feel embarrassed in rising to address the House on the present occasion. The subject is painful, but I am allowed no choice, and I proceed, without introduction, to state such facts as I deem important and relevant, concisely and plainly. The President of the United States, at the commencement of the present session of Congress, alludes to the loss of the fortification bill in the following words:

"Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the National Legislature at the last session, but was lost in the other. This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defense, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of this important object, and other branches of the national defense, some portions of which might have been most usefully applied during the past season."

The complaint is somewhat indefinite, as the bill referred to passed both Houses of Congress, but not in concurrence. I presume it was intended to make the charge against the Senate. Though respectful in form, it is a grave and weighty charge. Appropriations were not made. We did some things we ought not to have done, and left undone many things which we ought to have done. I hold the President himself deeply im-

plicated, and will not, therefore, answer to his charge. But I will suppose the charge comes from the people of the United States, and then I hold myself bound to render an account of my stewardship to my constituents and country. I will consider the charge as made against the Government—the President, Senate, and House of Representatives. I plead not guilty, and mean to exculpate myself. I intend to do more—to criminate others, and fix upon them the guilt, so far as guilt there may be, of defeating the passage of the fortification bill. I charge the defeat of that bill to the President, or a majority of the House of Representatives of the last Congress, being Administration men.

In examining this painful subject, I determine to bear testimony to the truth—to state what I saw and heard, and know. I intend to express my opinion upon the subject frankly, firmly, and temperately. The President in his message at the opening of Congress, in December, 1834, sounded the war trumpet, and it did not give an uncertain sound. The following are his words:

"It is my conviction that the United States ought to insist on a prompt execution of the treaty, and, in case it be refused or longer delayed, take redress into their own hands. After the delay, on the part of France, of a quarter of a century, in acknowledging these claims by treaty, it is not to be tolerated that another quarter of a century is to be wasted in negotiating about the payment. The laws of nations provide a remedy for such occasions. It is a well-settled principle of the international code, that where one nation owes another a liquidated debt, which it refuses or neglects to pay, the aggrieved party may seize on the property belonging to the other, its citizens, or subjects, sufficient to pay the debt, without giving just cause of war. This remedy has been repeatedly resorted to, and recently by France herself towards Portugal, under circumstances less unquestionable."

The President's advice and recommendation, if not war direct, could not fail to result in war with France. What man believes we could have made reprisal, or seized upon a single ship of France, without producing war? A powerful nation may seize upon the property of a feeble and timid one, by way of reprisal, without resistance; but not so as to France. The message was a war message, and notified us to make the necessary preparation. But I desire to thank God our voices were not for war. This message was referred to the appropriate committees. What action was had upon the subject? What preparations and what appropriations did the committees propose for fortifications and for defense? I hold the bill called the fortification bill of the House of Representatives in my hand. It proposed to appropriate for fortifications in all, the sum of $439,000. The Journal of the House says:

"Mr. EDWARD EVERETT moved to amend the bill by striking out the words, 'For the preservation of Castle Island and repairs of Fort Independence, in addition to the balance of former appropriations, $8,000;' and, in lieu thereof, insert the following:

"'For the preservation of Castle Island, and for repairing the fortifications on Castle Island, in Boston harbor, according to the plan adopted by the Board of Engineers on the 24th of March, 1834, in addition to the balance of former appropriations, $75,000.'"

That all the forces of the House of Representatives might be rallied, we had a "call of the House," and then the vote was taken by yeas and nays. For the amendment, 87; against it, 120. These yeas and nays are in the Journal of the House of Representatives, page 225. Few Administration men can be found among the yeas. The chairman of the Committee of Ways and Means, [Mr. POLK,] and the chairman of the Committee on Foreign Affairs himself, who figured so much in the three million amendment, are among the nays. They and others would not consent, notwithstanding the threatening aspect of war, to appropriate $75,000 for the defense and protection of the harbor of Boston, and Boston itself, and the immense public property at the navy-yard at Charlestown. We of Massachusetts, and those who acted with us, were accused of extravagance and profusion, for pursuing a course that would increase the expenditures, and render the Administration unpopular. There was no predisposition to the three million appropriation at that time, or the money was intended for a very different object from that of the defense of Massachusetts and Maryland, &c.

The gentleman from Maryland [Mr. McKIM] moved to amend the bill by adding, "for the repair of Fort McHenry, at Baltimore, and putting the same in a proper state of defense, $50,000." The yeas and nays upon this amendment were—yeas 66, nays 129; and gentlemen voted as on the former amendment. The mover, though a good Administration man in the present case, fared no better than others. Impartial injustice was dealt out to all propositions for amendments.

Again, Mr. THOMPSON moved an amendment: "$44,000 for the protection of St. Augustine." For the amendment—yeas 67, nays 115. This happened on the 15th of January, about forty-five days before the memorable 3d of March, when $800,000 (in addition to the amendments of the Senate, doubling the appropriation of the House) was pronounced by the Secretary of State, Mr. Forsyth, to be a "a pitiful sum."

Another motion was made by Mr. PARKER, on the 19th of January, to strike out "for a fort on Throg's Neck, East river, New York, in addition to a balance of former appropriations, $30,000." The yeas and nays were—yeas 86, nays 113. The bill passed precisely as reported by the Committee of Ways and Means. We in the minority were not allowed to increase the amount a single dollar. The bill, having passed the House of Representatives, was sent to the Senate. How did the Senate treat the bill? Did they attempt to reduce the amount proposed by the House? No. And yet one not informed upon the subject might well be led to think so, from the complaints from various quarters that the Senate defeated the ordinary appropriations for fortifications. On the contrary, the Senate considered the bill of the House of Representatives as wholly inadequate and deficient, in not providing for the defense of the most important and defenseless parts of the country. Their amendments to the bill of the House of Representatives were essential to the defense of the country—so all-important that I name them particularly:

For Fort Delaware, instead of $70,000, $150,000, being an addition of	$80,000
For Fort Mifflin, &c.	75,000
For Castle Island, &c.	75,000
For defense of Maryland	100,000
For armament of fortifications	100,000
Amounting to	$430,000

The bill was returned from the Senate with the above amendments, and being so amended and returned to this House, it was absolutely within the power and control of this House. We had only to adopt the amendments, and the bill would have become a law with the signature of the President. In that event we should have added to our appropriation of $439,000 the further sum of $430,000, amounting to $869,000—all for fortifications, except $100,000 for armament for fortifications. By the Senate's amendment several States were to be protected and fortified. But this House neglected and refused to pass the bill, and were therefore guilty of defeating the ordinary appropriation bill for fortifications, and ought honestly to acknowledge it and justify themselves as far as they may be able. The House of Representatives of the last Congress must be responsible for the consequences. I speak of the ordinary appropriations. The extraordinary—the three millions—I will consider by-and-by. The President very justly makes the distinction in his charge; and I intend to make it and keep it distinctly in view, though the resolution we are considering proposes to inquire as to the cause of the failure of the ordinary appropriations only. Although this bill was perfectly familiar to this House—our own child—we could not adopt it with the Senate's amendments. We took time to consider, in a session of ninety-three days, when there was no time to be lost. The bill was referred to the Committee of Ways and Means, that every dollar of appropriation should be scanned and scrutinized; that not a brick or stone should be laid upon our fortifications unless it were absolutely required and the cost counted. But the committee could not consent to appropriate for Massachusetts, Maryland, Pennsylvania, Delaware, &c. They reported amendments to the Senate's amendments, and the bill was reported to the House, with the amendments, on the 3d day of March; but the House finally agreed to the amendments of the Senate. What next? At eight o'clock on the 3d of March, the last night of the session, still holding and detaining the fortification bill in our possession, an amendment was proposed of an entire new section. It deserves not the name of amendment. It was a proposition, at that late hour, entirely to change a bill we had been examining for months. It was in the following words:

"*And be it enacted, &c.*, That the sum of three millions of dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the Navy: *Provided*, Such expenditure should be rendered necessary for the defense of the country prior to the next meeting of Congress."

This amendment was proposed by the chairman of the Committee on Foreign Affairs. The appropriate Committees on Military Affairs and Naval Affairs, and even Ways and Means, were all superseded. The three million amendment came upon us sudden as a thunder-bolt, without report or estimate, or explanation. We were called upon to vote. There was no time for debate, and all we could do was to call the yeas and nays, and record our names upon the Journal. Well might we be astonished; and our astonishment was not a little increased to see the very men, chairman and all, who would not consent to add $175,000 to defend two of the principal cities in the Union in an exposed and defenseless state, ready in a moment to vote three millions. But so it was. And we, Representatives, not intrusted with Executive secrets, were left to wonder what could have produced so sudden and extraordinary a change. The tables were turned. Profusion and extravagance took the place of parsimony, and precipitation that of tardy delay. I repeat, without stopping to deliberate, for we had no time, we voted and adopted the three million section, and called it an amendment to the bill. It passed—yeas 109, nays 77. We then sent the bill so amended to the Senate for their approval. And here give me leave to say, it is all important to the correct understanding of this controversy to inquire at what hour we sent it to the Senate. We sent the bill to the Senate at eight o'clock p. m., four hours before the close of the session, according to the professed opinions of a number of the members of the House of Representatives. Well might the Senate be astonished. But we are told that "the Senate did not receive it in good temper."

The gentleman from New York, [Mr. CAMBRELENG,] who just closed his speech, has tendered what he calls the true issue, and it is this: "Who defeated the three million appropriation?" intended, as he says, to provide for a contingent war. I must remind the gentleman that he has wholly forgotten the resolution we are discussing. The resolution proposes to inquire into the causes of the failure of the ordinary appropriation for fortifications. Surely the three millions was not ordinary, but most extraordinary. I will examine that subject before I sit down.

The President secretly and improperly interfered, to induce the House of Representatives to act "in accordance with the will of the Executive." We have just learned in this debate that the chairman of the Committee of Ways and Means [Mr. POLK] was an agent to that effect, and enjoined secrecy upon some, at least, of those he informed that the President wished to obtain the three million appropriation. The then chairman (now Speaker) being called upon, has stated it from his chair publicly, and it has been publicly confirmed by the gentleman from Tennessee, [Mr. LEA.] The President, in so doing, greatly erred. There can be no justification for such secret interference and influence in this House. I saw we were swiftly swept along against the apparent current by a strange under-tow, the cause unseen and unknown. Those who would not vote for $50,000, or $75,000, in addition to the $439,000, were now ready for three millions; and ready to denounce any man as regardless of his country's danger and his country's honor, who would refuse to vote for that sum.

The proposition to annex a section to the appropriation bill for fortifications of three millions was most extraordinary. The President had

not recommended it. The Committee of Ways and Means had not examined it. There was no report of any committee in favor of it—no estimate from anybody, no specification, no precedent. The gentleman from New York [Mr. CAMBRELENG] has just read a number of cases which he considers precedents—cases of general appropriations of money to a considerable amount. I have now no opportunity to examine the cases he has referred to. They seem all to be of ancient date, and most of them specific. The case mainly relied upon is that of two millions in 1806, and which the gentleman informs us is "so important, comprehensive, and indefinite, and applies so directly to the case." If my recollection be correct, that appropriation was called "secret service money," put into the hands of the President to purchase Florida. There was, I think, at the time loud complaint against that appropriation. It was answered that the object of the appropriation must be kept a secret, or the purpose for which it was appropriated would be defeated. Does the gentleman view that case like the one we are considering? Was the three million of last year proposed to be added to the fortification bill considered secret service money? I defy the gentleman to find a case like the three million proposition of last year. The history of our legislation does not furnish it, in my opinion, —an appropriation of such vast amount made without time for examination and without specification. The three million amendment was first presented to the notice of Congress six hours only before the close of the session, without report or time for examination or discussion. Sir, for such a precedent I am quite sure gentlemen will search in vain. Things ought not so to be. We are bound to examine and consider before we decide such important subjects and vote away such large sums. We want time and facts and estimates and specifications, and we ought not to act in the dark, under the influence or dictation of any man.

But my colleague [Mr. ADAMS] has discovered a reason and foundation for the three million appropriation, to me as novel and extraordinary as was the proposition for the appropriation itself. It was, he says, founded on his resolution, which I will consider hereafter.

In presenting the resolution now under discussion, the gentleman from Massachusetts, my colleague, saw fit to indulge in a course of remarks wholly unlooked for, and of the most painful character. The resolution is one of inquiry; its object is the ascertainment of facts; it asks a special committee. By the usage of this House, should the resolution pass, the mover would be appointed chairman. But my colleague [Mr. ADAMS] has seen fit to give a minute and detailed history of what he supposes facts, in the very case to be investigated. He has done it in a spirit and temper illy calculated to inspire confidence in his impartiality. Was it necessary, or expedient, or commendable, or justifiable, to use such language of violence and abuse toward Senators and the Senate of the United States?

The rule in what is called Jefferson's Manual, our book of rules, is as follows:

"It is a breach of order, in debate, to notice what has been said upon the same subject in the other House, or the particular votes, or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses."

This rule is not an empty form. How all-important to maintain kind and respectful feelings between two bodies, who must act in unison, or the operations of the Government must cease. With this rule before him, and with strong and reiterated professions of a desire to promote harmony between the different departments of the Government, my colleague has quoted in this debate the votes and speeches of Senators, and denounced the Senate with unmeasured severity, and thereby violated, most palpably, the rule above named, and set at naught all his professions in favor of harmony and a good understanding. His speech is a poor commentary upon his professions, and I listened to it with regret and pain.

My colleague, throughout his speech, has had much to say about man-worship. I never heard him accused of that idolatry. But there is another kind of idolatry, of which, perhaps, some are in more danger: I mean the worship of what my colleague was pleased to call, a few days since, in this House, our noble selves. Next to being right, we all desire to be consistent. That desire is lawful and commendable, but we are in danger of putting the consistent before the right, and that is a sore evil under the sun.

My colleague, in his speech, in reference to the fortification bill, first, defended himself throughout. Of this I do not complain. I mean to imitate him. 2dly. He defended the majority of the House of Representatives, even when opposed to himself. 3dly. He defended the conduct of those who urged constitutional scruples in opposition to him and his opinions, in relation to the hour of adjourning, and who broke up a quorum, and defeated the bill. But my colleague [Mr. ADAMS] is very indignant at two things: 1st. An expression used by a distinguished Senator from Massachusetts, [Mr. WEBSTER,] who, after showing in an able and masterly argument, the unconstitutionality, danger, and inexpediency of voting for the section proposed by the House of Representatives "adding the three millions," "observed, if the proposition were now before us, and the guns of the enemy were battering against the walls of the Capitol, I would not agree to it." And he immediately adds, "the people of this country have an interest and property, an inheritance in this instrument, [the Constitution,] against the value of which forty capitols do not weigh the twentieth part of one poor scruple."

My colleague quoted the first sentence, and used language in reference to the quotation, and in reference to the great and distinguished man, the author of those remarks, which I will not repeat, wholly unjustifiable and without foundation. But I stop not to eulogize or defend the distinguished individual referred to. He needs not my aid. I merely ask my colleague why he did not quote the argument of the Senator from Massachusetts, and why he selected a single isolated sentence? I ask my colleague if he had entertained the same opinions as did the Senator referred to, that the "three million section was unconstitutional, inexpedient, and of most dangerous tendency," whether he would have voted for it to save the Capitol or his own life?

The other thing that excited my colleague's hot displeasure on the 3d of March was a resolution sent by the Senate to the House of Representatives, as follows:

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the Senate to the bill respecting the fortifications of the United States."

And my colleague makes the following comment:

"When that message was delivered, he must confess, if ever a feeling of shame and of indignation had filled his bosom, it was at that moment. He felt it as an insult to the immediate Representatives of the people; and if it had been sent at a moment when the House yet existed, with the power to resent unprovoked insult, he verily believed that, imitating the example of our Congress in a somewhat similar case during the revolutionary war, he should have moved that a message be sent by two members of the House to cast the Senate message on their floor, and tell them that it was not the custom of the House to receive insolent messages. It was, perhaps, well that he had no opportunity to give vent to those feelings."

The above message was sent after anxious waiting in the Senate to hear from the House of Representatives. The conference committee had separated, and the Senate's committee had long before reported to the Senate, but nothing was heard from the House of Representatives. Was there just occasion for such a burst of indignation as my colleague describes, and which agitated his breast and urged him to do that which, if done, must have dishonored both him and the House of Representatives? And yet he takes frequent occasion to complain of the Senate that they received the amendment of the House of Representatives in bad temper. I was here upon that abasing and mortifying occasion. It was a painful night. Though subject to like passions as other men, I desire to be thankful I was not on that occasion so filled "with anger and indignation." I felt humbled by the gross misconduct of some in this House. I saw things here that were wrong and wholly unjustifiable; and if I felt anger rising in my breast, that feeling was tempered, moderated, and repressed by the high and responsible obligations of duty to my country. These obligations had an influence paramount to passion. I was for the fortification bill. I was for substance and not form. I was not for war with the Senate, but for the defense of the country.

I beg for a moment to consider certain resolutions which are supposed to materially affect the present controversy. I refer to resolutions from the Committee on Foreign Affairs, reported to this House on the 27th of February, four days only before the close of the session. These were the war resolutions, the foundation of the three million appropriation.

On the 2d day of March, late in the day, the war resolutions of the Committee on Foreign Affairs were brought before the House, by a motion of the chairman [Mr. CAMBRELENG] to discharge the Committee of the Whole. This motion, as everybody knows, was made to facilitate and hasten the adoption of those resolutions. The vote was taken by yeas and nays—yeas 104, nays 92. The Administration party were too strong; we were beaten. How did we vote? Was my colleague then in favor of passing resolutions as the foundation of war appropriations? No; he voted with us. But the committee were discharged, and the resolutions were brought before the House, and the Journal states the House then proceeded to the consideration of the said reports, viz.: the reports of the majority and the minority; and the resolutions recommended by the committee were read as follows. I here read from the Journal, page 496:

"1. *Resolved*, That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France on the 4th of July, 1831, and that this House will insist upon its execution as ratified by both Governments.

"2. *Resolved*, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions, or to reprisals on the commerce of France.

"3. *Resolved*, That contingent preparation ought to be made to meet any emergency growing out of our relations with France.

"Mr. JOHN QUINCY ADAMS, on the 27th of February, ultimo, proposed to amend said resolutions, by striking out all thereof after the word 'Resolved,' in the first resolution, and inserting the following:

"1. *Resolved*, That the rights of the citizens of the United States to indemnity from the Government of France, stipulated by the treaty concluded at Paris on the 4th of July, 1831, ought, in no event, to be sacrificed, abandoned, or impaired, by any consent or acquiescence of the Government of the United States.

"2. *Resolved*, That if it be, in the opinion of the President of the United States, compatible with the honor and interest of the United States, during the interval until the next session of Congress, to resume the negotiations between the United States and France, he be requested so to do.

"3. *Resolved*, That no legislative measure of a hostile character or tendency towards the French nation is necessary or expedient at this time."

The resolution of my colleague was modified; the words "at all hazards" were stricken out to make it entirely pacific, and leave not the semblance of a threat, to hazard nothing, and, so amended, it passed unanimously. I give the words to my colleague:

"This sentence, from which, with the general assent of the House, the words 'at all hazards,' had been withdrawn, was finally moved by me, and every member present, two hundred and seventeen in number, answered, at the call of his name, 'aye.'"

The resolution was in these words:

"*Resolved*, That, in the opinion of this House, the treaty with France of the 4th of July, 1831, should be maintained, and its execution insisted on."

As the gentleman from New York [Mr. CAMBRELENG] has stated some conversation about this resolution as a substitute for the resolutions of the committee, I trust I may be permitted to say a word in relation to myself. I took no part in the debate, but if my life had been at stake I could hardly have felt more interest. The war resolutions were combated with argument and spirit. It was on that occasion that my colleague was said to have made his peace speech, when he declared he would have dodged the war question himself, and he approved the course of the Senate. I was delighted with it. It was peace, and not war. But the conflict was severe, and the House very nearly equally divided, and I feared war resolutions, by possibility, might pass; I went across the Chamber to see the chair-

man of the Committee on Foreign Affairs, [Mr. CAMBRELENG;] I proposed to him to take the resolution of Mr. ADAMS, as amended, which he afterwards adopted. I observed, you may entirely fail. He asked if my side, or party, would vote for it. I replied I could answer but for *one;* I would vote for it. This resolution was adopted unanimously. But, judge what must be my astonishment when I hear my colleague [Mr. ADAMS] say:

"He hoped he had shown that the section making the appropriation of three millions was introduced from absolute necessity on the last day of the session, because it was in consequence of the unanimous vote of the day preceding. Was he now to be told that this and the other House must not appropriate money unless by recommendation from the Executive? Why, sir, the Executive has told us now that that appropriation was perfectly in accordance with his wishes. He again repeated, why was it that the House must be charged with man-worship and unconstitutional conspiracy, because they passed an appropriation of three millions for the defense of the country, at a time when imminent danger of war was urged, as resulting from that very resolution, which but the night before passed by a unanimous vote? Because, forsooth, that appropriation had not been called for by the Executive, and yet because it was approved by the Executive."

Does my colleague mean to say that anybody in the House of Representatives ever pretended that his harmless, peaceful resolution was the foundation of a war appropriation? Does he pretend, after all that passed, that anybody ever said or thought that "imminent danger of war" resulted from his peaceful resolution? Had that been the fact, had it been so understood, would he, or any man, pretend that a unanimous vote could have been obtained? Mr. Speaker, precisely the reverse was the fact in relation to myself. I believe it was so as to a majority, if not all of that House, excepting my colleague. I am quite sure it was so in reference to those with whom my colleague acted, called the peace party, the party opposed to Executive recommendation as to the dispute with France. We resolved that the treaty of France of the 4th of July should be maintained, and its execution insisted upon. How? By war or war measures? No. By negotiation; by explanation; by giving France an opportunity to see and feel that her honor is pledged to fulfill the treaty, and that we will continue to urge and insist upon its fulfillment.

It will be long remembered that my colleague made a speech in the House of Representatives, I think on the 7th of February, in reference to our difficulties with France, and a few days before the "war resolutions" I have been speaking of had been presented. That speech was considered an unjustifiable attack upon the Senate for their pacific course in relation to France, and was called a war speech. I was among those friends who believed, from various circumstances, that my colleague's views had been, in some measure, misunderstood, and I so represented it here and elsewhere. I found difficulty in understanding the phrase used in his speech, "dodging the question," as applied to the Senate, in a good sense, but I had the highest authority for so understanding it. In about one week afterwards my colleague made a speech in this House called "a peace speech," in which he approved the course the Senate had pursued in relation to France, and said he would "dodge the question himself." His pacific resolutions were in accordance with his peace speech.

Are we now to be told that "imminent danger of war was urged as resulting from the resolution we adopted, and that the adoption of that resolution was good and sufficient cause for the three million appropriation?" I heard no such argument then. My colleague's various speeches and resolutions in relation to our dispute with France seems so contradictory that I leave to his own genius and learning the labor of showing his consistency. I affirm, if the resolution contemplated war, or preparation for war, it was to the House of Representatives war in disguise. And, again, my colleague says, referring to said third resolution:

"The resolution was laid on the table at the motion of the chairman of the committee who had reported it, and who then, in my hearing, and in the hearing of all in the House who chose to hear him, gave notice that he should, in its stead, move an additional appropriation in the fortification bill then before the House. Whether he named the sum of three millions as that which he should propose or not, I do not recollect. He had openly spoken in the House before as contemplating a larger sum. Considering the contingent and possible danger against which it was to provide, I thought the sum certainly not too large."

I believe it, because my colleague says so, and because the gentleman from New York declared it in his speech a few minutes ago. What was the mighty import of such a declaration, made by a disappointed chairman, defeated in his projects, and by the efficient aid of my colleague, too? He and his friends were defeated and disappointed. Peace prevailed over war. But the gentleman from New York threatened, as he retreated, to ask for additional appropriations, &c., and this happened on the evening of the 2d of March, and that was notice of the three millions. I purposely, on this occasion, avoid going into a consideration of the value and importance of preparation for defense in time of peace. It does not appertain to this debate; but those who are now accused of neglect have steadily pursued that policy to a reasonable extent, and by so doing have subjected themselves to the reproaches of their present accusers.

But my colleague quotes the third resolution of the Committee on Foreign Affairs as follows:

"*Resolved*, That contingent preparation ought to be made to meet any emergency growing out of our relations with France."

"This was the resolution intended to sustain at once the spirit of the President's recommendations and the sincerity of the resolution just adopted by the House."

I perfectly concur with him that the above resolution was intended to sustain the resolutions of the Committee on Foreign Affairs; but be it remembered those resolutions were virtually rejected, and my colleague's peace resolution substituted. I deny that the three million appropriation ever was intended to sustain the sincerity of the resolution adopted. Never, never.

I again refer to the resolutions I have read—Foreign Affairs and my colleague's substitute:

Third resolution of Foreign Affairs.	*Mr. Adams's substitute for third resolution.*
"*Resolved*, That contingent preparation ought to be made to meet any emergency growing out of our relations with France."	"*Resolved*, That no legislative measure of a hostile character or tendency towards the French nation is necessary or expedient at this time."

According to my recollection the speeches were more at variance, if possible, than the resolutions themselves.

Let us for a moment examine the defense of those who professed to have constitutional scruples as to the time of the termination of Congress; and here I read my colleague's argument, as follows:

"He was not one of those who believed that the session ended at midnight. In his opinion, the two years' duration of Congress was from the time of day at which the House commenced its session—say the hour of noon on the 4th of March. He believed that to be the true construction of the constitutional term of two years; but it was a constitutional question, and it was not for him to judge of the motives of men who conscientiously believed that the period of their political existence had expired. When the Cumberland road bill passed, the question was taken by yeas and nays, and the vote was 94 to 80, making one hundred and seventy-four votes. Here was a quorum voting, which showed that the House, at twelve o'clock, was doing business; but in ten minutes after that no quorum could be found, not in consequence of there not being members present, but in consequence of their conscientious scruples. He recollected the instance of a gentleman from Georgia, [Mr. GILMER,] a man as conscientious and as intelligent as any member of that or the present House, who, upon being called, refused to answer, and gave as his reason that he was no longer a representative of the people, and immediately after the vote was taken went out of the House at that door, and never returned. It was not, therefore, the want of a sufficient number of members present, but from the conscientious conviction of so large a number of the members as reduced the remainder to less than a quorum, that they had no right to vote on anything in the House. After that took place, the committee of conference returned to the House, but no report was made; and what was the reason? Because there was no House. The roll was called, and no quorum was to be found.

"He said he did not consider that the constitutional term of two years, assigned to the members of the House of Representatives, and the term of four years, during which the President of the United States holds his office, commence or expire at midnight. The services of two and of four years commenced running from the time when the members of the first Congress assembled to commence the operations of this Government, under the Constitution of the United States, which was on the 4th of March, 1789, at noon. The two years from that time expired, not on the 3d of March, 1791, at midnight, but on the 4th of March, at noon. The expiration of a year is not from noon to midnight, but from noon to noon. It is so astronomically, by the law of nature. The time at which a day shall commence and terminate is a matter altogether arbitrary and conventional. Some nations have, in their civil computation, commenced the day at sunrise, and some at sunset—some at midnight, and some at noon. Astronomers and navigators always reckon the day from noon to noon; and why should not the constitutional computation of time follow the same law which is the law of nature. The principle once established could be attended with no sort of inconvenience, whereas the computation from noon to midnight must be subject once every two years to a solution of continuity for twelve hours, by the non existence of a House of Representatives, and once in every four years to an interregnum or vacancy in the office of President of the United States. Emergencies might easily be foreseen, perhaps even precontrived, in which either of these events would be attended with very great public inconvenience. Monarchical Governments are always guarded with the utmost possible care against every solution of continuity. Their kings never die. It would be a radical defect in every Republican Government not to be invested with the same official immortality; the office always filled, however frequently the individual incumbent may be changed. It was, therefore, my opinion that the House might have sat transacting business till noon on the 4th of March; and accordingly, my name will be found and recorded on every taking of the yeas and nays until the adjournment, after it was announced that the Senate had adjourned.

"Mr. A. said that was his opinion then, and he had then expressed it to the House, but it was not the opinion of a large number of members of the House. The members were in the House ready to vote, but in their opinion the time had passed. Now, whatever was doing at that time in the House might have been known to every member of the Senate, if they had seen fit to make the inquiry. It was perfectly known that after that time no quorum of the House could be found. No vote was taken. The House was *de facto* dead."

I will only add, that the usage and construction as to the time of the expiration of office, I believe, have been uniform; that it has happened very frequently, I know, that Congress have been in session hours after twelve o'clock, the 3d of March, and at the expiration of their respective terms of office—so of all our Presidents. General Washington, as I have been informed and believe, at the expiration of his first term of four years, arose, after he had been in bed, at two o'clock in the morning of the 4th of March, and signed many bills, which, in consequence of his signing, became laws, affecting life and property. Have we not all heard of the midnight judges, &c., of the elder Adams? Mr. Jefferson did the same. Mr. Madison, Mr. Monroe, and my colleague himself, unless I greatly misremember, imitated the example of all his predecessors. Who ever seriously called it in question, until the 3d of March, 1835, when the appropriation for fortifications was before us, and the three millions could not pass the Senate?

Yet, after presenting the above unanswerable argument in defense of himself as well as others, my colleague is at no loss to find a perfect apology for those who violated the Constitution and duty, and defeated the bill. My colleague says, after the return of the committee of conference, "there was no House—not for want of numbers;" the roll was called, and no quorum. Why? Because a member refused to answer. He states, "a large number were ready to vote, but the time had passed, and it might have been known to every member of the Senate, if they had seen fit to make the inquiry." Again: "the House was *de facto* dead." But my colleague has himself shown, conclusively, that it was not dead *de jure*. It was rightfully and constitutionally alive, and the Senate were bound so to consider it, and govern themselves accordingly. They did so act; and their notice and attention to the House, after they chose to consider themselves dead, though present and noisy, seems to have incurred the peculiar displeasure of my colleague and the gentleman from New York, [Mr. CAMBRELENG,] who has just resumed his seat.

But Mr. Gilmer, of Georgia, refused to vote on account of conscientious scruples. His case, I believe, has been named by every speaker on this subject. I knew Mr. Gilmer in this House for a number of years. I believe he is a pure, honest, and honorable man. He entertained, we thought, many singular opinions of the Constitution, and he widely differed from us in its construction. Mr. Gilmer had scruples; and what did he do? Arose, declined acting, and left the House, and has never since returned. The very praise and commendation bestowed on Mr. Gilmer is censure to those who entertained the same doubts, and yet remained here to vote, or not to vote, as circumstances made the Constitution more or less dear in their estimation. But Mr.

Gilmer is the standing witness of honest scruples. "*Exceptio probat regulam.*" Where were the other Mr. Gilmers, or those who trod in his steps! The gentleman from New York [Mr. CAMBRELENG] was so pressed with conscientious scruples, that he refused to report and act upon the fortification bill; but his conscience was less scrupulous as to other matters, and he stayed to vote and act, and did vote and act, upon other subjects before the House, long after he refused to act upon the fortification bill. Let him reconcile such inconsistency. The House was reduced in a short time, by scruples, from one hundred and seventy-four to one hundred and eleven, and this appears on the yeas and nays; and, by looking at the names on the yeas and nays at the two different periods, those "noisy dead men" my colleague speaks of may be known as absentees, though present.

I most solemnly aver to my constituents and country that I was in favor of the fortification bill; that I thought the original bill insufficient, and tried to increase it; that I voted against the three million amendment, with pain, because I wished a liberal specific appropriation; but I believed the three million section a violation of the spirit of our free Government, and of dangerous tendency. I well remember a conversation on that night with a worthy member, not now here. He asked me why I did not vote for the three millions? I replied, that three millions was a great sum; the use to be made of it was not specified, &c. He answered, General Jackson will not spend a dollar of it, &c. I then rejoined, if that be so, it ought not to be voted; you have confidence in the President, which I have not; but if three millions may be so voted without specification, twenty millions may be so voted: or words to that effect. It may not be safe, even in your opinion, hereafter to trust it with other Presidents. It is a dangerous and unsafe precedent, and ought not to pass.

I had been educated to believe that the President of the United States had not too much power. I had heard much said of the dangerous tendency of presidential power, and of the increase of that power; but I never witnessed so much evidence of the truth of that democratic apprehension as on the night of the 3d of March, 1835. I declare most solemnly that, in my opinion, (and I saw those who were counted and who were not,) there was a quorum until we adjourned. I believe I had the honor to make some of the last remarks upon a motion to call the House. I then stated that there was a quorum present; and it was well known to all that when gentlemen chose to be counted they were present, and when they chose not to be counted they retreated or refused to vote; that the most important business of the session yet remained undone.

Much has been said by my colleague and others in regard to a vote of the Senate to adhere against the amendment proposing the three millions. It is said that that vote of adherence was contrary to all parliamentary usage, and was the cause of all the evils we experieneed on the 3d of March, and the loss of the bill itself. The gentleman who has just sat down [Mr. CAMBRELENG] has made the same complaint.

As gentlemen speak with confidence, I will refer them to a case in point, and precisely the reverse of what they suppose the parliamentary usage; and I trust the authority will not be questioned by my colleague or the gentleman from New York. The case I refer to is found in the Journal of the Senate, Nineteenth Congress, first session, pages 306 and 307. [Here Mr. R. read the case.]

Mr. ADAMS called aloud to know the book and page.

Mr. REED. The House of Representatives and Senate disagreed as to a judiciary bill, and "Mr. Van Buren, chairman of the Judiciary Committee, drew up a report, which concludes with resolving, not to insist, but adhere, and but twelve dissented; and the report states it is expressly within the rules, and best to prevent unprofitable formality of a conference at this advanced period of a session." Mark, sir, this happened fourteen days before the close of the session. In the case of the fortification bill, the Senate had determined not to agree to the three million section, and a few hours only must close the session.

Mr. CAMBRELENG then moved that the House insist on said amendment; which motion was agreed to. The Senate then voted to adhere as to the three millions. A motion was again made in the House of Representatives to recede, and give up the three millions. We voted nearly as before, my colleague, [Mr. ADAMS,] and other colleagues, and myself, voting to recede—yeas 88, nays 107. A conference with the Senate was then proposed and passed, and conferees appointed. The conferees of the House and Senate agreed upon a compromise. The bill was to pass with all amendments, and instead of $3,000,000 in gross, it was agreed to add $800,000, and make it specific, viz: $300,000 for arming the fortifications, and $500,000 for repairs and equipment of ships of war. And my colleague finds fault even with this compromise, and says:

"The appropriation was made positive, instead of being contingent upon a necessity not certain to come, and it was confined to two objects of permanent ordinary appropriation, still leaving the possible contingent danger unprovided for."

I confess I am wholly at a loss to know what my colleague did desire. I can see one thing very distinctly—that he does not desire to agree with the Senate.

The appropriation bill, as agreed upon by the committee of conference, might have passed before or after the hour of twelve o'clock. I have no doubt the conferees returned before half past eleven. I have every reason to believe it. It might have passed after twelve o'clock, but for the improper interposition of a few members of this House, the friends of the Executive.

The bill was then returned to the House, and "a motion was made by Mr. GHOLSON that the House recede from its amendment, proposing to insert an additional section, as the second section of the bill, containing an appropriation of $3,000,000. On this question there were—yeas 87, nays 110. All my colleagues, including Mr. ADAMS, voted to recede, and strike out the three millions, upon the success of which one might suppose some men thought the salvation of the country depended.

The report of the committees of conference was delayed by the chairman. After much delay (the precise period I cannot state) Mr. LEWIS, another member of the committee, made the report, but objections were made that there was no quorum, and therefore it could not be adopted. The business was intentionally delayed, and the little time we had, wasted. Tellers were appointed—Mr. CAMBRELENG and Mr. LEWIS; on counting, it was found there was not a quorum—not that a quorum was not present, but a sufficient number took care to be out of the way to defeat the count. And my colleague says we had not the power of Joshua of old, who commanded the sun and moon to stand still. We wanted not such power, but the power to MOVE in the discharge of duty.

I have overlooked one fact of some importance; it is this: Mr. JARVIS moved the following resolution:

"*Resolved*, That, the hour having arrived when the term for which this House was elected has expired, we do now adjourn.

"The said resolution was read, when the Speaker decided that it was not in order to offer it at this time, unless by unanimous consent or a suspension of the rules, but suggested that the object aimed to be attained by the resolution could be accomplished by a motion that the House do adjourn. Mr. JONES, of Georgia, then, for the purpose of trying the question and ascertaining whether the House thinks itself authorized to continue in session, and to transact business after twelve o'clock at night on the 3d day of March, moved that the House do adjourn. And the question being put, it was decided in the negative."

This negative is a negative pregnant, affirming that we did think ourselves authorised to do business after twelve o'clock; thereby setting the seal of our deliberate vote to our own condemnation. But remember, the memorable report of the committee of conference had not then been made, though it should have been done, and there was a press of business that many members were desirous of transacting. The main pressure of constitutional scruples was upon the fortification bill without the three million amendment.

Mr. Speaker, the fortification bill was reported to the House of Representatives January 2d, and passed the House January 21st, fifty-two days from the commencement of the session. We took fifty-two days out of the ninety-three to prepare the bill. It was then sent to the Senate, and returned February 24th, after thirty-four days, and seven days before the close of the session.

Our bill, as it passed the House of Representatives, contained appropriations for fortifications of $439,000; and the Senate's amendments, as finally agreed to, $430,000—making $869,000. Had we agreed to those amendments without adding a section of three millions, it would have passed without dispute. By the conference it was further agreed to add $300,000 for arming the fortifications, and $500,000 for repairs and equipment of ships-of-war, making $800,000. In all, $1,669,000; a respectable sum—very respectable compared with $439,000, and one would think, of all others a majority of the House of Representatives ought not to complain.

Mr. Speaker, I perceived, before the hour of twelve o'clock on the 3d of March, a determination not to pass the bill. The report of the conference was held back. The bill was delayed. The chairman would not report, but voted and spoke and acted upon other business. Mr. LEWIS at last reported the bill, and then constitutional scruples were interposed as to the hour and minute, and gentlemen would not answer when called. I believe the bill (the motives that influenced gentlemen I leave to themselves) was defeated intentionally by those who were known and called Administration men. Why did they under various pretences detain and defeat the whole bill? No change had taken place in our relations with France. There was no cause for change in appropriations, unless the secret will of the Executive produced that change. The House of Representatives acted a most singular and inconsistent part. They could not be induced to add a dollar to their bill appropriating $439,000, until March 3d in the evening, and then they insisted upon adding three millions, and it must be that or nothing. My colleagues and myself voted for all amendments and all increase, except the three millions, and would gladly have added the $800,000. But it must be three millions in addition, or the whole bill must be destroyed. It was destroyed. I could not vote for three millions. It was large in amount, indefinite in its object, for military and naval service, generally, under the direction of the President. The President's message was a war message. He had frequently, as far as I know, with everybody spoken of the desire for reprisal and war; and he knows how to accomplish his purposes better than any other man. I feared the consequences of putting the money in his hand.

I deeply lamented the failure of the fortification bill. Though I have long been a member of the House of Representatives, I never witnessed there such strange proceedings as on the 3d of March in regard to the fortification bill. If the President believed the public good actually required an appropriation of three millions, which he informs us in his message "was inserted in accordance with the views of the Executive," he ought to have so informed us, not privately, to a few, but publicly, and to have presented the reasons of his views, that we might judge and act as responsible, free, and independent representatives of a free people. But three millions was "inserted in accordance with the views of the Executive;" a less sum was not in accordance with his views. And when a less sum was agreed upon by the committee of conference, and the chairman [Mr. CAMBRELENG] had returned to this House to make report of the result, (as he has just informed us in his speech,) he met in this House Mr. Forsyth, Secretary of State, who inquired whether the committee of conference had agreed; and when informed that a compromise had taken place, and that $800,000 had been agreed upon instead of the three millions, Mr. Forsyth pronounced it a pitiful sum. It will be understood that the President and his Cabinet sit in a room appropriated for the purpose in the Capitol during the last night of the session, to facilitate the business. The Secretary of State sits at the right hand of the President as an adviser. He had just left the room, and might well be presumed to

know and express the will of the Executive. It was not in accordance with the will of the Executive, and that was well understood by the chairman by the remark of the Secretary of State, if he heard nothing more, and he and others who acted with him seemed most suddenly to lose all interest in the bill. It was determined that the bill, as finally agreed upon by the committee of conference, should not pass the House. That, as the Senate refused to agree to the "three million amendment" proposed by the House, the loss of the whole bill, including ordinary appropriations for fortifications, should be charged to that body. This decision came with a weight and energy not to be withstood. The House would not pass a bill the provisions of which the President's first Secretary had just pronounced pitiful. Then came the last scene—"delay, constitutional scruples, refusal to vote, threats against the Senate," &c., &c.; and so perished the fortification bill in the House of Representatives.

As soon as this debate shall have been closed, I hope and trust others who were present will not fail to express their opinions. I am desirous of attending to the appropriation bills and other important business before the House. I trust some good may result from the evil of which there is so loud complaint; that we may not hereafter neglect the important business under our charge to the last few disputed hours of the session, when there may be neither time nor means to perform such duties with fidelity and sound discretion; when it may be in the power of a few, even a single individual, to defeat the most important measure.

I have always considered the fortification bill, with the three million amendment proposed, as a subject of vast importance, as involving more or less the question of peace or war—a question of vital importance to those whom I have the honor to represent. Since the President in his annual message to Congress has seen fit to complain of the loss of that bill; since the Administration presses and Administration men reiterate the complaint; since my colleague has seen fit to bring the subject before this House by a resolution and speech, I have felt bound to vindicate my own conduct and the conduct of those with whom I had the honor to agree and act, and present the case to this House and the people, and especially to my constituents, to whom, without distinction of party, I am under obligations I shall never be able to cancel. I feel and acknowledge the weight of those obligations, and I trust, when my conduct shall be understood, their justice and candor will acquit me of negligence or want of fidelity in the discharge of my duty.

ADMISSION OF MICHIGAN.

REMARKS OF HON. JOHN DAVIS,

OF MASSACHUSETTS,

IN THE SENATE, *March* 30, 1836,

On the bill for the admission of the Territory of Michigan into the Union, and the amendment thereto proposed by Mr. WRIGHT, of New York.

Mr. DAVIS said, in substance, the Senate is now agreed in one thing, and that is that this bill, which proposes to admit Michigan into the Union with the new boundaries assigned to her by it upon her assent to the same by her Legislature, ought not to pass without amendment; for all now agree that such an assent, to be valid, must come from the people. It is therefore proposed to amend the bill so as to require such assent by a convention of delegates elected for that sole purpose.

It is now evening, and the Senate fatigued, and he feared the destiny of the measure, in its present form, was too certain. He could not, however, give his final vote without an attempt to put the bill into a shape better suited to the policy of the United States and to the interests of the Territory. There is an admitted necessity for a convention. Those who are anxious to hurry the measure to its end allow it, because, in the first place, a portion of the population which is embraced by the boundaries contained in the constitution made by the convention of Michigan, is now assigned by us to Ohio and Indiana. If these people voted for delegates, or aided in making this constitution, then it is not a constitution made by Michigan alone, nor can we know what the result would have been if Michigan alone had acted on the question; it might have been different. It is the collected judgment of Michigan alone that we look for. In the second place, we have added a territory west of the lake equal to one half of the territory embraced by the constitution, making the State one third at least larger than the constitution makes it. The inhabitants on this territory were not represented in the convention, and had no voice in making the constitution. They are doubtless few in number, but we know not what their counsels and strength might have accomplished, and it is very clear they ought to be heard. In a word, we have assigned new boundaries, by which we have excluded some territory and added a large tract of country. Nothing can be plainer than that a State cannot, by its Legislature, diminish or enlarge its territory. The Legislature of Michigan cannot, therefore, settle this question. Hence the necessity of so amending the bill as to submit the matter to a convention of the people residing within the new boundaries, whether they will assent to these boundaries, and make their constitution conform to them.

I am rejoiced to find on this point great unanimity, and that the thought of forcing a State into the Union by an assent of a legislative body to its boundaries is abandoned. But the mover proposes that the convention shall be called for this sole purpose, meaning, doubtless, that if the people of Michigan should alter their constitution in any other respect, they shall not be admitted into the Union. I am, sir, for striking out this limitation, and leaving the whole matter to the discretion of the people. There is an obvious impropriety in restraining their action; it implies a distrust—a want of confidence, which I, for one, do not feel. If they are content with the instrument as it is, so be it; if, on the other hand, they think it expedient to modify, why tie them down to this single alteration? I do not like the mode in which Michigan has conducted this business. She has assumed rights that all agree are not well founded, and the consequence is that she stands in an embarrassing posture. She claimed to be a State before she could be one. She has acted as such without authority. She has elected Senators, when our Constitution provides that they shall be elected by the Legislature of the States, and by no other authority. She had no such Legislature. She has elected a Representative, when the Constitution of the United States allows none but the people of States to elect Representatives, and none to vote for such a person except those who are qualified to vote for the most numerous branch of the State Legislature. If she claim rights under this Constitution, as she does when she claims to be represented here, then she must be not only a State, but one of the States of this Union, over which the Constitution spreads itself; but we all agree she is not, or we should not be making provisions by law for her admission.

This shows that her proceedings need revising. There is not only propriety in it, but a clear necessity for it. I am therefore for striking out so much of the amendment as confines the action of the proposed convention to the boundaries alone, and leaving the whole matter to her deliberate judgment, to be disposed of as the people in their wisdom shall deem expedient. She will have ample time to modify her constitution, and to prepare for and participate in the coming presidential election. She will be here ready for admission at the coming term of Congress; and if there be objections to that, as postponing the day too far, then, under the peculiar circumstances which exist, let her, upon agreeing to the boundaries, come in at once. I will extend to her my confidence, and trust her to make such amendments as she may deem necessary. In doing this we hazard no more than occurs almost every year, for States amend, alter, and modify their constitutions at pleasure; and if you deny her the right now, she will do it if she please as soon as you have admitted her. I do not like the precedent; but as things are, I have no difficulty in giving her my confidence by anticipation, for I am anxious she should become one of the family as soon as she can with any propriety.

If this amendment succeed, then several others will be equally necessary, for we cannot legislate Senators and Representatives into their seats unless they are constitutionally elected. Instead, therefore, of providing, as this bill does, for the admission of certain persons said now to be elected to seats in the two Houses, it should provide, if any provision is necessary, that Michigan shall have simply the right of representation in both branches of Congress. The inquiry has been put by the Senator from New Jersey, [Mr. SOUTHARD,] (and I have heard no one answer it,) How can you, by law, assign seats to these individuals? The Constitution forbids this course, because it says we shall pursue another. It declares that each House shall be the exclusive judge of the election of its members. This right cannot be superseded by a statute, for joint action is substantially forbidden.

But there is a greater difficulty than this. There can be no State Legislature without a State, and no Senators without a Legislature. There can be no Representative unless elected by the people of a State qualified to vote for representatives to the most numerous branch of its Legislature. How, then, can the Legislature of a Territory make Senators, or the people of a Territory make a Representative? And can we by a law supersede the Constitution? Can we make a law that Wisconsin shall have Representatives and Senators here? We cannot, because the Constitution forbids it. If they elect them, and send them here, can we by law receive them? Is not this just what this bill proposes to do? Michigan is admitted to be only a Territory. I entreat the Senate to leave the whole matter open to the people of Michigan, and to leave it open in the most favorable way to secure to them all their rights and privileges, both in this body and in the coming elections. Let them present persons here who come in according to the Constitution. Do not tie her hands, and thus force yourselves to receive men who are not elected by a State, but by a Territory.

If these amendments cannot be made, I cannot vote for the bill, though I shall vote against it with great reluctance, for I sincerely desire her admission.

CAPTORS OF THE FRIGATE PHILADELPHIA.

REMARKS OF HON. A. ROBBINS,

OF RHODE ISLAND,

IN SENATE, *May* 31, 1836,

On the bill to compensate the Recaptors of the Frigate Philadelphia.

Mr. ROBBINS said: This bill is a bill to compensate the recaptors of the frigate Philadelphia, after her capture by the barbarians of Tripoli, and while she was, and after she had long been, in their secure possession, in their own harbor, and under the guns of their own fort, and where she was kept fully manned and armed as their pride as well as defense, and where she was a monument at once for barbarian triumph and for American humiliation. This protecting fort was armed with more than a hundred guns and backed, it was said, by an army in camp of twenty thousand men. The banks of this harbor were lined with land batteries throughout, and armed also with more than a hundred guns, and its waters were guarded by a thousand seamen. Still this little gallant band, the recaptors, at the dead of night, with Decatur at their head, made their way to this frigate, boarded her, cut down every barbarian on board, or drove him over her side into the water; then, and in obedience to orders to set fire to her in different parts, burnt her down to the water's edge, and then made their retreat in safety; and all this in the face and fire of the artillery of that fort and of those land batteries. Thus, in flames, was extinguished this monument of our disgrace, and our own frigate was no longer to be employed as a pirate in piracies on our own commerce in those seas. This astonishing feat struck a terror into all the Powers on the Barbary coast, and they humbled themselves to their fears of a people capable of such daring exploits. They were soon after brought to sue for a peace, to release our captive citizens without ransom;

in a word, to suffer us to dictate to them the terms of peace. From that moment, ever after, down to the present time, our commerce, before so vexed and harassed and plundered, has been safe to our merchants in those seas. Such were the fruits of that bold and successful enterprise.

In every instance, save this, the capture and destruction of an enemy's vessel-of-war, or the recapture of our own vessel-of-war from the enemy, has been compensated to the captors by Congress. To the report in this case there is appended a complete list of all those cases, and of the compensation made to each, fully attesting this fact. This case stands a solitary exception. Though the first in the order of time; though in brilliant and consequential merits the first, it remains the last and alone to be compensated. The subject has frequently been before Congress, and in no instance have ever the propriety and the duty of making compensation, and to the amount of this bill, been made a question; but a difference of opinion as to the scale of distribution has been the difficulty, and has frustrated every bill for compensation heretofore reported. To obviate the objections growing out of this difference of opinion, the committee have now reported the bill with a scale of distribution corresponding to the pay of the officers and seamen of the Navy, according to the pay bill adopted at the last session of Congress. This, we think, will do justice and give satisfaction. The parties interested all, as we understand and believe, will be content with this scale. As the same bill has now been reported to both Houses, the committee indulge the hope that no difficulties of form will longer impede this act of national justice. But one word further, with the indulgence of the Senate, as to the merits of this case.

Let it be recollected that this daring enterprise was out of the routing of the regular naval service; it was, indeed, permitted, but not directed, by the commanding officer on that station; it was wholly a volunteer enterprise. It was originally suggested by the gallant and ever to be lamented Decatur, then a lieutenant, and but a youth, as it were. He saw that the thing was practicable to spirits daring like his own, and that the achievement, though full of danger, would be full of honor. He saw the brilliant page it would make in history, but he did not foresee that it would be but the title-page to that volume of brilliant exploits which subsequently were to illustrate our naval annals, of which this was to be the precursor and animating model. He soon collected his volunteer band of congenial spirits, all young like himself, and, like him, burning with a thirst for distinction. Confiding in themselves, they went to the enterprise confident of success, and did realize what to colder minds would seem but the dream of romance. It is pleasing to note the number of our naval heroes, who afterwards so much distinguished themselves in our naval battles, who gave their juvenile and first proofs of heroism in this heroic enterprise.

It is not easy to estimate the value to a country of a sublime achievement in any line of merit by any of her own sons, as an example to enkindle the spirit of emulation in others to rival, and of ambition to surpass it; nor is it wise in any Government to be penurious or over-frugal in awarding remuneration for such value; for it is the sublime in achievement only that has this desirable, this almost magical influence in example—that sublimity which the voice of fame gives to immortality. Man born to immortality in another life aspires to it in this. But over all that is vulgar in men and things and human affairs, he sees time roll his oblivious wave, and that nothing but the sublime in human virtue and human achievement stands secure and aloft above his devouring flood, and never to be affected by it. These achievements he admires; and emulating these, he treads the arduous paths that lead to the same glorious heights. But it is the home example that has most of this marvelous effect. Who that dwells upon the great example near to him in time and place, and in a congenial pursuit, but has felt himself animated and carried even beyond himself in his efforts on the self-inquiry, "Why should I not do what my fellow has done? and why should my equal outstrip and leave me behind in the race of glory?" Hence it happens that one sublime achievement, by its animating influence, begets another, and another, and another, till they cluster into a constellation. Hence, too, it happens that these constellations break upon the world but periodically. The brilliant eras which mark the history of all nations who have greatly distinguished themselves are to be traced to the operation and force of this principle—the magical influence of great example by compatriots on compatriots.

Who can doubt, then, but that the constellation of naval victories which adorns our naval annals, in our late war with Great Britain, sprung from the spirit of emulation kindled by the brilliant exploit achieved in the capture and destruction of the frigate Philadelphia? That was the original spark which, spreading and kindling as it spread, afterwards broke out into such a blaze of naval glory as to be seen over the earth, and under the whole heavens; commencing with the attack and sudden destruction of the Gurriere on the ocean, (the thunder is scarcely more sudden on the lightning's flash than was that destruction upon that attack,) and closing with the brilliant though bloody triumphs of our fleets on the lakes.

The glorious achievement of the recapture and destruction of the frigate Philadelphia, the precursor and progenitor of so many others, remains alone of them all, and the only one not yet requited by the justice of our country. Shall this cold neglect still be continued to mark her insensibility to such illustrious merit? Your votes must determine.

OHIO AND MICHIGAN.

SPEECH OF HON. H. EVERETT,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

June 9, 1836.

Delivered in the Committee of the Whole, on the bill for establishing the Northern Boundary of Ohio, and for the Admission of Michigan into the Union as a State.

Mr. EVERETT made his acknowledgments to the committee for according to him last evening a delay till this morning. He had been in his seat during a session of eight hours, and was too much exhausted to proceed; he acknowledged it as a personal favor, and in return would endeavor to consume as little of their time as possible. He said that one object which he had in addressing the House was to exclude conclusions that might be drawn from the reports of the committees of both Houses, which asserted, or took it for granted, that Congress had no power to form more than two States north of the lake line. For one, he claimed the power for Congress to form in that Territory as many States as the convenience of its inhabitants might require.

Mr. E. said he would place the committee in possession of an analysis of the opinions he had formed, to enable them more easily to accompany him as he proceeded. The objections to the bill for the admission of Michigan into the Union, arise from its assumed boundaries, and from its constitution, and from the provisions of the bill.

I. From its assumed boundaries.

1. That, under the ordinance of 1787, Congress is restricted to the line drawn due east through the southerly bend of Lake Michigan, (the lake line,) as the south line and boundary of the one or two States that it was authorized to form in the Territory north of that line.

This will be examined as a question of construction, and also of intention.

2. That Michigan has no right to demand admission into the Union until formed into a State by Congress, according to the power reserved in the ordinance, and that no act of Congress was necessary to form a constitution, preliminary to her admission into the Union.

3. Congress has no right to demand of Michigan a relinquishment of her ordinance boundary as a condition of her admission.

II. It will then be insisted—

1. That the United States do not hold the sovereignty of that Territory directly under the cessions of the original States, but under the cessions of the three States formed by the fifth article of the ordinance; under which Congress has the power to form States at pleasure, with such boundaries as shall be deemed proper, independent of all the restrictions (of boundaries) of the ordinance.

2. That it is therefore improper to ask the assent of Michigan to any boundary that Congress may think proper to prescribe.

III. Objections to the constitution of Michigan.

1. It was formed by a convention elected in part by foreigners.

2. It naturalizes foreigners.

IV. Objections to the bill.

1. It authorizes a convention, to be elected under the constitution of Michigan, to ratify its boundaries.

2. It provides that the Representative and Senators already elected under their constitution shall be entitled to seats in Congress.

I. In relation to the question of boundary.

1. I contend that, under the ordinance, Congress had no power to make any line other than the lake line the boundary between the three States formed, and the one or two States that might be formed, under the fifth article.

The fifth article is as follows:

"ART. 5. There shall be formed, in the said Territory, not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western State in the said Territory shall be bounded by the Mississippi, the Ohio, and Wabash rivers, a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and, by the said territorial line, to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however, and it is further understood and declared*, That the boundaries of these three States shall be subject so far to be altered that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said Territory which lies north of an east and west line drawn through the southerly bend of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its Delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government; provided the constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in a State than sixty thousand."

As a question of construction:

The ordinance establishes the entire boundaries of three States. No general power was reserved to Congress to alter these boundaries. The only power reserved was, that Congress might alter them by doing a certain act prescribed in the ordinance, viz.: by forming one or two States in the Territory north of the lake line. It thus defines the line by which the boundary of the three States might be altered, and the act by which it could be done. It is manifest that the object was not that the line should be fixed with the view to the extent of territory, but with a view to certainty. Had extent of territory been the object, it would have been easily effected by adopting a line of latitude as the boundary, as it will be seen was adopted in the prior ordinance. For the purpose, then, of making the division line certain, the lake line was adopted as one that could, in all time, be rendered certain.

An argument has been attempted to be drawn from a criticism on the word "in," as used in the fifth article. It is proper, however, to say that it was not relied on in the report of the committee of the House. It has been said elsewhere that—

"The territory of Ohio was within the eastern State. Congress, then, had power to extend Ohio to the territorial or Canada line; nay, the ordinance provided that it should be so extended, unless Congress should find it expedient to alter this provision. Illinois, Indiana, and Ohio were all thus laid out by the ordinance as States to extend to the territorial line; but it was also provided that Congress might lay out one or two States 'in' (not as the ordinance has sometimes been misquoted 'out of') that part of the territory north of the east and west line referred to.

"A power to form one 'or two States in a territory' is not to be restricted, without the grossest violence to all the rules of construction, to a mere power to form one or two States out of that Territory. The latter is a power only to

divide the whole Territory into two States, or form one of it all; the former is a power to select any portion of that Territory for the purpose of forming one or two States, and then of either assigning the whole so selected to one State or dividing it between two. The power here given to assign all the country north of the east and west line to three States primarily designated in the ordinance, embraces the power to assign any part of it to them, and it is evident that Congress has always so understood it."

Unfortunately for this argument, it is refuted by the terms of the article itself, as well as by the general object of the article. The fifth article commences with the words "there shall be formed IN the said Territory not less than three nor more than five States." Would it have been a fair execution of this provision to have formed the five States "out of" one half of the Territory? What would be the condition of the country excluded? The object of the ordinance was to make disposal of the whole Territory. It is entitled "An ordinance for the government of the territory of the United States northwest of the river Ohio." Its provisions extended to the whole territory. The preamble to the five articles of compact is as follows:

"And for extending the fundamental principles of civil and religious liberty," &c.; "to fix and establish those principles as the basis of all laws, constitutions, and governments which forever hereafter shall be formed in the said Territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the Federal counties on an equal footing with the original States, at as early periods as may be consistent with the general interest: It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original States and the people and States in the said Territory, and forever remain unalterable, unless by common consent."

There is, then, no foundation for the construction that would limit the term *in* to a part either in relation to the whole Territory or to the part north of the east and west dividing line.

As a question of intention:

This resolution relates to the intention of the parties to the condition of the cession of Virginia, and as between them it may be proper to have reference to the intention of the parties as a fact. To ascertain the fact of intention, it will be necessary to have reference to the previous acts of the parties, from which it will be evident that it was the fixed purpose of Virginia to make the boundaries of the States certain, and that that proposed was adhered to, except as to the line that should divide from each other the two States that might be formed north of the lake line; and that if only one State was formed north of that line, then its boundaries were rendered certain. Why make any division, if not certain? It should be borne in mind, during this investigation, that the object of the parties was simply to divide the territory of the United States into States. Neither party had the acquisition of territory in view. On referring to the Journals and documents of the Congress of the Confederation, but little doubt will remain that the intention of the parties will be found to agree with the construction of the ordinance.

At the close of the war of the Revolution, the territory northwest of the Ohio was claimed principally by New York and Virginia: other western lands were claimed by other States. The other States insisted that it was acquired by the blood and treasure of all the States, and ought to be disposed of for the benefit of all.

On the 6th September, 1780, Congress passed a resolve recommending to the several States that had claims to such lands to cede them to the United States.

Congress, by a resolution of the 10th October, 1780, resolved that the lands so to be ceded should be disposed of for the common benefit of the United States, formed into republican States, and which should become members of the Federal Union; that the extent of each should not be less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances would admit.

On the 2d January, 1781, Virginia passed an act to cede the western territory to the United States, on the condition that it should be laid out and formed into States according to the terms of the resolution of 10th October, 1780. Other conditions were also annexed.

On the 3d November, 1781, a committee of Congress reported against accepting the cession of Virginia.

A similar report was made on the 10th April, 1782; in consequence of which the cession of Virginia was not accepted, and thus this cession was rendered ineffectual. (See Appendix.)

Though Virginia may have had no right to the territory northwest of the Ohio, yet we accepted her grant, with certain conditions, and which were subsequently recognized by Congress as binding.

Resolution of 1786 states that unless Virginia assented, the States must be restricted as to their extent by the condition.

The ordinance of 1787 recognizes the assent of Virginia as necessary.

On the 13th September, 1783, Congress passed an act stipulating the terms on which the cessions would be accepted, embracing, among others, the terms of the resolve of 1780 as the basis for the subsequent division of the ceded territory into States.

On the 20th October, 1783, Virginia, by an act, authorized her Delegates in Congress to execute a cession of the western territory on the terms stipulated in the act of 13th September, 1783.

On the ——, 1784, the subject of the division of the western territory into States, according to the resolve of 1780, and the act of 1783, was committed to a committee consisting of Messrs. Jefferson of Virginia, Chase of Maryland, and Howell of Rhode Island.

On the 1st March, 1784, Mr. Jefferson, from the committee reported a resolution to lay out the western territory into two ranges of States, divided by the meridian of the foot of the rapids of the Ohio, (84° 45',) and bounded west by the Mississippi and east by the meridian of the mouth of the Great Kanawha, (81°,) and each State, commencing from the completion of latitude 31°, and going from south to north, to contain two degrees of latitude; providing, however, that all north of 47° should belong to the State next below it; and that the States between the parallels of 45° and 43° should be divided by Lake Michigan; and that the eastern State should include the whole peninsula north of 31°; and also that the territory east of the east meridian, and between Lake Erie, the Pennsylvania line, and the Ohio river, should constitute a State; thus laying out ten States (to which names were given) north of latitude 37°, including, however, in the ninth State, the point of land at the confluence of the Ohio with the Mississippi river, below 37°.

Cotemporaneous with this report, on the same 1st March, 1784, the Delegates of Virginia, in pursuance of the authority given by the act of their State of 20th October, 1783, executed to the United States a cession of the western territory.

On the 23d of April, 1784, Congress passed an ordinance laying out and dividing the western territory into States, on the general basis of the report of the committee, with this alteration: that all above 43° was to constitute two States, to be divided by the dividing meridian of the falls of the Ohio; and that where the Ohio river nearly coincided with latitude 39°, it should be the boundary instead of that latitude. This act received the votes of the delegation of Virginia, was cotemporaneous with her act of cession, and is to be considered as an execution of the condition of the cession of Virginia.

By the above resolution the condition of the grant of Virginia was recognized.

At this time, however, no sales had been made, and it was, therefore, competent for the original parties to the cession to change its conditions, and, until sales were made, for Congress to repeal the ordinance.

On the 7th of July, 1786, a resolution was moved in Congress recommending to the Legislature of Virginia to revise the act of cession, so far as to empower Congress to divide the territory into not more than five, nor less than three States. The power proposed to be asked was general, without any restriction as to extent or boundaries.

The Delegates from Virginia moved, as a substitute, to recommend to Virginia and Massachusetts so to alter their acts of cession as that the States in the western territory might be bounded as follows: There should be three States between the Ohio and a line running due east from the Mississippi to the eastern boundary of the United States, so as to touch the most southern part of Lake Michigan, and two States north of that line; the States south were to be divided by the same division lines that were afterwards adopted in the ordinance of 1797; and the States north were to be divided by Lake Michigan. This left no discretion or power in Congress as to extent or boundaries.

The substitute was rejected, and the original resolution adopted with some immaterial amendments.

The report of the committee of the House, (No. 380,) after stating the object of the substitute, contains the following admission, which it seems to me is a surrender of the argument:

"Here, then, we have displayed distinctly the wishes of the representatives of one of the parties to the ordinance. If they had been acceded to by the other party to that compact, the east and west line, drawn through the southerly bend of Lake Michigan, would have been made a permanent and immovable boundary of the three States on the Ohio, and the same line with Lakes Michigan, Huron, and the Straits of Michilimackinac, would have been fixed boundaries for a State to be formed in the peninsula which they surround."

The admission is, that if the substitute had been accepted, that is, if the ordinance had established the five States, with boundaries therein mentioned, and, in addition thereto, had said that the center of Lake Michigan should be the dividing line between the two northern States, then the lake line would have been the immovable boundary of the three States on the Ohio.

The assent of Virginia not having been given to the resolution of the 7th July, 1786, Congress, on the 13th July, 1787, submitted another proposition, based on a compromise between the resolution and the substitute, viz: the fifth article of the ordinance of 1787. The resolution proposed the alternative of three or five States: the substitute proposed five as the fixed number. The resolution asked for a discretionary power to fix the boundaries: the substitute established the boundaries of all the States—first, by a line dividing the three southern from the two northern States, and then by dividing lines between those of the south and between those of the north. The ordinance of 1787 provides first for the boundaries of the three States, subject to alteration, if Congress should deem it expedient; extending them each from the Ohio to our northern boundary, and dividing them by the lines of longitude named in the substitute, leaving no discretionary power in Congress. If there should be five States, the ordinance provides that the three southern States should be divided from the two northern States by the same east and west line that is mentioned in the substitute, leaving no discretion in Congress as to this dividing line. The only discretion given in the substitute as to the dividing line between the two northern States makes Lake Michigan the dividing line, but the ordinance leaves it to the discretion of Congress to make one or two States, and to fix the lake line as common to both, the ordinance and the substitute line dividing them.

If the power had been to form only one State north of the east line, then the admission of the committee would, in terms, admit the immutability of the lake line. This one State would have been as distinctly bounded as the three southern States; and now out of that territory thus definitely bounded, two States are to be formed, and the immutability of the lake line changed by the discretion given to Congress to fix the boundary between the two States north of it. The report asks:

"If it had been the purpose of the Congress of 1787 to make an east and west line, drawn through the southern extreme of Lake Michigan, a fixed northern boundary for the three States which were to be formed on the Ohio, and to form another State in the peninsula of Michigan, is it to be believed that they would not have adopted the language of Mr. Grayson's resolution, which was before them, on those points, as they had borrowed the language of the same resolution in describing the boundaries of the three States, whose eastern, southern, and western boundaries it was their intention to make immutable?"

It is not the declared purpose of the ordinance of 1787 to form a State in the peninsula of Michigan, but to form one or two States in the territory north of the lake line; and if two States, it was left to Congress to fix the dividing line; if

but one State, the boundaries were already given. It would have been, therefore, manifestly improper to have used Mr. Grayson's language as to the dividing line between the two northern States, when it was to be left to Congress to fix the line.

An argument is attempted to be drawn from the reasons which induced the passage of the resolution of 1786. But the question is as to the construction of the cession of Virginia, as modified by her assent to the fifth article of the ordinance of 1787. Her assent was not given to the resolution, but to the new proposition contained in the ordinance. It is not perceived how the resolution, or any motion which led to it, can vary the construction of a new proposition, made because the former one was not acceptable. The report, however, assumes that because the substitute of Mr. Grayson was rejected, and that substitute established the line dividing the northern from the southern State, the same were not established by the ordinance; the same argument would apply to all the other lines, and, in fine, it is assuming that because Congress in 1786 rejected a proposition, they could not adopt it in 1787. Yet such is the argument. The report proceeds:

"Many of the members of the Congress of 1787 had been members of the Congress of 1786. It is fair to presume they knew well the reasons which had influenced Mr. Grayson to make his motion, and the considerations which had induced its rejection. Fortunately, we are not dependent, entirely, on conjecture to learn some of the motives, which on that occasion, guided the counsels of Congress. They are to be found recorded on its Journal. In the preamble to the resolution of July, 1786, it is declared that, 'in fixing the limits and dimensions of the new States, due attention ought to be paid to natural boundaries, and a variety of circumstances, which will be pointed out by a more perfect knowledge of the country, so as to provide for the future growth and prosperity of each State.' Now, there is no evidence to show that additional information had been obtained by Congress, after this preamble was adopted, prior to the passage of the ordinance. Indeed, we are well apprised that, long after the latter period, no map of the Northwest Territory, more accurate than Mitchell's, had been published. Lewis's map, dated in 1815, and Vance's map, in 1818, each exhibit the errors which are so conspicuous in the face of the map first mentioned. The lights of science and civilization had not broken through the clouds of dark uncertainty which then overshadowed the far West. The latitude even of the southern extreme of Lake Michigan had not been clearly ascertained. Neither had the resources and extent of the territory lying north of an east and west line, drawn through that point, been explored. Congress, under such circumstances, would have acted unwisely, if they had fixed, irrevocably, any one of the boundary lines of a State, or States, to be formed in a country which had never been traversed by civilized man. They ought to have adhered, and it is believed they did adhere, to their original purpose. They fixed the east, west, and south boundary lines of three States, and postponed a decision as to the limits, dimensions, or even numbers of those to be formed, until a variety of circumstances, which a more perfect knowledge of the country would point out, would enable them, or their successors, to provide for the future growth of each State, as well as the accommodation and security of the first adventurers. Hence they adopted the language of Mr. Grayson's resolution, in part, and rejected it in part. They knew the extent of the country on the Ohio, and could, therefore, accede to his proposal, so far as to establish the south, east, and west boundaries of three States, to be organized on the Ohio border. But they refused to make, as he had expressly proposed, a line drawn due east from the Mississippi, so as to touch the southern extreme of Lake Michigan, a limitation beyond which these States should not extend. And Congress refused, also, to form the Michigan peninsula into a State, as Mr. Grayson had proposed, to be admitted into the Union whenever there should be sixty thousand free inhabitants therein. Instead of this, they adopted the fifth article of the ordinance, which declares that the three States on the Ohio shall extend north to the territorial line between the United States and Canada: *Provided, however*, And it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it to be expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southern bend or extreme of Lake Michigan."

But there is a point of view in which the principal fact stated, the want of an accurate survey, is entitled to consideration. It is stated, and may be taken for granted, that Mitchell's map was the only evidence of the location of Lake Michigan before Congress in 1787, when the ordinance was made, and before the Legislature of Virginia when she assented to the fifth article. On referring to that map, an east and west line drawn through the south bend of the lake is a latitude line of 42° 20', and which would include a much greater extent of line than is claimed by Ohio. It then becomes a question of intention, of fact, which line did the parties intend—the line due east through the south bend of the lake, or the latitude line indicated by that found on Mitchell's map? There is no ground for taking any intermediate line.

Connected with the principal fact above stated was also the fact that, in 1787–88, it was well known that Mitchell's map was not founded on an actual survey, but was conjectural as to the location of lakes and rivers. Though made on the best authorities then to be obtained, yet no one relied on it as an accurate delineation of the location of the lakes and rivers of the north.

It is material to consider what were the objects of the contracting parties. It was not a contest between independent nations, in which the object on either side was the acquisition of territory, but simply to divide the territory of the United States into future States, which were to become members of the Union. It was not, therefore, a question of a little more or a little less on either side. On the one side, Congress desired an unlimited discretion as to all boundaries; on the other, Virginia contended that Congress should have no discretion whatever; but the boundaries of all the States should be established as a condition to its cession. The first question, then, to settle was, whether the lines should be floating or fixed, when it was determined that they should be fixed; the question was not so much where, as that they should be certain, and a point was taken that could be rendered certain.

On these grounds I have come to the conclusion that, both on the principle of construction and the fact of intention, the line drawn east and west through the southerly bend of Lake Michigan was immovably fixed by the ordinance of 1787 as the dividing line between the three States on the south and the one or two States that might thereafter be formed on the north of it; that the lines of the three States, as bounded in the fifth article, were subject to be altered by Congress only in the event of its determining it to be expedient to form one or two States north of that line; and that the only act by which Congress could alter such boundaries was the formation of such State or States; and, as a consequence—the formation of the territory north of that line into one or two States—the lines of those States would be reduced to that line as their northern boundary.

2. The next question is, whether any act of Congress other than an act constituting one or two States, &c., is necessary as preliminary to the demand of a State to admission to the Union under the ordinance. The condition on which States under the ordinance are entitled to admission is the following clause, which is applicable as well to the one or two States that might be formed as to the three States which were formed by the fifth article:

"And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its Delegates, into the Congress of the United States on an equal footing with the original States, in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican, and in conformity to the principles contained in those articles."

The only conditions required are that the State shall have sixty thousand inhabitants, and should have adopted a constitution conformable to the ordinance. No preliminary act of Congress is required to enable the State to form a constitution. The ordinance of 1784 provided for the establishment of temporary governments in the several States formed by it, and required acts of Congress preliminary to their forming constitutions, under which their conventions were to be held for that purpose. The ordinance of 1787 did not provide for the establishment of temporary government in any of the States formed or to be formed under it. Provision was made for a territorial government, not having any reference to States, but to the whole Territory. Whenever the fact of a State having sixty thousand inhabitants existed, those inhabitants were entitled to move, in such manner as they should think proper, to the end to form a constitution and demand admission into the Union.

These principles apply to the States, the three States formed by the fifth article; and each of them, according to their extent, had the right to apply for admission; but no other division of the territory had a right to apply until it was formed into a State by Congress. It had no right to demand that Congress should form it into a State, much less by its own act form itself into a State. The territory north of the east and west line has therefore no right to demand admission into the Union until it has been formed into a State by the act of Congress.

The case of Tennessee is not in point. In that case, the cession of North Carolina was on the condition that the territory [Tennessee] ceded should be formed into one or two States, and, as one or two States, it was entitled to admission into the Union. Congress was bound to admit it at all events into the Union, and as one State, unless it should think proper to form it into two States. But under the Union Michigan was entitled to become a part of the Union, as a part of the States to which it belonged under the fifth article; it had no claim to be divided into a separate State. In the case of Tennessee, Congress neglected to form it into two States, and the inhabitants petitioned to be admitted as one State. It had the requisite number of inhabitants, and Congress could not refuse it admission only on the ground that it was expedient to divide it into two States, and by thus dividing it.

To entitle Michigan, then, to an admission into the Union under the ordinance, Congress must, by some act, have formed the Territory into a State; not a political community, but have designated the boundaries as a State, according to the provisions of the ordinance, viz.: by forming the territory north of the east and west line into two States, of which the Territory of Michigan is one. This has not been done, though Congress has passed acts from which it may be inferred that it intended, in some after time, to form it into one or two States, or at least that the right should be reserved. The power reserved to Congress by the fifth article to alter the limits of the three States was necessarily limited in time. It must have been executed prior to the admission of either of the three States with their entire extent of territory, the admission of a State necessarily carrying with it a relinquishment of all right of sovereignty in the United States.

The act for the admission of the State of Ohio, in 1803, restricts the northern boundary to the lake line: so far, it looked to the future execution of the power. It reserved the right to restore Ohio to its original boundaries: so far, it looked to the contingency of its future determination on the expediency of exercising that power; so that, in no view, can this act of the admission of Ohio be regarded as an execution of the power.

The act of 1805, establishing the Michigan Territory by certain boundaries, probably looked to the same contingencies, but in itself had no necessary relation to the execution of the power. In itself it was in no sense an execution of the power. The result, then, is, that by no act, express or implied, has Michigan been formed into a State, or the power reserved to Congress been in any way executed. But taking it, however, for granted that the act of 1805 was an execution of the reserved power, then it is admitted that Michigan is entitled to admission on the same principles that would have been applicable to the admission of either of the three States. That, being a State, the only condition was, that she should have sixty thousand inhabitants, and have formed a republican constitution, and to the formation of which no preliminary act of Congress was required.

3. Congress has no [right to] insist on her assent to an alteration of her ordinance boundary as a condition of admission.

It could not have demanded it as a condition of either of the three States; they were entitled to admission by their entire boundary, unless Congress should choose to alter it by forming one or two States north of the lake line.

The result, then, is, that Michigan, in relation to the question of boundary, is not entitled to demand admission into the Union under the ordinance, because Congress has not formed her into a State under that ordinance; and the consequence follows, that the original lines of the three States, extending from the Ohio river to the northern boundary of the United States, have

not been altered by any act of Congress authorized by the ordinance; and that the whole territory now belongs to those three States, unless it has been relinquished by them to the United States.

II. And it is now insisted that it has been, to certain extents, relinquished by those States to the United States. And under this title it has been competent for Congress to divide it into as many States as it shall deem proper, with such boundaries as shall be deemed expedient, under the clauses in the Constitution giving to Congress the power "to dispose of and make all needful rules respecting the territory belonging to the United States, and to admit new States into the Union."

The ordinance of 1784 was a compact unalterable, (after a sale of any part of the land,) unless by the joint consent of Congress and of the State within which the alteration proposed was to be made.

The ordinance of 1787 was a compact between the United States and the people and States in said Territory—unalterable, unless by common consent—by the consent of the parties to the compact—"the United States and the people and States in said Territory." The State of Virginia was not a party to the compact. It was therefore competent for Congress and the States to alter the provisions of any of the articles of the compact, so far as the interests of the States were concerned. The right of soil was vested in the United States by the cessions. The right of sovereignty alone remained to the States, and this right was reserved to each State. It was, therefore, competent for each State to relinquish to the United States its right of sovereignty to any portion of its territory; and, even independent of this power, each State had the same right of relinquishment. The United States, by accepting such relinquishment, would hold the sovereignty of the territory relinquished subject to the powers granted by the third section of the fourth article of the Constitution. Congress would have the power to make all needful rules and regulations for the government of the Territory, for its division into States, and for their admission into the Union.

The cession of Virginia looked only to the primary division of the Territory into States. When admitted into the Union they were to be admitted on an equal footing with the other States. It would be competent for Congress, with the assent of one of the States, to divide it into two States, and each of these new States had the same power to cede any part of her territory to the United States that Virginia had to make her cession.

The three States formed by the ordinance, at the request of Congress, have severally, by the highest act of sovereignty—the act that is now required of Michigan—relinquished to the United States their right of sovereignty to all the territory north of their northern boundaries. The State of Ohio accepted the lake line as her northern boundary, and as a consequence, relinquished her right of sovereignty to the territory north of it. It was accepted, however, subject to two provisions. The first was contained in the act of 1802, authorizing Ohio to form a constitution, as follows:

"*Provided*, That Congress shall be at liberty, at any time hereafter either to attach all the territory lying east of the line to be drawn due north from the mouth of the Miami aforesaid, to the territorial line, and north of an east and west line drawn through the southerly extreme of Lake Michigan, running east as aforesaid to Lake Erie, to the aforesaid State, or dispose of it otherwise, in conformity to the fifth article of compact between the original States and the people and States to be formed in the territory northwest of the river Ohio."

Congress at this time, had not determined the question of the expediency of forming the one or the two States north of the lake line, and by this provision reserved the power of determining it thereafter. The other provision is contained in the constitution of Ohio of 1803, as follows:

"*Provided always, and it is hereby fully understood and declared by this Convention*, That if the southerly bend or extreme of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said Lake Erie east of the mouth of the Miami river of the lake, then, and in that case, with the assent of the Congress of the United States, the northern boundary of this State shall be established by, and extended to, a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami bay, after intersecting the due north line from the mouth of the Great Miami river, as aforesaid; thence, northeast to the territorial line, and by the said territorial line to the Pennsylvania line."

Thus reserving to Congress the right, on the contingency specified, of granting to Ohio the extension of her northern boundary.

The first provision was in perfect accordance with the ordinance; it bound Congress either to restore the territory to Ohio, or to execute the ordinance by forming one or two States north of the lake line.

The second provision was in direct conflict with the ordinance, and could not be executed until Congress had determined not to form the new State or States north of the lake line; and the validity of its execution would not depend on the ordinance; it would not derive its force from the act of Congress alone, but from the joint action of Congress and the State of Ohio.

It may be repeated, that the power given to Congress by the ordinance to alter the boundaries of the three States was absolute, but it was also definite. It might be executed without the assent of the States, but it could be executed only in the manner prescribed. On the admission of Ohio into the Union, all power necessary to the execution of the ordinance was reserved; but it will be found that on the admission of Indiana and Illinois, no such power was reserved, and that, in consequence of the terms on which they were admitted, it became impossible for Congress to execute the power reserved in the ordinance.

On the 7th of May, 1800, the Territory of Indiana was established, and comprised all the territory included within the boundaries of the two Western States by the ordinance of 1787.

On the 11th of January, 1805, the Territory of Michigan was established, and included all that part of the Northwestern Territory lying north of the lake line and east of a line drawn from the southerly bend of lake Michigan through the middle of the lake to its northerly extremity, and thence due north to the northern boundary of the United States, thus including in Michigan, and excluding from Indiana, a part of the territory of the middle State of the ordinance of 1787.

On the 3d of February, 1809, the Territory of Illinois was established, consisting of all the territory of the western State of said ordinance.

The act of 19th April, 1816, authorized the inhabitants of the Territory of Indiana to form a constitution. By the second section of the act, the northern boundary of the State was proposed to be limited to a latitude line ten miles north of the lake line, to which the State was invited to assent, by the following proviso:

"*Provided*, That the convention hereinafter provided for, when formed, shall ratify the boundaries aforesaid; otherwise, they shall be and remain as now prescribed by the ordinance for the government of the territory northwest of the river Ohio."

Thus expressly declaring that, if the convention did not agree to the restricted boundary, their boundaries should remain as prescribed by the ordinance; that is, extending northerly to the northern boundary of the United States, and, prior to the admission of Indiana, subject to be altered by the act of Congress alone, according to the provisions of that ordinance. The restricted boundary was ratified by the convention, and, by this change of boundary, deriving its validity from the joint act and assent of Congress and the State of Indiana, Congress had deprived itself of the power of executing the power reserved in the ordinance of forming one or two States of the territory north of the lake line.

The Territory of Illinois, as before stated, was formed of the whole territory that constituted the western State, under the ordinance of 1789. By the act of the 18th April, 1818, the inhabitants of that Territory were authorised to form a constitution. By the second section of the act it was proposed to limit the northern boundary of the State to latitude 42° 30′, and the assent of Illinois was invited, by a similar proviso to that in the act relating to Indiana. The convention ratified the restricted boundary, and thereby relinquished its right of sovereignty to the territory north of it. Thus, by the relinquishment by the three original States of their sovereignty to the territory north of their respective restricted limits, the United States acquired the sovereignty of the same, and, under the Constitution, have the power to make all needful rules and regulations for its government, for the formation of States, and for their admission into the Union; and this not in opposition to the ordinance, but in perfect accordance with the provision authorising the alteration of the compact by common consent. The relinquishment it was competent for the States to make, as sovereign States, without looking to the ordinance for authority. Had Ohio, Indiana, and Illinois, been admitted into the Union with the boundaries given to the three States by the ordinance, can it be doubted that each would have had power to have relinquished any portion of its territory to the United States? By that power were the original cessions made. The right of sovereignty being thus vested in the United States, it is competent for Congress to grant to Ohio, or confirm to Michigan, as it shall deem expedient, the territory in controversy. It is, then, to decide in what manner any portion of its territory shall be admitted into the Union; to establish the boundaries, and to prescribe the manner in which it shall proceed to form a constitution. No portion of its territory has the right to demand admission by its own act, until Congress shall have, by law, determined these preliminaries.

2. Congress, then, having the power to define the boundaries of new States, it is improper to ask Michigan to give her assent to the boundary.

If, after Congress shall have prescribed the boundaries, the Territory shall decline forming a constitution, the only consequence would be, they would remain a Territory until Congress should propose new boundaries. Though no new State has the right to claim admission into the Union until Congress shall have determined its boundaries, and directed the manner in which it shall proceed to form its constitution, yet it is competent for Congress to assent to the admission of a State without these preliminary acts. If a portion of territory shall have, on its own motion, done those acts which Congress would have directed; if it shall have assumed such boundaries as Congress would have given her, and formed a constitution in the manner Congress would have directed, it is competent for Congress to ratify the same, and at once to admit such State into the Union. It is now, therefore, competent for Congress to admit the State of Michigan into the Union, if satisfied with her boundaries, with the manner in which her constitution has been made, and with its provisions.

It may be here remarked that the acts of the three States of Ohio, Indiana, and Illinois have no other effect than to alter the ordinance in relation to the number of the States, and the boundaries of the three States. The right of soil remains to be disposed of, according to the conditions of the original cessions; the compact, in every other respect, remains in force. The cession of the three States affects the political right of sovereignty only. The boundaries assumed by Michigan are the same as given to the Territory by the act of 1805. Though that act, on the face of it, is merely an execution of the general power granted in the ordinance of 1787, to divide the Territory into one or two districts—a power which formed no part of the compact; a power at all times repealable; and a power which was superseded by the third section of the fourth article of the Constitution—yet it can scarcely be doubted that it was intended as the basis of a State in relation to its boundaries, to be admitted into the Union. And good faith requires that those boundaries should still be accorded to her, unless there are substantial objections.

In relation to the point in controversy with Ohio, such objections, in my opinion, formed on the evidence present, do exist; arising, first, from the public works of Ohio, to which the mouth of the Maumee river is necessary, is essential to Ohio; and secondly, from the danger to the peace of the country from the acerbity of the controversy. On these grounds, and on these alone, I am in favor of granting the disputed territory to to the State of Ohio.

Objections also exist as to the western boundary, if more than two States are to be formed of

the territory north of the States of Ohio and Michigan. In that case I should not be willing to extend Michigan beyond the peninsula.

III. The objections arising under its constitution on which I oppose it, are to the manner in which it has been formed and to one of its provisions.

1. It was formed on the votes of aliens.

2. It naturalizes aliens.

The Revolution did not commence in anarchy in which all who were inhabitants of the country would derive equal rights from its success. It was the secession of organized States, in which, during its whole progress, the disabilities of alienage were recognized. As between the colonies and the mother country, the principle was anomalous; but as to persons foreign to both, the disability was fully recognized. Under the Confederation the power of removing the disability by naturalization belonged exclusively to the States. On the cession of territory to the United States, Congress had the same power in relation to the Territories of the United States that was possessed by the States within their territories, and under that power a question arises whether Congress authorized foreigners to vote in territorial elections.

The ordinance of 1784 authorized the States formed under it to adopt the constitution of any of the old States, which, when adopted, would have given the power of naturalization prescribed in it.

On the 10th May, 1786, a committee of Congress (consisting of Messrs. Munroe, Johnson, Pinkney, King, McKean, and Henry) reported an ordinance for the temporary government of the new States, in which was the following provision relating to the qualification of electors:

"*Provided, also*, That a freehold or life estate in fifty acres of land, if a citizen of any of the United States, and one year's residence if a foreigner, shall be necessary to qualify a man as an elector for said Representative," (in the General Assembly.)

September 19, 1786, the same was again reported by Messrs. Johnson, Pinkney, *Smith*, *Dane*, and *Henry*. This was considered from time to time, and was assigned for a third reading for May 10, 1787, and the above provision amended by striking out "one" and inserting "two;" so as to read "and two years' residence if a foreigner." On the 9th July, 1787, this report was referred to Messrs. Carrington, Dane, Lee, McKean, and Smith, who reported the ordinance of 1787. In the ordinance of July 13, 1787, the proviso was altered so as to read—

"*Provided, also*, That a freehold of fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold, and two years' residence in the district, shall be necessary to qualify a man as an elector of a Representative."

It will be asked, why was this alteration made? Why was the word "foreigner" stricken out, and general words inserted, unless it was to exclude foreigners from voting? And, on the other side, it may be asked, what persons can be intended by those general words, if foreigners are not? Without expressing any opinion on this question, I shall, for the sake of the argument, take it for granted that the ordinance did not authorize foreigners to vote.

This part of the ordinance was not a part of the Congress, and was therefore liable to be modified or repealed by Congress, and therefore conferred no absolute right of citizenship. Though, under the Confederation the citizens of one State were entitled to the privileges of citizens in the other States, yet it carried with it but little political importance. The vote of an elector could not have any effect on the political power on any State other than that in which it was given. It was therefore left to each State to adopt its own rules of naturalization. When, however, a form of government was about to be adopted, in which the vote of an elector in one State might affect the political power of every State in the Union; when his vote might consequentially elect a President of the United States, it became of the first importance that the rule of naturalization should be uniform. There was also the highest reason for its uniformity, from the adoption of the principle that citizens of one State should be entitled to the privileges of citizens in the other States. On these grounds the fourth clause of the eighth section of the first article was adopted, giving Congress power "to establish a uniform rule of naturalization." On the adoption of the Constitution, all who were citizens of any of the United States became citizens of the United States, entitled to equal political rights. But, when Congress executed the power, and established a uniform rule of naturalization, no foreigner could claim in any State political rights without being naturalized according to that rule. The principle, however, has not been considered as extending to the Territories. Political rights granted to persons in Territories confer no rights of citizenship which they can claim in a State; and the votes given in a Territory, so long as they refer only to the local legislation of the Territory, cannot affect the political power of any State.

The privilege of extending to foreigners the right of voting for representatives to the territorial legislature has been extended to the election of delegates of the conventions for forming State constitutions.

In the act of 1802 for the formation of the constitution of Ohio, the persons entitled to vote were, "all male citizens of the United States, of full age, resident within the Territory for one year, having paid a territorial or county tax, and all persons having in other respects the legal qualifications to vote for representatives in the General Assembly of the Territory." The latter clause must refer to the provisions in the ordinance of 1787, before stated.

The act of 3d March, 1811, and 20th May, 1812, extend the right of suffrage in Indiana and Illinois to every free white male person of the age of twenty-one, who shall have paid county or territorial tax, and resided one year in the Territory. The acts of 19th April, 1816, and 18th April, 1818, authorizing the elections of conventions to form constitutions in those States, authorize every free white male citizen of the United States, &c., &c., and all persons having in other respects the legal qualifications to vote for representative, to vote for delegates of the convention. Thus aliens have been permitted to vote for delegates to the conventions for forming the constitutions of Ohio, Indiana, and Illinois. But would Congress, in the case of Michigan, have allowed aliens to vote?

The act of 1805, establishing the Territory of Michigan, secured to the inhabitants the same rights (of voting) that were granted by the ordinance of 1787. The act of 16th February, 1819, authorizing that Territory to send a Delegate to Congress, conferred the right of suffrage to free white male citizens of the Territory, who had resided one year therein next preceding the election, and had paid a county or territorial tax. The act of 3d March, 1823, which virtually repealed all prior acts relating to the rights of suffrage, provides "that all citizens of the United States having the qualifications presented by the act" of 16th February, 1819, "shall be entitled to vote at any public election in said Territory, and shall be eligible to any office therein," virtually repealing all former acts. Thus, at the time of calling the convention for the formation of the constitution of Michigan, it was the fundamental law of that Territory that none but citizens of the United States, who had resided in the Territory one year next preceding the election, and had paid a county or territorial tax, should be entitled to vote.

There were several reasons for this law as applied to Michigan, which did not apply to either of the three States. The Territory of Michigan, on its whole settled frontier, was contiguous to a foreign, thickly-settled country, and where that was not the case with either of the other States; and it was necessary to change the law so as to prevent such foreign population, usually transported across the line, from voting at our elections. Yet, in the face of this law of the land, the Territorial Legislature has authorized foreigners to vote, and who had resided in the Territory only twenty-two days previous to the passage of the act. The act was passed on the 26th day of January, 1835. In the second section the qualification of voters is prescribed:

"SEC. 2. That the free white male inhabitants of the said Territory, above the age of twenty-one years, who shall reside therein three months immediately preceding Saturday, the 4th day of April next, in the year 1835, be, and they are hereby, authorized to choose delegates to form a convention, who shall be elected in the several districts as follows, to wit."

Would Congress have passed an act of this description? If not, will they sanction it? The act is a fraud on the rights of the citizens of the United States in that Territory. Why was the 4th of January fixed as the last day? I shall not answer the question.

The constitution then, is the result of foreign votes, and accounts for that objectionable clause in it which naturalizes those foreigners who thus secured the victory.

The constitution of Michigan was signed on the 24th June, 1835, and contains the following article:

"ART. II.—*Electors.*—1. In all elections, every white male citizen above the age of twenty-one years, having resided in the State six months next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of this State at the time of the signing of this constitution, shall have the right of voting as aforesaid."

Thus, every foreigner of the age of twenty-one, who resided in the Territory on the 24th day of December, is naturalized by this article of the constitution, and clothed in express terms with the highest political privilege of a citizen of the United States.

Under a constitution thus formed, and containing this unconstitutional article, I cannot consent to admit Michigan into the Union.

IV. Objection to the bill.

1st. The next position is, that it is not competent for the convention, as proposed to be called, to ratify the boundaries named in the bill.

1. It supposes the constitution, under authority of which it is to be called, to be valid. Foreigners will be entitled to vote for members of the convention, and they will naturalize themselves even in an additional section of territory.

2. It calls on a portion of territory which is to be excluded from the State to vote on a fundamental law of the State, not only in excluding themselves from the State, but also in including others; they may have a casting vote.

3. It permits a convention, called by a defined territory, to make a constitution for a territory not represented in the convention that formed it. Should all the territory west of Michigan Lake [that is proposed to be added] vote against being added, still the major vote of the peninsula may carry the question, and force them to become part of a State, and under a constitution in the formation of which they have no vote.

2d. The last position is, that Congress cannot, by an act of legislation, admit Senators and Representatives to seats in Congress. It belongs to each House separately to determine questions concerning the elections of its members; and in the present case the Representative was not elected under any law. He derives his election from the ratification of the constitution, under the authority of this bill.

What is to be gained by this precipitate admission of Michigan? If the act passes, it cannot be represented during the present session. There is ample time to pass an act for forming a Constitution, and authorizing an election of a Representative under it—for forming a constitution and electing Senators and a Representative in season to take a seat at an early day next session.

APPENDIX.

Extracts from the files and minutes of the Continental Congress, relating to the cessions of New York, Virginia, and Connecticut.

Report of Mr. Boudinot, Mr. Varnum, Mr. Jenifer, Mr. T. Smith, Mr. Livermore, on report of committee to whom were referred the cessions of western lands to the United States by Virginia, Connecticut, &c., and on memorial of Illinois and Wabash Companies; read November 3, 1781.

April 10, 1782.—Monday, April 15, 1782, assigned for the consideration of this report.

Entered on the Journal May 1. Cession of New York accepted October 29, 1782.

The committee to whom was referred a report of a committee on cessions of western lands to the United States, &c., submit the following report: That having had a meeting with the agents on the part of New York, Connecticut, and Virginia. * * * * That Congress do, in behalf of the United States, accept the cession made by the State of New York, as contained in the instrument of writing executed for that purpose by the agents of New York, dated the — day of —— last past, and now upon the files of Congress, and that the President do take the proper measures

to have the same legally authenticated and registered in the public records of the State of New York.

The reasons that induced your committee to recommend the acceptance of this cession, are—

1st. It appeared to the committee that all the lands belonging to the Six Nations, or their tributaries, have been, in due form, put under the protection of England by the said Six Nations, as appendant to the late government of New York, so far as respects jurisdiction only. (Vide Minutes of Council of New York, 1686 to 1760, and paper annexed, No. 2.)

2d. That the citizens of the said colony of New York have borne the burden, both as to blood and treasure, of protecting and supporting the said Six Nations and their tributaries for upwards of a hundred years last past as the dependents and allies of the said government; that the Crown of England has always considered and treated the country of the said Six Nations and their tributaries inhabitants, as far as the 45° of north latitude, appendant to the government of New York.

3d. That the neighboring colonies of Massachusetts, Connecticut, Pennsylvania, Maryland, and Virginia, have also from time to time, by their public acts, recognized and admitted the said Six Nations and their tributaries to be appendant to the government of New York.

4th. That by Congress accepting this cession, the jurisdiction of the whole western territory belonging to the Six Nations and their tributaries will be vested in the United States, greatly to the advantage of the Union.

Resolved, That Congress do earnestly recommend to the States of Massachusetts and Connecticut that they do, without delay, release to the United States in Congress assembled, their claims, and pretensions of claims, to the said western territory, without any conditions or restrictions whatever.

Resolved, That Congress cannot, consistent with the interest of the United States, the duty they owe to their constituents, or the rights necessarily vested in them as the sovereign power of the United States, accept of the cession proposed to be made by the State of Virginia, or guaranty the tract of country claimed by them in their act of cession referred to your committee.

REASONS.

1. It appeared to your committee, from the vouchers laid before them, that all the lands ceded, or pretended to be ceded, to the United States by the State of Virginia, are within the claims of the States of Massachusetts, Connecticut, and New York, being part of the lands belonging to the said Six Nations of Indians and their tributaries.

2. It appeared that a great part of the lands claimed by the State of Virginia, and requested to be guarantied to them by Congress, is also within the claim of the State of New York, being also a part of the country of the said Six Nations and their tributaries.

3. It also appeared that a large part of the lands first aforesaid, are to the westward of the western boundary line of the late colony of Virginia, established by the King of Great Britain in council, previous to the present Revolution.

4. It appeared that a large tract of the said lands hath been legally and equitably sold and conveyed away under the Government of Great Britain before the Declaration of Independence, by persons claiming the absolute property thereof.

5. It appeared that in the year 176—, a very large part thereof was separated and appointed for a distinct government and colony by the King of Great Britain, with the knowledge and approbation of the government of Virginia.

6. The conditions annexed to the said cession are incompatible with the honor, interests, and peace of the United States, and therefore, in the opinion of your committee, altogether inadmissible.

Resolved, That it be earnestly recommended to the State of Virginia, as they value the peace, welfare, and increase of the United States, that they reconsider their said act of cession, and by a proper act for that purpose, cede to the United States all claims and pretensions of claims to the lands and country beyond a reasonable western boundary, consistent with their former acts, while a colony under the power of Great Britain, and agreeably to their just rights of soil and jurisdiction at the commencement of the present war, and that free from any conditions and restrictions whatever.

DISTRICT BANKS.

REMARKS OF HON. JOSEPH KENT,

OF MARYLAND,

IN SENATE, *June* 3, 1836,

On the bill to Recharter the Banks in the District of Columbia.

Mr. KENT said:

Mr. PRESIDENT: I wish to make a few remarks in relation to the bill under discussion before the question upon its passage shall be decided.

That the Senator from Missouri entertained opinions upon the subject of banking peculiar to himself I was aware; and that he would urge them with his usual ability I never doubted; but I was not prepared to hear him denounce institutions *en masse* that so little deserved it as, I belive, the banks within this District do. It is well known to the Senate that all the banks in this District were rechartered in one bill in 1817, and that their charters will expire, and that abruptly, on the 1st day of October next, unless they should be renewed again during the present session.

The Committee for the District, after the most careful and rigid investigation into the conduct of the banks, and the condition of the currency issued by them, unanimously determined to report the bill before you, with the report and documents that accompanied it, which fully justify the committee in framing such a bill; and if I was surprised at the Senator's denunciations of those banks, I was still more so at his attempting to found his opinions upon what these documents contained. Sir, after the most careful scrutiny into the condition of these institutions, I have no hesitation in stating that they will bear a favorable comparison with any of the banks that can be found in the States.

Let us look at the return made by the Secretary of the Treasury on the 7th January, 1836; let us see then their condition; and it has been improved since. I will take them in the order in which they are presented in that report. On that day there were in the—

	Notes in circulation.	*Specie funds.*
Mechanics' Bank, Georgetown...	$73,070 00	$65,932 46
Union Bank of Georgetown.....	91,970 00	102,571 40
Bank of the Metropolis.....	335,000 00	297,304 10
Bank of Washington.....	69,993 00	65,366 97
Patriotic Bank of Washington...	129,855 86	150,090 28
Farmers' Bank of Alexandria....	113,242 50	59,907 28
Bank of Potomac, Alexandria....	151,659 54	86,283 98

All I have to ask of the Senate, Mr. President, is, that they will examine carefully the documents I have referred to, and the report made by the committee, and I shall feel no apprehension about what their decision will be; they will come to the same conclusion that the committee have, especially when they recollect that within a few months past the Bank of the United States has closed its branch here.

Let the Senator take the deposit banks,—and they cannot make a better exhibit than the Secretary of the Treasury has returned to us of the banks of this District,—and I do not mean to disparage the deposit banks, for I believe that they, as well as the banks generally throughout the country, are in a good condition, with some few exceptions, and that the deposit banks will be able to pay over to the Government the amount of public money deposited with them in a reasonable time.

Why do I say that the banks generally are in a sound condition? Sir, I found my opinions upon an official document communicated by the Secretary of the Treasury, relating to State banks and banking companies, dated January 5, 1836. In this communication, he informs us that the whole number of banks in the States and Territories was five hundred and fifty-eight, having a capital of $231,250,337, with a circulation of $103,692,495, sustained by specie in their vaults amounting to $43,937,625. Sir, the amount of specie possessed by the banks in proportion to their circulation was never greater, that I recollect. In 1830, when the condition of the banks and the currency was as sound as it ever had been, and everybody satisfied with it, the banks had a circulation of $61,313,898, sustained by a specie basis of $22,114,917. Thus, sir, this official exhibit makes the condition of the banks better at this time than they have ever been before, and if the currency is not as good, it proceeds from some other cause than the want of specie to meet their cash liabilities. It may be from a want of confidence, produced by various causes, which I shall not now detain the Senate to enumerate, and which must be obvious to them.

The banks in the State of Maryland, from their last general returns, are very strong; they were never in a sounder condition, and the public deposits, I presume, could be paid at any moment; and in this District, the amount of public money is not greater than the demands of the Government would absorb in the course of the year. The heavy deposits of the public money are elsewhere.

The Senator from Missouri has stated that no exertion was made by the District banks to resist the pressure that existed in April, 1834. The documents before the Senate exhibit conclusive evidence that every effort was made which a sudden and unexpected call admitted of. By referring to the documents before me, I find that one of them, with a capital of about $125,000, paid out, in cash and cash means, $190,000 in twenty days preceding the 17th April. But the Senator complains that one of the officers of those banks invited a meeting of a committee from all the banks, for the purpose of deciding on what was to be done to meet the severe and unexpected pressure with which they were beset. Why, sir, there was nothing novel in this; we have high authority for it.

In New York, where the pressure was very great, and strong apprehensions were entertained that the banks could not resist the pressure, a committee was appointed, consisting of twenty-four individuals of high standing in the city, at the head of which was Albert Gallatin, a host in himself on such an occasion, who, in their report, state that the eighteen banks in the city, from which they had complete returns, were liable, exclusive of what was due to banks out of the city, for $15,500,000, and the aggregate amount of specie in their vaults was $1,652,000. This the committee state was all-sufficient in ordinary times. At this time these eighteen banks have nearly five times that amount of specie. This committee appealed to the Bank of the United States, and made strong representations for the purpose of obtaining from the bank positive assurances that no diminution, at least of their discounts, or in the purchase of bills of exchange, should take place in the city of New York, and that the bank should also forbear to call for balances due from the city banks, to all of which the Bank of the United States acceded, and this arrangement was wisely backed by an act of the Legislature, providing a heavy loan to the banks, and no portion of which was ever accepted.

The forbearance of the Bank of the United States, and the act of the Legislature, restored confidence; credit was reinstated; the business men were relieved; and the relief given to New York, the great center of commerce and of moneyed transactions in our country, soon extended itself over the United States, and the pressure ceased. It is confidence alone which sustains banks; none of them that has any circulation can suddenly meet their engagements should the whole of their debts be demanded at once.

A very little aid to the District banks would have relieved them; a fourth part of what was given to other places by the Secretary of the Treasury, almost without solicitation, would have saved those from the mortification of suspending specie payments that were obliged to do so.

I have stated, Mr. President, that the committee were unanimously of the opinion that the condition of the banks in this District was good; that the currency was as sound as that to be found in any section of the country; and all I ask of the Senate is to examine the documents laid before them, and act towards the people of this District as they would towards their own constituents. The charter of every bank expires on the first Monday in October next, and Congress alone can secure them, and continue to the District its circulating medium. But recently the branch of the United States Bank here has been withdrawn from them, leaving a heavy debt to be collected, which, together with the sudden winding up of all their banks, must overwhelm them.

THE SURPLUS REVENUE.

SPEECH OF HON. HUGH L. WHITE,

OF TENNESSEE,

IN SENATE, *January* 27, 1836,

On Mr. BENTON's resolutions relative to the distribution of the Surplus Revenue.

Mr. WHITE addressed the Senate as follows:

Mr. PRESIDENT: The first of the resolutions submitted by the honorable Senator from Missouri is the only one which, as yet, has been the subject of any remarks. In its original shape it was not very definite, and since it has been modified, on the suggestion of my colleague, it is less so. It now proposes "that so much of the surplus revenue, and the dividends of stock receivable from the Bank of the United States as may be necessary for the purpose, ought to be set apart and applied to the general defense and permanent security of the country."

This pledge will be indefinite, illusory, and de-

ceptive; while we appear to pledge largely, it may end in little or nothing. Who is to judge how much is necessary? Congress? That body, then, will have the power to apply the whole, or nearly the whole, of this surplus to any other object, leaving nothing, or very little, for these objects. It cannot be said that we pledge five thousand, five millions, or any other sum, for these purposes. It appears to me, if we give any pledge, it ought to be of something which we can understand ourselves, and which the country can understand.

The debt contracted during the revolutionary war, during the last war, and all other debts which the United States had contracted, have been paid off; therefore, if the permanent defense and general security of the country require it, for one I will feel it my duty to add to our annual appropriations such sums as may be necessary to complete, more rapidly, our fortifications which have been commenced; to repair those which need repairs, and to build new ones at such important points or our coast as the public interest may require; to procure ordnance to arm them when built, and, if necessary, add something to our military peace establishment, so that we may have troops to take care of those fortifications and arms, after they shall have been built and provided.

As to the Navy, I am willing to provide for hastening the repairing of our ships, building new ones, and equipping all for sea which the interest of the country may require. These things I am ready to do, to any reasonable extent, upon the supposition that there is no immediate prospect of the state of the country being changed from that of peace to a state of war. If, in the opinion of the Executive, there is a probability that our friendly relations with any other nation are likely to be changed, and that preparations must be made for a state of war, so soon as I can be satisfied this opinion is well founded, I will go heart and hand with the Chief Magistrate in making all the preparations which money can make to meet successfully such a crisis. I will not feel bound to stop with the surplus revenue; I will be willing to apply all we have, and to raise more, to protect the honor, the interest, and independence of the country.

By the Constitution Congress also has the power to declare war; still, as the Executive carries on our correspondence with foreign Governments, it is easy to see that the country may be placed in such a situation that, consistently with its interests and its character, Congress can do nothing but declare war. I have no belief that this is our situation at present, and cherish the hope it never will be. I will use every means in my humble sphere which, consistently with our honor and interests, can be used, to avert war, which I should consider a great calamity; but if, in the judgment of the constituted authorities, it must come, let my individual opinion be what it may, I will go with my country, and use all its energies against any enemy whatever. But if our relations are to be changed from peace to war, (which God forbid,) I look to our constitutional leader, the Chief Magistrate, to communicate such facts as may be in his power, and to recommend such measures as he may deem expedient. This the nation has a right to expect, Congress has a right to expect, and it is a responsibility which I have no doubt the Executive will fearlessly assume.

Gentlemen are not correct when they argue that Congress will become the mere tool of the Executive, if they require communications and recommendations from the President. He is to make his communications of facts and his recommendations of measures; then Congress, from these materials, and such others as are within its power, is to form its own judgment in relation to what the interest of the country requires, and will either adopt the measure recommended, or disregard it, and resort to such other as may be deemed preferable.

For the present, gentlemen who think this resolution necessary I hope will revise and so word it that those who vote for it may know the extent of the pledge they give, and that the country may understand it likewise. The information sought by the four remaining resolutions may be useful, and I hope they will not meet with any opposition.

Mr. President, I did not rise solely for the purpose of expressing my opinion upon these resolutions. The honorable Senator who moved them made their discussion the occasion of stating that our country was at present naked and defenseless; that this was well known at home and throughout all Europe; that we were threatened with a war with France, our ancient ally, who had already sent a fleet upon our coast to overawe our deliberations, and that the reasons why the country is thus naked and defenseless is because a majority of the Senate voted against an appropriation of three million dollars, inserted in the fortification bill of the last session, and thus occasioned the loss of the whole bill.

By the way, what has become of this fleet of observation? I have seen that it was ordered to rendezvous at Brest; but whether it, or the Governor spoken of, has reached the West Indies or our coast, I have not seen. Suppose it to have arrived; may it not be that the object is not to overawe our deliberations, but to protect the interest of France against any attack that may be made on her commerce? Overawe Congress! France, I hope, knows the character of our people better. If she does not, I feel very sure no member of either House will disgrace his station by giving any vote which can derogate from the character of those he represents.

I am one of those who voted against that appropriation, and against whom the charge is made. Against this accusation I might well plead a former acquittal by the only tribunal competent to try me. This accusation was made in my own State; those to whom only I am accountable for my conduct here have passed upon it, and their unanimous verdict of acquittal I presented the other day, and it now remains on the files of the Senate. But I scorn to rely on that plea. I have a right to a separate trial, to plead not guilty, and give the special matter in evidence. I do not feel that I or any of those with whom I voted are answerable for the loss of that bill. The vote I then gave was the result of my best judgment. I then approved of it, have done so ever since, and probably ever shall, so long as I am capable of reflecting on the affairs of this world. It will be no part of my plan to attach censure to any one for his vote; all may have been governed by motives as worthy as I feel my own were. The time will soon come when we must all appear before that tribunal where there can be no mistake either in the evidence or the judgment which ought to be pronounced. To that tribunal, then, where my motives and conduct must be submitted, I cheerfully leave the decision of the motives of all others; but it is due to the country, and to myself, that I shake from my own skirts that blame which others seek to attach to me.

A few very plain views of this matter will, I think, satisfy every honest mind that the Senate are in no fault whatever. The bill was originated in the House of Representatives, and passed that body in the month of January, and sent to the Senate. It then contained the whole sum deemed by the Executive and the House necessary for fortifications and ordnance. This sum amounted to about $439,000. The Senate might have given its consent to the bill without any alteration. If it had done so, there would have been a grant of the sum just mentioned, and no more, to these objects.

The Senate, from the best information it possessed, believed the defense of the country required much larger appropriations, and as it had a right to do, increased some of the items of appropriation, and added others to the amount of about $430,000, thus increasing the grant from $439,000 to $869,000; and on the 24th day of February returned the bill to the House for the purpose of ascertaining whether the Representatives would agree to the increased grant made by the Senate. If the House had simply agreed to these amendments, the bill would have become a law, and there would have been an appropriation for fortifications, &c., equal to $869,000. The House did not do this, but retained the bill from the 24th of February till eight o'clock in the night of the 3d of March, and then returned it to the Senate with a new section as an amendment to the amendment of the Senate. This new section has been read so often that every member, I presume, has it by memory. It is in these words:

"That the sum of three millions of dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the Navy: *Provided*, Such expenditure shall be rendered necessary for the defense of the country prior to the next meeting of Congress."

For one, I declare, when this new section was read, I was as much surprised as I could have been if it had been dropped from the sky-light above our heads into the bill. The chairman of the Committee on Finance moved that the Senate disagree to the amendment, and, after some discussion, in which I took no part, the vote was taken, and stood 29 to 19—mine being among those in the affirmative. At that time I knew not who had proposed this amendment in the House. The President had not asked, as far as I knew, for any such appropriation; there was no estimate sent from any department on which to found it. My belief was, the President did not wish it. I supposed it had been offered by some member opposed to the Administration, who wished a free disbursement of money about our sea-port towns, not caring what embarrassment was occasioned by such a loose appropriation, and that, in the hurry and confusion of a night session, it had been permitted to pass without any particular examination, and fancied that, so soon as their attention was particularly called to it, the House would recede from it, and the bill be passed as originally sent from the Senate.

In these conjectures I soon found I had been mistaken; for presently the bill was returned to the Senate with a message stating that the House insisted on the amendment. A motion was made that the Senate adhere to its disagreement. Before voting on that question I took the liberty of stating, very briefly, the reasons upon which my first was given, and upon which the second would be founded.

The President had sent no message asking such an appropriation; no estimates had been sent on which to found it. I believed it would have been the duty of the Executive to have sent such a message and estimates, and I further believed he would faithfully discharge his duty, and therefore concluded he did not think the interest of the country required this additional grant. Besides this, the question was then pending and undecided before the French Chamber relative to the appropriation to comply with their treaty. I believed the strong probability was that it would pass, either then, or at the next session, and that, with a little patience and good sense, we should receive the money without any warlike preparation. This was not only my own opinion, but the declared opinion of all with whom I had conversed.

I was what I professed to be, and ever had been—a friend to the Administration; I had received no information that the President desired the appropriation, and I saw the section was so worded as to throw upon him a responsibility which he ought not to bear. The proviso left it discretionary with him whether the money should be used or not. I thought all the interest of the Army, the Navy, the large cities, and those who had ordnance to dispose of, would be brought to bear on him, to induce him to use the money. If he did order it to be used, and there should be no war, as I hoped and believed would be the case, he would be censured for wasting this large sum. If he resisted all importunities, and did not use the money, and war did come, he would be censured for not providing for the defenses of the country.

Again: suppose the money to be drawn; what was to be done with it? How much to the Army, to the Navy, to fortifications, and to ordnance? The section does not say; all is indefinite, vague, loose, and left to Executive discretion. These reasons were satisfactory to my own mind; I voted upon them. From the time the three millions was first mentioned in the Senate until we adjourned, I did not converse, as I believe, with a single member of the House upon this or any other subject; nor did I converse with any mem-

ber of the Senate, except my colleague, who joined me in the lobby behind the colonade after our last vote. He was kind enough to speak favorably of my humble effort, and express his regret that I had not made my argument before the first vote: but neither he nor any other member of either House ever intimated that the President wished such an appropriation.

I sincerely believed he did not; but in that it seems I was mistaken; and the first notice I had of my mistake was in his answer to a company of gentlemen in New York, who, after the rise of Congress, made him a tender of their services to defend the country. Whether I would have voted for the amendment in this loose shape, if I had known it comported with the views of the President, I do not pretend to say. I think I ought not, but am willing to state, because such is the truth, that if, upon reviewing my whole votes since honored with a seat in this Chamber, any votes could be found which I would wish had not been given, the error is more attributable to my unbounded confidence in the Executive, and anxious desire to maintain him as far as I conscientiously could, than to any other cause whatever.

But it has been urged by the honorable Senator from New Hampshire [Mr. HUBBARD] that on the 28th February the chairman of the Committee on Foreign Relations of the House had given notice that when this bill should be taken up, he would move an amendment appropriating $1,000,000 for fortifications, and $2,000,000 for the Navy, and that this accorded with the views of the Executive; and the gentleman adds, the members of the House no doubt made this the subject of conversation, and that Senators would probably secure the information; and also that in the Globe newspaper of the 2d March this notice is published, and has passed into the history of the country. To all this I answer I did not hear of this notice. If any members with whom I associated heard this notice, they never mentioned it in my presence. So far from it, one of my colleagues of the other House, probably as attentive as any member there, assures me he did not hear any such notice; and when the amendment was under consideration, he had a curiosity to know whether the President desired the appropriation or not; that he conversed with a colleague sitting near him, and, neither of them knowing, he asked another of his colleagues, then chairman of the Committee of Ways and Means, who told him the President did wish it, and added that he must say nothing about it. He did say nothing about it till since this discussion commenced during the present session. With the motives for this request to conceal I am not acquainted, therefore can say nothing.

The other source of information (the Globe) I did not apply to; I never read it till since I heard the gentleman's argument. If I had wished to read the newspaper for information, I had no leisure; my place was here, my duty here, and I had quite as much as I could attend to, without reading the Globe. If I had wished information to guide my judgment, and felt bound to look into newspapers for facts, the Globe is the last place upon earth I should look into for the truth.

Again: If I had seen this notice, I am yet to learn that the President has any member of this House to act as his substitute, and to give that information to the Senate which we have a right, by the Constitution, to receive from the Chief Magistrate himself.

Lastly. If I had seen that notice, I would not have supposed this section was intended by it. The notice was specific—one million for fortifications, and two millions for the Navy. The amendment is for everything relating to either sea or land, in a general mass, for the Executive to divide out, as well as he could, according to his discretion. If the amendment had pursued the notice, it would have been well expressed; but in the shape presented in the bill, I doubt whether the combined talents of the members of both Houses can frame a section on such subjects more loose, more general, and more indefinite than it is.

It has been insisted by the Senator from New Hampshire that this section did make a specific appropriation of this three million dollars, and was justified by precedents in the days of General Washington, President Jefferson, and President Madison. By the term specific appropriation, I understand that we mean the direction of the law to apply a given sum of money to the accomplishment of a particular object, in exclusion of all others. If this idea be correct, this section has no claims whatever to the appellation of specific. The object of it was to place everything at the discretion of the Executive. 1st. Whether the money should be used at all. 2d. If used, to apply it to any object he pleased connected with the land or naval service, or defense.

The precedents referred to do not bear out the arguments. The first is an appropriation of $116,000, to pay the civil list. Here the sum must all be applied to the discharge of the civil list, and nothing else. The next is $70,500 for fortifications. Although it is not said what sum should be applied to this or that fortification, yet the whole must be applied to fortifications, and to no other object. The third and last precedent rests on the same principles. In the case now under consideration, everything is vague, indefinite, and left to Executive discretion, and all this without any communication from the President, or any estimate whatever. I venture another remark, founded on what I heard said by a gentleman of much experience, not now among us, that during the period of a popular Administration was the very time we must expect bad precedents to be set. These precedents, incautiously set when we have unbounded confidence in the Executive, are sure to be relied on in after times by those who may wish to use power without regard to the public welfare. This section, if adopted, would in after times have furnished a precedent by which any grant of the public money might be made, to be used at Executive discretion.

I now put it to gentlemen with whom, on former occasions, I had generally acted, to say whether, if such a grant had been proposed during the late Administration, a single man of them would have voted for it? No. It would have been said this money would be drawn and used, not for the public interest, but in jobs, to control and regulate public opinion. Upon this matter, for one, I am perfectly satisfied that I, and those who voted with me, were right in not agreeing to this amendment; but the matter did not end with the vote of the Senate; the bill did not necessarily fall thereby. Let us pursue the subject, and see when, how, and where the bill was finally lost.

The Senate returned the bill to the House, accompanied by a message, informing them that the Senate adhered to their disagreement to the amendment as to these three millions. Upon receiving this message, it was competent to the House to have receded from their amendment, and then the bill would have passed, appropriating the $869,000 proposed by the Senate; but, instead of that, they took a vote, and determined they would not recede. (House Journal, page 518.) After this (page 519) a motion was made that the House do ask a conference on the disagreeing votes. This motion was agreed to, and a committee of three appointed, and a message sent to the Senate, asking it to appoint a committee to confer on the subject. (This message is found in the Senate Journal, page 236.) As soon as it was received, the Senate agreed to the conference, and appointed a committee on their part. (Page 237.) In the course of a short time, the committee on the part of the Senate returned, and reported that the conferees had agreed to recommend to their respective Houses, as a substitute for the three millions, an appropriation of $300,000 for arming the fortifications, and an additional appropriation of $500,000 for the repair and equipment of ships of war. (Senate Journal, page 237.)

If each House had agreed to this report, then there would have been the appropriation of $869,000 contained in the bill as sent from the Senate, and an addition of $800,000, making, in all, instead of $439,000, which the Executive had asked, $1,669,000. Here the question recurs, whose fault is it that this was not done? Unquestionably not that of the Senate. Its conferees had acted promptly, and promptly made their report. The Senate could go no further; it could take no vote, as the bill and other papers had been carried to the House by the conferees on the part of the House. This was entirely wrong. When the conference ended, it was the duty of the conferees on the part of the House to have delivered the bill and papers to the conferees on the part of the Senate, who would have presented them when they made their report; the Senate could then have sanctioned the report by a vote which I have no doubt would have been unanimous, immediately sent the bill to the House, which could have given its sanction, and the bill become a law. Instead of this, the House conferees kept the bill and papers, and, by so doing, defeated the whole bill.

The rule upon this subject is so perfectly plain it cannot be mistaken. It is this: in all cases where a conference is asked before a vote of disagreement, the conferees of the House asking the conference, when it is over, must take the papers back with them, because their House is entitled to the next vote; but in every case where a conference is asked after a vote of disagreement, then, when the conference is over, the conferees of the House asking the conference must deliver over the bill and papers to the conferees of the other House, because that other House is entitled to the next vote. In this case the Senate had voted to adhere to their disagreement to the amendment. The House had, after this, voted that they would not recede, and then proposed the conference; therefore, as the House had given the last vote, the Senate was entitled to the next; and to enable them to give it, it was the duty of the conferees of the House to have given the papers to the conferees of the Senate, and, if they would not receive them, they might have been left in the committee room. This doctrine, so reasonable in itself, is laid down in Jefferson's Manual at 187, title Conference, in language too plain to be misunderstood, and it has been practiced on by Congress in the cases with which I am acquainted. (See the case of the bill for the relief of Mr. Monroe, in Senate Journal, page 374, of the session 1825-26; and House Journal of the same session, pages 616 and 628.)

Let it not be supposed that the conferees of the two Houses were equally to blame for permitting the papers to remain with the conferees not entitled to them after the conference ended, because the conferees of the Senate did not know, and had no means of knowing, that the House had voted not to recede after the Senate had voted to adhere. Strange as the fact may seem, the truth is, that the House, in its message to the Senate proposing the conference, omitted to state the fact that a vote not to recede had been taken after the House last received the bill. (See the message, Senate Journal, page 236.) The conferees on the part of the House knew the fact, because their Journal shows they were present and voted. (See the House Journal, pages 518, 519.) The conferees of the House having improperly taken the bill and papers, and thereby put it out of the power of the Senate to take any step whatever, are answerable for all the consequences.

I do not state this omission in the message by way of censure on the Clerk for any intentional wrong. All these matters relative to this bill took place in the night, in the confusion which occurred at the end of the session; and it is very seldom that the most temperate and prudent are as well qualified to do business, or have their wits as well about them after a comfortable dinner as they have in the early part of the day.

Mr. President, let us now see what the conferees of the House did with these papers after taking them from the conference room. They returned to the House, and the chairman made no report whatever; the Senate waited from one to two hours, and, being able to hear nothing, sent a message respectfully calling the attention of the House to this subject. (See the House Journal, p. 530.) Then the chairman stated that the committee had returned at the time a vote was taken on a resolution providing for the payment of Mr. Letcher, by which it was ascertained there was not a quorum, and that the constitutional term had expired, and that for these reasons he had declined making a report. Mr. LEWIS, another member of the committee, then took the papers and made the report, which was never acted on, and thus the matter ended.

The first reason assigned for not having made the report was the want of a quorum; this, it is said, was ascertained by the vote on the resolution just mentioned. The chairman ought to have put the House in possession of the report, as he found the House in session. Had he done so, no doubt it would have been acted on. The Journal shows that much business was done afterwards, and a resolution reported by Mr. WILLIAM COST JOHNSON was adopted by the House. (See House Journal, from page 524 to 530.) Now, if there was a quorum to do other business, to adopt other resolutions, how is it that there was not a quorum to receive and act on this report?

The remaining reason assigned is, that the constitutional term for which the members were elected had expired. In other words, it was after twelve o'clock of the night of the 3d of March. How can this be? There must have been some mistake on this point. If it was not too late to do the other business I have mentioned, how did it happen to be too late to make this report?

Again; the most certain information we have as to time is derived from the statement of the honorable Senator from Virginia. He tells us he looked at his watch when the conferees left the Senate Chamber, and it then wanted fifteen minutes of eleven. When they returned and made their report he was not in, but returned shortly afterwards, and it was then twenty minutes after eleven. We may, therefore, suppose the conferees had returned about one quarter of an hour after eleven, leaving three quarters of an hour to have disposed of this bill before the hour of twelve o'clock arrived. There was, therefore, ample time, if the report had been made, to have disposed of this before our constitutional term expired, according to the strictest construction.

Mr. President, this is the eleventh session I have been here, and until last session I never knew of an important measure having failed because twelve o'clock had arrived. So far as I know, the universal course has been, if the business necessary to be done could not be finished before twelve o'clock, to go on and accomplish it if it took till daylight. I well remember, on one occasion, at a short session, we sat all night, and before I got to my lodging place it was broad daylight. There always have been some members who had conscientious scruples about sitting after twelve o'clock. I always have, and always shall respect men who act on such scruples, although I may differ with them in opinion. For myself, I have never felt any hesitation about voting after twelve o'clock, when the business required it. By the Constitution, members of the House are elected for two years, the President and Vice President for four, and the Senators for six. The only difficulty is to ascertain when the term commences. The Constitution does not fix it, but authorized the old Congress to do so. That Congress fixed the first Wednesday in March, 1789. That happened to be the fourth day of the month. Now, if we believe the first Congress met in the night, at twelve o'clock, the 3d of March, 1789, then our constitutional term will expire in the night, at twelve o'clock, of the 3d of March, every second year, and the terms of the President and Vice President at the same hour every fourth year. But if we suppose Congress did not assemble earlier than twelve o'clock on the 4th of March, 1789, then, in truth, our constitutional two years, &c., do not expire till the same hour of the 4th of March, and we have our constitutional day as it was when light and darkness were first separated, and it was said the evening and the morning should be the first day.

I submit to gentlemen who have these scruples, whether it is not worth while to reflect maturely on this subject. If the term of Congress expires on the night of the 3d of March, so must that of President and Vice President. This will always leave an interval of several hours, when we will have no President or Vice President. It appears to me those who framed the Constitution did not so intend. It is easy to think of cases which would bear very hard upon such a construction. Suppose, shortly before the expiration of a presidential term, a man to be sentenced in a Federal court to be hanged; afterwards it should be ascertained to a certainty that the person was innocent, and a messenger is sent for a pardon, but cannot reach the President till after twelve o'clock on the night of the 3d of March; is the man to be hanged because there is no President until a successor is sworn in? This ought not to be the construction. I apprehend the whole difficulty originates from our perplexing our minds with a legal fiction that there can be no fraction of a day. This, like every other fiction, must yield to fact when justice requires it. A man sells a tract of land for a full consideration, in the morning of the 4th of March, and conveys it. In the afternoon he sells and conveys the same land to another person; both vendees cannot hold; and yet, according to the idea produced by this fiction, both deeds were executed the first minute of the day, and are of equal date; but every man knows that this fiction would yield to fact, and that the first vendee would hold the land. Whether these reflections be altogether accurate or not, they have always satisfied me that I did not act unconscientiously, or assume powers I did not possess, when I voted in the night of the 3d of March, after twelve o'clock. The honorable member from New Hampshire will perceive that the resolution he has read, which was adopted in the year 1790, does not remove the difficulty. That resolution only says the term expires on the 3d of March; but still the question recurs, when does the 3d of March end according to the meaning of the Constitution? To Senators on all sides I submit whether this crimination and recrimination for past acts or omissions is likely to produce dispositions now to act together harmoniously, and to endeavor to devise and perfect such measures as will most promote the interest and welfare of the country.

Mr. President, in every view I have been enabled to take of this whole subject, it has appeared to me that this bill was lost in the House, not in the Senate; that the Senate were right in the votes which a majority gave as to this sum of three millions. I was satisfied with my votes when I gave them, and am yet satisfied—more, I am proud of them. I feel that the Author of my existence will approve of them, and, to use the language of a distinguished man now no more, "I wish they were recorded in the center of heaven, in characters as bright as the sun, that the whole world might read them."

THE SURPLUS REVENUE.

SPEECH OF HON. THOMAS EWING,

OF OHIO,

IN SENATE, *February* 10, 1836.

Mr. BENTON'S Resolutions, for the appropriation of the Surplus Revenue, was taken up as the special order.

Mr. EWING said:

Mr. PRESIDENT: The other day, when, by common consent, the Senate seemed disposed to terminate this discussion, I acquiesced, being unwilling further to prolong it, in opposition to what seemed to be the general will; but the debate has been renewed, and I can now, without being thought obtrusive, consider a few topics which I have wished briefly to touch before I give my vote on these resolutions.

And first I take leave to say, that all or nearly all that I found objectionable in them will be removed by the adoption of the amendment offered by the honorable Senator from Tennessee, and by the further amendment proposed by my friend from Delaware. It will then stand as a resolution pledging the Senate to appropriate out of the revenues, not the surplus revenue merely, but such sums annually as may be necessary for the general defense and permanent security of the country. Such a resolution shall have my hearty support, and I trust and hope it will receive the unanimous concurrence of the Senate.

But here let me be distinctly understood. I do not consider this resolution the same in form or substance with that presented by the mover. If it were I could not vote for it. I do not look upon it as a measure at all antagonist to that presented by my honorable friend from Kentucky for the distribution of the proceeds of the public lands, which I look upon as a measure of immense importance to the State which I in part represent, and to the whole West also. I vote for the resolutions, therefore, with views entirely different from those suggested by the Senator from Missouri when he last addressed the Senate, and I now take occasion to say so, lest any one should think that his gloss was received here as a part of the text, or explanatory of the text, to which we give our assent. We do not say, in voting for these resolutions, that the whole revenue, or the whole surplus revenue, or any such vague and indefinite sum, is necessary for the increase of the Navy, or for fortifications, or that it can be applied to that purpose. We do not yet know what will be necessary for those objects, nor exactly what could be applied to them, even if appropriated by Congress; nor do we know what will be the surplus for a series of years to come; so that there would be no less than three uncertainties brought to act with and upon each other by the resolution first proposed. But the amendments relieve the proposition of its objectionable features, and in so doing they necessarily make it a different measure from that expounded by the Senator from Missouri. One thing further I am willing to say, by resolution or otherwise, and that is, that the money appropriated by Congress for our military and naval defenses ought to be applied to and expended upon those objects from year to year, if it be in the power of the Executive branch of our Government to expend it advantageously. I would not have them waste it, but I would have them use every effort to apply it to its designated object. I am not disposed to cast censure upon them because they fail to do so, for they show strong reasons in excuse for their failure or delay; but of this more hereafter.

It seems to be of the essence of modern policy, that everything is to be carried, and executed too, by means of excitement. We are to be moved on in our career, in all things, by the force of a high pressure engine. This machine, with all its power, is now to be brought to bear upon our fortifications and Navy, and, by the appropriation of millions and tens of millions, we are to see rising up at once, without hands, ships and forts and guns and equipments, as suddenly as the palace of Aladdin rose under the wand of the Genii of the Lamp. I am disposed to pause and look a little into the matter, and see whether this can be effected thus suddenly. But one thing I must in all candor admit: our surplus revenue may be made to vanish in the attempt, almost as suddenly as that same palace did in obedience to the command of the magician after he had purloined the talisman.

I know we may make appropriations for fortifications and the Navy to any extent we please; but I am perfectly certain that, if they be very large, they cannot be expended advantageously to the country. Skillful and experienced engineers are wanting; naval architects, superintendents, master workmen, mechanics, and laborers are all wanting, and cannot be procured for some years to come, to apply advantageously a much larger expenditure than that which we usually make for these objects. For the purpose of setting this matter in its true light before the Senate and the public, I propose to offer, by way of amendment, an additional resolution of inquiry to this effect:

Also, that the President be requested to inform the Senate what sums can be advantageously expended on each of those several objects within the current year, and thereafter annually on each of those several objects, taking into view the practicability of procuring skillful and experienced engineers, naval architects, superintendents, and master workmen, and also mechanics and laborers; taking into view, also, our means of procuring and preparing materials fit to be used in works of a substantial and durable character; also, that he be requested to inform the Senate what are the causes which have prevented and delayed the expenditure of former appropriations for those several objects.

To this, I presume, there will be no objection. It is information very necessary to enable us to act with knowledge on the subject. When we have an answer to this, and the several calls contained in the other resolutions, we can form an opinion not only of what is necessary, but what can be used; and we may avoid, what every Senator would doubtless wish to avoid, the placing of a very large sum of money in the hands of a host of executive officers, which they could not expend for the benefit of the country, but which they might misapply. In the mean time, until we get

the information which I propose to call for, let us make use of such as is already furnished, and see to what conclusion the facts and reasoning which we find in the Executive communications on file will lead us.

The appropriations for fortifications have, for the last seven years, averaged about eight hundred thousand dollars, more or less. That of 1834 was about nine hundred and fifty thousand dollars; and that of 1835, it is well known, entirely failed. Now let us see from the Departments themselves, how they succeeded in applying and expending to advantage the ordinary appropriations such as we have found them; from which we can infer their ability to expend to advantage ten or twelve millions a year of an excess over the ordinary appropriations.

The first difficulty which I propose to suggest, in my inquiry as to those very large appropriations, is the want of competent engineers to project and prepare the plans for our works, and superintend them. This requires men of science and men of experience—have we got them? Can we procure them ready to our hand, furnished to order, whenever we may be disposed to vote money for fortifications? Let us harken to the President on this subject. I refer to the documents accompanying his message to the two Houses of Congress, of the 2d December, 1834, (document No. 2, pages 112, 113.) It is from the report of the Chief Engineer, General Gratiot, and refers as well to appropriations for roads, rivers, and harbors, as for fortifications. Listen to his plain, explicit, and intelligent exposition of this subject.

"Ninety-one different appropriations, amounting to more than two millions of dollars, have been referred to this Department for application within one fiscal year; and to accomplish this, and to meet all the responsibility which it involves, the Department is provided with only twenty-seven officers, whose services can with certainty be commanded, and of these about one third have had no experience. The consequence is, that works of the utmost importance, with large sums of money, are committed to the hands of agents unknown to the Department, with no certainty whatever that the one will be properly managed, or the other faithfully applied and accounted for. Besides, these agents are very numerous; their compensation is drawn from the appropriations under which they are employed. Citizens acting in the responsible capacity of constructing engineers and disbursing agents, must be well paid; and hence large amounts of many of the appropriations are diverted from their proper objects, and applied to the payment of salaries. But if this was the extent of the evil, it would be comparatively unimportant. Large sums are lost for want of sufficient agents qualified to protect and execute plans for the improvements ordered by Congress. A reference to the numerous reports on the failure of works, particularly to my last annual report, will abundantly show that this remark is not induced by any hypothetical case; it is unfortunately the suggestion of experience; so that, besides being executed badly as to durability, and as regards neatness and appearance, in a manner little calculated to do us any credit, many of our public works cost on an average at least fifty per cent. more than they would under a different arrangement. There is certainly no economy in this. Enough money has been wasted within the last few years to have supported a corps of professional engineers sufficient for the proper management of all the national improvements in the country.

So much with regard to engineers. We have but twenty-seven; and of these General Gratiot tells us one third part is without experience, and, as a matter of course, cannot be intrusted with a work which requires—and that no one can doubt is the case with all our fortresses—science and experience. Both are essential to their success. No one can found, and plan, and erect, strong and durable fortresses, without both these qualities. How, then, are we to expend, in the present year, ten or twelve millions upon fortifications, when we could not, in 1833–34, expend one tenth part of that sum for the same objects? Our engineer corps has not since been increased, or rendered more efficacious. It is true there is a bill pending before Congress to increase it; but, though we may pass a law very quickly, and very easily, to that effect, yet we do not so quickly make for ourselves a more numerous and effective engineer corps. It requires time—the study and experience of years—to make an engineer that can be relied on. So, do what we will, years must elapse before we can have a corps of engineers much more effective than we have at present. And if we appropriate $10,000,000 this year for fortifications, it must either be wasted and misapplied, or $8,000,000 out of the $10,000,000 must remain on hand an unexpended balance.

But this is not all. Mechanics and laborers, it seems, cannot be procured in sufficent numbers to enable us to apply all the money that we now appropriate, much less such sums as we are called upon to appropriate to these objects. On this subject I have looked to the Executive message at the commencement of the present session, and, considering all the circumstances, I confess I was surprised to find the state of facts to be as it really is.

By the act of June, 1834, there was appropriated to certain fortifications near New York, $150,000; that is to say: to Fort Columbus and Castle William, on Governor's Island, $50,000; and to Fort Schuyler, on Throg's Neck, $100,000. It appears by the same report of the Chief Engineer, (Doc. No. 2, p. 100,) that good progress was made in these works in 1834, especially the preparatory part of it. He says:

"The most ample preparations have been made; a permanent wharf will be in readiness by the time it is required; the necessary boats and machinery have been provided, an ample quarry of good stone prepared, and indeed everything that may tend to expedite the work when commenced will be found in waiting."

Now, we all know that there was no appropriation to any of these objects in 1835, so that nothing remained to be done that year but to apply the unexpended balance of 1834 to those and other like works, all in a state of forwardness. And was this done? Could it be done? Let the Chief Engineer answer. I read from the documents accompanying the President's message of the 8th December, 1835, (Doc. No. 1, p. 101:)

"FORT SCHUYLER, THROG'S NECK, EAST RIVER, NEW YORK.—It was hoped, from the ample preparations made last year, and the funds available for their application, that the construction of this fort would have been prosecuted the present year with much vigor. But though materials and facilities of every description have been in waiting, it has been impossible to procure a sufficient force to carry on the work with the progress that was desired. No exertion has been spared to facilitate the operation, either by letting parts on contract or by hired labor, and unavailing efforts have been made to collect the necessary force in Boston, Newport, Connecticut, and the western part of New York."

So that the balance of the appropriation of about $950,000, made for fortifications in 1834, could not be expended in 1835 for want of mechanics and laborers. I would ask gentlemen here what they would have done with the regular appropriations last year for those objects, if the bill had passed? Could they have applied it; or would it rather have added another large item to the account of unexpended balances? And more particularly, what would have been done with the item of three millions if it had been accepted by the Senate, and the bill had become a law? I know of no satisfactory answer to these inquiries, therefore I expect none. Of one thing, however, I am perfectly satisfied now, and it was a matter of very difficult solution to me heretofore. This state of things in the Departments accounts fully for the unwillingness of the friends of the Administration to appropriate the sums to these objects which we of the Opposition have heretofore thought necessary. There was danger of causing animadversions upon the Executive Departments, for failing to apply to the defense of the country funds which the two Houses had appropriated to that object.

But let us, in passing, take a single glance at the Navy appropriations, and see whether they have been as large as could be advantageously applied to their particular specified objects. We have it in a report of the Secretary of the Navy, of February 3d, 1836, (Doc. No. 96.) By this it appears that the whole amount applicable to the naval service for the year 1835 was $7,314,277. The amount expended was $3,600,243. Leaving a balance on December 31st, 1835, of $3,714,034; which the Executive did not cause to be expended in the year 1835, for the reason, doubtless, that it could not be expended with advantage to the service. What, then, would be done with the prodigious appropriations which it is now proposed to make for these objects? Why, surely, remain on hand year after year as unexpended balances.

In the view that I take of this subject, I go distinctly upon the hypothesis that there is no danger whatever of a war with France. Indeed, the supposition that there ever was the slightest reason to apprehend it, unless, indeed, it were brought on by some secret order, on one side or the other, of which the country could know nothing until too deeply involved to recede; that there ever has been any probability of war, in the usual legitimate course of things, has always seemed to me an idle supposition. The only thing that ever looked like it was the proposition in the President's message to order letters of marque and reprisal. This, however, met with no response in either branch of Congress; it therefore fell to the ground. How, then, stood the question? France was offended with the message of the President, but she asks no explanation, except as a condition to the payment of the money. France says the American President has insulted her King in his message to the American Congress; and, although we owe you a sum of money, we will not pay it until the offensive language is explained. Ridiculous enough, in all conscience; much more of the ridiculous than of the arrogant. There is no threat on their part to attack us; this fleet of observation is like the storm-ship of the Tappaan Zea—it appears only in a hurricane; indeed, the ground on which they have rested the matter forbids them at once from ever assuming a belligerent attitude for this until we make the first advances. Then as to ourselves; it is too late for us to make war for the original injury—the taking and condemning our ships and cargoes in violation of the law of nations. This thing might once have been done, had we been able to make them feel our resentment when the injury was recent. But that time has gone by, and he who inflicted the wrong—that mighty man who, for the first fifteen years of the present century, was himself France—is long since beyond the reach of our resentment, be we now ever so mighty.

"After life's fitful fever he sleeps well."

And we cannot declare war for the original injury, because our own spirit has slumbered too long to be provoked at this day by the voice of honor speaking from the tombs of by-gone years; and, still more, we have treated on this subject. The present King of France has confessed the wrong, agreed with us as to the extent of the injury, and promised reparation. It has, therefore, become a liquidated debt; by mutual consent it is so, and the original trespass is merged in the subsequent accord.

But Louis Philippe now refuses payment because there were doubts entertained here by some of our public functionaries whether he really intended to pay or not. Now, this refusal does not, I confess, appear to me the wisest mode that could possibly be adopted for removing those doubts; and even if expressions were made use of by our President which gave just offense to the honest pride of France, it is not, I incline to think, the most efficacious mode of vindicating national honor, to refuse to pay a national debt. But still there is nothing to occasion war, unless we wish it for its own sake. Now, as to the apology. Not being one of the President's confidential advisers, or at least not being called upon by him for counsel in this matter, in the only way in which I am one of his advisers, I have not heretofore thought it necessary to say anything on the subject, for I have never supposed that the opinions of gentlemen on this side of the House would have much weight in his councils, even if they were offered. But as the Senator from Tennessee has come out openly and candidly, and told us, with his usual precision, "what he is for," I have no objection to give him my opinion also.

Then I say, that I most heartily disapproved of the message which involved the country in this unprofitable contest. I thought, and still think, that the President was not warranted, by the state of the facts, to intimate suspicions against the honor of the French King; nor did I think that the negotiation would be forwarded by a threat of resorting to reprisals. I thought it all ill-timed and ill-judged; but this is not yet to the point—the question of apology.

The authorities of France seem to have mistaken the nature of their own Government as well as ours. It never struck me that it was consistent with the true dignity of that nation that the Executive head should, in his diplomacy with a foreign Power, speak of the popular branch of their Government, and make the difficulty of

passing a measure through the Chambers a diplomatic reason for delay in the execution of a treaty. These are facts which we might very well understand—facts which our Government ought to take into consideration and appreciate, but I do not think they ought ever to have been urged by France in any form in her diplomatic correspondence. To this, however, we, as a matter of course, have no right to except; it merely shows an over anxiety on the part of the King to stand well with us, and to excuse his own inability to perform to the letter his engagements. But this very mistake of France, as to what was due to themselves, has led them into another and still greater error as to what is due from us. The French Chambers refuse to pay the money due to us by treaty unless the demand is accompanied with an explanation or apology of the message of the President of the United States to the two Houses of Congress. Now, to this apology I, for one, can never consent, and these are my reasons:

The President, when he addresses the two Houses of Congress, is but one of the three great departments of the Government; and though his address be public, and though it be published to the world, and though it ought, therefore, to be circumspect and cautious in its mention of foreign Powers, yet he is but one of the three great departments of the Federal Government, communicating to, and communing with, the other coördinate branches. Thus though the Executive may express unkind feelings toward foreign Powers, and such expressions may tend to exasperate them, yet such Powers cannot call upon us to explain or apologize as a nation, for it is not the nation that has spoken in the Executive message. But France seems to think, because the President has attacked the honor of their King, that the President must set it right. That he may do, and it is proper he should, (though not upon compulsion,) in the very way in which he committed the wrong—by his message to the two Houses of Congress, and that, indeed, it seems to me, he has substantially done. But he cannot, in my judgment, without degradation, address a direct diplomatic apology to the French King; for, as respects our intercourse with foreign Powers, and our communications with them, the President is the nation; he represents the whole Republic, and it would present the case of the whole nation, through their appropriate organ, apologizing to a foreign Power for what one branch of their Government had said of that Power in communicating with its coördinate branches. It would be admitting a foreign Power to come into our castle, and witness the workings of the machinery of our Government, not as a whole, but in its several parts. It might thus put it in the power, and make it the interest of foreign Governments to look to the parts, rather than the whole, in their communication and intercourse with the nation, and endeavor to make those parts so act upon each other as to produce a result favorable to the wishes of the foreign Power. Everything that looks to this, however remotely, I condemn, and I am proud to see that there is a true American spirit abroad upon this subject. I, for one, could not, without the grossest inconsistency, entertain any other opinion. One of the first, I believe the very first subject on which I raised my voice in this Hall, was to condemn what I then thought, and what I still think, a compromitting of the national honor similar to that which is now demanded, and which is so properly refused.

You cannot have forgotten, sir, for you were present in this Hall, and took part in the debate on that memorable occasion—you cannot have forgotten the subject to which I refer—the letter of the 20th of July, 1829, from the then Secretary of State to our Minister near the Court of St. James. In that letter, it seemed to me, and to those who acted with me, that there was an injunction on the American Minister to say to the British Government that our country was divided into parties; that one party had triumphed, and another had fallen; and that a change of policy and a change of feeling towards England had arisen out of the success of the prevailing party; and that our Minister should urge this state of things as a reason why England should grant us a "boon," as it is called, in a commercial treaty. And this was, as we thought, at once introducing that foreign Power into our domestic household, and inviting them to look with interest upon our dissensions, if not take part in them. The book is open before me at the clause of those instructions from which that opinion was drawn. Perhaps I ought not to detain the Senate while I read it—[several voices, "Read it!" "Read it!"] I will do so; it is as follows:

"The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak (so far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade. Their views upon this point have been submitted to the people of the United States; and the counsels by which your conduct is now directed are the result of the judgment expressed by the only earthly tribunal to which the late Administration was amenable for its acts. It should be sufficient that the claims set up by them, and which caused the interruption of the trade in question, have been explicitly abandoned by those who first asserted them, and are not revived by their successors. If Great Britain deems it adverse to her interests to allow us to participate in the trade with her colonies, and finds nothing in the extension of it to others to induce her to apply the same rule to us, she will, we hope, be sensible of the propriety of placing her refusal on those grounds. To set up the acts of the late Administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States would be unjust in itself, and could not fail to excite the deepest sensibility. The tone of feeling which a course so unwise and untenable is calculated to produce, would, doubtless, be greatly aggravated by the consciousness that Great Britain has, by order in council, opened her colonial ports to Russia and France, notwithstanding a similar omission on their part to accept the terms offered by the act of July, 1825. You cannot press this view of the subject too earnestly upon the consideration of the British Ministry. It has bearings and relations which reach beyond the immediate question under discussion."

Does it not bear me out fully in what I said of its analogy to the question of apology before us? It differs only in this: that in the case which I have read there was no real or supposed wrong to be redressed, no wounded feelings to be healed, nothing but a wish to obtain a treaty, which was worse than worthless when thus obtained. That blot upon our escutcheon is there, and can never be expunged; but as it must remain, let it remain, a solitary instance of our national humiliation. I wish no President of my country, whatever be his party, to repeat or imitate it. However divided we may be at home, when we present ourselves abroad and to foreign nations, whether in diplomacy or in the field, let us be seen as a nation, one and indivisible. I am, therefore, opposed to anything like apology addressed to France by the American President. Let the five millions sink, or five times its sum, if it can only be saved by a stain upon our national honor. But I am not for war. There is nothing in this controversy, as I have already said, out of which war can arise, consistently with the laws and usages of civilized nations. Therefore, whatever appropriations we make for the objects named in these resolutions should be made without reference to this controversy, neither more nor less than if it had never arisen; and I for one am not disposed to direct all the energies of the country to preparations for military or naval defenses, when there is no danger of attack, and thus to gratify a mere freak of fancy, or something less innocuous—draw all the money of the country from the interior, and expend it upon the seaboard. But if we were in actual danger of a rupture with a foreign Power, and wished to prepare for the contest, or if we wish to strengthen our hands as much as possible for any future emergency, it is not ships or forts alone that would stand us instead. Easy and expeditious means of transferring our military strength from the interior to the sea-coast, and with them munitions of war, so as to bring such force as may be necessary speedily to bear upon any one point would be worth to us more than all the forts that all our funds would erect on the coast. Yes, sir, the Chesapeake and Ohio canal, the Baltimore and Ohio railroad, and other works of a similar character, are worth, as military defenses, three times told as much as their cost in fortifications. Both, to a reasonable extent, are necessary. But if either should be dispensed with, as a defense merely, it should be the fort, and not the canal or railroad. And the city of New Orleans now (though not when menaced in 1815) is defended by a fleet of steamboats which can bear to its defense, at any time that it is menaced, a hundred thousand fighting men in time to repel any attack, though as sudden as the nature of the lakes and seas will permit to be made upon it.

There is but one subject more that I wish to touch, and of that I have but a few words to say. The Senator from Missouri has called upon us to state how we make up the thirty millions of surplus money which gentlemen on this side of the House have said is in, or ought to be in, the Treasury. I will tell him how.

The Secretary of the Treasury, in his report to Congress at this session, (Doc. 2, page 2,) states the amount in the Treasury on the 1st of January, by computation, at $18,047,598; in a paper laid on our table a short time since, he admits that the receipts for the last quarter have exceeded the estimates $6,200,000; and the bank stock which can be commanded in cash at any time, is worth $8,500,000; making in the aggregate $32,797,598. This is the amount on hand, and the sum which the resolution proposed at once to appropriate to fortifications and the Navy. If there were real danger of war, I would do it. I would expend this, or even a much larger sum; and I would build forts, though they might not outlast the summer; but in the true and actual state of our country, it is not necessary to lavish or waste our resources, or impoverish the interior and drain it of all its wealth, for the purpose of sinking the money in ill-advised and ill-executed fortifications, or permit that money to remain in the city banks as unexpended balances for years to come. These are my views, and I shall be guided by them in my votes on these resolutions, and such bills as may be hereafter presented to us in pursuance of their principles.

EXPLORING THE PACIFIC.

SPEECH OF HON. JOHN REED,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

May 9, 1836,

On the appropriation providing for Surveying and Exploring the Pacific Ocean and South Seas.

Mr. REED said he was highly gratified to hear the gentleman from Ohio, [Mr. HAMER,] who had last spoken, and others residing far from the ocean, in support of the projected expedition. As a member of this House, representing those more directly and immediately interested, and having for years advocated the measure, he took the liberty to tender to those gentlemen his thanks. Their views were liberal and statesmanlike. In my opinion, (said Mr. R.,) those gentlemen, so far from having done injustice to their own immediate constituents, (as some have represented,) have consulted their true interest, and I trust their policy will be understood and duly appreciated.

All parts of our wide and extended country are striving and exerting every nerve to improve the navigation of the rivers, and to make railroads and canals—avenues to the ocean. Who at this day calls in question the policy of the measure? The proposition we are now considering is a proposition to follow up the same policy, and to improve and extend our intercourse and commerce to the remotest parts of the world, and of course all parts of the country, and the whole country, have a common interest. Owing to an infirmity in the understandings of men, they often take so limited a view of things as to disregard their own interest. When a public measure is proposed, we are too apt to ask, who will show us any good? Instead of asking that, is the proposed measure beneficial to the nation—to the country? We are too apt to question the expediency of a measure not directly beneficial to ourselves; or, rather, because we do not perceive the benefit. Our vision is limited to a narrow circle; but if we would impartially consult our understandings, they would teach us that there often exists a mutual and close connection between interests apparently disconnected and remote; that, upon the selfish principle of regarding our own interest

only, we may often engage in improvements and enterprises far from home. But we as Representatives should be influenced by a higher and nobler principle—an enlarged and national policy, which should be measured by national interest and national good.

The subject we are now considering is an appropriation for surveying and exploring the Pacific ocean and South seas. The form of the bill has been objected to by the gentleman from Virginia, [Mr. PATTON,] who spoke a short time since. He objects because, by the provisions of the bill, the President is authorized (if in his opinion the public interests shall require) to send out a surveying and exploring expedition, and he is of opinion we ought not to devolve upon the President the duty and obligation of deciding whether the expedition ought to be undertaken or not. I entirely concur with that gentleman in his general views upon the subject. We ought to assume the responsibility that justly belongs to the Representatives of the United States, and I have no desire to avoid that responsibility. It would, therefore, have been much more in accordance with my opinion, had the amendment provided for a direct appropriation, leaving no condition or discretionary power in that respect with the President. But it seems there are some members of this House who entertain a different opinion, and they insist upon the form proposed; and believing, as I do, the result will be the same, I am disposed, in the present case, to consent to the amendment. By the bill itself we express our opinions most decidedly in favor of the expedition. The President may refuse to execute the law, but under such circumstances I am confident he will not. The President is not intrusted with power to do more than the law provides, but may decline to act, and, in that event, the law would not be executed, and the expedition would fail. If the bill become a law, it will be the imperative duty of the Executive to investigate the subject, or consult those who have investigated it, and I have no apprehension of the result, and do not, therefore, oppose the amendment, lest the bill might be defeated.

The gentleman from Virginia [Mr. PATTON] suggests that there may be constitutional objections, but declines to state them, or offer an argument upon that subject. Some other gentlemen have hinted at the same difficulty. For myself, I have no doubt of the constitutionality of the law proposed, and I am ready to sustain my opinions here; but I will not trespass upon the time of this House by an argument in a case, in my judgment, so plain, unless it be in reply to real objections actually made. The Pacific ocean and South seas are surely our own, as tenants in common with other nations. They are the highway of nations, and emphatically the broad highway in which we travel more, and have a greater interest than any other nation.

A large portion (considerably more than one half) of the ships and tonnage engaged in the whale fishery belongs to the district which I have the honor to represent. It became my duty as a Representative, years ago, to investigate the proposed expedition. My investigation resulted in the most perfect and entire conviction of its utility and importance, not only to those engaged in the fishery, but to the whole country. I have much information connected with and having a material bearing upon the subject, which, under other circumstances, and at an earlier period of the session, when we had more leisure, I should have felt inclined to present to the consideration of the committee. But knowing, as I do, that the time is short, and that there is much that ought to be done, I shall limit myself and confine my remarks mainly to a general view of the subject, referring for more minute and statistical information to the printed reports laid upon our tables, and which are before me. I beg to notice the subject in one or two points of view, which, in my opinion, have not been sufficiently noticed either in speeches or reports, and which I deem of the highest importance to the true interests of the country.

This enterprise has been denounced as novel, quixotic, and useless, &c., by the gentleman from Kentucky [Mr. HAWES] and others. If such gentlemen will examine the records of this House, they will find their mistake, and learn that it is not new, and if they will give themselves the trouble to understand a subject a little out of their spheres, they will have no room to doubt its practicability and usefulness. I presented several petitions to this House early in the year 1828, from Nantucket and New Bedford, praying for an exploring expedition, and fully setting forth its importance. On the 19th of May, 1828, I had the honor to offer the following resolutions:

"*Resolved*, That it is expedient that one of our small public vessels be sent to the Pacific ocean and South seas, to examine the coast, islands, harbors, shoals, and reefs in those seas, and to ascertain their true situation and description.

"*Resolved*, That the President of the United States be requested to send one of our small public ships into those seas for that purpose; and that he be requested to afford such facilities as may be within the reach of the Navy Department, to attain the object proposed; provided it can be effected without prejudice to the general interest of the naval service; and provided it may be done without further appropriation during the present year.

"The resolutions were read and discussed until the arrival of the hour for passing to the orders of the day."—*Vide Journal H. R., session* 1827-28, p. 774.

"WEDNESDAY, *May* 21, 1828.—The resolutions moved by Mr. Reed on the 19th instant, and laid on the table, were read, considered, and agreed to by the House."—*Vide Journal H. R., session* 1827-28, p. 796.

The resolutions referred to met with some opposition at first, but after a short explanation passed almost unanimously. Preparation for the expedition was commenced, and the vessels would soon have been fitted out and sent away but for an interference in the Senate. I always considered it an interference, influenced by political considerations. I have been aware that, however useful and expedient the expedition might be, so much had been done to defeat it, that although all political objects had been attained, the expedition must be postponed for a season. It has been postponed eight years. I have no desire to allude to political reminiscences further than may be necessary to account for the delay. Then the proposed expedition has long been before Congress and before the public, and it is well known it has received unusual public approbation. The proposition has been repeatedly approved by committees of the Senate and House of Representatives, and they have given able and interesting reports in its favor. Bills have repeatedly passed the separate branches, but for want of time have failed, like many other useful measures, to become a law.

I shall not attempt to present to the committee in detail the amount and value of our various interests in the Pacific ocean. The fur trade has been a source of no inconsiderable profit. Our commerce of every description in that ocean, already great, is rapidly increasing, and capable of being vastly extended. Our whale fishery, which might seem to demand more particularly my regard and notice, has been extended over a great part of that vast ocean, and is of great amount. I refer to two short abstracts, which show the amount of capital employed in the whale fishery, and principally in those seas. What is the amount of our interests in the seas where the principal labors of the expedition will be performed? To say nothing of the vessels engaged in the various traffic among the islands in the Pacific, the following will show what interests we have in the various branches of the whale fishery from different ports in the United States:

Ports.	*Vessels.*	*Ports.*	*Vessels.*
New Bedford	154	Bristol	17
Nantucket	71	New London	29
Lynn	5	Norwich	1
Gloucester	1	New York	6
Portsmouth	4	Newburg	3
Warren	15	Wilmington, Del.	3
Providence	2	Dartmouth	4
Mystic	3	Wareham	1
Greenport	3	Edgarton	8
Hudson	11	Plymouth	4
Newark, N. J.	1	Salem	9
Westport	3	Provincetown	1
Fairhaven	31	Wiscassett	1
Rochester	4	Newport	9
Falmouth	4	Stonington	3
Fall River	3	Sag Harbor	24
Dorchester	4	Poughkeepsie	4
Newburyport	4	Bridgeport	2
Portland	1		

This immense fleet of 460 sail will average about 375 tons each, making 173,500 tons, or one tenth of the tonnage of the United States. The cost of these vessels is from twenty to sixty thousand dollars each—on an average of say forty thousand dollars—which requires an active capital of *eighteen million four hundred thousand dollars*.

The largest cargo of sperm oil brought into the United States during the year 1835 was by the ship Parker, of Nantucket, 3,305 barrels. The average quantity to each ship arrived was about 1,920 barrels or 60,480 gallons. The value of the sperm oil brought in by our whale ships during the past year was $5,607,000, being more than the whole amount of our demand upon the French Government, for the collection of which we are threatened with a war.

In addition to the above, the amount of whale oil brought in the past year may be set down, at present prices, at almost two million dollars.

The produce of the mackerel fishery during the past year was, as near as can be estimated, $2,405,000.

The produce of the cod fishery we have no data by which to estimate; it might, however, easily be ascertained by the collectors of the customs in the various districts; it may probably be set down at $1,500,000.

The produce of the fisheries of the United States during the past year may be estimated as follows:

Sperm whale fishery		$5,607,000
Right whale	do.	1,850,000
Mackerel	do.	2,405,000
Cod	do.	1,500,000
Other fisheries		500,000
		$11,862,000

The above extract shows we have employed in the whale fishery, and principally in the Pacific ocean, a fleet of 460 sail amounting to 172,000 tons, one tenth of the tonnage of the United States, and they are manned by not less than ten thousand men. The capital employed, as stated, is $18,400,000, and the produce last year amounted to $7,457,000, $5,607,000 from the Pacific. Surely the interest is of sufficient value, if understood, to call for the attention and protection of Government.

The vast Pacific and southern oceans proposed to be explored and surveyed, are less known than any other part of the globe, and, being interspersed with thousands of shoals, and islands, and coral reefs, are exceedingly dangerous to navigation. The statement appended to the report before us, taken principally from the log-books of masters of whale ships of Nantucket and New Bedford, presents a list of more than five hundred islands and reefs. It is but a few years since the statement has been published of these islands. They have laid down the latitude and longitude with as much accuracy as their situation would allow, and the country is much indebted to the masters and owners of ships for the information. But the information furnished, though valuable, is not sufficiently accurate. They possessed not the instruments, nor had they time, to fix the locations with precision. The improved instruments in use at the present time afford facilities to men of science and skill of fixing the true localities of places with great accuracy, and in a short time.

If the islands already discovered and named were first surveyed, their latitude and longitude might, in a short time, be accurately marked upon a chart, and be immediately and highly useful. While a part of the company were fixing the latitude and longitude of these islands, others might examine, survey, and note them in reference to dangerous reefs and harbors of refuge. It should be remembered that, however desirable, it would be wholly impracticable for individual enterprise to accomplish such a work. It is a national object, and its accomplishment must depend upon national appropriations, encouragement, and protection. I confess, viewing the subject as I do, I am surprised that gentlemen in this House who have examined it can oppose the appropriation. Do they think the price too great, when they must know it would save millions of property—thousands of lives? I will not believe it. I presume those who oppose the appropriation have looked upon the Pacific as far distant, and the pursuits and enterprises carried on there have been foreign to their accustomed

habits of thinking and scope of policy. I shall presume that they have an imperfect knowledge of the subject, and perceive not its great importance. Surely no man who understands the subject would limit these enterprises; surely there can be no one who does not feel a pride and pleasure in our success, which has far surpassed all other nations.

I have before me a small book handed to me by the author; his name is Holden. It contains a narrative of his shipwreck and sufferings, with others, for four years upon those islands; of his cruel and barbarous treatment, and almost miraculous escape. I have evidence that his character is good, and his narrative true. I wish gentlemen could examine it for a short time. I am sure it could not fail to engage a deep interest. Many others are still in captivity, still suffering the evils from which he has escaped, and many have fallen a sacrifice to their savage barbarity. Within a few days we have received intelligence of the cruel murder of the greater part of the crew of a ship from my own county, called the Awashonks, of Falmouth, and the loss of the voyage, which gives an account of losses since the speech was delivered.

"WRECK.—The Awaskonks, at Falmouth, brings the melancholy intelligence of the loss of the ship Independence, Brayton, of this port. The disaster occurred in December last, at Starbuck's Island, a barren spot without inhabitants, lying in about 5° 30 south latitude, and 155° west longitude. The Independence had a cargo of two thousand one hundred barrels of sperm oil, only three hundred of which were saved from the wreck. The vessel a total loss. This information was derived from the mate, who, in one of the ship's boats, with part of the crew, had arrived at Tahiti, and informed that Captain Brayton, in another boat, with the residue of the crew, left Starbuck's Island in company, but were separated in the course of the third night out, and had not since been heard of. The mate was about to charter a schooner for the purpose of returning after the oil left at the island. If this statement be correct, a loss of property, amounting to some fifty or sixty thousand dollars, has been sustained by owners and underwriters. The Independence is owned by Messrs. H. Swift and M. Crosby, of this place, and by the captain—upwards of one half, we believe, belongs to the former. Some twenty thousand dollars were insured in this town, but what amount elsewhere we have not learned.

"MORE HORRORS.—The New Bedford Mercury publishes the following extract of a letter, received per the Awashonks, dated Honolulu, January 6. Captain Proctor, of the A., furnishes, through the same medium, a confirmation of all its details:

"'A schooner belonging to Messrs. Hinckley & Smith, on a trading voyage to the islands in the Pacific, having left the supercargo and one man to collect tortoise shell, &c., proceeded to Strong's Island, where Captain Scott went on shore, as soon as he arrived, with eight men totally unarmed, and were instantly killed by the natives. They boarded the schooner and killed seven more. The mate and one boy, badly cut by the natives' spears, escaped into the cabin, where they loaded their muskets, and shot most of the natives on board; the others jumping overboard and swimming ashore. The mate and boy then cut the cable, and, after eleven days at sea, arrived at the island where the supercargo and the man were left. They took them on board, and proceeded to the Sandwich Islands, where they arrived January 4th, and report another schooner belonging to the same firm having had a mutiny on board—Captain Rogers, first and second mate, and three men, murdered. The supercargo having shot the ringleader, the mutineers gave up and were confined. Also, that they saw at Strong's Island a whaling brig ashore, which had sailed from the Sandwich Islands fourteen months before on a cruise for six months. She was owned by a company of persons at the Sandwich Islands. It is supposed that she must have been taken by the natives and all her crew murdered.'"

Can gentlemen listen to these unexaggerated statements of plain truth with indifference? Can the appeals they make to our feelings and judgment be made in vain? I trust not. We have every assurance that the enterprise would afford the most desirable and useful information. The information already obtained, though deficient in accuracy, would be sufficient to enable the expedition to find those islands without difficulty; and having surveyed and given them a place upon a chart, the information would be full. A chart, containing such information, would, I repeat, save the lives of thousands, and millions of property. Here I cannot refrain from again referring to a letter written to me, January 21, 1835, by Commodore Downes. It is so directly to the purpose, and of so high authority, that the attention of the House cannot be too often called to it in this debate:

CHARLESTOWN, (MASS.,) *Jan.* 21, 1835.

DEAR SIR: In compliance with your request that I would communicate to you in writing my views on the subject of a voyage of discovery to the South seas and Pacific ocean, I have to regret that the circumscribed limits of a letter will allow but little more than the simple expression of an opinion on a subject of so much national importance, and in relation to which so much might be said in detail.

I have had some experience in the navigation of the less frequented parts of the Pacific at an earlier period of my life. During my late voyage in the Potomac I have had an opportunity to add greatly to the knowledge acquired in former years. An expedition fitted out for the purpose of improving our knowledge of the hydrography of those seas has often been the subject of my reflections. As the representative of a district largely engaged in the whale fishery, you must frequently have seen, from the reports of masters of vessels engaged in that business, accounts of new islands and reefs being frequently discovered, and which are either not laid down on the charts, or so erroneously marked that they can give no security to the mariner. It is probable that not less than five hundred of these islands and reefs have been marked with sufficient accuracy by our whalers, sealers, and traffickers, of one kind or another, to enable an expedition to examine the most important of them, without much loss of time in seeking their positions. This will enable the discovery vessels to do more, in less time, than has probably ever been effected by a similar enterprise from any other country. Of the extent of our interest in those remote seas I need not speak, as you are conversant with the subject; besides, the interest has been fairly represented by memorials to Congress. During the circumnavigation of the globe, in which I crossed the equator six times, and varied my course from 40° north to 57° south latitude, I have never found myself beyond the limits of our commercial marine. The accounts given of the dangers and losses to which our shipping is exposed by the extension of our trade into seas but little known, so far, in my opinion, from being exaggerated, would admit of being placed in bolder relief, and the protection of Government implored in stronger terms. I speak from practical knowledge, having myself seen the dangers, and painfully felt the want of the very kind of information in the guidance of a vessel in those seas, which our commercial interests so much need, and which, I suppose, would be the object of such an expedition as is now under consideration before the committee of Congress to give. Indeed, the whole of this business, it seems to me, is a plain and practical affair.

The commerce of our country has extended itself to remote parts of the world, is carried on around islands and reefs not laid down on the charts, among even groups of islands from ten to sixty in number, abounding in objects valuable to commerce, but of which nothing is known accurately; no, not even the sketch of a harbor has been made, while of such as are inhabited our knowledge is still more imperfect. It would seem to require no argument to prove that a portion of our commerce might be rendered more secure, and probably greatly increased, by vessels sent, properly prepared, to examine such islands. There are also immense portions of the South seas, bordering on the antarctic circle, well deserving the attention of such an expedition, especially during the most favorable months of the southern summer. Islands discovered in that quarter will probably be found to yield rich returns in animal fur. Indeed, discoveries of this kind have recently been made by some English whalers, supposed to be of great extent, the vessels having sailed along three hundred miles of coast lying south of the Cape of Good Hope. This may lead to other very interesting discoveries, which will probably be found, on further examination, to be a continuation of Palmer's Land, lying south of the South Shetland Islands, or only separated from it by a narrow channel. Much might be said in favor of a speedy examination of this portion of the South seas; indeed, I hardly know where an expedition could go where it might not be in the way of doing good, to say nothing of the credit our country would acquire in promoting such an enterprise.

As to my opinion of the class of vessels best suited for such an expedition, I should unhesitatingly say, two brigs or barks, of two hundred tons each, and a tender of from eighty to one hundred tons. A great many weighty reasons might be given to show that if, in the same ratio, vessels were beyond this size, the chances of safety and extensive usefulness would be proportionably decreased.

Very respectfully, your obedient servant,

JOHN DOWNES.

HON. JOHN REED, Member of Congress.

The privations, difficulties, and dangers of a whale voyage would discourage men who had not been educated to contemplate it, and engaged in it from early youth, if most prosperous separation from friends for three or four years would be regarded by most men as no trifling privation. I will not speak of the common and unavoidable danger of the contest in capturing these monsters of the deep; that would be sufficient to try the nerves and courage of any man; but I more particularly allude to the dangers of shipwreck. I beg to refer to a short extract from the report referring to a memorial from Nantucket:

"The memorial from the town of Nantucket fully confirms every statement I have made in regard to the extent of the whale fishery, although drawn from different sources. This memorial is not only clear and conclusive as to the extent and value of this important business, but presents many other important facts. The memorial speaks the most emphatic language to every patriot and philanthropist, as well as to every legislator in our country, in the following quotation:

"'The great and increasing extent of the voyages now pursued by the trading and whaling ships into seas but little explored, and into parts of the world before unknown, has increased the cares, the losses, and dangers of our merchants and mariners. Within a few years, these cruises have extended from the coast of Peru and Chili to the Northwest coast, New Zealand, and the Isles of Japan. This increase of risk has been attended by an increase in loss. Several vessels have been wrecked on islands and reefs not laid down in any chart; and this acquires a painful interest from the fact that many ships have gone into those seas, and no soul has survived to tell their fate.'"

European Governments, who desire to encourage and improve their commerce and maritime power, have given most liberal bounties and protection to the whale fishery. I refer to England, France, and Holland. They have offered most liberal rewards to our enterprising men to engage in their employment, but their offers have, in almost all cases, been declined. Our enterprises have surpassed all nations, without national encouragement. The nation shares the honor and benefit of their success; can we refuse to grant their humble claims for assistance?

I repeat, if the privation, skill, and danger of these whaling voyages could be known; if the extent of these enterprises, in all their bearings, at home and abroad, could be fairly understood, they would excite the admiration of the Government and people. In their commencement, they excited the wonder of the philosophers of Europe. They have since been watched by those Powers with astonishment and jealousy. Our own Government seems the last properly and duly to appreciate their true value. The real cause, I have supposed, was, that the business had been confined to a small territory. It is now extending itself, and will be more generally understood. It has been viewed as a local interest, and therefore not entitled to national aid, except to a very limited extent. I trust the subject will be better understood; and, if so, I shall feel quite sure all the relief and protection asked, and more, will be afforded.

Mr. Chairman, we have appropriated, and shall appropriate, the present year, for the Navy, and for naval purposes, a large amount—far more than has ever been appropriated in any preceding year. I trust, in so doing, we are consulting the true and lasting interest of our country. Upon this subject I beg to refer to a late report of the Secretary of War, and approved by the President. It presents a statesmanlike view of our country—its situation in relation to other nations, and its necessary defense. In most of the opinions I entirely concur, and especially in regard to a navy. I beg to read a short extract from the report:

"But it is upon our maritime frontier that we are most exposed. Our coast for three thousand miles is washed by the ocean, which separates us from those nations who have made the highest advances in all the arts, and particularly in those which minister to the operations of war, and with whom, from our intercourse and political relations, we are most liable to be drawn into collision. If this great medium of communication—the element at the same time of separation and of union—interposes peculiar obstacles to the progress of hostile demonstrations, it also offers advantages which are not less obvious, and which, to be successfully resisted, require corresponding arrangements and exertions. These advantages depend on the economy and facility of transportation, on the celerity of movement, and on the power of an enemy to threaten the whole shore spread out before him, and to select his point of attack at pleasure. A powerful hostile fleet upon the coast of the United States presents some of the features of a war, where a heavy mass is brought to act against detachments which maybe cut up in detail, although their combined force would exceed the assailing foe. Our points of exposure are so numerous and distant that it would be impracticable to keep at each of them a force competent to resist the attack of an enemy prepared, by his naval ascendency and his other arrangements, to make a sudden and vigorous inroad upon our shores. It becomes us, therefore, to inquire how the consequences of this state of things are to be best met and averted.

"The first and most obvious, and in every point of view the most proper method of defense, is an augmentation of our naval means to an extent proportioned to the resources and the necessities of the nation. I do not mean the actual construction and equipment of vessels only. The number of those in service must depend on the state of the country at a given period; but I mean the collection of all such materials as may be preserved without injury, and a due encouragement of those branches of interest essential to the growth of a navy, and which may be properly nurtured by the Government; so that, on the approach of danger, a fleet may be put to sea without delay sufficiently powerful to meet any force which will probably be sent to our coast.

"Our great battle upon the ocean is yet to be fought, and we shall gain nothing by shutting our eyes to the nature of the struggle or to the exertions we shall find it necessary to make."

Sir, I fully concur in the truth and appropriateness of the above sentiments, and the fitness of expressing them at the present time. I have long entertained the same opinions in substance, and often expressed them in public and private.

We are emphatically told that our great battle

upon the ocean is yet to be fought. I hope we may never be called to the awful contest, but the same passions and lusts, from whence come wars and fightings, still hold a place in the human breast, and we can have no security against war. In the awful event of a tremendous conflict, this country must be defended by "*wooden walls.*" It is the duty of Government, in time of peace, to prepare, to a certain extent, for war, for defense, and to make preparations more especially for such objects as require time. War is not ordinarily declared without some calculations as to the power of the assailants, as well as the means and ability of their enemy to sustain and defend themselves against aggression. An adequate preparation for defense may, therefore, and often does, prevent the occurrence of war. Such defense, resulting in the preservation of peace, of all others, would be most desirable to me. The burden and expense of a preparation and defense which should prevent war, would seem light indeed, and be most cheerfully borne by those who delight in peace.

Our physical and moral capacity to build and maintain a navy is unquestionable. The history of our naval enterprises, from the commencement of the revolutionary war, and long before that period, even as far back as the old wars with France, to the present time, has afforded the most conclusive evidence of skill and intrepidity. "The achievements of our Navy have stamped its character with the country and the world. The simple recital of its exploits is the highest eulogium which can be pronounced upon it."

Interest and duty present the strongest obligations for sustaining and improving a defense so effective and so essential to our protection. In recounting our achievements upon the ocean, it becomes us, as wise men and legislators, to search deeply and thoroughly into the true causes of our success, that we may not fail in future to sustain the high rank we have assumed.

I would cheerfully accord to our naval commanders all the praise which has been so justly bestowed; still we must view the subject as philosophers, who would trace effects to their true and final causes. I am quite sure we have been very much indebted for past success to a particular class of seamen, more skillful, more intrepid, more everything efficient and useful, in peace or war, than can be found elsewhere upon the globe. The best officers and the best ships, with all preparation, can afford no assurance of future success but by the aid of these seamen. Our officers of the Navy are now liberally paid, and their successful enterprises are sure to receive the most valued reward—the high commendation of their country. But the seamen, who are justly entitled to a large share of applause, are not sufficiently regarded or rewarded. Justice has not been done them. We are deeply in their debt.

From the early settlement of the Pilgrims at Plymouth we have been a maritime people; commerce and the fisheries succeeded and prospered at an early period in our history. Whatever other interest has desponded or sunk in competition with European nations, our navigation and fisheries have maintained an ascendency. They have maintained a successful competition under disadvantageous and unequal terms. Our whale fisheries have received but a small share of the favors and protection which England, France, and Holland, have bestowed upon theirs. Men educated in the whale fishery, partners in the voyage, and directly interested in its success, inured to cold and heat and danger, stimulated to exert their utmost energies, acquire a knowledge, enterprise, and power upon the ocean possessed by no other men. Success under ordinary (and I would say under unfavorable) circumstances would attend the efforts of a ship well commanded, and manned with such a crew. We cannot dispense with the skill, seamanship, and intrepidity of our fishermen. Without the aid of seamen educated in the whale fishery and in our other fisheries, I fear neither good ships nor good officers could avail us. Raw and untutored men may soon be instructed and disciplined in our Army, and rendered efficient soldiers. Not so with the naval service. Seamanship and the requisite qualifications for the Navy require experience; and the habits, knowledge, skill, and intrepidity learned alone by long service on board ships and vessels, and best learned by those who are employed in the fisheries. To such men legitimate warfare has no terrors, and victory is no theme of boasting. They speak not of their own triumphs, or fight their battles over again.

A neighbor of mine, by the name of Taylor, during the last war with Great Britain, who had been master of a ship, enlisted in some humble office, for one year, in the Navy. His service was on the lakes, under Commodore Perry. In knowledge of navigation and personal bravery he was little inferior to that gallant and distinguished officer. He served faithfully the full term of his enlistment, and rendered, by his skill and courage in manuvering one of the vessels, the most valuable aid in Perry's memorable victory. His discharge was unjustly withheld, and he left the service without receiving a cent for his wages. On a sick bed, he sent for me to visit him, and stated his services and claim for pay. I asked with surprise, were you in "Perry's victory?" He answered, he was. Why, I rejoined, has it not been known to your neighbors? Why have you delayed ten years to demand your wages? He replied that he had done no more than his duty; that he rejoiced at the victory; that, being compelled to leave the ship without a discharge, although he had served longer than his enlistment, by the usages of the Navy, he supposed he was marked *run* on the rolls; that he considered that mark a badge of dishonor, and the thought of meeting it, however unjust and unmerited, had hitherto deterred him; but that now, being sick and in need, he felt compelled to ask for it. His story was true. I obtained his pay, and handed it to him a few days before he died, and assured him if there had been a foul blot on the rolls of his ship against his name, there was none on his fair fame and character. I need not tell the result. *Ex uno disce omnes.* It is the character of seamen. Sufficient pains has not been taken to learn, duly estimate, and publish their characters. It is no part of the character of a seaman to speak of their own services. By inquiry, I have ascertained that there was not a battle fought during the last war on the ocean, on the lakes, rivers, or sea-board, from Maine to New Orleans, in which the citizens of the district I have the honor to represent did not participate, and in no case did they take part, in which their skill, enterprise, and courage, was not conspicuous. I insist upon it, the value of such men, though justly estimated by officers and a portion of the people, is not well understood by the public. I heard a British naval officer remark that American seamen united the activity of the French with the strength of the English, and manuvered a vessel better, and fired four times while a British vessel fired three times. Good officers, with good ships, well prepared, manned with such men, can do anything and everything. But take away the men, give them ordinary seamen, and farewell to all just hopes of extraordinary success.

These facts are well understood by those nations who contend for power and the mastery upon the ocean. In their encouragement of commerce and the fisheries, and especially the latter, they have ulterior views. They look to their marine. They regard it as the most effective preparation for naval warfare. It has long been a maxim, that the fisheries are a nursery for seamen. It contains truth; but more might be added, equally true, that the fisheries are a nursery for the best and most efficient seamen. In the event of war these thousands of men now on board your fishing vessels would immediately return to defend their country. Prepared to render the most efficient service, they would at once man your Navy. They are better disciplined, and better qualified by their employment than they would be if kept and paid on board your navy; and they are thus qualified without expense to their country. I repeat, their employment necessarily ends when war begins, so that they are sure to be in readiness. They stand as minute men always, and volunteers in the defense of their country, seeking posts of trial, skill, and danger. Such men are the bulwark and defense of the nation. Shall they petition us in vain for aid and assistance in a case where it can be so easily afforded, and where at the same time so great general and commercial benefits are promised? Shall we refuse to protect those who protect us? Shall we refuse a small appropriation to save those who regard no sacrifice too great in defense of their country?

There are at the present time a number (it is not known how many) of our citizens exiles, and slaves to the most wretched barbarians. Wrecked and cast away upon those inhospitable islands, they are at once captives and in bondage, and no courage or enterprise can hold out to them the hope of escape by their own efforts. They must look to the aid of friends far, far from them, nor can they inform those friends of their situation and sufferings. Their condition can be better imagined than described. Their wives and children, and parents and friends, feel and suffer as friends must suffer, and would regard no sacrifice too great, could they afford relief. For them I have often applied to the Secretaries of our Navy, hoping to obtain relief. Aid has not been refused in terms, but promised, when ships could be spared, or when the islands could be visited in some return voyage, without departing too far from the direct course. Even these light promises reach not the ears of the unhappy exiles, for they have no communion with country or friends; but they have excited hope in the bosom of their friends, but it has been hope deferred; it has made the heart sick.

Our commerce and fishery in the Pacific demand protection. The commerce and fisheries of England and France are very differently situated. They receive protection. Our navy (and more ships are wanted in those oceans) should visit those islands, and give the most conclusive evidence of our power, which would make those savages afraid to perpetrate cruelty and murder, and they should also, by kindness and regard to those savages, teach them the just principles of civilization and religion, and thereby improve their condition and our own.

Our Navy has saved us the dishonor of paying tribute to the barbarians of the Mediterranean: let it protect the lives and property of our fellow men in the Pacific, and rescue unfortunate men from distressing captivity.

Our Navy is intended to protect our country, the citizens of the country, and property of the people: our citizens and property in the Pacific need its support and protection, and have a just claim upon us for it.

All the naval assistance needed may, in my opinion, be afforded in a short time, without inconvenience or much expense, or turning aside from the main object of the expedition. It would be most salutary and useful to discipline, instruct, and improve the officers of the Navy. Nothing could be better calculated to prepare them for the most important service; nothing so bad as leave of absence, waiting orders. It will be found difficult for your young men to endure such temptation and maintain their characters. I fear want of employ will often end in dishonor and ruin. Let us, then, furnish them useful and professional employment, that they may protect and honor themselves and their country.

Mr. Chairman, I feel the force of that part of the report of the committee of the Senate which recognizes and admits that, as a nation, we are bound to contribute something to the stock of general knowledge of geography, and the description of those parts of the globe yet unknown to mankind. We have explored no sea, but we have received, and used, and profited by the information and charts of all other maritime nations. If we are not bound by the laws of nations to render a *quid pro quo*, we are bound by a higher law, the law of eternal justice, having abundant means, to pay for benefits thus received. Other nations have more or less explored oceans and marked and published the rocks and shoals of danger, and pointed out harbors of refuge and safety, and for our benefit as well as their own. We hold the information as an invaluable treasure. Oceans and seas are common highways of nations, and their productions are common property. We enjoy our full share of their occupation and benefits: shall we refuse to discharge the obligations we are under to other nations as tenants in common with us? Shall we refuse to prosecute these explorations and surveys, and give to the world charts not heretofore furnished, pointing to dan-

gers to be avoided, harbors to be sought, calculated to save the lives and property of men, and to facilitate commerce and intercourse with all parts of the globe?

In every view which I have been able to take of this subject, I come to one result. The proposed expedition has been too long postponed. The bill before us ought to pass immediately, and the expedition ought to be prosecuted with as little delay as possible, consistent with the other great interests of the country. The oceans, and lands adjacent and contiguous, proposed to be explored and surveyed, present a great portion of this globe, land and water, to the enterprises and useful commerce of those who possess the ability to enjoy it. It is calculated, and cannot fail to greatly extend and enlarge the facilities of commerce and business useful to all. Is there a member here who does not believe we shall have our full share of that commerce? And is there a man who has examined the bearing and effects of the measure, that does not perceive it is calculated to benefit all parts of the country, and is truly national? I forbear to add more at present, and trust the appropriation will be made, and that the country will experience all the advantages which have been anticipated.

INDIAN ANNUITIES.

SPEECH OF HON. H. EVERETT,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

June 3, 1836.

The House having under consideration the bill making appropriations for the current expenses of the Indian Department, for Indian Annuities, and for other similar objects, for the year 1836—

Mr. EVERETT said he had not expected to address the House on any subject connected with our Indian relations until a few days ago. The inquiry into the causes of the Indian hostilities had been brought before the Committee on Indian Affairs, and the papers relating to it had been referred to him for examination. He had intended, before the close of the session, to present his views in the shape of a report. When, however, this amendment was adopted in that committee—an amendment placing at the disposal of the Executive more than a million of dollars for the removal of the whole Creek nation by force, in violation of an existing treaty—he had felt himself compelled to change his purpose, and to present his views to the House whenever that amendment should be considered. Should that pass, a report would be to but little purpose.

He regretted that this extraordinary appropriation should have been attached to an ordinary appropriation bill. It placed him in the dilemma of being charged with obstructing the passage of the bill, of the urgency of which no one was more sensible than himself; or with the responsibility of permitting a measure to pass in silence which, in his conscience, he believed to be repugnant to our most sacred obligations, and of the most hazardous tendency. He had desired that this appropriation should have been reported in a separate bill. Had it been so, this bill would have passed as soon as it was reported, and all delay would have been avoided. He did not, therefore, consider himself responsible for the delay. This was not the first time that important measures had been attempted to be carried through on the back of a general appropriation bill. The House was sufficiently forewarned of the consequences. The blame would rest on those who first interposed the obstacle. Mr. E. said the country being in fact in a state of war, without stopping to inquire by whose fault we had become involved in it, he had voted for every appropriation asked for defense, and as soon as it was asked. But the present question relates to the future, and to consequences which demand that it should not pass without investigation.

Mr. E. requested the Clerk to read the twelfth article of the Creek treaty of March 24, 1832:

"ART. 12. The United States are desirous that the Creeks should remove to the country west of the Mississippi, and join their countrymen there, and for this purpose it is agreed that as fast as the Creeks are prepared to emigrate, they shall be removed at the expense of the United States, and shall receive subsistence while upon the journey, and for one year after their arrival at their new homes: *Provided, however*, That this article shall not be construed so as to compel any Creek Indian to emigrate, but they shall be free to go or stay, as they please."

This is the obligation we have assumed; this is the right we have guarantied to every Creek Indian—*to go or stay*, as he pleases. To render this right of value—to enable the Creeks to subsist themselves where they were, if they chose to remain—the treaty secured to ninety principal chiefs each six hundred and forty acres of land, and to every other head of a Creek family three hundred and twenty acres. These reservations are their homes, on which they are entitled to remain. But from these it is now proposed to remove them by force.

The amendment proposes to remove twenty-one thousand Creeks; that is the estimated number of the whole nation. It does not, in terms, propose to remove them by force; that purpose is, however, avowed explicitly in the letter of the Secretary of War to the committee, asking for the appropriation; and if the appropriation is granted, the Executive will consider himself authorized to use it, and will use it for the purpose for which it was asked. This letter is dated on the 19th of May, and states:

"The state of affairs among the Creek Indians in Alabama has induced the President to direct the necessary measures to be taken for their removal. Heretofore, the instructions have been in conformity with the treaty—to remove them as they were voluntarily prepared to go. But actual hostilities have commenced, and it is essential to their existence, as well as to the safety of the settlements in contact with them, that they should be established in their country west of the Mississippi without delay. The right to remove them by force, if necessary, results from the attitude in which they have placed themselves by the commencement of hostilities," &c.

Here, then, is our treaty obligation on the one hand, and the power claimed on the other. On what ground is it claimed? It can be claimed only on the ground that the treaty is dissolved by a war on the part of the *Creek nation*. An act of hostility by an individual, or one of the bands of the tribe, would not have that effect. No, sir; it must be a war between the Creek nation and the United States; that only would dissolve the obligation of the treaty; and before this House sanctions the exercise of this high power—this war power, of removing the whole Creek nation by force—it should be satisfied that the Creek nation has made war upon us, as a national act. On what evidence is this House called upon to act? On a letter from the Secretary of War to a committee, stating that actual hostilities have commenced, unaccompanied by any evidence of the character or extent of those hostilities. It gives us no facts, on which his declaration is founded, to enable the House to judge if the right to remove the Creeks by force is justifiable. Are we to act on this declaration? Are we to collect our facts from newspapers, private letters, or rumors? And if we should, what do they all amount to? From no source, that can be relied on, have I sufficient evidence to believe that, at the date of this letter, any white man had seen twenty-five Creeks embodied in arms. True, this is no evidence that more have not been in arms. But I should not be surprised if it should turn out that the whole number was then less than two hundred and fifty.

There is, however, some negative testimony. I will refer the committee to a semi-official publication in the Globe, of the 30th of May. It states that Colonel Hogan wrote, on the 24th of April, that "there was no more disposition among the Creeks of the upper towns for hostilities than there was among the citizens of Washington, and that he did not believe there was any such disposition among the Creeks of the lower towns." This letter was received here on the 5th, and "on that day Governor Clay was again informed that *should the Indians meditate* hostilities, any force he might find necessary to call out for the protection of the inhabitants would be received into the service of the United States. The same information and the same authority was given to Governor Schley on the 13th of May." This is the account of the Indian hostilities, as published on the 30th of May. The orders of the Governors of Alabama and Georgia do not refer to actual hostilities, but to *meditated* hostilities.

But, sir, if a state of war exists, why has no communication of the fact been made to the President? I do not go the length of saying there should be no communication between the heads of the Departments and the committees of this House. In matters of minor consequence convenience requires it. But on questions involving a change of our relations with nations with whom we have treaties—on questions of peace and war—I hold that a head of Department and committees of the House are not the proper organs of communication between the Executive and Congress. Such communication should be made by the President, and to both Houses, to whom it appertains to take order thereon. Measures new and important are not to be sprung upon the House through a report of a committee. The President is the only constitutional organ of communication between the executive and legislative departments. It is his constitutional duty "from time to time to give to Congress information of the state of the Union, and to recommend such measures as he shall judge expedient." Sir, I would hold him to his duty—to this responsibility. If the House acts on its own motion, on its own information, it acts on its own responsibility. That responsibility, for one, I am not willing, in this instance, to assume.

Mr. Chairman, I now offer an amendment as a substitute for the amendment of the committee. I do not propose to lessen the appropriation, but to restrict its application. I do not make it a question of amount, but of principle. I am willing to give the Executive ample means to remove all the Indians, but propose to divide the amount so that a part shall be applicable to the removal of those who *please to go*, and the residue to those who may be in arms; but that no part shall be applicable to those who are neither hostile nor willing to remove. This amendment will be applicable to the Seminoles, as well as to the Creeks, and will also enable the Executive to resort to pacific, as well as warlike measures, for their removal.

The amendment, as it came from the Senate, was for a removal of the Creeks who should voluntarily assent to go, and was based on the removal of twelve thousand.

For this purpose, in addition to the unexpended balance of.....	$155,000
It appropriated the sum of.....	348,230
To this, the committee of the House have added, under the call of the Secretary of War, on an estimate for removing the residue of the nation....	675,320
	1,178,550
And to this may be added, for the removal of the Seminoles, an unexpended balance of.....$33,000	
And an additional appropriation of.....100,000	
	133,000
Making for the removal of the Creeks and Seminoles.....	$1,311,550

Should the substitute be adopted, the amendment will stand:

"For the removal of the Creek Indians, and their subsistence for one year, including subsistence for those recently removed, in addition to $155,000 of former appropriations, $348,230, *under the twelfth article of the Creek treaty of* 1832.

"For holding treaties with the hostile Indians east of the Mississippi river, and for their removal west of that river, *six hundred and seventy-five thousand three hundred and twenty dollars.*"

Mr. Chairman, this presents the important question in relation to all the hostile Indians, Creeks and Seminoles: Shall force be the only means of effecting their removal? I propose a pacific measure; and by the term in the appropriation, "*for holding treaties*," to indicate to the Executive the opinion of this House in the hope that it will not be disregarded.

It seems to be taken for granted by some gentlemen that we cannot, consistently with our national honor, hold treaties, or even attempt a pacification of hostile Indians. It is said by the gentleman from Alabama [Mr. LAWLER] that they must be *whipped* before they can be removed. What, sir? send *whipped* Indians west of the Mississippi! Of that I have a word to say here-

after. Our honor! What of honor have we gained already in our attempt to whip the Seminoles? And what of honor must be gained, if, by extermination, we make a grand finale of the hostile tribes? But this is also a question of interest. I will thank the Clerk to state the amount already appropriated on account of these Indian hostilities—[$2,620,000, besides rations to the starving inhabitants]—more will be immediately required. Add to this the expense of another campaign—of an army of five thousand. And to this the amount of the losses of the inhabitants of Florida and Alabama—some millions more. This, though an individual loss, is not the less a loss to the country. Possibly it may become a direct national loss. On that question I do not intend to commit myself; but, sir, if the sufferers claim indemnity, they will, as their only ground, base their claims on the fact that their loss was occasioned (to use the mildest phrase) by an improvident act of the Government. In addition to all this, look to the loss of human life.

It is evident that the Seminole war was the immediate cause of the Creek hostilities. Other causes have no doubt concurred—causes of irritation, producing a predisposition to hostility, called into action by the success of the Seminoles. What shall be done? Shall we fight it out to the last, or attempt a pacification? In selecting our course, much will depend on the answer to the question, "*Is our quarrel just?*" And it is time this question was answered.

In answering this question, I shall take occasion to inquire into the causes of the Seminole war. I shall stop where the war commenced, leaving it for others to examine into the manner in which it has been conducted. I pass this over to the military gentlemen of the House—to the Committee on Military Affairs—to institute the proper inquiry. I have no doubt they will do their duty.

Preliminary to the investigation, I will suggest two considerations, which should be borne in mind during the investigation. The first is, the unequal terms on which we always treat with the Indian tribes—our superior intelligence—their necessities—the fact that our treaties are, as they say, white men's treaties, made in *our* language, translated by *our* interpreters, and by them imperfectly *understood*, and imperfectly remembered. The other is, that we are our own historians—we tell the whole story—they, particularly the Seminoles, were refused permission to send a delegation here to tell their part of the story. In reply to their application, they were told, "*This made the President angry.*" From considerations such as these, in all questions of doubt, proper allowances should be made in their favor.

I will also notice some things of minor importance which may have had an unfavorable influence—*the eager desire of the whites to obtain their land.* General Eaton, in his letter of the 8th of March, 1835, says:

"The people here want the lands on which they [the Seminoles] reside, and they will urge a removal, *fas aut nefas;* and the Big Swamp, which in the treaty is declared to be the first of their country to be vacated, is of high repute; and it is that on which the eyes of speculators are fixed."

The unprincipled desire to obtain their negroes:

General Thompson, in his letter of the 28th of October, 1834, says:

"There are many very likely negroes in this nation; some of the whites in the adjacent settlements manifest a restless desire to obtain them; and I have no doubt that Indian raised negroes now in possession of the whites, some of the negroes in the nation, with some of the Indians, have been induced, by bribery or otherwise, to stir up hostility among the Indians to the intended emigration, for the purpose of detaining the negroes here until the territorial jurisdiction shall be extended over the Indian country, so as to enable fraudulent claimants to prosecute their claims in the territorial courts," &c.

The opposing influence of the negroes, excited by the fear of their being sold to slave dealers:

General Thompson, in his letter of the 27th of April, 1835—a letter of great interest—says:

"Application was made to me this morning for permission to purchase negroes of the Seminole Indians, under a letter from the office of Indian Affairs, addressed to General Call, in which the Commissioner says, as there is no law prohibiting the sale of slaves by Indians, there is no necessity for the interference of the Department to allow the Indians a privilege which they already have." "The negroes in the nation dread the idea of being transferred from their present state of ease and comparative liberty to bondage and hard labor, under overseers, on sugar and cotton plantations. They have always had a great influence on the Indians. They live in villages separate—and in many cases remote—from their owners, enjoying equal liberty with their owners, with the single exception that the slave supplies his owner annually, from the product of his little field, with corn in proportion to the amount of the crop—in no instance that has come to my knowledge exceeding ten bushels; the residue is considered the property of the slave. Many of these slaves have stocks of horses, cows, and hogs, with which the Indian owner never assumes the right to intermeddle. I am thus particular on this point that you may understand the true cause of the abhorrence of the negroes of even the idea of any change, and the indulgence so extended by the owner to the slave will enable you to credit the assertion that an Indian would almost as soon sell his child as his slave, except when in a state of intoxication."

On this occasion General Thompson did his duty; he refused permission to the applicants to purchase slaves, or to say anything on the subject. The answer to this letter is not among the papers in my possession.

In this investigation, I shall endeavor to confine myself to our own record. I regret that the documents just laid on your table are not printed, and in the hands of all the members, that they might go along with me page by page. I desired that the discussion should be delayed a day or two for that purpose. But it is the pleasure of the House that the discussion shall now proceed.

On the 8th of January, 1821, the Creek treaty of Indian Springs was concluded. At that time, the Seminole band was a component part of the Creek nation. To this treaty I shall have occasion to refer hereafter.

On the 18th of September, 1823, the treaty of Camp Moultrie was concluded with the Seminoles, they having then separated from the Creeks. By this treaty we engaged to pay them annuities for twenty years, and guarantied to them their narrow limits. They were restricted from the sea-coast, and confined to the hammocks and swamps, which they are now defending to the last drop of blood. Miserable as their country is, they cling to it with the grasp of death. This treaty, unless abrogated by a subsequent treaty, was an existing treaty at the commencement of the present war.

On the 9th of May, 1832, the Seminole treaty of Payne's Landing was concluded. The Seminoles have alleged that it was forced upon them. But in our own story I find no evidence of the fact; all that I find is that at that time they were in a state of starvation; we deemed it a fit occasion for holding a treaty. We were not, however, the cause of their famine, nor were we accountable for its consequences. We did no more than to take all due advantage of the fact.

I ask the clerk to read the preamble and the seventh article:

"The Seminole Indians, regarding with just respect the solicitude manifested by the President of the United States for the improvement of their condition, by recommending their removal to a country more suitable to their habits and wants than the one they at present occupy in the Territory of Florida, are willing that their confidential chiefs, Jumper, Fuch-a-lus-ti-co-had-jo, Charley Emartla, Coi-had-jo, Holati-Emartla, Yaha-hadjo, Sam Jones, accompanied by their faithful interpreter, Abraham, should be sent, at the expense of the United States, as early as convenient, to examine the country assigned to the Creeks west of the Mississippi river; and should they be satisfied with the character of that country, and of the favorable disposition of the Creeks to reunite with the Seminoles as one people, the articles of the compact and agreement herein stipulated at Payne's Landing, on the Ockiewaha river, this 9th day of May, 1832, between James Gadsden, for and in behalf of the United States, and the undersigned chiefs and headmen, for and in behalf of the Seminole Indians, shall be binding on the respective parties."

"ART. VII. The Seminole Indians will remove within three (3) years after the ratification of this agreement, and the expenses of their removal shall be defrayed by the United States; and such subsistence shall also be furnished them, for a term not exceeding twelve (12) months, after their arrival at their new residence, as in the opinion of the President their numbers and circumstances may require; the emigration to commence as early as practicable in the year eighteen hundred and thirty-three, (1833;) and with those Indians occupying the Big Swamp, and other parts of the country beyond the limits as defined in the second article of the treaty concluded at Camp Moultrie creek, so that the whole of that proportion of the Seminoles may be removed within the year aforesaid; and the remainder of the tribe in about equal proportions, during the subsequent years of eighteen hundred and thirty-four and five, (1834 and 1835.)"

In relation to this treaty, I shall now endeavor to sustain the three following positions:

I. That the treaty never became obligatory on the Seminoles;

II. That the Government have attempted to execute it contrary to their own interpretation;

III. That they have attempted to execute it by *an act of war*, before the commission of any hostile act on the part of the Seminoles.

If I sustain these positions, I shall have shown, satisfactorily, the causes of the Seminole war; and answered the question, "is our quarrel just?"

The treaty of Payne's Landing never became obligatory on the Seminoles,

1. Because the condition precedent, on which alone it could become obligatory, was not fulfilled.

That condition, in substance, was, that the Seminole delegation should, after visiting the western country, be satisfied with the character of the country to which they proposed to emigrate; and, also, of the favorable disposition of the Creeks (who were entitled to the country, and with whom it was proposed they should hereafter reside) to reunite with the Seminoles as one people.

The delegation visited the western country, and, before their return, or having any communication with their tribe, on the 28th March, 1833, at Fort Gibson, signed articles with our commissioners, by which they expressed themselves satisfied with the character of the country, and of the favorable disposition of the Creeks to *unite* with the Seminoles as one people. This, on the face of it, with the exception of the change of the word *unite* for *reunite*, is a literal declaration of what was required by the treaty. But was it a substantial compliance? Was it an act of which, in good faith, we ought to avail ourselves? Is the complaint of the Indians without cause? General Thompson, in his letter of the 28th October, 1834, states it in their own language:

"Jumper says they agreed at Payne's Landing to go and examine the country; but they were not bound to move to it until the nations should agree to it after the return of the delegation."

The delegation were their confidential chiefs—the agents of the Seminoles; or, if you please, umpires, authorised to determine for them. But were not the Seminoles to be heard before them as well as the United States? They were not heard. The delegation went to visit the West, and there, before returning to consult the Seminoles, surrounded by the whites, signed their determination. The Seminoles complained, and with justice, that the determination was made on an *ex parte* hearing. On their return, the delegation reported that they were satisfied with the country, and the Creeks there. But their objection was to the hostile disposition of the surrounding tribes—that they saw scalps brought in. They were then told treaties would be made with the hostile tribes, of which they would be informed. Sir, they claimed a right to be heard before their delegation made a final decision.

But this is not the most material part of the objection. A part of the condition was, that the delegation should be satisfied with the disposition of the Creeks—of the Creek nation to *reunite* with them as one people. I now ask the attention of the committee to the facts.

By a treaty concluded with the Creek nation east of the Mississippi, on the 24th of March, 1832, almost cotemporaneous with the Seminole treaty, the country west of the Mississippi was secured to the Creek nation. The emigration commenced; and it appears by a document annexed to the report of the Committee on Indian Affairs of February, 1834, that the whole number of the Creeks who had emigrated to the west was only two thousand four hundred and fifty-nine; while the number remaining east was twenty-two thousand six hundred and thirty-eight. The assent of the delegation to the supplemental treaty, declaring themselves satisfied, was yielded on the 28th March, 1833; they had, therefore, consulted only this small portion west. This was known to our commissioners at the time, and to our Government before the ratification of the treaty. This is no technical ground of objection. But a consequence resulted that formed a substantial reason why the Seminoles should decline to emigrate.

While a component part of the Creek nation,

the Seminoles were a separate band, and as such were united with the Creeks. The treaty of Paine's Landing contemplated a reunion—not an amalgamation. By the treaty concluded with the Creeks west, on the 14th February, 1833, and the supplemental Seminole treaty of 28th March, 1833, the Seminoles were to be located by themselves, and a tract of land was designated for their location. The rights to any location depended entirely on the assent of the Creek nation. The Creeks west assented for themselves only; but in relation to this the Creeks east were neither consulted nor informed. The fact of this treaty of the Creeks west was concealed from them. Perhaps the term *concealed* is too strong; it was not, however, communicated to them. These, as inferences, are drawn from a document which I will now ask the Clerk to read. It is a letter from General Eaton to the Secretary of War, of the 8th March, 1835, to a portion of which I will ask the attention of the committee:

"There is another difficulty in the minds of these people: a separate tract, out of the Creek lands, has been set apart for their homes. There is a ratified treaty in your office, made by General Stokes, Ellsworth, and Schermerhorn, with the Creeks, which authorizes the location. *While* negotiating with the Indians *last year* at Washington, I understood the Creeks *discovered* this act, and had sent word to the Seminole bands that, while they were willing to receive them in their limits as a portion of their nation, they would not suffer them to enjoy any separate allotment of their soil. This, too, has intimidated them, and is, I dare say, the essential cause of their reluctance to go off."

Yes, sir, in the winter of 1834 they *discovered* this western Creek treaty making the separate location; they rejected it; they had a right so to do. They sent word to the Seminoles that they would not agree to it; and this, General Eaton says, was, in his opinion, the essential cause of their refusal to go off. But how was this material? What objection could the Seminoles have to an amalgamation with the Creek nation? I ask the attention of the committee to the grounds of their objection.

By the Creek treaty of 1821, before mentioned, it was agreed that the sum of $250,000 of the money to be paid to the Creeks for the cession of their lands should be paid to citizens of Georgia, for property taken or destroyed by the Creeks (then including the Seminoles) prior to the passage of the intercourse act of 1802, and which was accordingly reserved and subsequently paid. The spoliation provided for must have taken place nineteen years before this treaty; and during these nineteen years individuals claimed and possessed the property originally taken from the citizens of Georgia. The treaty on the part of the Creeks could never have been intended to disturb the rights of individuals of the tribes, or any of its bands. Between the date of that treaty and that of the Seminole treaty of 1832, no such claim was set up. In the mean time intermarriages had taken place between the Seminoles and their slaves. The first we hear of any claim was prior to the ratification of the treaty of Payne's Landing. General Thompson, in his report of the 1st of January, 1834, to Governor Duval, and by him inclosed to the Commissioner of Indian Affairs on the 20th, says:

"The principal causes which operate to cherish this feeling hostile to emigration are, first, the fear that their reunion with the Creeks, which will subject them to the government and control of the Creeks' National Council, will be a surrender of a large negro property to the Creeks as antagonist claimants." "The Creeks' claim to the negroes now in possession of the Seminoles grows out of the treaty of 1821." "They have an agent now in the Seminole country urging the claim of the Creeks to negroes or their descendants, which formed a part of the consideration for which the Creeks consented to pay the $250,000 to the Georgia claimants."

It will be seen that the claim thus brought forward in 1834 referred to transactions of thirty-two years' standing, and was for negroes taken, and their descendants—for the wives and children of the Seminoles.

General Thompson, in his letter to the Commissioner of Indian Affairs of the 15th July, 1834, again refers to this claim in connection with the subject of amalgamation:

"If, as a distinct body, under the protection and control of their own chiefs, located on the territory assigned to them adjoining the Creeks, the Seminoles would be afraid that a general council of the two tribes would deprive them of the slaves in question, it seems to me that their fears could not fail to be greatly increased by a promiscuous introduction of them among the Creeks, which would reduce their chiefs to privates, and subject them and their slaves more certainly to the entire control of the Creeks."

Thus it appears their objection to amalgamation was founded on substantial reasons. Nor were they bound by the treaty to amalgamate with the Creeks; nor were the Creeks east bound by the act of the Creeks west, assigning them a separate location. The country west was ceded to the whole Creek nation; no part of it could be ceded to the Seminoles, without the assent of the Creek nation; neither the first ten Creek emigrants nor the first hundred, nor the first two thousand four hundred and fifty-nine, had the right to cede the whole or any part of the territory.

Thus it appears, in point of fact, that the delegation signed the supplementary treaty at Fort Gibson, surrounded by our commissioners and people, without consulting their tribe; that they never consulted the Creeks east; that no location was made that was authorized by the Creek nation; and that this was known to the commissioners at the time the supplemental treaty was signed. In addition to this, that the Creeks east insisted on their amalgamation, the Creeks west had agreed only to a reunion; that the Seminoles, for substantial reasons, refused to amalgamate, and that all this was known to our Government before the ratification of the treaty. The act, then, of the delegation, however formal, was an act done without authority, and, in its operation, in fraud of the rights of the Seminoles. Can, then, the United States honestly or decently avail themselves of this act as evidence of the fulfillment of the condition precedent? It should be borne in mind that the question raised is between the parties to the treaty, and not between one of the parties and its citizens, or between the executive and legislative power.

The next objection to the validity of the treaty is, that it was not ratified on our part, and an appropriation made to carry it into effect, until two years had elapsed; during which period it was, by its terms, to have been in the course of execution.

The treaty was concluded on the 9th of May, 1832, and was received on the 29th; and during the session of Congress which adjourned on the 16th of July, provision was made for commissioners on our part to meet the Seminole delegation at Fort Gibson, in October, 1833. At what time either arrived there, or for what reason the supplemental treaty, or that with the Creeks west, was delayed, does not appear. The treaty with the Creeks was signed at Fort Gibson on the 14th of February, 1833, and the supplemental Seminole treaty on the 28th of March following, and received at Washington on the 28th of October of the same year. The Seminole treaties were ratified on the 8th and 12th of April, 1834. From this statement of facts, it will be seen that the treaty of 1832 might have been ratified in 1832, and an appropriation been made provisionally for its execution in 1833. The condition precedent was to be fulfilled by an *act* on the part of the Seminoles, and required no subsequent assent on our part. On these facts I submit, as an opening argument against the validity of the treaty, an extract from the letter of General Eaton, of the 8th of March, 1835, which has been read:

"I have received your letter, with its inclosures, relative to removing the Seminole Indians, under the provisions of the treaty of 1832, but which was not ratified until 1834. I pray you, does not this circumstance raise a doubt whether, by strict rule, the treaty can be considered valid and binding? Our Indian compacts must be construed and controlled by the rules which civilized people practice, because, in all our actions with them, we have put the treaty-making machinery in operation, precisely in the same way, and to the same extent, that it is employed with the civilized Powers of Europe. The rule practiced upon by us has been, and is, that the ratification shall take place either within an agreed time, or in a reasonable time. When Florida was ceded, in 1819, the Cortes failed to exchange ratifications within the prescribed time, and afterwards, at a subsequent session, it was assented to by the Spanish Cortes. The sense of this Government was, that the first ratification made by the Senate was inoperative, and again the subject was submitted by Mr. Monroe for the action and approval of the Senate. This appears to me to be a precedent that runs parallel with this Indian compact. It says, one third shall remove the first year, viz: as early as practicable in 1833; and one third in the next, and the next, 1834-35. Now, until 1834, when the ratification took place, the treaty was a dead letter. It is in their power now to plead, and say, we were ready in 1833-34; and, hearing nothing of your determination, we had a right to suppose you did not mean to stand by the treaty, and accordingly our minds have changed. With civilized nations, I think the plea would be available; and, if so, the Indian should have the benefit of it."

In consequence of this letter, the subject was referred to the Attorney General, whose opinion I now present to the committee:

ATTORNEY GENERAL'S OFFICE, *March* 26, 1835.

SIR: In your letter of the 21st instant, after inclosing to me a communication of Governor Eaton, in which he suggests doubts concerning the validity of the treaty with the Seminole Indians, concluded on the 9th of May, 1832, and ratified on the 9th of April, 1834, in consequence of the delay which took place in the ratification, you requested my opinion upon the validity of the treaty, and upon the right of the United States to remove these Indians in the years 1835, 1836, and 1837.

There is certainly great force in the suggestions made by Governor Eaton; and as the Government, in its relations with the Indians, is necessarily obliged to become, for all practical purposes, its own interpreter and judge, it is under the highest obligation to make no claim under the treaty, and to set up no construction of its terms, which are not fairly authorized by its sense and spirit. And if it can be shown that a material change of circumstances, connected with the question of removal, had actually occurred during the period which elapsed between the signing and ratification of the treaty, then it is plain that the Indians can no longer be held to it, unless by some act since its ratification they have recognized and affirmed its validity. In the present case, as no time was limited for the ratification of the treaty; as the supplemental articles of the 28th March, 1833, treated it as yet in existence, although not then ratified by the President and Senate; and as no material change of circumstances is suggested, I think it must be deemed a valid and subsisting treaty.

If the treaty be valid, the particular intent to remove in 1833, 1834, and 1835, must yield to the general engagement to remove in three years from the ratification; and the same provision must be made for the unforeseen case which has now arisen, which was expressly made for the case anticipated. It was evidently the understanding and the design of the parties that the removal should commence with the year following the ratification, and that the tribes should remove in about equal proportions during that and the two following years; consequently, they are now to be removed in the years 1835, 1836, and 1837.

B. F. BUTLER.

I take it for granted that the Attorney General has made the best of his case; and, with great deference, I will now proceed to examine the reasons on which it is founded.

1st. "As no time was limited for the ratification of the treaty." But the time for the commencement of its execution was fixed. The Seminoles are to commence their removal in 1833. This could not be obligatory on the Seminoles, unless the treaty was also obligatory on the United States—unless the treaty was ratified. It was undoubtedly contemplated, at the time of its being signed, that it would have been ratified in 1832. It was proper that it should have been so done. The stipulations on both sides were settled. All that remained to be done was to be done by the separate act of the Seminoles; it required no assent on our part. Why should they be asked to do that act before we had said that, when done, it should be final? But, before the ratification, the act of the Seminoles conferred no obligation on us to ratify the treaty. Had it been immediately ratified, the Seminole delegation must, if they wished to hold us to the treaty, have done the act required in season to have commenced the removal in 1833. If it was their fault that the act was not performed in time to commence before 1835, they could not hold us to the treaty, but on condition that they all removed in that year. They could not avail themselves of their own delay. The Attorney General seems wholly to overlook the consideration, that we might and ought, immediately, during the session of Congress, when the treaty was returned, to have ratified it. But the delay of 1834 is solely imputable to our own neglect. The supplemental treaty was received in September, 1833, and no appropriation was made to carry it into effect during 1834. The principle of the Attorney General has no limit. If two years of the period of the execution might elapse, why not the three, or ten years?

2d. "As the supplemental articles of the 28th of March, 1833, treated it as yet in existence, although not then ratified by the President and Senate." Is it probable that the Seminole delegation knew whether it was ratified or not, or the effect of treating it as an existing treaty? If they considered it had been ratified, then they must have considered that the supplemental treaty made it binding; but would their considering one way or the other impose an obligation on the

United States to ratify it? The signing the supplemental articles, then, did not make it binding on us or them.

3d. "As no material change of circumstances is suggested." And who was there to suggest it? It was an *ex parte* hearing. The Seminoles had no delegation there to make suggestions. The only thing before the Attorney General seems to have been General Eaton's letter and the treaty. But considering this a treaty between two nations, admitting we have taken upon ourselves to be our own interpreters on questions of construction, are we entitled also to take upon ourselves to be the exclusive judges of the situation of the Seminoles? Had not they at least an equal right to judge of their own condition? They certainly had the best means of judging. They required no suggestions. They had this right; they exercised it; and of their determination we were informed before the ratification of the treaty—so well informed of it that, as I shall show hereafter, it was then in contemplation that it might be necessary to use force to compel its execution.

Mr. Chairman, I have not yet done with the opinion of the Attorney General. I shall now rely upon it as an authority to show that the treaty was not obligatory upon the Seminoles. I shall show that "a material change of circumstances," connected with the question of removal, had actually occurred during the period which elapsed between the signing and ratification of the treaty.

What, sir, was the situation, or rather, what were the "*circumstances*" of the Seminoles when this treaty was signed? They were living separate from the Creeks; they had had, from 1802 up to that time, a period of thirty years' undisturbed possession of the negroes taken by them from the citizens of Georgia. The claim of the people of Georgia was quieted by the Creek treaty before mentioned, of 1821. Since that time, the Creeks had set up no claim to them. No objection against the reunion of the Creeks and Seminoles, according to their former condition, existed, or was known to exist, on the part of the Creeks. Under this state of things the treaty was signed; and it was signed on the basis of the continuance of this state of things, that the Seminoles should, as a separate band be reunited to, and form a component part of the Creek nation, as one people. But what was the situation of the Seminoles? What were their "*circumstances*" when the treaty was ratified, April 8, 1834? In the mean time, two material circumstances, or rather, a change of two material circumstances, had occurred:

1. The Creeks had set up a claim to the negroes and their descendants, taken by the Seminoles from the people of Georgia prior to 1802, under the pretense that, on the payment of the $250,000 under the treaty of 1821, they became the property of the Creek nation, of which the Seminole band was a part. This has been already sufficiently explained. To the Seminoles it was no consolation that the claim was unjust; for

2. The Creeks east had refused to sanction the agreement of the Creeks west, allowing to the Seminoles a separate location. This was, in effect, a refusal on the part of the Creeks to reunite with the Seminoles. No, sir, they would not reunite, but insisted on an amalgamation. It was certain that an amalgamation would subject this claim to the decision of the Creek council, from which the Seminoles had nothing to hope. Sir, this was no pretense. The objection was taken in good faith. You have the opinion of General Eaton that it was the *essential cause* of their unwillingness to go at all.

The materiality of this change of circumstances is manifest; it was the essential cause of the reluctance of the Seminoles to emigrate. In fine, it rendered the exeeution of the treaty impracticable, consistently with the just rights of the Seminoles; and had it existed at the date of the treaty, that treaty would not have been made.

These objections were communicated to our Government, as I have before stated, prior to the ratification of the treaty; and so important were they then deemed, that General Thompson, in his report of the 1st of January, 1834, recommended "the policy of conclusively quieting the Creek claims, so as to leave those Indians (the Seminoles) forever at rest upon the subject."

I will here remark, that General Thompson, in a subsequent letter, suggests a doubt as to the construction of the treaty of 1832, whether it gave to the Seminoles the right to a separate location, or obliged them to amalgamate. He gave to it the former construction, though he thought it susceptible of the latter. But we shall be placed in this dilemma: if the latter construction be adopted, the location was void, as made contrary to the treaty; if the former, then we are met by the refusal of the Creeks east; and in both we are met by the fact of a material change of circumstances between the signing and the ratification.

On the case now made, I claim the authority of the opinion of the Attorney General as decisive against the validity of the treaty—"unless, by some act since its ratification, they have recognized and affirmed its validity." But the Secretary of War, in his communication of the 25th of May, this day laid on our tables, takes a new ground, with a view of making a case within this exception. I did not expect it; yet I am prepared to meet it. Referring to a transaction of the 23d of April, 1835, he says:

"In obedience to the resolution of the House of Representatives of the 21st instant, I have the honor to state that this Department has not received any information since my report of the 9th of February, to the Senate, in answer to their resolution of February 3d, showing the causes that induced the Seminole Indians to commence hostilities, so far as they were known here. The abstract is contained in the report I have the honor to inclose; and I beg leave, in addition, to state that it will appear, by reference thereto, and to the document submitted with it to the Senate, that the complaints of the Seminole Indians were investigated by General Clinch, General Thompson, and Lieutenant Harris; and that, on a full consideration of the whole matter in open council, an arrangement was made to the mutual satisfaction of the parties, which was in the following terms:

"We, the undersigned chiefs and sub-chiefs of the Seminole tribe of Indians, do hereby, for ourselves and for our people, voluntarily acknowledge the validity of the treaty between the United States and the Seminole nation of Indians, made and concluded at Payne's Landing, on the Ocklewaha river, on the 9th of May, 1832, and the treaty between the United States and the Seminole nation of Indians, made and concluded at Fort Gibson, on the 28th day of March, 1833, by Montford Stokes, H. L. Ellsworth, and J. F. Schermerhorn, commissioners on the part of the United States, and the delegates of the said nation of Seminole Indians on the part of the said nation; and we, the said chiefs and sub-chiefs, do, for ourselves and for our people, freely and fully assent to the above recited treaties, in all their provisions and stipulations.

"Done in council at the Seminole agency, this 23d day of April, 1835." [*Signed by sixteen chiefs and sub-chiefs.*]

When I said that the Secretary had taken a new ground, I did not mean to be understood that these articles were now for the first time published; they were inserted in the answer to the call of the Senate of the 9th February. But this is the first declaration, in form, that they were relied on by the Executive as a confirmation of the treaty, or that any obligation whatever was intended to be inferred from them.

Passing by the question whether this act, on the face of it, committed the Seminole tribe, I will now proceed to state to the committee the circumstances under which it was executed; and here, too, I shall confine myself to our own story, as recorded in the War Office.

On the 22d April, 1835, a council of the Seminole chiefs was assembled by General Clinch and Captain Harris, of the Army, and General Thompson, the removing agent. Prior to this they had been informed of the determination of the Seminoles, with few exceptions, not to execute the treaty; and orders had been given to General Clinch to execute it by military force. An account of the proceedings at this council is given in the joint letter of the 24th of April.

On the first day of the council General Clinch said to the Seminoles—

"The time of expostulation had passed; that, already, too much had been said, and nothing had been done; that the influence of the agents of Government, their powers of persuasion and argument, had been exhausted, both in public councils and in private interviews, to induce them to do right; that we had lingered long enough in the performance of our duties to have averted, had they been willing, the evils that threatened their foolish resistance to the fulfillment of pledges solemnly made by them; and that now it was time to *act*. He had been sent here to enforce the treaty; he had warriors enough to do it; and he would do it. It was the question now, whether they would go of their own accord, or go by force."

With this, they were told they might depart; and until morning was given them to think upon what had been said.

"In the course of the morning, eight principal chiefs gave their assent to abide by the stipulations of the treaty; five remained opposed to it."

Micanopy was absent.

"General Thompson had upon *the first* intimation, in the council of *this day*, of further resistance on the part of the chiefs, demanded of the chief Jumper whether Micanopy (by whom he knew the movements of a number of them to be controlled) intended to abide by the treaty or not? And when Jumper finally confessed that he was authorized to say that Micanopy did not, he (Thompson) promptly declared that he no longer considered Micanopy a chief; that his name should be struck from the council of the nation; that he should treat all who acted like him in the like manner; and that he would neither acknowledge nor do business with him or with any other, as a chief, who did not honestly comply with the terms of his engagements; that the door was, however, still open to them, if they wished to act honestly.

"In consequence of this, the names of the *five opposing chiefs* [Micanopy not present] were struck from the council of the nation."

All this preceded the signing of the agreement; and under this threat and this act the articles were signed. If an enemy be in arms, force may compel the conquered to submit to any terms the conqueror may dictate; but, sir, what can be said of this as a transaction between a civilized—a powerful nation—and a small band of Indians, with whom we were at peace, and who then dared to claim what they now dare to defend? Sir, between civilized nations it could not exist a moment. But what do you think the Government said of this transaction? They rebuked their agent for breaking the five chiefs; they acknowledged that the assent of the chiefs to the articles was the effect of the menace. But what was said of that menace? I will not rely on witnesses; I shall sustain myself only by the record; and here it is. The acting Secretary of War, on the 20th of May, 1835, in reply to it, says:

"From your report, it appears that eight of the principal chiefs have signified, in writing, their determination to abide by all the stipulations of the treaties of Payne's Landing and Fort Gibson, and that five of the principal chiefs refused to acknowledge them. The assent of the chiefs is to be attributed, it would seem, to the declaration of General Clinch—that, if they declined to remove voluntarily, they would be removed by force. The President approves of this declaration, upon a full consideration of the circumstances under which it was made."

And what are those circumstances?

"The Seminoles had trifled sufficiently long with the most solemn treaty obligation, to which they had, in the first instance, acceded, with a full understanding of their character, and the consequences of which they had had, during three years, full opportunity to perceive and appreciate."

And this is not all. Mr. Thompson, in his letter of the 18th June, in reply, states that this declaration had been before repeated, under the authority of the Department. Such was the arrangement in open council, which, it is alleged, was made to the *mutual satisfaction of the parties!*

II. That the Government has attempted to enforce the treaty in violation of its own construction.

The construction to which I refer is contained in the Attorney General's opinion—that the Seminoles were to be removed in the years 1835, 1836, and 1837, instead of the years stipulated in the treaty. In violation of this construction, the Government have insisted *to* the Seminoles that they should all remove in the year 1835. General Thompson, in his letter of the 28th October, 1834, states that he told the Seminoles, "I have come from the President to tell you"—"that you must prepare to remove by the time the cold weather of the winter shall have passed away." The proposition was general. No intimation was given that they were to be allowed a longer time.

In accordance with the principles of the subsequent opinion of the Attorney General, the Secretary of War wrote to General Thompson, distinctly stating that the part of the Seminoles required by the treaty to remove in 1833 should remove in 1835; and the plain inference from this letter was, that the remainder should remove in 1836–37. General Thompson, in his letter of the 28th December, states that this letter was read in council to the Seminoles. But how was it understood by the Seminoles? Was it made the basis of any proposition? No, sir; the language to them was the same as had been held to them in

October. He says, that in council "I read your speech, explained it, and enforced it by such considerations as occurred to me; of which, however, my talk to them in October last may, in substance, be considered a transcript. I repeated what I had told them before, that they would be compelled by force to remove, if they did not do so willingly," &c. In his letter of the 27th January following, he states, "I have heretofore [when?] submitted to the Secretary of War some reasons why the Indians should be removed all at the same time, by water." And finally, on the 9th of March, General Clinch states to the Adjutant General, "In all the communications I have had with the chiefs, I have held out the idea that, as the three years stipulated in the treaty were about expiring, the whole nation would be required to remove this spring."

The President's talk of the 16th of February, 1835, is also in accordance with the opinion of the Attorney General, that the Seminoles were entitled to the years 1835, 1836, 1837, in which to remove.

It appears, from the joint letter of Clinch, Thompson, and Harris, of the 24th April, 1835, that this talk was read in council on the 22d. And how, too, was this *understood* by the Seminoles? Was it made the basis of any proposition? It was not. This, sir, is the proper place to notice the residue of the statement of the Secretary of War of the 25th May last—that "the officers charged with the arrangement of this affair, [the arrangement of the 23d of April, 1835,] then made an agreement with the Indians, by which they were all to be removed during the succeeding January. These proceedings were approved by the President, and the matter was considered as definitely and satisfactorily arranged;" and that "whatever they [the objections to removal] were, the above agreement put an end to them, and left to the Seminoles but one course to pursue, which was an entire removal in January, 1836."

The committee will call to mind the occurrences in the council of the 22d and 23d of April, when it is alleged this agreement was made. It opened with the declaration of General Clinch, that "*now* was the time to act; that he had been sent here to enforce the treaty; that he had warriors enough to do it, and he would do it. It was the question *now*, whether they would go of their own accord, or go by force." That, until morning, time was given them to think of it; that, in the morning, the names of five opposing chiefs were stricken from the council of the nation; and that, under this menace of instant force, the eight chiefs signed what has been called "the arrangement to the *mutual satisfaction of both parties*." This arrangement purported merely to be an assent to the stipulation of the treaty. It was silent as to the time of removal. From what, then, is the assent of the chiefs to remove in January inferred? I again refer to our own story:

"The friendly chiefs, whilst assenting to go, begged they might not be hurried away; they did not expect to go this year; the season was far advanced, and they wanted time to gather their crops, and settle their little business."

Sir, they begged for a *reprieve* from the immediate execution of the sentence, and that *reprieve* was granted. The letter states:

"Under these circumstances, we deemed it our duty to say to the friendly chiefs that we would give their people until the first of December to reap their crops, and to complete their preparations; but that, as soon after that time as we could make ourselves ready, *every Indian in Florida* would be *started* upon *his journey to the new country*."

Such is the agreement which it is now insisted put an end to the objections of the Indians to their removal, and left them but one course to adopt—an entire removal in January, 1836. If the proposition was ever made by our agent for a removal in 1835–36–37, other than I have stated, I have not been able to find the record of it.

III. The Government have attempted to execute the treaty by an act of war, before any act of hostility was committed by the Seminoles.

On examining the correspondence, I find that the menace of force has accompanied all our overtures, even prior to the ratification of the treaty.

On the 21st of February, 1834, the Secretary of War, in a letter to Governor Duval, uses this language:

"The Government uses no compulsion with the Indians. It is left to their free choice, in the first case, to go or stay; but, after that choice is fully and freely made, and they have obligated themselves to remove, the Government will employ the necessary measures to enforce their removal."

In the council of the 23d of April, the Seminoles were told, "You must go to the West; your father the President will compel you to go." The talk of the Secretary of War of the 22d November, 1834, says, "The President has directed a body of soldiers to be sent into your country." This letter was preceded by General Thompson's letter, (of the 28th October,) saying that "a full view of all the circumstances leaves me without doubt that these deluded people are determined to resist the execution of the treaty."

On the 24th November, 1834, orders were given to march troops to Forts Brooke and King, and for General Clinch to coöperate with them.

On the 28th December, General Thompson says that, at the council of the 26th, "I repeated what I had told them before, that they would be compelled by force to remove, should they not do so willingly."

On the 27th of January, 1835, General Thompson suggested to the Department that the military force in Florida was insufficient.

In the President's talk of the 16th February, 1835, the Indians were told, "I have ordered a large military force to be sent among you," &c., &c. "Listen to the voice of friendship—you will go quietly; but should you listen to bad birds that are flying about you, and refuse to remove, I have then directed the commanding officer to remove you by force. This will be done," &c.

On the 8th March, Governor Eaton requested General Clinch to delay the execution of the orders until he should receive an answer to his letter to the Secretary of War of that date.

On the 26th March, the Attorney General gave his opinion; and on the 14th of April the Secretary of War wrote to General Clinch:

"If they [the Seminoles] all be willing to remove this year, it will certainly be better to remove them; but, in that cast, let a written agreement be drawn up, stating the reasons of the delay, their entire readiness to remove by the time, and go in a body, and by such route as you and General Thompson shall think best for them, and most economical to the Government. But if they are opposed to this, and will generally agree quietly to remove by the 1st of March, or as soon as arrangements can be made, they may be suffered to remain until that time. Should the Seminoles, however, peremptorily decline to pledge themselves peaceably to remove next season, you will then proceed to carry into effect the instructions heretofore given."

This order produced the menace of Clinch, in the council of the 22d of April, "that he had warriors enough," &c., &c.

On the 20th May, the Secretary of War, in reply to their joint letter of the 24th, wrote to Thompson, Clinch, and Harris, (referring to the letter above, of the 14th of April):

"If, as stated in that letter, the Indians will generally agree quietly to remove by the time you have designated, and will signify their agreement in writing in the manner therein pointed out, no objections will be made to the postponement. But the Indians must understand that their removal will be enforced in conformity with the treaty."

About the 3d of June, Powell, (Oceola,) one of the most bold, daring, and intrepid chiefs in his nation, on account of his insolence, was put in irons—put an Indian chief in irons! On his release, he appeared friendly. Who that knows the Indian character could rely on such appearance?

The next unfortunate occurrence was on the 18th June, when seven white men, meeting five Indians, took away their rifles, flogged four of them with cowhides, and, other Indians coming to their relief, a fight ensued, in which three white men were wounded, and one Indian was killed. Our officer demanded the Indian *aggressors*, and, what is more extraordinary, they were delivered up.

On the 11th of August, the Seminoles killed a soldier, while carrying the mail, in retaliation for the Indian killed by the whites, and declared themselves satisfied. This was regarded in its proper light by our officer—as a mere act of retaliation.

On the 30th of November, the Seminoles killed one of their chiefs, who had been friendly to their emigration; and immediately all the friendly Indians, to the number of four or five hundred, fled to Fort Brooke for protection. This act was deemed decisive that the Indians would resist their removal by force. It was now, sir, no longer a question of menace. It was a question of war—of the employing a military force to execute a treaty. I characterize the act by the term applied to it by General Eaton in advance. In his letter of the 8th of March he says, in reference to the execution of the treaty, "the employing a military force will be an *act of war*, and," further, "the Indians will embody and fight in their *defense*." Our military force, consisting of twelve companies, immediately concentrated; and, on the 23d, a corps of two hundred men attempted to march through what might then be called the *enemy's country*. Thus, we had marched a military force into their country, for the purpose, repeatedly declared to the Seminoles, of removing them by force; and thus was the act of war completed before a single hostile act was committed by the Seminoles. The Seminoles, fulfilling the prediction of General Eaton, "embodied and fought in their *defense;*" and the fate of the unfortunate Dade was told by only three of his men. Here I leave the war at its commencement. How the battle has fared since, I leave to others to say.

It is proper, however, and it is just, to say that the Administration here must necessarily judge of the state of things in Florida through the representations of their agents on the spot; that, from the first question of the execution of the treaty, all our officers and agents there strongly recommended the execution of the treaty by a military force; and, so far as it was intended to produce an effect as a menace, though a policy of a doubtful character, it might, in a just cause, be excused, if not justified. But if the question I have asked, Is our quarrel just? be answered in the negative, we must stand as the aggressors, without cause and without justification.

But take it for granted that the treaty was obligatory, and that we had only insisted on its just execution; the question then arises, has the Executive the power to execute a treaty by an act of war? It is the duty of the President to take care that the laws be faithfully executed, but by such means, and by such only, as the Constitution or the laws have provided. To Congress it belongs to make all laws necessary and proper for the execution of the special grants conferred on Congress, and of all other powers vested by the Constitution in the Government of the United States, or in any Department or officer thereof. The execution of a treaty by force, or attempting to obtain satisfaction by force, is virtually an act of war; and this power is vested in Congress alone.

In regard to our own citizens, treaties are the supreme law of the land, and are executed as such; but, as between the parties, they are matters of compact, in which each party judges for itself, and seeks its remedies under the laws of nations; and the exclusive right which we have assumed to judge for both parties, defines our power but not our right. This, however, cannot change the character of treaties with the Indian tribes, and reduce them from compacts to laws.

The action of the Executive, in the cases of the Seminoles and the Creeks, though directly opposite, is within the same principle. In the case of the Seminoles, an attempt was made to execute a treaty by an act of war. In the case of the Creeks, the attempt is to violate a treaty by an act of the same character.

I forbear to comment on a variety of minor considerations which may have had an influence in favor of or against the voluntary removal of the Seminoles, or in adding to the excitement produced by the principal facts in the case—the desire of the whites to retain or to purchase their slaves, and to obtain their lands *per fas aut nefas*, operating on the one hand to obstruct their removal, and on the other to induce their immediate removal by force.

What, Mr. Chairman, may be, if not the probable, the possible effect of the adoption of the amendment of the committee? It will be considered by the Executive as an authority, as a warrant for the removal of the whole Creek nation by force. Is there not danger that it may excite the whole nation, or a large portion, to make common cause with the Seminoles? They will take courage from their success. They will, to use the language of General Eaton, "take up

the tomahawk in despair." It may be a war to them of extermination, and to us of great peril. What are your present relations with the Cherokees—a tribe which, since your first treaty with them, has never taken the scalp of a white man—a tribe which has borne and forborne? But, sir, have you done anything of late calculated to prolong that forbearance? Sir, I learn from a publication in the Globe, that we have lately made a treaty with them, by which we have fulfilled our longing desires of acquiring a cession of all their lands. I learn, also, from other sources, that this treaty has been made with one tenth of the tribe, against the remonstrance of the remainder. What state of feeling will grow out of this, it is impossible to say. I hope, sir, they will acquiesce in the treaty, if not in its justice, fully believing that, as circumstanced, their happiness will be promoted by their removal. But, sir, they will judge for themselves. The force of the Indians east of the Mississippi is competent to do much mischief. In a war, which may become a war of extermination, is it wise to provoke new enemies to "raise the tomahawk in despair?" You may probably rate the force of the Seminoles at one thousand five hundred; the Creeks at three thousand five hundred; the Cherokees at three thousand; the Choctaws and Chickasaws, and others that are vagrant remnants of tribes, at two thousand more—a force of ten thousand warriors. The modern Indian wars of the South are not of the character of those of Ohio, Kentucky, and Tennessee, of former days. Then, on the attack, the settlers flew to the rescue: now, sir, the flight is in any other direction. Causes over which individuals, perhaps, have no control, have given an entire different character to our defense. And is there no danger that an Indian war may connect itself with a war of another character? Sir, those who are the most interested will judge in what scale to place these apprehensions. I trust in God they may never become realities.

But what is proposed to be done with the Indians? To remove them with all their hostile feelings—to remove *whipped* Indians to the west of the Missouri and Arkansas, and plant them there! What have you gained, but to change the scene, and increase your danger? You place them there to excite the surrounding tribes to war on your whole western frontier—tribes who can bring into the battle thirty thousand warriors, and sustain them, too. They can choose their point of attack and retreat at pleasure, where you cannot follow, to return to the attack in some other quarter—tribes, too, which can be supplied with arms by a neighboring nation, which is not, perhaps, now in the best state of feelings towards you. Grant, that these are mere possible dangers; yet, should we not be put on our guard even against remote contingencies? Why should we add further cause for increasing the hostilities which now exist? Why continue even these hostilities, if they can be avoided? Must we continue the Seminole war for another *campaign?* What new laurels are to be won? It is asked, is it practicable to end the war without further slaughter? Sir on this subject I rely entirely on the opinions of those better acquainted with the character of the southern Indians than myself; and, from the opinions of those entitled to confidence, I am satisfied that it is practicable, and that while our army is in *summer quarters*, the war might be ended. The experiment is worth the attempt; if we fail, nothing is lost.

I cannot but recur to the period when the system of removal commenced; when the gentleman from Tennessee [Mr. BELL] introduced the bill of 1830. Predictions were then made, which were treated as impossibilities; but, sir, they will soon be a part of our recorded history.

APPENDIX.

TALLAHASSEE, *March* 8, 1835.

SIR: I have received your letter, with its inclosures, relative to removing the Seminole Indians, under the provisions of the treaty of 1832, but which was not ratified until 1834. I pray, you, does not this circumstance raise a doubt whether, by strict rule, the treaty can be considered valid and binding? Our Indian compacts must be construed and be controlled by the rules which civilized people practice; because, in all our actions with them, we have put the treaty-making machinery in operation precisely in the same way, and to the same extent, that it is employed with the civilized Powers of Europe. The rule practiced upon by us has been, and is, that the ratification shall take place within either an agreed time or in a reasonable time.

When Florida was ceded, in 1819, the *Cortes* failed to exchange ratifications within the prescribed time, and afterwards, at a subsequent session, it was assented to by the Spanish Cortes. The sense of this Government was, that the first ratification made by the Senate was inoperative; and again the subject was submitted, by Mr. Monroe, for the action and approval of the Senate. This appears to me to be a precedent which runs parallel with this Indian compact. It says, one third shall remove the first year, viz: as early as practicable in 1833, and one third in the next and the next, 1834, and '35. Now, until 1834, when the ratification took place, the treaty was a dead letter. It is in their power now to plead, and to say we were ready in 1833 and '34, and, hearing nothing of your determination, we had a right to suppose that you did not mean to stand by the treaty, and accordingly our minds have changed. With civilized nations, I think the plea would be available; and if so, the Indian should have the benefit of it.

Were these people willing voluntarily to remove, (though such seems not to be the case,) the whole difficulty would be cured, and no evil could arise. But as military force is about to be resorted to, it is material that the Government, before making such appeal, be satisfied that right and justice are on their side; and that they are not engaged in the execution of a treaty which, if void, is no part of the law of the land. I feel so strongly the force of these objections, and am so desirous that General Jackson shall avoid everything of supposed error, that I shall to-day, unauthorized as I am, write to General Clinch, and request him not to act *with force*, until he shall hear again from you. This he may probably do; and hence the propriety of your considering my suggestion, and advising him as early as possible.

Should you at Washington, who have books to resort to to solve the doubt I have mentioned, come to the conclusion that it is tenable, why then the subject of the removal, and the manner of it, are unnecessary to be examined. An attempt must then be made to go into some new negotiation. If there be nothing in the proffered objections, then the best mode of starting them away recurs.

The employing a military force will be an act of war, and the Indians will embody and fight in their defense. In this event, you will want such an imposing force as shall overawe resistance. The few companies you have ordered will not produce this result. They will serve but to begin the fight, and to awaken angry feelings; so that, in the sequel, the militia will have to be called, which will end in the butchery of these miserable people. Send a strong imposing regular force, which can be commanded, and prevented from doing more than actually is needful to be done; and then that force, judiciously acting and forbearing, may do much. But send only a handful of men, and difficulties will come upon you.

The next thing will be to have suitable transports of seven or eight feet draught, lying at Tampa Bay, well provisioned to receive them; for sure as you seek a passage over land, they will desert into swamps and elude your pursuits. They are afraid to go by land. Bad men will raise up false accounts; arrest and throw them in jail, whereby to enforce payment. The fate of their chief (Blunt) last year at New Orleans, they fear will be theirs. Taking them by water to the Mississippi river, and there placing them in boats, with positive orders not to land or stop at any town or city, will prevent this disturbance to them. In three or four days the voyage can be made from Tampa Bay to the Balize, at a much reduced cost to what a land travel northwardly would amount to.

There is another difficulty in the minds of these people, and it is this: a separate tract out of the Creek lands has been set apart for their homes. There is a ratified treaty in your office, made by Generals Stokes, Ellsworth, and Schermerhorn, with the Creeks, which authorizes the Seminole location. While negotiating with the Indians last year, at Washington, I understood the Creeks discovered this act, and had sent word to the Seminole bands that, while they were willing to receive them in their limits as a portion of their nation, they would not suffer them to enjoy any separate allotment of their soil. This, too, has intimidated them, and I dare say is the essential cause of their reluctance to go off. To cure this, either the Creeks west should be gotten to say that the allotment made shall be for the exclusive separate use of the Florida Indians; or the latter should be prevailed upon, for some adequate compensation, to agree to go and amalgamate with the Creeks. Another mode of prevailing on these people to remove, would be, to give orders to the troops to prevent them from raising corn this year. This is almost as severe a remedy as employing your bayonets. But the effect will be that towards autumn their necessities will compel them to depart. To go or starve would then be the question.

General Thompson was here a few days since, and found a letter for him from the Department. He should not be addressed here, but at the Seminole agency, distant from this place, I believe, one hundred and fifty miles.

This Indian question of removal is one that should be managed with great caution and care, that the enemies in Congress, ever ready to find fault, may have no just and tenable ground on which to rest their rumors. Tread cautiously, then. The people here want the lands on which they reside, and they will urge a removal, *fas aut nefas;* and the Big Swamp, which in the treaty is declared to be the first of their country to be vacated, is of high repute, and it is that on which the eyes of speculators are fixed. But whether they shall have it this year or the next, or the next thereafter, is of less importance to the country than that anything shall be done calculated to impair the character of the Government for justice, and for equitable and fair dealing. Whence the necessity of any speedy removal? Presently, if left alone, these Indians will go of their own accord; because they cannot avoid it. To stay is to starve; and nature and its demands will soon tell them more and better, and more convincing things on this subject, than you and the President can write. Then they will go, and go without any interruption to the quiet and harmony of the country. Now, with all your efforts, and the Army to aid you, they could not be carried off and gotten to their western homes before June or July. Then no crop could be raised, and for two years they will be without provisions. The preferred and preferable course, I think, will be to send amongst them active and intelligent men, to court them to what is right, in the hope that, during the year, their minds may be so prepared as to be induced to depart during November; at least that they may reach their homes in time to raise corn the succeeding year. On the whole, to conclude a tiresome letter, I offer this advice: avoid the exercise of *force* as long as possible, and let it be the only, the last sad alternative; and then let not, by any means, the *militia* be applied to—they will breed mischief.

With great respect, J. H. EATON.

LEWIS CASS, *Secretary of War.*

TALLAHASSEE, *March* 8, 1835.

SIR: I have received from the Secretary of War a letter asking me to suggest to him any views I might entertain as to the removal of the Seminole Indians. Inclosed in his communication was a copy of a letter addressed by you to the Adjutant General, dated 22d January, 1835; a reply to it by the Secretary, of the 16th February; with a talk from the President, also dated 16th February. In reply I have offered my opinions freely and frankly; and, amongst other things, suggested whether the treaty of 1832 be not void for want of timely ratification. If this be so, it will be unfortunate that the military force of the country be actively employed.

In my letter I have said: "By the next mail (unauthorized) I shall write to General Clinch, and suggest to him not to employ force towards the removal until he shall again hear from you. He may, perhaps, under all the circumstances, accord to my request; and hence the necessity of your speedily informing him of the course he shall pursue." If, under the orders given, you shall think you can practice forbearance until the Secretary is again heard from, I shall be glad; because my opinion is there is greater safety in the course. But of this you alone are to judge, under the responsibility of the orders which have been forwarded to you.

Very respectfully, J. H. EATON.

To General D. L. CLINCH.

NORTH CAROLINA CONTESTED ELECTION.

SPEECH OF HON. GIDEON HARD,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

March 25, 1836.

The question being on a motion submitted by him to commit the whole case to a Committee of the Whole House, with instruction to amend the report of the committee, by adding new evidence and resolutions adopted in committee, which have not been reported—

Mr. HARD said the motion he had just submitted he hoped would be adopted by the unanimous assent of the House. He could not but believe that every gentleman who desired a speedy legal decision of this contested election would, when he understood the design of the motion, yield it his cordial support. It is intended to bring directly before the House, and for its immediate action, the whole case—not only the additional testimony on our tables, but the several legal points and propositions which were decided in committee, but which do not appear in the majority report.

Hitherto the House has been exclusively engaged in fruitless debates upon preliminary questions, without advancing one step towards a final decision. The greatest portion of the time, since the report was made, has been consumed in the extraordinary and unusual attempt, by the petitioner's friends, to introduce counsel on this floor. By the *kindness* of the majority in this House we have had *three days* allowed us, by special appointment, to examine and settle all the important and constitutional questions involved in this contest, and one of these has already been consumed in the thus far unsuccessful appeal to the liberality and justice of the House for the adoption, upon their legal merits, of the new depositions before us. From what has occurred during the debate yesterday, and from what may be gathered from the signs of events that are passing, there appears no probability that the appeal will be sustained. The sitting member must prepare himself to rest his defense upon the evidence already reported, and leave the justice of the denial to the decision of the people of the district, unless the House can be prevailed on to adopt the course recommended in this motion. To the rights of the sitting member our time is precious, if we may credit report—report, too, emanating from the highest political authority in this House—authority which we dare not question. The

day of debate on this question, this important and interesting subject, is about to be closed. Yes, sir, to-morrow evening, we are informed, the previous question will be sprung upon us. The threat has been made by some of the most influential personages in this Hall—gentlemen who control the destinies of legislation here—that to-morrow evening will have completed the last *day of grace* in this matter; that then this debate must and shall be concluded. I do not allude to this menace with an intent to complain, or to enter my protest. It would ill become me, humble as my influence is here, to act the censor over the movements or policy of the majority. They have the power in their own hands; the rules of this House have placed it there; they have the right to use it at discretion, and they must bear the responsibility of its abuse. The previous question was designed to arrest debate only when an abuse of its rights and privileges was threatened. It never was intended to prohibit its liberal and reasonable exercise. The freedom of debate is a sacred constitutional prerogative, guarantied to every member upon this floor, and cannot be abridged by a wanton execution of the rules and orders of this House. I have alluded to these threats by way of admonition to the minority, and to urge the necessity of redeeming time *that is ours by grace*, in bringing this matter immediately before the House in the manner proposed by the motion, in order to take its sense upon every distinct proposition separately, that we may know, and the people of North Carolina may know, upon what principle this case has been decided.

What is the question before us? It is not one whose decision is confined to the interests of one or two individuals. It is not one that is circumscribed in its operation by the sole interests of the two individuals who are the unfortunate instruments of this controversy. If it were, then the error that might result from haste and precipitate action, though it might inflict personal injustice, would be far less pernicious in its consequences than is now apprehended. It is not a question of ordinary moment; it regards the elective franchise of the sovereign State of North Carolina. Its decision will touch the rights and immunities of the whole American people. It will affect not only the rights and honor of a seat on this floor, but the constitutional rights and powers of a sovereign State, and the constitutional rights and powers of Congress itself.

While sitting in judgment upon the qualifications and election of one of our peers, each individual occupies a high and fearfully responsible station; and when deciding the question, we are acting in the capacity of the highest judicial tribunal known to the Constitution, and in settling all such disputes we are required to give construction to the constitution and laws of the State immediately interested, the Constitution and laws of the United States, and the duties and powers of the body to which we belong. How important, then, fearfully important, does it become, that every decision we make should be stamped with caution, candor, and patient deliberation. I have been at a loss to comprehend the meaning of some honorable gentlemen who have denounced, with seeming triumph, *all legal forms and legal rules;* I have been shocked, too, with the haste and precipitation with which some have endeavored to force this case through. If there are any questions which are referred to us, which require more care and more thorough and cautious examination than others, they are those which call in question the validity of elections; if there are any questions which require distinctiveness and certainty in our decisions, they are those which arise on an appeal from the people's decision in the election of their Representatives. A proper regard to the records of our own body, and a laudable desire to bestow clearness and intelligence on our proceedings, and a duty we owe to those who may succeed us in giving enlightened authority to our decisions, should prompt all of us to aim at judicial order and system. To those who esteem so lightly legal forms, I would cite the views of one of the ablest jurists and constitutional lawyers of this or any other age; one who, I am proud to say, presided, with distinguished credit to himself and honor to the nation, over the highest judicial department of the proud State I have the honor in part to represent. I allude to that distinguished personage, James Kent, late Chancellor of the State of New York.

In his elementary discourse upon the constitutional privileges and powers of the two Houses of Congress, on that part which relates to the power which each House possesses over the *election* return and qualifications of its own members, he says:

"It is requisite to preserve a pure and genuine representation, and to control the evils of irregular, corrupt, and tumultuous elections; and as each House acts in these cases in a judicial character, its *decision*, like the decisions in any other court of justice, ought to be regulated by known principles of law, and strictly adhered to, for the sake of uniformity and certainty."

This is, indeed, high authority clearly expressed. But, sir, we needed no higher authority than the experience of the past, to admonish us, by the most solemn regard to our constitutional duties, to act dispassionately and decide intelligibly on all questions whose decisions will form precedents and become laws for those that may succeed us.

The question before us, then, is one of a judicial character. It is an appeal, taken from the decision of the people of the twelfth congressional district of North Carolina. By that decision, in August last, they declared, through their legalized board of canvassers, selected for their intelligence and integrity, and sworn to fidelity and fairness in collecting the suffrages and declaring the result, that James Graham, the sitting member, was duly elected to a seat in the House of Representatives of the Congress of the United States. They have furnished him with the highest legal and constitutional evidence of such election. They have been duly presented to you, sir, and you have approved of them, and admitted him to a seat on this floor.

From this decision the petitioner has appealed, alleging that he is entitled to the seat, as having received a majority of the legal votes in the district. To establish this, he charges that injustice has been done him, first, by allowing illegal votes to be given to the sitting member; and, second, by rejecting legal votes given, and intended for him. The sitting member denies his right, and contends that a greater number of illegal votes has been given for the petitioner than for him. This is the issue before us.

To sustain his complaint, the petitioner has furnished evidence, in the form of depositions, of three irregularities, as is alleged, in conducting the elections: 1st. Illegal votes given the sitting member; 2d. Legal votes rejected, which were tendered for the petitioner; and 3d. Votes given for him, illegally stricken from the polls; making, in all, as the majority of the committee has said, twenty-eight votes, which should be deducted from the sitting member's polls.

On the contrary, the sitting member answers these objections, as he thinks, by denying the illegality of these votes, or most of them, and alleges that the petitioner has received illegal votes greater in number than himself, and that the judges, at one of the precincts, allowed five votes to the petitioner that were given to a candidate for the State Legislature. and comes to this result—that thirty-three illegal votes were given to the petitioner, which, if deducted, would leave him a majority increased above that declared by the board of canvassers. In receiving this evidence, and deciding the several legal points which necessarily arise from this issue, frequent reference must be had to the constitution and election laws of North Carolina and the Constitution of the United States. And here, sir, I ask, what are the powers of this House over this subject? The fifth section of the first article of the Constitution of the United States declares "that each House shall be the judge of the *elections*, *returns*, and *qualifications* of its own members." In the case before us, there is no allegation of the want of constitutional *qualification* in the sitting member, nor is the legality of the *return* questioned. It is the regularity of the *election* that is brought in question, and in this character the case addresses itself to the more delicate and important, while it is the more doubtful branch of our constitutional powers. Had the *qualification* of the sitting member been put in issue, or the validity of his return questioned, they might have presented a question which we could have disposed of without interfering with the immediate acts of the electors, or disturbing the freedom or quiet of the elective franchise. But when we dispute the *election* of the incumbent, we enter upon a fearful task; we take issue with the people themselves; and when we declare void the election, then do we reverse the decision of freemen acting under high constitutional guarantees; and unless our decisions are based upon sound and known principles of law, we act in defiance of their expressed will, and in violation of our constitutional guides.

The second section of the first article of the same Constitution further provides, "that the qualification of electors for a Representative in Congress shall be the same as is required for the electors of a member of the most numerous branch of the State Legislature." What shall constitute, therefore, the specific qualifications for electors for a member of Congress in North Carolina, it is left to the constitution and laws of that State to regulate. By the eighth section of the constitution of the State of North Carolina, it is provided "that all freemen of twenty-one years of age, who have been inhabitants of *any one county* within the State twelve months immediately preceding the day of election, and shall have paid public taxes, shall be entitled to vote for a member of the House of Commons *in the county where he resides*," the House of Commons being the most *numerous branch* of the State Legislature. In this section will be found enumerated all the qualifications necessary to constitute a legal voter in that State, viz: 1st. Residence in the county at the time of voting; 2d. Residence in the State twelve months preceding the election; 3d. He must be twenty-one years of age; and 4th. He must have paid public taxes. A difference of opinion exists among gentlemen of the delegation from North Carolina, on this floor, in regard to the constitutional import of that clause requiring a residence in *any county* in the State twelve months immediately preceding the day of election. Some contend that it requires the voter to have resided in the *State* and in the *county* where he votes, twelve months prior to the day of election, while others hold him a legal voter if he has resided in any county in the State, though he may not have resided in the county where he tenders his vote but one day. This last construction was assumed by the committee, and I have no doubt correctly. The phraseology is, to say the most of it, equivocal, and is open to judicial construction; and it is a well settled and salutary rule, in the construction of laws touching the elective franchise, that, where two constructions may be applied, the one in *restriction* and the other in *extension* of the right of suffrage, the latter shall prevail. This, undoubtedly, furnishes a case in point. But whichever of the constructions be adopted, it makes a difference in regard to the evidence before us, in the actual majority, otherwise computed, of but two votes, so that the result would not be changed. In order to prepare this issue for a speedy, clear, and just decision—a decision that would be warranted by the law and the facts, and to aid the House in its deliberation and facilitate its action, you have sent out your committee—the Committee of Elections—to inquire of the truth of the facts in the case, and to settle the various questions of law that might arise, and you have required of them to report, in as clear and intelligible form as may be, a true and faithful history of their deliberations, and the various legal points connected with the case, together with a final result of their labors. The committee did take the case under advisement at an early period of the session. They had all the law and the facts before they came to a result, and a majority of the committee have found the issue in favor of the petitioner. A large minority of the committee have, however, come to a different result from the same facts, and have found the issue for the sitting member.

Now, sir, every gentleman is aware that a majority of members of this House are disposed to receive the regular report of a committee, made by a majority, as *prima facie* evidence of the truth of the facts stated in them, and are ready to adopt, without much investigation, the conclusion or res-

olution which they recommend. In general, or in many cases, this confidence would not be misplaced. Your committees are, or ought to be, the faithful organs of the House in arranging facts, and collecting information on the subjects submitted to them. In cases of contested elections, they act as your judicial commissioners, sent out to inquire of the truth of the matter of the petitions, and the evidence connected with it. When the report is made, it carries upon its face the character of a high and authoritative document, and, as such, should always set forth, clearly, truly, and in judicial order, a history of their inquiries, so far as to embrace the points decided, and the law and the facts upon which the report is founded. If it do this, it will furnish every member with a brief, upon which he can found his own arguments, and from which he can draw his own conclusions, without being compelled to travel through the whole case. The committee who brought in the report before you were in possession of a few legal points upon which the whole case turned, and upon which distinctive decisions were made in committee; and yet, sir, I have searched this report in vain for a clear statement of these points, or the decisions made upon them. On the contrary, I find some misstatements of some of the decisions made there. In saying this, I trust I shall not be understood as imputing improper motives to the majority of the committee, or a single member of it. Such misstatement could not have otherwise arisen than through inadvertence and haste. I know, by personal knowledge, that the labor of the whole committee was perplexing. A mass of testimony was thrown before them, consisting of depositions, hastily drawn up, in manuscript form, embracing the affidavits of various persons to the same fact, scattered through every part of the voluminous mass, from which, to collect, arrange, and apply to their appropriate subject each class of testimony, required the greatest care and patience. It could not have been expected, therefore, that clear, satisfactory, and intelligible conclusions could be attained without much toil and careful examination. How, then, sir, can it be hoped, without such a clear statement of the history of their deliberations, that this House in three days' time, can arrive at truth which it has cost the committee three months' labor to discover? What is the conclusion which the majority have reported? Why, that the sitting member is *not* entitled to his seat; and the petitioner *is* entitled to his seat. What reason do they assign for this conclusion? That nineteen illegal votes are given for the sitting member which *should be deducted* from his poll, and that *six legal votes* were tendered for the petitioner, and rejected by the judges, and that three votes had been wrongfully struck off from the Henderson polls. Have they told us upon what law or authority these votes are declared illegal? Have they referred you to, or stated the evidence that established these facts? They have, indeed, referred you to the mass of documents before you. They have left you to hunt up your own proof, and then we are called upon to decide in three days, or the previous question shall be sprung upon us, when we shall be called upon to adopt these conclusions in gross, and adopt them, too, "by faith and not by sight." Let us briefly examine the report before us.

The committee have said, in the majority report, that the sitting member had made an objection to the depositions as inadmissible evidence of the facts stated in them; that the question was taken up and considered; that "the committee, being of opinion that the depositions were taken according to the laws of North Carolina upon the subject of contested elections, and there being no laws of Congress on the subject, and the usuge being well established to allow depositions to be read which had been taken and sworn to according to the laws of the State where the election had been held, decided they should be received."

In this short statement there are a number of errors and deficiencies which, in what purports to be a documentary history of the proceedings in committee, are calculated to blind and mislead the House in arriving at the truth of the point in issue. In attempting to state here the objections raised by the sitting member to the admission of the depositions before us, the report is entirely silent on the important point. The *principal* reason assigned by the sitting member for rejecting the depositions was, not that they were inadmissible evidence of the facts stated in them, but that they had been taken in pursuance of notices *insufficient* and defective. The objection went to the *validity of the proceedings* in taking the evidence, not to the legality of the evidence itself. The report presents to the House an issue quite different from that tried in committee. It states a point on which the committee were unanimous, and has altogether omitted the main point. The strong objection which was brought against the proceedings was, that the notices which the petitioner served on the sitting member for taking the depositions were defective in form and substance, viz: they did not give him time enough; they neither set forth the *names* of the witnesses who were to be examined, nor did they set forth the *names* and *residence* of the *electors* whose votes were to be excluded, nor their *particular disqualifications*. These were important points in the case; they laid the foundation of all that protracted controversy about further time which occupied so much of the time of the committee, and which has so long detained the House.

The report continues: "The committee were of opinion that, as the depositions were taken in conformity to the laws of North Carolina upon the subject of contested elections, and there being no laws of Congress on the subject," &c. Now, sir, what are the laws of North Carolina, *conformably to which* these depositions were taken? All the laws of North Carolina, which regulate the forms of proceedings in cases of contested elections are comprised in one section, (Laws North Carolina, Vol. 2, p. 826,) which reads thus:

"That, from and after the passing of this act, it shall not be lawful for any person to vacate the seat of any member of the *General Assembly* who has taken his seat in consequence of the return of the sheriff of his county certifying that he is duly elected, unless the person or persons who may intend to dispute such election shall give to the member or members whose election he or they intend to dispute, thirty days' notice, prior to the meeting of the General Assembly, of such his intention, with the grounds upon which the same will be disputed; and the same notice of the time and place, now required in taking depositions at law, shall also be required and proven on such investigation; and all affidavits taken without due notice as aforesaid, shall be deemed improper evidence, and not suffered to be read in such investigation."

While this section prescribes the length of time the notice shall allow, which, by referring to other laws of North Carolina, we find is ten days, it is wholly silent as to those forms referred to in the objections of the sitting member. Where, then, are we to look for guides in regulating the forms and substance of these proceedings? Why, sir, I suppose, in the absence of any other express provisions, all will agree that we must look to this House for laws.

But the report informs us there are no laws of Congress. In one sense of the term *law* this is true; but in the other more material and important sense it is not true. It is true that Congress has no legislative existing law on these subjects, but it is not true that it has no law of its own, growing out of its parliamentary practice. This House has a number of adjudicated cases, which have arisen during the different periods of its history, in which these questions of *specifications* have been discussed and settled on a firm and uniform principle, viz: that, before any testimony shall be taken to disqualify any elector that has given his vote, the name and residence of such elector, with the *particular disqualification*, shall be inserted in the notice, and served on the return member.

As early as the year 1796, in the case of Varnum, this House took the first step towards settling the forms it would require in notices for taking depositions in such cases. In that case (Clarke and Hall, page 112) the petitioner prayed the House to vacate the seat of Varnum, on the ground of illegality of certain votes given to the sitting member. It alleged that certain persons voted for him by proxy. The petitioner did not set forth the names of the electors who voted by proxy; the committee to whom the matter of the petition was referred, applied to the House for instruction as to what *kind of specifications* were necessary to put the sitting member upon his answer. They reported the following resolution:

"*Resolved*, That the allegation of Aaron Brown [the petitioner] as to persons not qualified to vote, is not sufficiently certain, and that the names of the persons objected to for *want of sufficient qualifications ought to be set forth* prior to the time of taking testimony."

The report of this case comes to us in a form so meager, that it does not give the final action of the House upon this resolution; but the sequel affords us a presumption that it was sustained, as the petitioner failed to sustain his petition, and the sitting member retained his seat. This was among the earliest efforts of this House to establish rules of steady and uniform application in the mode of conducting contested cases. Since this decision, the principle has been adhered to as a fixed and unwavering rule, from which it has not permitted a solitary departure.

A number of other cases might be cited to the same point were it necessary, as the cases of Eaton *vs.* Scott, Ruthford *vs.* Morgan, and Biddle *vs.* Richards. With these cases before us, with what propriety can we say that Congress has no law to regulate such proceedings? By overlooking these principles, the committee were led to a decision by which the sitting member was deprived of his legal and unquestionable right to an extension of time to prepare himself for his defense. It was one of the most unfortunate decisions to the sitting member that has been made in the whole case, and involves the greatest injustice, and yet nothing of it appears in the report.

But, sir, there is another misstatement, unintentional, no doubt, in the report, which has had a tendency to embarrass investigation, and produce injustice to the sitting member. The report proceeds to give the views of the committee on the application of the sitting member for further time. After the committee had overruled the objections as to the informality of the proceedings, he applied for further time to take his defensive evidence. This application was denied by a majority of the committee, and they say "they could *find no precedent* in which an application of a similar kind, if made at an earlier period, had been granted." It has been my good fortune to have found, among the reported cases of this House, five or six decisions where an extension of time was allowed on grounds much less meritorious than the present, and that, too, where the application was made at a much later period than the present. In some cases two, and in others three months, have been allowed the parties for collecting evidence after the committee had commenced the examination; while, in some cases, they have been allowed a whole vacation, where good cause was shown. Applications for further time, in these cases, are analogous to motions to postpone a trial at law for the absence of material witnesses; it is addressed to the discretion of the court, and, on reasonable cause shown, is seldom denied. The only difference that I can perceive between the two cases is, the case before us presents the stronger claim. We are sitting here endeavoring to purge the polls of illegal votes, and it would ill become us, as judges, to shut out light, or withhold evidence. The sitting member should have been allowed further time.

The next error in the report is contained in that part which professes to state the circumstances connected with the *three votes* which the judges at Asheville deducted from the petitioner's polls. The report wholly fails to afford us the law or the facts in the case. The committee (the majority) content themselves by giving a negative reason why the judges ought not to have made the deduction. They do not tell what *was*, but what was *not* the law of North Carolina, and are wholly silent about the facts. That the House may perceive the mystery which the report throws over the case, I beg to give a brief sketch of that transaction, and the law of North Carolina upon which these proceedings were had.

By the laws of North Carolina, one of the qualifications of a legal voter is actual residence in the county where he resides, as I have before stated, (2 sec., 2 vol. N. C. L., p. 1224.) At the Henderson precincts, in Buncombe county, three persons presented themselves at the polls, and tendered their votes. They resided in Yan-

cey county, in the same congressional district. As it had been the practice in some parts of the State to permit a person to vote in any county in the *district*, provided he resided in the *district*, it was agreed by the judges that they might vote, and they would note opposite their names "Yancey," and certify the facts upon the scrolls, or poll lists, and return them to the central judges at Asheville, and if they adjudged that a person could vote out of the county of his residence, then the three votes were to remain good; but if they adjudged otherwise, then the votes were to be deducted. The certificate was made on the scrolls, and signed by the judges, that the three persons lived in Yancey. This was sent to the judges at Asheville, and, on further explanation by one of the recording clerks, N. Blackstock, who attended the Henderson precincts, where the votes were received, the judges deducted the three votes. These facts all appear by the depositions taken by the petitioner. The committee say this deduction was unauthorized by the laws of North Carolina. Suppose they had not the power! Yet, if we are satisfied by the evidence that these three persons did vote illegally, we should be bound by the same rule that has governed the committee in striking out all non-resident votes, to deduct them here, if the judges had not done so. These are the facts in the case, though the committee say the votes ought to be counted. I shall state but two more errors, and close the review.

The next class of votes referred to in the report are six, which are said to have been tendered to the inspectors or judges, for the petitioner, and by them rejected. This case presents one of the extraordinary claims, and involves the most singular and novel principle in the whole case; and yet the report has devoted two lines only upon it. They are in these words: "To this [the before mentioned three votes] the committee have added five votes (in list A) as having been legally offered for the petitioner, and illegally refused?" The law of North Carolina provides that "before any person shall be allowed to vote, he shall, if required, make oath that he is qualified according to the constitution, and has not voted before at the same election." By this provision it is made the duty of the judges to refuse the vote of any individual of doubtful qualifications. In this they act judicially, and may persist in their refusal unless the elector shall tender the legal oath. The duties and rights of both the judges and electors are made plain. If the latter desires to vote, and the former doubts his legal qualification, the elector has only to tender his oath, and then it is peremptory on the judge to receive his vote, provided his oath will establish his qualification.

At the Franklin precinct, in Macon county, on canvassing the votes there, five votes were found in the Commons box with the name of David Newland, the petitioner, on each, but nothing to designate for what office they were intended. The witness states that there were a number of votes for members of the State Legislature found in the Congress box. The judges changed these votes, placing the five votes with the name of David Newland in the Congress box, and counted them for the petitioner. The report attempts to give the evidence in this case, but has clearly mistaken it, or misstated the facts. It charges the judges with the mistake in placing Newland's votes in the wrong box. This charge is not correct, as is shown by the same report. It states that the ballot-boxes for members of Congress and State officers were seven or eight feet apart. In North Carolina each ballot-box is kept by separate sets of judges. The voter presents his vote rolled up so as to conceal the name, and, I am informed, there is no designation of office on the vote. How, then, was it possible for the judges to make the mistake? He puts into *his* box (and there is only one within eight feet of him) the vote which is given him. It is not the judge who puts the vote in the box, but the person who *hands* him the vote, that must make the mistake. The report says:

"In this case, then, the mistake having been made by one of the judges, and not by the voter, who had done every thing in his power toward a fair exercise of his privilege, the judges have considered it their duty *to correct their mistake*, and give the voter his vote.

In this case the judges no doubt acted in good faith, and with honest and fair motives; but they were clearly wrong. This House has said, in two of its reported cases, that, where votes are given by ballot, the *intention of the voter is known only by the box where he deposits his vote.* In the case of Washburn *vs.* Ripley, (Clarke and Hall, page 679,) this principle is clearly settled, and, indeed, no other rule could be adopted with any prospect of preserving the elective franchise pure and incorruptible. If the course pursued by these judges were sanctioned, it would put it in the power of the ill-disposed to give as many votes for one candidate as there are ballot-boxes at the precincts where he votes. This House never will sanction such a practice.

I have been thus minute in the review of this report, not so much with a view of discussing directly the merits of the main question, as of calling the attention of the House to the great danger it would incur of doing injustice by adopting in gross the conclusions of the report, without examining in detail the various propositions upon which the real merits of the case depend, and of making a clear and distinctive decision of them by a direct vote of this House. Sir, if this course should be adopted, I have but little doubt the final vote of the House would confirm the right of the sitting member. But, if we are to labor on in this *uncertain* mode of *general debate*, until the last sand of our measured time shall have passed out, and the *previous* question sprung upon us, and all debate and amendments prohibited, I should then have as little doubt that the decision of the people would be reversed, and the petitioner admitted to a seat.

The remarks and comments which I have made on the report of the majority have been dictated by none other than the kindest feelings of personal regard for the members of that branch of the committee. I have avoided, as in justice I should have done, any imputation of improper motives; on the contrary, I have felt disposed to sympathize in the perplexities of their laborious task. I have been ready to ascribe all error and mistake to the numberless difficulties the committee had to encounter; but, as it had been remarked frequently in debate, that the report carried with it high authority, and fearing that many might, as is common, take it as conclusive as to the truth of the statements it contained, I felt called upon by a duty I owed to myself as a member of the minority of the committee, and by a sense of duty to this House, and the people of North Carolina, to speak out, and warn the House of the danger of the course they were pursuing, by adopting, in gross, the conclusions of a report involving so many *inaccuracies.*

Before I sit down I would direct the attention of the House to the conclusion which seems to me the necessary result of the consideration of the legal points and facts to which I have alluded in the remarks I have just submitted.

The majority contend that they have found evidence to establish the illegality of nineteen votes, which were given to Graham, and which ought to be deducted, viz: thirteen given by non-residents of the county, five non-residents of the State, and one minor, making nineteen. They also claim that the three Yancey votes, given at Henderson, Buncombe county, and rejected by the judges at Asheville, should be restored to his polls; and lastly, six votes which were tendered to the board, and rejected, should be added to his polls, which, in all, would make twenty-eight votes to be credited to him, thus:

Nineteen votes, non-residents and minors	19
Three Yancey votes tendered and rejected	3
Six votes tendered and rejected	6
	—28
They also credit to Graham,	
Eight bad votes given to Newland	8
Seven original majority	7
	—15
Difference and majority for petitioner	13

Among the nineteen illegal votes alleged to have been given to Mr. Graham, the sitting member, four are supposed to be given by persons whose names do not appear upon the scrolls. These scrolls, in some States called poll-lists, are made out and certified by the sheriff of the county, under the provisions of the laws of North Carolina; one copy of which he is required to file in the clerk's office of the county, after "the same is certified by the sheriff." These scrolls, duly authenticated under the seal of the clerk of the county, are the highest and most solemn evidence of the matters contained in them. They are especially the highest evidence of the truth as to *who did vote, and how many.* As the names of these four individuals do not appear upon the polls certified to us, and furnish us, too, by the petitioner himself, a question arises whether he, the petitioner, shall be permitted to give parol evidence of third persons that these four persons did vote? The manner in which the polls are kept by a sheriff and two inspectors, sworn to conduct the elections *fairly* and honestly, and who are required to keep each a separate list of all who vote, which lists are to be compared and certified by them to the sheriff, furnishes the most solemn and veritable evidence of the correctness of the registry as to who did vote. And by permitting third persons to give evidence by parol to contradict this, would be a gross departure from the oldest and most salutary rules of legal evidence. The proof, therefore, that these four votes were given to Graham, must fail. This will reduce their number to twenty-four, or, in other words, will reduce the nineteen illegal votes to fifteen. If the view which I have taken of the propriety of allowing the six votes tendered and rejected be correct, there must be deducted six votes more; and if the view which I have taken of the three votes given for the petitioner at Henderson, Buncombe county, by the three citizens of "Yancey" be correct, then three more must be deducted from the number of illegal votes, which the petitioner alleges should be deducted from Graham's polls, leaving of the twenty-eight alleged illegal votes, but fifteen, which, in any event, should be deducted from the sitting member's polls. Bad votes for Graham, in all, fifteen. Now, sir, let us consider the votes which Mr. Graham contends are illegal, and which, having been given to the petitioner, he claims should be deducted.

There were eight votes which are clearly proven to have been illegally given to Newland, which should be deducted from his polls. On them the committee were unanimous. They are illegal beyond contradiction. To these should be added the five votes which were improperly exchanged from the Commons to the congressional box for Newland, for the reasons which I have just stated; which would make thirteen illegal votes given to Newland, and to be credited to Graham. If to this you add the seven votes, his original majority, the sitting member's polls will stand thus:

1st. Eight bad votes by agreement of committee	8
2d. Five votes illegally exchanged	5
3d. Seven votes, original majority	7
	—20
If from these twenty you take votes credited to Newland, say	15
	—
We have five votes majority still for Graham	5

Sir, I sincerely believe, if this case were presented to a jury, acting under a solemn oath to find a true verdict from the law and facts before us, they could not come to a result more favorable to the petitioner.

But, sir, the sitting member claims to have allowed him ten more votes, which are proved to have been illegally given for the petitioner by the documents which have been laid on our tables since this report came in; and this forms the last point with which I shall trouble the House. It is clearly right that these should be allowed. They have been taken under notice duly served according to the laws and practices adopted by the petitioner himself; they have been printed, by consent, and laid before us. The proofs are clear and conclusive, consisting, in most cases, of the oaths of the voters themselves, that ten more illegal votes were given to the petitioner, which, according to the clearest estimates, would swell the sitting member's majority to fifteen votes. Sir, we dare not reject this evidence; it is before us; it is legal; it tells us, in audible

words, that the sitting member has a majority of the legal votes of the twelfth congressional district of North Carolina; and if we refuse them, and thereby the sitting member loses his seat, we do nothing less than take the election from the people, and control it in this House. Sir, North Carolina will never submit to it. She is too jealous of her State rights. She is too republican to submit patiently to so high and flagrant an assumption of unauthorized power. It would be establishing a precedent in this House that would strike at the root of the right of free and unrestrained elections. This evidence must be admitted; we dare not reject it.

Among the reasons that have been assigned why these depositions should not be admitted, negligence on the part of the sitting member, in not collecting his evidence in season, forms a prominent one; he is said to have waived his right by gross delay. With a view of testing the soundness of these reasons, and of exposing the great injustice of the charge, I must tax the patience of the House with a brief statement of the proceedings in the case before it reached the committee.

The election for members of Congress was held in North Carolina on the 13th day of August last, when, of all the votes given in the district, the sitting member received seven more than the petitioner. On the 2d day of October thereafter, the latter served the former with a notice of his *intentions* to contest his election, without inserting the names of witnesses, or names or residences of the voters challenged. On the 19th, he followed this notice with another, apprising the sitting member that, on the 29th, he should take the depositions of "James D. Justin and others," at Asheville, in Buncombe county, a distance of forty miles. The same notice also apprised the sitting member that, on the Saturday following, (the 31st,) he should take the depositions of individuals at Barnesville, in Yancey county, thirty-eight miles further. They were detained at the first place two days, examining their witnesses, which brought them to the 31st, the day they were required to be at the latter place. On the 26th day of October, another notice had been served for taking depositions at Frontston precinct, in Mason county, on the 4th day of November, one hundred and six miles from Barnesville. They were detained at Barnesville three days taking depositions; this left them one day to prepare and travel over a rough country, on horseback, one hundred and six miles. In this same notice he was required, on the 7th, to appear at another place in the same county, and on the 9th, two days after, at Waynesville, Haywood county, sixty-three miles. In the same way were these notices crowded upon him, until, from the 29th October, to the 30th of November, he was summoned to attend the examination of witnesses in twelve different places, at an average distance from each other of sixty-three miles. This would allow the sitting member for travel, attendance, and preparation, an average of two days and a half; and yet he is charged with "negligence" and gross delay, in not preparing himself before the first day of the term for trial. Sir, in justice, perhaps, to those gentlemen who charge delay in this case, I ought in charity to say that the charge has been inadvertently made, without due reflection, and with but a slight knowledge of the case. All this time, from the service of the first notice to the 2d day of December, the sitting member was employed in cross-examining and resisting the evidence of the petitioner, without an allowance of a single day to take depositions in his own defense, unless he chose to take them by a forced employment of the time already preoccupied by the other party. The gentlemen who have debated this point, in estimating the time actually allowed, have commenced with the 1st of October, the day when the notice of *intention* to contest the election was served. In this way they have fallen into an error. This was simply a notice of an *intention* to contest the seat. Although, by the laws of North Carolina, such a notice is made a prerequisite, it has never been considered by this House the commencement of judicial proceedings. It has been decided, in an adjudicated case arising in this House, that, although such a previous notice indicated a *disposition* to contest the seat, it did not evince a fixed determination to do so, and that the returned member was not bound to take any active measures of defense until some judicial notice, such as to apprise him of taking depositions, was served, or some other active and efficient step in the case. In that case, it was very aptly remarked by the committee who made the report, that "it was very easy for a person to threaten such a contest, though he never intended to prosecute;" that, in such a case, "it would be injustice and folly to require the sitting member to enter upon his defense, and incur the expense and trouble of preparation, under the bare possibility that the contest might be waged." If we adopt that principle here, which is but just and reasonable, then must we adjudge the first judical proceedings to have commenced on the 19th day of October.

But it is said if the notices did not afford sufficient time for the parties to appear in person, they ought to have employed agents to appear for them at places where *they* could not. There is no legal substance in this plea. The employment of an agent is a measure the sitting member might adopt or not at his own option; it is not one that the petitioner could dictate, either expressly or by implication. The law, indeed, *recognizes* but does not *create* such agencies; in contemplation of legal notices, every person is supposed to transact his own business. The right to employ an agent in such cases is a personal privilege that no law can either dictate or deny. The true question here is whether the sitting member was allowed sufficient time to appear in his own person at these several places to examine witnesses?

There is another manifest error, into which some gentlemen who have discussed this question of time have fallen, which should not be overlooked. It is said it would lead to an unsound and dangerous practice, if we were to permit this evidence to come in, since it was taken after the *committee* had decided that no other evidence should be taken. The error consists in a misapprehension of the decision of the committee; it was not that they *would not receive any more testimony*, but that they *would not suspend their deliberations with a view of granting further time.* If their decision had said they would *receive no more evidence*, it would have shut out some of the most important depositions which the petitioner produced. These were received, considered, and adopted after the decision denying further time was made. If these depositions had been received before the report was made, I have no doubt they would have been received. Is there any assignable reason why they might not as well be received now as then?

The question was asked by one of the majority of the committee, why the sitting member had not applied to the House for further time in the first instance. This question has come from a quarter I should least have suspected. That gentleman should have recollected that the sitting member submitted to the committee, at their first meeting, a preliminary question of great force, which, if sustained, would have dismissed the whole case, and dispensed with the necessity of further time; that this question the committee had under advisement until the 15th day of January before they decided it. When it was decided, he applied to the committee for further time; about the last of January they decided this question against him; immediately after this, the 30th January, he gave his notices for taking depositions, and these very depositions which he asks to be allowed were taken under these notices. Now, what time had he to apply to the House, after the decision of the committee was made, for further time, that he did not improve in taking depositions? The question is a singular one, and, coming from such a quarter, is calculated to mislead the House in relation to this question.

But, sir, I have detained the House much longer than I intended to have done. I shall close my remarks by saying, that the subject ought to be committed to the Committee of the Whole, for the reasons I have before intimated. This has been the usual course. I have examined all the cases which have been reported, and I cannot find a solitary case where the report of the committee was contested and disputed, that the case has not been committed to a Committee of the Whole House. In this case such a course is more especially demanded, as the report is required to be amended in very important matters of substance, and additional evidence is to be received and considered. Besides, such a course would better comport with the character in which the House is acting—we are sitting here as judges, as a court of appeal, and not as a legislative body.

ADMISSION OF ARKANSAS.

REMARKS OF HON. GIDEON HARD,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

June 9, 1836,

On the bill for admitting Arkansas into the Union.

The constitution of Arkansas having been submitted to Congress for its approval, containing in the ninth article, the words, "The General Assembly shall have no power to pass a law for the emancipation of slaves without the consent of the owners," Mr. ADAMS proposed an amendment to the bill admitting the State with that constitution, in these words: "That nothing in this act shall be construed as an assent by Congress to the article of the constitution of the State relating to slavery and the emancipation of slaves."

Mr. HARD rose to oppose the bill and advocate the amendment; but said, as the committee had been in session twenty hours, and every member must feel seriously the fatigue of this long session, and as the bill had been taken up for consideration since twelve o'clock at night, he hoped the committee would rise to enable those who wished to give their views of the measure an opportunity to examine more carefully the bill and other papers and documents connected with it.

The committee refusing to rise by a large majority,

Mr. H. proceeded: I am unable to perceive any good reason why this important measure should be thus recklessly pushed through amidst darkness, fatigue, and confusion, or why gentlemen should be summoned from their beds at this unseasonable hour, and compelled to give their votes upon the bill without time or opportunity for examination or reflection. Is it matter of no moment to us or the American people that we are about to add one more State to this Union? Does it afford no rebuke to inconsiderate haste that this bill adds one star more to the constellation of our confederated republics? Do not the safety of the Constitution, the defense of civil liberty, and the cause of humanity itself, require reflection and consideration, before we pass this bill?

I have had no opportunity until since the bill was taken up in committee of examining this case. But the little acquaintance I have obtained with the various matters connected with it, and the few hours' reflection I have bestowed upon the constitution of Arkansas, I am solemnly impressed with the momentous character of the bill as a measure vitally connected with the peace of the Union and the harmony and political interests of the nation.

Sir, the decision we make upon this bill will carry with it the interesting result of conferring liberty or perpetuating slavery to millions of human beings yet unborn. Yes, sir, the decision we make this morning with sleepless eyes and debilitated bodies, will proclaim through your Journals to the world and posterity whether the Representatives of the people of this far-famed Republic, the collected guardians of civil liberty and the rights of man, have the virtue and patriotism to defend and carry out the sound maxims that form the true basis of this excellent form of Government; or whether, for the sake of advancing the interest of a miserable partisan policy, they will sacrifice both the honor and liberty of their country, by entailing upon the freemen of a sovereign State the interminable institution of slavery.

Sir, we are about to adopt a legislative ordinance, which, when sanctioned by the proper authorities, will pass from under our jurisdiction. We can never reclaim it; the faith of the nation will stand pledged to abide by it; and however odious and dangerous it may prove to the harmony of the Union, we can never amend or repeal it. So far as the faith and integrity, if not

the power, of Congress are concerned, it will be, like the laws of the Medes and Persians, irrevocably confirmed and established. Is there any circumstance connected with the business of the House to justify for a moment such rashness in legislation? For one, I am not prepared to admit the State of Arkansas on an equal footing with other States, without an effort at least to restrict her to a form of government that shall harmonize with the principles of the Constitution. I cannot consent to be driven to sustain a measure fraught with such infinite peril to the cause of personal liberty, without one effort to resist it. I had reason to expect that the committee would have exercised its courtesy in allowing us one day for deliberation. But as it has just refused to rise, and has more than intimated its determination, by frequent vociferations of "Question! question!" to push the bill to a passage at this sitting, or at least to place it where they can stop debate by the previous question, I trust I shall be pardoned for detaining it a few moments with a statement of some of the reasons that shall dictate my vote on the bill.

In touching the subject of slavery or the right claimed by any State to sustain it, I feel all the delicacy and embarrassment any one can feel, who labors, as I do, under a solemn conviction that they are subjects connected with the highest interest, and I may add domestic safety of the citizens of the south and southwestern States of this Union. And I feel the more painful embarrassment from the fresh recollection of the fearful excitement that pervaded all sections of the country, and the consternation it spread among the slaveholding community, at a period immediately preceding this present session of Congress. I would rather have remained silent than provoked anew those discordant feelings, which, at the early period of our deliberations, had marred the harmony of legislation, and which, though half smothered, still smoulders within these walls. I would have refrained from adding one word, but from the impulse of a strong sense of paramount duty which I owe to my station, my constituents, and the cause of humanity. Happy would it have been for the country if these subjects could have been deferred until the recent excitement was fully allayed; an excitement which not only threatened a revolution and a separation of the Union, but was fearfully portentous of a servile war, that must have deluged the fairest portion of this country in the blood of our brethren and kindred—a war that would have proved more relentless and implacable to the cries of defenseless innocence than the most terrific wars of the tomahawk and scalping-knife.

In submitting my brief remarks, I beg to assure gentlemen of the slaveholding States that, while I am opposed to this bill, I hold as sacred and inviolable as any one in this House the rights secured to all those States who were parties to the original compact. I would as readily engage in a crusade against the Union itself as touch one word, or obliterate one letter, of that dear-bought compromise which gave them their rights over their slave property. The views which I entertain of the propriety and constitutional authority of perpetuating human slavery in the new States and Territories belonging to this Government have not the slighest application to the original States of the Confederacy. The Thirteen United States formed so many parties to the compact, each of whom were left free to adopt or reject it, *ad libitum*. While the compact was in progress of formation each had an undoubted right to propose articles of stipulation, which, when adopted, formed part and parcel of the whole. The instrument, when legalized, was obligatory in all its parts or in none of them. It bound all the parties, or none; and whatever may be the disadvantages arising to either or any of the parties, there is no remedy save through the mode prescribed in the instrument itself. However deeply we may deplore the existence of slavery at the South, as the compact has left them free to sustain it or not, we are bound to acquiesce in it. Congress has no power to interfere with it without the consent of the States interested. But, sir, the reasons which impel us to acquiesce in the right to hold human beings in slavery among the original States, does by no means authorize Congress to perpetuate it in the new one. There is no compact existing between the General Government and any of the new States or the Territory of Arkansas, whereby it has conceded to them the right to barter in human flesh; and I am determined, while I have the honor of a seat on this floor, never to give my vote for a measure that will sanction or permit such a gloomy practice. I shall, therefore, vote very readily and cheerfully against the passage of this bill; and I shall do so under a conscientious belief that Congress has no power to admit a State into the Union with a constitutional government which authorizes and sustains human slavery.

All will concede that Congress acts under constitutional grants, and that it can take nothing by naked implication; that where the terms of the grant are clear and determinate, the exercise of the power derived under it should conform to the letter of the grant. But where the terms are rendered vague by their generality, or want of clearness, such construction should be given them as best comports with the spirit of the Constitution.

Congress derives its power to admit new States from the third section of the fourth article of the Constitution of the United States, which declares that "new States may be admitted by Congress into this Union." Here the terms of the grant are general, and, unconnected with the fourth section of the same article, would literally imply a power to admit a State without regard to its form of government; and yet I presume that, even under this general grant, no gentleman will contend that Congress would be authorized to admit to Federal union and political association a State under the sovereignty of a despot. Should such a State apply for admission, and claim its right under this general grant, Congress would appeal to construction, and urge these grounds as a reason for denying the application, that such admission would be contrary to the *spirit* of the Constitution, as it would destroy the unity, impair the harmony, and change the character of our national Government.

But the fourth section of the fourth article of the Constitution comes in aid of that power, and renders clear and determinate what was before, from a too great generality of the terms, left doubtful. By that section it is declared that "the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them from invasion." By taking these two sections in connection, as they clearly should be, the power of Congress over these subjects would be rendered clear, determinate, and consistent with every other grant. The two clauses, taken together, confer a power that is entire, unique, and indivisible, which is expressed thus: "Congress may admit new States into this Union, and the United States shall guaranty a republican form of government, and protect them from invasion." If Congress, then, in admitting a new State, is bound to guaranty a republican form of government, a duty is created which raises a corresponding right to inquire into the terms of the government, founded by the State to be admitted, and a right to dictate the form of its fundamental code or constitution, with a view of rendering it consistent with such a form of government; and this it has a right to do as a fundamental condition of its admission.

In pursuance of this right, and in the exercise of the power, it is the imperious duty of Congress to examine carefully the constitution of Arkansas now before it; and before that State be admitted into the Union Congress should be satisfied that the constitution under which it intends to organize will secure to the citizens of that State a republican form of government. This, sir, may be a startling proposition to such as are bred in the school of strict construction, and who claim for the States all power, and leave to the General Government none. It may seem to them to savor of the heresy of consolidation. But as odious as it may appear to the modern State-rights school men, if it be sustained by the Constitution in letter or spirit, it will lose nothing by denunciations from that quarter. I disclaim all devotion to the doctrine of consolidation, as defined by the cant scribblers of the day. While I would be proud to acknowledge myself the humble and loyal subject of Federal supremacy, I would still claim to be the faithful and fearless advocate of the rights, the unabridged rights, of State sovereignty; but I can never be so far forgetful of the duty I owe to the one, nor so rashly commit myself to the interests of the other, as to surrender the power the Constitution has conferred on me as a Representative of the people, of defending the cause of constitutional liberty wherever it may be assailed in the person of any citizen, let him be a resident of what State he will.

What, let me ask gentlemen, were the motive and end of our Federal Union? If we may credit the recorded testimony of the patriots who formed it, as avowed in the preamble to the Constitution, it was designed "to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of *liberty* to ourselves and our posterity." These, sir, were among the great and noble motives that induced the brave and the wise of former days to propose and establish a National Union. These were the principles, to secure which they incurred all the horrors of a domestic war, and pledged their lives, their fortunes, and their sacred honors; and these are the principles which we, as legislators, are required to maintain and defend, not to transgress, either directly, by open acts of violation, or indirectly, by conniving at the introduction or perpetuation of slavery within the boundaries of any of the Territories of this Union.

On examining the ordinance adopted by the convention of Arkansas, I find, as a whole, it exhibits the most singular incongruity of parts. While it professes to protect liberty, it establishes the most degrading species of slavery, and dignifies it with a place in the fundamental charter of the Government. It contains many provisions worthy of a free and enlightened people, and such as would excite the admiration of the patriot and philanthropist, while it embraces others that create disgust. It commences, in the language of the convention, with high professions of attachment to the noble maxims of free government, and adopts, almost verbatim, the language of the Declaration of Independence. It promises to sustain the personal liberty of the citizen, and recommends as essential to the preservation of a free Government a diffusion of knowledge and intellectual improvement among the people. In the main, this ordinance asserts and adopts the elementary principles of a republican government, and were it not for the insertion of that odious section in relation to human slavery, that discordant note in the music of its parts, it would have commanded my most cordial approbation.

By the first section of the second clause of the ninth article of this ordinance it is declared "that the General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of the owner; they shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States; they shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of the creditors, and preventing them from becoming a public charge; they shall have power to prevent slaves from being brought to this State as *merchandise*, and oblige owners of slaves to treat them with humanity." These are placed alongside of those lofty and admirable provisions to which I have just alluded, and which, were it not for them, would reflect honor and credit upon the people of Arkansas. With these extraordinary and heretical principles avowed and adopted into their constitution, ought we, have we the power, to admit that Territory into the Union "on an equal footing with the other States?" Were I to vote for its admission, I should feel I had done criminal violence to the oath I had taken "to support the Constitution of the United States;" I should feel guilty of having neglected an important duty I owe to my country as one of its Representatives—that of "taking care that the Republic receive no harm." I cannot vote for the admission of that Territory as long as that section is in her constitution. That

section entirely changes the character of the Government. The amendment of the gentleman from Massachusetts, though it disavows the assent of Congress to that article, does not remove the evil nor would it restore to it the republican character. It would still be a Government which tolerated the grossest tyranny. I believe, therefore, such admission to be contrary to the spirit, if not the letter, of the Constitution.

The instrument does not secure to the people a republican form of government. It permits the existence of the most degrading and absolute species of domestic slavery, and actually prohibits the legislative branch of the Government from passing laws to remove it. It places the slave further beyond the reach of human laws or any of its remedies than it does the property the citizen may hold in inanimate matter. While the Legislature may pass a law taking from you your personal property without your consent, on returning a fair equivalent, it is forbidden to liberate your slave, without consent, for any compensation. I am aware that an opinion prevails throughout a large portion of the Union, and is honestly entertained by a large, honorable, and intelligent class of citizens, that a Government may be republican in its form, and still permit domestic slavery; and they gravely refer us to the laws and usages of ancient republics to sustain them. The truth of this proposition depends upon the fact whether the Constitution recognizes slavery, or whether it be a usage which has grown up into a custom by common consent, aside from any constitutional provision or sanction. In the first instance, it becomes a fundamental ordinance, which rises above all law: in the second, it is a custom merely, or a law springing from legislative enactments, in which case it is under the control and regulation of the law-making power. In the first instance the Government is in fault: in the other, the moral condition of the municipal regulations. The one is, or ought to be, under the supervision of the General Government: the other under that of the State authorities. In the first instance, the Government cannot be called republican: in the other, it may. But, sir, aside from these distinctions, it may be safely affirmed that a republican government that recognizes slavery in its fundamental code, is a gross political solecism, and it can obtain no sanction from the laws and usages of the ancient States. Politicians of the present age should be aware that a political argument, in relation to our national policy, founded upon a supposed resemblance between the tenor and spirit of our Government and those of ancient republics, affords but a feeble authority in defense of the errors of the latter. The term republican, as applied to the science of government with us, does not borrow its import from the schools of antiquity. Its legitimate application was ascertained and established by the political philologists of the Revolution. The doctors of those days knew best how to apply terms of government to their appropriate ideas. They affixed names to a set of principles that laid the foundation of our happy and much admired form of Government. By a practical experience in the school of adversity, they became familiarly acquainted with the use of those principles, and were enabled to assign them their appropriate objects in the various departments of human society. They tell us "they hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are *life*, *liberty*, and the pursuit of happiness; that, to secure these rights, Governments are instituted among men, deriving their just powers from the *consent* of the *governed.*" These are the political axioms upon which our beautiful and noble Constitution was founded. They compose the elements from which it derived its existence, its spirit, and by which it is sustained; and when it speaks of a *republican* form of government, it contemplates one that embodies and supports these axioms—one that combines all, and is repugnant to none of them.

How does the constitution of Arkansas comport with this description? Does it teach that all men are created equal? That they are endowed with the inalienable right of *liberty* and the *pursuit of happiness?* Or does it hold in substance that one part of mankind are born the slaves of the other? That they are esteemed in the light of nature as property, and the unwilling victims of avarice and speculation? Let the ninth article of the constitution of Arkansas answer the question. By that article the slaves of Arkansas are sunk a grade below the brute beasts that herd in your plains, or the flocks that feed upon the hills. While it treats the slaves as the personal property of the master, it holds them less protected by the laws of God and man than your beasts of burden. Yes, sir, while the common law of the land so far regards the rights and comforts of the domestic animal, that its cruel treatment will subject him who inflicts it to an indictment and punishment at law, this ordinance leaves the protection of the slave a contingent right, depending upon the uncertainty of human legislation. It imposes upon the slave the most rigid exactions to obedience of the laws of the State, while it denies him the right to participate in their enactment. In short, sir, to give a synopsis of the whole parallel which may be fairly drawn between the Constitutions of the United States and of Arkansas, the former assumes, upon the principles of our Declaration of Rights, that all men are born equal, and have an equal voice in the formation of that Government by which they are protected and governed; while the latter denies such natural equality, and holds that some men are born slaves, and have no natural right to participate in the formation of that Government to which they are responsible. These form antagonist theses, and assert principles so ample in their influence upon the science of politics, and yet so opposite in their natures and discordant in their tendency, that they cannot but give rise to respective forms of government, which in their character, result, and moral action, will be the antipodes of each other. If this be so, is there not danger that by the admission of a State with such a form given to its original and fundamental ordinance, we give to the Confederacy such conflicting interests and principles of action as to endanger the peace, the harmony and the safety of the Union?

The important and impending question then properly recurs, whether the letter or the spirit of the Federal Constitution will authorize Congress to admit to the bosom of our national Union the State of Arkansas, while its constitution or fundamental ordinance embodies political elements hostile to personal liberty and the inalienable rights of its citizens.

I am aware that it will be, as it already has been, contended that, by the Missouri *compromise*, as it has been preposterously termed, Congress has parted with its right to prohibit the introduction of slavery within any part of the territory of the Louisiana purchase south of 36° 30′ north latitude. There are, to my mind, two substantial and unanswerable objections to the soundness of that proposition. In the first place, there was no compromise or compact whereby Congress surrendered any power or yielded any jurisdiction; and in the second place, if it had done so, it was a mere legislative act, that could not bind their successors; it would be subject to repeal at the will of any succeeding Congress. There was no compromise or surrender on the part of the General Government. In the series of acts and resolutions passed on that occasion, there were a number of reservations of power and right, and some restrictions imposed upon the constitution of Missouri; but in no part of the history of that case can you find a solitary act of relinquishment. By the act of Congress of the 6th March, 1820, authorizing the people of the Territory of Missouri to form a constitution and State government, there were two very important restrictions imposed upon the convention in relation to this very subject. By the proviso to the fourth section, they were required to form a constitution republican in its form, and not repugnant to that of the United States; and by the eighth section, slavery and involuntary servitude were forever prohibited in "all that part of the territory ceded by France to the United States lying north of 36° 30′ of north latitude, and not included within the limits of that State." Under this act the people of Missouri, on the 12th of June of the same year, called a convention, and agreed upon a constitution embracing an article in principle precisely like that in the ninth article of the constitution of Arkansas, prohibiting its General Assembly from passing any law emancipating slaves without the consent of the owner. There was another clause in their constitution equally repugnant to civil liberty, which prohibited free negroes and mulattoes from settling in that State under any pretext whatever. This constitution was submitted to Congress at its next session, and gave rise to a discussion which, whether we consider its protracted length, or the thrilling interest it excited throughout the country, has never been surpassed on any other occasion in the annals of our legislation. This fearful war of words, which put in jeopardy the Union itself, resulted in the adoption of a resolution by Congress admitting that State into the Union, upon the *fundamental* condition that the convention should repeal the fourth clause of the twenty-sixth section of the third article in her constitution, which authorizes her Legislature to pass laws prohibiting "free negroes and mulattoes from settling in that State, under any pretext whatever," and pledge the faith of the State that no such law ever should be passed. The convention of Missouri assented to the restriction imposed by the resolution, and complied with the condition, and, by a subsequent provision of the General Government, she was admitted into the Union without the addition of one word or one syllable in relation to the subject of slavery.

Where, sir, permit me to ask, can you find, in all these the terms of a compromise, in law or in fact? Surely there is none expressed; and it would be dangerous to admit one by implication. The first act expressly requires her to establish a republican form of government, and positively forbids the introduction of slavery into any part of the Territory out of which that State was carved, north of a certain line of latitude. And the subsequent resolution of Congress of 1821 requires of the convention to expunge from the constitution another exceptionable article in relation to free negroes and mulattoes, to which requisition it implicitly complied. But, sir, where will you find an act of concession or surrendery? The clear inference to be drawn from a careful examination of the whole case is, that Congress never did relinquish her prerogative of power or jurisdiction over any part of this subject or Territory. The most that can be said of the subsequent act of admission of that new State, with that exceptionable clause in her constitution, will, I apprehend, amount to this: that the General Government slept upon its rights, and suffered the Constitution, by its culpable negligence, (which, be it known, received the merited rebuke of the people,) to be violated in one of its most solemn and sacred provisions.

But, sir, if there were a compact or compromise, who were the parties? Now, I suppose, in legislation and diplomacy, as in law, to every compact there must be at least two parties. The Federal Government and the sovereignty of Missouri were the parties litigant, or contracting parties. Concede, for the argument, that this transaction should be dignified with the solemnity of a compromise; what were its terms! Why, that Missouri should come into the Union, bringing with her a fundamental law perpetuating slavery, and that she should relinquish her right to prohibit free negroes and mulattoes from settling in that State. Admit this to be a compact, and the terms just recited the articles of stipulation, what connection or relation does it bear to the constitution of Arkansas? What right or power had Missouri to make a compact or compromise which should act, prospectively, over a new, uninhabited, and then unsurveyed wilderness, wholly without its boundaries? What right had Missouri to dictate terms of admission to a State not then in existence? Surely, if such compromise had been formed, the people of Arkansas would have been at full liberty to disavow it. It could not bind them, neither could it the General Government. This is not a compromise, not even as it regards Missouri, much less in its operation upon the rights and immunities of the people of Arkansas.

NORTHERN BOUNDARY OF OHIO.

REMARKS OF HON. G. N. BRIGGS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

June 15, 1836,

Upon the bill to fix the Northern Boundary of the State of Ohio.

Mr. BRIGGS said, though the question as to the boundary between Ohio and Michigan had produced a great and protracted excitement between the parties interested, the whole matter, in his opinion, turned upon a single point—all depended upon the construction of a proviso in the fifth fundamental article of the ordinance of 1787. The subject had undergone the most learned and elaborate discussion and investigation by committees in both Houses of Congress, and by gentlemen representing the interests of Ohio and Michigan. But a large portion of the labor had been expended upon branches of the subject which, in his view, were not necessary to enable us to come to a correct decision of what he considered the main point in issue. He agreed with the gentleman from Kentucky, [Mr. UNDERWOOD,] that the true interpretation of the ordinance of 1787 was the important thing to be ascertained. That was *the* question. Mr. B. said he was frank to declare, if he could surmount the difficulty which he encountered in the ordinance of 1787, as a matter of expediency, he would give his assent to the line as claimed by Ohio. This difficulty, however, he had not been able to master.

When he first read that ordinance with attention he was strongly impressed with the opinion that the line running east and west through the southerly bend of Lake Michigan was intended by its framers to be an unalterable line between the three States south of it, and the one or two States which Congress might "think proper to establish *in that part* of the territory" north of it. Since then, he had read, with a good deal of care, the reports and arguments on both sides, but without weakening or changing his first opinion. From a perusal of the whole of the fifth article to which he had alluded, and looking to the language of the proviso, which more immediately relates to this boundary, it was made very clear, indeed, to his mind that it was designed to be a fixed and permanent boundary.

In that ordinance, it is said, "it is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original States and the people and States in the said Territory, and *forever remain unalterable*, unless by common consent." Article fifth declares "there shall be formed, in the said Territory, not less than three, nor more than five States; and the boundaries of the said States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established, as follows." Then follows a description of the boundaries of the three Territories, since erected into the States of Ohio, Indiana, and Illinois, the northern boundary of each of which is the territorial line between the United States and Canada. "Provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject to be *so far* altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States *in that* part of the said Territory which *lies north* of an east and west line drawn through the southern bend or extreme of Lake Michigan." No one has expressed a doubt that the boundaries of the three States described in this article, but for the power conferred on Congress by the proviso, are among the things declared to be unalterable, "unless by common consent." The proviso gives to Congress the power, if they shall think it expedient, to alter the boundaries of these three States. But how to alter them? To what extent may these limits, so particularly and carefully described, be changed by the National Legislature? The language of the proviso is clear and explicit on this point. There would seem to be hardly room for a difference of opinion upon it. "The boundaries of these States shall be subject to be *so far* altered," that Congress may, if they see fit, form one or two States *in that part* of the said Territory which *lies north* of an east and west line drawn through the southerly bend of Lake Michigan. Congress has exercised their power under this clause by saying that there shall be one or more States *in that part* of the said Territory. Having thus used the power, they can no further alter the boundaries of the three States, than by fixing their new northern limits where the proviso directs them to be fixed.

But it is argued that the power to form one or two States *in* that part of the Territory north of the line drawn through the southerly bend of Lake Michigan, means that they may form one or more States *anywhere*, in *any part* of the Territory north of said line, and that they need not, unless they choose, make that line the base or southern boundary of the State or States so formed. Is this the common sense, the obvious, and the natural construction of the terms used? It seems to me to be quite the reverse. The language is not that Congress may form one or two States in *a part*, or in *any* part of the Territory named; but that they may form one or two States *in that part* of the said Territory which lies north of a given line. They can make no more than two States, at any rate, *in that Territory*, and they can *no further* alter the boundaries of the other States, than by forming the one or two States *in that part* of the Territory north of the said line. The first clause of the fifth article, referring to the whole Territory, declares there shall be formed, "*in the said Territory*, not less than three, nor more than five States." Will it be contended that the intention of this clause of that article would have been complied with by forming five States *in a part* of that whole Territory, excluding from their limits a portion of it? Yet the phraseology is precisely the same in the one case as it is in the other. The true meaning, then, is, that the one or two States shall be formed *in all that part* of the Territory north of the designated line. This appears to me to be the clear and plain import and meaning of the language used. If this is correct, it follows of necessity that by the exercise of the power given under the proviso, the northern boundaries of the three States are so far altered as to be on the east and west line running through the southerly bend of the lake, instead of being on the territorial line between the United States and Canada. Beyond this, Congress cannot alter the boundaries of those States without the common consent, because by the ordinance these limits are declared to be unalterable. By the bill under consideration, Congress undertakes to establish a different boundary for the northern part of Ohio from either of those indicated in this ordinance, not only without, but against, the consent of Michigan. In doing this, I believe they transcend their powers. Holding this opinion, I am constrained to vote against the bill.

The bill for the admission of Michigan into the Union, which has passed both Houses of Congress, and only waits the signature of the President to make it a law, contains the same provision as to the northern boundary of Ohio as the one before us. This is one of the reasons which led me to oppose that measure by my vote. There were, to be sure, other objections of great weight; but this, standing alone, would have been sufficient to have settled my opinion against it. It is true there was a clause in that bill calling on the people of Michigan to give their consent to the boundary as therein established. Upon that consent depends their admission into the Union. This, in my view, is another highly objectionable feature in that bill. Its incorporation is a palpable violation of the rights of the people of that Territory. Acting under its influence, they are, to all intents, in a state of moral duress. You place the boundary between them and a neighboring State where, they say, you have no authority to place it, without their consent. They remonstrate against your act. Still you go on and do what they protest you have no right to do, and tell them that unless they give their assent to this violation of the compact, this dismemberment of their Territory, they shall not come into the Union, but remain in a state of territorial bondage and dependence. Is this keeping the faith of the nation with the people of Michigan according to the plain and obvious meaning of the ordinance of 1787? If Congress has the power and the right to fix the northern boundary of the State of Ohio where she claims it should be, and where the act of admission fixes it, why require the people of Michigan to give their assent to it as a condition of their admission? If Congress has not this right without the consent of the people of Michigan, where is the justice of the attempt to extort that consent from them? These, sir, are, in short, the reasons which compel me to stand up, though in a small minority, against the bill which you are about to pass by an overwhelming majority.

But that majority, however large, cannot annul, though they may violate, the sacred and unalterable ordinance of 1787; an ordinance that will forever remain as a lofty monument of the wisdom and patriotism of its authors. The faith which it pledges should never be tarnished by a violation of its spirit, or an evasion of any of its provisions.

FORTIFICATION BILL.

SPEECH OF HON. J. R. INGERSOLL,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

May 24, 1836,

On the bill making appropriations for certain fortifications.

The House having resolved itself into a Committee of the Whole, for the consideration of the bill making appropriations for certain fortifications—

Mr. INGERSOLL said:

If I were to consult my own inclination alone, I would cheerfully yield the floor, which has been awarded to me. The gentleman from Vermont, [Mr. HALL,] who claims it with me, may rest assured that no one could have been better satisfied, if he had chanced to gain the precedence, than myself. But being in the lists, I am bound to fight the battle of my constituents, at the hazard even of abusing the almost exhausted patience of the committee, and of disappointing or delaying those who hear me in the enjoyment which they have a right to expect, when I shall have finished the few remarks I have to make. After the several subjects of general interest involved in the discussion have been debated by so many gentlemen, and so much at length, I could scarcely hope, under any circumstances, to add materially to the stock of argument which has been accumulated. But after a fatiguing session of many hours, I shall receive especial credit for the assurance that I rise with much reluctance to occupy even a small portion of the time which is still allotted to the present debate. Its hours I know are numbered; and the sun, which is now going down in clouds, will not rise again until the labors of this committee shall have closed.

Different measures are almost immediately before us, which are perpetually struggling for precedence; they are in appearance altogether dissimilar. A stranger, on a cursory, or even a careful examination, would scarcely detect any points of resemblance between them. Yet they are, in truth, closely, and, perhaps, inseparably united; dependent so far upon each other, that the result of any one of them cannot fail seriously to affect the rest; constituting, as they do, only parts of one comprehensive system, upon the due workings of which, in its entire and perfect character, may depend the wholesome and vigorous condition of the whole body-politic. A distribution of revenue among the States cannot be made, no matter how desirable it may be, unless the necessary wants of the Government are first supplied. The extent of funds which shall be applied by law to particular objects, must depend not only upon their own intrinsic merits, but upon a comparison of the urgency and importance of them with others of a national character; and when these points are settled, it may be essentially increased or diminished by the ability which exists to make a due and useful expenditure of them during the present year. In determining, also, either upon distribution or expenditure, it becomes a serious duty to inquire whether the

requisite funds for either object are, in their nominal amount, ready at the call of the Government. Are they husbanded and improved with the care of the good and faithful servant; or, like the talent committed to the foolish servant, are they buried in useless inactivity; or, still more inexcusably, are they like trusts betrayed by false stewards, perverted and abused to corrupt and wicked purposes?

The bill immediately before us is to appropriate funds for fortifications. But it is impossible, in the most faithful attention to it, to lose sight of the proposal to divide among the States the proceeds of the public lands, or even the incidental question of a *reference* of that momentous subject, and to *which* committee it properly belongs. As much out of course would it be to separate from this direct inquiry the resolutions which have been introduced to permit a scrutiny into the state of the public funds; the security or peril in which they stand; the arrangements which have been made in adopting particular depositories; the inducements for such selections; and all the mysterious circumstances by which they are surrounded.

When any one of these cardinal measures has been formally before the House, it has been made the basis of broader discussion than its own mere provisions would seem absolutely to require. If the discussion has not extended beyond the various merits of them all, coincidents of each other, as I have stated them to be, it has done no more than fulfill its correct and lawful office. Were it confined to narrower limits, it would be restricted far within the range of useful and, perhaps, of necessary argument.

The subject which claims and deserves chief attention is awaiting its disposition here only in preliminary; it has passed the ordeal of the other branch of the Legislature, and is before this House on the several propositions of reference. It proposes to divide the proceeds of the public lands among the several States according to the ratio of representation, with the paternal and patriotic object of promoting internal improvement and general education. In giving it shape and direction, it would seem to be fair that its friends should exercise peculiar influence. Their objects are early consideration, and an opportunity, if it deserve it, for successful action. They ask no more. When it is matured, (and such they believe to be its present condition,) it must stand or fall, according to its own merits; but they beseech you not to mar or maim it in its progress. Who is there, really its friend, that desires a reference to one of the standing committees of the House? Who that is opposed to it will consent to its receiving at once the free discussion of a Committee of the Whole? A reference to the Committee of Ways and Means would insure an unfavorable report or consign it to lasting oblivion. This inference is drawn not, of course, from anything that has occurred in the committee, but from the distinct avowal on this floor of the gentleman at the head of it—an avowal made, not as chairman, but merely in his individual character. If it be regarded as a party measure, such a reference would be an unfortunate one, although it would receive cordial (if feeble) support even there. Speaking for myself alone, and promising it at all times hearty and sincere, though unimportant, assistance, I will say that a measure of deeper interest to the country—one better calculated to promote the true ends of government and law—the prosperity and happiness of the people—is not upon your Calendar. It would be difficult to embody in any single proposition a larger or more prolific promise of present and of future good; a plan, purer in its conception, liable to fewer exceptions in its exercise and use, or more widely diffusive of blessings and benefits throughout the land. If the hostility of the gentleman from New York [Mr. CAMBRELENG] be of the character which he is supposed to have proclaimed, we should differ as widely as the branches of the alternative which his argument has presented. It was an alternative of peace or war. All the purposes of the proposed measure are pacific and prosperous; it contemplates and will promote universal happiness and peace—happiness, founded upon the utmost improvement and most complete development of the resources of nature and of art, and upon the wide-spread diffusion of them over every part of this extended Republic, so that not an inch of ground shall escape their influence; founded, too, upon a moral elevation of the people, which cannot fail to be the consequence of enlightening their understandings and purifying their hearts. Peace, secured and rendered permanent by the power which these multiplied improvements will contribute to establish and confirm; and that power itself regulated and governed by a wisdom which universal education is calculated almost inevitably to inspire. An opposite system—the preferred system of the enemies of the measure—that which the gentleman deems an evil incomparably less than a distribution of the revenue, is a scheme of universal wretchedness; it denies to the husbandman the product of his land, to the manufacturer the use of his loom; it forbids tranquillity to the intercourse of social life, and may embitter the purest cup of domestic bliss; it fills the truest heart with angry passions, and converts the smiling fields of plenty into a desert waste: "havoc, and spoil, and ruin are its game."

A succession of statements has been exhibited from the Treasury showing the actual amount of public moneys deposited, and, in some instances at least, the manner in which they are disposed of or employed. Beyond these points, the periodical reports are altogether unsatisfactory. It is impossible that they should be otherwise. They prove, at least, (if they exhibit nothing more,) that while the Government, in not one of its various interests, is deriving any sort of benefit from the peculiar and embarrassing arrangement; that while favoritism may flourish, speculation grow rich, and patronage, in a long line of subordinate dependencies, may indulge its power and its pride, not an effort is made to wield the mighty enginery for the good of the people, or, so far as we know, to prevent the exercise of enormous and overgrown corruption. I do not speak of corruption as applied to the Government in any of its branches. It is not necessary that it should be engendered *there*, to prove the bad effects of the pernicious system. But the crop of evil consequences that may spring up under the influence of nearly forty millions now scattered broadcast through the land, and swelling in rapid accumulation into I know not how many millions more; the nature and the means of applying these corrupting objects to weak or venal minds, may become a scandal to the Republic, although its rulers may be innocent of all active agency, and even ignorant of the fact itself.

In the estimate of enumeration of sources from which funds have been derived, a distinction is drawn between the deposits of the *Treasurer* of the United States and those of *other officers*. If by this it be intended to express anything more than an accidental derivation of them as to place or person, it is a distinction without a difference, against which I would anxiously protest. It is an error replete with mischief to suppose that moneys in the hands of subordinate or accounting officers are not moneys already belonging, in every useful sense, to the Treasury of the United States. It may not be very material here, but I take the liberty to notice it as not an uncommon error. The mistake arises from the want of due discrimination between the *Treasury* of the United States and the Treasury *Department*, as an arm or organ of the Government. Certain rules are adopted for the purpose of bringing under the immediate view and efficient control of the proper Department a portion—composing, indeed, nearly the whole of the finances of the Government, but still only a portion of them. The remainder, comparatively small as it is, is expended before it reaches the Department, in certain salaries and minor incidents of office, and by the collectors of the customs largely in the payment of debentures. The mass is then brought into the great depository of the nation by a machinery which is rendered somewhat complicated by the extent of the country and the number of agents employed, but which rests upon principles as simple as the elements of mathematical science. None of it—not a farthing—whether in the hands of the agents, or paid over by them, can be expended without an appropriation by law. The only difference is, that the lawful expenditures of the agents are made under previous appropriations, without a warrant from the Secretary of the Treasury; whereas the moneys which are properly the subject of such warrant, are those which have been accounted for by the receivers as the surplus in their hands, and are drawn for in consequence of appropriations subsequently made. Both are alike public moneys. Both are within the clause of the Constitution which speaks of "appropriations made by law;" but says nothing of a warrant; and both are therefore *in the Treasury*. I ask if a farthing of the money in a collector's hands could be disbursed, or employed, or used in any way, except as the law directs? Why not? Simply because the Constitution has forbidden it. But the Constitution has forbidden no such use, employment, or disbursement, except as to money in the Treasury. It prohibits the drawing of it only "from the Treasury." Then the term *Treasury* (which is used, I believe, but once in the Constitution) applies to all funds belonging to the Government—to funds in the possession of the first receiver or elsewhere. The Treasury is not this or that particular place of deposit. It is not merely a stationary or locomotive strong box, in which the gold and silver of the nation is secured. It is not the vaults of a bank or the coffers of a capitalist. It is the present fixed right of immediate enjoyment vested in the Government, which, without precise locality or prolonged duration of movement, becomes perfect *in* the Government the moment the fund has ceased to belong to the individual by whom it is paid. It recognizes no intermediate stage of fiscal existence—no probationary or expiative purgatory. It admits no compromise of principle which would lead to an indulgence in flagrant abuses. All the revenues of the Government might be perverted to the sordid purposes of the particular officer, who might become a trading usurer to the amount of millions; or, which would be still worse, they might be abused to the corrupt and venal purposes of a profligate ascendency, whenever such a one shall exist, and be base enough to avail itself of the opportunity; for all the resources of the nation must, in succession, pass through this dangerous channel. The extent of profligacy might become as unlimited as the temptation to a weak or vicious mind would be irresistible. No, sir; there is no sound distinction between moneys derived from the *Treasurer* and those derived from *other officers*. The receivers of public moneys may *settle their accounts* periodically or otherwise, as you will; its payment over, or absolute appropriation, without stop or period to the Government, in the proper sense of the word *appropriation*, must be a rule without any exception, or the purity of the Republic is the shadow of a name.

That the subject of the augmented revenue requires legislation, is admitted by the bill on your table which purports to regulate the deposit banks. That it requires early legislation, will not be denied by those who have earnestly made that bill a candidate for early favor and consideration. Insufficient as it must be regarded for its professed purposes; coming into the House with all its imperfections on its head; it must, sooner or later, be taken up for consideration, and must then be supplied with its necessary improvements (if it be susceptible of them) in the course of its passage; or, possibly, it may be borne along in triumph on the car of the previous question, which alike silences all opposition, and buries all amendments.

That the vast accumulation of money is an evil, will not gravely be contested, if the fact itself cannot be disproved. It has resolved the doubt of Tacitus whether the gods in anger or in favor deny us wealth: "*Argentum et aurum propitii aut iratii Dii negaverint, dubito.*" It was said long ago, (and history and experience confirm the truth of the remark,) that those countries are seldom wise or prosperous in which the precious metals are abundantly produced. The sage policy of the Republic of Switzerland prohibited the owners to explore the mines with which some of their mountains are said to abound. A purer and a richer tribute was produced by the hand of industry, prompted to exertion by the

spirit of liberty, which guided the plowshare through their rugged precipices, and reaped the harvest on their almost barren sides. Wealth may be to nations—as we have the highest authority for believing it is sometimes to individuals—a curse.

The great difficulty in the whole scheme, and in its shining and delusive results is, that it is a mystery—an experimental mystery. It is a mystery, perhaps, to the Government, and certainly to the people. It hangs like a dark cloud over the destinies of the nation, embittering its enjoyments and darkening its hopes. It is not an answer to this unquestionable fact that the evils under which the people suffer are the result of a panic, which time and cool reflection will dispel. They are not less real on that account. Mankind is always influenced, to a greater or less degree, by something besides the sober reality. Panic may be itself the result of unnecessary or misjudging apprehension; but the consequences of it are anything but imaginary and insignificant! The gorgon's head was more fatal than the sword. Panic has been the prolific source of enormous mischief from the time at least when the host of Syria was overwhelmed before Samaria by the fancied noise of the horsemen and the chariots of Israel. At this very moment there exists, certainly in the Atlantic cities, and probably in the interior of the country, an almost unprecedented degree of pecuniary pressure, accompanied by an exaggerated state of prices both for real estate and the various conveniences of life. Labor is high, and yet money is scarce. An unnatural state of things like this can proceed only from extraordinary and unnatural causes. Capitalists stand aghast and close their hands in fear. Speculation usurps the place of well regulated business, the ordinary channels of which are injuriously disturbed.

To prevent the continuance and recurrence of these evils, early, and, it should seem, permanent provision is necessary. An excess of revenue will, in all probability, exist in future; and it is unwise to apply only a temporary relief to a mischief so enduring. Upwards of three hundred millions of acres of unappropriated lands are estimated still to exist within the States and Territories. There are seven hundred millions more beyond the Mississippi and Missouri. Many hundred years must elapse before emigration will convert into the abodes of civilized man a thousand millions of acres of almost interminable solitudes. With the most lavish and wasteful expenditures of the Government in all its branches; with a departure at once from both of the characteristic marks of the reign of Queen Elizabeth—*economy* and *vigor*—it is scarcely possible that the ordinary resources of the nation should not exceed its ordinary wants and expenditures, leaving the proceeds of the public lands to distinct and specific appropriation. What a curious comparison is exhibited between the expenses of the present day and those of 1789, when, in times of primitive simplicity, a little more than six hundred thousand dollars covered all the disbursements of the country—a sum less than three fourths of the present expenditures of Congress alone!

Notwithstanding the urgent calls for distribution, we are constantly informed that the idea of a surplus revenue is delusive; that means enough are before us to absorb the prodigious mass. Where, and what are they? While estimate after estimate has been produced, and proved in every way to show how erroneous is this suggestion, not a counter-calculation is exhibited, and the argument is contented to rest upon vague surmise and indefinite and sickly anticipation. The evidence of every sense is to be distrusted for the sake of a partisan theory. Faith was said of old to be able to remove mountains; but it is now magnified into an energy sufficient to disprove their actual and obvious existence. *There* is the mass of evil almost before your eyes, swelling in amount and mischief every hour. You are unable to reduce it, in fact, or by any probable or plausible conjecture. I will not go over calculations which have been repeated many times. I adopt, with entire confidence, those presented yesterday by the gentleman from Massachusetts, [Mr. CUSHING,] in what he was content to call a mere business speech, but which gave to business all the attractiveness of pleasure. The estimates exhibited by him were liberal in the extreme; yet they leave an excess beyond the proposed distribution and threatened expenditure combined. What is the consequence? Why, that the sturdiest enemies of distribution are unable or unwilling to bring their creed to the test of arithmetic; they substitute prophecy for calculation; they prefer conjecture to reality; they do not venture to say that there *is* not, but that there *will* not *be* a fund for division. When pressed to put down the items that will absorb the mass, they fly to items of fancy, which can scarcely be made the subjects of argument. They are compelled to infuse a large ingredient of very remote surmise even into their vague and improbable predictions. Passing from things at home, where extravagance, though vast, is not absolutely boundless, they suggest a possible condition abroad. A European war, which, at some uncertain day, may break out and involve the destinies of America in its consuming vortex, or some other phantom, usurps the place of substance and reality. Never did an occasion exist when, in a state of peace, treasures were justly heaped together, and hoarded up to await the bare contingency of future war. Vexatious, and disreputable, and distressing, as the disturbances on the southwestern frontier undoubtedly are, I cannot agree that, with proper treatment, even now, they are sufficiently formidable to interfere with the principle which I have thus advanced. In free Governments, at least, the rule is settled that measures to sustain war-like expeditions and movements must, in the main, be resorted to whenever the emergency may chance to come. Existing resources must be cherished and improved. But to dry up the fountain in order that it may reserve its streams for the uses of futurity, would be to leave the present race without enjoyment, and to deprive posterity of hope. Miserable would be the condition of that people that, from a sickly fear of undefined danger—a feeling the most degrading that can curse our nature—should burden themselves with exactions and restraints, should deny themselves suitable expenditures and enjoyments, because a lurid star might happen to glimmer in the imagination of some feeble-minded statesman. They would resemble only the individual who, in the full possession of robust and vigorous health, but incapable of appreciating or enjoying it, should deny to appetite its necessary food, and minister to a wholesome constitution the nostrums of disease, until he should become the prey of a preposterous and pernicious empiricism.

Loans are resorted to when they are required by necessity. No statesman believes that he can carry on war without them. There is no danger of disappointment in the hope of realizing them, unless the country, in its ordinary course, has been impoverished by withholding from it its natural and proper supplies. Money is the sinew of war, but it is the free-will offering of the open right hand of peace. It is the fertilizing spirit which gives life and vigor and activity to all things; and it cannot be withheld except with the effect of present suffering and future imbecility.

A happier thought than the distribution at least of the proceeds of the public lands has seldom been conceived. It reconciles the highest attainable practical good with the strictest construction of the Constitution. I should feel no necessity, for myself, to recur to this intermediate agency (if it be such) of the States for distribution. But I know full well that proud and honorable feelings unite with sound and enlightened judgments in requiring it; and the peculiar mode of reaching the object, which is itself free from reasonable objection, is rendered indispensable. If, through such fair and legitimate arrangements, the whole country can be brought to harmonize in one general sense of concurring approbation, how full of benefits and blessings is the proceeding!

When the purposes of the General Government are fully supplied, it is best that its connection with the disbursement of the public revenues should cease. It is the true policy of the Constitution that the National Government should be as seldom as possible seen and felt; that, in all external relations, it should present the formidable aspect of power, and the means of prosperous and successful intercouse with foreign nations; but that at home even the benefits which it sheds upon its own citizens should be experienced as nature receives, and prospers under the influence of, her refreshing dues, while the sources from which they flow are imperceptible. The organization of the Government does not even contemplate a *home* department, which necessarily exists as a branch of the different European systems. It exhibits in prominent relief a bureau of foreign affairs as a principal agent, resting upon military and naval departments as its pillars. If, when thus unseen in the direct performance of its domestic duties, it can realize all the wished-for results, without threat or danger, to the liveliest sensibilities, without a suspicion of usurpation or encroachment; if it can maintain its dignified bearing and successful intercouse with foreign nations, and at the same moment "scatter plenty o'er a smiling land," the system is as brilliant in theory as its practical exercise is felicitous. Were I the warmest personal friend of the President, I would wish him no richer consolation, no happier subject for reflection in the calm evening of his lengthened day, than a belief that his recommendation had been the parent of this most salutary scheme. It would be less perishable than a laurel crown. Were I the warmest of his political adherents, I would cherish it as the brightest ornament of his public career. It would be more ennobling than a hundred victories. A whole country made fair, and cheerful, and prosperous—a whole people educated, enlightened, and refined—are peaceful monuments of enduring strength and grandeur, surpassing those of the triumphal arch erected on the sufferings of thousands of the human family.

Whenever the period has arrived at which distribution can be made without interfering with the paramount necessities of the nation, it can justly be withheld no longer. By the cessions of the several members of the Confederation of their lands, the United States became not a mere proprietor, but a trustee. They received the lands in trust, for purposes of general good, for the use and benefit of all the States. How much might be realized from this great trust in the long course of aftertime, or how long its products would be required for purposes merely national, was not foreseen or fancied. It would depend upon many circumstances, and chiefly upon the rapid growth of population and prosperity in the States themselves, which, absorbing the private lands in their own limits, would send forth a host of hardy emigrants as pioneers of the western wilderness. As long as the products of their purchases were necessary to replenish the general treasury, they could not be applied to other purposes. They would not be, and they were not, disturbed. These other purposes were necessarily postponed for such as were primary and were essential. But when the objects of absolute and preliminary use should be fully satisfied, and the sales of land should yield only an unprofitable and dangerous superfluity; and yet when they could not be intermitted without checking the progress of useful emigration, or be reduced in price without violating pledges of the strongest implication, and plunging in ruin a countless extent of private interests, the ceded lands must return in prolific plenty to the people, for whom they were always designed, and to whose uses, directly or indirectly, they ever have been, and I trust ever will be, sacredly devoted. It matters not what is the practicable shape they may assume. The prosperity of the Union is essential to the well-being of the States. That being secured by an appropriation of all that it requires, the States themselves will receive and dispose of, directly for themselves, the funds which their own grants have created. The trust was not confined to purposes of war or peace. It was not limited by any futile attempts at preternatural anticipation. Its products were to be applied as circumstances, regulated only by our own energies, encouraged by the smiles of Providence, might require. The Constitution was wisely confined to the provision of means for creating revenue. It conferred upon the proper department in the distribution of powers, the Legislature, an authority to lay and collect taxes, duties, imposts, and excises; but it provided no rule for the distribution of excessive wealth. In

the absence of constitutional provisions, we have been turned by gentlemen to the Articles of Confederation as the true interpreter of the grants by the States. The search is, if possible, still more unprofitable there. Why should it not be so? That instrument, as well as its successor, (the Constitution,) was the offspring of a representation considerably wider than that of the people from whom the lands were derived. To have permitted it to control the grants themselves, which upon well established principles can, if they please, alone regulate what they cede, would be illegal and unjust. The objects of the trust must be looked for only in the language and spirit of the grants, and in the fitness and propriety of things. Besides it would be difficult to conceive how an earlier could be the corollary of a later instrument; how a confederation formed on the 9th of July, 1778, could be designed as the commentary upon a series of cessions to which it was long anterior; the first of them not having taken place until the 1st of March, 1781, and the last until the 24th of April, 1802. As must inevitably be the case, there is not a word in the Articles of Confederation which bears upon the question, or can be tortured into an exponent of the several grants.

If there be no excuse in positive prohibition; in implied or express devotion to other objects, or in necessary uses for the money elsewhere, (any one of which would be clearly paramount,) what reason can be offered for withholding from the people their obvious and acknowledged right? Who can justify a postponement that would thus become unnatural? With these sources of prosperity at hand, the nation may advance, in the short space of months, to a situation which, under other circumstances, in centuries it might not reach; yet the bright prospect is to be destroyed, and the long-cherished hope of the nation is to be still deferred, while the desired object is almost within its tantalized grasp, and all for the employment of a subtile scruple, or the indulgence of an idle fear.

As it is admitted that the distribution so ardently desired has thus far been postponed to the actual wants of the Government, it is conceded now that these, so far as they are reasonable, shall be first supplied. Look to the fixed objects of appropriation. Throw in the contingencies, ordinary and extraordinary. Let them neither be exaggerated nor stinted. Before you come to the work of expenditure, agree to a division of the surplus that shall remain; and we will cordially unite with you in liberal expenditures, if they are not positively extravagant and unjust.

The appropriation bill for fortifications is a liberal one. It was reported at a time when I am sure there was the strongest disposition to make it so. Speaking as a member of the committee which reported it, I believe there was scarcely anything within the compass of a richly endowed treasury, which would consist with other equally important arrangements, that would not cheerfully have been devoted to the necessary defense, and even warlike preparations of the country. If a proposal to inquire into the expediency of increasing the Navy was not equally acceptable, it was because it did not embrace a more comprehensive and vigorous plan of general protection; because, by far the larger part of the Navy, although in one sense already existing, was yet to be made available before increase could be properly or usefully applied to it; and because all other defenses were fearfully and shamefully defective. The bill now before us was reported on the 29th of December, at a moment when the pacific relations of the country were suspended by a single thread. The supplemental message of the President appeared on the 18th of January, bearing date the 15th of the month, recommending a prohibition of French products, and of the entry of French vessels into our ports. On the 23d of January a bill, precisely such as seemed desirable, was reported by the Committee on Naval Affairs. Its object was not to increase the Navy to the extent of a single plank. Such a proposition would have been, during a moment of serious exigency, both useless and impracticable. It proposed merely the appropriation of a sufficient sum (in blank) to complete the vessels building, to prepare and equip for sea those in ordinary, and to procure materials for rebuilding those for which partial appropriations had before been made. All these objects were attainable. The mediation of Great Britain did not reach us until the 8th of February, about a fortnight afterwards. Under such circumstances, and with a pressure so extreme, it might naturally be supposed that the call was at least as large then as it ought to be now. It contemplates, in its original shape, expenditures for its especial objects, amounting to something less than $2,000,000. A corresponding bill, which was passed on the 30th of June, 1834, called for only $870,594. A single amendment has been offered, asking for $700,000 more. The original bill and this amendment combined do not bear any great disproportion to the call in 1834; as it will be borne in mind that, for causes to which personally I am a stranger, there was no appropriation to these objects in 1835. Although, for reasons not exactly similar to those which existed at the end of the year, I would not be indisposed to adopt the items of the bill, and the amendment too, if they can be usefully expended during the current year. They will at least relieve the plethoric Treasury of a portion of its load. I am not at liberty to applaud the skill in strategy which the amendment would have indicated, but for the declaration of the mover of it that he disbelieves in the existence of a redundant revenue.

For the Navy I would go much further. Few can doubt that when this nation disregards its maritime interests it will forget its truest friend in peace, its most efficient champion in war, its proudest ornament at all times. It will turn aside from the high behests of Heaven, which has committed to it the protection of a coast, the vast extent of which proclaims the guardianship it requires; and a population whose daring qualities fit them especially for the perils of the sea, and whose intense activity never can be satisfied except with the opportunity of penetrating into every corner of the globe. Navy-yards, docks, and convenient harbors are objects of primary importance, as they are the positions in which this favorite limb of our gigantic system can occasionally repose. It is a limb which cannot be touched amiss without making every nerve in the great body itself to thrill, every artery to swell, every pulse to beat in redoubled quickness. The number and positions of these navy stations as they now exist, (except, of course, that of Pensacola,) and the absence of them where they do not, are points of policy much earlier in their origin than that of the present Administration. At a period which, in these degenerate and distracted times, we are in the habit of looking back to, historically, as the golden age of the Republic, all of them were selected. Even that period of comparative brightness had its cloudy days; and what period of individual or national existence is without them? During the very month when this measure was adopted, the boldest, and for a time the most unpopular, act of the first Administration was taken—that of sending Mr. Jay as Envoy to England; and thus preserving, as an efficient navy will be the means of preserving, the happy neutrality of the country.

These events occurred in the time of General Washington, who, though himself a Virginian, and like every other child of that *magna mater virum*, justly proud of his maternity, was as little likely to be influenced by sectional feelings as any of his countrymen. He certainly had no especial predilections for the North, or any disposition to disparage or postpone the southern portion of his country. Under his auspices, and by his personal direction, as communicated by the Secretary of War, long before a Navy Department existed, the selection was made. After careful reëxamination, the selections thus made were confirmed by a succeeding Administration; and the positions have been practically approved by every Administration which followed, to the present time, including a period of more than forty years. Thus, after deliberate selection and repeated approval, after receiving the sanction of well-tried experience and protracted time, it requires little argument to prove that a change ought not to be made without great deliberation and satisfactory cause. In sustaining them, we are not to be considered as supporting the policy of this Administration, or the especial policy of any individual, but that system which is to be regarded as the settled policy of the Republic. All the institutions of the country, resting upon a basis broader and deeper still, might as well be identified with the peculiar policy of a particular Administration, if its mere and necessary, and it may be reluctant adoption of them should make them in any respect its own. We do not embrace the principles or sustain the policy of the Administration. If it has adopted and is sustaining ours in any particulars, it is no reason for our abandoning that which long before the existence of the present Administration became our own.

In the selection of positions for any of the works of national utility, or of protection from the wars of the elements or man, no preference can or ought to be given to one portion of the coast or country, unless that preference is already pointed out by nature, and circumstances that are beyond control. To submit to the awards of Providence is not to make a preference. It is scarcely to create an equality. You avail yourself of local advantages, or supply local wants, where it is practicable to do so, without interfering with the Constitution, or the just and equal distribution of public benefits wherever they can be bestowed. In a well regulated system, funds are disbursed where they are required, and where they can be made available; and no proper judgment can expect that, because they have been expended where they are required, they should be thrown away where they are not. If Philadelphia happens to be placed not far from the head of tide-waters of a long and difficult navigation, at the entrance of which into the broad ocean a climate is found, under the auspices of which the ancients would have said the cave of Æolus was dug, more than a million is expended upon a breakwater. Yet you still leave the harbor inferior to those of the accessible cities of the North, or of the more genial clime of the South. Upon these nothing would be expended for similar works, in order to create a mere equality in theory where there is no practical preference or postponement. Fortifications and other like measures of defense, to prevent and repel encroachments from the ocean or territorial neighbors, are resorted to on the sea-girt or land-encircled borders of the country. A happy exemption from similar perils obviates the call for such provisions for the rising capitals of the interior. Light-houses, and piers, and harbors, and even Indian agencies, and all the muniments of war, and appliances of peaceful preparation, are provided where congruity and the fitness of things require them; but they would be idle and unprofitable expenditures elsewhere.

Several gentlemen, in the course of recent discussions, have placed (I think deservedly) at the head of the list of objects of merited expenditure and regard, our imperfectly constituted Navy. Is it not worthy of protection? I am not proclaiming its eulogium. Let its own unvarnished history speak, and interest alone, without borrowing for it a single ray of well-earned glory, will confirm the policy. When the first few ships sailed which still bear their flag with honor into every sea, the beneficial effect upon the commerce of the country, and consequently upon its general prosperity, was immediate and unquestionable. Insurance, at that time extravagantly high, fell at once one half on voyages to China and the East Indies, and to other places in proportion. A committee of this House, reporting on the 17th of January, 1799, on that part of the President's message which relates to a naval establishment, estimate the saving on different objects at seven and a half per cent., and the effect is wonderful. They estimate the exports and imports for one year at.....$100,000,000
Vessels employed in foreign trade.. 27,126,400
Coasters and fishermen..... 7,178,760
$134,305,160
Of which, seven and a half per cent. saved on the first two items, and one per cent. on the last, amount to.....$9,578,517 60
And the annual expense of the existing Navy was..... 2,434,261 10
Making a pecuniary gain of.....$7,144,256 50

"Timely disbursements to provide for danger,"

said General Washington, "frequently prevent much greater disbursements to repel it." A suitable marine was not possessed before the war upon our trade was begun by the two great belligerent nations, who vied with each other, not more in their mighty struggles for supremacy than in their ruthless violation of neutral rights. It was well remarked by the Secretary of the Navy, in his communication to a committee of this House, at the close of the year 1798, that if it had been, we should not have lost, by depredations on our trade, four times the sum necessary to create and maintain it during the whole time the war had existed in Europe. He adds, with prophetic spirit, "If we do not profit by experience, and put ourselves in a situation to resent insult and punish aggression, nothing is more likely than that in less than half a dozen years another occasion may be presented for a repetition of the same mortifying observation." The mortifying observation *was* repeated. It was repeated for more than thirty years absolutely in vain. At the expiration of a still longer period, the nation was on the eve of a war of countless expenditure of blood and treasure, to recover (as was supposed) amends of reprisals for withholding the payment of about one half of the principal sum, for the payment of which a slow promise had at length been wrung. What a world of loss and trouble had been saved by a recourse to early and honorable and glorious prevention!

To meet the objects of the country, actual increase in the number of vessels is not so immediately necessary as the vigorous use of those which already exist in completion or in progress. Put into the water what we are furnished with on paper, and the interest and honor of the nation will not be held lightly in any quarter of the globe. The great Frederick of Prussia once declared, that without a hundred ships-of-the-line, and a hundred thousand sailors, a nation ought not to expose itself upon the ocean. He misjudged. Thirteen ships-of-the-line—all of them of majestic proportions, and most of them of stubborn stuff; one of them, as she is familiarly called, the largest ship in the world; fourteen frigates of the first class, (only three of which are on the ocean, and others of them are unfit for sea-service:) two frigates of the second class, and fifteen sloops-of-war, besides smaller vessels and steamboats, would present, if in condition, a squadron of four and forty hearts of oak; of which, when equipped and manned, and bristling with formidable armaments, and spreading their white wings, and boldly careering on the deep, any crowned head in christendom might well be proud. Hundreds of gallant officers stand straining in the slips, anxious for employment and promotion. Thousands of swelling bosoms are panting for their places, whenever they shall be rendered vacant by the budding honors of those whom they are hoping to succeed.

I say not a word of preparing for war in time of peace; although there is certainly a position which is desirable for every nation, where, in the words of the first President of these United States, it "may choose peace or war, as interest, guided by justice, shall counsel." The true object of every preparation is the maintenance of an honorable and a prosperous peace. Peace is the natural condition of mankind; it is the condition of true dignity and real usefulness. That nation which will not preserve it while it can, must be predisposed, like the ancient Carthaginians, to sacrifice its children to idols. By self-respect, at all times carefully maintained, and a readiness, not ostentatiously exhibited, to enforce respect from others who are disposed to withhold it, it will secure the applause of men and angels.

Among the important measures almost immediately before us, I have adverted to the one of proposed investigation and scrutiny into the condition of the public moneys in the deposit banks. A considerable time ago, inquiries of a different character and with different objects, were suggested in debate, which were then made the topics of consideration and remark. I am the rather induced to urge the right of such inquiries, because of the authority which was then imputed to the mere suggestions of the heads of particular bureaus. Granting, for the argument's sake, all the ability, experience, diligence, and skill which were claimed for them, can the existence of all those qualities close the book in which *our* duties are written, or make the measure of our performance of them full? I join issue with the argument which would create or shift a burden of proof as to the propriety or fallibility of a communication the moment it is made. Were it so, a Secretary would have nothing to do but close his lips to explanations; and the wildest estimates that folly ever framed become irrevocable law, as disproof may be impracticable, because it depends upon the very information that is thus withheld. The condition of this body would resemble the occasional state of the by-gone Parliaments of France, which in the presence of an absolute monarch, reposing literally on his bed of power, miscalled his "bed of justice," registered his decrees in abject and inevitable submission to his will.

The little experience I have had in legislation informs me that practice is quite at variance with this presumption of infallibility on the part of executive officers, independently of all questions as to their intelligence or worth. Inquiries are made, and explanations are called for, in all instances when the members of committees are not satisfied for themselves. Similar results await similar duties in the House. Nowhere is the *nullius addictus jurare* rule of Horace more applicable than in matters of legislation. Taste may be formed and exercised, partially, at least, by faith; but the true performance of legislative duties is, or ought to be, the consequence of sight alone. Push the suggestion home, and observe to what pernicious consequences, to what false inferences it will lead. If the *sayings* of the Departments are binding, their doings ought to be equally infallible. Everything, past and present, is to be regarded as in a condition of perfect security; all our relations are prosperous, because it is the duty of the Executive to keep them so! At least, concentrating in itself the details of universal agency, placed on an eminence that it may survey the whole surrounding hemisphere, it should mark every rising vapor, perceive every distant cloud, and foretell the coming storm; or leave the nation assured that an unclouded sky extends to the utmost limits of the vast horizon that everywhere surrounds it. Have the sentinels on the watchtower discharged these duties faithfully? Is the country provided with all it should desire? Has nothing mischievous been done, or nothing good omitted to be done? Has nothing been lost, or put in jeopardy, that vigilance might have guarded against, or precaution saved? On these occasions, when this legislative tribunal sits in solemn judgment to consider the *state of the Union*, it seems to be usual to look behind us, and around us, and before us, and to gather together all that may gild or tarnish the recollection of the past, or cheer or darken our future destiny. What part, then, of your national preparations, either for peace or war, is in the condition of which you could venture to be proud? Come with me along the whole line of sea-coast from Maine to Florida, from the confines of Canada to the debatable limits of Mexico. Will the eye of doating confidence itself slumber over the numerous defenseless and dismantled fortifications—the dust and ashes which remain to mark the place where stood at least one feeble tower of defense—the crumbling ruins of I know not how many more? The whole lengthened line is naked and defenseless, either from the want of provision of permanent objects of reliance, or from an omission to supply the replenishments which time and accident require. All of the southern shore—every inch of it—according to the acknowledgment of the chairman of the Committee of Ways and Means, has been "shamefully neglected" in the article even of navy-yards, to say nothing of more important provisions for a time of need. I take for the argument his better knowledge, instead, and in preference to, my own inferences, founded, it seems, on a fallacious confidence, at least to this extent. I had supposed, in undoubting trust, that suitable stations did not exist in that quarter; that the depth of water was not sufficient; or that some other overruling cause had forbidden the attempt; and not that the providence of God had been *shamefully neglected*, or that it was digracefully thwarted by the want of providence of man.

But the stations that exist, are they supplied? Have they men, or have they armaments? Could a salute have been fired if the harbinger of glad tidings had chanced, on a late occasion, to spread his white banner in the view of almost any one of them? I speak not at all of warlike preparations, but of those which become the piping times of peace. It was long since known to the Finance Committee of this House, (although then wisely communicated by the Department in almost sacred confidence, lest mischief might happen from its publication,) that scarcely a gun or a gun-carriage in any of the proper abiding places, if such things existed at all, was fit for any service, except the very menial service of a by-word and a reproach.

Your naval preparations, are they essentially efficient and mature? I will not repeat the defects in maritime arrangement, with the complaints of which the whole country undoubtedly resounds, from careless contracts, up to the defective (because not understood) discipline which ought to bind together the component parts of this interesting and powerful machine. But your sloops-of-war, do they maintain the gallant bearing, the proud supremacy in swiftness and strength, in grace and beauty of proportion, in fitness for all their duties, which were once accorded to them in every sea? Your officers, are they encouraged and kept in heart by becoming selections and employments that would serve as the reward of merit and the crown of zeal? Are their ardent sensibilities fanned with the hope of seasonable promotion; or are the wisest and the weakest heads suffered alike to grow gray in situations of subordinate rank?

Your public moneys—but I forbear to press the inquiry here. Clouds and darkness rest upon them.

Your western and southwestern frontier, has it been guarded against the attacks of murderous savages? Are the properties and the lives of the citizens, and have they been exposed to no unnecessary ravages—to no mischiefs that could have been foreseen and avoided? Have treaties been regarded on our side, and has not the fulfillment of them been unduly exacted upon theirs? It is no longer unknown to any who have chosen to inquire that intimations of the approaching storm were given again and again, and were as often disregarded. As long ago as March, 1835, from the highest official sources, cautions were communicated against attempts to enforce against the Seminole tribe a doubtful treaty; or, if it should be intended to be enforced, that competent means should be at hand to induce submission, or it would end in the butchery of these poor savages. Every precaution was omitted; and every prediction was verified, except that the expected victims became the ministers of the sacrifice.

These inquiries and suggestions are not made in the way of unnecessary reproach, but with a view to unite in preparing to meet and breast the coming wave, which more than threatens to swell and break on our borders, from the Gulf of Mexico all long, perhaps, to Lake Superior. Nothing is so contagious as the zeal derived from victory. It is especially so among those with whom success was probably altogether unexpected, and among whom not to be defeated is to overcome.

Depend upon it, there is no error in a popular Government half so fatal, no delusion so bewitching, and yet so likely to betray, as a blind confidence in those who happen for the time to rule. A burden of undoubting faith in the infallibility of a Government, and the necessity of disproving it when the means of so doing are withheld, would resemble the slavery of the victims of that bondage which bound them to a task which was rendered impracticable by the absence of the materials with which it was to be performed.

An honorable gentleman complained the other day that we were hurried into repeated expenditures for hostilities of which no record could be found. The traveler passing over those deserted fields will find a mournful record of blood and ashes: farms destroyed—houses burnt or pillaged—inhabitants driven off or slain. An Indian warfare admits of none of the ordinary records in which are inscribed the causes of the hostilities of civilized man. No warning herald's voice

proclaims the intended invasion, which is announced only by the war-whoop that accompanies it. The death-dealing tomahawk is substituted for the herald's spear. The manifesto that proclaims the catalogue of wrongs which are about to be avenged is written only on the tablets of bleeding human hearts.

These disasters have come upon our borders without being met by competent preparation and successful resistance. Still, in a conflict between placing disbursements in the hands of those whom I did not contribute to elevate to high places, on the one hand, and seeing the country suffer from the want of them on the other, I cannot hesitate. Patronage may be abused for a season, and we may mourn over the abuse of it; but the energies of patriotism will rise above the most untoward temporary influences. These are, it is hoped, but domestic vapors, which the next sun's rays may dissolve or dissipate; while a stain upon the honor or interests of the country may be indelible. In the preparations that are made for continuing peace or contingent war—in all that is hoped for, and all that is feared—the lessons of true wisdom and universal experience teach us that we be true to ourselves. Whatever is necessary to protect the citizen, to defend the country—whether the foe prowl in the forest or move upon the deep—must be provided, cost what it may. The fairest claims on foreign Powers, the soundest arguments that can sustain them, are disregarded among nations unless they are backed by strength. "There can be no greater error," says General Washington, "than to expect or calculate upon real favors from nation to nation. 'Tis an illusion which experience must cure, which a just pride ought to discard." It is the happy and sagacious thought of a writer on the military policy of Great Britain, who thinks scarcely less like a statesman than a soldier, that whatever might have been the case in the golden age, Astræa has never since been acknowledged upon earth when she has forgotten to bring along with her her sword.

RELIEF OF DISTRICT CITIES.

SPEECH OF HON. G. C. WASHINGTON,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

June 25, 1836,

In Committee of the Whole House, on the bill for the relief of the District Cities.

Mr. WASHINGTON said:

Mr. CHAIRMAN: The friends of the bill under consideration have abstained from entering into a discussion of its merits, in the hope that it would be reported to the House without exciting much debate, and that we might be enabled to pass on other measures in committee of high interest to the District. It was our intention to sustain the bill before the House if serious opposition was made to its passage. But, sir, from this protracted debate, we have cause to fear that the short but valuable time allotted to District business is to be absorbed by this single measure. It is, therefore, with unfeigned reluctance that I am forced, at this late hour, to depart from the rule I had prescribed for myself, and for a brief space to solicit the attention of the committee.

Sir, I should be apostate to the cause of truth and justice, and the highest obligations of duty and feeling, could I patiently and in silence on my part permit the gross misstatements which have been made in relation to the District of Columbia and the Chesapeake and Ohio canal to pass unnoticed. I mean not to impugn the motives of gentlemen, or to impute willful misrepresentation; but they have not given this subject that full investigation which its importance merits, nor have they arrived at the true statement of facts which documents on our tables, and others entirely accessible, would have furnished.

What, let me ask, are the claims of the District of Columbia on this Government; and with what justice and propriety does she now present her prayer for relief? Whilst under the fostering care of the States of Maryland and Virginia, her cities then in existence flourished, and enjoyed a large foreign and domestic trade with prospects of increasing prosperity. This spot having been selected as the seat of a great national city, the territory of ten miles square was ceded to the United States, and placed under the special protection of the General Government. But did the District come to your arms poor and penniless, a tax on your Treasury, and a burden to the nation? No, sir; she brought you a rich dowry in lands and money; more than ten thousand lots in this city, for which you paid *not one cent*, the sales of which have already amounted to between seven and eight hundred thousand dollars, and been placed in your Treasury. You have made donations to literary and charitable institutions of lots to the value of $70,000, and have lots remaining unsold valued at upwards of $100,000. Your public squares and reservations of five hundred and forty acres, now valued at more than $1,000,000, cost but $36,000, and were paid for by the sale of lots which had been given to you. The State of Virginia at the same time made you a donation of $120,000, and the State of Maryland $70,000. Let it be borne in mind, too, that you have derived all the advantage of the rise of property in this city from the enterprise and at the cost of individual property holders, without having contributed anything toward it, for you have paid no taxes; and had your lots been taxed *pro rata* with those of individuals, the sum would probably have amounted to nearly the present debt of the city.

Now, sir, in what consists this *very unreasonable* request on the part of the District cities? Why, that you will assume for them, from your redundant Treasury, a sum short of what you have realized by the connection with them, to relieve their embarrassments, which are crushing them to the earth, and from which they have no other mode of escape; for this, and the interest and losses on their foreign loan, they offer you all the security in their power, and which I will presently show to be most ample.

It has been asserted that the embarrassments of these corporations have resulted from their extravagance and improvidence. To make assertions on mere impressions or rumor is no difficult task; but to prove their correctness in the face of facts, is not so easy. I challenge gentlemen to point out the acts of extravagance to which these corporations are amenable. The chief source of embarrassment has grown out of the subscription of these cities to the Chesapeake and Ohio canal, and the interest and losses consequent on the Holland loan, which was negotiated to fulfill their engagements on account of the subscription to the canal stock. I shall be able to show that they were justified at the time in making that subscription, and that they were in fact, *induced* to it by the acts of the Government. The charge of improvidence from that quarter would, indeed, come with bad grace. Washington, it is true, was most unfortunate in the lottery grant, which added about $200,000 to her debts; but this loss cannot be attributed either to her extravagance or improvidence. But, sir, in the magnificent plan of your city, and the length and width of its avenues and streets, exceeding those of any city in Europe, or perhaps in the world, opened and improved at the expense of a small population, may be found an additional and obvious source of embarrassment. This plan was for the accommodation of the Government, and to gratify the pride of the nation, in which the citizens had no voice, and for which they are in no respect responsible.

The considerations which induced the District cities to incur responsibilities by their large subscription to the Chesapeake and Ohio canal, demands the serious attention and reflection of members, and, in my humble judgment, imposes a moral obligation on the Government to grant the fullest measure of relief. But for the hopes held out by the Government in becoming a partner to the amount of $1,000,000, and their faith in her continued patronage and countenance to the canal, thereby insuring its early completion to Cumberland, these cities never would have incurred responsibilities so far exceeding their means. The original plan, before the United States became a partner, contemplated a canal from tide-water to terminate at Cumberland, thirty feet in width and three feet deep, the cost of which was estimated at $1,578,954. This work was evidently within the means of the parties interested, might have been finished some years since, and the local interests it was intended to promote would, at this day, have been in the full fruition of the benefits which were anticipated by its friends. But the Government soon took an interest in this improvement; when, from a mere local, it assumed the character of a national work. The President of the United States recommended it in the strongest terms to the favorable consideration and patronage of Congress; as presenting the highest claims on the public means to insure its success. It was represented to be a work of the greatest national importance, affording the nearest and most practicable connection of the western waters with the Atlantic, and, in its political consequences, as drawing more closely the bonds of union. Congress responded to the recommendation of the President, and granted a charter, which required the company to enlarge the capacity of the canal, so as to answer all the purposes of the nation, and to admit of its extension to other points besides the District of Columbia.

In place of terminating at Cumberland, as originally designed by its projectors, and under the national aspect it now assumed, Pittsburg was designated as the western terminus. The Government directed its engineers, with General Bernard at their head, to make the survey and estimate of cost. That estimate made the cost to Cumberland to exceed $8,000,000; and yet, in the full knowledge of these facts, the Government subscribed $1,000,000.

Is it, then, under these circumstances, a matter of surprise that the District cities, confiding in the further aid of the Government to a work in which it had become so largely interested, and relying on its early completion, should have ventured to embark their fortunes in the same concern? Their hopes were buoyant, and they believed that, under such auspices, a speedy completion of the work was secured. They looked forward with confidence then, as they do now, to the incalculable benefits and boundless sources of wealth in which they must participate when this great work is finished to Cumberland. But a change came over their hopes. Other counsels prevailed, and a different policy was adopted by the Government, and left them to deplore their own credulity, and mourn over their broken fortunes.

Mr. Chairman, it has been contended in another branch of the Government, and by the reports of the Committees for the District of Columbia of both Houses, that the faith of the nation is implicated in the foreign debt of these cities. It is evident that such is the impression of the Messrs. Commmelins, with whom the loan was negotiated in Holland, and who, in their correspondence with Mr. Rush, remark, that "the public faith of the United States is so mixed up with the matter, that we should not readily permit ourselves to doubt that it presents all reasonable grounds of security." By an act of Congress, these cities were authorized to effect a loan, and to mortgage the property of the citizens resident and non-resident, to secure the payment of the principal and interest. The Treasury of the nation was made the repository for these payments, and the President of the United States required to see to the faithful performance of the contract on the part of the cities; and in the event of failure to comply, he is to cause the property within their limits to be sold at auction, to raise an amount sufficient to liquidate the debt. A former Secretary of the Treasury interested himself in the negotiation of the loan, by addressing letters to foreign capitalists, expressing the deep interest which the Government took in the matter Now I leave it for the House to judge how far the act of Congress, and the connection of these high functionaries of the nation with the transaction, were calculated to influence foreign capitalists in lending their money, under the belief that the faith and honor of the nation was pledged for their ultimate security.

These cities have strained every nerve to sustain themselves, but can no longer struggle against destiny. They have failed to comply in the payments to their foreign creditors, and the President

has been required by the agent of those creditors to enforce the contract. This unwelcome duty he must perform, and has already appointed a commissioner to attend to its execution. May Heaven avert this disgrace from our country!

It has been said by an honorable gentleman from Kentucky, that the security offered by these cities, of their stock in the Chesapeake and Ohio Canal Company, is far from being adequate, and, in fact, is worth but forty cents in the hundred. Where the gentleman has obtained his information as to the value of that stock, I cannot conjecture. I have heard of none in the market, with the exception of the stock of a few delinquent subscribers, and am not aware that even that has brought less than fifty cents in the dollar. The stock of that company is held chiefly by Governments and corporations, and the individual stockholders, with the few exceptions I have mentioned, will continue to hold their stock in the firm belief of its being the most profitable investment they can have, when the canal is completed to Cumberland. The gentleman calculates the indemnity to the Government at what he estimates to be the present value of the stock. But the bill does not contemplate the immediate sale and consequent sacrifice of the stock, but, on the contrary, provides that the District cities may redeem it within ten years, by refunding to the Treasury the amount of principal and interest which may be paid for them. I hazard the assertion, with the most sincere and thorough conviction of its being realized, that long, long before the term of redemption limited by this bill, the stock of the Chesapeake and Ohio Canal Company to be given in pledge to the United States will be an ample fund to repay to the last cent the obligations you may assume for the District. If this magnificent work, far surpassing in its dimensions and construction any other in this country, as many gentlemen on this floor, who have recently visited it as far as Harper's Ferry, can testify, should fail to realize the expectations of its friends, it will be a solitary exception in the history of canals, either in this country or Europe. This may more especially be said of canals leading to a mineral region, which have, without a solitary exception, proved to be the most profitable of any kind of investments. Take, for example, the Schuylkill canal, the chief transportation on which is coal. Five or six years ago its stock of fifty dollars a share, being the par, would command only about twenty-four dollars a share. It now sells, as was stated by the gentleman from Virginia, at upwards of one hundred and sixty dollars a share, an advance of more than two hundred per cent.

The New York canal, which had, in its progress, to encounter all the prejudices and difficulties which have been thrown in the way of the Chesapeake and Ohio canal, and cost about $8,000,000, after having reduced the tolls one third, is now yielding to the State a revenue of more than one million and a half of dollars annually, and this, too, without the advantage of having iron or coal for transportation.

These simple facts, which cannot be controverted, are entitled to more consideration than all the assertions or prophecies of gentlemen whose prejudices or want of correct information may have misled their judgments.

Why should not the stock of the Chesapeake and Ohio canal become a fruitful source of revenue to all concerned? It passes through a region of country equal in agricultural products to any in the middle States. Its tributaries, the Shenandoah, the Cacapon, South Branch, Antietam, Conecocheague, and Monocacy rivers, already navigable and susceptible of improvement for several hundred miles, all water extensive and fertile valleys in the highest state of cultivation. Independent of agricultural productions, look to the other sources of revenue from coal, iron, lime, lumber, the valuable fisheries of the Potomac, and many other articles of transportation, too various to enumerate. To these may be added the immense trade of the West which can be transported on the national road to Cumberland, and by the canal and railroad to the District cities and Baltimore, at a cheaper rate and by a nearer route than any other communication can offer. The return trade, in merchandise, &c., to the western States must also add largely to the revenue of the canal. The water power created by the canal is of unlimited extent, and will invite the enterprise and capital of manufacturers. The entire column of water of the Potomac may be turned into the canal within the District; and with a canal to the interior, transporting the raw materials for manufacture, and easy access to the ocean, where is there a position offering greater inducements?

The coal and iron of Alleghany are inexhaustible, and the coal, after careful analysis, is pronounced to be one third better in quality than any bituminous coal in this country. This mineral can be delivered (when the canal is completed to Cumberland) in the eastern cities at one third less in price than they now pay for similar coal, and is one third better in quality. The inevitable consequence then is, that the demand will not be confined to the valley of the Potomac and the cities of the District and Baltimore. However large its consumption may be, it will constitute but a small item of the transportation of the canal. No, sir; where an article indispensable to human comfort can be had cheapest, there will be the demand and the market, and the result is apparent, that the Potomac coal will enter into the consumption of every family, manufactory, and steamboat of the eastern States and elsewhere.

What, then, is to limit the trade and revenue of the Chesapeake and Ohio canal, but its capacity to transport the articles which will float on its bosom? And what is that capacity? Why, it can transport three millions five hundred thousand tons per annum, which, averaging the various articles of trade and distances navigated, will produce more than one dollar per ton. None can, therefore, question the capacity of the canal to accomplish all the purposes of its construction. Of the correctness of these views I am fully persuaded, and reiterate the assertion that the stock held by the District cities affords ample security to the Government for any obligations she may assume on their account. It is not from choice that they propose to surrender their stock, but from dire necessity, found the pressure of their embarrassments, and having no other security to offer you.

We look forward with confident hope to the completion of the canal in about two years, when all the sources of its future revenue will be fully developed and brought into active operation.

The State of Maryland, perceiving the struggle making by her sister States to secure the rich trade of the West to her exclusion, has resolved no longer to rely on foreign aid for the accomplishment of a work so vitally important to all her interests. She was an original subscriber to a large amount, and has since loaned the company $2,000,000; this will complete about one hundred and forty miles by the next spring, leaving only between forty and fifty miles to be constructed. the same enlightened policy which induced her to proceed thus far will stimulate her, by prompt action, to insure the earliest completion of the work, by which it will become to her a fruitful source of revenue, and reimburse all she may advance in its construction.

The decisive action of Maryland in providing for the final completion of the canal to Cumberland, will have an immediate influence on the value of the stock, and probably raise it to its par value. Indeed such is the confidence of the holders of that stock that I question if one hundred shares could be purchased in the market.

That public attention and vast capital are directed to the coal region of Alleghany, in contemplation of the completion of the canal, is now a matter of record. The Legislature of Maryland, at its last session, incorporated railroad, canal, manufacturing, and banking companies with capitals to the amount of ten or eleven million dollars, all in the mineral region of Alleghany, and accessory to the Chesapeake and Ohio canal.

Foreign capital to an immense amount is thus introduced into our State; for many of the capitalists of New York and Boston are concerned in these corporations.

Mr. Chairman, the debate on this bill has assumed a most extraordinary character. Gentlemen, not content with expressing their disapprobation of the measure, have gone so far as to attempt to make it a party question, and have endeavored to rally aid to the Opposition by appeals to party feelings and prejudices. The District of Columbia, having every claim on your kindness and protection, is treated as an outcast, and viewed as an intruder. It would appear that, although a portion of the American family, she is unworthy of your countenance, and that she has neither wants nor interests to be protected, or even feelings to be respected. Sir, I will boldly venture the assertion that no civilized nation on the globe has done so little to cherish and promote the growth and prosperity of its metropolis as has the United States.

A gentleman has said that he could not dare to meet his constituents were he to vote for this measure. Sir, I have constituents, too, of whom I am justly proud—intelligent, patriotic, and generous, whom *I* should be ashamed to meet were I to vote against this measure, and have to tell them that my vote had consigned the metropolis of their country to the hammer of the auctioneer, and that I had left it in the hands of foreign brokers and stock-jobbers. The recital would rouse the indignant blush of shame on every cheek. I feel confident that the measure of relief proposed to the District cities will meet the cordial approbation of the people, whom I have never yet known to disapprove an act of justice or generosity, and those who assert to the contrary must libel them.

Pass this bill, and you give new life, hope, and animation to this community. You invite population, enterprise, and capital; you disperse the clouds which have lowered over their fortunes, and gladden their hearts with returning beams of prosperity. But reverse the picture, and you leave them to the mercy of foreign creditors, poor, desponding, bankrupt; your metropolis sold, your country disgraced.

CONTINGENT APPROPRIATIONS.

REMARKS OF HON. A. H. SHEPPERD,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

April 15, 1836,

In Committee of the Whole on the state of the Union, upon a motion to strike from the bill making appropriations for the Civil and Diplomatic expenses of Government for the year 1836, the items of "$30,000 for contingent expenses of foreign intercourse," and "$30,000 for contingent expenses of all the missions abroad;" and, also, to reduce the appropriation for the expenses of intercourse with the Barbary Powers, from $17,400 to $10,000.

Mr. A. H. SHEPPERD rose and said, that in the observations he was about to submit upon the pending propositions to amend, he wished to be understood as doing so, not merely as an individual member of this body, but as in obedience, in some degree, to the direction of the committee charged with the duty of examining into the accounts of the State Department.

I know (said Mr. S.) that by this effort we may seem to seek a consequence, and give to ourselves an importance which, perhaps, was not intended, nor desired, in the arrangement of the committees of this House; but, much as others may have undervalued or slighted the duties peculiar to this committee, I hope we shall be pardoned for attempting to show that there is, at least, a propriety, if not necessity, in instituting and prosecuting the various inquiries which rightfully fall within the scope of the authority delegated to us by the rules of this House; yet I come not charged with a long and formal retrenchment report, nor am I expected in any way to point to or discuss the peculiar political opinions of those who have been concerned in any of the Government transactions to which I may advert; our labors have, I hope, been prosecuted with a purpose that rises far above that miserable, petty party spirit which has, unfortunately, too often become prevalent in our attempts to reform and correct the abuses of Government, of which a lamentable illustration is afforded in the famous retrenchment reports that were made during the session of 1827-28. Not content with noticing practices in the then Administration, which evi-

dently deserved the public censure, and pointed to the necessity of legislative correction, the excess of party zeal destroyed, in a great degree, the usefulness of the laborious efforts of that day, by attaching grave importance to circumstances too trivial to deserve a moment's serious consideration. We have not only sobered down from the excitement of that period, but really seem to be fast falling into an opposite extreme.

In 1828 it was matter of grave charge against the then Secretary of State, that out of the contingent fund intended for the use of his Department, he had, amongst other things, been guilty of the extravagance of purchasing for his office a print of the President of the United States, at the price of thirteen dollars! But what have we now, sir? Instead of a disposition to question the character or extent of contingent disbursements, I was unable to carry a majority the other day upon a proposition to reduce the contingent appropriation for the Department of State from twenty-five to seventeen thousand dollars; and that, too, without waiting to scan so nicely, as in days gone by, the propriety and extent of every petty disbursement that the Secretary of State may have authorized; but by a statement of facts and figures, clearly showing that this retrenchment might be made, without any embarrassment to this branch of the public service.

There is, therefore, now not only a disposition to give what is necessary, but even to bestow more than can be fairly estimated for; and so far are we going upon this extreme of confidence and indulgence, that the gentleman from Tennessee [Mr. C. JOHNSON] has clearly intimated that, as we cannot foresee precisely what amount may be needed under any contingent head of appropriation, we have only to adopt his amendment, (requiring an annual publication of the expenditures,) and we may then free ourselves from the trouble of trying to ascertain how little of the people's money will probably do; our only care will then be to be sure and give enough! This principle will very greatly diminish and simplify the labor of legislation; indeed, we shall then have very little to do other than to place the surplus revenue of the country at the discretionary disposition of the President and the heads of Departments. And here we are again forcibly reminded of the striking contrast, or rather inconsistency, to which the extremes of party are continually exposed. To-day a gentleman from Tennessee thinks it unimportant to look to the amounts of contingent appropriation; yet, in 1828, a member from the same State, (Mr. Blair,) and, like the present gentleman, opposed to the then Administration, in a report touching this very department of the Government, recommends not merely to diminish the contingencies applicable to "missions abroad," but that no appropriation whatever be made for that object. In my estimate of public men, and in my pursuit of public measures, I have ever labored to guard against that political excitement under the influence of which we are too apt to condemn that to-day which a change of party views may lead us to approve to-morrow; and, although in this way I have acquired the unenviable distinction of not being thorough in my devotion to party, I have an abiding consciousness that it is the only course of conduct that can meet my self-approval, or that would tend to promote the permanent interests of those whom I have the honor to represent.

Pardon, sir, this momentary digression from the mere matter of business for which I mainly rise to address you. Before entering, however, upon a notice of any particular items of expenditure, upon which I feel myself called to remark, I must here pause to express my surprise that the Secretary of State should have sent in an estimate, and that the Committee of Ways and Means should have reported the bill now under consideration, with a clause giving $30,000 for the "contingent expenses of foreign intercourse," and a like sum for "contingent expenses of all the missions abroad."

Perceiving from the books of the Treasury and the detailed disbursement furnished the committee to which I belong that neither of these heads of expenditure usually exceed $20,000 annually, and that, for the last year, that "for missions abroad" was only $16,221 37, I was ready to object, and did intend, even under this view of the subject, to propose to reduce the appropriations to something like the expenditure; but what was my surprise when, by reference to the balances in the office of the Register of the Treasury, I ascertained the fact that at the close of the last year there was on hand $30,000, applicable to the service of the present year, under the head of "contingencies of foreign intercourse;" and the sum of $40,508 belonging to that of "all the missions abroad." Thus we see that under two heads of appropriation, usually covering an annual expenditure of not quite $40,000, there is already at the service of the present year the sum of $70,508; and yet the Secretary of State requires a further appropriation of $60,000.

It is true, sir, that the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] seconded by the chairman of the Committee on Foreign Affairs, [Mr. MASON,] *now* moves to strike this sum of $60,000 from the bill; and I should probably have contented myself, on this part of the case, with merely voting for the amendment had not a very strange attempt been made by the latter gentleman [Mr. MASON] to show that the Secretary of State could not, at the time of his estimate for the year 1836, (which was made about the first of October, 1835,) know that any very considerable balance would remain at the end of the year 1835, or that the addition of $30,000, under each of these heads, would not be requisite. We have already seen that if there had been nothing on hand, the sums proposed in the bill, and asked by the Secretary, would have been abundantly large, and, indeed, more than sufficient. But what disposition can the Secretary or his friend make of this enormous sum of upwards of seventy thousand dollars? For if it be said he could not know in October how the balance would be at the close of December, 1835, certainly there could have been no difficulty in ascertaining how it stood at the end of the year 1834. By reference to the same undoubted source of information, and by a mere moment's inspection, we are informed that, under the head of "contingencies of missions abroad," the sum on hand on the 31st of December, 1834, was $26,729; and for "contingencies of foreign intercourse," there was $20,000; yet for 1835 there was also appropriated $30,000 to each of these objects, giving, for 1835, an entire sum of $106,729. Suppose, then, that no other or later data of calculation were attainable by the Secretary than those to which I have just referred; does not everybody see that, unless by direction of the President, he had greatly augmented the disbursements during the year 1835, enough, an abundant balance must have remained for the present year without any additional appropriation? But at the very time of asking these additional sums for 1836, viz: the 1st of October, 1835, the unexpended balance, under the head of contingencies for foreign intercourse, was, in truth, $30,603, and for missions abroad, $46,683 87.

Thus the first three quarters of the year had been met, and more than met, without trenching on the appropriation of 1835; surely, then, one short quarter of the year was not likely to do much in diminishing this amount; but really very little, unusually little, was at that time left to conjecture or estimate; for, by reference to the warrant book of the Treasury, it will be seen that as early as the 4th of May the agent of the Department of State had, upon the requisition of the Secretary, drawn from the Treasury the sum of $20,000 on account of contingent expenses of foreign intercourse, which embraced the whole expenditure of the year with the exception of $1,436 66, which remained of the amount drawn out of the Treasury in 1834.

It has not been usual for the agent to be possessed, at so early a day, of the whole sum likely to be disbursed during the entire year; but, I presume, it was so done in this instance for the reason that more than the usual amount of the annual expenditure was about being incurred at an early period, and within the first quarter of the year; of this I may speak hereafter. There was, then, in October last, nothing left to conjecture and estimate under the head of contingencies of foreign intercourse; and, by reference to the expenses of missions abroad, we find that only $5,375 89 was required during the last quarter of the year 1835. This sum, then, turns out to be the only basis upon which it is now contended that, notwithstanding the balances I have shown to be on hand at the beginning of 1835, and at the close of the third quarter of that year, the Secretary could not have known that the sum of $60,000 would not be necessary, in addition thereto, for the year 1836! It has, indeed, been intimated by the gentleman from Virginia [Mr. MASON] that, in order to make a safe estimate, the Secretary of State must wait until all the various items, or accounts of disbursement, have been presented and audited at the Treasury; but, instead of this view being correct in principle, or tending to justify the course of the Secretary, it will, if admitted, show a still larger balance, especially of the funds applicable to contingent expenses of missions abroad; for even now, sir, the whole amount transmitted for settlement, and passed by the Fifth Auditor, does not exceed $5,000. Yet the expense incurred under this head, for the year 1835, is set down at $16,221 37; that being the sum actually paid out of the Treasury upon individual account, or by funds placed in the hands of foreign bankers or other agents of the Government, to be disbursed in the payment of the numerous items of account into which such a head of expenditure necessarily divides itself, but which cannot in themselves be looked to as the standard of expenditure under any particular head of appropriation, and are not so considered at the Treasury; but, on the other hand, the sums so drawn from the Treasury, and the funds purchased and placed in the hands of our bankers and other agents, are considered and treated as expended, although it may, and frequently does, happen that, upon the ultimate and detailed settlement of all the accounts involved, balances may be found unexpended in the hands of these agents, but which are considered as so entirely out of the Treasury that a warrant is drawn for their repayment or restoration to the head of appropriation from which they were taken.

Thus you see the actual disbursement under any particular head of appropriation may prove to be less, but cannot well turn out to be more, than the sums so advanced by the Government. It is, therefore, not only idle, but really the gentleman from Virginia [Mr. MASON] does both himself and the Secretary of State great injustice, when he contends that the estimates for the Department are regulated by the actual state of the individual accounts, as settled at the Treasury; for, I repeat, were this the case, it would make the matter still worse, by showing that the present estimate of $60,000 for contingencies of foreign intercourse and missions abroad had been made with a much larger balance on hand than even that for which I have contended; and, instead of justifying the appropriation of $17,400 asked for the present year's expense of our intercourse with the Barbary Powers, would show that the Department was yet unauthorized to ask any amount whatever for this service, as no disbursements of the last year's appropriations have been forwarded by our consuls, and settled at the Treasury.

But the truth is, as I have asserted, and as the books of the Treasury show, the year's expenditure is considered as regulated by the sums drawn out for disbursement; these amounts can be seen at a moment's glance. The Secretary of State had only to ask, and the information would have been afforded. But it seems that even this little trouble has not been submitted to; the only inquiries have probably been, How much was voted last year? Was that enough? How much more than enough, is a matter that has not troubled the head of the Department until *quite* recently.

You will bear in mind, sir, that I am not now indulging in any objection to the amounts annually expended under these heads of appropriation of which I am speaking; but I have purposely contrasted the smallness of these disbursements with the continued repetition of annual demands for extravagant and useless appropriations. Certainly it is no good reason to urge, in favor of such a course of legislation, that the money is not wasted, and that we should reward the economy of those who have charge of the public

funds, by placing tens of thousands at their will and pleasure, over and above the accustomed wants of the Government. Such blind confidence is unworthy of that vigilance and care which should ever characterize the Representatives of the people.

Although, sir, as I have just intimated, I have no particular charge of extravagance to make, touching the disbursements that I have examined, yet, in the progress of that minute investigation which, by the committee, I was authorized to make, I met with some items of expenditure which were, at least, in their character somewhat extraordinary, if not wholly objectionable. In this class I would place the sums paid out of the appropriations for contingencies of foreign intercourse, by direction of the President of the United States, to one Edmund Roberts, a citizen of New Hampshire.

In the year 1832, Mr. Roberts was commissioned or employed by the President of the United States, to visit the countries of Muscat, Siam, Cochin China, and Japan. The object of this eastern mission seems to have been the formation of treaties with the sovereigns of these demi-barbarous nations. To aid in its fulfillment, presents on behalf of our Government were made to about the amount of three thousand three hundred dollars. The compensation of this Government agent was at this time fixed at six dollars per day, but he was also allowed, in the settlement of his accounts, five per cent. commission upon the sum so disbursed by him in presents. He returned in the spring of 1834, having, as I understand, concluded a treaty with the Sultan of Muscat, but failed in doing so with the other Powers to whom he was sent.

In the spring of last year Mr. Roberts was again dispatched with fresh instructions, at an annual salary of $4,400, which was directed to be paid him from the first of the year; and to strengthen the hopes of still greater success, presents amounting to $19,580 79 were purchased in the city of New York, and placed at his disposition, with a view of being employed by him in buying or conciliating the favor of those Powers to whom he had been before in some degree accredited. This expenditure was incurred within the last quarter of the year 1834, and the first quarter of 1835. I have not merely contented myself with ascertaining the amount of this bounty or donation on behalf of our Government, but, in obedience to a sense of duty, have looked through the entire list or series of articles of merchandise of which it has been composed, and have taken care to see that, according to law and the practice of the Government, this large and unusual disbursement has received the proper certificates of the President and the Secretary of State, with the direction for its payment out of the fund for contingencies of foreign intercourse.

The gentleman employed in this business is very favorably spoken of by those who know him; and, judging from what knowledge my investigation has afforded me of his character, I am disposed to think well of his qualifications for such a mission. Nor am I now prepared to call in question the policy of our Government, which seeks to extend and strengthen our commercial intercourse with the nations embraced in this enterprise; and that, too, although gifts may be necessary to propitiate their favor, or secure to us the mere privilege of trading with them. No, sir, all this may well be, and be right; and yet very grave questions may arise as to the propriety of applying the contingent fund to the payment of a salaried officer, who, though he has for years sustained a sort of diplomatic character abroad, and has actually negotiated a treaty, and is now gone upon a second mission, at an expense of $24,000, has never, during all this time, been nominated to the Senate for appointment, or in any other way been made known to the country as connected with an important foreign service.

I know it is said that, to guard against the jealous interference of rival nations, secrecy was necessary in this, as it has been thought to be in many other negotiations; but, for one, I believe not in the efficacy of such a precaution; for, instead of the disguised negotiator succeeding in eluding suspicion, and effecting the business of his Government, without disclosure, the mere fact of attempting to do so will, in most instances, be found to awaken unusual curiosity, and to give a consequence to the objects of the mission which would not have obtained, had plain and open dealing been observed. But, if this was really to have been a secret business, the President should have sheltered the expenditure under the power given him to allow a disbursement, without specifying the objects for which it has been made; yet he has, in this instance, as well as every other during his Administration, with his usual frankness and independence of character, refused to treat any part of the appropriations for contingencies of foreign intercourse as constituting a secret-service fund, but has always given the vouchers or specifications of the expenditure. Whilst I highly approve this practice of the present Administration, I repeat that it is utterly at war with the idea of carrying on a secret negotiation, for the very fact of submitting the subject-matter of the account of such investigation as, from its nature, it may seem to merit, must, in some degree, give publicity to the whole transaction.

I now hasten to notice the disbursements connected with our intercourse with the Barbary Powers. By an act of Congress, passed in 1810, a salary of $4,000 is given to our Consul General resident at Algiers, and $2,000 to each of our other consuls, sent to the different Barbary States. Since the occupation of Algiers by France, this consul generalship has ceased, and we have now on this part of the public service but three consular stations—one at Tangiers, in Morocco, one at Tunis, and one at Tripoli. This salaried compensation distinguishes this class of consuls from any others employed by our Government; and still further to favor their position, they are each, by the act just referred to, permitted to disburse annually the sum of $3,000 in presents to the Governments where they reside, and may even exceed this amount, upon the written permission of the President of the United States. But this law goes still further, and clearly shows that while it was the purpose of Congress to cherish our commercial intercourse, and to preserve peace with these Powers, it also intended to provide that agents employed in disbursing these favors of our Government should be compelled to render a strict account of the manner in which they should perform this service. With this view the sixth section enacts "that it shall be the duty of the consuls residing on the Barbary coast to transmit to the Secretary of the Treasury, annually, an account of all moneys received and of all disbursements or expenditures made by them, respectively, for or on account of the United States, and the particular purpose to which the moneys have been applied, and the vouchers to support the same; and the Secretary of the Treasury shall transmit to Congress, within two months after the commencement of the first session thereof, in every year, a statement of all the moneys disbursed from the Treasury of the United States for expenses of intercourse with the Barbary Powers during the preceding year; therein noting, so far as can be ascertained at the Treasury, the sums received by the respective agents or consuls, and the purposes to which the same have been applied."

I would here emphatically inquire of the oldest members of this body—those most experienced in the alterations and amendments which our laws have undergone—whether the section that I have just read has ever been repealed, or even modified in any way? For myself, I have been unable to discover anything showing its repeal or alteration in any particular whatever. Taking it, therefore, to be the law of the land, the committee waited for the expiration of the two months within which time the Secretary of the Treasury is required to make a communication of this contingent disbursement to Congress. But we waited in vain. Yet supposing the delay was probably owing to the press of business, or momentary inattention, I was authorized by the committee, without resorting to the formality of a resolution on the subject, to inquire into the reason of this delay; that reason or answer is given in the Secretary's note of the 16th February, in which he says that "consuls have never made any returns to this Department under the act regulating the same, or they would *probably* have been submitted to Congress."

Can it be true that this wise and prudent legislative provision has been wholly neglected? Yes, sir, it is emphatically true; for instead of being observed and carried into execution, its very existence seems to have escaped the attention of all those whose duty required them to see its provisions fulfilled. Nor is this the fault merely of the present day, or the present Administration, but is equally chargeable to those that have preceded it; for I believe, in the language of the Secretary of the Treasury, our "consuls have never made any returns" according to the requisitions of the act of 1810.

Having thus entirely failed in obtaining the official information which we had a legal right to expect from the Secretary of the Treasury, I commenced seeking, in some other way, to learn, if practicable, the disposition that had been made of the large sums of money placed from time to time at the will and pleasure of these disbursing agents of the Government. And although, as we have just seen, annual statements of expenditure have not been forwarded to the Secretary of the Treasury, and by him submitted to Congress, it so happens, that when it has precisely suited the convenience of our consuls to do so, they have, through the Department of State, communicated some account of their doings to our Government. By reference to the books of the Treasury, where these matters have been settled by the Fifth Auditor, I find that James R. Leib, our present consul at Tangiers, in Morocco, has not settled any account since his appointment, which was in 1832, and that the sum of $14,017 41 stands as a charge against him on the books of the Treasury. I should, perhaps, here state that Mr. Leib has recently transmitted an account, which, I learn, is retained by the Secretary of State for further advisement, in consequence of its embracing extravagant expenditures made by him on a visit to the Emperor of Morocco at the city of Fez.

Samuel D. Heap, present consul at Tunis, is debtor to the amount of $10,728 62. He has not settled any account since 31st December, 1831.

Daniel S. McCauly, consul at Tripoli, is charged with a balance against him of $3,721 79. His last settlement was on 30th June, 1833.

From 1810 to the present time, I find that the sum of $700,000 has been expended or paid out on account of our intercourse with the Barbary Powers, exclusive of various disbursements which are usually embraced under this head of expenditure, but which do not properly belong to it; that, of this sum, $89,677 has not been accounted for, but stands out in a long list of balances against our present and preceding consuls and commercial agents.

I will not be so personal as to specify throughout the names of all those who appear to be debtors to their Government, but shall content myself by having merely pointed out the particular sums that are chargeable to those now in office, and in favor of whom it is proposed to make a still further appropriation of $17,400, embracing their salaries of $2,000 each, with $800 for contingent expenses, and $3,000 for each of these three consulates, to be disbursed in presents, according to the provisions of the act of 1810, already referred to.

But this is not all that it is proposed to do, or has recently been done to favor or patronize these almost irresponsible officers of the Government. The treaty which has subsisted for near fifty years between this Government and that of Morocco being about to expire, our consul at Tangiers, Mr. Leib, has been charged with the duty of procuring its renewal. In order to insure success, the sum of $19,238 45 has, within the last year, been laid out in the city of New York, by the Secretary of State, under the authority of the President, in the purchase of a very great variety of foreign and domestic goods, which have been shipped to the care of Mr. Leib, and are intended to be by him presented to the Emperor of Morocco upon his consenting to a renewal of the treaty. This expenditure is over and above the sum which our consul may have disbursed in that country out of the appropriation of 1835, but no account of which is to be found at the Treasury.

The presents so to be given may be necessary to attain the object in view, and the object may itself be worth the money. I will not now wait to question the one or the other; but however commendable may have been this expenditure, I would greatly have preferred that it should have been intrusted to some one who had not shown a manifest inattention to the law regulating his duties, or that, at least, before giving this additional evidence of confidence in our consul at Tangiers, he had been required by the President of the United States to adjust the sum already outstanding against him on the books of the Treasury; for, sir, however able this gentleman, with others, may ultimately prove to account for all their disbursements, a neglect to do so for years, in violation of the plainest provision of law, is an example that ought not to be favored or indulged. Nor is this my only objection, connected with the class of expenditures to which I am now referring; for in them I think we have a forcible illustration of the great impropriety of permitting surplus amounts to accumulate, under any contingent head of disbursement, by not attending to the state of the appropriation at the close of each successive year, or at any time when it may be proposed to make an additional appropriation. Thus at the end of the year 1834, there was on hand, under the head of "intercourse with the Barbary Powers," the sum of $18,607, more than enough to meet the usual annual expenditure, yet, for 1835, we have the old appropriation of $17,400, giving an available amount for that year of $36,000. Out of this has been taken this extraordinary expenditure of near $20,000 for presents to the Emperor of Morocco.

But I would inquire who, in voting for the usual appropriation of the last year, imagined he was giving an extra fund to be employed in this or any other extraordinary way, and to the fitness or propriety of which his attention was in no way directed? The money might have been granted, but I insist that that could only be fairly and properly known by making the direct request, and asking a specific appropriation for this particular object; thereby affording the Representatives of the people the important privilege of looking into and discussing, in advance of legislation, all the questions of expediency, of principle, or of national policy, that this or any other unusual disbursement may be supposed to involve; and not leaving to them the almost useless task of merely criticising the expenditure, after it shall have been made from a fund created without any intimation from any quarter of an intention to apply it to such a purpose. When an event occurs that is really contingent and urgent in its character, such as could not have been especially looked to and provided for by Congress, then the President would be clearly justified in meeting any expense that may accrue, out of the common standing contingent appropriations; but it cannot be said that the determination to institute negotiations with the Emperor of Japan, the Sultan of Muscat, or King of Siam, or to apply for a renewal of the treaty with the Emperor of Morocco, partakes at all of this character; these were objects presenting time for deliberation, and were certainly of sufficient importance, even from the large expenditure to which they have given rise, to have been presented directly to the consideration of Congress.

But the principle for which I contend is sustained by the previous example of our Government, in relation to this very treaty with Morocco: for when, in 1791, it was proposed to make presents to the then new Emperor, in order to obtain his recognition of the treaty which it is now intended to renew, the money was not taken by the President from the contingent fund, or ordinary appropriation for intercourse with that Power, but a specific appropriation was made in a law passed for that particular purpose.

This is an example worthy of all imitation, and which I sincerely wish had been followed in the instances to which I am now adverting. But, instead of this safe and truly republican doctrine of specific appropriations gaining favor at this day, I can but perceive the manifestation of a disposition to lose sight of this powerful safeguard against an improvident and unauthorized expenditure of the treasure of the nation. Say, if you please, that all is yet well, and that we have, at present, a sufficient security for the faithful application of the public money, not in the cautious specific provisions of our laws appropriating it, but in the sound and prudent discretion of those to whom we intrust it—would it, I ask, be wise to rely upon the continuance of such a security?

Yes, sir, all may now be well, and yet that assurance should not induce us, as legislators, to look the less anxiously to the means of future safety. Those may hereafter possess the Executive rule in our Government, whose ambitious propensities, or whose sordid love of money, may lead them to construe not only liberally, but most mischievously, their power over such portions of the public treasure as may be placed in their hands, without strict legal limitations as to the objects of its application; let us not, therefore, set an example of blind and implicit confidence, which may tend hereafter to endanger or destroy the liberties of our country.

MILITARY APPROPRIATIONS.

SPEECH OF HON. JOHN BELL,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

April 27, 1836,

Upon the Military Appropriation Bill, in the Committee of the Whole.

Mr. BELL said he did not rise to enter into the wide range of debate indulged in by the gentleman from New York, [Mr. CAMBRELENG.] I have too recently (said Mr. B.) occupied the attention of the committee in a similar course of remarks myself, to authorize me to claim the attention of the committee again, until other gentlemen who desire to be heard shall have had an opportunity of delivering their sentiments. I only desire, at this time, to reply to some of the remarks of the gentleman from New York, [Mr. CAMBRELENG,] which appeared to me to be rather personal towards myself.

The gentleman from New York, after quoting from my remarks, made upon a late occasion, what I had said as to the time when the regular appropriation bills for the support and improvement of the military defenses of the country had been reported by the Committee of Ways and Means at the present session, and further as to the time they were suffered to remain upon the table unacted on, proceeded to contrast the action of the Committee of Ways and Means of the present Congress, in this respect, with what had been done by the same committee at former sessions of Congress, and concluded by declaring that my charge against him was unfounded. I desire to know if the gentleman means to say that the facts stated by me in the speech to which he alluded were not founded in truth?

Mr. CAMBRELENG said that he meant to say that the charge of neglect made against the Committee of Ways and Means by the gentleman from Tennessee, in not reporting the bills referred to before the close of the month of December, was not well founded, and he had referred to the Committee of Ways and Means of former Congresses to show that those bills had not usually been reported at so early a day as they had been reported at the present session.

Mr. BELL. Neither in my speech delivered in this House, nor in my printed report of that speech, did I make, or authorize to be made, any charge of the description alluded to by the gentleman. My statement was simply that those bills for the support and improvement of the military defenses of the country had not been reported until nearly a month after the meeting of Congress, and that, after they were reported, they were suffered to sleep upon the table more than a month before they were seriously moved in the House; and I inferred, from this fact, that the gentleman from New York, and his political associates, could not have had any serious apprehensions of a war with France. It was only under the peculiar public exigency alleged by the gentlemen themselves to exist at the commencement of the session, that any blame could attach to the committee for not reporting and acting upon those bills at an earlier day. I could not believe that gentlemen were sincere in their professions as to their fears of a war with France, when they were well apprised of the defenseless condition of the country, and yet delayed to report those bills until the close of the month of December, and failed to move their consideration in the House until the 9th of February following! I yet believe that the gentlemen had no fears of war, as their conduct would have been very different in regard to those bills.

But the gentleman from New York [Mr. CAMBRELENG] has thought proper to review my course upon the naval appropriation bill, and to insinuate motives different from those which I avowed, and widely different from those which actually governed me. He has also thought proper to impute to the minority the cause of the delay which occurred in passing that bill. He has also alluded to that delay as extraordinary, and the whole tenor of his remarks is calculated to give support and corroboration to the misrepresentations which have found their way into the public journals on this subject.

Mr. CAMBRELENG said he wished the gentleman from Tennessee not to understand him as insinuating more than he stated; he had imputed no motives; he had only stated the part taken by that gentleman on the naval appropriation bill, and he considered it extraordinary.

Mr. BELL. I am aware that the course and manners of the gentleman are perfectly parliamentary; he imputes no motives, but he makes such a statement of facts and circumstances from which the only rational deduction would be that my course had been founded upon most improper and unworthy motives. In replying to the gentleman from New York, I felt myself called upon, and fully justified in noticing the statements of the official journal, printed in this city, (the Globe,) upon this subject. They are of the same character with the inference which must be drawn from the statements of the gentleman, if they are not corrected. If this were the case of ordinary newspaper statements, I would not feel myself called upon to notice them. Under other circumstances, I would permit them to pass unnoticed by me, perfectly willing to abide their effect upon an intelligent people; but, sir, the paper to which I allude is the regular organ and channel through which the views of the Executive and of the party in power in this country are declared and proclaimed to the country. It is supported and sustained by the patronage of every department of the Government, and it also receives the patronage of this House. The publishers and editors of this paper are the officers of this House; they are the printers of this House, chosen by a large majority of its members. The representations of the proceedings of this House, found in the columns of this paper, bear upon their face, in some sense, the stamp of official authority. The Executive and this branch of the National Legislature, in the general and public estimation, stand pledged for their accuracy. But what is of still more importance to those whose course in this House is misrepresented by this journal, hundreds and thousands of its numbers, containing the grossest misrepresentations and slanders against me and other members of this House, are franked by the President himself, and distributed over the country. Scarcely a day passes in which I do not receive information, by letters, of the circulation of this journal among the people of my own State, and among my own constituents, under the frank of the President. It is also worthy of notice, that this paper is daily laid upon the desks of a large portion of the members of this House, and it is also circulated extensively under their frank. I know, sir, that neither the President, nor honorable members of this House, intend to guaranty the truth of all the statements to be found in the columns of this paper, nor do I consider that they ought to be held responsible for their accuracy; but, sir, the effect is the same upon those who are assailed by falsehood and misrepresentation. The people cannot well comprehend that gentlemen high in official rank, as well as in popular favor, should so industriously circulate, under the sanction of their individual signatures and frank, the

numbers of a political journal, unless they sanction and credit the statements contained in it; and they thus pass with many for the truth. These statements, going forth from this city while Congress is in session, under all these sanctions, and remaining unanswered and uncontradicted by those who are misrepresented, have a degree of credit awarded to them which, under other circumstances, would not attach to them. I therefore ask the attention of the committee while I refer to some of the various misrepresentations of my course upon the Navy bill, which have been propagated through the channels of this paper, at the same time that I notice the statements of the gentleman from New York upon the same subject.

Besides the statement of the Globe that I had opposed all appropriations for the military defenses of the country at a time when the country was in danger of being involved in a war with France, (which I have noticed upon a former occasion, and shown to be utterly false,) I find the following statement in that journal of the 8th of this month:

"At the threshold Mr. BELL told his friends that [the House of Representatives] was the place to agitate the presidential question; and so they went on President-making, in connection with the navy-yard at Portsmouth, *until they had wasted nearly six weeks of the session.*"

In the number of the 12th of this month will be found the following sentence:

"Not content with speaking *against time for six weeks together, to arrest the progress of the ordinary appropriation bills;* not disheartened nor ashamed of having a six weeks' opposition sustained by only six votes on yeas and nays in support of his proposition, Mr. BELL, who is set to work to foil the business of the House by those in league against the Administration, is continually devising petty expedients for this purpose."

In the same paper, of the 14th of this month, "the finale," it is stated, "is given of Mr. BELL's *fifty-eight days' war upon the navy-yard at Portsmouth.*"

These are the representations of the official journal of the Government, and the printers to this House, in relation to my course upon the Navy bill. I now propose to advert briefly to the history of the progress of this bill through this House, and the part I actually took in the proceedings in relation to it.

The gentleman from New York [Mr. CAMBRELENG] has on this occasion renewed his charge against me, that I had attempted to retard the action of this House upon the appropriation for the defense of the country at a moment when we were in danger of being involved in a war with a powerful nation, by making a proposition to act upon the report of the select committee upon the rules of the House. I did, on the morning of the 13th of January, insist that we should give some consistency to the rules of proceeding in this House as a measure essential to the dispatch of business and the wisdom of our proceedings. I asked for one hour—I asked for one day—for this purpose, before we took up the appropriation bills; but my motion failed under the opposition of the gentleman from New York, [Mr. CAMBRELENG.] Sir, not a day, not an hour could be spared for that purpose. I now affirm that we could have saved the time of the House, we could have saved the public treasure. The honor and character of the House, as a legislative body, would have been protected if the House had acceded to my proposition; for, sir, your Journals now exhibit a scene of inconsistency and folly which degrades the country, and which it will require years to retrieve.

The gentleman from New York was too full of the war spirit at that time to think about rules. We must remember the pomp and flourish of language and manner which the gentleman employed in moving the appropriation bills on the 13th of January. No estimates had been furnished, but he was a man who, according to his own declaration, feared no responsibility. We were in danger of being involved in war with France, and the country was defenseless. He was ready to dare everything for his country at such a crisis, and he accordingly moved an amendment of two millions to the bill for the increase of the Navy. I am sure that any stranger in the gallery on that day, who had no knowledge of the actual state of our relations with France, must have concluded from the manner of the gentleman that the country would certainly be involved in all the horrors of war in thirty, or, at most, in sixty days. Well, sir, under these warlike indications, I submitted, without calling even for a division of the House; and, although I did not then believe there was any ground to apprehend war, yet, as the gentleman and his friends had access to sources of information upon that subject which were not within my reach, I yielded to the propriety of proceeding with the appropriation bills; and the Navy bill was taken up and discussed that day. When the House assembled on the next day, not one of all its members, except those who were in the secrets of those in power, could have imagined that any other business would be permitted to take precedence of the Navy bill. What, then, must have been our surprise, when the gentleman from New York, upon the orders of the day being announced from the chair, rose in his place, perfectly composed in his manner, and asked the House to take up the bill for the relief of the sufferers by fire in New York! Thus, in a single day, had the gentleman undergone a total change in his opinions upon the propriety of immediate action upon the appropriation bills. More than two thirds of the House agreed to the gentleman's proposition, and the fire bill was taken up and discussed upon that day. Private business intervened on Friday and Saturday of that week, and petitions and other inferior business occupied the Monday and Tuesday following. On Wednesday and Thursday, the 20th and 21st of January, the fire bill was again discussed; and, on the morning of the 22d, the notorious resolution of the gentleman from Massachusetts [Mr. ADAMS] was introduced, and *all* the business of the House was made to give way to that resolution by the vote of the gentleman from New York [Mr. CAMBRELENG] and all his political friends in the House, except two or three very sagacious members of the party. That proposition occupied the House five days; and, it so happened, by the concurrence of a majority of the House, that other measures and propositions of inferior importance were permitted to usurp the place of the Navy bill until the 9th of February—nearly a month after the introduction of that bill, under the pompous circumstances I have described. The Navy bill was then discussed in the afternoon of that and the two following days, when it had to yield, first to private bills, and then to the fire bill again; which, with other business of minor interest, consumed the time of the House, under the sanction of a majority of its members, until the 2d day of March, when the Navy bill once more came in for the attention of the House during a portion of a day which remained after the consideration of the fire bill. It was discussed again on the 3d of March, when it had, according to usage, to yield its place to business of less interest to the public. So important did it appear to *the party* about this time, to act upon the report of the Committee of Elections, which proposed to oust Mr. Graham, of North Carolina, and give to Mr. Newland his seat in this House, that this question was given a preference over the Navy bill by the vote not only of the gentleman from New York, [Mr. CAMBRELENG,] but nearly every member of the dominant party besides.

From the 3d of March the Navy bill was no further acted upon until the 15th of that month, when the consideration of it was resumed and continued during that and the two succeeding days, against the wishes of the gentleman from New York, [Mr. CAMBRELENG,] and his political friends, who voted *en masse* to give the contested election the preference on each of these days. The Navy bill was again taken up and discussed on two days of the succeeding week, when it yielded to the contested election, and was not taken up again until Wednesday of the following week, when it was discussed in the afternoon of two days more. It was again taken up and considered on the 5th and 6th days of April, and on the last day it was reported to the House by the Committee of the Whole on the state of the Union. Thus it appears that the whole number of days, after the 13th day of January, on which the Navy bill was first moved, until the 6th of April, inclusive, when it was reported to the House, was only fourteen; and if we exclude one day, on which it was taken up just before the adjournment of the House, and after the day had been chiefly consumed by other business, the whole number of days on which this bill was under discussion in Committee of the Whole will be reduced to thirteen! After it was reported to the House, one day was consumed in a brief discussion of various amendments, and in taking questions by yeas and nays. It must also be borne in mind that this bill was never taken up for discussion upon any one day, until one o'clock in the afternoon, and often not until a later hour; and if the real parliamentary time consumed in the discussion of the Navy bill while in Committee of the Whole be computed, it will be found that the whole number of days is much less than I have stated. But how was the remainder of the time of the House consumed between the 13th of January, when the Navy bill was first taken up, and the 6th of April, when it was reported from the Committee of the Whole in which it was discussed? I will inform you, sir. Eleven days were taken up in discussing the bill for the relief of the sufferers by the late fire in New York; five days more were consumed in the discussion of the resolution of the gentleman from Massachusetts, [Mr. ADAMS,] in relation to the loss of the three million appropriation of the last Congress; and the question of the contested election between Mr. Graham and Mr. Newland occupied seven days. Two days which ought to have been appropriated to the consideration of public business were lost by the adjourning over; and who, sir, is responsible for the priority thus given to business of inferior importance, and for the waste of time, at a period, too, when the country is still said to have been exposed to the danger of war with a powerful nation? I answer, the gentleman from New York [Mr. CAMBRELENG] and his political friends, the party in the majority in this House. These are the responsible persons. Their names will be found recorded with great unanimity on every question in favor of the interference with the consideration of the Navy bill to which I have alluded. It will be seen, from the statement I have made upon this subject, that the Navy bill has the advantage of the New York fire bill, in regard to the time consumed in the discussion of each, of three days only! The Navy bill fourteen days, and the fire bill eleven days. Let this simple statement of facts be compared with the representation of the Globe. I have been repeatedly charged, in the columns of that paper, with having caused a waste of *six weeks* of the time of the House in the discussion of the motion submitted by me in relation to the navy-yard at Portsmouth. In another number of the same infamous journal, it is stated that *fifty-eight days* were consumed by me and the friends with whom I act in this House, in a wa upon that navy-yard; when, in truth, the general discussion which took place upon my motion consumed only some two or three hours on thirteen different days!

But the gentleman from New York [Mr. CAMBRELENG] thought proper to confirm the representations of the official journal in relation to the object I had in view, in the course I pursued upon the Navy bill. That gentleman has thought proper to comment upon the small number of votes in favor of my motion to strike out the entire appropriation for a navy-yard at Portsmouth, and leaves it to be inferred that my only object in making the motion was to delay the action of the House upon that bill, and retard the business of the House generally. Such is the charge repeatedly made against me and the few friends with whom I act in this House.

I beg leave to state what my course was upon the Navy appropriation bill. When that bill came up for consideration on the 9th of February, having a strong conviction that a war panic had been created for party purposes, and that those who were best advised upon the subject really had no apprehension of a war, I moved to reduce appropriations for the several navy-yards one half, in order to test, if I could, the sincerity of those who contended there was great danger of a war with France. The appropriation for the improvement of the navy-yards in the bill which

lately passed the House, was more than double the amount appropriated in former years. It is true, as stated by the gentleman from New York, [Mr. CAMBRELENG,] that my motion proposed a saving of $300,000 only; but if we were likely to have immediate war, it appeared to me that our true policy was not to expend a dollar more than was actually necessary upon any object which could not be made effective and available in such a crisis. At all events, I thought that the appropriation for the navy-yards ought, under such circumstances, to be restricted to the usual amount; and this was the view of the question which I presented to the committee when I submitted my first motion. I entered into no elaborate argument; I stated my object in the most perfect candor, and I asked the committee to vote instantly upon my motion; I deprecated delay. I entreated the committee not to rise that day until the question I had raised was taken; and I declined to debate it on my part. I was open and explicit at the same time, in stating that my object was to bring gentlemen to the only test in my power to offer, of their real views in relation to a war; and I called upon gentlemen to show us by their votes whether they regarded war as a probable event. Instead of being met in the same spirit of candor in which I had made the proposition, the very distinguished, enlightened, liberal, and able gentleman at the head of the Committee on Naval Affairs, [Mr. JARVIS,] as well as other gentlemen, including the gentleman from New York, [Mr. CAMBRELENG,] thought proper wholly to evade the question I had presented; and to enable them to do so more effectually, they would have it that I intended an attack upon the navy-yard at Portsmouth. The defense of the navy-yard at that place was entered upon, and every question except the one I had presented to the House was seized upon and debated, not having any connection whatever with the real question I had raised.

Against my entreaty, (for I really at that time felt unwilling to be responsible for any great delay in passing the appropriation bill,) the committee rose, on motion of the gentleman from New York, in my eye, [Mr. MANN,] at an early hour in the afternoon of the day on which I submitted my motion. So much for my disposition to defeat the passage of the bill at that stage of it. The consideration of the bill was so much interrupted by the pressure of other business, that, in order to increase the time which might be appropriated to the contested election, and other questions which I foresaw were likely to take precedence of the Navy bill, on the morning of the 15th of March I made a proposition that the House should meet at eleven o'clock in the forenoon of each day, which was agreed to; and I thus caused one hour more than usual to be employed in the business of the House. On that day the Navy bill, after the lapse of several days, was again taken up, and was discussed by the gentleman from Maine, [Mr. EVANS.] On the next day it was discussed by the gentleman from Pennsylvania, [Mr. CHAMBERS,] after whom I succeeded in getting the floor, and occupied about one hour only on that day, in my remarks upon the motion I then submitted to strike out the entire amount proposed to be appropriated for the improvement of the navy-yard at Portsmouth; and this hour must pass for one of the four days I am represented to have consumed in my remarks upon that motion. Now, as to the object of that motion, in answer to the charge of the gentleman from New York, [Mr. CAMBRELENG,] and the equally unfounded representations made through other channels, I have only to repeat what I stated openly and distinctly at the time I made the motion. The situation of affairs has greatly changed since I made my first motion. On the 16th of February, information had reached this country that all prospect of a rupture with France was at an end. A French war ceased to be any longer the rallying cry of the dominant party; but it was still proposed to enter upon a most expensive and extravagant system of national defense, both by sea and land. The occasion appeared to me to be a proper one to reconsider the policy adopted at a very early day in relation to the number and location of our navy-yards. Millions were proposed to be expended on these objects in the next four years, and I believed the public interest required that this subject should undergo a thorough examination. But I stated expressly, when I made the motion, that, although I was confident that both the economy and the efficiency of this branch of the national defense required that the number of navy-yards should be reduced, and that, at all events, we ought to make a more suitable selection for some of them, yet I had no expectation of succeeding in my motion. I stated the causes which existed to forbid such a hope, and, among others, the absence of Executive favor to the project of reform in this branch of the service. I felt it my duty to call the attention of the public to this subject, however hopeless any effort for immediate reformation might be. I also took occasion to be entirely candid in stating another object in making that motion to be that I might have an opportunity of remarking, freely and fully, upon many subjects connected with the principles and practices of the party in power. I did not expect to have this privilege allowed me during the session, unless I availed myself of that occasion to exercise it. My reasons for that belief, you, sir, [Mr. MASON, of Virginia,] must remember I was quite particular and specific in assigning. When gentlemen, therefore, taunt me with the entire failure of my motion, they must remember that it was a result I had myself foretold. But the gentleman from New York [Mr. CAMBRELENG] has reminded me that I did not vote for my own motion in the House. It was not the object of my motion to suffer any of the improvements at Portsmouth to go to decay, unless it should, upon proper investigation, be thought advisable to discontinue the navy-yard at that place; and, therefore, the motion of the gentleman from Vermont [Mr. EVERETT] embraced the whole object I had in view. The question which was moved in the House, upon my motion, as it was literally made, I saw was the result of concert between several members of the House; and the vote upon that question was intended to be used, as the gentleman from New York [Mr. CAMBRELENG] has now used it, and I treated the movement as it deserved.

Such, as I have briefly described, was my course upon the Navy appropriation bill, which recently passed this House, and such were the motives which governed me—motives which I openly and candidly avowed at the time. I am aware that the misrepresentations and slanders which have been heaped upon me in regard to my conduct in relation to this bill, by the official journal of this city, and others, have been so often repeated that many persons at a distance have been misled by them; and I am not surprised that many honorable members of this House have been misled as to the time actually consumed in the debate upon the Navy bill. Indeed I had supposed that from the repeated and slanderous character of the attacks which had recently been made upon those members of the House who had ventured to go into any general political discussion upon the appropriation bills, we were not like to have a repetition of such a practice. It required the courage of the gentleman from New York [Mr. CAMBRELENG] to disregard the odium which is sure to follow such a course in a certain quarter; and I must still express my surprise that that gentleman, with all his courage, has entered upon so wide a field of debate upon the present occasion. I must repeat here what I have said at another time upon this subject. I never will yield my privilege of going fully and at large into the discussion of every question connected with the administration of public affairs, as often as I think fit, upon the appropriation bills. I know how unfashionable this practice has become of late; and I hope it will not be considered disrespectful if I say that many members of this House appear to me to consider that our first and chief duty here is to vote through the appropriation bills. I beg leave to differ widely from these gentlemen. A much greater and more important duty is to watch over and guard the Executive administration of the country. I know that an opinion is becoming prevalent that we have nothing to do with the other branches of the Government. I deny the position. I affirm that it is our solemn duty, under the Constitution, to watch, and to be the overseers, in some sense, of the Executive. It is a great and mischievous and may become a fatal error to suppose we have not the power, and that it is not our right and duty to do so.

As to the effect of the doctrine that nothing ought to be discussed upon the appropriation bills except what belongs to the details of the business before the House, we may profit by recurring to the condition of this House on yesterday or the day before, when a bill was under consideration and passed through the committee, appropriating, I believe, (though I have not added up all the items) more than a million or a million and a half of money. Many of the items of that bill depended upon the discretion of the Executive, and of Congress. Yet, sir, during much the larger portion of the day, I undertake to say that not more than thirty members were in their seats. I might refer to the small attention on this day, for, sir, the taking up of an appropriation bill operated as a signal for the dispersion of the House. Nothing but dry details, after the recent denunciations of a different course were expected to be the subjects of discussion.

I, and the few friends with whom I act in this House, have been repeatedly charged with a disposition to delay the business of the House. Sir, our object has been to compel the action of the House upon various subjects of importance. I have never suppressed any motive or objects, so far as regards anything I have done, which may have a tendency to forward or retard the business of the House. For the last two months I have uniformly said to all with whom I am politically associated, that the true policy and the best interests of the country required that certain great and important measures should be acted upon at the present session of Congress. I have declared repeatedly that, unless these important subjects could be interposed and acted upon before all the appropriation bills were passed, they would not be acted upon at all. I have often said, (and I hope the hint will not be neglected,) that the moment all the regular appropriation bills are passed, and Michigan and Arkansas shall be admitted into the Union, we shall find ourselves suddenly adjourned without taking a vote upon a single question besides of importance or interest to the public. Yes, sir, unless the minority in this House can so manage as to keep in reserve until the last of the session either the bills for the admission of Michigan and Arkansas, or such bill as the light-house or harbor bill, in charge of the gentleman from Pennsylvania, [Mr. SUTHERLAND,] or the internal improvement bill, either of which would command a greater attendance of members than any other measure which can be brought before the House, we shall have neither a decision nor discussion of the deposit bank bill, the bill for the distribution of the surplus revenue, the Executive patronage bill, nor the joint resolution proposing to amend the Constitution so as to prevent the election of President and Vice President from coming into the House of Representatives. It is impossible that a mere vote upon the bill, as reported from the Committee of Ways and Means, regulating the public deposits, may be taken, without discussion, as recording the yeas and nays upon any amendment whatever under the operation of the previous question, but that is all that need be expected. Does not the gentleman from New York [Mr. CAMBRELENG] give warning that such is the settled decree of the party, and that the House will not vote upon the bill for the distribution of the surplus revenue, by availing himself of the bill under consideration in laying his views upon that subject before the public? Let those concerned be advised in season; and rely upon it, that, unless they act upon this suggestion, and by their united action compel a different result, they will find my prophecy verified. I do not say, sir, that there are not individuals of the party in the majority in this House who do not think differently, nor will I affirm that there is any settled determination on the part of the majority to close the session without deciding upon the important measures to which I have alluded; but, sir, there will be found to be an influence somewhere sufficiently active and powerful to accomplish this purpose, unless it is frustrated by the concert and energy of the minority. That portion of the party which may be otherwise inclined will find themselves swept along by a current which they cannot resist. It

has been to counteract this course; it has been, if possible, to force the House to do business, and to act upon every important question before it, that I have directed my efforts, instead of seeking to delay or defeat the business of the House.

But, to return to the charge that I wasted the time of the House by a discussion upon a motion which was negatived by so large a majority of the House. Let us inquire, for a moment, whether that discussion was productive of no good to the country. Have gentlemen forgotten the extravagant proposition made in the other end of the Capitol by the leader of the party in that body? Have they forgotten that the whole surplus revenue was then proposed to be expended, or rather squandered, upon the public defenses, and chiefly upon fortifications? Have gentlemen lost sight of the character of certain bills reported by the distinguished gentleman [Mr. JOHNSON] who is at the head of the Committee of Military Affairs in this House, for new fortifications, and the scheme of extravagant expenditure upon which they were founded? Need I remind the committee of the eminent position in the party which that gentleman occupies; and can there be any reason to doubt that when those bills were reported, and the proposition to which I have alluded was made in another branch of Congress, they were in strict conformity with the views and policy of the Administration? Where, now, are the advocates of the wild and extravagant plan of fortifying every exposed point upon our extensive maritime frontier? Have you seen the late report of the Secretary of War? Do you know that the President is said to have approved the doctrines and policy of that report in relation to the public defenses? Sir, the long train of fortifications with which it was proposed to deck our sea-coast, has been lately and unexpectedly battered to the ground. The Secretary of War has demonstrated the absurdity and want of utility in the whole scheme, by a clearness and force of reasoning which is irresistible. And what is further worthy of remark is, that this report of the Secretary, which is said also to have the approbation of the President, strongly recommends that before we proceed further in the execution of the plan of defense by fortifications adopted and acted upon for so many years past, there should be just such an examination into its nature and defects as I advocated in relation to the policy of attempting to establish and improve so great a number of navy-yards. And why not pause and inquire whether there may not be sufficient reason to change our policy in the one case as well as in the other? We have now the highest professional authority for saying that our system is defective in both those branches of the military defenses of the country. Millions have been expended in carrying into execution a system of fortification long since adopted, as well as upon our numerous navy-yards. That circumstance, we are told, should constitute no objection to the delay and investigation which are recommended in one case, and it should be none to a similar investigation in the other. I am not so weak, sir, as to imagine that I have contributed in any degree to bring about that change in our public councils upon this subject, which has undoubtedly taken place in the last month or two. It is enough that my object is about to be accomplished by the combined action of all who have either said or written anything upon this question. Public sentiment has been acted upon, and that has, in turn, acted upon those in power. A great change has been produced for the better, so far as regards the wisdom and economy of the proposed system of national defense. I congratulate the country upon it. It is by free and open discussion here, and discussion alone, that we can hope to effect those changes upon many of the important subjects which the public interest and safety so much require.

I shall not pursue this subject further at present. Before all the bills making appropriations for the public defenses shall pass, and after I shall have had the views of other gentlemen who desire to take a part in this discussion, I propose to enter more at large than I have heretofore done, into many subjects connected with the public welfare at this juncture.

PUBLIC DEPOSITS.

SPEECH OF HON. WM. K. BOND,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

April 23 *and* 28, 1836,

On the safety and proper disposition of the Public Money.

The resolution moved by Mr. DROMGOOLE, being under consideration, proposing to direct the Secretary of the Treasury to communicate to the House full and correct information of the mode and manner of selecting the deposit banks, &c.; together with an amendment, moved by Mr. WISE, proposing to raise a select committee of the House to investigate the same matter—

Mr. BOND said:

Mr. SPEAKER: The subject now under consideration involves an inquiry which the people of this country cannot view with indifference. Our situation is novel and peculiar. History may be challenged to produce a parallel. Whilst other nations are inquiring where and how they can obtain the means of paying their ordinary expenditures, we are disputing about the most approved mode of disposing of our millions that will remain after all our usual appropriations shall have been paid. Another striking contrast is furnished in the fact that other Governments, generally, are not only embarrassed with debt, but are constrained to inflict onerous taxation on their citizens for even current expenses; whilst the United States has finally discharged a national debt of vast amount, besides meeting ordinary expenditures, and still has an immense residuum, accumulated under a system so happily devised that no exaction has been felt or seen. It is, perhaps, because we have felt so little of the toil and anxiety usually incident to the accumulation of money, and have been equally free from the iron grasp of the tax-gatherer, that we are now, as I fear, becoming lavish in our expenditures and careless of our treasure.

In this Hall a capricious rule has been formed, which devotes nearly our whole time to the consideration of bills involving expenditures and appropriations of vast sums; but only an occasional morning hour can be snatched for the inquiry whether the money, by which these appropriations are to be met, is in the custody of safe and trustworthy agents! Prudence would seem to dictate that the latter should be the subject of primary importance. If we are not vigilant—nay, inquisitorial—over the public money, we may be left to the mortifying reflection of having voted millions without finding the means of paying hundreds! We should first see where the money is, and be satisfied that it is safe to let it remain.

According to the returns to the first of the present month, (April,) the public money in possession of the deposit banks amounted to $36,741,276 50. It is, too, constantly increasing. This money belongs to the people of the United States. The amount is enormous; it is subject to our supervision as the representatives of the people, and they require of us constant vigilance over our trust. We did not accumulate this money, nor did this Administration accumulate it; it is the product of a wise and beautiful system, devised by those who happily administered this Government long before the present dominant party came into power. This Administration and this Congress are but trustees, who have had cast on them the care of a large fund accumulated by the wisdom and management of other hands; and it will be well if we are faithful in preserving the integrity of the trust.

The resolution of the gentleman from Virginia [Mr. DROMGOOLE] merely proposes to inquire of the Secretary of the Treasury for information which is already in our possession. But Mr. B. said he wished to go behind the return and statements made by the deposit banks to the Treasury Department. He presumed the Secretary had already communicated to Congress all the information which the Department possessed on the subject of the deposits; and he thought it unnecessary to require a repetition of it. It was high time that the verity of these returns, and especially the solvency of the "pay-lists" and "other investments" of these banks, should be tested by a stricter analysis than the merely formal inspection of a written return. This would be required and done by any individual proprietor of a large deposit in a bank; and nothing less will or ought to satisfy the people. The true and appropriate test will be attained by the amendment offered by the gentleman from Virginia, [Mr. WISE,] and, if there is a consciousness that "all is well," and as it should be, there ought to be no shrinking from this investigation.

Mr. B. said, that although he felt great solicitude on this subject, he would not have troubled the House with any remarks, if, in connection with his apprehension for the safety of the public money, he had not recent cause to fear that the currency and domestic exchange of the country, especially in the State of Ohio, which he had the honor in part to represent, if not already, were about to be greatly deranged. He regretted to say that these fears were created by what he esteemed the improper use made of the people's money by some of the deposit banks. He began to suspect that these depositories, being clad "in a little brief authority," were about to play, not "fantastic tricks," but a despotic game. By permission, he then read the following circular:

CLINTON BANK OF COLUMBUS, *April* 6, 1836.

SIR: The large amount of paper received from the land offices, and the difficulty and expense of converting it into funds receivable by the Treasury Department in the eastern cities, (whither nearly the whole amount is necessarily required to be transmitted,) will compel this institution in future to decline receiving, *through that channel*, the paper of all the banks of the State, other than the deposit banks, that will not consent to redeem *the paper so received* by drafts on New York, Philadelphia, or Baltimore, payable thirty days from date at par.

Permit me to inquire whether it is the wish of your institution that your paper shall be received upon these terms?

Instances occur daily of eastern funds being converted, at a profit, into the paper of the local banks, which is paid into the land offices, and the burden of converting the paper again into eastern funds is thrown upon the institutions receiving the public deposits.

You are aware that we have heretofore received the paper of all the banks of the State, without condition or discrimination. We regret that the rapid sale of the public domain, and the premium which it costs to convert such paper into the medium in which our remittances are made, will not permit us to continue to do so.

Be pleased to let us hear from you in reply as early as practicable.

In the mean time we have directed the receivers who deposit here not to receive, after the 20th instant, the paper of any bank of the State (other than the deposit banks) unless hereafter instructed to that effect by this institution.

Very respectfully,

J. DELAFIELD, Jr., *Cashier.*

——— ———, *Cashier.*

Mr. B. proceeded: I ought to inform the House that three banks in Ohio have been selected as deposit banks, viz: the Franklin Bank of Cincinnati, the Commercial Bank of Cincinnati, and the Clinton Bank of Columbus; from the last of which comes the circular just read.

Before I comment on this paper, I must beg the kind indulgence of the House in calling its attention to a portion of the history of this country, connected with its finances. Whether it be true or not that "history is philosophy teaching by example," all will admit that many useful and instructive examples, both for national and individual use, may be drawn from that source. It is, I presume, within the recollection of gentlemen, that for a series of years previous to, and inclusive of, the year 1833, this country enjoyed as uniform and sound a currency and circulating medium, together with an equally uniform, just, and moderate rate of exchange, both domestic and foreign, as has ever been known anywhere. The notes of all the State banks were in undisputed credit, and had an extensive circulation. The notes of the Bank of the United States were current, at par, for all business purposes, throughout the whole country; and, in fact, commanded, as they still do in many of the States, a premium over gold and silver. A well regulated system of exchange enabled all who wished to do so to transfer funds from point to point, in every direction, without risk, frequently at par, are rarely above the rate of the half of one per cent. The commerce and intercommunication among the States greatly improved. The hardy and industrious citizens of the West, and of Ohio in particular, though many of them were destitute of capital, availed themselves of a credit

justly due to their integrity and enterprise, and engaged in pursuits which promised to reward their labors. The monopoly of the rich usurer seemed destined to be destroyed, and a prospect opened giving the poor the means as well as the right to compete with the rich in every pursuit. Many of our citizens engaged in the purchase and sale of cattle, and in that pursuit were enabled to visit and make purchases in Indiana, Illinois, and the "far west," without the incumbrance and risk of carrying specie, and, above all, without being obliged to submit to the extortion of the usurer and the broker. I presume similar advantages were enjoyed throughout the United States. The whole system of currency and exchange was so uniform, regular, and well established, that it was thought to be almost impossible to disturb it. In a space of ten years, from 1820 to 1830, only twelve new banks were incorporated, and the improvement and value of property gradually increased. The country was inclined to profit by the disastrous experience of the interval between the expiration of the charter of the first Bank of the United States, in 1811, and the creation of the second bank by Congress in 1816. Great losses, public and private, having been sustained under the exclusive State bank system, the public money, not long after the second bank went into operation, was there deposited; and, excepting a short interval, which I will presently notice, continued to be so deposited, until the abrupt removal in 1833, when the whole system was changed! Mr. B. said he was necessarily compelled to refer to the Bank of the United States and the removal of the deposits; but he did so with no wish to revive what he conceived would now be a useless discussion, here or elsewhere, about the charter of the late or any other Bank of the United States. That subject, for good or for evil, had already been disposed of, and he was unwilling to revive it. But he said he was constrained to refer to certain facts and events connected with the name of that bank, and necessarily associated with the subject now under consideration, and the positions he wished to establish.

The system by which the public finances were so successfully managed, and the general currency and exchange so justly and happily regulated, for a series of years, as has been already remarked, was suddenly changed in the year 1833. This change was made with full admonition of the evil consequences resulting from such a course, in the sad experience of a similar but far less violent measure—I mean the refusal to renew the charter of the first Bank of the United States in 1811. Then, as in 1833, much was said about substituting an equally good or better system; and every assurance was given that no extraordinary increase of banks or expansion of paper circulation would follow. What did the sequel prove? In the first three years thereafter, the number of State banks increased from eighty-eight to two hundred and eighteen, and in capital from about forty millions to eighty millions of dollars! The expansion of bank issues during the same period was in equal or greater ratio. In one year, 1815, (specie payments having been generally suspended during the previous year,) a further addition of thirty-eight State banks was made, with about eight millions of capital! A disordered and unsound currency, and a grossly irregular exchange, followed. In 1816 the notes of all the Baltimore banks were at a discount of about eighteen per cent. in that city; and I have obtained a table which shows the depreciation of all the bank notes of the different States to be equally or nearly as bad, except in Boston, and perhaps one or two other places, at which specie payments had not been suspended. I will say nothing of the individual loss and distress which followed. The enormous public losses greatly embarrassed the Treasury, and created general consternation. This, sir, took place under a system which was substituted for one now generally admitted to have been extremely useful, but which was abandoned, as it now seems, under the visionary hope of obtaining something better. The original and true Democratic party of the United States were then in power in the general and most of the State administrations—I mean that party who declared and prosecuted the war of 1812 against England, and whom, even at this day, it is considered an unpardonable heresy to have opposed! Yet, discovering the error of the new system, that same party, in the spirit of candor and patriotism which will always distinguish them from the mock Democrats of the present day, admitted the mistake, and repaired the breach with every possible promptitude. Under the auspices of the illustrious Madison and the Democratic Congress of 1816, the late Bank of the United States was chartered, and the glorious and happy system was instituted, which, as before observed, was fraught with such signal advantages to the country.

In addition to its wholesome influence on the currency and exchanges, it induced a general resumption of specie payments; it assumed and made good to the public Treasury upwards of seven millions of uncurrent, if not doubtful paper; and, at the time of its discontinuance, had collected and disbursed more than two hundred and fifty millions of public revenue, without the loss of a single cent to the country. How forcibly does this result contrast with tne disastrous events of the substituted system which I have before alluded to! The private and public losses need not be recapitulated. One item of public loss is still continued in the annual report of the Secretary of the Treasury, amounting to $1,100,000 of insolvent bank notes. But, in despite of experience, and regardless of danger, the country has been forced into a repetition of this experiment.

Mr. B. said he would call the attention of the House to the grounds assumed and assurances given by Mr. Secretary Taney at the time of the removal of the deposits. Was the Secretary correct? If such was the case, then it is certain, from the present disordered state of the currency and exchange, with a strong probability of its increase, that the deposit banks are not acting in good faith, or they are not properly regulated. But if they are acting in good faith, and also properly regulated, then Mr. Taney was mistaken and has injured the country by depriving it of substantial benefits without sufficient reason, or furnishing any adequate substitute. After making the change, Mr. Taney, in his report of December, 1833, says:

"The State banks can, I have no doubt, furnish a general circulating medium quite as uniform in value as that which has been afforded by the Bank of the United States; probably more so."

Again, he says:

"It became necessary that arrangements should be immediately made with the new depositories of the public money, which would not only render it safe, but would, at the time, secure to the Government and to the community at large the conveniences and facilities that were intended to be obtained by incorporating the Bank of the United States."

Again Mr. Taney reports:

"And by agreement among themselves [the deposit banks] to honor each other's notes and drafts, they are providing a general currency at least as sound as that of the Bank of the United States, and will afford facilities to commerce and in the business of domestic exchange quite equal to any which the community have heretofore enjoyed."

And in that same report Mr. Taney says:

"Every object which the charter of the Bank of the United States was designed to attain may be as effectually accomplished by the State banks."

Mr. B. said it would be seen, by these extracts, that Mr. Taney assured the country that, by this system, we should have, not the benefits which we were actually enjoying under the charter of the bank, but more, (if all the advantages of the charter were not enjoyed;) for, he says, this change will secure to the Government and the community at large the conveniences and facilities, nay, every object which that charter was designed to attain. Now let us pause, and inquire whether these assurances of the Secretary have been, or are likely to be, realized? The system of deposit banks has been in operation nearly three years; and what are its practical results? The notes of the Bank of the United States were current throughout the country, and constituted a circulating medium of uniform value, equal to, and in some instances above, gold and silver. Do the notes of the deposit banks answer this purpose? No, far from it; they have a local circulation, and do not command the general confidence of the community in any greater degree than formerly. Herein, then, is a total failure and disappointment; we have no substitute for the general circulating medium furnished by the Bank of the United States. But not only are the people thus put to inconvenience, with a certainty of loss, in the want of uniformity in value of the deposit bank notes, but the Government itself is already under the necessity of incurring risks and expense in transporting specie to points where the notes of the Bank of the United States were formerly current. Such being the experience of the new system, is it not strange that the present Secretary of the Treasury (Mr. Woodbury) should tell us, as he does in his last annual report, "that the general currency of the country has, in the mean time, greatly improved, instead of deteriorated?"

The uniform excellence of the currency at the time of the change is well known. Is the Secretary sincere when he says it is improved? The truth is, it was scarcely susceptible of improvement; but when he says it is improved instead of deteriorated, I call for facts, and am not content with his naked declaration. What does he mean by the term "general currency?" If he mean gold and silver, these certainly are no better than they were in 1833; and, indeed, the gold is not quite so fine as it was at that time; for in the grand conception of the "yellow-boy humbug," it was determined to use less gold and more alloy, but still call it all gold. But I presume the Secretary means that the whole currency of the country, both metallic and paper, is improved. This, too, I deny; it is not warranted by the facts. It must be admitted (for the transactions of the day show it) that at this time none of the State bank notes command the confidence of the community, and answer all the purposes of gold and silver, as did the notes of the Bank of the United States. If we compare the proportions of gold and silver with the amount of bank note circulation at this time, there is less cause for confidence in the latter now than formerly. And as there has been a greater increase of banks and banking capital in the United States during the last five years than was ever before known in a similar period, accompanied, too, with a correspondent expansion of bank-note issue and circulation, we must be still more astonished that Mr. Woodbury should have reported "that the general currency of the country is improved, instead of deteriorated."

I cannot omit here to invite the particular attention of gentlemen to the extraordinary increase of banks since December, 1829, when the first assault was made on the Bank of the United States. It should be remembered that this attack was made, and has been continued, under the allegation that the banking system is wrong, and was now to be restrained, if not abolished. I have before stated that, after the restoration of a sound and uniform currency, and public confidence was established in the bank of the United States, as well as in the several State banks which survived the shock of the dreadful crisis before alluded to, there were but twelve banks chartered in the next ten years, terminating in the month of December, 1829. But mark the extraordinary change. From January, 1830, to January, 1835, there were chartered two hundred and thirty-eight banks, with an aggregate capital of $86,000,000 making, with the others then in operation, five hundred and fifty-eight banks, with a capital of more than two hundred and thirty-one million dollars! And since that time still further and enormous additions have been made by the creation of other banks, with very large capitals, in most of the western and southwestern States. All this has been principally done by that same party who professed to be opposed to banks, and promised to substitute the "yellow jacket" currency. The friends and supporters of Mr. Van Buren, a prominent candidate for the Presidency, had a decided majority in the General Assembly of Ohio during the winter of 1833–34, immediately after the removal of the deposits; and at that time they professed to be in favor of a metallic currency, but chartered a number of banks, having an aggregate capital of more than five million dollars! And in Mr. Van Buren's own State, (New York,) promising, as he and his friends did, an abandonment of the paper system, they have, in the last four or five years, increased the

number of banks from about thirty-seven to eighty-seven! Here is a discrepancy between profession and practice which a just sense of propriety will not fail to condemn as a cunning stratagem to deceive the people and practice on the credulity of the country. Notwithstanding this alarming state of things, Mr. Woodbury says "the general currency of the country is improved, instead of deteriorated."

In connection with this branch of the subject, Mr. B. said he would briefly refer to the state of our domestic exchange. Tabular statements showing the rate of exchange were often appended to the returns of the Bank of the United States, and may be seen, if gentlemen will take the trouble to refer to them. By these it appears (and my own recollection confirms the fact) that the whole exchange system was, for a series of years, and at the time of the removal of the deposits, conducted at just and uniform rates, and certainly with signal advantage to the country. In Mr. Taney's report, as already quoted, he says the State banks "will afford facilities to commerce, and in the business of domestic exchange equal to any which the community have heretofore enjoyed." And Mr. Woodbury, in his last annual report, says:

"The facilities that have been furnished to the commercial community in domestic exchange were probably never greater, or at so moderate rates."

After this declaration, it is strange that he did not furnish tables showing the rate of exchange throughout the country, as we might then have instituted a comparison of the rates under the two systems. I am compelled to question the fact thus stated, because the commercial experience of the last year is at variance with it, and the daily accounts show the domestic exchange to have risen. But the Secretary, being willing, I suppose, to afford some light on the subject, terminates his annual report with what was probably the only exchange table he had. And what, sir, do you suppose it contains? Why, instead of exhibiting the rates of purchasing and selling exchange at the principal cities and towns in all the States, we have an account of some petty operations at Portsmouth, New Hampshire. By this we hear that this bank purchased domestic exchange, in the space of forty-two days, to the amount of $19,251, and sold checks for $36,645! How marvelously important! And the Secretary also informs us that this Commercial Bank purchases and collects exchange on New Bedford, Nantucket, Bangor, Dover, and Concord; and that the Merchants' Bank of Boston purchases exchange on Taunton, Beverly, and Marblehead! But in this table, so imposingly exhibited, an entire silence is observed as to the rates on which these banks sell checks or drafts on other places.

I have compared this meager exchange table with that of the Bank of the United States in 1833, when the new system commenced; and it will be apparent to any person who will make the examination that the advantages in the rate of exchange were decidedly greater then than they are shown to be by the imposing operations in this New Hampshire bank.

Mr. B. said he would next turn his attention to the circular of the Clinton Bank, as he thought it was nearly allied to this branch of the inquiry. By this paper it appears that that bank, on the 6th of this month, (April,) directed such of the receivers of public moneys as deposited with it, not to receive, after the 20th, the notes of any of the banks in the State of Ohio, other than the deposit banks, unless thereafter instructed to that effect by that institution.

In 1833, the notes of the Ohio State banks, with few, if any exceptions, were received without condition in payment of all debts or revenue in that State. This, it seems, is no longer the case. An abrupt and extraordinary change is made, and I will presently speak of the oppressive influence of the change both on the people and the banks of Ohio. At present, I allude to it for the purpose of showing the derangement of domestic exchange, and the erroneous calculations of Messrs. Taney and Woodbury. I here again invite the House to call to mind the particular passages which have been already quoted from the reports of the two Secretaries.

The first reason assigned in the circular for this measure is, that it "is difficult and expensive to convert the notes of these banks into funds receivable by the Treasury Department in the eastern cities." Why is this so? This objection did not exist in former years. What kind of funds can the Secretary require in the eastern cities? Nothing, surely, beyond gold or silver. Do not all the banks in Ohio pay gold or silver for their notes on demand? Certainly. Are not many of them of old and well-established credit, and possessed of large capital? Yes; and in all these particulars, several of them stand higher than the one which is now dictating terms. In saying this I do not mean to impeach the credit of the Clinton Bank; but I think it right to call the attention of the House to the fact, that this institution, now exercising the power derived from the Treasury Department, is among the youngest banks in the State, having been incorporated in 1833-34, and its capital, as reported by the Secretary, being only $289,000.

It will be observed that this bank does not decline taking the notes of the other institutions in payment of its own debts. Then why are they rejected for those of the Government? The answer may be gathered from the circular. The banks are informed that their paper shall not be taken for the public debts, unless they will consent to redeem it by drafts on New York, Philadelphia, or Baltimore, payable thirty days after date at par! The reason for dictating these terms is thus given:

"Instances occur daily of eastern funds being converted at a profit into the paper of the local banks, which is paid into the land offices; and the burden of converting the paper again into eastern funds is thrown upon the institutions receiving the public money."

Now, sir, on whom should the burden rest (if it be such) but on the deposit banks? They have the great and extraordinary advantage and profit incident to the enormous amount of public deposits on which they are operating; and the only consideration which they give for this is the engagement to transfer the public money as the necessities of the Government require. But it seems they begin already, in an indirect way, to demand new terms. If their contracts are onerous, they are afraid to avow it, and seek to defer the evil day by an attempt to cast the loss or inconvenience on the other institutions who have no portion of the profits. But believing, as I do, that these deposit banks are deriving great advantages from the use of the public money, for which they make no adequate return, their present movement creates a just fear that they design still to increase these advantages by securing the circulation of their own notes and a like control over the exchange of the country. They begin this by discrediting the Ohio notes; and finding this tolerated, and that they have the power to "create and destroy," they will soon, in turn, discredit the notes of the banks of other States, which they are now introducing among us. If, as Mr. Woodbury says, "the facilities in domestic exchange were probably never greater or at so moderate rates," whence originates the state of things disclosed by this circular? "Eastern funds being converted daily at a profit into the paper of the local banks!" But mark the balance of the sentence: the deposit bank does not complain of the burden of converting the paper of the Ohio banks into gold and silver, (which the Government is bound to receive,) but of the burden of converting it into "eastern funds!" Here lies the rub! This is the unwelcome truth which the Secretary must at last acknowledge. But in order to stifle and conceal it from public view as long as possible, the independent Ohio banks are to be forced to incur the loss and expense of furnishing eastern funds for the Treasury, under the penalty of having their notes discredited. I hold, subject to the use of all who wish to refer to it, a tabular statement of the condition of all the Ohio banks; and I aver that they are as sound, and possessed of as ample means to answer all demands against them, as the banks of any other State in this Union. Their proportion of specie to paper circulation is probably greater than that of the banks of most of the States.

This measure is unjust and oppressive; the terms are dictated—not proposed as matters of negotiation—but absolutely dictated as a *sine qua non*. The banks are required to redeem their notes, not in gold and silver, but by drafts on New York, Philadelphia, or Baltimore, at thirty days from date, at par! This, sir, is but insult and mockery! In the present state of exchange between Ohio and those cities, it is far better to have their notes returned home upon them, than to redeem them on the terms thus offered. The deposit bank complains of the burden of collecting the public money; and yet Mr. Woodbury says:

"This Department takes pleasure in stating that the public money continues to be collected and deposited, under the present system of selected banks, with great ease and economy in all cases, and with greater, in some, than at any former period."

The Secretary or the bank is wrong; both cannot be correct, for their statements are totally inconsistent.

But this power over the domestic exchange of the country has been frequently pronounced a dangerous one, which requires to be constantly and vigilantly guarded. Mr. Woodbury expressed and urged this opinion in his first annual report as Secretary of the Treasury, and there quotes, with approbation, the following passage from the late Secretary Crawford:

"It is the establishment of the principle, and not the amount of the exaction, which will exhibit the power of the bank to lay contributions on the commerce of the nation *ad libitum*."

And having used this argument against the Bank of the United States, Mr. Woodbury finds his new system subject to the same objection, but attempts to impair its force, and says that—

"Under a system of only detached and independent State banks, the community will be relieved from the danger and injuries to which it would be exposed under a great combined solitary power of a single institution, seeking often to control and monopolize, it is feared, solely for its own enhanced emoluments, the whole business of exchange, both foreign and domestic.

I agree, sir, that this power over the exchange of the country is an important and dangerous one, no matter where it is held. It is a fallacious distinction, a mere subterfuge, to say it is not susceptible of abuse when held by a combination of State banks. It is in vain to call them "detached and independent" after they have formed a league. If these deposit banks cannot exercise this oppressive and dangerous power—if no one of them can seek and monopolize the exchange business solely for its own enhanced emoluments, wherefore has the Clinton Bank the power to prescribe terms, in regard to debts due the Government, which secure the exclusive control over the circulation and exchange of the State? The terms prescribed are onerous, unjust, and oppressive. But, for a moment, concede them to be fair; they are dictated, and assume the power of imposition! What then becomes of the principle laid down by Mr. Crawford, and quoted with so much approbation by Mr. Woodbury? Suppose these terms are met and complied with, what prevents another and another imposition, until the other banks shall be literally persecuted and oppressed out of existence, and the entire and exclusive control is obtained by the deposit banks over the circulation and exchange? Then, sir, "this community" will discover, "it is feared," that it was not "relieved from the danger and injuries to which it was exposed under a great and combined power," (not, however, of a single institution with numerous branches, but) of about forty "detached and independent banks," extended into every section of the country, acting in concerted system under a great central viceroy at Washington, who at this moment is shrouded in greater mystery than the secret mover of Maelzel's chess-player. But this viceroy has a viceroy over him, and the enormous money power of this nation is now controlled by a single hand! Were the liberties of the nation in danger under the former system, they are now doubly so!

The capital of the Bank of the United States was $35,000,000, and this was divided and used by the bank and its twenty-three branches. The public deposits rarely exceeded five million dollars, and were soon called for in the discharge of the public debt and expenditures. Thus it rarely happened that the money power, admitting the danger of its abuse, exceeded forty millions. But behold the contrast! The combined capital of

the present deposit banks is upwards of forty-three million dollars; their number at present is thirty-six, and the power to add to it is unlimited! The public money known to be on deposit is near thirty-seven million dollars, and is daily increasing. Five millions more are at this moment expected from France and Naples, in payment of indemnities; and the seven millions of the United States Bank stock will soon be paid; and thus instead of forty millions there will be nearly one hundred million dollars subject to this abuse! And as we have now no national debt to reduce this money, (except the balance due to some of our citizens out of the indemnities just mentioned,) and as Mr. Van Buren's friends, who hold the power in Congress, will not, it is said, agree to divide this money among the States, the fund must continue not only large, but subject to be lost by the insolvency of the banks, or to be used and abused, by bringing "the power of the General Government into conflict with the freedom of the presidential election which is soon to take place!

Sir, the people of Ohio are patriotic, brave, and independent. They love their country, and will devote their "lives, fortune, and sacred honor" to its defense. They are jealous, too, of any encroachment on their State rights; they have just cause to be proud of their State, and will not suffer its sovereignty to be tarnished. They abhor and will resist tyranny and oppression, come when it will, or from whom it may. The step now taken there is but an incipient measure—an experiment; it will be met, and I trust resisted. If tolerated, it will soon be reënacted in another and another State, until the system of "detached and independent banks" shall secure to itself the exclusive control, as well over the bank-note circulation as all the business of exchange throughout the United States. I now warn and admonish gentlemen to be on the alert, and join Ohio in the early, prompt, and determined resistance of this despotic and oppressive measure. That which is a present trouble to us awaits you all. Your house will be next on fire if the flame be not at once subdued. A careless indifference and sluggish lethargy at this crisis will, I fear, soon discover to the people that they have been allured, hot by siren's song, but the subtile reasoning of the wily Secretary.

Mr. B. said he would here beg leave to read to the House the following notice issued by the receiver of public moneys at Zanesville, in Ohio:

"*Notice to land purchasers.*

"Pursuant to instructions received from the Clinton Bank of Columbus, dated April 6, 1836, there will not be any money, other than that annexed below, received at this office in payment for public lands, after the 20th of this month.

"Gold and silver.

"*Ohio.*—Paper of the deposit banks, viz.: Clinton Bank of Columbus, Commercial Bank of Cincinnati, Franklin Bank of Cincinnati.

"*New York.*—Paper of the banks in New York city, Albany, and Buffalo.

"*New Jersey.*—Paper of all the banks.

"*Delaware.*—Paper of all the banks.

"*Pennsylvania.*—Paper of the banks in Philadelphia, York Bank, Lancaster, Harrisburg, Middletown, Columbia Bridge, Chester County, Chambersburg, Carlisle, Pittsburg, Merchants and Mechanics' Bank of Pittsburg.

"*Maryland.*—Paper of the banks at Baltimore, Farmers' Bank of Maryland and branches, Hagerstown Bank, Frederick County Bank, Farmers and Mechanics' Bank, Frederick county, and Washington County Bank.

"*District of Columbia.*—Paper of all the banks.

"*Virginia.*—Paper of the Bank of Virginia and branches, Farmers' Bank of Virginia and branches, Bank of the Valley of Virginia and branches, Merchants and Mechanics' Bank, Wheeling. JOHN HALL, *Receiver.*"

It is understood that similar instructions are given to the other receivers who deposit at the Clinton Bank. These orders most seriously affect, and indirectly control, the currency and banks of Ohio. Notwithstanding their established credit and ample means, and although their notes are payable and paid in specie on demand, the banks in Ohio are to be discredited by the Government; and for this purpose, power is given to one of the youngest institutions in the State! What renders this outrage and oppression still more unjust and odious is, that, simultaneously with the discredit of the Ohio banks, it is announced, from the same source, that the public debts in Ohio may be paid in notes of the banks in New York, Albany, and Buffalo; in notes of all the banks in New Jersey and Delaware, and of the District of Columbia; and in nearly all the banks of Pennsylvania, Maryland, and Virginia.

By this measure, Ohio is to be deprived of all the leading advantages of her banks; and her own citizens will be constrained to become the reluctant instruments of the work! Our own banks, with which our people are familiar, and whose operations have so essentially contributed to aid the enterprise of her citizens, and to the general prosperity of the State, are thus suddenly discredited, without cause; and the notes of favored banks in New York and some other States are to take their place. The direct tendency of this step is to drive the notes of the Ohio banks out of circulation, and to transfer the specie from the State to the Atlantic cities, especially New York; to which, it seems, all the States must pay tribute; and before long, probably, we shall all be constrained to make there a kind of pilgrimage as to Mecca!

The circulation in Ohio is hereafter to consist of the notes of certain favorite banks, most of them situate in distant States, and of which our people have no knowledge whatever. This operation promotes the interest of the few to the injury of the many, and constitutes an odious monopoly! Heretofore, when the people of Ohio wanted specie, and held the notes of her banks, it could be easily obtained; but when those banks shall have been, as they are about to be, oppressed out of existence, and the notes of the New York, New Jersey, and other State banks shall constitute our circulation, where will our people get specie for an emergency? Mr. Taney, in his report, said:

"By agreement among themselves [the deposit banks] to honor each other's notes and drafts, they are providing a general currency, at least as sound as that of the Bank of the United States."

Has this agreement been formed? Will these deposit banks redeem, when in the hands of individuals, the notes of each other, indiscriminately? They are not bound to do so by any express contract, of which the public is aware, and certainly no implied promise exists. In this, then, the nation has been disappointed. But Mr. Woodbury, in his report, says many of these banks "have entered into salutary arrangements for the redemption in our larger cities of most of their bills which may be received in payment of public dues." Here, then, is the "better currency" which was promised! Let us analyze it. The Secretary says many—not all, but many—of these banks have a salutary arrangement—not to honor each other's notes, whether held by the Government or people, as implied, if not expressed, in what Mr. Taney said; but to redeem in our large cities, not all, but most of their bills not held by individuals, but which are received in payment of public dues. By the contract, in regard to the public deposits, as reported by the Secretary, the deposit banks are bound to transfer all moneys for the Government. Then, what advantage or accommodation is gained by this salutary arrangement, either to the Government or people? None. It is a mere parade, used *ad captandum*. The Government did not need it, and the great body of the people rarely go to New York and the other large cities; but if they did, they could not avail themselves of this salutary arrangement, for it is only to redeem notes received in payment of public dues! The community, then, will be obliged to submit to losses and discounts on the different bank notes, the profits of which will pass into the hands of the usurers or brokers, who will soon be found in every town and village of the State. Since this oppressive step, its influences are already felt. I have to-day seen a newspaper printed in Cincinnati, which states that all the notes of the Ohio banks, not payable in that city, are at a discount there of from one to five per cent.

We were promised a better currency; and the improvement consists in substituting bank notes, to which we are entire strangers, for those we are familiar with and have confidence in! We were told by Mr. Taney that the "change had rescued the poorer classes from almost the whole inconvenience to which they chiefly were exposed by the discredit of bank notes, and from most of the losses they suffered by counterfeits." What an instructive commentary is the order referred to on the text just quoted! The first movement of the Treasury is to drive out of circulation, "at one fell swoop," all the notes of twenty-eight of the thirty-one Ohio banks, in which many of the people have a direct interest, and all have confidence! This step is immediately followed by introducing among us the notes of some forty or fifty different banks of other States, in which the citizens of Ohio have no interest and but little confidence, and in receiving which they will be doubly exposed to all the inconvenience arising from discredited bank notes, and their danger of losses by counterfeits increased tenfold.

We are told by Mr. Woodbury that the currency was never more uniform, nor domestic exchange at so moderate rates; and yet his agent in Ohio says that the notes of the State banks before mentioned command a premium in Ohio—a state of things until now unknown there for many years. I am assured by an intelligent merchant just from Ohio, and the same thing is confirmed by a letter from a gentleman of great respectability in that State, that the banks in Columbus (the Clinton Bank being one of them) are unable, or decline, to furnish checks on the eastern cities upon any terms.

We were assured by Mr. Taney that no one of these banks would, under his arrangement, possess that absolute and almost unlimited dominion over the property of the citizens of the United States which, he said, the Bank of the United States held, and by which it was enabled, at any moment, at its pleasure, to distress the country. Yet, we now see one of the youngest banks in Ohio holding all this power, derived, too, directly from the Secretary of the Treasury, and exercising it in a manner calculated to produce all the baneful influences and effects from which it was promised we were to be freed.

It is proper for me to explain to the House that, in the Western country, it is essential to the general currency and credit of bank notes that they be taken in payment for public lands, and it is an immediate passport to a bank note to say of it that it is "land office money." With this explanation, I cannot here omit to press upon the consideration of gentlemen the violent and unhappy consequences which threaten the banks and people of Ohio, under this sudden change in their currency. At a moment when the circulation of all the banks is greatly expanded, and an extensive credit created in general business and trade, with no reason to anticipate a shock—at this moment, I say, the Treasury, by its agent, issues an order which discredits nearly the whole bank note circulation in Ohio, and must return the notes of the different banks so rapidly as to compel them, however reluctantly, to press their debtors. Here, again, it will be remembered that Mr. Taney, in his report, urged that all such reduction in circulation should be gradually made, without giving a shock to the currency, or producing a pressure on the community. By way of enforcing this self-evident proposition he added, that such a pressure compelled the State banks to call on their debtors and curtail their accounts, which became still more onerous where specie was required; as, in such case, the banks were obliged to make requisitions in the proportion of five to one; that is, in order to get one hundred thousand dollars in silver, they would be constrained to reduce their accommodations or discounts five hundred thousand dollars. Are we not surprised, then, to see Mr. Woodbury adopting these very measures, so justly condemned by Mr. Taney, as producing disastrous consequences to the country? Mr. B. said he had fearful anticipations for his fellow-citizens if this measure was persevered in, as it must compel the banks not only to curtail their discounts, and make heavy requisitions on their debtors, but, in the sequel, drain the State and people of all their specie, leaving in exchange a chequered circulation of bank notes from other States, to be in turn discredited. By this order the notes of the bank in the town where the receiver resides, (Zanesville,) and the notes of the Franklin Bank of Columbus, in the same street and town with the Clinton Bank, are discredited, though equal in all respects, and one, if not both, superior in others, to that deposit bank. Why is this so? Because they will not agree to redeem their notes in New York,

Philadelphia, and Baltimore, on the same terms that they pay them at home.

But there is still another objection to this order—it acts by surprise on the people, and must subject them to great loss and inconvenience. As far back as in 1816, a joint resolution was passed by Congress in the following words:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary, to cause, as soon as may be, all duties, taxes, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, as by law provided and declared; or in notes of banks which are payable and paid on demand, in the said legal currency of the United States; and that from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid, on demand, in the said legal currency of the United States."—(Approved 30th April, 1816.)

At this period, the Government had been for some time in the habit of receiving the notes of many banks which had suspended specie payments, but by this resolution it was determined to do so no longer. There is an implied assurance, however, contained in this resolution, that the notes of all the banks which were payable and paid in specie should be received. It is now more than twenty years since that resolution was passed; it is still in force and unrepealed. It has been the constant practice of the Government to accept payment accordingly. And now, without any notice, and when it is evident that multitudes hold the notes of the Ohio banks, an abrupt change of this usage and policy takes place, and the implied faith of the resolution is violated, without any occurrence to justify it. I had hoped that the days of those petty dealers in discount on the currency of the country, who fatten on the necessities of men, and improve most when the currency is most deranged, had passed off never to return. Having witnessed as well the gloomy hour in our deranged finances, when these harpies overspread the land, as the violent throes which followed before they were shaken off, I had hoped a repetition of these scenes would be long deferred. But the present policy of the Treasury Department must soon bring back that dreadful state of things. Already is the harvest opening in Ohio. The holder of our bank notes, if designing to buy public land, must relinquish this purpose if not convenient to the band whose paper he has, or choose between the alternative of a journey to the bank, or the loss of discount at a bank note shaver's.

There is yet another fact contained in this circular which confirms the suggestion already made, that Ohio is to be drained of her specie. We are told by this circular that nearly the whole amount of the public money in Ohio is required to be transmitted to New York, Philadelphia, and Baltimore! Can this be so? If it be, whence this necessity? The Government surely cannot wish to concentrate in those cities the whole amount of the mighty revenue of the nation. I believe that, for every legitimate purpose, the public money already in those cities (without regard to its current accumulation) greatly exceeds the public wants at those points. There are, at present, in New York about eleven million dollars, in Philadelphia about three millions, and in Baltimore upwards of a million, exclusive of large deposits in Boston, and in many other places east of the mountains. Why, then, is it necessary to withdraw the public money from Ohio? If there be any advantage in possessing it, the amount collected there is less in proportion to her population than she would be entitled to in any division of the surplus, and ought not, therefore, to be removed except for public necessity. But it seems the large cities must be pampered; they are insatiable in their demands. New York still cries "give! give!" and Ohio is bound already for the surrender! But I can tell gentlemen, the shrewd, proud, and independent yeomanry, farmers, and mechanics of Ohio are beginning to suspect that these enormous sums are required to be used for "other investments," commonly called "fancy stock," and in the magic work and luxurious ease of a certain moneyed regency which now controls the politics of the country. This suspicion will be followed by alarm, and a determined resistance at the threshold.

I have treated this measure as one emanating from the Secretary of the Treasury. His attention has been called to it, and it is not revoked. It must, therefore, be considered as disclosing the settled policy of this nation. I am also justified in so treating it, because the Globe, which is the organ of the Administration, in expressly sanctioning it, holds the following language on the 21st of the present month:

"It appears to us that the bank was accommodating, rather than otherwise. Instead of specie, it takes drafts at thirty days' date in payment for the notes which it has to place as cash at the credit of the Government. It might well have exacted drafts at sight. We believe that the deposit banks, in place of having acted illiberally as to the receipt of notes of the banks on account of the public revenue, have been too accommodating. They have received them too generally for the public good. We believe, also, that the deposit banks generally ought to limit the receipt of all bank notes still more than the Clinton Bank proposes to do; and we shall not hesitate to lend our aid in sustaining them in carrying out such a measure, if they will adopt it generally."

Comment on this is unnecessary. It proves the design to extend this system of oppression, as I have already intimated would be done. But as a matter of finance, and also as an interpretation of the law of contracts, the passages quoted from the Globe discover gross ignorance. All must be aware that neither a bank nor an individual is bound to redeem notes at any other place than where they are payable by their terms; and that the Clinton Bank has no right to demand payment in drafts at all, much less in drafts at sight, as the Globe alleges. It is equally certain that, at the present rates of exchange, no bank in Ohio can, without loss, redeem its notes by drafts on the east at par, even at thirty days' date. And if any of the Ohio banks accept the terms of this circular, the concession will be made to the power and not to the justice of the demand. This, too, will prove the power of the detached and independent bank system to monopolize and control the circulation and exchange of the country. I hope that none of the Ohio banks will submit to this degradation; but I fear the event is at hand.

The Government speaks through the Globe, and the mighty moneyed power which it now wields, addressed, as it is, to the fears as well as the cupidity of banks, has all the secret influence of the "magician's" wand, and, in open warfare, is more "terrible than an army with banners."

I cannot leave this part of the subject without contrasting the policy of the present Secretary of the Treasury with that of the late Mr. Crawford, when he had charge of that Department in 1819. At that time a large amount of debt was due in the West for public lands; the two United States Branch Banks then in Ohio refused to credit the Government with any of the Ohio bank notes, as cash, and thus greatly reduced the facilities of the people in paying for their lands. Mr. Crawford, with a view to their accommodation, and to increase their facilities, discontinued the public deposits in the branch banks, and ordered them to be made in certain State banks, which were willing to credit, as cash, the paper of such of the banks (in circulation in the vicinity of the selected banks) as paid their notes in specie on demand, and were otherwise in good credit. Among the banks thus selected, I will particularly name the Bank of Chillicothe and the Franklin Bank of Columbus, whose general history I am somewhat familiar with. Though they discharged their trust in the strictest faith, and with great advantage to the Government, and have ever since, to this day, sustained the highest credit, they are now to be discredited by that same Government, without the shadow of pretext for doing so. And what renders this proceeding still more harsh towards the Bank of Chillicothe, is, that that institution was found a most useful agent to the General Government throughout the whole of the last war, particularly during the gloomiest period of our financial embarrassments. At that crisis, sir, the Bank of Chillicothe made large advances of money to the country, the interest on part of which has never been discharged to this day.

Mr. Crawford, for public convenience, continued this system until the Bank of the United States agreed to receive on deposit the notes of the same banks as the State banks did. And when the connection terminated, early in 1821, Mr. Crawford concludes his letter to the cashier of the Bank of Chillicothe in the following terms:

"I avail myself of this occasion to express the satisfaction that has been produced by the good faith and accommodating disposition manifested by the Bank of Chillicothe during the continuance of the arrangement."

The present determination of the Treasury Department to curtail rather than increase the facilities of the people of the West to pay for the public lands, stands in no enviable light when compared with the transactions of that same Department at the period I have alluded to. Can it be possible that the rapid growth of the West begins to excite the jealousy or envy of the Secretary? Is our march to be arrested and checked? At this moment, when there is a large amount of public land selling, every facility for payment is again needed. It is not asked to enlarge, but merely to continue the facilities as we have heretofore had them. Yet this is denied, and the order to curtail them is announced. This is done, too, without that notice which all humane Governments uniformly afford. And the Globe says, instead of being unjust, it is an indulgence, as the facilities of payment ought to be still more circumscribed!

I have thus far discussed topics connected with the manner in which the public money has been used, and will now consider its safety under the present system.

The amount of public money in the deposit banks on the 1st of April, as already stated, was nearly $37,000,000; at this time it is no doubt above that sum. To this we must soon add the $5,000,000 coming from France and Naples, and the proceeds of $7,000,000 of bank stock; making in all, including the continued accumulation of revenue, at least $50,000,000! At this juncture is it not proper for us, as the Representatives of the people, to whom the money belongs, to inquire if it be safe? Were it our own money, this investigation would not be delayed a moment. It is our imperative duty to be equally vigilant as the Representatives of the people. They expect it of us; and if we omit it, be assured, sir, the trust will be rightfully and immediately taken from us, and we shall be told that we may be no longer stewards! We must test the safety of these deposit banks, and the verity of their returns, by every means within our power. The amount at stake is enormous—the risk is great. A timely call from a committee of this House may save millions, but a careless indifference will endanger the whole. I am astonished that any resistance is made to this measure by these banks, or their friends. It creates and justifies a suspicion that there is "something rotten in the State of Denmark!"

When the deposits were changed, Mr. Taney, in remarking on such an examination, and the reluctance to submit to it, said:

"In the ordinary concerns of life, among individuals, no prudent man would continue to place his funds in the hands of an agent, after he discovered that he was studiously concealing from him the manner in which they were employed."

Mr. Woodbury, in his first report, recommends, "as an improvement in the present fiscal system of employing State banks, to require the fullest returns to be made by them in relation to the actual capital paid in; their discounts, circulation, specie, and other circumstances, throwing light on their probable safety and intelligent mode of conducting business;" and adds: "this, coupled with the power, through committees or commissioners, to verify the correctness of such returns by actual examination, in cases of suspicion, will prove a conservative and highly useful measure to both the public and the banks, as well as the Government."

Examinations of this kind led to great improvements in the returns from the Bank of England; and it is the surest, if not the only way in which banks can acquire public confidence. Mr. Woodbury himself says:

"All mystery on the subject of banking should cease. It is unworthy of the age in which we live, and the form of government which we support; and the real condition of

all banking institutions which claim public confidence and credit should be shown far and wide, to all interested, fully to deserve that confidence and credit."

After these opinions and principles, thus avowed by the two Secretaries when discussing the very subjects now under consideration, and now at a time when the amount of public money is so great, and our suspicions and fears are both justly excited in regard to the verity of the returns and safety of these banks, I am surprised to see such reluctance to submit to, and, indeed, an undisguised shrinking from investigation. Why this concealment? "All mystery on the subject of banking should cease. It is unworthy of the age in which we live, and the form of government which we support." Let the real condition of these banks be known to the people, who have so much at hazard with these institutions. The solvency of many of these banks is doubted, and a scrutiny into their concerns is demanded accordingly. Why not take the suggestion of Mr. Woodbury, and appoint a committee to verify the correctness of the returns of these banks by actual examination? I am decidedly of opinion that the public money is not safe. I do not hesitate to say, that if it were demanded at this moment, or even upon a six months' notice, many of these banks would be unable to pay. If specie only is received, as is the professed but not the practical usage "of the party," the debt cannot be paid at all! Let us examine for a few moments the condition of some of these banks. By the last returns it appears that the Commercial Bank of Portsmouth, in New Hampshire, with a capital of $102,000, has about $10,000 in specie, with a circulation of more than $100,000, and holds upwards of $222,000 of public money! They have about one dollar in specie for every twenty dollars of public debt! And if you regard their loans and discounts, what evidence have we of the solvency of their debtors? This inquiry may be fairly urged against all of these banks.

The Savings Institution at Louisville, Kentucky, with a capital of $96,000, and something upwards of $50,000 in specie, has $510,000 of the public money.

The Farmers and Mechanics' Bank of Michigan, at Detroit, with a capital of $150,000, (whether all paid in or not is uncertain,) has $59,000 in specie, and upwards of $700,000 of the public money!

The Bank of Michigan, at Detroit, with a capital of $448,200, has $62,000 in specie, and upwards of $1,100,000 of the public money!

The Planters' Bank of Mississippi, at Natchez, with a capital of $4,000,000, has $438,000 in specie, and more than $2,740,000 of the public money!

I could go though the whole list, and the result would be but little better. I repeat again, that the ability of all these banks to pay the public debts depends upon the solvency of their debtors; and this, together with the verity of their returns, ought to be tested by personal inquiry and inspection. The Secretary of the Treasury must necessarily be a stranger to these facts, and it cannot derogate from him in the slightest degree for this House to appoint a committee to make this investigation. I have already shown that he recommends this course.

One item in the returns of these banks is of a most suspicious character—I mean the column of "other investments," amounting, on the 1st of March, to about twelve million dollars! Mr. Woodbury says this item is made up of "suspended debt, stock bonds," &c. This explanation, so far from relieving, increases my fears and apprehensions for the safety of the public money. No well-regulated bank ever classes its suspended debt as an investment. A suspended debt often shows the insolvency, and always the present disability of the party to pay. What part of this $12,000,000 is made up of suspended debt? And I should like to know in what stocks, bonds, &c., these banks have been investing the public money. Stock operations generally, and especially in New York, where, it seems, much of this money is being concentrated, are, in many instances, speculative and visionary, approaching a continued scene of extravagant gambling! We hear of "fancy stocks," and of a strife between one set of operators called "bulls," and of another called "bears," with other refined names and cant phrases, which would make suitable additions to the dictionary of the "canting crew." Those who sell stock are, with a view to its high price, constantly engaged in puffing and tossing up its value in the market, and hence are called "bulls;" but the buyers, equally vigilant over their interest, and designing to exert a counteracting influence, depress and tread down the value, and are therefore called "bears." In this same strife, each day brings sudden fortune to one, and violent reverse to another! Is it safe to have the public money thus placed in such imminent peril? Report says, many of these banks, with a view to make great profits out of their deposits, not only discount on them, but send large sums to these cities, with a view to "other investments." This must be attended with great hazard; not only the usual risk of transmission, but the uncertain result of a stock, if not of a gambling operation. It is said, indeed, that these risks are incurred by the banks, and not by the public. But the danger of the insolvency of these banks is the risk which the Government incurs. It will be but poor consolation for us to know that the banks are legally responsible, if they have not the means and the ability to pay. If these banks are allowed to discount on and use this money for their own profit, we ought to be fully satisfied that their business is prudently conducted, and their pay-lists sound. I invoke this House to deliberate well before they refuse to appoint a committee of inquiry.

The hope of gain prompts to rash and extravagant speculations and risks. A prudent man would withdraw his money from an agent whom he found putting it at hazard. Ought we to do less, as the Representatives of the people? Already, and during our present session, one of these institutions* has lost $100,000, and some say more, in sending it to one of the larger cities. That same bank has the custody of upwards of $2,000,000 of the public moneys, much the greater part of which is held by it at an agency established at St. Loüis, Missouri; but under what law or authority, I know not. I do not wish nor intend to disparage this bank. I am acquainted with its principal officers, and have pleasure in saying that, in my intercourse with them, they have manifested a great spirit of accommodation. But in the discharge of a high public duty, I was compelled to refer to the facts just mentioned.

This item of "other investments," it is said, also covers portions of the public money which is placed in the hands of brokers and agents to obtain extravagant and oppressive rates of interest, and to purchase stocks, notes, and bonds at large discounts during an occasional pressure in the money market—an employment of the public money, which, to say nothing of its risks, is a disparagement to the nation. In every possible aspect in which this matter can be considered, this investigation is called for.

The statements of these banks are full of suspicion; the sufficiency and solvency of the means relied on for payment are questionable. All these, as well as the general verity of the returns, ought to be tested; the system is new, and but "an experiment." It has been in operation near three years without investigation, and it is time it was scrutinized; this is always found a salutary process in pecuniary concerns. If the principal is vigilant, the agent will be prudent; but if the one is negligent, the other becomes so; and the consequence is often the loss of the one and the ruin of the other.

A similar investigation took place before the late Bank of the United States had been in operation two years; and it is generally admitted that it was attended with beneficial influences on the bank, and happy results to the country. Since that time, and particularly within the last four years, these inquiries have been pressed, and made by committees under the order of this House. And, on one occasion, the President of the United States, upon a mere suggestion that the public money was not safe in the Bank of the United States, appointed Henry Toland, Esq., of Philadelphia, as a special agent, with full powers to institute the most ample inquiry connected with the solvency of the debtors of the bank, and its general ability to refund. Any apparent hesitancy on the part of the bank to submit to such inquiry was uniformly interpreted as indicative of a disposition to shrink from this "searching operation."

On the score of usage, this investigation is called for; and the necessity for it is such that, in my judgment, if it is not now made, we shall, in many cases, have "a beggarly account of empty boxes."

These investigations were often made, although the Government never had, at any time, half as much at stake as it now has; often, indeed, but little interest, except as a stockholder. If we refer to the state of the Bank of the United States at the period of the greatest amount of public deposits held by it, and make a similar reference to the returns from the deposit banks, with a view to the comparative safety of the money under the two systems, it will be seen that the risk is decidedly the greatest now. This is emphatically the case, whether you consider the united capital of the deposit banks a common fund to pay the debts of each as partners, or take them separately, and hold each liable only for its own debts. And yet Mr. Woodbury, in contrasting the two systems, and speaking of the safety of the public money, says:

"The chief change, in this respect, under the present system, has been in procuring the responsibility of several institutions for separate and smaller sums of money, instead of the single responsibility of one institution for a very large sum of money."

Again:

"The selected banks, without disparagement of others, are, or ought to be, chosen from the most flourishing and secure."

I again call the attention of the House to the cases of the deposit banks before particularly named, and, indeed to every one of them now holding public money. A reference to the statements furnished by the Secretary himself will prove him in error as to this supposed advantage. Next, let us compare and consider the two systems in the aggregate. In doing so, I will assume $10,000,000 as the maximum of public deposits in the Bank of the United States, (and they rarely amounted to half that sum;) add this to the amount of stock owned by the Government, and we have $17,000,000 as the greatest amount at hazard in that bank. The capital of that bank, we know, was $35,000,000; and, at the period alluded to, it held near $11,000,000 in specie. I will now mention similar items taken from the returns of the deposit banks to the 1st of April, 1836. The public deposits in these banks, as before stated, are nearly $37,000,000; their united capital (if it even be all paid in) is $43,690,980 28; and their total amount of specie is between $10,000,000 and $11,000,000. It is thus apparent that there was less danger of loss under the old than the present system. I have omitted the other items of loans, discounts, circulation, &c., in which the comparison might be extended; but if any person will take the trouble to refer to these, the result will be the same. This risk is daily increasing, by the further accumulation of the revenue, and the large items before mentioned, to be derived from France and Naples, and the proceeds of the bank stock. This comparison has been made, as if the whole means of all these banks were liable for the debts of each; but this is not the case; we have only the "single responsibility" of these institutions, not for "the smaller sums," as the Secretary stated, but for the very large amounts of money!

This committee should be appointed, and the inquiry made touching the connection which exists between those banks and their mysterious agent, Mr. Whitney, who now occupies a room in the Treasury Department. It is said, indeed, that he pays the rent of the room held by him. It may be so; but it is not very probable that the Secretary, in renting a tenement for the Department, suffered the proprietor to retain a room "to let" for individual purposes. If such be the fact, it was at least more economical than prudent; as such an occupancy enlarges the danger from incendiaries, by which the country, in that very Department, has so recently suffered as not to be unmindful of it. Without intending to in-

* The Commercial Bank of Cincinnati.

sinuate that the individual in question would lend himself to such a purpose, I insist that the public buildings should not be occupied by any other than those who are immediately under the control of the Department. This relation Mr. Whitney professes not to maintain.

But leaving that digression: the power and influence which this agent wields over the deposit banks is such that, like some of the patent medicines of the day, "none are genuine unless indorsed R. M. W." In order to secure this panacea, a tribute of one per cent. per annum on the amount of the deposit received by each is paid. This per cent. on $37,000,000, the present amount of the deposits, is $370,000. Independent, then, of the great influences thus indirectly arising from the entire control of this money, here is a large sum, which may pay the agent handsomely, and, by suitable appropriations, accomplish much in the great political contest now about to ensue, on the result of which depends the right of the agent to continue "at the receipt of custom." It is but a few moments since I heard that one of the deposit banks in Cincinnati incurred the displeasure of the agent by refusing to pay the "tribute money;" and that there has been a correspondent reduction in the favors since conferred on the rebel institution.

But, above all, is it right that we should look on, and, without a strict inquiry, see the people's money openly committed to the agency and superintendence of one laboring under the grossest impeachment of character; and who, though a native American, resided, during our late war with England, in Canada, where, if he did not swear allegiance to the British King, he took an oath not to assist the country of his birth!

But another, and, as I think, powerful reason for urging this investigation without delay is, that the money may be placed beyond the power of the banks to waste or lose. If we adjourn without doing so, we may dread the consequences, and be justly chargeable with a neglect of the public interests. Sir, I am no panic maker, nor do I believe that it will be very long before many who now call the first session of the last Congress the "panic session," will be obliged to admit that the alarm of that day was not affected, but real, and for just cause. I will remind gentlemen of some of the evils which were then foretold as being likely to follow the abrupt change in our system of finance. Among these it was said great individual loss and distress would follow. The measure complained of was violent and sudden, accompanied with an open and avowed hostility to the Bank of the United States, which obliged it to make ready for the assault. This extraordinary interruption of all the usual channels of trade carried consternation with it, and at such a time the banks throughout the country were compelled to act on the defensive, and prepare for the worst. This unlooked-for shock to the commerce and currency of the country found the people unprepared for it, and many, very many, were reduced from independence to poverty; whilst others, who had the bright prospects of ample fortune before them, had all their hopes blighted. But these disasters, great as they were, had a limit given to them by the fortunate rise in the price of the southern staple, cotton, which always has an important influence on the monetary concerns of this country. This brought a great accession to our capital, and ameliorated and checked the pressure. The storm subsided; business resumed its wonted channels; and we look around, and behold the sea is again calm. But can we forget the wreck and the struggles of the innocent sufferers, who, after being tossed by the angry tempest, were engulfed, and went down in the mighty ocean before the storm abated! Another of the prophecies of that day was, that the change of system would, as on a former occasion, be followed by an inordinate increase of State banks, and a dangerous expansion of bank note issues.

It was also said that this last state of things would be attended by a deranged exchange and disordered currency, and ultimately terminate in a general explosion. And now let me appeal to gentlemen, and ask if all these predictions have not already been fully realized, except the last—the explosion? That drama yet remains to be enacted; but I fear it is not far removed from us. It was not said that all these things would follow in a day, nor in a year, but that they were consequences which it was feared would ensue.

Having once witnessed the pouring out of these sorrows on our country, I dread their repetition so much, that I should decidedly prefer being found in error to seeing them renewed; but I fear this explosion must follow, and cannot now be averted. We have seen the State banks increase in number, from a little upwards of three hundred to near six hundred, in five years, with correspondent capital and issues. Added to these, we have seen Ohio, Kentucky, Indiana, Illinois, Tennessee, Mississippi, and Louisiana, creating charter after charter; and the news of the morning is, that Maine has just given life to twenty-six new banks, and that New York, not content with her present multitude, is about incorporating others, so as to give her the round number of one hundred banks! All this is principally done, too, by "the party" who told the people that banks should be put down, and a gold currency furnished! The currency is disordered—the exchange is deranged—the expansion is increasing with a mighty power; and next comes the explosion!

Before this happens, I wish the public treasure—the people's money—to be rescued from its present peril. If gentlemen will not divide it among the States, as I think it ought to be, whereby it might relieve our people from taxes, educate their children, or construct roads and canals for us, at least let it be preserved from abuses and prostitutions in elections, and final loss.

The money is not safe were it now is. If gold and silver be the test, the banks are unable to pay; and we know nothing of the security or solvency of their other means. The examination, if not demand of payment, should be promptly made. These banks are scattered over the whole country, and, in case of failure, the Government will not only be the greatest sufferer, but the last to be paid. Individual creditors are on the spot, and vigilant over their interests. On the first alarm, and before even the breath of suspicion or news of disaster has reached Washington, those creditors withdraw their deposits, or obtain possession of all the means of the insolvent bank. The public cannot compete with individual creditors, and we ought, therefore, to be cautious and circumspect in advance, "before the evil day come." We ought to remember that more than one million dollars has been already lost to the nation by a similar neglect. It is vain and idle for Mr. Woodbury to attempt to impress on us the absurd and unmeaning supposition contained in his report of the 23d instant, that, considering the Government as the sole creditor of those banks, the means of payment are in the proportion of four dollars for one! The Government is not the sole creditor; we have thrown our money into common stock, with others, and the rights of all are equal, but the chances of protection and safety are greatly in favor of individuals. We can avoid the necessity of contending for "a plank in a shipwreck," if this investigation be now made. A just regard for the public interest demands it, and we ought not to shrink from it.

THE DISPUTED ACT OF CONGRESS.

REMARKS OF HON. J. R. UNDERWOOD,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

April, 1836,

On directing the Secretary of War to place Benedict Alford and Robert Brush on the list of pensioners.

Mr. UNDERWOOD said that the case presented for consideration by the resolutions was one novel in its character, and concerning which he was desirous to submit a few remarks. It seems that the Speaker of this House, and the Presiding Officer of the Senate, had regularly affixed their signatures to an enrolled bill or act; that the same was presented to the President of the United States, who, on the 30th day of June, 1834, approved and signed it; and that the bill or act thus authenticated, was filed and recorded in the office of the Secretary of State. This act provides for the payment of pensions to Benedict Alford and Robert Brush, and has been duly published among the acts of the first session of the Twenty-Third Congress. But the Secretary of War has refused to execute it, upon the ground that the Senate of the United States did not pass the bill. The Journal of the Senate states that the bill was indefinitely postponed.

I think, Mr. Speaker, it was the duty of the Secretary to execute the act. I think he was bound to regard it as a part of the laws of the land, and, as such, to respect and obey it. He, no doubt equally conscientious, (for certainly there is here no cause for imputing to him a bad motive,) believes that he has authority to look beyond the act as enrolled, signed, approved, filed, and recorded in the office of State, into the Journals of the two Houses, and to decide upon what he may there find, that the act in question is null and void; because those Journals, or one of them, satisfies his mind that the act was never passed according to the requirements of the Constitution.

I ask, sir, where does the Secretary of War, a mere executive officer, find his authority for overhauling the Journals of the two Houses, the enrolled bill as signed by the presiding officers, as approved by the President, and as recorded in the State Department, and, upon his examination, in effect to declare void a statute, published to the nation, and sanctioned by all the solemnities prescribed for manifesting to the people the laws they are to obey? Such authority has not been conferred by any express provision of the Constitution, or by any statute; and if it exists, it is the creature of inference, a deduction merely from the known and admitted principles and provisions of the Constitution and laws. From what part of the Constitution, from what statute, will you deduce such authority for an executive officer?

The fifth section of the first article of the Constitution requires "each House to keep a Journal of its proceedings, and from time to time to publish the same, excepting such parts as may, in their judgment, require secrecy." I admit the obligation on the part of Congress to comply with this mandate; but suppose it is not done, will it follow as a consequence from such omission that executive officers are thereby justified in refusing to obey the statutes which are promulgated? Can they legitimately refuse obedience, because they do not see all the steps taken by each House in the passage of the bill set out at length in a published Journal? If it had been the intention of the convention to make the obligatory force of a statute depend upon the publication of the Journal, and upon exhibiting on the face of the Journal as published a fulfillment of every constitutional requisite or injunction, such intention, most certainly, would have been expressed in clear and explicit language. The convention would not have left a matter of such importance to rest entirely upon inference. The fact that there is no express constitutional provision making the validity of an act of Congress depend upon the Journals of the two Houses and their contents, is to my mind conclusive, and proves that the Journals and statutes are not so connected as to make an examination of the Journals necessary, in order to decide upon the obligatory force of the statute. This truth is also manifest from the express language of the Constitution. The Journals are to be published "from time to time." How often, at what intervals? Here is discretion granted. Congress may publish them annually, biennially, or monthly. If the obligation of a statute depended upon the contents of the Journals, their publication should precede, or at least accompany, the promulgation of the statute, so that the citizens and officers of Government might be furnished with means of determining whether the statute imposed any obligation. Congress may suppress the publication of the Journals. The Constitution expressly confers authority to do so, in regard to so much as may, in the judgment of Congress, "require secrecy." In the exercise of their judgment, Congress might think all their proceedings in reference to this or that subject required secrecy. They might give to the nation the result of their deliberations in the

form of a statute, and withhold a knowledge of every previous step. In such a case it would be preposterous to resist the obligation of the statute, because the public could not see that the steps taken by Congress in its passage were regular and constitutional.

I have submitted these remarks for the purpose of maintaining the position that the nation is not to determine what is or is not law by an examination of the Journals of the two Houses. I will endeavor to show, in the sequel, that the validity of a statute cannot be overturned and nullified by arraying the contents of the Journals against it.

All civilized nations must necessarily provide some mode of making known the laws which are to be enforced. They must also provide some mode by which their officers and their citizens can produce the law, and justify their conduct under it, whenever and wherever their conduct may be questioned before the judicial tribunals of the country. This may be done in various ways. In Governments like ours, based upon written constitutions, paramount to ordinary legislation, the mode may be prescribed in the constitution itself; and if so, then it is placed beyond the control of the Legislature. The Constitution of the United States does not purport to regulate and fix the precise mode by which the laws are to be made known and authenticated, and yet it is not altogether silent on the subject. So far as it does speak it is to be regarded; but where it makes no provision, the subject is left under the control of ordinary legislation. It may be safely affirmed that the Constitution nowhere provides that an extract from the Journal, or the production of the original, shall be evidence of what the law is. It is very clear that, unless the Journals contain the provisions of a statute, their production would give no light on the question of what is or is not law. The Journals purport, and do give a history of the action of Congress upon certain bills, by their titles, and are legitimate, but not conclusive evidence, to show these bills were passed, or rejected, or postponed by Congress. But such a history affords no information as to the contents of the bill passed or rejected; and when you desire to know what the law is, for example, if you wish to know how much tax has been imposed, and upon what articles levied, you must look elsewhere than in the Journal to find it. The Constitution might have required that every statute should be registered at large upon the Journals, and that copies therefrom, certified by the Clerk of either House, should be evidence of what the law is. But it has made no such provision, and, in the absence of all constitutional regulation, it was competent for Congress to take up the subject and to fix the mode of making known and authenticating the laws of the country. Congress has done this, and it becomes important to consider, for a moment, how it has been done. It was done by one of the earliest acts of Congress, under the Constitution. The act was approved on the 15th of September, 1789, and may be regarded as the cotemporaneous exposition of the Constitution, so far as to show that that instrument did not prohibit Congress from acting upon the subject, and that the Constitution, as then understood, did not contain such provisions as rendered legislation unnecessary.

The act of 1789, in substance, provides that the Secretary of State shall preserve the original bills, resolutions, &c., and cause the same to be *recorded* in his office. The Secretary of State is required, "as soon as conveniently may be," after he receives the bills and resolutions, to cause the same to be published in newspapers, and to cause one printed copy to be delivered to each Senator and Representative, "and two printed copies, *duly authenticated*, to be sent to the Executive authority of each State." Here is the mode prescribed for publishing your laws, and here, sir, is the place where you are to find what the law is. The act provides for making up a *record* of the laws in the Secretary's office, and then it provides for a seal, and then declares that "all copies of records and papers in the said office, authenticated under the said seal, shall be evidence equally as the original record or paper." Now, the true question is, when the record is made up in the State Department, in pursuance of the act of 1789, can you impeach its absolute verity, by opposing to it the Journals of either or both Houses of Congress; and, if this can be done, what tribunal is authorized to do it? Is the Secretary of War authorized to sit in judgment?

I contend that the judicial tribunals of the nation (and it is their province to settle what is, and is not, law) ought not, and would not, permit an authentic transcript, under the seal of the Secretary of State, to be impeached, by bringing it in conflict with the Journals. How are you to make up the issue? Is it one of fact, to be tried by a jury, or is it purely a question of law, to be settled by the court? Certainly it is a question of law, to be tried by the court. And how tried? I have never heard of any other way in which to try such a question but upon the face of the record. I know, sir, that the laws of a foreign State may be proved as matters of fact. But the laws of this nation are not to be proved in that manner. Our judges are judicially bound to notice them; and when, and how, are they to be informed? Must they not take the record as certified under the seal of State as conclusive? Or shall they reject it, because they may find in the Journals of Congress something to induce a suspicion or conviction that the record in the office of State was erroneously made up? They could not regard the Journal, because neither the Constitution nor any act of Congress provides how it shall be authenticated. The clerks who keep the Journals have no seals of office under which to verify transcripts from them, and there is no act of Congress making such transcripts evidence. In this state of things, the judiciary would be bound to decide the law upon the evidence furnished in pursuance of the act of 1789. Can the Secretary of War go beyond the judiciary? Can he, in conjunction with the Clerk of either House, or alone, bring the Journal in conflict with the record of the State Department? To ask the question is enough.

The Constitution provides that all revenue bills shall originate in this House. Suppose a revenue bill is duly signed by the Speaker and President of the Senate, approved by the President of the United States, and recorded in the State Department, will the marshal or collector of the tax, be justified in refusing to obey it, if he can find an entry on the Journal of the Senate, that the bill originated there? Or if he should see such an entry, ought he not rather to say, the Clerk has made it through mistake; Senators are presumed to be acquainted with their constitutional powers, and it cannot be believed that any Senator, or committee of the Senate would have introduced such a bill, or that the Senate would have entertained or considered it? In such a case the presumption is much stronger that the Clerk has, through mistake, made the Journal speak an improper language, than that the Senate has violated the Constitution, by originating a bill they had no power to originate.

Again, the treaty-making power is vested by the Constitution in the President, by and with the advice and consent of the Senate. Suppose a treaty is made with a foreign nation, and published by proclamation for the information of the people in the usual and legal form, may every one refuse to obey, because they do not find in the Journal of the Senate some evidence of the advice and consent of that body? Suppose it should be found, from the published Journal of this House, that we, instead of the Senate, had advised and consented to the treaty; and from the Journal of the Senate, that a bill to raise a certain revenue, made necessary by the provisions of the treaty, originated there, instead of here, would both treaty and law be void, because of the ridiculous appearance of these things upon the Journals? No, sir. Both the treaty and law should be enforced, and you should attribute the ridiculous appearance of the Journals to a mistake of the printer, or Clerk, rather than indulge the idea that each House had transcended its constitutional powers, and that the President had been deluded by their presiding officers.

It may be said that the contents of the published Journal ought not to be relied on without calling on the Clerks of the two Houses to state whether they correspond with the original manuscript. Who has authority to call the Clerks of either House before him to testify, or to produce the original manuscript? Who has authority to call the Clerks of either House before him to testify, or to produce the original manuscript Journal for comparison? Who is to administer an oath to the Clerk, so that his statements shall be made under the usual solemnities imposed upon witnesses? Could you convict him of perjury, if he produced as the original Journal, and stated it to be such, that which was not the Journal? Could you punish him for failing to attend before the Secretary of War, or any other executive officer, with the Journal? Can the Secretary issue a *subpœna duces tecum*, and inflict the penalties for a contempt, in case it is disobeyed? I ask these questions, sir, for the purpose of exciting the minds of members to investigation. If they will endeavor to answer them, I am satisfied each one will convince himself that it is impracticable to ascertain from the Journals what is or is not law.

I will briefly state the contents of the act of 1789, in connection with the Constitution and rules of the two Houses of Congress, for the purpose of exhibiting the mode adopted for the promulgation of our laws, and the guards which have been provided to prevent mistakes. The Constitution requires that "every bill which shall have passed the House of Representatives and Senate, shall, before it becomes a law, be presented to the President of the United States." The Constitution does not say by whom or what officer it shall be presented. It does not precisely declare how the President shall be informed of the passage of bills. It does not refer the President, for the information necessary to enable him how to act, to the Journals. How shall he be informed? The Constitution provides that "each House may determine the rules of its proceedings." Here is an express grant of authority. It would result from the power to legislate, if the Constitution had been silent on the subject. The power to determine the rules of proceeding, includes in it the whole of those regulations necessary to make known the action of the respective Houses of Congress to each other, and to the President. Accordingly, by a system of joint rules, adopted by both Houses, Congress has regulated the manner of communication from the one to the other, and likewise to the President. By these rules, the Speaker of the House and President of the Senate are to sign each bill which is passed, and they are to do it "in their respective Houses"—not at their lodgings, but publicly, in the presence of those who enact the laws. When all this is done, the Committee of Enrollments are directed to present the bill to the President for his approbation. How is he to dispose of it? The Constitution says, "if he approve, he shall sign it, but if not, he shall return it with his objections to that House in which it shall have originated." The President did approve and sign the bill for the benefit of Alford and Brush, and, having done so, he performed all the Constitution required of him, except taking care to have it faithfully executed. The Constitution does not direct what the President shall do with the enrolled bill after he has signed it. It does direct him to send it back with his objections to the House in which it originated, if he will not approve and sign; and, by the joint rules, he is to be informed in which House the bill originated, by a certificate of the Clerk indorsed on the bill. But where he approves and signs, how is the bill to be preserved, and how is the law to be made known? The Constitution furnishes no answer, but the act of 1789 gives one. That act requires the Secretary of State to receive it from the President, and to proceed with it by recording and publishing in the manner I have mentioned. This act also provides, in substance, that if a bill shall be passed by two thirds of both Houses of Congress, notwithstanding the objections of the President to the contrary, the Secretary of State shall receive such bill "from the President of the Senate or the Speaker of the House of Representatives, in whichsoever House it shall last have been approved," and proceed to record and publish the same, as he would if the President had approved and signed it. Thus, sir, you perceive that it

requires the union of the provisions of the Constitution, an act of Congress, and the rules of the two Houses, to complete and carry out the work of legislation in all its parts, and to make it known to the people. You also perceive the safeguards which the system furnishes to detect error and prevent mistakes. I contend, when a bill passes through the ordeal provided by this system, and is recorded in the office of the Secretary of State, it there becomes a record of what the law is, and, as such, is to be verified under the seal, and cannot be controverted by opposing to it the manuscript or printed Journal, or the oral testimony of the Clerks of the two Houses, or of any man.

I do not mean to assert that the guards are so numerous that there is no possibility of mistake, and that a bill which never passed both Houses could not possibly meet with the approval of the President and find its way to the record in the State Department. I mean no such thing; for I well know that all human transactions proceed from imperfect beings, prone to err and liable to mistake, and therefore I admit the possibility, or, if you choose, the probability, in the present case, of the existence of a mistake. It may be that the bill for the benefit of Alford and Brush never did pass both Houses; and unless it did, it is not law. But the fact of its having been signed by the presiding officers, approved and signed by the President, examined by the Committee of Enrollments, and by them presented to the President, and recorded in the Secretary's office, are evidence that the bill did pass both Houses; and all that can be urged against it to the contrary is the statement, in the Journal of the Senate, that it was indefinitely postponed. If there be conflicting evidence, which shall prevail? Certainly that which is recognised by law and made evidence by express provision. Such is the evidence to be derived from the records in the State Department, whereas the evidence derived from the Journal has no validity imparted to it, either by the Constitution or by any statute, nor is there any mode provided for obtaining the evidence the Journal may furnish when wanted.

In the nature of things there is no more reason for confiding in the statements of the Journal than in the acts of the presiding officers of the two Houses and the Committee on Enrollments. Their acts declare that the bill did pass. The signing of bills by the presiding officers is a very solemn act; all other business is suspended; the title of the bill or act, about to be signed, is distinctly read aloud, in the presence of each House, and if it never had passed, any member might rise and make the question. Here is opportunity to correct and detect mistakes. Who can say that the agents engaged in this work are more liable to blunder and mistake than the Clerk who makes up the Journal? Has it come to this, that we are to ascertain whether an act published in the statute-book is or is not law, by entering into the inquiry, or rather by allowing an executive officer to go into the inquiry, whether the presiding officers of the two Houses, or their clerks, are most liable to make mistakes? In postponing bills indefinitely, the Clerk may mistake the title of a bill which was passed for that which was postponed, and make his entry accordingly on the Journal. The mistake may escape detection; and if it should, according to the practical doctrine of the Secretary of War, then the mistake of the Clerk would actually nullify an act of Congress. Suppose the manuscript or printed journal should state that a certain bill was indefinitely postponed, when a member of Congress, paying particular attention to the subject of that bill remembered distinctly, and was willing to swear that the bill was duly passed and approved, and regularly signed by the Speaker, would not the affidavit of the member be as satisfactory evidence in favor of the law as the Journal would be against it? I state this case to show the absurdity of departing from the record evidence of what the law is, as furnished in the Department of State, and adopting other tests heretofore unknown. The Journal of the last day of the session is not read by the Clerk in the presence of the members of Congress, and they have no opportunity to correct any mistake which, in the hurry of business, may be committed by the Clerk.

It may be said that the Constitution gives force and effect to the Journals, and makes them equivalent to records, and imparts to them the intrinsic verity of records. That the Constitution intended the journals of each House to be evidence for some purposes no one can deny; but that the Constitution designed to make the Journals the highest and best evidence, and the fountain whence you must draw your information to decide questions like this before us, I deny. The act of 1789 is unconstitutional, if the Journals alone are to be consulted in order to ascertain what the law is; for that act provides a different mode, which could not be done if the Constitution prescribed the mode. Why, then, did the Constitution require Journals to be kept and published? I answer that the leading object, if not the only one, was to lay before the people the conduct of their representatives, and to exhibit their legislative history. The great value of the Journals consists in the yeas and nays. The people, in a representative government, have a right—a right of all others the most valuable—to control their representatives, to dismiss them whenever their course is disapproved, and to select others to manage their affairs. The people cannot bring their representatives to a settlement without keeping an account against them. The Journal contains the account; the yeas and nays exhibit the items for and against each representative; and the publication of the Journal enables the citizen voter, who is the judge for the occasion, to sum up the items and balance the account. The representative is accountable to his constituents. The requirements of the Constitution in regard to the Journal were intended to secure and enforce a practical responsibility on the part of the representative. In this view, the yeas and nays on propositions which never become laws are as important as on those which pass.

If the President objects to the passage of a bill and refuses to sign it, he is required to return it, with his objections, to that House in which it originated. In such case the Constitution directs that his objections (not the contents of the bill) shall be entered at large upon the Journal, and that the vote on reconsideration shall be taken by yeas and nays. In such a case it may be contended that the Constitution designed to make the Journal evidence of the law. Not so. The contents of the bill should appear on the Journal, if we are to look in it to find the law. The Constitution does not require that. But as the exercise of the veto power places the President and the two Houses of Congress in conflict before the nation, and as the principles involved in such cases will generally be of the first importance, the Constitution requires that the political issue between the President and Congress should be fairly made up and presented, so that the tryers, the voters of the country, may have the case fully stated when they come to sit in judgment. Such was the great object of the convention in those constitutional provisions which relate to the objections of the President, and the yeas and nays on reconsideration.

The question before us derives additional importance at the present time, from the doctrines started on the subject of expunging. What will be the consequences of establishing the right to expunge, and justifying the conduct of the Secretary of War in this case? The most fearful and corrupt results may ensue. A servile Senate, forgetful of the motives and reasons which induced the fathers of the Constitution to institute their body, lost to every sense of personal dignity and self-respect, either individually or in the aggregate, and fitted by degradation to offer the incense of flattery to the nostrils of power, so that "thrift may follow fawning," can, by uniting the doctrines of expunging with the practice of the Secretary, construct an engine of executive despotism strong enough to crush the liberties of this country. When a President wants a pretext upon which to refuse the execution of a law or a treaty, he has nothing to do but to set his minions to work, and to have the Journal showing the vote on its passage, or the advice and consent of the Senate in treaty cases, expunged, and then, sir, he may say there is no law, there is no treaty, and set up for himself.

It may be asked whether there is no remedy in case a bill, through mistake, should be signed by the presiding officers of each House, approved by the President, and find its way to the records in the State Department? There is a remedy. It is, to repeal the act. Congress must apply the remedy, and, in deciding upon the propriety of a repeal, it is a legitimate inquiry whether or not any mistake was committed in the passage of the bill. Upon such inquiry, the Journals may be received as evidence, and may have such weight as each member chooses to give to them, and they might be repelled by parol testimony. Of all this Congress has the exclusive right to judge. If the Secretary of War has the right, he may always refuse to execute an act of Congress. Pass a second, a third, and a fourth bill for the relief of Alford and Brush, and the Secretary may refuse to execute any of them, alleging the existence of mistake. It is no answer to say that you would impeach him for repeated refusals, that such conduct would manifest corruption. He may honestly refuse obedience in every case, if you allow him to judge; and I am one of those who think there can be no conviction upon impeachment unless corruption is established and fixed upon the accused. My argument is intended to show that the executive officer has no discretion, no right to look behind the law as published by the proper authority.

As a judicial question, there is not an intelligent tribunal in the United States which would hesitate a moment in pronouncing the act for the benefit of Alford and Brush the law of the land. No lawyer could frame a special plea to get behind the record in the State Department. A law obligatory on the judiciary ought certainly to be obeyed by executive officers.

I have thus, sir, presented my views of this singular and novel case. I believe the Secretary has erred, but through no bad motive.

RELIEF OF DISTRICT CITIES.

REMARKS OF HON. W. B. SHEPARD,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

May 6, 1836,

Upon the bill for the relief of the several corporate Cities of the District of Columbia.

Mr. SHEPARD said, having been the organ of the committee through whom the bill for the relief of the several District cities was reported, I was aware the usual forms of legislation required I should state the reasons which induced the committee to report the bill in its present shape. I purposely forebore on yesterday making any reply to the very extraordinary arguments which had been brought against the bill, because I thought it was manifestly injudicious to enter into a general argument in that "dead sea," a Committee of the Whole, where the short space of time allowed to the District business would have been exhausted without the possibility of any final result. I regretted very much on yesterday to perceive the source whence the strongest and most fatal opposition to this bill arose. Gentlemen seem not disposed to discuss the business of the District upon its own exclusive merits, but they go abroad in search of every odious topic to hurl upon its devoted head. One gentleman from Kentucky [Mr. HAWES] labored with much zeal to assimilate this measure of relief to the Maysville road bill. I was not fortunate enough to discover the pertinency of the gentleman's argument, or what analogy there exists between the principles of this bill and the Maysville road bill which was vetoed by the President. That gentleman was so kind as to give something he called advice to the individuals composing the Committee for the District of Columbia. The service on that committee, I am fully aware, is extremely unpleasant—not because I am indisposed to discharge any duties which may be assigned me by this House, but because it is disgusting to witness the temper and spirit with which the most ordinary appropriations for the benefit of this District are received in this House. Some gentlemen seem to regard the District of Columbia with the same feelings with which doctors regard animal life; they look upon it as a rat

under an exhausted receiver, where political empirics may display the quackery of legislation, without any danger of being called to an account for their folly or their ignorance.

I am conscious, sir, from several years' experience, that everything concerning the District of Columbia meets upon this floor a coldness and indifference which nothing but imperious necessity can justify any people in submitting to; nor do I believe they would now seek the assistance of Congress, if they could perceive any other escape from the ruin that is impending over them. At the commencement of the present session, the President of the United States, in his annual message, pointed out the condition of this District, and called upon Congress to examine into its affairs, and, if possible, to apply a remedy.

The Committee for the District of Columbia, to whom this portion of the message was referred, together with memorials from the several corporations, entered upon the investigation of the situation of the District, fully aware that the duties imposed were of a character not voluntarily to be sought. A consciousness, however, of the obligation imposed upon every member on this floor by the Constitution of the United States to stand towards the District of Columbia in its unfriended condition, *in loco parentis*, inspired every member of the committee with a sincere desire to apply such a remedy as would best relieve their distress, and, at the same time, encounter the fewest prejudices on this floor. Animated with these views, the joint committees of the two Houses of Congress agreed to recommend to their respective bodies, for reasons set forth in their reports, the entire assumption of the Holland debt of the District. It is unnecessary now to go into any reasons to show why the committee, in reporting the bill alluded to, thought that the Congress of the United States, in exercising the duties of a paternal legislature towards its seat of Government, might, while it was just, be likewise liberal. It is sufficient for me to say that the bill now before us does not extend to this District that relief which the committee thought it was justly entitled to.

The bill before us is nothing more than the hard bargain of a rich capitalist with a needy borrower; who, although he gets ample consideration for the use of his money, is very careful to take the very best security, where poverty but not the will consents.

The memorialists of the three corporations, Washington, Georgetown, and Alexandria, represent themselves as in the same condition, arising from similar causes; in a word, they are in a state of hopeless, remediless bankruptcy, unless we pass the bill now before us.

The committee, in commencing their inquiries into the condition of the several cities of this District, assumed it as a principle that they all stood in precisely the same relation towards the Federal Government. The whole District is the residence of the Government, and each part is alike entitled to all the advantages, as it has to bear the disadvantages, of that position. The Constitution of the United States has not made it obligatory on the Government to occupy, for its purposes, so large a space as precisely ten miles square. Since, however, it has been thought proper to embrace within the limits of this District the corporations of Georgetown and Alexandria, the committee felt themselves bound, by every principle of justice and fair legislation, to embrace those two corporations within the measure of their relief, particularly when they had individual and substantial claims upon the justice and liberality of Congress.

Before proceeding into any particular statement concerning the bill before us, I will make a remark which justice to the Committee for the District of Columbia requires. That committee found not only the financial state of the District in a deplorable condition, but likewise its municipal regulations and laws requiring the attention of Congress. Attempts have been frequently made, for several years past, to call the attention of Congress to these subjects; but from a variety of causes they have hitherto failed. The committee found the finances of the District the paramount cause of its distress, and to their relief have directed their principal attention.

The bill before the committee is a bill from the Senate, adopted by that body as a substitute for the bill agreed upon by the joint committees of the two Houses, and, as I before observed, less liberal towards the District than, in the opinion of those committees, it deserved. This bill proposes to assume, on behalf of the United States, the evidences of the debt due by the District cities to individuals in Holland; and to pay out of the Treasury, to the corporate authorities of the city of Washington, the sum of $449,650 08; to the authorities of Georgetown the sum of $116,795 48; and to the authorities of Alexandria the sum of $114,640 44.

The second section of the bill provides that the several cities, previous to receiving the aforesaid sums, shall deposit at the Treasury of the United States the stock held by them in the Chesapeake and Ohio Canal Company, which stock shall be vested in the Secretary of the Treasury, for and on behalf of the United States, to be held in trust, for the purpose of receiving the dividends, giving to the corporations the right of redemption, within ten years, provided they repay to the United States the amount which shall be paid under and by virtue of this act.

The only objections which have been brought against this bill, and which I think worthy of any attention, were against refunding to the several cities the $681,000 of costs, interest, and charges, incurred by them in consequence of the Holland loan.

The other was a constitutional objection to the General Government holding stock, either in fee or in trust. I do not intend to enter the bog of a constitutional discussion on this floor. I supposed the District of Columbia was considered a sort of exclusive place, where every gentleman's peculiar notions might flourish and take root, without annoying his neighbor. Those persons who can see no distinction between the powers of the Government within this District, and within the States, can be convinced by no argument in my power to produce. It has been said, what right has Congress to take money from the Treasury of the nation for the benefit of the District? I will answer such a question by asking a similar one; what right has Congress to take money from the District for the benefit of the nation? And yet we have seen (exclusive of the sums collected under the direct tax) that the Federal Treasury has received since 1815, from the district of Alexandria alone, more than two millions of money by means of duties on merchandise imported.

Is the Federal Government to be towards the District a lion's den, with all the tracks going in, but none coming out? I presume neither the States of Maryland or Virginia would have had the cruelty, or been unnatural enough, to have ceded any portion of their population to a government which would have avowed the principle that it was under no moral obligation, or possessed no power, to aid the resources, to relieve the distress, or to provide for the welfare, of those who were so unfortunate as to be consigned to its care.

If a majority of this House should believe themselves placed in this unfortunate position towards the people of this District, their situation is not only deplorable but remediless; they will be under the dominion of a Government not permitted to sympathize with their distress, omnipotent for evil, yet worthless for all the valuable purposes of life.

The objection which has been made to paying the interests and charges already incurred by the cities is equally untenable. The principle of this bill is this—that Congress take the stock of the cities, and repay what the stock has cost. Certainly, gentlemen are not disposed to drive a Jew's bargain with these people, to speculate upon their necessities. If we are justifiable in taking the stock, we certainly ought to pay what that stock has cost; otherwise we take from these corporations all their available property, and leave them with a heavy debt incurred by this property. For, should the bill pass upon the principle of taking the stock and paying the foreign debt alone, we leave the corporations embarrassed with heavy debts incurred by this stock. The city of Washington will owe $250,000 of money borrowed to make up the deficiency on this Holland loan, exclusive of other costs and charges. And, sir, if we take their stock without paying all the debts incurred by the city in consequence of this stock, we leave them sheared of their protection against the bitter blasts of hopeless poverty.

Were we to be governed in our legislation exclusively by the consideration that the United States should take ample and sufficient security for all pecuniary appropriations towards the seat of the Federal Government, I sincerely believe that that security will be found in the pledge of stock provided for in the second section of this bill. I think, sir, the most timid legislator which this body contains should have all his fears for the public money allayed, when it is invested in such securities as have hitherto been thought sufficient by the shrewdest money-changers of the country. Those persons who are willing to bound their ideas of the duties and obligations of a Government within the narrow limits of a broker's shop, will here find that the Government will have that security for the loan it is proposed to make, which individuals, guided by pecuniary interest alone, have thought amply sufficient. And, sir, can we ask any more than this—is the Government of the United States to play the part of an avaricious yet timid miser, who, while his soul is racked with the desire of increasing his store, sits gloating with tremulous anxiety upon his countless hoards? It is an opinion now entertained in this section by those persons who have the best sources of information, that when the Chesapeake and Ohio Canal is completed to Cumberland, in the neighborhood of the coal mines, the stock will be worth its entire cost to the original proprietors. If this opinion is a sound one, this Government, in the pledge which is offered them, have ample security for every dollar which it is proposed to appropriate to the benefit of these corporations. And that this opinion is a sound one, we have the assurance of Maryland, whose example is worthy of our imitation. This State, with an enlightened liberality which does her councils great credit, has lately loaned the Chesapeake and Ohio Canal Company $2,000,000, and she has now a scheme before her which her energy and intelligence will doubtless adopt, of loaning the company three millions more, with a fixed determination of completing this great work.

I mention these facts, because I think they sustain the position which I have assumed, that, should this bill pass, Congress will have the best assurance which prudence and intelligence can give them that their money will be safe.

The District cities tell us they are poor, they are insolvent; that they feel utterly incapable of sustaining themselves under the accumulated burdens which now rest upon them; they ask from the only Government to which they can look in the extremity of their distress, not to distribute alms from the public granary, but to relieve their industry from the incubus that weighs upon it, by loaning to them for a few years a small portion of our superfluity.

That the great embarrassment of this District is chiefly to be attributed to the large subscription it made to the canal, is doubtless true; it is likewise true, they were imprudent in overestimating their resources, in attempting to execute a work which more properly belonged to the adjoining States or to the nation. It is unnecessary, however, at this time, to dwell upon this part of the subject; their error was one common to our young country, where energy and enterprise far outstrip the plodding caution of the capitalist. Our country may well be proud that, with the resources of infancy, she has undergone, and is undergoing, the labors of mature age. Invigorated by the energy of her democratic institutions, the people of the United States are far outstripping in the career of improvement much older nations, who have buried their talent, and are now looking on with amazement at the rapid flight of their young competitor. And if the people of this anomalous District have caught a few sparks from the flame which is blazing around them, we, at least, ought not to be too harsh in our censure upon the rashness of their undertakings.

Apart from the consideration that the stock in

the canal owned at this time by the several cities, and which the bill proposes to take as a security for loaning to the District the entire sum that stock has cost them, there is another consideration which deserves the attention of this body.

We have before us a letter from the Secretary of the Treasury, in which he says "he has received from the Mayor of the City of Washington the unpleasant information of the inability of the corporation of Washington to provide for the payment of the interest on the loan contracted under the act of May 24th, 1828. Your letter has been submitted to the President, and he has, with great regret, felt obliged, in compliance with the provisions of that act, to appoint Tench Ringgold, Esq., the collector of the tax imposed thereby to meet the deficiency which at present exists: that deficiency amounts to the sum of $27,500, as will be seen," &c.

It is unnecessary, at this time, for me to enter very particularly into the consideration of the provisions of this act of the 24th of May, 1828; it is sufficient to observe that, under the authority of this act, the District cities contracted their Holland loan; that the United States stand pledged to the Holland creditors; that if the money is not paid by a certain time, the President of the United States shall cause the money to be collected and paid into the public Treasury for the benefit of the Holland creditors. The President has already been notified that Washington, the principal debtor, is unable to pay. The question now arises, and it is one inevitably forced upon us, from which there is no escape—shall we stand by and see the District of Columbia, the capital of the United States, sold at public auction, for the benefit of a foreign creditor, and the President of the United States compelled, by your own law, to play the auctioneer of the capital of his country? or, sir, shall we interpose, as the guarantor of the debt, take the security, and discharge the claim? Were I disposed to appeal to the American feeling of this House, I have no doubt that I would meet with but one response; but I am not disposed to urge this bill upon any such grounds; I think the District has merits of a higher character, which need only to be understood to be admitted.

It might here be very properly asked, what authority had the Congress of the United States to lay, or, if you please, to authorize others to levy, a tax upon the cities of the District of Columbia of $1,500,000, to cut a canal through the Alleghany mountains? This certainly is not a tax for municipal purposes, and I presume it will not be contended that Congress have a right to authorize taxes within the District for any other purposes, unless those taxes are uniform throughout the Union, which the Constitution of the United States has made indispensably necessary to every species of taxation.

The same construction of the powers of Congress which would authorize a local tax within this District to cut a canal in the States of Maryland and Virginia, would justify a similar tax for deepening the Mississippi. I will not enlarge upon this point; I will simply say, that, were I a citizen of this District, in possession of property acquired since the passage of the law of May, 1828, and the collector appointed under that act were to attempt to sell my estate, I would at least inquire of some man learned in the laws and Constitution of my country if my doubts were well founded. Assuming, however, sir, that the act of 1828 is perfectly correct, the question arises, and it is one which presses upon our immediate attention, has not this Government incurred responsibilities towards the foreign creditors, which in justness and fairness it is bound to discharge? I think it clearly has. The act of Congress and the correspondence of the Secretary of the Treasury unequivocally place the Federal Government in the condition of guarantor of the Holland debt. The Secretary of the Treasury, Mr. Rush, writes a letter to the Messrs. Barings, in which he says:

"The nation is interested in the object to which the loan looks, and has provided, in various ways, for the advancement of that object, as well as pledged means under its control, for the security of the loan. I deem it proper, with the approbation of the President of the United States, to make the inquiry. With what good faith this Government, since its adoption, has fulfilled all the pecuniary obligations that have attached to it, need not be said on this occasion."

He further says in his remarks on the loan, addressed to foreign capitalists:

"Here is a specific fund set apart for him (the foreign capitalist) by the law; it consists of real and personal estate within the metropolis of the nation; this estate is subjected to taxation in full and adequate amount to pay the debt. The Government of the United States is the superintending power, bound to watch over his interests, to see that he is paid, and paid punctually."

It is, however, unnecessary to rummage over the voluminous and tedious correspondence of the former Secretary to find expressions calculated to induce the belief on the mind of the foreign creditor that this Government would guaranty the debt. The act of Congress contains, in my opinion, sufficient for that purpose, and such would be the decision of any respectable court of competent jurisdiction. Unless some five years' service on this floor has obliterated from my mind every remnant of law I ever possessed, I hazard nothing in saying that where an individual, by letter of credit, or otherwise, induces a money lender to loan money to a friend, that individual becomes a guarantor of the solvency of his friend. Whether this is sound law or not, the foreign creditors so considered it, and upon that view of the subject loaned their money; and I hope, when the contingency arises, this Government will never degrade itself from the high position it now occupies among the nations of the earth, by availing itself of a legal quibble to avoid a pecuniary obligation.

If, then, this Government stand towards the foreign creditors as guarantors, what is our condition if the District cities should be unable to pay? At all events the President of the United States is compelled, by the act, to attempt the collection of this debt. The cities have told us they have struggled on as long as it was in their power to do so. In the language of the Washington memorial, "the whole revenue of the city is insufficient to pay the debts of the city. They are no longer able to open and improve streets, to light the city, to erect bridges, or even to provide for the poor." In a word, as corporations they are insolvent.

Can this debt be collected by the President? The debts of the corporation of the city of Washington amount to $1,886,079 50; of Georgetown to $405,148 49; of Alexandria to $477,776 96—total about $2,769,000. This sum will have to be collected almost entirely from the real estate within the three corporations. Mr. Rush, in his communication to the foreign creditors, when he seems urging all the arguments which his ingenuity could array to give them confidence, estimates the assessed value of the property within the city at $5,000,000; Georgetown and Alexandria $2,500,000 each — total value $10,000,000. This assessment was doubtless at that time beyond the real market value of the property. It was a time of great prosperity, of high hopes, and flattering expectations. Since then, property has declined in this District more than fifty per cent. in value. Since the commencement of the session of Congress, property of the most eligible character has sold at public auction in this city at about one fourth of its original cost. Suppose, however, the unincumbered value of the real estate within the District is really $5,000,000, when we take into consideration the numerous mortgages and deeds of trust which, in all embarrassed communities, spread over the land, I ask this committee if they think it possible for the President to collect near $3,000,000 from such a community? I am told, from the best authority, that the thing is impracticable. Who are to become the purchasers? The foreign creditors? No! They say, We look to the Government. They know very well that the people of the United States will not permit themselves to be denounced as cheats and impostors, in every market throughout Europe, for so paltry a sum as this foreign debt. The credit of all American stocks would suffer thrice that amount. Are the individuals of the United States to become purchasers? No! They will not buy a perpetual debt. The Government, then, must enter the field, and in every lot buy a lawsuit. A condition of things not to be desired by any man who consults either economy or the character of the country.

It is frequently said, but I think without a sufficient investigation of this matter, that the people of the District brought this burden upon themselves, and should be made to bear it.

At the time of the passage of the act of 1828, internal improvement seemed to be the settled policy of the Government; such was the opinion in this section of the country.

The canal, as originally contemplated, was to be but thirty feet wide and three feet deep; a dimension within the capacity of those who commenced it. The attention of the Government was attracted to it, and it was called and considered a great national work. The act of 24th May, 1828, subscribing $1,000,000, was passed upon condition that the dimensions of the canal should be enlarged. To this cause (the enlargement of the canal) is to be attributed the delay in the execution of the work, the exhaustion of the funds of the company, and the consequent embarrassment of the proprietors. If the Government, by the enlargement of the canal, has embarrassed the concern, and subsequently withdrawn from it, she ought at least to put her poor copartners in the same condition they would have been had they never been associated with her.

One of the cities of the District, I mean Alexandria, with a prudence and a caution justified by her situation, previous to adventuring so large a part of her capital in the Chesapeake and Ohio canal, awaited the action of Government, and subscribed her money, under the impression, and almost, I might say, full understanding that the Government regarded this work as belonging to the nation.

Is it fair, then, can it be called just, towards the poorer copartners, for the Government to withdraw from this undertaking, and upbraid them with precipitancy in this business—with having gone beyond their means? I do not intend to discuss the propriety or impropriety of this Government withdrawing from such undertakings; with that this bill has nothing to do; nor do I wish to advert to such matters further than the necessity of the argument compels me. Should, however, the considerations which have been mentioned fail in producing conviction upon the minds of the members of this House that they ought to pass this bill, there are claims against the Government, set forth in the memorial of the citizens of Washington, which will more than justify the passage of this bill. Exclusive jurisdiction over the District of Columbia was transferred to the General Government under the firm belief that the people of the United States would exercise towards their capital those enlarged and liberal views which are usual in older communities. It was not supposed that the building up of a city suitable to the wants of this great people, would be left to the private exertions of individuals who might be attracted here either by business or pleasure; still less was it contemplated that the Government would ever desire to speculate upon the necessities of this occasional population. It was, at all events, supposed by those persons who were concerned in selecting this spot for the General Government, that the city of Washington had a residuary interest in the proceeds of the sales of those lots which had been transferred to the Government by the original proprietors, which interest was to be appropriated to the improvement of the city.

Upon this principle, how does the account stand between the Government and the city? Four fifths of the building lots within the city of Washington, exclusive of large reservations, were given to the Government by the original proprietors, under an impression which existed at the time, that the Government would lay out and build up a city, which would make the remaining fifth which the proprietors reserved extremely valuable. This anticipation has been most woefully disappointed. The extensive plan of the city, united with the contracted policy of the Government, has blasted all these reasonable hopes. Let us for a moment institute an account between the General Government and the District. The States of Maryland and Virginia gave with the District $192,000; there has been received into the Treasury of the United States, in money, from the sale of city lots, the sum of $741,024 45;

unsold lots are estimated at $109,200. If we estimate the public grounds and reservations by the same principle, the Government will have received from the grants and donations made to it upwards of two million six hundred thousand dollars, a large portion of which was received prior to 1794. It is usual with those persons who come to Washington, and who are dazzled by the magnificence of the public buildings, to conclude that the Government has been very liberal to its capital. Such, however, is not the fact. To an inquiry which was put to the Commissioner of the Public Buildings in December, 1834, he made the following reply:

"The whole amount paid by the Government, from its commencement to the present time, for the city, and not for its own accommodation, has been $430,822 39."

Half of this sum was for a court-house, jail, and penitentiary—expenditures which necessarily were to be borne by Congress, as the exclusive Legislature of the District; the remainder was nearly all expended for the grading and paving of Pennsylvania avenue—a thing which I very well recollect (having been in Congress at the time) was done more for the convenience of members transacting public business, than for the citizens. Thus we see, Mr. Chairman, if we institute an account between the Government and the city, we can pass this bill and not have discharged all our obligations.

There is yet another burden which, in my opinion, has been unjustly thrown upon the corporation of Washington, and which, alone, should induce this House to pass this bill. The United States have always claimed exclusive and entire property over the streets of this city; their right has been sustained by a decision of the Supreme Court; and the United States can inclose the streets whenever it pleases the Congress so to do, without the slightest regard to the interest or convenience of the citizens. A right most usually carries with it a corresponding obligation; now the right of the Government to the soil of the streets of Washington, when coupled with that of supreme jurisdiction, would seem to imply an obligation on the Government to open and improve these streets. Such, however, has not been the course of the Government.

In the plan originally adopted by the Government for the city of Washington, the width and extent of the streets were upon a scale vastly beyond the necessities of any resident population which will ever be found here.

All this was done, doubtless, to gratify the national pride, or for the accommodation of the public; why, then, should not the nation pay for these expensive tastes?

The United States are much the largest proprietors of real estate within the city, and yet they have paid comparatively nothing towards the improvement of the streets, while individual owners of lots have paid more than four hundred thousand dollars. I can perceive no principle which can justify the Government in not paying along with other proprietors, for the improvement of streets, which add to the value of her property, particularly when the Government claims the right of property in the streets, points their direction, and describes their dimensions; matters over which the corporation of Washington can exercise no control, but are the mere passive instruments of the people of the United States. If the United States had paid in proportion to the property they hold within the city, as other proprietors have done, their proportion towards the expenses of the city since the year 1802 would at this time amount to more than the entire debt of the corporation. And certainly, Mr. Speaker, there can be no proposition presented which is less objectionable, or which should more readily receive the assent of every just mind, than this: that the Government should pay, along with other proprietors, for the improvement of streets, which are indispensable to the accommodation of the people of the Union, and the officers who are transacting the business of the nation.

The citizens and corporation of Washington have, with a public spirit which does them great credit, effected much. They have struggled on under great disadvantages; they have built up a city for the accommodation of the people of the United States, under the most adverse circumstances, with but little aid from its wealthiest and largest proprietor, without foreign commerce or internal trade. The largest and richest city in your Union, the emporium of your foreign commerce and domestic trade, the reservoir of the national wealth, has this session had one branch of her industry relieved by this body from a great calamity; the metropolis of the nation appeals to you, in a case of unprecedented embarrassment, to take all her available property, and relieve her from a debt which she is utterly unable to pay.

I have urged the various claims which I think this District has upon the justice of Congress, because I think, from their variety and soundness, every gentleman on this floor may find ample justification in voting for this bill.

The people of this District stand towards the Congress of the United States in a peculiar and unusual position; they are excluded from many of those rights which are dearest to an American bosom; they have no voice upon this floor; to them we owe no responsibility; they can make no appeals but to our justice and humanity; and I do trust that, in an American Congress, that appeal will never be made in vain.

When the Government was poor and needy, individuals aided you in building up the metropolis of the nation; now, when you are rich, when you are embarrassed with your wealth, render to those who were your friends in your hour of need a simple act of justice.

I have thus endeavored, as succinctly as I could, to present to the members of this body the various points of view in which the bill claims their consideration. If we intend to do anything for the relief of this community, we cannot in justice and fairness do less than the bill before us; less than this will be merely to protract for a few years the sufferings of this people. Let us at once wipe off every semblance of pecuniary responsibility of the Government for the District of Columbia, and for the future beware how and for whom we indorse. Whatever we intend to do should be done quickly; the tax-gatherer is abroad, and busily at work; "*bis dat qui cito dat.*" Should you refuse to pass this bill, you devote this District to inevitable destruction; you will drive beyond its limits every man who is not content to live by the daily dole from your Treasury; pass it, and you will no longer view from this Capitol deserted streets and decaying villages; you will open the District of Columbia to the industry and enterprise of your countrymen, and Washington will yet realize the expectations of its immortal founder, and become the heart of a great community, sending back to the remotest extremity of the Union the life-blood of the nation invigorated and purified by the healthy action of the center.

PROCEEDS OF THE PUBLIC LANDS.

REMARKS OF HON. F. GRANGER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

May 11, 1836,

On the motion to commit the bill to distribute the proceeds of the sales of the Public Lands.

Mr. GRANGER claimed the indulgence of the House to be permitted to reply to the several questions that had been addressed to him by his colleague, [Mr. GILLETT.]

Leave having been granted,

Mr. G. said: As I am bound to presume, Mr. Speaker, that my honorable colleague has come to the conclusion that it is high time to abandon all non-committal candidates, or that he would never have presumed to catechise me in the manner he has done, I will endeavor, without preparation, and without a document before me to which I can refer, to answer, as plainly and simply as I am able, the several questions he has propounded to me, presuming that he, and the party with whom he acts, are as ready to declare their sentiments as are those who may be opposed to them. I have been some time aware that, ever since those in power found that they had held up to this country a hope of the distribution of the public revenue after the national debt was extinguished; that from the moment they discovered the debt was cancelled, the next plan to be adopted was to devise ways and means by which those funds could be retained in the hands of the party, to the destruction of the very hopes which they had created. It is with a view to carry out this purpose, and I here boldly make the charge, that many of the plans now presented for squandering the public treasure have been introduced—plans which, had they been presented here four years ago, would have hurled our rulers from their places. What has been the doctrine contended for by this Administration? A doctrine, as we well know, which has commended itself to a majority of the people of the United States, which people, I trust, are now prepared to hold those who have made these promises to their performance?

It has been said that your public debt was first to be paid off; that a most rigid economy was to be enforced in every department, civil and military, until that debt was extinguished; and that then decent and proper defenses for the country should be erected; but that the large balance which must remain should be divided amongst the people from whom it came. I am not prepared to quote accurately from the message of the Executive in 1829; but I do say that message, and the one of the following year, held up to the people of this country the distribution of the public revenue among the several States as the only just and equal measure by which the surplus funds could be returned to the pockets of the people.

I do say, further, that the Executive power of New York, which, from the year 1828, has taken care on all occasions closely to interlink its concerns with what has been conceived to be the glorious administration of the General Government, has, year after year, held up to the hope of the people a belief that the public funds would be divided; and the only question reserved was a question of constitutional right. A resolution, expressive of the wishes of that State, passed the popular branch of the Legislature during the session of 1831, by a unanimous vote, and a strong report in its favor was presented to the Senate by a committee, at the head of which was a prominent leader of the dominant party; which party has lately, in the same hall of legislation, refused even to print resolutions which were offered asking for a distribution of a portion of the proceeds of the public lands, according to the provisions of this bill.

Mr. UNDERWOOD stated that he had the President's message of 1829, and extracts from Governor Throop's message in 1830 and 1831 before him, and that he would read the passages referred to by the gentleman from New York.

Mr. GRANGER resumed. I do not care about the precise words, sir; I pledge myself on their general tenor. No gentleman can gainsay the position I have assumed. I take it in its broadest sense, and hazard myself upon it.

To avoid this promised result, and to disappoint this justly created hope, every plan which ingenuity can devise has been thrown into this Hall, and held out to the cupidity of certain interests in this country, to retain, if possible, the public money in the Treasury; and the gentleman from New York, with a view to create an aggregate of expenditure equal to the present amount of those moneys, has propounded to me a set of questions, which I will endeavor to answer.

The gentleman commits himself upon nothing; he asks me to commit myself on everything. I am willing to do so, and but that he is so anxious to avoid all declaration of responsibility, I should suppose he had abandoned the school of politics to which he has been pledged; but when at last, after thus boldly catechising me, in a manner certainly unprecedented, but of which I do not complain, and after demanding my opinion upon subjects many of which have not been and will not be presented for the action of the House, he reserves the right of withholding his own opinions, and of still fighting under the chameleon banner of his non-committal chieftain. I suppose that he has yet a little inkling of his first love left, which he will not entirely abandon until he is satisfied that the cause is desperate.

The gentleman asks me *whether I am willing to go into expenditures necessary for the proper defense*

of the country. I suppose he means a defense of the sea-board. If he wishes a direct answer, whether I am for or against the bill reported from the Committee on Military Affairs, an amendment to which is now under discussion, I say I am opposed to it. I take this opportunity to tell him, and I will endeavor to show, that this is a bill hostile to the well-settled policy of this country. If he asks whether I am willing to adopt the amendment of the gentleman who stands at the head of the Committee of Ways and Means, which is based on the assumption that funds enough should be expended to arm all the fortifications now in existence, I say that I am ready to expend such sum as can be judiciously expended during the present year in arming those fortifications. That amendment provides for an appropriation of $700,000. If I am correctly informed, this is more than can be expended during the current year; but, acting as I do under the indulgence of the House, I will not go into the details of this subject now; but, from the examination I have given to it, I should suppose that some amount, from four to five hundred thousand dollars, might be advantageously applied to arming the fortifications on the sea-board. Whatever that sum may be, it shall cheerfully receive my vote. I will not vote for a dollar beyond it.

What is the history of the fortification system in this country? For he who will not learn wisdom from the past is but a dull scholar. In the year 1816 or 1817, (I do not know the precise period, I speak from memory, and if in error hope to be corrected,) a plan of defense was devised, under the surveys and estimates made by a distinguished foreigner, who had arrived in our country a short time previously. That plan was partially entered upon; but it is not material to dwell on this branch of the subject further than to say, that since the late war we have expended something like *twelve millions* on fortifications.

During the Administration of the gentleman in front of me, [Mr. ADAMS,] and during the present Administration, there has never been a denial of one dollar to carry on these works; and yet, what did my colleague [Mr. CAMBRELENG] tell us the other day? That, after all the boasting of the efficiency of the present Administration, and after the immense expenditure we have incurred, with the single exception of the works at Charleston, South Carolina, there is neither a fort in a condition proper for defense, nor scarcely a gun in the nation fit for use. Yes, sir, an Administration which, for three years has stood in a position where it was holding up to the people of this country the probability of a collision with one of the most powerful nations of the earth, has never asked a dollar to complete these works. And now, in time of profound peace, when the threatened dangers of war have passed from us, we must commence a large system, to give character to the defenses of the country. Sir, it is ridiculous; it is contrary to the spirit and genius of our institutions, thus to make that kind of preparation for war which belongs to the Governments of the continent of Europe. It has been opposed by the statesmen of our country from its earliest history, and the Administration of 1798 was driven from power because it advocated a system of defense connected with a standing army, not one third as large as would be necessary to man the new works contemplated by the bill upon your table.

If the doctrine of public expenditure, which is advocated at this day, had been advanced in the days of the elder Adams, he could hardly have defended himself from popular personal violence; and now, he who dare even question the throwing away of millions is marked down as opposed to the republicans of the country. What little democracy I have, and it is quite as much as belongs to most of the patent republicans of the present day, is of the Jeffersonian school; and by the principles of that school I am willing to be tried here and elsewhere. Thus much for the public defenses of the country; and I here repeat that, with the exception I have named, I shall record my vote against this mammoth bill.

We next come to *railroads for the transportation of the mails;* and the gentleman wishes an answer to this proposition, as if he really thought that it was about to be adopted by a majority of this House. In the other branch of this Legislature, there is a distinguished gentleman, around whose lip the smile of triumph curls when he hears leaders of the party advocating this system. I think that when *the party* is ready to make railroads through every section of this country, and to become stockholders in corporations for the transportation of the mails, they had better limit their censures upon what have been called the latitudinarian doctrines of a prominent statesman from the West; for it is a point to which, I believe, even his imagination never stretched. This is my answer to that question.

I now come to his *custom-houses.* On this, as on everything connected with the permanent character of this country, I am amongst the liberals. I consider that the public buildings of a country stand forth to the world, not only in the present day, but to all future time, to mark the character of the nation by whom they were erected. When called upon to make appropriations for custom-houses in New York or Boston, or at any other important points, or for hospitals or other permanent improvements in the West, I shall record my vote in favor of such edifices as will demonstrate to our descendants in future ages that, even at this day, there existed here a people from whom they might be proud to claim their ancestry; and no man will find me flinching on any question calling for a public expenditure which shall declare to the world that we stand here presenting the proud example of a nation, scarce half a century in age, which has been able to sweep off the debt created by two wars of glory, and has accumulated funds not only to erect these splendid monuments of art, but to provide for the equal benefit of the people of those States whose position forbids their participation in the benefits of such expenditures.

The gentleman asks me whether I am in favor of the *necessary appropriations to arm and organize the militia?* Strongly committal as I am compelled to be on all subjects, although the gentleman from New York [Mr. GILLET] has reported the bill, he plays non-committal here again. For, sir, while that gentleman has taken good care to call my attention to this point, he has taken equally good care, I believe, not to inform me or the House what sum will be necessary to carry out this project.

Mr. GILLET said he had stated that twenty-two millions would be required.

Mr. GRANGER. *Twenty-two millions!* Well, sir, that, I should think, would guard the Republic very respectably. The gentleman asks me whether I am willing to spend that sum in addition to the appropriations for our defense? I will answer him in less than two words—in two letters. No! I am not prepared to do any such thing, nor is any other gentleman in this Hall.

My colleague has adverted to the system of internal improvement generally. I have little to say on this question, but will remark that those who know me know well that I have never been amongst those who construed very freely the powers of the General Government in this respect. I may have regretted that those powers were not more clearly given. I may have seen, in common with other gentlemen, that, had such powers been more freely conferred, instances might have arisen where improvements could be carried on more successfully under the General Government than by State authority. So believing and so hoping, I have yielded my assent freely and fully to what has often been most beneficial to the country.

But I think the question of internal improvements by the General Government one on which gentlemen may honestly differ, without a difference of political views generally. On this point, therefore, I have only to request that the gentleman from New York will lend me a single ounce of his non-committalism, if he thinks the party can spare so much, and hope that he will join with me in endeavoring to procure such a distribution of the public money as will put it in the power of the several States to make these improvements in the manner they may deem most beneficial.

But, sir, the gentleman has stated that one reason why the bill before the House should be committed to the Committee of Ways and Means, and not even to the Committee on Public Lands, is because the Committee on Public Lands are favorable to the graduation of the price of these lands. Speaking as I am, under special indulgence, I do not feel at liberty now to detain the House with any views as to the relative merits of the several propositions that have occupied the attention of our people in relation to the public domain; but here, at this time, a most important question arises. The people of the West are called upon not only to surrender this bill, but to surrender the various other projects which they advocate, and are to be told that these funds should be for their benefit, but because they differ about the manner in which the avails should be distributed, *therefore* they are all to be thrown away on the defense of the Atlantic frontier. I know not but that gentlemen of the West who contend for the graduation principle, and in which, so far as relates to actual settlers, I am willing to indulge them to a certain extent, are content with such reasoning; but I have yet to learn that their constituents are to find in an expenditure of all the revenues of the nation for the next twenty years upon fortifications, a relief for the evils of which they complain.

I warn that people, and I warn the people of the whole Union, that the plans of this year are not to apply only to the Treasury of this year; that, if you do not stop these grand schemes at the threshold, not only will the forty millions in your Treasury be exhausted, but that you will find a tomb has been erected in which the funds of this nation will be buried for thirty years to come. He who knows anything of the cost of public works, knows well that the first appropriation is generally but an entering wedge to expenditures of quadruple the estimate first given; and when gentlemen from the East and the West are called on to vote on these propositions, let them bear in mind that the adoption of this bill, as reported by the Committee on Military Affairs, is to fasten them to this car of extravagance, until every dollar derived from imposts, and the tens of millions yet to be received for western lands, will be swallowed up in this magnificent, useless scheme of expenditure. I belong to a sea-board State, one as liberal in its appropriations as any State in this Union; but I can never consent by my vote to do such manifest injustice to different parts of our country. The hope that when the country had been placed in its present position, the money would be divided, is a hope that has long been held out by those in power; and so far as my vote can go, they shall have an opportunity of redeeming their pledges. I will never postpone the day, either by using the moneys already on hand, or by entering upon a system which will call for untold millions.

The gentleman has said one thing, which amounts to something more like an attack on a public officer than anything I have heard in this Hall. He says, no one knows what amount of money is in the public Treasury. If no one else knows, I move a resolution calling on Mr. Reuben M. Whitney for the information.

Mr. GILLET said that he had not averred that no one knew the amount, but that gentlemen differed as to what that amount was.

Mr. GRANGER. What do you say it is?

Mr. GILLET. About seventeen millions.

Mr. GRANGER. Seventeen millions! Well. Seventeen is a favorite number in New York, and one upon which our State was once revolutionized. The gentleman has called upon me to declare the opinion of a distinguished individual, as to whether *he* is ready and willing to devote *the surplus revenue to the colonization of people of color.* I will not presume to answer that question for another; nor will I animadvert on the propriety or delicacy of addressing it to me; but, for myself, although the object of the inquiry cannot be doubted, I have no hesitation in answering; for I have no opinions on this or any other subject that are not as clear and open as the noon-day sun; I, sir, would not take the general fund of this nation for such a purpose. And why would I not? Because, were there no other reasons, there is a large portion of the people of this country whose interest in that fund is as dear and sacred as mine, or that of my constituents, who might feel that their rights had

been invaded by such a course. They might feel so *now*. Should the period ever arrive when that section of the country should maintain a different sentiment, there is no man in this Hall who would more cheerfully meet what they might require. But whatever I may think of abstract propositions connected with this subject, or of the practical results of a particular system on the different sections of the Union, the Constitution of this country, that sacred instrument under which all our rights are secured, has guarantied to the people of the South rights which I will never violate, but which should be guarded as firmly as any belonging to the people of the North.

I have a word or two to say, sir, in questioning the gentleman from New York; for I think we should have turn and turn about in matters of this kind. I will ask him, as connected with the public funds, and with the hopes that have been held up to this nation, about where these funds are, and whether it is not about time to look after them? If gentlemen believe what has so often been repeated in this House, and carried through the newspapers to every section of the Union; and if the gentleman himself [Mr. GILLET] who has introduced the bill for the "*fabrication of gold coin*," (and I wish that gold coin was the only fabrication that has been given to the world on this subject,) I will ask him whether, if the assertions made here that a metallic currency is the only true basis of security be correct, we had not better divide our funds as soon as possible, for fear of bankruptcy? On this subject I offer no opinions of my own, but call on gentlemen of the Administration to practice as they have preached.

I was never any great admirer of the United States Bank, as gentlemen who know me are well aware; but my attention has been called to the report made by Mr. Toland, under direction of the Government, by which it appears that in 1832 the amount of public deposits in all was about *seven millions*, ($6,957,621 54,) to redeem which there was in the Bank of the United States more than *eight millions* of specie, ($8,026,055 45,) making more than dollar for dollar, to meet your demands. Well, sir, we were told this was unsafe, because a metallic currency was the basis of all security. What sort of currency have we got now? We have in all the deposit banks, as the report of the Secretary shows, something like *eleven millions* ($11,067,718 58) in gold and silver to meet public deposits of nearly *thirty-four million* dollars, ($33,756,588 59.) Now, if we go on advancing for the next four or five years, securing the public money on a metallic basis, in the same proportion as we have advanced for the last two years, I should like to know how long it will take us to reach the point of that perfect security which has been promised by this Administration. My colleague can soon work it out on the principle of progression stated in the horse-shoe question, which is to be found in any old book of arithmetic. At this rate, how long will it be before we shall have a metallic penny to represent a hundred dollars of your governmental deposits? Not so long as the public funds will be unjustly withheld from our people, if we adopt the splendid scheme of fortifications proposed by this bill.

Now, then, a few words to the faithful, for I never speak to States like Pennsylvania, which they say has been bought up by the monster—I let them go. For the sake of the argument, I take it for granted that the Legislature of every State that is not in favor of this Administration, and that presumes to grant the facilities by which the operations of commerce are carried on, is bribed, and that all their bank charters are given merely to throw obstacles in the way of the General Government in its desire to get back to a metallic currency.

But we will take a view of the orthodox States —Maine, for instance; because, with the exception of my venerable friend on the right, [Mr. BAILEY,] and the talented gentleman [Mr. EVANS] usually in front of me, there is not a more orthodox State represented in this Hall. Well, what progress has she made in getting back to a metallic currency? Whilst streams of gold are flowing not only down but up the valleys of the Mississippi, and inundating every section of the country, I ask whether, at the last session of her Legislature, Maine has not given an increased number of banks to an amount nearly, if not quite, equal to all the banking capital that before existed in that State? I go further; because, by binding the extremes, we can embrace the other sections of the country. I ask certain gentlemen from Georgia—from the *El Dorado* of the nation —from that very place where, from reading certain speeches, we should suppose that they dig up gold as plentiful as we of the North dig up gravel stones—how far they have advanced in getting back to a metallic currency? I call on them to state in their places whether there has not there been, within the last year, an increase of banking capital almost unprecedented? And last, I come to the grand pivot of republicanism on which this splendid system is to turn, and for whose "*favorite son*" all its benefits are to be secured.

Look at New York! Yes, sir, look at New York! Although your partisan papers have joined in this cuckoo-song of metallic currency, and although the dominant party have by every means in their power endeavored to deceive our people by it, what do you find? The Legislature is now in session. The party have one hundred and twelve members in the House of Assembly. It is well known that it requires eighty-six affirmative votes to pass a bill, because it can only be done by a vote of two thirds of the whole number of the representatives. And still I call upon the gentleman from New York to rise, and say whether the popular branch of the Legislature of that State has not this year chartered a number of banks as great, if not larger than at any previous session? Am I to be told that they will be arrested in another branch? In contradiction to that, we know that the Senate has already passed one, and increased the capital of another bank, and there is every reason to suppose that the batch of twelve or fifteen passed by the Assembly will receive the sanction of both Houses. And still there is no republicanism in this country but that which is connected with a metallic currency; and no safety for your public Treasury but in placing it upon such a basis; whilst the history of the country shows you no example of such a miserable metallic security as at this moment sustains your public deposits.

But gentlemen, in their attempts to use up the public revenue, have not stopped even at the extravagant propositions before us. We have found that they are not only to resort to this extensive system of defense in time of peace, but some members here have endeavored to create a belief that these funds are to be used in war, that grand impoverisher of nations. To gentlemen in this House who, from sympathy of feeling or contiguity of position, have found their minds wrought up to high excitement by recent occurrences, I have nothing to say. No man feels for those around him more keenly than I do; and had I friends or relatives there, bound to me by those ties which alone make life desirable, I should not measure my vote by any close rule of constitutional duty; for I am not one of those who can throw aside the feelings of the man to put on the armor of the legislator. I, too, in the moment of feeling, should use expressions, and possibly give votes, which I might afterwards regret, as compromitting the honor and dignity of the nation; for I know myself too well to doubt that under such circumstances I might thus vote.

But if there is a man on whom the brand of opprobrium should be placed, and who should stand marked in a community as deserving the severest censure, it is he who could trifle with a question of this kind merely for the purpose of holding out to the public this false evidence, that the day has not yet arrived when their long cherished expectations should be fulfilled, because the public money would be required to carry on that war.

I will not dwell upon this subject. War, however successful in its result, is ever a national calamity. There may be much to gratify pride and to reward patriotism; but, sir, the plume of victory is ever crimsoned with the blood of the brave, and the conqueror's chaplet is a blended wreath of cypress and of laurel. I have done. Whatever has been said seemed called for by the course my colleague was pleased to adopt; and I have only to return my unfeigned thanks to the House for the patient attention with which I have been most kindly indulged.

DEFENSE OF THE WESTERN FRONTIER.

REMARKS OF HON. JOHN REED,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

May 13, 1836,

On the bill making appropriation for the defense of the Western Frontier.

Mr. REED said this was a subject of great magnitude. A war was raging in Texas, but it was a war in which *we* had no right to engage. Texas was not a part of the United States, nor should *we* consider those contending there against the Mexicans "*our citizens.*" We may feel unmingled regret for the pain and distress, for the cruelties and barbarities with which the war is prosecuted, and the awful waste and wanton destruction of lives. Our sympathies may be excited, but our responsibility to our country forbids our acting under the influence of such excitement.

Our proceedings this day (said Mr. R.) upon this subject have been novel and extraordinary. Not content with the printed communications from the War Department, which have been laid before us, we have been called upon to listen to the reading from the Clerk's desk of a newspaper comment upon the Texan war. It purports to be a comment on the dispatches of Santa Anna. When the reading of the paper was called for, it was understood by many that the dispatches or bulletins of Santa Anna were to be read, but it was not so. We have been called upon to listen to an editorial article of a violent, extravagant, and highly exciting character. Among other things, the editor states that Santa Anna reports that the dead bodies of six hundred Texans were found within the walls of the Alamo; this is pronounced false, as it is said the garrison consisted of only one hundred and eighty-two men. Again, it is said, Santa Anna reports *he* had sixty killed and three hundred wounded; this statement is also pronounced false, and it is exultingly stated, as a matter of history, that Santa Anna's loss in killed and wounded exceeded one thousand. I forbear to notice these newspaper remarks; they are calculated to excite feelings that unfit us for grave and wise legislation. They are not calculated to instruct or enlighten this House, and it is unworthy the character of the Representatives of the United States to give such editorial comments so much weight and influence. The bill we are considering is an appropriation for the defense of the western frontier. The papers read are *calculated*, I will not say *intended*, to excite our sympathy for the Texans, our indignation against Santa Anna and the Mexicans, and, of course, to involve us in the war with Mexico.

The gentleman from Louisiana [Mr. RIPLEY] who has just sat down, has given us a high character of the Texans, and has also undertaken to show that the boundary line between the United States and Mexico is a disputed line. I answer to these remarks that we have nothing to do with the character of the Texans. If they have chosen to abandon this country and its free institutions, and become citizens of Mexico, they have a right so to do. Our citizens have no part or lot in the case, and it would be most cruel and unjust to involve them in a Texan war with Mexico. I do not pretend accurately to understand the boundary between this country and Mexico; but whether disputed or disputable, the present is no fit occasion for the adjustment of such difficulties. The excitement in regard to the Texan war, so pervading in the country, and in some places so violent and irresistible, in my opinion receives no small aid and support from speculators. Not content with buying and selling the real and personal estate in their own country, *these speculators* have pushed their adventures into Mexico; they have purchased vast tracts of land in Texas, and we are to be precipitated into a war with Mexico to

perfect the title to their new acquisitions *by conquest*. When such men cry "sympathy," and "regard for their brethren," and would involve us in a war for their protection, they are thinking of their *rich lands, great bargains, and splendid speculations*. They hope war may ensue, they hope in the end Texas may be ceded to this country, and then they will present the titles they now hold to these lands for confirmation. In that event we shall see these lands men, now mixed in the mass of Texan patriots, in their true characters of land speculators in Texas. I have no sympathy for these speculators; I hope this nation may not be deceived by their pretended love of the Texans, and *sensibility* and *sympathy* for their *suffering brethren* in Texas. There are politicians also, who are making shrewd calculations as to cause and effect, and power and control; who desire war to *acquire* Texas. Thus we are threatened with war for the benefit of land speculators and political speculators.

The Clerk has also read, by the order of this House, a letter from General Gaines, communicated by the Secretary of War. I think it an extraordinary letter, illy calculated to inspire confidence in the author. I will read an extract from the letter. General Gaines observes:

"Should I find a disposition on the part of the *Mexicans*, or their red allies, to menace our frontiers, I cannot but deem it to be my duty not only to hold the troops of my command in readiness for action in defense of our slender frontier, but to anticipate their lawless movements by crossing our supposed or imaginary national boundary, and meeting the savage marauders, wherever to be found, in their approach toward our frontier."

The above is the language of the commander-in-chief upon the Mexican frontier. To him is intrusted the preservation of peace, under circumstances of great difficulty and the most violent excitement. I have nothing to say of General Gaines as an officer and a man of honor and of good intention, but I hesitate not to say I have no confidence in his judgment and discretion; I would not confide to him a trust of such vital importance.

When General Gaines *finds a disposition* on the part of the Mexicans, or their red allies, to *menace* our frontier, (and he is the sole judge of the disposition,) he will cross the supposed or imaginary national boundaries, and meeting the marauders *wherever to be found, &c.* To cross the boundaries would be war, or just cause of war; and yet General Gaines informs us he is about to do so, if he *finds a disposition*. Yes, sir, if *he finds a disposition to menace*. Such loose expressions show him unworthy the great trust now reposed in him; and yet, if I understand the communication from our Executive, his views are substantially approved and adopted. We have reason to apprehend, under such circumstances, that he has crossed what he calls the supposed or imaginary line, or that he may cross it, and that war may be the result.

The power of making war and peace, by the Constitution, is delegated and intrusted to Congress alone. I fear we are delegating it to General Gaines, and that we have placed the safety and peace of the country in his keeping. He will anticipate the war, and not stand upon defense, if the enemy but show a disposition to menace. He will not wait for hostile acts, or even threats. He will cross the supposed or imaginary boundaries. And what is the difference between real and imaginary boundaries? How far will he advance into the Mexican territory? What security has the country in his wisdom, forbearance, and sound discretion? But he is authorised to occupy the disputed territory, and, as has been well said by my colleague, [Mr. ADAMS,] we have no better right or authority to occupy disputed territory than territory not disputed. If, indeed, there be disputed territory, it does not yet belong to us, and the present is not a fit occasion to seize upon and occupy it.

But this marching with a hostile army into the country of a nation with whom we are at peace, is not to be considered a hostile act. Mexico is to consider it pacific. Will they so consider it? Would any nation so consider it?

Let us test the honesty, sincerity, and soundness of these principles, by changing the parties. Suppose Santa Anna successful in the Texan war—suppose he should pursue the fugitive army, his opponents, into our country—would it excite no vindictive and sanguinary feelings? no spirit of hostility? no warlike temper? I hope and trust that, whatever may be the result of the war in Texas, he will never think of making such an attempt. But the mere presumption that he may pass the boundary excites the most violent feelings, and calls forth the most intemperate expression of those feelings in and out of this House. Yet some seem to suppose we may pass the line *into Mexico;* that we may occupy peaceably the dominions of Santa Anna, without giving just cause of war, or even complaint.

One would suppose that such inconsistency could not escape the observation of wise men, upon whom rests an awful responsibility—men situated as we are, influenced, I trust, by no sinister motives or unworthy considerations, and to whom are intrusted the destinies of the nation—the power of making war and peace.

The gentleman from South Carolina [Mr. THOMPSON] has stated a conversation held within a few days with a distinguished gentleman, in relation to what he calls intrigues of Mr. Gorostiza, the present Mexican Minister in the United States, while resident in Great Britain. As I was present, and participated in the conversation referred to, I feel bound to state that I understood the conduct of Gorostiza, called intrigues, above referred to, to have been representations to the British Government that the United States were endeavoring to obtain Texas, and he was opposed to parting with it, and was using every exertion in his power to prevent the United States from obtaining it.

I believe his conjectures and suspicions, at least as regards a portion of this country, (how far our Government have interfered I know not,) were founded in truth; and I regret that any remark has been made expressing unkind feelings towards the representative of a Government at peace with us.

Again: What reason can be given for presenting to this House a part of a conference between Mr. Forsyth and Mr. Gorostiza, the Mexican Minister? Why have we not been favored with the reply of the Mexican Minister? When Mr. Forsyth informed that Minister that "should the troops, [viz., the troops of the United States,] in the performance of their duty, be advanced beyond the point Mexico might suppose within the territory of the United States, the occupation would be precautionary and provisional, and would be abandoned whenever (the line being run and the true limits marked) the disturbances in that region should cease, they being the only motives for it;" what answer did the Mexican Minister make? If he possess one half the talent and sagacity he is reputed to possess, I venture to presume he replied distinctly that we could not be permitted to take possession of and occupy that territory during the war with Texas. But whatever was his reply, it should not have been withheld at this time from this House.

The bill before us is a bill making provision for the defense of the western frontier. Our country must be protected and defended. I trust every man in this House is ready and willing to appropriate all money that may be necessary for that object. But I protest against adopting the opinions and suggestions which have been presented to us, to induce us to make this appropriation. In voting this appropriation we sanction no opinions in favor of war with Mexico. I protest against the course of our proceedings—reading irrelevant papers, only calculated to excite the feelings, and produce an improper influence upon our passions and understandings. I trust that it is not the intention of this House, directly or by implication, to approve of any war in advance. I think it would be better to postpone the subject, as has been suggested, and I believe assented to by the chairman of the Committee of Ways and Means, for a day, and have these papers printed; but I perceive it is determined to pass the bill this evening. In voting for the appropriation for the defense of the frontier, we vote for an appropriation for that specific object alone. I protest against delegating power to General Gaines, or even to the Executive, to make war, or to do such acts as necessarily result in war. Yet we are called upon to vote money to support an army to defend the country, which we have great reason to apprehend will assume offensive operations. This army is stationed on the frontier, and in the vicinity of the Texan war, and great efforts throughout the country are made to excite the passions and enlist the feelings to engage in that war. These feelings will, no doubt, operate, with the greatest violence on the borders and frontier of the country where our army is stationed. I hope war may be avoided; and I repeat, I am willing to vote all needful supplies to defend the frontier, but not a dollar that may, by implication, justify war with Mexico—not a dollar to aid or support General Gaines in passing supposed or imaginary lines, or in committing any hostile act which may be just cause of war.

SLAVERY IN DISTRICT OF COLUMBIA.

SPEECH OF HON. J. H. HAMMOND,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 1, 1836,

On the question of receiving Petitions for the abolition of Slavery in the District of Columbia.

The motion of Mr. CUSHING, of Massachusetts, to receive the petition of sundry inhabitants of Massachusetts, praying for the abolition of slavery and the slave trade in the District of Columbia being under consideration—

Mr. HAMMOND said, that when he had first demanded the preliminary question of reception on the presentation of a similar petition some weeks ago, it was his hope and expectation that it would be decided without debate. On every subsequent occasion, when he had felt it his duty to make a similar demand, he had entertained the same desire, and had himself refrained from taking any part in the discussions which had arisen. It was obvious, however, that gentlemen presenting these petitions were determined to discuss them; and after what had occurred on last petition day, he concluded that no such petition would be offered to the House hereafter, without a preliminary speech as well as motion. As much, therefore, as he felt indisposed to block the proceedings of the House on this important day, he thought, perhaps, he had as well say at once what he had to say on this subject in its present stage, and by so doing he might facilitate the business of the House.

I listened, sir, with much pleasure to the address of the gentleman from Massachusetts, [Mr. CUSHING,] who presented this petition, and I believe I can say that I concur in every principle which he laid down. I am sure he cannot have a more sacred regard for the inestimable right of petition than I entertain. But, really, I cannot see what the discussion of that right can have to do with the question before the House.

No one here desires to "pass a law" depriving "the people of the right of peaceably assembling, and petitioning for a redress of grievances." They have so assembled; they have petitioned for the redress of their imaginary grievances; the petition has been presented to the House; its contents have been stated. If it had been requested, the petition itself might have been read by the Clerk. We are in full possession of its character and object—the petitioners and their representatives have performed their part without "let or hindrance," and it is now our duty to perform that which devolves on us. We may refuse to receive the petition and record it on our Journals; or we may receive and instantly reject; or commit, and, on a report, reject the prayer of the petitioners; or we may grant the prayer. Any of these courses it is fully competent for this House to adopt; and none of them, in my opinion, impugn, in the slightest degree, the right of petition, which has been so justly denominated "sacred."

I think that this House should not receive the petition, and that is the course which I suggest. The gentleman says it is not disrespectful in its terms. I pass that by, then. But I think we should not receive it still, because it asks us to do what we have no constitutional power to do;

and what, if we had the power, it would be ruinous to a large portion of this Confederacy, and ultimately destructive to all our institutions, for us to do.

The constitutional power to abolish slavery and the slave trade in this District, is claimed by virtue of the clause which gives to Congress "exclusive legislation" here. I admit at once that under that clause Congress has full power, so far as "legislation" is concerned, over this District, except where it is limited by the letter or the spirit of the Constitution in other portions of that instrument, or by the contract made with the States of Virginia and Maryland, in the acts of cession by those States. As this point has been ably, and I think satisfactorily discussed, both in this House and another portion of the Capitol, I will take but a single view of it at this time. All the powers given by the Constitution are trust powers, and should be construed in connection with each other, and in reference to the great objects they were intended to accomplish. Now, I ask if any member of this House, having before him those clauses of the Constitution forbidding the passage of laws, even by the States, to prevent the arrest of "persons held to labor" in the other States—forbidding "Congress to take private property," even "for public uses, without just compensation," and recognizing slaves as *property*, entitled to representation only as three fifths, and not as *persons* entitled to full representation,—can say that it will not be a violation of the letter and the whole spirit of the Constitution, to assume the power which you are now called on to exercise? As much a violation of it as to pass an *ex post facto* law or bill of attainder here. I ask gentlemen if they believe this Constitution would ever have received the sanction of a single slave State if it had been suspected for a moment that this power was given to Congress by it.

But, sir, admitting, for the sake of argument, that the Constitution places no limitation to the power of "legislation" in the District of Columbia, I ask how far that power will, of itself, extend? What are the great objects of all human legislation? To *protect* life, liberty, and *property*. Can we, under this definition, assume the power wantonly to *destroy* them? It is true, property is sometimes seized as a penalty for misdemeanors, and liberty, and even life, are forfeited for crimes; but does this warrant Congress, or any legislative body in this country, *at its free will and pleasure*, to confiscate the estate of a peaceful and unoffending citizen, or imprison him or take away his life? Sir, monstrous as these propositions are, they are not more monstrous, nor would they be more fatal in their consequences, than that which these petitioners ask us now to adopt. And here let me say, in answer to the gentleman from Massachusetts, [Mr. CUSHING,] that I can see no difference between the constitutional power to abolish the slave trade and the power to abolish slavery itself. If the slave owner is deprived of the full use of his property, unless that use impairs the rights of others, you can as well deprive him of the property itself. The principle in both cases is the same; but, for the reasons I have already mentioned, I will not dwell on this branch of the subject.

Mr. Speaker, I object to the reception of these petitions, in the next place, because they are sent here by persons who are pursuing a systematic plan of operations, intended to subvert the institutions of the South, and which, if carried into effect, must desolate the fairest portion of America, and dissolve in blood the bonds of this Confederacy. It has been said upon this floor that the Abolitionists of the North are very few in number, and of so little influence as to be unworthy of our attention. It has been said here, on the other hand, that they constitute a majority north of Mason and Dixon's line, and that their influence is "tremendous." Amid this conflicting testimony, permit me to call the attention of the House to some important facts connected with the subject.

It will be recollected that during this session, in consequence of the course which has been taken in the matter, on but a single day has an opportunity occurred for a free presentation of petitions of the character of that before us. On that day, although it could not have been expected that the occasion would occur, fifty-eight of these petitions were presented, a number considerably larger than the average number presented during the last four sessions. These petitions are signed by between seven and eight thousand persons, male and female; some of them signing as representatives of large societies. I have been informed that three hundred petitions of this kind have been forwarded to Congress, and I do not doubt the fact. If they are as numerously signed, we shall have the names of some forty thousand persons petitioning Congress at this session to abolish slavery and the slave trade in the District of Columbia. This, sir, is no small evidence of the strength of the abolition party.

But let us trace the history of the formation of the societies to which I have alluded. In 1832, less than four years ago, the New England Anti-Slavery Society was formed. This I believe was the first society of this kind created on this side of the Atlantic. I remember well the ridicule with which it was covered when it was known that it had been formed by a meeting of *eleven* persons. Sometime in the year 1833, the New York Anti-Slavery Society was formed by a meeting composed of two and twenty men, and *two females*. I remember also the contempt with which this annunciation was greeted; but, sir, it grew in spite of our indifference and contumely.

On the 4th December, 1833, at a convention of Abolitionists in the city of Philadelphia, the great American Anti-Slavery Society was formed, and a bold "DECLARATION OF THEIR SENTIMENTS" was given to the world. They announced that "all slaves should instantly be set free," "without compensation to their owners;" "that the paths of preferment, of wealth, and of intelligence, should be as widely opened to them as to persons of a white complexion." And that to effect these purposes, they pledged themselves "to organize anti-slavery societies everywhere;" "to send forth agents to remonstrate, warn, and rebuke; to circulate periodicals and tracts;" "to enlist the pulpit and the press;" "to purify the churches of the crime of slavery;" "and to encourage the labor of freemen rather than that of slaves, by giving a preference to their productions."

From this moment the infection spread with unparalleled rapidity. In May following (1834) there were *sixty* anti-slavery societies. By May, 1835, the number had increased to *two hundred*. By October, 1835, it had swollen to *three hundred*. And by a document which I hold in my hand, purporting to be a "protest of the American Anti-Slavery Society" against certain sentiments expressed on this subject by the President of the United States in his last annual message, it appears that there were known to be *three hundred and fifty* anti-slavery societies in the United States on the 25th day of December last.

Some of these societies contain as many as four thousand members, and none of them, I believe, less than fifty. On a fair calculation, it may be presumed that not less than one hundred thousand persons in the non-slaveholding States are united in these societies, and their numbers are increasing daily with a rapidity almost beyond conception; a disciplined corps who have pledged life and fortune to the great purpose of emancipation.

That the spirit, means, purposes, and plans of these societies may appear more fully, I will refer to the "Address of the American Anti-Slavery Society," at its last annual meeting, which I have in my hand, and ask permission of the House that the Clerk may read. (*a*)

Here, sir, is a number of the paper entitled "*Human Rights*," a neat, well printed sheet. Here are several numbers of the "*Anti-Slavery Record*," on the outside of each of which is a picture representing a master flogging naked slaves, and each of which contain within pictures equally revolting. Here is a handful of the little primer called the "*Slave's Friend*." On the covers, and within each of these are also pictures calculated to excite the feelings, and to nurture the incendiary spark in the tender bosom of the child. And here, sir, is "The Emancipator," a large and handsome paper. And that you may understand the spirit and principles which it inculcates, I will read to the House a paragraph from a number dated New York, November, 1835:

"THE ALTERNATIVE.—William Wertenbaker, Assistant P. M. and Librarian of the University of Virginia, gives notice that he has committed to the *flames* a copy of Human Rights we sent him, and very gravely asks, 'Which of the two do you prefer—*a perpetuity of slavery, or a dissolution of the Union?*' The latter, we say, by all odds, if we must choose. We are for union, but not with slavery. We will give the Union for the abolition of slavery, if nothing else will gain it—but if we cannot gain it at all, then the South is welcome to a dissolution—the sooner the better. The slaveholders may as well understand, first as last, that 'the Union' may have other uses to them than that of a *lash* to shake over the heads of northern freemen."

It speaks for itself—I make no commentary. Here is a pamphlet called the "Anti-Slavery Reporter," published monthly, I believe, by this society. Here is a "Quarterly Anti-Slavery Magazine," of very respectable size, edited by Elizar Wright, Jr. Here is a pamphlet entitled "Anti-Slavery Hymns," of which there are nineteen. They purport to be for the use of the "Monthly Concerts for the enslaved," in the city of New York; and the publication of a more copious collection in Boston is announced. Here is a small book entitled "Juvenile Poems." It contains, besides a great number of doggerel articles of the most inflammatory character, some nine or ten disgusting prints, all of which are designed "for the use of free American children of every complexion." Here is a pamphlet written by a "*Man of Color*," and here are a quantity of Sermons, Essays, Reports, Letters, &c., all intended for the same incendiary purposes.

I hold also in my hand that most powerful engine in party warfare, an "Anti-Slavery Almanac for 1836." From this allow me to read two short extracts. The following will show the political tendency of this abolition agitation: "*We are rewarding slaveholders for their usurpation and injustice, by allowing them to send twenty-five Representatives to Congress to represent their slave property.*" It has been said that "the petitioners have no further object than merely to wipe from the national escutcheon the stain affixed to it, by permitting slavery to exist at the seat of Government of the United States." In answer to that, allow me to quote the following passage, and there is scarcely a publication that I have exhibited here to-day in which the same sentiment is not expressed: "*Should you abolish slavery in the District of Columbia alone, it would heave the foundation of the system in every State of the Union.*" Nor is this work without its pictures, libeling the slaveholders with their vile caricatures. To illustrate more fully the political tendency of the extraordinary excitement on this subject, although I do not intend on this occasion to discuss that branch of the question, I will refer the House to an extract from the "Anti-Slavery Circular," printed at Medina, Ohio, December, 1835, which I hold in my hand, and which I again ask the favor of the House to permit the Clerk to read. (*b*)

Sir, while we are discussing the question of the reception of these petitions, movements are making at the North, and societies are springing up like mushrooms. Here are the proceedings of a meeting held within a few weeks past at Lowell, Massachusetts, the center of the tariff interest, at which was formed a "Young Men's Anti-Slavery Society," the preamble of whose constitution I will read. (*c*) Here is a circular, dated "Pawtucket, Rhode Island, January 12, 1836," calling a "Rhode Island Anti-Slavery Convention," to meet shortly at Providence. It is signed by eight hundred and forty persons. I will read from it the following remarkable passage, from which it may be seen how deep the roots of this hostility to our institutions have struck into the foundations of society:

"Our *country* friends we hope will attend as numerously as they have signed the circular. The wealth and aristocracy of our cities are against us. They sympathize not with the 'poor and needy,' but with 'the arrogant and him of high looks.' Let our laboring men, then, the mechanics and the farmers, attend the convention. They can easily arrange their business so as to make it convenient to be in Providence at that time."

Here, sir, is the prospectus of the *sixth volume* of the Liberator, published at Boston by Isaac Knapp. Prefixed to it is an incendiary picture; and it contains the following passage, which

exhibits, possibly with some exaggeration, in a strong point of view, the extent of the agitation on this subject throughout the non-slaveholding States:

"The sixth volume of the Liberator commences on the 1st of January, 1836. During the term of its existence it has succeeded, in despite of calumny and a strong opposition, in dispelling the apathy of the nation, creating an extraordinary and most auspicious interest for the oppressed, inducing a rigid investigation of the subject, and securing a host of mortal combatants who are pledged never to retreat from the field. The wrongs of the slaves, the danger of keeping them longer in bondage, the duty of giving them immediate freedom, are the topics of conversation or discussion in all debating societies, in lyceums, in stages and steamboats, in pulpits and in periodicals, in the family circle, and between a man and his friend. The current of public sentiment is turning, and soon it will roll a mighty river, sweeping away in its healthful and resistless career all the pollutions of slavery."

This prospectus is accompanied by an anonymous communication, for which, of course, I cannot vouch, which states that Dr. Channing has softened the asperity of his remarks on Thompson, the *foreign* anti-slavery missionary, in his late work on slavery; that it has, in consequence, been stereotyped by the Abolitionists, and that the demand for it is insatiable. My colleague, [Mr. PICKENS,] in the course of his remarks the other day, made an allusion to Dr. Channing, which drew from the gentleman from Massachusetts who sits near me [Mr. HOAR] a warm and passionate eulogium. He said he was a man who had stamped his genius upon the age—a being almost too pure for such a world as this. I do not wish to wound the feelings of that gentleman, nor those of any friend of Dr. Channing on this floor, but I feel compelled to speak my sentiments respecting him without disguise or qualification. I have heard it said of him, by those well qualified to judge, that he is a man of superficial learning, a literary scavenger, whose acquirements consist of the mere offals of science, filched from those literary shambles, the reviews and magazines of Europe and America. I might assume too much were I to pronounce this condemnation of him here. But this much I will say, that, while I have found in his writings many pleasing passages, I have rarely met with anything evincing profoundness or originality of thought. I have glanced my eye over his last publication, which I now hold in my hand, and I have seldom seen so puerile a production from a man of ordinary reputation. It exhibits not only shameful ignorance of the subject of which he treats, but he has erected a tissue of stale, false, shallow, and declamatory reasoning even on acknowledged facts. I beg leave to read to the House the following passage:

"How far the obligation to conjugal fidelity, the sacredness of domestic ties will be revered amid such temptations, such facilities to vice as are involved in slavery, needs no exposition; so terrible is the connection of crimes! They who invade the domestic rights of others suffer in their own houses. The household of the slave may be broken up arbitrarily by the master, but he finds his revenge, if revenge he asks, in the blight which the master's unfaithfulness sheds over his domestic joys. A slave country reeks with licentiousness; it is tainted with a deadlier pestilence than the plague."—Page 92.

I will not inflict a review of this work on the House, but I must be allowed to say that he has not only enacted a second part to O'Connell, but also to Tappan, to Garrison, Wright, Knapp, Thompson, and the whole gang of abolition orators and writers on both sides of the Atlantic. He has but collected and compiled their cant, and if he has sometimes used better English he has not added to its force, or spirit, or dignity, or decency. The terms in which he has characterized the morals of the South are gross, scandalous, and false. The licentiousness of which he speaks exists only in the impurity of his own imagination. And in thus calumniating us, he has exhibited a lowness and malignity of mind unworthy of a scholar, unworthy a divine, and unworthy of a gentleman. I ask pardon of the House for using such emphatic language. I regret to use it towards any person here or elsewhere; but when a man, and particularly a man of reputation, no matter how acquired, lends himself to the purposes of Arthur Tappan, and leagues with that not more detested monster, Murrell, to steep our land in blood and cover it with ashes, it becomes every one to express, in plain language, the honest indignation of his heart.

As the last evidence which I shall offer of the extent of excitement at the North upon the slave question, I will read the following extracts from a letter from the western part of the State of New York. It is dated 12th January, 1836. The writer of it is a gentleman who has been a close and shrewd observer of events passing around him. He is a man of talents and of strict integrity, and is one who has done and suffered something for his country. He says:

"The madness which influences our northern people on the subject of slavery is well calculated to fill the stoutest with dismay. The spirit which followed the Utica and Peterboro Convention of Abolitionists has totally changed the question from that of the emancipation of the slave to that of the continuance of the Union."

* * * * * * * *

"The North is now laboring to unite her people against you. The effort is immense and continual. The inclosed anti-slavery pamphlets and some 'Emancipators' were distributed at a Presbyterian prayer meeting in my neighborhood the other day, by the president of the anti-slavery society of this county, and were handed to me by the Deacon of the church, through the hands of one of the men in my employ. The object is to unite the northern people in hatred of the people of the south, by false representations of the condition of their slaves, and by charges of cruelty, immorality, and irreligion. I endeavor to convince my neighbors that these pamphlets are false in every particular, and that if they join in the cry of abolition, they must partake of the enormous sin of bringing on a civil war, of destroying our Union, and of causing a renewal of the horrors of St. Domingo. And for what do they labor to bring on their country and their fellow-citizens of the South these dreadful calamities? It is for the liberty of the slave; and in gaining that liberty, or in the attempt, they inevitably lose their own. But this view has no weight; the effort to free your slaves will be made; and Congress will be the ultimate scene of the struggle. Our next elections will mainly turn on this question, unless you settle it now and forever; that is, before this session expires. If you adjourn without so settling it, you will have to resort to the bayonet to adjust it."

Mr. GRANGER, and Mr. LEE of New York, demanded the name of the author.

Mr. HAMMOND. I cannot give it. I will vouch for his character. But such is the state of society around him I fear it would prove dangerous, if not fatal to him, to disclose his name. I believe what I have just read. There can no longer be a doubt of the deep, pervading, uncontrollable excitement which shakes the free States on this subject, nor of the energy and power with which the Abolitionists are pressing their mad and fatal schemes. Every mail from the North brings fresh news of agitation; every breeze is tainted with it. It spreads like wild fire in the prairies, and throws its red glare up to heaven, that all may see while it sweeps with resistless fury everything before it. I call on every slaveholder in this House, and in this country, to mark its fearful progress and prepare to meet it. He who falters here or elsewhere, he who shrinks from taking the highest and boldest ground at once, is a traitor—a traitor to his native soil; a traitor to the memory of those from whom he has inherited his rights; a traitor to his helpless offspring, who call upon him for protection—and on his head be the blood which his treachery or cowardice may cause to flow!

Allow me now to examine more closely the real designs of these Abolitionists, the means by which they will attempt to effect them, and the probable result. Their designs are very succinctly stated in the volume which I hold in my hand. It is a treatise on this subject, entitled "Jay's Inquiry," written by William Jay, a judge, I believe, of the State of New York, and a son—a most degenerate son—of the distinguished John Jay. More than five thousand copies of this work, I am told, have been sold. He says:

"*The society aim at effecting the following objects:*

"1st. The immediate abolition of slavery throughout the United States.

"2d. As a necessary consequence the suppression of the American slave trade.

"3d. The ultimate elevation of the black population to an equality with the white in civil and religious privileges."—p. 141.

Sir, the abolition of slavery can be expected to be effected in but three ways: through the medium of the slaveholder, or the Government, or the slaves themselves.

I think I may say that any appeal to the slaveholders will be in vain. In the whole history of the question of emancipation in Europe or America, I do not remember a dozen instances of masters freeing their slaves, at least during their own life time, from any qualms of conscience. If they are seized with these qualms, they usually sell their slaves first, and then give in their adhesion to the cause, as has been the case with some whom I could mention.

The Abolitionist can appeal only to the hopes or fears or interest of the slaveholder to induce him to emancipate his slaves. So far as our hopes are concerned, I believe I can say we are perfectly satisfied. We have been born and bred in a slave country; our habits are accommodated to them; and, so far as we have been able to observe other states of society abroad, we see nothing to invite us to exchange our own; but, on the contrary, everything to induce us to prefer it above all others.

As to our fears, I know it has been said by a distinguished Virginian, and quoted on this floor, "that the fire-bell in Richmond never rings at night, but the mother presses her infant more closely to her breast in dread of servile insurrection." Sir, it is all a flourish. There may be nervous men and timid women, whose imaginations are haunted with unwonted fears, among us, as there are in all communities on earth, but in no part of the world have men of ordinary firmness less fear of danger from their operatives than we have. The fires which, in a few years, have desolated Normandy and Anjou—the great machine burning in the heart of England—the bloody and eternal struggles of the Irish Catholics—and the mobs which, for some years past, have figured in the northern States, burning convents, tearing down houses, spreading dismay and ruin through their cities, and even taking life—are appropriate illustrations of the peace and security of a community whose laborers are all free. On the other hand, during the two hundred years that slavery has existed in this country, there has, I believe, been but one serious insurrection, and that one very limited in its extent.

The appeal, however, to our interest, is that which might appear to promise much success, for whatever it is the interest of a community to do, that (sooner or later) it will be sure to do. If you will look over the world, you will find that in all those countries where slavery has been found unprofitable, it has been abolished. In northern latitudes, where no great agricultural staple is produced, and where care, skill, and a close economy enter largely into the elements of production, free labor has been found more valuable than that of slaves. You will there find labor usually exercised in small combinations under the immediate eye of a watchful and frugal master. I speak more particularly of those who cultivate the soil; but the large masses of mechanical operatives who are brought together form no exception to the principle. They are classified. There is an accurate division of their labor; each branch of it requires peculiar art, and in the higher departments a degree of skill must be attained, to produce which stronger stimulants are necessary than can be ordinarily applied to slaves.

In such countries the dominant classes have found it to their advantage to permit each individual to accumulate for himself, and to deprive him of a portion of his earnings sufficient for their purposes through the operations of the Government. Hence the partial emancipation of the serfs of the continent of Europe. Hence the abandonment of villeinage in England. And hence the emancipation of slaves in the free States of this Union. But in southern latitudes, where great agricultural staples are produced, and where not only a large combination of labor under the direction of one head is required, but it is also necessary that the connection between the operatives and that head should be absolute and indissoluble, domestic slavery is indispensable. To such a country it is as natural as the clime itself—as the birds and beasts to which that climate is congenial. The camel loves the desert; the reinder seeks the everlasting snows; the wild fowl gather to the waters; and the eagle wings his flight above the mountains. It is equally the order of Providence that slavery should exist among a planting people, beneath a southern sun. There the laborer must become a fixture of the soil. His task is not from day to day, nor from month to month, but from season to season, and from year to year. He must be there to clear, to

break, to plant, to till, to gather, to fallow, and to clear again; and he must be kept there by a never ceasing, unavoidable, and irresistible force. The system of "*strikes*" so universally practiced in all other kinds of labor would desolate a planting country in five years. If, in the heat of the crop, when the loss of one or two days even may irreparably ruin it, the laborers were to abandon the fields and demand higher wages, the owner would have no other alternative than to say to them "work, and take enough to satisfy yourselves"—which would, of course, be all. Sir, it is not the interest of the planters of the South to emancipate their slaves, and it never can be shown to be so.

Slavery is said to be an evil; that it impoverishes the people and destroys their morals. If it be an evil, it is one to us alone, and we are contented with it—why should others interfere? But it is no evil. On the contrary, I believe it to be the greatest of all the great blessings which a kind Providence has bestowed upon our glorious region. For without it, our fertile soil and our fructifying climate would have been given to us in vain. As it is, the history of the short period during which we have enjoyed it has rendered our southern country proverbial for its wealth, its genius, its manners.

Failing, as the Abolitionists must do, in every appeal to the slaveholder, let us see with what probability of success they can call upon the Government to emancipate our negroes. There are about two million three hundred thousand slaves at this moment in the United States, and their annual increase is about sixty thousand. Sir, even the British Government did not dare to emancipate the slaves of its enslaved West India subjects without some compensation. They gave them about sixty per cent. of their value. It could scarcely be expected that this Government would undertake to free our slaves without paying for them. Their value, at $400 average, (and they are now worth more than that,) would amount to upwards of nine hundred millions. The value of their annual increase alone is $24,000,000; so that to free them in one hundred years, without the expense of taking them from the country, would require an annual appropriation of between thirty-three and thirty-four million dollars. The thing is physically impossible.

But it is impossible for another reason: the moment this House undertakes to legislate upon this subject, it dissolves the Union. Should it be my fortune to have a seat upon this floor, I will abandon it the instant the first decisive step is taken, looking towards legislation on this subject. I will go home to preach and, if I can, to practice disunion, and civil war if need be. A revolution must ensue, and this Republic sink in blood.

The only remaining chance for the Abolitionists to succeed in their nefarious schemes will be by appealing to the slaves themselves; and, say what they will, this is the great object at which they aim. For this are all their meetings, publications, lectures, and missions; to excite a servile insurrection, and in the language of the miscreant Thompson, to "*teach the slave to cut his master's throat.*" This will be no easy task. Sir, it is a proverb that no human being is perfectly contented with his lot; and it may be true that some strolling emissary may extract, occasionally, complaints from southern slaves and spread them before the world. But such instances are rare. As a class, I say it boldly, there is not a happier, more contented race upon the face of the earth. I have been born and brought up in the midst of them, and so far as my knowledge and experience extend, I should say they have every reason to be happy. Lightly tasked, well clothed, well fed—far better than the free laborers of any country in the world, our own and those, perhaps, of the other States of this Confederacy alone excepted—their lives and persons protected by the law, all their sufferings alleviated by the kindest and most interested care, and their domestic affections cherished and maintained, at least so far as I have known, with conscientious delicacy.

A gentleman from Massachusetts [Mr. ADAMS] has introduced upon this floor the abolition cant of wives and husbands, parents and children, torn from each other's arms, and separated forever. Such scenes but rarely, very rarely happen. I do not believe such separations are near so common among slaves as divorces are among white persons where they can be with much facility obtained. I am very sure that children and parents do not so often part as, in the ordinary course of emigration in this country, they do among the freest and proudest of our land. Sir, our slaves are a peaceful, kind-hearted, and affectionate race, satisfied with their lot, happy in their comforts, and devoted to their masters. It will not be an easy thing to seduce them from their fidelity. But if, by an artful and delusive appeal to his excited passions, the Abolitionist should succeed in drawing the slave into his fiendish purposes, our never-sleeping watchfulness would speedily detect every conspiracy that might be formed. Our habits in this respect have become a second instinct. Our vigilance is as prompt and personal as our courage—as faithful a guardian, and not more troublesome. It does not arise from fear, but from the fact that we ourselves, to a great extent, constitute our own police, and in guarding against minor evils, will not fail to discover every danger of great magnitude. Such has been, and such will always be, the case. Every insurrection which has yet been meditated—and there have been but very few—when not discovered by some faithful slave, has been soon discovered by the whites—the unfortutate occurrence at Southampton only excepted, if that can be called an insurrection which was the bloody outbreaking of six drunken wretches. I believe that every appeal to the slave to assist, through the horrid process of burning and assassination, in his own emancipation, much as it is (in secret at least) cherished, will be without success.

Sir, I feel firmly convinced that, under any circumstances, and by any means, emancipation, gradual or immediate, is impossible. We may be disturbed in our comforts, harassed, injured—perhaps some partial sufferings may be the consequences of these mad and savage projects, but slavery can never be abolished. The doom of Ham has been branded on the form and features of his African descendants. The hand of fate has united his color and his destiny. Man cannot separate what God hath joined.

But, admitting for a moment that the Abolitionist could accomplish all his objects. Suppose the bonds of the slave were broken peacefully, and he was turned loose to choose his life and occupation on the face of the earth, what would probably be his actual state? Sir, we have some experience on this subject. I hold in my hand a paper containing an account of the situation of a colony of free blacks in Brown county, in Ohio, which I ask permission for the Clerk to read. (*d*)

Such are the blessed fruits of abolition; and to make such miserable and degraded wretches as these are we called on to give up our happy, industrious, and useful slaves—to strike out of existence nine hundred millions of active and inestimable capital, and impoverish and desolate the fairest region of the globe? But it is said that this is the dark side of the picture, and that emancipation—"*gradual emancipation*"—would produce far better consequences. Although I am perfectly satisfied that no human process can elevate the black man to an equality with the white—admitting that it could be done—are we prepared for the consequences which then must follow? Are the people of the North prepared to restore to them two fifths of their rights of voters, and place their political power on an equality with their own? Are *we* prepared to see them mingling in our legislation? Is any portion of this country prepared to see them enter these Halls and take their seats by our sides, in perfect equality with the white representatives of an Anglo-Saxon race? to see them fill that chair? to see them placed at the heads of your Departments? or to see, perhaps, some Othello, or Toussaint, or Boyer, gifted with genius and inspired by ambition, grasp the presidential wreath and wield the destinies of this great Republic? From such a picture I turn with irrepressible disgust.

But, sir, no such consequences as either of these views exhibit can take place with us. There is no such thing as gradual emancipation, even if we were to consent to it. Those who know the negro character cannot doubt, what the recent experiments in the West Indies fully prove, that the first step you take towards emancipation bursts at once and forever the fetters of the slave. In our country, where the two classes of population are so nearly equal, such a state of things as now exist in Jamaica would not last a day—an hour. Sir, any species of emancipation with us would be followed instantly by civil war between the whites and blacks—a bloody, exterminating war, the result of which could not be doubtful, although it would be accompanied with horrors such as history has not recorded. The blacks would be annihilated, or once more subjugated and reduced to slavery. Such a catastrophe would be inevitable.

Permit me now for a moment to look into the causes of this vast and dangerous excitement, for it is intimately connected with the true merits of this important question. I am not disposed to attribute it to any peculiar feelings of hostility entertained by the North against the South, arising from position merely. It is indeed natural that a people not owning slaves should entertain a strong aversion to domestic servitude. It is natural that the descendants of the Puritans, without any deep investigation of the subject, should have an instinctive hostility to slavery in every shape. It is natural that foreigners with whom the North is crowded—just released themselves from bondage—extravagant in their notions of the freedom of our institutions, and profoundly ignorant of the principles on which society and government are organized, should view with horror the condition of the southern operatives. And here let me say that these opinions, so natural, so strong, and so distinctly marking the geographical divisions of our country, indicate differences which, if pushed much further, will irresistibly separate us into two nations. A separation which I should regard as a calamity to the whole human race, and which we of the South will endeavor to avert by every means save the sacrifice of our liberties, or the subversion of our domestic institutions.

But other causes are at work. This excitement belongs to the spirit of the age. Every close observer must perceive that we are approaching, if we have not already reached, a new era in civilization. The man of the nineteenth century is not the man of the seventeenth, and widely different from him of the eighteenth. Within the last sixty years there have been greater changes—not on the face of the earth, but in the history of civilized man—than had taken place before, perhaps, since the reign of Charlemagne. The progress and the philosophy of the events which have brought us to this state may be readily perceived and stated. Formerly all learning was confined to the clergy—all political power to the hereditary rulers of the people. The invention of printing dispersed knowledge among the middle classes. The clergy could no longer absorb it all. The first effect of this was the destruction of ecclesiastical despotism which was consummated by the reformation. The next, a war of intelligence against political oppression. But the glittering temptations of power seduced it from its purposes—allured it to its assistance, and used its energies to rivet more closely their chains upon the people. At length Government could no longer absorb all the talents and acquirements and ambition of the world. Then the effects of the contest began to show themselves. The tremendous conflicts for political ascendancy which took place in the British Parliament during the reign of George II., were followed by the American Revolution, which was produced by the great intellects of this country, whom Government could neither conciliate to its abuses, nor purchase, nor intimidate. Next came the terrible tragedy—the French revolution—which was confessedly brought about by the writings of the great philosophers of France. Since that period man appears no longer to be the being that he was. His moral virtues seem to have been changed as by some sudden revelation of the Almighty, although the close observer sees that the great cause which had been so long and so silently, but surely, working to effect this pur-

pose, was the wide increase of knowledge. Bursting from the trammels of centuries of ignorance and sloth, he has been pressing onward for good and evil, with an energy tremendous and terrific. All nature has felt the impulse. The thin air has been converted into a resistless power. Steam, whose very definition was a useless vapor, has been made the most tremendous engine which has ever yet been placed in human hands—overcoming in its infancy time, space, and resistance, with a celerity and ease just not supernatural. Railroads have been thrown over swamps, rivers, lakes, and mountains, which, connecting new and distant points, open vast channels for intercourse and commerce. Labor-saving machinery of every kind has been incalculably improved; much of it perfected. In one word, we have reached a period when physical impossibilities are no longer spoken of. What was visionary yesterday, is planned, estimated, and resolved upon to-day—to-morrow it is put in execution, and the third day superseded by something more wonderful and important still.

During the period of this mighty change, the great struggle between the rulers and the ruled has been carried on with corresponding vigor; through the thousand channels which genius has opened, wealth has flown in to aid it in its contest with the strong arm of power. The two combined, finding themselves still unable to cope with the time-hardened strength of hereditary government, and eager, impatient, almost frenzied to achieve its conquest, have called in to their assistance another ally—*the people*. Not the "people," as we have hitherto been accustomed in this country to define that term, but the MOB—THE SANS CULOTTES. Proclaiming as their watch-word that immortal, but now prostituted sentiment, "that all men are born free and equal," they have rallied to their standard the ignorant, uneducated, semi-barbarous mass which swarms and starves upon the face of Europe! Unnatural and debasing union! Hereditary institutions are gone. Already have the nobility of France been overthrown. Their days are numbered in the British Empire. Let them go on. I am not their advocate. What next? *Confiscation has begun!* The end is as obvious as if it were written on the wall. The hounds of Acteon turned upon their master. Genius and wealth, stimulated by "an ambition that o'erleaps itself," have called these spirits from the vasty deep, but they will down no more. The spoils of victory are theirs, and they will gorge and fatten on them.

In this country we have no hereditary institutions to attract the first fury of this tempest, which is also brewing here; for the electric fluid has crossed the ocean, and the elements denote that it is expanding over the northern arch of our horizon. The question of emancipation which, in Europe, is only a collateral issue—a mere ramification of the great controversy between hereditary power and ultimate agrarianism—has become with us the first and most important question; partly because the levelers here have not yet the heavy pressure of political oppression, and partly because they have regarded our institutions of slavery as most assimilated to an aristocracy. In this they are right. I accept the term. *It is a government of the best.* Combining all the advantages, and possessing but few of the disadvantages, of the aristocracy of the old world—without fostering, to an unwarrantable extent, the pride, the exclusiveness, the selfishness, the thirst for sway, the contempt for the rights of others, which distinguish the nobility of Europe—it gives us their education, their polish, their munificence, their high honor, their undaunted spirit. Slavery does indeed create an aristocracy—an aristocracy of talents, of virtue, of generosity, and courage. In a slave country *every freeman* is an aristocrat. Be he rich or poor, if he does not possess a single slave, he has been born to all the natural advantages of the society in which he is placed, and all its honors lie open before him, inviting his genius and industry. Sir, I do firmly believe that domestic slavery, regulated as ours is, produces the highest-toned, the purest, best organization of society that has ever existed on the face of the earth.

Against this institution war has been commenced. A crusade is proclaimed. The banner has been hoisted, and on it is inscribed that visionary and disastrous sentiment, "Equality to all mankind;" although there is no analogous equality in the moral or physical creation, in earth, air, or water, in this world, or in the world to come, if our religion be not altogether wrong. The sans culottes are moving. On the banks of the Hudson, the Ohio, and the Susquehannah—on the hills, and in the vales, and along the "iron bound coast" of *immaculate* New England, they are mustering their hosts and preparing for their ravages. Let them come! we will be ready. Standing on our institutions, which of themselves give us a strength almost impregnable, and rallying around them as one man, with the help of God I believe we shall be able to roll back the frantic tide to whence it came. But woe unto the man of substance in the North whose infatuation may impel them to join this fatal crusade. The blood hounds they are setting upon us, successful or unsuccessful, will in due time come back from the chase; and come back to seize upon the accumulations of their industry, to overturn their altars, and desolate their household. Such, sir, are the causes and the history, and such I believe will be the result, of this ill-omened excitement, which at the first impulse has shaken this Union to its center.

I have touched on topics to-day which have not heretofore been broached within these walls. In thus departing from the usual silence of the South upon this subject, it may be thought that I have gone too far. But times have changed. They changed before our eyes with the rapidity of thought. Painful as it is, the truth should now be told, for shortly it will speak itself, and in a voice of thunder. We cannot, in my judgment, avoid this danger longer, by closing our eyes upon it, and lulling our people into a false security. Nor can we justify ourselves before the world for the course which we may be compelled to take in order to maintain our rights without boldly declaring what those rights are, defining them, and showing that they are inestimable. All minor considerations must give way to effect those all-important objects. These have been my motives for the course I have taken here. I leave it to the rapidly approaching crisis to determine whether I am right or wrong.

Sir, if I were asked what it is, under existing circumstances, the South desires the North to do, I should say, "Pass laws in your different States forbidding, by the severest penalties, the publication or circulation of such incendiary pamphlets as I have exhibited here to-day." This your Legislatures are fully competent to do without infringing on freedom of speech, or freedom of the press. That freedom means well regulated, legal freedom, and not unrestrained licentiousness. Have you not laws to punish libel and slander? If a citizen of the State of New York were to say of another citizen, that he was a "land pirate," "a murderer," and "a man stealer," would he not be liable to an action of slander? If he were to write these things of him, or caricature him by infamous and disgusting pictorial representations, would he not be indictable for libel? What violation, then, of social or constitutional right would it be to extend the benefit of these same laws to us?

We ask nothing more than the recognition of a well known principle of international law, a striking illustration of which has happened within the memory of many who now hear me. It will be recollected that just before the war between France and England, which broke out in 1803, the English presses teemed with abuse of the First Consul. Bonaparte complained to the English Ministers. They indicted Peltier, tried, and convicted him. The declaration of war only prevented him from receiving his punishment.

If England, where there have been more battles fought for the liberty of speech and of the press than in any portion of the world, felt herself bound to indict a journalist for libeling her greatest enemy—the enemy of the whole human race—on the very eve of war with him, is it unreasonable to require you to extend the same justice to the grossly slandered and deeply injured people of the South; brethren, as you call us, of one great Confederacy, devoted to the same great principles of constitutional liberty, and who have so often mingled our blood with yours, on the same glorious battle-field?

Sir, I cannot believe gentlemen are sincere when they urge here this slang about the right of petition, and the freedom of speech, and of the press, as though any one here had the remotest desire to curtail them. When Tappan, and Garrison, and Gerrit Smith, and such as they are, use this cant, I understand them; they wish to inflame the popular passions by false appeals to popular rights. But when such men as the gentlemen from Massachusetts, [Messrs. ADAMS and CUSHING,] and the gentleman from New York, [Mr. GRANGER,] who favored us the other day with eulogiums on certain Abolitionists, introduce it on this floor, I do not—yes, I do understand them. But I will not press that point, for I wish to connect this question with no political intrigues or discussions.

I will say frankly that I do not believe we shall be able to obtain the passage of such laws as I have alluded to in any non-slaveholding State. Sir, there is not a man of any note, or at least of any political aspiration, who will dare to make such a proposition. He would be prostrated, and forever. He would be covered with a mountain of public odium under which he could never rise again. And I want no stronger evidence of the true state of public sentiment in those States than this single fact.

What does the South ask next? She asks, and this at least she has a right to demand, that these petitions be not received here and recorded on your Journals. This Houst at least ought to be a sanctuary, into which no such topic should be allowed to enter. Representatives from every section of the Republic ought to be permitted to come here faithfully to perform their duties to their constituents and their country, without being subjected to these incendiary attacks—their feelings insulted, their rights assaulted, and the falsest calumnies of themselves and those they represent thrown on them daily, and perpetuated to their posterity, and all the world, among the archives of the Union. Is this demanding anything unreasonable, unjust, unkind? Sir, we cannot endure it. If these things are to be permitted here, you drive us from your councils. Let the consequences rest on you.

But even if this House should refuse to receive these petitions, I am not one of those who permits himself to trust that the conflict will be at an end. No, sir; we shall still have to meet it elsewhere. We will meet it. It is our inevitable destiny to meet it in whatever shape it comes, or to whatever extremity it may go. Our State Legislatures will have to pass laws regulating our police with a stricter hand. They will have to pass and to enforce laws prohibiting the circulation of incendiary pamphlets through the mail within their limits. We may have to adopt an entire non-intercourse with the free States, and finally we may have to dissolve this Union. From none of these measures can we shrink as circumstances may make them necessary. Our last thought will be to give up our institutions We were born and bred under them, and will maintain them, or die in their defense. And I warn the Abolitionist—ignorant, infatuated barbarians as they are—that if chance should throw any of them into our hands, he may expect a FELON'S DEATH. No human law, no human influence can arrest his fate. The superhuman instinct of self-preservation, the indignant feelings of an outraged people, to whose hearthstones he is seeking to carry death and desolation, pronounce his doom; and if we failed to accord it to him we should be unworthy of the forms we wear, unworthy of the beings whom it is our duty to protect, and we should merit and expect the indignation of offended Heaven.

NOTES.

(a) *Address to the Auxiliaries and Friends of the American Anti-Slavery Society.*

DEAR BRETHREN: At the last annual meeting of the American Anti Slavery Society, it was "Resolved that an effort be made to raise $30,000 for the use of the society the present year, and that the Abolitionists present pledge themselves to raise such sums as they may respectively offer."

Donations and pledges were immediately obtained amounting to $14,500.

Additional pledges have since been obtained in Boston to the amount of $4,000. The sum of $11,500 remains to be raised. As there are known to be more than two hundred anti-slavery societies on kindred principles with the American, we have no doubt that this sum can speedily be made up. Each society has only to raise $150, and the work is done. We believe that those societies which remain unpledged will joyfully come forward to do their proportion as soon as called on. * * * * *

The plan proposed at the annual meeting, and now adopted by the executive committee, in the confident belief that the means will be furnished, is this:

1. To increase the number of agents, by appointing as many able, efficient, and thoroughgoing men as can be obtained.

2. To commence the distribution of publications on a new and extended scale.

The following publications will be issued monthly, viz:

1. On the first week of each month, a small folio paper, entitled Human Rights, to be filled with facts and arguments on the subject of slavery and its remedy, written in a plain and familiar style. Of this twenty thousand copies will be printed, to be increased to fifty thousand or more, as soon as arrangements can be made to have them promptly and judiciously distributed among the reading population.

2. On the second week, the Anti-Slavary Record, a small magazine, with cuts, will be printed, to the number of twenty-five thousand copies.

3. On the third week, the Emancipator will be printed, on a large imperial sheet of the size of the New York Observer, or the New York Evangelist. This will contain more extended essays and descriptions, on points connected with the cause. It is expected that from fifteen to twenty-five thousand copies will be printed monthly this year.

4. On the fourth week will be issued twenty-five thousand copies of the Slave's Friend, a juvenile magazine, with cuts, adapted especially for circulation among children and youth.

All these publications will be distributed gratuitously by the aid of the auxiliaries, to those who are not Abolitionists, or will be sold at the office to friends of the cause, at a very low rate. * * * The present is the time for action.

* * * * * * * * * * *

Let female societies be formed. Female societies probably did more for the abolition of slavery in Great Britain than those of the other sex. They scattered anti-slavery tracts, handbills, pamphlets, and books, everywhere. They circulated petitions; they covered articles of furniture or apparel, such as pin-cushions, work-boxes, handkerchiefs, boxes, baskets, purses, portfolios, &c., &c., with devices and mottoes reminding the users of the poor slaves. They made the matter a topic of conversation on almost all occasions. Several societies of ladies in this country have already commenced the same course, with good success. Let the female sex, then, throughout the land, emulate the efforts made by their sisters over the ocean, in this work of benevolence.

Juvenile societies, too, may be engaged in the same work. Children are all Abolitionists. * * *

We hope Abolitionists will everywhere make it a personal business to distribute the publications; that they will not let them be thrown away, but put them in the hands only of those who will read and think. Let no Abolitionist, at home or abroad, ever be without a supply, and be ready to embrace every favorable opportunity.

Petitions to Congress for the abolition of slavery in the District of Columbia should be put in circulation immediately. The minds of the members of Congress should, if possible, be enlightened as to the real design of the American Anti-Slavery Society, and their prejudices should be removed, as in many it may easily be, by personal interviews with Abolitionists. The way may thus be prepared for a more favorable hearing before the Representatives of the people. * * * * * * * *

ARTHUR TAPPAN,
JOHN RANKIN,
LEWIS TAPPAN,
JOSHUA LEAVITT,
SAMUEL E. CORNISH,
WILLIAM GOODELL,
ABRAHAM L. COX,
THEODORE S. WRIGHT,
SIMEON S. JOCELYN,
ELIZAR WRIGHT, Jr.,

Executive Committee of the American Anti-Slavery Society.

(*b*) "There are now about half a million that still have the *liberty* of holding slaves; their slaves now amount to upwards of two millions, and their landed estates are of vast extent; they have entire control over eleven States. The poorer classes of the white people are well trained to subjection, and occupy a grade a little above that of the slaves. Few nobles in Europe can command so great a retinue of servants, and no king on earth possesses more absolute authority. Indeed, such is their dignity, wealth, and influence, that although but half a million, they are able to control twelve and a half millions, and do in fact govern the Union; and the plan is now laid to keep up and increase their dignity, wealth, and power, to future generations. They have managed so wisely as to get the whole Union bound by the Constitution to keep their slaves in subjection, and to allow them a representation in the General Government in proportion to the number of their slaves. The increase of these, already fifty-four thousand a year, will soon give the increase of one Representative every year. By the aid of the rest of the Union, the slaves can be kept in subjection until they shall have become much more numerous than the white people, provided they are prevented from learning to read, and thus kept in total ignorance. And for this purpose, laws are passed with heavy penalties against teaching slaves to read. Now, it is obvious, that by those means slavery might be extended to remote posterity, especially with what assistance the Colonization Society might be able to give them, by carrying off occasionally a little of the surplusage. Every one can easily see that these southern gentlemen have before them a magnificent prospect of wealth and power, provided the rest of the Union will continue to be their humble servants in enabling them to keep their slaves in subjection. Now the avowed design of the Abolitionists is to abolish slavery—not indeed by force of arms, but by forming against it public opinion, which will be even more powerful. They have combined together to propagate the doctrine that 'all men are made of one blood,' and of course are 'created equal;' vast sums of money are now pledged to propagate the sentiment throughout the whole land. Agents are lecturing, papers are circulating, societies are forming, and thousands continually joining them. It seems as if the world will soon be on fire. What is to be done? Argument has been tried and exhausted in vain! Mobs have been tried, with little effect! The heresy spreads like fire in the whirlwind. The last remedy is now demanded—extermination entire—nothing less will do! If matters go on as they are, the result is obvious; every man who does not hold slaves will set his face against slavery; and then how will half a million of men continue to hold more than two millions in bondage? Mark the design! All force is disavowed; but then the slaveholder must, so soon as the tide of public opinion rolls against him, yield up his slaves; he cannot hold them without aid, much less can he bear the reproach that will be heaped upon them.

"It is not to be disguised, sir, that war has broken out between the South and the North, not easily to be terminated. Political and commercial men, for their own purposes, are industriously striving to restore peace. But the peace which they may accomplish will be superficial and hollow. True and permanent peace can only be restored by removing the cause of the war—that is, slavery. It can never be established on any other terms. The sword now drawn will not be sheathed till victory, entire victory, is ours or theirs—not until that deep and damning stain is washed out from our nation, or the chains of slavery are riveted afresh where they now are, and on our necks also. It is idle, criminal, to speak of peace on any other terms."

(*c*) *Preamble.*

"Whereas, unconditional slavery exists to a fearful extent amongst us as a nation, in violation of those principles that moved our fathers to the dreadful struggle of the Revolution—'that all men are created equal; that they are endowed by their Creator with certain unalienable rights—that among these are life, liberty, and the pursuit of happiness.' Whereas, the aristocracy of the South are determined to perpetuate it by means scarcely less dreadful than the tortures of the Inquisition, and the [bastard] aristocracy of the North are aiding their 'chivalrous' compeers of the South in their inhuman endeavors by misrepresenting, slandering, threatening, and imprisoning those who boldly espouse the cause of universal freedom, and further, by circulating publications and making speeches so highly incendiary as to excite mobs, and impel them to their ruthless work of terror and destruction. Whereas, the *crisis* has arrived at which the descendants of the pilgrims must determine whether they will establish the shameful and cowardly precedent of surrendering their most sacred rights at the nod of an arrogant, domineering, and self-conceited aristocracy, or, in the spirit of their fathers, manfully maintain them. And whereas, if we remain silent and inactive, we effectually surrender *those rights*, and with them the hopes of the slave, till the prediction of Jefferson shall be realized, and the slave, fearless and free, shall till the land of his thraldom, enriched with the blood of his master: Therefore,

"*Resolved*, Under a deep sense of duty to ourselves, to the slave, to our country, and to God, that, 'sink or swim, live or die, survive or perish,' we will exercise the right of discussing the subject of slavery; that we will use all constitutional and peaceful means for its speedy termination, and to act the more efficiently, form ourselves into a society, and adopt the following," &c.

From the Cincinnati Gazette.

(*d*) "ABOLITION.—Some forty miles from Cincinnati, to the east, are two settlements of free negroes—probably near a thousand—men, women, and children, of the true ebony color, with a very little mixture of the mahogany or lighter shades. The negroes own the land occupied by them, but without the power to sell. Each family has a small farm. They are emancipated slaves, and these lands were purchased expressly for them, and parceled out among them about fifteen years ago.

"Their lands are not of the best quality of Ohio lands; but by good management could be made very good; they are particularly well adapted to grass, either meadow or pasture.

"Having been formerly slaves and compelled to work, one would suppose they ought to have industrious habits. They have had every inducement to industry and good conduct held out to them. The experiment was to test the merits of the negro race under the most favorable circumstances for success.

"Has this experiment succeeded? No, it has not. In all Ohio, can any white settlement be found equally wretched, equally unproductive?

"Farms given to them fifteen years ago, instead of being well improved, and the timber preserved for farming, have been sadly managed—small awkward clearings, and those not in grass, but exhausted and worn out in corn crops—the timber greatly destroyed—wretched log-houses, with mud floors—with chimneys of mud and wood—with little timber for further farming.

"They are so excessively lazy and stupid, that the people of Georgetown, (near by their camps,) and the neighboring farmers will not employ them as work hands to any extent. They do not raise produce enough on their own lands to feed their families, much less do they have a surplus for sale abroad. They pass most of their time in their little sorry cabins; too listless even to fiddle and dance. One may ride through the 'negro camps,' as they are called, passing a dozen straggling cabins, with smoke issuing out of the ends, in the middle of clearings, without seeing a soul either at work or play. The fear of starvation makes them work the least possible quantity, while they are much too lazy to play.

"Why do not the zealous Abolitionists go there and see the experiment in all its beauty—the slave changed into a free, but wretched savage! Why not make something of these thousand negroes? There are not more than two or three families out of the whole who are improved by the change from slavery to freedom.

"The negro settlements are a dead weight upon Brown county, as to any productive benefit from the negro lands, or from negro labor; and that space of country might as well, to this day, have remained in possession of the Indians.

"If southern wealth can be applied to buy and colonize among us such a worthless population, what farmer in Ohio is safe? Has he any guaranty that a black colony will not be established in his neighborhood?

"Let any one who wishes to learn the operation of emancipated negroes, visit the Brown county camps. As they sink in laziness, poverty, and filth, they increase in numbers—their only produce is children. They want nothing but cowries to make them equal to the negroes of the Niger."

FORTIFICATION BILL.

REMARKS OF HON. JOHN DAVIS,

OF MASSACHUSETTS,

IN THE SENATE, *May* 24, 1836,

On the bill making appropriations for the collection of materials and purchase of sites, and to commence the construction of certain Fortifications, and for other purposes.

Mr. DAVIS said it was late in the day; and though the Senate seemed to be exhausted, literally worn out with this subject, as in one form and another it had occupied much of the session, he hoped they would bear with him a short time while he explained the principles which would guide him in all the votes he should give. The proposition now is to increase the appropriation for a fort at Salem, from $75,000 to $150,000, and to divide it equally for the two coming years. It seems to be understood that, as this fortification is in Massachusetts, I shall not have the courage to oppose it, even in this unprecedented form. In this gentlemen are mistaken, greatly mistaken; for I ask no indulgence for this State beyond what I am willing to concede to others. I hope no sound rule of policy will be violated; no unnecessary or wasteful expenditure of the public money will be proposed with an expectation that I shall vote for it, or that the people of that State will approve of it because the money is to be disbursed in one of its harbors. No, sir; gentlemen need not flatter themselves with success in any such schemes, for they will not triumph by mercenary appeals to a people that have at all times, and under all circumstances, defended themselves and maintained their liberties without fortifications. You may make such appeals to the weak, the timid, such as seek protection behind stone and mortar, and the bristling bayonets of a trained soldiery; but it will be treated with scorn by those who have the manly courage and patriotism to meet fearlessly whatever crises may come, and to trust in their own strong arms and stout hearts, instead of the embattled hosts of this Government.

Sir, this is called a fortification bill to enlarge the defense of the country by the erection of new works. This purports to be the object upon the face of it; but if one may be allowed to judge from all he sees and hears in this Chamber; from the repeated and urgent application to the Departments to ascertain the greatest sum that can be expended; from the reiterated prophecies that there will be no surplus found in the Treasury; from an apparent determination to make appropriations two and three years in advance, there is some object beyond fortifying the country, some ulterior purpose which is not openly avowed while it is secretly and ardently desired. When extraordinary measures are urged upon us, we have a right to look for extraordinary motives; and what motive is there for lavish appropriations at this moment?—for appropriations two and three years in advance? It seems to me that one object is to squander the public money, lest there should be a surplus to go to the people; another, to secure the use of it to the deposit banks as loans, without interest, for them to speculate upon, while

it is thus gradually wasting. Who does not perceive that if a million and a half of dollars is appropriated by this bill for 1837, it will be left in these banks, and that they will have the use of it, till drawn out, a year to eighteen months, and two years hence? Who cannot understand that, at the lowest estimate, this would amount to a hundred or a hundred and twenty thousand dollars as a clear gratuity? These banks now hold about forty millions, which gives them a clear income or gift of more than two and a half million dollars annually, under any the most unfavorable view of the matter, to secure the allegiance and fidelity of the stockholders to this Government. The effect of this upon the mercenary is fearful, and I shall give no vote to perpetuate it, either under pretense of defending the country, or in any other way, for we have no right thus to bestow the use of the public money upon individuals, to the exclusion of the people.

I will not detain the Senate with this view of the matter, but will consider the measure as it purports to be—a bill to fortify certain places—and examine its merits in that point of view. We have for a long time heard the cry of defense, of alarm, of fortification, as if some imminent peril threatened us, demanding such prudential arrangements. Yet it is a time of peace and tranquillity, so far as regards the maritime frontier, and promises to continue so. It is but a short year since no entreaty could prevail upon the House of Representatives to grant a dollar to mount a gun for the defense of Boston, where the forts are totally dilapidated. Where was this glowing patriotism then, while a war with France was impending? We heard nothing then of the bleeding country and the cries of its distressed inhabitants! Nothing of the urgent necessity of surrounding ourselves with walls! This, again, would seem to indicate some fresh impulse, some new motive for appropriations.

While I protest against passing fortification bills to empty the Treasury into the banks, I am decidedly friendly to defending the country against all assaults within and without, upon our frontiers and upon our treasure.

That the country must be defended can admit of no doubt; but I trust our patriotism is not to be measured by the height and length and breadth of the walls we advocate for that purpose. There are other more sensible methods of testing our love of country, and, above all, our love of public liberty and free government.

Sir, I am no military man, and make no pretentions to military science and skill; but we are required as public men to judge of the propriety and expediency of the measures submitted to us, and for one I can no more yield my judgment or submit to leading-strings in settling the fundamental principles of defense than in any other matter. The defense of the country is not a new thing, an invention of this session, as some seem almost to imagine; but it is an affair towards which the country has occasionally turned its attention, when its necessities were quite as urgent as at this time; and there are some things to be considered besides pouring out all the treasury in the erection of walls and batteries. What are they? In settling this question with ordinary sagacity, we must inquire, who is to be our probable enemy? How is he to approach us? What is his situation? What natural obstacles stand in the way? What use we may make of them? And, above all, what kind of preparation is suited to our country, and congenial to its free institutions? These are considerations that should be weighed with the greatest care before we adopt the ordinary European tactics.

We are, then, about to fortify our maritime frontier; and who is to assail us in this quarter? There is no Power upon which we need bestow a thought short of Europe. An enemy from that hemisphere must approach us by sea, and the broad Atlantic, three thousand miles wide, rolls between us, and must be passed before we can be assailed. This great natural barrier is in itself a better defense than armies. Aside from the dangers of a long voyage, it is no easy matter to transport an army that distance, with its necessary material of war and provisions. We have it from good authority that it employed four hundred ships to transport the French army of forty thousand men into Egypt. What hope of any permanent or considerable success could forty or fifty thousand men have to invade this country against a population of fifteen millions, with all their resources around them? It would be the extreme of folly and madness to make the attempt; while we are a united people, no nation, not England herself, with her thousand ships, has resources sufficient to venture upon such a hazardous undertaking. The disadvantages under which an army moves, when three thousand miles from its resources, are incalculably great, and are seldom encountered except for some object nearly certain of accomplishment. Whatever army invades us will assuredly meet with the fate of Burgoyne and Cornwallis; and if, in that day of small things, with a population of three millions and no resources, we could subdue seven thousand, what, with like resolution and our present resources, may we not do?

But, sir, we are a commercial people, having property to a vast amount scattered everywhere upon the surface of the high seas; and this is not to be abandoned unless we are willing to give up our trade and intercourse with foreign nations. Our course, then, is plain if we adopt a system of defense adapted to our condition. We must go forth upon this great highway, and maintain our right to be there. We must protect our property afloat, keep open the channels of communication between us and nations with whom we have amicable relations, compel our adversary to concentrate his forces and to move cautiously, and fling from our frontiers the calamities of war by making this ocean the great theater of conflict.

All these considerations point to a navy as the first great available means of defense against European aggression. Could there be greater folly than to incase the country with fortifications, and sit down behind them to wait for the approach of an enemy at his leisure, who, if in undisputed possession of the high seas, would spread his ships out in every direction, and make an easy prey of your commerce? What gallant, high-minded people could consent to abandon their property, their countrymen, and their rights to the seas, and sit waiting for the ravages of war to be brought to their own frontier? Not those who have proudly borne the flag in triumph to the remotest portions of the earth, amid dangers and perils that seemed insurmountable. Not those who claim and are willing fearlessly to assert their right to the great highway of nations. Sir, we cannot be so unwise as to abandon these great natural means of defense. We cannot suffer our commerce to be broken up, and our property wasted, without an effort to inflict like injury upon our adversary. Our experience demonstrates that small means are capable of executing much; so much, that we have no occasion to despair, and little more to fear any attempts at invasion.

But, sir, maritime defense recommends itself to us for greater and more urgent reasons. A navy is more congenial to our institutions than an army. It consorts better with a republican government. This kind of defense is kept upon its own element, and is separated from the people. They, therefore, experience little of that vicious influence and corrupting power which insinuates itself into every community that mingles with an array of soldiers. We see little of a navy. It is by itself; and whatever of the despotic spirit of military rule may belong to it, belongs to it alone. This is doubtless a principal reason why Great Britain has enjoyed a greater share of public liberty than the continental Powers. The absence of armies has permitted liberal principles to expand with the growth of the nation, and the increased knowledge and civilization of an improving country. Not only is this force kept by itself, but no admiral attains to civil distinction. They are neither made ministers, the governors of provinces, nor placed in any high stations. A sailor is seldom heard of, except in defending the honor and redressing the wrongs of his country.

But, further, look at our own country; at achievements which filled every bosom with surprise and joy, which redeemed the honor of the nation, and acquired for it a fame as illustrious and imperishable as will be the history of our naval victories. In all times, and under all circumstances, our naval history is almost without blemish. The valor, the intrepidity, and the skill of our countrymen come near to being all we could desire; and their magnanimity, patriotism, and disinterestedness have never, I am confident, been surpassed. Where is the sailor who has dishonored the deck upon which he has trod or has tarnished the flag that waved over his head? To no other class of men can the honor and interests of the country be more safely confided, for they pour their blood out for us as freely as water. And to their honor be it said, and let a grateful country acknowledge it, they asked nothing in return but the monthly wages we by law promise to them. They demand no places of honor, or trust, or emolument. They claim no stations as a reward for public service. They touch not a foot of your public lands; and though your tables here (I speak it without reproach, for no one feels more grateful for valuable military services) have for years groaned under the weight of petitions for pensions, when have you ever heard among them the name of a sailor? Sir, as a singular illustration of this disinterested, lofty patriotism, petitions have for more than ten years been pending on your files for remuneration for that gallant achievement, the destruction of the frigate Philadelphia in the harbor of Tripoli; and I believe not one of that devoted band has ever put his name to any of these or any other papers, asking for the bounty of this Government, though the sum proposed to be given has never been less than a hundred thousand dollars. It is enough for the sailor to sustain the honor of the country, and preserve its liberties. All he asks in return is the proud distinction of having borne her flag in triumph to the remotest corners of the earth without soiling a fold of it.

Sir, we have little to fear from such a class of men; and yet even for the Navy I want no extravagant, lavish appropriations of money, no unnatural growth, but a firm, steady advance in strength, which will enable us to compel all adversaries to respect our rights because we are able to defend them.

And now, sir, let me ask the attention of the Senate to the militia, which ought and was designed to be our great reliance for land defense and protection at all times, except in cases of actual invasion. Yes, to the militia. Perhaps the word itself may strike some ears with surprise; for, in this long debate, this endless discussion about the defenses of the country, the militia have neither been mentioned nor thought of. I beg permission to recall attention to that class of men, to the armed citizens, who seem to be cast by as unworthy of notice among the splendid preparations for war. Let us not forget that those who achieved our independence thought the citizen soldier the most suitable defender and guardian of their rights, the only force in harmony with our institutions—a force (however fashionable it may be to laugh and jest at) which has fulfilled the highest hopes of the country, by proving its courage and skill equal to every great crisis which has occurred, from the battle of Bunker's Hill and that of Saratoga, to this day. The name of a million and a half of armed men is worth more than a wall of brass It is a living fortification that no enemy will disregard. Who, without an overwhelming force, will venture upon an armed, organized population? It is this organization which, at all times, has saved the country from inroads from its earliest settlement. And has the day come when, in the pride of power, in our zeal to be defended, we are about to abandon the militia, and substitute a regular army? Sir, we have always been taught that military power in a free Government is dangerous; that it does not harmonize with republican institutions; that it is arbitrary and violent in its character; that its lessons are obedience and submission, and all its elements the opposite of popular liberty. We have been instructed, also, that the militia—in other words, armed citizens—can be trusted, because they are the protectors of their own firesides; because they are the people themselves, doing service in time of peace as a patriotic and not as a mercenary act; and because their interests are identified with the preservation of peace, the perpetuity of popular rights, and the dominion of law. They mostly hold the

elective franchise, and thus constitute part and parcel of the elements of the Government itself. Thus bound to us by every tie of affection and interest, and exempt from all dependence on the Government, they constitute a force on which we may safely rely; a force that can have no motive to follow an ambitious leader, or to conquer the liberties of the country. They are, in truth, the people themselves, who become soldiers for no other purpose than to preserve the country. This force constitutes a part of our organization—a part of our republican system. It is the strong arm on which the framers of the Constitution relied; and are we about to pass it by as of no account in the defense of the country? Sir, we have fallen upon new, if not unpropitious times. Efforts have been made here, year after year, to give some encouragement to the militia. We have been entreated by the States to turn our attention to the matter, and to place this force upon a more respectable and a more honorable footing; but, as far as my memory serves me, we have never even condescended to take the matter into consideration, while scarce a day passes without an exhortation to increase the Army or to enlarge the fortifications.

Sir, I have a confiding reliance on a gallant, patriotic people, that they will never suffer their country to be dishonored; and when they cease to justify that trust, they will cease to have a Government in which they will participate. It is plain to me that our fathers relied upon a navy and the militia for the protection and defense of the country, except in great and urgent emergencies; and I feel an earnest desire that their great principles in this matter, so intimately connected as they are with our future hopes, may not be abandoned. The militia, if properly regarded, is daily becoming more and more effective, by the great facilities for intercommunication which are now afforded by steam. Forces to a great amount may now be suddenly collected at important points along the sea-coast, without the fatigue of long and dilatory marches, which must add greatly to our military strength and security. Indeed, the expediency and wisdom of relying upon this force was never, at any moment, more apparent than now.

While I contend for these as leading matters of a defense founded upon enlightened views of our position and our republican Government, I by no means deny the propriety of fortifying to some extent. The chief cities and places of commercial business ought to have some protection; but I object to such fortifications as that at Old Point Comfort, containing over sixty acres of land, and costing about two million dollars. This is a system of defense belonging to standing armies and burdensome taxation. Our Republic should shun both. I would construct at important points forts of suitable dimensions and strength to guard against surprise or sudden assaults by an enemy. For the rest, I would rely on the emergency. Sir, if the whole coast is to be fortified, and the fortifications are to be of this gigantic character, is not this preparation to be the apology for a standing army, and for an annual expenditure that will oppress and bow down the people under burdens grievous to be borne? If the people would see what comes of splendid Governments, let them look into Europe, and see the laborer toiling through a life of poverty and wretchedness to sustain them. Let them see the inexorable decree which binds him to the earth, and fleeces him with tithes and taxes.

Sir, when the people, or the people's representatives, are captivated with military glory; when the tap of the drum is heard daily in the street; when a military spirit has seized us; when our thoughts run upon the achievement of arms, the acquisition of territory, the enlargement of our limits; when we become belligerent in our feelings, quarrelsome and overbearing towards our neighbors; when we are for drawing the sword and unfurling the banner to settle every controversy; when, in a word, we begin to play the bully, and to rely on our strength, instead of dealing justly and temperately, the signs of the times must be viewed as ominous of evil, for our institutions are peaceful in their character, and always suffer when touched by the jarring elements of war. Let that state or sentiment be aided by a concentration of public affection in military leaders and a standing army, and we may read our fate in that of Athens under Pericles, republican Britain under Cromwell, and republican France under Napoleon. The transition is easy, and the history of the world shows that, under these symptoms, it is certain, from a free Government to a military despotism. Names usually remain unchanged, but the power is shifted from the many to one. Let me, then, entreat the Senate to be no way instrumental in creating a necessity for a standing army, which is the bane of a free Government. A standing army enjoys no liberty, and knows not how to appreciate it; it is acquainted with nothing but obedience and dependence; it feeds from the public crib, and is too often faithful to the master that deals out its daily bread, or promises it an opportunity to plunder others. All example teaches us, by the melancholy fate of others, to shun this certain destruction. I would listen with strong distrust to all propositions to increase the army, or to erect works which will make such an increase necessary, and so will the people of Massachusetts. Do gentlemen suppose that a people who have been nursed in the cradle of liberty—a people whose soil was once stained with the tread, and whose churches were desecrated by the sports of armies brought here to defend the royal Government, will be seduced from their principles by a proffer to spend in their harbors one or two hundred thousand dollars? Sir, you must come with heavier bribes if you would tempt the mercenary spirit of that people, or seduce them from their steady, firm, and unchangeable love of public liberty. You must first blot from their memories the history of the Revolution, before you will succeed in teaching them that standing armies are in harmony with our institutions. This scheme, therefore, of placing a fort in each State will not recommend to us double and triple appropriations, or a lavish waste of public money. The object and the effect are apparent.

No one doubts, Mr. President, that, if you insist on finding out how much money can be spent, the military bureaus will send you projects that would absorb the revenues of the earth. Look, sir, at the monstrous sums which this report proposes to disburse for the Army and the Navy. Sixty-two millions for the former, and seventeen for the latter, making about eighty millions. Sir, such propositions are not to be listened to for a moment. What follows? According to the annunciation just made by the chairman of the Committee on Military Affairs, these estimates are not large enough by one third or more. We should then have forts enough to employ one hundred thousand men in time of war, and how many in time of peace I know not, but an army at least to absorb like a sponge the earnings of the laborer.

Sir, let us abandon this lavish spirit, and return to the great cardinal virtues—economy in the expenditure of the public money and reform of abuses. I will not, for one, be tempted into a violation of these great principles, under the delusive cry of defense, defense. An honest, upright, and just course of policy will seldom call for any defense. It is the noisy tone of bravado that demands defense, and generally makes it necessary. Let us proceed upon the old and safe principles—deal justly, and cease to hunt for injuries and to give provocation, and we shall have few wrongs to redress. I have no objection to beginning new works where they are necessary, as I believe most of those in this bill are; but I cannot vote for these long and extravagant appropriations. I have said that great forts are not necessary; and, in proof of this, that nothing urgent presses upon us. I do not recollect that any town, however poorly fortified, was ever entered by an enemy's ship from the settlement of the country to this time, except in the war of the Revolution, when the British had in the outset possession of most of the important posts. And yet we were, in colonial times, involved in long and bitter wars. These two hundred years of experience, when we were weak, ought to be worth something. The history of them furnishes a striking contrast to the present day—a contrast humbling to our pride. The spirit of chivalry that sustained a feeble community has vanished, and, like tortoises, we are crawling into shells. For one, sir, I have no distrust of the manly courage and patriotism of the people; they will, come what may, save the country from dishonor, unless you teach them to rely for protection upon standing armies.

I have another objection to the present plan of operations. The apology for anticipating the demands for future years, is to enable the engineers to make long contracts. This is the most unpropitious of all times to make long contracts; everything is run up to the highest price, and nothing could be more unwise than to make long contracts at the present value of labor and materials. To force works now, when there is no pressing emergency, would not only be a great waste of public money, but if extensive new works are commenced, then the United States becomes a bidder for labor and materials against other public works and improvements, as well as against individual operations; and, sir, it requires no sagacity to predict that the weaker party must yield. It has been said that no such effect can be produced, because millions upon millions are expending in New York, to rebuild the burnt district, and no such result has followed. Sir, I have before me evidence proving that this course has pressed so heavily on other portions of the country, as actually to suspend works under contract.

I have, as all know who have observed my public course, been the unwavering advocate of the laboring class of the public. My most sincere desire, at all times, has been, that they should realize a just and liberal compensation for their work, for no other state of things can give a vigorous prosperity to the country. These opinions remain unaltered. I am still under the firm belief that labor must be well paid, to make a happy and well-regulated community But how is labor best encouraged? How is it that employers in this country can afford to pay higher wages than are paid for like services in Europe? One great reason is this: public improvements here have been pushed forward to an extent unexampled. The canal, for example, from Lake Erie to Albany, opens a line of water communication thousands of miles in extent, and brings into action the resources of a vast country which before were dormant. A barrel of flour may probably be delivered from the lakes at New York at less expense of transportation than a like transit of fifty miles over land in Germany. Here, then, labor acts with a power of production unknown in Europe. It can make more grain, send into the market more of the fruits of its action in all ways, and hence it is justly entitled to more compensation. Such is the effect of all internal improvements, all facilities of transportation, which bring products at less expense into the market. Every line of railroad opens new resources, gives employment to new capital, and to labor invigorated action, because it has more material at cheaper rates to work upon. How deeply interested, then, are all laborers in internal improvement! How anxious ought they to be to advance them! With these views, I have felt a most anxious solicitude to prevent the public money from being lavished away on objects that will yield little lasting benefit to the public, when it may be distributed among the States, and be made instrumental in advancing the interests and prosperity of the people. Sure I am, if the States should have a little aid in this way, great lines of rapid and cheap communication would soon penetrate them, infusing fresh vigor into agriculture, manufactures, and all the multifarious objects upon which labor acts. If you give to a man two acres of fertile land to cultivate, instead of one, it will be his fault if he does not produce more and make his situation better. I must, therefore, be permitted to say that the interests of the people demand, imperiously demand, the distribution of the surplus in the Treasury, to be expended for their benefit, instead of being lavished upon unnecessary measures of defense.

Sir, in the course of this debate I have heard the surplus heavily and bitterly denounced, and fortifications recommended in its stead. The people themselves have been harshly characterized as scrambling after the public money. The people scrambling after it; after their own prop-

erty! You took it from them, have no need of it, and now they call on you to return it. This is denominated scrambling! Sir, the people are not scrambling; but the scramble is here, in these Halls, and among the pet banks, to keep the people's money from them, by devising new schemes of defending the country, and by making appropriations years in advance. The scramble is to keep what does not belong to you; and, sir, the public are not so blind as not to comprehend this. They understand to whom this money belongs, and will not be satisfied to have a few favored individuals enjoy the use of it. There must, sir, either be a surplus, or such a profligate and wasteful expenditure as has never been witnessed. This cannot be disguised. It must be met, and gentlemen must choose the alternative they mean to take. On this point I join issue with all who favor lavish schemes, to waste the public money under the guise of defending the country. It is to keep the money from the people, to prevent their being benefited by it. It is declaring to them they cannot be trusted with their own property; but the Government, ay, the Government, as their guardians, must hold it, and waste it, to advance selfish schemes, and to enlarge its influence, by the all-subduing and corrupting power of money. What stockholder of all these banks, when his property has been advanced from par to thirty per cent. advance by the public deposits, will not be silenced in his opposition to all abuses of power? Talk of corrupting the people, and their scrambling after the money! It is now employed in a more effectual way than to diffuse its benefits among the whole public. Its seductive power is now felt, for it works out certain conversion, and the question is, shall it perform this corrupting office, or shall the people have it? Let this be the issue; let the people understand that this is the reason for double and triple appropriations in advance, and for preventing the distribution under the land bill.

Our true policy is to return to the old and safe course of policy. Give up the double and triple appropriations. Keep the expenditures on a reasonable footing, and let the people have the benefit of the great balance which will remain. It is theirs, and they know how to spend it; and allow me to say they will see and understand where the scramble is.

SLAVERY IN DISTRICT OF COLUMBIA.

REMARKS OF HON. S. PRENTISS,

OF VERMONT,

IN SENATE, *March* 1, 1836,

On the question of reception of a Petition from the Society of Friends, praying for the abolition of Slavery in the District of Columbia.

Mr. PRENTISS said:

Mr. PRESIDENT: I am unwilling that the vote which I shall feel myself obliged to give upon this question should be liable, from silence on my part, to any misconception. In all my public acts, and on this occasion in particular, I am desirous that the grounds upon which I proceed should be distinctly known, so that no misapprehension may exist, with respect to my conduct or my motives, here or elsewhere. I cannot yield my assent to some of the doctrines which have been advanced in this debate, and I wish to say just enough to prevent the possibility of any inference that I acquiesce in them.

Sir, the abolition of slavery in the District of Columbia is a question, in all its aspects and relations, of great interest and delicacy. It is a question which I have had no disposition to agitate, especially at this time; and at no time would I interfere, in the slightest manner, with slavery as it exists in some of the States. In my public character, I look upon slavery in the States only as the Constitution of the United States looks upon it—as a State institution, existing under State laws, and subject only to State authority. I know it only as it is known to the Constitution, and would not treat it otherwise than the Constitution treats it. I would leave it where the Constitution has left it, disclaiming all power in Congress over it; and I would neither do nor say anything in my public capacity here to disturb the right in this species of property, or in any manner to endanger its security. While I say this, sir, in reference to slavery in the States, I am bound, in candor and frankness, to say that I regard slavery in this District in a very different light.

The petitions which have been presented here do not ask any interference, or assert any power in Congress to interfere with slavery in the States. They are confined to slavery in this District. They complain of its existence here as a public evil, and ask the interposition of Congress to redress the grievance. The Senator from South Carolina [Mr. CALHOUN] has moved that the petitions be not received. The Senator from Pennsylvania [Mr. BUCHANAN] proposes that the prayer of the petitions be at once rejected.

Sir, I cannot agree to either of these motions. They differ, to be sure, in point of form, but the effect of both, it appears to me, is substantially the same. The first in order, the one now before the Senate, denies, in terms, the right to petition at all on the subject. The other, it is true, does not, in form, deny the right; but while it professes to admit the right, it proposes to reject the prayer of the petitions immediately, without a hearing, and without consideration. They are both essentially preliminary motions, precluding alike the usual reference and examination into the merits of the petitions; and, in my judgment, the both, in effect, abridge the right secured by the Constitution; or, more properly speaking, the right recognized by the Constitution as a pre-existing right; a right original and inherent in the people. If we can make no law abridging the right to petition, we surely can neither rightfully refuse to receive a petition, nor reject it *instanter* on its reception, without a hearing, without any inquiry into the subject matter.

The distinction between rejecting the *petition* and rejecting the *prayer* of the petition, immediately on its being received, which is the motion proposed by the Senator from Pennsylvania, is too refined and abstract, in my apprehension, for a subject of such common and universal interest to the people as the privilege and right to petition. The distinction, I must repeat, is, to my mind, unimportant, and exists rather in form than in substance. The character of the motion is not altered or at all varied by the circumstance that the motion admits of discussion. Discussion may be had on almost any and every preliminary motion. Discussion, free and liberal discussion, has been had on the motion not to receive. That motion is still pending; and if discussion is all that is to be looked to, every object has been attained, and gentlemen may as well vote for that motion at once. The disposition proposed to be given to the petition, after it shall be received, is equally summary, denying, as it does, investigation and consideration in the accustomed forms of proceeding; and though it may be a formal and technical compliance with the Constitution, it is, after all, to every practical and essential purpose, equivalent to a rejection of the petition itself. If we are bound to receive, we are bound to hear and consider; and an abrupt and premature rejection of the prayer of the petition, if not a denial of the right to petition, is a denial of everything belonging to the right which is of any importance.

When petitions are decorous in their language, and contain nothing which can be justly deemed intentionally offensive; when they come from persons competent to petition, and treat of subjects upon which it is competent for Congress to act, I hold that we are bound to receive them, and give them a respectful consideration. No petition, in my opinion, ought to be rejected, or can constitutionally be rejected and refused a hearing, on account of the nature of the subject of which it treats, unless the subject be obviously and unquestionably beyond the constitutional power of Congress. With this limitation of the right it belongs, and must, from the very nature of the right, necessarily belong, exclusively to the petitioners themselves to judge of the subject-matter. If Congress can discriminate between subjects, and say that upon some subjects petitions may be received, but upon others they shall not be received, what, I ask, becomes of the right to petition? What is the right worth? It will be in vain, sir, that we acknowledge the right, if we thus limit its extent, if we thus control its exercise.

These preliminary motions (for I can call them nothing else) go directly, it appears to me, to impair, to narrow, and abridge the right. If we really mean that the right shall be enjoyed in its just, its legitimate extent, we shall forbear to embarrass it, to render it nugatory, by questions of this sort. We shall rather treat the petitions, as I think we are bound to treat them, and as they have always heretofore been treated, according to the ordinary rules and usages of parliamentary bodies in such cases.

I regret exceedingly the harsh expressions which gentlemen have thought fit to apply to the petitioners. They have been denounced as incendiaries; they have been charged with criminal, with treasonable intentions; with intentions to excite a servile war, and subject the whole southern country to pillage, havoc, and devastation. Sir, we are apt to fall into the very common error of supposing that all who differ from us, especially on subjects of an interesting and exciting nature, do so from unworthy motives, and not from honest conviction. With some of the persons who have signed petitions on this subject I am well acquainted. I know them to be intelligent, patriotic, highly respectable. Their propositions may be strongly stated; their argument may be bold; their illustrations may not be suited to the taste or the judgment of those whose opinions they oppose; but that all, the whole combined, proceeds from a consciousness, on their part, of doing and saying what is right, I neither have nor can entertain any doubt.

With me, sir, it does not admit of a question that the petitioners believe, sincerely believe, what they profess to think, that the honor of the country, the prosperity of the country, the best and highest interests of liberty and humanity, are involved in this question. If they are wrong in their opinions, or express them with too much boldness and independence, the fault, if it be one, is to be found in the institutions of the country; in the civil and political principles of the country; in the education of the country. It is from these sources that the petitioners have imbibed their opinions, as well as the spirit which prompts them to express them with manly freedom; and, sir, you cannot by any law you can make, or by any vote which may be here given, repress or restrain the free expression of their opinions, any more than you can stop or check, by legal enactment, or legal coercion, the course and current of their thoughts. It would be unwise to attempt to do so. We should rather treat them as they have hitherto been treated. We should resort to no extraordinary measures. We should observe the ordinary rules and usages of this body, and permit the petitions, as usual, to go to a committee. This is not only the just constitutional course, but the course, in my opinion, enjoined upon us by every consideration of policy, as well as of duty.

Sir, upon the constitutional question whether Congress has the power to abolish slavery in this District, we had, some days ago, a very compact, luminous, and intelligible argument from the Senator from Virginia; and from the known ability and habits of close and thorough research of the Senator, we have a right to presume, and indeed must presume, that every consideration was presented in support of his doctrine of which the subject is susceptible. Although the lucid simplicity, the exact and eloquent brevity of his style and reasoning, interested and charmed me much, the Senator must pardon me if I say that his argument failed to convince me.

Two propositions were relied upon as the principal basis of the argument. It was insisted, first, that the act of cession of Virginia expressly interdicted the exercise of the power by Congress.

The act, after ceding the territory, and relinquishing to the United States "absolute right and exclusive jurisdiction over it," provides "that nothing herein contained shall be construed to vest in the United States any right of property in the *soil*, or to affect the rights of individuals *therein*, otherwise than the *same* shall or may be

transferred by such individuals to the United States."

This clause, which was evidently inserted in the act from abundant caution, was intended to define and ascertain, with more exact precision, the subject matter of the grant, and to preclude, by express negative words, the possibility of its being construed to transfer any right or interest in the soil itself. This is not only the grammatical reading, but the natural and plain sense of the clause; and, giving to it its utmost import and extent, it is manifest that it imposes no limitation or restriction whatever upon the legislation of Congress.

It was further insisted that, independent of the proviso in the act of cession, Congress did not possess, and could not exercise, the power in question. It was said that neither the Legislature of Virginia nor that of Maryland had any power to abolish the right of property, and that they could not grant or transfer to Congress a power which they did not themselves possess.

Sir, the competency of the Legislatures of Virginia and Maryland to cede the territory, and relinquish to the United States full and absolute jurisdiction over it, is not, and, I presume, will not, be denied; and it appears from the act of Virginia that jurisdiction was surrendered to the United States, to be held and exercised "*pursuant*," as the act expresses it, "*to the eighth section of the first article of the Constitution of the United States.*" That section, it will be seen, confers upon Congress "exclusive legislation in all cases whatsoever" over the territory. When the jurisdiction of Virginia and Maryland ceased, the jurisdiction of the United States commenced; and the question, whether Congress can abolish slavery in this District, depends, not upon any powers granted to it by the Legislatures of Virginia and Maryland, for they could grant none, but upon the powers given to it by the Constitution of the United States.

The Constitution, as we have already seen, gives to Congress "exclusive legislation in all cases whatsoever" over the District—powers as large and extensive as could well be conferred, and probably as full and absolute as belong to the Legislatures of any of the States. Congress, then, in its local legislation for this District, must have at least as ample power over slavery within its limits as any Legislature possesses, or can exercise, over slavery in any of the States.

Sir, I hold, and I suppose it will not be denied, that the law of the land is the foundation of all rights of property. They exist only by and under the law, and cannot exist independent of it. They may be said to owe their origin and existence to the Legislature. This is literally and peculiarly the case with respect to the right of property in slaves. No such right, it is well known, is recognized, or even tolerated by the common law. It is true that, a century and a half ago, the court of common pleas in England adjudged that *trover* would lie for a negro boy, "because," said the court, "*they were heathens, and therefore a man might have property in them;*" but in a subsequent case, a few years afterwards, in the King's Bench, it was determined by the whole court that *trover* would not lie for a negro any more than for any other man, "for, by the common law," said Lord Holt, "no man can have a property in another."

In all the States where slavery exists, the right of property in slaves must be derived from positive enactments of the Legislature; and in this District, I take it, that, independent of legislation, either original on the part of Congress, or adopted by it, the right does not, and would not, exist at all. But it is probably not very material, as to the power of the Legislature over it, whether the right is derived from acts of positive legislation or from the common law.

I have said, sir, that all rights of property owe their origin and existence either to statute or common law; and I say further, that it cannot be maintained that the Legislature; as a law-maker has no power whatever over the rights of property. The proposition certainly is not true in a general and unqualified sense. The clause in the constitutions of the States and of the United States which provides that private property shall not be taken for public use without compensation, certainly implies the existence of a power in the Legislature over it. If a law is made by which a person is deprived of the right to certain property taken for public use, it is by virtue of such law that the property ceases to be his; and though the law provides a compensation, the right of property is not the less taken away against the will of the proprietor.

The truth is, the rights of property are subject to legislative action and interference, except where such action or interference is prohibited or restrained by constitutional provisions. So far as restrictions are imposed upon it by the Constitution, the power of the Legislature is qualified and limited. It is admitted that a right or interest in property once actually vested by law cannot be taken away by the Legislature, except when taken for public use, and then only on making compensation. This is made a fundamental principle in the organic systems of this country; and without it, law, to use the language of another, would be tyranny, and government would be oppression. The Constitution, regarding the right of property as one of the most important of rights, and the protection and security of it as one of the chief objects of government, declares that no person shall be deprived of life, liberty, or *property*, without *due process of law*. This process is a judicial process, and of course can emanate only from the judiciary. Besides, no person can be deprived of a legal right, unless he has forfeited such right. The forfeiture can be ascertained and declared only by a judicial tribunal. The adjudication is in its nature a judicial act, which cannot be performed any more than the process already mentioned can be issued by the Legislature; because, according to the theory and provisions of the Constitution, one branch of the Government cannot exercise powers properly belonging to another.

But although a present vested right cannot be taken away by a direct act of legislation, except for the purpose and on the terms which have been stated, the Legislature may, and constantly does, exercise a power over property in many ways, without being supposed at all to interfere with or disturb the principle of vested interests. Not to mention statutes of limitations, and various other legislative acts which operate upon the rights of property, it regulates and controls the transmission of property by descent, and the disposition of it by will. It can alter, modify, and change the law in these particulars as it pleases. It can say who shall be admitted as heirs, and what shall be the rule of distribution and division among them; or it can declare that property shall not pass at all by descent, but shall, in all cases, escheat to the State. This may seem a strong, and, perhaps, a bold proposition. Such a law would, indeed, be very impolitic and unjust in reference to most species of property; but, if general and prospective in its operation, it would be difficult to raise any valid objection to it on the ground of constitutional power. The question of policy, of right, and justice, is one thing; the question of constitutional power is another. Who, I ask, would be deprived of any actual vested interest by a law providing that no one shall take, by inheritance, any right of property in slaves? Or by a law that all children born of slaves after a certain period shall be free? Such enactments would touch no rights, actual and vested, but rights, if they can be called such, resting in expectancy merely; rights purely potential in their nature and character. It may be added that, though a repeal of the existing laws on the subject of slavery in this District might not affect any actual subsisting right, it is obvious that no property could be thereafter acquired in any person not living, or held in service in the District, at the time of such repeal.

But I go further, sir. If Congress, under the clause giving it "exclusive legislation in all cases whatsoever" over the District, has authority to impose taxes, and provide how they shall be raised, for local and municipal purposes, I do not see why it has not the power, by means of taxation, to effect the abolition of slavery here. I say nothing of the right or justice of exerting the power for such a purpose. I speak only of the power, and of its capacity to be used to accomplish such an end. But, however this may be, I hold that Congress, if the public interest and welfare require it, may directly, and at once, emancipate the slaves, on making a just compensation to the owners. The clause in the Constitution, which regulates the taking of private property for public use, is not, in my opinion, restricted to such property merely as may be converted and applied to the actual use and emolument of the public. I think the word *use*, in the Constitution is to be understood in a liberal sense, as equivalent to purpose or benefit; and that whatever is taken for public purposes, or for the public benefit, is taken for public use, within the meaning of the Constitution.

These, sir, are my doctrines upon this very interesting and important subject. I have stated them briefly but frankly; giving a glimpse rather than a view of the reasons by which they may be sustained. I have felt it incumbent upon me to say something, and I could not, in the proper discharge of my duty, here, well say less.

I have not been able to persuade myself that it would subserve the cause of truth and justice, contribute at all to the peace of the country, or serve, in any degree, to strengthen the union of these States, to withhold the expression of our real opinions upon this question. The people should not be blinded upon this subject any more than upon any other. Since it is agitated, it is due to the country, it is due both to the North and to the South, to state explicity the views we entertain upon this most important matter. To know that Congress has the power to abolish slavery in this District, need not, and will not, produce alarm or apprehension in any quarter of the Union. The people everywhere must feel assured, and ought to rest satisfied, that this power, like all other powers under the Constitution, will be exercised with becoming wisdom and discretion; with a just regard to the interests, not only of this District, but to the whole country. They ought to know, and must know, that when policy, expediency, and justice concur in the measure, when it can be adopted with safety to the Union and security to all, then, and then only, will the power be exercised; and that, when exercised, it will be in such a manner as shall neither disturb the public tranquillity nor violate the sanctity of private rights.

Sir, I think the time must come, and will come, when slavery will cease to exist in this District. The opinion of all Christendom, the opinion of the civilized world, is becoming uniform and settled on the general subject of slavery. Its influence must be felt. It cannot always be resisted; and the time will come when southern men will cease their opposition to a measure to which they now feel, and I have no doubt sincerely feel, that they cannot yield their assent without danger, great and imminent danger, to the social relations and established institutions of the States in which they live.

TREATY WITH MEXICO.

REMARKS OF HON. C. CUSHING,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

May 1, 1836,

On the Bill to carry into effect the Treaty of Limits with Mexico.

Mr. CUSHING said the difficulties started by the gentleman from Virginia, [Mr. WISE,] and by the gentleman from Tennessee, [Mr. PEYTON,] were, in his view of the subject before the committee, premature, and altogether unseasonable. The bill reported by the Committee on Foreign Affairs presents to the House a very simple question of public faith. To understand the whole case, and to find a complete answer to the objections interposed in the way of the bill, it only needs to look into the treaties and the legislation, having for their object to fix and define the southwestern frontier of the United States.

Whatever ancient controversy on this point there may have been, there can be none at this precise moment. In the third article of the treaty of amity, settlement, and limits between the United States and Spain, concluded on the 22d of

February, 1819, and commonly called the Florida treaty, the United States entered into the following stipulation:

"The boundary line between the two countries west of the Mississippi shall begin on *the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river, to the thirty-second degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red river;* then following the course of the Rio Roxo westward, to the degree of longitude 100° west from London, and 23° from Washington; then, crossing the said Red river, and running thence by a line due north, to the river Arkansas; thence, following the course of the southern bend of the Arkansas, to its source, in latitude 42° north; and thence, by that parallel of latitude, to the South sea; the whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the 1st of January, 1818."

Then follows a renunciation on the part of the United States of all their rights, claims, and pretensions to any territories lying west and south of the above described line.

In the fourth article of the treaty there is the following stipulation:

"To fix this line with more precision, and to place the land-marks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty, at Natchitoches, on the Red river, and proceed to run and mark the said line from the mouth of the Sabine to the Red river, and from the Red river to the river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42°, to the South sea. They shall make out plans, and keep journals of their proceedings, and *the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein.*"

To carry into execution this treaty, an act was passed on the 3d of March, 1821, the third section of which provides for the appointment of a commissioner and surveyor, "for the purpose stipulated in the fourth article of said treaty."

Owing to the progress of the revolutionary war waging in Spain, this treaty remained without execution, so far as regarded the question of limits, until after the United States had acknowledged the independence of the Mexican Republic. The Mexican Republic succeeded, as a matter of course, to the rights and the obligations, in this respect, possessed by and due to Spain. And to remove all doubt on the subject, there was concluded, on the 12th of January, 1828, a treaty of limits between the United States of America and the United Mexican States, continued by an additional article concluded on the 5th of April, 1831, recognizing the boundary line of the two Republics, and the mode of settling it by commissioners, in the precise words of the treaty of 1819. In pursuance of which, an act was passed on the 3d of July, 1832, repeating, in substance, the provisions of the expired act of the 3d of March, 1821.

These treaties, for causes which do not distinctly appear, still remaining without execution, another additional article to the treaty of limits was concluded on the 3d of April, 1835, which, briefly referring to the treaty of 1828, stipulates once more for the appointment of a commissioner and surveyor within one year from the exchange of ratifications.

The bill before the committee was passed in the Senate, and is now reported to the House, in conformity with a very recent message of the President recommending that the necessary legislative provision may be made for the "faithful execution" of the treaty on the part of the United States.

Such are the facts upon which the committee is called to act.

Now, in the first place, the gentleman from Virginia [Mr. WISE] alleges that doubt exists concerning the true boundary between the United States and the Mexican Republic, especially as to what is the river Sabine, spoken of in the treaty of limits; and he inquires whether this point is to be settled by the commissioners, or whether it admits of the interposition of the United States. Mr. C. said the solution of this difficulty was apparent on the face of the treaty. A geographical line is described on paper; commissioners, appointed by the two Governments, are to run the line from the mouth of the Sabine to the Red river, and so on to the river Arkansas. They are to trace the boundary geographically, set up land-marks, and make out plans of the line run; and the result agreed upon by them is to be considered as part of the treaty. If they agree, the faith of the nation is pledged to the maintenance of the boundary so ascertained, and there is nothing left for the United States to do in the matter; nothing for Congress. If they do not agree, then, indeed, there must be further negotiation between the two Republics. But we are not to *anticipate* any such issue. We cannot deal with it in advance. When it comes, then it will be time enough to determine what course the United States ought to pursue.

Next, the gentleman from Tennessee [Mr. PEYTON] calls upon us to delay this bill, in order to run the line in conjunction with the new State of Texas. To this Mr. C. replied, that the United States were bound by solemn treaties, deliberately contracted with the Mexican States, which treaties defined and established the boundary between the two Republics. Our obligations towards the Mexican States, in this matter, are no wise changed by the fact of a civil war existing in Texas. It is the duty of the United States to continue neutral in this controversy. We are pledged to this by every consideration of honor and public faith. The declaration of independence issued by the insurgent inhabitants of Texas does not absolve us from our engagements to Mexico. Repeatedly, since the Texans took up arms, the United States, as it was their duty to do, have avowed and proclaimed their determination to observe a studied neutrality, taking no part either for Texas or Mexico. The ratifications of this very additional article were but recently exchanged. It is little more than a week since the President asked of Congress to enact the law now before us, in execution of the treaty of limits. And in the documents from the Executive on the subject of our relations with Mexico, just communicated to the House, embracing the correspondence between Mr. Forsyth and Mr. Gorostiza, the new Mexican Minister, and the instructions given to the civil and military officers of the United States in regard to the war in Texas, there is continual declaration of the duty and the intent of the United States to remain wholly neutral, and to cause their neutrality to be respected. The readiness to run this boundary line is one of the particulars in which the President has signified his wish to indicate the neutral purposes and the good faith of the United States. Has the Mexican Republic ceased to exist? Does the revolt of one of her provinces absolve us from our treaties with her? Clearly not. And it is preposterous to imagine that the United States will seek to conspire with Mexico to run this line fraudulently, to the injury of Texas. There is no danger of error on that side. And if the Texans achieve their independence, they will succeed to all the rights of the Mexican Republic, in the matter of her northeastern frontier, precisely as Mexico succeeded, in this identical case, to the rights of Spain. This is a principle of international law, too well settled to admit of dispute. The honor of the United States requires that they should pass this law, in execution of the treaty of limits, and in obedience to its conditions; and if, meantime, Texas should become independent, either in fact or by express recognition, that possible state of things can be met when it arrives, without the United States having subjected their faith to question by Mexico, or any other foreign Power, as they would do in refusing to comply with the stipulations of the treaty.

Mr. C. deprecated the untimely and precipitate agitation of the all-important subject of the future destinies of Texas. He was aware that the acknowledgment of its independence, or the annexation of it to the United States, was a possible, not to say probable question, which this Congress, and at the present session, might be called upon to determine. Perhaps at this very moment the revolutionized inhabitants of Texas may have rendered themselves independent in fact by a conclusive triumph. But of this we have no certain knowledge. And it does not become us to decide now, in this incidental way, what we will do in the possible future event, and in reference to a point of such vast importance to the United States. It is a question replete with consequences, both of principle and of policy, enduring to the end of time. No question has arisen so momentous to the whole United States, and to every part of it, since the period of the cession of Louisiana. Give us time to think of it, to weigh it deliberately in all its bearings, and with a full knowledge of facts, instead of embarrassing the ordinary legislation of the House, by rashly plunging into this controversy, with premature and idle haste, unbecoming statesmen or men of business, and in violation of the good faith of the United States.

PROCEEDS OF THE PUBLIC LANDS.

SPEECH OF HON. LEVI LINCOLN,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

May 10, 1836,

On the motion to commit the bill to distribute the proceeds of the Public Lands.

Mr. LINCOLN said:

Mr. SPEAKER: The several propositions submitted to the consideration of the House, which have respect to the disposition to be given to the bill from the Senate, for the distribution of the proceeds of the public lands, demand somewhat more than ordinary attention. The subject-matter which they involve is deeply interesting to the people and to the States of this Union. My colleague, who has preceded me, [Mr. GRENNELL,] has very properly adverted to the resolutions of the Legislature of Massachusetts, presented here the present session, instructing her Senators and requesting her Representatives to advocate the principles of the bill upon your table. It needed not, sir, this authority from a source at all times entitled to my highest respect to secure my humble efforts in support of the object of that bill, inasmuch as a dictate of duty and the most obvious perception of right seem to me to require the measure. In whatever I may now say, I therefore no less fulfill my own sense of personal obligation, than cheerfully obey the voice of those who have thought proper specially to declare the interests of the State in the matter.

The question immediately before the House I understand to be one of reference only, with a view to give direction to the ultimate action of this body upon the merits of the bill. I am fully aware that, upon this preliminary movement, it is not competent to discuss the provisions of the bill itself. But it is not to be unheeded that the decision which shall be had upon the various motions which have been successively submitted may have an important bearing upon the disposition of the principal measure. Various propositions are before the House. One gentleman moves to send the bill to the Committee on Public Lands; another to give it to the Committee of Ways and Means; and the third to commit it to the Committee of the Whole on the state of the Union. Has it been sufficiently regarded that, however the reference shall, *in the first instance*, be made, it will and must come to the same point at last? This bill must be discussed in Committee of the Whole, if it is to be considered upon its merits at all. Is this not so? The bill proposes an *appropriation*, and a large appropriation, too; that of the millions of surplus from one of the great sources of national revenue. It no less partakes of the character of an appropriation bill, because it purports to be for the purpose of distribution. The distribution of the revenue, by an act taking it from the Treasury, is in itself an appropriation of it, and the object of the bill upon the table is but to direct that appropriation to the use of the States. Whatever, therefore, might be the report of either of the standing committees to which it is proposed to be sent, the House, by one of its invariable rules, never departed from, must go into Committee of the Whole upon that report, unless, indeed, it shall refuse to *consider* the bill; in other words, shall reject it *without consideration*. If I am wrong in this view of the order of business, under the rules and practice of the House, I beg to be corrected by the Chair, or the experience of the oldest members on this floor.

Assuming, then, that a bill which proposes an appropriation of the public money must, *from its*

very character, at an earlier or later stage of its progress, come into a Committee of the Whole House, what are the reasons for sending it *intermediately* to either of the standing committees? The gentleman from Indiana, [Mr. CARR,] who moved its reference to the Committee on Public Lands, assigned no special inducement to give it that destination. It surely does not fall within the appropriate and specified duties of that committee to inquire into the disposition which shall be made of the revenues of the country, from whatever sources derived, whether from the sales of the public lands, rather than imposts and duties upon the commerce of the nation. The condition of the public domain; the proper mode of its management and disposition; its value to the Government and the people, either as a means of national wealth in its productiveness to the Treasury, or as conducive to the strength and power of the country, in its capacity to sustain an extended, virtuous, and free population, and the subjects legitimately within the province of that committee, and such hitherto have been regarded as the limits of their jurisdiction. As an humble member of the committee, I would not be considered as disclaiming the custody of any matter which the House may commit to its charge. I trust I feel as high respect for the intelligence, industry, and capacity of my honorable associates, as any gentleman on this floor. I suggest no distrust of the ability and fidelity with which they would apply themselves to any delegated trust; and I trust it will be considered in nowise inconsistent with a sentiment of the truest personal regard towards them, that I now object to any supposed peculiar qualification which they possess for the investigation of the precise matter proposed by the gentleman from Indiana to be referred to their consideration. Does any honorable member of this House look to the Committee on Public Lands for instruction on a question of the distribution of the surplus revenue? What means of information do this committee enjoy which are not common to every one within the sound of my voice? Wherefore, I again ask, make this reference? What connection have the public lands, their management, the graduation of the prices of these lands, or the surrender of them to the States in which they lie, or any other proposed immediate or prospective measure in relation to the public domain, with the appropriation of money from the Treasury? The reference in the bill to the lands is but to one of the sources of supply; and for the purpose only of determining the quantum of surplus proper to be set apart for distribution. Can the honorable chairman of the Committee on Public Lands, or either or all of his associates be better advised of this than any other committee of the House? Sir, the question involved in the bill has nothing to do with the duties of the Committee on Public Lands. It is not within the province of their inquiry, and would, most inappropriately, be referred to their cognizance.

The gentleman from New York [Mr. GILLET] seems to admit the correctness of this view of the subject, and, in submitting his motion to refer the bill to the Committee of Ways and Means, urges the consideration that the proposed distribution has relation to the revenue of the country, and should therefore receive the primary examination of those who are especially charged with the duty of inquiring into its necessary appropriations. This position might be tenable if the inquiry was at all essential to the determination of the fact that, after every appropriation required for the *ordinary* or *extraordinary* expenditures of the Government, a surplus *greater than the bill proposes to distribute*, would still remain. Sir, I insist, with the honorable gentleman from New York before me, [Mr. GRANGER,] who has just resumed his seat, that, on this point, there can be neither doubt nor honest difference of opinion in this House. Let the appropriations be as liberal as those most lavish of the public treasure may dare to vote them; let every bill now on your table be passed, and every proposition which any gentleman has yet seriously made be sustained, still, sir, I pledge myself the close of the session will leave a large surplus undisposed of, and thereafter further greatly to accumulate, except by the intervention of the operation of the bill under consideration, or the application of some other principle of distribution. No one can be hardy enough to deny this. There exists at this very moment a balance of more than *thirty millions of dollars* on the books of the Treasury; and what intelligent and responsible Representative of the people will venture to say that this vast sum, together with the accruing revenue, can be absorbed by the occasions of the country? The revenue of the current year is estimated by the Department greatly to exceed the expenditures, and the excess, at the end of the year will be still larger in the Treasury. Can it be necessary, then, to send this bill to the Committee of Ways and Means for a report of facts already known to every member of this House? Have we not the reports of the Secretary showing the state of the Treasury before us? Are not the appropriation bills upon our desks? And allowing some millions for *accidents* and *contingencies* for repressing Indian hostilities, and the glory of our arms in military expeditions, and, moreover, for the *policy of party* in the gratification of a *new born zeal* for national defenses, who does not see that, after all, there is still enough to satisfy the provisions of this bill, and to spare? Mr. Speaker, the country is neither to be deluded nor abused in this matter. The surplus exists, and is daily augmenting. The Government want it for no legitimate uses. If it is not to be distributed by law, it will be retained for party purposes, to be used in the conflict for the Presidency; to be paid to the parasites of power; in one word, to be pledged to the succession!

But there is another and more decisive objection to the adoption of the proposition of the gentleman from New York, to refer this bill to the Committee of Ways and Means. *That committee have already prejudged the matter.* What chance, think you, would there be of a favorable report (if *any* report there should be) to the adoption of the principle of the bill from this quarter? Sir, I will not arraign the motives or the judgment of the members of that committee, but I object to them as fair and impartial judges of the expediency or policy of the passage of this bill. Neither do they constitute a fit *inquest* for the purpose of presenting facts and considerations proper for the information of this House. They have already declared their opinion that there is to be no surplus in the Treasury for distribution, and I think it manifest, from the monstrous projects of expenditure which have been suggested, it is their intention that there shall be nothing upon which the bills may operate. The language of the honorable chairman, [Mr. CAMBRELENG,] who is not only the able and accomplished official organ of the committee, but a leading and most influential member of the Administration party on this floor and before the nation, in a speech a few days since, seemed to have anticipated the present occasion to the House for a knowledge of his sentiments on this subject. I pray leave to refer to the expression of his opinions in a report of that speech published in the official paper, which has been put into my hands since the commencement of the present debate:

"I am not willing to go with gentlemen for a distribution of any portions of our surplus revenue." "That there is, and probably will continue to be, a surplus which may not be required for a short time to come, cannot be denied; but it is equally certain that we have not only great and indispensable objects to apply it to, but that we are approaching a crisis in our financial affairs for which we ought now to prepare."

Again:

"I do not believe in the continuance of an overflowing Treasury. I may be deceived, but I do not believe that the revenue, under the compromise act, and the receipts from the public lands, will be permanently sufficient to pay the expenses of the Government."

In a course of elaborate argument, and by various extraordinary assumptions and declarations, the honorable gentleman proceeds to maintain his position that the existing surplus was merely casual and temporary, and that the condition of the country in reference to its finances, and present and future probable occasions, would not justify its distribution; and he concludes that part of his argument with the emphatic and, I must say, most startling assertion that,

"Whatever may be the surplus on the 1st of January next, it will all be required to discharge the actual liabilities of the Treasury, and to provide even for a small portion of indispensable measures of defense; and, as to the year following the next, there is little probability that our receipts from customs and lands will be equal to the expenditures of the Government without an addition to the tariff."

With such sentiments from the mouth of the chairman of the Committee of Ways and Means, is it to *him* should be committed the fate of the bill for the distribution of the proceeds of the sales of the public lands? What, sir, *all the surplus in the Treasury on the 1st of January next required to discharge the actual liabilities of the Treasury, and inadequate even to indispensable measures of defense! And the whole revenue from customs and lands insufficient for the wants of the Government without an addition to the tariff!* Are our dangers so great, or our means so small? If the honorable gentleman himself believes this, he must excuse me if I say he is not a fit judge of the propriety of the measure proposed by the bill now under consideration.

But to show still more conclusively the prejudiced opinions of the chairman of the Committee of Ways and Means upon the question which it is now proposed should be committed to his disposal, I ask the indulgence of the House while I tax their attention to a further extract from his published speech. He took occasion, rather gratuitously, as it seems to me, at that time, to discuss and decide upon the character of this very measure of distributing the proceeds of the public lands, and unequivocally pronounced it both unjust and unconstitutional. Following his argument upon its inexpediency, he proceeds:

"Nor am I less astonished to see some of the most rigid constructionists so alarmed at the idea of our surplus revenue as to unite zealously in this assault upon the Treasury. Gentlemen whose constitutional scruples would not allow them to vote a dollar for a light-house to save the mariners from perishing on our coast amidst the storms of midnight, are now ready to empty the federal Treasury, and distribute it among the States."

Again:

"It never was contemplated that the proceeds of these [public] lands should in any manner be applied to the local expenditures of the States; and had a provision for such a distribution been then insisted on, the new Constitution would have been formed, as the old Confederation was, without the cession of an acre of these lands. Gentlemen attempt to make a distinction between the revenue from customs, from lands ceded by the States, and from those acquired by purchase from France and Spain. Sir, every dollar in your Treasury is secured by the same constitutional guards; the revenues of the Confederation, and the lands ceded to it, were all for the same common and confederated purposes. If there be a distinction, it is in favor of the moneys arising from the proceeds of the lands ceded by the States, guarantied, as they are, by compacts more ancient than the Constitution itself, and which, in strict good faith, cannot be canceled, even by a constitutional amendment."

The honorable chairman further denounces the plan of distribution as a scheme of consolidation. "A more fatal measure to the States, or a more certain one to effect consolidation," says he, "could not be devised." Sir, I will not multiply these extracts. The speech of the gentleman must be too well remembered to need such recital. It was throughout distinguished for the confident tone of assertion in which the demands of the General Government upon the uses of the revenue were to be maintained, and the distinctness with which he repudiated every scheme for the distribution of a supposed surplus. And now let me ask honorable members if, in their judgment, it is proper that this bill, which assumes *that a surplus does and will exist in the Treasury*, and provides for its distribution to a considerable extent, should be sent to a committee of which that gentleman is the head, and over which he is known to exercise a commanding influence? What else can come of such reference than a repetition of the same opinions—a certain report against the passage of the bill? He who believes there will be no surplus must surely decide against a measure of distribution. Those who hold that the public revenue derived from the sales of the public lands cannot constitutionally be divided to the States, will feel bound to declare against such division. The report of the committee may now be anticipated with as much certainty as it will be known after it is presented. For myself, I would as readily, at this moment, vote against the bill itself as concur in sending it to such an investigation. Sir, it would be rejected, with or without argument. No new information to the House would result from the reference. The bill would go to the committee to be strangled. The parlia-

mentary rule would be violated. *The lamb would indeed be committed to the keeping of the wolf.*

Mr. Speeker, I am in favor of the motion of the gentleman from Kentucky, [Mr. WILLIAMS,] to give this bill at once to the Committee of the Whole on the state of the Union. I have before urged as a consideration deserving of regard that, if it is to be acted upon, it must come to this committee at last. I have endeavored to show that it does not belong to the Committee on Public Lands, nor ought it go to the Committee of Ways and Means; although of the two a preference between these is to be given to the former, inasmuch as I do not admit that *that* committee, like the *latter*, has prejudged the matter, and thus disqualified itself from action, by an avowed hostility to the measure. In the Committee of the Whole, the subject may at once be freely and fully discussed. It is no new topic. It has often, heretofore, been before Congress and the country. The members of this House have all the information which can be elicited from the reports of committees, or other public documents; and there has been no lack of argument in debates in former Congresses to assist their judgment to a right conclusion. The people expect action. It was promised them, on the accession of the present Administration, that whenever the public debt should be paid, the proceeds of the public lands, the common property of the States, solemnly pledged to the benefit of all, should be participated in by all. The States now anxiously wait the redemption of this pledge. They look to this common fund in aid of great objects of public improvement. If it may not constitutionally, in the opinion of those who have it in trust, be applied directly by the General Government to these purposes, let it be given to those to whom it belongs, that, through their more immediate agents, the State governments, it may administer to the occasions, and subserve the ends for which it was designed. Let it be made in some way to conduce "to the general welfare."

A reference of the bill to either of the standing committees will but too fatally delay its progress. In the present state of the business before the House, and at this period of the session, such a reference would be equivalent to its rejection. And do gentlemen intend this? If so, let them come out boldly, and before their constituents take the responsibility of such a vote. Let them answer whether, in the eloquent language of the chairman of the Committee of Ways and Means, though differently applied by him, "they are ready to violate the solemn pledge of the Congress of the Confederation in 1780, before an acre of these lands was ceded, that they should be disposed of for the common benefit of the United States, to be settled and formed into distinct republican States; and to abrogate the compacts with New York in 1783, and Virginia in 1784, by which these lands were ceded as a common fund for the use and benefit of the United States, to be faithfully and *bona fide* disposed of for that purpose, and for no other use and purpose whatsoever?" Whether "they are eager to annul the compacts with Massachusetts, Connecticut, and South Carolina, in 1785, 1786, and 1787, with North Carolina in 1789, and, finally, with Georgia in 1802?" These are questions of grave import, and in which the State to which I belong, especially, has a deep and enduring interest. It is now quite time that the people knew what to expect. It is high time that the States which made the cessions of this immense fund of wealth, this inexhaustible resource of national prosperity, should learn whether they are to be permitted to participate in its future benefit. Now that the debt of the nation, to which it was originally devoted, is paid, it is not unreasonable to ask that the ulterior intentions of the Government shall be disclosed on this subject. Is the faith of the nation to be kept inviolate to the parties of the compact? Are those to whom an interest in the national domain has come as an inheritance to be suffered to enjoy it? Or shall it be withheld until sectional feelings, the cupidity of avarice, and the lust of power, may combine to rob the rightful owners of its possession? Mr. Speaker, I again distinctly repeat that, to my own deliberate conviction, the delay of this bill, by its reference to the Committee on Public Lands or the Committee of Ways and Means, is, and will be, its virtual rejection, and it should be so understood by the country. My word for it, send it to either of these committees, and there will be no report at the present session, or, if so, at so late a period as to furnish a pretext for not acting upon it.

Admonished as I am that it is not consistent with the rules of parliamentary proceeding, upon a preliminary question, to enter into a consideration of the merits of the bill, I forbear the discussion. I have already occupied more time than I had intended. I did not participate in the several motions which have been offered this morning, and have spoken without premeditation. Should the proper opportunity hereafter be presented, I shall ask the indulgence of the House to a further expression of my sentiments, and what I believe to be those of my constituents, on the general subject. I conclude, by an earnest hope that the bill may be brought directly into the Committee of the Whole on the state of the Union, and become the order of the day at the earliest period which the more pressing assignments of business will permit, and, at all events, that it may be definitely disposed of before the close of the session.

FORTIFICATION BILL.

SPEECH OF HON. W. McCOMAS,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

May 10, 1836.

The question pending being the amendment of Mr. CAMBRELENG, to appropriate $700,000 for the armament of the fortifications, in addition to the amount appropriated in the bill making appropriations for certain fortifications of the United States for the support of the Army for the year 1836—

Mr. McCOMAS said:

Mr. CHAIRMAN: It is not my purpose, upon this occasion, to make a speech, that is, if I understand the true definition of a congressional speech. He said he understood that nothing could be regarded as a speech in this House unless it takes the orator at least three days to deliver it. He said, if he was correct in that view of the subject he could assure the House that it was not his intention to make a speech; that what few remarks he had to make upon the subject under consideration, he hoped to be able to close upon this day. He said it was not his purpose to enter into a critical examination of the course pursued by the present Administration; that gentlemen upon this floor had indulged in a wide range of debate upon all the topics connected with the present Administration; that he approved of many of the measures of the present Administration; that in his judgment they would have a happy effect on the prosperity of the country. But he said there were others that he disapproved of; that they could not fail, in his judgment, to have a bad effect upon the happiness of our people. He said he would speak freely of such measures of this Administration as he approved of, and that he would speak with equal freedom in relation to measures he disapproved of. This he said he could do without being suspected of being actuated by party spirit, or of indulging in political hatred for the President, when it would be recollected by the House that he was one of the early and zealous supporters of the President, and that he had voted for him three times to fill the presidential chair, and never, till the removal of the deposits, did he materially differ with him in point of national policy. And in doing so, he said he knew that he was incurring a fearful responsibility in coming in contact with the almost resistless popularity of the President—a popularity that had withered the hopes of thousands. Yet a conscientious discharge of his duty forbade him to take any other course; and whatever might be said by others, he should always regard it as one of the proudest acts of his life. That since he had the honor of a seat upon this floor, he had always sustained the Administration when his conscience told him it was right, but he had, with all the boldness of an independent statesman, charged with the legislative functions of a free people, voted against every measure he deemed wrong. Mr. McC. said, while he differed with the President on that act of national policy, he never did for a single moment doubt the patriotic motives of the President. He believed him to be a patriot, and at all times listened to the unmeasured abuse of his motives with more pain than pleasure. He never could see any analogy between the character of Julius Cæsar, Cromwell, Bonaparte, Richard the Third, and that of Andrew Jackson; they, in his opinion, were oftener the offspring of political rancor than the just deductions from his (the President's) acts.

Mr. McC. said it was not his purpose to enter into a critical examination of the life, the character, and pretensions of any individual for the next Presidency of the United States. He said it had nothing to do with the subject now under consideration. The subject of the distribution of the surplus revenue is of paramount consideration to that of the miserable scramble for office. He said that it was a momentous subject—one, in his judgment, the right settlement of which involved, in some measure, the purity of our institutions and the freedom of the people. He said an offended Deity could not inflict upon the simplicity of our republican institutions a greater curse than an overflowing Treasury. Money is said, from high authority, to be the root of all evil. Mr. McC. was free to say that neither of the candidates now in the field was his choice, and so he informed his constituents at the time of his election; that he promised his constituents to do nothing that would have a tendency to take the election from the people, in order to bring the election into the House of Representatives. But if the election should devolve upon the House of Representatives, he would represent the wish of the majority of his district. But, as an individual, he reserved to himself the right of voting for the man he thought best qualified to represent the people. But at this time it was not known what would be the great line of division between the parties. He would, therefore, avail himself of all the time allotted to him to make his selection, as he understood that the statute of limitations would run against the opinions of a politician in three months. He could not be blamed at this time for being non-committal. He said some gentlemen on this floor seemed to think every speech made in favor of a distribution of the proceeds of the public lands is intended to injure the election of Mr. Van Buren. For his own part, he hoped he had a more holy object in view. He had no political rancor in his heart against the Vice President, and this his friends will perceive, when they recollect that he was one of the legislative caucus in Virginia that sustained his nomination for Vice President; that he then thought his enemies said more about him than was true, and he thinks they do now. He said he mentioned this, lest it might be said of him, as of some others, that he was speaking to operate on the presidential election, and thereby prejudice his favorite scheme for dividing the proceeds of the public lands among the States. But Mr. McC. said he should feel himself criminal were he to remain non-committal upon the all-absorbing question of the surplus revenue. He said our country was peculiarly situated at this time; other nations have great difficulty to raise money sufficient to carry on the fiscal operations of their Governments, but the difficulty with us is, how shall we dispose of our surplus over and above what we want for the necessary expenses of the Government?

He said at the commencement of the session we were in expectation of a French war, which threatened to swallow up the entire surplus fund, and he could but think that the dove crossed the Atlantic a little too soon, with the olive branch, for the views of some gentlemen on that floor. It seemed to close up the deepest and broadest avenues that lead to the public Treasury. He said, while listening to the speeches of the orators on that floor, he almost imagined that he saw the bosom of the ocean whitened with the sails of French vessels of war, pouring a destructive fire upon our defenseless cities and towns on the seaboard, a hostile army already landed, and carrying death and desolation through the land. But he said he was happy to announce to the American people that he was mistaken; that all our

towns and cities on the sea-board were safe; that peace reigns through all our borders; that the tremendous array of artillery hovering, in imagination, around our borders, does not intend to disgorge its blazing magazines upon our defenseless sea-coast, and destroy our wives and children. He said it was not a war for blood, but it was a war for money—less glorious than any war waged among civilized man. It was a war upon the people's pockets: this is what he wished the people to understand. Mr. McC. said that various modes for the distribution of the surplus revenue had been proposed to the nation; first in order, it has been proposed to apply the whole sum to national defense upon the Navy, the Army, and fortifications, and the armament of the same; second, it had been proposed to distribute the proceeds of the public lands to the several States agreeably to Federal population; and, third, it had been proposed to graduate the price of public land, and ultimately surrender the public domain to the new States; and, in the fourth place, it has been proposed to vest it in railroad stock for the transportation of the United States mail. He said he would examine the merits of the several propositions. He said he was willing to make liberal appropriations for the defense of the country. He thought it a propitious time. We have the money, and it could not be more properly appropriated than in a necessary defense of the country. He thought the maxim a sound one, that in time of peace was the time to prepare for war. But he thought it would not be difficult for him to show that one half of the surplus revenue that would accrue in the Treasury between this and the expiration of the compromise bill could not be applied to the defense of the country without endangering that which gentlemen seem so anxious to secure, that is the liberty of this people. It would build up a standing army, and with it a moneyed aristocracy, on the sea-board, fatal to democracy and fatal to liberty. He said he would not examine that scheme that proposes to vest some hundred millions of the surplus revenue in railroad stock. He said if it had not come to the country under the high and imposing sanction of a high-minded, and, he would add, talented Senator of the United States, he should have supposed its author intended it for a burlesque on the doctrines of internal improvement by this Government; but he said he was not authorized to view the subject in that light; he was compelled to treat it as the work of a statesman—as a plan for the distribution of our surplus revenue. But, without intending any reflection upon the rapid conception of the mind that brought the scheme into being, he thought it was a sufficient argument to overthrow that measure merely to state it to the people, for it was one of those astounding propositions that carried upon its face its own reprobation.

He said he would now examine the scheme of graduating the price of the public land, and ultimately ceding the public domain to the new States. This could not be done without a violation of the deeds of cession between the old States and the Federal Government. He said he would ask the indulgence of the committee while he would read one clause in the deed of cession made by Virginia to this Government:

"That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

Mr. McC. said it would be seen by this deed of cession that a great national trust had been created by the several States as principals, and accepted by this Government as the agent of the parties. He said it was evident that the States are the parties to this compact, and that this Government is the joint agent of the contracting parties, to carry into effect the objects of the trust; that the agent, in executing the trust, must be governed by the stipulations of the deed creating the trust. How, then, can Congress pass a law to give these lands to the new States, without a fair compensation to the old States? It would be a manifest violation of the vested rights of the old States, and in open violation of the Constitution of the United States, to cede these lands to the new States without making a fair compensation to the old States for their interest. What (he said) would you think of that executor who had the estate of the testator committed to his care, by his last will and testament, with directions to settle all claims due and justly chargeable against the estate, and the balance to divide out among his children equally, if he were to give the whole estate to one child? All would admit that he had violated the sacred trust committed to his charge, and that a court of equity would restore the heirs to their lawful inheritance. And where was the difference in the two cases? He could perceive none. He said he would submit a few questions to honorable gentlemen on this floor representing the new States.

If Congress does possess the power to cede those lands to the new States, do they not possess the power to retrocede them to the old States? He said it must be so, for it would be a bad rule that would not work both ways. What would honorable gentlemen representing new States say to a proposition of this kind? We should be told that it was a violation of the compact; that it was part of the consideration that induced them to go and settle the new States; and before the old States could avail themselves of such a law they would have to take possession of their lands by passing over the dead bodies of the people of the new States; and he was sure that there would be as much propriety, if not more, to pass an act of retrocession returning them to the original proprietors, after the terms of the original compact had been complied with, as to give them all to the new States in violation of positive stipulation in the deed of cession made by Virginia, that the residuary mass of land unsold after the objects of the trust had been complied with should be considered a "common fund for the use and benefit of such of the United States as have become members of the confederation or Federal alliance of said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." He could not tell what the English meant if this clause did not guaranty to each of the old States their equal proportion with the new States of all the surplus lands that remained undisposed of after the objects of the trust had been complied with agreeably to their usual respective proportions in the general charge for the expense of Government. Why say it should be a common fund for the States, Virginia inclusive? Why say that the surplus fund should be *bona fide* disposed of for that purpose, and for no other?

He said he did not believe that any unprejudiced man in the world could say that Virginia was not entitled to her share. He had made these remarks in reference to that class of our public lands that are within the limits of the old United States. He should now say something in reference to that class of public lands that we have acquired by treaty; he meant that tract of country west of the Mississippi to the Pacific ocean, including the island of New Orleans, and stretching east of the Mississippi to the Perdido, acquired by treaty in 1803, which cost the Government $15,000,000, and also the Floridas, that were acquired in 1819, at the rate of $5,000,000, amounting in the whole to $20,000,000. It had been contended by some that as this class of lands was acquired by purchase, and was not included in the compact between the States and this Government, Congress has no power to distribute the proceeds of them among the people; that Congress had no power to collect money but for revenue purposes. This was admitted when the money was collected under the powers contained in the specific grants conferring power upon Congress to raise money for revenue. But he must look upon this subject in a very different light. This money has not been raised under any of the grants conferring the power on Congress for raising a revenue. This was a very plain question. If Congress had the constitutional right to acquire the fee-simple in these lands, they have the right to dispose of the rents and profits; if they have the right to purchase, they have the right to sell; if they have the right to sell, they have the right to apply the proceeds of the sale to what object they please. This must be true, unless that wholesome maxim in logic be changed, that the major includes the minor. It was now too late to question the power of Congress to acquire this territory; it had been acquired, and it had been acquiesced in by the whole people of the United States; and it was not necessary for his purpose to prove that Congress had the constitutional power to acquire these lands originally. It was sufficient to say that Congress had the right now in fee-simple; and having the fee-simple, they have an unlimited control over the whole subject. This fund not being raised for revenue purposes, Congress was not restricted in its appropriation to *revenue purposes alone*. But it comes strictly under the third section of the fourth article of the Constitution, where it is said "the Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." If he was correct in saying that this territory belonged in fee-simple to the United States, then he was correct in saying it was to be governed by this article in the Federal Constitution, "that Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." It was plain to his mind that Congress might distribute the proceeds of these lands to the several States, agreeably to Federal population, if, in their judgment, they should think it a needful and proper regulation. In relation to their public domain or territory, justice required that this twenty millions, drawn from the common treasury of the people, should be fairly distributed among them.

He said, to graduate and reduce the price of public lands would confer no benefit upon the actual settlers; the effect of such a law would be to place the public domain in the hands of the rich speculators, who would not sell it again for five times the sum it cost, which would be a ruinous policy. Honorable gentlemen from these new States mistake their true policy. They should be willing to take their proportion of the sales of public lands, and make an immediate application of the same to the improvement of their States. They themselves will soon become old States, and sustain the same relation to the public domain as the old States do now. Their interests within their own limits are daily diminishing, and their interests in the public domain increasing; and it will not be long before these very States will receive ten dollars for one, from the public domain without the limits of the States, which they will now receive from having all that is contained within their own limits.

He would state another unhappy effect that must arise from graduating and reducing the price of public lands; it would greatly affect the sound currency of the country; it would increase the rage for land speculation; and every dollar that will be received in the land office will pass from the circulating medium of the country into the vaults of the Government. It is not difficult to tell what the effects of this measure will be, to be always collecting from the people, and never disbursing in any form It is to operate oppressively upon every interest in the community. The effects of this measure are felt now at New York, Boston, and New Orleans. The points where the greatest portion of the revenue is collected are suffering most; they are in the midst of apparent prosperity, embarrassed for the want of money; that continual draft upon them for money, and the locking it up in the Treasury, is what produces this state of things.

Mr. McC. would examine the effects of this scheme on the old States. It not only took millions from the treasury of each State, but it robbed them of their population. Any system that would invite emigration to the new States, without operating unjustly on the old States, should have his hearty coöperation; but a system that only transferred population from one portion of the United States to another, was not a fit and proper subject for legislation. It adds nothing to the aggregate wealth of the nation. Suppose that

Alexandria and Georgetown were to move to the city of Washington; would it add anything to the numerical strength of the District? Would there be a man, woman, or child more? Would there be a dollar or cent more? Then why should Congress interfere upon this subject? It was very evident that there was not a State in the Union that had a redundant population; the great complaint was the want of a more dense population, so as to enable every branch of industry and of science to develop their full resources.

By a reference to the last census, it would be seen that under the present system the emigration to the new States was unparalleled in the annals of history, from the foundation of the first Egyptian colony to the present day. He said that every community was capable to bear and sustain a certain weight of population and no more, and that too rapid an increase of population was as bad, or worse, than one too slow; that to reduce the price of the public land in the new States was to reduce the price of land in the old States, and to render the rents and profits less valuable to their owners, which would be a crying injustice, not to be submitted to on the part of the old States.

Mr. McC. was in favor of distributing the sales of the public lands to the several States, agreeably to federal population, because the President has declared that internal improvement by this Government shall cease; and said, whatever may be thought of many of the measures of his Administration, he thought that Andrew Jackson would deserve a nation's gratitude for arresting that system. It was not his purpose to revive the discussion upon the constitutional power of Congress to make internal improvements. He would place the question upon very different ground; that of the practicability and expediency of the system. It was known to the House that a large portion of the people in the United States believed that Congress has no constitutional power to make internal improvements in the States. It is also known to this House that upon this question the country is geographically divided; that north of a certain line the people think that Congress has the right to make internal improvements; that south of the same line the people think that it is unconstitutional to make internal improvements. Now, sir, what is the effect of this belief on the system itself? It is simply this: the section of country that thinks Congress can exercise the power gets all the money; and that section that believes Congress cannot exercise that power gets none. Under this system, the South was made tributary to the North; the operation was to enrich the North, and impoverish the South.

He said that, independent of any constitutional scruples upon this subject, this would be a sufficient reason to abandon the measure by this Government, as it was evident that no system that would accommodate the agricultural and commercial interests of all these United States can be adopted. But he would take a more enlarged view of the subject. He asked the chairman, [Mr. MANN, of New York,] whom he knew to be expert in figures, if he had ever made a calculation of the sum that it would take to make a proper system of internal improvement for the accommodation of the variegated interests of the United States? He had turned his attention lately to the subject, and from the most reasonable estimate he could make, assuming the sum made necessary by the State of Indiana as the basis of his calculation, (and he was certain that his calculation would come far too short of the amount necessary,) it would take $300,000,000. He would now put the question to honorable members on that floor, who thought with him that the executive patronage of the Government was too great, whether they intended to make the executive officers of this Government, the disbursing agents of this vast sum of money? Did they intend to add this additional patronage to the army of sixty thousand officeholders already quartered on their Treasury? He stood there in his place, and gave it as his deliberate opinion that to add that additional patronage to the Federal Government, it would be too strong for the liberties of the people. The State governments would be shorn of their independence; they would be found prostrate and powerless at the feet of this great central power. He had said that much money in the hands of designing politicians would be like a cancer upon the body-politic; it would extend its roots into every condition of society. It would corrupt the people themselves, the source and fountain of all political power.

Mr. McC. said he would go for this mode of distribution, because, in his judgment, it would strengthen the action of the State governments, already, in his opinion, too weak for the action of this. It would confine the action of this Government to our foreign relations, the legitimate object of its creation. It would leave our State governments to manage the local and internal concerns of the country. Our Federal Government might then be regarded as the sheet-anchor of American liberty, as an ample shield, behind which we might stand secure in the enjoyment of our civil and religious rights. This Government would then be like a kind mother, conferring blessings on all, and oppressing none. He had heard a singular objection made to this mode of distribution by gentlemen professing to be State-rights men, that to distribute the surplus revenue among the States would destroy the independence of the States. He thought this a most extraordinary argument to come from State-rights men. Gentlemen might as well attempt to prove to him that, if he were to give all his property to his neighbor, it would impoverish his neighbor and enrich him, as to make him believe that, to strip the Federal Government of twenty million dollars annually of its patronage, and give it to the States, would weaken the State governments and strengthen this Government. The argument was too absurd to merit further notice. He said he would turn these gentlemen over to the arguments of General Jackson on that subject, and he thought they would find it much easier to make objections to his arguments than to answer them. These arguments could be found in his annual message of 1830. The danger of this distributing system did not consist in weakening the State governments. If the system was continued for any length of time, it would make the State governments too strong for the Federal Government. He would never agree to make this Government the agent to collect money from the people to distribute among the States; he would not be willing at this time to distribute any moneys among the States that had been collected under the revenue laws; but the funds arising from the public lands, not strictly a revenue fund, could be safely distributed among the States, and would be all that Congress could prudently do at this time. That the excess of revenue, under the compromise bill, might be properly expended in putting the country in a state of defense, and at the end of the compromise bill bring the duties down to a revenue standard, is the true policy of the country. There was another advantage to be derived from this mode of distribution; that it would increase representative responsibility. What was the fact? Gentlemen on that floor might vote away millions of the people's money, and they never would inquire, why have you done so? owing to the fact, he presumed, that the money had been taken from their pockets by indirect taxation. But let this money once assume a tangible shape, and be placed in the State treasury to lessen their taxes, and his word for it, the people's representatives will be held to strict accountability for every dollar they vote away; and this, in his humble judgment, was the only mode to arrest this extravagant waste of the public money.

Mr. McC. had already said to graduate the price of our public domain would be in fact a law to place the public domain under the control of the rich speculator, instead of our own Government, which would exclude the poor people from the country. But he would ask the poor people in and out of the new States to examine their most favorite view of the subject, that is, to give to the new States. Would that operate to their interest? Could they expect to get the lands from the State governments upon cheaper terms than they could from this Government? His life on it that the Sate governments would raise the price of the public lands, were they ceded to them. The difference in the two Governments is this: that the State governments are generally poor and needy, and would be under a continual temptation to raise the price of these lands to enlarge their revenue resources. It is not so with the Federal Government; her Treasury is already, like the river Nile, overflowing its banks. This Government had, in relation to the public lands, been literally the guardian of the poor people, by keeping down the price of land; but let these lands once pass into the hands of speculators, or in the hands of the States, and the case will be different; they will be turned over from a kind parent into the hands of Egyptian taskmasters. The poor people would soon find that those doctors had mistaken their disease; that their impassioned appeals addressed to this body in behalf of the poor were nothing but empty declamation. The system, if adopted, was to build up a rich aristocracy to rule the democracy of the States. He hoped the democracy of these States would examine this subject carefully, and that they would find it their interest to let these lands remain in the hands of the Federal Government, and that they will demand their just share of the sales of the public lands, and apply the same to works of internal improvement, or the education of their children, or to lessening their State tax

He would now take a different view of the subject: That he would vote for this mode of distribution, because it was the only effectual mode of making internal improvements, and that internal improvement was the most effectual way to strengthen the union of the States. He said Providence had blessed us with a variety of soils and productions, and watered our beloved country with innumerable streams for the delight and accommodation of its inhabitants. A succession of navigable waters forms a kind of chain around its borders, as if to bind it more firmly together, while the most noble rivers in the world run at convenient distances, which, when properly improved, will give facilities for the transportation of their various commodities. Gentlemen might say what they pleased about the disinterested patriotism of the American people being a sufficient guaranty for the maintenance of this Union. No man on that floor entertained a better opinion of the patriotism of the people than he did, but he thought it was taxing it too heavily to suppose that it could of itself be sufficient to accomplish that end. Man had read past history to little advantage to suppose that a country situated like this, combining a variety of climates, of pursuits, as well as of interests, could be held together by such a frail tenure. In his judgment, that unity of interest was the only effectual bond of union in any country. That a community of feeling could alone be produced by a system of canals and railroads that would bring our scattered population together. He would not give two hundred millions of money spent in that way for national defense, for money enough to line our Atlantic sea-board from Maine to New Orleans with fortifications. He was like Jefferson and Jackson on that subject; he knew it to be impossible to fortify a sea-coast of three thousand miles; that fortifications would be useless without armament, which would create a standing army strong enough to turn upon the country and destroy the liberties of the people. He hoped the anxiety of gentlemen to get rid of the surplus revenue would not bring upon the country a standing army in time of peace. Some gentlemen spoke lightly about the dissolution of this Union as a thoughtless man does, frequently, about death at a distance; but, for himself, he should regard the voice that announced to him the dissolution of this Union as the funeral knell of departing liberty; and he would not stop to inquire whether the North or the South would suffer most under this fatal catastrophe. It was sufficient for him to know that they were both ruined, and the hopes of civil liberty extinguished throughout the world.

Mr. McC. said he would now answer the objection that there was no money in the Treasury to distribute. By the Secretary's report of the receipts and of sums upon deposit in the banks to the credit of disbursing officers, which had not been expended, there was, on the 1st of February last, $30,678,879 91. This sum cannot be touched or lessened by any of the expenditures of the

present year; on the contrary, it must continue to increase. There is a large item that must be added to this sum. He meant the stock that we held in the late United States Bank—$7,000,000; and if the price of that stock does not depreciate it will sell for $7,500,000, which makes in the Treasury, on the 1st of last February, $38,175,879 91. This surplus must continue to increase; but that I may not place the sum too high, I will place the customs at the same—in round numbers, $19,000, public lands, $15,000,000. He would add $5,000,000 more for the increase of the sales of the public lands, and there was more than that sum of an increase upon the sales of 1835 over those of 1834, which makes $20,000,000, making $39,000,000 for the receipts of 1836. This sum must be added to that in the Treasury on the 1st of February last, and the bank stock, which will fall due during the present year, makes, in round numbers, $77,000,000. Out of this sum were to be deducted the present expenditures of the Government for the year 1836, which have been estimated by the Secretary at $23,133,640, including all expenditures, ordinary and extraordinary.

Mr. McC. said he thought this was a large sum for an economical Government to spend in one year. This sum, dropping fractions, taken from $77,000,000, leaves a balance in the Treasury on the 1st of January, 1837, of $54,000,000, which will be a surplus fund. Gentlemen who are opposed to distribution have resorted to a cunning device; they have made an estimate of all the bills that have passed, and will pass, this session, for the ordinary support of Government, and for national defense, and charged it to the surplus revenue that was in the Treasury on the 1st of February last, instead of charging against the surplus that which would fall due on the 1st of January, 1837, and vauntingly tell us that we have nothing to distribute. He said he did not believe in the gullibility of the people to that extent. They would detect the fallacy of those calculations. They seem to forget that the surplus in the Treasury on the 1st of February was the receipts of 1835, and in their eagerness to devour every dollar of the surplus in the Treasury, they overlooked an important fact, that for the year 1836 about $40,000,000 must be received into the Treasury. He would leave gentlemen to reconcile these difficulties for themselves; and, in conclusion of this part of the subject, he would say that the bill to distribute the sales of the public lands does not propose to distribute any money but what is a surplus; and if there is no surplus, then, of course, there can be no distribution. Let the amount be little or much, Virginia was entitled to her share. She might be regarded as the mother of States. View her splendid daughters, Kentucky, Ohio, Indiana, and Illinois, all independent States, rising high in the scale of this Confederacy, principally formed out of the territory that Virginia ceded to this Government. He called on the chairman to view the present condition of the State he had the honor in part to represent on this floor; a State which, from her geographical, commercial, and agricultural advantages, might be equal to any in this Union; but he said she appeared to be at least fifty years behind the age of improvement. States but of yesterday are outstripping and leaving her far in the shade. He would ask what prevented Virginia from being the most wealthy State in this Union, as well as the oldest? Nothing but the absence of a well arranged system of internal improvement. Let her central communication be completed by the James and the Kanawha rivers, and a lateral branch from the southwest through the valley of Virginia, connecting the waters of the Mississippi with the Atlantic sea-board at the northern and southern end of the Chesapeake bay; then Virginia would be enabled to develope her full resources. Her rich mineral productions, her lead, her iron, her gypsum, and her coal, hitherto locked up in the mountains, would find their way to market. The fields that lay waste and uncultivated will be newly tenanted. Her population that is daily escaping to the West would be arrested. Her country seats and dilapidated buildings all repaired; her cities, towns, and villages, made to flourish in all the glowing beauties of wealth and prosperity. Norfolk would assume the rank of New York, and Richmond that of Albany.

He said he had no hesitancy in saying that nature had done more for Virginia than for New York; that a finer naval depot was not to be found on the whole Atlantic sea-coast than at Norfolk. And when the great valley of the Mississippi shall become her back country, nothing but Providence could arrest her onward march to wealth and renown; her central position gives her a decided advantage over New York or New Orleans. The city of New Orleans can never command the vast trade of the West that will then float on the bosom of those majestic rivers. The climate itself has a deleterious effect upon the various commodities in the market, while the Gulf stream may be regarded as the home of tempest. He stated, that though New York might, by way of a continuous canal or railroad, connect herself with the valley of the Mississippi, yet she could not successfully compete with Virginia for that trade, first because through Virginia would be the most direct route, and, secondly, because the New York canal would be closed with ice at least four months out of twelve. He said Virginia had too long folded her arms. She begins to see that boasting of her great men—her Henry, whose impassioned eloquence set the ball of the Revolution in motion, and her Washington, who conducted our infant nation to honor and glory, and before whose military prowess the British lion quailed—will not fill their bellies and clothe their backs. He said he hoped, so far as Virginia was concerned, that we should be able yet to present an undivided front. He said this measure would have a happy effect upon the local and sectional differences of the State, and bring them together, and create a feeling of brotherly love so essential to the happiness of every community.

Mr. McC. said he would, for the information of the people of Virginia, give them a statement of their interest in the land bill. It would be seen in the following table:

Table showing the amount to which each State will be entitled.

States.	Federal population.	Share for each State.	Fifteen per ct. to new States.	Total to new States.
		Dollars.	*Dollars.*	*Dollars.*
Maine	399,437	689,028	-	-
N. Hampshire	269,326	464,587	-	-
Massachusetts	610,408	1,052,953	-	-
Rhode Island	97,194	167,659	-	-
Connecticut	297,665	513,472	-	-
Vermont	280,657	484,133	-	-
New York	1,918,553	3,309,503	-	-
New Jersey	319,922	551,865	-	-
Pennsylvania	1,348,072	2,325,424	-	-
Delaware	75,432	130,120	-	-
Maryland	405,843	700,079	-	-
Virginia	1,023,503	1,765,554	-	-
North Carolina	639,747	1,103,563	-	-
South Carolina	455,025	784,918	-	-
Georgia	429,811	741,423	-	-
Kentucky	621,832	1,072,660	-	-
Tennessee	625,263	1,078,578	-	-
Ohio	935,884	1,614,400	230,844	1,845,244
Louisiana	171,694	296,172	67,561	363,733
Indiana	343,031	591,728	325,485	917,213
Illinois	157,147	271,078	483,760	754,838
Missouri	130,419	224,972	174,354	399,326
Mississippi	110,358	190,367	788,403	978,770
Alabama	262,508	452,826	541,940	994,766

He said it would be seen by this table that each congressional district would be entitled to $84,074 annually. He would ask his constituents if they would be willing for him to vote away that much of their money? Money that had been drawn from their pockets over and above what was necessary to carry on the expenses of the Government. He did not know how he could justify such a vote. Would they be satisfied to be told that it was better for them to have that money spent in making sheds and fortifications on the sea-board, that would, in order to keep them in repair, increase their taxes threefold, and thereby revive the tariff laws again? Would they be easily persuaded that it was more to their interest to have a million dollars of their money spent in building a marble custom-house in New York, already dazzled with her own effulgence; or would it be more consistent with their democratic notions to build up a standing army in time of peace? He could never return to his constituents and say in his conscience that he had represented their interests in making such a distribution of their money.

But his colleague [Mr. GARLAND, of Virginia] said this plan of distribution among the States was nothing but reviving the doctrine of internal improvement by this Government. How his colleague could bring his mind to that conclusion he was at a loss to know. How the people's money, handed over to make internal improvements, upon State authority, which could be regarded as improvements, made under the directions of this Government, was difficult to comprehend. But be the matter as it may, he would inform his colleague that General Jackson was the author of the scheme, and he hoped that his colleague would regard him as good authority, as he had recently defended this Administration *in a three days' speech.* For the benefit of his colleague and the information of the committee, he would quote the exact words of the President on that subject taken from his annual message communicated December 7, 1830:

"I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds which may at any time remain in the Treasury after the national debt shall have been paid among the States in proportion to the number of their Representatives, to be applied by them to objects of internal improvement."

By this message of the President it is very clear that he proposed this plan of dividing the surplus revenue among the States with a view to withdraw that fund from the control of Congress, and to destroy internal improvements by this Government, that each State might take its just and equal portion of the fund, and make its own improvements. He always regarded this as a master stroke of policy; and he would tell his colleague that those who resisted this measure would be found the strongest advocates for reviving the doctrines of internal improvement by this Government. It was a universal sentiment that the country must be improved; and if this plan of making improvements by the States should fail, it takes no Solomon to see that the scheme will again be revived by this Government. It will then be seen who belong to the State-rights party, and who not; the people then will see who have contributed most to revive the doctrines of internal improvements by this Government, and also the tariff, which is the handmaid of improvements; for without money it is useless to talk about making improvements.

His colleague [Mr. GARLAND] had stated that the Constitution had more to fear from the executive branch of this Government than from the popular branch; and he gave as instances internal improvement and the tariff. His colleague seemed to have forgotten that both these measures came upon the country under the imposing sanction of Executive recommendation; that if these measures had violated the Constitution, it was not the work of either branch separately, but the joint work of both; and to show that his colleague was mistaken in regard to the relative strength of the two branches of the Government, he would state, as soon as General Jackson took a stand against internal improvement, although an overwhelming majority of the popular branch was favorable to it, yet the whole system withered at his touch, and so did the Bank of the United States. On the subject of the tariff, he would say to his colleague that he could not show any sentiment uttered by General Jackson that went to show that the tariff laws were unconstitutional.

Mr. GARLAND asked leave to explain. He said he did not assert that General Jackson thought the tariff laws unconstitutional, but that he himself believed they were.

Mr. McCOMAS said so he had understood him; he had not referred to it for that purpose, but for the purpose of showing in how many instances his colleague, who entered into a general defense of the acts of the President, differed from him in great leading measures. He said that, whatever the President may have contributed to put down the tariff, he never opposed it on constitutional grounds; that he did contribute to do so, he readily admitted in his recommendation of a judicious tariff. Much as the term has been criticised, it went far, in his judgment, to give direction to public sentiment, and prepare all classes for a gradual

reduction of the tariff. He said if his colleague, or any member of the committee, doubted the truth of the position he assumed, he would refer them to the President's proclamation in answer to the SouthCarolina ordinance. That ordinance asserted that the revenue laws were unconstitutional; that Congress had no power to collect taxes but for revenue purposes; and that a great portion of the money collected was not for revenue purposes, but was raised for the protection of domestic manufactures; that the law was palpably unconstitutional, and being unconstitutional, and in derogation of the reserved rights of the States, they declared it null and void, wholly inoperative within the limits of South Carolina. How did General Jackson answer this argument? He said, by the Constitution, Congress had the exclusive right to raise money for the support of Government; they were the constitutional judges of the sum necessary for that purpose; and if they collected more than was necessary, it was an abuse of power, not a usurpation of power, not to be corrected by nullification or secession, but at the polls by the people themselves, discharging their faithless agents. He also declared that resistance to this law with an armed force was treason.

Mr. McC. said his colleague [Mr. GARLAND] had also entered into a long argument to prove that the President had an unlimited right, at his own will and pleasure, to remove every officer in the Executive Department, upon the ground that he was responsible for their acts, being the head of the department. He had heard the word *responsibility* so frequently used that it fell rather grating upon his ear. He would like to know in what sense the President was responsible for the malversation in office of the subordinate officers in his department? Was he responsible by impeachment? If so, he would like to know why he was not impeached for the conduct of William T. Barry and Obadiah B. Brown in the Post Office Department. No man in the nation ever thought of impeaching General Jackson for their conduct. If he could not be impeached for the conduct of Mr. Barry, how is he responsible for his acts? He had been told, though he was not responsible for his acts by impeachment, yet he was responsible to public opinion.

He said he would like to know what kind of guarantee the responsibility to public opinion was to secure constitutional liberty. He had always understood that constitutional liberty was a conventional right, and could only be secured by being laid deep in the foundations of law. He would like to know of his colleague if he could find any man who was not under responsibility to public opinion. Julius Cæsar, Cromwell, Richard III., and Bonaparte were all under responsibility to public opinion. The Autocrat of all the Russias was under responsibility to public opinion. The past history of these men prove how ineffectual such a responsibility is to secure the equal rights of man. He said every jail and penetentiary was filled with persons responsible to public opinion. Yes, he said, the gallows had groaned under multiplied thousands who were under the same kind of responsibility. Yet, he said, that responsibility had not prevented the jails from being filled with criminals, nor the gallows to bend with rogues and murderers; nor has it prevented tyrants from revolutionizing the best forms of government, and prostrating the last hopes of a free and happy people. He said he did not mean to be understood as intimating that the President of the United States was a tyrant; that he had always regarded him as a patriot. He alluded to it for the purpose of showing the absurdity of the argument, when pushed out to its legitimate consequences. He said the words "responsibility to public opinion" has been presented to his mind in the same light as the word "fanaticism"—a vague uncertainty, that could not be described, having neither top, tail, side, nor bottom. He said the definition of these terms, when used in the sense supposed by some, reminded him of an anecdote in relation to a young egotistical student, just returned from college, and an old Dutchman. The student attempted, by way of sport, to play off his scholastic acquirements by asking the old Dutchman astronomical questions. The old Dutchman said he presumed he was so well educated that he could answer any question that could be propounded to him. The student replied to him that he might ask him any question; that he could answer it. The old Dutchman said, his occupation not being that of an astronomer, but that of a farmer, he would be glad if he would tell him how many yards of moonshine it would take to stake and rider a hundred panel of fence? He said he should like to have the student's opinion upon the words *constitutional liberty secured by responsibility to public opinion.*

Mr. McC. said that his colleague seemed to speak with an air of triumph that General Jackson had put down the monster that was controlling the whole monetary system of the country, and was prostrating the elective franchise under its unhallowed feet. This argument was entirely out of place; the United States Bank was dead, and it ought to be permitted to sleep undisturbed in its grave.

Mr. GARLAND asked leave to explain. He said that he did not commence the argument about the bank; that his remarks were made in answer to other gentlemen who had preceded him in the debate, who had referred to the bank.

Mr. McCOMAS said he understood him as making the attack on the bank, but, from the disclaimer, he was bound to believe his colleague; but other gentlemen had frequently, in the debate, referred to the fact of putting down the monster. If the President had put down one monster, he had raised up another of more hideous and frightful form. He has reared on the ruins of the national bank the beast with the seven heads and ten horns, extending its fatal fangs to the vitals of the body-politic. As a money power, it was far more dangerous to the liberties of the people than a national bank. The money power of the country had been cut loose entirely from the people, and from the agents of the people. He would ask where the public money was? It was placed, he understood, in a set of banks leagued together from one portion of the Union to the other, beyond the control of any human being except the executive officers of the Government. That, when the public money was placed in the United States Bank, we could send our committee, and examine into the state and condition of the bank. If any of the provisions of the charter had been violated, we could bring the delinquent corporation before the courts of the country, and repeal its charter. As the case now stood, the people and their representatives were sealed up in darkness; they had about as much knowledge of the state and condition of the public money as they had of the geography of the moon. As matters stood before, the people had clothed both the President and Congress with power to watch over the bank, to prevent any injury to the community.

How stands the case now? Congress has no power to examine into the state and condition of any of these banks. Nor has the President himself the right to issue his *scire facias* to repeal the charter of those banks, though they may have embezzled every single dollar of the public money and trampled under foot the elective franchise. If his constituents were to ask him, as their agent, what had become of their money, and in what condition the public Treasury was, he would be at a loss to answer them. He could say that the Secretary of the Treasury took it from the Bank of the United States, the only place which Congress had any control over; that the Secretary of the Treasury had reported that it was scattered about in different State banks through the Union; but whether these banks were safe or sound, he had no satisfactory evidence; whether the public money had been lent out to speculators to purchase stocks, or whether it was loaned out to favorite partisans to speculate in public lands, or to control elections, he would not say, for he did not know, nor did he charge the fact to be so; nor would he say that the public money was unsafe in those banks, as he did not know, as he had never had the satisfactory evidence to judge of that fact before him. If he were called to say to his constituents where he thought they could obtain the best information on that subject, he would advise them to consult Mr. Whitney, of this city; that he had understood that he had a more intimate acquaintance with the deposit banks than any other man in the nation. If they were to ask him who this Mr. Whitney was, he would say that he had no personal acquaintance with him, neither was he known as a Government agent, nor was he responsible to any person for his conduct, that he knew of; yet, from what he understood, he knew more about the state and condition of their money in the local banks than any one man living.

Mr. McC. said he hoped the committee would not think him impertinent, if he was to make some inquiry after the long silken purses that were to be filled with gold, that was promised to the mechanic and the farmer; that general jubilee when they should be disinthralled from the withering curse of the paper system; when Nick Biddle and his rags should be seen retreating before a pure metallic currency. He wished to know the truth of these predictions. He said that he had frequently been amused to hear the bitter denunciations pronounced on panic makers and upon false prophets on the side of the Opposition. He wished to know what kind of prophets these were; were they the only men left on whom the mantle of Elijah could fall? Were their hearts the only altars upon which prophetic fires could burn, and from whose smoking base holy incense could arise? Were they gods annointed to speak the truth, when they announced to the American people the effect of pulling down the national bank would be to supply the country with a gold currency? Let the facts speak for themselves.

In the year 1832, there were in existence three hundred and thirty banks; their circulation was sixty millions. In the year 1835, there were six hundred and four banks; their circulation was two hundred millions.

He asked if this looked much like returning to the golden age, when in the year 1835 there was more than three times as much paper in circulation as there was in 1832. His colleague had said that the President had done his duty in relation to the currency; that he was not omnipotent; he could not prevent the States from incorporating as many banks as they pleased. He was happy to find that it had been admitted that the President was not omnipotent, and that it was possible, in some cases, he might err. He would, with the leave of the committee, submit a few questions to his colleague. Did not the President know, as well before he commenced his experiment on the currency as he does now, that the States did possess and exercise the right to charter as many local banks as they pleased? Did not the President know before he commenced this crusade on the currency, that the same, or a similar system had failed, after Madison's veto of the old United States Bank in 1811, when the entire currency of the country became deranged; when the revolution of fortune was almost as frequent as the diurnal motion of the earth; when the tenure by which people held their property became unsettled, and in a few years the Government itself lost $1,500,000 by broken banks, now footed up in every annual report of the Secretary of the Treasury as unavailable funds? He would ask how, then, has the Executive done his duty? If to derange the currency and unsettle the tenure by which we hold our property is the duty of the Executive, then, he said, the Executive had done his duty faithfully; for he believed gentlemen of all parties admitted that, on the day he commenced his experiment, our currency was surpassed by no currency in the world. He had liked to have said that there had been no gold in circulation since the removal of the deposits, but upon mature reflection, he would have been mistaken; he understood, during the pendency of the Pennsylvania elections, that several pieces were seen in the hands of old Dutchmen, holding them up by the side of the most ragged United States Bank note they could find, saying, "Here is General Jackson and the Constitution; here is Nick Biddle and his marble palace." It would astonish the committee to know the effect of this humbug upon the innocent and unsuspecting yeomanry of the country. It was difficult to convince many whose location was remote from the seat of intrigue and political management that gold would not soon be so plenty that they might have gold buttons on their pantaloons. This delusion was about to vanish away; a hitherto confiding

people were about to rise in their majesty, and hold their public agents to strict accountability. All parties see the dilemma the currency of the country is likely to get in; they see no way of escape; the gulf opens, and the whole system is in danger of being swallowed up. No wonder the supporters of the scheme shrink with instinctive horror at the thought of this rag system. No wonder they cry out it is Whig Legislatures that are chartering these banks; it is the Whigs that must be held accountable for all this mischief. This battery was too weak to shield such a system from the retributive justice of an indignant people.

He said his colleague justified reprisals. His colleague was the first man, in or out of the House, that he did hear fully justify that recommendation. Under all the circumstances of the case, his colleague had at least the merit of going the whole hog on that point.

Mr. GARLAND asked leave to explain. He said that he had attempted to show that reprisals were a doctrine sanctioned by the laws of nations, and not regarded as a declaration of war, and that he would inform his colleague that, on the French question, he had gone the whole hog, snout and tail.

Mr. McCOMAS said he had understood his colleague to have swallowed the whole hog, snout, tail, and all. As to himself, he perfectly agreed with the course pursued by our Government on that subject, with the single exception of that recommendation, and that he never blamed General Jackson for it after he had seen Mr. Livingston's letter to the Secretary of State on that subject; that he was certain that letter misled the President on the subject. It was not his intention to revive that unpleasant controversy; it was not a proper subject now for discussion. But he would say this, that he never would have voted to give the President, or any other mortal man, power to make reprisals on French property. Whenever the honor of his country shall require such a measure, he would march up boldly to the subject, and declare war. His colleague complained that reprisals had been treated as a declaration of war against France. It was no declaration of war, unless France made it war. He knew that to authorize the President to issue letters of marque and reprisals, and seize upon French property on the high seas, and convert it to our own use, was not a formal declaration of war. It was no insult for one man to spit in another's face, unless the man chose to regard it as an insult. But what right had we to hope that France would not take it as an insult, and make war? Is there anything in the past history of that nation that justifies a different belief? Is there a man in America who does not believe, if reprisals had been made on French property, that at this very moment we would have been involved in all the horrors of war? He should always regret that war should have grown out of this transaction. He had not forgotten that it was Frenchmen that stood side by side and shoulder by shoulder with us during the most gloomy period of the Revolution—a period that tried the souls of men, when about three millions of men had staked their lives upon liberty or death. The history of these times was associated with his earliest recollections; he could not divest himself of a kindred feeling for that nation. He hoped that he never should have a heart that would cease to beat with gratitude for past favors received at the hands of the French nation, nor a heart so cold as to impugn the motives that caused them to come to our rescue in that critical moment. It was sufficient for him to know that they had poured forth their blood and treasure in defense of liberty, and that they had slept in the same open and tented fields with our fathers. That it was gallant Frenchmen that waved the lily of France in unison with the American eagle, at the siege of York, when the genius of emancipation smiled, and the shackles of despotism gave way.

Mr. McC. paused for a moment, and, pointing to Washington and La Fayette said, Mr. Chairman, what would those patriarchs, who appear in this Hall to be watching our daily deliberations, have said in the moment they were rejoicing over their success in arms, if they could have looked forward one half century, and seen their own sons in the deadly grasp of war? He could imagine them to exclaim in the language of the poet:

> "Hereafter let me live
> Unknown, unseen,
> Unlamented let me die:
> Steal from the world,
> And not a stone
> Tell where I lie."

Like recording angels, they would have shed a tear on the declaration of war, and blotted it from the memory of man.

He should have used all honorable means to have prevented war, but if his country had been involved in a war with France or any other nation, he should stand up for his own country, right or wrong; he would be found perishing in the last ditch.

He would now pay his respects to the honorable chairman of the Committee of Ways and Means, [Mr. CAMBRELENG.] He says he is opposed to a distribution of the surplus fund, because he said it would ruin the people. If they should ever get a taste of this fund, it could never again be wrung from their hands. Was this the doctrine of the great Democratic party in the United States? What, sir! the people who contribute this money are not capable to govern themselves? He did not expect to hear this doctrine boldly asserted on this floor, more especially by the honorable member from New York, who may be regarded as the great apostle of our modern Democratic party. He never expected to hear it asserted that, if the people should by chance get a taste of their own money, it would corrupt them; that they would cling to it so fast, that it could on no occasion be wrung from their hands. Suppose that the money can never again be wrung from their hands, does it not belong to the people? This was a surplus fund—a fund that the Government had no claim to. The question now presents itself to the country, What disposition ought to be made of this surplus fund, not wanted for the use of the Government? For himself, he was for putting it back into the people's pockets in the same proportion that it was paid into the Treasury. But the gentleman says, no; they must never taste this fund; if they do, it will corrupt them. He would inquire what was the doctrine of the venerable President on that subject? For the information of the committee he would read an extract from his message of 1830. He says:

"And as sensible of the great truth, that the resources of the nation, beyond those required for the immediate and necessary purposes of Government, can nowhere be so well deposited as in the pockets of the people."

It would be seen that the President differed widely from the gentleman from New York. The President seems to think that the people's pockets are an excellent place to deposit this money in; but the gentleman thinks that place to be the last it should go to. If it should get there, it would run them mad, and unfit them for the enjoyment of the modern democratic principles. The President thinks this money must be taken from the agents, and distributed equally among the principals, who are rightfully entitled to it, for fear that much money embodied in the hands of the people's agents might tempt them to make a corrupt use of it. The member from New York says the disbursing officers of the Government must keep this surplus fund; for, if the poor people, from whose pockets it has been unjustly wrung, ever should taste that forbidden fruit, they, like our first parents, would fall from their state of primeval innocence, and disgrace the great Democratic party; that it would introduce that odious system of log-rolling in the State governments. He would ask whether the State governments are less able to bear the system of log-rolling than this Government? Are the agents of the Federal Government more pure than the agents of the State governments? Are they not selected from the same common people, subject alike to the same temptation? The agents of the Federal Government are exposed to greater temptation; that about fifty millions of surplus revenue annually to be scrambled for by the representatives of the different interests in the United States, was far more dangerous to the purity of this Government than that sum divided into twenty-six parts, and distributed among the States, agreeably to Federal population. By this division the danger of corruption is diminished as one is to twenty-six. The gentleman seems to have a very tender regard for the purity of the States.

This reminded him of an anecdote he once heard of a widow lady and her daughter: the daughter was young and handsome, and a gentleman became much smitten with her, and proposed to address her. She, as all prudent young ladies should, consulted her mother on the subject. The old lady said the young man was of bad moral character, and that her daughter was a young innocent virgin, and that she did not think she ought to contaminate herself by such a corrupt association; and closed her parental advice by saying, "Daughter, don't take him; let your mother have him." The gentleman seemed very unwilling to see the States married to this corrupt system; but, like the mother, says, "Give the money to us; we are proof against corruption!" He would say to the gentleman from New York, if this is democracy in New York, it is not the Jeffersonian doctrine of Virginia. The Democrats of Virginia always took a stand against Federal encroachments on the rights of the people. They did not believe the pockets of the officeholders the only safe depository for the people's money.

He said he regretted to see a disposition to absorb the whole surplus fund, right or wrong. If it be true that, if the people get their own money, it will corrupt them, he would, if the doctrine of some statesmen prevailed, congratulate the people on their escape from corruption. He would *underwrite* that the people never would get to smell a cent, let alone to taste one. It had been proposed, by way of extra appropriations, to spend

$40,000,000 for ordnance;
30,000,000 for additional fortifications;
40,000,000 for an additional increase of the Navy;
60,000,000 for the increase of the Army or military branch.

$170,000,000

Here, sir, is an increase of the expense of our Government $170,000,000. To this sum was to be added the expense of the Florida war, and a proper allowance for bank breaking and a depreciated currency. And then we are told we shall have no surplus to distribute. He knew that it was in the power of the Government to waste the people's money and prevent a distribution, but the people in due time would provide for such a contingency. He was sorry to find the honorable member from New York opposed to the measure. He knew the weight his name would have before the country, particularly among the prevailing party of the day. The gentleman seems to have forgotten that his own State Legislature unanimously recommended this measure in 1830; that they were traveling *pari passu* with the President at that day. How is it that at the eleventh hour they have forsaken the President on that subject? Mr. McC. said that it was due to the Administration to do something. They had been charged with taking the people's money from the custody of the law. They had been charged with depositing it in banks that were unsafe. They had been charged with making a corrupt use of the money for electioneering purposes. It has been charged that they are afraid to distribute the money, for fear it will break the deposit banks. He did not pretend to say these charges were true; but he thought, under the circumstances, the Administration was imperiously called on to do something; that the people would not rest satisfied, when they had it in their power to refute these charges and would not.

The gentlemen cannot shield themselves behind that flimsy battery—that we will not distribute the surplus from the sales of the public land, but that we must reduce the tariff; when they know that the President says, in his annual message, that the compromise bill must not be disturbed. What do gentlemen mean when they talk about a reduction of duties; particularly his colleague, [Mr. GARLAND,] who I hope will not disregard the recommendation of the President?

Mr. GARLAND interrupted Mr. McC., and said that Mr. McC. was mistaken; that the Pres-

ident had made no such recommendation this year; it was last year.

Mr. McCOMAS said that his colleague was mistaken himself; that the President had made the same recommendation this year. [The statement of Mr. McC. was confirmed by several members, and he proceeded.] The measure had been called Mr. CLAY's land bill; the attention of this House has been called specially to this subject. Why call it Mr. CLAY's land bill? What has Mr. CLAY to do with the subject any more than any other citizen of the United States? Is it intended to make a party question of this matter? Is it intended to settle the principles of the next Administration by the strength of the popularity of ANDREW JACKSON and HENRY CLAY? both about to retire to private life—Mr. CLAY a candidate for no office, and the President having filled the measure of his country's glory. The name of HENRY CLAY might induce some men to vote against the measure. He had never supported Mr. CLAY for any office, yet, as a western Virginian, he was always proud of him as one of her most talented sons. Though he did not agree with him in some of his political measures, yet he always admired the lofty bearing of the bold and generous Kentuckian; though he may be overwhelmed by the waves of party, yet, when these party times shall subside, and the merits of this man be calmly reviewed, posterity will enroll his name on the brightest pages of American history. He will be regarded as one of those rare spirits that can rise with the crisis, and soar above party feeling and selfish ambition, and cast oil on the troubled waves of his distracted country. Black lines might be drawn around his name, yet a glorious resurrection awaits him. He will live imperishable in the affections of every votary of civil liberty throughout the world; while there are many whose ephemeral existence will go down with the ebbing tide of politics to the shades of oblivion.

Here Mr. McC. seemed somewhat exhausted, and several proposed that he should move that the committee rise; that he could conclude to-morrow. He said he was already under obligations to the committee for giving him their attention for near three hours; he could not think of trespassing further on their time. Though he had intended to present some other views to the committee, yet he found himself too much exhausted, and to accept of an adjournment would be to violate his pledge, when he commenced, that he did not intend to make a congressional speech. He hoped that all parties would unite in this measure; that, in fact, it was no party measure, and would not be a party measure unless the Administration made it one. It was idle to attempt to charge the minority with making this a party question. What interest can a minority have to make any question a party question? None, unless they wish to insure their defeat. It is the interest of majorities to make party questions, that the merits of the matter in dispute may be lost sight of. He would not believe that this matter would share that fate till he saw it. Mr. McC. then thanked the committee, and took his seat.

ABUSES OF THE FEDERAL GOVERNMENT, &c.

SPEECH OF HON. CHILTON ALLAN,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

May 24, 1836.

On the propriety of reducing the expenses and correcting the abuses of the Federal Government, and upon the dangerous advances of Executive power upon the liberties of the People, and in reply to Mr. CAMBRELENG and Mr. FRENCH.

The fortification bill (No. 325) and the proposition of retrenchment offered as an amendment thereto being before the committee—

Mr. ALLAN said:

Mr. CHAIRMAN: Being in Committee of the Whole on the state of the Union, and the grant of the money of the people for the supply of the Government, and the proposition for retrenchment which I have had the honor to offer, being the subjects of consideration, the conduct of the Government in all its departments, as well as the propriety of reducing its expenditure, are relevant and proper topics of discussion in this present debate.

The effort that has been made to curtail the freedom of speech, and to exclude amendments from the appropriation bills during the present session, is one of the remarkable signs of the times.

From the earliest date of British liberty free discussion was allowed on money bills. The public purse being in the hands of the Commons was the great principle of English liberty. It was the effectual engine by which the Commons maintained the authority of the people in the Government, and restrained the power of the King. The supply bills have ever been the field upon which the battles between liberty and power have been fought. Yet, in the American Republic, when power is thrusting its eager hands into the pockets of the people, their Representatives are rebuked for resistance, and denounced for the exercise of the birthright of every freeman. But, as we have already bountifully supplied the demands of power with millions, we have at length arrived at the point where, by common consent, it is agreed to be a fit and proper occasion for a full and free expression of opinion on our public affairs.

Having on another subject given my views on the surplus revenue, the national defenses, and the course of the present Administration, at present, before I proceed to the consideration of the plan of retrenchment, I will confine myself to a desultory glance at general principles and practices and arguments which the public good requires should be exposed.

Sir, in self-defense I feel it to be my duty to describe the organization of this House, the mode of proceeding, and the effect of the previous question. All this is so very different from legislative proceedings in Kentucky that it is necessary the people there should be made acquainted with the course of business here, to enable them to judge whether their immediate Representatives have done their duty.

In this I do not intend to cast any individual censure on the Speaker of the House, for he has treated me on all occasions with courtesy and politeness; in the appointment of committees he followed party practice. In the Kentucky Legislature every member can introduce any proposition, or get leave to bring in a bill on any proper subject he may desire, and can have a committee appointed favorable to the proposition, so that its friends may make it in as perfect a form as they can before it is brought before the House; and there the yeas and nays can be had, and the people be informed how every member voted. This is fair legislation—every portion of the people fairly heard, and responsibility fairly secured in conformity with the ancient reasonable law of parliamentary proceeding.

Here, by our rules, no member can get leave to bring in a bill; the business of the House has all to pass through and receive the sanction of the standing committees. These standing committees, appointed at the commencement of every session by the Speaker, upon strict party principles, are the channels through which every measure is brought into this House. The Committees of Ways and Means, Foreign Affairs, Military Affairs, Public Lands, and the Judiciary, are the principal doors by which every question enters this House. On each of these committees there are placed three Opposition members and six for the Administration—two for one. Of course the Opposition have no voice to bring forward anything. The majorities of these committees decide the fate of all the important measures of the session. Whatever they recommend comes into the House under the sanction of the Administration and of "the party," and is voted through as a matter of course; whatever they report against, is voted down with equal certainty.

The effect of this party organization of the House prevents any member of the Opposition from bringing forward an original proposition; and the *previous* question is used so as to prevent direct votes on amendments to bills which may be pending. For example, on the other day, when the general appropriation bill was before the Committee of the Whole, my friend from Virginia [Mr. MERCER] offered an amendment to divide the proceeds of the public lands, and to limit the cost of the custom-house in the city of New York to $500,000. The previous question was called, and the amendment cut off, no question being taken on the amendment; the question being, according to our preposterous rules, on the passage of the bill. So that, by the party organization of the House, and the frequent use of the gag-law, the previous question, the dominant party can not only prevent the minority from getting a fair and direct vote, by yeas and nays, but they can so involve their course in mystery as to evade responsibility, and "dodge what questions" they may not choose to record their votes upon.

In the Committee of the Whole on the general appropriation bill, as the only opportunity of bringing forward the measure, I offered the proposition for retrenchment; but in the House, to avoid a direct vote upon it, the previous question was called, and the Journal does not show who was for and who against it

But, sir, that the country may understand the subject, I have offered the proposition a second time, and call upon the House to take the vote by yeas and nays. And if this question is again "dodged" by the previous question, let it be distinctly understood that those who vote for the previous question are against the reduction of the expenses of the Government.

The effect of these modes of proceeding, to involve the course of the members in mystery, and to evade responsibility, is manifest from another view of the subject. A party has been in power more than seven years, the members of which have been professing all the while a desire to amend the Constitution, so that members of Congress should be rendered ineligible to Executive appointments. They have all the time expressed a desire to reduce the expenses of the Government. They now have a majority, they say, of about forty in this House, and yet they cannot show by the Journals that they have ever voted for any one of these propositions.

My colleague and friend [Mr. UNDERWOOD] brought in, early in the session, a resolution presenting all these constitutional amendments, yet we cannot either get to discuss or vote on them. Under the party organization of the House and the perverted use of the previous question, it is impossible for my colleagues or myself to have discussed and voted on the great measures upon which the people of Kentucky desire to see the action of Congress.

I will make allusion to another subject characteristic of the times. It has become a part of a general scheme to delude and mislead the public mind, for "the party" to assume that these measures are identified with the honor and glory of the country; and every one who dares to oppose any one of these plans, however unwise it may be, is denounced as an enemy to his country. Let us see how time and reason and experience expose this arrogant folly.

In the year 1834, all who were not for reprisals against France were proclaimed to be enemies to this country. On the last night of the last session, all who refused to vote three millions of money, to be used at the discretion of the President, and in clear violation of the Constitution, were denounced as the allies of France. Now, all the world plainly sees that if reprisals had passed, and the money voted, we should now have been in the midst of a French war. It is now evident to all that those who prevented reprisals and refused to vote money preserved the peace and honor of the country.

Among the signal blessings which a gracious Providence has showered upon our country, none is greater than such a national Senate, given at such a time—a body of the greatest men the world ever saw congregated in a legislative hall. Their debates for the last five years will be read with enthusiasm as long as liberty and genius shall live. In future ages they will become a political text-book among the friends of constitutional freedom when all the selfish projects of the present day, for the obtainment of money

and office, shall have perished in the forgetfulness of oblivion. The American Senate will go to posterity with the glory of having been the anchor of the vessel of State in the tempest of all the passions unchained and let loose by the ascendency of party violence over the Constitution.

The whole country has been filled with the lamentations of the exclusive patriots for the loss of the fortification bill of the last session; and, at this session, the following resolution was proposed:

"*Resolved*, That the President be requested to cause the Senate to be informed of, First, The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require permanent fortification."

All were denounced as enemies to the country who would not agree to pledge the surplus revenue to this ill-advised measure; when, lo and behold! the enlightened Secretary of War, by the approbation of the President, in his luminous report of the 7th of April, completely demolishes the whole scheme; and the friends of an extensive plan of new fortifications, who had been so liberal in their denunciations of its enemies, were compelled to face to the right-about, a movement which frequent use had made easy and familiar in the evolutions of this Administration.

On the 21st of March, while the application of the public treasure to the erection of new fortifications was all the rage, I took the responsibility of maintaining the impracticability of defending our extensive frontier by fortification; that the system had already been carried too far; that it would lead to a large standing army; that the true strength of our country was in the hearts of a brave people, and the way to insure success in war was to enable them to concentrate their power wherever danger should approach, by means of steam and roads, with the greatest possible celerity. I have the unexpected pleasure of seeing that every position which I took is sustained in the report of the Secretary of War.

The report of the Secretary has rendered the denunciations against the members of the minority for their opposition to new fortifications as powerless as time has rendered those which were leveled at them for their opposition to reprisals and the grant of three millions.

It is thus that the opponents of these wild and dangerous schemes stand not only justified by experience and reason, but they have the honor of the sagacity of having foreseen, and the firmness to resist and defeat them in the face of power.

I will notice in this place the systematic attempt made at this session to establish two principles in regard to the appropriation of money which are subversive of the Constitution, and upon the success of which depend the ascendency of the executive control above that of the legislative in the disposition of the public treasure—principles that have been contended for from the commencement of the Government by the advocates of the extension of Executive power. The first of these principles was advanced by the gentleman from Pennsylvania [Mr. SUTHERLAND] as the true doctrine of "the party." It is this: that the recommendation of any of the Executive Departments of the Government that a certain sum of money should be applied to a partial object, is *prima facie* evidence that the appropriation ought to be made, and that the burden of proof is thrown upon those who maintain the negative! The other principle is, that, in making appropriations, Congress should not specifically direct the purposes to which the money shall be applied, but that the grant should be indefinite, and that it should be expended at the discretion of the Executive.

The gentleman from New York, [Mr. CAMBRELENG,] some weeks past, when he made his speech upon the famous three million effort on the last night of the last session, went back for precedents, to justify and prove that appropriations should be general and not special, to the days of 1798.

The Constitution contains the following clause: "No money shall be drawn from the Treasury but in consequence of appropriations made by law." The people intended by this clause to keep the purse strings in the hands of their immediate Representatives. But this power had in effect been transferred to the Executive, by giving him grants of money to be used at his discretion.

To correct this great abuse and clear violation of the Constitution, Mr. Jefferson, in his very first message to Congress after his election to the Presidency, expresses himself thus:

"In our case, too, of the public contributions intrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating *specific* sums to every *specific* purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money; and by bringing back to a single department all accountabilities for money, where the examination may be prompt, efficacious, and uniform."

This great constitutional principle of specific appropriations, brought forward by Mr. Jefferson at the commencement of his administration, has ever since been regarded as the principle, by an adherence to which economy could be maintained in the administration of the finances, and Executive power restrained within the limits of the Constitution.

If the principle now sought to be established should prevail—that is, that Congress is bound to vote all the money demanded by the Departments—unless the negative could be proven, and the grants thus procured not to be limited by specific appropriation, but left in the broad field of Executive discretion, then the provision of the Constitution referred to is useless; it would be as well to authorize the President to draw on the Treasury for all he wanted, and to expend it as he pleased.

The good old doctrine of the Jeffersonian school is, that when the Departments call for appropriations, the burden of proof shall be upon them; and the grant was not to be made unless they convinced Congress, by reason and evidence, of the propriety of what they had recommended; and when the money was voted, the precise object to which it should be applied was defined, leaving no discretion with the President, but making it his puty to see the money was expended according to law, and not according to his will.

I will proceed to show the boundless extravagance to which general grants of money, unguarded by specific appropriations, according to the recommendation of Mr. Jefferson, will lead; and the wide range of power which they place in the hands of the Executive, by enabling him to give fat contracts to his friends. It would be impossible, in the compass of a speech, to describe all the instances of prodigal expenditure by which millions of the public money are annually squandered, by the aid of ambiguous, undefined appropriations, among political partisans; but I will select two cases as specimens, to show the country in what manner this Administration disposes of the public money confided to its discretion. In the year 1832, an act passed authorizing the President of the United States to cause to be built a good and sufficient bridge across the Potomac river, between this city and Alexandria, and the sum of $200,000 was appropriated for that object. The act failed to describe the plan of the bridge, or limit its cost; it was left to the discretion of the President. The letting of the contract was advertised, according to the requirements of the law, and was taken by Gilson & Stephens, at the sum of $1,186,625. They were permitted to proceed upon the work upon a mere verbal contract, and finally failed to execute a written contract, and sold out their bargain to a Mr. O. H. Dibble, in whose favor the plan of the bridge was changed, and the price raised to $1,350,000, without any new advertisement. In the same loose manner he was permitted to proceed upon this great work for so large a sum upon a mere verbal understanding. In the mean time, Mr. Baldwin, an experienced engineer, reported that the bridge, upon the plan upon which Mr. Dibble was proceeding, would cost the enormous sum of $4,791,620. This extraordinary proceeding was arrested by the vigilance of my friend from Virginia, [Mr. MERCER,] who is better informed upon the construction of all works of internal improvement than any man in America. He had this prodigal contract brought before Congress, and exposed its enormity. Congress refused to go on with the work, and paid Mr. Dibble for what he had done. Since which time, a good and sufficient bridge had been completed—for what sum do you suppose, Mr. Chairman, after what you have heard? The sum of $113,000. The country is indebted mainly to the learned gentleman from Virginia for having saved between four and five millions of dollars.

The other case to which I shall refer is the custom-house now building in the city of New York. In the year 1832, the same gentleman now at the head of the Ways and Means reported to this House a bill, as chairman of the Committee on Commerce, which passed at that session, and contains the following section:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury shall be, and he is hereby, authorized and directed, with the approbation of the President of the United States, to purchase a site, and to cause a building to be constructed thereon, to be used as a custom-house in the port of New York, and that the sum of $200,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be applied to the purposes aforesaid."

At the time this bill passed it attracted no particular notice. It was not intimated that any further appropriation would ever be called for; no one doubting that the sum of $200,000 would be amply sufficient to buy a lot and build a custom-house. The *real design was concealed from Congress.* And the Secretary, in clear violation of this law, under the direction of the President, instead of buying a lot where they were cheap, as we are now informed by the father of this law he could have done, he proceeded to make the purchase on the corner of Wall, Nassau, and Pine streets, in the dearest part of the city, at the price of $217,500, and to contract for a house, as we are now informed, that would cost a million and a half! It is manifest that the law above referred to authorized no such extravagant proceeding as this. It is perfectly certain that if this profligate expenditure of public money had been disclosed to Congress, the law never would have passed. But the gentleman [Mr. CAMBRELENG] informs us that he disapproved of the purchase of this extravagant lot, and that one near the water would have done as well, and also that he disapproved of the extravagant design of the building. Sir he was the projector of this law. This abuse of it took place under his own eye, in his own city, of which he now says he very much disapproved. Now, as the gentleman has ever since remained a member of Congress, it is a misfortune to the country that he did not, at the next session, inform Congress of this flagrant extravagance and abuse of the law, of which he now says he so much disapproved. But the gentleman at the next session, in 1833, so far from giving this information, slipped into the general appropriation bill the following weighty lines:

"For the erection of a custom-house at New York, $300,000."

Mark the phraseology! Not in addition to a former appropriation, not to finish *the* custom-house; but it is for a custom-house. And this year again the gentleman has got through the general appropriation bill with an appropriation of $300,000 more, and the yeas and nays prevented on it by the gentleman's own vote for the previous question. So that already the enormous sum of $800,000 has been appropriated for this house, and the basement story is not yet done. And after all this, the gentleman makes an effort to throw the whole blame on a former Secretary of the Treasury, who made a contract, as he states, for a house that would have cost a million and a half, but that the present Secretary of the Treasury, more economically given, had been to New York, and had adopted a new plan to curtail the extravagance of this first. It seems that the duty of defending the Administration is confined to the persons who happen to be in at the time. Here is a generous effort to throw the blame on an absent gentleman, who is out of office, and to eulogize the economy of the present Secretary at his expense.

Mr. CAMBRELENG rose to explain, and said that he was surprised at the imputation of a design to assail the former Secretary; that he had several times explained, and he could only account for the observations of the gentleman from

Kentucky, by supposing he was absent when he had given the explanations.

Mr. ALLAN. Sir the gentleman is mistaken in supposing that I was absent; I was present, and heard every word he uttered, and have a perfect recollection of all that he said. Sir, I have no intention of either assailing the gentleman's motives or of accusing him of assailing the motives of the former Secretary of the Treasury. With motives I have nothing to do; my business is with facts; and although I intend to make a very free and full commentary upon what the gentleman has said and done in this House, yet my duty in this respect shall not be exercised in a spirit of personal unkindness, because my intercourse with the gentleman has been characterized with politeness on his part. But the influential position which the gentleman's party has assigned him in this House, and the control which he is thereby enabled to exercise over public measures in which my constituents have a deep interest, impose on me the duty of commenting freely and fully upon his course. The gentleman did certainly say that the former Secretary had agreed to an extravagant plan that would have cost a million and a half, of which he disapproved, and that the present Secretary had reduced the plan to a proper scale of economy. I thought this a very strange account of the matter, that two Secretaries should come into conflict upon so important a subject, as we have been informed in a State paper that the Secretary of the Treasury was a mere instrument of the President; neither of the Secretaries, of course, had anything to do but to execute the orders of the President. I wrote to the present Secretary, Mr. Woodbury, on the subject, and so far from claiming the credit of having altered the plan of the custom-house, he did not even know either what the plan was, or what the cost of the building would be, and promised to write to New York and procure the information which I desired, and which he did, and the two following letters will explain the subject:

TREASURY DEPARTMENT, *April* 28, 1836.

SIR: As promised in my letter of the 23d instant, I now have the honor to transmit herewith a copy of a report made to me, under date of the 26th instant, by the acting commissioner of the New York custom-house, containing the remainder of the information respecting the new custom-house building, asked for in your letter of the 22d of the present month.

It is deemed proper to add that the contracts referred to by the commissioner are for the following purposes, to wit: 1st. For the supply of all the cut marble necessary for the completion of the basement story, amounting to $67,500. 2d. For the supply of all the cut marble necessary for the superstructure above the basement story, together with the shafts for the columns, $281,585.

I have the honor to be, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. CHILTON ALLAN,
House of Representatives, Washington.

—

OFFICE COMMISSION FOR BUILDING CUSTOM-HOUSE,
NEW YORK, *April* 26, 1836.

SIR: Yours of the 23d instant was received yesterday. In reply to your inquiries, "1st. What is the length, breadth, and height of the new custom-house?"

The length is one hundred and eighty-five feet, exclusive of buttresses and steps on each front; the breadth ninety feet; and the height, from basement floor to top of the eve, fifty-five feet; to the top of the roof, sixty-eight feet.

"2d. What will be the number and cost of the marble columns for the support and decoration of said building?"

There are sixteen Doric columns for the porticoes, sixteen Corinthian columns for the great hall or rotunda, twenty-two Doric columns in the basement, and eighteen Doric columns in the rooms of the first, second, and third floors, the prices of which it is now impossible to designate, as in the contracts entered into (copies of which are with the Department) the items, or parts, were not specified, but put down in gross. They can, however, be obtained from the contractors. The columns cannot be separated, or their receipt declined; the contract is for the whole together, and they are mostly worked and ready for delivery.

"3d. What will be the cost of the building?"

The superintendent's estimate in November last, forwarded to you, was, for the whole cost of the building, $750,000; and he is still fully persuaded that this sum will complete the whole. It is the general opinion here that, by the contracts already made, the Government receives the marble for $150,000 less than it could now be contracted for and furnished. The building cannot be materially altered without losing the great advantages of these contracts; the building is now progressing rapidly, and the entire appropriation of $300,000 will absolutely be necessary.

I am, very respectfully, your obedient servant,

WALTER BOWNE, *Commissioner, &c.*

Hon. LEVI WOODBURY,
Secretary of the Treasury, Washington.

It has turned out as I anticipated: that there could be no conflict between two Secretaries acting under the orders of the same President. The lot for this House cost $217,500; the marble, $348,585. There is no general contract; the cost is not limited. The work is progressing at the discretion of the architect; he makes out the annual estimates; it was he who sent here the demand at this session for $300,000 more. He is the only person who appears to be informed on the subject. Simply upon the act of Congress of 1832, appropriating $200,000 to buy a lot and build a custom-house, the Executive, in the exercise of his discretion, has determined to build a house, in the city of New York, which shall be a splendid monument of the arts, which shall astonish and excite admiration by its extent and magnificence, to adorn and beautify the great commercial metropolis. This house is merely for the preservation of the books and the accommodation of the clerks and officers of the customs. A plain house near the water, where the lots are cheap, could have been built for the original appropriation of $200,000; but we now see a house progressing made of such huge blocks of marble as to require thirty yoke of oxen to haul a single piece. The people can learn from these two cases of the bridge and the custom-house how their affairs are managed; how power seeks every occasion to extend its patronage, and provide profitable contracts for numerous dependents. They will see that their money is thrown out broadcast as profusely as if it were as plenty as sea water.

In private life it is a safe maxim to count the cost before you begin to build a house; but here a house is undertaken without defining the plan or fixing the price, and the commissioners paid a premium for the amount which they spend.

I will close my remarks on this branch of the subject, by placing the Potomac bridge and the New York custom-house by the side of a sentence in the Inaugural Address of the President, of the 4th of March, 1829. He says:

"The management of the public revenue—that searching operation in all Governments—is among the most delicate and important trusts in ours; and it will, of course, demand no inconsiderable share of my official solicitude. Under every aspect in which it can be considered, it would appear that advantage must result from the observance of a *strict* and faithful economy."

When you consider the effect of this "*searching operation*" upon the bridge and the custom-house, you cannot wonder that the same kind of operation has made the expenses of this Administration swell more than forty-five million dollars more than the preceding eight years. This "*searching operation*" increases in energy as it progresses, and will, from present indications, very soon reach the very bottom of the Treasury. Between twenty and thirty millions have already been appropriated at this session. In my former calculation, I took the Secretary's estimates for 1836 at $23,000,000, which were made in view of a French war. Now I have but little doubt that the appropriations at this session will exceed the estimates of the Secretary at least ten millions; if so, the excess of expenditure of this Administration over the previous eight years will be over fifty-seven millions.

It is very true this "*searching operation*" *has demanded* "*no inconsiderable share*" *of the* "*official solicitude*" *of this Administration;* and if it has not been conducted exactly in accordance with the former understanding of "*a strict and faithful economy,*" yet a strict and faithful regard has been had to the spoils principle. No doubt the honorable gentleman from the city of New York thinks the cost of this custom-house a small matter. When we were on the Navy bill, he sneeringly said the pitiful sum of $600,000 was game too small to be worthy of the attention of the gentleman from Tennessee, [Mr. BELL.] This is all very natural; our minds are formed by the circumstances around us. The gentleman has been long accustomed to see millions of the national treasure poured out in his State and city. His constituents now have the use of more than twelve millions of the public money without interest—a million to build a custom-house. Under these circumstances, it does not surprise me that the gentleman should have large ideas, and that being so much used to millions, he should have no patience in counting mere thousands.

I do not know how it is with the gentleman from Tennessee, [Mr. BELL,] as he resides at Nashville, within the limits of the Constitution, but I will undertake to say that the gentleman from the same State [Mr. PEYTON] would think the sum of $600,000 was game well worthy of his attention, if he could get it to improve the Cumberland river above the upper boundary of the Constitution.

The power of the House of Representatives is fast wasting away to nothing, under another alarming innovation in regard to the appropriation of money. A demand upon the Treasury for a large sum of money was heretofore deemed an affair of sufficient consequence to be brought before Congress by a message from the President of the United States, and to be referred by the House to a standing committee for investigation. Now, the irregular practice has grown up, of the heads of the Departments, instead of the President, to call upon a committee of the House, instead of the House, for appropriations. Under this new practice, and at this session, we have seen millions voted away upon a letter passing between the Departments and the committees. I was surprised at the gentleman from North Carolina, [Mr. SPEIGHT,] who, in the general, is so correct as to the rules of proceeding, when he asserted that this practice had existed from the commencement of the Government. I deny that any committee has a right to deliberate or report upon any subject that has not been referred to it by the House. The committees derive all their powers from the House, and the range of their deliberations is confined to such subjects as the House has referred to them. I deny their right to receive a communication from any source whatever, of original propositions, except from the House. They have a right, and it is the practice for the Departments to prepare estimates and statements for the committees explanatory of subjects which have been referred to them by the House. And it is this usage that has misled the gentleman from North Carolina. Whenever the design of raising armies and appropriating money originated in the Executive Department, such design was always, until of late years, brought before this House upon the responsibility of the President, and it is the right of every Representative to vote upon its reference. But our present chairman of the Ways and Means not only receives notes from the Executive Departments, calling for armies, and millions, but whenever he determines that any of these notes are not properly directed to his committee, he takes the responsibility, without consulting the House, to say which of the other committees they shall go to. In this informal mode of proceeding, we have seen millions appropriated in the compass of a few hours, under a single breeze of excitement.

At this dangerous innovation the honest indignation of the gentleman from Maine [Mr. JARVIS] rose above party and he boldly and fearlessly denounced this practice as reducing this House to the condition of an old French Parliament, whose office it was to enregister the decrees of the King. The whole of the improvements of the country, the fortifications, breakwaters, harbors, &c., are progressing under such vague and general estimates, under such indefinite legislation, that power is left in the uncircumscribed field of discretion, to multiply and extend patronage at pleasure.

Sir, on the subject of fortifications a brief statement will show the wild, wasteful, prodigal spirit, which is now, with an unsparing hand, scattering the public treasure to the winds—a spirit that proclaims that it would be better to scourge our land with the devastations of war than to unloose the grip of Federal power upon any portion of the contents of the Treasury. The average amount of the annual appropriations for fortifications upon the settled policy of the country since the year 1816, is within a fraction of $700,000. The estimates sent in from the proper Department for the year 1835, when it was said there was danger of a French war, were the sum of $439,000. The estimates for 1836, in view of a French war, for fortifications, being for two years, the bill for 1835 not having passed, was for the sum of $1,670,000. And now, when the French war has gone by,

and it has been determined to make war on the Treasury, to keep the people out of any share of the surplus, what do we behold? Three bills depending before this House; the one now under consideration for the sum of $3,772,058, and the two bills reported from the Committee on Military Affairs for new fortifications, for the sum of $2,503,800 more, making, in all, the sum of $6,225,858! The sum proposed now to be appropriated at this session is nearly half as much as has been appropriated for fortifications for the last twenty years.

The average annual amount for the naval service heretofore has been a fraction less than three and a half millions. The annual naval bill of this session which has passed this House is for $6,235,307. From the above indications, it is evident that federal power, intrenched in the strong ramparts of the Treasury, is determined there to make its stand, until it triumphs in the battle of the succession, or expends every dollar in that conflict.

Sir, I disagree with my colleague in the warm approbation which he has expressed for the fortification bill now before you. It is without example for its prodigal extravagance; and unnecessary, because the enormous amount cannot be expended during the year.

During the year 1834, when labor was comparatively cheap and easy to be procured, only the sum of $475,617 could be expended out of the appropriation of $870,594 for fortifications.

Of the fortification bill of this session $700,000 is for arming the fortifications. The annual appropriation heretofore for this last object was $100,000.

There is in the Army bill of this year the sum of $200,000 for the armament of the fortifications, which has already passed; and the amendment now pending, and to which my colleague has pledged his support, is for $700,000 more, making in all $900,000, in place of the $100,000 heretofore annually applied to this purpose. I do not see the necessity of making this appropriation nine fold more than has ever been required heretofore, even by this Administration. As all former experience has proven the impracticability of expending the sums demanded at this session upon the public works in the year, there can be no other object in the extravagant appropriations proposed than to make such a disposition of the public money as to defeat the land bill. Sir, why are you about to depart from all former usage at this particular time? Why signalize the year 1836 with a prodigality that will swell the expenses of the Government millions beyond even the excesses of the last seven years? Is it possible that Congress will swing the doors of the Treasury wide open, and pour out the public money agreeably to the new demands of power at the approach of a presidential election? For the Army, Navy, and fortifications, nearly ten millions are demanded for this year more than the last.

The gentleman from New York [Mr. CAMBRELENG] gave us notice several times that he intended to speak upon the surplus revenue and expenditure. I was anxious to hear him on these subjects, for I supposed he would avail himself of the occasion to explain to the country why he had delayed so long to bring forward a bill for retrenching the expenses of the Government and the number of Federal offices, agreeably to his famous report of 1828, upon the adoption of which he and his friends then thought, or *professed* to think, that the very salvation of the country depended. But when the gentleman came to speak, here membered to forget his pledge of retrenchment, which is now eight years old. He must be excused; he has been so busily engaged during this session in preparing bills to increase the number of offices and the salaries in all the Executive Departments, that he has not had time to explain the reasons of his failure to comply with his retrenchment pledge.

He commenced his speech by showing that if the President's *wise* and *just* recommendation in 1829, to give the public domain to the new States, in whose boundaries it was situated, had been complied with, we should not now have been troubled with a surplus revenue. The public domain was purchased by the blood and treasure of all the States for the common use and benefit of all. Virginia conveyed her vast possessions to the United States for the benefit of all the States, herself included; and yet the gentleman contends that it would be just towards Virginia and the other States for Congress to take the common property from all the States, and divide it among a few of them. This agrarian scheme, prostrating as it does every idea of justice and policy, the gentleman knows full well will never be adopted. But the delusion has answered the purpose for some time, and may a little while longer, of raising expectations in the new States which they will never realize, and of casting their political influence in the scale that holds out the promise. The idea of robbing one State of its property to bestow it on another had its origin in political designs, and will end in political designs; for such a scheme can never succeed unless the people become deranged. It will turn out like the promise of *retrenchment* and *reform*. The plain English of both promises was artifices to get votes and political influence.

The gentleman next proceeded to pronounce the legislation of 1816, which has paid off the national debt and filled the Treasury to overflowing, unwise and imprudent, and stoutly maintained that if the public money was divided it would corrupt the States! The gentleman seems to have all sorts of horrors at the idea of the corruption which the use of their own money would spread among the people; but the gentleman has no fears that the public money will corrupt the officers of the executive government, who now have it in their hands against law, and are using it in violation of law. There is no danger of its corrupting the pet banks, and brokers and stock-jobbers of New York, who now have more than twelve millions of the people's money without interest! There is no danger that they will either use this money in political bribery, or for the unholy purpose of grinding the poor and needy! There is no danger of millions of this money being loaned to political favorites to speculate in Indian reservations! There is no danger that forty millions of public money thus used will transfer the property of the country into a few hands, and build up a lordly aristocracy among us! There is no danger that the present operations of the Federal Treasury will make a single city the mistress of the commercial operations of the whole country, and subject every portion of the Union to enormous exactions in the forms of discounts and exchanges! There is no danger that the labor of the people will have to pay tribute in the brokers' shops in this engulfing commercial emporium! No, sir; the honorable gentleman apprehends no danger from any use of the public money except its division among the people, to whom it belongs, and there he thinks it would spread universal corruption.

To save the Democracy from corruption, the gentleman, with the most *disinterested views in the world*, holds on to the surplus revenue with the grip of death; he will keep it snugly in New York. And here, sir, I will notice one instance of the use of a portion of the public money in that city. The Manhattan Bank, which was smuggled into existence by fraud, has a perpetual charter; of the stock, an English nobleman owns over six hundred thousand dollars. This bank held on the 1st of February $3,067,000 of the people's money on deposit, which, at legal interest, produces $214,690 annually; of which the Marquis of Carmarthen receives $70,000 for his share of the spoils. And this is done for the very *laudable* purpose of keeping the money from corrupting the people. A few years ago we were informed by the gentleman and his friends that it was very improper to let foreigners hold stock in the United States Bank, although they paid the Government a large bonus for the privilege. Now, we are informed by the same gentleman that it is very proper that foreigners should hold stock in this pet bank, without paying any bonus, and have the use of the money of the people of this country gratis, in the bargain.

After the honorable gentleman had shown and condemned the means by which the surplus in the Treasury had been produced, and shown how its division would corrupt the States, he straightway denied that we would have any surplus whatever to divide. He fell to work on the Treasury, and soon had it bankrupt. The $40,000,000 disappeared under the operation as fast as the number of Falstaff's assailants in Kendal green.

I will give a specimen or two of how the gentleman got clear of the surplus. In the first place he stood up here, in presence of the assembled Representatives of the people, and contended with a grave face that the seven millions of stock which the Government owns in the United States Bank was not safe, and that, in reckoning our means, we ought not to count that fund! So the honorable gentleman strikes $7,000,000 out of the account. He next strikes out $5,000,000 to pay for the Florida war with a few hundred Indians. This is more than twice as much as was expended in all the Indian wars of the West from 1774 to 1795. And then the gentleman took out $10,000,000 to pay for a war that is to occur hereafter, but did not tell us where. But, after getting clear of $22,000,000, there was still a large surplus on his hands, which he did not know what to do with, when his friend and colleague [Mr. GILLET] flew to his assistance, with a scheme to spend $22,000,000 more, to buy muskets for the militia.

Mr. GILLET rose and said that he did not propose to take that sum; that he had said it would require that amount to arm the whole militia, but that his proposition extended only to a part.

Mr. ALLAN. Sir, I am glad the gentleman does not want the whole sum now. These instances will show how the Treasury was to be emptied. From the gentleman's assertion, that there will be no surplus in the Treasury, I will appeal to official documents. In my statement on the 21st of March last, as to the amount of the public funds, I referred to the returns from the Treasury which had then come in, and I did not include the bank stock. By subsequent reports from the Secretary, it appears that there are now in the Treasury $38,000,000. The Government stock in the Bank of the United States is worth $8,000,000. Estimated receipts to 1st of January next, $24,000,000, making, in the aggregate, $70,000,000. Admit that the extravagant spirit that now bears rule should at this session swell the appropriations to the unexampled sum of $35,000,000, still there will be in the Treasury, on the 1st of January next, $45,000,000, allowing that there will be in the Treasury at that time $10,000,000 of unexpended balances. Now I should like the gentleman to descend from the airy region of imagination, and show any error in this calculation.

In prosecuting hostilities against the Treasury, the gentleman makes a most vigilant war minister. Whenever he wants a large sum of money, he forthwith waxes exceedingly valiant, and becomes warlike; but, to do him justice, during almost the whole of last session he was as civil and as peaceable a gentleman as any one could wish to live by; and only a few days before the close of the session, as chairman of the Committee on Foreign Affairs, he made the most sensible speech I ever heard him make, and as sensible a one as I ever heard any one make. It was short, and to the point; both very rare merits in this Hall.

The venerable and learned gentleman from Massachusetts [Mr. ADAMS] called upon him to know why he had not made a report upon our relations with France. I remember the identical words of the reply, for they struck me at the time. The gentleman rose and said, "*as we intend to do nothing, we think it prudent to say nothing.*" I admired the excellence of this speech, because it is not uncommon in the world to hear men play the braggart, and gasconade, and talk big, just in proportion as they intend to do nothing. But notwithstanding this prudent, pacific speech, on the very next night the gentleman fell so violently into one of his belligerent ways, that it broke out in a peremptory demand for three millions of money, and he became so moody because he could not get the whole sum, that he would not have a part, and exhorted his friends not to answer to their names when they were called, to prevent a quorum from voting, to enable him to withhold from the House the report of the committee of conference. I was

present to the last hour of that long-to-be-remembered night session, and confess that I was astonished to hear the gentleman call upon his friends not to vote after midnight, knowing that the gentleman had never on any former occasion refused to vote himself after midnight; and knowing, as I do, that it is his opinion that the Congress does not necessarily end on the 3d of March at midnight. I will not dwell upon what occurred at the last session, but return to this. During the last winter, when that gentleman desired to make heavy pulls on the Treasury, he would take into his head that Admiral Mackau was hovering on the coast, and sometimes seemed to think that his guns were within point-blank shot of the Capitol.

Since the nautical evolutions of the Gallic admiral have ceased to float in the visions of the gentleman's fervid imagination, his pugnacious apprehensions have worked around to an opposite direction, and one ominous sweep of his finger from Lake Superior to the Gulf of Mexico portended unnumbered direful wars, in some one of which it would be necessary to spend ten millions of dollars. In this brief manner the honorable gentleman disincumbered the land bill of nearly one half its contents. The gentleman tells us boldly that a war would do the country less injury than the division of the surplus treasure among the States.

Sir, that it was the deliberate intention at first to make the whole Union tributary to New York becomes every day more and more evident. As early as the 18th of October, 1833, the agent of the Government appointed to select the deposit banks wrote to a person in New York that, under the new system, "it (the branch of the United States Bank) *will have to become the collector of specie from every quarter of the Union, for the ultimate use of your bank, and others who may want it in New York.*" Yes, sir, here is a project to drain every part of the Union of specie for the benefit of New York. We now see, in completion of this scheme, twelve millions of the people's money deposited in one city, and the whole western country constantly drained to keep the public funds concentrated at this point, and we hear the member from that city proclaiming that it would be better to involve the country in war than to have this New York monopoly broken up; the monopoly by which the specie from all parts of the Union, as well as the public revenue, is conveyed to this favored place.

The great contest of the present day is, whether the public domain shall be divided among the States to strengthen the defenses of liberty, or retained in the hands of Federal power, to be divided out as spoils in the form of jobs, contracts, and salaries, to secure political influence. The proceeds of the sales of the thousand millions of acres of the public lands, devoted to the augmentation of Federal patronage, will insure the ultimate triumph of Executive and aristocratic power over the liberty of the country. Hence power holds on to the public money and the public lands. Hence the declaration that war would be preferable to a division of the public money among the States. Hence the presumptuous declaration of the officeholders, while they are rioting upon the public money which they hold in violation of law, that if they were forced to give it up it would corrupt the people. Hence the succession of varying schemes which have passed before us since the first Monday of December, with a view to engage public attention, so that the session might be wasted in the consideration of a number of repugnant plans—that nothing should be done, and Congress adjourn and leave the public money in a position to do the political work of "the party."

Three projects were proposed by three eminent politicians, all high in the confidence of power—members of the other branch of the Legislature. One proposed to lay out the surplus public money in the purchase of stocks! Another reported a scheme of distributing the public funds among railroad companies, for the purpose of having the mail carried. While another proposed to get rid of the surplus by building forts. Now the gentleman from New York [Mr. CAMBRELENG] and his party, in the face of their own admissions during the whole session, in the face of their own projects of disposing of the surplus revenue, turn round and deny that there will be any surplus to divide! Emboldened by success, the party now confidently imagine that they can pass off the most palpable inconsistencies upon public credulity, under cover of the President's popularity. It may be slow, but a day of accountability will come.

But, sir, there is one view stronger than all others, to show the inconsistency of those who are engaged in the project of keeping the people out of the use of their money. On the one hand we are told that the whole ought to be appropriated for the use of the General Government; and, on the other hand, we are told if it be appropriated for the use of the States, it will break all the banks. Yes, sir, according to these gentlemen, if you grant all your money for Federal purposes, the pet banks can pay you with ease; but if you make the grant for the use of the States, they will all blow up!

Sir, I will here take leave of the gentleman from New York, and pay my respects to my honorable colleague, [Mr. FRENCH,] who has thought proper to honor me by making almost the whole of his very elaborate speech an answer to one of mine delivered more than two months ago. I will not complain of his going out of his way, and against the rules of the House, on one subject, to answer an argument made on another. But I do not see the necessity the gentleman was under to answer my speech, inasmuch as, after two months' deliberation, he has not ventured to deny a material fact, or to controvert a principle maintained by me. That the gentleman should have selected me out of all the members of the House to make his speech at, is a little remarkable, considering the long and uninterrupted friendship which he has informed the House has subsisted between us, and considering, also, that the gentleman stands pledged to his constituents to support the same measures that I do to mine. Our districts adjoin, and we represent people not only having precisely the same interests, but agreeing perfectly in the measures which should sustain their interests. I do not know that my colleague and myself differ on any question of national policy. We agree that a national bank is constitutional, and conducive to the preservation of a sound currency. We agree in the constitutionality and expediency of works of internal improvement. We both believe that roads could be made in Kentucky of a national character, as well as in the other States. We both believe the Constitution is in force above as well as below custom-houses. He believes, as I do, that the proceeds of the public lands ought to be divided among the States. We both agree that the condition of the public money ought to be examined into by Congress before the adjournment. Thus situated, being old friends, substantially representing the same people, and agreeing as to all the great measures depending before Congress, I had cherished the hope that the gentleman would have stood side by side with me, and shoulder to shoulder, in pressing these great measures, in which our constituents have so deep an interest, through the House.

That the gentleman should have assumed an attitude of opposition to me, (in a kind manner, it is true,) is among the strange events of these strange times; not because we differ in principle; not because I have made any argument against the interest of the country; but because, as he says, I have opposed "*his party*," and he, being one of "*the party*," is, in self-defense, bound to answer me. His defense is not of the Constitution, not of the great principles of public policy called for by our constituents, for here we walk together and are agreed. No; the gentleman entered the lists as the champion of his "party." My friend is an apt scholar, and has very soon learned the fashion at the metropolis. He quickly ascertained that no matter what measures he advocated, no odds what principles he professed, he would be taken into full communion and fellowship, provided he would defend the party and vote for the successor. He informed the House that he intended to leave his posterity in Kentucky, and that he loved Kentucky better than any place in the world. No doubt this is true, yet I could wish the gentleman had a different way of showing his love. He stands here, from day to day, and sees "the party" contriving schemes of extravagance to squander the public money, with a view to deprive the people of the use of any portion of it; yet he is as meek and as gentle as a lamb; his Kentucky blood is not in the slightest degree agitated at these attempts to crush the rights of his constituents.

The other day, in the present debate, he heard the gentleman from New York [Mr. CAMBRELENG] contending that if the money was divided, it would corrupt the people. This daring affront upon the sovereign people did not fire my friend with indignation, and bring him to his feet to vindicate his constituents from the aspersion. No; that was no attack upon the *party*. The honorable gentleman had to reserve his strength, to lay it out against a Kentuckian, who was fighting by his side for the measures which he *professed* to advocate. After a full examination of all the documents, my friend informed the committee that we had a large surplus in the Treasury—enough to divide over twenty millions among the States; yet he listened with perfect composure to the gentleman from New York, when he was boldly asserting, in the face of figures and facts, that there was no surplus in the Treasury. Yet the gentleman did not feel it to be his duty to protest against a statement which he knew to be unfounded, and which was made with a view to defeat the just claims of his constituents in their share of the surplus money. The gentleman could look quietly on, and see the great measure which he was sent here to sustain sinking under this statement. Yet the gentleman's love for Kentucky could not induce him to utter a word of remonstrance; all was reserved for me; not because I was against his measures, but against his men. Verily the gentleman does not love Rome less, but he loves Cæsar more.

But after all the gentleman's devotion to his *party*, after his gallant defense of *his party*, what return has his party made to him? He moved, on three several days, to take up and consider the bill which I had the honor to introduce for the benefit of the old soldiers who fought the battles of the western country. Where was the gentleman's party on these occasions? They voted him down, and would not let him have even one hour to consider the bill. Yet my friend went between the tellers, with the gentleman from New York, for the previous question on the general appropriation bill, and thereby prevented a motion to strike out $300,000 for the New York custom-house. While my friend is aiding in the completion of a custom-house in the city of New York, which will cost at least $1,000,000, his party from New York vote to leave the conquerors of the West, in their age and poverty, without a dollar of compensation for all their sufferings and for all their toils. Again: my friend was elected especially to get from his party an appropriation to make a road from the mouth of Big Sandy to Mount Sterling. Where is the gentleman's party on this subject? They are taking millions for improvements in other States, but they will not grant my friend a dollar for his road. He may hope for it, but I tell him now that they do not intend to give him a cent. So that my friend is engaged in a most hopeless undertaking. He stands by his party, but they will not stand by him.

If the gentleman had reserved some of his eloquence to vindicate the rights of his constituents, and to bring his party to a sense of justice, he would have stood a much better chance of success. My friend occupies the strange ground here of supporting the men who oppose every measure which the people of Kentucky think connected with their deepest interests. I do not know what consolation the gentleman can take in this unless he, too, thinks it "*a sufficient glory to serve under such a chief.*"

I will now proceed, in the same kind and friendly spirit manifested to me by the gentleman, to a nearer view of his speech. He again brings forward the letter of General Jackson to President Monroe, in which General Jackson advises Mr. Monroe, "in the selection of the public officers, to avoid party and party feeling;" advises him to "crush the monster called party spirit;" tells him

that "the Chief Magistrate of a great and powerful nation should never indulge in party feelings; that his should be liberal and disinterested, bearing in mind that he acts for the whole, and not for a part, of the community." This celebrated letter was written in 1816, and was republished in all the papers of the party throughout America, while General Jackson was electioneering for the office of Chief Magistrate, as containing the principles and pledges upon which he would administer the Government, if elected. Now, that every principle and pledge in this letter have been violated; that all appointments have been made with a view to party; that every man in the nation has been proscribed who did not belong to the party; that the monster called party spirit, so far from being crushed, has scattered throughout the land firebrands of discord, and caused party passions to blaze with increased fierceness, are truths that no one questions.

My colleague, perhaps, did not observe that all the members of his party, in their speeches, prudently went round the Monroe letter; that, upon this subject, they were as silent as the tomb. Perhaps he did not know that, for the last five years, not one was found in this House who ventured to deny that every principle and pledge in the Monroe letter had been disregarded in practice. If my colleague had observed these things, he would not have taken a post which had been abandoned by every one; he would not have undertaken the defense of his party upon a point where he cannot find a single man that will stand by his side.

But as the gentleman entered the lists, not to sustain the rights of his constituents, but to defend his party, he had a chance of showing his zeal, if not his discretion, in taking up the Monroe letter; and if he has not been able to reconcile the professions and practices of his party, it has afforded him a notable occasion to show the strength of his devotion. But let us see what the gentleman has made of the letter. The point in issue was between the *profession* that, in the selection of public officers, party and party feeling should be avoided, and the *practice* which selected none but partisans. In the very first move my friend bears off from this issue, and turns to other parts of the letter, upon quite different subjects, and discourses about western lands and Indians, the public debt, &c., &c.; but when the gentleman got back from his irrelevant digression, as he could not prove the consistency between the President's profession and practice, he boldly abandons the profession, and justifies the practice.

In his advice to Mr. Monroe, General Jackson said:

"*Everything* depends on the selection of your Ministry. In every selection, party and party feelings should *be avoided.*"

My colleague said:

"*All statesmen, of all parties, concede the right to the President to select from the ranks of his political friends the heads of Departments. How can two walk together except they be agreed?*"

The gentleman's tone has altered. In 1828, when he was electioneering for the office of elector, he eulogized General Jackson for the elevated and liberal principle that, in the selection of the heads of Departments, party should be avoided. Now he says all statesmen agree that the Departments should be filled with partisans. That the gentleman should move in opposition to his own professions in 1828, in the face of the principles of the President, contained in the letter which he held in his hand, should say that all statesmen, of all parties agree that Cabinet ministers should be partisans, is but the beginning of the difficulty in which he has involved himself by undertaking to make a whole-hog defense of the Administration.

My colleague then proceeded, in direct opposition to what he had advanced in the sentence before, to say: "It is true, sir, that all the citizens of the United States are equally eligible to office, and entitled to equal benefits from the Government;" and went on to prove that equal justice had been done to all parties in the distribution of offices. He said that he had inquired of the most intelligent citizens of this city, and had been informed by them that the Opposition have their due proportion of offices throughout the Union. I should have been pleased if my friend had given the names of his witnesses. I should like to know if they are not officeholders, in the receipt of the spoils. I very much regret that a statesman from Kentucky should have been reduced to the necessity of making such an inquiry in this city, and of founding a grave argument upon the testimony of witnesses whose names he has thought proper to keep to himself. Does not everybody know, as well as the gentleman's nameless witnesses under the eaves of the palace, what is the truth on the subject? What is the question? It is this: In the appointment of public officers, "have characters been selected most conspicuous for their probity, virtue, capacity, and firmness, without regard to party," agreeably to the solemn pledge which had been given, and upon the faith of which the present Chief Magistrate was elected? Now, my friend knows perfectly well, what every one knows, that no individual has been selected to fill office but a devoted partisan; yet he goes into the purlieus of the palace to inquire for information. If the gentleman did not know, he ought to have consulted the public records; there he would have found who had been appointed home and foreign ministers, judges of courts, and to all the offices in the nation. But when the gentleman leaves his Washington city testimony, and relies on his own knowledge, and takes a range throughout the land to find instances to prove that, in the selection of public officers, no regard has been had to party, he has found two signal cases in the western country, both of which occurred in the county in which I live.

He says that Colonel Coleby H. Taylor and James Pace, Opposition men, were appointed postmasters by this disinterested and liberal Administration. The gentleman has been very unfortunate in his allusion to the post office patronage in Clark county, as will appear in the sequel. I would not myself have voluntarily made any allusion to the subject; but as it has been introduced for the purpose of proving that, in the appointment of public officers, this Administration has had "no regard to party or party spirit," the whole truth must come out. The post office at Colonel Taylor's is in the county where no Jackson man lives. The office yields no profit of consequence. Colonel Taylor did not take the office with any view of making money; he is a very obliging gentleman, and agreed to take the office merely with a view to accommodate his neighbors. The office at Pace's was in all respects similarly situated. These being the only cases in the whole western country that the researches of my friend could find where Opposition men had received appointments from this Administration, could anything prove more clearly how hard he was pressed, than to be compelled to refer to two such instances to prove impartiality? But even here the gentleman is mistaken. As he thought proper to bring up these two offices in a grave argument in Congress to prove that, in the appointment of officers, this Administration had no respect to party, I addressed a note of inquiry to Mr. Kendall, and here is his answer. He says Colonel Taylor was appointed postmaster on the —— day of ——, 1826, three years before the commencement of General Jackson's first term.

Mr. FRENCH rose to explain, and said that he had been led into the error by information which he had received in Clark county, where he was well acquainted; that he had not intentionally made the misstatement; but, upon inquiry of Mr. Kendall, he had found that Mr. Thomas Edminson had also been appointed to a post office, who was an Opposition man; so that, although he was mistaken as to Colonel Taylor, yet he was right as to the number.

Mr. ALLAN. Sir, I am very sure that the statement in regard to Colonel Taylor's appointment was made under a mistake; and I take this occasion, with great pleasure, to bear witness that my colleague is incapable of making an intentional misstatement on this or any other subject. Yet it appears to me, in fairness, the gentleman ought to have stated that Mr. Edminson and Mr. Pace lived in the same house at different times, and had been appointed for the same office, and that there was no Jackson man at the place to appoint. I am informed by Mr. Kendall that this office was discontinued last fall, because no one would have it. The whole income of the office, for the year 1835, was seventeen dollars. So that the only case that the diligent researches of my friend could find to prove that this Administration had reduced to practice, in good faith, the advice which General Jackson gave to President Monroe, is the bestowal of a country post office, where no one lived but the postmaster, that was worth five dollars and sixty-one cents per annum! being thirty-three per cent. on seventeen dollars. As to Colonel Taylor, the liberality was not in the appointment, but in the forbearance to turn him out; and this forbearance is owing to the fact that there is no one of "the party" at Colebyville to take the place of the present incumbent.

Now that the office at Pace's has been abandoned, my colleague must turn his admiration to the signal forbearance practiced towards Colonel Taylor as the remaining monument left to illustrate the liberality of this Administration, and to prove that "*the Chief Magistrate of a great and powerful nation acts for the whole, and not for a part of the community.*"

The only post office in Clark county that was profitable when "the party" came into power, was held by Mr. J. B. Duncan, a gentleman of the very first respectability, and perfectly well qualified; whose unoffending and amiable manners enabled him to discharge the duties of the office to the entire satisfaction of all parties. Mr. Duncan, during the late war, shouldered his rifle, and fought in the battles of his country. My colleague has known Mr. Duncan intimately for more than twenty years, and will not deny the statement I have made concerning him. He will go further; he will agree that there is not a more worthy man in the county of Clark, nor one better qualified for the office, than Mr. Duncan. He will agree that there is not an officer in the United States who gave more universal satisfaction in the discharge of the duties of his office than did Mr. Duncan. But Mr. Duncan had committed the unpardonable sin of having voted against the President, and for this sin he was punished by removal from office, and a worthy young man placed in the office, as a reward for the partisan services of influential relatives.

Now that the committee have the whole of the facts on the subject, they can judge how far the post office patronage in the county of Clark was used, *regardless of party and party spirit.*

All others, except my colleague, had prudently passed in silence the letter of the President to the Tennessee Legislature, but he has thought proper to reproduce that letter, where General Jackson states, in substance, that if important appointments continue to devolve on members of Congress, *corruption* will become the *order* of the *day.* Since which time, as President, he has appointed such a large number of members of both Houses to the highest offices, as to draw between five and six hundred thousand dollars from the Treasury for their salaries. This inconsistency between profession and practice being so glaring as to deter all other debaters from attempting to reconcile them, did not in the least stay the zeal of my colleague in his determination to defend the Administration at all points. And to get out of the difficulty, he said:

"Suppose, Mr. Chairman, General Jackson, in that letter had suggested to the Legislature of Tennessee an amendment to the Constitution, by which the President of the United States should be deprived of having any voice in the passage of laws by Congress, by which the power that now makes it his duty to approve and sign bills passed by Congress before they have the force of laws should be taken away forever. Suppose, also, the General, after having given this opinion, had been elected President of the United States, and that he had refused to approve and sign bills passed by Congress, upon the ground that he had given to the Legislature of Tennessee the opinion that the President ought not to have such power. Sir, in the case supposed, the President would have been impeached and removed from office, if he had refused to approve and sign bills upon the ground stated, when, by the Constitution, it was his sworn duty to do so; he would have deserved impeachment and removal from office. What, then, I ask, is the difference in principle between the case supposed and the case in the letter? The amendment suggested in the letter has never been made to the Constitution."

Thus spoke my colleague; and if he really can see any similitude between the case supposed and the *profession* in the *letter*, I will not stop to reason with him, as it is not probable that another

person can be found who will be able to discover the most remote resemblance.

The gentleman went on to say:

"By the Constitution, members of Congress are eligible to executive appointments. The President is sworn 'to preserve, protect, and defend the Constitution,' as it is, not as he would have it to be. If, then, the President had introduced in practice what would have been a virtual amendment to the Constitution itself, he would have been guilty of the high crime of usurpation."

It is true the President cannot appoint any one who is ineligible; but I never heard before that eligibility created any obligation on the President to appoint members of Congress to office, and that his failure to do so would amount to the high crime of usurpation, for which he ought to be impeached and removed from office. But as my friend is in the secrets of the Cabinet, and if this constitutional interpretation is entertained there, and the President drew so largely on both Houses of Congress and the Treasury under the terrors of impeachment, it will certainly justify him in the eyes of my colleague, and all others who understand the Constitution as he understands it.

The gentleman contends that the President could not, with propriety, refuse to appoint members of Congress to office until the Constitution was changed, so as to render them ineligible! The President was of opinion that the practice of appointing members of Congress to high offices would destroy the purity and independence of the Legislature, and make corruption the order of the day. Now, my friend contends that the President was bound to continue a practice attended with those consequences until he was prevented by a change of the Constitution!

If everything may with propriety be done to make corruption the order of the day that is not prohibited by the Constitution, the Administration has a broad field to move in. It is probably the first time under the sun that the introduction of corruption into the administration of the Government was justified on the ground that it was not prohibited by the Constitution. The gentleman says the President was sworn to support the Constitution; and as members of Congress were eligible to office under that instrument, it would have been a dangerous assumption of power on the part of the President to have excluded them. If everybody is to have office who is eligible, we shall have a goodly number of them. But I suppose the gentleman confines his notion of eligibility to "his party." It was not at all unconstitutional to proscribe and render ineligible every member in and out of Congress in the United States who had not given in his adhesion at the footstool of power; but it would have been very unconstitutional for the President to have refused to appoint partisan members of Congress to office. If this be enforcing the Constitution, the President has fully administered, he has marched platoons out of both Houses of Congress, as was once observed by the gentleman from Ohio, [Mr. CORWIN.] There is something, no doubt, very pleasant in this idea of administering the Constitution to a member of Congress of the right faith who stands on the roll of promotion, for this kind of luck goes round so fast that it will not take it long to reach every one. And when it comes to the turn of my colleague, I have no doubt that he will think it more constitutional than ever.

The gentleman eulogizes the Administration for the vast sums of money which it has expended in works of internal improvement since the year 1829. Sir, how will the people of Kentucky feel when they know that a member from that State rose upon this floor and vaunted the praises of this Administration for the profuse outpour of millions for works of internal improvements of all sorts, in all parts of the Union except Kentucky—when they recollect that they were told, in the midst of this profusion, that the pitiful sum of $150,000 could not be spared for a Kentucky road until the national debt was paid?

It is amusing to hear a controversy in this House between two of "the party" upon the much agitated question, "*what are the principles of this Administration?*" From parts of the Union where internal improvements are unpopular, we hear gentlemen praising the Administration for having subverted the whole system; while equal praise is bestowed, from sections of the Union where such works are in favor, upon the orthodox opinions and lavish expenditures of the present Administration in the advancement of the great cause of public improvements. I do not know which swelled the note of admiration to the highest key—the gentleman from Virginia [Mr. GARLAND] because the President had overthrown, or my colleague because he had upheld internal improvements.

Mr. GARLAND rose to explain, and said he did not intend to convey the idea that the President had entirely crushed internal improvements. He wished to be understood as saying the President had done much to overthrow such works, but that he had not gone the full length of the Virginia doctrine.

Mr. ALLAN. Sir, the explanation does not affect the sense of what I was saying. The gentleman from Virginia exults that so much has been done to destroy, while the gentleman from Kentucky exults that so much has been done to build up the system.

My colleage says that the vast sums which this Administration has expended "on works of internal improvement are *not local*, but *national* in their *character*." In the true spirit of non-committal, in which school, by the way, he is not a very young scholar, my colleague said he would not undertake to say whether the Maysville road and the Louisville canal were local or national improvements. Now, I regret to hear my friend say that the new roads in Ohio, Indiana, Illinois, Missouri, Maine, &c., on which hundreds of thousands have been expended, were national, while he stands in a state of non-committal as to the nationality of a Kentucky road. I regret to hear the gentleman vindicating the national character of improvements which this Administration has made at the mouths of creeks which he can with difficulty find on the maps, while he will not say whether the Louisville canal, along which half the commerce of the whole Union passes, is local or national. I can very well remember a time when the gentleman and his political friends in Kentucky thought the Maysville road a national improvement. When the news arrived in that State of the passage of the Maysville road bill through both Houses of Congress, the gentleman and his friends were filled with joy, and they exultingly proclaimed from the housetops that the new Administration had already done more for Kentucky than ever had been done. And just in the flood tide of their rejoicing came another mail, and brought the veto, which did not at all abate their joy, they faced about, and said the veto was certainly the greatest act that ever was performed in the tide of time, always excepting the battle of New Orleans.

On the subject of the extravagant expenditures of this Administration the gentleman has had before him the tables in my speech for two months, and I am happy to find that he has not denied the accuracy of a single figure in them. I proved that the expenditure from the 4th of March, 1829, to the 4th of March, 1837, will exceed the expenditure for the preceding eight years by the sum of $45,116,634 47. Not being able to find any inaccuracy in my tables, he seeks to evade their force by making calculations for different periods of time. But, after all his calculations, he does not deny the increase of expenditure during this Administration of over forty-five million dollars; which he has undertaken to excuse and defend, and to prove that an increase was unavoidable from the growth of the country.

The gentleman has entirely changed over since the year 1828, when he was electioneering for the office of elector; he told the people that the expenses of the Federal Government were too high, and ought to be brought down to the scale of Jeffersonian economy. Now, in 1836, when the gentleman's party is in the receipt of the spoils, he tells the people that so far from reducing, it is necessary that the increasing expenditure should keep pace with the growth of the country. It now appears that what he told them in 1828 was a mistake. When I was listening to the gentleman's discourses in 1828, upon economy and reform, I little thought of ever standing by his side in this Hall, and seeing him the advocate of increasing the expenses of this Government in proportion to the increase of the population and resources of the nation. Did not the gentleman know in 1828 that the numbers and wealth of the nation would increase? Why did he not then tell the people that it would be necessary for General Jackson's administration to increase the public expenses in proportion to the growth of the nation? The case being altered, alters the case. "The party" was then seeking power, and to talk of reform and retrenchment was the way to get it. Now that they have power, the way to get spoils is to increase expenditure.

The gentleman, with great apparent satisfaction produced the number of Indian treaties and the quantity of land purchased from them, as evidences of the diplomatic skill of this Administration. There is nothing new in this; the business of buying land from the Indians has been carried on for a long time. But I agree that this Administration has introduced several new practices, which I regret my friend did not tell of while he was on the subject; but as he has failed to do so, I will endeavor to supply what he has omitted. The treaties with the Indians for their lands were formerly made for the benefit of the country; now, much of the benefit is reserved as a means of patronage to reward partisans for political services. In almost all of the treaties with the Indians for cessions of their lands, large reservations are made to particular chiefs and headmen of the best parts of the territories ceded, in fee-simple, with power to such chiefs and headmen to sell the same to such persons as the President or his agents shall agree may buy. No one can purchase against the consent of the President. So that the accusation of cheating the Indians out of these reservations is exclusive.

We have seen large portions of the public lands brought into conflict with the public liberty, by being, under the forms of treaties, drawn into the vortex of governmental patronage. We have also seen eleven millions of acres, the common property of all the States, distributed by partial legislation to six of them; while the pioneers of Kentucky, the founders of the great western empire, who bore the winter's cold and the summer's heat, and stood firm for a score of years in the front of a hundred battles, are most unjustly deprived of any share in the public domain, which is the fruit of their victories.

The gentleman eulogized the Administration especially for the new system of removing the Indians. This novelty being a total departure from the benevolent policy of Washington and all of his successors, has to be tested by time and experience, before we can judge correctly of its wisdom. This Administration has undertaken to move the numerous tribes to the same territory. There have been already removed thirty-one thousand three hundred and forty-eight Indians, and seventy-two thousand one hundred and eighty-one are yet to be removed, making in all one hundred and three thousand five hundred and twenty-nine. What will be the result of placing so many tribes near together, with their fierce passions roused to the highest point of resentment, from having been forced to leave the land and graves of their fathers, where by their union and their wrongs, they can learn their strength, time will show.

In addition to the removed Indians, there are of the indigenous tribes, within striking distance of the frontiers, one hundred and fifty thousand three hundred and forty-one; so that, altogether, there will be a body of two hundred and fifty-three thousand eight hundred and seventy. We are bound to take part in all the wars that may occur among these numerous hostile bands, or which may occur between any of them and Mexico; for we have agreed by treaty to protect and defend the removed Indians, and to prevent all the Indians within our borders from making war over the Mexican line. The fruit of this Indian-driving policy so far does not argue much good for the future. It has already cost us several millions of money, and produced three wars. The Black Hawk war cost $1,237,473; it is estimated that the Florida war will cost $5,000,000; and what the Creek war will cost we cannot tell. We have this session appropriated $1,000,000 to enable General Gaines to keep peace on the frontier. We have been compelled to add two regiments of mounted dragoons to the regular army,

and to pass a bill authorizing the President to raise a provisional army of ten thousand volunteers, and the commanding general has written for an increase of the regular army to twenty thousand men. The new relations of the numerous tribes will, it is anticipated, produce a general Indian war. These are some of the fruits which have already ripened by driving the Indians to despair. In fifty years, if this system does not cost a hundred million dollars and fifty thousand lives, we shall get off better than many anticipate. I hope for the best, and shall rejoice if all the good comes of it that its friends anticipate.

The gentleman brought forward, also, a great many foreign treaties, and the amount of indemnity secured thereby, with as much exultation as if the art of treaty-making was a very late discovery. If the honorable member had extended his diplomatic researches a little further back, and looked into the treaties with Spain, England, Denmark, and many others, he would have found a greater amount of indemnity secured to our citizens than that of which he boasts.

To prove that we are passing rapidly from a paper money currency to one of the precious metals, the gentleman has produced the amount of coinage at the Mint during the different years it has been in operation. Now, sir, I wonder if my friend does, in sober seriousness, intend to convey the idea to the people that the coinage at the Mint increases the amount of gold in the country, or adds a cent to the national wealth? Does he intend to give the Administration credit for working the mines? This would be even worse than the credit claimed for the payment of the national debt. The amount of gold and the payment of the public debt depended on the same cause—the industry of the people. In place of introducing a metallic currency, this Government surrendered its constitutional control over the subject into the hands of the States; and the national circulating medium being thereby destroyed, the necessity was imposed on the States of supplying its place in the best manner they could. And now, when banks are springing up as fast as mushrooms, when paper money is overspreading the land beyond any former example, my colleague gets up here in defense of "his party," and holds up the table of coinage to show his constituents that a golden era is about to commence, and that paper money is near its end!

Sir, after the gentleman has informed himself of the present condition of the public money and the currency, I am astonished that he, in the character of a public sentinel, announces to the people that all is well. Does he not know that the fact has been announced by a distinguished leader in his party, in public debate, that if the land bill were to pass, and the deposit banks were called on to pay the public money, it would not only break the whole of them, but cause an explosion in the whole paper system of the United States?

The gentleman has admitted that the public money is under the control of no law; he cannot be ignorant that it is loaned out, without interest, to persons of whom he has no knowledge. He knows that the notes of the deposit banks will not circulate a day's journey from their vaults. He knows that there is a general depreciation; that there are brokers' shops in every town and village; that a traveler across the Union has to submit to have his money shaved every day's ride. He knows that the broker will levy a heavy tax on the labor of the country while this miserable condition of the currency lasts. At this very time the notes on the New York banks are shaved in this city, and the notes issued here undergo the same operation there. In many places the people are compelled to pay five and six per cent. to procure notes on the United States Bank.

In this condition of things, when the laboring man is continually subject to be robbed of his labor, when the public money is placed in banks where it is admitted they will break if they are called on to pay, I repeat that I am astonished that the gentleman's zeal in defense of his party should prevent him from apprising his constituents of the impending danger.

The combined influence of our free institutions, the industry and enterprise of the people, the introduction of laboring machinery, the establishment of manufactories, modern roads and steam power, and the high price of our products in Europe, have enabled this young gigantic nation to make such advances to wealth, and power, and prosperity, as to astonish the world. The great result of the combination of all these causes the gentleman, in the prevailing spirit of man-worship, ascribes to "*the Government*," and produces the tables of exports and imports to show the wonders which he has done for the country. The people are nothing, our *ruler* is everything. It is he who makes gold plenty, who pays off the national debt, who raises our exports and imports, and regulates the amount of the cotton crop in the South. The gentleman seems perfectly willing to strip from the people the trophies of their industry, enterprise, and genius, and place them upon the standard of the chieftain under whom it is "*a sufficient glory to serve.*"

The gentleman admits that the public money is now under the control of no law whatever, and has arraigned the Senate and the minority of this House for it. Has the gentleman forgotten who it was that took the public money out of the custody of the law? But he imputes fault to the Senate and the minority of this House for not passing a new law to reclaim the public treasure. If the gentleman had looked through this subject, it is the very last one that he would have alluded to. On the 24th of June, 1834, a bill passed this House to regulate the deposit of the public money in certain State banks, which the minority of this House generally voted against, and which the Senate laid on the table. Now, as the honorable member thought proper to arraign others for not passing this bill, he ought to have given his opinion either for or against it. I am very sure he will never venture to say that bill ought to have passed, for it contains some of the most objectionable provisions of any bill that was ever before Congress. But why did not the gentleman tell all, while he was on the subject? At the same session the Senate passed a bill on the same subject, which this House did not act on. And further, at the last session a bill was again introduced into this House, and so soon as the minority offered some salutary amendments which the majority did not like, and which they did not choose to take the responsibility of voting against, they refused to act further on the subject. So that the majority of this House not only refused to pass the bill sent here by the Senate in 1834, but refused to act on the bill of the last session, which they had originated themselves. This session has nearly passed away, and the majority has voted down repeated motions of the minority to take up the subject. So that the same party that took the money out of the custody of the old law, has refused to make a new law to take it out of the hands of those who hold it against all law.

But the gentleman says that this Administration has showered blessings and benefits upon Kentucky in rich profusion. When he came to this part of his speech, I listened with all anxiety to hear what kind of commodities the blessings consisted of which had been bestowed by this Administration upon Kentucky, as I never had heard of any before. My friend, with all imaginable gravity, without moving a single muscle of his face in sympathy with the general smile that went round the Hall upon the occasion, announced that this Administration had appointed to office Messrs. Amos Kendall, William T. Barry, Thomas P. Moore, Robert B. McAfee, and a long list of other Kentuckians! These are the blessings. A few men have got high offices and large sums of money. How this verifies the French saying—"that party excitement is the madness of the many for the benefit of the few." Here are the benefits which the people of Kentucky have derived from all the party conflicts, from all the divisions and heart-burnings among them, which have occurred in the last eight years. We were formerly taught that Government was instituted for the advantage of the people. But my friend eulogizes the Government for the benefits which it has bestowed on public officers. I complain that the Government will not expend a fair proportion of the public revenue to assist the people of Kentucky to make improvements; that the Government will not divide the money which is now idle in the Treasury for the benefit of the great body of the working men of Kentucky who have no office, and who desire no office; and my friend says that my complaints on these subjects assail "his party;" and he answers me, as a full set-off to all the injury done the people by keeping them out of their just rights, that a large share of the spoils have been divided among the leading partisans in Kentucky. Does the gentleman suppose that Kentucky will be willing to compromise principle, and sell the rights of the people to buy offices for leading men? My friend has truly explained the principle of party action, the plain English of which is, the art of getting and keeping money and office; and he gives a fair account of the loaves and fishes which have fallen to the share of political aspirants in Kentucky, from the table of this Administration, while he has not been able to find a crumb that has fallen to the lot of the people. In taking a review of the blessings of this bountiful Administration, which have flowed in such copious streams into the pockets of the officeholders, the gentleman rebukes me for complaining that the expenses of the Government have swelled up to such a height of extravagance.

Sir, I will not go for the officeholders; I will stand by the laboring men of the nation, who are the bone and sinew of the land, whose industry is the source of your national wealth and prosperity, and to protect which ought to be the first care of every patriot and statesman.

When the general appropriation bill for the supply of the army of public officers with their large salaries was before the House, amounting to between two and three millions of dollars, my friend from Virginia [Mr. MERCER] proposed an amendment to appropriate the surplus revenue for the use of the people. My colleague voted for the previous question, and cut off this amendment for the benefit of the people, because, he said, if the appropriation for the people was placed in the bill that contained the appropriations of the officers, and the bill should be vetoed, it would cause an *interregnum* in the Government. Now, as the money is the main object, my friend is perhaps right in supposing that an interregnum would occur if the pay was stopped; therefore, my friend thought it best not to put the spoils of the officers in the same bill with the appropriation for the people, lest it all might fall together. This was the very reason why I desired to see both provisions in the same bill. I have, in the last seven years, seen so many excesses committed on the rights of the people, and the ancient institutions of the country, by a fat stall-fed Government, that I would be willing to starve it until I could count its ribs, and until it consented to give up the public money which it holds contrary to law, and divide the same among the States.

I will here leave my colleague, and we shall part with very different feelings. While he is rejoicing at the flush condition of the pockets of the political leaders of his party in Kentucky, I am left in regret, because his "party" has defeated the passage of every law for the benefit of the people of Kentucky. I leave him, sheltered under the ægis of power, secure as one of its defenders, and will proceed myself in its face, sure of its vengeance, to point out its abuses, and arraying its usurpations before the country. In this I occupy my old position. Being indebted to the people for the political honors which they have conferred upon me in the last twenty-five years; having been so long sustained by their firmness and intelligence against all the assaults of power, against all the detraction of enemies, I feel bound by the highest sense of duty, and the deepest feelings of gratitude, to continue, at every personal hazard, to defend their constitutional rights. I have never sought office under Executive power, State or national; I am under no obligation and owe no allegiance to any earthly authority but that of the people.

In supporting the proposition to reduce the expenses of the Government, I shall urge the considerations which connect it with power and patronage more than those which relate to economy. I would rather commence the work of cutting down Executive power by rendering mem-

bers of Congress ineligible to Executive appointments; by abridging the veto power and the power of removal, and by disconnecting the Executive and the Treasury and the public press; but, as the opportunity of voting on these propositions is now denied me, I will agitate the question of the curtailment of power in an effort to reduce expenditure.

I shall proceed to show how retrenchment will reduce power, and in what manner it will have a tendency to change the Government back from a Government of men to a Government of laws. Your army of public officers draw such enormous sums from the Treasury that they would be able at any time of emergency, by devoting fifteen or twenty per cent. on the amount of their salaries, to raise a fund sufficiently large to enable them to distribute thousands to carry elections. The reduction of these exorbitant salaries would certainly to that extent impair the power of the General Government which is thus brought into conflict with the freedom of the elective franchise. It is high time to admonish these officers, by reducing their pay, to leave elections to the people, and stay in their offices and attend to their duties. The members of Congress, when they see the general tendency to extravagance, and the evil effects of it, ought to be willing to commence with themselves, and set the example by reducing their own compensation. In this way, they will afford the most convincing proof of their desire of carrying the Government back to republican simplicity and frugality. In showing a willingness to share the fate of others, they can, with a greater probability of success, urge a general system of retrenchment and reform in the public expenses. If we pass the amendment which I have offered, it will reduce the expenses of the Government more than a million dollars annually; and if we are to have as many wars as the gentleman at the head of the Committee of Ways and Means has discoursed about, they will furnish additional reasons for saving money. I hope all the officers of the Federal Government, from the President down, will be willing to give up a part of their salaries to pay the poor soldiers for fighting our battles.

But there is still another more important view of the subject. The salaries of the Federal officers are so far above those paid by the States, that it will not be possible for the State governments to maintain their proper influence and weight in the Confederacy. This central magnificent power rises up with honors and emoluments that so far overshadow the States that they are sunk into provincial obscurity. This central agency contains the high sources of attraction. Hence the thronging thousands that continually crowd the streets of this capital to solicit power and money at the President's palace. Here is one great source of the President's dangerous power—the vast multitude over whose minds and freedom of thought he exercises control; for absolute submission to all the requirements of party is known to be the price of success.

To cure these evils, to restore and build up the power of the States, to revive the independence of thought and action, let us cut down Federal honors and Federal salaries to the size of those of the States; let us make official employments about as profitable as the common pursuits of life, then men will not be tempted to quit the service of the States and the independence and freedom of private stations, and become courtiers at the footstool of Federal power.

Sir, we have raised a portion of our public officers too far above the people. They have been elevated to a point of exaltation where human vanity becomes giddy, and forgetful of the rightful source of power. Our head men, upon their $6,000 per annum, in their eagerness to adopt the manners of European aristocracy, have forgotten the plain republican style of living of American citizens. The President and five of his home ministers receive as much as the Governors of the twenty-four States. The twenty-four Governors preside over the concerns of fifteen million people, their duties extending to all the complicated relations of life; while the duty of this central agency is restricted to general superintendence. Yet the amount of compensation seems to be increased in proportion as the labor is less. Five home and one foreign minister receive more than the chief justices of the twenty-four States; yet the labor of these six ministers is but a drop in the ocean in comparison to the duties performed by the twenty-four judges. The President alone receives as much as the Governors of sixteen of the States.

It appears, from the secret history of the debates in the Federal Convention, that Dr. Franklin was of opinion "*that the Executive should receive no salary, stipend, or emolument for the devotion of his time to the public service, but that his expenses should be paid.*" The great experience and sagacity of Franklin enabled him to foresee what has already come to pass, that if a princely support was provided for the President, an example would be set in his style of living which would be followed by all subordinate officers, until extravagance and degeneracy would ruin the public service. President Washington seems to have entertained the same views; he refused to receive any compensation for his services above his expenses; and his plain, republican style of living is well described in the memoirs of the celebrated Chateaubriand, who visited Washington in 1791. He says:

"A little house, of the English construction, resembling the houses in its neighborhood, was the palace of the President of the United States; no guards, no valets. I knocked, a servant girl opened the door," &c.

How delightful and refreshing it is to turn from the scenes around us, to contemplate the profound forecast and philosophical views of Franklin, and the citizen-like simplicity of the example left us by Washington! How striking is the contrast! Now, a splendid palace towers in regal magnificence far above many of those inhabited by the monarchs of Europe; and the President's hospitality is as sumptuous as the pampered epicures who doze away a worthless existence at the Courts of Asiatic despots could wish. This palace, according to the notorious *east room letter*, was, in the administration of Mr. Adams, furnished in such splendid style as to shock the sensibility of a republican. Yet this reforming Administration, not satisfied with the costly decorations which were then the theme of Democratic denunciation, has expended the unexampled sum of $45,000 in the purchase of new furniture, which throws all that preceded it far into the shade. In addition to this, the President receives an annual salary of $25,000. In attempting to make a President, we have made a monarch in fact.

In all the forms of Government that have been tried, the Executive power has been found too strong, and, in the long run, has swallowed up all other powers. It is taking the direction here which was anticipated by many at the adoption of the Constitution; and now, in the bitterness of their disappointment, the most ardent of the original friends of a strong Executive see fast accomplishing the predictions of Patrick Henry, and many other sages of his day. Among all the votaries of liberty, it is an uncontested maxim that the superstructure of free government rests upon the division of its powers into three independent distinct departments. Mr. Jefferson's definition of despotism is the union of all the powers of Government in the same hands. Yet history furnishes no example in any free Government where the Executive power has made such advances of usurpation upon the other departments in so short a time as in the United States.

A brief contrast of the powers claimed and exercised by the Executive at the commencement of the Government, and now will make this manifest. At first he claimed the power to remove public officers for misconduct. Now he removes them for a free exercise of the right of suffrage. At the commencement of the Government it was held to be a fundamental principle that the purse and the sword should be kept separate; now they are in the same hands. For forty years Congress exercised the right of conducting the operations of the Treasury through bank agency. But now, while the President denies to Congress the right to establish a National Bank, he appoints himself an Executive bank, composed of an association of State banks, to conduct the fiscal affairs of the Government; so that the long-contested legislative power to establish bank agency for the Treasury has practically passed into the hands of the Executive, and he has established the most dangerous money monopoly in the world. Ever since the adoption of the Constitution it was held that Congress possessed the money power, and had authority to regulate the currency and fix the standard of value, until the President seized the public money, and issued decrees through the Treasury to regulate the currency. The power that regulates the currency is a power over the commerce, agriculture, and manufactures of the country. The power that can raise or depress the currency can tax, without limit, the labor of the people. It is customary in all the States to hold annual examinations into the condition of their treasuries. It has been the custom for committees of Congress to examine the National Treasury; but now this new Executive bank, this many headed monster, shrinks with alarm from all scrutiny; and such is already its influence, that every proposition to examine its concerns has been voted down. The House will not trust its own eyes to open the doors and look at the actings and doings in this great political gambling shop. It is now plain that Congress will adjourn and leave its deeds shrouded in the darkness of midnight.

The veto, as formerly understood, was a negative power given to the President to enable him to defend his department from encroachment. Now it has become the active principle of legislation. The President takes the responsibility, seizes the public money, appoints a national bank agency for the Treasury, and issues decrees to regulate the currency, and continues to exercise these high sovereign functions of legislation until two thirds of Congress shall be found (which will never be the case while he can appoint the members to office) to take these powers out of his hands. It is thus, by the exercise of the veto, that the authority of Congress has become powerless; and the Executive has acquired dominion over the property, the labor, and the commerce of the United States, by assuming the power over the Treasury and the currency.

In tracing the advances of Executive power, nothing is more striking than the dominion which it has acquired over the public press. The press is admitted to be the most formidable political engine of modern times. During the high and *palmy* days of true principles, the press was the faithful channel of truth—the palladium of liberty. The press then fought the battles of the Constitution; because it was paid by the community, who have not, and who do not desire office. Now we have a press in the service of the Government, organized and regulated by disciplined ambition, and gorged and fattened out of the public crib. There are, at this time, in the pay of the Government, more than one hundred editors of newspapers scattered throughout the United States. There will be paid to one press at the seat of Government near one hundred thousand dollars per annum out of the public Treasury.

There is not in Russia or Turkey a press under more despotic control. If it were to insinuate that its master was not infallible, or refuse to affirm that the most glaring abuses of power were right, or deny the guilt of every public defaulter, even if the proof were as clear as the mid-day sun; if it should suggest a doubt as to the election of the chosen successor, it would not only lose the bread upon which it is fed out of the public granary, but would be overwhelmed by party vengeance. So completely is the independence of the press bought up, that we would as soon look to see the waters of the Potomac roll back to their sources as to see this press tell the plain truth to the people. It is a part of the daily duty for which this press is paid, to misrepresent and traduce every member of Congress who opposes the encroachments of Executive power. Such a press undertakes not only to judge of the conduct of the people's representatives here, but to give evidence to the people against them. Such a witness, paid such a sum for his evidence, would not, in a court of justice, in a contest between two citizens for one dollar, receive credit from any honest judge or juror. It is mainly through this pensioned engine that the power of the Federal Government is brought into conflict with the freedom of elections. It is paid out of the people's money to

uphold and advocate every candidate for office who is known to be on the side of power, and to defame and villify every one who is on the side of the country. Thousands of honest people have been deceived by this press, not knowing it was paid for every word that it uttered; and, under this deception, they have cast many faithful patriots from their service.

The important clause in the Constitution which confers upon the President the right to appoint public officers "*by and with the advice and consent of the Senate*" was scrupulously adhered to in the days of Washington; but of late we have seen persons appointed to office upon the responsibility of the Executive after their rejection by the Senate. We have seen the most important offices kept vacant for years, to the detriment of the public interest, because the persons first nominated were not confirmed. We have seen an effort made to have the Journal of the Senate destroyed, which recorded for the benefit of the present generation and for the benefit of posterity, a signal instance of Executive usurpation. Of all the wounds which have been made on the guards of liberty, none is more alarming than that which has been inflicted on the Senate. The hue and cry has been raised against that body, and rung along all the lines of patronage, because it made a stand against the encroachments which were demolishing its constitutional rights. We have seen Executive power exerted with lamentable success in changing this constitutional check into an effective auxiliary.

The gentleman from Tennessee [Mr. BELL] remarked that none of our early writers on the dangers of Executive power foresaw that the Post Office Department would become the most extensive and dangerous means of patronage; neither did they anticipate that the public money would be used to subsidize the press, which exercises more influence on public opinion than ever the Post Office, with its thirty thousand dependents and agents scattered throughout the United States; but both taken together make the most formidable and dangerous political engine that exists in the world.

From this rapid sketch of the present outline of executive power, it is evident that there is but one man in the Republic. Every other office, every other interest, is lost in the shoreless ocean of his power. Every officer, State or national, from the highest down to the lowest, is elected in reference to his opposition or adherence to the President or the candidate for the Presidency. This is not wonderful, because the President does, in fact, hold in his hand the executive and legislative power of the country. The expanded dimensions of executive power leave no room for liberty to breathe in. The office is too high, too attractive for human weakness. The temptation to arrive at it is too great for human virtue. In the contests for this office the country will be sacrificed and liberty overthrown. Behold the formidable array of power that is now brought to bear on the presidential election; the whole patronage of the Federal Government; the forty thousand public officers; the machinery of the Post Office Department; a pensioned press; the numerous army among whom the public money is loaned out!

Every aged man can remember when the executive power was confined within the limits of the Constitution, that the presidential elections were quiet, orderly, and fair; but now the whole country is convulsed in the scramble which is to divide the offices and money among those who succeed in placing their chief in possession of more power than is exercised by any of the modern kings in the south of Europe. If the morals of the people were made of adamant, they would in time be worn away by the perpetual stream of corruption in which unchastened ambition will ever attempt to swim to this highest prize of distinction—the presidential office. The experience of all other free nations has proven that elections are the point in the fortress of liberty where usurpation and corruption make their first attack. The arts of political aspirants, who were willing to sell their souls and betray their country to satiate unholy ambition, have caused elections everywhere to result in corruption.

I will bring forward a few illustrations from Roman history. In the pure days of the Republic the Roman magistrates were fairly elected by the qualified voters; men of the highest talents, the most approved experience and sterling integrity, were called into the public service. Such public servants conducted Rome to the highest elevation of power and glory that has ever been reached by any nation. But at last the destroyer came, and breathed the breath of corruption on elections. I will read some passages from Adams's Roman Antiquities. Under the head of candidates for office, the historian says:

"On the market days they (the candidates) came into the assembly of the people and took their station on rising ground, whence they might be seen by all." * * * "When they went down to the Campus Martius at certain times, they were attended by their friends and dependants." * * * "They had persons likewise to divide money among the people." * * * "There were also persons to bargain with the people for their votes," * * "and others in whose hands the money promised was deposited. Cæsar pillaged the wealth of the provinces to spend it among the citizens of Rome, and gave his rapine an air of generosity."

Could an actual description convey a more distinct idea of what is passing here before our eyes than is to be found in the above extracts from Roman history?

I will read a passage from Gibbon, to illustrate the progress of corruption in Roman elections:

"The Prætorian bands maintained that the mixed multitude that thronged the streets of Rome were not the real people; that they were alike destitute of spirit and property.

"That the defenders of the States, trained to the exercise of arms and virtue, were the genuine representatives of the people, and best entitled to elect the military chief of the Republic."

And after they had murdered the Emperor Pertinax, "they ran out upon the ramparts, and with a loud voice proclaimed that the Roman world was to be disposed of to the best bidder, at public auction."

The candidates for the Imperial power at the foot of the ramparts carried on the contest.

"Sulpicianus promised a donation of five thousand drachms (above £16) to each soldier. Didius Julianus, eager for the prize, rose at once to the sum of six thousand two hundred and fifty drachms, or upwards of £200. The gates of the camp were instantly thrown open to the purchaser, and he was declared Emperor. They placed their new sovereign, whom they served and despised, in the center of their ranks, surrounded him on every side with their shields, and conducted him, in close order of battle, to the Senate house, which, after he had filled with armed soldiers, the new Emperor expatiated on the freedom of his election."

Such is the result of Roman elections. Such the manner in which executive patronage was brought into conflict with the freedom of elections in the most renowned nation of antiquity. In our own country we have seen the officeholders attempting to dispose of the Presidency who have no better claims to speak in the name of the people than had the Roman cohorts. In place of bidding £200 to each voter, we have seen the revenues and offices of the country bid for the presidential office, to be divided out as lawful spoil among those who would bring the greatest number of votes to the polls. Our elections are taking the direction they did in Rome, and will end in the same way, if we do not reduce the power of the President, and thereby take away the temptation to betray and corrupt the country to get the office. No matter what the form of the name may be, the very instant that any Government is organized, two distinct interests in society are formed—the interest of the rulers, on the one hand, and the interest of the people on the other. It is the interest of these among whom the honors and the revenues are divided, to form combinations, and a "*party;*" to keep in their hands these honors and revenues, and to transmit them to their relatives and friends. It is the interest of the great body of the people to have a cheap and a pure Government, and that it should be administered by able and pure men. It is the interest of the officeholders to have an extravagant Government, because they reap the benefit of extravagance. And it is the interest of the head rulers, in place of having able, honest men in office, to have such as will agree to be "mere instruments."

The history of nations is nothing but a narrative of the conflicts between these two separate interests of rulers and people. On the one side there is union, discipline, art, and intrigue; on the other, honesty, unsuspecting, confiding confidence. The result everywhere has been the triumph of the officeholders; and, in the end, in all other nations, they have made themselves the people's masters, and become a separate hereditary order.

The long-contested question, and which is committed to the Americans for final decision, is, whether the people can maintain the free Government against the perpetual war that will be waged upon it by their own officers? I call upon the people to behold the formidable array of power with which they have to contend. Forty thousand public officers—a pensioned press—thirty-five deposit banks—a subservient post office—the multitude among whom the public money is loaned out—all combined to keep the people out of their money, and to control the Government, constitute a force more terrible than an open army with banners; because it advances secretly through by-ways, through the vaults of banks; it crawls through all the channels of corruption; and while all appears fair on the surface, while the people, active in industry and enterprise, are moving rapidly on to wealth and apparent prosperity, the subtile poison of despotism is infecting the vitals of the body-politic.

In the contemplation of our public affairs, there is no aspect of them to be more regretted than the selfish personal character which the struggles for the presidential office have communicated to party. Our early parties were formed upon a difference of principle, each contending for the country, for the security of liberty, for the preservation of the Constitution. Ambition was then a noble and elevated principle, which identified its success and elevation with the success and elevation of the Republic. The party now is not distinguished by the profession or the practice of any known system of principles. The art of getting and keeping money and office, and transmitting them to friends, is the principle of action. No matter what are the principles of an individual, if he will labor in the vocation of office-getting and money-getting, he is taken into full fellowship and communion with the party. Our early patriots and statesmen rose to eminence by the possession and exercise of talents and experience and virtue—by eminent services rendered to the country. Now, love of country is changed to devotion to men: man-worship is found to be a more ready road to success than devotion to the country.

The only avenue now opened to honorable distinction is submission to power. This principle of party action, upon which success now depends, is enforced upon the observance of all members of the party, by both the precept and example of the person who now holds the second rank in the Government and is aiming at the first. He prides himself upon, and in the spirit of exultation proclaims, that "*to have served under such a chief at such a time, and to have won his confidence and esteem, is a sufficient glory; and of that, thank God, my enemies cannot deprive me.*"

The annals of the nineteenth century do not furnish an example, in the despotisms of Asia, of such an instance of the worship of one man by another. The success of this flattery is plain, when it is recollected that it won the Presidency, for, if that individual succeeds, no one will doubt that he will owe his success to the favor of the exalted personage under whom it was a sufficient glory to serve. The glory is not in having served his country, but in having served under a chief. The glory is not derived from services rendered Rome, but from the honor of having served under Cæsar. Here we have, in bold relief, the principle and example of the leader of the party. All aspirants will take the hint from this example of success, and must make their way to office and money by the same means. Under this, all high and honorable ambition must perish; all hope of rising to eminence, by the possession of eminent qualifications, will expire; and servile adulation and man-worship will become the order of the day. Federal power, as it now exists, is built upon this compact; all subordinates are to sustain it in all of its courses, right or wrong; and, in return, it is to throw the ægis of its protection over each member of the party, no odds what may be his official acts of omission or commission. If the spirit of the times will tolerate and justify such

an example in a candidate for the first office, it will of course be followed by every one who expects to reach the throne by the aid of governmental patronage.

We have already come to the point where every candid man will admit that the next presidential election, so far as one of the candidates is concerned, depends on the wish of the present Chief Magistrate. Did any American expect to live to see such a wonder? Did any one imagine that an American President would so soon acquire the power to appoint his successor? Is it in the constitution of nature that man must everywhere seek a master and crouch to power? Must the right of suffrage everywhere become a mere shadow, and the voter a mere machine? Are nations everywhere destined to become estates in the hands of rulers, to be transferred by hereditary descent as property from father to son?

The powerful phalanx of public officers, printers, and money borrowers enlisted in this presidential canvass, are in some respects in the same condition that Bonaparte's army was previous to his election as Emperor of France. Public proclamation was then made that every soldier might freely vote according to his wish; but at the same time a secret order was issued that every one who did not vote for the Emperor should be shot. Here it is said the public officers and the borrowers of the public money and the printers are free. But it is well understood that every one who does not vote, and get others to vote, for the already-appointed successor shall—not be shot—but, if an officer, be cashiered and turned out; and, if a money borrower, must pay up. Executive power must be reduced. The confederacy that has the public money, and is fattening upon the labor of the people, must be compelled to disgorge their ill-gotten spoils. My observation here for the last five years has convinced me that a republican Government cannot be preserved unless it can be made a cheap Government. Liberty and frugality have never been and never will be long separated. Extravagance naturally leads to corruption, and corruption to despotism.

Sir, the adoption of the amendment which I have offered to this bill, by which the expenses of the Government would be reduced more than a million of dollars annually, would be attended with the most salutary consequences. While it would purify the Government, and reduce the power and patronage of the Executive, it would rebuke the public officers for intermeddling with elections, and bring them to a proper sense of their dependence on the people. It would revive the power and influence of the States, check the spirit of Federal usurpation, and cut off the temptation that men are now under of selling their freedom of thought for office and large sums of money. It would give the Government a direction back to the republican simplicity of the days of Washington and Franklin. It would teach power to tremble in its strongholds, and reëstablish the ascendency of public opinion.

Being solemnly and deeply convinced that extensive abuses exist in the administration of the Government—that power is advancing with the rapid strides of usurpation upon the free institutions of our country—that the precious heritage of our freedom is in danger; believing that the only remedy for these evils is to be found in the public reason, I have appealed to that reason, and call upon my country to rally in defense of that liberty which they hold at the price of the blood of their fathers.

THE HARBOR BILL.

SPEECH OF HON. R. H. GILLET,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

June 24, 1836.

The House, as in Committee of the Whole, having under consideration the bill for the construction of certain harbors, &c.—

Mr. GILLET said:

Mr. CHAIRMAN: It is with unfeigned reluctance that I rise, at this period of the session, to participate in debate; and I would not now do so, did I not fully believe that my duty to myself and some of my friends rendered the obligation to do so imperative upon me. I consider it due to myself to defend measures of high moment, which I have aided in bringing before the House, and also to repel the charges which have been made against the committee of which I am a member. I also deem it my duty to defend my friends, and particularly those whose position precludes them from replying in proper person, here or elsewhere. I can assure the committee that I will not occupy one moment of their attention beyond what is necessary for these objects.

If I understand the question, it is on a motion made by the gentleman from Virginia, [Mr. PATTON,] to strike from this bill its enacting clause. Should this motion prevail, and be concurred in by the House, it will defeat the whole bill. This is the object of the motion. If I rightly understand the rules of the House, this motion opens the whole merits of the bill. Incidentally the policy of raising revenue, and the best method of disposing of it when raised, whether for such or other objects, may also be discussed. When we are considering the question of constructing light-houses and harbors, for aiding our commerce and protecting the lives of our fellow-citizens, we may also very properly examine the question, whether, under the forms of the Constitution, a better and more politic disposition can be made of our revenue. If such a discussion could be carried on for the sole purpose of arriving at the true national policy, uninfluenced by expected partisan results, we might fairly expect beneficial consequences would flow from it. But when the interests of political aspirants are interwoven with, and their prospects likely to be influenced by, the result, we may well fear that much of the light shed on the subject proceeds from the torch of interest and ambition, instead of the lamp of truth and safety. Immediate results being more prominent, are more likely to influence conclusions than remote consequences, though the latter may be of the most vital importance, affecting the stability of our institutions and the future glory of our Republic. When changes are proposed in our national policy, it is due to the subject, and to those we represent, to examine them closely, weigh the advantages and disadvantages, both present and future; and unless we are convinced, beyond a reasonable doubt, that the permanent interests of the country are to be benefited by their adoption, we should reject them. We are now pursuing a course of policy on this subject long since settled and acquiesced in by the country, which has proved beneficial to all, and injurious to none; and we are now invited suddenly to stop, and enter upon one entirely the reverse. We are solicited to abandon the wisdom of our fathers in using a portion of our revenues for such national objects as lighting the path of the mariner and preparing a haven for his safety, and to trust the lives and property of our fellow-citizens to the hazard of darkness and storms, to enter upon the uncertainty of untried experiment. It is not the items in this bill that are objected to, but the system of making such improvements. The friends of the Administration, I believe, are very generally content to pursue the old path, which it is known leads to safety, prosperity, and happiness, while a portion, at least, of its opponents, with the gentleman from Tennessee [Mr. BELL] at their head, call upon us to abandon it for the dark one of doubtful experiment. The views of the President on this subject are to be found in his message of December, 1830, in which he says:

"The practice of defraying out of the Treasury of the United States the expenses incurred by the establishment and support of light-houses, beacons, buoys, and public piers within the bays, inlets, harbors, and ports of the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the Constitution, and has been continued without interruption or dispute. As our foreign commerce increased and was extended into the interior of the country by the establishment of ports of entry and delivery upon our navigable rivers, the sphere of those expenditures received a corresponding enlargement. Light-houses, beacons, buoys, public piers, and the removal of sand bars, sawyers, and other partial or temporary impediments in the navigable rivers and harbors, which were embraced in the revenue districts, from time to time, established by law, were authorized upon the same principle, and the expense defrayed in the same manner!

"It is indisputable that whatever gives facility and security to navigation, cheapens imports; and all who consume them are alike interested in whatever produces this effect. If they consume, they ought, as they now do, to pay—otherwise they do not pay. The consumer in the most inland State derives the same advantage from every necessary and prudent expenditure for the facility and security of foreign commerce and navigation that he does who resides in a maritime town. Local expenditures have not of themselves a correspondent operation."

I concur in these views of the President.

At the opening of the discussion on this bill, the gentleman from Tennessee made a motion like the present. What new advantages did he indicate, as likely to flow from the proposed change in our national policy? Did he tell us that the lives and wealth of our citizens, engaged in commerce, were to be better protected? Did he propose to tax the people less as an equivalent for diminished improvement? He did not propose to reduce either the direct or indirect taxes, or in any way lighten the burdens now imposed in raising our revenue. That gentleman alluded to the deposit bill recently passed, and made it a prominent item of consideration, and informed us that it had been sustained by his vote. I understood him as referring to the thirteenth section of that bill, which provides a distribution of the Federal treasure among the States, as therein provided, as one great cause for the proposed change in public policy, whereby such works as are provided for in the bill now under consideration are not to be made by the General Government. He seemed to consider that measure as disposing of the Federal revenues, and placing them beyond the reach and use of the General Government, for such purposes as these, if not for all purposes whatever. He told us how advantageously the several States could use this treasure, and appeared to treat that act as making a real distribution, instead of merely creating new depositories for the public money. That bill, I am free to say, received less discussion in this House than its merits deserved. Even now its object and effect are matters about which we ourselves differ. Some say its object is solely to keep the public treasure for the use of the General Government, and that it will have this and no other effect; while others declare that its object is to distribute the revenues of the General Government among the States for their own use, and that such will be its undoubted effect. Gentlemen of high intelligence seemed to differ about its construction and effect. My friends differed in opinion on this subject. The President has repeatedly called our attention to the subject of the safe-keeping of the public treasures, and I have no doubt that every one of his friends in this House felt a deep anxiety on that subject. In the last Congress a bill much like the one passed, except the thirteenth section, passed this House, and a similar one has been reported this session. I have not heard a single friend of the Administration object to passing a law to regulate the public deposits; all agreed to that measure, when stripped of this questionable attribute.

I can say for myself, that I am strongly opposed to accumulating immense masses of the public money in local banks. No one acquainted with my views on the subject of banks and currency, will for one moment believe that I desire the continuance of such a state of things. That bill makes two classes of depositories, the State banks and State treasuries. The first had been voted for by nearly all, and therefore cannot be called by those who thus voted, either unsafe or inconvenient. Such a vote clearly implies the necessity and propriety of such agents. No one, I believe, in this House, opposed that part of the bill on any ground. Those who contended for the necessity of rechartering the United States Bank as a safe and convenient agent of the Treasury Department, cannot now well contend that State banks, while they promptly perform a like agency, are not proper fiscal agents of that Department. If they are safe and convenient agents, why, when we are establishing and adopting them, should we make other agents who are not required, or expected to aid, either in receiving or disbursing the public money? Why create an agent over whom you can exercise no control, and who is not amenable for violating any law you may pass? Why make one class of agents pay interest, and not the other; and why take all but five millions from your agents who pay interest, and

give it to those who do not? Why place the appropriations, even those for your Indian wars, in hands from which you cannot draw them for years? If these new agents use these funds, as many say they will, under the law, to make railroads, &c., and these wars continue, or others come upon us, and require all our means, how are they to refund, or we to get along without them? If this measure is truly a deposit of the public money, I am at a loss to know what necessity there is for two sets of agents, and why such an extraordinary preference is given to the one not paying interest; and why the appropriations are taken from the only class which can disburse them, and given to the one which cannot. If the State banks are unsafe agents, why use them at all—why leave the moneys with them until next year, before they are withdrawn?

I should further like to know why the provision taking these moneys from the old depositories and giving them to the new, is not made permanent, as well as that part which leaves a part now with the State banks, and all of it after next year? If there is a great necessity for these new depositories, it seems to me the law ought to be permanent for retaining them in the service of the General Government, as well as the one under which the State banks are employed. If this law is a mere matter of deposit, as is contended by some, then it confers little or no benefit upon the States, but merely makes them the agents or servants of the General Government, for a particular purpose, and for a limited period. If this is so, then I cannot understand how it can fairly be made the foundation of such a radical change as that proposed by the gentleman from Tennessee [Mr. BELL] in relation to light-houses and harbors. If this is the true construction of that measure, the policy of the Government is not changed, and the States are not to use this money, and it is not placed beyond our control any more than it is with the other agents. Admit this, and I can see no reason why the States should desire this agency. It is not returning to the people what has been drawn from them in taxes. Depositing money with an agent is not giving him the money. If you collect money from sixteen million persons, and employ a few of them as your agents to keep it, you do not return it to those from whom you collected it. Many dollars of this money are drawn indirectly from the pockets of my constituents, and if that money is placed in the hands of the treasurer at Albany merely as a depository, to be called for at the pleasure of this Government, I cannot understand how it is to find its way back to their pockets. I cannot understand in what possible way such a measure would return this money to *their* pockets. If it could reach them, then I should esteem it safe, and in a proper place. It would be the next best thing to never having taken it from them, with all the vast expense of collection. As a measure of deposit, I cannot see that my constituents would derive from this measure one particle of benefit.

On the other hand, is it really a distribution bill? Does it give the revenues of the General Government to the State governments? Are they to use, and not return it? I have never heard from any gentleman, in either end of this Capitol, an argument to prove that Congress had power to do so, except with the revenues derived from the sale of public land. This was expressly disavowed by many in the Senate. So far from believing that Congress has this power, a distinguished Senator from South Carolina [Mr. CALHOUN] deemed it necessary to amend the Constitution to accomplish that object. His resolution is in these words:

"Resolution proposing an amendment to the Constitution of the United States, providing for a distribution of the surplus revenues among the several States and Territories, until the year eighteen hundred and forty-three.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring*, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three fourths of said Legislatures, shall be valid to all intents and purposes as part of the Constitution: That the money remaining in the Treasury at the end of each year, till the first of January, eighteen hundred and forty-three, after deducting therefrom the sum of —— dollars, shall be annually distributed among the several States and Territories, including the District of Columbia; and that, for this purpose, the sum to be annually distributed shall be divided into a number of shares equal to the number of Senators and Representatives in Congress for the time being, with the addition of two for each Territory, and two for the District of Columbia; and there shall be allotted to each State a number of shares equal to the number of Senators and Representatives to which it is at the time entitled in Congress, and to the Territories, including the District of Columbia, two shares each."

Certainly that gentleman could not believe it constitutional to distribute under our present Constitution. No man has pointed out, or attempted to do so, the clause in our present Constitution which confers such authority. Congress has no power, except what it derives under the Constitution; and if this power is not there, then it does not exist. I then ask, where is the power which authorizes Congress to give away or distribute the money raised for the purposes enumerated in the Constitution? Sir, no such power exists in this Government. Allow me to refer to an authority which no republican will dispute being entitled to high consideration on constitutional and political questions. Mr. Jefferson, in his message to Congress, in December, 1806, speaking of the revenues derived from the customs and public lands, and the proper disposition of them, said:

"When both of these branches of revenue shall in this way be relinquished, there will still, ere long, be an accumulation of moneys in the Treasury, beyond the installments of public debt which we are permitted, by contract, to pay. They cannot, then, without a modification, assented to by the public creditors, be applied to the extinguishment of this debt, and the complete liberation of our revenues, the most desirable of all objects: nor, if our peace continues, will they be wanting for any other existing purpose. The question, therefore, now comes forward, to what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost, and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use, the suppression, in due season, will doubtless be right; but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance, and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers. By these operations, new channels of communication will be opened between the States; the lines of separation will disappear; their interest will be identified, and their union be cemented by new and indissoluble ties. Education is here placed among the articles of public care; not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation.

"The subject is now proposed for the consideration of Congress, because, if approved by the time the State Legislatures shall have deliberated on this extension of the Federal trusts, and the laws shall be passed and other arrangements made for their extension, the necessary funds will be on hand and without employment. I suppose an amendment to the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution and to which it permits the public moneys to be applied."

Is there any doubt of the correctness of Mr. Jefferson's position, that the objects are not among the powers enumerated in the Constitution? I am sustained by his opinion, that we have no right to distribute the national treasure under the present Constitution. I think that question conclusively and irrevocably settled.

But if we have the authority to *give*, why not do so in a frank, manly, and undisguised manner? Why not take the surplus, if there is a real one, and make the gift by name? If Congress is invested with that power in any shape, it has the power to do so in terms—it may make a gift, donation, or distribution, by name. If the power really exists, the genius and spirit of our institutions and candor and good faith require, if we divide, to do so openly and distinctly, so that our action may be presented to our constituents in its true light. If we have not the power, then our duty to the Constitution, to them, and to ourselves requires that we should not attempt it by any indirection, under any disguise in name or form. I know of no reason why an American Congress should resort to indirection to do what the Constitution and duty require it to do directly and openly.

But it may be said that Congress cannot give, because the Constitution does not permit it; and that the money must be kept where it can be called for to meet any emergency. If this is so, and it is in fact to be returned, I again ask how are the people to be benefited? This would not be returning to them *their own money*, as we have been told was the object. If it is the people's *own* money returned to them, then the General Government has no right hereafter to call for it. On the contrary, if it is the money of the Government, then it cannot be returned to the people's pockets for their own use. It would be of little advantage to them to receive it, and be liable to have it called for on any day, at the will of others. It is entirely impracticable to restore this money to the pockets of the people, from which it has been drawn by indirect taxation. They never can receive it directly. But if it were possible to accomplish such a purpose, it would not do away the constitutional objection. The want of constitutional power is a full answer to the whole scheme of distribution. I, then, submit whether a due regard for the Constitution and our constituents does not require of us an application to the true source of power for a constitutional extension of legislative authority, according to the suggestion of Mr. Jefferson, authorizing it, before we attempt a division of the revenues of the General Government among the States? And allow me to suggest, if this power is ever to be conferred, that, as far as practicable, except in cases of war, Congress should have the least possible control over the amount of the dividends; by giving a certain per cent. of the revenues, or a certain gross sum; and their use by the States should be confined to the purposes of *education*, and such other specified objects as shall equally benefit *all*, lest we realize those difficulties which I shall hereafter suggest. Still this measure is commented upon and conclusions drawn from it, as if it were really a distribution.

We are advised of the great advantages that are to flow from the distribution. I think I have shown that, if it is a distribution, the measure is unconstitutional, and if it is not a distribution, that then it is not returning to the people their own money, or benefiting them at all. What, then, is this measure? This is an important question, which has produced different answers. I believe there is not a friend of the Administration who will not repudiate the idea of sustaining it as a distribution. I do not know the man among them who would not pronounce it unconstitutional. Those who voted for it, so far as I know their views, considered it a mere deposit measure. As such, I have shown that what relates to the new depositories is valueless to the people. But among the various opinions which are entertained of this measure, there were those who viewed it as an indirect distribution, and as much a violation of the Constitution as if it were a direct and open distribution. Those who originated it treated it as a distribution in its consequences. The consequences which they enumerated were such as could not result from a deposit. They could only flow from a distribution; from a free gift of money not to be returned. Those friends of the Administration who considered it a distribution in fact, voted against it in obedience to their sense of duty under the Constitution. They believed it not less a distribution for its being covered with the deposit mantle; no less a violation of the Constitution because the word "deposit" occupies the place of "distribute" in the structure of the sentence. They feared that the consequences would be injurious to the best interests of the country. Many thought they foresaw an increase of indirect taxation to swell up a fund for distribution. If it was not a gift, they doubted the propriety of each of the independent States becoming debtors to the General Government, liable to be called upon at the pleasure of the creditor. It was apprehended it would weaken the independence of the States without producing a corresponding benefit to the General Government or the people. They feared that it might lead to extravagant, and often useless expenditures on the part of the State governments—that they might conform, in an evil hour, to the will of the Federal Government, to avoid paying old debts; and that they might become prostrate and dependant on the great central power for

means to sustain their institutions. They feared that, in the words of the old adage, the debtor would become the slave of the creditor; they feared that the State dividends might be seized by knots of politicians in the different States, and used, not for the benefit of *all*, but to build up private fortunes or perpetuate political power; that they might be used "to make the rich richer and the poor poorer;" that it might sever the link of accountability which now binds the political agents of the State governments to their constituents. They feared that under pretense of public good, projects might be set on foot, and works be commenced which might result in little, except the aggrandizement of the sagacious or influential speculator; that in time a sovereign State might not dare to enter upon a noble enterprise for the benefit of her citizens, without sacrificing to political deities, and consulting the Treasury oracles. They feared that, instead of devoting our Federal revenues to the objects pointed out in the Constitution, the defenses of the country, they might be diverted to objects of less national character. They feared that our Navy might cease to be an admired and cherished object; that our fortifications might crumble into ruins, and our harbors and rivers might remain choked up and obstructed, to the hazard of our ships of war and the prejudice of commerce. They feared that our militia might not be armed, equipped, and disciplined by the General Government, as they ought, to relieve them from unnecessary burdens, and to insure quiet and protection. They feared the arm of public defense might be palsied by withholding appropriations for that purpose; that commerce might be left to perish on the hidden shoals of the ocean, or dashed to ruin on the unlighted shore. I voted with these, and participated in their views. I may have been mistaken in my views and fears. If so, it is an error of the head, and not of the heart. Time will test the whole. I may have looked with too great apprehension upon the future. A proper degree of solicitude, however, on such a subject, is not among the unpardonable offenses.

It has been asked, with an air of triumph, if it were really feared that Congress and the State Legislature would not promptly perform all their duties. I will answer by asking other questions. Did the Senate of Massachusetts, when it resolved, during the last war, that it was unbecoming a moral and religious people to rejoice at our victories, perform its duty? Would gentlemen be willing to rely upon the action of such a body for money necessary to prosecute a war? Were there not other legislative bodies that exerted all their efforts to oppose the last war, and cripple Mr. Madison's administration? Do gentlemen believe that if money, the sinews of war, had then depended upon the vote of Massachusetts, we could have procured it to defend the country? In what State, where the Federalists were in power, did the General Government receive prompt and efficient aid? Now, as to Congress: I ask, did Congress perform its duty, in passing the alien and sedition laws? Who will, here or elsewhere, defend those measures? Will any friend of the Administration say it did so when it passed the bill to recharter the United States Bank, Mr. Clay's land bill, and the Maysville road bill? Will the gentleman from Tennessee say the Senate was doing its duty in trying and condemning the President in 1834, without the authority of law? Will any one say that it was performing its duty, when members here resisted appropriations for the last war? The people have passed judgment in these cases, and the history of the times tells us what the answer is. Sir, we have been told on this floor, when considering an appropriation to repress Indian hostilities, that if we were not more economical and rigid in our appropriations, *we should have nothing left to divide.* Those who were opposed to the Government during the last war, may hereafter have it in their power to control the destinies of this nation, and we may have as little to approve of in their acts as we had in their gag-law and their war patriotism. My fears, as to the fate of the bills in aid of commerce, are about to be realized. The harbor bill is attempted to be defeated, to aid in the work of distribution.* The gentleman from Tennessee has raised *his* powerful arm against works of improvement by the General Government; works which vitally affect the lives and fortunes of a *large* number of our fellow-citizens.

I ask, are all such improvements to be abandoned? If such changes follow that measure, it will present itself in a new and interesting light. If the arm of this Government is to be rendered nerveless as to breakwaters and harbors, may it not become equally so as to light-houses, forts, and other national objects? I have not heard the gentleman from Tennessee allege that the items in this bill were not such as, under the Constitution, are proper objects of the fostering hand of the General Government. The question is narrowed down to one of mere expediency. Shall we, under the new state of things, engage in these improvements, or not? The argument used by that gentleman, it seems to me, will extend with undiminished force against all national works designed to foster commerce and preserve the mariner. Why shall we change the tried and approved policy of the Government? Who seeks it; and for what purpose? Sir, we are pointed to the deposit bill as the cause for a change in policy, and it is sought for by the opponents of the Administration, and for the purpose of increasing the amount to be distributed during the coming year. This is the great hinge on which the whole turns. While the friends of the Administration desire to collect no more revenue than is required to pay the necessary expenses of Government, and make such works as are of a strictly national character, it is a favorite purpose of its opponents to pave the avenues to political distinction and power with gold from the national Treasury; to appeal to selfish instead of patriotic considerations; nay, sir, I venture the prediction that the party who refused to aid in raising means to defend the country in the last war, will now claim high consideration because they wish to divide the Treasury. Roman conquerors and demagogues divided first the grain from the public stores, then the lands, and then came the downfall. If you can divide the contents of the Treasury, why not divide the lands before sale, and give direct to each citizen his due proportion? Why not carry out the movement, and divide the whole property in the Union equally? The people may be deceived and misled for a day, but they will not long follow golden lights in the hands of demagogues. They only ask of Government good wholesome laws, protecting them in their lawful pursuits, punishing offenders; laws which shall confer equal advantages upon all, defend the *ignorant and the feeble* against the craft of the subtile and selfish, and the violence and oppression of the strong and powerful.

I hope, sir, that this House is not prepared to follow the lead of the gentleman from Tennessee. I am confident that a majority do not entertain his views on this subject, nor the one adverted to. If a radical change in our national policy is not to take place, then it becomes our duty to consider whether it is proper to undertake any or all the works enumerated in this bill. Those who are against all such improvements will, of course, vote for striking out the enacting clause, to defeat the whole bill. On the contrary, those who believe it the duty of this Government to carry on any one of those included in it, will vote against the motion. Subsequently such items can be stricken from it as may be considered as improperly included. I will not go into an argument to prove the utility of such works as those included in this bill. All must concede their importance. Unless we foster and protect commerce, that bountiful source of revenue must dry up and disappoint us. I am desirous of correcting what seems to be an erroneous impression of some in relation to a portion of these works. I refer to those on the lakes. They have been spoken of in terms of disparagement, and as not being within the avenues of commerce, or the sphere of naval operations. Those who entertain these views follow false lights. The history of the last war will shed some light on this subject. Three of these lakes were then skirted by settlements, and two of them will ever be remembered as the theater of the achievements of Perry and McDonough. The victories of Erie and Champlain will never be forgotten while valor is cherished by our citizens. The Ontario fleet was not unimportant; and, at the close of the war, your navy-yard at Sackett's harbor showed two ships of the largest class on the stocks, while several smaller ones were afloat. One, if not both, of the former, are still owned and preserved by the Government. There are now five of these inland seas, studded with cities, villages, and settlements, rivaling those on the Atlantic—each of them important to present commercial and future naval operations. Our next war for "free trade and sailors' rights" may be on those lakes. An enemy will find more there to destroy than in 1812. Commerce has sprung up on them, and these lakes are now covered with steamboats and vessels, freighted with thousands of our citizens and millions of our commerce. The want of sea-room and natural harbors renders the navigation of the lakes hazardous, and hence it becomes a matter of strict duty to light the coast and construct artificial harbors. Shall we refuse this, when the Government has more money than it can use for other purposes—when there is a *surplus?* Thousands of people leave Buffalo every day for the West to settle on the public lands; vast numbers leave other places. Boats are crowded with men, women, and children, and their very numbers increase their perils in case of danger. Patriotism and duty point to them as objects of national protection. These lakes, at this time, require more of the attention of this Government than the Atlantic, which has long felt its fostering care. The wilderness on the lakes has disappeared, and given place to cultivation and thrift that will not suffer by comparison with any part of the Union. The region which was borne down and buried in distress and poverty in a war growing out of commercial operations on the Atlantic, is now the abode of health and plenty, and I ask you to cherish its interests in the same liberal spirit that you do the older regions. Let the benign influences of this Government fall equally upon all, as far as a strict adherence to the Constitution will permit.

The commerce on the Atlantic now has not only all that is asked for the lakes, but we float a Navy at the cost of annual millions to protect it. Every hundred million of that commerce costs this Government several to guard and protect it abroad, as well as at home. Shall we, then grudge a small pittance for the home protection of that on our own inland seas? I hope not. This would not be liberal or just, or worthy of the American character. I think I have shown these improvements to be within the *constitutional power of Congress;* that they are so received by the Executive branch of this Government, and have received the sanction of every Congress for many years. That these works are *necessary,* is admitted by all. I then appeal to this House to provide for them before we dispose of a *surplus,* which can only exist, as the word implies, after all necessary constitutional works are fully provided for. When all is done that ought to be done for all national purposes, if a real surplus is found to exist, the people, whose interests alone are affected by it, will decide whether the taxes shall be reduced to the necessities of the Government, or whether the Constitution shall be altered so as to raise money for distribution. Until then let us continue our public works with a spirit worthy of Americans.

Mr. Chairman, I should here have concluded my remarks, but for the extraordinary attack of the gentleman from Tennessee [Mr. BELL] on two of the committees of this House—the Committee of Ways and Means and the Committee on Commerce, and through them upon the presiding officer of this House. I am a member of the latter committee, and feel it my duty to repel the charge so distinctly and confidently made. That gentleman distinctly and confidently stated that these two committees "were organized on the principle of extravagance;" but added, however, "that it was not the fault of the members composing

* The harbor bill for the continuation of old works, which passed the House, was much reduced in the Senate, as was also the new harbor bill. The light-house bill was entirely defeated there.

these committees, or their constituents that they were thus organized." This is but a feeble attempt to blunt the edge of the charge of extravagance made against the members of these committees, but it serves to give direction and point to the charge made against the Speaker who appointed them. The charge proclaims wrong somewhere, and, if it does not rest with the members of the committees nor their constituents, it must of necessity rest upon the Speaker. In order to sustain his imputation against the Speaker for censurable appointments, he must first fasten the charge of extravagance upon the individual members of these committees. In proof of the truth of his assertion, he took up a list of the committees, and read most, if not all, of the names of those on the Ways and Means, and commented separately on them, and attempted to prove from their location alone, that they were liable to his charge of extravagance in public expenditures. He abandoned his undertaking before he finished the first committee, and despatched the other (*in a lump*) by bold assertion alone. I have an answer to most of the gentleman's charge, which, being a matter of record in this House, cannot be the subject of dispute or cavil. At the last session, that gentleman was Speaker, and appointed the committees. Here is a list of these two committees as then and now appointed:

COMMITTEE OF WAYS AND MEANS.

Appointed by Mr. Bell.	*Appointed by Mr. Polk.*
Polk, of Tenn., chairman.	Johnson, of Tennessee.
Wilde, of Georgia.	Owens, of Georgia.
Cambreleng, of New York.	Cambreleng, of New York,
McKim, of Maryland.	chairman.
Binney, of Pennsylvania.	McKim, of Maryland.
Loyal, of Virginia.	Ingersoll, of Pennsylvania.
McKinley, of Alabama.	Loyal, of Virginia.
Hubbard, of N. Hampshire.	Lawrence, of Mass.
Corwin, of Ohio.	Smith, of Maine.
	Corwin, of Ohio.

It is known to us all, that but five of the former committee are now members of this House. The late chairman is now Speaker. The other four are retained on this committee, where the late Speaker placed them. To supply his own place, so far as location is concerned, the present Speaker selected his own colleague, Mr. Cave Johnson, whom the gentleman placed, at the last session, at the head of a very important committee. Every member of this House knows that he is one of the most thorough opponents to extravagance in it. He is a rigid economist with the public money, and his voice and his vote are always against profuse expenditures. I always consider him a safe guide when he goes for a public expenditure. If there is a thorough radical in this House, he is one. In place of Mr. Binney we have Mr. Ingersoll, his successor, and in place of Mr. Wilde, Mr. Owen from the same State. I believe the honorable gentleman will be troubled to prove them more extravagant than their predecessors, who were of his own selecting. I believe he did not continue his charge when he reached their names. The next change is placing Mr. Smith in place of Mr. Hubbard, who is now in the Senate. So far from making a charge of extravagance against him, he spoke of that gentleman's report on harbors, and paid his economy a compliment. The only remaining change is that of Mr. Lawrence in place of Mr. McKinley. Mr. Lawrence comes from the same district formerly represented by Mr. Gorham, who occupied the same place on the committee. I am not aware that he is particularly liable to this charge of extravagance. He is, however, a political associate of the honorable gentleman, and I leave them to settle the matter between them.

Here is a list of the former and present Committee on Commerce:

Appointed by Mr. Bell.	*Appointed by Mr. Polk.*
Sutherland, of Pennsylvania, chairman.	Sutherland, of Pennsylvania, chairman.
Harper, of New Hampshire.	Cushman, of N. Hampshire.
Pinckney, of South Carolina.	Pinckney, of South Carolina.
Heath, of Maryland.	Ingham, of Connecticut.
Pierce, of Rhode Island.	Pierce, of Rhode Island.
Gillet, of New York.	Gillet, of New York.
Phillips, of Massachusetts.	Phillips, of Massachusetts.
Johnson, of Louisiana.	Johnson, of Louisiana.
Morgan, of New York.	McKeon, of New York.

From this it will be seen that six out of nine (all that are now members) are precisely the same persons appointed by the gentleman himself. The changes are, Mr. Cushman in place of Mr. Harper, from the same State, and Mr. McKeon in place of Mr. Morgan, from the same district; and Mr. Ingham, from Saybrook, Connecticut, instead of Mr. Heath, of Baltimore. Messrs. Cushman, Ingham, and McKeon will not suffer by a comparison with their predecessors on the committee, who were honorable men. The warm effort of Mr. Heath to procure a large subscription to the stock of the railroad from Baltimore to Washington, cannot have been forgotten by many present. I will add, as it relates to myself, that there is not even an application from my district for an appropriation for any public purpose. There is not a man in my district, to my knowledge, who is interested in any western land speculation. I will now ask, with what propriety does the honorable gentleman charge that this committee was formed on the principle of extravagance? The present Speaker had his own authority for appointing two thirds of them, and for the location, which seems to be his principal proof, of all except one. The gentleman shrunk from the task of pointing out, on this committee, the names of those who, from location or other cause, were tainted with extravagance. Sir, the charge is unfounded, both as it relates to the members of the committee and the Speaker. That gentleman needs some proof, besides location and naked assertion, to sustain his charge against either. He will find the votes of the members of the present committees are as free from censure as those of persons differently located, and as free as those who were appointed by him. A proper sense of what is due to the members of this House and the country, ought to have induced him to have withheld his charge until he could have sustained it by better evidence.

But, sir, these committees were not, in my judgment, the principal objects of attack. He could have had but little object in dealing blows at them. To him it is far more important, and it is more consonant with the drift of his labors, during the session, to make the Speaker's seat an uneasy one—to make it totter under him. His rival occupies that station, which is the highest in this House, and one of the most honorable in the nation. He failed to unite with the honorable gentleman in the celebrated caucus at the last session. He stood, in 1834, almost the sole champion of the President from Tennessee. He resisted, with all the force of strong argument, the multiplied attacks on the President for removing the deposits. He is now his fast friend. He has been elected Speaker by the votes of the friends of the Administration; by the votes of those who then sustained the President, and who now sustain him. The honorable gentleman, though almost the sole opposing candidate, failed of success. I leave him to tell, by the votes, of what party he was sustained. If the National Republicans, Nullifiers, and Abolitionists, had any candidate but himself, he can name him. If, in 1834, or since, he has uttered a word in defense of the hero of New Orleans, he will confer an obligation by pointing it out. This session the Journals will show how often the honorable gentleman has followed the lead of the gentleman from Massachusetts, [Mr. ADAMS,] and voted with the special friends of Messrs. CLAY and CALHOUN and the Abolitionists, and in opposition to the friends of the President. When a member of the party with which he is acting, in the last Congress, called his constituent (the President) a *toothless tyrant*, I ask, did he raise his voice to resent it? Did he hurl back the slander, as honorable gentlemen usually do, when their constituents are attacked? If he did I did not hear it. It is the present Speaker who repelled all such attacks. Unless defending the President, and declining to attend the caucus are crimes, I know not what offense the Speaker has been guilty of, that he should be hunted down by his colleague. If, before he refused to attend that caucus, he was known to the ex-Speaker to have been of such doubtful integrity as his present charge implies, how did he reconcile it with the dictates of duty to appoint him chairman of the Committee of Ways and Means, the most prominent place he could assign him in the organization of the House? Spectators view the honorable gentleman's course at this session as designed to hurl his successful rival from the chair, and prostrate him in disgrace. How was this to be done? Not by open and bold attack at the commencement, which could be repelled, but by the subtilty of indirection. What has been his course this session towards his colleague, who must occupy the chair in silence? At the very outset of this session, while smarting under the sting of defeat, he began his complaints about the rules of order; they were wrong. He would not say that the present incumbent did actually abuse his power under them, but he might do so; they were liable to great abuse; the freedom of speech and of the people depended upon taking away the vast and frightful power collected in the hands of the Speaker. Yes, sir, as soon as his rival became the expounder of these rules, which have been in use for years, he desires them altered. But while he was in the chair, the Speaker's power under them excited no terror, no alarm in his bosom. The power was safe in his hands, when he was applying the rules to his rival and others; but when taken from him, and given to another, this Hall echoes with the notes of his fears. Years have rolled by without an effort, so far as I can learn, on his part, to limit this dreaded power. Now its safety is doubted in the hands of one whom the majority preferred over him for Speaker. The generosity and nobleness of all this I will not now comment upon.

I will here remark, that those who have abandoned the Chief Magistrate, and joined the standard of his enemies, usually remove the mask by degrees. They usually commence by throwing out insinuations, and end in the use of assertion. The effort is first to induce a belief that there is something wrong in the President, known to them; next, that he is changing; then changed; and all ends in pronouncing him entirely unworthy of support. They never commence boldly, and admit their own change, but slip off by degrees, like deserters. The public mind must first be prepared by insinuation and suspicion, before it will believe a charge not fully sustained by proof.

Sir, if the people could be led to doubt whether the rules were fairly applied and properly executed, they might then the more readily believe the charge that they actually had not been. Settle this belief firmly, and then they would the more readily believe the allegation that the committees were appointed on the principle of extravagance. Without these preliminary steps, this charge would find few believers. What is here mere insinuation in these things, swelling with the distance it travels, when it reaches Tennessee, becomes matter of positive allegation and belief.

Sir, I know the presiding officer of this House well. I have for three years been a witness to his manly and honorable course in defense of the Administration, the Constitution, and the rights of the people; and until the honorable gentleman opened his batteries upon him, I never heard even an insinuation breathed against him. Even his political opponents bear testimony to his capacity, honesty, and impartiality. The honorable testimony of Mr. Banks, on resigning his seat here, to this effect, is a matter of record on the files of the House. The witnesses of his liberality, ability, firmness, and honesty, are on every side of me. I can hardly imagine that anything short of deep-rooted personal hostility could induce any man, an observer of his acts, to charge him with official misconduct, either in executing the rules and orders of the House, or in the formation of the committees. If record evidence is needed as to the correctness and propriety of his decisions, we have it in the strong and decisive vote by which his decisions are uniformly sustained. The names of his political opponents, as well as of his friends, are found sustaining these decisions. At this session thirty-three appeals have been taken. Three of them were laid on the table which is equivalent to sustaining him, nine of them were withdrawn by those who appealed, twenty affirmed, and but one reversed. In the latter case, he gave a more liberal construction to a new order than the House decided it was his intention it should bear. In this decision the

Speaker was sustained by the voice and vote of the honorable gentleman. Certainly he cannot complain of that decision. If the Speaker's decisions had not been characterized by sound judgment and great fairness, he never would have been so triumphantly sustained.

The honorable gentleman makes another charge, which, in its consequences, is calculated to injure the Speaker. He says, at this session there has been great disorder in the House. This seems intended to convey the idea that he is not competent to preserve order. This is not a reproach upon his honesty, but a disparagement of his capacity, and is calculated to have effect out of this House. It seems to be designed to have the order of this session contrasted with the past. I must confess that this effort of the ex-Speaker to show his successor to disadvantage, by comparison with himself, is an interesting specimen of modesty. That there has been disorder in the House, I do not deny; but I deny that it is the fault of the presiding officer. That gentleman told us, long since, that the minority were always restive and uneasy, and if they could not accomplish their objects orderly, they would do so disorderly; and that it was natural for those who were restrained, to find fault. I leave others to say whether his is not a fair illustration of this last position. He knows full well that the disorders have proceeded mostly from those whom he described as restrained. When gentlemen were out of order, I should like to know how often he has voted them to be so, and to prevent their going on. I should be happy to learn that he had, even for once, endeavored to use his influence to check these disorders. The commanding position of that gentleman would enable him to effect much in quieting those who were restrained, if he chose to do so. But the Journals will show that he had even moved to allow a member, decided to be out of order by a vote of the House, to proceed. I will not name those from whom the disorder proceeds, but this House and the country know who they are, and their relation to that gentleman. I hope he will now allow the Speaker a respite, and that he will turn his attention to those who have been the authors of the disorders complained of, and read them such a lesson as shall prevent like future occurrences.

The gentleman is sorely annoyed with the Globe and several other papers, and occasionally occupies the attention of the House with a chapter of griefs on their account. I know little of the merits of his controversies with them, and shall not attempt their defense while they are so able to defend themselves. It is not beyond probability that we should hear little on this score if he was altogether victorious in his conflicts with them. It is not usually the victor who complains of his antagonist.

The gentleman has often complained this session of the rule of the House which authorizes the demand of the previous question. He and his friends have heaped showers of epithets upon it, calling it the engine of tyranny, gag-law, &c., until an old and valuable rule of the House is in danger of being considered highly exceptionable and improper. I will here take occasion to make a few remarks on the previous question. The Constitution authorizes each House to make rules for the government of its own proceedings. This House long since adopted rules which are now in operation. These rules have in view the order and dispatch of business. Among them is the rule giving the previous question, which terminates debate. I am informed that in the British Parliament no such rule exists, and the only way to stop debate is to *cough down* whoever attempts to speak against the will of a majority. Our rule is liable to fewer objections, and is better adapted to the promotion of order and good feeling; without it a small number may control the action of the House and defeat all business. The country might look in vain for the transaction of public business if a minority could defeat it by constant talking. The previous question is seldom called until the main question is understood. All parties when in a majority resort to its use. It is true it may be abused, as it was, in my judgment, by the present minority, (then the majority,) in 1832, on the bank question. It is not the use, but the abuse of it, that can ever properly be objected to. Nearly every old member here, as the Journals show, has voted for it. The bill to recharter the United States Bank, and Mr. Clay's land bill, passed this House by the use of the previous question, nearly every opponent of the Administration voting for it. The gentleman from Tennessee has voted for this motion. The Journals show that in one of the votes connected with the passage of the "bloody bill," as it is called, he voted for it. They also show that on the celebrated resolutions concerning the removal of the public deposits and the recharter of the United States Bank, in 1834, he voted for the previous question. The Journal of this session shows him voting for that question on the pension bill, which was very little discussed. This motion is now often made by his own friends. It was demanded the other day by the gentleman from Alabama, [Mr. LEWIS,] who very pertinently remarked to his friends that it was not their speeches but their votes that he wanted. If it is wrong to vote for this question, the gentleman and his associates are as guilty as others. If it is right, I really hope he will cease his complaints concerning it.

The gentleman complains that there has been no opportunity for political discussion this session. This is a strange complaint to come from that quarter. To give other members, all of whom have the same right to claim that he has the same time on political discussion which he has taken on two bills this session, would require a session of about three years. On the 9th of February, when the Navy appropriation bill came up, he moved to reduce the appropriations, I believe, one half, and opened a political discussion on it, which terminated the 7th of April. The gentleman then occupied the time of the House about four days. In the end, on a motion in the same words as his own, although sitting in the House, he was silent and did not vote for it. But six voted for that reduction. Why he made a motion that he did not vote for, I cannot say. If the motion was made with the view of having it prevail, I should have expected him to have voted for it; but if merely to allow him a chance at political discussion, which he actually enjoyed, then this complaint is groundless. When this bill came up, he made a motion to strike out the enacting clause, and followed up his motion by a six hours speech, entirely political, relating to almost everything but the question before the House, and at the end of it withdrew his motion. This is a practical commentary upon his complaints. The country will decide whether President-making is the business which they send us here to transact, to the neglect of all other business, and whether he has had a sufficient opportunity at it. The gentleman, though hard pressed for time for political discussion, has nevertheless found enough to enable him to visit New York, to study her institutions, and particularly her politics. His discoveries are important, and deserve to be recorded, to show his good will towards us. He has compared my fellow-citizens to the ruthless savages, who, by deeds of blood and violence, were a terror to all who surround them. I envy not the feelings of a statesman who allows himself to make such comparisons of a virtuous and good people. My native State manages her affairs in a manner satisfactory to herself and consistent with her prosperity, and the shaft of envy, by whatever arm it may be hurled, will fall harmless at her feet. She neither offers nor receives dictation, and if he is really a State-rights man, we shall expect he will allow us the privilege, which other States enjoy, of managing our own affairs in our own way. We will not quarrel with Tennessee, because about a dozen of her members of Congress, through a caucus, attempted to bring out a presidential candidate; and I hope he will allow us the privilege of selecting candidates in our own way, by conventions of the people, as has been he custom of both parties for many years.

In connection with this subject, he spoke of a system of rewards and punishments, and that it extended to the operations of the Federal Government. He told us partisans were rewarded or punished according to their compliance with, or resistance to, dictation. He referred to our Minister to England, (Mr. Stevenson,) to Mr. Taney, Mr. Barbour, the Speaker, and others, to illustrate and prove his position. If he intends to convey the idea that either of these gentlemen have abandoned their republican principles, or acted contrary to their own sense of public duty, at the bidding of any one, I take issue with him, and challenge his proofs. The President, as well as a majority of this House, has selected able and competent friends for high stations, instead of opponents. In this, the President followed the course of Mr. Jefferson, and our other Presidents. The gentleman selects from his friends, and is supported by his friends. But why does he refer to the Speaker as having received his reward? He has, with great energy and success, sustained the present Administration, and continues steady in its support. Is there anything wrong in this? In the last Congress the gentleman generally voted with him; but with whom does he now vote? The Journals show the House divided now as it was then, except the gentleman and some of his colleagues are found voting with the nullifiers, federalists, and bank men, all of whom are, and have been, the President's ardent and bitter opponents. In selecting a Speaker, the majority gave the known friend of the President a preference over one who was supported by his opponents, and one whose friendship was justly doubted. If this is a reward, it is the reward of merit, honestly and intelligently bestowed. But how stands his own case? He was once made Speaker by opposition votes, and was the candidate of that party this session. Was there any *reward*, actual or attempted, on either of these occasions? Does he not see that his charge may be returned upon himself? If one, continuing with his friends, receives a mark of distinguished consideration from them, and it is called a *reward*, what term shall we apply to one, when a similar favor is shown or attempted, when he changes sides?

The gentleman exclaims vehemently against those in power; his indictment is general, embracing all who differ with him in opinion, but is always without specifications. Will he ever specify the wrongs, and the criminals, so that the latter may be arraigned, tried, convicted and punished? Duty requires specific exposures, if he is apprised of these alleged wrongs. He who conceals a crime known to him, has a heavy responsibility on his shoulders. The gentleman has told us that the power of the Executive in this House controlled the majority. This is the charge, stripped of all verbiage. Many of his friends have sought to establish it. If it is true, this charge is a serious one, deserving high consideration. If such influence is exercised to promote laudable purposes, he of course will not object to the end, but deprecate the means only. If it is exercised for bad purposes, he ought to complain, and duty requires him to expose it. He will perceive that he makes a serious charge, not only against the President, but against the members of this House. Is he prepared to sustain it? If so, I hope he will give us his proof. He has also told us in another part of the speech, that the President and his party were against the election of President and Vice President coming into this House. He informed us that this was an effort to gull the people, and then gravely inquired if the Representatives of the people were not to be trusted with the power conferred on them by the Constitution? Now, it is quite certain, if the President has and can exercise the alarming and tremendous power over this House which he has described to us, then they are not to be trusted. He told us the President was attempting to appoint a successor. If the election comes into the House, and he desires thus to appoint, then, on the gentleman's own ground, he will be certain to do it, and the people should guard against the possibility of his exercising this power. It is very certain that the President either has not the power over the House which he ascribes to him, or the House is not to be trusted, and I leave the gentleman to reconcile his different positions. If the President has this power, and wishes to appoint a successor, I cannot perceive how the gentleman can be willing to trust the election to this House, nor how the President and his friends can object to its coming into the House, if it is certain that the former has and exercises the influence here which the gentleman ascribes to him.

If I can understand another of his charges, he alleges that one of the reasons why large appropriations are sought to be made is, to increase the patronage of the General Government, so that it can control the elections. The President, in vetoing the Maysville road bill, the bill to recharter the United States Bank, and other bills, desired to limit Executive patronage. You, sir, and every person who has held an executive station, must know that the dispensation of patronage is the most troublesome of all Executive duties. I will ask the gentleman if the President has changed his views on this subject since he gave those vetoes? If he has changed his opinions, I ask for the proof. He often entertains us with an account of the alarming numbers of officeholders; and on one occasion, by including among them the pensioners, swelled their numbers to sixty thousand. Whether the war-worn soldier is an officer or not, I leave others to decide. They were enumerated to swell the number of those whom he alleges conform their acts to the Executive will. If he really feared that the Executive would abuse his trust in this respect, how did it happen that the other day he voted for a pension bill, which is likely to add thousands to the list, extending the system beyond all former precedent? Yes, sir, he not only voted for that bill, but when the discussion had hardly commenced, voted for the previous question on it. Why did he vote for the previous question? Was it to save time? If so, why, a week afterwards, at the heel of the session, did he speak six hours on this bill, and then withdraw his motion at the end of his speech?

My colleague, [Mr. VANDERPOEL,] on a former occasion, commented upon the gentleman's course in not raising his voice in defense of the President for removing the deposits. He assigned, in reply, this extraordinary reason, that he *knew too much of the secret springs which produced that measure*. The meaning of this is, that there was something wrong and censurable at the bottom of this measure, which he knew and condemned, and we may infer the public would have done so, if it had known it. I ask why, if there was anything wrong known to him, he did not disclose it? As an honest and fearless Representative, it was his duty to have done so; but if there was nothing wrong, why assign such a reason for his silence? He has either assigned a bad, incorrect, and useless reason, or he has neglected his duty to the public in not apprising others of the reason which operated upon him, and which might have changed their views, and the decision of that subject. In one part of his speech, he told us that the President was a high-minded, honorable, independent man; in another he informed us that he had violated his pledges, by interfering in the freedom of elections, and was ruled by bad, dishonest men. If the President is honest, then he has not violated his pledges; and if he is independent, then he is not controlled by others. I will thank him to inform us which of these positions are to be relied upon as correct? He further told us that although the President and his friends were committed against the old United States Bank, they were not as to a new one. This is a strange declaration, to proceed from that gentleman. The President is known to be opposed to all chartered monopolies. This is the leading opinion among the friends of the Administration in this House. No friend of republican principles and equal rights will ever vote for another United States Bank. Those who have read the gentleman's published speech on the subject of the recharter, will, however, be surprised that he should deem it censurable to vote for a United States Bank.

The gentleman has talked much of the acts and professions of the President and his friends, by which the people were "gulled." He told us that when it was objected to the election of President coming into the House of Representatives, it was an effort to "gull the people." I understand it to be the settled opinion of the Democracy of this country that an election ought never to come into the House. But let us look back to 1824. What then was the almost united voice of Tennessee? What said the gentleman and his friends on this subject then? Was there then an attempt to gull the people? General Jackson then had a large plurality of the votes of the people, but was defeated in the House. His friends cried out bribery and corruption, and the House-President and his associates were expelled from power, and the people's President came into office. The gentleman will hardly admit that General Jackson's friends were then gulling the people. Have principles changed or has the gentleman changed? He has led us to Greece and Rome to witness the operations of tyranny. He has held up to our view Cromwell kicking Parliament out of doors, and Napoleon ruling France at his discretion, and then warned us against the encroachments of Executive power. Comparing the President with tyranny is a new way of demonstrating friendship. It will require something beyond the force of comparison either to make the President a tyrant, or cause the people to believe him one. If the gentleman still insists that he is a friend of the President, why make these allusions and comparisons? If an opponent, will he admit it? Why has he changed?

In a subsequent part of his speech the gentleman told us that the President and his friends professed to be in favor of a gold and silver currency, which, on a former occasion, the gentleman called the "gold and silver humbug," and remarked that this was another effort to gull the people. He also remarked, that success in such efforts seemed to depend upon the boldness with which they were made. I know that the President and the great body of his friends are in favor of a constitutional currency; one which possesses intrinsic and uniform value in all parts of the world; one which gives the mammoth speculators no preference over the rest of the community, and one which is opposed to those monopolies which are injurious to the true interests of the people. If it is wrong to entertain such constitutional opinions, and publish them boldly, then indeed he and they are guilty. That gentleman, I presume, has great confidence in this matter of boldness and apparent confidence, and from his free use of them, one might conclude that with him much depended upon them; for no one has ever exceeded him in bold and confident assertion. It seems to be one of the great weapons which he uses on nearly all occasions. I might pursue the gentleman throughout several of his speeches, and show that many of his positions concerning the President have little but this boldness of assertion to sustain them; but, as my friend from Virginia [Mr. GARLAND] suggests, the President does not need defense from these oft repulsed attacks. I am conscious that the arrows from the gentleman's quiver will fall harmless at the President's feet. The nation will protect his honor with the same sacred honesty of purpose as he protected New Orleans and now protects the Constitution. I will leave to time the recording his deeds of valor, and to dispel any clouds that may be attempted to be raised to obscure or destroy his fame, whether they are the work of pretended friends or real enemies.

PUBLIC DEPOSITS.

SPEECH OF HON. J. C. CALHOUN,

OF SOUTH CAROLINA,

IN THE SENATE, *May* 28, 1836,

On the Bill to regulate the Deposits of Public Money.

Mr. CALHOUN said: This bill, which the Senator from New York proposes to strike out in order to substitute his amendment, is no stranger to this body. It was reported at the last session by the select committee on executive patronage, and passed the Senate, after a full and deliberate investigation, by a mixed vote of all parties, of 20 to 12. As strong as is this presumptive evidence in its favor, I would, notwithstanding, readily surrender the bill, and adopt the amendment of the Senator from New York, if I did not sincerely believe that it was liable to strong and decisive objections. I seek no lead on this important subject; my sole aim is to aid in applying a remedy to what I honestly believe to be a deep and dangerous disease of the body-politic; and I stand prepared to coöperate with any one, be he of what party he may, who may propose a remedy, provided it shall promise to be safe and efficient. I, in particular, am desirous of coöperating with the Senator from New York, not only because I desire the aid of his distinguished talents, but, still more, of his decisive influence with the powerful party of which he is so distinguished a member, and which now, for good or evil, holds the destiny of the country in its hands. It was in this spirit that I examined the amendment proposed by the Senator; and, I regret to say, after a full investigation, I cannot acquiesce in it, as I feel a deep conviction that it will be neither safe nor efficient. So far from being substantially the same as the bill, as stated by the Senator, I cannot but regard it as essentially different, both as to objects and means. The objects of the bill are, first, to secure the public interest, as far as it is connected with the deposits, and, next, to protect the banks in which they are made against the influence and control of the executive branch of this Government, with the view both to theirs and the public interest. Compared with the bill, in respect to both, the proposed amendment will be found to favor the banks against the people, and the Executive against the banks. I do not desire the Senate to form their opinion on my authority. I wish them to examine for themselves; and in order to aid them in the examination, I shall now proceed to state and briefly illustrate the several points of difference between the bill and the proposed amendment, taking them in the order in which they stand in the bill.

The first section of the bill provides that the banks shall pay at the rate of two per cent. per annum on the deposits for the use of the public money. This provision is entirely omitted in the amendment, which proposes to give to the banks the use of the money without interest. That the banks ought to pay something for the use of the public money, all must agree, whatever diversity of opinion there may be as to the amount. According to the last return of the Treasury Department, there was, on the 1st of this month, $45,000,000 of public money in the thirty-six depository banks, which they are at liberty to use as their own, for discount or business, till drawn out for disbursements—an event that may not happen for years. In a word, this vast amount is so much additional banking capital, making the same, or nearly the same, profit to those institutions in their permanent chartered capital, without rendering any other service to the public than paying away from time to time the portion that might be required for the service of the Government. Assuming that the banks realize a profit of six per cent. on these deposits, (it cannot be estimated at less,) it would give, on the present amount, nearly three millions of dollars per annum, and, on the probable average public deposits of the year, upwards of two millions of dollars, which enormous profit is derived from the public by comparatively few individuals, without any return or charge, except the inconsiderable service of paying out the drafts of the Treasury when presented. But it is due to the Senator to acknowledge that his amendment is predicated on the supposition that some disposition must be made of the surplus revenue, which would leave in the banks a sum not greater than would be requisite to meet the current expenditure, a supposition which necessarily must affect, very materially affect, the decision of the question of the amount of compensation the bank ought to make the public for the use of its funds; but let the disposition be what it may, the omission of the amendment of any compensation whatever is, in my opinion, wholly indispensable.

The next point of difference relates to transfer warrants. The bill prohibits the use of transfer warrants, except with a view to disbursement; while the amendment leaves them without regulation, under the sole control of the Treasury Department. To understand the importance of this difference, it must be borne in mind that the transfer warrants are the lever by which the whole banking operations of the country may be controlled through the deposits. By them the public money may be transferred from one bank to another, or from one State or section of the country to another State or section, and thus one bank may be elevated, and another depressed,

and a redundant currency created in one State or section, and a deficient in another; and, through such redundancy or deficiency, all the moneyed engagements and business transactions of the whole community may be made dependent on the will of one man. With the present enormous surplus, it is difficult to assign limits to the extent of this power. The Secretary, or the irresponsible agent unknown to the laws, who, rumor says, has the direction of this immense power, (we are not permitted to have certain information,) may raise and depress stocks, and property of all descriptions, at his pleasure, by withdrawing from one place and transferring to another, to the unlimited gain of those who are in the secret, and certain ruin of those who are not. Such a field of speculation has never before been opened in any country; a field so great that the Rothschilds themselves might be tempted to enter it with their immense funds. Nor is the control which it would give over the politics of the country much less unlimited. To the same extent that it may be used to affect the interests and the fortunes of individuals, to the like it may be employed as an instrument of political influence and control. I do not intend to assert that it has or will be so employed; it is not essential at present to inquire how it has or will be used. It is sufficient for my purpose to show, as I trust I have satisfactorily, that it may be so employed. To guard against the abuse of so dangerous a power, the provision was inserted in the bill to prohibit the use of transfer warrants, except, as stated, for the purpose of disbursement; the omission of which provision in the amendment is a fatal objection to it of itself, were there no other. But it is far from standing alone; the next point of difference will be found to be not less striking and fatal.

The professed object of both the bill and the amendment is to place the safe-keeping of the public moneys under the regulation and control of law, instead of being left, as it now is, at the discretion of the Executive. However strange it may seem, the fact is nevertheless so, that the amendment entirely fails to effect the object which it is its professed object to accomplish. In order that it may be distinctly seen that what I state is the case, it will be necessary to view the provisions of the bill and the amendment in reference to the deposits separately, as they relate to the banks in which the public funds are now deposited, and those which may hereafter be selected to receive them.

The bill commences with the former, which it adopts as banks of deposit, and prescribes the regulations and conditions on the observance of which they shall continue such, while at the same time it places them beyond the control and influence of the Executive Department, by placing them under the protection of law so long as they continue faithfully to perform their duty as fiscal agents of the Government. It next authorizes the Secretary of the Treasury to select, under certain circumstances, additional banks of deposit, as the exigency of the public service may require, on which it imposes like regulations and conditions, and places in like manner under the protection of law. In all this the amendment pursues a very different course. It begins with authorizing the Secretary to select the banks of deposit, and limits the regulations and conditions it imposes on such banks, leaving, by an express provision, the present banks wholly under the control of the Treasury or the Executive Department, as they now are, without prescribing *any time* for the selection of other banks of deposit, or making it the duty of the Secretary so to do. The consequence is obvious. The Secretary may continue the present banks as long as he pleases; and so long as he may choose to continue them, the provisions of the amendment, so far as relates to the deposits, will be a dead letter, and the banks, of course, instead of being under the control of the law, will be, contrary, as I have said, to the professed object both of the bill and amendment, subject exclusively to his will.

The Senator has attempted to explain this difference, but I must say very unsatisfactorily. He said that the bill prohibited the selection of other banks; and as he deemed others to be necessary at certain important points, in consequence of the present enormous surplus, he inserted the provision authorising the selection of other banks. The Senator has not stated the provisions of the bill accurately; so far from not authorizing, it expressly authorizes the selection of other banks where there are now none; but I presume he intended to limit his remarks to places where there are no existing banks of deposit. Thus limited, the fact is as he states; but it by no means explains the extraordinary omission (for such I must consider it) of not extending the regulations to the existing banks, as well as those hereafter to be selected. If the public service requires additional banks at New York and other important points, in consequence of the vast sums deposited there, as I readily agree it does if no disposition is to be made of the surplus, it is certainly a very good reason for enlarging the provisions of the bill, by authorizing the Secretary to select other banks at those points; but it is impossible for me to comprehend how it proves that the regulations which the amendment proposes to impose should be exclusively limited to such newly-selected banks. Nor do I see why the Senator has not observed the same rule in this case as that which he adopted in reference to the compensation the banks ought to pay for the use of the public money. He omitted to provide for any compensation, on the ground that his amendment proposed to dispose of all the surplus money, leaving in the possession of the banks a sum barely sufficient to meet the current expenditure, for the use of which he did not consider it right to charge a compensation. On the same principle, it was unnecessary to provide for the selection of additional banks where there are now banks of deposit, as they would be ample if the surplus was disposed of. In this I understood the Senator himself to concur.

But it is not only in the important point of extending the regulations to the existing banks of deposit that the bill and the amendment differ. There is a striking difference between them in reference to the authority of Congress over the banks of deposit embraced both in the bill and the amendment. The latter, following the provision in the charter of the late Bank of the United States, authorizes the Secretary to withdraw the public deposits, and to discontinue the use of any of the banks, whenever, in his opinion, such bank shall have violated the conditions on which it has been employed, or the public funds are not safe in its vaults, with the simple restriction, that he shall report the fact to Congress. We know from experience how slight is the check which this restriction imposes. It not only requires the concurrence of both Houses of Congress to overrule the act of the Secretary, where his power may be improperly exercised, but the act of Congress itself, intended to control such exercise of power, may be overruled by the veto of the President, at whose will the Secretary holds his place, so as to leave the control of the banks virtually under the control of the Executive Department of the Government. To obviate this, the bill vests the Secretary with the power simply of withdrawing the deposits and suspending the use of the bank as a place of deposit, and provides that, if Congress shall not confirm the removal, the deposits shall be returned to the bank after the termination of the next session of Congress.

The next point of difference is of far less importance, and is only mentioned as tending to illustrate the different character of the bill and the amendment. The former provides that the banks of deposit shall perform the duties of commissioners of loans, without compensation, in like manner as was the duty of the late Bank of the United States and its branches, under its charter. Among these duties is that of paying the pensioners—a very heavy branch of disbursement, and attended with considerable expense, and which will be saved to the Government under the bill, but will be lost if the amendment should prevail.

Another difference remains to be pointed out, relating to the security of the deposits. With so large an amount of public money in their vaults, it is important that the banks should always be provided with ample means to meet their engagements. With this view, the bill provides that the specie in the vaults of the several banks, and the aggregate of the balance in their favor with other specie-paying banks, shall be equal to one fifth of the entire amount of their notes and bills in circulation, and their public and private deposits—a sum, as is believed, sufficient to keep them in a sound and solvent condition. The amendment, on the contrary, provides that the bank shall keep in their own vaults, or the vaults of other banks, specie equal to one fourth of its notes and bills in circulation, and the balance of its accounts with other banks payable on demand.

I regret that the Senator has thought proper to change the phraseology, and to use terms less clear and explicit than those in the bill. I am not certain that I comprehend the exact meaning of the provision in the amendment. What is meant by specie in the vaults of other banks? In a general sense, all deposits are considered as specie; but I cannot suppose that to be the meaning in this instance, as it would render the provision in a great measure inoperative. I presume the amendment means special deposits in gold and silver in other banks, placed there for safe-keeping, or to be drawn on, and not to be used by the bank in which it is deposited. Taking that to be the meaning, what is there to prevent the same sum from being twice counted in estimating the means of the several banks of deposit? Take two of them, one having $100,000 in specie in its vaults, and the other the same amount in the vaults of the other bank, which, in addition, has, besides, another $100,000 of its own, what is there to prevent the latter from returning, under the amendment, $200,000 of specie in its vaults, while the former would return $100,000 in its own vaults, and another in the vaults of the other bank, making, in the aggregate, between them, $400,000, when, in reality, the amount in both would be but $300,000?

But this is not the only difference between the bill and the amendment, in this particular, deserving of notice. The object of the provision is to compel the banks of deposit to have, at all times, ample means to meet their liabilities, so that the Government should have sufficient assurance that the public moneys in their vaults would be forthcoming when demanded. With this view, the bill provides that the available means of the banks shall never be less than one fifth of its aggregate liabilities, including bills, notes, and deposits, public and private, while the amendment entirely omits the private deposits, and includes only the balance of its deposits with other banks. This omission is the more remarkable, inasmuch as the greater portion of the liabilities of the deposit banks must, with the present large surplus result from their deposits, as every one who is familiar with banking operations will readily perceive.

I have now presented to the Senate the several points of difference which I deem material between the bill and the amendment, with such remarks as to enable them to form their own opinion in reference to the difference, so that they may decide how far the assertion is true with which I set out, that, wherever they differ, the amendment favors the banks against the interests of the public, and the Executive against the banks.

The Senator, acting on the supposition that there would be a permanent surplus beyond the expenditure of the Government, which neither justice nor regard to the public interest would permit to remain in the banks, has extended the provisions of his amendment, with great propriety, so as to comprehend a plan to withdraw the surplus from the banks. His plan is to vest the commissioners of the sinking fund with authority to estimate, at the beginning of every quarter, the probable receipts and expenditures of the quarter; and if, in their opinion, the receipts, with the money in the Treasury, should exceed the estimated expenditure by a certain sum—say $5,000,000—the excess should be vested in State stocks; and if it should fall short of that sum, a sufficient amount of the stocks should be sold to make up the deficit. We have thus presented for consideration the important subject of the surplus revenue, and with it the question so anxiously and universally asked, "what shall be done with the surplus?" shall it be expended by the Government, or remain where it is, or be disposed of

as proposed by the Senator? or, if not, what other disposition shall be made of it?—questions, the investigation of which necessarily embraces the entire circle of our policy, and on the decision of which the future destiny of the country may depend.

But before we enter on the discussion of this important question, it will be proper to ascertain what will be the probable available means of the year, in order that some conception may be formed of the probable surplus which may remain, by comparing it with the appropriations that may be authorized.

According to the late report of the Secretary of the Treasury, there was deposited in the several banks little upwards of $33,000,000 at the termination of the first quarter of the year, not including the sum of about $3,000,000 deposited by the disbursing agents of the Government. The same report stated the receipts of the quarter at about $11,000,000, of which lands and customs yielded nearly an equal amount. Assuming for the three remaining quarters an equal amount, it would give for the entire receipts of the year $44,000,000. I agree with the Senator, that this sum is too large. The customs will probably average an amount throughout the year corresponding with the receipts of the first quarter; but there probably will be a considerable falling off in the receipts from the public lands. Assuming $7,000,000 as the probable amount, which I presume will be ample, the receipts of the year, subtracting that sum from $44,000,000, will be $37,000,000; and subtracting from that $11,000,000, the receipts of the first quarter, would leave $26,000,000 as the probable receipts of the last three quarters. Add to this sum $33,000,000, the amount in the Treasury on the last day of the first quarter, and it gives $59,000,000. To this add the amount of stock in the United States Bank, which at the market price is worth at least $7,000,000, and we have $66,000,000, which I consider at the least amount at which the probable available means of the year can be fairly estimated. It will probably very considerably exceed this amount. The range may be put down at between $66,000,000 and $73,000,000, which may be considered as the two extremes between which the means of the year may vibrate. But in order to be safe, I have assumed the least of the two.

The first question which I propose to consider is, shall this sum be expended by the Government in the course of the year? A sum nearly equal to the entire debt of the war of the Revolution, by which the liberty and independence of these States were established; more than five times greater than the expenditure of the Government at the commencement of the present Administration, deducting the payments on account of the public debt, and more than four times greater than the average annual expenditure of the present Administration, making the same deduction, extravagant as its expenditure has been. The very magnitude of the sum decides the question against expenditure. It may be wasted, thrown away, but it cannot be expended. There are not objects on which to expend it; for proof of which I appeal to the appropriations already made and contemplated. We have passed the Navy appropriations, which, as liberal as they are admitted to be on all sides, are raised only about $2,000,000, compared with the appropriations of the last year. The appropriations for fortifications, supposing the bills now pending should pass, will amount to about $3,500,000, and would exceed the ordinary appropriations, assuming them at $1,000,000, which I hold to be ample, by $2,500,000. Add a million for ordnance, seven or eight for Indian treaties, and four for Indian wars, and supposing the companies of the regular Army to be filled as recommended by the War Department, the aggregate amount, including the ordinary expenditures, would be between thirty and thirty-five millions, and would leave a balance of at least $30,000,000 in the Treasury at the end of the year.

But suppose objects could be devised on which to expend the whole of the available means of the year, it would still be impossible to make the expenditure, without immense waste and confusion. To expend so large an amount regularly and methodically, would require a vast increase of able and experienced disbursing officers, and a great enlargement of the organization of the Government in all the branches connected with disbursements. To effect such an enlargement, and to give a suitable organization, placed under the control of skillful and efficient officers, must necessarily be a work of time; but, without it, so sudden and great an increase of expenditure would necessarily be followed by inextricable confusion and heavy losses.

But suppose this difficulty overcome, and suitable objects could be devised, would it be advisable to make the expenditure? Would it be wise to draw so vast an amount of productive labor, to be employed in unproductive objects, in building fortifications—dead walls, and in lining the interior frontier with a large military force, neither of which would add a cent to the productive power of the country?

The ordinary expenditure of the Government, under the present Administration, may be estimated, say, at $18,000,000; a sum exceeding by five or six millions, what, in my opinion, is sufficient for a just and efficient administration of the Government. Taking eighteen from sixty-six, would leave $48,000,000 as the surplus, if the affairs of the Government had been so administered as to avoid the heavy expenditures of the year, which, I firmly believe, with early and prudent counsel might have been effected. The expenditure of this sum, estimating labor at twenty dollars a month, would require two hundred thousand operatives, equal to one third of the whole number of laborers employed in producing the great staple of our country, which is spreading wealth and prosperity over the land, and controlling, in a great measure, the commerce and manufactures of the world. But take what will be the actual surplus, and estimate that at half the sum, which, with prudence and economy, it might have been, and it would require the subtraction of one hundred thousand operatives from their present useful employment, to be employed in the unproductive service of the Government. Would it, I again repeat, be wise to draw off this immense mass of productive labor in order to employ it in building fortifications, and swelling the military establishment of the country? Would it add to the strength of the Union, or give increased security to its liberty, or accelerate its prosperity?—the great objects for which the Government was constituted.

To ascertain how the strength of any country may be best developed, its peculiar state and condition must be taken into consideration. Looking to ours with this view, who can doubt that, next to our free institutions, the main source of our growing greatness and power is to be found in our great and astonishing increase of numbers, wealth, and facility of intercourse? If we desired to see our country powerful, we ought to avoid any measure opposed to their development, and, in particular, ought to make the smallest possible draft, consistent with our peace and security, on the *productive powers* of the country. Let these have the freest possible play. Leave the resources of individuals under their own direction, to be employed in advancing theirs and their country's wealth and prosperity, with the extraction of the least amount required for the expenditure of the Government; and draw off not a single laborer from their present productive pursuits to the unproductive employment of the Government, excepting such as the public service may render indispensable. Who can doubt that such a policy would add infinitely more to the power and strength of the country than the extravagant scheme of spending millions on fortifications and the increase of the military establishment?

Let us next examine how the liberty of the country may be affected by the scheme of disposing of the surplus by disbursements; and here I would ask, is the liberty of the country at present in a secure and stable condition? and if not, by what is it endangered? and will an increase of disbursements augment or diminish the danger?

Whatever may be the diversity of opinion upon other points, there is not an intelligent individual of any party, who regards his reputation, that will venture to deny that the liberty of the country is at this time more insecure and unstable than it ever has been. We all know that there is, in every portion of the Union, and with every party, a deep feeling that our political institutions are undergoing a great and hazardous change. Nor is the feeling much less strong, that the vast increase of the patronage and influence of the Government are the cause of the great and fearful change which is so extensively affecting the character of our people and institutions. The effect of increasing the expenditures at this time, so as to absorb the surplus, would be to double the number of those who live, or expect to live, by the Government, and in the same degree augment its patronage and influence, and accelerate that downward course, which, if not arrested, must speedily terminate in the overthrow of our free institutions.

These views I hold to be decisive against the wild attempt to absorb the immense means of the Government by the expenditures of the year. In fact, with the exception of a few individuals, all seem to regard the scheme either as impracticable or unsafe; but there are others who, while they condemn the attempt of disposing of the surplus by immediate expenditures, believe it can be safely and expediently expended, in a period of four or five years, on what they choose to call the defenses of the country.

In order to determine how far this opinion is correct, it will be necessary first to ascertain what will be the available means of the next four or five years; by comparing which with what ought to be the expenditure, we may determine whether the plan would or would not be expedient. In making the calculation, I will take the term of five years, including the present, and which of course will comprehend 1840; after the termination of which, the duties above twenty per cent. are to go off, by the provisions of the compromise act, in eighteen months, when the revenue is to be reduced to the economical and just wants of the Government.

The available means of the present year, as I have already shown, will equal at least $66,000,000. That of the next succeeding four years (including 1840) may be assumed to be $21,000,000 annually. The reason for this assumption may be seen in the report of the select committee at the last session, which I have reviewed, and in the correctness of which I feel increased confidence. The amount may fall short, but will certainly not exceed the estimate in the report, unless some unforeseen event should occur. Assuming, then, $21,000,000 as the average receipts of the next four years, it will give an aggregate of $84,000,000, which, added to the available means of this year, will give $150,000,000 as the sum that will be at the disposal of the Government for the period assumed. Divide the sum by five, the number of years, and it will give $30,000,000 as the average annual available means of the period.

The next question for consideration is, will it be expedient to raise the disbursement during the period to an average expenditure of $30,000,000 annually? The first and strong objection to the scheme is, that it would leave in the deposit banks a heavy surplus during the greater part of the time, beginning with a surplus of upwards of thirty millions at the commencement of next year, and decreasing at the rate of eight or nine millions a year, till the termination of the period. But, passing this objection by, I meet the question directly. It would be highly inexpedient and dangerous to attempt to keep up the disbursements at so high a rate. I ask, on what shall this money be expended? Shall it be expended by a great increase of the military establishment? by an enlargement of the appropriations for fortifications, ordnance, and the Navy, far beyond what is proposed for the present year? Have those who advocate the scheme reflected to what extent this enlargement must be carried to absorb so great a sum? Even this year, with the extraordinary expenditures upon Indian treaties and Indian wars, and with profuse expenditure in every other branch of service, the aggregate amount of appropriations will not greatly exceed thirty millions of dollars, and that of disbursements will not probably equal that sum. To what extent, then, must the appropriations for the Army, the Navy, the fortifications, and the like, be carried, in order to absorb that sum,

especially with a declining expenditure in several branches of service, particularly in the pensions, which, during the period, will fall off more than a million of dollars? But, in order to take a full view of the folly and danger of the scheme, it will be necessary to extend our view beyond 1842, in order to form some opinion of what will be the income of the Government when the tariff shall be so reduced under the compromise act that no duty shall exceed twenty per cent. *ad valorem*. I know that any estimate made at this time cannot be considered much more than conjectural, but still it would be imprudent to adopt a system of expenditure *now*, without taking into consideration the probable state of the revenue a few years hence.

After bestowing due reflection on the subject, I am of the impression that the income from the imposts, after the period in question, will not exceed ten million dollars. It will probably fall below, rather than rise above that sum. I assume as the basis of this estimate, that our consumption of foreign articles will not then exceed one hundred and fifty million dollars. We all know that the capacity of the country to consume depends upon the value of its domestic exports and the profits of its commerce and navigation. Of its domestic exports it would not be safe to assume any considerable increase in any article except cotton. To what extent the production and consumption of this great staple, which puts in motion so vast an amount of the industry and commerce of the world, may be increased between now and 1842, is difficult to conjecture; but I deem it unsafe to suppose that it can be so increased as to extend the capacity of the country to consume beyond the limits I have assigned. Assuming, then, the amount which I have, and dividing the imports into free and dutiable articles, the latter, according to the existing proportion between the two descriptions, would amount in value to something less than seventy million dollars. According to the compromise act, no duty, after the period in question, can exceed twenty per cent., and the rates would range from that down to five or six per cent. Taking fifteen per cent. as the average, which would be probably full high, and allowing for the expenses of collection, the net income would be something less than ten million dollars.

The income from public lands is still more conjectural than that from customs. There are so many and such various causes in operation affecting this source of the public income, that it is exceedingly difficult to form even a conjectural estimate as to its amount beyond the current year. But in the midst of this uncertainty one fact may be safely assumed, that the purchases during the last year, and thus far this, greatly exceed the steady progressive demand for public lands, from increased population, and the consequent emigration to the new States and Territories. Much of the purchases have been unquestionably made upon speculation, with a view to resales, and must, of course, come into market hereafter in competition with the lands of the Government, and to that extent must reduce the income from their sales. Estimating even the demand for public lands from what it was previous to the recent large sales, and taking into estimate the increased population and wealth of the country, I do not consider it safe to assume more than $5,000,000 annually from this branch of the revenue, which, added to the customs, would give for the annual receipts between fourteen and fifteen million dollars after 1842.

I now ask whether it would be prudent to raise the public expenditure to the sum of $30,000,000 annually, during the intermediate period, with the prospect that they must be suddenly reduced to half of that amount? Who does not see the fierce conflict which must follow between those who may be interested in keeping up the expenditures and those who have an equal interest against an increase of the duties as the means of keeping them up? I appeal to the Senators from the South, whose constituents have so deep an interest in low duties, to resist a course so impolitic, unwise, and extravagant, and which, if adopted, might again renew the tariff, so recently thrown off by such hazardous and strenuous efforts, with all its oppression and disaster. Let us remember what occurred in the fatal session of '28. With a folly unparalleled, Congress then raised the duties to a rate so enormous as to average one half the value of the imposts, when on the eve of discharging the debt, and when, of course, there would be no objects on which the immense income from such extravagant duties could be justly and constitutionally expended. It is amazing that there was such blindness then as not to see what has since followed—the sudden discharge of the debt, and an overflowing Treasury, without the means of absorbing the surplus; the violent conflict resulting from such a state of things; and the vast increase of the power and patronage of the Government, with all its corrupting consequences. We are now about, I fear, to commit an error of a different character; to raise the expenditure far beyond all example in time of peace, and, with a decreasing revenue, which must, with equal certainty, bring on another conflict not much less dangerous, in which the struggle will not be to find objects to absorb an overflowing Treasury, but to devise means to continue an expenditure far beyond the just and legitimate wants of the country. It is easy to foresee that, if we are thus blindly to go on in the management of our affairs, without regard to the future, the frequent and violent concussions, which must follow from such folly, cannot but end in a catastrophe that will engulf our political institutions.

With such decided objections to the dangerous and extravagant scheme of absorbing the surplus by disbursements, I proceed to the next question. Shall the public money remain where it now is? Shall the present extraordinary state of things, without example or parallel, continue, of a Government calling itself free, extracting from the people millions beyond what it can expend, and placing the vast sum in the custody of a few monopolizing corporations, selected at the sole will of the Executive, and continued during his pleasure, to be used as their own, from the time it is collected until it is disbursed? To this question there must burst from the lips of every man who loves his country and its institutions, and who is the enemy of monopoly, injustice, and oppression, an indignant *no*. And here let me express the pleasure I feel that the Senator from New York, in moving his amendment, however objectionable his scheme, has placed himself in opposition to the continuance of the present unheard-of and dangerous state of things; and I add, as a simple act of justice, that the tone and temper of his remarks in support of his amendment were characterized by a courtesy and liberality which I, on my part, shall endeavor to imitate. But I fear, notwithstanding this favorable indication in so influential a quarter, the very magnitude of the evil (too great to be concealed) will but serve to perpetuate it. So great and various are the interests enlisted in its favor, that I greatly fear that all the efforts of the wise and patriotic to arrest it will prove unavailing. At the head of these stand the depository banks themselves, with their numerous stockholders and officers; with their $40,000,000 of capital and an equal amount of public deposits associated into one great combination, extending over the whole Union, under the influence and control of the Treasury Department. The whole weight of this mighty combination, so deeply interested in the continuance of the present state of things, is opposed to any change. To this powerful combination must be added the numerous and influential body who are dependent on those banks to meet their engagements, and who, whatever may be their political opinions, must be alarmed at any change which may limit their discounts and accommodation. Then come the stock-jobbers, a growing and formidable class, who live by raising and depressing stocks, and who behold in the present state of things the most favorable opportunity of carrying on their dangerous and corrupting pursuits. With the control which the Secretary of the Treasury has over the banks of deposit, through transfer warrants, with the power of withdrawing the deposits at pleasure, he may, whenever he chooses, raise and depress the stock of any bank; and, if disposed to use this tremendous power for corrupt purposes, may make the fortunes of the initiated, and overwhelm in sudden ruin those not in the secret. To the stock-jobbers must be added speculators of every hue and form, and, in particular, the speculators in public lands, who, by the use of the public funds, are rapidly divesting the people of the noble patrimony left by our ancestors in the public domain, by giving in exchange what may in the end prove to be broken credit and worthless rags. To these we must add the artful and crafty politicians who wield this mighty combination of interests for political purposes. I am anxious to avoid mingling party politics in this discussion; and that I may not even seem to do so, I shall not attempt to exhibit, in all its details, the fearful and, I was about to add, the overwhelming power which the present state of things places in the hands of those who have control of the Government, and which, if it be not wielded to overthrow our institutions and destroy all responsibility, must be attributed to their want of inclination, and not to their want of means.

Such is the power and influence interested to continue the public money where it is now deposited. To these there are opposed the honest, virtuous, and patriotic of every party, who behold in the continuance of the present state of things almost certain convulsion and overthrow of our liberty. There would be found on the same side the great mass of the industrious and laboring portion of the community, whose hard earnings are extracted from them without their knowledge, were it not that what is improperly taken from them is successfully used as the means of deceiving and controlling them. If such was not the case, if those who make could see how those who profit are enriched at their expense, the present state of things would not be endured for a moment; but as it is I fear that, from misconception and consequent want of union and coöperation, things may continue as they are, till it will be too late to apply a remedy. I trust, however, that such will not be the fact; that the people will be roused from their false security, and that Congress will refuse to adjourn till an efficient remedy is applied. In this hope I recur to the inquiry, what shall that remedy be? Shall we adopt the measure recommended by the Senator from New York which, as has been stated, proposes to authorize the commissioners of the sinking fund to ascertain the probable income of each quarter, and if there should be a probable excess above five million dollars, to vest the surplus in the purchase of State stocks; but if there should be a deficiency, to sell so much of the stock previously purchased as would make up the difference.

I regret that the Senator has not furnished a statement of facts sufficiently full to enable us to form an opinion of what will be the practical operation of his scheme. He has omitted, for instance, to state what is the aggregate amount of stocks issued by the several States—a fact indispensable in order to ascertain how the price of the stocks would be affected by the application of the surplus to their purchase. All who are in the least familiar with subjects of this kind must know that the price of stock rises proportionably with the amount of the sum applied to their purchase. I have already shown that the probable surplus at the end of this year, notwithstanding the extravagance of the appropriations, will be between thirty and thirty-five millions, and before we can decide understandingly whether this great sum can with propriety be applied as the Senator proposes, we should know whether the amount of State stocks be sufficient to absorb it without raising their price extravagantly high.

The Senator should also have informed us, not only as to the amount of the stock, but how it is distributed among the States, in order to enable us to determine whether his scheme would operate equally between them. In the absence of correct information on both of these points, we are compelled to use such as we may possess, however defective and uncertain, in order to make up our mind on his amendment.

We all know, then, that while several of the States have no stocks, and many a very inconsiderable amount, three of the largest States, Pennsylvania, Ohio, and New York, have a very large amount, not less in the aggregate, if I am correctly informed, than thirty-five or forty millions. What amount is held by the rest of the States is

uncertain, but I suppose that it may be safely assumed that, taking the whole, it is less than that held by those States. With these facts, it cannot be doubted that the application of the surplus, as proposed to be applied by the Senator, would be exceedingly unequal among the States, and that the advantage of the application would mainly accrue to these three States. To meet these objections, the Senator, while he does not deny that the application of the surplus will greatly raise the price of stocks, insists that the States issuing them will not derive any benefit from the advance, and consequently have no interest in the question of the application of the surplus to their purchase.

If by States he means the government of the States, the view of the Senator may be correct. They may, as he says, have but little interest in the market value of their stocks, as it must be redeemed by the same amount, whether that be high or low. But if we take a more enlarged view, and comprehend the people of the State as well as the government, the argument entirely fails. The Senator will not deny that the holders have a deep interest in the application of so large a sum as the present surplus in the purchase of their stocks. He will not deny that such application must greatly advance the price; and, of course, in determining whether the States having stocks will be benefited by applying the surplus as he proposes, we must first ascertain who are the holders. Where do they reside? Are they foreigners residing abroad? If so, would it be wise to apply the public money so as to advance the interests of foreigners, to whom the States are under no obligation, but honestly to pay to them the debts which they have contracted? But if not held by foreigners, are they held by citizens of such States? If such be the fact, will the Senator deny that those States will be deeply interested in the application of the surplus as proposed in his amendment, when the effects of such application must be, as is conceded on all sides, greatly to enhance the price of the stocks, and consequently to increase the wealth of their citizens? Let us suppose that, instead of purchasing the stocks of the States in which his constituents are interested, the Senator's amendment had proposed to apply the present enormous surplus to the purchase of cotton, or slaves, in which the constituents of southern Senators are interested, would any one doubt that the cotton-growing or slave-holding States would have a deep interest in the question? It will not be denied that, if so applied, their price would be greatly advanced, and the wealth of their citizens proportionably increased. Precisely the same effect would result from the application to the purchase of stocks, with like benefits to the citizens of the States which have issued a large amount of stock. The principle is the same in both cases.

But there is another view of the subject which demands most serious consideration. Assuming, what will not be questioned, that the application of the surplus, as proposed by the amendment, will be very unequal among the States, some having little or none, and others a large amount of stocks, the result would necessarily be to create, in effect, the relation of debtor and creditor between the States. The States whose stocks might be purchased by the commissioners, would become the debtors of the Government; and as the Government would, in fact, be but the agent between them and the other States, the latter would, in reality, be their creditors. This relation between them could not fail to be productive of important political consequences which would influence all the operations of the Government. It would, in particular, have a powerful bearing upon the presidential election; the debtor and creditor States each striving to give such a result to the elections as might be favorable to their respective interests; the one to exact, and the other to exempt themselves from the payment of the debt. Supposing the three great States to which I have referred, whose united influence would have so decided a control, to be the principal debtor States, as would, in all probability, be the fact, it is easy to see that the result would be, finally, the release of the debt, and, consequently, a correspondent loss to the creditor and gain to the debtor States.

But there is another view of the subject still more deserving, if possible, of attention, than either of those which have been presented. It is impossible not to see, after what has been said, that the power proposed to be conferred by the amendment of the Senator, of applying the surplus, in buying and selling the stocks of the States, is one of great extent, and calculated to have powerful influence, not only on a large body of the most wealthy and influential citizens of the States which have issued stocks, but on the States themselves. The next question is, in whom is the exercise of this power to be vested? Where shall we find individuals sufficiently detached from the politics of the day, and whose virtue, patriotism, disinterestedness, and firmness can raise them so far above political and sinister motives, as to exercise powers so high and influential, exclusively for the public good, without any view to personal or political aggrandizement? Who has the amendment selected as standing aloof from politics, and possessing these high qualifications? Who are the present commissioners of the sinking fund, to whom this high and responsible trust is to be confided? At the head stands the Vice President of the United States, with whom the Chief Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Attorney General are associated; all party men, deeply interested in the maintenance of power in the present hands, and having the strongest motives to apply the vast power which the amendment would confer upon them, should it become a law, to party purposes. I do not say it would be so applied; but I must ask, would it be prudent, would it be wise, would it be seemly, to rest such great and dangerous powers in those who have so strong a motive to abuse it, and who, if they should have elevation and virtue enough to resist the temptation, would still be suspected of having used the power for sinister and corrupt purposes? I am persuaded, in drawing the amendment, that the Senator from New York has, without due reflection on the impropriety of vesting the power where he proposes, inadvertently inserted the provision which he has, and that on review he will concur with me, that should his amendment be adopted, the power ought to be vested in others, less exposed to temptation, and consequently less exposed to suspicion.

I have now stated the leading objections to the several modes of disposing of the surplus revenue which I propose to consider; and the question again recurs, what shall be done with the surplus? The Senate is not uninformed of my opinion on this important subject. Foreseeing that there would be a large surplus, and the mischievous consequences that must follow, I moved, during the last session, for a select committee, which, among other measures, reported a resolution so to amend the Constitution as to authorize a temporary distribution of the surplus among the States; but so many doubted whether there would be a surplus at the time, that it rendered all prospect of carrying the resolution hopeless. My opinion still remains unchanged, that the measure then proposed was the best; but so rapid has been the accumulation of the surplus, even beyond my calculation, and so pressing the danger, that what would have been then an efficient remedy would now be too tardy to meet the danger, and of course another remedy must be devised more speedy in its action.

After bestowing on the subject the most deliberate attention, I have come to the conclusion that there is no other so safe, so efficient, and so free from objections, as the one I have proposed, of depositing the surplus that may remain at the termination of the year in the Treasury of the several States, in the manner provided for in the amendment. But the Senator from New York objects to the measure, that it would, in effect, amount to distribution, on the ground, as he conceives, that the States would never refund. He does not doubt but that they would, if called on to refund by the Government; but he says that Congress will, in fact, never make the call. He rests this conclusion on the supposition that there would be a majority of the States opposed to it. He admits, in case the revenue should become deficient, that the southern or staple States would prefer to refund their quota, rather than to raise the imposts to meet the deficit; but he insists that the contrary would be the case with the manufacturing States, which would prefer to increase the imposts to refunding their quota, on the ground that the increase of the duties would promote the interests of manufactures. I cannot agree with the Senator that those States would assume a position so utterly untenable as to refuse to refund a deposit which their faith would be plighted to return, and rest the refusal on the ground of preferring to lay a tax, because it would be a bounty to them, and would consequently throw the whole burden of the tax on the other States. But, be this as it may, I can tell the Senator that, if they should take a course so unjust and monstrous, he may be assured that the other States would most unquestionably resist the increase of the imposts, so that the Government would have to take its choice, either to go without the money, or call on the States to refund the deposits. But I so far agree with the Senator as to believe that Congress would be very reluctant to make the call; that it would not make it till, from the wants of the Treasury, it should become absolutely necessary; and that, in order to avoid such necessity, it would resort to a just and proper economy in the public expenditures as the preferable alternative. I see in this, however, much good instead of evil. The Government has long since departed from habits of economy, and has fallen into a profusion, a waste, and an extravagance in its disbursements rarely equaled by any free State, and which threatens the most disastrous consequences.

But I am happy to think that the ground on which the objection of the Senator stands may be removed without materially impairing the provisions of the bill. It will require but the addition of a few words to remove it, by giving to the deposits all the advantages without the objections which he proposes by his plan. It will be easy to provide that the States shall authorize the proper officers to give negotiable certificates of deposit, which shall not bear interest till demanded, when they shall bear the usual rates till paid. Such certificates would be, in fact, State stocks, every way similar to that in which the Senator proposes to vest the surplus, but with this striking superiority: that, instead of being partial and limited to a few States, they would be fairly and justly apportioned among the several States. They would have another striking advantage over his. They would create among all the members of the Confederacy reciprocally the relation of debtor and creditor, in proportion to their relative weight in the Union, which, in effect, would leave them in their present relation, and would, of course, avoid the danger that would result from his plan, which, as has been shown, would necessarily make a part of the States debtors to the rest, with all the danger resulting from such relation.

The next objection of the Senator is to the ratio of distribution proposed in the bill, among the States, which he pronounces to be unequal, if not unconstitutional. He insists that the true principle would be to distribute the surplus among the States in proportion to the representation in the House of Representatives, without including the Senators, as is proposed in the bill, for which he relies on the fact that, by the Constitution, representation and taxation are to be apportioned in the same manner among the States.

The Senate will see that the effect of adopting the ratio supported by the Senator would be to favor the large States, while that in the bill will be more favorable to the small.

The State I in part represent occupies a neutral position between the two. She cannot be considered either a large or a small State, forming, as she does, one twenty-fourth part of the Union, and of course it is the same to her whichever ratio may be adopted. But I prefer the one contained in my amendment, on the ground that it represents the relative weight of the States in the Government. It is the weight assigned to them in the choice of the President and Vice President, in the electoral college, and, of course, in the administration of the laws. It is also that assigned to them in the making of the laws by the action

of the two Houses, and corresponds very nearly to their weight in the judicial department of the Government, the judges being nominated by the President and confirmed by the Senate. In addition, I was influenced in selecting the ratio by the belief that it was a wise and magnanimous course, in case of doubt, to favor the weaker members of the Confederacy. The larger can always take care of themselves; and, to avoid jealousy and improper feelings, ought to act liberally towards the weaker members of the Confederacy. To which may be added, that I am of the impression that, even on the principle assumed by the Senator that the distribution of the surplus ought to be apportioned on the ratio with direct taxation, (which may be well doubted,) the ratio which I support would conform in practice more nearly to the principle than that which he supports. It is a fact not generally known, that representation in the other House, and direct taxes, should they be laid, would be very far from being equal, although the Constitution provides that they should be. The inequality would result from the mode of apportioning the Representatives. Instead of apportioning them among the States, as near as may be, as directed by the Constitution, an artificial mode of distribution has been adopted, which, in its effects, gives to the large States a greater number, and to the small a less, than that to which they are entitled. I would refer those who may desire to understand how this inequality is effected, to the discussion in this body on the apportionment bill, under the last census. So great is this inequality, that, were a direct tax to be laid, New York, for instance, would have at least three members more than her apportionment of the tax would require. The ratio which I have proposed would, I admit, produce as great an inequality in favor of some of the small States, particularly the old, whose population is nearly stationary; but, among the new and growing members of the Confederacy, which constitute the greater portion of the small States, it would not give them a larger share of the deposits than what they would be entitled to on the principle of direct taxes. But the objection of the Senator to the ratio of distribution, like his objection to the condition on which the bill proposes to make it, is a matter of small comparative consequence. I am prepared, in the spirit of concession, to adopt either, as one or the other may be more acceptable to the Senate.

It now remains to compare the disposition of the surplus proposed in the bill with the others I have discussed; and, unless I am greatly deceived, it possesses great advantages over them. Compared with the scheme of expending the surplus, its advantage is, that it would avoid the extravagance and waste that must result from suddenly more than quadrupling the expenditures, without a corresponding organization in the disbursing department of the Government to enforce economy and responsibility. It would also avoid the diversion of so large a portion of the industry of the country from its present useful direction to unproductive objects, with heavy loss to the wealth and prosperity of the country as has been shown, while it would, at the same time, avoid the increase of the patronage and influence of the Government, with all their corruption and danger to the liberty and institutions of the country. But its advantages would not be limited simply to avoiding the evil of extravagant and useless disbursements. It would confer positive benefits, by enabling the States to discharge their debts, and complete a system of internal improvements by railroads and canals, which would not only greatly strengthen the bonds of the Confederacy, but increase its power, by augmenting infinitely our resources and prosperity.

I do not deem it necessary to compare the disposition of the surplus which is proposed in the bill with the dangerous and, I must say, wicked scheme of leaving the public funds where they are, in the banks of deposit, to be loaned out by those institutions to speculators and partisans, without authority or control of law.

Compared with the plan proposed by the Senator from New York, it is sufficient, to prove its superiority, to say that, while it avoids all the objections to which his is liable, it at the same time possesses all the advantages, with others peculiar to itself. Among these, one of the most prominent is, that it provides the only efficient remedy for the deep-seated disease which now afflicts the body-politic, and which threatens to terminate so fatally unless it be speedily and effectually arrested.

All who have reflected on the nature of our complex system of government, and the dangers to which it is exposed, have seen that it is susceptible, from its structure, to two dangers of opposite character, one threatening consolidation, and the other anarchy and dissolution. From the beginning of the Government we find a difference of opinion among the wise and patriotic, to which the Government was most exposed; one part believing that the danger was that the Government would absorb the reserved power of the States, and terminate in consolidation, while the other were equally confident that the States would absorb the powers of the Government, and the system end in anarchy and dissolution. It was this diversity of opinion which gave birth to the two great, honest, and patriotic parties which so long divided the community, and to the many political conflicts which so long agitated the country. Time has decided the controversy. We are no longer left to doubt that the danger is on the side of this Government, and that, if not arrested, the system must terminate in an entire absorption of the powers of the States.

Looking back, with the light which experience has furnished, we now clearly see that both of the parties took a false view of the operation of the system. It was admitted by both that there would be a conflict for power between the Government and the States, arising from a disposition on the part of those who, for the time being, exercised the powers of the Government, and the States, to enlarge their respective powers at the expense of each other; and which would induce each to watch the other with incessant vigilance. Had such proved to be the fact, I readily concede that the result would have been the opposite to what has occurred, and the Republican, and not the Federal party, would have been mistaken as to the tendency of the system. But so far from this jealousy, experience has shown that in the operation of the system a majority of the States have acted in concert with the Government at all times, except upon the eve of a political revolution, when one party was about to go out to make room for the other to come in; and we now clearly see that this has not been the result of accident, but that the habitual operation must necessarily be so. The misconceptien resulted from overlooking the fact, that the Government is but an agent of the States, and that the dominant majority of the Union, which elect and control a majority of the State Legislatures, would also elect those who would control this Government, whether that majority rested on sectional interests, on patronage and influence, or whatever basis it might, and that they would use the power both of the General and State Governments jointly, for aggrandizement and the perpetuation of their power. Regarded in this light, it is not at all surprising that the tendency of the system is such as it has proved itself to be, and which any intelligent observer now sees must necessarily terminate in a central, absolute, irresponsible, and despotic power. It is this fatal tendency that the measure proposed in the bill is calculated to counteract, and which I believe would prove effective if now applied. It would place the States in the relation in which it was universally believed they would stand to this Government at the time of its formation, and make them those jealous and vigilant guardians of its actions on all measures touching the disbursements and expenditure of the Government, and which it was confidently believed they would be, which would arrest the fatal tendency to the concentration of the entire power of the system in this Government, if any power on earth can.

But it is objected that the remedy would be too powerful, and would produce an opposite and equally dangerous tendency. I coincide that such would be the danger, if permanently applied; and under that impression, and believing that the present excess of revenue would not continue longer, I have limited the measure to the duration of the compromise act. Thus limited, it will act sufficiently long, I trust, to eradicate the present disease, without superinducing one of an opposite character.

But the plan proposed is supported by its justice, as well as these high considerations of political expediency. The surplus money in the Treasury is not ours. It properly belongs to those who made it, from whom it has been unjustly taken. I hold it an unquestionable principle that the Government has no right to take a cent from the people beyond what is necessary to meet its legitimate and constitutional wants. To take more intentionally would be robbery; and if the Government has not incurred the guilt in the present case, its exemption can only be found in its folly—the folly of not seeing and guarding against a vast excess of revenue, which the most ordinary understanding ought to have foreseen and prevented. If it were in our power—if we could ascertain from whom the vast amount now in the Treasury was improperly taken, justice would demand that it should be returned to its lawful owners. But as that is impossible, the measure next best, as approaching nearest to restitution, is that which is proposed, to deposit it in the treasuries of the several States, which will place it under the disposition of the immediate representatives of the people, to be used by them as they may think fit till the wants of the Government may require its return.

But it is objected that such a disposition would be a bribe to the people. A bribe to the people! to return it to those to whom it justly belongs, and from whose pockets it should never have been taken. A bribe! to place it in the charge of those who are the immediate representatives of those from whom we derive our authority, and who may employ it so much more usefully than we can. But what is to be done? If not returned to the people, it must go somehow; and is there no danger of bribing those to whom it may go? If we disburse it, is there no danger of bribing the thousands of agents, contractors, and jobbers through whose hands it must pass, and in whose pockets, and those of their associates, so large a part would be deposited? If, to avoid this, we leave it where it is, in the banks, is there no danger of bribing the banks in whose custody it is, with their various dependents, and the numerous swarms of speculators which hover about them in hopes of participating in the spoil? Is there no danger of bribing the political managers, who, through the deposits, have the control of these banks, and by them of their dependents and the hungry and voracious hosts of speculators, who have overspread and are devouring the land? Yes, literally devouring the land. Finally, if it should be vested as proposed by the Senator from New York, is there no danger of bribing the holders of State stocks, and through them the States which have issued them? Are the agents, the jobbers, and contractors—are the directors and stockholders of the banks—are the speculators and stock-jobbers—are the political managers and holders of State securities, the only honest portion of the community? Are they alone incapable of being bribed? And are the people the least honest and most liable to be bribed? Is this the creed of those now in power? of those who profess to be the friends of the people, and to place implicit confidence in their virtue and patriotism?

I have now stated what, in my opinion, ought to be done with the surplus. Another question still remains; not what shall, but what will be done with the surplus? With a few remarks on this question, I shall conclude what I intended to say.

There was a time, in the better days of the Republic, when to show what ought to be done, was to insure the adoption of the measure. Those days have passed away, I fear, forever. A power has risen up in the Government greater than the people themselves, consisting of many and various and powerful interests, combined into one mass, and held together by the cohesive power of the vast surplus in the banks. This mighty combination will be opposed to any change; and it is to be feared that such is its influence, that no measure to which it is opposed can become a law, however expedient and necessary, and that the public money will remain in their possession,

to be disposed of, not as the public interest, but as theirs may dictate. The time, indeed, seems fast approaching when no law can pass, nor any honor be confirmed, from the Chief Magistrate to the tide-waiter, without the assent of this powerful and interested combination, which is steadily becoming the Government itself, to the utter subversion of the authority of the people. Nay, I fear we are in the midst of it; and I look with anxiety to the fate of this measure as the test whether we are or not.

If nothing should be done, if the money which justly belongs to the people, be left where it is, with the many and overwhelming objections to it, the fact will prove that a great and radical change has been effected; that the Government is subverted; that the authority of the people is suppressed by a union of the banks and Executive—a union a hundred times more dangerous than that of church and State, against which the Constitution has so jealously guarded. It would be the announcement of a state of things from which, it is to be feared, there can be no recovery—a state of boundless corruption, and the lowest and basest subserviency. It seems to be the order of Providence that, with the exception of these, a people may recover from any other evil. Piracy, robbery, and violence of any description, may, as history proves, be followed by virtue, patriotism, and national greatness; but where is the example to be found of a degenerate, corrupt, and subservient people, who have ever recovered their virtue and patriotism? Their doom has ever been the lowest state of wretchedness and misery, scorned, trodden down, and obliterated forever from the list of nations. May Heaven grant that such may never be our doom?

NAVY APPROPRIATION BILL.

SPEECH OF HON. J. ROBERTSON,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

April 5, 1836.

The House, as in Committee of the Whole, having under consideration the Navy Appropriation Bill—

Mr. ROBERTSON said he had desired to address the committee for the purpose of presenting his views, not so much in reference to the particular amendment now under consideration as upon other more important and interesting topics introduced into the debate. We were now in Committee of the Whole on the state of the Union, and he should avail himself of the latitude allowed to others, of reviewing, with them, the general policy of the Administration. He would endeavor to accompany his colleague [Mr. GARLAND] in his pursuit after truth, and examine how far the party in power had adhered to those fundamental principles which he, as well as his colleague, professed to venerate. He should compare the promises of that party with their performances, and contrast their acts with their professions.

Before entering on this examination, he would take occasion to say he would vote for liberal appropriations for every constitutional and proper object. He would do so on the ground of a just economy. But he would sanction no expenditure beyond what the public interest and necessity required, merely to get rid of our superfluous treasure. He was desirous, especially, of placing the Navy on such a footing as would enable it fully to protect our commerce, and to add to the glory it had won for the country. The best method of attaining this object he must leave, in a great measure, to gentlemen possessed of more practical information. But there were obvious limits to expenditures even for that object. Strong objections existed to a large and immediate increase of the Navy, which, at an early period after the commencement of the present Administration, had been fully presented by the President to Congress. In the annual message of December, 1829, the opinion was expressed that "in time of peace we have need of no more ships of war than are requisite to the protection of commerce; that those not wanted for that purpose would, under the best precautions, soon become useless, and that we should discontinue building ships of the first and second class, and look rather to the collection of ample materials."

Mr. R. said he was opposed to lavish appropriations, not for the Navy only, but to those which seemed to be contemplated for every other branch of the public service. They are not suited to the nature of our institutions, and are at war with the principles upon which the present party came into power. These principles were ably asserted in a report made to this House in 1828, by Mr. Hamilton, and one made to the Senate in 1826, (Mr. Benton's,) and had been reiterated again and again by the present Chief Magistrate. [Mr. R. referred particularly to the annual messages of '29, '32, and '33, as recommending *rigid economy*, and condemning *all unnecessary expenditures*.] Even in his last message, *looking to the peculiar condition of the country*, he had not seemingly contemplated an expenditure, unless war should actually take place, of more than about $24,000,000. But now (said Mr. R.) all apprehensions of a war with France had vanished; with the exception of the disturbances on our Indian border, we are in the enjoyment of profound peace; the national debt is discharged; and what do we behold? An evident anxiety to get rid of the surplus revenue by unusual and wasteful appropriations. The report of the Secretary of the Treasury presents estimates for upwards of twenty-three millions and a half, to which add the unexpended appropriations of the last year, and we have an aggregate amount for the expenses of the current year of about thirty-one millions. I do not understand that any considerable reduction, notwithstanding the change in our foreign relations, is contemplated below the Treasury estimates; and the party who denounced the extravagant expenditures of the preceding Administration, averaging some ten or twelve millions per annum, will now probably ask for the service of a single year, on a peace establishment, upwards of thirty millions. Of this enormous sum, only about three millions are necessary for the civil list, foreign intercourse, and miscellaneous expenses. A very large proportion of the residue is to be applied in procuring materials and labor for public works. May we not apprehend serious inconvenience from the great demand which such appropriations will occasion for labor? If, as is probably the case, the demand is already equal to the whole disposable labor of the country, the increased demand will produce no other effect than merely to augment the wages of labor, without adding to the supply. An appropriation of twenty millions will, in that case, command little more labor than ten; or, if more labor shall be procured, it must probably be withdrawn injuriously from agriculture or the mechanic arts. Many and extensive works are now in progress and in contemplation, some of them carried on by individuals and companies with their own resources; some by States, receiving no aid from the General Government. [Mr. R. mentioned the improvement in his own State from the city of Richmond to the mouth of the Kanawha; the Ohio and Baltimore railroad; the proposed connections between Cincinnati and Charleston, and between Nashville and New Orleans.] The United States coming into competition, and authorizing its agents to procure the necessary labor, without regard to price, will necessarily withdraw it from those who can less conveniently afford to give excessive wages. The vast additional sums, therefore, proposed to be expended in the public works of the United States cannot fail to increase considerably the expense, and retard the completion, of those carried on by the States and individuals. This will not be thought a groundless apprehension, when it is recollected that Colonel Gratiot has assigned as a reason for not using about $100,000 appropriated for a fort on East river, New York, the impossibility of obtaining the requisite force to carry on the work, though materials and facilities of every kind had been procured.

After appropriating all that the public necessities require, or that can be judiciously expended, it cannot be doubted there must still remain a large surplus; and it becomes us at once to devise some mode for judiciously disposing of it. A variety of schemes have been suggested. Shall we permit it to be idle? waste it in unnecessary expenditures? invest it in stocks or loans? or distribute it among the States? These seem to be the only alternatives.

To permit it to remain unused, besides the injury resulting from keeping so large a capital unemployed, we may reasonably anticipate heavy losses. To leave it in deposit, for the banks to trade upon, must necessarily be attended with hazard. They will not keep it idle, and may find it very inconvenient to replace it when demanded. In proof of this, Mr. R. adverted to the condition of the public deposits in the Bank of Michigan. In that bank, having a capital of $150,000, we have, it seems, nearly eight hundred thousand dollars on deposit; and we are bound to believe, upon information of members present, that this deposit, or considerable portions of it, have been remitted to New York, and lent out at an interest of four per cent. Independently of the risk, there is great injustice in giving the advantage of the public deposits to favored States or favored banks, in the manner now practiced. Supposing an amount of ten or twelve millions to remain in New York, as will probably be the case, unless the fund be distributed, that State may realize a profit of five or six hundred thousand dollars by its use, while other States derive no advantage, though they shall have contributed their full proportion to raise it. No one, I presume, expects that this vast sum can be hoarded up in specie. If such an attempt were made, the surplus over and above what is needed for the public service, which for six years to come must constantly increase, would very soon absorb the whole metallic currency of the United States.

Aware of the impolicy of keeping the public treasure unemployed, much ingenuity has been displayed in devising plans for consuming it. In addition to the enormous estimates from the Treasury Department, we have propositions to erect court-houses, custom-houses, and other buildings, for the use of the United States; and to enter into contracts with railroad companies for the privilege of transporting the mail. These schemes I trust will not prevail. It is by no means desirable that the General Government should obtain more permanent footing upon the soil of the States, or become proprietors of expensive buildings, which must have superintendents and guards to preserve them, and consequently add to that patronage already so much deprecated. Nor should we desire to see the General Government extensively engaging in contracts with chartered companies, and mingling with the private concerns of the States. It is scarcely to be credited that serious difficulties will be thrown in the way of the mails; and it would be strange, indeed, if this great modern improvement should, in this particular instance, result in increasing the difficulty or expense of transportation.

Another expedient proposed is the investment of the surplus in loans or stocks. This does not overcome the difficulty, but only postpones it. I trust the Treasury of the United States is not to be engaged in stock-jobbing, or converted into a great loan office. But suppose this recommendation adopted, how can the public money be more judiciously or more safely invested than in loans to the States? If Congress may constitutionally lend, the States, none can doubt, can constitutionally borrow. There is an evident propriety, too, if such investments should be made, in giving them this direction. If lent to corporations or individuals and lost, the States must make good the deficiency whenever it shall be wanted. These corporations or individuals would therefore be trading on public money, at the public risk; but if employed by the States, though required to replace it, they would realize the benefit resulting from its employment. It may happen, however, that the ordinary revenue, for years to come, will exceed the necessary expenses of Government, and in that case there will be no occasion to require the amount lent to be returned. In this view a loan, I admit, would not differ substantially from an absolute distribution among the States, against which my colleague has so warmly protested.

But is there any sound objection to a direct distribution of the surplus revenue among the States? Coming from a State jealous of its rights

and distinguished for its strict construction of the Federal Constitution, I have gone into the examination of this measure with a strong bias against its constitutionality. The result of that examination is a thorough conviction that, so far at least as regards the proceeds of the lands ceded by the States, it is not only not prohibited, but is expressly enjoined by the Constitution; and, under present circumstances, is the most expedient disposition that can be made. In support of this proposition, I might, perhaps, content myself with referring to an authority of most commanding influence in this House. At an early period after his accession—I was about to say to the throne—this language, I fear, sir, may in a short time become familiar—the present Chief Magistrate, contemplating the probable accumulation of money in the Treasury, deliberately recommended to Congress a plan for disposing of it. After alluding "to the difficulties which had attended appropriations for internal improvement, and those which experience tells us will certainly arise whenever power over such subjects may be exercised by the General Government," he says, (message of December, 1829:)

"To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation; and should this measure not be found warranted by the Constitution, that it would be expedient to propose to the States an amendment authorizing it."

The distribution thus recommended, it will be observed, embraced the whole surplus revenue, and not that merely arising from sales of public lands. The passage just read was incorporated, and the principle reasserted, in the message of May, 1830, justifying his veto on the Maysville road bill. Again, in his annual message of December, 1830, he recurs to the plan he had thus proposed, and replies to the objections urged against it. The objections enumerated are—

1. An objection to the ratio of distribution.

2. An apprehension that such a regulation would produce improvident and oppressive taxation to raise funds for distribution.

3. That it would lead to the construction of works of a local nature.

4. That it would create a discreditable and injurious dependence on the part of the State governments upon the Federal power.

This enumeration, comprising all the objections, "so far as they had come to his knowledge," embraces none on the score of unconstitutionality, nor is any difficulty of that nature alluded to. But now, it seems, this plan is denounced by my colleague as a vile abomination. Sir, he could not be aware, in aiming his blow, on whose head it was destined to fall. But it may be supposed the President has changed his opinions: and hence it is that my colleague exclaims, with a holy horror, "Touch not, taste not, handle not." How far his opinions have undergone a change, I know not; nor will I anticipate, as many do, a veto, in case Congress should now adopt the measure he has himself so deliberately and repeatedly recommended. I perceive nothing in the message returning Mr. CLAY's land bill, to warrant the belief that he will withhold his concurrence from a bill authorizing the surplus funds arising from the sales of lands to be distributed among the States. Before noticing particularly the objections urged in that message, or others which have been suggested, I beg leave, very briefly, to present to the committee the reasons which satisfy my mind that such a distribution is strictly constitutional.

I shall not detain the committee by a minute history of the causes that led to the acquisition of the public lands. It is well known that the immense territory stretching from the Ohio to the lakes, comprising the fertile and flourishing States of Ohio, Illinois and Indiana, and the Territories of Michigan and Wisconsin, is held by the United States under a grant from the State of Virginia, made in 1784. The deed of cession, after making various reservations, explicitly declares:

"That all the lands within the Territories so ceded to the United States, and not reserved for, or appropriated to, any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered as a common fund, for the use and benefit of such of the United States as have become, or shall become, members of the Confederation, or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions of the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for the purpose, and for no other use or purpose whatsoever."

In most or all the grants from other States there are similar provisions. The terms thus declared were accepted by the Confederacy. When the present Government was formed, the United States again acknowledged their obligatory force. The sixth article of the Constitution declares:

"All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation."

And in the fourth article it is provided, that—

"Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

These provisions of the Constitution leave no room to doubt the obligation upon Congress to respect the stipulations of the grant. This, indeed, is the view taken by the President in the message rejecting the land bill. In objecting to the provision which proposed to give twelve and a half per cent. out of the net proceeds to the new States, he says:

"What more need be said to demonstrate its objectionable character, than that it is in direct and undisguised violation of the pledge given by Congress to the States, before a single cession was made; that it abrogates the condition upon which some of the States came into the Union; and that it sets at naught the terms of cession spread upon the face of every grant under which the title of that portion of the public lands is held by the Federal Government?"

Again, alluding to the deeds of cession, he says:

"The Constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it 'shall be construed to prejudice any claims of the United States, or of any particular State,' it virtually provides that these compacts shall remain untouched by the legislative power, which shall only make all 'needful rules and regulations' for carrying them into effect."

At the date of the original grant, the States, whatever may be the modern doctrine, were independent sovereignties, associated together by articles of Confederation; and bearing this in mind, it is evident that the use and benefit contemplated by the grant were such as might be enjoyed by them in their separate as well as in their confederate character.

It is a mistake to suppose, as my colleague does, that the lands, after paying the subsisting debt, were dedicated solely to the purpose of lessening the requisitions upon the States. I do not deny that the application of the fund to the common purposes of the Confederacy would be one method by which the States might realize the benefit reserved. But it is not the sole method. Like every other common fund, the lands themselves may be divided, or the proceeds distributed severally among those entitled to the beneficial use: the terms are sufficiently comprehensive to authorize such division. There is nothing to confine the use to the parties in their aggregate capacities. Had this been the sole object, it would have been attained by simply declaring that the proceeds should in all cases be paid into the common treasury. But the provision is not that the lands shall be appropriated to the general charge and expenditure, but that they shall be a common fund for the use of the States—Virginia inclusive—according to their respective proportion of that charge and expenditure. The charge and expenditure are not mentioned as the purposes to which the fund is to be applied, but as constituting the measure or ratio by which the rights of the respective States shall be adjusted.

A large amount arising from the sales of lands is now in the Treasury. It is not wanted for general expenditures. The public necessities do not require it. To hold the lands out of the market, which would be our duty, if the proceeds can only be used to meet general expenses, would, it is said, unjustly retard the settlement of the western States. The President recommends that the principles on which the compromise of the tariff was settled should not be disturbed. From these causes it is probable that the revenue, from sources independent of the public lands, for the next six years will suffice for all the public exigencies, and the fund from that source, unless wasted, or divided, must continue to accumulate. If this be so, there is no method whereby the States can derive the benefit secured by the deeds of cession, and guarantied by the United States, but by receiving their due proportions of this common fund.

But this measure, so safe, just, and federal in 1829, is now vile and unconstitutional. Every effort is made to decry and defeat it. I beg leave briefly to examine some of the principal objections arrayed against it.

My colleague complains of the injustice of the proposed ratio of distribution, and of the fifteen per cent. claimed for the new States over and above their respective quotas. There may be some difficulty in deciding what would be the most just and legal rule of apportionment among the States. The Virginia deed of cession adopts the usual proportions in which they contribute respectively to the general charge and expenditure. If the measure of contribution to that expenditure, pointed out by the Articles of Confederation, be regarded as the proper basis of distribution, then the value of lands granted or surveyed will give the rule. But if the provision in the Federal Constitution, apportioning direct taxes among the States, be resorted to, the ratio of representation will be the ratio of distribution. This is the rule recommended by the President. In the message of December, 1830, he says:

"The ratio of representation presented itself to my mind, and still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation."

If one more equitable can be legally devised let us adopt it. As to the idea of allowing fifteen per cent. for the new States, the bill is not before us, and it is not proper, therefore, to discuss the provisions it may contain. I will only say, I am as much opposed as my colleague, to any measure giving to the new States, or any others, an unjust preference. But the assertion of such a preference, or the doubt respecting the proper rule of distribution, forms no good reason why we should refuse to claim our just proportion, whatever that may be.

But to receive this, it seems, would detract from the dignity and independence of the States; they would become the stipendiaries of the General Government. This objection was fully answered in the message of December, 1830. The President says:

"In regard to the last objection—its probable effect upon the dignity and independence of the State governments—it appears to me only necessary to state the case as it is, and as it would be if the measures proposed were adopted, to show that the operation is most likely to be the very reverse of that which the objection supposes. In the one case the State would receive its quota of the national revenue for domestic use upon a fixed principle, as a matter of right, and from a fund to the creation of which it had contributed its fair proportion; surely there could be nothing derogatory in that. As matters now stand, the States themselves, in their sovereign character, are not unfrequently petitioners at the bar of the Federal Legislature for such allowances out of the National Treasury as it may comport with their pleasure or sense of duty to bestow upon them. It cannot require argument to prove which of the two courses is most compatible with the efficiency or respectability of the State governments."

I trust the States will never surrender their dignity or independence; but, considering the United States, in regard to the public lands, as a mere trustee, whose powers and duties are plainly defined, it is strange it should be gravely urged that there is anything humiliating in demanding from them an execution of the trust. The States apply habitually to the General Government for custom-houses, post offices, post roads, and other benefits it was created to confer, without being supposed to sacrifice their dignity. But they are to be regarded as mendicants when only claiming what is lawfully their own!

But "money," we are told, is "power." Will the General Government, then, use this power more judiciously or more honestly than the States? It would be but a poor compliment to the States to say so. And from what quarter do we hear this? From those who are willing to retain this corrupting power themselves. We hear it, too, from States which hold large portions of this fund of corruption, and have no scruples to receive it for purposes of internal improvement, while the southern States refuse to participate.

If we can thus be induced to abandon our rights, well may they laugh at us for our folly.

Another objection of a similar character is the apprehension that their respective quotas, if received by the States, may supersede the necessity of laying taxes, and consequently release the local Legislatures from their responsibility. This is certainly a great refinement. A State entitled to a sum of money sufficient to relieve its citizens for years from burdensome taxation, is to surrender it, and insist upon being taxed by their Legislature without necessity, for fear of releasing them from responsibility.

In stating his objections to the land bill, the President describes it as assuming a new principle. "Its object," he says, "is not to return to the people an unavoidable surplus of revenue paid in by them, but to create a surplus for distribution among the States." Such a system is justly denounced. But the objection does not apply to the measure now contemplated—the President recognizes the propriety of distributing an "unavoidable surplus." "However willing I might be," he says, "that any unavoidable surplus in the Treasury should be returned to the people through their State governments, I cannot assent that a surplus may be created for the purpose of distribution." But now this "unavoidable surplus" is upon us. We are not proposing to raise money for distribution; it is actually in the Treasury to our great annoyance, and must continue to flow for six years to come. Nothing remains to be done, consistently with the views of the President himself, but to divide what we cannot avoid receiving, and what should not be permitted to accumulate, or be wastefully expended.

It is in vain to speak of the absurdity of raising money from the people, and then dividing among them the amount reduced by the expense of collection and distribution. It is already unavoidably collected. If it were reduced to seven eighths, or even less, by expenses or otherwise, they should no more object to such deductions than a private proprietor should refuse the proceeds of his property, because a part had been deducted for the expense of selling it. They must take the seven eighths, in that case, or surrender the whole.

Mr. R. said he could not but apprehend that the Administration had other views of the disposition of the public lands than those of dividing them, or distributing the proceeds proportionably among the States. As far back as December, 1832, the President speaks of them as having been ceded to the United States "for the purposes of general harmony, and as a fund to meet the expenses of the war," and adds:

"As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people."

And again:

"It seems to be our true policy, that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers, in limited parcels, at a price barely sufficient to reimburse the United States the expense of the present system, and the cost arising under our Indian compacts."

The advantages of accurate surveys are pointed out, and then follows this passage:

"It is desirable, however, that in convenient time this machinery be withdrawn from the States, and that the right of soil and future disposition of it be surrendered to the States respectively in which it lies."

The people of the West are represented as having paid the greater part of $40,000,000 for the public lands, as having by their labor alone given them real value; and, after remarking that it cannot be expected that the new States will remain longer contented with the present policy, the opinion is expressed, that it is best to abandon the idea of raising a future revenue from them. In the message returning the land bill, the President, speaking of the system proposed by that bill, appeals to the just men of the West to reject it; and then declares that he adheres to the opinion expressed in his annual message of 1832, "that it is our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey, and sale;" and adds:

"I do not doubt it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated, and that after they have been offered for a certain number of years, the refuse remaining unsold shall be abandoned to the States, and the machinery of our land system entirely withdrawn. This plan for disposing of the public lands impairs no principle, violates no compact, and deranges no system."

Thus it seems that the President, who saw in a deduction of twelve and a half per cent. for the new States a violation of the trust the Government had assumed, can yet see none in surrendering to them the whole. But the just men of the West will not ask it; their sense of justice will revolt at the thought. The forty millions they have paid has not been extorted from them in the way of taxation. They have received, in the lands they have acquired, a full equivalent; probably three, four, in some cases tenfold the value of their money. What would be thought, among individuals, of one who having purchased a small portion of his neighbor's land for less than its value, should set up a pretension, on that account, to the residue of the tract? The United States have sold some forty millions of acres, worth probably, at the lowest calculation, eighty millions of dollars, for not much more than half that sum, and we are asked to surrender perhaps hundreds of millions more to the purchasers, provided they will reimburse the expenses incurred in surveying. If such a proposal were not a plain violation of every principle of justice, as well as of the compacts entered into by the United States, its gross inequality alone would condemn it. The State of Ohio, for example, with a million of inhabitants, could only get about five millions of acres, while Michigan, with sixty or eighty thousand inhabitants, might receive about seventeen millions, with a reversion, upon the extinction of the Indian title, in upwards of eighty millions more. Nor have we any right, Mr. Chairman, strictly speaking, to reduce the price of public lands below their market value. This is but another mode of giving them away. We hold them for the common benefit of all the States, and for no other use or purpose whatsoever. A liberal policy requires nothing more than that we should bring them into the market as rapidly as they can be settled, not that we should adopt a system which will throw them into the hands of speculators, who will raise the price upon the settlers. The States alone, to whom these lands belong, in their character of sovereign States, can authorize a surrender to the western people. A just participation is all, however, that the new States can ask in the division of property once exclusively belonging to the old States and generously surrendered by them for the common benefit of all.

There is another ground upon which the former land bill was opposed, alluded to by my colleague; it is the provision requiring that the funds to be distributed should be applied to education and internal improvements. This provision was supposed to reassert the principle contained in the Maysville road bill; but it is omitted, I understand, in the bill now before the Senate, and the objection, of course, is inapplicable. Such a provision ought not to be adopted; not merely for the reason assigned, but because the funds rightfully belong to the States, and the General Government, though bound to pay them over, has no power to direct the manner in which they shall be used.

The distribution of the surplus revenue among the States was, evidently, at an early period of the present Administration, a favorite measure. It was then warmly recommended, upon the ground that if retained, it would be injudiciously and improperly expended in works of internal improvement. The doctrine of internal improvement by the General Government was then regarded with alarm. In the message of December, 1830, after combating that doctrine, the President alludes to his plan of distributing the surplus, and says:

"That the plan under consideration would derive important advantages from its certainty; and that the moneys set apart for these purposes would be more judiciously applied, and economically expended, under the direction of the State Legislatures, in which every part of each State is immediately interested, cannot, I think, be doubted."

But the case is now altered. Instead of distributing the surplus for fear of its being employed in schemes of internal improvement, the distribution is violently opposed, and the surplus is to be retained for the purpose, among others, it can scarcely be doubted, of carrying on those schemes on an extensive scale. Does my colleague, who so warmly opposes the plan of returning to the people any portion of the money arising from the sales of their lands, desire to see it thus appropriated? Rather than distribute it will he throw it away wantonly, or leave it as heretofore to be held by other States, or expended in internal improvements, from which the southern States, standing on their constitutional integrity, derive little or no advantage? But the Maysville veto, it seems, ought to quiet all our apprehensions. Yes, sir. Mr. Clay, he tells us, declared that internal improvement lay crushed beneath the veto. If my worthy colleague, instead of relying upon the gloomy forebodings of the great advocate of this doctrine, had examined into the facts, he would have arrived at a very different conclusion. He would have seen the doctrine not only lives, but flourishes. It is true that petty improvements like the Maysville road, that only cost a few thousand dollars, are no longer regarded as lawful—they are merely local. But national improvements, those that connect two or more States, and cost hundreds of thousands, are strictly constitutional. Yet it is difficult to conceive any improvement, however local, that may not, in some degree, be said to benefit the whole Union; or any, however, national, that will not benefit particular portions more than others. Every path or road, however small, leads to some outlet, and that to a larger, connecting two or more States, as certainly as every spring flows to the ocean. But the improvement is also legal, even though wholly within the limits of a single State, provided it be below a port of entry. What reason there is why an obstruction below a port of entry may be removed for the benefit of commerce, and not an impediment above it, it is difficult to understand; or why, if a river, as is contended, may be improved in its natural channel, a canal or railroad may not be run along side. The State of Virginia is now engaged in making a connection between the city of Richmond and the mouth of the Kanawha; why may not the General Government take it up and extend it to Pittsburg? Upon the principles asserted, this improvement has a double title to its patronage, for it is designed not only to connect two States, but also two ports of entry. Sir, there is nothing in these nice distinctions. There are no limits to the doctrine, or rather the limits are coextensive with those of the Union. And the practice has kept pace with the doctrine. I beg leave to refer my colleague to a tabular statement, compiled apparently with great care, though I cannot vouch for its accuracy, from the report of the Secretary of the Treasury of January, 1835, to show how far the present Administration is entitled to praise for having crushed the doctrine of internal improvement.

By this statement* it appears that the whole expenditures, since the origin of the Government, in internal improvements, (exclusive of the Cumberland Road, the Chesapeake and Delaware Canal, the Louisville and Portland Canal, the Dismal Swamp Canal, and the navigation of the Mississippi,) amounted to $4,372,345 46: of which there were expended during Mr. Jefferson's Administration, eight years..... $000,000 00
Mr. Madison's administration, eight years..... 216,777 24
Mr. Monroe's administration, eight years..... 346,901 19
Mr. J. Q. Adams's administration, four years.....1,040,045 78
And the first four years of General Jackson's administration.....2,768,621 20
more than double the amount expended in the same time, by the preceding Administration, and nearly two thirds of the sum expended since the origin of the Government.

Upon the other improvements mentioned, there were expended $6,000,545 96, of which were expended during the first four years of the present

* For table, see next page.

Administration, $2,768,621 20; nearly one half of the whole amount.

The inequality of the disbursement is equally remarkable. Of the $4,372,345 46, first mentioned, the States of Kentucky and South Carolina, it appeared, had received no part, and the State of Virginia the paltry sum of eighty dollars only; and to present the inequality in a still more striking view, the six southern and southwestern States, Virginia, North Carolina, South Carolina, Georgia, Kentucky, and Tennessee, shared among them $242,667 68, while New York alone received $446,271 76, and Ohio $859,124 64. Upon the new States, especially, hundreds of thousands of dollars, and millions of acres of land have been lavished for schools and colleges, and works of internal improvement. These donations and expenditures not only directly added to their wealth, but indirectly, also, by facilitating their commerce and enhancing the value of their property, while the old States—and among them those by whom a vast domain was gratuitously surrendered—derive no benefit from it, and little or no aid of any kind from the General Government. Indeed, while they bear their full proportion of the sums thus expended, their capital and population are constantly tempted away from them by the superior advantages bestowed on the favored regions of the West. We do not repine at the prosperity of other States; we rejoice to behold it. But possessing, as many of them do, great commercial advantages, and superior fertility of soil, there is no reason why they should enjoy more than their due proportion of the common property. It is time that this injustice should be arrested; and the most effectual means of doing this is to distribute the fund justly among all.

But the enormous increase of expenditures on internal improvement, under the present dominant party, is not the only instance in which it has deviated in practice from the principles it professed. Those principles were proclaimed in the report, to which I have already alluded, made in 1826 in the Senate, (Mr. Benton's,) and in this House in 1828, (Mr. Hamilton's.) The report of 1826 was accompanied by six bills, carrying out the doctrines of retrenchment and reform. But no effective scheme, Mr. Hamilton told us, could be expected "without cordial aid of the Executive." Well, sir, "the party" shortly after came into power; they have now had a full sweep, with an Executive of their own choosing, for seven years; and what have they done? What retrenchment have they effected? What abuses reformed? Is it not admitted that our expenditures have vastly increased, and abuses of every kind multiplied? Look only to the expenses of Congress. In the year 1834, the appropriations, including books, and all contingencies, unless I have made an error in computation, exceeded a million. It is true, there have been some attempts, in a small way, at retrenchment. In 1829 an effort was made to effect a reduction of two dollars per day in the pay of members of Congress after a certain period of the session. But it failed by a majority of two to one. The next session a further attempt was made to retrench, by disallowing pay to absent members during their absence. A resolution to this effect actually passed the House, but was lost in the Senate; and thus seems to have ended the grand scheme of retrenchment and reform.

So far from remedying abuses, every obstacle seems thrown in the way of inquiry; and the grossest negligence is evinced in regard to measures of great public interest. An inquiry was instituted in the Senate as early as December, 1830, into the management of the Post Office Department. It was moved again in the Senate on the 25th June, 1834, and in the House on the 26th, a few days previous to adjournment. The Senate committee reported on the 27th January, 1835. The House committee, having had leave to sit during the recess, and subsequently during the sitting of the House, made their report, or rather two reports, on the 13th February, 1835, three days after the Senate had sent down a bill changing the organization of the Department. That bill, passed by the Senate without a dissenting voice, was, on the 13th February, referred to the Post Office Committee, who reported it on the 21st, with an amendment. The amendment was to strike out all after the enacting clause, and insert a new bill. It was then committed to a Committee of the Whole, and was never heard of again.

A vast number of bills, some of them as important as any ever presented to Congress, shared a similar fate. I will mention the custom-house bill, the patronage bill, the Judiciary bill, the Ohio and Michigan boundary bill, the deposits bill, and the fortification bill. Most of these had been matured in the Senate, and only awaited the action of the House. Yet they were all swept by the board.

The Secretary of the Treasury, in a report to the Senate, suggested changes in respect to the number and compensation of custom-house officers, whereby an annual saving might be made of $177,150. This report was called for in June and July, 1832, but, owing to the burning of the Treasury building and other causes, was not made till December, 1834. Such is the derangement of our affairs, and the multiplicity of abuses, as almost to defy scrutiny or reform. Why has not this recommendation of the Secretary been pursued? What excuse can be made for permitting this immense annual loss?

The condition of the public deposits, too, is such as to demand some measures for their security. The necessity of regulations upon this subject has been repeatedly urged upon Congress by the President. I will do the then chairman of the Committee of Ways and Means [the present Speaker] the justice to say, that during the last session he frequently pressed it upon the attention of the House. But nothing was done. All these great interests were neglected; and there is every probability that the present session will also pass away without any effective legislation. To whom is this neglect to be ascribed? It must be charged upon the Administration party. If that party, having so large a majority cannot get on with the public business, it is time that they should surrender it to those who can.

Sir, everything is conducted upon party principles; the public service is lost sight of in looking to the interests of party. The post office reports developed the most flagrant abuses. Frauds were detected in the mode of making contracts; large sums of money were borrowed without lawful authority; the Department converted into a party machine; appointments and removals made, not for the public good, but in subserviency to party views. Yet no man has more strongly condemned such conduct than the Chief Magistrate under whose administration it is practiced. Mark, sir, what he says in his letter to Colonel Monroe:

"Now is the time to exterminate the monster—party spirit. By selecting characters for their probity, virtue, capacity, and firmness, without respect to party, you will go far to eradicate those feelings which, on former occasions, threw so many difficulties in the way of Government, and, perhaps, have the pleasure and honor of uniting a people heretofore politically divided. The Chief Magistrate of a great and powerful nation should never indulge in party feeling. Consult no party in your choice."

In one sense, indeed, the President has conformed to the recommendation he gave, of paying no respect to party. Since the commencement of his Administration his Cabinet has displayed all the colors of the rainbow. Federalists of the deepest dye are selected for the highest offices. It matters not what may be the political complexion of the aspirant, provided only that he shall subscribe to the infallibility of the political pope.

In his letter to the Tennessee Legislature, the President warns us against the danger of appointing members of Congress to office. He expresses the opinion that, if a change should not be effected in the Constitution, and important appointments should still continue to devolve upon the Representatives in Congress, that "corruption will become the order of the day." Yet what former Administration has so frequently exercised this corrupting power as himself? I will not enumerate the instances; but there is one that ought not to pass unnoticed. A former Speaker of this House (Mr. Stevenson) was nominated, while presiding over its deliberations, to a foreign embassy. It appears, by a report laid before the Senate, that, shortly after the close of a previous session, in which also he had presided, he had received a letter notifying him of the President's intention to nominate him. The nomination was rejected. We are bound to suppose it would not have been made had not the public interests required it. The Senate had the same constitutional right to reject as the President to nominate. Both derive their power from the same clause in the same instrument; yet the office was permitted, for nearly two years, to remain vacant. The

* *Table referred to.*

States, &c.	Jefferson. 1802 to 1809.	Madison. 1810 to 1817.	Monroe. 1818 to 1825.	J. Q. Adams. 1826 to 1829.	Jackson. 1830 to 1833.	Total in each State, Territory, &c.
Maine	-	-	-	$47,176 27	$108,177 74	$155,354 01
New Hampshire	-	-	-	35,529 76	-	35,529 76
Massachusetts	-	-	$37,019 29	170,322 61	148,397 10	355,739 00
Rhode Island	-	-	-	200 00	30 18	230 18
Connecticut	-	-	-	25,889 14	21,609 15	47,498 29
New York	-	-	4,156 79	170,025 11	272,089 86	446,271 76
New Jersey	-	-	-	100 00	-	100 00
Pennsylvania	-	-	14,420 19	28,221 49	12,200 00	54,841 68
Delaware	-	-	-	34,513 00	569,858 02	604,371 02
Virginia	-	-	-	80 00	-	80 00
North Carolina	-	-	-	29,840 00	167,733 00	197,573 00
Georgia	-	-	-	7,514 68	10,400 00	17,914 68
Tennessee	-	-	-	200 00	27,000 00	27,200 00
Ohio	-	$215,568 78	87,117 93	160,278 61	396,159 29	859,124 61
Louisiana	-	-	-	6,435 00	40,118 96	46,553 96
Indiana	-	-	82,748 12	32,319 37	155,398 28	270,465 77
Mississippi	-	-	15,780 26	37,511 12	12,479 62	65,771 00
Illinois	-	1,208 51	6,791 49	500 00	72,876 00	81,376 00
Alabama	-	-	45,472 67	47,253 06	77,252 47	169,978 20
Missouri	-	-	13,065 48	11,509 61	19,892 44	44,467 53
Michigan	-	-	5,072 15	19,451 41	121,500 68	206,104 24
Arkansas	-	-	3,325 82	44,151 38	73,320 85	120,798 05
Florida	-	-	31,931 00	71,024 16	85,417 56	188,372 72
District of Columbia	-	-	-	-	376,630 00	376,630 00
Totals	-	216,777 24	346,901 19	1,040,045 78	2,768,621 20	4,372,345 46
Annual average	-	27,097 16	43,362 65	260,011 44	692,155 30	-
Cumberland road	$14,201 90	659,048 30	1,054,961 00	715,245 00	1,280,074 43	3,723,530 63
Chesapeake and Delaware canal	-	-	192,500 00	257,500 00	-	450,000 00
Dismal Swamp canal	-	-	-	200,000 00	-	200,000 00
Louisville and Portland canal	-	-	-	233,500 00	-	233,500 00
Chesapeake and Ohio canal	-	-	-	200,000 00	799,000 00	999,000 00
Navigation of Mississippi	-	-	18,272 47	162,043 18	214,197 68	394,513 33
	14,201 90	875,825 54	1,612,634 66	2,808,333 96	5,061,893 31	$10,372,889 42
General annual average	$1,775 24	$109,478 19	$201,579 33	$702,083 49	$1,265,473 32	-

public service has been neglected because the Senate did not yield obedience to the President's will. Recently, he has renominated the rejected individual, and found a more complying Senate. This is not the only instance. In thus returning upon the Senate those they have rejected, the President has virtually clutched the entire power of appointment. Since his accession, the powers of appointment and removal have been exerted in the most arbitrary and tyrannical manner. In the Post Office Department alone, the report of the minority informs us, nearly thirteen hundred have been swept from office. This proscriptive policy ought not to be tolerated. It is calculated to repress the independent expression of opinion in regard to men in power, and to rear up a race of sycophants. Yes, servility has become the passport to promotion—the point of honor. And one, high in the estimation of the dominant party, has not been ashamed to utter the sentiment, that it is glory enough for him to serve—a man like himself. Sir, it is a sentiment that would degrade a slave.

Mr. R. was proceeding with his remarks, but gave way to a motion that the committee rise.

WEDNESDAY, *April* 6, 1836.

Mr. ROBERTSON resumed his remarks commenced on yesterday. He said he had adverted to the inattention of the House of Representatives to the public business, manifested in the failure of numerous important measures during the last session, many of which had been matured in the Senate; and especially to their neglect in regard to the Post Office Department. The want of reorganization in that Department had been forcibly represented in the annual message of December, 1834. The developments of the investigating committee had demonstrated its necessity. Still, (said Mr. R.,) we have approached the close of another session, and nothing has been done to reform abuses unequivocally proved, or prevent their recurrence in future. So far from it, the chief clerk, to whom much of the blame was imputed, when he could no longer be retained in office, was permitted to retire by a resignation, instead of being at once dismissed; and the head of the Department actually promoted to one of the highest offices in the gift of the Executive. Sir, it is a bad precedent thus to reward official neglect. This officer has gone to his grave. I do not wish to war with the dead, or say anything to wound the feelings of his surviving friends. From what has been said of him, there is reason to believe that he was one "more sinned against than sinning." He was very probably the dupe of others. Indeed, the present incumbent tells us, as an apology for his failure, that "he was too good a man." It is pity the public interest should suffer from such a cause; and fair to presume that, following out this idea, care has been taken to guard against a similar error, by selecting, as his successor, one no better than he should be.

The minority of the committee appointed to examine into the management of the Post Office desired to ascertain the reasons of the unexampled proscription which had been practiced by that Department. But they were overruled by the Administration majority. They then limited their inquiries to specified cases. They called on the Postmaster General for information touching the removal of Safford, the postmaster at Putnam, Ohio. He sent them several letters relating to that subject, which they desired to put on file for the information of the House and the public. But on the motion of Mr. BEARDSLEY, these letters were ordered to be returned to the Postmaster General, as containing "nothing which in the slightest degree impeaches the motives or criminates any act of the Postmaster General, or is in any respect material to any object of legislation, or of public interest or concern." On this motion the yeas were: Messrs. Connor, Beardsley, Hawes, and Stoddert. Nays, Messrs. Whittlesey, Everett, and Watmough. Yet we are informed that those letters proved that Safford had been a friend of the Administration, and that an application was made for his removal on the ground that he was not a real supporter of it; that his friends opposed his removal on the ground that he was, in fact, a supporter of the Administration; that no other cause was assigned or claimed by the Postmaster General to have existed. Safford was removed. Herron, of whose political faith the report tells there was no doubt, was appointed in his place. A member reminds me of the sequel of the story. Herron, as might be expected of one who could seek or obtain office on such terms, considered the public money as his lawful spoils, and in the brief space of twelve or eighteen months disappeared, a fugitive from justice. I will not tediously consume the time of the committee in enumerating instances of similar persecution. I will only recall their recollection to the case of Mitchell, postmaster at Portland, Maine, and of Wyman, postmaster at Lowell, Massachusetts, both, it is said, removed to make room for partisans of the Administration, at the instance of a Republican meeting or a Democratic committee. These summary proceedings strongly resemble those which are said to have occurred during the Spanish revolution. Men were taken from their homes and shot; when the passing stranger inquired the cause, he was told they were shot at the request of the people. Far worse; men are hurled from office; they and their families turned adrift, perhaps to beg for their bread, not at the request of the people, but of a Democratic committee. And for what offense? For difference of political opinion—not for opinions adverse to free institutions; not for differing about principles, but about men. Sir, it is a vindictive policy, a grinding oppression. In my native State, some years past, the practice of dueling, notwithstanding the most rigorous penalties, prevailed to an extent which called for every effort to suppress it. The thought occurred to our legislators of incapacitating all who might be concerned in a duel from holding any office under the Commonwealth. The ardent youth who had disregarded the threat of death, were yet unwilling to be stigmatized as a degraded caste, and deprived of the privilege of serving their country. The law produced an effect beyond what was anticipated by its warmest advocates. From that day the practice may be said to have ceased within the limits of the Commonwealth. What should we think of a law making it an offense to speak freely of public men or measures, and excluding a citizen from office on that account? Yet under this republican Administration, those who will not bow down before it are subjected to this penalty—a penalty annexed in Virginia to what is regarded as a crime against the State; yes, sir, practically disfranchised, as effectually as if denounced in your statute-book. The Government that does this is a practical tyranny. It is in vain that my colleague attempts to justify it by quoting Mr. Madison's authority in support of the power of removal. He ought to have recollected the reasons assigned by Mr. Madison for having no fears of the abuses which we now witness, and which no man can more strongly condemn. I beg the attention of my colleague to what Mr. Madison says:

"It is contended that the danger consists in this: that the President may remove from office a man whose merit requires that he should be continued in it. Let us consider what motive he can have for such an abuse of power, and what will be the check upon him. In the first place he will himself be impeachable for the wanton removal of a meritorious officer, and will himself be removed from his high trust."

Again, he says:

"I own it is an abuse of power which exceeds my imagination, and of which I can form no rational conception."

No, sir, Mr. Madison is the last man who would vindicate the outrageous abuses practiced by men calling themselves Democratic Republicans! He believed that that which has been done by the President and his heads of Departments would be good ground of impeachment and removal. But the Administration majority see nothing in it "in the slightest degree culpable, or even of any public interest or concern." He could not conceive, in the purity and simplicity of his heart, the possibility of that abuse which is now hourly practiced, and shamelessly avowed and vindicated.

Among other subjects of great interest touched upon by my colleague, was the situation of the public money since the removal of the deposits. I have no intention of entering at large upon the question of the legality of that measure, already so often and so ably discussed. It was condemned by my own State, on the ground that the President had transcended his authority. To say the least, he exercised a doubtful power, in violation of his own doctrine, without necessity. What justification was there for anticipating the action of Congress, soon about to be convened? Will it be said they would not have sanctioned the measure? Yes, this has been said by way of apology for his taking the law into his own hands. He has even been applauded for carrying this point by superseding the rightful authority of Congress; complimented for having achieved a victory as brilliant as that of New Orleans.

The law organizing the Treasury Department required that the Treasurer should receive and keep the public moneys. Afterwards, they were directed to be deposited in the Bank of the United States, unless the Secretary of the Treasury should otherwise order. But this power was to be exercised by the Secretary according to his own discretion, and was merely prohibitory. The former law was unrepealed, and, upon such prohibition, the duty of receiving and keeping the public money again devolved upon the regular officer, the Treasurer, to whom it was originally assigned, and whose office has never been dispensed with. No power was ever given to the President to keep it, or transfer its custody to others. Such a power cannot be inferred from his implied authority to remove the Secretary of the Treasury. Sir, it would be as logical to contend, because he may remove the officers in the Post Office Department, that he has power to control them in all respects, and to require them to deliver your letters or mine into his hands, or those of his Private Secretary.

In his last message to Congress, the President tells us that the controversy with the Bank of the United States "has resulted in severing, to some extent, a dangerous connection between a moneyed and a political power." Sir, I fear it has only cemented, still more closely, the bonds of that dangerous union. It has united a vast moneyed power to the political power of that department in which the whole Executive authority is wielded by one arm, and directed by one will. It has broken the connection between the Government and a bank with thirty-five millions of capital, and formed one with upwards of forty banks, wielding nearly fifty millions, exclusive of public deposits. We have been long flattered with the promise of a hard money currency. We were told by the Secretary of the Treasury, in his report of the last session, that banks are by no means necessary to the fiscal operations of the Government. Little faith is due to the sincerity of these declarations. At least, no plan for effecting this object has as yet ever emanated from the Secretary; on the contrary, various propositions at the last session, to obtain his plan and dispense with such agency—one of which I had myself the honor to submit—were all overruled by the Administration majority.

The condition of the public money since the removal of the deposits, it cannot be doubted, has given a vast accession to the power and influence of the Executive. An increased number of banking corporations, with all their officers and stockholders is now deeply interested in the distribution and use of the public funds. They look for favors, and, to obtain them, must become supporters and partisans of the Administration. So important is the existing connection between them and the Government, that some of them, it is said, have an accredited agent near the Treasury to represent their interests.

But it was a matter of necessity, my colleague says, to deposit the public moneys in these banks; it was safer than to place them in the hands of individuals. But what occasioned this necessity? The President brought it upon himself by his own unlawful act. Sir, it is a startling position, that assumed by my colleague, that the President possesses unlimited authority, at his mere will, to transfer the whole public treasure to any place he may think fit, or even commit it to the hands of private individuals. That single remark is better calculated to show the enormity of the power he has assumed, than the most elaborate argument. No one distrusts the personal integrity of the President. But it is an unsound and

a dangerous doctrine, which authorizes him or his successor to intrust the whole revenue of the country to the envoy extraordinary and minister plenipotentiary of the deposit banks, or give it for safe-keeping to the Albany Regency.

Sir, it is manifest that there is impropriety and danger in the present system of managing the public treasure. The President seems conscious of this, or finds that he has taken upon himself a burdensome duty. As far back as December, 1834, he earnestly invited Congress to make suitable legislative provisions respecting the deposits in the State banks. But, urgent as the necessity appears, as yet none have been adopted.

I cannot omit to notice another flagrant proof of the neglect of the public interests by the dominant party. I allude to the failure of the fortification bill of the last session. My colleague has, very properly, left that question to be settled by the parties concerned. I have but little to say upon it. It has been fully discussed. The loss of this bill has been made the subject of grave accusation, upon high authority, against the Senate, and incidentally against the minority in this House. The charge has been met and repelled. It has been shown, to the satisfaction of every candid man, that the blame was with the ruling majority, and chiefly upon the chairman of our conference committee, [Mr. CAMBRELENG.] That gentleman was directed to report an agreement of the committee, but thought proper to remain silent, upon a gratuitous assumption that there was no quorum.

Mr. CAMBRELENG said he had not made a gratuitous assumption. The former Speaker would tell the gentleman there was no quorum.

Mr. ROBERTSON. If the former Speaker were in his seat, he would say there was a quorum present when the gentleman returned, and long after. The gentleman had inferred there was no quorum, because only one hundred and thirteen members had voted recently before, or about the time of his return. Nothing is more common—it is a thing of daily occurrence—that a less number than a quorum votes, when a full quorum is actually present. But who, sir, authorized the chairman of the committee to decide that question? It was his duty to make his report, or at least to offer to do so, and leave it to the House to decide whether they could receive it. Any fifteen members might have compelled the attendance of absentees. Seven only, at most, were wanting, in addition to those who had just voted on a resolution before the House; and it is a fact shown by the Journals, and which, perhaps, has not been distinctly brought to the view of the committee, that on a motion to adjourn, made shortly after, thirteen members voted, who did not vote on the resolution, showing six over a quorum; and further, that on the final motion for adjournment, twenty-six members voted who did not vote on the resolution; showing a number within the control of the House, when the chairman returned, and who had no scruples against voting, of nineteen over a full quorum. But the design was to throw the blame upon the odious Senate, and this measure, agreed upon in conference—a measure required for the defense of the country, and which, I doubt not, the Senate, as well as the minority of this House, were anxious to adopt—was suppressed and lost by the friends of the Administration, and especially in consequence of the course pursued by the gentleman from New York, [Mr. CAMBRELENG.] For myself, sir, I would have voted for it willingly in the shape it came from the committee, though opposed to the contingent appropriation of three millions which it originally contained. That enormous appropriation was at war with sound republican principles; nor was there any occasion which justified it. The sums authorized by the bill, without it, were amply sufficient in case war should not ensue; and if that should have seemed inevitable, Congress must have convened before the residue of the appropriation could have been exhausted. But, sir, the private wishes of the President had been made known and circulated confidentially among some of the members of the House. This is another and a striking proof of the exercise of Executive influence over its deliberations. The Constitution requires open communications from the President to Congress. If the practice of influencing members through private, unwritten messages shall be indulged or tolerated here, there is an end of the independence of this body. It will be as well to extend a little further the modern doctrine of expunging, and, in addition to the clause requiring both Houses to keep a Journal, to expunge that which declares that Congress shall assemble at least once in every year. It would be better at once to adopt the advice of Major Downing, and dispense with so superfluous a machinery.

No man can view, without apprehension, the rapid growth of Executive power and influence since the accession of the present Administration; nor without being struck with the contrast between the republicanism of 1798 and the Jackson democracy of 1836. I have already alluded to the celebrated reports made in 1826 and 1828, asserting the doctrines of the old republican party, and their plans of retrenchment and reform. I beg leave to advert to some of their leading principles and views. [Mr. R. read passages from the reports of Mr. Benton and Mr. Hamilton, illustrative of the tenets of the republican party.] Yes, sir, the old republican party were the advocates of economy in expenditures; they apprehended danger from the enormous power of the Executive, resisted its encroachments, and denounced its abuses: above all, they earnestly deprecated the employment of a Government press. I ask the especial attention of the committee to the eloquent remarks of the author of the report of 1828, whose sincerity none will question. [Mr. R. read a passage from the speech of Mr. Hamilton, delivered in the House of Representatives, in February, 1827.]

I can add nothing to the force of the argument here presented. But how have these doctrines been carried out? At the last session of Congress a resolution was offered to exclude all persons concerned in public journals from any share in the printing required for the Government; another resolution (which I had myself the honor to submit) proposed to dispense with the office of printer to either House of Congress; to provide that all printing on public account should be done by contract; and to exclude from any participation all who held office under the Government. You well remember, sir, the fate of these propositions. In a report drawn by yourself, the proposed exclusion of the editorial corps was described as an unconstitutional proscription. Yet to my mind it seems clear that if we have the power to create the office, we have the right to determine its qualifications. We may admit or exclude aliens, or minors, without violating the Constitution; and if so may, upon the same principle, exclude editors or officers of Government, if their appointment be incompatible with the nature of the office or injurious to the public interests. These propositions, like most other attempts during the present Administration to carry into practice the doctrines of reform, so ably maintained by the old Republican party, were put down. The office of printer to the House of Representatives has been bestowed upon the official organ of the Executive—upon the editor of a political journal, devoted to the indiscriminate support of the dominant party and abuse of the Opposition. Has a solitary instance ever occurred in which that journal has denounced, or even questioned, an Executive measure? Yet he will receive from the public Treasury probably not less than eighty or one hundred thousand dollars annually, and realize, it is supposed, a profit exceeding the salary of the highest officer of the Government. There is danger in thus selecting the organ of the Executive as the officer of the House of Representatives. It brings into too close association departments which the public interest, as well as the Constitution, require should be separate and distinct. Nor is this all. Let any man look to the Blue Book, and compare the number and compensation of public printers in 1827, when reform was so urgently demanded, with those in 1835 and 1836, and he will have still stronger evidence of the difference between profession and practice. We have heard much of the danger of standing military force. A standing army of venal editors is far more dangerous to liberty. Force may be repelled by force; and the arm of one man who strikes for freedom may prevail against a host of mercenaries; but the press, when subsidized by power, misleads the judgment and corrupts the heart.

In further proof of our departure from sound republican doctrines, and of the increasing influence of the Executive, I beg leave to mention a practice which seems to me of dangerous tendency, worthy of our serious notice. It has been often asserted in this Hall, that, in appointing committees of the House of Representatives, members should be selected who are in habits of intimate intercourse with the President and heads of Departments, or acceptable to them. If such a practice has prevailed, as it is said, or is now gaining ground, it is time to arrest it. The Executive has nothing to do with the organization of either House of Congress. Their functions are different; and this attempt to unite them would be equally at war with the spirit of our institutions, and destructive of the best interests of the country. How would it sound, were it proposed to make a legal or constitutional provision, giving the nomination of our standing committees to the President, or his Cabinet? Would it not utterly prostrate the independence of Congress? And if so, ought a proceeding to be sanctioned by usage, which no republican would consent to establish by law? Such a course gives to the Executive the initiation of all laws. With the power to initiate, and the constitutional veto, what barrier is there against absolute power in the Executive department? This veto has been exerted with unusual frequency during the present Administration, and even rudely threatened in advance. By a document laid on our desks during the present session, we are told that the President announced his determination to apply it, unless Congress should adopt a particular course touching the Ohio and Michigan controversy. Sir, such an intimation ought to be regarded as an affront to the dignity and independence of Congress.

And what are the mighty services which the party have rendered to the country, to atone for all the abuses they have practiced? They tell us of the victory at New Orleans, and of the victory over the Bank of the United States. For the military services of General Jackson none is more willing to tender him all gratitude and honor. I could rejoice, too, sir, at his victory over the bank, had it not been accompanied by the assumption of dangerous powers, and followed by a vast accession to the already overgrown authority of the Executive. But it is to this or other measures of the Administration the dominant party have ascribed the general prosperity of the country. Sir, the prosperity of the country comes from other sources. A higher power has made the sun to shine and the showers to descend, and rewarded the skill and industry of our citizens. They claim credit, too, for the payment of the national debt. The pretension is equally unfounded. You may as well ascribe it to the clerk who paid the money at the counter. The idea is as ludicrous as that of the old man who ascribed the shoals in Sandwich Haven to the building of Tenterden steeple. When Sir Thomas Moore inquired of this old citizen (thinking him, from his great age, most likely to know) the cause why Sandwich Haven was obstructed by sand, his answer was, "Sir, I am an old man; and I think that Tenterden steeple is the cause of the Goodwin sands." "And pray what is your reason," said Sir Thomas Moore, "for thinking this?" "I am an old man, sir," said he, "and I may remember the building of the steeple, and I may remember when there was no steeple. And before the steeple was built, there was no manner of speaking of any flats or sands that stopped the haven; and, *therefore*, I think the building of Tenterden steeple is the cause of the destroying of Sandwich Haven." So, sir, we all remember when this Administration came in; and we all remember there was then a national debt; and we all know the debt is now paid; but the Administration, nevertheless, no more paid the public debt than Tenterden steeple filled Sandwich Haven with sand.

Nor can I assent to the high commendations bestowed by my colleague upon the policy pursued by the Administration in relation to the recent controversy with France; nor agree with the

gentleman from Maine, [Mr. JARVIS,] or others, who represent it as the universal belief of members, towards the close of the last session, that war would ensue. If that was the opinion of members, I can only say members did not speak what they believed. It is true, none could know how far rash councils on either side might carry us; but, at the period alluded to, no immediate collision was anticipated. Is it forgotten that the Senate had unanimously adopted a resolution declaring that "there was no occasion for any legislative measures in regard to the state of affairs between the United States and France," and that a resolution to the same effect had been offered by one of my colleagues [Mr. PATTON] in the House of Representatives? Is it forgotten that our then chairman of Foreign Relations himself, [Mr. CAMBRELENG,] in his report to the House, declared that there was "satisfactory evidence that the French Government desired that the indemnity should be paid, and reason to hope that the Chamber of Deputies would faithfully discharge the obligations of France to the United States?" This report was made on the 27th February, four days only previous to our final adjournment. Yet, notwithstanding the obvious propriety of affording some time for deliberation; notwithstanding the chairman had been spurred, goaded, I may say, by the venerable gentleman from Massachusetts, [Mr. ADAMS,] he withheld his report till within a few days previous to the constitutional termination of the session. With these proofs before us, how can it be said there was at that time even a general expectation of war? For one, I could not bring myself to believe in the probability of such an event. War, sir!—for what? We have heard of wars of ambition, of conquest, of revenge, of policy; but who ever heard of a war of etiquette? And yet subsequent negotiations rendered it but too probable. Sir, history affords no instance of two civilized nations placed in a situation so ridiculous, and at the same time so perilous. We were brought, by the rashness and folly of those to whom we had intrusted our destinies, to a point from which it was ruinous to advance, and disgraceful to retreat; and we were snatched from the brink of the precipice, not by the good sense or ability of our negotiators on either side, but by the kind offices of a friendly Power, or the providential interference of Heaven.

But my colleague denies that the President recommended reprisals, or that reprisals are cause of war. I confess I was surprised at this. When he shall read the message again, he will find that the measure was recommended in terms too strong to admit of doubt. It is true the President leaves the time to be decided upon by Congress; but he follows up this concession, with an explicit opinion, that if the appropriation should not be made "at the next session, every day's delay on our part would be a stain upon our national honor," and adds:

"Since France, in violation of the pledges given through her Minister here, has delayed her final action so long that her decision will not probably be known in time to be communicated to this Congress, I recommend that a law be passed authorizing reprisals upon French property, in case provision shall not be made for the payment of the debt at the approaching session of the French Chambers."

Sir, it is impossible to doubt the meaning of this recommendation, or not to know that, had it been adopted, we should now have been in the midst of a bloody war. It will not do to say that reprisals are no cause of war; it matters not what may be the doctrines of Puffendorff or Vattel; the first blow that should have been struck on the ground of reprisals, would have been instantly retaliated.

My colleague seemed conscious of this, and willing to excuse the Administration by imputing the danger of a collision with France to the opposition, or the opposition papers in this country. He referred to an article in the National Intelligencer.

Mr. GARLAND briefly explained. The articles in the National Intelligencer persisted in the assertion that the message conveyed a menace, and that the French Government ought so to consider it; and they also stated that the people of the United States would not sustain their own Executive in his recommendations. He had not said a word about the motives of the parties, but had stated the fact as it was.

Mr. ROBERTSON. Sir, I cannot believe that the French Government consulted Messrs. Gales & Seaton to know what was due to itself, or as guides to direct its course. The President and his party disclaimed all intention of a menace; and it is, indeed, a flattering compliment paid by my colleague to the Intelligencer to suppose that more credit was attached, in France, to the views and statements of that paper, than to those of the Executive, its supporters, and its official organ. But we have peace: and rest the blame where it may of having endangered it, we have all cause to rejoice at its restoration—doubly so when we look to the manner in which the petty war in Florida has been conducted. Under this military administration we have seen three major generals, with a force of some twelve or fifteen hundred men, employed against a far inferior force of Indians. A gallant corps of upwards of one hundred of our countrymen has been cut off almost to a man. In the brief space of two or three months, we have appropriated upwards of eleven hundred thousand dollars; and if reports, apparently authentic, are to be credited, to such extremities have our troops been reduced, that they have been under the necessity of shooting away the traces of their wagons for ammunition, and using their horses for food.

Mr. Chairman, I am sensible of having too long trespassed on the indulgence of the committee. Some apology will be found, I trust, in the vast number of important topics brought under discussion by those who have preceded me. I have endeavored to touch them as briefly as possible. Before taking my seat, there is one other subject on which I beg leave to say a few words.

My colleague, in the course of his remarks, directly brought into view the approaching presidential election; and, to my great surprise, entered into a vindication of the Baltimore caucus.

Mr. GARLAND said he had not introduced these subjects, but only referred to them in reply to the gentleman from Tennessee, [Mr. BELL.]

Mr. ROBERTSON. If the gauntlet was thrown down on the one side, it was readily taken up on the other. I impute no blame to my colleague; but if it was lawful for him to reply, I presume I have a right to follow him. I agree with gentlemen who say that this Hall ought not to be converted into an electioneering arena: but it is a wholesome practice, occasionally to review, with the utmost freedom, the course and policy of the Government; to examine how far they accord with those fundamental principles of which my colleague speaks, and on which our institutions are founded; to guard against the approaches of despotism. Nor should we be deterred from this review because some of the topics which lie in our way may be thought to bear on the pretensions of candidates for the Presidency.

Sir, in my humble judgment, there has been a palpable and dangerous attempt, on the part of the President, to interfere in the approaching election of his successor, and to give the influence of his name and power to the support of his favorite candidate. The charge of dictation, I know, is denied; but the letter itself, containing the denial, leaves no room to doubt that the attempt was made, as far as it was prudent to make it. I request that the Clerk may read it.

The Clerk read the letter from General Jackson to Rev. James Gwin, as follows:

WASHINGTON, *February* 23, 1835.

MY REVEREND SIR: I observed in the National Republican of the 10th instant, an article headed "General Jackson's preference," which I think it my duty to notice.

All my friends know, that since I have been in the Executive chair, I have carefully abstained from an interference with the elective franchise; and have invariably acted upon the principle that to the people belonged the exercise of this sacred right—uninfluenced by any considerations but those which related to the public good. And yet the editor of this paper professing to entertain great respect for my character, undertakes to connect me personally with an attempt to divide the great body of republicans in the choice which they are to make of a President; and, by way of giving effect to his insinuation, appeals, in the language of my bitterest enemies *here and elsewhere*, to the independence of the people as a shield against "my dictation," which he supposes may be attempted.

Every one must see that the professions of the editor in that article are made to take the form of friendship, in order that he may more successfully carry out his purpose of opposing the great republican principles which I have endeavored to advance as President of the United States; and one of which, not to say the most important, is the necessity of looking above persons in any exigency which threatens the ascendency of those principles. All my friends must perceive that, to be consistent, my preference, as far as men are concerned, ought to be for him that is most likely to be the choice of the great body of the Republicans; and yet, *if* this individual should *not* be Judge White, the editor of the Republican is ready to cry out "dictation."

Under such circumstances, seeing also that there are various misrepresentations of my views on this subject, I commit this letter to your discretion, in order that you may do me justice.

You are at liberty to say on all occasions, that, regarding the people as the true source of political power, I am always ready to bow to their will and to their judgment; that, discarding all personal preferences, I consider the true policy of the friends of republican principles to send delegates fresh from the people to a general convention for the purpose of selecting candidates for the Presidency and Vice Presidency; and that to impeach that selection before it is made, or to resist it when it is fairly made, as an emanation of Executive power, is to assail the virtue of the people, and in effect, to oppose their right to govern.

I send the paper containing the article I refer to, and request you to show this letter to the editor, in order that he may no longer misrepresent me. Acknowledge the receipt of this letter. I am, in haste, your friend,

ANDREW JACKSON.

The Rev. JAMES GWIN, *Nashville, Tennessee.*

Mr. R. continued. This letter has been published by authority. The writer had too much tact, he knew too well the character of those with whom he had to deal, to venture on an absolute command. The American people may be led; they cannot be driven. But he announces his preference in language too plain to be misunderstood. The expression, "and if that preference should not be for Judge White," removes all doubt upon this subject. Why was this preference disclosed? What occasion was there, if the object was merely to disclaim all intention of interference, to allude to his individual preferences or objections? Can the design be doubted? But, sir, he goes further. He points out plainly the manner in which that design is to be accomplished. It is true he professes to bow to the will of the people. Few men have ever attempted to control or sway the people but by courting their confidence and invoking their aid. Bonaparte, Cæsar, Cromwell, all bowed to the will of the people. What could a single man effect against opposing multitudes? Yes, sir, he regards the people as the source of political power; he does not mean to dictate, but he considers the true policy of the friends of republican principles to send delegates, fresh from the people, to a general convention, for the purpose of selecting candidates for the Presidency and Vice Presidency. Here is no interference; the President only gives his opinion of the true policy which the friends of republican principles should pursue, and then tells us, "that to impeach that selection before it is made, or to resist it when it is fairly made, as an emanation of executive power, is to assail the virtue of the people, and, in effect, to oppose their right to govern." Now, sir, was it not universally known who was the President's choice? Does any man doubt that he meant by the "friends of republican principles" his own supporters and the friends of Mr. Van Buren? Was not the fact that the convention was actually called for the purpose of nominating Mr. Van Buren, as well known before the nomination was made as after?

If any doubt existed previously of the disposition of the President to interfere, the publication of this letter utterly dispelled it. It means, in plain English, I prefer Mr. Van Buren as my successor; I recommend a convention to nominate him, and regard all who shall oppose the nomination as enemies of the country. How my colleague and his political friends in Virginia will reconcile their disobedience to the will of their chief, I know not. It is true they seem willing, for the most part, to concur in the nomination of Mr. Van Buren; but they could not go all lengths. They may be brought to support for the Presidency a Missouri restrictionist, a supporter of an odious tariff, and of the right of Congress to abolish slavery in this District; but they have ventured to resist the nomination, for the inferior office of Vice President, of one whose tariff and internal improvement doctrines surely cannot be more difficult to digest. Yes, they not only dared to impeach this nomination, before it was made, but have resisted it since. I fear, sir, they must be regarded by the faithful as deserters from "the party;" or rather I trust they will; for they would deserve honor instead of censure for de-

serting a party which has deserted its principles.

When we reflect upon the vast magnitude of the powers wielded by the Executive; the influence exerted over both Houses of Congress in the selection of committees; in the use of the veto; in the nomination of members to office; and in substantially assuming the entire power of appointment; when we see the connection established between the moneyed capital of the country and the political power of the Executive, and the enormous patronage bestowed by the Government upon the political press; when we consider the host of officers, civil and military, who draw their daily subsistence at the will of the President, and his power to strike off every officer from the rolls of the Army or Navy, without even the formality of a trial; more especially when we behold the manner in which these powers are exercised; we have but too much cause to entertain apprehensions for the duration of our institutions. Lavish expenditures are authorized; encroachments excused; abuses justified, inquiry even suppressed; and all this by a party calling themselves Democratic Republicans; all for the good of the people; in the name of the "Democracy;" yes, sir, of the modern Democracy, whom you may behold rolling along the broad avenues of this city, in splendid coaches, with white liveried servants, throwing their dust in the faces of the aristocracy traversing the sidewalks on foot. Abuses and assumptions of power have other objects than the good of the people. Nor are they who practice them entitled to the name of Republicans; they have but assumed the name, the better to assail the principles of Republicans. The wolf, disguising himself in the fleecy coat of the lamb, has gained admittance to the fold, and, assuming the rights of a conqueror, claims the spoils of victory.

DEPOSIT BANKS.

SPEECH OF HON. HENRY A. WISE,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

April 14 and 19, 1836,

On the resolution of Mr. DROMGOOLE, and his amendment proposed thereto.

On motion of Mr. DROMGOOLE the following resolution, submitted by him yesterday, was taken up:

Resolved, That the Secretary of the Treasury be directed to communicate to this House full information of the mode and manner of selecting banks in the several States or Territories for the deposit of the public money of the United States; of all contracts, agreements, or stipulations entered into with said banks for the safe keeping of said moneys; that the Secretary of the Treasury also state what agents have been employed, the nature and extent of their agency, and the compensation which such agents have received in any way from the Government of the United States; and that he also state what officers or agents on the part of said banks have in any way participated or been instrumental in the formation of any such contracts, agreements, or stipulations concerning the deposit and safe-keeping of said money in said banks.

The resolution having been read, Mr. WISE rose, and moved to amend it by substituting the following in lieu thereof:

Resolved, That a select committee be appointed, with power to send for persons and papers, to inquire into the mode or agency of selecting the banks of deposit for the public money; the contracts with the Treasury Department by which they are regulated; the manner in which, and the persons by whom, such contracts are or have been made; into all correspondence whatsoever touching contracts for the deposit of the public money; and into all connection or relation, official or unofficial, which exists or has existed, between any person or persons and the Treasury Department, or between them and the deposit banks, or any individuals or banks, touching the custody and the control and deposit of the public money; or between any Department of the Executive and any individual or individuals or banks, touching the disbursements of the public money, appropriated or unappropriated by law; and into the amount of compensation of any or all agents whatsoever, official or unofficial, connected with the said Department, or said banks, touching the disbursement, safe-keeping, or deposit of the public money; and that said committee have leave to report by bill or otherwise.

Mr. WISE said: I rise to offer an amendment to the resolution of my colleague, and I will endeavor to show the very material difference between it and the resolution for which it is offered as a substitute.

The most striking difference is, that the resolution simply proposes to direct an inquiry of the Secretary of the Treasury; and my amendment proposes to appoint a select committee, with full powers to investigate, by the oaths of witnesses, the whole subject of keeping and disbursing the public money.

The only objection which I can anticipate to this amendment, in respect to this difference between it and the resolution, is, that it is contrary to parliamentary usage to institute a committee of investigation before an inquiry has been addressed, in comity, to the Department, and until such inquiry has been answered in an unsatisfactory manner. Permit me to say, sir, that this rule of parliamentary usage has been already complied with, and in such a manner, by the Secretary of the Treasury, as forbids a moment's delay of investigation, or the least indulgence of comity.

It will be remembered, sir, that, during the last Congress, the Senate of the United States addressed an inquiry similar to that of my colleague, but in fact more full and more searching than his, and that inquiry, in 1833–34, was answered. The answer then given I considered, and still think, was unsatisfactory and false. If it was not the "*expressio falsi*," it was the "*suppressio veri.*" In consequence of my conviction and impression as to the character of that answer, and prompted by information which I had obtained since the commencement of the present session, as to the relations of "a certain Reuben M. Whitney" to the Treasury Department and the deposit banks, I offered the proposed amendment as a distinct and independent proposition to investigate those relations "touching the deposit, safe-keeping, and disbursement of the public money." Thrice and again did I offer this resolution, and I hope it will not soon be forgotten by the American people, as often was it rejected by "the party."

The representatives of the people having again and again refused to grant the power of investigation, with a majority of the friends of the Secretary in the House, the inference was becoming too strong that an investigation was dreaded. Accordingly, sir, in the Globe of the 9th instant we see Mr. Secretary Woodbury giving the cue to "the faithful;" and for the first time in the history of our Government does the head of a Department stoop from his high elevation to the editorials of the "official organ," to answer "by authority" an inquiry which had not been made, and to suggest to his friends his preference for a simple inquiry, when an investigation was asked, if not to dictate to Congress the mode of its proceeding in guarding the public money under his control! In the editorial to which I allude, and which I beg leave to read, my colleague and the House will find every inquiry embraced by his resolution anticipated and answered:

"Mr. WISE.—This individual, in a resolution which he has three times called up in the House for immediate action, is but acting anew the panic scenes in the Senate in 1833–34. Then the Secretary of the Treasury was called upon for copies of contracts made by the Department with the deposit banks, correspondence with them, and even the amount of stock that officer held in one of them; also, whether an agent was employed to superintend the deposit banks; if so, by what authority he was employed, and how much he was paid, and out of what fund, &c. To all these inquiries prompt answers were given, and to the latter, that no agent had been employed by the Department. We have good reason to believe that any information which Mr. WISE may wish, concerning the deposit banks, in possession of the Treasury Department, he can readily obtain, by applying for it, without the aid of a formal resolution; and in relation to an agent to superintend the deposit banks being employed or paid by the Department, we are authorized to say the same answer would be given to such an inquiry as that made to the Senate in 1834.

"The insinuation made by Mr. WISE, that some person, as an agent of the Secretary of the Treasury, or of the deposit banks, is employed in deciding on their selection, or in taking security from them, is without the least shadow of foundation. All these arrangements, we are authorized to say, are made between the public authorized officers of the Treasury Department and the banks only.

"So far as the resolution of Mr. WISE refers to a 'certain Reuben M. Whitney,' and his agencies for the deposit banks, and the compensation which he receives from any of them, he (Mr. W.) has already, over his own signature, given to the public the nature of the same; and, although these may be considered matters purely and altogether of a private nature, yet we believe that Mr. Whitney will not hesitate to answer any question relating to them which may serve to gratify the curiosity of Mr. WISE."

Thus, sir, adopting the answer of Mr. Taney in 1833–34, and having already said, before inquiry, "thus far will I answer and no further," why should we delay investigation by instituting an inquiry already answered by this authorized editorial? Is the object of my honorable colleague to give the pilferers of the public purse more time to pick and steal? The answer which the Secretary says "by authority" he will give, is exactly the answer I expected he would give. And it is to test the truth or falsehood of that very answer that I demand a committee, with power to send for persons and papers. I here charge that answer of 1833–34, as now adopted by the present Secretary of the Treasury, to be, at this time, false and deceptive; if it speaks truly, as far as it speaks at all, I believe it can be proved to be false in suppressing the truth, or in not telling the whole truth. I ask for the power to procure this proof; and am I to be told that I must again inquire of the culprit whom I charge with having already answered falsely?

But, sir, let us suppose that usage will not be complied with by adopting the amendment which I propose as a substitute for the resolution of my honorable colleague. Still the objections to the adoption of that resolution are insuperable, and the reasons for departing from usage in this case are conclusive. Admit that Mr. Secretary has given no answer, and that this House should not compromit its dignity by noticing editorials in the Globe as official communications, it is sufficient objection to my mind to a mere inquiry that Mr. Secretary himself has "by authority" invited, suggested, or even dared to intimate the course of an inquiry, when the question of examination by the oaths of witnesses was pending. It seems to me that by that "authorized" editorial in the Globe, Mr. Secretary did not so insolently and impudently mean to say "so far will I answer and no further," as he meant cunningly to give the cue to "the party," or crouchingly and craven-like, to beg his friends to screen him from the scrutiny of a committee. The one interpretation or the other must prevail to convict him of insolent dictation, or of guilty timidity. Sir, I am bound to believe that my honorable colleague did not take the hint from the Globe to offer his resolution, but I must say it comes at an ill-omened time for the reputation of the Secretary, and he ought scarcely to expect us to yield that to dictation which is due only to courtesy, or to yield that to charity and mercy which is due to truth and the country. Why, sir, did not the House permit me to introduce my resolution, so that the main question might have been put upon its adoption before my colleague offered his, to which mine is an amendment, which may now be cut off by the previous question whenever the friends of Mr. Secretary choose? Why is the course which Mr. Secretary prescribes given precedence to that which a Representative of the people demands, to investigate Mr. Secretary's own conduct in keeping and controlling the money of the people? I am sure, sir, that my honorable colleague did not offer his resolution of inquiry merely because Mr. Secretary has requested it; but I shall assuredly vote against the adoption of his resolution, for the very reason that Mr. Secretary himself asks that an inquiry of himself only shall be instituted. Sir, put here to guard the Treasury, am I discharging my duty to my constituents when I permit those who have the keys of the coffers to prescribe the mode of proving their honesty? Put here to judge of the conduct of executive officers, and to investigate that conduct strictly, am I to be content with the mere "*ipse dixit*" of the officer himself as to his faithfulness and purity? Is it to be expected that I will trust to the mere word of an officer, not an oath at all, who asks me to take that word alone when I require him to be put upon his oath, and wish to call other witnesses? Is not the request by him, to ask him simply whether he be guilty, and not to try him by proof, enough to raise the suspicion at once that truth and honesty both require a trial upon oath? Sir, this intimation of Mr. Secretary, more than any other cause, has made me eager for an investigation for the sake of the country, and should make his friends still more eager for the sake of his own reputation. It will no doubt be much more agreeable to Mr. Secretary to answer an inquiry, addressed to him sitting in the big chair of his office, which he may answer fully or not as he pleases, than to respond on oath to interrogatories addressed

to his conscience, not to his good pleasure; and inasmuch as he has presumed to ask for the one course to avoid the other, I am for bringing his dignity down to the lowly level of an honest man. I am confident that the chance is much better of getting the truth from the witness-stand than from the Treasury Department. But, will gentlemen say, if Mr. Secretary has answered falsely, will you not allow him to answer over again?

Sir, this brings me to a still more valid objection to the resolution of my colleague. If there be anything false or foul in the relations of Mr. Secretary with R. M. Whitney, is it to be expected that he will himself expose it? Does not every lawyer know that felons at the bar of justice will, nine hundred and ninety-nine times in a thousand, plead "not guilty?" Was it ever heard of that the mere response of the suspected or accused should be taken as evidence of innocence, or evidence in any sense? And if, sir, the resolution of my colleague prevails, I fear such will be its tendency and effect. Gentlemen tell me, "Let us have the answer of the Secretary first, and then, if it be not satisfactory, we will grant you a committee!" And is this to be the door of escape from investigation? Do gentlemen expect to deceive or cajole me with fair words of promise like this? Ay, sir, a committee will be granted if the answer be not satisfactory! Satisfactory to whom? To me or to the "faithful?" Do I not know, sir, now beforehand, that a whitewashing answer will be returned, glossing over all fraud and peculation, concealing the agents at least of speculation on the public moneys, making all fair and comely and satisfactory to the blind devotees of "the party?" Have I not, from what I have already seen here, the best reasons to fear that "the party" will refuse a committee after such an answer, because to allow investigation will be to impugn the answer of Mr. Secretary? And, sir, will not Mr. Secretary's self-acquittal be held up as evidence not only of his own innocence of any the least improper connection with R. M. Whitney, or of any other malfeasance touching his office, but of Whitney's purity, and of the wickedness, too, of those who suspect or accuse these *par nobile fratrum*? Sir, let this resolution be adopted; let the Secretary of the Treasury have leave to answer, not on oath or cross-examination, in vindication of himself, and not only will he be made innocent, Whitney not proved guilty, the deposits left the easy prey of corruption, but you and I, and every man who has dared to intimate a suspicion, will be held up to odium and abuse! I, therefore, now say, once for all, that I am no accuser. I have not the evidence upon which to found an accusation. But I know and believe enough to make all desire an investigation. I am not, sir, to be caught in any Ninian Edwards prosecution; but, be it remembered, if there be no investigation, it will not be my fault; and if guilt somewhere be not proved, it will be for the want of power to call upon witnesses to testify. Will my colleague lend himself to this easy mode of escape to the suspected? Will he assist in setting this dangerous trap for the innocent? I am sure, sir, that no stern republican will fail to do everything in his power to protect the public purse, and no Virginian will aid the agents of corruption to shift their odium upon those who would expose their guilt. He who will knowingly and willfully assist in screening corruption is himself corrupt; and I now say in advance, that if the course which I fear be pursued, it will be proof conclusive that there is the foulest corruption in the Government—not a mere corruption of ambition for office or station, but base mercenary corruption of avarice for gold; and he will be blind who cannot see who are its agents.

But, sir, if usage heretofore has been with my colleague, and against the course I propose, yet I think the last chapter of our experience in relation to inquiring into the abuses and corruption of the Departments should teach us to abolish a usage which has worked so much detriment to the public. I beg gentlemen not to forget so soon the history of the investigation of the Post Office Department. Loud complaints were heard of malfeasance and corruption there. Suspicions were entertained and expressed, proofs known to be in existence, and charges were openly made. Power and its party affected, as in this instance, to treat the complaints, suspicions, and charges as a false clamor of opposition. Inquiry after inquiry was made, and the invariable response from the guardian watchman was, "all's well!" and all were bound to believe it. Defiance even was hurled at the effrontery of bare suspicion, and loudly was innocence and purity pretended, even after investigation began to probe the ulcers of corruption. The Senate's committee were not believed, and it was a duty of party allegiance to cry out, "false accusation!" At last the committee of the House was appointed, consisting of a majority of "the party" itself; and, after long and laborious examination, it came out slowly, and not until a particular juncture, when certain of the "knowing ones" began to love Mr. Barry's place better than his peace or his party, that there had been embezzlement, fraud and corruption enough to render the Department insolvent, and to bring the name of an honest and honorable man (Mr. Barry) almost to infamy and contempt. The truth was exposed at last, but too late to save the money. The rogues had deceived Mr. Barry, pocketed the money, and most graciously resigned office to escape conviction, and to enjoy their ease and their gains! Is this scene to be acted over again? No, sir, not with my consent. I am for pouncing upon them now in the act of pilfering and plundering the Treasury, and detecting the thief in the "mainour." What care they for reputation, when they have once got the plunder? The people's money will make them many friends. And we are to be pausing here upon a point of etiquette with one of the suspected, who will be glad, perhaps, of the opportunity to quiet our fears yet awhile longer, whilst the plunderers are at their work, and the thieves are "taking and carrying away!"

I am, therefore, for abolishing so costly and corrupting a usage, admitting it to exist, and not to have been complied with in this case by an answer already made in advance. What were the moneys of the Post Office Department compared with the entire revenue of this country, with a surplus in its Treasury of more than forty millions? A drop in the bucket—a rivulet to the ocean. I am for going into the investigation, then, immediately, probing this matter to the core, and saving the public money while it is still in my reach, if it is so, and saving the public morals before they become stale. Such are the first objections to the dilatory, ruinous, and whitewashing course proposed by my colleague.

But, sir, I have said that the Secretary has given an answer already "by authority" in the Globe, and, I repeat it, that answer is false. If such a committee as I propose is granted, I will prove that answer to be a willful suppression of the truth. I hold Mr. Secretary responsible for the whole editorial in the Globe; and what does it say? "No agent had been employed by the Department." And further the respondent answered not, though he knew that an agent had been, and was then, and knows that he is now, employed by the deposit banks, by virtue of contracts with the Department, and, in some instances, upon its recommendation! Mr. Secretary also very officiously gives me "reason to believe" that "any information I (Mr. WISE) may wish concerning the deposit banks, in possession of the Treasury Department, I can readily obtain by applying for it, without the aid of a formal resolution." This is most gracious and obliging! I wish to know something about Reuben M. Whitney, and Mr. Secretary kindly offers to inform me about the deposit banks. I wish to be informed of the unrecorded transactions between him and Whitney & Co., and he pertly offers to give me any information, "in possession of the Treasury Department," as to banks, not Whitneys! I wish to examine him upon oath, under the authority and sanction of this House, and he gives us "reason to believe" that he will tell us anything but the very thing we wish to know, "by [my] applying for it without the aid of a formal resolution!"

And, sir, has it come to this, that subjects of such immense magnitude, involving the whole revenue, commerce, trade, and credit of the country, the integrity of Treasury officers, and the corruption of Treasury agents, the safety of the public moneys, and the preservation of the public morals, shall be inquired into by the Representatives of the people in this way? Shall Mr. Secretary thus taunt a Representative with his inability to detect abuses, and his own power to stifle investigation? Am I, are we, individually to bow before him for secret information touching the most vital public trusts, which he should be impeached for concealing, if he has concealed it from us as a House of Congress? Are the public functionaries, and especially he who holds the purse strings, to be held responsible only so far as they may choose? Shall Mr. Secretary keep a part on the record and a part in his own bosom, and deal out the evidence as he pleases to individuals who are curious, and not be forced to testify on oath as to the whole truth before the people's Representatives? Sir, I would spurn the act of applying to him for information, who has already told me he will not answer truly. I will not condescend to ask him on his own terms, when I am convinced that they are in fraud of my country, and when I have proposed terms of my own which he will not and, I believe, dare not accept. I will not inquire as *Mr. Wise*, for mere curiosity, when I feel bound to investigate, from a sense of duty, as a member of Congress. I will not apply to a man for evidence against himself, when I believe that I have no need of his confessions to convict him of falsehood, if not of corruption. And if this is to be the medium of light and knowledge to the people of their public men and their measures, darkness will indeed so cover the land, that power may without fear conceal the abuses which it commits with impunity.

He has also informed us that "the insinuation that some person, as an agent of the Secretary or of the deposit banks, is employed in deciding on their selection, or in taking security from them, is without the least shadow of foundation." Now, sir, this, too, is a perfect special plea. Here, for the first time, does the "authorized" editorial speak in the disjunctive or alternative of an agent of the Department or of the banks, but as to an agent for what? For "deciding on their selection, or in taking security from them." "All these arrangements," says the answer, "are made between the public authorized officers of the Treasury Department and the banks only." But are "these arrangements" all? The Secretary, no doubt, decides upon selection, takes security, and the two contracting parties, the banks and the Department, contract; but who is the "*internuncio?*" Who secretly corresponds? Who reports upon the safety or solvency of the banks selected, or to be selected? Who reports officially or unofficially, I care not which, upon the policy of selecting or continuing this or that bank of deposit, with a view to political party effect? Who is paid tribute for these offices? By whom? How much? Has any one, by this position, the whole money-power of the Treasury, and the unlimited power of the credit of thirty-five banks? How is that power used or abused? Who is responsible? Who has the profits? Who suffers? Sir, we are told that all these "matters" are "purely and altogether of a private nature," and perhaps Mr. Whitney will condescend "to gratify the curiosity of Mr. Wise!" Sir, is not this bold effrontery, this hardihood of corruption, worse than the loss even of the public money? Shall we permit corruption to grow so bold as to beard us in our seats, and so strong as to plunder in open day? Is the rogue, with the purse in his hand, thus to taunt us by shaking it in our faces?

Have gentlemen so soon forgotten the doctrines and practices of the "party" in relation to the "fair business transactions" of the Bank of the United States? Do they not remember how far the committee of Congress, in 1832, went into the investigation of the private transactions of Thomas Biddle & Co, and of Noah & Webb, with the Bank of the United States? And are not the gentlemen of the committee of the last Congress, who proposed to go much further against that fated and doomed institution, not now here present? and will they change their tone of investigation upon a change of the deposits? and will they not assist me in ferreting out the private transactions of R. M. Whitney with the Department and the pet banks?

But, sir, I do not ask an investigation of private and individual concerns and transactions. These banks may pay their own agents touching their own affairs, what they please; I wish only to know whether they pay an agent properly ours, for his services and negotiations touching the deposit, use, and control of the *public* money? What right has any man, Department, or banks, to make their business, touching the public, secret? Surely an investigation to ascertain the real agents of the Treasury, and the unknown keepers, and disposers, and beneficiaries of the Government funds, is not an inquisition. The fact of R. M. Whitney having the use and control of the public money, if such be the fact, which I wish to know, makes his agency a public employment, no matter by whom, really or ostensibly, paid; and I wish further to know its uses and abuses. If it be corrupt, I wish to trace its relations to Mr. Secretary; and if he be corrupt, I shall demand his impeachment. I ask again, then, shall the secrecy and privacy of this agency screen it from investigation? Shall those who are secretly concerned be allowed to tell only what they choose?

Sir, the Constitution solemnly points out the manner in which officers shall be appointed. There are constantly many ways and devices practiced whereby to create and pay officers under the evasive name of "agents," without the knowledge of the Senate, who constitutionally confirm nominations which should be made, or of the House of Representatives, who should no longer aid the abuse by passing so many items for contingent appropriation, now become the substitute for the fund of secret-service money. This doctrine, by-the-by, of employing and paying agents, not named to the Senate, nor known to the appropriation bills, is working immense mischief in the Government; and I was sorry to see its principles and practices supported and justified the other day by a Virginian—my colleague, [Mr. MASON.] I ask now if Mr. Secretary shall, under its authority, clothe R. M. Whitney with all the attributes of an officer, and with more power by favor than he could possibly obtain for him by law, and then escape accountability for his malfeasance because he is not an officer under his control? By the same cunning invention, in fraud of the law and the Constitution, may not agents of every description be foisted into every Department? And, if in without being known to the law, and officers in fact without responsibility as such, will not their chances of pillage be multiplied beyond calculation, and the means of detecting them be impossible? Shall official corruption be cloaked under the mantle of inviolable privacy? Is the corruption the less dishonest or the less to be sought after, because it exists in secret, and is the more difficult to be found out? Shall we knowingly permit the very plan invented to deceive us to succeed? Do gentlemen expect deeds of darkness to be done in the day? Will they not investigate until crime is already public? Can there be no corruption which is not official? Is Whitney purposely not made an officer or agent of the Government in order to avoid all manner of responsibility as a private agent of the banks? Are public officers to be converted thus into private individuals and official responsibility into private trust? Privacy, sir, secrecy! is all they ask to perpetrate their deeds of darkness; and shall we not hold up to their deeds the light of truth? By a patent slime of corruption shall these eels of filthy pools be made to elude the grasp of investigation? Never! with my consent.

But, sir, the difference between an inquiry and a trial is not the only, though the chief difference between this resolution and the amendment proposed. If the resolution of my honorable colleague be critically examined, it will be found that it could not be more artfully drawn than it is to correspond exactly with what we may now certainly, "by authority," anticipate will be the answer to it by Mr. Secretary. It does not inquire even as far as justice to truth and the country demands. It asks only such questions as Mr. Secretary has said beforehand he will answer, and none whatever that he has evidently shown a disposition to evade.

To understand the extent of the difference between the resolution and amendment, we must understand, or keep in mind, the nature and character of the agency employed by the Department and paid by the banks to be inquired into or investigated. An agent, sir, is not required so much by the Government to select these deposit banks, and make contracts with them, as he is required for the purpose of obtaining information concerning them, upon which Mr. Secretary may decide upon their selection, and upon the formation of contracts with them. The agent does not select, he does not contract with them; but he furnishes the information upon which selection and contracts by Mr. Secretary and the banks are based. I therefore go, first, beyond the mere "mode and manner" of selecting and forming contracts with the banks, and propose to investigate the character of all correspondence touching the public deposits.

What may we suppose to be the character of a correspondence between Mr. Agent Whitney and Mr. Secretary of the Treasury, in relation to a bank which is proposed to be selected and contracted with by the latter? If any such regular correspondence exists, will gentlemen not inquire into it? I believe, sir, that much would be found in such a correspondence to be dreaded. I believe, sir, that there it can be found that political considerations weighed heavier than all fiscal reasons for selecting and contracting with certain local banks. I do not charge the fact to be so. I charge nothing. I only wish to investigate whether the fact be so or not. I do not expect, sir, that investigation will find the fact to be so affirmatively. I presume that, if Whitney ever has recommended a bank from political considerations, it has been done negatively. He might, in a letter to Mr. Secretary, very properly say, for instance, that in this or that State or city there are several banking institutions, all equally sound and safe as to credit and funds, but that this or that bank will use the public money for political purposes, because its controlling officers and its stockholders are warm partisans of a particular party, and therefore it would be improper to select it as a bank of deposits; and he might recommend another bank, the officers of which might, in like manner, belong to another party, but who would not use the public money for political purposes. Poor human nature is weak! Now, which, sir, with Reuben Whitney, do you suppose, a Whig or a Tory bank, would be most likely not to use the public money for political purposes? A correspondence of this negative character has actually come to light, and the rogue has actually given it this turn. Again, sir, may not the hint sometimes be given that a bank may be bought to buy up for "the party," which will buy up against "the party" if it be not bought? May not considerations of speculations in trade, too, be found hidden in letters touching the public deposits? What, in a word, sir, may not be found in the inner recesses of a Department with so much money held at will, and without check or watch? I wish to know all, and the people have a right to know everything touching their Treasury.

But, sir, the most important function of this agent is not only to obtain information, but to supervise and examine, and report upon the condition, the solvency, or insolvency of these banks, and to guard the safety of the public money. He may not select, he may not contract with these banks, and he may not be paid by the Government of the United States; but if he is the examining, the visiting, the reporting, or whatever other agent you may call him, who is, in a word, the eye of the Treasury Department over the safety of the public money, and consequently over the solvency of these banks, his trust is still more important and responsible. I, therefore, sir, am for investigating whether the Department has such an agent; for finding out "all connection or relation, official or unofficial, which exists, or has existed, between any person or persons and the Treasury Department, or between them and the deposit banks, or any individuals or banks, touching the custody, and the control, and deposit of the public money." Nothing of this inquiry is embraced by the resolution of my colleague. Will not gentlemen go beyond his inquiry into this important field of investigation? Ought we not to see that our moneys are safe, and by what means they are guarded? Sir, we are already told that no agent is employed or paid by the Department. But it is notorious there is such an agent to supervise and report upon the condition of these banks. By whom is he employed and paid? Is it possible that he is paid by the banks themselves, which are to be watched and guarded? I demand to know if this be the fact. If so, it is ground alone for investigation, for it carries fraud and corruption on the face of it. It is flagrant robbery of the Government. Sir, we are told that Argus of old had a hundred eyes, employed and paid by the jealousy itself of Juno, to guard Io, the mistress of Jupiter—a hundred eyes to watch a single heifer, and they were all soothed to sleep by the harp of Mercury. Now, sir, our Argus of the Treasury has but two eyes to watch thirty-five banks, by whom he is employed and paid to guard themselves! Sir, do you suppose that either of those two eyes is for the Treasury, or that one is not for himself first, and the other for the thirty-five banks next, as surely that the dog will lick the hand that feeds him? Whom do you suppose that Reuben M. Whitney, thus employed and paid, will serve—God or Mammon?

But, sir, the amendment goes beyond the resolution still further in proposing to investigate the manner in which the public moneys, appropriated or unappropriated by law, have been disbursed or used, as well as deposited, by the Executive Departments and their agents. Let me be distinctly understood by the House as making no charge whatever in advance by the supposed statement which I will give in illustration of the object of this branch of the investigation. The last Congress made a very large appropriation to a certain public work, which, with an unexpended balance of appropriation before made, amounted to little less than six hundred thousand dollars. Heretofore, superintendents of public works have been employed, whose business, I believe, it was to supervise the contractors, and to disburse their pay in the usual form of checks upon some convenient bank or banks of deposit; but suppose that, in the late instance of disbursing the appropriations for the work alluded to, this mode was somewhat changed, and the whole amount of nearly six hundred thousand dollars was placed in the hands of a single agent, in the form of a draft upon a deposit bank at Pittsburg; suppose this agent kept this draft ten months in his hands, until, by the assistance of "accommodations" and upon the credit of the draft, he could purchase up the notes of the Pittsburg bank upon which it was drawn at a discount of from three to five per cent. in the eastern cities, and that this agent thus realized some fifteen or twenty-five thousand dollars by the speculation on the public money. I ask gentlemen whether facts like these should not be brought to light, if they exist, and whether a mere inquiry addressed to Mr. Secretary of either of the Departments would be likely to develop the truth? Will this House aid these corrupt speculations upon the public moneys by refusing to investigate the truth of facts like these, believed to exist, and capable of being proved?

There is not time, we are told, at this advanced period of the session, to finish this investigation. Are we not sent here to do the work set before us? Come we here only to pass appropriation bills to pay these plunderers their salaries by law, in addition to what they get without law, and then go home? Shall we leave our posts without detecting the Treasury thieves, and without finding out their secret means of getting into the strong-box? Shall the public money be left open to plunder, and shall we throw no protection around public virtue? Sir, I consider this the most important subject with which we have to do—vitally more important than all the presidential questions since the formation of the Government; and I, for one, am willing to sit here until December, if I cannot sooner satisfy myself that the money of the Treasury is safe, and, what is more important, that the morals of public officers are as pure as human weakness will admit. It is a great mistake, sir, on the part of those who are interested to drive us from our posts as soon as possible, to suppose that the people are not anxious for us to do our duty, and that they are not willing we should take abundant time to do

that duty thoroughly and faithfully. Day after day gentlemen suspend the rules, or give universal consent, for the purpose of offering resolutions to inquire into the expediency of establishing a mail route, of granting a pension, of paying a private claim, or for any purpose, however trivial or unimportant, so it does not touch the subject of abuses; and yet they plead that they have not time to investigate the great and paramount subject of protecting your whole revenue from pillage, and your highest public offices from the most dangerous abuses.

Having shown the great difference, both in character and extent, between the resolution of my colleague and the amendment which I propose, here I might conclude; but, sir, I must inquire what now is the condition of your public moneys? They were once safe in the Bank of the United States. That institution was clamored down by "the party," under the weight of charges of corruptly using its funds for political purposes, and of being a dangerous commercial monopoly. The deposits were removed by an extraordinary exercise of Executive power, and the public moneys were taken into the custody and control of the Secretary of the Treasury, without regulation by law. The President of the United States has admitted that its custody and control belongs to Congress, but the Secretary of the Treasury must remain stakeholder for the Government until Congress directs by law by whom and in what manner the public money shall be kept. And in this character of mere stakeholder, until Congress passes an act, the Secretary of the Treasury, on his own responsibility, has proceeded, and without resort to Congress, even whilst in session, to form extensive contracts with numerous local banks for the deposit, safe-keeping, and transfer of the public money, and has assumed to himself solely the power of controlling these banks, and, through them, the entire currency of the country! As evidence of these facts, I refer to a circular of Mr. Secretary Woodbury, dated the 22d of February, 1836, in which he "requests that after the 4th of July next, the deposit banks will not issue notes of a less denomination than five dollars, and that, after the 3d of March, 1837, they will issue none of a less denomination than ten dollars." With what parade of dates does this potentate of the currency issue his "*sic volo*" in the form of a request. Dated on Washington's birth-day! To commence operation on five dollar notes on the day of the declaration of independence! And to annihilate all notes under ten dollars on the day when the presidential term of General Jackson expires! The object is to introduce the "golden age," and the reason given is that the "gold coined at the Mint will supply the place of small notes!" Sir, I put it to you, would not this be the very farce of humbuggery, if it was not acted by a Secretary of the Treasury who is thus attempting to cloak the most dangerous assumption of power, in perfect derogation of the power of Congress, by imposing upon the confidence of the people in a popular name? The Secretary proceeds.

"And it is deemed reasonable that while the deposit banks have the use, without interest, of unusually large sums of public money, they should make some further temporary sacrifices to obtain and circulate gold," &c.

Sir, here is an admission by the Secretary himself that these banks have "the use, without interest, of unusually large sums of the public money!" What right has he, a mere stakeholder—a mere guard—a mere servant, who should not dare to act until ordered by law—to give the use of a single dollar to a single bank, much more "the use of unusually large sums, without interest?"

When Congress, sir, exercised the power of granting a charter, or, in other words, of making a contract with the Bank of the United States, every consideration on both parts was openly expressed by law; and that much-abused institution was obliged to pay a bonus of $1,500,000, and to perform numerous and onerous duties, without charge or demand of interest on its part, for the Government, in consideration of being made the depository of the public money; but now the deposit banks are granted "great privileges from the Treasury, and have the use of unusually large sums," without bonus or paying interest, and without performing many duties which were required of the United States Bank. Who gave Mr. Secretary authority to give the use of such unusually large sums to one bank, and not to another? Does not the use of these unusually large sums give the deposit banks immense powers over the other local banks? Who gave him power to discriminate between them? And, above all, who intrusted him with the enormous prerogative of requiring any set of local banks to "make further temporary sacrifices to obtain and circulate gold," or for any object or purpose whatever? Sir, the answer is in what follows of the circular:

"From the liberal spirit evinced by these deposit banks, in a late correspondence with them on this subject, it is expected they will comply with all requests made by the Department, with a view of improving the currency, nor will it, I trust, be considered unjust or impolitic, while the deposit banks shall continue to enjoy great privileges from the Treasury, to regard a neglect or refusal of any of them to comply with these requests as sufficient cause for discontinuing the employment of such banks as a fiscal agent."

Here we see that the Secretary holds a most important correspondence with these banks upon a subject which he has no authority to touch, and to which no official duty of his properly relates. He expects these banks to comply with all requisites made by the Department; and why? Because he has assumed the power of making contracts with them which he can annul at his will, by "discontinuing the employment of such banks as neglect or refuse to comply with these requests." He expressly assumes to improve the currency by means of this power to employ or discontinue these banks as fiscal agents and directly admits that they "enjoy great privileges from the Treasury!"

Thus, without law or authority, or necessity in the case, has Mr. Secretary used the public moneys which he was bound to keep only, in acquiring and exercising powers which belong only to Congress; the powers of controlling the circulating medium and of regulating the currency—powers which belong only to State Legislatures; the power of restricting the issues of local banks, and of requiring sacrifices from them to bring gold into circulation; and powers which belong to no legislature or tribunal or person in the country—the power of granting to particular local banks "great privileges from the Treasury" "in the use, without interest, of unusually large sums of the public money!" Now, sir, I ask if relations like these existing between Mr. Secretary, who has thus acquired these vast powers, undelegated and unauthorized, and the deposit banks, thus enjoying great privileges from the Treasury, created solely by the public moneys, should not be investigated promptly and thoroughly. Mr. Secretary speaks of "restrictions on agents and officers of the Treasury." Who are these agents? Agents for what purposes? By whom employed, and by whom paid? This we are told shall not be investigated by us, for the very reason that Mr. Secretary is a mere stakeholder, and he is only responsible to us for the safe-keeping of the public money, and for its forthcoming when called for by law, until Congress passes a bill for the regulation of the public deposits. Consequently, sir, I find in the contract with the Metropolis Bank, which alone I have had an opportunity of examining, that it stipulates that the Secretary of the Treasury only shall examine its books and general condition. He may examine and report to us, but we are thus debarred, it is contended, from examining for ourselves into the condition of any other banks than those of the District. The Secretary is responsible to the nation, and the banks are responsible to him!

Now, sir, I am not for permitting Mr. Secretary to avail himself of a double aspect, in one point of view to avoid responsibility on the part of his fiscal agents to Congress—to assume the mere character of a stakeholder; and in another point of view, to justify his assumption of power in controlling the currency, to regard these local banks as properly fiscal agents of the Government, instead of standing in the mere private relation to him of places of deposit for the public money, which he, as an officer, is bound necessarily to keep merely until provision be made by law for its custody and control. If he is a mere stakeholder, he has no pretense of authority for the dangerous powers which he has so arrogantly assumed; and if he has authority for employing and regulating and controlling the fiscal agents of the Government, I hold him responsible for placing the public moneys in banks the condition of which cannot be examined by Congress, and for taking from Congress all power of supervision and guardianship over the public money, by the arrangements and contracts which he has made with these deposit banks. We may at least examine the contracts, the manner of making them, and the agencies employed in superintending their faithful execution.

Sir, I knew that the war waged against the Bank of the United States was a war of rapine and plunder by "the party." I knew that their object was to get possession of the public money for the very uses and abuses which they charged upon the monster, and they have fully succeeded! So I told my constituents two years ago; and I mourn that they are to be soon convinced of the truth of my prophecy. The public treasure is full to overflowing, and the nation is at this moment apparently reaping a harvest of unexampled prosperity; but there is a canker in the bud. The more money in the Treasury, the more danger to the purity of the Government; and the greater the excess of a bloated currency, the more painful and lingering will be the fiscal and commercial disease which is surely to follow. In both Houses of Congress now "the party" has a majority; the deposits have been removed more than two years, and I venture to predict that no law will be passed this session to take into the custody and control of law the public money, nor will the large surplus in the Treasury be distributed or disposed of in any manner to deprive "the party" of its uses and privileges in prospect of the coming presidential election. The present condition of the Treasury will not be disturbed, and no liberal system of distribution of the surplus revenue will now be adopted, for the best of political considerations, with a "spoils party."

No measure of this sort will be passed or adopted, because, in the first place, to touch the surplus revenue would be at once to lose it in the ruins of the deposit banks and their debtors. By the report of the Secretary of the Treasury made to the Senate April 18, 1836, it is shown that, on the 1st of March, 1836, "the immediate liabilities of all these banks" amounted to "about ninety-three millions, and the immediate means of all" amounted only to $38,000,000! These depositories of the public money being more than twice insolvent, and insolvent, too, at a moment when there is every prospect and indication of a general pressure and panic, by which they will be called upon immediately for all the means at their command. I sincerely hope they may survive the shock. But, sir, if the deposit banks were as sound and safe as the Bank of the United States ever was, there is still another more potent reason for retaining the public moneys as they are. They are wanted for the use of Reuben M. Whitney & Co. Will gentlemen please to inform me what consideration these banks pay for the use of the public deposits, except the "*douceurs*" or dividends which they pay to R. M. Whitney & Co.? Money, I am authorized to say upon the highest authority—I mean that of experienced and extensive merchants—was never in greater demand than it now is in the markets of all the great northern and eastern cities. The demand for it yields from two and a half to three per cent. per month, and from twelve to eighteen per cent. per annum. And whilst money is thus in the greatest demand, prices of everything are at the highest rate, and speculation is raging in every direction. He who can now lend money is realizing a vast profit; and at the same moment he who can borrow money at a fair rate is realizing at once a fortune. This, I hesitate not to say, is a forced state of things. It is produced by those who have the control of the money power. Who now has every facility of borrowing, of lending, and of investing? He who can borrow at six per cent. per annum, and lend at three per cent. per month; or who can now obtain any amount of money to invest in public lands, in the purchase of slaves, stock, town property, or anything else, is at once gifted with the touch of

Midas. Who now can obtain any "accommodation" from deposit banks, and every facility and indulgence upon discount or loan to any extent, which you nor I nor any one else can obtain? Reuben M. Whitney & Co.

Will not gentlemen inquire who are the partners of this firm of Whitney & Co.? I believe it is a rule of chancery that a party can compel one known partner to disclose all the unknown partners of a firm. It is the rule even at common law. My friend from Kentucky, [Mr. HARDIN,] who is the most distinguished lawyer in my eye, will set me right—if there be any secret and unknown partners, that the known partners shall not take advantage of the unknown not being named in the pleading, without notifying the adverse party of all the actual partners. In equity and good conscience, the people are entitled to a disclosure from this firm, which is using their money and endangering their best interests. Who, then, is included in that omnibus of all unknown partnership names—Co.? It is as notorious as any other fact, that "an agent," named Whitney, is the known partner. And who are his confederates? Who reports to Mr. Secretary? R. M. Whitney. Who corresponds with Mr. Secretary? R. M. Whitney. Who is the agent of the deposit banks? R. M. Whitney. And he who walks the streets by noonday sun may see the offices of Mr. Secretary and Whitney, side by side, under the same roof of a house rented, I believe, by the Government. There is no sign up of R. M. Whitney & Co.; but, sir, I believe that poor old Uncle Sam furnishes every dollar of the funds, and the entire stock in trade, without a farthing of the profits, and incurring all risk and paying all charges! This I denounce as a most stupendous fraud, a nefarious speculation upon the people, with the aid of their prejudices against a national bank. Thank God, the United States Bank is gone; and now, if the people have eyes and will see, they will discover the humbuggery and fraud which have been practiced upon their honest confidence by "the party" claiming to be their exclusive friends! Certain it is, that R. M. Whitney is employed and paid largely by some body or corporation. I believe it can be shown that he is paid, virtually out of the public money, a tribute from the deposit banks larger than the salary of the President of the United States. His agency is not officially recognized by Mr. Secretary, and yet the very contracts which Mr. Secretary makes with these banks, in conformity to the formula of Amos Kendall, who was scouting agent of the Department, show on their face that such an agency is contemplated and expressly stipulated for.

It can be shown that these banks pay large stipends to this agent, in proportion to their amount of deposits in each respectively, and upon the recommendation of the Department. The deposit banks have the use of the public money without interest, when it can be proved that a number of banks, equally sound and safe, have bid, or are willing to pay, as high as from two to three per cent. for the public deposits. The surplus revenue alone, not wanted, not called for, remaining with the banks, is exceeding thirty millions, at least, and the amount of interest which might be got on that sum may be safely stated at one million per annum; a sum now wholly lost to the Government, and pocketed by Whitney & Co.! How much out of this one million per annum may not these banks well afford to pay their guardian angel and our faithful agent? He may get $20,000, and $100,000 may be well afforded. But how much more may they not spare, if, as I believe, instead of discounting on this money in the regular way, they put it in the hands of brokers, and realize on a large portion of it from two to three per cent. a month? Whitney may get his *douceurs* for selecting, his tribute for the good will of continuing in employment as fiscal agents, and his advantages of accommodation merely by way of "extras;" and then, in addition, he may be of a firm—a Co. which divides regularly the immense profits of shaving upon the people's money. Sir, let me illustrate. There are about ten millions in the three pet banks of New York. Is this sum all loaned out in the ordinary way of discounts? I am informed not. By a law of the State of New York, all the banks are restricted from discounting for any amount beyond twice and a half their original capital. According to the report of the Secretary, the capital of the three banks in New York, Bank of America, Manhattan Company, and Mechanics' Bank, amounts to $6,051,000, and the deposits in them to $9,941,000—to once and a half the amount at once of their capital. It is to be presumed that they had discounted to the full amount allowed by law before they became depositories of the public money. Now, sir, do gentlemen suppose they let this sum of $10,000,000 lie idle in their vaults if they cannot discount upon it, or a large portion of it? May it not be used by the directors and their friends in stock operations, and shaving notes to the tune of two and three per cent. per month? Have the stockholders any of this plunder? Doubtful, as they have only the right to demand the profits on the original capital of the banks. May not the directors place this surplus money in the hands of a trusty broker? By whom is the Manhattan Company managed? By the attorney of a foreign nobleman, who owns the majority of the stock. Who are the brokers of this bank? Is not their office called the "Young Manhattan Bank?" Sir, if a poor devil has his paper thrown out of bank, cannot this "Young Manhattan" accommodate him with a check on the "Mother Manhattan," provided he will pay for it? Cannot these brokers, by means of the public money, control the stock market, and raise or depress the stocks at pleasure?

[Here Mr. WISE read an extract from a letter received from Pittsburg, inquiring "how it happens, if the deposit banks are intended to supply the place of the United States Bank, that the Merchants and Manufacturers' Bank at Pittsburg is now discounting notes of many other institutions at half and one per cent., and among that number the notes of the pets at Cincinnati and Louisville, the pets of Indiana, Illinois, and Michigan excluded entirely?" and stating "it is a notorious fact that the majority of the money received in payment for merchandise in this city is money of the western banks, and some remedy ought to be adopted to prevent these evils of shaving, especially where the pets are guilty of keeping a broker's office."]

Yes, sir, at this very moment, whilst the infamous Globe is charging upon me the design of producing a panic, its editor (Blair) knows that R. M. Whitney & Co. are committing that very offense themselves; that it is their interest to do so, and that they can do so with tenfold more effect than ever could the great monster itself. They have the entire control of the public moneys and of the deposit banks; may curtail and discount at pleasure; make a run for specie; transfer funds and concentrate the money power; raise and depress stocks; make the circulating medium scarce or plentiful, and produce panic and pressure when and where their interest and policy may dictate. There is every inducement, then, on the part of Whitney & Co. to conceal this dangerous organization of a money plot from the public eye.

Sir, the public money belongs to all the people alike. If there are advantages in its use, the constituents of us all should be equally benefited in the enjoyment of its blessings. It should be made a blessing to the whole nation, and not be made a curse to the many for the benefit of the few. It now gives to R. M. Whitney & Co. the power of laying us all under contribution. They may depress our property down to the lowest price, purchase it from us, and then again raise its value to a maximum which will raise their money again up to two and three per cent. per month; and this fluctuation of value may be continued *ad infinitum* to their profit and our ruin, so long as they may thus raise and depress by the lever of our own money! Was it not for this very odious power that the monster was laid prostrate? And will not gentlemen who once clamored so loud against a tyrannical monster with one head now assist against this hydra with many heads?

Sir, we have heard much about monopolies. The word is the watch-word of "the party." Was there ever such a monster monopoly known as that of R. M. Whitney & Co., which, without law and against law, without responsibility, and with the means of preventing investigation, wields and controls the entire funds of this Government with a surplus revenue of thirty millions, and holds at command the entire credit and trade of the country, and the entire value of its property? I tell my colleague and my country, that the position of R. M. Whitney is too strong and dangerous for any man to occupy, with all the restraints and limitations of the most guarded law about him. Is this power in the hands of a public plunderer, licensed without law, irresponsible without office, secret without the means of detection, safe because supported by "the party," for supporting "the party," not to be dreaded? Are the people to feel panic and pressure, and the heavy hand of oppression in every form, and not know whence it comes? Is their Treasury to be wasted, their trade and commerce to be stifled, their property struck down, their prosperity destroyed, and their liberties to be endangered by a secret money-leech? And are they to be kept in ignorance of his "agency," covered up under the pretext of privacy? How is it, I demand for my people, that one man, and he not an officer, not known to the laws, not sworn, not responsible, unsearchable, and whose ways are past finding out, is permitted to wield this political and pecuniary power tenfold greater and more dangerous than that complained of in the United States Bank, in a country like ours, yet free, and just flushed with imaginary victory over a monster monopoly? Would you, or I, or any man of us, if Mr. Secretary, with the control of the Treasury, permit even father, or brother, or son, much less R. M. Whitney, to enjoy the power and profit of this immense monopoly—of all monopolies the monster—without a *quid pro quo*? And who is Reuben M. Whitney, that he should be the favored man of all men in fattening upon the spoils of the public purse, and that he should be protected by gentlemen from the scrutiny of investigation, as if in the sanctuary? Who is he who is suffered to insult a Representative by his villainous cards in the official organ, for daring to offer a resolution of investigation? An infamous wretch who took the oath of allegiance to Great Britain, in Canada, during the last war, and who has since taken a false oath against his neighbor. Sir, let me remind this House and the nation who this individual is who is now the pet of the Treasury and the pet banks, by reading a report upon his character made in 1832 by George McDuffie, John J. Adams, and John G. Watmough, three gentlemen of as high character for truth and integrity as any to be found in any country. In the reports of committees of the Twenty-Second Congress, first session, 1831-32, page 307, we find the following passage:

"There was one occurrence during the examination of the transactions of Thomas Biddle & Co. with the bank, which merits particular notice. An informer and witness, by the name of Whitney, who had formerly been a director of the bank, was produced, who declared, upon oath, that in May, 1824, two of the cashiers of the bank had informed him that Thomas Biddle & Co. had been in the habit of drawing money out of the bank, on a deposit of stock in the teller's drawer, without paying interest, and that the President of the bank had discounted two notes, one for Thomas Biddle & Co., and one for Charles Biddle, without the authority of the directors. This witness stated that he went with these officers of the bank, and examined the teller's drawer and the discount book, and found the facts which had been stated to him verified by the examination. He also stated, to give additional certainty to his averments, that he made a memorandum at the time, with the dates of the transactions, which memorandum he produced to the committee. Having thus unalterably fixed the date of the transaction, as if by some fatality, he went on to say that he immediately proceeded into the room of Mr. Biddle, (Nicholas,) the President, and remonstrated with him against these irregular proceedings, and that Mr. Biddle promised him that they should not occur again.

"Mr. Biddle was present during the examination of this witness. On that day, being on oath, he said that he was utterly astonished at the testimony of the witness, and could only oppose to it his solemn declaration that there was not one word of truth in it, from the beginning to the end. He added that, from the relation in which the witness stood to him, he would have sunk into the earth sooner than he would have dared to come to him with such a remonstrance as he pretended to have made. The officers of the bank, from whom the witness alleged that he derived this information, were examined, and all of them positively contradicted him. They testified, and demonstrated from the books, that Thomas Biddle & Co. had never obtained money, in any instance, without paying interest, and that the two notes which Whitney asserted to have been discounted by the President alone had been discounted regularly by the directors.

"In the interval between the adjournment of the committee that day and its meeting the next, a member of the Board of Directors suggested to Mr. Biddle that he was, about the time of his alleged transaction, in the city of Washington. On examining the journal of the board and the letter-book, it was found, by entries and letters, that for several days previous to the alleged interview between the President and Whitney, and for several days afterwards, the President was absent on a visit to this city, (Washington,) on the business of the bank, and General Cadwalader was acting as president in his place!

"Thus was this artfully devised story, which was intended to blast the reputation of a high-minded and honorable man, through one of those extraordinary interpositions by which Providence sometimes confounds the contrivances of the wicked, made to recoil upon the head of its inventor, who must forever stand forth as a blasted monument of the speedy and retributive justice of Heaven."

This "blasted monument" is Reuben M. Whitney! How came he in charge of the forty millions of the treasure of this land? Did not Mr. Secretary know him? Sir, I believe it can be proved that the former Secretary of the Treasury (Mr. Taney) refused, or promised to refuse, to recognize this perjured villain and traitor as an agent of the banks, on account of his character. How comes he now in pay and employment? Who employs him? Sir, Reuben M. Whitney is nothing, but his connection with the public Treasury is something. It is almost enough in itself to give assurance of corruption and wrong when such a person is the selected and approved agent of the Treasury!

Oh, my country!—when I see that patriotic man who fought for his country, and who has the confidence of his countrymen, countenancing a traitor, who swore to obey the laws of an enemy during the last war, and a perjured man, who has since sworn falsely against his neighbor; when I see the public treasure expended to repair and build up anew "a blasted monument of the speedy and retributive justice of Heaven;" when I see the holy vessels of the very shrine of our temple handled by the touch of a mercenary miscreant; when I see a spoils-monger of party, a pimp of money-changers, a pander of power's parasites, fattening and glutting upon the substance of this land of the free and its people—all within me asks, whence come the revenues of this country? Tell me, ye bold adventurers of the stormy seas! ye busy merchants of the exchange! ye sunburnt southerners of the sickly cotton clime! ye hardy woodsmen of the western wild lands!—all who till, or trade, toil and are taxed—tell me if your labor and enterprise did not lay up this sacred treasure for your country! Shall the great price of the sweat of your brows be spent upon a traitor in the work of corruption? What say the Representatives of the laborers? Sir, when I think of my constituents, who venture thousands of miles over the ocean with their produce, and who pay their duties to their Government upon their return; or of the poor emigrant, who leaves the hearth of home, and wends his weary way over mountain, lake, and river, and expends his "little all" for land surrounded by savage dangers; when I think of a Treasury overflowing from these sources, and of its being worse than wasted on pimps and plunderers, I am impelled to a deed of daring which I know will bring down upon my head the vengeance of power; but I defy the tormentors! It is only the rod of the money-power I dread—it is mammon, only, wielding so monstrous a monopoly, I fear! Are all men foresworn? I exclaim against the foul pollution! I call upon every apostle of liberty left to assist in driving the money-changers out of the temple. Has the money mania seized the minds of all men? I fear the spirit of speculation is the legion which is tearing us! Has the stroke of steady policy been arrested for the purpose of a general scramble? Will honest men be benefited? Will the people's prosperity be promoted? No! Speculation in stocks and speculation in politics rage together. Power and purse have joined hands, and—weal for the few of the party—woe for the many of the people! All are drunk on the day of the harpies' harvest—oh! who shall be the gleaners? "The party" triumphs, and the patriot weeps!

Sir, why refuse an investigation? If there be anything foul or corrupt in the Treasury Department, surely it should be known; and, if all be pure within, should not men who are honest delight to demonstrate their rectitude; and what danger will there be of exposure? Your Secretary of the Treasury should be above suspicion; and always heretofore, in every instance of Hamilton, Crawford, and Calhoun, no sooner was suspicion whispered than investigation was demanded by the Secretaries themselves. But, sir, I plead in vain. I know it. This state of things must remain as it is—deep dyed in corruption, and the money must remain in the Treasury, not only for the sake of the banks and Whitney & Co.'s private speculations, but for the use of "the party." Who now can compete with Whitney & Co. in bribery for presidential candidates? Let the correspondence with the Illinois Bank answer. What now is obviously the maxim of "the party" by which to rule and govern? "Give us the golden key and we will unlock the hearts of the people." With power, patronage, and the purse, dictation itself may raise its horrid front, and corruption be bold! They have the people's own money wherewith to make the attempt upon their virtue; if they succeed, theirs will be the dominion of gold! Is it not well known that numbers of stockholders and bank officers have already been converted or neutralized by the power of the deposits? Cannot these deposit banks loan and accommodate precisely as the Bank of the United States was so clamorously accused of doing by this same party? Sir, we have arrived at the awful crisis when the question is "shall the people be ruled and governed by their own money?" A solemn question! I have the utmost confidence in the people, who have ever, as yet, proved more virtuous than their rulers; and let me tell the candidate for the next Presidency, who is called the magician, (Mr. V. B.) and hopes to sway with the wand of gold, to go and learn a prophetic lesson from the Holy Bible. "When Simon, the sorcerer, saw that through laying on of the Apostles' hand the Holy Ghost was given, he offered them money." Peter said unto him, "Thy money perish with thee, because thou hast thought that the gift of God may be purchased with money; thou hast neither part nor lot in this matter."

So, sir, when the sorcerer or magician of this day saw that by great and meritorious services, by long and faithful probation, by honest and patriotic devotion to the country, and its Constitution and liberties, alone, the Presidency and its power and places and pomp and patronage could be merited and won; being old, and having done nothing to deserve the highest reward which the country can bestow—cunning, and having the facilities of a favorite—sycophantic, with the spirit of a fawning slave—a political Jesuit, with the holy corps of "the faithful"—ambitious, with a trained band of mercenaries at his heels—a Machiavelian for policy and expediency alone, totally regardless of principle, with millions of gold in his hands, like Simon of old, who offered to purchase the gift of God, he has bethought him to purchase the gift of the people with money! Sir, I say if the people are as faithful to their liberty as Peter was to his God—and they should be, for liberty is the gift of Heaven—they will say to him, as Peter said to Simon Magus, "Thy money perish with thee; thou hast neither part nor lot in this matter."

DISTRIBUTION OF THE PUBLIC LANDS.

SPEECH OF HON. CHILTON ALLAN,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

March 21, 1836,

On the division of the proceeds of the sales of the Public Lands among the States.

Mr. WILLIAMS presented the following resolution, and moved that it be referred to the Committee of Ways and Means, with instructions to report a bill in conformity thereto:

"Be it resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives be requested, to sustain and to vote for the passage of a law providing for the distribution of the proceeds of the public lands among the respective States, according to their respective Federal numbers."

Mr. ALLAN said:

Mr. SPEAKER: I rise to discharge the duty requested of me by the Legislature of the State which I have the honor, in part, to represent. This duty, I am happy to know, is consistent with the opinions of my immediate constituents. I am pleased that this great subject is brought before this House by one of the States of this Union—a subject of higher importance than any which was ever submitted to the deliberation of Congress under the present Constitution, and in the decision of which, as I solemnly believe, is involved the fate of our free institutions. It is fit that such a subject should be brought here by a member of the Confederacy. The State comes not to solicit a favor, but to demand a right. I rejoice that the attention of Congress has been thus brought directly to the question, what shall be done with the $30,000,000 now in the Treasury over and above the wants of the Government, and the millions of surplus destined hereafter to come into the Treasury? Shall these vast sums be loaned out to favorites, or shall they all be exhausted in a still further increase of the expenses, power, and patronage of the General Government? or shall they be divided among the States?

These are the grand questions which we are called upon to decide. This is the great business of the session. Yet nearly four months have passed away, and we have not before approached it. The principal occupation of these four months, in my judgment, has been worse than useless; which is the reason why I have not felt it to be my duty to participate in the debates. I repeat that I rejoice that the House is at last brought to the consideration of the subject of the surplus revenue—a subject which has been at the bottom of all the political movements which we have witnessed for more than a year. The excellent law of 1817, which was enacted by the wise and provident councils of that time, for the payment of the national debt, having accomplished its object, we find our Treasury overflowing. It now devolves on the present Congress to decide how this treasure can be most beneficially used for our country. The disposition of the public revenue heretofore had relation chiefly to the annual expenses of the Government and the execution of plans of policy which had been adopted. But, in the present condition of the Treasury, the subject stands connected with a new system of policy, destined to exercise a decisive influence upon the security of our institutions, and the liberty of the people.

Sir, we are thrown here at a most important point of history. Our country is in a situation hitherto unknown. It is our duty to meet the occasion promptly. The weighty contest now depending before Congress and before the nation is, whether the $30,000,000, which is the produce of the honest labor of our constituents, shall be returned to their pockets, or devoted to the schemes of official ambition upon the eve of a presidential election. In this aspect of the question, it bears directly upon all the great interests of the nation, and upon the interest and liberty of every man in the nation. It is a question between the tax-payers and the tax-receivers—between power and liberty. It is a question that will justify debate in its broadest amplitude of freedom. Sir, it is our duty to call off from the profitless skirmishing on the outposts, in which so much of the session has been consumed, and come at once up to the main battle.

Would you, Mr. Speaker, be willing to adjourn without action? Would you be willing to face the farmers of Tennessee, and tell them that you had left thirty millions of the public money loaned out, without interest, to persons that you did not know, and for what purposes you could not tell?

I impeach the motives of no one; but inaction accomplishes the purposes of those who desire to let the money remain in its present position better than action. To do nothing gains the prize, or rather retains the prize which they already have fast in their hands.

It is certain that, in the disposition of the surplus revenue, one of three plans will be adopted: 1st. It will either be suffered to remain where it now is; or, 2d. The expenses of the Government will be increased enough to exhaust it; or 3d. So much of it as has arisen from the sales of the public lands will be divided among the States.

I propose, before I take my seat, to devote some attention to the consideration of each of these plans. But there is an indispensable preliminary inquiry essential to a clear understanding of all the bearings of this important subject. As it is proposed to invest this Government, this central agency, with the use of this vast sum of money, the duty is imposed on us of inquiring how and for what purposes the power already possessed has been used, before we double this power by placing thirty millions more in its reach. As it is known that power is ever on the alert to enlarge its authority, it is the first duty of the Representatives of a free people to watch its encroachments upon the public liberty with a sleepless vigilance.

It is a very proper occasion to pause before we make this new and important step to the future, and take an impartial retrospect of the past. We are just entering upon the eighth year of the present Administration, and we have before us the estimates and recommendations for the residue of the term; so that we now have a full view of the whole ground; and, upon looking over it, we shall be better able to decide upon the present character of the Federal power, and its tendencies, and how far it would be prudent to enlarge its boundaries, by placing under its control the surplus treasure of the people, and this retrospect is involved in much difficulty; there is no subject about which there is more controversy, than "What are the principles of the present Administration?" To this question you receive a different answer from almost every man to whom it is propounded. As the helmsmen of the vessel of State, let us turn to our log-book, and ascertain, if we can, what courses we have been steering. Let us ascertain our latitude and longitude, and find whereabouts we are in the broad political ocean.

In several documents to which I will take leave to call the attention of the House, we can have a distinct view of the points to which this Administration proposed to steer, before, and at the commencement of its voyage. The first I shall offer is the celebrated letter of General Jackson to President Monroe, which contains, in part, the principles upon which this Administration came into power, an extract from which is as follows:

"Pardon me, my dear sir, for the following remarks concerning the next presidential term; they are made with the sincerity and freedom of a friend. I cannot doubt they will be received with feelings similar to those which have impelled me to make them. Everything depends on the selection of your ministry. In every selection, party and party feelings should be avoided. Now is the time to crush out that monster called party spirit. By selecting characters most conspicuous for their probity, virtue, capacity, and firmness, without any regard to party, you will go far to, if not entirely eradicate those feelings which, on former occasions, threw so many obstacles in the way of Government, and, perhaps, have the pleasure and honor of uniting a people heretofore politically divided. The Chief Magistrate of a great and powerful nation should never indulge in party feelings. His conduct should be liberal and disinterested, always bearing in mind that he acts for the whole, and not a part, of the community. By this course you will exalt the national character, and acquire for yourself a name as imperishable as monumental marble. Consult no party in your choice; pursue the dictates of that unerring judgment which has so long and so often benefited our country, and rendered conspicuous its rulers. These are the sentiments of a friend; they are the feelings, if I know my own heart, of an undissembled patriot."

We have in the paper which has just been read the important principles which the faith of the party now in power was pledged to pursue.

In the appointment of public officers have "characters been selected most conspicuous for their probity, virtue, capacity, and firmness, without any regard to party?" On the contrary, can a single instance be found where any one received an office who did not belong to "the party?" Have we not seen, throughout the land, officers who were "conspicuous for their probity, virtue, capacity, and firmness," hurled from their stations without a charge of misconduct, without a hearing or a trial, because they dared to think and speak according to the dictates of their consciences, and because they did not belong to "the party?"

Has this Administration wielded its power to crush the monster called party spirit? On the contrary, has not this fell monster been nurtured and fed until it has become a bloated Juggernaut, whose voracious appetite has not been satisfied with a thousand victims of the opposite party, but has, without pity or remorse, crushed beneath its ponderous wheels almost all its original votaries? Must not all worship at the shrine of this idol, under pain of their proscription and unrelenting persecution? Has not the irreversible decree gone forth that all true believers, as a passport to office, must repeat the confession of faith that there is but one God, and Mahomet is his prophet? We must seek elsewhere for the principles of this Administration; they are not to be found in the Monroe letter.

Let us turn over another leaf of our book of reckoning. It is a letter from General Jackson to the Legislature of Tennessee, upon the occasion of his being nominated as a candidate for the Presidency; an extract from which reads as follows:

"Upon this principle I venture fully to accord with you in the contemplated change proposed to the Constitution, and, indeed, would go further, with a view to sustain more effectually, in practice, the axiom which divides the three great classes of power into independent constitutional checks. I would impose a provision rendering any member of Congress ineligible to office, under the General Government, during the term for which he was elected, and for two years thereafter, except in cases of judicial office; and these I would except, for the reason that vacancies in that department are not frequent occurrences, and because no barrier should be interposed in selecting to the bench men of the first talents and integrity. Their trusts and duties being of the most responsible kind, the widest possible range should be permitted, that judicious and safe selections might be made. The politician may err, yet his error may be retrieved, and no considerable injury result; but with judges, particularly in the last resort, error is fatal, because without a remedy.

"The effect of such a constitutional provision is obvious. By it Congress, in a considerable degree, would be free from that connection with the Executive department, which at present gives strong ground for apprehension and jealousy on the part of the people. Members, instead of being liable to be withdrawn from legislating on the great interests of the nation through prospects of Executive patronage, would be more liberally confided in by their constituents, while their vigilance would be less interrupted by party feelings and party excitements. Calculations from intrigue and management would fail, nor would their deliberations or their investigations of subjects consume so much time. The morals of the country would be improved, and virtue, uniting with the labors of the Representatives, and with the official ministers of the law, would tend to perpetuate the honor and glory of the Government.

"But if this change in the Constitution should not be obtained, and important appointments continue to devolve on the Representatives in Congress, it requires no depth of thought to be convinced that corruption will become the order of the day, and that, under the garb of conscientious sacrifices to establish precedents for the public good, evils of serious importance to the freedom and prosperity of the Republic may arise. It is through this channel that the people may expect to be attacked in their constitutional sovereignty, and where tyranny may well be apprehended to spring up in some favorable emergency. Against such inroads every guard ought to be interposed, and none better occurs than that of closing the suspected avenue with some necessary constitutional restriction. We know human nature to be prone to evil; we are early taught to pray that we may not be led into temptation; and hence the opinion that, by constitutional provision, all avenues to temptation on the part of our political servants should be closed."

Here the nation is informed that the power of the President to appoint members of Congress to office is the channel through which tyranny will approach, through which corruption will creep, by which the Representatives of the people will be seduced to abandon the posts assigned them by their constituents, by which the legislative power will be brought in base submission to Executive dictation, by which corruption will be the order of the day.

The annunciation of these great and important truths by General Jackson, while he was electioneering for the Presidency, made a powerful impression on the public mind; and he was elected to make an alteration in the practice of the Government and a change in the Constitution, by which the people would be shielded from the danger of having the fountain of the legislative power poisoned with corruption.

I will here call the attention of the House to another document, as a practical commentary upon the foregoing professions. It is an official report of the Register of the Treasury of the amount of money which has been drawn from the Treasury by members of Congress who have received their appointments from the present Chief Magistrate, which reads in the following words and figures:

Statement of the amounts paid from the Treasury of the United States to the following officers of Government since the year 1829.

Martin Van Buren, Secretary of State,		$13,437 64
Do. Minister to Great Britain:		
Outfit	$9,000 00	
Salary	5,967 13	
Return home	2,250 00	
Contingencies	1,191 89	
	18,409 02	
		$31,846 66
Samuel D. Ingham, Secretary of the Treasury		14,268 50
John H. Eaton, Secretary of War	$15,183 33	
Do. Governor of Florida	3,750 00	
		18,933 33
John Branch, Secretary of the Navy		13,575 63
John M. Berrien, Attorney General		8,479 10
Thomas P. Moore, Minister to Colombia:		
Outfit	$9,000 00	
Salary	36,870 59	
Return	2,250 00	
Contingent and loss on exchange,	3,526 21	
		51,646 80
Louis McLane, Minister to Great Britain:		
Outfit	$9,000 00	
Salary	17,950 55	
Return	2,250 00	
Contingent	3,800 59	
	$33,001 14	
Do. Secretary of the Treasury	10,848 17	
Do. Secretary of State	6,532 26	
		50,381 57
William C. Rives, Minister to France:		
Outfit	$9,000 00	
Salary	29,671 13	
Return	2,250 00	
Contingent and loss on exchange,	4,828 40	
		45,749 53
John Forsyth, Secretary of State		9,000 00
Selah R. Hobbie, Assistant Postmaster General,		15,625 00
John Randolph, Minister to Russia:		
Outfit	$9,000 00	
Salary	9,959 71	
Return	2,250 00	
Contingent and loss on exchange,	240 00	
		21,449 71
Philip P. Barbour, Judge Eastern District Virginia,		9,415 76
Thomas Irwin, Judge Western District Pennsylvania		8,485 00
Levi Woodbury, Secretary of Navy	$18,642 85	
Do. Secretary of Treasury	9,000 00	
		27,642 85
Edw'd Livingston, Secretary of State,	$12,096 77	
Do. Minister to France:		
Outfit	$9,000 00	
Salary	29,600 99	
Return	2,250 00	
Contingent and loss on exchange	2,850 62	
	34,701 61	
		46,798 38
James Buchanan, Minister to Russia:		
Outfit	$9,000 00	
Salary	12,945 83	
Return	2,250 00	
Contingent and loss on exchange.	9,848 47	
		27,044 30
William Wilkins, Minister to Russia:		
Outfit	$9,000 00	
Advanced by bankers	7,789 94	
		16,789 94
Edward Kavanaugh, Chargé d'Affaires to Portugal:		
Advanced by bankers		3,988 00
Powhattan Ellis, Judge for district of Mississippi	$6,929 35	
Powhattan Ellis, Chargé d'Affaires to Mexico		
		6,929 35
		427,349 41
Net emoluments of office which have accrued during the incumbency of the following officers:		
James W. Ripley, Collector of the Customs, Passamaquoddy, to December 31, 1834	$12,750 00	
John Chandler, Collector of the Customs, Portland, to 31st December, 1834	18,323 23	
George W. Owen, Collector of the Customs, Mobile, to 31st December, 1834	17,250 21	
John Biddle, Register of the land office, Detroit, to 31st December, 1834	12,997 45	
		61,320 89
Nicholas D. Coleman, Postmaster, Maysville, Kentucky, accounts not in the Register's Office.		
Aggregate		$488,679 30

TREASURY DEPARTMENT,
REGISTER'S OFFICE, 10*th March*, 1836.
T. L. SMITH, *Register.*

It will be seen by the foregoing paper that the same members of Congress have received two, and in some instances, three important appointments. In addition to the list in the above report, three other members of Congress have been appointed to office: the Hon. J. M. Wane, to be a Judge of the Supreme Court; the Hon. Andrew

Stevenson, to be Minister to England; and the Hon. John H. Eaton, to be Minister to Spain. So that if the aggregate account was made out up to this time, it would appear that over five hundred and thirty thousand dollars of the people's money had been distributed among members of both Houses of Congress in the form of salaries and outfits. It appears that the highest honors and emoluments of the nation have been constantly held up to glitter in their eyes.

It is thus that the prayer of our Lord and Saviour has been remembered; it is thus that the members of Congress have been kept out of temptation; it is thus that the channel of tyranny and corruption has been closed; it is thus that the purity of legislation has been preserved.

In pursuit of the principles of this Administration, let us pass to the consideration of two other documents.

On the 24th of February, 1825, (see the Senate Journal, page 194,) as a member of the Senate, General Jackson voted for a subscription of stock on the part of this Government, to aid in the completion of the Dismal Swamp canal, and on the same day he voted for the passage of the bill authorizing a subscription of stock in the Delaware and Chesapeake Canal Company. In the year 1828, the General being a candidate for the Presidency, and there being great anxiety in the Western country to know certainly his principles in regard to internal improvements, (this anxiety arose from the fact that from the commencement of the Government, the revenues of the country had been expended on the sea-board, and every western interest had been neglected,) the election of a western President was looked to as an event that would bring the protection and blessings of the Government to all parts of the Union. That there might not remain any doubt on the subject, Governor Ray, of the State of Indiana, at the instance of the Senate of that State, addressed a letter of inquiry to General Jackson, and on the 28th day of February, 1828, the General sent his answer to the Governor and Senate; an extract from which reads in these words:

"I pray you, sir, respectfully to state to the Senate of Indiana that my opinions at present are precisely what they were in 1823-24, when they were communicated by letter to Dr. Coleman, of North Carolina, and when I voted for the present tariff and appropriations for internal improvements."

This letter, throughout the West, was considered as removing every doubt, and the vote of that country was given upon the faith of the positive pledge it contained. This pledge was redeemed by the veto of the Maysville road bill, and the veto of the bill for the benefit of the Louisville canal—redeemed, by depriving Kentucky of the appropriations voted by the Congress of the United States, and by consenting to pour out millions at every session for internal improvements in other more favored parts of the United States, under the very same clauses of the Constitution upon which any grant of money for the benefit of Kentucky was refused!

In the veto of the bill for the benefit of the Louisville canal we are informed that "positive experience, and a more thorough consideration of the subject, have convinced me [the President] of the impropriety, as well as inexpediency of such investments."

Here we have an example to weaken the ties which bind together Representative and constituent. What right has a Representative to change his opinions in regard to principles which he was pledged to support before his election? But it was necessary to break the force of the shock which this disappointment caused in the West.

This purpose was accomplished in the message of 1829, in which the country was informed that, after the payment of the public debt, there would remain a large surplus in the Treasury which could be applied to purposes of internal improvement, so as to avoid the objections which had been made to the system. The President says:

"To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation; and should this measure not be found warranted by the Constitution, that it would be expedient to propose to the States an amendment authorizing it."

This view revived the hopes of the West, believing that, on the extinguishment of the national debt, the surplus revenue would be divided among the States. But when the time came for realizing this new promise, and the Congress of the United States, by almost two thirds of each House, passed a law to divide the proceeds of the public lands among the States, it was met by another veto. When this promise was made, there was no surplus then to divide; now, when there is a surplus of thirty millions, we hear no more of the safe, just, and federal apportionment among the several States; but we are now urged to add the whole to the expenses of the Federal Government.

The principles of this Administration are not to be found in the recorded votes on the Senate Journal, or in the letter to Governor Ray, or in the message of 1829. In his inaugural address, on the 4th of March, 1829, the President expresses himself thus:

"The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, the task of reform; which will require, particularly, the correction of abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections."

Here we have the promulgation of a principle upon which the very existence of a representative Government depends. For it is evident that, if the power and patronage of the General Government was brought into conflict with the freedom of elections, the freedom of opinion in the exercise of the elective franchise must perish, and the ballot box become a mere form to carry out the decrees of power. It is in the power of the General Government with the public money to buy up the public press, and make it a false witness between the rulers and the people. It is in the power of the General Government, through the agency of the public officers and the Treasury Department, to wield an influence over public opinion dangerous to the liberties of the country. The nation, therefore, looked to this Administration to keep its power at a distance from the polls, and leave the selection of public agents to the unbiased judgment of the people.

This great right of election was reserved by the people to enable them to maintain their sovereignty. Whenever the exercise of this right shall cease to proceed from a free and virtuous people, and shall be guided and corrupted by the influence of the Federal Government, the power and freedom of the people are gone.

Sir, what is the present gloomy condition of our public affairs, in regard to this view of them? Have not the people everywhere beheld the Federal officers bearing, with all their force in perfect concert, on elections? Have we not seen them appointing electioneering meetings of the people, and holding political conventions to control public sentiment, and devoting their industry and their means to influence votes? Do we not see that thirty millions of the public money is now in a position where it can be easily brought into conflict with the freedom and purity of elections? Who is it that has of late run a political race on the side of power that does not feel conscious that he was lifted up and borne along by it! Who has run against this power that does not know at every step he was pulled back by it? That the whole power of the Federal Government is now exerted throughout the nation, with wakeful vigilance, to control the next election is a matter of public notoriety. Does not the proclamation which has gone forth, that all the honors and revenues of the Republic are lawful spoil, to be divided among the victors in the desperate scramble for power, avowedly bring the offices and treasure of the nation into the political market, to be bartered for votes and influence?

The principles of this Administration are not found in the inaugural address of the 4th March, 1829.

None of the professions of this Administration have attracted more of public attention than those which related to the suppression of paper money and the extension of a metallic currency. Under these professions, what has been accomplished? The Administration struck down the best currency in the world, of equal value in all parts of the Union—everywhere preferred to gold and silver. The bank that issued this currency was the only means ever discovered by which the State banks could be checked and regulated, and the currency preserved sound, and the constitutional power of the General Government to fix the standard of value maintained—a means that had received the sanction of Washington and Madison, and its benefits established by the experience of half a century. Since the overthrow of this long-tried system, upon which all commercial relations reposed in security, in place of a currency of the precious metals, the following statement will show the wretched condition of the currency, and the alarming increase of paper money called into existence by the influence of the General Government:

In 1832, there were in the United States three hundred and thirty banks.

Circulation	$61,000,000
Aggregate capital	145,000,000

In 1835, there were six hundred and four banks.

Capital	400,000,000
Notes in circulation, probably	200,000,000

So that, since the delusion was got up about gold and silver, banks and bank notes and paper money have more than doubled. Since the prostration of the bank that could hold the local institutions in check, the States seem to be moving forward with a spirit of controversy which shall deluge the land with the deepest and broadest sluices of paper money. And thus, in violation of the spirit of the Constitution, the power of regulating the currency is given up to local banks, and we are thrown back into all the evils of depreciated bills of credit, against which it was one of the main objects of the Constitution to guard.

All men of forecast know that, upon the first great reverse in our commercial relations, we are destined again to experience all the train of calamities which will flow from the depreciation of the millions of paper money now in the hands of the people. They know that labor will again be robbed of its earnings, and the property of the people sacrificed at public auction.

The appearance of things at present is delusive. The exorbitant prices of property are not signs of real health and vigor in the body-politic; they are rather delusive symptoms of a bloated plethora.

In the face of existing appearances to the contrary, I warn my friends and my constituents, and my country, to be prepared, as well as they can, for the realities that lie behind the present temporary delusion.

Mr. Speaker, permit me here to digress from the consideration of our domestic affairs for a few minutes, for the purpose of inquiring what are the principles of this Administration in regard to its intercourse with foreign nations.

Although the unfortunate difference with France is settled, yet there are some views in relation to it which ought never to be forgotten. In the year 1830, the French Government took offense at a passage of the President's message to Congress in 1829, which was construed to be disrespectful to France. It was then determined by the Administration that a difference so trivial, proceeding from a misunderstanding, should not interrupt the friendly relations with our ancient ally that stood by us in the darkest days of the Revolution, and that it should not interfere with or suspend the pending negotiation. Mr. Rives, our Minister at the French Court, promptly explained the President's message in a satisfactory manner, and communicated the result to his Government; and the following extract of a note from Mr. Van Buren, then Secretary of State, to Mr. Rives, by order of the President, will show how well satisfied he was with the explanation which Mr. Rives had given to the French Government of his message of 1829:

"DEPARTMENT OF STATE,
"WASHINGTON, *April* 2, 1830.

"SIR: Your several dispatches, to No. 14, inclusive, have been received at this Department, and submitted to the President. He approves fully of your reply to the observations of Prince Polignac in regard to portions of his message to Congress which refer to the state of our affairs with France. It contains, as far as it goes, a fair exposition of his sentiments upon the point alluded to."

But as it is customary among civilized nations, in friendship and peace, to treat each other with marked respect, even in their official communications between departments of the same Government, and lest the impression should still remain in France that the President intended a menace in his message of 1829, and the negotiation there-

by be injured, Mr. Van Buren, under the orders of the President, gave still a more ample explanation of the message of 1829 to the French Government, as fully appears by the following extract of a letter to our minister at the French Court:

"The friendly predilections which have so long existed between the citizens of the United States and the subjects of his Most Christian Majesty; the unceasing endeavors of this Government to place the relations of the two countries upon the footing of a still more friendly and mutually beneficial intercourse; the liberality displayed by the United States in not pressing upon France, in the hour of her difficulties, the immediate discharge of her responsibilities to our citizens; the undeviating delicacy with which they have presented their claims in the season of prosperity, and the patience with which they have awaited the result, are considerations which should dissuade the King of France from too readily construing into a tone of menace the frank, but not unfriendly, language in which the President has expressed the sentiments of the Government and people of the United States. The President has no desire nearer his heart than that of preserving the most harmonious relations with all the world, but particularly with his Majesty the King of France. It was to enable him more certainly to obtain the fulfillment of this first wish of his heart that he called the national attention, in a spirit of regret and apprehension, to the possible consequences of a protracted continuance of the present untoward state of things. A brave and generous mind never assumes an attitude of menace, so long as anything can be hoped from a love of justice and a regard to the rights of others. On neither of these, as motives, on the part of his Most Christian Majesty, to a fair adjustment of this most fruitful source of misunderstanding between the two countries, has the President ever entertained a doubt."

In 1835 there again occurred the same difficulty. The French King understood the President's message to Congress in 1834 to charge his Government with bad faith, and as placing this Government in a menacing attitude towards that of France. The President admitted, without reserve, that, in his message of 1834, he did not intend to charge the French Government with bad faith, or to make any threat, or to convey any affront whatever, but that he would not explain this misunderstanding to France.

In the progress of the negotiation between the two nations the controversy was at last narrowed down to the mere misunderstanding as to a passage in the message of 1834; and upon this point it was decided to devote this nation to the hazards of war, rather than say to the French Government it had placed a meaning on the message which the President admitted he did not intend to give it.

The following are the positions taken in 1835 by this Government:

1st. That a foreign Government, in its intercourse with our own, has no right to take any notice whatever of any communication made by the President to Congress in the discharge of his official duties, and, consequently, no right to demand an explanation of the purport of any such message, whatever imputations it may contain, and however offensive and imperious its terms may seem.

2d. That to give or offer such explanations would be to admit the right to claim them, and that such an admission, by subjecting the Executive, in the discharge of a constitutional duty, to the interference and control of a foreign Power, would be inconsistent with the character and dignity of our Government, and a virtual sacrifice of the national honor and independence.

The principle that a foreign nation should not be permitted to inquire into the meaning of a message of the President to Congress, was held to be so vital, so connected with our national independence, that it was said in debate here by one in confidence, [Mr. CAMBRELENG,] that, if the nation was flowing in blood from Maine to Orleans, the misunderstanding with France would not be explained.

The misunderstanding of 1830 and 1835 occurring between the same nations upon a point in all respects precisely similar, was, in the first case freely explained; and in the last, war was deemed preferable to explanation. Whether the Administration was right in 1830 or 1835, I will not undertake here to decide; but every candid man must see that if the same course had been pursued in the last instance that there was in the first, there would have been no occasion to break the ancient friendship between America and France with any talk of war. Whether the case of 1830 or that of 1835 will be regarded in Europe or America as containing the principle of this Administration in regard to the subject, no one can tell, as the two cases were alike and the decisions opposite.

In 1830 a French treaty was very much desired, and it was very popular, and was made to cut a great figure in the elections of that time. In 1835 there was a large surplus in the Treasury, and the money and the apparent necessity for fleets and armies were well calculated to induce the nation to consent to such an increase of expenditures as would place the surplus under the control of the Federal Government, and defeat the division of any portion of it among the States.

Sir, I will now return from this foreign digression to our domestic concerns again.

The present dominant party owes its elevation to power more to the promise to retrench the expenses of the Government than to any other cause. This string was struck oftener in the canvass from 1825 to 1829 than any other. "The party," before they came into power, and when they were seeking votes, told the people of this country that the expenditures of the Federal Government were prodigally, dangerously, wastefully extravagant; and that, if they were invested with power they would speedily introduce such a system of reform and retrenchment as would bring back the Government to the Jeffersonian economy. The people believed the representations, and put their faith in these solemn pledges of reform; which were a thousand times repeated.

"The party" being snugly seated in power, these pledges were soon forgotten. We have seen seven years glide away, and the first effective movement for retrenchment has not yet been made. In place of retrenchment, we have, during these seven years, seen annual millions added to the wide-spread extravagance of the public expenses. Sir, in my remarks, I intend to rely upon no facts except those that are established by documents that none can question. What I am about to state in regard to the public expenses is taken from a report made to this House by the Secretary of the Treasury, Mr. Woodbury, on the 4th day of January, 1836, and which I now hold in my hand. This report shows the annual expenses of the Government from the years 1816 to 1834, inclusive, this, together with the estimates in the last annual report of the same Secretary for the years 1835 and 1836, shows the expenses of this Administration, provided the appropriation bills conform to the estimates. The following tabular statement, extracted from said report, shows the annual and total expenditures for the eight years of this Administration, from 1829 to 1836, inclusive, contrasted with the annual and total expenditures of the preceding eight years, from 1821 to 1828, inclusive, including the four last years of Mr. Monroe's administration, and the four years of Mr. Adams's; showing also the amount paid annually of the public debt during both terms:

Annual and total expenditures from '21 to '28 inclusive.		*Payments during the same time of public debt.*	
1821.....	$19,710,136 40	1821.....	$8,367,093 62
1822.....	15,103,343 21	1822.....	8,568,949 12
1823.....	15,314,171 00	1823.....	5,530,016 41
1824.....	31,878,538 47	1824.....	16,568,393 76
1825.....	23,585,804 72	1825.....	12,095,344 78
1826.....	24,103,398 46	1826.....	11,041,082 19
1827.....	22,656,764 04	1827.....	10,003,668 39
1828.....	25,459,479 52	1828.....	12,163,438 07
Total...	$177,831,635 82	Total...	$84,337,986 34
	84,337,986 34		
	$93,493,649 48	Exclusive of public debt.	

Annual and total expenditures from '29 to '36 inclusive.		*Payments during the same time of public debt.*	
1829.....	$25,044,358 40	1829.....	$12,383,867 78
1830.....	24,585,281 55	1830.....	11,355,748 22
1831.....	30,038,446 12	1831.....	16,174,378 22
1832.....	34,356,698 03	1832.....	17,840,307 29
1833.....	24,257,298 49	1833.....	1,543,543 38
1834.....	24,601,982 41	1834.....	6,176,565 19
1835.....	18,176,141 07	1835.....	59,150 07
1836.....	23,133,640 00	1836.....	50,000 00
Total...	$204,193,846 10	Total...	$65,583,562 15
	65,583,562 15		
	$138,610,283 95	Exclusive of public debt.	
	93,493,649 48		
	$45,116,634 47	This is the amount of the increase of the public expenditures from 1829 to 1836, over the preceding eight years.	

Amount of public debt paid from 1821 to 1828, $84,337,986 34.

Amount of public debt paid from 1829 to 1836, $65,583,562 15; making the amount paid from 1821 to 1828 $18,754,424 19 more than the payments from 1829 to 1836.

But the people have been told that the reason why the expenses of the Government were so much increased of late was because the present Administration had paid off so much of the public debt more than had been previously paid in the same space of time. So far from this being true, the foregoing table shows that there had been paid in the eight preceding years the sum of $18,754,424 19 more than during this Administration; yet we have seen public festivals and rejoicings upon the point of the transcendent merit of having paid the public debt.

In regard to the payment of the public debt, no President since the year 1817 deserves either praise or censure more than the man in the moon.

Those who passed the law of 1817, for the redemption of the public debt, and the people of the United States, whose industry and enterprise filled the public Treasury, deserve all the credit for the payment of the debt.

Although it is not in place, I will here present a view that will show that the proceeds of the sales of the public lands should be taken from the control of this Government. Under our revenue system, the money power is almost irresponsible. The price of the public lands not being paid by the people in the form of a tax, their attention is not sufficiently directed to the subject to hold their Representatives accountable how they use it. This Administration presents a signal instance of the truth of what I say; they are held to no responsibility for substituting an increase of the public expenditures of over forty-five million dollars, in place of retrenchment, while they are dividing the public treasure as spoils among favorites. In the triumphs of present impunity, they can securely laugh at the simplicity of all those who believed that there was anything serious in their promises of retrenchment and reform.

This signal instance of escape from public censure proves that our redundant income is paid under such circumstances that it can be squandered by a successful party in contempt of all the maxims of economy. By dividing the public treasure among a sufficient number of partisans, exemption from responsibility can be secured. The only cure for this evil, the only way to restore accountability, is to take the control of the proceeds of the sales of the public lands out of the hands of this central power, and give them to the States.

The principles of this Administration are not to be found in retrenchment, in the economical management of the public finances. So far, professions and practices have run in directions exactly opposite.

I will now refer to two other documents which do contain the principles, with a view to which this Administration has been conducted, and by the aid of which it has attained its dangerous ascendency. These principles were imported from one of the States, where they had been tested; and, since their adoption as the basis of Federal action, have already wrought a revolution in the theory and practice of our Government.

We are informed by the President, in his veto of the land bill, that "money is power!" and we are informed by him, in his protest, that "the whole executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence that he should have the right to employ agents of his own choice."

Again: he says in the same paper, speaking of the Secretary of the Treasury, "that he was an executive officer, the mere instrument of the Chief Magistrate in the execution of the laws."

From these explicit declarations, that "money is power," and that the executive officers of this nation are the mere instruments of the President, the principles are revealed which have been the basis of that extraordinary ascendency to which all the checks of the Constitution have opposed so feeble a resistance.

By the original theory and practice under our Constitution, the public officers were held to be

the agents of the people, bound to discharge their duty according to law, and in the selection of whom regard should be had only to integrity and qualifications; and to remove any one of whom, for opinion's sake, by the Chief Magistrate, would be good cause of impeachment. But now, when they are no longer deemed agents of the people, but the mere instruments of the Executive; when they are no longer bound to discharge their offices according to law, but are required to yield obedience to the will of the President; when their continuance in office no longer depends on able and faithful service to the country, but upon unconditional submission to the dictates of power, the character of our Government is changed, and a distinct and rival interest is established between the public officers and the people; the entire agency by which the whole operations of the Government are conducted is thus brought under the control of one man.

The first effort to bring the money power into the same hand was displayed in the proposition to establish a national bank as an instrument of the Treasury upon a capital of public money. The next was seen in the endeavors to subject the Bank of the United States to governmental dictation.

These schemes having failed, and the complete control of the money power having been resolved on, the responsibility was taken, and the public money ceased, and is now under the control of no law, placed where the Representatives of the people have no power to go and examine whether it be safe or unsafe, or whether it be used for lawful or unlawful purposes. The vast revenues of this Republic, between the times of collection and disbursement, are used at the discretion of a single mind. At this moment over thirty millions of dollars, the property of the people, are, through the instrumentality of deposit banks, loaned out, to whom we have no means of knowing, and for what design we can only conjecture. By making a call for the public deposits, the Secretary could crush any of these deposit banks any day he chooses; this gives a control over the capital of the States, as well as that of the nation. The power wielded in the Federal Treasury can put up and put down banks at pleasure. It can regulate the price of stocks and property; it can enrich friends and impoverish enemies. It can send millions into a State or city before an election, to be used without interest, to reward obedience, or it can withdraw millions to punish disobedience. The Treasury of the United States is the great central fulcrum that sustains the levers by which ambitious aspirants are raised to power.

There are other views which show more clearly the length, and breadth, and height, and depth of the all-engulfing power of money. The President having the appointment of the agency by which the Government is conducted, has, of course, the selection of the hands into which the public treasure shall flow; which enables him to make all offices, and all seekers of office, his "mere instruments."

The power derivable from the use of money was not anticipated at the adoption of the Constitution. The Treasury was then empty; and in those good old times of honest simplicity, even the sagacious mind of Patrick Henry did not foresee that the use of money would become the principal element in that Executive power which he predicted would destroy the liberty of his country. Thus the money power has been matured and organized, not by the President, not for his use, for his fame was enough for him, but by others under the shade of his military reputation; by a far-reaching sagacity has this golden ladder been erected, upon which they are to climb to greatness in time to come. The operations of the money power have produced effects before which the world has stood astonished; because the secret springs and principles of action were carefully concealed from the public eye. Throughout, we have seen professions and practices running in opposite directions; and yet we have heard the shout of applause as loud for the breach as for the promise. Hence the saying that "the popularity of General Jackson can stand anything." It is the power to bestow money and office that can stand anything. General Jackson's power ends on the 4th of March next, but the money power is to be transferred to other hands, where it will continue to do its work. When our venerable President descends from his exaltation he will see human nature as it is. Of the thronging thousands that revolved in servility around his power, he will find how many crooked their knees for thrift, and how many out of respect for him.

This money power, shielded from all responsibility, from all public inspection, pervading the whole Union, operating upon all interests, brought to bear upon the hopes and fears of millions, is the most ingenious contrivance that was ever devised by the wit of man; and is sweeping along in its wake the right of suffrage, the freedom of the press, State and national legislation.

The declaration that "money is power" is most true, alarmingly true. All the hopes of the friends of human liberty, that free government could be maintained, were reposed upon having its operations conducted by officers of integrity and capacity, who were devoted to the people, and not to power. It is impossible that free government can last, unless its affairs be managed by such agents.

Having ascertained the principles and the means by which Federal power is making its rapid marches over the ruins of the Constitution, the question is, whether we shall take away from it the money, which is the bone and sinew of its strength, and give it to the people, to build up their rights and restore their ancient and constitutional power in the Government.

Having disposed of the preliminary inquiry into the present character and tendencies of Federal power, I will now proceed to the investigation of the main question, what shall be done with the surplus revenue?

At this very interesting point of our history, when it is our duty to make a new movement which will vitally affect the dearest interests of our country for many years to come, we surely ought to rise above present or mere party considerations, and look at the future consequences which will, in all probability, result from the adoption of each of the three plans which have been suggested of disposing of the public money. I will now proceed to consider them in order.

I. As to the propriety of leaving the surplus to accumulate from year to year in the Treasury, and be disposed of as it now is, according to the discretion of the Executive. Some of our ablest calculators tell us that, by January next, there will be fifty millions; and certainly, if unused and unwasted, it would in a few years amount to hundreds of millions. It is evident that, so soon as the amount exceeded all the specie in the United States, every State bank would be in the power of the Treasury; and this system must soon make them all instruments of the Treasury. The political uses and abuses to which the Government could devote these vast sums have already been very briefly noticed. This view of the subject presents to the minds of the friends of a cheap and a pure republican Government anticipations the most gloomy. But, sir, in addition to the political objections to this employment of the public money, there are others entitled to grave consideration.

It is now most evident that the condition of the public treasure is unsafe. Our revenue is collected in the notes of a great number of State banks, which, in all probability, in the first commercial shock, will become valueless, as they did heretofore. There is of the public funds now deposited in the thirty-five local banks $30,678,879 91. They have of private deposits $15,043,033 64; and notes in circulation, $26,243,688 36; making in all $71,965,000 91, and but $10,198,659 24 of specie—about seven dollars of debt to one dollar of specie. There is now due to the Government alone from these banks more than three times the amount of their specie.

The following aggregates exhibit the condition of the thirty-five deposit banks on the 1st of February:

Loans and discounts		$65,439,908
Domestic exchange		27,149,935
Real estate		1,815,238
Due from banks		15,712,977
Notes of other banks		9,573,089
Specie		10,198,659
Foreign exchange		406,542
Expenses		96,591
Other investments		8,777,228
		$139,170,167
Capital	$42,356,088	
Treasurer United States	28,239,744	
Public officers	2,439,135	
Due to banks	14,879,161	
Contingent fund	840,270	
Profit and loss, discount and interest	3,189,932	
Circulation	26,243,688	
Private deposits	15,043,033	
Other liabilities	5,937,045	
		139,168,196
Difference		$1,971

Sir, what will the people of this country say when they come to understand these facts, and see the present hazardous condition of their money? Would any prudent man risk his own money under such circumstances? If it would be madness for a man to act so in private life, is it not something more than madness for the servants of the people to act so with their money? In a trust capacity public agents are surely bound to act with as much care as a prudent man would with his own.

But it is not at all improbable that the condition of the people's money is far worse than appears from the reports of these banks. How do we know that these reports are true? We have not the power to examine these banks and count their money. We know that the deposit banks formerly robbed the Treasury of millions, and made reports that they were safe up to the hour of explosion. Who ever knew a bank that intended to break to apprize the public of it beforehand?

But, sir, mystery is stamped upon the front of this report. These thirty-five pet banks, in counting up their means to pay their debts, say they have $8,777,228 79 in "other investments;" but they have concealed from the public what they mean by "other investments." But the friends of these banks contend, that although they have not the means in hand to pay the public deposits, yet, by calling on their debtors, they could pay. A call upon their debtors for the amount of the public deposits, upon a sudden emergency, would make an earthquake in the whole paper system of the United States. But we have no means of knowing whether the persons who have borrowed the people's money from these pet banks are either able or willing to pay. I never have known a bank that was managed for political purposes that did not sooner or later break, and unless we speedily reclaim the public treasure, and place it in the custody of the law, millions of it will be lost. But, sir, the loss of the whole would do much less public mischief than will be done by leaving it where it is to be used as it is.

But there is another objection to this mode of using the public money, arising from the injustice of the distribution. The public revenue is used as a banking capital; and while the city of New York has the benefit of $10,000,000, and the Territory of Michigan over a million and a half, which it seems is principally loaned out in New York and Albany, the State of Kentucky has not the use of a dollar in such way as to contribute to the general utility. It is true that a small bank in Louisville has a small sum; but this bank issues no notes, and the circulating medium is not thereby increased. The interest on $30,000,000 is $1,800,000 per annum, which is given in spoils to favorites; the people deriving not one cent of interest for the use of their money, and running a great risk of losing the principal. The two banks in Michigan have both together but a capital of $569,779 99, and of specie but $97,902 33, yet it seems that, during the year 1835, more than three millions of this public money has passed through their hands. And it seems that they are in the habit of loaning out the public moneys in the cities of New York and Albany for profit. The money of the people has been taken from the custody of the law, and used, regardless of all the maxims of prudence for its safety, and with equal disregard to justice in its distribution. Yes, at this moment the money of the people of Kentucky, which they have earned by honest industry, is loaned out,

gratis, to the shavers, and brokers, and speculators, and gamblers in stocks in the city of New York and elsewhere. Every motive should impel us to pass a law promptly to restore the people, upon the principles of justice and equality, the use of their own money, and thereby rescue it from hazard, and our institutions from corruption.

II. The second plan of disposing of the thirty millions is to increase the expenses of the Federal Government to that amount in extensive military preparations, in the raising of armies, and in the construction of fortifications, and the building of a navy.

To induce us to agree to a scheme of national defense upon a scale much more extensive than has ever been deemed safe by any American statesman, we are emphatically reminded, since the war cloud has blown away, of the maxim, "in peace provide for war;" and now, for the first time, we are urged to proceed immediately to lay the foundation of a system of preparation for war large enough to exhaust all our present and future means. I desire to know precisely in what sense and to what extent it is proposed to reduce this maxim to practice. In legislation, as in all the active business of life, there is but little information communicated by the reassertion of those general truths to which, in the abstract form, all men agree, because there is such a diversity in applying them so as to suit the condition of individuals and nations, that, in their abstract form, they convey no distinct idea to the mind. For example, the maxim that is now so earnestly pressed upon our attention, that "peace is the proper season to provide for war," is sustained by general acquiescence. Yet there are no two nations that act upon this maxim alike. It is limited or extended or modified so as to suit the institutions and condition of each nation and the genius of the age.

In different ages, according as the spirit of peace or war happened to pervade the earth, we find the same nations varying the size of their navies and armies to suit the condition of the times.

The maxim, that in time of peace nations should provide for war, as it is understood and practiced in Europe at this time, so far as a standing military force is concerned, is exhibited in the following statements:

	Troops.		*Troops.*
France	400,000	Netherlands	77,500
Belgium	110,000	Spain	71,300
Great Britain	100,000	Prussia	222,000
Bavaria	53,000	Saxony	12,000
Wurtemburg	10,000	Hanover	12,000
Hesse Darmstadt	8,000	Baden	8,000
Norway and Sweden,	50,000		

The population of the above States is supposed to amount to one hundred and three million forty-five thousand seven hundred souls; which, if correct, would give eleven soldiers to every thousand souls.

Assuming the free population of the United States to be fifteen millions, the proportion of soldiers of the present Army is a fraction less than one to every two thousand souls. Compared with the levy of troops on the population of the European States, is as one to twenty-two.

Total amount of Russian forces is eight hundred and three thousand.

Navies of Europe, including vessels of war, large and small.

France, built and building	359
England, built and building	548
Holland	97
Greece	92
Turkey, in 1827, before the battle of Navarino, had	90

Thus in Europe it is deemed consistent with the genius of monarchical Governments, taken in connection with the fact that numerous kingdoms are compacted together with adjoining boundaries, liable at any time to sudden invasions, to keep always ready to march at a moment's warning, a strong army, and to maintain powerful navies. But, sir, in America, the understanding of the maxim under consideration has been very different. Separated from the Old World by an ocean three thousand miles wide, and having no powerful nation in our neighborhood, our geographical position renders a large standing force unnecessary. But that there may be no mistake about a matter so important, we will look into American history to collect the American sense upon the subject of armies, and fleets, and fortifications. At the commencement of General Washington's administration, the regular Army was reduced to one thousand two hundred and sixteen. In the time of the elder Adams, by the act of 27th April, 1798, the Army was increased to four thousand one hundred and fifty-nine. The act of May 28th, 1798, authorizes a provisional army of ten thousand. In Mr. Jefferson's administration, the Army was, by the act of March 16, 1802, reduced to three thousand two hundred and eighty-seven.

The aggregate of the present Army of the United States is seven thousand one hundred and ninety-eight. Aggregate of the Navy, fifty-two ships.

After the experience we had in the late war, a system was adopted in 1816, for the gradual increase of the Navy, and for the construction of fortifications, which system has been ever since pursued. Since the year 1816, we have expended in fortifications about $14,000,000; and for the increase and repairs of the Navy, the sum of $22,092,287 73.

The whole military establishment, since 1816, has cost the sum of $133,273,415 75. In the same time, the whole naval establishment has cost $66,898,681 96. This, as it appears to me, is going fast enough. This progressive system will grow with our growth and strengthen with our strength, and will keep us supplied with a Navy sufficiently large, and fortifications sufficiently numerous. This progressive system of improving our national defenses can be carried on without any increase in the annual expenses of the Government, and leave $30,000,000 in the Treasury for other uses. The present expenditures are now as great as can be used. We have a report from the proper Department that there is remaining in the Treasury $8,000,000 unexpended of former appropriations; we are officially informed that hands cannot be found and employed in the United States to exhaust the appropriations that are now annually made for the public works. Then where is the utility in making large appropriations which are to remain unexpended? Such appropriations may defeat the passage of the land bill, but they will not advance the public works.

In further illustration of the American understanding of how far it is prudent to provide for war during peace, let us see what General Jackson has said on the subject—a man renowned for his warlike achievements, and who may be supposed as friendly to strong national defenses as any American statesman ought to be. In his inaugural address on the 4th of March, 1829, he lays down his creed in regard to our military peace establishment, in the following words:

"Considering standing armies as dangerous to free Governments in time of peace, I shall not seek to enlarge our present establishment."

And in his first message to Congress in 1829, he says:

"In time of peace we have need of no more ships of war than are requisite to the protection of our commerce. Those not wanted for this object must lay in the harbors, where, without proper covering, they rapidly decay; and, even under the best precautions for their preservation, must soon become useless. Such is already the case with many of our finest vessels; which, though unfinished, will now require immense sums of money to be restored to the condition in which they were when committed to their proper element. On this subject there can be but little doubt that our best policy would be to discontinue the building of ships of the first and second class; and look rather to the possession of ample materials, prepared for the emergencies of war, than to the number of our vessels which we can float in a season of peace as the index of our naval power. Judicious deposits in navy-yards of timber and other materials, fashioned under the hands of skillful workmen, and fitted for prompt application to their various purposes, would enable us at all times to construct vessels as fast as they can be manned, and save the heavy expense of repairs, except to such vessels as must be employed in guarding our commerce."

In two subsequent messages the propriety of keeping a navy afloat in time of peace only sufficient to protect our commerce is maintained, and the propriety of accumulating timber in the navy-yards is enforced, in place of building new ships. From all which it appears that, in the judgment of General Jackson, no provision should be made for the extension of our peace establishment; that our Navy was sufficiently powerful for the protection of our commerce, and that it was better to lay up timber than to build new ships.

From this view we can collect the sense of this nation as to how far we should go in peace to provide for war.

The American practice, which was established and has been sustained by all the patriots and sages who have gone before us, was not in reference only to our geographical position in the world in regard to other nations, but was mainly produced by the warning voice of history, by which we are taught that the instances are very few where nations have been conquered by foreign invasion, but very numerous where their liberty has been overthrown by their own rulers; that the liberty of nations is in far greater danger from their own powerful fleets and armies, with a Cæsar at their head, than from all foreign enemies combined.

Now the question is, whether we shall, under the temporary impulses of party excitement, abandon the American and adopt the European system of providing for war during peace? Whether republican America shall raise her military peace establishment to come in competition with the establishments of the monarchies of the Old World?

But, sir, if it were wise to apply our whole resources to the public defenses, the extension of the fortification system is not the best for attainment of the object. The extent of our country renders it impossible to resist foreign invasion by means of fortifications. The maritime frontier of the United States, from Passamaquoddy to the mouth of the Sabine, following the shore, is over six thousand miles, one third of which belongs to the Gulf of Mexico; the northern and lake frontier three thousand miles more. This added to the almost boundless western frontier, makes it apparent that, if the whole surplus produce of the labor of the people of the United States was forced from them in taxes, it would not fortify this vast empire so as to protect it from invasion. And if we had fortifications ready made, on convenient points, on the whole frontier, it would require a standing army of several hundred thousand to man them and preserve them. The number of fortifications from necessity, must be limited to the defense of the cities and the exposed points. The number of fortifications already projected is greater than was required. Fortunately for the nation, it has in its power means of defense more cheap and more efficient. The bulwarks of our liberty are to be found in the hearts of a brave people, and not in the stone and mortar of forts. The bravery of a gallant people, in defense of their homes and their country, has carried us successfully and gloriously through two wars with the most powerful nation in the world. The rational means of national defense for such a people in time of peace is to protect them by wise and equal laws, and to lighten their burdens by a cheap and pure administration of the Government, so that they may prosper and grow in strength and power and intelligence, and in wealth. On the contrary, an extensive military establishment, which would oppress the people with heavy taxes, would check their spirit; would paralyze their industry; would wear away their attachment for the Government; would, in the end, change the national character, and prepare the way for a Bonaparte, at the head of the national guards.

There is a mode of expenditure more efficient for the attainment of the object than is to be found in standing armies and in fortifications. In an extensive country the success of modern war depends upon the celerity with which armies and supplies can be conveyed from place to place. And as the strength of this vast nation in men and means must forever remain in the interior and not on the frontiers—in the heart and not in the extremities, the great means of military defense is to be found in the construction of roads along which men and provisions can be thrown to meet danger wherever it may approach the borders. For example, if there were a railroad from Lexington to Charleston, supplies of men and arms and cannon and provisions could be conveyed along the whole line in a few days, and the enemy met and repelled before he had time to do

mischief. In this view of the subject, is not a road, with a view to military defense, better than a fort? Say at Charleston there was an impregnable fortress, an enemy of course would not land within the range of its guns. He would keep at a respectable distance, and advance upon undefended places. Upon ordinary roads it would require months to move an army and heavy military munitions from the interior to Charleston, in South Carolina, to meet the foe. In this view, which is the best means of national defense—forts on the frontier, or railroads, like viens and arteries leading from the heart to the extremities of the body-politic? While this is the most efficient, it is the cheapest possible mode of providing for war. The cost of transportation on ordinary roads, during the revolutionary and late war, is more than would construct roads, on the modern plan, wherever required in the United States. The cause which retarded the military operations in the late war, and kept our brave soldiers so often in a state of starvation, and exposed so many of them to slaughter, was the difficulty of supplying them by the modes of conveyance then in use.

But, sir, this mode of providing for war by furnishing the means of rapid and cheap conveyance of men and supplies from one part of our extensive country to another, stands in favorable contrast with all other modes of providing for war, in several important views. Standing armies and fortifications are worse than useless in time of peace; they eat up annually millions of the industry of the people. But roads are alike useful in peace and war. In war they enable us to throw our power promptly to all places menaced with danger. In peace they furnish the means of rapid and cheap conveyance of the surplus products of industry to all the markets of the world. Money, and the means of sustaining armies, are the essential elements in modern war. Roads, by the commercial facilities which they would furnish in time of peace, would enrich the nation, and enable it to stand up under the burdens of war.

Then, sir, looking at this subject alone in its military aspect, I would reserve enough of our surplus treasure to strengthen and build up this great arm of national defense—the means of rapid transportation in war, and the means of enriching the nation in peace.

The next objection which I shall urge against the scheme of applying the whole income to the construction of ships and forts is, that it violates a great fundamental principle of public policy—a principle which has heretofore, in the administration of the finances been disregarded, to the great injury of the western country. The principle is this: as the public revenue is collected from all the people of the nation, in its disbursement it should be returned to the parts of the country from which it has been drawn, with as great a regard to equality as a due attention to the aggregate interest of the public will allow. I agree with my friend from Maine, [Mr. EVANS,] that the duties on foreign merchandise are paid by the consumers. I agree that, in the disbursement of the public money, the preponderance of the general good, and not the incidental benefit, should be the criterion. But I disagree with him that, in the expenditure of the public money, the incidental advantage should weigh nothing. It is true, that the construction of a fortification in Kentucky, merely to secure to the people the incidental advantage of the expenditure, would be ridiculous. But it would be equally ridiculous to make a road along the margin of the sea for the sake of the incidental benefit. It has pleased God so to form our extensive country, so to diversify the interests of different sections, that the enlightened statesman, in the conduct of our public affairs, will never find the general and incidental advantages of the Government to come in conflict. When the improvements are made which nature indicates should be on the frontier and in the interior, the general and local interests of the whole Union will be sustained; and the preponderance of general good will be found in harmony with the incidental advantages of an enlightened administration.

Now, sir, this scheme of devoting our whole means to the Navy and fortifications will perpetuate and fasten upon the country the unjust policy of expending the whole revenue of the Republic on the sea-board—a policy that has long prevailed to exhaust the West to enrich the East.

Sir, let us pause here for a moment to consider how the flagrantly unjust and partial expenditure of the public money on one side of the Union, for the support of only part of the great national interest, first took its rise, and how it has been continued. When the Constitution went into operation, all the States then in existence were situated on the Atlantic ocean. That instrument (as was natural) received such constructions, and was reduced to practice so as to suit the then existing interests of the people. They then depended on foreign commerce for the exchange of the surplus products of their industry. To facilitate this foreign commerce, the system which has since cost the nation millions on millions was commenced, of making breakwaters, piers, improvement of bays, inlets, harbors, the mouths of rivers, and light-houses, &c., &c. But, since the adoption of the Constitution, the number of the States has doubled, or will, probably, in a few days: the nation has spread over the interior of the continent; an internal commerce has grown up far more valuable than the foreign commerce; yet there are still many good people in the old States who believe that ours is a salt water Constitution, and that it would be the most unconstitutional thing in the world to spend a dollar of the public money above the ebb and flow of the tides. Such, sir, is the force of old habits of thought, especially when interest happens to run in the same channel. The clause in the Constitution which has been construed to confer the power on Congress to make improvements for the benefit of foreign commerce, reads in the following words:

"Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

Although the very same words are used in regard to foreign and domestic commerce, yet many of our Atlantic brethren, while they are willing to expend millions to protect, defend, and facilitate foreign commerce, believe it would be exceedingly unconstitutional to give a cent for the security and facility of interior commerce. But, sir, the time has arrived when the salt water exposition of the Constitution must give way to the progress of the national expansion. Our Constitution was formed for the continent, and not for the sea-board. Its scope is sufficiently broad to comprehend within its beneficent provisions every part of our extended and extending country.

Sir, the present unjust scheme of confining the national defenses to the building of ships and the erection of fortifications, and the application of our whole means to these objects, will perpetuate this old rotten partial system of expending all the public money on one side of the country. One reason why a system so revolting to reason, and so prostrative of justice, has been so long continued, is this: "money is power;" and this mode of partial expenditure, while it has exhausted the West, has so enriched the great cities on the sea-coast, that they have acquired an undue influence upon the legislation of the country.

Since the year 1791, there has been very nearly a thousand million dollars collected from the people of this country, and expended by this central Government. Of this vast sum the western country has paid its full proportion. Yet the people of that country have been doomed, for near half a century, to see their substance flow into the national Treasury, and from thence poured out in profusion along the maritime frontier.

To conclude this branch of the subject, I am opposed to voting all our means to a navy and forts, because it would be the adoption of a radical change in the policy of our Government upon the spur of the occasion, without consulting the people; because it would lay the foundation of a large standing army, and bring heavy charges upon the country; because the building of ships and forts are not the only nor the best way to provide for the national defense; because it would perpetuate a partial system of disbursing the public treasure, by giving it all to the sea-board; and because it would lead to such a vast increase of the expenses of the Government, and consequently to such an extension of its power and patronage, that our liberty would be rendered unsafe.

Having first reasoned to show that our revenues should not be suffered to accumulate in the Treasury, and secondly to prove that it should not all be expended on the sea-coast in ships and fortifications, I will now, in the third and last place, attempt to prove that so much of it as has arisen, and will arise, from the sales of the public lands, ought to be divided among the States. This plan stands recommended by the fact that it has been long and deliberately considered and approved by the people, it having at a former session passed both Houses of Congress by large majorities, and has received the approbation of many of the State Legislatures.

Sir, what is the state of the case? We now have in the Treasury $20,571,125 75, which has accrued from the sales of the public domain, (which is the common property of the people of the United States,) over and above the wants of the Federal Government. Now the great question is, whether this large sum of money shall be divided among the States, to be expended under their own councils, for the improvement of the condition of the people? or shall it be added to the swelling flood of Federal expenditure, to raise still higher Federal power, and extend the range of Federal patronage to a broader circumference? Shall the whole of our surplus revenue be thrown into the maelstrom, the grand whirlpool of centrifugal extravagance, where it will draw after it the remaining barriers of freedom into the same gorge? These are the weighty questions on the decision of which hangs the fate of liberty. If the division among the States should take place, the following statement will show the proportion of each State of what is already in the Treasury:

Table showing the amount to which each State will be entitled.

States.	Federal population.	Share for each State.	Fifteen per ct. to new States.	Total to new States.
		Dollars.	*Dollars.*	*Dollars.*
Maine.....	399,437	689,028	-	-
N. Hampshire..	269,326	464,587	-	-
Massachusetts..	610,408	1,052,953	-	-
Rhode Island...	97,194	167,659	-	-
Connecticut....	297,665	513,472	-	-
Vermont.....	280,657	484,133	-	-
New York.....	1,918,553	3,309,503	-	-
New Jersey.....	319,922	551,865	-	-
Pennsylvania...	1,348,072	2,325,494	-	-
Delaware.....	75,432	130,120	-	-
Maryland.....	405,843	700,079	-	-
Virginia.....	1,023,503	1,765,554	-	-
North Carolina..	639,747	1,103,563	-	-
South Carolina.	455,025	784,918	-	-
Georgia.....	429,811	741,423	-	-
Kentucky.....	621,832	1,072,660	-	-
Tennessee.....	625,363	1,078,578	-	-
Ohio.....	935,884	1,614,400	230,844	1,845,244
Louisiana.....	171,694	296,172	67,561	363,733
Indiana.....	343,031	591,728	325,485	917,213
Illinois.....	157,147	271,078	483,760	754,838
Missouri.....	130,419	224,972	174,354	399,326
Mississippi.....	110,358	190,367	788,403	978,770
Alabama.....	262,598	452,826	541,940	994,766

It is estimated that the annual receipts from sales of the public domain will in future be $10,000,000. From this data a calculation can easily be made of the proportion of each State for any given number of years. If the land bill should pass, I have no doubt but the principle of it will become the permanent policy of the country. There is yet in the limits of the United States more than a thousand millions of acres of unsold land; it would supply ample funds for the States for centuries to come. What stupendous results might be produced upon the power, the agriculture, the commerce, the wealth, the comfort, the intelligence, and happiness of the people of the United States, by this application of their great public domain? This comprehensive, this all-pervading, this equal, this magnificent plan for the disposal of the proceeds of the sales of the public lands, in practice a few years, would exhibit a degree of improvement in the United States surpassing all the nations of the earth. The modern system of constructing roads and improving rivers, with the full development

of the power of steam, would bring the distant parts of the country so near together, that constant intercourse, mutual interest, and commercial exchanges would mold the discordant parts into a homogeneous national character, which would be the best guarantee for the perpetuity of the Union, and the durability of American liberty.

While the interests of the whole country would harmoniously unite in this great measure, the western country has a right especially to call aloud for its adoption, where, for reasons already given, the Constitution has never been considered in full force. The present condition of the Treasury furnishes the means to extend the fostering care of the Government to all the great interests of the whole Union, and forever to wipe out the reproach of favoritism to one portion of the country, to the oppression of another. Kentucky, although entirely neglected heretofore; though deprived of a fair participation in the benefits of the Government, has never complained at sustaining her share of its burdens. A full proportion of the taxes has always been paid, and in the two wars more than her proportion of blood was shed for the general defense. Ever since the year 1791 she has looked on at a partial administration of the public finances, by which her substance has been drawn away, and devoted to improvements in which she had only a remote and consequential interest. And while the public money has been thus disposed of, what disposition has been made of large portions of the public lands?

The following table will show the liberal grants which have been made by Congress to the new States:

State or Territory.	Appropriated for internal improvements, education, or charitable institutions.					Aggregate appropriations for each State and Territory.
	Number of acres for internal improvements.	Number of acres for colleges, academies, and universities.	The one thirty-sixth part of public lands appropriated for common schools.	For religious and charitable institutions.	Lands appropriated for seats of government.	Saline reservations.	
Ohio	929,987	99,800	678,576	43,505	2,560	23,040	1,737,838
Indiana	384,728	46,080	536,184	-	2,560	-	1,019,592
Illinois	480,000	46,080	977,457	-	2,449	46,080	1,712,925
Missouri	-	46,080	1,066,639	-	1,280	-	1,181,348
Mississippi	-	46,080	655,884	-	1,620	23,040	734,944
Alabama	400,000	46,560	724,190	23,040	-	-	1,216,450
Louisiana	-	46,080	873,973	-	10,000	-	930,053
Michigan	-	46,080	543,893	-	-	-	599,973
Arkansas	-	46,080	950,958	-	1,120	-	996,398
Florida	-	46,080	877,484	23,040	1,120	-	947,724
Aggregate	2,187,665	508,000	7,923,538	89,605	21,589	296,988	11,057,685

Kentucky led the way into the western wilderness, and fought the battles for the conquest of the western lands, and now sees them partitioned out among new comers, and herself excluded from all participation.

But notwithstanding the long exclusion of Kentucky from a full and fair enjoyment of the benefits of the General Government, she would disdain, and I, as one of her Representatives, knowing her liberal and elevated spirit, would not venture to excite sectional feelings. She is for a policy that embraces the whole Union, and all of the great interests of the Union. She is still willing, as she always has been willing, to vote money to the support of a navy to protect our foreign commerce in peace, and to defend the country in war. Formerly, when the navy had shrunk away to nothing, under the frowns of the then ascendant party, the spell was broken, and the navy raised and called into favor by the voice of a Kentuckian—the same voice that has been heard for thirty years in all the times of national emergency. Yet some unknown person has written to the distant newspapers that myself and some of my friends had given a vote unfriendly to the Navy. This unfounded slander is made manifest by the fact that I have voted, ever since I have been in Congress, for every recommendation of this Administration for the benefit of the Navy, and now stand ready to vote for the estimates sent in at the commencement of this session. Kentucky is still willing to contribute her proportion of the requisite millions to go on with the fortifications and all the national defenses; she desires to abate nothing from the annual appropriations for the improvement of the sea-coast. But while she is willing, as she has always been willing, to stand by and uphold the great interests of the other portions of the Union, she would be recreant to herself if she did not demand her rights in a tone that would no longer be patient under refusal. As we need no fortifications, no navy, no standing army, in the nature of things, the only great national interests which could be maintained by legislation in the West are education, and the construction of highways along which the surplus products of industry could be safely, cheaply, and speedily conveyed to market.

In former ages the interior of continents, cut off from the general intercourse of nations, remained in ignorance and poverty; but modern roads and steam power are rapidly working a revolution in human affairs. They are carrying into the most remote, interior, and secluded situations enterprise, intelligence, and wealth, and all the improvements of civilized and cultivated man, which were in other days exclusively enjoyed by maritime countries. The great interest of the western people is to have their roads and rivers placed in a condition to enable them to reap the advantages of the modern improvements in interior communication; and as the internal commerce of the United States has become so much more valuable than the foreign, reason, policy, and justice unite in requiring that at least as much of the public money should be devoted to its protection. If it were not for old habits and antiquated prejudices in regard to foreign and domestic commerce, what reason could be given for the outlay of millions for the protection of the lesser, while not a cent is given for the promotion of the greater interest? If the surplus was divided, and Kentucky had the immediate use of $621,832, to which she would be entitled, and her annual proportion hereafter, she would then be on a footing with the other sections of the country; the people would be retrieved from the taxation necessary to pay the heavy debts which that State is incurring to carry on her internal improvements. She would be provided with the means to sustain a system of general education, and thus to improve the intelligence of the people, the only foundation upon which free government can securely rest. She would be replenished with money. The wages of labor would be high, the prices of produce would be kept up, and the blessings of this munificent plan would be equally extended to improve the condition, and happiness, and security of the poor and the rich, without distinction or respect of persons. Will any Kentuckian, will any just man, say that Kentucky shall not enjoy her fair proportion of the price of the public lands—lands, for the conquest of which her gallant sons spent their youth, their substance, and their blood—lands that they have redeemed from the forest, and made salable and valuable by the sweat of their brow—lands that, by their enterprise, they have made to supply your Treasury with sixty million dollars?

Among the repugnant propositions which have been maintained by this Administration, none are more striking than those relating to the disposition of the public domain. In the annual message of 1832 is to be found the following scheme of getting rid of the public lands. The President says:

"It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers in limited parcels at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in convenient time this machinery be withdrawn from the States, and the right of soil and the future disposition of it surrendered to the States respectively in which it lies."

This recommendation is repeated in the veto of the land bill; yet the principal reason given for the veto is because the public lands are common property, to which all the States have an equal right, and because all the States have an equal right, and because the land bill gives a larger proportion of the proceeds to the new States than to the old.

According to these opposite views, it would be proper to deprive the old States of any share in the public lands whatever. Yet to give the new States ten per cent. more of the proceeds would be such injustice to the old States as to constitute good cause for a veto.

We now stand upon the point of time; we are now surrounded by the circumstances favorable to that great revolution in our national policy, by which the blessings of our free institutions, and the advantages of justice, shall be made to pervade the whole Union, and be carried home to the dwelling of every citizen; by which love and confidence in the Government shall be shed abroad in every heart, and the cement of the Union be made more firm and durable; by which the authority of the General Government shall be thrown back within the pale of the Constitution and laws, and the right arm of the "money power" cut off. Yes, this is the important point of time when these glorious ends are to be accomplished; or when the present corrupt and partial system is to be enlarged and doubly riveted on the country for ages to come—a system that will continue to exalt the power and patronage of this central Government; that will continue to enfeeble the power of the States; that will continue to paralyze the defenses of liberty; that will finally make the tax-payers *here*, what they are over the face of the whole earth *elsewhere*, slaves to the tax-consumers; that will, under the forms of a free Constitution, devote the labor of the common people to the support of an aristocracy and a throne.

NORTHERN BOUNDARY OF OHIO.

SPEECH OF HON. THOS. L. HAMER,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

June 9, 1836,

On the bills to settle the northern boundary of Ohio, and to admit the States of Michigan and Arkansas into the Union.

Mr. HAMER said:

Mr. SPEAKER: I had hoped to avoid the necessity of engaging in the discussion upon the subjects now before the House; but I cannot, in justice to the State which I have the honor in part to represent, any longer remain a silent listener to the debates which are progressing around me. These questions have been so long pending before us, that it might well be supposed every gentleman was prepared to vote without further investigation; and at this late period of the session, with such a mass of unfinished business upon our tables, votes are much more important to the public interest than long speeches. Indeed there is so much speaking here, and so little business done, that I often refrain from addressing the House, when I would otherwise do so, and when, like others, I am inclined to think I have something to offer that would be either interesting to the House, or calculated to throw light upon the subject before us. Upon the present occasion, however, the argument has taken a turn that requires of me an expression of my views, though it is not my design to enter into an elaborate examination of all the topics which have been ingrafted upon this debate.

It must be manifest to all who have witnessed the several movements in regard to this dispute between Ohio and the Federal Government, (for

we do not recognize Michigan as a party to the controversy,) that there is somewhat of party politics mingled with it both here and at home, among the people of Ohio. An overwhelming majority of the citizens of our State are for the boundary claimed by us, and they have no disposition to let party have any connection with this claim; but the politicians have not taken exactly the same view of it, and some of them, it is very clear, have endeavored to turn it to account in the political struggles which now agitate the country.

The effect is visible here. Our delegation are unanimous for the claim of Ohio. We all go for the boundary; yet in arriving at the object of our hopes and wishes, we disagree materially upon various incidental questions. It is this disagreement which is the occasion in part of my now obtruding myself upon the attention of the House. I desire to be fully understood in my position; and then all who have a right to know my sentiments will be able to approve or disapprove of the course I have adopted.

It is not necessary for me to meddle with the difficulties between some of my colleagues, and their *quondam* friend from Massachusetts, [Mr. ADAMS.] I leave him in their hands. They are fully competent to take care of him, and to vindicate themselves from aspersion or misrepresentations which may come from that, or from any other quarter. My business is with other branches of the controversy.

There are three bills before the committee; the first, a bill merely to settle the boundary; the second, a bill to settle the boundary, and to admit Michigan into the Union; and the third, a bill to admit Arkansas into the Union. The first one we have laid on the table, to remain there until the other two are disposed of. The whole delegation from Ohio, except one, voted against laying that bill on the table; but they were overruled by a majority of the House. With the motives of my colleague, who differed with us, I have nothing to do; nor shall I attempt to assign reasons for his vote. No doubt his motives were pure and his reasons satisfactory to himself; and he is very competent to defend his own course, either here or elsewhere. But of the vote of my colleagues, friends of the Administration, and myself, who voted against the motion to lay on the table, I have something to say. It is due to ourselves that our reasons should be known.

It is a good general rule in legislation that each measure should stand upon its own merits, unconnected with everything else. If good, let it prevail; if bad, let it be defeated. We applied that rule to the boundary bill. We were of opinion that a large majority of the House were in favor of the boundary claimed by Ohio, and that if this proposition stood alone it would pass without much difficulty. But, when it is connected with the admission of Michigan into the Union, we are by no means so certain of its success. There is a strong party in this House apparently determined to keep Michigan out of the Union during the present session. If they succeed, and our boundary question is connected with Michigan, it must necessarily share the same fate. This would be disastrous to Ohio. Her public works are suspended for a settlement of this question. Her interests, pride, and feeling, are deeply involved in it. Her people are impatient to see it terminated. A border war is lowering upon our northern frontier; and the moment Congress shall adjourn, without adjusting this dispute, it will break out with a train of outrages and bloodshed that must be profoundly deplored by every man who loves his country. Myself, and those with whom I act, thought it imprudent, under these circumstances, to risk the fate of our boundary, by voluntarily attaching it to another question—the admission of a new State into the Union. We preferred having our bill first acted upon, and after that we were entirely willing to see the State admitted. We do not oppose her. The people of Ohio do not oppose her. We only object to her coming into the Union and bringing a part of the territory of Ohio along with her, claiming it as parcel of the new State. This we oppose, and ever shall, whilst we have the sagacity to comprehend our rights and the spirit to maintain them.

I come now to the bill which is more immediately before us. It is a bill of several sections. The first section declares, expressly, that the boundary of Ohio shall be by a direct line running from the most southerly extreme of Lake Michigan to the most northerly cape of the Miami bay; being the line always claimed by Ohio, and the one named in her constitution. The subsequent sections prescribe the limits of the new State of Michigan, and require her to meet in convention, and agree to the limits so prescribed, before she shall be admitted into the Union; and on her giving her assent, the President, by proclamation, is to declare her one of the independent States of this Confederacy, entitled to all the privileges of the Union under the Federal Constitution. My colleague [Mr. VINTON] proposes to amend this bill by adding a proviso, declaring that, if Michigan should not assent to these new boundaries, still, the northern line of Ohio shall be and remain as described in this bill. I am constrained to vote against this amendment. The reasons that influence me in doing so shall be briefly given.

It was with great difficulty this bill passed through the Senate. No opposition was manifested to that part of it which fixed our boundary, but there was violent resistance shown to the admission of the State. If the bill were now in that body, it is extremely doubtful whether it could be got through. We all know these things; the newspapers have informed us of their existence, in addition to the other sources of information which we possess. If we amend the bill in the slightest degree, it must go back to the Senate for their concurrence. Suppose they refuse to concur, or that they refuse to act on the bill this session, and let it remain on their files among the unfinished business, what will be our condition? How shall we avoid the alarming evils which are now impending over us, or meet the storm of public indignation that will burst forth against Congress for this unjustifiable procedure? I, for one, am not willing to meet it, nor am I willing to share any portion of the responsibility. I cannot, therefore, vote for any amendment to this bill, thereby creating the necessity to send it back to the Senate, and risking its final passage, unless that amendment be absolutely necessary to its validity. Such is not the case with this amendment; and I will now proceed to show that its adoption can be of no advantage to Ohio, in any respect whatsoever.

In the first section it is declared, in the most unqualified terms, that the northern line of Ohio shall be as we claim it. In the subsequent sections it is provided that Michigan may come into the Union upon her assenting to this line, and to the boundaries assigned to her by this bill. If the bill passes and receives the sanction of the President, it will be *a law in all its parts*. Whether Michigan shall comply with the condition or not, upon which she is allowed to come into the Union, is a matter of perfect indifference, so far as the validity of the law is concerned. If she complies, she will come in; if not, she will remain out; but, in either event, the law still stands in full force. Her failure to comply with its conditions cannot annul the law, or affect a single provision it contains. All that can be said is, that the law contains a provision with which the State has not complied, and the only consequence that follows is, that she remains out of the Union. The law itself remains wholly unimpaired.

But the conditions of this law are not in the first section, nor have they any necessary connection with it. The subsequent sections may all be annulled, and still the first one will remain in full force. It is the first one alone in which we have any peculiar interest. It settles our boundary permanently, without condition or limitation. No subsequent section, nor any proceedings of Michigan under it, can affect our rights which are thus secured. To make this plain, I will illustrate my views by one or two cases. Suppose a law passed at the present session, giving to the State of Connecticut $100,000, in full for all her claims upon the General Government for revolutionary services, debts paid, men furnished, &c., during our struggle for independence. Attached to this law, is a section providing that Massachusetts shall also receive $100,000 from the Treasury of the United States, *upon condition* that her Legislature will pass an act relinquishing all other claims, and receiving this sum in full satisfaction of all her demands against the General Government. It is an easy matter to combine two such subjects in the same law, and it is not unfrequently done. Suppose, then, Massachusetts should refuse to pass the act required, or to accept the money in satisfaction of her claim; would that prevent Connecticut from getting her money out of the Treasury? We all know it would not. Her claim would be safe. No act of another State could affect it. She would send an authorized officer to receive it, and the funds would be delivered to him, without asking, or caring, what had been done by Massachusetts in reference to her claims.

Again, we have now a proposition before this House to recharter the several banks in this District. If we were to pass a law containing several sections, and in the first section should renew the charter of the Metropolis Bank, without any condition or limitation, simply declaring that it is rechartered for the term of fifteen years; and in the subsequent sections should renew the other charters, *upon condition* that a certain bonus, say $50,000 each, should be paid into the Treasury by the 1st day of September next, and if not paid then, the charters should expire: how could this condition affect the Metropolis Bank? It would be rechartered, and would proceed to transact business without regard to the course the other banks might think proper to pursue. Whether they should accept or reject the conditions imposed on them by Congress would be a question of no interest to the Bank of the Metropolis. The whole law would be valid and binding. So much of it as was conditional would be just as much a law as any other part of it. Those for whom *the condition* was intended could avail themselves of it or not, at their own pleasure. The law must remain, with its conditions, in full force—an expression of the sovereign will and obligatory upon the citizens of the Republic. The approbation or disapprobation of those who are allowed to benefit themselves by its provisions, can derogate nothing from its authority or supremacy.

How can the present case be distinguished from those I have stated? Here is a bill of several sections, and the first one establishes our boundary in the strongest language that can be employed in legislation. No condition, no qualification is attached to it. Subsequent sections declare that a new State may be admitted into the Union upon certain specified conditions. Now whether these conditions are acceded to or not, whether the State shall come in or not, is a totally separate and distinct question from the one settled in the first section of the bill. Our line is permanently and unchangeably established, and no future movement of either Michigan, Congress, or any other power, can shake or invalidate its location.

With this view of the subject, I cannot vote for my colleague's amendment. It will endanger the passage of the bill, by sending it back to the Senate; and it is unnecessary, because the bill already contains all that Ohio wants. In attempting to obtain more, we may lose what is already offered, and is within our reach. Let us adhere to the bill as it is, and arrive at a final arrangement of this delicate and vexed question, which has already agitated our whole country to an alarming extent, and threatened at one time to involve our frontier citizens in a border war, in which many valuable lives must have been lost, and a stain inflicted upon the character of our free institutions which time could not have effaced.

Before anything is said of the merits of our claim, it is proper that I should notice an argument presented by the gentleman from Rhode Island, [Mr. PEARCE.] He took it upon himself, in a very cool and self-complacent manner, to denounce our pretensions as utterly groundless, and hoped Congress would not act so unjustly towards others, as to concede to Ohio what we believe to be her right, according to every known principle of equity and justice. He seemed highly delighted with one idea upon this subject, which he pressed upon our consideration with some ability and a great deal of earnestness. He asked, with an air of triumph, "If Ohio believes her cause to be just, why does she not allow Michigan to come into the Union, and then sub-

mit the question to be tried and decided by the Supreme court of the United States?" Is it possible that such doctrine is to be urged here in the House of Representatives in such a discussion, and in the present advanced stage of political science? Are the old doctrines of JUDICIAL SUPREMACY about to be revived? Is this all-grasping and dangerous department, which has done more than any other department of the Government to fritter away the rights of the States, about now to be vested with authority to decide upon the political rights of sovereign communities? Is the jurisdiction of a State to be held subject to the order of a Federal judge, and the highest attributes of sovereignty to be controlled by a decree in chancery? Is this democracy? It may be so in Rhode Island, but I can assure the gentleman it is not so in the West. Ohio acknowledges no right in the Supreme Court to try such questions; she will never submit to such a mode of determination. It is a legislative question, and not a judicial one. *Here* is the place to determine it. Congress has only to relinquish the claim of the Federal Government to the country in dispute, and there is an end of all controversy. If the court had authority to try the cause, how unwise and impolitic would it be for us to send it there? Why not put a quietus to it at once, instead of having a long and tedious lawsuit about it? When a word can place the parties where they ought to be, shall we endeavor to shift the responsibility from our own shoulders, and throw it upon the court? There it may remain for years; and, in the mean time, our public works are unfinished; property sinks to half price; improvements are retarded; there are conflicting laws and jurisdictions over the inhabitants, and perpetual quarrels among the citizens along the border. Why voluntarily produce this state of things, when it is so easily avoided?

But there is a much more serious consideration still, which ought not to be overlooked by a wise statesman. No case of this kind has ever been decided by the Supreme Court. In the case of New York and New Jersey they agreed to exercise jurisdiction, so far as to require the defendant to appear, and to progress with the cause; but they expressly left the question open to the last, whether they could *finally* decide such a case between two States or not. The cause was settled by the parties, and never decided by the court. Since that time another case has arisen, in which the court has in the same manner assumed jurisdiction, and the case is now pending. Let them proceed in this way without objection, and in a few years this power, so dangerous to the States, will ripen into perfect maturity. For one, I desire to enter my solemn protest against it. Suppose, however, that the court should go on to a final hearing of the cause, and when this action of ejectment, or bill in chancery between two sovereign States, is determined, one or both should refuse to abide by the decision: what would be done? How would your court enforce its decree? By what means would it turn one party out of possession, and put the other in? Every man who hears me knows it could not be done. Process may be issued against an individual, or a number of individuals, and obedience to the mandates of a court enforced; but no such proceeding can be tolerated against a State. Where would the marshal find a *posse* sufficient to compel any of the States, especially one of the larger class, to yield possession of her territory, and have it transferred to a neighbor? If she chose to submit to it, very well; but if she did not, there is no way to compel her but by arms. You must fight her. Are you prepared to do this? Are we ignorant of the political axiom, that our Government is held together by moral influences alone? It is not a Government of physical powers. In monarchies and aristocracies, armed men sustain the Government. It is not so *here*. Moral power, public opinion, mutual concessions, and compromises, hold our Confederacy together. Abandon these and resort to force, and your boasted Union, the proudest, loftiest, and purest temple of civil liberty that ever existed, will be crushed in an instant, and its scattered fragments be swept away like straws upon the surface of a torrent.

What man here desires to see our institutions subjected to such a test? Who wishes to aid in trying such an experiment upon their stability? If the decrees of your court are once successfully resisted, what regard will ever be paid to them afterwards? Away, then, with all such doctrines and schemes to break down the judiciary, or to shift responsibility from ourselves. Let us come up like men; examine the question, and dispose of it, according to the best of our information and the dictates of an impartial judgment. We have been implored for many years to adjust this difficulty. Here, then, let it be done. Our decisions command confidence and esteem, and they carry a moral influence with them that is almost irresistible. It is seldom that any community will attempt to resist them; when they do, all must be conscious that they assume a most fearful responsibility.

The grounds of our claim have been so often stated to this House, and they are so fully and ably set forth in the lucid report of the honorable gentleman from Maryland, [Mr. THOMAS,] that it is scarcely necessary to detain the committee at this time by a labored argument upon the subject. But our rights have been so much misunderstood and so much misrepresented, that I will briefly remind gentlemen of some points upon which we rely. It should be distinctly understood that we are not mendicants petitioning Congress to grant us a donation; but we are demanding what is ours by compact; we ask a recognition of our claim on the part of Congress, so that their tenants or wards may no longer disturb our possession. We allege that a contingency has occurred, that entitles us to the line we claim, and we ask Congress to acknowledge the existence of that contingency, and to relinquish all demand on their part to the territory within the new line. We ask the Federal Government to declare *expressly* what they have already declared *impliedly*. When we came into the Union, it was agreed and understood that if a due east line from the southerly bend of Lake Michigan would not give us Maumee bay, then we should have a line running from the southerly bend of the lake to the most northerly cape of Maumee bay; so that the bay was to be ours at all events. Now, we know that the due east line first mentioned will not give us the bay. Congress knows it also, for their officer has so reported. We say it is plain, that, according to the original understanding when we came into the Union, we are entitled to the other line, which gives us the bay. Congress is asked to admit this, in so many words: that we may have peaceable possession of the country, and be no longer harassed by other authorities, pretending to claim under Congress, and to be clothed with power to punish our people and drive away our public officers. Is this unreasonable? Is this asking a gift from you? It is asking you to be honest, and to do what every good citizen would do voluntarily. A bad one would be compelled to do it, by the civil authorities. It remains to be seen whether the Federal Government will follow the example of a good citizen, and honestly fulfill its contracts; or disgrace itself in the eyes of the civilized world, by refusing a simple act of justice to one of the States of this Union.

Every gentleman, either in or out of Congress, who has attempted to argue the question in behalf of Michigan, has gone back to the ordinance of Congress adopted in 1787. They seem to rely upon this document as the foundation of their claims, and thus to *go behind* the compact between Ohio and the General Government, formed in 1803, of which I have just been speaking. It is supposed that Michigan derives her rights from that ordinance, consequently, no act of Congress in 1802 or '3, or of any subsequent period to 1817, could at all affect her interests. A more radical or material error could not well have been adopted. Michigan is not known in the ordinance of 1787. She has no vested rights under it, nor is she one of the States named in it which is entitled to come into the Union whenever there are sixty thousand inhabitants within her limits. This assertion of right has been repeated so often in her behalf, by persons who have either never read the ordinance, or had not sense enough to understand it when they did read it, that hundreds now believe it, and will not be persuaded to the contrary. Yet it is not true; she never had any such right; and Congress can now, under the ordinance, cut up Michigan, and divide her between Ohio and Indiana, and never admit her into the Union. We do not desire any such thing; we believe she ought to come into the Union; but we cannot admit that she has any vested rights upon the subject. A careful examination of the ordinance will prove that we are correct in our opinions.

It is not necessary to explore all the ancient charters granted by the British Crown, to ascertain who among the several States of the Old Thirteen had the best title to the country northwest of the Ohio river, or whether any of them possessed a right to it, other than the common title which they all gained by conquest, and which was recognized by the treaty of peace with Great Britain, in 1783. Whether the Federal Government derived its title from this treaty, or from the cessions of Virginia and other States, who made deeds to it for their respective claims, is a matter of perfect indifference. They had become the exclusive owners of both soil and jurisdiction at the time of passing this ordinance. I do not speak of the Indian claims, nor of small tracts of the country owned by others, because they have no connexion with the point now under consideration.

By the ordinance of 1787, the whole country northwest of the Ohio is divided into three States, running from the Ohio river on the south to the great chain of lakes on the north. Each of these States was to be entitled to admission into the Union, whenever it should have sixty thousand inhabitants, or sooner, if circumstances would allow. The right, however, to come into the Union upon having that number of inhabitants was *a vested right*, of which they could not justly be deprived. These three States—now known by the names of Ohio, Indiana, and Illinois—covered the whole country, including the present Territories of Michigan and Wisconsin. Had there been no other provisions in the ordinance in regard to a subdivision of States, or no further legislation by Congress in reference to such divisions, we should have been spared the present difficulty. Ohio and Indiana would now cover the whole of Michigan; whilst Indiana and Illinois would possess the entire Territory of Wisconsin.

But the ordinance provided further, that the boundaries of those three States should be subject so far to be altered, that if Congress should hereafter find it expedient, they should have authority to form one or two States in that part of said Territory which lay north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. Here is no creation of additional States; but there is authority given to Congress to create one or two more, if they should ever think it expedient. If they should not think it expedient, then the three States remain as they were marked out and bounded by the ordinance, and will necessarily run clear through to the Canada line. The case is easily understood. No one can mistake its true position.

Not only every lawyer, but every man of common sense, will perceive that there are but two ways in which the boundaries of these three States can be changed. One is by compact or agreement with Congress; and the other is by an act of Congress under the ordinance creating one or two new States in that part of the country lying north of an east and west line drawn through the southerly bend of Lake Michigan. In one of these two modes only, could their lines and corners be changed. Their rights were secured by the ordinance; but they might consent to an alteration, or Congress might make a change without their consent, *by making new States, but in no other way whatsoever*. I defy any gentleman to devise any other means of changing a single line or corner, besides the two I have named. It is important that we should keep this proposition distinctly before us, during the present investigation. We shall see, presently, how the frail tenements of some gentlemen will tumble down about their heads. It is well for them that their superstructures are of light materials, or the fall might be followed by very serious consequences.

It will not be pretended by any one that Congress has ever created a State in the country lying north of the east and west line named in

the ordinance. Territories are not States. Will a member of this House contend that the erection of a Territory is the creation of a State, within the meaning of the proviso? To such a gentleman I have no arguments to address. All attempts to convince him would be useless; and I shall not trouble myself to assail him in his stronghold. If no State has been established by which the boundaries of Ohio have been changed, then she still extends to the Canada line, unless her limits have been altered by compact. These, it must be remembered, are the only modes in which a change can take place. What are the facts in reference to this question?

In 1802, when Congress passed a law authorizing Ohio to form a constitution, preparatory to her admission into the Union, the Federal Government proposed by that act a change of boundaries for Ohio; binding her on the north by a line due east from the southerly bend of Lake Michigan. It was entirely optional with Ohio to accept or reject this proposition. Suppose she had rejected it; what would have been the consequence? Nothing in the world, except that she might have been kept out of the Union until she had sixty thousand free inhabitants, and then they would have been compelled to admit her. She would have come in, too, with her boundaries running through to the Canada line, unless Congress had made a *new State* to prevent it. A Territory would not have answered the purpose.

Ohio could not only accept or reject this proposition absolutely, but she might accept it with modifications or conditions. She did the latter. When her convention met, they agreed to accept the boundary proposed to them by Congress, *provided*, when the east line should be run, it would give them the Maumee bay; but if it did not, then they declared that line *should not* be accepted as their boundary, nor binding upon the State as such; but their line should run from the southerly bend of Lake Michigan to the most northerly cape of Maumee bay. Here was a proposition made by Congress to change the line; the State accepted it upon condition, and returned this acceptance to Congress with her constitution; Congress made no objection to the conditional acceptance, but ratified the constitution, and admitted the State into the Union. Who can misunderstand the rights of the parties under such circumstances? They are too palpable to be misconceived for a moment. The State yields all her claim to the country north of a line drawn from the southerly bend of Lake Michigan to the north cape of Maumee bay, and she yields nothing more. She agrees, however, that if a due east line from the southern bend of the lake will give her the bay, then she will yield all the country north of *that* line. The line which is to be her true boundary is not fixed, and cannot be, till the survey is made; but one or the other is to be her limit, according as the bay shall be included or excluded by the due east line.

The fatal error which pervades all the reasoning of the friends of Michigan is, that they look upon Congress as having the right to prescribe limits to Ohio, in the act of 1802. It is no such thing. Congress *did* not attempt to assign to Ohio any boundary, other than the one fixed in the ordinance, *except by her own consent*. Congress had no such power. The equitable and legal title were both vested in Ohio, to all the country, through to the British line. There is no parallel between the case of Ohio and that of a State carved out of lands acquired west of the Mississippi. In the latter case, Congress lays out a State to suit its own views of propriety; but northwest of the Ohio, the title was in the States, and not in the Federal Government. Hence, all that has been said about the *equitable* title to this disputed region being in Ohio, and the *legal* title in Michigan, or in the General Government, is wholly erroneous. It is an error springing from the supposition that the legal title was in Congress at the time Ohio came into the Union; whereas, since the ordinance of 1787, the legal title had never been in the Federal Government, but had remained in the State. She agreed to relinquish it upon a contingency; or, rather, she agreed to part with it, *unless a contingency did happen;* and then she would retain it. Very well; the contingency has happened. The line you proposed does not give us the bay, and we hold on to the cape line.

It may be asked, if we have never fully conveyed our title to the disputed jurisdiction; if both the legal and equitable title are in the State, why we ask Congress for any action upon the subject? I reply, that you have embarrassed our title and incumbered our possession. Believing that the east line would give us all we wanted, you have hastily legislated upon the subject, assumed jurisdiction, and allowed others, under color of your laws, to claim possession; and we ask you to set these things right, by withdrawing from it yourselves and removing your tenants. We ask nothing more. This we have a right to expect, for it is but the dictate of common justice.

I do not wish to be understood here as giving sanction to the opinion, that in a question of jurisdiction like this, between two governments, there is any distinction between *legal* and *equitable* rights. That is a distinction for courts, to be made and maintained among individuals. States and nations have nothing to do with it. Who ever heard of legal and equitable rights, arising out of a treaty, or compact, between France and England, or between any other independent nations? If no such distinction exists there, neither can it here; for, except so far as powers have been granted by the Federal Constitution, the States of this Union are just as independent of each other, and of the Federal Government, as they are of any nation in Europe, or as the nations of Europe are of each other. They have a right to enter into compacts and agreements, except such as are forbidden by the Constitution; and unless that instrument has provided an arbiter to settle disputes arising from such compacts, then each party must judge for itself of the true construction to be given to the agreement; and if they differ, it can only be settled by compromise, as all the serious difficulties in our Government always have been, and always will be settled. As to *legal* and *equitable* rights in such cases, in a dispute between the General Government and a State, where the Constitution does not allow a suit to be brought, it is idle to talk about it. No action of trespass or ejectment, no bill in equity or writ of injunction, can be instituted or obtained by one of these parties against the other. It is a question between two sovereignties, with regard to the force, construction, and hearing of a solemn agreement, executed more than thirty years ago. Although the sovereignty of the States and of the General Government is strictly a limited sovereignty, yet so far as this affair is concerned, there is no limitation, for it is a pact made which was literally within the scope of the powers respectively guarantied to them; and in all such matters they are supreme and sovereign. As to Michigan, she was no party to the original agreement; she has no vested rights under the ordinance, for she is not known in it, and she has never been laid off *as a State*, under the authority reserved to Congress in 1787. Consequently, she is no party to this controversy; and the attempt to thrust her forward as a party, and then let the General Government in as a judge, to decide between us, is all a trick, which is too shallow to impose upon any sensible man's understanding. The Federal Government is an interested party, just as much so as Ohio; and it has no more or better right to decide this question than Ohio. True, it is stronger; and if power gives right, then it has it; but not otherwise.

No one has been so wild yet as to contend that Congress can alter the lines of one of the States of this Union. The territorial jurisdiction of each State is as far removed from the control of Congress as the regulation of her State revenue, or the modification of her poor laws. If Congress could at pleasure dismember a State—could cut off a few counties from one and add them to another—then our liberties would indeed be held by a frail tenure.

Apply this principle to the case under consideration. In 1787, Congress having a complete and perfect title, both to soil and jurisdiction, divided the country into three States, securing to them certain rights, and among others the right to come into the Union whenever either of them should have sixty thousand inhabitants, and sooner if convenient. Authority was reserved, at the same time, to alter their boundaries, by making one or two new States next to the Canada line, if Congress should at some future period think it expedient. In 1802 Ohio asked permission to come into the Union, and Congress granted it, approved of her constitution, and received her among the other States, upon terms of equality with the Old Thirteen. This was done, too, without Congress having cut off any part of Ohio for a new State; consequently she came into the Union with all the territory given her by the ordinance, unless she consented to some alteration. To what did she consent? Why Congress proposed to her a new limit for her northern boundary, instead of the Canada line, which was to be an east line from the southern bend of Lake Michigan. To this she never did assent, and of course it never was her true line. But she did agree to take it, provided, upon actual survey, it should give her the bay; and if not, then the line should be varied to the north from the starting place, so as to give her Maumee bay. Which of these two lines was to be her boundary no one knew at the time she came into the Union. The due east one was the temporary line until a survey should be made; and Congress supposed, as did the people of Ohio generally, that this line would give us the bay. Hence Congress made that the southern line of Michigan, surveyed public lands up to that line, and acted in all respects as if it were the settled boundary of the State. Hence, too, for several years, Ohio, as a State, took no particular interest in the matter, believing that the east line would give us all we wanted; but she never for a moment relinquished or abandoned her claim; and if gentlemen will look into the legislative action of Ohio upon this subject, they will find that it is no new question, nor has any new ground been assumed by the State. Instead of believing that it is a Van Buren and Harrison contest, or that we are taking advantage of Michigan just at the moment when she is coming into the Union, or that it is a case of the strong against the week, they will find that we have been trying for thirty years to get this question adjusted; that nineteen-twentieths of the people of Ohio entertain the same opinions with regard to our rights; that it is a case of the strong against the weak, for it is the General Government withholding from Ohio what is her just right; and that we are pressing our claim the more earnestly now because, after this long delay, instead of granting us our claim, you tell us that we have none, and that the country belongs to Michigan. It is high time for us to be up and doing under such circumstances.

There were further provisions in the compact between Ohio and the Federal Government in 1802-3, when we came into the Union. Congress can no more add to than it can take from the territory of a State, without its consent. At the same time that they proposed this change in our northern line, and we accepted it upon condition, they imposed upon us another condition in regard the country lying between us and the Canada line. Congress was not prepared at that period to say whether there ought ever to be one or two States formed in that region, agreeable to the reservation in the ordinance of 1787; and they reserved by law, when we came into the Union the right to attach that whole country to Ohio, if they should think proper to do so, at any future period. Ohio agreed to this, and came into the Union; and, notwithstanding all we have heard here and elsewhere about the *vested rights* of Michigan, Congress can to-morrow dissolve her territorial government, reject all her propositions to become a State, and attach her to the State of Ohio. It would break no compact, infringe upon no agreement, and violate no pledge of public faith; for none has ever been given that she should have a State government, and be admitted into the Union. All the lamentations, therefore, which have been poured forth over the multiplied wrongs of Michigan, have been supplied by fountains possessing no real existence, and which can only be successfully sought for in the imagination of the mourners.

Congress have never decided, to this day, whether there shall be one or two States in the

country along the British line or not. They have admitted the three original States of the ordinance into the Union, and by agreements with each one of them, their limits have been curtailed, and the power retained by Congress to still extend them to the Canada frontier, if they think proper, by adding all Michigan and Wisconsin to them. We cannot object to it; nor can the Territories do so. We desire no such arrangement; it will never be made. But in discussing RIGHTS, it is necessary to advert to these things to show how perfectly absurd are the arguments advanced here against Ohio.

The right of Congress to form one or two States *in the country*, north of the line running through the southerly bend of Lake Michigan, was perfect and indisputable. They could make one State or two, as they pleased. They could include the whole country north of that line in the State or States so formed; or they could occupy but a part of it, and attach the remainder to the three States bordering on the Ohio river. The States are to be created *in* the country, and not *of* it; they may take the whole, or a part, as best suits the public convenience. Until recently, no one ever supposed that this line was immovable and impassable. Congress never so considered it; for they have run the northeast corner of Ohio thirty or forty miles beyond it; the northern boundary of Indiana is ten miles over it; and Illinois is stretched out north of it for some forty or fifty miles. The impassability of this line is an after-thought, a modern invention, to warrant an encroachment upon the States already in the Union. Congress could, originally, before these States were admitted, have extended the fourth or fifth State entirely down to this due east line, because they had the whole country before them, and could form the States of such size and in such shape as they chose; or they might have stopped as far north of the line as seemed expedient, leaving the balance of the country to be attached to the other three States. But this authority no longer exists. By admitting the three States, before they exercised it, these States acquired rights of which Congress cannot deprive them. All attempts, therefore, to cut off a part of their territory, with a view of enlarging Michigan and Wisconsin, and making them in shape, size, and *position*, what *it is supposed* the Congress of 1787 intended they *should* be, are as unconstitutional and unwarrantable as it would be to separate a range of counties along the Ohio river, and attach them to Kentucky. The title of every State to all she brought into the Union, whether absolute or conditional, is as perfect upon her northern as upon her southern frontier, and the rights which Congress either waived or relinquished, at the time of admission, can never be resumed by a subsequent act of legislation.

I waive the examination of the *equity* of our claim, as it has been called, by insisting upon the understanding and expectation of all parties at the time of our admission, and the hopes encouraged by Congress that Ohio should have the bay. Neither will I attempt to prove that the one we claim is the natural boundary of our State, and that without it our public works and those of Indiana must terminate in another State, allowing them to levy tribute upon us forever, and building up a great city for them, by our commerce, industry, and enterprise. I will not advert to maps then in existence to prove that at the time we came into the Union, according to all the most approved maps in the country, a line due east from the southern bend of Lake Michigan would have given us the Maumee bay and a large scope of country farther north; so that we are not claiming as much, by many miles, as we might ask for, upon well known principles of justice and equity. I pass by all these and many other considerations that might be urged upon the attention of the House, and plant my standard upon the compact. I rely upon the ordinance; upon the agreement at the time we entered the Union, and the survey, which proves that the east line does not give us the bay. These three constitute a title that all the sophists and declaimers in the world cannot shake. The ordinance gives us all the country to Canada; by the agreement we relinquish all of it down to the Maumee bay, retaining *that* within our limits; and by the survey, we prove that the east line does not include the bay, thereby establishing our right to the cape line. Gentlemen may cavil as they please upon this question. The advocates of Michigan may seek to obscure it by arguments and sophistry; but the strong, bold, and prominent features of the case must strike every man with conviction, who will examine the facts and the laws for himself, instead of depending upon newspaper articles for information, or listening to the statements of those who are interested or prejudiced against the State of Ohio.

For my own part, I have studied this question carefully and attentively for years; and I do most conscientiously declare, in the sight of Heaven, that if this were a controversy between two individuals, and the one occupying the relation of the Federal Government were to refuse the other an act of justice, such as that now demanded by Ohio, he would subject himself to the scorn and indignation of every honest man and good citizen in the whole community. It remains to be seen whether Congress will place itself in an attitude that would be disgraceful to a private citizen. If they come to that determination, they will, of course, make up their minds beforehand to assume the responsibility, and meet all the consequences, of such an unjust and unfortunate decision.

I will detain the House no longer upon this branch of the subject, but pass on to some objections that have been offered to other parts of the bill. It is a great mistake to suppose that the people of Ohio are against the admission of Michigan, or Arkansas either, into this Union. Such is not the public sentiment of our State. We are anxious to have the boundary question settled, and settled correctly, before Michigan comes in; and our State has instructed us to oppose her admission until the difficulty is removed. But beyond that, we have no wish to embarrass her; nor do we entertain a single unkind feeling towards her people, however we may disapprove the conduct of some of her public officers. I am for this bill, therefore, throughout. The State ought to be admitted. Not, to be sure, because she has *a vested right* to come in; but because they are our fellow-citizens, occupying a large, fertile, and valuable tract of country, already containing one hundred thousand inhabitants, and daily filling up with a free, industrious, enterprising, and respectable population, who ought to enjoy all the privileges that are granted to other American citizens. This they cannot do, unless you give them a State government and admit them into the Union.

One of the principal objections urged against their admission at this time, is, that their proceedings have been lawless and revolutionary; and that for the example's sake, if for no other reason, we should reject their application, and force them to go back and do all their work over again. I cannot assent to this proposition.

Two ways are open to every Territory that desires to emerge from its dependent condition and become a State. It may either petition Congress for leave to form a State constitution, and when that permission is given, proceed to form it, and present the new State constitution for our approbation; or they may meet, in the first instance, form the constitution, and offer it for our approval. There is no impropriety in either mode. It is optional with Congress, at last, to admit the State or not, as may be thought expedient. If they wish to admit her, they can do it by *two acts* of Congress; one to authorise the formation of a constitution, and the other to approve of it when made; or by *one act*, allowing the prayer of the petitioners to become a State, and approving of their constitution at the same time. This latter course is the one adopted in the present case. There is nothing disrespectful in it. Indeed, there is much to justify the Territory in its proceeding. Year after year they petitioned for leave to form a constitution, and it was refused, or their application was treated with neglect. Wearied with repeated instances of this treatment, they have formed a constitution, brought it to us, and asked us to sanction it, and admit them into the Union. We have the authority to do this; and if their constitution is republican, we ought to do it. There is no weight in this objection; and I will dismiss it without further remark.

It is said they have fixed the boundaries of the new States, making them a part of their constitution; and as this bill establishes different boundaries, there will be an incongruity in the proceedings, and all that part of our act will either be null and void, or it will be an alteration of a State constitution by law of Congress. It is supposed, too, that by their admission into the Union, we sanction the constitution, and that it will become valid *by relation back* from the date of its existence; and the subsequent legislation of Congress will have no influence upon it. This is a subtile, lawyer-like objection, and seems to have some weight; but I will show that it is entitled to no consideration.

In the first place, they have fixed no boundaries for the State. Ohio, and most, if not all of the new States, have described their boundaries expressly in their constitutions; but no such thing is attempted here. They say, "We, the people of the Territory of Michigan, do form ourselves into an independent State." It is the people living within that Territory who form themselves into a distinct political community; but the precise limits within which this new State or community is to exercise jurisdiction remains undefined, and to be settled thereafter. No boundaries being given, therefore, by the constitution, it is the province as well as duty of Congress to prescribe them.

Will they be obligatory upon the people when they are prescribed? How can it be doubted? The bill before us requires the people of Michigan to elect delegates to a convention; who, upon meeting together, shall express and declare the assent of the people to these boundaries, and then they may be admitted into the Union, and not until then. How can there be any difficulty on the score of boundaries, if a new convention shall meet and assent to the alterations now made?

Let us look at the other objection, namely, that by admitting the State we sanction the constitution, and make it valid *from the day of its date;* and if so, our legislation will be inoperative. The first weak point in the objection is this: the law which we pass gives validity to the constitution, and yet, the moment life is infused into it, we are to suppose that it receives power to destroy the provisions of the law which called it into existence. This cannot be. Its life is derived from the law, and yet it destroys the law which imparts that life. Can the stream rise higher than its fountain? Can the creature overpower and destroy its creator, and still live and enjoy its faculties and powers unimpaired? Can an agent disobey his principal, violate his instructions, and rise above all his commands, and still bind him by his agreements, and claim to be acting under his authority? These things involve an absurdity too monstrous to admit of discussion. The constitution derives its authority, so far as the other States and the Federal Government are concerned, entirely from the law of Congress. It is subject to such restrictions and modifications as the law may impose. It is now a dead letter, and must continue so forever, until it receives our sanction; and it will date its validity, as against all but its own citizens, from the time when that sanction is complete. Previous to that period, it is no more to Congress, to Ohio, or to any other State in the Union, than a piece of white paper. It is an instrument drawn up according to all the forms of law, lying upon the table, waiting for the parties to sign and seal it. Although it may be dated upon the 1st of January, yet if it be not executed till March, it takes effect only from the date of its execution.

Another objection is that aliens have aided in making this constitution, and are allowed the right of suffrage in all elections by the provisions it contains. As to the first point, it is sufficient to say that all the new States northwest of the Ohio formed their constitutions precisely in the same way. The ordinance of 1787 does not require sixty thousand *citizens* of the United States to be resident within the limits of a new State, in order to authorize a constitution and admission into the Union. It requires that number of "free inhabitants," and the alien who resides there, if he be a "free inhabitant," is entitled to vote in the election of delegates to the convention; and afterwards, in deciding whether the people will

accept the constitution formed by their convention. Such has been the construction and practice in all the country north of the Ohio; and as the last census shows that there are but a few hundreds of aliens in Michigan, it would be hard to set aside their constitution; because some of these may have participated in its formation. It would be unjust to do so, if we had the power; but we have no authority to do it; for if we regard the ordinance as of any validity, it allows all "free inhabitants" to vote in framing the State governments which are to be created within the sphere of its influence. We will now turn to the remaining point in this objection, and we shall see that it has no more force in it than the other.

The constitution allows all white male citizens over twenty-one years of age, having resided six months in Michigan, to vote at all elections; and every white male inhabitant residing in the State at the time of signing the constitution is allowed the same privilege. These provisions undoubtedly confer on aliens the right of suffrage; and it is contended that they are in violation of the Constitution of the United States. That instrument declares that "new States may be admitted by the Congress into this Union;" that "the United States shall guaranty to every State in this Union a republican form of government;" and that "the *citizens* of each State shall be entitled to all privileges and immunities of citizens in the several States." The ordinance of 1787 provides that the constitution to be formed northwest of the Ohio "shall be republican."

It is an error not very uncommon to suppose that the right of suffrage is inseparably connected with the privilege of citizenship. A slight investigation of the subject will prove that this is not so. The privileges are totally distinct. A State cannot make an American citizen who, under the Constitution of the United States, shall be entitled to the rights of citizenship throughout the Union. That power belongs to the Federal Government. We pass all the naturalization laws, by which aliens are transformed into citizens. We do so under the Constitution of the United States, conceding to us this authority. But, on the other hand, we have no control over the right of suffrage in the different States. That belongs exclusively to State legislation and State authority. It varies in almost all the States; and yet who ever supposed that Congress could interfere to change the rules adopted by the people in regard to it? No one, I presume. Why, then, attempt to control it here? Other States have adopted the same provisions? Look at the constitutions of Ohio and other new States, and you will find that they require *residence* only, and not *citizenship*, to enable a man to vote. Each State can confer this right upon all persons within her limits. It gives them no rights beyond the limits of the State. It cannot make them citizens, for that would violate the naturalization laws; or rather, it would render them nugatory. It cannot give them a right to vote in any other State, for that would infringe upon the authority of such State to regulate its own affairs. It simply confers the right of aiding in the choice of public officers whilst the alien remains in the State; it does not make him a citizen; nor is it of the slightest advantage to him beyond the boundaries of Michigan.

But it is said aliens may elect a member to this House, or elect members of the Legislature, who will elect Senators to the other House of Congress. True, they may do so, and how are we to prevent it? The Federal Constitution makes no provision upon this subject, except to declare, that Representatives to this House shall be elected by "*people*" (not citizens) who "have the qualifications requisite for electors of the most numerous oranch of the State Legislature." But the qualifications requisite to vote for the House of Representatives, or House of Commons, in each State, is left entirely to State regulation. If aliens are allowed to vote for members of this House, and the election shall be contested, it will be time enough then for us to enter at large into the question, whether such votes shall be retained or rejected. For the present, it is enough for our purpose, that there is nothing upon the face of this constitution that conflicts with that of the United States. Similar observations will apply to the case of a United States Senator. Who would think of contesting his seat, because a member of the State Legislature voted for him, who had himself been elected, in part, by aliens? No one, I apprehend, would carry his refinements upon principles of government quite that far; but if he should, the Senate will determine the contest when it is brought before them. We have nothing to do with it upon the present occasion. If this constitution does not set up a rule, plainly at variance with the Federal Constitution, we are bound to receive it. All we can do is, to inquire if it be a republican constitution, and not inconsistent with the paramount law of the Union? The objection to this instrument seems to be, that it is *too republican;* it extends the right of suffrage entirely too far to suit the views of certain gentlemen. It is seldom, nowadays, that we meet with an instrument of this solemn character, to which such an objection will apply. Most of them run to the opposite extreme, and instead of carrying out, practically, the great principle that man is capable of self-government, and can be safely intrusted with the management of his own affairs, their framers seem to have been solicitous to guard the people against themselves, and to curtail their powers and privileges as much as possible. I am glad to see a liberal spirit prevailing in Michigan. Their constitution is worthy of the age in which we live; and it would be well for some of the older members of the Confederacy, if they would follow the example which has been set by our younger sister.

One answer, however, may be given to all these objections to the constitution, which is conclusive. Suppose we refuse to admit the State until they meet and alter the constitution to please our tastes, or gratify our peculiar notions upon the subject, and we then admit them into the Union; what is there to hinder them, the next week after they are admitted, from calling a convention and changing the constitution back to the very same thing it is at present? Who can prevent it? Does not every State in the Union possess and exercise the right to alter her constitution when she pleases, and as she pleases; so that it still remains a republican form of government? All attempts at restriction upon these new States must be futile, so long as they, too, have this power to alter and amend. We cannot force them to anything, and, if we intend to give advice, we had much better advise some of the old States to extend the right of suffrage, than to ask the people of Michigan to curtail it within her borders.

I will notice another objection I have heard urged to the bill. It declares that upon the admission of the State, the Senators and Representatives who have been elected by said State shall be entitled to take their seats here, without further delay. No persons are named; but the objectors take it for granted that Messrs. Lyon and Norvell, the two Senators, and Mr. Crary, the Representative, who are now here, are the individuals intended by this provision; and it is said that we are legislating them into their seats. If so, we are doing wrong; for the Constitution of the United States guaranties to each House the right to judge of the elections and qualifications of its own members. Neither House has the right to say who shall take a seat in the other, and, consequently, no such question can be settled by a law, which is the act of both Houses, sanctioned by the President of the United States. All such laws would be palpable violations of the Constitution.

If the phraseology of the bill is consulted, it will be perceived that it neither names any individuals who shall take seats in Congress, nor does it apply to persons who may be now claiming a right to take seats here, or to those who may have been heretofore elected by the people, or Legislature of Michigan. It speaks of a state of things which is hereafter to exist, and not of the present time. When this bill is passed, and the convention of Michigan have approved of the boundaries given to the State, the President is to issue a proclamation declaring that she is admitted into the Union; and *then* the persons who shall present themselves here, claiming seats, if they have been elected, duly elected, will be entitled to take their places as members of the two Houses. But each House will judge for itself whether they have been elected or not. No matter whether the gentlemen now here, under their present certificates of election, or under new ones, or some other individuals, sent here by the State, shall claim the seats, each House will examine their claims to membership, and receive or reject them, according to the dictates of their own understandings, without reference to this bill, or to any other that Congress could pass on the subject. Laws will have no influence upon the pretensions of any individual. They only confer a right upon the State to send members here. But the fact of the person who comes being constitutionally and properly sent, will be tried and decided by each House for itself. This is the only fair construction to be placed upon the language used in the bill. It might have been made more explicit; but when a law is even susceptible, fairly, of two constructions, that one should be given that is consistent with sound sense and with the Constitution. If we adhere to this rule, there can be no possible difficulty in regard to the provision now under consideration.

There is no other objection which has been raised against this measure, that I think it necessary to combat. I will say a word, in passing, with regard to Arkansas. She is equally entitled to admission with the other. Is her constitution republican? Who doubts it? Is this a time or place to discuss abstractions? If her constitution is not republican, then the constitutions of one half the States in the Union are not. Are we prepared to fan a flame that already burns with a strength and an ardor calculated to startle every patriot in the land? I am sure that a large majority of this House will frown down all attempts to produce an excitement that can do no possible good, and may be attended by evils of the most alarming character. You have given her a territorial government, and ingrafted institutions upon it by your own laws. She is on the southern side of the line drawn by the "compromise" of the "Missouri question." She has asked you repeatedly for leave to form a State government, and you have neglected her, as you did Michigan. She has at length acted, and framed a constitution, which she respectfully asks you to accept and ratify, and allow her to come into the Union. How can she be refused? She has the requisite number of inhabitants. They are our friends and fellow-citizens, and are entitled to a full participation in all the benefits of the Union.

With regard to objections to their constitution, the same remarks may be made that were applied to the other State. Compel them to change it; admit them; and perhaps the next week they will call a convention and amend it, so as to restore the same features to which you raised the objection. The people of these new communities deserve kindness at our hands. They are under our protection and guardianship; and now, when they are about to set up for themselves, we ought to manifest the affection of a parent, and the solicitude of a friend, for their future welfare. By this means, we shall secure their gratitude and esteem, and rivet their attachment to a Union which, in its practical operation, dispenses so large an amount of individual and general happiness to the citizens of this great Republic.

I shall vote, then, against the amendment now proposed, because it is unnecessary, and its adoption may cause the bill to be lost in the Senate. I shall vote against all amendments that may be offered, for the same reasons. As the bill now stands, it gives to Ohio all she asks, and it provides amply for Michigan. There is no necessity for an alteration or amendment; and no one who is a friend to the principal features of the bill should risk its final defeat, by voting to change its details. Let us adhere to it, as it came from the Senate. We have the whole subject now under our own control. We can put an end to a most distracting contest that has agitated our country from Maine to Georgia, and from the Atlantic to the most remote settlement upon the frontier. There was a time when the most painful anxiety pervaded the whole nation; and whilst each one waited with feverish impatience for further intelligence from the disputed territory, he trembled lest the ensuing mail should bear the disastrous tidings of a civil strife in which brother had fallen by the hand of brother, and the soil of

freedom had been stained by the blood of her own sons. But the storm has passed. The usual good fortune of the American people has prevailed. The land heaves in view, and a haven, with its wide spread arms, invites us to enter. After so long an exposure to the fury of a tempest that was apparently gathering in our political horizon, let us seize the first opportunity to steer the ship into a safe harbor, far beyond the reach of that elemental war that threatened her security in the open sea. Let us pass this bill. It does justice to all. It conciliates all. Its provisions will carry peace and harmony to those who are now agitated by strife, and disquieted by tumults and disorders. By this just, humane, and beneficent policy, we shall consolidate our liberties and make this Government what Mr. Jefferson, more than thirty years ago, declared it to be, "the strongest Government on earth; the only one where every man at the call of the law, will fly to the standard of the law, and meet invasions of the public order as his own *personal* concern." With this policy on the part of the Government, and the spirit of patriotism that now animates our citizens, in full vigor, united America may bid defiance to a world in arms; and should Providence continue to smile upon our country, we may confidently anticipate that the freedom, the happiness, and the prosperity which we now enjoy, will be as perpetual as the lofty mountains that crown our continent, or the noble rivers that fertilize our plains.

[NOTE.—After the House had remained in session twenty-five hours, *without adjournment*, the bills were both ordered to their third reading, without amendment.]

THE CHEROKEE TREATY.

SPEECH OF HON. S. GRANTLAND,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

June 29, 1836,

In Committee of the Whole, on Mr. ADAMS's motion to strike out the appropriation for carrying into effect the Cherokee treaty.

Mr. GRANTLAND said: I do not rise to discuss the merits of this Cherokee treaty, nor the manner in which it was made. I shall not, sir, inquire whether the whole Cherokee tribe, (for *nation* I will not call them,) or whether a majority, or less than a majority, of that tribe gave their assent to it; nor shall I consider it necessary to show that this treaty has been made with more than usual fairness, or that the agents of the Government, to effect an object not less beneficial to the Indians themselves than it is to several of the States, may not have used some of that address and management which is commonly practiced by diplomatists, and especially in the making of Indian treaties. But I cannot forbear to remark that, of the almost numberless compacts made by this Government with Indians for the cession of their lands, all negotiated by commissioners appointed by the President, it very rarely happens that objection to any of them is made, either in the confirmation by the Senate, or in the appropriation of money to carry them into effect by this House, unless it be with a tribe within the limits of Georgia; and then, sir, there is always doubt and difficulty and vexatious delay, if not a charge of fraud. How does this happen? Can it be that gentlemen are willing to shut their eyes and close their ears, and almost connive at frauds upon Indians, when the land is acquired for the benefit of *all* the States, and the especial convenience of their own constituents, but are ever wide awake, industrious, and vigilant to hunt out and detect frauds, though none exist, when Indian lands are contracted for, which, under the compact of 1802, are for the benefit of Georgia alone? It might be considered indecorous were I to assert that this is the case; but every candid man must admit the thing has a suspicious appearance. Yes, sir, its aspect is more than suspicious—it has an awful *squinting!* and need I say at *what?*

My purpose in addressing the committee is, as I before stated, not to discuss this treaty; that, sir, has been done by one of my colleagues, and more ably by far than I could do it, and with a clearness and soundness of reasoning that will convince every member of this body, whose mind is open to conviction; and I hope there are but few, though some there may be, who will not do us and themselves the justice of giving to this question a fair and dispassionate consideration.

It is sufficient for me that this contract with the Cherokees was made by that department of the Government to which alone has been confided by the Constitution the treaty-making power; it was concluded by commissioners of the United States, duly authorized to treat with the Indians, and has been approved by the Executive, and confirmed by the Senate. This is enough to satisfy me; let those who doubt seek for new lights; but I admonish them not to be led astray by some *ignis fatuus;* by plausible sophistry, or misplaced philanthropy. The treaty will speak for itself. It gives the Cherokees (besides an equal quantity of better land west of the Mississippi) about six millions of dollars for a country containing eight or nine millions of acres, nine tenths of which are mountains. But I again say that I did not rise to take part in the discussion of this treaty, but to repel the aspersions cast by the gentleman from Virginia [Mr. WISE] on the "*faith* and *humanity* of Georgia." That honorable gentleman has thought proper, sir, to charge the State which has sent me here, with *bad faith* in the observance of treaties, and with inhumanity to the Indians. These are grave charges; but I deny, in the most emphatic manner, that the honorable gentleman can sustain his assertions, and I defy him to *prove* that which he has so rashly and unwarrantably said before this committee.

Now, I shall proceed to show that it is not Georgia, but the General Government, that has acted with bad faith in the observance of compacts. It is known to you, Mr. Chairman, and to every member of this committee, that in 1802, Georgia made a compact with the United States, by which the former ceded to the latter all her lands extending from the Chattahoochee to the Mississippi, and from the 31st to the 35th degree of north latitude, a territory of vast extent and almost unrivaled fertility, out of which have since been formed the flourishing States of Alabama and Mississippi. What were the conditions of that cession? One condition was the payment to her by the United States of the sum of $1,250,000, (out of the sale of her own lands,) which is less than a fourth part of the amount to be paid the Cherokees for their territory, which is not a tithe in quantity, and is generally mountainous and sterile. But the main inducement with Georgia was to get possession of the Indian lands within her chartered limits. Has this been done? Could it have been done by the United States, as agreed upon in her contract with Georgia? I ask, sir, that the Clerk may read the preamble and the first and second articles of a treaty concluded by the United States with the Cherokees in the year 1817, and also part of a convention made with that tribe in 1819, which annuls or modifies the bargain of 1817, and makes one of a very different kind, without the consent of Georgia, deeply as she was concerned.

[The Clerk here read from vol. 6, pages 702–4, part of the treaty of 1817 alluded to, made with the Cherokees by Andrew Jackson, Joseph McMinn, and David Meriwether—and the preamble and boundaries of a treaty made with the chiefs of the same tribe, in 1819, by John C. Calhoun, Secretary of War.]

Mr. GRANTLAND. Now, Mr. Chairman, I have shown, by the preamble to the treaty of 1817, which has just been read, that, so early as the year 1808, deputations from the upper and lower Cherokee towns, duly authorized by their nation, went on to the city of Washington, the first named to declare to the President of the United States their anxious desire to engage in the pursuits of agriculture and civilized life, in the country they then occupied, and to make known to the President the impracticability of inducing the nation at large to do this, and to request the establishment of a division line between the upper and lower towns, so as to include the waters of the Hiwassee river to the upper town; that, by thus contracting their society within narrow limits, they proposed to begin the establishing of fixed laws, and a regular government: the deputies from the lower towns to make known their desire to continue the hunter life, and also the scarcity of game where they then lived, and, under these circumstances, their wish to remove across the Mississippi river, on some vacant lands of the United States.

Mr. Chairman, I ask your particular attention and that of the committee, to the fact that the Cherokees of the upper towns, who desired to become agriculturists, were almost exclusively in Tennessee, North Carolina, and Alabama; that those of the lower towns, who wished to continue the hunter's life, and to emigrate, were in Georgia. The treaty of 1817 goes on to state that the Cherokees wishing to emigrate, did explore the country on the Arkansas and White rivers, which they were pleased with, and had notified the President of their "*anxious desire* for the full and complete ratification of his promise" to give them lands there in exchange for those they held in Georgia, and, for that purpose, the treaty of 1817 was made. Fortunate would it have been, sir, for Georgia, and for the United States, if that treaty had not been set aside by the subsequent one of 1819. If the first contract had been adhered to, Georgia would not now be unjustly charged, as she has been, with bad faith and inhumanity; nor would any complaint have been made by her against the General Government for the non-performance of the compact of 1802.

The preamble to the treaty of 1819 states that the greater part of the Cherokee nation had expressed an earnest desire to remain on this side of the Mississippi. The United States, notwithstanding her engagements to Georgia, and without consulting her, chose to gratify them. And hence all the difficulties with the Cherokees.

Now, I say boldly, without fear of contradiction, that bad faith is not in this case imputable to Georgia, but to the United States, for failing to carry into effect the compact of 1802.

I shall now proceed to notice the gentleman's charge of inhumanity towards the Indians; and here, sir, I shall not find it necessary to refer to documents to prove what I say, though your library furnishes, as I am told, abundant evidence on this point. History, and the information of every gentleman of this body, will establish the fact that, whatever may have been the legislation of Georgia in regard to these people, (and I candidly admit I have not always approved of it,) she has no cause to apprehend anything from a comparison between her and her sister States in the treatment of Indians. The best evidence in our favor is, that while the Indians in Georgia have increased in number, in most of the States they have diminished, and in some are extinct. Does it become the gentleman from Virginia to talk about humanity to Indians; to rail against what he may consider their oppression by other States? I ask that gentleman, what has become of the Indians who were once the sole occupants of all the lands in his own State? Where are the Pamunkies, the Nansemonds, and the Appomattoxes, the Rappahannocks, the Chickahominees, and the gigantic Susquehannocks? Where are they, sir? I put the question, Mr. Chairman, not to you, but to the honorable gentleman from Virginia. Are they not extinct, annihilated, or driven to the wilds of the far West? I can assure the gentleman from Virginia that I have no unfriendly feeling to his State, it is my native land, and I feel for it much affection—perhaps nearly as much as he does; but much as I love Virginia, I love Georgia still more.

The gentleman from Virginia made one remark in regard to my State which I was particularly sorry to hear from *him*. He said that Georgia, for persisting to execute her laws in regard to the Indians, and for refusing to obey the mandates of the Supreme Court, ought to have been "*whipped into obedience*" by the General Government. *Whipped into obedience!* Is that the honorable gentleman's State-rights doctrine? I am sure it is not held to be orthodox doctrine by his State.

Sir, I hope to God that I may not live to see the day, and that my children's children may not live to see it, when it shall be deemed necessary to "*whip into obedience*" any State for the assertion of her rights. But, as some of the generals sent to the South have been thought rather slow in their movements, it is my wish (should it be deemed expedient to send one there on such an errand as this) that the gentleman from Virginia be selected to perform this operation of *whipping into obedience*. I promise him that he will find a *warm* reception, and be happy if permitted to retrace his steps.

As so much has been said *against* Georgia, it may not be deemed obtrusive or irrelevant if I should say something in her favor; and, sir, with your permission and that of the committee, I will briefly recapitulate a part of what she has done for herself and for this Union. She fought by the side of her sisters, and as valiantly as any of them, to achieve the liberty of this country. Her Clarks and her Jacksons, her McIntoshes and her Twigges, are known in the history of the revolutionary war, as are the Cummings, the Applings, the Floyds, and the Newmans in that of the late war. While menaced by the Indians on her extensive frontier and the Britons on her sea-coast, Georgia sent a considerable army to defend the then infant Territory of Alabama, (bone of our bone and flesh of our flesh,) which had been invaded by the enemy. When the Indian war broke out recently in Florida, our volunteers rushed to the standard of their country, as they have in the war with the Creeks. The bravery of Captain Garmany and of his officers and men, and Captain Horne and his small detachment, when assailed by numbers greatly superior, is worthy of all praise.

But I can name circumstances to show that in devotion to this Union, in public spirit and genuine patriotism, Georgia is not behind any of her sister States.

At a most critical period of the late war with Great Britain, when several of the southern States had been invaded; after this Capitol had been laid in ashes, when your Treasury was empty, your credit tottering, and national bankruptcy was staring us in the face; when your Treasury notes, which bore interest, were spurned as trash, and a preference over them given to notes of banks in this District, these last being at a discount of twenty per cent.; at this gloomy time, when your Government could not furnish a dollar to the contractor or quartermaster of your Army—at this crisis in your affairs, what did not Georgia do? Sir, she poured out her treasury for the defense of the country; she furnished money to feed your soldiers, and to procure forage and transportation. She did more, sir. Her patriotic Governor, Peter Early, (whose memory should be held dear by all Americans, and is revered by every Georgian,) pledged the faith of the State, and his own private fortune, to get loans from the banks for the use of the United States. This came within my own knowledge; and I doubt whether the interest paid by Georgia on loans thus obtained for the United States has yet been repaid to her. I know that it was, while General Mitchell was Governor of Georgia, and Mr. Rush Secretary of the Treasury, applied for and refused, on the ground that the Government never paid interest!

Mr. Chairman, I thank the committee for their patience and attention. I did not intend to have spoken on this occasion, and should not, but for the attack made upon my State by the gentleman from Virginia. Her character I *will* defend *here* and *elsewhere*.

PROCEEDS OF THE PUBLIC LANDS.

REMARKS OF HON. G. N. BRIGGS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

May 11, 1836,

On the motion to commit the bill to distribute the proceeds of the sales of the Public Lands.

Mr. BRIGGS said he understood there were three propositions before the House—one to commit this bill to the Committee of the Whole House on the State of the Union, one to refer it to the Committee on Public Lands, and the third to refer it to the Committee of Ways and Means. The debate of this preliminary question was taking a very wide range, involving the merits of the most important and interesting subjects of disposing of the proceeds of the public domain; but he would endeavor, as far as possible, to confine the few remarks he had to make to the immediate question before the House. If (said Mr. B.) the bill is to be referred to any one of the standing committees of the House, it should go to the Committee on Public Lands. If a reference is necessary and proper, that, in my opinion, is its appropriate destination.

By the rules of the House that committee are to take into consideration all subjects relating to the public lands. The bill before the House proposes to dispose of the proceeds of the public lands, and naturally involves all the great and interesting questions connected therewith. The history of this bill in both Houses of Congress for the last four or five years sustains this view of the subject.

It is true that, on the first introduction of the subject into the other branch of the Legislature, it was, for reasons which need not now be named, referred to the Committee on Manufactures. That reference was an extraordinary one. That committee reported a bill in all essential respects the same as the one now before this House. But after it was reported to the Senate, it was recommitted to the Committee on Public Lands, because it was argued that that was the committee to which it appropriately belonged. The subject has been under discussion in that body nearly, or quite every session since its first introduction, and I think has uniformly been before that committee. I believe, on a reference to the Journals of this House, it will be found that when referred at all, it has taken the same course. The nature of the subject has not changed, and it seems somewhat strange that, after the practice of both Houses for a course of years has confirmed the jurisdiction of the Committee on Public Lands, an attempt should now be made to send it to the Committee of Ways and Means. It has never before occurred to either the friends or opposers of the bill that it belonged to that committee. Believing that it does not belong to that committee, and that this House will not depart from the established and uniform practice of both branches of Congress upon this identical bill, I will not take up the time of the House in further discussing the motion to send it there.

I shall vote to refer the bill to the Committee of the Whole on the state of the Union. There are no facts to be elicited, and no new and important principles to be examined and discussed, which render it necessary for it to be committed to the scrutiny and consideration of any committee. The preliminary action of committees has so often been had upon it, that the House is now as well prepared to proceed to the discussion of its merits as it would be after it should again have been under the notice of a committee. All the reports which have been made, covering the whole ground for and against it, are at our command. It has passed the other branch of the Legislature several times, and once received the sanction of a large majority of this House. The whole subject has been before the country, and occupied a large share of the public attention for years. These reasons bring me to the conclusion that its reference is not at this time necessary.

The Committee on Public Lands of this House have had under their consideration this whole subject during the present session. Some time back they reported a bill to graduate the price of the public lands. That bill is now in the Committee of the Whole on the state of the Union. The two subjects are somewhat, and many gentlemen consider intimately connected. It is proper that they should be kept together. By sending this bill to the same committee, if it should be thought wise and just to unite any of the provisions of the two, both would be under our control, and it could be done. I vote for this course also, because it will insure a more speedy action upon the subject. Should it go to either of the committees named, it must take its chance with the mass of other business now before them, and no mortal man can tell when we should see it or hear from it again. Sir, this is a bill of absorbing interest, and one upon which the public mind is intensely fixed. As soon as the bills now before the House, which demand our immediate attention, shall be disposed of, it should be taken up for discussion and action. If it goes to the same committee to which has been committed the graduation bill reported by my friend from Illinois, [Mr. CASEY,] the friends of both will unite in promptly calling them up. These, sir, are some of the considerations which will govern my vote on this question of reference. To me they are sufficient, and I hope they will have their proper influence upon others. The gentleman from New York [Mr. GILLET] says that we ought not hastily to dispose of the public money in the Treasury; but tells us that the subject should be sent to the Committee of Ways and Means, and we should wait until informed by them what will be the drafts upon the Treasury, by the appropriations which have been or which may be made. He tells us that there are different opinions as to the amount of money now on hand, and thinks it necessary for us to be informed on this part of the subject by a report from the Committee of Ways and Means. He has enumerated a great number of objects for which he says large appropriations will be required. How wonderfully things have changed in this House in the course of one short year! At the last session of Congress the public revenue was guarded at every point. We had at the head of the Committee of Ways and Means a chairman who scanned the various objects embraced in the appropriation bills with the most commendable scrutiny. If any amendments were proposed, increasing the expenditures, he was always found at his post, the sleepless sentinel of the Treasury, and ready to resist the appropriation of every dollar not imperiously demanded by the public interest. Now, the great concern is how to multiply the objects of expenditure. The money of the people is to be poured out by millions in unguarded appropriations, instead of being distributed among the States, that it may be returned to the possession of its rightful owners.

The gentleman asks if members of this House are not willing to vote money for the defense of the country? *The defense of the country! the public defense!* This term has all at once become the watchword of patriotism with certain gentlemen on this floor. What do gentlemen mean by the defense of the country? Our great cities and public works on the Atlantic coast are certainly as well fortified and protected as they were some six or seven years ago, when our Chief Magistrate in two successive messages recommended the distribution of the surplus revenue among the States, according to their federal numbers, after the public debt should be paid. From that time to this no notes of alarm have been sounded, calling for heavy sums of money for the defense of the country. I am as ready as any gentleman here to vote large and liberal sums for all the important purposes of national strength and security. And when all the appropriations which the condition of the country calls for upon these objects are made, there will be left in the Treasury an amount amply sufficient to meet the provisions of this bill. I will not give my voice in favor of one dollar appropriation for any object beyond the amount that can in all reasonable probability be expended. Such an appropriation is deceptive, inasmuch as it purports to be a draft upon the revenue for its nominal amount, whilst so much only as is actually expended is required for the public service, and the balance remains in the deposit banks, where it now is, being transferred on their books from a credit to the Treasury to the credit of some disbursing officer. Since I have had the honor of a seat upon this floor, the Journals of the House will show that I have not been reluctant in giving my support to expenditures of money for the defense of the country. I am most willing, sir, to compare votes with those who now talk loudest and

longest about the *public* defense in this Hall. It might not be altogether unprofitable for the gentleman from New York [Mr. GILLET] to recur to the record of his own votes upon these subjects at the last session of Congress. If I am not very much mistaken, the gentleman will find that on the successive propositions to amend the fortification bill, by increasing the sums for fortifications in the harbors of Boston, New York, Philadelphia, Baltimore, and Pensacola, my vote, and the votes of those with whom I usually act, are in favor of those amendments, whilst his own, the mass of the majority with which he acts, are against them. He, with that majority, defeated them, though some of them, at least, were recommended by committees of this House, and by the proper officers in the Departments. But that zeal for the defense of the country which now animates the hearts of gentlemen was not then kindled.

My mind has undergone no change on these subjects since that time. I am now prepared to carry out, to the most liberal extent, the principles by which I was then governed. The gentleman desires information from the Committee of Ways and Means as to the amount of money now in the Treasury, and as to what will probably be received during the current year. If he will take the trouble to examine (if he has not already done so) the various documents which have been printed and laid on our tables, from the Treasury Department, I think he will find information sufficient to enable him to act on the bill now before us when it shall be taken up. The amount of money in the deposit banks, as it appears by the statement of the Secretary of the Treasury of the 25th April, was about $37,000,000. The receipts from the public lands and the customs, for the last three quarters of the year, may be safely estimated at $25,000,000. The Government stock in the Bank of the United States is worth $8,000,000. These three sums give the enormous aggregate of $70,000,000. Can the ingenuity of man devise means sufficiently extravagant and wasteful to dissipate, in the course of one year, this mass of public treasure? Does not the condition of the country, does not justice, does not the voice of public opinion, sternly demand some such measure as that proposed by the bill upon your table, for the restoration to the people of the country, to be used in the business of the country, of that portion of these millions of their money which is not wanted for the public service? One of the mammoth projects designed to swallow up the surplus revenue is the appropriation of about seven million dollars to the various railroad corporations of the country, for services to be *hereafter* performed in the transportation of the mails. These services, to be performed from this day forward to the end of time, are to be paid for *in advance*. Heretofore, the private contractors with the Government for carrying the mails have thought themselves well off if they could get their pay after they had performed the services. But now, sir, to prevent the distribution of the proceeds of the public domain among the States of this Union, for the use and benefit of all the people of the Union, we must advance to railroad corporations six or seven million dollars, to pay for services not to be performed until after the present generation of men shall have passed from the earth. At an early period of this session, these same railroad companies were held up and spoken of in high places as odious monopolies, ready to take advantage of the Government by extorting unwarrantable sums for the transportation of the mails. How complacently will these "soulless monsters" now contemplate this proposition to pour out to them these millions of the public money for the performance of future services.

I beg pardon for having rambled a little from the direct question in noticing some of the reasons which have been urged for referring this bill to the Committee of Ways and Means. I hope the House will keep it within their own control, by committing it to the Committee of the Whole on the state of the Union, where it will be by the side of its kindred bill already in that committee, and where, I trust, the public expectation will be met by taking it up and acting upon it at the earliest possible moment that the state of business before the House will permit.

PROCEEDS OF THE PUBLIC LANDS.

REMARKS OF HON. M. MORRIS,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

May 12, 1836,

On the motion to commit the bill to distribute the proceeds of the sales of Public Lands.

Mr. MORRIS said he doubted whether all that he had to say upon this question was worth the pains which he had taken to obtain the floor for the purpose of expressing it; but not knowing whether he should again have the opportunity of occupying the floor, he was glad of the present ocasion, and he should use it in offering his opinion upon the present question of reference. He scarcely thought, if the bill should ever come to be acted upon in the House, that he should ask their attention to any remarks of his upon its merits. It was a subject with which the people were already generally acquainted; it had received the consideration of the public; it had been discussed in the public papers and official communications, and probably all the light of which it was susceptible had been shed upon it by the able arguments of gentlemen in this or the other branch of Congress. He should confine himself in his present remarks to the questions immediately under consideration; he should not follow the example (whether proper for imitation or not, he could not say) of taking the wide range into topics which he conceived to be foreign from the question on hand. Besides, he had listened to the remarks of gentlemen upon this floor, whose experience here enabled them to present all the views of the subject, and their arguments, as he believed, being more important upon the merits than his own. He thought he should not take up the time, to the exclusion of all others who may wish to speak, so near as he hoped the present was to the close of the session.

He was more anxious to take the present occasion to express an opinion, in discharge of his duty, from the fact that the people of the State which he in part represented, and especially the immediate district from which he came, felt themselves deeply interested in the fate of this bill. The Legislature of the State of Pennsylvania had repeatedly, at different sessions, and more recently at the session of the last winter, expressed their sentiments upon this subject-matter of the bill in the following manner.

"*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the passage of a law to distribute the proceeds arising, or which may have arisen, from the sale of the public lands, amongst the several States, in proportion to the number of members from each State in the House of Representatives of the United States."

It was in accordance with these sentiments, repeatedly expressed, and with these strong recommendations of the Legislature at its late session, as well as in conformity with his own opinions and feelings, that, in the language of the resolution, he would at the present time "use his influence" to obtain for this bill such a reference as would be most likely to insure an expression of this House upon it, rather than that it should be left to sleep or expire with the session.

It is proposed to refer this bill making appropriations of the surplus proceeds of the public lands to one of the three committees—either to the Committee of the Whole House on the state of the Union, or to the Committee of Ways and Means, or to the Committee on Public Lands; in either of which committees I mean not to say but it would receive the attention and deliberation which its merits demand. The question is then presented whether a reference to either of the standing committees of this House would afford the means of more prompt and speedy action, or whether the immediate reference to the Committee of the Whole would not place the subject in a state as favorable for legislation as if the more formal and slow method be adopted.

I suppose it may be assumed as a position incontrovertible, that there is no gentleman in this Hall but what, other things being equal, would say his object and purpose is to give such a direction to this and all other subjects as would best promote and facilitate the concurrent action of both branches of Congress; that, if the subject has merits, it should be so disposed of as to be acted upon and passed. If, then, this be the case, unless good and sufficient reasons can be advanced for first referring this matter to a standing committee, I hope it will go immediately and at once to the Committee of the Whole, both for despatch and effective legislation. It has been said that if it be referred to the Committee on the Public Lands, they may make such suggestions and alterations in the proposed bill as may meet both the wishes of the friends of this bill and of the bill for graduating the prices of the public lands. It is true there may be modifications proposed in the committee, but the same may be proposed, deliberated upon, and discussed, in the Committee of the Whole; nor can it be supposed, if such alteration should be made in the standing committee, that that circumstance would prevent or foreclose alterations, propositions, and debate in the Committee of the Whole. If he understood the true purpose and use of standing committees, it was to take into consideration memorials, resolutions, and matters connected with them in their incidental stage, or bills, if their recent introduction and novelty render it expedient; so that, having them before them, and all the facts, which may be numerous and diversified, and with which it is not presumed the House are acquainted, they (the standing committees) may give such a condensed form to the subject, with their recommendations, as to place it intelligibly before the House, and enable it to make such final dispositions of the matter as they may think it right and proper to do.

Objections have been raised to the reference of this bill upon the ground that the appropriation bills should first be acted on and passed before this is taken up, in order that it may be known whether there will be any surplus in the Treasury to be distributed. Whatever weight there may be in that objection it is met and answered, in great part, by the operation of the special order of January last, giving precedence to the appropriation bills over others. I presume they will first be called up and disposed of before this bill could be passed. But if it is meant to be contended that this bill shall not be reported by a standing committee until all the appropriation bills are finally acted upon by this House and the Senate, and shall receive the sanction of the Executive, then the consequence is apparent and inevitable that this bill is not to be reported by the standing committee; or, if so, it will be so late in the session as to render it impracticable to give to it that consideration which it deserves, and to place it in a situation that it is not probable it could receive the legislative action of Congress during this session. So that it appears to me, whatever weight the argument in favor of waiting for this purpose may otherwise have, it is removed by the position in which the business of the House is placed by antecedent rules, and by the fact that it is a virtual denial of the consideration of the bill.

This bill has already passed the Senate of the United States; and although I mean not to say that it is not the duty of this House to examine this and all other bills that are sent here, I hold it to be the incumbent duty of the House, and of every member, to examine and judge for himself of the propriety of every measure; yet it did strike me, whether correctly or not I leave for others to say, as I have not heard the argument used, that after the subject had received so much of the public attention; after it had occupied so much of the consideration of the Senate, where this bill has been for between four and five months, and of the members of this House, (for it is within the recollection of every one, that during the discussion there, for a part of the time at least, such was the intense anxiety of members, that it was difficult to keep a quorum here to transact the current business which was then on hand;) after all this, I submit to the consideration of gentlemen whether the comity to be shown by one coördinate branch of the Legislature to another, and the respect which is due to the labor bestowed by the Senate, and the time occupied there, would not dictate such a course in the dis-

position of this bill as may not leave the labor employed, and the time consumed there, to be useless and vain for all the practical purposes of legislation.

This bill proposes to distribute a portion of the public funds of the Government, about which there has been (I think I am safe in saying) more anxiety than upon any other subject to which the public attention has been called during the present session. When has been the day that the inquiry has not passed from one member of this House to another, "what shall be done with the surplus money in the Treasury?" Is not the same solicitude manifested from all quarters of the country, and by all who witness the deliberations of this body? If, then, that question is deemed so vital to the purity of the Government, and so important to its faithful administration, it cannot fail to appear to every one, that this leading and absorbing subject, which tends to the purpose, at least one of the purposes, of disposing of the surplus funds of the Government, should be placed in such a situation as that the opinion of this House may be indicated, and the vote of members be taken upon the main question, without the hazard of getting no vote at all upon that question.

It is, then, of importance to the country and to Congress that this bill should be acted upon as speedily and effectively as its nature will admit of. But while it is important in this point of view that this House should come up at once to the matter before them, it is not less important to the States, with reference to the ulterior disposition which they may make of their proportionate share of these proceeds, upon the supposition that the bill should pass into a law, that it should be known what is to be its fate. If the bill should pass into a law, and pass in season, the Legislatures of some of the States may convene, (such at least may be the case in the State of Pennsylvania,) and be in session in sufficient time to pass upon the subject, which, in that event, would become an interesting question, and worthy of immediate consideration by the Legislatures of the respective States. In this aspect of the matter, this reform, in my apprehension, acquires additional consequence, and in this point of view, also, I hope it will be considered by this House.

Sir, I have but little more at this time to trouble the House with. These are my reasons for urging the reference of this bill to such a committee as will give to it the attention of all its members, and insure the vote of members on one side or the other without delay; it is not speeches that are wanted. Upon this I was forcibly struck with an observation of the honorable gentleman over the way, [Mr. ADAMS,] at the early part of the session; I have since thought it one of the most essential truisms which has been pronounced here this session, "that all would agree that a vote was of more consequence here than a speech." In conclusion, sir, I have only to appeal to gentlemen to come up and meet this question fairly and independently; it is scarcely to be supposed that an opinion is yet to be formed, or a vote to be changed by anything that will be said or done in relation to this subject. The trust is confided to us of acting, and so to act as to advance the public interest; that when a public measure is in itself unworthy of the sanction of this House, to put our negative upon it by means direct; but, if it be meritorious, to carry out the means of making it effectual.

NAVY APPROPRIATIONS.

REMARKS OF HON. H. EVERETT,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1836.

The question being on the motion of Mr. BELL to reduce the appropriation for the Navy-Yards at Portsmouth—

Mr. EVERETT said he was in favor of putting the navy-yards that were necessary for the service in perfect condition. He thought, however, that the present number was more than was necessary. We had now seven, viz: at Portsmouth, Charlestown, New York, (Brooklyn,) Philadelphia, Washington, Gosport, and Pensacola; that, of these, three might, without injury to the service, be discontinued, viz: at Portsmouth, Philadelphia, and Washington; at least, that we ought not to erect any new works at these places, but only keep them in repair for the present, and ultimately discontinue them; and all that the appropriations for additional improvements should be thrown on the four navy-yards that were to be continued. The expense of maintaining the yards, independent of the cost of the permanent works, was worth saving. To each yard were attached commandants, navy agents, clerks, guards, &c., &c. If gentlemen, however, would not be willing to go with him in discontinuing the three navy-yards, he thought there were strong reasons for discontinuing the one at Portsmouth. It was within sixty miles of that of Charlestown. That yard was sufficient for the coast east of the cape; the principal materials from the South—live-oak, &c.—must all pass that depot in their way to Portsmouth. He saw no reason for maintaining two yards so near each other, and which were not required for the use of the naval service. The appropriation now asked for was for the erection of new works, with a view to the permanent continuance of the station. For one, all he was willing to do at present, was to provide for its present preservation; whatever should be necessary for this purpose, he would vote for. What the unexpended balance of appropriation was for Portsmouth, he was not informed. On the 1st January, 1834, it was over $12,000, and $39,925 was then appropriated; and he wished to know whether this had been expended. When the present motion was decided, he should move to strike out the whole appropriation, with a view to elicit information of what was necessary for repairs, and to have the appropriation limited to that purpose only.

When called upon to vote for appropriations, he was desirous of being informed for what object the money was to be expended, of the character of the works required, as well as of their necessity. A new doctrine, and to him it seemed a dangerous one, had been advanced, to which he could not assent—that we should receive the estimates of the Departments as *prima facie* evidence of the necessity and propriety of the works proposed. This was a degree of confidence which, as a Representative of the people, he was unwilling to repose in any Administration. This House was the keeper of the keys of the Treasury, and responsible to the people for the expenditure of its treasure. We could not surrender the keys to the Executive without betraying our trust. The people were entitled to call on their Representatives for a reason for every expenditure. Would the people be satisfied with the answer that it was asked for by the Executive? For one, he was desirous in all cases to obtain such information as would enable him to give a more satisfactory answer.

If the estimates are to be taken as *prima facie* evidence of the propriety and necessity of public work, they must to nineteen twentieths of the House be conclusive. Those few Representatives who reside in the vicinity of the place where the works are to be erected only can judge from actual knowledge, and they, too, are not very likely to be prejudiced against them. They will not, at least, be induced to search for objections. Take the present case as an illustration. The honorable gentleman [Mr. CUSHMAN] who represents the section of country around Portsmouth, is not even satisfied with the present estimate, and has given notice he shall move to increase it. A similar notice has been given in relation to the appropriation for Pensacola. He contended that such information should accompany the estimates as would satisfy the committees, and enable them to satisfy the House of the propriety of the appropriations.

Mr. E. further contended that the House ought to be informed not only of the necessity of the work proposed, but of the plan on which the money was to be expended. They had a right to know not only the general object proposed, but the means by which it was to be effected; to see that their money was not wasted by inefficient or extravagant expenditures. All that seemed now required of the Representatives was to vote the money for general objects, and let the Executive expend it at its own discretion. In his opinion, in appropriations for all new works, the plan of expenditure should be exhibited to the House, and not only exhibited, but should be sanctioned and prescribed by the act of appropriation. This was, he thought, very properly proposed to be done in a bill now pending, for the erection of buildings for the State and Treasury Departments; the bill prescribed they should be erected according to the plan which is now exhibited on the wall of this House. He could refer to instances of an opposite character, in which the country had suffered, and might yet suffer, for the want of similar provisions.

An appropriation was made for the armament of the Navy; the manner was left to the Executive, and by the Executive to experiments of the Navy commissioners. Under their experiments, the weight of the guns in proportion to their caliber was reduced, and the result is, that you have now seven hundred and fifty guns in your Navy more dangerous to the crews than to an enemy.

Another case: In 1833, an act passed appropriating $200,000, on estimates, too, for building a bridge over the Potomac, between this city and Alexandria. The estimates were for a bridge of wood, and sufficient for the purpose; yet the act did not, though the estimates did, say that the bridge should be made of wood. The act merely provided for a bridge, but prescribed no plan on which it was to be built. Under this $200,000 act a contract was made with a Mr. Dibble to erect a stone bridge, for which he was to receive $1,350,000. And even this, by a very competent judge, was deemed less than one third of what the bridge would have ultimately cost. Mr. Baldwin, an eminent practical engineer, estimated that it would cost $4,791,620. The country owes the defeat of this magnificent expenditure to the vigilance of the honorable chairman of the Committee on Roads and Canals, [Mr. MERCER.] On his report the act was repealed by the almost unanimous vote of the House, and a wooden bridge ordered; and which has been completed for something less than one hundred and twenty thousand dollars.

He would instance another magnificent project now in progress—the New York custom-house. The House had prescribed no plan for this work, nor fixed any limit to its cost. They had voted ahead $500,000, and the work was hardly yet visible above ground; what, with its columns and decorations, it would cost, he could not estimate; probably some millions of dollars. A fourth case: We had now before us a bill appropriating large sums for what might be called floating fortifications, yet to be erected, on sites yet undesignated and unpurchased.

In all cases, he thought the House should not only judge of the general utility of any proposed object of expenditure, but should, as far as practicable, limit the discretion of the Executive in the expenditure.

A new and strong motive for economy is now presented—a motive which would have its influence on him in regard to every expenditure. He looked forward to the passage of a bill now in progress for this distribution of the proceeds of the public lands, in effect, of the suplus revenue, among the States. He trusted the bill would pass the present session. The principle was one of those on which the present Exccutive came into power; it had been favorably noticed in the message of 1829; it had been recommended by the Legislatures of many of the States. He would now guard the Treasury with the same vigilance as though it were already a law—with the same vigilance as though the surplus revenue had already been actually divided among the States; and the questions now were on calling it back and reappropriating it to objects of national concern.

Some gentlemen had advocated the appropriation as more necessary in view of our present relations with France, and had taken the occasion to avow their course on war appropriations. He considered this as a bill founded on peace estimates. Other bills reported looked to other prospects. He would not regard this bill as having any relation to war; and he wished to be distinctly understood that he would not be induced

to abandon the principle of economy to which he had referred, from any imaginary danger of war; that he would vote for no war appropriation unless he believed there was danger of war; that then he would go as far as the furthest, but that at present he had no such apprehension; that he could not, from any mere imaginary danger, be induced to depart from the principle of economy, and permit irrevocable appropriations to be made to the peculiar advantage of any section of the country. He thought it not improbable that some who agreed with him on the leading principle might differ from him in its application. The appropriations for the Navy and for fortifications would be expended on the sea-board. The money of the Government, like the water of its streams, runs to the ocean. He trusted that those who represented the hill country would not be uncharitably judged by their brethren if they should not be satisfied so easily as themselves of the necessity of every appropriation. Should the current be reversed—should the money ever run up stream, and beyond the proper constitutional limits of internal improvement—they would expect a similar jealousy on the part of the sea-board. Indeed, they think they have seen something of the kind already.

Two years since it pleased the Committee of Ways and Means to drop from the harbor bill the appropriation of the $30,000 for surveys—this only remnant of the system of internal improvement left to its friends. A motion was made to insert it, but failed, and failed, too, by the opposition of tide-water votes. What was the consequence? The hill country saw that, while they were voting millions for others, not a cent could be expended above tide water. They united, and laid the harbor bill on the table by a majority of over twenty; and there it would have laid till this time had not the $30,000 been inserted. He would excite no sectional jealousy, but would insist that equal justice should be done to all parts of the country. And it would be the fault of those who united on that occasion if it was not done. He was not willing there should be one constitution for the sea-board and another for the country.

He was willing to vote for every necessary appropriation for fortifications, for the Navy, and for navy-yards. He would put the four principal navy-yards in the best condition, but he could not vote for unnecessary objects, useless objects of expenditure. Such he conceived that of the navy-yard at Portsmouth. Though he did not propose now to abandon it, he would not consent to enlarge it. Ultimately, he trusted, it would be discontinued.

EXPUNGING RESOLUTION.

SPEECH OF HON. B. W. LEIGH,

OF VIRGINIA,

IN SENATE, *April* 4 *and* 5, 1836,

On Mr. BENTON'S Expunging Resolution.

Mr. LEIGH said he wished the Senate, and especially his friends who concurred with him in sentiment on this very peculiar and important question, to understand that private cares, from which he could not withdraw his mind, had alone prevented him from giving that undivided attention to the subject which would have enabled him to call it up for consideration at an earlier day.

He said the resolution of the 28th March, 1834, declaring "that the President, in the late executive proceedings in relation to the revenue, had assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both," presented in itself two questions for consideration: 1st. Whether the proposition there affirmed was just and true, in point of fact and in point of law? and 2d. Whether it was within the constitutional competency of the Senate to entertain such a resolution, and to determine upon it? And it was upon the negation of these two points, for reasons set out in the preamble, that the gentleman from Missouri founded the proposition now made to expunge the resolution from the journal. Now, (said Mr. L.,) it is most obvious that, if the gentleman had proposed a preamble and resolution reciting that the resolution of March, 1834, was false and unjust in fact and in law; that it was an assumption of the powers of the House of Representatives; an impeachment, trial, and prejudication of the President on a criminal charge; and resolving, therefore, that the resolution be *rescinded*—this would have been as strong a censure of the resolution, as effectual an exoneration of the President from all blame, as effectual an expression of that sentence of condemnation which, we are told, the people have pronounced on our conduct, and of the judgment imputed to them of acquittal and approbation of the President, as this resolution to *expunge* the entry of the former resolution from the journal. No one doubts the constitutional right of the Senate to *rescind* the resolution of March, 1834, if it really think the proceeding a usurpation of power, incompatible with our duties, unjust in fact and in law, and mischievous. And his mind must be strangely constituted who does not see that the right of the Senate to *expunge* the resolution from the journal is, to say the least, questionable. The very argument of the gentleman from Missouri on the point, and much more that of my colleague, evince that, even in their own sense, the right is not free of doubt—that of my colleague seemed to me to betray not a little skepticism. The known, the recorded hesitancy of many Senators at the last session as to the right of expunging, who were ready and desirous to rescind, ought, I should think, to satisfy gentlemen that the right to expunge is, at best, doubtful. Why, then, is that course, as to the constitutionality of which there is no question, and which would present the whole merits of the contested resolution for consideration, relinquished, and this course, the constitutionality of which even its advocates, though they have reasoned themselves into a belief that it is right, must, I presume, admit to be somewhat questionable, preferred and resorted to.

"Expunge," says the gentleman from Missouri; "expunge is the word;" because it serves to fix a mark of disgrace on the conduct of the Senate; because it condemns not only our resolution, but our motives; because it pronounces sentence on the Senate (as a reward to the President) of "dishonor, denunciation, stigma, infamy;" because "it is the only word that can render adequate justice to that man who has done more for the human race than any other mortal who has ever lived in the tide of time;" and because, says my honorable colleague, (if I righly apprehend his meaning,) the Senate is the most irresponsible body in this Government; for I can conceive no reason for this allegation of irresponsibility against the constitution of the Senate, in the present debate, but to show the wisdom and necessity of humbling it, or to rouse against it the indignation and jealousy of the public, which may stand in place of a reason for the proposed sentence of condemnation.

As to the panegyric on the President, I shall only say, for the present, that if he desires this poor triumph over his political opponents—a triumph more humiliating to himself, in truth, than to them—as Cato's image, drawn in Cæsar's train, detracted nothing from the fame of the dead patriot, but only showed the pusillanimity of the victor—"ignobly vain and impotently great;" this alone would be sufficient to evince that he deserves no such panegyric. I agree with the gentleman from Missouri, that the President's name and memory will live as long as the history of these times shall be extant; but, whether they will live for honor and gratitude, or for contempt and detestation; whether he shall be regarded, in aftertimes, as the benefactor of his country, or as the destroyer of its free institutions; whether his history shall be written by some future Plutarch, or by a Tacitus or Sallust; whether his name and deeds shall be the theme of immortal praise, or "damn'd to everlasting fame;" this, let me tell the gentleman from Missouri, is no more within his competency to decide or foresee, than it is within mine. All-trying Time can alone determine. Henry VIII. was lauded, during his life, for piety, generosity, and justice, and James I. for his wisdom; Cicero paid the forfeit of his life for his patriotism and virtue; and John De Witt was torn in pieces by the people, to whose service, to the establishment of whose civil liberty and republican institutions he had devoted his whole life and his great abilities. But history has been impartial.

I am sorry my honorable colleague thought it proper, on this occasion, to denounce the Senate as the most irresponsible body in this Government. I must say that it is of a piece with the denunciations of the Senate that have been, for some time, going the round of the ministerial newspapers. It is truly astonishing to me that any statesman should entertain such an opinion. The President, wielding the whole of the vast patronage of this Government, and being, in the nature of things, the head of the dominant party for the time being, is in every practical view, far less responsible than the Senate; and, if the gentleman's opinions of the constitutional powers and rights of the Executive be correct, I shall show him, before I have done, that the President is absolutely irresponsible.

But, if my colleague founds this allegation of irresponsibility against the constitution of the Senate on the length of its term of service, I think he must admit, upon his own principles, that the judiciary is yet more irresponsible; and therefore, I apprehend, that when the Senate shall be disposed of, when it shall be reduced to insignificance and utter inefficiency, the constitution of the judiciary department will be taken up for subversion under pretext of reform. Indeed, the note of war against it has already been sounded. I presume my honorable colleague will not deny that this alleged irresponsibility of the Senate, if it exist, is ordained by the Constitution; and then, I ask him, whether to stigmatize the Senate for that cause, to point public jealousy and indignation against it, to degrade, to humble it at the foot of the presidential throne, is not an attempt, so far forth as it may work, to effect a practical change in the constitution of the Senate? and this for the very reason that it has approved itself capable of fulfilling (though but for a brief space) the purposes of its institution; namely, of exercising a check on the Executive power and on the national popular branch of the Legislature. If the Senate be not sufficiently responsible, that may be a good reason for resorting to the direct remedy for this vice in the Government, and proposing an amendment of the Constitution; but it is no reason for fixing a stigma upon it, or for rousing the resentment and indignation of the public against it. And it was with surprise and chagrin that I heard my colleague urge this imputed irresponsibility of the Senate, in an argument to show the propriety of setting a mark of ignominy on any of its proceedings.

The constitutional question involved in the proposition to expunge the resolutions of March, 1834, lies, in truth, in a very narrow compass—whether such expunction be consistent with the provision of the Constitution, that "each House *shall keep a journal of its proceedings*, and from time to time publish the same, excepting such parts as may, in their judgement, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal?" I stand on the supremacy of the Constitution, and in the plain meaning and intent of the express requisition, that the Senate "shall keep a journal of its proceedings;" and my task is to expose the fallacy of those glosses by which the advocates of the expunging process would persuade us to avoid the constitutional provision, and defeat its purpose.

My honorable colleague told us with admirable gravity that, as it had been the known, invariable, and indispensible practice of every legislative body to keep a journal of its proceedings, the constitutional injunction upon each House of Congress to keep a journal, taken substantively by itself, is wholly supererogatory; and that *every* legislative body has an absolute discretion over its own journal, inherent in the very nature of parliamentary institutions; an unlimited right to make what disposition in respect to them it thinks proper, and may exercise such discretion at any time; which he did not attempt to prove by argument, but only to establish by precedents. And so he concluded, very logically, that we have a right to expunge the entry of this offensive resolution from the journal of the session of 1833–34. Never have I read or heard anything

put in the form of argument that was so perfect a specimen of the *petitio principii*. The gentleman has begged the whole question. He has stated the propositions it was his duty to prove as *postulata;* and then concluded to the very propositions he had taken for granted. Give him his premises; grant that the constitutional requisition that we shall keep a journal is supererogatory, and so of no effect; allow him to expunge those words from the Constitution; and grant, too, that every legislative body, the two Houses of Congress not excepted, has an absolute, unlimited discretion to do what it thinks proper with its journal, and then I myself should not controvert the conclusion, that we may expunge this entry of the resolution of March, 1834, from our journal. But he cannot show a right to expunge this entry from our journal, unless he can show a right to expunge the injunction to keep the journal from the Constitution.

When gentlemen propose to expunge the resolution of March, 1834, from the journal of that session of the Senate, what do they mean by expunging? The English verb *to expunge*, has (according to Dr. Johnson) only two senses: 1. to blot out, rub out; 2. to efface, annihilate. The word is used metaphorically, when, in anything written for the purpose of being fairly copied or printed, a word or passage is struck out by running the pen through it, which prevents it from being copied or printed, and so expunges it in effect. It is in this sense that Swift uses it in the passage quoted by Johnson as an example:

"Neither do they remember the many alterations, additions, and *expungings*, made by great authors, in those treatises which they prepare for publication."

But in this sense gentlemen do not mean to expunge our resolution from the journal; they do not profess an intention or wish so to expunge it; in truth they cannot so expunge it, for it has been already printed and published.

Can the resolution be expunged from the journal, in the true literal acceptation of the phrase, without a violation of the Constitution? The argument is that the injunction upon each House of Congress to *keep* a journal is simply a requisition to *make* one, which is to be printed and published, and is to be made only for the purpose of being published; that after the publication the duty to *keep* the journal is at an end; the printed copy is the journal, the manuscript copy is *functus officio* —it is mere waste paper; and the keeping of the original manuscript is only matter of form. If this be true; what is it—I ask, in the name of common sense—what is it gentlemen are proposing to do? Not to expunge an entry from *the journal* of a former session of the Senate, but only to deface a piece of waste paper they have found in the Secretary's office, which they or the Secretary, or anybody else that can lay his hands upon it, may destroy without fault or blame; which they might carry to the President, lay it at his feet, and invite him to trample upon this castaway memorial of the transactions of the refractory Senate, or throw it into the flames, or order it to be burnt by the common hangman; which any man may, without fault or hazard, the moment after the expunging process shall be completed, tear in pieces, and give to the winds. Do gentlemen seriously desire to expunge the resolution from the journal, in effigy? Can they really think that expunging, in this wise, defacing a piece of waste paper, "is the only word that can render adequate justice to that man who has done more for the human race than any other mortal who has lived in the tide of time?" What an appropriate act to signalize their real estimate of the merits they so highly extol! What a glorious triumph, what a pleasing gratification, must this "avenging word expunge," thus understood and applied, afford the President!

But what, in truth, is *the journal* of the Senate? The original manuscript journal, made out from the minutes of our proceedings, according to the rules and orders of the Senate, read over every morning, amended and corrected if erroneous, and finally deposited in our archives? or, the numerous printed copies, made from a copy furnished by the Secretary to the public printer, distributed to members of Congress, to the federal, executive, and legislative offices, the State governments, foreign ministers, universities, and public libraries? Gentlemen say, *the printed copy;* because, forsooth, a printed copy of the journal published by authority is received as primary evidence in the courts of justice. True, it has been held to be so admissible; but this is on a principle of general convenience; because the printed copy is very seldom erroneous, and its accuracy is hardly ever questioned or questionable; and because, to require an exemplification or an examined sworn copy, in every case in which such a document may be wanting for evidence, would lead to unnecessary delays, trouble, and expense. But to bring this question to a plain decisive test: suppose the journal of the Senate should be offered as evidence of any right or claim, and it should be alleged that the printed copy published by authority varies from the original manuscript journal, and this should be made to appear by an inspection of the original; which would be respected, the printed copy or the original manuscript journal? No one who has the least notion of the law of evidence will hesitate for the answer. The original manuscript journal is the evidence which the court must respect.

The printed editions of the Constitution and laws of the United States, published by authority, are resorted to as evidence of the law in all the courts of justice of the Union, State and Federal. Is it to be, therefore, inferred that the original manuscript enrollments of them are no longer of any use? That the laws having been made, printed, and published by authority, there is no longer any duty to keep the rolls of parchment on which they are written? That they may be effaced, mutilated, or destroyed, or applied to any purpose to which they can be applicable? as the Monks in the dark ages used the parchments on which the Latin classics were written, for inditing their own worthless treatises of theology.

There are two facts in the history of our legislation which furnish a most apt and perfect illustration of this part of the subject.

In Bioren's edition of the Constitution and laws of the United States, published by authority, and daily resorted to for evidence of the law, in all our courts of justice, there is found a thirteenth amendment of the Constitution, ordaining that "if any citizen of the United States shall accept claim, receive, or retain any title of nobility or honor, or shall, without consent of Congress, accept and retain any present, pension, office, or emolument, of any kind whatsoever, from any emperor, king, prince, or foreign Power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them." But we all know that this is not a part of the Constitution, that it has not been ratified by a sufficient number of States to make it so. And I see that in the copies of the Constitution printed under the superintendence of our Secretary, and furnished to the members of the Senate, it has been very properly wholly omitted. Now, suppose that any man should receive and retain a present from a foreign potentate; suppose, for example, my honorable colleague (there is no want of courtesy in making the supposition, since no one can believe the case possible in fact) had, during his embassy to France, received a present from Louis Philippe, and retained it for his own use, and his citizenship and capacity for public office should be drawn in question, and impugned on that ground, and the fact should be proved by incontestable evidence, I ask him to tell me what ought to be thought of the judges who should take and apply to his case that thirteenth amendment of the Constitution, printed in Bioren's edition of the laws, published by authority, and deny him all recourse to the evidence which the journals of the State Legislatures would afford, that this provision is not a part of the Constitution?

At the last session of Congress there was a bill that passed one House, but was not, in fact, passed by the other; yet, through inadvertence, it was enrolled, signed by the President of the Senate and by the Speaker of the other House, and actually approved and signed by the President. The mistake (as I understand) was discovered before the acts of the session were printed and published. But suppose the discovery had not been so timely made, and the act had been printed and published by authority; this surely, would not have been of force to make that a law which had received the assent of only one branch of the Legislature. But the truth could nowise be ascertained but by an examination of the journal. It may be said, indeed, that the truth would equally appear by an inspection of the printed copy as of the manuscript original. And this would be true enough upon the supposition that the printed journal is an exact copy of the manuscript, and capable of being verified by a comparison with it; but if we shall assert and exercise a right to expunge any entry from our manuscript journal, and thereby to prevent the insertion of it in the printed copy, we shall take away all faith, all confidence, all certainty, from the printed journal; and if we shall establish the doctrine, that the original manuscript need not be preserved for a moment after the printing and publication of it, by what possible means shall the true history of our proceedings be ascertained? If the act I have mentioned, which, though passed by only one House, was enrolled and signed by the Presiding Officers of both Houses, and approved by the President, should be adduced, with all these evidences of authority upon it, as the foundation of any right claimed under it, and it should be objected that the act never received the assent of the Senate the answer would be plausible, if not conclusive, that, for aught that appears, the Senate may have expunged the entry of its assent to the act, after it had been perfected by the approbation of the President, and that the act must be regarded as law. The answer certainly could not be refuted by an appeal to any authentic written evidence. I beseech gentlemen to reflect upon the possible consequences of this "avenging" process of expunging—what doubts it may bring upon the evidence of our proceedings—how it may impair the authority of our acts—how it may, perchance, have the effect of giving authority to acts as laws, which, in truth, have never been passed.

The original manuscript journal is *the journal;* that journal which the Constitution commands us to *keep*. But gentlemen insist that the constitutional provision, that "each House shall *keep* a journal," imports only that they shall *make* one, without requiring that they shall *preserve* it.

This Anglo-Saxon word *to keep* is generally used in a strict literal sense, and then always imports *to preserve*, and nothing else or more. It is used in divers metaphorical senses, which, from frequency, have the appearance, at first view, of being literal; but it always imports the idea of preservation or indefinite continuation, intended, requested, or commanded. It is never used as synonymous with *making* anything. Every child of three years old knows, when his mother tells him to *keep* anything, that she means he is to take care of it. The very instances stated by the gentleman from Missouri serve to show that to *keep* does not mean to *make*, but to *preserve* or to *continue* indefinitely. Take a few of the least obvious of them for specimens: "To keep company" does not mean to *make* the company one keeps, but to frequent one or more persons often and habitually, not to pay a casual visit. "To keep a mill" means not to *make* the mill, or to *make* the grain to be ground, or to grind the grain, but to take care of the mill, attend to the working of it, preserve the corn for grinding, and after it is ground preserve the meal for use. "To keep a store," or "to keep a bar," most certainly does not mean to *make* the goods or the liquors, nor (as he supposes) simply to sell them; it means to take care of the goods for sale, sell them, and preserve the proceeds for further use.

But let us resort to better authority than either the gentleman or I can pretend to be. The English translation of the Bible is one of the best authorities we have in the language for the meaning, propriety, and purity of words and phrases; it is "the well of English undefiled." This word *keep* is very often used in Holy Writ, and always imports the idea of careful preservation or endless indefinite continuation. "The Lord's portion is his people; Jacob is the lot of his inheritance. He found him in a desert land, and in the waste-howling wilderness; He led him about, He instructed him, He *kept* him as the apple of His eye." "Except the Lord *keep* the city, the

watchman walketh about in vain." "Holy Father, *keep* through thine own name those thou hast given me, that they may be one as we are. While I was with them in the world, I *kept* them in thy name. All thou gavest me I have *kept*, and none of them is lost but the sons of perdition." "Hold fast *the form of sound words* which thou hast heard from me, in faith and love, which is in Jesus Christ. That *good thing* which was committed unto thee, *keep* by the Holy Ghost." So, in the catechism of the Protestant Episcopal Church, the child is taught, as a part of his duty to his neighbor, "to *keep* his hands from picking and stealing, and his tongue from evil-speaking, lying and slandering." No one would be willing that his children should be taught that they are not bound to keep themselves steadily in the practice of honesty, truth, and charity throughout their lives, and under all temptations; that they may cast them off whenever it may suit their convenience or gratify their passions. One more instance, taken from Locke: "If we would weigh and keep in our minds what we are considering, that would instruct when we should or should not branch into distinctions."

Our business is to ascertain the meaning of the *phrase* used in the Constitution, which expressly requires us *to keep a journal of our proceedings*. Gentlemen say this only requires us to *make* a journal, and to print and publish it, but not after having made and published it, to *preserve* it also. To give even a plausible color to this construction, gentlemen should at least have shown that there can be no possible use in preserving the original manuscript journal after the publication of the printed copies. But this they have not attempted, nor (apparently) even thought of. I say that *to keep a journal* means to *make* one, *and* to *preserve* the very journal made; and I have shown the reason, the use, the necessity, for doing so.

For the meaning of the phrase, in common speech, we may safely confide in Johnson. *A journal* is "an account *kept* of daily transactions." And the example is extracted from Hayward on Edward VI.—"Edward *kept* a most judicious journal of all the principal passages of the affairs of his estate." If that precocious Prince only *made*, and took no care to *preserve* his journal, how came Hayward to know that he *made* one, and a *most judicious* one?

The technical parliamentary meaning of the phrase is ascertainable without difficulty, and beyond all doubt. The kindred phrases—to keep the rolls, to keep the records, keeper of the rolls, keeper of the records—all imply the duty of most careful preservation. But I find a conclusive authority in a passage of the printed speech of the gentleman from Missouri himself. "The clerk of the English House of Commons was the *keeper* of the journal, and he took an oath to *make* true entries, remembrances, and *journals* of the things done and passed in the House of Commons. As far back as 1641, the clerk was moved against for suffering his *journals*, or papers *committed to his trust*, to be taken by members of the House from the table, and it was declared that the clerk, who is the sworn officer, and intrusted with the entries and *the custody* of the records of the House, ought not to suffer any journal or record to be taken from the table or *out of his custody;* and if he shall hereafter do it, after this warning, that at his peril he shall do it." This account is truly taken from Hatsell; and it proves, clearly, that the duty of keeping the journal, imposed on the clerk, was the duty both of *making up* the journal faithfully and truly, and of *preserving the journal* so made, carefully, in his own custody. And Hatsell elsewhere informs us, that in January, 1661, upon information given to the Commons, "that the clerk of the Lords' House permitted the original rolls of acts of Parliament to be carried to the printer, and that they were ripped in pieces, and *blotted and abused*, and in danger of being embezzled or *altered*, it was ordered that a message be sent to the Lords to desire them to give orders that these rolls may be *kept* in the office, and not delivered to the printer, but that true copies, fairly written and examined and attested, may be delivered to him." I know not what has been the practice here, in this particular; but I hope our *rolls* are never sent to the printer. I presume our acts are printed from the engrossed bills, from which the enrollments have been previously made.

My honorable colleague says that the constitutional requision *to keep a journal of our proceedings* is mere matter of inducement to the requisition immediately following in the same sentence, *to publish the same from time to time;* so that we are bound to *keep*, only for the purpose of *publishing*, and when we have published our whole duty is fulfilled. Indeed! He finds two positive injunctions in the Constitution respecting the same thing, and thinks he may absolve himself from the obligation of the first by complying with the last! This is a novel specimen of that kind of ingenuity by which constitutions and laws have been made to mean anything, everything, nothing.

The verbal criticism into which I have entered may have appeared to some gentlemen trivial, and to many superfluous; but I hope it will be remembered that I have entered into it only for the purpose of exposing the fallacy of other verbal criticisms, by which the plain meaning of the plain words of the Constitution has been obfuscated, and the duty it imposes sought to be avoided. If I have ascertained the true meaning of the constitutional provision that "each House shall keep a journal of its proceedings;" if that requires us to *make and preserve* a journal—a fair and full, not a false journal, garbled, mutilated, or defaced; and if the original manuscript be *the journal*, the question, one would think, is at an end. But no; precedents have been brought to bear upon the subject—forced, indeed, into the service—the authority of which, it is supposed, will outweigh the conclusions of reason.

The precedents of expunging entries from the journals of either House of the English Parliament can, by no violence, be made applicable to the purpose. The journals of the two Houses of Parliament are *kept* in pursuance of a simple order of each House; and in the expunging of any entry from the journal of either, the House merely disregards its own order, which, as it was ordained by its own several authority, may, by its several authority, too, be suspended, avoided, or contravened at its discretion. The duty of the two Houses of Congress to keep a journal of their proceedings, is imposed by the Constitution; by the sovereign authority, whose commands neither branch of the Legislature, nor the whole Legislature, is competent to annul or dispense with. The rules, orders, and usages, by which each House of the British Parliament governs itself, are not law, in the absolute sense of the word, much less constitutional law. But the rules prescribed to the two Houses of Congress by the Constitution are part of (what Bacon justly and happily calls) the *leges legum*—the laws by which the Legislature itself, and the laws it makes, are governed, controlled, and limited. Mr. Jefferson says, in the preface to his Manual, that "the law of proceedings in the Senate is composed of the precepts of the Constitution, the regulations of the Senate, and, *where these are silent*, of the rules of Parliament;" and this is cited as a warrant for appealing to parliamentary precedents, on a point where the Constitution *is not silent!*—where its precept is express, plain, and positive!

It is true that, in the theory and practice of the British Government, the Parliament is omnipotent: the constitution itself may be changed by the acts of three estates, King, Lords, and Commons concurring. And gentlemen think they found an act of Parliament whereby the House of Commons is required to keep a journal of its proceedings; and thence they infer that the precedents of expunging entries from its journal by order of the House are an authority for us to order the House to expunge an entry from our journal. The statute they allude to is that of 6 Henry VIII., chapter 16, which recites that many members of the House of Commons left their places before the end of the session, and that many great and weighty matters were usually enacted at the end of the session; and, therefore, enacts that "no member shall depart without license to be entered of record in the book of the Parliament, appointed, or to be appointed, for the Commons House," upon pain of forfeiting his wages, payable by his country, &c. Now, it is plain that it was only these *leaves of absence* that were required by the statute *to be recorded in the journal;* and the entries of them were in the nature of a record, (in the legal signification of the word,) since they contained conclusive evidence of private right—the right, namely, of the member absent on leave to his wages. I ask gentlemen whether they really think that it would have been competent to the House of Commons to have expunged from its journal the record of a leave of absence granted, which it was required by statute to enter, and, by so expunging, to have inflicted an *ex post facto* forfeiture of his wages on the member to whom the leave of absence had been given? These leaves of absence are the only proceedings ever required by any *statute* to be entered on the journal of the Commons: and these, obviously, they could not, without a plain violation of right, have expunged from the journal. That the requisition of the statute was confined to that particular proceeding—that the Commons themselves did not regard it as requiring them *to keep a general journal of its proceedings*—is absolutely certain. For Hume says it was not till the reign of James I., namely, in July, 1607, that an order was entered by the Commons, *for the first time*, for the regular keeping of their journals; and we learn from Hatsell, that this order was repealed in May, 1621, by a resolution of the Commons, that "all their proceedings should be entered there, and kept *as* records;" that is, as I understand it, not that all their proceedings were matters of record, in the legal meaning of the phrase, but only that their journals should be kept in the way records are kept.

Not to pass over without notice other authorities referred to by gentlemen to show that the duty of the two Houses of the British Parliament to keep journals of their proceedings rests on a like foundation with our duty to keep a journal of our proceedings, I have to tell the Senate that the passage in Hatsell referred to by my honorable colleague (3 Hatsell, 28, 29) only states that, in March, 1606, the Commons insisted that their House was a *court*, while, at the same time, they have always denied that their journals were public records. The Lords denied that the Commons were a court. The Commons referred to the statute of 6 Henry VIII., chapter 16, requiring leaves of absence to be *entered of record* in their journal, by way of argument to support their claim; but the point was left, and yet remains, undecided. Hatsell further informs us that the great lawyers of those times entertained different opinions on the question; that Coke earnestly maintained that the Commons were a court of record; but it appears from 4 Inst., 23, 24, referred to by the gentleman from Missouri, that Coke only held that the Commons are a court of record in cases where they act judicially.

And now, sir, I repeat with perfect confidence, that, as the keeping of the journals of the two Houses of the British Parliament is required only by the orders of each House, made by itself, and for itself, severally, no precedents of either House, dispensing with or contravening its own orders, by expunging any part of its journal, can be any authority or any apology to us, who are commanded by the Constitution to keep a journal of our proceedings, for expunging any part of our journal. The same reasoning applies with equal force to avoid the authority of any precedent of expunction ordered by any Colonial or State Legislature in our own country, before or since the Revolution, whose journals have been kept in virtue of its own orders, and not in pursuance of any constitutional provision.

But the precedents of expunging in the British Parliament, that have been brought to the notice of the Senate by my colleague, are so pregnant with instruction on other topics of this debate that they cannot be passed over without particular consideration. Really, sir, one that did not *know* better, might have been apt to imagine that they were collected and referred to for the purpose of confuting some of the leading arguments of the gentleman from Missouri, for they are more apposite to that purpose than to any other.

The first instance he mentioned was that which occurred in the memorable proceedings of Parliament in the case of ship-money, during the reign of Charles I. The account he gave of the transaction was so different from my recollection

of it, that it surprised me not a little. He supposed that the judgment in the Exchequer against Mr. Hampden for the twenty shillings of ship-money assessed upon him, was canceled by an order of the House of Commons, (in which he was probably misled by the concise account of the proceeding given by Hume, who had no purpose, and no reason, to enter into details,) and here presented it as an instance in which the process of cancellation or expunction was applied even to a judicial record. The fullest and most authoritative account of the transaction that I know of is to be found in the third volume of the State Trials; and the story is this: On the 7th December, 1640, the Commons voted that the levying of ship-money by the Crown, the extra-judicial opinions of the judges sustaining the King's prerogative in that respect, delivered in the Star Chamber, and enrolled in the courts of Westminster, the warrants for levying ship-money, called ship writs, and the judgment in the Exchequer against Mr. Hampden, were all contrary to the laws of the realm, the rights of property, the liberty of the subject, former resolutions of Parliament, and the petition of right. And they afterwards delivered these votes to the Lords, at a conference of the two Houses, and, at the same time, they gave in articles of impeachment against Sir Robert Berkley, one of the judges of the King's Bench, in which they accused him (among other things) of delivering an extra-judicial opinion in the Star Chamber, affirming the prerogative of the Crown to levy ship-money, and concurring in the judgment of the Exchequer against Mr. Hampden, (setting out the opinions and judgment at length;) "all which words," they charged, "opinions, and actions, were so spoken and done by him, traitorously and wickedly, to alienate the hearts of his Majesty's liege people from his Majesty, and to subvert the fundamental laws and established government of his Majesty's realm of England." After the conference, and while the articles of impeachment were pending against Sir Robert Berkley, and while, too, it was well known that all the other judges who had concurred with him in opinion on the question of ship-money were liable to impeachment on the same grounds, the House of Lords, on the 20th of January, 1640, old style, resolved *nem. con.* that the ship writs, the extra-judicial opinions of the judges therein, and the judgment against Mr. Hampden, were contrary to the laws and statutes of the realm, the rights and properties of the subject, former judgments in Parliament, and the petition of right; that is, the Lords, though they were to sit in judgment upon the articles of impeachment against the judges who had affirmed the prerogative of the Crown to levy ship-money, condemned the act of the judges as strongly as the Commons, who had impeached one judge, and might, and probably would, impeach the others. On the 20th February following, the House of Lords ordered that all the rolls containing the opinions of the judges, the judgment against Mr. Hampden, and the records of the proceedings, should be brought into the House; that *vacats* thereof should be entered "by the judgment of the Lords, spiritual and temporal, in the court of Parliament;" and that the rolls should "be rased cross with a pen, and subscribed with the clerk of Parliament's hand." And this was accordingly done.

Let me pause here and ask my honorable colleague whether he thinks this proceeding a precedent that we may safely follow throughout? Whether, if the Supreme Court should give a judgment ever so plainly illegal and unconstitutional, we could in like manner vacate and cancel it?

Mr. RIVES explained. He was understood to say that he was not uninformed of the particulars of the proceedings in Parliament on the case of ship money, as they had been stated by Mr. LEIGH, and that he had not referred to them as a precedent for canceling or expunging a judicial record, but simply as an instance in which cancellation had been resorted to for the purpose of vindicating and maintaining the principles of civil liberty.

Mr. LEIGH. I understood my colleague to refer to these proceedings as a precedent of expunging which might serve as an authority for our expunging; then to cite his other English precedents for the like purpose, and, after stating them as precedents in point, to recommend them as good guides for us, by displaying the benefits to civil liberty which the process of expunging had been employed to accomplish. But he knows his own purpose best, and I cheerfully take his explanation.

And now let me tell my colleague that this proceeding of the House of Lords is not to be regarded as a case of cancellation by mere authority of that House. It will be observed that the *vacats* and *cancellations* were ordered "by judgment of the Lords, spiritual and temporal, in the court of Parliament." They professed to act judicially; and, in doing so, they assumed jurisdiction to vacate and cancel a judgment which had not been brought before them by appeal. They had claimed a like jurisdiction before, but, as they well knew, it had been disputed and denied. Therefore they ordered a bill to be prepared to confirm their *vacats* and *cancellations*, which bill was passed; and it is upon the strength of this act of Parliament that the legality of the cancellation rests.

But the principal purpose for which I have called the particular attention of the Senate to these proceedings in the case of ship-money, is to show that the House of Lords, the high court of impeachment, while an impeachment against one judge for illegal, unconstitutional, and extra-judicial opinions and judgments was actually pending before them, and impeachments against other judges on the like grounds might probably be expected, did not regard it as at all incompatible with their judicial character to declare, by unanimous resolutions, that the acts of the judges were illegal and unconstitutional; they did not suppose that they were prejudging the person accused, much more those who might be accused; they understood that the guilt of the judges did not depend on the illegality of their opinions and judgments, but upon the willful criminal intent imputed to them. Now, the main argument of the gentleman from Missouri, to show the incompetency of the Senate to entertain the resolution of March, 1834—to show that "expunge is the word," because it alone can condemn our proceedings as having begun in wrong—is, that the resolution was an impeachment, trial, and prejudication of the President on a criminal charge, though the resolution alleged no criminal intent; though no man imagined the possibility of an impeachment against the President for the acts which the resolution declared illegal and unconstitutional; and though it is perfectly obvious that the illegality imputed to the President's conduct might be owing to error of judgment, without the least intentional wrong. And thus this precedent, which my colleague has brought with commendation to our notice, serves to confute the argument of his friend from Missouri; and it serves no other purpose.

The case of Skinner against the East India Company, which was the next precedent referred to by my colleague, (as an instance of expunging even a judicial decision,) has been considered important in England, only because it resulted in an informal but effectual settlement of a disputed point of the jurisdiction of the House of Lords as a court of civil judicature. Skinner had gone to the East Indies upon a mercantile adventure, but he purchased an island, and endeavored to establish himself upon it as his own domain. The East India Company thought this an invasion of their rights, and they took away his goods, and drove him from his island. Skinner preferred his petition to King Charles II. for redress. The King referred the case first to two members of his council, and, after a long delay, sent it to the House of Lords, that it might administer justice. The Lords assumed original cognizance of the case, cited the East India Company to answer Skinner's petition, overruled the plea put in by the Company to the jurisdiction, and finally gave judgment for Skinner for £5,000. Meanwhile, the Company presented a memorial to the House of Commons, complaining of the proceedings of the Lords, as an unwarrantable assumption of original jurisdiction in a civil cause, which deprived the Company of its right to a trial according to the due course of law. The Commons remonstrated against the jurisdiction claimed by the Lords, as unjust, oppressive, illegal, and against common right; and the Lords, on their part, remonstrated against the conduct of the Commons, in receiving a libelous complaint against them and their proceeding. A long and angry controversy ensued between the two Houses. The Commons resolutely forbore to act on the bills of supply to the Government. The King, hoping to put an end to the quarrel, in December, 1669, prorogued the Parliament to the February following. But when Parliament met again, the Commons renewed the quarrel with increased warmth. The King, finding that he was to get no supply (which was all he cared about) till the controversy between the two Houses should be terminated, made a speech to them, in which he proposed and recommended that each should expunge from its journals every entry relating to the subject, so that no memorial should be preserved of the proceedings of the Lords against the East India Company, or of the controversy between the two Houses that grew out of it. Both Houses saw the wisdom and even the necessity of compliance. The Lords expunged all, without exception; the Commons entered the King's speech on their journal, and expunged all the rest. The House of Lords have never since attempted to exercise original jurisdiction in any civil cause. Now, in fact, here was an expunging of entries from the journals by the concurrent act of the three estates, King, Lords, and Commons, though it was not effected by a formal act of Parliament; and whoever will attentively examine the history of the transaction, (as it is reported in the sixth volume of the State Trials,) will see that there was no other way in which the object could have been accomplished; for had a bill been introduced for the purpose, that would have engendered a dispute concerning other kindred points of jurisdiction claimed by the Lords, and the quarrel between the two Houses would have been renewed.

But this case serves to show how and why the process of expunction was originally introduced, and its meaning, purpose, and effect. It began at a time when the two Houses of Parliament were not in the habit of printing and publishing their journals promptly after each session, and when, of course, the expunging of an entry from the journal had the effect of preventing the entry from appearing on the journal at all when it should be printed and published. They expunged in the sense in which Swift speaks of the "expungings made by great authors in those treatises they prepare for publication." They did the very reverse of that which it is proposed we shall now do. It will be found by an examination of the printed journals of Parliament for the time (they are in our library) that no trace of the proceedings in or concerning this case of Skinner against the East India Company is to be found in them. The same remarks are probably applicable to the expunging of the protest of the Tory Lords in 1690, which was the next precedent referred to by my colleague.

In the first Parliament regularly called, after the expulsion of James II., and the accession of William and Mary to the throne, a bill was introduced in the House of Lords for recognizing the title of King and Queen to the Crown, in which a clause was inserted, declaring that the acts passed by the Convention Parliament "were, and are, laws." The Tory Lords, in the progress of the bill, succeeded, by a small majority, in having this clause struck out; and the Whig Lords protested. In the sequel, the clause was reinstated in the bill by a majority of six votes; and the Tory Lords, in their turn, entered a protest, the terms of which indicated disrespect towards the majority, but the principal objection to it was that it, in effect, denied the legal authority of the Convention Parliament, and so impugned the fundamental principles of the settlement that had been so happily accomplished by the revolution. The Whig Lords *immediately* ordered this protest to be expunged from the journal. I pray the attentive consideration of the Senate to the circumstances of this transaction. The Tory Lords, as my colleague truly observed, had an undoubted acknowledged right to enter a protest upon the journal, expressing their dissent from the opinion of the majority, and their reasons for it; the majority, notwithstanding, expunged the protest; and this proceed-

ing is quoted with approbation, and held up to us as an example and authority. The President of the United States, who has no manner of right to judge of our rights and privileges, of which the Constitution makes us the sole judges—who has no color of right to protest against any of our proceedings—sent us a protest against our resolution of the 28th of March, 1834, and the loudest complaints are made against us for refusing to consent to this irregular, unauthorized interference with our proceedings, and for declining to receive the protest, and entering it on our journal! It is said the President's protest was respectful and temperate. That is matter of taste; but, granting that that is the true character of the protest, the Senate would still, in my opinion, have been wanting in a just sense of self-respect, careless of its own privileges, wholly unmindful of the place which the Constitution has assigned to it in the system, if it had received such a paper, and entered it on its journal, and thereby set a precedent of acquiescence in the pretension of the Executive to remonstrate against its proceedings.

As to the famous case of the Middlesex election, it is true that the resolutions of the House of Commons, in 1769, declaring that Mr. Wilkes, having been expelled from the House, was incapable of being elected to the same Parliament, and that Mr. Luttrel, who had received a comparatively small number of votes, was duly elected, was expunged from the journal in 1782. Mr. Fox, who had earnestly supported the resolutions of 1769, made, indeed, a faint opposition to the expunging of them—so faint, that he may be regarded as having acquiesced in it, and in effect given his consent to it, especially as he held a position in the House which would have enabled him to prevent the expunging, if he had had any care to do so. The precedent would have been in point to the present purpose of gentlemen, but for this little circumstance—that the House of Commons is not, as the Senate of the United States is, bound by a constitutional provision, to keep a journal of its proceedings.

There is another case of expunging, by the House of Commons, worthy of particular attention, since we happen to have Lord Chatham's opinion upon it. In 1770, the Commons, considering the publication of accounts of their proceedings and debates a violation of their privileges, issued warrants for the apprehension of the offending printers. Some submitted; some evaded the process. One was arrested and carried before Alderman Wilkes, who discharged the printer, and bound him to prosecute the person who apprehended him for an assault and false imprisonment. Another printer, being arrested by a messenger of the House of Commons, sent for a constable, and delivered the messenger into his custody; and both parties were carried before the Lord Mayor of London: the printer, I suppose, in the custody of the messenger, and the messenger in the custody of the constable. The Lord Mayor held the arrest of the printer, under the warrant of the House, illegal, and discharged him, and committed the messenger for illegal arrest and imprisonment, till he entered into a recognizance to appear and answer an indictment for the offense. This recognizance was entered in the book kept for the purpose; and as it was, in case of forfeiture, to be the foundation of a judicial proceeding, it was of the nature of a judicial record. The Commons, angry at this resistance of its authority, brought the Lord Mayor to their bar, and thought proper to wreak their vengeance upon the recognizance he had exacted of their messenger, by expunging it from the book in which it was written. Now, it happened that not long after the proceedings against the printers, a motion was made in the House of Lords to expunge from its journal a resolution it had adopted, disclaiming all right to express any opinion on the proceedings of the Commons in the case of the Middlesex election; and this proposition to expunge the resolution of the Lords from the journal was earnestly supported by Lord Chatham in debate. But, in a speech he made about the same time, on a motion for an address to the King to dissolve the Parliament, speaking of the misdeeds of the House of Commons, he referred to their expunging of the recognizance, (which he justly regarded as a judicial record,) and said that it was the act of a *mob*, not of a Parliament. In his opinion, then, the Lords might expunge a resolution previously adopted from their own journal, which was kept only under authority of their own order; but when the Commons expunged a judicial record, which the *law* requires those intrusted with its custody to *keep*, he denounced it as the act of a mob. In what words would that great and virtuous statesman have described such an act as that now proposed to the Senate—the defacement of an entry from the journal of the proceedings of a legislative body, which the Constitution of the country, superior to the law, expressly enjoined it to keep!

With respect to the case of expunction by the Legislature of Massachusetts, I have only to say that the journals of that body are only required to be kept by its own rules or usages, not by any constitutional provision. I am surprised that the proceedings of the Senate of Tennessee should have been referred to at all. That body, sitting as a court of impeachment, we are told, entered judgment of acquittal one day, and the next day the court, being not yet dissolved, expunged the entry. The case is precisely the same as if a jury bringing in a verdict are sent back to reconsider it, and, upon reconsideration, return a contrary verdict. Do not gentlemen know that the judgments of every court of justice are in its own breast during the whole term at which they are pronounced, and that that is the reason why the court is competent to alter, set aside, or cancel them, at any time during the same term?

My colleague tells us that the House of Burgesses of Virginia expunged the last, and far the most important of Mr. Henry's celebrated resolutions, in 1765, and that the worthiest of our patriots concurred in the act. If that resolution was expunged, the precedent would be nothing to the purpose; because we know there was no constitutional provision requiring the Colonial Legislature to keep journals of its proceedings. But, though the fact is stated on the highest authority I acknowledge, yet I cannot help thinking there may be some mistake about it. There is evidence, under Mr. Henry's own hand, that he was not aware that the resolution was expunged; and if it was expunged, all accounts agree that it was done in his absence. It is upon the strength of that very resolution that we have claimed for him the honor of having been the first to set the ball of the Revolution in motion. If the resolution was expunged, the House of Burgesses threw away the palm of glory which Mr. Henry might have won, and we of Virginia must concede it to James Otis and Massachusetts. It has hitherto been a subject of honorable contention between us.

My colleague, with a view to recommend the expunging process to especial favor, took the pains to explain to us, that in every instance which has been resorted to in the English Parliament the purpose and the effect have been to vindicate some important principle of civil liberty. The warmth of his zeal prevented him from perceiving the contrast which the story of the proceeding we are engaged in will present to the world and to posterity. It is as striking as it is melancholy.

Thus, in the famous case of ship-money, the House of Lords vacated and canceled the opinions of the judges and the judgment against Mr. Hampden, in order to condemn, and abrogate forever, a dangerous prerogative, claimed by the Crown upon the strength of old precedents, to raise revenue for itself, without consent or authority of Parliament; but the purpose of the proposition to expunge our resolution of March, 1834, from our journal, is, and its effect will be, to affirm and establish the Executive prerogative claimed by the President, to exercise a complete control over the custody of the public treasure, and to give the use and profit of it, in the interval between the collection and disbursement, to persons of his own selection. We have seen, too, that the House of Lords, in the course of the ship-money transaction, passed a resolution, condemning, in the strongest terms, the conduct of impeachable officers as illegal and unconstitutional—though an impeachment against one of them was actually pending, and impeachments against others, on the same grounds, were anticipated; which impeachments that House was the tribunal to try and determine—without incurring the blame of prejudging the cause of him who was accused, and of all that might be accused, of participation in the act declared illegal. But it is one of the main objects intended to be accomplished by expunging our resolution, to establish the doctrine that the judicial powers vested in the Senate by the Constitution, instead of being an addition, to operate as a limitation upon its legislative powers; and that the Senate cannot express an opinion against the legality of the measures of the President, or, by consequence, of any other impeachable officer, without exposing itself to the reproach of impeaching, trying, and condemning, without hearing, the officer who may, by possibility, be impeached.

The expunging of the proceedings and judgment of the House of Lords, in the case of Skinner against the East India Company, my colleague says, and says justly, was intended (and, in fact, accomplished the object) to vindicate the common right of the subject to trial by jury in due course of law. And he counsels us to expunge our resolution for the purpose of acknowledging and confirming the power of the President, without judge or jury, to take away the public deposits from the Bank of the United States, which the bank claimed by virtue of a contract, upon a charge alleged by himself of criminal conduct in the bank, which the President himself declared afforded just ground for a judicial proceeding against it, to revoke its charter.

The expunging of the protest of the Tory Lords in 1690, was designed to vindicate the principles of the glorious revolution of 1688, which finally established and confirmed to the people of England the blessings of civil liberty—the security of a government of laws, as distinguished from a government of will; and pursuing that end, the Whig Lords expunged a protest which impugned the principles of the revolution, though the protesters had an undoubted right to enter their protest. The Senate of the United States is now to be condemned for refusing to receive, and insert in its journal, a protest of the President against its proceedings, who had no color of right to make any such protest—and the justice of the President's protest is to be acknowledged, by expunging from our journal the entry of the proceeding against which he protested.

The House of Commons expunged its resolution in the case of the Middlesex election, and thereby acknowledged the eligibility of all persons, not under some known legal incapacity, to a place in that House, and (what was infinitely more important) the right of the people to be represented by the man of their own choice. Our expungers have never thought of expunging the proceedings on the subject of the sedition law—a statute which invaded the constitutional rights of the people, which, in the almost unanimous opinion of the nation, uniformly maintained for thirty-five years, was plainly unconstitutional, and which, therefore, had its beginning in wrong. They only have recourse to the process of expunction in order to vindicate and confirm Executive power.

I cannot, for my part, look at this contrast without mortification and alarm. The Parliament of England, professing monarchical principles, have exercised the power of expunging obnoxious proceedings, in order to establish principles in their nature truly republican. American Senators, professing (sincerely, I do not doubt) democratic republican principles, flushed with recent victory over their opponents, are endeavoring to apply this same process of expunction, in order to establish a power in the Executive which appears to my anxious mind a monarchical prerogative. I do not impute the design to them—I do not, I cannot, suspect them of any such purpose. I am speaking only of the tendency and effect of the principles they are maintaining.

[Here Mr. L. gave way for a motion to adjourn.

TUESDAY, *April* 5, 1836.

Mr. LEIGH resumed the debate. He said the principal purpose of the remarks he had addressed

to the Senate yesterday, was to show that the original manuscript journal of our proceedings was *the journal* which the Constitution required us to keep; that the requisition to *keep* the journal imposed on us the duty to *preserve* it—to preserve it permanently and carefully, without defacement or mutilation; that no authority for expunging any entry from our journal could be found in English parliamentary precedents, or in those of any legislative body in America, whose duty to keep a journal was not imposed by a constitutional provision; and that, consequently, the Senate could not expunge the resolution of March, 1834, from the journal, in the literal sense of expunging, without a violation of the Constitution. He had taken the more pains to establish this conclusion on grounds of irrefragable reason, because, in his opinion, it involved the whole question. It seemed to him, indeed, that the gentleman from Missouri and his colleague both thought so, too; for they had exerted their faculties to the utmost to prove the right of the Senate to expunge literally and absolutely, as an essential ground of the argument for expunging, in the typical manner proposed. And he supposed it would be very hard for any man who sincerely thought that the Constitution forbade us to expunge literally, to reconcile it to reason or conscience to expunge typically.

For, (said Mr. L.,) granting it to be true that those who have a right to expunge and annihilate any written instrument or evidence, may do anything short of actual expunction and destruction, which shall indicate the intent to expunge and destroy; those who have no right to expunge and annihilate the evidence of any particular transaction, have no right to declare their will to expunge and destroy it, in any form of words or action whatever, and to substitute such manifestation of their will in place of the act to which they are incompetent. To illustrate this: A testator has a right to cancel or destroy his own *will;* and if he run a single stroke of his pen across it, with intent to cancel it, or write "canceled" in the margin, without actually canceling it—or if he tear it, with intent to destroy, without actually destroying it, no doubt such an indication of his purposes is proper enough, and may stand for the act he might rightfully perform. But no one can cancel or destroy his own *deed;* and, therefore, if he happen to get it into his possession, he has no right to avoid the guilt, and yet accomplish the purpose of destroying it, by any manner of defacement his ingenuity can devise. In sound morality, men may make an indication of their will stand for their act, if they have a right to do the act; but if the act be criminal or vicious, even the will to do it, without a single step towards the accomplishment of it, is not blameless. In the present case, sir, so entirely does the right to expunge the resolution in question from the journal, in the emblematical manner proposed, depend on the right to expunge it actually and literally, that, if we shall adopt this notable device for expunging it, this may, and will be regarded as a precedent, in all future times, to justify an actual obliteration, mutilation, erasure, or other destruction of the journal, as to any obnoxious proceeding.

There is another objection to this scheme of typical expunction which weighs much on my mind. I hold it the duty of every man to speak the simple truth on every occasion, without mental reservation or equivocation, and especially in this the duty of men acting or speaking in public stations, under the sanction of an official oath. Now, what is it that is proposed to us? Why, that we shall pass a resolution to expunge an entry from our original manuscript journal, by drawing black lines around it, and writing "expunged by order of the Senate" across it; and, in order to obviate a constitutional objection to any defacement of our journal, this is explained in argument to be no expunging at all because it will leave the whole entry still perfectly legible; and more, that it will not be an expunction of *the journal,* for the original manuscript is not the journal. I mean no offense to anybody; but I must say that, to my heart and understanding, this is exactly what is called an equivocation. I have taken into my head, during the present session of Congress, to read Paschal's Provincial Letters, which I had not read before for thirty years; and whoever will take the trouble to look at the ninth letter, will find this doctrine of equivocations, as laid down by Filutius and Sanchez, and the convenient uses to which it is applicable, fully explained.

But, sir, I presume it will not be affirmed by any gentleman that it is within the competency of the Senate, at this session, to exhaust the whole power of the Senate, in all times to come, over this or any other subject; and yet, the act which we are urged to commit will, in reality, have the effect of preventing the counteraction of any future Senate. Suppose we were literally to expunge the resolution of March, 1834, from the journal, to blot it out; how shall the Senate, at a future session, entertaining a different opinion of the merits of the resolution, expunge the expunction? How shall it blot out the blots? Shall it erase them, and reinstate the words of the resolution? Then another obliteration, at a subsequent session, would effectually prevent the possibility of ever afterwards replacing them on the journal, let the paper on which it is written be never so substantial. Suppose the typical process of expunging the entry shall be adopted and carried into execution, a succeeding Senate, entertaining different opinions, and following our example as to the manner of manifesting and enforcing them, must draw black lines around our black lines, and write a sentence of expunction across our sentence of expunction; and, if the party character of the Senate shall afterwards again undergo a change before the present party heats shall subside, the process may be reiterated. This would be farcical, to be sure; but public bodies, acting under the influence of strong party feelings, are often unmindful of their true dignity, and sometimes, sacrificing it to the indulgence of their resentments, incur the contempt and scorn they would bring upon others. I wish from my heart that the proceeding was only ludicrous. I hope and trust most sincerely that the example of this "avenging" process may never be followed; but I am most serious when I tell gentlemen that they are proposing to do what they have not the moral or the legal power to do; they are vainly attempting to anticipate and prevent the judgment and action of their successors in all times to come, and to pass and execute final and irrevocable sentence of condemnation on the Senate of 1833–34.

I cannot be so wanting in respect to the gentlemen who have so gravely and so earnestly recommended this typical expunging (which, they tell us, is really no expunction) of our resolution of March, 1834, from the original manuscript journal, (which, however, they say is not *the journal* of the Senate,) as to suppose that they have taken so much pains to accomplish an act which, in their own opinion, will be in itself absolutely vain and nugatory; and, therefore, I take it for granted that they intend, in the proceeding they propose—while they leave the verbal record of our resolution on the journal substantially unimpaired—to annihilate its efficiency; and this, in truth, upon the supposition that it is within our competency so to expunge the resolution, must be the legal effect of such an expunction. Now let it be remembered that the duty enjoined upon the Senate by the Constitution to keep a journal of its proceedings, is equally applicable to all its proceedings, legislative, executive, and judicial; that if we are not bound to *make* and *preserve* a journal, fair and unimpaired, of our legislative transactions, so neither are we bound to keep the journals of our executive or judicial proceedings; that we have the same duty to perform, and have as large discretionary powers, in respect of one as of the others; that, if we may expunge any one entry from the legislative journal, and thereby invalidate the act it records, we may expunge and invalidate any other; that, exactly in the same manner and with the same effect that we may expunge and invalidate an entry on our legislative journal, we have a right to expunge and annihilate the legal efficacy of any entry on our executive or judicial journal. And then I ask gentlemen to give their serious and calm consideration to the consequences.

If the Senate may expunge, and by expunging, in any form or manner, invalidate the resolution in question, there is no good reason why it may not, in like manner, expunge and invalidate any entry of any other of its proceedings in its legislative capacity. Suppose, among the numerous private acts passed at the session of 1833–34, there was one granting land, money, or any other property to an individual, which, in the opinion of the Senate at the present session, was corruptly passed by the majority of the Senate at that session, (as a reward, for example, for partisan services,) and so had its beginning in wrong; or suppose there was any act passed at that session which the Senate at this shall deem unconstitutional, and for that reason impugn as having commenced in wrong, as gentlemen would have us impugn the resolution of March, 1834, it is just as much within the competency of the Senate now to order all its proceedings manifesting its assent to such acts to be expunged from the journal, as it is to expunge this resolution. He that shall hold such acts would cease to be valid as laws, in consequence of the expunging from the journal of the evidence of their having been passed by the Senate, must admit the competency of the Senate alone, by the application of this expunging process, to invalidate, in effect, an act of the whole Legislature; and he that shall hold the laws valid, notwithstanding the expunging of the proceedings of the Senate upon them, must admit that the act of expunging is a mere nullity; in other words, that the Senate has no right to expunge. Then, with respect to our executive journal, (which it is not our course to publish so promptly as our legislative journal,) what would be the condition of a person nominated by the President to an office, and the nomination confirmed by the Senate, but the act of confirmation afterwards expunged by order of the Senate? Would he be an officer or not? If not no man can feel perfectly safe in exercising the functions of any office depending on the appointment of the President, by and with the consent and advice of the Senate; or the Senate may, without the concurrence of the President, remove the officer, expunge him from office. If, on the contrary, in spite of our expunging the confirmation of his appointment from our journal, he would still be entitled to his office, then our act of expunging the entry of confirmation is unauthorized and void. But the consequences are yet more glaring and enormous when we come to consider the possible application of this expunging process to the journal of our judicial proceedings. A man is impeached before the Senate of high crimes and misdemeanors, tried and convicted, and sentence of incapacitation for public office solemnly pronounced upon him; the court is dissolved, the Senate afterwards, becoming convinced of the injustice of the judgment and sentence, order the entry of them to be expunged from the journal. If the Senate is really competent to invalidate the judgment by expunging it, his sentence is, in effect, reversed, and his incapacity removed; and, at any rate, if he shall be elected a member of the Senate while the expunging Senate is in power, he will be permitted to take his seat there. But suppose the accused acquitted, and the Senate, at a future day, honestly imputing the acquittal to partiality or corruption in the Senate that tried his cause, should order the judgment of acquittal to be expunged from the journal, and then a new prosecution should be commenced against him on the same charges, how could he have the benefit of that inestimable principle of justice so dear to the people of this land, that no man shall be twice brought in jeopardy for the some offense? How could he plead his former acquittal, and show the record of the fact? If the judgment should have been literally expunged from the journal, it would be impossible for him to make good his defense. And if it should have been typically expunged, and the record should be produced, with black lines drawn around it, ("black," as the gentleman from Missouri says, "black as the injustice,") and with the "avenging" sentence of expunction written across it, his doom, I apprehend, would be equally certain if it should be his hard fate to be arraigned before the same Senate that had thus expunged the former judgment of acquittal. Again I implore gentlemen to forbear. I pray God to put it in their hearts to pause, to reflect upon the conse-

quence involved in the principle they are maintaining, and to spare our country the establishment of a precedent that may be alleged hereafter as an example and authority for wrongs like these.

But to all appeals, and all arguments, of this kind, my colleague has one general, compendious, all-sufficing answer: that it is not fair to argue, from the possible abuses of a power, against the existence of the power. Did he not perceive that that remark, as he applies it, would equally serve as an answer to all objections to an assumption of any power whatever, which should be dangerous in itself, as well as unconstitutional: or, does he think that an unconstitutional power is less liable to abuse than a constitutional one? Sir, the argument I am urging against the proposition he has maintained is, that it involves other principles plainly unconstitutional; and to show the application of which it is susceptible to other uses of the same kind, in order to expose the inherent vice of the proposition itself. I have not been arguing from the abuses of this expunging process, but from the uses which the principle, if constitutional and just, would as well justify as the use to which it is now proposed to apply it; and no one, I should think, ought to be more sensible than my honorable colleague, of the extent to which the authority of precedents may be strained; for he has given us a notable example of it himself, in the application he has made to his present purpose, of the two instances of expunging that have been found in the proceedings of the Senate.

As to one of them, I have only to state it. Mr. Randolph having received information of the death of Mr. Pinckney, announced it as a fact to the Senate; and the Senate, to testify its respect for the memory of a man who had once been so distinguished a member of its own body, immediately adjourned—expressing, of course, the reason of the adjournment, which was entered by the Secretary on his minutes. It turned out, however, that Mr. Pinckney was not yet dead; and the next morning, when the journal was read according to the rule, "to the end that any mistake might be corrected that had been made in the entries," the Senate ordered the entry stating the fact of Mr. Pinckney's death to be expunged from the journal. This was not, indeed, as my colleague says, a correction of a mistake of the Secretary in making the entry; but it was a correction of a mistake, in point of fact, into which Mr. Randolph had fallen, and had misled the Senate. Whether the correction was strictly within the rule of the Senate as to correcting mistaken entries in its journal, no one thought of inquiring at the time, and I shall not now stop to inquire: the correction was intended to be made in conformity with that rule of the Senate for *making up the journal*, which the Constitution requires the Senate to *keep*.

The other instance of expunging by the Senate is hardly more important in itself, but it calls for a more particular consideration. On the 21st April, 1806, being the very last day of the session, it appears, by the rough minutes taken at the table, that Mr. Adams presented two petitions of S. G. Ogden and W. S. Smith, and the first entry on the minutes in respect to them is, "read and to lie;" then, "motions *be rejected;*" then the words *be rejected* struck out with a pen, and instead of them, "leave to withdraw" inserted. After this, there is an entry more in detail—that "Mr. Adams communicated two memorials from S. G. Ogden and W. S. Smith, stating that they are under a criminal prosecution for certain proceedings, into which they were led by the circumstance that their purpose was fully known to and approved by the Executive Government of the United States," (the prosecution, we know, was for the part the memorialists had taken in Mina's expedition,) complaining of such maltreatment by the district judge of the United States at New York that the grand jury had made a presentment against the judge for it, and praying relief from Congress; and then the entry is, "on motion, ordered, that the memorialists have leave to withdraw their memorials respectively." Finally, the last minute of the proceedings of this last day of the session was, "on motion that everything in the *journal* relative to the memorials of S. G. Ogden and W. S. Smith be expunged therefrom, it passed in the affirmative, by yeas and nays—13 to 8.* The adjourning order follows immediately. It has been said that all the Republicans voted for and the Federalists against the motion—how that is, I do not know. Now, the first remark that occurs is, that this is manifestly an expunction from the *minutes*, not from the *journal;* an order that, in *making up the journal*, those entries on the *minutes* should not be inserted. The next consideration is, that the reasons of the expunging nowise appear; they are not stated in the proceeding itself, and, I understand, no notice of the transaction is to be found in the newspapers of the day. For aught that appears, the previous entries might have been expunged, because they did not truly state the fact when they represented that the memorials had been received, and leave given to withdraw them; and I have no doubt those entries did not truly state the real opinion of the Senate on the subject at the time the memorials were first presented. We all know how such things are done, especially during the hurry of a last day's session. The gentleman from Missouri thinks that the reason of expunging the entries concerning those memorials was, that they contained disrespectful imputations upon the Chief Magistrate and a judicial officer; in which his conjecture may be right, and I think it probable enough that it is. But, thirdly, the least attention to the circumstances of the transaction will suffice to convince every mind that hardly any thought was bestowed upon the expunging, as very little could have been given to the proceeding ordered to be expunged; that both probably passed *sub silentio;* that the constitutional question as to the right of the Senate to expunge any proceeding from its journal was not suggested, much more discussed. And is such a precedent of expunging as this—an expunction from the *minutes* of the Secretary, not from the *journal made up by the Senate to be kept*—founded on what reasons no one knows, and none ever inquired, done in haste, and amidst the confusion of the last moments of an expiring session—ordered without discussion, and probably without a question made as to the constitutional propriety of the proceeding, so passed as to attract no attention, to elicit no investigation—is such a precedent to be gravely, much more triumphantly, quoted as an authority in this debate?

But suppose that vote of April, 1806, was (what it certainly was not) a deliberate expression of the opinion of the Senate on the very point, that the Senate may constitutionally exercise a discretion to expunge from its journal, at any time, the entry of any proceeding which it disapproves as irregular and unjust; it would only add another instance to the thousands with which all history abounds, of the truth of the common observation, that it is during the administration of the most popular Chief Magistrates that precedents dangerous to liberty are most to be apprehended, most to be deprecated, and most carefully to be avoided; not on account of any design on their part, or of vicious design in any quarter, but simply because confidence in them not only serves to give authority to their example, but disarms the public mind of that wholesome jealousy, that constant vigilance, which (as Mr. Jefferson has himself justly said) is the eternal price that men must pay for liberty. To do Mr. Jefferson justice, it must be remarked that there is not the least reason to believe that he approved, or even knew, of that expunging order of the Senate in April, 1806, much more counseled or wished it. Whether the present Chief Magistrate has taken any pains, or expressed any wish for the accomplishment of the expunction now proposed, I do not know; though I could give a shrewd guess.

There was another precedent during Mr. Jefferson's administration, which I shall mention, to illustrate the wonderful power and influence of precedents in human affairs. In December, 1787, Mr. Jefferson wrote a letter to Mr. Madison on the subject of the present Constitution of the United States, then recently framed, but not yet adopted, in which one of his chief objections to that instrument was the omission of a bill of rights, providing (among other things) for "jury trial," and "the eternal and unremitting force of the *habeas corpus* laws;" and he repeated the objection in letters to another correspondent afterwards. He was not then content with the provision of the Constitution (art. I, sec. 9) that "the privilege of the writ of *habeas corpus* shall not be suspended," (that is, even by Congress,) "unless when, in cases of rebellion or invasion, the public safety may require it"—he thought there ought to be "no suspension of the *habeas corpus*." For my part, I am content with the security provided by the Constitution, if it shall be fairly observed. Now, in the winter of 1806–07, General Wilkinson made a military arrest of three persons in New Orleans—Swartwout, Bolman, and Alexander, and sent them to Washington; and it was not till they got here that they were discharged on a *habeas corpus by the Supreme Court*. They belonged not to the Army; they were nowise amenable to martial law. As to the two first, there was reason to believe that they were implicated with Colonel Burr in his projects, whatever they were; for to this day the public is not informed what they were. But against Alexander no evidence of guilt, no ground of suspicion, that I remember, ever appeared; no colorable pretext was stated to the public for *his arrest*. Did Mr. Jefferson censure these illegal arrests, made by an officer subject to his absolute control? Did he disapprove this violation of the personal security of the citizen, by military power? Did he call the General to any account? Did he order an inquiry? I only know that the President of the United States gave the General his countenance, approbation, and support; and the confidence of the public in the President's prudence and justice, and their detestation of the guilty schemes imputed to Colonel Burr, had the effect of exempting General Wilkinson from blame. And in September, 1810, Mr. Jefferson wrote a letter to a Mr. Colvin, in which he deliberately *justified* General Wilkinson's conduct, upon the ground of the necessity of the case, which, as he states it, was the oddest case of necessity that ever was imagined; the letter has been published by his grandson. The fact of entertaining such an opinion was generally known, or at least reported at the time. The necessity of the case might (for aught that I know) have afforded an excuse for General Wilkinson's conduct—might have entitled him to pardon and indemnity; but it could not have afforded him any justification; and I say, before high Heaven, that if all the great and good men of the Revolution had signed that letter with Mr. Jefferson, I would still lift up my voice to protest against the dangerous unconstitutional doctrines it inculcates. There, then, was a precedent of military arrest, set even during Mr. Jefferson's administration, without being seriously questioned, and without exciting any jealousy or alarm in the public mind.

Some few years afterwards, General Jackson, charged with the defense of New Orleans against an invading army, improved upon the precedent; abrogated the privilege of the writ of *habeas corpus* for a time, proclaimed martial law, and turned the State Legislature out of doors. His conduct, too, may have been prudent and founded in laudable motives; he, too, might have been entitled to complete indemnity; but he violated the Constitution of his country—he suspended, for the time and place, the sacred principles of civil liberty. The glory of the victory of New Orleans justified all; and great glory there was, and great good accomplished for his country, I willingly acknowledge—though (by the way) in my opinion, his fame as a general rests more on his spirited and judicious attack upon the enemy on the 23d December, than on his crowning victory of the 8th January. Allow him the fullest meed of praise, still, the sense of that brilliant and most important public service, the gratitude it deserved, the admiration it excited, the glory it achieved for the general and the nation, ought not to have stifled our love and care for the Constitution. He was entitled to honor and gratitude for the good he did, and to indemnity for any wrong he committed through necessity, and with virtuous motives; and that was the most.

* MR. LEIGH forgot to ask what those gentlemen would think of the authority of this precedent, who maintained the opinion that the Senate had no constitutional right to refuse to receive the memorials of the Abolitionists, or any other petition not disrespectful to the Senate or some member of it, or any petition, no matter what its character.

He knows nothing of the principles of the Constitution, and nothing of the influence of dangerous precedents, who is willing that that conduct of General Jackson should be represented as justifiable. During the second administration of Lord Chatham, a proclamation was issued, under an apprehension of scarcity, prohibiting the exportation of corn, and thus suspending the statute law of the land; and he and Lord Camden, too, insisted that the proclamation was strictly justifiable. They supposed a necessity, (of which the King was to judge,) and, founded on that necessity, attributed to the Crown a legal power to suspend the operation of a statute, not given by the statute itself; and they even opposed an indemnifying bill. They incurred the reproaches of their warmest friends and admirers for holding such language—the only language, perhaps, that ever fell from the lips of either, which offended against the general principles of civil liberty. Junius told Lord Camden that an Englishman "should not suffer dangerous precedents to be established because the circumstances are favorable or palliating; that, instead of asserting that the proclamation was legal, he should have said: 'I know the proclamation was illegal; but I advised it because it was indispensably necessary to save the kingdom from famine; and I *submit* myself to the *justice and mercy* of my country.'" And, sir, that is the true doctrine.

But General Jackson succeeded in establishing a second precedent in our history, of an unquestioned violation of the privilege of the writ of *habeas corpus*. And afterwards, again, in time of profound peace, at Pensacola, he established a third precedent of the same kind; and this again passed unquestioned; indeed, it was defended and justified, on the ground that the constitutional privilege of the writ of *habeas corpus* did not extend to the Territories of the United States. He has been since twice elected to the high office of Chief Magistrate to this great and free country, and if his admirers had been content with saying that the people have elected him because, in their estimate, his merits and services far outweigh his faults and errors, though I never have concurred, and never can concur, in that opinion, I should not have adverted to the disagreeable topics I have now mentioned; but we are constantly told that the people have approved, justified, sanctioned all his conduct. Since he has been in the administration of affairs, precedents favorable to the extension of executive power, to a degree that I had never imagined the possibility of, have been multiplied, and are multiplying. I look to the consequences with terror. God grant I may be mistaken in my impressions of the past, and my forebodings of the future; but I must declare my opinion, that never did any Republic make such rapid strides towards pure monarchy as we have done within these few years past. Saying this, let me be understood: I impute no such designs to anybody, much less do I impute any inclination for monarchy to the great body of the people. I believe no republican people ever knowingly, and of purpose, gave up the blessings of free government; but in the heat of violent political contentions, the official agents of the people, and the people themselves, have but too often unwarily concurred in introducing and sanctioning principles of administration which, once put into operation, work with uncontrollable effect, beside and beyond the original purpose and design, and, in the end, endanger the very being of the Republic. And this, in my opinion, is what we have been and are now doing. The very confidence we have in ourselves and in our institutions, as it stifles in the public mind that jealousy, vigilance, and care, so essential to security, is a principal source of our danger.

Well was it said the other day by the gentleman from South Carolina, [Mr. CALHOUN,] that precedents apparently trivial are often of the utmost importance, because they may be applied, stretched, or perverted to cases never apprehended or foreseen; and that precedents affecting constitutional questions are rarely resorted to as authority for the exercise of any but doubtful powers, for the plain reason that the authority of precedents is never necessary unless the power they are wanted to sustain is doubtful. Witness the use now made of the two precedents of expunging found in the proceedings of the Senate. Sir, we shall find it an eternal truth that there is no other course to be taken in a settled state than a steady, constant resolution never to give way so far as to make the least breach in the Constitution, through which a million of abuses and encroachments will certainly in time force their way. I quote the words of Swift, a monarchist and a Tory, to be sure, yet they are the words of political prudence and wisdom; they embody the lessons and the warnings of experience, which the Republicans of this country will do well to hearken to and remember.

And now, sir, I think myself well warranted in saying that the expunging of the resolution of the Senate of the 28th of March, 1834, from the journal, literally or figuratively, is wholly irreconcilable with the Constitution upon any fair construction of its words; and that no authority for such expunction can be found in any precedent whatever at all applicable to the purpose, or entitled to the least weight. I think myself warranted in saying, too, that if the Senate shall adopt this proposition, and carry it into execution, it will set a precedent fraught with the most dangerous and pernicious consequences. But there was one position taken by the gentleman from Missouri, (which, indeed, I consider as the main ground of his argument,) so important in itself, that I have reserved it for a separate consideration.

I understand the gentleman to insist that it will not suffice to reverse, repeal, rescind, annul, make void, the resolution of March, 1834, because "all these admit either a legal or an innocent beginning;" and that expunction is the proper remedy, because "that implies an original wrongful proceeding, which infers misconduct as well as error, and requires rebuke as well as reversal." And his leading argument to prove that the resolution *began in wrong* is, that the Senate had no right to entertain and act upon such a resolution; that it was an act of a judicial nature, not belonging to us in our legislative capacity at all, and incompatible with our judicial functions and duties; that the resolution is an impeachment of the President of a high crime or misdemeanor, which the House of Representatives alone has the power to prefer; that we impeached the President, tried him without a hearing, prejudicated his cause, convicted him, and only abstained from passing sentence of incapacitation upon him. This argument was first suggested to my mind by a gentleman from New York, [Mr. WRIGHT,] in a speech in the debate on the resolution, and I then weighed it well. It was repeated in the President's protest against our proceedings, and the debate which ensued. I reëxamined it; I expected to hear it reiterated on this occasion; but, if it be well considered, I am persuaded it will never be repeated again.

The resolution declares "that the President, in the late executive proceedings in relation to the revenue, had assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both." The words cannot be tortured into an allegation that the President *willfully* assumed and exercised illegal and unconstitutional power; no criminal intent is charged, expressly or by implication; the language is (and was, in fact, intended to be) carefully confined to the *acts* of the President, without impugning or touching his *motives* at all. If this is not plain upon the face of the resolution itself, no argument can make it plainer.

The gentleman from Missouri, as if sensible that the resolution itself imported no criminal charge, has, in the preamble to the resolution he has now offered us, recited the resolution which was first proposed concerning the removal of the public deposits from the Bank of the United States as a key, I suppose, to unlock the meaning of the resolution that was adopted; and, in his speech, he has referred to speeches made in the debate on the subject, in order to ascertain from them that criminal motives and design were intended to be imputed to the President. Sir, to my mind, the first resolution proposed, concerning the removal of the deposits, does not vary, in this particular, from the resolution that was finally adopted; there is no charge of criminal intent, no imputation on the President's motives, in the first any more than in the last. But suppose there were—with what color of reason or justice can the gentleman from Missouri, in order to ascertain the meaning of the language which the Senate used, have recourse to language which it did not use? resort to a resolution which the Senate did not adopt, to find a reason for reprobation of that which it did adopt? As to the speeches that were made on this floor, which, in the gentleman's apprehension, distinctly imputed willful guilt to the President, I cannot take upon me to contradict him, for I was not then here, and did not hear them; the debate was drawing to a close when I took my seat in the Senate. I can only say that I read no reported speech containing any violent denunciations of guilt and crime, at all answering the description he has given. But here, again, I ask, what right has he thus to take the sentiments of particular members expressed in debate, as a certain exponent of the sentiments of every other Senator who, in the result, votes with him? Does he suppose that every gentleman who votes with *him*, on any question which he debates, enters into all the feelings, motives, and sentiments, adopts all arguments that influence his judgment and conduct, and makes them his own?

But I recall the attention of the Senate to this singular method of detecting offense in the resolution of March, 1834, chiefly for the purpose of showing the manner in which it affects the freedom of speech in this body, and the reverential awe with which it supposes we ought to examine the official acts of the President. All proper decorum and respect ought to be preserved towards him, I agree, for his sake, for our sake, out of respect to the public, out of a just sense of the dignity of the Government; but shall those strong (if you please, too strong) expressions of disapprobation or censure, which fall from gentlemen in the ardor of extemporary debate, which, perhaps, in cooler moments, they would have left unsaid—shall these be treasured up in memory, and urged as a censure, not only against them, but all that vote with them upon the question in debate? What is this sanctity in the office of President of the United States, which all men should have forever before their eyes, present in their thoughts, inviolable in their speech? No such sanctity hedges the impeachable ministers of the British Government. Lord Chatham once said, in the House of Lords, that the Minister (the Prime Minister) had advised the King to tell a deliberate falsehood. The gentleman from Missouri says, "we have borrowed largely from our English ancestors," and, because we have so borrowed, results the precious and proud gratification that our America now ranks among the great and liberal Powers of the world; and he traces our dearest institutions to English origin. I hope we have not forgot to borrow from them freedom of parliamentary debate. That high encomium which the gentleman pronounced upon our English ancestors is just and true, and, therefore, I was pleased to hear it fall from his lips; but if it had come from me, it would have been regarded as a proof of my aristocracy; for it has often been imputed as aristocracy in me, that I make frequent reference to English history, (which, in truth, I have read more of than any other, but only because it has been more accessible to me,) that I have studied the history of the English Government and laws, and imagine that instruction may be found in them applicable to our own. I am content to bear the imputation. If the fact, without any criminal intent, constitutes guilt, I must be convicted; I know no method of acquiring a thorough knowledge of our own institutions but by cultivating a knowledge of English institutions.

In all impeachments that I have ever seen, the facts of misconduct are specifically alleged, and some criminal intent, more or less heinous, expressly imputed to the accused. We have seen that in the articles of impeachment against Sir Robert Berkley, for his extra-judicial opinions, and his concurrence in the judgment against Mr. Hampden, in the case of ship-money, the opinions and the judgment are set out at large; the fact that they gave them, and the gross illegality of them, are distinctly alleged; and then it is charged that all those "words, opinions, and actions were so done and spoken by the said Sir

Robert Berkley, traitorously and wickedly, to alienate the hearts of his Majesty's liege people from him, and to set a division betwixt them, and to subvert the fundamental laws and established Government of his Majesty's realm of England." And whoever will search the numerous precedents of articles of impeachment in England, I will answer for it that he will find this precedent substantially complied with, in charging the facts and laying the criminal intent. The gentleman from Missouri says that no criminal intent is charged in *three* of the articles of impeachment against Judge Chase, and (as I understand him) in *one* of the articles against Judge Pickering. The gentleman is certainly mistaken. The criminal intent is distinctly charged in all of the eight articles against Judge Chase, except one; that, namely, in which it is alleged that, in Callender's case, he did not conform with a statute of Virginia regulating the process in prosecutions of misdemeanor. That article alleges the departure from the law, but omits to allege that he did so willfully, or even that he was aware of the provisions of the statute; and upon that charge he was, of course, unanimously acquitted. The article of impeachment against Judge Pickering, in which the gentleman supposes no criminal intent was laid, imputes to the judge the grossest intemperance and indecency in the judgment seat; nor could the criminality of such conduct (than which hardly any official misconduct could be more *clearly* criminal, however it might be more heinous) have been more strongly and expressly charged. He was convicted upon this charge. The gentleman says that, in fact, the Judge was insane, and was incapable of crime. How the gentleman got his information I do not know; he certainly did not get it from the record. [Here Mr. L. referred to the record of the impeachments and trials of Judge Pickering and Judge Chase, in the journals of the Senate, and showed the exact state of the facts.]

The resolution of the 28th March, 1834, declares that the President's conduct in relation to the revenue was illegal and unconstitutional, without more. Gentlemen say that the *fact alleged implies crime;* that it *implies* a violation of his official oath "to preserve, protect, and defend the Constitution of the United States." Now, in the first place, let us advert once more to the proceedings in the ship-money case, which my colleague has quoted with so much approbation, where the House of Lords declared the extra-judicial opinions of the judges, and the judgment against Mr. Hampden, illegal and unconstitutional in the strongest terms, without imagining that that declaration was a prejudication of the impeachment against one of the judges then pending, which the Lords, as the high court of impeachment, were to try; in other words, that it did not occur to them that the fact of extra-judicial illegal conduct *implied* crime. In the next place, let me ask gentlemen whether they suppose that, in maintaining that this expunging process they are so intent upon is unconstitutional, in declaring my opinion (as I do most conscientiously) that it is a plain violation of the Constitution, I mean to charge *them* with a willful violation of the Constitution and of their official oaths? I know mankind too well. It has been said that, if men's passions could be made to enter into the question, they would differ and dispute upon the plainest proposition in Euclid; and there is no passion so apt and so potential to influence and determine the judgments of public men as party spirit. Gentlemen in both Houses of Congress are daily alleging that measures strenuously maintained by others are unconstitutional, plainly unconstitutional; yet no one ever thinks of giving or taking offense, which surely all would do if they thought that to allege unconstitutional conduct is to charge willful guilt. The President has often put his *veto* on acts passed by both Houses of Congress, on the ground that he thought them unconstitutional. I can hardly believe that he meant to charge the majority of both Houses with an intentional violation of the Constitution and breach of their official oaths. I have heard the judgments of the Supreme Court publicly impugned as being contrary to the Constitution. I have heard Chief Justice Marshall's opinions so impugned by men who entertained the highest respect for his abilities and integrity, and would have considered it a reproach to themselves if they had been gravely told that they had imputed to the court a willful departure from right, truth, and justice. Sir, there is but one hypothesis upon which the allegation made in the resolution of March, 1834, that the President's conduct was illegal and unconstitutional, can *imply crime*, and that is, that his judgment is infallible, and that it is morally impossible for him to do an illegal and unconstitutional act through error of judgment. That is very far from my opinion. There is no man whose judgment I should esteem infallible on such a subject; and the President is one of the last men to whom I should attribute any such infallibility. And though I believed at the time I gave my vote on the resolution of March, 1834, that the conduct of the President therein referred to was illegal and unconstitutional, and though that is still, and probably will always continue to be, my firm, undoubting opinion, I have no hesitation in saying that if the President had been regularly impeached for that conduct, and I had been called upon to decide his cause as one of his judges, upon all the evidence then (or indeed yet) known to me touching the motives of his conduct, my voice must have been for his acquittal. I could not have found the willful criminal intent essential to constitute guilt.

The gentleman from Missouri loudly reprobates the resolution in question, on the ground that its allegations are vague and indefinite; not perceiving that that very circumstance furnishes the strongest proof that a criminal accusation was not made or intended. The idea of impeaching the President of crime or misdemeanor never entered into the thoughts of any Senator who voted for the resolution; and there was not a human being, I am quite sure, who so much as imagined the possibility of an act of impeachment by the House of Representatives; the case of such impeachment was only supposed in argument, never apprehended in fact.

It is said that the resolution of March, 1834, cannot be regarded as a proceeding in our legislative capacity; and in proof of this, it has been observed that no legislative measure was founded upon it, and that none was intended. This appears to my mind the most gratuitous assumption that ever was made. It was the opinion of the mover in those proceedings that the public deposits, at least of the revenue which should afterwards accrue, ought to be restored to the Bank of the United States; and it was proper to ascertain the sense of the Senate on the question, whether (for the reasons assigned by the Executive) they had been constitutionally and legally withdrawn or not; for, if the Senate had held the affirmative on that point, it would have been vain and idle to prepare and bring in a bill for the purpose. The course pursued is usual in all legislative bodies. As it was, I have not the least doubt that the known state of opinion in the House of Representatives upon the subject alone prevented the Senate from passing a bill for the restoration of the deposits. The Senate did take measures, some time after, to ascertain the sense of the House. On the 4th June, 1834, it passed a joint resolution directing the deposit of the public money to be made with the Bank of the United States and its branches. The House never acted upon it.

But let us examine more closely the reason and foundation of this opinion that the Senate cannot, in its legislative capacity, discuss and determine upon the constitutionality or legality of any act of the President, and let us see, too, the extent of the principle. It is supposed that the judicial power vested in the Senate, as the court for the trial of impeachments, operates as a limitation upon the action of the Senate in its legislative capacity; that the Senate cannot, in its legislative capacity, express any opinion impugning the constitutionality or legality of any official act of the President, because it may be called upon to decide the same question judicially, upon an impeachment against him for the same act. Now, it is obvious that, if the Senate is for this reason incompetent to pass any resolution impugning the conduct of the President as unconstitutional, neither is it competent to pass a resolution approving his conduct as constitutional and proper; for it can be no more within the competency of the Senate to prejudge the President's cause and acquit him, than to prejudge and condemn. Partiality in judges towards the accused is as vicious as prejudice against him. Nay, more; it is the duty of every Senator to avoid the forming and expression of an opinion upon the constitutionality of the President's conduct; to close his mind against all information on the subject; to hold his judgment in suspense. Nor is this all; the Senate and House of Representatives are made by the Constitution coördinate branches of the Legislature, and their legislative powers are co-equal, too, with the single exception that money-bills can only be originated in the House: and then a distinct judicial function is assigned to each. The House is the grand inquest of the nation to accuse and impeach; the Senate is the court to try and determine. And as to all matters of criminal accusation and impeachment, the action of the House is just as much judicial in its nature as the action of the Senate; the only difference is, that their judicial functions are different. If the Senate, in its legislative capacity, is incompetent to examine the constitutionality of the President's conduct, and express its opinion upon it, the House also, in its legislative capacity, is incompetent to do so.

If, therefore, the President shall, upon any occasion, adopt any measure questionable on constitutional grounds, no matter how mischievous the measure may be in its operation—no matter how urgent the necessity for prompt and decisive legislative action, to correct the procedure and arrest the progress of the evil—neither branch of the Legislature can examine, or even inquire into the subject, in its legislative character, much more pass an act to remedy the mischief. The House of Representatives must first resolve itself into a grand inquest, examine the President's conduct in that character, impeach him, if it find just cause for impeachment; prosecute him before the Senate, and prosecute him to conviction by the judgment of two thirds of the Senators sitting on the trial; and then, and not till then, the two Houses may set about devising measures to counteract the unconstitutional and illegal measures of the Executive. And, furthermore, as the Senate cannot convict the President, without being satisfied in its conscientious judgment that his unconstitutional proceedings are justly imputable to criminal motives and designs, no unconstitutional acts of the President can be corrected by any legislative measures of Congress, if the President's violation of the Constitution and laws shall appear to be justly imputable to an innocent error of judgment as to the extent of his own powers—an error into which (of all others that can be conceived) men in power are most apt to fall. Meanwhile, the measures of the Executive continue in operation, and perhaps work their full effect, unchecked, unembarrassed, by any manner or counteraction which the Legislature can constitutionally devise and provide. Sir, if this doctrine that the Senate, and, by parity of reasoning, the House of Representatives also, are incompetent, in their legislative capacity, to examine and determine upon the constitutionality or legality of Executive acts, shall be established, then I say that the Executive is, really and truly, the Government, and the whole Government; that the President is, in every practical view, absolutely irresponsible; that he is a more absolute potentate than any prince, king, or emperor, in Europe, except, perhaps, the Autocrat of all the Russias, and the Grand Seignior of Turkey. And this process of expunction of our resolution of March, 1834, is to be resorted to on the supposition that this doctrine is just and true, and to establish it as a constitutional principle of this Federal Republican Government!

During the same session of 1833–34, at which the resolution concerning the President's conduct in relation to the revenue was adopted, there was an inquiry into the state of the Post Office Department, and the administration of its affairs by the then Postmaster General, Mr. Barry; and that proceeding of the Senate resulted in the following resolution, passed on the 27th of June, 1834:

"That it is proved and admitted that large sums of money have been borrowed at different banks by the Postmaster

General, in order to make up the deficiency in the means of carrying on the business of the Post Office Department, without authority given by any law of Congress; and that as Congress alone possesses the power to borrow money on the credit of the United States, all such contracts for loans by the Postmaster General are illegal and void."

This was at least as strong a condemnation of the conduct of the Postmaster General as the resolution concerning the conduct of the President in relation to the public revenue contained. I should certainly have voted for it myself had I been in my place at the time, because the proposition it asserted was true in fact, and just in law; but in giving that vote, I should not have been influenced by any opinion that the illegal conduct of the Postmaster General was imputable to criminal motives and designs. Enough had appeared to satisfy my mind that the grossest abuses and corruption had crept into the administration of the Department; enough to convince me that Mr. Barry was wholly unfit for his office; but the very circumstance of his unfitness, and much more besides, that came to my knowledge, inclined me to take a charitable view of his conduct and character; and I more than once publicly intimated this sentiment. And now that he has gone to his grave, I find a real pleasure in saying that I saw no evidence to implicate him in any intentional guilt. The resolution concerning his conduct was adopted by the unanimous votes of the Senators present. It is manifestly upon its face liable to exactly the same objection now made to the resolution of March, 1834; namely, that it imported a criminal charge against the Postmaster General, as impeachable officer; and, therefore, it was not within the competency of the Senate in its legislative capacity to entertain and act upon it. The gentleman from Missouri voted for it; and to avoid the charge of inconsistency, he now tells us that "the proceeding against Mr. Barry was objected to, and that in the first stages of it, upon the same grounds on which we now stand in the case of the President," (and of this he adduces proof,) "and the vote which was given by me and my friends, was a vote forced on us by a majority of the Senate, and, being so forced upon us, was given, as we believed, according to the truth and the fact. I well recollect the vote, and the conversation among us to which it gave rise. Some thought we should vote against it on the ground that the proceeding was unconstitutional, and that a vote in its favor would commit us on that point; others, of whom I was one, objected to the negative vote, because it would be against evidence, and would subject us to the imputation of voting as partisans and not as Senators, and *because a negative vote admitted the jurisdiction just as much as an affirmative one.*"

Now, I ask, if a negative vote admitted the jurisdiction just as much as an affirmative one, in Mr. Barry's case, how is it that the negative vote which the gentleman gave in the President's case had no effect to admit the jurisdiction of the Senate to entertain and pass the resolution of March, 1834? But this may be thought an *argumentum ad hominem*, which is never quite fair. I am afraid myself that it is not fair; because, though this is one reason which the gentleman assigns for his course, it is not the only reason; and because he has vindicated his general consistency in relation to this question, by showing that he maintained the same opinion he now contends for in February, 1831. I did not myself perceive the inconsistency between the vote against the resolution of the 28th March, 1834, and the vote for that of the 27th June, until it was pointed out to me; and my impression was, that it might be accounted for by the hurry of business when the last vote was given, and the little importance of the subject of that vote, compared with the vast importance of the subject of the first; so that the principle involved escaped attention when the last resolution was adopted. The only question at all material is, whether the opinion the gentleman now advances concerning Mr. Barry's case, is right or wrong? I have no wish or care to convict the gentleman of inconsisteney, nor was that my purpose in adverting to this topic. My purpose lies much deeper. I pray the Senate to observe that it is now admitted, nay, contended, that the same principle which should interdict the Senate, in its legislative capacity, from examining and determining on the constitutionality of the acts of every impeachable executive officer; and then all the consequences follow: the unconstitutional acts of all executive officers can only be examined by the House of Representatives, in its judicial character, as the grand inquest of the nation; can only be examined by the Senate, in its judicial character, as a court of impeachment; can never be corrected by legislative action, until the impeachment is determined; cannot be corrected even then, if the Senate, convinced of the innocence of the accused of all criminal motive and intent, should be itself bound in conscience to acquit him of guilt; and meantime the unconstitutional measure will have been in full operation. And thus, this process of expunction will have the effect of establishing a principle vitally affecting the competency of the two Houses of Congress in their legislative character; and a principle that will protect not only the unconstitutional acts of the President, but those of all his subordinate executive officers, from legislative inquiry, examination, counteraction, and correction!

I shall not now enter upon a discussion of the question, whether it was true, in point of fact and in point of law, as the resolution of March, 1834, declared, that the President's proceedings therein referred to were illegal and unconstitutional; because, supposing that declaration not just and true, yet, if the Senate had competency to act upon the subject, its action did not *begin in wrong*, and the remedy is to correct our error by *rescinding*, not by *expunging*, the resolution. Surely the present majority of the Senate are not going the length of expunging every proceeding of the then majority, which I shall consider erroneous in principle and in fact. The question of the *competency* of the Senate to pass the resolution of March, 1834, lies at the bottom of the argument of the gentleman from Missouri, in support of his motion to *expunge*, in preference to *rescinding*. That question I have now discussed. I wish to confine myself to what affects the question of *expunging* only. If a motion shall be made to rescind, though I shall have no new argument of my own, I may find it my duty to recapitulate the conclusive arguments of others to show that the resolution of March, 1834, is just and true in all respects, and that the principle it asserts is essential to the maintenance of our free institutions.

The gentleman from Missouri said that "*expunge* is a severe remedy, but it is a just one. It reflects reproach, but the fault is not ours, but of those who compel us to it. Let us go on, then, and neither compromise for difficulties, nor despair for failures. If we fail now, let us try again. If we continue to fail, and have to retire before the good work is accomplished, let us transmit and bequeath it to the democracy of America. Let us give it to the aged sire, that he may hand it down to his heir—to the matron, that she may deliver it to her manly son—to the young mother, that she may teach her infant babe to suck in the avenging word EXPUNGE with the life-sustaining milk which it draws from her bosom." As to that young mother who shall be willing to mix the bitterness of that "avenging word expunge," or any other vengeance, with the milk which, with the sweetness of maternal love, she should minister to her babe, it is to be hoped she will never have any more offspring; and if the unhappy babe shall suck the spirit of vengeance with his mother's milk, what deeds he may perform in his mature manhood it is revolting to reflect. But none of the young mothers are going to take this advice—that I am sure of. And if the democracy of America shall be willing to accept the legacy, which the gentleman from Missouri is so bountifully desirous of bequeathing to them, and to improve it to the degree of which it is susceptible, I fear some future advocate of monarchy may find cause to remember and apply to *us* the contemptuous language which the toryism of Swift has applied to all democratic States: "that an usurping populace is its own dupe—a mere underworker, and a purchaser in trust for some single tyrant, whose state and power they advance to their own ruin, with as blind an instinct as those worms that die with weaving magnificent habits for beings of a nature superior to their own." And, sir, I venture to warn my countrymen that, if they would avoid the reproach of being dupes, they must never indulge in the vainglorious imagination that they are incapable of being deluded; that they must distrust and watch their agents, distrust and watch themselves, watch over their Constitution, their laws, and especially their public treasure, upon which the rights they so dearly value essentially depend.

NATIONAL DEFENSE.

SPEECH OF HON. S. L. SOUTHARD,

OF NEW JERSEY.

IN SENATE, *January* 25, 1836,

On Mr. BENTON'S resolution for appropriating the surplus revenue to objects of permanent National Defense.

Mr. SOUTHARD asked for the reading of the resolutions, as they had been amended, on the suggestion of the Senator from Tennessee, with the approbation of the mover; and they were read by the President in these words:

Resolved, That so much of the surplus revenue of the United States, and the dividends of stock receivable from the Bank of the United States, as may be necessary for the purpose, ought to be set apart and applied to the general defense and permanent security of the country.

Resolved, That the President be requested to cause the Senate to be informed of—

1st. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontier of the United States, and such points of the land frontier as may require permanent fortifications.

2d. The probable amount that would be necessary to construct an adequate number of armories and arsenals in the United States, and to supply the States with field artillery (especially brass field pieces) for their militia, and with side-arms and pistols for their cavalry.

3d. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, which a proper regard to self-defense would require to be always on hand.

4th. The probable amount that would be necessary to place the naval defenses of the United States (including the increase of the Navy, navy-yards, dock-yards, and steam or floating batteries,) upon the footing of strength and respectability which is due to the security and to the welfare of the Union.

Mr. SOUTHARD. The Senator from Missouri has not informed us whether the objects mentioned in the call which he proposes to make on the Executive are each to have part of the surplus revenue expended upon them, or whether it is to be confined to them. We are left, therefore, to infer that they are all to be accomplished, and that they are the means, and the only means, to produce the "strength and respectability which are due to the security and to the welfare of the Union;" and that the surplus is to be pledged to them, and them only, until they are all completed. They are, certainly, numerous enough, and of sufficient magnitude to attract our admiration. Forts on the lakes, ocean, gulf, and inland frontier; armories and arsenals sufficient to construct artillery, sidearms, and pistols; ordnance, arms, and munitions of war; increase of the Navy, navy-yards, dock-yards, and steam batteries; these are to be provided for, to the exclusion of other objects of interest which may hereafter be presented. The scheme is sufficiently large. It will answer exceedingly well for purposes of speculation, comment, and applause before the public, but it is not very likely to produce much good. Such magnificent schemes generally end in small results. The money necessary to complete the one under consideration must be counted by tens of millions, and the time by scores of years. But while the people cannot doubt that its friends are devoted to their interests, it is to be hoped that those who cannot elevate themselves to its magnitude may not be regarded as less anxious for "the general defense and permanent security of the country." I do not, however, object to the inquiries. They may procure from the Executive information which may be useful when the Senate is called to act upon less extensive and more unpretending plans.

Before I vote for the resolution in its present shape, I wish some explanation of its terms. What is the "surplus revenue?" It is generally understood to be that amount of money which remains in the Treasury after all the appropriations have been made and expended. Now, these appropriations are for such objects as are deemed by Congress *necessary* for the support of the Government, and for the general defense, security,

and prosperity of the country; for the civil and diplomatic list; the Army; the Navy; the fortifications for each and every object of which it is the duty of Congress to provide. Does the resolution, then, mean to declare that, after Congress shall have granted whatever is *necessary* for forts, Army, Navy, &c., &c., *so much of the remainder* as is necessary for *those same objects* shall be *pledged to them?* They are first to receive all the support which is necessary for them, in the opinion of Congress, and, after that, to receive as much *more* as shall be *necessary* for them. Who is to judge what more is necessary after Congress has applied what they deem necessary? The resolution has something of the aspect of the fortification bill of last year. Congress applied by it what was necessary for them, beyond the estimate of the Executive, and then the bill gave *three millions more*, if that same Executive should think it necessary.

The mover of the resolution has informed the Senate that it is modeled "on purpose," after the resolution devoting the revenue to the national debt. But the want of parallel between the cases is quite apparent. The national debt was not an object of ordinary appropriation, as are the fortifications, the Navy, and other matters enumerated in this resolution. They were then as they are now, the fit subjects for appropriations; and after they were provided for, the surplus was with great propriety devoted to the extinction of that debt; but if appropriations such as Congress deemed necessary for that debt had been made, it would have seemed strange to those who passed that resolution to have declared that so much more of the surplus as was necessary should be pledged for its payment. That debt is no longer a burden to the nation, and the credit of our relief from it is due to those who wisely devised and put in operation the plan for its extinction; not to those who *happened* to be in power when the last payments were made, and who, with so much self-complacency and imposition upon the public, have claimed the whole merit. They have one merit only—that of not having actually violated the law which commanded them to make the payments; and this is no ordinary merit, I admit, in times like these.

But if I understood the Senator aright, he declared that he had "on purpose" presented this resolution as a mode of resisting the plans proposed by the Senators from Kentucky and South Carolina. The proposition of the Senator from Kentucky would direct a distribution of the *proceeds of the public lands among the States;* and is founded upon the idea that these proceeds belong of right to the States, and that they are the proper authorities to select the objects on which they shall be expended. That of the Senator from South Carolina proposes that all the surplus revenue, after the ordinary calls of the Government have been satisfied, shall be divided in the same mode. These are, at least, practicable schemes of public usefulness, and I am not willing that their consideration should be put aside by one like that contained in the present resolution. They ought at least to be fairly met, fully discussed, and decided on their merits; not defeated by propositions which, with high pretensions, can lead to no useful end, much less by a plan which leaves the whole surplus revenue to be expended by agents of the Federal Executive, with all its instruments of corruption and extravagance.

But, Mr. President, the argument by which the resolution was sustained is calculated to attract more attention, and deserves to be examined. It seemed to me to consist, principally, in these propositions:

1. We shall probably have war with France;
2. The nation is without defense, and unprepared for war; and
3. The Senate is to blame for this condition of the country.

This is the chain of argument by which we are to be led to the conclusion that so much of the surplus revenue as may be necessary for the purpose ought to be set apart and applied to the general defense and permanent security of the Union. Let us look at it.

We shall soon have war. It may be so. But I am not disposed now to speculate on its probabilities, or argue respecting its causes. When the question shall be fairly presented to our consideration, it shall meet from me the anxious deliberation which its nature demands.

For the present I confess my inability to form an opinion whether we shall or shall not have war with France. The rapid changes in our positions, the strange involutions of diplomacy which have been exhibited, put ordinary calculation at defiance; and no one can reach a safe conclusion upon the subject who is not admitted to a knowledge of the secret designs of the Executives of the two countries.

It may be that two great and powerful nations, boasting of their civilization, in this age of Christian light, are about to commence a sanguinary and destructive warfare, and squander their blood and treasure about a debt of $5,000,000—a warfare which, in a single year, will cost to each nation ten times the amount of the sum in dispute, and blood for which no money can pay. It may be that ancient alliances and friendships are to be broken up and forgotten, and substituted by the bitterness of hatred, and the malignity of revenge; that the peace of the civilized world is to be destroyed, and the progress of free principles jeoparded, by a conflict between nations who profess most regard for those principles. It may be, too, that our own institutions approach an extraordinary trial. When our Constitution was formed, one great object of its founders was, to remove the power of producing and declaring war, as far as possible, from the action of one man—the chief Executive Magistrate. They knew, for they had felt, the sufferings, distress, and crimes it produces. They had seen, too, in the history of other nations, how often it had resulted from the ignorance, the folly, and the ambition of princes and rulers; and they resolved to guard themselves and their descendants from such an evil. Hence the provision of the Constitution, "CONGRESS shall have power to declare war."

But it may yet appear that their caution was vain; that the people and Congress may be driven to it against their interests and judgments, and that the Executive has still the capacity, by the language which he uses, and the mode in which he conducts negotiations, to place us in conditions in which we have no alternative, and in which the best friends of peace may be compelled to yield themselves to sustain the honor and the interests of the country against the arms and the assaults of a foreign nation. We may have war; but if we do, there will be tremendous guilt somewhere. It can have resulted only from the folly or the crimes of those who have conducted the negotiations on the one side or the other, or on both. There is nothing in the cause of dispute which ought to have led to such a termination. I fear that we shall be compelled to trace it to the boastful vanity of one man, the petulance of a second, and the fitful violence of a third; and these met by ill-disciplined national pride, and mistaken notions of national honor. If it do come, it will be no common struggle, and produce no ordinary results. We all know what our own countrymen can and will do when the scabbard shall be thrown away; and we cannot be ignorant of the capacities of modern France, regenerated as she has been by the controlling genius of the last age, and possessing, as she does, a navy, inferior in science and discipline to none which has existed in any age of the world; superior in numbers and power to all but one whose flag is now upon the ocean. For such a struggle there ought to be adequate cause and full preparation.

Are we prepared? The Senator from Missouri informs us, and very correctly, that we are not. But he seemed unwilling to speak of our situation, lest he should give to the enemy a knowledge of our want of defense. He may relieve himself from all fears on that point. Our actual condition is as well known in Paris as in Washington. We have not a fort upon our sea-board, the precise location and strength of which is not as well understood by them as by us. Our Navy, both the scattered portions which are at sea, and the remainder at our dock-yards, have been the subjects of their diligent study. Our coast, with all its inlets, bays, and harbors, is familiar to them. The most accurate maps and charts of our whole sea-board, and especially of its most defenseless portion, the Gulf of Mexico, are not only known, but regularly published in the French capital. Our revenue and materials for defense and attack are examined by them with intelligent care. All this is due to their own interests, by those who control the movements of their Government; and this knowledge would be acquired by them, whether peace or war was their object. Our debates here will give them no light on such subjects as these. The Senator may safely declare to the nation the truth, and the whole truth, in regard to them; and I unite with him in the declaration that the country is without the necessary and proper defenses. Are your fortifications erected, *armed*, and manned? Is any one of all the entrances into your ports sufficiently defended? What guards have you provided for Pensacola, the Chesapeake, the Delaware, and the other portions of your coast? How is your little Army disposed of? Look at Florida, now ravaged by a band of Indians, and your executive, either strangely ignorant of their strength and their intended incursions, or criminally sleeping over its duties, and the demands which the security and protection of the inhabitants have upon the Government, waiting until desolation has covered a part of the Territory, and unable for weeks to bring rescue and relief; and yet talking largely about war with France.

Where is your Navy? You have in actual service in the Mediterranean two frigates, one sloop, and one schooner, the ship-of-the-line being on her return. In the West Indies, one frigate and three sloops. In the Pacific, one frigate and two schooners. In the East Indies, one sloop and one schooner. On the coast of Brazil, one sloop, and one somewhere on or near the African coast. This is the whole force now employed in the protection of your commerce, which extends to every portion of the globe.

What is the condition of Pensacola and Key West? They are positions of indispensable necessity, in possession of which an enemy may seal hermetically the mouth of the Mississippi, destroy your whole commerce on the Gulf, watch your coast, and be prepared for a descent upon its most unprotected points at any moment. Why have they been so much neglected? Why have not sufficient preparations been made for the repair and sustenance of your vessels at one or both those places? Has their importance escaped the notice of those whose views are directed to "the general defense and permanent security of the country?" It was long since predicted by one of our ablest and most valuable naval officers, that the first naval battle in which our country would be engaged would, in all probability, be in the neighborhood of Key West. Yet what is its condition? Unprotected for the relief of our own Navy—fitted for the rendezvous of an enemy. Everything which relates to the efficiency of the right arm of your defense has been treated with cold indifference; and no man who is attached to it as I am can look at its condition without pain and mortification. Sir, cast your eyes where you will, we are unprepared for war. The Senator from Missouri is right.

And why are these things so? In whose hands have been the resources of the country for the last seven years? Who have governed and directed the energies and the treasure of the nation? Your wondrously energetic Executive. To whom, then, is due the *security* and the *glory* of our present position? To him and his friends. They have possessed the power to dispose of your Treasury as they saw fit. They have so disposed of it. They have had the care of your interests, and they have never called without success for a dollar for the defense and security of the country. No obstacles have been thrown in the way by any effort of the Opposition. Look back through the period of this Administration, and see if you can find an estimate for your Navy—your fortifications—for any object of defense, which has not been fully met by the appropriations. I know of none. The records of this Administration exhibit none. They have had all for which they have asked. The appropriations have been made liberally. The last year, for naval purposes, more than $3,600,000; a larger sum than was ever before granted. The average of the appropriations for all such objects has been greater than at any former

period. Why is it, then, that we are in our present condition? and who must answer for it? and what, during this period, have been their employments? They have been very busy. They have had employment enough, in fighting the bank; talking about a specie currency; taking the Treasury out of the hands of Congress; securing offices and jobs and deposits for partisans; sustaining a profligate administration of the Post Office, whose criminality is now admitted; weakening the popular respect for the judiciary, and warring against the Senate. And now an Indian war takes them by surprise; and they are endeavoring to rush into conflict with a powerful nation, and, by way of preparation for it, assail the Senate as faithless to their duty. The charge is destitute of plausible justification, but may serve as a cover to their own delinquency.

Mr. President, it gives me no pleasure to refer to such a state of facts. We may be near to war. We shall have war if more prudent counsels do not prevail. You would have had it ere this, but for the Senate. If it comes speedily, it will find us unprepared, but not unequal to its exigencies in the end. France should make no miscalculations on that point. We shall suffer losses, defeats, perhaps, but there is power and energy enough to bear them, and to triumph still. This nation has been yet unconquered, and is unconquerable. With a free country, possessing such resources and such a population as ours, nothing but the folly and weakness of those who direct its means of defense can hazard ultimate success. On the principal theater of conflict we may, we shall, probably, for a time, be defeated; but on our own shores a hostile foot cannot long remain, and our little neglected Navy will do all that may be hoped from human exertion. Even in defeat its still untarnished honor will be secure. While it carries the "flag of the ocean" and the "land," "flag of the free heart's only home," it will bear it aloft in triumph, or, if subdued, still unstained and undisgraced.

But, sir, is the criminality the less with those who, without the most ample cause, shall force us unprepared into such a conflict? Will the sufferings, the losses, the agonies of humanity be unfelt, because we may and shall escape final overthrow? No; execrations, deep and lasting, will be the lot of those upon whose heads shall rest that guilt.

We have been told that the Senate has been criminal on this subject, not in urging the nation into war, but in refusing to prepare for it; and an effort is made to hold us up for the rebuke of the nation. I did not anticipate the course of observation of the Senator upon this point, in discussing the merits of this resolution. I did not perceive the application of the argument to the subject. But I had expected that, at some period of the session, the Senate would, in some way, be put upon its defense. The official herald of the Executive had sounded to the charge; the trumpeters of the phalanx, reckless of the justice of the cause, had aped their leader, and the people were assured that the delinquency was in us. At the opening of the session, the President from his high station announced to the country and to the world, that we were guilty. It was not to be doubted that some members of the Senate might think as the Executive thought; and, if they did, that they would feel it their duty, in some form, to exhibit the indictment against us. It was as well, perhaps, that it should be done in supporting these resolutions as upon any other subject. I do not regret that the accusation has been made by the Executive; but I meet it, and deny its truth and justice; and beg, while I investigate the facts, that it may be recollected by Senators that this contest has not been sought by us. The investigation has been forced upon us. The country is, if possible, to be urged into war; and, if unprepared or unsuccessful, the blame is to be cast upon the Senate. It is one of the movements of the war upon this body, which has been waged with such unrelenting severity.

The President, in his message of the 7th of December last, says:

"Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the National Legislature at the last session, but was lost in the other. The failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defense, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of this important object, and other branches of the national defense, some portions of which might have been usefully applied during the past year."

In the importance of the ordinary appropriations for this object I entirely concur the system of defense demands support. But the allegation here made is, that the contingent appropriation was inserted in accordance with the views of the Executive, and that the bill containing it and the ordinary appropriations was lost in one House (the Senate) after it had passed the other, (the House of Representatives.) This allegation has been made by the first Magistrate of the nation, manifestly with a view to cast reproach upon this body; and, sir, it will be believed by thousands. It is made by him, and that is enough for blind credulity. They will inquire no further, and ask no other evidence. No effort made here can reach them, no demonstration exhibited here will meet their eyes. Their oracles will hide the truth from them. But so far as depends upon me, I will repel the accusation; and if they choose to believe without evidence, and against evidence, it shall not be from my silence. The Senate, upon that bill, did its duty, and its whole duty, fully, firmly, fearlessly, and, whenever justice shall be done, will be more than acquitted at the bar of its country.

Is the accusation true?

I ask, in the first place, if the three millions had been granted, ought it to have been expended? And would the situation of the country be now more safe? What is there which would have justified its expenditure, previous to the meeting of Congress? War does not exist—cannot be declared but by Congress. To have forced us into it, without our approbation, would have been treason against our institutions and our rights. And if war had been commenced by France, what could the Executive have constitutionally done without assembling Congress? And what would three millions have been in such an emergency? You would have needed ten times that amount before the end of the year. It may be that the Executive thinks otherwise. The present head of the Committee of Ways and Means is reported to have assured the House, at the last session, that "he understood" that one million for the Army and two for the Navy "would be all that would be required by the Executive branch of the Government;" and he was probably sincere in thinking it enough. When a proposition is made to devote the interest of the nation in the Bank of the United States, amounting to seven millions, to national defense, in order that France might learn therefrom that we had resources for war independent of taxation, what calculations may not be expected about the means for necessary preparation? (See Globe, 2d March.) The passage of the ordinary appropriations for fortifications was important; the grant of the three millions for defense in war was absurd.

The first piece of evidence offered by the Senator from Missouri, by which the guilty purpose of the Senate is to be proved, and its designs, in the rejection of the item of three millions, exhibited in the treatment bestowed upon the resolutions of that Senator at the last session. Those resolutions are declared to have had the same object as those now under discussion, and I beg the attention of the Senate to them, as they appear on page 167 of our Journal. They are twelve in number, and relate to a multiplicity of objects: to the reduction of revenue on dutiable articles; the amount to be received from public lands; the payment of the stock in the bank; the probable expenditures of the Government; state of the fortifications; expenditures upon them; expense of armories and arsenals; amount expended on naval objects. But they are all inquiries of the Executive for information only. They express no opinion, they declare no principle, they disclose no object. The mover did not explain his purpose, and the Senate was never called upon to express an opinion, or take a vote, in regard to them. When they were offered for consideration, Mr. POINDEXTER moved to lay them upon the table, and it was so ordered, without debate or vote, so far as I can discover. (Journal, page 168.) The mover had it in his power to call for their consideration at any time, yet he did not do it. When, and how, then, did the Senate express any opinion in regard to them? How was its guilty purpose to defeat the national defense proved by the treatment of them? How was the Senate to learn the object with which they were offered? Besides, these resolutions were not offered until the 16th day of February—within fifteen days of the end of the session—and were not to be answered until the commencement of the present session of Congress. By the argument, we were now to have information to guide, upon a bill, to be passed nine months ago. Yet such is a part of the evidence of our criminality, which the Senator spreads before the American people, unexplained and unaccompanied by the resolutions.

The next piece of evidence against the Senate is the loss of the item of $500,000. The history of this item has been fully stated by other members. It was moved in committee to add that sum to the appropriations, not by the Senator from Missouri, but by the Senator from Delaware, [Mr. CLAYTON.] It was reported on the 18th of February. (Page 172.) On suggestion by the chairman of the Committee on Finance, it was withdrawn by the Senator from Missouri himself. There was no debate and no vote upon it. Is it not, then, somewhat extraordinary that this should be proclaimed as a rejection of the patriotic purposes of the Senator from Missouri, and of the evil intentions of the Senate? I leave others to draw their own inferences about such an allegation.

But these matters are unimportant, compared with the loss of the fortification bill. Such a bill is at all times of magnitude to the public interests, and it is deeply to be deplored if it should be lost (if such a result may be considered possible) from party servility on the one hand, or party hostility on the other. Let us examine the facts to see what is the truth in relation to it. Its importance will justify some repetition. The President has charged this body, before their constituents and the world, with the loss of the bill; the charge has been repeated by a Senator in his place, and we are exhibited as unwilling to defend the country. Let the whole truth be told, and let the nation understand how their agents have acted, and do justice to their conduct. I need not quote the message at the opening of the last session. (Journal, page 13.) It details our difficulties with France, recommends reprisals as a measure of peace, against which France had no right to complain, and closes by submitting "to Congress to decide whether, after what has taken place, it will still await the further action of the French Chambers, or now adopt such provisional measures as it may deem necessary, and best adapted to protect the rights and maintain the honor of the country. Whatever that decision may be, it will be faithfully enforced by the Executive, as far as he is authorized so to do."

This message contains the opinions, recommendations, and action of the Executive; and it is to be remarked—

1. That it contains no recommendation of any appropriation for fortifications or arming. The documents accompanying it contain the ordinary and common appropriations for ordinary years, and nothing more.

2. It was not understood by the friends or opponents of the Administration as recommending appropriations for a state other than of peace. No Senator or Representative in his place suggested that such a construction was to be put upon it The Senator from New Hampshire [Mr. HUBBARD] is entitled to the credit of the discovery, but it comes rather late. He did not make that discovery, so far as I know, during the last session. His own actions, as will appear presently, show a different opinion at that day.

3. The measure which it did recommend was reprisals, as a measure solely of peace. And these he recommends to be placed at his discretion, by the passage of a law "authorizing reprisals upon French property, in case provision shall not be made for the payment of the debt at the approach-

ing session of the French Chambers." (Page 17.) If a law in this form had been passed, it is apparent that the power of peace and war would have been in the hands of the Executive. How he would have used it may be learned by his "well-settled principle of the international code." He would have used his power, and we should have been at war. What would have availed the *dictum* of books? If French property had been forcibly seized to pay the debt or avenge our wrongs, it would have been repelled. War would have instantly raged. It would have been so, not only with France, but with every modern nation capable of resisting the assaults of an enemy. The seizure of the property of the citizens of France, because the Government would not pay its debt, neither would nor could have been regarded as a measure of peace. But pretending so to consider it, the President would have used it, and thus Congress would have transferred to him the power of making war.

The recommendation, then, was of a legislative measure, with a view to peace. Although it might, in the hands of the Executive, have produced war, yet he urged it as a peace measure, and did not accompany it with proposals or estimates for increased appropriations.

Such as it was, it met the prompt attention of the Senate. And on the 15th January (page 94) the Senate, by a vote perfectly unanimous, forty-five members voting,

"*Resolved*, That it is inexpedient at present to adopt any legislative measure in regard to the state of affairs between the United States and France."

Thus, by the action of the Senate, all legislative action on the subject was, for the time, closed. And did any one then think that there was a call for war appropriations? Not one said it, and if they thought it, they failed in their duty in not calling for them. As a measure of peace, no such appropriations could be required. If no legislative measure was expedient, they could not have been necessary.

Subsequent to this time, but before the three millions were proposed, the Committee on Foreign Relations of the House, which had moved very slowly, did report, and the same decision, as to legislative action, was made there, as I shall show by reference to the Journal of that body.

Thus was the whole question of legislative action, on the recommendation of the Executive, put at rest by the concurrent and unanimous action of both Houses of Congress. Who could have dreamed that, after this, a "provisional appropriation of three millions, to be put at the discretion of the Executive, would have been proposed? But so it was. The President had been thwarted by a unanimous vote of Congress in getting possession of a discretionary power, which would have enabled him to create war if he chose; but discretion denied in one form may be sought and obtained in another. The power to use three millions of money, when he should think it necessary, would have answered an equally efficient purpose, and might have led to the gratification of the same wishes and designs. The history of the fortification bill will illustrate this remark. This history I understand very differently from the Senator from New Hampshire.

I proposed to examine that history with some care, and shall be obliged to refer to persons by name, but I beg to be understood as doing it with no personal feeling or object in relation to them. They will be alluded to only because their names appear upon the public journals, and their action had influence upon the fate of the bill.

The first fact to which our attention is called is the amount of the estimates for fortifications, sent at the commencement of the session. In the message and these estimates are found the public, official views of the Executive and the Department of War. (See 4 Executive Documents No. 5, page 39.) These estimates amount to four hundred and thirty-nine thousand dollars only. This was all that the Executive considered necessary, in the state of the country; and it is remarkable that it is very little more than one half the appropriations for many preceding years—not one half of those of the preceding year. During Mr. Adams's administration, the appropriations had been, in round numbers, these: 1826, $814,000; 1827, $505,000; 1828, $717,000; 1829, $1,013,000; an average, during the four years, of about $762,000. During the preceding years of General Jackson's administration they had been, for 1830, $886,000; 1831, $716,000; 1832, $653,000; 1833, $831,000; and in 1834, $890,000, being an average of $795,000. Yet in the year 1835, when we are told war was approaching, the amount called for was only $439,000. Did the Executive anticipate war? Did he feel any peculiar necessity for hastening on the defenses of the country? Then he did not do his duty in recommending sufficient appropriations; or was it that a provisional, contingent grant, depending on Executive discretion, was already anticipated and devised?

The estimates were received on the 4th of December, (Journal, 35,) and on the 9th (Journal, 51) referred to the Committee of Ways and Means, of which the present Speaker of the House, a warm and confidential friend of the Executive, was the chairman. No report was made until the 2d of January, (Journal, 134,) twenty-three days after the reference, when the bill was reported, containing the precise items and precise amount of the estimates, thus adding the opinion of the committee that the estimates were large enough. In the mean time, on the 27th of December, (Journal, 137,) a message had been received from the Executive respecting our affairs with France, and communicating documents in relation to them. Of this message ten thousand copies were ordered to be printed for distribution. The report of the bill several days after the message proves that, in the opinion of the friends of the Executive, at least of the committee, no change was made in our relations by that message—nothing calling for increased or contingent appropriations. This bill, thus reported on the 2d January, one month after Congress was in session, and for not one half of the amount in the preceding year, and but little more than one half of the average of the ten preceding years, was "in accordance with the views of the Executive." No public document, no known motive, explains the smallness of the sum, unless it be found in the subsequent history of the "contingent appropriation," and the desire to place the money at Executive discretion.

On the 14th of January, the bill was considered in Committee of the Whole House, and, on the 15th of January, in the House itself. The amendments there offered to it were numerous. Mr. EVERETT moved to increase the appropriation for Castle Island, &c., in Boston harbor from $8,000 to $75,000. It was resisted by the friends of the Executive, and rejected by a vote of 120 to 87. (Journal, 224-5.)

An amendment was moved by Mr. MCKIM to add $50,000 for Fort McHenry. It was rejected by 129 to 66.

For the repairs of Fort Marion and the seawall at Pensacola, there was a motion to insert $40,000. The Delegate from Florida, whose intelligent and earnest attention to all the interests of his constituents is so well known, had, as early as the 10th of December, called the attention of the House, by resolution, to this object. (Pages 64, 230.) The Legislature of Florida had urged it; and so also had the citizens and corporation of St. Augustine. (Journal, 95.) It was important to the "defense and security" of that country; and if the reports from that region be true, its value may at this moment, perhaps, be evidenced by the plunder and burning of a city, and the massacre of its inhabitants. Yet this appropriation was also rejected, by a vote of 115 to 67. (Journal, 227.)

These efforts to add to the bill having thus signally failed, Mr. PARKER moved to strike out $30,000 for Throg's Neck. The motion was rejected—113 to 86. (Journal, 246.) And on the 21st January (Journal, 251) the bill passed precisely as it had been estimated for by the Executive, and reported by the committee.

Now, Mr. President, by whom was the amount of that bill fixed? By the Executive and his friends. By whom was the increase refused? By the Executive and his friends. Who urged additional appropriations for "the defense and security" of the country? The opponents of the Administration; the political friends of that majority of the Senate who are charged with defeating the appropriations. Look at the recorded yeas and nays upon these questions; read the reports of the debates; you will find an almost exact division of parties in respect to the questions. The names of Mr. CAMBRELENG, chairman of Foreign Relations; Mr. POLK, chairman of Ways and Means; Mr. SUTHERLAND, Mr. VANDERPOEL, and all that class of politicians; all, except one, of the members from my own state; and on all occasions, I believe, Mr. HENRY HUBBARD, then a member of the Committee of Ways and Means, and at present a member of the Senate from New Hampshire, whose argument to prove our culpability we have heard.

I ask, was there danger on the 21st January? Why were not the specific appropriations for defense increased? Why resisted by the whole force of party? Was the Executive blind to the danger? Were his friends? If $439,000 were then enough for specific appropriation, where could be the necessity for a discretionary three millions? The course of the Senate, subsequently approved by the House, was known. Discretionary reprisals had been refused. Legislative action had been declared unnecessary. Shall those who thus acted now turn round and charge us with neglect?

The bill came to the Senate on the 21st January; on the 23d it was twice read and referred. (Journal, 117.) On the 16th February, (Journal, 168,) one day shorter period than it had been in the hands of the House committee, it was reported, and the committee had agreed to the whole bill as it came from the House; and all the items of it were concurred in by the Senate, without question. But the committee had done more; they had increased the sum for Castle Island to $75,000, and added $100,000 for various objects of defense in Maryland.

On the 23d February (Journal, 185) it was called up, out of its order, on motion of the chairman, Mr. Webster, with a view to expedite its passage. The items from the House and the additions by the committee were agreed to; and, upon motion, three items were added, $80,000 for Fort Delaware, $75,000 for repairs and armament of Fort Mifflin, below Philadelphia, and $100,000 for the armament of the fortifications. The two first of these items were for objects of great interest to the country. Fort Delaware was in ruins, Fort Mifflin inefficient—the approach to Philadelphia almost unobstructed. Yet they were neglected by the House. The other item of $100,000 for armament of fortifications, deserves attention. For many years that amount for that object had been uniformly put in the bill for the support of the Army. On the 27th January preceding, the usual army bill had passed, containing it; and thus, by this amendment of the Senate, $200,000, instead of $100,000, were to be appropriated for this essential object. Is there, in all this, any evidence that the Senate were unwilling to provide for the national defense? It was far in advance of the House. They had sent to us $439,000; we added $421,000, for objects as important, for the security and defense of the country, as any which were contained in the bill.

On the 24th February it was received by the House, and referred to the committee on the next day. (Journal, 442,451.) There were but five items to be examined. The committee did not take much time for that purpose. It was reported on the 27th, agreeing to some and disagreeing to other of the amendments. (Page 464.) If anxious for the defense of the country, it might then have been promptly considered. It was in the hands of the friends of the Administration, and they had a large and not unmanageable majority. Yet it was left until the 3d March, the last day of the session, when the amendments of the Senate were agreed to, except the one which related to Fort Delaware. Upon this the Senate afterwards insisted, and the House receded. (Journal, 506,509.) There was then no longer any difference between the two Houses on any of the items of the bill. Each had added what its sense of duty called for; and the amount appropriated by it was $860 more than the average appropriation during the last ten years. The Senate had shown no reluctance to make the most ample appropriations, provided they were specific. They had rejected nothing offered by the House. They had induced the House to take an amount almost double that pro-

posed by the Executive and his friends. The Houses had agreed on every item; the bill required only the forms of final passage.

Why, then, did it not pass? What circumstance, what contrivance, what accident defeated it?

In answering this inquiry, I shall refer to the Journals of the two Houses, and the regular and ordinary report of the proceedings of the last night of the session, as it appeared in the National Intelligencer of the 7th March.

When the House objected to one of the amendments, from which they afterwards receded, they sent the bill back to the Senate with a new section added to it, in the following words:

"*And be it further enacted*, That the sum of $3,000,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the Navy: *Provided*, such expenditure shall be rendered necessary for the defense of the country prior to the next meeting of Congress."

This amendment had been made by a vote of 109 to 77, (Journal, 509,) and it came to us about eight o'clock of the last night, within three or four hours of the adjournment. We had then been in session three months; had discussed our relations with France; contemplated our position and our duties; had received the views of the Executive, and his estimates for the defense of the country, and not a suggestion had been made, no member of either House, no executive officer, had proposed such an appropriation. It broke upon us, in the last night, most suddenly and unexpectedly. It created surprise, I believe, in every part of the Senate Chamber, unless, indeed, some few may have been apprised of its approach. I do not deny that I was astonished and indignant, and, among others, gave utterance to my feelings. That a measure of such a description should have been reserved for such a moment, had too much the aspect of finesse and management. It was rejected by the Senate, and sent back to the House after a debate of about an hour, certainly of not more than an hour and a half. The reasons for its rejection appeared to me then, and appear to me now, most ample and satisfactory.

It might have been objected to as irregular, unusual, and unparliamentary. It was made as an amendment to the amendment of the Senate. As such, it must restrain, enlarge, or modify the matter to be amended. It did neither. It was a distinct section, an independent and incoherent subject. The House might with equal propriety have added a new bill, or all the bills of the session.

But it was not resisted on this ground. There were other and higher considerations, vitally affecting the institutions of the country. It was opposed to the spirit and meaning of the Constitution, and the whole practice of the Government. The seventh item of the ninth section of the first article declares:

"No money shall be drawn from the Treasury, but in consequence of appropriations made by law."

The term appropriation implies that the object must be specified. Without it is, the intent of the makers of that instrument is violated. A mere declaration that the Executive may draw out $1,000,000, and apply it to such objects as he shall think necessary for the public interests, is no compliance with the constitutional provision. Its design was to guard sedulously the public treasure; to secure its control to those who make the laws; to cut off Executive discretion as to the objects on which it should be expended. The present President has said (Message, December, 1834) that "the palpable object of this provision is to prevent the expenditure of the public money for any purpose whatsoever which shall not have been first approved by the Representatives of the people, and the States in Congress assembled. It vests the power of declaring for what purposes the public money shall be expended in the legislative department of the Government, to the exclusion of the executive and judicial," &c., &c. He has also said, on another occasion, (Message, December, 1835,) "no one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits, by specific provisions, Executive discretion, as far as it can be done consistently with the preservation of its constitutional character." That it is "the duty of the Legislature to define, by clear and positive enactments, the nature and extent of the action which it belongs to the Executive to superintend," &c. That the true rule of action "should make the President ever anxious to avoid the exercise of any discretionary authority, which can be regulated by Congress. The biases which may operate upon him will not be so likely to extend to the Representatives of the people in that body."

It is true, these opinions were expressed on a different subject; but I commend them to the Senator from New Hampshire [Mr. HUBBARD] as equally applicable to the bill, whose character we are investigating. He seems to think it quite specific enough, and sufficiently restraining to Executive discretion. But what are its terms? The three millions are to be expended, "in whole or in part," as the Executive may see fit. On what objects? "The military and naval services, including fortifications, ordnance, and increase of the Navy." On what conditions? "If the expenditure be necessary for the defense of the country." Who is to judge of the necessity? The President. Can an appropriation be more indefinite—less specific? The amount short of three millions is absolutely in his discretion. The "necessity" rests on his judgment, not on the judgment of Congress. The selection of objects is in his choice. He might expend the whole in raising an army. He might increase the Navy by men and ships, at his pleasure. He might devote the whole to one object, or divide it among several. It clothed him with unlimited discretion on all points save one—the amount of three millions. Such a bill is new in the practice of the Government—unknown at former periods and under former Executives. We have before passed through times of trial, and been engaged in actual war; yet such investment of power was not found expedient or necessary. It was reserved for the disciples of Mr. Jefferson, who claim to be the especial advocates of his principles—the Democrats, *par excellence*, the only men who have passed pure and unhurt through the corruptions of the times of Madison, Monroe, and Adams, to devise and support this bill. I commend to their notice the language and opinions of Mr. Jefferson:

"In our care, too, of the public contributions, intrusted to our direction, it would be prudent to multiply barriers against their dissipation by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money, and by bringing back to a single Department all accountabilities for money where the examinations may be prompt, efficacious, and uniform."—*Mr. Jefferson's Message, December* 8, 1801.

This doctrine of Mr. Jefferson is among the earliest of my political recollections; and being just and true in itself it has been invariably approved in theory and practice from his day to ours. It was sound when he uttered it—it is sound still with all except those who have unhesitating confidence in the present Chief Magistrate. He will not, in their opinion, abuse this or any other trust confided to him. He requires no guards, no checks, no controlling regulations. He will not err in the judgment which he forms on any point. The biases which he assures us may operate upon the Executive are not to be regarded as extending to him. He is the exception to the salutary principle which directs a jealous watchfulness towards those who are invested with power and authority. Mr. Jefferson must have been wrong when he said, "We have not found angels in the form of men to govern us."

Mr. President, that section of the bill, as it came to us from the House, violated the spirit and purpose of the Constitution, in reference to the disposition of the public treasure. It disregarded the principle which requires specific sums to be devoted to specified objects. It spurned the doctrine with whose soundness the President is so "deeply impressed," that Executive discretion should be restrained and limited by specific provisions. It omitted "the duty of the Legislature to define, by clear and positive enactments, the nature and extent of the action which it belongs to the Executive to superintend." It presumed that "biases would not operate on him in relation to the controversy with France, which would extend to the representatives of the people in Congress." It invested the Executive with the discretion which belongs to Congress, and to Congress only. It gave him the authority to "raise armies and provide a navy." It surrendered the power of war into his hands. With such an appropriation he might have put the question of war beyond the reach of the representatives of the people; and, judging from the temper manifested by him—his recommendation of reprisals—the language of his advocates—I believed then, and still believe that, if it passed, we should have war. Even now we should be in war—a war in which human life would be poured out without stint, and the smoke of human blood ascend from the land and the water—a war to which no limits in time or in results could be set by human foresight—a war upon which, in the present state of Europe, other nations would not have looked with an indifferent neutrality, but, in all probability, convulsing the whole of Christendom. If war, and such a war be necessary, (and it may become so, and I may yet be its advocate and supporter,) I implore that it may not be commenced by discretionary powers vested unnecessarily in one man, but be the result of the calm and constitutional decision of the representatives of the people, who are to bear its trials and face its perils.

In Rome, sir, they did sometimes create a dictator, whose duty it was to look to it, *ne quid detrimenti respublica capiat;* but they did it by no violation of their constitution and the principles of their Government, but when the enemy was at the gates of the Capitol, and despair found no other remedy.

Was there any necessity at that time of bestowing the slightest discretionary power upon the President? In what did the necessity consist? We were not in war. We were not threatened with war, unless upon our own action. France had made no movement to assail us. She had no cause of complaint which could justify her in commencing hostilities. She owed us no debt. She insisted upon no violation of treaty upon our part. There was not a man in Congress—in the nation—in the world that believed that she would first assail us, unless we did something which should induce her. This, whatever it might be, it was proper that Congress, not the Executive, should decide. And, as Congress was about to adjourn, nothing would or could constitutionally be done to occasion the commencement of hostilities. The pretenses that we might have war, and that France might assail us before we met again, were utterly fallacious. The Executive might have so acted as to create speedy difficulties, but I had no desire to offer him inducements so to act. We had claims on France—she owed us money; we had a treaty which her honor and justice required her to keep. But the time and mode of enforcing the payment of that debt, and coercing the fulfillment of that treaty, was in our power; and the Constitution required, when force was to be applied, Congress should sit in judgment and decide it. There was no exigency which could demand that we should forget the ordinary guards which our Government provides. And even if our situation had been extreme, if the danger had impended, was there not time enough for Congress, during that session, to have defined the objects of expenditure, and specified the sums? If danger should have arisen subsequent to our adjournment, had not the Executive power to call together and consult those whom the Constitution designates as the counselors and guardians of the people's rights on such an occasion? I could not see or feel the necessity for vesting in the President a discretion in which his mode of dealing with constitutional questions had not given to me much confidence. I regarded that section as a dangerous encroachment upon the Constitution, and the more dangerous because urged on under pretenses of national defense and safety. It is by such encroachments that that instrument is to be beaten down and destroyed. I could not see its safest provisions hazarded unnecessarily. There is enough, day by day, and hour by hour, even in this Hall, and much more out of it, to warn us that our only safety lies in guarding it;

and that in it, and it alone, live the permanency of the Union and the hopes of freedom.

In addition to all these considerations, it was an appropriation not called for by the Executive—a voluntary bestowal of discretionary power unasked by him. It was resisted, at the moment, by the Senator from Tennessee, on this ground: If the President thought it necessary, it was his high constitutional duty so to declare officially. "He shall, from time to time, give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." (Art. 2, sec. 3.) When and where did he recommend this measure? In what communication is it to be found? Not in the message at the opening of the session; not in that of the 30th December. Was it, as the Senator from New Hampshire seems to suppose, in that of the 27th February? (Journal, 194.) That message communicates the correspondence on the subject up to that date, with the information that Mr. Livingston had been instructed to quit France if an appropriation should not be made by the Chambers; and then adds:

"The subject being new, in all its present aspects, before Congress, whose right it is to decide what measures are to be pursued on that event, I deem it unnecessary to make further recommendation, being confident that, on their part, everything will be done to maintain the rights and honor of the country which the occasion requires."

He expressly avoids further recommendations. He relies on those which he had before made. He does not ask us to place a part of the Treasury at his disposal. He does not tell us that it is necessary for us to arm. He gives no indication of a wish for such an appropriation. It is true he has since told us that this section of the bill was "in conformity with the wishes of the Executive;" but when and where and to whom were those wishes made known? If communicated at all, it must have been by private confidence to favorite members. It must have been with the understanding that it should operate upon their votes, and not be publicly and officially promulgated. I do not accuse him of such a course. It would be a base shrinking from the responsibility of his high station, holding, on a great national question, in which the peace of his country was involved, a language official and unofficial; a language public, and a language confidential. I do not credit the assertion that he deals with members of Congress in this mode. And yet, sir, if he did wish that appropriation to pass in that form, and his wish was known, it must have been by secret confidential communications to members, for it is to be found in no public document, no official declaration of the Chief Magistrate.

So far as the Senate is concerned, his wish was not known. We were not only ignorant that such was his wish, but had no knowledge that the proposition would be made. The Senator from New Hampshire tells us that we were notified, and that Mr. CAMBRELENG had stated in the House, upon the vote respecting the French treaty, that he should move such an appropriation. I beg the Senator to reflect upon such an argument to sustain such a proposition. A member of the House states, in his place, in debate, that he will move a particular appropriation at some future time, and this is to be regarded as sufficient official information that the Senate will be called upon to make that appropriation! And we must be prepared to pass upon it, without estimate, without document of any kind to examine and guide us. We have fallen on strange times, sir, and new notions multiply in relation to official duties and legislative obligations. But let us look at this warning given by the chairman of Foreign Relations, who is to be our oracle in these high matters. When was it made? On the 28th February. Where? In debate in the House. When was it published? I find it in the Globe of the 2d March, issued at a moment when it is not probable that half a dozen of even the most devoted students of that print were able to read its report of the proceedings of Congress. And yet this report, at such a time, and under such circumstances, is offered as evidence that the Senate ought to have known and been prepared for this most extraordinary proposition. But it is still more unfortunate for the reason of the Senator, that the proposition of which Mr. CAMBRELENG gave notice was not that which is contained in the section which we rejected. It was, in substance, that "he should move an amendment to the fortification bill when it returned from the Senate, of $1,000,000 for the Army, and $2,000,000 for the Navy, in case it should be necessary before the next meeting of Congress. This, he understood, would be all that would be required by the executive branch of the Government." Now, it is obvious to remark on this report: 1. That the bill was not then in the Senate. It had been returned to the House, referred to and reported on by the committee. (Journal, 451, 464, 506.) 2. That his notice differs widely in substance from the proposition subsequently made. 3. That he understood that the Executive would require no more. How did he understand it? He ought to have given to other members the light which he had on the subject. Is it to be understood that, as chairman, or in any other than a public official capacity, he receives directions from the Executive what amount of public money he is to put at his disposal? If he do, he may as well adopt Antony's profession of faith:

"I shall remember.
When Cæsar says do this, it is performed."

As little benefit by way of justification can be found for this appropriation in the vote of the House respecting the treaty. The messages of the 7th and 30th December had been before the Committee on Foreign Relations up to the 27th February, when a report was made, accompanied by three resolutions, (Journal, 466.) On the 2d of March the House considered them in conjunction with three resolutions offered by Mr. ADAMS as amendments thereto. (Journal, 496.)

The first resolution of the committee was:

"That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France on the 4th of July, 1831, and that this House will insist upon its execution as ratified by both Governments."

The amendment was—

"That the rights of the citizens of the United States to indemnity from the Government of France, stipulated by the treaty concluded at Paris on the 4th of July, 1831, ought, in no event, to be sacrificed, abandoned, or impaired, by any consent or acquiescence of the Government of the United States;"

—and was subsequently, after debate, modified by Mr. ADAMS, and was in these words:

"*Resolved*, That, in the opinion of this House, the treaty with France of the 4th of July, 1831, should be maintained, and its execution insisted on."

After various efforts at amendment and change, it passed unanimously. (Journal, 500.) The other amendments offered by Mr. ADAMS were then withdrawn by him. The second resolution of the committee was in these words:

"*Resolved*, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions or to reprisals on the commerce of France,"

and passed unanimously; thus concurring with the unanimous vote of the Senate in regard to the recommendation of the Executive. The remaining resolution was in these words:

"*Resolved*, That contingent preparations ought to be made to meet any emergency growing out of our relations with France;"

and this resolution was, on the motion of Mr. CAMBRELENG, ordered to lie upon the table. (Journal, 501.) It was the 2d day of March; the order to lie on the table was, under the circumstances, equal to rejection or withdrawal, for there could be no hope of again calling it up, discussing, and deciding it. Here, then, on the very day before this extraordinary section was introduced into the bill, while a resolution, which declared contingent preparations to be proper, was before the House, the chairman of the Committee on Foreign Affairs, on his own motion, disposed of it, and declined taking the sense of the House upon it. Could it have been anticipated, after that, that Congress would be called upon to place three millions of money in the hands of the Executive, without specification of objects? Did the committee expect war? Did they think France would assail us? Did they believe legislation necessary? Why, then, was not the sense of the House taken upon the question? The Senate had long before unanimously declared that no legislative action was at this time necessary. The House had just before unanimously relieved the committee from all further consideration of the only recommendations made by the Executive; thus declaring those recommendations improper, or, at least, the measures proposed unnecessary; and now the resolution for contingent preparations is laid on the table by the assent of the friends of the Executive. Sir, I ask again, did they expect war? No, sir; they knew better. The appropriation was not called for by anticipation of an attack from France. If it was, the friends of the Executive—the House of Representatives—were greatly wanting in their duty to the country.

Look at the only resolution which they did pass. It declares "that the treaty should be maintained," and "its execution insisted on." And who in this country has ever held a different language? But how insisted on? By immediate war? Was that the meaning of the House? Was it a war measure? Then, more guilty legislation cannot be imagined. Go to war, with peace appropriations, without one preparatory measure by Congress? The House meant no such thing. To suppose that they did, would be an impeachment of something more than their intelligence. They left the question of further negotiation entirely open by the rejection of the resolution which declared it incompatible with our rights and honor, and they adopted one which merely declared that the treaty ought to be maintained. And had France then, or has she yet, declared that she did not consider it binding on her, and that she would not maintain it? On the contrary, she has always admitted its validity, and acknowledged that the debt was due to us. She has delayed, and delayed improperly, upon insufficient reasons, to comply with her obligations under it, but the resolution of the House asserted no fact which France has controverted. I do not intend to inquire, on this occasion, into the sufficiency of the reasons urged by her. It is enough, for the present, to say that the act of the House did not render war necessary; that it was not anticipated speedily, if at all, to arise; and that those who favored this contingent appropriation can find in this resolution no apology for it. The chairman of the committee, the person who moved this section, is reported to have said in debate, as late as the 28th of February:

"If we are to have peace, the less said, the better. If war, the next Congress would have enough to say on that great question. The question of war, if decided at all, was, in his opinion, to be decided by another Congress."

And, out of the House, all parties concurred in the hope and belief that it would be avoided. It was but four or five days previous that the official paper, which is regarded, even by our foreign Ministers, as expressing opinions worthy of all confidence, contained the following editorial remarks, (Globe, of 24th of February:)

"From the extracts given in this day's paper from the foreign journals, and especially the remarks of the French Minister on the introduction of the law to provide for the treaty, it will be seen that there is now the fairest prospect of speedy and happy adjustment of our difficulties with France, &c.

"Mr. Livingston will not, it appears, apply for his passports, but will await the action of the Chambers in relation to the law proposed by the Ministry."

It then gives an extract of a letter of congratulation on the prospects which the late news has opened on the country, which, in conclusion says:

"The Opposition seem confounded this morning, and even the most desperate in their ranks say the President has had the good fortune to take the right course in this matter. Chance has had no hand in it, my friend, it is parcel of his great, fair, and clear course." "We believe all the difficulties in the matter have grown out of the intrigues of some one on our own side of the Atlantic," &c.

The extract administers the usual dose of flattery which parasites are ever ready to bestow on the hand that distributes honors and profits, but it conveyed the strong impression which then prevailed. And war was not expected here nor elsewhere, at least not so expected as to justify large discretionary appropriations. To have gone to war then would have been most absurd; nothing could, indeed, have been more absurd than the position which we should have occupied. It was justly remarked about that time, "To go to war now would be like two boys standing before each other with clenched fists, and each daring the other to strike. If we did go to war with France

on this subject, it would all end in an expenditure of millions upon millions of treasure, and oceans of blood, and we should then be asking each other who struck the first blow."

Mr. President, that section of the bill, thus introduced, was neither necessary nor expedient, to be justified by no facts, hostile to every correct principle of legislation; and the majority of the Senate, by a vote of 29 to 19, rejected it. (Journal, 232.) The names are recorded; and, while the minority doubtless acted upon a proper sense of their duty, the majority will not, I feel assured, have cause to condemn themselves. For myself, I concurred most heartily on the disagreement to the section, and cheerfully put myself upon the principles involved, and leave my act to the award of the future.

But, Mr. President, I ask attention while I proceed still further with the history of the bill. It returned to the House, as is, I believe, agreed on all hands, before ten o'clock. Mr. GHOLSON then moved that the House recede from their amendment, and urged it strongly upon them. (Journal, 516.) It was opposed, sir, and the reported language is worthy of observation. Mr. CAMBRELENG, the chairman of the committee, and the person who moved the section, "hoped the House would not recede. If the Senate had chosen to take the responsibility of defeating the appropriation, it might remain with them; he would take no part of it." And Mr. BYNUM sustained him. Now this was long before twelve o'clock. It was upon the first disagreement. It was while there was a quorum, for the vote against receding was 110 to 87. Why, at this early hour, with a full attendance of members, was the declaration made that "the responsibility of defeating the appropriation" was upon the Senate? Why did the mover refuse to take no part in it? Was the appropriation necessary to the defense of the country, and was it not worth while to make an effort to save it? Was an enemy approaching our shores, and was it more desirable to cast the responsibility on the Senate than to defend the country.

The House, on motion of Mr. CAMBRELENG, determined to insist upon the section, and so informed the Senate; but they asked no conference. It was their amendment; they had voted to insist; and it was proper, if they desired to avoid difficulty, and secure its passage, to ask a conference respecting it. The Senate had previously done so, that very night, on an amendment of theirs to the bill making appropriation for the civil and diplomatic expenses of the Government. The conference was had, and the bill passed. (Journal, 512-515.) But the House, upon this bill, did not choose to take this course. They chose rather to put it in jeopardy. The Senate adhered to their decision by a vote of 29 to 17, (Journal, 235,) and the bill was speedily returned. This course of the Senate was perfectly parliamentary and correct, as is known to Senators, and as I shall presently have cause to explain.

When the bill again came to the House, they had another opportunity of asking a conference, and saving their amendment and the whole bill, if there could be a compromise made. They did not seize the opportunity. Other counsels prevailed. The mover of the section now moved to adhere to it. This would have defeated the bill irretrievably; no subsequent movement could have saved it. Why, then, was the motion made? Was it resolved upon that the whole bill, with all its appropriations, should be lost, because the Senate had not consented to put three millions at the disposal of the President? There was yet time enough; it was not twelve o'clock, and there was a quorum. Yet, if this motion had prevailed, the bill would have been lost with time and quorum both. The course taken exhibited a fixed purpose that no appropriation should be made for any of the fortifications, unless this large sum was granted; and this most improper and unconstitutional demonstration of confidence was manifested towards the President. Was it deemed necessary, as an offset against the unanimous rejection of his advice, and the refusal to give him the power of making reprisals?

Mr. MERCER moved that the House recede. This would have ended the controversy, and saved the appropriations for fortifications amounting to $369,000. And how, sir, was his motion met? Mr. POLK, the chairman of the Committee of Ways and Means, urged that the motion to adhere was first in order, and to be first put; and, in no very measured language towards the Senate, Mr. LYTLE sustained him, thus aiding the movement of Mr. CAMBRELENG to adhere, defeat the whole bill, and try to throw the blame upon the Senate.

The Speaker (then Mr. BELL) decided that the question on receding must be first taken. It was put, and rejected by 107 to 88. (Journal, 519.)

Upon both of the motions to recede the votes are recorded. It was an almost precise division of parties. Those who are called opponents of the Administration voted so as to save the bill, but lose the contingent section. Its friends voted to save the grant of money to the Executive, at the hazard of the whole bill. In this stage of these extraordinary proceedings, Mr. HUBBARD (and he deserves thanks for breaking rank) moved for a conference. (Journal, 519.) It was asked, and promptly agreed to by the Senate, although they had voted to adhere to their rejection of the section. (Journal, 237.) If they had desired to defeat the bill, why did they waive their vote to adhere and agree to the conference? They might have refused it, and been perfectly justified by parliamentary rule and propriety. Even the desire to throw the responsibility on the Senate could not have put them in the wrong. There is potent authority on this point in the Journals of this body. In January, 1826, the two Houses had before them a very important measure—a judiciary bill, having the same object as that which has recently passed the Senate, to extend the circuit-court system to all the States. The bill from the House was considered, debated on several days, amended, and sent back. The House voted not to accept a part of the amendments, and returned it to the Senate. The Senate, on motion of Mr. Van Buren, then chairman of the Judiciary Committee, adhered to their amendments. The House asked a conference. The message asking the conference was referred to the Judiciary Committee, and the same chairman made a report refusing the conference. That report is worthy of the respectful consideration of all those who now condemn the Senate. It sustains the position which I have advanced in defense of the course of the Senate on this occasion. It justifies the vote to adhere without the vote to insist. It places the duty of calling for the conference on the House which first insists. It refuses a conference after the House had asked it, because it was not the intention of the Senate to recede, and a conference was therefore unnecessary. The Senate sustained the report by 24 to 13; and among the majority are found the names of Messrs. Van Buren, Benton, Berrien, Branch, Dickerson, Eaton, Hayne, Rowan, Tazewell, White, and Woodbury. The bill was lost by this decision. The report and vote may be found in volume sixteen of Senate Journal, pages 306-312.

If this be correct parliamentary doctrine, and our opponents will not deny it, and if the Senate had desired to defeat this bill, why did we not refuse the conference? We did not. We were resolved to resist the three millions; but we sought, earnestly, the passage of the bill, and waived every rule of practice in such cases to accomplish it. Yet we are now charged with the defeat of the bill. The conferees on the part of the House were Messrs. CAMBRELENG, HUBBARD, and LEWIS; on the part of the Senate, Messrs. WEBSTER, FRELINGHUYSEN, and WRIGHT. They agreed—the conferees of the Senate unanimously, and a majority of those of the House. It was at the time understood that they also were unanimous.

It seems to have been since denied that Mr. CAMBRELENG did agree to the report; and the Senator from New Hampshire will not say that he did. It is quite possible that he did not. He had desired to adhere to the amendment, which would have destroyed the bill. He had manifested his anxiety to throw the blame on the Senate—and he may have feared the defeat of his object, if the conferees agreed upon a reasonable report to the two Houses. He had made a provision which reposed all confidence and power in the President, and he may have been unwilling that the offering should be withdrawn. But it is of little importance. The conferees did agree, and those of the Senate reported. (Journal, 237.) In lieu of the section of three millions, they proposed:

"As an additional appropriation for arming the fortifications of the United States, $300,000.

"As an additional appropriation for the repair and equipment of the ships-of-war of the United States, $500,000."

When this report was made, the Senate were prepared to approve it. The committee of which the Senator from New York was one, had agreed to it, and it would have passed unanimously. Sir, the whole Senate was ready to pass it. There was no fault in that respect on either side of this body. The censure must rest elsewhere.

The Senator from New Hampshire seems to find no difference between this proposition and the section, except in the amount. Has he looked at them? The one is without specification, leaving the whole expenditure, as to objects, to the Executive. The other defines the objects for which the money is appropriated. It complies with our legislative duty. It is constitutional and proper. Mr. President, ought not this report to have been satisfactory, and to have passed? It provided for the very objects which were most important in case of difficulty—our fortifications and Navy; for the only objects that could have required attention before it would have been the duty of the Executive to assemble Congress, and it provided most amply for them. Observe the amounts. There had been appropriated for arming the fortifications, in the Army bill, $100,000; in this bill, by a previous amendment of the Senate, $100,000 more; and by this conference $300,000; in all, $500,000, for arming them in one year. Was it not ample? Could more have been used faithfully and economically? Not a dollar.

So as to the Navy. The bill for its support contained appropriations to the amount of more than $3,680,000, in which $974,000 were for repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission; add to this sum the $500,000 proposed by the conferees, and we have $1,474,000 for the repairs and equipment of vessels of war. Was it not ample for that object, until Congress would meet, or be called together? I am compelled to believe that it was not the amount which was insufficient. It was the restriction imposed. It was a specific appropriation. It was not left to the discretion of the Executive, and his friends would not have it. They preferred losing the whole bill to denying this expression of confidence in the Chief. Then let them answer for the loss; but let not them and the President unjustifiably charge the Senate with a failure of duty. The Senate did its duty and its whole duty to the country, faithfully. Examine this bill as it stood after the conference. It came to us with $439,000, all that the President and the Department asked. We added $421,900, and by the conference we agreed to add $800,000—making in all $1,660,000, almost four times the estimates of the Executive, as much as could with propriety be devoted to the object. It came with a small specific appropriation—was increased in the House by seven times the amount to be used at Executive discretion. The moment that three times the amount is agreed to by the Senate, but the Executive discretion denied, it is refused, rejected, and the Senate assailed.

I proceed. Why was this agreement of the conferees not received by the House, and the bill passed? The chairman of the managers did not report the agreement. The House did not agree to it. They had the papers, and the Senate were thus compelled to see the destruction of the bill, without the power to avoid it. They kept the papers, and we could take no vote upon it. But we did not rest in silence under this extraordinary, may I not say, without offense, this most unjustifiable procedure. If we had done nothing more, we should have been faultless in the matter. But after waiting until general alarm was felt, lest it was the intention of the House to destroy the bill, the Senator from Massachusetts [Mr. WEBSTER] moved that we should send a message reminding the House of the subject. (Journal, 239.) It was new in practice. Such a message, so far as I can learn, had never before been sent by one House to the other, since the establishment of the

Government. But the parliamentary practice was consulted. I recollect it well, for I examined it with that Senator. In Jefferson's Manual, our guide on subjects of this kind, it is stated to be a proper message, (page 191.) "When a bill is sent by one House to the other, and is neglected, they may send a message to remind them of it." (3 Hals. 25; 5 Gray, 154.)

The message was sent. The entry is in these words:

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill respecting the fortifications of the United States."

Thus, sir, the Senate, now charged with neglect of duty, with defeating the bill, with unwillingness to defend the country, departed from ordinary practice; adopted a new but parliamentary proceeding to urge the House to attend to the passage of the bill. And thus, sir, the Senator from Massachusetts, [Mr. WEBSTER,] who is so roundly and incautiously accused by the Senators from New Hampshire and Georgia, put in requisition his best exertions not only to do his own duty, but to press others to the discharge of theirs. The facts cannot have been well remembered by the Senators. The accusation has not been well considered. I am glad to perceive that that Senator is not at this moment in his seat; for it permits me to say, without indelicacy towards him, that in the debate upon the question, and in the whole course of our action upon the bill, as upon every other where the Constitution and the interests of his country are involved, he brought into exercise the best powers of his well-disciplined intelligence and pure patriotism.

Mr. President, such having been the conduct of the Senate, I repeat the inquiry, Why was that bill lost, upon every item of which, except one, the two Houses had agreed, and upon that one the managers of the conference between them had agreed? The answer will be found in the history of that night's proceedings in the House of Representatives—proceedings which I take no pleasure in examining. But, sir, I, and other members of the Senate, have been accused from high places, and it is our duty to make our defense, and to make it fully. The President and the Senator from Missouri have both pronounced us guilty, and before hearing too. They must have forgotten their bitter complaints against us, when we ventured, on a certain occasion, to express our opinion that the Executive had transcended his constitutional and legal rights. But enough of that for the present. The topic of expunging will come in due time. Let us look at the reasons assigned for the House not acting on the bill; and while we do it, let us not forget the declaration made by the chairman of the Committee on Foreign Affairs, long before twelve o'clock, when the disagreement of the Senate was first announced—that they had taken the responsibility of defeating the bill.

These reasons are: 1. That it was past twelve o'clock when the managers of the conference returned to the House; and 2. There was not a quorum.

It may possibly have been past twelve o'clock; but neither my recollection, nor the facts as they have been stated by others, and are recorded on the Journals, permit me to believe it.

The Senator from New Hampshire, [Mr. HUBBARD,] who was one of the managers on the part of the House, has stated to us that, after the conferees had met, Mr. WEBSTER looked at his watch, and said it was near twelve o'clock, or wanted a few minutes of twelve, and hastened the conference. Then, 1. Mr. WEBSTER did not seek delay, nor desire to defeat the bill. And, then, also, 2. It was not twelve o'clock when the conferees did meet. Now, it appears from our Journal, and is true in fact, that the conferees were together but a few minutes, for, in that hurrying part of the session, when not a moment was lost, there were only two things done in the Senate before the return and report of the conferees—one, receiving a short message from the House; the other, a motion, of course, to discharge a committee. (Journal, 237.) Was it, then, past twelve when the conferees agreed?

The same Senator again states to us, that when the Cumberland road bill passed, Mr. GILMER refused to vote, and said it was past twelve o'clock. Then, the Cumberland road bill passed after the conference, if the statement of Mr. GILMER was correct.

The same Senator also stated that Mr. CAMBRELENG and himself both voted on that bill, and the Journal (page 522) confirms him. Then, if the measure suited, there were no scruples about the hour; and I ask, why not report the result of the conference as well as vote on the Cumberland road bill? I fear, sir, we must search for other reasons.

But suppose, sir, it had been past twelve o'clock; did that fact justify the managers of the House in refusing to make a report? They had been constituted, by a solemn joint act of the two bodies, to confer upon a great public measure. In their action both Houses were concerned, and both had a right to demand that they should be faithful, and discharge their duty. The refusal of those of the House to make report was a wrong done to the Senate, highly disrespectful to it, as well as to the House. Suppose the House had been anxious to pass this bill, and the chairman of the managers [Mr. WEBSTER] had returned to the Senate Chamber and refused to report? I beg his pardon for even making such a supposition; but if he had been capable of doing it, and had done it, what would have been said in the House? What commotion! What fiery denunciation! What anathemas from the Executive in executive messages! Sir, he would have been charged with being already in the pay of the enemy, not only willing to disregard the Constitution and the safety and defense of the country, but ready to join their ranks, and mingle the blood of his countrymen with the smoking ruins of the Capitol. But the act was performed by others, whose devotion to party chieftainism covers every act with approbation.

Mr. President, I would inquire by what authority a manager of either House assumes to himself the right to decide for that House whether he shall make report or not?—takes away, of his own mere pleasure, the power of the body to act and to decide upon any question? It is not my business to guard the respect which any House of Representatives owes to itself, but, as a member of this body, I have a right to express my conviction that no manager here will ever feel the inclination, or, if he does, will ever venture thus to trifle with this body, until it shall have become the registering council of Executive edicts.

But, sir, the Senator from New Hampshire has taken some pains to prove that there was no quorum in the House, and, therefore, that the House could not act upon the measure. Does not the Senator perceive that there being no quorum in the House was no fault of the Senate? It has no control over the quorums of that body. It had created no delay. It had, in the first instance, debated the amendment less than an hour and a half, not more than one third of the time consumed in the Senator's argument, nor, I begin to fear, more than that proportion of the time of the Senate which I shall be compelled to consume. And yet it was a new proposition, of great importance in amount of money, of uncommon magnitude from the principles involved. When it returned again from the House, it was detained only long enough for the Senator from Massachusetts to discharge his duty by making the motion to adhere, and by the calling of the yeas and nays. (Journal, 235.) When the conference was asked, it was instantly granted, and without debate. (Journal, 236.) If, then, it was thrown beyond the hour when there was a quorum, the censure cannot fall here.

But let us look at the Journals and reported proceedings upon this subject; they are full of interesting matter. I find (page 522) that on the Cumberland road bill there were 94 yeas, 80 nays—one hundred and seventy-four in all, and fifty-two more than a quorum of that body. If, from the facts before stated, this bill passed after the conference, then there were fifty-two more than a quorum when the conferees returned to the House, for they voted upon it. If it passed before the conference, it must have been immediately preceding it. And, I inquire, where were these fifty-two when the conferees returned? How came it that they escaped so suddenly? Who were they? By what impulse were they moved? The history of the subsequent proceedings seems to give an explanation of this singular fact.

After the vote on the Cumberland road bill, two reports, of course, were made, and the Speaker signed a bill. Mr. MANN said the functions of the House had ceased; it was twelve o'clock. And then Mr. JARVIS moved a resolution that, the hour having arrived when the term for which this House was elected has expired, we do now adjourn.

Mr. POLK demanded the consideration of the question. The Speaker decided the resolution not to be in order; and Mr. JONES moved an adjournment. This motion was resisted by Mr. WARDWELL, Mr. EVANS, and Mr. J. Q. ADAMS, and was decided in the negative. (Journal, 523.) Now, sir, why this motion? Had the managers returned, or had they not? Was it, or was it not, in accordance with the previously declared determination to throw the responsibility of losing the bill upon the Senate? Or did it arise from a certain fact which occurred about the time of the conference, and which left the party no other mode of escape?

The House then took up the resolution to pay Mr. Letcher as a member of Congress; and, after debate, it was lost, one hundred and thirteen voting. And yet, of those not voting, several did appear in the subsequent proceedings of the House; and among them Mr. JARVIS, Mr. BEARDSLEY, Mr. POLK, Mr. FRANCIS O. J. SMITH. The Senator from New Hampshire was also among the missing, and so continued, so far as voting was concerned, until the adjournment. I cannot divide the one hundred and thirteen who voted into parties, and assign the proper place to each of those who voted, and those whose absence or refusal to vote prevented the quorum; but no one can look at the names without perceiving that the opponents of the Administration were there ready to discharge their duty to the country, in transacting the business before them, and that the friends of the Administration prevented the public service from being performed, by their desertion of the House, or their refusal to vote. And shall they now turn round, and charge upon their opponents the loss of any public measure? Do they suppose that all memory of facts and all inspection of records has been lost? Or do they rely upon the credulity of the people, to believe any and every accusation against their opponents, especially when it is made to bear upon the Senate, and is indorsed by the head of the party?

There was no quorum—none willing to let the business proceed. Was there not a quorum really there? It wanted but a few votes to make it; and if those who appear in the subsequent proceedings had answered, I cannot doubt that it would have been found.

But if no quorum to attend to this bill, how could the House proceed in the transaction of other business? Yet it did so. Are their proceedings invalid? Has that branch of the Legislature permitted the approval and promulgation of laws to bind the citizens of the United States when they know that they had no constitutional authority? I do not charge this grievous offense upon them; the zeal to fasten criminality here may bring them into that condition of guilt. After this no-quorum vote, the Committee on Enrolled Bills reported: the House received from the President seventy-five laws which he had approved, and by message communicated them to the Senate, (Journal, 239;) received a report respecting a national foundery for ordnance, heard it read, and resolved that the Secretary of War perform certain duties in regard to it; the Speaker laid before them nine important communications from four of the Departments and one of the Bureaus, and from the Postmaster General. On a motion to print the last, there was a debate had and question taken. They also received two messages from the Senate; one respecting the conference, and one with ten bills which the President had approved. Were all these proceedings irregular, void? They appear in the Journal, and the papers mentioned are a part of your public official documents—the record of the legislative history of your country; and

yet, sir, we are told there was no quorum, no House of Representatives in existence.

After the vote on Mr. Letcher's case, and after the message with the bills from the President, but before the message from the Senate respecting the conference, and the other proceedings, to which I have alluded, Mr. JARVIS made another motion to adjourn; (Journal, 527;) it was debated; on the vote, Mr. BEARDSLEY declined to answer, because it was past twelve o'clock; one hundred and eighteen members answered. There is again a like division of votes as that before alluded to, and, what is not a little inexplicable, Mr. CAMBRELENG, who would not report the result of the conference because the House had no power to receive it, voted against that House adjourning. (Journal, 528.)

The arrival of the message from the Senate to expedite the fortification bill is another remarkable point in the progress of these strange proceedings. When it was received, silence on the part of the managers of the House was no longer practicable. They had then been in their seats a long time, had seen the House proceed with its business and been silent, neglecting the discharge of their important duty. When the message had been read, Mr. CAMBRELENG, the chairman, whose duty it had been, and still was, to make the report, declined, "on the ground that, from the vote on the resolution granting compensation to Robert P. Letcher, which vote was decided at the time the committee returned into the House from the conference, it was ascertained that a quorum was not present; and further, that he declined to make the said report, on the ground that the constitutional term for which this House had been chosen had expired." (Journal, 530.) There it is, Mr. President, in those very words, a part of the Journal of the House of Representatives of the United States, published under its authority. When or how that entry came there, I know not, and have no power to investigate. But I should like to know whether it was the creation of the Clerk of that body, without suggestion from any quarter, and whether the Speaker saw and approved it before it was entered on the permanent Journals. Let its paternity be what it may, it stands without a rival. "None but itself can be its parallel."

But, sir, let it stand there, and let us inquire what is its influence on the question which we are discussing? The chairman of the managers would not report, because there was not a quorum on the vote respecting Mr. Letcher's pay, "which vote was decided at the time the committee returned to the House from the conference." Turn back six pages to the vote upon that question, and you will find Mr. CAMBRELENG and Mr. LEWIS, two of the managers, voting upon it, this being one of the occasions upon which Mr. HUBBARD was missing. Was that question, then, decided when they returned? The present House ought to set itself diligently to work to correct the Journals of the late House. In examining this contradiction, I beg Senators to recollect the suggestion which I have previously made in regard to the vote upon the Cumberland road bill, and compare the facts alluded to with this statement, and also to test the value of this journalized excuse by the rights of a chairman to withhold a report from the House by which he was appointed.

I beg also to quote a passage from a publication with the signature of Mr. CAMBRELENG, dated 7th March, and which appeared in the National Intelligencer of the 9th March. In that publication he says:

"The only error in the following paragraph is the omission of Mr. HUBBARD'S name, who was one of the committee:

"'The motion to ask a conference was agreed to, and Messrs. CAMBRELENG and LEWIS were appointed the committee of conference on the part of the House.'

"The committee immediately left the House, and proceeded to one of the chambers of the Senate," &c.

The extract which he makes is taken from the report of the proceedings of the House. Now, he here declares that the committee immediately left the House after their appointment. Examine the Journal, and you will find (pages 519, 520, 521) that after this committee was appointed, and before the Cumberland road bill was taken up, the House considered the amendments to the bill respecting the supply of the Army, &c., concurred in them, and ordered the Clerk to inform the Senate, and received two reports from the Committee on Enrolled Bills, containing nearly fifty bills, the very titles of which would consume some time in reading; after this, they took up the bill respecting the Cumberland road, debated it, had the previous question demanded, ordered, voted, and then debated the question on the final passage. After all this, the vote was taken, and the names of Mr. CAMBRELENG and Mr. HUBBARD appear upon that vote. If, then, the managers left the room immediately after their appointment, and yet were in the House when this vote was taken, is it not perfectly clear that the Cumberland road bill must have passed after the conference was over? There was time enough, and more, while the House was engaged in the proceedings and debate to which I have referred, for the committee to have met and agreed, and the conferees returned to their places. Either the recollection of the chairman or the Journal needs correction. In weighing the evidence on this point, Senators will have no hesitation in believing that the conference was over when the Cumberland road bill passed. And if so, the question as to the hour of the night is put at rest. Either the conference and the agreement was before twelve o'clock, or the hour did not operate on the consciences of the managers and the President, for the former voted upon, and the latter approved and signed, that bill. There is another fact in relation to the Journal of this part of the proceedings of the House, which bears upon this question of the quorum and the House, to which I ask the attention of Senators. The Journal (page 523) states that the previous question was called in the debate about the payment of Mr. Letcher, "and passed in the affirmative." But it does not state by what vote. Why this omission? Who will explain it? A reference to the report in the National Intelligencer of the 7th of March gives this fact, that upon that vote there were 69 yeas, 65 nays—one hundred and thirty-four members present and voting. A quorum is found long after the Cumberland road bill passed—a quorum after twelve o'clock, even by the insisting of our adversaries—a quorum willing to vote when the question suited them. Where were they after this? Why was not the report made while they were there!

But let us return to the statement of the chairman as it is journalized. He says, "the constitutional term for which this House had been chosen had expired." And who, sir, decides this grave question? The House itself? No. But the chairman of the managers. And where did he find his authority to decide it? Had he the power of that body in his hands? Would it not have been quite as proper and respectful for him to have made his report and left the settlement of its own existence and powers to the House itself, voting upon the question as his conscience dictated? But this was hazardous. If the report had been made, it might so have happened that the House would have agreed to it; the bill might not have been lost; it might have been carried to the President; and the blame of its defeat might have fallen, not upon the Senate, but upon another portion of the Government. It was better, sir, to try the chance of throwing it upon the Senate. "The constitutional term of the House had expired." And where did this manager find his legal or constitutional doctrine on this point. In what book or creed of politics did he learn that the term of Congress expires at twelve o'clock at night? Is there any declaration in the Constitution to that effect? None. Is there any law establishing the commencement and termination of Congress at that hour? None. Is there any resolution or act of Congress itself? Not one. Then where did he learn it? Was it from practice? More than one half, nay, more than two thirds of all the Congresses under this Government have continued to sit, to transact business, to pass laws, after that hour. It has been done by all parties and under all Administrations. He had, in truth, no competent authority for his assumption. The House had no excuse for neglecting its duty. It had constitutional power to act. The true doctrine is that mentioned by the Senator from Massachusetts. The year and term end at the close of the last day's sitting. This is the judicial understanding on this point. Courts have so decided in relation to their own powers, and the extremest penalties of the law have been inflicted in conformity with it.

But the chairman of the managers, and those who acted with him, had one authority, whose controlling power, so far as they are concerned, I am not so absurd as to question. It was that of the present President of the United States, to whose opinion and action on this point it will be my duty presently to refer.

When the chairman had made this exposition of his reasons, which are entered upon the Journal, Mr. LEWIS, another of the managers, discharged this duty, and made the report of the agreement to which the conferees had come. The Speaker declared the House in possession of the report; and the question was put whether the House would adopt it? It had there arrived, *per multas ambages*, if not *per tot discrimina rerum*, at the point where it might act, and pass this bill. If it had the desire to see it pass—if a regard for the public interest—for "the defense and security of the nation," rose above its deference and regard to party principles and a party leader, and above the paltry desire of throwing responsibility and censure upon the Senate, it had the opportunity, in spite of the contrivances of those who had thus far baffled it, to vindicate its own patriotism and secure to the country all the means which the fortifications and the Navy required. Did it do so? And if it did not, then why not? An objection was instantly stated, that there was no quorum; tellers were appointed—the two managers who were not missing—and one hundred and eleven appeared.

Mr. CARMICHAEL then moved an adjournment, and the vote was taken by yeas and nays, and was—35 for, and 76 against it, the Chairman being one of the yeas; and, on the other side, almost the solid vote of the opponents of the Administration. They were there, demanding the discharge of the public duties, calling for the passage of the appropriation which is now deemed so necessary for the public interests. But they were not heard. They were ready to fulfill the trust reposed in them, and they were men with whom, now and at all times, I shall feel an elevated pride as a man, a citizen, and a public officer, in being associated. It was the last time that the yeas and nays were called in that House, whose Journal, at least, will give them a perpetuity of fame.

Mr. LEWIS, one of the denounced Opposition, anxious that the House should act on the report of the conference, and save the bill, moved that the House should be called, to compel members to appear; and how was the motion met? Mr. CAMBRELENG resisted it, and said, "I protest against the right to call the House. What member will answer to his name?" "I will," "I will," was the response. "I am as much in favor of the fortification bill as the gentleman from New Jersey, but I say that the responsibility for its failure rests upon the Senate, and not upon us. The bill was defeated by the Senate." Sir, the declaration was too much for the House, and "no," "no," was heard from every part of it. Did that member believe that every assertion and every absurdity would pass current with the people, when it came clothed with the action and sanctioned by the mandates of the party?

There were two resolutions offered by Mr. FRANCIS O. J. SMITH, one to appoint a committee to wait upon the President, to announce to him that the House was ready to adjourn; the other to communicate the same fact to the Senate An effort was made to amend the latter, by stating in it the fact that there was no quorum, (Journal, 532,) but it was not decided. A motion was made by Mr. REED, of Massachusetts, an Opposition man, pure in purpose, faithful to duty and his country, to call the House, but it was defeated by a motion by Mr. JOHN Y. MASON to adjourn —which was carried, without having sent the ordinary messages to the President and Senate. And thus *sic transivit*. I would that we could adopt the maxim, *nil de mortuis, nisi bonum;* but these things are now matters of history, and a faithful exposition of fact—duty to the people of

this country—defense upon the accusation which has been brought against the Senate—demand that the truth should be told of it. Why was such an exhibition made by the representatives of the intelligence and virtue of this country? Has the standard of the moral perception of right and wrong been depreciated and debased? Have the people become so blinded by party prejudice, that their representatives dare do anything which party and party leaders may prescribe, and still hope for approbation?

Upon the motion to inform the President of the Senate, one of the Representatives from New Jersey—he to whom the chairman alluded, in the observation which I have quoted—a friend of the Administration, [Mr. PARKER,] who had previously demanded to know whether the managers meant to report the result of the conference, now exclaimed, "how can we pretend to say that we have concluded the business before us? And how can we adjourn without passing the fortification bill? This House has passed the bill; the Senate made a large addition to it; the House had added another appropriation; the Senate disagreed to it. A committee of conference was appointed, and that committee has refused to report to this House. Shall we go away and leave this bill, when there is an apprehension of war?" It was a friend of the Administration which pronounced this condensed history. It is a faithful portrait; but it required another question to be added. Shall we hereafter venture to charge the failure upon the Senate? and shall the President of the United States be induced to assert their guilt in an annual message?

Yet so it is. The assertion has been made from the high place of power and control over popular belief, and it has been reiterated upon this floor. To the allegation I oppose the facts—the Journals of the two Houses—the whole conduct of the parties in this controversy—the declaration of Mr. PARKER—and, permit me to add, the unanswered testimony of Mr. BARRINGER, a member of the House, made upon the floor at the time, and in the presence and hearing of those who would have answered if they could. He is reported to have said:

"The bill was defeated by an intrigue here, [in the House.] If gentlemen desired names he would give them. But if this was declined, he would say, that there were members who now sat in their seats, and would not answer to their names, who did so in consummation of the intrigue."

Mr. President, it was by a House thus constituted, and thus acting, that the bill was kept from the Senate. It expired there in their keeping, and when the Senate had no power to reach it. If the Senate had been willing to pass it, with the three million provision in it, it would have been out of our power. This body, after sending its last message to the House, continued in session nearly or quite an hour, waiting for that bill; hoping that a returning recollection of what was due to the country, if not to themselves, might induce them to agree to its passage. But the case was hopeless; the condition and proceedings of the House were known, witnessed by most of the members of this body, and the President had himself retired from the Capitol.

I have before alluded to the fact of the President's absence from the Capitol. What may have been the precise extent of its influence upon the conduct of the House, I do not pretend to decide. But the fact was known in both Houses long before either of them adjourned, and was familiarly spoken of as the reason why "it was past twelve o'clock, and no quorum in the House."

The fact itself is without dispute. The Senate had rejected the three million appropriation; they had refused to intrust to him what they would have trusted to no man—the constitutional power of Congress over a portion of the Treasury. In addition to this, the Senate had indefinitely postponed the nomination of Mr. Taney as a Justice of the Supreme Court. The Secretary carried this decision to him. His uncommon patience would bear no more. Power had been denied, and a favorite rejected. He refused to receive our message, told the Secretary it was past twelve o'clock, and he would receive no more communications from the Senate, and soon left the Capitol. What was the precise hour when this dignified exhibition took place, cannot be ascertained. The watches and clocks did not agree. But whether before or after midnight, was of no consequence. His own official term had not expired, and it would have been quite as proper for him to have permitted the two Houses to determine for themselves when theirs did; at least, to have received such messages as they might send, and return to them respectful answers. But the favorite had been rejected, and there was no hope of the three millions, although $1,670,000 might still have been saved to the fortifications and defenses of the country

Might not this fact have some influence on the fate of the bill? Might it not have been thought unkind, and against the doctrines of party to pass it, and throw upon the President the responsibility of its loss? Might it not have been feared that he would refuse to sign it? Notwithstanding his refusal to receive any further communication from the Senate, I hope he would not have rejected it. It would have come to him from the House, and must have been returned to the House, in which it originated. Besides, it would have been a pretty bold venture to have placed himself on the point of time, after signing the Cumberland road bill that very night. And none of his predecessors had ever so acted. Every one of them, except since the rule which regulates the action of the two Houses on the three last days, had signed bills after that hour. It has so happened, though still not very old, that I have personally known the fact in relation to four of them. And there is, if possible, still higher authority than theirs. A member of the committee who waited upon General Washington with bills for his signature at the close of his official term, informed me that he went to his house about two o'clock in the morning. The President had retired; but he came down, made a remark respecting the time, and signed the bills; and they were a large proportion of those upon your statute-book which were approved on the 3d of March of that year; some of them relating to the courts, the debt, the Treasury, and other subjects of importance. May we not hope that our present Chief Magistrate would have been influenced by the conduct of the first Washington, and that of his own *alleged* exemplar, Mr. Jefferson? Observe, sir, I do not use the word *pretendu*. In the review of this case, I feel confidence in repeating my declaration, that the Senate did its duty, and its whole duty, fully, faithfully, fearlessly. There is not one fact, when truly stated and understood, which does not sustain this assertion. We added largely, of our own motion, to the appropriations which were called for by the Executive, and voted by the House. They gave us $439,000; we added to it $421,000. They asked us to place three millions more at the unrestrained discretion of the Executive; we refused, but agreed to add $800,000 for specified objects. We urged on the House the passage of a bill which gave $1,679,000 for putting the country in a state of defense. In any event, it was enough; as much as the Executive could have used discreetly and economically. I demand, then, are we guilty or not guilty?

Mr. President, the patience of the Senate must be exhausted, and I will not stop to draw, as it might be drawn, the other side of the picture. I will only remind the Senate of the persons and the party who were the controlling actors in that extraordinary scene. Who were they who first proposed $439,000 only of specific appropriations, and resisted its increase, and yet offered to place $3,000,000 at the disposal of the President, at his discretion? The Journals answer, and to them I appeal. They were the friends and supporters of the Administration. Who objected to a conference, by which the bill might have been saved? The friends of the Administration. Who insisted upon the bill when $3,000,000 were to be placed in the hands of one man, yet defeated it when $1,670,000 were to be appropriated for specific objects? The friends of the Administration. Who refused to report and receive the agreement by the conference of the two Houses? The same persons. Who threw every possible obstacle in the way of the bill? The same party. Who moved adjournments to put an end to the action of the House—objected to voting—and endeavored to prevent the House from sitting and proceeding? Messrs. CAMBRELENG, POLK, BEARDSLEY, JARVIS, MANN, JONES, CARMICHAEL, JOHN Y. MASON, and other like persons. On the other side, and in opposition to all these proceedings, you almost invariably find those members who are denounced as unworthy of confidence, because they cannot bend the knee to power. On some of the votes there are exceptions. This is the case upon the first offering of the three million section. There are to be found in favor of it a few names of Opposition members, and they are men of as pure feelings and principles as any of whom the country can boast. I believe they erred, and erred grievously. But I neither impeach their motives, nor those of any member of either House, in voting for that section. If they thought it constitutional, expedient, required by the condition of the country, it was their duty to vote for it. I thought otherwise, and have no desire now, or hereafter, to shrink from the full measure of that responsibility in regard to it which is justly and truly laid upon the station which I occupy. I saw no necessity for vesting any discretion in the Executive in selecting the objects on which the public treasure should be expended. The selection of those objects, and the sums to be expended on each, was the high duty of Congress, not of the President, and we had had time enough to make the selection and prescribe the sums. I had no inclination to leave, by any vote of mine, either power or inducement to the Executive to commence actual war, or temptation to place us in a condition in which it should be unavoidable, and the time of its commencement was not matter of choice with us.

It is the high and solemn duty of Congress and of Congress alone, to declare war, and to decide upon the time and manner in which it shall be waged. I had not, perhaps, all the confidence in the prudence and discretion of the Chief Magistrate, which I ought to exercise; and, looking to the peace and interests of the country, I felt that it was due to them that we should not unnecessarily intrust too much power over them to him or any other one man, nor forget that liberty and free institutions require incessant watchfulness and jealousy. I thought it a fit occasion to apply "the firm and fearless check" of the Senate to the progress of those movements which might render our Government a "simple executive machine." I saw no impending danger of an early hostile invasion—no such pressure as could not be met by Congress at its regular meetings, or at such as the Executive had the power to call. I believe that the proposition to grant, in the mode proposed, three millions, or ten, or twenty, or one, was a violation of the Constitution of the land, and that the necessity which should induce its open violation within these Halls should be the last struggle of a despairing and hopeless people. A hostile force may be repelled and driven from our shores—a city in ruins, or a capital destroyed, may be rebuilt—but that Constitution, broken by the overthrow of its balanced powers, cannot be repaired. Give to the Executive the control in the disposition of your Treasury, and over peace and war, and its best guards to your liberties are gone, and will never be renewed; or, if they should be, it will be through scenes to which foreign war will be a trifle. The last and only bond of your union will be gone; and that flag, of whose honor we have been reminded, will present one star and one only, and the place of its stripes will be covered with one shade, or they will float fitfully, without mutual dependence and connection. Let us save that Constitution, in all our ebullitions of party, in all our devotion to men, in all our hours of trial, internal and external.

Mr. President, I thank the Senate for its patience. I have endeavored to exhibit the truth in relation to that point on which the Chief Magistrate has chosen to make his accusation against this body, and send it on the four winds of heaven. I have declared my own views and purposes in the act which I have performed. If political adversaries shall still repeat the charge, I turn them to the records of Congress. If any personal and political friend who has known my course in life shall deem it proper to impute to me other feelings than those which I have expressed, and believe that I am unwilling that the country should be defended, and have ceased to remember that

my country in any and every trial, is my country still, I shall be compelled to bow in silence. I shall have no retorts and recriminations to make. All that I shall demand is, that I be tried in the hour when the wrongs of my native land are to be avenged: and if I fail, then, and not till then, let my condemnation be pronounced.

THE FORTIFICATION BILL, &c.

SPEECH OF HON. F. W. PICKENS,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

May 23, 1836.

The House resumed, as in Committee of the Whole, the consideration of the bill making Appropriations for certain Fortifications for the year 1836.

Mr. PICKENS said it was not agreeable for him to trespass upon the attention of the committee, and he trusted he never could be induced to do so except from considerations of duty.

Mr. Chairman, this debate has taken a wide range, and doctrines have been advanced and sentiments avowed, against which I feel bound to raise my most solemn protest. The chairman of the Committee of "Ways and Means" [Mr. CAMBRELENG] withdrew an amendment on a former bill embracing the same principles, but declared that he would consider the whole debate as upon the present occasion.

However, before I proceed to reply to what has been advanced by other gentlemen, I propose to make a few observations on the general principles which shall govern my vote on the bill immediately under the consideration of the committee.

As to appropriations towards those fortifications calculated to give efficiency and protection to our Navy, I, perhaps, would be inclined to go as far as most gentlemen. I am in favor of those that are important for these purposes, and no other, so far as the Atlantic coast is concerned. I look upon it as one of the most idle and visionary schemes that has ever been conceived to attempt a military line of fortifications on our Atlantic coast similar to those which European Governments have adopted. Our population, comparatively speaking, is sparse, and we have a coast equal in extent to the whole western coast of Europe. Under these circumstances, our resources would not justify an attempt to encircle ourselves with a system of fortifications on a plan similar to those which more populous and far less extensive countries have adopted. Besides, we have no border Powers against which it may be necessary to protect ourselves.

We are remote from all other Powers—with an immense and increasing commerce. Our physical position, and all the circumstances with which we are surrounded, proclaim a navy to be our only system of enlarged national defense. Our expenditures for fortifications ought to be made exclusively with a view to give protection and energy to our Navy. With our extensive coast, you may make fortifications for land defense, and have your system, as you may suppose, perfect; but give your enemy ascendency upon the ocean, and they will land their forces at whatever points they may think proper. No commercial country can rely for defense upon anything but a well-regulated navy.

Our true policy of defense is to increase and strengthen it by judicious points of fortification, so as to enable us to protect our whole coast by a stronger naval power than any nation would be able to concentrate against us. With this view, and looking to the natural division of our coast into four great bays, as it were—the first from Passamaquoddy to Cape Cod, the second from Cape Cod to Cape Hatteras, the third from Cape Hatteras to Cape Florida, and the fourth to the Sabine—I would say that extensive navy-yards, with efficient fortifications should be established at the most suitable points between these different capes, so that an ordinary naval force, with brave and enterprising men, could easily defend the whole frontier, and at the same time protect our commerce. For instance, I would have such a navy-yard, with fortifications, at or near Boston—the same at or near New York—then at Norfolk and the mouth of the Chesapeake—the same at Charleston—and then at Pensacola, for the defense of the gulf and the commerce of the West. I would place these points on the best and strongest footing, equal to any in Europe, and make little or no expenditures on any other points, so far as our Atlantic frontier is concerned.

It is all idle and visionary to attempt to place our coast in a perfect state of defense by stationary fortifications. This can alone be done by those that move upon the face of the deep. There is scarcely any fortification but what can be passed under favorable tides and winds; and it is a military maxim that there is none but what can be taken. Look to those that were erected at Antwerp with so much skill and labor, on the same plan of Fortress Monroe, and which Bonaparte himself pronounced impregnable; and what was the result? The French battered them to the ground in twenty-four hours. The truth is, that for an invading force on land, we must at last rely upon "high minds and brave hearts," with bayonets, and not fortifications. Besides, sir, the genius of our institutions is at war with a standing army. But extend your visionary and wanton schemes of fortifications, and they call for an increased force to keep them in repair. Sir, I rejoice to say that I believe the majority of the officers of your present Army are men worthy to be trusted with the liberties of their country. But increase your military points, and call for a corresponding increase of men, and then place all under profligate and ambitious rulers, and there is no patriot who will not tremble for the consequences to his country.

Mr. Chairman, there has been a great change in the condition and resources of our country within the last few years. Under the application of steam power to our coast and rivers remote sections have been brought together, and the energies of the community have been condensed. Our weakness, arising from a sparse population, has been to a great extent overcome. If this be the effect of steam as applicable to the water, what must be the operation of things under the tremendous schemes that are now in progress to bring the interior West to the sea-coast by means of railroads? I would rather have one railroad running from our coast into that brave and enterprising country, for the purposes of defense, than all the fortifications your overflowing Treasury can erect. For military purposes heretofore communities have been strong in proportion to the denseness of their population. But the recent triumphs of invention and art over nature seem likely to develop new energy and resources, and may change the whole scheme of military defenses in an extensive and widely-populated country. Under these views, I shall never vote for any fortification that cannot be shown to be necessary for the strength and support of the Navy. I would desire to have but few points, and place them on the most liberal and substantial basis. It is nothing but a wanton waste of the public money to attempt to embrace too many interests and cover too many points.

But I will now look at the operation of this system in another point of view. While you have been expending, for the last twenty years, millions upon millions in certain sections of this Union, other extensive sections have been, to a great extent, entirely neglected When my colleague [Mr. THOMPSON] some weeks since, with so much ability, demonstrated the unequal operation of your naval appropriations, he drew but a just picture of this Government in all its fiscal operations. As to our Navy, I am disposed to make some allowances for appropriations heretofore, from the fact that our tonnage has been owned in, and our large commercial transactions have, in a great measure, taken place in those sections where the demand and supplies for a navy and its appendages were naturally called for. But we have now reached a new era in our affairs, when other sections and other interests must be attended to. Heretofore your Government has been profuse in its expenditures for the defense of those portions of your country which you boast of being naturally the strongest, while you have neglected those portions which you have proclaimed to be the weakest. Is this the sound policy that should direct the energies of a fostering Government to protect equally the exposed points of a united people?

Let it not be supposed that we complain of the unequal disbursements merely for the dollars and cents involved. No; it is because the operation is deeply connected with the great principles of liberty. As a people under one Government, we present a different state of things from any other people. We are one for certain purposes, and separate for others. As far as the pecuniary and fiscal transactions are concerned, it is not to be disguised that we have sectional interests differently affected. As far as the States are concerned, we have in each peculiar sentiments, habits, and feelings. To preserve these is the very essence of our separate independence and existence. No people can be free and independent who are habitually and systematically excluded from the favors and benefits of the Government that acts upon them. Let it become fixed as a settled policy, that the West and the South are only to feel this Government in its exactions, while other sections are to feel it in its disbursements—let it be known that we are to be converted into Roman provinces, from which you are to collect treasure and wealth to be distributed among those who may be styled "Roman citizens;" and then, sir, if such a system is to last—if this state of things is to be continued—you will soon see, under it, our industry and enterprise droop and grow dull; you will see our spirits wither and die; genius will turn from lofty aspiration; our people will lose their burning feeling of patriotism; and from manly independence we will tamely sink down to become serfs and vassals under a mighty empire, where even the very boundaries of the States will be lost and forgotten amid the ruin and desolation thrown over a broken and disheartened country!

It is useless and idle, at this period of the world, to talk about liberty, so far as it may be identified with personal rights and individual protection. These stand secured, and are, to a great extent, consecrated in the feelings and institutions of every civilized community on earth. In those great struggles which ended in the overthrow of feudal barbarism, the contest was for individual and personal liberty. But since the combination of the Holy Alliance, together with all the improvements and schemes of modern society, every thing seems to tend towards an amalgamation of all christendom into one system of organization, and the great contest now is for the political independence of separate communities. This view becomes deeply interesting to us as independent States. An habitual exclusion of any portion of the States of this Confederacy from the fiscal benefits of this Government, and power over its action, must end in a sacrifice of their political independence. Here it is that political power becomes deeply identified with political liberty. A people, to be free, must feel that they are so.

Compare these great principles with what now actually exists, and what has existed for the last twenty years. In that period of time this Government has collected $420,000,000; and after throwing out of the calculation the $130,000,000 which have been appropriated for the payment of the public debt, we then have left $290,000,000, of which, $210,000,000 have been disbursed in the middle and northern sections, while only $80,000,000 have been disbursed in all the other sections.

Let not gentlemen suppose that the West and South are factious, when they oppose this system of disbursements. No! they see involved in it the highest interests, and even the liberties of their country.

I come now to what has been advanced by others in the progress of this debate. The chairman of the "Ways and Means" observed that the revenue system which this Government had adopted for the last twenty years was the most unjust and oppressive that was ever adopted by any civilized Government. In this, sir, I agree with him. He also said that the commencement of this system was the tariff of 1816. To a considerable extent I agree with him here, too. But when he came to assert that the "compromise bill" was the consummation of that system, I confess I could not exactly understand him.

There are principles in this bill which by no means receive my approbation. The gentleman spoke of the evils complained of from the surplus in the Treasury, and intimated that if it had not been for the "compromise," a system would have been adopted which would have reduced the revenue now down to the wants of the Government. All this sounded very well from the gentleman in one part of his remarks. But when he came to another part, where he was attempting to defeat the "land bill," or any just distribution of the surplus among the States, I confess I was astonished to see the gentleman labor so hard to prove that there was and would be no surplus.

He entered into a long calculation to show that there would be no more than the wants of the Government would require. At one moment, he denounced the "compromise" as producing the evils of the surplus, to show how much better others could have done for the country; and then, when he desired to retain what was in the Treasury from a distribution, he attempts to prove that the same "compromise" has produced no surplus beyond what the Government will actually want. I leave the gentleman to reconcile this palpable absurdity and contradiction in his argument, if argument it can be called. But, sir, this contradiction was not more astonishing to me than the reasoning by which he jumped at his conclusions. He spoke loudly on the "ebbs and floods" of importations and exportations; and from something connected with these "ebbs and floods" which he knew of, he asserted that two years hence our importations would not exceed $40,000,000, and upon this our imports would yield $10,000,000 of revenue.

Mr. CAMBRELENG explained, and said he meant the dutiable articles would not exceed that amount, but admitted that the importations would amount to $150,000,000.

Mr. PICKENS resumed, and said he did not so understand the gentleman before. But if the gentleman admits that our importations will equal $150,000,000, I am totally at a loss to perceive how he comes to the conclusion that our customs will then yield only $10,000,000. The system is biennial in its reduction, and then only amounting to ten per cent. If the whole importations are $150,000,000, unless the proportions vary entirely from what they have been heretofore, the dutiable articles must equal $66,000,000, and this must yield a revenue of $17,000,000, instead of $10,000,000. No, sir; with our increasing and wide-spreading population, stretching itself over the exuberent valleys of the Mississippi—the vast schemes of internal improvements developing the resources of the interior—industry and enterprise invigorating the remotest quarters of our land—all, all proclaim the increasing means of a great people with corresponding wants and demands. Under this prospect of things, I should be induced to think that in two years more our importations would reach $170,000,000, and that our customs would yield $18,000,000. Your exports in cotton alone, for the year ending on the 1st of last October, sold for $73,000,000, and this year they will probably reach near $90,000,000. This was the article which, in the plentitude of your wisdom, you pronounced over produced three years ago, when we raised less than ten hundred thousand bags, and sold it for less than nine cents, and you declared that production had then outrun demand. Last year we raised above three hundred thousand bags more, and sold it, notwithstanding your over production, for sixteen cents. No man can foretell the developments of this country under a wise system of free trade. No man can foresee the immense increase of importations and exportations of a free and unrestrained people, with the freshness of the virgin wilderness before them.

The gentleman cannot make the surplus vanish by figures. Even if all the reasonable expenditures that have been officially asked for be made, we will have on the 1st of January next at least forty-six million dollars of surplus in the Treasury, supposing the public lands to yield seventeen million dollars; and many put them as high as twenty-five million dollars. Good faith and prudence demand that this should be deposited not in the corporations of the States, but in the treasury of the separate States themselves, in proportion to their Federal representation, they being responsible for its repayment. This would give us the faith and credit of the States instead of the banks. But of this, and of the gentleman's argument on the "land bill," I will say more on another occasion.

The gentleman, in his calculations to reduce this surplus, has placed $7,000,000 to be appropriated for Indian treaties, and in this I suppose he is correct. He also put down $5,000,000 for the Florida war. Mr. Chairman, I will not say that this is too much, but I will say that it is four times as much as it ought to have been. I will here take occasion also to say, that this is one of the most disgraceful wars that has ever occurred—disgraceful in its origin, and of no credit to those who have had the termination of the first campaign. I am rather induced to believe that the gentleman from Virginia [Mr. WISE] has given us the true causes of this war. It is not improbable that it was engendered by iniquitous authority given to agents and others, who, under the vile pretext of seizing fugitive slaves, and purchasing others, before the emigration of the lawless savages could take place, attempted, in some instances, to seize even the children of their chiefs for bondage and sale, and then committed imposition and outrage, until suffering nature could bear it no longer. I forbear to say more at present, for I may be misinformed, and I trust, for humanity, and for the honor of our Government, that I may be.

But I will say, that whatever may or may not have been the treatment of the Indians, I believe that many of those who have volunteered to defend your border have been, to say the least, treated with coldness and neglect. I do not stand here to complain for them. What they have suffered and borne they have borne without a murmur, for the honor and character of their State. But, representing, as I do, perhaps as many of these spirited men as any other gentleman, I take occasion to say that they volunteered their services, not as the gentleman from Massachusetts [Mr. ADAMS] sneeringly says, because it was to them a "fat business," but to defend your exposed frontier, after this Government, from neglect and injustice, had involved us in a cruel and merciless war of plunder and murder. These very men, who have so honorably sustained your stars and your stripes, were from amongst those whom your Government press here, and its pensioned bands, have denounced for the last two years as traitors to their country. And what has been the fact? While they have gone forth to encounter hardship and exposure in vindication of your honor and your power, those who, some years since, were so eager to exhibit their patriotism, by volunteering in a civil war of extermination to be waged on their own brethren, have made no move in this recent war to let off the exuberance of their spirit, but have kept back in that silence which belongs to their servility. After all that our citizens have done in this unfortunate savage war, it ill becomes the officer you placed there to command them, considering that he had but recently come fresh from the fields of his triumph in maneuvering and strategy; I say it little becomes *him* to cast a sneer over them as "*volunteers*," and not "good troops."

But, sir, to return. The gentleman from New York, [Mr. CAMBRELENG,] to exhaust the surplus, has put down $10,000,000 for the war in which we will be involved with Mexico on our southwestern borders.

Mr. Chairman, to say the least of it, this declaration, coming from one who bears such relation to this House and country as the gentleman does, was as imprudent as anything could well be. Everything relating to the affairs of Texas involves questions of the deepest and most delicate interest, and it does not become us at present to say or do anything that may lead to embarrassment. I trust there will be no war to which the gentleman alludes. Whatever may be the power or policy of those governments that are in their nature unlimited, I hold that, under our Constitution, which we are sworn to defend, with its limited trust-powers conferred on us for the interest and benefit of this people, we have no right to go into a war, except purely for self-defense. There are certain great moral obligations which should ever bind Governments as well as individuals, and which, particularly under our peculiar institutions, should never be forgotten on any occasion, no matter how tempting. A war with Mexico for conquest would lead to a conflict with European Powers, the end of which it would not be easy to foretell. I have as much cause to feel sympathy as most gentlemen, for I had the companion of my boyhood—the friend of my maturer years—brave, chivalrous, and daring to the highest degree—inhumanly butchered in the fall of the Alamo. But I shall never suffer the feelings and sympathies of my heart to prompt me, under impulse, to do anything calculated to involve others in consequences the most serious, unless under a case of clear justification.

But, sir, whatever may have been the calculations of gentlemen, the recent glorious and triumphant victory gained to the arms of Texas has entirely dispelled them. I deprecated debate heretofore, because I feared that it might lead to consequences calculated to embarrass the negotiating power of this Government. I frankly avow that it is an object near and dear to my heart to acquire Texas for this Union. Sir, I desire this, not, as has been said, to extend the boundaries of slavery, but for the purpose of extending the boundaries of liberty. Who is there so cold and heartless that he would desire to limit the confines of this great and growing Republic? If even all the nations of christendom were anxious to adopt our Constitution, and cover themselves under its principles, is there a man here whose heart would not beat, and whose eye would not kindle with joy at the anticipation of such an event? And who is there so narrow and contracted that would not extend our Union and protection to those who are our neighbors—who speak our language—identified with us, as they are, in interest and in feeling; who went from our firesides and from our altars—who are our own brethren and relatives? Who is there amongst us that would turn his hand upon the hardy enterprise of a brave and daring people?

Yes, sir, they are ours by position—ours by all the sympathies of our nature—ours by all the bonds of interest—ours by all the ties that can bind man to his fellow-man. I desire their union, not because it would strengthen the slaveholding States—I scorn to place it upon any such narrow grounds—but because I desire to nurture with our fostering care a noble empire for the free, just now quickening into life; because I desire that our banner may float aloft, and that the whole race of civilized man shall sleep in peace under its broad and benignant folds.

Mr. Chairman, I come now to examine some of the abstract doctrines which fell from the gentleman from New York, [Mr. CAMBRELENG,] and which I heard with profound astonishment. The gentleman, after speaking of the triumphs of the Democracy, proclaimed that he hoped the time was soon coming when the people would declare, in language not to be mistaken, "that no legislation should bind posterity." If this sentiment had been uttered only by the colleague of the gentleman on my extreme right, [Mr. MOORE,] it would have excited in me no attention; for I took that gentleman's wild declamation to be better suited for the "Loco-Foco" party in the streets of New York than for the halls of legislation. But coming as it did from the chairman of the "Ways and Means," who, from his years and experience, may be supposed not to speak without reflection, it is a doctrine which deserves the most serious attention of this country. I am aware that this doctrine claims for its origin high authority—authority which, in my opinion, has been looked to with full as much reverence as it deserves. I am aware that it has recently been promulgated in an ingenious pamphlet from Ohio against all corporations, and that it is openly preached in the northern and middle sections of this Union, where in all probability it will soon become the popular doctrine of the day.

What, sir! no legislation bind posterity! Push this doctrine to its consequences, and where does it lead to? What becomes of your public faith? What becomes of your national honor? Let it be known that those treaties which bind you in your intercourse with the nations of the earth,

are to be disregarded and defied by the whim, the interest, or the ambition of the ascendant party of to-day, and we must then necessarily be excluded from civilized society. No legislation bind posterity! What bore us in glory and in triumph through the war of our Revolution, but that legislation which bound posterity to redeem the debt incurred to sustain your armies upon the field of battle? What sustained us through the second war of our independence but the power to pledge the resources of this nation for the great purposes of self-preservation? Is this Congress to do nothing that can bind those who are to come after us? Go back at once, and tear up your Declaration of Independence itself; scatter into a thousand pieces the parchment of your Constitution, and substitute in the place thereof the shouts of a mob proclaiming their triumphs of to-day, or the power of a lawless multitude waving over a blood-stained land the scepter of anarchy to-morrow. No legislation bind posterity! Where is faith? Where is honor? Where is public law? Where is public morality? Sir, this is a doctrine at war with peace, policy, and honor. It breaks down all that is venerable, virtuous, and consecrated in the institutions of civilization itself. If this be the doctrine of the gentleman, and the party with which he is identified intend practically to enforce it in this country, I can tell him that when he attempts it, a hundred thousand plumes will wave over a hundred thousand lances, couched to vindicate all those sacred rights which have been acquired under the plighted faith of this Government.

But, sir, the gentleman dropped another remark that struck me with peculiar force. He asserted that the time would soon come when the Government should sell the public lands to none but emigrants who are actual settlers. Where is the right under the Constitution by which this Government would attempt to exclude any class of free citizens from purchases of the public domain? Where is the right by which you shall claim to distribute it amongst a particular class? If it be intended by this to feed the appetite and minister to the desires of that class who may have no peculiar ties or interests to bind them to the place of their nativity—if it be intended to catch that class who move through the land from one end to the other, having no home, and feeling for no country, then it is vile agrarianism. Has it come to this, that a man is to be excluded from the benefits and privileges under this Government, because, by industry, economy, or enterprise, he should be so fortunate as to accumulate property, or because he may happen to be associated with others who have? Are citizens whose ties and interests may bind them to reside in one State, to be excluded from holding a freehold in another?

If this system of selling alone to a certain class be intended by the gentleman as an equal division of the public domain, then he should remember that, when the Roman people came to receive their distribution from the public granaries, they became prostituted and debased. When their conquering generals came loaded with the spoils of devastated provinces, and were enabled to deal out bread and bounties to this class or that class, then, through bribery and corruption, they bought their way to power over the prostrate liberties of their country.

But the gentleman made another declaration, which, I confess, filled my heart with the most gloomy forebodings for the future. After speaking of the bloated state of things in the country at present, he concluded by declaring "that the whole nation was now one common gambling-house!" Considering the position he occupies in this House, and the relation he bears to the dominant party that now rules this Confederacy—considering that from his residence he must be intimately acquainted with the secret springs of speculation and commerce—I confess I heard this solemn declaration with no ordinary emotions. This nation one common gambling-house! And who made it so? Let those who hold the reins of Government answer this awful question. Mr. Chairman, next to the omnipotence and omnipresence of that superintending Providence that moves upon the affairs of the world, there is no power that exercises so great an influence over the feelings, the sentiments, and the very nature of man as the Government that acts upon him, and those who administer its authority. Let an individual become abandoned and profligate, and the consequences of his vice and iniquity are, for the most part, confined to himself and those immediately around him; but let those who hold in their hands the destinies of a great people become corrupt and lawless; let them trample over the great fundamental principles of the Government; let them become ambitious and profligate, and the consequences are felt in the remotest circles of society; the highest and lowest come under this tremendous influence. Look over the world and see its fairest portions where civilization, art and refinement once held their soft and mingled sway, now laid low in ruin and decay; go walk by the broken columns of the Parthenon, or stand on the grave of Miltiades; go and visit the tomb of Virgil, or the villas of Tully, and why is it that you hear no longer the voice of the orator, or see no more the poet and the warrior? Is it because the uplifted hand of God has forever blighted those fairest portions of creation? No, no; it comes from the iniquity of corrupt, fallen, ambitious man. It is his usurping hand that has laid these fair regions low, and made a degenerate, desponding, and heartbroken people.

And, sir, when it is now announced that our "nation is one common gambling-house," let those who sit on the seats of power tremble for the future. They may pass through this world, and receive its applause; they may proclaim in triumph that they have received the approbation of their country, and when the gnawings of a guilty conscience shall be felt, they may pour upon it the sweet unction that rises from the huzzas of a passing mob; but when they shall have gone through these scenes, and shall come to the last sad day, when the secrets and recesses of the human heart shall be laid open before a tribunal that is never deceived, and that never errs; when they rise before the searching eye of an avenging God, then let the question be asked, who made this nation one common gambling-house? and, if I mistake not, you will see them quake and tremble as did Babylon's corrupt and reveling crew when they beheld upon the wall the handwriting that announced their guilt, and proclaimed their destiny.

Mr. Chairman, I propose to examine who "made us one common gambling-house." Another gentleman from New York [Mr. McKEON] took this occasion to pass a eulogy upon the present Administration. He also exhibited the claims of the different candidates for the Presidency, making all merely sectional, except one, who stood upon the broad and enlarged principles that embraced the whole Union—who stood pledged to carry out the principles of the present Administration. And this gentleman, at the conclusion of his remarks, with quite as much modesty as discretion, thought proper to read us a lecture on parties, deprecating all party topics as not to be drawn into discussion on this great bill of so much interest. Yes, sir, this pharisaical party, who arrogate to themselves all virtue, and thank God that they are not as other men, have the effrontery to call upon us to hold our peace, while they stand pledged to carry out the principles of the present Administration! Let us briefly look back and see what are these principles.

One of the first avowals of principle was the indirect pledge made by the President in his famous letter to the Tennessee Legislature, in which he laid it down that no member of Congress should be appointed to office during his membership, and for two years afterwards. The next great pledge made in the canvass was, that no man should be dismissed from office for opinion sake. This principle was indirectly avowed by the war made upon those who were supposed to have done so. Then came the celebrated inaugural, in which reform! reform! stood out in bold relief in every line. The "Augean stables were to be cleansed." Now, I hold that the public pledges which a man makes before the world, are as binding upon him by all the principles of sound morality as his pledged honor in private, and he who would wantonly disregard the one would violate the other. Those public men who notoriously set at defiance all the pledges that they have ever made, go very far to set an example well calculated to produce looseness of morality and general profligacy, all tending to make the nation a common "gambling-house," where falsehood and treachery hold a triumphant sway.

What has been the fact with reference to the first pledge to which I have alluded? More members of Congress have been appointed to office than under any three Administrations since the commencement of the Government; and, as to dismissals from office for political opinions, I have only to state the remarkable fact that, in all the Administrations of this Government up to the present, all the dismissals together amount to only seventy-four, while in this Administration there have been upwards of nine hundred, and two hundred and thirty of them important officers. True, there has been a change, but it has only been a change from those who were in office to the vilest and most lawless crew that were ever raised up under the dispensations of Providence to scourge a degenerate and ungrateful people. Sycophancy and servility have taken the place of all the heroic and manly virtues. The rooks, together with obscene birds, have perched themselves in the high places of the land, and we sit here beneath, surrounded daily with their filth and putrefied corruption. Office-holders (now become miserable dependants) and office-seekers infest every turn and corner; and let it be known that any man has influence from his being the tool of those who have patronage to confer, and he is overwhelmed with the bowing and cringing of these slaves and beggars. Crowds of miserable hungry beings creep and crawl, in the darkness of midnight, through the hidden recesses and gloomy avenues that lead up to the throne of royal favor. These creatures, generated as they are in despotism, are pervading the country, and becoming more loathsome than the creeping lice or "slimy frogs of Egypt" ever were in the days of God's judgments. This, sir, is the reform with which we are blessed.

Mr. Chairman, we cannot shut our eyes to what we see passing around us. The Government is virtually changed, and the people seem to be sinking into acquiescence. The dismissed of the first cabinet, upon the notorious principles involved, was an open avowal that arbitrary will should govern even in private circles. The war waged upon all the constituted authorities of the land—upon the Supreme Court, upon the Senate, and even at first upon this House, because they were favorable to a recharter of the United States Bank, and then the appeals made to the people as one aggregate mass—all, all, announced, in language not to be mistaken, that the constitutional Republic of States was to be broken down, and that a simple democracy of brutal numbers, with an elective and unlimited monarch, was to be raised over the ruins.

The President has habitually, through flattery, appealed to the passions and prejudices of all that is ignoble and low in society, to sustain him in his reckless career upon the institutions of his country. In this he has pursued the course of all those who have intended to usurp the liberties of the people. Cæsar, when he crossed the Rubicon, did it to bless the people and preserve the laws. He refused the crown that was urged upon him, and then took supreme power to *please* the people. By what authority is it that the President makes his appeals to the people, as contradistinguished from the laws and Constitution of his country? He was elected, not by a simple majority of the whole, but by majorities from the States. Every principle in the Constitution is against making this a simple majority Government. It was made and can alone be altered by States. The States are equal in one branch, and even the representation in this House is differently modified from different States. Change this state of things, and convert it into a simple unmixed democracy, and you immediately raise one interest in society in deadly hostility against another, which must end, as all simple democracies have done, in a dictator or an elective but unlimited monarchy. To restrain the Executive interest in all Governments, there must be created some independent and antagonist interest in society, which shall be habitually felt in the practical operation of the Government. You have

wisely abolished the aristocracy of the Old World; but unless we substitute for it, in the action of this Government, the territorial interests of the States, to be felt in full effect through the coördinate branch, we have improved nothing on English liberty. The Executive, without this check, necessarily becomes the source of all honor and power, and absorbs all other interests.

Is this not the fact now? Is there a practical man here who does not know that the Executive is at this moment the controlling and unrestrained power of this Confederacy? Is is not proclaimed with triumph that he has a majority in both Houses? Where, then, is the practical check?

I maintain, sir, that the Government in fact is changed, and has become absolute. Look at the history of the times, and doubt it if you can. Some two years since the President issued a proclamation for the open purpose of bringing down civil war upon an independent State of this Union. This extraordinary document declared that the States "were not, and never were at any period, sovereign and independent." This assertion was directly in the face of all history; for the Declaration of Independence itself announced that "these Colonies are, and of right ought to be, free and *independent* States." The second article of confederation declares that "each State retains its sovereignty, freedom, and independence." And yet, notwithstanding this bare-faced falsehood, what was the result? This instrument, by which the sovereignty, pride, self-respect, and independence of the States were cloven down by a single dash, was received amid hallelujahs; and the very States that were disgraced by it, instead of calling up the spirit of the entombed Constitution, bowed down in subserviency, while the whole nation, by universal acclamation, seemed to join in the modern apotheosis of its nominal author. Is there any man now who looks back coolly who does not believe this to be the proclamation that changed the Republic?

And here let me refer to an instance as illustrating the change of the times, and to show that the whole country, the high and the low, are sinking under delusion into the universal "humbuggery" of the day. Last summer I observed an account of a large meeting in the refined, polished, and hospitable city of Boston, called to attend the ceremony of presenting their distinguished and intellectual citizen with a silver cup, on which was inscribed "the defender of the Constitution." Who sustained the principles of the proclamation? Who embodied them in the "force bill?" Who carried that measure through, and placed it on the statute-book, consecrating the usurpation of all power in the hands of the Executive? This "defender of the Constitution." And it is remarkable that he, in the very speech in which he returned his thanks, declared that the Constitution was virtually changed, and that all power was now in the hands of the Executive. I refer to this scene merely to show that even the intelligent and educated are falling under the delusions of the day; and if they be so blind, what must be expected from others who bask in power and live by deception? I hope there is no man now, who can look back upon these two measures, to which I have alluded, and then see what he now knows to exist around him, without learning some impressive and solemn lessons as to the downward career of the Republic.

But to return. While triumphal arches were raised, upon which was inscribed "the principles of the proclamation, the principles of New England;" while he, whose life had been an open war upon all law, was receiving in the halls of universities the flattering unction of "doctor of laws" poured upon his head, what was the remarkable fact? He was then actually penning the order for the lawless seizure of the whole treasure of the nation.

Considering the state of things, sir, this was a sagacious and profound move, and those who planned it well understood the downward progress of events, and the recorded history of liberty. Usurpation upon usurpation had been perpetrated. The great principles of the Constitution had been subverted. This measure was absolutely necessary to sustain the power that had been acquired, and to transmit it to a successor. It diverted public attention from what had been done. Despotism and usurpation in other countries rely upon the sword and a standing army to sustain themselves; but, from the nature of our institutions, they are compelled here to rely upon leagued banks, money, office-holders and office-seekers, bribery, and corruption. Lawless power here relies upon deception and fraud, while elsewhere it relies upon force.

I question very much whether, in this country, we can ever have even the privilege of an appeal to revolution. Each State has its own peculiar local interests and peculiar public opinion. This almost forbids all system and concert of action, and he who is at the head of affairs must have little talent indeed, if, with his tremendous power and patronage, he is not able to play off one part of the community against the other. But there is another cause which I fear may prove fatal to the prospects of liberty. I very much doubt whether even a reform can ever take place. With our immense system of credit, extending itself into all the ramifications of the community—with our seven hundred banks pressing down upon all the secret springs of society, and transacting business upon calculations made for the future—I say I doubt whether, upon this vast and complicated system, the various interests of which no man can fathom, even reform can ever take place. All those who may be directly or indirectly (and who is not?) interested in this stupendous system, would prefer to acquiesce under a despotism rather than to run the hazard of a change from reform or revolution.

Those who seized the moneyed resources of the nation, well knew the resistless power they were to wield, controlling as it does, directly and indirectly, at least one hundred millions of capital. Other people have to submit to the sword drawn over them by a conqueror, who may at least have the manliness of courage to command some respect; but we have to submit to a mean and infamous despotism, sustained by a moneyed power, controlling, through bribery and corruption, all that is abandoned and profligate in society. No wonder that "the whole nation is one common gambling-house."

Let us now look to a more recent event as distinctly marking this great change in our Government; and on this point I will take the facts as stated with so much spirit by the gallant gentleman from Virginia, [Mr. WISE,] and which I have never seen the slightest pretense to deny. I allude to the last night of the last Congress, when scenes occurred of the deepest importance to the liberties of this country. It was then that the President, with the first officer of his Cabinet, and the second office of the Government, came into the dark recesses of this Capitol, and, through his vile minions and miserable tools, defeated a measure of vast importance before this House, for the notorious purpose of waging a popular war upon the Senate. Cromwell went into the House of Commons at the head of armed men, and ordered its dissolution. But here, sir, we have a President, who comes not like a soldier, but at the head of his servile courtiers and sycophants, and practically asserts his ascendency over both branches of our Legislature by management and duplicity. Is this our independence under the Constitution? Is this the check that we are designed to exercise by the provisions of that noble instrument? Where is the spirit of our forefathers? Better, far better for us to be "dogs and bay the moon," or "toads and feed on the vapor of a dungeon," than to hold our seats here only to disgrace the memory of those who have gone before us. I know that we are apt to become indifferent and callous under the habitual contemplation of evils which seem almost to forbid a remedy. And it is from this that liberty is lost. We sit here and see things which we have not the courage or manliness to resist.

What is now passing before this country in the history of the day? An attempt is now openly being made to expunge the Constitution, and drag down the Senate in humble penitence before a master, for having dared to express an independent sentiment. If this succeeds it will be the consummation of our downfall.

Sir, I am aware that under certain circumstances an individual may desire that his crimes may be expunged from the memory of man. I am aware that there are those who would desire to convert the whole earth into one universal pandimonium, only that they might become prominent from their very iniquity, and reign triumphant from their very guilt. But I am totally at a loss to understand the feelings that could prompt any human being to desire to see a whole body of men, intended by our ancesters to be exalted and independent, bowing around the throne of a lawless and reckless man, bearing in their hands the Constitution to be burnt, that the smoke thereof may rise to satiate his vengeance, and appease his wrath. Sir, it is, it is the reign of Cæsar, and we are cowards, dastards, slaves, if we submit to this state of things, and shall deserve to have our children raise before us their little hands, and shake their manacles, saying, "Thou did it, thou did it."

Mr. Chairman, I have said that this is the reign of Cæsar. Sir, I have read the history of the Roman people to little advantage, if I am to be deceived at this late day in what I see passing around me. We are now where that people were when the empire was to be divided between Antony, Octavius, and Lepidus. Cæsar had folded his robes, and perished under the dagger of Brutus. And although we may have none at present with the fine talents and acquirements of Antony, yet we have many with his private profligacy and abandoned principles. As to Lepidus, I need only point to the gentleman from Kentucky, [Mr. R. M. JOHNSON;] but as he is a member of this House, I forbear to trace the parallel at present. The beardless Octavius had done nothing to identify himself with the glory and the honor of his country, but he became prominent from the fact that he was supposed to inherit the sympathy that was then running so strong in favor of the fallen Cæsar. Wary, artful, and sagacious, he saw his position, and made the most of it.

We, too, have a modern Octavius, who, winding his way under the robes of royal favor, proclaims himself the true and annointed successor, pledged to carry out the principles of his master. What other earthly claims has the Vice President to his present position, except that he is supposed to be the chosen favorite of him who has trampled over the liberties of his country? The gentleman from New York [Mr. MCKEON] has declared him to be the only candidate who has claims upon the whole Union.

For the present I pass by an investigation into his political principles, and shall only refer to one document, which speaks a language not to be mistaken, and developes the feelings and the nature of the man—which writes his history and his character more fully than all the volumes that can be composed by a flattering biographer. No man can read it without knowing its author. It is a letter written from London, in answer to a committee in New York, who condoled with him for his rejection as Minister to the Court of St. James. I will read from it the following extract in relation to General Jackson:

"In testifying to my public conduct, they are pleased to speak with eulogium of me, as contributing, while in the Cabinet, to the success of the present Administration. That signal success I feel called upon to declare, is preeminently due to the political sagacity, unwearying industry, and upright, straightforward course of our present venerated Chief. All the humble merit I can claim is, that of having exerted myself to the utmost to execute his patriotic and single-hearted views, and of having sacrificed all personal considerations to insure their success, when threatened with extraneous embarrassments. That my exertions were arduous, painful, and incessant, I may without vanity assert; whether my sacrifices have not been repaid with unmerited detraction and reproach, I leave to my countrymen to determine. Still I shall ever regard my situation in that Cabinet as one of the most fortunate events of my life, placing, as it did, me in close and familiar relation with one who has well been described by Mr. Jefferson as 'possessing more of the Roman in his character than any man living,' and whose administration will be looked to in future times as a golden era in our history. To have served under such a Chief, at such a time, and to have won his confidence and esteem, is a sufficient glory; and of that, thank God, my enemies cannot deprive me."

Mr. Chairman, I am perfectly aware that many a man might have uttered such sentiments without any extraordinary degradation. If they had come from one who had forever retired into private life, it would have been of no great importance. If they had come from one who was humble and lowly, and had received private favors from a benefactor, it would have attracted no attention. But coming as they did from one who

was artful and sagacious; who had fixed his eye on the first office of his country with an ambition that has never varied; who was gazing with eagerness for partisan support; I say, sir, that, under all the circumstances of the case, they are base, vile, degraded, and degrading sentiments, which no freeman ever conceived in his heart, and none but a flatterer ever uttered. If I am to have a leader, in the name of all that is lofty and honorable, let him be one who has the feelings, the independence, the heart, of a man. If I am to follow, let it not be one who cringes before, and fawns upon the hand of a master. Every feeling of my soul revolts with scorn and indignation at such sentiments.

But, sir, look around, and what is the glaring fact in the history of the day? These sentiments have had their weight. Is not the whole patronage and power of this Government, at this moment, wielded for the open purpose of rewarding their author? Is it to be disguised that the Baltimore Convention assembled to nominate a successor under the dictation of the President? Is there a man who has sagacity to perceive consequences, that doubts it? Let those things succeed, and it is idle to talk about a free Government. We may have the exterior of freedom, but it will be a whitened sepulchre, fair and beautiful to look on, but full of corruption and rottenness within.

I commit no man or no party, but I here take opportunity to lay down the doctrine, that he who comes into power under such circumstances, comes in, to all intents and purposes, as much a usurper as if he had come in by the sword of revolution. Such a Government is to be obeyed merely from political expediency, and not constitutional obligation. What difference, in fact, is there between a Government brought upon the country by presidential dictation, fraud, and patronage, and one forced upon us by the arms of a conquerer?

In those countries where the succession may be fixed by the hereditary laws of the land—where things have grown up from time immemorial, and become the fixed principles of the Constitution, a people can make claims to freedom, if the succession take place consistent with their institutions. But in this country, where we have a written Constitution, every line of which maintains the freedom of the elective franchise, from the highest to the lowest, if we submit to dictation or appointment, directly or indirectly, from any earthly power, we are slaves in feeling and in fact, and shall deserve our destiny.

The janizaries of Turkey could at one time bow-string a sultan, and enthrone his successor. A Roman despot could at one time make his horse a consul, while his degenerate countrymen cowered beneath the imperial eagles waving along the lines of Prætorian bands. Cromwell annointed himself as one prepared to be a martyr, and called upon his round-head followers to baptize him in the blood of Charles I., that he might come out a saint fit to wear the robes of a dictator, and claim the sworn allegiance of a deluded and enslaved people.

True, we have no janizaries—no Prætorian bands—no army of the Commonwealth—as yet. But we have what is meaner, baser, and more degrading—we have a hundred thousand office-holders and office-seekers—moneyed corporations from one end of the Union to the other; we have the patronage of this Government, and the power and popularity of the President—all, all, acting together in concert, and devoted to the sole object of appointing a successor, and transmitting ill-gotten power to those who will fawn to receive it. I care not what may be the principles to be avowed by such an Administration, I make open uncompromising war against the mode and manner of appointment.

How long are these things to last? Are they to be borne by a free people? Think you that one half of this great nation is forever to be ruled over by the other half, upon such principles as these? Think you that the intellectual and virtuous of a great people are forever to be trampled over and spurned by ignorance and brutal numbers? No, sir; it is not nature to bear it. The worm that crawls in the dust will turn when trod on; and shall man, rational man, sink himself lower than the vilest of creation? Sir, if these things are to be borne, go first and tear from the pages of history those leaves which transmit to posterity our glory and our honor; go first and gather together the Declarations of our Independence, and make of them a bonfire; go first to the graves of our gallant dead, narrow up their bones, and scatter to the four winds of heaven their dust and their ashes; tell our little children these men are unworthy to be remembered, and their deeds to be imitated; we must then do more—change the very names of our own children; ay, we must change their very natures; turn back the current that now runs warm from their hearts, and run it into new channels; pull down the star-spangled banner, and trample it in the dust beneath your feet—then, and not until then, shall we be prepared to wear in peace the chains of slaves and the livery of bondsmen.

Mr. Chairman, I am aware that I have uttered sentiments ill calculated to suit the public ear. I know, sir, that I have uttered sentiments which forever cut me off from all hope of favor from this Government, or with those who are destined to control it. But I stand here to speak the truth to my country. What is a man born for? Is it that, through deception and sycophancy, he may wind his way to power? Is it that, for the day, he may catch passing popularity, that miserable mushroom thing, which springs up in the moisture and darkness of night, only to wither and die under the beams of the noon-day sun? No, sir; man lives that he may live hereafter in the hearts and affections of his countrymen, for having vindicated their interests, their honor, and their liberties. This, in my opinion, is the highest destiny that awaits an earthly career.

LOSS OF THE FORTIFICATION BILL.

SPEECH OF HON. BEN HARDIN,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

January 28, 1836,

On Mr. ADAMS's resolution concerning the loss of the Fortification Bill of the last session.

Mr. HARDIN called for the reading of the resolution; which was read by the Clerk, and is as follows:

"*Resolved*, That so much of the message of the President of the United States to Congress, at the commencement of the present session, as relates to the failure, at the last session of Congress, of the bill containing the ordinary appropriations for fortifications, be referred to a select committee, with instructions to inquire into, and report to the House, the causes and circumstances of the failure of the bill."

The question being on the motion of Mr. WILLIAMS, of North Carolina, to amend, by adding "with power to send for persons and papers,"

Mr. HARDIN said:

Mr. SPEAKER: It was either my good or ill fortune (for at this time I know not in which point of view to consider it) to obtain the floor last evening. To have consulted my own feelings and wishes on the subject, I ought instantly to have proceeded with what I had to say; it was late, and, to accommodate some gentlemen around me, I moved for the House to adjourn, which motion was agreed to. Gentlemen in more remote parts of the Hall voted for it as a favor accorded to me. I owe, and now tender to them, my most profound acknowledgments for their kindness manifested on that occasion.

Sir, the time, manner of presenting, and the subject-matter of the resolution now under consideration, seem to be a phenomenon in legislation. To review our proceedings for some days past is neither pleasant nor instructive; they contain nothing to feed our pride, flatter our vanity, or redound to the honor of this House; there is something in them so strange, so unaccountable to an ordinary observer, nevertheless so much in character with some of the leading members of the Administration party in this House, that I hope to be indulged until I recapitulate them.

The appropriation bills have been reported to this House, and, put them all together, amount to something like ten millions more than for the same objects was appropriated last year, and near that amount more than an average year since the commencement of the administration of General Jackson. This excess may be considered by this House as a war measure, and will be so viewed by the nation and the world.

These bills were, by an order of the House, at the instance of the chairman of the Committee of Ways and Means, made the special order of each day until they are all disposed of. The first bill taken up was that appropriating money for the Navy; the House went into Committee of the Whole on the state of the Union on that bill. A war speech was made by the chairman of the Committee of Ways and Means, in his usual bustling, swelling manner. Several other speeches followed; and, towards evening, the gentleman from North Carolina [Mr. BYNUM] commenced a warm, animated, and eloquent speech in favor of the bill, in a high toned war spirit. The speech was about half finished, when the gentleman gave place for a motion for the committee to rise, as it was late in the evening. Next day the whole House came prepared to enter with spirit into the discussions of our relations with France, and all the measures which were about to be taken connected therewith. The party of the little Kinderhook hero seemed brimful of fight. We had been denounced the evening before, by the gentleman from North Carolina, as the French party, which he declared now existed in this nation. The imputation we considered as unmerited, and intended to vindicate ourselves from so foul an accusation. Never did this House assemble in a higher state of excitement than was manifested on the next day. It was expected that the debate would progress with increased animation, and many a parliamentary lance would be hurled, broken, and shivered into pieces. The galleries were crowded at an early hour. When the time arrived for the House again to go into the Committee of the Whole on the state of the Union on the navy bill, the gentleman from New York [Mr. CAMBRELENG] moved to dispense with the orders of the day, to take up the bill to relieve the sufferers by fire in New York. The motion prevailed; the orders of the day were dispensed with; the navy bill was laid down, and the bill to relieve the sufferers by fire in New York taken up. Some progress was made in that bill; but, before it was finished—nay, hardly commenced—the House adjourned. The next day the House was not permitted to begin where it had stopped. No; what then was the course of the business? The same gentleman from New York, [Mr. CAMBRELENG,] who is the leader of the Jackson Van Buren party in this House, or, if not the leader, is put in a position by the Speaker to lead, got up, addressed the House, and then read or alluded to a paragraph in a newspaper, which, he said, had attacked him personally; as if this House had anything to do with the newspaper controversies of the honorable gentleman. As usual, he pompously commenced a vindication of himself; but, before he had uttered more than one or two sentences, wound up by saying that the source from which the alleged slander came was beneath his notice, and unworthy of him. I beg the House not to forget that, at the same time, he intimated that the subject referred to in the paper would be brought before the House in another shape by the gentleman from Massachusetts, [Mr. ADAMS,] who instantly took the floor with the resolution now under debate in his hand, already cut out and made up to order. The rules of the House were again dispensed with, (the gentleman from New York voting for it,) and the present resolution was offered.

I will not say that there was a secret understanding between those two gentlemen that the resolution should be brought before the House in this very extraordinary and unprecedented manner. The reason I will not aver that to be the fact is, because I do not know it; yet there seemed to me to be something inexplicable in the matter, if there was no such understanding. Why did he rise, allude to the paragraph, and stop short, without proceeding with his vindication? He was too well acquainted with the rules of this House not to know that he was out of order. I have asked, and again repeat it, why, after he had commenced his defense, did he stop? and why did he intimate that the gentleman from Massachusetts would bring that subject before

the House in another form? They must have conferred together, and the whole was a maneuver to enable the gentleman from Massachusetts to exhibit his resolution; which I consider an indictment, with one count against the members in this House who voted against the three million appropriation last session, another count against the majority in the Senate; but these two counts are only nominal; the real intent and meaning of the whole is, to reach two of the honorable Senators [Messrs. WHITE and WEBSTER] who are now before the people as candidates for the Presidency. It looks like a Van Buren trick; the hand of the magician is surely in this whole matter. If the gentleman from Massachusetts is capable of blushing, or feeling one sensation of shame, that blush or sensation ought to be exhibited upon the present occasion. I call upon him to review his past life, the high and dignified offices he has filled, during a space of fifty years, with so much credit to himself and honor to the nation; and now but to behold his present fallen condition—the instrument of a vile intrigue. Self-debasement and degradation is a fatality which frequently awaits the inordinate ambition of an old man—that ambition which outlives his faculties.

I hope the House will pardon me for this short digression. I will proceed with the history of this resolution, and its progress in the House up to the present time. The gentleman from Massachusetts, in support of it, addressed the House for nearly three hours, in a most elaborate speech, alike famous for its length, violence, and vituperation of his former political friends; filled to overflowing with the bitterest invective. Some of his remarks I intend to notice hereafter. He was followed by the honorable gentleman from Virginia, [Mr. WISE,] who addressed the House at length on the opposite side; and who, in his speech, exhibited great industry, research, and talents. But the ability he displayed, although very great, did not so much attract my admiration as his bold and manly bearing in delivering his sentiments. He forcibly reminded me of what that stern republican Roman said, that "one day, nay, one hour of virtuous liberty was worth an eternity in bondage." When the gentleman from Virginia resumed his seat, the honorable chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] with great pomp and parade, took the floor, and announced what he intended to do when he should address the House. He said it was too late to proceed that evening; but, before he moved an adjournment, with great arrogance, declared he would not reply to the gentleman from Virginia; that he intended to encounter a champion more worthy of his steel—alluding to Mr. WEBSTER, of the Senate. I admired his courage; and felicitated myself that my eyes, at least once in my life, would be gratified by a sight of the battle of giants. There was something to command admiration in his high resolves; it was a laudable ambition, even if he perished in the conflict. I love to see men matched fairly; let footman fight with footman, squire with squire, knight couch the lance and spur the fiery steed against knight. Fingal never left his rock and mixed in the strife of heroes, until Lathmon was in the field.

When the gentleman took the floor on yesterday, I expected efforts commensurate with the undertaking; I listened to hear Jupiter thundering from Olympus's cloudy tops, or, if not the thunder of Jove, at least the music of the spheres. But was there ever man so disappointed! Instead of the grandeur, magnificence, and sublimity of thunder rolling along and shaking the earth from pole to pole, my ears were grated with the miserable sounds of a wretched performer on a Jew's harp! If an enlightened stranger were to visit this city during the sitting of Congress, and attend to the debates in the Senate and here, how this House would suffer in the comparison! If he should chance to hear the chairman of Finance in the Senate [Mr. WEBSTER] developing, in his usual lucid manner, complicated questions of finance, and unfolding the almost exhaustless, although somewhat hidden resources of this nation; and, after that, come into this Hall, and hear the chairman of the Committee of Ways and Means on the same subject; whether the efforts of the great moneyed officer of this House would most excite his laughter or contempt, I cannot tell; the sublime and ludicrous are so nearly allied. His feelings would be not unlike those of an amateur of the great and awful workings of nature, who had just been a spectator of Vesuvius or Ætna in the appalling grandeur of a tremendous eruption, and then turning on the plain below, and seeing a mole or ant-hill emitting a pale smoke, and occasionally a feeble and sickly blaze.

I have been a member of this House, or of the Legislature of Kentucky, for nearly twenty-five years. I do not profess to have an intimate acquaintance with the rules and regulations which govern, or rather ought to govern, parliamentary bodies; yet I do profess to know enough of the order of proceeding as will enable me to do, and understand how to transact, the business confided to me either by my constituents or this House. I never made more of the rules my study than was needful for the doing of business. My ambitious aspirations have never been directed towards the Speaker's chair. I cannot give in to the modern doctrine, that if the force of party, or the desire to propitiate the White House, should take a man from among us who is not above the mediocrity of this House, and make him Speaker, he thereby becomes one of the wise men of this land; it is the man who is to do honor to the chair, and not the chair to do honor to the man; if he does not fill it, his littleness, by his elevation, only becomes more visible and striking. If the same man, when in the chair, should select a man below the mediocrity of this House, and put him at the head of the most important committee, I am equally disinclined to believe that he thereby becomes "a very Daniel of a man." Sir, since Elijah went to Heaven in a chariot of fire, and cast his mantle on Elisha, and he thereby became a prophet, God has not vouchsafed for any other man on this earth to be thus gifted.

I declare to this House that such a resolution as the present I never before saw. Does it propose anything for the action of this House? I answer no. Does it present anything for the action of the Senate? It does not. We are to raise a committee in this House to inquire and report why a certain bill, which was before Congress at the last session, did not pass. Let the committee report as it may, no action of this House can be based thereon or grow out of it. Can we impeach the members of the Senate or of the last House of Representatives, who voted against the three million appropriation? Every man in this House knows we cannot.

One of the main objects of this resolution is to raise the committee. Will that committee examine witnesses? No. The gentleman from Massachusetts will draught a report based upon his distorted view of the transaction, for I well know the part he took in it last session. It will be filled with bitter denunciations of his former political friends and associates, to conciliate the opposite party and make his peace at the palace. I have no doubt the report will not exhibit any one fact exactly as it took place. To tell the truth, the whole truth, and nothing but the truth, is far from the object of the gentlemen concerned in this matter. A war is to be made on the Senators, to cheapen and lessen their standing with the people of the United States. Messrs. WEBSTER and WHITE are to be assailed without mercy in the report, and food furnished for all the Administration presses in the Union next summer, to abuse those who voted against the appropriation in either House. I ask, does it become the dignity of this august assembly, the wisest and freest on earth, to degrade itself for such a vile purpose—the inglorious one of becoming panders to collect and embody slander for the office-holders and office-hunters, some of whom are now feeding, and others expect shortly to feed, upon "the spoils" of this nation, as if we were a conquered enemy, and who are the only self-styled, self-created democracy of the country—a word justly dear to a republican, and only used in these degenerate days by designing knaves to flatter and deceive the people?

I boldly and fearlessly pronounce the resolution to be unparliamentary, unprecedented, and disgraceful to those concerned in it. No man can misunderstand its object; it is an inquisition of entitling for Van Buren. If I had no other reasons than those I have this moment assigned, I would vote against the resolution. If the gentleman from Massachusetts wishes to cut a summerset, let him do it as a clown in the pit; do not give him a spring-plank to leap from; I want to see him turn a summerset as a ground, not a lofty tumbler; he is not unaccustomed to these things; he has frequently done it before, without the aid of a committee, and let him do it again.

I will endeavor now to give a brief and rapid sketch of the history of the fortification bill, as it is called, and the three million appropriation attached to it, by way of amendment, in the last stages of the progress of the bill.

The fortification bill was reported to this House by the proper committee; and, after remaining here some fifty days, it passed, and was sent to the Senate for the action of that body. The appropriations in the bill, at that time, amounted to $559,000, this being the sum then deemed sufficient by the Department of War. The bill was sent to the Senate, and there met the prompt attention of that body. It passed the Senate with amendments making additional appropriations to the fortifications of the country to the amount of $430,000; making $989,000. On the last day of the session, the bill, as amended, came from the Senate for the concurrence of this House in the Senate's amendments. If the friends of the Administration only wanted the fortification bill, all they had to do was to agree to the amendments of the Senate. It contained $430,000 more than was asked for originally by the President and War Department, and more than the usual and customary annual appropriations for the same objects. The annual appropriations for fortifications since the war amount, each year, to these sums:

Appropriations for fortifications since the treaty of Ghent.

Years.		Years.	
1814	$552,999 43	1825	$729,783 05
1815	451,389 93	1826	760,238 86
1816	396,261 02	1827	633,961 14
1817	381,969 61	1828	637,558 43
1818	635,923 66	1829	824,589 55
1819	972,964 46	1830	951,000 00
1820	675,376 23	1831	816,604 00
1821	316,720 69	1832	753,000 00
1822	385,679 86	1833	926,900 00
1823	481,692 67	1834	871,044 00
1824	514,816 25	1835	100,000 00
Total			$1,370,472 84

But on the last day of the session, and about sunset on that day, did the gentleman from New York [Mr. CAMBRELENG] move to agree to the Senate's amendments with an amendment; which amendment contained the famous three million appropriation.

Had the President sent us any communication on the subject? No. Had we heard that the War Department wanted it? No. Some few favorites, it seems, had been so informed; but they kept it a profound secret. Why did they not communicate it to the House, if it was an Executive measure? If General Jackson wanted the money for the purposes of carrying on the Government, why not say so? He has never, heretofore, been backward in telling us what he wanted. Did he want the money, and yet not dare to assume the responsibility of asking for it? Upon all these subjects of information we were left in the dark. The executive of this and every other Government informs the legislative department what amount of money is necessary to carry on the Government; and the legislative department is never in fault, until they refuse to appropriate the money after it is demanded.

The appropriation of the three millions was asked by the gentleman from New York too late for any of us to make inquiry of the President, or the War Department, as to the fitness and propriety of the measure; and, if we had made the inquiry, it is evident no information would have been given; or why did the chairman of the Committee of Ways and Means [Mr. POLK] keep it a secret, and request some few others, who knew that the President wanted the money, not to divulge it? Surely, the leaders of the Administration party intended to sport with and mock the House.

If there had been no other cause than the want of time and of information on the subject, we did right to vote against the three million appropria-

tion. I, for one, will never give away the money of my constituents, unless I know the why and wherefore it is asked and demanded.

About dark, on the last day of the session, the bill went back from this House to the Senate, for the concurrence of that body to the three million appropriation. The Senators had no information of any kind on the subject, either official or informal; they had no time for investigation; they must either vote the money instantly, without light or knowledge on the subject, or reject the appropriation, and disagree to our amendment. They, as became sages and patriots, chose the latter alternative; they acted with becoming dignity and manly independence, in true character with themselves. The bill came back here with the disagreement of the Senate to our amendment; we insisted, and sent it back to the Senate; the Senate adhered to their disagreement; we again insisted, and asked a committee of conference; and a committee was accordingly appointed. The Senate agreed to the conference, and appointed a committee on their part. The conferees met, and agreed on reducing the three millions to $800,000; thus making the whole bill contain appropriations to the amount of $1,789,000. After the conferees had agreed, the chairman of the committee on the part of this House [Mr. CAMBRELENG] refused to report to the House, and the whole bill was thereby finally lost.

After this short history of the origin and progress of the bill through both Houses, the next inquiry will be, why was the bill lost? and if there be blame and cause of censure anywhere, who is in fault?

This part of the inquiry has been somewhat anticipated by what I have already said. I maintain the proposition, that those in this House who voted against the three million appropriation are not to blame, nor can any censure be alleged against the Senate. The Administration party had a decided majority in this House, and the complete and entire control of the standing committees; they could bring forward a measure when they pleased, or keep it back as long as they pleased. Then I ask, nay, demand, why did they not bring forward the proposition for the three million appropriation sooner? Our relations with France were then in about the same situation they had been for some weeks before; no change—no recent information had been received on the subject; there is nothing in the whole matter to justify the withholding the demand for the appropriation to so late a period; and if it was really lost for want of time, who are answerable for it? The answer is obvious. Those in power, and whose business it was to bring forward the proposition. This House and the Senate acted on the subject with unusual promptitude and dispatch.

The gentleman from New York has said that the hour of twelve o'clock had arrived before the committee of conference met, and that he believed the House dissolved by the Constitution at twelve o'clock. If this were his opinion, why, then, meet at all? When he was called on for a report from the committee of conference, he gave this constitutional opinion as one of the reasons why he would not report, which reads in these words:

"Mr. CAMBRELENG, the chairman of the conferees on the part of this House, then rose, and stated that he declined to make report of the proceedings of the committee of conference aforesaid, on the ground that, from the vote on the resolution granting compensation to Robert P. Letcher, which vote was decided at the time the committee returned into the House from the conference, it was ascertained that a quorum was not present; and further, that he declined to make the said report, on the ground that the constitutional term for which this House had been chosen had expired."

I will now turn the attention of the House to the Journal. In page 519, it reads as follows:

"A motion was then made by Mr. HUBBARD that the House do ask a conference with the Senate on the disagreeing votes of the two Houses on the said amendment.

"And on the question, Will the House ask a conference?

"It passed in the affirmative. And

"Mr. CAMBRELENG, Mr. LEWIS, and Mr. HUBBARD, were appointed managers to conduct the said conference, on the part of this House."

The committee of conference was appointed, I think, about ten o'clock at night. I had the honor of then being a member, and an attentive observer of all that passed. The House then went on to do business to such an extent as to fill up two pages and a half of the Journal, when the Cumberland road bill was taken up; and on that bill two of the committee of conference, Messrs. CAMBRELENG and HUBBARD voted in the negative, (see Journal, page 522.) It will be perceived that, at this time, the committee of conference was in the House and voting. About one o'clock, a. m., the House voted on the resolution to pay Mr. Letcher his per diem allowance when contesting his seat with Major Moore. Mr. CAMBRELENG voted on that also; (see the Journal, page 324.) I ask the gentleman from New York when did the committee of conference meet? He says after he voted on the resolution to pay Mr. Letcher. I ask him again, if you were in earnest about this whole matter, and intended no trick, why did you not go out before? Why did you stay, after your appointment at ten o'clock, until one, before you attempted to meet in conference, when, from your own statement, you were of opinion the House was dissolved at twelve? Is there not a palpable dereliction of duty in not attending the committee of conference sooner? The fact and truth is, the gentleman was not remiss in meeting in conference. He did go after his appointment, and returned before the Cumberland road bill was taken up; but not liking the result of the conference, or perhaps from some lurking desire to injure the Senate, and cast the odium of the loss of the bill on that body, would not report.

There is evidently a piece of political jugglery in this whole business; and the gentleman from New York and his confederates were the prime movers and actors in the whole scene. The gentleman says that there was no time to hold the conference, after his appointment, until the Cumberland road bill was taken up. I repeat again what I have said before, that there was business transacted, enough to fill two and a half pages of the Journal; and three speeches were made—one by the gentleman from Missouri, [Mr. ASHLEY,] to take up a bill relative to his State, and two by gentlemen from Maryland, against the bill from the Senate which abolished the Maryland and Delaware judicial circuit. That reason of the gentleman is unfounded in fact. The gentleman has one of the two horns of the dilemma to take: either to stand convicted of not going to conference until after twelve o'clock, when he then believed the House dissolved, and going after that time and conferring, when he admits he had no power to act as a member; the other alternative is, that he went in time, returned in time, and then refused to make the report.

So, take it any way that the question can be presented, the loss of the bill is attributable to the gentleman from New York, and none else. The gentleman has one pleasing consolation left to him: he stands, in relation to this House and this great and wide-spreading Republic, in the same position that the ancients believed Mount Atlas did towards the heavens—he can bear it all upon his own shoulders.

The gentleman from Massachusetts attempts to throw the loss of the bill upon those who believed the House to be constitutionally dissolved at twelve o'clock on the 3d of March last. Although I then entertained that opinion, and acted on it, which opinion I have not since changed; yet, even if we were wrong, the gentleman ought to recollect that that error of opinion does not exculpate the gentleman from New York, [Mr. CAMBRELENG.] I ask the gentleman [Mr. ADAMS] if it would not be wise and prudent, in him at least, to see who is to be most affected by entertaining that opinion? If there be error in it, will it fall heaviest upon your old and now deserted political friends, or your new allies, whom you are now courting with such marked attention and assiduity, and who, after they use you, will not give you your expected and hoped-for reward—no, not even the thirty pieces of silver? General Jackson entertained that opinion, and acted upon it; Mr. Van Buren entertained that opinion, as a matter of course—by instinct, I suppose. If my memory serves me right, he held a short conversation in this Hall that night with a gentleman from New York, [Mr. BEARDSLEY,] who directly afterwards refused to vote, as appears by the Journal, which reads in these words:

"A motion was made by Mr. JARVIS that the House do now adjourn.

"And, in deciding the question by yeas and nays, the name of SAMUEL BEARDSLEY, of New York, being called, he declined to answer, on the ground that the term for which the members of the Twenty-Third Congress had been elected had expired; and that, according to the Constitution of the United States, this House had ceased at twelve o'clock to night to exist.

"After some remarks and suggestions from various members and from the Chair, it was informally agreed to pass the name of Mr. BEARDSLEY."

This argument of the gentleman from Massachusetts is a two-edged sword, and when wielded by him, cuts ten of his new associates for one of his old friends.

I, however, do not much censure the gentleman for entertaining the opinion that the President and Congress can each hold their offices, one after the four years, and the other the two years expire. How long after the time shall expire they can continue in office, he does not state; at least long enough, I suppose, to do what they desire, and to finish what they have on hand. This question revives his ancient recollections and reminiscences. I once heard of a President who, between midnight and day, and that, too, after his four years had expired, made a batch of judges to reward some of the high-toned Federalists of the old school for past services.

I have remarked that I differed on that night with many of my friends about the time when Congress was dissolved by the Constitution. If I can obtain the indulgence and patient attention of the House, I will submit a few remarks in support of my opinion. The Constitution of the United States, in relation to Representatives, in the second section of the first article, reads in these words:

"The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

And in relation to the election of President, article second, section the first, reads as follows:

"The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows," &c.

The time, place, and manner of electing Representatives are, by the Constitution, left to the States. The provision on that subject reads in these words:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators."

From these provisions in the Constitution of the United States, it is clear and manifest that a Representative is elected for two years, and the President for four years. When does the time commence? is the next subject of inquiry. Not at the time of election, for the President is elected the fall before the 4th of March; his election is complete when the electors give him a plurality of votes; the mode of ascertaining that fact has nothing to do with the time of election. Representatives are chosen for two years; the two years cannot commence from the time of the election, because the States regulate the times of the election of their respective members, and hardly any two States elect at the same time; consequently, there would be no uniformity as to the time of commencement or termination of the two years. Frequently members are elected more than a year before the Congress commences of which they are members; and the same man who is elected, is, at the time of election, a member of a preceding Congress, and serves one session in it after his election to a succeeding Congress.

The Constitution did not, in the body of it, say when the time should commence, and when end. The reason is obvious. The convention did not know when nine States would ratify the Constitution; and, until then, the time when the Government under it should commence, could not be fixed; hence, no time is fixed on in the Constitution for the commencement of the Government. The convention adopted a resolution, which reads in these words:

"*Resolved*, That it is the opinion of this convention that as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day

on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution. That, after such publication, the electors should be appointed, and the Senators and Representatives elected. That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution."

This resolution declared that Congress, when the ratification of the nine States took place, should fix on a day when the Government should commence. Congress did designate the day by a resolution, which reads in these words:

"*Resolved*, That the first Wednesday in January next be the day for appointing electors in the several States which before the said day shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective States, and vote for a President; and that the first Wednesday in March [4th] next be the time, and the present seat of Congress [New York] the place, for commencing proceedings under the said Constitution."

By this resolution of Congress, the 4th of March, 1789, was the day fixed on by Congress. On that day, the present Government was to commence under the Constitution, and on that day it did commence.

The caption to the acts of the First Congress proves that the Government of the United States commenced on the 4th of March 1789, which caption reads in these words:

"Acts of the First Congress of the United States, passed at the first session, which was begun and held at the city of New York, in the State of New York, on Wednesday, March 4, 1789, and ended September 29, the same year."

The 4th of March, 1789, after being fixed on by Congress, in pursuance of a resolution of the convention, is just as binding as if it were inserted in the Constitution itself. It is the execution of a power; and when the execution takes place in strict conformity to the power, it then becomes the act of those giving the power.

The term of each President is for four years, the first term having commenced on the 4th of March, 1789. When did General Washington's first term commence? The answer is, on the 4th of March, 1789; his second term on the 4th of March, 1793; and the term of office of each of his successors has been computed in the same way from that time to the present. The same rule of construction is to be resorted to as to Representatives, except that their term of service is two years. Surely, Mr. Speaker, there can be no doubt, dispute, or controversy, as to the day when the time shall commence to run.

What is the time that completes one year? Suppose we begin on New Year's day: the answer is, the last day of the December following, which completes the three hundred and sixty-five days. Every negro that has been hired out on a New Year's day for a year, knows the year is out on the last day of December following. The week has seven days: suppose we begin with Monday, are not the seven days completed on Sunday? I am elected for two years: if my time commences on the 4th of March, is it not out on the 3d of March two years thereafter? Let us see how the law computes twenty-one years, the age of maturity for a man or woman. Blackstone's Commentaries, first volume, page 463, reads in these words:

"So that full age in male or female is twenty-one years, which age is completed on the day preceding the anniversary of a person's birth."

That the Representative's term of service commences on the 4th of March every two years, and expires on the 3d of March two years afterwards, is a position so plain that none can gainsay it—no one attempts to dispute it. The whole question comes to this at last: when does the 4th of March commence, and when does the 3d of March, two years afterwards, end? The law makes no fraction of a day; the legal time, as universally settled, is, that the day begins at midnight and ends at midnight: in the computation of time, the law knows no night. Suppose a man were under trial for Sabbath-breaking, and the proof was he broke the Sabbath on Sunday morning between daybreak and sunrise; would any judge or jury let him off upon the ground that it was on Saturday he committed the act? Or suppose it was proven that the person under trial did the deed alleged against him (say, went to plowing) on Monday morning, ten minutes before sunrise, would any judge dare say that was Sunday, and he was guilty of Sabbath-breaking? Our Constitution must be construed as any other part of our law would, for it is a part of the law of the land. This mode of computing time has been long regulated by mankind, and it is now too late to dispute it.

The conduct of gentlemen who contended last session that the computation should be made from sunrise to sunrise, and that Congress could continue its session till sunrise the 4th of March, distrusted their own opinion; and it was only as the last alternative that they were driven to assume that ground.

On the last night of the last session there were a number of bills on the Clerk's table; each bill had its friends. About ten o'clock it was perceived that the bills, or some of them, would be lost for want of time. A clock-maker in this city was procured and conveyed behind the clock of this Hall; he moved the hands back eighteen minutes. I saw it done, and announced the fact to those who sat near me. Immediately afterwards, when the eyes of fifty gentlemen were on the clock, its hands were moved back one hour more. Then a member from North Carolina proclaimed the fact to the House. I have since been informed that the man who had this done was then a member of Congress, and has since boasted of it; and that he procured it to be done to get a favorite measure he was interested in through the House. Why did he do it? Because he was of opinion that the time would expire at midnight; yet the same man was arrayed with those who afterwards contended that sunrise was the time next morning, and not midnight.

Mr. Speaker, I had on that night the consolation to find I did not stand alone in my opinion. A large part of the members present agreed with me, and some of the ablest constitutional lawyers of the House were of the number; among whom I now recollect were two members from Georgia, Messrs. Foster and Gilmer, Mr. Archer, from Virginia, and a gentleman from Ohio, who is a member of the present Congress; and on that account I cannot designate him by name. He is a man of great talents, and an able lawyer. This description, I fear, will not enable me to point him out to the House, as it is equally applicable to a number of gentlemen from that State.

Sir, as it respects myself, I voted against the three million appropriation, because I then, and do now believe the amendment, as drawn up, was unconstitutional, and highly impolitic. To this point I intend, in a few moments, to call the attention of the House; but, before I do it, a remark of the gentleman from Massachusetts demands some notice. It was intended as an apology for the Administration party in not asking Congress for the three millions sooner, and why the Executive did not require the money, and that it devolved on Congress to act without such requirement. He said it was the unanimous vote of this House, given the day before the amendment was offered, that superinduced the necessity of the appropriation. I deny the fact. What was that vote which was alluded to by the gentleman? It was nothing more or less than this: that we would stand by the treaty, and insist on its execution. We intended to say to France, Our demands against you are closed by the treaty; the sum you are to pay is settled definitely; and we will not open the contest again, and reinvestigate our demands. That was what was intended by the first member of the resolution, which resolution reads in these words:

"*Resolved*, That, in the opinion of this House, the treaty with France of the 4th of July, 1831, should be maintained and its execution insisted on."

The second member of the resolution, that we would insist on its execution, means no more than this: that we held the highest and most solemn obligation on France that a nation could give, and that we would insist on its fulfillment. But, did it point out how and in what manner we intended to insist? Did it say we intended to resort to arms, the last argument of nations? I answer no. We carefully forebore to say, or even to intimate, what we intended to do. Our intention was to regulate our conduct by the subsequent action of the French. We, in truth and fact, designed doing nothing until the French Chambers should have an opportunity again to act on the bill appropriating the twenty-five millions of francs. We were desirous to wait, and suspend action, until we should see what a sense of justice would do with the French people, or what the feelings of shame would do when the reprobation of the nations of the civilized world was pointed towards them for a breach of national faith in not fulfilling the treaty stipulations on their part. I, for one, never thought of such an appropriation being asked for, and of this demand being based on the resolution of the House. I believe it is an afterthought of the gentleman from Massachusetts, and that he himself did not then suppose that such an appropriation became necessary in consequence of the adoption of the resolution.

Connected with the observations of the gentleman just noticed, he made another, on which I feel bound to animadvert. It was to this import: that for three days a number of members spoke against the resolution, and then, in a crouching spirit of pusillanimity, turned round and voted for it, not daring to meet the just indignation and reprobation of their constituents at home. I was one of those who spoke on that occasion against a resolution; and then voted for that which passed; but I deny that that debated for three days was the one which passed. The one that was adopted and passed by the House was worded to meet the views of all the gentlemen; because, upon a great question of national difficulty with a foreign nation, and particularly with a nation of tremendous power, nothing could be more desirable than unanimity. The resolution against which the speeches were made contained, among other things, an expression that we would insist on the treaty "at all hazards." That expression we thought unbecoming the dignity of this nation. To say we *insist* on the treaty was enough, and all we ought to have said, let the rest and residue be understood, which is no less nor more than this: that we knew our rights, and would, in a becoming spirit of moderation and true dignity, maintain them; that the pride of the people should not be wounded and humbled in the affair; and that the honor of the nation should come out of the contest, be its results whatever it might, unstained and untarnished. Did it become us to vapor like a bully, by using the words "at all hazards?" It is no certain indication that a man is going to make a desperate battle in defense of his rights and honor because he gasconades, and deals out menaces and blows in the empty air, before he begins to fight. I have ever considered it as the certain sign of a coward; that fear is his ruling passion; and that he either wants to intimidate his adversary, or goad himself up to the fighting point by his rage and fury. The words "at all hazards" as little became us as it suited the occasion. To whom was it addressed? To the most sensitive, powerful, gallant, and chivalrous nation upon the earth. We wanted France to do us justice. We did not want war, although we did not fear it. The Americans know not fear. The bullying expressions of "at all hazards" would have produced an effect directly opposite to what we desired.

I well recollect what took place in those days, ever memorable for the debates which took place, and not less memorable for the part the gentleman from Massachusetts *played* on that occasion; and certainly no expression, when applied to his conduct during that time, suits as well as the word *play*. He would speak on one day on one side of the question, as the House understood him, and the next day explain it away, and advance a contrary doctrine. He alternated in this manner some two or three times. I had the honor of addressing the House after his last speech. I commenced my remarks by saying that the law in relation to wills always considered the last will as controlling or revoking all other wills made on the same subject; or, if there was but one will, with contradictory provisions, the last clause controlled the previous ones; and, with that rule as my guide on the then present occasion, I should consider the speech which the hon-

orable gentleman from Massachusetts had just made as his last will and testament of and concerning our French relations. Mr. Archer immediately remarked that the rule I had laid down was correct, but one explanation ought to be given: that was, that the testator, when he made his last will was of sound mind and disposing memory; and when that rule was applied, he doubted whether the gentleman had made a will at all.

Mr. Speaker, I remarked, a few moments ago, that I intended to question and contest the constitutionality of the amendment to the fortification bill, which contained the appropriation of three million dollars. The Constitution of the United States has the following provision in it:

"No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

From this clause in the Constitution, no money can be drawn from the public Treasury unless Congress shall first appropriate it by law. To do that in the true spirit and intention of the Constitution, the law appropriating the money must say to which object of public service it shall be applied. The more particularly the objects are described and designated, the better does the law fulfill the requirements of the Constitution. If Congress were not bound in duty to name specially the object to which the appropriation was made, why not pass a general law, and say the whole revenue of the country should be used by General Jackson for the general welfare of the nation, as he may deem proper and expedient? or say that $25,000,000, or any other given sum, was set apart for the government of the nation, to be expended at the will and pleasure of the President?

The members of Congress come here to assist in administering this Government—to see to every part, the Army, Navy, and civil Departments, and every subdivision of each; how many men are wanted for the Army; what pay they shall have; how many vessels of war, and what description of vessels, the public service requires; in short, nothing that concerns the nation, in its most minute details, ought to be overlooked or neglected by Congress, but each branch of the public business attended to and provided for; to see just as much money is appropriated to each as is necessary, and no more; and that every dollar which is expended is rightly applied, as directed by Congress.

The clear and certain meaning of the word *appropriate*, from the force of the term taken in connection with the subject-matter, means a specification of each object to which the money is to be applied; and too much care cannot be taken in the details of the appropriation, and in their rigid application to the specific objects. We are but the agents of our constituents; it is their money we vote away. We are bound to know the why and wherefore it is asked and granted. Let us apply these rules to the amendment which proposed to appropriate the $3,000,000. The amendment reads in these words:

"*And be it further enacted*, That the sum of $3,000,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the Navy: *Provided*, Such expenditures shall be rendered necessary for the defense of the country prior to the next meeting of Congress."

It is for the military and naval service, including fortifications. As to how much is to be expended on each object, the amendment is totally silent. The whole sum may be expended on the Army, Navy, or fortifications, at the will and pleasure of the President; or he may, at his like will and pleasure, refuse to expend one dollar on any one of these objects.

But suppose all or a part was to be expended on the Army; for what part of that service was it to be expended? How was it to be applied? The amendment is silent. The same remarks will apply to the Navy and fortifications. Where is the difference in the amendment, as drawn, and the general standing law, giving to the President a sum in gross, say $25,000,000 a year, to carry on the Government as he chooses?

It is a duty which we owe to our constituents to see to the proper application of every dollar of *their* money to *their* Government; for it is their Government yet, at least nominally, and not the President's.

Mr. Speaker, there are momentous and mighty considerations which ought to induce Congress to be watchful over the purse of the nation. Recolect the President, by the Constitution, already has the sword of the nation; give him the purse also, and we are an undone people. I do not speak with reference more to the present President than to any other who may come after him. The power and patronage of the President are enormous and alarming to all lovers of civil liberty. The Executive of this Republic has more real and substantial power this day than any crowned head in Europe. Satiated with the enjoyment of his power, he is about to retire; and, to show his contempt for the American people, he is about to put one of his minions into his office as his successor, whose only merit is his servile boast that "it was glory enough to have served under such a chief."

What way is left to us by the Constitution to diminish, check, and control? No way but one: that is, not to give one dollar of the people's money away more than is necessary to carry on the Government, and every dollar we give to see how and in what manner it shall be expended, and to guard with great vigilance that it shall be expended in no other way.

The Government of Great Britain is a monarchy, but the King of that great and mighty nation has not the tenth part of the real power that the President of the United States has, and which he exercises in its fullest plenitude, day after day. In that country the people govern and control everything: here, the will of General Jackson is almost omnipotent. There, the people can say to their King, emancipate your Catholic subjects, and their chains burst from around them. They can say what law they want passed, and he is obliged to sign the bill—no veto there—he dare not exercise it, at the peril of his head. They can bid him make peace, if the nation be at war, and peace he must make. They can tell him to dismiss his ministry, and they must go out of office. The power of the people, the Duke of Wellington, the favorite of the King, the pride of the nobility, and the conqueror in a thousand battles, has experienced upon several occasions.

You will ask, Mr. Speaker, how is it that the voice of the people reaches the King on his magnificent throne, and makes the nobility tremble at its footstool? I answer, by the simplest principle imaginable, which is ingrafted in their Government; that is, to withhold the appropriation bills until the King and ministry do as they command and order to be done. I tell to every man in this House, and to every man in this nation, this solemn truth: either to abridge the power of the President by altering the Constitution, or control the President by the appropriation bill; refuse him the money, and he will be as powerless as Sampson was after his hair was cut off. The vile creatures who now administer to his power go in for "the spoils." Cato the elder, in the Roman Senate, for a number of years, regardless on what subject he made a speech, concluded them all alike—that "Carthage must be destroyed;" so the members on this floor ought to conclude every speech with these words, until the object is effected—that the President's power has increased, is increasing, and ought to be diminished.

I have made these remarks upon the constitutionality of the amendment, drawn in the general terms in which it was; and that it did not, in consequence of its generality of expression, and its manifest want of specification, conform to the spirit and intention of the Constitution.

The next point to which I contemplate inviting the attention of the House, is the impolicy of the appropriation. It will be recollected that all the appropriation bills for the current expenses of the year had passed, containing appropriations for every part of the public service, to the full extent of the estimates. The fortification bill as amended by the Senate, was for a larger sum than usual. If this House had concurred in the amendment, without adding the three millions, the bill would then have passed both Houses; and nothing would have been necessary to make it a law but the signature of the President.

The three million amendment must therefore be considered as a war measure; not positive, absolute, and certain, but left to the President for him to adopt, or not, at his pleasure. War preparations and war itself belong alone to Congress; to adopt the one, and make proclamation of the other. In no event should the President be permitted to hold in the palm of one hand war, and in the other the olive branch of peace. The people are to do all the fighting, and they alone should determine on war. Of all the men on this earth, a military man is the last to be trusted with this power. His character has been made by war; he has studied it as a science, followed it as a profession, and considers it necessary to his popularity and glory.

It was impolitic to confide such a power in the hands of General Jackson. The fitness of every man for the trust about to be intrusted to him ought to be considered and weighed well before the act is done. What I might be willing to confide to Jefferson, were he President, I might be unwilling to confide to Jackson. I might be willing to leave peace or war to Jefferson, and unwilling to commit the same power to Jackson. So, on the other hand, I would confide to Jackson the command of an army, when I would not to Jefferson. But, in truth and fact, as I have before said, I would not leave the alternative of peace or war to any President. Nevertheless, this House proposed, by the amendment, to commit to General Jackson that delicate trust and duty, which, of all men living, he was the worst qualified to discharge. Had the amendment passed, instead of being at peace with France, as we now are—and there is every hope and prospect of its continuance—we should this day, no doubt, have been in the midst of a wide-spreading and bloody war.

To decide impartially upon the conduct of those who voted against the appropriation of last session, (for the gentleman from Massachusetts has arraigned us all at the great bar of public opinion,) let us see and examine the position of this Government and that of France, in their relations with each other, at the time the appropriation was asked for.

During the Imperial Government of Bonaparte aggressions and spoliations to a great extent were committed by the subjects of that Emperor upon the private property of our merchants on the high seas. The amount of injury was variously estimated by the two Governments. These injuries were inflicted near thirty years ago. Satisfaction was demanded by this Government of Bonaparte, which was denied. After his dethronement, and the restoration of the Bourbons, a like demand for reparation was made by this Government of Louis XVIII. He refused to make satisfaction. After his death, and on the accession of Charles X. to the throne, indemnity was demanded of him, which he delayed and failed to render. When Louis Philippe was made King in 1830, indemnities were demanded of him by our Government. He immediately opened a negotiation on the subject, and ultimately agreed to pay 25,000,000 francs, out of which were to be deducted 1,500,000 which the United States owed a subject of France, leaving $4,700,000 to be paid by the Government of the French to the citizens of the United States—that being 23,500,000 francs. This money could not be paid by the King of the French until the Chambers should appropriate it. The constitution of France is exactly like our own on this subject; and I have no doubt that La Fayette, who was concerned in making it, had our Constitution in his view.

The King and his ministers can make treaties, and stipulate for the payment of money; but it is the constitutional right of the Chamber of Deputies alone to vote the appropriation, or not, as they please. So with our Government; the President and Senate can make treaties, and stipulate for the payment of money, but Congress alone can appropriate it. The part of the French Constitution to which I refer reads in these words:

"13. The King is the supreme head of the State. He commands the forces by land and sea, declares war, makes treaties of peace, alliance, and commerce, appoints to all

employments in the public administration, and makes the regulations and ordinances necessary for the execution of the laws, without ever having the power either to suspend the laws themselves, or to dispense with their execution. No foreign troops, however, can be admitted into the service of the State but by virtue of a law.

"14. The legislative power is exercised collectively by the King, the Chamber of Peers, and the Chamber of Deputies.

"15. The proposition of laws belongs to the King, the Chamber of Peers, and the Chamber of Deputies. Nevertheless, every law of taxes must be first voted by the Chamber of Deputies.

"16. Every law must be freely discussed, and voted by the majority of each of the two Chambers."

The French King and his ministers presented the bill for the appropriation to the Chambers; and, after a long and angry debate, it was rejected by a vote of 168 for it, and 176 against it.

The moment the bill failed in the Chambers, the French Government sent an apology to ours for the failure, and pledged the faith of the Government again to bring the subject before the Chambers at its next session.

Thus the matter stood at the time this war measure was about to be adopted, and those extraordinary powers confided to the President at the last sesion. For voting against this bill, thus circumstanced, has the *new-born* zeal and patriotism of the gentleman from Massachusetts prompted him to file this his bill of indictment against us; and, for one, if there be guilt in it, I plead guilty.

The Minister of France who negotiated the treaty, informed our Minister that the power to appropriate the money belonged to the Chambers alone, and that he was fearful there would be great difficulty in procuring the passage of a law to pay the money. All that the King and his ministers promised to do, or could accomplish, was done. An unnecessary delay is alleged, in presenting the bill to the Chambers. I am not able to say whether there was such delay, or not, as would subject them to the imputation of negligence, as I have no acquaintance with the forms and rules of proceedings in the Chambers. In fact, none can tell, situated as we are, whether there was this unnecessary delay or not. In presenting a bill for the action of this House, or the French Chambers, I presume some attention must not only be paid to the forms of proceeding, but a well exercised prudence and discretion would require an attention to the more material and substantial part; that is, to see that Congress, or the Chambers, were well disposed towards the measure. This circumspection and vigilance is absolutely necessary in the French Chambers, where the ministers are in danger of being turned out of office, if the bill be rejected. One rule is never to be overlooked: delay the bill until there is a well grounded hope of its passage.

Suppose, Mr. Speaker, the President and Senate were to stipulate, in a treaty, to pay a sum of money—say $5,000,000—and Congress should refuse to appropriate the money, would there be any cause of war against the United States on that account? Surely not. It is the constitutional right of Congress either to vote or refuse the money; and if that were known to the nation to which the money was to be paid before the treaty was made, then there would not be the shadow of a pretext for a resort to war. The faith of the treaty-making power would be violated, it is true; which faith all nations should be careful to preserve. Let us apply this position to the French Government. The constitution of the French, and ours, are alike in this particular. It is the sole republican feature in their constitution. And shall the only republic in the world go to war with this nation for exercising the great and inalienable right in the people either to give or refuse their money as they please?

I have remarked, Mr. Speaker, that the refusal to appropriate the money at the last session has, I do verily believe, saved this nation from the horrors of war at this moment. France might have considered it as a war measure pointed at her, and have immediately struck the blow; as, by the usages of nations, she would have had the right to do. When two nations have difficulties and collisions with each other, in this situation, if either commences preparations for war, the other has the right to commence hostilities immediately. This principle has been considered as the settled law of nations in Europe for one hundred and fifty years past.

The probability is that the French, who have never refused to accept a challenge, would in this light have considered our law, had it passed, and instantly have made a dash at our extended, widespreading, and immense commerce, with her whole navy.

On the other hand, when an extraordinary number of our ships should have been put in commission, manned, officered, and sent to sea, flushed with the spirit of enterprise, and panting for war, would there not have been great danger that some of our young hotspurs might have brought it on by firing into a French vessel? And one gun fired on either side upon the ships of the other, in the irritated state of public feeling, would have lighted up the flames of war, which would have been seen and felt all over this world.

I think, Mr. Speaker, that, instead of standing as criminals at the bar of public opinion, and the gentleman from Massachusetts prosecuting those who voted against the measure, they are entitled to the thanks of the nation, and the gratitude of the humane, philanthropic, and religious part of the world. The brave man and the soldier equally look on war as an evil, and the scourge of mankind.

I have, Mr. Speaker, taken but one view of the impolicy of the measure; there are other and more important considerations connected with this subject, to which I now intend to call the attention of the House. These considerations are applicable as well to our relations with France last session as at present; and, as we have now on our tables bills containing avowedly war appropriations to the amount of ten or fifteen millions, I shall, in my vindication of our conduct last session, occasionally refer to the present war measures now in agitation; and, in doing that, I shall only be following the example set me by others.

By the postponement last session of all war preparations, the bill to pay the five million dollars passed into a law by the law-making power of France. The payment of the money is withheld until some explanations shall be made by the President, that, in his message to Congress last session, he did not intend to impeach the integrity of the French nation, or question the honor of the King. The President says, individually, he did not; but, like a technical lawyer, specially demurs, and says: "What I said was in my message to Congress; it was not addressed to you; and you have no right to notice it." It is a departure in pleading. And thus the matter now stands, alike reproachful to both parties. What an extraordinary spectacle is presented for the world to look upon and marvel at! Two of the most powerful and most enlightened nations in the world, old friends and allies, about to spill each other's blood in torrents, when this day there is nothing left to dispute about—nothing between them but ministerial etiquette, diplomatic jugglery, and special pleading!

Mr. Speaker, it requires no small portion of moral courage for a man on this floor to speak his sentiments freely and independently on the great question now before us. We are in the minority in this House, which to some men is disheartening. Our opponents are flushed with the victories gained at the late elections over the Union. The majority, with which we are surrounded and overwhelmed, cries aloud for war. We heard it last session repeatedly; and have heard the same tocsin of alarm and intimidation sounded this year. It has been proclaimed that there were two great parties in the House—an American and a French party—the patriot and the traitor; one ready to defend, and the other to betray and destroy his country. When we are virtually charged with treason, the charge is received with shouts of applause by a part of the members of this House; and, instead of being the hall in which assemble the congregated wisdom of the United States, it wears every appearance of a place for a mob to meet. I will not be dispirited; I will not be brow-beaten; my constituents shall be heard; they have faced the enemy in the field, and I will face them here. I will speak nothing but what, if here, I believe they would approve. It becomes every man, on this great and momentous question of peace or war, to come out full and fair—if for war, say so; if for peace, let it also be known. Those of us who are against war ought not to stand back and be silent, but do all we can to stop it. But if the time shall come when a majority shall declare war, then opposition ceases to be a virtue, and all sides and parties ought to unite and fight it out like men. Should any one then give back, denounce him as a traitor. If that awful day of trial shall come, and our foes are to be met on the battle-field, my constituents will be able proudly to compare with those of the gentlemen from Massachusetts and North Carolina; and in the comparison they will not suffer.

My opinion and advice is, that we ought not to be hasty and rash in this matter. Let us wait, at least, until towards the end of the session, when we can hear from France. There is every hope, every probability, that the dispute will be amicably adjusted, and the money paid. Delay last session effected the passage of the bill to pay the money by the French Chambers. There is nothing of real difficulty between the two nations. All the supposed grounds of quarrel are the veriest diplomatic cobwebs. The opinion of the civilized world is against going to war for such a trifle; and public sentiment in a few months, here and in France, and among the other nations of the earth, may do a great deal towards the restoration of peace and harmony.

Gentlemen say we must fight, or the national honor will be tarnished, and we shall be disgraced in the eyes of mankind. If I believed the honor, fame, and character of the Republic required the sacrifice of war on our part, I should not hesitate a moment. No honorable man, no proud, high-minded nation, can pause one second between dishonor and war. But I do not believe the character of the American people will suffer, even if we should not plunge headlong into this war.

Mr. Speaker, let us again call to mind what this dispute is about, and not, in high sounding phrases and pompous heroics, played off in this House, lose sight of it.

The insult which was offered to our flag was offered by Bonaparte near thirty years ago. The American property which was captured on the high seas was his act. It was done by his orders, under his Berlin and Milan decrees; and by his courts of admiralty were the vessels and cargoes condemned and ordered to be sold. If the honor of the nation suffered, it suffered then. He would make no atonement for the insults offered to us and injuries done to our property. We did not then think of war; we pocketed the insult, and turned it into a money business, by demanding a pecuniary indemnity. Even that was refused by that proud and haughty Emperor. The like satisfaction was demanded of his successors, Louis XVIII. and Charles X., which they refused. Louis Philippe, after a lapse of near thirty years, has agreed to pay for the injuries done; and, because some delays have taken place in the French Chambers in relation to the appropriation of the money, we now declaim about the insults originally offered, and describe pathetically the sufferings of our merchants one or two generations ago.

A man is injured and outraged in his person and property; he has two remedies before him; either to fight for the insult, or to go to law, and demand an indemnity in money commensurate to the extent of the injury sustained. If he demands satisfaction in money, he waives the other remedy. It is in vain to talk about honor afterwards, in that affair. But suppose we carry the comparison and parallel still further. Suppose the original offender should die; an executor is appointed, and he dies; and then an administrator *de bonis non* is appointed, who gives his bond for the money, but does not immediately pay at the day appointed; is it an insult if any delay takes place? Certainly not. If my debtor owes me, and is able to pay, and still delays payment, whose character suffers in the transaction, his or mine? Most assuredly, his.

Mr. Speaker, I have endeavored to show that in the pursuit of the demand against France, it has become a moneyed affair altogether. If I have been to any extent successful in establishing the position assumed, the next point of inquiry will be, is it worth while to resort to the desperate

remedy of a wager of battle to recover the amount admitted to be due? I pause, and ask the gentlemen on the other side if they have any expectation of getting the money if they go to war? Candor will compel them to acknowledge that they have none. It is an admitted principle that a war for the money annuls the treaty; and some even contend that it imposes on the United States an obligation to pay the amount to the respective claimants. Should the claim thus be destroyed by war, then what are we to fight for? Some will say honor. I say revenge, and nothing else, unless there be in this war crusade a desire to gratify the feelings and appease the rage of one man.

But suppose the war we are about to engage in will not abrogate the treaty, and release France from her obligation to pay the money; can we enforce payment by arms? Of that there is not the remotest probability. France has no territory for us to invade and conquer. It would be worse than folly—nay, Quixotic madness—to believe we could invade the dominions of France. On our part it must be a war on the ocean altogether. Who will win most laurels there none can tell. When men equally brave and equally matched meet in battle, victory is in the hands of the Almighty alone.

Our Navy, including vessels of all descriptions, amounts only to fifty-two ships-of-war; the French have about two hundred and eighty-four. Our Navy, notwithstanding the heavy annual appropriations for that Department, is wretchedly out of repair. What is the condition of that of France? I know not, except report says it is in fine order. Of success on the sea we ought not to be sanguine. Count the item of expense in blood and treasure, and it will be enormous—not less, in three years, (if the war should last so long, and none can tell when it will terminate,) than one hundred million dollars and the lives of fifty thousand men. The revenue, from all sources, will be measurably dried up; and taxes, direct and indirect, excises, and loans will follow with all their train of evils, vexations, and oppressions. None can recount the calamities of war, nor can I describe them. Our exports and imports will average, annually, $250,000,000. Not less than one thousand vessels besides are engaged in the fisheries, the sealing business, and other adventures. The injury this great commerce will sustain will be enormous; in fact, it will be literally swept from the seas. France has the largest navy, and can do our commerce most injury; and especially as her commerce is comparatively nothing. All the daring spirits of the world, who wish to privateer, will hoist French colors; because we have most commerce, and it will be more exposed, on account of its extension and want of protection. What will be the deplorable situation of the South? Her whole crop is cotton; the exports of that staple form more than one half of our whole export trade. Scarcely a bale will be able to cross the ocean for market; and even the cotton which will finally get there will have so heavy an insurance to pay, as ultimately to yield little or nothing to the grower of the article. The cotton lands of Mississippi, Alabama, and Louisiana, have just been brought into market; the owners are now opening and preparing them for cultivation; men have gone largely in debt for lands, negroes, and stock; heavy anticipations have been made on the growing crop and the crop to be planted the ensuing season. Should this nation unfortunately be hurried into a war, all these men are ruined; they are generally young, enterprising men, who need, at this moment, the fostering care and protection of Government. Kentucky is a grain-growing and stock-raising State; she depends on the cotton planters in the South to buy her grain, produce, and stock; she has scarcely any other market. At this time, her agriculture is prosperous, her prices are good and fair, the hum of business is everywhere heard, and the bustle of industry is to be seen all over the land. A war prostrates everything. Place the nation in a situation that cotton cannot be transported across the ocean, the cotton planter cannot buy; the stock and products of Kentucky fall, in price, to little or nothing. The expenses of Government, and individual sacrifices of life and property, will be enormous, and almost incalculable.

This is not the only point of view in which to look at this question; there are yet other considerations of high and deep import. France is our oldest ally, firmest and best friend among the nations of the earth. When we were in the midst of our revolutionary struggle, and our fate seemed to hang on a thread; when the fleets of Great Britain covered the ocean and her armies our land, aided by the Powers of Germany, we were then in our infancy, few in number, and destitute of everything but *real* patriotism; our armies had been defeated, and we were retreating before the victorious enemy; all foreign Powers refused to assist us, save one. None here will inquire what foreign Power was that. The world knows that was France; her young men, with La Fayette at their head, poured into America, and helped to fight our battles; the colors of the two nations, ranged on the same side, floated in the air together; and many a noble Frenchman died in our cause fighting for us, and winning the liberty we now enjoy, *nominally*, at least.

In the assistance which France rendered to the United States during the revolutionary war, and until peace was made by her with Great Britain, her losses and sacrifices, in men, ships, and money, were immense. Thousands of lives were lost, and hundreds of millions were expended; and, for all these losses, sacrifices, and disbursements, she never charged one cent. And now, after all that, shall we go to war with that nation for $4,700,000? Gentlemen may say, what will you then do? I say, repeal the laws we passed in compliance with the treaty on our part; and, if that will not do, I would go further—I would impose additional duties upon her wines, silks, and brandies; we can obtain the same articles elsewhere. I have no doubt these commercial regulations would effect the desired object. There is yet another consideration why a war with France is to be deprecated. One of the States in this Union once belonged to France, its population is principally French. Suppose a French army were to invade that State and occupy it; the whole valley of the Mississippi and Ohio is shut out from all direct communication with the residue of the world; situated as that country is, it would take a great deal of hard fighting to dislodge them. I beg gentlemen not to be precipitated either into war or war measures; for there is no real difference between them, as war measures will lead to war itself. The most disastrous battle that was ever fought in Kentucky was that of the Blue Licks, August 19, 1781; that was brought on prematurely by the bravadoes of one man. The Indians were on the north side of Licking river; one detachment of the Kentuckians was on the south, waiting for the main body to come up, which was under General Logan. The Indians showed a few warriors on the north. This man insisted upon crossing the river and pursuing them; he was admonished that their whole force was immediately on the other side in ambush ready for the combat, and that it was advisable to wait until the main army came up. The man, who was a Major McGary, spurred his horse, dashed into the river, called on all brave men to follow him, and delared that none would stay behind but cowards. This conduct induced all to follow him. The ambuscade was sprung, the detachment was defeated, and nearly all cut off save McGary himself. The men who followed had the physical courage to die, but not the moral courage to bear the imputation of cowardice, and that from a man who, as the sequel proved, was peculiarly careful of his own life.

It is not the man of words and boasting that is the brave man, that fights hardest, and is soonest to sacrifice his life in his country's cause; to that man "it is not sweet to die for his country." We are informed that France has assembled a large navy in the West Indies, and will shortly either insult our flag or make a descent on our coast. I do not believe that either event will take place. However, the moment France shall add insult to the injustice of the delay of payment, then it becomes an affair of honor, and our reputation will be injured by submitting to it. When that event shall arrive, I will then agree with gentlemen to go to war.

I recollect to have once read, when, upon a wager of battle, one of the combatants, after he got into the ring, declined the combat, the other vauntingly called him a coward; he resented it, and swore he lied, and said, "I did not fight you at first because I had no cause of quarrel; but now I will fight you for the present insult to the death." He made good his words, and slew his adversary.

We are told that France requires us to make an apology before she will pay the money. I am against any apology. I would not degrade the nation so low for one hundred million—nay, no sum could buy me to consent to an apology. To apologize for the insult of demanding what France agreed to pay is absurd and preposterous; and to apologize for the message of the President to Congress is equally inadmissible. It was not spoken in our national character, in our exterior and foreign relations. France had no right to notice it.

It is worthy of a passing remark to inquire to whom are those $4,700,000 to be paid? To our own citizens, nominally, I know, but, in reality, four fifths of it will go to the insurance offices in Great Britain, stock-jobbers, and speculators. The vessels captured by the French were principally engaged in the carrying of British goods into the ports of Europe, in contravention to the Berlin and Milan decrees. The presumption is, that policies of insurance were effected on the vessels and cargoes in London.

I have remarked, Mr. Speaker, that I believed that this resolution was got up for effect in the canvass now going on for the next President; and that I believed that this war and war panic are intended for the same unholy purpose.

It has been visible to the whole American people, for some years past, that General Jackson has been, and is now, ambitious of designating his official successor; and that all his power, influence, and patronage have been directed to the elevation of his favorite, whose only recommendation is his servility, sycophancy, and abject flattery of the President; one who weeps when he frowns, and laughs aloud when he smiles, and who has no merit but what is reflected on him from General Jackson. Like the moon, he shines by a borrowed light altogether.

War, or even the preparation for war, with the patronage connected with it and growing out of such a state of things, gives an immense additional power to the Executive. Suppose, instead of disbursing twenty millions next year, which will be about a fair peace expenditure, we are plunged into a war; or, under a war panic, we disburse forty or fifty millions. The additional expenditure of twenty or thirty millions will enable the office-holders' party to influence and control, in the approaching elections, three hundred thousand votes; and all this to be done for the glorious purpose of continuing, for eight years longer, the power of the present party which is at the head of the Government.

This view of the subject is further verified by the fact that there are bills on the table to expend near five millions on fortifications for the ensuing year, not one of which can be finished time enough to answer the purposes of defense, if we should shortly get into a war. One of the bills contains appropriations of about two and a half millions for forts not yet begun—nay, even the sites are not selected. We know that these new forts cannot be finished in time; and the commencing of them will, if we have war, only invite the enemy to land and destroy the materials as fast as they are collected to erect the forts. This last new fortification bill awakens in me a kind of suspicion that the Administration party does not expect war; but wishes, with war preparations, war patronage, and war appropriations, to carry the election in favor of the *pet* of General Jackson; which may God, in his mercies manifested towards this afflicted land, prevent. Who are the candidates before the people, and who are intended to be affected by this resolution? White, Webster, Van Buren, and Harrison. Harrison, Webster, and White, are men whose deeds will live after them; and whose memory will be handed down to after generations yet unborn. Their actions are of a kind to be claimed by the nation as public property, and as identified with their country's honor and glory *Little* Van has nothing to boast, except "the

honor of serving under such a chief as General Jackson."

Van Buren claims the Presidency as a paternal estate by descent; he arrogates to himself, by a magical kind of inheritance, the glories achieved by Jackson in the late war. The party cannot meet to do anything for him, unless it be on the 8th of January, the day when the western hunters won the victory at Orleans. I do not know whether it is most calculated to excite our laughter or indignation and contempt at seeing the glory obtained on that day transferred from the West to New York—a State, during our revolutionary war, only famed for Tories.

Is there any scene in this wide world so ridiculous as to see Van Buren's friends place him before the people as the war-party candidate, and denounce Harrison and his friends as pusillanimous, cowardly, and ready to betray their country—Harrison, who spent his youth, his manhood, and the prime of his life, in camps and in battles, in fire and smoke, combating in his country's cause? As for Van Buren, he never smelt gunpowder in his life. Many a bloody field can attest Harrison's achievements, and emblazon his fame and glory abroad. Kentucky has won laurels with him and under him; he always did her brave sons, living or dead, justice in the field and justice in his *reports* to the War Department. In this approaching election the world will bear witness that Kentucky, amongst her other great virtues, boasts the proud one of gratitude. I know that one of her sons, in whom she is well pleased, has been selected to run on the Van Buren ticket for Vice President. This is a New York maneuver; it is sop to Jowler. Kentucky will not bite at the bait. We would delight to do honor to the candidate for Vice President; he has also won his fame in deeds of noble daring; but he must recollect that if a man marries a woman below him in the grades of society, he elevates her to his level. If above him, he brings her down to his own caste. So is the fate of the candidate for Vice President. The candidate for President on the same ticket regulates the votes altogether.

The gentleman from Massachusetts has said that those who voted against the appropriation of the three millions last session had but one step more to take, and that was to open the doors of the Capitol to the enemy, and then join them; that he was prouder of his vote last session in favor of the appropriation than any act of his whole life. How flaming is the zeal of the *new* convert. He was Secretary of State eight years during the administration of Mr. Monroe, and was four years President himself; during all which time the French refused to indemnify us for our losses, and yet *then* he was not so full of fight. I recollect, in the play of Cato, when he called his little Senate together at Utica, just as Cæsar was marching on the city, the fury and impetuous zeal of Sempronius; how he exclaimed—

"My voice is still for war.
Gods, can a Roman Senate long debate
Which of the two to choose, slavery or death?
No, let us rise at once, gird on our swords,
And, at the head of our remaining troops,
Attack the foe, break through the thick array
Of his throng'd legions, and charge home upon him.
Perhaps some arm, more lucky than the rest,
May reach his heart, and free the world from bondage."

And how Lucius modestly replied—

"My thoughts, I must confess, are turned on peace."

I also well recollect the sequel, and I beg the House to mark it; and I hope it will somewhat attract the attention of the honorable gentleman from Massachusetts. Sempronius deserted to Cæsar the next night, and Lucius remained with Cato, and fought it out like a man. This same Sempronius whispered Cato to beware of Lucius—that he was a traitor.

Who are the men the gentleman from Massachusetts has attacked in his resolution? Whom has he abused in his speech, and whom has he denounced as traitors?—for I disdain to notice his pitiful subterfuge by saying he meant no one—it was only a personification—a figure of speech. They were his old friends and political supporters, who stood by him in former times, and faced the battle and the breeze; who, on account of their supporting him, have been proscribed by the Government and party in power, and are now in a state of exile as it respects their own Government and the administration thereof; they are an abused and vilified set of men; their only fault, endeavoring to sustain him. In this situation, what a deplorable spectacle does the gentleman exhibit! the very man for whom they are now suffering has turned against them, and joined the ranks of their enemies; has become their fiercest assailant, most inexorable foe; driving them to the wall, and then attempting to pin them up against it. How base the treachery, how black the ingratitude, and, at the same time, how melancholy the sight, to see an old man, with the frost of seventy winters on his head, pushed on by a blind ambition and love of office, or rather the emoluments of office, thus to prostrate and degrade himself, and forever blast the reputation acquired by fifty years of honorable public service!

When I recollect how, in 1828, in the contest for President between the honorable gentleman and General Jackson, I labored in his cause, rode over Kentucky, and addressed the people for hours together, with what indignation am I fired at his conduct now! In a spirit of true repentance do I declare, that if God will forgive me for what I then did, I promise never to do the like again.

The gentleman from Massachusetts says "we (meaning himself and others) have been accused of man-worship"—alluding to his worshipping General Jackson. I do not believe that any gentleman ever accused him of such devotion to any man or any friend in the world as to amount to man-worship. Cæsar, Bonaparte, and Washington were said never to forget a favor or desert a friend: if any person has ever charged the gentleman with that quality of the heart, I never heard it. I expect it is not *man* the gentleman worships—it is office and its emoluments.

The gentleman from North Carolina said there were two parties—the democracy and the aristocracy of the country; and that the battle had to be fought between them one day or another, and he was willing to engage in the rotundo of the Capitol. These remarks seemed to me to have a direct allusion to the Senate. It is certainly unparliamentary to use such language. Would the gentleman wish to engage in a conflict with two hundred and forty young men against forty-eight old ones? I hope not.

The Senate has been alluded to in very abusive terms by the gentleman from Massachusetts. What has wrought this wonderful change in his opinion of that body, here of late, I cannot imagine. Last summer was a year, when he was invited to participate in a public dinner given to the Senators of Massachusetts, the answer of that gentleman, and his toast, read in these words:

QUINCY, *July* 29, 1834.

SIR: I have received your obliging invitation, in behalf of the Whigs of Salem, of my attendance at a dinner to be given to the Senators of the Commonwealth in the Congress of the United States. Cordially approving the conduct of those eminent citizens, in the station assigned to them by the confidence of their constituents, I regret that my engagements will deprive me of the pleasure of joining with you in the festivity by which you propose to signalize your approbation of the firmness and ability with which they have discharged the trust committed to them. Of the importance of the services rendered by them to our common country, in the trying emergencies which mark the present era of our history, I entertain the liveliest sense. It is in the Senate of the confederated nation (and I regret to be obliged, from the deepest conviction, to add, in the Senate alone,) that the friends of our Union, and of its free, republican institutions, can find a solid foundation for the cheering hope that they will be preserved and redeemed from the imposture of pretended reform, from the frenzy of senseless experiments, and from the rapacity of Executive usurpations.

With this impression, I tender to the Whigs of Salem, with my thanks for their friendly invitation, the following sentiment:

The constitutional *check* of the Senate, fearlessly and faithfully applied to the Executive *simple machine*.

And remain, very respectfully, sir, your obedient servant, JOHN QUINCY ADAMS.

LEVERETT SALTONSTALL, Esq., *Salem*.

The Senate, late on the night of the last session of Congress, sent a polite note or resolution to this House, apprising it of the result of the agreement of the conferees, and inviting the attention of the House to the subject. This, the gentleman says, was a gross insult to the House, and, if there had been time, he would have asked of the House to have sent him with the resolution back to the Senate; and if he had taken it there, he would have thrown it on the floor with ineffable contempt, (accompanying that expression with a remarkable contortion of his body, by squatting, and then jumping up with a jerk, and a violent inclination of the body to the left.) How ridiculous would such behavior have been in a gentleman of his age and standing; and with what pity would that dignified body have witnessed the impotent rage of an old man displaying such fantastic antics!

Mr. Speaker, when we take a view of the present condition of the United States, there is everything to deplore, and nothing to console us. We appropriate every year millions upon millions for our Navy, and it has gone to decay, scarcely a vessel fit for service. We have appropriated, since the last war, about fourteen millions for fortifications; they are now in a state of wretched dilapidation, but few guns mounted, and generally unmanned. No energy in our Army, as our late disasters in Florida bear melancholy testimony; no spirit and love of enterprise in the officers. While the war is raging in Florida with all its horrors, and in its most frightful forms, and we are in the daily expectation of a war with France, what do we behold here, in this city, and in this Hall? Day after day are we importuned to surrender this Chamber to the Secretary of the Department of War, to deliver a lecture on history; I suppose the ancient history of the Assyrians, Babylonians, Egyptians, Persians, Carthagenians, and Grecians. Instead of studying the plans of campaigns, marches, and battles, he is poring over the history of nations twenty-five hundred years gone by. The general-in-chief of our Army is president of the assembly balls, as our daily papers tell us, and, report says, night after night waltzing with the little misses in their teens; and, when not at that, writing miserable plays for the stage. There is no laudable spirit of enterprise and emulation in the Army, Navy, or any part of the public service. Why this state of things? Because promotion to office does not now depend on merit, but by bowing, fawning, and cringing in the palace; for all power is there. When the chief there frowns, and stamps his foot, the whole menial pack fear and tremble. We are thrown upon evil and degenerate times; our Government has every symptom of a speedy dissolution.

When the honorable gentleman from Massachusetts charged treason upon a part of this House, the majority huzzaed, clapped their hands, and shouted, enacting just such scenes as took place in the convention during the jacobinical times of the reign of terror, in the days of Marat and Robespierre. When a man was denounced in the House by either of these blood-thirsty tyrants, the members of the convention applauded in a tumultuous manner, and immediately voted the arrest of the member denounced, however innocent. Before night the guillotine received its victim, and he was numbered with the dead.

The storms of misfortune and adversity have been threatening us from every quarter—east, west, north, and south. They have gathered over our heads, and threaten every moment to burst upon us, and destroy our liberties forever. I put my hope and trust in God, who has saved us in all our trials and difficulties heretofore, that He will yet preserve us free and independent, and dispel the clouds now lowering over us; and that He will give us once more a clear, serene political sky.

ADVANCES FOR FLORIDA WAR.

SPEECH OF HON. R. M. JOHNSON,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

May, 1836,

On the bill to pay money advanced by Charleston, and other southern cities, to prosecute the Florida war, &c.

Mr. JOHNSON said, it is not to give utterance to indignant feelings at the opposition to this measure, that I now address the House. It is not a party measure which is before us, but a measure which calls for concert of action with all parties. It is a subject of too great importance to admit of procrastination by indulging in party invectives. Our responsibilities are not to each

other, but to our constituents and to our country. Each member of this House holds the same relation to his immediate constituents, and I am willing to refer the conduct of each to that tribunal. The whole nation is interested in the course pursued by each member; and to the test of public opinion throughout the whole country each individual must submit; whether the award be censure or applause, there can be no evasion or appeal. It is our part to act, and the part of the country to judge of our actions.

When this murderous savage war broke out in Florida, which has spread ruin and desolation to many families, and half depopulated some fair portions of that flourishing Territory, the hostile trump was heard from Charleston to New Orleans; and the patriotic citizens of South Carolina, Georgia, Alabama, and Louisiana, not willing to wait the dull delays of this House for authority, while their fellow-citizens were bleeding under the scalping-knife of the savages, flew to arms, and hastened to their protection. The service was national. It was no more incumbent upon these States to protect Florida, than upon other States; but without waiting to inquire whether justice would be done by the nation, they met the impending danger. They justly regarded the citizens of that Territory as a branch of the American family, and that was enough to kindle in the bosoms of the chivalrous southerner the fire of American patriotism. The palmetto was lost in the eagle; and his talons were stretched to grasp the hand which was lifted against their countrymen. The bill now before us makes provision to defray the expense. The emergency of the occasion did not admit of hesitancy, and moneys were advanced in the city of Charleston, and other towns in that and the other States, to meet the exigency. The great question now is, shall we authorize the payment? The honor and future safety of the country require that there shall be no hesitancy nor delay. Even while we are wasting the time by cold deliberation upon the subject, the threatening danger upon the Georgia and Alabama frontiers may be bursting into a flame, and demanding similar advances upon the credit of our sense of national justice. An awful responsibility awaits him who can make this the unfortunate occasion for party crimination, for censures against the Administration, and against the Committees of Ways and Means and on Military Affairs. To produce delay by complaints of irregularity, because the measure has been proposed by a committee, without an order from the House, or a reference from the House of an Executive communication, or by motions and debates in favor of committal, is, in effect, to oppose the bill, or at least to deprive it, without any countervailing benefit, of much of its utility.

It is not the method of proceeding on ordinary occasions, to start objections upon these grounds; and how can it be reconciled to a proper sense of duty which we owe the country in a case like this, connected as it is with the Florida and the Creek war?

I have been a member of Congress for many years, and for more than twenty-five years have I been honored as chairman of some important committee; and during the whole of that period the present mode of proceeding has been in practice. Whatever subject comes within the general scope of duties for which a standing committee is appointed, as well as subjects referred to them by the House, it has been the uniform custom for the committee to act upon, and report the result of such action to the House. This subject has in like manner been deliberated upon by the committee, and the result of that deliberation is presented in the bill before us. It is simply to refund what has been liberally advanced in the hour of danger by those patriotic States, at a time when the honor and safety of our common country required the advance for the use of the nation, before the national coffers could be unlocked for the purpose. Whether that money was paid regularly, according to specified forms, or not, or whether the requisitions in which it was paid were drawn, *verbatim et literatim*, according to the usual forms, is to me a matter of no importance. If one of your family is perishing with starvation, and your friend will purchase food for his relief, you will not inquire into the form in which he made the payment; it will be sufficient for you to know that the benefit was received. So in this case, it is sufficient for me to know that the money was advanced; that it was expended in the public service, and that the country received its value. Deeds of patriotism like this merit a public acknowledgment, rather than a dull, protracted, reluctant compliance with the imperative demand of justice. We should faithfully and promptly refund the last cent advanced in such a case. We should do it because it is the dictate of justice; because honor requires it; because the character of this House and of the whole nation demands it. We should do it to show to the world that the impulse of patriotism is not despised by a Republic; and to inspire in our citizens a confidence that voluntary sacrifices in the extremity of danger shall be cheerfully and promptly remunerated.

The amendment proposed to the bill is merely to explain a former law of a similar character. It proposes to pay for the services of the volunteer militia who were called into service by the commanding general in the first moments of the Seminole war. The sudden rupture of the savages was like an unanticipated flame breaking out in the midst of a city, which requires the immediate exertions of the firemen to subdue. A little delay would involve the whole town in irrecoverable ruin. So the ravages of the Indians, if permitted to pursue the work of devastation till dispatches would be sent to the seat of Government, and an order issued from the Executive for calling out the militia, would have completed the work of destruction through the whole of the country where it raged. The commanding general, as in duty bound, called for militia aid to check the ravages of this desolating war, and the patriotic citizens volunteered their services. They were gladly accepted. These are the citizen soldiers, who have been braving the dangers, and enduring the storm of that sanguinary conflict, whose services have been recognized by the Government, that the amendment proposes to pay. They made the first sacrifice in their country's defense; met the danger at the threshold, and voluntarily poured out their blood upon the altar of their suffering country. We intended to provide for their pay, and thought we had done so by a law already passed; but, in the multiplicity of business, there was an accidental omission in the framing of the law to meet their case. The amendment proposed is only to give such an extent to the application of that law as to embrace the case of these men, and so carry into effect our declared intention. Upon this bill and this amendment, subjects as plainly just, and as clear to the understanding as the simplest proposition that could be stated, we are consuming the day, and wasting the precious time of the House, in animadversions that have no direct bearing upon the subject. Is this the proper theme for introducing fastidious complaints and party denunciations against the administration of the Government? Or are there no questions that can arise, even upon the common measure of justice between citizens and their Government, but what must be converted into party strifes?

Among other complaints, imputations have been made against those who are conducting the war in Florida, as if our regular officers, whose business and whose duty it is to obey the orders of any Executive, were political partisans. These censures are, at least, premature. The officers of the regular Army are in command there; men who, on former occasions, have given incontestable proof of their valor, their devotion to the country, and their capacity to conduct military operations. Though at this distance it would appear that more ought to have been done, yet we are not acquainted with all the difficulties which they may have had to encounter. The character which they have established ought to be regarded as a pledge of their good conduct in the present trial, and should at least shield them from censure till all the facts are known; and if it shall then appear that they have not done the best that could be done, of which we have as yet no evidence, it will not establish any charge against the volunteers who have obeyed the laws of the country by placing themselves under their command. The regular Army is otherwise provided for; this bill and its amendment have reference only to the volunteer militia. Look at their character, and we cannot doubt their bravery nor their patriotism. The southern volunteers have ever sustained the high character of American soldiers. Their deep sense of honor, their disregard of danger, their nobleness of soul in the camp, and their chivalry in the field, are but their common characteristics; and after volunteering their services to meet the first shock of defensive war, we cannot presume that they would prove recreant to everything dear to themselves. We know that they are incapable of it. They have unfurled their country's banner, and have marched under it to defend it from insult; and the result will show that they have sustained its honor. It is our part to provide the means; to pay them the pittance to which their services entitled them, and they will not be sparing of their blood in the day of battle. Let us pass this bill, with the proposed amendment, without a moment's delay; and it will be time enough for us to complain after we learn that there is cause for complaint. Till evidence appears to the contrary, let us not indulge a suspicion that an officer, bearing a commission in the American service, whether regular or militia, is deficient either in courage or in conduct. Complaints in advance of evidence, are alike dishonorable to our country and to the feelings of our gallant officers and soldiers. Let us discharge the debt of justice, and withhold our censures till a knowledge of facts shall warrant them.

Much stress appears to be laid upon the fact that, for this amendment, which provides for the payment of the volunteers, no communication has been made to the House by the Secretary of War, recommending the measure, and that the subject has not been specially referred to the committee by the House. It appears to be a very recent thing with some gentlemen to have transferred all confidence from themselves to the Secretary of War, so as to be incapable of acting upon the most simple proposition without his recommendation. I would remind them that the proposed amendment is founded on official information from the War Department, that the men who claim the pay have faithfully served their country as represented; and that no provision is made by which they can receive their pay. Now, sir, where is the independence of the members of this body, if they cannot act upon their own responsibility in matters of plain justice? When all the facts are before us, must we fear to act without the direction of an executive officer to govern us in legislation, and bear the responsibility of our measures? Our constitutional duty is to legislate, and that of an executive officer to execute the law. When all the facts are made known to us, we must act upon our own responsibility; and, right or wrong, we must bear that responsibility, whether recommended or not. In the case now before us, there is no imposition, no deception. It is a plain proposition, founded on plain matters of fact; and the House must adopt or reject it. We must, in the case, do justice, or withhold the demands of justice; and every member will act upon his own responsibility.

It is wise, on ordinary occasions, to refer propositions to committees, that the information out of which they grow, and their minute details, may be more thoroughly investigated; but the decisions of committees are always subject to the House, and it is the right of any member to propose amendments to measures reported to the House by committees. The practice has ever prevailed; and to be deprived of this right would be to fetter legislation with a clog which it could never bear.

Independence in legislation by the Representatives of the sovereign people, is of the first importance to the preservation of our liberties. It is in this House that their voice is more immediately heard, than in any other branch of our Government. Its value cannot be over estimated, nor its dignity too carefully preserved. The most sacred regard to justice should characterize all its measures. It is a convention of the nation itself; and upon the purity, the intelligence, and the independence of this House, more than upon any other department of Government, the lib-

erties of this nation, the last hope of man, essentially depend.

It is always with reluctance that I trespass upon the time of the House; but, in defense of the Military Committee, from whom the measure emanated, I have been compelled to submit these remarks.

POLICY OF THE GOVERNMENT.

SPEECH OF HON. J. R. UNDERWOOD, OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

May 23, 1836.

The House having resumed, in Committee of the Whole, the consideration of the bill making appropriations for certain fortifications of the United States for the year 1836; the question pending being the motion of Mr. CAMBRELENG, and an amendment thereto, offered by Mr. MERCER—

Mr. UNDERWOOD rose and said:

Mr. CHAIRMAN: The debate which has grown out of the amendment proposed to the bill under consideration has embraced almost every topic connected with the policy of the Government and its administration. Parties, the press, the conduct of the Executive, the proper system of public defense, the surplus revenue, the propriety of distributing among the States the public lands, and a variety of other subjects, have been brought before the committee in the progress of the discussion. I do not propose to notice all that has been said deserving, as I think, the severest reprehension; but, sir, I feel the duty which I owe to those who sent me here to utter on this occasion what I believe to be their sentiments and their opinions on some of the great questions of this debate.

In relation to the parties into which the people of this country are at this time divided, I have a few remarks to make. The old landmarks which distinguished the Federal and Republican parties have been destroyed. The Federal party of 1801 were overthrown because of the opinion, justly entertained, that they were disposed to enlarge and extend the powers of the General Government beyond the limits of the Constitution. The alien and sedition acts, passed by the Federal party, constituted the evidence upon which their condemnation was based. The contest between the Federal and Republican parties was one for the establishment of great principles of Government. The Republican party triumphed. I rejoice in its success. In the progress of events, those who succeeded as heirs to the political inheritance left by the Republicans of 1798 and 1801, deemed it proper to change the name of their party. They assumed the appellation of *the Democratic party*, with a view to express and enforce the idea of a complete identity in feeling and interest with the great body of the people. Under this name, those who elected our present Chief Magistrate have acted and been known. But, sir, with the change of their name from the *Republican* to the *Democratic* party, they have changed their principles; and, if we are to know their creed from their conduct, they are now the political worshipers of an elective despotism. Those who lead the party have violated every promise made to the people; and their idol, the President, has, by his conduct, utterly disregarded most, if not all, of his avowed principles.

In the present aspect of our political affairs, I recognize but two parties. The separation between them is marked by strong and obvious lines. One of these parties ardently desires to elevate and improve the moral, intellectual, religious, and physical condition of society. Devotion to equal laws, and opposition to artificial differences and distinctions, such as result from unjust and partial legislation, constitute the creed of this party. Its members would open the avenues which lead to wealth, to fame, to all the heights of human glory, and allow every citizen, no matter how humble his origin, to enter for the race, untrammeled by legal impediments. With his party, intellectual and moral worth, patriotism, and talents, are sought after, when office is to be conferred. The members of this party neither ask nor desire any exclusive privileges. They are opposed to all laws conferring advantages or benefits on one or more individuals which are denied or withheld from the people at large. They desire to see no other distinctions among men than those which result from greater industry, more care, superior natural endowments, and higher moral qualities. Such distinctions are founded in the nature of things, and produce differences enough among men, without the aid of human laws favoring any one class or set of men at the expense of others.

The other party feels but little solicitude for the moral, intellectual, religious, and physical improvement of their race. Judging from the conduct of the members of this party, we should be led to the conclusion that they deemed it proper, if not commendable, to play upon the prejudices and credulity of mankind, to secure any personal profit or emolument. Their professions frequently seem to proceed from correct principles; but their practices prove that the sound doctrines they preach, and the clamor made in their propagation, are nothing more than a component part of a cunningly-devised system of popular deception, by which the unhallowed schemes of corrupt ambition are made to prosper, and the interests of the country at large are sacrificed. The members of this party constitute a banditti in search of "*spoils.*" Judging of others by the suggestions and feelings of their own corrupt hearts, they are ever ready to attribute the basest motives and designs to those who oppose them; and, with a view to prostrate all opposition, it is a part of their policy to endeavor to overwhelm their adversaries by defamation and lies. They purchase the venal with office and gold, and intimidate the honest by proscription. Such a party is not properly designated by any party appellation heretofore known, and I shall take the liberty of giving them a name suited to their groveling purposes and infamous principles. Sir, it should be denominated the *sop party*, because those who compose it resemble Judas Iscariot in this: that they will sit down at the same table, and dip in the same dish with their master, and then rise up and betray him for thirty pieces of silver. No confidence can be reposed in them, for they are altogether sordid, selfish, and unprincipled.

That there is such a party in this country, at this time, no one can doubt who will attentively examine and consider passing events. I will not affirm, nor do I believe, that all the members of this party, those who coöperate in prosecuting its worst measures, are acquainted with the extent, the height and depth of the wickedness of their leaders. Paul the Apostle, at one time, sincerely thought he was rendering God service by persecuting unto death the disciples of Christ. There may be pure motives in performing deleterious actions.

Party power and misrule have not yet obtained a complete ascendency over public opinion. Some respect is yet paid to any strong demonstration of popular sentiment. But the cunning of party has devised a plan to give tone and direction to the sentiments and opinions of the people. The device consists in the use of a pensioned press devoted to the interests of particular men, and feeling no sympathy for the community. Every species of misrepresentation and falsehood in regard to measures, and every sort of detraction and slander in regard to men, are printed and published for the purpose of deceiving the people and controlling the elections. Corrupt politicians use corrupt editors for the purpose of corrupting, deceiving, and ruling the people. These editors, without the least shame, will accept a bribe in the shape of patronage from the hand of power, and then turn and vilify those whom they have eulogized, and, with the servility of slaves, flatter those whom they have abused and cursed. It is their vocation to endeavor to bring suspicion and odium upon every one who will not worship their idol; and hence it is that a corrupt and bribed press teem with the grossest calumnies against the purest and best men of the nation. Sir, I regret that this House has been deemed a fit place, by many members of Congress, to vindicate themselves against attacks made upon them in the newspapers. I do not consider this the proper place to notice the falsehoods which editors may print and publish with a view to ruin my reputation; and I regret that any gentleman, in the course of this or any other debate, should have deemed it proper to consume time by noticing the statements of the Globe. I would as soon think of descending to the level of a polecat, and waging war with that animal. In such a contest, however successful a man may be, he is very apt to remain in bad odor, even with his friends, for a long time after it is ended.

Mr. Chairman, the people of the district I represent understand the tricks of political knaves, played off through the instrumentality of a corrupt press. The press, when honestly conducted, is truly the palladium of liberty; but, when prostituted to subserve the base purposes of a *sop party*, it becomes a formidable engine of tyranny. The chief who suborns and uses a corps of scandalous and calumniating editors, thereby evinces to the world *his* infamous means and *his* reckless corruption in using them.

I shall now call your attention, Mr. Chairman, to the surplus revenue, and the propriety of distributing it among the States in proportion to their Federal population. Upon this subject, three questions present themselves:

1. Is there any surplus to distribute?

2. Has Congress constitutional power to distribute it?

3. Does good policy require its distribution?

I propose to answer these questions in their order. Upon the first point, I shall be very brief. The lucid remarks of the gentleman from Massachusetts [Mr. CUSHING] have satisfactorily proved the existence of a large surplus, and I will not fatigue the committee by going over the ground he has traveled before me. According to the report of the Secretary of the Treasury, there was in the deposit banks, to the credit of the Treasury of the United States, on the 1st day of April, 1836, the sum of $33,294,024 08. If the accruing revenues, during the last three quarters of the year, should be equal to the expenditures, then that sum might be distributed among the States, without injury to the operations of the General Government. Will the money daily coming into the Treasury supply the demand, and meet the daily disbursements necessary to be made?

In the estimates of the Secretary of the Treasury, presented at the commencement of the session, he required for the service of the year 1836 the sum of $23,133,640. Admitting that this sum should be increased to $26,000,000, in consequence of the Indian wars prevailing in Florida, Alabama, and Georgia, then we should ask, will the revenues of the year supply that sum? We know, from the report of the Secretary of the Treasury, that the amount of revenue received during the first quarter exceeds $10,725,000; at the same rate for the three remaining quarters, the total revenue of the year will exceed $42,900,000. Deduct the sum of $26,000,000, which may be required for the service of the current year, and there will be a balance left of the revenue accruing in 1836, of $16,900,000; which, when added to the balance remaining in the Treasury on the 1st of January last, of $21,169,455, would produce a surplus of $38,069,455, on the 1st of January, 1837, without taking into consideration the $7,000,000 of stock in the Bank of the United States. But, sir, if it be conceded that the revenue of 1836, for the three remaining quarters, will not, in any one of them, equal that of the first quarter, then, I ask, how many millions will it fall short? For such is the state of things, that you may deduct millions, and yet be able to distribute among the States $30,000,000 of the surplus. I do not admit, however, that there will be any material diminution in the revenue during the balance of this, or in many years to come. There is danger to be apprehended, and great danger, too, from the number and condition of the six hundred banks which cover the country from Missouri to the Atlantic, and from Maine to Louisiana. The great disparity between the paper circulation and the amount of specie in their vaults is such, that a sudden panic may burst the bubble, and reproduce the scenes of 1819-20. But the disastrous consequences of such an event, however lasting and fatal to the hopes and fortunes of particular individuals, would only give a temporary shock to the onward movement of this young and growing nation. The nation, as heretofore, would soon recover from the effects of

such calamity, and the customs and public lands would again replenish our Treasury to overflowing.

It has been said that the progressive diminution of duties on imports, under the compromise act of 1833, will lessen the amount of revenue; and it has been predicted that the sales of the public domain will greatly decline in a few years. I do not believe this prediction will be verified. In the first place, a diminution of the tax or duty on an article does not necessarily produce a corresponding diminution of the revenue. The amount of revenue depends upon the quantity of dutiable articles consumed; and as goods are sold cheaper in consequence of lessening the duties, the consumption will be greater, and thus an increased consumption will more than balance the decrease of duty. Turn your attention, Mr. Chairman, for a moment, to the great West; ask yourself what is it *now*, and what was it during the last war? At that time, the whole, a few districts excepted, might be considered a wilderness in comparison with its present condition. The farms newly settled, in many instances, did not yield support for their owners and their families. The dwelling houses were log cabins; and comfortable stables, barns, and out-houses were not to be seen. In this state of things, whenever the labor of clearing and cultivating new land produced something for sale, after subsisting the family, the money arising was necessarily expended in erecting more comfortable dwellings, barns, &c. Thus there was nothing to spare for the merchant, or to purchase articles of foreign growth or manufacture, upon which more than half our revenue is raised. How is it *now*? Vast multitudes, by their industry and labor, have placed themselves in comfortable houses, upon productive farms, well provided with every convenience, and yielding them annually, in surplus grain, or tobacco, or cotton, or live-stock, a handsome income. No longer compelled to expend it in clearing lands and building houses, they can now afford to treat their wives and daughters and sons with foreign articles; and the West now proves what has been found to be true in all ages, that people who have money, and who are not restricted in its expenditure by an overruling necessity, will use it to gratify their appetites and taste for luxuries and dress. The consequence is an immense increase in the consumption of foreign merchandise; and hence our Treasury will be kept full to overflowing, notwithstanding the gradual diminution of duties on imports. In proof of the now large and increasing consumption of the West; only look at the heavy business done upon the railroads and canals connecting the Atlantic ports with the Mississippi valley; and behold the increasing hundreds of steamboats which are now actively engaged upon the waters of the West. Sir, a survey of the condition of agriculture, commerce, and manufactures in the Atlantic States would equally denote the continuance of a full Treasury. Everywhere we behold industry prosper, generating and accumulating wealth. The inevitable result is an increased consumption of foreign productions, upon which the amount of revenue depends.

In regard to the sales of public lands, there will be no decrease in the quantity sold, so long as profitable investments can be made by purchasing them. Those who own small tracts in thickly settled neighborhoods, and which can be sold at high prices, will find it their interest to sell out, and emigrate to the new States and Territories, where they can with the money get as good or better land, and ten times the quantity. So long as the value of lands in the new States and Territories is increasing at the rate of from ten to one hundred per cent. per annum, capitalists will purchase, rather than invest their funds in stocks or in trade. The tide of emigration to the new States and Territories, the demand for the productions of their fertile soil in market, and the profit which can be realized in a short time from a good farm, will operate as permanent causes to produce an annual increase in the value of lands in the new States and Territories. Men of discernment understand all this; and hence the large purchases of public lands made during the last year will be continued through the present, and probably for years to come. Nothing can arrest this course of things but the entire change of the present land system, or the derangement of the currency, and the general pressure for money which may result from the breaking up of the excessive issues of bank notes. I have no expectation that either of these causes will affect the sales of land during the present year. Let them operate when they may, no argument can be thence drawn adverse to the distribution of the existing surplus revenue among the States.

The conclusion to which my mind has arrived is, that there exists a large surplus; and that it will continue to accumulate, notwithstanding the constant drain going on to sustain all the necessary operations of the Government.

Can Congress constitutionally distribute this surplus among the States? I will not contend for the power to impose taxes, with a view to raise money for distribution. Such an object does not seem to me to fall within the scope of the delegated powers of the Constitution; but where taxes have been imposed in good faith, for the purposes of the Constitution, and Congress finds at its disposal a large surplus which it cannot expend with propriety in accomplishing some purpose of the Constitution, I do not perceive any reason why it may not be divided out among the States. If it be not wanted for the use of the Government, it would certainly be competent to return it to those from whom it had been collected, if they could be ascertained. A poll or direct tax, levied under the expectation of war, may be released, in case of the sudden adjustment of the dispute without war; and so, if it had been actually collected, and, in consequence of the settlement of all difficulties, the Government no longer wanted the money, it could not be a violation of the Constitution to return the money to those from whom it had been received, and who, from the nature of the tax, could be known with certainty. But in the case of money arising from the customs, and which is paid directly to the Government by the importing merchant, and afterwards reimbursed to him by the consumer, the Government cannot return it, when it is not wanted, to the citizen in person; because there is no means of ascertaining the persons who paid the money, and the sums paid by each. As that is impossible, why may not this Government place the fund in the hands of a trustee, to be used for the general benefit of those who cannot be individually designated, but who are known as a community to have furnished the money? There is no reason against it. In the selection of a trustee in such a case, the State governments, for reasons too numerous and obvious to mention, should be chosen. There is no sensible distinction between returning money not wanted to those who are known to have paid it and placing money in the hands of a trustee for the benefit of a whole community, who advanced the money under circumstances rendering it impossible to ascertain what portion came from each individual. The question of constitutional power is the same in both cases.

But there is, in my opinion, a great difference between the money arising from the sales of public land and that from the customs; and were I to concede that the last could not be constitutionally distributed among the States, I should still deny that the first stands upon the same ground. It is a common error to regard the money arising from the sales of land as so much revenue received from taxing the people; and I have heard it contended that the price of the public lands should be reduced, in order to lighten the burden of taxation! One dollar and a quarter received for an acre of land sold is no tax on the purchaser. He gets the value of his money. He is as rich, and generally more so, after parting with his money, as he was when he had it in his pocket. Suppose you disband your regiment of dragoons, and sell the horses belonging to the Government; must you take half price lest you should inflict onerous taxes on the purchasers? Suppose you sell ground purchased in New York or Boston, on which to erect custom-houses, or ground purchased for a light-house, because you wished to change the site, or because you have no further use for it; is it necessary to take half the value of the property in order to escape the charge of cruel taxation? Where is the difference between these cases and the sales of your public domain? There is none. Our land system is an exchange of equivalents, in which the advantage, if any, is uniformly on the side of the purchaser. May we not give the lands we own to the States without violating the Constitution? The language of the second clause of the third section of the fourth article of the Constitution is this:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

We have already given millions of acres to the new States, (which will appear more at large in a table I shall hereafter present,) and no one has imagined that the Constitution was violated by the donation. We have stipulated with the new States to allow them, respectively, five per cent. on the net proceeds of the sales of the public lands within their limits; and we have passed laws directing the payment to them of three parts of the five per cent. so allowed. I have heard no voice raised against the propriety of these proceedings upon constitutional grounds. The former practice of the Government is an assertion of the power, not only to give away the lands, but the money likewise arising from their sale. Can it be said this is constitutional in regard to the new States, but unconstitutional in relation to the old?

My preceding remarks apply to the constitutional question, unconnected with any special and particular consideration which should influence the judgment of the committee; but, sir, there are reasons to be drawn from the acts of the States ceding their right to large portions of the public domain to the General Government, which place the propriety of distributing the money arising from the sales of land thus ceded beyond all doubt. Virginia and Georgia ceded to the General Government much the largest and most valuable portion of the public lands, excluding those acquired by the purchase of Louisiana and Florida. Virginia ceded hers in 1784, before the adoption of the present Federal Constitution. Georgia ceded in 1802. The purposes for which the cessions were made are indicated by nearly the same language in the conveyance of each State. The deed executed by Thomas Jefferson, James Monroe, and others, on the part of Virginia, uses the following language:

"That all the lands within the territory so ceded to the United States, and not reserved for [certain uses mentioned,] shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation, or Federal Alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

By the Confederation the common treasury was to be supplied by the several States in proportion to the value of all lands within each State granted to, or surveyed for, any person, and the improvements thereon. As the States were to be charged in proportions, to be fixed by the relative value of their lands and the improvements thereon, I have heard it suggested that the rule should be the same for distributing among the States the proceeds of the sales of the public lands, especially that ceded by Virginia. I admit, if the expenditures of the Government were now defrayed by taxes imposed and assessed upon lands and the improvements thereon, according to the above rule, and no revenue were collected from any other source, that we should be bound to observe the same rule in distributing among the States the money arising from the sales of land ceded by Virginia. But when the Treasury is not filled by taxes imposed on land, or upon the people of the States according to the relative value of land and the improvements thereon, within the States, I deny that the rule given in the Articles of Confederation, by which the Treasury was to be supplied, is the rule by which the distribution is to be made.

The deed of cession by Virginia does not refer to the rule for filling the common Treasury, as prescribed in the Articles of Confederation, and then declare that the uses and benefits secured to each State, in the land ceded, shall be proportionate to the contributions of the States under that rule. Instead of that, the deed of cession declares that the States shall participate in the

use of the land, "according to their usual respective proportions in the general charge and expenditure;" not as *then* fixed by any given rule, but leaving Congress thereafter free to apportion the benefits, so as to make them correspond with the burdens imposed on the States. That such was the intention of Virginia, in the act of cession, is too manifest to need further remark; and, as there is nothing to direct the partition of the benefits according to a rule *then* fixed, we are now at liberty to carry into effect the liberal and benevolent design of that State, according to its spirit, and to make the apportionment with a view to the burdens imposed by the existing system of taxation. Under this view of the subject, what ought the rule to be? By the Constitution, direct taxes are to be levied on the people of the States according to Federal numbers. Indirect taxes, or duties on imports, are burdens upon consumers; and, as it is reasonable to conclude that the States consume in proportion to their Federal numbers, a division of the lands, or the money arising from their sale, according to Federal numbers, will do equal justice to the people of all the States, and accomplish the object of Virginia. Her deed of cession imperatively demands such a division, because there is no other way by which you can give each State a proper share of the benefits derived from the public lands since the national debt has been wholly discharged. You are bound to use the fund for the benefit of the States. They are capable of managing the fund for themselves, and are willing to relieve you of the trust. Why not, then, hand over the estate to those who own it, and who are laboring under no disability? The States are not infants or lunatics. They require no guardians or trustees.

Under the Articles of Confederation, the lands ceded by Virginia and Georgia were accepted for the purposes I have stated. The Confederation was bound to dispose of them for the uses mentioned; and the sixth article of the Constitution of the United States declares that "all debts contracted, and *engagements* entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation." We are therefore bound to respect and comply with the engagement made relative to the lands ceded by Virginia before the adoption of the Constitution. The second clause in the third section of the fourth article of the Constitution saves and recognizes the claims of Virginia and every other State to an interest in the public land, and leaves the subject to abide the principles established under the Confederation. Under that clause, Congress has power "to dispose of" the land, and good faith requires such disposition as was contemplated by the ceding States. The money arising from the sale of the land may be "*disposed of*" as the land itself. Converting the land into money facilitates the disposition of the land in regard to the ultimate objects to which the land itself must be applied. There is no distinction between the money raised by the sale of the land and the land, in reference to the constitutional power of Congress in disposing of them. If you can give the land itself to the States, so may you give the money for which you sell the land, and so may you give the crops and rents which issue out of the land.

I am done with the question of constitutional power. A committee of this House, (and I believe of the Senate likewise,) has reported that we can receive the bequest made by Smithson. If millions are placed in your Treasury by donors and testators, restricted indeed is your power if you cannot make gifts as well as receive them. But, in regard to the public lands, the people of the States ask for no gift; they demand what belongs to them; what they have purchased and paid for with their money and their blood; what was theirs by conquest and by treaty; and that which is now theirs in a strictly legal sense—this Government being nothing more than the stakeholder for their use and benefit. I will now proceed to show that every consideration of policy requires a distribution among the States of the surplus millions in the Treasury. The policy of the measure will be best shown by inquiring how the States will use the money if they get it; and how you, sir, and those associated with you, will use it if you keep it.

First. How will the States use it? They are now (or most of them) borrowing money for the purpose of improving their internal condition. They are engaged in constructing railroads and canals, in macadamizing turnpikes, and rendering their rivers permanently navigable. The progress already made in such works, and the benefits already derived from them, have stimulated the States to put forth all their energies in completing improvements heretofore commenced, and beginning new works which cannot fail to promote the public welfare.. Those States which folded their arms, and did nothing to open and improve the channels of commerce and intercourse which nature had furnished in magnificent rivers, but which were useless in consequence of some trifling obstructions—States which seemed never to have conceived the idea of creating a channel of trade and travel entirely artificial—have been roused from their lethargy by the prosperous examples around them. They now see that they are doomed to perpetual inferiority, unless they create for themselves the same kind of facilities which have elevated their neighbors, and poured in upon them a flood of prosperity. The farmers of the West are no longer content to break down wagons, kill horses, and fret and curse in a rencounter with a mud-hole; they are no longer content to place their produce upon the margin of some river, and there let it lie until a freshet enables them to take it to a distant market. Sir, I speak for my constituents, (and I believe it is true in regard to the whole West,) when I say that they are determined to have the same advantages which other people enjoy, and that we feel that we have intelligence and energy enough to accomplish what other people have accomplished. Kentucky and the West have embarked in making rivers navigable, in making railroads and canals; and to go on with the work we have found it necessary to borrow money. The State I, in part, represent has authorized her Governor to contract for $2,000,000; other western States have borrowed much more.

Now, sir, if you will distribute $30,000,000, the share which Kentucky would receive, according to Federal numbers, will exceed $1,500,000. This, with the future dividends of the surplus which may hereafter accrue, would enable Kentucky to complete her public works without paying interest on borrowed capital, and would avoid the necessity of imposing taxes upon her citizens. The money arising from the sales of public lands may, in all time to come, be regarded as a surplus for distribution, unless war or some other great national calamity should afflict us; for the revenue derived from customs and other sources will be equal to meet every useful expenditure which the Government ought to make. What would you think of a farmer who desired to improve his estate, and who should borrow money at a high interest with which to do it, when he had his chest full of dollars, owned by him, and which he might use without paying interest to any one? A straight jacket and a lunatic asylum should be his portion. And yet, sir, such conduct is a fair illustration of the conduct of the present Congress, if we fail to divide among the States the surplus millions in the Treasury. We behold the States in every direction, borrowing at interest to carry on their public works; and we set here playing the dog in the manger over surplus millions. The real or pretended scruples of the President, and his unintelligible distinctions between *national* and *not national* works, between that part of a river *above* and that part of the same river *below* a port of entry; and his ready exercise of the veto power, have paralyzed the action of the General Government in regard to internal improvements, except in the most partial manner. When the broad and liberal system, sanctioned by former Administrations, has been broken up, and when we see the people of the States taking it up, and determined to progress with it, we should give them the means which belong to them to go on with the work. If you will do it, I shall be reconciled, in a great degree, to the destruction of the system as a part of the business of this Government.

Only think, for a moment, of the great works which the States would accomplish with the money. New York might even surpass her splendid Erie canal, by the construction of her contemplated railroads and ship canals. Indiana and Illinois, following the example of Ohio, would soon unite the waters of the lakes with those of the Mississippi. Charleston and New Orleans might, in a few years be connected with Cincinnati and Nashville by railroads; and my constituents might see their rivers improved to the highest navigable points, and their towns and villages connected with those rivers by railroads.

I will not dwell upon the great works which the States might, and probably would, construct with the money. Every one knows that agriculture, commerce, trade of all sorts, and the whole business of life, would be beneficially affected by the execution of that system of improvement which this Government has thrown aside, and which the States have taken up. The statesman who, when he has it in his power, refuses to secure these blessings to the people, will meet their indignation, and will feel the remorse consequent on the knowledge that he deserves it.

But, sir, I would not limit the States in the uses and objects to which they might apply the money. They might, if they chose, appropriate it to the education of their children. Some of the States would probably apply at least a portion of it to that object; and I would not only sanction it, but desire it. I regard the system of common school education, which prevails in New England and your own State, Mr. Chairman, [Mr. MANN, of New York, occupied the chair,] and which carries the knowledge of letters to the humble tenants of the houses of the poor, and enables them to read, to write, and to cypher, as one of the first blessings among the multitude enjoyed by the people of the Republic. Sir, I do not say too much in its behalf, when I declare that life, liberty, and property cannot be secure where ignorance prevails, or where ignorance rules. A foolish, uninformed people will become a prey to intelligent knaves. Despotism is the consequence; liberty is stricken down, lives are sacrificed, and property rifled. I am indebted to an uncle's charity for what education I received, and I feel sensibly for the condition of those children whose parents are unable to help them. There are thousands who will become useful citizens, and some throw a luster upon humanity, if our State governments will lend a helping hand in due season. Sir, it is no uncommon thing to see instances of unassisted genius in the humble walks of life, by the force of innate power, stimulated by the freedom of our institutions, irradiate the gloom of birth, and become intellectual lights of the world. Sir, we ought to glory in assisting, directing and developing the faculties of the rising generation, who will soon occupy our places. The State should be the parent of the destitute, and bring them up for their country.

We know the many useful and glorious purposes to which the States would apply the money if they had it. Let us inquire how this Government will use it, if it be not distributed. We can only predict the future by considering the present and the past. We have no assurance that you will do better hereafter than you have heretofore done. I will undertake, in a few words, to prove, by stating undeniable facts, that you will use the surplus millions in the Treasury, and the public lands, for improper and partial purposes.

Congress has heretofore appropriated and expended $5,307,721 18 in the construction of the Cumberland road; $2,763,006 33 having been expended in the States of Virginia, Pennsylvania, and Maryland, and the residue in Ohio, Indiana, and Illinois. By compact with these three new States, two per cent. on the net proceeds of the sales of public lands in their respective limits, is to be applied in making roads leading to those States; and three per cent. is to be paid them, making five per cent. in all. The whole amount received for the sale of public land prior to the 1st day of April last, (no matter where the land was situated,) amounted to $69,649,784 91; five per cent. on which is $3,482,489 25. It thus appears that, instead of laying out only two or five per cent. on the net proceeds of the sales of land situated in Ohio, Indiana, and Illinois, in making roads for them, Congress has actually

expended, on the Cumberland road, $1,825,231 93, more than five per cent. on the whole sum received for the sales of land in every part of the United States.

What right has this Government to expend for the benefit of these States so many millions in road making, and deny to Kentucky a pittance for a like object? And yet this has been done. President Jackson, upon the pretext that the Government ought not to unite its funds with those of individuals, and become copartners in stock, and upon the ground that the Maysville and Lexington road was not national, puts his veto upon a bill making an appropriation to aid in its construction. I cannot turn aside to demonstrate the futility of such attempted distinctions; nor will I stop to deprecate the election of a man as his successor pledged "*generally*" to follow in his footsteps. I will proceed to exhibit other evidences of partiality in past legislation, giving the new States advantages over the old, in regard to the uses and benefits drawn from the public lands, for which it will be difficult to find any warrant in the deeds of cession creating the trust, under which the General Government holds the title.

The following quantities of land have been granted to the new States for the purposes specified, to wit:

	Acres.
For the use of common schools	10,631,817
To aid in constructing roads and canals	2,446,951
For seats of government	28,989
For colleges and academies	484,320
Total donations in land	13,592,077

The land thus given, at the minimum price of $1 25 per acre, would bring $16,990,096. There is no doubt that these lands at this day are worth nigher fifty millions than sixteen. But take the minimum estimate, and add to it the amount expended upon the Cumberland road, and you will have an aggregate exceeding twenty-two million dollars, which the new States have obtained from the General Government in land and money! I ask you, sir, where will you look to find any such benefits conferred upon the old States? I know the answer. It will be replied that the donations to the new States were made with a view to enhance the value and increase the demand for the lands retained by the Government. But I also know that the increased value of the public land, in consequence of these donations, has not been a tithe of the value of the lands given to the new States. Perceiving how prodigal of favors Congress has been in respect to the new States, and thinking that Kentucky, although she had no land belonging to the United States within her boundaries, might justly claim the title and name of a new State, (being the first-born of the western sisterhood) I proposed, on a former occasion, that $500,000 should be appropriated, to be placed in the hands of, and expended by, the board of public works in Kentucky, improving the rivers of that State. My proposition was instantly voted down, and I fancied that I read in the looks of some members from the public-land States, which have already received their millions, the language of exultation. They seemed to me to consider my motion as the offspring of impudence, rather than the result of a just claim on the part of Kentucky to a participation in the benefits which Congress may and ought to confer, without the least partiality, among the States. Sir, you have given money and lands to the new States, and preemptions and floats to their citizens, until they have become as spoiled children, and presumptuously claim dominion over the public lands and their proceeds. There is now a bill before Congress to appropriate $600,000 for the further extension of the Cumberland road; and you can scarcely mention the subject of the public lands without being told that you ought to graduate their price, and after a few years give all which are not sold to the States in which they are situated. It is high time for the old States to apply the rod of justice to these spoiled children, and put an end to their arrogant pretensions.

Let us consider for a moment the propriety of the new schemes for disposing of the public lands, and especially that of reducing the price, and then selling them in limited parcels to actual settlers only. I pronounce the scheme unjust, partial, speculative, and fraudulent, and will prove it in a few words.

It is unjust, because it is notorious that there are millions of acres of unsold land worth more per acre than the price now fixed as a minimum. By reducing the price, the difference between the present price and that to which it may be reduced, will be so much given away by the Government to the future purchasers of public lands. You are bound, by every principle of justice, to sell these lands for their value; and so far as you take less than their value, to that extent do you enrich the purchaser and defraud the people at large, for whose use you hold the lands in trust.

It is unjust, again, because by it you sell as good land, at a smaller price to the new settler, than you sold to the old settler many years ago, and who had to encounter much greater difficulties in making his settlement than settlers of the present day experience.

It is partial, because such a system would only benefit the agricultural classes. Professional men, merchants, mechanics, and manufacturers, who carry on their business in cities and villages, would be excluded from purchasing lands on which to settle themselves or their children, in case they should change their pursuits, or be compelled to emigrate to a distance from the places where they long resided, and where their friends and connections live, to find vacant lands on which to settle. We should allow the merchant or mechanic who settles upon a lot in a new village of the West to purchase his quarter-section in the neighborhood as soon as he is able to pay for it.

It is partial again, because it gives the citizens of the States and Territories where the public lands are situated, great advantages in acquiring those lands over the citizens of the old States. Those who are already settled on their own lands in the new States might erect cabins on the adjoining public land, and, by moving a few hundred yards or a mile, be entitled to settlement rights upon as good land as that they now occupy, at a diminished price. It is this advantage, which would put it in the power of the citizens of the new States to select and settle the best lands, before the citizens of the old States could get ready to commence a journey of exploration, that has caused the deafening clamor from the new States in favor of graduation and settlement rights. Not content with growing rich faster than any people ever did, I fear they look with a covetous eye on the delightful lands owned by the public in their neighborhood, in violation of the tenth commandment. The only ground upon which to escape is, that land owned by the Government is not the property of a "*neighbor;*" and upon such a plea, the loose morality and worse religion of some people justify them in filching from the Government whatever they can get.

It is speculative, because it would enable rich speculators to obtain large quantities of the best lands upon lower terms than they now can. Such speculators could and would furnish settlers to any number out of the foreign paupers annually imported into this country, and who, by our naturalization laws, are converted into citizens before they understand the nature of our institutions, or the blessings conferred by regulated liberty, and the evils resulting from licentiousness. Speculators would get such persons to settle the land, and take their bonds for titles; and, to prevent it, you would be compelled to violate one of the first principles of freedom, to wit: the right of contracting and to prohibit settlers from selling their lands for a limited time or altogether. A report from the Treasury Department shows that there were forty-eight thousand seven hundred and sixty-four foreigners brought to this country in the year 1835; and I suppose hundreds, if not thousands, came to us through Canada, of whom there is no account given.

It is speculative, again, because it allows a continued series of settlements and sales; so that, when an individual has lived the prescribed time on a tract, he will sell it and settle another; and so go on through life, if he pleases. If, to prevent this, you provide that no man shall have more than one settlement, then, if he is forced by necessity to sell it, or if he is sold out by execution, he can thereafter acquire no more of your public land, unless he gets it second-hand, although he may retrieve his fortunes and be able to pay you for a home. You force such a man to be a renter for life, or to purchase second-hand at a high price, or to violate your law and play the swindler.

The new system contemplated is fraudulent, because it enables any one to swindle the Government, and obtain a tract of land in each State and Territory where there are public lands, notwithstanding the law may limit them to one settlement of right. This will be done by moving from State to State, and Territory to Territory. Who will follow and detect the fraud? It will be nobody's business, and it will not be done.

It is fraudulent, again, because it leads to litigation and perjury in contests about the priority of settlements, where a mill-seat, or a site for a town, or a first rate tract of land, is the prize contended for. Every bad passion which can agitate the human breast will be excited by such a contest.

In conclusion on this new land system, permit me to remark, that the same system which might answer very well in the non-slaveholding States will not answer to the South. Give a non-slaveholder a quarter section, and you give him more than he can use. But a slaveholder, who has a gang of fifty or a hundred negroes, cannot do with less than one or two sections. Will you give to the non-slaveholder a great deal more land than he can possibly use, or will you restrict the slaveholder to a quantity not half enough to carry on his operations upon? The idea of ceding the refuse lands to the States, if they are worth anything, would, if carried into effect, be a palpable violation of the trust conferred on you by Virginia and Georgia, and the obligation you have assumed to dispose of the lands for their benefit, in common with the other States. I am willing to sell swamps and hills at less than the rich farming lands are sold for; and as soon as the good lands are sold, we will fix the price for the bad

Sir, the whole scheme had its origin with "scurvy politicians," who believe that the people were simple enough to be gulled and corrupted by it. They and their scheme alike deserve the contempt of honest men.

Let us return, Mr. Chairman, to the manner in which this Government will use the money, if it be not distributed among the States. Sir, it will be kept in pet banks, to increase political power, to favor sectional interests, and to make fortunes for those who wear the collar, and who are ready to bark up any tree for a *sop*. *Your* President, Mr. Chairman, made war upon the Bank of the United States. By his veto he refused to permit it to be rechartered. He told the people, before his reëlection, in his veto message, dated July 10, 1832, that "*a* Bank of the United States is, in many respects, convenient for the Government and useful to the people." In the same message he said:

"That *a* Bank of the United States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the States, I do not entertain a doubt."

He said, "had he been called on to furnish the project of such an institution, the *duty* would have been cheerfully performed." Mark the idea! the "*duty*" of the President to furnish "*projects*" of laws to the representatives of the people! I will not stop to inquire what part of the Constitution prescribes that *duty*. As a quietus to the whole subject, the President said, in the same veto message of the 10th of July, 1832:

"A general discussion will now take place, eliciting new light, and settling important principles; and a new Congress, elected in the midst of such discussion, and furnishing an equal representation of the people according to the last census, will bear to the Capitol the verdict of public opinion, and, I doubt not, bring this important question to a satisfactory result."

Oh, what an admirable display of republican virtue! What a modest suggestion of a perfect willingness to abide the "*verdict of public opinion,*" as it might be handed in by a new Congress on its arrival at the Capitol!

But, lo, the sequel! The President was reelected in the fall of 1832, and qualified for his second term on the 4th of March, 1833. The

new Congress, elected under the last census, and which was to "bear to the Capitol the verdict of public opinion," could not meet under the Constitution and laws, as they then stood, sooner than the first Monday in December, 1833. Dates are often important things. Did the President wait for its arrival, and then abide by and conform to its "*verdict?*" No, sir, he did no such thing; but, with characteristic faithlessness to the expectations he had excited by his apparent devotion to public opinion in the veto message, on the 18th of September, 1833, a little more than two months before the meeting of "the new Congress," to which he had appealed, in a paper read to his Cabinet, he declared, "Whatever may be the opinions of others, the President considers his reelection as a decision of the people against the bank;" and thereupon he usurped the power of deciding a question which the law had expressly given to the Secretary of the Treasury, and assumed the responsibility of removing the deposits, thereby seizing upon the money of the people. To cloak these proceedings with the semblance of legality, he removed Mr. Duane, and appointed Mr. Taney, so that the removal of the deposits, upon paper, would appear to be his act, when in truth it was the act of a dictator, who, according to law, had no right to command or order it to be done. Sir, what was the secret motive for all these doings? Why did the President affect to know beforehand what "verdict" would be given in, and proceed, contrary to all the forms of law, to enter judgment and decide the controversy before the jury had been empanneled? By-the-by, *his* new Congress never could be brought to a direct decision upon the matters involved, and shamefully evaded giving any *verdict* approving or condemning the proceedings of the President, which superseded their action in bringing the question of *a* or *the* national bank "to a satisfactory conclusion."

Why, I repeat, has the Bank of the United States, the best institution of the kind that ever existed, been destroyed? I am convinced that the true reason for it is, that the directors were too honest and independent, and refused to become the tools of the Executive and the agents of *the party*. The correspondence which the examination of the bank elicited, in reference to the branch at Louisville, Kentucky, more than the correspondence in regard to the branch at Portsmouth, New Hampshire, and both taken together, constitute the basis of my belief. The deposits were removed to obtain power, and to gratify a malignant temper.

The experiment has failed most signally in securing a better currency for the people; but it has succeeded most admirably in securing more power to the party. Sir, if the President had obtained the mastery over the bank, and prostituted it to vile party purposes, he could only have gotten the control of a capital of $35,000,000, and a debt due not exceeding $70,000,000; but, by the change, he has obtained an influence and a control of the capital of the *pet* banks, amounting to $43,690,980 28, and a debt due them of $101,625,817 09. Our surplus millions, deposited in these *pets*, are used by them for the benefit of the stockholders, the Marquis of Caermarthen included, although a foreigner, and of the nobility? The President can prostrate and bankrupt the whole concern at a breath. He has only to call on them to pay what they owe the Government, or to determine on a second removal of the deposits, and they are ruined. Think you, sir, that they will not court his favor, and be obedient to his will, so that they may make money and avoid destruction? I will lay before the committee the condition of things in the three deposit banks in the city of New York on the 1st day of March last, or as near that day as returns could be had; and we shall perceive ground for many serious reflections, and may thence learn the operation of the whole system.

Situation of the Deposit Banks in the city of New York on the 1st March, 1836.

	Capital.	*Loans and discounts.*
Bank of America	$2,001,200 00	$4,562,086 73
Manhattan Bank	2,050,000 00	4,026,658 99
Mechanics' Bank	2,000,000 00	5,809,388 40
	$6,051,200 00	$14,398,134 12

	Domestic exchange.	*Other investments.*
Bank of America	$477,041 73	$907,053 95
Manhattan Bank	-	1,086,055 65
Mechanics' Bank	-	869,138 72
	$477,041 73	$2,862,238 23

	Specie on hand.	*Public money deposited.*
Bank of America	$1,265,439 28	$3,411,240 51
Manhattan Bank	1,173,982 41	3,973,495 90
Mechanics' Bank	1,031,343 00	3,730,794 31
	$3,470,764 69	$10,415,530 72

There was due to the above banks by other banks the sum of	$3,256,001 99
There was due to other banks by the above banks the sum of	674,854 36
On this sum the deposit banks of New York might charge interest	2,581,147 63
To ascertain the aggregate productive capital, or that which may be made so, add loans and discounts	14,398,134 12
Add also domestic exchange	477,041 73
Add also other investments	2,862,248 32
	$20,318,571 80

Thus, by the aid of the public money deposited in these three banks, they are enabled to make a profit on $20,318,571 80, when their capitals together only amount to $6,051,200, and when their specie on hand is only $3,470,764 69. The amount of their specie is the extent of their wealth in reality; but as Government favorites and chartered monopolies, their three millions is increased to twenty! No wonder, sir, that you people of New York, and especially your city stockholders, should be willing to perpetuate this system, seeing they are so handsomely rewarded by it. Besides, the heaviest deposits will be made for ages to come, under this system, in the New York city banks, because the largest amount of revenue is paid and collected in that city. Now, suppose the President should, to punish these New York pets, and with a view to reward the banks in Kentucky for political services, (should they be base enough to make the arrangement,) order the $10,000,000 of public money in the New York banks to be transferred to Kentucky. Is it not clear that the $10,000,000 could not be paid upon demand, and would there not be great danger of producing unparalleled desolation among the debtors of those institutions, if it did not extend to the whole country, by the rigid enforcement of such an order? Sir, I should but exhaust myself, and fatigue the committee, by tracing in detail the evils of the present miserable system in relation to our public money. Let us break it up by dividing the money among the States.

Unless we distribute, much of the money will, hereafter, as heretofore, be applied to extravagant and sectional purposes. You have already appropriated near $1,000,000 for a custom-house in New York. My intelligent and indefatigable colleague, [Mr. C. ALLAN,] who has been in correspondence on the subject, has received authentic information that the marble for the building alone will cost $349,085. You have appropriated $350,000 for a custom-house in Boston, and refused to adopt an amendment which I offered, proposing to limit the total expenditure to that sum. How much more than the sums already appropriated, these two palaces, constructed for the decoration of the cities rather than for any business purpose, will cost, no one can conjecture. You have, during the present session of Congress, got up a *South sea bubble*, and have appropriated $300,000 to send out a naval expedition in search of Symmes' Hole, or some unknown islands, whereon to catch seals! You have a Treasury building to erect in lieu of that consumed by fire, and judging from the extravagance manifested in the cases of the custom-houses, you will probably spend a million and a half in building your Treasury. When all these splendid palaces are erected, your officers who tenant them will require salaries proportionate to the magnificence of the buildings, and you will be called on to pay their servants in livery from the public chest. Sir, this is not a mere fiction of the brain. Although you allow President Jackson a salary of $25,000 a year, you have granted $1,500 to pay a Secretary for signing the President's name to land patents—a duty which the Secretary does not perform, if my judgment is correct, founded upon the difference in the handwriting of the names of the President and Secretary in several patents which I have recently received for my constituents. Thus the Secretary gets the whole salary, no doubt, and does only half the work the law requires him to do; letting a clerk write the President's name, while he writes his own only. Our former Presidents could find time to sign their own names to patents; but General Jackson is probably fully occupied signing new commissions to fill vacant offices occasioned by his removals, and the other duties of his station. I have seen, in the documents laid before me, that you pay the President's *gardener* $1,000 a year—just as much as a talented circuit judge receives in Kentucky. Going on at this rate, it is not at all improbable, if *your* candidate for the Presidency succeeds, we shall see a salaried tailor attached to the establishment at the White House. There is a precedent I am told, in New York, which shows that some of her officers may draw on the public treasury for *mending breeches!*

Mr. Chairman, I cannot repress my indignation when I reflect upon the extravagance and folly which are stamped upon your appropriations, and when I see the glorious purposes to which the money might, and ought, and would be applied, but for the degrading misrule and degeneracy of those in power. The character of the times has changed. Instead of taking a common-sense view of things, and honestly applying our surplus means to the improvement of the country, by which all ranks and classes would be benefited, we are giddy with conceptions of magnificent domes and geographical discoveries. Our thoughts, like the fool's eye, are roaming to the verge of the earth after adventures and fame, while we neglect practicable things of vast importance at our doors. The hearts of politicians have become corrupt. Office and power are sought after for the sake of money, instead of the noble and benevolent and patriotic purpose of doing good, and in the selfish scramble for the division of the "spoils;" the disgrace, if not the overthrow, of our institutions will surely take place. Our best remedy will be found in divesting this Government of the means of corruption and prodigality, by placing the surplus at the disposal of the States. If the money is not distributed, it will not only be used for such improper purposes as I have mentioned, but you will pour it out upon chimerical projects, which you will attempt to palm upon the people, and to render popular under the captivating yet delusive pretext of public defense. The party to which you belong, Mr. Chairman, understand the value of a popular name as well as any set of men that ever lived; and they can wear out a good name, and render it odious, as soon, too, as any set to be found in the world. A *Jackson Democrat* is a name that has nearly closed its career. It took well; but I doubt whether, with all your coaxing, you can get the collar fastened on the necks of the people with the brand of "*Jackson Van Buren Democrat*" upon it. Sir, you must take the collar off, to engrave the new title upon it; and my word for it, there is great danger that you will never be able to put it on again. The people are opening their eyes to the deceptions which have been practiced upon them by false professions, and you will never be able to put on new halters, if you let them loose by taking off the old.

Some of the bills of this session, purporting to provide for the public defense, would be more properly denominated bills to squander the public money. Such is the bill, in part, now before the committee. It proposes to allow the President to purchase new sites for fortifications, and appropriates a large sum to that object with others, and does not pretend to prescribe how much ground shall be purchased, nor in what place, nor at what price. We thus surrender the salutary control which, as Representatives of the people, we ought to exercise, and confer an unlimited discretion upon the President, who may make purchases of land upon the sea-board or in the mountains, in New York or Nashville, just as it may please him. I will vote away money for no such object. Before I will vote the money, I

must know where the land is situated, what it is wanted for, and what it will probably cost. At one time, in the early part of the session, it almost seemed to be the determination of a majority of this House to convert the whole line of sea-coast into one continuous breastwork, and to mount it with cannon. Nothing less grand and stupendous than a Chinese wall around the empire seemed to meet the elevated conceptions of the Military Committee. The number and magnitude of their fortifications upon paper gave ample scope for the imagination; and we saw with fancy's eye embrasured castles looming through old Ocean's mist from Passamaquoddy to the Balize. But, sir, this enchantment, conjured up to deplete the Treasury, has vanished under the wave of Secretary Cass's wand. His common-sense report has exposed to ridicule the silly idea of fortifying every hamlet, village, and inlet upon the sea-board; and, in all time to come, I trust that our statesmen will limit their ideas of sea-board fortifications to the protection of our naval stations and principal cities. To render these impregnable to any assault, I would grant any sum. After that, our surest defense is in the stout hearts and strong arms of our countrymen; and the ability to concentrate them and all the implements and munitions of war, with rapidity, at any threatened or invaded point. Only construct the Charleston and Cincinnati, the New Orleans and Nashville railroads, and you will accomplish more for the defense of South Carolina and Louisiana than fifty or a hundred millions could effect if expended in building fortifications along the sea-shore. An invading enemy, whose object was plunder or conquest, would land and pass into the interior, where there was no fort to annoy him. The railroads would enable us to throw an army from Ohio, Kentucky, or Tennessee, upon the enemy, before he had time to gain a foothold. As the surest and most effectual means of defense, therefore, good policy requires us to distribute the money, so that the States may construct those works, which will aid our military operations beyond measure.

Permit me to strengthen these suggestions by reading the opinion of one of our most distinguished military men, taken from a letter addressed by General Jesup to Mr. Shriever, relative to the Chesapeake and Ohio Canal, and published in 1824. The General says:

"How important soever internal improvements, such as roads, canals, and bridges may be, in a political and commercial point of view, I am persuaded they will be found still more so in relation to the military defense of the country; for the military power of a nation consists not so much in a numerous population and great resource as in the capacity which it possesses of concentrating them at assailable points with certainty and rapidity. If this proposition be true, (and I hold it to be undeniable,) it inevitably follows that the nation having the best system of internal improvements, all other circumstances being equal, will be more powerful than any other, particularly in wars of defense, because it can place at any point on the frontier a greater force and a larger portion of supplies, in a given time, than its antagonist."

The letter proceeds, and, by conclusive reasoning, places the truth of the above positions beyond all doubt.

My esteemed colleague [Mr. C. ALLAN] has furnished me with the aggregate amounts of the various sums proposed to be appropriated by the bill now under consideration, and two bills presented by the Military Committee for the construction of new works, the foundations of which have not yet been laid. The bill now before us, and the amendments thereto, propose to appropriate $3,772,058; and the two bills from the Military Committee propose to appropriate $2,503,800. Thus we are, and will be, called on to vote for $6,275,858 for fortifications in one year, during the same session, unless the able report from the Secretary of War shall arrest us in the midst of our madness. Sir, you cannot spend judiciously a fourth part of the money; you cannot get the materials and laborers. You cannot, in the remainder of the year, spend a tenth part of the money, unless it be corruptly wasted. The average appropriation for fortifications, since the year 1816, has been annually about seven hundred thousand dollars. The estimate for 1835 was $439,000, and in 1836 we have schemes before us which call for $6,275,858! Heretofore the appropriations for naval purooses averaged about three million five hundred thousand dollars a year. The naval bill this year amounts to $6,255,307. I was startled when my colleague communicated these facts to me. They point to a settled purpose of squandering the millions in our Treasury in visionary projects, rather than have them distributed among the States. My only hope is that the people will hold their representatives accountable for these monstrous abuses.

I have noticed, Mr. Chairman, in the course of this and other debates during the session, that the advocates of what I believe to be a most chimerical system of fortifications have enforced the propriety of adopting their plans by representing the nation as destitute of the means of resisting aggression or prosecuting war. I propose to show, by contrasting our situation in 1811, just preceding the declaration of war against England, with what it now is, that those who represent us as weak and defenseless greatly err, if they do not calumniate their country.

The total revenue for the year ending 30th September, 1811, was:

Customs and miscellaneous	$12,774,385 14
Land sales	767,061 23
	$13,541,446 37

The revenue for the year ending 31st December, 1835, was, exclusive of dividends on bank and canal stocks and miscellaneous items:

Customs	$19,334,547 79
Land sales	14,559,193 71
	$33,893,741 50

Population, as ascertained by the census of 1810	7,239,903
Population *now* is double what it was in 1811; by census of 1830, it was	12,535,291
On the 31st December, 1811, the national debt amounted to	$45,154,189
In 1836 we have no national debt.	
In December, 1835, General McComb reports the grand total of the Army at	7,198
The latest returns of the militia (and those are incomplete) show a force of	1,310,450

I have not laid my hand on any document showing how the Army and militia stood in 1811.

In 1811 we had in commission 5 frigates carrying 200 guns; 8 sloops, 126 guns; and 2 schooners, 22 guns	15 vessels,	348 guns
Do. in ordinary, 5 frigates, carrying 172 guns	5 vessels,	172 guns
Total naval armament in 1811	20 vessels,	520 guns
In 1835 we had in commission 1 ship of 74 guns; 4 frigates, 176 guns; 9 sloops, 162 guns; and 5 schooners, 60 guns	19 vessels,	472 guns
Do. in ordinary, 5 ships-of-the-line, 370 guns; 4 frigates, 176 guns; 5 sloops, 90 guns; 1 schooner, 12 guns	15 vessels,	648 guns
Do. building, 5 ships-of-the-line, 370 guns; 7 frigates, 308 guns; and 1 steamship	12 vessels,	678 guns
Total naval armament in 1835, exclusive of the steamship	46 vessels,	1,798 guns

Thus, sir, with a revenue increased nearly threefold since 1811, with a population doubled, exempt from a national debt, with a regular Army exceeding seven thousand men, with a militia at this time equal to a million and a half of fighting men, and with a naval force treble that which gained so many laurels in warring with England, members of Congress speak of our national weakness upon this floor, and call upon us to vote millions to empty the Treasury upon ill-digested projects of defense. Sir, it is *individual*, and not *national*, weakness which generates such speeches. But again, only look at the manufacturing ability of the country to clothe an army, and compare it with the state of things during the war of 1812, when our soldiers were freezing for want of comfortable blankets. I saw it stated in a newspaper paragraph, a few days since, that in 1808 there were not ten bales of cotton spun by machinery in the United States; while, in 1835, there were spun two hundred and sixteen thousand eight hundred and eighty bales. I present these facts, Mr. Chairman, for the consideration of statesmen. They will have their influence with those of all parties, whose intellectual pinions can elevate them above the filthy level of a brawling politician. I throw them out for the contemplation of the eagle who can soar in the heavens, and explore the wide expanse of earth and moving things below him. Your tom-tit, who hops and flutters in the circumference of a brush heap, and exultingly twitters over a crumb which has fallen from the table of executive patronage, can have no conception of things so vast and important.

Suppose, Mr. Chairman, you pass the bill under consideration, just as it is, and all other bills upon your table appropriating money for fortifications: what will come next? I need scarcely say that forts are useless, unless mounted with cannon, that cannon are harmless things, unless charged with powder and ball; and that forts, cannon, powder and ball, are all good for nothing, unless managed by skillful men. Men cannot garrison your forts, and live upon the wind. They must be fed, and clothed, and paid their wages. When you build a few scores of new fortifications, the next thing will be to increase your standing army, in order to man the guns and take care of the forts. To accomplish all, there will be many fat jobs to let; contractors will grow fat; and there will be a new field of patronage, in which the President will feel his power in appointing new officers, and no doubt he will use it to the best advantage for the good of the party. But, sir, whose money will pay for all these things? Who will be taxed to keep up the establishment, after the money arising from the sale of the public lands is all spent? for it cannot last always. Your constituents and mine will then have to bear the burden. I do not intend, if I can help it, that it shall ever come to that; and I shall vote against every entering wedge, knowing the truth of the old adage, that "an ounce of prevention is better than a pound of cure;" and knowing that if these things are once saddled upon the people, they will never be able to get clear of them.

I have been a little curious to find out the opinions of others upon the subject of distributing the proceeds of the sales of the public land among the States; and I have noticed the conduct of individuals, and of public bodies, with some anxiety. There are three parties; and it would be amusing, were it not for the painful solicitude generated by the magnitude of the interests involved, to inquire minutely into the motives of the parties, and to trace the various circumstances by which they are influenced. Pennsylvania, Kentucky, and many other States, come out openly, and instruct their Senators and request their Representatives in Congress to favor the measure; while most, if not all, of the new States take the opposite course. Why this difference? Trace it to its source, and you will find that Pennsylvania, &c., act upon the idea that the fund belongs to all, and that justice and sound policy require its distribution; while the new States look upon the distribution as calculated to deprive them of the great advantages they have heretofore derived in donations from this Government; to cut off the cherished hope of having the lands ultimately ceded to them; and to break up the harvest of speculation, which they are endeavoring to mature by graduation and pre-emption laws. The State which you in part represent, Mr. Chairman, the State of New York, at present occupies an equivocal position in regard to the distribution. Let me read you what your former Governors thought and said upon the subject of distributing the surplus revenue. Here it is:

"As, however, the General Government is possessed of the national domains, and has exclusive authority over the most productive sources of revenue, I believe that the power of distributing the necessary funds among the several States, for objects of public improvement, ought to be incorporated into the Constitution, if not recognized as already in existence."—*Governor Clinton's message, January* 2, 1827.

"In a very few years, the national debt will be paid, and as but a small portion of the revenue will be consumed in conducting the affairs of the Union, within the constitutional limits, and as there are no prudential reasons for continuing the duties to a certain extent, there can be no valid objection to the distribution of the surplus revenue among the States, to be disposed of at their discretion."—*Governor Throop's message, January* 5, 1830.

"I submitted to the consideration of the last Legislature the propriety of taking measures to procure a distribution of the surplus revenue of the United States." * * * "I esteem it of sufficient importance to renew the suggestion, and press it earnestly upon your consideration."—*Governor Throop's message, January* 4, 1831.

Following the recommendations of Governor Throop, in March, 1831, the House of Representatives of the New York Legislature resolved,

unanimously, "That the surplus revenue of the United States, beyond what shall be deemed by Congress necessary for the expenses of the General Government, and a proper provision for public defense and safety, ought to be annually distributed among the several States, according to their population, to be estimated in the manner pointed out by the second section of the first article of the Constitution, for the apportionment of Representatives and direct taxes." But how does New York stand now? Judging from the speeches made by yourself, Mr. Chairman, and others of her representation on this floor and in the Senate, she has veered about, and is now opposed to the distribution. Why the change? It is said, and I fear with too much truth, that your object is to hold on to the money to aid in the election of a President, and not to interfere, at this *particular* time, with the policy and schemes of the new States, for fear of losing votes. Sir, if I had the election of a President more at heart than I have the welfare of the country, I would rejoice to see Congress adjourn without distributing the surplus. Everybody knows it is in the power of the New York party to do it; and everybody knows, if it fails, that your party will be the cause of its failure. If you do not make the distribution, the people will be convinced, beyond a doubt, that you are influenced by corrupt motives, and the people will blow your candidate "*sky high*" with the breath of their indignation. Sir, if you wish to elect Mr. Van Buren, you had better let the States have the money. Withholding it from them will lose you more among honest men than you will be able to gain among knaves by the use of it. If that be not its operation, then I despair of the Republic. It is destined for destruction.

In the course of this debate I noted many very exceptionable remarks made by those who have preceded me. I thought, at the time, if I said anything, I would reply to them; but I find it is impossible. I must come to a close, and leave many things unnoticed which ought to be held up for public condemnation. I am constrained, however, before I sit down, to notice a few observations which have fallen from different gentlemen in the course of this latitudinous debate. And first, Mr. Chairman, in regard to yourself: You took occasion the other day, another bill being under discussion, to charge those in favor of distribution with an unwillingness to vote money, even to defend the country against Indian massacre, because, as you said, we wanted to divide the "*spoils*," and take home our respective shares to our constituents. How did you know, sir, that our hearts were so eagerly bent upon the division of the "*spoils?*" It is a common rule to judge others by ourselves, and I am not sure but you have felt its influence in the present case. Had you any right to impute improper motives to us, from any vote we have given? Have we not been prodigal in voting supplies to suppress Indian hostilities? Sir, as much as my constituents want a portion of this money to aid them in their public works, they would not take a dollar of it for that purpose, when it was needed to save the lives of women and children from the scalping-knife and tomahawk. They would scorn me, as an unworthy Representative, if I refused to make proper appropriations for public defense. It would be no justification to tell them I had secured a division of the money. Their indignant answer would be, We wanted no division under such circumstances; you ought to have applied the money in saving the lives of the people. Sir, your insinuation was neither creditable to us nor to yourself. You had no more cause or right to make it, than I have to charge you with exultation whenever you hear of Indian butcheries, because such things afford you suitable opportunities to raise a panic, and plausible pretexts to vote away millions; and thus enable you to reward your friends by throwing the money into their pockets, instead of dividing it among the States, to be applied to works of internal improvement, to education, or anything else the States may please.

Sir, I have voted, and mean to vote, for every appropriation necessary to suppress Indian hostilities, and to defend the sea-board. After doing all that, there will still be a large surplus for distribution, and it is our duty to apply it in promoting other great interests of the country. In regard to these Indian hostilities, I believe that the Administration is blamable for their existence. The gentleman from South Carolina [Mr. PICKENS] took occasion to condemn the President for his anti-nullification principles in reference to his State. I should not have introduced that topic; but as he did it, I take this occasion to say, that, if I am correctly informed, the President was a nullifier of the *first water*, of the South Carolina school, at one time, and, while of that faith, wrote a complimentary letter to Mr. Hayne, praising his nullification speech; and, moreover, sent them under his frank, printed in gold letters, to his friends! However that may be, it is certain that the President, to this day, continues to be a decided nullifier in Georgia and Alabama, abrogating Indian treaties, treating with contempt the decision of the Supreme Court, allowing these latter States to rule the Indians by laws they do not understand and have no hand in making, and permitting Georgia to seize upon and parcel out the Indian lands. Sir, you may trace the wars in the southwest to the President's nullification, and to the oppression which he has tolerated, and which it was his duty to prevent. The Indians have been driven to madness, and they are breathing vengeance. But, sir, I will not go into the causes of the war for the purpose of refusing money necessary to bring it to a successful termination. If a man's house is on fire, the first thing to be done is to put it out; and after that, then to find out the incendiary and punish him for the crime. I am for putting out the torch of war which blazes in Florida, Georgia, and Alabama, in the first place; but I am also for keeping in view those errors in doctrine and sins in practice which have brought the evils upon us. We shall learn wisdom and justice by so doing. The President will find some excuse, probably, for his *anti*-nullification in South Carolina, and his *ultra*-nullification in Georgia, about as satisfactory as his distinction between that part of a river *above*, and that part of the same river *below* a port of entry!

One remark more, and I am done. The chairman of the Committee of Ways and Means [Mr. CAMBRELENG] said, some days since, that the distribution of the surplus money among the States would corrupt them. The charge is a calumny upon the States. Have they been corrupted by the large sums they have borrowed, and are borrowing? No, sir; the motive which induces them to borrow is founded in a virtuous, lofty patriotism; the uses to which they apply the money borrowed prove their fidelity and honesty in promoting the public good, and afford a certain guarantee that, placing in their possession that which they demand as a right, and not as a favor, will not corrupt *them*, but make this Government a great deal better.

POLICY OF THE GOVERNMENT.

SPEECH OF HON. HILAND HALL,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

May 24, 1836.

The House having resumed, as in Committee of the Whole, the consideration of the bill making appropriations for certain Fortifications of the United States for the year 1836—

Mr. HALL rose and said, he could not reconcile it with his sense of duty to his constituents to remain longer silent in relation to events which were daily passing before him. He would have preferred to submit the very general view which he intended to take of some of the most important measures before Congress, when a bill then on the table from the Senate (the land bill) should come up for discussion; but he had very lately been warned by some rather ominous votes of the House, that it might be the pleasure of gentlemen to prevent any direct action of the House on that bill, and he had therefore determined to avail himself of the present occasion. We knew it was the desire of gentlemen to take the question that night, and he should condense his remarks in such a manner as to occupy as little of the time of the committee as was practicable.

We have, as I think, (said Mr. H.,) reached a new and extraordinary era in the affairs of this nation. When we came together in December, we were in the midst of an excitement arising out of an apprehended war with France. During the existence of that excitement, when it was supposed by the country that real and imminent danger existed of an almost immediate war with a most powerful foreign nation, we were furnished by the Executive with an estimate of appropriations which would be required for the year. Do you remember, sir, the amount of those requisitions? I will remind you of them. They were as follows:

Ordinary appropriations specifically called for	$17,515,933
Computation of extraordinary appropriations to meet all anticipated contingencies	5,617,707
Making in the whole	23,133,640

This, you will observe, was the estimate submitted to us during the existence of our difficulties with France—a war estimate—or, at least, such an estimate as the Executive branch of the Government thought it proper to recommend, under the possible, if not probable, contingency of a war with a powerful foreign nation. And a comparison of the amount with former estimates will show that it greatly exceeded those of previous years; and that upon the principles on which the Government has heretofore acted, it could only be justified by the uncertain and somewhat alarming state of our foreign affairs. Now, sir, all our difficulties are amicably adjusted; the nation is at peace; no foreign war is apprehended; and suddenly, as if by magic, a new warlike watchword is rung in our ears. It is sounded from the Capitol, echoed in the newspapers, sought to be published in the streets, and proclaimed from the house-tops. "National defense! National defense!" is the cry; and we, sir, of the minority, who have heretofore been branded as wasteful and extravagant legislators for our votes in favor of reasonable appropriations for fortifications, are now approached by the same gentlemen who lately denounced us, and very gravely asked if we are not in favor of appropriations for the "national defense?" Even the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] who has never been over liberal in his support of appropriations for fortifications, and whose name in the Journal of the last session stands recorded in opposition to mine against an appropriation of $67,000 for one of the precise objects for which the present bill, reported by him, contains an appropriation of $150,000; he now seems ready to question even the patriotism of any one who hesitates to swallow, without examination, the most Quixotic projects for squandering the public money, under the name of expenditures for the national defense. Sir, this is no cry of *patriotism*—it is the cry of *border interest* and the *party*, and, for one, I shall not respond to it. The conversion of gentlemen is altogether too sudden, the object too palpable, to give to their new efforts any other character than that of the ridiculous; and by that character they must and will be known to the country. As to myself, I shall keep straight ahead on my old track. I have always voted in favor of liberal appropriations for the national defense, and I shall continue to vote for them. I shall cheerfully vote for the $150,000 for fortifying Boston harbor, uninfluenced by the last year's opposition of the honorable chairman, and for any other appropriations which have a reasonable claim to our approbation. But I will not vote for appropriations merely to get rid of the public money. I shall first inquire, as I have heretofore done, whether the object for which the money is asked be a proper one; and, if it be, then whether the sum demanded can be profitably expended during the year. If I come to an affirmative conclusion on both these points, I shall vote for the appropriation. Otherwise, I shall vote against it, and risk the denunciations of all new converts to the "national defense" party.

Sir, the secret of this new course of action,

which is, indeed, no secret at all, is the discovery of a large surplus in the Treasury, which the people are desirous of having distributed among the States, and applied to some useful purpose. To prevent this distribution, we have, for the last two or three months, witnessed a state of things altogether new in the history of our legislation. Heretofore, the requisitions of the Departments were examined with some degree of scrutiny by the Committee of Ways and Means, to ascertain if they were necessary, or if some deductions from their amount might not reasonably be made. Formerly, when an unexpected requisition came in, you could discover, by the sober demeanor of the Committee of Ways and Means, that they were fearful of the effect of the new call on the House, and that they regretted the necessity which compelled them to advocate it. Now, the scene is entirely changed. No sooner does the chairman of that committee receive a call for a new appropriation, even for a few thousand dollars, than his countenance is lighted up with unusual joy; and on the prospect of a new Indian war, and the consequent call for an appropriation of a million, his exultation is extreme. He rises in his place, with great apparent self-gratulation, announces the fact to the House, and in a note of triumph informs us that we may stop talking about the surplus, for we shall now have an opportunity of spending it.

But gentlemen have not been content with the requisitions of the Executive. The Departments, contrary to all former practice, have been solicited, and importuned, and teased, by resolutions and letters of committees; and personal applications, for additional estimates. A resolution of the Senate of the 18th of February, asking for additional estimates, produced a brief letter from the Secretary of the Navy, transmitting, not his own views, but the imaginings of the Navy Commissioners; and a detailed report of the Secretary of War, overthrowing and "toppling down headlong" most of the tall projects of gentlemen for dissipating the revenue on fortifications—a report which does the highest credit to that distinguished officer, and which, had its production been the only act of his life, would have placed his name by the side of those of the most eminent statesmen of our country. The answer to this resolution was not a very digestible affair. The Secretary of the Navy said nothing. The Secretary of War interposed an argument that could not be controverted; and, what was no less insuperable, the President himself expressed an *opinion* in accordance with the Secretary. But gentlemen were not to be put aside by one refusal. The Senate place themselves in an imploring attitude, and address the Secretary in the language of supplication. Do, sir, be so good as to inform us the most you can possibly spend during the year in your Department? "What is the *maximum* amount?"—that is the language—that *can* be expended? This question was rather too extraordinary for so old-fashioned a man as the Secretary, and he seems to have been puzzled to know what to do with it. He knew the extravagant answer which the craving appetites of those who made the inquiry demanded, and that he could not give it without abandoning the estimates he had deliberately made at the commencement of the session, and contradicting all the principles which he had so ably maintained in his report. But not desiring to be absolutely uncivil to so respectable and gentlemanly a body as the Senate of the United States, he hands over the resolution to the chief engineer: "Here, sir, you answer it." From the reputation which the Chief Engineer has—whether justly or not, I will not pretend to say—of being the most liberal and latitudinarian of any officer in the Government in regard to appropriations, one might naturally suppose he would have found no difficulty in giving the required answer. But no such thing. Even he believes that there is a limit within which expenditures should be circumscribed, and beyond which they become wasteful and extravagant. He, too, declines to answer, and, following the example of the Secretary, hands over the humble entreaty of the Senate to his subordinate; and we at length have the answer of a second lieutenant of engineers, in some half a dozen lines, saying that, in his opinion, some six millions may be beneficially expended on fortifications annually. And it is upon this naked opinion of a second lieutenant of engineers, without any designation of objects, or any reasons assigned for the extraordinary conclusion to which he has arrived, that we are to be called upon to appropriate millions of the public money.

Sir, the Secretary of War repudiates the idea of lavishing our resources on extensive fortifications on the sea-board—fortifications which it would require a large standing army to man, and which no enemy would be silly enough to go out of his way to attack, when he could accomplish any object of invasion much more conveniently by passing them beyond gun-shot distance. He overthrows most conclusively the extended system of defense on which our former surveys have been made, proposes to confine our fortifications to the protection of the important sea-ports from naval approaches, and to limit the extent of those works to their capability, with the aid of steam batteries, of accomplishing that object, and of resisting sudden attacks, relying on the patriotism of the people, aided by the facilities afforded by the internal improvements of the country for the rapid concentration of force on any point of attack, as the great and leading means of national defense. He recommends a reëxamination of sites, and a reconsideration of plans, before commencing new works. This is the language of reason and of common sense; and whoever adopts the principles of the Secretary will find it somewhat difficult to discover proper objects for the expenditure of much more than a tithe of the sum recommended—no, not recommended, extorted—from one of the clerks in the office of the Chief Engineer. Besides, we all know that when the objects of appropriation are desirable, there is a limit beyond which money cannot be profitably expended in any given period of time. A document upon our tables shows that there remained in the Treasury on the 1st of January last, of money before appropriated and not then expended, $8,726,000. Of this sum more than two millions were of appropriations for repairs of ships and for the increase and improvement of the Navy; $133,000 for navy-yards; and although no fortification bill passed at the last session, there still remained in the Treasury at the beginning of the present year over fifty-six thousand dollars of money previously appropriated for fortifications, and all this during the existing difficulties with France. Either the Executive must have been willfully negligent of his duties, or the unexpended money in the Treasury could not be profitably used. Gentlemen certainly will not take the first horn of the dilemma. Neither will I. We all know that the demand which the Government makes for the peculiar kind of materials and labor which it requires, may become greater than the natural means of supply; and that when such point is reached any attempt to force the prosecution of works must result either in a material reduction in their quality and value, or such a wasteful expenditure of money as no Government would engage in but during a period of the most extreme necessity and danger. Most of the money under these extravagant appropriations cannot and will not be expended. It will still remain in the Treasury, and all attempts to drain it by this mode of operation will, so far as the money is not extravagantly wasted, be altogether nugatory. The Secretaries, both of War and the Navy, well understand this matter, and wisely decline making themselves responsible for these Quixotic appropriations If gentlemen desire to assume a responsibility which the Executive declines, they are certainly at liberty to do so. I shall take care to wash my hands of the responsibility by voting against the appropriations.

But, sir, the "national-defense" project having encountered so many obstacles from the Departments, and it being ascertained that it will entirely fail of dissipating the public revenue, gentlemen have very industriously set themselves at work in inventing other schemes for accomplishing the same laudable object. I shall not stop to enumerate the various projects which this strife for the honor of being the inventor of the most expeditious and effectual mode of draining the Treasury has produced. Any gentleman who has a curiosity to examine a list of them, will find one approximating as nearly to perfection as the nature of the subject will admit, in the printed remarks of the gentleman from New York on my left, [Mr. GILLET,] who catechised so *non-committally* his colleague, [Mr. GRANGER,] in regard to these various schemes, and who, I thought, before the prompt responses of his colleague were completed most heartily wished the whole of them back in the brains of the very respectable gentlemen who had concocted them. I feel under great obligations to my friend from New York [Mr. GILLET] for the labor he has so praiseworthily expended in hunting up from among the dusty files of the two Houses these various schemes, and for presenting them in so condensed and portable a form. I have had thoughts of moving the House for the printing of an extra number of copies of the gentleman's catalogue, in order that my constituents might have a perfect knowledge of the very great variety of modes by which the public money may be ingeniously squandered; but as I doubt whether such a motion would be in order without a suspension of the rules, I trust the gentleman will pardon me for waiving it, at least for the present. It is a little remarkable, sir, that two of the most prominent of these projects—in pursuance, perhaps, of the great anxiety of gentlemen to put down all monopolies—are for the direct benefit of corporations. I refer to the project of the grave Senator from Tennessee, [Mr. GRUNDY,] for entering into partnership with railroad companies, and to the no less commendable one of the Senator from New York, [Mr. WRIGHT,] for investing the surplus in corporation stocks! Who are to be the agents for making these investments we have not yet been informed. I hope I shall not be considered out of order in suggesting that there are sundry very worthy gentlemen in the New York Senate, who have had great experience in these stock matters, and whose claims for services rendered, and trials and tribulations endured, in the bloody war against monopolies, ought not to be overlooked.

Mr. Chairman, there is a very great inherent difficulty in this matter of spending the surplus. When there are really no proper objects of expenditure, it requires immense intellectual labor to discover them. I wonder that some gentleman has not introduced an appropriation, say of a million or two, to be awarded to the person who should invent the most plausible mode of draining the Treasury. I do not think it would produce many new schemes, for I believe the ingenuity of gentlemen has already been taxed to the utmost; but it would have the merit of being itself a project, and of abstracting from the Treasury precisely the amount which was appropriated as a premium. If any gentleman has a scheme in his drawer ready to offer, and thinks this a better one; or, if any gentleman who has produced a scheme, and ridden it through its butterfly-life, is desirous of mounting another hobby, he is welcome to this—"free gratis for nothing." I leave the sum blank, to be filled up by whoever receives it. I do not engage that it is absolutely a proper mode of spending the public money; nor do I desire any gentleman to take the scheme absolutely at his own risk. I warrant it to be fully equal, in every respect, to most of the projects that have gone before it; and I further warrant that the people, to whom all these matters must be finally submitted, will so consider it.

Mr. Chairman, I propose to inquire into the actual state of the Treasury, with the view of ascertaining whether its condition and prospects will allow of a distribution of the proceeds of the public lands among the States, as proposed by the bill on your table from the Senate. But, before doing so, I beg leave to call the attention of the committee to the last two annual reports of the Secretary of the Treasury, for the purpose of showing how entirely mistaken he has been in his estimates of the future revenue of the country. In his report of December 2, 1834, he estimated the balance that would be in the Treasury on the 1st of January, 1835, at $5,586,232 34; he estimated the receipts during the year 1835, at $20,000,000; making of available funds for that year, $25,586,232 34. By the report of December, 1835, it appears that the *actual* balance in the Treasury on the 1st of January, 1835, instead of being $5,586,232 34, as he had before esti-

mated, was $8,892,858 42; and by the same report we are informed that the receipts of 1835, instead of being but $20,000,000, would be $28,430,381 07, exceeding by nearly eight and a half million dollars his previous estimate. Observe, sir, this was the estimate made at the commencement of the present session.

But, on the 13th of January, the Secretary, in answer to a call from the Senate, informs us that his estimate of receipts, made in December, was quite too low; and that the actual receipts for 1835 were $34,400,733 69, being an addition of $6,000,000, which the short period of six weeks had enabled him to discover. The account, then, between the Treasury and the Secretary's estimates for 1835, stands thus:

Ascertained balance in the Treasury, January 1, 1835	$8,892,858 42
Actual receipts for 1835	34,400,733 69
Making the sum of	43,293,592 11
Deduct balance in the Treasury and receipts as estimated	25,586,232 34
Leaving an excess of	$17,707,359 77

of available funds for the year 1835, over and above the sum which had been estimated by the Secretary at the commencement of the year.

Sir, in this matter of estimates, the Secretary does not seem to profit by experience, for he has been quite as wide of the mark this year as last; and he runs into the same error, that of estimating the revenue greatly too low. In his annual report, made at the commencement of the present session, he estimates the receipts for 1836 from all sources at $19,725,700. On the 18th of April, 1836, in answer to a call from the Senate, the Secretary informs us that the *actual* receipts for the first quarter of 1836 amounted to the sum of $10,725,700, about one million more than one half of his estimated revenue for the whole year. Here again the Secretary, *five days* afterwards, finds his estimate for the first quarter to be minus about half a million. Here his explanation: I quote from his report of April 23, 1836:

"It is deemed proper to add that some additional returns of receipts into the Treasury during some of the last days of March, which, from great distance, irregularity in the mails, or some other cause, had not arrived, and could not be ascertained by either the Treasurer or this Department at the time of my former report, have since been received, and *increase* the amount as then ascertained by him in his running account to be the balance in the Treasury about four hundred and fifty-one thousand five hundred and forty-five."

So that the actual receipts into the Treasury during the quarter ending March 31, 1836, were $11,177,245.

Sir, a man of more suspicious temperament than myself might charge this uniform system of blundering, which the Secretary seems to have fallen into, to some motive of concealment, extraneous from the public good. I make no such charge. I will not question either the integrity or general ability of the Secretary. I believe him to be in many respects an excellent officer. I impugn not his motives; but I will say this of him, that for a Yankee he shows very little *cuteness* at *guessing*. Why, sir, the dullest of the Kentuckians on Green river, who, we were the other day informed by my friend, [Mr. HAWES,] their Representative, mistook an astronomical observatory for the miraculous reappearance of Jacob's ladder, would be willing to *reckon* on a wager against his *guessing;* and, in western phrase, would be "mighty likely to beat him all hollow."

Mr. Chairman, I come now to inquire into the actual condition of the Treasury, with a view to ascertain what sum will be for disposal during the present year. In doing this, I shall rely on the statements made by the Secretary of the Treasury himself for the past, and on estimates for the future, the reasonableness of which cannot be called in question.

The balance in the Treasury on the 1st day of January, 1835, was	$8,892,858 42
Revenue of 1835	34,400,733 69
Making	43,293,592 11
Deduct expenditures of 1835	18,176,141 07
Actual balance in the Treasury January 1st, 1836	25,117,451 04
Actual receipts first quarter 1836	11,177,245 00
	36,294,696 04
Last three quarters 1836, estimated eight and one third millions each	25,000,000 00
Making in the Treasury at the end of the year	$61,294,696 04

I believe my estimate of the last three quarters to be too low. I know that several gentlemen, friends of the Administration, in whom, as financiers, I have great confidence, estimate the sum at thirty millions instead of twenty-five. I prefer to err, if at all, on the safe side, and therefore take the lowest sum. In addition to this sum, the Government has, in the Bank of the United States, stock to the amount of seven millions, which the bank is now ready to pay, with an addition of fourteen per cent., and which will doubtless come into the Treasury during the year, with a still greater advance. I call this sum eight millions. We are informed by the Secretary, in his report of December, 1834, that there will always be, at the end of every year, a sum of several millions in the Treasury of unexpended balances of former appropriations, which may be safely relied upon to meet appropriations for the ensuing year. This sum, on the first of January last, was about eight millions. The amount of this sum must increase in a much greater ratio than the increase of appropriations; and, as the appropriations of the present year are to be unusually large, the unexpended balance at the end of the year will be much larger than at any former period. It is impossible to form a decisive opinion as to the amount, until after the appropriations are made. It cannot be less than twelve millions. [Mr. LAWRENCE. Not less than fifteen millions.] A member of the Committee of Ways and Means says not less than fifteen millions. Sir, if your extravagant appropriations for fortifications are made, and added to those of a like character which have already passed for the Navy, the sum will be much larger than fifteen millions.

I have before said that there is a limit beyond which money cannot be expended. Sir, you may go on and appropriate some half a dozen millions more for Indian wars, the causes of which yet remain unknown, and about which, or the manner of conducting them, no one seems willing to take the trouble to inquire—go on, sir, with your appropriations for fortifications and Indian treaties, and for every other conceivable object for which the most latitudinarian gentleman can make up his mind to vote—go on, until you have appropriated every dollar in the Treasury; and the great mass of the money will still remain there, undrawn and unexpended. Why, sir, if more than two millions of former appropriations for the increase of the Navy could not be used during the last year, when a French war was apprehended, how are you to expend triple the sum this year, when this year's appropriation is made at a much later period in the season than the last? Sir, these appropriations cannot be expended; it is idle to talk about it. Whatever may be the amount of your appropriations, whatever may be the footing of your appropriation bills at the end of the session, it may be calculated with perfect safety that a sum greater than thirty millions cannot and will not be drawn out of the Treasury; and any amount above that sum may be considered as remaining there, a fund for distribution, with perfect security to the Treasury. But to go on with the calculation I had commenced: suppose the unexpended balance at the end of the year to be only $12,000,000, making an increase over that of the present year of $4,000,000; this $4,000,000, with the United States Bank stock, amounts to $12,000,000, which, added to the $61,294,696 04, before ascertained, gives, in round numbers, the sum of $73,000,000, which would be in the Treasury at the end of the year, if no sums were drawn out. The proceeds of the public lands for the past three years, which the land bill proposes to distribute, together with those of the present year, at a liberal estimate, may be put down at $36,000,000. Call the sum to be distributed $36,000,000, and we have still left to be appropriated to the ordinary purposes of Government the enormous sum of $37,000,000—a sum greater, by about $19,000,000 than the expenditures of the last year, and greater, by $14,000,000 than the whole estimates of Secretary, ordinary and extraordinary, for the expenditures of this. Sir, I shall not go into any particular estimate of the condition of the Treasury for the ensuing year, for although the land bill proposes to distribute the proceeds of the public lands for 1837, I deem the inquiry wholly unnecessary. I have no manner of doubt that the revenue from the customs alone, for several years to come, will be abundantly sufficient for all the wants of the Government; but the distribution for 1837, if now ordered, will be under the perfect control of Congress at its next session, and may be recalled if the necessities of the country shall be found to require it. I will not, therefore, enter into the discussion of a question of so complicated a character, when its final decision, if now made, would not be material to the matter I have had in hand, which was to show, what I think I have clearly shown, that the land bill may be passed with perfect safety to the Treasury.

Mr. Chairman, having shown that the state of the public funds will admit the passage of the land bill, I would now be glad, if I could, to satisfy the House that the interest and welfare of the country require its passage. But in this undertaking, I am met in the outset with obstacles against which the demonstrative reason of arithmetical calculations cannot be interposed; with obstacles more powerful than those coming in the shape of strong argument or stirring eloquence; obstacles which nothing but individual self-examination and independent patriotism can remove—the obstacles of prejudice and party feeling. Sir, the great misfortune of this measure of distribution is, not that it is a bad measure, but that, with the majority, it has got a bad name. I sincerely wish, for the good of the country, that it bore the name of some popular politician, rather than that of a persecuted statesman. I wish it was a Jackson or a Van Buren bill, because I believe it would then pass the House by acclamation. Sir, this ought not to be considered a party measure. It cannot operate for the peculiar benefit of any party, or of any particular section. It will operate equally on all the people and on the whole country; and whatever gentlemen may have heretofore thought in regard to it, however they may have formerly voted on it, it is now presented under circumstances so entirely new, that they may, without making themselves liable to the charge of the slightest inconsistency, give it their warm support. Heretofore, the event of there being a surplus to be divided was matter of calculation and estimate. Now, the existence of the surplus is ascertained—has become an established fact, on which we are called upon in some way to act. Will gentlemen suffer this enormous surplus to be squandered by the central Government on objects which, when accomplished, will confer no practical benefit on the country, rather than impose on themselves the labor of independent thinking on a question of such deep importance to their constituents? Will they suffer a personal bias, perhaps hastily imbibed, under the influence of high party excitement, to shut out from their minds the light which fact and reason may shed on this question? Certainly they will not. Gentlemen will examine this measure with fairness and candor, and, having done so, I cannot doubt the conclusion to which they will arrive. They must and will unite in favor of the distribution.

Mr. Chairman, I have said that I regretted this measure of distribution was connected with the name of a distinguished statesman. Not, sir, that I would be willing to pluck a single laurel from the brow of that individual. I have had the honor, from my youth up, through good and through evil report, to be his political friend and admirer. I now claim it as an honor; and when the mists of party rancor shall have passed away; when the name and fame of that individual shall become matter of history, and be claimed as the common property of the nation; when men shall wonder at the delusions which had seized on his cotemporaries, my children will claim it as an honor to be able to say of me, My parent coolly breasted the torrent of popular clamor, and always did him justice.

But, sir, great as may be my regard for any individual, I hope my regard for my country is still greater; and believing, as I do, that this measure is of the highest importance to the welfare of our country, and to the peaceful continuance of our republican system, I would willingly give the merit of its success, if it could be justly done, to the most violent political opponent. In the hope—perhaps, sir, a vain one—of conciliating the good will of some who, from the name of this measure, may have hastily taken up an unfavorable opinion of it, and for the sake of doing justice to other statesmen of our country, and particularly to my immediate predecessor on the floor of this House, I take occasion to say, that although this measure of distribution has become the adopted child of the distinguished Senator to whom I have alluded; though it wears his dress, and has taken his name, yet he can lay no just claim to the parentage of its leading principles. Without going back to an earlier period, and without noticing various suggestions and propositions of different individuals, which had been made both in and out of Congress, it will be found that as early as January, 1826, in anticipation that as soon as the public debt should be paid off, the revenue of the country would exceed the wants of the Government, an honorable Senator from New Jersey, now Secretary of the Navy, brought forward a proposition for distributing annually among the States a portion of the public revenue, for purposes of education and internal improvement. The resolution was entertained by the Senate, and the subject referred to a committee, of which the Senator introducing it was the chairman; and, on the 11th of May following, the committee made a detailed and able report in favor of the measure, accompanied by a bill for distributing among the States, according to their representative population $5,000,000 annually for five years, ending with the year 1831. The recollection of gentlemen will enable them to confirm the statement which I now make, that this measure of distribution was, for several years, in many parts of the country, a favorite one with the friends of the present Chief Magistrate. It had received so much attention, and was deemed so important, that General Jackson made the subject a part of his first message to Congress. In that message, delivered December 8, 1829, he enumerates with much clearness and force some of the evils which were in future to be apprehended from a surplus revenue, evils under which the country is now actually laboring. He then proceeds, as I will read to you:

"To avoid these, it appears to me that the most safe, just, and Federal disposition which could be made of the surplus revenue would be its apportionment among the several States, according to their ratio of representation; and should this measure not be found warranted by the Constitution, *that it would be expedient to propose to the States an amendment authorizing it.*"

Sir, the President then deemed this measure of distribution so important that, if constitutional objections should be found to present obstacles in the way of its accomplishment, he would have them removed, even by the tardy and difficult process of an amendment of the Constitution. I do not find, sir, that the President's views met with any serious constitutional objections; but others, on grounds of expediency, seem to have been made from some quarter, which the President, in his next annual message, proceeds to discuss in detail, and to remove. It is somewhat remarkable that the four objections, which are noticed by the President and answered, have since been among the most prominent ones made to the land bill. The objections which are formally stated in the message, and each answered separately and at length, are these: 1. To the ratio of distribution; 2. To its tendency to produce increased taxation; 3. That the States would improvidently use the fund; and, lastly, that it would create an improper dependence of the States on the General Government. Sir, the argument of the President is so clear on these points, and so entirely conclusive, that, were it not for its great length, I would ask permission of the committee for the Clerk to read it. But the time which I have prescribed for myself to occupy the attention of the committee is already so far spent that I must omit it. I commend it to the attention of all—to those who may doubt upon the points it discusses, as containing matter calculated to remove their doubts; and to those who continue making the objections, as presenting arguments which they will do well to consider how they are to answer to their own judgments and to their constituents. You well know, sir, that this measure of distribution was once, whatever it may be now, a favorite with your own State; that in 1827 it received the strong recommendation of Governor Clinton in his message; that it was also recommended by Governor Throop in 1831, and that, at the same session of your Legislature, a resolution approving it passed your House of Assembly by a unanimous vote; but, as the particular attention of the committee has already been called to these propositions from New York by other gentlemen, I will not dwell on them.

You will notice, sir, that all the propositions which I have yet mentioned, contemplated a distribution of the revenue without reference to the sources from which it was obtained; and included the proceeds of the public lands, as well as the revenue derived from the customs. But the proceeds of the public lands have always been looked upon as standing on a different footing from the revenue derived from other sources. I have not extended my researches very far back, but I find that in February, 1826, the standing committee of this House on the Public Lands, by Mr. Strong, one of its members from New York, made a report to the House recommending an annual appropriation of *a portion* of the net proceeds of the public lands for the support of schools, and of apportioning the same among the States in proportion to their representation. In February, 1829, a resolution was adopted by the House, on motion of Mr. Stevenson, of Pennsylvania, a political friend of the present President, raising a committee to inquire into the expediency of distributing annually *all* the money arising from the sales of the public lands among the several States, in the same proportion. This reference, also, produced a report favorable to the measure. On the 17th of December, 1829, my predecessor in this House (General Hunt) introduced a resolution directing "the Committee on Public Lands to inquire into the expediency of appropriating the net annual proceeds of the sales of the public lands among the several States for the purposes of education and internal improvement, in proportion to the representation of each in the House of Representatives." This resolution was discussed from day to day, during the morning hour, until the 19th of January, when it was adopted with some modifications, and, among others, with one changing the committee from that of the Public Lands to a select one. Mr. Hunt, as chairman of the committee, at the same session, made a report, which will be found among our printed documents, giving a succinct and lucid history of the public lands, examining with candor and skill the nature and character of the power of this Government in them, and concluding with the report of a bill in favor of the distribution of their proceeds. I am sure, sir, every individual now present, who was a member of this House at the period during which Mr. Hunt held a seat on this floor—a seat vacated by his lamented death in this city—will bear witness to the talent and assiduity with which he performed all his duties here, as well as to the high-minded and honorable motives which governed him; and it is no disparagement to any of the eminent statesmen who have since discussed the subject of the public lands, to say that he clearly foresaw the future importance of this growing resource of the public revenue; that his report contains the germ of nearly every argument which has since been urged in favor of the constitutionality and expediency of distribution, and that it has been seldom, if ever, surpassed in ability.

You will perceive, sir, that this measure is not new to this House or to the country, and that long before Mr. CLAY first introduced his bill into the Senate, my own constituents, in particular, had, through their Representative, urged upon Congress, with earnestness and skill, the justice and propriety of the measure; and that, in now standing up as its advocate, I am not following in the lead of party, but am only expressing, as well as I am able, the long-cherished and declared will of my district. Sir, I repeat what I have before said: this measure of distribution cannot, with any propriety, be called a party measure. No particular man, no particular party, can, with any justice, claim the honor of its paternity. It is not a measure, like the many schemes of squandering the public money, which the diseased political atmosphere of this Capitol has lately generated, that requires deep thought and laborious research to originate. It is the natural, spontaneous production of the minds of the great mass of the people themselves. Proceeding on the self-evident proposition, so well expressed by General Jackson in his message of 1830, that "the resources of the nation, beyond those required for the immediate and necessary purposes of the Government, can nowhere be so well deposited as in the pockets of the people," the people look down upon their representatives, and say to them, "Gentlemen, you have got a large amount of our money, which you cannot profitably use—please give it back to us." The idea is perfectly simple and natural; and it would be doing manifest injustice to the common understanding of every man in the nation, to go about hunting among the giant minds of our statesmen to discover its origin.

Mr. Chairman, I shall not trespass on the patience of the committee by repeating the arguments which have been so well and so conclusively stated by others, to show the constitutionality and propriety of a distribution of the proceeds of the public lands. It has been shown to this committee by gentlemen who have preceded me in this debate, and particularly by the gentlemen from Virginia [Mr. MCCOMAS] and Kentucky, [Mr. UNDERWOOD,] that this distribution is not only in conformity with the Constitution, but is, so far as the important cession of Virginia is concerned, imposed upon Congress as a duty by the very language and spirit of the deed of cession; and I confess I am unable to see how this Government can otherwise honestly discharge the trust reposed in it by that act of cession than by giving to Virginia and each of the other States their respective shares of the common fund. I have not heard the constitutionality of this measure seriously questioned. Any objection of that kind, it seems to me, would now come altogether too late. It has hitherto been supposed that the power of this Government over the public lands and their proceeds was unaffected by the limitations imposed in the Constitution on the use of money raised for revenue purposes. I have looked into the various elementary writers on the Constitution, and I find that they all concur in giving to that article of the Constitution which confers the power on Congress "to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States," a construction which would leave the proceeds wholly unrestrained to the purposes for which taxes and imposts may be imposed. It is an article separate from, and wholly independent of, that conferring the taxing power, and cannot be circumscribed by its limitations. From the very commencement of the Government we have been in the constant habit of legislating on this construction, and the constitutionality of such legislation, so far as I am informed, has ever remained unquestioned. We have made grants of the public lands to States, to corporations, and to individuals, for almost all conceivable purposes—for purposes to which no one would have thought of appropriating the general revenue. We have appropriated over eight million acres for common schools, more than two million for internal improvements, about five hundred thousand acres for colleges and academies, ninety thousand acres for religious and charitable institutions; and in the acts of admission into the Union of each of the seven new States, five per cent. on the amount of the sales of the public lands within their respective limits, is granted by Congress, either for purposes of internal improvement or education And are we now to be met with an argument against the power of Congress to make this distribution? I trust not. If any constitutional question can be considered as settled by a long, uniform, and uninterrupted course of practical legislation, this general power over the public lands is one of them.

I have been amused, sir, at the variety and contradictory character of the objections which

are made to the distribution as proposed by the land bill on your table. The proneness to contradiction in the arguments which are adduced against this measure is so great, that you seldom hear an objection raised by one gentleman, but the next one you listen to astounds you with one of a directly opposite character; and you rarely meet with a single speech or public document against this distribution, in which some prominent position assumed in one paragraph is not contradicted and overthrown by that contained in a succeeding one. I am persuaded, sir, that no more effectual way of overthowing all these arguments could be devised, than by collecting them altogether, and placing them in juxtaposition with each other. I think their mere contrast would be their sufficient refutation. I will not detain the committee by noticing all of the extraordinary objections which the ingenuity of gentlemen has devised against this measure of distribution, but I must beg leave to notice a few of the most prominent of them.

Sir, one person objects against this bill because it is temporary—is limited in its operation; it only proposes a distribution for five years, and is, therefore, no final settlement of the question in regard to the public lands. I believe this is one of the objections in the veto message to the bill which passed the two Houses in 1833. Another objection now made is, that the measure will be a *permanent* one. It is said, if the distribution is once made, if the States and people but once get a taste of this treasure, they never will give it up. And this last argument, so complimentary to the wisdom and intelligence of the people, is one which is urged with considerable earnestness; and I do not know but the time may soon come, if it has not already arrived, when implicit faith in it will be required as one of the qualifications for membership in what gentlemen are pleased to denominate the "Democratic party." I confess my democracy is not of that character. I have entire confidence in the ultimate decision of the people. If the distribution works well, and the revenue of the country will admit it, it will be continued; otherwise, it will be abandoned.

Sir, another objection made against this bill is, that, by placing the States in a dependent position on the General Government, it will tend to produce consolidation. This, I think, is also one of the veto objections. This objection is not only overthrown by the argument contained in the President's message of 1830, but is contradicted by a new argument which has lately come into fashion. The argument is this: that the States, by abstracting the funds from the National Treasury, will become all-powerful, and leave the General Government too weak to carry on its necessary operations. I confess, sir, that this argument, coming, as it does, from gentlemen claiming to have in their peculiar keeping the principles of the old Republican party, strikes my ear rather gratingly. But this is a day of new things, and I suppose we must brace up our nerves to stand the shock of anything, however strange or unexpected. I thought that if there was any one principle which stood out above all others as the platform on which the old Republican party was founded, it was that the danger to our system arose from the weakness of the States, and the too great and absorbing power of the General Government; but now, forsooth, we are exhorted, in the holy names of republicanism and democracy, not to distribute to the States a surplus revenue which the General Government does not need, and cannot use, for fear of endangering the system, by strengthening the power of the States! Sir, this objection, like the other, taxes my democracy too heavily. I cannot go it.

Mr. Chairman, an objection has been raised against the bill on your table, because it proposes to give the new States some ten per cent. on the amount of the sales of the lands within their respective limits, for the purposes of internal improvement, before the general distribution is made; and, for this reason, it is said the distribution is unequal and unjust to the old States. Sir, this objection is not only answered by the uniform practice of the Government, which I have before stated, to make, as a means of enhancing the value and increasing the sales of the residue of the lands, grants of lands for such purposes; but by the fact that the additional ten per cent. may be deemed necessary to place the new States on an actual equality with the old, for the reason that the former have increased much more rapidly in population since the last census, than the latter; of which increase in the new States the amount of their respective land sales is the best practical admeasurement. But the objection is contradicted and overthrown by another, still more extraordinary. Sir, in a public document*, where I find this objection most strongly urged, and most laboriously insisted on, the final views of the author are summed up in the following language; I give it *verbatim et literatim:*

"I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated; and that after they have been offered *for a certain number of years*, the refuse remaining unsold *shall be abandoned to the States.*"

Yes, sir, we are told that it is unconstitutional, a violation of compact, and unjust to the old States, to allow the new States, in a measure of general distribution, a small percentage on the amount of the sales; and yet, that, after a few thousand acres more are sold, it will be perfectly constitutional in clear conformity with compact, and perfectly just to the old States, to cede the whole of the lands to the new. Sir, was there ever any public measure which met with such unaccountable, such extraordinary, is it too much to say, absurd, objections? And what, sir, is the object of this war upon reason and common sense? Why, sir, no other, that I can discover, than to enable the very persons who are carrying on the war to reap a rich harvest of patronage, by controlling and directing the use of the money, whose distribution they oppose. And this brings me to the consideration of another objection, which has been made, and the last one which I shall notice.

It is said *we have no security that the States will make a wise use of this money.* I would ask, sir, what security have the people that *we* shall make a wise use of it? Have they not the strongest possible reasons to believe that, if it remains undistributed, we shall use it most wastefully and improvidently? If they are not already sensible of it, they have read but poorly the signs of the times, have watched but carelessly the movements of their representatives. Sir, I will not at this time go into this subject more fully than I have already done. But I would ask if there is a man here who seriously and truly believes that the States could not and would not make a much better use of this money than we should? It is notorious that the States use their funds much more economically than we do—that any State can accomplish a given object with half the amount of money that we can. Their agents are nearer to the people, and feel a much deeper and stronger responsibility. The people themselves take a deeper interest in objects of a State character than in those of the General Government, and watch the agents more closely. And what is this objection, after all, but an insult to the understandings and integrity of the people? Gentlemen talk here as if they supposed all the virtue and all the wisdom of the nation were congregated in these Halls, and that nothing could be well done unless *we* did it.

Sir, I had no such belief. I believe that Virginia and Maryland and Pennsylvania—ay, and Vermont, too, and every other State in the Union—would appropriate their respective shares in this fund to much better purposes than we should. And, sir, I have no fears of its corrupting the States. It is when money is collected in large masses, where it cannot be properly used, that the danger of corruption exists. That is the precise situation of the surplus revenue in reference to the General Government. We have no proper objects to which we can apply it, and therefore we must expect that it will naturally be used for improper and corrupt purposes. The condition of the States is wholly different. The great objects of internal improvement and education, which come within the peculiar province of State legislation, will furnish ample and highly beneficial uses for the application of the proceeds of the public lands for years to come; and so long as those objects require the fostering care of the State authorities, there is no possible danger that the fund will corrupt them. Appropriated under the wise legislation of the people's immediate representatives, it will infuse new life and vigor into the business of the whole country, and its usefulness be benignly felt and appreciated by every man in the Union.

Mr. Chairman, I have said this measure of the distribution of the proceeds of the public lands was a measure of the people. It has received the long recorded approbation of the most eminent and valued men of all political parties; it cannot be resisted by any argument which addresses itself to the good sense and sound reason of men; and the powerful evidences of its healthful character are within the easy comprehension of the most common understanding. Do you suppose the great body of the people, especially those in the interior of the country, will be satisfied to have the surplus money in the Treasury foolishly squandered on the sea-board; or that they will be content to have it remain in the custody of some thirty or forty banking corporations, for the purpose of enabling their rich stockholders to grow still richer, by loaning it out to those bloodsuckers of the community—the city brokers and stock-jobbers? Sir, they will be satisfied with no such thing. I warn *you*, Mr. Chairman, that if this measure fails to pass—if we separate without making some distribution of the public money, the first question that will be put to you when you reach your district will be, "*Why didn't you pass the land bill?*" And have you, sir, got your answer prepared? [Mr. MANN nodded affirmatively.] I understand your intimation. I know, sir, that you can give as ingenious an answer to a difficult question as any man in this House, or out of it. But I am mistaken if you do not find yourself puzzled to make a satisfactory one to this. I suppose you will reply to your constituent in the familiar language of party, and say to him, "You know, friend, this is one of Mr. CLAY's old plans for breaking down the Administration; you vote for Mr. Van Buren, don't you?" "O, yes," the constituent will say, "I go for Mr. Van Buren, to be sure; he's the true Democratic candidate; but then I don't see how passing the land bill could hurt *him;* Mr. CLAY's not going to run." "Oh, but," says the Representative, "you know General Jackson is opposed to the bill, and that it would have been vetoed if we had passed it—you wouldn't have me go against General Jackson, would you?" "Well," answers the constituent, "I'm a Jackson man, to be sure; I always was a Jackson man—I mean, ever since it came out in the Argus that General Jackson was taken into the Democratic party; but I don't see why General Jackson should be opposed to this distribution—he used to be in favor of it. *Don't you think Mr. Van Buren could have persuaded him to sign the bill?*" "I see," says the Representative, "you don't understand this matter; this is one of the most outrageous measures that was ever presented to Congress; the very essence of it is bribery—plain, downright bribery?" "Well," says the constituent, "I am opposed to bribery, to be sure—I, and General Jackson, and the whole Democratic party, are opposed to all bribery in the State Senate and everywhere else, *but then I don't exactly see how dividing the money among all the people, giving to every one an equal share,* can be bribery; when giving it to a few men in the cities, or letting the banks use it for nothing, is not. But I'll think of it. I go for the Democratic party, to be sure; for the Benton yellow boys, and down with all monopolies; but I don't understand how this can be bribery after all—I must study a little more into this matter." Mr. Chairman, I will not pursue this dialogue further. I will not suppose you would then address your constituent in what has been alleged to be the secret language of party, and say to him that the use of the money was needed by the Administration to increase the patronage and secure the success of the party I will not suppose this, because I know you to be incapable of either avowing or acting upon any such motive. I wish I could say as much of everybody else.

*President's objections to the land bill of 1833.

Sir, I have a few words to say in regard to the peculiar position of my own State, with reference to the expenditures of this Government, when I shall have done. I think I may safely say, that no State in the Union has shared so little in the direct pecuniary benefits of the General Government as Vermont. From the very beginning, she did not reap all the advantages conferred on the other States. Exercising throughout the whole of the revolutionary war in actual, though unacknowledged independence, and occupying a frontier position, often the theater of invasion and always in imminent danger of it, her people bore their full share in the perils, the trials, the expenses, and the honors of that contest. Yet she came into the Union in 1791, bringing not with her a State debt to cast as a burden on the nation, but to unite with her sister States in the payment of the twenty millions of their debts, which this Government had already assumed. Under the operation of the taxing power of this Government, she has paid her share of the debts of those States in proportion to her population and resources. I speak not this by way of complaint; I make the statement as matter of fact and of history. Of the several hundred millions of the expenditures which this Government has made since its first organization under the present Constitution, but a fraction has been disbursed in Vermont. I have not been able to ascertain, from printed public documents, the precise share which the State I in part represent has had in all your appropriations; but I will give you the amount for three permanent objects of local expenditures, as a sample. Your expenditures for fortifications have been $17,526,000; for internal improvements $6,283,-000; and of neither of these sums has a dollar ever reached Vermont. Your expenditures for light-houses have been $3,644,000; and of this Vermont has received the sum of $4,729 22. Sir, while other States can boast of the fortifications, the navy-yards, the custom-houses, the marine hospitals, the mints, the armories, and other splendid works, which your Treasury has caused to spring into existence; of the harbors and rivers whose channels you have deepened and enlarged; of roads and canals, which your munificence has constructed or aided, the only legible marks which you have made on the surface of Vermont, to which her people can point as evidence that she also belongs to the Union, is the light-house I have mentioned, and a small arsenal—both together costing the Government something less than $15,000. I speak not even this in the way of complaining of the past expenditures of this Government, or as putting in a claim for a large share in the future expenditures for similar objects. It is doubtless true that expenditures for national purposes should be made, where the general interest requires them, without reference to State lines, and I know that of the vast amount of your future appropriations, but a mere trifle can ever be expected to reach the State of which I am a representative. You have ceased making appropriations for internal improvements, and we can expect nothing for such objects. Our people are hardy and brave, have always shown themselves well qualified to defend their territory, and require no fortifications; and having no sea-board, we are cut off from reaping any local benefits from the thousand maritime objects for which the greatest proportion of the funds of this Government have been, and in all probability will continue to be, expended.

Sir, the people of Vermont understand the consequences which, under the practical legislation of this Government, are to follow from their inland position; and they have been long looking forward to the period when, the national debt being discharged, and a surplus found in the Treasury, all objections to a distribution of the proceeds of the public lands would cease. The expected period has arrived, but the objections still continue, and we were warned by the chairman of the Committee of Ways and Means, in the opening of this debate, that there was not only to be no distribution, but that, if the surplus continued, the compromise tariff act would not long be respected. Sir, I know this would be the natural consequence of the accumulation of an excess of revenue and a denial of its distribution; and being very sure that the extravagant expenditures which are proposed to be made in order to get rid of the surplus, cannot meet the deliberate approbation of the people, I believe the question will be between an abandonment of the tariff and a distribution of the surplus among the States. Yes, sir, the measure of justice which you propose to deal out to the agriculturists, the manufacturers, and the mechanics of Vermont, is not only to deny them all advantages from the common fund arising out of the public lands, but to sacrifice the rewards of their industry to the cupidity of the capitalists, and the competition of the paupers of foreign Governments. Permit me to say that this is a measure of justice, or rather of crying injustice, which they will not accept. And, sir, their position will be a lonely one. The people of the whole country, and especially of the interior, perceiving that this measure of distribution is one which, in all its aspects, involves their highest and deepest interests, and that, compared with it, their petty contests about who, for the time being, shall enjoy the honors and emoluments of office, dwindle into insignificance, will rise in their might, and, breaking asunder the party shackles which have bound them, will speak to their representatives a language in its favor which cannot be misunderstood, and will not be resisted. But I will not dwell on this subject. I have already occupied more of the time of the committee than I intended, and I forbear to submit any further remarks.

—

NOTE.—The public lands were acquired by the United States by cessions from the old States, (the most important being that of Virginia in 1783,) and by the purchase in Louisiana in 1802, and in Florida in 1819. The quantity of land in the States and organized Territories, in which the Indian title still remains, is about seventy-nine millions of acres. In two hundred and sixty-eight millions the Indian title has become extinct, and of this one hundred and seventy-six millions have been surveyed, forty-four millions of it sold, and one hundred and thirty-two millions remain unsold. Besides this, there are, west of the Mississippi, and without the boundaries of the States and Territories, about seven hundred and fifteen millions of acres belonging to the United States, subject, however, to the Indian titles.

The amount of the net proceeds of the sales of the public lands for the years 1833, 1834, and 1835, which the land bill proposes to distribute, is $20,571,125 75. The amount of the sales for the first quarter of the present year exceeds $5,500,000. Estimating the proceeds of 1836 at $15,500,000, the amount to be distributed at the end of the present year will be about $35,000,000. This sum, after deducting the ten per cent. allowed to the new States, distributed among the States according to their federal population, will give to each individual about $2 75. The share of Vermont in this distribution, with a population of 280,655, would be $771,860. If the State should make this a fund for the support of schools, it would, at an interest of six per cent., produce the amount of $46,308, equal to the sum that would be produced by a tax of two and a quarter cents on the whole grand list of the State. If the proceeds of the sales for 1837, which the land bill also provides for distributing should equal those of the present year, the annual interest of the fund would considerably exceed the amount of the three cent tax annually assessed for the support of schools, and enable the Legislature, if it thought proper, to dispense with its future collection.

If the Legislature should, under proper regulations, provide by law for enabling the several towns in the State to take charge of their respective shares of the fund, and distribute the same among them in proportion to their population, the sum which each town would obtain at the end of the present year may be readily calculated, by allowing $2 75 for each individual. Thus, a town of 100 inhabitants would receive $275; one of 500 inhabitants, $1,375; of 1,000, $2,750; of 1,500, $4,125; of 2,000 $5,500; of 3,000, $8,250, &c.

POLICY OF THE GOVERNMENT.

SPEECH OF HON. JOHN BELL,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

March 16, 22, *and* 25, 1836,

Whilst in Committee of the Whole on the state of the Union on the Naval Appropriation Bill.

Mr. BELL said:

Mr. CHAIRMAN: I desire that I should not be understood, from the remarks heretofore submitted by me upon the bill under consideration, to be hostile to the Navy, or even to such fortifications as may be known to be necessary to the defense of our most important commercial and naval depots. On the contrary, I am decidedly in favor of a considerable increase of our present naval establishment. Indeed, I do not remember a sentiment delivered by the gentleman who preceded me in this debate [Mr. CHAMBERS] upon this point, to which I do not yield a hearty concurrence. What I wish to be accomplished by my motion is, that we shall first settle and adopt some system or plan of improvement in this branch of the national defense which shall promise a greater degree of economy and efficiency than we can hope for under the present system.

I now propose to extend the range of this debate much beyond the latitude assumed in the preceding part of it. I propose to remark freely upon the general policy of the present Administration, as lately developed. The principles and practices of those in power are always subjects of great interest to the country. Those of the party which now control the affairs of this Republic are peculiarly so at this time. While it is my intention, in what I shall say on these subjects, to be perfectly respectful to the motives and feelings of the committee, and especially to those who constitute the majority of the House of Representatives, yet with these limitations—it is my intention to indulge the privilege of debate to the utmost limit of parliamentary license.

I desired some more suitable occasion for the indulgence of the very wide range of remark upon which I am about to enter, than the present bill. I would have greatly preferred the bill reported by the gentleman from Kentucky, [Mr. JOHNSON,] making appropriations for a great number of new fortifications. The bill proposing an extra appropriation for the improvement and increase of the Navy, would have been selected in preference to the present one; but, sir, I have lately had my doubts whether it is intended that either of these bills shall be acted upon before the close of the session, when debate will be out of the question. I know the responsibilities to which I may subject myself by making this bill the subject of a tedious debate. I am satisfied that I might have expected some better effect from the remarks I intend to offer, if I had been more fortunate in the occasion of them. But, sir, the time and the occasion I have selected may not, after all, be of so much consequence. Greater skill in parliamentary tactics might have enabled me to do greater justice to my subject, by taking a different course from the one I am about to adopt; but I am encouraged by a saying of the gallant Nelson upon some occasion when the importance of skill in naval tactics was spoken of: "A captain," said he, "cannot be far wrong, who, in battle, lays his ship alongside of the enemy."

Such a discussion as I propose is always salutary, and ought to be indulged at every session of Congress. In truth, it should never be omitted. If any find fault with the delay that is likely to occur, let them take consolation from the motto of the Government Journal, which is, that "the world is governed too much." A proposition, however, by no means consistent with the principles of the party of which this journal is the organ. But if it shall be inquired, why provoke a party discussion upon the Navy bill, or upon any of the appropriation bills? why not bring forward some distinct proposition, in the shape of a resolution? I answer, because I perceive a settled purpose in the House to prevent the introduction of any subject which can fairly give rise to the desired discussion during the present session. I wanted no other proof of this determination of the majority of the House, than the resolution offered by the gentleman from Virginia, [Mr. MASON,] and adopted on the 26th of January. The reason alleged for this resolution was, the defenseless condition of the country, the fears entertained of a war with France, and consequently the great importance of passing the appropriation bills without delay.

This was all plausible enough, if the circumstances accompanying and preceding the resolution had not taken away the grounds assumed. The navy bill, than which none was of more importance, had been taken up at the instance of the chairman of the Committee of Ways and Means on the 13th of January, and although all the reasons for speedy action upon it existed at that time, which were afterwards alleged, yet it was laid over the very next day, and made to give place from day to day to measures of inferior importance, without explanation or apology. On the 22d of January the majority of the House

agreed to consider the resolution of the gentleman from Massachusetts, [Mr. ADAMS,] and *all* the orders of the House, and consequently all the business of the House, was postponed for the purpose of hearing a discussion on the loss of the three million appropriation. This subject was permitted to occupy four or five days; but the experience of that discussion produced a very decided change in the House in regard to the propriety of party discussions in general. It was very evident that, although the majority were highly gratified by the effort of the honorable gentleman who offered the resolution, [Mr. ADAMS,] yet they did not relish the reply quite so well. Some uneasiness began to be felt before the gentleman from Virginia [Mr. WISE] concluded his remarks, and many of the party began to think that any indulgence in such discussions was wrong, and to wonder how they had fallen into the error of voting to consider the resolution.

The resolution of the gentleman from Virginia [Mr. MASON] was in good time to repair the error into which the party had fallen. It is deserving of remark, that on the evening of the same day on which this resolution was offered, the messenger arrived in this city, bringing with him an offer of the mediation of Great Britain in settling the difference between this country and France; and I have sufficient evidence to satisfy me that before that time information, through some channel or other, had reached this Government that England would interpose her good offices to prevent a war.

Mr. MASON denied that he had received any information whatever of the intention of the English Government to offer her mediation. He also said that the resolution had been under consideration in the Committee on Foreign Relations, several days before he offered it, and denied that he had any other motive in offering the resolution than the one he announced at the time.

Mr. BELL. I must say that I did suppose the gentleman from Virginia possessed some information in relation to the French question which was not in the knowledge of the House. I now dismiss my suspicions, and acquit him; but his ignorance of what must have been known to the Government, only shows that the degree of confidence to which his station in this House entitles him, is not given to him by those at the head of affairs. Still, sir, the circumstances that the hour of one o'clock each day was the hour the resolution fixed for taking up the appropriation bills; the certainty that by this course the debate on the resolution of the gentleman from Massachusetts [Mr. ADAMS] would be cut off; and the further circumstance that other bills besides these for the support of the Army and Navy and for fortifications, were embraced in that resolution, are sufficient to justify the opinion that it was designed by some of those who took a part in getting it brought forward and adopted, to have the effect that I have ascribed to it. Besides, I must say to the gentleman from Virginia, that I cannot so readily forgive him for his neglect—after he had seen that the appropriation bills still slept upon the table, and that the only effect of his resolution was to give the majority of the House an undue control over its business—to come forward and move to rescind it. When all prospect of a war with France had ceased, it was his duty to have taken this course. I cannot forget, either, that instead of urging the execution of the order he had obtained, giving a preference to the appropriation bills, he upon several occasions gave his vote to take up subjects of minor importance. The effect of that resolution was to give an undue power to the majority of this House over the subjects of debate. It operated to restrain the freedom of discussion; and I have a right, under the circumstances, to consider that it was so intended by the majority. I pronounce the course of proceeding with that resolution as unprecedented, unparliamentary, and oppressive to the minority.

If the spirit of the resolution of 26th January shall be carried out by the party in power, it will result in the reënactment of the sedition law of 1798. It is founded precisely upon the same policy, and we have only to go a step or two further, and the object of the sedition law will be effected, so far as regards the freedom of debate in this House. The object of the sedition law of 1798 was to suppress discussion, and to prevent attacks upon the party in power. Such was the object of this resolution.

There is more than one circumstance in the state of the times, Mr. Chairman, which is calculated to remind us of the era of 1798; and that I may not be thought to have referred to that period without very sufficient reason, I beg leave briefly to notice the similarity between the two periods of 1798 and 1836. The alien and sedition laws, the proposition of the party then in power to establish a standing army, and to create and maintain a great naval armament, were regarded by the Republican party, in 1798, as hostile to the genius and spirit of our free institutions, and tending decidedly to the introduction of arbitrary power. The party now in power are in favor of both these measures. The sedition law was based upon the idea of the same infallibility of the President and the party then in a majority in Congress, which is now assumed for the present Executive and the party now in power. But there was a war panic in 1798, just such as we have recently had in our time. There was said to be a French party in this country in 1798; and, most strange to relate, it has been proclaimed upon this floor in the course of this debate, that there is a French party now in this country. To show how the war panic, and the proposition for a standing army and a great navy, were spoken of and resisted in 1798, and to illustrate the striking coincidences of the two periods, I will read an extract from one of the thousand remonstrances laid before Congress in 1798–99. The one from which this extract is taken was adopted and forwarded by a public meeting of the stern Republican yeomen of the great State of Pennsylvania:

"Your memorialists would further beg leave to remonstrate against several of the measures which either have been adopted, or which may be still in contemplation, in consequence of our negotiation with the French Republic, as productive of an unnecessary increase of the public debt, and the introduction of an oppressive system of taxation. These measures appear to be founded on the alarm which has been excited and industriously circulated throughout the United States about the danger of a French invasion, but your memorialists see no good reason to believe that this alarm can be well founded; for admitting it to be true what has been so often asserted of late, that the French people have been so unfortunate as to choose for themselves an executive branch to their Government which is proud, vain, and ambitious, and disposed to exercise undue influence or arbitrary control over the legislative councils of our country, and inclined to convert the power and resources of that nation to such purposes as will best suit their ambitious projects, yet it does not appear that they have any intention or disposition to invade this country; your memorialists cannot see in an expedition to Egypt, as against the British settlements in the East Indies, as in the supposed bad conduct of the French armies in Switzerland or in Italy, any evidence of an intention to invade the United States; more especially when it is considered that they are destitute of a force by sea, and at war with a nation so greatly superior to them on the water. Your memorialists therefore conceive that this alarm, which they think must now be considered as altogether ill-founded, ought not to be deemed a motive sufficient to justify the introduction of a *standing army* into the United States, and of the establishment of an *expensive navy*, which must greatly increase the public debt, introduce an oppressive and burdensome system of taxation, and remove all hopes from the people of being ever relieved from the evils that grow out of a funding system."

I beg leave also to read a paragraph from the report of the Secretary of the Navy in 1798, upon the subject of increasing this arm of the national defense. Taking care to omit the date, this report might very properly have been copied and sent to Congress as a substitute for the doctrines and recommendations of the last special message:

"The protection of our coast, the security of our extensive country from invasion in some of its weakest parts, the safety of our important commerce, and our future peace, when the maritime nations of Europe war with each other, all seem to demand that our naval force should be augmented, so much augmented, indeed, as to make the most powerful nations desire our friendship, the most unprincipled respect our neutrality. The peaceful character of America will afford to the world sufficient security that we shall not be easily provoked to carry war into the country of an enemy; and it well becomes the wisdom of America to provide a cheap defense to keep it from our own."

I might further corroborate what I have said of the striking resemblance between the doctrines and incidents of the era of 1798 and the present period, by quoting from the report of the Secretary of War, made in 1798; but it is only a repetition of the same views applied to the Army embraced in the extract I have just cited. But, sir, there was a Union panic got up in 1798 also. To show upon what grounds this panic was created, and how it was met by the leaders of the Republican party at that day, I will read an extract from a cotemporary publication of one of the most distinguished of that party, a son of Virginia, and who, during the whole of Mr. Jefferson's administration, was one of the greatest ornaments and most distinguished champions of republicanism in Congress; I allude to William B. Giles.

After dwelling at some length upon the first part of a conversation which had become the subject of a newspaper discussion, Mr. Giles proceeded thus:

"I remarked that I always had been, and still was, a friend of the Union; yet, if the measures proposed were to be adopted as permanent systems, I would rather see a separation of the Union, upon proper and pacific arrangements, than be perpetually subject to all the pernicious consequences which in my opinion would necessarily flow from them; I considered disunion as a deplorable event; but less deplorable than a perpetuity of expensive armies, perpetuity of expensive navies, perpetuity of excessive debts, perpetuity of excessive taxes, and all the oppressive consequences resulting therefrom. I explained further by saying that I hoped these propositions would never be matured into political systems; that I trusted the constitutional corrective would soon be applied; that after the people should become apprised of the artifice of exciting and playing off their prejudices in one part of the Union against their prejudices in another; after they shall become fatigued with various delusions practiced upon them by interested *partisans*, they will listen to the voice of interest, and, in a regular and constitutional way, relieve themselves from their oppressions, if they should unfortunately be systematized."

These proofs and references establish, beyond cavil, the truth of what I have said as to the close resemblance between the parties in power in 1798 and at the present moment. The analogy is manifest in the powers assumed by and for the Executive; in the policy in relation to a standing army and a great naval establishment; and in many of the practices of the party then and now in power. Sir, the doctrines and practices of the party in power in 1798, I affirm, are vindicated and justified by the course and principles of the one now in the ascendency. The gentleman from Massachusetts [Mr. ADAMS] is not so inconsistent as some of his former friends have supposed him to be. He is now supporting the principles to which he adhered during his own Administration, and which he is also impelled to sustain by the most powerful and interesting considerations arising out of the recollection who it was that held the reins of Government in 1798. The gentleman from Massachusetts has not changed his principles, but the dominant party have become converts to his doctrines and policy. I infer that he is now engaged to support them in all their measures; but this is a declaration I feel, upon reflection, I have no right to make.

But, sir, alarming and dangerous as were the pretensions of the Federal party in 1798, it was less dangerous to the country and its institutions than the one which is now seeking to perpetuate its power and maxims. The party in '98 had the frankness and manliness to assume and avow their principles. They openly proclaimed them, defended them with courage, and finally fell by them. But, sir, the party now in power shrink from the open avowal of their real principles. They assume the mask of Republicans, and while they practice upon many of the most odious maxims of the party in power in '98, they do all in the name of democracy and liberty.

If any one shall object to this discussion because it savors of President-making; if any gentleman shall be deluded by the opinion that topics directly connected with the politics of the day should be excluded from this Hall, I ask him to reflect for a moment upon the fact that no subject, at this day, of importance, does not arise in Congress which is not sustained or opposed, and finally decided, upon principles and motives which enter directly and deeply into the presidential canvass, and ultimately decide that issue. And when, sir, the action of this House, and so great a proportion of the business of this House, is dictated and controlled by party views, and to advance or depress the prospects of one or the other of the candidates for the Presidency, shall it be held improper to speak out, to avow openly, and vindicate, in debate, the motives and principles which actually govern our votes? Sir, does not every gentleman know that the very first busi-

ness of the session, I mean the election of the principal officers of the House, and that one especially who is known to possess great power and influence in shaping and directing the entire business of the session, was decided upon grounds intimately connected with President-making? I hope I may be permitted to refer to this part of the action of the House without offense, since I can do so without the slightest feeling on my part against any portion of the members who compose it. That election, sir, was openly claimed and boasted of in the columns of the party press, as a test of the strength of the party attached to the interest of the Vice President.

But it has of late become more important than at any former period in the history of the Government, that this subject of President-making should be taken up seriously, and made a part of the regular business of Congress. By force of that system of party organization and discipline, which is now rapidly maturing and spreading itself over the country, it must soon come to pass, if, indeed, it is not now the case, that the election of a President determines every other question of public policy or public interest for at least four years, and perhaps eight. If this be so; if it be true that everything is to be settled by the decrees of the party, and that the President, at the head of the party, is only the organ through which their decree is to be communicated to Congress, then I appeal to you, sir, whether you [Mr. HAMER] would not, upon reflection, retract a sentiment expressed the other day, and admit the importance of discussing every question connected nearly or remotely with the presidential election?

I repeat that, if the doctrine is to be established that no member of this House who professes to belong to the party in power can vote against a measure recommended, either publicly or privately, by the President, without incurring the imputation of deserting his party—and such, I believe, is the rigor of the new system of party tactics in operation—if whatever the President recommends cannot be resisted by the party which profess to support him, I assert that this subject of President-making is the first and most important that can and ought to occupy our attention. If the result of an election is to annihilate the independent power of action by Congress, and put everything in the hands of the President of a party, it is time not only to assert the right to discuss the question here, but to do it promptly, freely, and fully; and it shall not be my fault if it is not done. There is strong reason to believe that the obligations of party are held so sacred that none who belong to the majority dare to do anything which the President shall forbid, or to fail in the support of whatever he shall recommend. Have we not lately seen the force of this obligation to be so strong in this House that the absolute power of peace and war was ready to be yielded up, in effect, into the hands of one man? Coming to the House under the extraordinary party pledges usual in popular elections of late, I hope it will not be regarded as improper or disrespectful to ask, if the President had, during the late crisis, said "we must have war," would the party in this House have had the power to gainsay it? War we must then have had; and the moral power was not in this House to resist it, whatever may have been the private opinions of honorable members of the wisdom of such a measure.

No occasion can be more appropriate for the discussion of the principles and practices of the Government, than the one presented by the appropriation bills presented as a whole. It is proposed to increase the annual expenditure for the military defenses of the country and internal improvement, ten millions in one year. It is a new era in the history of the Government. So extravagant a proposition is unknown in our annals. The results of this new policy are beyond the ken or conception of many; but those who planned it, understood them well enough, though it may not be desirable to their interests to avow them all at once. The first inevitable result of this policy, if it shall be sanctioned by Congress, will be the introduction, in a short period, of an increased and oppressing system of taxation. An increased annual expenditure of ten millions may be met for a few years from the present sources of revenue; but the public lands are now in a state of such rapid exhaustion, that very soon we will find our revenue from this quarter reduced to a million or less. The public works which we are now about to commence must be carried on, and funds will have to be raised to support those which may be finished in the mean time. Then comes a new and increased system of taxation as a matter of course, with its usual train of evils.

But what will be a more serious consequence, is the great increase of the Army and Navy, which cannot fail to follow the adoption of this new and extravagant policy. When all the navy-yards, and all the new fortifications now proposed to be established shall be completed, a standing army of less than fifteen or twenty thousand men would not be thought of, or tolerated under the new impulse which is soon to be given to the military spirit. Indeed, less than that number would not be sufficient to guard our western frontier, and at the same time secure so many fortifications upon the sea-coast against surprise. As to the Navy, after such gigantic preparations for the improvement and increase of it as are now proposed, will a navy of less than one hundred ships-of-war in commission be regarded as at all admissible for a country of such resources, of such character and importance in the scale of nations? Such are the views of grandeur and power which are now beginning to exercise an important influence over the course of many of the leading men in power. Some opinion may be formed of the magnificence of the projects of the party, from the declaration upon this subject of the gentleman from New York, [Mr. CAMBRELENG,] made in the course of his remarks upon the resolution of the gentleman from Massachusetts, [Mr. ADAMS.] That gentleman expressed the hope that in a short time we would see the Navy of this country placed upon a footing to cope with the most powerful maritime power of Europe! Who does not see from all this that we are to have an increased tariff in due season, and that the managers of the party are preparing to claim the support of the manufacturing interests?

But if we should be satisfied that it is the true policy of the country to adopt the plan of defending the country by fortifications, no matter at what cost; to increase the Army and Navy, at the risk even of an increased system of taxation, still the inquiry and discussion which I propose to go into, will be of great importance. The system of public defense may be wise and prudent in itself; but the time and manner of carrying it into execution, may, and does demand a separate consideration. The improvement of the Navy, and the new fortifications projected, it is estimated will require an annual expenditure of $10,000,000 for ten years, making a total of $100,000,000. The faithful and judicious application of this vast fund, supposing it to be settled that it shall be expended upon these objects, becomes a subject of the deepest interest to the whole country. The country has a right to inquire who are the agents and public servants who are about to be intrusted with the disbursement of this enormous capital. Are they faithful? Are they competent? Have they proved themselves so upon past trial? Sir, a great preliminary question is to be settled before we add $10,000,000 to the usual annual expenditure. It is a question of confidence in public servants, as well as expediency. Who are they that demand from the representatives of the people this signal mark of confidence to place $10,000,000 in their hands during the present year, more than at any former period? Are they the same public servants who have had charge of the public defenses during our late difficulties with France, and under whose superintendence they have suffered decay and dilapidation? By what title do they ask this extraordinary evidence of confidence?

Sir, they ask for money and increased confidence; we demand scrutiny into past conduct. They ask for reward for past merit and service; it may become our duty to arraign them as delinquents before the tribunal of the public, instead of pouring the Treasury into their laps. To vote money is the least difficult and most pleasant duty of a representative of the people. It requires neither experience, industry, talents, nor fidelity in members. But, sir, to see and to provide that it shall be faithfully expended and applied to objects of public utility, is a more difficult as well as more important part of our duty. I am aware that upon this question of confidence and competency of the public officers of the Government, as well as the policy of making large appropriations for building up the defenses of the country, there is a ready and conclusive argument at hand, in the minds of many. I know well enough that all objections are intended to be met and put down here and before the people, by holding up for their due regard and acquiescence the sentiment and recommendation of the late special message upon French affairs. It should be borne in mind that twenty-five thousand copies of that message were ordered to be printed by this House; and in a week from the date of that order, the whole number was said to be published and at the disposal of members, when at the same time there were documents ordered to be printed at the commencement of the session, which had not been furnished. It is easy to penetrate the design of this unusual dispatch. That document was expected to give tone to public sentiment generally and speedily. The effect of it upon this House, after it had had time to be returned upon it through a thousand channels, was relied upon to pass the bill necessary to carry this new policy of the Administration into execution. I beg leave to read a single paragraph of this message, that I may submit a few remarks upon the singular character of it:

"I may be permitted, I trust, at this time, without a suspicion of the most remote desire to throw off censure from the Executive or to point it to any other department or branch of the Government, to refer to the want of effective preparation in which our country was found at the late crisis. *From the nature of our institutions, the movements of the Government in preparation for hostilities must ever be too slow for the exigencies of unexpected war.* I submit it, then, to you, whether the first duty we owe to the people who have confided to us their power, is not to place our country in such an attitude as always to be so amply supplied with the means of self-defense as to afford no inducement to other nations to presume upon our forbearance, or to expect important advantages from a sudden assault, either upon our commerce, or sea coast, or our interior frontier. In case of the commencement of hostilities during the recess of Congress, the time inevitably elapsing before that body could be called together, even under the most favorable circumstances, would be pregnant with danger, and if we escaped without signal disaster or national dishonor, the hazard of both unnecessarily incurred, could not fail to excite a feeling of deep reproach. *I earnestly recommend to you, therefore, to make such provisions, that in no future time shall we be found without ample means to repel aggression, even although it may come upon us without a note of warning.* We are now, fortunately, so situated that the expenditure for this purpose will not be felt; and if it were, it would be approved by those from whom all its means are derived, and for whose benefit only it should be used with a liberal economy and an enlightened forecast."

Here, sir, we have a distinct avowal that there has been gross neglect somewhere. That is something gained; but it is left doubtful whether it is Congress or the Executive that is chargeable with the neglect which is so manifest as to call for a full acknowledgment. It is evident, however, that the effect of the manner of this admission is to shield the delinquents, whoever they may be, and to charge the defenseless condition of our country at the late crisis to the nature of our Government. I shall, before I sit down, endeavor to vindicate our form of Government from this charge, at least, so far as concerns the late default. I pledge myself to show who were the real delinquents, and what were their employments when they should have been taking care of the public safety and interests. But there appears to me to be an inconsistency in the passage I have just read, which I cannot omit to point out. In one part of the paragraph this sentiment is expressed:

"From the nature of our institutions, the movements of the Government in the preparations for hostilities must ever be too slow for the exigencies of unexpected war."

In another part of the same paragraph, we find this sentence:

"I earnestly recommend to you, therefore, to make such provisions, that in no future time shall we be found without ample means to repel aggression, even although it may come upon us without a note of warning."

Now, sir, I do not know that it is proper to consider this passage as the result of deliberation,

or to criticise too closely a paper which, like many of the same kind, have often to be drawn up without affording time for close or accurate revision; but it is manifest that this document was intended and expected to produce results of the greatest importance to the country. It was doubtless intended to prepare and reconcile the public mind to the change of policy by the party in power, and to give popularity to the project of expending the surplus revenue upon such objects as would raise us to the first rank among nations in military and naval power. I regard it as, therefore, entirely proper to point out any inconsistency which may impair the effect of it. It would be idle to vote a hundred millions to the public defense of the country if it be true that, by reason of the nature of our Government, it is impossible that the country can ever be put into a condition to meet the emergency of sudden war.

Mr. Chairman, I regard the time as particularly propitious to a general review of the conduct and principles of men in power, especially in reference to the public defenses. The French question is at an end, and we can now inquire into the conduct of the public officers who are responsible for them, and hold them up naked to the world, without the risk of exposing our weakness to the public enemy. A time of peace, too, it is said is the time to prepare for war. This is the great maxim upon which the new policy of the Administration is expected to be supported. A true and wise maxim it is, but one which is only half understood by those in whose mouths we most frequently find it. Many suppose that the only preparation for war consists in increasing our military and naval establishments.

The great minister of Henry the IV. of France, who was surnamed The Great, understood the full import of this maxim. The best, the truest, and most effective preparation for war, is to take care that all the important departments of the civil administration are in a sound and healthful condition; especially those connected with the fiscal resources of the country, and those which are the keys to public confidence. If those be disordered and disarranged when entering upon a war, there can be no hope of a successful and economical management of the public credit and resources, or, in other words, of the sinews of war—there can be no reform in time of war. Public confidence is as essential to the support of war as money itself. In truth it is confidence which supplies money. If you mean, then, really to enter upon a system of defense and effective preparation for war, begin at the right point. Correct the abuses in your civil administration—regulate and discipline your household troops. When you have done this, and not before, may you feel secure of the faithful and skillful application of the public treasure to the public defense; and when war shall actually come, success and victory cannot fail to crown your arms.

But there is a stronger justification than any I have yet mentioned of the course of discussion and scrutiny which I propose. It is that no time is to be lost in calling the attention of the public to, and exposing, some late practices of the party in power; practices which are of the most mischievous and alarming tendency. We have too long slept upon this subject. Every moment of silent acquiescence here tends to give currency and support to these dangerous innovations, in the minds of the people. If there was but one voice to be lifted up in this House against the late conduct of the party, it ought to be instantly and boldly uttered. Besides the direct interference of public officers of the highest grade, in the elections of members to both Houses of Congress, is not the Executive Chief Magistrate engaged in the canvass, the open advocate and champion of the election of the Vice President to the Presidency? Have we not, in fact, a Government candidate for the Presidency, supported by the whole power and influence of the Executive? Are not the whole train of public officers, with all their dependants in the field, in full cry, barking away, and hunting down every man who dares to interpose his influence against the consummation of their plans? I here in my place declare there is such a candidate, who, should he be elected, may be said to have succeeded to the Presidency, as truly and manifestly through the power and influence of the Government, as though he had been appointed to the succession, and actually installed in office by his predecessor. I do not say that every individual in office is giving himself up to this service; I know there are many honorable exceptions; but as a class, a corps, what I have said of the public officers I reaffirm. Sir, how long is this state of things to continue before any solemn opinion shall be expressed by this House in regard to it? This interference of the Government in the election of a successor has been open and notorious for the last nine or twelve months. A session of Congress, in the meantime, has intervened. More than three months have elapsed since its commencement, and yet no resolution has been offered—no notice of any kind taken of so extraordinary a state of things. We have, too, a House of Representatives, in which there are said to be one hundred and forty members who profess to be Republicans, the disciples and followers of Jefferson, and not one of them has lifted up his voice here to denounce a practice so dangerous and destructive of the constitutional guarantees of our liberties.

How are we to account for this silence? Is it agreed by the party that there is no method of perpetuating their power but by a regular line of succession? Is this silence the result of a deliberate judgment in favor of the practice of employing the patronage and influence of the Executive in behalf of the regularly-nominated candidate? Sir, I hope for the safety of the country that it is not. But I have lately witnessed the rapid progress of error on this subject, not only in the minds of individuals, but of a whole community; and it is melancholy to reflect how sudden and precipitate may be the overthrow of all those principles and maxims which have heretofore been regarded as fundamental and essential to the very existence of the institutions and the public liberty. When the first evidence was given to the public of a direct interference of the Executive in the election of his successor, scarcely an individual of the party would be heard to defend it. But in a few short months every supporter of the Vice President in that community was ready to attest his sanction of the practice as just and expedient under his hand and seal, if necessary. It is time to oppose ourselves to this error if we would save the Constitution.

Mr. Chairman, I have spoken with great freedom of the course of the party in power, and I have not spared my censure when I thought it was deserved. I intend to continue to exercise this privilege, in the course of the remarks I yet propose to submit. But it is due to myself, standing in the delicate and difficult relation I now do towards the party, that I should distinctly declare the nature of that relation. I have, up to a late period, given a general support to the present administration of the Government. I still consider myself a supporter of the Administration, upon every leading and important question which has arisen, to the same extent to which I formerly gave them my support, except those which originated in, or have been changed and modified by, the illegitimate desire and purpose of the Executive to secure the election of a particular and favorite successor. As to all the principles and practices which have proceeded from this source, I am, I have been, and I am firmly resolved still to be opposed. If any member of this House can claim the indulgence of the committee in commenting freely upon the present state of public affairs, and especially upon the practices and objects of those in power, when it is remembered by whom, and in what manner, I have been assailed, I think I may do so. It is not only due to myself, but it is due to the few friends with whom I act in this House. It is equally due to the public. I owe it to many of those of the Jackson party who have united their interests and influence with the party which is attempting to bring in the Vice President, and whom I hope I may still claim as my personal friends, to vindicate the principles which have impelled me to my late course. It has been said that I have abandoned the party to which I once belonged. I deny that the party now in power is, properly speaking, and if principle be the test of party, the same with which I once acted. But, sir, if this be the party of which I was once a member, I am free to admit, and I am ready to demonstrate to them, and the world, that either I or they have proved recreant and faithless to every cardinal principle and political virtue which they once professed and avowed as the rules of their conduct. I proceed now to the proofs, and I shall, when I have arrayed them, most cheerfully submit to the decision of the public upon the question whether I or the party are the culprits.

Here Mr. BELL gave way to a motion that the committee rise.

March 22, 1836.

The Navy bill being again taken up,

Mr. BELL said: At the close of my remarks on yesterday, I was claiming the privilege of vindicating the course of myself and the few friends with whom I acted in this House. I said they were few in number—they are so; for the sake of the country I wish the number greater, but for the honor of the enterprise I would not wish to add a unit to it. I know, too, the exact extent of the sympathies and good wishes of those who constitute the larger proportion of the Opposition in this House, to the party of the succession which we enjoy. But I am content to receive their countenance, however limited it may be.

Mr. Chairman, some of those with whom I formerly acted in this House, did not think my declaration upon the nature of my present relations to the party in power sufficiently explicit. I can have no possible motive to assume an equivocal position, either before the committee or the country. On the contrary, I consider my honor at stake in taking a different course. I therefore repeat, that I shall support all the measures of this Administration which I shall find to be in accordance with its early avowed principles, in the same manner and to the same extent I have hitherto done; and I shall oppose with all my influence and ability, whatever they may be worth, every measure, every practice and movement of the party which can be traced to the policy or motive of electing the executive favorite to the succession. If the declaration that I hold myself still the supporter of the Administration, to any extent, shall appear inconsistent with my votes upon so many party questions which arise in this House from day to day, I can only answer that it is not my fault if the party action of this House shall, in almost every instance, have a direct reference, not so much to the support of General Jackson, as the election of a particular candidate to the Presidency.

I now proceed to notice briefly those leading and prominent principles and professions of the original Jackson party which those who now claim to be identical with that party have abandoned and disregarded in practice.

The original supporters of General Jackson advocated his election against Mr. Crawford, the candidate nominated according to party usage, upon the ground that the practice of caucus nominations of a President of the United States was a violation of the spirit of the Constitution, as it tended to defeat the contingent right of the small States to have an equal vote in the election of that high officer, as often as the election might devolve upon the House of Representatives. They also objected to such nominations because they were effected by intrigue and corrupt influences; and upon the further ground, that it tended to defeat the free and independent voice of the people. All the objections to a nomination by a congressional caucus apply with still greater force to a nomination by a convention of pretended delegates from the people, such as we have lately seen at Baltimore. In the first canvass of General Jackson this was, in a very large section of the Union, decidedly the most popular and available argument against the candidate who had the advantage of a nomination by the Republican party. But *now*, sir, no man is admitted to be a Jackson man, or a supporter of his Administration, who refuses to admit the practice of caucus nominations to be orthodox, and to subscribe to the obligation of acquiescence and absolute obedience. It is worthy of notice, that the very individual (Mr. Grundy) who, in the State which I have the honor to represent in part was the most active

and powerful opponent of the practice of caucus nominations in 1824, is now the leader of the party in that State which supports the candidate of the Baltimore Convention.

In General Jackson's second canvass for the office which he now holds, commencing in 1825, the first, most exciting, and one of the most important positions or principles assumed by his friends, was, that the right of the people to elect the President should be rescued from the hands of political managers in and out of Congress, and vindicated and secured to them by new constitutional guarantees. The recent election of the gentleman from Massachusetts who sits before me [Mr. ADAMS] had given rise to this feeling and determination of the Jackson party. Hence the proposition to amend the Constitution so as forever to prevent the recurrence of a similar event, was taken up and proclaimed as a capital object to be accomplished by the election of General Jackson. So serious and obligatory was this engagement of his original supporters regarded by General Jackson, that he has felt himself bound in common decency and candor, to bring the subject of an amendment of the Constitution to the notice of Congress at the beginning of every session of his administration. But what has been the result? The party which now has the assurance to claim to be the only and exclusive supporters of that distinguished man, have willfully evaded the subject, as I will show before I close my remarks. They appear to have come to an understanding among themselves, to regard all that the President is in the habit of repeating upon this subject as an empty form. It has never been made a party question since General Jackson's first election. The fear of an election by the House was too potent an argument in favor of caucus nominations to be dispensed with by a sagacious party.

Another, and most important principle assumed by the Jackson party in the canvass between 1825 and 1829, was, that it was essential to the purity of the Government, and to the independence of the elective franchise, that the practice of electing any of the great official incumbents to the Presidency should be broken down. It was observed that, in the early period of the Government, it had come to be considered, that the Vice President should, almost as a matter of course, and of right, succeed to the Presidency. The first, Mr. Adams, who was Vice President during General Washington's administration, was the next President. Mr. Vice President Jefferson ousted Mr. Adams; and, no doubt, but for the suicidal course of Mr. Vice President Burr, he would have succeeded Mr. Jefferson as President. But in Mr. Burr the regular succession of the Vice President to the Presidency was broken, and afterwards the Secretary of State acquired something like a prescriptive right to succeed to the Presidency. We must all remember the sentiment of a distinguished gentleman from Kentucky, (Mr. CLAY,) expressed in justification of his vote as a member of this House, in favor of the gentleman from Massachusetts, [Mr. ADAMS,] upon this subject; he avowed the opinion that the election of the Secretary of State to the Presidency was a safe precedent. How obnoxious this doctrine soon became, and how much the author of it suffered in the estimation of the honest and stern yeomanry of the country who supported General Jackson is well known. It was said that if the precedent of electing any of the great officers of the Government to the Presidency should be followed for any great length of time, we might as well establish a hereditary succession at once. The argument was ably and powerfully enforced that such a practice would necessarily lead to great abuses of the patronage and influence of the Executive. That a public officer of so high a grade being always near the Government, and constituting a part of it, would always be able, with a very small share of address, to conciliate the favor and support of the Executive. Have these arguments lost their force by the mere lapse of time? Do they not carry with them the same weight and conclusiveness now that they did during the canvass which brought General Jackson into power? Yet, sir, do we not see in the support which is given by the Government to the Vice President, this important principle; these solid arguments all set aside and trampled under foot by the party which still bears the name of Jackson!

It was also a favorite principle and a most effective topic of electioneering declamation by the Jackson party, that the purity and independence of the public press should be guarded and protected by legal restrictions and provisions against the influence and control of the Executive. It was thought by the Jackson party in former years, that $30,000, disbursed at the discretion of the Secretary of State, was sufficient to corrupt, in a dangerous degree, the entire public press. The discretion of the Secretary of State, it was seriously contended, ought to be limited by law, so as to prevent the possible abuse of this fund by bestowing it upon political partisans. Who among us does not remember the famous resolution of a gentleman from North Carolina [Mr. SAUNDERS] upon this subject, and the equally famous debate that arose upon it? It was, I believe, a favorite scheme of my colleague, who is now the presiding officer of this House, [Mr. POLK,] to take from the Secretary of State the power of designating the publishers of the laws, and to vest it in the House of Representatives; so important at that day was the purity of the public press regarded by the Jackson party. I well remember what a decided effect was produced upon the minds of the people in the State which I represent in part, and what indignation was excited by the single act of the Secretary of State under the late Administration, of taking the printing of the laws from the Nashville Republican, a paper friendly to the election of General Jackson, and giving it to the Whig, a paper published in the same place, and supposed to be in the interest of the Administration. Well, sir, in the vicissitude of human affairs, it so happened that the party in whose cause the Nashville Republican had suffered, came to be uppermost, and it was restored to its former rights and benefits; but, as if it were intended to manifest the utmost possible contempt for the early principles of Jacksonism, and to give the most unequivocal guarantee to new allies which the nature of the case admits, that all the principles avowed by the original Jackson party are, henceforth and forever, to be repudiated and forgotten, the present orthodox Secretary of State has recently ordered the printing of the laws to be again taken from the Nashville Republican, which is now supporting Judge White for the Presidency, and given to the Union, a paper printed in the same place, a paper purely partisan in its character, newly established, and of a very limited circulation, but in the interest of the Vice President. The Postmaster General has added his testimony to that of the Secretary of State, that the early principles identified with the name of Jackson are no longer to be the guide of the party in power. He has not only appointed a printer of a newspaper to be postmaster of a very thriving and considerable town in Tennessee, but the printer and the postmaster are actually suffered to meet in the same office. It is needless to say that this printer is also an avowed supporter of the Vice President. But, sir, to enumerate all the evidences which exist to show the deliberate purpose of the party to use the patronage of the Government in seducing the public press to their interests, would far exceed the limits of my remarks.

But the necessity of reform—a retrenchment of the expenditures of the Government, and the reduction and limitation of Executive patronage, were the perpetual themes of the Jackson party, as originally constituted. The Augean stable, over which the gentleman from Massachusetts [Mr. ADAMS] was said to preside, was to be cleansed. The number of Executive officers was to be diminished, and the discretionary power of the President of removing or changing them was to be restrained by legal enactments. The principle of all these engagements of the party, and to which they were bound by the highest obligations of truth, honor, and patriotism, was regarded as vital. Corruption through Executive patronage, it was foreseen, would become so universal, as soon to sap and undermine the pure foundation of our free institutions, and convert them into the mere instruments of power and ambition. How these promises and expectations have been fulfilled by the party which now wears its mantle, may be inferred from the facts—

1st. The abuses then existing in several departments of the public service have actually multiplied under the present Administration, instead of being reformed.

2d. The expenditures, especially in those branches of the public service most liable to suspicion and abuse, have been increased.

3d. Public offices have been increased, and numerous officers have been appointed, some with discretionary and arbitrary allowances, and some with annual salaries, without necessity or warrant of law.

The patronage of the Government, instead of being reduced, has of late been increased in a most extraordinary and alarming degree in a variety of ways. The most obvious and alarming accession of Executive patronage, power, and influence which has taken place has proceeded from the policy of the Administration in putting down the United States Bank. Whatever may have been the motive, however pure and honest the purpose, the effect of that policy has been most clearly to put the Treasury, the money-power of the country, at the absolute disposal of the Executive. Where is now your Treasury, and by what guards is it watched and secured? If the President should think proper to convert the entire revenue of the Government to any objects whatever of his own, whether public or private, is there any check or control existing in any department or officer of the Government, or any law, according to the construction which has been put upon existing enactments, over his will or command? Are not all the depositories of the public moneys selected, changed, and the terms of their connection with the Treasury modified, at the mere will and pleasure of the Executive? Can he not order the public moneys to be retained in the hands of the collectors and receivers, or paid over, just as he shall think proper to direct? Though it may be that we have no just ground to apprehend any misapplication of the public funds by the President, (and I for one certainly have no such fears,) yet, is it fit in a Republic that any one man—no matter how exalted in the public estimation—should have it in his power to dispose of the public moneys at his discretion? Is it fit, I repeat, that such a state of things should continue even for a day? But, sir, a party, which calls itself republican, has suffered not only months but years to elapse under their administration of public affairs, without providing a remedy for this evil.

But although we may have no fear of the fidelity of the President, so far as regards the expenditures of the public moneys by him, yet the mischief of increased Executive patronage is actually abroad. The command of the depositories of the public money confers upon the Executive, in effect, the control of every bank in the Union, nearly five hundred in number. It is not only the deposit banks which are liable to become the instruments of his will and purposes in the selection of their officers and the general management of their affairs; but the control which he exercises over them, clothes him with the power to embarrass and cripple the operation of every other bank in the United States, if he shall think proper to exercise it. Does any one doubt the ability of the Government, acting through an unofficial and irresponsible agent, upon the various depositories of the public moneys, to bring sudden destruction upon the interests and affairs of any bank whatever which may incur the displeasure of the party in power? If the late bank chartered by Pennsylvania shall be able to encounter the hostility of the Government, I undertake to say it will be the only one which can hope to sustain itself in such a conflict. The very consciousness that the power exists in the Executive of the United States to inflict so great an injury upon the interests of any institution which shall cross the wishes of those in power, whether there shall be any intention to exercise it or not, will cause every bank in the country to become more or less subservient to the purposes of the dominant party. But is there not just such an agent as I have described now in the employment of the Government? The Secretary of the Treasury could not be safely made the instrument of Executive in-

fluence and control over the moneyed institutions of the country. His acts and correspondence would be official, and might be called for and exposed. Even his verbal instructions and intimations could not be disavowed by the Government, should they by any accident be brought to light. But not so of the acts of the agent, generally resident in this city, and notoriously in the confidence of the Executive and the deposit banks. Sir, when we consider that the surplus revenue, including the unexpended balance in the Treasury, will, during the present year, average not less than thirty-five, and probably forty millions; and when we bring to mind the immense influence which the gratuitous use of this enormous capital gives to the Executive, besides the ordinary patronage of the Government, it is time that the country should awake to a sense of the consequences. Can public freedom long resist the assaults of such a tremendous influence when brought to bear, as we have just reason to believe they are, directly upon the election of the highest officers of the Government? It is not British capital; it is not the money of the United States Bank, whether dealt out in loans or largesses upon particular individuals; it is the people's own money which is turned against them, to corrupt the purity, and destroy the freedom of the elective franchise.

Have we not seen very lately by the proceedings of this House, that the party feel themselves no longer bound to pay even a decent regard to the question of the propriety of reducing or limiting Executive patronage? The bill lately sent us from the Senate, embraced substantially the creed of the original Jackson party upon this subject. Yet, sir, the idea of attempting to attach any great importance to that bill, or the subject-matter of it, was openly derided by several leading members of the party; and no single member of it gave it the least countenance except the gentleman from Virginia, who sits before me, [Mr. PATTON,] and even he qualified his approbation of the measure. Another honorable member from Virginia [Mr. DROMGOOLE] gave that bill its quietus in this House. It sleeps the sleep of death in the tomb to which he has consigned it. But does not every member of this committee know that an honorable Senator from Tennessee, and who stands in a very important relation to the public at this moment, has been denounced by the leaders of the party, and openly read out of the Republican church by several of the leading journals of the party, for his course upon this bill? After these bold and undisguised evidences of the real contempt of the party for this whole subject, who is so credulous as to be any longer deluded by their professions?

But, again: is not the Senate, which was intended by the Constitution to be in itself a standing check and limitation upon the use and abuse of the Executive patronage to that extent, and as regards that purpose of its institution, actually *expunged*, and that, too, by executive power and influence? I demand of gentlemen to answer me, and say if there exists at this moment, practically, any controlling power in the Senate over the will of the Executive? Is not the Constitution itself, for the time being, abrogated, subverted, overthrown? All men must now see and acknowledge that the duty of sending nominations of public officers to the Senate, for advice and confirmation, is reduced in practice to mere form! Have we not a Senate of the United States notoriously replenished and organized upon the principle of non-resistance, and of passive obedience to the Executive will and authority? And how, sir, has this state of things been brought about? The State Legislatures, those sentinel towers, as they have heretofore been supposed, upon the ramparts of the Constitution, and of the public liberty, have been boldly entered, and by Executive influence seduced and prostituted to purposes of Federal power and domination! Sir, if the Executive Chief Magistrate had entered the Senate Chamber sword in hand, and, supported by a band of chosen mercenaries, had driven the obnoxious Senators from their seats, and filled all the vacancies by members of his own appointment, he would have inflicted a deep wound upon the Constitution, and one which I know he would never think of inflicting, but it would have been less dangerous, and more easily healed, than the one which has actually been inflicted. Yet, sir, all these things have been done under the influence, and in the name, of a party which calls itself republican, and claims to be considered the Jackson party!

It is well known that an unbounded respect for the rights of the States was professed by the original Jackson party; and every measure or practice of the Government which tended to consolidation, was denounced as inexpedient and even dangerous. To prove how little regard has been shown by those who now wear the garb of Jacksonism, for the due constitutional rights and independence of the States, it would only be necessary to call to mind the interference of the Federal Government with the election of Senators by the State Legislatures; but, sir, I may add, that the legislative proceedings of State Assemblies have been interfered with, and many of those bodies have already been reduced to the condition of mere dependent and coördinate portions of the great party machinery by which it is supposed this country may hereafter be governed —the supple and convenient instruments of the Federal Executive, and party interests!

How the pledge of the Jackson party to reform those abuses, which, under the late Administration, were said to have brought the patronage of the Government in conflict with the freedom of elections, has been redeemed by the party which now controls the course of public affairs, we all know, and some of us feel. Instead of an isolated case of such conflict, which now and then was supposed to have taken place during the administration of the gentleman from Massachusetts, [Mr. ADAMS,] we now have the practice of such abuses reduced to a system; openly exercised and openly justified by a large portion of the party!

I must not omit to notice the course of the party in reference to a branch of a great system of national policy, which was thought in the South and Southwest to indicate the boundary between the two great contending parties then in the country, more clearly than any other: I allude to the subject of internal improvement by the General Government. It was supposed that this part of the policy of the late Administration was checked by the celebrated veto message of 1830; and hundreds of the honest planters of the South and Southwest entertain that opinion to this day. Yet, sir, the truth is, that the expenditures upon objects which in every light of reason may be fairly denominated internal improvements, have actually increased under the action of the party now in the majority in this House, and far exceed the expenditures of the late Administration upon similar objects. I beg leave, as this is a curious as well as interesting inquiry, to state the amount appropriated to objects of this description each year of the present Administration, and the amount proposed to be voted by this Congress, which every one knows is orthodox. These appropriations have been usually made in two distinct bills, and under two separate classes. One class embraces the improvement of harbors and rivers, including breakwaters. The other, surveys, roads, and, in the language of the title prefixed to the acts, "certain works of internal improvement." Under both these heads there was appropriated in the year 1830 the sum of $525,523 48; in 1831, the sum of $732,482 44; in 1832, the sum of $1,252,658; in 1833, the sum of $1,030,493; in 1834, the sum of $736,883; in 1835, the sum of $652,377. It is proposed by the committee of this House, organized upon party principles, to appropriate to the same classes of objects, at the present session of Congress, the sum of $1,966,328 92. The highest amount appropriated to the same classes of objects in 1828, the last year of the late Administration, was $250,805 26. Here, then, we propose to expend $2,000,000 during this year, or nearly so, for one of any former year. Sir, the party which sanctions all this is still called the Jackson party!

But besides the open violation of these and many other principles of the original Jackson party, what are we to think of the strange, and before unheard-of principles avowed by leading members in the majority in this House, in the debate upon this bill? Appropriations without limit as to object or amount are openly vindicated! The infallibility of the Executive is proclaimed; because the people have trusted General Jackson, therefore, we ought to trust him with the whole Treasury! One gentleman (I allude to the distinguished gentleman from Pennsylvania, [Mr. SUTHERLAND,] who, I am sure, all will admit to be one of the most distinguished, as he is certainly one of the most active and efficient members of the party,) declared, that he had no scruples as to the amount of money to be appropriated; he was willing to trust General Jackson with the whole Treasury. That great man, he said, to use his own language, "was known upon the hills and in the valleys;" the people had unlimited confidence in him, and we ought to have the same! These, sir, were to my ears, doctrines both new and extraordinary, whatever confidence General Jackson may be entitled to. They are surely not the doctrines of a Republic, much less of a party which can justly claim the merit of exclusive devotion to republican principles. Yet these sentiments were distinctly avowed upon this floor by more than one gentleman, and no member of the party rose in his place to disavow and repudiate them. Even the ancient and famous Commonwealth of Virginia, which has long stood the boasted champion of the true republican faith, could furnish no son *on that side of the House* who dared to disclaim sentiments so subversive of every principle heretofore held vital to our Constitution. I am far from doing all the individuals composing the majority in this House the injustice to suppose that they approve these, or, indeed, many other principles and practices of the party with which they find themselves connected. I know how difficult it is for individual members to separate themselves from the party with which they act, upon any question whatever which assumes a party complexion. I have often felt the difficulty of such a course myself. I believe, sir, there are many individuals of the party of the majority in this House, who do not accord with the present course of the party to which they belong upon many questions—who cannot long abide their present party connections; and, sir, if I possessed the power of exorcism upon this occasion, I would bid them instantly come out from among the uncongenial elements and associates with which they are at present united.

But we cannot be surprised at the avowal of strange doctrines by the present majority, when we recollect that the single principle upon which the elections of the present day generally turn, is unlimited devotion, not to any particular political creed, but to *the party!* Accordingly, we often find members of this House, and leaders, too, who either have no knowledge of those principles which have heretofore divided the country, or are so entirely regardless of them, if they know what they are, as, in the same speech—nay in the same breath, to avow themselves both restrictionists and latitudinarians, State-rights men and consolidationists, thorough Democrats and ultra Federalists! And yet this is the nature of the association which claims to be the Republican party of the United States! I know of no instance of equal absurdity and arrogance in the assumption of names, except the one which recently occurred in Pennsylvania, in which a State bank took the name of the United States Bank!

Sir, there is no one principle or maxim, as far as I can call to mind, avowed and professed by the original supporters of General Jackson, and which entered largely into the grounds of his success, which has not been evaded or disregarded; and many of the most vital and important of them have been openly, and, I regret to say, insultingly, trampled under foot, in the face of the whole country, by the party now uppermost in influence, if not in power. In conclusion, upon this part of my subject, I have to request of gentlemen that they will answer my statements upon this subject fairly—in candor, and specifically; and that they will not evade the questions, and content themselves by pronouncing fulsome eulogies upon General Jackson, and by denouncing all who do not subscribe to every doctrine and practice of the party which supports his Administration.

Mr. Chairman, I have not yet noticed the most objectionable feature in the course of the party

of the succession—for this may be well enough called the war of the succession, in the future history of the politics of the country, and one which, in my opinion, the friends of free government everywhere will long deplore. I allude to the practice of governing and securing party ascendency by an artful system of popular excitement and delusion. The people are treated more like children, to be led and controlled by the usual tricks of the nursery, by bewildering their fancies and exciting their fears, than as men who have understandings to be appealed to.

The cause of free government, I maintain, has suffered, under the action of the party in power, in this respect. The doctrine of the capacity of the people for self-government has been weakened by it. For the last two years the subjects which have been gotten up to agitate the public mind, and which, in many sections, were successful in securing majorities to the party of the succession, were a series of pretenses and impostures. I cannot refrain from an attempt to expose some of them as they deserve. I pass over the gold and silver humbug of 1834, and which went off about the close of the elections in Pennsylvania and elsewhere in that year. I pass over also the imposture of the expunging project of the party, which has only recently spent its force. This question, all mankind must soon see, was got up with a view to change the political complexion of the Senate in regard to questions of more interest to the party than the vindication of the character of the President, as the late confirmation of certain appointments will show.

I desire chiefly, sir, to call the attention of the committee to the late war panic, as one of the engines invented to sustain the interests and carry out the projects of the party. I am disposed to discuss fully the rise, progress, and uses of the late French war; for, sir, we had a species of war with the French, and it had progressed so far that we had actually a French party organized in the country, according to the declaration of various public journals. One use for which this was gotten up appears to have been to enable the party to traduce the conduct and motives of various individuals, and indeed the whole party opposed to the continuance in power of those who now exercise a controlling influence in the country. The gentleman from New York [Mr. CAMBRELENG] did me the honor to notice my motion to take up the subject of the rules of the House before we went into committee upon the appropriation bills; and he charged that I had opposed his motion to take up the appropriation bills at the time when the country was exposed to the danger of a war with "a powerful enemy," to talk about rules! I made that motion in all honesty for the purpose I then stated, and I now appeal to the committee to say if we have not lost a great portion of the time of this session for the want of some amendments to the rules of the House? But the gentleman refuted his charge when, on the next day, after the Navy bill was taken up it was laid aside upon his motion, without any other apology than that it was important to act upon the bill for the relief of the sufferers by the late fire in New York. Upon the authority of this charge of the gentleman from New York, I must suppose a statement was found in the Globe, the official paper of the Government, which I beg leave to read.

[Here Mr. B. read a paragraph from the Globe, in which it was stated, among other things, that Mr. B. had opposed appropriations for putting the country in a state of defense.]

I care nothing for any of the misstatements in the paragraph which I have read, except the one which charges that I was opposed to appropriations for the defense of the country. This statement is so far from being true, that I took the first occasion which fairly presented itself to declare my readiness to vote for liberal appropriations for this object; and such was my determination from the first. To show how far the political managers had succeeded in agitating the country by their course upon this subject, I will read another paragraph from the same paper of the 2d February:

"Resolutions, sustaining, in the strongest terms, the ground taken by the President's message, have passed both branches of the New York Legislature, *unanimously*. Nothing can speak more absolutely the sentiments of the American people, than this *unanimous* expression of the feeling of all parties, where the party line is most strictly drawn, and firmly maintained. There was never, we presume, a *unanimous vote* on any great question in that State before.

"Alabama, too, the Legislature which has just adjourned, closed its labors with a patriotic declaration that the State would pour out its blood and treasure like water to sustain the Executive in the stand he has taken for the rights of the country."

Similar resolutions were passed by many other State Legislatures. Further to unfold the use which was intended to be made of the excitement created upon this question, and how, and upon whom the indignation of the country was intended to be pointed, when once successfully routed, by unfounded misrepresentations, I ask leave to read another paragraph from the same paper of the 11th of January.

After quoting the sentiment of the late Governor Shelby, of Kentucky, in relation to the policy of increasing the public defenses and preparing for war in time of peace, the editor makes the following comment upon it:

"What humiliation, after all the warning we have had, that the French should have the opportunity afforded, of profiting by our dereliction of his invaluable instruction, of adopting the policy abandoned by us, and sweeping across the seas, prepared to punish in a whole people the vice *of tolerating factious cabals of selfish intriguers*, ready to sacrifice every public virtue, every patriotic feeling, to the sinister ends of personal ambition."

Besides these improper uses made of the late panic, there is strong reason to believe that another object in keeping it up, was to aid in disposing of the surplus revenue of the Government. I feel myself, therefore, justified in remarking fully upon the whole question, and I now propose to demonstrate the following propositions:

1. Either that there was no probability, at any time, of a war with France, or that the public functionaries of the Government have been guilty of a criminal neglect of their public duties; or if there was actual danger of war, then that the gentleman from New York [Mr. CAMBRELENG] and those with whom he is associated in controlling the action of the Government, have paltered with the honor and safety of the country.

It may be of use to recur to the dates of the principal events connected with our recent difficulties with France. The treaty was signed on the 4th of July, 1831. The bill drawn by this Government for the first installment due under the treaty was presented and protested on the 2d of February, 1833. The treaty was laid before the Chamber of Deputies; for the first time, on the 6th of April, 1833; a second time on the 11th of June, 1833; and a third time on the 13th of January, 1834. It was rejected by the Chamber of Deputies on the 1st of April, 1834. Information of this rejection reached Washington on the 6th of May following. Congress was then in session, and did not adjourn before the 30th day of June following. The message of the President, recommending reprisals, was sent to Congress the 2d of December, 1834. The French Government recall their Minister in January, 1835. Congress adopted a resolution to adhere to the treaty on the 2d of March, 1835. The Chamber of Deputies passed the indemnity bill, including a clause requiring an apology from this Government as a condition of payment, on the 18th of April, 1835. Information of this fact, I suppose, must have reached this Government in June following at the furthest. The letter of the Duc de Broglie was read to Mr. Forsyth on the 11th of September, 1835. Connecting the order of these events with the incidents connected with each of them, and which would require too much time to enumerate, it will be seen that some grounds to apprehend a rupture with France might have been found in the protest of the bill for the first installment due under the treaty, and the delay in carrying the treaty before the Chamber of Deputies. But if war was to be apprehended, at any time, it would seem that the rejection of the treaty in April, 1834, would furnish the strongest ground of such apprehension. It was then that the most alarming spirit showed itself in the French Chamber of Deputies.

But admitting that that occurrence was so explained as to remove any serious fears of a rupture, the recall of the Minister of France in January, 1835, would seem calculated to cause some alarm; but if that was not sufficient, surely, if there was ever any danger of war, it must have been developed upon the passage of the indemnity bill, with a clause requiring an apology, in April, 1835; but, at all events, this danger, if it existed at all, must have become manifest upon the receipt of the letter of the Duc de Broglie, on the 11th September last, which, it is alleged, gave the first authentic notice that the apology would be insisted upon. Yet, sir, during the whole period, from the 3d of February, 1833, when the bill of this Government for the first installment due under the treaty was protested, up to the commencement of the present session of Congress, the dilapidated, unfinished, and unarmed state of our fortifications, the decayed state of our little Navy, and the exposed and defenseless condition of our whole sea-coast, were well known to the Government. Yet no recommendation is made by the Executive, and no step actually taken, to complete, arm, or repair them, up to the present session of Congress. A prudent foresight would have called for supplies from the Treasury, and caused the utmost activity to prevail in both these branches of the public service, from May, 1834. If not from that time, at all events from the moment it was known that an apology was required by France which could not be made. But not a hammer is heard! a dead silence reigns during all this time, not only in our navy-yards and upon the fortifications, but even in our public documents and in our legislative proceedings, upon the subject of defense or preparation for war! But if this neglect to call upon Congress for the means of putting the country in a condition to meet the emergency of war, until the opening of the present session, may be excused, what plea can save the gentlemen? What apology can they make to the country for their failure to urge upon Congress the necessity of immediate action, and of voting the necessary supplies, without delay, to complete and arm our fortifications, to fit out and repair our ships of war, at the opening of the present session of Congress? We read with amazement the reports from the War and Navy Departments, without finding any notice or recommendation of war appropriations—any reference to the supposed crisis. We read the President's message itself, without any recommendation of those speedy and vigorous measures which the alleged exigency called for.

But this is not all; the regular and ordinary appropriations for the Army, the Navy, and fortifications, were not reported by the Committee of Ways and Means at the first of the session, nor until after the lapse of nearly a month; and after they were reported, they were permitted to sleep upon the table for more than a month before they were seriously moved! And are two months time of no importance when we are upon the eve of a war? Mr. Barton arrived about the middle of January, and brought no better prospects of peace than we had at the beginning of the session; and on the 18th of January we were favored with the first special message; but still the Navy bill was taken up only to be laid down again! Yet, sir, during all this time, the country is kept under continual apprehension of war! Have we not a right to an explanation of this mystery! Let it not be said, that those who caused the loss of the three million appropriation, on the 3d of March, 1835, are responsible for the late neglected and defenseless condition of the country. When the news, first of the proffered mediation of England, and then of the satisfaction given to the French Government by the first message, reached us, we were within a few days of the 3d of March, 1836; nearly a whole year having elapsed since the loss of the three million appropriation, and no step was taken in the mean time to repair that error, if it was one. Who is responsible for the neglect of the public defenses since the 3d of March, 1835. The Constitution clearly pointed out the remedy for the miscarriage of that proposition, if any cause existed to create a just apprehension of war. Congress might have been convoked at any time after the 3d of March, 1835; and none can doubt that if the President had recommended appropriations for the public defense, even at the close of the last session, they would have been promptly voted by both Houses of Congress. But, for the delay in adopting

measures of defense and preparation for war after the present session commenced, neither the Senate nor the House is responsible; the House has never failed to take up any appropriation bill the moment it was moved by the regular organ of the Administration, the chairman of the Committee of Ways and Means. I repeat, then, either that there has at no time been any probable cause of war, or that those whose duty it was to provide for such an emergency have been guilty of a criminal neglect of duty; or if there was actual danger of war, that those who have controlled the action of the Government on this subject, have paltered with the honor and safety of the country.

2. But if there has been no just cause to apprehend war, I affirm that the party which now controls the Government have played upon the honest credulity of the people; trifled with the feelings of the brave and patriotic; disturbed the quiet; alarmed the timid, and checked the trade and enterprise of the country in the most unjustifiable manner, and for the most unworthy party purposes.

Without going into particulars, I appeal to the members of this committee, and to the country, if since the 3d of March, 1835, there has not been a constant and studied effort on the part of the Government journal of this city—by the presses in the same interest all over the country, to create and foster the belief that there was danger of a war with France. Have we forgotten, can we ever forget, the continued and furious denunciations of the Senate, and particularly of an honorable Senator from Tennessee, for refusing to give their support to the three million appropriation? Upon this point we have but to remember the inflammatory appeals incessantly made to the people upon the defenseless condition of the country since March, 1835. But we have better proof, if possible, than these, of an intention to excite the country upon the subject of a French war. The chairman of the Committee of Ways and Means [Mr. CAMBRELENG] in his remarks upon moving the amendment of $2,000,000 to the bill under consideration on the 13th January, and again in his speech upon the resolution of the gentleman from Massachusetts, [Mr. ADAMS,] took high ground upon this subject, and indirectly charged every man who failed at such a crisis to vote for the appropriation moved at the last session of Congress, as an enemy to his country. His words were, "that every friend of his country" did so. He also spoke of "*frittering away the rights and honor and interests* of the country for mere forms:" and he had the audacity—I mean no offense by the use of the term, but I cannot find one more expressive of his course—he had the audacity to say to the House, "that it would be more profitably employed" in putting the country in a state of defense, than in debating a resolution which he himself, and all his political friends, except one or two of the more sagacious, had voted to take up and discuss in preference to all other business before the House! The gentleman also reminded the House that "in former times the patriots of the country did not wait until the enemy was at our gates before they voted the means of defending the country." He in the same speech expressed the sentiment "that if France now paid the money, she would be more disgraced than any one nation ever was."

Mr. CAMBRELENG asked the gentleman from Tennessee to state all that he had said in connection with the words referred to. His meaning was that the French Government would be disgraced, if, after exacting an apology, and declaring that none would be received but one according to the letter, it should pay the money when none such was, or ever could be, made.

Mr. BELL. The gentleman from New York was correctly understood by me; but he will perceive that the force of my argument is not impared by his explanation. It is rather strengthened by it. I was referring to that part of the gentleman's speech to show that he intended by that declaration to impress the country with the belief that we would have war. The gentleman from Virginia [Mr. MASON] also contributed his efforts to increase the expectation of war. He informed us in his remarks upon the resolution submitted by him on the 26th of January, "that we might be resting under a false security—that it was unsafe to cry out peace, peace, when there was no peace;" and in the conclusion of his argument upon that occasion, he solemnly warned members of the House of the weight of responsibility which would rest upon them if they refused to accede to his proposition at such a crisis, and when the country was in so defenseless a condition. These, sir, are fair specimens of the system of agitation which has been pursued since the 3d of March, 1835. A system of alarm and agitation upon the subject of the French war has been the order of the day. Many members of the party in this House appear to have been deceived by it. One gentleman, in speaking of the resolution of the gentleman from Maine, [Mr. JARVIS,] proposing an inquiry into the expediency of increasing the Navy, declared that he was ready to anticipate the opinion of the Executive in relation to a war with France. The same gentleman said aloud, in his place, when the vote was about to be taken upon that resolution, that he would consider a vote against it as an abandonment of the Administration? Now, why all these declarations? Why all this alarm? Why were we continually threatened with a prospect of war, if there was actually no probability of such an event? Gentlemen must know that much real mischief has been the result of this course. It is only a few days ago that I received a letter from a planter of the Southwest, written before the news of the present state of our relations with France reached him, filled with the most gloomy forebodings of the consequences of a war upon the planting interest, and stating that the energies of the country were already in some degree paralyzed, in contemplation of that event. A large portion of the country was misled. Many of our most intelligent citizens were made to believe that we would have war. Our merchants were afraid to adventure—our ships lay, for a time, idle at our wharves, and a material check was given to the trade and enterprise of the country. I ask again, if there was really no danger of war, why these false pretenses—these unfounded alarms? I repeat that the honest credulity of the people has been played upon; the feelings of the brave and the patriotic have been trifled with; and serious injury has been inflicted upon the country for the most unworthy party purposes.

3. But whether there was danger of war or not, or whether war was intended or not, I affirm that those who advised and permitted the late state of our relations with France, and suffered the public defenses to remain in their present condition, exposed the country to the imminent hazard of dishonor and great damage.

Is not this now a self-evident proposition? If there was no intention to provoke a war with France, is it not evident that our diplomatists got us into a position from which we could not retreat without dishonor or war, if France had been inclined to war on her part, and had adhered obstinately to the letter of the apology demanded by her Government? Sir, we said, in the first place, that we would ask for nothing but what was right, and would submit to nothing that was wrong. We then threatened to indemnify ourselves for the money due under the treaty by reprisals upon French commerce. In our public journals, in the official gazette of this city, we openly charged the French King and Government with a breach of faith. We abused, through the same channels, the whole French people, and character; and, at the same time, did all we could to rouse the people of our own country to a war spirit, and determination against France. Well, sir, while we are in the midst of this honorable career, the Chambers vote the money, but say they must have an explicit explanation of these sayings and doings on our part, as a *sine qua non* of payment. The President replies promptly, as was proper, that he will make no apology. Now, sir, was there any course left but to fight, or be disgraced in the eyes of all the world, if France had been obstinate, and had agreed to receive no apology except one in the form the President had declared he would not give it. After years of pompous declarations of what we would do if France did not comply with our demands, we could not, with honor, have delayed such measures of redress as would have provoked an immediate declaration of war on the part of France. If it had been our fortune to have encountered immediate war, that in the outset our arms would have suffered defeat, and all our interests infinite injury, none can doubt. If any gentleman is disposed to imagine a different result, let him look at the relative condition and resources of the two countries at this moment. Our fortifications are decayed, incomplete, and unarmed; our harbors and large towns undefended and defenseless; our Navy, consisting only of some twenty ships of war in commission, and among the number only one ship-of-the-line, and four frigates. To match these, France has more than a hundred ships of war in commission, and, among the number, six or eight ships-of-the-line, and sixteen frigates. But we have some forty ships upon the stocks, and which might be made available in a short time, and, among the rest, eleven ships-of-the-line, and fourteen frigates. But, to match these again, France has more than two hundred ships of war on the stocks, or in ordinary, and which could be made available in a short time, and, among the rest, fifty-seven ships-of-the-line, and sixty-four frigates! It was against this naval force, five times greater than our own, that our honor was pledged to combat without delay, if France had been obstinate, or rather, if the political complexion of Europe had not interposed to modify her councils.

4. Upon a full view of all the circumstances of this question, there will appear too much room to believe that those who really direct the course of public affairs, and who claim to be the exclusive champions of the fame, and honor of the country, never intended, or had any strong apprehensions of war, whatever the rank and file of the party may have thought. They have felt all the while that they held in their own hands the issue of peace or of war, and they were perfectly easy upon that score. How, and under what private assurances they came to feel such confidence on these points, it is not for me to inform the public; but, that they had sufficient evidence to satisfy them on the 11th of September last, or before or after that date, that such an explanation as the President could at any time give, without any inconsistency with his declaration, that he would not make the apology demanded by the indemnity bill, was in possession of the leaders of the party here, I have no doubt; but, sir, there were too many advantages to be expected from keeping up a panic, and the war has been permitted to rage, not against France, but against the Senate, against an honorable Senator from Tennessee, and upon the Treasury.

Need I go into details? Need I point out the particular proof upon which I rest this charge, grave and serious as it is? Sir, does not the neglect to take the first step towards defending the country prove the fact without further showing? It is notorious that one, (Boston,) if not more, of your largest commercial depots and naval stations, was, and is at this moment, not only defenseless, but not even a single gun can be brought to bear for its defense, though it is now nearly two years since the rejection of the treaty by the French Chambers. Public property of the value of seven or eight million dollars is also known to be deposited at this point. One thousand pieces of heavy ordnance are wanted to arm the fortifications already finished or nearly so, and some fifteen hundred for the Navy, in addition to those on hand; and many of the guns now constituting a part of the armament of our ships of war are of a construction which render them, in the opinion of many, as terrible to ourselves as to a public enemy, and all the while we have had nothing but rumors of war; yet, sir, the first great gun has not been cast to prepare for the battle! The timbers of your ships upon the stocks are rotting, and, in some instances, are actually rotten. The truth cannot be disguised, and need not now be disguised, that three frigates and five thousand men, skillfully commanded, could at this moment capture, burn, or lay under contribution your largest commercial towns—capture and destroy all your ships of war in ordinary or on the stocks, together with every stick of timber you have been collecting for so many years, at any or all of your numerous navy-yards! Nay, sir, I have

heard the opinion expressed, and I believe it well founded, that, in the event of war, a single frigate might have been towed up the Potomac, and have battered down this Capitol and every public building in this metropolis with perfect impunity. So wholly neglected and defenseless are all the exposed points upon our bays and sea-coast. The belief that our public functionaries can have been seriously meditating war, under these circumstances, could only be founded upon the idea that they were either lunatic or treacherous to the country, a supposition which none can for an instant indulge.

But there are other evidences that war has not been before the eyes of the leaders and managers of the party. If it had been, the first movement at the opening of the session would have been to make immediate appropriations for the public defenses; the appropriation bills would not have slept upon the table until the 9th of February; for it was not until that day that the Navy bill was seriously moved. The annual Executive reports would also have been swollen with the note of war preparations. But what did we really see in them? The usual estimates for fortifications, from the Department of War! From the Navy Department, a recommendation of three frigates and three sloops-of-war, in addition to the number of vessels now in commission, for the more ample protection of our commerce! But the most decisive and satisfactory, that war was never actually anticipated as a thing of substance, although kept continually ringing in our ears, is to be found in the action of the committees of this House, organized upon party principles, and where every disposition exists to second the views of the Administration. None can be so ignorant as not to know that if war with so powerful a nation as France had been regarded as a probable event, every resource of credit and revenue ought to be husbanded with the most rigid economy. It is obvious, however, that the very reverse of this policy was pursued. New sources of expenditure have been sought out. The expenditures upon internal improvements were proposed to be doubled in the course of the present year, as we have seen. The Committee on Public Lands, early in the session, reported a bill for the reduction of the price of the public lands, which it may be estimated would soon reduce the revenue from that source one third or one half. The gentleman from Kentucky, [Mr. JOHNSON,] who is at the head of the Committee on Military Affairs in this House, and who from the prominent and distinguished position which he now occupies in the party, as their candidate for the Vice Presidency, must be presumed to have been in the secret of those who were best informed as to the prospect of a war with France, reported a bill proposing to expend during the present year, upon fortifications, the sites of which have not yet been purchased from the private owners, and which no one supposes could be constructed in time to have been of any use in the war anticipated with France, the enormous sum of two millions and a half!

But there is another piece of evidence, more conclusive, if possible, than any I have yet pointed out. A salary and outfit for a Minister to France are asked for in the general appropriation bill, and reported as early as the 26th of December last. This fact can only be explained upon the supposition, that our Government looked with certainty to an immediate restoration of amicable relations with France. It is absurd to suppose either that this proposition found its way into the bill by accident, or that it was regarded as mere form, and the money intended to be used only upon the contingency of a settlement of the difficulties with France during the year. If the stern and apparently uncompromising and warlike stand taken by the President in his messages to Congress, at this session, were intended to operate upon France, as is alleged, would the Secretary of State have ventured to counteract all the effect of his display of firmness, by sending in an estimate for the support of a Minister at the very Court to which it was our policy to hold up the vision of war! The idea is inadmissible. The appropriation was asked in the perfect confidence that by the close of the session it would be desirable to send a Minister to France.

Mr. Chairman, I have spoken fully of what I consider objectionable in the course of the party in power, in relation to our difficulties with France, but I wish it to be borne in mind that it is not their course towards France that I complain of; it is to their course towards their own country, in keeping up an unfounded alarm for various party purposes, that I object. As to France, I make no defense, I have attempted no defense of her conduct. In my opinion, no defense can be made for the course of that Government, in requiring an apology before payment of the money. The money that was admitted to be due, by treaty, ought to have been first paid, and then an apology might with better reason have been demanded.

But, sir, I cannot forbear to remark the superior skill of the French Government in the management of the question, on her part, if it had been her policy or interest to provoke or make war. The French were insulted; the faith of their King called in question; and the pride of the nation roused by a menace of hostile measures on the part of this Government. They recall their Minister, and our distinguished negotiators take it for granted that there was an end of French resentment. They proceed with dignity to discuss the treaty again; and when they are prepared, they announce the result to our Government by a vote of the Chambers. They give no insult; they use no menace; they make no pompous parade of hostile intentions, but simply and firmly declare that they are now ready to pay the money; but desire to be saved the mortification in the face of all Europe, of having been compelled to the measure of payment by the terror of American arms. When France avows her purpose in the very teeth of your unanimous resolution to adhere to the treaty; that she will pay only upon receiving an apology, she makes the declaration after active and effective preparations to meet all the consequences; she declares her purpose under cover of a hundred ships of war, and a hundred thousand men. Now, a menace under such circumstances would mean something. What must Europe have thought of our Government, if we had unfortunately been suddenly involved in a war with France? She would not have undervalued the people of this country, their spirit of resources, for in time we would have caused both to be properly estimated; but what opinion would have been formed of the skill and foresight of the party in power I leave to the country to determine.

Let it not be said that General Jackson is responsible for all the deficiencies in the public defenses. He has responsibilities enough of his own to bear. Let the leaders of the party be held to a just proportion of it—the heads of Departments theirs. The Vice President has less to do than any of them with the details of business—in fact he has no business; he is the very man who has had nothing to do but to exercise a general superintendence over all the various departments of the public service. The President, besides the various and constantly recurring duties of his office, has to my certain knowledge given a very large proportion of his time to the interests of the Vice President, in Tennessee and elsewhere. He supposed naturally enough that his lieutenants—his secretaries, together with the Vice President, who aspires to bear off the chief honor in the gift of the party, would take care that the public defenses were duly attended to.

If I am asked, Mr. Chairman, how it happened that I was ready to have voted liberal supplies for defending the country, when I had so decided a conviction that there was no danger of a war with France, I answer, that it was not for me to assume the responsibility of acting upon the certainty that there would be no war. I formed my opinion upon circumstances which were conclusive to my mind; but I could not know what might be the result of the complicated interests of the party in power. It was quite possible that they might have found themselves engaged in a war against their own calculation.

Sir, while I am upon the subject of the neglect and omission of duty, in relation to the military and naval defenses, on the part of those who have had charge of the general interests of the country, I beg leave to make a few remarks upon the condition of other branches of the public service. It is not only our fortifications and our Navy which have been permitted to remain unarmed and in a state of dilapidation, but I affirm that many of the civil departments of the Government are in no better condition; and this I am ready to demonstrate to the House and to the whole country, if proper authority is given for that purpose. Beside the irregularities, abuses, and corruptions which have been shown to exist in the Post Office Department, I affirm that the General Land Office is in a condition scarcely less deplorable. There is neither order, dispatch, nor, in the case of some of the offices, is there fidelity in the management and administration of that most important and interesting branch of the public service. I affirm that this is true, and would be so, independent of the alleged want of clerical force in the Department. The evil exists in many of the great land districts in the interior.

The same thing is substantially true of the Indian department. That branch of the public service has, within a few years past, grown into an importance four or five fold greater than formerly. The expenditures in this department a few years ago did not exceed some two or three hundred thousand dollars annually; now they are between one and two millions; yet the irregularities and abuses appear to have multiplied in proportion to the magnitude of the public interest connected with it. What, it may be asked, are the causes of these extraordinary abuses? The cause is simple and single—the entire incompetency of much the largest number of the officers and agents employed as heads of bureaus or distinct and subordinate offices. It is the want of capacity, of skill, and, in some cases, of every necessary quality. This is the great and decided cause; and the remedy does not exist in new organizations of this or that department, nor in the invention of new checks and restrictions upon the discretion of officers. The remedy for this abuse, like all others, will be found in the removal of the cause of it. Nothing is more important to be understood and extensively propagated in this country than this: that no Government, however wise and perfect in its form, exists but may and will be abused and perverted to bad and corrupt ends, whenever it shall fall into the hands of a set of administrators of loose or bad principles. No constitutional or legal enactments can supply the deficiency of ability or fidelity; no checks or regulations can anticipate and defeat the devices of artful and unprincipled officeholders. Neither ability nor purity can be conferred by law. On the other hand, all experience has shown that, under any form of government or of official regulation, however defective, when the public officers are possessed of the attributes of talents and fidelity, the public liberty will be respected—the public prosperity promoted—and the great end of human government successfully carried out.

But there is one mystery connected with the existence of the gross abuses in some branches of the public service, which deserves to be mentioned. How has it happened that these abuses have not only been suffered to exist, but even to increase, under an Administration so decidedly popular and powerful? When this problem shall be solved to the satisfaction of the public, the remedy will be supplied. The true answer to the question, how these abuses come to exist under such an Administration, is, because the *Administration is* SUCH *as it is*, because it is *popular*. Every man of sound mind and lawful age knows that the President, nor any other being of created existence, can exercise a personal inspection and superintendence over all, or even a tenth part of the most important details of the public service. Yet every important transaction connected with the public service is so managed by the subordinate officers, as to throw the responsibility upon the President. If the delinquent officers do not do this themselves, their defenders in Congress and out of Congress do not fail, in effect, to fix the responsibility there. Whether in Congress, or in the country, complaint is made of abuse in any branch of the public service, the answer is, eternally, that the charge is meant as an attack upon General Jackson! His great name and popularity are the shield and buckler of every official delinquent, whether from incompetency

or infidelity, from a clerk to the head of a Department—from the register or receiver of a land office, or an Indian agent, to a Minister Plenipotentiary! The name and services of General Jackson, I repeat, are invoked to shield and cover over, as with a mantle, every official transgression or omission, from the highest to the lowest, whenever it suits the interest of party to avail themselves of them.

And the people are called upon to rally round—to stand by and defend—not the individuals arraigned—not the delinquent department, but the President himself, who it is asserted through a thousand channels, is intended to be struck at and stabbed through the sides of the accused officer or Department. The people cannot at once detect the artifices of party. They are jealous of everything which savors of an attack upon General Jackson, and they in general act upon that suspicion. Those, therefore, who dare, here or elsewhere, to find fault with the course of affairs, upon any ground, instead of finding countenance from those in power, or from the dominant party—instead of being cheered on in the ungracious task of reform, are met on the threshold, with the charge of secret and sinister motives—with anti-Jacksonism! They are told, that their object is to assail the character of the hero of New Orleans, and the conqueror of the United States Bank; as if either one or the other of those victories could be of any worth now or hereafter, except to protect the Constitution, the country, and its liberties—as if those victories could be of any value, if as the price of them we are to surrender that very Constitution, those very liberties—those rich and glorious prizes for which those battles were fought and won. If those who venture to make charges against any department of the public service are not met precisely in this way, they are, at all events, told that General Jackson is the head of the Government—that he is responsible for all the executive branches of the public service, and no attack can be made upon any branch of the public service, therefore, without attacking him, and everybody knows that he does his duty. A most shameful, egregious, and pernicious fallacy. But the absurdity of the argument does not prevent it from being constantly interposed. The argument is, that because General Jackson is able, faithful, and patriotic, in the discharge of all his duties, therefore all the subordinate officers of the Government are so likewise. But more: if anyone shall reply to all this, and that he means no attack upon General Jackson, that he is willing to exonerate him from any agency in the abuses which are alleged to exist, he is forthwith denounced as a hypocrit—as a dastardly assailant, who wants the courage and independence to make a direct attack. He is dared to come forward like a man, and assail General Jackson as the author of all these abuses—his pride is appealed to—his feelings are chafed to draw him on to utter the fatal denunciation; and the moment he does so, the myrmidons of the party stand ready to hack him to pieces! These, sir, are the true *causes* of the continued abuses in the public service. They are themselves, without doubt, the greatest of all abuses. So long as a great and venerated name may be successfully opposed to all inquiry—to all reform in the public service, so long will abuses continue to multiply. So long as a system of terror and punishment through the agency of the public press shall be successfully practiced, abuses will thicken upon us. I have said that the means resorted to to suppress inquiry into abuses, are themselves the greatest of all abuses. Sir, they are so. I affirm that they are such as cannot long exist in a free Government—for no Government in which they exist, for a great while, can be free.

The failure of the proposition to appropriate three millions of dollars for the Army, Navy, and fortifications, and the loss of the regular fortification bill, at the close of the last session of Congress, is now become a stale subject; but the circumstances connected with those events, and the use which has since been made of them, are of too much importance, and are too intimately connected with the character and conduct of the party in the majority in this House, to be suffered to pass without further notice. The common opinion of the country is, that to Congress alone is to be attributed the late defenseless condition of the country, when it was supposed that we were upon the eve of a war with France; and the loss of the three million appropriation, and of the fortification bill, between the two Houses, has been the evidence relied upon to fix the responsibility there. To do justice to the respective political parties, between which this subject has become a point of contention, it is important that the real authors of those miscarriages should be clearly ascertained and exposed.

But, before I come to notice the circumstances immediately connected with the action of the two Houses upon this subject, I wish to call the attention of the committee to the course of the party in power, in relation to the public defenses, during the session of 1834, as well as the last session, which will include the whole period of time since the rejection of the treaty by the French Chambers, in April, 1834. I expect to show, by this inquiry, that it was the policy systematically pursued, during the years 1834 and 1835, up to the 3d of March in that year, to keep down the appropriations for fortifications, and to curtail them below the usual standard, notwithstanding the pending quarrel with France; and, before I have done, I trust I shall be able to place before the committee such facts as will leave it no longer doubtful who should bear the responsibility of the neglected, unarmed, and decayed condition of the public defenses.

The regular bill making appropriations for fortifications for the year 1834 was under consideration on the 19th day of June of that year. The chairman of the Committee of Ways and Means, [Mr. POLK,] who was the regular organ of the Administration in this House upon all subjects connected with appropriations of public money, and who, in this instance, at least, all will agree, cannot be suspected of taking a course in opposition to the views of the Executive, made a motion to amend the bill by reducing the item reported in the bill by the committee for the preservation of Castle Island and repairs of Fort Independence, in Boston Harbor, from $34,758 80 to $17,594. This motion was successful. He followed up this motion by moving to strike from the bill $100,000, which had been reported for a fort on George's Island, in Boston harbor; but this motion failed after an animated debate. The same gentleman again moved to strike from the bill the appropriation of $100,000 for a fort on Throg's Neck, and also the item of $50,000 for a fort at Grand Terre, Louisiana. Both these motions were carried against the wishes of the organ of the Government. A gentleman from Maryland [Mr. MCKIM] moved to add an item of $25,000 for the defense of Baltimore, which was voted down. That these proceedings may be duly understood and estimated by the country, it must be borne in mind that they took place nearly a month after the receipt of the intelligence by this Government of the rejection of the treaty by the French Chamber of Deputies, and after the question of a war with France gave rise to much speculation in the public mind. It ought also to be remembered, in connection with the proceedings in relation to the defense of Boston harbor, that there is not to this day a single gun mounted, nor a single work in repair, for the defense of that city.

I now proceed to notice in order the proceedings of the House of Representatives upon the regular fortification bill for the year 1835. That bill was taken up for consideration on the 15th of January in that year. Mr. EVERETT, of Massachusetts, moved an amendment of $75,000 for repairing the fortifications on Castle Island, in Boston harbor, according to a plan of the board of engineers. He argued in support of his motion, that a call had been made on the War Department by the estimate of the board of engineers. The chairman of the Committee of Ways and Means [Mr. POLK] denied that this appropriation was *authorized* by the *recommendation* of the Department. He then called on the House to endeavor to *keep these appropriations down*, at least to the *estimates of the officers appointed to make them.* He further stated that "he had long with pain witnessed the fact that all *excesses* of appropriations had originated in that House." The same organ of the Government, and leader of the party upon this subject, [Mr. POLK,] when upon the floor again, during the same debate, declared, that "as he regarded the vote which would be given on this question indicative of the feelings of the House on subjects of the most emphatically vital importance, he deemed it essential to have a full House when it was taken. He therefore moved a call of the House." The motion of Mr. EVERETT was rejected, after a call of the House, by a vote of 120 to 87. Of those who voted in favor of the amendment, only sixteen belonged to the Administration party; and ninety of the same party voted in the negative, and of course gave their deliberate sanction to the doctrines and policy laid down and advocated by the chairman of the Committee of Ways and Means. It is an important and singular fact that the fortification bill, at the last session of Congress, went to the Senate, from the House, with less than one half of the amount appropriated in the year 1834. If dates had not been referred to, I dare assert that no one would have dreamed that these solemn proceedings—this deliberate vote in confirmation of the policy of small appropriations for the military defenses of the country, could have taken place as late as the middle of January, 1835—after the date of the reprisal message, and only five or six weeks prior to the 3d of March, made notorious by the loss of the entire fortification bill. Still less will the public be able to comprehend the mystery that those proceedings were sanctioned by the same political party which has made the whole country ring with their denunciations of those who were alleged to have exposed the country to the attacks of a foreign enemy, without the means of defense, and when there was imminent danger of war. If I were to proceed no further in arraying the proofs which I propose to lay before the committee upon this subject, I submit that there can be no longer any doubt where, and upon whom, the responsibility of neglecting the public defenses must rest; at all events, up to the period of the 3d of March, 1835. Well, sir, what new lights had flashed upon the country, and upon the organs of the Administration in this House, between the 21st day of January, when the fortification bill passed the House, and the 3d of March following, when the proposition was made for an appropriation of $3,000,000 for the public defense? Was there any stronger reason to apprehend war in March than had existed, in equal force, from April, 1834, when the treaty was rejected by the French Chamber of Deputies, or, at all events, from the date of the reprisal message?

I now propose to notice some of the most material of those facts and circumstances connected with the loss of the fortification bill, at the close of the last session, which struck me at the time, and yet impress me with conclusive force, as to the motives and the authors of the loss of that bill. As to whether this House or the Senate ought to be charged with the loss of the three million appropriation which the gentleman from New York [Mr. CAMBRELENG] says is the true issue, can in fact present no issue at all. The Senate undoubtedly defeated the proposition to appropriate three millions; but that body did agree to appropriate $1,700,000 for the defense of the country, including the amount embraced in the fortification bill as it went from the House; and the question is who defeated this appropriation bill, and with it the $800,000 agreed upon by the committee of conference, and what were the motives and objects and what are the responsibilities of those who defeated this bill? This is the true issue—these are the true questions presented for the decision of the public.

The strongest argument in the power of any one to address upon this subject, will be found to consist of a simple narrative of the several motions and orders of the House, relative to the fortification bill on the night of the notorious 3d of March, together with some notice of the points, taken in the very brief debate which accompanied them.

The House amended the bill by inserting an appropriation of $3,000,000! the Senate refused to concur with the House in this amendment. The House determined to insist upon its amendment; the Senate then came to a resolution to adhere to its disagreement, leaving the alternative to the House, either to recede from its amendment, or to ask a conference. If the House de-

termined to adopt neither of them, then the bill would be lost as a matter of course. Upon the announcement of the message in the House that the Senate refused to agree to the amendment, a gentleman from Virginia [Mr. GHOLSON] expressed "a fervent hope that the House would recede." He was "conscious that no man, woman, or child, who had any intelligence upon the subject, seriously believed we would have war with France." He then moved that the House do recede from its amendment.

The chairman of the Committee on Foreign Affairs [Mr. CAMBRELENG] said, "he trusted the House would not recede." "If no measures were to be taken for the defense of the country, let the Senate take the responsibility."

The question was then taken, and the motion to recede lost. Another message from the Senate announced that that body had adhered to its disagreement. Thereupon the gentleman from New York [Mr. CAMBRELENG] moved that the House do adhere to its amendment

A gentleman from Virginia [Mr. MERCER] moved that the House recede from its amendment.

A gentleman from Ohio, (Mr. Lytle,) who is now, I believe, surveyor general of the State of Ohio, and appointed by the President since the last session of Congress, rose, and "objected to any conciliatory measures on the part of this House. Let it now remain with the Peers to answer for the consequences. He wished to fasten—to nail the responsibility there. He would not have the House abandon the elevated *ground* which it now occupied. Without an appropriation the country would be left defenseless—and that appropriation the House had tendered; and the country would *put its seal* of reprobation on the pusillanimous act which thwarted the measure."

The gentleman from New York [Mr. CAMBRELENG] said afterwards, and when giving his reasons for not presenting the report from the committee of conference, that "he regretted the loss of the whole fortification bill; but let the responsibility fall where it ought—on the Senate of the United States." This I find in the Globe of the 5th of March.

No gentleman of this House could have heard the remarks which I have quoted, without perceiving that there was a decided and strong determination on the part of many members, and among others the gentleman from New York [Mr. CAMBRELENG] to suffer the whole bill to be lost, with a view to attach odium to the Senate. It is worthy of particular notice, as illustrative of the peculiar character of the party now in power, that those who were most determined to defeat the whole fortification bill, did not see any objection to the loss of it, (though according to their own declaration at the time, the country would thereby be left defenseless,) provided the Senate could be held responsible! The country was but a secondary consideration; the interest of the party had superior obligations. Although the course insisted upon by the chairman of the committee had been so far successful, and the bill with the amendments was already considered by the House as lost; it was evident that some uneasiness was felt at this result. A gentleman from New Hampshire [Mr. HUBBARD] made two efforts before he was successful in getting the floor, to move for a committee of conference; and notwithstanding the obstinacy with which a large majority had but a few moments before voted to adhere to their amendment, the motion for a conference was carried without a division. The Chair appointed the gentleman from New York, [Mr. CAMBRELENG,] the gentleman from New Hampshire who moved for the conference, and a gentleman from Alabama, [Mr. LEWIS,] the committee of conference. I distinctly remember that there was some delay on the part of the committee in leaving the House; and some symptoms of hesitation and faltering in the looks and manner of that member of the committee who was most relied upon to bring about a favorable result. It is within my personal knowledge that that gentleman was addressed by a member, and told that he had taken a step which was honest and patriotic, though contrary to the wishes and policy of a portion of the House—that it only required courage and energy to carry his object; and that no time was to be lost. It was about this time that it was rumored in the House (or, at all events I had about this time been informed) that an honorable Senator from Tennessee had voted against the amendment of the House to the fortification bill. This of course did not diminish the interest I had before felt upon the subject; yet I have no distinct impression of the particular bill or question, upon which the House was engaged at the time the committee returned, or at what hour of the night.

Mr. CAMBRELENG said that the committee had left the House only after himself and another member of the committee had voted on the Cumberland road bill. He also expressed some surprise that the gentleman from Tennessee should not know that the committee had to wait in the House until a message could be sent to the Senate and an answer returned, before they could know whether the Senate would agree to a conference. He also said that the Cumberland road bill was taken up immediately after the committee on the part of the House was appointed, or so soon afterwards that the committee could not have acted before that bill was taken up.

Mr. BELL. As I have not much confidence in the accuracy of my own memory upon these questions of time, and the order of events that night, so I am inclined to distrust the memory of others. There was a good deal of business transacted after the appointment of the committee, and before the road bill was acted upon; besides, that bill had to be ordered to a third reading, and then actually read through before it was put upon its passage; and the committee, in waiting to vote on that bill, if such was the fact, were guilty of negligence, when so important a measure as the fortification bill depended so much upon dispatch. It is not necessary either, that the committee should have waited for an answer from the Senate, nor upon such occasions is that the usual course. The committee, if it had done its whole duty, would have followed the message of the House to the Senate Chamber, and have been ready to act instantly with any committee which might be appointed by that body. But, sir, I regard these points as of very little importance to the principal inquiry. If the committee had returned to the House when the yeas and nays were being taken on the road bill, it would have been too late in point of time to obviate the scruples of those who supposed that the House could not act after the hour of twelve. I cannot say that I was right in my impression, but I am certain that I supposed that hour had arrived before the road bill passed the House. A gentleman from Georgia, [Mr. GILMER,] who was in every respect a most exact, sincere, and conscientious man in the discharge of his duties as a member of this House, rose in his place, when his name was called to vote upon that bill, and declared that he regarded the constitutional term of that Congress as having expired, and he could not conscientiously vote upon any question, and he did not vote. There was no question made as to the true time; and the statement of the gentleman from Georgia was acquiesced in so far that no member rose to correct his statement. I can only say further upon this point, that when the bill was signed by the Speaker, it was done under a confident belief that the hour of twelve had passed; and when the President approved it, it must have been after that hour. Whether, therefore, the committee retired from the House, or returned to it, when the question was being taken upon the road bill, is wholly immaterial in every view of the subject. We know that the committee of conference of both Houses agreed to amend the fortification bill, by adding $800,000 for the public defenses—but that the report was not acted upon in the House, because of the alleged want of a quorum; and for the further reason alleged, that the term of Congress expired at the hour of twelve on the night of the 3d of March, 1835; and that the report was not presented to the House until after that hour. Now, sir, the inquiry is, how it happened that the House found itself without a quorum at the close of its term, when so many important subjects remained to be acted upon; and who were they that withdrew at such a moment, and what were their motives? All these points I undertake to explain, and settle, from circumstances so strong as to satisfy every impartial inquirer. It is fortunate that we have record proof upon this subject; and it is upon such I mainly rely in making good my engagement.

It appears from the Journal of that night that one hundred and seventy-four members voted upon the passage of the Cumberland road bill—of that number eighty-three were, and are now, the political friends and supporters of the Vice President, Mr. Van Buren, for the succession to the Presidency. These eighty-three members of the party had no scruples of conscience when required to vote upon that bill. You, sir, [Mr. HAMER, of Ohio,] may know that there were strong reasons for the passage of that bill besides the ordinary interest which the people of the States north of the Ohio had in the road itself; and it was not safe to be too inquisitive as to the hour of the night, or as to the precise point of time, when the constitutional powers of the House ceased. That bill was to be passed at all hazards. But a few minutes had elapsed after the passage of the road bill, when a motion was made to take up the question of Mr. Letcher's pay, and, after some little debate, the previous question was moved, and in ascertaining whether there was a second to the motion, there appeared, on a count, to be one hundred and thirty-five members present. On taking the main question, immediately afterwards, by yeas and nays, only one hundred and thirteen members answered; and so the House appeared to be without a quorum; one hundred and twenty-one members being necessary for that purpose. It thus appears that in the very short space of time between the vote upon the road bill and the question of Mr. Letcher's pay, sixty-one members had retired from the House or refused to vote; and twenty-two of the members present, when the previous question was moved on the question of Mr. Letcher's pay, absented themselves immediately, or declined to vote on the main question, which was put the next moment. On the question of Mr. Letcher's pay, only thirty-one members of the party voted, less than the number of the same party which had voted just before upon the road bill, by fifty-two; and so it appears that of the sixty-one members who voted on the road bill, and declined voting on the question of Letcher's pay, fifty-two were members of the dominant party, leaving only nine of the Opposition to share the responsibility of depriving the House of a quorum at that important moment. These details I know are tedious and uninteresting; but they are important to the cause of truth, and equally so to the cause of justice between the respective political parties in the country. I cannot be satisfied until I show by names who they were—I mean of what party, and what their probable motives—that were the real authors of the miscarriage of the fortification bill. The following gentlemen, members of the last Congress, and all members of *the party*, voted on the Cumberland road bill, who, from scruples of conscience or some other reason, retired or declined to vote upon any other question during the night: *Samuel Beardsley, Rowland Day, Joel Turrill, R. H. Gillet, N. Holsey, S. G. Hathaway, N. Johnson, C. McVain, Job Pearson*, and *William Taylor*, of New York; *John Galbraith, J. B. Sutherland*, and *A. Beaumont*, of Pennsylvania; *Jeremiah McLene, B. Mitchell, W. Patterson*, and *S. Webster*, of Ohio; *J. M. Harper, B. M. Bean*, and *H. Hubbard*, of New Hampshire; *William Schley*, of Georgia; *G. P. Osgood*, of Massachusetts; *A. G. Hawes*, of Kentucky; *H. Conner*, of North Carolina; *Ratliff Boon* and *John Carr*, of Indiana; *Gorham Parks*, of Maine; and *J. M. H. Beal*, of Virginia.

I give the names, not from any personal disrespect, but that all who know the gentlemen may draw their own conclusions; as all I can vouch for in regard to them is, that, as party men, they are, without exception, good and true; as faithful a band as ever rallied under party chief; but, sir, they must be allowed to be honest and have scruples of conscience like other men. But I have another list, which will place this point beyond dispute. The following gentlemen, twenty-two in number, and all of the true faith, who did not vote on the question of Letcher's pay, reappeared afterwards, and actually voted upon one, and

much the largest number of them on two motions to adjourn, which were decided upon the yeas and nays, long after the vote upon Letcher's case: *Ph. Dickerson, M. T. Hawkins, Benjamin Jones, E. Kavanagh, J. K. Polk, J. B. Vanhouten, Joseph B. Anthony, John Chaney, John Cramer, D. Kilgore, T. Lee, E. Lucas, C. Lyon, M. Mason, Jr., James Parker, F. O. J. Smith, Jesse Speight, R. Jarvis, W. L. May, W. N. Shinn, J. J. McKay,* and *E. Howell.* These twenty-two members, added to the one hundred and thirteen who voted upon the question of Letcher's pay, make the whole number one hundred and thirty-five which must have been present, either in the House or within call, at the time the question was taken upon the proposition to pay Letcher; besides those who were present but declined voting upon any question at all after the road bill passed. Here, then, sir, is proof positive and certain, that there was a quorum present at the very point of time when it is affirmed by those who wish to avoid responsibility and throw the odium of the loss of the fortification bill upon others, that there was not one in the House. It is due to those gentlemen whose names I have taken the liberty to mention, to say, that they may have acted from very proper motives, and very different from those I have left to be inferred from the manner in which I have stated the argument.

In order to show the view which the gentleman from New York [Mr. CAMBRELENG] took of this question, and the distinct ground upon which he placed his own justification, I will read an extract from a letter printed in the Intelligencer of the 9th of March, with his signature.

Mr. BELL was reading that part of Mr. CAMBRELENG's letter in which he stated that the committee of conference left the House immediately after it was appointed, and in which he referred to the Cumberland road bill as having been taken up and acted upon in the absence of the committee, when

Mr. CAMBRELENG explained, and asked the gentleman from Tennessee if he had not heard his statement upon this point on a former day? He also referred to the Journals to show that a statement then appeared, made by him on the night of the 3d of March, in which it was alleged that the vote was decided on the question of Letcher's pay when the committee returned to the House; and he was surprised that the gentleman from Tennessee should not know the fact; and if there was anything wrong in the Journal, the Speaker, whose duty it was to see it made up properly, was responsible.

Mr. BELL. I heard the gentleman's statement at a former day. He then stated that the committee did not retire until he and another member of the committee voted on the road bill. But I still do not regard the statement as decisive of the fact; for the gentleman's own recollection was different a few days after the adjournment; and as to the responsibility to which the gentleman thinks the Speaker ought to be held, I am willing to bear all proper responsibility; but no man who was present can suppose it possible that the Speaker could possibly remember the order of all that was said and done on that most harassing night. As to the statement which appears, by the Journal, to have been made by the gentleman in relation to the time when the committee returned to the House, it proves nothing more than the gentleman's own verbal statement could now do; for it was a matter that did not belong to the Journals, and ought not to have been there. But I state again that I do not regard the question of the time when the committee returned to the House as at all material; I was proceeding to read the letter of the gentleman more with a view to another and distinct point, than to show how little reliance was to be placed upon the recollections of any one as to the precise time at which any particular event transpired. The gentleman further states in his letter, after affirming that the committee returned to the House while the yeas and nays were being called upon the Letcher case, that "a quorum on the question of Letcher's pay not having voted, the Chair could receive no report from any committee." This is the material statement to which I wish to call the attention of the committee. It is true the gentleman did state in his place on that night that there was no quorum present, and he gave that as a reason why he had not presented the report of the committee; but in doing so he acted gratuitously. In taking notice that no quorum was present, even if it were the fact, he assumed a duty and responsibility wholly unusual and unprecedented in the practice of this House, unless the member who takes such a course intends to defeat the measure before the House.

Mr. CAMBRELENG appealed to the gentleman from Tennessee to say if, after a question was taken by yeas and nays, and no quorum voted, the case would not be different, and whether it was not his duty to notice the fact?

Mr. BELL. I have just submitted the evidence of the fact that, notwithstanding the vote upon Letcher's pay, there was actually a quorum in the House; and it is difficult, from all the facts of the case, to suppose that the gentleman from New York did not himself know that a quorum was either present or within call, if he had desired one. But, sir, whether there was a quorum present or not, and although every member may properly take notice of the want of a quorum at any time, and require a count of the House, yet I appeal to the oldest members of the House (and there are gentlemen present who have been members fifteen or twenty years) to say, if they ever knew a single instance in which a member friendly to a measure required a count of the House? We all know that the Journals are often read, and other business of importance transacted, without a quorum. Nothing is more common than to receive reports from committees the first half hour after the meeting of the House without a quorum. It is the duty of the Speaker, at all times, to see that a quorum is present when important business is transacted; and so it would have been his duty, if the report of the committee of conference had been presented, to see that there was a quorum in the House when it was acted upon. Sir, the Speaker would have taken the responsibility of receiving the report of the committee that night without a count of the House, because he was satisfied that there was a quorum present, notwithstanding the vote on the question of Letcher's pay; and I repeat, that the course of the gentleman, in taking upon himself the responsibility of asking a count of the House, was gratuitous; and could only be explained or justified by his desire to defeat the measure of which he had charge. Sir, I am the more earnest in pressing this point, because I feel that the Chair was, in some measure, responsible for the loss of the fortification bill, by having placed a gentleman at the head of the committee of conference who had already indicated a disposition to let the bill fall; and it was by the request of the gentleman who made the motion for a committee, and from courtesy to the gentleman from New York, who was at the head of the Committee on Foreign Affairs, that he was appointed chairman of that committee. If a gentleman friendly to the measure had been placed at the head of the committee, it is probable the bill would have been passed.

I have now done with details on this subject. Besides these, there would be much to satisfy the mind of any man who had a full view of this Hall, and the actors in it, on that extraordinary night, upon the question at issue. Occupying the position I did, it was impossible not to have very decided opinions upon the motives and conduct of the parties concerned. Soon after the passage of the Cumberland road bill, symptoms of a disposition to do no more business, on the part of many members, were apparent. Not long after the return of the committee of conference, the elements of discord greatly increased. It was obvious that the *whippers in* of the party had suddenly become the *whippers out*. I saw that a powerful effort was making to prevent any further action of the House upon some measure or other. When the gentleman from New York [Mr. CAMBRELENG] objected that there was no quorum present, I had no further doubt as to the course of the gentleman and his friends upon that measure. I must say, however, that I did not at that time indulge in any very uncharitable feelings in relation to the increased efforts of that gentleman and his friends to defeat the fortification bill; for I had heard, either about the time the committee of conference had returned to the House, or shortly afterwards, a rumor that the President had declared he would not sign any bill which might pass after twelve o'clock; and I supposed it very natural, and not altogether unfair as a party movement, to suffer the bill to fall between the two Houses, rather than throw the whole responsibility of its loss upon the President. It is true that neither then nor since have I heard from any authentic source that the President made any such declaration; but it is also true that I have heard no contradiction of the rumor. If the President had made such a declaration, I knew, and the gentlemen themselves knew, that the President would not be likely to change his mind, whatever were the motives which prompted his course. But, sir, what I do blame in the course of the gentlemen, and for which I think they deserve the censure of the whole country, is that after they had, as I have conclusively shown, withdrawn themselves from the House or declined voting upon every question, or otherwise so managed as to deprive the House of a quorum, and thus to defeat the fortification bill, they should, as a party, and through the public press in their interest, join in the clamor, and countenance the charge, that at a time when there was imminent danger of war, the Senate, and particularly an honorable Senator from Tennessee, had defeated the necessary appropriations for the defense of the country. There is no apology, no defense for such a course. Gentlemen ought to remember that Judge White especially was assailed in the most unjust and gross manner. He was even impeached of "treasonable conduct" for his vote upon this question; and he was charged with having prepared, in conjunction with the majority of the Senate, "*to play the part of Benedict Arnold, and betray our fortifications to the enemy.*" This article was copied into the Globe, and the number of that paper containing it was actually sent by the President himself, under his own frank, to every member of the Tennessee Legislature! It is due to the Senate and Judge White to state that they had added, by way of amendment, $450,000 to the bill as it was originally sent to the Senate; and they had also agreed, by their committee of conference, to add $800,000 more; in all $1,250,000, in addition to the original bill which contained $459,000 only. The House had it in its power, with the consent of the Senate, to appropriate $1,689,000 for the public defenses, but the interests of party prevailed over those of the country, and the whole bill was lost.

The defense of those members of the party of the succession who withdrew, or declined voting at all, after the passage of the Cumberland road bill, is put upon the ground of conscientious scruples. This defense is liable to two decisive objections. In the first place, those scruples came upon gentlemen too suddenly, and too late also; for the hour of twelve had arrived before the Cumberland road bill passed the House; and although some few individuals may justly be supposed to have been seized with sudden scruples of conscience after the vote on the road bill, such *visitings*, in their natural operation, are never known to operate upon one political party and not upon another. Of the sixty-one members who voted on the road bill, and refused to vote on the next question that was taken up in the House, fifty-two were the supporters of Mr. Van Buren for the Presidency! But the defense of the gentleman is liable to this further objection. They are members of the party which has maintained the ground during the last twelve months, and which succeeded in imposing their views upon a large portion of the public, that there was just reason to apprehend a war with France, at the very time the fortification bill was lost. Now, if there was actually no danger of war, the loss of that bill was a matter of no serious consequence to the country; and all that has been said to the contrary has been mere trifling. But if there was really any probable reason to apprehend war at the close of the last session of Congress, then it was just such an emergency, as that all constitutional doubts about the power of the House to pass the bill after twelve o'clock at night, ought, upon principle as well as the authority of precedent, to have been solved in favor of the power. It is strange that a whole party, which claims exclusive patriotism, should have been paralyzed

by doubts at such a crisis. What! when the country was supposed to be upon the eve of a war with a powerful nation—its military defenses incomplete, unarmed, and decayed—is it at such a crisis, that scruples and doubts about constitutional power, arising upon a mere question of hours—not of days, but of hours—are suffered to affect measures essential to the honor, safety, and perhaps the very existence of the Government! It was not so with General Jackson when the public enemy were at the gates, and threatened the safety of a single city of the Union!

But what strikes me as most extraordinary is, that the President himself should have had scruples of conscience about the power of Congress to pass laws after twelve o'clock on the 3d of March, 1835; and that he should have resolved to sign no bill that should pass the House after that hour. Sir, if the President did make that declaration, it is conclusive evidence that he regarded the country as in no danger of war. He surely would not have been so regardless of the interests of the country as to desire the loss of the fortification bill for any party advantage which might be expected from it, in carrying on the war against the Senate and Judge White, when the country itself was exposed to the danger of a foreign war. Sir, the President and his advisers had no fears of a war with France at the close of the last session of Congress, nor at any other time. This is manifest from their own conduct. If it had been supposed at the close of the last session of Congress that a war with France was a probable event, it was the sworn and sacred duty of the President, under the Constitution, to have advised Congress of his apprehensions, and to have recommended immediate measures for the defense of the country. He should have communicated his fears, freely and fully, upon this subject to Congress—for it is the Executive Department of Government which has charge of, and is always presumed to be better informed upon such questions than Congress. The communication should have been to Congress, and not to individual members. Again, sir, it was equally the duty of the President, under the Constitution, to have convoked the new Congress at the earliest day possible after the last adjournment, if he really anticipated war with France. If any new cause of war, or any additional reason to apprehend a war with France, was conceived to exist in the course of the French Chambers, in requiring an apology which the President could not give consistently with the honor of the country, Congress ought to have been called immediately on the receipt of the intelligence. It would have been in the power of the President at any time during the summer and fall of that year, to have repaired the mischief of the loss of the three million appropriation, by calling Congress together and laying before them the state of the country, and recommending proper measures to meet the crisis. His not having done so, is conclusive with me, that there was no expectation of war; and the hue and cry raised about the loss of the three million appropriation and fortification bill must be regarded as one of the great number of false pretences and impostures which have been invented by the party for political effect and popular excitement.

There is another subject, Mr. Chairman, which I feel bound to avail myself of this occasion to notice more particularly than I have yet done. It is another one of that series of pretenses and impostures which I have so often alluded to. I refer now to the alleged mischief and danger of terminating an election of President by this House. No subject has been more artfully handled and portrayed in more alarming colors, in the South and Southwest, during the last fall and summer, by the partisans and adherents of the Vice President than this one. None, sir, has produced a more decided effect upon the public mind. It is well known that, in those sections of the Union especially, an election by the House of Representatives was made particularly odious by the representations and denunciations of the election by the House in 1825. It was one of the standing themes of every political declaimer during the last year. The evils of such a catastrophe as another election by the House has been a subject of constant regret and lamentation, in the columns of every leading journal in the interest of Mr. Van Buren. I should not be far wrong if I were to say that two thirds of all the honest and sober-minded planters and farmers in the whole South and Southwest, who are disposed to support the nomination of the Baltimore Convention, would assign as the reason of their course, if they were asked, their horror of an election by the House of Representatives, and their fears, that by supporting any other candidate they will only contribute to bring about this result. Knowing the extent of this feeling, the partisans of Mr. Van Buren have, in many districts, rested his cause entirely upon this point. A French war was described as an infinitely less evil than an election by the House of Representatives. It has been, and is now, asserted by the zealous and interested advocates of the Vice President throughout the country, that an election by the House would be carried by intrigue, bribery, and corruption; and that the voice of the people will be unheeded in the contest. The Government journal, printed in this city, (the Globe,) has of late uniformly represented an election by the House of Representatives as the greatest calamity which could befall the country. I propose now to unvail the course of the party in power upon this subject, and to expose their artifices and insincerity.

It is very well known to those who look beyond the surface—who pay only a due regard to professions, and examine the real motives of human action as they are exhibited in the course of the present self-styled Republican party, that they advocate the propriety and necessity of adhering to the practice of nominating a President and Vice President by caucus or conventions not for the purpose of preventing an election by the House of Representatives, but upon the ground that, as they allege, in no other way can a party be kept together, or the power and patronage of the Government be secured to their own members or followers. This is the true motive, and this the true secret of the extraordinary efforts and influences which have been made, and brought to bear on the people of late, in order to give popularity and permanence to the practice of such nominations. To avoid the evils of an election by the House is the professed object of the party. That has been the great political bugbear which has been held up and paraded through the country, to frighten the people into an acquiescence in the nomination of such a body as the late Baltimore convention. The truth is, that without the benefit of the terrors created by the frightful image of an election by the House, which has been so constantly kept before the eyes of the people, the nomination of the Baltimore convention would have found no countenance. And this, sir, is the solution of the mystery—here lies the secret of the continued and marked neglect with which the repeated recommendations of the President in relation to such an amendment of the Constitution as would hereafter prevent an election of President and Vice President by the House, and secure it to the people, has been treated by the party. The history of this proposition is remarkable, and highly instructive as well as curious.

It cannot be forgotten that, from 1825, until the commencement of the present Administration, this proposition was a favorite policy of the party which brought General Jackson into power. The whole subject was, during that period, ably and fully discussed both in Congress and in the public journals. When General Jackson was elected by the people, no one doubted but that one of the first acts which would distinguish the action of Congress would be, to recommend such an amendment to the States for their adoption. General Jackson, in his first message, urged the subject upon the attention of Congress in the strongest and most persuasive language. In his second, and in each succeeding annual message, he has done the same thing. Regarding the discussion of the subject as having commenced in 1825, it is now upwards of ten years since it has been before the country in the most imposing form—in the annual messages of the President. The arguments and language of the message upon this subject are worthy of particular notice, and I must ask leave to refer to them. [Here Mr. B. read several passages from the messages of the President upon this subject, all of which went to show how important it was, in the opinion of the President, such an amendment of the Constitution should be made.] Well, sir, what has been the result—the effect of these repeated and urgent recommendations? In the early part of the Administration, many earnest and well meant efforts were made to get this House to take up and act upon this subject; propositions in a variety of shapes were presented; and it has been a part of the regular forms of the House, at the beginning of every session, to appoint a select committee upon this subject—but, sir, the truth cannot be disguised or disputed, that those efforts were the efforts of individuals only; that the regular annual appointment of special committees has been but a mere form; and at no time could the party be rallied in favor of the proposition. There was always somewhere, and from some motive, a power and an influence which thwarted the action of the House upon this question.

Soon after the opening of the last session of Congress, this subject began to excite increased interest, and certainly demanded prompt attention from those who seriously and honestly believed an election by the House of Representatives ought to be avoided. It was then that it became manifest that the Jackson party would be divided upon the subject of his successor; and an honorable Senator from Tennessee was brought to the notice of the country as a candidate for the Presidency, and supported under such circumstances and upon principles which forbid the hope that his friends would surrender his pretensions to the man who it was foreseen would be the favorite of the contemplated Baltimore convention. This was a conjuncture to test the principles of the party upon this subject. The danger of a division in the ranks of the party in power was manifest. That an election by the House would be a result of this state of things, could not certainly be foreseen; but all must have seen that such a result might take place. As early as the 10th of December, 1834, a select committee was appointed to consider and report upon this subject. Special care was taken to appoint a clear majority upon the committee who were known to have avowed themselves favorable to an amendment of the Constitution, which would exclude the election from the House. The following gentlemen composed the committee: Messrs. Gilmer, Archer, Binney, *Beardsley*, Gorham, *Johnson* of Kentucky, *Speight*, *Hubbard*, and *Carr*. Five of these gentlemen are the known supporters of General Jackson and of Mr. Van Buren as his successor; and all were understood, when the committee was appointed, to be in favor of the recommendation of the President, which it was their exclusive and special duty to consider and report upon. The chairman of the committee, Mr. Gilmer, of Georgia, though not a supporter of the Administration, was known to be a gentleman of great sincerity, talents, and energy; and he was also known to be a zealous advocate of the propositions submitted to the committee. I have a personal knowledge that unusual efforts were made by the chairman of the committee, and by various other individuals, to prevail upon the committee to agree upon some report at an early day of the session, that it might be before the House and acted upon before the close of the session. The friends of Judge White especially, fearing the use which would be made against him of the argument that, by dividing the party, the election might be brought into the House, exerted themselves in every fair and honorable way to procure a decision upon the question by Congress. Several of the members of this committee, who had always avowed themselves in favor of the measure, were privately appealed to; but all was vain. The answer was they could not agree upon the details of the measure—no two, it was said, could agree. Now, sir, every member of the least experience in legislation knows that upon any important question whatever involving details, two men can rarely be found to agree upon all of them. It is notorious that no committee of this House would ever report upon any subject of importance if a majority of its members were expected to unite upon all the details of it. All that can be expected in such cases, is that a majority shall agree upon the *principle* of the report. The House is always expected to alter the details according to the views of the majority. It was no adequate excuse to say they could not agree upon

details. I will not be so unjust as to say that all the members of the committee who had before that time professed a desire to see the Constitution amended in this respect, willfully combined to prevent any action upon the subject last session. Of a committee of nine members, and six only of them being friendly to the principle of a measure, any two of the six were able to defeat any action upon the subject. A report from the committee, I feel warranted, from the circumstances, in asserting, was defeated by the management of some portion of the members of it, who were, at the same time, avowed advocates of the expediency of such an amendment of the Constitution.

The further history of this question is this: Mr. GILMER, the chairman of the committee, failing in all his efforts to get the committee to make a report, in any shape, came into the House on the 31st of January, and asked that the committee might be discharged from the further consideration of the subject, on the ground that they could come to no agreement thereupon; and on the same day he was permitted to lay a resolution, containing a proposition for an amendment of the Constitution in relation to the election of President and Vice President, upon the table. I well remember that, at first, one of the prominent members of the committee, and who was also a prominent member of the dominant party, refused to give his consent that Mr. GILMER should even lay his resolution upon the table; but he became ashamed of his conduct, and withdrew his opposition. Thus the subject was before the House; and it was at any time in the power of the majority to take it up and decide upon it. On the 13th of February, Mr. GILMER, finding that it would not do to postpone the subject any longer, without losing sight of it altogether during the session, moved to suspend the rules of the House, in order to proceed to the consideration of his resolution. Against this motion there were only fifty-six votes, and of these, thirty-seven were the known supporters of Mr. Van Buren for the Presidency, or, in other words, of a nomination by a convention; and fifteen of these thirty-seven were members of the New York delegation. The resolution was that day taken up and read a second time, and postponed to the 19th of the month, but it was superseded by other business until the 25th of February, when Mr. WILDE, of Georgia, moved that all the orders of the day be postponed, for the purpose of considering this subject. Upon this motion there were 112 yeas and 92 nays; of the latter, forty-nine were supporters of Mr. Van Buren, and twenty-four of them members of the New York delegation. The subject that day underwent considerable discussion, but the House came to no decision upon it. On the 27th of February Mr. GILMER again moved that his resolution be taken up; and on taking the question, the vote stood—yeas 99, nays 104. Of the nays, sixty were for Mr. Van Buren, and twenty-four of them from New York. On the same day, however, at a later hour, Mr. GILMER's resolution came up in the regular order of business, when a motion was made to dispose of it finally, by laying it on the table. In favor of this motion there were only thirty-eight votes, and thirty of them were the friends of Mr. Van Buren, and thirteen of that number from New York. After further debate upon the resolution, a motion was made by Mr. VANDERPOEL, of New York, that the House adjourn, evidently with a view to evade the question upon the resolution. Upon this motion the votes stood—yeas 59, nays 112. Of the yeas, forty-nine were for Mr. Van Buren, and twenty of them from New York. The subject was further debated, but no decision was arrived at.

Now, sir, upon a view of all these circumstances, can there remain the shadow of a doubt that this question was willfully and designedly evaded at the last session by the very party which now professes to hold an election by the House in such utter abhorrence. The neglect of Congress to act upon this subject prior to the last session, might admit of some apology. There were so many exciting and important questions of another kind, continually arising to absorb the chief attention of Congress; and, besides, there had been no prospect of an election by the House until the commencement of last session. But there is no justification for the course of the party at the last session upon this subject. It is but too clear that the party in favor of Mr. Van Buren for the succession, determined to have the full benefit of the fears which existed in the country of an election by the House, in compelling a submission to the decrees of the Baltimore Convention. Else, why was it that not the slightest notice was taken by that vigilant guardian of everything that concerns the party, the Globe, of the question presented by Mr. GILMER's resolution when it was under discussion? Not one paragraph was penned during the sitting of Congress, upon the importance of amending the Constitution so as to prevent an election of the President by the House of Representatives. Why, sir, was not the committee which had charge of this subject, rated for their negligence and omission in not reporting upon the subject submitted to them? Why were not the usual denunciations uttered through that organ against those members of the party who voted in every instance to prevent the consideration, and to defeat altogether the resolution of Mr. GILMER? Sir, a large portion of the party upon that question showed that they were opposed to a measure which General Jackson had urged upon Congress in every annual message since he came into office. Why were they not pointed out and denounced as anti-Jackson? There can be but one answer to this question: It was no offense to any one to oppose that proposition at the last session. That this question was designed to be blinked, was manifest to me from the course of particular members—a course which I could account for upon no other ground. When Mr. GILMER's resolution was under discussion at one time, there appeared to be a serious determination on the part of the House to carry it.

My colleague, [Mr. POLK,] who is now the presiding officer of this House, and who cannot be charged with a disposition to thwart the views of those in power, made a speech which was evidently intended to put an end to the further consideration of the subject at that session. He complained that the time was too short to give the subject that examination which its importance demanded. He thought that he had, with the slight attention he had given the resolution, detected an error; and there might be many more. He dwelt emphatically upon the importance of not permitting the resolution to go from the House in an improper shape, "for then it would be gone in favor!" When he concluded, a gentleman who sat by him rose to move that the resolution be laid on the table, but the Chair gave the floor to another member. Now, sir, further delay and further time to examine into the details of the resolution could only be had by dropping the question until another Congress. That was evident to all. But, Mr. Chairman, the party are not only answerable for the failure of the proposition at the last session, but they are responsible for its failure at the only time which has arisen within the last ten years, or which will probably arise within the next ten, when a fair prospect existed of succeeding in it. Such was the anxiety of the members of the Opposition that this plea of the danger of an election by the House should be taken away from the party known to be in favor of Mr. Van Buren, in sustaining the contemplated nomination of that gentleman by a convention at Baltimore, that many of them who had always before that time been opposed to such an amendment of the Constitution as was proposed, were willing then to see it adopted. It will be found that more than fifty members of the Opposition voted to sustain Mr. GILMER's resolution, and there cannot be a doubt that, if the party in power had not deserted their own principles upon this occasion, the proposition would have been carried by the requisite majority. We have seen the same question treated with the same neglect, so far, at the present session. According to custom, we have a select committee upon the subject; but half the session is passed by, and we have no report from it. But I am free to say, that I regard the course of the committee, at this session, of but little consequence. If we were now to adopt a proposition for amending the Constitution in relation to the election of President and Vice President, it can hardly be calculated that the Legislatures of three fourths of the States could be got to act upon the question in time to operate upon the next presidential election. There might have been some prospect of a favorable result if the committee had reported at the beginning of the session; but it is now too late to hope for success to any such measure. There are too many interests still combined to defeat it.

I am too much exhausted, Mr. Chairman, to pursue this, or any other subject, any further at present. I have omitted to notice several subjects which I originally intended to remark upon. I cannot ask the further indulgence of the committee. I feel that I am already under great obligations to the members of it. But I cannot sit down without referring again to my own position, and the difficult task laid before me of opposing the present course and policy of those whom I once supported. I have already stated to what extent I held myself bound to support this Administration, and I have briefly sketched the reasons why I feel myself bound to oppose a set of measures, and a system of party action, adopted with a view, not of upholding the present Administration, but of securing the future to particular aspirants. But, in doing this, I desire to say in this place, that I depart from no one principle which I have heretofore supported; nor do I mean to change my principles until I see some better reason for doing so, than a mere desire to be in a majority. Sir, I beg leave to speak with some assurance upon this point; and I defy my opponents, upon the strictest scrutiny, to point out any departure from my former principles. I know, sir, that in former years, many incidental, and often frivolous questions, arose in this House, which came to be decided by a party vote, and upon which I voted with those with whom I usually acted. But whatever may have been the error of such votes, they will appear to have involved no important principle in any material degree. Still, sir, there were some questions upon which I always differed with, and always voted against, the present Administration, as gentlemen will find by proper inquiry.

It is fortunate for me, perhaps, that in regard to some of the most important questions upon which I separated myself from those who are now in the majority in this House, there are living witnesses who enjoy a respectable, not to say a high rank in the party, and who were once members of this House, to the fact, that at the very commencement of the present Administration, I declared that I would feel myself bound to separate from the party then and now in power, the moment either one or both of two principles, or rather practices, should be made a test of party fidelity or adherence. The one was, that all elections are to be decided, so far as regards the vote of the party, by caucus nominations; and the other, and perhaps more important one, was that a difference of political opinion should be a sufficient ground upon which to change the subordinate officers of the Government. I protested against this principle the second or third day after the first inauguration of the President. Sir, I have done.

NATIONAL DEFENSE

SPEECH OF HON J. M. CLAYTON,

OF DELAWARE,

IN SENATE, *February* 8, 1836,

On the resolution introduced by Mr. BENTON for appropriating the surplus revenue to objects of permanent national defense.

Mr. CLAYTON said:

Mr. PRESIDENT: A full discussion of the leading topics which have been introduced into this debate is now demanded of us. It is due to the country that our sentiments on the great subject of national defense should be frankly expressed, and it is due to the character of the Senate that we should not suffer its former action on that subject to be misrepresented or misunderstood. It now appears that honorable gentlemen, acting here as the avowed friends of the Administration, have left us no other alternative than that of silent submission to their charges, or a vindication of the past. Whether their object be to wage war on the Senate, or to prepare for war against France,

mine is equally the duty of self-defense. For a war with any foreign Power which may assail us I wish to be fully prepared; and I am now ready, without further preparation, to meet the war against myself and my friends.

The resolution before us as now modified, proposes to pledge this body, so far as its action can be efficient for the purpose, to set apart and apply so much of the *surplus* revenue (including the dividends on the bank stock of the United States) as may be necessary for the defense and security of the country. Thus stands the proposition as made by the Senator from Missouri, [Mr. BENTON,] and as by him modified on the suggestion of the Senator from Tennessee, [Mr. GRUNDY.] But with this proposition, thus made by the friends of the Administration, some gentlemen on this side of the House are not fully satisfied, because in their view it contemplates the postponement of the duty of self-defense to what they consider as minor and inferior objects. The Senator from Massachusetts [Mr. WEBSTER] has said that he deems the duty of providing for the common defense to be a primary obligation imposed on us by the Constitution, and is not content merely to declare that he will give the *surplus* for that object, if necessary, but *the whole* revenue; and not only that which has accrued, but that which shall accrue hereafter. The resolution does not go far enough for him; and the Senator from New Jersey [Mr. SOUTHARD] objects to its phraseology as implying an absurdity, inasmuch as, while the common defense is unprovided for, he cannot understand how any "surplus" can exist to be appropriated. My object, sir, is to change the proposition to such a shape as that, when adopted, the Senate may be understood as pledged to do its utmost for the necessary defense of the country, and to gain for this pledge, if possible, the unanimous vote of this body. I hold it to be desirable that we should make no party question of this matter, and that we should present an unbroken, undivided front to all other nations on a subject of such vital importance to the people. I shall, therefore, before I have done, move to strike out the word "surplus" from the resolution, so that it shall pledge *all* our resources, if necessary to be resorted to for the objects proposed. Let us, by the unanimous adoption of such a resolution, show the world, and especially the American people, that, in the event of a struggle between our own country and *any* foreign Power under the heavens, no matter how that struggle may originate, there are none here attached to any but the land that gave us birth; that there is no feeling here but the true American feeling; and no sentiment here but the true American sentiment, which holds all other nations "enemies in war, in peace friends." Let us refute by this pledge now, and by the honest redemption of it hereafter, any slanderer, if such there be, who would seek to cast a stain on the character of the Senate, by the vile insinuation that we are or can be partisans of a foreign Power. Such a stain cannot be placed there without degrading the character of the proud States whose representatives we are, without the consequent humiliation of all that is elevated and noble in the American character, nor without inflicting a pang of regret upon every man who has a true American heart beating in his bosom.

It is objected to the adoption of a general and extensive scheme of appropriations for defense at this time, that there is danger to be apprehended from the propensities of the existing Administration to expend the public money for electioneering purposes; that political favorites will, according to the system of "the spoils party," be preferred to all others in letting the contracts for the construction of the requisite public works; and that the expenditure of many millions of the public treasure by unprincipled men will lead to a still more general prostitution of the beneficent powers of the Government to party purposes than we have ever witnessed. It is true, sir, the power proposed to be conferred may be abused; but the power will be in the hands of those whom the people have preferred should expend it, and, deeply as I regret their decision, yet I shall bow in submission to it. And let me say to my friends who anticipate the abuse of this power for party purposes, that if those who have it shall determine thus to prostrate the elective franchise by the corrupt employment of the public money, we can erect no barrier to save the Republic from this danger by withholding the appropriations for the public defense. We have no other sure safeguard for the preservation of our liberties than public virtue. If public opinion can be purchased by such means, the experiment of free government must prove a failure. Let us do our duty, then, and leave the consequences to that Providence which has thus far protected us. The patriot who shall steadily reflect upon the consequences of an accumulated surplus in the Treasury, now amounting to thirty, and unless thus disposed of, soon to increase to a hundred million dollars, will see far greater danger to our free institutions from this hoarded treasure than may arise from its improper expenditure at this time. If permitted to gather in the Treasury until its force, when expended, shall be absolutely irresistible, it will prove for years to come a standing bribe for the exertions of party; the struggles for office must degenerate into a struggle for money only; and this wealth may at last fall into the hands of some successful partisan, who may, by an illegal seizure of it all, insure our final downfall and his own elevation on the ruins of the Constitution. Nothing is more evident than that, if no common object can in the mean time be found to which it can be appropriated, it must prove a subject of ceaseless contention among the States and the people.

It has been further said, that the object of the resolution is to defeat the bill to distribute the proceeds of the sales of the public domain among the States, according to their Federative population. But such cannot be the effect of adopting a liberal scheme of national defense, really adapted to the wants of the country. The land bill itself provides that no part of the money which it proposes to distribute shall be disposed of according to its provisions in case of war with any foreign country; and it has never been any part of the object of the friends of that just and salutary measure to divert one dollar of the public treasure from the object of necessary defense. The passage of that bill could have had no such effect. As a sincere friend of that bill, I do ardently desire that it may, at some future time, receive the action of Congress under more favorable auspices. At present I cannot shut my eyes to the fact that the President has once put his veto upon it, and has even resorted to what I shall ever consider was a most unjustifiable measure on his part to prevent Congress from passing it into a law in despite of his veto, by the requisite constitutional majority of two thirds of each House. We have good reasons to know that, when we passed that bill simultaneously with the compromise act, such was the state of kind feeling which the latter had awakened in the bosoms of gentlemen who had before voted against the land bill towards it friends, that had the President, who received both bills in the same hour, returned the latter to us with his qualified negative upon it at the time when he sent back the compromise act with his approval upon that, the requisite constitutional majority of two thirds was ready in this body, as well as in the other House, to make the bill a law, in despite of his veto. He chose to keep the bill until another session, and then sent it back to a new Congress, many of whose members were not members of that which passed the act. Is there any evidence of a change in his determination as to this bill? And, if not, can any man hope for the passage of the land bill into a law while he who resorted to such means to defeat it, as I have in part described, still has it in his power to resort to similar means again? No, sir; though I hold it to be my duty, uncontrolled by the Executive will, to vote for the measure as often as it shall be presented, yet I feel that we must wait till other counsels shall prevail in the Executive mansion before the people of any of the old States which conquered these public lands from the Crown of Great Britain, by the expenditure of their blood and treasure, can be permitted to touch a dollar of the money arising from the sale of them. But, without reference to this state of things, it is sufficient now to say that the objection that a liberal system of appropriation for public defense might come in collision with the distribution under the land bill, proceeds upon the admission of what is erroneous in point of fact; for we have ample resources for national defense, without touching the funds which that bill was intended to affect; and, were it otherwise, I should not hesitate a moment in deciding that not a dollar should be distributed or applied to other purposes, while it remains necessary to put the country in a state of preparation to meet any and every emergency that may arise out of the unsettled state of our foreign relations.

Another objection has been suggested. The honorable gentleman from South Carolina [Mr. CALHOUN] has offered a proposition, which now lies on the table, to so amend the Constitution of the United States as to authorize the distribution among the States of all the surplus in the Treasury not necessary for the expenses of the Government, whether proceeding from the avails of the public domain or from any other source. If it be any part of the design of his resolution to defeat the appropriations for those objects, (which I have already observed are, in my estimation, paramount to all others,) I have yet to learn it; and, whenever that shall be avowed as its object, or shall appear to my judgment to be its effect, I shall hold it to be my duty, without reference to any other arguments against it, to resist it to the utmost. Sir, I do not propose to discuss its merits; but I am free to declare that, in my opinion, it is a proposition which, in its present form, can never be attained with any practical results. Many of those who desire the distribution, believe that the object can be attained whenever Congress shall pass an act to effect it; and that the proposed amendment to the Constitution is objectionable, not merely because it is unnecessary, but because it involves an admission of the want of a power already conceded to Congress. The elaborate addresses, on this subject, of a late Senator from New Jersey, (Mr. Dickerson,) now a member of the Cabinet, were made in vain, if there be no considerable number of men friendly to the object, and yet confident of the existence of a power to effect it. The President, in his annual messages to Congress, has repeatedly avowed himself friendly to the object of distributing this surplus among the States; yet he has rejected the land bill which is the only measure that has ever been proposed by friend or foe to carry out, by a practical effort, any part of his suggestion. Considering these things, and reflecting at the same time upon the difficulty, not to say the absolute impossibility, of procuring any change in the Constitution whatsoever, on any subject, I cannot view this proposition as presenting, even to the friends of the distribution which it contemplates, any ground upon which an opposition to the great measure of national defense can be rested. Sir, it is visionary. If the surplus must accumulate until that proposition shall be adopted, it will never find an avenue through which it may escape to the people, to whom it rightfully belongs.

Nor does that other objection, that by these means the expenditures for internal improvement will be arrested, stand on any better foundation. Sir, the expenditures for internal improvement are effectually arrested by Executive action alone, no matter what may be our decision on this or any other subject. The President alone now governs the destinies of the country, so far as national improvement is involved in them. We may, indeed, rejoice if we can find useful objects for which he will permit us to expend any part of the money of those who sent us here. While a little band of us, one of the rank and file of which I am proud to avow myself, in vain oppose that construction of the Constitution which has thus arrested the exercise of one of the most beneficent powers of this Government, we are borne down by the force of those who adhere to the Executive on all questions. The President's repeated exercise of the *veto* power on former bills for internal improvement has left no room for conjecture as to the fate of any future bill which shall contain objects of a similar character. Until the people shall desire it otherwise, and manifest that desire by the elevation of some one to the presidential power who will consent that their money shall be expended in making railroads and canals, to bind and connect together the distant sections of our country, as well as in the purchase

of arms, the equipment of fleets, the raising of armies, and the erection of forts, we have no alternative left to us but that of appropriating largely for defense, or suffering this wealth to accumulate until the sum of its enticing glories shall win the heart of some one to use it for the mastery of us all, and the conquest of the liberty that is left to us. And, sir, I say again, in reference to this objection, as well as all others of a similar character, that so long as the public money can be usefully applied to the indispensable object of the necessary protection and safety of the country, any and every object of expenditure sinks, in my judgment, into inferiority with that.

Still another objection to the measures proposed by the resolution before us remains to be answered. We are told there is no danger of a war. It may be that there is no *immediate* danger. Sir, I believe it will be found so. But is it wise, is it consistent with that primary obligation to "provide for the common defense," which the Constitution imposes upon us, to wait till that danger comes before we take measures for security—to sleep till we hear the cannon of the enemy, without an attempt at self-protection? The building of a navy, or the erection of a fort, is not the work of a day or a year. To build ships, and to build them so that they may, in the hands of American seamen, sustain the American character; to erect fortifications for the permanent security of our commercial cities, and our important harbors; to arm them, and man them, are ends not to be attained without the preparation of years, even if we had five times the wealth of the Treasury to offer for them. We must go to work for the accomplishment of so great an object, as all others have done who have achieved anything worthy of a nation's honor or security—not hastily and without reflection, but with caution and circumspection, in the choice and use of all the means requisite. If we listen to the suggestion that there is no danger of war, we shall never do anything until it is too late to attempt it with certainty of success. When such danger is imminent, and comes upon a nation unprepared as we are, everything done is accomplished in confusion; but nothing is well done, and the expenses occasioned amidst hurry and excitement are enhanced greatly beyond those which a prudent and vigilant superintendence, in time of peace, would ever tolerate.

Our real condition may be easily understood, without an appeal to official documents. On both sides of the House, and by gentlemen of all parties, it is reiterated that our whole sea-board is in a wretched state of defense. The honorable chairman of our Committee on Military Affairs [Mr. BENTON] was the first to proclaim the fact in this debate, and the honorable gentleman from Pennsylvania [Mr. BUCHANAN] has added to the picture he presented of our naked, exposed, and defenseless situation. To enable others to understand this, let every member from the Atlantic States bear evidence of the situation of the defenses existing within his own personal observation. Years have passed away, during which not a gun, from any fortification, could have been brought to bear upon a hostile squadron passing the Delaware, from Cape Henlopen to Philadelphia. Five years ago, the only effective fort known there was accidentally destroyed by fire, and no serious effort has been made to rebuild it. No, sir; everything requisite for defense, not only in that quarter, but every where else, has been viewed as a secondary consideration, when brought into competition with a party object—to make the boast of having paid off the national debt during the existence of this Administration. The honorable chairman of our Committee on Naval Affairs [Mr. SOUTHARD] has informed us, in this debate, how utterly insufficient are our naval preparations for a state of war; and, in connection with the fact demonstrated by him, that we could not now concentrate, within any reasonable period, a sufficient naval force, upon any one point of our whole Atlantic sea-board, to resist, with success, a formidable attack suddenly made by a foreign fleet, permit me again to invite your attention to the peculiar situation of the country on both sides of the Delaware.

At the entrance of that bay, on whose waters floats the commerce of one of our largest cities, and of a country than which none could be more inviting to a rapacious foe, we have erected a breakwater for the protection of shipping against the effects of storms and ice. It is, indeed, a noble and enduring monument of the sagacity and wisdom of Congress, and exhibits proof of a disposition to protect the commercial interests of the whole country, which I hope to see cherished and encouraged hereafter. It is said to have been, thus far, constructed on terms which prove that, in the erection of such public works as this, we are capable of performing more labor for less money than any foreign nation of whose operations, in the same way, we have any correct information; and although, in consequence of its unfinished condition, we have not yet realized all the advantages of this great work, yet it is believed by those whose means of judging I rely on, that, by the protection which it has already given to our shipping, from nearly all parts of the Union, against the danger of shipwreck, property has been saved which is of greater value than the whole cost of the work. It furnishes now an excellent harbor; but it is a harbor, of all others, the *most inviting to a hostile fleet;* and not a gun is yet mounted to defend it, nor has there been any attempt to erect a fortification for its protection. Without such a defense, it will prove in time of war with a nation of superior naval and maritime power, a curse to the country; for while it deprives us of all benefit from the operations against an enemy of our ancient allies, the winds and ice, it must become the point from which a hostile fleet may pillage our coast, blockade our vessels, and harass, in a greater or less degree, our whole commerce. The entrance to the Chesapeake and Delaware canal is also left undefended, by the burning of Fort Delaware, and the neglect to rebuild it—a neglect which, if longer continued, I shall be compelled to consider as a violation of the contract by which the State which ceded the island on which it stood to the Government stipulated, in the act of cession, for the erection and maintenance of a fortification upon it forever after.

Our western frontier is scarcely less exposed. For years past we have been steadily pursuing the policy of driving the Indian tribes beyond the States; and, by the gradual operation of this system, we have thrown nearly all the ancient Indian population, formerly within their limits, on our western border, where it now rests, strengthened by connection with other tribes, and by a density which it never knew before. At this moment a war is raging in Florida with a remnant of this fierce and untamable people; and a feeling is enkindled in the bosoms of the whole race which, at the slightest appearance of a rupture with a foreign Power, might, under the management of a skillful leader, bring thirty thousand savage warriors into the field to desolate our western settlements.

Sir, it is said, and repeated with great confidence, that there is no danger of a war with France! Although I hope that God in his mercy may avert from us as a nation that worst of all scourges; although I believe that we shall be saved from it in this instance, and intend to exert all my humble means to prevent it; so long as I can do so consistently with the honor of my country, yet it is impossible to review the facts connected with the controversy between us and France, without perceiving that we have arrived at that point at which the power of retreating with honor from our own position is not left to us alone, unless, indeed, the resolutions passed at the last session, that the treaty of July, 1831, ought to be insisted on, shall now be receded from by us. France may recede; but the negotiation has been so conducted that, unless we abandon the treaty, we cannot *step backwards* without dishonor. To show this, a very brief history of that controversy will be sufficient. The French spoliations on our commerce, for which that treaty provided an indemnity to us of twenty-five million francs, (about four million seven hundred thousand dollars,) all occurred more than twenty-five years ago, and have ever since been the subject of just complaint against that nation. These spoliations were of the most unjustifiable, cruel, and outrageous character. We submitted to them at the time they were committed, only because they were accompanied by still more atrocious violations of neutral rights by another one of the great belligerent nations of Europe, against which we shortly afterwards declared war. Against the latter power we proceeded, and obtained whatever satisfaction a war could give us. Our claim on the other was never abandoned; it was always insisted on. The real amount of injury we had sustained far exceeded the petty sum which at last we obtained as an indemnity by a solemn treaty made on the 4th of July, 1831.

The commissioners appointed by Congress to ascertain and liquidate the demands of the rival claimants under the treaty, whose property had been burnt or captured by the French, have fixed those demands at sums the aggregate of which is *nearly twice the sum* of twenty-five millions of francs, the indemnity allowed us. Yet, without taking into the estimate any of the spoliations committed by France under the Berlin and Milan decrees, the sum assessed by the commissioners under the treaty is far below what would have been assessed by arbitrators, had such been appointed to settle the dispute between our country and France. Without now going into a statement of the principles which govern every commission, where rival claimants under the same nation, instead of rival nations, are contending for justice against each other, I content myself with saying that there does not rest a doubt on my mind that the sum allowed us by France, by the treaty of July, 1831, was not equal to one fourth of the actual loss we had sustained by that nation in the pride of its power, and inflicted upon us by means the most wanton, cruel, and unprovoked. Sir, I was one of those who ratified, in this Hall, the treaty of July, 1831. We did it with a full knowledge that the indemnity proposed was not, in *amount of money*, a real indemnity for the wrongs which had been inflicted upon us. We did it with a full knowledge of all the immense advantages conceded to France by that provision in the treaty which established a discriminating duty in favor of her wines and silks, in consideration of the return of our ancient friend and ally to that justice which had marked the period of our earliest connection with her. We thus, for the sake of harmony with France, introduced a principle into the exercise of our treaty-making power, which, if not novel, is certainly very unusual; for, in the exercise of our authority simply to ratify the treaty, we pledged our own *legislative* power, and that of the other House of Congress, to regulate the tariff of the nation according to the treaty.

Immediately, and without delay, Congress did so regulate the tariff, and the discrimination in favor of the staples of France over those of all other nations was embodied in our statute-book. My honorable friend, but political opponent, from Pennsylvania [Mr. BUCHANAN] has said that, by means of this clause in the treaty, France has already gained more than the whole indemnity which she thus stipulated to pay to our citizens; that he has called upon the Secretary of the Treasury for the purpose of ascertaining the amount; and he exhibited a tabular statement, prepared at his request, which proved that, had the duties on French wines and silks remained as they were at the date of the ratification of the treaty, these articles since that time would have paid into the Treasury, on the 30th of September, 1834, (more than a year ago,) $3,961,525. The honorable gentleman added that, before the conclusion of the ten years mentioned in the treaty, France will have been freed from the payment of duties to an amount considerably above $12,000,000. To this statement my honorable friend from Kentucky [Mr. CRITTENDEN] justly excepts, but considers the reduction of duties as a benefit to the American consumer only. Sir, both the gentlemen are in error. The gentleman from Pennsylvania is wrong in considering that France alone has pocketed the benefit resulting from the reduction; and the gentleman from Kentucky is wrong, if he supposes that the importing merchant, as well as the producer of the articles of wines and silks in France, has not enjoyed, together with the consumer here, the advantages derived from the discrimination. The fact is, that the duty on French wines and silks was reduced, as I have stated, to take effect at the time of ratifying the treaty, and the duty of five per cent. on French silks was

utterly abandoned by the subsequent act of March 2, 1833, so that the silks of France have ever been admitted here duty free, while silks of much better quality, coming from beyond the Cape of Good Hope, still are subjected to a duty of ten per cent. It is needless to stop here for the purpose of working out, by the different systems of political arithmetic, how much the consumer, the importing merchant, and the French producer have respectively gained by the established reduction; but one thing I take to be certain, that while the French *Treasury* has not received the benefit of the sum mentioned by the gentleman from Pennsylvania, the *Treasury of the United States* has lost every dollar of it.

Foreseeing the consequences of this discrimination in favor of French products, as we certainly did at the time of ratifying the treaty, what, it may be asked, could possibly have been the motive for our ratification of that treaty? Not, sir, as has been most unjustly charged, for the sake of French gold; no, sir, not for the sake of any mere pecuniary advantage. It was not to enrich our own coffers, or to fill the pockets of American merchants, whose ships had been burnt by French cruisers, although mere justice required of us to demand of France to repay them for their losses. Had *money* (as has been most untruly alleged) been our object, we should never have concluded and ratified such a treaty. Our object was peace and harmony with an ancient ally and friend—with a nation towards which every pulse in the American's heart has beat with sympathy in all her sufferings, and towards which one of the most lofty, generous, and grateful of emotions which man can feel or tell of, has ever been fondly cherished, and proudly expressed. The tranquillity of nations, the peace of the civilized world, and, above all other considerations, the cause of liberal principles, the preservation and maintenance of harmony between those nations whose forms of government, so far as they preserve the seminal principle of popular representation, now form the last best hope of ALL MEN—these, sir, were the powerful arguments which impelled the American Senate to ratify this treaty, and again to offer to France not only forgiveness for the past, but benefits for the future. The honor of the nation had required of us to demand some indemnity for the past; and, however inadequate to the injuries we had suffered, we felt disposed to overlook the amount of the damages for the acknowledgment of the outrages and the confession of the wrongs inflicted. But, after all this, what was done by France? Year after year passed away after the exchange of the ratifications of this solemn treaty, during which France received an unquestioned benefit from it, and our Treasury sustained an unquestioned loss by it; yet no law was passed to carry the treaty into effect, and no further act was done to admit these wrongs, or offer us a dollar of remuneration for them. Passing by all the irritating topics to which the gentleman from Pennsylvania has alluded, casting no imputation on any one branch of the French Government more than all the others, I say that *France* has not redeemed the pledge given in her solemn treaty with us, although we have redeemed ours to the very letter. The law to carry the treaty into effect has been once actually rejected by the French Chambers; and at last it has been passed with a precedent condition annexed, *requiring an explanation of the President's message to Congress* of December, 1834.

This message, sir, was sent here after the first rejection of the treaty. It contained a recommendation to invest the President himself with the discretionary power to issue letters of marque and reprisal—to make a *quasi* war with France at his discretion. The recommendation found no advocates in either branch of Congress that I have ever heard of. It is possible there may have been such, but I have not known them. It was, in my private opinion, an ill-advised and most imprudent message. Such may have been the opinion of the American people; such surely was the opinion of the American Congress. No motion was ever made in either House to carry out the recommendation of the message by the grant of the power asked for; and the Senate did, on the 14th of January, 1835, pass a unanimous vote, on the recommendation of our Committee on Foreign Relations, declaring, in response to the message, that *no* legislative provision whatever ought then to be adopted in reference to the state of our relations with France. The report which led the committee to that conclusion was drawn by their chairman, [Mr. CLAY,] and will stand forever as one of the brightest leaves in the proud chaplet which adorns that statesman's brow. That was no partisan document. No, sir; all men of all parties in this body, convinced by the argument and pleased with the tone of eloquent patriotism which spoke in every sentence of that report, then concurred in opinion that no power should be granted to the President to issue letters of marque and reprisal for the seizure of French commerce. France received the intelligence of the passage of this resolution, and felt assured, when she received it, that at least *one entire branch* of the American Government intended no menace, and meant that this Government should give no offense to her. But, after all this, the French Chambers only at last passed the bill of indemnity with a proviso that no part of the money due under the treaty should be paid us before an explanation of the message should be given to France by the President.

We have now arrived at that part of the history of this controversy where the President has taken his stand. We know that he will not, in any event, consent to make any explanation of his former message, except to Congress or the American people; but the President has, in the strongest terms, disclaimed, in his message to Congress of December last, any intention to insult or menace the French Government by his message of December, 1834. Our own Minister at Paris (Mr. Livingston) had long before denied that such was the intention of that message, in an official communication to the French Minister, and the French Government had been assured by an official letter from the Secretary of State, written by order of the President, that the President approved of the communication made by Mr. Livingston. It is said, however, that all this is unsatisfactory to France. If the message of December last, taken in connection with the previous disavowal of our Minister at Paris, be now held to be insufficient, what alternative is left us but to rescind all our resolutions to insist on the treaty, and to abandon our claims on France, or to enter upon a system of restrictive measures against French commerce, as the President has lately recommended, which must probably terminate in a war? It is answered by some, I know, sir, (and possibly there may be men of all parties who think so,) that, to avoid these difficulties, the President ought to be called on to make the requisite apology directly to the French Government. Such, sir, is not my opinion. I hold that the President made the communication to Congress by his annual message in 1834, under the sanction and in obedience to the requisitions of an express clause in our Constitution which commands him to make such recommendations to Congress "*as he shall think fit;*" and that, whether the sentiments contained in that message be right or wrong, he is responsible for them only to Congress and the country. I hold, further, that for anything contained in such a message, no foreign Government has any right to hold this Government responsible, unless the sentiment be adopted and acted upon by the Government itself.

The mistake made by France, in this respect, arises out of the misconception which men living under a monarchical Government are prone to fall into when considering the powers of a mere President as resembling those of a King. The President is not the Government, although he has been too much accustomed to consider himself as such; and, in the discharge of his advisory duties, under the injunction which the Constitution imposes upon him to "recommend to Congress such measures as he shall think fit," he is no more the *organ* of the Government than either House of Congress, taken singly and apart from the other coördinate departments of that Government. Nay, this Government is no more responsible to a foreign nation for his sayings in a message under the Constitution, than it is for the exercise of the freedom of debate, which is the right of every member on this floor; and it is not less important that his right to express himself freely and fully to us in these messages should be preserved inviolate, than that a member of this body should remain unquestioned in any other place for the expression of his free opinions on every subject which he may think fit to discuss. Yet, if a member of this or the other House had used the same language in debate which the President employed in his message of December, 1834, for which an explanation is demanded by France, the demand of an explanation for it, and the refusal to pay the twenty-five million francs due to us under the treaty, because of such exercise of the right of opinion in debate, would have been held a gross infringement of the constitutional provision that members of Congress, "for any speech or debate in either House, shall not be questioned in any other place;" and the Government would not have been held responsible for any part or all that he had uttered. Were we now to demand of France an explanation for the language of every member of her Chambers who, in discussing the treaty, assailed, as several among them did, our national character, the demand would be met with an indignant frown and a peremptory denial. Sir, we can never surrender to any foreign nation the right of the Executive to communicate, unquestioned by any authority other than our own, what he thinks fit to Congress. The surrender of that involves at once the surrender of a similar right to take offense at, and compel an explanation for, every imprudent act or saying in every other department; and, in principle, it is nothing less than a surrender of the independence of the Government. The President, we are assured, will never yield to such a demand. My own conscientious convictions are, that he ought not to yield to it; and, though I am not, never have been, and never shall be, his partisan, yet I will stand by him in the assertion of his right to give to me and others here any opinions or advice which he may think fit to disclose by his messages, unquestioned by any foreign nation whatever. Permit me here to add, that, whatever my own opinions of this or any future President may be, whether sustaining or opposing his views, I shall ever hold it to be the true part of a Senator to resist all interference from abroad in our party divisions and domestic dissensions, and to put down at once, so far as I may be able, every attempt of any foreign Power to come between us, and make itself a party to any controversy among us.

With this view of the President's own determination, and the reasons for adopting it, it is clear that, while France persists in her demand, we cannot recede from our position unless we abandon the treaty. Sir, we are at that point in the game of diplomacy where not another move is left us but to advance or surrender. France has now every opportunity afforded her to retreat without dishonor from her position, and to put an end to the controversy by the payment of the indemnity. Nay, she has no pretext left her to refuse it. The last annual message of the President ought to be held satisfactory to France. I trust she will act as becomes her; but while it is solely at her option, or that of any other foreign nation, to select for itself at the next moment, without further admonition to us, either pacific or warlike measures, I consider it our duty to prepare for either contingency. I would not avail myself of this opportunity to expose the errors of our Government in this controversy, if I desired to expose them. The question now is not a question of war or no war. It is merely a question of defense; and for that I am prepared to act, without the slightest reference to what party may have provoked danger, or to what cause that danger may be ascribed.

Before I take leave of the subject of our foreign relations, indulge me, sir, with a very few remarks in reply to a single observation made by the honorable gentleman from Tennessee, [Mr. GRUNDY.] That gentleman, after detailing with great care some of the events which had transpired between us and France, and after assaulting the Senate for not having last year voted for the then proposed amendment of three millions to the fortification bill, called upon us all (as the gentleman from Kentucky has already stated) to come out freely and frankly, and to declare whether, in the present aspect of our affairs, we are willing to remain

quiet, or whether we would adopt a plan of non-intercourse with France; and, after this demand upon us all to leave the non-committal policy, and declare our future course with candor, he proceeds, he said, to declare his own sentiments. But when he had thus excited much attention by this preface to his expected annunciation, he left us with a most lame and impotent conclusion, simply declaring that, *for his part*, he was—what? why "*not satisfied* that things should remain *exactly* as they are." The message which announces the mediation of England has since been received; and I hope the gentleman will be content that things should remain, for the present at least, *exactly as they are*. Let us wait, sir, till we learn the effect of the last annual message on France, and what is the feeling of that country in regard to the English mediation; and, in future, let me beg the honorable gentleman not to be so rash, but adopt a little more of the non-committal policy, by avoiding such hasty and inconsiderate avowals.

Throughout the whole debate on this resolution, the principal object of honorable gentlemen on the other side of the House seems to have been, not so much to sustain the resolution itself, as to inculpate those who, during the last session in this body, rejected what is called the three million amendment to the bill making appropriations for fortifications. Having now considered all the objections to the resolution before us, I shall follow the gentleman so far as to meet and repel their unjust assault upon the last Senate; and, in doing this, I shall not hesitate to put them on the defensive in return for their attack. I shall not follow the example of my honorable friend from North Carolina, [Mr. MANGUM,] by refusing to be tried for my votes on that fortification bill before this Senate. I shall not plead, as he declared he would, to the jurisdiction. Here, or elsewhere, I stand prepared to refute and put down all accusations that have been, or may be now, leveled against me for my conduct as a member of this body, in regard to our foreign relations, as well as the great duty of providing for the national defense. No matter where, or by whom, a charge against any vote of mine on those subjects has been made; sir, I answer them all, that I have been faithful to the country, and that I am ready to prove it.

The first charge in which I, in common with every other member of the Senate, am involved, was made by a member of the House of Representatives from Massachusetts, [Mr. J. Q. ADAMS,] in his place during the last session. After the proceedings of the Senate on the report of our Committee on Foreign Relations, and our unanimous vote to sustain the resolution which was recommended by that committee, as modified by the chairman, [Mr. CLAY,] that member of the other House, at the last session, pronounced in debate that the *Senate had dodged the question*. Yes, sir, according to his judgment at the time, men of all parties here—men of the most opposite political opinions—friends and foes—Administration men, Whigs, and Anti-Masons—had all combined to dodge the question, because all had united in a vote, on the 14th day of January, 1825, declaring that, at that day, no legislative provision ought to be adopted in relation to the state of our affairs with France. The member from Missouri, [Mr. BENTON,] and the chairman, [Mr. CLAY,] the members from Pennsylvania, New York, Georgia, Tennessee, and every other State; men who never before were arraigned together on the same charge, and who, whatever other faults may have been imputed to them, were certainly never before charged with *dodging* anything, were all thus arraigned together. Passing over, for the present, the kind feeling exhibited by such a remark towards our chairman, [Mr. CLAY,] and, indeed, all others here, and the degree of decorum it evinced towards the whole mass of members in a coördinate branch of the Government, I ask now that the Senate may turn their attention to the propriety of the vote thus condemned. On the very day we thus voted, by way of response to the Executive message recommending reprisals, Mr. Livingston, in Paris, was inditing a dispatch to our Secretary of State, in which he uses the following language. Referring to the *projet de loi*, or bill of the French Chambers to make the appropriation for payment of our whole claim, he says, in his letter dated Paris, January 14, 1835:

"The law, it is said, will be presented *to-day*, and I have very little doubt that it *will pass*. The ministerial phalanx, reinforced by those of the opposition (and they are not a few) who will not take the responsibility of involving the country in the difficulties which they now see must ensue, *will be sufficient to carry the vote*. The recall of Serurier, and the notice to me, are measures which are resorted to *to save the pride of the Government and the nation*."

Sir, if Mr. Livingston had been present on the 14th of January last, holding the seat in this Chamber which he formerly held, he must, for the very reasons assigned in this dispatch, have joined with us all in our vote. If we dodged the question in Washington, he, too, was dodging it at the same time in Paris; for, at the very time we were voting the resolution, he was writing the very reason for adopting it in a letter. Yet this dispatch, and the contents of this letter, were wholly unknown to us until the 26th of February, after our vote was given, when it was communicated by the President in a message to the other House, and ordered to be published. [Mr. C. here referred to the document of that date, and, having read it, continued.]

Sir, was there ever before presented to the mind of man more conclusive evidence of wisdom, foresight, firm, lofty, and patriotic purpose in any statesman than was given by the chairman of our Committee on Foreign Relations, [Mr. CLAY,] who drew that report, and under whose lead we all, with one voice, yielding up, as we all did that day, every party feeling on the altar of our country's welfare, voted a respectful, but unanimous and decided, dissent from the Executive recommendation of reprisals, which we published to the world in connection with the report vindicating to all mankind the justice of our claims on France, and avowing a fixed resolve to insist on the execution of the treaty? It was a moment, when a mistake on our part would have been fatal to the peace and prosperity of the whole country. It was a moment when, if we had yielded to the impetuosity of the Executive recommendation, war must have been inevitable. It was a moment when, forming our own opinions from the data disclosed in the report, without any knowledge of the existing views of our Minister at Paris, and possessed of no such means of ascertaining them as the President enjoyed, we dared to differ with him, and frankly to express our determination not to comply with his desire for hostile measures. At such a crisis in our affairs, we dared to stake our character before the people by the firm expression of an opinion which, if erroneous, would have prostrated us forever. We staked upon it, under all the disadvantages of our situation as to means of information, compared with the Executive, all that the statesman's aspirations can hope for, and all that the patriot's heart can wish; feeling that if we erred we should be denounced; but that if right, we had saved our country from one of the greatest curses that could befall it. The report sanctioned by this unanimous vote, was wafted across the Atlantic as rapidly as the winds and waves could bear it; and the effect of its reception in France was immediately perceptible there, in the general restoration of kind feelings towards our countrymen. That proud, sensitive, and warlike nation at once felt that there was a power in this country to control the irritable and impetuous temper of the Executive; equally prepared, on the one hand, to offer no insult to any foreign nation, and, on the other, to submit to no meditated injury when mild and pacific remonstrances should fail to obtain redress for it. Sir, it was eminently by the force of this powerful document—this unanimous vote of the Senate—that the friends of justice and peace in the French Chamber of Deputies quelled the fierce spirits, eager there to find even a plausible pretext for a war, which, while it would have inflicted incalculable damage upon France, must also, in six months, have swept our commerce from the ocean. The whole debate on the *projet de loi* shows it. Yet, sir, for this act we were charged with having *dodged the question*. The member of the other House who made this charge was, at the time a prominent candidate for the vacant seat in the Senate from the State of Massachusetts. The election was still pending there when the charge was made. In a few days afterwards (I refer to his speech of the 14th February, 1835, for the fact) the same member appeared again in his place in the other House, and, by way of some atonement for his own denunciation, made an effort to dodge its effects upon himself, by declaring that, had he not been stopped at the time by the Speaker of the House for using disrespectful language of the Senate, he would have recommended to the Representatives of the nation also to *dodge the question*.

Sir, the Senate has been again attacked for the same vote, and from the same quarter. Not satisfied with his last year's exploits in the field against us, which were entirely unprovoked by us, but were passed over in pity to him and sincere respect for the feelings of his former friends, the same individual has introduced into another body a resolution to furnish him with a standing theme of declamation against us; and in a public newspaper has now assailed the very resolution in reference to which he, last year, on the 14th of February, declared, in a public speech in the other House, that "he thought that the Senate had acted as it was their duty to do; and the conclusion to which they had unanimously arrived was the conclusion which he should have been desirous that the House should adopt." Sir, is it not astonishing that this very same gentleman should, but the other day, have published of this same resolution, that it was "a resolution not only declining to do that which the President had recommended, to vindicate the rights and the honor of the nation, but positively determining to do NOTHING; not even to express a sense of the wrongs which our country was enduring from France;" that "no trace was to be found upon the Journals of the Senate of the last session of Congress of sensibility to the wrongs which our country was enduring from France; and if upon those Journals such a trace could be found, it must be to clearer and more searching eyes than his;" that the simple vote of the other House, that the treaty should be maintained, and its execution insisted on, and which, he says, was moved by him, was "not only a departure from the *do-nothing* policy of the Senate, but might be felt to contain a pungent though tacit rebuke upon that *paralytic* policy;" that, had the Senate concurred in the three million appropriation, "that vote would have made the Senate the unwilling accessory to implied censure upon *its own quietism under foreign wrong*." Yes, sir; these and other like phrases, accompanied by charges of "overbearing arrogance," have been within a few days fulminated against that very Senate by the identical individual who last year proclaimed the very vote he now censures as that which, of all others, he would have recommended the House of Representatives to adopt. This second assault upon that Senate (a majority of which was composed of his friends when a majority of the people had driven him from power) is foiled and made powerless by the rashness and folly of its author. It falls on all parties, and alike, unfortunately for the real object of the individual who made it. Its effect is to insult even the most violent of the hot and high-toned advocates of Executive power, though its only design was to strike down the powerless but inflexible opponents to Executive encroachment in this body. I was pleased to be able to say to the honorable members from Missouri and Pennsylvania themselves, while I read this passage—Stand up you who are so given to accusation against others, and hear the indictment against yourselves, for evincing, by your vote for the Senate's resolution of the 14th of January last, a want of due and patriotic sensibility for the wrongs inflicted on your country by France. Sir, those gentlemen would do well to make some efforts to defend themselves against the attacks of others, before they commence any more assaults upon us; and this I will now endeavor to demonstrate to their satisfaction, better than by reading extracts from the speeches of the member of the other House, who has assailed them in common with all the members of the last Senate.

The principal attack on me and my political friends here rests on the fact that we refused to vote, on the last night of the last session, for the following amendment, then proposed by

the House of Representatives to the fortification bill:

"*And be it further enacted*, That the sum of *three million dollars* be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the Navy: *Provided*, Such expenditures shall be rendered necessary for the defense of the country prior to the next meeting of Congress."

Before this amendment was offered, the appropriation bill providing for fortifications, which originated in the other House, had passed the Senate, which had already added, by way of amendment, $421,000 to the sums originally proposed by the House as sufficient. It was not until about eight o'clock at night of the very last day of the session that the House proposed this amendment to our amendments, after rejecting some of ours, and among which so rejected by the House was an increase of $75,000, made by the Senate to the appropriation to rebuild Fort Delaware.

The gentleman from Pennsylvania [Mr. BUCHANAN] has misconceived the scope of the argument against this three-million amendment, and particularly that of the gentleman from Massachusetts, [Mr. WEBSTER,] who preceded him in this debate. Independently of the notorious fact that no such extraordinary appropriation was asked of us by the Executive, whose duty it was, if this sum was wanted for defense, to communicate the fact to Congress, most of those who voted down that amendment did hold, and did so express themselves at the time, that an appropriation in such general terms, proposing no objects of expenditure but "the naval and military service," was forbidden by the spirit and the letter of the Constitution. If it be new to him, it is because the gentleman has entirely overlooked the principle upon which the Senate acted. Sir, I invite the gentleman to examine the subject, which he says is novel to him, and to defend his vote, if he thinks he can do so, when we who voted otherwise retaliate upon him and his associates who endeavored to carry this amendment, by charging them with having, so far as they were able to effect it, assisted to break down the best barrier provided by the Constitution against the absorption of the legislative in the executive power. With the view to test the confidence of honorable gentlemen in their opinions, as well as the accuracy and extent of their researches on this subject, it may be useful to ascertain how far they will carry their principles. I beg leave to know of the honorable gentleman from Pennsylvania whether, if the proposition for which he voted had been to appropriate three or thirty millions, "to be expended in whole, or in part, under the direction of the President, for the *civil*, naval, and military service, including fortifications," &c., he could have supported it consistently with his constitutional obligations or not? I pause for a reply to this question.

Mr. BUCHANAN said he did not consider himself bound to declare any opinion beyond the one before expressed. He would therefore decline answering the question put to him by the gentleman from Delaware.

Mr. CLAYTON. Sir, it was the part of prudence not to answer. I put the question to him, because I know of no man here, advocating his doctrine, better prepared, or better able to resist or parry such a blow than the honorable gentleman himself. I claim no right to catechise him; but if he should think proper to answer the question proposed to him on another day, after he has had ample time to select that horn of the dilemma presented by it which pleases him best, it will gratify some of his friends here, among whom I rank myself, to learn whether he can possibly be driven to the absolute surrender of all legislative power to the Executive, so far as regards the appointment of the uses to which the public money shall be applied; or whether he will prefer, on reflection, to encounter the foregone conclusion which a denial of the constitutionality of so broad an appropriation as I have proposed for his consideration must necessarily result in. That amendment, for which the honorable gentleman and his political friends in this body did vote, proposed no other objects for expenditure than the naval and military service, *including* fortifications, ordnance, and increase of the Navy. One hundred, or even ten dollars, bestowed on the objects *included* in the sweeping phrase "naval and military service," would satisfy the requisitions of the law, and leave, under the direction of the President, the whole residue of the $3,000,000 to be applied to any kind of naval and military service which he might designate. A law, in the very same words, granting $50,000,000, to be expended by the President as he shall think proper, "for naval and military service," is not prohibited by the Constitution, if this be not. A law granting all the money in the Treasury, to be expended under his direction, or as he shall think proper, "for *civil*, naval, and military service," is not prohibited by the Constitution, if this be not.

The result, then, is, that whenever a popular President is in office, Congress must grant the whole money in the Treasury, if required, or the whole sum requisite for civil, naval, and military service, which will embrace all the known objects of legitimate expenditure under this Government; or, should they fail to do so, they must subject themselves to the very exceptions taken to the vote of the Senate by the gentleman from Tennessee, [Mr. GRUNDY,] who intimated that the vote of his colleague, [Mr. WHITE,] and others here, indicated that they had not *confidence* in the President. Such a construction of the Constitution breaks down the Legislature whenever a popular man is at the head of the Government; and a popular Executive is the only one from which either the friends of the Legislature or the Constitution can have anything to fear. Should such a construction be established, it must inevitably lead Congress at last to a vote, under the administration of some popular chief, of all the money requisite for the support of Government, without any further designation of object or restriction of power than this—that the President shall expend it *for the public service*. In that day, no Senator here shall dare raise his voice against it, or, if one should follow our example, the charge of want of confidence in the President will crush him as a rebellious subordinate, and a factious legislator; the people themselves will hunt him down; and the State Legislature will recall him, with a view to send another to expunge his vote. If our Government is to endure for any considerable period, it will witness the elevation to power of many men far more popular than President Jackson has ever been; and should the doctrine of the friends of the Administration now become, by the prostration of the Senate for this cause, the received exposition of the Constitution, the next popular Executive, pointing to this precedent, may demand it as due to the character he possesses, and as evincive of the confidence to which he is entitled, that a grant of three millions, for naval and military service, to be expended under his direction, shall be annually inserted in the appropriation bill. Another, ambitious of still further exhibitions of confidence, will soon demand a greater sum under pretext of some other exigency; and at last, precedent being built upon precedent, the legislative power will expire under these reiterated blows, and, with it, the liberties of the people.

Sir, I have set my face against all this doctrine with a stern resolution to resist it to the utmost. I will make no terms, I will know no compromise with it. I read in the Constitution that no money shall be drawn from the Treasury but by *appropriations* made by law. And I have heard no plausible answer to the simple but conclusive argument, that an *appropriation* does, *ex vi termini*, necessarily import a designation, an allotment or setting apart for specific objects, specific sums of money. I go for the established definition of the word as the English language was spoken, written, and understood, when the Constitution was made, and as it is now and has ever been understood. I deny that a grant of fifty millions "for the public service," to be expended under the direction of the President, is any appropriation. It is nothing more than an unconstitutional attempt to delegate representative power. It strikes at the root of the whole principle of representative government. I deny that a grant by Congress of $3,000,000 to the President for the "naval and military service," differs a whit in principle from a general grant of all the revenue to be expended by the President for the naval and military service. In either case, he may raise an army or build a navy with the money. The eighth section of the first article of the Constitution gives to Congress alone the power "to raise and support armies," and "to provide and maintain a navy." In the execution of this trust power, we owe it to the country and its Constitution to define, if practicable at the time to do so, how many men shall compose the army which we undertake to raise and support; what kind of troops it shall consist of; how many ships shall compose the navy which we undertake to provide and maintain, and of what class they shall be; and, in general, the whole course and practice of Congress, under the Constitution, *ab urbe condita*, has been in accordance with this duty. The three million amendment was not only objectionable because it was a departure from our whole course of legislation in these particulars, but because it was, if sustained, a grant of money to raise either an army or a navy at the discretion of the President alone, *without even limiting the amount to be applied to either purpose*. It was an abandonment of the whole trust confided to us, to the full extent of the sum to be taken thus from the Treasury.

The power "to raise and support armies," and to "provide and maintain a navy," conferred by the eighth section of the first article of the Constitution, is accompanied by other trust-powers in the same section, a reference to which may be useful to illustrate the extent to which the principle contended for by the advocates of this amendment will carry them. Would it be constitutional, I ask, to grant three millions, or any other sum, to be expended under the direction of the President, for the purpose of "laying and collecting taxes, duties, imposts, and excises," without specifications of the tax, duty, impost, or excise, or even the extent of each? or for the purpose of "borrowing money on the credit of the United States," and "regulating commerce," without directing how much should be spent in borrowing money, how much in regulating commerce, how much money should be borrowed, and how the commerce should be regulated? or for the purpose of "coining money, and fixing the standards of weights and measures," without saying how much should be spent for each purpose, and even without declaring how the money should be coined, and how the standard of weights and measures should be fixed? or for the purpose of "establishing post offices and post roads," "defining and punishing piracies and offenses against the law of nations," "declaring war," and "exercising exclusive legislation over the District?" Sir, upon what principle is it that any man can sustain the constitutionality of this proposed amendment under which the President was authorized to raise an army or provide a navy, so far as three millions would effect it, if he cannot also sustain a grant of power over three millions to be expended by the President in "declaring war," without saying when or against what nation it shall be declared? If one of these trust-powers can be thus delegated, all that are given by the same clause may be delegated; and the boundary between executive and legislative authority hereafter may be broken down, and will be broken down, whenever, in the future progress of our Government, an ambitious usurper shall appear, claiming and exacting, on the mere score of his popular character, the *confidence* of Congress.

Sir, I say, therefore, to the honorable gentleman from Pennsylvania, that I envy him not the enjoyment of that pride which he professed to feel when he declared that he viewed the period of his midnight vote for this abominable proposition as the proudest moment of his life. The honorable gentleman does not profess to have examined the constitutional question. I feel too much respect for him as a jurist to believe for a moment that he has deliberately, and on full investigation, determined this question to suit the vote he gave. And be it now understood, in sheer justice to him and others who did in this and the other House vote for that proposition, under the impulse of sudden feeling, on the very last day of the session, in the midst of the bustle and distraction of a scene of which men who have not at some period of their lives represented their

fellow-citizens in one or the other House of Congress can have no adequate conception, that this proposition was sprung upon the members of the other House, and passed not only, as the gentleman says, without time to discuss it, but without time for any man to weigh it and consider it in its most remote and most alarming consequences. The feeling which impelled gentlemen to this sudden and dangerous vote was, in general, doubtless patriotic. Yet, even amidst the distracting hurry of the scene of a last day's session, all men of the party most devoted to the Executive in the other House did not obey the impulse of feeling and concur in that vote; and in this no less than twenty-nine members, among whom were some of all parties, rose, after but a few moments' reflection, against it. Nothing could have been more unexpected. In confirmation of the remark made by the gentleman from Pennsylvania, that the President himself had not prepared any member for it by asking him to move such proposition, and of his further observation that there was no time to discuss it, let me remind the members of the last Senate of the manner in which, as I observed at the time, we were *routed* at night out of a secret session by a message from the House to announce it. Sir, if a bomb-shell had suddenly exploded on the floor of the Senate, it could scarcely have produced greater surprise and consternation among those who were not in the confidence of the Executive, nor acquainted with the midnight movements and secret wishes of his partisans.

It is in vain, sir, that the honorable gentlemen who commenced this war on us by that vote, now seek to find shelter from the storm of the attack upon themselves, for their unconstitutional proposition, by case-hunting through the whole mass of congressional precedents for a single *one* to sustain them. The statute-book does not present a parallel to it. An appropriation of $2,000,000 "for pay and subsistence" of troops, under an act of 1806, authorizing the President to call out the militia, and two large appropriations "for foreign intercourse," made in the years 1806 and 1808, the instances relied on by honorable gentlemen as furnishing precedents for their votes, are examples, not of general, but of *specific appropriations*, the objects being designated in the grant of the money. [Mr. C. here read these and other acts, to show that the appropriations contained in them were all of a specific character.] We every year pass appropriations in the same words, and the language thus applied is understood to designate the objects for which our money shall be expended, so that it cannot be applied to any other purpose. When Mr. Jefferson came into office, he carried the doctrine for which I contend so far as to recommend, in his message of the 8th of December, 1801, the "appropriation of specific sums to every specific purpose *susceptible of definition*, and it was this principle upon which his disciples most plumed themselves as exhibiting their scrupulous regard for the Constitution, however those who now claimed to be his exclusive followers have abandoned this great landmark of his party. The whole range of legislative precedents, established by successive Congresses, which supported his administration, and the subsequent administrations of this Government, acquired a character in consequence of the earnestness with which the Democratic party insisted on the principle of specific appropriations, which accounts at once for the failure of honorable gentlemen, who now advocate the contrary doctrine, to find a single authority to support them.

Sir, another reason for their failure may also be assigned. President Jackson, when he came into office, professed to act upon the principle of specific appropriations, as well as the other doctrines of Jefferson. In his inaugural address, delivered on the 4th March, 1829, after pledging himself to an economical administration, and the counteraction of that profligacy caused by a profuse expenditure of the public money, he says:

"Powerful auxiliaries to the attainment of this desirable end are to be found in the regulations provided by the wisdom of Congress for the specific appropriation of public money."

And even in his message of the 7th December last, he says:

"No one can be more deeply impressed than I am with the soundness of the doctrine which restrains and limits, by *specific provisions*, Executive discretion, as far as it can be done consistently with the preservation of its constitutional character."

He adds:

"The duty of the Legislature to *define*, by clear and positive enactment, the nature and extent of the action which it belongs to the Executive to superintend, springs out of a policy analogous to that which enjoins upon all the branches of the Federal Government an abstinence from the exercise of powers not clearly granted."

He afterwards again reiterates:

"The same rule of action should make the President ever anxious to avoid the exercise of *any* discretionary authority which *can be* regulated by Congress."

And in the next paragraph he says:

"In my former messages to Congress, I have repeatedly urged the propriety of lessening the *discretionary authority* lodged in the various Departments."

Sir, all these messages were looked to by his partisans as the texts from which they were to preach, and the creed on which their political salvation depended. If they, having always had the power to prevent, in the other House, the passage of any law making an appropriation without specification of object, could have produced another example in which they had

"Kept the word of promise to the ear
But broke it to the hope,"

it would have been, indeed, but another melancholy commentary on the instability of all human professions, and the utter worthlessness of that sounding patriotism which explodes in party pledges.

Indulge me in another question to the honorable gentlemen on the other side of the House. Had this proposition been couched in such language as would have authorized the President to take our places in this Chamber, and decide, while we withdrew to give him the undisturbed use of the room, how three millions of the public treasure should be disbursed "for the naval and military service," would a man among them have acceded to it! Why not? Had such a proposition been adopted, it would have been quite as good an *appropriation;* quite as definite a specification of the purposes for which the money should be expended; and, in one most essential particular, such a proposition would have been greatly preferable to that for which they voted; for, although it would have exhibited less *confidence* in the President than the vote they gave, which allowed him to decide at any time within nine months what should be done with the money, it would have required of him to come here and tell us at once to what uses the money should be appropriated. We might have gone into the gallery as quiet spectators of his exercise of the legislative power; but we should have enjoyed the satisfaction of hearing his decision *at the time;* and, while we yet lingered in the Capitol, we could have congratulated one another on the mode and manner in which his wisdom had disposed of the money. When we wended our way back to the people, we could then have told them what was to be done with their three millions; as, what forts were to be built, and where they were to be erected; what ships and what arms were wanted; or what number of troops should be raised for their army. This would have given the workmen and contractors for public jobs among us an opportunity of entering into competition with the Executive favorites; for then, having some chance to know what was to be done, they could have put in their bids for the public works to be erected. I could have gone home rejoicing in my ability to answer the earnest interrogations of my constituents, whether Fort Delaware was to be rebuilt, whether the breakwater was to be defended, and whether frigates or gun-boats were to be used in the Delaware in the event of a war.

But honorable gentlemen will now perceive that the vote they gave was a much more alarming surrender of their legislative power. They yielded up their trust, and gave the President, with it, the privilege of keeping his intentions secret until the moment of expenditure; their only restriction upon the period allowed for his exercise of it being, that he should spend it at some time "prior to the next meeting of Congress;" when, indeed, upon their principle of confidence, they ought again to have assembled, voted twenty millions at once for the *public service*, to be expended by the President "prior to the next meeting of Congress," and adjourned without further expense to the people. Sir, I do solemnly denounce this proposition, which the Senate alone resisted on the last night of last session, as a measure in principle no better than the regulations of Caligula, who suspended his laws on pillars so high that men might not read them in the public ways. Even his laws might have been read by the aid of ladders. But by what possible means could that portion of the people who have no access to the private ear of the President have climbed to the information of his plans of defense, during the period for which he was to have been permitted to keep his purposes secret?

Viewing this proposed appropriation of three millions, without restriction, specification, or limitation as to objects other than the naval and military service, as not only unconstitutional, but as destructive of the first principles of representative government, having considered and expressed his solemn conviction, after a year's deliberation, that it laid the foundation for the introduction of dictatorial power in this Government, and contained the very language in which a dictator might be appointed under a pretense of some future pressing emergency, the honorable gentleman from Massachusetts, [Mr. WEBSTER,] in the midst of a strain of fervid eloquence and indignant remonstrance against this attempted outrage, which has not been equaled in this debate, and cannot be excelled, had declared—

"If the proposition were now before us, and the guns of the enemy were battering against the walls of the Capitol, he would not agree to it; that the people of this country have an interest, a property, an inheritance, in the CONSTITUTION, against the value of which forty Capitols do not weigh the twentieth part of one poor scruple."

Taking authority for so doing from another part of the Capitol, I read the following remark, as published in the National Intelligencer, in reference to this sentiment:

"Sir, for a man uttering such sentiments, there would be but one step more, (a natural and easy one to take,) and that would be, with the enemy at the walls of the Capitol, to join him in battering them down."

And he who published this, has also published that when he uttered it, he "was interrupted by a spontaneous burst of feeling and applause." But, he adds, "the *indiscretion* was momentary, and the *most respectful* silence followed."

Sir, I pass over without notice the account given of "applause," and "a spontaneous burst of feeling," and "indiscretion," and then "the most respectful silence." Indeed, I know nothing of these allegations, except as I find them here stated. But, in regard to that denunciation of the sentiment of my honorable friend from Massachusetts, [Mr. WEBSTER,] who is this day elsewhere necessarily detained, and in reference to the particular individual who was the author of that denunciation, I have something to say.

The opinion expressed in this denunciation is, that it would be a natural and easy step for the Senator from Massachusetts to take, to join the enemies of his country in war; in other words, to turn traitor, and merit by his treason the most ignominious of all deaths, with an immortality of infamy beyond the grave!

And for what? The Senator from Massachusetts had expressed a preference for the Constitution to the Capitol of his country. He had dared to declare that he prized the *magna charta* of American liberty, the sacred bond of our Union, the tie which binds together twelve millions of freemen, above the stones and mortar which compose the crumbling mass within whose walls we are assembled. "The very head and front of his offending hath this extent—no more." No man here has questioned, in the most violent moments of party excitement—not amidst the fiercest of all political strife—his purity of purpose in debate. Grant to him what all others who have any title to the character of gentlemen demand for themselves, that he believed what he said; grant that in his judgment, as well as that of many here, the very existence of our liberties is involved in the surrender of the principle he contended for; grant that the concentration of legislative and executive power in the hands of a single man is the death-blow to the Constitution, and that the Senator was right in considering the proposed appropriation as establishing the very

principle which gave the fatal blow; and WHO is he that, thus believing, would support that proposition, because the guns of the enemy were battering at the walls of the Capitol? *Where is the* COWARD—WHERE IS THE TRAITOR who would not rather see the Capitol than the Constitution of his country in ruins; or who would *lend himself* to the establishment of a despotism among us, with a view to save this building for the despot to revel in? Sir, in the days when Themistocles led the Athenians to victory at Salamis, he advised them to surrender their capitol for the preservation of the constitution of their country. That gallant people rose under the impulse of patriotism as one man, and, with a stern resolution to yield life itself rather than abandon their liberties, and surrender the proud privilege of legislating for themselves to the delegate of a Persian despot, who offered them "all their own dominions, together with an accession of territory ample as their wishes, upon the single condition that they should receive law, and suffer him to preside in Greece." At that eventful period of their history, Crysilus alone proposed the surrender of their constitution to save the capitol; *and they stoned him to death.* The public indignation was not yet satisfied; for the Athenian matrons then rose, and inflicted the same punishment on his wife. Leaving their capitol, and their noble city, rich as it was with the productions of every art, and glittering all over with the proudest trophies and the most splendid temples in the world; deserting, in the cause of free government, the very land that gave them birth, they embarked on board their ships, and fought that battle, the name of which has made the bosoms of freemen to thrill with sympathy in all the ages that have followed it, and shall cause the patriot's heart to beat higher with emotion through countless ages to come.

I repeat, sir, what no man who knows the Senator from Massachusetts has ever doubted, and what no man who has a proper respect for himself will ever question, that he was sincere in declaring that he viewed the proposition under debate as involving the surrender of the most valuable trust reposed in us by the Constitution to a single man, and as one which, while it delegates the legislative power to the Executive, establishes a precedent to prostrate the Constitution forever. Then tell me what should be the fate of that man (if such a man be found) who, having owed his elevation to the highest office in the world to that gentleman and his friends, and having been sustained in the administration of it by the exertion of all the powers of that giant intellect which is now the pride of the Senate and the boast of the country, could, without other provocation, have published that such a friend, after giving utterance to *such a sentiment* as he did in debate here, would find it a very natural and easy step to turn traitor to his country by joining with her enemies in war? Sir, all good men will say that the convincing argument which could have induced from such a quarter such a remark, the author of that comment will find, not in the observation he has condemned, but in his own heart; and those who are acquainted with past events will add that it has proceeded from one who has habitually found it a very "natural and an easy step" to turn traitor to his friends. Such a man should never be suffered by honorable men to stand in any party again; for this unprovoked denunciation proves that its author will be false to *all* parties, and true to *no* friend. I will do those in power the justice to say that I do not believe they have ever invited his embraces, or proffered him any office, however that may be the true object for which he has thus shamefully denounced his friend and abandoned his party. No, sir, if he be a political traitor, they

> "Gave him no instance why he should do treason,
> *Unless to dub him with the name of traitor.*"

[Mr. C. was here called to order by the Chair, (Mr. KING,) on the ground that it was not allowable by the rules to reply to what had been said in the other House at this session.

Mr. C. said that he had not named any man in the other House as the author of the remarks which had just been the subject of his comment; and that, by making observations on what had appeared in a newspaper, he had only followed an example which had been lately set by a member of that House.]

Mr. C. continued. Sir, I will not follow that example, after the Chair has reminded me that it would be improper to pursue it further; and I willingly dismiss the disgusting specimen of human ingratitude which gave occasion for my remarks, without further consideration.

Having now, sir, disposed of so much of the subject as relates to the constitutional question involved in the "three million amendment," I take issue with the gentlemen who have sought to prove that *the Senate* caused the loss of the fortification bill, on two remaining points.

First, then, I say that the loss of this amendment, in the form in which it was presented, does by no means prove that even an extra grant of three millions would have been refused, had it been offered for *specific* purposes of defense, involving no constitutional question, and accompanied with a request from the President, who was bound, by his oath under the Constitution, to ask if it was necessary. On the contrary, sir, I have not the slightest doubt that, had the President asked for three millions for defense, alleging that it was necessary in his opinion, and requesting the passage of a law in the usual form of specific appropriations, of the propriety of which the Senate could have judged, it would have had the vote of a majority of the Senate. If, however, the President had asked the three millions for the purpose of adopting any measures which must necessarily have produced a war with France, I have as little doubt that the Senate would have refused it.

Sir, the gentleman from Pennsylvania says, (as one speaking by authority,) that the President never asked any member of Congress to move this proposition. We learn from a debate in another place, that the Executive did desire it to be made at the time, but also desired that the fact should not be made known.* Information of the President's wishes, or of the views of any Department, ought not to be communicated in midnight whispers to a chosen few; all are equally entitled to know the Executive recommendation.

In the second place, I deny that it by any means follows, although gentlemen have alleged it, that the loss of the whole bill providing for fortifications and defense, was necessarily caused by the failure of the proposed amendment. The agreed facts are, that, after we had rejected it, a committee of conference was appointed by both Houses; that this committee met, and readily agreed to a substitute for the lost amendment, consisting of two specific appropriations for defense, together amounting to $800,000; that they parted with a perfect understanding that this was all that was necessary; that the Senate's committee reported accordingly; and that the Senate was perfectly prepared to adopt the recommendation of the committee, and anxious thus to secure the passage of the bill; that, after waiting here a long time for the action of the other House, which had the bill in its possession, the Senate sent a message "respectfully to remind" the House of this bill, which had not been acted on, and continued to wait here until it was *perfectly certain* that the other House had utterly refused to take up the bill again, or transact any other business. Sir, the bill fell (and I say it was notorious at the time that it fell) because the committee of conference on the part of the House refused to report the amendments which they themselves had agreed upon in committee, until the lateness of the hour furnished them with the miserable excuse for their conduct which the Senator from Tennessee [Mr. GRUNDY] and a very few others still venture to maintain as sufficient. I refer to the pretext that it was midnight; at which witching hour, as these gentlemen now contend, Congress was dissolved, and the session had expired.

But the fact is conclusively established by the statement of the honorable gentleman from New Hampshire [Mr. HUBBARD] himself, who was one of the conferees on the part of the House, and one of the friends of the Administration, that, when the conferees separated, it was not twelve o'clock, and there was time to pass the bill before that hour had the House been so disposed. Sir, he says he knows this fact; for, at the time, he looked at his watch. Our conferees returned here a considerable time before midnight. The recollection of the honorable gentleman from Virginia, [Mr. LEIGH,] who also looked at his watch, is, that when they returned it was not eleven o'clock. This pretext, set up as an excuse for the conduct of the other House, is thus proved, by men of all parties, to be untrue in point of fact, and the result of an entire misrecollection. But suppose it *was* twelve o'clock at night when the conferees agreed; was it ever before, in the history of this Government, pretended by either House that a bill could not be passed after midnight of the last day? You know well that, since we have served together in the Senate, the President has signed many bills after midnight which were passed after midnight. At the end of the very first Congress after he came into power, he was up until long after that hour, and the Senate and House both closed their labors about the rising of the sun on the ensuing day, being constantly engaged through the whole night in the passage of bills, which were signed without objection, that we ever heard of. Such, all agree, has been the practice of the Government from the earliest period. You and I remember, sir, that on one occasion the Senate met after sunrise on the 4th of March, transacted executive business, and communicated with the President in regard to it. This practice is said to be founded on the belief that the congressional day commences and terminates at noon, instead of midnight; that Congress never has convened on the first day of any session before twelve at noon; that, until that hour, no member takes his oath, nor is either House organized; and that the pay of every member must commence only with his qualification and his labors. I presume there was not a member of either House who refused to accept his full compensation for the last day of last session, on the ground that he did not serve after midnight, or was *functus officio* when the clock told that hour. If the doctrine of the gentleman from Tennessee be correct, how did it happen that he took full pay, as for the whole of that last day, although he could only act for the half of it? The gentleman from Pennsylvania repudiates this whole doctrine, and says he has never had, and never shall have, any difficulty in doing his duty after midnight. The party generally appears to be ashamed of this pretext. And how has the conscience of the gentleman from Tennessee himself rested under fifty votes which he has probably given after midnight, within my knowledge? He now contends that he was *functus officio* on all those occasions, and had no right to vote. "If," says he "the congressional day does not terminate at twelve at night, why is it so common to *set the clock back?*" I answer, because we have always had two or three tender consciences like his own to deal with, and so long as these gentlemen could see the clock stood still, they said they were not bound to look at their watches. They went by "Capitol time," and having examined the constitutional question, how long they were bound to stay at work for a whole day's pay, some of them would leave us on a scruple of conscience when our clock struck twelve; but I never heard that one of them gave up any part of the pay.

The gentleman from Pennsylvania, with a view to make up the issue in such a shape as would put the Senate on trial with best advantage to himself announced that the true question, for discussion was—who is blamable for the present defenseless condition of the sea-board? Sir, I shall not avoid the examination of that question. It presents no difficulty. As to the fact, upon which he dwelt so earnestly, that it is defenseless, he has already seen that I concur with him and others who have proclaimed its defenseless condition. He may add as much more coloring to that picture of the danger arising from this neglect as his imagination can supply him with, and I shall not seek to deface or obscure it. He may ring it again and again in the ears of the people, that, in the event of a rupture with a foreign country, our cities would be sacked, our coast pillaged, and our people butchered. The more he magnifies the danger, the greater will be the

* See the speech of Mr. WISE, of Virginia, on this subject.

condemnation of those who, for seven years past, have held the power to prevent this state of things, and have neglected their duty. Sir, his political friends have held the reins for a longer period; for they had their majority in Congress before the termination of the last Administration. In the other House, they have ever since held an overwhelming influence; and in this, with the exception of the last three years only, they have also been in a constant majority. The other House never proposed a measure for defense, before last session, in which the Senate refused to concur; and, what is more worthy of note, they never proposed a bill for defense to which the Senate did not add largely by amendment. For seven years, during which time I have held a seat here, the action of the Senate was always quite as prompt as that of the other House on these subjects, and, indeed, if my memory be correct, we were generally in advance of them. Sir, it is in vain that the gentleman seeks to cast that fearful responsibility arising out of more than seven years' neglect of our Atlantic sea-board, upon the minority in Congress. In vain does he invoke the judgment of the public for our naked and exposed condition against that Senate which, during the two or three years when the Administration has not been able to control its vote, has been made the scape-goat to bear nearly all the other neglects and transgressions of those in power.

The fact is, and every man within the sound of my voice knows it, or ought to know it, that not only has our whole system of improvement been checked, but the defenses of our country have been shamefully neglected since the present party came into power, on the miserable pretext of paying off the national debt—a debt which was never pressing, and which would have been easily extinguished by the operation of the old sinking-fund act, long before it could possibly have been felt as an injury, if internal improvements had been still properly encouraged, and our sea-coast had been properly fortified. Witness now that wonderful exhibition of financial skill and statesmanship, by which, when all the other debts had been disposed of, the old thirteen millions, drawing an interest of only three per cent., and nearly all in the hands of foreigners, was paid off, in despite of all remonstrances, for the sake of making the vainglorious boast, that during this Administration the whole national debt was extinguished. At the time we were paying these three per cents., the Army, the Navy, the fortifications, the roads and canals, the improvement of our rivers, and even the ordinary facilities for commerce, were neglected. Light-house bills, improvement bills, and bills to distribute a portion of the avails of the public domain among the States, for the purposes of improvement and education, were either voted down or *vetoed* down, and all for glory—ay, for the glory of paying off the national debt, by withdrawing from the people the use of their money, which was surely worth to them, not only for defense, but for improvement, the legal rate of interest, and extinguishing a debt in the hands of foreign creditors drawing three per cent. only. Why, sir, the fact is notorious, that such has been this miserable and morbid excitement, industriously kept up to gratify party pride and folly, that scarcely a week has elapsed within the last seven years in which some newspaper editor has not reminded us of the *glory* of this Administration in paying off the national debt; yet, during all this time, the gentleman from Pennsylvania says, our whole sea-board has been left naked and exposed to any invader, our cities have been constantly in danger of being sacked, our coast pillaged, and our people butchered, without the means of resistance in the event of a war. This glory has left us all the while at the mercy of any foreign Power which could have chosen any moment to assail us.

The only salvo now relied upon to sustain those in power from their own charge against the Senate of leaving the whole sea-board defenseless, is, that a majority, not all, of their party friends in Congress did, at the last moment of the last session, propose and vote for this "three million amendment." But what could have been effected with that money if we had granted it? Would that have built up fortifications, and put the Navy and Army on a war establishment, within the nine months allowed for its expenditure? Sir, if it had been applied to no mischievous purpose calculated to induce a war with France, which some think was its real design, its effect upon the sea-coast in erecting forts would not have increased the permanent security of the country to a perceptible extent before the meeting of Congress. If, through the whole period during which this Administration has been in power, we had been regularly progressing with a system of national defense, properly adapted to the wants and means of the Republic, we should hardly yet have been in a state of preparation for war becoming such a country and such glorious institutions as ours. Labor itself cannot always be commanded by money, and time is indispensable in the proper construction of all great works; and an error not uncommon in regard to our public works of every description has been, to do in months what should be the work of years. But, in order to show the gentleman from Pennsylvania and his friends how utterly indefensible they are when arraigned on their own charges, let us now concede, for the mere purpose of argument, that this "three million" amendment, upon which they relied, would have been sufficient for putting the Army and Navy on a war establishment; that it could have effected all this in nine months, and that it was necessary to expend it. I ask them how comes it about that they have suffered two whole months of the present session to pass away without renewing this or some similar proposition? and how do they excuse themselves for not having proposed so salutary a measure at an earlier day during the last session? The moment of the vote on that amendment the gentleman says he shall always look upon as the proudest moment of his life. Doubtless, in his estimation, it was a most happy vote for him. Then why not renew it? Why does that patriotism, whose midnight vigils receive so much applause, slumber during the broad daylight, and why has it slept so long? He has known that the only objection of many among us to the proposition was a constitutional objection, which, by altering the proposition from a general to a specific one, he could obviate. Then why has he not proposed it, or something like it, for the last two months, during all which time, according to his own language, we have incurred the danger of having our cities sacked, our coast pillaged, and our people butchered for the want of it? Since last session all intercourse with France has been suspended; a powerful fleet, we are told, has been hovering near our coast and acting as a fleet of observation, and, with the vigilance of a hawk, ready to stoop on our unprotected commerce from its commanding position, or to attack our naked sea-board at the slightest notice.

To the question why this measure was proposed only at the last moment of the last session, the honorable member from Pennsylvania has already attempted an answer. He took especial pains to bring us to the *point of time* at which this amendment was rejected. His object seemed to be to demonstrate that *then* the patriot should have spoken out, by the surrender of his constitutional scruples, and the delegation of his representative power over the public treasure to the President. He reviewed the state of our relations with France, for the very purpose of showing that, at that period, our affairs were at a peculiarly dangerous crisis, and labored to excuse himself and his friends who brought forward this proposition at that time, by making the impression upon his hearers that there was *just then* a new impulse given by recent intelligence from France to the adoption of measures preparatory to a war. But, sir, most unfortunately for this excuse, the intelligence to which he has referred was decidedly of a *pacific* character, and was precisely that very information by which any reasonable man, however apprehensive of danger before its arrival, would have been convinced that *then* there was not the slightest apparent necessity for a resort to any measures of a hostile character. Sir, the honorable gentleman (doubtless by mistake) repeated only a part of a sentence in the letter of Mr. Livingston to the Secretary of State, of the 15th of January, 1835, which was communicated to the other House by the President's message of 26th of February last. But, however favorable to his position the sentence may have been, as he repeated it in the hurry of debate, yet, when the part which he omitted is supplied, the whole is absolutely fatal to it. The passage in Mr. Livingston's letter to which he referred is in these words:

"*If the law should be rejected*, I should not be surprised if France anticipated our reprisals by the seizure of our vessels in port, or the attack of our ships in the Mediterranean with a superior force."

Mr. Livingston then expressly predicates his apprehension of danger upon the contingency of the rejection of the law to which the gentleman did not advert; and I have already shown that Mr. Livingston had carefully informed us in his previous letter of the 14th of January, sent here by the same hand, and communicated to Congress with the letter of the 15th, that his decided conviction was that the *law would pass;* that the Ministry were reinforced by a powerful portion of the Opposition in the Chambers, determined to avoid hostilities, and sufficient to carry the vote; and that the very measures which had before alarmed us (the recall of Serurier and the notice of our Minister) were measures which were resorted to merely to save the pride of the French Government and the French nation.

Sir, this, the only evidence referred to by the honorable gentleman, to inculpate me and my friends for not joining with him in his midnight vote, proves conclusively that, if those who acted with him were justified by their apprehensions of a foreign war in proposing such a measure as they did at that time, they were grossly derelict of duty, and faithless to their trust, in not having proposed any proper measure of defense at any period of the session before the arrival of this pacific intelligence, and when, by their present reasoning, it is made apparent that there must have been, in their minds, reasons for alarm seriously and afflictively oppressive to their patriotic hearts. But that sensibility to danger, which is now avowed to have been felt only at the very point of time when this vote was given, caused by a new and sudden impulse of patriotic feeling, on reading Mr. Livingston's dispatch, slept for a week after the dispatch was in their hands, and slumbered through the whole session of Congress, before that witching time of night when, contrary to all reasonable analogy, it was first roused to action. Months had passed away; yet not a whisper had been heard from it. The war message of the President, the recall of ministers, and the known refusal of France to pay the money, with all calculations of the effect of the message on her national pride, had not affected its slumbers. All the while it slept, and even snored. For those who profess to have felt it stirring on the night of the 3d of March had joined with us in the vote of the 14th of January, 1835, declaring that *then* (when there was certainly much greater excuse for feigning apprehension) no legislative measures whatever ought to be adopted in reference to the state of our affairs with France. France heard the note across the Atlantic, and felt assured that a sensibility which gave such evidence of its slumbers would not suddenly awaken to prepare for war; and its effect was to lull her too into a state of tranquillity. Sir, what a pity for us was it, if all this apprehension was justifiable at that period, that it was not awakened until the conscience of the honorable member from Tennessee, [Mr. GRUNDY,] and his friends in the other House, awoke to stifle all the exertions of those who felt it—that *twelve o'clock conscience*, which was roused by the first blast of the party bugle, to start scruples destructive to the fortification bill, but which took a nap before the next crowing of the cock, lest it should interrupt the passage of the bill to repair the Cumberland road.

Then, sir, as to the peculiar excitement which has been alleged to have existed in the public mind on the 3d of March last, and which has been assigned by the gentleman from Pennsylvania as another excuse for proposing this grant of three millions at that particular moment. What excitement does he refer to? We know there was no alarm among the people at that period; no apprehension either felt or expressed on account of any threatened hostilities. I have recurred to some files of papers of that day, and find their general

tone was just what we should have expected after the publication of Mr. Livingston's letters, giving assurances that the act of indemnity would pass. I know that a great effort was made in the other House for a few days to get up an excitement; there was much debate there about our relations with France, and the result of it all was that the precious hours which remained of the session, and which ought to have been devoted to the real business of the people then pressing that House, were consumed in a tedious discussion, which resulted in a vote that the treaty ought to be maintained, and its execution insisted on—the mere echo of the sentiment in the unanimous report of our Committee on Foreign Relations, made six weeks before. Most of the highly important bills which had passed the Senate were thus utterly neglected by that House; and, in addition to the bill to regulate the public deposits, and the others mentioned by the Senator from Massachusetts, was one of far more importance to the peace of the country—I mean, sir, the bill to settle and establish the northern boundary of the State of Ohio. That bill had twice passed the Senate, and on both occasions, under some pretext, or for some reason, no test vote could ever be obtained to ascertain the sense of the other House upon it. Last year it was talked down by the discussion about the French treaty, and the result was that we have been nearly involved in a civil war, on account of the unsettled claims of Michigan and Ohio. That single bill was worth more to the peace and happiness of that country than all the discussions and resolutions of the other House in regard to France. Sir, it would be no difficult matter to run up a catalogue of similar injuries to the public business; but I forbear. My only object in noting these things at all is to show the honorable gentlemen who have unjustly assailed the Senate for the loss of a single bill, how easy it would be for one who felt an appetency for such an undertaking, to carry the war into their own ranks with success, on account of their neglect of bills vastly more important to the public interest. Sir, I take no pleasure in such attacks, and I leave them to others.

What may have been the motive for this ill-timed and unprovoked assault upon the last Senate, by certain members of the present, the world will judge. When the honorable gentleman from Tennessee, who occupies a seat nearest to the Chair, [Mr. WHITE,] addressed you in vindication of his own vote, given against the amendment for three millions, some thoughts, I do confess, occurred, which led me to form my own conclusions as to the real object of this war upon that vote. That honorable gentleman said that he craved a severance on the trial under the indictment preferred against the majority of the Senate, and pleaded his acquittal by the Legislature of Tennessee, which had unanimously reëlected him since he gave that vote. Sir, it may be that, if he were not joined in the bill of indictment, others here would hardly have been put on their trial. It may be considered necessary to make the most of this, the only offense which he has committed against the Administration; but I can hardly yet believe that, even among his old political friends, he need apprehend a condemnation for that vote, should he go to trial with the rest of us before the country under the general issue. The difference in the votes of the honorable Senators from Tennessee, [Mr. WHITE and Mr. GRUNDY,] on the amendment to the fortification bill, has called up some reminiscences of bygone events, exhibiting some other differences between them. When I first came into Congress, they were both considered so true to the Administration, and so effective in its aid, that, out of sheer compliment among their friends here, they were called "Jackson's Tennessee rifles." They both proved true for a time, and told, with unerring certainty, in every conflict with those who opposed the Executive. But, although both were called good rifles, there was an allowed difference between them. One missed the mark altogether, during that famous contest which was carried on here about the time of Mr. Foot's resolutions. It was believed to have been near bursting, in consequence of being overcharged with nullification powder. There was also another failure. This same rifle was assigned to the defense of the Post Office, and was charged to the muzzle for keeping and maintaining that position; but the post was carried by its assailants, and the defense was censured by those who directed it, because the enemy entered in despite of the garrison, and exposed most piratical depredations which had been committed on the people. For my own part, I have always inclined to attribute this failure to the indefensible condition of that post. But [pointing to the seat of Mr. WHITE] the old Tennessee rifle which has stood against that desk ever since I first knew it, was a rare piece, and always has attracted my especial admiration, although, fighting on the other side, I never like to see it come into action. For six years, although it was almost every day engaged, it never snapped, missed, or hung fire; nor was it ever said to have failed to hit the mark, until about midnight of the 3d of March last. The people of Tennessee, who are said to be excellent judges of a good shot or a gallant blow, have since decided that this was a most "palpable hit," and that however others, who are ignorant of the qualities of a first rate weapon, may have foolishly desired to break the old rifle of the West, *they* still hold it entitled to the first rank when employed for their defense, and will never consent that it shall either be injured by abuse, or *left out of service*. Even those who have condemned it because, as they think, it has once missed the mark, may relent, when they reflect that it has been clearly shown in this debate, that on the occasion alluded to, the President himself did neither charge it nor pull the trigger.

Sir, jesting apart, I ask why was it that the Senator from Tennessee, [Mr. GRUNDY,] with others here, who now portray in such vivid colors the dangers arising out of the loss of their favorite amendment, did not exhibit some signs of life at the time the extra appropriation for specific purposes of defense, amounting to *five hundred thousand dollars*, was lost here on the 24th of February last? That amendment was, as I have on a former occasion stated, first moved *by me* in the Committee on Military Affairs, in the shape of a proposition to instruct the chairman of that committee, [Mr. BENTON.] It was made, as I have stated, in advance of any similar suggestion from any other quarter. After it was made, the chairman called on the Department of War for an opinion in regard to it, and it was approved by the proper officer, as appears by the report of the committee. It was reported, as I have once before stated, in connection with another amendment to the bill providing for fortifications, which was also first moved by me in committee, to double the appropriation proposed by the other House for rebuilding Fort Delaware. The latter amendment was first taken up by the Senate in Committee of the Whole, on the 24th of February, 1835, and debated until the day was nearly spent. No man raised his voice with mine for this except the chairman, to whom, for his assistance in the debate, I tender, not only for myself, but for the people whose interests I represent, my respectful thanks. After a protracted discussion we carried this amendment, and then the chairman made the motion for the large extra appropriation for defense which I had proposed. He waived the motion at the request of the chairman of the Committee on Finance, [Mr. WEBSTER,] on whose suggestion the Senate took up another amendment appropriating an additional $100,000 for arming the fortifications, which had been moved by the Military Committee. This last amendment was adopted; and then the chairman of "the Military Affairs" [Mr. BENTON] renewed the motion for the half million appropriation. It had my vote, but it fell without a whisper from any man in its favor except the chairman and myself; and I repeat my conviction that it was lost in a thin Senate, at a late hour of the day, in consequence of another suggestion from the chairman of the Committee on Finance, that a similar proposition was pending before that committee, and would probably be substituted for it.

Sir, I find, by examination of the minutes, that the Committee on Finance never did actually propose any substitute for it. But it is true that the Senate's committee of conference on the fortification bill, two thirds of whose members were also members of the Committee on Finance, and having the same chairman, [Mr. WEBSTER,] reported a substitute for it in the extra $800,000 for defense, which was lost, as has been seen, by the neglect of the committee of the other House to report it, after it had been fully agreed upon in the conference. And now, sir, having been an eye-witness to all that occurred in this Chamber in reference to these matters during the last session, permit me to bear my testimony to the strict fidelity, the untiring vigilance, and patriotic course of the honorable Senator from Massachusetts, who presided at that session over our Committee on Finance. There was not a man within these walls who was more devoted to the defense of his country, or whose efforts exceeded his, when they could be exerted in that cause consistently with his other constitutional obligations. I do not feel, however, that his conduct needs vindication from me or any other; for, although the transient spirit of party may have sought to obscure his exalted character in the eyes of those who are easily led by misrepresentation into error, honorable fame has already encircled his temples with a wreath of unfading verdure, and impartial history shall hereafter emphatically designate him amidst all the compatriots of his day as the able, the eloquent, the fearless champion and defender of his country's Constitution.

Sir, I have done. Permit me only to make the motion which I have advocated, to strike the word "surplus" out of the resolution, so as to pledge the whole revenue of the country for its defense, if rendered necessary by any exigency; and to express the earnest hope that the resolution, when thus amended, may receive the unanimous vote of the Senate.

RIVER AND HARBOR BILL.

SPEECH OF HON. JOHN BELL,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

June 23, 1836.

The House having resolved itself into the Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair,) on the bill making appropriations for certain Harbors for the year 1836—

Mr. BELL said:

Mr. CHAIRMAN: I look upon the present bill as the result of that disposition, or rather determination, which has been manifested throughout the session, to bring the wants of the Government up to the increased revenue of the country, instead of keeping the public revenue down to the actual demands of the public service, which has always heretofore been regarded as the true policy of the country. It is because I regard this bill as an emanation of this new system of policy, chiefly, that I oppose it. The bill provides for the improvement of a great number of harbors and inlets upon our lake and sea-coast, which have heretofore escaped the notice of the Government, although improvements of this nature have, for many years past, been patronized by Congress. I take it for granted that the several items or objects contained in the bill stand upon equal grounds, so far as regards their importance, and the expediency of making the appropriations demanded for them. It will, therefore, follow that one part of the bill might as well receive the support of Congress as the other; and those who are opposed to it will act more wisely by making opposition to the principle and policy of the measure as a whole; it will also save time if the strength of the bill can be tested at the outset. If a majority of members shall be in favor of the principle of the bill, then it may be passed without further delay. To effect this object, and to enable me to take that view of the subject which I desire, I move you, sir, that the enacting clause of the bill be stricken out.

After the question was stated from the chair—

Mr. BELL proceeded. I did not think it worth while, Mr. Chairman, to oppose what may be called the old harbor bill, because the public works provided for in it are already commenced, and have been in progress for a series of years, under annual appropriations for their completion; but a hope may be entertained that opposition will not be altogether unsuccessful to this bill,

after the experience we have had in relation to the old one. It is the nature of these works never to be completed. Most of the works in the bill which has this moment passed the committee are very old acquaintances of the old members of this House. I remember most of them as far back as the first session I had the honor of a seat in this body. For several years, many of them were reported as only requiring one more appropriation to complete them. When the officers who had charge of them became ashamed of repeated impositions of this kind, the language in which the appropriating clause ran was changed; and works that seemed upon the point of completion eight years ago, now require thousands annually for their permanent construction and preservation! It is notorious that many of the old works of the kind enumerated in this bill fell into decay before they became useful to any extent; and the first improvements, made at great expense, were either abandoned as useless, or became dilapidated, and required reconstruction. All those harbors may be regarded as bottomless pits of the Treasury. You may expend tens of millions upon them, and still as many will be required; and then no man can see any termination to the demand for further appropriations. Sir, the present bill, although large in amount, would be no cause of alarm to me, if the expenditure now proposed were all that would be required; if, sir, I could foresee that, at the end of five, or even of ten years, there would be an end to further demands, I would be less concerned. But, sir, we know from experience that, whatever may be the original estimates of the cost of these works, the actual expenditure is never limited by them. There is not one of the old works, I venture to say, which has not already had expended upon it fifty or a hundred per cent. beyond the original estimate. It may, then, be taken for granted that each of these new works, like the old ones, will be perpetual drains upon the Treasury, not only in our times, but in the generations that are to come; for there is no limit to invention in this business of making artificial harbors. I do not say that, in all cases, these expenditures will be useless. No, sir, money can accomplish anything in the way of improvement. Harbors may be constructed by skill and capital, where nature seems to have forbidden the undertaking. It is only questionable whether, when we have so many fine harbors on the coast, constructed by the great Maker of all things, it is wise to drain the pockets of the people, and absorb the Treasury, in adding to their number. Let us look at the progress of this branch of the system of internal improvement, in the amount of expenditure. In the year 1835 the entire amount appropriated to these objects was $505,057. The bill which has already received the sanction of this committee provides an expenditure for the present year of nearly $700,000—[a member said $800,000;] a gentleman near me states the amount at $800,000. The bill under consideration proposes to apply $927,264 to new works, making an aggregate of upwards of $1,700,000—more than three times the amount of any former year! What amendments may yet be made to this bill I cannot foresee; but there is little hope that the amount will be reduced, unless the entire bill shall fail. Well, sir, do honorable members see nothing alarming in this? Is there no evidence here of that disposition, or rather that determination, to extravagance which I have charged? If this bill shall pass the present Congress, it will of itself lead to an expenditure of ten millions. Yes, sir, when ten millions have already been expended, in looking forward we might be cheered with the expectation that yet another ten would close up this gulf of the Treasury.

I have said that I regarded this bill as the result of a deliberate system of extravagance—of a plan for increasing the wants of the Government, and of exhausting the Treasury. Was I not right in this assertion? Look at your increased expenditures in every branch of the public service. But, sir, why descend into particulars? I affirm that your Committee of Ways and Means of this House was organized upon a principle of extravagance. Look at the composition of that committee, sir, and then tell me if it was not constituted with deep design, and expressly with a view to the largest expenditure for which a pretext could be found, in every branch of the public service. Was there ever such a Committee of Ways and Means appointed in this House? Was there ever a more palpable desertion of the principle of representation—a more shameful abandonment of the interests of the entire interior of the country? Who are the members of this committee? At the head of the list we find the gentleman from New York, [Mr. CAMBRELENG,] representing the largest city in the Union, deeply interested in the largest expenditures upon the Navy, upon fortifications, and public works of every description. Next we find the gentleman from Baltimore, [Mr. MCKIM,] the representative of similar interests, and nearly to as great an extent. Next we have the gentleman from Virginia, [Mr. LOYALL,] who represents the Norfolk, or rather the Gosport district, in which, besides a navy-yard, which may be made to exhaust any amount of money, has within its limits two fortifications, which have already cost the Government nearly $3,000,000, but are worth—really worth—scarcely one cent in the way of protection; yet they are annually the objects of large appropriations. We next pass to the distinguished gentleman from Maine, [Mr. SMITH;] I say distinguished, because he is distinguished as a gentleman of business habits and intelligence, as a member of this House. This gentleman represents a sea-port also, (Portland,) upon a coast of numerous harbors and inlets, all of which could be greatly improved by money, and all of which might plausibly demand to be fortified. We next arrive at my friend from Massachusetts, [Mr. LAWRENCE,] who represents Boston, a place deeply interested in large expenditures upon the Navy and fortifications. The next on the list is the learned gentleman from Pennsylvania, [Mr. INGERSOLL.] He, too, like the five already noticed, represents a large commercial city, having all the interests, to a great extent, that the others have, in large expenditures. Last on the list is the gentleman from Georgia, [Mr. OWENS.] He also represents a large and important commercial city, (Savannah,) and, like the rest, having a deep interest in large expenditures. Well, sir, to represent the interests of the interior, and of economy, we have two gentlemen, one from Ohio, [Mr. CORWIN,] and one from Tennessee, [Mr. JOHNSON;] two against seven! Seven members of the committee representing districts on the sea-board! I wish every one to draw his own conclusions, but I have seen enough in the action of this House, in the course of the session, to corroborate the inference I have drawn from the peculiar organization of this committee! I must not be understood to impute either a want of integrity or patriotism to the members of this committee. I respect all the gentlemen whom I have described as the representatives of districts on the sea-board. But they are bound, from the very nature of our representative system, to have opinions in common with their constituents, especially upon this subject of expenditures; and I repeat, that this committee was organized upon a principle of increased and extravagant expenditure.

It would seem that this bill is intended to lay the foundation of a permanent system of expenditures of this nature. The preamble alarms me. It is new to me. The annunciation of purpose is imposing and high-sounding, and denotes design —"to provide for the protection of the commerce and navigation of the United States." The protection of the commerce of the United States! Would not that grand object embrace improvements in the interior as well as upon the exterior boundary of the country? This Government is authorized by the Constitution to extend the same degree of protection to the inland commerce that it may to foreign trade. The power in the one case is conveyed in the same language that is used in the other; yet all the improvements proposed by this bill are upon the exterior boundary of the Union. I know it may be said that improvements of the interior channels of communication and trade may be properly included in a distinct bill. That is true, and such has been the practice, to some extent. But to what will this lead in the end? Without doubt, to a perpetual struggle between the States of the interior and the States upon the lake and sea-coast, for an equality of benefits—of expenditures that would exhaust the revenues of any country.

But in connection with this view of the subject, consider for a moment the monstrous—I will not say intolerable—inequality of this system of improvement; for, if I were compelled to the act, I might submit to much greater, rather than break up this Union. But is it fair, is it just, necessary, or reasonable that this inequality shall exist? Some of the large States in these bills receive $50,000, some others $100,000, and one large State (New York) will receive upwards of $200,000 this year, to be expended within its limits, and upon objects calculated to increase its relative advantages over the other States of the Union, while other States do not receive one cent; and this inequality is to be established forever! It cannot be. The States of the interior must look to their interest; they will look to their interests if this system goes on, to what ever extreme it may lead. My friend from Virginia [Mr. WISE] said, on yesterday, that there will be no more appropriations for these improvements; that there will be an end of all such works now, since we passed the deposit bill. Well, sir, ought this result to be lamented if it shall turn out to be one of the effects of that bill, which is practically a bill for the distribution of the surplus of the Treasury? Ought the passage of that bill to be deprecated, because it may terminate a system of improvement, which from the relative locality of the States, must, after all, be unequal and productive of great discontent, and the most wasteful expenditure of the public treasure? Sir, if that bill shall effect no other good but this, it will well deserve the support and approbation of the public. The States, having the means, will be much better judges of the importance of improvements within their limits; and they will be generally more econominal and judicious in the management of them than this Government can be. Each one will expend no more than its due proportion, and none will have cause to complain. We shall at the same time escape the disgraceful combinations by which these bills effect their passage through this House. My friend from Virginia also thinks that another effect of the distribution of the surplus will be to revive and uphold the American system, to increase the tariff, and to sustain an extensive system of improvements by the States. The gentleman must have forgotten that the feature in the system to which he alludes —I mean the American system, which was thought to be most dangerous, and promised to be most effective in giving it permanency—was the inequality of the distribution of the revenue produced by a high tariff. The States of the Northwest, which were new and susceptible of improvement to any extent, were expected to combine with the manufacturing States, and secure to themselves all, or nearly all, the benefits of the united interests of the system. The States of the West were to have the money expended within their limits, which was paid into the Treasury by the people of all the States; and in this result the South was expected to continue to pay, while others received as well as paid. It was the inequality of the benefits which was expected to give permanence to the system. Where all receive in an equal degree there is a community of interest in opposing unjust and unreasonable taxation. My friend also contends that the practice of distribution will cripple the operations of this Government; that it will be stripped to *the bare poles*. The argument is that the avarice of the States, and the desire to increase the funds at their disposal, will prevent the necessary appropriations for the support of the General Government. Not so, sir. If it be true that the States shall feel a deep interest in a system of distribution, in order to effect these great purposes of education and improvement, the first duties of the local government, it argues but little foresight or wisdom in them to suppose that they would consent to weaken this Government in any of its essential powers. To enable the Federal Government to raise a large revenue from the customs, or to enable it to preserve and husband the public lands as a source of revenue, all its necessary powers must be maintained in due vigor, and this the States will be ready enough to concede. We must have a sufficient Army and Navy, and our

civil establishment is never likely to be too small for the service.

My friend also laid down another proposition, in which, I think, he was mistaken. He remarked, in relation to the abuses growing out of the condition of the Treasury, and to the remedy that had been provided for them by the bill for distributing the surplus, that they were both evils; and the difference between them was, that the one might be reduced to a system, and the other never could. The experience of all Governments—the history of the world is against the correctness of this conclusion. A Government never goes backward in expenditures and extravagance. Great and expensive establishments are never reduced under any Government, except sometimes at the close of a war a military establishment may be reduced; but, sir, as a general principle, the progress of expenditure and profusion in any Government is continued and forward, and revolution alone can terminate it.

Mr. WISE inquired if his friend from Tennessee understood him to advance a different proposition.

Mr. BELL said he did.

Mr. WISE then explained, and stated that his argument was that the present insecure and anomalous condition of the public deposits could not be reduced to a system.

Mr. BELL. I am glad to find that I did my friend injustice in the inference I had drawn from his remarks, but I must take leave to say that I think the greater evil to be remedied—much the greater calamity which threatened to befall the country by reason of the existing state of the public Treasury, was an increased number of public officers—increased naval and military establishments—an undue increase of Government patronage—and a profuse and profligate waste of the public treasure in every department of the public service; this, sir, was the true disease which called for a prompt and efficient cure. I trust, and confidently believe, that the distribution of the existing surplus in the Treasury will effect this great purpose. I shall be grievously disappointed if we do not, in a very short time, find the country roused to inquiry in regard to the public expenditures, in such a manner as to give increased efficiency to the Government by salutary curtailments, while, at the same time, the necessary supplies for the support of Government will be liberally granted. I am surprised to find that any gentleman who claims to belong to the State-rights school should be opposed to this measure of distribution. Why should they be alarmed at the prospect of adding strength and importance to the States? To do this has, heretofore, been the great aim and the object of most solicitude to the State-rights party. How to reduce the power of the Federal Government has, heretofore, been the great desideratum with that party. It sounds strange to my ears to hear objections from that quarter to the late decisive measure of this House in relation to the surplus.

But, sir, I must again revert to what I consider the first and chief good which we may hope will grow out of this measure—the reduction and limitation of the expenditures and patronage of this Government. We have had some experience already of the disastrous, the ruinous consequences of an overflowing Treasury. Look at your more than *doubled* appropriations for the present year; your Indian wars, and the enormous expenditures required to carry them on! If the late measure shall have all the effect which I anticipate from it, we shall soon see a spirit of inquiry into every abuse of the Government spreading itself over the country. The true measure of supply for the support of Government, and the various public establishments will be estimated. The utility of the public works proposed to be constructed will receive its due share of attention, and no longer be regarded as subordinate to the mere object of expenditure. We shall no longer be carelessly and recklessly exposed to the hazard of foreign war, nor to savage massacre in multiplied Indian hostilities, because our resources are felt to be ample for any emergency, and our Treasury is known to be redundant. Sir, I repeat the idea, that our Indian wars have resulted from a sense of the vast powers and resources of this Government and the abuse of its patronage. While an indifference and even contempt of an Indian war continue to be felt by the Government, neither the vigilance, nor precaution, nor the energy necessary to prevent hostilities, will be applied. Sir, is it not true that Indian wars have been raging within the last six months, which have cost the lives of hundreds of our citizens, and will cost the Government more than ten millions of money, and which have never yet been thought worthy of a communication to Congress by the President? Sir, I congratulate the country that we may look forward with confidence to the time when there will be some responsibility felt by our public servants, and some accountability exacted from them by the people.

The passage of the bill for the distribution of the surplus revenue among the States has been attributed to various causes of a political nature. The true cause of the great and unexpected favor which that bill found in this House is to be found in the unexampled spirit of extravagance manifested, throughout the session, in the appropriations and public expenditures of every kind. Strange, therefore, and paradoxical as it may appear, the Committee of Ways and Means, or rather the chairman of that committee, who has repeatedly avowed himself against it, is yet entitled to the chief merit in passing it. This credit he is justly entitled to, and the country will, no doubt, duly appreciate his services.

We are now, Mr. Chairman, near the close of a parliamentary year, one of the most eventful in our history, and one that must be long felt and remembered for good or for evil, in the further progress of this Government. I wish I could consume the time necessary to a review of all the most remarkable measures and incidents which have distinguished our proceedings during the present session. Such a review from some one more competent than myself would be a public benefit. I cannot refrain from adverting for one moment to the extraordinary disorder and constant violation of all sound parliamentary rule and practice which has prevailed throughout the session. Every member must feel that the character of the House has been deeply affected by those circumstances, in the opinion of the public. Another session of equal length and disorder must end in disorganization, or vest the entire actual power of the Government in the hands of the Executive. If public respect and public confidence shall be lost in the House of Representatives, we shall no longer have it in our power to boast of a free Government. I would not be understood as charging all the disorders of the session to the presiding officer of this House; he, it is true, must come in for his share of responsibility; but to the House itself must attach the greater reproach. It is the absence of a proper regard for the propriety and the order of our proceedings in the members of the House themselves, which alone can account for those repeated scenes of disorder, and the utter contempt for all the laws established by long parliamentary practice, so often manifested in the course of this session.

I do not wish to discriminate between parties in these observations. It is a subject which ought to be felt as far above party feeling and influence. It concerns every patriot of every party to turn his attention to the correction of the evil. I cannot but remember, however, that during the whole period of the session, there has been a labored effort, through the columns of the Government journal, (the Globe,) to identify me, humble as I am, with all the disorders and abuses of the session. I have been constantly held up to the public as an agitator, a disorganizer, and one who deliberately sought to thwart the business of the House, and especially to embarrass the Speaker. That there is great injustice in this charge, that a more gross and unfounded calumny never was propagated, I appeal to the impartial of all parties in this House.

In a late number of the Globe, an article appeared, headed "*Confession of the Leader of the White Party,*" and in the body of the article I was represented as having stated in a speech, that "the minority of the House were tyrannized over, and they were naturally in a refractory, restless, and perturbed condition; and, if they could not be heard orderly, they would do so disorderly." The editor did me over honor in assigning me the rank of leader of the White party; but the injustice of the falsehood of the charge I have stated was felt by every member of the House who heard my remarks in the debate referred to in the Globe. It is true I stated in that debate, that the minority were tyrannized over in the House; that in the proceedings of a former day they had been compelled to act—to vote—and yet their lips were sealed, by the decision of the Chair, against utterance of complaint or explanation; that they had only desired to state a fact, which had been misstated from the chair, but that too was denied them: that to add to the injustice and tyranny of the proceeding, the Globe came out a morning or two after with an article, in which the question was falsely stated, and the most unworthy and disgraceful motives ascribed to every individual, but one, who voted in the minority. It was such injustice, such tyranny as this, which I said naturally tended to produce restlessness, and a violent temper in the minority; and for this reason I invoked a spirit of forbearance and moderation on the part of the Chair, and the majority of the House, towards the minority. But, sir, so far was I from giving my countenance and support to the course of the gentlemen who refused to vote when their names were called upon the resolution of the gentleman from South Carolina, [Mr. PINCKNEY,] that I stated, explicitly and expressly, if the House passed a vote not to excuse them, and they should, in contempt of the authority of the House, refuse to do so, I should feel myself bound, in vindication of the necessary power of the House, to vote their expulsion from this body, as painful as it might be to my feelings on personal grounds.

In another and later article of the same journal, the minority in the House are charged with having resorted to "every expedient" to thwart the public business; and I am specially referred to as having contributed largely to this object. I take this occasion to say, that every charge of this nature is without the slightest foundation in truth. It is due to myself that I should also avail myself of this occasion to say, that, in regard to the proposition to abolish slavery in this District, and the abolition question generally, I differed with many of my friends in this House, as they very well know, as to the most judicious mode of managing it. In all the discussions which have taken place upon that subject, I have been generally silent; and when I had occasion to take some part in the incidental questions which have grown out of it in the progress of the session, it will be recollected by the members of the House I sought to allay, rather than increase excitement; though I could not agree with the moderate party in all their views of that question, nor could I vote with those who sought to suppress all discussion by a violation of the right of speech in this House. As to the other expedients for exhausting the time and thwarting the business of the House, I affirm that, upon no occasion, and in no instance, have I lent myself to any such purpose. In the whole course of the session, I do not remember that I have demanded the yeas and nays but once; and that was upon the resolution I offered changing the hour at which this House should meet in the morning, from twelve to eleven o'clock.

But, sir, the wide range of debate indulged in by me, and the time I consumed in the discussion of the naval appropriation bill, has been the pretext for the grossest misrepresentation. As humble an individual as I may be, it has been my fortune within the last year or two to have been the object of the most bitter and unqualified denunciation and calumny by the leading journals in the interest of the party in power. I have, at the same time, been the object of unremitted attack and denunciation by those who occupy the highest stations in the Government. My support of a distinguished Senator from Tennessee for the Presidency has been ascribed to the most unworthy private motives; and every ground of public principle or public interest, in justification, has been denied. Sir, these attacks and these misrepresentations have been continued up to this day. It was natural that, upon the meeting of Congress, I should seek the earliest opportunity of giving an exposition of my course, and the

motives which led to it; or at least to show that the friends of Judge White were at issue with those of the Vice President (Mr. Van Buren) in regard to principles of the highest grade and importance. Well, sir, I sat in my seat from the first of the session, and waited patiently for an occasion upon which I could properly, and without seeming to trespass upon any rule of order or propriety, make the remarks which my feelings and judgment both dictated as proper. I had resolutions drawn up which embodied all the propositions I was desirous of establishing; but, sir, no privilege was allowed me of offering them. It is an extraordinary fact, and it is as unprecedented as it is extraordinary, that no member, from the first of the session to this day, has been at liberty to offer a proposition of any kind to the House, without the consent of two thirds of the members. The appropriation bills came up in January, but I declined going into an extended discussion of them at that time, upon the ground, as I then expressly avowed, that I was unwilling to delay the passage of the bills while there was the remotest prospect of a war with France. But when the naval appropriation bill came up for consideration, about the middle of March, and after the cloud of war which had lowered for a season upon the eastern horizon had passed away, I availed myself of an undoubted parliamentary privilege to discuss fully every question I thought proper to bring to the notice of the House, and of the country. But this, again, became the pretext for renewed attacks.

After having my lips sealed for four months by the artful and arbitrary course of proceeding of the House, when I at last seized a proper occasion for the expression of my views, I was not only assailed for this act in the most gross and offensive manner by the official paper of this city, but I was made the subject of repeated attacks in this House. A deliberate attempt was made to insult me by a movement in the House at the close of the discussion upon the naval bill, under circumstances which left me no redress. Those who advised and originated that movement did not dare to show themselves, nor will they. For that speech I have been a standing object of reference and insult by a member from New York, [Mr. MANN.] A member from North Carolina, [Mr. SPEIGHT,] after having been absent a great part of the session, signalized his return to his duty here by spying out the condition of the House at one time when I was speaking, but not supposing that he had sufficiently propitiated those who have the power and the will to reward such *services*, by catering for the columns of the Globe, he traveled out of his path upon another occasion, with a view to furnish fresh matter of comment upon the subject of my speech upon the bill alluded to. I suppose the gentleman may now feel sure of his aim.

But, sir, besides these instances of gross personal attack in this House, a number of gentlemen followed me in the course of the discussion, both upon the naval bill, and fortification bill which succeeded it, many of whom grossly misrepresented my arguments, and some of whom assailed my motives; but, out of respect for the wishes of the House, and to avoid any just ground to suppose that I desired to delay the business of the House by repeated replies and interruptions, I have forborne to answer or notice what has been said. But we are now drawing near the close of the session, and I appeal to the liberal and generous feelings of honorable members whether I may not be permitted to reply to so many and such repeated attacks and misrepresentations. [Cries of "Go on!"]

Against the gentleman from Virginia, [Mr. GARLAND,] who followed me in the debate already alluded to, I have no complaint to make, except that in his speech, as it is printed, and no doubt as it was spoken also, he has stated that eleven members of the Tennessee delegation in Congress, of which I was one, held a meeting, and that "they intended to nominate and recommend a candidate for the Presidency, and did so."

Mr. GARLAND said that he certainly did not intend to misrepresent the motives or objects of the meeting alluded to.

Mr. BELL. I know the gentleman did not intend any such thing, for his liberality and courtesy were too manifest throughout his speech to admit such an inference; but I wish now to correct the impression under which he made that statement, by declaring that the Tennessee delegation, at the meeting alluded to, neither intended, nor did they nominate a candidate for the Presidency—nor did they even recommend one to the consideration of the people. The next gentleman who did me the honor to notice my remarks was the gentleman from Maine, [Mr. JARVIS.] That gentleman said, in alluding to me and my course as a member of this House, "that having seen in the public journals, during the last year, while he was canvassing for reëlection, the professions of his attachment to the Administration, I was not prepared for his opposition." The insinuation is, that I obtained my seat here by professing an attachment to an Administration which I did not feel. I deny that I have ever, upon any occasion, or for any purpose, professed a greater attachment to the Administration than I have manifested upon this floor, by anything I have either said or done. I consider the man who could practice such a deception upon the people, with a view to a seat here, as unworthy to occupy one. But the charge insinuated against me is false in every particular. I deny that the gentleman from Maine saw in the public journals any professions of attachment made by me, of the nature he leaves it to be inferred he did, during the last year. The gentleman also significantly inquires, "Whence the sudden flood of light which has gushed upon his benighted eyeballs, disclosing deformity, where all before was fair?" I answer the gentleman, by affirming that the time never was when I regarded all as either fair or defensible in the conduct of this Administration, as he will find by my votes on many questions, at an early period of its existence. The gentleman does me willful injustice in imputing to me general opposition to the Administration. There is no one principle, nor any one measure of general policy, identified, in any manner with this Administration, and which I have heretofore supported, which I do not now support. But I am willing to answer the gentleman with more candor upon this point than he makes the charge. It is the party association to which he belongs that I have refused to support. It is the party which claims to be the Jackson party; and it is my opposition to this party which has surprised the gentleman; and if he would know why I will not coöperate with them, I answer, because this party which now claims to be the Republican party, is no more like the true old Republican party in the United States, than the semblance is like the reality.

A gentleman from New York [Mr. VANDERPOEL] next made some allusions to my course, which require notice. "In the tremendous conflict," said the gentleman, "of the panic session, where was the eloquent and potential voice of the gentleman who represented the Hermitage district?" I was, he continued, "for all the purposes of vindication, as mute as the grave, and much to the wonderment of many gentlemen." If the gentleman had quoted more fully from the columns of that journal from which he must have imbibed the spirit of his remarks, he would have furnished the solution of what he affects to consider a mystery, as given by the editor; and he might, with equal propriety, have adopted the entire slander. The gentleman speaks in perfect consistency with the principles of his party, when he makes the support and praise of General Jackson the true test of patriotism and merit upon every question. But I am surprised that the gentleman from New York should feel at any loss in accounting for my course upon the removal of the deposits; he ought to know that there were sufficient reasons for my course in the character of the measure. But, sir, lest he should be left in ignorance, I will inform him that I happened to know rather too much in relation to the objects and means employed in bringing about that measure. I beg leave to say that I had no information from any high official source, nor from any other of which it is improper for me to speak; but I did know quite too much about the necessity which was supposed to exist for drawing a party line, especially after the delivery of a certain speech at Pittsburg.* I happened to be too well informed of the intrigues by which that measure was brought about; and I am not surprised that three of the gentlemen who had a leading influence in the matter now fill three of the highest stations under the Government. Will the gentleman be satisfied with this answer?

I come now, sir, to notice the remarks of the gentleman from Georgia, [Mr. TOWNS,] as I find them in a printed speech, which has been very widely circulated. I must say that the gentleman has surprised me by the general tenor of that part of his printed speech in which he professes to reply to me. I cannot conceive of any personal motive which the gentleman could be actuated by; and I am quite sure that no public consideration could have been so urgent as to call for a representation of my course and my remarks so entirely different from both. The gentleman charges me, in pretty plain terms, with having calumniated the majority of the House; and that I "make them more servile, dishonored, and disgraced than slaves." I deny that I have ever imputed such qualities to the members of this House. When I said that if the President had willed that there should be war with France, war we must have had, whatever might be the private opinions of members, I did so in express reference to party obligations, and to the nature of the pledges under which the members of Congress were elected in these times of high party excitement; and that was, unqualified support of General Jackson and his administration. I have the happiness to know that, although I spoke with the greatest allowable freedom, many of the most respectable members of the majority acknowledged that I did not fail in the respect and courtesy which are always due to this House and its members. Sir, whatever I may have thought, whatever I may now think, of individual members of the majority, I am gratified to be able to say that a large portion of them are very far from deserving the character which I have been made to give them. But since the gentleman has become the champion, and volunteered in defense of the party to which he belongs against all charges of a want of independence, I would like to know how he has entitled himself to this pre-eminence among his fellows? By what single act of independence has he asserted his title to the rank which he assumed? I know of none; and, therefore, if I had actually made the charge against him which he alleges I made against the majority of the House, he would have had no cause to complain. The gentleman remarks in another part of his speech, in speaking of the supporters of Judge White, that he has "never yet heard an avowal of their creed." "I do not know," he continues, "the principles they profess." I will let the gentleman into the light of some of them before I sit down.

The gentleman from Georgia, in his printed speech, represents that the distinction I had drawn between a caucus and the meeting of the Tennessee delegation in December, 1834, was, "that there was no regular notice given" of the latter; that "there was no chairman, no secretary, no record or minutes kept," leaving it to be inferred that a nomination of a candidate was both intended and actually made. Reference is so often made to this meeting, and so many misrepresentations of the objects of it are abroad, that I will take this occasion to state the real object and character of the meeting. I have already stated that no nomination was made by that meeting, and I now aver that it was the unanimous opinion of the meeting that no nomination should be made. Even the letter, addressed some days afterwards by a portion of the delegation to Judge White, was not resolved upon at that meeting. [Mr. STANDEFER said it was not spoken of.] My colleague reminds me that it was not spoken of at the meeting. I now state, for the information of all whom it may concern, that that meeting was the result of the insinuations and affected doubts of a small number of the delegation, in relation

* I ought to have said, after the peace and harmony of the Union was preserved by the compromise tariff bill, and especially after the delivery of a certain speech at Pittsburg.

to the course of some of their colleagues who were more honest and candid than themselves. The meeting was gotten up, in fact, though not avowedly, to solve these doubts, and to test the views of those whose sincerity had been questioned. Well, sir, the meeting took place, and was attended by myself and all my colleagues, except three of the House, and one of the Senate who was expected to attend. In the meeting there appeared to be no disguise or equivocation on the part of those who had, without their knowledge of the object, been brought there to ascertain their real sentiments. They frankly, and without hesitation, avowed their preference for Judge White, and their determination to support him. The next day, to the astonishment of every member of the delegation but themselves, the two gentlemen, one a member of the House and the other of the Senate, whose suggestions had actually brought about the meeting, together with another of their colleagues who attended the meeting, openly changed their ground, after having but the day before expressed an unqualified intention to support Judge White; and two of these gentlemen, [Messrs. POLK and GRUNDY,] sir, are at this moment in the enjoyment of the rewards of their hypocrisy and their treachery to their colleagues.

The gentleman from Georgia, in another part of his speech, makes the following statement and reference to me:

"Of all charges that have been made against the President, and the party in support of his Administration, whether from false friends or open enemies, it has been reserved to the gentleman from Tennessee to go to a full bar's length beyond the limits of the most daring, and at one stroke of the pencil to draw the tyrant, the usurper, the crouching sycophant, and the degraded menial."

"Could that venerable old man, under whose paternal wing the member from Tennessee has no doubt often felt his greatest security, utter one word of complaint for the injustice done him, might he not, in the language of the poet, exclaim—

"'The arrow that deepest in my bosom went,
Flew from the bow pretended friendship bent.'"

Now, sir, all this is mere fancy work, and no one fact, either openly stated or covertly insinuated, in the remarks I have quoted from the gentleman's speech, is founded in truth. The imputation upon my course towards the President, I regard as dishonorable in the last degree; and if I felt myself capable of such baseness, I should think myself unworthy of a seat in this House. Whatever I may have thought, or however much opposed to some of the measures and conduct of General Jackson, I have always left it to his *enemies* to abuse him. Neither in my late speech, nor upon any other occasion, have I said that he was either a tyrant, a usurper, a crouching sycophant, or a degraded slave. The crouching sycophant or the degraded slave it is impossible that General Jackson should ever be. He may be the master of *slaves* and *menials*, but nature has disqualified him from becoming one himself. The gentleman must have had some other person in view when he drew the picture of the false, ungrateful, and pretended friend; or he must have derived his information in relation to my course from some one who is utterly reckless of the truth of what he stated. He doubtless had in his mind some one of that throng who have been blown into repute and place of late, only in consequence of their unqualified, unscrupulous praise of General Jackson. But, sir, great as General Jackson is, eminent as he is in rank, in station, and in the public mind, he is still but a man; and I have never yet bowed myself down below the level of a man to win his favor, or that of any other man. My services to him, too, have always gone beyond my professions, both here and before the people. I will also say to the gentleman, that I never yet could bring myself to deal in eulogies upon any man in power. The highest rewards he could bestow I would regard as too small for such service. The gentleman from Georgia could not have been more unfortunate in the invention of a charge to make against me than he has been in representing me as receiving protection and security under the "paternal wing" of the President. Sir, I venerate the President for his years; and the eminent service he has done his country upon many occasions; yet I must say, in justice to myself, that I never sought and never received protection or advancement from him. Though I would not volunteer the declaration, yet, since this occasion is accidentally afforded me, I must say further, that I feel a just pride, considering the circumstances of my present position, in being able to state that, in every contest in which I have been concerned, whether before the people, or in this House, I have ever found the President my most powerful opponent.

Here, sir, I should close my remarks, but I have promised that, before I sit down, I would give some explanation of the grounds and principles upon which those with whom I act in this House, and out of it, have taken their course in relation to the succession. I am also too deeply persuaded that the crisis demands the fullest development in the power of any and every one to give of the dangers which at present beset us.

If ever there was a time in the history of this country which called—imperiously called—for the discussion and settlement in this place, in this Hall of the Representatives of the nation, of great and fundamental principles—principles intimately and indissolubly connected with the liberties and happiness of this people, the stability and successful action of our happy system of Government—it is at the present juncture. Precedents and doctrines are being established and ingrafted, not only in the public administration of the Government, but in the minds of the people—upon public sentiment, subversive, in my judgment, of the first and most cherished principles of our Government; precedents and doctrines destructive of all the securities provided in the Constitution for the preservation of a free representative Government; precedents and doctrines at war with all that has heretofore been regarded as fundamental and organic in the very existence of a free Government.

It is not only consolidation which is menaced, but a consolidation which ought to be equally odious to the Federalist and the Republican; a consolidation of the most offensive and revolting nature to the feelings and judgment of every freeman, who is not already become callous to every sentiment associated with the name of a republic—of liberty; who is not already dead to all the cherished recollections of the past, and all the inspiring hopes of the future. Sir, ordinary consolidation, the idea of which has heretofore been sufficient to excite the fears of many of the most unquestioned patriots of the land, was nothing more than the concentration of all the powers of sovereignty in the Federal Government, of which Congress might still be regarded as a respected, independent, and efficient department. The idea that the representatives of every part of the Union would still annually assemble to deliberate, with the spirit and independence of freemen, upon all the great interests of the nation, though the State authorities and Government might fall into disuse or contempt, constituted some security against the worst that might happen under such a state of things; but the consolidation which is now threatened, through the influence of party machinery, and the new doctrines which are becoming prevalent in regard to the uses to which Government patronage may be properly applied, leads not only to a concentration of all the powers of sovereignty in the Federal head, but in a single branch of the National Government—in the Executive. Congress, in all things but in name, is to be annihilated. The two Houses of that body are to be controlled by the same means, by the use of the same party machinery, that make and control the President himself. A political joint-stock company, acting through the President as their agent, is intended to rule the whole; and rule it will, until some future President, more ambitious than the past, shall apply the whole capital of the company, of which he is only the trustee, to his own use, and spurn from his favor the disciplined corps which brought him into power, as having no more right to rule jointly with him than he has to govern alone; and thus drops the curtain forever upon what may afterwards be denominated the farce of American liberty!

But there is a point of delicacy which I must notice before I proceed further with this branch of my remarks. I shall be forced to speak freely of the course of the President in the remarks which I propose to submit. I know that a sort of morbid jealousy and sensibility in relation to everything which may be construed into an attack upon the President, is the natural feeling of a House of Representatives composed chiefly of his friends and supporters. The danger is that this party interest which exists to repel everything that savors of an attack upon him, may, and will, lead to a spirit of intolerance, and often to a total suppression of all free discussion and inquiry into his conduct. This disposition to intolerance is greatly increased when a President, like the present one, is not only supported by a large majority in this House, but is, besides, a great popular favorite. Yet, it is precisely at such a period that free and rigid inquiry and investigation are of the greatest importance to the public interest. It is at such a time only that Congress can show itself to be the true and fearless and faithful guardian of the public liberty. During an unpopular Administration, neither courage nor industry nor zeal is wanting to execute the task of inquiry into Executive conduct or abuses. All are ready to discharge a duty which is popular, and in which there is no peril. But it is the duty of this House, under all Administrations, whether popular or otherwise, to lend a ready ear to discussions and investigations which relate to Executive conduct, power, and influence.

But, sir, I am not certain if an opinion is not becoming prevalent, for want of proper reflection and inquiry, that the President is in no way responsible to this House for anything he may do; that he is an independent coördinate department of the Government, who is responsible to "his constituents"—to the people; and that we have only to attend to our ordinary duties as members of the legislative branch of the Government; and to take care to be able to answer to the people for our own conduct, without undertaking to question the propriety of what the President has done or may do. I say I am not sure if such a sentiment is not becoming common in the country; and I almost blush to think that such a feeling is not altogether unknown in this House. Sir, it is a great mistake, and may be the source of many errors and of great mischief to the country. The Executive chief of the Government is responsible, not only to his constituents—the people—but he is responsible to this House; and this is a part of the theory of this Government which should never be lost sight of. It is true that the idea, which has grown up of late, of the total independence of the President on this House, has become so common, that I am certain if the bare suggestion of the constitutional duties and powers of this House will not excite surprise, and startle the more devoted friends of the President. But it is fit that we should not lose all recollection of our powers and privileges. It will have some good effect to make continual claim to our constitutional powers, though we may not think proper to exercise them. I will then take leave to repeat, that the President is responsible to this House, in the only way that he could be made so, without depriving him of the shadow of independence as the head of a separate department of the Government—and that is by impeachment. Ay, sir, the President may not only be impeached by this House, but it is its bounden and sacred duty actually to impeach him for adequate cause. I do not mean to say that the present incumbent ought to be impeached, but I would have this House to be familiar in the knowledge of its powers. The day may come, in the progress of this Government, when a great example will have to be given to the country of the spirit and power of this House; or the Executive, instead of becoming independent only of this House, will actually govern it and the people into the bargain. Sir, the Constitution did not mean that, because the people, by their voice, may elevate a man to the Presidency, they do thereby sanction, in advance, and engage to submit to, all that he may do in the four years of his term of service. On the contrary, it supposes that a President thus chosen may abuse his powers, and deserve to be removed from office; and the duty of supervising his conduct is given to this House. Yes, sir, we are the

constitutional supervisors and overseers of the conduct of the Executive.

Having made these preliminary remarks, I proceed to the subject I am most desirous to bring to the notice of Congress and of the country. I allude to the subject of Executive and official interference in elections, and the consequent abuse of Executive patronage. I regard this as the subject, of all others, demanding the greatest attention and scrutiny at the present juncture. It is too late to attempt any remedy by legal enactments at the present session of Congress, but it is not too late to invoke the attention of the country to the existence of the evil, and consequences which must grow out of the toleration of it. We can prepare the public mind for future action upon this subject, if we can do no more. I shall proceed at once to speak of the course of the highest officer in the Government, in connection with this subject—of the President—of him who holds the power of appointment of all other officers in his hands, and whose duty it is, under the Constitution, to supervise their conduct, and, as the guardian of the public liberty and of the Constitution, to see that they did not step aside from their official duties, and improperly interfere with the freedom of the elective franchise. If he whose duty it is to watch over and control the conduct of all subordinate officers in this respect, shall himself set the example of interference; if he shall lead the way, and become the first in zeal and activity, as he is first in authority and rank, in carrying the election of a favorite candidate for the succession, it will be in vain that we discuss; it will be in vain that we shall devise legal restraints upon the conduct of subordinate officers. If the Executive head of the Government may *properly* interfere in elections, it is decisive of the whole question; and whatever we may do, whatever we may enact, will not be worth the parchment upon which our proceedings are recorded.

I am aware that I am treading upon delicate ground in venturing to speak at all of the President in connection with this subject. I know that there are many in this country, and for aught I know in this House, who regard as a sort of holy ground that upon which I am about to tread, and that the shoes should be put from off our feet before we dare to intrude upon it; but this, thank God, is not a part of my superstition. I am aware, at the same time, of the difficulty of my position in speaking as I shall have occasion to do of the present Chief Magistrate. It requires some power of discrimination, not ordinarily possessed, to discriminate between the support of a President and his Administration, so far as regards measures properly of an administrative nature, and the measure and conduct of the same Administration in regard to subjects and objects not in any manner connected with official duty. I have supported General Jackson's administration in most of its prominent and leading measures, as I have demonstrated during the present session, and I expect still to do so; but I have opposed, and I expect to continue to oppose, a certain scheme of policy of his, in relation to the succession to the Presidency, in nowise constituting a part of his official duties. But for this opposition I have been constantly assailed in this House for having changed my party and my politics; and for the same reason the cry of anti-Jacksonism is raised against me out of this House, by every unprincipled partisan and partisan press throughout the country. But while I am conscious of standing upon the same ground, and that I am this day supporting the same principles which I avowed and acted upon from the first moment I had the honor of a seat in this House, neither ignorance nor prejudice on the one hand, nor artifice nor falsehood on the other, shall deter me from doing what I conceive to be my duty. Let no one say, then, that in what I am about to advance upon this subject I am attacking General Jackson, or that I mean to make an issue with him, or that I seek to overthrow his administration. I am too well convinced of his great popularity and influence to suppose that any such attempt would succeed, if I were disposed to make it. My attack (if what I shall say shall be held in the light of an attack at all) will be upon that party and those party leaders who have pushed him far in advance upon this subject, and upon every occasion when there was the least danger. The blows which I shall deal will be aimed and dealt upon them; and if he shall feel the force of any of them, it will be the necessary result of his position, and not of any purpose of mine. For one, sir, I do not mean to relinquish my privilege, my right, and my duty to the country, in opposing the election of any man or party to power, because he or they shall by artifice have so contrived it, that every indignant rebuke of his or their principles and conduct must have some reference to the course of a great popular favorite.

I have said that if the President may properly interfere in elections, it will be of no use to provide a remedy against the interference of subordinate officers. I use the term *properly* advisedly; for the question now is, not whether the President has interfered, but whether it is safe and proper that he should do so.

I need scarcely tell this House that the President has interfered in elections. It is well known, I presume, to every member of this House, that the interest felt by the President in the election of a particular individual (Mr. Van Buren) to succeed him in the Executive chair, has, within the last fifteen months, been made known to the country in a variety of ways. This has been done with the decision and boldness characteristic of the man in all his great undertakings. It is not so well or so generally known that the President has, in some of the States at least, interfered in the election of members of both Houses of Congress. The most decisive and unequivocal proofs exist of such interference. That I may not be misunderstood, I will state the nature of the interference to which I allude. The most common mode of interference adopted by the President has been the distribution of an unusual and extraordinary number of newspapers under his frank, containing the most virulent and inflammatory attacks upon the character and conduct of particular candidates! Another mode was, by writing letters under his own signature to various individuals, in which candidates opposed to the election of Mr. Van Buren were denounced, and the motives of their conduct impugned. These letters were, in general, industriously circulated, and, as it was understood and believed, without incurring the censure of the President. In one case, such a letter was written to an officer or agent in the service of the Government, and by him freely communicated. In another instance, such a letter was actually and frequently read from the hustings by a candidate for Congress, to large assemblies of the people. Of all these facts the proofs are now in my possession, or in the knowledge of members of this House; and they will be produced, if any gentleman upon this floor shall question any part of my statement.

But the interference of the President in the election of a successor has, in two instances, been of so striking and peculiar a nature as to demand a separate notice. I allude to his attempt to influence the action of the Legislatures of the States of Alabama and Tennessee. Of the facts connected with the case of the Tennessee Legislature I can speak with confidence. It is due to the President to say that he practiced no disguise in his interference with the Tennessee Legislature. Letters addressed to several individual members left no doubt of his intention or object. Some of the President's friends in Tennessee supposed that the numerous franks of the President upon packages containing matter of the most violent and exceptionable kind, were procured by some artful partisan of the Vice President, without the privity of the President to the extent or character of the matter circulated under them; but to dissipate all doubt upon this point, of the three hundred newspapers transmitted to Nashville last fall, addressed to the members of the Legislature under the President's frank, the entire address or superscription of one hundred was in the well-known handwriting of the President. Those newspapers contained matter having a direct bearing upon each question of importance expected to come before the Legislature of that State connected with national politics.

I have thus given a plain statement of facts, which are undeniable. I wish it to be understood that unless these circumstances, with others of a similar nature, which might be referred to, amount to an interference in elections, I make no such charge against the President. But, sir, if this be not interference, then there can be no such thing as Executive interference. But, sir, this is direct interference. It is open, and above disguise; and the question to be hereafter decided is, whether it is allowable and proper. I have met with some respectable persons (I mean respectable for the honesty of their opinions) who, without disputing the facts, contend that the President has not done anything which he might not rightfully and properly do; that he may and ought to interfere in elections, whenever he shall think that the interest of the country will be promoted by his interference. It was from individuals only that the course of the President received any countenance. The mass even of his warmest personal friends at first sought to evade the question—to deny or paliate the facts. But now, whole communities have been brought to acquiesce in, and even to applaud the course of the Executive in this respect. Such is the power and influence of a popular name! That which a few years ago would have struck the whole community with amazement, and caused the most unscrupulous partisan to falter in his course, is now hailed and defended by thousands. But what is more to the point, this House, or a large majority of it, has given its sanction to these practices. I feel authorized to say this, from the circumstance that the main facts establishing the direct interference of the President in the election of his successor have been notorious, and have passed uncontradicted in every section of the Union for the last fifteen months, and yet the majority of this House have manifested not a mere acquiescence only, but a decided, thorough, and unequivocal zeal, in sustaining the President in all the results and objects, direct and indirect, immediate and remote, of his interference.

Sir, I beg leave to refer to one or two circumstances to show the open, avowed, and notorious character of the President's interference in the election of his successor. It will be remembered that the letter of the President to Parson Gwin, of Nashville, in which he was induced to give the sanction of his great name to the humbug of the Baltimore Convention, and to denounce every man who dared to oppose the nomination of that assembly as an enemy of the people, was defended upon the alleged ground that the editor of the Nashville Republican had claimed the President as a friend of the election of Judge White. It is equally well known that this was a mere pretext, and that the editor of that paper had done no such thing. But, if that pretext had really existed, what will be said by those who think that a sufficient reason for the President's avowal of his preference for Mr. Van Buren, to a paragraph which appeared in the New Hampshire Patriot, the standard organ of the Democracy of the East, before the Gwin letter had made its appearance in that quarter? In speaking of the prospects of Judge White, the editor of that paper affirmed that "*he* (Judge White) cannot receive the vote of Tennessee; for even there he must contend, at odds, *against the influence of the President*, Mr. Grundy, Mr. Polk, and Mr. Johnson, and the genuine Democracy of that truly Democratic State." Here we find, in one of the leading journals of the party, not only a clear sanction of the practice of interference, but an open avowal of actual interference. But it is preposterous to consume time in attempting to prove an interference, when the President's preference is known to every freeman in the twenty-four States. Was I not right, then, in saying that a majority of this House had sanctioned the practice of Executive interference—this new development in the action of this Government? It is true that this sanction has not been given in express terms. It is for that reason that I am the more anxious to press the subject; for if ever this House, upon a full view of the question, and upon due deliberation, shall give its express sanction to this practice, then all that remains for the friends of the Constitution and of the future liberties of the country to do, will be, to carry an appeal to the people for their reconsideration and readjudication.

That the President, upon full consideration, believes that he has a right, and that it is his duty

to interfere, as he has done, I have no doubt. I have as little doubt that he has arrived at this conclusion upon free and full advisement with his leading friends. He has taken his ground too broadly, and too much in the face of day, to doubt his own opinion of his right in this respect. The strongest and most effective argument which I have heard advanced among the people, in favor of the course pursued by the President, is, that it is *he*, the honest and sagacious statesman as well as warrior—it is the general opinion of his patriotic intentions which prevails—that gives all the weight to his preference for the succession, and all the countenance to his direct interference in that question, which either receives with the people. It is the more unfortunate that it is so. It is not the present contest, or the present day only, that is to be affected by this practice; it is future elections, future times, and the future destiny of the country that we should look to. It is the precedent that is most to be dreaded, and this derives a tenfold force and mischief from the great and lauded name and character of him that makes it. It is the more important that now, in his own times, and in the pride of his influence and power, that those who see, or think they see, the future disasters to the Constitution and liberties of the country which this practice will be likely to generate, should protest against, and do all that determined men can do to prevent a general acquiescence under it. I feel myself called upon to bring to bear upon this question the authorities of the greatest weight—the names of the most beloved and most illustrious men connected with the history of the country. But, first of all, I must quote the President's own opinion against himself. That General Jackson was once as zealous and as honest in his opposition to all Executive interference with elections as he is now, when in favor of the practice, I have no doubt. Without trespassing upon the time of the committee, by referring to a great deal more, I will content myself upon the present occasion, by reading the sentiment delivered by the President upon the subject of his first inaugural address, as evidence of what his opinion then was. This address was supposed, and was doubtless intended, to give some solemn assurance to the country of the fidelity of the new incumbent of the presidential chair to the main principles upon which he was brought into power.

"The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, the task of *reform*, which will require, particularly, the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands."

Alas, sir, for the dilapidations, not only of matter but of principles, which the lapse of a few years is able to effect! Here we have avowed the very principles upon which the fate of the late Administration turned—reform, and the limitation of Executive patronage to prevent undue Executive influence upon elections. So intense was the excitement of the public mind upon this subject the last two years of the late Administration, that it is my solemn conviction that, for one single act of direct interference in elections on the part of the gentleman who sits before me, [Mr. ADAMS,] he would have been impeached by this House. Yes, sir, I repeat, that for one act of interference of the nature of those which are now frequent and notorious, that gentleman would have been put upon his trial before the Senate of the United States. In proof of this, we have only to remember with what jealous vigilance every movement of the late Chief Magistrate, and of every head of a Department, was watched by their opponents. Why, sir, even a visit paid by one of them to his own State was made the subject of public reprobation; and the whole land was filled with the indignant murmurings of the stern and honest yeomanry against every act which had the appearance of Executive electioneering. It would be matter of amusing as well as of instructive history to turn over the pages of the Opposition or Jackson journals of that day, and compare the principles then avowed by the Jackson party—by a party seeking power, with the practices of the same party after having been in power a few years. But I digress. To corroborate the first opinion of General Jackson upon the subject of Executive interference in the election of a successor, we have the practice of every President of the United States, from Washington down to the present incumbent. We have the express authority of President Jefferson for saying that he felt himself restrained by his official station from intimating any preference between his political friends, even in private and confidential intercourse.

But, sir, the times have greatly changed since General Jackson came into power. The spirit of the age, not content with the wonderful advance in the intermediate period in all the arts, has infused itself into politics. The inventive genius of the times has been busy in this department also. New and improved plans of party organization and discipline have been started, and new conceptions formed of the uses to which the spirit of party may be applied. The idea of the existence of a party in the country of undefined and undefinable danger and designs upon the Constitution is made at once the raw head and bloody bones to alarm the credulous and ignorant, and the pretext for a vigilant, rigid, and exclusive party association. This dangerous but visible party may be, not inaptly, called the devil of this new political system. As this new party is associated upon the alleged principle of preserving the country and the liberties of the people from that destruction which awaits both, if they should fall into the hands of the arch-enemy, it is plausibly and conclusively argued that all offices, emoluments, jobs, contracts, and agencies—in short, the whole revenue of the Government, should be distributed among its members. This party may change or shift its principles of policy or administration with the changing seasons themselves, but it may still maintain its original ground of being the only defenders of the liberties of the people! It may adopt and practice upon principles of ultra-federal policy to-day; it may practice upon the most latitudinarian doctrines to-morrow; it may follow in the narrow path of the straitest sect of the State-rights party; it may reënact the alien and sedition laws; it may commit every abuse known in the administration of the most corrupt Government; but still it will claim to be the exclusive champion of the Constitution and the liberties of the people against the unknown and unknowable designs of a dangerous party; and this is sufficient to rally thousands to its standard. Who does not see that all that could justify party divisions in the country is wholly disregarded; that a new party is forming, composed of members of every political hue and complexion, and which must, from its very nature and composition, end in a mere association for sharing the spoils; and that the profession of any particular set of principles is only a device to delude? Sir, it is not General Jackson, then, that has changed, so much as the guiding spirits of that party which now claims to be his exclusive supporters; it is the influence and power of this new principle of party association, which begin to operate at the close of this Administration, and which is expected to introduce and govern the course of the next.

But does there not exist at this time, or is there not undergoing the process of organization, a party, one of the fundamental maxims of which is, that all the offices, honors, and emoluments attached to political power belong of right to, and ought in propriety to be awarded to, the victorious in all party conflicts; a party which does not hesitate to avow this to be one of the principles upon which they associate as a party; a party which not only avows this principle as one of the landmarks of their future action, should they conquer in the present contest for the control of the Federal Government, but which, whenever in any State they have heretofore possessed themselves of the reins of power, have actually practiced upon this principle. Is this not true of the party now in power in the State of New York? and is not the party now in power in that State the germ and nucleus around which it is proposed to form a great national party? I affirm that it is. And is there any form of military discipline, Russian, Prussian, or Austrian, more degrading and inexorable, and at the same time better calculated to subject the mass—the rank and file of the people—to the absolute control and guidance of a chief or chiefs, than the code of party tactics and discipline enforced by the dominant party in New York? The spirit of freedom and of free deliberation, among the members of the party, is suppressed, not, indeed, by the bayonet, but by a system scarcely less effective and terrible. While it holds out the lure of office to the obedient and faithful, it ordains extermination to the actual or alleged and arbitrarily proscribed offender. A man who shall have the independence to set the decrees of the party, however obtained, whether by the fiat of a single head or the resolves of a secret junto, at defiance, or shall refuse to support them in the primary assemblies of the people—assemblies called not to be primary in deliberation, but notoriously, as I understand it, called last to council in order to ratify what has been already decided; a man, I say, who dares to oppose the action of this system, no matter to what unjust or mischievous extremes it may lead, is not only stripped of all his privileges, and of whatever portion of the spoils which may have fallen to his lot in former triumphs, but he is to be tattoed—to have a black line drawn around him—in fine, to be shot as a deserter!

I know of no parallel, or any analogous practice in the history of the country, but what is recorded of the policy of the Five Nations of Indians, who once, from their castles and fastnesses in the country which now forms the State of New York, dictated the conduct of the subject tribes around them, extending, at one time, nearly a thousand miles to the south and to the west. These conquerors of the forest ordained what they called the law of the *hunt*, and woe and extermination were the lot of the unhappy tribe that unwittingly or otherwise happened or dared to violate it. The successors of these savages have, it seems, in a spirit of equal address and comprehension of design, established their law of the *hunt*, but not the hunt of the buffalo, of the bear, and of the beaver, but of the *spoils!* Those who have driven these savage visiters from their haunts, have profited by their policy, and the subtlety and enterprise of the Mohawks are imitated and surpassed by their white invaders. But let them beware, and let those who regard the success of this system of party discipline with the same apprehension that I do, take courage from the historical fact that the Five Nations, terrible and powerful as they were, had bounds set to their ambition and their dominion. The Catawbas of South Carolina stayed the torrent of desolation in its progress along the Atlantic border, though they were well nigh exterminated in the conflict; but when they were reduced to a very small number, they still resisted—made rich reprisals of blood upon their numerous and haughty foes, and still triumphantly held their country! But these conquerors of the north were successfully met, beaten, and driven back with slaughter, in frequent rencounters in another quarter. Along that whole line of the country running east and west, and constituting what is now the State of Tennessee, the Indian proprietors maintained their ground in a contest of half a century, and still bid defiance to the hunters of all the country to the north and the northwest—ay, sir, and they were ready to submit to extermination rather than political slavery. The analogy might be traced further. In this war for national independence, waged by the natives of this noble tract of country, they had to encounter, not the Five Nations and their allies of the north and west only, but often a combination of some of the tribes of the south—their own natural allies; but still they stood and fought undismayed, and were finally victorious!

Sir, I believe I have not misrepresented the policy and discipline of the party now in power in the State of New York—I mean, in affirming that all the offices of the State are regarded as the property, as of course, of the victorious in a party contest. If I am not mistaken, it is no secret that such is the established policy—nay, that scarcely any man of any party (so well and permanently is this system ingrafted upon the people of that State) ever thinks of questioning or opposing it. It is regarded as a thing not only settled, but admissible and justifiable, by the politicians on both sides. But it is not in the State of New

York alone that this system of party tactics has found favor. It prevails to a considerable extent in Pennsylvania, in New Jersey, in Maine, and it has absolute control in New Hampshire. In how many other States it has made a successful lodgment, I know not. I am aware that it may be asked what danger there is in all this, either to the prosperity or the liberties of the country? This is precisely the point to which I invoke the serious attention of those who hear me. I wish I could extend my voice to the utmost bounds of the country in the discussion of this point.

Without intending to impute mercenary motives to all its members, I maintain that such a party must necessarily and inevitably become mercenary, and utterly regardless of all consistency and sound principle. In whatever State this has become the established practice of the dominant or of antagonist parties, there you will find the most flagrant instances of sudden changes, not only in the course of individuals, but of entire parties, whenever party interests are concerned—the most corrupt practices in the public administration, the greatest excesses and abuses in elections, and the most degraded state of public morals. These attributes of a corrupt and vicious party association are more visible and striking in every State where it exists, in proportion to the amount of Executive patronage. In some States, in which the judges are appointed for short terms, they are compelled to share the fate of every other official incumbent. But how can any other motive or interest than the success of the party become the leading and governing one, when every officer of the State and of the United States, from the highest to the lowest, in the United States from the head of a Department down to a petty postmaster, or a gauger in the customs, and in the States from the judge of a court down to the clerk of an inferior court, or a lock-keeper upon a canal, must be removed to give place to the hungry partisans of a new and triumphant party? No length of service, no degree of fidelity in the discharge of official duties, no state of dependence upon the receipts of an office, however small, can save the wretched incumbent from the general law of the *hunt*, the fate of the conquered. Besides the general servility and hypocrisy which such a practice cannot fail to introduce, a long train of evils besides is obliged to follow from the success of a political combination of this nature. Incompetent and unfaithful officers and agents are thrust into the most important public stations; the public service and interest suffer accordingly. Subordinate officers, instead of relying upon their diligence, skill, and fidelity in the discharge of their official duties, for their continuance in office, compromise with their consciences for a neglect of duty by contributing largely to the success of the party in the management of caucuses, public meetings, and elections; they look to the chiefs of the party to connive at their delinquencies, and to sustain them in office in consideration of their zeal and activity in the general cause. It follows, for the same reasons, that the first offices in the State and General Governments are liable to be filled by men equally incompetent and unfaithful. It matters not who is Governor of a State or President of the United States, what may be his principles, his personal or political character, provided he possesses what is called party fidelity, and has tact enough to wield the patronage and influence of his office according to party law and usage, and so as to advance, not the cause of the country, but of the party!

If it be true that any party avows the doctrine that to the victor belongs the spoils of office; if it be true that it is the practice of that party to put none into office but those of their own party and suffer none to remain in office but such as are already, or may be willing to become, partisans of those in power, *can* a President elected by such a party choose to do otherwise than to use the patronage of the Government intrusted to him by the laws and Constitution, according to the same rule? Must he not, in the first place, so distribute it as to secure his own election for a second term; and afterwards, is he not bound by the laws and usages of the party of which he is the official head, to use his whole influence, and the entire means in his hands, to secure the election of that man for his successor who shall be chosen according to the same party usage, to wit: a national caucus, which brought him into power? I repeat the question, can he do otherwise than interfere in elections, and employ the whole patronage of the Government in controlling them? If I am not mistaken in this, a President elected by means of this system is, by the act of his induction into power, by the very terms of his engagement with his political associates, bound to prostitute those great powers and that immense patronage intrusted to him by the Constitution, to be administered exclusively for the good of the whole country, to objects of individual aggrandizement and ambition. The seeds, then, of this mischief of Executive interference are sown much deeper than one would suppose, upon a superficial view of the subject. They lie deeply imbedded in this new system of party tactics and discipline which threatens to fasten its deadly and corrupting fangs upon every State of this Union. Whatever blame, therefore, may attach, in the mind of any, to the course of the President upon this subject, let the responsibility be attached to the sources of the evil—let it be traced to its proper head. Having shown that this practice of Executive interference is a necessary result of a principle of party association, let any one attempt to strain his fancy to conceive all the consequences of the success of this system—the degradation of the national character, the mean grade of ambition which must distinguish the leading men of the country, the general corruption.

Will any man hereafter affirm that the one hundred thousand officeholders, agents, contractors, and dependents upon the Government in some form or other, are any longer to be safely trusted with the right of suffrage in the elections of a free people? Sir, the friends of the purity and freedom of the elective franchise in this country should take a lesson upon this subject from the practice of a Government in form less free than our own—I mean Great Britain; and I beg leave to refer to her statutes, not only for depriving the official dependents upon the Government from voting, but prohibiting, under severe penalties, the slightest interference of public officers in elections. The statutes referred to are the following:

"*And be it further enacted by the authority aforesaid*, That from and after the nine-and-twentieth day of September, one thousand seven hundred and one, no commissioner, collector, comptroller, searcher, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the customs, or any branch or part thereof, shall, by word, message, or writing, or in any other manner whatsoever, endeavor to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be a knight of the shire, citizen, burgess, or baron, of any county, city, borough, or cinque port, to serve in Parliament; and every officer or other person offending therein, shall forfeit the sum of one hundred pounds, one moiety thereof to the informer, the other moiety to the poor of the parish where such offense shall be committed; to be recovered by any person that shall sue for the same by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, in which no ession, protection, or wager of law, or more than one impartance, shall be allowed; and every person convicted on any such suit of the said offense, shall thereby become disabled and incapable of ever bearing or executing office or place concerning or relating to the customs, or any other office or place of trust whatsoever under his Majesty, his heirs, or successors.—12 *and* 13, *William III., C.* 10.

"*And be it further enacted by the authority aforesaid*, That no commissioner, officer, or other person, concerned or employed in the charging, collecting, receiving, or managing any of the duties granted by this act, shall, by word, message, or writing, or in any other manner, endeavor to persuade any elector to give, or dissuade any elector from giving, his vote for his choice of any person to be knight of the shire, commissioner, citizen, burgess, or baron, for any county, city, borough, or cinque port; and every officer or other person offending therein, shall forfeit the sum of one hundred pounds, one moiety thereof to the informer, the other moiety thereof to the use of the poor of the parish or place where such offense shall be committed; to be recovered by any person that shall sue for the same, by action of debt, bill, plaint, or information, in any of her Majesty's courts of record at Westminster, or in the court of exchequer in that part of Great Britain called Scotland, in which no ession, protection, privilege, or wager of law, of more than one impartance, shall be allowed, and every person convicted on any such suit shall thereby become disabled, and incapable of ever bearing or executing any office or place or trust whatsoever under her Majesty, her heirs, and successors."—10 *Anne, C.* 19.

"For the better securing the freedom of elections of members to serve in Parliament, be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, that, from and after the first day of August, one thousand seven hundred and eighty-two, no commissioner, collector, supervisor, gauger, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the duties of excise, or any branch or part thereof, nor any commissioner, collector, comptroller, searcher, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the customs, or any branch or part thereof; nor any commissioner, officer, or other person concerned or employed in collecting, receiving, or managing any of the duties on stamped vellum, parchment, and paper; nor any person appointed by the commissioners for distributing of stamps; nor any commissioner, officer, or other person employed in collecting, levying, or managing any of the duties on salt; nor any surveyor, collector, comptroller, inspector, officer, or other person employed in collecting, managing, or receiving the duties on windows or houses; nor any postmaster, postmaster general, or his or their deputy or deputies, or any person employed by or under him or them in receiving; nor any captain, master, or mate, of any ship, packet, or other vessel employed by or under the postmaster or postmasters general, in conveying the mail to and from foreign ports, shall be capable of giving his vote for the election of any knight of the shire, commissioner, citizen, burgess, or baron, to serve in Parliament, for any county, stewartry, city, borough, or cinque port; or for choosing any delegate in whom the right of electing members to serve in Parliament, for that part of Great Britain called Scotland, is vested. And if any person hereby made incapable of voting as aforesaid, shall nevertheless presume to give his vote, during the time he shall hold, or within twelve calendar months after he shall cease to hold or execute any of the offices aforesaid, contrary to the true intent and meaning of this act, such votes so given shall be held null and void to all intents and purposes whatsoever; and every person so offending shall forfeit the sum of one hundred pounds."—22 George III., C. 41.

But the obligation of party service which attaches to all officeholders under this new system extends far beyond a mere espousal of the interests of the party in power. Each one is bound to show himself worthy of his station, and to render a full equivalent for his office, by his zeal and success in controlling the sentiments and politics of his particular district or community. But this is not the full extent of the danger which threatens, from this source, the freedom of elections. Besides the corps of actual incumbents and dependents of all sorts upon the Government, there are in the United States, probably, one hundred thousand men who are either actual officeseekers or who may be induced to give their influence and their votes in favor of the dominant party, by the promise of office, however deceitful that may be, in thousands of instances.

Let any one attempt to calculate the force and influence of a band of two hundred thousand partisans of any man or any party in power in this country, united and goaded on by the hope of reward, or a feeling of dependence for their places, and, in many instances, for the very subsistence of their families, upon the success of their efforts in a common cause. Who will undertake to estimate the effects to be produced, not only upon the spirit but the very forms of this Government, by the introduction into the service of a successful party, and for its protection and support, of a guard of one hundred thousand men, who hold their employment by the tenure of party service, and these distributed over the whole Union; diffused among the whole people—all acting by one impulse, and with a view to a common end! Sir, these are, hereafter, to constitute the Prætorian guards of America to ratify the appointment of a successor by the Executive. I have read that there was a time, since the Revolution, when there was danger of the ascendency of monarchical principles; but, sir, never has anything tended so directly to such a result, and that at no very distant period, as the countenance which is now given by a large proportion of the people to the doctrines and practices of this new party. In one view of the subject, it would be just to denounce every supporter of this new system of party tactics as a monarchist; for it is not the intention, but the tendency—the result of measures and practices which constitute their supporters monarchists, or otherwise. That each successive President will appoint his successor, if this system shall once be firmly established in practice, and fairly ingrafted upon all the States, is as certain as that the sun shines this day in the heavens; and this will continue, until by some terrible shock, by some outrage, most commonly the result of the long continuance of power in the same hands, the people shall be roused to resistance. Even now, sir—even now, when this hydra has shot forth less than half its monstrous progeny, does not every member of this House know and feel—does not every sharp-sighted office-holder and office-seeker throughout the Union know and

feel, that the only road to Executive patronage and favor lies in an actual or well-affected devotion to the interests of a particular candidate for the Presidency?

And this has been the state of things for more than a year, and yet there has been no effectual *rising* of the people! But eight years ago, if such a state of things had been understood to exist, such a burning heat would have been suddenly kindled in this land—such a consuming fire would have raged in this Hall, as to have left no vestige of a party which would then have dared to practice upon such a principle. I entreat the House—I conjure the country to look to the future results of this state of things. Nay, sir, I conjure them to look to present results. Have not the power and influence of the Executive been felt in the elections of members to this House? Has not the power of the Executive been felt in the deliberations and action of this House? How long will it be before the practice of appointing the presiding officer of this House by the President shall be ripened into usage? How long before the Speakership shall be but an appendage of Executive patronage, to be disposed of like every other office or station, for the benefit of the party? When these things shall come to pass, where then will be those divisions of the powers of sovereignty into separate departments; which have ever been regarded as the greatest safeguards of our liberties? Where will be your separate and independent legislative department? where your judiciary, for that, too, must soon yield under the present pressure? Sir, with the powers and influence of the Executive, as at present exercised, this Government is an elective monarchy. It is well that we no longer deceive ourselves with names. It is this day an elective monarchy. The sum of Executive power and patronage justifies this appellation. The consideration and circumstance of state conceded to the President, justify this new cognomen. I beg leave to refer to several passages of the report made by a leading member of the party in 1826, [Mr. BENTON,] in the Senate of the United States, upon the subject of Executive power and patronage, as strongly corroborative of these views:

"Although the impression was nearly universal that a Government of more energetic character had become indispensably necessary, yet even under the influence of this conviction—such was the dread of power and patronage—that the States with extreme reluctance yielded their assent to the establishment of the Federal Government. Nor was this the effect of idle and visionary fears on the part of an ignorant multitude, without knowledge of the nature and tendency of power. On the contrary, it resulted from the most extensive and profound political knowledge—from the heads of statesmen unsurpassed, in any age, in sagacity and patriotism. Nothing could reconcile the great men of that day to a constitution of so much power but the guards which were put upon it against the abuse of power. Dread and jealousy of this abuse displayed itself throughout the instrument. To this spirit we are indebted for the freedom of the press, trial by jury, liberty of conscience, freedom of debate, responsibility to constituents, power of impeachment, the control of the Senate in appointments to office."

"The action of such a body of men, supposing them to be animated by one spirit, must be tremendous in an election; and that they will be so animated is a proposition too plain to need demonstration. *Power* over a man's *support* has always been held and admitted to be *power* over his *will*. The President has 'power' over the 'support' of all these officers, and they again have 'power' over the 'support' of debtor merchants to the amount of $10,000,000 per annum, and over the daily support of an immense number of individuals, professional, mechanical, and day-laboring, to whom they *can* and *will* extend or deny a valuable private as well as public patronage, according to the part which they shall act in *State* as well as in *Federal* elections. Still this is only a branch, a mere prong, of Federal patronage in the city of New York."

"Everywhere, to the extreme frontier of the remotest State or Territory, Federal patronage will be found, in degree and force, proportionate to the population of the place, and forever augmented with the increasing power of the Government. Diminution of patronage is not thought of; the state of the custom-house in Norfolk is already pregnant proof of this. This power of patronage, unless checked by the vigorous interposition of Congress, must go on increasing, until Federal influence, in many parts of this Confederation, will predominate in elections as completely as British influence predominates in the elections of Scotland and Ireland, in rotton borough towns, and in the great naval stations of Portsmouth and Plymouth. In no part of the practical operation of the Federal Government have the predictions of its ablest advocates been more completely falsified than on this subject of patronage.

"The whole of this great power will center in the President. The King of England is the 'fountain of honor;' the President of the United States is the source of patronage. He presides over the entire system of Federal appointments, jobs, and contracts. He has 'power' over the 'support' of the individuals who administer the system. He makes and unmakes them. He chooses from the circle of his friends and supporters, and *may* dismiss them, and upon all the principles of human action *will* dismiss them as often as they disappoint his expectations. His spirit animates their actions in all the elections to STATE and FEDERAL offices. There may be exceptions, but the truth of a general rule is proved by the exception. The intended check and control of the Senate, without new constitutional or statutory provisions, will cease to operate. Patronage will penetrate this body, subdue its capacity of resistance, chain it to the car of power, and enable the President to rule as easily, and much more securely with than without the nominal check of the Senate.

"We must, then, look forward to the time when the public revenue will be doubled; when the civil and military officers of the Federal Government will be quadrupled; when its influence over individuals will be multiplied to an indefinite extent; when the nomination by the President can carry *any man* through the Senate, and his recommendation can carry ANY MEASURE through the two Houses of Congress; when the principle of public action will be open and avowed—*the President wants MY vote, and I want HIS patronage; I will VOTE as he wishes, and he will GIVE me the office I wish for.* What will this be but the government of ONE man? And what is the government of ONE man but a *monarchy*? Names are nothing. The nature of a thing is in its substance, and the name soon accommodates itself to the substance. The first Roman Emperor was styled Emperor of the REPUBLIC, and the last French Emperor took the same title; and their respective countries were just as essentially MONARCHICAL before as after the assumption of these titles. It cannot be denied or dissembled but that this Federal Government gravitates to the same point, and that the election of the Executive by the Legislature quickens the impulsion."

When, by the use of the enormous amount of patronage vested in the President, he shall be able to control the elections of a majority of the members of both Houses of Congress, the Government of the United States will not only be an elective monarchy, but the monarch so elected will be absolute; and when a President shall establish the practice of appointing his successor, either directly or indirectly, it will be, in substance, a hereditary monarchy. Why, sir, the evil of consolidation, the stumbling block of the old Virginia school of politicians—that consolidation, the fear of which operated so powerfully at one time in that ancient Commonwealth, as to endanger the adoption of the Constitution, and often afterwards threatened to paralyze the action of the Government, is upon the eve of being realized! But where now are the spirit and eloquence of her Henrys—where sleep her Pendletons, her Nicholases, her Masons, her Roanes, and her Jeffersons, in this day, when the crisis has actually come? Where are the successors and descendants of those illustrious champions of free government that the country might expect to see leading the van—standing, like their sires of old, in the front of the battle, and urging on their countrymen to the charge, against every advance of the Executive to increased or absolute power? Sir, when the President openly throws the whole weight of his authority and influence into the scale of a particular candidate for the succession—when the patronage connected with all the public establishments—when the millions of money annually at the disposal of the Executive are to be administered and distributed for the purpose of controlling the legislative department of the Government, and of securing the Presidency to a succession of designated political adventurers, and of consolidating all power in the hands of a chief of a party—with one or two distinguished exceptions, we find the lineal party descendants in this House of the most illustrious band of patriots and statesman that ever, at any one time, adorned a single Commonwealth, lending the honors of their ancestry—the fame of their patriot sires—the glorious recollections of their stern republican principles and virtue, to gild over the deformities, and to promote the success of a party which, from its very nature and fundamental doctrines, leads inevitably to the catastrophe which was ever the source of the greatest dread and consternation to their fathers?

The accelerated and downward course of sound maxims and principles in a free Government, when once the impulse is given in that direction, was never more strongly illustrated, than in the change which has taken place in the principles and practices of the original Jackson party, and the party now in power, and which claims to be identical with it. It is but a few brief years since, that an infant effort of that party which afterwards with a giant's strength overthrew everything that opposed it, did as much to accomplish the final undoing of the late Administration as any other movement of the most vigilant and energetic combinations ever formed in this country; and pray, sir, what do you suppose that infant effort was? Simply a resolution offered to this House by a gentleman from North Carolina, (Mr. Saunders,) calling upon the Secretary of State to inform the House of the reasons which had impelled him to take the printing of the laws from certain publishers of newspapers who had long performed that service for the Government, and to give it to his own political friends. This proceeding was cotemporaneous with the report of a distinguished Senator from Missouri [Mr. BENTON] upon the subject of Executive patronage, to which I have already referred. The report deprecated the further increase of the patronage of the Government, and was accompanied by six bills to limit and prevent the abuse of it. This movement was followed up at the succeeding Congress by the celebrated debate and report, founded upon the retrenchment resolutions introduced into this House by a member from Kentucky. These, sir, were the sources from which the Jackson party at that day drew its principal nutriment. This was the milk upon which the young Hercules was fed, who sat out with the professed determination of clearing the land of all political robbers and impostors, but who, now that he is full grown, and without a rival, threatens to become himself the greatest impostor and robber of the age. I speak of the party, not of its head. Suppose, sir, that any member of the House should, at this day, bring forward a resolution calling upon the President or any of the heads of Departments for his reasons for withholding the patronage within his control from an opponent who had long enjoyed it, and bestowing it upon a political favorite, would he not be considered a man demented by every member of the party which now assumes the name, and professes to act upon the principles of the true Jackson party? The mover of such a resolution would be regarded as a second Rip Van Wynkle—one who had just awaked after a sleep of years, and found himself far in the rear of the improvement of the age. But, sir, who could have supposed that so great a change in public sentiment could have taken place in the space of six or seven years? Who could have supposed that this change could have been produced in the same *nominal* party? A party, too, which, in the face of the whole people of the United States, claims to be identical with the party which differed so widely from them a few years ago! This question of patronage was not then a subordinate one; it was first and chief; it was regarded as vital.

But these proceedings do not afford the most striking evidence which exists of the singularly opposite sentiment which prevailed at that day, from those which are avowed and practiced upon by the same nominal party at this day. The member from North Carolina [Mr. SAUNDERS] who brought forward the resolution of inquiry to which I have adverted, complained that the Secretary of State had violated a sound principle in taking from an individual, not an office, but a job, the publishing of the laws, who had before that time performed that duty faithfully, to confer it upon a political partisan; but the idea that the Executive would ever dare to vacate an office, or remove an officer for opinion's sake, never entered the imagination of that gentleman, as may be fairly inferred from his argument. That gentleman was then so great a Puritan upon that subject that he shrunk with horror from the idea that any President would ever dare to remove a faithful public officer; yet we find that identical person while enjoying a salary of three thousand a year as an officer of the Government, lately attending a political meeting at Baltimore, and becoming the second person at that meeting in activity and zeal, in order to promote the success of a party which openly avows the justice and propriety of the practice of making all offices in the control of the Executive the prizes and rewards of party service and party triumphs! That gentleman does not appear to me to have improved his political principles as he has grown older. His early principles were the best, and so well am I convinced that the day that the new doctrines espoused by him shall be established and acquiesced in by the people will be near the last

days of the Republic, that, for the first instance which shall occur of the removal of a faithful public officer by a President of the United States, to make a place for a political partisan, while I have the honor of a seat upon this floor, I will vote his impeachment by this House, as for an abuse of power, a misdemeanor the most dangerous which can exist under the Government. Mr. Jefferson, sir, had as good a will to do an act of this kind as any man who was ever President, but his patriotism, his principles, and his sense of duty restrained him. He saw and he shrunk from the consequences of such a practice. Mr. Jefferson made the proper distinction, and took the true ground when he declared that any interference of a public officer in the elections would be good cause for removal.

Sir, I put the question, what difference can there be between the appointment of a successor, by the use of the Executive patronage and influence, in the name of a party, and as the head of a party, and the appointment of the President, as, and in the name of, the President in virtue of his office? No practical statesmen will say there is any difference in substance and effect.

But it is said—I have heard it repeatedly said—and it is the drift of one half the canting matter which fills the columns of the party press—that the principles which are at stake in the present contest for political power in the United States are of such vital importance to the rights and liberties of the people, and to the preservation of our free institutions, that every influence, whether strictly regular or not, ought to be brought to bear in order to insure the success of the Republican party; and it is clamorously urged that certain usages of the party are important to be preserved in order to keep the party together. What all those usages are I do not certainly know. Some of them are avowed. The first and most important appears to be the practice of caucus nominations. Another one is that all offices are of right the property of, and ought to be given to, the professing members of that party. It follows that removals from office for opinion sake are justifiable and proper, in order to conform to this usage. Upon the same principle, and for the same reason, the patronage and influence of the President, he being the official head of the party, ought to be thrown into the scale of the candidate for the succession selected according to the party usage of caucus nomination. The sum of the argument is, that the present political condition of the country is like the case of an invasion by a public enemy—that the crisis is extraordinary, and demands extraordinary remedies; and that a regard for safe precedents or constitutional restraints ought not to stand in the way of the salvation of the country; in other words, that we have arrived at such a crisis in our civil affairs, that if a similar state of things were to occur in time of war, martial law ought to be declared. Whether the condition of the country—whether the principles and designs of any party in this country are of a nature so wicked and mischievous as to justify such a remedy or not, the fact is, that a sort of law-martial has been proclaimed, and the proper officers and authorities are actively engaged in carrying it into execution in every part of the Union. Without pausing to inquire to what catastrophe the success of any of the obnoxious and so much dreaded parties in this country could lead, more disastrous, more directly subversive of the very foundation-stones of our glorious political edifice, than the establishment of these new and unwarrantable doctrines and practices, I propose to inquire, for a moment, what the principles of this party are which thus generously steps forward and proceeds to officiate as the only safe guardian of our dearest rights. I mean to inquire what the principles of this party *are*, not what the members of it profess. I wish, also, to inquire what assurances, what guarantees it can give, from the past conduct and principles of its leaders, that it is fit to be trusted with the entire political power of the country. As this party claims to be the Jackson party, I propose to apply the proper tests upon this point also.

The first and most decisive ground assumed by the original Jackson party was against caucus nominations. The most fatal blow aimed at Mr. Crawford was this denunciation of the alleged usage of the old Republican party. Mr. Crawford fell under it; but I do not intend to dwell further upon this point now.

Next to the attack made upon the caucus system, the original Jackson party profited most by the principles it professed upon the subject of Government patronage. The original Jackson party held that the patronage of the Government was a trust for the public good and service, and that an Administration which should deliberately seek to punish its opponents by removing them from office, and to reward its partisans by bestowing the vacant employments upon them, deserved to be degraded and expelled from their station, and to receive the execrations of an indignant people. These, sir, were the doctrines and sentiments of the true and genuine Jackson party, and they were held to be vital in the creed of that party. What are the doctrines and practices now of the party which claims to be the same? Why, sir, that the spoils of office are the rightful property of the victors—that the patronage is what they have a title to—that this is one of the usages which it is essential to the preservation of the party to observe. As a natual and inevitable result of this usage, it is the duty of the President to administer the patronage of the Government so as to advance the interests of the party. So much for Executive patronage and the doctrines of this new Republican party in respect to the manner in which it shall be distributed. It seems that all the old notions of the Republican party, in relation to the proper end and use of patronage, are now regarded as old-fashioned, exploded, and, in fact, anti-republican!

I now proceed to notice some of the more important questions, which may be regarded as testing the principles of the party, in the order in which they have arisen for the decision of Congress. The first which presented itself was the subject of internal improvement, involving both the expediency of the system proposed and the constitutional power of Congress over the subject. In the South and Southwest, with few exceptions, the members of the Jackson party were strenuously opposed to the whole scheme—in Virginia, South Carolina, and Georgia, upon constitutional grounds. This was supposed to be a fair test question between the Republican and Federal parties; the great line of principle which separated them being the proper rule of interpreting the Constitution—whether strictly, and with a view to limit the power and patronage of the Government, or liberally, with a view to enlarge its powers and give greater strength to its action. In the North and West, however, the members of the Jackson party differed from their political allies of the other sections, and strenuously maintained both the expediency of a system of internal improvement, and the power of the Government to carry it into effect. The Jackson party in Kentucky, Ohio, Indiana, Illinois, and Pennsylvania, were the leading patrons and advocates of the system. Even after the veto of the Maysville road bill, the party in the States north of the Ohio continued to support the Administration, upon the ground of the exception made in the veto message in favor of the Cumberland road; and the States of Ohio, Indiana, and Illinois have continued their allegiance upon the condition that large annual appropriations should be made to complete that great highway. So far, then, as regards those States and that great and splendid work, the projected system of internal improvement has been sanctioned by the General Government. It is pretended that this exception is justified by the compact between the Federal Government and the States north of the Ohio, which stipulated that a certain proportion of the proceeds of the public lands in those States should be applied to the construction of a road from the Atlantic to those States. It is not so. When the stipulated proportion of the proceeds of the public lands was applied from time to time, the terms of the compact were fulfilled, and the power of the Federal Government ceased. A question might be made whether the Federal Government had any authority, under the Constitution, to enter into such a compact; but admitting that it had, still the truth is, that a system of internal improvement has been sustained by the present Administration, however partial the execution of it may have been. There has not been a single appropriation to that road made since General Jackson came into power which could be justified by the compact. The practical and effective compact, under which these appropriations have been made, is the tacit one that, the moment appropriations for this road cease, the States concerned will no longer give their support to the Administration. Such, sir, from the first, have been the loose principles of the party upon this question—a question which, I think, Virginia and Georgia will admit to be a test question. All, or nearly all the gentlemen of the Northwest, who belong to the dominant party in this House, are to this day the advocates of a system of internal improvement; so are those from Pennsylvania; and so from Kentucky—all good internal improvement men. Let us test the pretensions of that party which unites with such hearty good will upon all questions of a party nature in this House, to be regarded as the exclusive depositaries of Republican principles, by circumstances a little more specific and particular. I may be too particular to be altogether agreeable to individuals, but this is a question of high principle, and it is necessary to be explicit.

I suppose no one will question but that the principles of the two distinguished gentlemen selected by the dominant party to fill the two highest offices in the Government may be truly and fairly held to be the principles of the party as such which supports them. Well, sir, the gentleman from Kentucky, who has been selected to be the candidate of the party for the Vice Presidency, leaves us nothing to doubt as to his opinions upon the subject of internal improvement. He avows his views upon this subject candidly, and as becomes a man, in his letter accepting the nomination of the Baltimore Convention. That distinguished gentleman thinks that all works of internal improvement should, for various sound reasons, which he enumerates, be carried on by the States, except such as are *universally admitted to be of a national character*. This is going quite as far as any advocate of internal improvement has ever gone in this House. No man, nor any party, has, in my knowledge, ever contended that the Federal Government ought to construct any works except such as are of a national character. It is true that Virginia appears to reluctate a little at the idea of giving its support to this nomination; but my friend from Kentucky need not be uneasy at this; the party in that State are only preparing to take him with a better grace, or to connive at his election. That State has given her sanction to principles and practices far more odious and monstrous to the sense of the real Republicans of the country, than any principle of his to which they have taken exception. But a more important inquiry is, what are the principles of the nominee of the Baltimore Convention for the Presidency, (Mr. Van Buren,) and what is to be his course upon the subject of internal improvement? If any man knows what his principles are, or what his course is likely to be upon this subject, from anything he has explicitly stated or avowed, he is more fortunate than myself. If there is any friend of his in this House who is better informed than myself, I hope he will do that gentleman the justice to let us know what his principles really are in relation to this subject. But, sir, I do know what the principles of that gentleman are understood to be, and what his course is expected to be in the States north of the Ohio. There, sir, he is represented by his friends, and is believed by the people, to be in favor of a system of internal improvement by the General Government. This is the general belief in those States. Some of his more judicious friends, I understand, represent that he is an advocate for internal improvement so far as relates to the interests and wants of those States, and this satisfies the people.

Now, sir, I call upon the members of this House who represent any of those States, and are friendly to the election of that gentleman, to correct me, if I have misstated or misconceived the belief which prevails in that section of the Union in relation to the principles and probable course of Mr. Van Buren upon the subject of internal improvement. It is due alike to him and to themselves that they should state whether

these things be true or not. It is needless to say that in the South that gentleman is understood to entertain principles directly the opposite of those ascribed to him north of the Ohio. Sir, it is a singular fact that, in the exposition of the relative prospects of Mr. Van Buren and Judge White for the Presidency, contained in an early and ably written article of the Nashville Union, a newspaper got up for the express purpose of advancing the interests of the Vice President in Tennessee, the ground was openly assumed, and, considering where it was done, and under whose auspices, it was most audaciously assumed, that Judge White could not get the votes of the States north of the Ohio, by reason of his rigid course and opinions upon the subject of internal improvement, but Mr. Van Buren, it was left to be inferred, might. And why, sir, could this representative head, that is to be, of the exclusive Republican party in this country, get the votes of those States? Let the southern gentlemen who support him answer this question. It is worthy of notice, because very small circumstances sometimes indicate the most important results, that this of the Nashville Union was republished in the Richmond Enquirer, and, as I remember, without comment upon this point. I have said enough upon this subject to show that a system of internal improvement by the Federal Government will find no impediment in the principles of the two gentlemen who are supported for the two highest offices of the Government.

The next question which was presented under the present Administration, and which was regarded as in any degree a test of parties, was the high tariff policy—a policy thought to be so intimately connected with a system of internal improvement as to constitute one great and united system of national policy, called the American system; a system which was the perfect abomination of the South, and to no party apparently more so than to that party in Virginia which now claims to number in its ranks the only genuine republicans of that far-famed Commonwealth. Well, sir, both the candidates of that party to which Virginia adheres for the two highest offices known to the Constitution, voted for the tariff of 1828, the most odious, and upon every principle, the most indefensible act of legislation which grew out of the combined and mutual interests of the so-called American system. It may be, and it has a thousand times been, said that those gentlemen voted as they did upon that question to sustain their party. That may be true, but that is precisely the objection I have to them, or rather to the party of which they are the leaders. These gentlemen will do the same thing again, or anything else equally or more obnoxious to sustain their party. This is the true objection to the party which is now forming in the United States, and to any party whose only bond of union is the expectation of sharing the patronage of the Government. Interests, purely of a party nature, are obliged to subvert all regard for sound principles, and to become paramount to them. When such a party shall obtain power, even the obligations of law and duty become subordinate considerations. A general relaxation of morals and of all the ties which give security to society ensues.

I shall notice the question of nullification but briefly. The country found itself, in relation to that subject, in a new and extreme emergency; and extreme remedies were the natural consequence. In the decision to which Congress came upon that lamented contest between the authorities of the Federal Government and the State of South Carolina, those who now call themselves the exclusive Republican party were found acting in concert and harmony with ultra Federalists. So far, therefore, as regards the subject of nullification, the present exclusive and proscriptive party in power can claim to have won no new laurels for the brow of Democracy. The gentleman from Georgia [Mr. TOWNS] has thought proper to taunt me upon the subject of my vote upon this subject. Sir, I do not regret, nor would I recall, my vote upon that subject, however much I regretted the occasion of it. I lamented the errors of South Carolina as much as I disapproved the policy which provoked her to extremes.

I have omitted to notice, in its proper order, the question of the relative jurisdiction and sovereignty of the States and Federal Government over the Indian tribes and territories within the limits of the States. I intend, however, to pass it over with a remark or two only. This, it is well known, was one of the most delicate and difficult questions which has arisen under this Government. The Jackson party was divided upon the policy of removal—an expedient adopted by the Administration in order to avoid greater embarrassments, which were likely to arise in our Indian relations. With a few exceptions, the entire Pennsylvania delegation were opposed to the Administration upon this subject, yet Georgia and Pennsylvania are equally united and zealous in proscribing and exterminating, according to party law and usage, the very man (Judge White) who contributed more than any other single member of Congress to carry that question in favor of Georgia! Can this be party founded upon principle?

I come now to the last great test question, the Bank of the United States, and propose to inquire briefly into the consistency and principles of the party in relation to that subject. A full and candid history of this question would be a most interesting and instructing acquisition to the country. I do not mean to become the advocate or apologist of the Bank. I notice the subject merely as a means of illustrating the true character of the party, which now assumes exclusive pretensions to orthodox and consistent principles. In the first place, it is proper to be remarked that the gentleman who has been designated to head this self-styled Republican party, or *exquisites*, as they really hold themselves, for the next eight years, (Mr. Van Buren,) in his celebrated speech upon the rules of the Senate, which he intended to be a full exposition of his political opinions, kept himself so neatly and exactly balanced upon the question of the bank, as to be able to fall with grace and safety either way, according to the exigency of his affairs. That I may not appear to do him injustice upon this point, I will read from his speech what he says upon this point.

After referring to the former opinions of Mr. Madison upon the question of constitutional power, and stating that he had yielded a reluctant assent to the late charter, Mr. Van Buren, in the speech alluded to, proceeds thus:

"His assent was now placed on the express ground that the recognition of the authority of the Government in relation to the old bank by the State governments and the courts, as well as the people, had precluded the question of constitutionality. Thus the power in question must stand as a successful interpolation of the Constitution." * * * "For his departure in that particular, (if departure it was,) his reasons have been seen." * * * "It is not, at this time, my official duty to pass upon their sufficiency; and I am wholly unwilling to volunteer a denunciation of any opinion, deliberately formed, by one of the most, if not *the* most accomplished statesman that our country has produced."

It is manifest from these passages that the Vice President has laid aside all constitutional scruples upon the constitutional question. He regards the power to establish a bank as a *successful* interpolation upon the Constitution. It is in relation to the *sufficiency* of the reasons upon which Mr. Madison acted, in thus *interpolating* a new power, which he (Mr. Van Buren) will not volunteer an opinion; his opinion was *volunteered* and expressed plain enough, as to the effect of Mr. Madison's course, in giving his sanction to the bill chartering the late United States Bank. In his opinion, the power can no longer be questioned. But the President himself, (General Jackson,) although he was known by his particular friends to entertain opinions unfavorable to the bank, and these were communicated to Congress in his first message, yet this communication, and all succeeding ones, were so cautiously and oracularly worded, that his best friends could not, with certainty, infer what his course would be upon the question of recharter, until 1832, when the passage of the bill for that purpose compelled him to act unequivocally. From various facts and circumstances, I feel authorized to say that, notwithstanding the President's early prejudices against the bank, he had made up his mind to recharter the late one, with some modifications, or at all events to charter a new one as a substitute for it. I had various reasons for this opinion; and besides the evidence I had of the fact, a circumstance entitled to no little weight was, that certain gentlemen who have always been distinguished for a sort of intuitive tact in never forming any opinion in advance of those in power, even upon the most important and vital questions, and certain others who I knew could never differ with General Jackson upon any subject, were at fault upon this question. You may remember, sir, that in all the discussions which grew out of the resolutions of a gentleman from Georgia, [Mr Clayton,] proposing an examination into the affairs of the bank—ay, sir, even in the very elaborate report of the minority of the Committee of Ways and Means, in 1832, upon this subject, not a single remark could be detected which indicated how either of these classes of gentlemen to whom I have alluded would vote upon the question of recharter. On the contrary, it was evident that those wary gentlemen studiously kept the door wide open, and reserved to themselves the utmost freedom of action, so far as regarded any committal in this House. But the messages of the President are decisive on this point, and leave no doubt that the President had determined, if all circumstances had been favorable, to recharter the late bank.

The language of the first message, in 1829, was that "both the constitutionality and expediency of the law creating the present bank had been well questioned by a large portion of our fellow-citizens." In the same message he suggested the establishment of a national bank, "founded upon the credit of the Government and its revenues." In his annual message in 1830, he stated "that nothing had occurred to lessen the dangers to be apprehended from the bank, *as at present* organized;" and he again suggested the inquiry, "whether it was not possible to secure all the advantages of the present bank through the agency of a Bank of the United States, so modified in its principles and structure as to obviate all constitutional and other objections?" In 1831 he referred to the opinions before expressed in relation to "the Bank of the United States, *as at present* organized." This was the last message which preceded the passage of the bill to recharter the bank. But this is not the last proof which the President gave that he had made up his mind to recharter the late bank. In his veto of the bill of 1832 he expresses himself in the following language:

"I sincerely regret that, in the act before me, I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country."

Who now shall say that the President was not himself a bank man, or that he had not determined to recharter the late bank had it received some modifications conformable to his views?

But I am able to refer to some further evidence of the flexibility of the principles of the party upon this subject. The gentleman [Mr. JOHNSON] who was selected by the Baltimore Convention to fill the second office in the Government, and to wear the second honor in the gift of the party, was notoriously the advocate of *a* bank at the time he was nominated by the convention, whatever may be his views at this time of such an institution. The President himself has furnished the world with evidence which I have not yet noticed, that he is neither so much opposed to a bank or to bank men as the public may have been made to believe. It is well known that after the settlement of the deposit question, 1834, the President had expressed a desire to reorganize his Cabinet, so as to make it a *unit* and, consequently, impart to it greater energy in carrying out the policy of his Administration. Mr. McLane, of the State Department, was generally supposed to differ with the President in his views upon the subject of a bank, if not of the bank. He retired. Well, sir, how was his place filled? By a gentleman (Mr. Forsyth) distinguished enough, it is true, for his talents and services, but not at all remarkable for orthodox opinions upon the subject of a bank. That gentleman, in the debate upon the removal of the deposits, expressed a decided opinion in favor of the expediency of rechartering the bank, with some modifications! What, sir, are we to understand now, with all these facts before us, are the real doctrines and policy of the party in relation to this question of

a bank? One thing at least is certain; and that is, that where there has been so much inconsistency, and so little regard for candor or principle heretofore, there can be no grounds of confidence for the future. It will scarcely surprise this House, after what I have shown in relation to the opinions of the first men in the party, that this is the point upon which I have been most pressed, not only by the common pack of pursuers, but by the President himself. He who had far outstripped me in his views upon the subject of a bank—being willing to establish one at the seat of Government—a national bank, founded upon the public credit—such a bank as I would have sanctioned only when I was prepared to surrender every guarantee of liberty in the Constitution—condescended to denounce me for entertaining opinions favorable to a bank! And hundreds of honest citizens have, in this way, been made to believe that my politics are of a most pernicious and monstrous character!

But, to come down to the rank and file of the party. Did not the whole of the Pennsylvania delegation vote for the bank charter in 1832, and was not the Legislature of that great and patriotic State unanimously in favor of the bank in that year? As to the gentlemen of the party from New York, what pledge, what evidence, have they ever given to the country that they are not ready any day to support a bank charter, when it shall be recommended as a party measure by the leaders of the party? The members of the party from Virginia I exonerate from a charge of such gross disregard of principle, but there is one charge from which I cannot exonerate them: it is, that with their eyes open, and when they see and know that a majority of their party associates in this House, and in the country, are prepared to sanction a bank, and every other measure which they profess to condemn, yet they still profess to take their present course in politics upon the ground of principle.

I have done, Mr. Chairman, with this enumeration of test questions. The enumeration may not be complete, but I think I have omitted none of a permanent and enduring nature. Well, sir, what conclusions may we justly draw from this brief review of the course of the party heretofore? Where, sir, are those principles of the party which, it is said, *must* be upheld?—those principles which, like the Union itself, "*must be preserved?*"—those principles which justify a resort to such a miserable cheat, so gross a device as the Baltimore Convention for the election of a President, instead of the regular constitutional mode of electing that high officer? Where are those principles which justify the open and direct interference of the Executive in the election of his successor, and the consequent prostitution of the whole patronage of the Government to that object? Where, I repeat, and what, are those principles which are endangered by dividing the party? What are those principles which a learned judge of Virginia (Mr. Barbour) fears will be endangered by dividing the party? What are those principles which another learned associate judge of the Supreme Court of the United States (Mr. Wayne) had in his mind when he gave the sentiment, last summer, in favor of the practice of caucus nominations? I have shown that the principles of the dominant party sanction removals from office for opinion's sake, and justify the use of Executive patronage in controlling elections as a necessary cement of union among the members of it. I have shown that a majority of the party are prepared to support a system of internal improvement by the Federal Government; that the moment it becomes expedient, in reference to party interests, they are ready to establish a national bank; that they are in favor of increasing the expenditures and patronage of the Government in every branch of the public service; and, above all, I have shown that they are prepared to sanction and justify the direct and open interference of the President in the election of his successor. Now, sir, what party in this country would go further? Are these the principles which are so important to be preserved, that every other consideration, sound doctrine, and practice must be disregarded and trampled upon? What are those principles and practices of the Federal party which the people are taught deserve their abhorrence; and how do they differ from those of the party in power? Will some member of the House do me the favor—will he do the country the favor to point them out? Are they worse than the principles and practices which I have proved to belong to the self-styled Republican party?

I cannot conclude my remarks upon the shameful disregard and contempt of all consistency manifest in the course of the leaders of this party, without some notice of a practice that deserves the most pointed rebuke from every friend of popular rights and free government. Since the beginning of time, there has not been a more gross and sytematic attempt to excite and delude the people by false professions and pretenses, or, to use a popular term, by humbugging them. I am sorry to say that the heads—the first men in the party—are most distinguished in the practice of this method of leading, and thereby governing, the people. Such a practice, in any Government, in the leaders of any party, is disgraceful, but it is especially so when resorted to by republican statesmen, because it is absolutely subversive of the principles and theory of a free Government. It is founded and adopted upon the idea that in no other way can the people be governed; in truth, that they have not capacity or information sufficient for self-government. It is the method adopted by all arbitrary and unjust Governments, from the earliest times, to maintain their authority among the people. It is the essence of all state-craft, as well as priest-craft, to take advantage of the ignorance of the people, and wheedle them into a reverence for unjust authority, by every species of fraud and imposture—a system always adapted in each country to the peculiar prejudices, civil and religious, of the people. The introduction, at this time, of a system of this kind, open and gross as it has been of late, must have the most unhappy effect upon the cause of free institutions everywhere. While it proceeds upon the hypothesis that the mass of the people are little better than children in the grade of their intellect, and possessing all their credulity and waywardness, it leads directly to the suppression of the truth, as you may see daily exemplified in the columns of the newspaper organ of the party, (the Globe.) I need scarcely say that the characteristic feature of this practice, and its first requisite, is impudence. It is a singular fact, in the history of the human mind, that the most uncommon and unaccountable deceptions which have been practiced upon it have ever succeeded chiefly by the boldness, by the sheer impudence, with which they have been attempted. But, that I may not be charged with making loose and unsupported declarations, I propose to array a few of the proofs which exist of a successful resort to this system by the gentlemen who now control the administration of public affairs in this country.

The first grand deception which was played off upon the honest and confiding people of this country was the early announcement that retrenchment and reform were to be cardinal points in the policy, and the most cherished objects of the present Administration. Well, sir, the first act of retrenchment which took place, I believe, was perpetrated by the present Postmaster General, (Mr. Kendall,) when Fourth Auditor of the Treasury. One of the first acts of his official duty was to decline taking certain newspapers at the public charge—an extravagance which his predecessor had indulged in. It would be really amusing now to run over the pages of the then official organ of the party, and remark the consequence which was imparted to this act; but this was declared to be but a grain of sand upon the sea-shore, in comparison of what was to follow. If there was any repetition of this example of retrenchment more notable than this one, I do not now recollect it. Whether the expenditures of the Government have been retrenched or not, I refer to the public documents to answer. I will merely state, upon this head, that the regular appropriations for the service of the present year, exclusive of the expenses of Indian wars, exceed the expenditures of any former year of the late Administration more than one hundred per cent.! This is certainly an extraordinary evidence of increased economy and retrenchment! Now, sir, as to the other branch of the reform, which was announced as the great purpose of the present Administration, I mean the reform of those abuses which had brought the patronage of the Government in conflict with the freedom of elections, I have already alluded to the language of the inaugural address upon this subject. This was, as interpreted at the time, a proclamation and interdict to all public officers, after the manner of Mr. Jefferson's circular, to abstain from all interference in elections. Whenever the subject of Executive interference, or the perversion and abuse of Executive patronage, and the interference of public officers in elections, have been noticed or complained of, the President, by his usual organs of communication with the public, has been held up to the people as decidedly adverse in his principles and feelings to any such practices. About two years ago, I believe it was upon some complaint that a public officer had interfered in an election in the Territory of Florida, the official organ announced to the country that no such interference could have been authorized by the Executive, inasmuch as he had expressly interdicted all such practices in his first inaugural address. Even as late as last summer, his principles in relation to this practice were declared in his favorite organ to be well known, and that they had never been changed! Sir, thousands of honest men of the party receive all this with the same degree of faith that they read the Bible.

But what are the *facts;* and what were the facts at the time those hypocritical declarations were made? Sir, the President himself had, at that time, not only taken an open and decided part in the election of his successor, even as between two of his own political friends, but he had interfered, and was then actively and zealously employed in operating upon the elections of members of both Houses of Congress. But this is not all; so far was he from interdicting the interference of public officers in elections, that he is known to have given his countenance to such interference in more than one instance; and every public officer in the United States now knows that he cannot do a more acceptable service to the Executive, than to devote himself to the cause of the Vice President. As to the course of subordinate public officers generally, the humbug of reform is, if possible, more striking and complete. Is there a member of this House who does not know that in every public meeting, particularly in the North and Northwest, connected with the presidential elections, the officers of this Government and the State governments, of the same politics, are the most active agents concerned in them; signalizing themselves by their zeal in drilling and drumming in advance, or as members of the meeting; surveyors, registers, and receivers of land offices, postmasters, custom-house officers, and mail contractors! But a few facts are of more value than a great deal of mere assertion. It has been stated, upon good authority, and never contradicted, that in the convention which met at Albany last year, to appoint delegates to represent the State of New York in the Baltimore Convention, there were forty-eight public officers of the State and Federal Governments, and among the number eighteen postmasters and thirteen judges of courts! Of the committee raised to select the delegates, eighteen were public officers, and among the number twelve postmasters. Of the whole number of delegates to the convention at Baltimore, forty-two in number, twenty were public officers of the State or National Governments, and of these five were postmasters, and five others judges of courts.

In the convention which sat on the 8th day of January, 1834, at Columbus, Ohio, to appoint delegates to meet in the national convention at Baltimore, forty-seven were public officers, and, among others, thirteen postmasters. How many public officers there were in the late Baltimore convention, from all the States, I know not; but what is most to the point is, that there were some there so notorious and prominent in their connection with this Government, that the fact that they were members of that convention could not have been unknown to the President at the time. But why mince this question? Why take time to prove what has been notorious for years? The interference of public officers has been common, and is as open and notorious as it has been com-

mon. If any proof were wanting to show that the interference of public officers in elections has not only been permitted, but even encouraged by the Executive, it might be found in the fact that, in the late Baltimore Convention, a surveyor general of a large State of the West was a member, within so short a time after the date of his appointment, that I doubt whether he had actually been installed in office before he made his appearance as an active member of that body. Again, sir: a gentleman who had spent the preceding winter in close connection with the Executive, as one of the commissioners for the adjudication of claims under the French treaty, at a salary of three thousand dollars a year, was one of the most efficient members of that convention. The secretary of that commission was also a member. In fact, without the contingency of that commission, I do not see how the convention could have gotten along at all. Yet, sir, when this practice was so notorious—so approved, as it must have been—in the face, I say, of all these facts, the official organ (the Globe) continues to announce, for the edification of those of its readers who stand aloof from all the active scenes of party strife, and who read the Globe only, that the President is, in principle, opposed to all interference of public officers in elections, and that he interdicted the practice in his inaugural address!

The next most remarkable humbug grew out of the contest between the Administration and the United States Bank. I pass over some of the smaller and more disreputable receptions practiced upon the people in this conflict; such as the alarm that was gotten up at the idea of using the capital of foreigners, and the apprehensions created that we would soon be under the government of the nobility of England, unless the bank was put down. But the one which answered the purposes of the party more effectually than the rest was the project of a gold and silver currency. This was urged with all the apparent zeal of candor, and all the confidence of success. It took for its hour, and did more to secure the triumph of the party than all the other devices to which they have resorted. In many large States, in many entire sections of the Union, in 1834, and until the elections were over in the fall of that year, it was the engrossing topic, and the confident belief that the administration of General Jackson had matured a scheme of policy which only required the support of the people to enable them to carry it into effect, which will restore the golden age. There was really something more fascinating in this scheme to the fancy of the people than the mere substituting gold and silver for bank paper. The idea of increased means, and new sources of enjoyment, were associated with the new policy in their minds. The effect was great. I remember well the sensation produced in the State of Tennessee upon this subject. We had the honor of a visit from our respected Chief Magistrate that year, about the time of the first issue of the new gold coin; and the attentive and vigilant Secretary of the Treasury did the President the honor to forward to him a few of the first new and shining pieces which dropped from the Mint. I believe I would not err if I were to say that these beautiful and attractive evidences of the wisdom and patriotism of the Administration in its struggle against the Bank of the United States, and its alleged corrupt supporters, were exhibited by the President to thousands, and to some with the intended effect. At the same time, the proposition that gold and silver were the only constitutional currency, stated by the President in the form of a sentiment at a public dinner, which he gratified the citizens of Nashville by accepting, was arrayed before the public with all the consequence and effect his great name and official station could give it.

From that time forward any man who held opinions favorable to a bank was denounced as an enemy to the new and glorious project of General Jackson in relation to a gold and silver currency. The subject became the burden of public addresses to the people. A Senator from the State of Tennessee [Mr. GRUNDY] distinguished himself that year by bolstering up this humbug. Well, sir, at that moment there were four hundred and fifty banks chartered by the States, and more than four hundred actually in operation, and all of them authorized to issue notes. But what marks the peculiar grossness and profligacy of the imposture practiced upon the people is the fact that the official journal of the same party which resorted to this shameful artifice had, up to that time, earnestly recommended the establishment of new and additional State banks. This fact is so striking an illustration of the principles and character of the party, that I beg leave to read an article or two upon this subject from the Globe:

"STATE BANKS.—It was anticipated from the zeal with which the respective Legislatures of Kentucky, Indiana, and Ohio entered upon the *duty* of establishing State institutions, to secure to the State governments the emoluments growing out of the banking business, that each, by this time, would have had a local system in full operation. This seemed indispensable, as well to meet the necessities of the people, incident to the winding up of the United States Bank, as to enable the States to appropriate to themselves respectively the benefits resulting from that event. The general wish of the people seemed to require of their Representatives the prompt accomplishment of this important object. How deeply the people have been disappointed appears from the demands now made, through public meetings, for an immediate act of the Legislatures in some of these States, to *resume the business of the chartering* State banks."—*Daily Globe, March* 28, 1833.

Not a word about the limitation of notes above five or ten dollars.

If the committee will indulge me, I will now read an article from the same paper, urging, in the strongest terms, and by the most persuasive argument, the establishment of a bank with a large capital, by the State of Pennsylvania! I see surprise in the countenances of many honorable members, but I hold the article in my hand. [Cries of "Read!" "Read!" from many members.]

"Pennsylvania has incurred immense expenditure, and accumulated a large debt, in expanding her improvements and giving an impulse to her commercial enterprise which, in connection with her central position, will serve to make her commercial *mart* a sort of reservoir into which, and from which, the currency of the country will flow; and why should not the State profit by its internal advantages, and by the artificial aids which have cost so much? Why should she not establish a bank of a large capital, in which she should be interested as the principal stockholder? Such a bank, especially if the faith of the State were pledged for the redemption of its paper, would command universal confidence, and would, doubtless, become the depository of the public funds accumulated at Philadelphia. The stock of a State bank, thus holding relations with the Treasury (necessarily resulting from the closing of the foreign broker's office, misnamed the Bank of the United States) would be of incalculable value to the commonwealth. Under proper management, its dividends would relieve the State from the interest of its debt, and the people from the burden of taxation. It would, in effect, wipe out the debt which has cast a shadow over the bright prospects of the State, and remove the feeling of discontent which manifested itself in the late election for Governor."

Here, sir, we have a direct offer of a combination between the Treasury of the United States and this new Bank of Pennsylvania, or, in other words, a union of the State and Federal patronage, for the purpose of securing the permanent ascendency of the party in that great State; and this from the acknowledged organ of the party, and the *protegé* of the majority of this House at this moment! But I have not yet said all I intended to say upon the subject of the gold and silver humbug. It is well known that, in 1834, the people of the great State of Pennsylvania, as well as some others, were in perfect ecstasies at the idea that an exclusive gold and silver currency was to be one of the glorious results of the sound principles and energy of the present Administration. I have been informed that pieces of the new coin were actually exhibited from the hustings and at the polls, in the elections of that year, as a specimen of the new currency, which was soon to supply the place of bank rags. At the same time a general prejudice, or rather indignation, was excited among the people against all incorporations. All stockholders in banks were stigmatized as monopolists and aristocrats. It is certain that the elections in many districts were controlled by the cant of the party press and party leaders upon these topics. It will not astonish those who have observed the blindness and devotion of party zeal within the last two or three years, to find that these very doctrines and sentiments were considered and repudiated by the then Secretary of the Treasury, then, and since, one of the greatest favorites of the President. I allude to Roger B. Taney, who has since, in consideration of his devotion to the principles which, as it is alleged, have been the great object of the present Administration to carry out and perpetuate, been appointed Chief Justice of the Supreme Court—in my opinion the very first and most desirable office under this Government. This circumstance is so very singular in the history of the gold and silver humbug, as to deserve a more particular notice. The favorite minister was never more explicit and positive than in his opinions upon the questions which were still made the party hobbies or humbug of the season. For the edification of those who have not observed the course of the party as closely as I have, I will read a few passages from the letter of the late Secretary of the Treasury, of the 15th of April, 1834, to the Committee of Ways and Means, upon this subject:

"It is evident that the chief part of the paper currency of the United States must always be furnished by the State banks."

"The notes of the different local banks form the ordinary circulating medium for the great body of our citizens, and it would be unjust to them to disregard its condition."

"It will be seen from this statement that it is no part of the proposed plan to dispense with the State banks. It obviously is not in the power of Congress (if it desired to do so) to take any measures for that purpose without an amendment to the Constitution. And the States would not, and ought not, to surrender the power of chartering banking companies. The State banks are now so numerous, and are so intimately connected with our habits and pursuits, that it is impossible to suppose that the system can ever be entirely abandoned. Nor is it desirable that it should be. They are often abused, like all other human institutions; yet their advantages are many, and, under proper regulations and with the metallic basis now proposed for their paper issues, they will be found of much public advantage.

"If there were no State banks, the profitable business of banking and exchange would be monopolized by the great capitalists. Operations of this sort require capital and credit to a large extent, and a private individual in moderate circumstances would be unable to conduct them with any advantage. Yet there is, perhaps, no business which yields a profit so certain and liberal as the business of banking and exchange; and it is proper that it should be open, as far as practicable, to the most free competition, and its advantages shared by all classes of society. Individuals of moderate means cannot participate in them unless they combine together, and, by the union of many small sums, create a large capital and establish an extensive credit. It is impossible to accomplish this object without the aid of acts of incorporation, so as to give to the company the security of unity of action, and save it from the disadvantage of frequent changes in the partnership, by the death or retirement of some one of the numerous partners. The incorporated banks, moreover, under proper regulations, will offer a safe and convenient investment of small sums to persons whose situations and pursuits disable them from employing the money profitably in any other mode. It is not more liable to be lost when vested in the stock of a bank than when it is loaned to individuals. The interest on it is paid with more punctuality, and it can be sold and converted into cash whenever the owner desires to employ it in any other way."

"For these reasons, it is neither practicable nor desirable to discountenance the continuance of the State banks. They are convenient and useful, also, for the purposes of commerce. No commercial or manufacturing community could conduct its business to any advantage without a liberal system of credits, and a facility of obtaining money on loan when the exigencies of their business may require it. This cannot be obtained without the aid of a paper circulation, founded on credit."

Would any one have supposed that at this time, and during the remainder of that year, the project of a gold and silver currency as a substitute for bank notes was the most powerful and effective weapon ever wielded by the party? Yet such was the fact. But, what is quite as remarkable, it was, I believe, in the same year that Mr. BENTON (who would be greatly offended if any one questioned the sincerity of his views in relation to the policy as well as the practicability of establishing a gold and silver currency as a substitute for bank paper in this country) published a long and elaborate letter vindicating the late Secretary Taney, and placing him upon the highest ground as a statesman and minister of finance!

The next in order, and the last but one of the series of impostures practiced on the public of late, which I shall notice, was the alleged danger of an election by the House of Representatives, by which members of Congress would have it in their power to make a President; and hence the necessity of a national convention or caucus of the party, to select a candidate who will be able to unite the support of a majority of the people. An election by the House of Representatives, it was said, will always be made upon corrupt motives. Bargain and intrigue would carry everything in the House, and those members who could not be brought to stipulate for offices, in consideration of their votes, might and would be bought

up by the ample means of the Bank of the United States. Well, sir, what was the remedy for this great mischief. An election—yes, sir, an election; for, when this practice of caucus nominations becomes the established usage of a dominant party in this country, the election of President will always be by a convention or caucus; that is, in order to avoid the intrigue and corruption of an election by this House, we must resort to a convention composed of gentlemen who cannot be seduced by the offer either of offices or bribes in money—pure patriots, who will only have the interest of their country in view! Such was the cant of the whole party, and the people in many of the States were taken by it. Well, sir, the Baltimore Convention was held—a convention of immaculates truly! The Constitution, from a proper jealousy of Executive power and influence, studiously excluded all officeholders from a seat in this House, supposed them always exposed to influences which would cause them to be unsafe legislators or electors. But in this new Congress, chosen for the election of President of a party, the officers of the Government were actually the most active, leading, and managing men of the body; and, as if to show their utter contempt of the cant of their own party, about the necessity of choosing a President under circumstances totally free from any suspicion of sinister or selfish motives, the members of the Baltimore Convention elected a distinguished gentleman to preside over their deliberations, who had, for more than a year, had a contingent commission in his pocket for one of the highest stations under the Government. But the extent of the imposture will only be fully developed, when it is known that this identical party, which, during the last year, kept up such an alarm about the danger of an election by the House, actually defeated a proposition in this House the winter before, to amend the Constitution so as to prevent the election of a President at any future time from devolving upon the House.

But a word or two upon the subject of the alleged venality and corruption of this House. How dare any man who is a friend to the Constitution—who is sincerely an advocate of a free representative government—with what consistency, I say, can such a man affirm and proclaim to the world that the members of this House, elected in pursuance of the laws and Constitution, and the representatives of a clear majority of the American people, are more liable to be influenced by corrupt and venal considerations, than the members of such a motley assembly as that which lately sat at Baltimore? Were they more honest than the members of this House? Had they more elevation of character? Were they more clearly and decidedly the representatives of the feelings, intelligence, and principles of the people of the United States? Were they less given to intrigue? Could not offices be promised to members of that body as well as to members of Congress? Could not bribes be given and received with as much facility there as here? Were the members of that assembly less needy, or more indifferent to office, than the members of this House? But, sir, why should the party of the Baltimore nominee fear an election by this House, if it is really believed to be so easily won from its duty by the corrupting influence either of money or of office? Sir, it is all the merest pretense and imposture that was ever attempted to mislead the people. That party dreads a contest upon equal grounds, and without the aid of false pretenses, both before the people and this House. The free and unbiased choice of the people is not less dreaded than the integrity of an American House of Representatives. Sir, if this House is to be swayed in an election by bribery and corruption, does not every one know that, in the means of corruption and bribery, there is one candidate for the Presidency rich beyond the possibility of rivalship or competition? The gold of the United States Bank is constantly held up before the people as the dreaded source of the corruption of members of Congress. It is supposed that that institution could afford a few millions for the sake of a recharter. Suppose, sir, that the directors of that institution were profligate enough to lend, and the members of this House were base enough to borrow, its entire capital, as the wages of their corruption, the bank would be but an humble competitor in the market of this House for votes, in a conflict with the Government, backed by a capital of thirty millions per annum! Yes, sir; even supposing that this House was composed of the vile and unprincipled wretches which it has been represented to be, and the Bank of the United States were to enter the market with its whole resources of capital and credit, it could not maintain a competition with the Government for one moment. The Government may distribute its bribes in the disguise of rewards for public services, and so avoid any wound to the consciences of the honest patriots of the House. The bribes which the Government can offer are also solid and lasting. The bank is generally supposed to administer its bribes in the shape of loans, upon security, which the borrower must repay with interest; but the Government can vest estates for life, and bestow its millions per annum, without interest, and never be reimbursed. If, sir, I repeat, the members of this House be the corrupt and corruptible representatives of the people, which thousands have been made to believe, and the next election should devolve upon them, there need no ghost rise from the grave to tell us who will be elected! Why, sir, the forty deposit or pet banks, or rather Government banks, will be more than an over-match for the United States Bank in the work of bribery and corruption; and the vast patronage of the Government will be a clear surplus of means in the hands of the Government candidate.

Let it be remembered that it is not the revenue of a single year which may be made available by the candidate who has the favor of the Executive. The revenues and patronage of the Government may be mortgaged by pledges and promises for the succeeding four, or even eight years. I reaffirm that, under the circumstances supposed, there could be no doubt who would be the next President; and the party and its leaders know this full well. But, sir, they dare not risk an election by the House, with all their ample means. I call upon honorable gentlemen of this House to say if they are not upholding the nomination of the Baltimore Convention at the sacrifice of the character of the House of Representatives for honor, integrity, and independence. I call upon them to say, further, whether there has not been a labored and systematic attempt to disparage and degrade the National Legislature in order to accomplish mere party ends.

But, sir, the crowning humbug of all is to be noticed yet. As if determined to give an example of impudence and absurdity which might, under favorable auspices, prove successful in practicing upon the credulity of a people said to be the most enlightened in the world, which should never be surpassed, the party, which thus gets up one humbug after another, and which scarcely allows one to pass away until it has another still more absurd treading upon its heels, making the people the dupes of a series of State tricks and impositions of the grossest character, assume, in their public addresses and journals, that they are the only champions of the rights of the people; the only orthodox believers in their perfect competency for self-government; and they allege that they are warning against a party which entertains doubts upon this question! If this is not entitled to become a premium specimen of impudence and absurdity, I can conceive of nothing that would. I have done, sir, with this part of my subject.

There is one apology, or rather justification, Mr. Chairman, which I have often heard urged for all that has been done by the party, in the course of the present Administration, which is so objectionable that I feel constrained to notice it upon this occasion. It is, that the people have approved everything that has been said or done. It is one of the most fallacious and insidious doctrines that can be started in a free Government. The idea that the people can never do or sanction any wrong, I believe may be regarded as one of the dogmas of the dominant party, or rather, one of their *professed* principles. Thus, sir, if General Jackson is arraigned for the doctrines of his veto message upon the Maysville road bill, the answer is, that the people, by his reëlection, have sanctioned his course upon this subject. If he is charged with the avowal of dangerous doctrines in his celebrated proclamation, the charge is answered by averring that the people have approved them. If it is alleged that he has abused his powers under the Constitution and laws, in the removal of the public deposits, he is defended by showing that the people have applauded and sustained what he has done. If the President shall openly interfere in elections, and attempt to secure the election of a favorite for his successor, the cry will still be, that, by returning a majority of the members of this House favorable to his wishes upon this point, the people have stamped his interference with their approbation. Thus, whether the question be one of constitutional power or of mere expediency—whether it be an abuse or a usurpation of power—it is all one, while the people applaud and sanction; the argument is, that all is right, and it is anti-republican to raise objections. This is a most flagrant error, and, if sustained by general acquiescence, it must prove fatal to the Constitution. Why, sir, if the people can never err, why have a Constitution? why place any restrictions upon the action of Congress or the Executive? why not leave both to be governed by the will of the people, as expressed at their elections and through their Representatives—the President in the executive department and the members of Congress in the legislative department? If whatever the people may, at any time, do or approve, must be right, and cannot be questioned, then, I say, the Constitution is an idle piece of State mummery—a mockery!

Sir, it is because it was known by the framers of the Constitution that the people could err; that the representatives of their feelings and wishes would often err, if left free to do as they thought proper; it is for this very reason, that the people may err, that a Constitution or fundamental law was invented, and is accounted of infinite value. It is for this reason that it is considered the glory of the last century, and of the American States, to have reconciled the idea of a free Government with perfect security to the rights both of person and of property, against the capricious impulses, sudden excitements, and prejudices of the people, by the invention of that great improvement in government—a written Constitution. Those who hold the doctrine that the people cannot err, are foes to all constitutional Governments. Sir, so far is it from being true that the people cannot err, that from the foundation of the world, the most enlightened people that have existed in the different ages of it are admitted by all historians, whether republicans or monarchists to have erred—erred grievously for the liberties and happiness of themselves and of mankind. Yes, sir, from the days of Moses to the present day, the people have erred. The proofs may be found in Holy Writ; and it is contrary to our religious faith to affirm that a whole people, a prosperous and happy people, may not err. We are bound to believe that a whole people, with the clearest light to guide them, but seduced by their passions, and misled by the arts of pretended prophets and ambitious knaves, have repeatedly deserted the worship of the living God, and given themselves over to the adoration of idols. This same people, not content with the simple government of the law, under the auspices of which they had passed the perils of forty years' sojourn in the wilderness, and took possession of a land flowing with milk and honey, would insist upon a change of government. They then conceived a fancy for a government of judges; and, finally, they would have a king! The enlightened people of the States of ancient Greece, skilled in the knowledge of government in all its forms, and most of them, at one time, in the enjoyment of Governments as free as our own, and for a long period filling the world with the fame of their triumphs in arts and in arms, yet fell from their high estate by the errors of the people.

The people of republican Rome erred when they deserted the standard of the republican leaders, and went over in crowds to shout in the train of Cæsar. The people of England erred when they set aside the honest men of their party, and mistook that hypocrite and tyrant, Cromwell, for a republican patriot and statesman. The people of France, of free and regenerated France, of republican France, erred, first in voting Napoleon to be Consul for life, and afterwards in voting that he should be Emperor. It is not true, then, that

the people cannot err; but it is true, that those who in every age have been most forward and zealous in flattering the people with the idea that they cannot err, have been the first to take advantage of their errors, and to betray their liberties. But though the people may, and often do err—though they may, and are often led astray by false friends and false pretenses, yet our happiness and our security consists in the further truth, that the great body of the people, especially of an agricultural people, are honest; and as long as the forms of a free Government are permitted to remain, and the power of the ballot-box is not superseded by the power of the sword, they may be recalled from their errors—the artifices of the imposters who have misled them may be unveiled. This is the true basis of the value of a free representative Government. It never was founded upon the idea that the people cannot err. The people sometimes do err, but the moment they are made sensible of their error, they do not hesitate to retrace their steps. This will be our hope in much worse times than these. I am not certain that things will not have to grow worse in this country than they are even now, before they can be better. But let us hear no more of the argument that, because the people have elected any man President, and sent a majority of the members of this House to support him, all is right. Thank God, this is no certain test, either of right, of truth, or of patriotism.

There is another argument, or rather gross error, prevalent upon this subject. It is not uncommon to hear it said that the country is unusually prosperous and flourishing, in all the departments of industry, agriculture, commerce, and manufactures; that the revenues exceed the wants of Government; and, what is more than all, the national character abroad was never so respectable, or more respected; and it is asked, how can these circumstances, so gratifying to the pride of every American heart, exist under an Administration, the principles and practices of which are alleged to be so much at war with the public welfare and liberties? Every member present has, no doubt, heard the prosperous condition of this country repeatedly appealed to, in order to give a color of prejudice and untruth to the charge of vicious practices in the Administration. It is as surprising as it must be mortifying to the pride of those who regard the people of the United States as the most enlightened in the world, to observe with how large a proportion of them the fact of the general prosperity is a sufficient answer to all that can be said and all that can be proved against the principles and conduct of the dominant party. Yet, who is there that is really enlightened, and well informed in the nature and history of government, who does not know—that great and general prosperity, in arts, in trade, and in arms, so far from being inconsistent with a corrupt and unprincipled Administration—that it is at such periods that dangerous principles and practices take their deepest and most fatal hold; that the seeds of future misrule, of corruption, and a vicious action of the Government, are most widely sown; for then it is that that jealousy and watchfulness of the people over the conduct of those in power, so necessary to preserve the purity of the public administration, are almost sure to slumber. In such a period, the malpractices of an Administration incur the contempt, or escape the notice of the people. Principles are avowed and practiced upon, of the most dangerous tendency, without attracting observation. The people industriously employed in profiting by the general harvest, or steeped in the enjoyment of stores already accumulated, are deaf to the warnings of patriotism.

But there is another truth connected with this subject, which ought to be noticed. There is no well-informed man in the country who does not know that a temporary condition of prosperity and general happiness among the people may exist under a Government of any form. Proofs innumerable of this position might be drawn from history. At no period was there more general happiness among the people of Athens and of Attica, in ancient Greece, and a state of more general prosperity, both in agricultural and commercial pursuits, than under the sway of one man; nor was there ever a public administration of the affairs of a State more satisfactory to the people generally, than the administration of that man; yet cotemporary and all subsequent historians have denounced Pisistratus a tyrant—that is, a man whose will was supreme. The reign of the family of the Medici in Florence may be cited as an instance of the same kind, and both perfectly applicable, for in both instances all the *forms* of a free Government were strictly observed. One of the most learned and accomplished historians of any age (Gibbon) has said, that if he were required to point to the period in the history of the world at which the greatest degree of human happiness was enjoyed by the greatest number of the human race, he would designate the reign of three successive emperors of Rome, who happened to be equally distinguished for their talents and their virtues. When was England more prosperous as a nation—when her name and her might more respectable, or actually more respected and feared all over Europe, than under the administration of Cromwell? Yet even a British House of Commons disdained to be his supple tools in the execution of all his plans and wishes, and for that reason he finally kicked them all out of their seats, and ruled with absolute sway. All this was done in the name of liberty and of the Commonwealth. Again, sir, in what period in the history of France were the French people more generally prosperous, and when was France more terrible to her enemies, or more potent in the protection of her own interests, than under the administration of Napoleon? But it is useless to multiply examples. I have said enough to demonstrate that it is no argument to say that because there is a season of general prosperity, there is nothing rotten or dangerous in the principles and practices of the party which now govern this country.

LOSS OF THE FORTIFICATION BILL.

SPEECH OF HON. HENRY A. WISE,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

January 22, 1836,

On the causes of the loss of the Fortification Bill.

Mr. WISE said:

Mr. SPEAKER: I did not expect this discussion to arise to-day. I was in preparation for it on another occasion, and if my facts, and inferences from them, be not presented so well arranged as they might be, and as is desirable they should be, I hope I shall be excused on the score of being thus called up unexpectedly. The whole matter shall be right in print.

Sir, this has become a very important subject, and should be so considered. The question, "Who is responsible for the failure of the fortification bill of the last session?" is now made to supersede almost every other question, no matter how deeply, pressingly, and immediately it may involve the most important public interests for the future. I readily confess that we should be providing for the future rather than be squabbling about the past. But so it is, "the party" has seen fit to make this a test question of political merit; it has been discussed in all the public prints, particularly in that which is the organ of the Administration, is made the most prominent subject of discussion in Congress; the most woeful misrepresentations concerning it have obtained currency and credence; the innocent are made to bear the sins of the guilty; truth and justice both have been violated; a presidential canvass is made in part to depend upon this question; the public mind is anxiously inquiring about it, and I am determined that the *whole truth* shall be told, and that all the light which I can shed upon it shall be given to the world. The discussion thus far has been perfectly blindfold. By one party the Senate, by another the House of Representatives, has been charged with the loss of that bill. Now, the main fact which I rise to establish is, that neither the Senate nor the House of Representatives is justly chargeable with its failure.

I say, let all crimination and recrimination between the Senate and House of Representatives, both innocent, for ever cease, for I can prove by this Journal [holding up the Journal of the last House] alone, and by other indubitable testimony besides, that *neither the Senate nor the House* was responsible or censurable for the failure of that bill. The Senate did its duty, the House did its duty, and both were not only willing but anxious for its passage. No blame for its failure is fairly attributable to either. Called upon to say upon whom the blame should fall, I say, as Nathan said unto David, "Thou art the man!" [pointing directly at Mr. CAMBRELENG.]

Let not the gentleman from New York [Mr. CAMBRELENG] take this as personally unfriendly or unkind. That gentleman has always been courteous and kind to me, and I desire ever to be courteous, kind, and respectful to him;—but truth and duty impose a task upon me on this occasion, which I must perform, regardless of all personal considerations. This subject is introduced by himself, the question is up, it is fair to discuss it, he is here present to defend himself, "eye to eye, and face to face;" this House is the place for the trial, before the eyes of the whole nation, and the truth, the whole truth, and nothing but the truth—so help us God! should go forth to the people from this Capitol!

I here charge *him* as being wholly, or in part *with others of his party*, responsible for the failure of the fortification bill at the last session of the last Congress. And, sir, the gentleman from North Carolina, [Mr. BYNUM,] who spoke a few days ago on the increase of Navy appropriations, need not have been so particular to throw a stumbling-block in the way of freedom of speech and of inquiry on this subject, by repeating emphatically so often that it was "*not true*" that the House of Representatives was responsible for the failure of that bill. No man who knows the truth of the case will presume or pretend to charge the House of Representatives with that failure. Whether the House of Representatives was guilty or not guilty, is not the true issue. No one will join *that* issue with the gentleman, and no one who knows the truth of the case will accuse the Senate.

I here make the charge as I believe it, from the Journal, my own evidence, and that of others, to be true; and I appeal to the facts to sustain it. To the facts, then!—to the facts!

On the night of Tuesday, the 3d of March, 1835, the *three million amendment* to bill No. 600, "An act making appropriations for certain fortifications of the United States, heretofore commenced, for the year 1835," was reported by the Committee of the Whole House on the state of the Union. That amendment read as follows:

"*And be it further enacted*, That the sum of $3,000,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance and increase of the Navy: *Provided*, Such expenditures shall be rendered necessary for the defense of the country prior to the next meeting of Congress."

On the question that the House do concur with the committee in this amendment, the vote stood—yeas 109, nays 77. Number of votes, one hundred and eighty-six.

I beg of the House to mark the number of votes given as I proceed.

On the bill to establish branches of the Mint, the next vote, upon a call of yeas and nays, was—yeas 115, nays 60. Number of votes, one hundred and seventy-five.

A message was afterwards received from the Senate informing the House that they *disagreed* to the *three-million* amendment. A motion was then made by Mr. Gholson that the House do *recede* from its amendment. The previous question was then called, and on the main question, "Will the House recede from the said amendment?" the vote stood—yeas 87, nays 110. Number of votes, one hundred and ninety-seven.

The House then *insisted* on its amendment, and sent a message to inform the Senate. The Senate then returned a message that the Senate "adhere to their disagreement to the amendment of the House."

A motion was then made by Mr. Cambreleng that the House do adhere to their said amendment.

The SPEAKER interrupted Mr. W., by say-

ing it was not in order to call members by name on the floor.

Mr. WISE replied that he was reading from the Journal of the last Congress.

Upon a motion then to recede, the previous question was demanded; and upon the question, "Will the House recede?" the vote stood—yeas 88, nays 107. Number of votes one hundred and ninety-five.

A motion was then made by Mr. Hubbard that the House do ask a conference; which motion was carried; and Mr. Cambreleng, Mr. Lewis, and Mr. Hubbard were appointed managers to conduct the said conference on the part of the House.

Here, sir, permit me to remark that the Hon. Dixon H. Lewis, of Alabama, has not yet arrived, from indisposition, and he is not here to testify. I wish for the sake of a full development he were in his place. But, sir, Mr. Cambreleng is now in this House, and Mr. Hubbard is now in the Senate.

The SPEAKER again interposed, and said the gentleman was out of order in calling gentlemen by their names.

Mr. WISE again replied that he was reading from the Journal of the last Congress.

The SPEAKER said the gentlemen named are of *this* House.

Mr. WISE. Well, sir, Mr. Lewis, of the *last* Congress, is not here; Mr. Cambreleng, of the *last* Congress, is now of *this* House; and Mr. Hubbard, of the *last* Congress, is now of the Senate; and Mr. Cambreleng, of the last Congress, can *here* tell the whole truth, and Mr. Hubbard, of the last Congress, can tell the whole truth in his place, if the gentlemen will come out fully, as they should. Each House in this Congress is supplied from the committee of conference of the last session with a witness of *all* the facts, who can, if he will, disclose the real truth of this whole transaction. Will they tell what they know? Will they satisfy the public mind? Will they disclose all, and conceal nothing? I pray them to speak out, and hold nothing back, for the sake of truth and justice! Sir, I could not sit in my seat calmly and coolly, and suffer the torture of this controversy, much less rise and speak, knowing the whole truth, without disclosing it fully. I could not permit innocence in my sight to grope about blindly for its defense, though guilt should fall on my own head by disclosing the truth. I could not see violence done to truth and justice whilst I was present, ready with the means of vindicating both. Let the witnesses, the best witnesses the case admits of, come forward and testify fully as to *all* the facts, known or unknown. Will they do it?

Mr. CAMBRELENG said he would tell *all*.

Mr. WISE. I am glad to hear it, and I shall congratulate the country and the friends of truth and justice, if *all* be told. But to proceed.

The Senate was notified of the request for a conference.

The House then proceeded to the consideration of the bill to render permanent the present mode of supplying the Army, &c.; which took up considerable time. Mr. Briggs, from the Joint Committee on Enrolled Bills, reported the examination of two enrolled bills, and Mr. Dickerson reported that forty-four bills had been presented to the President, the titles of which were named. Mr. Ashley, of Missouri, during this time, also, made several motions, which occupied considerable time, to take up a harbor bill, which does not appear on the Journal. And at this and every point of time the House was delayed by continual efforts to take up particular subjects not in order.

The House then proceeded to the consideration of the Cumberland road bill. Previous to the vote on this bill, the conferees on the three million amendment had returned into the House.

Mr. CAMBRELENG said, No, no; he had remained in the House after being appointed on the committee of conference until the vote on the Cumberland road bill, and voted on that bill; the committee did not return to the House until about the time of the vote on the Moore and Letcher resolutions, which was some time after twelve o'clock.

Mr. WISE. The gentleman must be mistaken, or he was guilty of a neglect of duty in delaying so long to attend the committee of conference. From the time of the appointment of the conferees until the vote on the Cumberland road bill, more than an hour elapsed, and if the gentleman was so conscientious about the time of night he legislated, he should have hastened to do his duty on the committee of conference, lest the House should expire before this precious bill could in conscience be saved. As he did not though, but delayed until the hour had come, he should, on that ground, if on no other, be held responsible. But, sir, my recollection is, that the committee of conference returned into the House *before* the vote on the Cumberland road bill; and just before or at the time of that vote, the first notice that I heard was given of the hour. The vote on the Cumberland road bill was taken up *after* twelve o'clock at night, I know, from two circumstances. Mr. Gilmer, of Georgia, than whom no man is more honest, and no man more unaffectedly scrupulous on points of conscience, when his name was called, rose, pulled out his watch, and audibly announced it to the House that he could no longer sit in his place and vote, for the reason that the hour of twelve had arrived. He immediately left the House. He practiced *bona fide* what he professed. He gave me the first notice of the time, and of the question whether in fact we were defunct. He did not depend upon that false clock face, [pointing to the clock above the Speaker's chair,] the hands of which were made that night to point backwards. It was the first time in my life I ever saw old Time flying backwards; the old might soon have returned to their youth again. I wish that clock was all that is false which is fair about this Capitol. He relied on his own watch, which was regulated by his conscience. Thus reminded of the hour, and struck by the conduct of Mr. Gilmer, upon whose watch and whose conscience I could rely, I was on the point of making opposition to the bill before the House, for reason of the hour, as well as of constitutional objections, when I was prevented by my friend from Pennsylvania, [Mr. M'KENNAN,] who held me down, in a playful way, in my seat, which circumstance he may recollect. Thus I am *certain* that when the vote on the Cumberland road bill was taken, the hour had come and was past! I voted on that bill on account of my constitutional objections to it, and declined several votes afterwards, until my colleague [Mr. MERCER] and others convinced me there was no foundation for the objection to voting after twelve o'clock. On the question "Shall the bill pass?" the vote stood—yeas 94, nays 80; number of votes one hundred and seventy-four.

This, sir, this was the last *bona fide* vote of the last House of Representatives. Here it died, strangled by fraud and foul play!

I beg the House to stop here a moment with me, whilst I collect together and group the facts which I wish borne along in our remembrance, when approaching other facts which follow.

The House will please to remember that the committee of conference was appointed long before the vote on the Cumberland road bill, and time enough for them to have reported before the hour expired.

Remember that the committee of conference returned just before or at the time of the vote on the Cumberland road bill, or just before or at the time of the vote on the Moore and Letcher resolutions; I care not which.

That from the offering of the three million amendment until the Cumberland road bill, inclusive, the yeas and nays were called five times, showing at the different times, 186, 175, 197, 195, and, immediately preceding the Moore and Letcher resolutions, 174 members present and voting!

Mark now the names of those who voted on the Cumberland road bill knowingly and wittingly, with proclamation of notice, after twelve o'clock at night. Among the yeas in favor of that bill we find the name of Samuel Beardsley, a gentleman who, in a breath afterwards, excused himself from voting for the reason "that the term for which the members of the Twenty-Third Congress had been elected, had expired!" Such is the vote, and such the reason for *not* voting, as the Journal shows beyond dispute.

Mr. BEARDSLEY said that by *his watch* it was not so late as twelve o'clock when the vote on the Cumberland road bill was taken. He recollected there was a diversity of opinion about the hour.

Mr. WISE. Well, sir, the gentleman has served in more than one Congress; did he ever know any diversity of opinion, any question about the hour, before the last night of the last session?

Mr. BEARDSLEY said he could not submit thus to be catechised.

Mr. WISE. I know, sir, from childhood up, that catechisms are unpleasant; but when truth is suffering violence we must all submit patiently to be questioned, and the nation must know all the facts and the whole intent in this case. But perhaps by that gentleman's watch it was not then twelve o'clock, though it was soon afterwards. I know it was twelve o'clock and past, for I remember well the fact, that Mr. Gilmer, whose conscience did keep a strict watch over his time piece, announced it to the House, and departed from his post, which he never did unless compelled by sickness or a sense of duty; and I know that I was held in my seat by the strong arm of a strong friend of the Cumberland road bill. The name of that gentleman is not the only name which I wish the House to remember among the votes on this bill after twelve o'clock at night. Among the nays, sir, we find the name of Churchill C. Cambreleng.

The SPEAKER again interrupted Mr. W. for calling members by name.

Mr. WISE. I claim the right to read the Journal of the last session of Congress. Names, dates, persons, facts, are what are wanted. I cannot get along unless I am permitted to call *things by their right names*. It is impossible for me to get along with anything like a connected relation of facts, if I am thus to be interrupted.

The SPEAKER said, the gentleman has the right to read from this Journal. I thought he was naming a gentleman in this House.

Mr. WISE. I have told you, Mr. Speaker, repeatedly, that I was reading from the Journal, and I claim the right to read plainly out the name of Chur-ch-ill C. Cam-bre-leng. [Cries of "Go on!" "Go on!"] As soon as Churchill C. Cambreleng gave this vote, and all the votes were told, after twelve o'clock at night, Churchill C. Cambreleng, the chairman of the committee of conference, might as well have done his duty, and made his report to the House. But this is not all. Two enrolled bills were next reported, one of which the Speaker signed after twelve o'clock at night confessedly.

Mr. Jarvis, of Maine, then moved the following resolution:

"*Resolved*, That the hour having arrived when the term for which this House was elected has expired, we do now adjourn."

Sir, note that here is a resolution offered to the House, giving additional notice to that of Mr. Gilmer, that the hour had come. Note by whom this resolution was offered; by a gentleman who afterwards voted.

The CHAIR again interposed for calling proper names.

Mr. WISE. I read from the Journal. I call the attention of the House to the fact that here is a resolution to adjourn for the reason of the time of night; that the hour had come; that we were dead. Mr. Jones, of Georgia, also immediately moved to adjourn, for the purpose of trying whether the House thought it could sit after twelve o'clock. Here is double notice to all who had conscientious scruples. It was negatived. Where was the want of a quorum to do this?

A motion was then made to suspend the rules, to take up the Moore and Letcher resolutions. It passed in the affirmative. Where was the want of a quorum to prevent doing this? After debate, the previous question was moved and demanded. On the question, "Will the House agree to the resolution as herein recited?" the vote stood—yeas 111, nays 2; number of votes, one hundred and thirteen.

No quorum! But among the yeas I find the names of John Quincy Adams, and Churchill C. Cambreleng! Yes, sir, both voting long after all had been thrice notified that the hour had come! Where were their consciences?

The CHAIR said it was not in order to indulge in personalities, or to refer to motives.

Mr. WISE. Why, sir, the gentleman before me [Mr. CAMBRELENG] is continually assuring me that he does not object to be named, and why should the Speaker? No member calls to order, and I hope I shall be permitted to proceed. The gentleman from Massachusetts has said that gentlemen refused to vote after twelve o'clock, for reason of "conscientious scruples." I put the question, then, in more charitable phrase, where were their "scruples?" Not only had Mr. Gilmer retired, announcing beforehand his reason, but *two* resolutions had been expressly offered to adjourn, assigning the reason that the hour had expired—notice given verbally and in writing before this vote was taken. Where were the scruples of the gentleman then, who, after this, gave as one reason for not reporting from the committee of conference, that the hour had come?

But, sir, the most important fact at this point of time to be noted is, that at one moment you see one hundred and ninety-seven, at another one hundred and ninety-five; immediately preceding this moment one hundred and seventy-four members present, and voting; and of a sudden, in the twinkling of an eye, as if by magic word, there is no quorum! Sir, at the sound of the whistle the Rhoderick-Dhu men disappeared! Where did they go? why? for what?

Two enrolled bills were next reported as having been presented to the President for his signature; and a message was next received from the President, notifying the House—the House of course then in being, after, long after twelve o'clock—that he had approved and signed more than seventy enrolled bills. The President, this proves, was in the Speaker's room after twelve o'clock at night, signing bills. It is notorious he was in that room signing bills after that time of night, after Mr. Gilmer retired, and after the resolution of Mr. Jarvis to adjourn——

The CHAIR again interrupted Mr. W. for mentioning names.

Mr. WISE. What names?

The CHAIR. The name of Mr. Jarvis.

Mr. WISE. I am reading from the Journal.

The CHAIR. I did not so understand the gentleman.

Mr. WISE. Why, sir, those names which I am reading from the Journal *died, according to conscience*, on the 3d of March last.

Mr. MERCER said his colleague [Mr. WISE] must of necessity refer to the names of members of the last Congress.

Mr. WISE. I claim the right to do so, and protest against this interruption of the Speaker.

The CHAIR disclaimed any intention to interrupt the gentleman from Virginia.

Mr. WISE. I hope I may proceed, then, without interruption. A motion was received from the Senate as to enrolled bills signed by the President. How could we receive this message if we were dead? A motion was again made by Mr. Jarvis to adjourn. Here it was that Samuel Beardsley, of New York, being called, declined to answer, on the ground that the session had expired. He was called and came not, at this time, because the hour had come. Had not the hour come on the Cumberland road bill? Was not notice given to all by Mr. Gilmer that the hour had then come? Mr. Beardsley's name was passed over, and he did not answer again that night. There were many others who did not come again that night who were here, but had a call from behind the curtain—who shrunk from their posts, and skulked behind that chair, behind those pillars, appeared and disappeared at the sound of the whistle, and who should have shrunk into nonentity.

The question was taken on adjournment moved, then notoriously after twelve o'clock, by Mr. Jarvis, who had already said, by his resolution, we were dead. The vote stood—yeas 15, nays 103. Number of votes one hundred and eighteen.

Here, sir, only three members were wanting to make a quorum; and I know—I will make oath to the fact—that there were more than three members in the House who did not vote. Mr. Beardsley was present, Mr. Mann, of New York, was present, and I was present myself, and neither of us voted. I will account, sir, for not voting myself. I wish every gentleman would do so, and had done as I did afterwards—answered when called. But who did vote? Mr. Jarvis voted in the affirmative, and Churchill C. Cambreleng voted in the negative—voted against adjournment after he knew the hour had come! After every kind of notice which he could have had of the expiration of the hour, he voted against adjournment—virtually declaring, necessarily voting that the House might sit, was competent to legislate, and ought to continue in session. Now, sir, gentlemen may excuse themselves, those who pretend to have had "conscientious scruples," for voting in the affirmative, for that may have expressed their scruples about continuing to sit; but I am utterly at a loss to see what can justify those who had "conscientious scruples" in voting against adjournment. Why vote to sit if they could not sit? If the House no longer existed in law, and possessed no legislative functions or power, after the hour of twelve, what object was there in voting to continue its session? Will the gentleman from New York [Mr. CAMBRELENG] say that he changed his opinion; that his scruples were begotten between this point of time and the moment he refused to report the proceedings of the committee, for the reason that the hour of twelve o'clock had expired?

But, sir, I must proceed: I am determined to travel over the whole Journal, and point out every fact, even to the crossing of the t's and the dotting of the i's. After Mr. Jarvis's last resolution failed, for want of a quorum, Mr. William Cost Johnson, of Maryland, from the select committee on establishing a national foundery, made a report, which was read, and the resolution therein recommended was agreed to by the House. How could this report be made, and this resolution be agreed to by the House, if there was no quorum and no House? If a quorum and if a House to receive and agree to a report and resolution of a select committee, why was there not a quorum and a House to receive and agree to the report of the committee of conference? Why did its chairman, Churchill C. Cambreleng, not then make its report? He was voting against adjournment, though he knew, all knew, the hour had come; and so far from being a dead body, the House was a living, legislating, acting, moving body!

The Speaker then laid before the House no less than nine communications from the Executive Departments, among which was the letter of the Postmaster General, which was read; and Mr. White, of Florida, laid upon the table an act of the Legislature of that Territory. In a word, sir, every species of legislative action was performed. We were invested with all the functions, attributes, powers, and paraphernalia of a House of Representatives. We were not dead but living legislators, with the substance as well as the semblance of an organized body—the Speaker sitting in that chair, the members here in their seats, long after it was notorious that the hour of twelve o'clock was past and gone forever. Thus formed, thus acting, living, moving, and having our being, we received a message from the Senate to notify the House that the Senate was waiting for us to act upon the fortification bill:

"A message from the Senate, by Mr. Lowrie, their Secretary.

"Mr. Speaker, I am directed to bring to this House a resolution passed by the Senate, and which is as follows:

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill respecting the fortifications of the United States."

Sir, what did this message mean or say, which could have been offensive? It is expressly respectful in its language and in its object. The Senate was waiting for the action of the House on this bill, which alone delayed the termination of the session, and which remained unacted upon by the House, whilst it was acting upon a great variety of other business of much less importance. To my mind, the Senate, by this message, so much abused in the interpretation of it, said to the House "respectfully:" "We do not wish this bill to fail, and we respectfully ask that you will act upon it, and save the interests of the country involved in its passage." The message was received; it was not sent back with an insult to the Senate, as the gentleman from Massachusetts [Mr. ADAMS] would have dashed it on their floor; and what then transpired? The Journal states:

"Mr. Cambreleng, the chairman of the conferees on the part of the House, then rose, and stated that he declined to make report of the proceedings of the committee of conference aforesaid,"—

and, sir, mark the reasons, and compare them with the facts already detailed—

"on the ground that, from the vote on the resolution granting compensation to Robert P. Letcher, which vote was decided at the time the committee returned into the House from the conference, it was ascertained that a quorum was not present; and further, that he declined to make the said report on the ground that the constitutional term for which the House had been chosen had expired."

Up to this moment the House had been hourly waiting for the report of the committee of conference, and not until this moment had the least intimation been given that the chairman of the committee would decline to make the report! He gave two reasons: First, "it was ascertained no quorum was present." How was this ascertained? Why was not a quorum present? That is what I wish the gentleman to answer me? Up to a given point of time—up to the vote on the Moore and Letcher resolutions; and if that was the time when the committee of conference returned, up to the very moment when that committee did return, there were one hundred and seventy-four members present and voting—fifty-three more than a quorum. What became of this number of votes? Why, sir, at the sound of the whistle, at the wink of the leaders, the "faithful" vanished! the "trained bands" were "down! down!" in ambuscade at the stamp of the foot! It was not because they were not here, but because, being here, they would not vote—were ordered not to vote, that there was no quorum. I put it to the gentleman if he did not know, and does not know now, that there was more than a quorum present? How many were present refusing to vote, when but three were wanting to be added to the vote of one hundred and eighteen! Were there not more than *twenty* present who voted, or refused to vote, as circumstances directed them, or as the leaders pleased? Who were they who would not vote? Read the Journal for yourself—he who runs may read. Look at the names of "the party!" It was not the House, or a majority, which was to blame. A majority of the House was ready, and willing, and anxious to pass the bill; but a very small minority could reduce us below the number of a quorum. A majority of the House maintained their posts, and did their duty that night. Some, it is true, left from anxiety to get home, some were sleepy, some were—I beg pardon, I was about to say some were *drunk;* but, drunk or sober, they were ready to vote and pass the bill; but the chairman of the committee of conference [Mr. CAMBRELENG] would not make his report, because there was no quorum! Now, how did he know there was no quorum without a call of the House?

Mr. CAMBRELENG. I knew it.

Mr. WISE. Yes! I know you knew there would be no quorum without a call; no man knew it so well as you did! But how did you know it! Did you not know where those were who were ordered to be "deficit" on the occasion of a call? So much for the want of a quorum!

The second reason of the gentleman was "that the constitutional term for which the House had been chosen had expired!" Now, sir, please compare this reason with the gentleman's own votes. Thrice, previous to this excuse, the gentleman himself had voted on a call of the yeas and nays—he voted on every call, from the Cumberland road bill up to this paltry excuse, repeatedly after twelve o'clock at night! He voted against the Cumberland road bill, then in favor of a resolution to pay money out of the House fund to Robert P. Letcher, and actually against an adjournment, after the hour of twelve, before he gave in this excuse for not reporting from the committee of conference; and, sir, will it be believed that the gentleman did actually vote upon a call of the yeas and nays even after he gave this reason, that the term of the House had expired! Sir, I cannot understand the consistency of this conduct with these excuses for failing to do an act of duty. Can the gentleman explain this?

Mr. CAMBRELENG. Yes, I will.

Mr. WISE. You will attempt it, but you cannot explain it. Yes, sir, after this excuse was offered, a motion was made to adjourn, and on the call of yeas and nays Mr. Cambreleng was found still voting. And, among the list of nays on this last vote, at the fag end of the night's labors, is found the name of John Quincy Adams.

Mr. ADAMS here explained.

Mr. WISE was proceeding to reply, when

Mr. MERCER said his colleague had totally misapprehended the gentleman from Massachusetts, and repeated in substance Mr. Adams's explanation.

Mr. WISE. Then I have misunderstood the gentleman. I thought he had been arguing all the time that the House was a dead Hector at twelve o'clock that night. The distance of the gentleman's seat prevents my hearing him distinctly. I am happy to be corrected, for the gentleman's opinion is one I regard highly on such questions.

But there is that other name which must not be forgotten, by the side of the towering name of the gentleman from Massachusetts. That name reads, Churchill C. Cambreleng, who continued to vote after he excused himself from reporting, because, in his conscience, he was dead.

To go back a little. Mr. Cambreleng, with such excuses, and such of his own conduct to rebut them, declined to make the report of the conferees, and Mr. Lewis had to make the report long, long after the conferees had returned to the House.

Mr. CAMBRELENG said the report was not made by Mr. Lewis.

Mr. WISE. He did make it! Here it is upon the record, [holding up the Journal;] this Journal says so:

"Mr. Lewis, from the conferees, then made a report, as follows:

"That the conferees had agreed to recommend to the respective Houses that the House of Representatives recede from its amendment containing an appropriation of three million dollars, to be expended in whole or in part under the direction of the President, for the military and naval service, including fortifications and ordnance, and increase of the Navy, and that, in lieu thereof, the bill be amended by inserting therein the following, viz:

"As an additional appropriation, the sum of $300,000 shall be appropriated for arming the fortifications of the United States, over and above the sums provided in this act; and that the sum of $500,000 shall be, and hereby is, appropriated for the repairs and equipment of the vessels of war of the United States, in addition to previous appropriations; the said sums to be paid out of any money in the Treasury not otherwise appropriated."

On the question to adopt this report, it was objected there was no quorum, and tellers having been named, they reported that no quorum was present.

Mr. Lewis did make the report, whether it was received or not, and it was entered on the Journals. I was sitting by him when he made the report. He took it from Mr. Cambreleng, was called on to make it, and handed it to the messenger of the Clerk who has put it upon record. He made the report though the hour had come! And, sir, I could not but observe his astonishment when Mr. Cambreleng refused to make the report. No quorum! Do we ever count the House when we receive the report of a committee? How know there was not a quorum before a count? Sir, it was notorious there was a quorum; it was known to every man. I would say, if there was one, there were one hundred and fifty members at least in the House when the report was made. They were in that lobby; they were skulking in every direction, and refused to vote. They knew their own motives. I will not dive into their hearts, but such is the fact!

After the yeas and nays on the motion to adjourn, we received another message from the Senate, by Mr. Lowrie:

"Mr Speaker, I am directed to inform the House of Representatives that the Senate has finished the legislative business before it, and is ready to adjourn."

Now, sir, no man will accuse me of being the advocate or the apologist of the Senate. But "give the Devil his due." Let the truth be told, acquit whom it may, injure whom it may. This message can be considered in no other light than another respectful intimation to the House to act on the fortification bill. So I considered it at the time. The Senate could not, with propriety, have renewed the first message, without seeming to arrogate the prerogative of dictating to the House, or without seeming to be guilty of the insolence which was charged upon the first message by the gentleman from Massachusetts, [Mr. ADAMS.] They therefore said, "the Senate has finished the legislative business before it!" And was this not the fact? Was the fortification bill there? No, sir! it was here, in this House, and here unacted on! Yes, sir, notwithstanding this bill was still unacted on in the House, Mr. F. O. J. Smith, of Maine, one of "the faithful," offered a resolution, "that a committee be appointed to wait on the President, and to notify him that, unless he may have further communications to make, the two Houses of Congress, having completed the business before them, are ready to close the present session." Although this was admitting that the session had not closed, yet, was it true that both Houses had completed the business before them? Had the House of Representatives acted on and completed the fortification bill which was before it? It had not. The Senate had completed its business; the House had not.

The House again proceeded to take up the Letcher resolution. There was no quorum answering, though one present. Mr. Smith then moved a message to notify the Senate that the House "had completed the business before it," whilst the fortification bill was still unacted on, and after the two messages from the Senate directing our attention, requesting our attention to it! Pending this motion and a call of the House, Mr. Mason moved to adjourn, because the Senate had adjourned, and his motion passed in the affirmative, without even the usual interchange of courtesy between the two Houses and the other branch of the Government. Such was the termination of the last Congress, and I do say, sir, it was one of the most disgraceful scenes I ever witnessed; it was unbecoming barbarians and savages, much more than representatives of a civilized nation! Sleepy, tired, drunk——

Mr. BYNUM. Is the gentleman in order when speaking thus of the last Congress?

Mr. WISE. I do not pretend to say, Mr. Speaker, that all Congress was drunk, or that one half, one third, or one tenth of the members were drunk; but I know that some were drunk—that I was not of the number—and so it was, that what with maneuvering, being tired, opposed to some measures, sleepy, drowsy, and drunk, no quorum could be had unless it suited certain individuals.

Mr. LANE said he would like to hear the names of those who were drunk.

Mr. WISE. The gentleman might feel unhappy if I were to mention names.

I have now, sir, given you the facts upon the Journal; but there are other important facts—facts unwritten as well as facts written. Out with them! Come! rise in your high places all, here and elsewhere, and tell the truth—the whole truth! It is said that bill failed in the House. That is not true. It failed before it got to the House from the conference room; it dropped like a spent ball before it quite got here—it dropped near the door! There are two statements about the matter; they may be conjectural; I cannot vouch for them. I mean to put interrogatories. I put it to the gentleman, [Mr. CAMBRELENG,] did no "busy body" whisper aught in his ear as he was on his way to report to the House? Did no one tempt him as he passed, to strangle the bantling under his care? Was there no magician near? No devil and his imps? And if this may be denied; I put it to the honorable chairman of the committee of conference [Mr. CAMBRELENG] if no member of the committee received a *billet doux* after he resumed his seat? Did the honorable chairman, after he had left the conference room, not intend to make the report? Did he not, after he returned to the House with it, inform a gentleman from Tennessee, [Mr. FORESTER,] though it was then after twelve o'clock at night, that he intended to make the report? Did he not sit down by a gentleman from Ohio, [Mr. WHITTLESEY,] and give him to understand, with the report on the desk before him, that the report was to be made? Why did that intention fail? What prevented? Sir, there were *spirits* haunting the Capitol that "awfu' night"—there where strange whisperings—chattering elves—ghosts, as I am told, I did not see them—blue devils and imps! Is it true; was there any dealing with the "infernals" that night? Tell us, I pray, tell us, and let the curse fall on the necromancers, not on the victims of the horrid spell!

Mr. CAMBRELENG. I can tell you.

Mr. WISE. Ay, you can tell us, can you? There is another more important fact which must come out. Out with it all, say I. You, Mr. Speaker, ay, you, sir, are deeply concerned in that matter, deny it if you can. Before I disclose that fact, I must premise that I voted for the three million amendment. There were one hundred and nine votes for it, the name of John Quincy Adams first, and my name last on the list of yeas. I was held to a strict accountability for that vote by my constituents, with whom I have settled it, as a gentleman whom I now see [Mr. TYLER] can attest, for I believe he heard my reasons and my apologies before the people. Sir, I have now to say that, under the impressions of that amendment at the time I gave that vote, I would give the same vote again, with the same information I then possessed. And here, be it known, by the way, in justice to the gentleman from New York, [Mr. CAMBRELENG,] that he did notify me personally in that lobby. I do not know that he notified the House. One or two days before the 3d of March, I believe——

Mr. CAMBRELENG said he notified the House the day before, when he withdrew the resolution for contingent preparation for war.

Mr. WISE. Of that I am not certain; but the gentleman did notify me personally, perhaps the day before it was offered, that he intended to offer that amendment, and asked if I would vote for it. I replied that, without reference to a state of war, for a peace establishment alone, I would vote for *thrice* three millions for the purpose of putting our Navy in respectable trim, and to repair and complete our fortifications. But no one notified, no one informed me, or the House in my hearing, that the President recommended the additional appropriation, or that it was "in accordance" even "with the views of the Executive." I had sufficient information of my own, without the views of the Executive, to convince me of the necessity of a large appropriation for means of national defense. I knew that our Navy and fortifications were in a most lamentable and disgraceful condition—disgraceful to a nation like this, disgraceful to the departments which have their care and superintendence!—I knew that, notwithstanding our commerce floats and needs protection in every sea, notwithstanding the Navy was a popular favorite, notwithstanding more than sixty-five millions had been expended on a Navy since the last war, we had but *one* ship-of-the-line in commission on the ocean! We have but *one* now.

I knew that several new ships, which had never been in service, were rotten and decayed. I knew that some were rotting on the stocks for want of care. I knew that the naval architecture which has lately been introduced by the board of Navy commissioners was a disgrace to the arts of this country. I knew that to put crews on board several of our sloops-of-war—the Warren, Lexington, and Natchez, for instance—was to send them to prison-ships. That the vessels could not sail fast enough to overtake anything they could whip, and could not get out of the way of anything that could whip them. I knew that the projectors were ashamed of the experiment! I knew that immense sums of money had been thrown into mud and water upon certain "water-halls." I knew that certain grand improvements upon our guns, reducing their weight from that well-known standard of experience and science, two hundred pounds of metal to the pound of ball—the chimera of medium-guns* had ruined in a great measure our naval ordnance. I got the report of the inspector of naval ordnance into the House the very last night of the session, through my friend the Hon. William Cost Johnson, who made the report on establishing a national foundery. That report had been made to the board of Navy commissioners more than twelve months, and had never been communicated to Congress, because, I presume, it exposed some of the chimeras of the Department, and shows how the

* These guns, I am told, were ordered in 1826.

$65,000,000 have in part been expended. From that report, I knew that about seven hundred and fifty of the guns of the Navy were unfit for service, and they are now, many of them, on board your vessels of war. The men are afraid of them. I knew it would take from six to twelve months to get our ships and vessels of war in ordinary afloat.

Concerning the War Department, I knew that scarcely one of the old fortifications which were left dilapidated by the last war was in a state of repair. Witness the facts exposed during the debate that very last night of the session in relation to Fort McHenry, near Baltimore, and the works on the Gulf of Mexico! I knew that, notwithstanding more than twenty-six millions had been expended on building, or rather on commencing to build, fortifications since 1820, not one scarcely of our new fortifications was completed. I say "commencing to build," because the system has not been one of defense, it has been one of electioneering to scatter Government patronage! Instead of completing those commenced before others are begun, as many congressional districts as possible are given a taste of Treasury pap, and the works, begun and incomplete, are left to the necessary injury of delay, and to the tender mercy of any enemy who may choose to capture them. Your own forts are now exactly in the condition either to be blown up, or to be turned upon yourselves. Witness Old Point Comfort and the Rip Raps! I knew, sir, that with the most extended coast of any people on the face of the earth, on the Gulf, on the Atlantic, and on the Lakes, to be defended, we have not a fort in readiness for any emergency, near or afar off. I knew, according to information from the ordnance department, it would take twenty years at the present rate of appropriation, $100,000 only per annum, or, in other words, a present appropriation of $2,000,000, for armament of fortifications alone! I knew we had but three safe founderies in the entire eastern section of the country, at which ordnance can be cast. I knew that casting of ordnance was no light job, and $2,000,000 worth was not to be cast in a day. I knew that from Florida to Maine there was not a single fort which could mount twenty guns. I knew that there were no gun-carriages. Witness Fort Washington, the guard of the pass to this Capitol, which has once been burnt, has not a gun on its ramparts. And, in addition to all this, I knew that a French Minister (General Bernard) knows our condition of defense better than we do, for he has been our chief engineer! Such I knew to be our condition, and such I know to be our condition *now*, though year after year, every year, the false cry has been heard from the watch-towers, "*all's well!*" Every session of Congress, every return of the session, have we been most graciously greeted with the formal and fashionable congratulations and felicitations on the happy and unparalleled present condition, and the prospects of the future prosperity of our country; and, Mr. Speaker, *here we are!* caught naked, defenseless, unprepared, and unpreparing for defense, with our hand's in the lion's mouth. Let those who have all the time had all this information, and who have all the day been standing idle, recommending nothing, reporting nothing, advising nothing, no, not until this very moment, bear the blame; I, and those with whom I act, are innocent.

Sir, I say I know that, with all this immense want of appropriation, three millions would be but as a drop in the bucket for *either* of the objects—fortifications, ordnance, or increase of the Navy. Knowing this I voted for that amendment; not with reference to war, for not more than twenty-four hours before the gentleman from New York [Mr. CAMBRELENG] had withdrawn his resolution to make contingent preparation for war, though that gentleman proposed the three-million amendment, and now assigns the necessity at the time of preparing for war as the reason! The gentleman from Massachusetts [Mr. ADAMS] withdrew a similar resolution, and voted the very next day for this amendment, and now tells us that the "next step for those who voted against that amendment was to join the enemy!" After the *withdrawal* of that resolution upon French affairs, but the day before, by the chairman of the Committee on Foreign Affairs, could I, could any one not initiated, doubt that these three millions were *not* proposed for war? I voted for the amendment for reasons of *peace*, not of war. I thought it the best way to keep peace to be in a state of readiness for war, and that sound economy, as well as policy, required the appropriation. For the reasons I have given, I wanted no estimates, no more data, than I had already.

But, sir, many gentlemen had not then this information, the estimates, the data. No information, no estimates, no data, were furnished by the Departments, or by the committees. There was time enough for the estimates to have been furnished; for I tell you that notice was given to me personally, beforehand, and it must have been in contemplation before notice, that this amendment was to be offered; and the gentleman from New York [Mr. CAMBRELENG] shall not claim to have given notice, and still urge that there was not time for the data to be furnished. Indeed, all the time his resolution was pending to make contingent preparation for war, these data and estimates should have been prepared; they should always be ready. But no information of the kind was furnished those even who might have been willing to vote upon faith in the President. The faith of some was monstrous strong!—did not know that he wished such an appropriation, or even that he thought it proper. Why, sir, when I returned home, and was accused by my opponents of voting the President $3,000,000, I honestly and sincerely told my friends that the President had never called for the appropriation, and I presumed, therefore, he must have thought it unnecessary, or he would, as in duty bound, have certainly recommended it by message, or through some Department. Never until I saw his message to this Congress, did I know that amendment was "in accordance with the views of the Executive." And, sir, I venture to say that a large majority of the last Congress were as ignorant as I was of any such "views of the Executive." I can prove here on the spot, by a member of the Committee on Foreign Affairs, [Mr. PEYTON,] that he was totally ignorant of "the views of the Executive," or of any information from the Departments in relation to this three million amendment.

But, sir, I now know, by evidence newly discovered, that some few did know that the President did desire this appropriation of three millions; that they, though chairmen of the principal committees, never communicated it to their committees, much less to the House; that they whispered it to a few others, and told them "NOT TO SAY ANYTHING ABOUT IT." You, Mr. Speaker, you I charge with the guilt of that fact! You may deny it in your place or not. If you do deny it, I am ready with a witness to prove that—

Here Mr. W. read a written statement given to him by the Hon. Luke Lea, of Tennessee, corroborated by the statement of the Hon. Samuel Bunch, of Tennessee, in the following words:

"On the last night of the last session of Congress, pending the question of the three million appropriation, two of the members of that Congress hesitated as to the propriety of voting for said appropriation, when one of them proposed to the other that he would make inquiry of one of the members of the Committee of Ways and Means, who sat near them, whether this appropriation had been asked for by the President, which he did, and received for answer that the committee had been asked for it, or it had been intimated to them that he desired it, but that you need not say anything about it; which answer was immediately communicated to the other member. It was then agreed upon between the members, that, as the money was not to be used except for the purposes specified, and not until the contingency should make it necessary, they would vote for the amendment."

Sir, I charge you with being that member who—[loud cries of "Order! order!"] The chairman of the Committee of Ways and Means, [Mr. POLK,] it is said, gave this answer. Is it true? Yes, or no! Guilty, or not guilty?

The CHAIR. If it is desired that I should make any statement of any fact in my knowledge, I am ready to make it. [Cries of "No! no!" from Mr. Polk's own friends.]

Mr. MERCER considered the call upon the Speaker, as such, to be out of order, but the call upon him, as a member of the last House, in order.

Mr. WISE. I call upon the chairman of the Committee of Ways and Means of the last Congress.

The CHAIR said, if the House wished it, or would permit it, he would make a brief statement. [Cries of "No! no!" from some of his own friends, and of "Agreed!" "agreed!" from all quarters.]

Mr. ADAMS here attempted to get an explanation.

Mr. MERCER hoped the House would yield its unanimous consent to the explanation of the Speaker.

Mr. VINTON wished to know if the Speaker himself desired it; because, if not, he should object.

The SPEAKER then rose and confessed that the statement of Mr. Lea was substantially true; but he did not recollect that part of it which says he enjoined secrecy, though he may have said it, and would not say he had not. But he was unable to conceive how this could be a matter of any sort of importance. He apologized to Mr Wise for interrupting him in reading the Journal, and appealed to him and the House to sustain him in maintaining order.

Mr. LEA, of Tennessee, then rose, and confirmed the statement which he had given Mr. Wise in writing, and which the Speaker [Mr. POLK] admitted to be true.

Mr. WISE. Sir, permit me to say that I truly and sincerely sympathize with the situation of the Chair. I know its embarrassments, and I shall at all times be ready to sustain its efforts to preserve order.

But to proceed. And this, Mr. Speaker, is not an important fact! What, sir! the chairman of the Committee of Ways and Means know the fact that the President desires an appropriation of THREE MILLIONS of dollars, not communicate it to his committee or to the House, and whilst endeavoring to get it through and obtain votes for its passage, to whisper the President's will to a few members in their seats—TO BE KEPT A SECRET! Great God! and this in these days, in the green tree, is not a matter of importance! I wish not to deal with this fact until I have a fair opportunity.

Mr. Speaker, before I proceed with my remarks of yesterday, permit me to say, the reflections of the past night have admonished me that a most serious, solemn, and delicate duty has accidentally, on the occasion of this debate, devolved upon me, and upon all in this House who are disposed, without fear, favor, or affection, to do their duty to their country and its sacred institutions. I lament, sir, sincerely lament, for the sake of all that is dear to us, that the corruption—CORRUPTION, sir, is the word—of the times, does exist; but it is too true; it is engendered—it is sneaking through every avenue almost of the public service—it is undermining the Constitution and the safety of the free Government which we derived from our fathers; and I glory in dragging it out from the darkness which it loves, and in exposing its "hideous front," in the full light of truth, to the astonished gaze of the honest and unsuspecting people of this nation! I will then leave the correction of it to them. They can create, and they can destroy. It is one of their virtues that their confidence in those whom they have trusted is not easily to be shaken; but when once deceived, once betrayed, their vengeance, their condign punishment is awful! I know they are honest, and will not tolerate corruption.

Sir, before I closed on the past evening, we had arrived at one most important fact, which the Journal does not record, which was not before known, which I would that the history of my country in its very infancy had not to record, and which I must say has produced a most—distinguished anxiety.

We have arrived at the solemn fact—half admitted and fully proved—that, at the last session, the chairman of the Committee of Ways and Means [Mr. POLK] was informed and knew that the President of the United States desired an appropriation of THREE MILLION dollars for MILITARY AND NAVAL SERVICE; that he never communicated it to his committee or to the House of Representatives; but whispered it, AS A SECRET, to a few members in their seats, desiring them to "say nothing about" the fact that such was the desire of the President!

I call upon this House and this nation to wit-

ness this fact, stated, proved, and not here denied, but admitted. Here [striking his breast] is the accuser; there [pointing at the Speaker] and there [pointing at Mr CAMBRELENG] are the accused! There are others [signifying Mr. V. B. and Mr. F.] who may be the guiltiest of the gang! The people are our judges; they are now sitting, and will judge righteously.

Why, sir, appoint a committee? The investigation is already made; here is the record evidence, [holding up the Journal;] there are the oral witnesses, [pointing to Messrs. LEA and BUNCH;] and the truth necessary for a verdict and conviction, to the mind of any honest, impartial man, is already out. There is no necessity for the appointment of the committee asked for. The material facts, or some of them, are already before the House, and all of them, if I can bring them out, shall be before us here; and here, before the eyes of the world, they should be divulged. Sir, if a committee is appointed, it will be a "stocked pack." I will not consent to play with such cards! If a committee be appointed, there will certainly—we have got to that pass—be two reports, conflicting and diametrically opposite. No matter where truth, where justice lies, I say we know beforehand there will certainly be two reports. Committees are more used now-a-days to gloss over than to probe corruption. I have but little confidence in them. If they cannot report favorably to "the party," they will never report at all! Why appoint a committee, when here it has been charged, face to face, and fully proved, that the fortification bill of the last session was lost by the maneuvering, with others, of a gentleman whose name reads on the Journal—Churchill C. Cambreleng? When here it has been charged, and not denied—ay, if denied, fully proved, that the chairman of the Committee of Ways and Means, [JAMES K. POLK,] knowing the views of the Executive, but never communicating them to committee or House, did go round privately among members, and tell such as were friendly to the President, that he wanted the grant of three millions, but not to say anything about it? What need, then, I repeat, of a committee to ascertain what is already known? These facts have come out, and more must follow. Let them follow, one after another, in review here in this Hall, and, if you are honest, you will gaze on the procession with indignation and alarm. No plastering committee in a shut chamber! Let the naked truth stand up here, to confront men in high places, no matter who they may be, charged with fraud and corruption!

I will never examine this subject anywhere else than in this House. And how was that three million amendment proposed? Sir, although it was apparently brought upon us suddenly, in the last hour of our existence, and although the House had no notice of it, at all events not until the day before; yet now it seems that it had been for some time thought of in another quarter, that it was "in accordance with the views of the Executive," that those views had been communicated to the chairman of the Committee of Ways and Means, [Mr. POLK,] and to the chairman of the Committee on Foreign Affairs, [Mr. CAMBRELENG,] who communicated them secretly to a few others. There was time, then, sir, for all the estimates to be furnished. I know, and the gentleman [Mr. CAMBRELENG] will bear me witness, that he gave me notice, personally, some days before the 31st of March, that he intended to move an amendment of three millions, though I had no notice of its form, and much less had I notice that it was "in accordance even with the views of the Executive." I pledged myself to vote for it, from the information I possessed in relation to our defenseless condition.

A day, a single day, was sufficient time to furnish the estimates, from the numerous facts which lie in the way of everybody, and especially for the Departments, which should always be ready with all information as to the condition of the country. It was known to you, Mr. Speaker, that the President thought this a proper and necessary appropriation, and that he desired it to be made. Why was this not made known officially to the committee and to the House? Why did not the President "give to Congress" this information, "and recommend to their consideration" this measure which he judged "necessary and expedient."

Sir, it is made the imperative duty of the President of the United States by the Constitution: "He shall [reading from the Constitution] from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." This is his duty, not by that permissive word "may," but by that imperative word "shall," and not at the beginning only of a session, but "from time to time," at all times proper, he is bound to do and perform this imperative duty. Now, sir, on the 3d of March, 1835, the last Congress had been twice in session, and in existence two years, and yet at the beginning of neither session, and at no time whatever had he ever intimated even that the "state of the Union" required an appropriation of three million dollars. He did not communicate any such "information" to this Congress! Was the Executive ignorant of the wretched condition of our means of defense? Did he not know the startling facts which I have already disclosed in relation to our fortifications, our ordnance, and our Navy? I say, sir, they are too plain to be stumbled over by anybody, and certainly the Departments should be the very sources of information on the subject. There was, however, a great deal of trouble in the wigwam last winter, when the rumors of war reached the guardians of our safety. How will it be if the tocsin of war be actually sounded? The President was not ignorant of our condition; an appropriation was necessary without a speck of war in the horizon, and his message to us this session is proof furnished by himself that he deemed the three million amendment necessary and proper on the 3d of March, 1835, when he made no recommendation of the measure to Congress, save to you, sir, and you suppressed it; and, though our French relations are in a worse condition than then, he still made no recommendation of such an appropriation, in that very message which says it was nine months ago "in accordance with the views of the Executive!"

A secret recommendation! What, in the name of the safety of this Government, was it to be kept secret for? Was the direction to keep it secret the direction of the President? Or was it the unauthorized direction of the chairman of the Committee of Ways and Means, [Mr. POLK?] This question should be answered; one or both must be guilty, and one [Mr. POLK] is guilty whether the other is or not! Would the chairman have dared to withhold any item of the Executive will which he was ordered to communicate? If he failed, he was guilty of a flagrant dereliction of duty to the Executive and his recommendation. And if he was ordered to "keep the will of the Executive secret," and did so, he was false to the House of Representatives, to the Constitution and the country, and betrayed his trust!

Sir, though the fortification bill had come to the House from the Senate days and weeks before the 3d of March, this three million amendment was kept back until the last hour. Was it intended to be hurried through by fear of the responsibility to refuse an appropriation for nominal defense, when there was no time to think, and scarcely time to act. Sir, I thought I had clearly excused myself for the vote I gave on this amendment; but late information, such as I have discovered and exposed to the House, makes it necessary for me to say I will swear on the Holy Evangelists that I never heard one word about the views of the Executive in relation to this three million appropriation until the message of the President to this Congress; and never did I know that the views of the Executive were kept secret until I had obtained the written statement from my friend from Tennessee, [Mr. LEA,] which I got from him within the last forty-eight hours! I knew a day or so beforehand that such a proposition would be made, but I thought it would be made, and was made, on the responsibility of the chairman of the Committee of Foreign Affairs alone. I had such information as authorized me to vote for it—information which very few, if any, members besides had; for it was not until the 3d of March, after twelve o'clock at night, that I got in the report of the inspector of naval ordnance, which had been never communicated to Congress, though it had been lying in the office of the board of Navy commissioners for near, or quite eighteen months, through my honorable friend from Maryland, [Mr. C. JOHNSON,] who made the report on the national foundery. I say I knew the wretched condition of the Navy and of fortifications and I voted for that amendment under the impression that it was necessary for a state of peace as well as for a state of war. But did I know that none but a few select tools knew the real secret about it? Did I know that two chairmen of the highest committees knew the wishes and views of the Executive, and had concealed them except from a few as a secret? Did I dream that there was danger of this three millions becoming *secret* service money? Sir, if had known or suspected any thing like this, I would as soon have trampled this Constitution—this work of our fathers, this guarantee of our liberties, under foot—have torn it into atoms, or thrown it into that fire, as I would have voted for that amendment, appropriating three millions for secret service! Both acts would have been equally sacrilegious, and would have done equal violence to the Constitution and the country. But the secret was kept, and the House remained ignorant of what it was doing.

Permit me, sir, it is due to myself, to give you my impressions of this amendment at the time I voted for it. Its form was not such, I confess, as satisfied me, but, in the short space I had to view it, I was led to a construction which reconciled me to vote for it. It is sufficient for my justification, that my impressions of it were honest at the time, though I do not pretend to say now whether my construction of it was right or wrong. There is no principle in the theory of our Government more vitally important, in my estimation, than the principle of specific appropriations. During the whole of the last Congress, I was constantly watchful to preserve that principle as sacred to the freedom of the Constitution. It was jealously borne in mind by me, when called on to vote for this amendment. I read it carefully. [Here Mr. W. read the amendment.] In the usual language of appropriation, this sum of $3,000,000 was "to be expended, in whole or in part, under the direction of the President of the United States." I could not, or did not at the time, regard this clause as extraordinary or improper, because I knew it merely recognized the distinct functions of Congress and the Executive. Congress, or rather the legislative department, appropriates the public money, and in all cases, except that of the contingent fund of the two Houses and some other minor exceptions, the Executive applies the appropriation. From the foundation of the Government, the money appropriated by Congress has been "expended," with or without an express provision to that effect, "under the direction of the President," or some one of the Executive Departments. This, then, roused no fear, no suspicion. Again: this sum was to be expended "for the military and naval service."

This was, I thought, too general, too indefinite and latitudinous, if it had been alone, unrestrained and unqualified; but it struck me, at the moment that it was limited, restrained, and made more specific, by the clause or phrase immediately succeeding, "including fortifications and ordnance, and increase of the Navy." My construction then was, that this three millions of the public money was to be appropriated for "that part of the military and Navy services included under the heads of fortifications, ordnance, and increase of the Navy." And, knowing that three millions could well be expended on either object, that either fortifications, ordnance, or increase of the Navy would consume more than three millions, and that the whole sum would be very inadequate for all three objects, and not knowing which object might require most of the appropriation, I saw no objection to leaving a discretion in the application of the sum to those three objects, as they might require it to be expended, upon a principle similar to that which authorizes the transfer of a surplus of one fund to the deficiency of another fund, appropriated. Such was my view of this part of the amendment when it was proposed—it is certainly plausible, though I am now inclined to think it is erroneous. I now fear

that something more was meant here than caught the eye of one who was called upon to vote so suddenly. The "proviso" of the amendment which "provided such expenditures shall be rendered necessary for the defense of the country, prior to the next meeting of Congress," I regarded, so far from being an extension of Executive discretion in the application of the appropriation, as a limitation of that discretion, and as creating a responsibility on the Executive which would not have been imposed without it. If there had been no such proviso, the money would have been appropriated absolutely, to be expended absolutely, whether necessary or not; and it allowed not the President to judge of the necessity of expending the money for offense, but for the purposes merely of defense, and made him responsible for the exercise of a sound discretion, even in expending the appropriation for those purposes. This construction of that proviso I believe now to be correct; but I believe now that no tongue can tell how it may have been perverted. These views I expressed on the 3d of March, 1835, on the floor, and they were honestly entertained. The sum of money was trifling, compared with the objects of expenditure. I knew that it would require ten millions for fortifications, ordnance, and the increase of the Navy, considering the manner in which the money of the United States is squandered on our public works, or rather our public contractors, I thought the amendment not only innocent, but necessary, for peace as well as for war.

But now, sir, I should like to know, I have a right to inquire, whether the ingenious, ambiguous, doubtful wording of this amendment had any covert and treacherous meaning? If so, if this appropriation was for secret-service money—if it was a man-trap, a Government trap, I say, with all the energy of my soul!—I say, the corruption, the treason, which set it, should be hurled from its high seat, whether that seat be in this House or the White House! If there was anything foul, false, or fatal intended by this trap, I am innocent! Was I duped? Was I imposed on? Is it not too bad that the House, or the Senate, should be charged with this *individual* fraud, and that those very persons who did the wrong, who are themselves guilty of this miserable trick of setting this Government trap, should now be setting the Senate and the House by the ears for the responsibility of their own wrongs—that they should now be hissing on the quarrel, and chuckling in their sleeves at the success of their cunning device! I do contemn and abhor—I do denounce them and their devices! They are caught! Let them hang their heads, the guilty wretches, in eternal shame! Their guilt is established beyond all controversy by parol and record proof, and I here hold them up to the lash of an indignant people! Sir, when this statement [holding up Mr. Lea's written statement] was made to me within the last two days, I shuddered to think how near I may have been, innocently on my part, brought to aid in an unpardonable crime against my country! Would all the protestations of innocence, made with all the fervor of honest sincerity, have saved my humble name from the everlasting suspicion of being *particeps criminis?* Sir, if harm to the country was meant, it was the interposition of that Divine Providence which has ever watched over the destinies of this Republic, to guard it from secret and open, foreign and domestic foes, and which "bringeth good out of evil," that the appropriation was not made. The coast remains unfortified, but better so than that our fortifications or our standing army should now be bristling with armament against our own liberties! Look upon what may have been the intention and the result! God Almighty may have sent an especial providence to prevent the bill from passing, to save the Government from ruin, and the names of innocent men from eternal obloquy and reproach! The gentleman from New York [Mr. CAMBRELENG] may set it down as one merit of his trick, of his intrigue, that it may have saved the Government. It succeeded to defeat the fortification bill, but prevented a much greater mischief, and it is now exposed. Yes, sir, from what is now known, the sins of that awful night—the 3d of March, 1835—may have saved the Government! We now know, Mr. Speaker, that you knew the President desired this immense appropriation, and that you kept it secret, and requested others to say nothing about it! I can conjecture no good object in keeping that secret. Can any gentleman give me a reason why the "views" and wishes of the Executive were not made known?

Sir, if a despotism is to be sprung upon us, for mercy's sake let it be known, that we may strike it down or escape from it! Let us see and know it is approaching, that we may stand and strike, or, like our fathers, "take the wings of the morning, and fly to the uttermost parts of the earth" to escape its iron grasp and find a home for the free! Do not give us a secret despotism! I pray God to save this country from a secret despotism! If there is an unpardonable political sin, it is the intent and the overt act to bring about a secret despotism. I ask, why was so much secrecy in relation to the views of the Executive necessary? Was there more meant than was expressed by that amendment? I confess, sir, I am bewildered and amazed! "The chairman of the Committee of Ways and Means covertly whispering the wish of the Executive to have placed at his disposal $3,000,000, and enjoining secrecy! I can conceive of no conduct so reprehensible, so odious, so abominable! Done, too, by "a member of the Democratic-Republican party"—done by a Representative of a free people! Sir, I was about to say that the Executive would not dare to impart a secret of that sort to *any patriot* in Congress; he, any man who loved his country, would have spurned the communication with indignant warmth, and have exposed it upon the spot! I beg pardon of my friend from Tennessee, [Mr. LEA,] for saying this so strongly, as he did not announce the fact as soon as he was told of it. I know, sir, he was honest, and I know the circumstances under which the secret was whispered into his ear. It no doubt did not strike him then as it strikes me now. Sir, if we are to have a despotism, I pray Heaven again it may come upon us in a bold and manly way. Let the man who is to subdue our liberties come with the boldness of a Napoleon; let him, in the sight of all the people, put on the Imperial purple and the crown! We will know then the worst, and can prepare the armor of our defense. I could admire whilst I should strike the tyrant of genius and brave ambition, who should attempt to seize upon our liberties by force. But, of all despotisms, that brought upon an unsuspecting people, a confiding, a generous, free people, through the pimps, imps, spies, tools, and pensioned-trained bands of *secret corruption*, is the most loathsome, the most despicable, the most to be dreaded!

Sir, I remember well that when, that night, two of my colleagues [Messrs. GORDON and GHOLSON] warned us against trusting so much to the Executive, I, for one, denied that it was any "pitiful Administration or anti-Administration measure." I thought so in truth and honest sincerity. It was expressly denied by gentlemen of "*the party*" (among the rest by a gentleman from North Carolina, Mr. BYNUM) that the President had called for this appropriation, and they contended that we had no right to infer that it was his wish. When I returned home to my good constituents, and was arraigned for voting three millions to the President to do with as he pleased, I vindicated myself most successfully from this charge of man-worship by showing these very denials that it was the wish of the President to have this appropriation made. It was over and often repeated in your presence, Mr. Speaker, and in that of the chairman of the Committee on Foreign Affairs, [Mr. CAMBRELENG,] that the President did not call the appropriation, and that no man, therefore, could be impeached for man-worship who voted for it. And it was as frequently asked whether we would appropriate so large a sum without a call from the President. You, sir, and the other gentleman, knew the secret, were present, and neither corrected the denials, nor answered the inquiries! Sir, you permitted truth to fall in the streets. Knowing the secret, and not disclosing it, would have been bad enough; but knowing it, and keeping it confidentially—not disclosing it to but one or two individuals, THAT WITH THE VIEW, TOO, OF OBTAINING THEIR VOTES FOR THE GRANT OF THE THREE MILLIONS, AND ENJOINING SECRECY UPON THEM—is awfully alarming! The secrecy, I say, sir, implies some object in the amendment which is not expressed. What was that object? Were three millions wanted for a peace establishment? Certainly not, in the estimation of the Executive, or it would long ere then have been recommended. If for *peace*, he should have given us information at the previous session. Without doubt the President did not suddenly find out, on the last day of the last Congress, that three millions were wanting for a peace establishment. No, it was not for peace. Was it for war? No. The House was unacquainted with any such object. It is true, I believe, the President was for war at the last Congress, and I do not know that he has alighted from his war horse yet.

But, sir, if war was in the wind, the House was deceived, completely deceived, by the chairman of the Committee on Foreign Affairs, who but the day before WITHDREW his resolution upon French relations, declaring that "contingent preparation should be made for war." And here let me say to the gentleman from Massachusetts [Mr. ADAMS] that he could not have inferred from the resolution, "to insist upon the execution of the treaty" with France, that preparation for war was necessary, because such an inference was precluded by the withdrawal of the express resolution to make contingent preparation for war. I ask, then, was the object of this amendment to make secret preparation for war? Did the chairman of the Committee on Foreign Affairs [Mr. CAMBRELENG] suppose that the resolution to make contingent preparations for war, which he withdrew, would be published in foreign journals as well as our own, and that, taken in connection with the other resolution, to insist upon the execution of the treaty, the two would be regarded by France as a threat, when this amendment, thus clandestinely smuggled into an ordinary appropriation bill, would attract no notice at home or abroad, and we at the same time could attain the objects of the resolution which he withdrew?

If such was his policy, why did he not make it known to his committee, if not in debate, and let it be understood generally in the House? Is this to be the pretext? Were we to have a war in disguise? Were we to steal upon our enemy? Does it become a nation like this to put a dagger up sleeve, like an assassin? I protest against secret preparations for war, supported by secret appropriations! Would war have been now raging or not, Congress or no Congress, if that amendment had passed? Save me from the question!

But, for the objects of war or of peace, if the amendment had been in proper form, I put it to the members of the last Congress if there was any necessity for secrecy! Neither Army nor Navy was in a proper condition for peace or for war, and the Departments had the best reasons in the world for an honest and an open course. Sir, how much do you suppose the Secretary of the Navy now asks as an *additional* appropriation to put your Navy in trim? Only $6,337,775! Well, sir, we were in no better condition, as I have shown you, on the 3d of March, 1835, than we are in now. There was, then, I say, as this their own estimate shows, reason enough for a grant of supplies, which might have been honestly and openly stated to us. Why was not this estimate then made as it is now? I mean, sir, in a word, was there any object beside peace establishment for Army and Navy, or war, which was meant to be attained by the three million amendment? I fear, sir, that a war upon the Treasury for purposes of Government patronage, rather than a war upon France for honor or treaty, was meant then, and is meant now! Millions of your public money, which is appropriated for the public good, is, by some legerdemain, appropriated into the pockets of the pets of "the party." Your Navy, for instance, since the last war, I am told, has cost you, sir, $65,000,000, and for that sum you have got afloat, in commission, one ship-of-the-line, four frigates, eleven sloops of war, and six smaller vessels! The United States has, I am told, sir, $14,000,000 of property in the Pacific, round Cape Horn, one half of which, more than the whole amount of the French treaty, might be struck off at a blow

by three French frigates, and you have on that station, I believe, *one* frigate and *two* sloops of war! Yes, sir, I have all along thought that it was high time we were making preparation. I thought so for two reasons; I knew that we were not upon a respectable peace establishment, and I thought what I think now, that war is not an improbable thing, when General Jackson desires it. I therefore voted for the $3,000,000, and more than ever am I for making preparation, when I fear that the question of peace or war depends upon *one man* alone—he has enough to do his bidding here and elsewhere—and when I look at our strength compared with that of other nations.

The naval forces of the United States, France, and Great Britain, are:

In Commission.

	Ships-of-line.	Frigates.	Sloops-of-war.	Steamers.	S. V.
United States,	1	4	11	0	6
France,	6	16	39	4	59
Great Britain,	10	15	73	13	53
Force afloat and building.					
United States,	11	14	14	1	6
France,	57	64	88	23	120
Great Britain,	129	128	96	26	166

Twenty million five hundred and fifty-two thousand dollars additional appropriation is required to give us our relative naval strength, compared with France and Great Britain. Five million five hundred thousand dollars per annum required for *ten* years, to attain and keep afloat such a force.

I think, when we look upon this comparative statement, we cannot say to France, as did the wolf to the lamb in the fable, "'Tis crime enough that she cannot resist!"

And I think this will show us, sir, that, if war was expected or intended, there was a strong necessity to commence preparations for war. Our own quarrel, our own weak state of preparation, and our enemy's strength, should long ago, say I, have admonished the watchful guardians of the nation to be making ready. They have been furiously charging upon others, upon the Senate of the last Congress, for not putting the country in a state of defense. And now, sir, if it can be shown that they are themselves the guiltiest of the guilty in this high offense, what shall be done with the culprits? Shall they not have the poisoned chalice returned to their own lips, which they have offered to others? Be it remembered, sir, that the Executive conducts our foreign relations—he has known the chances and dangers of war much better than we. Ay, sir, some developments we know were withheld from us. If the country should have been preparing for war, then should not the President have been making some recommendation of the kind? Should he not have been warning us to prepare? Where are the recommendations of the Executive, the estimate, the messages, the communications of the Departments, up to this very week of this session? None; no, not one! Was the President for war during the last session? When did he call, or intimate a call, for the defense of the country? Sir, will it be believed that the Secretary of the Navy has not this session, until this present week, furnished your Committee on Naval Affairs with the estimates, the ordinary estimates of appropriation?

And here, sir, I must be permitted to vindicate the notable minority of eighteen! I intend to do that now—to mark facts hereafter as we go along, and note events as they occur; for I am now more than sufficiently admonished never to leave the defense of my acts in one Congress to any subsequent Congress which may follow. Yes, sir, no estimates were furnished the committee to which I belong by the Navy Department this winter, until they were kicked out of it. If it was so great a sin not to vote three millions additional for the increase of the Navy last winter, is it no sin not to ask for one cent up to this time this winter? Sir, it will be recollected that, on the 11th of January, the honorable chairman of the Committee on Naval Affairs [Mr. JARVIS] introduced a resolution "that the Committee on Naval Affairs be instructed to inquire into the expediency of increasing the naval force in commission." I opposed that resolution, voted against it, and was thrown by my good friends in this House, into a notable minority of eighteen. To vindicate that eighteen, and to exemplify fully the exact maneuver of the three million amendment last session, sir, I must detail to you a short history of the facts of the case. Sometime previous to the time when the resolution was offered by the honorable chairman, [Mr. JARVIS,] he and I were walking on that highway of the nation, Pennsylvania Avenue. We met, sir, a distinguished member of the board of Navy commissioners—a commodore, who shared in the naval fights and victories of the last war. We stopped to hold a conversation, in which that officer of the Navy Department frankly admitted that our Navy required a large appropriation, much larger appropriation than had been called for by the Secretary, and said that "if we got into a war with France, we would be whipped for the first three years." "Well, sir," I replied, "if we are to be drubbed for that length of time, I think we had better take care not to get into the fight, or had better begin to prepare for it as soon as possible." He said, "After we were whipped for about that length of time, we would begin to get ready," and begged the honorable chairman and myself to have an eye to the necessities and wants of the Navy.

Sir, I am willing to take all responsibility which belongs to me, and sometimes more than belongs to me in case of emergency. But I had begun to suspect what I suspect still, that this French war is but a mere key to unlock the Treasury, and that Congress is to be made, through the cry of national defense, to take the responsibility of turning it, and opening the door for patronage. If the money should happen to be required, and the appropriation be popular, the praises all would be shouted to the Executive, who had not recommended it; and if unnecessary and unpopular, the curses and the blame would be sure to fall on Congress. I therefore was determined, so far as I could, to block the game—to make those who should take the responsibility. I was willing, and am still, to vote for any reasonable appropriation if called for, but I was determined to know what additional appropriation would be "in accordance with the views of the Executive" before the election of the next Congress. Accordingly, it was proposed in the Committee on Naval Affairs to inquire of the Secretary of the Navy whether any additional appropriation for the increase of the Navy was required. The inquiry was directed to be made by our honorable chairman, [Mr. JARVIS,] some time before he offered his resolution of the 11th instant, and was then pending. No answer had been returned to the Committee on Naval Affairs, though it seems now an answer had been given to the honorable chairman. Now, sir, when the honorable chairman offered that resolution, will it be believed that he knew, by the answer from the Secretary, that he (the Secretary) had declined to answer the inquiry of the committee? When the honorable chairman offered that resolution, he did not state that his committee had already inquired and could get no answer. I did not know then, though a member of the committee, that our inquiry had been refused an answer, and thought it was still pending. If still pending, I thought the resolution supererogatory. To ascertain whether our inquiry had been answered, it will be recollected that I attempted to ask a question of the honorable chairman before I opposed his resolution. That question was, whether the inquiry on the very same subject of the resolution which we had already anticipated, had been answered by the Department? and I hope it is still remembered by the House how I was prevented from obtaining the answer which I desired from the honorable chairman. I asked the question; the chairman was rising to answer when the Speaker asked, "Does the gentleman from Virginia yield the floor?" "Yes, to have his question answered by the gentleman from Maine," [Mr. JARVIS.] The question was repeated, and again and again interrupted by the Speaker in the same way, until I gave up in despair the attempt to obtain the answer which was so necessary for the correct information of the House. It was the first time since I have been a member that ever I saw a gentleman thus interrupted, and positively prevented from obtaining an answer to an inquiry for information courteously put to a member in his seat.

But, sir, I can confirm a remark which was made the other day, that the Speaker may if he will, by many tricks upon order and courtesy, too, exercise undue powers over the proceedings of this body. So it was: an honest inquiry was, it seemed to me designedly, stifled in the case which I put. The answer was not obtained, which, if it had been obtained, I flatter myself there would have been apparently either no necessity for the resolution of the honorable chairman, or there would have been no minority of eighteen. The resolution passed with a vote in the affirmative of one hundred and sixty-four. And what then did the Committee on Naval Affairs do? How "inquire into the expediency of increasing the naval force in commission," without going right back to the Department, which had already once refused to answer the very same inquiry?

We did order a written inquiry to be immediately directed to the Secretary, which is now answered by a written communication, but which also, I am told, would not have been answered, but for a circumstance and an influence which I am not authorized to name. Yes, sir, the answer has at last come, and what does it disclose? Why, that the Department does want more than six million for the Navy alone! The Department of War also has, within this week, crept out of its shell, and called for more than five million! Eleven million now, instead of three, actually wanted, and if wanted now, was wanting on the 3d of March, 1835, and no call, no recommendation, no estimates until almost this very moment! Now, sir, does this need comment? Has there not been clearly an attempt to shuffle off the responsibility on Congress? Is it not a plain case that "the party" and its Departments have been longing wishfully for a full sweep at the public coffers, but they wanted you and I to take out the money for them? If we refuse, the cry is raised, "You are against defending the country; the next step for you is to join the enemy!"

Sir, I will not put my hand into the Treasury of the people until I know specifically for what their money is to be expended. Why, sir, even after the House had adopted the resolution to inquire, and before an answer, by some new mode of appropriating, the Committee of Ways and Means, to insure relief to the Secretary, I suppose, reported an increase of two millions to the ordinary Navy bill, voluntarily, and without any call or information from the Department, for aught we know! Sir, this mode of voluntarily appropriating enormous sums without message, without estimates, without recommendation, or information, or responsibility, on the part of the Executive, other than in expending them, will soon corrupt the Government, and make Congress but the mere tool of the Executive! And now, sir, what judgment shall be passed upon this same Secretary of the Navy, who admits now, by his own showing, that more than six millions additional are, and have been all the time, required for the "increase of the Navy," and who yet has never made any recommendation whatever, either to this or the last Congress, except for two frigates, three sloops-of-war, and four steam vessels, which was meant as an increase to the peace establishment only, up to this week of this session? Will the gentleman from Kentucky [Mr. HAWES] now embrace him in his mortification and regret, and hand him over to the executioner for not defending the country?

Sir, my distinguished friend from South Carolina [Mr. THOMPSON] told the gentleman from New York, [Mr. CAMBRELENG,] the other day, that "it is the fashion of 'THE PARTY' not to shrink from responsibility." My honorable friend has convinced me that he is a most excellent judge of men and things, but he was mistaken that time. No, sir! General Jackson, in perfect accordance with his high-toned independence of mind and action, assumes responsibility, but "the party" shrinks and skulks and dodges, in fear and trembling. When Jupiter shakes the empyrean heights, all the gods tremble! When Jackson frowns and stamps his foot, rises in his majesty and says—"I take the responsibility!" all the sycophants of "the party" quake with fear! Witness the deposit question. When the President went forth in doubtful contest against the bank, there was a "little man" who trembled from his hair to his heels—[here some one said he had no hair]—right, sir, his head is bald—from

the crown, then, of his head to the sole of his foot. His knees smote together with fright during the battle, but the moment the victory was achieved, out sprang the Lilliputian from behind the Old Hero, and strutted, hectoring, over the dead body of the monster monopoly! So it was, sir, with that very three millions amendment. I have no doubt the President was independent and honest enough to have recommended it boldly, but "the party" leaders kept the recommendation secret; and when the sum was reduced so low as to disappoint the Old Hero, and to rouse his wrath to veto the bill, "the party" were maneuvering, and dodging, and whispering, and cutting and shuffling through the Capitol, and sending billets to change the responsibility of the failure of the fortification bill from the President to the Senate! That is the secret. Sir, when it is found that any measure will succeed and aggrandize the "little man," then "the party" will take the responsibility—not before. So it was this very session, with this same Secretary of our Navy. If there had been no responsibility, no popularity to risk in recommending six millions for the increase of the Navy, the service would not now be suffering for appropriations. But, Mr. Speaker, there is a certain class of men who, put them where you will, in any situation in life, will *piddle*—I mean old bachelors! I never will, henceforth, support any man for the Presidency who will appoint a bachelor to any office of honor or profit, and especially of responsibility. An old bachelor, sir, is a "withered fig tree"—he is a "*vis inertia!*" Old bachelors are too near akin to old maids!

Sir, when the Executive desires an appropriation, if he will give me the information of the state of the Union, which he is bound to give, and show me that the public good requires it, and how and what it is to be made, I, for one, will never be niggardly in voting supplies. The Naval Committee has already, without recommendation from the Executive, or instruction from this House, of its own motion, inquired into the expediency of increased appropriations. My policy and views are the same as when I voted for the three million amendment. If war is to come, I fear only the consequences of being unprepared. We have the sinews of war, and should apply them in time. With an overflowing Treasury, and a quarrel with France to settle, I would have voted liberally the supplies asked for, but until now none have been called for. I am for peace—peace! for the sake of peace! But if war must come, we must be ready. Since the rejection of the most conciliatory overture of compromise, unless there be a mediation of some sort, I cannot see how war is to be avoided. France will not strike, but she will not pay the money. We will not explain, it seems, and, having the cause of war on our part, we cannot remain inactive. But, sir, I do not mean to say I am for war, or to discuss that question at all. I only mean now to say that I shall not take part with France against the President, much less will I against the Congress of the United States. I shall go for my country, "right or wrong." And, sir, as I would not—I am sure the President will agree with me in this, for he knows all about the sport—pit a game chicken without his gaffs on, I might, perhaps, a *dominico*, just to see him killed. Much less would I send out our old ships, which have whipped the proudest of England's navy, to fight Frenchmen, without batteries complete, and the gallant sons of our Army and Navy, without sword and buckler, and mail of triple steel! But, sir, I must have the recommendation, the estimates, the data, and there must be no juggling! Let the Executive come forward and recommend what is to be done. I will rely chiefly upon his knowledge of the wars. He should have come forward last session. We must have communications from the Departments. They know of the necessity, of which we are ignorant. Even the "fourth department" of the Government, the Globe, has been furnished with more information than has been given to us, to whom it is all, all, without reservation, due. If war does depend upon the will of one man, he will have enough to do his bidding, to vote when he bids them to vote, to be silent when he bids them; in short, to say "ay" or "no," as he may prompt!

Sir, I must hereafter—I have been bitten once by low party tricks and chicanery practiced to put an immense sum at the secret service of "*the party*"—I say I must hereafter know to a certainty that an appropriation is to be applied to the purposes of national defense, and not of electioneering, before I vote for it. Every man in the Government is now authorized and franked to electioneer, from Indian agents and postmasters up to the President. We now have a President electioneering for his successor, and it is time the nation was told of it with the voice of a trumpet! Sir, since the publication of that letter of outrageous dictation and of justification of "the Government patronage in conflict with the purity of elections;" that letter to a member of the Tennessee Legislature, which appears in the Government official, and is there not only justified but lauded, claiming the right to employ all his constitutional powers to expunge a resolution of one branch of Congress, and the right to interfere with the independence of State and Federal Legislatures, I feel constrained, by the love I bear my country, to "cry aloud and spare not!" Sir, I wish to see the public mind concentrated on these facts.

But to return from this digression. The three million amendment passed; and after a disagreement the Senate adhered. Was it disrespectful to adhere? The gentleman from Massachusetts, [Mr. ADAMS,] who I thought was "in a stew" all that dreadful night, seems now to have a holy horror of the word "adhere." I understood the Senate, sir, as strongly asserting only the doctrine of specific appropriation; not as dissenting from the ordinary items of the bill, and not as objecting to a reasonable amount of additional appropriation formally enacted. The Senate, sir, did not know the secrets! And shall the Senators—among the rest an honored Senator from Tennessee, [Mr. WHITE,] who knows his duty generally as well as any man without being told, who was once trusted by the President first of any, and deserves now to be trusted with his confidence more than all his present friends, who, when he was in confidence, kept it honorably, and the confidence itself was honorable and patriotic—shall they, shall he, be accused and condemned for not knowing, without hearing, the Executive secret? Shall he be required to know without being told, to vote without knowing why? Why, sir, the service is hard enough to do the sovereign will and good pleasure of potentates when the bidding comes loud and authoritatively, and that Senator is not one who is likely to obey orders from any power but that of his own people and their Legislature; but to do the will of his master without bidding, and to know that will without being told, is too much to expect of any slave. If this is a sin, I hope, sir, that he and his friends will ever have to plead guilty. Sir, the Senate knew no "why or wherefore" whatever for the passage of that amendment; they were taken by surprise—they respectfully disagreed. The House refused to recede, and insisted. The gentleman from Massachusetts [Mr. ADAMS] voted to recede from the three million amendment, and yet yesterday he asserted that any one "who would refuse to vote for that amendment had but one other step to take, and that step would be to join the enemy and assist in battering down the walls of the Capitol!"

Mr. ADAMS rose to explain. He had made no personal allusion, he said, to any member of this Congress, nor to any individual member of the last Congress. He had personified a sentiment, and his remarks were applied to that personification.

Mr. WISE. I am glad to stand corrected; I quoted the language in order to be put right. "The personification of a sentiment!" I see it, sir; I can give it form, size, color—a skin, muscle, bone, and sinew. I can make it a palpable man, whose cranium the phrenologists would mark as very intellectual. I understand now that this is a Massachusetts war, and it is not for me, sir, to meddle with it. If I understand the gentleman's explanation for receding, it was to prevent the loss of the bill; and yet, sir, when the House was for adhering, did he not adhere too? [Mr. ADAMS shook his head.] So it is, the gentleman did vote for once—twice to recede. Generally, if any man ever does adhere, adhere, and adhere, it is he! I voted for the amendment, and adhered to it throughout. I was not in the secret. I was on the verge of a precipice, and might have had to thank the gentleman from Massachusetts [Mr. ADAMS] for a vote which might have saved me from an awful plunge into error.

When the House asked for a conference, the Senate readily agreed, and appointed conferees on its part. The conferees of the two Houses agreed on reducing the appropriation from $3,000,000 to $800,000, and on making it more specific. And I now again ask the honorable gentleman from New York, [Mr. CAMBRELENG,] the chairman of the conferees of the House, whether, when he left the conference after agreement to report, he did not intend to report? Why did he not report? Sir, I said yesterday there were two conjectures. I say now there are three modes of accounting for the failure of the honorable gentleman's intention. One is, that the report failed because of a word in the ear, whispered by two high functionaries between the conference room and THAT door [pointing to the door next to the Speaker's room] or the gentleman's seat in the House. Were there not two such "busy bodies" in the way of the duty to report? Another is, sir, that there was a special communication, a *billet doux*, handed to the honorable gentleman [Mr. CAMBRELENG] in his seat, after he came in from the conference. Was there such a billet, and what was its purport? A third is, that there was a special visit in person from a certain distinguished Senator of "the party," [Mr. S— W—T, Jr.] What did he say? Was not the burden of all three, the whisper, the billet, and the special messenger—the Senator stooped low from his high degree, to become a runner between the two Houses—that the conferees of the House had done wrong to agree to reduce the sum? That $800,000 was a "poor, pitiful sum," which would not satisfy the President? That the President had risen up in wrath, and sworn that he would veto the bill, because the Senate had refused the whole grant of three millions, and that they should be made to bear the loss of the whole bill? Did not the intrigue then assume a double aspect of policy, to ward off from the President the responsibility of vetoing the bill which he had sworn to veto; and to throw the responsibility and odium of the failure of the bill on the Senate? This was the abominable game; it was too bad to juggle us first out of our independence of legislation, and then out of our character! There are *five* high witnesses to attest these facts, if a committee be appointed to inquire, who may be called on. You may go to the first, second, third, fourth, and fifth highest officers of your Government; and, sir, I should like to see them thoroughly cross examined. We have had a most important fact disclosed lately. The secret journal of the Senate has been opened, and a certain indorsement of its clerk has been exposed. Now, sir, that secretary of the Senate is a most excellent, good, and pious man, with a high and due sense of propriety. He would be cautious to indorse nothing which was not only true, but proper to be indorsed. But I must ask if all was indorsed which was said? I could not shut my ears, sir, to the rumors which passed from seat to seat that awful night. Suppose the Senate did send a message to the Executive that night, rejecting a certain nomination; and suppose, in reply, the President had told the Secretary, "I will receive no further communication from the d——d rascals; the Senate is defunct!" I am sure, sir, such an answer would be undignified and unbecoming, and that the Secretary's strict sense of propriety, and of what was due to the President and to the Senate, would have prevented him from indorsing *all* that was said. And yet this committee, if raised, and it inquire faithfully, *may* bring out many such facts.

Sir, I repeat that there was no disposition on the part of the Senate, or of the House, to defeat the fortification bill of last session. Both Houses did their duty, and both are now equally interested to guard against such interference for the future as actually prevented both Houses, though ready and willing, from doing their duty. Yes, sir; the gentleman from Kentucky [Mr. R. M. JOHNSON] challenged me, at the beginning of this session, to specify acts of Executive intermeddling or

interference with the independence of the legislation of Congress. I gave him, sir, one pretty strong case, but here is one still stronger. None could be stronger. On the last night of the last Congress, both Houses of Congress, I assert, and have proved, were not only ready and willing, but anxiously endeavoring, to pass a law which the President himself says, and which I admit was very important to the public interests, with large majorities in each in favor of the law, and the two Houses agreeing, by special conference, and they could not and did not get the bill through, in consequence of the minions and pimps of the Executive tampering with their tools in the House of Representatives! Now, sir, if the gentleman wants a stronger case than that, I cannot imagine it. I *know* such was the fact; and though all "the Government" should swear to the contrary, I should know and believe the fact until the day of my death. Is it to be borne that some twenty or thirty of a trained band shall, by reducing us below a quorum, reduce a majority of both Houses of Congress below the foot of the Executive? Shall we be thus interrupted in our business by "a fragment" of "the party," doing the bidding of their idol? Is this an administration of the Government in the spirit and letter of the Constitution, which makes the legislative department independent of the Executive, and intends that it shall be a check upon the Executive? Will the people suffer this monstrous violence to the theory and practice of their Government? Oh! that I could raise my voice to a pitch of remonstrance, which could go forth throughout this land; which could reach every hamlet, every home, and every heart of the people; which could speak trumpet-tongued to every man who has in his bosom a spark of the spirit of the free! I would rouse a resistance to this misrule, this corruption, this parricide of "the party," which would soon determine whether the many or the few shall rule the destinies of this Republic!

Sir, the whole mass of power which is conferred by the Constitution on all the departments of this Government is nearly as great as the whole power of any Government or any civilized people. But the theory of our Government so distributes this power among different branches or departments as to check and counterbalance, restrain and control each other mutually. Power with us is so neutralized to do harm, and so well poised to do good, in the theory of our Constitution, that the Government was made free at the same time it was made efficient. But, sir, the practice of the Government has of late so perverted the theory of the Constitution, that, through corruption, we are fast becoming bound hand and foot, and a single department is absorbing the whole mass of power.

The principle of "the party" is now warring upon one of the cardinal principles of the Constitution, to keep separate, distinct, and INDEPENDENT the legislative and executive departments. That principle, without which this Government cannot remain free, is totally undermined by the policy of parties to elect legislators to support—that is, to do the will of—the President? Is there no jealousy of the Executive left? No *esprit du corps* in Congress? Gone! gone!

Sir, I must remind the House that on the Cumberland road bill there were one hundred and seventy-four members present and voting. That the very next vote there was—no quorum.

[Here Mr. W. read a list of the names of members who voted on the Cumberland road bill, and did not vote on the next vote or Moore and Letcher resolution. There were 66 in number. Of these, Van Buren men, 50; Opposition and for White, 16.

On the Cumberland road bill there were 174 votes. Of these there were—Van Buren men, 87; Opposition and for White, 87.

Parties were equal on that vote. On the Letcher resolution there were 113 votes. Van Buren men, 33; Opposition and for White, 80.]

Can this extraordinary desertion of Van Buren men be accounted for but upon the supposition of design? And this, too, when it was known that they were nearly all present in the House? While the Opposition and White men had retained their numbers to 7, there was a falling off of Van Buren men of 54—54 out of 87! While the Opposition and White men continued in their places, giving their votes until the close of the session, the Van Buren men did not again, except a small minority, answer to their names.

On Mr. Jarvis's motion to adjourn there were 118 votes. Van Buren men, 41; Opposition and for White, 77.

On Mr. Carmichael's motion to adjourn there were 111 votes. Van Buren men, 39; Opposition and for White, 72.

Is not the conclusion irresistible that the chairman of the Committee on Foreign Affairs [Mr. CAMBRELENG] might, at any moment after his return from the conference, until the adjournment of the House, by a nod or a whisper, have summoned from their hiding-places a quorum, and saved the loss of the fortification bill? Would not Rhoderic's men have risen up at the whistle? Does not the gentleman from New York know that he might at any time have had a quorum? Did he exert himself to get a quorum? Did he not, and did not you, Mr. Speaker, busily endeavor to persuade members who had conscientious scruples, not to vote to make a quorum? Did not Churchill C. Cambreleng protest, by speech on the floor, (see Globe of the 5th March, 1835,) against the right to compel members to answer the call for a quorum, when he all the time was voting himself! Did not Mr. Barringer (of North Carolina) charge the intrigue at the time, and offer to specify names? Was not Abijah Mann, Jr., (of New York,) who refused to vote on every question from the last quorum to the adjournment, sitting in the House calling for the yeas and nays, when attempts would be made to get along without a call? Did not Mr. Barringer tell him he had no right to call for yeas and nays as he said he was no longer a member; and did he not claim to be as much a member as anybody? Having pledged himself to vote for the Letcher resolution, did he not inform Mr. Letcher he could not then vote for it? And did not Letcher reply, "I knew the Van Buren colts would slip their bridles?" When Samuel Beardsley refused to vote, did not the honorable gentleman from Tennessee [Mr. LEA] move to expel him from the House? But there were nearly one hundred and fifty members who actually voted upon the three calls of yeas and nays after twelve o'clock at night. Different squads would come in and vote at different times! The leaders—oh! yes—the leaders were all present; were they not here, of course? That was one finesse, and the other was to march and countermarch the followers, so as that each one might claim to have voted. But the proof is positive that there was a quorum actually voting after the Cumberland road bill and twelve o'clock, to the last, but voting at different times! My name is among the number of those who voted on the Cumberland road bill, and failed to vote twice afterwards. Mr. Gilmer's conduct struck me, and I hesitated to vote until I was satisfied by my colleague, [Mr. MERCER;] and when I saw the miserable, infernal game which was playing, I would have voted at all hazards, and did vote, as the Journals will show on the last vote of the session, to help make a quorum and against adjournment. And now, sir, what shall we say to these men of the immaculate—the only patriotic men, who would not for the world have had the fortification bill to fail? Shall they not have meted out to them that measure of vituperation which they have meted to the Senate? Shall they not now be hunted down with the furies and scorpions of abuse, not only for failing to do a duty which was unpardonable in the Senate, but for a knowingly willful, false accusation? Hurrah for such patriots! They are for national defense! Oh, shame! Oh, honesty! Oh, truth!

Sir, the gentlemen have got into a hornet's nest by troubling—impudently gasconading about the failure of that bill. They are bitten by their own dogs! Oh! yes, the hour had come for their beautiful trick. I would ask the gentleman from Massachusetts, [Mr. ADAMS,] if he never signed bills after twelve o'clock at night, on the last night of the session, when he was President? Sir, I can prove by the manuscript minutes of your Clerk that there was a quorum in the House. Here is a book, the title of which is "Twenty-Third Congress, second session—Minutes of the House of Representatives." In this book we find this entry on Tuesday, March 3, when the main question was taken on the resolution to compensate Robert P. Letcher:

"Yeas 113, nays 3. No quorum—many members declined to answer, though standing at the Clerk's desk, because it was supposed to be past twelve o'clock."

Only seven members were wanting then, but three afterwards to make a quorum, and many members declined to answer! Sir, there was a quorum, and a quorum at the command of "the party." Let it never hereafter be denied.

[Mr. W. then gave a summary and review of material facts.]

Sir, what caused the Senate to send us that message which I deem so respectful, and which the gentleman from Massachusetts [Mr. ADAMS] deems so insolent? The Senate was warned of treachery. When that special messenger, that Senator, was seen dodging in and out—he was no ghost—if one he is a very *red-faced* ghost—he is a *cogniac*-looking ghost. [Here Mr. W. paused, and glanced his eye around to see him in the Hall.] The Senate was warned of treachery. They then reminded the House of the report of the conference. What less could that body do to defend itself from the Machiavelian plot against it? Was there such a spectacle ever exhibited in this Capitol before as a trap set for one branch of Congress? This message called out the Jesuitical excuse that the hour had come—there was no quorum—"sorry, regretted very much, but the Senate must take the responsibility!" Immediately the plot revealed itself. I hope that condition of things, and this exposure, will stand a solitary warning to "the party" not to jeopard again the interests of the country by its low, servile tricks of corruption. "*The party*" wished to say, by resolution, in reply, that we had finished our business when this bill was untouched. Hour after hour had the Senate politely waited for this fortification bill to be sent to them for their concurrence, and Mr. F. O. J. Smith moved to say to them, "We have completed our business!" And at last the House did ignobly adjourn without completing its business, including this bill. I have not to take back one word of what I said yesterday about the adjournment of the last Congress. Except on one solitary question I shall ever think of the last House of Representatives with disgust. We had a President at the last session bent, I think, on war. The House was subservient, succumbing, and servile to his wishes on every other question but that. The temper and the example of the House on that question were noble, and worthy of imitation for all time to come. The gentleman from Massachusetts may well claim it as one of the brightest achievements of his civil career that he united us unanimously in one of the noblest sentiments which ever actuated the patriot, however divided amongst ourselves in our own household as brothers, to present an undivided front to a foreign foe. We acted wisely and temperately. And the real secret is, the reason the Committee on Foreign Affairs did not report sooner—not until the last moment, and then in the form of that three-million amendment—was that the chairman [Mr. CAMBRELENG] dared not report counter to the sense of the people on the one side, or to the sense of the President on the other. When we act wisely, though counter to the President, the praise redounds to the Executive; and when anything wrong is done, no matter by whom, the Senate is now-a-days made the scape-goat to bear all the sins of "the party" to which they are so much opposed.

Before I conclude, sir, permit me to reply briefly to the gentleman from Massachusetts, [Mr. ADAMS.] That gentleman protests, with great emphasis, against the accusation of sycophancy and man-worship to General Jackson! We have fallen upon strange times. The times have monstrously changed, and some of us have changed with them. I am frequently at a loss, sir, to determine which side of the question that gentleman is on. At the last session, he made one speech for war, another for peace, another for war again; and, at last, I thought, was about right. It has lately been said, and I believe he authorized it by a letter to the gentleman from Rhode Island, [Mr. PEARCE,] that he has changed

his politics once more in his latter days. If so, sir, I shall be glad of it, for he has had the fortune always, I believe, to prostrate his own friends. I shall rejoice, sir, for another, the best evidence to Virginia, North Carolina, Georgia, and all the Democratic States—all the old Democratic party—where the old Federal States and the old Hartford Convention Federalists are rallying? I believe no man knows his own kind better than the honorable gentleman from Massachusetts, and I know there is a great change, somehow or other, in the old Jackson party. Sir, a new-fangled Democracy has sprung up, and renegade Federalists, of whom it has been said that "they haunted the graves of such men as Hamilton and Jay like vampires," are now among the present Democrats in the land.

The gentleman says his object in introducing this resolution is to arrive at truth, and to produce harmony between the two Houses of Congress. Sir, I fear his means will defeat his ends. He will, by this resolution, reanimate and arm the dead Hector, once, he says, dragged around the walls of this Capitol by the victorious Achilles. Instead of an inquiry after truth, the business of this committee will be to arraign the Senate of the United States, and to break down that body, which cannot stand much longer. It has withstood already more than I thought it could bear, and I will not consent to apply another *catapulta* to its walls. The gentleman will find himself mistaken. Instead of harmony, he will array House against House, and the legislative department, divided against itself, must fall. The policy of the Executive, when it means to consolidate all power in itself, will ever be to divide and conquer. I will not aid the Executive against Congress. Instead of being united here, to a man, against encroachments of the Executive, it seems we are to be made ourselves the instruments and the tools of Executive aggrandizement. Will there never be any peace in the land until every institution is prostrated to that one? I hope the gentleman does not mean to enlist us in this fatal and unprecedented war upon the Senate. Sir, if I differed as widely as the poles from the Senate on subjects of past differences, I would now, in these fearful times of consolidating all power in the Executive, endeavor to become reconciled to that body, and to meet it on common grounds of peace and harmony and united action. Behold the spectacle of the two Houses of Congress wrangling, to the destruction of each other, upon the point of dispute which failed to do the sovereign will and good pleasure of the Executive, which will and good pleasure was never graciously made known to either. Would that be the Congress which our fathers created by the Constitution to be watchful and jealous of Executive power? They created us to be a check, to preserve the equilibrium of power, and we are to quarrel about which shall yield most to a department which at best is but coördinate! I say, sir, such a Congress as some would make us is not the Congress which the founders of our Government intended, and, when we yield our jealous independence, the Congress of the Constitution will be dead, dead, dead! With the power of appointing the judiciary to decide upon law, and with the power of controlling, by the bribes of appointment, the legislators who are to enact the laws, the President, if he will abuse his trusts, is omnipotent, and the Government is consolidated in the Executive. Oh! that I could inspire my fellow members of this House, and the whole American people, to rise up in time against excessive Executive power! The time has come when every man, in private life and in public, when the high and the low, the rich and the poor, should meet together for the safety of the Government. Whilst that is at stake, let us conciliate and cheer each other, and say, it is not you of the Senate, nor you of the House of Representatives who have sinned so grievously against the country, its laws, its Constitution, and the spirit of its institutions, but you, the minions of the Executive!

Sir, I denounce the attempt to charge the loss of the fortification bill upon the Senate, on the part of those who make it, knowing it to be false, to be a base fraud and imposition upon the country!

ABOLITION OF SLAVERY.

SPEECH OF HON. H. L. PINCKNEY,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 8, 1836,

On the resolution offered by him relative to the Abolition of Slavery.

The following resolution, submitted by Mr. PINCKNEY, of South Carolina, being under consideration—

Resolved, That all the memorials which have been offered, or may hereafter be presented to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, [Mr. JARVIS,] with the amendment thereto proposed by an honorable member from Virginia, [Mr. WISE,] and every other paper or proposition that may be submitted in relation to that subject, be referred to a select committee, with instructions to report that Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this Confederacy; and that, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union; assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to repress agitation, to allay excitement, to sustain and preserve the just rights of the slaveholding States, and of the people of this District, and to reëstablish harmony and tranquillity amongst the various sections of the Union:

Mr. PINCKNEY said he would not detain the House long. He had offered the resolution before the House upon the most deliberate reflection, and after consultation with several highly respected and judicious friends, and because he honestly believed it to be the very best course that could be adopted in relation to the dangerous and exciting subject to which it refers. Mr. P. said he was aware of the responsibility he assumed; but, knowing that he was acting for the highest good of the whole country, he was perfectly ready and willing to encounter it. He was acting for the true interests of his constituents, for the true welfare of his native State, and of all the South; and, he was neither afraid nor ashamed to add, with a view to the peace and preservation of the Union. But, because he had dared to adopt this course, he had been bitterly assailed by a certain print, (the Telegraph,) and that too before he had even had an opportunity to assign his reasons. Sir, (said Mr. P.,) let me say once for all, that I am not to be driven by newspaper assaults, or calumnious imputations upon my motives, from my settled convictions of public duty, nor from my determined purpose to take high and patriotic ground upon this subject, and to prevent it, as far as I am able to do so, from being made a perpetual source of agitation, to the ruin of the South, and the destruction of the Union. I have no fear that the assaults to which I have alluded will injure me in the estimation of the citizens of Charleston. My constituents have known me long, and they know me well. *They* know that I am utterly incapable of being *tempted* to desert *my duty to them*, in any matter in which their rights or interests are involved; and they will spurn the base imputation upon me, as an insult to themselves. But I do plead guilty to the heinous accusation of desiring harmony—of desiring to produce a safe and advantageous and honorable adjustment of this question. But how, Mr. Speaker? By evading the resolutions offered by the honorable members from Maine and Virginia, as I am charged with doing? No, sir; all who know me, either here or in South Carolina, know that I never have evaded or avoided any vote or any question, upon which it has ever been my duty to act as a public representative. It is not my nature; it is not my character. I would disdain to shrink from an open avowal of my sentiments or record of my vote upon any question which any gentleman could make before this House. How then, sir? By retracing ground already gained, and yielding an advantage obtained from the enemy? No, sir; for I know of *no ground gained—of no advantage obtained;* but I am decidedly of opinion, on the contrary, that we have *lost ground* daily, by the course that has been pursued, and that *we shall lose more and more*, the longer it is persisted in. This accusation, then, is absurd. I have evaded nothing; I have yielded nothing. I deny the imputation, and every vile insinuation connected with it.

But, sir, I do desire harmony—by producing harmonious, united, and efficient action—by taking higher ground than has yet been taken—by covering the whole field—by bringing up *the main question*, and acting *upon that*, and by doing what no one else has yet attempted to do—by procuring *a direct vote and a practical result*, UPON THE WHOLE SUBJECT OF THE ABOLITION OF SLAVERY! This is my object, sir. And I am to be denounced *for this!* Are my constituents to be incited to suspect me, because I am honestly endeavoring to bring this distracting controversy to the very best issue of which it is susceptible? Is it treason to the South, sir, that this House should declare, by a solemn and deliberate vote, that Congress possesses no constitutional authority to interfere with slavery in any of the States? Is it treason to the South, that this House should declare, by a solemn and deliberate vote, that Congress ought not, and will not, interfere, in any way, with slavery in the District of Columbia, *because it would be a violation of the public faith, and dangerous to the Union?* Has such a point *as this* ever been gained before? Has ever such a vote been taken, or such a declaration made, as this? Is it treason to the South to wish to allay excitement, and to repress agitation? Is it treason to the South that a committee should be ordered to draft a report, as ably as they can, to secure and maintain the just rights of the slaveholding States, and of the people of this District, on the one side, and at the same time to restore concord and tranquillity amongst the various sections of this Confederacy, on the other? If this be treason to the South, sir, let my constituents judge me. *I am responsible to them*—but to no individual, *be he who he may.* If this be treason to the Union, let the people of America decide; for I cheerfully acknowledge that, as a citizen of the Union, I am also responsible to them. But, at all events, however I may be denounced for my audacity, in having acted thus, I have the consolation to know that the propositions I have offered meet the cordial approbation of many members from the South, than whom there are no purer patriots, or more devoted *southerners*, upon this floor. Several of them have said that they would have rejoiced if *this very course* had been adopted at the beginning of the session; and I have every reason to believe that it will now be sustained by the almost undivided vote of *the whole southern delegation.* What, then, Mr. Speaker! am I, and all the southern delegates who act with me, are all of us traitors? and is the individual who has assailed me the only man who understands the interests, or cares for the rights and honor of the South?

But, sir, I feel that I ought to ask pardon of the House for speaking in this manner. It is exceedingly painful to me to speak of myself at any time, or in any place, but especially before so respectable and enlightened an assembly as this; but, in justice to myself, I could not have avoided it upon the present occasion. Sir, I will only trouble the House with one or two observations more. I wish my constituents to understand my motives. It is my duty, as the Representative of the people of Charleston, to render an account to them of everything that I may say or do in my public capacity; and I wish them to understand me distinctly that they may judge me correctly, and especially before any false impressions may have been created in their minds. I say, then, Mr. Speaker, that I have three great objects in offering this resolution. The first is, as far as possible to arrest the discussion of the subject of slavery within these walls, which I believe to be useless, worse than useless, pernicious to the South, and dangerous to the whole country. The second is, to bring the whole subject of the abolition of slavery to a practical result, in a manner safe and advantageous to the South, satisfactory to the North, and calculated also to tranquilize the country and to confirm the Union. My last object is, (and this indeed substantially includes the whole,) to put down the spirit of fanaticism, to repress the spirit of incendiary agitation, by disseminating throughout the country a calm and temperate report, emanating from this body having the high sanction of the National Legislature, and calculated, both

by its own arguments and the high source from which it issues, to produce that sound and rational state of public opinion in the non-slaveholding States, which is equally due to the South and to the preservation of the Union; and for this great purpose, sir, I would cover the whole ground. I would embrace the States, as well as the District of Columbia. I know no reasonable objection to doing so, and it is justified by precedent. It is the very course that was adopted by Congress in the memorable resolution of 1790; a course that was sustained (I believe proposed) by the venerable Madison, and that received the unanimous sanction of the whole southern delegation of that day; and I can see no reason why the same course should not receive the unanimous sanction of the whole southern delegation now. In my humble judgment, it is the only course by which we can bring this matter to an advantageous issue. Hitherto we have been fighting about mere abstractions. Hitherto we have been contending about the right of petition, and other minor and unimportant points. We have been wasting our energies, and losing ground, upon a false issue; an issue upon which we never can arrive at a practical result; an issue upon which the whole North is united, and the South is divided—and the very debate upon which (so far from doing the least good) only increases the spirit of abolition at the North, inflames excitement at the South, and is daily widening the breach between the different members of the Union.

Now, sir, I am for overstepping these minor, abstract points, and taking higher ground. I am for taking the question upon the whole subject. I would let the right of petition alone, as no way material to the true issue. I would have a broad and comprehensive declaration, *that Congress possesses no authority over slavery, here or elsewhere, and will not interfere with it in any way whatever.* Is not this the true position for the South, sir? I think it is; and my constituents, too, (all of whom *own slaves,*) will think upon it, too. Sir, the Abolitionists aim at *general emancipation;* no candid man can doubt it or deny it. All their writings and publications prove it. You cannot read the proceedings of a single anti-slavery society, or a single production of the incendiary press, without being thoroughly convinced that they contemplate abolition in the States as their grand ultimate object, and that they never will be satisfied with anything short of it, as long as they have the slightest shadow of a hope. Now, sir, I would meet them, and defeat them, at once and forever, upon that. I consider that we do but little, if we do not crush their hopes in relation to the States. There can be no doubt that all their attempts to procure abolition in the District are, that it may constitute a foundation for their general scheme. They regard it as an entering wedge, by which they may carry on their operations afterwards to an indefinite extent. Give them this District as a lever, and they will never cease until they bring this Government to act upon the States. I would, therefore, cut off all their hopes at once, as regards the States, by saying to them, plainly and distinctly, that this Government possesses no power whatever by which they could be aided in their views. Satisfy them that they have no hope in relation to the States, and they will soon cease to trouble us in relation to the District. But, "to make assurance doubly sure," I would also extinguish their hopes as regards this District. I would meet them at every point, and put them down on all. I would say to them, that, so far from ever obtaining the aid of this Government in their designs upon the States, they shall never be permitted to even obtain a foothold here. They shall never be permitted to use this District for the purpose of convulsion and disunion. And surely, if anything on earth can repress the spirit of incendiary agitation, such proceedings on the part of this House must produce that effect. And not only that, it will not only tend, as I firmly believe, to check and repress the fanatics, but, what is still more important, it will tend, powerfully and irresistibly, to produce a high-toned, generous patriotism, an enlarged, magnanimous, American spirit, in the great body of the non-slaveholding States, eminently favorable to the cause of peace, and to the constitutional rights and interests of the southern States. Only let this House adopt the course indicated in the resolutions I have offered, and, my life upon it, they will be sustained by every honest heart, by every true American patriot, in every non-slaveholding State of this great Republic.

Now, sir, this is the very result I desire to produce. The battle of abolition is to be fought, *not at the South, but in the non-slaveholding States.* The people of the non-slaveholding States are divided into two classes—the incendiary fanatics who are plotting *our* destruction and the destruction of this Union, and the great body of the people, who respect the rights and feelings of their southern brethren, and are doing all that they can to put the fanatics down. What, then, is our policy? To make a new issue upon abstract points—to change the whole aspect of the question, by contending against the right of petition, and thus increase abolition, and drive our supporters from the field? No, sir. I would strengthen our friends, not weaken them. I would let them fight the Abolitionists in their own way, and not hamper or trammel them by making new contests, or creating new difficulties of any kind whatever. And I do firmly and conscientiously believe that, if this course is adopted, they will succeed in putting the fanatics down, and in putting an end to this most unnatural war. These, then, are my motives. These are my objects. I *go for the suppression of abolition.* I go to maintain the just rights of the South, without invading the rights of others. I go to obtain a direct vote upon the whole subject of the abolition of slavery, without being involved in constitutional contests upon any other points. In one word, I go for a decisive settlement of this question in the manner that I honestly think will best maintain the rights of the South, and the peace and perpetuity of this Union. And, as I do sincerely believe that the adoption of my resolutions, accompanied by a firm but temperate report, will produce these blessed results, so I shall esteem myself truly happy if I shall be the humble instrument of giving effectual and permanent repose to the South, (to which I am attached by every tie that can bind the heart of man to his natal soil,) and also accomplish the great object of placing this Union once more upon a firm and solid and immovable foundation.

LOSS OF THE FORTIFICATION BILL.

SPEECH OF HON. D. WEBSTER,

OF MASSACHUSETTS,

IN SENATE, *January* 14, 1836,

On the subject of the Three-Million Appropriation, and the loss of the appropriation bill for Fortifications of the last session.

Mr. WEBSTER said: It is not my purpose to make any remarks on the state of our affairs with France. The time for that discussion has not come, and I wait. We are in daily expectation of a communication from the President, which will give us light; and we are authorized to expect a recommendation by him of such measures as he thinks it may be necessary and proper for Congress to adopt. I do not anticipate him. I do not forerun him. In this most important and delicate business, it is the proper duty of the Executive to go forward, and I, for one, do not intend either to be drawn or driven into the lead. When official information shall be before us, and when measures shall be recommended upon the proper responsibility, I shall endeavor to form the best judgment I can, and shall act according to its dictates.

I rise now for another purpose. This resolution has drawn on a debate upon the general conduct of the Senate during the last session of Congress, and especially in regard to the proposed grant of the three millions to the President on the last night of the session. My main object is to tell the story of this transaction, and to exhibit the conduct of the Senate fairly to the public view. I owe this duty to the Senate. I owe it to the committee with which I am connected; and although whatever is personal to an individual is generally of too little importance to be made the subject of much remark, I hope I may be permitted, in a matter in regard to which there has been so much misrepresentation, to say a few words for the sake of defending my own reputation.

This vote for the three millions was proposed by the House of Representatives as an amendment to the fortification bill; and the loss of that bill, three millions and all, is the charge which has been made upon the Senate, sounded over all the land, and now again renewed. I propose to give the true history of this bill, its origin, its progress, and its loss.

Before attempting that, however, let me remark, for it is worthy to be remarked, and remembered, that the business brought before the Senate last session, important and various as it was, and both public and private, was all gone through, with most uncommon dispatch and promptitude. No session has witnessed a more complete clearing off and finishing of the objects before us. The communications from the other House, whether bills or whatever else, were especially attended to in proper season, and with that ready respect which is due from one House to the other. I recollect nothing of any importance which came to us from the House of Representatives, which was here neglected, overlooked, or disregarded.

On the other hand, it was the misfortune of the Senate, and, as I think, the misfortune of the country, that, owing to the state of business in the House of Representatives towards the close of the session, several measures which had been matured in the Senate, and passed into bills, did not receive attention, so as to be either agreed to or rejected, in the other branch of the Legislature. They fell, of course, by the termination of the session.

Among these measures may be mentioned the following:

THE POST OFFICE REFORM BILL, which passed the Senate *unanimously*, and of the necessity for which the whole country is certainly now most abundantly satisfied;

THE CUSTOM-HOUSE REGULATIONS BILLS, which also passed nearly unanimously, after a very laborious preparation by the Committee on Commerce, and a full discussion in the Senate;

THE JUDICIARY BILL, passed here by a majority of thirty-one to five, and which has again already passed the Senate at this session with only a single dissenting vote;

THE BILL INDEMNIFYING CLAIMANTS FOR FRENCH SPOLIATIONS BEFORE 1800;

THE BILL REGULATING THE DEPOSIT OF THE PUBLIC MONEYS IN THE DEPOSIT BANKS;

THE BILL RESPECTING THE TENURE OF CERTAIN OFFICES, AND THE POWER OF REMOVAL FROM OFFICE; which has now again passed to be engrossed in the Senate by a decisive majority.

All these important measures, matured and passed in the Senate in the course of the session, and many others whose importance was less, were sent to the House of Representatives, and we never heard anything more from them. They there found their graves.

It is worthy of being remarked, also, that the attendance of the members of the Senate was remarkably full, particularly towards the end of the session. On the last day every Senator was in his place till very near the hour of adjournment, as the Journal will show. We had no breaking up for want of a quorum, no delay, no calls of the Senate; nothing which was made necessary by the negligence or inattention of the members of this body. On the vote for the $3,000,000, which was taken out at about eight o'clock in the evening, forty-eight votes were given, every member of the Senate being in his place and answering to his name. This is an instance of punctuality, diligence, and labor, continued to the very end of an arduous session, wholly without example or parallel.

The Senate, then, must stand, in the judgment of every man, fully acquitted of all remissness, all negligence, all inattention, amidst the fatigue and exhaustion, of the closing hours of Congress. Nothing passed unheeded, nothing was overlooked, nothing forgotten, and nothing slighted.

And now, sir, I would proceed immediately to give the history of the fortification bill, if it were not necessary, as introductory to that history, and as showing the circumstances under which the

Senate was called on to transact the public business first to refer to another bill which was before us, and to the proceedings which were had upon it.

It is well known, sir, that the annual appropriation bills always originate in the House of Representatives. This is so much the course, that no one ever looks to see such a bill first brought forward in the Senate. It is also well known, sir, that it has been usual heretofore, to make the annual appropriations for the Military Academy at West Point in the general bill which provides for the pay and support of the Army. But last year, the Army bill did not contain any appropriation whatever for the support of West Point. I took notice of this singular omission when the bill was before the Senate, but presumed, and indeed understood, that the House would send us a separate bill for the Military Academy. The Army bill, therefore, passed; but no bill for the Academy at West Point appeared. We waited for it from day to day, and from week to week; but waited in vain. At length, the time for sending bills from one House to the other, according to the joint rules of the two Houses, expired; and no bill had made its appearance for the support of the Military Academy. These joint rules, as is well known, are sometimes suspended on the application of one House to the other, in favor of particular bills, whose progress has been unexpectedly delayed, but which the public interest requires to be passed. But the House of Representatives sent us no request to suspend the rules in favor of a bill for the support of the Military Academy, nor made any other proposition to save the institution from immediate dissolution. Notwithstanding all the talk about a war, and the necessity of a vote for the three millions, the Military Academy, an institution cherished so long, and at so much expense, was on the very point of being entirely broken up.

Now it so happened, sir, that at this time there was another appropriation bill which had come from the House of Representatives, and was before the Committee on Finance here. This bill was entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year 1835."

In this state of things, several members of the House of Representatives applied to the committee, and besought us to save the academy, by annexing the necessary appropriations for its support to the bill for civil and diplomatic service. We spoke to them, in reply, of the unfitness, the irregularity, the incongruity, of this forced union of such dissimilar subjects; but they told us it was a case of absolute necessity, and that, without resorting to this mode, the appropriation could not get through. We acquiesced, sir, in these suggestions; we went out of our way; we agreed to do an extraordinary and irregular thing, in order to save the public business from miscarriage. By direction of the committee, I moved the Senate to add an appropriation for the Military Academy to the bill for defraying civil and diplomatic expenses. The bill was so amended; and in this form the appropriation was finally made.

But this was not all. This bill for the civil and diplomatic service being thus amended, by tacking the Military Academy upon it, was sent back by us to the House of Representatives, where its length of tail was to be still much further increased. That House had before it several subjects for provision and for appropriation, upon which it had not passed any bill before the time for passing bills to be sent to the Senate had elapsed. It was anxious that these things should, in some way, be provided for; and when the diplomatic bill came back, drawing the Military Academy after it, it was thought prudent to attach to it various of these other provisions. There were propositions to pave streets in the city of Washington, to repair the Capitol, and various other things, which it was necessary to provide for; and they, therefore, were put into the same bill by way of amendment to an amendment; that is to say, Mr. President, we had been prevailed on to amend their bill for defraying the salary of our ministers abroad by adding an appropriation for the Military Academy, and they proposed to amend this our amendment by adding to it matter as germain to it as it was to the original bill. There was also the President's gardener. His salary was unprovided for, and there was no way of remedying this important omission but by giving him place in the diplomatic service bill, among chargés d'affaires, envoys extraordinary, and ministers plenipotentiary. In and among these ranks, therefore, he was formally introduced by the amendment of the House, and there he now stands, as you will readily see by turning to the law. Sir, I have not the pleasure to know this useful person; but should I see him some morning, overlooking the workmen in the lawns, walks, copses, and parterres which adorn the grounds around the President's residence, considering the company into which we have introduced him, I should expect to see at least a diplomatic button on his working-jacket.

When these amendments came from the House, and were read at our table, though they caused a smile, they were yet adopted, and the law passed almost with the rapidity of a comet, and with something like the same length of tail.

Now, sir, not one of the irregularities or incongruities, no part of this jumbling together of distinct and different subjects, was, in the slightest degree, occasioned by anything done, or omitted to be done, on the part of the Senate. Their proceedings were all regular, their decision prompt, their dispatch of the public business correct and seasonable. There was nothing of disorganization, nothing of procrastination, nothing evincive of a temper to embarrass or obstruct the public business. If the history which I have now truly given shows that one thing was amended by another, which had no sort of connection with it, unusual expedients were resorted to, and that the laws, instead of arrangement and symmetry, exhibit anomaly, confusion, and the most grotesque associations, it is nevertheless true that no part of all this was made necessary by us. We deviated from the accustomed modes of legislation only when we were supplicated to do so, in order to supply bald and glaring deficiencies in measures which were before us.

But now, Mr. President, let me come to the fortification bill, the lost bill, which not only now, but on a graver occasion, has been lamented like the lost Pleiad.

This bill, sir, came from the House of Representatives to the Senate, in the usual way, and was referred to the Committee on Finance. Its appropriations were not large. Indeed, they appeared to the committee to be quite too small. It struck a majority of the committee, at once, that there were several fortifications on the coast either not provided for at all, or not adequately provided for by this bill. The whole amount of its appropriations was $400,000 or $430,000. It contained no grant of three millions, and if the Senate had passed it, the very day it came from the House, not only would there have been no appropriation of the three millions, but, sir, none of those other sums which the Senate did insert in the bill. Others, besides ourselves, saw the deficiencies of this bill. We had communications with and from the Departments, and we inserted in the bill everything which any Department recommended to us. We took care to await the proper period to be sure that nothing else was coming; and we then reported the bill to the Senate with our proposed amendments. Among these amendments, there was a sum of $75,000 for Castle Island, in Boston harbor, $100,000 for defenses in Maryland, and so forth. These amendments were agreed to by the Senate, and one or two others added, on the motion of members; and the bill being thus amended, was returned to the House.

And now, sir, it becomes important to ask *when* was this bill, thus amended, returned to the House of Representatives? Was it unduly detained here, so that the House was obliged afterwards to act upon it suddenly? This question is material to be asked, and material to be answered, too, and the Journal does satisfactorily answer it; for it appears by the Journal that the bill was returned to the House of Representatives on Tuesday, the 24th of February, *one whole week before the close of the session.* And from Tuesday, the 24th of February, to Tuesday, the 3d of March, we heard not one word from this bill. Tuesday, the 3d of March, was, of course, the last day of the session. We assembled here at ten or eleven o'clock in the morning of that day, and sat until three in the afternoon, and still we were not informed whether the House had finally passed the bill. As it was an important matter, and belonging to that part of the public business which usually receives particular attention from the Committee on Finance, I bore the subject in my mind, and felt some solicitude about it, seeing that the session was drawing so near to a close. I took it for granted, however, as I had not heard anything to the contrary, that the amendments of the Senate would not be objected to, and that when a convenient time should arrive for taking up the bill in the House, it would be passed at once into a law, and we should hear no more about it. Not the slightest intimation was given either that the Executive wished for any larger appropriation, or that it was intended in the House to insert such larger appropriation. Not a syllable escaped from anybody and came to our knowledge, that any further alteration whatever was intended in the bill.

At three o'clock in the afternoon of the 3d of March the Senate took its recess, as is usual in that period of the session, until five. At five we again assembled and proceeded with the business of the Senate until eight o'clock in the evening; and, at eight o'clock in the evening, and not before, the Clerk of the House appeared at our door, and announced that the House of Representatives had *disagreed* to one of the Senate's amendments, *agreed* to others, and to two of those amendments, viz: the fourth and fifth, it had agreed *with an amendment of its own.*

Now, sir, these fourth and fifth amendments of ours were, one a vote of $75,000 for the castle in Boston harbor, and the other a vote of $100,000 for certain defenses in Maryland. And what, sir, was the addition which the House of Representatives proposed to make, by way of "*amendment*" to a vote of $75,000 for repairing the works in Boston harbor? Here, sir, it is:

"*And be it further enacted*, That the sum of $3,000,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the Navy: *Provided*, Such expenditures shall be rendered necessary for the defense of the country prior to the next meeting of Congress."

This proposition, sir, was thus unexpectedly and suddenly put to us, at eight o'clock in the evening of the last day of the session. Unusual, unprecedented, extraordinary, as it obviously is, on the face of it, the manner of presenting it was still more extraordinary. The President had asked for no such grant of money; no Department had recommended it; no estimate had suggested it; no reason whatever was given for it; no emergency had happened, and nothing new had occurred; everything known to the Administration, at that hour, respecting our foreign relations, had certainly been known to it for days and for weeks before.

With what propriety, then, could the Senate be called on to sanction a proceeding so entirely irregular and anomalous? Sir, I recollect the occurrences of the moment very well, and I remember the impression which this vote of the House seemed to make, all round the Senate. We had just come out of executive session; the doors were but just opened; and I hardly remember whether there was a single spectator in the Hall or the galleries. I had been at the clerk's table, and had not reached my seat when the message was read. All the Senators were in the Chamber. I heard the message certainly with great surprise and astonishment; and I immediately moved the Senate to *disagree* to this vote of the House. My relation to the subject, in consequence of my connection with the Committee on Finance, made it my duty to propose some course, and I had not a moment's doubt or hesitation what that course ought to be. I took upon myself, then, sir, the responsibility of moving that the Senate should disagree to this vote, and I now acknowledge that responsibility. It might be presumptuous to say that I took a leading part, but I certainly took an early part, a decided part, and an earnest part, in rejecting this broad grant of three million dol-

lars, without limitation of purpose or specification of object; called for by no recommendation, founded on no estimate, made necessary by no state of things which was made known to us. Certainly, sir, I took a part in its rejection; and I stand here, in my place in the Senate to-day, ready to defend the part so taken by me; or rather, sir, I disclaim all defense, and all occasion of defense, and I assert it as meritorious to have been among those who arrested, at the earliest moment, this extraordinary departure from all settled usage, and, as I think, from plain constitutional injunction—this indefinite voting of a vast sum of money, to mere Executive discretion, without limit assigned, without object specified, without reason given, and without the least control under Heaven.

Sir, I am told that, in opposing this grant, I spoke with warmth, and I suppose I may have done so. If I did, it was a warmth springing from as honest a conviction of duty as ever influenced a public man. It was spontaneous, unaffected, sincere. There had been among us, sir, no consultation, no concert. There could have been none. Between the reading of the message and my motion to disagree there was not time enough for any two members of the Senate to exchange five words on the subject. The proposition was sudden, and perfectly unexpected. I resisted it as irregular, as dangerous in itself, and dangerous in its precedent, as wholly unnecessary, and as violating the plain intention, if not the express words, of the Constitution. Before the Senate then I avowed, and before the country I now avow, my part in this opposition. Whatsoever *is* to fall on those who sanctioned it, of that let me have my full share.

The Senate, sir, rejected this grant by a vote of TWENTY-NINE against nineteen. These twenty-nine names are on the Journal; and whensoever the EXPUNGING process may commence, or how far soever it may be carried, I pray it, in mercy, not to erase mine from that record. I beseech it, in its sparing goodness, to leave me that proof of attachment to duty and to principle. It may draw around it, over it, or through it, black lines, or red lines, or any lines; it may mark it in any way which either the most prostrate and fantastical spirit of *man-worship*, or the most ingenious and elaborate study of self-degradation may devise, if only it will leave it, so that those who inherit my blood, or who may hereafter care for my reputation, shall be able to behold it where it now stands.

The House, sir, insisted on this amendment. The Senate adhered to its disagreement. The House asked a conference, to which request the Senate immediately acceded. The committee of conference met, and, in a very short time, came to an agreement. They agreed to recommend to their respective Houses, as a substitute for the vote proposed by the House, the following:

"As an additional appropriation for arming the fortifications of the United States, $300,000.

"As an additional appropriation for the repair and equipment of ships of war of the United States, $500,000."

I immediately reported this agreement of the committees of conference to the Senate; but, inasmuch as the bill was in the House of Representatives, the Senate could not act further on the matter, until the House should first have considered the report of the committees, decided thereon, and sent us the bill. I did not myself take any note of the particular hour of this part of the transaction. The honorable member from Virginia [Mr. LEIGH] says he consulted his watch at the time, and he knows that I had come from the conference, and was in my seat at a quarter past eleven. I have no reason to think that he is under any mistake in this particular. He says it so happened that he had occasion to take notice of the hour, and well remembers it. It could not well have been later than this, as any one will be satisfied who will look at our Journals, public and executive, and see what a mass of business was dispatched after I came from the committees, and before the adjournment of the Senate. Having made the report, sir, I had no doubt that both Houses would concur in the result of the conference, and looked every moment for the officer of the House bringing the bill. He did not come, however, and I pretty soon learned that there was doubt whether the committee on the part of the House would report to the House the agreement of the conferees. At first I did not at all credit this; but it was confirmed by one communication after another, until I was obliged to think it true. Seeing that the bill was thus in danger of being lost, and intending, at any rate, that no blame should justly attach to the Senate, I immediately moved the following resolution:

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill respecting the fortifications of the United States."

You recollect this resolution, sir, having, as I well remember, taken some part on the occasion.* This resolution was promptly passed; the Secretary carried it to the House, and delivered it. What was done in the House on the receipt of this message now appears from the printed Journal. I have no wish to comment on the proceedings there recorded; all may read them, and each be able to form his own opinion. Suffice it to say, that the House of Representatives, having then possession of the bill, chose to retain that possession, and never acted on the report of the committee. The bill, therefore, was lost. It was lost in the House of Representatives. It died there, and there its remains are to be found. No opportunity was given to the members of the House to decide whether they would agree to the report of the two committees, or not. From a quarter past eleven, when the report was agreed to, by the committees, until two or three o'clock in the morning, the House remained in session. If at any time there was not a quorum of members present, the attendance of a quorum, we are to presume, might have been commanded, as there was undoubtedly a great majority of the members still in the city.

But now, sir, there is one other transaction of the evening which I feel bound to state, because I think it quite important, on several accounts, that it should be known.

A nomination was pending before the Senate for a judge of the Supreme Court. In the course of the sitting that nomination was called up, and, on motion, was indefinitely postponed. In other words, it was rejected; for an indefinite postponement is a rejection. The office, of course, remained vacant, and the nomination of another person to fill it became necessary. The President of the United States was then in the Capitol, as is usual on the evening of the last day of the session, in the chamber assigned to him, and with the heads of Departments around him. When nominations are rejected under these circumstances, it has been usual for the President immediately to transmit a new nomination to the Senate; otherwise the office must remain vacant till the next session, as the vacancy in such case has not happened in the recess of Congress. The vote of the Senate, indefinitely postponing this nomination, was carried to the President's room by the Secretary of the Senate. The President told the Secretary that it was more than an hour past twelve o'clock, and that he could receive no further communications from the Senate, and immediately after, as I have understood, left the Capitol. The Secretary brought back the paper containing the certified copy of the vote of the Senate, and indorsed thereon the substance of the President's answer, and also added that, according to his own watch, it was a quarter past one o'clock.

There are two views, sir, in which this occurrence may well deserve to be noticed. One is, a connection which it may perhaps have with the loss of the fortification bill; the other is, its general importance, as introducing a new rule, or a new practice, respecting the intercourse between the President and the Houses of Congress, on the last day of the session.

On the first point I shall only observe that the fact of the President's having declined to receive this communication from the Senate, and of his having left the Capitol, was immediately known in the House of Representatives; that it was quite obvious that if he could not receive a communication from the Senate, neither could he receive a bill from the House of Representatives for his signature. It was equally obvious that if, under these circumstances, the House of Representatives should agree to the report of the committees of conference, so that the bill should pass, it must, nevertheless, fail to become a law for want of the President's signature; and that, in that case, the blame of losing the bill, on whomsoever else it might fall, could not be laid upon the Senate.

On the more general point, I must say, sir, that this decision of the President, not to hold communication with the Houses of Congress after twelve o'clock on the 3d of March, is quite new. No such objection has ever been made before by any President. No one of them has ever declined communicating with either House at any time during the continuance of its session on that day. All Presidents, heretofore, have left it with the Houses themselves to fix their hour of adjournment, and to bring their session, for the day, to a close whenever they saw fit.

It is notorious, in point of fact, that nothing is more common than for both Houses to sit later than twelve o'clock, for the purpose of completing measures which are in the last stages of their progress. Amendments are proposed and agreed to, bills passed, enrolled bills signed by the presiding officers, and other important legislative acts performed often at two or three o'clock in the morning. All this is very well known to gentlemen who have been for any considerable time members of Congress. And all Presidents have signed bills, and have also made nominations to the Senate, without objections as to time, whenever bills have been presented for signature, or whenever it became necessary to make nominations to the Senate, at any time during the session of the respective Houses for that day.

And all this, sir, I suppose to be perfectly right, correct, and legal. There is no clause of the Constitution, nor is there any law, which declares that the term of office of members of the House of Representatives shall expire at twelve o'clock at night on the 3d of March. They are to hold for two years, but the precise hour for the commencement of that term of two years is nowhere fixed by constitutional or legal provision. It has been established by usage and by inference, and very properly established, that, since the First Congress commenced its existence on the first Wednesday in March, 1789, which happened to be the 4th day of that month, therefore the 4th of March is the day of the commencement of each successive term; but no hour is fixed by law or practice. The true rule is, as I think, most undoubtedly, that the session holden on the last day constitutes the last day, for all legislative and legal purposes. While the session commenced on that day continues, the day itself continues, according to the established practice both of legislative and judicial bodies. This could not well be otherwise. If the precise moment of actual time were to settle such a matter, it would be material to ask, who shall settle the time? Shall it be done by public authority, or shall every man observe the tick of his own watch? If absolute time is to furnish a precise rule, the excess of a minute it is obvious would be as fatal as the excess of an hour.

Sir, no bodies, judicial or legislative, have ever been so hypercritical, so astute to no purpose, so much more nice than wise, as to govern themselves by any such ideas. The session for the day, at whatever hour it commences, or at whatever hour it breaks up, is the legislative day. Everything has reference to the commencement of that diurnal session. For instance, this is the 14th day of January; we assembled here to-day at twelve o'clock; our Journal is dated January 14th, and if we should remain until five o'clock to-morrow morning, (and the Senate has sometimes sat so late,) our proceedings would still all bear date of the 14th January; they would be so stated upon the Journal, and the Journal is a record, and is a conclusive record, so far as respects the proceedings of the body.

It is so in judicial proceedings. If a man were on trial for his life, at a late hour on the last day allowed by law for the holding of a court, and the jury acquitted him, but happened to remain so long in deliberation that they did not bring in their verdict till after twelve o'clock, is it all to

* Mr. KING, of Alabama, was in the chair.

be held for nought, and the man to be tried over again? Are all verdicts, judgments, and orders of courts null and void if made after midnight on the day which the law prescribes as the last day? It would be easy to show by authority, if authority could be wanted for a thing, the reason of which is so clear, that the day lasts while the daily session lasts. When the court or the legislative body adjourns for that day, the day is over, and not before.

I am told, indeed, sir, that it is true that, on this same 3d day of March last, not only were other things transacted, but that the bill for the repair of the Cumberland road, an important and much litigated measure, actually received the signature of our Presiding Officer after twelve o'clock, was then sent to the President, and signed by him. I do not affirm this, because I took no notice of the time, or do not remember it if I did; but I have heard the matter so stated.

I see no reason, sir, for the introduction of this new practice; no principle on which it can be justified, no necessity for it, no propriety in it. As yet, it has been applied only to the President's intercourse with the Senate. Certainly it is equally applicable to his intercourse with both Houses in legislative matters; and if it is to prevail hereafter, it is of much importance that it should be known.

The President of the United States, sir, has alluded to this loss of the fortification bill in his message at the opening of the session, and he has alluded also, in the same message, to the rejection of the vote of the $3,000,000. On the first point, that is, the loss of the whole bill, and the causes of that loss, this is his language:

"Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the National Legislature at the last session, but was lost in the other."

If the President intended to say that the bill, having originated in the House of Representatives, passed the Senate, and was yet afterwards lost in the House of Representatives, he was entirely correct. But he has been altogether wrongly informed, if he intended to state that the bill, having passed the House, was lost in the Senate. As I have already stated, the bill was lost in the House of Representatives. It drew its last breath there. That House never let go its hold on it, after the report of the committees of conference. But it held it, it retained it, and, of course, it died in its possession when the House adjourned. It is to be regretted that the President should have been misinformed in a matter of this kind, when the slightest reference to the Journals of the two Houses would have exhibited the correct history of the transaction.

I recur again, Mr. President, to the proposed grant of the three millions, for the purpose of stating, somewhat more distinctly, the true grounds of objection to that grant.

These grounds of objection were two: the first was that no such appropriation had been recommended by the President, or any of the Departments; and what made this ground the stronger was, that the proposed grant was defended, so far as it was defended at all, upon an alleged necessity growing out of our foreign relations. The foreign relations of the country are intrusted by the Constitution to the lead and management of the Executive Government. The President not only is supposed to be, but usually is, much better informed on these interesting subjects than the Houses of Congress. If there be danger of rupture with a foreign State, he sees it soonest. All our ministers and agents abroad are but so many eyes and ears and organs to communicate to him whatsoever occurs in foreign places, and to keep him well advised of all which may concern the interests of the United States. There is an especial propriety, therefore, that, in this branch of the public service, Congress should always be able to avail itself of the distinct opinions and recommendations of the President. The two Houses, and especially the House of Representatives, are the natural guardians of the people's money. They are to keep it sacred, and to use it discreetly. They are not at liberty to spend it where it is not needed, nor to offer it for any purpose till a reasonable occasion for the expenditure be shown. Now, in this case, I repeat again, the President had sent us no recommendation for any such appropriation; no Department had requested it; no estimate had contained it; in the whole history of the session, from the morning of the first day, down to eight o'clock in the evening of the last day, not one syllable had been said to us, not one hint suggested, showing that the President deemed any such measure either necessary or proper. I state this strongly, sir, but I state it truly; I state the matter as it is, and I wish to draw the attention of the Senate and of the country strongly to this part of the case. I say again, therefore, that when this vote for the three millions was proposed to the Senate, there was nothing before us showing that the President recommended any such appropriation. You very well know, sir, that this objection was immediately stated, as soon as the message from the House was read. We all remember that it was the very point put forth by the honorable member from Tennessee, [Mr. WHITE,] as being, if I may say so, the butt-end of his argument in opposition to the vote. He said, very significantly, and very forcibly, "It is not asked for by those who best knew what the public service requires; how, then, are we to presume that it is needed?" This question, sir, was not answered then; it never has been answered since; it never can be answered satisfactorily.

But let me here again, sir, recur to the message of the President. Speaking of the loss of the bill, he uses these words:

"This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defense projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of this important object, and other branches of the national defense, some portions of which might have been most usefully applied during the past season."

Taking these words of the message, sir, and connecting them with the fact that the President had made no recommendation to Congress of any such appropriation, it strikes me they furnish matter for very grave reflection. The President says that this proposed appropriation was "in accordance with the views of the Executive;" that it was "in aid of an important object;" and that "some portions of it might have been most usefully applied during the past season."

And now, sir, I ask, if this be so, why was not this appropriation recommended to Congress by the President? I ask this question in the name of the Constitution of the United States; I stand on its own clear authority in asking it; and I invite all those who remember its injunctions, and who mean to respect them, to consider well how the question is to be answered.

Sir, the Constitution is not yet an entire dead letter. There is yet some form of observance to its requirements; and even while any degree of formal respect is paid to it, I must be permitted to continue the question, Why was not this appropriation recommended? It was in accordance with the President's views; it was for an important object; it might have been usefully expended. The President being of opinion, therefore, that the appropriation was necessary and proper, how is it that it was not recommended to Congress? For, sir, we all know the plain and direct words in which the very first duty of the President is imposed by the Constitution. Here they are:

"He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

After enumerating the *powers* of the President, this is the first, the very first *duty*, which the Constitution gravely enjoins upon him. And now, sir, in no language of taunt or reproach, in no language of party attack, in terms of no asperity or exaggeration, but called up by the necessity of defending my own vote upon the subject, I now, as a public man, as a member of Congress here in my place, and as a citizen who feels as warm an attachment to the Constitution of the country as any other can, demand of any who may choose to give it, an answer to this question: "WHY WAS NOT THIS MEASURE, WHICH THE PRESIDENT DECLARES THAT HE THOUGHT NECESSARY AND EXPEDIENT, RECOMMENDED TO CONGRESS?" And why am I, and why are other members of Congress, whose path of duty the Constitution says shall be enlightened by the President's opinions and communications, to be charged with want of patriotism and want of fidelity to the country, because we refused an appropriation which the President, though it was in accordance with his views, and though he believed it important, would not, and did not, recommend to us? When these questions are answered, sir, to the satisfaction of intelligent and impartial men, then, and not till then, let reproach, let censure, let suspicion of any kind, rest on the twenty-nine names which stand opposed to this appropriation.

How, sir, were we to know that this appropriation "was in accordance with the views of the Executive?" He had not so told us, formally or informally. He had not only not recommended it to Congress, or either House of Congress, but nobody on this floor had undertaken to speak in his behalf. No man got up to say, "the President desires this; he thinks it necessary, expedient, and proper." But, sir, if any gentleman had risen to say this, it would not have answered the requisition of the Constitution. Not at all. It is not a hint, an intimation, the suggestion of a friend, by which the Executive duty in this respect is to be fulfilled. By no means. The President is to make a recommendation, a public recommendation, an official recommendation, a responsible recommendation; not to one House, but to both Houses; it is to be a recommendation to Congress. If, on receiving such recommendation, Congress fail to pay it proper respect, the fault is theirs. If, deeming the measure necessary and expedient, the President fail to recommend it, the fault is his—clearly, distinctly, and exclusively his. This, sir, is the Constitution of the United States, or else I do not understand the Constitution of the United States. Does not every man see how perfectly unconstitutional it is that the President should communicate his opinions or wishes to Congress on such grave and important subjects, otherwise than by a direct and responsible recommendation—a public and open recommendation, equally addressed and equally known to all whose duty calls upon them to act on the subject. What would be the state of things if he might communicate his wishes or opinions privately to members of one House, and make no such communication to members of the other? Would not the two Houses be necessarily put in immediate collision? Would they stand on equal footing? Would they have equal information? What could ensue from such a manner of conducting the public business but quarrel, confusion, and conflict? A member rises in the House of Representatives, and moves a very large appropriation of money for military purposes. If he says he does it upon Executive recommendation, where is his voucher? The President is not like the British King, whose ministers and secretaries are in the House of Commons, and who are authorized, in certain cases, to express the opinions and wishes of their sovereign. We have no King's servants; at least we have none known to the Constitution. Congress can know the opinions of the President only as he officially communicates them. It would be a curious inquiry in either House, when a large appropriation is moved, if it were necessary to ask whether the mover represented the President, spoke his sentiments, or, in other words, whether what he proposed were "in accordance with the views of the Executive?" How could that be judged of? By the party he belongs to? Party is not quite *unique* enough for that. By the airs he gives himself? Many might assume airs, if thereby they could give themselves such importance as to be esteemed authentic expositors of the Executive will. Or is this will to be circulated in whispers? made known to meetings of party men, intimated through the press, or communicated in any other form, which still leaves the Executive completely irresponsible? So that while Executive purposes or wishes pervade the ranks of party friends, influence their conduct, and unite their efforts, the open, direct, and constitutional responsibility is wholly avoided. Sir, this is not the Constitution of the United States, nor can it be consistent with any constitution which pro-

fesses to maintain separate departments in the Government.

Here, then, sir, is abundant ground, in my judgment, for the vote of the Senate, and here I might rest it. But there is also another ground. The Constitution declares that no moneys shall be drawn from the Treasury but in consequence of *appropriations* made by law. What is meant by "*appropriations?*" Does this language not mean that particular sums shall be assigned, by law, to particular objects? How far this pointing out and fixing the particular objects shall be carried, is a question that cannot be settled by any precise rule. But "specific appropriation," that is to say, the designation of every object for which money is voted, as far as such designation is practicable, has been thought to be a most important republican principle. In times past, popular parties have claimed great merit from professing to carry this doctrine much further, and to adhere to it much more strictly than their adversaries. Mr. Jefferson, especially, was a great advocate for it, and held it to be indispensable to a safe and economical administration and disbursement of the public revenues.

But what have the friends and admirers of Mr. Jefferson to say to this *appropriation?* Where do they find, in this proposed grant of three millions, designation of object, and particular and specific application of money? Have they forgotten, all forgotten, and wholly abandoned, even all pretense for specific appropriation? If not, how could they sanction such a vote as this? Let me recall its terms. They are:

"That the sum of $3,000,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and to increase the Navy: *Provided*, Such expenditures shall be rendered necessary for the defense of the country, prior to the next meeting of Congress."

In the first place, it is to be observed that whether the money shall be used at all or not is made to depend on the discretion of the President. This is sufficiently liberal. It carries confidence far enough. But if there had been no other objections; if the objects of the appropriation had been sufficiently described, so that the President, if he expended the money at all, must have expended it for purposes authorized by the Legislature, and nothing had been left to his discretion but the question whether an emergency had arisen in which the authority ought to be exercised, I might not have felt bound to reject the vote. There are some precedents which might favor such a contingent provision, though the practice is dangerous, and ought not to be followed except in cases of necessity.

But the insurmountable objection to the proposed grant was that it specified no objects. It was as general as language could make it. It embraced every expenditure that could be called either military or naval. It was to include "fortifications, ordnance, and increase of the Navy;" but it was not confined to these. It embraced the whole general subject of military service. Under the authority of such a law the President might repair ships, build ships, buy ships, enlist seamen, and do anything and everything else touching the naval service without restraint or control.

He might repair such fortifications as he saw fit, and neglect the rest; arm such as he saw fit, and neglect the arming of others, or build new fortifications wherever he chose. And yet these unlimited powers over the fortifications and the Navy constitute, by no means, the most dangerous part of the proposed authority; because, under that authority, his power to raise and employ land forces was equally absolute and uncontrolled. He might levy troops, embody a new army, call out the militia in numbers to suit his own discretion, and employ them as he saw fit.

Now, sir, does our legislation, under our Constitution, furnish any precedent for all this?

We make appropriations for the Army, and we understand what we are doing, because it is "the Army," that is to say, the Army established by law. We make appropriations for the Navy; they, too, are for "the Navy," as provided for and established by law. We make appropriations for fortifications, but we say what fortifications, and we assign to each its intended amount of the whole sum. This is the usual course of Congress on such subjects; and why should it be departed from. Are we ready to say that the power of fixing the places for new fortifications, and the sum allotted to each; the power of ordering new ships to be built, and fixing the number of such new ships; the power of laying out money to raise men for the Army; in short, every power great and small, respecting the military and naval service, shall be vested in the President, without specification of object or purpose, to the entire exclusion of the exercise of all judgment on the part of Congress? For one, I am not prepared. The honorable member from Ohio, near me, has said that if the enemy had been on our shores, he would not have agreed to this vote. And I say, if the proposition were now before us, and the guns of the enemy were battering against the walls of the Capitol, I would not agree to it.

The people of this country have an interest, a property, an inheritance, in this INSTRUMENT, against the value of which forty Capitols do not weigh the twentieth part of one poor scruple. There can never be any necessity for such proceedings but a feigned and false necessity, a mere idle and hollow pretense of necessity; least of all, can it be said that any such necessity actually existed on the 3d of March. There was no enemy on our shores; there were no guns pointed against the Capitol; we were in no war, nor was there a reasonable probability that we should have war, unless we made it ourselves.

But whatever was the state of our foreign relations, is it not preposterous to say that it was necessary for Congress to adopt this measure, and yet not necessary for the President to recommend it? Why should we thus run in advance of all our own duties, and leave the President completely shielded from his own just responsibility? Why should there be nothing but grant, and trust, and confidence, on our side, and nothing but discretion and power on his?

Sir, if there be any philosophy in history, if human blood still runs in human veins, if man still conforms to the identity of his nature, the institutions which secure constitutional liberty can never stand long against this excessive personal confidence, against this devotion to men, in utter disregard both of principle and of experience, which seems to me to be strongly characteristic of our times. This vote came to us from the popular branch of the Legislature; and that such a vote should come from such a branch of the Legislature, was among the circumstances which excited in me the greatest surprise and the deepest concern. Certainly, sir, certainly I was not, on that account, the more inclined to concur. It was no argument with me that others seemed to be rushing with such heedless, headlong trust, such impetuosity of confidence, into the arms of Executive power. I held back the stronger, and would hold back the longer for that very reason. I see, or think I see, it is either a true vision of the future, revealed by the history of the past, or, if it be an illusion, it is an illusion which appears to me in all the brightness and sunlight of broad noon, that it is in this career of personal confidence, along this beaten track of *man-worship*, marked, every furlong, by the fragments of other free Governments, that our own system is making progress towards its end. A personal popularity, honorably earned, at first, by military achievements, and sustained now by party, by patronage, and by an enthusiasm which looks for no ill, because it means no ill itself, seems to render men willing to gratify power long before its demands are made, and to surfeit Executive discretion, even in anticipation of its own appetite. Sir, if, on the 3d of March last, it had been the purpose of both Houses of Congress to create a military dictator, what *formula* had been better suited to their purpose than this vote of the House? It is true, we might have given more money if we had had it to give. We might have emptied the Treasury; but as to the *form* of the gift, we could not have bettered it. Rome has no better models. When we give our money *for any military purpose whatever*, what remains to be done? If we leave it with one man to decide not only whether the military means of the country shall be used at all, but how they shall be used, and to what extent they shall be employed, what remains either for Congress or the people, but to sit still, and see how this dictatorial power will be exercised? On the 3d of March, sir, I had not forgotten—it was impossible that I should have forgotten—the recommendation in the message at the opening of that session, that power should be vested in the President to issue letters of marque and reprisal against France, at his discretion, in the recess of Congress. Happily this power was not granted. But suppose it had been, what would then have been the true condition of this Government? Why, sir, this condition is very shortly described. The whole war power would have been in the hands of the President, for no man can doubt a moment that reprisals would bring on immediate war, and the Treasury, to the amount of this vote, in addition to all ordinary appropriations, would have been at his absolute disposal also. And all this in a time of peace. I beseech sober men, sir, of all parties—I beseech all true lovers of constitutional liberty, to contemplate this state of things, and tell me whether such be a true republican administration of this Government. Whether particular consequences had ensued or not, is such an accumulation of power in the hands of the Executive according to the spirit of our system? Is it either wise or safe? Has it any warrant in the practice of former times? Or are gentlemen ready to establish the practice as an example for the benefit of those who are to come after us?

But, sir, if the power to make reprisals, and this money from the Treasury, had both been granted, is there not great reason to believe that we should have been now up to our ears in a hot war? I think there is great reason to believe this. It will be said, I know, that if we had armed the President with this power of war, and supplied him with this grant of money, France would have taken this for such a proof of spirit on our part, that she would have paid the indemnity without further delay. This is the old story, and the old plea. Every one who desires more power than the Constitution or the laws give him, always says, that if he had more power, he could do more good. Power is always claimed for the good of the people; and dictators are always made, when made at all, for the good of the people. For my part, sir, I was content, and am content, to show to France that we are prepared to maintain our just rights, against her, by the exertion of our power, when need be, according to the forms of our own Constitution; that, if we make war, we will make it constitutionally; and if we vote money, we will appropriate it constitutionally; and that we will trust all our interests, both in peace and in war, to what the intelligence and strength of the country may do for them, without breaking down or endangering the fabric of free institutions.

Mr. President, it is the misfortune of the Senate to have differed with the President on many great questions during the last four or five years. I have regretted this state of things deeply, both on personal and on public account; but it has been unavoidable. It is no pleasant employment, it is no holiday business, to maintain opposition against power, and against majorities, and to contend for stern and sturdy principle, against personal popularity, against a rushing and overwhelming confidence, that, by wave upon wave, and cataract after cataract, seems to be bearing away and destroying whatsoever would withstand it. How much longer we may be able to support this opposition in any degree, or whether we can possibly hold out till the public intelligence and the public patriotism shall be awakened to a due sense of the public danger, it is not for me to foresee or to foretell. I shall not despair to the last, if in the mean time we be true to our own principles. If there be a steadfast adherence to those principles, both here and elsewhere, if, one and all, they continue the rule of our conduct in the Senate, and the rallying point of those who think with us and support us out of the Senate, I am content to hope on, and to struggle on. While it remains a contest for the preservation of the Constitution, for the security of the public liberty, for the ascendency of principle over men, I am willing to bear my part in it. If we can maintain the Constitution, if we can preserve this security for liberty, if we can thus give to true principle

its just superiority over party, over persons, over names, our labors will be richly rewarded. If we fail in all this, they are already among the living who will write the history of this Government, from its commencement to its close.

THE SURPLUS REVENUE.

SPEECH OF HON A. P. MAURY,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

May 17, 1836.

The House having resolved itself into the Committee of the Whole on the state of the Union, on the bill making appropriations for Fortifications for the year 1836; and the question being on the motion of Mr. CAMBRELENG to amend the bill by inserting a clause appropriating $700,000 for the armament of fortifications—

Mr. MAURY said:

Mr. CHAIRMAN: It is not my purpose to enter at large, and in detail, into a discussion of the provisions and merits of the bill immediately before the committee; nor yet into the propriety of the pending amendment to it, which proposes to appropriate the additional sum of $700,000 for the armament of fortifications. I am prepared to vote for liberal appropriations in furtherance of that or any other object which connects itself with the public defenses. And the only inquiries with me, preliminary to my support of such appropriations, will be, can they be expended, profitably, judiciously, and within the year, upon the objects proposed?

The object, however, which I have more immediately in view, is to avail myself of the latitude of debate, which custom allows, and propriety sanctions, when in Committee of the Whole on the appropriation bills, to express, briefly, my opinions in regard to the disposition which should be made of the surplus revenue; and, more especially, to vindicate the cause and party with which I am associated, from the aspersions and imputations which, here and elsewhere, have been cast upon them.

In relation to the subject first in order, it can, I think, be satisfactorily established that, after deducting the ordinary annual appropriations and disbursements, there will remain a vast amount of surplus money in the Treasury. I propose to examine, succinctly, into its probable amount, and to throw out some suggestions as to its proper disposition.

From a recent report of the Secretary of the Treasury, it appears that, on the 1st of April last, the amount of available funds in the Treasury was $32,000,000; of which sum about $11,000,000 were received from customs, and from the sales of the public lands, during the first quarter of the present year. By the rule of proportion, of which the application in this regard is justified, I am informed, by the analogies of our past financial history, the receipts from the same sources, for the remaining three quarters of the present year, may be fairly estimated at $33,000,000. Adding to this amount the balance in the Treasury, as above stated, on the 1st of April, and $7,500,000, the present value of the Government stock in the Bank of the United States, and the probable amount of disposable funds, by the 1st of January next, swells into the startling aggregate of $72,500,000! The only element in this calculation susceptible of cavil, or liable to the imputation of inaccuracy, is the estimated receipts for the remaining three quarters of the present year. Deducting, then, $4,500,000 for any such possible deficiency, there will still remain $68,000,000 subject to the disposition of Congress.

Without entering into any minute calculations of the probable amount of expenditures for the present year, for purposes ordinary and extraordinary; for the Army, Navy, and civil list; for arsenals and arms; for the completion of fortifications already begun, and the commencement of others in contemplation; for the execution of such treaties as may be entered into with any of the Indian tribes; and for the protection of our southern and western frontier from hostilities, actual or menaced, it may be safely assumed that all those objects of expenditure cannot possibly absorb more than $41,000,000; leaving in the Treasury, subject to any other uses, an unexpended balance of $27,000,000.

The grave question then arises, what disposition shall be made of this vast residuum of surplus treasure? Shall it remain in the Treasury an unproductive mass, useless alike to the Government and the community? or form the basis of additional loans by the deposit banks? or be appropriated to such purposes as Congress, having a due regard to the Constitution and to expediency, may designate? To one of these alternatives it is necessarily restricted.

The first proposition, that it should remain in the Treasury unemployed, does not deserve the consideration of a moment. The policy of hoarding up treasure in the national vaults has, long since, ceased to form a part of the political economy of nations. Abstracting, as it would do, the sum thus locked up from the circulating medium of the country, its tendency would not less inevitably be towards impoverishment, towards draining the sources of national prosperity, than would the continual evaporation of moisture, without its wonted return in grateful showers and refreshing dews, convert our fertile country into a barren desert.

To the second plan, the objections are many and insuperable. Money has been said to be the sinews of war. It may, with equal propriety, be called the sinews of power, whether in war or peace, in a state of repose or of agitation. It is not an element of power merely, but of power exerted through the basest and most sordid passions of our nature. To place millions of the public treasure at the disposal of the Government, to confide to the Executive the discretion of selecting and changing, at pleasure, its places of deposit, is to put in its hands the means, and holds out the temptation, of using it for the purposes of corruption. An immense fund, continually accumulating, and not liable to be drawn upon, deposited in banks selected on principles of favoritism, what is it but the loan of its full amount to the favored institutions, and that, too, without interest! What an active competition would it not produce for a participation in its benefits! What a lure held out to the cupidity of avarice! What a powerful argument in favor of conforming to the political creed of those in power! Of sacrificing on the altar of Mammon, the independence of thought and of action, those dearest attributes of a man, without which freedom is but a name, and the forms of free institutions an unsubstantial mockery!

The plan is liable to the further objection that it will operate as a virtual transfer of the power to regulate the currency from Congress, to which it is confided by the Constitution, to the Executive, from which it is withheld; enabling the President to produce a contraction or expansion of paper issues—a tension or relaxation of the fibers of commerce, an elevation or depression in the value of property, at any given point, as a reward for subserviency to his views; as a punishment for entertaining antagonist preferences and principles in regard to men and measures; and as the means of promoting the designs, and glutting the avarice of stockjobbers in politics, in trade, and in the purchase and sale of property of every description.

Sir, it cannot be but matter of grave surprise and animadversion, that the members of that party which arrogates to itself the exclusive title of Republican, and professes to make open war upon exclusive privileges and moneyed monopolies, should be the only advocates of a policy which will enable the wealthy capitalist to enjoy the exclusive usufruct of the public treasure; to trade upon money not only not their own, but belonging to the people, from whose pockets it was taken, and to whose pockets it ought to be returned, and to increase the issues of that very paper currency denounced by the party as spurious and unsound, and which it is their professed object to limit and reduce! And all this in the name of Democracy!

It is, then, the duty of Congress to obviate this inconvenience of an overflowing Treasury—to reduce this plethoric condition of the body-politic. Let us consider the various plans which have been proposed to effect this object.

And, first, it has been suggested, faintly here, more boldly elsewhere, to break in upon the provisions of the compromise bill of 1832—to reduce the tariff of duties down to the revenue standard. One objection to this proposition is, that it is inadequate as a remedy—that it will not reach the evil complained of. No revision of the tariff, however promptly made, can affect the immense amount of revenue already accumulated, and which will continue to accumulate, before any law for its reduction can be carried into practical effect. The evil of a surplus, consisting of at least $30,000,000 beyond the most extravagant wants and requirements of the Government, will still exist. The tariff, then, may be reduced, and still this redundancy continue.

Another objection grows out of the circumstances and considerations in which the act in question had its origin. It was the result of that spirit of mutual concession and compromise between conflicting interests which lies at the foundation of all our institutions. Two interests of an opposite, and apparently incompatible character, giving existence to parties defined by geographical divisions, and threatening the integrity of the Union, had arisen in the country. From a war of legislation it was about to be changed into a war of which the sword would be the arbiter. The political atmosphere was rife with the elements of discord—of civil, if not servile war—of disunion itself. It was in the midst of such inauspicious present and imminent prospective evils and disasters that the compromise act was passed. Unacceptable as it was to both interests, and intrinsically objectionable as it may be, it was still incomparably preferable to a disruption of the Union, or a cement of its parts with blood. It was a sacrifice, offered by patriotism, on the altar of union. It received the support of all parties except the ultra tariff, has thus far been acquiesced in by all interests without exception, and its inviolable observance has been repeatedly pressed by the President upon the forbearance of Congress. Liable to objection as it certainly was, yet those objections diminish, in magnitude and importance, with each revolving year. Under its operation the tariff is in the process of gradual reduction; which process will continue, till ultimately, and at a period definite and not remote, it is lowered to the revenue standard. Let it not be disturbed; let it be observed in good faith by the South, while its provisions are onerous to them; and this forbearance will impose a corresponding obligation on the part of the North, when the law shall have expired by its own limitation, to acquiesce in the abandonment which it recognizes of the protective principle.

Sir, it was under this system of protection, adopted by the majority, and carried out into overt acts of legislation, that the manufactures of the country have been fostered. It was under a belief that this policy would not be rashly departed from, that capitalists invested their funds in manufacturing establishments; and its abrupt abandonment, before the interests thus reared and encouraged could accommodate themselves to the change, while it would have an injurious bearing upon those interests, might be plausibly charged upon the Government as a violation of its implied faith. Sudden changes of policy, rapid transitions from one system of measures to another, are unwise, unjust, partial, and oppressive in their effects, and oftentimes destructive of the very ends intended to be accomplished. They discourage the ventures of capital, circumscribe the operations of trade, paralyze the arm of enterprise, and generate distrust and want of confidence in the stability of existing institutions. Opposed in principle, as I am, to the protective system, and cordial as would be my coöperation in any just and prudent measure to discontinue it, yet I would hesitate to be the cause of its premature and unwise agitation. It is a sealed fountain, which ought not to be opened hastily, or upon light considerations; and he who expects that, like the pool of Siloam, the troubling of its waters would exert a healing influence on the body-politic, cleanse it of its leprosies, or reduce its dropsical condition, has looked with unobservant eye upon the circumstances and condition of the country.

Sir, the elements of discord are already sufficiently numerous and active, without the addition

of this to the number. The ghost of the tariff has been laid; let it not be again raised, in all its buried terrors, to stalk into this Hall, and frighten us from our propriety. The Union is too precious, too beneficent in its practical workings and effects, obviates the otherwise inevitable occurrences of too many and calamitous evils, thus lightly to be hazarded.

To relieve the Treasury of this surplus fund, several other *projets* have been devised. It was proposed at the last session of Congress, by a distinguished Senator from South Carolina, so to amend the Constitution as to confer upon Congress the power of distributing it among the States, in the ratio of their representation in Congress; limiting the duration of the power to 1843, when the compromise act will expire by its own limitation, and the revenue may be reduced to the economical wants of the Government. This plan, otherwise, perhaps, the most eligible that could be adopted, is liable to two objections. It is doubtful, in the first place, whether the concurrence in its favor of three fourths of the States could be obtained; and, secondly, it could not be obtained, if at all, in time to obviate the evil intended to be remedied. These objections, though they do not affect the abstract merits of the plan, yet, in their practical bearings upon it, operate with fatal effect.

Another *projet*, of which the paternity appertains to a distinguished Senator from my own State, [Mr. GRUNDY,] is, to loan the surplus in perpetuity to railroad companies, on condition of the transportation, without charge by them, of the mail, and of troops and munitions of war, whenever required by the exigencies of the public service. The security proposed for the faithful performance of these conditions is a lien upon the property of the corporations, subject, however, to any previous liabilities which may have been incurred. If the stock be profitable, and free from other incumbrances, this security might be sufficient; but if otherwise—if the annual receipts should fall below or not justify the expenditure—it is not difficult to foresee that the proprietary interest in the roads would soon vest in the Government, with all its onerous entail of obligations and liabilities. In process of time, the Government might, in effect, hold in its hands the entire communications of the country. This plan, likewise, would necessarily produce a partial dispensation of the national bounty, inasmuch as railroads exist, for the most part, in old and densely populated portions of the Union, where their construction is justified by the exigencies of intercourse arising from business or pleasure; while other sections, of younger date, less felicitous locality, and holding out fewer inducements to this mode of investing capital, would be precluded from participating in its benefits. It might, moreover, be wielded by the Executive as an engine of power, to operate upon whole communities, by dispensing or withholding, as policy might suggest, the advantages which would flow from the disbursement among them of large sums of money. That feature of the plan which provides for the advance of funds for the elongation, to an indefinite extent, of roads already begun, is liable to the objection that it will be virtually accomplishing, by indirection, that which its authors admit cannot be directly done; in other words, it would be, in effect, a recognition of the power of Congress over the entire system of internal improvements, or, rather, it would be a transfer of the power to the President through the agency of the Postmaster General; whereas, if that system be gone into at all, on a national scale, the designation of its objects should be of the resort, not of the Executive, but of the legislative department.

It has been suggested by a distinguished Senator from New York [Mr. WRIGHT] to apply this surplus treasure to the purchase of stock owned by the States in corporate companies, or for the redemption of which the faith of a State may be pledged; the interest or dividends of the stock to inure to the Treasury of the United States, and the stock itself to be disposed of whenever required by the wants of the Government. The tendency of this plan, viewed in its aspect of profit and interest, is to increase the very evil complained of. The body-politic is in a plethoric condition, and the remedy proposed is, not depletion, not an abstraction of the peccant fluids, but an increase of the very aliment which has conduced to its overgrown proportions. If the funds thus invested be considered as a loan to the States or to corporations, it would be presenting the Government in the new and somewhat degrading attitude of a money-lender, and placing the States or corporations, as the case might be, in the dangerous relation of debtors to the United. But it requires not the spirit of prophecy to foretell that it would be a loan only in name; that it would never be repaid; that it would be a virtual gift of the amount thus invested. If it be a gift, then, let it be given openly, not by indirection, not by an evasion of the constitutional difficulty which exists in regard to the power of Congress to distribute surplus revenue, as such, and without reference to the source from which it is derived, among the several States. This, it seems to me, would be the more manly course of proceeding, and better comport with the dignity of the Government of the United States.

The two remaining *projets* which I have to consider, are the proposed application of the surplus of the public defenses, and the distribution among the States of so much of it as has accrued from the sales of the public lands, or its net proceeds, in the ratio of Federal population. Happily for the country, the relative eligibility of these plans is not necessary to be inquired into. They do not present themselves in an alternative aspect, but are perfectly compatible with each other, and may be concurrently carried into effect.

The considerations connected with the national defense are of primary and constitutional obligation. The Government would be recreant to its highest and most imperative duties, if it were unmindful of them. Let us inquire, briefly, into the nature and extent of the defensive preparations required.

Looking to our geographical position, with no formidable foreign Power bordering in dangerous proximity upon our frontiers; with inconsiderable provinces, and capacious lakes, or rather inland seas, upon our north; with the distant Republic of Mexico, sparsely populated, and weakened by internal dissensions, on our south and southwest; with powerless and decreasing Indian tribes, interminable prairies, a stupendous chain of mountains, and an immense ocean, on our west, we have nothing to apprehend from any combination of force which may be brought to bear upon us from those directions. Making the inadmissible admission that our advance in all the elements of strength and prosperity will not be commensurate with that of our neighbors, yet ages must elapse before any Power can arise among them of sufficient importance to require defensive measures, upon any scale of magnitude, along our frontiers. It is to the east, then, along our extensive line of sea-coast, brimming the broad Atlantic, and presenting numerous points of access and assault, that we are to look for belligerent demonstrations. The arm that is to strike us with effect must be stretched across the ocean. It is, then, our obvious policy to complete the system of fortifications which, since 1816, has been in the progress of execution; not to build a Chinese wall; not to erect a continuous line of batteries, to mount and man which would require a supply of the *personnel* and *materiel* which would exhaust the fiscal resources of the country; not to construct fortifications on every projecting headland, in accordance with the suggestions of some visionary politicians; but to protect our navy-yards; to fortify the harbors of our large commercial sea-ports; to render our great estuaries, the mouths of our navigable rivers, inaccessible to a hostile fleet. Beyond this extent the system should not be carried. Upon the Navy, as our principal means, alike of defense and of aggression, reliance should be had in all future contests. It is the only arm of national strength which has never been exerted in the cause of national oppression. While it may be made omnipotent in repelling invasion, and in hurling its thunders on the shores of the aggressor, it is powerless as an engine of domestic enslavement. Its faculty of locomotion, of moving with celerity, from one point to another more exposed, renders a smaller force, equipped at less expense, more available than those frowning fixtures of the land, whose powers of annoyance are limited to the range of their cannon, and can only be put forth in self-defense. I sincerely hope, sir, that, in all the contests in which we may be hereafter engaged, the theater of operations may be confined to the ocean. Let the enemy be kept at arm's length; let not our shores be polluted by his unhallowed footsteps. Let our cities be preserved from sack and pillage; our altars, our household gods from desecration; our fertile fields from ravage and desolation; our country from all the horrors and calamities which follow in the train of grim-visaged war. In effecting all these objects, securing all these advantages, obviating all these evils, a powerful marine is the most efficient agent. I will cheerfully yield my support to any measure having for its object the strengthening this main arm of national defense, of increasing it to the extent that the magnitude of those great interests, whether of commerce or of conflict, confided to its care, may require. Our attention should especially be directed to the collection, fabrication, and storage of those materials capable of preservation, or indestructible in their character, which enter into the composition of ships of war.

In appropriating money, however, for these as well as all other objects, the moral obstacles to be encountered, and the limited capabilities of corporeal nature, are elements which must be taken into the calculation. Regard should be had to the supply, which can probably be procured, of artificers and laborers. An immeasurable disparity between conception and execution is one of the inconveniences of our complex structure. Mind is essentially dependent upon matter for the accomplishment of its designs. To borrow the language of the great moralist and lexicographer of England, "we contrive in minutes what it takes years to execute, and the soul stands, in the meantime, an idle spectator of the labor of the hands, and the expedition of the feet." The appropriation of money beyond the capabilities of expenditure is essentially deceptive in its character, inasmuch as it will operate as a mere transfer of the amount of unexpended balance from the credit of the Treasurer of the United States to the credit of the disbursing officers or agents. This unexpended balance will still remain in the deposit banks, and form the basis of additional discounts by those institutions. The amount of appropriations for the service of the past year was considerably less than the probable aggregate of those for the present; and yet, of those appropriations, there remains in the Treasury an unexpended balance of several millions of dollars. An express recognition of the principle of extending appropriations beyond the necessities and probable capacities of expenditure of the current year, has been sedulously abstained from by the prudent forecast, the wise jealousy of our predecessors. Let us not set the example of a contrary policy. Appropriations, specific in object, and short and definite in point of time, have ever been regarded as the great conservative principle of representative government. The perseverance, in past periods, of the Parliament of England, in refusing to grant permanent supplies to the Crown, was one of the most efficient causes of the preservation of English liberty.

It may be safely assumed, then, that after the most liberal appropriations for all objects, ordinary and extraordinary, connected with the public defense, there will still be a balance in the Treasury of at least $30,000,000. The bill from the Senate, providing for the distribution among the States of the net proceeds of the public lands, according to the ratio of population, will embrace something less than that amount. I concur with the President in the opinion heretofore expressed by him, that a partition of the surplus revenue in some such mode is the most safe, just, and Federal disposition that could well be made of it. The doubt implied in the remarks of the President, alluded to, of the power of Congress to distribute it, as surplus revenue, without reference to the source from which it came, is conceived to be obviated by the provisions of the bill in question, embracing, as it does, only such portions of the revenue as have accrued from the sales of the public lands. It is not my purpose, however, to

enter into an argument to prove its constitutionality. The attempt to do so would be but a feeble iteration of what has been more ably and forcibly urged in the other wing of this Capitol. Suffice to say that the public lands were ceded to the Federal Government by those States in whom the proprietary interest resided, subject to the payment of the national debt. That the reversionary interest in the residue was, by the terms of the compact of cession, vested in the several States, "according to their respective proportions of the general charge and expenditure." That the cession, upon these conditions, was anterior to the adoption of the present Constitution, which expressly recognizes the validity of previous engagements, and the binding force of preëxisting obligations. That those portions of the public domain, comprehended within the limits of Louisiana and Florida, may fairly be considered to have been purchased out of the proceeds of the sales of the lands thus ceded. That the Federal Government, standing towards the States in the relation of a trustee towards his *cestui que trust*, not only have the power, but are bound by all the obligations of good faith, to distribute this residuary fund in the mode prescribed in the several compacts of cession. And that the provisions of the Senate's bill are the nearest practicable approximation to that mode. These, in brief, are the principal arguments in favor of the *power* of distribution in the manner proposed.

The arguments drawn from expediency are, that it will relieve us from the evils of an overflowing Treasury; that it is the most just, equal, impartial, and least obnoxious to exception, of all the projects yet devised to effect that object; that it will confer upon the States the faculty of bettering their condition in a moral, social and commercial point of view, by enabling them to carry into effect the most extensive and beneficent plans of education, intercommunication, and internal improvement of all kinds; thereby elevating the standard of the public morals and intelligence; increasing the guarantees, and insuring the durability of constitutional liberty; multiplying the avenues and facilities of intercourse; strengthening the bonds of union by additional ties of inclination and interest; quickening trade; stimulating enterprise; invigorating the exertions by enhancing the profits of labor; and enriching the entire surface of the country by the unwonted disbursements which it will occasion.

I was surprised to hear it asserted the other day, by the gentleman from Georgia, [Mr. TOWNS,] that this bill recognizes the constitutional power of Congress over the entire subject of internal improvement. Now, sir, my mind has arrived at a directly contrary conclusion. It not only takes away from Congress the means, and thereby removes the temptation, of the exercise of this power, but it does away not only all necessity, but all the pretense of the necessity of legislative action on it, by the General Government. It puts in the hands of the States the funds which will enable them to prosecute to completion their own works of internal improvement. It will not only lessen the patronage and weaken the powers of the General Government, but it will increase and strengthen the patronage and powers of the States in the same proportion. The State governments will possess the power of designating the objects, of selecting the agents, of dispensing the benefits which would flow from this new and extended system of disbursements. The people will accustom themselves to look more to the States, and less to the General Government, as the source of employment, and as the dispensers of its appropriate avails. Viewed in this aspect alone, the measure comes commended to our adoption by the most obvious and forcible considerations of expediency.

With this exposition, necessarily brief and imperfect, of my views in relation to the topics on which I have touched, I will now address myself to that other task, which principally induced me to address the committee—to place the cause and party with which I am associated in what I conceive to be their true attitude before the country. Judge White and his friends have been charged with an abandonment of the principles which have heretofore marked their course; with having put themselves in opposition to *the measures* of the present Administration: Judge White, because he has suffered his name to be abused as a candidate for the Presidency, against the nominee of a caucus or convention; his friends, because they persevere in their support of him, in defiance of that nomination. I admit the specifications, but deny the conclusions drawn from them, in general and particular, in aggregation and detail. I go further, and say that the very reverse of those conclusions is fact. I assert that Judge White and his friends still adhere to the principles which brought General Jackson into power; that they not only remain firm to those principles, but that they have supported every leading measure of the present Administration; that if there be anything equivocal in the attitude which they at present sustain towards the Administration, the fault or the change is not in them or in their principles.

In support of these averments, I will endeavor to prove, in the first place, the identity, in point of position and principle, between Judge White now and General Jackson during his first canvass for the Presidency. As the administration of Mr. Monroe drew towards its close, the attention of the nation was turned towards the choice of his successor. Several candidates were put in nomination, all members of the Cabinet or of Congress. Of these, one was in the line of Cabinet succession; another was sought to be upheld by conforming to what were called "the usages of the Republican party," viz: by caucus nomination. To both of these candidates strong exception was taken, by a large portion of the people, not on personal grounds merely, but from considerations connected with their respective positions. These were, opposition to Cabinet, or any fixed order of succession—to caucus nominations, or to any fixed mode of designating a successor.

To show the state of public feeling in relation to Cabinet succession, it may not be inappropriate in this place to advert to a cotemporaneous fact. When the constitution of Bolivia was first published in this country, that provision of it which confers upon the President, for the time being, the power of appointing his successor, received, as it deserved, the unanimous and unqualified denunciations of the American press. Bolivar, its author, was charged with having deserted the principles for which he had so nobly and triumphantly contended in the field, with having ceased to follow in the footsteps of Washington, whom he had affected to consider as his great exemplar; with having, in effect, become a convert to the doctrine of hereditary succession.

The venerable gentleman from Massachusetts [Mr. ADAMS] who now sits before me, encountered the full force of this objection. His then position, as Secretary of State, was urged against him with great effect. The incumbent of that Department, in several consecutive instances, had succeeded to the Presidency. The accident of to-day, it was apprehended, might ripen into the precedent of to-morrow, and unless intermitted, acquire all the force and authority of prescription. We had such a safe and glorious precedent which, on no pretext the most plausible of necessity, ought ever to be broken in upon, set in the first instance by the Father of his Country, and which, by uniform observance, has become incorporated with the Constitution itself—that no President should extend his ambitious views beyond two terms of service. And apprehensions were entertained that a precedent of a different character, the precedent of Cabinet succession, from similar usage and observance, might obtain an equally authoritative hold upon the public mind. The three immediate predecessors of the gentleman from Massachusetts, it is true, had never been charged, or even suspected, of selecting their Secretaries of State with a view to the succession; but such, it was feared, would be the aim, and might become the attainment, of some future President, less mindful of the proprieties of his station and less strongly imbued with the true spirit of our free institutions. In opposing, however, the election on this ground of the venerable gentleman from Massachusetts, the design was not entertained of disfranchising Secretaries of State, in all time, but merely to interrupt the continuity of the precedent, and destroying thereby the force of its authority.

This salutary caution, this wise jealousy, had its origin in the general sense, that any open and direct interference, that any ostentatious avowal of preference, between rival candidates, that any official influence exerted, or Executive patronage dispensed, by the President, for the purpose of operating upon the election of his successor, was wrong in point of principle, unsafe in point of precedent, and dangerous in tendency, if not in intention, to the liberties of the country. The dignity of Cæsar, conferred by the Emperor of Rome, vested in its possessor the reversion of the empire. And, sir, the annals of past history are rife with instances in which monarchs, remarkable for their wisdom in the cabinet and valor in the field, have selected successors who were their contrasts in every regard, who, destitute themselves of all the attributes of command, have yet been enabled, by a dexterous address, by assiduous attentions, by servile flatteries, by seizing upon those weak points of character from which even the greatest and best are not exempt, to worm themselves into the confidence of power, to sow distrust and suspicion where there had been friendship and reliance, to interdict the approaches of rival merit to the throne, and, finally, to reap empire as the reward of duplicity and circumvention.

Sir, mankind have ever looked with jealousy upon the especial favorite of supreme power. This feeling has its origin partly in the fact, of historical avouchment, that favoritism is more often acquired by personal devotion to the ruling chief, than by the possession and exertion, in the public service, of eminent abilities; and partly in the belief that he who aspires to the high places of the Government should rely for success more on the force of individual merit, and less on the adventitious aids of power and patronage. That, like a high mountain, he should stand out in bold relief, his proportions distinctly defined upon the political horizon, resting on the broad basis of his own qualifications, and screened, by no intervening object, from observation and scrutiny. That he should resemble some lofty Old Hickory of the forest, its roots deep set in the earth, and its branches extending aloft and around, rather than the little, creeping, parasitical vine that, by twining around its trunk, is enabled to lift itself into a region more elevated than it could ever have attained to by its own intrinsic strength and stamina.

Sir, allow me, in this place, to refer to a passage in English history. The Court of Elizabeth, at one time, was divided by two adverse and contending parties; one acknowledging the Duke of Suffolk as its head; the other following the lead of the Earl of Leicester. Suffolk was frank, open, sincere, magnanimous, honest, and sagacious as a politician, of unblemished character, public and private, and intent only upon the true interests of his country, and the honor and glory of his royal mistress. Leicester was supple, insinuating, unprincipled, selfish in his designs, unscrupulous in his means to accomplish them, of an all grasping ambition, which aimed, not at the succession, but at a connection, by connubial ties, with royalty itself. Suffolk had the esteem of the Queen, founded on her knowledge of the sterling qualities of his mind and heart. Leicester, by the arts and blandishments of the courtier, had won upon her affections. Yet it is recorded of her, as a signal evidence of wisdom and self-denial, of the triumph of judgment over passion, that she was yet enabled to observe towards them the most even-handed justice; that, however, in her private and social relations, she might give way to the tenderness of a woman attached even to infatuation, yet that, in all public transactions, she was ever mindful of the dignity and impartiality of the Queen. She felt and acted, not as the head of a party, but as the annointed sovereign of England should feel and act.

But to return from this digression. Another precedent, tending to establish a fixed mode of selecting a successor to the Presidency, was to be found in caucus nominations. Of this system, and of the party which used it for their purposes, Mr. Van Buren was a principal advocate and leading member; in proof of which I will read an extract from the address of the caucus of 1824 "to the Republicans of the United States," of

which he was the reputed author. It is as follows:

"We will not attempt to conceal the anxiety with which we are impressed by the present conjuncture. To our minds the course of events points to the *entire dismemberment of the party.* The injurious consequences likely to be produced by a departure from *the ancient usages of the party,* will not be confined to the election of President and Vice President. Exertions are everywhere making to *break up the entire system of* CONVENTIONS for the nomination of candidates, in reference to State as well as Federal elections. It is submitted, then, whether an abandonment of the practice will not involve the ultimate prostration of *the system* wherever it prevails, and with it the securities of the republican ascendency. It is from an apprehension of such results, in the event of the abandonment of established principles, *and of the usage of the party,* that we have adopted the proceeding now submitted to your consideration. The question is, in our best judgment, *one touching the preservation or dismemberment of the party.*"

These sentiments were responded to by the then Legislature of the State of New York. In the report of a committee of that body it was asserted, that "there is no other mode [than the one in question] of concentrating public opinion;" "that it was necessary, not merely *to the success,* but to the *preservation,* and possibly to the *existence,* of the Republican party;" and that these considerations should commend its adoption "to all who feel any solicitude for *the continued ascendency of Republican principles.*"

A large portion of the yeomanry of the country began to be justly alarmed at the prevalence of principles and practices such as these. A central power, it was feared by them, was in process of creation at the seat of Government, which might eventually control the elective franchise, and convert the people, from the high character of independent electors, into mere political automata for the registration of its edicts. They determined to resist this central power in each mode of its manifestation; to interrupt the continuity of cabinet succession; "*to break up the entire system of conventions;*" and to reinvest the people in all their sovereign attributes of thought and action in reference to the choice of Chief Magistrate. It was against the latter practice, especially, that their exertions were directed. Whatever might have been the necessities in which it had its origin, however excusable its occasional use as the extreme medicine of the State, they conceived that it would be eminently injurious as its daily potion. The declaration and enforcement of martial law at New Orleans might have been justified by the exigencies of the occasion; but who would quote it as a precedent to authorize habitual violations, under ordinary circumstances, of the sacred guarantees of the Constitution? The practice was denounced as dangerously restrictive of the rights of suffrage; as circumscribing the range of selection to office; as virtually disfranchising all others than its nominees; as superseding the provisions of the Constitution in regard to the election of its highest executive officer, and interpolating new provisions in their stead; as tending to place the entire power of the country in the hands of combinations and cabals among men in high places. It was affirmed unanimously by the Tennessee Legislature "that the practice of caucus nominations is a violation of the Constitution;" that each department of the Government ought to be prevented "from exercising the smallest influence over the other;" and that "the members of Congress should not be the principal or primary agents or actors in the election of President." In reply to the argument of usage and precedent, the Legislature said that "the actions of public men, heated by party zeal, and struggling for ascendency, *ought not to be urged as precedents.*" The party publications of that day are replete with vehement attacks upon all such obnoxious practices and principles; but I will not weary the patience of the committee with further quotation.

As the personification and embodiment, then, of this spirit of opposition; as the type and representative of a set of principles antagonist to those in question, and which were deemed of vital importance to the preservation, in their purity, of our republican institutions, General Jackson was selected. His great popularity, his talents and public services, displayed and performed in stations civil and military; the confidence reposed in his patriotism and integrity; his private and unofficial position—a Cincinnatus on his farm—unhackneyed in the ways of the mere politician, all eminently fitted him for the high mission to which he was preferred.

With Jackson for their rallying point, the people prepared to resume the exercise of their usurped rights. They met in their primary assemblies, and made their own nominations. They spoke through Legislatures, of which the members were elected with especial reference to this question. They denounced, in every shape, caucuses, conventions, secretary succession, the officious interference of men in high places with the freedom of suffrage. Public sentiment, instead of descending, in noxious distillations, from a firmament studded with the constellations of greatness, rose, like the living principle of vegetation, from the earth, imparting a healthy and cheerful aspect to the humble valleys of society, and gradually enduing its eminences with congenial hues. The knell of the caucus system, at least in reference to national nominations, was thought to have been rung. Its nominee, in this instance, was signally defeated, and its obsequies were performed with all the solemnities which follow a final departure.

But in its stead has arisen a body more anomalous than itself. A national convention, constituted as such bodies have heretofore been, is but the essence and spirit of a congressional caucus, reproduced in a modified form; with this distinction in favor of the latter, that whereas conventions of the kind of which I am speaking are, for the most part, without a constituency, and therefore irresponsible; caucuses were composed of members of Congress, who are amenable to the people in the periodical exercise of the elective franchise.

Sir, what are the origin and composition of your modern conventions? Are they composed of delegates fairly elected by, and fully representing the people at large, or even a majority of that portion of them who constitute the party to which they profess to belong? To conventions, thus constituted, no reasonable exceptions could be taken, except, perhaps, that it were anticipating the decision of the ballot-box. But such is not their constitution. A few self-created leaders of a party, to which they attach the exclusive cognomen of Republican, consult together, select their chief, parcel out the principal offices among themselves, and possess their partisans and echoes of the newspaper press, at home, with the plan of operations agreed upon. By these means, meetings are gotten up, at which resolutions are adopted appointing delegates initiated into the secrets of the party. These meetings are always informal, always composed of a small minority of the people, most commonly confined to the friends and relations of some high dignitary. No mode of proceeding is prescribed by law; representation is apportioned according to no established ratio; no sheriff makes proclamation summoning the people to the polls; no sworn officers receive and record their votes. When the convention assembles, no credentials, no certificates of election are required; conformity in political creed with the wire-workers behind the scenes is an ample passport to the privileges of membership. And yet a body of this character, composed, for the most part, of office holders and office seekers, or the especial friends of those who are, never elected by majorities, sometimes even self-constituted, assumes to dictate to the Democracy of the land! claims for its decrees an authority paramount to the Constitution itself! holds up its nominee as the great political *Venus de Medicis,* to which our opinions must conform, and by which our principles must be remodeled!

But it has been said by the gentleman from New York [Mr. MCKEON] that Tennessee, in sending delegates to the Baltimore Convention of 1832, and yielding her support to its nominee, has committed herself to the system of national nominations. I happen to know something of the mode in which those delegates were appointed. A meeting was held in Nashville, composed partly of members chosen by minority meetings in a very small minority of the counties; and partly of persons accidentally present in that town at the time, who had not even the semblance of authority to act for any portion of their fellow-citizens.* The great mass of the people of Tennessee took no part in this movement, and are in no way committed by it. On the contrary, there was a deep under-current of feeling against Mr. Van Buren, originating partly in this very cause, and which has since heaved to the surface, and manifested itself in opposing his advancement to a yet higher station; and if the people of Tennessee yielded a temporary and reluctant acquiescence in his nomination then, it was because an alternative was scarcely presented them, and because the Vice Presidential chair was considered to be infinitely subordinate in importance to that of Chief Magistrate of the Union. The President was the principal point of view; and they took the Vice President not because the man or the mode of his nomination was acceptable, but because of the venerated name with which his was associated.

I have said, sir, that the position and principles of action of Judge White now are remarkably coincident, in every essential particular, with those of General Jackson in his first canvass for President. General Jackson was applied to by a committee appointed at a meeting of the people of Dauphin county, Pennsylvania, to know whether he would consent to be a candidate for President. "My undeviating rule through life," says the General in reply, "and which I have, and ever shall deem as congenial with the true republican principles of our Government, has been neither to seek nor decline public invitations to office." "The office of Chief Magistrate is one of great responsibility. As it should not be sought by any individual, *so it cannot with propriety be declined when offered by those who have the power of selection.* It is interesting to the *American people* alone, and in the election they should exercise their free and unbiased judgment." "It was with these impressions, I presume, and without any consultation with me, that the Legislature of Tennessee, as an additional testimony of confidence in me, thought proper to present my name to the consideration of the American people. My political creed prompts me to leave the affair, *uninfluenced by any expression on my part, to the free will of those who alone have the right to decide.*"

A similar application was made to Judge White. The following is a portion of his reply:

"I am aware that for some time past my name has been occasionally mentioned, in our own State and elsewhere, for the office you mention. I have never supposed it would be so far acceptable to the public as to render an application to me necessary, to ascertain my wishes or determination.

"Not having taken any pains to ascertain public opinion upon that subject, I am perhaps less acquainted with the sentiments of even our own State than any of my colleagues. As to my own wishes and determination, I can have no difficulty in giving you an answer.

"I am not conscious that at any moment of my life I have ever wished to be President of the United States; I have never knowingly uttered a sentence, or done an act, for the purpose of inducing any person to think of me for that distinguished station. When the duties and responsibilities of the office are considered, in my opinion, it is an object more to be avoided than desired. I shall certainly never seek it while I have so little confidence in my own capacity to discharge the duties of it as I now have.

"Those for whose benefit it was created have a right to fill it with any citizen they may prefer, provided he is eligible by the Constitution; and the person who would refuse to accept such an office, if offered by the people of the United States, ought to have a much stronger hold upon public opinion than I can ever hope to possess.

"My most anxious wish is, that in any use you may think proper to make of my name, you may lose sight of every consideration except the public interest. I have not had any agency in causing it to be used, and do not feel that I would be justified in directing the use of it to be discontinued. I can, however, with truth say, that if those political friends who have used it thus far shall have reason to believe a further use of it will be an injury, instead of a benefit to the country, and may choose to withdraw it, they will have my hearty concurrence."

Thus it will be seen that both of these distin-

*My name figures in the proceedings of that meeting. Happening, accidentally, to be in Nashville at the time, I attended the meeting as a mere spectator. I was unexpectedly announced by the chairman as one of the committee to report a preamble and resolutions. Taken thus unawares, I hesitated what to do. Opposed, as I was, to the whole system of conventions, and to the intended nominee of the one to be held at Baltimore, I was yet sincerely attached to General Jackson, and did not wish to place myself in an attitude which would have the appearance even of hostility to him. I therefore withdrew from the meeting before the preamble and resolutions were reported by the committee, and returned home, a distance of about twenty miles, that evening.

guished statesmen and patriots avowed the same sentiments; that they both acknowledged the right of the people to an unrestricted range of selection, in reference to candidates for office, and the corresponding obligation of the person selected to permit his name to be used, and, if elected, to enter upon the discharge of its duties.

In 1824 Mr. Crawford was the nominee of a caucus, the candidate of THE Republican party; so is Mr. Van Buren in 1836. If General Jackson, in opposing Mr. Crawford, did not "lose caste" with the Republican party, why may not Judge White claim a similar exemption, in allowing the continued use of his name against Mr. Van Buren? In 1824 it was objected by Mr. Crawford's friends that the multiplication of candidates consequent on the accession to the list of General Jackson, would prevent a choice being made in the electoral colleges, and throw the election into the House of Representatives—a contingency which they represented as fraught with the most disastrous consequences to the liberties of the country. And it is worthy of remark that the politicians and newspaper editors then and now extant, who used this argument with such urgency and repetition against General Jackson, are the same who are at present wielding it against Judge White; with what sincerity may be inferred from the fact, notorious as noon-day, that, but for their opposition to the Judge, all probable occurrence of the contingency deprecated might have been prevented. But the objection, however forcibly urged, did not present itself to the friends of General Jackson in an aspect sufficiently formidable to induce them to withdraw him from the contest. The Legislature of Tennessee unanimously adopted a preamble and resolutions, in which it was declared that "this contingency was foreseen and provided for in the Constitution," and that it was less to be feared than the vicarious and obtrusive agency of a body unknown to the Constitution and laws, and which imposed fetters on the inappreciable rights of suffrage. The objection did not strike General Jackson himself with such force as, in his opinion, to render withdrawal on his part an act either of patriotism or of duty.

The preservation of *the unity of the party* was another argument urged with much zeal and earnestness by the advocates of the caucus nominee. It was alleged that "the ascendency of the Republican party" was endangered by the multiplication of candidates; and the people were invoked by all the obligations of patriotism to prevent the evil consequences resulting from a division in its ranks. Nor were the arguments drawn from principle the only weapons used. Resort was had to vituperation and abuse. General Jackson was denounced, and that, too, by the organs of that very party which now claims to be the especial guardians of his reputation, as a tyrant; as unqualified, by temper, education, and previous habits, for civil rule; and it was asserted that his election would be the infliction of "a curse upon the country." Attempts were even made to strip him of those laurels which he had plucked from the rugged brow of war, in many a well-fought field. And if these efforts were not crowned with success, it was because

"True glory's leaves
Are of the tree no bolt of thunder cleaves."

But the contest terminated in the election by the House of Representatives of the gentleman from Massachusetts; General Jackson having received a plurality of the votes in the electoral colleges. His friends, however, undisheartened by defeat, presented him again as a candidate for the eminent charge. The war-cry of opposition to the new Administration was sounded and continued from the starting-post to the goal. It was asserted that its accession to power was brought about by a flagrant violation of the rights of popular suffrage; that the will of the people had been defeated by a corrupt coalition. Exception was taken to the first message of the President, on the ground that in it were avowed ultra Federal doctrines. Corruption, besides, was alleged to exist in the administration of every Department of the Government. The most fearful apprehensions for the purity and preservation of our free institutions were conjured up, in consequence of the extent and imputed abuse of the patronage of the Executive.

In 1826 a committee was appointed in the Senate, on motion of Mr. BENTON, to devise ways and means for the limitation of executive patronage; among the members of that committee appear the names of *White* and VAN BUREN. The result of their labors was a report, accompanied with six bills. The object of these bills was to take from the Secretary of State the power of selecting the newspapers for the publication of the laws of the United States and the public advertisements; to regulate the appointment of postmasters; to regulate the appointment of midshipmen; to regulate the appointment of cadets; to prevent military and naval officers from being dismissed the service at the pleasure of the President; *to secure in office the faithful collectors and disbursers of the revenue, and to displace defaulters.* The report enforces the expediency of the passage of these bills with all the force of argument, and all the amplification of rhetoric.

[Here Mr. M. read a variety of extracts from the report, showing the alarming extent of the power and patronage of the President; the increase and multiplication of its objects; and the necessity that existed for their curtailment and limitation.]

I will trouble the committee with but one more quotation from this document:

"Not being able *to reform the Government in the election of President*, they (the committee) must go to work upon his powers, and trim down these by statutory enactments, whenever it can be done by law, and with a just regard to the proper efficiency of the Government. For this purpose they have reported the six bills which have been enumerated. *They do not pretend to have exhausted the subject*, but only to have seized upon a few of its prominent points. They have only touched, in four places, the vast and pervading system of Federal Executive patronage—the press, the post office, the armed force, and the appointing power. *They are few compared to the whole number of points which the system presents*, but they are points vital to the liberties of the country. The press is put foremost, because it is the moving power of human action; the post office is the handmaid of the press; the armed force its executor; and the appointing power the directress of the whole."

Mr. Van Buren, it is fair to presume, was in favor of these bills; he belonged to the committee by whom they were reported, and no recorded evidence is extant of his having dissented from their principles. And yet the most important of them all, the one which was most extensive and all-embracing in its range, the bill to secure in office the faithful collectors and disbursers of the public revenue, and to displace defaulters, recently reproduced in the Senate, in form and substance, was met with determined opposition by his confidential friends in that body, and, from some ominous indications, awaits the same reception from similar quarters here. And yet this was one of the leading principles of the Jackson party of 1826! Judge White supported the measure then, and has yielded it a consistent support during the present session.

An amendment of the Constitution, conferring the election of Chief Magistrate, in the first and second instance, directly on the people, and limiting his eligibility to one term, was another principal measure with the Jackson party of that day. Since his accession to the Chief Magistracy, General Jackson has repeatedly and earnestly commended it to the favorable consideration and initiative action of Congress. Judge White and his friends have been willing and anxious to meet the recommendation in the spirit in which it was made. And yet postponement and evasion are the fate which it has received from the hands of the party, on hollow pretenses, and by pitiful subterfuges!

Specific appropriations, economy in disbursements, accountability of public agents, the retrogression of the Government to the halcyon days of Jeffersonian simplicity and republicanism, were likewise held out to the hopes of the people by the Opposition to Mr. Adams's administration. And yet appropriations have been supported by *the party* without specific designation of objects; the Heads of Departments have been clamorously invoked to inform this House *how much* of the public treasure could be expended in the various branches of the public service; and agents charged by a member in his place with probable peculation and mismanagement of the public funds, have been shielded by the mantle of the party, and all investigation refused!

Retrenchment and reform were likewise objects inscribed by the Jackson party on the list of legislative and executive duties. For the advancement of those purposes a committee was constituted in the House of Representatives during the session of 1826. The more especial object was to ferret out abuses and corruptions in the administrative departments of the Government, to lop off redundant expenses, to discharge supernumerary clerks, &c. Shortly after commencement, however, their investigations were discontinued, on the suggestion of a distinguished gentleman from Virginia, [Mr. RANDOLPH,] who stated that the then President and his Cabinet, being opposed to reform, could throw such obstacles in the way of the committee as would render their labors ineffective and nugatory. It was thus that the cleansing of the Augean stable was deferred to a more auspicious period, when all the political elements, legislative and executive, would harmoniously blend and unite in the great work of departmental regeneration!

The main argument which has been urged in favor of limiting the service of the President to one term is, that his measures might be shaped, and his appointments to office bestowed, rather with the view of securing his reëlection than for the purpose of advancing the prosperity of his country. But if these powerful engines should be wielded to effect the elevation to power of a favorite candidate, does not this objection operate with equal, if not greater force? Is not the principle involved essentially the same? Is the love of office, held out to an anxious expectant, the less tempting, that adhesion, not to the President himself, but to the President's favorite, is the means of obtaining it? Sir, if it be known and avowed that the President for the time being has a decided preference between rival candidates for the succession, will not the knowledge of that circumstance, without any explicit intimation or requirement on his part, operate as a powerful inducement, not with office seekers merely, but with office holders apprehensive for their places, to make *his* measures and preferences *their* measures and preferences? Would it not readily be inferred that the surest mode of securing or obtaining office would be to shout hosannas to the rising sun? Is it unreasonable to presume that the heir apparent, as the period of his probable accession approached, would, in effect, have at his disposal the entire patronage of the Executive? And having the power, without the responsibility, of nomination to office, might he not exercise it with less restraint, and under a less solemn sense of obligation to the public, than if he were the ostensible as well as the real dispenser of appointments? In making these suggestions, sir, in relation to this, as well as all other questions connected with the nature and proper extent of Executive power, I wish it to be distinctly understood that I am considering them in the abstract as questions of all time, and without reference to any state of things which may be supposed by others to exist now, or to have existed heretofore, in the history of the country. Intending myself no invidious allusions; disclaiming the implication that the present President of the United States would prostitute the power and patronage of his high station to purposes which he deemed unworthy or improper, I hope that none others will impute to me such an intention. I have too great a respect and regard for that eminent citizen, founded as well upon personal grounds as upon the very high estimate which I put upon his character and public services, to entertain such a purpose. I speak, however, in the spirit of a freeman, and of the representative of freemen, to whom the right of thought and expression is guarantied by the institutions of my country.

It appears then, sir, that Judge White and his friends have not only heretofore supported all the leading measures of the present Administration but they still adhere to the principles which brought General Jackson into power—which formed the original bond of union of the Jackson party. And yet they are denounced as enemies of the present Administration, and ingrates to its head, as recreants to their principles, and apostates from their party! And *why* are they so

denounced? *Because they do not respond to the nomination of the Baltimore Convention.* And *by whom* are they so denounced? By the leaders and organs of that party which advocated the system of caucus nominations, which was the most virulent in its opposition to Andrew Jackson, and which assailed him in his dearest and most private relations, but which, coming in to his support at the eleventh hour, when the heat and burden of the day were over, when fruition was about to follow on the footsteps of exertion, have, nevertheless, received a more than scriptural reward for their tardy and interested services. The members of this party can oppose the bill for the limitation of Executive patronage, can disregard the repeated and earnest recommendations of the President in favor of the proposed amendment to the Constitution, deemed by him of such vital importance, in relation to the election of President and Vice President, and pass unquestioned, still, in point of political orthodoxy. Adhesion to the nominee of the convention is an ample atonement for the widest aberrations from principle!

I have thus attempted to show, and, I think, satisfactorily shown, that the charge preferred against the friends of Judge White, of apostacy from their party, of dereliction from their principles, is utterly unfounded in fact. Sir, if there be division in the ranks of the Administration, the line of separation was not drawn by them. In maintaining their present attitude before the nation, no color of pretense is given to the imputation that they have been induced to do so by the allurements of patronage and power. If their banner, like freedom's in many an age and clime, now streams against the breeze that blows from high quarters, its motto is identical with that which, in past times, was blazoned on its folds, when, *Teucro duce*, it led on to contest and victory in the same glorious cause. If a separation *have* taken place, the circumstances by which it was brought about show that it was not of their seeking, and furnish every evidence of sincerity and devotion to principle. The past history of the country affords other instances of separation from party, and of giving in adhesion to party, which, as far as preferment is concerned, might have been better timed; and the future historian of pending events may, perhaps, find examples of a similar nature, and which, possibly, may lead to similar results.

Sir, in assuming her present position, Tennessee has not proved herself, as has been alleged, ungrateful to Andrew Jackson, or inimical to his Administration. *Her* fame is part and parcel of his; *his* fame part and parcel of her own. If he evinced all the qualities which constitute the able and gallant captain, the troops whom she confided to his command displayed, on all occasions, however complicated with peril, a valor and alacrity which seconded and accomplished the boldest conceptions of his genius. Together they fought, and together they reaped a rich harvest of glory and renown. His reward, in part, has been the highest office known to the institutions of the country; hers the proud and gratifying consciousness that *her* efforts, unrelaxed by obstacles, *her* confidence, unimpaired by calumny, *her* devotion, unabated by disaster, essentially contributed to its attainment. Yes, sir, Tennessee has proved herself, at all times, and under all circumstances, ready and willing and anxious to do honor to her favorite soldier and statesman. These dispositions were especially manifested by her at a time when others, who now sit in high places, and look down with affected scorn and contempt upon her present position, were strenuous in their efforts "to blast his prospects even in the bud, and all the fair effects of future hopes." She will continue to manifest these dispositions on all proper occasions, and in all matters which affect him personally.

Before I sit down, Mr. Chairman, allow me to notice some observations which fell the other day from the gentleman from Georgia, [Mr. TOWNS.] That gentleman preferred the charge of inconsistency against the friends of Judge White, in that, notwithstanding their outcry against caucuses, they are supporting the nominee of a caucus which, he alleged, was held last winter twelve month, composed of a portion of the Tennessee delegation. That charge has been amply met and refuted by my colleague, [Mr. BELL.] I shall notice it no further than by saying that no caucus was, in fact, held. That public opinion having become directed towards Judge White as a fit successor of General Jackson, the Tennessee delegation were frequently interrogated by visitors here from different quarters of the Union, as to the probable dispositions of the Judge in that regard. That a meeting of consultation on the subject was held by a portion of the delegation. That, afterwards, an individual member, of his own motion, drew up a letter of inquiry to the Judge, stating the difficulty, and requesting to be informed of his views, which letter was separately presented by him to the other members, his colleagues, who affixed their signatures to it; and that this letter, with Judge White's reply to it, was published, merely as an answer, once for all, and in an authentic shape, to the inquiries which had been made. This proceeding had neither the forms, nor was there claimed for it, the arrogant and authoritative sanctions of a nomination. No, sir; Judge White rests his claims upon far other grounds; he stands self-sustained, on the basis of his own merits, leaning for support on no other arm but the great arm of the people!

The gentleman from Georgia [Mr. TOWNS] has likewise brought a charge of inconsistency, with two specifications, against Judge White. In proof of the first specification, which, I must say, was very vaguely set forth, he caused to be read a letter from the Judge to Mr. John Ross, in 1822, on the subject of the relative rights and powers of the Federal Government and of the Cherokee Indians within the territorial limits of the Cherokee nation. The occasion of the letter was this: a tax had been imposed by the Indian authorities upon a merchant licensed, under the laws of the United States, to trade with the Indians. He had resisted the payment of the tax, on the ground that he was exempted, by his license, from all impositions of the kind. Judge White was applied to as a lawyer for his professional opinion on the subject. His reply was, in substance, that the Cherokees, *as far as the United States was concerned*, retained every attribute of sovereignty which they had not expressly surrendered to the United States by treaty; and that the power of internal taxation, not having been thus surrendered, rightfully belonged to the authorities of the Cherokee nation. This opinion is in accordance with the uniform and unbroken series of the decisions in the district courts of the United States for the State of Tennessee, made as well since as before the date of the letter in question.

It is to be regretted that the gentleman from Georgia was not more explicit; that he did not point out in what manner Judge White was inconsistent in holding this opinion. We are left to infer, however, that it was irreconcilable with some other opinion expressed by him, in relation to the same, or some analogous subject. If this be his object, I defy him to make good the imputation. He certainly could not have intended —I will not impute to him such disingenuousness as the supposition would imply—to produce, for political effect, upon the public mind of Georgia, the impression that Judge White had ever expressed opinions adverse to the right of that State to the sovereignty and jurisdiction of the territory inhabited by the Indians within her limits. I say, sir, that he could not have so intended, because simultaneously with the letter in question, there appeared a report, made by Judge White to the Senate, as chairman of the Committee on Indian Affairs, in which the arguments in favor of the contrary doctrine are clearly and cogently set forth. After stating the substance of the several treaties between the United States and the Cherokees, the report goes on to say:

"In virtue of these treaties, the Cherokees contend that they have a valid and complete title to the lands of which they are in possession; and that they have a right to establish such Government as, in their opinion, is best suited to their condition; and that such Government is *independent* of any of the States within the limits of which any portion of their territory may happen to be, and that the United States stand *solemnly pledged* to protect them in the *peaceable* enjoyment of it against all the world.

"On the other side, the States may admit that if the political condition of the Cherokees was to be considered, as it related *to the rights and powers of the United States only*, then, it is true, they are, and ought to be, a community, *sovereign* in all respects, those only excepted in which they had by the treaties expressly surrendered their independence; and still contend that Georgia was a sovereign and independent State from the 4th of July, 1776, a period *anterior* to the Union of the States, under either the Articles of Confederation, or of the present Constitution. That, as a sovereign State, she had a right to govern every human being within her limits, according to her own will, and to dispose of all the vacant land, when, to whom, and for what consideration she pleased. That she is still in possession of all those rights and powers, excepting only such as she has expressly surrendered. That she never has surrendered to the United States, either by a treaty or by any other means, the power to dispose of her vacant territory, or to authorize the establishment of a government within her limits without her consent."

In further support of the same views, this lucid and able document states other and striking arguments, drawn from constitutional injunctions and prohibitions not necessary or important to be here quoted. But if the gentleman from Georgia intended to charge that the doctrines of the report and of the letter are incompatible, the obvious and conclusive answer, founded in the complex nature of our institutions, is contained in the report itself, viz: that the Indians may well, so far as the Federal Government is concerned, retain all such portions of their sovereignty as have not been yielded by treaty, and still be liable to the jurisdiction of Georgia, whenever she thought proper to exercise it. It may be proper to observe, likewise, that, in 1822, when this letter was written, and for several years afterwards, the question of the relative powers of the States, and of the Indians within their limits, had not been even mooted.

Before dismissing this subject, I cannot but express my surprise that an arrow, winged with a charge against the political reputation of Judge White, especially in relation to his opinions on this subject, should have come from the quiver of a Representative from Georgia—a State which, if her internal quiet has been maintained; if her relations, not only towards the Indians, but towards the Federal Government, complicated as they were with such circumstances of delicacy and difficulty, have been either satisfactorily adjusted, or are in the train of satisfactory adjustment, for these auspicious results, present and prospective; her indebtedness to his is greater, perhaps, than to any other human agency. Sir, it is but echoing the voice of history to say that, during the pendency of this question in the Senate, whether acting in its legislative or executive capacity, he was the Palinurus by whom the vessel of State was directed in safety through all the dangers and difficulties that arose.

The second specification embraced in this charge of inconsistency is alleged by the gentleman from Georgia to be sustained by the fact that Judge White's opinion was adverse to the policy of placing General Jackson in the Senate pending his first canvass for the Presidency; and, if it was bad policy for General Jackson to go into the Senate in 1823, why, triumphantly asks the gentleman, did he acquiesce in his own reëlection to that body in 1835? The answer is to be found in the different situations of the two men at the different epochs in question. At the times respectively in which they were brought forward, General Jackson was a private citizen; Judge White a public servant. General Jackson was selected with reference as well to his unofficial position as to his qualifications and public services, to wage a war of principle against combinations among the high and usurping dignitaries of the land. He could, therefore, have remained in private life, without rendering himself obnoxious to the imputation of shrinking from responsibility. Under these circumstances, Judge White thought the policy doubtful of altering his position, "of changing his front in presence of the enemy." But Judge White's nomination to the Presidency, though made to effect similar purposes, found him in a different situation. He was, and had been for years, a member of the Senate; and, if he had declined a reëlection, he would have been liable to the double charge of deserting his post to avoid committal on delicate questions of national policy, and of being governed by an apprehension that Tennessee had withdrawn from him her confidence.

I have thus, Mr. Chairman, gone through with the remarks which it was my intention to submit to the committee. I am conscious that they

derive no weight from extraneous circumstances, but must of necessity depend, for what currency they may receive, upon their intrinsic qualities. My voice, I am well aware, is only potential as it may be the echo of truth's. And well it were for the purity and perpetuity of our institutions, if all political propositions, from whatever quarter emanating, rested on the same basis. Oh, for the day to come when men shall be held as comparatively nothing, and principles everything! Oh, for the day to come when opinion shall take its hue and receive its impress, not so much from the source from which it comes, as from its naked, abstract beauty or deformity, separated from every extraneous attribute of party, and divested of the drapery which place and reputation may throw around it! Oh, for the day to come when the people of this country shall have attained to such a degree of virtue and enlightenment as to be alike capable and desirous of viewing the measures of their public men in the light alone of reason and truth! When faction shall attempt in vain to discolor, and envy and malignity to distort and misrepresent; when falsehoods, known to be such, shall cease to be propagated for political effect; when demagogues shall no longer array themselves in the robes of patriotism, nor aristocrats in heart mouth forth the words of equality and popular rule! Oh, for such days to come!

PROCEEDS OF THE PUBLIC LANDS.

SPEECH OF HON. THOMAS EWING,

OF OHIO,

IN SENATE, *March* 15 *and* 16, 1836,

On the bill to appropriate for a limited time, the proceeds of the sales of the Public Lands.

Mr. EWING said:

Mr. PRESIDENT: This bill, which has already several times passed this body; and which was once carried in the other branch of the National Legislature, is so familiar to all here, that it is hardly necessary to present an analysis of its provisions. Some amendments, indeed, have been proposed by the Committee on Public Lands; but those amendments are not at all vital to the bill; they merely modify, in some measure, its provisions; they propose to strike out some matters which seem incongruous, or out of place here; but there is no one of those amendments which the committee would not be willing to yield, if the bill, in its original shape, be more acceptable to the Senate. The leading provisions which remain are these: 1st. That there be granted to each of the new States, to be applied to the purposes of internal improvement, so much land as, with that already granted for the same purpose, will make to each State at least five hundred thousand acres; 2d. That there be granted to each of the said new States, Ohio, Indiana, Illinois, Missouri, Mississippi, Louisiana, and Alabama, ten per cent. on the net proceeds of the sales of the public lands within its limits since the 31st day of December, 1832, to be applied to the purposes of internal improvements within the respective States; and, lastly and chiefly, that the whole residue of the net proceeds of the sales of the public lands since that day shall be divided among all the States, according to their respective federal representative population, as ascertained by the last census, to be applied by the Legislatures of the States to such objects as they shall designate and authorize.

This bill, Mr. President, ought not to be looked upon as a party measure; nor should it, nor I trust will it, be agitated or decided as a party question. It is a great national measure; one in which the whole Union is interested deeply; one which the general good imperatively demands; and it is one which has been heretofore considered and sustained as a national measure by men of both political parties, even in times of high party excitement. In turning to the yeas and nays, as recorded in the Journals of the Senate in 1832, I find in the affirmative, on the final passage of this bill, Dudley, of New York; Dickerson, of New Jersey, (now a member of the Cabinet;) and Dallas and Wilkins, of Pennsylvania; all devoted friends of the President, but who, in this instance at least, if party were at all involved in the question, showed that they loved their country better than their party. But the state of things has changed since this bill was then before the Senate. The reasons for its passage, all that then existed, still remain in full vigor; all the leading objections to it have ceased to exist; and other reasons, most imperative in their nature, seem to demand of us its adoption. Those who opposed it then, may with perfect consistency support it now. Not only so; they may, and those who view it aright will, as I think, feel constrained, by a sense of what is due to the welfare and prosperity of our common country, to sustain it, and press it onward to a successful termination. The public debt is now paid; the tariff is adjusted on terms which no one will think fit to disturb; and there has accumulated in the national Treasury a very large amount of money beyond what is requisite for the wants of the Government. This amount continues, and must continue rapidly to accumulate. We have for it no safe repository. It is scattered about among the banks in the several States, who give no pledge for its repayment, and pay no interest for its use. This surplus, now nominally in the Treasury, but really scattered among these deposit banks, is large—very large; according to the report of the Secretary of the Treasury made to the Senate a short time since, it amounted on the 1st day of February last to $28,239,744 61 exclusive of considerable sums also in deposit in these banks to the credit of disbursing officers, but which had not been expended; the whole sum amounted to $30,678,879 91. This sum cannot be touched or lessened by any of the expenditures of the present year; on the contrary, it must continue to increase. There is one item, and a large one, which will soon, I presume, be added to it; I mean the stock which we held in the late Bank of the United States. That bank has ceased to exist as a national institution. Its stockholders, all except the United States, have been incorporated by one of the States as a State bank. It is now right and proper that our connection with it should be dissolved, for the United States ought not to be a stockholder in any of the State institutions.

The bank stock, amounting to $7,000,000, will, if present prices be maintained, sell for at least seven and a half—more probably eight millions; but if we estimate the receipts from it at seven and a half, it gives, added to the present sum in the Treasury, $38,178,879 91 of present means on hand, or which must be on hand in the course of the summer; and this surplus must continue to increase; for the receipts of the current year will very much exceed all the expenditures which can be made beneficially to the country under the appropriations of the present session. The receipts from customs for the year 1836 may be safely estimated as equalling those of 1835. Indeed, the receipts for January of this year have very much exceeded those for the corresponding month of the last. But that I may not place it too high, I set it down at the same—that is, in round numbers, $19,000,000. The receipts from public lands will much exceed those of the past year. The lowest estimate which can be made, with a due regard to facts already in our possession, from that source is $20,000,000, making $39,000,000 for the receipts of the year 1836. This, added to the sum now in the Treasury, and the bank stock which will fall in during the present year, makes an aggregate, in round numbers, of $77,000,000. Out of this sum are to be paid all the expenses of the current year, which are estimated by the Secretary of the Treasury at $23,133,644, including all expenditures, ordinary and extraordinary; and a pretty good round sum it is for an economical Government! Dropping the fractions, as I have done in my estimate of receipts, and deducting the $23,000,000, which the Secretary says will be wanted for all the purposes of Government, ordinary and extraordinary, during the year 1836, we have a balance on the 1st of January, 1837, of about $54,000,000.

These estimates, it is true, differ very materially from those of the Secretary of the Treasury, so far as relates to receipts, but not as to expenditures; for in that I take his estimate as accurate. As to the receipts, he is not to be implicitly relied on. Ever since the surplus began to accumulate in the Treasury, he has kept it down as far as possible, on paper, by very low estimates. In his report of the 3d of December, 1834, on the state of the finances, he estimates the receipts into the Treasury, for the year 1835, from all sources, at $20,000,000, namely:

From customs	$16,000,000
From public lands	3,500,000
Bank dividends and miscellaneous receipts	500,000
Total	$20,000,000

This estimate will be found in Document No. 2, of the last year, page 4. In this instance he has erred more than fifteen million dollars; the actual receipts for that year having been, in fact, nearly as follows. I cannot give it exactly, not having yet received full and exact returns:

Customs	$19,324,547
Lands	15,200,000
Other sources	736,991
Making, in all	$35,261,538

In his report, made to Congress at the commencement of the present session, he gives us the receipts of the first three quarters of the year 1835 at $20,480,881 07; and he *estimates* all the receipts, from all sources, for the last quarter of the same year, at $4,950,000. This report was presented on the 8th December, 1835, when all but twenty-three days of that quarter had expired. Yet, strange to tell, that estimate falls short of the true amount by more than $6,800,000; the whole receipts for that quarter, instead of $4,950,000, actually amount to $11,780,000. These great and repeated errors look bad upon the face of them. One would be half inclined to suspect that this officer, who has the custody of the money of the people, was willing to conceal from them, as long as possible, the actual amount in his hands, or which, in the regular course of things, was coming into his hands. At the time he made his estimate of a little less than five millions, for the last quarter of 1835, about eight millions must have been actually received by his subordinates in the custom-houses and land offices; and he must, in the regular course of business in his Department—either personally or by the heads of his several bureaus—have been informed, officially or unofficially, of receipts for such part of that quarter, to an amount considerably exceeding that at which he estimated the receipts of the whole quarter. I do not say that he had this information personally; for, if he had, his personal veracity would have been implicated in withholding it; and his statement, although it purported to be but an estimate, must have conformed to the fact as far as it was actually ascertained. But what I do say is, that he might have known it if he pleased; and if he had been anxious to give a full and fair view to Congress and the nation of what was received, and what would be received, into the Treasury within the year, he would have had it. If the party to which he is attached would, in his opinion, have obtained any advantage by a show of larger receipts for that year, can any one doubt that he would have had more exact information of the receipts for the first two months of the last quarter, and that his estimate for that quarter would have been larger? My belief is that it would.

Included in the $30,000,000 now in the deposit banks to the credit of the Treasury and the disbursing officers, is the $8,000,000 of unexpended balances of old appropriations, as shown in the report of the Secretary of the Treasury of the 8th December, 1835. I include this sum because I look upon it as a permanent residuum, which will always be found in the Treasury at the end of the year, never to be much lessened, but generally increased in amount. In looking at the means of the Treasury to effect any object in the present, or any future year, this should be taken into the account. It is not necessary or proper that this amount should remain idle in the Treasury, or worse than idle in the deposit banks, to be lent out by them on interest, or used as the basis of a large paper issue. It was settled, I think, some fifteen years ago, in solemn debate in the House of Representatives—a debate in which Mr. Lowndes bore a conspicuous part—that the unexpended balance of appropriations

for former years might and ought to be, to a considerable extent, considered as a constant fund, to be applied to the purposes of Government. It is true this might not be the case if we were about to settle up and quit; or if administration were taken out on the affairs of the nation, and the estate were to be finally adjusted. In that state of things the objection of the Senator from Maine [Mr. SHEPLEY] would apply. But, until that takes place, this fund, with the rest, is properly available, and subject to appropriation. It is, in fact, doing as the Senator from Missouri [Mr. BENTON] very justly said the other day we might do—anticipate, in the appropriations for any year, one quarter's receipts of the next succeeding year. This, indeed, has been constantly done heretofore, as I believe. I have looked back no further than 1832, where I find the estimates of the Secretary of the Treasury for the then coming year, include $5,231,094 of the unexpended balance of former appropriations; to this I heard of no objections. Whether any were urged to it or not, I cannot say. If there were any, they were not founded in justice, or in a comprehensive knowledge of financial operations.

In estimating the customs of the year 1836 by the receipts of 1835, I am conscious they are set too low. The receipts for this year, thus far, in the port of New York, do, I am informed, very much exceed those of last year for the same period. That excess will probably continue during the year, if the causes which have given rise to it be not checked in their action. It springs in part, and, as I think, principally, from the immense paper circulation which the deposit banks are enabled to throw out, founded on the deposit of *thirty millions* of the public money in their vaults. They deal on the public treasure as a fixed capital.

The estimate of the Secretary of the Treasury of the receipts for lands in the year 1836 differs very widely from my own. He fixes it at *four millions!* Was that his real opinion? Did he seriously believe, after the experience he had of the past year, that it would not exceed that amount? His estimate from the same source for 1835, it will be recollected, was $3,500,000; while the receipts do, in fact, amount to about $15,200,000. I have not got the returns exactly for 1835, but, so far as received, they amount to $14,719,239 21; and the table sent me from the General Land Office, showing the result, is accompanied with a slip stating that the sales in those offices for which the returns have not been rendered will exceed $500,000, (A.) If it amount to that sum, the aggregate for the year will be $15,219,239 21.

The Secretary of the Treasury has, as I before remarked, estimated the receipts for lands in the present year (1836) at $4,000,000. Now I, for one, can see no reason why those proceeds should have been estimated so much lower for this year than what it was known they had produced, or must produce, for the last. The reasons urged in the report of the Secretary are, in my opinion, wholly inconclusive. Accident, it is true, may check these sales; a great commercial or financial catastrophe may check, and, indeed, almost stop, the entries of public land; but unless such catastrophe do take place, or unless there be an extraordinary pressure in the money market, it is likely that the sales will go on as heretofore; for the same causes which produced the great purchases in 1835 are still in full, and even in increased, activity. So far as we have facts to aid us in estimates like this, which must necessarily rest partly on conjecture, they are of the first importance; they are a safe guide, so far as they go, and when we must necessarily quit them, they give a just direction to our further progress. We are now something more than two months advanced in the year 1836; I have received, through the proper channel, information of the sales in many of the offices for the first month of that year, and, by comparing those sales with the amount of sales in the same offices for January, 1835, and carrying out the proportion, we can, it would seem, arrive at a tolerably fair conjectural estimate of the products of the lands for the whole of the present year.

I have before me a table, made out, pursuant to my instructions, at the General Land Office, which presents in corresponding columns all the receipts for public lands in the several land offices for January, 1835, and all the receipts for January, 1836, so far as heard from. The Secretary of the Senate has caused to be prepared for me, from that table, another, having in the column for January, 1835, those offices only which had been heard from for January, 1836. This table shows the extraordinary fact that the same offices, twenty-seven in number, which produced, in January, 1835, but $333,949 34, have produced, in January, 1836, $841,066 18. From this it would appear that, if the sales at all the offices increase in the same proportion, and if that proportion continue for the whole year, the sales will amount to $38,221,928, (B.) This is nearly double my estimate. There is, however, one other fact, and an important one, to show the avidity with which valuable public lands are now sought for, and teh rapidity with which sales are made. From accounts just received from the Pontotoc land office, in the Chickasaw district, in the State of Mississippi, it appears that there was received in that single office, at a public sale, between the first Monday in January and the 17th day of February, of this year, $600,000, and on the 17th of February, after the public sales had closed, there were ten thousand applications for private entries in a single day. If those applications averaged eighty acres each, the money received from them will be $1,000,000. If all be for the smallest possible quantities for which entries can be made—that is, forty acre lots—it must amount to $500,000. It is true that the receipts from this office do not belong to the United States; the avails go to the Chickasaws, under their treaty of the 24th of May, 1834. But it shows not the less conclusively the eagerness of capitalists to vest their funds in the public lands; the spirit of speculation and emigration which is abroad, and which has pervaded every section of our country, and every condition and situation in life.

I agree entirely with the Senator from Missouri, that very much of these excessive sales arises from a diseased state of our currency; that much, indeed all, that we are now receiving for the national domain, is mere trash—base rags; and that everything is tending to a catastrophe similar to that of 1818; but I did not, I confess, expect to hear from that Senator the precious confessions which he uttered yesterday. All that I had prepared to urge upon that subject; all that I had anticipated, when the first experiment was tried upon the fiscal concerns of our country; all the danger to our public funds; and all the consequent destruction of the credit and business of our country, which every one who possessed the least ray of light glimmering into the future foresaw, and which many foretold would arise from leaving the State banks unchecked and unrestrained, and making them the depositories of our almost unbounded treasure, is, as he concedes, about to come upon us. But, strange to be told, the Senator says, "the Bank of the United States has done all this." To whom does the honorable Senator address himself? To men who he believes possess ordinary intellect and ordinary information? The honorable Senator rates the common intelligence of our country too low, if he believes he can induce any one to suppose, even for a moment, that the Bank of the United States, which has been deprived of the public deposits, whose charter has expired and ended, that bank which has ceased to exist, except for the mere purpose of collecting its debts and winding up its affairs, has caused all this mighty flood of bank paper, which now pours like a torrent over the whole land, and drives out gold and silver from circulation. One thing should be constantly borne in mind, and that is this: those who see the bank paper, which is so abundant in circulation, know whether that which they see is the paper of the Bank of the United States, or not. If that is pretty profusely mixed with the notes on the deposit banks, the people may give credit to those who say that the Bank of the United States has borne its part in producing the evils which now menace us.

I am fully aware, and I wish the country to be apprised also, that these immense, unparalleled sales of the public lands arise from a diseased condition of the public currency. It is in a great measure deceptive; or rather, that which we receive for them is not money, but a cheat. We sell for cash, in form, but in effect on credit; we make the honest purchaser—him who buys on his own means, and for his own use—pay cash; and we sell to the great capitalists—those who are connected with the deposit banks, those who buy tens of thousands and hundreds of thousands of acres on speculation, and who make fortunes by it, of which we plain men scarcely have a conception—we sell to them *on credit, without interest*—and I will show you how: There are $30,000,000 of the public money deposited in these banks without interest, and there it is to remain from year to year. Those who are connected with these banks, or who find favor with them, borrow this money, and lay it out in public land; it is paid into the land office; the receiver returns it to the banks by way of deposit, and it is again lent out, and again goes the round of purchasing land, and coming again into bank. You see at once, sir, the advantage this gives the great monopolist over the common citizen, who depends upon his own resources, and not on the favor of Government, for his means of purchase. The

A.

Statement showing the amount received in cash, forfeited land stock, and military land scrip, with the total amount paid by purchasers at the district land offices, so far as the returns have been received in each of the States and Territories, during the year 1835.

States and Territories.	Amount paid in cash.	Amount paid in forfeited land stock.	Amount paid in military land scrip.	Total amount paid by purchasers.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*
Ohio.....	778,689 87	6,675 57	41,709 36	827,074 80
Indiana...	2,046,971 80	1,601 49	27,598 88	2,076,172 17
Illinois....	2,592,867 95	1,826 58	3,934 72	2,598,629 25
Missouri..	630,541 02	458 36	450 00	631,449 38
Alabama..	1,955,500 94	1,824 16	-	1,957,325 10
Mississippi	2,773,831 74	1,042 66	3,700 00	2,778,574 40
Louisiana.	408,778 73	174 00	-	408,952 73
Peninsula of Mich'n.	2,271,058 59	361 17	155 41	2,271,575 17
Michigan, w. of lake.	316,681 04	-	-	316,681 04
Arkansas.	787,928 49	-	-	787,928 49
Florida....	64,876 68	-	-	64,876 68
	14,627,726 85	13,963 99	77,548 37	14,719,239 21

NOTE.—The December return from Mount Salus, and the November and December returns from Columbus, Mississippi, and the December returns from Palmyra, Missouri, and Edwardsville, Illinois, have not been received.

The sales in those offices for which the returns have not yet been rendered will *exceed* $500,000.

J. M. MOORE.

B.

States and Territories.	Districts.	January. 1835.	January. 1836.
Ohio.....	Cincinnati	$6,197 40	$12,641 90
Do.....	Steubenville....	709 64	939 19
Do.....	Wooster.....	748 33	1,510 12
Do.....	Zanesville.....	6,740 83	29,464 99
Do.....	Chilicothe	1,291 19	9,192 72
Do.....	Marietta.....	1,041 15	7,198 32
Do.....	Bucyrus.....	10,983 24	33,882 20
Do.....	Lima.....	15,144 68	27,063 72
Indiana.....	Jeffersonville...	9,198 78	24,442 16
Do.....	Indianapolis....	39,365 92	83,149 39
Do.....	Crawfordsville..	19,370 57	51,299 35
Do.....	La Porte.....	6,286 37	46,636 79
Illinois.....	Shawneetown..	347 39	13,162 40
Do.....	Palestine.....	3,999 92	17,482 72
Missouri....	St. Louis	4,948 71	12,649 09
Alabama....	Demopolis.....	106,446 67	55,573 41
Do.....	Huntsville.....	3,604 98	10,469 57
Do.....	Mardisville....	14,492 00	11,243 76
Do.....	Montgomery....	39,482 76	26,552 18
Do.....	Sparta.....	2,697 31	16,754 21
Mississippi..	Chocchuma....	9,020 90	22,663 14
Louisiana...	St. Helena.....	293 75	9,370 81
Do.....	New Orleans...	3,861 03	24,538 60
Michigan....	Detroit.....	7,229 80	73,832 29
Do.....	Monroe.....	11,511 16	75,210 34
Do.....	Bronson.....	8,382 76	134,026 35
Arkansas....	Little Rock	552 10	10,116 46
		$333,949 34	$841,066 18

Jan'y, 1835. Year 1835. Jan'y, 1836. Year 1836.
As $333,949 34 : $15,200,000 : : $841,066 18 : $38,221,928

man or the company with two or three millions of money may cause to be traversed every desirable portion of the public lands by their servants and agents, and seize upon all the choicest spots, before the farmer who seeks for himself a home can examine and select it. And what is still worse, there is great danger—and I am told that that state of things has, in some cases, been found to exist—there is great danger that the land offices themselves, or some one in the offices, will be in the partnership or in the pay of these regularly-organized bands.

Sir, the shocking frauds which have taken place under the preëmption laws have had their origin in this source. It is they or their agents that call upon the poor and ignorant families residing on the public lands, and persuading them that they have a right to do so, get them to swear that the man and his wife cultivate the land separately, and that each child, from twenty-one to one year old, cultivates separately; and thus manufacture eight or ten preëmption claims from a single family, pay fifty or a hundred dollars for it, get out these floats, and get them duly assigned, and lay them upon lands of the United States worth thirty or forty dollars per acre. Nay, more; I have been advised that there is a regular manufactory of those preëmption floats, carried on under the same auspices, where the papers are all duly made out, signed and sworn to, leaving a blank for the purchaser to fill up with whatever tract of land he may choose. Now, it is self-evident that these things could not be carried on extensively without great capital embarked in it; and that capital could not be had, and thus diverted and withdrawn from the ordinary business of the country, if it were not for its accumulation in the deposit banks. An end will be put to all this fraud more safely and certainly by this law than in any other mode that can be devised. It will abstract the accumulated mass of the public treasure from these banks. It will tap these great reservoirs, which send forth their streams of corruption through devious channels, and over the whole surface of our country. As it is, the public money is taken and made use of to defraud the public out of the most valuable portions of the domain; and, after all, the amount of *money* in the public Treasury or elsewhere is not increased by the operation; it is credit borrowing upon credit, and the United States is the final creditor, who, after being defrauded of its domain, must lose at last even the show of consideration which was received for it. It is difficult to conceive a more bungling, wretched system than that which has been devised for the keeping of these public funds.

There is another matter closely connected with the above, in which, I am inclined to think, funds of the United States in some of these deposit banks have borne no humble part. It will be recollected that by the fourteenth article of the treaty of Dancing Rabbit creek, entered into with the Choctaws on the 27th of September, 1830, it was provided that, though the *nation* removed beyond the Mississippi, each family who wished to remain, and become a citizen of the United States, was at liberty to do so; and, on his giving in his name to the agent within a limited time, he became entitled to a section of land, to be selected by a locating agent; and smaller quantities were allowed to each of his children. It appears by document No. 69, laid on our tables some time since, that this agent, who was authorized to receive and register the names of such Indians as wished to remain, omitted or lost some of the names, or some leaves containing the names of Indians having made such application. The subject, therefore, was opened by order of the President, and further time given to let in these Indians, whose names were so omitted, to prove their rights.

Here was an opening at once, as in the case of the preëmption laws, to obtain lands, and pay for them, in whole or in part, in affidavits; and the occasion was, as a matter of course, seized upon by these *honest* gentlemen. Samuel Gwyn, the register of the office at Chocchuma, writes to the Commissioner of the General Land Office, on the 24th of September, 1835, a letter in which are the following paragraphs:

"I am now more than ever satisfied that it is the settled purpose and determination of a set of speculators to sweep the balance of the Choctaw country, under the *pretended* claims arising under the fourteenth article of the treaty."

And he adds, speaking of the order of the President, above referred to:

"But advantage has been taken, and this order, limited, as it is on its face, to the last Congress, is held up as authority for sweeping every acre of the remaining country, under circumstances much more aggravated than the grand Yazoo speculation thirty-five years ago. Hordes of Indians, who have all *plain cases*, are now conjured up, and, under pretended purchases, a set of ravenous speculators are sweeping everything before them."

The document to which I have referred abounds in matter of this kind, and I invite the attention of the Senate to its details, as there can be seen something of our financial affairs, our land system, and our Indian affairs, at a point where they all meet and touch.

These speculations and these frauds—the abundance of public money deposited in banks, whose officers were ready, if not to engage themselves in the business, to lend freely to those who did, and thus afford means to these large and powerful combinations to carry out their schemes of rapine—have, no doubt, very much augmented the sales of public lands, though, perhaps, all combined, they have not much increased the amount of money received into the Treasury; for the rich lands in the South would have sold, and that at high prices, if they could have been brought into market under circumstances which would give room for fair competition. If those fruitful sources of fraud be cut off, and the public money remain in those deposit banks, without distribution, the sales will continue large, and speculation will run high; but the means of perpetrating frauds being cut off, it will be that kind of speculation which, though we should endeavor to prevent, we cannot condemn; for, when the occasion is fairly made, a man is no more to blame for endeavoring to better his circumstances by an investment in land than by an investment in cotton or tobacco. But it should be the care of Government, if possible, so to dispose of its lands, that they may pass direct to the cultivator, the husbandman himself, and have no middle man between them to make profit out of both. But the thing, as it is carried on now, is destructive alike to the interest of the Government and the morals of the people.

I have now to look at this subject in another and a more pleasing aspect. I propose to touch briefly on the leading causes which operate to keep up the permanent sales of the public lands, independently of all excess of circulating medium; independently of all temporary excitement, all the rage of speculation, all its success, and all its reverses; the steady, permanent, and enduring causes which cannot cease to act until the subject on which they act is exhausted, and our broad domain filled with inhabitants. It is a point too clear to require argument or illustration that the sale of our national domain must depend, at last, on the increase of our population. In that whole range of country east of the Alleghany mountains, including New York and all New England, except Maine, and southward to Georgia, the *country* is very nearly filled with population; and the agricultural portion of the community will not become much more numerous within that extensive district so long as there are new lands accessible within a reasonable distance, and at a moderate price. The whole increase of this population go into the towns and cities, and engage in trade or manufactures, or they emigrate. In the year 1800, which is as far back as I propose to extend my view of this subject, there were in the old States (in which I include Kentucky and Tennessee) about one hundred million acres of wild land, that belonged not to the United States, but to the several States themselves, or to individuals. This furnished an outlet to emigration; and thus, for a series of years, absorbed nearly the whole increasing population of the old States. From 1800 to 1835, there have been sold, and given as donations, of the public lands, about fifty million acres, nearly all of which is actually occupied; so that there has been brought into actual occupation, within thirty-five years, about one hundred and fifty million acres of wild and uncultivated land; that is, an average quantity of something more than four million acres a year. The population of the United States in 1800 was about five million three hundred thousand; it is now about fourteen million five hundred thousand; so that, if the new land continue to come into occupancy for the next thirty-five years in the same ratio, as compared with the population, there will pass from the hands of the United States into those of the husbandman, within that time, about four hundred million acres, being about twelve million acres a year—less at the beginning, and more towards the close of the period. The average sales for the first ten years, therefore, will be not less than eight million acres a year, yielding considerably more than $10,000,000.

It is curious to note the progress of our population, its steadiness and regularity as to the whole Union, and the constant principles by which it varies in its several parts. The increase of the whole population of the United States has been, since 1790, about thirty-four per cent. in ten years; varying, in the whole, not more than one and three fourths of one per cent. between any two periods of ten years, except what is caused in one of them by the acquisition of Louisiana, between 1800 and 1810. But deduct from that series of ten years what Louisiana has added to it, and it will correspond very justly with the average for the other several series. From 1800 to 1810, Maine, Vermont, and the northern district of New York, increased much beyond the average ratio; they, therefore, received immigration. While New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, and the southern district of New York have an increase very much below the average, they, of course, gave out emigration, a part of which flowed into the neighboring States, and a part found its way westward—to Ohio. At the same time, Delaware, Maryland, the eastern district of Virginia, North Carolina, and South Carolina, sent out a large portion of their increase in emigration, which is to be found in the great relative increase of western Virginia, Kentucky, Tennessee, and Georgia; east and west Pennsylvania, during that period, having preserved a little more than the average increase, and receiving more emigration than she sent out. This condition of things gradually changed, as the new parts of the old States and the older of the new States became filled with population. And at this time, in addition to those that were emigrating districts in 1810, the State of Vermont, the northern district of New York, the western districts of Pennsylvania and Virginia, and the States of Georgia, Kentucky, and Tennessee, instead of receiving and absorbing the population of the adjoining States and districts, give out large portions of their own increase; which, joined with the general current, flow westward. This flood tide of emigration, constant and undeviating in its course, holds due on, and will continue onward until it has spread over and filled the wide national domain, and equalized the population, according to natural advantages, over the whole land.

It is not merely that the new portions of the old States are filled with population, and instead of receiving, send forth their emigrants, but the great barriers to emigration, which shut out the broad and inviting regions of the West from the Atlantic States, are broken down and removed; our roads and canals across the Alleghany mountains, the New York Canal, Lake Erie, the Ohio Canal, and the steamboats that navigate all our lakes and rivers, have almost annihilated space, and brought the fair and fertile lands of the West into the very neighborhood of our Atlantic cities.

It is on these considerations that I rest my estimate of the sales of the public lands, the regular and permanent sales for the use of the cultivator for a long series of years to come. Speculation may increase them for one year; disappointment and embarrassment in the moneyed concerns of the country may diminish them for the next; but these are the constant elements which now act, and which must continue to act with constantly-increasing vigor; and from these I infer that if our land system be preserved, and fairly and honestly administered, the sales will hereafter exceed an average of ten million dollars per annum.

I know how easy it is to attack estimates in advance, and to forget them when they are verified by the event. It is now but one year since the honorable Senator from South Carolina now near me, [Mr. CALHOUN,] presented a report on

the revenues, with a view to the general distribution of the surplus which should remain after subserving all the wants of the General Government—a report in which he shed the clear sunlight of intellect and intelligence over that involved and intricate subject. In that he estimated the amount which could be set aside for distribution annually at *nine millions;* and he was charged by the Senator from Missouri with "hallucination"—a word selected and repeated with emphasis, as if the very supposition savored of madness or self-delusion. But mark the event. The Senator from Missouri now admits an excess much beyond that—many millions larger; but now there is a new excuse, a new explanation, a new project. The currency is all unsound, and that occasions this accumulation of money, which is but waste paper—mere rags. Be it so; still it is the better currency which was promised us by those who have been ignorantly or wantonly tampering with the currency as well as with the finances of the country. This is the way in which a hard money currency has been restored to us. These notes on deposit banks, which are able to cash one dollar in seven, are the yellow boys which were to glisten in the long silken purses of our substantial farmers. The result would be amusing, if it were not a subject too serious to excite a smile.

But since the money, such as it is, is nominally in the Treasury, and now, when we seek to apply it to this purpose, so useful to the country at large, we are met with a project new and fresh coined, for the avowed purpose of defeating this distribution. It is proposed to expend it all upon our Navy and fortifications, and in keeping up a standing army to man the fortifications. And it is now, for the first time in the history of nations, urged that the maintenance of a standing army will be a source of pecuniary profit to the people. Modern opinions differ some little from the old notions of economy and retrenchment, of which we used to hear so much in times past.

But I have no objections to any expenditures, within reasonable bounds, which can be made, and usefully made, in finishing our fortifications and improving our Navy; and although an excessive expenditure for that purpose must seriously embarrass business in the West, by drawing a large portion of the treasure of the nation on to the seaboard, and disbursing it there, yet I would not cavil upon small points, even in that respect. I would not, it is true, like well to have *all* the vast treasure of our country drawn to one point or to one line, and there expended to the injury of all the rest; and if the amount be excessive, not, perhaps, to the advantage of the part thus favored. The whole country, and all its parts, would be better for having something approaching to an equality of distribution; as in the human system, all the frame is diseased if the blood which belongs to the whole, and which was formed to circulate through the whole freely, should rush from the head to the heart, from the heart to the head, or tend in excess to any single member or limb.

But this measure of expenditure on fortifications and the Navy is not, and cannot be, when rightly viewed, a measure opposed to that of distribution. It may be *used* in opposition to it, and it may be pressed for the *purpose* of defeating it; but there is nothing whatever inconsistent in them. They can stand together; and if both be adopted, they will work together to the same good end—that of rescuing the public money from the hands in which it is improvidently placed. But there is a limit, beyond which it is worse than *idle*—a limit beyond which it is *deceptive*—to extend these appropriations for the Navy and fortifications. It is useless, and it is deceptive, to appropriate sums which we know cannot be expended.

We well know that our appropriations for the gradual improvement of the Navy have not yet in any one year been expended. The Navy Commissioners report a balance on hand, of the appropriations made last year for that object, of $1,497,245; and of the whole appropriations for the Navy for all purposes, there is reported a balance on hand of $3,714,033, more than half the amount on hand at the beginning of the year. I do not say that there ought, therefore, to be no addition to these appropriations. It may be that more energy may be diffused into this Department, and more money advantageously expended; but it is very obvious that the increased amount ought not to be very great, until we are satisfied of our ability to apply it.

Our prospect is certainly not more flattering of applying large extra sums, and applying them usefully, on our fortifications. General Gratiot, the chief of the engineer corps, in his report which was laid on our tables with the President's message at the commencement of the session of 1834-35, says, that the officers belonging to that corps are not sufficient for the duties which they are constantly called on to perform; that ordinary appropriations have to remain unexpended, or, what is still worse, be unskillfully applied, for want of a sufficient number of experienced engineers to attend to its application. He says that this defect cannot be supplied by taking individuals from civil pursuits and giving them the superintendence; and that much money has been unprofitably expended, and many works badly executed, because of this deficiency. No remedy has as yet been provided for this; we have not yet increased our corps of engineers, and we cannot do it immediately in a way to give them efficiency. We may increase the corps by law, but we cannot by law give immediate science and experience to such increased corps. Nor can civil engineers be procured, even if they would answer the purpose, (which General Gratiot says they will not;) for the works of internal improvement within the States, canals, railroads, turnpikes, projected and under construction, occupy all the civil engineers which the country affords, and create a demand for many more.

Nor can mechanics and laborers be procured to an indefinite extent. Even in the last year, when there was no new appropriation for fortifications, it is shown in the report of the Secretary of War accompanying the President's message at the commencement of the present session, that about one hundred thousand dollars, a balance of the appropriation of the previous year for completing Fort Schuyler, on Throg's Neck, near New York, could not be expended for want of mechanics and laborers, though every effort was made to procure them, north as far as Boston, and in the interior, even to the western part of the State of New York. And it should be borne in mind that from this part of the country comes almost the entire efficient force which constructs our public works wheresoever situated. The gentleman from Alabama, over the way, observed some days since, (and I have no doubt justly,) that very little of the labor, and but a part of the machinery and materials for the construction of public works, were furnished by the South; that the contracts were all, or nearly all, taken in the North; and that men and provisions, and in fact materials, were brought from the North for the construction. Then, if mechanics and laborers cannot be procured in Boston, Providence, Connecticut, or New York, to do a small amount of work such as that at Fort Schuyler, it would seem difficult to procure enough at the sea-coast at all to expend several millions in the same kind of labor. Nor should it be forgotten that the great fire in New York, which consumed so valuable a portion of that flourishing city, has caused an absolute and pressing demand for labor to the amount of seven or eight millions to rebuild it; and that, in consequence of this, wages have risen to an unusual height. And if the United States should now, or within the present summer, come into the market for an unusual amount of labor, it would put it out of the power of the inhabitants to rebuild their city, or of the United States to expend its appropriations; for the aggregate amount of labor in a whole country is not increased indefinitely by excessive prices; it has its maximum, beyond which it cannot pass.

It is very clear, therefore, to my mind that no such sums can be expended for these objects, in any manner useful to the country, as will lessen the amount of the present surplus, or at all interfere with the distribution proposed by this bill. I felt it necessary to step somewhat out of my way to observe, upon these matters, in consequence of the repeated declarations of the Senator from Missouri that the adoption of the one measure must be the defeat of the other—that they could not stand together; but I think I have shown that, so far as his project is a useful and a practicable one, there is nothing in it at all opposed to the principles or the operations of this bill, but that both measures concur to the same end, and both would be necessary to effect a most important object—that of abstracting the public money from the deposit banks, where it is hoarded and used for purposes of private emolument, and of spreading it among the people, and applying it to the benefit of all.

This bill points out the only practicable mode in which this immense surplus can be disposed of usefully to the country. All appropriations for internal improvements, with one single exception, have been put down by the veto of the President and the determined policy of the times. An amendment of the Constitution, so as to enable us to distribute, generally, the surplus revenue, is wholly impracticable; and, if liable to no other objection, it cannot come in time to prevent the evil with which we are threatened. No one proposes to disturb the tariff, in order to lessen the receipts from customs; and the proposed reduction of the price of the public lands would produce nothing but evil. It is important, as I have already said, that the public lands should, so far as general regulations can direct them, pass at once from the Government into the hands of the husbandman; in other words, that there should be as little inducement as possible for speculation in those lands. They should be sold at as low a price as possible not to invite speculation; but they should not be brought down so low as to encourage it; for, if they are, it places large quantities at once in the hands of companies and individuals, embarrasses the settlement of the country, and raises the price on the husbandman. Such would be the undoubted effect of reducing the price of the public land at this time. It would enable the capitalist, who proposes to invest his million in lands, to buy a larger quantity with it or to hold up his purchase longer, and realize a better profit; but the public at large, the emigrants, who purchase to till the soil, would suffer by it. It would be no reduction, but the very reverse, to them.

There is, then, no safe, practicable, and constitutional mode of disposing of the public lands and of reducing the surplus funds, which all admit to be an evil rather than a blessing, except by the distribution proposed by this bill; and I will now proceed, with the indulgence of the Senate, to examine our constitutional power to make this distribution.

I am not prepared to say that Congress possesses the general power of collecting the revenue for the purposes of distribution. My opinion, though I have not fully examined the subject, is, that we do not possess it. Those who hold that we do must, as I suppose, derive the power from the eighth section of the first article of the Constitution, which provides that Congress shall have power "to lay and collect taxes, duties, and imposts; to pay the debts, and provide for the common defense and general welfare of the United States." But this confines the purpose for which the taxes, duties, and imposts, may be laid, to the payment of the debts, and providing for the common defense and general welfare, and consequently limits the use which may be made of the public funds so collected. The committee did not, in their report on this subject, think proper to rest the proposed measure on this ground; and I do not, in any manner, rely upon it now, though I am aware it has been a favorite doctrine of many intelligent men who hold to a strict construction of the Constitution. I rest this question entirely on the special circumstances attending the grant of these lands to the United States, and that clause in the third section of the fourth article of the Constitution which gives Congress unlimited power to dispose of the national domain.

I propose to examine one only of the deeds of cession, namely, that of Virginia; because as relates to the disposition of the soil, all the other deeds conform, substantially, to that; there is, I believe, this difference only, that the deed of Georgia was made after the adoption of the Federal Constitution; that of Virginia and the other States before it. At the time the deed of cession from Virginia was made and accepted, the States were held together by the Articles of Confedera-

tion of 1778; which, by its eighth article, provides:

"That all charges of war, and other expenses that shall be incurred for the common defense and general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury which shall be supplied by the several States."

The articles then go on to fix the proportions which each State shall contribute, and then declare that the taxes for paying that proportion shall be laid and levied by the authority of the several States. Such was the Union, so far as regards its financial system, at the time the Virginia deed of cession was executed and delivered, and to this state of things, on every sound principle of construction, must its provisions apply. The clause in that deed of cession which relates to the subject immediately under consideration, is as follows:

"That all the lands within the territory so ceded to the United States shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation, *Virginia inclusive*, according to their usual respective proportions in the general charge and expenditures; and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

I have thrown out of the above sentence a clause which does not bear upon the question, for the purpose of freeing it of extraneous matter, and of bringing all the members of the sentence as closely together as possible. It is now clear and explicit in its directions, and not easily misunderstood.

We see, then, that the lands granted by Virginia are not a grant to the Treasury of the United States, or to the United States in any way, as the beneficial grantee. The United States holds those lands in the character of trustee, and is required to dispose of them *bona fide* for the use and benefit of those for whom the trust is declared in the deed, and for no other use or purpose whatsoever. If it had been intended to make the proceeds of the land a fund which should, at all events, and in all cases, go into the Treasury of the United States, and remain there until wanted for the common purposes of the Confederacy, that idea would have been very easily expressed, and it would have been done in words very different from those actually used in the deed; a simple declaration that the proceeds of the lands should be applied to the common purposes of the Confederation—the payment of debts, the common defense, or the same purposes to which taxes were to be applied, would have conveyed the idea that the fund, when received, was to be a joint fund, and not liable to distribution; but the more closely we look at the language of this clause in the deed of cession, the more conclusively does it convey the idea that distribution, in some event, was in contemplation of those who drew the instrument. It is "for the use and benefit of such of the United States as have become, or shall become, members of the Confederation, Virginia inclusive." If distribution was not intended, why say anything more than that it was for the use and benefit of the United States? It would then have been received into the common Treasury, and have been applied to the common purposes of the Confederation, whoever might be its members; but the deed is framed with a view to the *individuals* who are to share in the trust—not to its application, in the aggregate, to the common purposes of the country. If it be not so, why use the term "*Virginia inclusive?*" If this were a fund to be used in no way but jointly, the expression would be idle; but, with a view to distribution amongst those entitled to the benefit of the trust, it was well applied. It shows that, though Virginia made the grant, part of that grant was for her own benefit; that she was grantor and grantee in the same deed; and, as she is declaring the use, she *expressly* declares that she is to come in for a portion of that use. This was done, lest she might be cut out, because she was grantor, and because she had made certain reservations for her own benefit, or the benefit of her citizens, in the same deed. I do not say that such expression was, in that case, *necessary* to give her a share in the fund to be distributed; but it was natural and proper to insert it, in order to avoid misconstruction and cavil.

Under this deed of cession, and in execution of this trust, it would, I think, be competent for Congress to pay the ordinary expenses of the Government out of the proceeds of these lands, if those proceeds were necessary for that purpose; for it would be substantially disposing of them in conformity with that trust. Congress, as the trustee for all the States, holds a sum of money which must be used *bona fide* for the benefit of all. Congress also has power to lay and collect a tax in the same proportion in which this trust-fund is to be applied, and to the same amount, on all the States. In this condition of things, it is consistent with the faithful discharge of the trust to apply that fund to the common purposes of Government—omit to distribute, and omit to lay the tax. But the case is wholly different when this trust-fund has accumulated in the Treasury, and is not wanted for the common purposes, and will save the imposition of no tax by remaining and accumulating. It then can receive no other application, *bona fide* for the benefit of all the States, than by distribution among them all. If we had remained down to the present time a Confederation, as we were by the articles of 1778, and if this large surplus had in any manner found its way into the public Treasury, and if the land conveyed to us under the deed of cession were, as it now is, pouring in its millions annually, would any one doubt that it ought in justice and good faith to be distributed among the States in pursuance of the trust? Good faith on the part of the General Government would certainly require it; and equity, as between individuals under similar circumstances, would compel it. But the rights and duties of the United States as a contracting party are in nowise changed by the adoption of the Constitution. The first section of the sixth article of that instrument declares, "that all debts contracted, and all engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation;" and the framers of the Constitution, when, in the second section of the fourth article, they give Congress general power over the public lands, seem to have had these deeds of cession and the rights of the States under them in mind; for they provide in the same section that nothing in that Constitution "shall be so construed as to prejudice any claims of the United States, or of any particular State." All contracts, therefore, which were made under the old Confederation, whether with individuals or States, continue to be binding; and all engagements entered into must be executed, as they would have been if we had continued merely a Federal alliance.

There is another argument of much weight, founded on the clause in the second section of the fourth article of the Constitution, wherein it is provided "that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." Or, if we cast out of the sentence all that does not bear upon the subject, the provision is, *that Congress shall have power to dispose of the territory of the United States.* For what purpose? It is unlimited and unrestrained as to object. In what manner? Equally without limitation. To what use apply the proceeds? This clause of the Constitution is silent as to all this. Therefore, the power is unlimited, unless it be elsewhere restrained, or its object or extent defined. But this clause declares for itself that it "shall not be so construed as to prejudice any claims of the United States, or of any particular State." The first section of the sixth article makes all the contracts of the Confederation valid, and the deeds of cession require Congress to dispose of the lands *bona fide* for the use of all the States, and for no other use or purpose whatever. Thus the general power given to Congress over these lands in the third section of the fourth article is limited and restrained by the rights of the several States to this distribution under the deeds of cession; but it would seem that it has no other limit.

As to the land acquired by the purchase of Louisiana and Florida, it comes, without limitation or restraint, under the provisions of the third section of the fourth article. Congress has power to dispose of it; and that power would seem to be unlimited, except that it must be disposed of justly and rightfully, pursuant to the general purpose and intent of Government. Let it be remarked, that the objects for which taxes, imposts, and excises may be laid and collected are particularly specified; therefore, the power of Congress has been held limited, in the application of money so collected, to the objects for which it might be constitutionally collected. There is no such limitation here in regard either to purposes or objects. It would seem, therefore, that these lands, for which there is no compact, might be disposed of as Congress may, in their discretion, think advantageous to the country.

It seems to be the opinion of the Secretary of the Treasury (and, indeed, this opinion has been long prevalent) that the purchases of Louisiana and Florida were made out of funds derived from the sales of the public lands. Hence, in all the estimates which have been furnished us for many years past of the costs of the public lands, and the expenses attending their management, we find as items, the cost of the Territories of Louisiana and Florida. If this be correct—if the public lands have been made the fund out of which this large purchase has been paid—the lands in those Territories are bound at once by the same principle of distribution with those held under the deeds of cession. It is a reinvestment by the trustee of the trust-fund, and the trust, according to the well-known principles of equity, follows it, wheresoever invested.

These considerations, Mr. President, have satisfied me that we have the constitutional power to distribute the net proceeds of the public lands in due proportion among the several States; that, as to the lands conveyed to us by the several States, we not only have the power to distribute, but that it is our solemn duty to do so. It is a sacred trust reposed in the Confederacy by individual States, which we, by the Constitution, bound ourselves to execute, and which can in no other manner be executed in good faith, and according to the intent of those who created the trust. The next inquiry that presents itself is, whether the net proceeds of the public lands, after defraying all expenses with which they are chargeable, are equal in amount to the sum proposed to be distributed by this bill.

In a report of the Secretary of the Treasury, made in answer to a resolution of the Senate, and now lying on our tables, (Doc. No. 80,) the whole net proceeds or receipts into the Treasury from the public lands, to the 30th September, 1835, is stated at $58,619,528.

In addition to this, the same paper shows that the public lands have paid "certificates of public debt and Army warrants," $984,189; in United States stock $257,660; and in military scrip, (the precise amount not shown, as it is blended with forfeited land stock, but is about,) $1,500,000. This, if we add it to the above sum of $58,619,528, makes the aggregate, in cash and public securities to the 30th September, 1835, $61,361,377; in addition to this, the public lands have paid in military bounties, partly for the revolutionary war, and partly for the late war a large sum, which I have not yet been able to estimate, but it amounts to several millions. But if we add to the aforenamed sum of $61,361,377, the receipts for the last quarter of 1835, $6,033,410, we have, of the aggregate net proceeds to the 1st of January, 1836, a fraction more than $67,000,000.

The same document gives the cost of the public lands and the whole expense of their management at $57,652,207. But in this is included the *whole cost* of Louisiana and Florida, amounting, with the interest paid upon it, to a little more than thirty million dollars. Now this, it must be obvious to any one, is an excessive and unwarrantable charge upon the fund. Those Territories were not purchased for the *soil only;* and the public land should not be charged, in any account current against it, with the whole amount of that purchase. Admitting half the value to be the soil, and one half the jurisdiction and the outlet to the ocean through the great river of the West, which is conceding tenfold too much in favor of the Secretary's account, it will reduce the whole amount of his charge against the lands to a little less than forty-three million dollars.

But his account against the lands is excessive in another large item. He has charged the whole expense of the Indian bureau—Indian wars, Indian treaties, and Indian intercourse in all its

forms—amounting to more than $17,500,000, to the public lands. Now, so much of this as was paid for the purchase of lands from the Indians is rightfully put down in this account, but no more. It is probably overcharged by about $10,000,000; but I have no means of ascertaining this with certainty. This would reduce the charge against the lands to about $33,000,000. To that sum should be added about $3,000,000 for the five per cent. of the net proceeds paid over by compact to the new States, and we have $36,000,000 as the whole cost of the lands, and $67,000,000 their net proceeds, leaving to the credit of the fund $31,000,000. Their whole amount proposed to be divided on the 1st of January, 1836, the time to which I bring down this estimate, is a little more than $21,000,000, leaving still a balance in favor of the lands of about $10,000,000.

Having attempted to show (and I hope successfully) that there is a surplus in the Treasury sufficient to make this distribution without intrenching upon any of the wants of the country; that we can distribute the sum proposed, and still retain more than can be advantageously applied to all the ordinary and extraordinary purposes of Government; having shown that, among all the other expedients for disposing of the surplus treasure, no one that is practicable is entitled to the favor of the country, or would redound to its prosperity; having shown that this bill is not only constitutional, but that something of the kind is required of us by the Constitution and the compacts which it recognizes and sanctions; and having established the fact, that there is of the net proceeds of the lands, after paying all that is justly chargeable upon them, a fund sufficient, and more than sufficient, to meet the provisions of this bill, I will now consider the measure in some of its details, and endeavor to show that in those also it is, between all portions of the Union, right and just.

The most striking feature of the bill which in this respect requires explanation, is the grant to each of the new States of ten per cent. of the proceeds of the public lands sold within its limits.

It will be recollected that I have held the United States bound by the terms of their compact to dispose of these lands *bona fide* for the benefit of all the States, and that they ought to distribute the proceeds faithfully and equally among all the States, according to their respective proportions in the general charge and expenditure. This ten per cent. rests upon a ground connected with the administration of this trust, which I think I can easily explain to the satisfaction of the Senate. It will be recollected that the United States, by compacts with the new States, gives them five per cent. of the net proceeds for making roads to and within them, in consideration of the States giving up the right of taxing the public lands for five years after they shall have been sold. This is no gift or gratuity to the new States, but a bargain with them, and a hard one.

The public lands derive an additional value from the public improvements made within those States in which they lie. Those lands, it is true, ought not to contribute anything for the ordinary purposes of Government; but they *ought* to contribute for those improvements which enhance their value in common with the value of the other lands in such States. If the small landholders contribute, by way of taxation to construct a road or canal, and find their indemnity in the increased value of their land, ought not the United States, as the great landholder, whose domain is equally increased in value, to contribute in like proportion? It is certainly just that they should. In the management of this trust-fund placed in their hands, the United States ought to do what an intelligent and judicious trustee in private life ought to do. If a contribution to extend a great and valuable improvement through the lands so held in trust will make the whole fund more valuable, the trustee ought to make the contribution; and if he fail to do so, he does not do all that is in his power for the benefit of his *cestui que trust*. The contributions made heretofore by the United States to great works of internal improvement in the States have been made partly upon this principle; that to Ohio, Indiana, Illinois, and Alabama, for their several canals, distinctly so; and who can say that those grants, which leave the aggregate value of the land greater than before they were made, are not an application of the fund *bona fide* for the benefit of all who are entitled to share in it?

On this principle it is that ten per cent. of the proceeds of the lands in the new States is, in the first place, set apart by this bill to the States for the purposes of internal improvement. It is supposed to be, as nearly as can be ascertained, the just proportion which the United States, as the great landholder, ought to contribute to the improvements made by the States in the neighborhood of the public lands, and which enhance their value. The appropriation is liberal, but not so beyond the pale of right and justice. The old States ought not to object to it; and, on a full view of the subject, I am satisfied they will not. If they look upon it as a mere concession—a gift without any equitable consideration whereon to rest, they might, and perhaps they ought, to oppose it; but, if I have viewed this subject right, such is by no means its real character. It is doing to the new States nothing more than justice in aiding them to perform works which profit the whole Union, and by which the whole Union prospers. I have sometimes heard it said that these favors to the new States were unreasonable and unjust to the old, because it was the Old Thirteen that achieved our independence, and purchased with their blood and treasure the beautiful country which now composes those new and flourishing States to which they are asked to extend these other favors. This is true to the letter; but it avails nothing, in point of argument. It was not the soil, or the limits of the old States, that made this conquest, and conferred these favors upon future generations. It was their sons. And many of those who fought hardest and longest in this contest, who sacrificed all their time, their talents, and their fortunes in the glorious struggle, the war being ended, were compelled to adopt the alternative of living in poverty among those with whom they had once lived in affluence, or go and encounter new toils and new perils, and gain themselves a home and a competence, and build up new States in the West. The earliest emigrants to Ohio were those of the officers and soldiers, and the sons of the officers and soldiers, of the Revolution. They were generally of the less wealthy and the less fortunate, but not the least brave and patriotic, of the men of those days.

For the reasons already urged, I consider the ten per cent. to the new States perfectly just on principle. The proper amount cannot be settled with accuracy, because it admits only of general reasoning; but every consideration that I have been able to bestow upon the subject leads me to the conclusion that the sum fixed upon is, as near as possible, right.

If it be so considered, it will aid us in settling another branch of the subject—I mean the grant of land to several of the new States which is contained in the bill; that is five hundred thousand acres to each of the new States which has received no grant, and so much as will make up five hundred thousand to each of those which has received less than that amount.

If it be now just to give to each of the new States ten per cent. of the proceeds of the sales of the public lands within them, it has been so at all times heretofore; and the States which have not received it have not been justly dealt by. The United States has profited by their improvements, without bearing its due proportion of the expense of making them. But it will be found that this proposed grant of five hundred thousand acres to each of the new States will make a near approach to justice in this respect; not exact, it is true, but approaching it nearly. Ohio and Indiana will have received something less than they are entitled to, the other new States something more. Down to the 1st of January, 1832, (the time that the distribution is to commence by the terms of this bill,) there had been paid into the public Treasury for land sold in Ohio, something more than fifteen million dollars, including the public securities, which were equivalent to cash. Ten per cent. upon this sum would have given Ohio $1,500,000; she has, in fact, received nine hundred and twenty-two thousand nine hundred and thirty-seven acres of land, according to the statement of the Secretary of the Treasury, which, at the minimum price, is worth $1,152,000; less, by $348,000, than her ten per cent. Down to the same day, the sales in Indiana brought into the public Treasury about $7,000,000, of which the ten per cent. would be $700,000. Indiana, with what she has received and is to receive, if this bill pass, will have five hundred thousand acres, equal in value to $625,000; being $75,000 less than ten per cent. upon the net proceeds of the lands in the State. Alabama would receive, within a fraction, her ten per cent.; and the other new States something more than theirs; so, it will be seen that this bill is, as nearly as may be, just, as between the old and new States, and approaching nearly to equality among the new States—the oldest among the new States getting less than their due, the youngest States something more than theirs. But this, again, is compensated by the rapidly increasing population of the new States, which gives them, near the close of each period of ten years, before adjusting the Federal population, greater relative numbers than they are rated at; so that, at last, it is as nearly equal and just as it can be made, where mathematical certainty is not to be arrived at.

But we have been told that this bill holds but a lure to the people, to lead them astray from the path of their political duty; that it addresses their sordid passions; and that it is a bribe to the people and to the States; and who tell us this? Those, sir, who have this money, the money of the people, safe and snug in their own coffers, or in the coffers and vaults of corporations under their control. It is they who tell us that we address the sordid passions of men when we tell them that the public treasure, which is not wanted for the public use, but which is used for private emolument, is theirs; and, that, by compact, and in fulfillment of a trust, it ought to be distributed among the States, to lighten their burdens, and to advance their prosperity. As well might the trustee of a private fund say to those for whom he holds it, that it was mean and sordid in them to demand it of him; that the love of gold was a base passion, and they ought not to cherish, but to rise above its influence. So say the banks which have the money of the people in their vaults, and who are dividing their hundreds of thousands yearly out of its proceeds; so say they, or rather those who stand their champions on this floor, to all who assert the rights of the States and the people to the enjoyment of what is their own. But gentlemen say that the paying over of this money would be a *bribe*—there is corruption in it. Now, I am at a loss to comprehend, exactly, the accusation; therefore I have difficulty in answering it. I cannot conceive how a people can bribe themselves; or how a general law for the general and the equal benefit of a whole people, proposed or passed by their own representatives, can be a bribe to a whole people. I can easily see how the application of the funds of a whole nation, when in the hands of their rulers, to the benefit of a few persons, or a few corporations, may operate as a bribe, and enlist the feelings and the efforts of the few against the interests of the many; but I cannot conceive how a whole nation is to be bribed, or how any one could be silly enough to hope to bribe them, by rendering them a mere act of justice, especially if nothing be asked in return. It would, at any rate, be a bribe merely to enjoy and value the blessings which a free Government secures to its citizens.

The doing an act of justice, and what law and honor demand, however much it may win the affections and good will of men, is not generally characterized by that epithet as between man and man. If a debtor pay his just debt, his creditor will esteem him for it, and so will mankind in general; but it does not follow, therefore, that he has bribed them, though he has gained their good will by parting with a sum of money. So the individual who holds the funds of another in deposit as a trustee; if he pay it over when he ought to do so in virtue of his trust, he will be more esteemed than if he had hoarded it, or wasted it, or lavished it on his favorites, and refused payment; yet we do not call this act of honesty, justice, and punctuality, a bribe. If it be so, every good act which a man can do in private life, which entitles him to the esteem of the public and the affection of his

friends, should be also designated by this odious epithet. In this sense, if we may abuse language in this way, all good government is a bribe; that security for our liberty, our persons, our property, the due administration of justice, which all good and orderly men desire, and the possession of which makes them love their country and their Government, is a bribe. So is the justice which a good government renders to individuals who have claims upon it; the justice which it renders to individual States or masses of men, as well as the justice which I ask that it should render to all the States, and to the whole people, by the passage of this bill.

The object of this bill—its effect if passed into a law, would be pure and unmixed good, without any conceivable tinge or dash of evil. The vast surplus in the Treasury, which it is intended to reduce, is admitted, on all hands, to be fraught with mischief. It is an evil, and not a good. The object of the bill is to distribute it among the States, to whom it of right belongs, that they may spread it abroad upon those important improvements which will add countless blessings to all portions of the land. We wish to turn the resources of the nation into their true and legitimate channel; to direct the wealth of the nation to its legitimate use; "to scatter blessings o'er a smiling land;" and all that is asked, and all that can be received, in return for this effort to serve the country, is a participation, for ourselves and our children, in the blessings which it may produce, and that approbation which is due to an honest and just conduct of affairs, so far as our efforts can control them.

When I cast my eyes over the Union, and view it as composed of numerous States, with a people engaged in various pursuits, acted upon by various feelings and various interests, I am most sensibly and deeply impressed with the importance of this bill to settle forever a question which is otherwise destined to be one of constant and perplexing agitation. The old States should desire to see it thus equitably settled and put at rest; for if it be not, there will be constant and continuing efforts, year after year, as there have heretofore been on the part of some of the new States, to grasp for themselves the whole golden treasure. Combinations will be formed; political aspirants will make those lands a fund for political bargain; and the nation will be torn and agitated until the dazzling mass is, at last, like the snow drift, melted away. The new States should desire its final and speedy adjustment. Do they seek for a gift of all the lands within their limits? The temper of the times, the moral feelings of the community, do not permit them to *demand*, and it forbids them even to hope, that they can compass that which would be felt to be such great injustice. Are they watching for a favorable moment to press such a measure? Before that time comes they who now wish it will cease to have an interest in it, or to desire it. Look at the progress of things: Ohio, now, would suffer much loss by a gift to the new States of all the lands within them. She would get but a small part of her just proportion as one of the twenty-four States. The same will be the case with Indiana, Illinois, Alabama, and Mississippi, in a very few years; and, in a few years more, perhaps, in an equally short period, with Louisiana and Missouri. Nay, if I had not already exhausted your patience and my own strength, I could prove, to the satisfaction of any impartial intellect, that those States would now all be injured, retarded in their settlement, checked in their onward progress to wealth and prosperity, by a surrender to them this day of all the lands within them. Look at the States which have had the disposition of their own soil; and look at those where it has been disposed of under our general system, and note their progress; and you will comprehend, at a glance, the argument which would lead to that conclusion.

Once again, Mr. President, let me say that I trust and hope this will not be received or acted on as a party measure. It can be none, within the sphere of the honest operation of party feeling or party adherence. It cannot, justly and honestly, subserve the party in power to retain in banks, in rich corporations, to the profit of none but rich corporators, an immense amount of public money, the property of the States and of the people—money which is necessary to supply the wants of that people, both for public works and as a medium for commerce. No party can avow such a motive; no honest man of any party can act upon it. On the other hand, can any party purpose be subserved, or any party object advanced, by the distribution of this money among the States? Not at all. All alike will partake in its advantages; and all have the power, if the inclination, to aid alike in rendering this service to our common country—our whole country.

I am not without hope that it will be so considered and so acted upon. I see and feel that prejudice, both within and without our Halls, is fast giving way before the reason and the justice of the measure, and the plain, sincere garb of truth in which it is shrouded. I am sure that this bill is destined to become a law. It may not this year, but the day is not distant when it will. The public eye is upon it. It is seen, it is examined, it is comprehended; and, sooner or later, public opinion will force it upon our councils.

THE END.